PUBLICATION NO:2575

REEL NO: 52

TITLE: FEDERAL REGISTER

VOLUME: 15 DATE: July 1, 1950-September 30, 1950

University Microfilms, A Xerox Company, Ann Arbor, Michigan

VOL 15

JULY

AUG 22

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

Volume 15 | INDEX, JULY 1950 | Nos. 127–146

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U. S. GOVERNMENT PRINTING OFFICE: 1950

JUL 3

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 15 NUMBER 127

Washington, Saturday, July 1, 1950

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Departmental Reg. 108.108]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following June 24, 1950, paragraph (a) is amended by the addition of the following:

Korea—all posts.

2. Effective as of the beginning of the first pay period following June 24, 1950, paragraph (c) is amended by the addition of the following post:

Narsarssuak, Greenland.

3. Effective as of the beginning of the first pay period following June 24, 1950, paragraph (d) is amended by the addition of the following post:

Benghazi, Cyrenaica, Libya.

4. Effective as of the beginning of the first pay period following June 24, 1950, paragraph (a) is amended by the deletion of the following posts:

Chinhae, Korea.
Chunchon, Korea.
Kaesong, Korea.
Kwangju, Korea.
Munsan, Korea.
Pusan, Korea.
Taegu, Korea.
Taejon, Korea.
Uijongbu, Korea.

5. Effective as of the beginning of the first pay period following June 24, 1950, paragraph (b) is amended by the deletion of the following posts:

Ascom, Korea.
Camp Sobinggo, Korea.
Inchon, Korea.
Kimpo, Korea.
Seoul, Korea.

6. Effective as of the beginning of the first pay period following June 24, 1950, paragraph (d) is amended by the deletion of the following posts:

Ciudad Trujillo, Dominican Republic.
Narsarssuak, Greenland.
Oporto, Portugal.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

JOHN E. PEURIFOY,
Deputy Under Secretary.

JUNE 27, 1950.

[F. R. Doc. 50-5735; Filed, June 30, 1950; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

UNITED STATES STANDARDS[1] FOR GRADES OF FROZEN BROCCOLI

On April 20, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 2219) regarding a proposed revision of the United States Standards for Grades of Frozen Broccoli. After consideration of all relevant matters including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Frozen Broccoli are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949):

§ 52.194 *Frozen broccoli.* "Frozen broccoli" is prepared from the fresh, headed stalks or shoots of the broccoli plant (Brassica oleracea botrytis) by trimming, washing, and blanching and is frozen and stored at temperatures necessary for preservation of the product.

(a) *Styles of frozen broccoli.* (1) "Stalks" is the style that consists of the head and adjoining portions of the stem

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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(For Use During 1950)

The following Pocket Supplements are now available:

Title 32 ($1.00)
Title 38 ($0.50)
Titles 40–42 ($0.25)

Previously announced: Titles 4–5 ($0.30); Title 6 ($1.00); Title 7: Parts 1–209 ($0.55); Parts 210–899 ($0.75); Parts 900 to end ($0.75); Title 8 ($0.20); Title 9 ($0.20); Titles 10–13 ($0.20); Title 14: Parts 1–399 ($1.50); Parts 400 to end ($0.30); Title 15 ($0.40); Title 16 ($0.25); Title 17 ($0.20); Title 18 ($0.20); Title 19 ($0.20); Title 20 ($0.20); Title 21 ($0.30); Titles 22–23 ($0.25); Title 24 ($0.55); Title 25 ($0.20); Title 26: Parts 1–79 ($0.20); Parts 80–169 ($0.25); Parts 170–182 ($0.25); Parts 183–299 ($0.30); Title 26: Parts 300 to end; and Title 27 ($0.25); Titles 28–29 ($0.30); Titles 30–31 ($0.25); Title 33 ($0.25); Titles 35–37 ($0.20)

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and attached leaves. Stalks that are cut longitudinally (including, but not limited to, quarters or halves) are considered as this style.

(2) "Cuts" or "Cut Broccoli" is the style that consists of portions cut from stalks with not less than 35 percent by weight of the broccoli that is head material.[2] "Head material" consists of buds or bud clusters whether or not attached to stalks or portions of stalks and includes such stalks or portions thereof. Units that possess practically no buds are not considered as head material.

(3) "Pieces" is the style that consists of any cut portions of stalks and that does not meet the foregoing definition for "Cuts" or "Cut Broccoli".

(b) *Grades of frozen broccoli.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen broccoli that possesses similar varietal characteristics; that possesses a good color; that is practically free from defects; that possesses good character; that possesses a good flavor and odor; and is of such quality with respect to uniformity of size as to score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen broccoli that possesses similar varietal characteristics; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; and is of such quality with respect to uniformity of size as to score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of frozen broccoli that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(c) *Ascertaining the grade.* (1) The grade of frozen broccoli may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size, absence of defects, and character. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given for such factors are:

Factors:	Points
(i) Color	20
(ii) Uniformity of size	20
(iii) Absence of defects	20
(iv) Character	40
Total score	100

(2) The scores for the factors of color, uniformity of size, absence of defects, and character with respect to development are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The degree of tenderness and freedom from fiber and flavor and odor are determined after the product is cooked.

(3) "Good flavor and odor" means that the product after cooking has a good, characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(4) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(d) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen broccoli that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the frozen broccoli possesses a characteristic green color which may include lighter colored areas typical of young and tender broccoli that do not materially affect the appearance of the product.

(ii) If the frozen broccoli possesses a reasonably good color, a score of 14 to 16 points may be given. Frozen broccoli that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen broccoli possesses a characteristic green color which may be variable but is not off color.

(iii) Frozen broccoli that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size.* (i) "Diameter" of a stalk, whether or not cut longitudinally, means the greatest cross-wise dimension measured 1 inch above the lowest portion of the main stem of the stalk at approximate right angles to the length.

(ii) Frozen broccoli that is practically uniform in size may be given a score of 17 to 20 points. "Practically uniform in size" has the following meanings with respect to the following styles:

Stalks. The longest stalk does not exceed the shortest stalk by more than 2 inches and in the 90 percent, by count, of stalks which have the most uniform lengths, the length of the longest stalk does not exceed the length of the shortest stalk by moré than 1 inch; and the diameter of the stalk with the greatest diameter does not exceed the diameter of the stalk with the shortest diameter by more than 1 inch and in the 90 percent, by count, of stalks which have the most uniform diameters, the diameter of the stalk with the greatest diameter does not exceed the diamcter of the stalk with the shortest diameter by more than ¾ inch.

Cuts; pieces. Not more than 5 percent, by weight, of the units may be longer than 2 inches.

(iii) If the frozen broccoli is reasonably uniform in size, a score of 14 to 16 points may be given. "Reasonably uniform in size" has the following meanings with respect to the following styles:

Stalks. In the 90 percent, by count, of stalks which have the most uniform lengths, the length of the longest stalk does not exceed the length of the shortest stalk by more than 2 inches; and in the 90 percent, by count, of stalks which have the most uniform diameters, the diameter of the stalk with the greatest diameter does not exceed the diameter of the stalk with the shortest diameter by more than ¾ inch.

Cuts; pieces. Not more than 10 percent, by weight, of the units may be longer than 2½ inches.

(iv) Frozen broccoli that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from grit, harmless extraneous materials, detached fragments, loose leaves, loose pieces of leaves, and poorly trimmed stalks; and from units that are damaged or seriously damaged.

(i) "Grit" means sand or other rough, hard particles of earthy sediment.

(ii) "Harmless extraneous material" means vegetable substances other than broccoli, such as weeds and grass and any portions thereof, that are harmless.

(iii) "Loose leaves and loose pieces of leaves" means leaves or pieces of leaves not attached to a unit.

[2] The amount of head material is determined by averaging the weight of the head material from all containers comprising the sample, provided no single container contains less than 25 percent by weight of head material.

(iv) "Detached fragments" means any detached portions of stalks including bud clusters, shattered materials, portions of stems without bud clusters regardless of size or length, and portions of stems with bud clusters, which portions are 2 inches or less in the greatest straight dimension.

(v) "Poorly trimmed" means that the appearance of the stalk is seriously affected by attached leaves and by ragged or partial trimming of the leaves, by ragged or partial removal of leaves, and poor cutting of the stem of the stalk.

(vi) "Damaged" means discoloration, mechanical injury, pathological injury, insect injury, hollow stems, pithy stems, or other injuries which, singly or in combination, on a unit or in a unit materially affect the appearance or eating quality of the unit.

(vii) "Seriously damaged" means damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(viii) Frozen broccoli that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" has the following meanings with respect to the following styles:

Stalks. No grit that affects the appearance or eating quality may be present; not more than one piece of harmless extraneous material may be present for each 20 ounces of net weight; detached fragments, loose leaves, and loose pieces of leaves that do not materially affect the appearance may be present; and stalks that are poorly trimmed, damaged, or seriously damaged do not exceed 10 percent, by count, of all the stalks, but of such 10 percent, not more than one-half thereof, or not more than 5 percent by count of all the stalks, may be seriously damaged. One stalk in a single container is permitted to be poorly trimmed, damaged, or seriously damaged if such stalk exceeds the respective allowances of 10 percent or 5 percent, provided that in all containers comprising the sample such poorly trimmed, damaged, or seriously damaged stalks do not exceed an average of 10 percent, by count, but of such 10 percent average, not more than one-half thereof, or not more than an average of 5 percent, may be seriously damaged.

Cuts; pieces. No grit that affects the appearance or eating quality may be present; not more than one piece of harmless extraneous material may be present for each 20 ounces of net weight; loose leaves and loose pieces of leaves that do not materially affect the appearance may be present; and units that are damaged or seriously damaged do not exceed 8 percent, by weight, but of such 8 percent not more than one-half thereof, or not more than 4 percent, by weight, of all the units, may be seriously damaged.

(ix) If the frozen broccoli is reasonably free from defects, a score of 14 to 16 points may be given. Frozen broccoli that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meanings with respect to the following styles:

Stalks. No grit that affects the appearance or eating quality may be present; not more than two pieces of harmless extraneous material may be present for each 20 ounces of net weight; detached fragments, loose leaves, and loose pieces of leaves that do not materially affect the appearance may be present; and stalks that are poorly trimmed, damaged, or seriously damaged do not exceed 20 percent, by count, of all the stalks, but of such 20 percent, not more than one-half thereof, or not more than 10 percent, by count, of all the stalks, may be seriously damaged.

Cuts; pieces. No grit that affects the appearance or eating quality may be present; not more than two pieces of harmless extraneous material may be present for each 20 ounces of net weight, loose leaves and loose pieces of leaves that do not materially affect the appearance may be present; and units that are damaged or seriously damaged do not exceed 16 percent, by weight, but of such 16 percent, not more than one-half thereof, or not more than 8 percent, by weight, of all the units, may be seriously damaged.

(x) Frozen broccoli that fails to meet the requirements of subdivision (ix) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Character.* The factor of character refers to the degree of development and tenderness and to the degree of freedom from stringy, fibrous development.

(i) "Well developed" means that the branching bud clusters of the unit form a practically compact head, that the individual buds in the bud clusters are all practically closed, and that the immediate stems supporting the individual buds in the bud clusters show no more than slight elongation.

(ii) "Reasonably well developed" means that the branching bud clusters of the unit may be spread or spreading; that the individual buds in the bud clusters may have reached a moderate stage of enlargement but practically none of the buds are in the flowered or open stage; and that the immediate stems supporting the individual buds in the bud clusters may be moderately elongated.

(iii) After the broccoli has been tested for development, the broccoli is cooked before making the determination for the degree of tenderness and the degree of freedom from fibrous development.

(iv) Frozen broccoli that possesses a good character may be given a score of 34 to 40 points. "Good character" has the following meanings with respect to the following styles:

Stalks. Not less than 80 percent, by count, of the stalks are well developed and the remainder are reasonably well developed; and all of the stalks are tender.

Cuts; pieces. The units are at least reasonably well developed; and the broccoli is tender.

(v) If the frozen broccoli possesses a reasonably good character, 28 to 33 points may be given. Frozen broccoli that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to the following styles:

Stalks. Not less than 90 percent, by count, of the stalks are at least reasonably well developed; the stalks are reasonably tender and practically free from stringy, fibrous development.

Cuts; pieces. Not less than 95 percent, by weight, of the bud clusters of the units are at least reasonably well developed; the broccoli is reasonably tender and practically free from stringy, fibrous development.

(vi) Frozen broccoli that fails to meet the requirements of subdivision (v) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(e) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen broccoli, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(f) *Score sheet for frozen broccoli.*

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Style	
Count (of stalks)	

Factors		Score points
I. Color	20	(A) 17-20 (B) [1] 14-16 (D) [1] 0-13
II. Uniformity of size	20	(A) 17-20 (B) 14-16 (D) [1] 0-13
III. Absence of defects	20	(A) 17-20 (B) [1] 14-16 (D) [1] 0-13
IV. Character	40	(A) 34-40 (B) [1] 28-33 (D) [1] 0-27
Total score	100	

Flavor and odor	
Grade	

[1] Indicates limiting rule

(g) *Effective, time and supersedure.* The revised United States Standards for Grades of Frozen Broccoli (which are the second issue) contained in this section shall become effective 30 days after publication of these standards in the FEDERAL REGISTER and thereupon supersede the United States Standards for Grades of Frozen Broccoli which have been in effect since July 1, 1942.

(Sec. 205, 60 Stat. 1090, Pub. Law 146, 81st Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 28th day of June 1950.

[SEAL] JOHN L. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-5754; Filed, June 30, 1950; 8:49 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 722—COTTON

REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS AND MARKETING QUOTAS FOR 1950 CROP OF COTTON

Correction

In Federal Register Document 50-5660, appearing at page 4162, of the issue for Thursday, June 29, 1950, change the authority citation immediately following the table of contents to read as follows:

AUTHORITY: §§ 722.132 to 722.175 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 342-347, 361-368, 372-376, 52 Stat. 38, as amended, 62-66, 63 Stat. 17, 670, 1051, 64 Stat. 40; 7 U. S. C. 1301, 1342-1347, 1361-1368, 1372-1376.

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 336, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.443 (Lemon Regulation 336, 15 F. R. 4078) are hereby amended to read as follows:

(ii) District 2: 675 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 28th day of June 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-5753; Filed, June 30, 1950; 8:49 a. m.]

[Lemon Reg. 337]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.444 *Lemon Regulation 337*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 28, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 2, 1950, and ending at 12:01 a. m., P. s. t., July 9, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 700 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 29th day of June 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

Storage date: June 25, 1950

[12:01 a. m. July 2, 1950, to 12:01 a. m. July 16, 1950]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.276
American Fruit Growers, Inc., Fullerton	.569
American Fruit Growers, Inc., Upland	.107
Hazeltine Packing Co	1.437
Ventura Coastal Lemon Co	1.433
Ventura Pacific Co	2.093
Glendora Lemon Growers Association	2.388

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
La Verne Lemon Association	0.949
La Habra Citrus Association	1.394
Yorba Linda Citrus Association	1.529
Escondido Lemon Association	2.537
Alta Loma Heights Citrus Association	.615
Etiwanda Citrus Fruit Association	.340
Mountain View Fruit Association	.342
Old Baldy Citrus Association	.779
San Dimas Lemon Association	1.817
Upland Lemon Growers Association	6.195
Central Lemon Association	1.061
Irvine Citrus Association	.574
Placentia Mutual Orange Association	.767
Corona Citrus Association	.544
Corona Foothill Lemon Co	2.672
Jameson Co	.816
Arlington Heights Citrus Co	.757
College Heights Orange & Lemon Association	3.557
Chula Vista Citrus Association	1.083
El Cajon Valley Citrus Association	.061
Escondido Cooperative Citrus Association	.192
Fallbrook Citrus Association	1.572
Lemon Grove Citrus Association	.448
Carpinteria Lemon Association	2.233
Carpinteria Mutual Citrus Association	2.542
Goleta Lemon Association	3.412
Johnston Fruit Co	4.137
North Whittier Heights Citrus Association	1.196
San Fernando Heights Lemon Association	2.544
Sierra Madre-Lamenda Citrus Association	1.986
Briggs Lemon Association	2.744
Culbertson Lemon Association	1.309
Fillmore Lemon Association	1.465
Oxnard Citrus Association	4.903
Rancho Sespe	.899
Santa Clara Lemon Association	3.315
Santa Paula Citrus Fruit Association	4.063
Saticoy Lemon Association	3.053
Seaboard Lemon Association	2.567
Somis Lemon Association	2.820
Ventura Citrus Association	.994
Limoneira Co	2.940
Teague-McKevett Association	1.014
East Whittier Citrus Association	.679
Leffingwell Rancho Lemon Association	.879
Murphy Ranch Co	1.669
Whittier Citrus Association	.462
Chula Vista Mutual Lemon Association	.492
Index Mutual Association	.536
La Verne Cooperative Citrus Association	2.770
Orange Belt Fruit Distributors	1.082
Ventura County Orange & Lemon Association	2.133
Whittier Mutual Orange & Lemon Association	.213
Evans Bros. Packing Co	.002
Johnson, Fred	.017
Lorbeer, Carroll W. C	.008
San Antonio Orchard Co	.014
Sweet, L. G	.002

[F. R. Doc. 50-5802; Filed, June 30, 1950; 9:25 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

§ 957.306 *Regulation No. 6*—(a) *Findings.* (1) Pursuant to the provisions of Marketing Agreement No. 98 and Order No. 57, as amended (15 F. R. 311), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and upon the basis of the recommendations and information submitted by the Idaho-Eastern Oregon Potato Committee established under said order, and upon other available information, it is hereby found that the limitation of shipments of such potatoes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impractical and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of potatoes grown in the production area will increase in volume on the effective date of this order; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date hereinafter set forth; (iii) no special preparation will be required of handlers to comply with such regulation because such handlers are currently complying with a grade and size regulation (15 F. R. 1101, 3477) that is identical with the minimum grade and size permitted to be handled hereunder; and (iv) the time intervening between the date information necessary for the issuance of this section became available and the time such regulation must become effective to effectuate the declared policy of the act is insufficient.

(b) *Order.* (1) During the period beginning 12:01 a. m., m. s. t., July 1, 1950, and ending 12:01 a. m., m. s. t., June 1, 1951, no handler shall ship potatoes of any variety unless (i) such potatoes are generally fairly clean (which means that 90 percent or more of the potatoes in any lot must be fairly clean), (ii) such potatoes of the Russett Burbank and Long White varieties meet the requirements of the U. S. No. 2 or better grade, and are at least 2 inches minimum diameter or 4 ounces minimum weight, and (iii) such potatoes of the red skin varieties meet the requirements of the U. S. No. 2 or better grade and are at least 1½ inches minimum diameter, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (14 F. R. 1955, 2161), including the tolerances set forth therein.

(2) During the period beginning 12:01 a. m., m. s. t., July 1, 1950, and ending 12:01 a. m., m. s. t., November 1, 1950, no handler shall ship potatoes which do not comply with the aforesaid grade and size requirements and which are more than "moderately skinned," as such term is defined in the United States Standards for Potatoes (14 F. R. 1955, 2161), which means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or feathered: *Provided*, That one lot of not to exceed 200 hundredweight of potatoes of each producer may be handled without regard to the aforesaid skinning requirement if the handler thereof reports, prior to such handling, the name and address of the producer of such lot, and such lot is handled as an identifiable entity.

(3) The limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Seed, (ii) export, (iii) sale to the Federal government under programs authorized by the Secretary of Agriculture, (iv) canning, dehydration, or manufacture or conversion into starch, flour, meal, and alcohol, and (v) livestock feed; *Provided*, That each handler, prior to making special purpose shipments pursuant hereto, shall file an application with the committee to do so, shall have each of such shipments (except shipments of seed potatoes) inspected, and shall pay assessments in connection therewith, and for each such shipment made pursuant to subdivisions (ii), (iv), and (v) of this subparagraph, shall furnish a copy of the bill of lading applicable thereto to the committee: *Provided further*, That each handler making shipments of potatoes pursuant to subdivision (ii) of this subparagraph shall include in his application applicable thereto, the export certificate number and shall enter such number on the Federal-State inspection certificate and bill of lading applicable to such shipment, and that each application to ship potatoes pursuant to subdivisions (iv) and (v) of this subparagraph shall be accompanied by the applicant handler's certification and the buyer's certification that the potatoes to be shipped are to be used for the purposes stated in the application.

(3) The terms used in this section shall have the same meaning as when used in Order No. 57 (7 CFR 957.1 et seq.).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 28th day of June 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-5758; Filed, June 30, 1950; 8:50 a. m.]

PART 961—MILK IN THE PHILADELPHIA, PA., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Philadelphia, Pennsylvania, on April 19, 20, 21, 1950, and reopened at Philadelphia on May 10, 11, 12, 1950, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary to make the present amendment to said order, as amended, effective July 1, 1950, to reflect current marketing conditions. Any further delay in the effective date of this order, amending the said order, as amended, will seriously disrupt the orderly marketing of milk for the Philadalphia, Pennsylvania, marketing area. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective July 1, 1950 (see sec. 4 (c), Administrative Procedure Act 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Philadelphia, Pennsylvania, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of this order amending the order, as amended, and who during the determined representative period (April 1950) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Philadelphia, Pennsylvania, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 961.3 (b) (2) redesignate subdivision (ii) as (iii) and insert after subdivision (i) the following:

(ii) Milk dumped or disposed of for animal feed.

2. In § 961.4 (a) (1) delete the proviso "*And provided further*, That the price shall be at least $5.02 per hundredweight for each of the months of April, May, and June 1950," and substitute "*And provided further*, That the price shall be at least $5.24 per hundredweight for each of the months of July, August, and September 1950."

3. In § 961.4 delete (b) and substitute:

(b) *Butterfat differential.* (1) The Class I price shall be subject to a butterfat differential of 5 cents for each one-tenth of 1 percent variation above or below 4.0 percent.

(2) The Class II price shall be subject to a butterfat differential for each one-tenth of 1 percent variation above or below 4.0 percent, calculated as follows: Divide the average of the cream quotations used in calculating the Class II price by 334.8 and subtract 0.67 cents; or in the case of butterfat in Class II to which the "butter-value" is applicable, divide the butter value by 40.

4. Delete § 961.8 (e) and substitute:

(e) *Additional deductions.* In the case of milk received from producers at plants more than 11 miles from City Hall in Philadelphia, the handler may deduct from the payments otherwise specified in this section to be paid, 7 cents per hundredweight at plants 11 to 16 miles from the City Hall in Philadelphia, and an additional 2 cents per hundredweight for plants within each additional 5 miles in excess of 16 miles but less than 31 miles.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 27th day of June 1950, to be effective on and after the first day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-5726; Filed, June 30, 1950; 8:45 a. m.]

[Orange Reg. 334]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.480 *Orange Regulation 334*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended, (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on June 29, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State or Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 2, 1950, and ending at 12:01 a. m., P. s. t., July 9, 1950, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,400 carloads;

(*c*) Prorate District No. 3: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "porate base" shall have the same meaning as when used in the said amended order; and the terms "Porate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 966.107 of the current rules and regulations (14 F. R. 6588) contained in this part.

Orange Regulation 332 (7 CFR 966.478 15 F. R. 3863) fixes the sizes of designated oranges which may be handled during the aforesaid period.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 30th day of June 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., July 2, 1950, to 12:01 a. m., P. s. t., July 9, 1950]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (Percent)*
Total	100.0000
A. F. G. Alta Loma	.1562
A. F. G. Corona	.0268
A. F. G. Fullerton	.7889
A. F. G. Corona	.4262
A. F. G. Riverside	.2072
A. F. G. San Juan Capistrano	.8804
A. F. G. Santa Paula	.5340
Eadington Fruit Co., Inc	4.8807
Hazeltine Packing Co	.4425
Placentia Pioneer Valencia Growers Association	.6663
Signal Fruit Association	.1026
Azusa Citrus Association	.4807
Damerel-Allison Co	.8487
Glendora Mutual Citrus Association	.3702
Puente Mutual Citrus Association	.1779
Valencia Heights Orchard Association	.4755
Covina Citrus Association	1.0276
Covina Orange Growers	.5710
Glendora Citrus Association	0.4291
Gold Buckle Association	.8036
La Verne Orange Association	.6965
Anaheim Citrus Fruit Association	.8313
Anaheim Valencia Orange Association	.8936
Fullerton Mutual Orange Association	1.3431
La Habra Citrus Association	1.1124
Orange County Valencia Association	.2641
Yorba Linda Citrus Association	.7347
Escondido Orange Association	2.7558
Alta Loma Heights Citrus Association	.0688
Citrus Fruit Growers	.2055
Cucamonga Citrus Association	.0977
Etiwanda Citrus Fruit Association	.0433
Old Baldy Citrus Association	.1255
Rialto Heights Orange Association	.0733
Upland Citrus Association	.3796
Upland Heights Orange Association	.1365
Consolidated Orange Growers	1.6006
Frances Citrus Association	1.1099
Garden Grove Citrus Association	1.1100
Goldenwest Citrus Association, The	1.4184
Irvine Valencia Growers	2.9867
Olive Heights Citrus Association	1.7860
Santa Ana-Tustin Mutual Citrus Association	.8252
Santiago Orange Growers Association	3.7599
Tustin Hills Citrus Association	1.8229
Villa Park Orchards Association, The	1.6234
Bradford Bros., Inc	.7083
Placentia Cooperative Orange Association	.6133
Placentia Mutual Orange Association	2.4878
Placentia Orange Growers Association	1.4834
Yorba Orange Growers Association	.6226
Call Ranch	.0694
Corona Citrus Association	.6596
Jameson Company	.0970
Orange Heights Orange Association	.6082
Crafton Orange Growers Association	.5068
East Highlands Citrus Association	.1042
Fontana Citrus Association	.1107
Redlands Heights Groves	.3143
Redlands Orangedale Association	.2883
Break & Son, Allen	.0697
Bryn Mawr Fruit Growers Association	.1946
Mission Citrus Association	.1823
Redlands Cooperative Fruit Association	.4074
Redlands Orange Growers Association	.2735
Redlands Select Groves	.2839
Rialto Citrus Association	.1855
Rialto Orange Co	.1936
Southern Citrus Association	.2057
United Citrus Growers	.1503
Zilen Citrus Co	.0753
Arlington Heights Citrus Co	.1286
Brown Estate, L. V. W	.1505
Gavilan Citrus Association	.1546
Highgrove Fruit Association	.0718
Krinard Packing Co	.3050
McDermont Fruit Co	.2004
Monte Vista Citrus Association	.2904
National Orange Co	.0409
Riverside Heights Orange Growers Association	.0743
Sierra Vista Packing Association	.0765
Victoria Avenue Citrus Association	.2212
Claremont Citrus Association	.1227
College Heights Orange & Lemon Association	.3778
Indian Hill Citrus Association	.2260
Pomona Fruit Growers Exchange	.3844
Walnut Fruit Growers Association	0.5498
West Ontario Citrus Association	.3139
El Cajon Valley Citrus Association	.2561
Escondido Coop. Citrus Association	.3446
San Dimas Orange Growers Association	.3501
Canoga Citrus Association	.8966
Covina Valley Orange Co	.0484
North Whittier Heights Citrus Association	.9488
San Fernando Fruit Growers' Association	.7575
San Fernando Heights Orange Association	1.1716
Sierra Madre-Lamanda, Citrus Association	.4739
Camarillo Citrus Association	1.2911
Fillmore Citrus Association	3.7008
Mupu Citrus Association	2.2648
Ojai Orange Association	.9425
Piru Citrus Association	1.9513
Rancho Sespe	.9217
Santa Paula Orange Association	1.1029
Tpao Citrus Association	1.1014
Ventura County Citrus Association	.3334
Limoneira Co	.5071
East Whittier Citrus Association	.5713
Whittier Citrus Association	1.3464
Anaheim Cooperative Orange Association	1.2953
Bryn Mawr Mutual Orange Association	.1033
Chula Vista Mutual Lemon Association	.0565
Euclid Ave. Orange Association	.7692
Foothill Citrus Union, Inc	.0766
Fullerton Cooperative Orange Association	.2984
Garden Grove Orange Cooperative, Inc	.6996
Golden Orange Groves, Inc	.2753
Highland Mutual Groves, Inc	.0205
Index Mutual Groves, Inc	.4438
La Verne Cooperative Citrus Association	1.7782
Mentone Heights Association	.0404
Olive Hillside Groves, Inc	.5619
Orange Cooperative Citrus Association	1.6040
Redlands Foothill Groves	.8137
Redlands Mutual Orange Association	.1936
Ventura County Orange & Lemon Association	1.3226
Whittier Mutual Orange & Lemon Association	.1643
Agricultural Laboratory	.0040
Babijuice Corp. of California	.5923
Banks, L. M	.6299
Bennett Fruit Co., Inc	.0252
Borden Fruit Co	.5837
Calif. Associated Growers	.0551
Cherokee Citrus Co., Inc	.1466
Chess Co., Meyer W	.5562
Dunning Ranch	.0771
Evans Bros. Packing Co	.4596
Gold Banner Association	.2544
Granada Hills Packing Co	.0361
Granada Packing House	1.2693
Hill Packing House, Fred A	.1089
Knapp Packing Co., John C	.4835
L Bar S Ranch	.1169
Lawson, William J	.0094
Orange Belt Fruit Distributors	2.1193
Otte, Arnold	.0281
Pacific Citrus Distributors	.0041
Panno Fruit Co., Carlo	.7272
Paramount Citrus Association	1.2728
Patitucci, Frank L	.0101
Placentia Orchards Co	.4822
Prescott, John A	.0163
Riverside Citrus Association	.0481
Ronald, P. W	.0000
Ronneberg, Jerry L	.0012
San Antonio Orchard Co	0.2423
Stephens, T. F	.2205
Stewart, J. B	.0161
Summit Citrus Packers	.0067
Wall, E. T., Grower-Shipper	.1518
Western Fruit Growers, Inc	.7542

[F. R. Doc. 50-5827; Filed, June 30, 1950; 11:44 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Suchapter B—Economic Regulations

[Reg., Serial No. ER-157]

PART 234—TRANSPORTATION OF MAIL; PETITIONS FOR DETERMINATION OF RATES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board, at its office in Washington, D. C., on the 26th day of June 1950.

Part 234 of the Economic Regulations provides that if the Board shall request the petitioner to supply it with additional information regarding a petition for the determination of rates of compensation for the transportation of mail, such information, except that furnished in formal proceedings, shall be furnished in the form of an amendment to the original petition. This requirement was adopted October 4, 1938, at a time when the Board itself was sitting en banc to hear mail rate cases. Recently, the Board established an informal mail rate conference procedure (Amendment No. 4 to Part 302 of the Procedural Regulations, § 302.19, Serial Number PR-5, adopted and effective December 20, 1949) whereby it is provided that additional information required by the Board's staff for processing mail rate cases under such procedure may be requested by and furnished to the staff, rather than the Board itself. A question has arisen as to the applicability of the first sentence of § 234.3 of the Economic Regulations to the furnishing of certified information by the carrier to the Board's staff, under the informal rate conference procedure. Such procedure was not in existence or contemplated when Part 234 of the Economic Regulations was adopted. The informal conferences do not supplant the established prehearing conference procedure which is part of the formal proceedings and are not to be considered as proceedings. Furthermore, the type and form of data supplied by the carrier under the informal rate conference procedure is of a different nature than that which would be submitted in a formal document such as an amendment to a petition. Consequently, the Board believes that it never was intended that Part 234 would apply to information furnished under the informal conference procedure. However, because some doubt has arisen, and in order to clarify Part 234, the present action amending § 234.3 thereof is taken.

Inasmuch as this amendment is only for the purposes of clarification of present procedures and does not impose any significant additional burden upon the persons affected thereby, and inasmuch as there are several cases pending or imminent under the informal rate conference procedures requiring a minimum of delay in adopting the amendment, notice and public procedure hereon are impractical and unnecessary, and the Board finds that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, the Board hereby amends Part 234, § 234.3 of the Economic Regulations (14 CFR 234.3) effective June 26, 1950, as follows:

1. By deleting the first sentence which reads: "If, after receipt of any petition, the Board shall request the petitioner to supply it with additional information, such information, except that furnished in formal proceedings, shall be furnished in the form of an amendment to the original petition."

2. By deleting, in the second sentence, the words "Each amendment" and substituting therefor, the words "Any amendment to a petition."

The amended § 234.3 shall then read:

§ 234.3 *Amendments.* Any amendment to a petition (including those made on the petitioner's own initiative) should be consecutively numbered, and shall comply with the requirements of this regulation as to form, number of copies, manner of execution, verification, and all other essential respects. In the event that any petition shall be amended, the amendment shall contain a statement that a copy thereof has been served on the Postmaster General by sending the same to him by registered mail, postpaid, prior to the filing with the Board of such amendment.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 406, 52 Stat. 998, 49 U. S. C. 486)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-5744; Filed, June 30, 1950; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter B—Office of Industry and Commerce [1]

[Allocation Order M-43, Revocation]

PART 338—ALLOCATION ORDERS

SUBPART—TIN

Subpart—Tin (§§ 338.1 to 338.6) Allocation Order M-43, as amended November 25, 1949, 14 F. R. 7155, is hereby revoked, effective at the close of June 30, 1950.

This revocation does not affect any liabilities incurred for violation of this subpart, or actions taken by the Office of Domestic Commerce or the Office of Industry and Commerce under this subpart.

(Title III, 56 Stat. 177, as amended; 50 U. S. C. App. and Sup. 633; Parts II, III, E. O. 9841, Apr. 23, 1947, 12 F. R. 2645, 3 CFR, 1947 Supp.; Pub. Law 153, 81st Cong.)

Issued this 28th day of June 1950.

OFFICE OF INDUSTRY AND COMMERCE,
[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50-5731; Filed, June 30, 1950; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 203—TITLE I MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS

MISCELLANEOUS AMENDMENTS

1. Part 203 is hereby amended by adding the following new section:

§ 203.5a *Certificate of builder regarding charges and fees.* Any application filed on or after July 17, 1950, with respect to proposed construction must be accompanied by a certificate, in form satisfactory to the Commissioner, executed by the builder certifying that he has not paid or obligated himself to pay and will not pay or obligate himself to pay any charges, interest or fees in connection with the financing of the construction or sale of the property described in the application other than (a) customary cost of title search, recording fees, and the application fee, mortgage insurance premiums, and other fees and charges which the mortgagee is required to pay to the Commissioner under this part; (b) interest on the principal amount of any construction loan at a rate not in excess of five percentum per annum; (c) fees and commissions in connection with any construction loan aggregating not in excess of two and one-half percentum of the original principal amount of such loan; (d) fees and commissions in connection with a loan made after completion of construction aggregating not in excess of one percentum of the original principal amount of such loan; and (e) charges paid or to be paid in connection with a mortgage, if any, filed of record prior to July 17, 1950.

2. Part 203 is hereby further amended by changing §§ 203.16 and 203.17 to read as follows:

§ 203.16 *Maximum charges and fees to be collected by mortgagee—*(a) *Existing construction.* The mortgagee may, in connection with a mortgage executed pursuant to an application for insurance covering existing construction, charge the mortgagor only the amount of the cost of title search and recording fees as

[1] Formerly Office of Domestic Commerce.

are approved by the Commissioner, and the application fee, mortgage insurance premiums and other fees and charges which the mortgagee is required to pay to the Commissioner under this part and an initial service charge to reimburse itself for the cost of closing the transaction. Such service charge shall not exceed one percentum of the original principal amount of the mortgage.

(b *Proposed construction.* No mortgage for the insurance of which an application is filed on or after July 17, 1950, covering proposed construction, shall be insured unless the mortgagee, prior to insurance, shall have delivered to the Commissioner a certificate, in form satisfactory to the Commissioner, certifying that it has not imposed upon or collected from the mortgagor or the builder any charges, interest or fees in connection with the financing of the construction or sale of the property described in the application other than (1) customary cost of title search and recording fees as are approved by the Commissioner, and the application fee, mortgage insurance premiums, and other fees and charges which the mortgagee is required to pay to the Commissioner under this part; (2) interest on the principal amount of any construction loan at a rate not in excess of five percentum per annum; (3) fees and commissions aggregating not in excess of two and one-half percentum of the original principal amount of such loan if a construction loan was made by it, or if no construction loan was made by it, not in excess of one percentum of the original principal amount of such loan; and (4) charges paid or to be paid in connection with a mortgage, if any, filed of record prior to July 17, 1950.

§ 203.17 *Charges by brokers.* Nothing in § 203.16 shall be construed as prohibiting the mortgagor from dealing through a broker, who does not represent the mortgagee, if he prefers to do so, and paying the broker such compensation as is satisfactory to the mortgagor.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1703g. Interprets or applies sec. 102, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., June 27, 1950.

[SEAL] FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50–5719; Filed, June 30, 1950; 8:48 a. m.]

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

MISCELLANEOUS AMENDMENTS

1. Part 221 is hereby amended by adding the following new section:

§ 221.13a *Certificate of builder regarding charges and fees.* Any application filed on or after July 17, 1950, with respect to proposed construction must be accompanied by a certificate, in form satisfactory to the Commissioner, executed by the builder certifying that he has not paid or obligated himself to pay and will not pay or obligate himself to pay any charges, interest or fees in connection with the financing of the construction or sale of the property described in the application other than (a) customary cost of title search, recording fees, and the application fee, mortgage insurance premiums, and other fees and charges which the mortgagee is required to pay to the Commissioner under this part; (b) interest on the principal amount of any construction loan at a rate not in excess of five percentum per annum; (c) fees and commissions in connection with any construction loan aggregating not in excess of two and one-half percentum of the original principal amount of such loan; (d) fees and commissions in connection with a loan made after completion of construction aggregating not in excess of one percentum of the original principal amount of such loan; and (e) charges paid or to be paid in connection with a mortgage, if any, filed of record prior to July 17, 1950.

2. Part 221 is hereby further amended by changing §§ 221.24 and 221.25 to read as follows:

§ 221.24 *Maximum charges and fees to be collected by mortgagee*—(a) *Existing construction.* The mortgagee may, in connection with a mortgage executed pursuant to an application for insurance covering existing construction, charge the mortgagor only the amount of the cost of title search and recording fees as are approved by the Commissioner, and the application fee, mortgage insurance premiums and other fees and charges which the mortgagee is required to pay to the Commissioner under this part and an initial service charge to reimburse itself for the cost of closing the transaction. Such service charge shall not exceed one percentum of the original principal amount of the mortgage.

(b) *Proposed construction.* No mortgage for the insurance of which an application is filed on or after July 17, 1950, covering proposed construction, shall be insured unless the mortgagee, prior to insurance, shall have delivered to the Commissioner a certificate, in form satisfactory to the Commissioner, certifying that it has not imposed upon or collected from the mortgagor or the builder any charges, interest or fees in connection with the financing of the construction or sale of the property described in the application other than (1) customary cost of title search and recording fees as are approved by the Commissioner, and the application fee, mortgage insurance premiums, and other fees and charges which the mortgagee is required to pay to the Commissioner under this part; (2) interest on the principal amount of any construction loan at a rate not in excess of five percentum per annum; (3) fees and commissions aggregating not in excess of two and one-half percentum of the original principal amount of such loan if a construction loan was made by it, or if no construction loan was made by it, not in excess of one percentum of the original principal amount of such loan; and (4) charges paid or to be paid in connection with a mortgage, if any, filed of record prior to July 17, 1950.

§ 221.25 *Charges by brokers.* Nothing in § 221.24 shall be construed as prohibiting the mortgagor from dealing through a broker, who does not represent the mortgagee, if he prefers to do so, and paying the broker such compensation as is satisfactory to the mortgagor.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., June 27, 1950.

[SEAL] FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50–5718; Filed, June 30, 1950; 8:47 a. m.]

TITLE 29—LABOR

Chapter IV—Child Labor Branch, Department of Labor

[Child Labor Reg. 31]

PART 402—ACCEPTANCE OF STATE CERTIFICATES

DESIGNATION OF STATES

§ 402.1 *Designation of States.* Pursuant to the provisions of Part 401 of this chapter (Child Labor Regulation No. 1), the following States are hereby designated as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060 as amended; 29 U. S. C. 201):

Alabama.	Nebraska.
Arizona.	Nevada.
Arkansas.	New Hampshire.
California.	New Jersey.
Colorado.	New Mexico.
Connecticut.	New York.
Delaware.	North Carolina.
District of Columbia.	North Dakota.
Florida.	Ohio.
Georgia.	Oklahoma.
Hawaii.	Oregon.
Illinois.	Pennsylvania.
Indiana.	Puerto Rico.
Iowa.	Rhode Island.
Kansas.	South Dakota.
Kentucky.	Tennessee.
Louisiana.	Utah.
Maine.	Vermont.
Maryland.	Virginia.
Massachusetts.	Washington.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Missouri.	Wyoming.
Montana.	

(Secs. 3, 11, 52 Stat. 1061, 1066 as amended; 29 U. S. C. 203, 211)

This designation shall be effective from July 1, 1950 until June 30, 1951, unless amended or revoked prior to such date.

Signed at Washington, D. C., this 27th day of June 1950.

MICHAEL J. GALVIN,
Acting Secretary of Labor.

[F. R. Doc. 50–5733; Filed, June 30, 1950; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

IMPROPER USE OF NOTATION "DO NOT FOLD OR BEND"

In Part 35 (39 CFR, Part 35; 15 F. R. 1304, 2180) make the following changes:

Insert a new section in the text between §§ 35.11a and 35.12 to read as follows:

§ 35.11b *Improper use of notation "Do not fold or bend".* Any matter which would be damaged by folding or bending should be protected by adequate stiffening material. If the matter is not considered of sufficient value by the mailer to use stiffening material, it should not bear the notation "Please Do Not Fold or Bend". The amount and type of stiffening material required depends on the size and nature of the matter mailed. Possibly a sheet of paperboard would suffice for small, somewhat flexible matter, while other matter which would crack if folded should be protected by a pad or pads of strong corrugated fiberboard.

(R. S. 161, 396, sec. 24, 20 Stat. 361, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 250)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50–5720; Filed, June 30, 1950; 8:48 a. m.]

PART 64—DOMESTIC INSURANCE AND COLLECT-ON-DELIVERY SERVICES: INDEMNITY

DEMURRAGE CHARGE

In § 64.36 *Demurrage charge* (39 CFR 64.36) make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Authority for.* (1) Under such regulations as the Postmaster General may prescribe, any collect-on-delivery parcel which the addressee fails to remove from the post office within fifteen days from the first attempt to deliver or the first notice of arrival at the office of address may be returned to the sender charged with the return postage, whether or not such parcel bears any specified time limit for delivery; and a demurrage charge of not exceeding 5 cents per day may be collected when delivery has not been made to either the addressee or the sender until after the expiration of the prescribed period. No demurrage shall be charged on collect-on-delivery parcels exchanged between post offices in the continental United States and post offices in the Territories and island possessions of the United States.

(2) The Postmaster General may direct the imediate return to the sender, charged with return postage, of any collect-on-delivery parcel which is found to be undeliverable.

2. Amend paragraph (b) to read as follows:

(b) *Amount of charge.* A demurrage charge of 5 cents per day shall be collected on each domestic c. o. d. article (registered or unregistered) which the addressee fails to remove from the post office within 15 days after the first attempt to deliver or the first notice of arrival at the office of address, exclusive of the day delivery is first attempted or the first notice of arrival is issued at the office of address, the actual day of delivery, Sundays, and holidays. No demurrage shall be charged on c. o. d. articles exchanged between the United States proper and Hawaii, Alaska, Puerto Rico, Virgin Islands of the United States, Guam, and Tutuila, Samoa.

NOTE: The foregoing amendment to paragraph (b) shall become effective August 1, 1950.

(R. S. 161, 396, sec. 8, 37 Stat. 558, secs. 304, 309, 42 Stat. 24, 25, sec. 211, 43 Stat. 1069; 5 U. S. C. 22, 369, 39 U. S. C. 244)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50–5721; Filed, June 30, 1950; 8:48 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

U. S. A. GIFT PARCELS

a. In § 127.55 *General information* (39 CFR 127.55; 14 F. R. 6950) amend paragraph (j) to read as follows:

(j) *U. S. A. gift parcels*—(1) *Countries eligible.* Relief parcels are acceptable for surface transmission at reduced rates of postage to Austria, China, Greece, Italy, Japan, Korea, Ryukyu Islands, and the zones of Trieste under occupation by the United States, Great Britain, or France. See caption "U. S. A. Gift Parcels" under the relative country items for postage rates and information as to permissible contents.

The interpretations in subparagraphs (2) (3) (4) and (5) of this paragraph with respect to permissible contents shown in the country items are to be followed.

(2) *Nonperishable food.* This includes canned, dried, or packaged foods of all kinds, as well as fruitcake, candy, or chewing gum properly packaged as nonperishable.

(3) *Household supplies and utensils.* This includes dishes, pans, light bulbs, electrical or other household appliances, wallpaper, paint in mailable quantities, as well as other items of general household use, but not for business or professional use. Paints as well as other liquids must be packed in two receptacles, with the space between the inner and outer receptacles to be filled with sawdust, bran, or other absorbent material in sufficient quantity to absorb all the liquid content in case of breakage. Friction top containers must be soldered in four different places around the lid.

(4) The following articles are not permitted in "U. S. A. Gift Parcels":

(i) Cigarettes and other forms of tobacco.

(ii) School and office supplies.

(iii) Bismuth nitrate, oxide, and subnitrate in bulk. Quinidine alkaloid and quinidine salts and compounds. Radon. Radium salts and compounds. Chemicals containing artificial radioactive isotopes. Radium ore concentrates.

(5) "U. S. A. Gift Parcels" may not contain any articles prohibited in parcels generally to the country of destination concerned.

b. Amend § 127.233 *Corsica* (39 CFR 127.233; 15 F. R. 643, 1104) by deleting paragraph (c) *U. S. A. gift parcels.*

c. Amend § 127.252 *France (including Monaco)* (39 CFR 127.252; 14 F. R. 339, 659, 1441, 6133, 7129; 15 F. R. 1104) by deleting paragraph (c) *U. S. A. gift parcels.*

d. Amend § 127.264 *Germany* (39 CFR 127.264; 14 F. R. 1614, 2661, 7129) by deleting paragraph (c) *U. S. A. gift parcels.*

e. Amend § 127.268 *Great Britain and Northern Ireland* (39 CFR 127.268; 14 F. R. 595, 1677, 6598, 7129) by deleting paragraph (c) *U. S. A. gift parcels.*

f. Amend § 127.309 *Netherlands* (39 CFR 127.309; 14 F. R. 578, 1441, 7130) by deleting paragraph (c) *U. S. A. gift parcels.*

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50–5722; Filed, June 30, 1950; 8:48 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.276 *Hungary* (39 CFR 127.276; 14 F. R. 1085) amend paragraph (b) (4) by deleting subdivision (ii).

b. In § 127.282 *Israel (State of)* (39 CFR 127.282; 14 F. R. 6134; 15 F. R. 200, 3151) amend subdivision (i) of paragraph (b) (4) to read as follows:

(i) Addressees in Israel are required to possess import licenses in order to take delivery of (*a*) all parcels sent for commercial purposes; (*b*) all gift parcels exceeding $112 in value, other than food parcels; and (*c*) gift parcels (other than food parcels) not exceeding $112 in value if more than four are received by one family in a year.

c. In § 127.318 *Nigeria* (39 CFR 127.318) amend paragraph (b) (5) by the addition of subdivision (xii) to read as follows:

(xii) Coins.

d. In § 127.365 *Trieste (Free Territory of)* (39 CFR 127.365; 14 F. R. 1614) amend paragraph (c) (2) by the addition of subdivision (v) to read as follows:

(v) Undeliverable "USA Gift Parcels" on which senders have not specified an alternative disposition are turned over to the Welfare Section of the Allied Military Government for distribution to needy persons.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-5723; Filed, June 30, 1950; 8:48 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

AIRCRAFT MANUFACTURING INDUSTRY; CORRECTION

In FEDERAL REGISTER Document 50-5110, appearing on page 3809 of the issue for Thursday, June 15, 1950, the phrase following the final semicolon in § 202.23 (a) (2) which reads "and aircraft air and fuel pumps and valves and flow dividers for use with such pumps", is corrected to read "and aircraft air and fluid pumps and valves and flow dividers for use with such pumps."

Signed at Washington, D. C., this 26th day of June, 1950.

MICHAEL J. GALVIN,
Acting Secretary of Labor.

[F. R. Doc. 50-5712; Filed, June 30, 1950; 8:45 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 51—GRANTS TO STATES FOR PUBLIC HEALTH SERVICES

Sec.
51.1 Definitions.
51.2 Allotments; extent of health problems.
51.3 Basis of allotments.
51.4 Allotments; estimates; time of making; duration.
51.5 Plans; mode of submittal.
51.6 Plans; contents.
51.7 Plans; time of submittal and approval.
51.8 Payments to States; to cooperating agencies.
51.9 Required expenditure of State and local funds; funds of cooperating agencies.
51.10 Expenditure of Federal funds.
51.11 Use of Federal funds for training.
51.12 Personnel administration on a merit basis.
51.13 Fiscal accounting and control.
51.14 Reports; State health authority; cooperating agencies.
51.15 Audit.

AUTHORITY: §§ 51.1 to 51.15 issued under sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply sec. 314, 58 Stat. 693, as amended; 42 U. S. C. 246.

§ 51.1 *Definitions.* As used in this part:

(a) "Act" means the Public Health Service Act approved July 1, 1944, 58 Stat. 682, as amended.

(b) "Cooperating agency", which term is used only in relation to the heart disease control program, means a county, health district, other political subdivision of the State or other public or nonprofit agency, institution, or other organization in the State, to which payments for a heart disease control program are recommended by the State health authority.

(c) "Exception" means the amount of Federal funds expended contrary to this part of the plan.

(d) "Federal funds" means funds appropriated by Congress for carrying out the purposes of section 314 of the act.

(e) "Financial need" as applied to any State means the relative per capita income as shown by data supplied by the Bureau of Foreign and Domestic Commerce for the most recent five-year-period, available on January 1, preceding the fiscal year for which Federal funds are appropriated.

(f) "General health purposes" means the establishment and maintenance of public health services, other than community mental health services, within the meaning of subsection (c) of section 314 of the act.

(g) "Official forms" means forms and instructions supplied by the Public Health Service to the State health authority and to a cooperating agency for use in the submittal of plans or information required with respect to the operation of such plans.

(h) "Political subdivision" includes counties, health districts, municipalities, and other subdivisions of the State established for governmental purposes.

(i) "Population" as applied to any State or political subdivision, means the most recent official estimates of the Bureau of the Census available on January 1, preceding the fiscal year for which Federal funds are appropriated.

(j) "Public Health Service" means the Public Health Service in the Federal Security Agency.

(k) "State" includes any State, the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

(l) "Plan" refers to the information and proposals submitted by the State health authority pursuant to the regulations in this part for activities of the State and political subdivisions thereof for (1) the prevention, treatment and control of venereal disease, (2) the prevention, treatment and control of tuberculosis, (3) establishing and maintaining public health services, (4) the prevention, treatment and control of mental illness, including emotional, psychiatric and neurological disorders, or (5) establishing and maintaining organized community programs of heart disease control.

(m) "Plan" refers also to the information and proposals for establishing and maintaining organized community programs for heart disease control submitted in lieu of a State plan by a cooperating agency pursuant to these regulations.

(n) Insofar as the regulations in this part relate to the State mental health program, "State health authority" means, in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for administering such program, the State mental health authority.

§ 51.2 *Allotments; extent of health problems.* For the purpose of making allotments to the several States:

(a) *Venereal disease.* The extent of the venereal disease problem shall be determined by the Surgeon General taking into consideration such factors as:

(1) The varying composite and racial prevalence rates for syphilis;

(2) The extent to which treatment facilities have been provided as evidenced by the population under treatment for syphilis;

(3) The total number of syphilis patients brought to treatment in the primary or secondary stages during the previous year;

(4) The varying costs of providing equal services as determined by the inverse function of the syphilitic density, and the direct function of the size of the population of each State;

(5) The need for trainng centers and demonstrations in selected areas;

(6) The need for facilities for the prevention and control of venereal diseases in localities where there is an unusual concentration of population.

(b) *Tuberculosis.* The extent of the tuberculosis problem shall be determined by the Surgeon General taking into consideration such factors as:

(1) The morbidity of the disease;

(2) The mortality attributed to the disease;

(3) The relative need among the States of facilities for diagnosis and treatment of tuberculous persons.

(c) *Special health problems.* The extent of special health problems shall be the relative population density of the several States, in inverse order.

(d) *Mental health.* The extent of the mental health problem shall be determined by the Surgeon General, taking into consideration such factors as:

(1) The prevalence of emotional and psychiatric disorders affecting mental health;

(2) Special conditions which create unequal burdens in the administration of mental health services among the States as indicated by the relative population of large urban and dispersed-population areas.

§ 51.3 *Basis of allotments.* Of the total sum determined to be available for each fiscal year for allotment to the several States for the purposes of subsections (a), (b), (c), and (e) of section 314 of the act, allotments to the several States shall be made as follows:

(a) *Venereal disease.* Of the amount available for allotment for venereal disease control programs:

From 20 percent to 40 percent, on the basis of population, weighted by financial need.

From 60 percent to 80 percent, on the basis of the extent of the venereal disease problem.

(b) *Tuberculosis.* Of the amount available for allotment for tuberculosis control programs:

From 20 percent to 40 percent, on the basis of population, weighted by financial need.

From 60 percent to 80 percent, on the basis of the extent of the tuberculosis problem.

(c) *General health purposes.* Of the amount available for allotment for general health purposes other than for mental health:

From 90 percent to 95 percent, on the basis of population, weighted by financial need.

From 5 per cent to 10 percent, on the basis of the extent of special health problems.

(d) *Mental health.* Of the amount available for allotment for mental health programs:

From 20 percent to 40 percent, on the basis of population weighted by financial need.

From 60 percent to 80 percent, on the basis of the extent of the mental health problem.

(e) *Heart disease.* Of the amount available for allotment for heart disease control programs:

(1) A portion on the basis of a uniform per capita allotment not to exceed 10 cents per capita for the first 100,000 population or part thereof of each State;

(2) The remaining amount on the basis of the remaining population of each State weighted by financial need.

§ 51.4 *Allotments; estimates; time of making; duration.* (a) For each fiscal year, the Surgeon General shall, with the approval of the Administrator, determine the amount of the appropriation for each program which shall be available for allotment among the several States.

(b) Prior to the beginning of each fiscal year the Surgeon General shall prepare and make available to the States an estimated schedule of the amounts which it is expected will be allotted to each State during the fiscal year from estimated appropriations.

(c) Allotments for each program for the first six months shall be made prior to the beginning of the fiscal year or as soon thereafter as practicable, and shall equal not less than 60 percent nor more than 70 percent of the total sum determined to be available for allotment during that fiscal year. At the end of the second quarter, the amounts of allotments for the first six-month period which have not been certified for payment to the respective States pursuant to § 51.8 shall become available for allotment among the States in the same manner as moneys which had not previously been allotted.

(d) Allotments for each program for the remaining six months shall be made prior to the beginning of the third quarter or as soon thereafter as practicable, and shall equal the total sum remaining unpaid and unallotted from the amount available for allotment during the fiscal year.

(e) The Secretary of the Treasury and the respective State health authorities shall be notified of the amounts of allotments and of the period for which they are made.

§ 51.5 *Plans; mode of submittal.* (a) Each State making application for grants under section 314 of the act shall submit plans through its State health authority for each fiscal year for carrying out the purposes of such section. A State making application for Federal funds for more than one of the purposes authorized by section 314 of the act may consolidate its plan: *Provided*, That the information specifically required for a State plan is distinguished with respect to each purpose.

(b) Plans of cooperating agencies for heart disease control programs, in lieu of State plans, shall be submitted through the State health authority.

(c) Plans shall be prepared in accordance with official forms supplied by the Public Health Service and may be amended with the approval of the Surgeon General or his designee.

§ 51.6 *Plans; contents.* A plan with respect to any program shall include:

(a) A description of the current organization for and health services included in the program and the proposals for extending, improving, and otherwise modifying such organization and services;

(b) Provision for health services in substantial accordance with nationally accepted standards;

(c) A budget by project totals for carrying out the services described under paragraph (a) of this section;

(d) A statement that the plan if approved will be carried out as described and in accordance with the regulations prescribed under section 314 of the act.

§ 51.7 *Plans; time of submittal and approval.* (a) For a continuing program an annual plan shall be submitted at least 45 days prior to the beginning of the Federal fiscal year to which the plan relates.

(b) A plan or amendment thereto shall not be approved for any period antedating receipt of such plan by the Public Health Service: *Provided*, That exceptions to this rule may be made by the Surgeon General when necessary to meet emergencies.

(c) The budget for health services shall not be approved unless each item thereof relates to activities described in the plan.

(d) A plan for a heart disease control program submitted by a cooperating agency as provided in § 51.5 shall not be approved unless recommended by the State health authority.

§ 51.8 *Payments to States; to cooperating agencies.* (a) Payments from allotments to a State shall be certified to the Secretary of the Treasury only after a plan has been approved. Payments from allotments to a State shall not exceed the allotment to such State or the total estimated expenditure necessary for carrying out the plan whichever is less.

(b) Payments from a State allotment for venereal disease control shall be reduced by the amount such State requests the Public Health Service to utilize in furnishing equipment, services, and supplies for special venereal disease activities.

(c) All payments shall be made to the State, except, with respect to the heart disease control program, amounts from the State's allotment may be certified for payment to a cooperating agency upon recommendation by the State health authority when. (1) the State health authority has not prior to August 1 of the fiscal year for which allotment is made, presented and had approved a plan, or (2) the State is not authorized by law to make payments to a cooperating agency. Funds for heart disease control paid to a cooperating agency and remaining unobligated at the termination of the plan for any fiscal year shall be returned to the Treasury of the United States, unless plans for continued cooperation with such agency are submitted and approved for the succeeding fiscal year.

(d) Subject to the foregoing limitations, payments shall be made as follows:

(1) Payment for the first quarter shall be based upon an application for funds showing the estimated requirement for such quarter.

(2) Except for payment to a cooperating agency, payment for the second quarter shall be the amount of the difference between the unpaid balance of the allotment of the respective State for the first six months and the unencumbered cash balance of the respective fund in the State treasury at the beginning of the first quarter, adjusted for exceptions. With respect to payment to a cooperating agency from the State's allotment, payment in the second quarter shall be based on the requirements for such quarter adjusted for exceptions and for the estimated unobligated balances at the beginning of the quarter as shown in an application for funds.

(3) Payment for subsequent quarters from the allotments for the final six-month period shall be made once in each quarter and shall be based upon an application for funds showing the estimated requirement for such quarter and the estimated unencumbered balance of the respective fund in the State treasury (or with respect to the heart disease control program, in the treasury of the cooperating agency) at the beginning of the quarter for which payment is to be made. All such payments shall be in the amount of the difference between the estimated requirement and the estimated unencumbered cash balance adjusted for exceptions.

(4) Payments from allotments shall not be certified unless an application for payment and all reports and documents prescribed by the regulations in this part to be due have been received.

(5) Supplemental payment in any quarter may be certified upon submission of application accompanied by satisfactory justification.

§ 51.9 *Required expenditure of State and local funds; funds of cooperating agencies.* (a) Moneys paid to any State or to a cooperating agency pursuant to section 314 of the act shall be paid upon the condition that there be expended in the State during the fiscal year for which payment is made and for purposes specified in the plan with respect to which payment is made, public funds of the State and its political subdivision (or, in the case of payments to a cooperating agency having an approved heart disease control plan, funds of the cooperating agency) in amounts which shall be exclusive of any funds derived from loan or grant from the United States and which shall be determined as follows:

(1) With respect to payments for a venereal disease control program, an amount equal to 50 percent of the amount of Federal funds to be expended pursuant to the State plan.

(2) With respect to payments for a tuberculosis control program, an amount equal to 50 percent of the amount of Federal funds to be expended pursuant to the State plan.

(3) With respect to payments for a general health program other than the mental health program, an amount equal to 50 percent of the amount of Federal funds to be expended pursuant to the State plan.

(4) With respect to payments for a mental health program, an amount equal to 50 percent of the amount of Federal funds to be expended pursuant to the State plan.

(5) With respect to payments for a heart disease program, an amount equal to 50 percent of the amount of Federal funds to be expended pursuant to the State plan or, in the absence of a State plan, to the plan of the cooperating agency or agencies.

(b) The expenditures required for any one of the above programs shall be additional to the expenditures required for other programs.

(c) Federal funds paid to a State or cooperating agency shall not be used to conserve State and local funds or the funds of a cooperative agency.

§ 51.10 *Expenditure of Federal funds.* (a) Federal funds paid to a State or to a cooperating agency shall be expended solely for the purposes specified in plans approved by the Surgeon General or his designee, and in accordance with the regulations in this part.

(b) Except as otherwise authorized by the Surgeon General, the provisions of State or local law which are applicable to the expenditure of moneys appropriated by the State or local subdivision shall apply respectively to Federal moneys paid to the State or to a political subdivision of the State as a cooperating agency.

(c) All encumbrances of Federal funds shall be liquidated within two years after the end of the fiscal year in which the encumbrance was incurred unless otherwise authorized by the Surgeon General. The amount of encumbrances not so liquidated, adjusted by such amounts as otherwise authorized, will be treated for the purpose of determining payments under the regulations in this part as constituting a part of the unencumbered cash balance at the end of the second succeeding fiscal year.

§ 51.11 *Use of Federal funds for training.* Use of Federal funds for training personnel for State and local health work shall be authorized by the State health authority or by a cooperating agency in accordance with "Minimum Standards for Sponsored Training of the Public Health Service." Records of authorized training shall be maintained by the State health authority or cooperating agency and shall be audited for compliance with these standards.

§ 51.12 *Personnel administration on a merit basis.* A system of personnel administration on a merit basis shall be established and maintained for personnel employed in programs, the budgets of which provide for the expenditure of Federal funds or of State or local funds for matching purposes included in the plan of the State health authority. Standards for evaluating compliance with this requirement shall be contained in merit-system standards of the Public Health Service in effect at the time of the expenditure.

§ 51.13 *Fiscal accounting and control.* (a) The principal State Accounting Officer shall maintain either (1) a separate and distinct fund account for each Public Health Service grant, or (2) a separate and distinct fund account for each State agency in which all Public Health Service grants may be commingled with other Federal grants (but no other funds) available to such agency.

(b) The State and local public health agencies and cooperating agencies receiving Federal funds under the regulations in this part shall establish and maintain efficient methods for conducting fiscal affairs (including financial and property controls). Each State agency and cooperating agency shall maintain a separate and distinct fund account for each Public Health Service grant.

§ 51.14 *Reports; State health authority; cooperating agencies.* The Surgeon General may require the submission of information pertinent to the operation of the plans and to the purpose of the grants, including the following:

(a) A certification from the State health authority on an official form as to the amount of State and local funds available for carrying out the State plan shall be due in duplicate within 90 days after the beginning of the fiscal year.

(b) A statement in duplicate shall be due on May 15 of each year from the State health authority showing on an official form the estimates of need by fund and functional activity for the year beginning the second succeeding July 1.

(c) Quarterly reports on official forms showing (1) total receipts, expenditures, unliquidated encumbrances, and balances of Federal funds, and (2) for the first three quarters, total quarterly expenditures from Federal grants and other sources for each activity shown in the budget for health services (§ 51.6 (c)) shall be due in duplicate 45 days after the close of the quarter from each State health authority and each cooperating agency having an approved plan.

(d) An annual report on an official form showing total expenditures for the fiscal year from Federal grants and other sources for each activitiy shown in the budget for health services shall be due in duplicate within 90 days after the close of the fiscal year from each State health authority and each cooperating agency having an approved plan.

(e) A report on an official form showing presonnel, facilities and services for each local health organization included in the current State plan shall be due in duplicate on February 15 of each year.

(f) The following reports on official forms shall be submitted by the State health authority with respect to venereal disease activities within 45 days after the close of the period to which they pertain:

(1) A quarterly report on laboratory activities, drug distribution and fees to private physicians.

(2) A quarterly activity report for each cooperative health unit or a summary of such activities by the State health authority.

(3) A quarterly morbidity report with separate report by each city of 200,000 population or over.

(g) The following reports on official forms shall be submitted by the State health authority with respect to tuberculosis control activities within 45 days after the close of the period to which they pertain:

(1) A semiannual report on mass chest surveys, and tuberculosis morbidity, and mortality, with separate report for cities of 500,000 population or over.

(2) An annual report on clinic and nursing services.

§ 51.15 *Audit.* Audit of the activities and programs described in the plan may be made after prior consultation with the State health authority or the cooperating agency. Records, documents, and information available to the State health authority or cooperating agency pertinent to the audit shall be accessible for purposes of audit.

Effective date; prior regulations superseded. The regulations in this part, which shall become effective upon the date of their publication in the FEDERAL REGISTER, shall apply for the fiscal year beginning July 1, 1950, and thereafter, and with respect to the fiscal year 1951 and thereafter, shall supersede the regulations heretofore contained in this part.

Dated: June 29, 1950.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: June 30, 1950.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 50-5805; Filed, June 30, 1950; 10:09 a. m.]

PART 71—FOREIGN QUARANTINE

MISCELLANEOUS AMENDMENTS

Notice of proposed rule making and public rule making proceedings have been omitted in the issuance of the following amendments of this part. Notice and rule making proceedings have been found to be unnecessary because the sole purpose of the amendments is to eliminate restrictions and requirements now in effect.

1. Section 71.46 is amended to read as follows:

§ 71.46 *General provision.* (a) A vessel or aircraft arriving at a port under the control of the United States shall undergo quarantine inspection prior to entry unless:

(1) In the current voyage the vessel or aircraft has not touched at any port other than ports under the control of the United States or ports in Canada, the Islands of St. Pierre and Miquelon, Iceland, Greenland, the West Coast of Lower California, Cuba, the Bahama Islands, the Canal Zone, or the Bermuda Islands; or

(2) In the current voyage the vessel or aircraft has received pratique at a port under the control of the United States, and since receiving such pratique has not touched at a port other than those listed in the preceding subparagraph; or

(3) The vessel or aircraft possesses a duplicate of a pratique issued at a port in Canada or the Canal Zone, provided that since receiving such pratique the vessel or aircraft has not touched at ports other than those listed in subparagraph (1) of this paragraph.

(b) A vessel or aircraft otherwise exempt from inspection under the provisions of paragraphs (a) (1) to (3) of this section shall undergo quarantine inspection prior to entering a port under the control of the United States if the vessel or aircraft:

(1) Has aboard a person infected or suspected of being infected with anthrax, chickenpox, cholera, dengue, diphtheria, infectious encephalitis, measles, meningococcus meningitis, plague, poliomyelitis, psittacosis, scarlet fever, smallpox, streptococcic sore throat, typhoid fever, typhus, or yellow fever, or

(2) Arrives directly from a port where at the time of departure there was present or suspected of being present cholera, plague, or yellow fever, or where there was significant increase in prevalence of smallpox or typhus at the time the vessel or aircraft touched there.

(c) Notwithstanding the provisions of paragraphs (a) (2) and (3) of this section a vessel or aircraft having received pratique at a port under the control of the United States, or possessing a duplicate pratique from Canada or the Canal Zone, shall comply with any conditions and carry out any additional measures specified in the pratique.

2. The footnotes to §§ 71.46 (a) (3) and 71.122 are deleted.

3. Section 71.62 is amended to read as follows:

§ 71.62 *General provision; vessels only.* The vessel shall fly a yellow flag. It shall anchor in the quarantine anchorage and await inspection; but, if the medical officer in charge is of the opinion that proceeding to a designated point in the port would not be likely to cause the introduction of communicable disease, he may direct the vessel to proceed to such a point to await inspection.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply secs. 361-369, 58 Stat. 703-706; 42 U. S. C. 264-272)

Effective date. The foregoing amendments shall become effective July 1, 1950.

Dated: June 23, 1950.

[SEAL] C. L. WILLIAMS,
Acting Surgeon General.

Approved: June 23, 1950.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 50-5778; Filed, June 29, 1950; 1:08 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 653]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 487 OF JUNE 16, 1948

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (43 U. S. C. sec. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 487 of June 16, 1948, temporarily withdrawing certain public lands in Alaska for classification and examination, and in aid of proposed legislation, is hereby revoked so far as it affects the following-described lands:

DUNBAR AREA

FAIRBANKS MERIDIAN

T. 1 S., R. 5 W.,
Sec. 31.
T. 2 S., R. 5 W., unsurveyed.
Secs. 6 and 7.
T. 2 S., R. 6 W.,
Secs. 1 to 4, inclusive;
Secs. 5, 6, and 7, unsurveyed.
Secs. 8 to 18, inclusive;
Secs. 19 to 24, inclusive, unsurveyed;
Secs. 30 and 31, unsurveyed.
T. 2 S., R. 7 W.,
Secs. 12, 13, 24, 25, 26, and 34, unsurveyed;
Secs. 35 and 36.
T. 3 S., R. 7 W.,
Secs. 1, 2, and 3;
Secs. 4 and 8, unsurveyed;
Secs. 9 to 12, inclusive;
Secs. 16 and 17;
Sec. 18, unsurveyed;
Secs. 19 and 20.

The areas described aggregate 32,437 acres of public land.

Economic studies of farming in Alaska indicate that the Dunbar area is not suited for group agricultural settlement.

At ten a. m. on the 35th day after the date of this order the unappropriated, unreserved, unsurveyed public lands affected by this order shall be opened to settlement under the homestead laws only, and to that form of appropriation only by qualified veterans of World War II for whose service recognition is granted by the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, and by other qualified persons entitled to credit for service under the said act. Commencing at ten a. m. on the 126th day after the date of this order, any of such lands not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with the appropriate laws and regulations.

At ten a. m. on the 35th day after the date of this order the surveyed public lands affected by this order shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, such lands shall be subject to (1) application under the homestead laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, or application under the homesite or headquarter site act of May 26, 1934, 48 Stat. 809 (48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Bureau of Land Management, Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the homesite or homestead laws shall be governed by the regulations contained in Parts 64 and 65 of Title 43 of the Code of Federal Regulations, and applications under the said Small Tract Act of June 1, 1938, shall be governed by the regula-

tions contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 26, 1950.

[F. R. Doc. 50-5711; Filed, June 30, 1950; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR STEAM ROADS

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, division 1, held at its office in Washington, D. C., on the 22d day of June A. D. 1950.

The "Uniform System of Accounts for Steam Railroads, Issue of 1943," being under consideration pursuant to section 20 of the Interstate Commerce Act, as amended, and the modifications which are attached hereto and made a part hereof being deemed necessary for proper administration of the provisions of Part I of the act (24 Stat. 386, 54 Stat. 917, 49 U. S. C. 20 (3)); *It is ordered*, That

(1) Any interested party may on or before August 1, 1950, file with the Commission a written statement of reasons why the said modifications should not become effective as hereinafter ordered and may request oral argument if desired.

(2) Unless otherwise ordered after consideration of objections, the said modifications shall become effective January 1, 1951.

(3) A copy of this order including the attached modifications shall be served upon every steam railroad subject to the act and upon every trustee, receiver, executor, administrator, or assignee of any such steam railroad, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

MODIFICATIONS OF THE UNIFORM SYSTEM OF ACCOUNTS FOR STEAM RAILROADS ISSUE OF 1943

NOTE: Changes hereinafter in the title or number of an account shall be understood to require corresponding changes elsewhere in this part where present reference appears to the old number or title.

ROAD AND EQUIPMENT ACCOUNTS

1. In § 10.26 *Telegraph and telephone lines*, cancel the title and text and substitute the following for them:

§ 10.26 *Communication systems.* This account shall include the cost of telegraph, telephone, radio, radar, inductive train communication, and other communication systems, including terminal equipment.

Details of telegraph and telephone terminal equipment (see general instructions, sec. 13):

Batteries.
Cables and fires, interior.
Carrier terminating equipment.
Conduits, interior.
Connecting wires.
Current - controlling instruments.
Electric generators and motors.
Electric motors.
Engines, stationary.
Fuses and mechanical protectors.
Rectifiers.
Rheostats.
Sending and receiving instruments.
Switchboards.
Telegraph repeaters.
Telephone repeaters.
Teletypewriters.
Testing outfits.
Transformers.

Details of telegraph and telephone outside plant (see general instructions, sec. 13):

Aerial attachments.
Braces.
Brackets.
Cable boxes and appurtenances.
Cables and wires, aerial.
Conduits and appurtenances.
Cross arms.
Gas and associated facilities for cables.
Guy stubs.
Guy wires.
Insulators.
Load coils.
Poles.
Submarine cables and connections.
Telephone pole boxes.
Towers.
Underground cables and connections.

Details of radio, radar, and inductive train communication equipment (see general instructions, sec. 13):

Aerials or antenna, and attachments.
Buildings or towers used exclusively for wireless.
Control units.
Power generating, converting, or supply equipment.
Radar console and associated equipment.
Roadwide or office equipment for all wireless systems operated on special channels between train and train, train and tower or office, or between ship and shore.
Specialized testing and repair equipment.
Transmitters and receivers, including mobile units.

NOTE A: Radio, radar or trainphone equipment (except portable apparatus) which is permanently attached to locomotives, cars, work equipment, or other rolling stock or floating equipment shall be included in the same accounts as the equipment on which installed. Wireless sets for instruction, advertising, or entertainment shall be included in the same accounts as the building in which located.

NOTE B: Communication systems of limited extent, not connected with other systems, used for special purposes and usually installed within a single building, group of buildings, or within the limits of a station or shop layout or yard, shall be included in the same account as the building in which located or in the account appropriate for the service with which associated.

ITEMS

Buzzers, bells, dictaphones or other interoffice communication systems in an office or group of buildings.
Loud speakers, bells, or whistles in shop and other yards.
Loud speakers, public address devices, press button control lights, telautograph or other systems in stations or on platforms.
Whistles, klaxons, or horns operated from signal towers.

NOTE C: Test sets shall be classified as tools and included in the account appropriate for their use.

OPERATING EXPENSE ACCOUNTS

2. In § 10.247 *Telegraph and telephone lines*, cancel the title, text, and notes and substitute the following for them:

§ 10.247 *Communication systems.* This account shall include the cost of repairing telegraph, telephone, radio, radar, inductive train communication, and other communication systems, including terminal equipment. (Note carefully special instructions, sections 2 and 3.)

Details of telegraph and telephone terminal equipment (see special instructions, sec. 22):

Batteries.
Cables and wires, interior.
Carrier terminating equipment.
Conduits, interior.
Connecting wires.
Current-controlling instruments.
Electric generators and motors.
Electric meters.
Engines, stationary.
Fuses and mechanical protectors.
Rectifiers.
Rheostats.
Sending and receiving instruments.
Switchboards.
Telegraph repeaters.
Telephone repeaters.
Teletypewriters.
Testing outfits.
Transformers.

Details of telegraph and telephone outside plant (see special instructions, sec. 22):

Aerial attachments.
Braces.
Brackets.
Cable boxes and appurtenances.
Cables and wires, aerial.
Conduits and appurtenances.
Cross arms.
Gas and associated facilities for cables.
Guy stubs.
Guy wires.
Insulators.
Load coils.
Poles.
Submarine cables and connections.
Telephone pole boxes.
Towers.
Underground cables and connections.

Details of radio, radar, and inductive train communication equipment (see special instructions, sec. 22):

Aerials or antenna, and attachments.
Buildings or towers used exclusively for wireless.
Control units.
Power generating, converting, or supply equipment.
Radar console and associated equipment.
Roadside or office equipment for all wireless systems operated on special channels between train and train, train and tower or office, or between ship and shore.
Specialized testing and repair equipment.
Transmitters and receivers, including mobile units.

NOTE A: Repairs of radio, radar, or trainphone equipment (except portable apparatus) which is permanently attached to locomotives, cars, work equipment, or other rolling stock or floating equipment shall be included in the same account as repairs of the equipment on which installed. Repairs of wireless sets for instructions, advertising, or entertainment shall be included in the same account as repairs of the building in which located.

NOTE B: Repairs of communications systems of limited extent, not connected with other systems, used for special purposes and usually installed within a single building, group of buildings, or within the limits of a station or shop layout or yard, shall be included in the same account as repairs of the building in which located or in the account appropriate for the service with which associated.

NOTE C: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise, or are engaged both in maintenance and operation, shall be apportioned equally between this account and account 407, "Communication system operation."

ITEMS

Buzzers, bells, dictaphones, or other interoffice communication systems in an office or group of buildings.
Loud speakers, bells, or whistles in shop and other yards.
Loud speakers, public address devices, press button control lights, telautograph, or other systems in stations or on platforms.
Whistles, klaxons, or horns operated from signal towers.

3. In § 10.407 *Telegraph and telephone operation*, cancel the title, text, and notes, and substitute the following for them:

§ 10.407 *Communication system operation.* This account shall include the cost of operating communication systems not provided for elsewhere.

TELEGRAPH

Superintendence. The pay of superintendents, censors, their clerks, and attendants.

Operators and messengers. The pay of operators, block inspectors, and messengers in telegraph and relay offices other than those employed in dispatching trains and those located in general offices or at stations.

Other expenses. Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; rent of telegraph conduits, lines, and poles; cost of battery renewals and supplies, bicycles for messengers, and electric current for telegraph purposes; also excess payments to telegraph companies when in connection with telegraph service and not provided for elsewhere.

NOTE A: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise or are engaged both in maintenance and operation, shall be apportioned equally between this account and account 247, "Communication systems."

TELEPHONE

Superintendence. The pay of superintendents, their clerks, and attendants.

Operators and messengers. The pay of operators and messengers in telephone offices other than those employed in dispatching trains and those located in general offices or at stations.

Other expenses. Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; rent of telephone conduits, lines, and poles; cost of battery renewals and supplies, bicycles for messengers, and electric current for telephone purposes; also excess payments to telephone companies when in connection with telephone service and not provided for elsewhere.

NOTE B: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise or are engaged both in maintenance and operation, shall be apportioned equally between this account and account 247, "Communication systems."

RADIO, RADAR, AND INDUCTIVE TRAIN COMMUNICATION

Superintendence. The pay of superintendents or others who supervise operation, and their clerks or attendants.

Operators. The pay of operators other than those employed in dispatching trains and those located in general offices or at stations.

Other expenses. Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; rent of space or facilities occupied by radio, radar, or inductive train equipment; cost of battery and tube renewals; cost of electric current purchased and all other costs incurred for operation and not provided for elsewhere.

NOTE C: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise, or are engaged both in maintenance and operation shall be apportioned equally between this account and account 247, "Communication systems."

INCOME ACCOUNTS

4. In § 10.514 *Income from funded securities*, and § 10.515 *Income from unfunded securities and accounts*, cancel the numbers, titles, texts, and notes and insert the following account:

§ 10.514 *Interest income.* This account shall include the interest on securities and debenture stock of other companies, the income from which is the property of the accounting company, whether such securities are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise. It shall include also, interest on notes and other evidences of indebtedness and interest on bank balances, open accounts, and other analogous items, including discount on short-term notes. Interest accrued shall not be credited prior to actual collection unless its payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 717, "Interest and dividends receivable.")

At the option of the accounting company there may be included each year in this account the portion, applicable to the fiscal period, of the amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on securities of other companies owned (other than short-term notes). Amounts thus credited or charged shall be concurrently charged or credited to the account in which the cost of the securities is carried. The discount on short-term notes shall be distributed through equal monthly credits, over the terms of the notes.

NOTE A: This account shall not include interest on securities issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

NOTE B: Interest on securities, other than those of the accounting company, and on other assets held in sinking or other reserve funds shall be included in account 516, "Income from sinking and other reserve funds."

NOTE C: Discount on bills for material purchased shall be credited to the accounts to which is charged the cost of the material with respect to which the discount is allowed.

5. In § 10.547 *Interest on unfunded debt*, eliminate the words "interest on overcharge claims" and insert "interest on deferred payments for public improvements" so that the text of the account will read as follows:

§ 10.547 *Interest on unfunded debt.* This account shall include interest accrued on unfunded debt, such as short-term notes payable on demand or having dates of maturity one year or less from dates of issue, and open accounts including discount and expense on demand and short-term loans, interest on receipts outstanding for installments paid on capital stock, interest on deferred payments for public improvements, and other analogous items. The discount on short-term notes, if of a considerable amount, shall be distributed through equal monthly charges, over the term of the notes.

6. In § 10.551 *Miscellaneous income charges*, cancel the text of the account and substitute the following for it:

§ 10.551 *Miscellaneous income charges.* This account shall include interest charges not provided for elsewhere, such as interest on tax deficiencies, overcharge claims, and court awards; also income tax upon the interest on the accounting company's funded debt when assumed by it; and other income deductions not provided for elsewhere.

[F. R. Doc. 50-5728; Filed, June 30, 1950; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

FROZEN CONCENTRATED GRAPEFRUIT JUICE

UNITED STATES STANDARDS FOR GRADES [1] [2]

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as herein proposed, of United States Standards for Grades of Frozen Concentrated Grapefruit Juice, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than June 1, 1951.

The proposed standards are as follows:

§ 52.368 *Frozen concentrated grapefruit juice.* Frozen concentrated grapefruit juice is the frozen product of concentrated, unfermented juice obtained from sound, mature grapefruit (Citrus paradisi). The fruit is prepared by sorting and washing prior to extraction of the juice to assure a clean product. Upon extraction of such juice, it is concentrated; and single-strength grapefruit juice is admixed to the concentrate. The concentrated grapefruit juice is packed in accordance with good commercial practice and is frozen and stored at temperatures necessary for the peservation of the product. It is recommended that frozen concentrated grapefruit juice during storage and in transit be maintained at temperatures of 0° Fahrenheit or less.

(a) *Styles of frozen concentrated grapefruit juice*—(1) *Style I, without sweetening ingredient added.* The Brix value of the finished concentrate shall be not less than 38 degrees nor more than 42 degrees.

(2) *Style II, with sweetening ingredient added.* The finished concentrate, exclusive of added sweetening ingredient, has a Brix value of not less than 36 degrees; and the finished concentrate, including added sweetening ingredient, shall have a Brix value of not less than 38 degrees but not more than 48 degrees.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The requirements of these standards shall not excuse failure to comply with applicable State laws and regulations.

(b) *Grades of frozen concentrated grapefruit juice.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen concentrated grapefruit juice which reconstitutes properly and of which the reconstituted juice possesses the appearance of fresh grapefruit juice; possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of frozen concentrated grapefruit juice which reconstitutes properly and of which the reconstituted juice possesses a good color; is reasonably free from defects; possesses a good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of frozen concentrated grapefruit juice that fails to meet the requirements of U. S. Grade B or U. S. Choice.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container be filled with frozen concentrated grapefruit juice as full as practicable without impairment of quality.

(d) *Ascertaining the grade.* The grade of frozen concentrated grapefruit juice is ascertained by considering in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
(1) Color	20
(2) Absence of defects	40
(3) Flavor	40
Total score	100

(e) *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen concentrated grapefruit juice of which the reconstituted juice possesses a very good color may be given a score of 17 to 20 points. "Very good color" means that the color is bright and typical of freshly extracted grapefruit juice and is free from any trace of browning.

(ii) If the reconstituted juice possesses a "good color," a score of 14 to 16 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is typical of freshly extracted grapefruit juice which may be slightly dull or show traces of browning but is not off color for any reason.

(iii) If the reconstituted juice fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 13 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from free and suspended pulp, from recoverable oil, and from other defects.

(i) "Free and suspended pulp" means particles of membrane, core, skin, and other similar extraneous materials in the reconstituted grapefruit juice.

(ii) Frozen concentrated grapefruit juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present: (*a*) Small seeds or portions thereof that pass through a screen with perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice; (*b*) juice cells that do not materially affect the appearance or drinking quality of the juice; (*c*) other defects that are not more than slightly objectionable; and (*d*) not more than 10 percent free and suspended pulp. To score in this classification the frozen concentrated grapefruit juice may contain not more than 0.040 milliliter of recoverable oil per 100 grams of the concentrated product.

(iii) If the reconstituted juice is reasonably free from defects, a score of 28 to 33 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present: (*a*) Small seeds or portions thereof that pass through a screen with perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice; (*b*) juice cells that do not seriously affect the appearance or drinking quality of the juice; (*c*) other defects that are not materially objectionable; and (*d*) not more than 15 percent free and suspended pulp. To score in this classification the frozen concentrated grapefruit juice may contain not more than 0.048 milliliter of recoverable oil per 100 grams of the concentrated product.

(iv) Frozen concentrated grapefruit juice that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Flavor.* (i) Frozen concentrated grapefruit juice of which the reconstituted juice possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and reasonably typical of freshly extracted grapefruit juice. To score not less than 34 points, frozen concentrated grapefruit juice shall meet the following requirements for the respective style:

Style I, without sweetening ingredient added. The ratio of Brix value to acid is not less than 8 to 1 nor more than 14 to 1 (see table I).

Style II, with sweetening ingredient added. The ratio of Brix value to acid is not less than 10 to 1 nor more than 13 to 1 (see table II).

(ii) If the reconstituted juice possesses a good flavor, a score of 28 to 33 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule), "Good flavor" means that the flavor is fairly typical of freshly extracted grapefruit juice and is free from abnormal flavors and off flavors of any kind. To score not less than 28 points frozen concentrated grapefruit juice shall meet the following requirements for the respective style:

Style I, without sweetening ingredient added. The ratio of Brix value to acid is not less than 7 to 1 nor more than 16 to 1 (see table I).

Style II, with sweetening ingredient added. The ratio of Brix value to acid is not less than 8 to 1 nor more than 13 to 1 (see table II).

(iii) If the frozen concentrated grapefruit juice fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 27 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED GRAPEFRUIT JUICE

STYLE I. WITH SWEETENING INGREDIENT ADDED

Brix value of the concentrate in degrees Brix	U. S. Grade A or U. S. Fancy		U. S. Grade B or U. S. Choice	
	Ratio 8:1	Ratio 14:1	Ratio 7:1	Ratio 16:1
	Acid (percent by weight)		Acid (percent by weight)	
	Maximum	Minimum	Maximum	Minimum
38.0°	4.75	2.71	5.43	2.38
38.1°	4.76	2.72	5.44	2.38
38.2°	4.78	2.73	5.46	2.39
38.3°	4.79	2.74	5.47	2.39
38.4°	4.80	2.74	5.49	2.40
38.5°	4.81	2.75	5.50	2.41
38.6°	4.83	2.76	5.51	2.41
38.7°	4.84	2.76	5.53	2.42
38.8°	4.85	2.77	5.54	2.43
38.9°	4.86	2.78	5.56	2.43
39.0°	4.88	2.79	5.57	2.44
39.1°	4.89	2.79	5.59	2.44
39.2°	4.90	2.80	5.60	2.45
39.3°	4.91	2.81	5.61	2.46
39.4°	4.93	2.81	5.63	2.46
39.5°	4.94	2.82	5.64	2.47
39.6°	4.95	2.83	5.66	2.48
39.7°	4.96	2.84	5.67	2.48
39.8°	4.98	2.84	5.69	2.49
39.9°	4.99	2.85	5.70	2.49
40.0°	5.00	2.86	5.71	2.50
40.1°	5.01	2.86	5.73	2.51
40.2°	5.03	2.87	5.74	2.51
40.3°	5.04	2.88	5.76	2.52
40.4°	5.05	2.89	5.78	2.53
40.5°	5.06	2.89	5.79	2.53
40.6°	5.08	2.90	5.80	2.54
40.7°	5.09	2.91	5.81	2.54
40.8°	5.10	2.91	5.83	2.55
40.9°	5.11	2.92	5.84	2.56
41.0°	5.13	2.93	5.86	2.56
41.1°	5.14	2.94	5.87	2.57
41.2°	5.15	2.94	5.89	2.58
41.3°	5.16	2.95	5.90	2.58
41.4°	5.18	2.96	5.91	2.59
41.5°	5.19	2.96	5.93	2.59
41.6°	5.20	2.97	5.94	2.60
41.7°	5.21	2.98	5.95	2.61
41.8°	5.23	2.99	5.97	2.61
41.9°	5.24	2.99	5.99	2.62
42.0°	5.25	3.00	6.00	2.63

TABLE II—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED GRAPEFRUIT JUICE

STYLE II. WITH SWEETENING INGREDIENT ADDED

Brix value of the concentrate in degrees Brix	U. S. Grade A or U. S. Fancy		U. S. Grade B or U. S. Choice	
	Ratio 10:1	Ratio 13:1	Ratio 8:1	Ratio 13:1
	Acid (percent by weight)		Acid (percent by weight)	
	Maximum	Minimum	Maximum	Minimum
38.0°	3.80	2.92	4.75	2.92
38.1°	3.81	2.93	4.76	2.93
38.2°	3.82	2.94	4.78	2.94
38.3°	3.83	2.95	4.79	2.95
38.4°	3.84	2.95	4.80	2.95
38.5°	3.85	2.96	4.81	2.96
38.6°	3.86	2.97	4.83	2.97
38.7°	3.87	2.98	4.84	2.98
38.8°	3.88	2.98	4.85	2.98
38.9°	3.89	2.99	4.86	2.99
39.0°	3.90	3.00	4.88	3.00
39.1°	3.91	3.01	4.89	3.01
39.2°	3.92	3.02	4.90	3.02
39.3°	3.93	3.02	4.91	3.02
39.4°	3.94	3.03	4.93	3.03
39.5°	3.95	3.04	4.94	3.04
39.6°	3.96	3.05	4.95	3.05
39.7°	3.97	3.05	4.96	3.05
39.8°	3.98	3.06	4.98	3.06
39.9°	3.99	3.07	4.99	3.07
40.0°	4.00	3.08	5.00	3.08
40.1°	4.01	3.08	5.01	3.08
40.2°	4.02	3.09	5.03	3.09
40.3°	4.03	3.10	5.04	3.10
40.4°	4.04	3.11	5.05	3.11
40.5°	4.05	3.12	5.06	3.12
40.6°	4.06	3.12	5.08	3.12
40.7°	4.07	3.13	5.09	3.13
40.8°	4.08	3.14	5.10	3.14
40.9°	4.09	3.15	5.11	3.15
41.0°	4.10	3.15	5.13	3.15
41.1°	4.11	3.16	5.14	3.16
41.2°	4.12	3.17	5.15	3.17
41.3°	4.13	3.18	5.16	3.18
41.4°	4.14	3.18	5.18	3.18
41.5°	4.15	3.19	5.19	3.19
41.6°	4.16	3.20	5.20	3.20
41.7°	4.17	3.21	5.21	3.21
41.8°	4.18	3.22	5.23	3.22
41.9°	4.19	3.22	5.24	3.22
42.0°	4.20	3.23	5.25	3.23
42.1°	4.21	3.24	5.26	3.24
42.2°	4.22	3.25	5.28	3.25
42.3°	4.23	3.25	5.29	3.25
42.4°	4.24	3.26	5.30	3.26

TABLE I—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED GRAPEFRUIT JUICE—Continued

STYLE I. WITH SWEETENING INGREDIENT ADDED—continued

Brix value of the concentrate in degrees Brix	U. S. Grade A or U. S. Fancy		U. S. Grade B or U. S. Choice	
	Ratio 8:1	Ratio 14:1	Ratio 7:1	Ratio 16:1
	Acid (percent by weight)		Acid (percent by weight)	
	Maximum	Minimum	Maximum	Minimum
42.5°	4.25	3.27	5.31	3.27
42.6°	4.26	3.28	5.33	3.28
42.7°	4.27	3.28	5.34	3.28
42.8°	4.28	3.29	5.35	3.29
42.9°	4.29	3.30	5.36	3.30
43.0°	4.30	3.31	5.38	3.31
43.1°	4.31	3.32	5.39	3.32
43.2°	4.32	3.32	5.40	3.32
43.3°	4.33	3.33	5.41	3.33
43.4°	4.34	3.34	5.43	3.34
43.5°	4.35	3.35	5.44	3.35
43.6°	4.36	3.35	5.45	3.35
43.7°	4.37	3.36	5.46	3.36
43.8°	4.38	3.37	5.48	3.37
43.9°	4.39	3.38	5.49	3.38
44.0°	4.40	3.38	5.50	3.38
44.1°	4.41	3.39	5.51	3.39
44.2°	4.42	3.40	5.53	3.40
44.3°	4.43	3.41	5.54	3.41
44.4°	4.44	3.42	5.55	3.42
44.5°	4.45	3.42	5.56	3.42
44.6°	4.46	3.43	5.58	3.43
44.7°	4.47	3.44	5.59	3.44
44.8°	4.48	3.45	5.60	3.45
44.9°	4.49	3.45	5.61	3.45
45.0°	4.50	3.46	5.63	3.46
45.1°	4.51	3.47	5.64	3.47
45.2°	4.52	3.48	5.65	3.48
45.3°	4.53	3.48	5.66	3.48
45.4°	4.54	3.49	5.68	3.49
45.5°	4.55	3.50	5.69	3.50
45.6°	4.56	3.51	5.70	3.51
45.7°	4.57	3.52	5.71	3.52
45.8°	4.58	3.52	5.73	3.52
45.9°	4.59	3.53	5.74	3.53
46.0°	4.60	3.54	5.75	3.54
46.1°	4.61	3.55	5.76	3.55
46.2°	4.62	3.55	5.78	3.55
46.3°	4.63	3.56	5.79	3.56
46.4°	4.64	3.57	5.80	3.57
46.5°	4.65	3.58	5.81	3.58
46.6°	4.66	3.58	5.83	3.58
46.7°	4.67	3.59	5.84	3.59
46.8°	4.68	3.60	5.85	3.60
46.9°	4.69	3.61	5.86	3.61
47.0°	4.70	3.62	5.88	3.62
47.1°	4.71	3.62	5.89	3.62
47.2°	4.72	3.63	5.90	3.63
47.3°	4.73	3.64	5.91	3.64
47.4°	4.74	3.65	5.93	3.65
47.5°	4.75	3.65	5.94	3.65
47.6°	4.76	3.66	5.95	3.66
47.7°	4.77	3.67	5.96	3.67
47.8°	4.78	3.68	5.98	3.68
47.9°	4.79	3.68	5.99	3.68
48.0°	4.80	3.69	6.00	3.69

TABLE II—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED GRAPEFRUIT JUICE—Continued

STYLE II. WITH SWEETENING INGREDIENT ADDED—continued

Brix value of the concentrate in degrees Brix	U. S. Grade A or U. S. Fancy		U. S. Grade B or U. S. Choice	
	Ratio 8:1	Ratio 14:1	Ratio 7:1	Ratio 16:1
	Acid (percent by weight)		Acid (percent by weight)	
	Maximum	Minimum	Maximum	Minimum

(f) *Definitions of terms as used in these standards.* (1) "Reconstituted juice" means the product obtained by mixing thoroughly 3 parts by volume of distilled water and 1 part by volume of frozen concentrated grapefruit juice.

(2) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter, leaving a zone of definitely clear liquid without any turbidity, after standing four (4) hours at a room temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder (such as a 50 ml. graduated cylinder).

(3) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in frozen concentrated grapefruit juice.

(4) "Brix value" in frozen concentrated grapefruit juice is the refractometric sucrose value determined in accordance with the International Scale

of Refractive Indices of Sucrose Solutions and to which the applicable correction for acid is added. (See Table III for corrections).

TABLE III [1]—CORRECTIONS FOR OBTAINING BRIX VALUE

Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value	Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value
2.0	0.39	4.2	0.81
2.2	.43	4.4	.85
2.4	.47	4.6	.89
2.6	.51	4.8	.93
2.8	.54	5.0	.97
3.0	.58	5.2	1.01
3.2	.62	5.4	1.04
3.4	.66	5.6	1.07
3.6	.70	5.8	1.11
3.8	.74	6.0	1.15
4.0	.78		

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, Vol. II, page 447, August 15, 1930.

(g) *Explanation of analyses.* (1) The measurement of Brix value is determined on the thawed concentrate in accordance with the refractometric method for sugars and sugar products, outlined in the Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists.

(2) "Acid," calculated as anhydrous citric acid, is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(3) "Recoverable oil" is determined by the following method:

(i) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 and Figure 2,[1] gas burner or hot plate, ringstand and clamps, rubber tubing, and 3-liter narrow-neck flask.

(ii) *Procedure.* Exactly 400 grams of the thawed concentrate mixed with water to approximately two liters are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and bring the solution to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

The number of milliliters of oil recovered divided by 4 equals the volume of recoverable oil per 100 grams of concentrate.

(4) "Free and suspended pulp" is determined by the following method: Graduated centrifuge tubes with a capacity of 50 ml. are filled with the reconstituted grapefruit juice and placed in a suitable centrifuge. The speed is adjusted, according to diameter, as indicated in Table IV, and the juice is centrifuged for exactly 10 minutes. As used herein, "diameter" means the over-all distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE IV

Diameter	Approximate revolutions per minute	Diameter	Approximate revolutions per minute
10 inches	1,609	15½ inches	1,292
10½ inches	1,570	16 inches	1,271
11 inches	1,534	16½ inches	1,252
11½ inches	1,500	17 inches	1,234
12 inches	1,468	17½ inches	1,216
12½ inches	1,438	18 inches	1,199
13 inches	1,410	18½ inches	1,182
13½ inches	1,384	19 inches	1,167
14 inches	1,359	19½ inches	1,152
14½ inches	1,336	20 inches	1,137
15 inches	1,313		

(h) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen concentrated grapefruit juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(i) *Score sheet for frozen concentrated grapefruit juice.*

Size and kind of container		
Container mark or identification		
Label		
Liquid measure (Fl. ounces)		
Brix value of concentrate (corrected for acid)		
Anhydrous citric acid (% by weight)		
Brix value to acid ratio		
Recoverable oil (ml./100 grams)		
Free and suspended pulp (%)		
Reconstitutes properly (Yes) (No)		
Appearance of fresh juice (Yes) (No)		

Factors		Score points
I. Color	20	(A) 17–20 (B) [1] 14–16 (D) [1] 0–13
II. Absence of defects	40	(A) 34–40 (B) [1] 28–33 (D) [1] 0–27
III. Flavor	40	(A) 34–40 (B) [1] 28–33 (D) [1] 0–27
Total score	100	

Grade

[1] Indicates limiting rule.

[1] Filed as a part of the original document.

Issued at Washington, D. C., this 28th day of June 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50–5755; Filed, June 30, 1950; 8:50 a. m.]

[7 CFR, Part 907]

[Docket No. AO–212]

HANDLING OF MILK IN MILWAUKEE, WIS., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed marketing agreement and order regulating the handling of milk in the Milwaukee, Wisconsin, marketing area, which was issued on June 13, 1950 (15 F. R. 3829) is hereby extended to July 5, 1950.

Dated: June 28, 1950, at Washington, D. C.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50–5756; Filed, June 30, 1950; 8:50 a. m.]

[7 CFR, Part 914]

[Docket No. AO–216]

HANDLING OF IRISH POTATOES GROWN IN NASSAU AND SUFFOLK COUNTIES IN NEW YORK

FINDINGS AND DETERMINATIONS ON RESULTS OF REFERENDUM ON PROPOSED MARKETING ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Riverhead, New York, on February 27–March 2, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 741), upon a proposed marketing agreement and a proposed marketing order regulating the handling of potatoes grown in Nassau and Suffolk Counties in New York. The recommended decision (15 F. R. 2241) of the Assistant Administrator, Production and Marketing Administration, and the decision (15 F. R. 3057) of the Acting Secretary of Agriculture, setting forth a proposed marketing agreement and order as the appropriate and detailed means for effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, were published in the FEDERAL REGISTER on April 21 and May 19, 1950, respectively. The Acting Secretary also issued an order (15 F. R. 3062) directing that a referendum be conducted among producers of potatoes grown in Nassau and Suffolk Counties in New York to determine whether the requisite majority of such producers favor the issuance of the proposed marketing order.

It is hereby found and determined, on the basis of the results of the referendum conducted pursuant to the aforesaid referendum order, that the issuance of the proposed marketing order regulating the handling of Irish potatoes grown in Nassau and Suffolk Counties in New York, is not approved or favored by the requisite percentage of producers or of the total volume of production voting in the aforesaid referendum.

It is hereby further determined that the proposed marketing order set forth in the Acting Secretary's decision of May 16, 1950 (15 F. R. 3057), cannot be made effective because of the failure of producers to approve or favor its issuance by the requisite percentage of producers or of the total volume of production voting in the referendum conducted among such producers.

Done at Washington, D. C., this 28th day of June 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–5727; Filed, June 30, 1950; 8:46 a. m.]

[7 CFR, Part 958]

IRISH POTATOES GROWN IN COLORADO

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget of expenses and rate of assessment hereinafter set forth, which were recommended by the area committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR 958.1 et seq.) regulating the handling of Irish potatoes grown in the State of Colorado, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq., 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.204 *Budget of expenses and rate of assessment, Area No. 3.* The expenses necessary to be incurred by the area committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions, pursuant to provisions of the aforesaid marketing agreement and order and regulations duly issued thereunder, during the fiscal period ending May 31, 1951, will amount to $7,059.00.

The rate of assessment to be paid by each handler who first ships potatoes from Area No. 3 shall be one-half of one cent ($0.005) per hundredweight of potatoes shipped by him therefrom as the first shipper thereof during such fiscal period: *Provided*, That, no assessment shall be paid for a shipment or shipments of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies.

Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 28th day of June 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch.

[F. R. Doc. 50–5757; Filed, June 30, 1950; 8:50 a. m.]

[7 CFR, Part 958]

IRISH POTATOES GROWN IN COLORADO

REGULATION OF SHIPMENTS OF COLORADO AREA 1 POTATOES DURING THE PERIOD JULY 17, 1950, THROUGH MAY 31, 1951

Consideration is being given to the following recommendation, submitted by the administrative committee of Area 1, established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR 958.1 et seq.) regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

(1) During the period beginning at 12:01 a. m., m. s. t., July 17, 1950, and ending 12:01 a. m., m. s. t., June 1, 1951, no handler shall ship potatoes grown in Area No. 1, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not meet the requirements of Regulation No. 1 limiting shipments to U. S. No. 2 or better grade (General Cull Regulation—published in the FEDERAL REGISTER, July 16, 1949, 14 F. R. 3979) and which are of sizes smaller than 2 inches minimum diameter, as such sizes are defined in the United States Standards for Potatoes (14 F. R. 1955, 2161), including the tolerances provided therein: *Provided*, That the aforesaid limitations shall not be applicable to (i) potatoes shipped for seed purposes which have been officially certified as seed potatoes by the official Colorado seed certifying agency and which are in containers bearing official Colorado seed certification tag, and (ii) potatoes shipped for consumption by a charitable institution, for relief purposes, or for manufacturing purposes for conversion into by-products.

(2) The terms used herein shall have the same meaning as when used in Order No. 58 (7 CFR 958.1 et seq.).

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposal may do so by submitting the same to the Director, Fruit and Vegetable Branch, United States Department of Agriculture, Washington 25, D. C., not later than the 7th day following publication of this notice in the FEDERAL REGISTER.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 28th day of June 1950.

[SEAL] E. R. SMITH,
Director, Fruit and Vegetable Branch.

[F. R. Doc. 50–5759; Filed, June 30, 1950; 8:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Navy

[No. 11]

OCEAN TUGS, AUXILIARY (ATA–121 CLASS)

RANGE LIGHTS

Whereas, section 360, 33 U. S. C., provides that any requirement as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said section 360, 33 U. S. C., shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of that type of naval vessels known as Ocean Tugs, Auxiliary, ATA–121 Class, has been made in the Navy Department and, as a result of such study, it has been determined that because of their special construction it is not possible for Ocean Tugs, Auxiliary, ATA–121 Class, to com-

ply with the requirements of the statutes enumerated in said section 360, 33 U. S. C.;

Now, therefore, I Francis P. Matthews, Secretary of the Navy, as a result of the aforesaid study do hereby find and certify that the type of naval vessels known as Ocean Tugs, Auxiliary, ATA–121 Class, are naval vessels of special construction and that on such vessels, with respect to the position of the additional white light (commonly termed the range light), it is not possible to comply with the requirements of the statutes enumerated in section 360, 33 U. S. C. Further, I do find and certify that it is feasible to locate the said additional white light (commonly termed the range light), if such light is installed, forward of the masthead light in such position that the said additional white light and the masthead light shall be in line with the keel and the after light shall be at least fifteen feet higher than the forward light and the vertical distance between the two lights shall be less than the horizontal distance. I further direct that the aforesaid additional white light, if such light is installed, shall be located in the manner above described and I further certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C., this 26th day of June A. D. 1950.

FRANCIS P. MATTHEWS,
Secretary of the Navy.

[F. R. Doc. 50–5713; Filed, June 30, 1950; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4435]

BRANIFF AIRWAYS, INC.; LOCAL EXCURSION FARES INVESTIGATION

NOTICE OF HEARING

In the matter of the investigation to determine the lawfulness of the local excursion fares provided in the tariffs of Braniff Airways, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 404 and 1002 thereof, that hearing in the above-entitled proceeding is assigned to be held on July 27, 1950, at 10:00 a. m., e. d. s. t., in Room E–214, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented by the order of investigation, particular attention will be directed to the following matters and questions:

1. Are the fares, rules, and regulations under consideration unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial; and

2. If the fares, rules, and regulations under consideration in this proceeding are unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, what are the lawful fares which the Board should determine and prescribe?

For more detailed information with respect to the issues involved, attention is directed to the prehearing conference report issued in this proceeding on May 19, 1950.

Notice is also given that any person, other than parties of record as of June 27, 1950, desiring to be heard in this proceeding must file with the Board on or before July 27, 1950, a statement setting forth the issues of fact or law raised by this proceeding on which he desires to be heard.

For further details with respect to this investigation, interested parties are referred to the pertinent orders of the Civil Aeronautics Board on file in the docket.

Dated at Washington, D. C., June 27, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50–5710; Filed, June 30, 1950; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8714, 8919]

RADIO STATION KRMD (KRMD) AND LAKEWOOD BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Radio Station KRMD (KRMD) Shreveport, Louisiana, Docket No. 8919, File No. BP–5983; Eldridge C. Harrell and Delbert Davison, d/b as Lakewood Broadcasting Company, Dallas, Texas, Docket No. 8714, File No. BP–6309; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1950;

The Commission, having under consideration a petition filed December 1, 1949, by Eldridge C. Harrell and Delbert Davison, d/b as Lakewood Broadcasting Company requesting reconsideration and grant without hearing of its above-entitled application for construction permit for a new standard broadcast station at Dallas, Texas to operate on 1480 kc, with power of 1 kilowatt, unlimited time, employing a directional antenna both day and night;

It appearing, that, the above-entitled application was by order of August 11, 1949, designated for consolidated hearing with the conflicting applications of Evangeline Broadcasting Co., Inc. (KVOL), Lafayette, Louisiana and of Radio Station KRMD (KRMD), Shreveport, Louisiana to determine whether objectionable interference with the proposed operations of Stations KVOL and KRMD and with the existing operations of Station KPLT, Paris, Texas; and that North Texas Broadcasting Company, licensee of Station KPLT, was made a party to this proceeding; and

It further appearing, that on November 14, 1949 leave was granted to petitioner to amend its application to make certain changes in its directional antenna system; and that on December 6, 1949 the hearing scheduled herein was continued indefinitely; and

It further appearing, that upon reconsideration of the Lakewood Broadcasting Company application, as amended, and of the aforesaid petition, the proposed operation will involve objectionable interference with the existing operations of Station KPLT and with the proposed operation of Station KRMD; and that for this reason, among others, the Commission is unable to determine that a grant of the said application would serve public interest; and

It further appearing, that, petitioner has accordingly failed to make the necessary showing required by §§ 1.386 and 1.382 of the Commission's rules and regulations governing petitions for reconsideration and grants without hearing;

It is ordered, That, the aforesaid petition of the Lakewood Broadcasting Company for reconsideration and grant of its above-entitled application without hearing is denied; and

It is further ordered, That, the hearing in the above-entitled proceeding heretofore continued indefinitely be scheduled to commence at 10 a. m. on the 20th day of November 1950 at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–5739; Filed, June 30, 1950; 8:47 a. m.]

[Docket No. 9545]

TRI-BOROUGH BROADCASTING CO. (WAVL)

ORDER SCHEDULING HEARING

In re application of Cecil F. Clifton and Andrew J. West d/b as Tri-Borough Broadcasting Company (WAVL), Apollo, Pennsylvania, for construction permit; Docket No. 9545, File No. BP–7142.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1950;

The Commission, having under consideration a petition acompanied by an engineering affidavit, filed January 25, 1950, and supplemented on February 3, 1950, by Cecil F. Clifton and Andrew J. West, d/b as Tri-Borough Broadcasting Company, requesting reconsideration and grant without hearing of the above-entitled application for construction permit to increase the hours of operation of Station WAVL, Apollo, Pennsylvania, from daytime only to unlimited time, using power of 100 watts at night and to make changes in the vertical antenna;

It appearing, that, by order of January 4, 1950, the above-entitled application was designated for hearing to determine, among other things, whether the installation and operation of Station WAVL as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the following matters: type of transmitter to be used, coverage of the city of Apollo,

and assignment of a Class IV station to a regional channel; and

It further appearing, that, on March 10, 1950, the hearing on the above-entitled application was continued indefinitely pending consideration of the above-described petition; and

It further appearing, that, upon reconsideration of the above-described application, in the light of the information submitted with the aforesaid petition, the installation and operation of Station WAVL as proposed would not be in compliance with the Commission's rules and standards in that the type of transmitter to be used would be in violation of § 3.41 of the rules, coverage of the city of Apollo would not meet the requirements of the standards, and the proposed operation would not satisfy the conditions set forth in the standards for assignment of a Class IV station to a regional channel; and that for these reasons, among others, the Commission is unable to determine that a grant of said application would serve the public interest;

It is ordered, That, the aforesaid petition of Tri-Borough Broadcasting Company for reconsideration and grant without hearing of its above-entitled application is denied; and

It is further ordered, That, the hearing in the above-entitled proceeding, heretofore continued indefinitely pending action on the instant petition, be scheduled to commence at 10:00 a. m. on the 24th day of November 1950 at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–5743; Filed, June 30, 1950; 8:48 a. m.]

[Docket Nos. 9582, 9708]

RADIO STATION KWOC (KWOC) AND LEE BROADCASTING, INC. (WTAD)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of A. L. McCarthy and J. H. Wolpers, d/b as Radio Station KWOC (KWOC), Poplar Bluff, Missouri, Docket No. 9582, File No. BP–7342; Lee Broadcasting, Incorporated (WTAD), Quincy, Illinois, Docket No. 9708, File No. BP–7566; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 22d day of June 1950;

The Commission having under consideration the above-entitled application of Lee Broadcasting, Incorporated requesting a construction permit to increase the daytime power of Station WTAD, Quincy, Illinois from 1 kilowatt to 5 kilowatts and to install a new transmitter;

It appearing, that the Commission on February 8, 1950, designated for hearing the above-entitled application of A. L. McCarthy and J. H. Wolpers, d/b as Radio Station KWOC for a construction permit to change the facilities of Station KWOC, Poplar Bluff, Missouri from frequency 1340 kilocycles, 250 watts power, unlimited time to frequency 930 kilocycles, 1 kilowatt power, unlimited time and to install new transmitter; change transmitter location and to install directional antenna for night use only and named Lee Broadcasting, Incorporated, licensee of Station WTAD, Quincy, Illinois and WKY Radiophone Company, licensee of Station WKY, Oklahoma City, Oklahoma, parties respondent to the proceeding which is presently scheduled to commence on September 6, 1950, at Washington, D. C.

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Lee Broadcasting, Incorporated is designated for hearing in a consolidated proceeding with the application of A. L. McCarthy and J. H. Wolpers d/b as Radio Station KWOC at 10:00 a. m. on September 6, 1950, at Washington, D. C., upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant partnership and the partners and of the applicant corporation, its officers, directors, and stockholders to construct and operate Stations KWOC and WTAD as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Stations KWOC and WTAD as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KWOC as proposed would involve objectionable interference with Station WKY, Oklahoma City, Oklahoma, the presently licensed operation of Station WTAD, Quincy, Illinois, or with any other existing broadcast stations with particular reference as to whether the protection angle of the proposed operation is sufficient to adequately protect the nighttime service areas of Stations WKY and WTAD and whether the operation of Station WTAD as proposed would involve objectionable interference with the presently licensed operation of Station KIOA, Des Moines, Iowa, or with any other existing broadcast stations and, if there is objectionable interference involved, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Stations KWOC and WTAD as proposed would involve objectionable interference each with the other or with the services proposed in the application of Independent Broadcasting Company (File Number BP–7005, Docket Number 9582) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Stations KWOC and WTAD as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to whether the proposed operation of Station KWOC meets those provisions pertaining to the assignment of stations where objectionable interference would be received to a field intensity contour greater than that specified for a station of its class.

7. To determine the overlap, if any, that will exist between the service areas of Station KFAB, Omaha, Nebraska, and the proposed operation of Station WTAD, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding, should be granted.

It is further ordered, That the order of the Commission dated February 8, 1950, designating for hearing the above-entitled application of A. L. McCarthy and J. H. Wolpers d/b as Radio Station KWOC is amended to include the application of Lee Broadcasting, Incorporated, and to revise all issues therein to include and conform with all issues specified herein; and

It is further ordered, That Independent Broadcasting Company, licensee of Station KIOA, Des Moines, Iowa, is made a party to the proceeding with reference to the application of Lee Broadcasting, Incorporated, only and that WKY Radiophone Company, licensee of Station WKY, Oklahoma City, Oklahoma, is a party to this proceeding with reference to the application of A. L. McCarthy and J. H. Wolpers d/b as Radio Station KWOC only.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–5738; Filed, June 30, 1950; 8:47 a. m.]

[Docket No. 9658]

SOUTH ST. PAUL BROADCASTING CO.

ORDER DELETING ISSUE

In re application of Victor J. Tedesco, Albert S. Tedesco, Antonio S. Tedesco and Nicholas Tedesco d/b as South St. Paul Broadcasting Company, South St. Paul, Minnesota, for construction permit; Docket No. 9658, File No. BP–7576.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1950;

The Commission having under consideration the above-entitled application for a permit to construct a new standard broadcast station to operate on 1590 kilocycles with 1 kilowatt power, daytime only, at South St. Paul, Minnesota;

It appearing, that the said application was designated for hearing May 12, 1950, to determine, among other things, whether any overlap in contravention of

§ 3.25 of the Commission's rules exists between the service areas of the proposed station and of Station WSHB, Stillwater, Minnesota, and the nature and extent thereof;

It further appearing, that all parties to the above-entitled application have relinquished their ownership interests in Station WSHB as the result of a voluntary assignment of license from the St. Croix Broadcasting Company to William F. Johns, Jr., and Penrose H. Johns, a partnership d/b as St. Croix Broadcasting Company, granted by Commission action on March 30, 1950;

It is ordered, That the Commission's order of May 12, 1950, designating the above-entitled application for hearing, is amended to delete Issue Number 1 therefrom.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-5742; Filed, June 30, 1950; 8:48 a. m.]

[Docket No. 9692]

ST. JOSEPH VALLEY BROADCASTING CORP.

ORDER SETTING DATE FOR HEARING

In re application of St. Joseph Valley Broadcasting Corporation, South Bend, Indiana, for renewal of license of Station WJVA; Docket No. 9692, File No. BR-1877.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of June 1950,

The Commission having, on May 23, 1950, by order, designated the above-entitled application for hearing; and

It appearing, that the time and place for such hearing has not been designated;

It is ordered, That the above hearing be held at 10:00 a. m., Monday, August 7, 1950, at South Bend, Indiana.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-5736; Filed, June 30, 1950; 8:47 a. m.]

[Docket No. 9705]

PRAIRIE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Prairie Broadcasting Company, Beaver Dam, Wisconsin, for construction permit; Docket No. 9705, File No. BP-7554.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1950;

The Commission having under consideration the above-entitled application for a permit to construct a new standard broadcast station to operate daytime only on frequency 740 kilocycles with 250 watts power at Beaver Dam, Wisconsin;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on November 14, 1950, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WGN, Chicago, Illinois or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That WGN, Inc., licensee of Station WGN, Chicago, Illinois is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-5737; Filed, June 30, 1950; 8:47 a. m.]

[Docket Nos. 9710, 9711]

MARSHALL FORMBY AND DALRAD ASSOCIATES

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Marshall Formby, Spur, Texas, Docket No. 9710; File No. BP-7577; Ed Bishop and Baird Bishop d/b as Dalrad Associates, Memphis, Texas, Docket No. 9711, File No. BP-7611; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1950;

The Commission having under consideration the above-entitled applications of Marshall Formby requesting a permit to construct a new standard broadcast station to operate on frequency 1260 kilocycles, with 250 watts power, daytime only at Spur, Texas, and of Ed Bishop and Baird Bishop d/b as Dalrad Associates requesting a permit to construct a new standard broadcast station to operate on frequency 1260 kilocycles, with 500 watts power, daytime only at Memphis, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at 10:00 a. m. on November 24, 1950 at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the individual applicant and the technical, financial and other qualifications of the applicant partnership and the partners to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of Station KSNY and of the operation proposed in the application of West Texas Broadcasters Incorporated (File Number BP-7222, Docket Number 9611) for a permit to construct a new standard broadcast station at Floydada, Texas, with the operation proposed in the above-entitled application of Marshall Formby, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-5740; Filed, June 30, 1950; 8:47 a. m.]

[Docket Nos. 9712, 9713]

CECIL W. ROBERTS AND PYRAMID RADIO BROADCASTING AND TELEVISION CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Cecil W. Roberts (KREI), Farmington, Missouri, Docket No. 9712, File No. BP-7572; Pyramid Radio Broadcasting and Television Company, Incorporated, West Frankfort, Illinois, Docket No. 9713, File No. BP-7610; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1950;

The Commission having under consideration the above-entitled applications of Cecil W. Roberts requesting a construction permit to change the frequency of Station KREI, Farmington, Missouri, from frequency 1350 kilocycles to 800 kilocycles and of Pyramid Radio Broadcasting and Television Company, Incorporated, requesting a construction permit for a new standard broadcast station to operate on frequency 800 kilocycles, with 1 kilowatt power, daytime only at West Frankfort, Illinois;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at 10:00 a. m. o November 27, 1950, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the individual applicant and the legal, technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station KREI as proposed and the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KREI as proposed and the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served:

4. To determine whether the operation of Station KREI as proposed and the proposed station would involve objectionable interference with Station KXIC, Iowa City, Iowa, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KREI as proposed and the proposed station would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KREI as proposed and the proposed station would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of Station WKYB and the operation proposed in the above-entitled application of Pyramid Radio Broadcasting and Television Company, Incorporated, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding, should be granted.

It is further ordered, That Johnson County Broadcasting Corporation, licensee of Station KXIC, Iowa City, Iowa, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary,

[F R. Doc. 50-5741; Filed, June 30, 1950; 8:48 a. m.]

FEDERAL MARITIME BOARD

AMERICAN PRESIDENT LINES, LTD., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended:

Agreement No. 7767, between American President Lines, Ltd., and Railway Express Agency, Inc., is an arrangement whereby American President Lines, Ltd., agrees to transport the business of Railway Express Agency, Inc., in the trade between San Francisco or Los Angeles Harbor and Hawaiian Islands at specified rates. American President Lines, Ltd., is relieved from liability in the handling of money, currency, gold coin, valuables and merchandise on which Railway Express Agency, Inc., is to carry marine insurance. Agreement 7767 will supersede agreements 7649 and 7619.

Agreement No. 7766, between Matson Navigation Company and Railway Express Agency, Inc., is an arrangement whereby Matson Navigation Company agrees to transport the business of the Railway Express Agency, Inc., in the trade between San Francisco or Los Angeles Harbor and Hawaiian Islands at specified rates. Matson Navigation Company is relieved from liability in the handling of money, currency, gold coin, valuables and merchandise on which Railway Express Agency, Inc., is to carry marine insurance. Agreement 7766 will supersede agreements 7647 and 7571.

Agreement No. 7762, between Bull Insular Line, Inc. and the carriers comprising the Barber-Wilhelmsen Line, covers transportation of general cargo under through bills of lading from Japan and the Philippine Islands to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia.

Agreement No. 5600-15 (Revised), between the member lines of the Associated Steamship Lines (Manila) Conference, modifies the basic agreement of said conference (No. 5600) to provide that member lines or their agents may handle or husband non-conference tonnage, provided such operation does not conflict or harm the interests of any of the member lines of the Conference, but under no circumstances are members or their agents permitted to act as cargo booking agents for any non-conference vessel regardless of whether conference rates are observed and irrespective of whether the member or his agent husbands the vessel or not. Agreement No. 5600 covers the trades from the Philippine Islands to or via ports in Ceylon, India, Pakistan, Malaya, East Indies, Indo-China, Burma, Siam, Hong Kong, China, Korea, Japan, Siberia, United States of America, Canada, Cuba, Mexico, Central America, Canal Zone, South America, Caribbean Sea Ports, the West Indies, Australia and New Zealand.

Agreement No. 5590-5, between the member lines of the United States Atlantic and Gulf/Haiti Conference, modifies the first sentence of Item 7 of the Rules & Regulations attached to and made a part of the basic agreement of said Conference (No. 5590) to provide that member lines may equalize marine insurance when authorized by unanimous vote of the Conference. As presently worded the first sentence of said Item 7 prohibits equalization of marine insurance.

Agreement No. 4294-10, between the member lines of the Pacific/Caribbean Sea Ports Conference, modifies the basic agreement of said Conference (No. 4294) by extending the geographic scope thereof to include the East Coast of the Republic of Panama (except Colon). Agreement 4294 as presently worded covers the trade from U. S. and Canadian Pacific Coast ports to Barbados, British Guiana, British Honduras, East Coast of Colombia, East Coast of Costa Rica, Cuba, Dominican Republic, French Guiana, French West Indies, East Coast of Guatemala, Haiti, East Coast of Honduras, Jamaica, Leeward and Windward Islands, Netherlands West Indies, East Coast of Nicaragua, Surinam, Trinidad and Venezuela.

Agreement No. 4189-15, between the member lines of the Havana Steamship Conference, modifies the basic agreement of said Conference (No. 4189) by extending the geographical scope thereof to include the Cuban Mainland Outports of Mariel and Matanzas. Agreement No. 4189 as presently worded covers the trade from North Atlantic ports in the States of Maine to Virginia, inclusive, to Havana, Cuba.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Maritime Administration, Department of Commerce, Washington, D. C., and may submit, within 20 days after publication of this notice, written statements with reference to any of the agreements and their

position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: June 28, 1950, at Washington, D. C.

By the Board.

[SEAL] A. J. WILLIAMS,
Acting Secretary.

[F. R. Doc. 50-5734; Filed, June 30, 1950; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. 1892]

NEW ENGLAND POWER CO.

NOTICE OF ORDER EXTENDING TIME FOR COMPLETION OF CONSTRUCTION

JUNE 27, 1950.

Notice is hereby given that, on June 26, 1950, the Federal Power Commission issued its order entered June 23, 1950, extending until December 31, 1950, the time for completion of construction in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5714; Filed, June 30, 1950; 8:46 a. m.]

[Docket No. E-6258]

BRAZOS RIVER CONSERVATION AND RECLAMATION DISTRICT

ORDER POSTPONING DATE OF HEARING

JUNE 26, 1950.

On May 23 and June 1, 1950, the Commission issued its orders setting the above-entitled matter for a public hearing on June 28, 1950. The Brazos River Conservation and Reclamation District has requested a postponement of the date set in order to afford additional time to prepare for the hearing.

The Commission finds: It is appropriate and good cause exists to postpone the hearing in this matter to September 13, 1950.

The Commission orders: The hearing in the above-entitled matter now set to commence on June 28, 1950, be and the same is hereby postponed to commence on September 13, 1950, at the same time and place specified in the order of the Commission dated May 23, 1950.

Date of issuance: June 27, 1950.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5716; Filed, June 30, 1950; 8:46 a. m.]

[Project No. 2049]

G. L. CARRICO

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JUNE 26, 1950.

Public notice is hereby given that G. L. Carrico, of San Francisco, California, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for preliminary permit for proposed water-power Project No. 2049 to be located on Middle Fork of Eel River, Hulls Creek (tributary of North Fork of Eel River), and Short Creek (tributary of Middle Fork of Eel River) in Mendocino and Trinity Counties, California, and consisting of a dam (No. 1) on Middle Fork of Eel River, a tunnel about 4 miles long, a penstock, and a powerhouse (No. 1) on Hulls Creek; a main storage dam (No. 2) on Hulls Creek creating a reservoir with capacity of about 250,000 acre-feet and area of about 1,200 acres, from which water would be diverted into Short Creek through a penstock leading to a power-house (No. 2) which would be constructed on that stream; a dam (No. 3) on Short Creek, a penstock, and a power-house (No. 3); a dam (No. 4) on Short Creek below powerhouse No. 3, impounding approximately 10,000 acre-feet of water; and appurtenant facilities. Dam No. 4 would be constructed primarily to provide water for irrigation but would also serve as a reregulating dam. The combined proposed installed capacity of the three powerhouses is 27,500 kilowatts. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before August 4, 1950, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5715; Filed, June 30, 1950; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25208]

COAL TO SOUTH CAROLINA

APPLICATION FOR RELIEF

JUNE 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to tariffs named on attached sheet.

Commodities involved: Coal, carloads.

From: Points in Kentucky, Tennessee, Virginia and West Virginia.

To: Points in South Carolina.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates:

Supplement:	*Tariffs*
42	Clinchfield I. C. C. No. 189.
43	C&O I. C. C. No. 12888.
4	L&N I. C. C. No. A-16745.
90	N&W I. C. C. No. 3211-B.
9	Southern I. C. C. No. A-11165.
78	Virginian I. C. C. No. 2145.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-5729; Filed, June 30, 1950; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14757]

DR. SIGMUND MARTIN HAFFNER

In re: Rights of Dr. Sigmund Martin Haffner under Insurance Contracts. File Nos. F-28-8251-H-2, H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Sigmund Martin Haffner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policy Nos. 240570 and 240573, issued by the Northwestern National Life Insurance Company, Minneapolis, Minnesota, to Dr. Sigmund Martin Haffner, together with a right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5745; Filed, June 30, 1950; 8:49 a. m.]

[Vesting Order 14758]

YEIZO HAYASHIMA

In re: Rights of Yeizo Hayashima under insurance contract. File No. F-39-4389-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yeizo Hayashima, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8 575 520, issued by the New York Life Insurance Company, New York, New York, to Yeizo Hayashima, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5747; Filed, June 30, 1950; 8:49 a. m.]

[Vesting Order 14759]

FREDERICK KLAEBER

In re: Rights of Frederick Klaeber under Insurance Contracts. Files No. F-28-13724-H-1, H-2, H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederick Klaeber, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 1616755, 1643962 and 1684820, issued by The Travelers Insurance Company, Hartford, Connecticut, to Frederick Klaeber and Emma Agnes Charlotte Klaeber, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5746; Filed, June 30, 1950; 8:49 a. m.]

[Vesting Order 14784]

THEODORE SEEWANN

In re: Bank account owned by Theodore Seewann and Edith Seewann. F-28-30762-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodore Seewann and Edith Seewann, each of whose last known address is Wilhelmshaven, Weserstrasse 73, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Emigrant Industrial Savings Bank, 51 Chambers Street, New York 8, New York, arising out of a savings account, account number 212625, entitled Theodore Seewann or wife Edith, or the survivor, maintained at the branch office of the aforesaid bank located at 5 East 42d Street, New York 17, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Theodore Seewann and Edith Seewann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5698; Filed, June 29, 1950; 8:52 a. m.]

[Vesting Order 14787]

JOACHIM WOLFF

In re: Debt owing to Joachim Wolff. F-28-25896-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joachim Wolff, whose last known address is Bredtshneider Str. 16, Berlin, West End, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Joachim Wolff, by The Equitable Life Assurance Society of the United States, 393 Seventh Avenue, New York, New York, representing renewal commissions acruing to Joachim Wolff while under contract as agent of the aforesaid Equitable Life Assurance Society of the United States, and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5699; Filed, June 29, 1950; 8:52 a. m.]

[Vesting Order 14531, Amdt.]

LOUISE CRONEMEYER

In re: Stock and bank account owned by Louise Cronemeyer.

Vesting Order 14531, dated April 7, 1950, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached to and by reference made a part of the aforesaid Vesting Order 14531, the certificate number PR 2659 and the figures "4/5" set forth with respect to common no par value stock of Pennsylvania Power and Light Company, 9th and Hamilton Streets, Allentown, Pennsylvania,

By adding to said Vesting Order 14531 after subparagraph 2 (c) a new subparagraph numbered 2 (d) and reading as follows:

(d) Cash in the amount of $10.40 representing the redemption proceeds of 4/8ths of a share of common capital stock of Pennsylvania Power and Light Company, 9th and Hamilton Streets, Allentown, Pennsylvania, and presently in the custody of the Attorney General of the United States, and

By deleting from Exhibit A, attached to and by reference made a part of said Vesting Order 14531, the certificate number NYD 625568 set forth with respect to 3 shares of no par value common stock of General Electric Company, 1 River Road, Schenectady, New York, and substituting therefore the certificate number NYD 625658,

All other provisions of said Vesting Order 14531 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5749; Filed, June 29, 1950; 8:49 a. m.]

[Return Order 676]

SOCIETE POUR L'APPLICATION DES TRANSMISSIONS AUTOMATIQUES FLEISCHEL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Societe pour l'Application des Transmissions Automatiques Fleischel, Luxembourg, Luxembourg; Claim No. 6974; May 20, 1950 (15 F. R. 3126), property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,993,544 and 1,996,915. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5751; Filed, June 30, 1950; 8:47 a. m.]

[Vesting Order 14779]

ANNA MEISSNER

In re: Bank account owned by and debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Anna Meissner, deceased. F-28-13088-E-3, F-28-13088-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees, and distributees of Anna Meissner, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Union Dime Savings Bank, 1065 Avenue of The Americas, New York 18, New York, arising out of a savings account, account number 1,020,934, entitled Anna Meissner, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Margaret L. Nicol, 241 East 236 Street, New York, New York, representing funds placed in the custody of the aforesaid Margaret L. Nicol by Anna Meissner, now deceased, together with any and all rights to demand, enforce collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Anna Meissner, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Anna Meissner, deceased, are not within a designated enemy country, the national interest of the United States requires such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5697; Filed, June 29, 1950; 8:52 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 15 NUMBER 128

Washington, Tuesday, July 4, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10135

FURTHER EXTENSION OF EXECUTIVE ORDER NO. 9898[1] OF OCTOBER 14, 1947, AS AMENDED, SUSPENDING THE EIGHT-HOUR LAW AS TO LABORERS AND MECHANICS EMPLOYED BY THE DEPARTMENTS OF THE ARMY AND THE AIR FORCE ON CERTAIN PUBLIC WORKS

WHEREAS Executive Order No. 9898 of October 14, 1947, as amended by Executive Order No. 9926[2] of January 17, 1948, and as extended by Executive Order No. 9974[3] of July 1, 1948, and Executive Order No. 10064[4] of June 30, 1949, suspends until July 1, 1950, the provisions of section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (the eight-hour law) as to all work performed by laborers and mechanics employed by the Department of the Army or the Department of the Air Force with respect to which the Secretary of the Army or the Secretary of the Air Force, respectively, shall find suspension essential to (1) the supply and maintenance of the military or naval forces, (2) the completion of essential construction, or (3) the fulfillment of international commitments: *Provided*, that the wages of all laborers and mechanics so employed shall be computed on a basic day rate of eight hours of work with overtime to be paid at time and one-half for all hours of work in excess of eight hours in any one day; and

WHEREAS I find that the extraordinary emergency described in the said Executive Order No. 9898 and constituting the basis of the suspension effected thereby still exists:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the said act of August 1, 1892, as amended by the said act of March 3, 1913, and as President of the United States, I hereby further extend the provisions of the said Executive Order No. 9898 of October 14, 1947, as amended by Executive Order No. 9926 of January 17, 1948, to July 1, 1951.

This order shall become effective on July 1, 1950.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 30, 1950.

[F. R. Doc. 50-5845; Filed, June 30, 1950; 4:25 p. m.]

[1] 3 CFR, 1947 Supp.
[2] 3 CFR, 1948 Supp.
[3] 3 CFR, 1949 Supp.

EXECUTIVE ORDER 10136

FURTHER AMENDMENT OF EXECUTIVE ORDER NO. 10084[1] OF OCTOBER 12, 1949, PRESCRIBING REGULATIONS FOR THE ADMINISTRATION OF CERTAIN PROVISIONS OF THE CAREER COMPENSATION ACT OF 1949

By virtue of and pursuant to the authority vested in me by the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351, 81st Congress), Executive Order No. 10084 of October 12, 1949, entitled "Prescribing Regulations for the Administration of Certain Provisions of the Career Compensation Act of 1949", as amended by Executive Orders No. 10098[2] of January 25, 1950, and No. 10118[3] of March 27, 1950, is hereby further amended as follows:

1. To the extent that such order adopts and prescribes regulations required or authorized to be prescribed by the President under sections 201 (e), 204, 206, and 501 (d) of the Career Compensation Act of 1949 it shall continue in effect until August 31, 1950.

2. To the extent that such order adopts and prescribes regulations required or authorized to be prescribed by the President under section 302 of the Career Compensation Act of 1949 it shall continue in effect until September 30, 1950.

[1] 3 CFR, 1949 Supp.
[2] 15 F. R. 461.
[3] 15 F. R. 1767.

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This order shall become effective on July 1, 1950.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 30, 1950.

[F. R. Doc. 50–5846; Filed, June 30, 1950; 4:25 p. m.]

EXECUTIVE ORDER 10137

AMENDING EXECUTIVE ORDER NO. 10077[1] OF SEPTEMBER 7, 1949, ENTITLED "TRANSFER OF THE ADMINISTRATION OF THE ISLAND OF GUAM FROM THE SECRETARY OF THE NAVY TO THE SECRETARY OF THE INTERIOR"

By virtue of the authority vested in me as President of the United States, and finding such action to be in the public interest, Executive Order No. 10077 of September 7, 1949, which transfers the adminstration of the Island of Guam from the Secretary of the Navy to the Secretary of the Interior and revokes Executive Order No. 108–A of December 23, 1898, effective as of July 1, 1950, is hereby amended by changing the effective date of such transfer of administration and such revocation to August 1, 1950.

This order shall become effective on June 30, 1950.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 30, 1950.

[F. R. Doc. 50–5847; Filed, June 30, 1950; 4:25 p. m.]

EXECUTIVE ORDER 10138

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTE BETWEEN THE TOLEDO, LORAIN & FAIRPORT DOCK COMPANY AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Toledo, Lorain & Fairport Dock Company, a carrier, and certain of its employees represented by the International Longshoremen's Association, A. F. of L., a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Toledo, Lorain & Fairport Dock Company or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 3, 1950.

[F. R. Doc. 50–5884; Filed, July 3, 1950; 12:46 p. m.]

EXECUTIVE ORDER 10139

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTE BETWEEN THE TOLEDO LAKEFRONT DOCK COMPANY AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Toledo Lakefront Dock Company, a carrier, and certain of its employees represented by the International Longshoremen's Association, Local 158, A. F. of L., a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Toledo Lakefront Dock Company or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 3, 1950.

[F. R. Doc. 50–5883; Filed, July 3, 1950; 12:46 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT, TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (a) of § 24.108 is amended to read as follows:

§ 24.108 *Social Worker—Public Welfare Adviser (Child Welfare) GS–102–9–13*—(a) *Educational requirement.* Applicants must have completed 2 years (1 year for legislation specialists) of study in an accredited school of social work, including courses in case work, child welfare, and supervised field work in case work.

2. Paragraph (a) of § 24.109 is amended to read as follows:

§ 24.109 *Social Worker — Public Welfare Advisor (Psychiatric and Medical), GS–185–12–13 and GS–102–11–13*—(a) *Educational requirement.* Applicants must have completed 2 years of study in an accredited school of social work, including courses in case work, psychiatric information, medical information, and supervised field work in case work.

3. Section 24.110 is hereby added as follows:

§ 24.110 *Social Worker, Public Welfare Adviser (Public Assistance), GS–102–9–13*—(a) *Educational requirement.* Applicants must have completed 1 year of study in an accredited school of social work, including courses in case work and supervised field work in case work.

(b) *Duties.* Social workers, Public Welfare Advisers (Public Assistance), render advisory services for operating social welfare programs in the development and carrying out on a nation-wide basis of a broad public welfare program for financial assistance and case work services to the needy aged, needy blind, and dependent children. They exercise leadership in assisting State welfare departments to use effectively Federal and State resources and to develop programs not only to meet economic need but also to develop and strengthen case work services. They advise State welfare departments on legislation, organization, social policies, and methods of social investigations and social treatment that will facilitate efficient and equitable ad-

[1] 3 CFR, 1949 Supp.

ministration by the States and extend to individual recipients opportunity to utilize fully benefits and services. They report back to the Federal agency on the impact of the program in communities and in typical individual case situations for the purpose of guiding the development or modification of policy.

(c) *Knowledge and training requisite for performance of duties.* The duties require a knowledge of the field of social case work and public welfare administration. An understanding of the norms of individual behavior and family life, typical deviations from these norms, the effects of financial dependency upon the individual and society, economic risks against which safeguards should be provided, knowledge of the principles of the social investigation and social treatment are required. This knowledge can be acquired only through the completion of the training shown in paragraph (a) of this section in which there is competent instruction and integration of principles and techniques through carefully supervised practice in a controlled setting and the application of sound standards in evaluation of progress.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860. Interprets or applies sec. 5, 58 Stat. 388; 5 U. S. C. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-5766; Filed, July 3, 1950; 8:47 a. m.]

PART 29—RETIREMENT

DESIGNATION OF BENEFICIARY

Section 29.9 is amended to read as follows:

§ 29.9 *Designation of beneficiary.* (a) The designation of beneficiary shall be in writing, signed and witnessed, and received in the Civil Service Commission prior to the death of the designator.

(b) No change or cancellation of beneficiary in a last will or testament, or in any other document not witnessed and filed as required by this section shall have any force or effect.

(c) A witness to a designation of beneficiary is ineligible to receive payment as a beneficiary.

(d) Any person, firm, corporation, or legal entity may be named as beneficiary.

(e) A change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary, and this right cannot be waived or restricted.

(f) All designations received in the Civil Service Commission before September 1, 1950, shall be null and void, except where an application for benefits based on the designator's death is received in the Commission prior to January 1, 1951.

(g) This section shall apply to designations, changes or revocations of beneficiary by employees or former employees subject to the act of May 29, 1930, as amended.

(Sec. 17, 46 Stat. 476; 5 U. S. C. 709. Interprets or applies sec. 12, as amended; 5 U. S. C., Sup. 724)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-5767; Filed, July 3, 1950; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

UNITED STATES STANDARDS FOR GREEN CORN

On May 24, 1950, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 50-4389; 15 F. R. 3157) regarding the proposed revision of United States Standards for Green Corn currently in effect. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the revised United States Standards for Green Corn that are hereinafter set forth and which will supersede the United States Standards for Green Corn that have been in effect since March 12, 1945, are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949):

§ 51.202 *Standards for green corn*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 shall consist of ears of green corn of similar varietal characteristics which are well trimmed, well formed, and free from smut, decay and from damage caused by other disease, insects, birds, mechanical or other means. Cobs shall be well filled, with plump and milky kernels and well covered with fresh, green husks.

(i) Each ear may be clipped but unless otherwise specified, the length of each cob, clipped or unclipped, shall be not less than 5 inches. Each clipped ear shall be properly clipped.

(ii) In order to allow for variations other than length of cob incident to proper grading and handling, not more than 10 percent, by count, of the ears of corn in any lot may fail to meet the requirements of this grade, including not more than 2 percent for ears affected by decay. In addition, not more than 5 percent, by count, of the ears in any lot may fail to meet the requirements as to length of cob.

(2) *U. S. Fancy.* U. S. Fancy shall consist of ears of green corn which meet the requirements of U. S. No. 1 grade, except that the ears shall be free from worms and insect injury, and the length of the cob shall be not less than 6 inches and the ears shall not be clipped.

(i) In order to allow for variations, other than length of cob, incident to proper grading and handling, not more than 10 percent, by count, of the ears of corn in any lot may fail to meet the requirements of this grade, including not more than 2 percent for ears affected by decay. In addition, not more than 5 percent, by count, of the ears in any lot may fail to meet the requirements of this grade, including not more than 2 percent for ears affected by decay, and not more than 5 percent, by count, of the ears in any lot may fail to meet the requirements as to length of cob.

(b) *Unclassified.* Unclassified shall consist of corn which fails to meet the requirements of either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Count.* The number of ears in the container may be specified by numerical count or in terms of dozens or half dozens. Variation from the number specified shall be as follows: *Provided,* That the lot averages not more than one ear less than the number specified:

60 ears or less, 3 ear variation.
More than 60 ears, 4 ear variation.

(d) *Application of tolerances.* (1) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(2) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

(3) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

(e) *Definitions.* (1) "Similar varietal characteristics" means that the ears in any container are of similar color and character of growth. Ears of field and sweet corn or white and yellow corn shall not be mixed in the same container.

(2) "Well trimmed" means that the ears are practically free from loose husks and that the shank shall be not more than 6 inches in length and not extend more than 1 inch beyond the point of attachment of the outside husk.

(3) "Well formed" means that the ears are not stunted. Nubbins are not well formed ears.

(4) "Damage" means injury from any cause which materially affects the appearance, or the edible or shipping quality of the ear. Unclipped ears showing worm injury extending not more than one and one-half inches from the tip of the cob shall not be regarded as damaged, but worm injury affecting kernels on other parts of the cob shall be considered as damage. When ears are clipped, any worm injury remaining shall be regarded as damage.

(5) "Well filled" means that the rows of kernels show fairly uniform development, and that the appearance and quality of the edible portion of the ear are not materially affected by poorly developed rows. When the ear has not been clipped, not more than one-fourth of the length of the cob may have poorly developed or missing kernels at the tip. When the ear has been clipped it shall have practically no poorly developed kernels at the tip of the cob. Missing or poorly developed kernels on other parts of the ear shall not aggregate more than one square inch on a cob 6 inches in length, and a proportionally greater area shall be permitted on a longer cob and a proportionally lesser area on a shorter cob.

(6) "Plump and milky" means that the kernels are well developed but are not overmature or shriveled.

(7) "Fresh" means that the husks are not badly wilted, dried, or turning yellow or brown.

(8) "Properly clipped" means that either the end of the cob, or the end of the cob and husk have been neatly removed at approximately a right angle to the longitudinal axis.

(f) *Effective time and supersedure.* The revised United States Standards for Green Corn contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER and thereupon supersede the current United States Standards for Green Corn which have been in effect since March 12, 1945.

(Pub. Law 146, 81st Cong.)

Done at Washington, D. C., this 29th day of June 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-5803; Filed, July 3, 1950; 8:52 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 863.3]

PART 863—SUGARCANE; FLORIDA

WAGE RATES DURING PERIOD JULY 1, 1950 THROUGH JUNE 30, 1951

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Clewiston, Florida on May 6, 1950, the following determination is hereby issued:

§ 863.3 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1950 through June 30, 1951*—(a) *Wage requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in Florida during the period from July 1, 1950 through June 30, 1951, if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer, but, after July 1, 1950, or the date of issuance of this determination, whichever is later, not less than the following:

(i) *For work performed on a time basis:*

	Cents per hour
(a) All work except as otherwise specified:	
Adult males	45.0
Adult females	38.0
(b) Tractor drivers and operators of mechanical harvesting or loading equipment	55.0
(c) Workers between 14 and 16 years of age (maximum employment per day for such workers, without deduction from payments under the Act to the producer, is 8 hours)	38.0

(ii) *For work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the laborer: *Provided,* That the hourly rate of earnings of each laborer employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate prescribed in subdivision (i) of this subparagraph.

(b) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborers, without charge, the perquisites customarily furnished by him, such as a habitable house, garden plot, medical attention, and similar items.

(c) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined in this section through any subterfuge or device whatsoever.

(d) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Production and Marketing Administration Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the office of the local County PMA Committee. Upon receipt of a wage claim the County PMA Committee shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer, and, after making such investigation as it deems necessary, notify the producer and laborer in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State PMA Committee, Seagle Building, Gainesville, Florida, which shall likewise consider the facts and notify the producer and laborer in writing of its recommendation for settlement of the claim. If the recommendation of the State PMA Committee is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer must pay, as a minimum, for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida during the period from July 1, 1950, through June 30, 1951, as one of the conditions for payment under the act. In this statement, the foregoing determination, as well as determinations for prior years, will be referred to as "wage determination" identified by the period for which effective.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates it is required under the act that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2), the differences in conditions among various sugar producing areas.

A public hearing was held in Clewiston, Florida, on May 6, 1950, at which interested persons presented testimony with respect to fair and reasonable wage rates for sugarcane work during the period from July 1, 1950 through June 30, 1951. In addition, investigations have been made of conditions affecting such wage rates. In this determination consideration has been given to the testimony presented at the hearing and to information resulting from investigations. The primary factors which have been considered are (1) prices of sugar and by-products; (2) income from sugarcane; (3) costs of production; (4) cost of living; (5) relationship of labor cost to total cost. Other economic influences also have been considered.

(c) *Background.* Wage determinations for sugarcane work in Florida have been issued each year since 1937. The first covered work in the harvesting of the 1937 crop while subsequent determinations covered all work applicable to the production, cultivation, or harvesting. Until the 1945-46 crop harvesting wage determination, two wage determinations were issued each year, one covering production and cultivation for a calendar year, the other covering the harvesting of a crop. In the 1945-46 crop harvesting wage determination, production and cultivation wage rates also were included for the first six months of the calendar year 1946. Beginning July 1, 1946, a single determination has been issued each year for a 12-month period covering production, cultivation, and harvesting wages.

The early determinations specified time rates for adult male and female workers with alternative tonnage rates for harvesting. Subsequently, rate coverage was extended to include semi-skilled workers and workers between 14

and 16 years of age. Beginning with the 1946–47 wage determination the rate differential theretofore existing between harvest and nonharvest operations were eliminated. The time rates subsequently provided were applicable to all work on sugarcane. Also, the practice of establishing specific harvesting piecework rates was discontinued beginning with the 1946–47 wage determination. This latter change was made because the use of tonnage rates was discontinued by producers in favor of row rates since the latter were believed to provide greater incentive for increased output and earnings.

The many variable factors involved made it impracticable to establish per row rates in subsequent determinations. However, provision was made for piecework rates by specifying that such rates for all classes of work were to be as agreed upon between producers and workers but subject to a minimum hourly guarantee of the workers' earnings. In the 1946–47 and 1947–48 wage determinations there were minor variations with respect to the amount or applicability of the minimum hourly guarantee. However, since July 1, 1948, the hourly earnings guarantee provisions have applied to all workers employed on a piecework basis in either harvest or nonharvest work and have been at rates not less than the applicable basic hourly rate for the class of work stipulated in the determination.

Generally, the level of rates established in the early determinations reflected the wage-income relationship prior to 1938. In the wage determinations covering the 1944–45 crop, an adjustment was made in the wage-income relationship after reappraisal of the factors influencing wage rates. Wage rates have been adjusted periodically to recognize economic changes. As a result of changes in the economic factors affecting wage rates, together with the adjustment in the wage-income relationship, the weighted average basic time rates have been increased from 17.9 cents per hour in 1938 to 45.8 cents per hour in 1949–50, an increase of 155.9 percent.

(d) *1950–51 wage determination.* The 1950–51 wage determination continues unchanged the basic wage rate structure of the 1949–50 wage determination. There is included for the first time a provision which sets forth the procedure which should be followed by a person who believes he has not been paid in accordance with this determination. Although wage claim procedure has been in effect in prior years, its inclusion in wage determinations will make such information generally available to all producers and laborers.

An examination of the economic factors generally considered in wage determinations indicates that there has been reasonable stability in such factors during the past year. While production costs averaged somewhat lower due to slight declines in prices paid for commodities and somewhat higher production yields, producer income was also lower. The reduction in producer income is attributable largely to declines in the price of molasses. Available data indicate that labor productivity has improved as compared with prior years. Despite these changes, the relationship of labor costs to total costs is practically unchanged. In addition, living costs to workers are not significantly different than a year ago.

In this area a considerable portion of cultivation and harvesting work is performed on a piecework basis and workers' earnings are considerably above the minimum rates established. During 1949–50 the earnings of workers employed on piecework in cultivation were reported to average about 60 cents per hour and between 73 and 98 cents per hour for cutting sugarcane during the harvest. In a number of instances the actual hourly rates paid to workers employed on a time basis also were significantly above the minimum rates provided. In addition to these wages, producers furnish workers, without charge, the customary perquisites such as housing, water, garden plot, and medical attention.

At the public hearing it was recommended that the minimum guarantee of earnings to workers employed on a piecework basis be eliminated from the determination. While consideration has been given to this recommendation, it is believed that the absence of a minimum guarantee of earnings in cases where minimum piecework rates are not specified would deny to the majority of workers the protection of the wage provisions of the Act. The continuation of the provisions of the 1949–50 wage determination will afford adequate protection to workers and permits desired flexibility in the wage scale for the Florida sugarcane producing area. After consideration of the economic factors affecting the production of sugarcane in Florida and testimony presented at the public hearing, it is deemed fair and reasonable to continue unchanged the basic rates specified in the 1949–50 wage determination.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup., 1131)

Issued this 29th day of June 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–5770; Filed, July 3, 1950; 9:00 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS OF COLORADO AREA NO. 3 POTATOES DURING THE PERIOD JULY 10, 1950, THROUGH MAY 31, 1951

Notice of proposed rule making with respect to shipments of potatoes grown in Area 3, State of Colorado, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR, Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER (15 F. R. 3968). This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051). After consideration of all relevant matters presented, including the proposed rule set forth in the aforesaid notice, which proposed rule was recommended by the administrative committee for Area No. 3 (established pursuant to said marketing agreement and order), it is hereby found that the limitation of shipments hereinafter set forth, in the manner herein provided, will tend to effectuate the declared policy of the act.

§ 958.305 *Limitation of shipments, Area No. 3*—(a) *Findings.* It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this action until 30 days after publication in the FEDERAL REGISTER in that (1) shipments of potatoes from the production area will have begun by July 10, 1950; (2) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the shipment of potatoes in the manner hereinafter set forth on and after the effective date of this section; (3) notice has been given of the proposed limitation of shipments by publication thereof, as required by law (15 F. R. 3968); and (4) the order should become effective on July 10, 1950, in order to effectuate the declared policy of the act.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., July 10, 1950, and ending 12:01 a. m., m. s. t., June 1, 1951, no handler shall ship potatoes grown in Area No. 3, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not meet the requirements of Regulation No. 1 limiting shipments to U. S. No. 2 or better grade (General Cull Regulation, published in the FEDERAL REGISTER, July 16, 1949, 14 F. R. 3979) and which are of sizes smaller than 2 inches minimum diameter, as such sizes are defined in the United States Standards for Potatoes (14 F. R. 1955, 2161), including the tolerances provided therein: *Provided*, That the aforesaid limitations shall not be applicable to (i) potatoes shipped for seed purposes which have been officially certified as seed potatoes by the official Colorado seed certifying agency and which are in containers bearing official Colorado seed certification tag, and (ii) potatoes shipped for consumption by a charitable institution, for relief purposes, or for manufacturing purposes for conversion into byproducts.

(2) The terms used herein shall have the same meaning as when used in Order No. 58 (7 CFR 958.1 et seq.).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 29th day of June 1950, to be effective on July 10, 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50–5804; Filed, July 3, 1950; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 9 to Revision of May 10, 1949]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

SEMI-FINAL GRANT PAYMENTS

Acting pursuant to the authority vested in me by the Federal Airport Act, I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics as follows:

Section 550.9 (c) is amended to read:

§ 550.9 *Grant payments.* * * *

(c) *Semifinal grant payments.* Whenever the accomplishment of certain airport development on a project is delayed or suspended for an appreciable length of time for reasons beyond the sponsor's control and the allowability of the project costs of all airport development completed has been determined on the basis of an audit and review of all such costs, a semi-final grant payment may be made in an amount sufficient to bring the aggregate amount of all partial grant payments for the project to the United States' share of all allowable project costs incurred even though such amount may be in excess of the 90 percent limitations specified in paragraph (b) (2) of this section, but in no event to an amount in excess of the maximum obligation of the United States as stated in the Grant Agreement.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1–15, 60 Stat. 170–178, as amended; 49 U. S. C. and Sup., 1101–1114)

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50–5761; Filed, July 3, 1950; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5489]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HENRY G. PEARL ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition; Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act.* In connection with the manufacture for introduction, or introduction, into commerce, or the sale, transportation or distribution in commerce, of women's coats, suits or other articles of wearing apparel, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "re-used wool", as defined in the Wool Products Labeling Act of 1939, misbranding such products by failing to securely affix to or place on each such products a stamp, tag, label, or other means of identification, or a substitute therefor, showing in a clear and conspicuous manner, (A) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool where said percentage by weight of such fiber is 5 per centum or more; and (5) the aggregate of all other fibers; (B) the maximum percentage of the total weight of such wool product, of any nonfibrous loading, filling, or adulterating matter; and, (C) in the case of a wool product containing a fiber other than wool, the percentages by weight, in words and figures plainly legible, of the wool contents thereof; prohibited, subject to the provision, however, that the foregoing shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provision of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Henry G. Pearl et al. trading as Pearl Garment Co., etc., Docket 5489, May 10, 1950]

In the Matter of Henry G. Pearl and Mildred Pearl, Individually and as Copartners Trading as Pearl Garment Co., Mode Craft Co., and Mode Craft

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' answer thereto, a stipulation of facts entered into by and between counsel for the respondents and counsel in support of the complaint, and the trial examiner's recommended decision (no briefs having been filed and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Wool Products Labeling Act of 1939 and the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Henry G. Pearl and Mildred Pearl, individually and as co-partners trading under the names Pearl Garment Co., Mode Craft Co., and Mode Craft, or trading under any other name, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the manufacture for introduction, or introduction, into commerce, or the sale, transportation or distribution in commerce, as "commerce" is defined in the aforesaid acts, of women's coats, suits or other articles of wearing apparel, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", as those terms are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by failing to securely affix to or place on each of such products a stamp, tag, label, or other means of identification, or a substitute therefor, showing in a clear and conspicuous manner:

(A) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool where said percentage by weight of such fiber is 5 per centum or more; and (5) the aggregate of all other fibers;

(B) The maximum percentage of the total weight of such wool product, of any nonfibrous loading, filling, or adulterating matter;

(C) In the case of a wool product containing a fiber other than wool, the percentages by weight, in words and figures plainly legible, of the wool contents thereof;

Provided, That the foregoing shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided, further*, That nothing contained in this order shall be construed as limiting any applicable provision of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with said order.

Issued: May 10, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50–5768; Filed, July 3, 1950; 8:47 a. m.]

[Docket 5716]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CONN'S CLOTHIERS

Subpart—*Concealing or obliterating law required and informative marking:* § 3.525 *Wool Products tags or identification.* Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act;* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition — Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* I. In connection with the introduction into commerce or the sale, transportation or distribution in commerce of men's wearing apparel or any other "wool products", as such products are defined in and subject to the Wool Products Label-

ing Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, misbranding such products by failing to affix securely to, or place on, such products a stamp, tag, or other means of identification, showing in a clear and conspicuous manner: (a) the percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more; and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool products of any nonfibrous loading, filling or adulterating matter; (c) the name or registered identification number of the manufacturer of such wool products or of one or more persons introducing such wool products into commerce, or engaged in the sale, transportation or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; and, (d) in the case of a wool product containing a fiber other than wool, the percentage, by weight, in words and figures plainly legible, of the wool contents thereof; and, II, in connection with the purchase, offering for sale, sale or distribution of men's wearing apparel or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, causing or participating in the mutilation of any stamp, tag, label, or other means of identification, affixed to any such "wool product" pursuant to the provisions of the Wool Products Labeling Act of 1939, with intent to violate the provisions of said act, and which stamp, tag, label, or other means of identification purports to contain all or any part of the information required by said act; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding in prohibitions (a), (b), (c) and (d), shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and subject to the further provision that nothing contained in the order shall be construed as limiting any applicable provision of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Conn's Clothiers, Docket 5716, May 10, 1950]

In the Matter of Alexander Conn and Lionel Conn, Doing Business as Conn's Clothiers

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of the respondents, in which answer said respondents admitted all of the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939:

It is ordered, That the respondents, Alexander Conn and Lionel Conn, individually and trading as Conn's Clothiers, or trading under any other name, jointly or severally, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the sale, transportation or distribution in commerce, as "commerce" is defined in the aforesaid acts, of men's wearing apparel or any other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, do forthwith cease and desist from misbranding such products by failing to affix securely to, or place on, such products a stamp, tag, label, or other means of identification, showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more; and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool products of any nonfibrous loading, filling or adulterating matter.

(c) The name or registered identification number of the manufacturer of such wool products or of one or more persons introducing such wool products into commerce, or engaged in the sale, transportation or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

(d) In the case of a wool product containing a fiber other than wool, the percentages, by weight, in words and figures plainly legible, of the wool contents thereof.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided, further*, That nothing contained in this order shall be construed as limiting any applicable provision of said act or the rules and regulations promulgated thereunder.

It is further ordered, That said respondents and their agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase, offering for sale, sale or distribution of men's wearing apparel or any other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from causing or participating in the mutilation of any stamp, tag, label, or other means of identification, affixed to any such "wool product" pursuant to the provisions of the Wool Products Labeling Act of 1939, with intent to violate the provisions of said act, and which stamp, tag, label, or other means of identification purports to contain all or any part of the information required by said act.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 10, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-5769; Filed, July 3, 1950; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[2d Rev. S. O. 95, Amdt. 1]

PART 95—CAR SERVICE

APPOINTMENT OF REFRIGERATOR CAR AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of June A. D. 1950.

Upon further consideration of the provisions of Second Revised Service Order No. 95 (14 F. R. 3682), and good cause appearing therefor: *It is ordered*, That:

Second Revised Service Order No. 95, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) of § 95.95, *Appointment of refrigerator car agent*, for paragraph (c) thereof:

(c) This section, as amended, shall expire at 11:59 p. m., June 30, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 11:59 p. m., June 30, 1950; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the Railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5775; Filed, July 3, 1950; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

JUNE 16, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 130 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 226

For lease and sale for homesites only:

T. 9 N., R. 1 E., S. B. M.,
Sec. 6, N½SE¼NW¼, Lot 2 of NE¼, N½SW¼NE¼, W½SE¼SW¼NE¼, NW¼SE¼NE¼, N½SW¼SE¼NE¼, and Tracts numbered 6, 7, 8, 9, 10, and 11 (formerly parts of Lot 1 of NW¼ and Lot 2 of SW¼).

Leases for lands in Lot 2 of NE¼ will not be issued until a supplemental plat has been prepared assigning tract numbers to the parts of the subdivision to be leased.

The lands are situated about 5 miles east of the Town of Barstow, California, and are traversed by U. S. Highway 91. They are on the Mojave Desert and are favorably located from the standpoint of accessibility and topography. The Town of Barstow is a rapidly growing community and has all of the usual facilities for trade and schools, churches, theatres and hospitals.

The rainfall is light and temperatures vary greatly as in all desert areas. Domestic water can be obtained from wells at depths ranging from 50 to 125 feet.

2. As to applications regularly filed prior to 8:30 a. m., February 1, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by application referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 18, 1950. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 18, 1950, to close of business on November 16, 1950.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., February 1, 1949, to 10:00 a. m., August 18, 1950.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 17, 1950.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., February 1, 1949, to 10:00 a. m., November 17, 1950.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $30.00 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the state, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued. Tracts will also be subject to all existing rights-of-way.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN, *Regional Administrator.*

[F. R. Doc. 50-5783; Filed, July 3, 1950; 8:51 a. m.]

[2052004]

OREGON

NOTICE OF FILING OF PLAT OF SURVEY

JUNE 20, 1950.

Notice is given that the plat of survey of an island in the Deschutes River including the following described lands, accepted March 14, 1949, will be officially filed in the Land Office, Portland, Oregon, effective at 10:00 a. m. on the 35th day after the date of this notice:

WILLAMETTE MERIDIAN

T. 9 S., R. 13 E.,
Sec. 14, lot 9.
Sec. 15, lot 9.

The area described aggregates 1.41 acres.

Available data indicates that the land is situated in a deep canyon and is nearly level.

No applications for these lands may be allowed under the homestead, small tract, desert land or any other nonmineral public land laws unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at

that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Portland, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the Land Office, Portland, Oregon.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50-5784; Filed, July 3, 1950; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry and Commerce

[Case No. 88]

LEON N. RODELL CO.

ORDER SUSPENDING LICENSE PRIVILEGES

In the matter of: Leon N. Rodell, d/b/a Leon N. Rodell Company, 13 East 47th Street, New York, N. Y., Respondent.

This proceeding was begun on February 27, 1950, by the transmission of a charging letter to the above-named respondent, wherein respondent was charged, together with certain others, with having violated the Export Control Act of 1949 (63 Stat. 7), and the regulations promulgated thereunder, by making application, in June 1949, for an export license for shipment of 66,000 pounds of tetra-ethyl-thiuram-disulphide to Switzerland, which application contained certain false certifications to the effect that Switzerland was the country of ultimate destination, whereas respondents then knew and intended that such commodity would be transshipped from Switzerland to an unidentified destination in Eastern Europe.

It appears that the above-named respondent, after receiving the above-mentioned charging letter, submitted to the Enforcement Staff, with the advice of counsel and through such counsel, a statement to the effect that he admitted, for the purposes of this compliance proceeding only, the charges made in said charging letter of February 27, 1950, that he waived all right to a hearing on such charges, and that he consented to the entry of an order (1) revoking all outstanding export licenses issued to him, (2) denying to him, for a period of six months, the right to export to any destination, under either validated or general license, any commodity on the Positive List as such list may be constituted at the time of any proposed shipment and further denying to him, for a period of sixty days, the right to export any other commodity under general license, and (3) applying also to any other concerns associated with him.

It further appears that counsel for respondent and for the Enforcement Staff have personally appeared before the Compliance Commissioner; that the investigation report and other evidentiary material in the possession of the Enforcement Staff, together with the above-mentioned proposal for a consent order, have been submitted to and reviewed by the Compliance Commissioner; and that he has found that respondent, having in his possession letters from his customer in Switzerland stating that the above-described commodity would not be used in Switzerland but was being purchased for shipment to Eastern Europe, made application for an export license to ship such commodity to Switzerland and therein falsely represented that Switzerland was the country of ultimate destination, but that such license was not in fact issued or shipment made.

It further appears that the Compliance Commissioner has found that the charges as set forth in the charging letter are supported by the evidence and that the terms and conditions of the proposed order as consented to by respondent are fair and reasonable, and that he has accordingly recommended that such order be issued.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the above-described evidentiary material, and it appears that such findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted. Now, therefore, it is ordered as follows:

(1) All outstanding export licenses issued to respondent are hereby revoked and shall be returned forthwith to the Office of Industry and Commerce for cancellation.

(2) Respondent is hereby denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, such denial of export license privileges to continue for six months from June 15, 1950, with respect to shipment to any destination, under either validated or general license, of any commodity included on the Positive List as such list may be constituted at the time of any proposed shipment and for sixty days from June 15, 1950, with respect to shipment of any other commodity under general license.

(3) Such suspension of export license privileges shall extend not only to respondent but also to any person, trade name, firm, corporation, or other business association with which he may be now or hereafter related by ownership or control or with which he may hold a position of responsibility involving the preparation, filing or use of any export control documents.

Issued this 29th day of June 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.
JOHN F. HAVENER,
Assistant Director.

[F. R. Doc. 50-5780; Filed, July 3, 1950; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4405]

SOUTHWEST-WEST COAST MERGER CASE

NOTICE OF HEARING

In the matter of the application of Southwest Airways Company and West Coast Airlines, Inc., under section 408 and such other sections of the Civil Aeronautics Act of 1938, as amended, as may be applicable, for approval of the merger of West Coast Airlines, Inc., into Southwest Airways Company.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (i) and 408 thereof, the above-entitled proceeding is assigned for hearing on August 7, 1950, at 10:00 a. m., e. d. s. t., in the South Lounge, Carlton Hotel, Sixteenth and K Streets NW., Washington, D. C., before Examiner James M. Verner.

Without limiting the scope of the issues presented by the pleadings in this proceeding, particular attention will be directed to whether the merger of West Coast Airlines, Inc., into Southwest Airways Company and the transfer of the certificate of public convenience and necessity now held by West Coast Airlines, Inc., are consistent with the public interest.

For further details of the issues involved in this proceeding the parties are referred to the various orders entered in this proceeding and the Examiner's prehearing conference report which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before August 7, 1950, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., June 28, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-5779; Filed, July 3, 1950; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9704]

WILLIAM O. BOSWELL, JR., ET AL.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of William O. Boswell, Jr., and 19 other stockholders (transferors), Security Trust Company of Rochester (transferee), for transfer of control of Veterans Broadcasting Co., Inc., licensee of station WVET, Rochester, New York; File No. BTC-914, Docket No. 9704.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of June 1950;

The Commission having under consideration the above entitled application for consent to the transfer of control of the Veterans Broadcasting Co., Inc., licensee of Station WVET, Rochester, New York, from William O. Boswell, Jr., and 19 other stockholders to the Security Trust Company of Rochester and not being satisfied that it is in full possession of information as is required by the Communications Act of 1934, as amended, and more particularly section 310 (b) of that act;

It is ordered, That the above entitled application be designated for hearing at Rochester, New York, on August 14, 1950, on the following issues:

1. To obtain full information with respect to all contracts, agreements or understandings, past or present, relating to the ownership, control or operation of the Veterans Broadcasting Company, licensee of Station WVET; and, more particularly, with respect to the loan and stock hypothecation agreement executed by the licensee and the Security Trust Company of Rochester, dated November 1, 1949.

2. To obtain full information as to:

(a) Whether all contracts, agreements and understandings, relating to the ownership, operation and control of Station WVET have been properly and timely filed with the Commission, as is required by §§ 1.321, 1.341, 1.342, 1.343 and 1.344 of the Commission's rules and regulations.

(b) The effect of such contracts, agreements or understandings on the past and present ownership, operation and control of Station WVET, and, more particularly, whether the licensee has delegated rights and responsibilities to the Security Trust Company in contravention of sections 310 (b) and 301 of the Communications Act of 1934, as amended.

3. To obtain full information with respect to the transfer applied for, especially with regard to the effect of the loan and hypothecation agreement of November 1, 1949, and more specifically to determine:

(a) The amount of signal and ownership overlap which will result relative to Station WVET and any other station in which the Security Trust Company and its officers, directors or stockholders have any interest in, if the transfer applied for is granted.

(b) Whether the transferor stockholders will retain reversionary rights in Station WVET or in the stock to be transferred in violation of § 3.109 of the Commission's rules and regulations.

4. To determine whether the Security Trust Company is legally, technically, financially and otherwise qualified to control Station WVET.

5. To obtain full information as to the plans of the proposed transferee for staffing the station, its plans with respect to the station's programming, and all other plans and arrangements for the operation of the station.

6. To determine whether a grant of the proposed transfer would be in the public interest.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-5785; Filed, July 3, 1950; 8:51 a. m.]

[Docket No. 9706]

BEACH BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of J. G. Cobble, James D. King, Jr., and Walter T. Slattery, d/b as Beach Broadcasting Company, New Smyrna Beach, Florida, for construction permit; Docket No. 9706, File No. BP-7544.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1950;

The Commission having under consideration the above-entitled application for a new standard broadcast station to operate on 1230 kilocycles, with 250 watts power, unlimited time at New Smyrna Beach, Florida;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on November 16, 1950, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station KOA, Denver, Colorado, and Station WJW, Cleveland, Ohio, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Alachua County Broadcasting Co., Inc., licensee of Station WGGG, Gainesville, Florida, and Coastal Broadcasting Company, licensee of Station WONN, Lakeland, Florida, are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-5786; Filed, July 3, 1950; 8:51 a. m.]

[Docket No. 9707]

ASHBACKER RADIO CORP. (WKBZ)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Ashbacker Radio Corporation (WKBZ), Muskegon, Michigan, for construction permit; Docket No. 9707, File No. BP-7340.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1950;

The Commission having under consideration the above-entitled application for a construction permit to increase power from 1 kilowatt to 5 kilowatts, change directional antenna and install new transmitter at Station WKBZ, Muskegon, Michigan;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WKBZ as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on November 17, 1950, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WGGG, Gainesville, Florida; Station WONN, Lakeland, Florida, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Alachua County Broadcasting Co., Inc., licensee of Station WGGG, Gainesville, Florida, and Coastal Broadcasting Company, licensee of Station WONN, Lakeland, Florida, are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-5786; Filed, July 3, 1950; 8:51 a. m.]

[Docket No. 9707]

ASHBACKER RADIO CORP. (WKBZ)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Ashbacker Radio Corporation (WKBZ), Muskegon, Michigan, for construction permit; Docket No. 9707, File No. BP-7340.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1950;

The Commission having under consideration the above-entitled application for a construction permit to increase power from 1 kilowatt to 5 kilowatts, change directional antenna and install new transmitter at Station WKBZ, Muskegon, Michigan;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WKBZ as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on November 17, 1950, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station KOA, Denver, Colorado, and Station WJW, Cleveland, Ohio, or with any

other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That the National Broadcasting Company, Inc., licensee of Station KOA, Denver, Colorado, and WJW, Inc., licensee of Station WJW, Cleveland, Ohio, are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-5787; Filed, July 3, 1950; 8:51 a. m.]

FEDERAL POWER COMMISSION

CHICAGO DISTRICT PIPELINE CO.

NOTICE OF ORDER DIRECTING AND APPROVING DISPOSITION OF AMOUNTS

JUNE 28, 1950.

Notice is hereby given that, on June 27, 1950, the Federal Power Commission issued its order entered June 27, 1950, directing and approving disposition of amounts classified in Account 107, Gas Plant Adjustments, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5762; Filed, July 3, 1950; 8:46 a. m.]

GEORGIA POWER CO.

NOTICE OF SUPPLEMENTAL ORDER APPROVING AND DIRECTING DISPOSITION OF ACCOUNTING ADJUSTMENTS APPLICABLE TO ELECTRIC PLANT

JUNE 27, 1950.

Notice is hereby given that, on June 27, 1950, the Federal Power Commission issued its order entered June 27, 1950, supplementing order of September 18, 1947, published in the FEDERAL REGISTER on October 1, 1947 (12 F. R. 6485), approving and directing disposition of accounting adjustments applicable to electric plant in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5763; Filed, July 3, 1950; 8:46 a. m.]

[Docket Nos. G-1361, G-1378]

REPUBLIC LIGHT, HEAT AND POWER CO. INC. AND EAST OHIO GAS CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECISSITY

JUNE 28, 1950.

In the matters of Republic Light, Heat and Power Company, Inc., Docket No. G-1361; the East Ohio Gas Company, Docket No. G-1378.

Notice is hereby given that, on June 27, 1950, the Federal Power Commission issued its findings and orders entered June 27, 1950, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5764; Filed, July 3, 1950; 8:46 a. m.]

[Docket No. G-1387]

ARKANSAS LOUISIANA GAS CO.

ORDER FIXING DATE OF HEARING

On May 8, 1950, Arkansas Louisiana Gas Company (Applicant), a Delaware corporation with its principal place of business at Shreveport, Louisiana, filed an application, with a supplement thereto filed June 8, 1950, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to construct and operate certain facilities, subject to the jurisdiction of the Commission, as are fully described in such application and supplement on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure; no request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 20, 1950 (15 F. R. 3115, 3116).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 13, 1950, at 9:30 o'clock a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, and supplement: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: June 28, 1950.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5771; Filed, July 3, 1950; 8:47 a. m.]

[Project Nos. 5, 637, 943, 1393]

MONTANA POWER CO. ET AL.

ORDER INSTITUTING AN INVESTIGATION

JUNE 27, 1950.

In the matters of the Montana Power Company, Project No. 5; the Washington Water Power Company, Project No. 637; Puget Sound Power & Light Company, Project No. 943; Pend Oreille Mines and Metals Company, Project No. 1393.

Puget Sound Power & Light Company's Project No. 943 (Rock Island) is located at mile 453 on the Columbia River. The Washington Water Power Company's Project No. 637 (Chelan) is located at mile 4 on the Chelan River, a tributary of the Columbia, entering that river at mile 503. The Grand Coulee dam constructed by the United States is located on the Columbia River at mile 600. Pend Oreille Mines & Metals Company's Project No. 1393 (Metalline Falls) is located at mile 28 on the Pend Oreille River, a tributary of the Columbia River entering that river at mile 748. The Montana Power Company's Project No. 5 (Flathead) is located on the Flathead River 318 miles above the mouth of Pend Oreille River, the Flathead River being a tributary of the Clark Fork River which becomes the Pend Oreille River at the outlet of Pend Oreille Lake.

Section 10 (f) of the Federal Power Act (16 U. S. C. 803-f) provides, in part:

That whenever any licensee hereunder is directly benefited by the construction work of another licensee, a permittee, or of the United States of a storage reservoir or other headwater improvement, the Commission shall require as a condition of the license that the licensee so benefited shall reimburse the owner of such reservoir or other improvements for such part of the annual charges for interest, maintenance, and depreciation thereon as the Commission may deem equitable. The proportion of such charges to be paid by any licensee shall be determined by the Commission. The licensees or permittees affected shall pay to the United States the cost of making such determination as fixed by the Commission.

The Commission staff has made a preliminary study which indicates that some of the above-designated licensees may be directly benefited by reason of the construction of storage reservoirs or other headwater improvements by other above-designated licensees and by the storage reservoir or other headwater improvement constructed by the United States as part of its Grand Coulee project which is under the supervision of the Secretary of the Interior. The staff reports that further study, investigation and report will be required before it can be determined whether any of the licensees is directly benefited by upstream storage reservoirs of other licensees or of the United States and, if so, the amounts to be paid for the benefits so provided.

The Commission finds: It is appropriate and in the public interest that an investigation be instituted by the Commission as hereinafter provided.

The Commission orders:

An investigation is hereby instituted pursuant to the provisions of the Federal Power Act, particularly section 10 (f) thereof, for the purpose of enabling the Commission to determine whether any of the above-designated licensees is directly benefited by the construction work of another licensee or of the United States of a storage reservoir or other headwater improvement and, if it so finds, to determine the equitable proportion of the annual charges to be paid by any licensee so benefited for interest, maintenance and depreciation on the storage reservoir or other headwater improvement constructed by another licensee or by the United States.

Date of issuance: June 28, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5772; Filed, July 3, 1950; 8:47 a. m.]

[Project No. 2048]

PENNSYLVANIA ELECTRIC CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR LICENSE (TRANSMISSION LINE)

JUNE 28, 1950.

Notice is hereby given that, on June 27, 1950, the Federal Power Commission issued its order entered June 27, 1950, dismissing application for license (transmission line) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5765; Filed, July 3, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25209]

SULPHATE OF COPPER FROM COPPERHILL, TENN., TO JACKSONVILLE, FLA.

APPLICATION FOR RELIEF

JUNE 29, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to L&N tariff, I. C. C. No. A-16743.

Commodities involved: Copper, sulphate of (blue vitriol), carloads.

From: Copperhill, Tenn.

To: Jacksonville, Fla.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: L&N tariff I. C. C. No. A-16743, Supplement 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-5773; Filed, July 3, 1950; 8:48 a. m.]

[4th Sec. Application 25210]

VARIOUS COMMODITIES IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JUNE 29, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for and on behalf of carriers parties to tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities.

Between: Points in official territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-5774; Filed, July 3, 1950; 8:48 a. m.]

[Rev. S. O. 562, Amdt. 1, Rev. King's I. C. C. Order 26]

WESTERN PACIFIC RAILROAD CO. ET AL.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Revised King's I. C. C. Order No. 26 and good cause appearing therefor: *It is ordered,* That:

Revised King's I. C. C. Order No. 26 be, and it is hereby amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) *Rerouting traffic.* The Western Pacific Railroad Company, Chicago Rock Island and Pacific Railroad Company, Chicago Great Western Railway Company, the Denver and Rio Grande Western Railroad Company, and the Great Northern Railway Company and their connections, are authorized and directed to reroute or divert traffic routed over and to points on their lines, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

It is further ordered, That this amendment shall become effective at 2:00 p. m., June 27, 1950, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., June 27, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-5776; Filed, July 3, 1950; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATEMENT OF ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

The Statement of Organization and Delegations of Final Authority of the Office of Alien Property, Department of Justice, 13 F. R. 9605 as amended, 14 F. R. 2654 and 15 F. R. 2206, is hereby further amended by the addition of subparagraph (c) to paragraph 7 thereof:

7 (c) The Chief, Comptroller's Branch, and the Chief, Collection and Custody Section, are severally authorized to waive compliance with any vesting order which vests a debt in a specific amount to the extent of normal service charges not to exceed $250 asserted by a claimant who would be entitled to a return of the amount of such charges if the vesting order were enforced according to its terms.

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 925; 50 U. S. C. App. 1-39, 616; E. O. 9193, 3 CFR, 1943 Cum. Supp.; E. O. 9567, 3 CFR, 1945 Supp.; E. O. 9725 and E. O. 9788, 3 CFR, 1946 Supp.)

Executed at Washington, D. C., on this 29th day of June 1950.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5801; Filed, July 3, 1950; 8:53 a. m.]

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14764]

ADOLPH NELITZ

In re: Estate of Adolph Nelitz, deceased. File No. 017-26060.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Selma Richter, whose last known adress is Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the sum of $293.80 paid to the Michigan State Board of Escheats on or about August 30, 1949, by the Berrien County Treasurer, being the proceeds of a legacy to Adolph Nelitz, now deceased, under the will of Henrietta Nelitz Friedenberg, deceased,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5748; Filed, June 30, 1950; 8:49 a. m.]

[Return Order 663]

SOCIETE DES AUTEURS COMPOSITEURS ET EDITEURS DE MUSIQUE

Having considered the claims set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Societe des Auteurs, Compositeurs et Editeurs de Musique, 10, Rue Chaptal, Paris 9°, France; Claim No. 12100; May 5, 1950 (15 F. R. 2615), $153,954.68 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue relating to symphonic musical compositions and all other musical compositions held by La Societe des Auteurs Compositeurs et Editeurs de Musique (SACEM) and/or each and every member thereof immediately prior to the vesting thereof by Vesting Order Nos. 2171 (8 F. R. 15618, November 16, 1943) and 2097 (8 F. R. 16463, December 7, 1943), except the works of George Eduoard Goertermann, Carl Paez and Mr. Zumsterg.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5750; Filed, June 30, 1950; 8:49 a. m.]

LAJOS GYORGY ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lajos Gyorgy, Budapest, Hungary; Claim No. 39499; $5,181.76 in the Treasury of the United States to Lajos Gyorgy.

Mrs. Lajos Gyorgy, a/k/a Margit Szeppessi Gyorgy, Budapest, Hungary; Claim No. 39500; $3,272.62 in the Treasury of the United States to Mrs. Lajos Gyorgy.

Helen Katcher Steinsdorfer, a/k/a Mrs. Victor Kofalusi and Ilona Katcher Kofalusi, a/k/a Helen Katcher Steindoerfer, Putnok, Hungary; Claim No. 39501; $654.52 in the Treasury of the United States to Helen Katcher Steinsdorfer.

Irma Oppenheimer Nagel, London, England; Claim No. 39502; $2,945.35 in the Treasury of the United States to Irma Oppenheimer Nagel.

Risa Rosa Oppenheimer Rosenthal, a/k/a Mrs. Geza Rosenthal, Budapest, Hungary; Claim No. 39503; $1,963.57 in the Treasury of the United States to Risa Rosa Oppenheimer Rosenthal.

Anna Gyorgy Schrecker, a/k/a Anny Gyorgy, Budapest, Hungary; Claim No. 39504; $3,580.46 in the Treasury of the United States to Anna Gyorgy Schrecker.

Lajos Szepessi, a/k/a Lajos Szepesi, a/k/a Lajos Szeqessi, Budapest, Hungary; Claim No. 39505; $6,545.24 in the Treasury of the United States to Lajos Szepessi.

Laszlo Oliver Kiss, a/k/a Laszlo Oliver Kis, Budapest, Hungary; Claim No. 38668; $3,272.61 in the Treasury of the United States to Laszlo Oliver Kis.

Marianne Biro Kiss, a/k/a Marianne Kis Biro, Ujpest, Hungary; Claim No. 38669; $3,272.62 in the Treasury of the United States to Marianne Kis Biro.

Janos Gero, Budapest, Hungary; Claim No. 38670; $1,090.87 in the Treasury of the United States to Janos Gero.

Paul Gero, Ujpest, Hungary; Claim No. 38671; $11,183.52 in the Treasury of the United States to Paul Gero.

All right, title, interest and claim of any kind or character whatsoever of Marianne Kis Biro, Janos Gero, Paul Gero, Mrs. Lajos Gyorgy, Laszlo Oliver Kis, Irma Oppenheimer Nagel, Risa Rosa Oppenheimer Rosenthal, Helen Katcher Steindoerfer, Lajos Szeqessi, Anna Gyorgy Schrecker and Lajos Gyorgy, and each of them, in and to the trusts established under a Trust Agreement dated July 12, 1933, as amended, between Julius Janowitz and the President and Directors of the Manhattan Company, as Trustees.

Executed at Washington, D. C., on June 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5752; Filed, June 30, 1950; 8:49 a. m.]

[Vesting Order 14761]

HEINRICH KOEHLERT ET AL.

In re: Rights of Heinrich Koehlert et al. under insurance contract. File No. F-28-320-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Koehlert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Heinrich Koehlert, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 70464086, issued by the Metropolitan Life Insurance Company, New York, New York, to Heinrich Koehlert, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Heinrich Koehlert or the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Heinrich Koehlert, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined,

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Heinrich Koehlert, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5788; Filed, July 3, 1950; 8:51 a. m.]

[Vesting Order 14766]

HENRIETTE ROUGET AND PEOPLES TRUST CO.

In re Trust agreement dated February 14, 1921, between Henriette Rouget, donor, and The Peoples Trust Company, trustee. File No. D-28-6539 G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolph Kanzow and George Kanzow, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated February 14, 1921, by and between Henriette Rouget, donor, and The Peoples Trust Company, trustee, presently being administered by The National City Bank of New York, 181 Montague Street, Brooklyn, New York, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5791; Filed, July 3, 1950; 8:52 a. m.]

[Vesting Order 14768]

MAX SIEPERMANN AND COMMERCIAL TRUST CO.

In re: Trust agreement dated July 2, 1929, between Max Siepermann, Settlor, and Commercial Trust Company of New Jersey, Trustee. File No. D-28-1554 and G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Besenbruch, Helene Besenbruch and Anna Besenbruch, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated July 2, 1929, by and between Max Siepermann, Settlor, and Commercial Trust Company of New Jersey, Trustee, presently being administered by the Commercial Trust Company of New Jersey, 15 Exchange Place, Jersey City, New Jersey, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5792; Filed, July 3, 1950; 8:52 a. m.]

[Return Order 675]

BELLA MAYER AND ERNA ROTHSCHILD

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Bella Mayer, Framingham, Mass.; Claim No. 9367; Erna Rothschild, Woodside, N. Y.; Claim No. 32565; May 18, 1950 (15 F. R. 3042); all right, title and interest of Siegmund Rothschild, or his heirs, in and to the Estate of Jacob Rothschild, deceased, one-half to each claimant. This estate is in the process of administration under the judicial supervision of the Superior Court of the State of California in and for the County of Alameda, by Albert E. Hill, adm. c. t. a., Court House, Oakland 7, California.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5795; Filed, July 3, 1950; 8:52 a. m.]

[Return Order 678]

ESTATE OF MIHALY ANGELUS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Paul Angelus, Administrator of the Estate of Mihaly Angelus, deceased, New York, N. Y.; Claim No. 5408; May 20, 1950 (15 F. R. 3125); $4,381.51 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5796; Filed, July 3, 1950; 8:53 a. m.]

[Vesting Order 14765]

TATSUJIRO OMARU ET AL.

In re: Rights of Tatsujiro Omaru et al. under insurance contract. File No. F-39-4904-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tatsujiro Omaru and Chokuro Omaru, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,262,142, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Tatsujiro Omaru, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Tatsujiro Omaru or Chokuro Omaru, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director.
Office of Alien Property.

[F. R. Doc. 50-5790; Filed, July 3, 1950; 8:52 a. m.]

LUISA SILVERI GABRIELLI AND SARA SILVERI COSTA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Luisa Silveri Gabrielli, Rome, Italy; Claim No. 40399; $3,330.46 in the Treasury of the United States.

Sara Silveri Costa, Grotte di Castro, Italy; Claim No. 40400; $3,330.47 in the Treasury of the United States.

Executed at Washington, D. C., on June 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5798; Filed, July 3, 1950; 8:53 a. m.]

TITLE GUARANTEE AND TRUST CO. OF NEW YORK CITY AND EMMA A. C. H. SCHRADER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Title Guarantee & Trust Co. of the City of New York, N. Y., ancillary executor under the will of Emma A. C. H. Schrader, deceased; Claim No. 5284; a four-sevenths (4/7) interest in and to the following: (1) $36,307.57 in the Treasury of the United States; (2) all rights and interests evidenced by Mortgage Participation Certificate No. 136,789, issued and guaranteed by the Bond and Mortgage Guarantee Company under Mortgage F 977 (181723). This property is now represented by Certificate No. 18,447 in the face amount of $3,359.93 issued by The Manufacturers' Trust Co., New York, N. Y., as trustee for the benefit of the holders of mortgage certificates, registered in the name of the Alien Property Custodian, Washington, D. C., Account No. 28-16275, presently in the possession of the Office of Alien Property, New York, N. Y.

This return will not be effectuated until settlement of the Estate of Emma A. C. H. Schrader and a determination respecting the property to which the Attorney General is entitled by virtue of his vesting of certain interests therein pursuant to Vesting Order No. 14118, dated December 5, 1949. It is anticipated that the amounts owing the Attorney General under Vesting Order No. 14118 will exceed the value of the property involved in this return.

Executed at Washington, D. C., on June 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5799; Filed, July 3, 1950; 8:53 a. m.]

EMILIANO FERRARI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Emiliano Ferrari, Borgo Val di Taro, San Quirico, Cacciarasca, Parma, Italy; Claim No. 45400; Ida Ferrari, Borgo Val di Taro, San Quirico, Cacciarasca, Parma, Italy; Claim No. 45401; Giuseppina Ferrari, Borgo Val di Taro, San Quirico, Cacciarasca, Parma, Italy; Claim No. 45402; all right, title, interest and claim of any kind or character whatsoever of Emiliano Ferrari, Ida Ferrari and Giuseppina Ferrari, and each of them, in and to the Estate of David Ferrari, deceased; presently in the process of administration by Palmira Mambretti, Administratrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco.

Executed at Washington, D. C., on June 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5797; Filed, July 3, 1950; 8:53 a. m.]

JUL 11 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 129

Washington, Thursday, July 6, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 321—SELECTION OF FARMS

SUBPART A—CRITERIA

REVISION OF CRITERIA FOR SELECTION OF FARMS

Subpart A of Part 321 in Title 6, Code of Federal Regulations (13 F. R. 9395), is revised to read as follows:

SUBPART A—CRITERIA

Sec.
321.1 General.
321.2 Standards for selection of efficient family-type farm-management units.
321.3 Standards for selection of farms which are less than efficient family-type farm-management units in cases of disabled veterans.
321.4 General criteria for selection of Farm Ownership farms.
321.5 Limitations in selection of Farm Ownership farms because of interest of sellers.
321.6 Preference to war veterans.

AUTHORITY: §§ 321.1 to 321.6 issued under sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: §§ 321.1 to 321.6 contained in FHA Instruction 421.1.

SUBPART A—CRITERIA

§ 321.1 *General.* (a) Farm selection is a fundamental step in making direct or insured Farm Ownership loans. It is essential that applicants, County Supervisors, and County Committeemen understand thoroughly the standards to be considered in farm selection. After applicants have been tentatively approved by the County Committee and have acquired a proper understanding regarding the basic objectives of the Farm Ownership program, they will be free to select, subject to subsequent approval by the Farmers Home Administration, farms they desire to purchase, enlarge, or improve.

(b) Under the Farm Ownership program, either efficient family-type farm-management units will be acquired (or acquired and improved) or undersized or underimproved farms will be enlarged or improved into efficient family-type farm-management units. The one exception to this requirement will be in the case of disabled veterans who, under certain conditions, may acquire, enlarge, or improve farms which are less than efficient family-type farm-management units.

(Sec. 1, 60 Stat. 1072; 7 U. S. C. 1001)

§ 321.2 *Standards for selection of efficient family-type farm-management units.* (a) An efficient family-type farm-management unit is a farm which furnishes maximum, productive employment for an average farm family assuming justifiable use of labor saving equipment on the farm and in the home and operation of the farm on a sustained or increasing yield basis. It is a farm which an average farm family can operate successfully without employing outside labor, except during seasonal peak-load periods. Such a farm must have the capacity to yield income on the basis of long-time prices which will maintain an average farm family according to acceptable living standards, pay annual operating expenses, pay for and maintain necessary livestock and farm and home equipment, and pay off the loan.

(b) As used in this chapter, the term "family-type farm" will mean an efficient family-type farm-management unit.

(Sec. 1, 60 Stat. 1073; 7 U. S. C. 1001)

§ 321.3 *Standards for selection of farms which are less than efficient family-type farm-management units in cases of disabled veterans.* (a) Farms that are less than efficient family-type farm-management units may be acquired, enlarged, or improved by eligible war veterans who are receiving disability pensions: *Provided*, that:

(1) The size and character of the farm are suitable to the particular needs and capabilities of the disabled veteran.

(2) The farm has the capacity to produce an annual income which, together with the veteran's disability pension, will enable him to meet his normal obligations. These obligations will include family living expenditures which will maintain acceptable standards of living for the veteran and his family, as well as

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CFR

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(For Use During 1950)

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Title 38 ($0.50)
Titles 40–42 ($0.25)

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operating expenses, and amounts due on his loan.

(3) The unit is larger than a mere garden plot or rural residence.

(4) A satisfactory farm plan can be carried out with the available family labor.

(5) The unit is of such character and productivity that it will not be necessary for the disabled veteran to use all or part of his pension to support unprofitable farming operations. In other words, the income from the operation of the unit as a farm, including the value of food produced for home use, should at least offset the actual operating expenses chargeable to farm operations such as seed, fertilizer, and repayment of that portion of the loan represented by the farming operations. Such expenses, however, need not include cash family-living costs or maintenance, taxes, insurance, and loan costs chargeable to the residence. In determining the loan and other costs chargeable to the residence, the valuation of the residence should be consistent with the depreciated value shown on Form FHA–43, "Appraisal of Buildings for Insurance."

(6) Farm income and disability compensation will constitute the major sources of income. Part-time farms, on which disabled veterans plan to live and devote most of their activity to nonfarm employment, should not be approved.

(Secs. 1, 44, 60 Stat. 1073, 1069; 7 U. S. C. 1001, 1018)

§ 321.4 *General criteria for selection of Farm Ownership farms.* (a) The making or insuring of a Farm Ownership loan depends upon a satisfactory title to the farm being vested in the borrower in order to secure a first mortgage on the farm.

(b) In selecting farms for Farm Ownership loans, consideration should be given to base acreage allotments and assigned yields or productivity indexes upon which soil conservation payments are made.

(c) If a Farm Ownership farm is to be formed by combining separate tracts of land, the tracts preferably should be contiguous. However, a farm may consist of noncontiguous tracts if they are so situated with respect to each other that the combined unit can be operated conveniently and efficiently as a family-type farm. This is especially important in making Farm Enlargement loans, since the question of operating noncontiguous tracts is more likely to arise in connection with this type of loan.

(d) Farms approved for Farm Enlargement or Farm Development loans, as defined in § 311.43 of this chapter, should be definitely undersized or underdeveloped and in their present state constitute definitely less than efficient family-type farm-management units. The same minimum standards for land development and the same minimum construction standards will apply to Farm Enlargement and Farm Development loans that apply to Tenant Purchase loans (see §§ 323.1–323.4 and §§ 324.1–324.3 of this chapter). Enlargement or development of farms should constitute the primary purpose of Farm Enlargement or Farm Development loans. Refinancing in connection with Farm Enlargement and Farm Development loans must not constitute the primary purpose of the loans. In connection with Farm Development loans, consideration should be given to all types of improvements that may be needed to make the farm an efficient family-type farm-management unit.

(e) Farms will not be approved in areas designated for retirement from agriculture by Federal, state, or county land use planning agencies, or areas so poor that they are likely to be so designated. Outside of such areas, it will be necessary, in order to assist persons in greatest need of Farm Ownership loans, to make such loans in areas where farms include poor as well as good land. When loans are made for the purchase of farms including poorer grades of land, unusual care must be exercised to see that it is purchased at a price in line with its normal earning capacity. Land that is worn out, eroded, foul, and weedy should not be purchased when it will not provide income sufficient to meet reasonable farm operating expenses, usual family living expenses, and the required payment on the loan. Care should be exercised in the selection of farms consisting almost wholly of undeveloped land for the same reason.

(f) In farm selection and approval, due consideration should be given to roads, schools, markets, and other community facilities. The tax rate on farms, the bonded indebtedness, and other costs incident to irrigation and drainage, or other types of improvements, also should be considered. In irrigation areas, careful consideration should be given to the adequacy of the water supply and water rights.

(g) When a farm is not on a public road, it is essential that there be a satisfactory legal right-of-way from the farm to a public road.

(Secs. 1, 3, 12, 44, 60 Stat. 1072, 1074, 1076, 1069; 7 U. S. C. 1001, 1003, 1006b, 1018)

§ 321.5 *Limitations in selection of Farm Ownership farms because of interest of sellers.* (a) No Farm Ownership loan will be made or insured if any member of the County Committee participates in, or attempts to influence, in any manner, the selection, consideration, discussion, or certification with respect to a farm in which such member, or any person related to such member within the third degree of consanguinity or affinity, has any pecuniary interest, direct or indirect, or in which any of them had such interest within one year prior to the date of certification.

(b) Unless an exception is made as provided below, a Farm Ownership loan will not be made or insured for the purchase or improvement of land when a Farmers Home Administration employee has an interest, direct or indirect, or when a person related to that employee by blood or marriage has an interest, direct or indirect, in the land to be purchased or improved and when such an employee is officially, through his employment, connected with the processing, handling, or approval of such loan in a manner as to enable him directly or indirectly to influence decisions with respect to the processing, handling, or approval of the loan. The State Director may make the exception and give the reasons therefor in writing, unless he is the interested employee, in which case the Administrator will make and sign the exception.

(c) Farms will not be approved for Tenant Purchase or Farm Enlargement loans which involve the purchase of land owned by a parent or other near relative of an applicant, nor will a farm be approved for a Farm Enlargement or Farm Development loan on which a parent or near relative holds a mortgage, unless the State Director has determined in writing before approval of the loan:

(1) That the applicant is unlikely to receive an inheritance in a short time either of title to the property or of sufficient funds to make a Farm Ownership loan unnecessary, and

(2) That the seller's circumstances are such as to make it impracticable for him to sell the property to the applicant or to advance additional funds on terms that would make a Farm Ownership loan unnecessary.

(Secs. 2, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1002, 1018)

§ 321.6 *Preference to war veterans.* When both a veteran and a nonveteran have been viewed with favor and are interested in the same farm at the same time, preference will be given to the veteran, provided the seller is willing to sell to either person.

(Sec. 1, 60 Stat. 1073; 7 U. S. C. 1001)

Dated: June 9, 1950.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: June 30, 1950.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-5832; Filed, July 5, 1950; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

UNITED STATES STANDARDS FOR BLUEBERRIES FOR PROCESSING

On May 25, 1950, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 50-4437; 15 F. R. 3190) regarding proposed United States Standards for Blueberries for Processing. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Blueberries for Processing are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949):

§ 51.449 *Standards for blueberries for processing*—(a) *General.* (1) These standards apply to species of the genus Vaccinium which contain numerous small seeds that are barely noticeable and not to the true huckleberries of the genus Gaylussacia which contain 10 large seeds with bony coverings.

(b) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 shall consist of blueberries which internally are free from worms, and are free from other kinds of berries, clusters, large stems, leaves and other foreign material, distinctly immature berries, and free from damage caused by visible mold and decay, shriveling, dirt, overmaturity, or other means.

(i) In order to allow for variations incident to proper handling, the following tolerances shall be permitted for grade defects in a half-pint cup sample:

Not more than a total of 5 leaves and other foreign material, not more than a total of 20 distinctly immature berries, clusters and large stems, and not more than 3 berries other than blueberries. No tolerance shall be allowed for large pieces of foreign material.

(2) *U. S. No. 2.* U. S. No. 2 shall consist of blueberries which meet all the requirements of U. S. No. 1 grade except that the blueberries shall be free from serious damage caused by shriveling, overmaturity, and except for the increased tolerances specified below.

(i) In order to allow for variations incident to proper handling, the following tolerances shall be permitted for grade defects in a half-pint cup sample:

Not more than a total of 15 leaves and other foreign material, not more than a total of 40 distinctly immature berries, clusters and large stems, and not more than 5 berries other than blueberries. No tolerance shall be allowed for large pieces of foreign material.

(3) *U. S. No. 3.* U. S. No. 3 shall consist of blueberries which meet all the requirements of U. S. No. 1 grade except that the blueberries shall be free from serious damage caused by overmaturity and from very serious damage caused by shriveling and except for the increased tolerances specified below.

(i) In order to allow for variations incident to proper handling, the following tolerances shall be permitted for grade defects in a half-pint cup sample:

Not more than a total of 20 leaves and other foreign material, not more than a total of 70 distinctly immature berries, clusters and large stems, and not more than 12 berries other than blueberries. No tolerance shall be allowed for large pieces of foreign material.

(c) *Unclassified.* Unclassified shall consist of blueberries which have not been classified in accordance with the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Definitions.* (1) "Other kinds of berries" means bunchberries, cranberries, or any other berries not of the genus Vaccinium.

(2) "Clusters" means three or more cap-stems, with or without berries, attached to a main stem. Cap-stems are those small stems by means of which the individual berry is attached to the main stem.

(3) "Large stems" means stems other than cap-stems which are over ¼ inch in length.

(4) "Other foreign material" means sticks, stones, moss or other extraneous material except dirt and leaves.

(5) "Distinctly immature berries" means that the berries are green, or whitish due to immaturity.

(6) "Damage" means any injury or defect which materially affects the appearance, or the processing quality of the blueberries. The following shall be considered as damage:

(i) Shriveling, when more than one-fourth of the blueberries in any lot, by volume, are badly wilted, withered or shriveled.

(ii) Dirt, when it cannot be removed from the blueberries in the ordinary washing process.

(iii) Overmaturity, when the appearance and processing quality of the lot of blueberries is materially affected by berries which have a dull appearance and are sticky from leaking berries.

(7) "Serious damage" means any injury or defect which seriously affects the appearance, or the processing quality of the blueberries. The following shall be considered as serious damage:

(i) Shriveling, when more than one-third of the blueberries in any lot, by volume, are badly wilted, withered or shriveled.

(ii) Overmaturity, when the appearance and processing quality of the lot of blueberries is seriously affected by blueberries which have a dull appearance and are sticky from leaking berries.

(8) "Very serious damage caused by shriveling" means that more than one-half of the blueberries in any lot, by volume, are badly wilted, withered or shriveled.

(e) *Effective time.* The United States Standards for Blueberries for Processing contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Pub. Law 146, 81st Cong.)

Done at Washington, D. C., this 30th day of June 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-5830; Filed, July 5, 1950; 8:53 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

UNITED STATES STANDARDS[1] FOR GRADES OF FROZEN CORN-ON-THE-COB

On May 18, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 3034) regarding proposed United States Standards for Grades of Frozen Corn-on-the-Cob. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Corn-on-the-Cob are hereby promulgated under the authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949):

§ 52.273 *Frozen corn-on-the-cob.* Frozen corn-on-the-cob is the product which is prepared from sound, properly matured, fresh sweet corn ears (Zea Mays L.) of either the white or golden (or yellow) varieties by removing husk and silk; by sorting, trimming, washing, and blanching; and which sweet corn ears are then frozen and stored at temperatures necessary for the preservation of the product.

(a) *Colors of frozen corn-on-the-cob.* (1) Golden (or yellow).

(2) White.

(b) *Grades of frozen corn-on-the-cob.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen corn-on-the-cob that is well developed; that possesses similar varietal characteristics; that possesses a good flavor and odor; that is practically uniform in size; that possesses a good color; that is practically free from defects; that is tender; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen corn-on-the-cob that is reasonably well developed; that possesses similar varietal characteristics; that possesses a fairly good flavor and odor; that is reasonably uniform in size and symmetry; that possesses a reasonably good color; that is reasonably free from defects; that is reasonably tender; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(3) "U. S. Grade D" or "Substandard" is the quality of frozen corn-on-the-cob that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(c) *Ascertaining the grade.* (1) The grade of frozen corn-on-the-cob may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and tenderness and maturity.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors is:

Factors:	Points
(i) Color	20
(ii) Absence of defects	40
(iii) Tenderness and maturity	40
Total score	100

(3) The grade of frozen corn-on-the-cob is determined immediately after the product has been thawed sufficiently so that the product is practically free from ice crystals.

(4) The product is cooked to determine flavor and odor.

(5) "Good flavor and odor" means that tthe product, after cooking, has a good, characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(6) "Fairly good flavor and odor" means that the product, after cooking, may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(7) "Practically uniform in size" means that the length of the longest ear in the sample does not exceed the length of the shortest ear by more than 1 inch and that the largest diameter of the largest ear in the sample does not exceed the largest diameter of the smallest ear by more than ½ inch.

(8) "Reasonably uniform in size" means that the length of the longest ear in the sample does not exceed the length of the shortest ear by more than 1 inch and that the largest diameter of the largest ear in the sample does not exceed the largest diameter of the smallest ear by more than ¾ inch.

(9) "Count of kernels per ear" means the approximate number of kernels on each ear in the sample.

(10) "Ear" means an individual ear of corn with husk and silk removed.

(11) "Well developed" means that the ear is well filled with kernels and that on ears of row varieties the appearance is not materially affected by irregular and curved rows of kernels.

(12) "Reasonably well developed" means that the ear is reasonably well filled with kernels and that on ears of row varieties the appearance is not seriously affected by irregular and curved rows of kernels.

(13) "Sample" means not less than two ears of frozen corn-on-the-cob drawn from a single shipping container or retail package.

(d) *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen corn-on-the-cob that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the frozen corn-on-the-cob possesses a bright, practically uniform typical color of young and tender corn.

(ii) Frozen corn-on-the-cob that possesses a reasonably good color may be given a score of 14 to 16 points. Frozen corn-on-the cob that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen corn-on-the-cob possesses a reasonably bright, reasonably uniform typical color of reasonably young and reasonably tender corn.

(iii) Frozen corn-on-the-cob that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from loose material, attached material, poorly trimmed ears, and from damaged kernels and seriously damaged kernels.

(*a*) "Loose material" means pieces of cob, kernels and portions of kernels, husk and portions of husk, and silk not attached to an ear.

(*b*) "Attached material" means silk and husk or portions of silk and husk attached to an ear.

(*c*) "Poorly trimmed ear" means that the end or ends of an ear are rough or ragged in appearance and that any attached stalk which may be present exceeds ¾ inch in length.

(*d*) "Damaged kernel" means any kernel damaged by mechanical injury and any kernel damaged by pathological injury, insect injury, discoloration, or damaged by other means to such an extent that the appearance or eating quality is materially affected. Mechanical injury means that the kernel is materially damaged by cutting or crushing. Kernels on the ends of the ear which are damaged by cutting shall not be considered as damaged by mechanical injury.

(*e*) "Seriously damaged kernel" means damaged to such an extent that the appearance or eating quality is seriously affected. Kernels damaged by mechanical injury shall not be considered seriously damaged.

(ii) Frozen corn-on-the-cob that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that loose material, attached material, or poorly trimmed ears that do not affect the appearance or eating quality of the product may be present in the sample; that not more than 5 percent, by count, of kernels in the sample are damaged or seriously damaged, but not more than ½ of one percent, by count, of all the kernels are seriously damaged.

(iii) If the frozen corn-on-the-cob is reasonably free from defects a score of 28 to 33 points may be given. Frozen corn-on-the-cob that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that loose material, attached material, or poorly trimmed ears that do not materially affect the appearance or eating quality of the product may be present in the sample; that not more than 10 percent, by count, of kernels in the sample are damaged or seriously damaged, but not more than 1 percent, by count, of all the kernels are seriously damaged.

(iv) Frozen corn-on-the-cob that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Tenderness and maturity.* (i) The tenderness and maturity of the kernels is referred to under this factor. The tenderness and maturity of the kernels is determined by examining at least 3 complete adjacent rows of kernels or an equivalent number if kernels are not in rows, after removal from each ear in the sample. The kernels are removed from the ear by cutting just above the tip cap.

(ii) Frozen corn-on-the-cob that is tender may be given a score of 34 to 40 points. "Tender" means that the kernels in the sample are in the milk or early cream stage of maturity and have a tender texture.

(iii) If the frozen corn-on-the-cob is reasonably tender a score of 28 to 33 points may be given. Frozen corn-on-the-cob that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender" means that the kernels in the sample are in the cream stage of maturity and have a reasonably tender texture.

(iv) Frozen corn-on-the-cob the kernels of which are in the early dough or dough stage of maturity or that fails in any other respect to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(e) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen corn-on-the-cob the grade of such lot will be determined by averaging the total scores of all samples if:

(i) Not more than one-sixth of the samples drawn from the lot fail to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such samples which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all samples for the factor, subject to such limiting rule, must be within the range for the grade indicated:

(ii) None of the samples drawn from the lot fall more than 4 points below the minimum score for the grade indicated by the average of the total scores;

(iii) In addition to the above tolerances not more than one-sixth of the samples fail to meet the requirements with respect to uniformity of size and symmetry for the respective grade; and

(iv) All samples drawn from the lot meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(f) *Score sheet for frozen corn-on-the-cob.*

Size and kind of container		
Container marks or identification		
Label		
Net weight (ounces)		
Number of ears (count)		
Length of ears (inches)		
Kernels per ear (count)		
White or golden (yellow)		
Development of ear		
Similar varietal characteristics		
Factors	Score points	
I. Color	10	(A) 17–20 (B) 114–16 (D) 10–13
II. Absence of defects	40	(A) 34–40 (B) 128–33 (D) 10–27
III. Tenderness and Maturity	40	(A) 34–40 (B) 128–33 (D) 10–27
Total score	100	
Uniformity of size		
Flavor and odor		
Grade		

1 Indicates limiting rule.

(g) *Effective time.* The United States Standards for Grades of Frozen Corn-on-the-Cob (which are the first issue) contained in this section shall become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies sec. 203, 60 Stat. 1087, Pub. Law 146, 81st Cong.; 7 U. S. C. 1622)

Issued at Washington, D. C., this 30th day of June 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-5860; Filed, July 5, 1950; 8:55 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

UNITED STATES STANDARDS [1] [2] FOR GRADES OF CANNED GRAPEFRUIT AND ORANGE FOR SALAD

On February 15, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 825) regarding the proposed issuance of United States Standards for Grades of Canned Grapefruit and Orange for Salad. After consideration of all relevant matters including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Canned Grapefruit and Orange for Salad are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 20, 1949):

§ 52.372 *Canned grapefruit and orange for salad.* Canned grapefruit and orange for salad, commonly known as canned citrus salad, is prepared from sound, mature grapefruit (Citrus paradisi) and from sound, mature oranges of the orange group (Citrus sinensis) which have been properly washed; and the segments thereof have been separated and the major portions of membrane and core and the seeds removed. The product is packed with or without the addition of water, juice, or sweetening ingredients and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers. It is recommended that the number of orange units be not less than the number of grapefruit units.

(a) *Grades of canned grapefruit and orange for salad.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned grapefruit and orange for salad of which the average weight of the orange fruit is not less than 37½ percent nor more than 60 percent of the drained weight provided no single container consists of orange fruit that is less than 25 percent nor more than 75 percent of the drained fruit in such container; that possesses a drained weight or average drained weight, as the case may be, of not less than 60 percent of the capacity of the container; that consists of not less than 75 percent by weight of the drained grapefruit and not less than 75 percent by weight of the drained orange fruit which is in whole segments or almost whole segments; that possesses a good color; that is practically free from defects; that possesses a good character; that possesses a good flavor and odor; and that scores not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of canned grapefruit and orange for salad of which the average weight of the orange fruit is not less than 32½ percent nor more than 60 percent of the drained weight provided no single container consists of orange fruit that is less than 25 percent nor more than 75 percent of the drained weight of the fruit in such container; that possesses a drained weight or average drained weight, as the case may be, of not less than 55 percent of the capacity of the container; that consists of not less than 50 percent by weight of the drained grapefruit and not less than 50 percent by weight of the drained orange fruit which is in whole segments or almost whole segments; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; and that scores not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Broken" is the quality of canned grapefruit and orange for salad of which the average weight of the orange fruit is not less than 32½ percent nor more than 60 percent of the drained weight provided no single container consists of orange fruit that is less than 25 percent nor more than 75 percent of the drained weight of the fruit in such container; that possesses a reasonably good character; that possesses a fairly good flavor and odor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of canned grapefruit and orange for salad that fails to meet the requirements of U. S. Grade B or U. S. Choice and U. S. Broken.

(b) *Recommended designations of liquid media and Brix measurements.* "Cut-out" requirements for liquid media are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. It is recommended that canned grapefruit and orange for salad have the following indicated "cut-out" Brix measurement for the respective designation, which designations include, but are not limited to, the following:

Designation of liquid media:	*Brix measurement*
Heavy sirup	18° or more.
Light sirup	16° or more, but less than 18°.
Slightly sweet	12° or more, but less than 16°.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned grapefruit and orange for salad be filled with grapefruit and orange fruit as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

(d) *Ascertaining the grade.* The grade of canned grapefruit and orange for salad may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of drained weight, wholeness, color, absence of defects, and character. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The requirements of these standards shall not excuse failure to comply with applicable State laws and regulations.

Factors:	*Points*
(1) Drained weight	20
(2) Wholeness	20
(3) Color	20
(4) Absence of defects	20
(5) Character	20
Total score	100

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

(1) *Drained weight.* The drained weight of canned grapefruit and orange for salad is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and the fruit less the weight of the dry sieve. The fruit thus drained is referred to in this section as "drained fruit." A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can. "Capacity of the container" means the weight of distilled water at 68° Fahrenheit which the sealed container will hold.

(i) Canned grapefruit and orange for salad that possesses a drained weight of not less than 60 percent of the capacity of the container may be given a score of 18 to 20 points for the respective containers as outlined in Table No. I. Whenever more than 1 container of the product is being graded, the score for drained weight of each container is determined by averaging the drained weights of the containers. If the average drained weight indicates a score of 18 to 20 points (in accordance with Table No. I) such score will be assigned to each container: *Provided*, That the drained weight of no individual container indicates a score of less than 16 points. However, if any individual container scores less than 16 points, each container will be assigned the score for its own drained weight.

(ii) If the drained weight of the canned grapefruit and orange for salad is less than 60 percent but not less than 55 percent of the capacity of the container, a score of 16 or 17 points may be given for the respective containers as outlined in Table No. I. Whenever more than 1 container of the product is being graded, the score for drained weight of each container is determined by averaging the drained weights of the containers. If the average drained weight indicates a score of 16 or 17 points (in accordance with Table No. I) such score will be assigned to each container: *Provided*, That the drained weight of no individual container indicates a score of less than 14 points. However, if any individual container scores less than 14 points, each container will be assigned the score for its own drained weight. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(iii) Canned grapefruit and orange for salad that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above U. S. Grade D. or Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE NO. I—SCORE FOR DRAINED WEIGHTS OF CANNED GRAPEFRUIT AND ORANGE FOR SALAD

Grade Classification	Score Points	Percentage that drained weight is of capacity of container	Drained weight on basis of container designation and size			
			8 oz. tall (2 1/16 x 3 1/16 inches)	No. 2 (3 1/16 x 4 1/16 inches)	No. 3 Cyl. (4 1/16 x 7 inches)	No. 5 (5 1/16 x 5 9/16 inches)
	20	65 percent or more.	*Ounces* 5.63 or more	*Ounces* 13.33 or more	*Ounces* 33.56 or more	*Ounces* 38.42 or more.
U. S. Grade A or U. S. Fancy.	19	62½ to 65 percent.	5.41 to 5.62 incl.	12.84 to 13.32 incl.	32.27 to 33.55 incl.	36.94 to 38.41 incl.
	18	60 to 62½ percent.	5.19 to 5.40 incl.	12.33 to 12.83 incl.	30.98 to 32.26 incl.	35.46 to 36.93 incl.
U. S. Grade B or U. S. Choice or U. S. Broken.	17	57½ to 60 percent.	4.98 to 5.18 incl.	11.79 to 12.32 incl.	29.69 to 30.97 incl.	33.99 to 35.45 incl.
	16	55 to 57½ percent.	4.76 to 4.97 incl.	11.28 to 11.78 incl.	28.40 to 29.68 incl.	32.51 to 33.98 incl.
	15	52½ to 55 percent.	4.55 to 4.75 incl.	10.77 to 11.27 incl.	27.10 to 28.39 incl.	31.03 to 32.50 incl.
U. S. Grade D or Substandard.	14	50 to 52½ percent.	4.33 to 4.54 incl.	10.25 to 10.76 incl.	25.81 to 27.09 incl.	29.55 to 31.02 incl.
	13 or less	Less than 50 percent.	Less than foregoing drained weights			

(2) *Wholeness.* (i) "Whole" or "whole segment" means any fruit segment that retains its apparent original conformation and is not excessively trimmed.

(ii) "Almost whole" or "almost whole segment" means any portion of a fruit segment that is not less than 75 percent of the apparent original segment size.

(iii) "Broken" or "broken segment" means (*a*) any portion of a fruit segment that is less than 75 percent of the apparent original segment size, (*b*) a "whole segment" or "almost whole segment" that is excessively trimmed, and (*c*) portions of segments that are joined together only by a "thread" or membrane.

(iv) Canned grapefruit and orange for salad that consists of not less than 75 percent by weight of the drained grapefruit and not less than 75 percent by weight of drained orange fruit that is in whole segments or almost whole segments may be given a score of 18 to 20 points.

(v) If the canned grapefruit and orange for salad consists of not less than 50 percent by weight of the drained grapefruit and not less than 50 percent by weight of the drained orange fruit that is in whole segments or almost whole segments, a score of 16 or 17 points may be given. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(vi) If less than 50 percent by weight of the drained grapefruit or less than 50 percent by weight of the drained orange fruit is in whole segments or almost whole segments, a score of 0 to 15 points may be given. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U. S. Broken, regardless of the total score for the product (this is a limiting rule).

(3) *Color.* (i) Canned grapefruit and orange for salad that possesses a good color may be given a score of 18 to 20 points. "Good color" means that the color (*a*) of the grapefruit is a practically uniform bright, typical color free from any noticeable tinge of amber and (*b*) of the orange fruit is a bright, typical color which may range from deep yellow-orange to orange and which is practically uniform with not more than a slight variation in the units.

(ii) If the canned grapefruit and orange for salad possesses a reasonably good color, a score of 16 or 17 points may be given. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product. (This is a limiting rule.) "Reasonably good color" means that the color of the grapefruit and of the orange fruit is fairly bright, may be variable in color, but is not off color.

(iii) Canned grapefruit and orange for salad that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, from seeds, from portions of albedo, from portions of tough membrane, and from damaged units.

(i) "Harmless extraneous material" means leaves, portions of leaves, small pieces of peel, and other similar material that is harmless.

(ii) "Seed" means any seed or any portion thereof, whether or not fully developed, that measures more than 3/16 inch in any dimension. A "large seed" is one that may be plump and measures more than 3/8 inch in any dimension.

(iii) "Damaged unit" means any fruit segment or portion thereof that is damaged by pathological injury, by lye peeling, by discoloration, or by similar

injury or that is damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(iv) Canned grapefruit and orange for salad that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that no harmless extraneous material is present; that not more than 5 percent by weight of the drained fruit may be damaged units; and that for each 20 ounces of net weight there may be present:

Not more than 4 seeds including not more than one large seed; and

Not more than an aggregate area of 2 square inches on the units covered by tough membrane or albedo.

(v) If the canned grapefruit and orange for salad is reasonably free from defects, a score of 16 or 17 points may be given. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that not more than 15 precent by weight of the drained fruit may be damaged units; and that for each 20 ounces of net weight there may be present:

Not more than 1 small piece of harmless extraneous material;

Not more than 12 seeds including not more than 3 large seeds; and

Not more than an aggregate area of 3 square inches on the units covered by tough membrane or albedo.

(vi) Canned grapefruit and orange for salad that fails to meet the requirements of subdivision (v) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(5) *Character.* The factor of character refers to the structure and condition of the cells of the fruit and reflects the maturity of the grapefruit and orange fruit.

(i) Canned grapefruit and orange for salad that possesses a good character may be given a score of 18 to 20 points. "Good character" means that the grapefruit and orange fruit is moderately firm and fleshy; that the segments or portions thereof possess a juicy, cellular structure free from dry cells or "ricey" cells that materially affect the appearance or eating quality of the product; and that the product is reasonably free from loose floating cells.

(ii) If the canned grapefruit and orange for salad possesses a reasonably good character, a score of 16 or 17 points may be given. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the fruit is reasonably free from dry cells, "ricey" cells, or fibrous cells that materially affect the appearance or eating quality of the product but none of the fruit is seriously affected by dry cells, "ricey" cells, or fibrous cells.

(iii) Canned grapefruit and orange for salad that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms.* (1) "Good flavor and odor" means that the product has a distinct and normal flavor and odor typical of canned grapefruit and of canned orange fruit and is free from objectionable odors and objectionable flavors of any kind.

(2) "Fairly good flavor and odor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(3) "Brix" means the degrees Brix of the liquid media surrounding the canned grapefruit and orange fruit for salad when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If the liquid media is tested at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of the liquid media may be determined by any other method which gives equivalent results.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned grapefruit and orange fruit for salad, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for canned grapefruit and orange for salad.*

Factors		Score points	
I. Drained weight	20	(A)	18-20
		(B), (Bkn)	16-17
		(D)	0-15
II. Wholeness	20	(A)	18-20
		(B)	16-17
		Bkn)	0-15
III. Color	20	(A)	18-20
		(B), (Bkn)	16-17
		(D)	0-15
IV. Absence of defects	20	(A)	18-20
		(B), (Bkn)	16-17
		(D)	0-15
V. Character	20	(A)	18-20
		(B), (Bkn)	16-17
		(D)	0-15
Total score	100		

Flavor and odor	
Grade	
Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Vacuum (inches)	
Drained weight (ounces)	
Brix measurement	
Sirup designation (heavy, light, etc.)	
Orange fruit:	
Drained weight (ounces)	
Proportion (percent)	
Count:	
Orange units	
Grapefruit units	

[1] Indicates limiting rule.

(i) *Effective time.* The United States Standards for Grades of Canned Grapefruit and Orange for Salad (which are the first issue) contained in this section shall become effective 30 days after publication of these standards in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies sec. 203, 60 Stat. 1087, Pub. Law 146, 81st Cong.; 7 U. S. C. 1622)

Issued at Washington, D. C. this 30th day of June 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-5859; Filed, July 5, 1950; 8:55 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Amdt. 1]

PART 713—COUNTY AND COMMUNITY COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF PRODUCTION AND MARKETING ADMINISTRATION COUNTY AND COMMUNITY COMMITTEES

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act, as amended, the regulations pertaining to the selection and functions of Production and Marketing Administration county and community committees (14 F. R. 5916) are hereby amended by changing paragraph (c) of § 713.15 to read as follows:

(c) *Delegate to the county convention.* A delegate to the county convention may not be a member of the State committee.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies 49 Stat. 1148, as amended, sec. 305, 50 Stat. 912, secs. 388, 392, 507, 52 Stat. 68, 69, as amended, 73; 16 U. S. C. 590g-590q, 7 U. S. C. 1135, 1388, 1392, 1507)

Done at Washington, D. C., this 30th day of June 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-5831; Filed, July 5, 1950; 8:58 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 42-5]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

CERTIFICATE RENEWAL, AIRCRAFT, AND OTHER ADMINISTRATIVE REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of June 1950.

The Administrator of Civil Aeronautics has advised the Board that with the limited staff available for administration and enforcement of safety standards applying to air carriers and commercial operators operating large aircraft the Administration is unable, under the current provisions of Part 42 and the practices herewith described, to take all necessary and desirable measures to assure the attainment of the required safety standards by all such operators. The Administrator has, therefore, recommended that the Board promulgate immediately certain amendments to Part 42 designed to facilitate administration and enforcement of the safety requirements of that part of the Civil Air Regulations.

These amendments herein adopted are intended to focus responsibility for maintenance and operation by requiring an operator of large aircraft to have exclusive operational control of all such aircraft used in his business for a period of at least six months. Heretofore, an operator who had such control of one aircraft could use any additional aircraft, provided, if a large aircraft, that it was listed in the air carrier operating certificate and at the time of such listing was found safe for the service to be offered. However, where such an aircraft is listed in the operating specifications of more than one person, as is often the situation, we are advised that it is practically impossible in many cases to fix responsibility fairly for poor maintenance or other airworthiness deficiencies. To support administration of the existing requirement, the regulation hereby promulgated provides that no large aircraft may be listed simultaneously in the air carrier or commercial operating certificate of more than one air carrier or commercial operator, and that when the operator ceases to have exclusive operational control of any large aircraft he shall report such fact to the Administrator so that the aircraft may be removed from his operating specifications.

This regulation also provides that no air carrier shall change his principal operations or maintenance bases without prior approval of the Administrator. This will inhibit an air carrier from avoiding an inspection of his records, and from improperly asserting that he has just moved his operations or maintenance base to some other place, and will also enable the Administrator to ascertain whether the operator has the necessary facilities at the new location before the operations are started there. Amendments to §§ 42.91, 42.92, and 42.95 permitting the Administrator to designate the place where records are to be kept are established for similar administrative purposes.

This regulation further provides that all air carrier operating certificates and commercial operator certificates issued prior to July 1, 1950, shall expire no later than June 30, 1951, and that all certificates issued after July 1, 1950, shall be limited in duration to one year. This provision is designed to provide a specific recurrent period for proving qualification for an operating certificate. Such a provision is deemed necessary, in view of the fact that experience has shown that operators who satisfactorily show their ability to perform air carrier operations safely at the time of original issuance of an operating certificate often fail to maintain the necessary facilities and personnel thereafter. In order to permit the Administrator to cope with the recurrent inspection burden created by this provision by distributing such burden over the entire year, we are providing that he may immediately initiate his reinspection program for renewal of air carrier operating certificates rather than wait until the end of this year.

We are also making specific provision for requiring the possession of appropriate economic authority to engage in air transportation as a condition precedent to the issuance of an air carrier operating certificate. (Such provision is obviously inapplicable to a commercial operator.) The requirement is desirable to permit revocation of safety operating authority when economic authority has ceased, in order that such an operator be properly denied any color of authority to operate.

Within the past six weeks there have been several accidents involving aircraft operated by large irregular air carriers or commercial operators. While we have not as yet completed our investigation of, and hearings on these accidents, it has become apparent that the maintenance and operation of large aircraft by certain irregular air carriers and commercial operators have not been up to the standard of safety required by the provisions of Parts 42 and 45 of the Civil Air Regulations, that these deficiencies in maintenance and operation have resulted in hazards to safety in air commerce, and that changes in administrative provisions of this part are necessary to correct the current situation.

For the reasons stated above it is the opinion of the Board that an emergency requiring immediate action exists in respect to safety in air commerce and that notice and public procedure hereon are impracticable and contrary to the public interest, and the Board finds that good cause exists for making this amendment effective on less than 30 days' notice.

Interested persons desiring to present written data, views, and/or arguments pertaining to the rules herein adopted are requested to submit such matter to the Board on or before July 30, 1950. All communications so received will be considered by the Board, and the rules herein adopted will be reconsidered fully in the light of the comments submitted.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR, Part 42, as amended) effective July 1, 1950:

1. By adding a new § 42.1 (a) (12a) to read as follows:

(12a) *Exclusive use of aircraft.* Exclusive use of an aircraft means that an air carrier has the sole possession, control, and use of an aircraft for flight arising from either (i) a lease or other agreement or arrangement under which the air carrier is to have the right to such possession, control, and use for a period of at least six consecutive months from the date of such lease or other agreement or arrangement,[1] or (ii) ownership of the aircraft.

2. By amending § 42.5 to read as follows:

§ 42.5 *Certificate issuance.* An air carrier operating certificate, describing the operations authorized and prescribing such operating specifications and limitations as may be required in the interest of safety, shall be issued by the Administrator to a properly qualified citizen of the United States possessing appropriate economic authority granted by the Board pursuant to Title IV of the Civil Aeronautics Act of 1938, as amended, who is capable of conducting the proposed operations in accordance with the applicable requirements hereinafter specified. Application for a certificate, or application for amendment thereof, shall be made in a manner and contain information prescribed by the Administrator. No person subject to the provisions of this part shall operate in air transportation without, or in violation of the terms of, an air carrier operating certificate.

3. By amending § 42.6 to read as follows:

§ 42.6 *Duration and renewal.* (a) An air carrier operating certificate issued under this part prior to July 1, 1950, shall expire on June 30, 1951, unless (1) such certificate is sooner surrendered, suspended, or revoked, or (2) the Administrator, prior to that date, shall reinspect and re-examine the holder thereof and issue to the air carrier the new-type air carrier operating certificate hereinafter provided. An air carrier operating certificate issued under this part subsequent to July 1, 1950, shall expire one year from date of issuance thereof, unless such certificate is renewed by the Administrator or such certificate has been sooner surrendered, suspended, or revoked.

(b) The Administrator shall renew an air carrier operating certificate if, upon inspection and examination, he finds that the air carrier meets the current requirements of the Civil Air Regulations for issuance of any such certificate. Evidence

[1] Attention is invited to the provisions of sec. 408 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 1001, 49 U. S. C. 488) which, in certain cases, regulates sales, leases of, or contracts for use of aircraft between air carriers, or other persons engaged in any phase of aeronautics, and which may require that prior Board approval of such arrangements be obtained. Attention is further invited to the fact that aircraft leased from United States Government agencies may not ordinarily be subleased without prior approval of the lessor.

of renewal of air carrier operating certificates issued subsequent to July 1, 1950, shall be made a part of the air carrier operating certificate in such form and manner as the Administrator may prescribe.

(c) Application for renewal of an air carrier operating certificate shall be made no later than 60 days prior to the expiration thereof, and shall be made in the form and manner prescribed by the Administrator.

4. By amending § 42.9 to read as follows:

§ 42.9 *Operations base, maintenance base, and/or office.* Each irregular air carrier shall give written notice to the Administrator of his principal business office, his principal operations base, and principal maintenance base. Thereafter the air carrier shall not change his principal operations or maintenance base without having secured prior approval of the Administrator of the new base or bases, nor shall the air carrier change his principal business office without advance notice thereof to the Administrator.

5. By amending § 42.11 to read as follows:

§ 42.11 *Aircraft required.* An air carrier shall have the exclusive use of at least one aircraft. All aircraft used in the carriage of persons or property for compensation or hire shall be certificated in accordance with standard airworthiness requirements. No air carrier shall operate a large aircraft for the carriage of goods or persons for compensation or hire unless (a) the air carrier has the exclusive use of such aircraft, (b) the Administrator has found such aircraft safe for the service to be offered and has listed such aircraft in the air carrier operating certificate, and (c) such aircraft is not listed in the air carrier operating certificate or commercial operator certificate of any other air carrier or commercial operator.

6. By amending § 42.91 to read as follows:

§ 42.91 *Maintenance records.* Each air carrier shall keep at its principal operations base, or at such other location used by the air carrier as the Administrator may designate, the following current records with respect to each aircraft, aircraft engine, propeller, and, where practicable, appliance used by him in air transportation:

(a) Total time and service,
(b) Time since last overhaul,
(c) Time since last inspection, and
(d) Mechanical failures.

7. By amending § 42.92 to read as follows:

§ 42.92 *Airman records.* An air carrier shall maintain at its principal operations base, or at such other location used by the air carrier as the Administrator may designate, current records of every airman utilized as a member of a flight crew. These records shall contain such information concerning the qualifications of each airman as is necessary to show compliance with the appropriate requirements prescribed by the Civil Air Regulations. No air carrier shall utilize any airman as a flight crew member unless records are maintained for such airman as required herein.

8. By amending § 42.95 to read as follows:

§ 42.95 *Flight manifest record.* A signed copy and any revision of the flight manifest required by § 42.62 shall be retained in the personal possession of the pilot for the duration of the flight, and a duplicate copy thereof shall be retained by the air carrier at its principal operations base, or at such other location used by the air carrier as the Administrator may designate, for at least 1 year after completion of the flight.

9. By adding a new § 42.97 to read as follows:

§ 42.97 *Change in exclusive use of large aircraft.* When, for any reason whatsoever, an air carrier shall cease to have the exclusive use of any large aircraft, an immediate report of such fact shall be filed with the Administrator in such form and manner and containing such information as the Administrator may prescribe.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, as amended, 1010; 49 U. S. C., and Sup., 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-5844; Filed, July 5, 1950; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5368]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

E. & J. DISTRIBUTING CO.

Subpart—*Using or selling lottery devices:* § 3.2480 *In merchandising.* In connection with the offering for sale, sale and distribution of household merchandise, novelties, toiletries, or any other articles of merchandising in commerce, (1) supplying to or placing in the hands of others pull cards or any other device or devices which are to be used, or may be used, in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; (2) shipping, mailing, or transporting to agents or distributors, or to members of the public, pull cards or any other device or devices which are to be used, or may be used, in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; or, (3) selling, or otherwise disposing of, any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Jacob Colon et al. trading as E. & J. Distributing Company, Docket 5368, May 15, 1950]

In the Matter of Jacob Colon and Evelyn Colon, Individuals, Trading as E. & J. Distributing Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondents named below have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents, Jacob Colon and Evelyn Colon, individuals, trading as E. & J. Distributing Company, or trading under any other name or designation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of household merchandise, novelties, toiletries, or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of others pull cards or any other device or devices which are to be used, or may be used, in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

(2) Shipping, mailing, or transporting to agents or distributors, or to members of the public, pull cards or any other device or devices which are to be used, or may be used, in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

(3) Selling, or otherwise disposing of, any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 15, 1950.

By the Commission, Commissioner Mason concurring in the findings as to the facts and conclusion, but not concurring in the form of order to cease and desist, for the reasons stated in his opinion concurring in part and dissenting in part in Docket 5203, Worthmore Sales Company.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-5840; Filed, July 5, 1950; 8:53 a. m.]

[Docket 5626]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNIVERSAL RADIO-VISION TRAINING CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections—Connections or arrangements with others—History;* § 3.60 *Earnings;* § 3.115 *Jobs and employment service;* § 3.3170 *Qualities or properties of product or service;* § 3.190 *Results;* § 3.260 *Terms and conditions.* Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1395 *Connections and arrangements with others;* § 3.1430 *Government indorsement, sanction or sponsorship;* § 3.1535 *Qualifications;* § 3.1540 *Reputation, success or standing: Misrepresenting oneself and goods—Goods:* § 3.1615 *Earnings;* § 3.1670 *Jobs and employment;* § 3.1730 *Results. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1935 *Earnings;* § 3.1995 *Job guarantee and employment;* § 3.2080 *Terms and conditions.* In connection with the offering for sale, sale or distribution in commerce, of courses of study and instruction, representing by any means, directly or indirectly, (1) that respondents' business of conducting a correspondence school was established in 1934 or in any other year prior to that in which it was actually established; (2) that respondents' correspondence school is a successor to, or has any connection with, the American Institute of Technology, of Detroit, Michigan; (3) that the course of study and instruction sold by them is sufficient to properly prepare and train men and women as technicians in the electronic industry; (4) that equipment for performing home laboratory experiments is furnished to students; (5) that graduates of respondents' correspondence school become certified radio technicians, or that respondents have any authority to certify graduates of their correspondence school as radio technicians; (6) that the Federal Communications Commission, either directly or through any branch office, will certify graduates of respondents' correspondence school as radio technicians; (7) that graduates of respondents' correspondence school are qualified to fill highly paid positions in the electronic industry; (8) that graduates of respondents' correspondence school may earn amounts in excess of the wages currently being paid in the electronic industry to apprentice employees; or, (9) that prominent firms in the electronic industry employ graduates of respondents' correspondence school; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Universal Radio-Vision Training Corporation et al., Docket 5626, May 15, 1950]

In the Matter of Universal Radio-Vision Training Corporation, a Corporation, and Earl G. Hopkins, Hyram W. Haueter and Charles L. Turly, Individually and as Officers of Universal Radio-Vision Training Corporation, and Benjamin P. Scott, Individually and as Superintendent of Instruction of Said Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents thereto, in which answer the respondents admitted all of the material allegations of facts set forth in the complaint and waived all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the corporate respondent, Universal Radio-Vision Training Corporation, a California corporation, and its officers, agents, representatives, and employees, and the individual respondents, Earl G. Hopkins, Hyram W. Haueter, Charles L. Turly, and Benjamin P. Scott, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from representing by any means, directly or indirectly:

(1) That their business of conducting a correspondence school was established in 1934 or in any other year prior to that in which it was actually established;

(2) That their correspondence school is a successor to, or has any connection with, the American Institute of Technology, of Detroit, Michigan;

(3) That the course of study and instruction sold by them is sufficient to properly prepare and train men and women as technicians in the electronic industry;

(4) That equipment for performing home laboratory experiments is furnished to students;

(5) That graduates of their correspondence school become certified radio technicians, or that respondents have any authority to certify graduates of their correspondence school as radio technicians;

(6) That the Federal Communications Commission, either directly or through any branch office, will certify graduates of respondents' correspondence school as radio technicians;

(7) That graduates of their correspondence school are qualified to fill highly paid positions in the electronic industry;

(8) That graduates of their correspondence school may earn amounts in excess of the wages currently being paid in the electronic industry to apprentice employees;

(9) That prominent firms in the electronic industry employ graduates of respondents' correspondence school.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: May 15, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-5841; Filed, July 5, 1950; 8:53 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 801—VETERANS' PREFERENCE REGULATION UNDER HOUSING AND RENT ACT OF 1947, AS AMENDED

The Veterans' Preference Regulation under the Housing and Rent Act of 1947, as amended (§§ 801.1 to 801.9) is hereby amended to read as follows:

PURPOSE

Sec.
801.1 What this part does.

DEFINITIONS

801.2 Definitions.

PREFERENCE PERIODS

801.3 Veterans' preference in sale of housing accommodations.
801.4 Veterans' preference in renting of housing accommodations.
801.5 Alternative veterans' preference period for projects of several dwellings.

PUBLIC OFFERING

801.6 Public offering in good faith.

MISCELLANEOUS

801.7 Violations and enforcement.
801.8 Exceptions.
801.9 Appeals.

AUTHORITY: §§ 801.1 to 801.9 issued under Pub. Laws 129, 422, 464, 80th Cong.; Pub. Laws 31, 574, 81st Cong.

PURPOSE

§ 801.1 *What this part does.* This part (Veterans' Preference Regulation) explains the preference given to veterans of World War II and their families by the Housing and Rent Act of 1947, as amended, in the sale or renting of housing accommodations completed after June 30, 1947, and prior to June 30, 1951.

DEFINITIONS

§ 801.2 *Definitions.* As used in this part:

(a) The terms "veterans of World War II or their families," "veterans or their families," and "veterans" shall mean:

(1) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(2) The spouse of a veteran (as described in subparagraph (1) of this paragraph) who died after being discharged or released from service, if the spouse has not remarried and is living with a child or children of the deceased veteran;

(3) A person who is serving in the active military or naval forces of the United States requiring housing accommodations for his dependent family;

(4) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940, and who died in service, if the spouse has not remarried and is living with a child or children of the deceased;

(5) A citizen of the United States who served in the armed forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring housing accommodations for his dependent family;

(6) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires housing accommodations for his dependent family; and

(7) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring housing accommodations for his dependent family.

(b) The term "nonveterans" shall mean persons other than veterans of World War II or their families.

(c) The term "person" shall include an individual, corporation, partnership, association, or any other organized group of persons, or a representative of any of the foregoing.

(d) The time at which construction, conversion or erection of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant.

(e) The term "housing accommodations" shall include, without limitation, any building, structure, or part thereof, or land appurtenant thereto, or any real or personal property, designed, constructed, or converted for dwelling or residential purposes, together with all privileges, services, or facilities in connection therewith; industrially made or prefabricated houses, sections, panels, or their aggregate as a "package", designed or constructed for dwelling or residential purposes; and a certificate, deposit, membership, stock interest, or undivided interest in real estate, under a cooperative mutual ownership or similar plan, which carries with it the right of occupancy of individual dwelling units.

(f) The term "housing accommodations designed for occupancy by other than transients" shall not include housing accommodations which:

(1) In a particular community are customarily rented for a term of occupancy of six days or less, or

(2) Are rented and usable only on a seasonal basis.

PREFERENCE PERIODS

§ 801.3 *Veterans' preference in sale of housing accommodations.* In order to assure preference or priority to veterans of World War II or their families in the sale of housing accommodations designed for a single family residence, the manufacture, prefabrication, construction, conversion or erection of which is completed after June 30, 1947, and prior to June 30, 1951, the following rules must be observed:

(a) *30-day veterans' preference period after manufacture or prefabrication and prior to erection.* No manufacturer, dealer or other person shall offer for sale, sell or otherwise dispose of industrially made or prefabricated houses, sections, panels, or their aggregate as a "package", designed or constructed for dwelling or residential purposes, to any person for occupancy by nonveterans unless such housing accommodations have first been offered for sale for at least thirty days exclusively for occupancy by veterans or their families.

(b) *30-day veterans' preference period after construction, conversion or erection.* No person shall offer for sale, sell or otherwise dispose of such housing accommodations to any person for occupancy by nonveterans unless such housing accomodations have first been publicly offered for sale exclusively for occupancy by veterans or their families (1) during the period of construction, conversion or erection and for at least thirty days thereafter, and (2) for a period of at least seven days in any resale or other subsequent disposition.

No person shall purchase or otherwise acquire such housing accommodations during either of the exclusive veterans' preference offering periods set forth in paragraphs (a) and (b) of this section, unless such purchase or other acquisition is made in good faith for occupancy, during the time that this part remains in effect, by veterans or their families.

(c) *7-day offer at a price in first and subsequent sales.* No person shall offer for sale or resale, sell or resell such housing accommodations to any person for occupancy by nonveterans at a price less than the price at which the accommodations have last been publicly offered for sale for at least seven days exclusively for occupancy by veterans or their families: *Provided, however,* That in no event shall the exclusive public offering period for occupancy by veterans or their families total less than thirty days in any first or original sale as required by paragraphs (a) and (b) of this section.

No person shall purchase such housing accommodations for occupancy by nonveterans at a price less than the price at which the accommodations have last been publicly offered for at least seven days exclusively for occupancy by veterans or their families.

§ 801.4 *Veterans' preference in renting of housing accommodations.* In order to assure preference or priority to veterans of World War II or their families in the renting of housing accommodations designed for occupancy by other than transients, the manufacture, prefabrication, construction, conversion or erection of which is completed after June 30, 1947, and prior to June 30, 1951 the following rules must be observed:

(a) *30-day veterans' preference period after manufacture or prefabrication and prior to erection.* No manufacturer, dealer or other person shall offer for rent, rent or otherwise dispose of industrially made or prefabriciated houses, sections, panels or their aggregate as a "package," designed or constructed for dwelling or residential purposes, to any person for occupancy by nonveterans unless such housing accommodations have first been offered for rent for at least thirty days exclusively for occupancy by veterans or their families.

(b) *30-day veterans' preference period after construction, conversion or erection.* No person shall offer for rent, rent or otherwise dispose of such housing accommodations to any person for occupancy by nonveterans unless such housing accommodations have first been publicly offered for rent exclusively for occupancy by veterans or their families (1) during the period of construction, conversion or erection and for at least thirty days thereafter, and (2) for a period of at least seven days in any renting or other subsequent disposition.

No person shall acquire by renting or otherwise acquire such housing accommodations, during either of the exclusive veterans' preference offering periods set forth in paragraphs (a) and (b) of this section, unless such acquisition by renting or other acquisition is made in good faith for occupancy, during the time that this part remains in effect, by veterans or their families.

(c) *7-day offer at a price in first and subsequent rentings.* No person shall offer for rent or rerent, rent or rerent such housing accommodations to any person for occupancy by nonveterans at a price less than the price at which the accommodations have last been publicly offered for rent for at least seven days exclusively for occupancy by veterans or their families: *Provided, however,* That in no event shall the exclusive public offering period for occupancy by veterans or their families total less than thirty days in any first or original renting as required by paragraphs (a) and (b) of this section.

No person shall acquire by renting or otherwise acquire such housing accommodations for occupancy by nonveterans at a price less than the price at which the accommodations have last been publicly offered for at least seven days exclusively for occupancy by veterans or their families.

§ 801.5 *Alternative veterans' preference period for projects of several dwellings.* Where a number of dwellings are to be constructed or erected on a certain site as one project, the period of exclusive public offering for occupancy by veterans or their families which is applicable to the first or "model" dwelling in the project may be used for any or all of the other dwelling units in the project which are substantially the same: *Provided,* That the public offering and other requirements of this part applicable to the first or "model" dwelling are applied to the other units. For this purpose, the term "construction" as used in this section means construction or erection of such first or "model" dwelling. The exclusive public offering for occupancy by veterans or their families under this section must clearly refer to all of the dwellings in the project to be covered by the public offering.

PUBLIC OFFERING

§ 801.6 *Public offering in good faith.* In order to assure preference or priority to veterans of World War II or their families, all housing accommodations covered by §§ 801.3, 801.4 and 801.5 must, for the applicable period therein set forth, be publicly offered in good faith, as provided in this section, for sale or rent exclusively for occupancy by veterans or their families.

(a) *Must give veterans reasonable opportunity.* To make a public offering in good faith, the owner must take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a reasonable opportunity to negotiate for them. These affirmative steps, in addition to the posting of placards or signs and the insertion of advertisements in newspapers, as required by paragraphs (b) and (c) of this section, include at least those steps which are customary in the community for making a public offering of housing accommodations. The refusal of the owner to sell or rent to a particular veteran for personal reasons, which are in accordance with local law and customary real estate practices in the community, does not by itself necessarily constitute a violation of this public offering requirement. If, however, the owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent, and then sells or rents to a nonveteran, the owner has violated this part.

(b) *Posting of placards or signs.* A placard or sign must be posted in front of each housing structure, or in a conspicuous location on the site of the construction of the housing accommodations, during any exclusive public offering period for occupancy by veterans or their families. Such placard or sign must legibly contain the rent or sales price, the fact that the housing accommodations are offered for sale or rent exclusively for occupancy by veterans or their families for the prescribed period, and the name and address of the person authorized to sell or rent the housing accommodations. If the rent or sales price is reduced after the placard or sign is posted, the price on the placard or sign must be changed accordingly.

(c) *Newspaper advertisement.* All housing accommodations covered by §§ 801.3, 801.4 and 801.5 must be publicly advertised by newspaper exclusively for occupancy by veterans or their families on at least three days during the first twenty days of the thirty-day preference period required in any first or original sale or renting and on at least two days during the seven-day preference period required in any resale or rerenting. This advertisement shall be in a newspaper of general circulation in the community where the housing accommodations are located. The advertisement shall contain the same information as required for placards and signs in paragraph (b) of this section.

MISCELLANEOUS

§ 80.7 *Violations and enforcement—*(a) *General.* The veterans' preference requirements of this part shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a sale or renting or an agreement for the sale or renting or to solicit or attempt, offer or agree to sell or rent any housing accommodations in violation of the veterans' preference requirements of this part. It shall also be unlawful for any person to sell or rent or agree to sell or rent housing accommodations covered by §§ 801.3, 801.4 and 801.5 during the veterans' preference periods if he knows or has reason to know that the housing accommodations will not be occupied by veterans or their families, and for any purchaser or tenant to effect or agree to effect a sale or renting in violation of the veterans' preference requirements of this part.

(b) *Penalties.* Any person who wilfully violates any provision of this part or section 4 of the Housing and Rent Act of 1947, as amended, shall, upon conviction thereof, be subject to a fine of not more than $5,000 or to imprisonment for not more than one year or to both such fine and imprisonment. Any person who, in connection with this part, knowingly makes any statement to any department or agency of the United States, false in any material respect, shall upon conviction thereof be subject to fine or imprisonment or both. Any person who violates any provision of this part may be prohibited or restrained as authorized by law.

§ 801.8 *Exceptions.* The veterans' preference requirements set forth in this part are not applicable to:

(a) Housing accommodations which are built to replace a dwelling destroyed or damaged by fire, flood, tornado, or, other similar disaster;

(b) Sales of housing accommodations in the course of judicial or statutory proceedings in connection with foreclosures;

(c) The occupancy by an owner, or his building service employee, of a dwelling unit which does not exceed in floor space (1) a normal one-family unit in the structure or project, or (2) fifteen percent of the residential floor space of the structure or project.

(d) Sales of any housing accommodations to any person for investment purposes rather than for occupancy by the purchaser; but the purchaser of such housing accommodations is bound by the veterans' preference requirements in this part in renting or selling for occupancy.

(e) The occupancy of housing accommodations operated by a non-profit or public educational institution for the use of its students or teachers: *Provided, however,* That among eligible applicants for such accommodations at any particular time preference shall be given to veterans.

§ 801.9 *Appeals.* Any person who considers that compliance with any provision of this part would result in a hardship on him may appeal for relief. The appeal shall be in the form of a letter in duplicate addressed to the Housing Expediter, Washington, D. C., Ref.: VPR Appeal. The appeal must state clearly the specific provision of the part appealed from and describe fully the hardship which will result from compliance with the regulations in this part.

Issued this 1st day of July 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-5824; Filed, July 5, 1950; 8:48 a. m.]

[Controlled Housing Rent Reg., Amdt. 258]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 255]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MISSISSIPPI

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respect:

Schedule A, Item 165a, is amended to read as follows:

(165a) [Revoked and decontrolled.]

This decontrols (1) the City of Greenville in Washington County, Mississippi, the Greenville, Mississippi, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said defense-rental area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

This amendment shall be effective June 30, 1950.

Issued this 30th day of June 1950.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1694)

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-5822; Filed, July 5, 1950; 8:48 a. m.]

[Controlled Housing Rent Reg., Amdt. 259]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 256]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MISSISSIPPI

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 163, is amended to read as follows:

(163) [Revoked and decontrolled.]

This decontrols the entire Centreville, Mississippi, Defense-Rental Area, consisting of Adams County, based upon action taken by the State of Mississippi in

accordance with section 204 (j) (2) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 162, is amended to describe the counties in the defense-rental area as follows:

In Harrison County, the City of Biloxi.

This decontrols all of the Biloxi-Pascagoula, Mississippi, Defense-Rental Area, consisting of certain portions of Harrison County, except the City of Biloxi, based upon action taken by the State of Mississippi in accordance with section 204 (j) (2) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective July 16, 1950.

Issued this 1st day of July 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-5823; Filed, July 5, 1950; 8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1950 Dept. Circ. 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING JULY 1, 1950

JULY 1, 1950.

§ 129.13 *Calendar year 1950.* • • •

(c) *Quarter beginning July 1, 1950.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning July 1, 1950, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted.

Country	Monetary unit	Value in terms of U. S. money	Remarks
Canada and Newfoundland.	Dollar	$1.0031	Redemption of notes into gold suspended. Export of gold prohibited except under license.
Colombia	Peso	.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.50637 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By Monetary Law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 28, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Hungary	Forint	.0852	New unit based on 13,210 forint per kilogram fine gold, effective July 1946.
Ireland	Pound	8.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Union of Soviet Socialist Republics.	Ruble	.2500	By decree of Council of Ministers ruble equal to 0.222168 fine gram gold, effective Mar. 1, 1950.
Uruguay	Peso	.6583	Present gold content of 0.585018 grains fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec. 522, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U. S. C. 372, July 1, 1950)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 50-5833; Filed, July 5, 1950; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

ADJUSTMENT OF AWARD OF VETERAN UPON TERMINATION OF INSTITUTIONALIZATION

In § 3.256, paragraph (b) is amended to read as follows:

§ 3.256 *Adjustment of award of veteran upon termination of institutionalization by the Veterans' Administration.* • • •

(b) While a veteran is on trial visit or other temporary absence from a Veterans' Administration hospital or center, no adjustment of his award by reason thereof will be made for any period of less than 30 days, inclusive of the day on which he left the institution. If such temporary absence is for a period of 30 days or more, the award to or on behalf of the veteran will be adjusted in accordance with the last valid rating, if otherwise in order, effective as of the day the veteran departs. However, a furlough, trial visit, or other temporary absence for a period of 30 days or more is not tantamount to a discharge within the purview of paragraph (a) (1) of this section and the veteran may not be awarded the moneys withheld under § 3.255 (a) in a lump sum when he leaves the institution on such a temporary absence. Upon return from such a temporary absence the veteran's award shall be immediately reduced to the institutional rate, if otherwise in order. If the veteran is discharged without returning to the institution, the award will be adjusted in accordance with paragraph (a) of this section. The report of such absence will be made to the office having custody of the case file, in accordance with effective procedure.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interprets or applies sec. 1, 60 Stat. 908, as amended; 38 U. S. C. 739, ch. 12 note)

This regulation becomes effective July 6, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-5781; Filed, July 5, 1950; 8:46 a. m]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—TRAINING FACILITIES

1. Section 21.421 is hereby canceled.

§ 21.421 *Related training taken in another regional area when claims and R&E folders are located in regional office having jurisdiction over principal trainer.* [Canceled.]

2. Section 21.433 is amended to read as follows:

§ 21.433 *Payment to institutions.* The manager of a Veterans' Administration regional office is authorized to pay to the approved institution for each eligible veteran enrolled therein for a full-time or part-time course of education or training the proper charge for tuition and incidental fees or other allowable expense, and for such books, supplies, and equipment issued to the trainee as are generally required for the successful pursuit and completion of the course by other students in the institution for the period covered by the properly certified voucher or invoice, subject to the provisions of §§ 21.442 through 21.448 and 21.539 for Part VII trainees and §§ 21.468 through 21.476, 21.484, 21.485, 21.493 through 21.495, 21.503 through 21.519, 21.530, 21.531, 21.532, 21.539, 21.540, 21.548, 21.549, and 21.557 through 21.559, for Part VIII trainees.

3. In § 21.449, paragraphs (c), (d), (e), and (f) are amended to read as follows:

§ 21.449 *Medical services for Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), trainees.* • • •

(c) *Determination of fee rate payable.* The department of medicine and surgery, Veterans' Administration, has negotiated contracts with virtually all States to furnish outpatient treatment to veterans with service-connected disabilities and has negotiated contracts with a number of State associations to furnish hospital care. Where it is contemplated that a contract will be negotiated with an institution to include medical and hospital services for Public Law 16 veterans, the chief, training facilities section will ascertain from the medical division whether there is a medical contract covering the area in which the institution is located. Where such a contract exists, the fees established in the Public Law 16 contract negotiated by the regional office for medical service and the charges for hospital services furnished outside of the regular services covered by the health fee will not exceed the charges negotiated by the department of medicine and surgery. Customary charges will be paid to the institution for the services covered by the regular health fee. In these cases where the department of medicine and surgery does not have a contract covering medical treatment and hospital care, the charges for such service will be checked with the medical division to determine that they are not in excess of the general rates being approved for such services by the department of medicine and surgery.

(d) *Treatment by fee physicians.* In those cases where contractual arrangements cannot be made with educational institutions but where the institution designates a physician or physicians to whom students are referred for treatment, the regional offices will arrange with the institution to have disabled veterans report to the institution's health officer for assignment to designated physicians for treatment or referred to designated hospitals for hospitalization. In such cases, the fees for medical services and charges for hospital services shall not exceed charges provided for in contracts negotiated by the department of medicine and surgery and, where the department of medicine and surgery does not have a contract, the charges for medical and hospital services will not exceed the charges approved for such services by the department of medicine and surgery.

(e) *No certification from medical division required.* No certification is required from the medical division for medical services provided Part VII trainees under vocational rehabilitation and education contracts or through arrangement made by vocational rehabilitation and education with the institutions for fee physicians and hospital care, as these services are separate and distinct from any medical services under the jurisdiction of the medical division to which veterans may otherwise be entitled.

(f) *Voucher preparation.* The institution which provides medical services other than those covered by the health fee of the institution or by special arrangements with outside individuals or organizations will be required to submit each month to the regional office an itemized voucher showing the name and C-number of each trainee, the nature and date of services, and fees charged.

4. In § 21.519, paragraphs (a), (b), and (c) (1) are amended to read as follows:

§ 21.519 *Determination of maximum amount of payment for tuition, fees, books, supplies, and equipment where entitlement of a Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12) veteran is extended and where a Part VIII veteran has insufficient entitlement to complete a major portion of a semester, quarter, or unit period of education or training—(a) Law.* Paragraph 2, Part VIII, Veterans Regulation 1 (a), as amended by section 5 (b), Public Law 268, 79th Congress, reads as follows:

Provided further, That wherever the period of eligibility ends during a quarter or semester and after a major part of such quarter or semester has expired, such period shall be extended to the termination of such unexpired quarter or semester.

(b) *Reference to method of determining extension of entitlement.* Where the period of entitlement of the Part VIII veteran expires before the completion of a semester, quarter, or unit period of education or training, the method for determining the extension of entitlement, if any, will be in accordance with § 21.53, *Extension of entitlement.* Section 21.53 (b) (3) (vii) provides that in all excess cost courses payment in behalf of the veteran will not exceed the maximum dollar value of the veteran's remaining entitlement as determined by the registration officer: This maximum dollar value of remaining entitlement may be paid regardless of the time in the course when charges for tuition, fees, supplies, etc. fall due.

(c) *Notification to institution and veteran.* (1) In any case where the Part VIII veteran has insufficient entitlement to complete a major part of a term, semester, quarter, or other appropriate unit of time, the veteran and the institution will be advised by the registration officer of the exact amount of the veteran's entitlement. The maximum amount of payment for tuition and other expenses that will be made by the Veterans' Administration to the institution on behalf of such veteran will be determined as set forth in § 21.53 and arrangements for the payment of any costs not covered by the veteran's entitlement must be made between the individual veteran and the institution in which he is enrolled. In all excess charge courses, the registration officer will record on the VA Form 7-1907c or 7-1907c-1 the converted dollar value of the veteran's remaining entitlement, including the dollar value of the extension of entitlement where proper, and payments in excess of this amount will not be made by the finance division.

• • • • •

5. In § 21.570, paragraph (b) (1), (2), and (3) is amended to read as follows:

§ 21.570 *Determination when contract is required.* • • •

(b) It will be necessary for a contract to be negotiated under Public Law 346 by the Veterans' Administration for payments for tuition, fees, books, supplies, equipment, and other necessary expenses to the institution for the training of Part VIII, Veterans Regulation 1 (a), as amended, trainees under the following circumstances:

(1) With institutions providing institutional on-farm courses, see §§ 21.613 through 21.618.

(2) With institutions offering courses of instruction by correspondence, see §§ 21.625 through 21.628.

(3) With nonprofit institutions which elect and are permitted to receive payments of other than customary tuition on the credit hour rate (§ 21.475). In such cases, contracts will be made effective with the beginning of the first term, semester, or quarter, subsequent to the date the institution submits a formal request for payment of adjusted tuition on the basis of § 21.475, provided such request is approved by the Veterans' Administration.

• • • • •

6. In § 21.612, paragraphs (b) (3) and (c) are amended to read as follows:

§ 21.612 *Payment for flight training in nonprofit institutions.* • • •

(b) *Payment for voluntarily elected flight courses.* • • •

(3) The veteran requests acceleration in the use of his available entitlement for the total charge for the flight training course which he has voluntarily elected by authorizing an additional charge to his entitlement at the rate of 1 day for each $2.10 of the total cost of the flight course.

(c) *Payment for required flight courses.* When the flight course is not voluntarily elected by the student but is required by the institution as a partial fulfillment of the institution's standard credit-hour requirement for the student's degree objective, payment to the institution will be made as follows:

(1) If the institution has elected to charge the Veterans' Administration on the basis of customary charges (§ 21.472) and the total charge for the flight course and the regular course exceeds the rate of $500 for an ordinary school year, the veteran either will be required to have his entitlement charged at an accelerated rate for the excess or the veteran will be required personally to pay the amount the charge exceeds the rate of $500 for the ordinary school year. If the combined customary charge is less than the rate of $500 for one ordinary school year, the veteran will not be required to have his entitlement charged at an accelerated rate.

(2) If the nonprofit institution has elected and is permitted to charge the Veterans' Administration on the basis of other than customary tuition charges

(§§ 21.473 to 21.475 inclusive), the total payment to the institution for the other than customary tuition will be limited to an amount which together with the customary charges for fees (including flight training), books, supplies, equipment, and other necessary expenses will not exceed the rate of $500 for a full-time course for an ordinary school year. (See §§ 21.470 (b) (2) and 21.517.) If the total customary charges for fees (including flight training), books, supplies, equipment, and other necessary expenses, but exclusive of tuition charges, exceed the rate of $500 for a full-time course for an ordinary school year, the veteran may elect to have the amount of such excess customary charges, exclusive of tuition, paid by the Veterans' Administration and his entitlement charged for the excess or he may elect to pay the excess personally.

* * * * *

7. In § 21.614, paragraph (a) (4) (v) is amended as follows:

§ 21.614 *Determination of fair and reasonable compensation for institutional on-farm training*—(a) *Certified financial statement required.* * * *

(4) * * *

(v) *Building operation and maintenance, depreciation, and rent.* Cost of the pro rata portion of depreciation on instructional equipment, heat, light, power, water, janitor service, building maintenance, rent of non-publicly owned facilities, and insurance for classroom and laboratory space which may be allocated to these courses on the basis of the time the classrooms are used for these courses in relation to the full-time use of such classrooms and laboratories. A sum not in excess of $1.25 per student per month is acceptable as a fair and reasonable charge for this item without detailed calculation. In any case where the institution requests an amount in excess of $1.25 per man per month for this item, the manager will submit the proposal with the cost data and his recommendations relative thereto to the special assistant to the director, training facilities service, for the area concerned for a determination as to whether an amount in excess of $1.25 per student per month may be included in the fair and reasonable determination.

* * * * *

8. In § 21.625, paragraph (b) is amended to read as follows:

§ 21.625 *Contract negotiations for correspondence courses.* * * *

(b) *Approved schools.* In accordance with paragraph 4, Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), institutions furnishing correspondence courses must be approved. Approval of a school for use under Public Law 346 will be by the appropriate agency of the State in which the home offices of the school are located. As it is the responsibility of the State to determine which institutions are qualified and equipped to furnish education or training, it is also within the jurisdiction of the State to prescribe the standards to be met by an approved institution. The same procedure may be followed by the State in determining the standards required for correspondence courses as is followed by the State in the case of institutions offering resident instruction. The general approval given by certain State agencies to institutions covers residence courses only. Such States give separate and specific approval for correspondence courses.

* * * * *

9. In § 21.656, paragraph (d) is amended to read as follows:

§ 21.656 *Time of payment to institutions for residence courses for Parts VII and VIII, Veterans Regulations 1 (a), as amended (38 U. S. C. ch. 12), trainees and basis for determining amount payable.* * * *

(d) *Provisions for payment to certain nonprofit institutions after expiration of refund period.* (1) Nonprofit educational institutions may be paid in accordance with the provisions set forth in subparagraphs (2) and (3) of this paragraph, provided such institutions operate on a regular term, quarter, or semester basis and normally accept students only at the beginning of the term, quarter, or semester and provided further such institutions are either:

(i) Institutions of higher learning that use a standard unit of credit recognized by accrediting associations (such institutions will include those which are members of recognized national or regional educational accrediting associations and those which, although not members of such accrediting associations, grant standard units of credit acceptable at full value without examination by collegiate institutions which are members of national or regional accrediting associations), or

(ii) Public tax-supported institutions, or

(iii) Institutions operated and controlled by State, county, or local boards of education.

(2) Eligible institutions listed in subparagraph (1) of this paragraph which have a refund policy providing for a graduated scale of charges for purposes of determining refunds at least equivalent to that set forth in paragraph (e) of this section or those eligible institutions in subparagraph (1) of this paragraph which are willing to adopt such a policy with reference to veteran-trainees, except as provided in subparagraph (3) of this paragraph, may submit a bill and be paid part or all of the entire amount of the allowable tuition and other fees for term, quarter, or semester of 19 weeks or less immediately following the date on which the refund period expires as designated for each of the following bases of payment:

(i) *Customary charges or other than customary charges* (§§ *21.472, 21.473, and 21.474*). Payment will be made in full for the entire term, quarter, or semester immediately following the expiration of the refund period. The graduated scale of charges of the institution will also be applicable for purposes of determining the payment to be made for veterans withdrawing or discontinuing before the expiration of the refund period.

(ii) *Section 21.475; estimated cost of teaching personnel and supplies for instruction.* (*a*) Payments on this basis consist of tuition at a rate per credit hour plus the other regular nontuition fees of the institutions such as laboratory, student health, library, and student activity fees. After the expiration of the refund period or as soon thereafter as the institution is able to determine the number of credit-hours for which a student is enrolled and for which performance will be finally recorded on the records of the institution, the institution may bill and be paid for the full amount of tuition at the contract rate per credit-hour and for the full amount of the other customary nontuition fees charged by the institution. The "number of credit-hours for which performance will be recorded" means those credit-hours of work for which the student is finally enrolled after the expiration of the period during which a student is permitted to change courses without penalty insofar as credit is concerned. The credit-hour valuation used for purposes of calculating the payment will be the normal credit offered by the institution for the subject or course involved without regard to the fact that performance may finally be recorded in any one of a number of various terms, such as full credit, withdrawn, incomplete, or such other official record of performance as may be made by the institution following the expiration of the date for change of course without penalty.

(*b*) The basis of determining the number of credit hours for purposes of payment should be comparable to the basis used by the institution in calculating the number of credit-hours for purposes of determining the rate of payment.

(3) Nonprofit educational institutions, as set forth in subparagraph (1) of this paragraph, which do not have or will not accept a graduated scale of charges for purposes of determining refunds at least equivalent to that set forth in paragraph (e) of this section, will be required to prorate charges on the basis of actual attendance for veterans withdrawing or discontinuing prior to the close of the period and will be paid in arrears for the pro rata part of the charge for services rendered during the period covered by vouchers submitted for payment. Effective with the beginning of the first term, quarter, or semester, on or subsequent to March 1, 1950, nonprofit educational institutions which have a customary refund policy more favorable than that set forth in paragraph (e) of this section will be paid on the basis of such customary refund policy applicable to nonveterans, and, therefore, such institutions will not be eligible to use the refund policy set forth in paragraph (e) of this section.

* * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697-697d, 697f, g, ch. 12 note)

This regulation, becomes effective July 6, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-5782; Filed, July 5, 1950; 8:46 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

SUBPART Q—FOREIGN SERVICE ALLOWANCES

Effective June 1, 1950, Appendix A is amended as follows:

	Subsistence	Quarters	Total	Travel
Italy (except Rome, Naples, and Milan)				
Deleted from Class V	$3.00	$1.00	$4.00	$7.00
and placed in Class XXV.	3.00	1.00	4.00	9.00
Rome and Naples				
Deleted from Class XIII	5.25	1.75	7.00	10.00
and placed in Class XXIV.	6.00	3.00	9.00	13.00
Milan				
Deleted from Class V	3.00	1.00	4.00	7.00
and placed in Class XXIV.	6.00	3.00	9.00	13.00
Portugal				
Deleted from Class VII	3.75	1.00	4.75	8.00
and placed in Class XII.	4.50	1.50	6.00	9.00
Spain				
Deleted from Class XXI	None	None	None	8.00
and placed in Class XXIII.	None	1.75	1.75	9.00

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216)

Dated: June 26, 1950.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: June 29, 1950.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 50-5842; Filed, July 5, 1950; 8:53 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-37]

[No. MC-C-4]

PART 170—COMMERCIAL ZONES AND TERMINAL AREAS

LOS ANGELES, CALIF., COMMERCIAL ZONE

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 19th day of June A. D. 1950. It is ordered that,

§ 170.5 *Los Angeles, Calif., and contiguous and adjacent municipalities.* Paragraph (a) of the order entered in No. MC-C-4 on November 9, 1937 (49 CFR 170.5) is hereby revised and modified to read as follows: The exemption provided by section 203 (b) (8) of Part II of the Interstate Commerce Act to the extent it affects transportation by motor vehicle, in interstate or foreign commerce, performed wholly within Los Angeles, Calif., or wholly within any municipality contiguous or adjacent to Los Angeles, Calif., or wholly within the zone adjacent to and commercially a part of Los Angeles, as defined in (b) of this paragraph, or wholly within the zone adjacent to and commercially a part of the San Pedro, Wilmington, and Terminal Island Districts of Los Angeles and Long Beach, as defined in (c) of this paragraph, or wholly within the zone of any independent municipality contiguous or adjacent to Los Angeles, as determined under § 170.16 of this title, or otherwise, between any point in Los Angeles County, Calif., north of the line described below, on the one hand, and, on the other, any point in Los Angeles County, Calif., south thereof is hereby removed and the said transportation is hereby subjected to all the applicable provisions of the Interstate Commerce Act:

Beginning at the Pacific Ocean, and extending easterly along the northern and eastern corporate limits of Manhattan Beach to the northern corporate limits of Redondo Beach, thence along the northern and eastern corporate limits of Redondo Beach to the intersection of Inglewood Avenue and Redondo Beach Boulevard, thence along Redondo Beach Boulevard to the corporate limits of Torrance, thence along the northwestern and eastern corporate limits of Torrance to 182nd Street, thence along 182nd Street, Walnut, and Main Streets to Olive Street, thence along Olive Street to the western corporate limits of Compton, thence along the western and southern corporate limits of Compton and the northern and eastern corporate limits of Long Beach to Artesia Street, thence east on Artesia Street to the Los Angeles-Orange County line.

And it is further ordered, that this order shall become effective on August 1, 1950, and shall continue in effect until the further order of the Commission.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply 49 Stat. 543, as amended, 544, as amended; 49 U. S. C. 302, 303)

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-5834; Filed, July 5, 1950; 8:52 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

SUBPART—UPPER SOURIS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

FISHING; PUBLIC USE

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that additional public fishing and the use of boats and outboard motor boats in certain of the waters of the Upper Souris National Wildlife Refuge can be permitted without interfering with the primary purpose of the refuge.

Inasmuch as the following regulations are relaxations of the existing regulations regarding fishing and boating on the refuge the notice and public rule-making procedure required by the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.) are hereby found to be impracticable and the effective date requirement of the Administrative Procedure Act does not apply.

Effective immediately upon publication in the FEDERAL REGISTER, §§ 33.321, 33.323, 33.324, 33.326, 33.328 and 33.329 are revised to read as follows:

FISHING

§ 33.321 *Fishing permitted.* Noncommercial fishing is permitted during the daylight hours in the following specified waters of the Upper Souris National Wildlife Refuge during the period from May 16 to September 15, inclusive, of each year in accordance with the provisions of the regulations in Parts 18 and 21 of this chapter and subject to the conditions, restrictions and requirements of §§ 33.322 to 33.325, inclusive:

Area I. The Souris River channel beginning at the north boundary of the refuge and extending south to Mouse River Park.

Area II. All waters of Lake Darling lying between Grano Crossing and State Highway No. 48 in sections 2, 3, 4, 10, and 11, T. 159 N., R. 85 W., and in sections 20, 29, 30, 32, 33, and 34, T. 160 N., R. 85 W.

Area III. All waters of Lake Darling north of Dam No. 83 in Sec. 6, T. 157 N., R. 84 W., Sec. 1, T. 157 N., R. 85 W., Sections 20, 21, 28, 29, 30, 31, and 32, T. 158 N., R. 84 W., and Sec. 36, T. 158 N., R. 85 W., 5th P. M.; except within 200 feet of the outlet gate on Dam No. 83.

Area IV. The waters adjacent to the east bank of the Souris River south of Dam No. 83 within the W½ NW¼ of Sec. 6, T. 157 N., R. 84 W.

All of the waters of the refuge shall be open to fishing during the daylight hours from December 1 to March 1 following inclusive.

Fishing is expressly forbidden from the east shoreline of Areas II and III and from any dike, dam, or water control structure. The use of live minnows as bait for fishing is prohibited.

§ 33.323 *State fishing laws.* All persons must comply with all State fishing laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a Federal permit for non-commercial or sport fishing in the waters of the refuge that are open to fishing.

§ 33.324 *Use of boats.* The use of boats while fishing within the waters of the refuge is permitted only in fishing Areas I, II, and III. Persons may use outboard motors of not to exceed five (5) horsepower only on boats used for fishing purposes. The use of racing craft or inboard motor boats is prohibited. Boats may be launched and landed only at points des-

ignated by the refuge officer in charge by posting.

PUBLIC USE

§ 33.326 *Public use areas.* The following described areas of the Upper Souris National Wildlife Refuge are hereby designated as recreational areas for use by the public under the conditions, restrictions, and requirements of §§ 33.326 to 33.330 inclusive:

Area A. That part within the refuge of Section 30, T. 160 N., R. 85 W.

Area B. The NE¼ of Section 11, T. 159 N., R. 85 W.

Area C. The E½ of Section 36, T. 158 N., R. 85 W., and the S½SW¼ of Section 30, T. 158 N., R. 84 W.

Area D. The W½NW¼ south of Dam No. 83 in Section 6, T. 157 N., R. 84 W.

§ 33.328 *Recreation.* Picnicking, swimming, skating, and other recreational uses may be conducted at any time without permit on the designated public use areas.

§ 33.329 *Use of boats.* Persons may use boats (rowboats, sailboats, canoes) without permit during the daylight hours in Fishing Areas I, II, and III during the period May 16 to September 15, inclusive. The use of racing craft, outboard motors, and inboard motor boats is prohibited except as authorized for fishing purposes by § 33.324. Boats may be launched and landed only at points designated by the refuge officer in charge by posting.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: June 29, 1950.

ALBERT M. DAY,
Director.

[F. R. Doc. 50-5806; Filed, July 5, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 909]

[Docket No. AO-214]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 63 Stat. 282; 7 U. S. C., 601 et seq.), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, 900.1 et seq.), a public hearing was held at Sacramento, California, March 14 through March 18, 1950, on a proposed marketing agreement and a proposed marketing order regulating the handling of almonds grown in California.

Upon the basis of the evidence adduced at the aforementioned hearing, and the record thereof, the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, on June 2, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. Notice of such recommended decision, and opportunity to file written exceptions with respect thereto, was published in the FEDERAL REGISTER (15 F. R. 3623) on June 9, 1950. The last day for filing such written exceptions has expired.

Rulings on exceptions. Exceptions to the recommended decision were filed on behalf of certain handlers (other than cooperative handlers), referred to hereinafter as "independent handlers." These exceptions have been considered carefully and fully in conjunction with the record evidence pertaining thereto in arriving at the findings and conclusions set forth in this decision. Rulings on the exceptions are hereinafter set forth in connection with the findings and conclusions to which they refer. To any extent that the findings and conclusions of this decision are at variance with the exceptions not otherwise specifically ruled upon, such exceptions are overruled.

Findings and conclusions. The material issues and the findings and conclusions of the aforesaid recommended decision (F. R. Doc. 50-4892; 15 F. R. 3623-3647) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, except for the corrections set forth below, and except as they are modified by the findings and conclusions, including those in connection with the exceptions, as hereinafter set forth: 15 F. R. 3632, third column, 22d line from the top, the word "inch" should be added after "one-eighth" at the end of said line; in 15 F. R. 3637, first column, 64th line from the top, the word "be" at the end of said line should be changed to "he"; in 15 F. R. 3637, second column, 53d line from the top, the word "conductive" at the beginning of said line should be changed to "conducive"; and, in 15 F. R. 3638, first column, 57th line from the top, the words "out the" at the end of said line should be changed to "out of the."

(1) Exception was taken to the proposed provision, in § 909.64, which would require that each of the board estimates and recommendation in connection with the fixing of the salable and surplus percentages for a crop year be adopted by the affirmative vote of at least six of the ten members of the board. It was contended in this regard that handler and grower representatives of cooperatives on the board would probably vote together as a unit, and their vote, under the proposed arrangement, would become the board decision. It was argued that at least seven affirmative votes should be required for each of the aforesaid actions. While, at the beginning, the cooperative group would have majority representation on the board by reason of the fact that it handles the greater portion of the almond crop, there is no certainty that this situation will continue indefinitely. There was also a strong indication at the hearing that the independent group would also tend to vote as a unit in that regard. Therefore, to require the affirmative vote of seven members would, in effect, amount to a requirement for the unanimous vote of the board, which, in the circumstances, would seem to be an impracticable requirement. It is contemplated that the board estimates and recommendation will be only a part of the factors which the Secretary will consider in reaching a final decision. In other words, in case the independent group should not agree with the estimates and recommendation adopted by the board, its views together with all data in support thereof, would still be considered carefully by the Secretary before he reaches his final decision. The proposed way of handling is consistent with the way of handling the matter which has been followed in regulatory programs of this kind involving other tree nuts, and, in those other programs, it has happened on a number of occasions, that the Secretary has not followed the recommendations of the administrative agency when other data available to him has indicated that he should not do so. This exception is denied.

(2) Exception was taken to the proposed provisions, in § 909.65 (a), which would, with certain specified exceptions, require each handler to withhold from handling a quantity of almonds having an edible kernel weight equal to the surplus percentage of the edible kernel weight of all almonds such handler receives for his own account during a crop year, except that, in the event adequate records are not available at any time to show all quantities of almonds received by a handler during a crop year, or any part thereof, the surplus obligation of such handler should be a quantity of almonds having an edible kernel weight equal to the withholding percentage of the edible kernel weight of the almonds theretofore handled by such handler during the crop year. The computation of this withholding percentage was specified to be on the basis of the ratio, measured as a percentage, of the surplus percentage to the salable percentage. The exceptor objects to these proposed provisions on the general grounds that: "The proposal made by the independents (the exceptors' proposal as submitted at the hearing) for setting forth the withholding requirements is more definite and certain, more in accord with what will be the normal industry practice of setting aside surplus and moreover, as shown at length in the brief, the desirability of every feature of that proposal has been testified to by

proponents' witnesses. The proposal of the independents also overcomes any question of acquisition of almonds after a handler's last handling in a crop year (F. R. 3632). It has the advantage of simplicity and definiteness, rather than being lacking in detail, and subject to numerous questions, problems, and interpretations."

The exceptor's basic proposal, as submitted at the hearing, would require each handler to withhold from handling, as of any given time, a quantity of almonds having an edible kernel weight equal to the withholding percentage, as described above, of the edible kernel weight of all almonds shipped by him up to that time. In addition, the exceptor's proposal would attempt to provide specifically for withholding of surplus by handlers who file deferment bonds in support of authorizations from the control board to defer accounting for surplus for specified periods not later than April 1 of the particular crop year. Under that plan, any almonds received by a handler subsequent to his last handling in a crop year would be carried over into the next crop year, and the percentages for such next crop year would be applicable thereto,

In its brief on the evidence adduced at the hearing, the exceptor argued that its proposal had the following meritorious features: (a) It would preclude the control board from demanding that a handler who had filed a deferment bond deliver his surplus to such board prior to the expiration of the deferment period; (b) it would cover separately and specifically the surplus withholding obligations of handlers who filed deferment bonds and of handlers who did not file such bonds, respectively; and (c) it would enable each handler to know, with certainty, his surplus obligations at all times by means of a simple and readily calculable computation.

Answering the exceptor's contentions as lettered above, the proposed provisions would: (a) Specifically preclude the control board from demanding that a handler who had filed a deferment bond deliver his surplus to the control board prior to the expiration of the deferment period; (b) make it unnecessary to provide separately for the surplus withholding operations of handlers who have filed deferment bonds as opposed to those who have not filed such bonds, since the same obligations attach to each group and the only difference is with regard to the time when liability for accounting for, and delivery of surplus arises; and (c) provide a simpler and more readily calculable computation for a handler to determine his surplus obligation at any and all times by reason of the fact that, in order to make such determination at any particular time, the handler would need only to apply the then applicable surplus percentage against all almonds received by him for his own account up to that time.

With regard to the exceptor's claim that its plan "would overcome any question of the acquisition of almonds after a handler's last handling in a crop year," such a result would accrue only from the standpoint that the exceptor would apply the percentages no further than at the time of the last handling. However, the problem would still remain with respect to any acquirements in a crop year after such last handling. The exceptor's proposal would necessarily require that any such subsequent acquirements be carried over to the next crop year and that the percentages for such next crop year, which would probably be different from the percentages for the crop year in which the almonds were received, apply thereto. Such a way of handling could obviously create inequities among handlers in meeting the surplus burden. As a practical matter, also, there is only a remote possibility that a handler will acquire almonds after his last handling in a crop year, particularly since producers normally deliver their almonds to handlers during the fall and winter and handlers usually market, or handle, almonds throughout the entire year.

The application of the surplus, rather than the withholding, percentage for the determination of the withholding obligations of handlers was proposed and argued at the hearing by the proponent of the order. Such a method, when applied against receipts, has the merit of simplicity, and insures that the surplus will be apportioned strictly according to the percentage which is decided upon as necessary to effectuate the policy of the act.

The exceptor's claim that the proposed provisions are "lacking in detail, and subject to numerous questions, problems, and interpretations" was not supported by any specific references to any such defects therein. It is believed that such proposed provisions are adequate for the intended purpose, and that they will be workable.

This exception is, therefore, denied.

(3) Exceptions were taken to the proposed provisions, in §§ 909.100 to 909.103, both inclusive, relating generally to the disposition of surplus almonds. Such exceptions were, first, that the language of the proposed provisions is vague and indefinite, and, second, that the time for the optional termination by a handler of his agency for the disposal of his surplus should be changed from April 1 to June 1.

For clarity of understanding in connection with the second exception, it is necessary to restate here the substance of the proposed provisions in that regard. Such proposed provisions (in § 909.102) would permit any handler, upon request made by him to the control board prior to the delivery by him to it of any surplus in a crop year, to act as the agent of such board in the disposition of his surplus, and, in that connection, a handler so authorized to dispose of his surplus as agent would be permitted to do so through arrangement with, and by, another handler who had likewise been authorized to act as agent. Further, any handler who had been so authorized to act as agent would be permitted, in case he should desire to do so, to terminate the agency as of April 1 of the particular crop year by giving written notice to the board to that effect not later than the previous March 20, in which event, such handler would be required to return to the Board, for disposition by it, all surplus almonds then remaining in his possession. In case a handler should not elect to terminate his agency as of April 1, he would be required to continue to serve as agent until August 1 of thte next crop year, at which time all such agencies then in effect would automatically terminate.

As has been indicated, the exceptor contends that the optional date for termination should be at least June 1, rather than April 1. The exceptor contends that April 1, which is also the date at which deferment periods for the accounting for surpluses would usually expire, is not a sufficiently late date for handlers to make satisfactory estimations as to whether they will be in position to dispose of all of their respective surpluses, and that they should have an additional period of at least two more months to reach a decision in that regard. In other words, in order to provide greater flexibility in this regard, the exceptors contend that the indicated additional period should be granted. Under the proposed provisions, a handler not electing to terminate his agency as of April 1, would be required to continue in that capacity until the following August 1. Therefore, the exceptor's proposal would reduce such subsequent period from four months to a maximum of two months.

It was proposed at the hearing by the proponents of the order that any handler who had elected to act as agent in the disposition of his surplus should be required to continue in that capacity, in any event, until September 1 of the next crop year. On the other hand, the independent handlers, who are the exceptor in this connection, contended at the hearing that a handler should be permitted to terminate his agency at any time he should desire to do so. It has been concluded that neither of these proposals should be adopted, but that handlers should be afforded one opportunity during a crop year to elect to terminate their agencies. It has been concluded further that such optional termination date should be April 1, for the reason that the outlook for disposition of surplus at the time the bond deferment periods usually expire (April 1) might differ materially from the situation existing at the beginning of the crop year, particularly since a large volume of surplus is expected to become available at the expiration of the bond deferment periods. It was indicated at the hearing that most, if not all, handlers would elect to take the benefit of the bond deferment provisions, and it was further indicated at the hearing that handlers electing to serve as agents for the disposition of their surpluses would normally do so from the standpoint that they would be able to dispose of a part of it in the more remunerative surplus outlets, principally for export. Statistics on file in the Department indicate that in the five crop years 1944-48, inclusive, approximately 80 percent of all almonds exported were exported during the eight months preceding April 1, i. e., August through March. In these circumstances, it is concluded that not only would handlers generally be able to sell substantial portions of their surplus almonds in the more remunerative outlets by April 1, but

also the situation at that time should be such that they should be able to make reasonably accurate estimations as to whether they will be able to dispose of all, or a part, of their remaining surpluses to their advantage. In addition, any quantities of such surpluses not disposed of by handlers as agents will necessarily have to be disposed of subsequently by the board, and it is imperative, if the board is to perform its duty in that regard satisfactorily and efficiently, that it have as much time for that purpose as may be practicable.

With respect to the exceptor's first exception, namely, that the proposed provisions in this connection are "vague and ambiguous," such contention was not supported by any specific reference to any such defects. A comparison of the language of the proposed provisions with the language in the comparable provisions suggested by the exceptor at the hearing discloses that, except for differences in conclusions as to details of handling (the reasons for which have been discussed), all provisions suggested by the the exceptor have been covered specifically in the proposed provisions. It is believed that such proposed provisions are adequate for the intended purpose, and that they are not "vague and ambiguous."

In connection with the making of the aforementioned exceptions, the exceptor stated that the provisions, in § 909.103, which would create three pools for use in connection with surplus almonds disposed of by the board directly was not supported by any "testimony either by the cooperative or the independents."

In the present instance, it was proposed and contended for at the hearing by both the cooperative association and the independent handlers that any handler who desired to do so should be permitted to dispose of his own surplus and, that, in such an event, he should be permitted to have for himself the net proceeds which were derived therefrom. It was likewise proposed and contended at the hearing that the control board should dispose of all surplus referable to handlers who did not elect to act as agents, as well as all surplus which remains unsold in the hands of agent handlers at the times of the terminations of their agencies. In an effort to insure that the net proceeds from the surplus sales through the board would be distributed equitably and fairly, the cooperative association proposed and argued at the hearing that such disposion should be made on the basis of two pools, one representing all sales or dispositions made on or prior to September 1 of the particular crop year, and the other pool representing all sales or dispositions made thereafter.

The proposal of the cooperative association was, of course, predicated on its further contention that handlers electing to serve as agents should be required to continue in that capacity until September 1, and that all such agencies should terminate as of that date. In other words, its proposal was made in recognition of the fact, which was admitted freely at the hearing, that the board, as well as the handlers, would normally be able to sell surplus for more remunerative prices during the first part of a crop year, and it would not be fair or equitable to permit handlers who elected to serve as agents to participate also in the more remunerative returns received by the board during a period when none of their surplus almonds were available for disposition by the board, particularly since the expressed reason given for handlers electing to serve as agents was that they would anticipate that they would be able, during their agency periods, to obtain higher net returns from the sales of surplus by them than could be obtained by the board from surplus sales by it.

Also, the independent handlers, the exceptors in this connection, proposed and argued at the hearing that the control board should be authorized to "set up one or more separate surplus pools based on the time at which surplus almonds were made available for disposition by the control board or upon other factors which the control board may deem reasonable and proper." Thus, the exceptor also recognized the appropriateness and desirability of the establishment of more than one pool based on the time at which surplus almonds are made available for disposition by the control board. In connection with the independent handlers' proposal, however, it has been concluded that the regulation should contain specific provisions respecting the establishment of these pools, rather than leave the matter to subsequent and less formal rule-making proceedings on the part of the control board.

The proposed provisions follow generally the proposal which was proposed and argued by the cooperative at the hearing, except that it recognizes the fact that handlers electing to act as agents for the disposition of their surplus are to be granted an option to terminate their agencies as of April 1, and that all such agencies not theretofore terminated are to be terminated automatically as of August 1. With these necessary modifications, the proposed provisions are logical and appropriate in the light of the reasons as discussed above in connection with the cooperative association's proposal.

Therefore, all such exceptions are denied.

Provisions are now contained in the proposed order which refer to the initial crop year as beginning on July 1, 1950 (see § 509.4), and to crop years generally as beginning on July 1 (see § 909.25). Also, in § 909.64, it would be required that the control board furnish to the Secretary, not later than August 1 of each crop year, certain estimations with respect to matters which will be pertinent for his consideration in fixing the salable and surplus percentages for that crop year, together with its recommendation in that regard. In view of the lateness of the time and the further period which will be needed for the accomplishment of other necessary actions, it now appears improbable that the order can be made effective by July 1, 1950, or that it can be made effective in time for the control board to be selected, qualified, organized, meet, and submit the indicated estimations and recommendation to the Secretary by August 1, 1950. Therefore, appropriate modifications of the proposed order should be made so as to have the initial crop year begin on the effective date of said order, and so as to have the indicated estimations and recommendation for the initial crop year submitted to the Secretary within a reasonable time after such order becomes effective. It is concluded that a reasonable time in that regard would be 15 days.

The aforementioned findings and conclusions are supplemented by the following general findings:

General findings. (1) The proposed marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The proposed marketing agreement and order will be applicable only to persons in the respective classes of industrial and commercial activities specified in the proposals upon which the hearing was held;

(3) There are no differences in the production and marketing of said commodity in the production area covered by the proposed marketing agreement and order which make necessary different terms applicable to different parts of such area;

(4) The production area, as set forth in the proposed marketing agreement and order, is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and

(5) The handling, as defined herein, of almonds grown in California is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Marketing agreement and order. Annexed hereto, and made a part hereof, are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Almonds Grown in California" and "Order Regulating the Handling of Almonds Grown in California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Done at Washington, D. C., this 30th day of June 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] *Regulating the Handling of Almonds Grown in California*

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AUTHORITY: §§ 909.0 to 909.161 issued under the authority of 48 Stat. 31, as amended; 62 Stat. 1247; 63 Stat. 282, 1051; 7 U. S. C. 601 et seq.

§ 909.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 62 Stat. 1247; 63 Stat. 282, 1051; 7 U. S. C. 601 et seq.), and in accordance with the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900.1 et seq.) a public hearing was held at Sacramento, California, on March 14 through March 18, 1950, upon a proposed marketing agreement and a proposed marketing order regulating the handling of almonds grown in California. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order will be applicable only to persons in the respective classes of industrial and commercial activities specified in the proposals upon which the hearing was held;

(3) There are no differences in the production and marketing of said commodity in the production area covered by this order which make necessary different terms applicable to different parts of such area;

(4) The production area, as set forth in this order, is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and

(5) The handling, as defined herein, of almonds grown in California is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Order relative to handling. It is therefore, ordered that, on and after the effective time hereof, the handling of almonds grown in California shall be in conformity to, and in compliance with, the terms and conditions of said order, which are as follows:

DEFINITIONS

§ 909.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties hereunder of the Secretary of Agriculture of the United States.

§ 909.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 62 Stat. 1247; 63 Stat. 282, 1051; 7 U. S. C. 601 et seq.).

§ 909.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 909.4 *Almonds.* "Almonds" means (unless otherwise specified) all varieties of almonds (except bitter almonds), either shelled or unshelled, grown in the State of California in the initial crop year hereunder, and thereafter.

§ 909.5 *Unshelled almonds.* "Unshelled almonds" means almonds the kernels of which are contained in the shell.

§ 909.6 *Shelled almonds.* "Shelled almonds" is synonymous with the term "kernels" and means almonds after the shells are removed.

§ 909.7 *Major variety.* "Major variety" means any one of the following varieties of almonds: Nonpareil, IXL, Ne Plus Ultra, Peerless, Drake, Mission, and Jordanolo.

§ 909.8 *Similar variety.* "Similar variety" means any variety, other than a major variety, having characteristics closely resembling the particular major variety under consideration.

§ 909.9 *Dissimilar varieties.* "Dissimilar varieties" means any two or more varieties, one of which is a major variety or variety similar thereto and the other of which is another major variety or variety similar thereto.

§ 909.10 *Mixed varieties.* "Mixed varieties" means any lot of almonds which, in respect to the predominant variety in the lot, contains more than 17 percent by weight of dissimilar and similar varieties, and any such lot or any other lot which contains more than six percent by weight of a dissimilar variety or varieties.

§ 909.11 *Inedible kernel.* "Inedible kernel" is synonymous with "damaged

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders, have been met.

kernel" and means an almond kernel or piece thereof (which will not pass through a round opening one-eighth inch in diameter) damaged in any one of the following ways: (a) Gumminess, when 25 percent or more of the surface area is covered by a waxy or resinous appearing substance; (b) insect or bird injury, when there is any evidence of, or injury by, insects or birds; (c) shriveling, seriously affecting 50 percent or more of the surface area or any shriveling, dark discoloration, or thinness producing an equally objectionable effect; (d) stains or dirt, when kernels have a dirty appearance caused by grease, mud, dirt, or other foreign substance; (e) mold, when there are light strands of white or grey mold affecting 10 percent or more of the surface area, or presence of other molds; (f) rancidity, when the kernel oil is partially oxidized producing a rancid taste or odor or the inside of the kernel is yellowish or brownish in color; (g) damage by other means, when there is any damage from any other cause of seriousness equal to any of the above enumerated classes of damage. Pieces of kernels which will pass through a round opening one-eighth inch in diameter and are rancid, moldy, dirty, or otherwise equally objectionable shall also be classed as inedible. The foregoing specifications may be revised or amended by the Secretary, on recommendation of the control board.

§ 909.12 *Edible kernel.* "Edible kernel" is synonymous with "sound kernel" and means an almond kernel or piece thereof which is not an inedible kernel.

§ 909.13 *Edible kernel weight.* "Edible kernel weight" means the weight of edible kernels contained in any lot of almonds, unshelled or shelled.

§ 909.14 *Almonds received for his own account.* "Almonds received for his own account" means all almonds which are received by a handler (including all almonds of his own production), except those which are received by him for storage or processing for the account of any other person and with respect to which such handler performs no handling function.

§ 909.15 *Area of production.* "Area of production" means the State of California.

§ 909.16 *Grower.* "Grower" is synonymous with "producer" and means any person engaging, in a proprietary capacity, in the commercial production of almonds.

§ 909.17 *Handler.* "Handler" means any person handling almonds during any crop year, except that such term shall not include a grower who sells only almonds of his own production at retail at a roadside stand operated by him.

§ 909.18 *Cooperative handler.* "Cooperative handler" means any handler which is a cooperative marketing association of growers regardless of where or under what laws it may be organized.

§ 909.19 *Pack.* "Pack" means any commercially recognized classification of almonds according to variety, size, quality, appearance, and condition.

§ 909.20 *To process.* "To process" means to bleach, clean, grade, shell, halve, package, or otherwise prepare in any manner whatsoever almonds for market as unshelled or raw shelled almonds, except as a grower in preparation for delivery of his own almonds to a handler.

§ 909.21 *To manufacture.* "To manufacture" means to blanch, slice, dice, roast, or otherwise prepare products from raw shelled almonds.

§ 909.22 *To handle.* "To handle" means to sell, consign, transport, ship (except as a common carrier of almonds owned by another person), or in any other way to put into the channels of trade either within the area of production or from such area to points outside thereof, except that such sales or deliveries by growers to a handler within the area of production shall not be considered as handling.

§ 909.23 *Inspection agency.* "Inspection agency" means either that inspection service on almonds which is performed by the United States Department of Agriculture under a cooperative arrangement with a State pursuant to authority contained in any act of Congress, which service is generally known as the Federal-State Inspection Service, or that inspection service on almonds which service is performed independently by the United States Department of Agriculture, which is generally known as the Federal Inspection Service, except that the term shall mean the Federal-State Inspection Service in the absence of a specific, and unrevoked, designation, by the Secretary, of the Federal Inspection Service as the inspection agency hereunder.

§ 909.24 *Settlement weight.* "Settlement weight" means the actual gross weight of any lot of almonds received for his own account by any handler, less adjustments as follows:

(a) For weight of containers;

(b) For excess moisture content;

(c) For trash and other foreign material of any kind; and

(d) For inedible kernel content.

§ 909.25 *Crop year.* "Crop year" means the 12 months from July 1 to the following June 30, both inclusive: *Provided*, That the initial crop year hereunder shall begin on the effective date hereof.

§ 909.26 *Handler carryover.* "Handler carryover" as of any given date means all almonds (except almonds held as surplus) wherever located, then held by handlers or for their accounts (whether or not sold), not including any manufactured products.

§ 909.27 *Trade demand.* "Trade demand" means the quantity of almonds which the wholesale, chain store, confectionery, bakery, ice cream, and nut salting trades will acquire from all handlers during a crop year for distribution in continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone.

§ 909.28 *Control board.* "Control board" is synonymous with "board" and means the Almond Control Board established by this subpart.

§ 909.29 *Part and subpart.* "Part" means the order regulating the handling of almonds grown in the State of California, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such part.

ALMOND CONTROL BOARD

§ 909.40 *Establishment.* A control board of ten members, with an alternate member for each such member, is hereby established.

§ 909.41 *Membership representation.* Two members and an alternate for each member shall be selected from nominees submitted by each of the following groups designated in paragraphs (a) through (d) of this section, or from among other qualified persons belonging to such groups; and one member and an alternate member shall be selected from nominees submitted by each of the following groups designated in paragraphs (e) and (f) of this section, or from among other qualified persons belonging to such groups:

(a) The cooperative handlers;

(b) All handlers, other than cooperative handlers;

(c) Those growers who market their almonds through cooperative handlers;

(d) Those growers who market their almonds through other than cooperative handlers;

(e) The group of cooperative handlers or the group of handlers other than cooperative handlers whichever during that part of the then current crop year through March 31 received for their own accounts more than 50 percent of the almonds delivered by growers: *Provided*, That the group in this category for the selection of original members shall be the group of cooperative handlers; and

(f) Those growers whose almonds were marketed during that period of the then current crop year through March 31, through the handler group specified in paragraph (e) of this section.

§ 909.42 *Selection of original members.* The original members and their respective alternates shall hold office for a term ending with the second Monday in June, 1951, and until their successors shall be selected and shall qualify, and shall be selected by the Secretary from each of the six groups specified in § 909.41. The nominating procedure prescribed in § 909.43 (a) shall not be followed for the selection of the initial control board.

§ 909.43 *Successor members*—(a) *Nominations.* Nominations for successor members and alternate members for each of the six groups specified in § 909.41 shall be made by that group. The nominations for each such group shall be submitted on the basis of ballots, which shall be mailed by the control board, in the case of each such group, to all members of which it has a record, and the board shall also make such ballots available upon request. Every such ballot shall contain the names of the then incumbent members and alternate members of the board representing the particular group, listed separately, and it shall also contain blank spaces for use by voters in writing in the names of any persons other than those listed for whom they might desire to vote. In addition, the ballots for use by growers who market their almonds through other than cooperative handlers shall contain the name of any other person who has been proposed as a nominee for the particular position in a petition, signed by at least 15 of such growers, which had been submitted to the board. Previous announcements of every such balloting, regardless of whether by handlers or by growers, will be made by press releases through the United States Department of Agriculture to the newspapers and other publications having general circulation in the almond producing areas in California, furnishing pertinent information with respect to such balloting. The control board shall furnish, along with each ballot, all information needed for voting purposes.

In cases of voting by handlers (regardless of whether cooperative or other than cooperative), the vote of each handler shall be weighted by the volume of the tonnage of almonds (computed to the nearest whole ton in the case of fractions), in terms of edible kernel weight, recorded by the control board as having been received by the particular handler for his own account during the period through March 31 of the crop year in which the nominations are made. Each handler shall cast his vote as to his respective choices for the number of member positions to be filled and for the number of alternate member positions to be filled. The nominees for the respective member positions shall be the persons receiving, in order, the highest number of the votes cast by all handlers in the group for those positions for that group which are to be filled. Likewise, the nominees for the respective alternate member positions shall be the persons receiving, in order, the highest number of votes cast by all handlers in the group for those positions which are to be filled. The handler group which is determined to be eligible for additional representation on the board as the group which received more than 50 percent of the almonds delivered by growers through March 31 of the crop year in which the nominations are made, which group is referred to and described in paragraph (e) of § 909.41, shall nominate the persons to represent it in that group in the same manner as it nominates its other representatives. Similar provisions shall be applicable to voting by growers who market their almonds through cooperative handlers, except that nominations on their behalf shall be submitted by the appropriate cooperative handler on the basis of a ballot cast by it for the growers who are members of, or under contract with, such cooperative handler, and such ballot shall be weighted by the number of growers who are members of, or under contract with, such cooperative handler.

In cases of voting by growers who market their almonds through other than cooperative handlers, each grower shall have only one vote, and every vote shall have equal weight. The nominees for the respective member positions for that group shall be the persons receiving, in order, the highest number of the votes cast by all such growers for those positions. Likewise, the nominees for the respective alternate member positions for such group shall be the persons receiving, in order, the highest number of the votes cast by all such growers for those positions. In the event such group should be determined to be eligible for additional representation on the board as the group of growers whose almonds were marketed through March 31 of the crop year in which the nominations are made through the handler group which received more than 50 percent of the almonds delivered by all growers to all handlers during that period, which grower group entitled to additional representation is referred to and described in paragraph (f) of § 909.41, it should nominate the persons to represent it in that group in the same manner as it nominates its other representative on the board.

Nominations received in the foregoing manner by the control board shall be reported to the Secretary on or before May 20 of each crop year, together with a certificate of all necessary tonnage data and other information deemed by the board to be pertinent or requested by the Secretary. If such nominations of any group are not submitted as hereinbefore provided to the Secretary on or before May 20 of any year the Secretary may select representatives of that group, without nomination.

(b) *Selection.* The successors of the original members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning with the first Tuesday after the second Monday in June, and shall serve until their respective successors shall be selected and shall qualify.

§ 909.44 *Qualification.* Any person selected as a member or alternate of the control board, shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, upon ceasing to be such member or employee, become disqualified to serve further and his position on the control board shall be deemed vacant.

§ 909.45 *Alternates.* An alternate for a member of the control board shall act in the place and stead of such member (a) in his absence, or (b) in the event of his death, removal, resignation or disqualification, until a successor for his unexpired term has been selected and has qualified.

§ 909.46 *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation or disqualification of any member or alternate of the control board, a successor for his unexpired term shall be selected as soon as practicable in the manner provided in § 909.43, so far as applicable.

§ 909.47 *Expenses.* The members of the control board shall serve without compensation, but shall be allowed their necessary expenses.

§ 909.48 *Powers.* The control board shall have the following powers:

(a) To administer the provisions hereof in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions hereof;

(c) To receive, investigate and report to the Secretary complaints of violations hereof; and

(d) To recommend to the Secretary amendments hereto.

§ 909.49 *Duties.* The control board shall have, among other things, the following duties:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall be subject to examination by the Secretary at any time;

(c) To investigate the growing, shipping, and marketing conditions with respect to almonds and to assemble data in connection therewith;

(d) To furnish to the Secretary such available information as may be deemed pertinent or as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and fix the bonds of such employees; and

(f) To cause the books of the control board to be audited by one or more competent certified public accountants at least once for each crop year, and at such other times as the control board may deem necessary or as the Secretary may request; and the report of each such audit shall show, among other things, the receipt and expenditure of funds pursuant hereto; and to file with the Secretary three copies of all audit reports made.

§ 909.50 *Procedure*—(a) *Organization and rules.* The members of the control board shall select a chairman from their membership. The board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the control board as is given to members of the board.

(b) *Quorum.* All decisions of the control board, except where otherwise specifically provided, shall be by a majority vote of the members present. The presence of six members shall be required to constitute a quorum.

(c) *Permissive method of voting.* The control board may vote by mail or telegram upon due notice to all members including in the notice to each a statement of a reasonable time in which a vote by mail or telegram must be received for counting: *Provided*, That voting by mail or telegram shall not be permitted at any assembled meeting of the board. When any proposition is submitted for voting by mail or telegram, one dissenting vote shall prevent its adoption by that method.

(d) *Right of the Secretary.* The members of the control board (including successors or alternates), and any agent or employee appointed or employed by

the control board, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the control board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

SURPLUS CONTROL

§ 909.60 *General.* In order to effectuate the declared policy of the act, no handler shall handle almonds except in accordance with the terms and conditions of this part.

§ 909.61 *Withholding surplus.* When a surplus percentage has been fixed for any crop year, as hereinafter provided, no handler shall handle almonds except on condition that he comply with the requirements in respect to withholding surplus almonds and the prescribed disposition thereof.

§ 909.62 *Method of establishing salable and surplus percentages.* Whenever the Secretary finds from the recommendations and supporting information supplied by the control board or from any other available information, that to designate the percentages of almonds during such crop year which shall be salable almonds and surplus almonds, would tend to effectuate the declared policy of the act, he shall designate such percentages. The salable and surplus percentages shall each be applied to the edible kernel weight of almonds received by a handler for his own account during the crop year, as provided in § 909.65. In fixing such salable and surplus percentages the Secretary shall give consideration to the ratio of the estimated trade demand, minus the estimated handler carryover, to the estimated production of almonds, all expressed in terms of edible kernel weight, the recommendations submitted to him by the control board, and such other data as he deems appropriate. The total of the salable and surplus percentages fixed each crop year shall equal 100 percent.

§ 909.63 *Increase of salable percentage.* The Secretary may, on request of the control board made at any time prior to May 15 of any crop year (or if the control board shall fail to so request, upon the request within like time of two or more handlers who have handled during the immediately preceding crop year at least 15 percent of the total tonnage, in terms of edible kernel weight, handled by all handlers during such crop year), and after findings of facts based upon such revised and current information as may be pertinent that the almonds available for handling will not be sufficient to supply the trade demand, increase the salable percentage to conform with such new relation as may be found to exist between trade demand and available supply.

§ 909.64 *Board estimates and recommendations.* To aid the Secretary in fixing the salable and surplus percentages, the board shall furnish to the Secretary, not later than August 1 of each crop year (except, for the initial crop year hereunder, such submission shall be made not later than 15 days after the effective date hereof), the following estimates, expressed in terms of edible kernel weight, and recommendation, each of which shall be adopted by the affirmative vote of at least six members:

(a) Its estimate of the quantity of almonds to be produced during such year;

(b) Its estimate of handler carryover as of July 1, regardless of the crop year in which the almonds were produced;

(c) Its estimate of the total trade demand taking into consideration economic conditions and the anticipated market price, within the limitations of the act; and

(d) Its recommendation as to the salable and surplus percentages to be fixed.

The board shall also furnish to the Secretary a complete report of the proceedings of the board meeting at which the recommended salable and surplus percentages to be fixed by the Secretary were adopted. If, for any reason, the board fails to make these estimates or to recommend to the Secretary salable and surplus percentages as required hereby, reports representing the respective views of each member with respect to such matters shall be submitted to the Secretary and the Secretary may act on the basis of such reports or such other information as may be available to him.

§ 909.65 *Surplus obligation*—(a) *Requirement for withholding.* Except as otherwise provided in §§ 909.66 and 909.68, every handler shall withhold from handling a quantity of almonds having an edible kernel weight equal to the surplus percentage of the edible kernel weight of all almonds such handler receives for his own account during the crop year: *Provided*, That this provision shall not apply to any lot of almonds for which the surplus obligation has been met by a previous holder and the handler receiving such almonds makes a report thereof to the control board accompanied by a certification from the previous holder that the surplus obligation for such almonds has been met. Such almonds so withheld shall be set aside and thereafter kept for the account of the control board and, from the date of withholding, and at all times thereafter, shall be kept by the handler available for inspection by the control board or its agents. Such almonds shall be stored in such manner as to maintain them in the same condition as when certified as surplus, except for loss through fire, acts of God, acts of war, riot or other conditions beyond the handler's control. Upon demand of the control board they shall be delivered to the board f. o. b. handler's warehouse or point of storage, except that the control board shall not make such demand upon a handler prior to April 1, with respect to surplus almonds for which the handler has filed a bond, as provided for in § 909.66, which bond is in force and effect. All such surplus almonds so withheld by the handler shall be, at the time of withholding, placed by the handler at his expense in suitable containers which may be prescribed by the control board and following inspection shall be identified by appropriate seals or stamps and tags to be furnished by the board and to be affixed to the containers by the handlers under the direction and supervision of the control board. In the event adequate records are not available at any time to show all almonds received by a handler during a crop year, or any part thereof, the surplus obligation of such handler in respect to almonds handled by him shall be a quantity of almonds having an edible kernel weight equal to the withholding percentage of the edible kernel weight of all the almonds theretofore handled by such handler during the crop year. Such withholding percentage shall be the ratio, measured as a percentage, of the surplus percentage to the salable percentage. The quantity of almonds hereby required to be withheld shall constitute, and may be referred to as, the "surplus" or "surplus obligation" of a handler. The almonds handled by any handler in accordance with the provisions of this part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8 (a) (5) of the act.

(b) *Grade requirement for surplus.* Lots of almonds to be eligible for certification as surplus must meet the following requirements, and only edible kernel weight in such lots shall be credited as surplus: (1) They shall be dry and properly cured; (2) unshelled almonds shall not be affected by adhering hulls (where more than ten percent of the surface is affected) on more than five percent by count; shall contain no more than two percent by weight of loose shells, hulls and other foreign material; and not more than ten percent by count of the kernels shall be inedible; and (3) shelled almonds shall not contain, in the aggregate, more than five percent by weight of loose hulls, shells, other foreign material, inedible kernels, and material of any kind which will pass through a round opening one-eighth inch in diameter. The requirements of this paragraph may be revised or amended by the Secretary upon the recommendation of the control board.

§ 909.66 *Postponement of surplus obligation upon filing bond*—(a) *Privilege.* Compliance by any handler with the requirements of § 909.65 as to the time when surplus almonds shall be withheld shall be deferred to any date desired by the handler but not later than March 31 of the crop year, upon the voluntary execution and delivery by such handler to the control board, before he handles any almonds of such crop year, of a written undertaking that on or prior to such date he will have fully satisfied his surplus obligation required by said § 909.65.

(b) *Bond requirement.* Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the control board, and with a surety or sureties acceptable to the control board, in the amount or amounts stated below conditioned upon full compliance with such undertaking. Such bond or bonds shall, at all times during their effective period, be in such amounts that the aggregate thereof shall be no less than the total bonding value of the handler's deferred surplus obligation. The bonding value shall be the total deferred surplus obligation of the handler in pounds multiplied by the bonding rate established pursuant to paragraph (c) of this section. The cost of such bond or bonds shall be borne by the handler filing the same.

(c) *Bonding rate.* Said bonding rate shall be based upon the then current season's domestic price per pound for shelled almonds generally known in the trade as "Nonpareil Medium" and shall be computed at 90 percent of the weighted average domestic price f. o. b. shipping point for the then current crop year at which such pack was sold during the first 15 days following announcement of opening prices, by any handler or handlers who during the preceding crop year handled 51 percent of the almonds handled by all handlers. Such handler or handlers shall be selected in order of volume handled in the preceding crop year, using the minimum number of handlers to represent a volume of 51 percent of the total volume handled. If the price from two or more handlers is involved for the designated pack, the price so computed shall be averaged on the basis of the quantity of such designated pack handled during the preceding crop year by each such handler. Handlers whose prices are to be used as aforesaid shall furnish the board with information necessary to compute the bonding rate. Until the bonding rate is fixed for the first crop year ending June 30, 1951, the bonding rate shall be 38.5 cents per pound.

(d) *Description of Nonpareil Medium.* "Nonpareil Medium" is the shelled product of a major variety of almonds produced in California known as Nonpareil. It has the following specifications: fairly uniformly graded kernels of the Nonpareil variety generally counting 22 to 24, 23 to 25, or 24 to 26 kernels to an ounce, consisting of whole unchipped almond kernels (whole kernels having chips not exceeding one-eighth inch in diameter or cuts and scratches one-sixteenth inch wide by three-eighths inch long shall not be classified as chipped kernels) with not more than ten percent by count of whole kernels having larger chips or cuts and scratches than above defined, not more than five percent by weight of double (twin) kernels, not more than one-half of one percent of broken kernels or pieces (less than seven-eighths of a whole kernel), and less than one percent by weight of inedible kernels, all of which are well dried, clean, and free (less than one-tenth of one percent) from pieces of shell, hull, or other foreign material.

(e) *Replacement by control board.* Any sums collected through default of a handler on his bond shall be used by the control board to purchase from handlers, as provided herein, a quantity of almonds not to exceed the total quantity represented by the sums collected. Purchases shall be made from the salable percentages with respect to which the surplus obligation has been met. If a larger quantity is offered than can be purchased the purchases shall be made in such pack or packs as the board considers most desirable to acquire for purposes of surplus disposal, at the lowest prices at which such pack or packs are offered. The purchases shall be made from the various handlers as nearly as practicable in proportion to the quantity of their respective offerings (at the same price) of the pack or packs to be purchased.

(f) *Disposition of excess funds.* Any unexpended sums, which have been collected by the control board through default of a handler on his bond, remaining in possession of the control board at the end of a crop year shall be used to reimburse the board for its expense, including administrative and other costs, incurred in the collection of such sums and in the purchase of almonds as provided in paragraph (e) of this section. Any balance remaining after reimbursement of such expenses shall be distributed as follows: In case purchases have been made of a poundage equal to that on which the default occurred, distribution shall be made only to the defaulting handler and in case the board is unable to purchase a poundage of almonds as large as that on which the default occurred, distribution shall be made among all handlers, other than the defaulting handler, in proportion to the ratio of each such handler's surplus obligation to the total surplus obligation of all such handlers for the crop year in which the default occurred. A handler who has defaulted on his bond shall be credited on his surplus obligation with that quantity of almonds represented by the sums collected on account of such default.

§ 909.67 *Payment to handlers for services rendered.* The control board may pay handlers for necessary services rendered by handlers in connection with almonds eventually disposed of as surplus including but not limited to storing, shelling, sorting, bleaching, grading, packaging, fumigating, and other services, in accordance with the schedule of payments specified in Appendix 1 (§§ 909.151 to 909.154, inclusive), or such amended or additional schedules as may be established by the Secretary which may be based upon the recommendation of the control board.

§ 909.68 *Inter-handler transfer of surplus.* For the purpose of meeting his surplus obligation, any handler may, upon notice to, and under the supervision and direction of the control board, acquire from another handler almonds with respect to which the surplus has not been withheld and any surplus obligation of the seller with respect to any almonds so transferred shall be waived, and shall be transferred to the buying handler. If any such sales were made of almonds on which the surplus obligation has been met, the seller's surplus obligation shall be reduced accordingly when the purchaser has had such almonds or a like quantity of almonds certified to the control board as surplus.

§ 909.69 *Assistance of control board in accounting for surplus.* The control board, on written request, may assist handlers in accounting for their surplus obligations and may aid any handler in acquiring almonds to meet any deficiency in a handler's surplus.

§ 909.70 *Application of salable and surplus percentages after end of crop year.* The salable and surplus percentages established for any crop year shall continue in effect with respect to all almonds for which the surplus obligation has not been previously met, which are received for his own account or handled by any handler after the end of such crop year and before salable and surplus percentages are established for the succeeding crop year. After such percentages are established for the new crop year, the withholding requirements for all such almonds theretofore received for his own account or handled during that crop year shall be adjusted to the newly established percentages.

§ 909.71 *Application of bonding rate after end of crop year.* The bonding rate established for any crop year shall continue in effect with respect to any bond or bonds executed and delivered pursuant to § 909.66 before the bonding rate for the new crop year is established. After such bonding rate is established for the new crop year, the new rate shall be applicable and any bond or bonds theretofore given for that crop year shall be adjusted to the new rate.

§ 909.72 *Exchange of surplus almonds.* Any handler who has withheld surplus almonds pursuant to the requirements of § 909.65 and has had the same certified as surplus almonds may exchange therefor, to the extent that such almonds have not been disposed of, an equal quantity, by edible kernel weight, of other almonds. Any such exchange shall be made under the supervision and direction of the control board with appropriate inspection and certification of the almonds involved.

§ 909.73 *Adjustment upon increase of salable percentage.* Upon any increase in the salable percentage and corresponding decrease in the surplus percentage, the surplus obligation of each handler for the entire crop year to the effective date of such action shall be recomputed in accordance with such revised salable and surplus percentages. From the surplus almonds that may have been withheld by him and not yet disposed of, any handler authorized to act and acting as agent of the board in disposing of surplus pursuant to § 909.102 shall be permitted to select, under the supervision and direction of the control board, the particular surplus almonds to be restored to his salable percentage, and such restoration shall be deemed to fulfil the obligation of the board with respect to such increase.

In the case of handlers who have not been authorized to dispose of their own surpluses, and handlers who have terminated their agencies to dispose of their own surpluses, prior to an increase in the salable percentage, insofar as practicable each such handler shall be permitted to select almonds from his own surplus to be restored to his salable quantity. In the event there are not sufficient surplus almonds held by the board at the time the salable percentage is increased, to make full restoration as represented by the increase in the salable percentage, to all such handlers, the restoration to

the salable quantities of the respective handlers shall be pro rata on the basis of edible kernel weight poundage of surplus contributed by said handlers during the crop year to the date of increase of the salable percentage. However, in case a handler who has been authorized to act as agent in disposing of his surplus, has terminated such agency as of April 1, and the salable percentage is increased after such termination, the restoration to said handler's salable quantity shall not exceed the quantity of surplus turned back to the board by him at the expiration of his agency, plus any surplus which he may have contributed after termination of his agency. Such restoration to the salable quantity shall be deemed to fulfil the obligation of the board with respect to the increase in the salable percentage.

RECORDING RECEIPTS, INSPECTION, AND CERTIFICATION

§ 909.80 *Record of receipts.* For the purpose of establishing the surplus obligation and furnishing statistical information to the control board necessary for the conduct of its operations, each handler, on receiving almonds for his own account, shall issue to the person from whom so received a receipt therefor. At least two duplicates thereof shall be made at the time of issuance, one of which shall be retained by the handler as a part of his records and the other submitted to the control board as hereinafter provided. Such receipts shall be serially numbered and shall accurately show for each lot received, the identity of the handler, the name and address of the person from whom received, the number of containers in the lot, the variety, whether shelled or unshelled, and the settlement weight for each such variety. The character and amount of all adjustments deducted from the gross weight shall be shown with the gross weight on the receipt issued by the handler.

§ 909.81 *Report of receipts.* Each handler receiving almonds for his own account shall tabulate such receipts by varieties and shall submit reports thereof to the control board in such form and at such intervals as the board may prescribe for all receipts issued by him. Such reports shall be accompanied by duplicate copies of the receipts issued pursuant to the provisions of § 909.80 for all almonds included in such report. The control board, after checking such reports in such manner as it deems desirable, shall determine in the manner specified in § 909.82 the edible kernel weight of the almonds so received.

§ 909.82 *Determination of edible kernel weight*—(a) *Almonds for which settlement is made on kernel weight.* All lots of almonds, whether shelled or unshelled, for which settlement is made on the basis of kernel weight shall be included in the total edible kernel weight for any handler at the settlement weight.

(b) *Unshelled, known varieties.* Any unshelled almonds of known varieties for which settlement is made on the basis of unshelled weight shall be included in the total edible kernel weight for any handler at the settlement weight of such unshelled almonds of each known variety multiplied by the varietal shelling ratio applicable to such variety. Such varietal shelling ratios shall be those shown in Appendix 2 (§ 909.161). Such Appendix 2 may be revised or amended by the Secretary on recommendation of the control board and when so revised or amended in any crop year, unless otherwise directed by the Secretary, shall be applied to all almonds of known varieties received during that crop year.

(c) *Unshelled, mixed, and unknown varieties.* All lots of unshelled almonds for which settlement is made on the basis of unshelled weight, consisting of mixed varieties or of varieties which are unknown or not shown on the handler's reports or on the receipts issued by the handler, shall be included in the total edible kernel weight for any handler at the actual weight of the unshelled almonds multiplied by a shelling ratio of 55 percent unless the handler, at the time of the receipt of any such lot obtains at his own expense an inspection of such lot by an inspection agency. In the event of such an inspection, the edible kernel weight of such lot of almonds as shown by such inspection shall be used. When such an inspection is made, a copy of the inspection report shall be attached to the copy of the grower receipt for such lot submitted by the handler to the control board as part of his report specified in § 909.81.

§ 909.83 *Redetermination of edible kernel weight.* The control board, on the basis of reports by handlers as required in §§ 909.111 through 909.115 together with its records of almonds certified as surplus, shall redetermine the edible kernel weight of all almonds received by the respective handlers for their own accounts during the respective crop year (and on which surplus has not been contributed by a previous handler) through each of the following dates: December 31, March 31, and June 30. In determining the edible kernel weight of salable unshelled almonds on which delivery has been effected as reported under provisions of § 909.112 or in the carryover as reported under provisions of § 909.111 the shelling ratios specified in § 909.82 shall be used. The weight of salable shelled almonds on which delivery has been effected, the weight of kernels used by the handler for manufactured products, and the weight of shelled almonds in the carryover shall be used in determining the edible kernel weight of shelled almonds. The edible kernel weight of certified surplus as determined at time of certification shall be used with respect to such surplus. If upon the foregoing computations of the total edible kernel weight of almonds received by a handler for his own account during a portion of the crop year or the entire crop year based on such reports made by the handler and such verification thereof as the board or the Secretary makes as provided in § 909.114 the edible kernel weight is found to differ from that determined in the manner specified in § 909.82 appropriate adjustments shall be made in the recorded total edible kernel weight of almonds received by such handler for his own account, and such revised total, after taking into consideration any almonds which have contributed to surplus in the hands of a previous holder, shall be the basis for the determination of such handler's revised surplus obligation. The determination of the board based on the handlers' reports, the examination of their records, and the board's records of certified surplus shall be final. Such examination or audit of handlers' records as the board makes shall be at the board's expense and under uniform procedure.

§ 909.84 *Inspection and certification of surplus almonds.* It shall be the duty of each handler to cause an inspection to be made of all almonds withheld by him in satisfaction of his surplus obligation to determine whether such almonds meet the grade requirements specified in § 909.65 (b). Such inspection shall be made by the inspection agency, and the cost thereof shall be paid by the handler. A report of such inspection shall be issued which shall show, in addition to such other requirements as the control board may specify, the identity of the handler, the kind and number of containers in the lot and any brand or labels, the variety of almonds in the lot, whether shelled or unshelled, the weight of edible kernels contained in the lot, the weight of inedible kernels, if any, contained in the lot, and that such lot meets the grade requirements for surplus almonds. Copies of such reports shall be furnished to the handler and the control board.

DISPOSITION OF SURPLUS

§ 909.100 *Prohibition on the handling of surplus.* Except as provided in §§ 909.101 and 909.102 surplus almonds withheld pursuant to the requirements of § 909.65 shall not be handled by any person.

§ 909.101 *Conditions governing disposition of surplus*—(a) *General.* The control board shall have power and authority to sell or dispose of any and all surplus almonds withheld upon the best terms and at the highest return obtainable consistent with the ultimate complete disposition of surplus, subject to all conditions of this section.

(b) *Disposition of surplus for export.* Sales of surplus almonds for export to destinations outside the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone shall be made only on execution of an agreement to prevent sale within or reimportation into the United States; and in case of export to Canada or Mexico, such almonds shall be sold only on the basis of a delivered price, duty paid.

(c) *Exclusion from domestic normal trade channels.* No surplus almonds shall be sold in the United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone other than to governmental agencies or to charitable institutions for charitable purposes, except for diversion into almond oil, almond butter, poultry or animal feed, or into other channels which the control board finds are noncompetitive with existing normal markets for almonds, and with proper safeguards in each case to prevent such almonds thereafter entering the channels of trade in such normal markets.

(d) *Time restriction on disposition.* The control board shall not dispose of, or authorize the disposition of, more than 50 percent of the surplus almonds prior to May 15 of any crop year unless disposition in excess of 50 percent is made pursuant to paragraph (b) of this section or unless the salable percentage is increased pursuant to § 909.63.

(e) *Disposition after August 1.* Any surplus almonds remaining unsold as of August 1 shall be disposed of by the board as soon as practicable through the most readily available outlets within the limitations of paragraph (c) of this section.

§ 909.102 *Disposition by handler.* Upon request of a handler, made prior to the delivery by him of any surplus to the board in any crop year, the board shall authorize such handler to act as agent of the board, upon such reasonable terms and conditions as the board may specify and subject to the conditions of § 909.101 in disposing of the surplus contributed by such handler for that crop year. Any handler who is authorized to dispose of his surplus may, through arrangement with another handler, dispose of such surplus through such other handler. In the latter instance, the second handler shall also be subject to the conditions of § 909.101. It shall be the obligation of any handler authorized to dispose of such surplus to effect disposition thereof in accordance with all applicable requirements and conditions. The proceeds of such disposition shall be retained by the handler making the disposition, except that, in case he disposes of the surplus of another handler, the proceeds from that disposition shall be divided between the two handlers on the basis of a mutual agreement. Such authorization shall expire as of August 1 of the next crop year, and any surplus then remaining undisposed of by the handler shall be returned to the board. Any handler who has been authorized to act as agent of the board in disposing of his surplus may terminate such agency as of April 1 of the particular crop year by giving written notice to the board to that effect not later than the previous March 20, in which event such handler shall return to the board, for disposition by it, all surplus almonds remaining in his possession. In case a handler does not terminate his agency as of April 1, he shall be required to continue to serve as such agent until August 1 of the next crop year. The board shall not terminate such an agency prior to August 1 unless the agent violates the terms and conditions specified by the board or other provisions of the order. During the period of such agency the board, as principal, shall not dispose of the surplus contributed by said agent.

§ 909.103 *Disposition of proceeds from sales of surplus*—(a) *Pools.* Surplus from almonds received by handlers for their own accounts during any crop year, other than surplus disposed of by handlers as agents of the board as authorized in § 909.102, shall be disposed of by the control board in three pools as follows: Pool No. 1—surplus delivered to the board during a crop year up to April 1 and disposed of during that period; Pool No. 2—surplus delivered to the board from April 1 to July 31, inclusive, and disposed of during that period, including, in addition to deliveries by handlers not acting as agents, deliveries by handlers who terminate their agencies as of April 1, and also any surplus from Pool No. 1 which was not disposed of prior to April 1, but which is disposed of prior to August 1; and Pool No. 3—all surplus held unsold by the board on August 1, including, in addition to any surplus turned over to it by handlers whose agencies expired on August 1, any surplus from Pool No. 1 and Pool No. 2 which was not disposed of by the board prior to August 1.

(b) *Expenses.* Direct expenses incurred by the control board in the maintenance and disposition of surplus almonds in each respective pool shall be charged against the proceeds of sales of the almonds in that pool.

(c) *Distribution to handlers.* Net proceeds from the disposition of surplus almonds in each of the three pools shall be distributed by the board to each handler having an interest in that pool in proportion to his relative contribution thereto in terms of edible kernel weight. In the case of a carryover from one pool to another pool, the board shall allocate the interests of the appropriate handlers therein on the basis of their respective total deliveries of almonds, in terms of edible kernel weight, to the board during the pool period in connection with which such carryover first originated.

REPORTS, BOOKS, AND RECORDS

§ 909.111 *Reports of handler carryover.* On or before January 15, April 15, and July 15 of each crop year every handler shall file with the control board a written report, under oath, of his carryover of all almonds by variety, showing whether unshelled or shelled and the number and type of containers and weight as of December 31, March 31, and June 30, respectively.

§ 909.112 *Reports of almonds sold and delivered.* On or before January 15, April 15, and July 15 of each crop year every handler shall file with the control board a written report, under oath, of all his sales of almonds by variety, showing whether unshelled or shelled and whether salable or surplus, and the weight on which delivery has been effected during the crop year, as of December 31, March 31, and June 30, respectively, including therein any manufactured products (whether or not sold) at their equivalent in terms of raw shelled almonds.

§ 909.113 *Other reports.* Upon the request of the control board, made with the approval of the Secretary, every handler shall furnish to the control board in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for in this part) such other information as will enable the control board to perform its duties and exercise its powers hereunder.

§ 909.114 *Verification of reports.* For the purpose of checking and verifying reports made by handlers to it, the Secretary or the control board through its duly authorized agents shall have access to the handler's premises wherever almonds may be held by such handler, and at any time shall be permitted to inspect any almonds so held by such handler and any and all records of the handler with respect to the holding or disposition of all almonds which may be held or which may have been disposed of by such handler. Every handler shall furnish all labor necessary to facilitate such inspections as the control board or the Secretary may make of such handler's holdings of any almonds.

§ 909.115 *Confidential information.* All reports and records furnished or submitted by handlers to the board which include data or information constituting a trade secret or disclosing of the trade position, financial condition, or business operations of the particular handler from whom received shall be received by and at all times kept in the custody and under the control of one or more employees of the board, who shall disclose such information to no person except the Secretary. Notwithstanding the above provisions of this paragraph, information may be disclosed to the board when necessary to enable the board to carry out its functions hereunder.

EXPENSES AND ASSESSMENTS

§ 909.120 *Expenses.* The control board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the control board and for such purposes as the Secretary may, pursuant to the provisions hereof, determine to be appropriate. The recommendation of the control board as to the expenses for each such year, together with all data supporting such recommendation, shall be submitted to the Secretary on or before August 1 of the crop year in connection with which such recommendation is made: *Provided*, That if the program is not made effective early enough to permit making such recommendation prior to August 1 of the initial crop year such recommendation shall be submitted within 15 days after the effective date of this program. The funds to cover such expenses shall be acquired by levying assessments as hereinafter provided.

§ 909.121 *Assessments*—(a) *Requirement for payment.* Each handler shall pay to the control board on demand by the board, from time to time, the sum of two-tenths of a cent for each pound of edible almond kernels received by him for his own account (except as to receipts from other handlers on which assessments had been paid) after the effective date hereof. In the event adequate records are not available at any time to show all almonds received by a handler during a crop year, or any part thereof, and his surplus obligation is determined under the alternate provision of § 909.65 (a), the assessment herein specified shall be based upon such handler's total salable and surplus almonds measured by edible kernel weight. Upon redetermination of edible kernel weight of almonds received by handlers for their own

account as provided in § 909.83, such redetermined edible kernel weight for each handler shall be the basis upon which he shall pay assessments at the aforesaid rate. At any time during or after a crop year, the Secretary may increase the rate of assessment to apply to all such almonds during such crop year to secure sufficient funds to cover the expenses authorized by § 909.120 or by any later finding by the Secretary relative to the expenses of the control board, and such additional assessments shall be paid to the control board by each handler on demand.

(b) *Refunds.* Any money collected as assessments during any crop year and not expended in connection with the respective crop year's operations hereunder may be used and shall be refunded by the control board in accordance with the provisions hereof. Such excess funds may be used by the control board during the period of four months subsequent to such crop year in paying the expenses of the control board incurred in connection with the new crop year. The control board shall, however, from funds on hand, including assessments collected during the new crop year, distribute or make available, within five months after the beginning of the new crop year, the aforesaid excess to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of assessments paid by all handlers during said crop year.

(c) *Disposition of funds upon termination.* Any money collected from assessments hereunder and remaining unexpended in possession of the control board upon the termination hereof shall be distributed in such manner as the Secretary may direct.

MISCELLANEOUS PROVISIONS

§ 909.131 *Personal liability.* No member or alternate member of the control board, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent, or employee, except for acts of dishonesty.

§ 909.132 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 909.133 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 909.134 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon its termination except with respect to acts done under and during its existence.

§ 909.135 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 909.136 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, as well as any amendments hereto, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways hereinafter specified in this section.

(b) *Suspension or termination*—(1) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions hereof, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(2) *When favored by growers.* The Secretary shall terminate the provisions hereof at the end of any crop year whenever he finds that such termination is favored by a majority of the growers of almonds who during that crop year have been engaged in the production for market of almonds in the State of California: *Provided,* That such majority have during such period produced for market more than 50 percent of the volume of such almonds produced for market within said State; but such termination shall be effected only if announced on or before June 1 of the then current crop year.

(3) *If enabling legislation is terminated.* The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination*—(1) *Designation of trustees.* Upon the termination of the provisions hereof, the members of the control board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the control board, of all funds and property then in the possession or under the control of the board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) *Duties of trustees.* Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the control board and the joint trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the control board or the joint trustees pursuant hereto.

(3) *Obligations of persons other than board members and trustees.* Any person to whom funds, property, or claims have been transferred or delivered by the control board or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said board and upon the said joint trustees.

§ 909.137 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 909.138 *Amendments.* Amendments hereto may be proposed, from time to time, by any person or by the control board.

APPENDIX 1—SCHEDULE OF PAYMENTS TO HANDLERS FOR SERVICES RENDERED IN CONNECTION WITH SURPLUS ALMONDS

[Rates are expressed in dollars per ton of 2000 lbs.]

§ 909.151 *Storage.* Handlers shall be paid for storing almonds beginning on the day on which any handler has surplus almonds certified and shall continue so long as the almonds are stored by the handlers for the control board. Cold storage shall be used only when specified by the control board. Payments per ton shall be as follows:

	First month	Per month thereafter
Dry storage:		
Unshelled	$2.90	$1.15
Shelled	1.75	.70
Cold storage:		
Unshelled	5.00	2.50
Shelled	7.00	3.00

These storage rates include piling, holding, and tearing down piles.

§ 909.152 *Fumigation.* Handlers shall be paid the actual cost of fumigating almonds, but not to exceed $1.00 per ton for unshelled and $.60 per ton for shelled almonds. Each such fumigation must be approved by the control board.

§ 909.153 *Packaging in new burlap bags.* Handlers must provide suitable containers for storing surplus almonds, but when the control board requires packaging in new burlap bags, handlers shall be paid for such packaging as follows:

Unshelled—actual cost of the burlap bags plus $2.00 per ton for labor; and

Shelled—actual cost of the burlap bags and liners plus $2.00 per ton for labor.

§ 909.154 *Processing costs.* The processing costs hereinafter enumerated shall be paid to handlers only when such work is authorized by the board. Handlers shall be paid their actual expenses for grading and bleaching unshelled almonds, but not to exceed $5.25 per ton. Handlers shall be paid the actual cost of shelling and sorting almonds but not to exceed $10.00 per ton of kernels for shelling the Nonpareil variety, $15.00 per ton of kernels for shelling any other variety, and $20.00 per ton for the sorting of any variety to produce a sheller run grade.

APPENDIX 2—VARIETAL SHELLING RATIOS APPLICABLE TO UNSHELLED ALMONDS

§ 909.161 *Varietal shelling ratios applicable to unshelled almonds.* The varietal shelling ratios applicable to unshelled almonds for determination of edible kernel weight are as follows:

Major varieties	*Percent*
Nonpareil	60
Jordanolo	60
Ne Plus Ultra	50
IXL	50
Mission	40
Drake	40
Peerless	35
Minor varieties	
King	60
California (California Papershell)	60
Princess	60
Bigelow	55
Harpareil	55
Rivers	55
Eureka	54
Klondike	54
Baker	53
Trembath	53
Oakley	52
Silvershell	51
Long IXL	50
Harriott	50
Commercial	49
Frost Proof	49
Smith (Smith's XL)	48
Routier	48
La Marie	48
La Prima	48
Lewelling (Lewelling's Prolific)	47
Proctor	47
Barclay	47
Fairoaks	47
Batham	46
Reams	44
Sellers	43
Marcona	42
Queen	42
Jubilee	42
Walton	41
Gilt Edge	40
Standard	38
Golden State	38
French Languedoc (Cartagena)	37
Languedoc	37
Hampton	36
Sultana	36
La France	33
Tarragona	33
Philopena	32
Grosse Tender	32
Hardshell	30
Almendro	30
Bidwell	30
Jordan	30
King George	30

[F. R. Doc. 50-5829; Filed, July 5, 1950; 8:49 a. m.]

[7 CFR, Part 909]

[Docket No. AO-214]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS AND DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM, AND DETERMINING REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 63 Stat. 282; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among producers of almonds grown in California who, during the period July 1, 1949, through June 30, 1950 (which period is hereby determined to be the representative period for the purpose of this referendum), were engaged, in the State of California, hereinafter referred to as the "production area," in the commercial production of almonds to determine whether such producers favor the issuance of an order[1] regulating the handling of almonds grown in said State.

(a) For the purpose of such referendum:

(1) "Person" means any individual, partnership, corporation, association, legal representative, or other business unit.

(2) "Producer" means any person who: (i) Owns and farms land in the production area, resulting in his ownership of almonds produced thereon; (ii) rents and farms land in the production area, resulting in his ownership of all or a portion of the almonds produced thereon; or (iii) owns land in the production area which he does not farm and, as rental for such land, obtains the ownership of a portion of the almonds produced thereon. Persons owning land in the production area and obtaining cash rent therefor, and persons acquiring, in any manner other than as hereinbefore set forth, legal title to almonds grown on such land shall not be deemed to be producers.

(3) Each producer shall be entitled to only one vote in this referendum: *Provided,* That (i) a husband and wife, a father and son or sons operating a farm and producing almonds on a partnership basis, and any other business unit (whether a partnership or a corporation), are deemed to be single business units and as such entitled to only one vote; (ii) in a landlord-tenant or joint tenant relationship, in which each of the parties receives a share of the product in kind, each shall be entitled to vote and to vote his respective share of the product; (iii) a cooperative association of producers, bona fide engaged in marketing almonds or in rendering services for or advancing the interests of the producers of almonds, may, if it elects to do so, vote for the producers who are members of, or stockholders in, or under contract with, such association.

(4) Any individual casting a ballot in this referendum on behalf of a producer shall, when required by the agents, submit, with the ballot, evidence of his authority to cast such ballot, except that such evidence shall be submitted with each ballot cast on behalf of a corporation or cooperative association of producers.

(b) The following employees of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly or severally, under the direction and supervision of the Director, Fruit and Vegetable Branch, the functions in connection with the referendum: Harry J. Krade, Representative, Western Marketing Field Office, 921 Tenth Street, Sacramento, California, and J. W. Park, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2523, South Agricultural Building, Washington, D. C.

(c) Such agents shall:

(1) Conduct the referendum in the manner herein prescribed, by giving an opportunity to producers who, during the representative period determined by the Secretary, have been engaged, within the specified production area, in the production for market of almonds, to cast their ballots relative to the issuance of such order.

(2) Determine the time of commencement and termination of the period of the referendum, and the time prior to which all ballots must be cast.

(3) Determine whether ballots may be cast by mail, at polling places, at meetings of producers, or by any combination of the foregoing.

(4) Give reasonable advance notice of this referendum (i) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the production area, announcing the dates, places, methods of voting, eligibility requirements, and other pertinent information, and (ii) by such other means as said agents may deem advisable.

(5) Make available to producers, or to cooperative associations of producers, copies of the text of the proposed order or amendment, instructions on voting, and appropriate ballot and other necessary forms.

(6) In the event such agents determine the ballots may be cast by mail, cause a copy of the appropriate ballot form, instructions for executing and casting the ballot, and a copy of the text of the proposed order to be mailed to each of the aforesaid producers and cooperative associations of producers whose names and addresses are known.

(7) In the event such agents determine that ballots may be cast at polling places, determine the necessary number of polling places and designate and announce such polling places; and the hours during which each such polling place will be open: *Provided,* That all such polling places shall remain open at least four consecutive daylight hours during each day announced.

(8) In the event such agents determine that ballots may be cast at meetings of producers, determine the necessary number of meeting places; and designate and announce such meeting places, and the time of each such meeting.

(d) Said agents may appoint any person or persons deemed necessary or desirable to assist said agents in performing their functions hereunder. Each person so appointed shall serve without compensation and may be authorized by said agents to perform, in accordance with the requirements herein set forth, any or all of the following functions

[1] See F. R. Document 50-5828, *supra.*

(which, in the absence of such appointment of subagents, shall be performed by said agents):

(1) Give public notice of the referendum in the manner specified herein;

(2) Preside at a meeting of producers or as poll officer at a polling place;

(3) Distribute ballots and the aforesaid texts to producers and receive any ballots which are cast; and

(4) Obtain the name and address of each person receiving or casting a ballot and inquire into the eligibility of such person to vote in the referendum.

(e) Said agents and their appointees shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, or if a ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefor, and the results of any investigations made with respect thereto.

(f) At the conclusion of the referendum, the agents shall prepare for, and submit to, the Fruit and Vegetable Branch the following:

(1) All ballots received by the agents and appointees, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and received by such persons during the referendum period;

(2) A list of all challenged ballots; and

(3) A detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

(g) The Director, Fruit and Vegetable Branch, may designate any of the said agents to serve as an agent-in-charge to receive the material specified in paragraph (f) hereof. Each such agent-in-charge shall canvass the ballots and list them. The original tabulation shall then be forwarded, together with the ballots and other required documents, to the Director, Fruit and Vegetable Branch.

(h) The Fruit and Vegetable Branch thereafter shall prepare and submit to the Secretary a report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(i) All ballots shall be treated as confindential and the contents of individual ballots shall not be divulged except as provided herein or as the Secretary may direct.

(j) The Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by said referendum agents and appointees in conducting said referendum.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 30th day of June 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-5876; Filed, July 5, 1950; 8:55 a. m.]

[7 CFR, Part 922]

[Docket No. AO-223]

HANDLING OF IRISH POTATOES GROWN IN CENTRAL NEBRASKA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Kearney, Nebraska on May 1–2, 1950, pursuant to notice thereof in the FEDERAL REGISTER (15 F. R. 2109, 2228), upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the counties of Phelps, Loup, Garfield, Custer, Valley, Greeley, Sherman, Howard, Hall, Buffalo, Dawson, and Kearney in Nebraska.

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Assistant Administrator, production and Marketing Administration, on June 8, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (15 F. R. 3687). No exceptions to the recommended decision have been filed.

The material issues and the findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 50-5060; 15 F. R. 3687) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full hercin.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Irish Potatoes Grown in Central Nebraska" and "Order Regulating the Handling of Irish Potatoes Grown in Central Nebraska" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order, which will be published with this decision.

Done at Washington, D. C., this 30th day of June 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order [1] Regulating the Handling of Irish Potatoes Grown in Central Nebraska

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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AUTHORITY: §§ 922.0 to 922.92, inclusive, issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051.

§ 922.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Kearney, Nebraska, on May 1–2, 1950, upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the counties of Phelps, Loup, Garfield, Custer, Valley, Greeley, Sherman, Howard, Hall, Buffalo, Dawson, and Kearney in Nebraska. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) All handling of potatoes grown in the production area is either in interstate or foreign commerce or directly burdens, obstructs, or affects such commerce;

(2) The order, as hereinafter set forth, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in the production area, specified in this order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such Irish potatoes as will be in the public interest;

(3) Such order regulates the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(4) This order is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of the production area specified in this order would not effectively carry out the declared policy of the act; and

(5) The said order prescribes, so far as practicable, such different terms, applicable to different parts of such production area, as are necessary to give due recognition to the difference in the production and marketing of such Irish potatoes.

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof the handling of potatoes as defined in this order, shall be in conformity to and in compliance with the terms and conditions of this order; and the terms and conditions of said order are as follows:

DEFINITIONS

§ 922.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer, or employee of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 922.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

§ 922.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 922.4 *Production area.* "Production area" means all territory included within the Counties of Phelps, Loup, Garfield, Custer, Valley, Greeley, Sherman, Howard, Hall, Buffalo, Dawson, and Kearney in Nebraska.

§ 922.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 922.6 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 922.7 *Ship.* "Ship" or "handle" means to transport, sell, or in any other way to place potatoes in the current of commerce within the production area, or between the production area and any point outside thereof: *Provided,* That the definition of "ship" or "handle" shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area to a recognized dealer or packer within the production area for the purpose of having such potatoes prepared for market.

§ 922.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 922.9 *Fiscal year.* "Fiscal year" means the period beginning on March 1 of each year and ending on the last day of February following.

§ 922.10 *Committee.* "Committee" means the Central Nebraska Potato Committee, established pursuant to § 922.22.

§ 922.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 922.12 *Seed potatoes.* "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State of Nebraska or such other seed certification agencies as the Secretary may designate.

§ 922.13 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 922.14 *Pack.* "Pack" means a unit of potatoes contained in a bag, crate, or other type of container and falling within specific weight limits recommended by the committee and approved by the Secretary.

§ 922.15 *Grade.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon;

(b) The United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon.

§ 922.16 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 922.17 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 922.24.

§ 922.18 *Part and subpart.* "Part" means the order regulating the handling of Irish potatoes grown in the production area, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such "part."

COMMITTEE

§ 922.22 *Establishment and membership.* (a) The Central Nebraska Potato Committee, consisting of 8 members of whom 6 shall be producers and 2 shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Persons selected as committee members or alternates to represent producers shall be individuals who are pro-

ducers, or officers or employees of a corporate producer, in the respective district for which selected and residents therein. Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers, or officers or employees of a corporate handler in the production area.

§ 922.23 *Term of office.* (a) The term of office of committee members and alternates shall be two fiscal years: *Provided,* That the terms of office of one-half of the initial members and their respective alternates shall be one fiscal year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 922.24 *Districts.* (a) For the purpose of selecting producer committee members and alternates, the following districts of the production area are hereby established:

District No. 1. Dawson County.
District No. 2. Buffalo County.
District No. 3. Hall County.
District No. 4. All the remaining counties within the production area.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided,* That in recommending any such changes in districts or representation the committee shall give consideration to: (1) The relative importance of new areas of production; (2) changes in the relative position, with respect to production, of existing districts; (3) the geographic locations of areas of production, insofar as they affect the efficiency of administering the marketing agreement and order; and (4) other relevant factors: *Provided further,* That there shall be no change in the total number of committee members and alternates, or in the total number of districts.

§ 922.25 *Nomination.* The Secretary may select the members of the committee and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for initial committee members and alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(b) In order to provide nominations for succeeding committee members and alternates:

(1) The committee shall hold or cause to be held prior to January 1 of each year, after the effective date of this subpart, a meeting or meetings of producers in each of the districts designated in § 922.24, in which producer committee vacancies will occur at the end of the then current fiscal year. In like manner, the committee shall hold or cause to be held prior to January 1 of each year, after the effective date of this subpart, a meeting or meetings of handlers to nominate handler committee members and alternates to fill vacancies which will occur at the end of the then current fiscal year.

(2) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant or which is to become vacant at the end of the then current fiscal year.

(3) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year.

(4) Only producers may participate in designating nominees for producer committee members and alternates and only handlers may participate in designating nominees for handler committee members and alternates. For the purpose of designating nominees for handler committee members and alternates, a handler shall be considered to be a person who produces not more than 50 percent of the total volume of potatoes handled by himself; each person who is both a handler and a producer may vote either as a handler or as a producer and may elect, subject to such 50 percent limitation, the group in which he votes.

(5) Each producer and each handler of potatoes is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, for producer or handler committee members and alternates, respectively: *Provided,* That producers in more than one district shall elect the district in which they will participate in nominating producer committee members and alternates: *Provided further,* That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled at a nomination meeting.

§ 922.26 *Selection.* The Secretary shall select two producer members of the committee with their respective alternates from each of Districts No. 1 and 2; and one producer member with his respective alternate from each of Districts No. 3 and 4, as such districts are defined in § 922.24. The Secretary shall select two handler members with their respective alternates from the production area. Each person selected as a handler member or alternate shall not produce more than 50 percent of the potatoes handled by himself.

§ 922.27 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 922.25, the Secretary may select the committee members and alternates without regard to nominations, which selection shall be on the basis of the representation provided for in § 922.26.

§ 922.28 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 922.29 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected from nominations made in the manner specified in § 922.25, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in § 922.26.

§ 922.30 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 922.31 *Procedure.* (a) Five members of the committee shall be necessary to constitute a quorum, and five concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meetings by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided,* That all votes shall be cast in person at assembled meetings.

§ 922.32 *Expenses and compensation.* Committee members and alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part.

§ 922.33 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 922.34 *Duties.* It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To select a chairman and such other officers for each fiscal period as may be necessary, to select subcommittees of committee members and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(c) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(d) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities, which relate to the handling or marketing of potatoes, as may be approved by the Secretary;

(e) To furnish to the Secretary such available information as he may request;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To recommend the rate of assessment to cover the expenses set forth in the budget;

(h) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES, ASSESSMENTS, AND BUDGETS

§ 922.40 *Budget.* The committee shall prepare a budget for each fiscal year, showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall transmit such budget to the Secretary, together with a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 922.41 *Expenses.* The committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget, or other available information, finds may be necessary during each fiscal year to perform its functions under this part and for such other purposes as may be appropriate pursuant to the provisions of this part.

§ 922.42 *Rate of assessment.* The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate fixed by the Secretary, upon the basis of the committee's recommendation, or other available information. Each handler who first ships potatoes shall pay assessments to the committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year. Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handler thereof, during the same fiscal year.

§ 922.43 *Increasing rate of assessment.* Upon recommendation of the committee, or upon the basis of a later finding relative to the committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

§ 922.44 *Accounting.* If at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 922.45 *Funds.* All funds received by the committee, pursuant to any provision of this part, shall be used solely for the purposes specified in this part and shall be accounted for in the following manner:

(a) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(b) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 922.46 *Collection of funds.* (a) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(b) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

REGULATION

§ 922.50 *Marketing policy preparation.* At the beginning of each fiscal year the committee shall consider and prepare a proposed policy for the marketing of potatoes during such fiscal year. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes, giving appropriate consideration to:

(a) Market prices of potatoes, including prices by grade, size, and quality, and in different packs;

(b) Supply of potatoes, by grade, size, and quality, in the production area and in other production areas;

(c) The trend and level of consumer income; and

(d) Other relevant factors.

§ 922.51 *Marketing policy report.* (a) The committee shall submit to the Secretary a report setting forth the aforesaid marketing policy; a copy of such report shall be made available to producers and handlers.

(b) In the event it becomes advisable to deviate from such marketing policy, because of changed supply or demand conditions, the committee shall formulate a new marketing policy in the manner outlined in § 922.50, which shall be submitted to the Secretary and made available to producers and handlers.

§ 922.52 *Recommendation for regulations.* The committee shall recommend regulation to the Secretary whenever it finds that such regulation, as provided in § 922.53, will tend to effectuate the declared policy of the act. The committee may also recommend modification, suspension, or termination of regulations in order to facilitate shipments of potatoes for the specified purposes set forth in § 922.54.

§ 922.53 *Issuance of regulations.* The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes, or quality of any or all varieties of potatoes during any period; or

(b) Regulate the shipment of particular grades, sizes, or quality of potatoes differently for different varieties, for different portions of the production area, for different packs, or any combination of the foregoing, during any period; or

(c) Regulate the shipment of potatoes by establishing and maintaining, in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 922.54 *Modification, suspension or termination.* The Secretary, whenever he finds upon the basis of recommendations and information submitted by the committee, or other available information, that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 922.42, 922.43, 922.53, 922.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes:

(a) For seed;

(b) For export;

(c) For distribution by the Federal Government;

(d) For manufacture or conversion into specified products;

(e) For distribution by relief agencies, or for consumption by charitable institutions;

(f) For livestock feed;

(g) For other purposes which may be specified.

§ 922.55 *Minimum quantity regulation.* The Secretary may establish, upon the basis of a committee recommendation, or other available information, for any or all portions of the production area, minimum quantities be-

low which shipments will be free from regulations issued or in effect pursuant to §§ 922.42, 922.43, 922.53, 922.65, or any combination thereof.

§ 922.56 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued, or of any modifications, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 922.57 *Safeguards.* (a) The committee may recommend and the Secretary, upon the basis of such recommendation, or other available information, may prescribe adequate safeguards to prevent shipments effected pursuant to §§ 922.54 and 922.55, from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to §§ 922.54 and 922.55;

(2) Handlers shall obtain inspection required by § 922.65, or pay the pro rata share of expenses provided by § 922.42, or both, in connection with potato shipments effected under the provisions of §§ 922.54 and 922.55: *Provided,* That such inspection, or payment of expenses, or both may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under provisions of §§ 922.54 and 922.55.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that potatoes shipped by him for the purposes stated in §§ 922.54 and 922.55 were handled contrary to the requirements applicable thereto.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 922.65 *Inspection and certification.* During any period in which shipments of potatoes are regulated pursuant to the provisions of §§ 922.42, 922.43, or 922.53, or any combination thereof, no handler shall ship potatoes unless, prior thereto, such shipment was inspected by an authorized representative of the Federal Inspection Service, or such other inspection service as the Secretary shall designate. Each handler procuring inspections pursuant to this section, shall make arrangements with the inspecting agency to forward promptly to the committee a copy of the inspection certificate: *Provided,* That the regrading, resorting, repacking, or other further preparation of inspected potatoes for market shall invalidate prior inspection thereon and subsequent shipment of such potatoes after regrading, resorting, repacking, or other preparation for market shall not be effected unless, prior thereto, such shipment is inspected as provided in this section.

EXEMPTIONS

§ 922.70 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers.

§ 922.71 *Granting exemptions.* (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 922.53, he will be prevented from handling, or causing to be handled, as large a proportion of his production as the average proportion of production handled, or caused to be handled, during the entire season by all producers in said applicant's immediate area of production, and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each such certificate shall permit the producer to handle, or cause to be handled, the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(b) The committee shall be permitted, at any time, to make a thorough investigation of any producer's claim pertaining to exemptions.

§ 922.72 *Appeal.* If an applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 922.73 *Records and reports and review of exemptions.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such additional information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 922.70, 922.71, 922.72, or any combination thereof.

MISCELLANEOUS PROVISIONS

§ 922.80 *Reports.* Upon the request of the committee, with the approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this part. The Secretary shall have the right to modify, change, or rescind any requests for reports made pursuant to this section.

§ 922.81 *Compliance.* Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part, and no handler shall ship potatoes except in conformity to the provisions of this part.

§ 922.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 922.83 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 922.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided,* That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before February 1 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 922.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of, or under control of, the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 922.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart, or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart, or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart, or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 922.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 922.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the government, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 922.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modifications of the rights of the Secretary, or of the United States, to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 922.90 *Personal liability.* No member or alternate member of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 922.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 922.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

[F. R. Doc. 50-5829; Filed, July 5, 1950; 8:49 a. m.]

[7 CFR, Part 922]

[Docket No. AO 223]

HANDLING OF IRISH POTATOES GROWN IN CENTRAL NEBRASKA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DESIGNATION OF AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), it is hereby directed that a referendum be conducted among producers who, during the period March 1, 1949, through February 28, 1950 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged within the counties of Phelps, Loup, Garfield, Custer, Valley, Greeley, Sherman, Howard, Hall, Buffalo, Dawson, and Kearney in Nebraska in the production of Irish potatoes for market, to ascertain whether such producers favor or approve the issuance of a marketing order regulating the handling of Irish potatoes grown in Central Nebraska. The order on which the referendum is to be conducted is annexed to the decision [1] of the Secretary filed simultaneously herewith.

A. C. Cook, R. P. Callaway, H. C. Hess, and W. D. Mathias of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents to conduct such referendum. Such agents shall, jointly or severally, perform their functions subject to, and at the direction of, the Director of the Fruit and Vegetable Branch, Production and Marketing Administration.

[1] See F. R. Doc. 50-5829, *supra.*

(1) Such agents shall: (a) Conduct said referendum in the manner herein prescribed by giving opportunity to each of the aforesaid producers to cast his ballot in the manner herein authorized relative to the aforesaid order on forms furnished by the Department of Agriculture. A cooperative association of producers, bona fide engaged in marketing potatoes grown in the aforesaid designated counties in the State of Nebraska, or in rendering services for or advancing the interests of the producers of such potatoes may vote for the producers who are members of, stockholders in, or under contract with such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such producers. Any individual casting a ballot in such referendum on behalf of another person or a corporation or cooperative association of producers shall submit with the ballot evidence of his authority to cast such ballot.

(b) Determine the time of commencement and termination of the period of the referendum, and the time prior to which all ballots must be cast.

(c) Determine whether ballots may be cast by mail, at polling places, at meetings of producers, or by any combination of the foregoing.

(d) Give reasonable advance notice of the referendum (i) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the production area, announcing the dates, places, methods of voting, eligibility requirements, and other pertinent information and (ii) by such other means as said agents may deem advisable.

(e) Make available to producers copies of the text of the order, instructions on voting, and appropriate ballot and other necessary forms.

(f) In the event such agents determine that ballots may be cast by mail, cause a copy of the appropriate ballot form, instructions for executing and casting the ballot, and a copy of the text of the order to be mailed to the aforesaid producers and cooperative associations of producers whose names and addresses are known.

(g) In the event such agents determine that ballots may be cast at polling places, determine the necessary number of polling places and designate and announce such polling places; and the hours during which each such polling place will be open: *Provided,* That all such polling places shall remain open at least four (4) consecutive daylight hours during each day announced.

(h) In the event such agents determine that ballots may be cast at meetings of producers, determine the necessary number of meeting places; and designate and announce such meeting places, and the time of each such meeting.

(2) Said agents may appoint any county agricultural agent and any member or members of a county Production and Marketing Administration Committee in the aforesaid designated counties

in the State of Nebraska, and any other person or persons deemed necessary or desirable to assist said agents in performing their functions hereunder. Each person so appointed shall serve without compensation and may be authorized by said agents to perform, in accordance with the requirements herein set forth, any or all of the following functions (which, in the absence of such appointment of subagents, shall be performed by said agents):

(a) Give public notice of the referendum in the manner specified herein;

(b) Preside at a meeting of producers or act as poll officer at a polling place;

(c) Distribute ballots and the aforesaid texts to producers and receive any ballots which are cast; and

(d) Obtain the name and address of each person receiving or casting a ballot and inquire into the eligibility of such person to vote in the referendum.

(3) Said agents and their appointees shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, or if a ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefor, and the results of any investigations made with respect thereto.

(4) At the conclusion of the referendum, the agents shall prepare for, and submit to, the Fruit and Vegetable Branch the following:

(a) All ballots received by the agents and appointees, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and received by such persons during the referendum period;

(b) A list of all challenged ballots; and

(c) A detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

(5) The Director, Fruit and Vegetable Branch, may designate any of the said agents to serve as an agent-in-charge to receive the material specified in paragraph (4) hereof. Each such agent-in-charge shall canvass the ballots and list them. The original tabulation shall then be forwarded, together with the ballots and other required documents, to the Director, Fruit and Vegetable Branch.

(6) The Fruit and Vegetable Branch thereafter shall prepare and submit to the Secretary a report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(7) All ballots shall be treated as confidential.

(8) The Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid marketing order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D. C., and at the county Production and Marketing Administration office in each of the aforesaid designated counties in the State of Nebraska.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 30th day of June 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-5877; Filed, July 5, 1950; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

National Park Service

HAWAII NATIONAL PARK

REVOKING WITHDRAWAL OF CERTAIN LANDS FOR USE OF DEPARTMENT OF ARMY AND RETURNING SAME TO JURISDICTION OF SECRETARY OF INTERIOR FOR ADMINISTRATION

The order of December 3, 1940, issued pursuant to the act of July 16, 1940 (54 Stat. 761; 16 U. S. C., 1946 ed., sec. 391c), and published in the FEDERAL REGISTER of December 21, 1940 (5 F. R. 5219), withdrew the following-described lands, situated within the boundaries of Hawaii National Park, from the control and jurisdiction of the Secretary of the Interior and transferred the same to the jurisdiction and control of the Secretary of the Army for use as an Air Corps bombing target range and other military purposes:

Beginning at a place called Na Puu O Na Elemakule located at the southeast corner of the Hawaii National Park, said point being marked by a triangle on a large flat stone; thence by azimuth (Measured clockwise from true south) and distances as follows: 89° 27' 30"; 3,300 feet along the south boundary Hawaii National Park; thence 179° 27' 30"; 10,500 feet to a point on the lower slope of Hilina Pali; thence 240° 56' 04"; 11,419.3 feet along the bottom of Hilina Pali to a spike in the pahoehoe lava; thence 352° 51' 30"; 11,092 feet to a spike in the pahoehoe lava at the shore-line; thence in a southwesterly direction along the high-water line to the point of beginning; the direct azimuth and distance being 57° 49' 00"; 9,406.5 feet; containing an area of 3052.0 acres more or less.

The aforesaid order is hereby revoked and the lands described above are hereby returned to the jurisdiction of the Secretary of the Interior for administration as a part of Hawaii National Park.

Dated: June 14, 1950.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.
FRANK PACE, Jr.,
Secretary of the Army.

[F. R. Doc. 50-5807; Filed, July 5, 1950; 8:46 a. m.]

Office of the Secretary

[Order 2568]

MEMBER OF D. C. RECREATION BOARD

DELEGATION OF AUTHORITY

Pursuant to section 2 of Reorganization Plan No. 3 of 1950, the function of serving as a member of the District of Columbia Recreation Board is hereby assigned to Edward J. Kelly, Assistant Superintendent, National Capital Parks, and, in his absence or inability to function at any time, to Harry T. Thompson, Assistant Superintendent National Capital Parks.

Dated: June 20, 1950.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 50-5808; Filed, July 5, 1950; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Public Notice PN 1]

ORGANIZATION

In order to conform the available information pertaining to the organization of the Board to the requirements of section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238) and to the regulations of the Administrative Committee of the Federal Register approved by the President effective October 12, 1948 (13 F. R. 5929), the organization material presently in the Organizational Regulations has been completely rewritten to reflect the present description of the Board's central and field organization.

Since this Public Notice No. 1 contains a rule of agency organization and practice, notice and public procedure is not required.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the Organizational Regulations (formerly 14 CFR §§ 301.1, 302.1, and 302.2) as follows effective July 1, 1950:

1. By revoking in its entirety the section titled "Description of Organization", (formerly § 301.1), the section titled "Statement of Functions" (formerly § 302.1), and the section entitled "Functions of Offices and Bureaus" (formerly § 302.2).

2. By making and promulgating the following statement of the Board's central and field organization as Public Notice No. 1 reading as follows:

GENERAL STATEMENT

Sec.
1.1 Creation and authority.
1.2 Purpose and mission.
1.3 Functions.
1.4 Offices.

OFFICES OF MEMBERS

2.1 General pattern of organization.

BUREAU OF HEARING EXAMINERS

3.1 Chief Examiner.
3.2 Economic Proceedings Division.
3.3 Safety Enforcement Proceedings Division.
3.4 Docket Section.

BUREAU OF ECONOMIC REGULATION

4.1 Director.
4.2 Accounting and Rates Division.
4.3 Analyses Division.
4.4 Foreign Air Transport Division.
4.5 Operations Division.
4.6 Tariffs and Service Division.
4.7 Alaska Office.

BUREAU OF LAW

5.1 General Counsel.
5.2 Carrier Relationships Division.
5.3 Certificates and Permits Division.
5.4 International and Rules Division.
5.5 Rates Division.
5.6 Public Counsel.

BUREAU OF SAFETY REGULATION

6.1 Director.
6.2 Air Carrier Division.
6.3 Airworthiness Division.
6.4 General Rules Division.
6.5 International Standards Division.

BUREAU OF SAFETY INVESTIGATION

7.1 Director.
7.2 Accident Investigation Division.
7.21 Accident Investigation Field Service.
7.3 Hearing and Reports Division.
7.4 Accident Analysis Division.

BUREAU OF ADMINISTRATION

8.1 Secretary.
8.2 Budget and Management Section.
8.3 Personnel Section.
8.4 Office Service Section.
8.5 Minutes Section.
8.6 Publications Section.
8.7 Library Unit.

OFFICE OF ENFORCEMENT

9.1 Office of Enforcement.

FIELD ORGANIZATION

10.1 Alaska Office.
10.2 Accounting and Rates Division.
10.3 Accident Investigation Field Service.

GENERAL STATEMENT

SECTION 1.1 *Creation and authority.* The Civil Aeronautics Board, as distinguished from the Civil Aeronautics Administration, is an independent agency composed of five members, appointed by the President with the confirmation of the Senate. The President annually designates one of the members as chairman and another as vice chairman. The Board, established effective June 30, 1940, pursuant to Reorganization Plans III and IV, exercises the functions of rule making (including the prescription of rules, regulations, and standards), adjudication, and investigation as prescribed in the Civil Aeronautics Act of 1938, as amended.

SEC. 1.2 *Purpose and mission.* (a) In expressing the purpose of the Congress to protect the public by providing for economic stability in the air transport industry, and in order that the public might have the continuing enjoyment of adequate and sufficient air transportation services and, at the same time, be assured of the maintenance of high standards of safety, the Civil aeronautics Act of 1938 sets forth the basic principles which guide the Board and prescribes the authority pursuant to which it discharges its responsibilities.

(b) The mission of the Board is to foster and encourage the development of an air transportation system which will be adequate for the present and future needs of the foreign and domestic commerce of the United States, the postal service and the national defense; to preserve the inherent advantages of air transportation, and to regard as in the public interest competition to the extent necessary to assure the sound development of an air transportation system adjusted to the national needs; and to regulate air commerce in such manner as to best promote its development and safety.

SEC. 1.3 *Functions.* In general, the Board performs four chief functions: (1) Regulation of the economic aspects of United States air carrier operation both domestic and international; (2) promulgation of safety standards in the form of civil air regulations; (3) investigation and analysis of aircraft accidents; (4) cooperation and assistance in the establishment and development of international and domestic air transportation. These functions are briefly described in the following paragraphs.

(a) *Economic regulation.* The Board grants or denies "certificates of public convenience and necessity" to American flag carriers for both domestic and international operation and "permits" to foreign carriers; prescribes or approves rates and rate practices of air carriers and fixes mail rate compensation; fosters the safe and expeditious transportation of mail and seeks to ensure that reasonable and adequate service to the public is rendered by air carriers, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; approves or disapproves business relationships between air carriers, including contracts, agreements, interlocking relationships, consolidations, mergers, and acquisitions of control and issues appropriate regulations for the purpose of carrying out these functions. The Board investigates upon complaint or upon its own initiative anything done or omitted to be done by any person or group in contravention of the provisions of the Civil Aeronautics Act; and takes appropriate action to enforce the act.

(b) *Safety regulation.* The Board prescribes safety rules and regulations, including standards for the issuance of airman certificates, aircraft type, production and airworthiness certificates, and air carrier operating certificates; and has the power to suspend or revoke such certificates.

(c) *Accident investigation and analysis.* The Board prescribes rules of notification and report of accidents involving civil aircraft; reviews reports of all accidents and determines, after investigation to the extent required, the probable cause of all accidents. Formal reports by the Board are made public when deemed to be in the public interest. The Board conducts special studies and research, establishing basic causative and statistical factors and prepares air safety bulletins for the purpose of reducing aircraft accidents and preventing their recurrence.

(d) *Development of civil aviation.* The Board consults with and assists the State Department in the negotiation of agreements with foreign governments for the establishment or development of air transportation, air navigation, air routes and services; keeps informed with respect to operations of foreign air lines and foreign aviation policies. The Board provides information for and coordinates with the International Civil Aviation Organization in the development of all international safety and operational standards. The Board contributes to the expense and personnel requirements of the Air Coordinating Committee, the Chairman of the Board serving at present as chairman of the Committee; provides information and advice in the Committee's examination of aviation problems and in its recommendations establishing the United States viewpoint on international and domestic aviation.

SEC. 1.4 *Offices.* The central office of the Board is located in the Department of Commerce Building, Fourteenth Street between Constitution Avenue and E Street NW., Washington 25, D. C. All meetings of the Board, unless otherwise directed by the Board, are held at the above address. The Board's field offices are located in Alaska and principal cities of the country. The location of these offices is set forth in sections 10.1, 10.2, and 10.3.

OFFICES OF MEMBERS

SEC. 2.1 *General pattern of organization.* (a) The five Members of the Board, appointed by the President, by and with the advice and consent of the Senate for six-year terms, are charged with carrying out the duties and responsibilities devolving upon the Board under the law. Action initiated pursuant to the Board's own initiative or by any document authorized or required to be filed with the Board originates in or is referred to the appropriate organizational unit for study and recommendation to the Board in accordance with the description of functions outlined hereinafter. In cases other than those in which action is taken pursuant to a final delegation of authority, or in which the responsibility is that of the Chairman (see (b) below), final action is taken by the Board. (See Public Notice No. 2 for statements of final delegations of authority.) The staff of the Board is organized into the following major organizational units, all of which report directly to the Board:

(1) Bureau of Hearing Examiners.
(2) Bureau of Economic Regulation.
(3) Bureau of Law.
(4) Bureau of Safety Regulation.
(5) Bureau of Safety Investigation.
(6) Bureau of Administration.
(7) Office of Enforcement.

(b) The Chairman of the Board is responsible for the executive and administrative functions of the Board, including functions with respect to the appointment and supervision of personnel employed under the Board; the distribution of business among such personnel and among administrative units of the Board; and the use and expenditure of funds.

(c) A Public Information Section, under the direction of a chief, is included in the Office of the Chairman, and is responsible for press and public relations, including preparation and initial distribution of news releases, periodic reports, and general information relating to the Board's activities.

BUREAU OF HEARING EXAMINERS

SEC. 3.1 *Chief Examiner.* The Chief Examiner, as director of the Bureau of Hearing Examiners, is directly responsible to the Board for the conduct and disposition of all formal proceedings before the Board arising under Title IV, VI, and X, and section 1002 of the act. The Bureau of Hearing Examiners is divided into the following organizational units:

(a) Economic Proceedings Division.
(b) Safety Enforcement Proceedings Division.
(c) Docket Section.

SEC. 3.2 *Economic Proceedings Division.* The Economic Proceedings Division coordinates all formal proceedings before the Board arising under Title IV of the act; schedules the time and place of such hearings; supervises prehearing conferences; prepares recommendations (except in those economic proceedings for the fixing of passenger, cargo, and mail rates) to the Chief Examiner or the Board respecting the disposition of such matters as require action by the Chief Examiner or the Board; and prepares the final decision pursuant to instructions from the Board.

SEC. 3.3 *Safety Enforcement Proceedings Division.* The Safety Enforcement Proceedings Division conducts and disposes of all formal proceedings under sections 602 through 609 of the act, regarding the issuance, amendment, suspension, and revocation of the various types of airman certificates, airworthiness certificates, air carrier operating certificates, production certificates, air navigation facility certificates and air agency certificates; prepares recommendations to the Chief Examiner or the Board respecting the dispositions of such matters as require action by the Chief Examiner or the Board; prepares final decisions pursuant to instructions from the Board; and supervises the activities of regional examiners.

SEC. 3.4 *Docket Section.* The Docket Section receives, dockets, and maintains all documents in formal proceedings before the Board; makes official service of notices, orders, rules, reports, and decisions upon all interested persons; and issues periodic statements and reports respecting the status of all formal proceedings.

BUREAU OF ECONOMIC REGULATION

SEC. 4.1 *Director.* The Director of the Bureau of Economic Regulation is directly responsible to the Board for interpretation of economic data and advice regarding policy and procedure to be followed in the economic regulation of domestic, overseas, and international air transportation; and supervision of the Alaska Office. In the Bureau of Economic Regulation there are the following organizational units:

(a) Accounting and Rates Division.
(b) Analyses Division.
(c) Foreign Air Transport Division.
(d) Operations Division.
(e) Tariffs and Service Division.
(f) Alaska Office.

SEC. 4.2 *Accounting and Rates Division.* The Accounting and Rates Division is responsible for the initiation and administration of the Board's program of financial, accounting, and rate regulation. This includes the receipt and analysis of periodic reports of financial and operating statistics and the preparation of recurrent statistical reports based upon such data; the administration of, and recommendation of changes in, the uniform system of accounts and the uniform system of periodic reports of financial and operating statistics; the issuance of letters of interpretation of such systems; the performance of audits of accounts of certificated air carriers, the constant review of the financial operations of all certificated air carriers; the recommending to the Board of initiation of mail-rate fixing proceedings; the preparation of financial and statistical analyses for introduction as evidence in rate-fixing proceedings and providing expert witnesses to appear in such proceedings; and the drafting of statements of tentative findings and conclusions and opinions in rate cases pursuant to instructions by the Board.

SEC. 4.3 *Analyses Division.* The Analyses Division prepares analyses of economic problems in air transportation currently requiring Board action and makes recommendations thereon; prepares exhibits for introduction into the record in formal proceedings before the Board and supplies expert witnesses to testify concerning such exhibits, analyzes exhibits prepared by parties in formal proceedings; and prepares, as directed, comprehensive economic and statistical surveys and studies relating to the development and regulation of air transportation.

SEC. 4.4 *Foreign Air Transport Division.* The Foreign Air Transport Division obtains, correlates, and analyzes comprehensive information on flight equipment, operating and traffic statistics, and financial and economic data in connection with all foreign airlines. Such information is used as a basis for studies required by the Board in connection with the granting of foreign air carrier permits. The Division also assists the Board in supplying information for use in consultations with the Secretary of State concerning the negotiation of agreements with foreign governments for the establishment or development of air navigation, including air routes and services.

SEC. 4.5 *Operations Division.* The Operations Division is concerned with the economic regulation of air transportation with respect to certain practices of air carriers. It receives, investigates, analyzes, reports, and makes recommendations to the Board with respect to: contracts affecting air transportation; requests for approval of interlocking relationships; reports of ownership of stock and other interests; reports of affiliates of air carriers; agreements between air carriers and foreign governments; agreements to be filed with the International Civil Aviation Organization as required by the Convention on International Civil Aviation; and reports required from noncertificated air carriers. It also conducts informal compliance investigations with respect to related matters set forth above.

SEC. 4.6 *Tariffs and Service Division.* The Tariffs and Service Division is responsible for matters relating to tariffs filed with the Board for conformity to the requirements of the Act and requirements established pursuant thereto, and makes recommendations regarding the fare and rate structure in such tariffs; receives and makes recommendations concerning applications by air carriers for special permission to make changes in tariffs upon less than statutory notice; and maintains a file of currently effective and proposed tariffs for public inspection. It analyzes the schedules and other service records of air carriers to determine the conformity of the air carriers' service pattern with the certificates or other service authorizations of the Board, and makes recommendations concerning such matters; receives and makes recommendations concerning notices and applications of air carriers respecting airport notices, nonstop notices, suspension of service, and exemption orders respecting service; prepares recommendations regarding applicants' showing with respect to the adequacy of airports and applications for certificates for feeder routes selected by the Board; maintains a file of currently effective and proposed time schedules for public inspection; and maintains the official airport-to-airport mileage record.

SEC. 4.7 *Alaska Office.* The Director of the Alaska Office, under the general supervision of the Director of the Bureau of Economic Regulation, is responsible for the receipt and investigation of all matters pertaining to the regulation of air transportation in Alaska; the conduct of proceedings incident thereto; the preparation of recommendations and reports to the Board respecting the regulation of Alaskan Air Carriers and enforcement thereof; the audit and inspection of records, memoranda, accounts and property of Alaskan Air Carriers; and otherwise serving as the Board's representative in Alaska.

BUREAU OF LAW

SEC. 5.1 *General Counsel.* The General Counsel, as director of the Bureau of Law, is directly responsible to the Board for all Board activities relating to legal phases of the economic and safety regulation of air carriers (including legislation, rulemaking, and international matters); and litigation before the Courts. The following organizational units are included in the Bureau of Law:

(a) Carrier Relationships Division.
(b) Certificates and Permits Division.
(c) International and Rules Division.
(d) Rates Division.

SEC. 5.2 *Carrier Relationships Division.* The Carrier Relationships Division is responsible for all legal aspects of the Board's regulation of consolidation, mergers, acquisitions of control and interlocking relationships; the approval or disapproval of section 412 contracts affecting air transportation; the conduct of all legal work in connection with problems and controversies arising in connection with labor legislation; and the furnishing of public counsel to serve at all formal proceedings relating to carrier relationships matters (see section 5.6).

SEC. 5.3 *Certificates and Permits Division.* The Certificates and Permits Division is responsible for all legal matters relating to the issuance to and amendment of temporary and permanent certificates of public convenience and necessity or other operating authority to domestic air carriers for domestic, overseas, and foreign routes; the issuance and amendment of foreign air carrier permits; the abandonment of service or the provisions for additional service certified as necessary by the Postmaster General; the institution of non-stop services and use of different airports, and the issuance and amendment of other service orders; the issuance or denial of exemption orders pertaining to air carrier operations, including irregular and other noncertificated air carriers; and the furnishing of public counsel to serve at hearings which are required in certain certificate and permit cases (see section 5.6).

SEC. 5.4 *International and Rules Division.* The International and Rules Division is responsible for all legal aspects of the preparation, review, and interpretation of all Economic and Civil Air Regulations; federal-state relations; the preparation and/or review of proposed legislation affecting the Board's activities, including preparation of testimony thereon; the furnishing of assistance to the Board on all matters of international air law particularly those relating to interchange of air transport rights; and construction and interpretation of international treaties, conventions, and agreements.

SEC. 5.5 *Rates Division.* The Rates Division is responsible for all legal aspects of the Board's regulation of passenger, cargo, and mail rates, discriminatory rate practices, tariffs, accounts and reports, and financial aid and related financial matters. This includes advising the Board on all legal problems relating to the above matters, including the legal problems arising out of the preparation and issuance of show-cause orders and final opinions in mail, passenger and property rate decisions. The Division prepares and presents evidence and cross examines witnesses at formal hearings with the assistance of the Accounting and Rates Division, Bureau of Economic Regulation; and furnishes public counsel in all formal proceedings relating to rate matters (see section 5.6).

SEC. 5.6 *Public Counsel.* An attorney from the Bureau of Law is designated as public counsel to present the staff's case in most formal proceedings before the Board arising under the act.

BUREAU OF SAFETY REGULATION

SEC. 6.1 *Director.* The Director of the Bureau of Safety Regulation is directly responsible to the Board for analyzing the need for and developing technical findings and recommendations governing the formulation of safety rules in the form of Civil Air Regulations designed to promote safety in Civil Aeronautics, and for coordinating the International Standards adopted by the International Civil Aviation Organization with the Civil Air Regulations. The Bureau of Safety Regulation is composed of the following organizational units:

(a) Air Carrier Division.
(b) Airworthiness Division.
(c) General Rules Division.
(d) International Standards Division.

SEC. 6.2 *Air Carrier Division.* The Air Carrier Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amendments to existing regulations prescribing the minimum safety standards with respect to air carrier operations; conducts technical research into transport-type aircraft, equipment and operations; studies current technological developments and aviation practices as a basis for formulating air carrier safety standards; participates in the development of international standards relating to air carriers prescribed by the International Civil Aviation Organization and the modification of U. S. standards and practices to conform them to the international standards; and furnishes advice and assistance to the Board and other organizational units of the Board on matters involving safety regulation of air carrier operations.

SEC. 6.3 *Airworthiness Division.* The Airworthiness Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amendments to existing regulations prescribing the minimum design and performance safety standards for airworthiness certification of aircraft, engines, propellers, and appliances; conducts technical research into airworthiness aspects of aircraft, equipment and appliances; studies current technological developments and aviation practices as a basis for formulating airworthiness safety standards; participates in the development of international standards relating to airworthiness as prescribed by the International Civil Aviation Organization and the modification of U. S. standards and practices to conform them to the international standards; and advises the Board and other organizational units of the Board on problems of an engineering nature.

SEC. 6.4 *General Rules Division.* The General Rules Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amendments to existing regulations prescribing minimum safety standards which have general application to all phases of civil aviation; conducts technical research into non-transport type aircraft, equipment, and operations and aviation practices as a basis for formulating safety standards; participates in the development of related international standards as prescribed by the International Civil Aviation Organization and the modification of U. S. standards and practices as may be necessary to conform them to the international standards; and advises the Board and other organizational units of the Board on matters relating to the general safety problems of operation, utilization of equipment, certification of airmen and air agencies, and air traffic rules.

SEC. 6.5 *International Standards Division.* The International Standards Division works within the framework of the Air Coordinating Committee to prepare the United States position on technical matters in which the Board has a primary interest and participates with other divisions of the Air Coordinating Committee in the preparation of the United States position on matters in which the Board has a secondary or indirect interest; represents the United States at meetings of the Technical Divisions of Air Navigation Committee of the International Civil Aviation Organization at Montreal, Canada, and at regional and other meetings on subjects coming within the field of interest of the Board; and analyzes the results of these meetings and has primary responsibility for coordinating the international standards adopted by the International Civil Aviation Organization with the Civil Air Regulations.

BUREAU OF SAFETY INVESTIGATION

SEC. 7.1 *Director.* The Director of the Bureau of Safety Investigation is responsible to the Board for activities relating to investigation and analysis of aircraft accidents. The following organizational units are included in the Bureau of Safety Investigation:

(a) Accident Investigation Division.
(b) Hearing and Reports Division.
(c) Accident Analysis Division.

SEC. 7.2 *Accident Investigation Division.* The Accident Investigation Division is responsible for directing and assisting in the investigation of aircraft accidents to determine their probable cause, and for developing current techniques for such investigations. It determines the need for and the conduct of public or private inquiries; makes recommendations to prevent recurring accidents; develops educational material in various specialized phases of air safety; and conducts research and special studies relating to hazards potentially capable of resulting in serious accidents.

SEC. 7.21 *Accident Investigation Field Service.* The field service of the Accident Investigation Division is responsible for investigation of civil aircraft accidents and their probable causes for aircraft of United States registry, and foreign aircraft within the United States; reports facts and derives conclusions

with respect to probable causes of such accidents; coordinates research with other interested governmental agencies and industry representatives regarding such accidents; and participates in the conferences thereon and as members of the Board of Inquiry at subsequent public inquiries.

SEC. 7.3 *Hearing and Reports Division.* The Hearing and Reports Division arranges for and conducts public and private accident inquiries in order to ascertain the facts, conditions, circumstances, and probable cause of accidents involving aircraft; prepares all evidence, takes depositions, administers oaths and issues subpoenas for witnesses and documents incident to such inquiries, prepares and presents to the Board for adoption preliminary statements of fact and formal accident reports; and arranges for the reproduction of exhibits and factual documents of accident investigation for parties of interest.

SEC. 7.4 *Accident Analysis Division.* The Accident Analysis Division classifies and analyzes all reports of accidents involving aircraft in order to establish their basic causal and statistical factors; makes statistical analysis of civil aircraft accidents to isolate elements requiring corrective action and to determine accident trends; compiles statistical and analytical reports for the information of the Board and the public; and edits and issues safety bulletins and accident reports.

BUREAU OF ADMINISTRATION

SEC. 8.1 *Secretary.* The Secretary of the Board, as director of the Bureau of Administration, is directly responsible to the Board for over-all planning, policy formulation, and staff coordination in the area of administrative management; development of long-range work objectives and relating them to operational plans; allocation and control of funds; and the supervision of the recording and certification of all formal actions of the Board. The following organizational units are included in the Bureau of Administration:

(a) Budget and Management Section.
(b) Personnel Section.
(c) Office Service Section.
(d) Minutes Section.
(e) Publications Section.
(f) Library Unit.

SEC. 8.2 *Budget and Management Section.* The Budget and Management Section formulates, appraises and prepares the Board's budget estimates in accordance with its policies and work programs; executes the fiscal program within the limitations of Congressional appropriations; reviews proposed plans and programs of the Board to determine their administrative practicability and effect upon fiscal and personnel requirements; makes studies and analyses of organization, policies, and procedures relating to substantive and service functions of the Board, and initiates or reviews proposals for changes in innovations therein; and administers the system of internal Manual issuances, including the preparation, revision, issuance, and control thereof.

SEC. 8.3 *Personnel Section.* The Personnel Section is responsible for recruitment, placement, classification, retirement, employee welfare and related personnel activities; maintains personnel and payroll records; and applies personnel laws and regulations.

SEC. 8.4 *Office Service Section.* The Office Service Section handles the administrative service operations of the Board, including its central mail and messenger service; property and space procurement and control; and reviews and clears requisitions and vouchers for such services.

SEC. 8.5 *Minutes Section.* The Minutes Section processes the formal documents evidencing Board action; prepares and maintains the official minutes of the Board; provides, upon request, certified copies of documents reflecting action of the Board; and conducts liaison with the Division of the Federal Register.

SEC. 8.6 *Publications Section.* The Publications Section arranges for the reproduction of internal administrative, operational, and documentary issuances and publications of the Board; arranges for the distribution of such publications through the medium of established mailing lists and in response to specified requests; maintains supplies of all publications of the Board; and conducts liaison with the Government Printing Office for printing and binding services.

SEC. 8.7 *Library Unit.* The Library Unit furnishes special reference library service to members of the Board staff.

OFFICE OF ENFORCEMENT

SEC. 9.1 *Office of Enforcement.* The Office of Enforcement, under the direction of the Chief, is directly responsible to the Board for the development and execution of a program to enforce the observance of the economic regulatory provisions of the act, and all orders, rules, regulations, and other requirements promulgated or issued by the Board thereunder. It initiates, plans, and conducts investigations of alleged violations of the act and the Board's Economic Regulations; accomplishes economic enforcement by informal action, whenever appropriate, affording offenders an opportunity to voluntarily achieve and demonstrate compliance, and take such action, and effects such arrangements and understandings as may be appropriate and necessary to effect compliance in such cases; negotiates, executes, and accepts, subject to Board approval, formal stipulations and other consent agreements in appropriate cases (a) to cease and desist from violations, or (b) for the entry of appropriate compliance orders by the Board; prepares and presents before the Board and its examiners the government's case in formal economic enforcement proceedings; institutes and prosecutes, in the proper courts as agent of the Board, all civil and criminal actions and proceedings for economic enforcement, and handles all appeals in such cases, when assigned responsibility therefor, represents the Board in connection with its participation in other court actions, proceedings and appeals; cooperates with all other organization units of the Board in connection with informal action seeking to encourage and obtain voluntary compliance in cases of economic enforcement where action by the Office of Enforcement is not reasonably required in the first instance; and conducts necessary and appropriate liaison with other governmental agencies in connection with economic enforcement.

FIELD ORGANIZATION

SEC. 10.1 *Alaska Office.* The address of the Alaska Office is P. O. Box 2219, Anchorage, Alaska. (See section 4.7 for a description of functions.)

SEC. 10.2 *Accounting and Rates Division.* An office of the Accounting and Rates Division of the Bureau of Economic Regulation is maintained at 2 Park Avenue, New York, New York. (See section 4.2).

SEC. 10.3 *Accident Investigation Field Service.* The regional and branch offices of the field service of the Accident Investigation Division are located at the following addresses: (See section 7.21 for a description of functions.)

(a) *Regional offices.*

Region	Regional office address	Territory
1	Federal Bldg., New York International Airport, Jamaica, N. Y.	Connecticut, Delaware, District of Columbia, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, West Virginia, Rhode Island, Vermont, Virginia.
2	P. O. Box 720, Municipal Airport, Atlanta, Ga.	Alabama, Florida, Georgia, Louisiana (east of Mississippi River), Mississippi, North Carolina, South Carolina, Tennessee.
3	6200 South Cicero Ave., Chicago 38, Ill.	Illinois, Indiana, Kentucky, Michigan, Minnesota, North Dakota, Ohio, Wisconsin.
4	P. O. Box 1689, Fort Worth 1, Tex.	Arkansas, Louisiana (west of the Mississippi River), New Mexico, Oklahoma, Texas.
5	City Hall Bldg., Kansas City, Mo.	Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, Wyoming.
6	506 Santa Monica Blvd., Santa Monica, Calif.	Arizona, California, Nevada, Utah.
7	Room 202, Administration Bldg., King County Airport, Seattle 14, Wash.	Idaho, Montana, Oregon, Washington.
8	P. O. Box 2219, Anchorage, Alaska	Alaska.

(b) *Branch offices.*

Region:	Branch office address
2	P. O. Box 477, Miami Springs, Fla.; Bldg. 152, Miami Army Air Base; 36th St. International Airport, Miami Springs, Fla.
3	Wayne County Airport, Route 1, Romulus, Mich.
5	Stapleton Air Field, Denver 7, Colo.
6	Administration Bldg., Oakland Municipal Airport, Oakland 14, Calif.

Adopted: June 21, 1950.

Effective: July 1, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-5836; Filed, July 5, 1950; 8:52 a. m.]

[Public Notice PN 2]

DELEGATIONS OF AUTHORITY

In order to conform the delegations of authority material of the Board to the requirements of section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238) and to the regulations of the Administrative Committee of the Federal Register approved by the President effective October 12, 1948 (13 F. R. 5929), the statements of final delegations of authority presently in the Organizational Regulations have been completely rewritten to reflect the present status of all Board final delegations of authority. Existing delegations in various parts of the regulations have been centralized with minor revisions of language.

Since this Public Notice No. 2 contains a rule of agency organization and practice, public notice and procedure thereon is not required.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the Organizational Regulations (formerly 14 CFR § 301.2) as follows, effective July 1, 1950:

1. By revoking in its entirety the section titled "Delegations of Authority" (formerly § 301.2).

2. By making and promulgating the following statements of the Board's final delegations of authority as Public Notice No. 2 reading as follows:

OFFICERS AND EMPLOYEES

Sec.
1.1 Officers and employees; general authority.

EXAMINERS OR PRESIDING OFFICERS

2.1 Procedural matters incident to formal proceedings.
2.2 Initial decisions in safety enforcement proceedings.

CHIEF EXAMINER

3.1 Requests for extension of time for filing certain documents.

CHIEF, OFFICE OF ENFORCEMENT

4.1 Institution of court proceedings.

DIRECTOR, ALASKA OFFICE

5.1 Procedural matters incident to formal proceedings.
5.2 Rejection of tariffs, Alaskan Air Carriers.
5.3 Special tariff permission, Alaskan Air Carriers.
5.4 Requests for additional information.
5.5 Extension of time for filing documents and waiver of contents.
5.6 Rule making, proposed Economic Regulations affecting Alaskan Air Carriers.

DIRECTOR, BUREAU OF ECONOMIC REGULATION

6.1 Rejection of tariffs for air carriers other than Alaskan Air Carriers and including foreign air carriers.
6.2 Special tariff permission for air carriers other than Alaskan Air Carriers and including foreign air carriers.
6.3 Waiver, modification, and interpretation of reports and accounts.
6.4 Extension of time for filing certain documents.
6.5 Letters of Registration issued pursuant to Part 296 of the Economic Regulations.
6.6 Temporary changes in service patterns by feeder air carriers.
6.7 Contracts and agreements.
6.8 Interlocking relationships.
6.9 Tariff investigations, tariff suspensions and complaints concerning tariffs.
6.10 Free or reduced rate transportation.
6.11 Photographic reproduction of records.
6.12 Certain tariff matters.

DIRECTOR, BUREAU OF SAFETY INVESTIGATION

7.1 Accident inquiries.

DIRECTOR, BUREAU OF SAFETY REGULATION

8.1 Rule making, proposed changes in Civil Air Regulations.
8.2 Waiver of citizenship requirements for issuance of airman certificates.

OFFICERS AND EMPLOYEES

SECTION 1.1 *Officers and employees; general authority.* All officers and employees of the Board are authorized to request such information from or make such contact with, the public or agencies of Government as may be necessary to the proper discharge of assigned duties.

EXAMINING OR PRESIDING OFFICERS

SEC. 2.1 *Procedural matters incident to formal proceedings.* All persons designated as examiners or presiding officers in any proceeding or investigation of the Board have authority:

(a) To adjourn or postpone hearings;
(b) To administer oaths and affirmations;
(c) To sign and issue subpenas;
(d) To take or cause depositions to be taken;
(e) To hold conferences for the settlement or simplification of the issues;
(f) To regulate the course of the proceeding and dispose of procedural requests or similar matters arising in the course of the hearing;
(g) To rule upon the admissibility of and receive evidence; and
(h) To do any and all other or further acts necessary or incident to the conduct of such proceedings and ordinarily entrusted to a presiding judicial officer.

SEC. 2.2 *Initial decisions in safety enforcement proceedings.* Examiners or presiding officers are authorized to make the initial decision in proceedings for the suspension or revocation of airman and other safety certificates, and for the review of the Administrator's refusal to issue an airman certificate.

CHIEF EXAMINER

SEC. 3.1 *Requests for extension of time for filing certain documents.* The Chief Examiner is authorized to extend the time for filing a notice of objection and answers to show cause orders, petitions for rehearing, reargument, and/or reconsideration of the Board's decision, but a postponement shall not be granted within three days before the date originally set for filing except in cases involving unusual hardship on the requesting party or parties.

CHIEF, OFFICE OF ENFORCEMENT

SEC. 4.1 *Institution of court proceedings.* The Chief, Office of Enforcement, is authorized to institute and prosecute in the proper court, as agent of the Board, all necessary proceedings for the enforcement of subpenas and for the enforcement of the provisions of the act or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, and for the punishment of all violations thereof.

DIRECTOR, ALASKA OFFICE

SEC. 5.1 *Procedural matters incident to formal proceedings.* (a) In formal proceedings on the Board's Alaskan docket, the Director, Alaska Office, is authorized:

(1) To assign such proceedings for hearings and conferences in appropriate cases, and to serve all interested persons with procedural notices (other than notice of oral argument before the Board) and examiners' reports relating thereto and,

(2) To hear oral argument upon exceptions to an examiner's report provided that upon completion of oral argument a transcript thereof shall be sent to the Board.

(b) Subject to modification or reversal by the Board either on its own motion or in response to a request filed by any interested party to the proceeding, the Director, Alaska Office, on his own motion or upon petition or application by any air carrier or other person affected by or having a substantial interest in his action, is authorized:

(1) To grant or deny petitions for intervention in proceedings on the Board's Alaskan docket;

(2) To order dismissal of any application made to the Board pursuant to the act when such dismissal is requested by the applicant or where the applicant has failed to prosecute such application; and,

(3) To consolidate applications or any part thereof on the Board's Alaskan docket for hearing or issuance for initial or recommended decision by an examiner.

(4) To sever applications or any part thereof on the Board's Alaskan docket for hearing or issuance of initial or recommended decision by an examiner.

SEC. 5.2 *Rejection of Tariffs, Alaskan Air Carriers.* The Director of the Alaska Office is authorized to reject, on behalf of the Board, any tariff, supplement, or revised page which is filed by any Alaskan air carrier and which is subject to rejection under section 403 (a) of the Civil Aeronautics Act, as amended, because it is not consistent with section 403 of the act or with Parts 221 and 222 of the Economic Regulations. In exercising this authority, the Director of the Alaska Office shall give notice of any such rejection in writing to the carrier or agent filing such tariff. The notice shall clearly state the reason or reasons for the rejection. When time will not permit receipt of notice by mail prior to the proposed effective date of the tariff publication so rejected, telegraphic notice shall also be given.

SEC. 5.3 *Special tariff permission, Alaskan Air Carriers.* The Director of the Alaska Office is authorized to approve or disapprove any application for permission to make tariff changes upon less than statutory notice, filed by an Alaskan air carrier pursuant to § 222.3 (k) of the Economic Regulations, which (a) has as its only purpose the correction of mechanical, clerical, or administrative errors, or (b) does not involve new or substantial questions of policy. In exer-

cising this authority, the Director of the Alaska Office may refer any application to the Board for disposition, and shall so refer any application which he is not hereby authorized to approve or disapprove.

SEC. 5.4 *Requests for additional information.* The Director of the Alaska Office is authorized at any time:

(a) To require any person filing documents with the Alaska Office to file additional copies thereof.

(b) To make service upon persons other than those specified in the pertinent regulation, order, or rule of the Board, if he finds such requirements necessary in the public interest or in the interest of efficiency and expedition in the work of the Board.

(c) To require any person filing a formal or informal application, complaint, petition or other document that in his opinion does not sufficiently set forth the material required to be set forth by the applicable regulation, order, or rule of the Board, or is otherwise insufficient, to supply additional information.

(d) To require, if he deems an answer desirable, a reply to formal complaints and petitions.

SEC. 5.5 *Extension of time for filing documents and waiver of contents.* The Director of the Alaska Office is authorized, upon good cause shown, to grant or deny individual requests for extensions of time for filing any document required to be filed with the Alaska Office pursuant to Part 292 of the Economic Regulations, or for waiver of the form or content of such document to conform to the particular operations of the individual requesting such waiver.

SEC. 5.6 *Rule making, proposed Economic Regulations affecting Alaskan Air Carriers.* The Director, Alaska Office, may prepare and publish for comment by Alaskan air carriers a draft of proposed Economic Regulations affecting air transportation within Alaska, or of proposed amendments or modifications of such regulations, providing that such notice shall indicate clearly that the proposals are those of the Director and have not been approved by the Board.

DIRECTOR, BUREAU OF ECONOMIC REGULATION

SEC. 6.1. *Rejection of tariffs for air carriers other than Alaskan Air Carriers and including foreign air carriers.* The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate) is authorized to reject any tariff, supplement, or revised page which is filed by any air carrier other than an Alaskan air carrier, or by any foreign air carrier, and which is subject to rejection under section 403 (a) of the Civil Aeronautics Act of 1938, as amended, because it is not consistent with section 403 of the Civil Aeronautics Act or with Parts 221 and 222 of the Economic Regulations, as amended from time to time. In exercising this authority, the Director, Bureau of Economic Regulation, shall give notice of any such rejection in writing to the carrier or agent filing such tariff. The notice shall clearly state the reason or reasons for the rejection. When time will not permit receipt of notice by mail prior to the proposed effective date of the tariff publication so rejected, telegraphic notice shall also be given.

SEC. 6.2 *Special tariff permission for air carriers other than Alaskan Air Carriers and including foreign air carriers.* The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate) is authorized to approve or disapprove any application for permission to make tariff changes upon less than statutory notice, filed pursuant to § 222.3 (k) of the Economic Regulations which (a) has as its only purpose the correction of mechanical, clerical, or administrative errors, or (b) does not involve new or substantial questions of policy. In exercising this authority, the Director, Bureau of Economic Regulation, may refer any application to the Board for disposition, and shall so refer any application which he is not hereby authorized to approve or disapprove. Any application disapproved pursuant to this delegation of authority is thereby denied, subject to review by the Board. In the event of such disapproval, an applicant may within 5 days after it has received written notice thereof file a written request for review of the denial resulting from such disapproval. The Board will thereupon review the matter and enter an order finally disposing of the application.

SEC. 6.3 *Waiver, modification, and interpretation of reports and accounts.* (a) The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate) is authorized to waive, modify or interpret any of the reporting requirements of § 241.1 and Parts 242, 243, and 244 of the Economic Regulations and to establish detailed uniform practices in connection with the submission of the reports required therein; provided, that upon application by any air carrier affected by such action, the Director shall submit any waiver, modification, interpretation or established practice to the Board for review.

(b) The Director of the Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate) is authorized to waive, modify, or interpret the reporting requirements of § 241.2 of the Economic Regulations and of the provisions of the Uniform System of Accounts for Air Carriers, and to establish detailed uniform practices in connection with the general accounting requirements, prescribed therein; provided, that upon application by any affected air carrier, any such waiver, modification, interpretation, or establishment shall be submitted to the Board for review.

SEC. 6.4 *Extension of time for filing certain documents.* The Director, Bureau of Econoic Regulation or such staff member of the Bureau of Economic Regulation as he may designate), is authorized to grant or deny, upon good cause shown, individual requests for extension of time for filing reports or for waiver of the form or content of such reports to conform to the particular operation of the individual requesting such waiver.

SEC. 6.5 *Letters of Registration issued pursuant to Part 296 of the Economic Regulations.* The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects, is authorized to advise applicants for Letters of Registration—Air Freight Forwarder and applicants for the approval of a relationship under § 296.11 of the Economic Regulations, in cases where disapproval is deemed appropriate, that the information set forth in the application does not warrant a staff recommendation of approval and that the applicant may either (a) withdraw the application, (b) submit further information, (c) seek Board review or (d) request a hearing with respect to such application prior to final action.

SEC. 6.6 *Temporary changes in service patterns by feeder air carriers.* (a) The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects, is authorized to approve or disapprove all applications filed under Part 202 of the Economic Regulations by feeder air carriers for authority to effect temporary or seasonal changes in service patterns, where clear precedents for proposed changes have already been established by the Board: *Provided*, That all applications raising substantial questions of policy or a new type of authority shall be referred to the Board of disposition. For the purpose of this paragraph a "feeder" air carrier is an air carrier holding a certificate of public convenience and necessity which contains a condition requiring that each trip operated by the holder of the certificate between points named in the route or a segment thereof, shall serve (subject to exceptions set forth in such certificate) each terminal and intermediate point.

(b) In the event the disapproval of any such application is deemed appropriate, the Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), is authorized to advise the applicants that the staff is unable to recommend approval of the proposed change, giving the applicants the opportunity of requesting Board review of the matter.

SEC. 6.7 *Contracts and agreements.* The Director of the Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects, is authorized to advise the parties to any agreement or contract filed by air carriers under section 412 of the act as to which disapproval is deemed appropriate that, on the basis of information of record, approval is not warranted and

that the parties thereto may either (a) present such further information as will warrant approval, (b) amend the agreement or contract to eliminate all objections thereto, (c) seek Board review, or (d) request a hearing prior to final action.

SEC. 6.8 *Interlocking relationships.* The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects, is authorized: (a) To advise the applicants, who have submitted applications for approval of interlocking relationships filed under section 409 (a) of the act, that the staff is unable to recommend approval of the relationship, giving the applicants the option of presenting additional information, terminating the relationship, seeking Board review, or requesting a formal hearing in the matter.

(b) To dismiss all applications for approval of interlocking relationships where the termination of the interlocking relationship in question has been effected.

SEC. 6.9 *Tariff investigations, tariff suspensions, and complaints concerning tariffs.* (a) In instances where an investigation of a tariff is pending, or the tariff is under suspension, or a complaint requesting investigation or suspension of a tariff has been filed, the Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects, is authorized:

(1) To permit cancellation of such tariff;

(2) To dismiss the investigation or complaint; or to terminate the suspension, if the tariff to which such investigation, complaint or suspension relates has been cancelled, ordered cancelled, or has expired;

(3) To institute an investigation of, or to suspend, a tariff which is substantially similar to a prior tariff under investigation or suspension, and is filed by or on behalf of one or more of the carriers party to the prior tariff, and is filed within 90 days after the expiration, modification or cancellation of the prior tariff, or within 90 days after the effective date of an order requiring its cancellation or modification;

(4) To extend from time to time the period of suspension of a tariff under suspension when the proceedings concerning the lawfulness of such tariff cannot be concluded before the expiration of the existing suspension period, provided that the aggregate of such extensions may not be for a longer period than permitted under section 1002 (g) of the act.

(b) As used herein the term "tariff" means a tariff or any part or parts thereof, including, but not limited to, any fare, charge, rate, rule, regulation or any other provision contained in a tariff or part or parts thereof.

SEC. 6.10 *Free or reduced rate transportation.* (a) The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects, is authorized to approve or disapprove applications filed under section 403 (b) of the act and § 223.8 of the Economic Regulations for permission to furnish free or reduced rate overseas or foreign air transportation, when such applications do not involve new and substantial questions of policy, provided that any such applications may be referred to the Board for disposition, and that any applications not hereby authorized to be approved or disapproved by the staff shall be referred to the Board.

(b) In the event the disapproval of any such application is deemed appropriate, the Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), is authorized to advise the applicants that the staff is unable to recommend approval of the free or reduced rate transportation, giving the applicants an opportunity of requesting Board review of the matter.

SEC. 6.11 *Photographic reproduction of records.* The Director, Bureau of Economic Regulation, (or such staff member of the Bureau of Economic Regulation as he may designate), is authorized to circulate a communication on behalf of the Board authorizing air carriers to substitute photographic reproductions for specified categories of records, and to approve or disapprove an "application for substitution" filed with him by an air carrier pursuant to § 249.1 (d) of the Economic Regulations.

SEC. 6.12 *Certain tariff matters.* The Director, Bureau of Economic Regulation, (or such staff member of the Bureau of Economic Regulation as he may designate), is authorized:

(a) To approve or disapprove methods for indicating cancellation of an existing rate or rule in the publication stating the new rate or rule, in a manner other than that specifically required by § 221.8 (c) of the Economic Regulations;

(b) To determine the form and manner in which a supplement is to be prepared whenever the operation of any provision of a tariff, supplement, or looseleaf page is suspended by the Board, in accordance with § 222.5 of the Economic Regulations;

(c) To authorize the issuance of supplements to looseleaf tariffs in accordance with § 221.10 (g) of the Economic Regulations; and

(d) To approve or disapprove applications for waiver of the provisions of Parts 221 and 222 of the Economic Regulations in accordance with § 222.3 (g).

DIRECTOR, BUREAU OF SAFETY INVESTIGATION

SEC. 7.1 *Accident inquiries.* When in the opinion of the Director, Bureau of Safety Investigation, an inquiry is necessary in order fully to ascertain the facts, conditions, circumstances, and the probable cause of an accident involving aircraft, the Director, Bureau of Safety Investigation, on behalf of the Board, is authorized to order an inquiry and designate a presiding officer to conduct such inquiries. Such inquiries shall not involve adjudication of essential rights of persons, but shall be in the nature of technical investigations conducted in a formal manner.

DIRECTOR, BUREAU OF SAFETY REGULATION

SEC. 8.1 *Rule making, proposed changes in Civil Air Regulations.* The Director, Bureau of Safety Regulation, is authorized to publish notice of proposed changes in the Civil Air Regulations. Such notice shall indicate clearly that the proposed changes are those of the Bureau and have not been approved by the Board.

SEC. 8.2 *Waivers of citizenship requirements for issuance of airman certificates.* The Director, Bureau of Safety Regulation (or such staff member of the Bureau of Safety Regulation as he may designate) acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects, is authorized to approve requests for waiver of the citizenship requirements of the Civil Air Regulations regarding the issuance of airman certificates, in cases where the files of the Federal Bureau of Investigation and the Central Intelligence Agency do not contain any information showing, or tending to show, that the persons submitting such requests owe or might owe allegiance to an unfriendly foreign government and thus may, in some way, take improper advantage of the privileges of the airman certificates requested.

Adopted: June 21, 1950.

Effective: July 1, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-5237; Filed, July 5, 1950; 8:52 a. m.]

[Public Notice PN 3]

STATEMENT OF PLACES AT WHICH PUBLIC MAY SECURE INFORMATION OR MAKE SUBMITTALS OR REQUESTS

In order to conform the available material on the established places at which, and the methods whereby, the public may secure information or make submittals or requests to the Board to the requirements of sections 3 (a) (1) and 3 (c) of the Administrative Procedure Act (60 Stat. 238) and to the regulations of the Administrative Committee of the Federal Register approved by the President effective October 12, 1948 (13 F. R. 5929), the material on public information presently in the Organizational Regulations has been completely rewritten.

Since this Public Notice No. 3 contains a rule of agency organization and practice, public notice and procedure thereon is not required.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the Organizational Regulations (formerly 14 CFR §§ 301.3 and 302.8) as follows effective July 1, 1950:

1. By revoking in its entirety the section titled "Public Information," (formerly § 301.3) and the section titled "Scope and Content of Documents," (formerly § 302.8).

2. By making and promulgating the following statement of places at which the public may secure information or make submittals and requests as Public Notice No. 3 reading as follows:

Sec.
1.1 Offices.
1.2 General information and requests.
1.3 Submittals.
1.4 Inspection of records.
1.5 Certified copies; requests for; costs.
1.6 Forms.

SECTION 1.1 *Offices.* (a) The central office of the Board is located in the Department of Commerce Building, Fourteenth Street between Constitution Avenue and E Street NW., Washington 25, D. C. The hours of the Board are from 8:30 a. m. to 5:00 p. m., Monday through Friday unless otherwise provided by statute or Executive order.

(b) Other offices of the Board in Washington, D. C. are maintained in Temporary Building 5, Foot of Sixteenth Street and Constitution Avenue NW.

(c) The location of the Board's field offices is set forth in sections 10.1, 10.2, and 10.3 of Public Notice No. 1.

SEC. 1.2 *General information and requests.* (a) The Public Information Section in the Office of the Chairman is the primary channel through which general inquiries from the public or press are handled. Persons desiring to obtain information, or make requests of a general nature, should communicate with the Public Information Section. This section is also the primary channel for releasing to the public information concerning matters pending before, or action taken by the Board.

(b) The Public Information Section is located in Room 5036, Department of Commerce Building.

(c) Persons who wish to apply for employment should communicate with the Personnel Section, Bureau of Administration.

(d) The Publications Section prepares periodically a list of free and for sale publications of the Board. Mailing lists are maintained on certain classifications of free releases and publications listed thereon. Interested persons concerned may obtain copies of the list and may have their names placed on the Board's mailing list to receive one or more of the several classes of free releases and publications.

SEC. 1.3 *Submittals.* (a) All formal submittals to the Board should be addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. Persons residing in Alaska may at their option make such submittals to the Civil Aeronautics Board, Alaska Office, Anchorage, Alaska.

(b) Notice and reports of aircraft accidents and missing aircraft required pursuant to Part 62 of the Civil Air Regulations (14 CFR, Part 62) shall be directed to the nearest Civil Aeronautics Board office or through the nearest Civil Aeronautics Administration communication station or agent.

SEC. 1.4 *Inspection of records*—(a) *Public records.* All matters of official record, other than information held confidential or withheld from public disclosure pursuant to Sections 1001 and 1104 of the Civil Aeronautics Act of 1938, as amended, and § 302.16 of the Procedural Regulations, are available at the offices of the Board in Washington, D. C., to persons properly and directly concerned upon application to the Secretary during regular working hours. Documents and records pertaining to Alaskan air carriers may also be inspected in the Board's office in Anchorage, Alaska. Such official records shall include:

(1) All documents authorized or required to be filed with the Board by the Civil Aeronautics Act of 1938, as amended, or any regulation, order, or rule of the Board issued thereunder.

(2) The entire record of all formal proceedings or hearings of the Board.

(3) The official record indicating every vote and official act of the Board except that the information contained in such record is available only to persons properly and directly concerned therewith.

(4) The direct airport - to - airport mileage record.

(5) All opinions, orders, rules, and reports published by the Board.

(6) All final opinions, orders, and rules entered by the Board, unless held confidential or withheld from public disclosure for good cause and not cited as precedents.

(7) Communications containing comments on proposed rules which are received by the Board in response to notices of proposed rule making: *Provided*, That any such communications made available for public inspection shall be made available only after the period set for the receipt of comments has expired.

(b) *Other records.* The records and files of the Board, and all documents, memoranda, correspondence, exhibits and information of whatever information, other than the matters described in paragraph (a) of this section, coming into the possession or within the knowledge of the Board or any of its officers or employees in the discharge of their official duties, are confidential and none of such material or information may be disclosed, divulged, or produced for inspection or copying except that, upon good cause shown, the Board may by order direct that certain files, papers, or information be disclosed to a particular applicant.

SEC. 1.5 *Certified copies; request for; costs.* Copies of any documents subject to inspection under the provisions of section 1.4 will be prepared and will be certified by the Secretary, under seal, on written request, specifying the number of copies desired, and the date on which the same will be required. Such request must be made so as to permit a reasonable time for the preparation of such copies and any cost incurred in the preparation of such copies must be borne by the person making application therefor. However, publications included in section 1.4 (5) above, need not be certified, in accordance with subsection 205 (d) of the Civil Aeronautics Act of 1938, as amended, which provides in part that publications purporting to be published by the Board shall be competent evidence of the orders, decisions, rules, regulations and reports of the Board therein contained in all courts of the United States and of the several states, territories and possessions thereof, and the District of Columbia, without further proof or authorization thereof.

SEC. 1.6 *Forms.* Information concerning all forms and instructions as to the scope and contents of all papers, reports, or other documents required or authorized by the Board to be filed or maintained, pursuant to the Civil Aeronautics Act or any rules, regulations or order of the Board, is contained in the Board's Civil Air Regulations, Economic Regulations and Procedural Regulations. If the form of any document required to be filed is not prescribed, such document should set forth the matter specified in letter form. If the form of any document authorized to be filed is not prescribed, such document should conform to the currently effective provisions of Parts 301 and 302 of the Procedural Regulations governing general requirements as to papers in proceedings and form and filing of documents.

Adopted: June 21, 1950.

Effective: July 1, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-5838; Filed, July 5, 1950; 8:53 a. m.]

[Docket No. 4193]

UNITED AIR LINES, INC.

NOTICE OF HEARING ON APPLICATION FOR AMENDMENT TO CERTIFICATE

In the matter of the application of United Air Lines, Inc., for amendment to its certificate of public convenience and necessity so as to authorize air transportation of property and mail, only, between Hartford, Conn., and Boston, Mass., on the one hand, and New York, N. Y., and Newark, N. J., and points west thereof on route No. 1, on the other, subject to certain conditions.

Notice is hereby given that the above-entitled proceeding is assigned for hearing on July 10, 1950, at 10:00 a. m., e. d. s. t., in Room 116, Wing "C," Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Without limiting the scope of the issues involved in this proceeding particular attention will be directed to the question of whether or not public convenience and necessity require the amendment of United Air Lines, Inc., certificate for route No. 1, so as to authorize United to engage in air transportation with respect to property and mail, only, between Hartford, Conn., Boston, Mass., on the one hand, and New York, N. Y., and Newark, N. J., and points west thereof, on route No. 1, on the other, subject to certain conditions.

Notice is further given that any person other than the parties of record desiring to be heard in this proceeding shall file with the Board on or before July 10, 1950, a statement setting forth issues of fact or law to be controverted.

For further details as to the matters concerned with this proceeding, interested parties are referred to the documents on file with the Board in this proceeding.

Dated at Washington, D. C., June 29, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-5839; Filed, July 5, 1950; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

STATEMENT OF DELEGATIONS OF AUTHORITY

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of June 1950;

The Commission having under consideration the requests of several licensees for temporary authority to continue the use of certain frequencies beyond July 1, 1950, the date by which they were required to shift to another frequency in accordance with the Commission's public notice of March 20, 1947, in the matter of frequency service-allocations in the 30-40 Mc. band;

It appearing, that § 2.103 of Part 2 of the Commission's existing rules makes provision for short term grants of authority where important or exceptional circumstances require such utilization of frequencies;

It further appearing, that it would be in the public interest to provide a procedure for staff action on requests for such special temporary authority in those instances in which the public welfare is an important element;

It further appearing, that because the rule amendment herein ordered is organizational and procedural in nature, and because of the need for a procedure that will permit the prompt consideration of additional requests of the nature of those now under consideration by the Commission, compliance with the public notice and procedure provided for in section 4 of the Administrative Procedure Act is unnecessary and impracticable;

It further appearing, that authority for the amendment herein ordered is contained in section 5 (e), section 303 (c) and (r), and section 307 of the Communications Act of 1934, as amended;

It is ordered, That effective immediately the Statement of Delegations of Authority be amended to provide as follows:

Section 0.144 is amended by adding a new subparagraph (n) thereto to read as follows:

(n) Application for special temporary authority under § 2.103 to continue use of a frequency in the 30-40 Mc. band beyond July 1, 1950, the final date specified in the Commission's public notice of March 20, 1947 for shifting to a frequency listed in the Table of Frequency Allocations, when it appears that the application relates to an established service involving the public welfare and that the applicant has taken affirmative steps towards the acquisition of equipment to accomplish the conversion.

(Sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (r). Applies secs. 5 (e), 48 Stat. 1068; 47 U. S. C. 155 (e); 303 (c), 48 Stat. 1082; 47 U. S. C. 303 (c) and 307, 48 Stat. 1083; 47 U. S. C. 307)

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-5843; Filed, July 5, 1950; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6297]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR LACK OF JURISDICTION

JUNE 29, 1950.

Notice is hereby given that, on June 29, 1950, the Federal Power Commission issued its order entered June 28, 1950, dismissing application for lack of jurisdiction in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5839; Filed, July 5, 1950; 8:46 a. m.]

[Docket No. E-6299]

SIERRA PACIFIC POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF PROMISSORY NOTES

JUNE 29, 1950.

Notice is hereby given that, on June 28, 1950, the Federal Power Commission issued its order entered June 28, 1950, authorizing and approving issuance of promissory notes in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5810; Filed, July 5, 1950; 8:47 a. m.]

[Project No. 737]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING FURTHER AMENDMENT OF LICENSE (TRANSMISSION LINE)

JUNE 29, 1950.

Notice is hereby given that, on June 28, 1950, the Federal Power Commission issued its order entered June 27, 1950, authorizing further amendment of license (transmission line) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5811; Filed, July 5, 1950; 8:47 a. m.]

[Project No. 943]

PUGET SOUND POWER AND LIGHT CO.

NOTICE OF ORDER DETERMINING NET CHANGES IN ACTUAL LEGITIMATE ORIGINAL COST AND PRESCRIBING ACCOUNTING THEREFOR

JUNE 29, 1950.

Notice is hereby given that, on June 28, 1950, the Federal Power Commission issued its order entered June 27, 1950, determining net changes in actual legitimate original cost and prescribing accounting therefor in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5812; Filed, July 5, 1950; 8:47 a. m.]

[Docket No. G-1083]

CITIZENS GAS & COKE UTILITY

NOTICE OF ORDER MODIFYING INITIAL DECISION

JUNE 29, 1950.

In the matter of City of Indianapolis by and through its Board of Directors for utilities of its Department of Public Utilities, a Municipal Corporation of the State of Indiana, Successor Trustee of a Public Charitable Trust, doing business as Citizens Gas and Coke Utility.

Notice is hereby given that, on June 28, 1950, the Federal Power Commission issued its order entered June 27, 1950, in the above-designated matter, modifying initial decision of the Presiding Examiner.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5813; Filed, July 5, 1950; 8:47 a. m.]

[Docket Nos. G-1277 and G-1335]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND CAROLINA NATURAL GAS CORP.

NOTICE OF ORDER SEVERING PROCEEDINGS AND RESCINDING ORDER OF INTERVENTION

JUNE 29, 1950.

Notice is hereby given that, on June 28, 1950, the Federal Power Commission issued its order entered June 27, 1950, in the above-designated matters, severing proceedings for further hearing, and rescinding order of March 6, 1950, permitting intervention of Carolina Natural Gas Corporation in Docket No. G-1277.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5814; Filed, July 5, 1950; 8:47 a. m.]

[Docket Nos. G–1335, G–1407, G–1411, and G–1413]

CAROLINA NATURAL GAS CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JUNE 27, 1950.

In the matters of Carolina Natural Gas Corporation, Docket No. G–1335, Public Service Company of North Carolina, Incorporated, Docket No. G–1407, Transcontinental Gas Pipe Line Corporation, Docket No. G–1411, Piedmont Natural Gas Company, Inc., Docket No. G–1413.

On March 3, 1950, an application was filed by Carolina Natural Gas Corporation (Carolina Natural) in Docket No. G–1335, for authorization to construct and operate certain natural gas pipeline facilities in North and South Carolina, and for an order pursuant to section 7 (a) of the Natural Gas Act directing Transcontinental Gas Pipe Line Corporation (Transcontinental) to establish physical connections and sell Carolina Natural a supply of gas out of the facilities authorized in Docket No. G–1277.

On April 13, 1950, the Commission consolidated for the purpose of hearing the application of Carolina Natural in Docket No. G–1335 with the application of Transcontinental in Docket No. G–1277. By our order of June 27, 1950, the proceeding on the application of Carolina Natural Gas Corporation in Docket No. G–1335 was severed for further hearing from the proceedings in Docket No. G–1277.

On May 1, 1950, Carolina Natural presented in part its direct case.

On June 5, 1950, Public Service Company of North Carolina, Incorporated (Public Service), filed an application in Docket No. G–1407 for authorization to construct and operate certain facilities and to purchase natural gas from Transcontinental for service in some of the communities in the Carolinas.

On June 6, 1950, Transcontinental filed a new application in Docket No. G–1411 for authorization to increase the capacity of its authorized facilities to serve Piedmont Natural Gas Company, Inc., and Public Service Company of North Carolina, Incorporated.

On June 7, 1950, Piedmont Natural Gas Company, Inc., a new corporation, filed an application in Docket No. G–1413 for authorization to construct and operate certain facilities and purchase natural gas from Transcontinental for service in certain of the communities proposed to be served by Carolina Natural.

The combined markets proposed to be served by Piedmont and Public Service constitute substantially the market proposed to be served by Carolina Natural.

On June 6, 1950, Public Service Company of North Carolina, Incorporated, filed a motion for consolidation for purpose of hearing of Docket Nos. G–1335, G–1407, and G–1411, and such other dockets as might be appropriate and necessary.

The Commission finds: Orderly procedure requires that hearings on the applications of Public Service Company of North Carolina, Incorporated, in Docket No. G–1407, Piedmont Natural Gas Company, Inc., in Docket No. G–1413, and Transcontinental Gas Pipe Line Corporation in Docket No. G–1411 should be consolidated for purpose of hearing with the hearing on the application of Carolina Natural Gas Corporation in Docket No. G–1335 which commenced on May 1, 1950.

The Commission orders:

(a) The applications in Docket Nos. G–1407, G–1411, and G–1413 are hereby consolidated for purpose of hearing with the hearing on the application in Docket No. G–1335.

(b) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on July 12, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the applications in Docket Nos. G–1335, G–1407, G–1411, and G–1413.

(c) Interested State commissions may participate, as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: June 28, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–5815; Filed, July 5, 1950; 8:47 a. m.]

[Docket Nos. G–1210, G–1236, G–1264]

ERIE GAS SERVICE CO., INC., ET AL.

ORDER FIXING DATE OF FURTHER HEARING

JUNE 29, 1950.

In the matters of Eugene H. Cole (Erie Gas Service Co., Inc.), Docket No. G–1210, Lake Shore Pipe Line Company, Docket No. G–1236, Grand River Gas Transmission Company, Docket No. G–1264.

Hearings in these proceedings commenced on April 24, 1950, at Washington, D. C., and were recessed on May 4, 1950, to reconvene on May 31, 1950.

On May 31, 1950, the proceedings were recessed to reconvene at a future date to be fixed by order of the Commission.

The Commission orders: The hearings in the proceedings in Docket Nos. G–1210, G–1236, and G–1264 be resumed on July 10, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: June 29, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–5825; Filed, July 5, 1950; 8:48 a. m.]

[Docket No. G–1370]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 30, 1950.

Notice is hereby given that, on June 29, 1950, the Federal Power Commission issued its findings and order entered June 29, 1950, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–5826; Filed, July 5, 1950; 8:49 a. m.]

FEDERAL SECURITY AGENCY

Office of Education

SCHOOL ASSISTANCE IN FEDERALLY IMPACTED AREAS

Section 751 is amended in the following manner:

(j) *School Assistance in Federally Impacted Areas.* There is also attached to the Office of the Commissioner an officer known as Head, School Assistance in Federally Impacted Areas, who shall be responsible for the administration of this program.

Pursuant to Reorganization Plan No. 16 of 1950, effective May 24, 1950, the functions vested in the Administrator, General Services, under Public Law 306, approved September 10, 1949, entitled "An act to provide assistance for local school agencies in providing educational opportunities for children on Federal Reservations or in defense areas, and for other purposes" have been transferred to the Federal Security Administrator. The Federal Security Administrator has authorized the Office of Education to perform all functions of the Administrator of General Services under the aforesaid act, together with so much of any other function of the Administrator of General Services or of the General Services Administration as is incidental or necessary for the carrying out of the provisions of such act.

All rules and regulations promulgated by the Commissioner of the Bureau of Community Facilities with regard to (1) determination of eligibility for assistance of local school agencies, (2) bases for allotting funds, and (3) settlement of projects as set forth in Memorandum No. 117 of the Commissioner of the Bureau of Community Facilities dated November 10, 1949, continue in effect until changed.

Unexpired agreements between local school agencies and the United States Government under this program will be continued in effect by the Office of Education. Certified statements of expenditure and income (BCF Form 705) for final statement purposes should be sent directly to the Head, School Assistance in Federally Impacted Areas, Office of Education, Federal Security Agency, Washington 25, D. C. Inquiries concerning any aspect of this program may be directed to this official.

[SEAL] EARL J. MCGRATH, *U. S. Commissioner of Education.*

Approved: June 29, 1950.

JOHN L. THURSTON, *Acting Federal Security Administrator.*

[F. R. Doc. 50–5816; Filed, July 5, 1950; 8:59 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–2389]

DELAWARE POWER AND LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF MARYLAND

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of June 1950.

Delaware Power & Light Company ("Delaware"), a registered holding company and an electric utility company, and its wholly owned subsidiary, The Eastern Shore Public Service Company of Maryland ("Eastern Shore"), an electric utility company, having filed a joint application-declaration pursuant to sections 6 (b), 9 (a), 12 (d) and 12 (f) of the act with respect to the following transactions:

Eastern Shore will issue and sell, from time to time, but not later than December 31, 1951, up to $3,000,000 principal amount of its 4% promissory notes due October 1, 1973, and 30,000 shares of its common stock of the par value of $100 per share. Delaware will purchase said securities at the principal amount or par value, respectively, and upon the purchase of any notes, Delaware will purchase common stock of an aggregate par value equal to the principal amount of such notes. The proceeds from the sale of said notes and common stock, which will not exceed $6,000,000 are to be used to finance Eastern Shore's construction program and to reimburse its treasury for money previously expended for such construction program. The notes and stock to be acquired by Delaware will be pledged by it with the Trustee under its mortgage dated October 1, 1943, in accordance with the provisions of the Indenture of Mortgage.

The proposed transactions have been approved by the Public Service Commission of Maryland.

Said application-declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application-declaration be and the same hereby is granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–5817; Filed, July 5, 1950; 8:47 a. m.]

[File No. 70–2392]

PHILADELPHIA CO.

SUPPLEMENTAL ORDER REGARDING SALE OF BONDS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of June 1950.

Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies, having filed with this Commission an application-declaration, and amendments thereto, pursuant to the provisions of sections 9 (a), 11 (b), 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules U-42, U-44 and U-50, promulgated thereunder, with respect to the sale by Philadelphia, pursuant to the competitive bidding requirements of Rule U-50, of $11,000,000 principal amount of Twenty-Year 3⅜ percent Sinking Fund Debentures due March 1, 1970, of Equitable Gas Company, a former subsidiary of Philadelphia, and the application of the proceeds therefrom, to the extent required, to the redemption and retirement of the outstanding 100,000 shares of Philadelphia's $6 Cumulative Preference Stock, at the redemption price of $110 per share plus an amount equal to all dividends accrued and unpaid thereon at the redemption date; and

The Commission, by order dated June 21, 1950, having granted and permitted to become effective the said application-declaration, as amended, subject, however, to the condition, among others, that the proposed sale of the aforesaid Debentures should not be consummated until the results of competitive bidding, pursuant to Rule U-50, should have been made a matter of record in these proceedings and a further order should have been entered by the Commission in the light of the record as so completed, jurisdiction being reserved, inter alia, to impose such further terms and conditions, if any, as might then be deemed appropriate; and

Philadelphia having filed, on June 28, 1950, a further amendment to said application-declaration, as amended, in which it is stated that Philadelphia has offered the said Debentures for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder or representative	Price to company [1] (percent of principal)
The First Boston Corp	104.039
Halsey, Stuart & Co., Inc	103.76
Kidder, Peabody & Co., Merrill Lynch, Pierce, Fenner & Beane, and White, Weld & Co	103.591
Harriman Ripley & Co., Inc	103.0253

[1] Plus accrued interest from March 1, 1950, to date of delivery of and payment for debentures.

Philadelphia having further stated in said amendment that it has accepted the bid of The First Boston Corporation for the said Debentures and that such securities will be offered for sale to the public at a price of 104.53% of the principal amount thereof, resulting in an underwriters' spread of 0.491%, aggregating $54,010; and

The Commission having examined said amendment and having considered the record as so completed and finding that the applicable standards of the act and the rules thereunder have been satisfied and finding no basis for imposing terms and conditions with respect to the price to be paid for said Debentures or the underwriters' spread and the allocation thereof, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration, as further amended, be granted and permitted to become effective forthwith:

It is ordered, That the application-declaration, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions of Rule U-24.

It is further ordered, That all other reservations, terms and conditions prescribed in the Commission's order herein, dated June 21, 1950, be, and the same hereby are, continued in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–5818; Filed, July 5, 1950; 8:47 a. m.]

[File No. 70–2409]

WEST PENN POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of June A. D. 1950.

Notice is hereby given that West Penn Power Company ("Power"), a registered holding company and a public utility subsidiary of a registered holding company ("The West Penn Electric Company"), has filed a declaration with this Commission pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and certain rules and regu-

lations promulgated thereunder with respect to the sale by Power to Pennsylvania Electric Company ("Penelec"), a non-affiliate of Power, of certain of Power's physical properties.

Notice is further given that any interested person may, not later than the 15th of July 1950, request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said declaration which he proposes to controvert, or may request that he be notified if the Commission should order a hearing thereon. Such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 15, 1950, said declaration as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Power proposes to sell to Penelec, approximately 17.33 miles of 132,000 volt transmission line lying within the territory of Power and known as the Ridgway-Warren transmission line for a cash consideration of $125,000.

The filing states that the sale by Power and the acquisition by Penelec are subject to the approval of the Pennsylvania Public Utility Commission and that an appropriate joint application has been filed with that Commission by the companies. It is further represented that the acquisition by Penelec is exempt from the requirements of sections 9 and 10 of the act by virtue of section 9 (b) (1). The filing at present contains no estimate of fees and expenses applicable to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5819; Filed, July 5, 1950; 8:48 a. m.]

[File No. 70-2425]

CONSOLIDATED NATURAL GAS CO. AND EAST OHIO GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of June 1950.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiary, The East Ohio Gas Company ("East Ohio"). Applicant-declarant has designated sections 6 (b), 9 (a), 10 and 12 (f) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than July 24, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said joint application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time after July 24, 1950, such application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said joint application-declaration which is on file in the office of this Commisson for a statement of the transaction therein proposed, which is summarized below:

East Ohio proposes to issue and sell to Consolidated and Consolidated proposes to acquire 25,000 additional shares of the common stock of East Ohio of a par value of $100 per share for a cash consideration of $2,500,000. Proceeds of the sale of common stock will be utilized by East Ohio to provide larger underground gas storage capacity, increase gas inventories and enlarge its pipeline system.

The proposed issuance and sale of common stock has been approved by the Public Service Commission of Ohio.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5820; Filed, July 5, 1950; 8:48 a. m.]

[File No. 70-2427]

NORTHERN STATES POWER CO. (MINN.) AND NORTHERN STATES POWER CO. (WIS.)

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of June A. D. 1950.

Notice is hereby given that a joint application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the Act") by Northern States Power Company ("Minnesota Company"), a Minnesota corporation and registered holding company, and its wholly owned public-utility subsidiary Northern States Power Company ("Wisconsin Company"), a Wisconsin corporation. Applicants designate sections 6 (b), 9 and 10 of the act and Rules U-23, U-24, and U-43 thereunder as applicable to the proposed transaction.

All interested parties are referred to said application on file in the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

The Wisconsin Company proposes to issue and sell and the Minnesota Company proposes to purchase from time to time during the balance of the year 1950, at $100 per share, an aggregate of not to exceed 30,000 additional shares of Common Stock of the par value of $100 per share (aggregate par value of $3,000,000) of the Wisconsin Company.

The Wisconsin Company will add the proceeds from the sale of said stock to its general funds. With the addition of such proceeds it is expected that its general funds available during the year 1950 will provide the cash required by it (a) for its expenditures under its construction budget during the balance of the year 1950, and (b) to repay its bank loan the principal amount of $500,000 which is due on December 2, 1950 and which was made in June 1950 to supply the then current needs of its construction program. The 1950 construction budget of the Wisconsin Company is estimated at $5,189,330.

It is stated that the Public Service Commission of Wisconsin has jurisdiction over the Wisconsin Company as to the proposed transaction, and that an application is now pending before the State Commission for the requisite authorization.

The expenses of the Wisconsin Company in connection with said transaction are estimated at $7,500, including $1,000 legal fees. It is stated that the expenses of the Minnesota Company, including legal fees, will not exceed $1,000.

It is requested that the order of the Commission herein be made effective upon issuance.

Notice is further given that any interested person may, not later than July 13, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5821; Filed, July 5, 1950; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25211]

PETROLEUM FROM WEST BAYTOWN, TEX., TO INTERSTATE POINTS

APPLICATION FOR RELIEF

JUNE 30, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariffs named below.

Commodities involved: Petroleum, its products and related articles, carloads.

From: West Baytown, Tex.

To: Points in Southwestern, Southern, Official, Illinois, and Western Trunk Line territories.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3585, 3802, 3825, 3651, 3724 and 3494, Supplements 414, 68, 66, 231, 117 and 195, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5835; Filed, July 5, 1950; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14786]

HANS E. WOISIN, SR.

In re: Bank account, securities and personal property owned by Hans E. Woisin, Sr. D-28-7326.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans E. Woisin, Sr., on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Seaman's Bank for Savings, 74 Wall Street, N. Y., N. Y., arising out of a Savings Account, No. 1031441, entitled "Karl H. Monnich in Trust for Hans E. Woisin, Jr.," excepting, however, the sum of $150.00, said account maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

b. Six (6) United States Savings Bonds, Series D, due November 1, 1949, bearing the numbers and in the amounts set forth below:

Bond Nos.:	*Amounts*
C1139560/3 (each)	$100.00
L763611	50.00
Q1100735	25.00

and presently held in a Safe Deposit Box No. 6503, leased from the Seaman's Bank for Savings, 74 Wall Street, New York 5, New York, and any and all rights thereunder and thereto,

c. Five (5) United States Savings Bonds, Series D, due December 1, 1949, bearing the numbers and in the amounts set forth below:

Bond Nos.:	*Amounts*
C1141480	$100.00
C1237963/5 (each)	100.00
Q1138394	25.00

and presently held in a Safe Deposit Box No. 6503, leased from the Seaman's Bank for Savings, 74 Wall Street, New York 5, New York, and any and all rights thereunder and thereto,

d. Four (4) United States Savings Bonds, due April 1, 1950, bearing the numbers and in the amounts set forth below:

Bond Nos.:	*Amounts*
D564226	$500.00
C1801415/6 (each)	100.00
L1166260	50.00

and presently held in a Safe Deposit Box No. 6503, leased from the Seaman's Bank for Savings, 74 Wall Street, New York 5, New York, and any and all rights thereunder and thereto,

e. Fifty (50) shares of stock of the United States Finishing Company, Norwich, Connecticut, a corporation organized under the laws of the State of Connecticut, evidenced by a certificate numbered C03749, registered in the name of Karl H. Monnich, and presently in a Safe Deposit Box No. 6503, leased from the Seaman's Bank for Savings, 74 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon,

f. Two hundred and fifty (250) shares of stock of the U. S. Rubber Reclaiming Company, 500 Fifth Avenue, New York City, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 11725, registered in the name of Karl H. Monnich and presently in a Safe Deposit Box No. 6503, leased from the Seaman's Bank for Savings, 74 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon, and any and all rights under a plan of reorganization, and

g. Those certain articles of household goods and personal property presently in the custody of the Richmond Storage Warehouse & Van Company, 947 Castleton Avenue, Stapleton, Staten Island, New York, stored in the name of Karl H. Monnich, identified as Lot No. 9072, subject, however, to any and all lawful liens of said Richmond Storage Warehouse & Van Company, against the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, Hans E. Woisin, Sr., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-5793; Filed, July 3, 1950; 8:52 a. m.]

[Vesting Order 13908, Amdt.]

ROBERT RELLING

In re: Safe deposit box lease and contents owned by Robert Relling. F 28-17647-F-1.

Vesting Order 13908 dated October 4, 1949, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Relling, whose last known address is Bad Oldesloe, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests created in Robert Relling under and by virtue of a safe deposit box lease agreement by and between Robert Relling and The Chase Safe Deposit Company, 18 Pine Street, New York, New York, relating to safe deposit box number G-186, located in the vaults of said safe deposit company including particularly but not limited to the right of access to such safe deposit box, and

b. All property of any nature whatsoever owned by Robert Relling, located in the safe deposit box referred to in subparagraph 2 (a) hereof and any and all

rights and interest of said person evidenced or represented thereby, which includes particularly but is not limited to the following:

(1) Ten (10) shares of no par value common stock of the Public Service Corporation of New Jersey (in dissolution), Newark, New Jersey, evidenced by certificate numbered YO 306167, registered in the name of Robert Relling, together with all declared and unpaid dividends thereon and any and all rights of exchange with respect to the aforesaid shares of stock under a plan of dissolution of the Public Service Corporation of New Jersey, and

(2) Ten (10) of $10.00 par value capital stock of the F. W. Woolworth Company, Woolworth Building, New York 7, New York, a corporation organized under the laws of the State of New York, evidenced by certificate numbered WT/F 465883, registered in the name of Robert Relling, together with all declared and unpaid dividends thereon,

subject, however, to any liens of the aforesaid Chase Safe Deposit Company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5794; Filed, July 3, 1950; 8:52 a. m.]

[Vesting Order 14763]

CLARA MATTHIES

In re: Rights of Clara Matthies, also known as Clara E. Matties, also known as Klara Christiane Matthies under insurance contract. File No. F-28-26286-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Matthies, also known as Clara E. Matties, also known as Klara Christiane Matthies, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1244617 M, issued by the Metropolitan Life Insurance Company, New York, New York, to Clara Matthies, also known as Clara E. Matties, also known as Klara Christiane Matthies, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Clara Matthies, also known as Clara E. Matties, also known as Klara Christiane Matthies be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5789; Filed, July 3, 1950; 8:51 a. m.]

[Vesting Order 14760]

CLEMENS KLUES

In re: Estate of Clemens Klues, deceased. File No. D-28-12798.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Klemens Klues, also known as Clements Klus, and August Klues (Klus), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof and each of them, in and to the Estate of Clemens Klues, deceased, is property payable or deliverable to, or claimed by the aforesaid, nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk of the Superior Court of Pierce County, Washington, acting under the judicial supervision of the Superior Court of Pierce County, State of Washington;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5848; Filed, July 5, 1950; 8:54 a. m.]

[Vesting Order 14767]

MARIA SCHULMEYER ET AL.

In re: Rights of Maria Schulmeyer et al. under Insurance Contract. File No. F-28-843-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Schulmeyer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hugo Cornelius, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. A1646, issued by The Prudential Insurance Company of America, Newark 1, New Jersey, to Hugo Cornelius, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hugo Cornelius, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5849; Filed, July 5, 1950; 8:54 a. m.]

[Vesting Order 14769]

ANNA W. STEINBRONN

In re: Rights of Anna W. Steinbronn, also known as Anna Catherine Weiszer Steinbronn under Insurance Contracts. Files No. D-28-10968-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna W. Steinbronn, also known as Anna Catherine Weiszer Steinbronn, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the total proceeds due or to become due to Anna W. Steinbronn, also known as Anna Catherine Weiszer Steinbronn, under contracts of insurance evidenced by policies No. 1,012,773 and 847,623, issued by the Massachusetts Mutual Life Insurance Company, Springfield, Massachusetts, to William P. Weiszer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Anna W. Steinbronn, also known as Anna Catherine Weiszer Steinbronn be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5850; Filed, July 5, 1950; 8:54 a. m.]

[Vesting Order 14771]

TOZI UYEHARA

In re: Rights of Tozi Uyehara, also known as Toji Uychara under Insurance Contract. File No. F-39-114-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tozi Uyehara, also known as Toji Uychara, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 9 369 483, issued by the New York Life Insurance Company, New York, New York, to Tozi Uyehara, also known as Toji Uychara, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5851; Filed, July 5, 1950; 8:54 a. m.]

[Vesting Order 14780]

RYOICHI NAGAI

In re: Bank account and cash owned by Ryoichi Nagai also known as Ryoicho Nagai. F-39-1311-E-1, E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ryoichi Nagai also known as Ryoicho Nagai, whose last known address is No. 1, 907 Simonumabe, Kawasaki City, Kanagawa Prefecture, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ryoichi Nagai also known as Ryoicho Nagai, by the United States National Bank of San Diego, San Diego 12, California, arising out of a Savings Account, numbered 13687 and entitled Ryoichi Nagai, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. Cash in the sum of $3.25 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War", in the name of Ryoichi Nagai, and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States re-

quires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5852; Filed, July 5, 1950; 8:54 a. m.]

[Vesting Order 14782]

MARGARETE SCHEEL

In re: Debts owing to Margarete Scheel, also known as Margarete Ray-Scheel and as Margarete Scheel Ray. F-28-544-E-1; H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Scheel, also known as Margarete Ray-Scheel, and as Margarete Scheel Ray, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Margarete Scheel, also known as Margarete Ray-Scheel, and as Margarete Scheel Ray, by The Pennsylvania Company for Banking and Trusts, 15th and Chestnut Streets, Philadelphia 1, Pennsylvania, arising out of a cash principal account entitled, "Margarete Scheel Agency Account", maintained with the aforesaid Company, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Margarete Scheel, also known as Margarete Ray-Scheel, and as Margarete Scheel Ray, by The Pennsylvania Company for Banking and Trusts, 15th and Chestnut Streets, Philadelphia 1, Pennsylvania, arising out of a cash income account entitled "Margarete Scheel Agency Account", maintained with the aforesaid Company, and any and all rights to demand, enforce and collect the same, and

c. Those debts or other obligations due or to become due under an Annuity Contract evidenced by policy No. 1736638, issued by The Penn Mutual Life Insurance Company, Philadelphia 5, Pennsylvania, to Margarete Scheel, also known as Margarete Ray-Scheel, and as Margarete Scheel Ray, together with all rights to demand, enforce and collect said debts or other obligations, including particularly, the right to receive the annual payment due January 11, 1951, and each annual payment thereafter under the aforesaid Annuity Contract,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5853; Filed, July 5, 1950; 8:54 a. m.]

[Vesting Order 14785]

KENNOSUKE TSUSHIMA

In re: Cash owned by Kennosuke Tsushima. D-39-14599-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kennosuke Tsushima, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $243.00, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the name of Kennosuke Tsushima, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kennosuke Tsushima, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5854; Filed, July 5, 1950; 8:54 a. m.]

[Vesting Order 14788]

FUJIYO YAMADA

In re: Securities owned by Fujiyo Yamada. D-39-14294-F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fujiyo Yamada, whose last known address is 509 5-Chome Kabe-Machi, Asa-Gun, Hiroshima-Ken, Honshu, Japan, is a resident of Japan and a national of a designated enemy country (Japan).

2. That the property described as follows:

a. Three 6% Oriental Development Company, Ltd., Gold Bonds, with an aggregate face value of $3,000, bearing the numbers 524, 13950 and 9721, presently in a safe deposit box, number 1786, located in the vaults of the City Market Branch of the California Bank, 863 S. San Pedro Street, Los Angeles 14, California, and any and all rights thereunder and thereto,

b. Two 6% Oriental Development Company, Ltd., Gold Bonds, each of $1,000 face value, bearing the numbers 6696 and 6883 presently in a safe deposit box, number 1786, located in the vaults of the City Market Branch of the California Bank, 863 S. San Pedro Street, Los Angeles 14, California, and any and all rights thereunder and thereto.

c. One 6½% Nippon Denryoku Kabushiki Kaisha Gold Bond, of $1,000 face value, bearing the number 749, presently in a safe deposit box, number 1786, located in the vaults of the City Market Branch of the California Bank, 863 S. San Pedro Street, Los Angeles 14, California, and any and all rights thereunder and thereto,

d. Three 5½% Taiwan Electric Power Company, Ltd., Gold Bonds, with an aggregate face value of $3,000, bearing the numbers 172, 177 and 1398, presently in a safe deposit box, number 1786, located in the vaults of the City Market Branch of the California Bank, 863 S. San Pedro Street, Los Angeles 14, California, and any and all rights thereunder and thereto,

e. One 6% First Mortgage Tokyo Dento Kabushiki Kaisha Gold Bond, of $1,000 face value, bearing the number 62792, presently in a safe deposit box, number 1786, located in the vaults of the City Market Branch of the California Bank, 863 S. San Pedro Street, Los Angeles 14, California, and any and all rights thereunder and thereto,

f. Two 5½% City of Tokio Gold Bonds, with an aggregate face value of $2,000.00, bearing the numbers 10063 and 19983, presently in a safe deposit box, number 1786, located in the vaults of the City Market Branch of the California Bank, 863 S. San Pedro Street, Los Angeles 14, California, and any and all rights thereunder and thereto, and

g. Two Series E United States Defense Savings Bonds, each of $50.00 maturity value, bearing the numbers L5556142E and L1397727E, registered in the name of Mr. Mitsuzo Yamada, presently in a safe deposit box, number 1786, located in the vaults of the City Market Branch of the California Bank, 863 S. San Pedro Street, Los Angeles 14, California, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fujiyo Yamada, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5855; Filed, July 5, 1950; 8:55 a. m.]

[Vesting Order 14790]

HAZEL ANN TIMMONS

In re: Rights of Hazel Ann Timmons under insurance contract. File No. D-39-19266-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hazel Ann Timmons, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 512632, issued by The State Life Insurance Company, Indianapolis, Indiana, to Frank Lee Timmons, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5856; Filed, July 5, 1950; 8:55 a. m.]

PASQUALE I. SIMONELLI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Pasquale I. Simonelli, Naples, Italy; Claim No. 36172; all right, title and interest of Pasquale I. Simonelli in and to the following life insurance policies on the life of Pasquale I. Simonelli: Travelers Insurance Co., Certificate No. 1627262; New York Life Insurance Co., Certificate No. 4586630; Metropolitan Life Insurance Co., Certificate No. 1641477A; Equitable Life Assurance Society of United States, Certificates Nos. 1714630, 2713870, 2899280 and 2901183; said policies in custody Real Estate Section, Office of Alien Property, Washington, D. C.

All right, title and interest of Pasquale I. Simonelli in and to any and all obligations owing to Pasquale I. Simonelli by East River Savings Bank, 60 Spring Street, New York, N. Y., and represented on the books of said Bank as "Expenses Payable".

Ten shares of New York Title & Mortgage Co., $10 P. V. Capital Stock, Certificate No. X-5178, presently with the Deposit and Clearance Section, New York, N. Y.

Real property described as follows: That certain lot or parcel of land in the Borough of Manhattan, City, County and State of New York, being known as and by the number 328 West 89th Street, New York, N. Y.

Executed at Washington, D. C., on June 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5800; Filed, July 3, 1950; 8:53 a. m.]

COMPAGNIES REUNIES DES GLACES ET VERRES SPECIAUX DU NORD DE LA FRANCE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses;

Claimant, Claim No., and Property

Compagnies Reunies des Glaces et Verres Speciaux du Nord de la France, Paris, France; Claim Nos. 26169 and 40452; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 1,739,294; 1,856,278; 1,933,167; 1,994,387; 2,010,916; and 2,267,554. Property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No.

365,862 (now United States Letters Patent No. 2,371,880). All interests and rights (including all accrued royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreements hereinafter described, together with the right to sue therefor) created in Compagnies Reunies des Glaces et Verres Speciaux du Nord de la France, by virtue of (1) an agreement as to patent rights and (2) an agreement as to importation, both dated June 1, 1933 (including all modifications thereof and supplements thereto, if any) by and between the said Compagnies Reunies (Reunis) des Glaces et Verres Speciaux du Nord de la France and The American Securit Company, a corporation organized under the laws of the State of Delaware, including but not by way of limitation, any and all understandings between the parties, whether written or oral, with respect to the subject matter thereof, to the extent owned by Compagnies Reunies des Glaces et Verres Speciaux du Nord de la France, immediately prior to the vesting thereof by Vesting Order No. 1511 (8 F. R. 10526, July 28, 1943), including cash in the Treasury of the United States in the amount of $105,681.28.

Executed at Washington, D. C., on June 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5857; Filed, July 5, 1950; 8:55 a. m.]

SOCIETE ANONYME DES MANUFACTURES DES GLACES ET PRODUITS CHIMIQUES DE SAINT-GOBAIN, CHAUNY & CIREY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Anonyme des Manufactures des Glaces et Produits Chimiques de Saint-Gobain, Chauny & Cirey, Paris, France; Claim Nos. 26758–26765 incl., 40458–40464, incl., property described in the following Vesting Orders: No. 666 (8 F. R. 8047, January 18, 1943); No. 201 (8 F. R. 625, January 16, 1943); No. 1511 (8 F. R. 10526, July 28, 1943); No. 1986 (8 F. R. 12362, September 7, 1943); No. 293 (7 F. R. 9836, November 26, 1942); No. 721 (8 F. R. 2164, February 18, 1943); No. 1028 (8 F. R. 4205, April 2, 1943); No. 1553 (8 F. R. 10582, July 29, 1943); No. 1825 (8 F. R. 10911, August 5, 1943); No. 68 (7 F. R. 6181, August 11, 1942); relating to United States Letters Patent, United States Patent Applications and patent contract interests identified in Schedule A attached hereto and made a part hereof, including cash in the Treasury of the United States in the amount of $84,812.57.

Executed at Washington, D. C., on June 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

SCHEDULE A

Vested by Vesting Order No. 666: Patent Nos.—1,813,142, 1,824,347, 1,843,198, 1,859,862, 1,867,940, 1,892,458, 1,895,547, 1,928,196, 1,934,682, 1,941,924, 1,951,753, 1,955,952, 1,960,136, 1,992,994, 2,000,240, 2,018,056, 2,019,046, 2,023,275, 2,024,854, 2,037,228, 2,052,212, 2,069,261, 2,076,080, 2,085,575, 2,089,022, 2,097,073, 2,104,555, 2,104,557, 2,116,633, 2,119,680, 2,120,435, 2,122,083, 2,125,912, 2,136,877, 2,143,951, 2,164,418, 2,167,290, 2,167,318, 2,184,908, 2,214,123, 2,214,874, 2,225,616, 2,225,617, 2,236,231, 2,236,911, 2,250,628, 2,253,981, 2,262,545, 2,263,493, 2,263,549, 2,267,537, 2,277,678, 2,277,679, 2,278,722, 2,281,468, 2,293,948.

Vested by Vesting Order No. 201: Patent No. 2,062,228.

Vested by Vesting Order No. 1511: Patent No. 2,250,626.

Vested by Vesting Order No. 1986: Patent Nos. 1,833,297, 1,916,035.

Vested by Vesting Order No. 293: Patent Application Serial Nos.: 187,733: 265,886 (now patent No. 2,301,062); 266,832 (now patent No. 2,304,016); 275,989 (now patent No. 2,343,823); 295,028; 295,029 (now patent No. 2,293,948); 306,501 (now patent No. 2,337,672); 333,410 (now patent No. 2,332,379); 368,537 (now patent No. 2,314,936); 409,751 (now patent No. 2,342,733); 414,866 (now patent No. 2,396,585); 414,756.

Vested by Vesting Order No. 721: Patent No. 401,909.

Vested by Vesting Order No. 1028: Patent No. 336,547 (now patent No. 2,313,217).

Vested by Vesting Order No. 1553: Patent No. 306,415.

Vested by Vesting Order No. 1825: Patent No. 306,416.

Vested by Vesting Order No. 68: Patent No. 363,202 (now patent No. 2,323,051).

All interests and rights (including all accrued royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreements hereinafter described, together with the right to sue therefor) created in Societe Anonyme des Manufactures de Glaces et Produits Chimiques de St. Gobain, Chauny & Cirey, Lyon, France, by virtue of (1) an agreement as to patent rights and (2) an agreement as to importation, both dated June 1, 1933 (including all modifications thereof and supplements thereto, if any), by and between the said Societe Anonyme des Manufactures de Glaces et Produits Chimiques de St. Gobain, Chauny & Cirey and The American Securit Company, a corporation organized under the laws of the State of Delaware, including but not by way of limitation, any and all understandings between the parties, whether written or oral, with respect to the subject matter thereof, to the extent owned by Societe Anonyme des Manufactures de Glaces et Produits Chimiques de St. Gobain, Chauny & Cirey, immediately prior to the vesting thereof by Vesting Order No. 1511.

[F. R. Doc. 50-5858; Filed, July 5, 1950; 8:55 a. m.]

JUL 11 [illegible]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 15 NUMBER 130

Washington, Friday, July 7, 1950

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

RAILROAD RETIREMENT BOARD

Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Railroad Retirement Board, the Commission has approved the exception from the competitive service of the positions listed under paragraph (c), which is hereby added to § 6.136, effective upon publication in the FEDERAL REGISTER.

§ 6.136 *Railroad Retirement Board.*

* * *

(c) NC/PD. Special claims agents (compensated on a piece-rate basis) to accept registration of unemployed railroad workers residing in areas in which no employer facilities are located, or in which no employer will make facilities available for the registration of such employees.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-5906; Filed, July 6, 1950; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

UNITED STATES STANDARDS[1] FOR GRADES OF FROZEN OKRA

On May 24, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 3157), regarding proposed United States Standards for Grades of Frozen Okra. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Okra are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949):

§ 52.473 *Frozen okra.* Frozen okra is the product prepared from the fresh, immature, succulent pods of the okra plant (Hibiscus esculentus) of either the green or white varieties, by proper washing, trimming and blanching, and which pods are then frozen and stored at temperatures necessary for the preservation of the product.

(a) *Styles of frozen okra.* (1) "Whole okra" means frozen okra consisting of whole pods, with or without the caps removed.

(2) "Cut" or "Cuts" means frozen okra consisting of pods with or without the caps removed, which have been cut transversely into pieces not less than ½ inch in length.

(3) "Unit" means an individual pod or portion of a pod in frozen okra.

(b) *Grades of frozen okra.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen okra that possesses similar varietal characteristics; that possesses a good flavor and odor; that possesses a good character; that is practically free from defects; and is of such quality with respect to color as to score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen okra that possesses similar varietal characteristics; that possesses a fairly good flavor and odor; that possesses a reasonably good character; that is reasonably free from defects; that possesses a reasonably good color; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of frozen okra that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(Continued on next page)

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CFR

POCKET SUPPLEMENTS
(For Use During 1950)

The following Pocket Supplements are now available:

Title 32 ($1.00)
Title 38 ($0.50)
Titles 40–42 ($0.25)

Previously announced: Titles 4–5 ($0.30); Title 6 ($1.00); Title 7: Parts 1–209 ($0.55); Parts 210–899 ($0.75); Parts 900 to end ($0.75); Title 8 ($0.20); Title 9 ($0.20); Titles 10–13 ($0.20); Title 14: Parts 1–399 ($1.50); Parts 400 to end ($0.30); Title 15 ($0.40); Title 16 ($0.25); Title 17 ($0.20); Title 18 ($0.20); Title 19 ($0.20); Title 20 ($0.20); Title 21 ($0.30); Titles 22–23 ($0.25); Title 24 ($0.55); Title 25 ($0.20); Title 26: Parts 1–79 ($0.20); Parts 80–169 ($0.25); Parts 170–182 ($0.25); Parts 183–299 ($0.30); Title 26: Parts 300 to end; and Title 27 ($0.25); Titles 28–29 ($0.30); Titles 30–31 ($0.25); Title 33 ($0.25); Titles 35–37 ($0.20)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen okra that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the color of the frozen okra is bright, practically uniform and typical of young and tender okra of similar varietal characteristics.

(ii) If the frozen okra possesses a reasonably good color a score of 14 to 16 points may be given. "Reasonably good color" means that the frozen okra posseses a color that is typical of reasonably young and reasonably tender okra of similar varietal characteristics which may be dull but is not off color.

(iii) Frozen okra that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, sand, grit, or silt, poorly trimmed units, small pieces, units damaged by mechanical injury, misshapen units, and units blemished or seriously blemished by scars, pathological injury, insect injury, or blemished by other means.

(*a*) "Blemished unit" means any unit blemished to the extent that the aggregate blemished area materially affects the appearance of the product. (Slight discoloration frequently occurring on the ribs or blossom end of the units is not considered blemished unless the unit is materially affected.)

(*b*) "Seriously blemished" means blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(*c*) "Extraneous vegetable matter" means leaves, stems, and other similar vegetable matter.

(*d*) "Poorly trimmed" means attached stems in excess of ¼ inch in length and very ragged edges or units that are partially cut.

(*e*) "Small pieces" means pieces of pod less than ½ inch in length.

(*f*) "Damaged by mechanical injury" means broken or mashed to such an extent that the appearance or eating quality of the unit is seriously affected.

(*g*) "Sand, grit, or silt" means any particle of earthy material.

(*h*) "Misshapen" means any whole pod that is badly crooked, or is seriously affected by malformations.

(ii) Frozen okra that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" has the following meanings with respect to the following styles of packs of frozen okra.

(*a*) *Whole.* "Practically free from defects" means that the product contains no sand, grit, or silt that affects the eating quality or appearance of the frozen okra, and that the combined weight of all other defects and defective units does not exceed 10 percent of the weight of the units and that for each 12 ounces of units there may be present:

Not more than 1 piece of extraneous vegetable matter;

Not more than 4 poorly trimmed units; 4 units damaged by mechanical injury or any combination of not more than 4 poorly trimmed units and units damaged by mechanical injury;

Not more than 6 percent, by count, of blemished units, and of such 6 percent not more than one-third thereof or 2 percent, by count, of all the units may consist of units that are seriously blemished;

Not more than 10 percent, by count, of misshapen units; and

Not more than 2 small pieces of pods.

(*b*) *Cut or cuts.* "Practically free from defects" means that the product contains no sand, grit, or silt that affects the eating quality or appearance of the frozen okra, and that the combined weight of all other defects and defective units does not exceed 8 percent of the weight of the units and that for each 12 ounces of units there may be present:

Not more than one piece of extraneous vegetable matter;

Not more than 4 percent, by weight, of blemished units and of such 4 percent not more than one-half thereof or 2 percent, by weight, of all the units may consist of units that are seriously blemished;

Not more than 8 poorly trimmed units, 8 units damaged by mechanical injury or any combination of not more than 8 poorly trimmed units and units damaged by mechanical injury; and

Not more than 20 small pieces of pods.

(iii) If the frozen okra is reasonably free from defects a score of 28 to 33 points may be given. Frozen okra that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units may have lost to a considerable extent their fleshy texture; that the units are reasonably tender; that the seeds may have passed the early stages of maturity, and that not more than 10 percent, by count, of the units possess tough fibers.

(iv) Frozen okra that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Character.* (i) The factor of character refers to the development of the pods and seeds and to the degree of freedom from fiber.

(ii) Frozen okra that possesses a good character may be given a score of 34 to 40 points. "Good character" means that the units are fleshy and tender, that the seeds are in the early stages of maturity, and that not more than 5 percent, by count, of the units possess tough fibers.

(iii) If the frozen okra possesses a reasonably good character a score of 28 to 33 points may be given. Frozen okra that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units may have lost to a considerable extent their fleshy texture; that the units are reasonably tender; that the seeds may have passed the early stages of maturity, and that not more than 10 percent, by count, of the units possess tough fibers.

(iv) Frozen okra that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(*f*) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen okra the grade of such lot will be determined by averaging the total scores of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(c) *Size of frozen okra.* The size of the unit is not a factor of quality for the purpose of these grades. The size of a unit is determined by measuring the length of the unit.

(d) *Ascertaining the grade.* (1) The grade of frozen okra may be ascertained by considering in conjunction with the requirements of the respective grade the respective ratings for the factors of color, absence of defects, and character.

(2) The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
(i) Color	20
(ii) Absence of defects	40
(iii) Character	40
Total score	100

(3) The scores for the factors of color, absence of defects, and character with respect to development of pods and seeds are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The degree of tenderness and freedom from fiber and flavor and odor are determined after the product is cooked.

(4) "Good flavor and odor" means that the product after cooking has a good, characteristic, normal flavor and odor and is free from objectionable flavors and odors of any kind.

(5) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(e) *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(g) *Score sheet for frozen okra.*

Size and kind of container		------
Container marks or identification		------
Label		------
Net weight (ounces)		------
Style (Whole, Cut)		------
Variety (green or white)		------
Factors	**Score points**	
I. Color	20	(A) 17-20 (B) 14-16 (D) 10-13
II. Absence of defects	40	(A) 34-40 (B) 28-33 (D) 10-27
III. Character	40	(A) 34-40 (B) 28-33 (D) 10-27
Total score	100	
Grade		------
Flavor and odor		------

[1] Indicates limiting rule.

(h) *Effective time.* The United States Standards for Grades of Frozen Okra (which are the first issue) contained in this section shall become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies sec. 203, 60 Stat. 1087, Pub. Law 146, 81st Cong.; 7 U. S. C. 1622)

Issued at Washington, D. C., this 30th day of June 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-5882; Filed, July 6, 1950; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 260]

[Controlled Housing Rent Reg. for Atlantic County Defense-Rental Area, Amdt. 27]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 257]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

HOUSING ACCOMMODATIONS NOT YIELDING FAIR NET OPERATING INCOME

1. Subdivisions (i) and (ii) of § 825.5 (a) (18) are changed to read as follows:

(18) *Housing accommodations not yielding fair net operating income*—(i) *Grounds.* The net operating income from the building is less than a fair net operating income. (The net operating income shall not be considered less than fair if it is 25 percent or more of the annual income in the case of a building containing less than five dwelling units, or is 20 percent or more in the case of a building containing five or more dwelling units.)

A petition for adjustment under this paragraph (a) (18) must be filed on Form D-106, provided by the Housing Expediter, in accordance with the instructions contained therein.

No adjustment shall be granted under this paragraph (a) (18) with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing) or with respect to housing accommodations in hotels as defined in § 825.1 (b) (2) (i) (*a*) or (*b*), whichever is applicable.

(ii) *Amount of adjustment.* The adjustment under this paragraph (a) (18) shall be in such amount as is necessary to bring the net operating income from the building (expressed as a percentage of annual income after adjustment) to the median net operating income of landlords generally (this median is 30 percent of annual income in the case of buildings containing less than five dwelling units, and 25 percent in the case of buildings containing five or more dwelling units): *Provided, however,* That where the Expediter determines that the building falls within a class which normally experienced considerably lower percentages of net operating income than the median, he may determine the amount of adjustment on a basis which will yield a lower percentage of net operating income which would be fair and equitable for that class of buildings.

2. Subdivisions (i) and (ii) of § 825.65 (a) (18) are changed in the same manner, except that wherever references are made to §§ 825.1 to 825.12 or any designated portion thereof the references shall be to §§ 825.61 to 825.72 or the similarly designated portions thereof.

3. Subdivisions (i) and (ii) of § 825.85 (a) (11) are also changed in the same manner, except that wherever references are made to paragraph (a) (18) the references shall be to paragraph (a) (11), and wherever references are made to §§ 825.1 to 825.12 or any designated portion thereof the references shall be to §§ 825.81 to 825.92 or the similarly designated portions thereof.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective July 3, 1950.

Issued this 3d day of July 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-5878; Filed, July 6, 1950; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

CANNED BLUEBERRIES

UNITED STATES STANDARDS[1] FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Canned Blueberries or Canned Huckleberries, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.187 *Canned blueberries.* Canned blueberries are prepared from the properly ripened fresh fruit of the blueberry bush (Genus Vaccinium), including species or varieties often called "huckleberries", but not of the Genus Gaylussacia; are stemmed and washed; are packed with or without the addition of water or sweetening ingredients; and are sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

(a) *Types of canned blueberries.* (1) Native (or wild) type.

(2) Cultivated type.

(b) *Grades of canned blueberries.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned blueberries that possess similar varietal characteristics; that possess a very good color; that are practically free from defects; that possess a good character; that possess a normal flavor and odor; and that score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of canned blueberries that possess similar varietal characteristics; that possess a good color; that are reasonably free from defects; that possess a reasonably good character; that possess a normal flavor and odor; and that score not less than 80 points when scored in accordance with the scoring system outlined in this section.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned blueberries that possess similar varietal characteristics; that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of canned blueberries that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Recommended designations of liquid media and Brix measurements.* "Cut-out" requirements for liquid media are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purpose of these grades.

(1) It is recommended that canned blueberries have the following indicated "cut-out" Brix measurement for the respective designation, which designations include, but are not limited to, the following:

Designations	*Brix measurement*
Extra heavy sirup	25° or more, but not more than 35°.
Heavy sirup	20° or more, but less than 25°.
Light sirup	15° or more, but less than 20°.
Slightly sweetened water.	Less than 15° Brix.
Water pack (packed in water).	

(2) "Brix" means the degrees Brix of the liquid from canned blueberries when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If the liquid is tested at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of canned blueberries may be determined by any other method which gives equivalent results.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned blueberries be filled with blueberries as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

(e) *Recommended minimum drained weight.* The minimum drained weight recommendations are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. The drained weight of canned blueberries is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight (or drained blueberries) is the weight of the sieve and the blueberries less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED BLUEBERRIES

Container designation	Container size (over-all dimensions)		Recommended minimum drained weight	
	Width	Height	In any sirup	In water
	Inches	*Inches*	*Ounces*	*Ounces*
300 x 407	3	4 7/16	8¼	8
No. 2	3 7/16	4 9/16	11½	11¼
No. 10	6 3/16	7	61¾	60

(f) *Ascertaining the grade.* (1) The grade of canned blueberries may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
(i) Color	20
(ii) Absence of defects	40
(iii) Character	40
Total score	100

(2) "Normal flavor and odor" means that the product is free from objectionable odors and objectionable flavors of any kind.

(g) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

(1) *Color.* (i) Canned blueberries that possess a very good color may be given a score of 18 to 20 points. "Very good color" means a practically uniform, bright, dark blue-purple color typical of blueberries which had been properly processed from well-matured blueberries.

(ii) If the canned blueberries possess a good color, a score of 16 or 17 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good color" means a reasonably uniform, dark blue-purple color typical of blueberries which had been properly processed from reasonably well-matured blueberries.

(iii) If the canned blueberries possess a fairly good color, a score of 14 or 15 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means a blue-purple color typical of blueberries which had been properly processed and which are not off color for any reason.

(iv) Canned blueberries that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material (such as leaves and large stems); from clusters; from cap stems or berries with attached cap stems; from green berries, undeveloped berries, or edible berries other than blueberries; and from berries damaged by insect, pathological, or other injury.

(i) "Cap stems" are small stems which attach berries to the branch.

(ii) A "cluster" means three or more joined cap stems with or without berries attached.

(iii) "Cap stems or berries with attached cap stems" means single cap stems or joined double cap stems with or without berries attached. A berry for each cap stem, which does not have a berry attached, is weighed in considering the allowance permitted.

(iv) "Undeveloped berries" are mummified berries with wrinkled or tough skins or which may be pathologically defective.

(v) Canned blueberries that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that there may be present—

(*a*) Not more than a total of 2 leaves or large stems, singly or in combination, for each 20 ounces of net weight;

(*b*) In the Native (or wild) type, not more than an average of 8 clusters for each 20 ounces of net weight in all containers comprising the sample, provided there are no more than 12 clusters for each 20 ounces of net weight in any single container; and, in the cultivated type, not more than an average of 2 clusters for each 20 ounces of net weight in all containers comprising the sample, provided there are no more than 3 clusters for each 20 ounces of net weight in any single container; and

(*c*) Not more than a total of 5 percent by weight of berries containing any of the following defects: Cap stems or berries with attached cap stems, green berries, undeveloped berries, edible berries other than blueberries, or berries that are damaged: *Provided,* That—

(*1*) Not more than 3 percent by weight of the berries may be green berries or undeveloped berries or edible berries other than blueberries: *Provided further,* That—

(*i*) Not more than 1 percent by weight of the berries may be undeveloped berries or edible berries other than blueberries.

(vi) If the canned blueberries are reasonably free from defects, a score of 32 to 35 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from

defects" means that there may be present—

(*a*) Not more than a total of 4 leaves or large stems, singly or in combination, for each 20 ounces of net weight;

(*b*) In the Native (or wild) type, not more than an average of 18 clusters for each 20 ounces of net weight in all containers comprising the sample, provided there are no more than 28 clusters for each 20 ounces of net weight in any single container; and, in the cultivated type, not more than an average of 5 clusters for each 20 ounces of net weight in all containers comprising the sample, provided there are no more than 7 clusters for each 20 ounces of net weight in any single container; and

(*c*) Not more than a total of 10 percent by weight of berries containing any of the following defects: Cap stems or berries with attached cap stems, green berries, undeveloped berries, edible berries other than blueberries, or berries that are damaged: *Provided*, That—

(*1*) Not more than 5 percent by weight of the berries may be green berries or undeveloped berries or edible berries other than blueberries: *Provided further*, That—

(*i*) Not more than 2 percent by weight of the berries may be undeveloped berries or edible berries other than blueberries.

(vii) If the canned blueberries are fairly free from defects, a score of 28 to 31 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present—

(*a*) Not more than a total of 8 leaves or large stems, singly or in combination, for each 20 ounces of net weight;

(*b*) In the Native (or wild) type, not more than an average of 28 clusters for each 20 ounces of net weight in all containers comprising the sample, provided there are no more than 38 clusters for each 20 ounces of net weight in any single container; and, in the cultivated type, not more than an average of 7 clusters for each 20 ounces of net weight in all containers comprising the sample, provided there are no more than 10 clusters for each 20 ounces of net weight in any single container; and

(*c*) Not more than a total of 15 percent by weight of berries containing any of the following defects: Cap stems or berries with attached cap stems, green berries, undeveloped berries, edible berries other than blueberries, or berries that are damaged: *Provided*, That—

(*1*) Not more than 10 percent by weight of the berries may be green berries or undeveloped berries or edible berries other than blueberries: *Provided further*, That—

(*i*) Not more than 3 percent by weight of the berries may be undeveloped berries or edible berries other than blueberries.

(viii) Canned blueberries that fail to meet the requirements of subdivision (vii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Character.* (i) Canned blueberries that possess a good character may be given a score of 36 to 40 points. "Good character" means that the blueberries are reasonably firm, fleshy, and practically whole and intact with not more than 10 percent by weight of the drained blueberries that may be crushed, mushy, or broken berries.

(ii) If the canned blueberries possess a reasonably good character, a score of 32 to 35 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the blueberries may be lacking in firmness and fleshy texture but are reasonably whole and intact with not more than 15 percent by weight of the drained blueberries that may be crushed, mushy, or broken berries.

(iii) If the canned blueberries possess a fairly good character, a score of 28 to 31 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the blueberries are fairly whole and intact with not more than 30 percent by weight of the drained blueberries that may be crushed, mushy, or broken berries.

(iv) Canned blueberries that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(h) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned blueberries, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(i) *Score sheet for canned blueberries.*

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Vacuum (inches)	
Drained weight (ounces)	
Brix measurement	
Sirup designation (extra heavy, heavy, etc.)	
Type	

Factors	Score points	
I. Color	20	(A) 18–20 (B) [1]16–17 (C) [1]14–15 (D) [1]0–13
II. Absence of defects	40	(A) 36–40 (B) [1]32–35 (C) [1]28–31 (D) [1]0–27
III. Character	40	(A) 36–40 (B) [1]32–35 (C) [1]28–31 (D) [1]0–27
Total score	100	

Flavor and odor	
Grade	

[1] Indicates limiting rule.

Issued at Washington, D. C., this 30th day of June 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-5880; Filed, July 6, 1950; 8:47 a. m.]

[7 CFR, Part 52]

FROZEN BLUEBERRIES

UNITED STATES STANDARDS[1] FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Frozen Blueberries or Frozen Huckleberries, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.189 *Frozen blueberries.* Frozen blueberries are prepared from the properly ripened fresh fruit of the blueberry bush (Genus Vaccinium), including species or varieties often called "huckleberries," but not of the Genus Gaylussacia; are stemmed; may or may not be washed; are packed with or without packing media; and are frozen and stored at temperatures necessary for the preservation of the product.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(a) *Types of frozen blueberries.* (1) Native (or wild) type.

(2) Cultivated type.

(b) *Grades of frozen blueberries.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen blueberries that possess similar varietal characteristics; that are practically free from defects; that possess a good character; that possess a normal flavor and odor; and are of such quality with respect to color as to score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of frozen blueberries that possess similar varietal characteristics; that possess a good color; that are reasonably free from defects; that possess a reasonably good character; that possess a normal flavor and odor; and that score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of frozen blueberries that possess similar varietal characteristics; that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of frozen blueberries that fail to meet the requirements of U. S. Grade D or U. S. Standard.

(c) *Ascertaining the grade.* (1) The grade of frozen blueberries may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors	*Points*
(i) Color	20
(ii) Absence of defects	40
(iii) Character	40
Total score	100

(2) The scores for the factors of color, absence of defects, and character of frozen blueberries are determined when the product is sufficiently free from ice crystals to permit handling of the blueberries.

(3) "Normal flavor and odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

(d) *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

(1) *Color.* (i) Frozen blueberries that possess a very good color may be given a score of 18 to 20 points. "Very good color" means that the blueberries possess a practically uniform, bright, dark blue-purple color typical of properly matured berries for the variety and that there may be present not more than 5 percent by count of berries that possess a red-purple color. Frozen blueberries that are undercolored (not at least red-purple color) or that have a definite green cast are considered "green berries." (See subparagraph (2) (i) of this paragraph.)

(ii) If the frozen blueberries possess a good color, a score of 16 to 17 points may be given. "Good color" means that the blueberries possess a reasonably uniform, dark blue-purple color typical of reasonably well-matured berries for the variety and that there may be present not more than 10 percent by count of berries that possess a red-purple color. Frozen blueberries that are undercolored (not at least red-purple color) or that have a definite green cast are considered "green berries." (See subparagraph (2) (i) of this paragraph.)

(iii) If the frozen blueberries possess a fairly good color, a score of 14 or 15 points may be given. Frozen blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the blueberries may be moderately variable in color, but are not definitely dull or off color, and there may be present not more than 20 percent by count of berries that possess a red-purple color. Frozen blueberries that are undercolored (not at least red-purple color) or that have a definite green cast are considered "green berries." (See subparagraph (2) (i) of this paragraph.)

(iv) Frozen blueberries that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material (such as leaves and large stems); from clusters; from cap stems or berries with attached cap stems; from green berries, undeveloped berries, or edible berries other than blueberries; and from berries damaged by insect, pathological, or other injury.

(i) "Green berries" are blueberries that are undercolored and do not possess at least a red-purple color or that have a definite green cast, even though the over-all color of the berries may not be a true green color.

(ii) "Cap stems" are small stems which attach berries to the branch.

(iii) A "cluster" means three or more joined cap stems with or without berries attached.

(iv) "Cap stems or berries with attached cap stems" means single cap stems or joined double cap stems with or without berries attached. A berry for each cap stem, which does not have a berry attached, is weighed in considering the allowance permitted.

(v) "Undeveloped berries" are mummified berries with wrinkled or tough skins or which may be pathologically defective.

(vi) Frozen blueberries that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that there may be present—

(*a*) Not more than 2 leaves or large stems, singly or in combination, for each 12 ounces of net weight.

(*b*) In the Native (or wild) type, not more than an average of 8 clusters for each 12 ounces of net weight in all samples or containers comprising the sample, provided there are no more than 12 clusters for each 12 ounces of net weight in any single sample or in any single container; and, in the cultivated type, not more than an average of 2 clusters for each 12 ounces of net weight in all samples or containers comprising the sample, provided there are no more than 3 clusters for each 12 ounces of net weight in any single sample or in any single container; and

(*c*) Not more than a total of 3 percent by weight of berries containing any of the following defects: Cap stems or berries with attached cap stems; green berries, undeveloped berries, or edible berries other than blueberries, or berries that are damaged: *Provided*, That—

(*1*) Not more than 1 percent by weight of the berries may be undeveloped berries or may be edible berries other than blueberries.

(vii) If the frozen blueberries are reasonably free from defects, a score of 32 to 35 points may be given. Frozen blueberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present—

(*a*) Not more than 4 leaves or large stems, singly or in combination, for each 12 ounces of net weight;

(*b*) In the Native (or wild) type, not more than an average of 18 clusters for each 12 ounces of net weight in all samples or containers comprising the sample, provided there are no more than 28 clusters for each 12 ounces of net weight in any single sample or in any single container; and, in the cultivated type, not more than an average of 5 clusters for each 12 ounces of net weight in all samples or containers comprising the sample, provided there are no more than 7 clusters for each 12 ounces of net weight in any single sample or in any single container; and

(*c*) Not more than a total of 6 percent by weight of berries containing any of the following defects: Cap stems or berries with attached cap stems, green berries, undeveloped berries, or edible berries other than blueberries, or berries that are damaged: *Provided*, That—

(*1*) Not more than 2 percent by weight of the berries may be undeveloped berries or may be edible berries other than blueberries.

(viii) If the frozen blueberries are fairly free from defects, a score of 28 to

31 points may be given. Frozen blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present—

(*a*) Not more than 8 leaves or large stems, singly or in combination, for each 12 ounces of net weight;

(*b*) In the Native (or wild) type, not more than an average of 28 clusters for each 12 ounces of net weight in all samples or containers comprising the sample, provided there are no more than 38 clusters for each 12 ounces of net weight in any single sample or any single container; and, in the cultivated type, not more than an average of 7 clusters for each 12 ounces of net weight in all samples or containers comprising the sample, provided there are no more than 10 clusters for each 12 ounces of net weight in any single sample or any single container; and

(*c*) Not more than a total of 10 percent by weight of berries containing any of the following defects: Cap stems or berries with attached cap stems, green berries, undeveloped berries, or edible berries other than blueberries, or berries that are damaged: *Provided*, That—

(*1*) Not more than 3 percent by weight of the berries may be undeveloped or may be edible berries other than blueberries.

(ix) Frozen blueberries that fail to meet the requirements of subdivision (viii) of this subpaagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present—

(*a*) Not more than 8 leaves or large stems, singly or in combination, for each 12 ounces of net weight;

(*b*) In the Native (or wild) type, not more than an average of 28 clusters for each 12 ounces of net weight in all samples or containers comprising the sample, provided there are no more than 38 clusters for each 12 ounces of net weight in any single sample or any single container; and, in the cultivated type, not more than an average of 7 clusters for each 12 ounces of net weight in all samples or containers comprising the sample, provided there are no more than 10 clusters for each 12 ounces of net weight in any single sample or any single container; and

(*c*) Not more than a total of 10 percent by weight of berries containing any of the following defects: Cap stems or berries with attached cap stems, green berries, undeveloped berries, or edible berries other than blueberries, or berries that are damaged: *Provided*, That—

(*1*) Not more than 3 percent by weight of the berries may be undeveloped or may be edible berries other than blueberries.

(ix) Frozen blueberries that fail to meet the requirements of subdivision (viii) of this subpaagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Character.* (i) Frozen blueberries that possess a good character may be given a score of 36 to 40 points. "Good character" means that the blueberries are reasonably firm, fleshy, and practically whole and intact with not more than 6 percent by weight of berries that may be crushed, mushy, or broken.

(ii) If the frozen blueberries possess a reasonably good character, a score of 32 to 35 points may be given. Frozen blueberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the blueberries may be lacking in firmness and fleshy texture but are reasonably whole and intact with not more than 10 percent by weight of berries that may be crushed, mushy, or broken.

(iii) If the frozen blueberries possess a fairly good character, a score of 28 to 31 points may be given. Frozen blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the blueberries are fairly whole and intact with not more than 20 percent by weight of berries that may be crushed, mushy, or broken.

(iv) Frozen blueberries that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(*e*) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen blueberries, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirement of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(*f*) *Score sheet for frozen blueberries.*

Size and kind of container		
Container mark or identification		
Label (Style of pack—Ratio of fruit to sugar, etc., if shown)		
Net weight (ounces)		
Type		
Factors	**Score points**	
I. Color	20	(A) 18–20 (B) 16–17 (C) [1]14–15 (D) [1]0–13
II. Absence of defects	40	(A) 36–40 (B) [1]32–35 (C) [1]28–31 (D) [1]0–27
III. Character	40	(A) 36–40 (B) [1]32–35 (C) [1]28–31 (D) [1]0–27
Total score	100	
Flavor and odor		
Grade		

[1] Indicates limiting rule.

Issued at Washington, D. C., this 30th day of June 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-5881; Filed, July 6, 1950; 8:47 a. m.]

[7 CFR, Part 998]

IRISH POTATOES GROWN IN NEW JERSEY

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget of expenses and rate of assessment hereinafter set forth, which were recommended by the New Jersey Potato Marketing Committee, established pursuant to Marketing Agreement No. 116 and Order No. 98 (15 F. R. 1925, 2036), regulating the handling of Irish potatoes grown in New Jersey, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 998.201 *Budget of expenses and rate of assessment.* (1) The expenses necessary to be incurred by the New Jersey Potato Marketing Committee, established pursuant to Marketing Agreement No. 116 and Order No. 98, to enable such committee to carry out its functions pursuant to provisions of the aforesaid marketing agreement and order, during the fiscal year ending April 30, 1951, will amount to $26,250;

(2) The rate of assessment to be paid by each handler who first ships potatoes shall be three-quarters of one cent per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(3) Terms used herein shall have the same meaning as when used in Marketing Agreement No. 116 and Order No. 98.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051; 15 F. R. 1925, 2036)

Done at Washington, D. C., this 30th day of June 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-5879; Filed, July 6, 1950; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR, Part 6]

MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

OPEN SEASONS, BAG LIMITS, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), as amended, notice was given on May 5, 1950 (15 F. R. 2804), that the Secretary of the Interior proposed to adopt amendments to the regulations under the aforesaid act establishing specifications relating to open seasons and shooting hours, bag limits, possession and transportation of migratory game birds and also in connection with the issuance of permits for scientific and propagating purposes.

It now is proposed that with respect to doves (white-winged, mourning or turtle), rails and gallinules, the open seasons (dates inclusive) on such migratory game birds only, the daily bag and possession limits, and the exceptions to the hours of hunting heretofore specified in the regulations (§ 6.4) shall be as shown in the following schedule:

(a) *Atlantic Flyway States:*

	Rails and gallinules		Mourning or turtle dove
	Sora	Others	
Daily bag limits	25	15	10
Possession limits	25	15	10
Seasons in—			
Connecticut	Sept. 1–Oct. 15.	Sept. 15–Oct. 30.	Nov. 1–Nov. 30.
Delaware	Sept. 1–Oct. 30.	Sept. 15–Nov. 12.	Dec. 17–Jan. 15.[3]
Florida	Oct. 1–Nov. 30.[1]	Oct. 1–Nov. 30.	Sept. 16–Sept. 30 and Jan. 1–Jan. 15.
Georgia	Oct. 1–Nov. 30.[1]	do.	Sept. 1–Sept. 30.[4]
Maryland	Sept. 1–Oct. 30.	Sept. 15–Nov. 12.	Sept. 16–Sept. 30 and Dec. 31–Jan. 14.
Massachusetts	Sept. 1–Oct. 30.[1]	do.	Oct. 10–Nov. 8.
New Hampshire	do.[2]	do.	Sept. 16–Sept. 30 and Dec. 23–Jan. 6.[4]
New Jersey	Sept. 1–Oct. 30.	do.	Sept. 16–Oct. 15.[4]
North Carolina	Oct. 1–Nov. 30.[1]	Oct. 1–Nov. 30.	
Pennsylvania	Sept. 1–Oct. 30.[1]	Sept. 15–Nov. 12.	
Rhode Island	Sept. 10–Oct. 30.	Sept. 15–Nov. 12.	
South Carolina	Oct. 1–Nov. 30.[1]	Oct. 1–Nov. 30.	
Vermont	Sept. 1–Oct. 30.[1]	Sept. 15–Nov. 12.	
Virginia	Sept. 1–Oct. 30.	do.	
West Virginia	Sept. 1–Oct. 30.[1]	do.	
Puerto Rico	Dec. 15–Feb. 12.	Dec. 15–Feb. 12.	

[1] Not more than 15 in the aggregate of rails (other than sora) and gallinules.
[2] When rails and gallinules are permitted to be taken during the waterfowl season, they may not be hunted after 1 hour before sunset.
[3] Band-tailed pigeons; south of highway 60, Sept. 16 to Oct. 15; daily limit 8, possession limit 8; no open season in rest of State.
[4] New Mexico: Shooting hours for mourning doves and band-tailed pigeons on first day of the season, 12 o'clock noon until sunset; thereafter from sunrise to sunset.
Texas: Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof; Sept. 1–Sept. 30. In rest of State, Sept. 16–Sept. 30 and Dec. 23–Jan. 6. White-winged doves in Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Kinney, Dimit, La Salle, Jim Hogg, Brooks, Kennedy, and Willacy Counties; Sept. 1–Sept. 30. In rest of State, Sept. 16–Sept. 30 and Dec. 23–Jan. 6. El Paso County, Sept. 15, 17, and 19 from 4 p. m. until sunset; daily bag and possession limit for white-winged or mourning doves is not more than 10 singly or in the aggregate of both kinds; no open season in rest of State.

(d) *Pacific Flyway States:*

	Rails and gallinules		Mourning or turtle dove	Band-tailed pigeon
	Sora	Others		
Daily bag limits	25	15	10	8
Possession limits	25	15	10	8
Seasons in—				
Arizona[1]	Sept. 1–Oct. 30.		Sept. 1–Oct. 15.	Sept. 16–Oct. 15.
California			Sept. 1–Sept. 30.[2]	See footnote 3.
Idaho			See footnote 4.	
Nevada			Sept. 1–Sept. 30.	Sept. 1–Sept. 30.
Oregon			Sept. 1–Sept. 15.	Do.
Utah	Sept. 1–Oct. 30.[4]			
Washington				

[1] Not more than 15 in the aggregate of rails (other than sora) and gallinules.
[2] White-winged dove in Arizona and Imperial County, California, Sept. 1 to Sept. 15. The daily bag and possession limits of white-winged, mourning or Zenaida doves are not more than 10 singly or in the aggregate of both kinds.
[3] California: Band-tailed pigeons, Sept. 1 to Sept. 30 and Dec. 17 to Dec. 31.
[4] Idaho: Mourning doves in Boundary, Bonner, Kootenai, Shoshone, Benewah, Power, Bannock, Franklin, Bear Lake, Caribou, Bingham, Bonneville, Clark, Jefferson, Fremont, Madison, Oneida, and Teton Counties, no open season; in rest of State, Sept. 1 to Sept. 10.
[5] When rails and gallinules are permitted to be taken during the waterfowl season, they may not be hunted after 1 hour before sunset.

As previously stated and subject to final determinations upon completion of investigations pertaining to migratory game bird populations, amendments to the regulations under the aforesaid act also will be adopted to establish specifications relating to open seasons and shooting hours, bag limits and possession

(b) *Mississippi Flyway States:*

	Rails and gallinules		Mourning or turtle dove
	Sora	Others	
Daily bag limits	25	15	10
Possession limits	25	15	10
Seasons in—			
Alabama	Nov. 29–Jan. 7.		Dec. 17–Jan. 15.[3]
Arkansas	Sept. 1–Oct. 30.		Sept. 16–Oct. 15.[4]
Illinois	do.		Sept. 1–Sept. 30.
Indiana	do.		
Kentucky	do.		Sept. 1–Sept. 30.[5]
Louisiana	Oct. 27–Nov. 15.[1]		Dec. 1–Dec. 30.[3]
Minnesota	Sept. 16–Nov. 14.[2]		
Mississippi	Oct. 15–Dec. 13.[3]		Sept. 16–Sept. 30 and Jan. 1–Jan. 15.[3]
Missouri	Sept. 1–Oct. 30.		Sept. 1–Sept. 30.
Ohio	do.[1]		
Tennessee			Sept. 16–Oct. 15.[3]
Wisconsin	Oct. 14–Nov. 22.[2]		

[1] Not more than 15 in the aggregate of rails (other than sora) and gallinules.
[2] Sora, Virginia rail, and gallinules, daily bag and possession limit 15, singly or in aggregate of all kinds, from 12 o'clock noon until sunset.
[3] When rails and gallinules are permitted to be taken during the waterfowl season, they may not be hunted after 1 hour before sunset.

of other migratory game birds, namely waterfowl and coot, and also in connection with the issuance of permits for scientific and propagating purposes. For Alaska, such specifications will provide opening dates for the open seasons on waterfowl and coot as follows: 2d and 4th Judicial Divisions Sept. 1; 3d Judicial Division, except Kodiak-Afoguak Island Group, Sept. 7; 1st Judicial Division and Kodiak-Afoguak Island Group October 1.

Such specifications also will provide open seasons on scoter, eider and old squaw ducks in Connecticut, Maine, Massachusetts, New Hampshire, New York and Rhode Island beginning September 17 and ending December 17 (both dates inclusive). The daily bag limit on such birds will be 7 singly or in the aggregate and the possession limit will be 14 singly or in the aggregate.

The foregoing regulations will be published on or about August 26. Those specifying the open seasons on doves, rails and gallinules, waterfowl and coot in Alaska, scoter, eider, and old squaw ducks in northeastern States, and related matters will become effective September 1, 1950. Those specifying the open seasons, bag limits and possession of waterfowl and coot will become effective October 1, 1950.

The public is hereby invited to participate in the preparation of the amended regulations to be adopted as set forth above, by submitting their views, data, or arguments in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington 25, D. C., on or before August 1, 1950.

[SEAL] WILLIAM E. WARNE,
Acting Secretary of the Interior.

JUNE 30, 1950.

[F. R. Doc. 50-5861; Filed, July 6, 1950; 8:45 a. m.]

[50 CFR, Part 101]

ALASKA COMMERCIAL FISHERIES

NOTICE OF INTENTION TO ADOPT AMENDMENTS FOR PROTECTION

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237; 5 U. S. C. 1003), and the authority contained in the act of June 6, 1924 (43 Stat. 465, 48 U. S. C. 221, et seq.), as amended and supplemented, notice is hereby given that the Secretary intends to take the following action:

Adopt amended regulations permitting and governing the time, means, and methods for the taking of commercial fish in the waters of Alaska, and related matters.

The foregoing regulations are to be effective beginning February 1, 1951, and to continue in effect thereafter until further notice.

Interested persons are hereby given an opportunity to participate in preparing the regulations for issuance as set forth by submitting their views, data, or arguments in writing to the Director of the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., or by presenting their views at a series of open discussions scheduled to be held at the following designated places on the dates specified:

Naknek, Alaska	July 31.
Dillingham, Alaska	Aug. 1.
Kodiak, Alaska	Sept. 18.
Anchorage, Alaska	Sept. 21.
Cordova, Alaska	Sept. 25.
Ketchikan, Alaska	Sept. 30.
Klawock, Alaska	Oct. 2.
Wrangell, Alaska	Oct. 11.
Petersburg, Alaska	Oct. 12.
Sitka, Alaska	Oct. 14.
Juneau, Alaska	Oct. 16.
Seattle, Washington	Nov. 6, 7.

[SEAL] WILLIAM E. WARNE,
Acting Secretary of the Interior.

JUNE 30, 1950.

[F. R. Doc. 50-5867; Filed, July 6, 1950; 8:46 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

FOREIGN TRADE AND FINANCIAL INVESTMENTS IN JAPAN

The following law, enacted by the Japanese Diet, contains regulations of interest to American citizens. Included is law concerning Foreign Investment, May 2, 1950.

LAW CONCERNING FOREIGN INVESTMENT

(2 May 1950)

	Chapter
General Provisions (Art. 1-9)	I
Filing of Report or Application for Validation of Foreign Investment (Art. 10-14)	II
Remittances Arising from Foreign Investment (Art. 15-16)	III
Protection of Foreign Capital (Art. 17)	IV
Adjustment of Investments and Business Activities by Foreign Investors (Art. 18-19)	V
Miscellaneous Provisions (Art. 20-25)	VI
Penalty Provisions (Art. 26-29)	VII
Supplementary Provisions	

CHAPTER I—GENERAL PROVISIONS

PURPOSE

ARTICLE 1. The purpose of this Law is to create a sound basis for foreign investment in Japan, by limiting the induction of foreign investment to that which will contribute to the self-support and sound development of the Japanese economy and to the improvement of the international balance of payments, by providing for remittances arising from foreign investment, and by providing for adequate protection for such investments.

PRINCIPLE CONCERNING FOREIGN INVESTMENT

ART. 2. Foreign investment shall be permitted to be as free as possible, the system of validation, and filing of report pursuant to the provisions of this Law shall be relaxed and eliminated gradually as the necessity for such measures decreases.

DEFINITION

ART. 3. In order to make uniform the application of this Law and orders issued thereunder, the following terminology shall be defined to mean:

(1) "Foreign investors" shall mean—

a. "Exchange non-residents" (excluding juridical persons) as defined in Article 6, item (1) of the Foreign Exchange and Foreign Trade Control Law (Law No. 228 of 1949).

b. Any juridical person (corporate body, enterprise) established under foreign law, or having its seat or place of administration in foreign countries, except those designated by the Foreign Investment Commission.

c. Any juridical person (corporate body, enterprise), wholly owned, directly or indirectly, by a person or persons as specified in either item a. or b. above.

d. Any juridical person (corporate body, enterprise), which is in fact controlled by a person or persons as specified in either item a. or b. above.

e. In addition to those as specified in any one of the items a. through d. above, a person or persons as mentioned in Article 2 paragraph 1 of the Cabinet Order concerning the Acquisition of Properties and/or Rights by Foreign Nationals (Cabinet Order No. 51 of 1949).

(2) "Japan," "foreign countries," "national currency," "foreign currency," "exchange residents," "foreign means of payment" and "property" shall mean "Japan," "foreign countries," "national currency," "foreign currency," exchange residents," "foreign means of payment" and "property" as defined in Article 6 paragraph 1 of the Foreign Exchange and Foreign Trade Control Law.

(3) "Technological assistance contracts" shall mean contracts concerning the transfer of patent or utility model rights or technologies, license agreement thereof, assistance concerning technical and factory management, and others designated by the Foreign Investment Commission (hereinafter referred to as "technological assistance"), the period covering the payment in return of which is in excess of one year, or in excess of one year in the aggregate as the result of renewal or renewals.

2. In case of doubt as to whether or not a juridical person (corporate body, enterprise) comes under a juridical person stipulated in item (1) c. or d. of the preceding paragraph, it shall be determined by the Foreign Investment Commission.

BALANCE OF PAYMENTS STATEMENT OF EXTERNAL ASSETS AND LIABILITIES

ART. 4. The Minister of Finance shall, as provided for by Cabinet Order, prepare and maintain a balance of payments statement of external assets and liabilities.

2. The Minister of Finance shall submit periodically to the Cabinet the statement prescribed in the preceding paragraph.

3. The Minister of Finance may, as provided for by Cabinet Order, request the government agencies and others concerned to submit data necessary for the drafting of the statement prescribed in paragraph 1.

MEASURES TO BE TAKEN WHEN EXTERNAL LIABILITIES BECOME EXCESSIVE OR WHEN THERE IS DANGER OF DEFAULT

ART. 5. In the event that the amount of external liabilities against the amount of external assets has become excessive and as a consequence a danger exists that necessary payment to a foreign country (including payment by foreign means of payment; the same hereinafter) arising from new investment of foreign capital cannot be made, the Minister of Finance shall report to the Cabinet.

2. In the event that the report mentioned in the preceding paragraph is made, the Foreign Investment Commission or the competent Minister shall not license, validate, approve, or take other administrative action concerning the assuming of new obligations to foreign investors, or the new payment to a foreign country arising from such new obligations, until the Cabinet has decided on the policy to be followed with regard to the said report.

3. In the event that the Cabinet has decided its policy based on the report prescribed in paragraph 1, the Foreign Investment Commission or the competent Minister shall follow such policy when licensing, validating, approving or taking other administrative action concerning to assuming of new obligations to foreign investors, or the new payment to a foreign country arising from such new obligations.

4. The provisions of the preceding two paragraphs shall not be construed to impair the rights acquired by foreign investors on the basis of license, validation, approval and/or other administrative action taken by the Foreign Investment Commission, or by the competent Minister in accordance with the provisions of this and other laws and regulations.

MEASURES REGARDING FOREIGN EXCHANGE BUDGET

ART. 6. The Ministerial Council shall, upon consideration of the balance of payments statement prescribed in Article 4, appropriate in the foreign exchange budget the amount within which payment to a foreign country may be made of obligations assumed as the result of contracts prescribed in this law.

ANNOUNCEMENT OF TECHNOLOGICAL ASSISTANCE DESIRED

ART. 7. The Foreign Investment Commission shall, in accordance with its Regulation, make public a list of the kinds of technologies concerning which technological assistance from foreign investors is desired.

2. The Foreign Investment Commission may revise from time to time the list made public in accordance with the preceding paragraph.

STANDARDS OF VALIDATION, LICENSE OR RECOMMENDATION

ART. 8. The Foreign Investment Commission or the Minister of Finance shall apply the following standards on validating or licensing contracts prescribed in this Law, and preference shall be given to those which will most speedily and effectively contribute to an improvement of the international balance of payments.

(1) Directly or indirectly contributing to the improvement of the international balance of payments, or

(2) Directly or indirectly contributing to the development of essential industries or public enterprises, or

(3) Necessary for the revival or continuation of existing technological assistance contracts concerning essential industries or public enterprises.

2. The Foreign Investment Commission or the Minister of Finance shall not validate or license contracts prescribed in this Law which fall under any one of the following paragraphs:

(1) Contracts the provisions of which are not fair, or are in contravention of laws and regulations.

(2) Contracts which are deemed to be entered into or renewed in a manner not free from fraud, duress or undue influence.

(3) When deemed to have an adverse effect on the rehabilitation of Japanese economy.

(4) In the event that national currency is used in payment for the acquisition of debentures, claimable assets arising from loans, stock or proprietary interest, unless the said national currency is that which has been legally acquired from exchange of foreign means of payment for the purpose of the said acquisition, of that which has been obtained through authorized business activities in Japan, or otherwise legally obtained.

3. The provisions of the preceding two paragraphs shall be applied mutatis mutandis in the event that the Foreign Investment Commission recommends license, validation or approval pursuant to the provisions of this Law.

STATEMENT CONCERNING REMITTANCE STIPULATION

ART. 9. In the event that a foreign investor desires to receive payment in return for technological assistance, interest or amortization of principal of debentures or claimable assets arising from loans, by payment to a foreign country, the said effect shall be so stated in the contracts concerning technological assistance, subscription to debentures, or loans.

2. In the event that a foreign investor desires to receive payment of dividends, interest or amortization of principal debentures, by payment to a foreign country, the said effect shall be so stated in the applications to the Foreign Investment Commission for validation of acquisition of stock, proprietary interest, or debentures from which such dividends, interest or amortization of principal arise.

CHAPTER II—FILING OF REPORT OR APPLICATION FOR VALIDATION OF FOREIGN INVESTMENT

VALIDATION OF TECHNOLOGICAL ASSISTANCE CONTRACTS

ART. 10. In the event that a foreign investor and the other party undertake to enter into or renew technological assistance contracts (such renewals shall be limited to those which extend the period of payment in the aggregate for a period in excess of one year, the same definition shall be understood hereinafter), validation from the Foreign Investment Commission shall be obtained in accordance with its Regulations.

VALIDATION OR FILING OF REPORT OF ACQUISITION OF STOCK OR PROPRIETARY INTEREST

ART. 11. A foreign investor desirous of acquiring stock or proprietary interest in a juridical person established under Japanese Law (except in cases requiring prior report pursuant to the provisions of the following paragraph) shall obtain validation from the Foreign Investment Commission in accordance with its Regulations.

2. A foreign investor desirous of acquiring stock or proprietary interest in a juridical person established under Japanese Law whose acquisition falls under any one of the following items, and who does not desire to receive dividends arising from such stock or proprietary interest by payment to a foreign country shall file prior report with the Foreign Investment Commission in accordance with its Regulations.

(1) New stock or proprietary interest allotted on the strength of legally owned stock or proprietary interest.

(2) Stock or proprietary interest transferred from one foreign investor to another.

3. The provisions of the preceding paragraph shall not in any way affect restrictions pursuant to the provisions of the Foreign Exchange and Foreign Trade Control Law.

4. The provisions of paragraphs 1 and 2 shall not be applied in cases where a foreign investor receives restoration of stock or proprietary interest pursuant to the provisions of the Cabinet Order concerning Restoration of United Nations' Shares (Cabinet Order No. 310 of 1949), or of the Imperial Ordinance concerning the Restitution, Etc. of Allied Nationals Property (Imperial Ordinance No. 294 of 1946).

ART. 12. Unless authorized as provided for by Cabinet Order, the Foreign Investment Commission shall not validate the acquisition of stock or proprietary interest pursuant to the provisions of paragraph 1 of the preceding Article unless the said acquisition meets with any one of the requirements of the following subparagraphs:

(1) When creating additional assets of the juridical person concerned, or

(2) If not creating additional assets of the juridical person concerned, when the said acquisition constitutes a part of the investment plan of the foreign investor, and is made with national currency which is legally obtained from the conversion of foreign means of payment for the said purpose.

VALIDATION OF ACQUISITION OF DEBENTURES, ETC.

ART. 13. In the event that a foreign investor desires to acquire debentures of a juridical person established under Japanese Law, or to acquire claimable assets arising from loans, and such acquisition is associated with other matters requiring validation by the Foreign Investment Commission, the said acquisition is also subject to validation by the Foreign Investment Commission in accordance with its Regulations.

2. In the event that an application for validation has been submitted pursuant to the provisions of the preceding paragraph, it shall be deemed that application to the Minister of Finance has been made pursuant to the provisions of the Foreign Exchange and Foreign Trade Control Law.

3. The Foreign Investment Commission shall not make validation pursuant to the provisions of paragraph 1 until license from the Minister of Finance has been issued with regard to the application deemed to have been submitted pursuant to the provisions of the preceding paragraph.

STIPULATION OF CONDITIONS

ART. 14. The Foreign Investment Commission may, on making validation pursuant to the provisions of this law, stipulate conditions upon which validation is based.

2. In the event that the competent Minister as prescribed by the Foreign Exchange and Foreign Trade Control Law indicates to the Foreign Investment Commission conditions with reference to payment to a foreign country relating to matters requiring validation by the Foreign Investment Commission pursuant to the provisions of this Law, the Foreign Investment Commission shall include the said conditions in the conditions prescribed in the preceding paragraph.

CHAPTER III—REMITTANCES ARISING FROM FOREIGN INVESTMENT

REMITTANCE OF PAYMENT IN RETURN FOR TECHNOLOGICAL ASSISTANCE, ETC.

ART. 15. In the event that receipt by payment to a foreign country is expressly stated, in accordance with the provisions of Article 9, of return of technological assistance, dividends, interest or amortization of principal, and validation by the Foreign Investment Commission is obtained pursuant to the provisions of this Law, the said payment to a foreign country shall be deemed to be authorized pursuant to the provisions of Article 27 of the Foreign Exchange and Foreign Trade Control Law, subject to the conditions stipulated by the Foreign Investment Commission, if any, pursuant to the provisions of the preceding Article.

2. Unless authorized as provided for by Cabinet Order, the provisions of the preceding paragraph shall not apply to payment to a foreign country of dividends, interest or amortization of principal resulting from foreign investments made in national cur-

rency acquired other than by conversion of foreign means of payment, or the equivalent thereof.

RECOMMENDATIONS CONCERNING REMITTANCE OF PROFITS ARISING FROM BUSINESS ACTIVITIES

ART. 16. Matters concerning licensing of payment to a foreign country of profits arising from legitimate business activities in Japan of exchange residents shall be referred beforehand by the competent Minister to the Foreign Investment Commission; the Foreign Investment Commission shall make recommendation thereon so as to assure equitable treatment compared with payments to a foreign country arising from matters requiring validation by the Foreign Investment Commission.

2. The above shall not apply in cases of minor importance, or other cases prescribed by Foreign Investment Commission Regulations.

3. The competent Minister shall respect the recommendations of the Foreign Investment Commission on licensing the said payments to a foreign country.

CHAPTER IV—PROTECTION OF FOREIGN CAPITAL

PROTECTION OF FOREIGN CAPITAL

ART. 17. In the event that the government, local public entities or other duly authorized persons expropriates or compulsorily purchases, on and after the enforcement of this Law, pursuant to procedures prescribed in a law other than the Foreign Exchange and Foreign Trade Control Law, the whole or a part of property legally owned in Japan by a foreign investor, the necessary funds shall be appropriated in the foreign exchange budget in order to assure payment to a foreign country of the amount receivable by the said foreign investor as the result of the said expropriation or compulsory purchase for the period of one year from the day of the receipt of the said amount.

2. In the event that a foreign investor uses the funds appropriated in the foreign exchange budget pursuant to the provisions of the preceding paragraph, it shall be deemed that payment to a foreign country has been authorized pursuant to the provisions of Article 27 of the Foreign Exchange and Foreign Trade Control Law.

3. In the event that the whole or a part of the assets of a juridical person which is in fact controlled by a foreign investor through ownership of stock or proprietary interest, is expropriated or compulsorily purchased as prescribed in paragraph 1, above, similar treatment to that prescribed in the provisions of the preceding two paragraphs shall be extended to the stock or proprietary interest involved pursuant to the provisions of a law to be enacted separately.

CHAPTER V—ADJUSTMENT OF INVESTMENTS AND BUSINESS ACTIVITIES BY FOREIGN INVESTORS

REFERENCE TO CABINET

ART. 18. In the event that government agencies (government agencies other than the Fair Trade Commission, as defined in Article 3 paragraph 2 and Article 24 of the National Government Law (Law No. 120 of 1948); the same hereinafter) request Cabinet decision concerning important matters regarding investments or business activities of foreign investors, the said matters shall be referred beforehand to the Foreign Investment Commission.

2. The Foreign Investment Commission shall transmit its opinions concerning the matters mentioned in the preceding paragraphs to the Cabinet.

RECOMMENDATIONS OF FOREIGN INVESTMENT COMMISSION

ART. 19. In the event that government agencies propose to license, validate, approve or take other administrative action with regard to investments or business activities of foreign investors, they shall refer the matters beforehand to the Foreign Investment Commission and request recommendations thereon. However, the above shall not apply in cases of minor importance of other cases prescribed by Foreign Investment Commission Regulation.

2. Government agencies, in taking administrative actions mentioned in the preceding paragraph, shall respect the recommendations of the Foreign Investment Commissions.

CHAPTER VI—MISCELLANEOUS PROVISIONS

APPEAL

ART. 20. Any person aggrieved by the action taken by the Foreign Investment Commission pursuant to the provisions of this Law, may appeal to the Foreign Investment Commission by filing a petition in writing stating the substance of his grievance.

HEARING

ART. 21. The Foreign Investment Commission upon receiving such petition as mentioned in the preceding Article shall afford to the petitioner an opportunity for public hearing after reasonable advance notice.

2. The Notice mentioned in the preceding paragraph shall state the time, place and issues involved.

3. At the hearing, opportunity shall be afforded the petitioner and all interested persons to present evidence and argument with respect to the said issue.

DECISION

ART. 22. The Foreign Investment Commission shall make the decision on the issues in writing, and copies thereof shall be delivered to the petitioner and other interested persons.

RULES OF PROCEDURE

ART. 23. Appropriate rules of procedure for appeals, notice, hearing and decision shall be provided for by Cabinet Order.

REPORTS

ART. 24. A foreign investor or the other contracting party shall report to the Foreign Investment Commission in accordance with its Regulation, when after having filed report or obtained validation as prescribed in the provisions of this Law, contract has been entered into or renewed, or stock or proprietary interest has been acquired.

POWERS, ETC. OF FAIR TRADE COMMISSION

ART. 25. The provisions of this Law, or the powers of the Foreign Investment Commission pursuant to the provisions of this Law, shall not be construed to modify the provisions of the Law relating to Prohibition of Private Monopoly and Method of Preserving Fair Trade (Law No. 54 of 1947) or of the Trade Association Law (Law No. 191 of 1948), or the powers of the Fair Trade Commission pursuant to the said Laws.

CHAPTER VII—PENALTY PROVISIONS

ART. 26. Any person who comes under any one of the following subparagraphs shall be liable to penal servitude not exceeding three (3) years or to fine not exceeding three hundred thousand (300,000) yen, or to both.

(1) Any person who has violated the provisions of Article 10.

(2) Any person who has violated the provisions of Article 11 paragraph 1.

(3) Any person who has violated the provisions of Article 13 paragraph 1.

ART. 27. Any person who has failed to file report pursuant to the provisions of Article 11 paragraph 2, or has filed false report and acquired stock or proprietary interest pursuant to the said paragraph shall be liable to penal servitude not exceeding one (1) year, or to fine not exceeding one hundred thousand (100,000) yen, or to both.

ART. 28. Any person who has failed to make report pursuant to the provisions of Article 24 or has made false report shall be liable to penal servitude not exceeding six (6) months or to fine not exceeding fifty thousand (50,000) yen.

ART. 29. When a representative of a juridical person (including organizations as defined in Article 3 paragraph 1 item (1), the same definition being understood in this paragraph), or an agent, employee or other worker engaged by a juridical person or a natural person, has committed acts in contravention of the preceding three Articles in regard to the business or property of such juridical person or natural person, the juridical person or natural person shall be liable to a fine specified in each Article in addition to the punishment of the offender. However, the above shall not apply when it is proved that due care and supervision has been exercised over the said business or property in order to prevent the aforesaid contraventions committed by an agent, employee or other worker engaged by the juridical person or natural person.

2. In case a juridical person as specified in Article 3 is to be punished, its representative or custodian shall represent it in its court action and the provisions of the laws concerning criminal prosecution applicable to an accused or suspect person shall apply mutatis mutandis.

SUPPLEMENTARY PROVISIONS

1. The effective date of this Law shall be prescribed by Cabinet Order, provided that such date shall not be later than 30 days as from the date of promulgation.

2. With regard to contracts prescribed in Article 10, in the event that validation has been obtained under the provisions of the said Article, the provisions of Article 3 paragraph 1 of the Cabinet Order concerning Acquisition of Properties and/or Rights by Foreign Nationals shall not be applied to the acquisition of property pursuant to the said contracts.

3. With regard to application from foreign nationals for acquisition of stock or proprietary interest pursuant to the provisions of the Cabinet Order concerning the Acquisition of Properties and/or Rights by Foreign Nationals filed prior to the enforcement of this Law and concerning which the Foreign Investment Commission has not yet completed action of validation or non-validation, in the event that matters relating to such applications require filing of report pursuant to the provisions of Article 11 paragraph 2, such applications shall be deemed to be filing of report pursuant to the provisions of the said paragraph, and in other cases, the said applications shall be deemed to have been filed pursuant to the provisions of paragraph 1 of the said Article.

4. The Cabinet Order concerning Acquisition of Properties and/or Rights by Foreign Nationals shall be amended partially as follows:

"stock and shared or" in Article 3 paragraph 1 item (1) shall be deleted. "or of the Cabinet Order concerning Restoration of United Nations' Shares (Cabinet Order No. 310 of 1949)" in Article 6 item (2) shall be deleted, and "restitution or restoration claim" in the said item shall be amended as "restitution claim"; item (5) of the said Article shall be amended as follows: (5) Deleted.

"the Cabinet Order concerning Restitution of property for J. & P. Coates, Limited (Cabinet Order No. 46 of 1949), or the Cabinet Order concerning Restoration of United Nations' Shares" shall be amended as "or the Cabinet Order concerning Restitution of property for J. & P. Coates, Limited (Cabinet Order No. 46 of 1949)", and "transfer or restoration" shall be amended as "or transfer" in Article 10 paragraph 1.

5. As to an act which was committed prior to the enforcement of this Law and which is in contravention of the provisions of the Cabinet Order concerning the Acquisition of Properties and/or Rights by Foreign Nationals prior to amendment by the provisions of the preceding paragraph, the application of penal provisions shall be as heretofore.

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 50-5891; Filed, July 6, 1950; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 53388]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM BOISE PROJECT

JUNE 30, 1950.

An order of the Bureau of Reclamation dated July 28, 1949, concurred in by the Director, Bureau of Land Management, September 14, 1949, revoked the Departmental Orders of March 5 and December 22, 1903, and April 15, 1919, so far as they withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following-described lands in connection with the Boise Project, Idaho, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

BOISE MERIDIAN

T. 5 N., R. 4 W.,
Sec. 3, SE¼NE¼, SE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 4, SW¼SE¼;
Sec. 5, Lots 3, 4, S½NW¼;
Sec. 8, NW¼NE¼;
Sec. 9, W½NE¼.
T. 4 N., R. 6 W.,
Sec. 2, Lots 1, 2, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, NE¼SE¼, W½SE¼;
Sec. 11, NW¼NE¼.

The above areas aggregate 985.90 acres.

The lands are grazing in character, but because of their location are chiefly valuable for exchange purposes.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

MARION CLAWSON,
Director.

[F. R. Doc. 50-5832; Filed, July 6, 1950; 8:45 a. m.]

[1649379]

NEVADA

NOTICE OF FILING OF PLAT OF SURVEY

JUNE 30, 1950.

Notice is given that the plat of extension survey of the following described lands, accepted April 22, 1949, will be officially filed in the Land and Survey Office, Reno, Nevada, effective at 10:00 a. m. on the 35th day after the date of this notice:

MOUNT DIABLO MERIDIAN

T. 29 N., R. 53 E.,
Sec. 13, all
Sec. 24, all
Sec. 25, all
Sec. 26, all
Sec. 27, all
Sec. 34, all
Sec. 35, all
Sec. 36, all

The area described aggregates 5,150.16 acres.

Available data indicates that the lands are rough and mountainous in character.

No applications for these lands may be allowed under the homestead, small tract, desert land or any other non-mineral public land laws unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon the consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as

may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Reno, Nevada.

MARION CLAWSON,
Director.

[F. R. Doc. 50-5863; Filed, July 6, 1950; 8:45 a. m.]

[Misc. No. 9367]

ALASKA

RESTORATION ORDER NO. 1239 UNDER FEDERAL POWER ACT

JUNE 30, 1950.

Pursuant to the determination of the Federal Power Commission (DA-39, Alaska) and in accordance with Departmental Order No. 2238 (a) (16) of August 16, 1946 (11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-identified land, so far as it is withdrawn or reserved by Power Site Classification No. 221 approved May 14, 1929, or Power Project No. 1185 reserved September 9, 1942, is hereby restored for purchase as a homesite under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461), subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818), provided that no use shall be made of the land which will in any way interfere or be inconsistent with the use of the land by the United States, its permittees or licensees:

On Baranof Island at head of Warm Springs Bay, adjacent to southeast boundary of Baranof Townsite, 1.04 acres; latitude 57°5'18" N., longitude 34°50'5" W. (Homesite No. 994).

MARION CLAWSON,
Director.

[F. R. Doc. 50-5864; Filed, July 6, 1950; 8:45 a. m.]

[Misc. 54332]

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JUNE 30, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 16 S., R. 8 E.,
Sec. 13, NW¼SE¼.
T. 17 S., R. 9 W.,
Sec. 35, SE¼SE¼.
T. 29 S., R. 25 E.,
Sec. 29, W½.
T. 35 S., R. 18 W.,
Sec. 8, SE¼;
Sec. 9, SW¼.

The areas described aggregate 720 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office at Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

MARION CLAWSON,
Director.

[F. R. Doc. 50-5865; Filed, July 6, 1950; 8:45 a. m.]

[Misc. 57673]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JUNE 30, 1950.

In an exchange of lands made under the provisions of Section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN

T. 4 S., R. 31 E.,
Sec. 10, E½;
Sec. 11, SW¼,
T. 5 S., R. 30 E.,
Sec. 6, lot 7, SE¼SW¼,
T. 7 S., R. 21 E.,
Sec. 4, NE¼SW¼, S½SW¼, W½SE¼,
T. 8 N., R. 33 E.,
Sec. 2, lots 1 and 2, S½NE¼,
T. 12 S., R. 16 E.,
Sec. 23, NW¼SW¼.

The areas described aggregate 957.97 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

MARION CLAWSON,
Director.

[F. R. Doc. 50-5866; Filed, July 6, 1950; 8:45 a. m.]

Office of the Secretary

[Misc. No. 56173]

ARIZONA

REVOKING CERTAIN WITHDRAWALS FOR FOREST ADMINISTRATIVE SITES

The hereinafter designated departmental orders withdrawing certain lands in Arizona for the use of the Forest Service, Department of Agriculture, as forest administrative sites are hereby revoked so far as they affect the following described lands:

Date of order: February 5, 1907.
Name of administrative site: Rosemont Ranger Station.

Description of lands: Gila and Salt River Meridian—T. 18 S., R. 16 E., sec. 29, S½S½NE¼SE¼ and SE¼SE¼; sec. 32, NE¼NE¼, containing 60 acres.

The above described lands are within the Coronado National Forest.

Date of order: November 19, 1908.
Name of administrative site: Camp Wood Ranger Station.
Description of lands: T. 17 N., R. 6 W., a tract described by metes and bounds in sec. 35, containing approximately 127 acres.

The above described lands are within the Prescott National Forest.

This order shall become effective at 10:00 a. m. on the 35th day after publication in the FEDERAL REGISTER.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

JUNE 29, 1950.

[F. R. Doc. 50-5868; Filed, July 6, 1950; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry and Commerce

[Case No. 84]

ROLF G. GROTE

ORDER SUSPENDING LICENSE PRIVILEGES

In the matter of: Rolf G. Grote, 1482 York Avenue, New York, N. Y., respondent; Case No. 84.

This proceeding was begun by the mailing of a charging letter dated November 29, 1949, in which the above-named respondent was charged with having violated section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, and the regulations promulgated thereunder. It was alleged in such charging letter that respondent had procured the issuance of an export license and the authentication of shipper's export declarations for the exportation of large quantities of tetra methyl thiuram disulfide and tetra ethyl thiuram disulfide to Switzerland on the basis of representations that Switzerland was the country of ultimate destination whereas respondent knew that such commodities were being purchased for transshipment to Russia. It was further alleged that respondent did in fact make exportation in accordance with such license and declarations and that such commodities were in fact transshipped to Russia.

Respondent having filed an answer denying the charges and requesting an oral hearing, such hearing was held in Washington on December 21, 1949, at which respondent personally appeared and testified and at which both respondent and the Enforcement Staff were represented by counsel. Oral and documentary evidence was received and, subsequent to the hearing, under date of February 16, 1950, respondent's counsel filed a brief. All of such material has been carefully considered by the Compliance Commissioner and on the basis thereof he filed his report under date of April 28, 1950. Inasmuch as the delegation of authority to administer export control was subsequently transferred by order of the Secretary of Commerce from

the Office of International Trade to the Office of Industry and Commerce, this proceeding, together with the Compliance Commissioner's report, was similarly transferred.

It appears from the record and the report of the Compliance Commissioner that respondent is, and at all times relevant to this proceeding was, an individual engaged in New York City in export trade; that on or about July 1, 1948, respondent filed with the Office of International Trade an application for a license to export a total of 231,500 pounds of the above-described commodities to a consignee in Switzerland and therein represented that Switzerland was the country of ultimate destination; that on or about July 12, 1948, the Office of International Trade issued to respondent an export license in the terms of such application; that during the months of August and September 1948, respondent exported such quantity of such commodities from the United States and, in the course of such exportation, filed with U. S. Customs nine shipper's export declarations in which respondent certified that shipment was being made to Switzerland as the country of ultimate destination; and that, upon arrival of such commodities at Antwerp, Belgium, ostensibly enroute to Switzerland, they were transhipped to Russia.

It further appears from the record and the report of the Compliance Commissioner that respondent, prior to making the above-described exportations, received from the Swiss consignee a copy of a document in the German language in which such consignee guaranteed to the Russian Government that the commodities to be shipped would correspond with samples previously furnished to the Russian Legation in Bern, Switzerland; that respondent was thereby put on notice of the fact that the ultimate purchaser was Russia and that transshipment to Russia would take place; that respondent nevertheless failed to notify the Office of International Trade or the Bureau of Customs of such knowledge as had come to him but, on the contrary, proceeded to make shipment under the pretended authority of the export license and pursuant to export declarations describing Switzerland as the country of ultimate destination; and that respondent thereby made false representations to the Office of International Trade directly and through the Bureau of Customs, effected exportation contrary to the terms of the export license to a country not authorized by such license, and thus violated the laws and regulations relating to export control.

The Compliance Commissioner has accordingly recommended that all outstanding export licenses issued to or in the name of respondent be revoked and ordered to be returned for cancellation; that respondent be henceforth denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general as well as validated export licenses, for the shipment to any destination of any commodities included in the Positive List as promulgated by the Office of Industry and Commerce and as such Positive List may from time to time be constituted; that respondent be permitted, however, to apply to the Office of Industry and Commerce at any time after the expiration of four months for reinstatement of such license privileges; and that such suspension of export license privileges extend not only to respondent but also to any person, trade name, firm, corporation, or other business association with which he may be now or hereafter related by ownership or control or with which he may hold a position of responsibility involving the preparation, filing or use of any export control documents.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the record in this proceeding, and it appears that such findings are supported by the record and that such recommendations are reasonable and should be adopted. *Now, therefore, it is ordered,* As follows:

(1) All outstanding export licenses issued to or in the name of respondent are hereby revoked and shall be returned forthwith to the Office of Industry and Commerce for cancellation.

(2) Respondent is hereby henceforth denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general as well as validated export licenses, for shipment from the United States of any commodities contained in the Positive List as promulgated by the Office of Industry and Commerce and as such Positive List may from time to time be constituted: *Provided, however,* That respondent may, at any time after expiration of four months from the date of this order, apply to the Office of Industry and Commerce for reinstatement of such license privileges.

(3) Such suspension of export license privileges shall extend not only to respondent but also to any person, trade name, firm, corporation, or other business association with which he may be now or hereafter related by ownership or control or with which he may hold a position of responsibility involving the preparation, filing or use of any export control documents.

Issued this 3d day of July 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

Approved:

JOHN F. HAVENER,
Assistant Director.

[F. R. Doc. 50-5907; Filed, July 6, 1950; 8:51 a. m.]

[Case No. 86]

INDIEX TRADE SERVICE, INC.

ORDER SUSPENDING LICENSE PRIVILEGES

In the matter of Indiex Trade Service, Inc., H. I. Neumann, 94-05 35th Avenue, Jackson Heights, Long Island, N. Y.; Alfred Landau, 593 Riverside Drive, New York, N. Y.; respondents; Case No. 86.

This proceeding was begun by the mailing of a charging letter to the above-named respondents under date of October 24, 1949, wherein respondents, together with others were charged with having violated section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, and the regulations promulgated thereunder, by exporting large quantities of caustic soda from the United States to Venezuela under the purported authority of export licenses issued to others and which in one instance authorized exportation to a consignee and destination other than those to which shipment was in fact made and in another instance authorized shipment of a lesser quantity than was in fact exported.

Respondents having submitted written answers denying the charges and requesting an oral hearing, hearings were held before the Compliance Commissioner in New York City on December 15 and 16, 1949, January 6, 1950, and April 6, 1950, at which respondents as well as the Enforcement Staff were represented by counsel and at which extensive testimony and documentary evidence were received. The record so made has been carefully examined by the Compliance Commission and on the basis thereof he duly filed his report under date of May 24, 1950. Inasmuch as the delegation of authority to administer export control was subsequently transferred by order of the Secretary of Commerce from the Office of International Trade to the Office of Industry and Commerce, this proceeding, together with the Compliance Commissioner's report, was similarly transferred.

It appears from the record and the report of the Compliance Commissioner that respondent Indiex Trade Service, Inc., was, at the time of the transactions herein involved, a corporation engaged in export trade in New York City; that respondent Landau was president and treasurer of said corporation, owned 51 percent of its stock, and was the individual principally responsible for the transactions herein involved; that respondent Neumann was vice-president of said corporation, owned 49 percent of its stock, and, although familiar with the transactions herein involved, did not participate actively in them; that said corporation was legally dissolved on May 20, 1949; and that respondents Landau and Neumann are still engaged in the export business in New York City, Landau being in business for himself, but Neumann being employed by an independent concern.

It further appears from the record and the report of the Compliance Commissioner that during December 1947, respondents exported to a consignee in Venezuela approximately 100,000 pounds of caustic soda under the pretended authority of an export license which authorized exportation neither by respondents nor to the consignee in Venezuela; that respondents had procured such license from their suppliers, who likewise were not parties to the license, and had appropriated and used such license without amendment to effect exportation with knowledge that it did not so authorize; and that exportation was effected under shipper's export declarations which falsely declared such shipments as partial shipments and falsely described respondents as agents for the licensee named in such license.

It further appears from the record and the report of the Compliance Commissioner that, during February and March 1948, respondents made further exportation of approximately 200,000 pounds of caustic soda to such consignee in Venezuela under the prentended authority of an export license issued to their suppliers and which, while authorizing exportation to such consignee in Venezuela, permitted such exportation in the amount of only 80,000 pounds; that respondents appropriated and used such license without amendment to make such excessive shipments with knowledge that it did not so authorize; and that exportation was effected under shipper's export declarations which falsely declared all such shipments as partial shipments and falsely described respondents as the licensed exporters.

It further appears from the record and the report of the Compliance Commissioner that, although it has proved to be impossible to determine from the evidence the devices by which respondents secured clearance of such shipments through Customs and thus accomplished such illegal exportations, respondents knowingly made such exportations as unlicensed exporters and, in the one case, to an unlicensed consignee in an unlicensed country of destination, and, in the other case, in quantities far in excess of the quantity licensed; that respondents made such exportations pursuant to knowingly falsified shipper's export declarations and thus made or were responsible for the making of false representations; and that respondents thereby did knowingly violate the laws and regulations relating to export control.

The Compliance Commissioner has accordingly recommended that all outstanding export licenses issued to respondents be revoked and returned for cancellation; that respondents be denied export license privileges insofar as concerns shipment of any Positive List commodities for a period of six months in the case of respondents Indiex Trade Service, Inc., and Landau, and for a period of three months in the case of respondent Neumann; and that such denial of license privileges extend not only to respondents but also to any concern with which they may be related by ownership or control or with which they may hold a position of responsibility in the conduct of export trade.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the record in this proceeding, and it appears that such findings are supported by the record and that such recommendations are reasonable and should be adopted. *Now, therefore, it is ordered,* As follows:

(1) All outstanding export licenses issued to or held by respondents or any of them are hereby revoked and shall be returned forthwith to the Office of Industry and Commerce for cancellation.

(2) Respondents and each of them are hereby denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general as well as validated export licenses, for the shipment to any destination of any commodity appearing on the Positive List of commodities as promulgated by the Office of Industry and Commerce and as such Positive List may from time to time be constituted, such denial to run from the date of this order and to continue for a period of six months in the case of respondents Indiex Trade Service, Inc., and Landau, and for a period of three months in the case of respondent Neumann.

(3) Such suspension of license privileges shall extend not only to said respondents but also to any person, trade name, firm, corporation or other business association with which they or any of them may be now or hereafter related by ownership or control or with which they or any of them may now or hereafter hold a position of responsibility involving the preparing, filing, or using of any export control documents.

Issued this 3d day of July 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

Approved:

JOHN F. HAVENER,
Assistant Director.

[F. R. Doc. 50-5908; Filed, July 6, 1950; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938, as amended.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under those certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pant, Shirts and Allied Garments, Women's Apparel, Sportwear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 399)).

Ace Manufacturing Co., Inc., Harrington, Del., effective 6-26-50 to 7-25-50; 10 percent plus 15 learners for expansion (dresses).

Aller Dress Co., Inc., 155 Brackett Street, Portland, Maine, effective 6-26-50 to 7-25-50; 10 percent (dresses).

Auerbach Bath Robe Corp., 385 Pleasant Street, Fall River, Mass., effective 6-19-50 to 7-25-50; 10 percent plus 10 learners for expansion (bathrobes).

Baltimore Trouser Co., Inc., Abingdon, Hartford County, Md., effective 6-26-50 to 7-25-50; 10 percent (trousers).

Bannon Mills, Inc., Seventh and Union Streets, Lebanon, Pa., effective 6-26-50 to 7-25-50; 10 percent plus 24 learners for expansion (infants' and children's wear).

D. & D. Sewing Co., 1360 North George Street, York, Pa., effective 6-26-50 to 7-25-50; 10 percent (infants' and children's outerwear).

Dallmeyers', 241 Water St., Spring Grove, Pa., effective 6-26-50 to 7-25-50; 10 percent (dresses).

Grace Sportwear Co., 614 Exeter Avenue, West Pittston, Pa., effective 6-20-50 to 7-25-50; 10 percent (blouses).

The House of Pinquet, Belding, Mich., effective 6-23-50 to 7-25-50; 10 percent (coats and snowsuits).

Lamont Pants Co., 310 Illinois Street, Lamont, Ill., effective 6-26-50 to 7-25-50; 10 percent (men's and boys' clothing).

M & M Dress Co., Inc., 8 Givans Avenue, Wappingers Falls, Dutchess County, N. Y., effective 6-20-50 to 7-25-50; 15 learners (dresses and blouses).

Mary Kay Dress Co., Weston, Pa., effective 6-20-50 to 7-25-50; six learners (dresses).

Modern Togs, Inc., 30 Bank Street, Elizabeth, N. J., effective 6-20-50 to 7-25-50; 10 percent (infants' and children's outerwear).

Weitz & Co., Inc., 1205 Broadway, Lorain, Ohio, effective 6-20-50 to 7-25-50; 7 percent of productive factory workers (men's and boys' clothing).

Hosiery Learner Regulations (29 CFR, 522.40 to 522.51; as revised January 25, 1950 (15 F. R. 283)).

Belknap Mills Corp., Laconia, N. H., effective 6-19-50 to 6-18-51; 5 percent of the total number of factory workers (not including office and sales personnel).

Union Dye & Finishing Works, Inc., Union, S. C., effective 6-21-50 to 2-20-51; five learners (supplemental certificate).

Knitted Wear Learner Regulations (29 CFR, 522.68 to 522.79; as amended January 25, 1950 (15 F. R. 398)).

Ashland Knitting Mills, Front and Chestnut Streets, Ashland, Pa., effective 6-26-50 to 7-25-50; 20 learners for expansion.

Union Knitting Mills, 15 South Third Street, Philadelphia 6, Pa., effective 6-20-50 to 7-25-50; 5 percent of the number of productive factory workers.

Regulations Applicable to the Employment of Learners (29 CFR, 522.1 to 522.14).

Elkor, Inc., Jacksonville, Fla., effective 6-9-50 to 12-8-50; six learners; finishing, 320 hours, springing, 320 hours, hand sewing, 320 hours, sewing machine operator, 480 hours, frame assembling, 480 hours, wood working machine operator, 480 hours, for 320 hours occupations—60 cents per hour; for 480 hours occupations—60 cents per hour for the first 320 hours and 65 cents for the remaining 160 hours (upholstered furniture).

Frankel Carbon & Ribbon Co., 1720 Arapahoe Street, Denver 2, Colo., effective 6-19-50 to 12-18-50; three learners; stencil makers, 240 hours, 65 cents (duplicating stencils).

Klein Food Products, Inc., Ehrhardt, S. C., effective 6-23-50 to 9-22-50; 36 learners; pickle packing, 160 hours, 60 cents (pickles).

Mr. C. W. Pennington, Gillette, N. J., effective 6-19-50 to 8-1-50; one learner; brush maker, 360 hours, 65 cents an hour for the first 180 hours and not less than 70 cents

for the second 180 hours (brush manufacturing).

The Ranburn Co., Inc., 112 Killewald Street, Tonawanda, N. Y., effective 6-15-50 to 9-12-50; three learners; basic hand and machine box making operations except cutting, scoring and slitting, 240 hours, 67 cents per hour for the first 160 hours and 72 cents per hour for the remaining 80 hours (set-up paper boxes).

Danielle Co., Inc., Munoz Rivera, Barranquintas, Puerto Rico, effective 5-13-50 to 8-12-50; 109 learners for expansion; several occupations, 520 hours, 30 cents per hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 29th day of June 1950.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F R. Doc. 50-5869; Filed, July 6, 1950; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3426 et al.]

MID-CONTINENT AIRLINES ET AL.; THROUGH SERVICE PROCEEDING

NOTICE OF ORAL ARGUMENT

In the matter of a proceeding to determine whether the public convenience and necessity require the establishment of through air transportation service by interchange arrangements or otherwise between Mid-Continent Airlines, Inc., and Eastern Air Lines, Inc., at St. Louis, Mo., or between Mid-Continent Airlines, Inc., Chicago and Southern Air Lines, Inc., and Eastern Air Lines, Inc., or Delta Air Lines, Inc., at Memphis, Tenn., and between Braniff Airways, Inc., and Eastern Air Lines, Inc., or Delta Air Lines, Inc., at Memphis, Tenn., and in the matter of the joint application of Delta Air Lines., Inc., and Chicago and Southern Air Lines, Inc., for approval under section 412 and, if such approval is deemed necessary, under section 408 of the Civil Aeronautics Act of 1938, as amended, of an agreement relating to the interchange of equipment.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 20, 1950, at 10:00 a. m., e. d. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 30, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-5905; Filed, July 6, 1950; 8:50 a. m.]

[Docket No. 4193]

UNITED AIR LINES, INC.; APPLICATION FOR AMENDMENT TO ROUTE No. 1

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of United Air Lines, Inc., for amendment to its certificate of public convenience and necessity so as to authorize air transportation of property and mail, only, between Hartford, Conn., and Boston, Mass., on the one hand, and New York, N. Y., and Newark, N. J., and points west thereof on route No. 1, on the other, subject to certain conditions.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, previously assigned to be heard on July 10, 1950, is postponed to July 12, 1950, at 10:00 a. m., e. d. s. t., in Room 116, Wing "C", Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., July 5, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-5927; Filed, July 6, 1950; 9:00 a. m.]

[Docket No. 4196]

LINEAS AEREAS COSTARRICENSES, S. A.

NOTICE OF HEARING

In the matter of the application of Lineas Aereas Costarricenses, S. A., under section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing the foreign air transportation of persons, property and mail between the terminal point San Jose, Costa Rica, and the terminal point Miami, Florida, with or without an intermediate stop at Puerto Cabezas, Nicaragua.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on July 17, 1950, at 10:00 a. m., e. d. s. t., in Room 116, Wing C, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing and able to perform such transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and the Republic of Costa Rica.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before July 17, 1950, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., July 5, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-5928; Filed, July 6, 1950; 9:00 a. m.]

FEDERAL MARITIME BOARD

ATLANTIC AND GULF/WEST COAST OF CENTRAL AMERICA AND MEXICO CONFERENCE ET AL.

NOTICE OF ACTION BY BOARD ON BROKERAGE PROVISIONS OF CONFERENCE AGREEMENTS

The Federal Maritime Board at its meeting on June 28, 1950, found that the carriers, members of the conferences listed below, had failed to comply with the decision of the United States Maritime Commission in Docket 657 or with the order of the Commission thereon of March 8, 1950, as extended for compliance by the Board to June 19, 1950, with respect to the cancellation of any prohibition contained in the respective conference agreements, their rules applicable thereto, or tariffs adopted thereunder against the members paying brokerage or holding the rate of such brokerage below 1¼% of the freight rates involved.

The Board further found that the specifically quoted provisions in the conference agreements are violative of the decision and order above referred to, and, for the reasons set forth in that decision are detrimental to the commerce of the United States, and that each conference agreement be and it is hereby modified by deleting therefrom the respective detrimental provision.

2743—Atlantic and Gulf/West Coast of Central America and Mexico Conference:

ARTICLE 4. "No freight brokerage or commission will be paid."

3868—Atlantic and Gulf/Panama Canal Zone, Colon and Panama City Conference:

ARTICLE 3. "No member of the Conference, its agents, principals, associates or subsidiaries, shall • • • pay or allow any freight brokerage on any cargo within the scope of this agreement • • • except as may be specifically reported and approved by Conference action."

4183—Gulf and South Atlantic Havana Steamship Conference:

ARTICLE 6. "No payment of brokerage, commission or other compensation to brokers, forwarders, or other persons engaged in the solicitation of freight traffic and not regularly employed by member lines shall be made except as may be authorized by the Conference; • • •"

4189—Havana Steamship Conference:

ARTICLE 6. "No payment of brokerage, commission or other compensation to brokers, forwarders, or other persons engaged in the solicitation of freight traffic and not regularly employed by member lines shall be made except as may be authorized by the Conference; • • •"

4610—Atlantic and Gulf Ports-Jamaica Steamship Conference:

ARTICLE 3. "No member of the Conference, its agents, principals, associates or subsidiaries, shall • • • pay or allow any freight brokerage on any cargo within scope of this Agreement • • • except as may be specifically reported and approved by Conference action."

5590—Atlantic and Gulf/Haiti Conference:

ARTICLE 6 (a) "There shall be no brokerage paid, neither commissions nor other compensation to brokers, forwarders or other persons representing shippers and/or consignees of cargo."

Item 12 of the Rules and Regulations attached to and made a part of the agreement reads: "Brokerage: No brokerage is to be paid."

7650—Santiago de Cuba Conference:

ARTICLE 5—first paragraph—"No freight brokerage shall be allowed on any cargo within the scope of this agreement."

Dated: July 3, 1950, at Washington, D. C.

By the Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-5885; Filed, July 6, 1950; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1390]

HOPE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JUNE 29, 1950.

On May 9, 1950, Hope Natural Gas Company (Applicant), a West Virginia corporation having its principal place of business in Clarksburg, West Virginia, filed an application for an order pursuant to section 7 (b) of the Natural Gas Act, as amended, permitting and approving the abandonment of certain natural gas transmission pipeline facilities subject to the jurisdiction of the Commission, as described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 19, 1950 (15 F. R. 3072).

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 20, 1950, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: June 30, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5870; Filed, July 6, 1950; 8:46 a. m.]

[Docket No. G-1422]

DELTA NATURAL GAS CO.

NOTICE OF APPLICATION

JUNE 30, 1950.

Take notice that on June 19, 1950, Delta Natural Gas Company (Applicant), a Kentucky corporation with its principal place of business in Stanton, Kentucky, filed an application for a certificate of public convenience and necessity and an amendment thereto on June 28, 1950, requesting an order under section 7 of the Natural Gas Act, as amended, directing Central Kentucky Natural Gas Company to sell and deliver such reasonable quantities of gas to Applicant as may be required to operate its feeder transmission and distribution systems, as an alternative to a request for an order dismissing said application for a want of jurisdiction, for the construction and operation of the following described facilities:

(A) Approximately 38,500 feet of 3-inch natural-gas transmission pipeline extending from a point of connection on Central Kentucky Natural Gas Company's transmission line "E-14" in Montgomery County to Owingsville, Bath County, Kentucky, together with appurtenant facilities.

(B) Approximately 8,400 feet of 2-inch natural-gas transmission pipeline extending from a point of connection on Central Kentucky Natural Gas Company's transmission line "E-10" in Menifee County, Kentucky, to Frenchburg, Kentucky, together with appurtenant facilities.

Applicant states it proposes to construct and operate natural gas distribution systems in the cities of Owingsville and Frenchburg, Kentucky; and in order to supply the said distribution systems with natural gas it proposes to construct and operate the above described pipelines from the respective cities to the transmission lines of Central Kentucky Natural Gas Company, for the transportation of natural gas having its origin in States other than Kentucky, and flowing in interstate commerce through and from the lines of Central Kentucky Natural Gas Company to the distribution systems to be constructed and operated in said cities. Subsequent to the filing of the application, Central Kentucky Natural Gas Company withdrew the gas sales contract dated March 3, 1950, because of a stated change in conditions, and now refuses to sell and deliver gas to the Applicant.

The estimated over-all capital cost of the project inclusive of $5,753 for working capital is $130,000 (transmission and distribution mains—$82,000, regulating equipment—$3,000, meters and regulators—$12,000).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of July 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5886; Filed, July 6, 1950; 8:48 a. m.]

[Docket No. G-1423]

NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF APPLICATION

JUNE 29, 1950.

Take notice that Natural Gas Pipeline Company of America (Applicant), a Delaware corporation with its principal place of business at Chicago, Illinois, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of natural gas facilities described as follows: Approximately 6.7 miles of 3-inch natural-gas pipeline extending from a point of connection with Applicant's 24 inch and 20 inch transmission pipelines located in section 31, Township 74 North, Range 30 West, Adair County, Iowa, to its Crescent meter station, in Union County, Iowa, looping the existing 2 inch pipeline along the route.

Applicant states that the purpose of the proposed facilities is to maintain more adequate service to the Central States Electric Company serving Crescent, Greenfield, Knoxville, Pella and Muscatine, Iowa, and that the existing 2 inch pipeline is inadequate in size to accomplish that purpose.

The estimated total cost of the facilities is $71,485, which costs will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or

before the 20th day of July, 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5871; Filed, July 6, 1950; 8:46 a. m.]

[Docket No. G-1424]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION

JUNE 30, 1950.

Take notice that on June 21, 1950 United Fuel Gas Company (Applicant), a West Virginia corporation having its principal office in Charleston, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas facilities all in West Virginia:

(1) Approximately 3½ miles of 10¾-inch O. D. gas transmission pipeline extending from Applicant's Kanawha Compressor Station near Nitro, West Virginia to Applicant's Line X-15-M-1, serving Storage Pool X-15.

(2) Approximately 2-miles of 10¾-inch O. D. gas transmission pipeline extending from the 24-inch line of Tennessee Gas Transmission Corporation to Hunt Compressor Station (Storage Pool X-54), near Hunt, West Virginia.

(3) An 880 hp. Compressor Station, together with auxiliary units and appurtenant equipment, located in Storage Pool X-54, near Hunt, West Virginia.

(4) A 300 hp. Compressor Station, together with auxiliary units and appurtenant equipment, located in Storage Pool X-8.

(5) A 5,280 hp. Compressor Station, together with auxiliary units and appurtenant equipment, located in Storage Pool X-52, near Coco, West Virginia.

Applicant states facilities described above in Items (2) and (3) will be operated upon activation of Storage Pool X-54 for the transportation of gas from Tennessee's line to said storage pool; facilities described in Items (1) and (4) will be used for injecting additional volumes of gas into Storage Pools X-15, X-7 and X-8; and facilities described in Item 5 will be used for the purpose of delivering gas from Applicant's Storage Pool X-52 during the winter of 1950-51 and succeeding winters, as well as the injection of gas in the summer of 1951 and succeeding summers. Deliveries from Storage Pool X-52 will be made to Cobb Compressor Station from which point gas will be distributed to the Cobb-Rockville 26-inch line, Line T, TM-7, and other existing lines for delivery to present markets. The new facilities are proposed to be operated in conjunction with existing facilities in accordance with Applicant's general method of operation as may be required to meet market and storage demands.

The estimated total capital cost of the proposed facilities is $2,464,800, and will be financed by the issuance and sale to Applicant's parent company, The Columbia Gas System, Inc., of registered 3¼ percent installment promissory notes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of July 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5887; Filed, July 6, 1950; 8:48 a. m.]

[Docket No. G-1425]

VALLEY GAS PIPE LINE CO., INC.

NOTICE OF APPLICATION

JULY 3, 1950.

Take notice that on June 22, 1950, Valley Gas Pipe Line Co., Inc. (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following-described natural-gas facilities:

A natural-gas transportation system consisting of a 24-inch line beginning in the area of Berclair, Goliad County, Texas; thence running northeast to the area of Saratoga, Hardin County, Texas, and there connecting with a 24-inch line which will originate in the Vermilion Bay area of the State of Louisiana, run southward into the Gulf of Mexico 10 miles and thence westward in the Gulf of Mexico, roughly parallel with the shore line of the State of Louisiana to the Sabin Pass area of the State of Texas, and northward to join with the line from Goliad County at Saratoga, as above indicated; from Saratoga a 30-inch line will run northeast to Arcadia, Louisiana; thence to El Dorado, Arkansas; Jonesboro, Arkansas; Cape Girardeau, Missouri; Lawrenceville, Illinois; Terre Haute, Indiana; Atlanta, Indiana; and thence north by northeast, terminating in southern Michigan; with the following initial compressor station: No. 4, near the City of Saratoga, Texas; No. 8, near the City of Poplar Bluff, Missouri; together with such telephone lines, radio facilities, houses for employees, and other equipment and appurtenances necessary or convenient for the efficient operation of such system.

Applicant states that it proposes to initiate the construction of such system on or before December 31, 1950, and to complete the same on or before April 1, 1952.

The application recites that in due course the company expects to sell and deliver 150,000 Mcf of gas per day in the States of Indiana and Ohio, and 355,000 Mcf per day in the State of Michigan, thus augmenting the supply of natural gas presently available to a population of approximately 9,000,000 people; that initial contracts for the sale of 330,000 Mcf per day are presently assured; and that applicant proposes to construct the proposed pipe-line system to include a new source of supply of gas, to-wit, the Gulf Coast and off-shore fields in Louisiana and Texas, in order to enable customers of public utilities in Indiana, Ohio, and Michigan to have access to a second area potentially productive of large volumes of natural gas.

It appears from the application that the total over-all estimated capital cost of the proposed facilities is $144,500,000.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of July 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5892; Filed, July 6, 1950; 8:49 a. m.]

[Project No. 1889]

WESTERN MASSACHUSETTS ELECTRIC CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

JULY 3, 1950.

Public notice is hereby given that Western Massachusetts Electric Company, of Turners Falls, Massachusetts, proposes the retirement, relocation, and rearrangement of certain equipment and circuits now included under the license for its water-power Project No. 1889, located on Connecticut River in Franklin County, Massachusetts, and has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license to eliminate therefrom the 13,200-volt transformers and switching equipment in the Cabot Station and the three transmission-line circuits connecting the Cabot and No. 1 Stations.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before August 15, 1950, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5893; Filed, July 6, 1950; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-600]

AMERICAN GENERAL CORP. AND HAWKEYE CASUALTY CO.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of June A. D. 1950.

Notice is hereby given that Hawkeye Casualty Company (Hawkeye), 1017 Walnut Street, Des Moines, Iowa, has filed an application under Rule N-17D-1, promulgated under the Investment Company Act of 1940, with respect to a proposed "Hawkeye Casualty Company Profit-Sharing and Retirement Plan" (Profit-Sharing Plan).

American General Corporation, 103 Park Avenue, New York, New York, is a closed-end, non-diversified, management investment company registered under the Investment Company Act of 1940. American General Corporation owns approximately 61% of the common stock of Morris Plan Corporation of America, the only class of stock of the Morris Plan Corporation of America entitled to vote. The Morris Plan Corporation of America, 103 Park Avenue, New York, New York, owns all of the voting stock of National Industrial Credit Corporation. National Industrial Credit Corporation, 103 Park Avenue, New York, New York, owns all of the voting stock of Industrial Insurance Company. Industrial Insurance Company, 103 Park Avenue, New York, New York, owns approximately 26.6% of the voting common stock of Hawkeye and a majority of the preferred stock of Hawkeye which is not presently entitled to vote. Hawkeye, therefore, is a company indirectly controlled by American General Corporation.

Hawkeye was incorporated in 1919 under the laws of the State of Iowa and is engaged in the business of writing fidelity, surety, automobile, general liability and workmen's compensation insurance. Pursuant to the proposed Profit-Sharing Plan, Hawkeye will make an initial payment of $1,000 into a trust fund and thereafter will pay into the fund 10 percent of its annual net earnings, calculated in accordance with standard insurance accounting, after deducting in each year an amount equal to 10 percent of the surplus to policyholders. Employees will participate by depositing in the trust fund not less than $5.00 nor more than $25.00 per month. Employee deposits are to be invested in investments legal for trust funds under the laws of Iowa and employer deposits are to be invested as directed by the trustees. Hawkeye has been advised by a letter from an office of the Bureau of Internal Revenue that the proposed Profit-sharing Plan meets the requirements of section 165 (a) of the Internal Revenue Code as amended.

Rule N-17D-1 provides, in part that "No affiliated person of any registered investment company, or of any company controlled by any such registered company, shall participate in, or effect any transaction in connection with, any bonus, profit-sharing or pension plan or arrangement in which any such registered or controlled company is a participant unless the application regarding such plan or arrangement has been filed with the Commission and has been granted by an order entered prior to the submission of such plan or arrangement to security holders for approval, or prior to the adoption thereof if not so submitted."

All interested persons are referred to said application which is on file at the Washington, D. C., office of the Commission, for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after July 19, 1950 unless prior thereto a hearing upon the application is ordered by the Commission, as provided by Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 17, 1950 at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5872; Filed, July 6, 1950; 8:46 a. m.]

[File No. 70-2137]

ASSOCIATED ELECTRIC CO.

ORDER MODIFYING CONDITION AND GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of June A. D. 1950.

Associated Electric Company ("Aelec"), a registered holding company, having filed an application-declaration, as amended, pursuant to sections 9 (a), 10, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 ("Act") and Rule U-45 promulgated thereunder, regarding the following proposed transactions:

As at January 1, 1950, Manila Electric Company ("Manila"), a subsidiary of Aelec, had outstanding 97,220 shares of ₱100 par value common stock, having an aggregate par value of ₱9,722,000; an open account payable to Aelec in the face amount of ₱25,292,520.44, and Manila had accrued on its books interest of ₱1,795,000 on ₱19,159,557.62 of the open account indebtedness for the period since January 1, 1948; and ₱5,800,000 of notes payable to banks. The open account payable to Aelec is subordinate to the notes payable to banks located in the Philippines.

Manila proposes to increase its capital stock so as to have outstanding 350,000 shares of ₱20 par value cumulative preferred stock, dividends to be cumulative from January 1, 1950 at the rate of 6¼% per annum or such greater rate as may be approved by the Philippines Republic Public Service Commission; and 1,000,000 shares of ₱20 par value common stock.

Manila will deliver to Aelec 486,100 shares of the new ₱20 par value common stock in exchange for the 97,220 shares of ₱100 par value common stock now held by Aelec. In satisfaction of the open account payable to Aelec, Manila will deliver to Aelec (a), ₱8,000,000 face amount of ten-year notes dated January 1, 1950 bearing interest at the rate of 5¾ percent per annum or such greater rate as may be approved by the Philippines Republic Public Service Commission, (b) 350,000 shares of ₱20 par value cumulative preferred stock, (c) 513,900 shares of the new ₱20 par value common stock, and (d) cash in the amount of ₱14,520.44. Aelec will make a cash capital contribution to Manila of ₱14,520.44.

The Commission having by order dated March 14, 1950, granted the application, as amended, and permitted the declaration, as amended, to become effective, subject to the terms and conditions prescribed by Rule U-24; and

A request having been made for an extension of time until July 15, 1950, within which the transactions as set forth in the application and declaration, as amended, may be fully consummated; and

The Commission having considered such request and deeming it appropriate that it be granted:

It is ordered, That the condition contained in said order of March 14, 1950, be, and hereby is, modified to the extent necessary to extend to July 15, 1950, the time within which such transactions may be consummated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5873; Filed, July 6, 1950; 8:46 a. m.]

[File No. 70-2408]

REPUBLIC SERVICE CORP. ET AL

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of June A. D. 1950.

In the matter of Republic Service Corporation, Greencastle Light, Heat, Fuel and Power Company, Mercersburg, Lehmasters and Markes Electric Company, and Fulton Electric Light, Heat & Power Company, File No. 70-2408.

Republic Service Corporation ("Republic"), a registered holding company, and three of its wholly-owned public utility subsidiary companies, Greencastle Light, Heat, Fuel and Power Company ("Greencastle"), Mercersburg, Lehmasters and Markes Electric Company ("Mercersburg"), and Fulton Electric Light, Heat & Power Company ("Fulton"), have filed a joint application-declaration regarding, among other things, the merger of the above-named subsidiary companies of Republic, the issuance and sale of First Mortgage Bonds and Serial Notes by the surviving company, and the retirement of Republic's outstanding indebtedness; and

Republic having requested as a part of its declaration that in the event the foregoing proposed transactions are not

consummated on or before July 1, 1950, the Commission enter an order permitting the extension, for a period of thirty days, of its unsecured promissory note outstanding in the principal amount of $150,000 due July 1, 1950, presently held by the Provident Trust Company of Philadelphia; and

The Commission on June 16, 1950, having issued a notice of filing pursuant to Rule U-23 promulgated under the Public Utility Holding Company Act of 1935 with respect to the said declaration of Republic, stating that at any time after June 29, 1950, the Commission may, if it deems such action necessary and appropriate, enter an order permitting Republic to extend its outstanding unsecured promissory note in the amount of $150,000 due July 1, 1950, for a period of thirty days; and

Republic having requested that the Commission's order with respect to said declaration regarding the proposed extension of its note, become effective upon issuance; and

It appearing to the Commission that such temporary extension of Republic's note is necessary under the circumstances, that no adverse findings under section 7 (d) are required and the Commission deeming it appropriate in the public interest that this order be permitted to become effective forthwith;

It is ordered, Pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 that said declaration with respect to the extension for a period of thirty days of Republic's unsecured promissory note in the principal amount of $150,000 due July 1, 1950, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-5874; Filed, July 6, 1950; 8:46 a. m.]

[File No. 54-189]

AMERICAN POWER & LIGHT CO.

ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of June A. D. 1950.

American Power & Light Company ("American"), a registered holding company, having filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act"), and other applicable provisions of the act, for approval of a plan ("the Plan") providing for a reduction of its capital by $16,125,000 and a pro rata cash distribution of $16,139,211.79, in partial liquidation, to the holders of its single class of capital stock; and

Public hearings having been duly held after appropriate notice, at which hearings all interested persons were afforded an opportunity to be heard; and

American having requested the Commission to enter an order reciting that the transactions proposed in the plan are necessary to effectuate the provisions of section 11 (b) of the act and are fair and equitable to the persons affected thereby, and having requested that such order contain recitals in accordance with the requirements of the Internal Revenue Code, as amended, including section 1808 (f) and supplement R thereof; and

American having further requested the Commission, pursuant to section 11 (e) of the act to apply to an appropriate court, in accordance with the provisions of section 18 (f) of the act, to enforce and carry out the terms and provisions of the plan; and

The Commission having considered the record in the matter and having this day filed its findings and opinion herein, finding that the Plan is necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to all persons affected thereby:

It is ordered, On the basis of the record herein and the said Findings and Opinion, pursuant to section 11 (e) of the act and other applicable provisions of the act, that the said plan be, and it hereby is, approved, subject to the terms and conditions contained in Rule U-24 and to the following additional terms and conditions:

(1) That the order entered herein shall not be operative to authorize the consummation of the transactions proposed in the Plan until an appropriate United States District Court shall, upon application thereto, enter an order enforcing said Plan;

(2) That jurisdiction be, and hereby is, specifically reserved to determine the reasonableness and appropriate allocation of all fees and expenses incurred or to be incurred in connection with the said Plan and the transactions incident thereto; and

(3) That jurisdiction be, and hereby is, specifically reserved to entertain such further proceedings, to make such supplemental findings, and to take such further action as may be necessary in connection with the plan, the transactions incident thereto and the consummation thereof.

It is further ordered and recited, That the expenditure and distribution of $16,139,211.79, in cancellation and redemption of a part of the 2,342,411 shares of capital stock of American as provided in the plan, are necessary or appropriate to the integration or simplification of the holding company system of which American is a member and necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the act, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-5875; Filed, July 6, 1950; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. D-10 (E)]

BEEF AND VEAL

DISMISSAL OF APPLICATION

JUNE 30, 1950.

The Tariff Commission divided equally on a motion to order an investigation under the "escape clause" of trade agreements with respect to "beef and veal, fresh, chilled, or frozen." Accordingly an investigation was not ordered and the application was dismissed.

[SEAL] L. W. MOORE,
Secretary.

[F. R. Doc. 50-5889; Filed, July 6, 1950; 8:48 a. m.]

[List No. 208]

NATIONAL ASSN. OF ALCOHOLIC BEVERAGE IMPORTERS, INC.

APPLICATION FOR INVESTIGATION

JUNE 30, 1950.

Application as listed below has been filed with the United States Tariff Commission for investigation under the provisions of section 336 of the Tariff Act of 1930.

Name of article	Purpose of request	Date received	Name and address of applicant
Grape wines containing more than 14 percent of alcohol by volume (par. 804, Tariff Act of 1930).	Decrease in duty.	June 30, 1950	National Association of Alcoholic beverage Importers, Inc., Washington, D. C.

The application listed above is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., and in the New York Office of the Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

[SEAL] L. W. MOORE,
Secretary.

[F. R. Doc. 50-5890; Filed, July 6, 1950; 8:48 a. m.]

HARSH OR ROUGH COTTON HAVING A STAPLE OF 1⅛ INCHES OR MORE BUT LESS THAN 1⅜ INCHES IN LENGTH

SUPPLEMENTAL INVESTIGATION AND HEARING

The United States Tariff Commission, on this 30th day of June 1950, announces an investigation supplemental to its investigation No. 1 under section 22 of the Agricultural Adjustment Act (of 1933) as amended, and under Executive Order No. 7233 of November 23, 1935, with respect to: Harsh or rough cotton having a staple of 1⅛ inches or more but less than 1⅜ inches in length.

On September 3, 1949, the President proclaimed that the quota year for cotton having a staple of 1⅛ inches or more but less than 1 11/16 inches in length should thereafter commence on February 1 instead of on September 20.

The principal object of the present supplemental investigation is to consider applications made to the Commission for a supplemental quota of 2,500,000 pounds of harsh or rough cotton 1⅛ inches or more but less than 1⅜ inches in staple length to meet the special requirements for this particular type of cotton during the current quota year.

Hearing. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held in the Hearing Room of the Commission at Eighth and E Streets NW., in Washington, D. C., at 10 a. m., on July 18, 1950.

Nature of information at hearing. Information submitted at the hearing must be relevant and material to the matters under investigation.

Appearances at hearing. Interested persons may appear at the hearing either in person or by representative; if several persons have a joint interest in the subject, it is suggested that effort be made for the designation of a representative in order to avoid unnecessary repetition of testimony.

Notice issued June 30, 1950.

[SEAL] L. W. MOORE,
Secretary.

[F. R. Doc. 50-5888; Filed, July 6, 1950; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14791]

TOSHIKAZU AKASAKA

In re: Rights of Toshikazu Akasaka under insurance contract. File No. F-39-4990-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toshikazu Akasaka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,169,628, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Toshikazu Akasaka, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5897; Filed, July 6, 1950; 8:49 a. m.]

[Vesting Order 14794]

FRITZ BURKLIN

In re: Rights of Fritz Burklin under insurance installment certificate. File No. F-28-26651-H-10.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Burklin, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under Installment Certificate No. D-92520-S, issued by The Mutual Benefit Life Insurance Company, Newark, New Jersey, to Fritz Burklin, together with right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5899; Filed, July 6, 1950; 8:49 a. m.]

[Vesting Order 14795]

EMIL DUCK

In re: Estate of Emil Duck also known as George Duck and George E. Duck, deceased. File No. D-28-12239; E. T. sec. 16464.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ingeborg Charlotte Duck, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Emil Duck, also known as George Duck and George E. Duck, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of the City of New York as Depositary, acting under the judicial supervision of the Surrogate's Court of Queens County, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

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The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5900; Filed, July 6, 1950; 8:50 a. m.]

[Vesting Order 14825]

CONSTANTIN VON NEURATH

In re: Debt owing to Constantin von Neurath also known as Konstantin von Neurath and as C. von Neurath. F-28-30792.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Constantin von Neurath also known as Konstantin von Neurath and as C. von Neurath is a citizen of Germany who on or since the effective date of Executive Order 8389, as amened, and on or since December 11, 1941, has been acting or purporting to act directly or indirectly for the benefit or on behalf of a designated enemy country (Germany) and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Schroder Trust Company, 57 Broadway, New York 15, New York, in the amount of $37,327.38 as of December 1, 1949, representing a portion of a dollar account entitled "Rhodius Koenigs Handel Maatschappij, N. V., Amsterdam 1st Sub-Account Clients Stocks General Ruling No. 6 General Ruling No. 11 A Time Account", maintained at the aforesaid Schroder Trust Company, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Constantin von Neurath also known as Konstantin von Neurath and as C. von Neurath, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That Constantin von Neurath also known as Konstantin von Neurath and as C. von Neurath is controlled by or acting for or on behalf of a designated enemy country (Germany) and is a national of a designated enemy country (Germany);

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5902; Filed, July 6, 1950; 8:50 a. m.]

[Vesting Order 14817]

ELIZABETH VIETOR ET AL.

In re: Elizabeth Vietor et al. v. Johannes Kramer et al. File No. 017-25635.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermina (Herino, Hanna, Hannah) Kramer Gruis, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled: "Elizabeth Vietor et al vs. Johannes Kramer et al" in the District Court of Hardin County, Iowa, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by E. A. Ammann, Referee, acting under the judicial supervision of the District Court of Hardin County, Iowa;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5903; Filed, July 6, 1950; 8:50 a. m.]

[Vesting Order 14822]

ANNA RODER

In re: Bank account owned by Anna Roder. F-28-26207-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Roder, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Anna Roder, by Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of a checking account, entitled Mrs. Anna Roder, Carlos A. Hepp, Attorney in Fact, maintained at the aforesaid bank located at 20 Pine Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5902; Filed, July 6, 1950; 8:50 a. m.]

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FEDERAL REGISTER

VOLUME 15 NUMBER 131

Washington, Saturday, July 8, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10140

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE PULLMAN COMPANY AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Pullman Company, a carrier, and certain of its employees represented by the Order of Railway Conductors, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Pullman Company or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 6, 1950.

[F. R. Doc. 50-5953; Filed, July 6, 1950; 2:05 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

PART 664—TOBACCO

SUBPART—1950 TOBACCO LOAN PROGRAM

Statement with respect to the tobacco loan program for the 1950-51 marketing year—1950 crop—formulated by the Commodity Credit Corporation and Production and Marketing Administration (hereinafter referred to as "CCC" and "PMA"). Advance rates for the various grades of the several kinds of tobacco will be announced at later dates as supplements to this statement.

Sec.
664.201 Administration.
664.202 Level of loans.
664.203 Availability of price support.
664.204 Deduction from loans.
664.205 Interest rates, recourse and distribution of net gains.
664.206 Maturity date.
664.207 Eligible producer.
664.208 Eligible tobacco.

AUTHORITY: §§ 664.201 to 664.208 issued under 62 Stat. 1070, as amended, 15 U. S. C. Sup. 714. Interpret or apply sec. 2, 59 Stat. 506, sec. 101, Pub. Law 439, 81st Cong., 7 U. S. C. 1312n.

§ 664.201 *Administration.* This program will be administered by the Tobacco Branch, Production and Marketing Administration, under the general direction and supervision of the President, Commodity Credit Corporation. The program will be carried out in the field by producer cooperative associations or other responsible associations (hereinafter referred to as "cooperatives") under contract with CCC, acting for groups of producers. The names of such cooperatives may be obtained from the Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

CCC will make loans to cooperatives which in turn will make advances to eligible producers either directly or through auction warehouses. Loans

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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(For Use During 1950)

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Title 38 ($0.50)
Titles 40–42 ($0.25)

Previously announced: Titles 4–5 ($0.30); Title 6 ($1.00); Title 7: Parts 1–209 ($0.55); Parts 210–899 ($0.75); Parts 900 to end ($0.75); Title 8 ($0.20); Title 9 ($0.20); Titles 10–13 ($0.20); Title 14: Parts 1–399 ($1.50); Parts 400 to end ($0.30); Title 15 ($0.40); Title 16 ($0.25); Title 17 ($0.20); Title 18 ($0.20); Title 19 ($0.20); Title 20 ($0.20); Title 21 ($0.30); Titles 22–23 ($0.25); Title 24 ($0.55); Title 25 ($0.20); Title 26: Parts 1–79 ($0.20); Parts 80–169 ($0.25); Parts 170–182 ($0.25); Parts 183–299 ($0.30); Title 26: Parts 300 to end; and Title 27 ($0.25); Titles 28–29 ($0.30); Titles 30–31 ($0.25); Title 33 ($0.25); Titles 35–37 ($0.20)

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made to cooperatives will include not only the initial loan value of the tobacco, but also advances for services performed by the cooperatives in arranging for the receiving, packing, storing, and the marketing of tobacco placed under loan. Cooperatives will be authorized to enter into contracts for these services through the usual trade channels.

§ 664.202 *Level of loans.* As required by statute, the level of price support to eligible producers of U. S. and Puerto Rican tobacco shall be 90 percent of parity on those types of tobacco for which marketing quotas are in effect, except that fire-cured and dark air-cured (including Va. sun-cured) tobacco shall be supported at 75 percent and 66⅔ percent, respectively, of the level for Burley tobacco. No support will be available to non-cooperators. Price support levels for those types of tobacco for which marketing quotas are not in effect, Maryland and the cigar types (but for which marketing quotas have not been disapproved by producers), will be established by application of the statutory supply percentages as of the beginning of the marketing year. The actual cents per pound price support level for each type of tobacco will be determined by applying the percentage of parity to the latest available parity price as of the beginning of the 1950 marketing year; i. e., July 1, 1950, in the case of flue-cured tobacco and October 1, 1950, in the case of all other kinds.

Schedules of loan rates by grades will be announced after parity as of the beginning of the marketing year is known.

§ 664.203 *Availability of price support.* Advances to eligible producers for tobacco placed under loan will be made in the following manner:

(a) *Auction market area.* The producer will deliver the tobacco to an auction warehouse in the usual manner. The producer will receive the advances for any baskets of tobacco placed under loan from the warehouseman, at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman, in turn, will then be reimbursed by the cooperative with funds borrowed from CCC.

(b) *Non-auction market area.* Producers will deliver tobacco to central receiving points designated by the cooperative in the non-auction market area.

The producer will receive the advance for any tobacco placed under loan directly from the cooperative after the tobacco has been received and graded by U. S. D. A. inspectors.

(c) *Period of loans.* Advances will be made to producers on tobacco tendered for loan between the dates set forth below:

	Earliest date	Latest date
Flue-cured	July 1, 1950	Feb. 28, 1951
Burley	Nov. 1, 1950	Apr. 30, 1951
Fire-cured	do	Do.
Dark air-cured	do	Do.
Virginia sun-cured	do	Do.
Maryland	Apr. 1, 1951	Sept. 30, 1951
Cigar filler and binder (except Puerto Rican)	Sept. 1, 1950	July 31, 1951
Puerto Rican	Feb. 1, 1951	Sept. 30, 1951

§ 664.204 *Deduction from loans.* The cooperatives will be required to bear a portion of the overhead costs in connection with the loan operation. In the auction marketing areas where the producer pays the warehouseman for receiving and displaying the tobacco, the minimum fee is 12 cents per hundred pounds. For this purpose the cooperatives will be authorized to charge the producer an equivalent amount. Such charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with the auction warehouseman under which they will collect such charges and remit to the cooperative. In areas where these services are not included as a normal part of the marketing process, the fee will be established at a rate commensurate with the relative cost of the service.

§ 664.205 *Interest rates, recourse, and distribution of net gains.* The loans made to the cooperatives will bear interest at the rate of 3 percent per annum and be non-recourse both as to principal and interest except in the case of misrepresentation fraud, or failure to carry out the terms of the contract. As tobacco loses its identify as to original ownership through commingling in the packing process, producers will not be able to redeem their tobacco once it has been placed under loan. After all of the tobacco of one crop pledged for loan by any cooperative is marketed, any net gains will be distributed by the cooperative to the producers who placed the tobacco under loan, or will be disposed of in such other manner as may be authorized by the cooperative's contracts with its members, if such disposition is approved by CCC.

§ 664.206 *Maturity date.* Loans made under the program will mature on demand but not later than June 30, 1953, unless extended by CCC.

§ 664.207 *Eligible producer.* An eligible producer is one who has not produced tobacco in excess of the acreage allotment established for his farm for these types on which quotas are in effect, namely, flue-cured, Burley, fire-cured, dark air-cured, and Va. sun-cured. Producers of all other types are considered eligible for the purpose of this operation.

§ 664.208 *Eligible tobacco.* Eligible tobacco shall be U. S. and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) of the 1950 crop which (a) has been properly identified in accordance with applicable tobacco Marketing Quota Regulations on a valid memorandum of sale issued from a "Within Quota" Marketing Quota Card, where quotas are in effect; (b) has been delivered to the cooperative by the original producer prior to sale to any other person; (c) is in sound and merchantable condition; and (d) is free and clear of any and all liens and encumbrances.

Issued this 3d day of July 1950.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-5932; Filed, July 7, 1950; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Fresh Pea Order 1-1950]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN THE COUNTIES OF ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE IN COLORADO

REGULATION BY GRADES AND SIZES

§ 910.311 *Fresh Pea Order 1-1950*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 10, as amended (7 CFR, Part 910), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the grade and size limitations, as hereinafter provided, with respect to the handling of fresh peas, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237), in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisons hereof effective as soon as possible. A reasonable determination as to the supply of, and the demand for such peas must await the development of the crop; adequate information with respect to acreage was not available to the Administrative Committee until June 9, 1950; the supply and quality of fresh peas is subject to change by weather conditions and adequate information thereon as a basis for recommendation as to the need for, and the extent of, regulation of shipments of such peas was therefore not available until a short time before the beginning of harvest; such recommendation was made by the Administrative Committee at a meeting on June 30, 1950, after consideration of all available information relative to the supply and demand conditions for such peas, and submitted to the Department; shipments of the current crop of such peas are expected to begin on or about July 10, 1950, and this section should be applicable to all shipments of such peas in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., July 10, 1950, and ending at 12:01 a. m., m. s. t., September 11, 1950, no handler shall handle any fresh peas unless such peas grade at least U. S. No. 1 and are of a minimum pod length of three (3) inches.

(2) As used in this section, the terms "peas," "handler," and "handle" shall have the same meaning as when used in the amended marketing agreement and order; and the term "U. S. No. 1" shall have the same meaning as set forth in the United States Standards for Fresh Peas (14 F. R. 564).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington this 6th day of July 1950.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50-5981; Filed, July 7, 1950; 10:13 a. m.]

[Lemon Reg. 338]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENT

§ 953.445 *Lemon Regulation 338*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be

handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 5, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 9, 1950, and ending at 12:01 a. m., P. s. t., July 16, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 625 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 337 (15 F. R. 4215), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 6th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-5980; Filed, July 7, 1950; 10:09 a. m.]

[Orange Reg. 335]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.481 *Orange Regulation 335*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on July 6, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 9, 1950, and ending at 12:01 a. m., P. s. t., July 16, 1950, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,300 carloads;

(*c*) Prorate District No. 3: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 966.107 of the current rules and regulations (14 F. R. 6588) contained in this part.

Orange Regulation 332 (7 CFR 966.478, 15 F. R. 3863) fixes the sizes of designated oranges which may be handled during the aforesaid period.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 7th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., July 9, 1950, to 12:01 a. m., P. s. t., July 16, 1950]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.1555
A. F. G. Corona	.0609
A. F. G. Fullerton	.2013
A. F. G. Orange	.4244
A. F. G. Riverside	.2093
A. F. G. San Juan Capistrano	.8767
A. F. G. Santa Paula	.5317
Eadington Fruit Co., Inc	4.8699
Hazeltine Packing Co	.4110
Placentia Pioneer Valencia Growers Association	.6634
Signal Fruit Association	.1153
Azusa Citrus Association	.5171
Damerel-Allison Co	.8450
Glendora Mutual Citrus Association	.4475
Puente Mutual Citrus Association	.1772

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Valencia Heights Orchard Association	0.4735
Covina Citrus Association	1.0232
Covina Orange Growers	.5686
Glendora Citrus Association	.5188
Gold Buckle Association	.8001
La Verne Orange Association	.7679
Anaheim Citrus Fruit Association	.8277
Anaheim Valencia Orange Association	.8898
Fullerton Mutual Orange Association	1.3374
La Habra Citrus Association	1.1076
Orange County Valencia Association	.2631
Yorba Linda Citrus Association	.9821
Escondido Orange Association	2.7441
Alta Loma Heights Citrus Association	.0684
Citrus Fruit Growers	.2046
Cucamonga Citrus Association	.0974
Etiwanda Citrus Fruit Association	.0431
Old Baldy Citrus Association	.1250
Rialto Heights Orange Association	.0780
Upland Citrus Association	.4407
Upland Heights Orange Association	.2376
Consolidated Orange Growers	1.5938
Frances Citrus Association	1.1051
Garden Grove Citrus Association	1.1053
Goldenwest Citrus Association, The	1.4124
Irvine Valencia Growers	2.9739
Olive Heights Citrus Association	1.7785
Santa Ana-Tustin Mutual Citrus Association	.8216
Santiago Orange Growers Association	3.7440
Tustin Hills Citrus Association	1.8151
Villa Park Orchard Association, The	1.6123
Bradford Bros., Inc	.7052
Placentia Cooperative Orange Association	.6107
Placentia Mutual Orange Association	2.4772
Placentia Orange Growers Association	1.4771
Yorba Orange Growers Association	.6200
Call Ranch	.0893
Corona Citrus Association	.6568
Jameson Co	.0966
Orange Heights Orange Association	.6056
Crafton Orange Growers Association	.5047
East Highlands Citrus Association	.1037
Fontana Citrus Association	.1102
Redlands Heights Groves	.2945
Redlands Orangedale Association	.2871
Break & Son, Allen	.0693
Bryn Mawr Fruit Growers Association	.1939
Mission Citrus Association	.1615
Redlands Cooperative Fruit Association	.4057
Redlands Orange Growers Association	.2723
Redlands Select Groves	.2877
Rialto Citrus Association	.1847
Rialto Orange Co	.1927
Southern Citrus Association	.2049
United Citrus Growers	.1855
Zilen Citrus Co	.0477
Arlington Heights Citrus Co	.1280
Brown Estate, L. V. W	.1499
Gavilan Citrus Association	.1540
Highgrove Fruit Association	.0715
Krinard Packing Co	.3020
McDermont Fruit Co	.1996
Monte Vista Citrus Association	.2891
National Orange Co	.0408
Riverside Heights Orange Growers Association	0.0740
Sierra Vista Packing Association	.0762
Victoria Ave. Citrus Association	.2202
Claremont Citrus Association	.1222
College Heights Orange & Lemon Association	.3761
Indian Hill Citrus Association	.2251
Pomona Fruit Growers Exchange	.3828
Walnut Fruit Growers Association	.5474
West Ontario Citrus Association	.3126
El Cajon Valley Citrus Association	.2550
Escondido Cooperative Citrus Association	.3432
San Dimas Orange Growers Association	.3540
Canoga Citrus Association	.8928
Covina Valley Orange Co	.0492
North Whittier Heights Citrus Association	.9448
San Fernando Fruit Growers Association	.7542
San Fernando Heights Orange Association	1.1667
Sierra Madre-Lamanda Citrus Association	.4718
Camarillo Citrus Association	1.2857
Fillmore Citrus, Association	3.6850
Mupu Citrus Association	2.2551
Ojai Orange Association	.9385
Piru Citrus Association	1.9430
Rancho Sespe	.9178
Santa Paula Orange Association	1.0983
Tapo Citrus Association	1.0967
Ventura County Citrus Association	.3319
Limoneira Co	.5050
East Whittier Citrus Association	.5689
Whittier Citrus Association	1.4010
Anaheim Cooperative Orange Association	.12938
Bryn Mawr Mutual Orange Association	.1029
Chula Vista Mutual Lemon Association	.0563
Euclid Ave. Orange Association	.7659
Foothill Citrus Union, Inc	.0762
Fullerton Cooperative Orange Association	.3084
Garden Grove Orange Cooperative, Inc	.6967
Golden Orange Groves, Inc	.2740
Highland Mutual Groves, Inc	.0204
Index Mutual Groves, Inc	.4420
La Verne Cooperative Citrus Association	1.7707
Mentone Heights Association	.0401
Olive Hillside Groves, Inc	.5596
Orange Cooperative Citrus Association	1.5971
Redlands Foothill Groves	.8029
Redlands Mutual Orange Association	.1927
Ventura County Orange & Lemon Association	1.3572
Whittier Mutual Orange & Lemon Association	.1636
Agricultural Laboratory	.0040
Babijuice Corp. of California	.5612
Banks, L. M	.6272
Bennett Fruit Co., Inc	.0251
Borden Fruit Co	.5862
Calif. Associated Growers	.0090
Cherokee Citrus Co., Inc	.1395
Chess Co., Meyer W	.6080
Dunning Ranch	.0514
Evans Bros. Packing Co	.4466
Gold Banner Association	.2533
Granada Hills Packing Co	.0360
Granada Packing House	1.0686
Hill Packing House, Fred A	.1084
Knapp Packing Co., John O	.4723
L Bar S Ranch	.1165
Lawson, William J	.0093
Orange Belt Fruit Distributors	1.9310
Otte, Arnold	.0280
Pacific Citrus Distributors	0.0041
Panno Fruit Co., Carlo	.7850
Paramount Citrus Association	1.2674
Pattiucci, Frank L	.0100
Placentia Orchards Co	.4801
Prescott, John A	.0000
Riverside Citrus Association	.0500
Ronneberg, Jerry L	.0012
San Antonio Orchards Co	.2703
Stephens, T. F	.2196
Stewart, J. B	.0160
Summit Citrus Packers	.0067
Wall, E. T., Grower-Shipper	.1512
Western Fruit Growers, Inc	.6986

[F. R. Doc. 50-5989; Filed, July 7, 1950; 11:46 a. m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

§ 992.303 *Limitation of shipments*—(a) *Findings.* (1) A notice of proposed rule making with respect to the limitation of potato shipments, to be made effective under Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992.1 et seq.) regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER (15 F. R. 4138). This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051). All persons were afforded an opportunity to submit written data, views, or arguments in connection with the aforesaid notice of proposed rule making. After consideration of all relevant matters presented, including the proposed regulation set forth in the aforesaid notice, and other available information, it is hereby found that the limitation of shipments of potatoes, in the manner and during the period hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that good cause exists for making this section effective on July 10, 1950, in that (i) shipments of the 1950 crop of Irish potatoes, grown in the State of Washington, began on July 1, 1950, and will increase to substantial proportions on July 10, 1950, (ii) delaying the effective date of this section beyond July 10, 1950, would permit the introduction of a sufficient portion of the total 1950 crop of the aforesaid potatoes into the current of commerce, without limitation thereon, as would impair the effectiveness of this section regulating the remainder of such crop, and regulation of shipments of the aforesaid potatoes on and after July 10, 1950, in the manner hereinafter provided, will tend to effectuate the declared policy of the act with respect to such potatoes, (iii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after July 10, 1950, (iv) compliance with this section on and after July 10,

1950, will not require any preparation on the part of handlers which cannot be completed by that date, and (v) a reasonable time is permitted, under the circumstances, for such preparation.

(b) *Order* (1) During the period from July 10, 1950, to May 31, 1951, both dates inclusive, no handler shall ship potatoes of the round varieties grown in the State of Washington which do not meet the requirements of the U. S. No. 2, or better grade, and which are of sizes smaller than 1⅞ inches minimum diameter, as such grades and sizes are defined in the United States Standards for Potatoes (14 F. R. 1955, 2161), including the tolerances set forth therein; and no handler shall ship potatoes of the long varieties grown in the State of Washington which do not meet the requirements of the U. S. No. 2 or better grade, and which are of sizes smaller than 2 inches minimum diameter or 4 ounces minimum weight, as such grades and sizes are defined in the aforesaid United States Standards for Potatoes, including the tolerances specified therein: *Provided*, That, pursuant to paragraphs (a) and (b) of § 992.5, the aforesaid limitations shall not be applicable to (i) shipments of potatoes for export (ii) shipments of potatoes for distribution by the Federal government, for distribution by relief agencies, or for consumption by chariable institutions, (iii) shipments of potatoes for manufacturing or conversion into by-products, (iv) shipments of potatoes for livestock feed, and (v) shipments of seed potatoes: *Provided further*, That, pursuant to § 992.5 (c), each handler making shipments for the aforesaid purposes shall (i) except as to shipments for distribution by the Federal government, file an application with the committee for permission to make such shipments, (ii) pay assessments on such shipments (except shipments for livestock feed), and (iii) have such shipments (except shipments for livestock feed, and shipments of seed potatoes) inspected: *Provided further*, That, pursuant to § 992.4 (d), each handler may make one shipment of not in excess of five (5) hundredweight of potatoes per week without regard to the aforesaid limitations.

(2) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92 (7 CFR 992.1 et seq.; 14 F. R. 5860).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 6th day of July 1950.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50-5983; Filed, July 7, 1950; 9:43 a. m.]

PART 998—IRISH POTATOES GROWN IN NEW JERSEY

LIMITATION OF SHIPMENTS

§ 998.301 *Limitation of shipment*—(a) *Findings.* (1) Pursuant to the provisions of Marketing Agreement No. 116 and Order No. 98 (15 F. R. 1925, 2036), regulating the handling of Irish potatoes grown in New Jersey, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and upon the basis of the recommendations and information submitted by the New Jersey Potato Marketing Committee established under said order, and upon other available information, it is hereby found that the limitation of shipments of such potatoes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impractical and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of potatoes grown in the production area will increase in volume on the effective date of this section; (ii) more orderly marketing in the public interest, then would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date hereinafter set forth; (iii) no special preparation will be required of handlers to comply with such regulation because such handlers have the necessary grading equipment.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. d. t., July 10, 1950, and ending 12:01 a. m., e. s. t., December 31, 1950, no handler shall ship potatoes grown in New Jersey which do not meet the requirements of the U. S. Commercial or better grade, not less than 85 percent U. S. No. 1 quality, and which are of sizes smaller than 2 inches minimum diameter, as such grades, qualities, and sizes are defined in the U. S. Standards for Potatoes (14 F. R. 1955, 2161), including the tolerances set forth therein, except that handlers may export, in addition to the aforesaid potatoes, any potatoes grown in New Jersey which meet the requirements of the U. S. No. 1, or better grade, and are of sizes not less than 1½ inches minimum diameter, as such grades and sizes are defined in the aforesaid U. S. Standards for Potatoes, including the tolerances set forth therein;

(2) The aforesaid grade and size limitations shall not apply to shipments of potatoes for grading or storing within the production area, shipments of seed potatoes, shipments of potatoes purchased by the Commodity Credit Corporation under the price support program for distribution by the Federal government, shipments of potatoes for canning, and shipments of potatoes for livestock feed;

(3) During the period of regulations, § 998.62 (inspection and certification) of Order No. 98 is suspended with respect to (i) each shipment of potatoes grown in District No. 3 and in the counties of Atlantic and Cape May in District No. 2 of the production area, and (ii) each shipment of not more than 2,000 pounds of potatoes grown in the remaining counties within the production area, *Provided, however*, That each shipment of potatoes exempted from inspection and certification pursuant to subdivisions (i) and (ii) of this subparagraph shall meet the grade and size regulations set forth in subparagraph (1) of this paragraph, and shall pay the rate of assessment established by the Secretary; and

(4) The terms used in this section shall have the same meaning as when used in Order No. 98 (15 F. R. 1925, 2036).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 6th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-5982; Filed, July 7, 1950; 9:43 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter II—Children's Bureau, Social Security Administration, Federal Security Agency

PART 200—MATERNAL AND CHILD HEALTH AND CRIPPLED CHILDREN'S PROGRAMS

POSTPONEMENT OF EFFECTIVE DATE

By virtue of the authority vested in the Commissioner for Social Security by sec. 1102, 49 Stat. 647, 42 U. S. C. 1302; secs. 501–521, incl., 49 Stat. 629–633, incl., 42 U. S. C. 701–721, incl., as amended by secs. 501–508, incl., 53 Stat. 1380–1381, incl., and sec. 401, 60 Stat. 986; sec. 1101 (a) (1), as amended by sec. 401, 60 Stat. 986; sec. 1, Reorganization Plan No. 2 of 1946, 11 F. R. 7873; Agency Order No. 9, 12 F. R. 479, the effective date of §§ 200.2 through 200.17, inclusive, of the regulations governing the maternal and child health and crippled children's programs (14 F. R. 3495) is hereby postponed until January 1, 1951.

Dated: June 28, 1950.

[SEAL] A. J. ALTMEYER,
Commissioner.

Approved: JUNE 30, 1950.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 50-5909; Filed, July 7, 1950; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 26th day of June A. D. 1950.

It appearing, that on January 9, 1948 (13 F. R. 369), the Commission entered upon an investigation into the lawfulness

of the practices of common carriers of property by motor vehicle, as defined in section 203 (a) (14) of the Interstate Commerce Act, and of contract carriers of property by motor vehicle, as defined in section 203 (a) (15) of the act, in the performance of transportation, in interstate or foreign commerce, subject to the provisions of Part II of the act, by such carriers with motor vehicles owned by others, the interchange of vehicles between such common carriers, and the lease of vehicles by any of such carriers, with or without drivers, to private motor carriers and shippers, with a view to prescribing such reasonable rules, regulations, and requirements to be observed by such carriers as may be necessary or desirable in the public interest;

And it further appearing, that a full investigation of the matters and things involved has been made, and the said division, on the date hereof, has made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof: [1]

It is ordered, That the following rules and regulations are prescribed to become effective on September 18, 1950:

Sec.
207.1 Applicability.
207.2 Definitions.
207.3 Augmenting of equipment.
207.4 Interchange of equipment.
207.5 Rental of equipment to private carriers and shippers.
207.6 Modification of or exemption from rules.

AUTHORITY: §§ 207.1 to 207.6 issued under 49 Stat. 543, 546, 547, 557, 558, 559, 563, 566, 52 Stat. 1237, 1240–1241, 54 Stat. 926, 927, 63 Stat. 485; 49 U. S. C. 302, 304, 315, 316, 320, 324.

§ 207.1 *Applicability.* The rules and regulations in this part apply to the augmenting of equipment by common and contract carriers of property by motor vehicle subject to Part II of the Interstate Commerce Act, to the interchange of equipment between such common carriers of property by motor vehicle, and to the lease of equipment by common and contract carriers of property by motor vehicle, with or without drivers, to private motor carriers and shippers.

§ 207.2 *Definitions*—(a) *Authorized carrier.* A person or persons authorized to engage in transportation of property as a common or contract carrier under the provisions of sections 206, 207 or 209 of Part II of the Interstate Commerce Act.

(b) *Equipment.* A motor vehicle, straight truck, tractor, semi-trailer, full trailer, combination tractor-and-semi-trailer, combination straight truck and full trailer, and any other type of equipment used by authorized carriers in the transportation of property for hire.

(c) *Interchange of equipment.* The physical exchange of equipment between authorized carriers at a point which both carriers are authorized to serve.

(d) *Regular employee.* A person not merely an agent but regularly in exclusive full-time employment.

(e) *Agent.* A person other than a regular employee duly authorized to act for and on behalf of an authorized carrier.

(f) *Non-carrier.* A person other than an authorized carrier.

§ 207.3 *Augmenting equipment.* Other than equipment utilized in interchange service, as defined in § 207.4 authorized carriers may perform authorized transportation in or with equipment which they do not own only under the following conditions:

(a) The contract, lease, or other arrangement for the use of such equipment—

(1) Shall be made between the authorized carrier and the owner of the equipment;

(2) Shall be in writing and signed by the parties thereto, or their regular employees or agents duly authorized to act for them;

(3) Shall provide for the exclusive possession, control, and use of the equipment by the authorized carrier when operated by or for such carrier and for the complete assumption on the part of such authorized carrier of full responsibility in respect of said equipment during the period the equipment is operated in its service, to the public, the shippers, and the Interstate Commerce Commission;

(4) Shall specify the time and date the contract, lease, or other arrangement begins, and the time or the circumstances on which it ends, and the method of determining the compensation for the use of the equipment. The duration of the contract, lease, or other arrangement shall coincide with the time for the giving and receiving of receipts for the equipment as required by paragraph (b) of this section; and

(5) Shall be executed in triplicate; the original shall be retained by the authorized carrier, one copy shall be retained by the owner of the equipment, and one copy shall be carried on the equipment specified therein during the entire period of the contract, lease, or other arrangement, unless a certificate as provided in paragraph (d) (2) of this section, is carried in lieu thereof.

(b) *Receipts.* When possession of the equipment is taken by the authorized carrier or its regular employee or agent duly authorized to act for it said carrier, employee, or agent shall give to the owner of the equipment or the owner's employee or agent a receipt specifically identifying the equipment and stating the date and the time of day possession thereof is taken; and when the possession by the authorized carrier ends, it or its employee or agent shall obtain from the owner of the equipment or its regular employee or agent duly authorized to act for it a receipt specifically identifying the equipment, and stating therein the date and the time of day possession thereof is taken.

(c) *Inspection of equipment.* It shall be the duty of the authorized carrier, before taking possession of equipment, to inspect the same or to have the same inspected by one of its responsible and competent regular employees in order to insure that the said equipment complies with Parts 3 and 6 of the Motor Carrier Safety Regulations (Rev.), pertaining to "Parts and Accessories Necessary for Safe Operation", and "Inspection and Maintenance", and if explosives or other dangerous articles are to be transported thereon, further to inspect and check such vehicles or equipment to insure that they or it complies with Part 7 of the said safety regulations pertaining to "safe transportation of explosives". The person making the inspection shall certify the results thereof on a report in the form hereinafter set forth, which report shall be retained and preserved by the authorized carrier, and if his inspection discloses that the equipment does not comply with the requirements of the said safety regulations, possession thereof shall not be taken. In all instances in which the inspection required by this section is made by an employee, the authorized carrier, if an individual, or a member of the copartnership if the authorized carrier is a copartnership, or one of the officials thereof if the authorized carrier is a corporation, shall certify on the inspection report that the employee who made the inspection is a responsible and competent employee:

REPORT OF VEHICLE INSPECTION

Description of vehicle:
Make ..... Year ..... Model ..... Serial No. .....
Type:
Tractor ..... Trailer ..... Semitrailer .....
License plate:
No. ..... State .....
Owner's name .....
Name of authorized carrier .....

Indicate in the proper column the result of the inspection of each item listed:

Item	Not defective	Defective	Description of defect
Body			
Brakes			
Cooling system			
Drive line			
Emergency equipment			
Engine			
Exhaust			
Fuel system			
Glass			
Horn			
Leaks			
Lights (state which)			
Reflectors			
Speedometer			
Springs			
Steering			
Tires			
Wheels			
Windshield wiper			

Any other items requiring attention: .....

I hereby certify that on the .... day of ....., I carefully inspected the equipment described above and that this is a true and correct report of the result of such inspection.

(Signature of person making inspection)

I hereby certify that on the date stated above the person who made the inspection covered by this report is a responsible and competent regular employee.

(Signature of authorized carrier or copartner or officer of authorized carrier)

Date .....

(d) *Identification of equipment.* The authorized carrier acquiring the use of equipment under this section shall properly and correctly identify such equipment as operated by it when such equipment is operated by or for such carrier in accordance with the Commission's requirements in Ex Parte No. MC-41. If a removable device is used to identify the authorized carrier as the operating car-

[1] Filed as part of the original document.

rier, such device shall be on durable material such as wood, plastic, or metal, and bear a serial number in the authorized carrier's own series so as to keep proper record of each of the identification devices in use.

(1) The authorized carrier operating equipment under the rules in this part shall remove any legend, showing it as the operating carrier, displayed on such equipment, and shall remove any removable device showing it as the operating carrier, before relinquishing possession of the equipment.

(2) Unless a copy of the lease, contract, or other arrangement is carried on the equipment, as provided in paragraph (a) (5) of this section, the authorized carrier or his regular employee or duly authorized agent shall prepare a statement certifying that the equipment is being operated by it, which shall specify the name of the owner, the date of the lease, contract, or other arrangement, the period thereof, and any restrictions therein relative to the commodities to be transported, which certificate shall be carried with the equipment while such equipment is being operated by or for such carrier.

(e) *Driver of equipment.* Before any person other than a regular employee of the authorized carrier is assigned to drive equipment operated under the rules in this part, it shall be the duty of the authorized carrier to make certain that such driver is familiar with and that his employment as a driver will not result in violation of any provision of Parts 2, 3, 5 and 6 of the Motor Carrier Safety Regulations (Rev.) pertaining to "Driving of Motor Vehicles", "Parts and Accessories Necessary for Safe Operations", "Hours of Service of Drivers", and "Inspection and Maintenance"; and to require such driver to furnish a certificate of physical examination in accordance with Part 1 of the Motor Carrier Safety Regulations (Rev.) pertaining to "Qualifications of Drivers", or, in lieu thereof, a photostatic copy of the original certificate of physical examination, which shall be retained in the authorized carrier's file.

(f) *Record of use of equipment.* The authorized carrier utilizing equipment operated under the rules in this part shall prepare and keep a manifest covering each trip for which the equipment is used in its service, containing the name and address of the owner of such equipment, the make, model, year, serial number, and the State registration number of the equipment, and the name and address of the driver operating the equipment, point of origin, the time and date of departure, the point of final destination, and the authorized carrier's serial number of any identification device affixed to the equipment. During the time that equipment subject to the rules in this part is operated there shall be carried with the equipment, bills of lading, waybills, freight bills, manifests, or other papers identifying the lading, which shall clearly indicate that the transportation of the property carried is under the responsibility of the authorized carrier, which papers, together with the truck manifest, shall be preserved by the authorized carrier.

§ 207.4 *Interchange of equipment.* Common carriers of property may by agreement, contract, or lease, interchange any equipment defined in § 207.2 (b), with other common carriers of property in connection with any through movement of traffic, under the following conditions:

(a) *Agreement providing for interchange.* The contract, lease, or other arrangement shall be made between the carrier which owns the equipment and the carrier proposing to acquire the use thereof; shall specifically describe the equipment to be interchanged, the specific points of interchange, and the use to be made of equipment by the carrier which is not the owner thereof while in its possession; shall state the consideration for the use of the equipment; and shall be signed by the parties to the contract, lease, or agreement, or their regular employees or agents duly authorized to act for them.

(b) *Authority of carriers participating in interchange.* The certificates of public convenience and necessity held by the carriers participating in the interchange arrangement must authorize the transportation of the commodities proposed to be transported in the through movement, and service from and to the point where the physical interchange occurs.

(c) *Driver of interchanged equipment.* Each carrier must assign its own driver to operate the equipment that is proposed to be operated from and to the point of interchange and over the route or routes authorized in the participating carriers' respective certificates of public convenience and necessity.

(d) *Through bills of lading.* The interlined traffic transported must move on through bills of lading issued by the originating carrier, and the rates charged and revenues collected must be accounted for in the same manner as if there had been no interchange of equipment. Charges for the use of the equipment shall be kept separate and distinct from divisions of the joint rates or the proportions accruing to the carriers by the application of local or proportional rates.

(e) *Inspection of equipment.* It shall be the duty of the carrier acquiring the use of equipment in interchange to inspect such equipment, or to have it inspected by one of its responsible and competent employees for the purposes specified in § 207.3 (c), and equipment which does not meet the requirements of the safety regulations shall not be operated in the respective services of the interchange carriers until the defects have been corrected.

§ 207.5 *Rental of equipment to private carriers and shippers*—(a) *Renting equipment with drivers.* Unless such service is specified in their operating authorities, authorized carriers are prohibited from renting equipment with drivers to non-carriers, and shall not directly or indirectly assist such non-carriers to select or obtain drivers for equipment rented to them.

(b) *Removal of identification.* Before the effective date of the lease, contract, or agreement for rental of equipment to non-carriers without drivers, the authorized carrier shall cause to be removed from the equipment all marks of identification that indicate that such equipment is utilized in its operation, which marks shall not be restored until the termination of the agreement.

§ 207.6 *Modification of or exemption from rules.* Any of the rules in this part may be modified, or any carrier may be granted exemption from any rule or rules, in the discretion of the Commission, and upon good cause shown, under the following conditions:

(a) *Application for modification or exemption.* Application for modification of or exemption from a rule shall be made in writing, addressed to the Interstate Commerce Commission, Washington, D. C., and signed by the carrier seeking the modification or exemption, or a regular employee or agent duly authorized to act for him, and shall specify the rule sought to be modified, or the rule from which exemption is sought, and the reasons therefor.

(b) *Notice of filing application.* A copy of such application shall be sent by the applicant to competitors, known to it through the United States mails, and certification of such mailing shall be made by the applicant and attached to the application filed with the Commission.

(c) *Reply to application for modification or exemption.* Competitors of the applicant shall have 15 days from the date of such notice in which to file replies to said application.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5777; Filed, July 3, 1950; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 45]

GRADES OF AMERICAN CHEESE

UNITED STATES STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of standards for grades of American cheese pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., 1st sess., approved June 29, 1949).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same in duplicate with the Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

DEFINITIONS

§ 45.1 *American cheese.* American cheese is synonomous with "cheese", is the food product usually known as American cheese, and is of the types known, respectively, as Cheddar cheese and stirred curd cheese. It is made from cow's milk with or without the addition of coloring matter and with common salt, contains not more than 39 percent moisture, and in the water-free substance contains not less than 50 percent milk fat.

EXPLANATION OF TERMS

§ 45.2 *Explanation of terms.* (a) With respect to packaging.

(1) *Paraffin.* Refined paraffin, amorphous wax, or a combination of both.

(b) *With respect to flavor and odor*—(1) *Slight; slightly.* Detected only upon critical examination.

(2) *Definite; definitely.* Not intense but detachable.

(3) *Pronounced.* So intense as to be easily identified.

(4) *Offensive.* Foul or obnoxious.

(5) *Mild.* Not sharp or strong.

(6) *Practically no flavor development.* Slight characteristic cheese flavor.

(7) *Well-developed.* Characteristic and pronounced.

(8) *Acid.* Sharp and puckery to the taste.

(9) *Feed.* Feed flavors (such as alfalfa, sweet clover, silage, or similar feed) in milk carried through into the cheese.

(10) *Fruity.* A sweetish fruit flavor or flavor characteristic of an uncleaned whey tank.

(11) *Regional or seasonal feed flavors.* Flavors of feed that are commonly present in milk at certain times of the year or in certain regions.

(12) *Sour.* Strongly acid and strong sour taste and aroma.

(13) *Utensil.* Suggestive of improper or inadequate washing and sanitizing of milking machines, utensils, or factory equipment.

(14) *Weed.* Weed flavors that may be present in cheese derived from milk of cows that have eaten weedy hay or have grazed on weed-infested pastures.

(15) *Whey taint.* Mildly acid and aroma characteristic of fermented whey.

(16) *Yeasty.* Indicating yeast fermentation.

(c) *With respect to body and texture*—(1) *Broken down.* Changed from a firm smooth, or coarse curdy or rubbery, condition to a waxy condition similar to that of cold butter or to a mealy, or pasty, condition.

(2) *Corky.* Dry and coarse and crumbly; springy and does not mold together.

(3) *Dry and coarse.* Feels rough and sandy.

(4) *Firm.* Feels solid; not soft or weak.

(5) *Gas holes.* Holes caused by gas fermentation.

(6) *Loose and open.* Mechanical openings coursing the full length of the plug; the plug is not firm.

(7) *Mealy or short.* No elasticity to the plug; when worked between the fingers, the plug feels and looks like corn meal; is not waxy, and does not mold well.

(8) *Mechanical openings.* Irregular shaped openings (regardless of the number and size) caused by poor workmanship and not by gas fermentation.

(9) *Pasty.* When worked between the fingers, becomes sticky and smeary.

(10) *Pin holes.* So called because the holes are very small and give the appearance of pin pricks.

(11) *Reasonably firm.* Slightly weak but not to the extent of materially injuring the keeping quality of the cheese.

(12) *Slightly curdy or not entirely broken down.* Smooth but firm; when worked between the fingers, is curdy and not waxy.

(13) *Smooth.* Feels silky; not dry and coarse or rough.

(14) *Solid, compact, and close.* Practically free from openings of any kind.

(15) *Sweet or Swiss holes.* Spherical openings, glossy in appearance; usually about the size of BB shot; also referred to as shot holes.

(16) *Waxy.* When worked between the fingers, molds well like wax or cold butter.

(17) *Weak.* When worked between the fingers, requires little pressure to mash.

(18) *Yeast holes.* Slit-like openings, eliptical in shape; often referred to as fish-eyes.

(d) *With respect to color*—(1) *Acid cut or faded.* Bleached appearance.

(2) *High color.* Deep yellow or reddish.

(3) *Medium color.* Deep straw or amber.

(4) *Seamy.* White, thread-like lines.

(5) *Tiny white specks.* Specks resembling grains of salt scattered throughout the cheese.

(6) *Uncolored.* Absence of artificial coloring.

(e) *With respect to finish and appearance*—(1) *Bandage evenly placed.* Edges of bandage overlap about one inch.

(2) *Bandage fairly evenly placed.* Edges of bandage overlap from about one inch to one and one-half inches.

(3) *Cracks in the rind.* Openings of any kind in the rind.

(4) *Huffed.* Swollen because of gas fermentation.

(5) *Rind rot.* Soft spots, on the rind, that are discolored, decayed, or decomposed.

(6) *Scaly paraffin.* Thick, brittle coating of paraffin that breaks and peels off in the form of scales.

(7) *Surface mold.* Mold on the paraffin or wrapper of the cheese.

(8) *Paraffin that adheres to the surface of the cheese.* Coating of paraffin not broken or peeled off but may have some checks or be slightly bruised.

(9) *Unnecessary overlapping.* More bandage on one end than on the other.

(10) *Paraffin that adheres firmly to the surface of the cheese.* Coating of paraffin not cracked, broken, bruised, or loose.

(11) *Slightly soiled surface and surface mold.* Soiled surface or surface mold that can be removed without injuring the appearance or finish of the cheese.

(12) *Slightly soiled surface and moderate surface mold.* Soiled surface or surface mold that can be removed without jeopardizing the preservation of the cheese or injuring the commercial appearance of the cheese.

TYPES OF PACKAGING

§ 45.3 *Types of packaging.* The following are the types of packaging for American cheese:

(a) *Bandaged and paraffin-dipped.* The cheese is bandaged and dipped in refined paraffin. The starch circles may be left on or removed prior to paraffining. The paraffin coating is a continuous, unbroken, and uniform film covering the entire surface of the bandaged cheese.

(b) *Rindless (cured-in-package).* The cheese is tightly wrapped in a transparent wrapper that is free of plasticizers, stabilizers, and any other agents which may impart any color or objectionable odor or flavor to the cheese or interfere with the natural aging of the cheese. The wrapper is sealed with a minimum overlap of one-half inch. When pressure-sensitive tape is used for such sealing, the taped seams overlap at least one inch. The wrapper is of sufficiently low permeability to water vapor and oxygen so as to prevent the formation of rind during the curing and holding periods.

U. S. GRADES

§ 45.4 *Nomenclature of U. S. Grades*—(a) *General.* No U. S. Grade designation is applicable to cheese that possesses any of the following:

(v) *Specifications applicable to cheese of different ages.*

Fresh or current make	Medium cured	Cured or aged
(a) Flavor	Flavor	Flavor
Practically no flavor development	Mild characteristic cheese flavor; may have a slight acid flavor.	Well-developed characteristic cheese flavor; may be slightly bitter or slightly acid.
(b) Body and texture	Body and texture	Body and texture
Firm, smooth and curdy, or may be partially broken down if the cheese is over 3 weeks old.	Reasonably firm, smooth, and waxy; may be slightly curdy or not entirely broken down, or slightly short, mealy, or weak.	Reasonably firm, smooth, and wavy; may be slightly short or mealy, or slightly weak and pasty.
(c) Color	Color	Color
No additional requirements	No additional requirements	May have tiny white specks.
(d) Finish and appearance	Finish and appearance	Finish and appearance
Smooth, bright surface free from mold underneath the bandage and paraffin or wrapper; may have very slight soiled surface and surface mold.	Smooth surface, free from mold underneath the bandage and paraffin or wrapper; may have slight soiled surface and moderate surface mold.	Smooth surface, may have very slight mold underneath the bandage and paraffin; may have slight soiled surface and moderate surface mold.

(1) Putrid, kerosene, gasoline, fishy, fly spray, oil, paint, rancid, or other offensive flavors or odors.

(2) Weak to the extent that a plug cannot be drawn from the cheese.

(3) Discoloration caused by foreign material or by bacterial action; excessive cracks or openings in rind; any mold growth in the interior of the cheese; soft wet rind or rind rot; cheese mites; broken wrapper.

(b) *Nomenclature.* The nomenclature of U. S. Grades is as follows:

(1) U. S. Grade AA; U. S. Grade A; U. S. Grade B; and U. S. Grade C.

(c) *Basis for determination of U. S. Grades*—(1) *U. S. Grade AA.* U. S. Grade AA American cheese conforms to the following requirements and specifications:

(i) *Flavor and odor.* Is free from objectionable flavors and odors.

(ii) *Body and texture.* A plug drawn from the cheese: appears solid, compact, and close, although it may have a few small mechanical openings but no large mechanical openings; is free from sweet or Swiss holes, yeast holes, and gas holes of any kind; and is translucent.

(iii) *Color.* May be uncolored or of uniform medium color.

(iv) *Finish and appearance*—(a) *When bandaged and paraffin-dipped.* Is free from surface defects (including, but not being limited to, cracks in the rind, soft spots, rind rot, and scaly paraffin) which may cause deterioration of the cheese; is not huffed; is not lopsided; is free from high edges; and has a coating of paraffin that adheres firmly to the surface of the cheese. The bandage is evenly placed on the ends of the cheese and is free from unnecessary overlapping and wrinkles.

(b) *When rindless (cured-in-package).* The cheese is not huffed or lopsided and the wrapper is unbroken and free from wrinkles.

(v) *Specifications applicable to cheese of different ages.*

Fresh or current make	Medium cured	Cured or aged
(a) Flavor	Flavor	Flavor
No flavor development	Mild characteristic cheese flavor	Well-developed characteristic cheese flavor
(b) Body and texture	Body and texture	Body and texture
Firm, smooth, and curdy, or it may be partially broken down if the cheese is over 3 weeks old.	Firm, smooth, and waxy, or it may be slightly curdy or not entirely broken down.	Firm, smooth, and waxy.
(c) Color	Color	Color
No additional requirements	No additional requirements	May have tiny white specks.
(d) Finish and appearance	Finish and appearance	Finish and appearance
Smooth, bright surface, free from mold underneath the bandage and paraffin or wrapper; may have very slightly soiled surface and surface mold.	Smooth surface, free from mold underneath the bandage and paraffin or wrapper; may have slightly soiled surface and surface mold.	Smooth surface, may have very slight mold underneath the bandage and paraffin or wrapper; may have slight soiled surface and moderate surface mold.

(3) *U. S. Grade B.* U. S. Grade B American cheese conforms to the following requirements and specifications:

(i) *Flavor and odor.* May possess definite off-flavors and odors.

(ii) *Body and texture.* A plug drawn from the cheese: May be loose and open and may have numerous sweet or Swiss holes, yeast holes and other cautered gas holes.

(iii) *Color.* Is uncolored or of medium color or high color; may be seamy, slightly acid cut or faded, slightly wavy and slightly mottled.

(iv) *Finish and appearance—(a) When bandaged and paraffin-dipped.* May have a rough or unattractive appearance; have scaly paraffin; be slightly huffed; and be lopsided, but not to the extent the lid will not fit squarely on the box; is solid, free from soft spots, rind rot, cracks and openings of any kind. The bandage can be uneven, overlapped, or wrinkled, but is not burst or torn. There is no indication that mold has entered the cheese.

(b) *When rindless (cured-in-package).* The cheese may be slightly huffed and slightly lopsided; but the wrapper is unbroken and free from wrinkles.

(v) *Specifications applicable to cheese of different ages.*

Fresh or current make	Medium cured	Cured or aged
(a) Flavor	Flavor	Flavor
May be slightly acid, bitter, feed, fruity, metallic, utensil, whey taint and yeasty.	May be definitely acid, bitter, feed, fruity, metallic, utensil, whey taint and yeasty.	May be definitely acid, bitter, feed, fruity, metallic, utensil, whey taint and yeasty.
(b) Body and texture	Body and texture	Body and texture
May have a weak body but not pasty; may be entirely or partially broken down; may have a firm, dry and coarse, short, mealy body or a corky body.	May have a weak, pasty body, but not soft and smeary; may have a firm, short, mealy body or a slightly corky body.	May have a weak, pasty body, but not extremely soft and smeary; may have a firm, short, mealy body.
(c) Color	Color	Color
No additional requirements.	No additional requirements.	May have tiny white specks.
(d) Finish and appearance	Finish and appearance	Finish and appearance
May have slight soiled surface and surface mold.	Surface may be soiled and may have slight surface mold underneath the bandage and paraffin or wrapper.	Surface may be soiled and may have moderate surface mold underneath the bandage and paraffin or wrapper.

(2) *U. S. Grade A.* U. S. Grade A American cheese conforms to the following requirements and specifications:

(i) *Flavor and odor.* Is free from objectionable flavors and odors; but may have slight regional or seasonal feed flavors.

(ii) *Body and texture.* A plug drawn from the cheese: Appears practically solid, compact, and close although it may have a few mechanical openings but these are not large and connecting; may not have more than two sweet or Swiss holes; is free from yeast holes and other gas holes; and is translucent.

(iii) *Color.* May be uncolored or medium colored and slightly seamy.

(iv) *Finish and appearance—(a) When bandaged and paraffin-dipped.* Is free from surface defects (including, but not being limited to, cracks in the rind, soft spots, rind rot, and scaly paraffin) which may cause deterioration of the cheese; is not huffed; has a coating of paraffin that adheres to the surface of the cheese; may be slightly lopsided; may have slightly high edges.

(b) *When rindless (cured-in-package).* The cheese is not huffed, and the wrapper is unbroken and free from wrinkles; may be slightly lopsided.

(4) *U. S. Grade C.* U. S. Grade C American cheese conforms to the following requirements and specifications:

(i) *Flavor and odor.* It may possess pronounced off-flavors and odors.

(ii) *Body and texture.* May be loose and open. May have sweet or Swiss holes, yeast holes, and other gas holes.

(iii) *Color.* May be uncolored, of medium color, or of high color. May be acid cut or faded, wavy, seamy and mottled. It is not wavy or mottled to the extent that it is unappetizing.

(iv) *Finish and appearance—(a) When bandaged and paraffin-dipped.* May have a rough, unattractive appearance. May have scaly paraffin, may be huffed and lopsided, and may have a soiled surface and surface mold. The rind may have very slight rind rot, cracks, and openings. There is no indication of mold having entered the cheese.

(b) *When rindless (cured-in-package).* The cheese may be lopsided and slightly huffed; the wrapper is unbroken, but may be slightly wrinkled and have a soiled surface.

(v) *Specifications applicable to cheese of different ages.*

Fresh or current make	Medium cured	Cured or aged
(a) Flavor	Flavor	Flavor
May be definitely acid, bitter, feed, fruity, whey taint, weed, metallic, utensil, yeasty, and sour.	May have pronounced off-flavors, such as acid, bitter, feed, fruity, whey taint, weed, metallic, utensil, yeasty, and sour. Flavor shall not be offensive.	May have pronounced off-flavors, such as acid, bitter, feed, fruity, whey taint, metallic, utensil, yeasty, and sour. Flavor shall not be offensive.
(b) Body and texture	Body and texture	Body and texture
May be weak and pasty but not soft and smeary; may have a firm, coarse, short, mealy body or a definitely corky body.	May be weak and pasty but not extremely soft and smeary; may have a firm, coarse, short, mealy body, or a slightly corky body.	May be weak and pasty but not extremely soft and smeary; may have a firm, short, coarse, mealy body.
(c) Color	Color	Color
No additional requirements	No additional requirements	No additional requirements.
(d) Finish and appearance	Finish and appearance	Finish and appearance
Rindless is free of mold underneath the wrapper.	Rindless may have very slight mold underneath the wrapper.	Rindless may have slight mold underneath the wrapper.

Done at Washington, D. C., this 3d day of July 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-5931; Filed, July 7, 1950; 8:48 a. m.]

[7 CFR, Part 907]

[Docket No. AO-212]

HANDLING OF MILK IN MILWAUKEE, WISC., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO A RECOMMENDED DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed marketing agreement and order regulating the handling of milk in the Milwaukee, Wisconsin, marketing area, which was issued on June 13, 1950 (15 F. R. 3829), is hereby extended to July 20, 1950.

Dated: July 5, 1950, at Washington, D. C.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50-5929; Filed, July 7, 1950; 8:48 a. m.]

[7 CFR, Part 923]

[Docket No. AO-224]

HANDLING OF IRISH POTATOES GROWN IN PENNSYLVANIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the State of Pennsylvania, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), hereinafter called the "act". Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and the proposed marketing order (hereinafter called the "order") were formulated, was held at Harrisburg, Pennsylvania, on May 22-24, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 2418). Such notice set forth a proposed marketing agreement and order which was submitted to the Secretary of Agriculture by the State Production and Marketing Administration Committee (representing producers and shippers of Irish potatoes in the proposed production area) with a petition for a hearing thereon.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to accomplish the declared objectives of the act;

(3) The identity of the persons and transactions to be regulated;

(4) The definition of the commodity and determination of the smallest regional production area to be affected by the proposed regulatory program;

(5) The specific terms and provisions of the proposed marketing agreement and order necessary and incidental to attain the declared objectives of the act, including, among others, those applicable to:

(a) The establishment of, maintenance, composition, powers, duties, and operation of the administrative agency;

(b) The method for limiting shipments of Irish potatoes grown in the production area;

(c) The establishment of minimum standards of quality and maturity;

(d) The handling under special regulations, under certain circumstances, and the procedure applicable thereto, of specified shipments of Irish potatoes grown in the production area;

(e) The relaxation of regulations in hardship cases and the procedure applicable thereto; and

(f) The requirement that all handling of Irish potatoes grown in the production area must be in accordance with the provisions of the marketing agreement and order, and that inspection and certification of shipments of such potatoes and the payment of assessments must be accomplished in connection therewith.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) A substantial percentage of the Irish potatoes grown in the State of Pennsylvania, hereinafter called the "production area," normally enters the current of interstate of foreign commerce, and virtually all of the remainder of such potatoes are consumed as table stock potatoes within the production area, or are used for so-called diversionary purposes. The market for potatoes grown in the production area is regional in scope and prices for such potatoes at markets both within and outside of the production area are closely related to each other and to f. o. b. shipping point prices in the production area. Every movement and sale of such potatoes, whether to a market within or outside

of the production area, affects the price structure for all potatoes grown in the production area. The mere availability of a surplus of such potatoes in the production area, which could move or be sold to satisfy market demands, tends to decrease the prices in all markets for all potatoes grown in the production area.

Shipments and sales of potatoes grown in the production area may be scheduled originally for delivery to markets within the production area, and then be diverted en route to markets outside of the State. Conversely, such potatoes, destined originally for markets outside of the production area may be diverted en route to markets within the production area. The movement and sale of such potatoes to markets within the production area and to markets outside of the production area are, therefore, inextricably intermingled.

It is concluded, therefore, that (i) all transportation and sale (except retail sales) of Irish potatoes grown in the production area are either in the current of interstate or foreign commerce, or directly burden, obstruct, or affect such interstate or foreign commerce, and (ii) it is impractical to regulate effectively the transportation and sale of such potatoes without regulating all transportation and sale thereof, except as hereinafter indicated.

(2) Effective January 1, 1950, parity prices for Irish potatoes are to be computed in accordance with the provisions of the Agricultural Act of 1948 and the Agricultural Act of 1949.

Seasonal average farm prices for potatoes grown in the production area have been below parity for 13 seasons and above parity for 8 seasons since 1928. Four (1942–45, inclusive) of the 8 seasons when such prices were above parity were war years. Such prices were below parity during the most recent 3-year period, 1946–48. The estimated 1949 seasonal average farm price for such potatoes is $1.50 per bushel which is only 77 percent of parity.

During the three seasons, 1946–48, an average of 6 percent of the total potato crop grown in the production area has been purchased by the government in supporting prices at 90 percent of parity. Potato prices in 1949 were supported at 60 percent of parity, and, although final purchase data for the 1949 crop were not available at the time of the hearing, a total of 1,865 cwt., or 9.7 percent of the 1949 crop, had been purchased under the support program as of April 1950.

Since the estimated seasonal average farm price for the 1949 crop of potatoes in the production area is 23 percent below parity, and the indicated potato acreage for 1950 in the production area is only slightly below that of 1949, it is anticipated that seasonal average farm prices received by growers in the production area for potatoes produced in 1950 will not exceed the prescribed parity level.

The availability of supplies of Irish potatoes in excess of all market demand therefor tends to decrease the grower's average returns from all of such potatoes. Withholding the poorer grades, and undesirable qualities and sizes of such potatoes from such markets tends to equalize market supply and the demand therefor, and tends to increase the grower's average returns for all Irish potatoes. Poor grades, undesirable qualities, and undesirable sizes of Irish potatoes available for sale in wholesale and retail markets sell at appreciable discounts from the sale price of the better grades and desirable qualities and sizes of such potatoes, and the former not only displace the latter to a considerable extent, but the former give poor consumer satisfaction, resulting in an over-all decreased consumption of Irish potatoes. Grade, quality, and size discounts in wholesale prices of Irish potatoes are reflected in similar discounts in grower returns therefor. Similarly, decreased consumption of Irish potatoes of all grades, qualities, and sizes, decreases grower returns from such potatoes.

Poorer grades, undesirable qualities, and undesirable sizes of Irish potatoes are frequently marketed in a manner designed to indicate that such potatoes are of desirable grades, qualities, and sizes, which results in consumer dissatisfaction, confusion relevant to Irish potato values, and generally chaotic marketing conditions.

Therefore, it is concluded that a marketing agreement and order is necessary to regulate the transportation and sale of Irish potatoes grown in the production area, to establish and maintain such orderly marketing conditions therefor as will tend to establish parity prices for such potatoes. The marketing agreement and order should contain provisions for the establishment and maintenance of such minimum standards of quality and maturity and such grading and inspection requirements for Irish potatoes grown in the production area as will effectuate orderly marketing thereof in the public interest, because, even though prices received by farmers for such potatoes exceed parity, some immature potatoes of poor quality do not, under any circumstances, represent value to the consumers thereof, because of immaturity, poor quality, or both, and the returns to the farmers therefrom are negligible.

(3) (a) The act authorizes the regulation of such handling of Irish potatoes grown in the production area as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce. (Such handling is hereinafter called "in commerce".) The marketing agreement and order should regulate such handling solely to effectuate the declared policy of the act. It is essential, as a basis for such regulation, that the marketing agreement and order define a "handler," so that persons to be regulated thereunder will have notice thereof.

Common or contract carriers transporting Irish potatoes (grown in the production area and owned by another person) to market are performing a normal handling function in commerce but such handling should not be regulated under the marketing agreement and order for the reason that such carriers are not responsible for the grade, quality, and size of the commodity so transported, are not responsible for the introduction of such commodity in commerce, and their sole interest in such commodity is to transport it to destinations selected by others for a service charge. The responsibility for the grade, quality, and size of the commodity delivered to such common and contract carriers should be borne solely by the person or persons responsible for delivering such commodity to such carriers.

Other normal handling functions with respect to such potatoes, which should be regulated under the marketing agreement and order, are hereinafter considered in connection with a definition of "ship", and the definition of "handler" should be synonymous with "shipper" because regulation of the handler performing each of such functions is necessary under the marketing agreement and order to effectuate the declared policy of the act. Therefore, the term "handler" should be defined to be synonymous with shipper (except a common or contract carrier of potatoes owned by another person) and to mean any person who ships potatoes.

(b) Storing, packing, washing, grading, and other processing of Irish potatoes are normal handling functions in commerce. However, it would be impracticable, if not impossible, to require persons engaged in storing, washing, packing, and grading Irish potatoes, grown in the production area, to meet minimum grade, quality, and size requirements in connection with such potatoes, under regulations issued pursuant to the marketing agreement and order, prior to such grading. Therefore, such handling activities should be exempt from regulation under the marketing agreement and order. Such exemption should be limited to storing, washing, packing, grading, and other preparatory handling functions accomplished in the production area because such activities are customarily accomplished in such area and because enlarging the exemption would serve no useful purpose. After the grading has been accomplished in connection with such potatoes, the handling activity of transporting them to market should be subject to regulation, under the marketing agreement and order, because the grade, quality, and size of such potatoes are determined by the grading process accomplished prior to such transportation and such transportation in commerce can then be limited, on a practical basis, to such grades, qualities, and sizes of such potatoes as will tend to effectuate the declared policy of the act.

Sales of Irish potatoes, grown in the production area, in commerce are normal handling transactions which should be subject to regulation under the marketing agreement and order because such sales can be restricted to the grades, qualities, and sizes of such potatoes as will meet the requirements of regulations issued under such marketing agreement and order and because such sales introduce or continue such potatoes in commerce. Therefore, if such sellers fail to meet such requirements, they should be responsible, except as hereinafter indicated, for the introduction or continuation of Irish potatoes in commerce which fail to meet such requirements. However, if a producer

of Irish potatoes, grown in the production area, sells such potatoes to a recognized packer in the production area on a grade-out basis, such sale by the producer does not constitute a normal handling transaction in commerce because such sale does not place such potatoes in commerce and because such producer relies on the recognized packer handling such potatoes in accordance with such grade, quality, and size regulations as may be in effect at the time such potatoes are actually placed in commerce. Under such state of facts, the sale from the producer to the recognized packer does not place the potatoes in commerce and the customary contemplation of the parties is that such potatoes may be stored and that they will be prepared for market prior to their introduction in commerce, i. e., washed, graded, etc. It is necessary to restrict the scope of this producer-packer sale exemption to packers operating processing facilities in the production area because such restriction conforms to customary practice in the production area and because enlarging the exception would serve no useful purpose.

However, if a producer of Irish potatoes, grown in the production area, sells potatoes grown by him to an itinerant trucker, or any other person, for transportation to market without prior processing, such potatoes are thereby placed in commerce at the time of such sale and the producer, under such circumstances, is the first handler of such potatoes. Such producer intended, under such circumstances, that the potatoes would be placed in commerce at the time of such sale and, therefore, he should be held responsible for any failure of the commodity so sold to meet such grade, quality, and size requirements as might be in effect under the marketing agreement and order at the time of such sale.

Irish potatoes grown in the production area and consigned or otherwise placed in commerce are in the same category as similar potatoes sold in commerce because all of such potatoes must at least meet the minimum grade, quality, and size requirements in effect under the marketing agreement and order at the time they are placed in commerce to effectuate the declared policy of the act. The consignor or individual otherwise placing such potatoes in commerce should be required, therefore, to meet such grade, quality, and size requirements.

Irish potatoes grown in the production area are frequently transported, sold, or otherwise placed or continued in commerce by more than one person. Each of such persons is responsible for introducing or continuing such potatoes in commerce and, therefore, each of such persons should be required to conduct such normal handling activities in accordance with applicable grade, quality, and size regulations, under the marketing agreement and order, to effectuate the declared policy of the act.

It is concluded therefore, the "ship" should be defined in the marketing agreement and order to include and be applicable to all of the normal handling functions which must be subject to regulation to effectuate the declared policy of the act, that such definition should be synonymous with "handle," and that "ship" should mean to transport, sell, or in any other way to place potatoes in the current of commerce within the production area, or between the production area and any point outside thereof: *Provided*, That the definition of "ship" or "handle" shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area for storing, or to the sale or transportation of potatoes to a recognized dealer or packer within the production area for the purpose of having such potatoes prepared for market.

(4) (a) It is necessary to define the commodity to be regulated by the marketing agreement and order, so that persons handling such commodity will know that their handling activities relevant thereto are subject to regulation thereunder. The act authorizes marketing agreements and orders applicable to potatoes, or to any regional or market classification thereof. Irish potatoes of all varieties grown in the production area is a regional classification of potatoes and regulation of the handling thereof will tend to effectuate the declared policy of the act. It is concluded, therefore, that "potatoes" should be defined to mean all varieties of Irish potatoes grown in the production area.

(b) A definition of "production area" is incorporated in the marketing agreement and order to specify and delineate the area in which potatoes must be grown before the handling thereof is subject to regulation. Potatoes are produced for market in each county included within the production area. Commercial production is extensive and concentrated in a large number of the counties, and it would be impractical to exclude any of such counties from the production area. The exclusion of any of such counties from the production area would create enforcement problems of such magnitude as to jeopardize the successful operation of the marketing agreement and order.

Production, harvesting, and marketing conditions and methods are essentially the same throughout the production area. Such differences in these factors as do exist are relatively minor and would not justify, on the basis of reasons stated herein, the exclusion of any portion of the production area from regulation under the marketing agreement and order. The same or similar varieties of potatoes are grown throughout the production area and potatoes from each part thereof compete in markets both within and outside the area during each season. Potatoes from all counties are sold in and compete in the same markets during each season. Exclusion of any portion of the production area from regulation under the marketing agreement and order would make the operation of such program unreasonably difficult and impractical. Therefore, the production area, hereinafter defined, constitutes the smallest practicable regional production area.

(5) It is necessary to define the terms hereinafter set forth so that their applicability and meaning may be established and to preclude the necessity for redefining them when they are later used in the marketing agreement and order. The definitions of Secretary, act, person, producer, and varieties, as set forth in the notice of hearing, were not in controversy at the hearing. These terms are generally understood by members of the potato industry in the production area and the use of such terms in the marketing agreement and order is essential as the basic framework thereof.

A definition of "fiscal year" is incorporated in the marketing agreement and order to establish the beginning and end of an operating period. The establishment of such period, which should comprise a full twelve months, is necessary for businesslike administration of the marketing agreement and order and is desirable as a basis for establishing the terms of office of committee members and alternates. The date marking the end of one fiscal year and the beginning of the new should fall at a time of relative inactivity in the marketing of the potato crop and should allow sufficient time for the committee to organize and be prepared to function prior to the start of the new marketing season. Marketing of the potato crop grown in the production area begins the latter part of July of each year and is completed prior to May 1 of the following year. June 1 of each year is, therefore, an appropriate date for establishing the end of one fiscal year and the beginning of the new. Fiscal year should be defined, therefore, as hereinafter set forth.

A definition of "committee" is incorporated in the marketing agreement and order to identify the administrative body which acts as agent of the Secretary. Such committee is authorized by the act and the definition thereof, as hereinafter set forth, minimizes the use of words in the marketing agreement and order.

Definitions of "seed potatoes," "table stock potatoes," "wholesale pack" and "consumer pack" are incorporated in the marketing agreement and order because regulation is provided, under certain circumstances, differently for each. Special regulation for seed potatoes is justified because such potatoes are produced for a specialized use and the requirements of the seed market differ, in some respects, from that of the table stock market. For example, potatoes of small size are ordinarily discounted in the table stock market but may bring a premium in the seed market. The term "seed potatoes" should be defined to include such potatoes as are certified, tagged, or otherwise appropriately identified by the official seed certifying agency of the State of Pennsylvania, or such other seed certifying agency as the Secretary may recognize. Table stock potatoes should be defined as all potatoes other than seed potatoes. The sum total of the table stock and seed potatoes so defined will equal "potatoes" otherwise defined in the marketing agreement and order.

The definition of "consumer pack" should include all potato packs which are prepared for ultimate sale by the retailer to the consumer in the original

container. The definition of "wholesale pack" should include all potatoes which are normally dumped into bins at the retail store. In practice, the distinction between the two types of packs rests on the capacity of the container. Consumer packs commonly in use in the production area consist of 5, 10, and 15 pound bags, while wholesale packs consist of 50 and 100 pound bags. The demarcation between consumer and wholesale packs should be drawn at a specified weight rather than by naming the individual container which should fall in each category. The possible introduction of containers differing in size from those now in use makes the latter approach impractical. A net weight of 50 pounds of potatoes appears to be an appropriate dividing line between the two types of packs. Consumer pack and wholesale pack should be defined, therefore, as hereinafter set forth.

Definitions of "grade" and "size" are incorporated in the marketing agreement and order to enable all persons affected thereby to determine the requirements thereof and to interpret specifically and intelligently regulations issued in such terms. Grade and size, the essential terms in which regulations are issued, should be defined as comprehending the equivalents of the meanings assigned to these terms in (i) the official standards for potatoes issued by the United States Department of Agriculture, (ii) the State of Pennsylvania Standards issued by the Secretary of Agriculture of such State, or (iii) to modification or amendment of such standards. Regulations under the marketing agreement and order can then use such terms (grade and size) with the constant meaning assigned thereto in such standards, or such modification or amendment of such terms as may be effected through amendment of such standards, or such variation of such terms as may be required at the time of regulation and spelled out in the regulation. Official inspectors are qualified to certify to the grade and size of potatoes, grown in the proposed production area, in terms of any one of the aforesaid standards, or modification, amendment, or variation thereof.

A definition of "export" is incorporated in the marketing agreement and order because different regulations thereunder are authorized for export shipments than for domestic shipments. Export markets have certain requirements which differ from the domestic market and special regulations are, therefore, justified. Export should be defined to include all shipments of potatoes outside of the continental United States.

A definition of "district" is incorporated in the marketing agreement and order to delineate the geographical divisions of the production area for the purpose of electing nominees for membership on the committee. The production and marketing problems within each of the established districts are similar and election of committee nominees on such basis will afford equitable representation to all producers in the production area. District should be defined, therefore, as hereinafter set forth.

(a) The marketing agreement and order should provide for the selection by the Secretary of an administrative committee, called the Pennsylvania Potato Committee composed of 16 producer and 7 handler members. Establishment of this committee is desirable and necessary to aid the Secretary in carrying out the declared policy of the act and such committee is authorized by the act. Provision should be made for an alternate for each member of the committee because circumstances may arise when it is impossible for a member, or members, to attend particular meetings of the committee and where positions are vacant because of death, resignation, or for other reasons. In such situations it is necessary and desirable for the respective alternate to act in lieu of the member, so that there will be no interruption of committee operations and to assure that committee activities will be representative of producer and handler thinking in all districts of the production area. Such alternates should have the same qualifications as the members if the alternates are to represent the same industry factions as such members. A committee of 23 members will be sufficiently small to permit it to operate in an efficient manner and at the same time, on the basis of the division of the production area into districts and representation therefrom, will be of sufficient size to give adequate representation to all producers and handlers in the production area.

Producer members and handler members and their respective alternates, selected to represent a district should be producers and handlers, or officers or employees thereof, respectively, in such district and residents therein. Persons with such qualifications will be intimately acquainted with the particular problems of producing and marketing potatoes grown in such district and for that reason can be expected to present accurately the views, problems, and economic conditions of producers and handlers in such districts with respect to committee actions.

A nomination procedure is provided for in the marketing agreement and order to assure the Secretary that the names of appropriate prospective members and alternates will be brought to his attention. The nomination of prospective members and alternates by producers and handlers at meetings in the respective districts is a practical method of providing the Secretary with names of such members and alternates. Such procedure will insure that the Secretary has available a list of nominees whose qualifications have been reviewed by and acted upon by members of the industry.

The Secretary may appropriately select initial committee members and alternates from nominations which may be made by producers, handlers, or groups thereof. However, the Pennsylvania Potato Committee, hereinafter called the "committee," does not come into existence until selection by the Secretary of the initial committee; therefore, the marketing agreement and order should provide for the selection of said initial committee in the absence of nominations.

Nomination meetings for the purpose of nominating succeeding members of the committee and their alternates should be held or caused to be held by the committee prior to April 1 of each year. Such date is approximately sixty days prior to the end of the fiscal year. By holding, or causing to be held, nomination meetings prior to such date, the committee would have adequate time to prepare and submit nominee lists to the Secretary in time for the Secretary to select the members and alternates to take office at the beginning of the new fiscal year, and, in the event a selectee declines to serve, for the Secretary to make another appointment.

At least two nominees should be designated for each position as member, and each position as alternate member so that the Secretary will have a choice in making his selection and, in the event a selectee declines to serve, so that he will have the names of other prospective members or alternates from which to make another appointment.

Nominee lists should be supplied to the Secretary in the manner and form prescribed by him to establish administrative uniformity in the handling of such matters. Such nominations should be presented to the Secretary at least thirty days prior to the end of the fiscal year so that the selection and qualification of the members and alternates for the new term of office which begins with the new fiscal year may be made prior to such date.

Each producer shall be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives, in designating nominees for producer committee members and alternates regardless of the number of districts in which he produces potatoes. Voting on any other basis would not provide for equitable representation. If a producer could cast more than one vote by reason of operating in more than one district, such producer would have an advantage in selecting nominees over producers operating in only one district. Likewise, if more than one vote was permitted, a few large producers could dominate the elections and nominate producers not favored by a majority of producers. The producer who operates in more than one district should be permitted to elect from among the districts in which he produces potatoes, the district in which he shall vote in order that he may cast his ballot for nominees for producer committee members and alternates where he believes his main interest lies. The one-vote limitation applies to any one producer position to be filled at a nomination meeting. Each producer is allowed one vote for each such producer position as a committee member and each such producer position as a committee alternate to be filled at a nomination meeting.

Identical limitations and requirements should be applied to handler participation in nominating handler committee members and alternates, for reasons similar to the application of such limitations and requirements to producer nominations of producer committee members and alternates. However, to maintain the distinctive handler and producer representative viewpoint of committee members and alternates, each person who handles and produces potatoes should be required to elect the capacity in which he will participate in program activities, subject to the requirement that, for the purpose of nominating handler committee members and alternates, a handler shall be considered to be a person who produces not more than 50 percent of the total volume of potatoes handled by himself. Such percentage limitation will restrict participation in nominating handlers to persons primarily interested in potato handling activities.

In order that there will be an administrative agency in existence at all times to administer the marketing agreement and order, the Secretary should be allowed to select committee members and alternates without regard to nominations if the committee, for any reason, fails to carry out the nomination procedure prescribed herein. Such selection however, should be on the basis of the representation provided in the marketing agreement and order to insure that the entire production area is fairly and adequately represented.

Any person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of willingness and intention to serve in such capacity. Each person selected as a committee member or alternate should qualify, so that the Secretary will have a means of determining if he intends to serve. This is sound operating procedure and is necessary and desirable to avoid delays in the composition of the committee. For this same reason, each member and alternate should file his acceptance within a definite time period after receiving notice of his selection. The ten-day period prescribed is reasonable for qualification and will not unduly retard composition of the committee.

Provision is made for the Secretary to fill any committee vacancies in order to maintain continuity of committee operation. The marketing agreement and order provides several alternative procedures which may be followed by the Secretary in making such selections. The administrative flexibility thus prescribed is desirable so that the Secretary will not be forestalled in making such selections and so that he may choose the most practical of the alternative means of obtaining the names of qualified persons to fill such vacancies. The Secretary should have authority to select persons to fill committee vacancies from nominations made at producer or handler meetings. Practical considerations, however, may preclude the holding of special nomination meetings for this purpose. For example, a vacancy might occur during the height of the potato planting or harvesting season when it would be difficult for the committee to secure an adequate and representative attendance at meetings. It is, therefore, appropriate that the Secretary should be authorized to make selections to fill vacancies from the nominee list last submitted by the committee prior to the occurrence of the vacancy.

It is also desirable and necessary that the Secretary should be authorized to fill committee vacancies without regard to nominations if the names of nominees to fill any such vacancy are not made available to the Secretary within thirty days after such vacancy occurs. The Secretary should have recourse to such means of filling vacancies in order to maintain continuity of committee operation and to insure that all portions of the production area are adequately represented in the conduct of committee business.

The term of office of committee members and alternates, except for initial members and alternates, should be for two years. A two-year term is desirable so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service in assisting the Secretary in carrying out the declared policy of the act. A term of two years is also the minimum term that can be established if provision is to be made for staggered terms of office. A term of more than two years should not be established since producers and handlers should have an opportunity to vote for a change in their representation at frequent intervals.

Provision is made in the marketing agreement and order for staggered terms of office of committee members and alternates. Under this provision, a majority of the committee in office at the end of a fiscal year will continue in office through the next fiscal year. The establishment of such staggered terms will promote administration of the program in the most effective and efficient manner. By having staggered terms of office, the new members and alternates, constituting about one-half of the committee membership, selected to serve at the beginning of each fiscal year, will benefit from the guidance of the experienced members who carry over. This provision for the carry-over of experienced members will help insure continuity in the policies and procedures relating to the administration of the marketing agreement and order. Such continuity is an essential ingredient in the successful administration of the marketing agreement and order.

To facilitate the establishment of staggered terms of office, the marketing agreement and order provide that the terms of office of 12 members and alternates of the initial committee shall be for one year, and the terms of office of 11 members and alternates shall be for two years. Such provision is fair and equitable and will permit the establishment, on a practical basis, of a committee with the members and alternates thereon holding office for staggered terms.

A quorum of the committee should consist of 12 members, including one handler member, and 12 concurring votes, including the vote of at least one handler, should be necessary for passing any motion or approving any action of the committee. These requirements are reasonable and are necessary to insure that any action of the committee will be representative of a majority of the committee and that the interests of both producers and handlers will be reflected in committee actions.

Only members present at an assembled meeting of the committee, or alternate members acting for members, should be entitled to vote. This requirement will encourage greater attendance at meetings and will promote fuller discussion of committee actions. Provision is made, however, for meetings of the committee by telephone, telegraph, or other means of communication, to meet practical situations where rapid decision with respect to committee actions is necessary. Such emergency situations occur quite frequently in the marketing of potatoes grown in the production area. Any votes cast at such meetings should be promptly confirmed in writing to provide a record of the action taken.

The apportionment and selection of producer and handler members and alternate members of the committee by districts in the manner set forth in the marketing agreement and order will provide fair and equitable representation of all producers and handlers in the production area. The representation provided gives weight, on as fair and reasonable a basis as possible, to the various factors, such as acreage, number of producers, number of handlers, size of district, and variation in producing and marketing conditions, necessary to establish assurance of a fair and equitable representation of all portions of the production area on the committee.

Selection of three producer committee members and alternates from both District Nos. 1 and 3, four producer committee members from District No. 2, and two producer committee members from each of Districts 4, 5, and 6, hereinafter defined, will afford fair and equitable representation on the committee for all producers in the production area, giving appropriate weight to the acreage, production, and the different methods of producing potatoes in the entire production area. Selection of two handler committee members and alternates from District No. 2; and one handler committee member and alternate from each of Districts 1, 3, 4, 5, and 6, hereinafter defined, will afford fair and equitable representation on the committee for all handlers in the production area. This representation gives appropriate weight, on a fair and reasonable basis, to the acreage, production, and the different methods of handling potatoes in the production area, necessary to establish assurance of a fair and equitable representation on the committee for all handlers in the production area.

Committee members and alternates should be compensated at a rate not to exceed $10.00 per day, or portion thereof, and should be reimbursed for expenses necessarily incurred when acting on committee business. Since such members and alternates will be serving in the interest of the potato industry in the production area, they should not be required to bear such expenses as they incur in attending to committee business. Compensation at not to exceed the rate prescribed herein will offset, to some extent, the losses which such members and alternates will sustain through committee service.

The powers of the committee, as set forth in the notice of hearing, should be granted to the committee because such powers are authorized by the act and are essential to the committee in order for it to discharge its responsibilities under the marketing agreement and order.

Each and all of the duties set forth in the notice of hearing should be given to the committee because such duties are necessary and essential to the accomplishment of the declared policy of the act and for the committee to discharge its obligations to the Secretary. These duties are similar to duties given to other administrative committees under other marketing agreement and order programs.

(b) The declared policy of the act is to establish and maintain such orderly marketing conditions for potatoes, among other commodities, as will tend to establish parity prices for such potatoes. The regulation of shipments of potatoes by grade, size, or quality, authorized in the marketing agreement and order, provides a means of carrying out such policy.

The procedures which are outlined in the marketing agreement and order for the development and institution of marketing policies relating to grade, size, or quality regulations provide a practical basis for the committee to obtain appropriate and adequate information regarding marketing problems. In turn, members of the industry are also provided an appropriate and adequate means of being informed regarding the policies and regulations the committee recommends and, if issued, the regulations that are effective. The factors which the committee should take into consideration in developing its marketing policy are the ones commonly or usually taken into account by growers and handlers in marketing potatoes.

In order that the Secretary may most effectively carry out his responsibilities in connection with the marketing agreement and order, it is provided that the committee should prepare and submit to the Secretary a report on its proposed policy, or amendments thereto, for the marketing of potatoes during each fiscal year. The initial marketing policy in each fiscal year should be prepared and submitted to the Secretary prior to the beginning of the marketing season, to give all interested parties the maximum notice of regulatory possibilities, consistent with affording the committee sufficient time to prepare sound policies. Further provision should be made for the committee to make available the contents of such reports to producers and handlers in the production area.

In making recommendations for regulation, it is provided that the committee shall investigate enumerated relevant factors of supply and demand for potatoes. This requirement is necessary so that the committee will be in the best position to develop sound and practical recommendations for regulation and to advise the Secretary with respect to such supply and demand conditions. The committee will be well qualified to determine marketing conditions for potatoes produced in the production area and to recommend specific regulations which will tend to effectuate the declared policy of the act.

The limitation of shipments of the poorer grades, qualities, and less desirable sizes of potatoes grown in the production area will tend to increase the prices of the more desirable grades, qualities, and sizes, and to increase the returns to producers therefrom. Less desirable sizes include not only small potatoes but also excessively large potatoes. Such limitation of shipments will also help to improve the long-run demand for and competitive position of potatoes grown in the production area.

It is necessary and desirable exercise of the authority granted by the act for the committee to recommend and the Secretary to establish grade, size, or quality regulations for any or all portions of the production area; and different grade, size, or quality regulations for different packs, for different time periods within the shipping season, for different varieties, or any combination of the foregoing. Such administrative flexibility is needed in the marketing agreement and order to effectuate the declared policy of the act through the issuance of appropriate regulations adapted to different and changing circumstances encountered in the marketing of potatoes.

Authority to issue different regulations applicable to different portions of the production area is necessary because a particular portion or portions of such area may have adverse growing conditions which cause an abnormally high percentage of the potatoes grown therein to fall within restricted grades, sizes, or qualities. To meet the administrative problems that would arise from a situation of this kind and to provide fair and equitable regulation of all shipments of potatoes grown in the production area, it would be appropriate to establish a less restrictive regulation applicable to such affected portion or portions of the area.

Supply and demand conditions for potatoes are subject to frequent and substantial changes during the course of a particular marketing season. For this reason, it is absolutely essential that the committee have authority to recommend different regulations at any time during the season in order to carry out the declared policy of the act.

Different regulations should be authorized for different varieties of potatoes because varieties differ in particular characteristics such as shape and in susceptibility to certain defects. For these reasons, an appropriate grade and size regulation for one variety might not be appropriate for another. Moreover, a new variety may be introduced in the area which should be regulated differently than the varieties now being grown.

It is necessary to provide for different regulations, under appropriate circumstances, for consumer packs than for wholesale packs to improve and maintain consumer acceptance for potatoes grown in the production area. Consumer packs of potatoes require different size composition than wholesale packs; authority should be provided, therefore, to establish regulations with respect to minimum or maximum sizes of potatoes, or both, differently for consumer packs than for wholesale packs. Consumer acceptance of potatoes is more adversely affected by inferior grades and undesirable sizes in consumer packs than in wholesale packs. In the case of consumer packs, the consumer accepts the package relatively "sight unseen" and does not have an adequate opportunity to make a selection of individual potatoes. The consumer, however, can make the desired selection from bulk displays made up by dumping the contents of wholesale packs into a bin, as is standard procedure in the retail grocery business. Consumers demand a better and more uniform grade, size, and quality of potatoes in consumer packs, than in wholesale packs and failure to maintain such grade, size, and quality in consumer packs will disproportionately decrease the total returns of growers of potatoes in the production area.

The Secretary, upon the recommendation of the committee, or other available information, should be authorized to modify, suspend, or terminate grade, size, or quality regulations with respect to shipments outside of the normal commercial markets for table stock potatoes. The committee should be well qualified, because of the experience and knowledge of individual members, to recommend such modifications, suspensions, or terminations as will be in the best interests of the potato industry in the production area and which will tend to effectuate the declared policy of the act. Shipments of potatoes to the noncompetitive outlets, hereinafter set forth, which otherwise could not be marketed under the regulations, would tend to increase the total returns of potato growers in the production area.

The nature of the demand for seed potatoes differs from the demand for table stock in that small sizes are preferred for seed, whereas the same sizes are discounted in the table stock market. However, certain characteristics which constitute grade defects in table stock potatoes do not necessarily detract from the value of seed potatoes. It is desirable, in order to promote more orderly marketing conditions for potatoes, to authorize the committee to recommend and the Secretary to modify grade, size, or quality regulations with respect to seed potatoes or to suspend or terminate regulations relating to such seed shipments.

Export outlets, while relatively small, are an important factor in the demand for potatoes grown in the production area. Since certain export markets offer premium prices for certain grades, sizes, or qualities of potatoes which usually sell at a discount in the domestic market, it is desirable that the committee be authorized to recommend, and the Secretary to establish, modification, suspensions, or terminations of regulations applicable to export shipments. Such shipments to export would tend to increase returns to producers in the production area and result in added increment to the value of the crop, thereby tending to effectuate the declared policy of the act.

Substantial shipments of potatoes to the Federal Government have been made in recent years in carrying out price support obligations administered by the Secretary. It is necessary, therefore, to authorize the committee to recommend and the Secretary to modify, suspend, or terminate regulations to facilitate such shipments, which will increase grower returns from potatoes grown in the production area and thereby tend to effectuate the declared policy of the act.

The committee should be authorized to recommend and the Secretary to modify, suspend, or terminate regulations with respect to potatoes shipped for manufacture or conversion into specified products because such shipments, such as glucose, alcohol, etc., reduce the supply of such potatoes available for shipment to the table stock market and, therefore, such shipments tend to increase the total value of the entire crop of potatoes. The committee should be given authority to recommend which shipments should be classed as being for manufacture or for conversion into specified products because committee members are in an advantageous position to know whether and when such end products constitute outlets that are not competitive with table stock potatoes. It is concluded that the committee should have authority to recommend and the Secretary to specify such products because some products compete on a basis virtually equal to table stock potatoes and, further, because new end products may be developed from time to time, some of which may, and some of which may not be competitive with table stock potatoes.

The committee should be authorized to recommend that shipments of potatoes for livestock feed, or for other specified purposes, should not be regulated, or to recommend modification or suspension of regulations governing such shipments. Livestock feed provides an outlet for potatoes that is not competitive with the table stock market. When such outlets are available it will tend to promote objectives sought under regulation to exempt shipments for this purpose from grade, size, and quality regulations. The committee should be authorized to recommend that shipments of potatoes for a particular purpose or type of utilization should not be regulated, or to recommend modification or suspension of regulations with respect to such shipments, when it is found that such shipments are not competitive with tablestock shipments in commerce. The Secretary, on the basis of such recommendations, or other available information, should be authorized to modify, suspend, or terminate regulations with respect thereto, when such action will tend to effectuate the declared policy of the act.

The aforesaid authorizations for the modification, suspension, or termination of regulations, with respect to shipments of potatoes for each enumerated special purpose, should permit the modification, suspension, or termination of one or more regulatory provision and the simultaneous retention of other regulatory provisions because such shipments may require expenditures of administrative funds to police and they may compete, to some extent, with shipments of potatoes for table stock purposes.

The administrative difficulties of regulating small shipments, under some circumstances, may make it uneconomical, undesirable, and impractical to attempt to do so under the marketing agreement and order. Under such circumstances, which can be readily determined by the committee, regulation of such small shipments would not tend to effectuate the declared policy of the act. It is concluded that the committee should be authorized to recommend and the Secretary to establish the minimum quantities which should not be subject to any or all regulations issued under the marketing agreement and order. It is necessary to permit the maintenance of one or more regulatory requirements, while relieving such minimum quantities from other regulatory requirements. It may be desirable, for example, for the inspection requirement to be waived on small shipments but that handlers be required to pay assessments or comply with grade, size, and quality regulations with respect to such shipments. The committee should be authorized to limit the minimum quantities that a handler can ship on a time period basis such as one shipment during a 24 hour period. This proviso will tend to minimize the possibility of abusing this privilege and prevent a handler from shipping several small lots during a day in an effect to circumvent the applicable regulations. This provision provides authority to arrange flexible operation of the marketing agreement and order to meet unusual situations in a practical way. Such authority will promote more orderly marketing and prevent the imposition of undue burdens upon handlers making such small shipments.

The requirement that the Secretary shall notify the committee of any regulations, or of any modifications, suspensions, or terminations of regulations, is appropriate and necessary to enable the committee to be informed of such actions. The committee's obligation to give reasonable notice (which shall be given through newspapers, radio, mail, or such combinations thereof as may be deemed desirable by the committee) of orders issued by the Secretary is appropriate and necessary for proper and efficient administration of the marketing agreement and order.

Authority should be provided for the committee to recommend and the Secretary to prescribe adequate safeguards to prevent any potatoes, including seed potatoes, which may be subject to special modified, suspended, or terminated regulation, from entering the current of commerce contrary to the provisions hereof. Such safeguards, among others, may include inspection to provide the committee with an accurate record of the grade, size, and quality of such shipments of potatoes. In order to maintain appropriate identification of such shipments of potatoes, the committee should be authorized to issue Certificates of Privilege to handlers thereof and to require that such handlers obtain such certificates on all such shipments. Certificates of Privilege should be issued in accordance with rules and regulations established by the Secretary, on the basis of committee recommendations, or other available information, so that the issuance of such certificates may be handled in an orderly and efficient manner.

The committee also should be authorized to deny or rescind Certificates of Privilege when such action is necessary to prevent abuse of the privileges conferred thereby. The committee should be authorized to take such rescinding or denial action upon evidence satisfactory to the committee that a handler to whom a Certificate of Privilege has been issued has handled potatoes contrary to the provisions thereof. Action by the committee denying a handler such certificates should be in terms of a specified time period. Handlers affected by the aforesaid rescinding or denial action should have the right of appeal to the committee for reconsideration.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or any Certificates of Privilege issued by the committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith and the committee should currently notify all persons affected by the indicated action.

The committee should maintain detailed records relevant to Certificates of Privilege and should submit, when requested to do so, reports thereon to the Secretary to supply pertinent information requisite for him to discharge his duties under the act and the marketing agreement and order.

(c) The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity and such grading and inspection requirements during any and all periods of marketing, when potato prices are above parity, as will be in the public interest. Some potatoes are of such defective quality that they do not give consumer satisfaction at any time because of the great waste and time involved in their preparation. The cost of such potatoes to the consumer per edible unit is frequently greater than the cost per edible unit of potatoes of better quality.

The shipment of immature potatoes causes an adverse consumer reaction to potatoes from the production area and tends to demoralize the market for later shipments of mature potatoes. There is a tendency for immature potatoes to deteriorate in transit and to develop undesirable cooking properties. Limitation of shipment of such potatoes would be in the interests of both consumers and of the potato industry in the production area. Continued shipments of low quality and immature potatoes may result in a permanent reduction in demand for potatoes grown in the production area.

(d) Provision is made in the marketing agreement and order for inspection by the Federal-State Inspection Service of all shipments of potatoes grown in the production area, except as hereinafter indicated. Inspection certificates issued by this service are a common and

usual means of specifying the grade, size, and quality of potatoes and are generally used and recognized in the production area. Such certificates constitute prima facie evidence of the grade, size, and quality of the commodity to which they apply and they are accepted in court as such evidence. It is necessary to provide the handler, the committee, or any other interested party with a means of determining whether a shipment, or shipments of potatoes complies with the requirements of any particular grade, size, and quality regulation which may be in effect under the marketing agreement and order. Inspection certificates provide such a means. The Federal-State Inspection Service can provide reasonably prompt inspection at all points within the production area at a reasonable fee, if inspection is requested at a reasonable time prior to the anticipated sale or transportation of the commodity to be inspected. Effective regulation of the handling of potatoes grown in the production area requires that the grade, size, and quality of each shipment thereof be authoritatively established. Accordingly, the marketing agreement and order should provide, except as hereinafter indicated, that no handler shall ship potatoes unless, prior thereto, such shipment was inspected by the aforesaid Service.

When the quantity of potatoes contained in a small-lot shipment exceeds the aforesaid minimum quantity, the handler of such shipment may, under some circumstances, experience some inconvenience in procuring inspection of such shipment prior to the handling thereof. Such inconvenience can arise by virtue of a sudden market change, receipt of an unanticipated potato order immediately prior to the departure of a produce truck for the market area, and other similar situations. However, if a producer-handler is engaged in supplying produce, including potatoes, to marketing areas relatively near to his farm, he knows, at the beginning of each marketing season, that he can reasonably anticipate occasional occurrences of the aforesaid types of inconvenient situations during the course of such marketing season. Insofar as one of such situations only requires the addition of a small lot of potatoes to a mixed-load produce shipment, such situation will cause no inspection inconvenience because of the minimum quantity or small-lot provisions hereinbefore referred to.

The aforesaid situations need not always cause inspection inconveniences when the volume of potatoes involved exceeds the minimum quantity or small-lot maximum, because the producer-handler can anticipate the time of digging potatoes grown by him and, at the time of anticipating such digging, he can make a request for inspection which can be supplied to him at the time of digging. When an inspector is available at the time of digging, a sufficient quantity of potatoes can be dug, graded, and inspected to afford a producer-handler inspection and certification of a sufficient quantity of potatoes to satisfy his potential handling requirements for the day of digging and a number of days subsequent thereto. Of course, if a producer-handler does not anticipate digging potatoes, for example, until two minutes prior to the initiation of such operation, it would be unreasonable to expect any inspection service to supply an inspector on the basis of a two-minute notice.

Although the foregoing indicates that virtually all of the so-called inconvenient situations can be eliminated by reasonable cooperation of producer-handlers and the inspection service in connection with small lot shipments, in each of which the potatoes exceed the aforesaid minimum quantity, there may be some situations of the general type hereinbefore indicated, which cannot be solved on any of the bases hereinbefore set forth. Insofar as such situations cannot be so solved, it is necessary and desirable that the present marketing practices applicable thereto should be modified to assure that only those grades, sizes, and qualities of potatoes, as evidenced by inspection certificates applicable thereto, move to market as will tend to effectuate the declared policies of the act. The only way such objective can be reasonably attained, on a uniform and equitable basis, is to require that all shipments of potatoes, except as hereinbefore otherwise indicated, must be inspected and certified prior to shipment. There is no persuasive showing in the hearing record that such requirement would constitute a confiscatory burden on any producer-handler to be affected thereby, because the record indicates that many of the so-called emergencies involved in handling mixed-load produce shipments from the production area can be eliminated by cooperation with the inspection agencies, and the remainder of such so-called emergencies, even though they may result in some delay in such shipments reaching the market, will not preclude the handling of such shipments in a manner tending to effectuate the declared policies of the act.

Copies of inspection certificates issued pursuant to the requirements of the marketing agreement and order should be supplied to the committee promptly, so that it may promptly discharge its administrative responsibilities thereunder. In instances where potatoes previously inspected are regraded, resorted, or in any other way subjected to further preparation for market in the production area, such potatoes should be and are required to be inspected and a copy of the inspection certificate should be furnished to the committee because such further preparation for market destroys the validity of the original inspection certificate as evidence of the grade, size, and quality of the potatoes involved. All of the aforesaid requirements are necessary for proper administration and enforcement of the provisions of the marketing agreement and order.

(e) Certain hazards are incidental to the production of potatoes grown in the production area which are beyond the control or reasonable expectation of the producer of such potatoes. Because of these circumstances and to prevent undue hardship among producers with respect to any regulations which may be issued under the marketing agreement and order, the committee should be authorized to issue exemption certificates to producers to permit each producer to handle or cause to be handled his equitable proportion of all potatoes shipped from the production area if the grade, size, or quality of his potatoes have been adversely affected by conditions beyond his control and by conditions beyond reasonable expectation. In determining such equitable proportion, the committee should be authorized to estimate the average percentage of production which has been and will be shipped by all producers in the producer's immediate area of production under a given regulation (which will be such equitable proportion). For such purpose, the committee will need a representative sample of the grade, size, and quality composition of the total crop in such area, a part of which, at any given time during the shipping season, may have been harvested and marketed and another part unharvested.

Similar hazards are prevalent in the handling of potatoes grown in the production area and equitable treatment of each handler, under the marketing agreement and order, requires that he be permitted to handle as large a proportion of his storage holdings of ungraded potatoes (acquired during or immediately following the digging season) as the average proportion of ungraded storage holdings handled by all handlers in an applicant-handler's immediate shipping area, if the grade, size, or quality of such applicant's potatoes have been adversely affected by conditions beyond the applicant's control and by conditions beyond reasonable expectation. Restricting the aforesaid exemptions to cases involving conditions beyond the producer's and handler's control, respectively, and to conditions beyond reasonable expectation, is necessary to preclude the granting of such hardship exemptions where the producers and handlers could have avoided the condition responsible for their hardships.

The committee, by reason of its knowledge of the conditions and problems applicable to the production and handling of potatoes grown in the production area and the information which it will have available in each case, will be well qualified to judge each producer's and handler's application in a fair and equitable manner and to fix the quantity of exempted potatoes which each such applicant may handle or cause to be handled.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in transferring such certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary, are necessary to the orderly and equitable operation of the marketing agreement and order, and they should, therefore, be incorporated in the marketing agreement and order.

Provision should be made for the Secretary to modify, change, alter, or rescind the procedure established by the committee for granting of exemptions, and any exemptions granted pursuant to such procedure. This is necessary to guard against inequities in the granting of exemptions and to preclude the issuance of exemption certificates in unjustifiable cases.

(f) The operation of the committee and the marketing agreement and order require funds for payment of necessary administrative expenses. The committee is the logical agency to recommend what expenses are necessary and appropriate for operation of the program. It is also necessary that assessments be levied on the handlers to meet such expenses since no other source of funds is authorized under the act for defraying such expenses. The committee should be required, each year, to prepare and submit to the Secretary a budget showing its estimated expenses and a proposed rate of assessment. This is desirable in order that the Secretary will have the best possible information on probable expenses of the committee and the proper rate of assessment to be levied to meet such expenses.

Assessments should be levied against each handler who first ships potatoes, herein called the first handler, to establish an appropriate basis for each handler paying his pro rata share of necessary administrative expenses. Each first handler is required to pay assessments to the committee, at its request, to conform with normal business procedures and to preclude multiple assessments in connection with individual shipments of potatoes. Each first handler's pro rata share of such expenses shall be a percentage of such expenses equal to the percentage his total season's first handling of potatoes subject to regulation is of the total season's handling of potatoes subject to regulation by all first handlers. The Secretary, upon the basis of the committee's recommendation, or other available information, should fix a rate of assessment per given unit of shipment which first handlers must pay as an equitable share of the expenses of administering the program.

The Secretary should be authorized to increase the rate of assessment which first handlers should pay if he finds, during the course of a given season, that the then current rate of assessment is insufficient to cover expenses. Such increased rate should apply on a retroactive basis to all assessable potatoes previously handled during that season to preclude inequities among handlers.

Revenues collected through assessments in excess of expenses for any fiscal year should, at the end of such fiscal year, be credited pro rata to each contributing handler's account, or, upon demand, refunded to any handler.

The committee should be authorized to maintain, with the approval of the Secretary, suits in its own name, or in the name of its members, against any handler for collection of such handler's pro rata share of the committee's expenses. Such authority is contained in the act.

The committee should be permitted to make such expenditures during a fiscal year as are authorized and are necessary for effective administration and proper functioning of the marketing agreement and order program, within the limitations of the budget submitted by the committee and approved by the Secretary for such year.

Any committee member or alternate responsible for or having in his custody any of the property, funds, records, or any other possessions of the committee, should be required to transfer it to his successor or to such person as may be designated by the Secretary, and to execute such instruments as may be necessary to effect such transfers. The committee, and such members and alternates, should be required to give an accounting for all committee receipts and disbursements and for all committee property whenever requested by the Secretary and whenever, in the case of members and alternates, they cease to be such members or alternates. These transfer and accounting requirements represent sound business procedure and are necessary in order that there will be an unbroken succession in committee possessions.

(g) For proper and efficient administration of the marketing agreement and order, the committee needs information on potatoes with respect to supplies, movement, prices, and sundry other relevant factors which are best obtainable from handlers. The committee should be authorized to request, with the approval of the Secretary, and every handler should be required to maintain records of such facts and furnish to the committee upon request, with the approval of the Secretary, such information therefrom as may be required for the committee to exercise its powers and perform its duties under the marketing agreement and order. The committee should be authorized to audit such records to verify reports submitted as aforesaid. The Secretary should retain the right to modify, change, alter, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports.

(h) The provisions of sections 81 through 95, as published in the FEDERAL REGISTER of April 28, 1950 (15 F. R. 2418) are common to marketing agreements and orders now operating. Each of such sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the marketing agreement and order. These provisions are incidental to, and not inconsistent with section 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of the marketing agreement and order and to effectuate the declared policy of the act. The substance of such provisions, therefore, should be included in the marketing agreement and order.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The order, as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) Such order regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the said area;

(5) All handling of potatoes, as defined in said order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Rulings on proposed findings and conclusions. Interested parties were allowed until June 15, 1950, to file briefs with respect to findings of facts and conclusions based on evidence introduced at the hearing. No such brief was filed; hence, no ruling is necessary.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out.

DEFINITIONS

§ 923.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer, or employee of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 923.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

§ 923.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 923.4 *Production area.* "Production area" means all territory included within the boundaries of the State of Pennsylvania.

§ 923.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 923.6 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 923.7 *Ship.* "Ship" or "handle" means to transport, sell, or in any other way to place potatoes in the current of commerce within the production area, or between the production area and any point outside thereof: *Provided*, That the definition of "ship" or "handle" shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area for storing, or to the sale or transportation of potatoes to a recognized dealer or packer

within the production area for the purpose of having such potatoes prepared for market.

§ 923.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 923.9 *Fiscal year.* "Fiscal year" means the period beginning on June 1 of each year and ending May 31 following.

§ 923.10 *Committee.* "Committee" means the administrative committee, called the Pennsylvania Potato Committee, established pursuant to § 923.22.

§ 923.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 923.12 *Seed potatoes.* "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State of Pennsylvania or such other seed certification agencies as the Secretary may designate.

§ 923.13 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 923.14 *Wholesale pack.* "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

§ 923.15 *Consumer pack.* "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

§ 923.16 *Grade.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon;

(b) The United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon;

(c) State of Pennsylvania Standards for Potatoes issued by the Secretary of Agriculture, State of Pennsylvania, or amendments thereto, or modifications thereof, or variations based thereon.

§ 923.17 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 923.18 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 923.24.

§ 923.19 *Part and subpart.* "Part" means the order regulating the handling of Irish potatoes grown in Pennsylvania, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such "part."

COMMITTEE

§ 923.22 *Establishment and membership.* (a) The Pennsylvania Potato Committee, consisting of 23 members of whom 16 shall be producers and 7 shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate to represent producers shall be an individual who is a producer and resident in the respective district for which selected. Each person selected as a committee member or alternate to represent handlers shall be an individual who is a handler and resident in the district for which selected. An officer or an employee of a producer or handler respectively can be selected as committee members and alternates in the district for which selected if such selectees reside in the respective district.

§ 923.23 *Term of office.* (a) The term of office of committee members and alternates shall be two fiscal years: *Provided,* That the terms of office of a majority of the initial members and their respective alternates shall be one fiscal year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 923.24 *Districts.* (a) For the purpose of selecting committee members and alternates, the following districts of the production area are hereby established:

District No. 1. Shall include Bucks, Montgomery, Philadelphia, Delaware, Chester, Lancaster, Lebanon, Dauphin, York, Cumberland, Perry, Adams and Franklin Counties.

District No. 2. Shall include Berks, Lehigh, and Northampton Counties.

District No. 3. Shall include Schuylkill, Carbon, Luzerne, Columbia, Northumberland, Montour, Monroe, Lackawanna, Wyoming, Susquehanna, Bradford, Sullivan, Lycoming, Union, Snyder, Wayne and Pike Counties.

District No. 4. Shall include Cambria, Somerset, Bedford, Blair, Indiana, Armstrong, Butler, Mercer, Lawrence, Beaver, Allegheny, Washington, Greene, Fayette, Westmoreland, Fulton, Huntingdon, Juniata, Mifflin, Centre, Clinton, and Clearfield Counties.

District No. 5. Shall include Potter, Tioga, McKean, Cameron, and Elk Counties.

District No. 6. Shall include Erie, Warren, Crawford, Venango, Forest, Clarion, and Jefferson Counties.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts; *Provided,* That in recommending any such changes in districts or representation the committee shall give consideration to: (1) The relative importance of new areas of production; (2) changes in the relative position, with respect to production, of existing districts; (3) the geographic locations of areas of production, insofar as they affect the efficiency of administering the marketing agreement and order; and (4) other relevant factors: *Provided further,* That there shall be no change in the total number of committee members and alternates, or in the total number of districts.

§ 923.25 *Nomination.* The Secretary may select the members of the committee and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for initial committee members and alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(b) In order to provide nominations for succeeding committee members and alternates:

(1) The committee shall hold or cause to be held prior to April 1 of each year, after the effective date of this subpart, a meeting or meetings of producers in each of the districts designated in § 923.24, in which producer committee vacancies will occur at the end of the then current fiscal year. In like manner, the committee shall hold or cause to be held prior to April 1 of each year, after the effective date of this subpart, a meeting or meetings of handlers to nominate handler committee members and alternates to fill vacancies which will occur at the end of the then current fiscal year.

(2) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant or which is to become vacant at the end of the then current fiscal year.

(3) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year.

(4) Only producers may participate in designating nominees for producer committee members and alternates and only handlers may participate in designating nominees for handler committee members and alternates. For the purpose of designating nominees for handler committee members and alternates, a handler shall be considered to be a person who produces not more than 50 percent of the total volume of potatoes handled by himself; each person who is both a handler and a producer may vote either as a handler or as a producer and may elect, subject to such 50 percent limitation, the group in which he votes.

(5) Each producer and each handler of potatoes is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, for producer or handler committee members and alternates, respectively: *Provided,* That producers and handlers operating in more than one district shall elect the district in which they will participate in nominating committee members and alternates: *Provided further,* That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the district in which he elects to vote.

§ 923.26 *Selection.* The Secretary shall select three producer members of the committee, with their respective alternates, from District Nos. 1 and 3; four producer members of the committee, with their respective alternates, from District No. 2; and two producer members, with their respective alternates, from each of the remaining districts, as such districts are defined in § 923.24. The Secretary shall select two handler members of the committee, with their respective alternates, from District No. 2; and one handler member of the committee, with his respective alternate, from each of the remaining districts, as such districts are defined in § 923.24.

§ 923.27 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 923.25, the Secretary may select the committee members and alternates without regard to nominations, which selection shall be on the basis of the representation provided for in § 923.26.

§ 923.28 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 923.29 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected from nominations made in the manner specified in § 923.25, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in § 923.26.

§ 923.30 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 923.31 *Procedure.* (a) Twelve members, including at least one handler member of the committee, shall be necessary to constitute a quorum, and 12 concuring votes, including the vote of at least one handler, shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meetings by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided,* That all votes shall be cast in person at assembled meetings.

§ 923.32 *Expenses and compensation.* Committee members and alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $10.00 for each day, or portion thereof, spent in attending to committee business.

§ 923.33 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 923.34 *Duties.* It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To select a chairman and such other officers for each fiscal period as may be necessary, to select subcommittees of committee members and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(c) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(d) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities, which relate to the handling or marketing of potatoes, as may be approved by the Secretary;

(e) To furnish to the Secretary such available information as he may request;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

BUDGET, EXPENSES, AND ASSESSMENTS

§ 923.40 *Budget.* The committee shall prepare a budget for each fiscal year, showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall transmit such budget to the Secretary, together with a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 923.41 *Expenses.* The Committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget and other available information, finds may be necessary during each fiscal year to perform its functions under this part and for such other purposes as may be appropriate pursuant to the provisions of this part.

§ 923.42 *Rate of assessment.* The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate fixed by the Secretary, upon the basis of the committee's recommendation, or other available information. Each handler who first ships potatoes shall pay assessments to the committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year. Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

§ 923.43 *Increasing rate of assessment.* Upon recommendation of the committee, or upon the basis of a later finding relative to the committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

§ 923.44 *Refunds.* If at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 923.45 *Accounting.* All funds received by the committee, pursuant to any provision of this part, shall be used solely for the purposes specified in this part and shall be accounted for in the following manner:

(a) The Secretary may at any time require the committee and its members

to account for all receipts and disbursements; and

(b) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 923.46 *Collection of funds.* (a) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(b) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

REGULATION

§ 923.50 *Marketing policy preparation.* Prior to the beginning of shipments each season, the committee shall consider and prepare a proposed policy for the marketing of potatoes during such season or portion thereof. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes, giving appropriate consideration to:

(a) Market prices of potatoes, including prices by grade, size, and quality, in wholesale or consumer packs, or any other shipping unit;

(b) Supply of potatoes, by grade, size, and quality, in the production area and in other production areas;

(c) The trend and level of consumer income; and

(d) Other relevant factors.

§ 923.51 *Marketing policy report.* (a) The committee shall submit to the Secretary a report setting forth the aforesaid marketing policy; a copy of such report shall be made available to producers and handlers.

(b) In the event it becomes advisable to deviate from such marketing policy, because of changed supply or demand conditions, the committee shall formulate a new marketing policy in the manner outlined in § 923.50, which shall be submitted to the Secretary and made available to producers and handlers.

§ 923.52 *Recommendation for regulations.* The committee shall recommend regulation to the Secretary whenever it finds that such regulation, as provided in § 923.53, will tend to effectuate the declared policy of the act. The committee may also recommend modification, suspension, or termination of regulations in order to facilitate shipments of potatoes for the specified purposes set forth in § 923.54.

§ 923.53 *Issuance of regulations.* The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes, or quality of any or all varieties of potatoes during any period;

(b) Regulate the shipment of particular grades, sizes, or quality of potatoes differently for different varieties, for different portions of the production area, for consumer and wholesale packs, or any combination of the foregoing, during any period;

(c) Regulate the shipment of potatoes by establishing and maintaining, in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 923.54 *Modification, suspension or termination.* The Secretary, whenever he finds upon the basis of recommendations and information submitted by the committee, or other available information, that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 923.42, 923.43, 923.53, 923.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes:

(a) For seed;

(b) For export;

(c) For distribution by the Federal Government, for distribution by relief agencies, or for consumption by charitable institutions;

(d) For manufacture or conversion into specified products;

(e) For livestock feed;

(f) For other purposes which may be specified.

§ 923.55 *Minimum quantity regulation.* The Secretary may establish, upon the basis of a committee recommendation, or other available information, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued or in effect pursuant to §§ 923.42, 923.43, 923.53, 923.65, or any combination thereof.

§ 923.56 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued, or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 923.57 *Safeguards.* (a) The committee may recommend and the Secretary, upon the basis of such recommendation, or other available information, may prescribe adequate safeguards to prevent shipments effected pursuant to § 923.54 and § 923.55, from entering channels of trade for other than the specific purposes authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to § 923.54 and § 923.55;

(2) Handlers shall obtain inspection required by § 923.65, or pay the pro rata share of expenses provided by §§ 923.42, and 923.43, or both, in connection with potato shipments effected under the provisions of § 923.54 and § 923.55: *Provided,* That such inspection, or payment of expenses, or both may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under provisions of § 923.54 and § 923.55.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that potatoes shipped by him for the purposes stated in § 923.54 and § 923.55 were handled contrary to the requirements applicable thereto.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 923.65 *Inspection and certification.* During any period in which shipments of potatoes are regulated pursuant to the provisions of §§ 923.42, 923.43, or 923.53, or any combination thereof, no handler shall ship potatoes unless, prior thereto, such shipment was inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate. Each handler procuring inspections pursuant to this section, shall make arrangements with the inspecting agency to forward promptly to the committee a copy of the inspection certificate: *Provided,* That the regrading, resorting, repacking, or other further preparation of inspected potatoes for market shall invalidate prior inspection thereon and subsequent shipment of such potatoes after regrading, resorting, repacking, or other preparation for market shall not be effected unless, prior thereto, such shipment is inspected as provided in this section.

EXEMPTIONS

§ 923.70 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 923.71 *Granting exemptions.* (a) The committee may issue certificates of exemptions to any producer who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 923.53, he will be prevented from handling, or causing to be handled, as large a proportion of his production as the average proportion of production handled, or caused to be handled, during the entire season (or such portion thereof as may be determined by the committee) by all producers in said applicant's immediate area of production, and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each such certificate shall permit the producer to handle, or cause to be handled, the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 923.53, he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's immediate shipping area, and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(c) The committee shall be permitted, at any time, to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 923.72 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 923.73 *Records and reports and review of exemptions.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such additional information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 923.70, 923.71, 923.72, or any combination thereof.

MISCELLANEOUS PROVISIONS

§ 923.80 *Reports.* Upon the request of the committee, with the approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this part. Handlers shall maintain records from which such reported information can be verified by the committee. The Secretary shall have the right to modify, change, or rescind any requests for reports made pursuant to this section.

§ 923.81 *Compliance.* Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part, and no handler shall ship potatoes except in conformity to the provisions of this part.

§ 923.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 923.83 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 923.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided,* That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before April 30 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(e) The Secretary shall terminate the provisions of this agreement at the end of any fiscal year, upon the written request of handlers signatory to this agreement who submit evidence satisfactory to the Secretary that they handled not less than sixty-seven percent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year; but such termination shall be effective only if announced on or before April 30 of the then current fiscal year.[1]

§ 923.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of, or under control of, the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 923.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart, or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart, or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart, or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 923.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 923.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the government, or name any bureau or division in the United States Depart-

[1] Applicable only to the proposed marketing agreement.

ment of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 923.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modifications of the rights of the Secretary, or of the United States, to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 923.90 *Personal liability.* No member or alternate member of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 923.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 923.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 923.93 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 923.94 *Additional parties.* After the effective date of this agreement, any handler who has not previously executed this agreement may become a party to this agreement if a counterpart of this agreement is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 923.95 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

JULY 5, 1950.

[F. R. Doc. 50-5930; Filed, July 7, 1950; 8:48 a. m.]

[1] Applicable only to the proposed marketing agreement.

NOTICES

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, be it resolved that each insured mutual savings bank not a member of the Federal Reserve System, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Friday, June 30, 1950, on Form 64 (Savings).[1] Said report of condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Earnings and Dividends on Form 73 (Savings) by Insured Mutual Savings Banks," issued December, 1945.

FEDERAL DEPOSIT INSURANCE CORPORATION
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 50-5924; Filed, July 7, 1950; 8:47 a. m.]

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM EXCEPT BANKS IN THE DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, be it resolved that each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Friday, June 30, 1950, on Form 64 (Short form)—Call No. 33.[1] Said report of condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64 (Short form)," issued December 1946, and supplement of June 24, 1948.

FEDERAL DEPOSIT INSURANCE CORPORATION
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 50-5925; Filed, July 7, 1950; 8:47 a. m.]

[1] Filed as part of the original document.

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25212]

PEANUTS AND PECANS FROM SOUTH TO OFFICIAL AND WESTERN TERRITORIES

APPLICATION FOR RELIEF

JULY 5, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 887.

Commodities involved: Peanuts and pecans, carloads.

From: Points in the south.

To: Points in Official and Western Trunk Line territories.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 887, Supplement 97.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-5914; Filed, July 7, 1950; 8:46 a. m.]

[4th Sec. Application 25213]

SCRAP PAPER FROM KANSAS TO MICHIGAN

APPLICATION FOR RELIEF

JULY 5, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. A-3589.

Commodities involved: Scrap or waste paper, carloads.

From: Hutchinson, Topeka and Wichita, Kans.

To: Kalamazoo, Monroe and Plainwell, Mich.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3589, Supplement 102.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-5915; Filed, July 7, 1950; 8:46 a. m.]

[4th Sec. Application 25214]

PAPER ARTICLES FROM SOUTHWEST TO THE SOUTH

APPLICATION FOR RELIEF

JULY 5, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3897.

Commodities involved: Wrapping paper, paper bags, etc., carloads.

From: Points in Louisiana, Arkansas and Texas.

To: Points in the South.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3697, Supplement 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-5916; Filed, July 7, 1950; 8:46 a. m.]

[4th Sec. Application 25215]

IRON OR STEEL PIPE TO ADDICKS AND HENNESSEY, TEX.

APPLICATION FOR RELIEF

JULY 5, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3748.

Commodities involved: Wrought iron or steel pipe and related articles, carloads.

From: Points in Illinois, Indiana, Missouri and Wisconsin; also Memphis, Tenn.

To: Addicks and Hennessey, Tex.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3748, Supplement 62.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-5917; Filed, July 7, 1950; 8:46 a. m.]

[4th Sec. Application 25216]

PULPBOARD FROM LOUISIANA AND TEXAS TO FLORIDA AND NORTH CAROLINA

APPLICATION FOR RELIEF

JULY 5, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3788.

Commodities involved: Pulpboard or fibreboard, carloads.

From: Points in Louisiana and Texas.

To: Jasper, Fla., and Lenoir, N. C.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3788, Supplement 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-5918; Filed, July 7, 1950; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2415]

NATIONAL FUEL GAS CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on 30th day of June 1950.

In the matter of National Fuel Gas Company, United Natural Gas Company, Ridgeway Natural Gas Company, St. Marys Natural Gas Company, Smethport Natural Gas Company, Mercer County Gas Company, File No. 70-2415.

The National Fuel Gas Company ("National"), a registered holding company, and its subsidiaries, United Natural Gas Company ("United"), Ridgeway Natural Gas Company ("Ridgeway"), St. Marys Natural Gas Company ("St. Marys"), Smethport Natural Gas Company ("Smethport") and Mercer County Gas Company ("Mercer"), having filed a joint application-declaration, pursuant to sections 6, 7, 9, 10 and 12 of the act and Rules U-42, U-43 and U-44 promulgated thereunder with respect to the following transactions:

United, Ridgeway, St. Marys, Smethport and Mercer propose to enter into an agreement for consolidation and merger and merge their respective properties and operations into one public utility company to be known as United Natural Gas Company. To effectuate the merger National will exchange the common stocks of the merging compa-

nies for new common stock to be issued by United having a stated value equal to $25 per share which is the stated value of the present United common stock. These companies operate in adjoining areas of Pennsylvania and it is stated that their merger will simplify the holding company system of which these companies are a part and effect economies by reducing operating expenses.

Prior to the proposed merger, it is proposed that Mercer pay a dividend to National of all its "paid in" surplus in the amount of $3,707.48 to obviate the necessity for the merged company to carry a "paid in" surplus account.

It is further proposed prior to the proposed merger that Ridgeway, St. Marys and Smethport each repurchase from National a portion of the shares of their own common capital stock at the par value thereof of $100 per share and cancel the same, it being stated that these companies have larger amounts of working capital than have been needed or will be required by the merged company. Ridgeway proposes to repurchase and cancel 8,330 shares for a consideration of $833,000 and leave outstanding 16,040 shares; St. Marys proposes to repurchase and cancel 3,550 shares for a consideration of $355,000 and leave outstanding 10,000 shares; Smethport proposes to repurchase and cancel 1,200 shares for a consideration of $120,000 and to leave outstanding 2,800 shares.

National proposes to use the $1,311,707.48 cash received from the foregoing transactions for general corporate purposes, including the reduction of current bank loans and loans to its subsidiaries when the latter shall have been authorized by this Commission.

National states that the proposed merger is subject to the jurisdiction of the Public Utility Commission of Pennsylvania and that the transactions proposed to be effected prior to the merger are not subject to such jurisdiction. National has requested that an interim order of this Commission be entered with respect to the transactions proposed to be effected prior to the merger.

The Commission finding that the requirements of the applicable provisions of the act are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, be granted and permitted to become effective, with respect to the transactions proposed to be effected prior to the merger:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the joint application-declaration, insofar as it proposes (i) the payment by Mercer and the receipt by National of a dividend of $3,707.48 constituting Mercer's "paid in" surplus; and (ii) the sale by National and the repurchase by Ridgeway, St. Marys and Smethport of 8,330, 3,550 and 1,200 shares, respectively, of their common stock, be, and the same hereby is, granted and permitted to become effective, jurisdiction being specifically reserved over all other aspects of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5911; Filed July 7, 1950; 8:45 a. m.]

[File No. 54-178]

UNITED LIGHT AND RAILWAYS CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of July A. D. 1950.

The Commission having by order dated March 22, 1950, approved, subject to a reservation of jurisdiction with respect to fees and expenses, the terms and conditions of the sale by The United Light and Railways Company ("Railways") to its common stockholders of 1,904,003 shares of common stock of Kansas City Power and Light Company ("Kansas City") contemplated by the plan of liquidation of Railways and Continental Gas & Electric Corporation approved by order of January 10, 1950; and

The record having been completed with respect to the fees and expenses incurred and to be paid in connection with the sale of the Kansas City stock; and

It appearing that the fees and expenses incurred and to be paid aggregate $88,865.66 as follows:

Registration fee	$5,140.81
Printing registration statement and documents	35,000.00
Printing warrants	1,400.00
Legal fees of Sidley, Austin, Burgess & Smith	10,000.00
Legal fees of Johnson, Lucas, Graves and Fane	5,000.00
Accounting fees of Arthur Andersen & Co	7,500.00
Depositary fee of Central Hanover Bank & Trust Co	16,556.81
Depositary expenses	4,308.85
Miscellaneous, telephone, telegraph, travel, Blue Sky, etc	3,959.19
Total	88,865.66

and it appearing that such fees and expenses are not unreasonable, and the Commission deeming it appropriate to release jurisdiction with respect to said fees and expenses:

It is ordered, That the jurisdiction reserved in the order of March 22, 1950, with respect to the fees and expenses to be incurred and paid in connection with the sale of the common stock of Kansas City Power and Light Company, be, and it hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5913; Filed, July 7, 1950; 8:46 a. m.]

[File No. 70-2403]

UTAH POWER AND LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of July A. D. 1950.

Notice is hereby given that Utah Power and Light Company ("Utah"), a registered holding company, has filed a declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935 and has designated sections 6 (a), 7 and 12 (b) thereof and Rule U-62 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Utah proposes to amend its certificate of organization and by-laws so as to (1) increase its authorized capital stock from 1,500,000 shares of no par value common stock to 2,000,000 shares of no par value common stock; (2) delete the present provision giving the stockholders full pre-emptive rights with respect to any offering of new or additional common stock and to provide that such new or additional common stock shall first be offered to Utah's stockholders on a pro rata basis unless such stock is to be sold for money by a public offering or an offering to or through underwriters or investment bankers who shall have agreed to make a public offering of such shares; and (3) change the date of the annual meeting of stockholders from the first Monday in October to the third Monday in May of each year.

The provisions with respect to the increase of capital stock and the change of the date of annual meetings will require a majority vote of the outstanding common stock, and the proposed change in the pre-emptive rights provisions will require the affirmative vote of at least two-thirds of the outstanding shares of common stock.

Utah requests that the order herein be entered as promptly as may be practicable and that such order become effective forthwith upon the issuance thereof.

Notice is further given that any interested person may, not later than July 14, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of law and fact raised by said declaration which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 14, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) or Rule U-100. All interested persons are referred to said declaration on file with the Commission for a full statement of the transaction therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5912; Filed, July 7, 1950; 8:45 a. m.]

[File No. 70-2420]

AMERICAN POWER & LIGHT CO. AND WASHINGTON WATER POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of June A. D. 1950.

Notice is hereby given that American Power & Light Company ("American"), a registered holding company, and its electric utility subsidiary, The Washington Water Power Company ("Washington"), have filed a joint application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), and have designated sections 6 (a), 6 (b), 7, 9 (a) (1), 10, 12 (b), 12 (c), and 12 (f) thereof, and Rules U-42 and U-45 promulgated thereunder, as applicable to the proposed transactions which may be summarized as follows:

Washington estimates that during the years 1950 and 1951 it will need a total of $8,200,000 of outside cash. Of this total, $2,600,000 would be used to finance, in part, its 1950 construction program calling for total expenditures of $4,509,000, $1,750,000 would be expended in 1951 to finance, in part, its 1951 construction program calling for total expenditures of $3,750,000, and $3,850,000 would be used to retire 35,000 shares (100%) of its $6 preferred stock which is redeemable at any time on 30-days' notice at $110 per share plus accumulated and unpaid dividends. The company states that it proposes to redeem such $6 preferred stock on or about August 1, 1950.

In order to finance temporarily its proposed construction program and to provide funds for the retirement of its preferred stock, Washington proposes to borrow and American proposes to lend to it, from time to time prior to April 30, 1951, sums which in the aggregate will not exceed $6,500,000. Each borrowing would be evidenced by a promissory note bearing interest at the rate of 2% per annum and would be payable on or before nine months from the date of such borrowing with the option in Washington to extend the maturity of each such borrowing for not to exceed six months. It is provided that no borrowing shall remain outstanding for more than 15 months from the date of the first borrowing from American and that no extension would be made except after Washington shall have given this Commission at least 10-days' advance notice of any proposed extension and the Commission shall have taken no action in respect thereof. It is contemplated that Washington will begin borrowing from American about August 1, 1950. Washington will repay American the amount of all such borrowings when it completes the long-term financing of its capital requirements, but in any event before the Washington common stock shall be disposed of by American to the public either through distribution or sale.

Pursuant to this Commission's order dated August 2, 1949 (File No. 70-2181), Washington was authorized to borrow from Spokane and Eastern Branch of Seattle-First National Bank or other banks not to exceed $4,500,000, such loans to mature not later than November 1, 1950. As of the date of the filing of the application-declaration herein, Washington had, pursuant to such authorization, borrowed $2,500,000 of the $4,500,000 commitment at an interest rate of 2%. Washington proposes to extend its authority to borrow up to $4,500,000 from Spokane and Eastern Branch of Seattle-First National Bank or other banks from November 1, 1950 to April 30, 1951, with the right to further extend for an additional time not to exceed six months from April 30, 1951, and has entered into a loan extension agreement to that effect with said bank. As from time to time borrowings are to be made from that bank or other banks by Washington, amendments to the application-declaration will be filed with the Commission stating the name or names of the bank or banks from which such borrowings are to be made, the terms of such borrowings, the interest rate or rates, and the maturity date or dates. It is proposed that amendments so filed shall become effective 10 days after filing in the event no action is taken with respect thereto by this Commission within such 10-day period.

The application-declaration states that the issuance and sale of its notes as evidence of the proposed borrowings is subject to the jurisdiction of the Washington Public Service Commission, the State Commission of the State in which Washington is organized and doing business. It is further stated that an application for approval of the proposed issuance and sale of securities has been made to that Commission.

Applicants-declarants request that the Commission's order herein issue as promptly as practicable and that such order become effective forthwith upon its issuance.

Notice is further given that any interested person may, not later than July 17, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 17, 1950, said application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to the application-declaration which is on file in the offices of the Commission for a full statement of the transactions proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5910; Filed, July 7, 1950; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11931.

[Vesting Order 14743]

G. KODAMA AND T. NORITAKE

In re: Safe deposit lease and contents owned by G. Kodama and the personal representatives, heirs, next of kin, legatees and distributees of T. Noritake, deceased. F-39-4644-F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That G. Kodama, whose last known address in Japan is a resident of Japan and a national of a designated enemy country (Japan);

2. That the personal representatives, heirs, next of kin, legatees and distributees of T. Noritake, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the property described as follows:

a. All rights and interests under and by virtue of a safe deposit lease agreement by and between G. Kodama and T. Noritake and the National Bank of Commerce of Seattle, Second Avenue at Spring Street, Seattle 11, Washington, relating to Safe Deposit Box No. 577 located in the vaults of said bank including particularly but not limited to the right of access to said safe deposit box, and

b. All property of any nature whatsoever of G. Kodama and T. Noritake, deceased, located in the safe deposit box referred to in subparagraph 3 (a) hereof and any and all rights of G. Kodama and the personal representatives, heirs, next of kin, legatees and distributees of T. Noritake, deceased, evidenced or represented thereby,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, G. Kodama and the personal representatives, heirs, next of kin, legatees and distributees of T. Noritake, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the

persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 9, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5894; Filed, July 6, 1950; 8:49 a. m.]

[Vesting Order 14770]

ALFRED STUMPP

In re: Estate of Alfred Stumpp, deceased. File No. D-28-12501; E. T. sec. 16707.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Imhof, Anna Stumpp Rapp, Herman Niess, Elsbeth Niess Hiller, Hilde Niess Dorrer, Friedericke Stumpp Edelmann, Mathilde Stumpp Muhlhauser, Heinrich Stumpp, Irene Stumpp, Gertrud Bohnet Renzel, Rudiger Bohnet, Walter Stumpp, Emilie Stumpp Muller, Marie Stumpp, Emma Hacker Worner, Edelgard Stumpp, Victor Stumpp, Hugo Weber, Alfred Weber and Gustav Schwarz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of Alfred Stumpp, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ben H. Brown, as administrator, c. t. a., acting under the judicial supervision of the Superior Court of the State of California, County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5895; Filed, July 6, 1950; 8:49 a. m.]

[Vesting Order 14792]

MARGARET BEHRLE ET AL.

In re: Rights of Margaret Behrle, nee Zoellner, et al. under insurance contract on the life of Heinrich Zoellner, deceased. File No. F-28-153-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret Behrle, nee Zoellner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Heinrich Zoellner, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 93176, issued by The Guardian Life Insurance Company of America, New York, New York, to Heinrich Zoellner, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Heinrich Zoellner, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5898; Filed, July 6, 1950; 8:49 a. m.]

[Vesting Order 14814]

JOHANNES FREDERICK CHRISTIAN STOLTENBERG

In re: Estate of Johannes Frederick Christian Stoltenberg, deceased. File No. D-28-8076; E. T. sec. 16987.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Scheel, Marie Claussen and Auguste Schluter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Johannes Frederick Christian Stoltenberg, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Daniel R. Markham, as Executor, acting under the judicial supervision of the Probate Court of the County of Olmsted, Minnesota;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5901; Filed, July 6, 1950; 8:50 a. m.]

[Vesting Order 14778]

LA CONSTANCIA COMPANIA ANONIMA DE SEGUROS

In re: Bank account owned by "La Constancia" Compania Anonima de Seguros. F-28-27309-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mannheimer Versicherungsgesellschaft, the last known address of which is Mannheim, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That "La Constancia" Compania Anonima de Seguros is a corporation organized under the laws of Spain, whose principal place of business is located at Barcelona, Spain, and a substantial part of whose outstanding capital stock is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by, directly or indirectly, the aforesaid Mannheimer Versicherungsgesellschaft, and is a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Credit Suisse New York Agency, 30 Pine Street, New York, New York, arising out of a current account entitled "La Constancia" Compania Anonima de Seguros, maintained at said Credit Suisse New York Agency, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by "La Constancia" Compania Anonima de Seguros, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That "La Constancia" Compania Anonima de Seguros is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5896; Filed, July 6, 1950; 8:49 a. m.]

[Vesting Order 14762]

ERIC LAGEMANN AND CITY BANK FARMERS TRUST CO. ET AL.

In re: Trust Agreement dated June 4, 1932, between Eric Lagemann, Donor, and City Bank Farmers Trust Company et al., Trustees. (File No. D-28-10657 G-3.)

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Schroeder, Wilhelm Piesbergen, Helga Piesbergen and Guenter Piesbergen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the spouse and descendants, names unknown, of Clara Schroeder and of Wilhelm Piesbergen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated June 4, 1932, by and between Eric Lagemann, donor, and City Bank Farmers Trust Company, Walter Lagemann and Eric Lagemann, trustees, presently being administered by City Bank Farmers Trust Company, 22 William Street, New York 15, New York, and by Walter and Eric Lagemann, 106 Wall Street, New York, New York, trustees,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the spouse and descendants, names unknown, of Clara Schroeder and of Wilhelm Piesbergen, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5919; Filed, July 7, 1950; 8:47 a. m.]

[Vesting Order 14796]

HATSUYO SHIMAYO FUWA

In re: Rights of Hatsuyo Shimayo Fuwa under insurance contract. File No. F-39-4127-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hatsuyo Shimayo Fuwa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 15,091,450, issued by the New York Life Insurance Company, New York, New York, to Hatsuyo Shimayo Fuwa, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having

been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5920; Filed, July 7, 1950; 8:47 a. m.]

[Vesting Order 14798]

SAIMATSU HORIGUCHI

In re: Rights of Saimatsu Horiguchi under insurance contract. File No. F-39-5870-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Saimatsu Horiguchi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,531,502, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Miss Isuzu Horiguchi, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5922; Filed, July 7, 1950; 8:47 a. m.]

[Vesting Order 14799]

WILHELM HEINRICH KARL ROLF BARON VON HUNDELSHAUSEN

In re: Rights of Wilhelm Heinrich Karl Rolf Baron von Hundelshausen under insurance contracts. File Nos. F-28-25125-H-1, H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Heinrich Karl Rolf Baron von Hundelshausen, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 198-582 and 198-581, issued by the Pan-American Life Insurance Company, New Orleans, Louisiana, to Wilhelm Heinrich Karl Rolf Baron von Hundelshausen, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Wilhelm Heinrich Karl Rolf Baron von Hundelshausen be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5923; Filed, July 7, 1950; 8:47 a. m.]

[Vesting Order 14797]

YOSHICHI HATADA

In re: Rights of Yoshichi Hatada under insurance contract. File No. D-39-3951-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshichi Hatada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7 959 538, issued by the New York Life Insurance Company, New York, New York, to Yoshichi Hatada, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5921; Filed, July 7, 1950; 8:47 a. m.]

JUL 15

FEDERAL REGISTER

VOLUME 15 NUMBER 132

Washington, Tuesday, July 11, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10141

POSSESSION, CONTROL, AND OPERATION OF THE TRANSPORTATION SYSTEM OF THE CHICAGO, ROCK ISLAND & PACIFIC RAILROAD COMPANY

WHEREAS I find that as a result of a labor disturbance there are interruptions, and threatened interruptions, of the operations of the transportation system owned or operated by the Chicago, Rock Island & Pacific Railroad Company; that it has become necessary to take possession and assume control of the said transportation system for purposes that are needful or desirable in connection with the present emergency; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure in the national interest the operation of the said transportation system:

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and the laws of the United States, including the act of August 29, 1916, 39 Stat. 619, 645, as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. Possession, control, and operation of the transportation system owned or operated by the Chicago, Rock Island & Pacific Railroad Company (hereinafter referred to as the company) are hereby taken and assumed, through the Secretary of the Army (hereinafter referred to as the Secretary) as of four o'clock, Eastern Standard Time, July 8, 1950; but such possession and control shall be limited to real and personal property and other assets used or useful in connection with the operation of the said transportation system.

2. The Secretary is directed to operate, or to arrange for the operation of, the transportation system taken pursuant to this order in such manner as he deems necessary to assure to the fullest possible extent continuous and uninterrupted transportation service.

3. In carrying out the provisions of this order the Secretary may act through or with the aid of such public or private instrumentalities or persons as he may designate, and may delegate such of his authority as he may deem necessary or desirable. The Secretary may issue such general and special orders, rules, and regulations as may be necessary or appropriate for carrying out the provisions, and to accomplish the purposes, of this order. All Federal agencies shall comply with the orders of the Secretary issued pursuant to this order and shall cooperate to the fullest extent of their authority with the Secretary in carrying out the provisions of this order.

4. The Secretary shall permit the management of the company to continue its managerial functions to the maximum degree possible consistent with the purposes of this order. Except so far as the Secretary shall from time to time otherwise provide by appropriate order or regulation, the board of directors, officers, and employees of the company shall continue the operation of the said transportation system, including the collection and disbursement of funds thereof, in the usual and ordinary course of the business of the company, in the name of the company, and by means of any agencies, associations, or other instrumentalities now utilized by the company.

5. Except so far as the Secretary shall from time to time otherwise determine and provide by appropriate order or regulation, existing contracts and agreements to which the company is a party shall remain in full force and effect. Nothing in this order shall have the effect of suspending or releasing any obligation owed to the company, and all payments of such obligations shall be made to the company by the persons obligated to the company. Except as the Secretary may otherwise direct, there may be made, in due course, payments of dividends on stock and of principal, interest, sinking funds, and all other distributions upon bonds, debentures, and other obligations; and expenditures may be made for other ordinary corporate purposes.

6. Until further order of the President or the Secretary, the said transportation system shall be managed and operated under the terms and conditions of employment in effect on June 24, 1950, without prejudice to existing equities or to the effectiveness of such retroactive provisions as may be included in the final settlement of the dispute between the company and the workers. The Secretary shall recognize the right of the workers to continue their membership in

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CFR

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(For Use During 1950)

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labor organizations, to bargain collectively through representatives of their own choosing with the representatives of the company, subject to the provisions of applicable law, as to disputes between the company and the workers; and to engage in concerted activities for the purpose of such collective bargaining or for other mutual aid or protection, provided that in his opinion such concerted activities do not interfere with the operation of the transportation system taken hereunder.

7. Except as this order otherwise provides and except as the Secretary may otherwise direct, the operation of the transportation system taken hereunder shall be in conformity with the Interstate Commerce Act, as amended, the Railway Labor Act, as amended, the Safety Appliance Acts, the Employers' Liability Acts, and other applicable Federal and State laws, Executive orders, local ordinances, and rules and regulations issued pursuant to such laws, Executive orders, and ordinances.

8. Except with the prior written consent of the Secretary, no receivership, reorganization, or similar proceeding affecting the company shall be instituted; and no attachment by mesne process, garnishment, execution, or otherwise shall be levied on or against any of the real or personal property or other assets of the company.

9. The Secretary is authorized to furnish protection for persons employed or seeking employment in or with the transportation system of which possession is taken hereunder; to furnish protection for such transportation system; and to furnish equipment, manpower, and other facilities or services deemed necessary to carry out the provisions, and to accomplish the purposes, of this order.

10. From and after four o'clock, Eastern Standard Time, on the eighth day of July, 1950, all properties taken under this order shall be conclusively deemed to be within the possession and control of the United States without further act or notice.

11. Possession, control, and operation of the transportation system, or any part thereof, or of any real or personal property taken under this order shall be terminated by the Secretary when he determines that such possession, control, and operation are no longer necessary to carry out the provisions, and to accomplish the purposes, of this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 8, 1950.

[F. R. Doc. 50-6017; Filed, July 8, 1950; 11:19 a. m.]

REORGANIZATION PLAN NO. 22 OF 1950

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, May 9, 1950, Pursuant to the Provisions of the Reorganization Act of 1949, Approved June 20, 1949

FEDERAL NATIONAL MORTGAGE ASSOCIATION

SECTION 1. *Transfer of Association and its functions.* The Federal National Mortgage Association, together with its functions, is hereby transferred from the Reconstruction Finance Corporation to the Housing and Home Finance Agency and shall be administered subject to the direction and control of the Housing and Home Finance Administrator.

SEC. 2. *Transfers to the Housing Administrator.* There are hereby transferred from the Reconstruction Finance Corporation to the Housing and Home Finance Administrator,

(1) The notes of the Federal National Mortgage Association payable to the Reconstruction Finance Corporation,

(2) The capital stock of the Federal National Mortgage Association,

(3) The function of the Reconstruction Finance Corporation of making payments on its notes issued to the Secretary of the Treasury in an amount equal to (a) the unpaid principal of, and accrued interest on, the notes of the Federal National Mortgage Association transferred under (1) above, (b) any funds of the Reconstruction Finance Corporation transferred under the provisions of section 5 hereof, (c) the book value of any office furniture and equipment of the Reconstruction Finance Corporation transferred under the provisions of section 5 hereof, and (d) the par value of the capital stock of the Federal National Mortgage Association plus the amount of its surplus paid in by the Reconstruction Finance Corporation,

(4) The function of issuing notes or other obligations to the Secretary of the Treasury, which may be purchased by the Secretary, under section 7 of the Reconstruction Finance Corporation Act, as amended, in an amount not in excess of that necessary to finance at any one time the outstanding balances of the investments, loans, and purchases held by the Federal National Mortgage Association, taking into consideration other balance sheet items,

(5) Except as otherwise provided in this reorganization plan, all other functions of the Reconstruction Finance Corporation (including functions of the board of directors of such Corporation and functions of the chairman of the board of directors of such Corporation) with respect to the Federal National Mortgage Association, and

(6) All functions of the Federal Housing Commissioner with respect to the Federal National Mortgage Association.

SEC. 3. *Board of directors and officers.* Functions with respect to serving, including eligibility to serve, as members of the board of directors of the Federal National Mortgage Association and as officers of such Association are hereby transferred from the members of the board of directors of, and from the officers and employees of, the Reconstruction Finance Corporation to the officers and employees of the Housing and Home Finance Agency (including those of the constituent agencies of the Housing and Home Finance Agency).

SEC. 4. *Performance of functions of Administrator.* The Housing and Home Finance Administrator may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Housing and Home Finance Agency of any function transferred to such Administrator by the provisions of this reorganization plan.

SEC. 5. *Transfer of records, property, personnel, and funds.* There are hereby transferred with the functions transferred by this reorganization plan, respectively, all of the assets, liabilities, contracts, property, records, and unexpended balances of authorizations, allocations and other funds, available or to be made available, of the Federal National Mortgage Association, and so much of the assets, liabilities, contracts, property, records, personnel, and unexpended balances of authorizations, allocations, and other funds, available or to be made available, of the Reconstruction Finance Corporation and relating to functions transferred by the provisions of this reorganization plan, as the Director of the Bureau of the Budget shall determine to be necessary for the administration of such functions, excluding, however, (1) the members of the board

of directors of the Federal National Mortgage Association in office immediately prior to the taking effect of the provisions of this reorganization plan, and (2) the officers of the Association then in office. Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the transfers provided for in this section shall be carried out in such manner as the Director shall direct and by such agencies as he shall designate.

SEC. 6. *Effective date.* The provisions of this reorganization plan shall take effect 60 days after they would take effect under section 6 (a) of the Reorganization Act of 1949 in the absence of this section.

[F. R. Doc. 50-6018; Filed, July 10, 1950; 8:45 a. m.]

REORGANIZATION PLAN NO. 23 OF 1950

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, May 9, 1950, Pursuant to the Provisions of the Reorganization Act of 1949, Approved June 20, 1949

LOANS FOR FACTORY-BUILT HOMES

SECTION 1. *Transfer of functions.* There are hereby transferred to the Housing and Home Finance Administrator, hereinafter referred to as the Administrator,

(1) All functions of the Reconstruction Finance Corporation, hereinafter referred to as the Corporation, under section 102 of the Housing Act of 1948, as amended,

(2) All other functions of the Corporation, under the Reconstruction Finance Corporation Act, as amended, or any other law, with respect to financing predominantly for the production, manufacture, distribution, sale, purchase, or erection of prefabricated houses, sections, or panels or site improvements therefor,

(3) The function of the Corporation of making payments on its notes issued to the Secretary of the Treasury in an amount equal to the funds and the unpaid principal of, and accrued interest on, the loans and obligations payable to the Corporation which are transferred under the provisions of this reorganization plan, and

(4) So much of any other function of the Corporation as is incidental to or necessary for the performance of the functions referred to in items (1) and (2), above, including the issuance of obligations to the Secretary of the Treasury, which may be purchased by the Secretary, under section 7 of the Reconstruction Finance Corporation Act, as amended: *Provided*, That the amount of such obligations issued by the Administrator and outstanding at any one time shall not exceed the sum of (a) the funds and the unpaid principal of, and accrued interest on, the loans and obligations transferred under this reorganization plan and (b) the unexpended balances of authorizations and allocations transferred hereunder, less the amount of any funds transferred hereunder for such unexpended balances from which sum shall be deducted the outstanding amount of any notes with respect to which the function of making payments is transferred under (3) above.

SEC. 2. *Transfer of records, property, personnel, and funds.* There are hereby transferred to the Housing and Home Finance Agency (1) the assets, contracts, loans, liabilities, commitments, property, and records, of the Corporation relating to the functions transferred by this reorganization plan, (2) such of the personnel of the Corporation relating to said functions as the Director of the Bureau of the Budget shall determine, and (3) so much of the unexpended balances of authorizations, allocations, and funds, available or to be made available, of the Corporation relating to such functions (including authorizations and allocations for administrative expenses) as the Director of the Bureau of the Budget shall determine. Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the transfers provided for in this section shall be carried out in such manner as the Director shall direct and by such agencies as he shall designate.

SEC. 3. *Performance of functions of Administrator.* The Administrator may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Housing and Home Finance Agency of any function transferred to the Administrator by the provisions of this reorganization plan.

SEC. 4. *Effective date.* The provisions of this reorganization plan shall take effect 60 days after they would take effect under section 6 (a) of the Reorganization Act of 1949 in the absence of this section.

[F. R. Doc. 50-6019; Filed, July 10, 1950; 8:45 a. m.]

REORGANIZATION PLAN NO. 25 OF 1950

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, May 9, 1950, Pursuant to the Provisions of the Reorganization Act of 1949, Approved June 20, 1949[1]

NATIONAL SECURITY RESOURCES BOARD

SECTION 1. *Functions of Chairman and of Board.* The functions of the National Security Resources Board are hereby transferred to the Chairman of the National Security Resources Board, and the Board shall hereafter advise and consult with the Chairman with respect to such matters within his jurisdiction as he may request.

SEC. 2. *Vice Chairman.* There is hereby established the office of Vice Chairman of the National Security Resources Board. Such Vice Chairman shall (1) be an additional member of the National Security Resources Board, (2) be appointed from civilian life by the President, by and with the advice and consent of the Senate, (3) receive compensation at the rate of $16,000 per annum, and (4) perform such of the duties of the Chairman as the Chairman shall designate.

SEC. 3. *Performance of functions of Chairman.* The Chairman may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the National Security Resources Board of any function of the Chairman.

[F. R. Doc. 50-6020; Filed, July 10, 1950; 8:45 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 324—CONSTRUCTION AND REPAIR

SUBPART C—PERFORMING FARM DEVELOPMENT

CONSTRUCTION IN EXCESS OF COUNTY INVESTMENT LIMITS

Section 324.44 (a) in Title 6, Code of Federal Regulations (13 F. R. 9407), is amended to revise subparagraph (3), and to add subparagraph (9) as follows:

§ 324.44 *Changes in Form FHA-643.*

* * *

(a) *Limitations.* * * *

(3) Such a change does not result in a total investment in the farm in excess of the County Investment Limit, or the fair and reasonable value of the farm as certified by the County Committee on Form FHA-491, "County Committee Certification," whichever is the lesser, except as provided in subparagraph (9) of this paragraph.

* * * * *

(9) Upon approval by the Administrator, for veterans of World War I or World War II with service connected disabilities of 50 percent or more who receive grants or gratuities from the Government or from other approved sources after the Farm Ownership loan has been closed and not contemplated prior to the closing of the loan, change orders for the construction of the dwelling may be issued which will result in

[1] Effective July 9, 1950, under the provisions of section 6 of the act; published pursuant to section 11 of the act (Pub. Law 109, 81st Cong.).

exceeding the County Investment Limit by an amount not in excess of the amount of the grant or gratuity. In all such cases, a complete statement of all pertinent facts will be submitted to the Administrator prior to issuance of the change order.

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies sec. 44, 60 Stat. 1069; 7 U. S. C. 1018)

DERIVATION: § 324.44 (a) contained in FHA Instruction 424.3.

Dated: June 27, 1950.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: July 6, 1950.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-5979; Filed, July 10, 1950; 8:52 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 Honey Bulletin 1]

PART 624—HONEY

SUBPART—1950 HONEY PRICE SUPPORT PROGRAM

This bulletin states the terms and conditions with respect to operations under the 1950 Honey Price Support Program formulated by the Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA"). Under this program prices will be supported only by means of purchases of eligible honey from eligible packers, in accordance with this bulletin.

Sec.
624.101 Administration.
624.102 Availability.
624.103 Eligible packers.
624.104 Eligible honey.
624.105 Purchases from packers.
624.106 Determination of grade.
624.107 Minimum quantity.
624.108 Settlement.
624.109 Support price.
624.110 Prices to packers.
624.111 PMA Commodity Offices.

AUTHORITY: §§ 624.101 to 624.111 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1070, as amended, Titles II, IV, 63 Stat. 1051; 15 U. S. C. Sup., 714b, 7 U. S. C. Sup., 1446.

§ 624.101 *Administration.* The program will be administered by the appropriate branches and commodity offices of PMA under the general direction and supervision of the President, CCC. The program will be carried out through purchases by CCC of eligible honey from packers, including cooperative marketing associations of producers, operating under contracts with CCC, which packers in turn purchase honey for their accounts from beekeepers. A list of eligible packers to whom beekeepers may sell honey at not less than the applicable support price, will be made available to PMA County Committees.

Contracts whereby packers may dispose of eligible honey to CCC will be made through the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Copies of contract forms will be available at the PMA Commodity Offices listed in § 624.111.

§ 624.102 *Availability*—(a) *Area.* Purchases under this program will be made from eligible packers located in the continental United States.

(b) *Time.* Contracts relative to this program must be executed by packers not later than August 15, 1950. Purchases under such contracts will be made by CCC on the basis of Intentions to Deliver, which may be filed by packers within 10 days prior to the following dates: September 1, 1950, December 1, 1950, and March 1, 1951. Notices of Acceptance will be issued as soon as practicable after each of the above dates.

§ 624.103 *Eligible packers.* An eligible packer shall be any individual or legal entity having ownership of, or provision for, facilities to purchase, receive, handle, process, pack and store honey who enters into a contract with CCC relative to such functions and to the payment within a reasonable time of not less than the applicable support price for all eligible honey acquired. In the case of cooperative associations, advance payments to beekeepers delivering honey plus credits to appropriate beekeepers' pool accounts shall be not less than the approved support price for the season.

§ 624.104 *Eligible honey.* Eligible honey shall be:

(a) Honey produced in the continental United States.

(b) Honey, which when acquired by packers, is in clean, sound containers of a standard capacity of 60 pounds or greater, and is equivalent to or better than U. S. Grade B of the "United States Standards for Grades of Extracted Honey" effective March 15, 1943: Except that, honey with a moisture content in excess of the 18.6 percent stipulated in said Grade B but not in excess of 20.0 percent shall be eligible on the basis of the price differential, set forth in § 624.109, reflecting the cost of reducing the moisture content to the prescribed level.

§ 624.105 *Purchases from packers.* CCC will purchase from eligible packers all eligible honey tendered to CCC by packers pursuant to the terms and conditions of the packer contract, except that honey having a moisture content in excess of 18.6 percent but not in excess of 20.0 percent when purchased by packers must be reduced to not more than 18.6 percent before tender to CCC, unless otherwise agreed to between packer and CCC. Eligible honey will be purchased by CCC for delivery f. o. b. cars or trucks at packers' usual shipping points.

§ 624.106 *Determination of grade.* When purchased by a contracting packer, the grade of honey need not be determined so long as the packer pays not less than the applicable support price as specified in § 624.109. All honey for which a contracting packer pays less than the support price, as specified in § 624.109 (a) and (b), and honey which has a moisture content of 18.6 to 20.0 percent, must be covered by an inspection certificate. If honey is inspected when purchased by the packer, and determined to be eligible, the cost of such inspection shall be borne by the beekeeper, and if paid by the packer on behalf of the beekeeper may be deducted from the price which the packer pays the beekeeper.

(b) The grade shall be determined for each lot of honey tendered by packer to CCC. Packer shall pay the cost of inspection of honey so tendered and, for honey accepted by CCC, shall be reimbursed for such cost.

(c) All determinations of grade hereunder shall be by an inspection performed by a representative of the Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture.

§ 624.107 *Minimum quantity.* Purchases by CCC of eligible honey from packers shall be limited to quantities of not less than 36,000 pounds net or such other quantity as may be moved at the minimum carlot rate in effect for rail shipment.

§ 624.108 *Settlement.* (a) Packers delivering eligible honey to CCC, will submit applications for payment to, and be paid through, the PMA Commodity Office of the area in which the packer's billing office is located. Applications for payment will be prepared and submitted in accordance with billing information furnished by the PMA Commodity Office.

(b) Honey offered by packers to CCC shall be free and clear of all liens and encumbrances, or if any lien or encumbrance exists a proper waiver shall be submitted with the applications for payment. No claims or payments arising under the contract with CCC may be assigned except in accordance with the Assignment of Claims Act of 1940.

§ 624.109 *Support price.* The price for eligible honey purchased by packers under contract with CCC shall be not less than the following:

(a) For honey of U. S. Grade B or better delivered to packer's plant in clean, sound containers of a standard capacity of not less than 60 pounds nor greater than 150 pounds, nine (9) cents per pound.

(b) For honey of U. S. Grade B or better delivered to packer's plant in clean, sound containers, including barrels, with a standard capacity greater than 150 pounds, eight and three-fourths (8.75) cents per pound.

(c) For honey meeting specifications for U. S. Grade B or better with the exception of excess moisture content, in clean, sound containers with a standard capacity of not less than 60 pounds, the amounts specified in paragraphs (a) and (b) of this section less one-hun-

dredth (0.01) cent per pound for each one-tenth (0.10) of one percent by which the moisture content is greater than 18.6 percent but not greater than 20.0 percent. (Honey in excess of 20 percent moisture content is not eligible for price support.)

§ 624.110 *Prices to packers.* Eligible honey will be purchased from packers under contract with CCC at a price which will not exceed the support price plus such packer costs as CCC may determine to be applicable to such honey, and which will be set forth in the packer contract.

§ 624.111 *PMA Commodity Offices.* The PMA Commodity Offices and the areas served by them are shown below:

Atlanta 3, Ga., 449 West Peachtree Street NE.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue: Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex., 1114 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City, 6, Mo., Fidelity Building, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 1, Minn., Gamble Skogmo Building, 15 North Eighth Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New York 4, N. Y., 67 Broad Street: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 335 Fell Street: Arizona, California, Nevada, Utah.

Issued this 6th day of July 1950.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-5977; Filed, July 10, 1950; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 546, 1st Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-PINE BLISTER RUST; ADMINISTRATIVE INSTRUCTIONS DESIGNATING CONTROL AREAS

On April 5, 1950, there was published in the FEDERAL REGISTER (15 F. R. 1913), a notice of proposed rule making concerning a revision of administrative instructions relating to control areas (7 CFR 301.63-3a). After due consideration of all relevant matters presented and pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.63-3 of the regulations supplemental to the white-pine blister rust quarantine (7 CFR 301.63-3), under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), administrative instructions are hereby adopted as follows:

§ 301.63-3a *Administrative instructions designating control areas.* The States of California, Connecticut, Delaware, Georgia, Idaho, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin are hereby designated in part or in their entirety as control areas, and the interstate movement to such control areas of gooseberry and currant plants, cuttings, and seeds is prohibited or regulated as provided hereinafter for each such State or part thereof.

California. European black currant plants may not be moved interstate to any destination in California.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into California, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN CALIFORNIA TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Alta.	Georgetown.
Arnold.	Hayfork.
Challenge.	McCloud.
Chester.	Quincy.
Downieville.	Stirling City.
Feather Falls.	Westwood.
Foresthill.	

Connecticut. European black currant plants may not be moved interstate to any destination in Connecticut.

Gooseberry and currant plants, other than European black currants, may not be moved interstate to any destination in Connecticut unless accompanied by control-area permits secured from the State Entomologist, Box 1106, New Haven 4, Conn. Control-area permits will not be issued for planting within infective distances of protected pine.

Delaware. European black currant plants may not be moved interstate to any destination in Delaware.

Gooseberry and currant plants, other than European black currants, may not be moved interstate to any destination in Delaware unless accompanied by control-area permits secured from the Plant Pathologist, State Board of Agriculture, Newark, Del. Control-area permits will not be issued for planting within infective distances of protected pine.

Georgia. European black currant plants may not be moved interstate to any destination in Georgia.

Gooseberry and currant plants other than European black currants may be moved interstate without restriction into Georgia, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN GEORGIA TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Aska.	Dahlonega.
Ayersville.	Dawsonville.
Baxter.	Demorest.
Blairsville.	Dial.
Blue Ridge.	Diamond.
Cartecay.	Dillard.
Chatsworth.	East Ellijay.
Cherrylog.	Ellijay.
Cisco.	Emma.
Clarkesville.	Eton.
Clayton.	Gaddistown.
Cleveland.	Haberaham.
Cornelia.	Harvest.
Crandall.	Helen.
Hemp.	Robertstown.
Hiawassee.	Roiston.
Higdons Store.	Roy.
Hollywood.	Sarah.
Hurst.	Satolah.
Jasper.	Sautee.
Juno.	Suches.
Lakemont.	Talking Rock.
Leaf.	Tallulah Falls.
Lewner.	Tallulah Lodge.
Loving.	Talona.
Marblehill.	Tennga.
Margret.	Tiger.
Marion.	Titus.
Morganton.	Toccoa.
Mountain City.	Toccoa Falls.
Nacoochee.	Tournapull (railroad station Toccoa).
Newport.	Tugalo.
Oak Hill.	Turnerville.
Pike.	Whitestone.
Pisgah.	Wiley.
Presley.	Youngcane.
Quill.	Young Harris.
Rabun Gap.	

Idaho. European black currant plants may not be moved interstate to any destination in Idaho.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Idaho, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN IDAHO TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Avery.	Kingston.
Bovill.	Linfor.[1]
Calder.	MacArthur.[1]
Clark Fork.	Mullan.
Clarkia.	Murray.
Coeur d'Alene.	Naples.
Coolin.	Neva.[1]
Deary.	Nordman.
Dent.	Orofino.
Elk River.	Pierce.
Elmira.	Prichard.[1]
Emerald.[1]	Priest River.
Emida.	Purdue.[1]
Enaville.	Rathdrum.
Fernwood.	Saint Joe.[1]
Grangement.	Saint Maries.
Greer.	Samuels.
Harvard.	Sandpoint.
Hayden Lake.	Santa.
Headquarters.	Spirit Lake.
Helmer.[1]	Twin Lakes.[1]
Hope.	Wallace.
Jaype.[1]	Weippe.
Kellogg.	

Maine. European black currant plants may not be moved interstate to any destination in Maine.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction to the shipping points listed below. Interstate movement to all other shipping points in the State is prohibited.

SHIPPING POINTS IN MAINE TO WHICH GOOSEBERRY AND CURRANT PLANTS, OTHER THAN EUROPEAN BLACK CURRANTS, MAY BE MOVED WITHOUT RESTRICTION

Addison.	Bucks Harbor.
Air Force Base (sta. Houlton).	Calais.
Ashland.	Capens.[1]
Ayers.	Caribou.
Bancroft.	Carroll.
Baring.	Centerville.
Beals.	Cherryfield.
Benedicta.	Chesuncook.
Blaine.	Clayton Lake.
Blanchard.	Columbia Falls.
Bowerbank.	Cooper.[1]
Bridgewater.	Crawford.
Brookton.	Crouseville.
	Cutler.

[1] No post office.

Danforth.	North East Carry.	Cockeysville.	McDonogh.
Deblois.	North Lubec.	College Park.	McHenry.
Dennysville.	Oakfield.	Crellin.	Mountain Lake Park.
Eagle Lake.	Ogontz.	Deer Park.	Myersville.
East Machias.	Onawa.	Derwood.	Oakland.
East Millinocket.	Orient.	Ellicott City.	Oella.
Easton.	Oxbow.	Flint Stone.	Oldtown.
Eastport.	Patten.	Fork.	Parkton.
Eaton.	Pembroke.	Frostburg.	Phoenix.
Flagstaff.	Perham.	Fullerton.	Pikesville.
Forest City.	Perry.	Garrett Park.	Rockville.
Forest Station.	Phair.[1]	Glenarn.	Sang Run.
Fort Fairfield.	Plaisted.	Grantsville.	Shallmar.
Fort Kent.	Portage.	Hancock.	Smithsburg.
Fort Kent Mills.	Prentiss.	Hutton.	Steyer.
Frenchville.	Presque Isle.	Jennings.	Swanton.
Grand Isle.	Princeton.	Kingsville.	Timonium.
Grand Lake Stream.	Quimby.	Kitzmiller.	Towson (br. Baltimore).
Greenville.	Quoddy (sta. Eastport).	Little Orleans.	Upperco.
Greenville Junction.	Red Beach.	Loch Raven.	Vindex.
Grindstone.	Robbinston.	Lonaconing.	White Hall.
Grove.	Robinsons.	Long Green.	
Harrington.	Rockwood.	Lutherville.	
Haynesville.	Roque Bluffs.		
Hodgdon.	Saint Agatha.		
Holeb.	Saint David.		
Houlton.	Saint Francis.		
Howland.	Sebec Lake.		
Island Falls.	Seboeis.		
Jackman.	Selden.		
Jackman Station.	Sheridan.		
Jacksonville.	Sherman.		
Jonesboro.	Sherman Mills.		
Jonesport.	Sherman Station.		
Keegan.	Shin Pond.		
Kingman.	Shirley Mills.		
Kingsbury.	Sinclair.		
Kokadjo.	Smyrna Mills.		
La Grange.	Soldier Pond.		
Lambert Lake.	South Bancroft.		
Larrabee.	Spencer.[1]		
Lille.	Stacyville.		
Limestone.	Starboard.		
Linneus.	Steuben.		
Long Pond.	Stockholm.		
Lubec.	Tarratine.		
Ludlow.[1]	The Birches.[1]		
Machias.	Topsfield.		
Machiasport.	Upper Frenchville.		
Madawaska.	Van Buren.		
Mapleton.	Vanceboro.		
Mars Hill.	Waite.		
Masardis.	Washburn.		
Meddybemps.	Wesley.		
Medway.	Westfield.		
Millbridge.	West Jonesport.		
Millinocket.	West Lubec.		
Milltown (Ind. sta. Calais).	Weston.		
Monarda.	West Outlet.[1]		
Monson.	West Pembroke.		
Monticello.	West Seboois.		
Moose River.	Whiting.		
New Limerick.	Whitneyville.		
New Sweden.	Winterville.		
North Amity.	Woodland.		
North Bancroft.	Wytopitlock.		

Maryland. European black currant plants may not be moved interstate to any destination in Maryland.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Maryland, except that they may be moved interstate to the shipping points listed below only when accompanied by control-area permits secured from the State Plant Pathologist, University of Maryland, College Park, Md. Control-area permits will not be issued for planting within infective distances of protected pine.

SHIPPING POINTS IN MARYLAND FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Accident.	Big Spring.
Baltimore.	Bittinger.
Barton.	Bloomington.
Berwyn.	Butler.
Bigpool.	Clear Spring.

[1] No post office.

Massachusetts. European black currant plants may not be moved interstate to any destination in Massachusetts. Gooseberry and currant plants, other than European black currants, may not be moved interstate to any destination in Massachusetts, unless accompanied by control-area permits secured from the Director, Division of Plant Pest Control and Fairs, 41 Tremont St., Boston 8, Mass. Control-area permits will not be issued for planting within infective distances of protected pine.

Michigan. European black currant plants may not be moved interstate to any destination in Michigan.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Michigan, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the Director, Bureau of Plant Industry, State Department of Agriculture, Lansing 13, Mich. Control-area permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN MICHIGAN FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Alcona.	Leelanau.
Alger.	Luce.
Allegan.	Mackinac.
Alpena.	Manistee.
Antrim.	Marquette.
Baraga.	Mason.
Benzie.	Mecosta.
Charlevoix.	Menominee.
Cheboygan.	Missaukee.
Chippewa.	Montcalm.
Crawford.	Montmorency.
Delta.	Muskegon.
Dickinson.	Newaygo.
Emmet.	Oceana.
Gogebic.	Ogemaw.
Grand Traverse.	Ontonagon.
Houghton.	Oscoda.
Iosco.	Otsego.
Iron.	Ottawa.
Kalkaska.	Presque Isle.
Kent.	Roscommon.
Keweenaw.	Schoolcraft.
Lake.	Wexford.

Minnesota. European black currant plants may not be moved interstate to any destination in Minnesota.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Minnesota, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the Commissioner of Conservation, State Office Building, St. Paul, Minn. Control-area permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN MINNESOTA FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Aitkin.	Hubbard.
Becker.	Isanti.
Beltrami.	Itasca.
Carlton.	Kanabec.
Cass.	Koochiching.
Chisago.	Lake.
Clearwater.	Mahnomen.
Cook.	Pine.
Crow Wing.	St. Louis.

Montana. European black currant plants may not be moved interstate to any destination in Montana.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Montana, except that their interstate movement is prohibited to the following shipping points.

SHIPPING POINTS IN MONTANA TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Belton.	Saltese.[1]
Deborgia.	Snead.[1]
Haugan.	Taft.[1]
Heron.	Troy.
Noxon.	Warland.

New Hampshire. European black currant plants may not be moved interstate to any destination in New Hampshire.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction to the shipping points listed below. Interstate movement to all other shipping points in the State is prohibited.

SHIPPING POINTS IN NEW HAMPSHIRE TO WHICH GOOSEBERRY AND CURRANT PLANTS, OTHER THAN EUROPEAN BLACK CURRANTS, MAY BE MOVED WITHOUT RESTRICTION

Colebrook.	Stratford.
Dixville Notch.	Wentworth Location.
Errol.	West Stewartstown.
North Stratford.	
Pittsburg.	

New Jersey. European black currant plants may not be moved interstate to any destination in New Jersey.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into New Jersey, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN NEW JERSEY TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Bevans.	McAfee.
East Balles.[1]	Mount Arlington.
Flatbrookville.	Newfoundland.
Glenwood.	Oak Ridge.
Green Pond.	Ringwood.
Haskell.	Vernon.
Hewitt.	Wallpack Center.
Lake Hopatcong.	Wanaque.
Lake Lookover.[1]	West Milford.
Layton.	

New York. European black currant plants may not be moved interstate to any destination in New York.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into New York, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN NEW YORK TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Accord.	Altona.
Acuny (branch Plattsburg).	Argyle.
Adirondack.	Ashokan.
Alder Creek.	Athol.
Allaben.	Atwell.
Alligerville.	Ausable Chasm.
	Au Sable Forks.

Ava.
Bakers Mills.
Ballston Lake.
Ballston Spa.
Bangor.
Barnes Corners.
Barneveld.
Barryville.
Bearsville.
Beaver Falls.
Beaver River.
Big Indian.
Big Moose.
Binnewater.
Bloomingburg.
Bloomingdale.
Bloomington.
Blossvale.
Blue Mountain Lake.
Blue Ridge.
Bolceville.
Bolton.
Bolton Landing.
Bombay.
Boonville.
Brainardsville.
Brandreth.
Brantingham.
Brant Lake
Brasher Falls.
Broadalbin.
Brushton.
Burke.
Burlingham.
Burnt Hills.
Cadyville.
Cambridge.
Camden.
Canada Lake.
Caroga Lake.
Castorland.
Champlain.
Chateaugay.
Chazy.
Chestertown.
Chichester.
Childwold.
Chilson.
Churubusco.
Clayburg.
Clemons.
Cleverdale.
Cliff Haven.[1]
Clintonville.
Cochecton.
Cochecton Center.
Cold Brook.
Colton.
Comstock.
Conifer.
Conklingville.[1]
Constable.
Constableville.
Copenhagen.
Coreys.
Corinth.
Cossayuna.
Cottekill.
Cragsmoor.
Cranberry Lake.
Craterclub.
Creek Locks.
Croghan.
Crown Point.
Crown Point Center.
Cuddebackville.
Dairyland.[1]
Dannemora.
Darts.
Deerland.
Deer River.
Degrasse.
Denmark.
Diamond Point.
Dickinson Center.
Dolgeville.
Dresden Station.
Duane.
Eagle Bay.
Eagle Nest.
East Greenwich.
Eddyville.
Edinburg.
Edwards.
Eldred.
Elizabethtown.
Ellenburg.
Ellenburg Center.
Ellenburg Depot.
Ellenville.
Elnora.
Essex.
Faust.
Fine.
Florence.
Forest.
Forestport.
Fort Ann.
Fort Covington.
Fort Edward.
Fort Jackson.
Fort Miller.
Fort Ticonderoga.
Fosterdale.
Gabriels.
Galway.
Gansevoot (Saratoga County).
Garnet Lake.
Glasco.
Glenburnie.
Glenfield.
Glenford.
Glen Island.
Glen Lake.[1]
Glens Falls.
Glen Spey.
Gloversville.
Godeffroy.
Grant.
Granville.
Gravesville.
Greenfield Center.
Greenfield Park.
Greenwich.
Greig.
Hadley.
Hague.
Hampton.
Hannawa Falls.
Harrisville.
Hartford.
Hartwood.
Hawkeye.
Helena.
Higgins Bay
High Falls.
Highland Lake.
Highmount (Grand Hotel).
Highview.
Hinckley.
Hoffmeister.
Hogansburg.
Holland Patent.
Hopkinton.
Hotel Champlain.
Hudson Falls.
Huguenot.
Huletts Landing.
Hunter Lake.
Hurley.
Indian Lake.
Inlet.
Inman.[1]
Irona.
Jay.
Johnsburg.
Johnstown.
Jonesville.
Katskill Bay.
Keene.
Keene Valley.
Keeseville.
Kerhonkson.
Krumville.
Kyserike.
Lackawack.
Lake Clear.
Lake Clear Junction.
Lake George.
Lake Hill.
Lake Huntington.
Lake Katrine.
Lake Kushaqua.
Lake Luzerne.
Lake Placid.
Lake Placid Club.
Lake Pleasant.
Lawrenceville.
Lee Center.
Lewis.
Long Lake.
Loon Lake.
Lowville.
Lyon Mountain.
Lyons Falls.
McKeever.
Malden-on-Hudson.
Malone.
Martinsburg.
Mayfield.
Mechanicville.
Merriewold.
Merrill.
Middle Falls.
Middle Granville.
Middle Grove.
Minerva.
Mineville.
Moffitsville.[1]
Mohonk Lake.
Moira.
Montela.[1]
Moody.
Mooers.
Mooers Forks.
Moriah.
Moriah Center.
Morrisonville.
Mountain View.
Mount Arab.[1]
Mount McGregor.
Mount Marion.
Mount Pleasant.
Mount Tremper (The Corners).
Napanoch.
Narrowsburg.
Nehasane.
New Bremen.
Newcomb.
New Russia.
Newton Falls.
Nicholville.
Norfolk.
North Bangor.
North Creek.
North Granville.
North Hudson.
North Lawrence.
North River.
North Stockholm.
Northville.
North Western.
Ohio.
Old Forge.
Olivebridge.
Olmstedville.
Onchiota.
Osceola.
Oswegatchie.
Otter Lake.
Owls Head.
Palmer.
Paradox.
Parishville.
Paul Smiths.
Peasleeville.
Peru.
Phillipsport.
Phoenicia.
Piercefield.
Pilot Knob.
Pine Hill.
Piseco.
Plattsburg.
Poland.
Pond Eddy.
Porter Corners.
Port Henry.
Port Jervis.
Port Kent.
Port Leyden.
Pottersville.
Prospect.
Putnam Station.
Rainbow Lake.
Raquette Lake.
Ray Brook.
Raymondville.
Redford.
Remsen.
Rexford.
Rio.
Riparius.
Riverview.
Rock City Falls.
Rosa Gap.
Rosendale.
Round Lake.
Rouses Point.
Ruby.
Russell.
Sabael.
Sabattin.
Sabbath Day Point.
Sacandaga.
Saint Huberts.
Saint Josephs.
Saint Regis Falls.
Salem.
Salisbury.
Salisbury Center.
Samsonville.
Santa Clara.
Saranac.
Saranac Inn.
Saranac Lake.
Saratoga Springs.
Saugerties.
Schroon Lake.
Schuyler Falls.
Schuylerville.
Severance.
Shady.
Shandaken.
Shokan.
Shushan.
Silver Bay.
Smiths Basin.
South Colton.
South Hartford.
South Schroon.
Sparrow Bush.
Speculator.
Spring Glen.
Standish.
Starlake.
Stillwater.
Stone Ridge.
Stony Creek.
Stratford.
Summitville.
Sunmount.
Swastika.
Taberg.
Tahawus.
Ten Mile River.
The Glen.
Thendara.
Thomson.
Thurman.
Ticonderoga.
Tillson.
Trudeau.
Truthville.
Tupper Lake.
Turin.
Tusten.
Upper Jay.
Upper Saint Regis.
Ushers.
Valcour.
Vermontville.
Victory Mills.
Wadhams.
Wanakena.
Warrensburg.
Waterford.
Wawarsing.
Wells.
West Bangor.
West Branch.
Westbrookville.
West Camp.
West Chazy
Westdale.
Westernville.
West Granville Corners.
West Hurley.
West Leyden.
Westport.
West Shokan.
West Stockholm.
Wevertown.
Whallonsburg.
Whippleville.
White Creek.
Whiteface.
Whitehall.
Willow.
Willsboro.
Wilmington.
Wilton.
Winterton.
Winthrop.
Witherbee.
Wittenberg.
Woodgate.
Woodland.
Woodstock.
Wurtsboro.
Yulan.

[1] No post office.

North Carolina. European black currant plants may not be moved interstate to any destination in North Carolina.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into North Carolina, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the State Entomologist, Department of Agriculture, Raleigh, N. C. Control-area permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN NORTH CAROLINA FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Alexander.
Alleghany.
Ashe.
Avery.
Buncombe.
Burke.
Caldwell.
Cherokee.
Clay.
Cleveland.
Graham.
Haywood.
Henderson.
Jackson.
McDowell.
Macon.
Madison.
Mitchell.
Polk.
Rutherford.
Surry.
Swain.
Transylvania.
Watauga.
Wilkes.
Yadkin.
Yancey.

Ohio. European black currant plants may not be moved interstate to any destination in Ohio.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Ohio, except that they may be moved interstate to the shipping points listed below only when accompanied by control-area permits secured from the Chief, Division of Plant Industry, Department of Agriculture, Columbus 15, Ohio. Control-area permits will not be issued for planting within infective distances of protected pine.

SHIPPING POINTS IN OHIO FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Adelphi.
Athens.
Brecksville.
Bremen.
Burton.
Carbondale.
Chagrin Falls.
Chardon.
Chillicothe.
Clark.
Danville.
Dellroy.
Fredericktown.
Fresno.
Gambier.
Gates Mills.
Germano.
Glenmont.
Greer.[1]
Keene.
Kent.
Lancaster.
Logan.
Loudonville.
Marietta.
Nashville.
Newark.
New Marshfield.
Perrysville.
Rockbridge.
Sherrodsville.
Stone Creek.
West Austintown.[1]
Winona.
Zaleski.
Zanesfield.

Oregon. European black currant plants may not be moved interstate to any destination in Oregon.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Oregon, except that they may be moved interstate to the shipping points listed below only when accompanied by control-area permits secured from the Chief, Division of Plant Industry, Agricultural Building, Salem, Oregon. Control-area permits will not be issued for planting within infective distances of protected pine.

SHIPPING POINTS IN OREGON FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Cave Junction.
Colestin.[1]
Dryden.
Galice.[1]
Grants Pass.
Holland.
Kerby.
Murphy.
Oregon Caves.
Prospect.
Selma.
Tiller.
Union Creek.[1]
Waters Creek.[1]
Wilderville.
Wonder.

Pennsylvania. European black currant plants may not be moved interstate to any destination in Pennsylvania.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Pennsylvania, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the Chief, Division of Forest Protection, Pennsylvania Department of Forests and Waters, 410 Educational Building, Harrisburg, Pa. Control-area permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN PENNSYLVANIA FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Bradford.
Cameron.
Centre.
Clarion.
Clearfield.
Clinton.
Elk.
Forest.
Fulton.
Huntingdon.
Jefferson.
Luzerne.
Lycoming.
Monroe.
Pike.
Potter.
Susquehanna.
Tioga.
Warren.
Wayne.

Rhode Island. European black currant plants may not be moved interstate to any destination in Rhode Island.

Gooseberry and currant plants, other than European black currants, may not be moved interstate to any destination in Rhode Island unless accompanied by control-area permits secured from the Administrator, Division of Entomology and Plant Industry, State House, Providence 2, R. I. Control-area permits will not be issued for planting within infective distances of protected pine.

Tennessee. European black currant plants may not be moved interstate to any destination in Tennessee.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Tennessee, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN TENNESSEE TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Allardt.
Archville.
Armathwaite.
Bakewell.
Banner Springs.
Belltown.
Ben Stockton.
Benton.
Big Lick.
Bluff City.
Bridgeport.
Bristol.
Burrville.
Butler.[1]
Cades Cove.[1]
Calderwood.
Carderview.
Catoosa.[1]
Cedar Creek (railroad station Greeneville).
Chilhowee.
Clarkrange.
Coalfield.
Cokercreek.
Coleman.[1]
Conasauga.
Cosby.
Crab Orchard.
Crossville.
Dayton.
Dean.
Deer Lodge.
Delano.
Del Rio.
Doeville.
Ducktown.
East Jamestown.
Elgin.
Elizabethton.
Elkmont (railroad station Sevierville).
Embreeville.
Emory Gap.
Epperson.
Erwin.
Evensville.
Farner.
Flag Pond.
Flattop.[1]
Frankfort.[1]
French Broad.
Gatlinburg.
Gennett.[1]
Glenmary.
Grandview.
Graysville.
Grimsley.
Hampton.
Harriman.
Hartford.
Hebbertsburg.[1]
Helenwood.
Hendon.
Holston Valley.
Huntsville.
Ironsburg.[1]
Isabella.
Jamestown.
Kinzel Springs.[1]
Lancing.
Laurel Bloomery.
Linary.
Litton.
Milligan College.
Milo.
Mountain City.
Neva.
New River.
Nicks Creek.
Norma.
Oakdale.
Ocoee.
Oldfort.
Oneida.
Ozone.
Peavine.
Petros.
Pigeon Forge (railroad station Sevierville).
Pikeville.
Piney Flats.
Pittman Center (railroad station Sevierville).
Rasar.
Reliance.
Roan Mountain.
Robbins.
Rock Creek.[1]
Rockwood.
Roslin.
Rugby.
Sale Creek.
Servilla.
Sevierville.
Shady Valley.
Shell Creek.
Shirley.
Shouns.
Smoky Junction.
South Holston Dam (railroad station Bristol).
Spring City.
Sunbright.
Tallassee.
Tellico Plains
Townsend.
Trade.
Unicoi.
Walland.
Wartburg.
Watauga.
Westel.
Wetmore.[1]
Winesap.
Winfield.
Winona.
Wolf Creek.

[1] No post office.

Vermont. European black currant plants may not be moved interstate to any destination in Vermont.

Gooseberry and currant plants, other than European black currants, may not be moved interstate to any destination in Vermont unless accompanied by control-area permits secured from the State Forester, Department of Natural Resources, Forest Service, Montpelier, Vt. Control-area permits will not be issued for planting within infective distances of protected pine.

Virginia. European black currant plants may not be moved interstate to any destination in Virginia.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Virginia, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the State Entomologist, 1112 State Office Building, Richmond 19, Va. Control-area permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN VIRGINIA FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Albemarle.
Alleghany.
Amherst.
Augusta.
Bath.
Bedford.
Bland.
Botetourt.
Carroll.
Craig.
Floyd.
Franklin.
Frederick.
Giles.
Grayson.
Greene.
Henry.
Highland.
Madison.
Montgomery.
Nelson.
Page.
Patrick.
Pulaski.
Rappahannock.
Roanoke.
Rockbridge.
Rockingham.
Shenandoah.
Smyth.
Warren.
Washington.
Wythe.

Washington. European black currant plants may not be moved interstate to any destination in Washington.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Washington, except that they may be moved interstate to the shipping points listed below only when accompanied by control-area permits secured from the Supervisor of Horticulture, Department of Agriculture, Olympia, Wash. Control-area permits will not be issued for planting within infective distances of protected pine.

SHIPPING POINTS IN WASHINGTON FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Blueside.[1]
Colbert.
Cusick.
Ione.
Lost Creek.[1]
Mead.
Metaline Falls.
Ruby.[1]
Tiger.
Usk.

West Virginia. European black currant plants may not be moved interstate to any destination in West Virginia.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into West Virginia, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN WEST VIRGINIA TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Abraham.
Alvon.
Anthony.
Arborvale.
Assurance.[1]
Athens.
Auto.
Avis.[1]
Baker.
Ballard.
Ballenges.
Bartow.
Bass.[1]
Beard.
Beaver.
Beckley.
Beeson.
Bellepoint.
Berkeley Springs.
Bloomery.
Blue Jay.
Boyer.
Bozoo.
Brandywine.
Brushy Run.
Buckeye.
Caldwell:
Camp Alleghany.
Camp Creek.
Capon Bridge.
Capon Springs.
Cashmere.
Cass.
Cave.
Cherry Creek.
Cherry Run.
Clover Lick.
Cool Ridge.
Crab Orchard.
Cranberry.
Crow.
Crumps Bottom.
Daniels.
Deer Run.
Denmar.
Droop.
Dunmore.
Dunns.
East Beckley.
Eccles.
Egeria.
Elgood.
Ellison.
Fabius.
Fame.
Forest Hill.
Fort Run.
Fort Seybert.
Frankford.
Franklin.
Frost.
Gap Mills.
Ghent.
Glace.
Glengary.
Glen Morgan.
Glen White.
Grandview.
Green Bank.
Greenville.
Hambleton.
Harper.
Hedgesville.
Hendricks.
High View.
Hillsboro.
Hinton.
Hollywood.
Hooks Mills.
Huntersville.
Indian Mills.
Inkerman.
Intermont.
Jones Springs.
Jumping Branch.
Keenan.
Kegley.
Kirby.
Kline.
Lanark.
Lashmeet.
Lead Mine.
Lehew.
Lerona.
Lewisburg.
Lick Creek.
Lindside.
Lost City.
Lost River.
Lovern.
McCreery.[1]
Mabscott.
MacArthur.
Mandeville.[1]
Marie.
Marlinton.
Mathias.
Maxwelton.

Milam.
Mill Point.
Minnehaha Springs.
Moorefield.
Mountview.
Moyers.
Mozer.
Needmore.
Neola.
New.
North Caldwell.[1]
North Mountain.
Norvell.[1]
Oakland.
Oakvale.
Old Fields.
Omps.
Orchard.
Organ Cave.
Oswald.
Parsons.
Pemberton.
Perry.
Peterstown.
Pettry.
Pickaway.
Piney View.
Pinoak.
Pipestem.
Pluto.
Price Hill.
Princeton.
Prosperity.
Raleigh.
Red Sulphur Springs.
Renick.
Ridge.
Rio.
Rock Camp.
Rockoak.
Ronceverte.
Roxalia.[1]
Ruddle.
Saint George.
Secondcreek.
Seebert.
Shady Spring.
Skelton.
Sleepy Creek.
Smoke Hole.
Spanishburg.
Speedway.
Sprague.
Spring Creek.
Stanaford.
Stotlers Cross Roads.
Streeter.
Sugar Grove.
Surveyor.
Sweetsprings.
True.
Ungers Store.
Union.
Upper Tract.
Vago.
Walteville.
Wardensville.
Warford.[1]
Watoga.
Wayside.
White Sulphur Springs.
Wickham.[1]
Wikel.
Willow Bend.
Yellow Spring.
Zenith.

Wisconsin. European black currant plants may not be moved interstate to any destination in Wisconsin.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Wisconsin, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the State Entomologist, State Capitol, Madison 2, Wis. Control-area permits will not be issued for planting within infective distance of protected pine.

COUNTIES IN WISCONSIN FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Adams.
Ashland.
Barron.
Bayfield.
Burnett.
Chippewa.
Clark.
Door.
Douglas.
Dunn.
Eau Claire.
Florence.
Forest.
Iron.
Jackson.
Juneau.
Langlade.
Lincoln.
Marathon.
Marinette.
Monroe.
Oconto.
Oneida.
Polk.
Portage.
Price.
Rusk.
Saint Croix.
Sawyer.
Shawano.
Taylor.
Vilas.
Washburn.
Waupaca.
Waushara.
Wood.

REGULATED ARTICLES NOT AFFECTED BY THESE INSTRUCTIONS

(a) *Movement of five-leaved pines.* As provided in § 301.63–5 (a), five-leaved pines may be moved interstate without restriction between the noninfected States of Arizona, Colorado, Georgia, Kentucky, Nevada, New Mexico, South Carolina, Tennessee, Utah, and the noninfected part of California comprised of the counties of Calaveras, Contra Costa, Mono, San Francisco, San Joaquin, Tuolumne, and all those south thereof. Five-leaved pines may not be moved interstate into these areas from any other part of the United States except when intended for reforestation purposes, when they have been grown in a nursery protected from blister rust infection, and when accompanied by a white-pine certificate issued for such movement by the Bureau of Entomology and Plant Quarantine.

There are no restrictions on the interstate movement of five-leaved pines and parts thereof into or within that part of the continental United States outside of the areas described in the above paragraph, except that five-leaved pines and parts thereof when visibly infected with blister rust may not be moved interstate anywhere within the continental United States except in accordance with § 301.-63–9.

(b) *Movement of European black currants.* As provided in § 301.63–5 (b), European black currant plants may be moved interstate without restriction into or between the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas. Interstate movement of such plants into or between any other States or the District of Columbia is prohibited except in accordance with § 301.63–9.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

The purposes of this revision are (1) to remove from control areas, and thus lift the requirement for control-area permits for interstate shipments of gooseberry and currant plants to shipping points in, two townships in Sullivan County, New York, and to designate as control areas the shipping points in the townships of Deerpark, Orange County, and Shandaken, Ulster County, New York; (2) to add several shipping points to the designated control areas in Ohio; and (3) to make minor nonsubstantive changes in the text and lists of shipping points for clarity and accuracy.

The foregoing revised administrative instructions shall become effective on the 14th day of August 1950, and on that date shall supersede B. E. P. Q. 546, which was effective July 10, 1946 (7 CFR 301.63–3a).

Done at Washington, D. C., this 13th day of June 1950.

[SEAL] AVERY S. HOYT,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 50–5978; Filed, July 10, 1950; 8:52 a. m.]

[1] No post office.

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[MQ–71–Cotton (1950) Amdt. 1]

PART 722—COTTON

ACREAGE ALLOTMENTS AND MARKETING QUOTAS FOR 1950 CROP

Basis and purpose. Section 346 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that whenever farm marketing quotas are in effect with respect to any crop of cotton, the producer shall be subject to a penalty on the farm marketing excess at a rate per pound equal to 50 percent of the parity price per pound for cotton as of June 15 of the calendar year in which such crop is produced. When the regulations pertaining to Cotton Acreage Allotments and Marketing Quotas for the 1950 Crop of Cotton were issued by the Secretary of Agriculture on June 26, 1950, the parity price per pound for cotton as of June 15, 1950, was not available and the exact rate of penalty could not be included in such regulations. Such parity price is now available and the purpose of the amendment contained herein is to establish and include in the regulations the exact rate of the penalty per pound of cotton for the 1950 crop of cotton.

Cotton is presently being harvested in the southernmost areas of the United States and it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the exact rate of penalty may be made known to producers, who desire to market cotton, and to buyers, who are charged in the regulations with the duty of collecting the penalty on cotton marketed subject to the penalty and the lien for the penalty. Accordingly, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impractical and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.155 of the regulations pertaining to Acreage Allotments and Marketing Quotas for the 1950 Crop of Cotton (15 F. R. 4162), is hereby changed to read as follows:

§ 722.155 *Rate of penalty.* The rate of penalty is 50 percent of the parity price for cotton as of June 15, 1950, as provided in section 346 (a) of the act. The parity price for cotton as of such date is 31 cents per pound. The rate of penalty for the 1950 crop of cotton shall be 15.5 cents per pound.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. and Sup. 1375. Interpret or apply sec. 346, 52 Stat. 57, as amended, sec. 3, 63 Stat. 670; 7 U. S. C. and Sup. 1346)

Done at Washington, D. C., this 6th day of July 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–5935; Filed, July 7, 1950; 12:06 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 42–5]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

CERTIFICATE RENEWAL, AIRCRAFT, AND OTHER ADMINISTRATIVE REQUIREMENTS; CORRECTION

Section 42.5 *Certificate issuance* should contain the paragraph entitled *exceptions*, which was part of the section prior to amendment on June 28, 1950 (15 F. R. 4263). In order to avoid confusion, the amendment should be corrected to read as follows:

§ 42.5 *Certificate issuance*—(a) *General.* An air carrier operating certificate, describing the operations authorized and prescribing such operating specifications and limitations as may be reasonably required in the interest of safety, shall be issued by the Administrator to a properly qualified citizen of the United States possessing appropriate economic authority granted by the Board pursuant to Title IV of the Civil Aeronautics Act of 1938, as amended, who is capable of conducting the proposed operations in accordance with the applicable requirements hereinafter specified. Application for a certificate, or application for amendment thereof, shall be made in a manner and contain information prescribed by the Administrator. No person subject to the provisions of this part shall operate in air transportation without, or in violation of the terms of, an air carrier operating certificate.

(b) *Exceptions.* Whenever upon investigation the Administrator finds that the general standards of safety required for air carrier operations require or permit a deviation from any specific requirement of this part, he may issue an air carrier operating certificate or amendment providing for such deviation. The Administrator shall promptly notify the Board of any deviation included in the air carrier operating certificate and the reasons therefor.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, as amended, 1010; 49 U. S. C. and Sup., 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50–6016; Filed, July 10, 1950; 9:34 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

MISCELLANEOUS AMENDMENTS

CROSS REFERENCE: For cancellation of §§ 19.01, 19.05, 19.11, 19.15, 19.21, 19.25, 19.31, 19.33, 19.35, and 19.37, and amendment of § 19.29, see F. R. Doc. 50–5957, Title 46, Chapter I, Part 154, *infra*.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 14—LEGAL SERVICES, SOLICITOR'S OFFICE

GUARDIANSHIP AND LEGAL SERVICES

1. Section 14.291 is amended to read as follows:

§ 14.291 *Award information to chief attorney.* The adjudication agency in the office having jurisdiction of the claims folder will supply the chief attorney having principal jurisdiction over the guardian, custodian, chief officer of an institution, or wife of an incompetent veteran with detailed information when an original award is prepared or each time any change is made in an existing award to an incompetent or minor beneficiary in whose behalf payments are going forward to a legal guardian, custodian, chief officer of an institution, or wife of an incompetent veteran. Unless this information is furnished simultaneously with the award or change in the prior award, the principal chief attorney is unable to supervise properly the guardian, custodian, or chief officer of an institution; to assure that the accountings are made when required; or to determine any action deemed appropriate in cases of payments to a wife of an incompetent veteran.

2. In § 14.333, paragraphs (b) and (c) are amended to read as follows:

§ 14.333 *Appeals, cost of, may be paid.* * * *

(b) The chief attorney may appeal to a district, circuit, or other similar court where the trial is de novo and authorize costs in connection therewith without prior approval of the solicitor. No appeal to an appellate or supreme court will be filed and no costs in connection therewith authorized without prior approval of the solicitor—these to be referred by the chief attorney to the solicitor. In any case wherein the court overrules the petition or motion filed by the chief attorney, under the provision of section 21, World War Veterans' Act, 1924, as amended, and an appeal is believed necessary to protect the estate of the Veterans' Administration beneficiary, the chief attorney will report all the facts to the solicitor and will make a definite recommendation regarding whether an appeal should be taken. The statement will show the termination of the appeal period, i. e., the date by which the appeal must be filed and the probable cost of the appeal, reporting separately the estimated costs for printing the brief and record so that authority for printing may be granted in accordance with prescribed Veterans' Administration procedure.

(c) If, after consideration of such report and recommendation, an appeal is authorized, the chief attorney will immediately take the necessary action to perfect the appeal. In such cases, if appeal bond is required, the chief attorney, as the attorney for the Administrator of Veterans' Affairs, is authorized to sign such bond for the Administrator. If time permits, the chief attorney will supply the solicitor with the record (if same must be printed) and with the proposed brief before filing; otherwise, copies will be forwarded immediately after filing. The chief attorney will maintain a docket on such cases.

3. In § 14.515, paragraph (d) is amended, paragraph (e) is deleted, and former paragraphs (f), (g), and (h) are redesignated (e), (f), and (g), respectively.

§ 14.515 *Suits involving loan guaranty matters and disposition of personal property.* * * *

(d) Except in an emergency, no chief attorney will initiate action for appellate review without prior approval by the solicitor. These limitations do not preclude the filing of a motion for a new trial, appeal to intermediate court with hearing de novo, the giving of notice of appeal, reserving of bills of exception, or any other preliminary action in the trial court which may be necessary or appropriate to protect or facilitate the exercise of the right of appellate review, nor do they preclude the taking of appropriate steps on behalf of the Administrator as appellee (respondent) without prior reference to the solicitor. Upon the conclusion of the trial of a case, the chief attorney will report the result thereof to the solicitor, with recommendation as to seeking appellate review if the result reported is adverse to the position of the Veterans' Administration in the litigation. The reporting chief attorney who recommends appellate review will include as a part of his communication, or in exhibits attached, (1) a summary of the evidence; (2) a summary of the law points to be reviewed; (3) citations of statutes and cases; (4) statements of special reasons for recommending appellate review; (5) time limitations for the action recommended; (6) requirements, if any, respecting printing of the record and briefs; (7) the estimated total expenses to be incurred by reason of the appeal, reporting separately the estimated costs for printing the brief and record so that authority for printing may be granted in accordance with prescribed Veterans' Administration procedure; and (8) the recommendation by the loan guaranty officer, or that he does not desire to make a recommendation.

* * * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

This regulation effective July 11, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50–5926; Filed, July 10, 1950; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable to Certain Vessels During Emergency

[CGFR 50–19]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS[1]

MISCELLANEOUS AMENDMENTS

The purpose of the following changes in waiver orders is to reinstate and continue in effect certain waiver orders, including regulations and instructions relating thereto, pertaining to laws and

[1] This is also codified in 33 CFR Part 19.

regulations relating to navigation and vessel inspection administered by the Coast Guard and considered necessary in the orderly reconversion of the merchant marine from a wartime to a normal peacetime basis and to cancel those waiver orders no longer considered necessary. These waiver orders are also published as 33 CFR Part 19 and the changes made in 46 CFR Part 154 by this document shall likewise be made in 33 CFR Part 19. Because of the technical character of this continuation of waiver orders, and because of the urgency of providing waiver authority in order to effectuate the orderly reconversion of the merchant marine to peacetime operations, it is found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by act of March 31, 1947, as last amended by Public Law 591, 81st Congress, 2d Session (61 Stat. 33; 46 U. S. C. Sup. note preceding section 1), the general waiver orders are reinstated with the following amendments prescribed and shall become effective on and after July 1, 1950:

1. Section 154.01 *Description of seaman's wages in shipping articles* is canceled.

2. Section 154.05 *Permitting compliance with routing instructions and orders* is canceled.

3. Section 154.11 *Permitting masters of Great Lakes vessels to approve allotments of seamen* is canceled.

4. Section 154.15 *Cargo vessels equipped with certificates issued by British Ministry of War Transport* is canceled.

5. Section 154.21 *Crew list required* is canceled.

6. Section 154.25 *Certificates and continuous discharge books in shipping of seamen on vessels on the Great Lakes* is canceled.

7. Section 154.29 is amended to read as follows:

§ 154.29 *Continuation in effect of certain waivers, regulations, and instructions effective July 1, 1950.* Pursuant to the authority vested in the Commandant, U. S. Coast Guard, by the act of March 31, 1947, as amended (61 Stat. 33; 46 U. S. C., Sup. note preceding section 1), I hereby find that the reinstatement and continuation of all currently effective waiver orders, including regulations and instructions relating thereto, and affecting laws and regulations relating to navigation and vessel inspection administered by the Coast Guard, are presently necessary in the orderly reconversion of the merchant marine from a wartime to a normal peacetime basis. Accordingly, all such orders, regulations, and instructions are hereby ratified, affirmed and continued in force until modified, superseded, rescinded, or January 15, 1951, whichever first occurs. The waiver order dated June 30, 1949, and published in the FEDERAL REGISTER on July 7, 1949 (14 F. R. 3748), bearing the same section number and title as this order is hereby rescinded.

8. Section 154.31 *Conditional waiver of manning requirements* is canceled.

9. Section 154.33 *Able seamen employed on Great Lakes merchant cargo and tank vessels* is canceled.

10. Section 154.35 *Qualified members of engine department on Great Lakes merchant cargo and tank vessels* is canceled.

11. Section 154.37 *Employment of aliens as unlicensed crew members on subsidized vessels* is canceled.

12. The waiver order dated April 12, 1948, published in the FEDERAL REGISTER dated April 17, 1948 (13 F. R. 2070), identified as CGFR 48–18, and entitled "Able Seamen Employed on Merchant Cargo and Tank Vessels Other Than Great Lakes Vessels" is canceled. (This waiver order was inadvertently omitted from the 1949 edition of the Code of Federal Regulations.)

(61 Stat. 33, 665, Pub. Law 591, 81st Cong.; 46 U. S. C. Sup., note preceding 1)

Conditions regarding cancellation of waiver orders. The cancellation of certain general waiver orders by this document shall not impair the continuing effectiveness of any individual waivers issued under 46 CFR 154.27. No penalty shall be imposed upon a master of a vessel or against the vessel that departed or cleared on or before June 30, 1950, under any of the terms of the waiver orders canceled by this document upon the vessel's first arrival in a United States port after June 30, 1950. In connection with general waiver orders relating to manning requirements, no penalty of law shall be imposed because of failure to comply with any provision of law or regulation, the waiver of which was made with respect to vessels that engage their crews on or before June 30, 1950, pursuant to such waivers and such relaxations may remain in effect until the termination of the voyage or the period for which the crew was engaged.

Dated: July 5, 1950.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 50–5957; Filed, July 10, 1950; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9424]

PART 3—RADIO BROADCAST SERVICES

PART 13—COMMERCIAL RADIO OPERATORS

RADIOTELEPHONE THIRD CLASS OPERATOR PERMIT

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of June 1950;

The Commission having under consideration the above-captioned matter which proposed to amend various portions of Part 13 of the Commission's rules primarily to provide for the establishment of a new class of commercial radio operator license to be entitled Radiotelephone Third Class Operator Permit; and

It appearing, that the Commission on August 24, 1949, adopted a notice of proposed rule making in this matter which was published in the FEDERAL REGISTER in accordance with section 4 (a) of the Administrative Procedures Act; and

It further appearing, that the period in which persons were afforded an opportunity to submit comments with respect thereto has now expired; and

It further appearing, that the Commission has considered all written comments received, including one comment which requested, on the stated basis of safety in the air, that "aircraft stations while engaged in overseas operations" be expressly excluded from the scope of authority under the proposed Radiotelephone Third Class Operator Permit, and another comment which, although by its terms directed to the matter of the scope of operating authority under the Restricted Radiotelegraph Operator Permit (Docket 9387), which is being considered by the Commission as a companion docket to the instant docket, appears to be equally applicable to the instant matter and which suggested that ship radiotelephone stations required by treaty or statute to be installed for safety purposes be expressly excluded from the scope of authority under the Radiotelephone Third Class Operator Permit, and that ship stations licensed to use telephony for communication with coastal telephone stations be excluded from the scope of authority under the Radiotelephone Third Class Operator Permit; and

It further appearing, that the establishment of the new class of commercial operator license herein ordered is appropriate, to a system of graded commercial operator licenses such as is presently provided by the Commission's rules and that the operating authority under this new class of license is commensurate in this regard with the qualifications required of an applicant therefor; and

It further appearing, that the matter of qualifications which, in the interest of safety, should be required of radio operators at aircraft radiotelephone stations aboard aircraft engaged in overseas flights raises issues not directly related to the basis and purposes of the present rule making and which should be considered separately therefrom; and

It further appearing, that, at the present time there is in force no provision of treaty or statute requiring the installation of a radiotelephone station of board a vessel for safety purposes; and

It further appearing, that the matter of the qualifications which, in the interest of safety, should be required of radio operators at ship stations on board vessels required by treaty or statute to be equipped with a radiotelephone station, raises issues not directly related to the basis and purpose of the present rule making and which should be considered separately therefrom; and

It further appearing, that, although the rule amendments herein ordered permit the operation of a ship radiotelephone station licensed to communicate with a coastal telephone station by the holder of a Radiotelephone Third Class Operator Permit issued hereunder, such authorization is limited by express power and technical limitations on the equipment of all ship radiotelephone stations which such permit holder is authorized to operate; and

It further appearing, that in addition to the rule amendments heretofore set forth in the notice of proposed rule making the rule amendments herein ordered provide for (1) a minor substantive change designed to include in the scope of authority of the radiotelegraph first and second class operator licenses low power (10 watts or less) noncommercial educational FM broadcast stations in line with the inclusion of these stations in the scope of authority of the radiotelephone third class and restricted radiotelegraph operator permits and (2) certain editorial changes, the primary one of which is to accomplish a change of name of the restricted radiotelegraph operator permit to radiotelegraph third class operator permit in conjunction with parallel rule changes set forth in the Commission's order of this date in Docket 9387; and

It further appearing, that because of the nature of the changes described in the foregoing paragraph compliance with the rule making procedures provided by section 4 of the Administrative Procedures Act in regard thereto is unnecessary and not required; and

It further appearing, that the public interest, convenience and necessity will be served by the amendments herein ordered and that authority therefor is contained in sections 4 (i), 303 (l) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective September 1, 1950, Parts 13 and 3 of the Commission's rules is amended without further proceedings in the particulars set forth below.

Released: June 28, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 13.2 is amended to read as follows:

§ 13.2 *Classes of operator licenses.*[6] [6a] The classes of commercial radio operator licenses issued by the Commission are classified basically as radiotelegraph and radiotelephone licenses, and are further classified in accordance with international usage as follows:

(a) General radio operator group:

(1) General radiotelegraph certificates:

(i) Radiotelegraph first-class operator license.

(ii) Radiotelegraph second-class operator license.

(2) General radiotelephone certificates:[7]

(i) Radiotelephone first-class operator license.

(ii) Radiotelephone second-class operator license.

(b) Restricted radio operator group:

(1) Special radiotelegraph certificate:[7]

(i) Radiotelegraph third-class operator permit:[6a]

(2) Restricted radiotelephone certificate:[7]

(i) Radiotelephone third-class operator permit.

(c) Limited radio operator group:

(1) Limited radiotelephone operator certificate:

(i) Restricted radiotelephone operator permit.

(ii) Aircraft radiotelephone operator authorization.

2. Section 13.22 is amended by redesignating the present paragraph (e) as paragraph (g) and inserting the following new paragraph (e):

(e) Radiotelephone third-class operator permit:

(1) Ability to transmit and receive spoken messages in English.

(2) Written examination elements 1 and 2.

3. Section 13.61 is amended by redesignating the present paragraph (f) as paragraph (g) and inserting the following new paragraph (f):

(f) *Radiotelephone third-class operator permit.* Any station except—

(1) Stations transmitting television, or

(2) Stations transmitting telegraphy by any type of the Morse code, or

(3) Any of the various classes of broadcast stations other than noncommercial educational FM broadcast stations using transmitters with power ratings of 10 watts or less, remote pickup broadcast stations and ST broadcast stations, or

(4) Coastal telephone stations at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts, or

(5) Coastal harbor telephone stations, other than in the Territory of Alaska, at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts, or

(6) Ship stations or aircraft stations other than those at which the installation is used solely for telephony and at which the power in the antenna of the unmodulated carrier wave is not authorized to exceed 250 watts:

Provided, That, (1) Such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph as may be appropriate for the class of station involved,[7a] who shall be responsible for the proper functioning of the station equipment, and (4) in the case of ship radiotelephone or aircraft radiotelephone stations when the power in the antenna of the unmodulated carrier wave is authorized to exceed 100 watts, any needed adjustments of the transmitter that may affect the proper operation of the station are made only by or under the immediate supervision and responsibility of an operator holding a first- or second-class radiotelegraph license, who shall be responsible for the proper functioning of the station equipment.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

4. Section 3.565 (Subpart C—Rules Governing Noncommercial Educational FM Broadcast Stations) is amended to read as follows:

§ 3.565 *Operator requirements.*[7] (a) If the transmitter power rating is in excess of 1 kilowatt, one or more operators holding first-class radiotelephone licenses shall be on duty at the place where the transmitting apparatus of the station is located and in actual charge thereof.

(b) If the transmitter power rating is in excess of 10 watts but not greater than 1 kilowatt, one or more operators holding first- or second-class radiotelephone licenses shall be on duty at the place where the transmitting apparatus of the station is located and in actual charge thereof.

(c) If the transmitter power rating is 10 watts or less, one or more operators holding first-, second- or third-class radiotelephone or telegraph licenses or permits shall be on duty at the place where the transmitting apparatus of the station is located and in actual charge thereof: *Provided*, That, in the case of an operator holding a third-class radiotelephone or radiotelegraph permit, (1)

[6] By Commission Order No. 97, dated May 19, 1942, the Commission established a class of operator license designated "Temporary Limited Radiotelegraph Second Class Operator License", to be valid for a period of five years from the date of issuance, for the operation of certain ship radiotelegraph stations. By Commission Order No. 136, effective June 30, 1946, the issuance of this class of license was discontinued. Outstanding licenses of this class remain valid until expiration according to the respective terms thereof, but may not be renewed.

[6a] By Commission order dated June 27, 1950, and effective September 1, 1950 the issuance of the previous license entitled "Restricted Radiotelegraph Operator Permit" was discontinued. Outstanding licenses of this class remain valid until expiration according to the respective terms thereof, but may be renewed only as Radiotelegraph Third-Class Operator Permits.

[7] Classification by International usage.

[7] For additional information regarding operator licenses see Part 13 of this chapter.

[7a] As determined by the scope of authority of the respective licenses as set forth in paragraphs (a), (b), (d) and (e) of this section, and § 13.62.

such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequency of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class radiotelephone or radiotelegraph operator license who shall be responsible for the proper functioning of the station equipment.

(d) The original license (or FCC Form 759) of each station operator and of each operator responsible for the proper functioning of the transmitting equipment shall be posted at the place where the transmitting apparatus is located.

(e) The licensed operator on duty and in charge of a non-commercial educational FM broadcast transmitter may, at the discretion of the station licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations; however, such duties shall in nowise interfere with the operation of the broadcast transmitter.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

[F. R. Doc. 50-5960: Filed, July 10, 1950; 8:49 a. m.]

PART 8—SHIP SERVICE

SHIP RADIOTELEPHONE STATION LICENSE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of June 1950;

The Commission having under consideration the revision of F. C. C. Form 501-A, Application For Ship Radiotelephone Station License; and

It appearing, that all of the changes made by this order except one are for the purpose of clarification; and

It further appearing, that the one additional question imposes a negligible burden upon the applicant; and

It further appearing, that the nature of the revision of the form is such as to render unnecessary the notice and procedure provided for in section 4 of the Administrative Procedure Act; and

It further appearing, that authority to make the changes in the form is contained in sections 303 (r) and 308 (b) of the Communications Act of 1934, as amended:

It is ordered, That, effective immediately, F. C. C. Form 501-A, Application For Ship Radiotelephone Station License, is revised as set forth below:

1. Add the following sentence at the bottom of the face of the form: "A new application for license must be filed whenever the vessel is sold or ownership is otherwise changed."

2. Revise Part III of the form as follows:

a. Eliminate the numeral "13" in the second box.

b. Combine "Type" and "Model No." blocks into one block to read "Type or Model No.".

c. Delete block for "Manufacturer's rated power output".

d. Delete the present language of block reading "State type of oscillator circuit and whether or not oscillator is directly crystal controlled" and substitute therefor "Type of oscillator circuit(s)

"Crystal control ☐
"Other ☐"

e. Delete the present language of block reading "Class and maximum percentage of modulation" and substitute therefor "Indicate maximum percentage of modulation and system employed".

f. Add block entitled "Indicate means employed to suppress harmonic radiation".

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: June 27, 1950.

Released: June 28, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-5958; Filed, July 10, 1950; 8:49 a. m.]

[Docket No. 9387]

PART 13—COMMERCIAL RADIO OPERATORS

RESTRICTED RADIOTELEGRAPH OPERATOR PERMIT

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of June 1950;

The Commission having under consideration the above-captioned matter which proposed to amend Part 13 of the Commission's rules primarily to revise the examination for, and the scope of operating authority under, the Restricted Radiotelegraph Operator Permit; and

It appearing, that the Commission on July 20, 1949, and on October 21, 1949, respectively, adopted a notice of proposed rule making and a supplemental notice of proposed rule making in this matter which were published in the FEDERAL REGISTER in accordance with section 4 (a) of the Administrative Procedure Act; and

It further appearing, that the period in which persons were afforded an opportunity to submit comments has now expired; and

It further appearing, that the Commission has considered all written comments received, including one comment which requested, on the stated basis of safety in the air, that "aircraft stations while engaged in overseas operation" be expressly excluded from the scope of authority under the Restricted Radiotelegraph Operator Permit, and another comment which suggested that ship radiotelephone stations required by treaty or statute to be installed for safety purposes be expressly excluded from the scope of authority under the Restricted Radiotelegraph Operator Permit, and that ship stations licensed to use telephony for communication with coastal telephone stations be continued to be excluded from the scope of authority under the Restricted Radiotelegraph Operator Permit; and

It further appearing, that although the rule amendments herein ordered reduce the qualifications necessary to be possessed by an applicant for a restricted radiotelegraph operator permit, the scope of authority of the permit has also been limited in a manner commensurate therewith and appropriate to a system of graded commercial operator licenses such as is presently provided by the Commission's rules; and

It further appearing, that the matter of the qualifications which, in the interests of safety, should be required of radio operators at aircraft radiotelephone stations aboard aircraft engaged in overseas flights, raises issues not directly related to the basis and purpose of the present rule making and which should be considered separately therefrom; and

It further appearing, that, at the present time, there is in force no provision of treaty or statute requiring the installation of a radiotelephone station on board a vessel for safety purposes; and

It further appearing, that the matter of the qualifications which, in the interest of safety, should be required of radio operators at ship stations on board vessels required by treaty or statute to be equipped with a radiotelephone station, raises issues not directly related to the basis and purpose of the present rule making and which should be considered separately therefrom; and

It further appearing, that, although the rule amendments herein ordered permit the operation of a ship radiotelephone station licensed to communicate with a coastal telephone station by the holder of a Restricted Radiotelegraph Operator Permit issued hereunder, such broadening of the scope of operating authority has been limited by express power and technical limitations on the equipment of all ship radiotelephone stations at which such permit holder is authorized to operate; and

It further appearing, that in addition to the rule amendments heretofore set forth in the notice and supplemental notice of proposed rule making the rule amendments herein ordered provide for (1) a minor substantive change designed to permit the radiotelegraph permittee to transmit manual telegraphy for identification or testing purposes at coastal telephone and coastal harbor telephone stations, and (2) certain editorial changes, the primary one of which is a change of name of the Restricted Radiotelegraph Operator Permit to Radiotelegraph Third Class Operator Permit in order that the radiotelegraph permit will have a title corresponding to its radiotelephone counterpart, the proposed Radiotelephone Third Class Operator Permit (Docket 9424); and

It further appearing, that because of the nature of the changes described in the foregoing paragraph compliance with the rule making procedures provided by section 4 of the Administrative Procedures Act in regard thereto is unnecessary and not required; and

It further appearing, that the public interest, convenience, and necessity will be served by the amendments herein ordered and that authority therefor is contained in sections 4 (i), 303 (l) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective September 1, 1950, Part 13 of the Commission's rules is amended, without further proceedings, in the particulars set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: June 27, 1950.

Released: June 28, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 13.21 is amended to read as follows:

§ 13.21 *Examination elements.* Written examinations will comprise questions from one or more of the following examination elements:

1. *Basic law.* Provisions of laws, treaties and regulations with which every operator should be familiar.

2. *Basic operating practice.* Radio operating procedures and practices generally followed or required in communicating by means of radiotelephone stations.

3. *Basic radiotelephone.* Technical, legal and other matters applicable to the operation of radiotelephone stations other than broadcast.

4. *Advanced radiotelephone.* Advanced technical, legal and other matters particularly applicable to the operation of the various classes of broadcast stations.

5. *Radiotelegraph operating practice.* Radio operating procedures and practices generally followed or required in communicating by means of radiotelegraph stations primarily other than in the maritime mobile services of public correspondence.

6. *Advanced radiotelegraph.* Technical, legal and other matters applicable to the operation of all classes of radiotelegraph stations, including operating procedures and practices in the maritime mobile services of public correspondence, and associated matters such as radio navigational aids, message traffic routing and accounting, etc.

7. *Aircraft radiotelegraph.* Basic theory and practice in the operation of radio communication and radio navigational systems in general use on aircraft.

8. *Ship radar techniques.*[1] Specialized theory and practice applicable to the proper installation, servicing and maintenance of ship radar equipment in general use for marine navigational purposes.

2. Paragraph (f) of § 13.22 is amended to read as follows:

(f) Radiotelegraph third class operator permit:

(1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of sixteen (16) code groups per minute.

(3) Written examination elements: 1, 2, and 5.

3. Paragraph (c) of § 13.61 is amended to read as follows:

(c) *Radiotelegraph third class operator permit.*[12a] Any station except:

(1) Stations transmitting television, or

(2) Any of the various classes of broadcast stations other than noncommercial educational FM broadcast stations using transmitters with power ratings of 10 watts or less, remote pickup broadcast stations and ST broadcast stations, or

(3) Coastal telephone stations (other than when transmitting manual radiotelegraphy for identification or for testing) at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts, or

(4) Coastal harbor telephone stations (other than in the Territory of Alaska and other than when transmitting manual radiotelegraphy for identification or for testing) at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts, or

(5) Ship stations or aircraft stations other than those at which the installation is used solely for telephony and at which the power in the antenna of the unmodulated carrier wave is not authorized to exceed 250 watts, or

(6) Ship telegraph, coastal telegraph or marine-relay stations open to public correspondence, or

(7) Radiotelegraph stations on board a vessel required by treaty or statute to be equipped with a radio installation, or

(8) Aircraft stations while employing radiotelegraphy;

Provided, That (1) such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph as may be appropriate for the class of station involved,[12b] who shall be responsible for the proper functioning of the station equipment, and (4) in the case of ship radiotelephone or aircraft radiotelephone stations when the power in the antenna of the unmodulated carrier wave is authorized to exceed 100 watts, any needed adjustments of the transmitter that may affect the proper operation of the station are made only by or under the immediate supervision and responsibility of an operator holding a first- or second-class radiotelegraph license, who shall be responsible for the proper functioning of the station equipment.

[F. R. Doc. 50-5961; Filed, July 10, 1950; 8:49 a. m.]

[1] Effective at a date to be announced after June 1, 1950, but prior to January 2, 1951.

[12a] The scope of authority of restricted radiotelegraph operator permits valid as of September 1, 1950, shall until the expiration of their current terms, remain unaffected by the amendment of paragraph (c) of this section set forth in the Commission's order dated June 27, 1950, and effective September 1, 1950; and at the expiration of their current terms, such permits may, in accordance with the provisions of § 13.28, be renewed only as radiotelegraph third class operator permits.

[12b] As determined by the scope of authority of the respective licenses as set forth in paragraphs (a), (b), (d) and (e) of this section and § 13.62.

PROPOSED RULE MAKING

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 240]

EXEMPTION OF SALES OF SECURITIES

PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a rule pursuant to authority vested in it by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 16 (c) and 23 (a) thereof, exempting from the provisions of section 16 (c) certain sales of securities made when the seller possesses a contingent right to acquire the security and the sale is so conditioned. The following considerations appear to the Commission as tentatively supporting the adoption of the proposed rule:

Section 16 (c) provides that it shall be unlawful for any beneficial owner of more than ten percent of any class of equity security registered on a national securities exchange, or a director or officer of the issuer of such a security, to sell any equity security of the issuer (other than an exempted security), (1) if he does not own the security sold, or (2) if, owning the security, he does not either deliver it within twenty days or deposit it in the mails or other usual channels of transportation within five days, unless he was unable to do so notwithstanding the exercise of good faith or it would cause undue inconvenience or expense.

The legislative history of this section indicates that it was specifically designed to prohibit short sales and "sales against the box."

Generally, the proposed rule exempts from section 16 (c) certain "when-issued" or "when-distributed" sales of securities where the insider owns the securities out of which the "when-issued" or "when-distributed" securities will arise.

The rule is designed to accomplish what appears, from the legislative history, to have been the Congressional intent. There appears to be little opportunity for abuse if the security sold is to be acquired "when issued" or "when distributed."

In such a case, the seller in a sense conditionally owns the security sold immediately upon such an event as a declaration of a dividend by a board of directors or the issuance of a judicial or administrative decision in a merger, consolidation or reorganization. In the same sense, his "when-issued" or "when-distributed" sale reduces his interest in the issued security pro tanto. Consequently, a subsequent sale of the issued security plus the prior contingent sale would violate section 16 (c) for the reason that the seller would not, at the time of his sales, own sufficient securities to satisfy his commitments under both sales. The proposed rule excludes exemption in such a case.

A related problem involves the applicability of the reporting requirements of section 16 (a) to purchases and sales by directors, officers and ten percent owners of when-issued and when-distributed securities, as well as rights, warrants, puts and calls. Transactions in all such interests appear to fall within the purposes of the reporting requirements of section 16 (a). Accordingly, revision appears to be required in so far as prior interpretations have not required certain types of contingent transactions to be reported. It is contemplated that this will be accomplished by issuance of an interpretive release or rule, or by revising instructions to forms, but no specific language has been drafted. Any modification in the reporting requirements beyond that required under previous interpretations is intended to operate prospectively only.

The proposed rule with respect to section 16 (c) would provide substantially as follows:

§ 240.16c–3 *Exemption of sales of securities to be acquired.* Whenever any person will be entitled, as an incident to his ownership of an issued security and without the payment of consideration, to receive another security "when issued" or "when distributed," the security to be acquired shall be exempt from the operation of section 16 (c): *Provided*, That:

(a) The sale is made subject to the same conditions as those attaching to the right of acquisition, and

(b) Such person exercises reasonable diligence to deliver such security to the purchaser promptly after his right of acquisition matures, and

(c) Such person reports the sale on the appropriate form for reporting transactions by persons subject to section 16 (a).

This section shall not be construed as exempting transactions involving both a sale of a security "when-issued" or "when-distributed" and a sale of the security by virtue of which the seller expects to receive the "when-issued" or "when-distributed" security, if the two transactions combined result in a sale of a security which the seller did not own.

All interested persons may submit views and comments in writing to the Securities and Exchange Commission at its main office, 425 Second Street NW., Washington 25, D. C., on or before July 31, 1950.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5934; Filed, July 10, 1950; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 2]

[Docket No. 9715]

FREQUENCY ALLOCATIONS

NOTICE OF PROPOSED RULE MAKING

1. The Commission proposes to amend footnote US19 of § 2.104 (a) as follows:

US19 The use of the frequencies 170.475, 171.425, 171.575 and 172.275 Mc east of the Mississippi River and 170.425, 170.575, 171.475, 172.225 and 172.375 Mc west of the Mississippi River may be authorized to fixed, land and mobile stations operated by non-Federal forest fire fighting agencies. In addition, land stations operated by non-Federal conservation agencies for mobile relay operation only, may be authorized to use the frequency 172.275 Mc east of the Mississippi River and the frequency 171.475 Mc west of the Mississippi River. The use of any of the foregoing nine frequencies shall be on the condition that no harmful interference will be caused to government stations.

2. Authority for the proposed amendment is contained in section 303 (c) and (r) of the Communications Act of 1934, as amended.

3. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before July 31, 1950, a written statement or brief setting forth his comments. At the same time, persons favoring the amendment as proposed may file statements in support thereof. The Commission will consider any such comments that are received before taking final action in the matter.

4. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: June 27, 1950.

Released: June 28, 1950.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 50-5959; Filed, July 10, 1950; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

JUNE 23, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3) 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C., section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 145 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 228

For lease and sale for homesites only:

T. 4 N., R. 13 W., S. B. M.,
Sec. 8, E½SE¼SE¼NE¼, NE¼SW¼, S½NW¼SW¼.
Sec. 14, E½E½SW¼, W½SW¼SE¼, N½NE¼SW¼SE¼, N½NW¼SE¼SE¼, E½SE¼SE¼.

The land is situated in northern Los Angeles County and can be reached over U. S. Highway 6 to Acton Junction and thence by secondary roads. The nearest town where most trade facilities are available is Acton, California, about 4 miles east of the land. The town of Palmdale is about 15 miles northeast of the land. Grade schools are available in the nearby towns and a high school is at Lancaster, California, 25 miles from the land and is serviced by a school bus.

Public utilities are available within about one mile of the land except water. Domestic water supplies may be obtainable from wells.

Nearness and accessibility to Los Angeles make the tracts desirable for homesite purposes, but there is no possibility of deriving an income from the land.

2. As to applications regularly filed prior to 8:30 a. m., February 24, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 25, 1950. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 25, 1950, to close of business on November 23, 1950.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., February 24, 1949, to 10:00 a. m., August 25, 1950.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 24, 1950.

(a) Advance period for simultaneous nonpreference filing from 8:30 a. m., February 24, 1950, to 10:00 a. m., November 24, 1950.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend east and west, except the E½SE¼SE¼NE¼ Section 8, which is to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $15.00 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the state, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

J. H. FAVORITE, *Acting Regional Administrator.*

[F. R. Doc. 50-5954; Filed, July 10, 1950; 8:49 a. m.]

NEVADA

CLASSIFICATION ORDER

JUNE 23, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Nevada land district, embracing approximately 240 acres,

NEVADA SMALL TRACT CLASSIFICATION No. 59

For lease and sale for homesites only:

T. 17 S., R. 50 E., M. D. M.,
Sec. 35, NW¼NE¼, N½NW¼, SW¼NW¼, W½SW¼.

The land is situated in Nye County, Nevada, about 10 miles northeast of Death Valley Junction, California. It can be reached over a dirt road from the highway that passes through Death Valley Junction.

Water for domestic purposes can probably be secured by the sinking of shallow wells.

The area is typically desert, with slight rainfall and temperatures ranging from 35 degrees to over 100 degrees.

The town of Death Valley Junction provides most of the necessary trade facilities, but the closest town of any size is Las Vegas, Nevada, approximately 75 miles distant.

2. As to applications regularly filed prior to 10:00 a. m., June 15, 1950, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 25, 1950. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 25, 1950, to close of business on November 23, 1950.

(b) Advance period for veterans' simultaneous filings from 10:00 a. m., June 15, 1950, to 10:00 a. m., August 25, 1950.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 24, 1950.

(a) Advance period for simultaneous non-preference filings from 10:00 a. m., June 15, 1950, to 10:00 a. m., November 24, 1950.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $10.00 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the state, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 50-5955; Filed, July 10, 1950; 8:49 a. m.]

Geological Survey

KENAI RIVER, ALASKA

POWER SITE CLASSIFICATION NO. 409

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of sec. 24 of the act of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (16 U. S. C. 818):

All lands within ¼ mile of Kenai River from the mouth of Russian River upstream to the present bridge across Kenai River at Coopers landing. This bridge is located at latitude 60°29' N., longitude 149°50' W., approximately.

The area described aggregates about 1,760 acres.

JULIAN D. SEARS,
Acting Director.

[F. R. Doc. 50-5933; Filed, July 10, 1950; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-215]

ACCIDENT NEAR BENTON HARBOR, MICH.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-95425, which occurred near Benton Harbor, Michigan, June 23, 1950.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, July 13, 1950, at 9:00 a. m., local time in the West Ball Room, Stevens Hotel, Chicago, Illinois.

Dated at Washington, D. C., July 6, 1950.

[SEAL] RUSSELL A. POTTER,
Chief, Hearing Section.

[F. R. Doc. 50-5975; Filed, July 10, 1950; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9157]

FORT INDUSTRY CO. (WSPD) AND NORTHEASTERN INDIANA BROADCASTING CO., INC. (WKJG)

ORDER CONVENING HEARING

In the matter of the petition of the Fort Industry Company (WSPD), for designation for hearing of application of Northeastern Indiana Broadcasting Company, Inc. (WKJG), Fort Wayne, Indiana, for modification of construction permit; Docket No. 9157.

The Commission having under consideration a petition to set hearing date, filed June 22, 1950, by the Fort Industry Company (WSPD), requesting that the date of the hearing herein be set within the next forty-five days so that the issues involved may be determined at the earliest possible moment; and

It appearing that this application was originally designated for hearing on October 27, 1948, and was thereafter continued from time to time at the request of the parties until October 7, 1949, when the hearing was continued indefinitely, in order to permit the engineers who represented both parties to agree upon a pattern which would provide a solution for the interference problem between the two stations; and

It further appearing that it has now been determined by the parties that no possibility of an agreement can be reached and therefore petitioner requests that the hearing date be scheduled within the next forty-five days so that the issues involved may be determined at the earliest possible moment; and

It further appearing that no opposition to this petition has been filed by the Northeastern Indiana Broadcasting Company, Inc. (WKJG), or by the General Counsel, and there are no other parties involved in this proceeding;

It is therefore ordered, This 30th day of June 1950, that the petition to set hearing date be and it is hereby granted and the hearing herein shall convene on July 17, 1950, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-5965; Filed, July 10, 1950; 8:49 a. m.]

[Docket No. 9470]

RADIO COMMISSION OF SOUTHERN BAPTIST CONVENTION AND EXECUTIVE BOARD OF BAPTIST AND GENERAL CONVENTION OF TEXAS

ORDER DESIGNATING PETITION FOR ORAL ARGUMENT ON STATED ISSUES

In re the joint petition of the Radio Commission of the Southern Baptist Convention and the Executive Board of the Baptist and General Convention of Texas; Docket No. 9470.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of June 1950;

The Commission having before it for consideration a supplemental petition filed jointly on December 30, 1949 by the Radio Commission of the Southern Baptist Convention and the Executive Board of the Baptist General Convention of Texas, requesting this Commission to amend its present rules and regulations to make all recognized tax-exempt nonprofit organizations expressly eligible as licensees of a separate category of low-power noncommercial stations to be established on the 92-108 megacycle FM band, analogous to the class of low-power noncommercial FM educational stations; and

It appearing, that, in view of the showing made in said supplemental petition concerning the demand among tax-exempt nonprofit organizations for the sub-allocation preference proposed therein, and the qualifications of the class of proposed licensees for the sub-allocation sought and the special privileges implied in its grant, the request in said supplemental petition for the establishment of a new category of low power "nonprofit organization" stations raises certain issues which must be resolved before any action thereon can be taken:

It is ordered, That the said supplemental petition be designated for oral argument at a date subsequently to be fixed, before the Commission, en banc, in Washington, D. C., on the following issues:

1. To determine whether a substantial demand has been shown among tax-exempt nonprofit organizations, including but not limited to petitioners, for the sub-allocation preference sought in the supplemental petition.

2. To determine whether the necessary qualifications have been shown to justify the grant of the sub-allocation preference sought in said supplemental petition.

3. To determine whether, in the light of the showing made in the supplemental petition, the public interest, convenience and necessity would be served by the issuance of proposed rules as requested in the supplemental petition.

It is further ordered, That the petitioners herein, and all other interested parties which, on or before July 31, 1950, file timely appearance and briefs be permitted to participate in oral argument with respect to said issues.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-5967; Filed, July 10, 1950; 8:49 a. m.]

[Docket No. 9658]

SOUTH ST. PAUL BROADCASTING CO.

CORRECTED ORDER DELETING ISSUE

In re application of Victor J. Tedesco, Albert S. Tedesco, Antonio S. Tedesco and Nicholas Tedesco d/b as South St. Paul Broadcasting Company, South St. Paul, Minnesota, for construction permit; Docket No. 9658, File No. BP-7576.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1950;

The Commission having under consideration the above-entitled application for a permit to construct a new standard broadcast station to operate on 1590 kilocycles with 1 kilowatt power, daytime only at South St. Paul, Minnesota;

It appearing, that the said application was designated for hearing May 12, 1950, to determine, among other things, whether any overlap in contravention of § 3.25 of the Commission's rules exists between the service areas of the proposed station and of Station WSHB, Stillwater, Minnesota, and the nature and extent thereof;

It further apearing, that all parties to the above-entitled application have relinquished their ownership interests in Station WSHB as the result of a voluntary assignment of license from the St. Croix Broadcasting Company to William F. Johns, Jr., and Penrose H. Johns, a partnership d/b as St. Croix Broadcasting Company, granted by Commission action on March 30, 1950;

It is ordered, That the Commission's order of May 12, 1950, designating the above-entitled application for hearing, is amended to delete Issue Number 1 therefrom.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-5966; Filed, July 10, 1950; 8:49 a. m.]

SAFETY AND SPECIAL RADIO SERVICES BUREAU

ESTABLISHMENT

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 29th day of June 1950:

It is ordered, Under the authority of the Communications Act of 1934, as amended, that:

A. The following Divisions of the Office of the Chief Engineer are hereby abolished:

Aviation, Marine Radio and Safety, Public Safety and Special Services, and the Radio Operator and Amateur Division.

The Safety and Special Services Division of the Office of the General Counsel is hereby abolished.

The Commercial License Branch and the Amateur, Citizens Radio and Operator Branch of the License Division of the Bureau of the Secretary are hereby abolished.

B. There is hereby established the Safety and Special Radio Services Bureau. This Bureau shall consist of an Office of the Chief, an Aviation Division, a Marine Division, State-Local Government and Amateur Division, Industry and Commeree Division, and an Authorization Analysis Division.

The Bureau shall assist, advise and make recommendation to the Commission with respect to the development of a safety and special services regulatory program and shall be responsible for the performance of any work, function or activities to carry out that program, in accordance with applicable statutes, international agreements, rules and regulations and policies of the Commission, except insofar as functions are specifically delegated to other bureaus or staff offices of the Commission.

The Bureau shall perform the following functions:

1. Issue authorizations for radio stations (in the safety and special radio services).

2. Initiate rule-making proceedings (in the safety and special radio services).

3. Participate in international conferences with respect to safety and special radio services).

4. Study frequency requirements in the safety and special radio services and make recommendations with respect to the allocation of frequencies and the drafting of frequency assignment plans for safety and special radio services.

5. Collaborate with Federal and State Governmental agencies and industry groups interested in the problems of safety and special radio services.

6. Study technical requirements for equipment in accordance with standards established by the Office of the Chief Engineer.

7. Plan and execute a safety and special services enforcement program, including educational campaigns conducted in collaboration with Field Engineering and Monitoring Division.

8. Perform all other functions or activities essential to regulation of safety and special radio services.

Provided, however, That all matters coming within the scope of Title II of the Communications Act of 1934, as amended, shall be referred to the Common Carrier Bureau for action.

C. The Bureau shall be under the direction of the Chief of the Bureau, who, subject to the policy determinations of the Commission, shall plan, direct, and coordinate the safety and special radio services functions of the Commission and in so doing have within the immediate office of the Chief of the Bureau the following authority, duties and responsibilities.

1. To advise and make recommendations and reports to the Commission on safety and special radio services matters.

2. To initiate policy recommendations on safety and special radio services matters for Commission consideration.

3. To anticipate and analyze program and policy problems in the safety and special radio services field.

4. To provide guidance, coordination, and general supervision to the several subordinate divisions.

5. To coordinate the efforts of the Safety and Special Radio Services Bureau with that of other bureaus of the Commission and of the staff offices.

6. To maintain liaison with other agencies of government on safety and special radio services matters.

7. To provide representation for the Commission on inter-departmental committees.

8. To deal with members of the public and of the industries concerned.

9. To integrate and give leadership in the Bureau to the solution of problems in the safety and special radio services field.

10. To provide representation for the Commission in international conference work involving safety and special radio services matters.

11. To exercise such authority as may be assigned or referred by the Commission pursuant to section 5 (e) of the Communications Act of 1934, as amended.

D. The immediate office of the Chief of the Bureau shall include an Enforcement Unit which shall be staffed to

carry on the following enforcement functions:

1. To plan in cooperation with the divisions comprising the Bureau the enforcement program for the safety and special radio services.

2. To evaluate citations to determine whether a recommendation should be made to suspend or revoke licenses or to impose other sanctions.

3. To represent the Bureau and to coordinate with the Office of the General Counsel in those cases where prosecution is deemed necessary.

E. There is hereby established the Aviation Division. This Division shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall have the following duties and responsibilities:

Exercises responsibility for the Division for all functions indicated in the statement contained in B above, insofar as such functions pertain to aviation radio and safety matters, except for enforcement matters (provided in D, above) and authorizations for the use of radio (provided in I below).

F. There is hereby established the Marine Division. This Division shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall have the following duties and responsibilities:

Exercises responsibility for the Division for all functions indicated in the statement contained in B, above, insofar as such functions pertain to marine radio and safety services, to scheduled weather transmissions, and to the Alaskan services, except for enforcement matters (provided in D, above) and authorizations for the use of radio (provided in I, below).

G. There is hereby established the Industry and Commerce Division. This Division shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall have the following duties and responsibilities:

Exercises responsibility for the Division for all functions indicated in the statement contained in B, above, insofar as they relate to industry and commerce radio, including the present industrial, land transportation and citizens' radio services, except for enforcement matters (provided in D, above) and authorizations for the use of radio (provided in I, below).

H. There is hereby established the State-Local Government and Amateur Division. This Division shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall have the following duties and responsibilities:

Exercises responsibility for the Division for all functions indicated in the statement contained in B, above, insofar as such functions pertain to State-local government and amateur radio, including the present public safety and amateur services, except for enforcement matters (provided in D, above) and authorizations for the use of radio (provided in I, below).

I. There is hereby established the Authorization Analysis Division. This Division shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall have the following duties and responsibilities:

Exercises responsibility for the Division for such functions indicated in the statement contained in B, above, insofar as they relate to the review of applications and the grant of authorizations in those cases which fall within the Commission rules and regulations, and standards and interpretations established by the divisions enumerated in E through H, above; and in addition shall:

1. Return to the applicant such applications as may be rejected under the above standards, and make disposition of other applications in accordance with instructions of the Chief of the Bureau.

2. Establish and maintain a statistical reporting system to keep the Commission and other Divisions of the Bureau advised of actions on, and the status of, applications for and grants of authorizations.

3. Review recommended changes in rules made by service divisions (enumerated in E through H, above) and to advise the service divisions on administrative problems involved in proposed rules changes.

4. Establish and maintain the safety and special radio services reference room.

The effective date of this order shall be July 31, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-5962; Filed, July 10, 1950; 8:49 a. m.]

SAFETY AND SPECIAL RADIO SERVICES BUREAU

ASSIGNMENT OF FUNCTIONS TO VARIOUS STAFF OFFICERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of June 1950;

It appearing, that the Commission has this date by order established the Safety and Special Radio Services Bureau; it is, therefore, necessary that certain functions heretofore assigned to Divisions abolished by order be placed in the staff offices.

It is ordered, Under the authority of the Communications Act of 1934, as amended, that:

A. There is hereby assigned to the Office of the Chief Engineer the following functions to be assigned by the Chief Engineer to appropriate units within his Office until such time as further studies can be made of the Office of the Chief Engineer.

1. All functions relating to the formulation of rules, establishment of technical standards, encouragement, authorization and regulation of experimentation in the electronic arts or the incidental use of them for general research and scientific purposes: *Provided,* That experimentation which has the primary purpose of improving the established classes of services shall continue to be handled by the Bureau responsible under the rules for the administration of such services: *And provided,* That nothing said herein shall divest the Field Engineering and Monitoring Division of its inspection functions.

2. Functions related to restricted and incidental radiation devices, including the conduct of studies of uses of such devices by industry and the general public with a view toward eliminating interference to established services, including the development and promulgation of rules, the testing and type approval of equipment, the review of complaints of interference to established radio services, and such other activities as are necessary in carrying out responsibilities in connection with this function.

3. Functions related to the regulation of commercial radio operators, including the development and promulgation of rules and regulations governing the licensing of radio operators, maintaining examination requirements on a current basis, reviewing citations with respect to commercial operators, and such other matters necessary to the carrying out of this function.

B. There is hereby transferred to the Office of the General Counsel the following functions to be assigned by the General Counsel to appropriate Divisions within his Office until such time as further study can be made of the Office of the General Counsel:

1. Legal matters involved in A1, above.
2. Legal matters involved in A2, above, and
3. Legal matters involved in A3, above.

C. The field engineer responsible for administering examinations for the area in which the applicant resides is authorized to act in accordance with Commission policy upon application for waiver of the following:

1. Provisions of § 12.49 relating to the time within which an applicant for Amateur Radio Operator License may take an examination after having failed a previous examination;

2. Provisions of § 13.12 relating to the time within which an applicant for Commercial Radio Operator License may take an examination after having failed a previous examination.

D. All functions relating to the assignment of call letters will be retained in the Bureau of the Secretary, to be assigned by the Secretary to an appropriate organizational unit within his Bureau until such time as further study can be made of the Bureau of the Secretary.

The effective date of this order shall be July 31, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 50-5963; Filed, July 10, 1950; 8:49 a. m.]

SAFETY AND SPECIAL RADIO SERVICES BUREAU

EXISTING DELEGATIONS OF AUTHORITY TRANSFERRED TO CHIEF

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of June 1950;

It appearing, that the Commission has this date by order established the Safety and Special Radio Services Bureau, it is therefore necessary that the authority heretofore delegated by the Commission to its Chief Engineer, General Counsel, Secretary and Chief Accountant, or their respective Offices, be now transferred to the Chief of the Safety and Special Radio Services Bureau with respect to matters within the functions of the Bureau.

It is ordered, Under the authority of the Communications Act of 1934, as amended, that:

A. The authority contained in the sections of the Commission's Statement of Delegation of Authority which are hereafter enumerated shall be delegated as herein ordered insofar as such sections pertain to the following services and related matters or to any of them:

All Classes of Stations in the Aviation Service.
All Classes of Stations in the Public Safety Services.
All Classes of Stations in the Industrial Services.
All Classes of Stations in the Land Transportation Services.
All Classes of Stations in the Citizens Service.
All Classes of Stations in the Ship Service.
All Classes of Stations in the Public Coastal Service.
All Classes of Stations in the Public Coastal and Fixed Public Service in Alaska.
All Classes of Stations in the Amateur Service.

B. The Chief of the Safety and Special Radio Services Bureau or, in his absence, the Acting Chief of said Bureau is hereby designated to act upon matters contained in the following Sections in accordance with paragraph A, above:

Sec.	Sec.
0.121 (a) (6) (7).	0.121 (i).
0.121 (b).	0.121 (k).
0.121 (c).	0.121 (l).
0.121 (d).	0.121 (m).
0.121 (e).	0.121 (n) (not to affect the footnote).
0.121 (h).	

C. The Secretary of the Commission or, in his absence, the Acting Secretary of the Commission, is hereby designated to act upon matters contained in the following sections upon securing approval of the Chief of the Safety and Special Radio Services Bureau, or his nominee, and in accordance with paragraph A, above:

Sec.
0.141 (a).
0.141 (b) (1) through (10), inclusive.
0.141 (c) (1) through (4), inclusive.
0.141 (d) (1) through (3), inclusive.
0.141 (e).
0.141 (f).
0.141 (g) (1) through (6), inclusive.
0.141 (h) (1) through (7), inclusive.
0.141 (j) (1) through (6), inclusive.
0.141 (k) (1) through (3), inclusive.
0.141 (l).
0.141 (m).
0.141 (n).
0.142 (c).
0.142 (d).
0.142 (e).
0.142 (f).
0.142 (g).
0.142 (h).
0.142 (k).
0.143 (g).
0.143 (h).
0.143 (j) (2) through (5).
0.144 (a).
0.144 (d).
0.144 (f).
0.144 (h).

D. The Chief of the Safety and Special Radio Services Bureau or, in his absence, the Acting Chief of said Bureau, is designated to act upon the administration and application of regulations promulgated by the Commission pursuant to sections 320, 321, 322 or any other sections of the Communications Act, which relate to safety of life and property at sea or in the air.

E. With respect to the following sections of the rules which deal with motions, briefs and other pleadings and procedure in hearing cases before the Commission, namely:

Sec.	Sec.	Sec.
1.746	1.846	1.852
1.747	1.848	1.853
1.843 (c)	1.849	1.854

such authority as is provided for the General Counsel is, in any safety and special service proceeding, hereby vested in the Chief, or in his absence the Acting Chief, of the Safety and Special Radio Services Bureau.

F. Actions taken by the Chief or Acting Chief of the Safety and Special Radio Services Bureau in accordance with the foregoing delegations shall be recorded each week in writing and filed in the official minutes of the Commission.

The effective date of this order shall be July 31, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-5964; Filed, July 10, 1950; 8:49 a. m.]

FEDERAL MARITIME BOARD

FLOTA MERCANTE GRANCOLOMBIANA, S. A., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7777, between Flota Mercante Grancolombiana, S. A. and Compania Anonima Venezolana de Navegacion and the member lines of the United States Atlantic & Gulf-Netherlands West Indies and Venezuela Conference, sets forth the declarations of said entities represented at the Maritime Assembly at Caracas, Venezuela, June 19, 1950, for the promotion and development of commerce and trade between the United States Atlantic and Gulf ports and Venezuela and for providing regular, frequent and dependable steamship service at just and reasonable rates on an equal basis for all carriers and in affording equal shipping opportunities for all shippers, exporters and importers alike without discrimination or advantage to any of the lines over the others.

Agreement No. 7771, between Silver Line, Ltd., and the carriers comprising the Hoegh Lines joint service, covers the establishment and maintenance of a joint cargo service (with limited passenger accommodations) under the trade name Silver-Hoegh Line in the trade from Siam, Federation of Malaya, Colony of Singapore, Indonesia, including Sumatra, to Eastern Canada and U. S. Atlantic and Gulf ports. There is to be no pooling or other sharing of profits or losses under the agreement. The joint service is to be represented by Kerr Steamship Company, Inc. or by such other person, firm or corporation as the parties may designate.

Agreement No. 7628–1, between States Marine Corporation and States Marine Corporation of Delaware, modifies the approved joint service agreement of the parties (No. 7628), which covers various world-wide trades, by adding a new clause providing that the parties may use the trade name "States Marine Lines" in their shipping documents, advertising or otherwise, to designate their joint service under the terms and provisions of the agreement.

Agreement No. 6080–7, between the member lines of the United States Atlantic & Gulf-Santo Domingo Conference, modifies the basic agreement of said Conference (No. 6080) to include a rule that on-board bills of lading will not be issued unless and until the cargo is actually on board the carrying vessel and the on-board endorsement shall definitely name the date on which the cargo was actually aboard.

Agreement No. 6080–6, between the member lines of the United States Atlantic & Gulf-Santo Domingo Conference, modifies the basic agreement of said Conference (No. 6080) to provide that freight brokerage, not exceeding 1¼ percent of the freight, may be paid to bona fide freight forwarders on outward freight only.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: July 6, 1950, at Washington, D. C.

By the Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-5976; Filed, July 10, 1950; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6125]

SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF ORDER FURTHER MODIFYING ORDER CONFIRMING AND APPROVING TEMPORARY RATE SCHEDULE

JULY 5, 1950.

Notice is hereby given that, on July 3, 1950, the Federal Power Commission issued its order entered June 30, 1950,

in the above-designated matter, further modifying order of March 8, 1949, published in the FEDERAL REGISTER on March 16, 1949 (14 F. R. 1199), confirming and approving extension of temporary rate schedule to December 31, 1950.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5936; Filed, July 10, 1950; 8:46 a. m.]

[Docket No. E-6212]

CENTRAL ARIZONA LIGHT AND POWER CO.

NOTICE OF ORDER EXTENDING TIME FOR COMPLIANCE WITH PROVISIONS OF ELECTRIC PLANT ACCOUNTS

JULY 5, 1950.

Notice is hereby given that, on July 3, 1950, the Federal Power Commission issued its order entered June 30, 1950, in the above-designated matter, extending to December 1, 1950, the time for compliance with the provisions of Electric Plant Accounts Instruction 2-D of the Uniform System of Accounts and the Commission's order of May 11, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5938; Filed, July 10, 1950; 8:46 a. m.]

[Docket No. E-6261]

SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF ORDER CONFIRMING AND APPROVING RATE SCHEDULE

JULY 5, 1950.

Notice is hereby given that, on July 3, 1950, the Federal Power Commission issued its order entered June 30, 1950, confirming and approving until December 31, 1950, the firm service contract in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5937; Filed, July 10, 1950; 8:46 a. m.]

[Docket No. E-6301]

OHIO VALLEY TRANSMISSION CORP. AND LOUISVILLE TRANSMISSION CORP.

NOTICE OF ORDER AUTHORIZING SALE AND MERGER OR CONSOLIDATION OF FACILITIES

JULY 5, 1950.

Notice is hereby given that, on July 3, 1950, the Federal Power Commission issued its order entered June 30, 1950, authorizing sale and merger or consolidation of facilities of Louisville Transmission Corporation with those of Ohio Valley Transmission Corporation.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5939; Filed, July 10, 1950; 8:46 a. m.]

[Docket No. G-1341]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER ISSUING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 5, 1950.

Notice is hereby given that, on July 3, 1950, the Federal Power Commission issued its findings and order entered July 3, 1950, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5943; Filed, July 10, 1950; 8:47 a. m.]

[Docket No. G-1365]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

JULY 5, 1950.

On April 10, 1950, Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal place of business at Houston, Texas, filed an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of facilities, subject to the jurisdiction of the Commission, for the transportation and sale of natural gas, as is more fully described in the application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure. No request to be heard or protest has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 21, 1950 (15 F. R. 2256-2257).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 14, 1950, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Date of issuance: July 5, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5945; Filed, July 10, 1950; 8:47 a. m.]

[Docket No. G-1389]

HOPE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 5, 1950.

Notice is hereby given that, on July 3, 1950, the Federal Power Commission issued its findings and order entered June 30, 1950, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5944; Filed, July 10, 1950; 8:47 a. m.]

[Docket No. G-1401]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 5, 1950.

On May 29, 1950, The Ohio Fuel Gas Company (Applicant), an Ohio corporation with its principal place of business in Columbus, Ohio, filed an application (1) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate approximately 22 miles of 16-inch natural gas transmission pipeline in Montgomery County, Ohio, extending from the junction of Lines "A" and A-75, near Centerville to the junction of Lines Z-50 and Z-167, near Englewood, passing west of the City of Dayton, Ohio, and (2) for permission and approval pursuant to section 7 (b) of the Natural Gas Act to abandon and remove the facilities comprising Applicant's Vandalia compressor station, consisting of a 330 HP compressor unit and appurtenant facilities, located in Montgomery County, Ohio.

Applicant has requested that this application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure; no request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 15, 1950 (15 F. R. 3814).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 25, 1950, at 9:30 o'clock a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: July 5, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5946; Filed, July 10, 1950; 8:47 a. m.]

[Docket No. IT-5500]

CHICAGO DISTRICT ELECTRIC GENERATING CORP.

NOTICE OF ORDER FURTHER MODIFYING ORDER REDUCING RATES

JULY 5, 1950.

Notice is hereby given that, on June 30, 1950, the Federal Power Commission issued its order entered June 29, 1950, in the above-designated matter, further modifying orders of July 16, 1941, and March 8, 1949 (14 F. R. 1199), reducing rates.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5942; Filed, July 10, 1950; 8:47 a. m.]

[Project No. 137]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER EXTENDING TIME FOR FILING INITIAL STATEMENT

JULY 5, 1950.

Notice is hereby given that, on July 3, 1950, the Federal Power Commission issued its order entered June 30, 1950, extending to December 31, 1950, the time for filing Initial Statement in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5940; Filed, July 10, 1950; 8:47 a. m.]

[Project No. 2047]

NIAGARA MOHAWK POWER CORP.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR)

JULY 5, 1950.

Notice is hereby given that, on July 3, 1950, the Federal Power Commission issued its order entered June 30, 1950, authorizing issuance of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc 50-5941; Filed, July 10, 1950; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

BUILDINGS AND SPACE MANAGEMENT FUNCTIONS UNDER REORGANIZATION PLAN NO. 18 OF 1950

DELEGATION OF AUTHORITY

Pursuant to the authority vested in me as Administrator of General Services, by Reorganization Plan No. 18 of 1950, authority is hereby delegated, except as provided in section 3 of this delegation, to the Federal agencies performing the following functions as of June 30, 1950, to perform such functions effective July 1, 1950:

1. All functions with respect to acquiring space in buildings by lease, and all functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), exclusive, however, of all such functions (which functions are not covered by Reorganization Plan No. 18) with respect to:

(a) Space in buildings located in any foreign country;

(b) Space in buildings which are located on the grounds of any fort, camp, post, arsenal, Navy yard, naval training station, airfield, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use shall have been issued by the Secretary of Defense or his duly authorized representative;

(c) Space occupied by the Post Office Department in post-office buildings and space acquired by lease for post-office purposes; and

(d) Space in other Government-owned buildings which are wholly or predominantly utilized for the special purposes of the agency having the custody thereof and are not generally suitable for the use of other agencies (including but not limited to hospitals, housing, laboratories, mints, manufacturing plants, and penal institutions), and space acquired by lease for any such purpose.

2. All functions with respect to the operation, maintenance, and custody of office buildings owned by the Government, and of office buildings or parts thereof acquired by lease, exclusive, however, of all such functions (which functions are not covered by Reorganization Plan No. 18 of 1950) with respect to:

(a) Any building located in any foreign country;

(b) Any building located on the grounds of any fort, camp, post, arsenal, Navy yard, naval training station, airfield, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

(c) Any building which is a part of a group of buildings which are (1) located in the same vicinity, (2) are utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (3) are not generally suitable for the use of other agencies; and

(d) The Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution.

3. This delegation shall not apply to any post-office building, or to the following buildings:

(a) Forest Service Office Building, Elkins, West Virginia;

(b) Old Post Office Building, Athens, Georgia;

(c) Forest Service Regional Office Building, Ogden, Utah.

Dated: June 30, 1950.

RUSSELL FORBES, *Acting Administrator.*

[F. R. Doc. 50-5956; Filed, July 10, 1950; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25091, Amdt.]

SULPHURIC ACID FROM CALVERT, KY., TO NATCHEZ, MISS.

APPLICATION FOR RELIEF

JULY 6, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of the Illinois Central Railroad Company, Gulf, Mobile and Ohio Railroad Company and Mississippi Central Railroad Company.

Commodities involved: Sulphuric acid, tank carloads.

From: Calvert, Ky.

To: Natchez, Miss.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1029, Supplement 124.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5947; Filed, July 10, 1950; 8:48 a. m.]

[4th Sec. Application 25217]

MOTOR RAIL RATES; NEW YORK, NEW HAVEN AND HARTFORD RAILROAD CO.

APPLICATION FOR RELIEF

JULY 6, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company, for itself and on behalf of J. A. Garvey Transportation, Inc.

Commodities involved: All commodities.

Between: Boston, Mass., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5948; Filed, July 10, 1950; 8:48 a. m.]

[4th Sec. Application 25218]

METHANOL FROM MILITARY, KANS., TO ILLINOIS

APPLICATION FOR RELIEF

JULY 6, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of the Chicago & Illinois Midland Railway Company and other carriers named in the application.

Commodities involved: Methanol and antifreeze preparations, carloads.

From: Military, Kans.

To: Points in Illinois.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3614, Supplement 91.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5949; Filed, July 10, 1950; 8:48 a. m.]

[4th Sec. Application 25219]

HIDES FROM THE SOUTHWEST TO BOLIVAR, TENN.

APPLICATION FOR RELIEF

JULY 6, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Hides, pelts or skins, carloads.

From: Points in the southwest.

To: Bolivar, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3708, 3752, 3908 and 3906; Supplements 260, 455, 1 and 2, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5950; Filed, July 10, 1950; 8:48 a. m.]

[4th Sec. Application 25220]

SILICA FROM LEXINGTON, TENN., TO ILLINOIS AND WISCONSIN

APPLICATION FOR RELIEF

JULY 6, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 976.

Commodities involved: Silica, carloads.

From: Lexington, Tenn.

To: Milwaukee, Wis., Chicago and Tamms, Ill.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariffs I. C. C. Nos. 976 and 1172, Supplements 231 and 1, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5951; Filed, July 10, 1950; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14749]

MARIA MULLER REICHENAUER

In re: Stock, bonds and bank accounts owned by and debts owing to Maria Muller Reichenauer, also known as Maria Muller. F-34-391, F-34-391-A-1; A-2, F-34-391-E-1, F-34-391-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Muller Reichenauer, also known as Maria Muller, whose last known address is 18 Von Gross Strasse, Bayreuth, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock evidenced by the certificates described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names set forth on Exhibit A, presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in an account numbered 6049, entitled "Margaret Schwab as Agent for Maria Muller Reichenauer," together with all declared and unpaid dividends thereon,

b. Eight (8) United States of America, Series E, Savings Bonds of $800.00 face value bearing the numbers C13192-500, C13192501, C13192502, C13192503, C57884266, C57884267, C57884268 and C57884269, for $100.00 par value each, registered in the name of "Mrs. Maria Muller Reichenauer," presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in an account numbered 6049, entitled "Margaret Schwab as Agent for Maria Muller Reichenauer," together with any and all rights thereunder and thereto,

c. One (1) United States of America, Series E, Savings Bond of $500.00 face value, bearing the number D14861251, registered in the name of "Maria Muller Reichenauer (Mrs)", presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in an account numbered 6049, entitled "Margaret Schwab as Agent for Maria Muller Reichenauer", together with any and all rights thereunder and thereto,

d. That certain debt or other obligation of The Franklin Savings Bank, 656 Eighth Avenue, New York 18, New York, arising out of a savings account, Account Number 513347, entitled "Maria Muller Reichenauer", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

e. That certain debt or other obligation of the National City Bank of New York, arising out of a savings account, Account Number 333305, entitled "Margaret Scharf", maintained at the branch office of the aforesaid bank located at Madison Avenue and 42d Street, New York, New York, and any and all rights to demand, enforce and collect the same,

f. That certain debt or other obligation owing to Maria Muller Reichenauer, also known as Maria Muller, by Margaret Schwab, 177 Villard Avenue, Hastings-on-Hudson, New York, representing income collected and/or the proceeds of sale of securities, received by the aforesaid Margaret Schwab, as agent of the said Maria Muller Reichenauer, also known as Maria Muller, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

g. That certain debt or other obligation of the New York Trust Company, 100 Broadway, New York, New York, arising out of a non-checking principal cash account, entitled "Margaret Schwab as Agent for Maria Muller Reichenauer", maintained with the aforesaid trust company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

h. That certain debt or other obligation of the New York Trust Company, 100 Broadway, New York, New York, arising out of a non-checking income cash account, entitled "Margaret Schwab as Agent for Maria Muller Reichenauer", maintained with the aforesaid trust company, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

i. That certain debt or other obligation of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a checking account entitled "Margaret Schwab" (formerly Margaret Scharf), maintained at the 79th Street branch of the aforesaid bank, located at Madison Avenue and 79th Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Maria Muller Reichenauer, also known as Maria Muller, the aforesaid national of a designated enemy country (Germany);

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 9, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

EXHIBIT A

STOCK CERTIFICATES IN CUSTODY OF THE NEW YORK TRUST COMPANY, OWNED BY MARIA MULLER REICHENAUER, ALSO KNOWN AS MARIA MULLER

Name of issuer	Registered owner	Class of stock	Par value of stock	Certificate No.	Number of shares
Bendix Aviation Corp.	J. C. Orr & Co.	Common	$5.00	207585	50
Bucyrus Erie Co.	do	do	5.00	A67574	100
Commonwealth Edison Co.	Cobb & Co.	Capital	25.00	N73444	100
Fairchild Camera & Instrument Corp.	do	Common	1.00	N1201	100
National Cylinder Gas Co.	J. C. Orr & Co.	do	1.00	N16989	100
				J06842	1
				J08806	1
				J011596	2
Do	Bearer	Common, class B, script bearer.	1.00	SCH13293	4/10
Oliver Corp.	Cobb & Co.	Common	None	C1979	100
Phelps Dodge Corp.	J. C. Orr & Co.	Capital	25.00	180205	100
Radio Corp. of America	Cobb & Co.	Common	None	R247976	100
Sheraton Corp. of America	J. C. Orr & Co.	do	1.00	NC4636	100
Wilson & Co., Inc.	do	do	None	NC100081	100
International Nickel Co. of Canada, Ltd.	Mrs. Maria Muller Reichenauer.	do	None	NB247354	25
Wright Hargreaves Mines, Ltd.	Maria Muller Reichenauer.	Capital	None	B78197	100
Mengel Co.	Cobb & Co.	Common	1.00	12892	100

[F. R. Doc. 50-5968; Filed, July 10, 1950; 8:50 a. m.]

[Vesting Order 14800]

SUMAYO KAMEI ET AL.

In re: Rights of Sumayo Kamei et al. under insurance contract. File No. F-39-4428-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sumayo Kamei and Tome Kamei, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Eitaro Kamei, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8 693 708, issued by the New York Life Insurance Company, New York, New York, to Eitaro Kamei, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Eitaro Kamei, deceased, are not within a designated

enemy country, the national interest of United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5970; Filed, July 10, 1950; 8:50 a. m.]

[Vesting Order 14801]

MARAGARETE MILLER

In re: Rights of Maragarete Miller under insurance contract. File No. F-28-23338-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maragarete Miller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 108,589, issued by the Acacia Mutual Life Insurance Company, Washington, D. C., to Carl Miller, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5971; Filed, July 10, 1950; 8:50 a. m.]

[Vesting Order 14772]

ALLIANZ LEBENSVERSICHERUNGS A. G.

In re: Bonds and coupons owned by Allianz Lebensversicherungs A. G. F-28-22181-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Allianz Lebensversicherungs, A. G., the last known address of which is 1 Jebenstrasse, Berlin-Charlottenburg, is a corporation, partnership, association, or other business organization, organized under the laws of Germany, and which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured and unmatured, evidenced by the bonds described in Exhibit A, attached hereto and by reference made a part hereof, said bonds issued in bearer form, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said bonds, and

b. Those certain debts or other obligations, matured and unmatured, evidenced by twelve (12) coupons, detached from State of California Veterans of 1929 Bonds, numbered 11827/38, said coupons of an aggregate face value of $240.00, and due February 1, 1940, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said coupons

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Allianz Lebensversicherungs A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

EXHIBIT A

BONDS

Description of issue	Bond Nos.	Face amount
United States Treasury, 4 percent bonds, 1944-54.	J-52839	$10,000.00
	J-57009	10,000.00
	K-59080	10,000.00
	B-221322	1,000.00
	B-221323	1,000.00
United States Treasury, 4¼ percent bond, 1947-52.	K-2870	100,000.00
State of California, 4-percent first highway bonds, due July 3, 1946.	11836/60	[1] 1,000.00
State of California, 4-percent veterans bonds of 1929, due Feb. 1, 1948.	11839/59	[1] 1,000.00
	11876/925	[1] 1,000.00
State of California, 4-percent veterans bonds of 1925, due Feb. 1, 1949.	15761/4	[1] 1,000.00
	15848/68	[1] 1,000.00
State of California, 4 percent San Francisco Harbor Improvement No. 2 bonds, due July 2, 1969.	2371	1,000.00
	2387/95	[1] 1,000.00
State of Illinois, 4½ percent service compensation bonds, due Aug. 1, 1942.	12926	1,000.00
	12937/45	[1] 1,000.00
	13028/32	[1] 1,000.00
	13876/85	[1] 1,000.00
State of Iowa, 4½ percent World War I bonus bonds, due Dec. 1, 1939.	18479/500	[1] 1,000.00
State of Maine, 4 percent highway bonds due May 1, 1941.	30013/22	[1] 1,000.00
State of Michigan, 4½ percent highway improvement bonds, due Nov. 15, 1944.	451/500	[1] 1,000.00
	2151/2200	[1] 1,000.00
State of Michigan, 4½ percent highway improvement bonds, due Aug. 1, 1943.	P-1033/40	[1] 1,000.00
State of Minnesota, 3¾ percent highway bonds, due July 15, 1942.	12216/25	[1] 1,000.00
State of Missouri, 4½ percent road-1 bond, due Mar. 1, 1944.	3412	1,000.00
State of New Jersey, 4½ percent road bonds, due July 1, 1944.	9101/00	[1] 1,000.00
	9981/10000	[1] 1,000.00
State of Oregon, 4 percent world war veterans State-Aid bonds, due Oct. 1, 1943.	2976/3000	[1] 1,000.00
State of Oregon, 4½ percent highway bonds, due Oct. 1, 1945.	5816/40	[1] 1,000.00
State of West Virginia, 4½ percent road bonds, due Jan. 1, 1950.	18020/75	[1] 1,000.00
State of West Virginia, 4½ percent road bonds, due Apr. 1, 1951.	16513/15	[1] 1,000.00
State of West Virginia, 4½ percent road bonds, due Apr. 1, 1957.	16967/95	[1] 1,000.00

[1] Each.

[F. R. Doc. 50-5969; Filed, July 10, 1950; 8:50 a. m.]

[Vesting Order 14802]

MARGARETE MILLER

In re: Rights of Margarete Miller under insurance contracts. Files No. F-28-23338-H-2, H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Miller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 029 738 and 052 160, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Carl Miller, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5972; Filed, July 10, 1950; 8:50 a. m.]

[Vesting Order 14804]

HELENE OBERREIT

In re: Rights of Helene Oberreit under insurance installment certificate. File No. F-28-26651-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Oberreit, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under continuous Installment Certificate No. D-92,520-E, issued by the Mutual Benefit Life Insurance Company, Newark, New Jersey, to Helene Oberreit, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5973; Filed, July 10, 1950; 8:50 a. m.]

[Vesting Order 14819]

MARY MARTHA PAWELLEK HELMKE

In re: Household furniture and furnishings owned by Mary Martha Pawellek Helmke, also known as Mary Helmke, nee Pawellek, and as Mary Helmke Pawellek.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Martha Pawellek Helmke, also known as Mary Helmke, nee Pawellek, and as Mary Helmke Pawellek, whose last known address is Hemms Avenue 117, Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Household furniture and furnishings owned by the person named in subparagraph 1 hereof, located in the premises situated at 2208 High Street in the City of Portsmouth, State of Virginia, particularly described in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

EXHIBIT A

2 Servel electric refrigerators.
1 kitchen cabinet.
1 Hadley-Brown gas water heater.
1 kitchen table.
3 chests of drawers.
4 chairs.
1 Mot. Wheel oil heater.
1 bed, spring and mattress.
1 couch.
1 Lester piano.
2 Magic Chief gas ranges.
1 metal cabinet.
2 Congoleum rugs.
1 Superfix oil heater.
1 table.
1 picture.
1 dresser.
1 bureau.
1 book rack.
1 rocker.
1 bedstead.
1 wardrobe (without doors).

[F. R. Doc. 50-5974; Filed, July 10, 1950; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 15 NUMBER 133

Washington, Wednesday, July 12, 1950

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter F—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

[Sugar Determination 846.2]

PART 846—HAWAII

1950 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 303 of the Sugar Act of 1948, the following determination is hereby issued:

§ 846.2 *Normal yields and eligibility for abandonment and crop deficiency payments*—(a) *Farm normal yields.* The normal yield of commercially recoverable sugar per acre for any sugarcane farm in Hawaii shall be established for the 1950 and each subsequent crop year as follows:

(1) For a farm on which sugarcane was grown and marketed (or processed by the producer) for the extraction of sugar in three or more of the next preceding five crop years, the normal yield shall be the simple average of the annual average yields of sugar per acre of sugarcane harvested from the farm for the extraction of sugar for all of such years in which sugarcane was harvested.

(2) For a farm on which sugarcane was grown and marketed (or processed by the producer) for the extraction of sugar in less than three of the next preceding five crop years, the normal yield shall be that established by the Director of the Hawaiian Area Office of the Production and Marketing Administration (hereinafter referred to as "Area Office of PMA") on the basis of the average yield which could have been reasonably expected on the farm in the next preceding five crop years considering the average yield of other farms in the same local producing area (as defined in paragraph (c) of this section), variations in soil productivity, climatic conditions, cultural practices and other pertinent factors.

(b) *Eligibility for abandonment and deficiency payments.* The Director of the Area Office of PMA shall approve for abandonment and/or deficiency payments any farm located in whole or in part in a local producing area in which the actual yields of sugar from 10 percent or more of the sugarcane acreage harvested from all farms or parts of farms in such local producing area, were not in excess of 80 percent of the applicable normal yields: *Provided*, That (1) such acreage abandonment and/or crop deficiency was directly due to drought, flood, storm, freeze, disease, or insects, (2) the acreage abandoned or the acreage with respect to which there was a crop deficiency was suitable for the production of sugarcane and was cared for up to the time of harvest or abandonment, as the case may be, in a manner which could have been expected under average conditions to produce a normal crop of sugarcane, and (3) the other conditions for payment specified in Title III of the act with respect to the farm have been met. Such approval on the application for payment by the Director of the Area Office of PMA shall constitute determination that such farm is eligible for abandonment and/or deficiency payments.

(c) *Definitions.* (1) Acreage of sugarcane "harvested" shall mean the acreage from which sugarcane was harvested for the extraction of sugar plus the acreage of sugarcane with respect to which there was bona fide abandonment as a result of drought, flood, storm, freeze, disease, or insects.

(2) "Sugar" shall mean hundredweight of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed) for the extraction of sugar.

(3) "Local producing area" shall mean all contiguous or nearby farms or parts of farms which are similar with respect to types of soil or with respect to topography, as determined by the Director of the Area Office of PMA: *Provided, however*, That farms separated from other farms by any natural barrier or large area of land shall not be included within the same local producing area.

This determination supersedes, with respect to the 1950 and subsequent crop years, the "Determination of Normal Yield of Commercially Recoverable Sugar per Acre and Eligibility for Payment with

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CFR

POCKET SUPPLEMENTS

(For Use During 1950)

The following Pocket Supplements are now available:

Title 43 ($0.35)

Titles 44–45 ($0.25)

Previously announced: Titles 4–5 ($0.30); Title 6 ($1.00); Title 7: Parts 1–209 ($0.55); Parts 210–899 ($0.75); Parts 900 to end ($0.75); Title 8 ($0.20); Title 9 ($0.20); Titles 10–13 ($0.20); Title 14: Parts 1–399 ($1.50); Parts 400 to end ($0.30); Title 15 ($0.40); Title 16 ($0.25); Title 17 ($0.20); Title 18 ($0.20); Title 19 ($0.20); Title 20 ($0.20); Title 21 ($0.30); Titles 22–23 ($0.25); Title 24 ($0.55); Title 25 ($0.20); Title 26: Parts 1–79 ($0.20); Parts 80–169 ($0.25); Parts 170–182 ($0.25); Parts 183–299 ($0.30); Title 26: Parts 300 to end; and Title 27 ($0.25); Titles 28–29 ($0.30); Titles 30–31 ($0.25); Title 32 ($1.00); Title 33 ($0.25); Titles 35–37 ($0.20); Title 38 ($0.50); Titles 40–42 ($0.25)

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Respect to Abandonment and Crop Deficiency for Sugarcane Farms in Hawaii," issued May 25, 1945 (10 F. R. 6154).

STATEMENT OF BASES AND CONSIDERATIONS

Requirements of the Sugar Act of 1948. Section 303 of the act authorizes the Secretary to make payment to producers of sugar beets or sugarcane with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage under certain conditions. The payments are based on normal yields of commercially recoverable sugar as established for individual farms under determinations issued by the Secretary.

Historical background. Normal yields for farms in Hawaii have been based heretofore on the average yields of commercially recoverable sugar per acre obtained during base periods consisting of three consecutive crop years deemed to be representative of the yields to be expected under normal conditions. For the crop years 1937–1942 the base period consisted of the crop years 1934, 1935, and 1936. Beginning with the 1943 crop the base years were the crop years 1939, 1940, and 1941. The average yield in Hawaii for the 1934–1936 base period was 7.64 tons of sugar per acre as compared to 7.19 tons for the period 1939–1941. The average yield for the 1942–1949 period increased to approximately 8.00 tons. This increase in yields has been due largely to higher yielding varieties of cane and improved production methods.

Base periods. The use of fixed base periods covering selected crop years does not adequately reflect changes in yields. It also tends to benefit those producers who obtained abnormally high yields in the selected base years, while the effect is the reverse with respect to those producers who obtained subnormal yields in the base years. It is believed that the use of moving base periods will reflect current changes more adequately, will assure equitable treatment among all producers, and will provide a sounder basis for the computation of any acreage abandonment and crop deficiency payments which may be applied for in the future. Accordingly, the foregoing determination provides that normal yields for any crop year will be established from the average yields obtained during the next preceding five crop years. The average yield per acre in Hawaii for the base period (1945–1949) which will be effective for the 1950 crop is 8.15 tons.

Computation of farm normal yields. Under this determination normal yields for farms will be computed directly in terms of hundredweight of sugar commercially recoverable per acre from applicable data on harvested acreage and yields of sugar. This is a more direct method than that formerly used whereby normal yields were computed by multiplying the average number of tons of cane produced per acre by the average yield of sugar per ton of cane. The normal yield for each farm having a sugarcane production record for three or more years of the applicable base period will be computed by averaging the annual yields obtained on the farm within such period.

The former determination provided that if sugarcane was not harvested on the farm during each year of the three-year base period, the normal yield was based upon the average yield of all farms in the same local producing area. Since this could have resulted in unrealistic normal yields in some cases, the proposed determination provides that for farms with production history in less than three years of the applicable five-year base period the normal yields shall be established by the Director of the Area Office of PMA on the basis of the yields which could have been reasonably expected on the farms during such base period. This will permit the Area Office to take into account variations in soil productivity, climatic conditions, cultural practices and other pertinent factors when establishing such normal yields.

Eligibility for abandonment and deficiency payments. The provisions regarding eligibility for these payments have been in effect for several years and have proven to be generally satisfactory. Except for the inclusion of the phrase "or nearby farms or parts of farms" in the definition of a local producing area, other provisions remain the same.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the provisions of section 303 of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 303, 61 Stat. 930; 7 U. S. C. Sup., 1133)

Issued this 7th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F R. Doc. 50-5990; Filed, July 11, 1950; 8:45 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 125]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.479 *Grapefruit Regulation 125*—(a) *Findings.* (1) On June 20, 1950, notice of rule-making was published in the FEDERAL REGISTER (15 F. R. 3965) regarding a proposed limitation of shipments of grapefruit, grown in the State of Florida, during the period July 31, 1950, to September 15, 1950, pursuant to Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR, Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals, set forth in the aforesaid notice, which were submitted by the Growers Administrative Committee (established pursuant to the amended marketing agreement and order) it is hereby found that the limitation of shipments of grapefruit, in the manner and during the period hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) and for making the provisions hereof effective at the time hereinafter specified in that: Shipments of grapefruit, grown in the State of Florida, are currently regulated, by grades and sizes, but such regulation is effective only until July 31, 1950; because of the hurricane during the early portion of the current season, a late grapefruit bloom resulted; the grapefruit of such bloom may be available for shipment during the period hereinafter specified thereby causing a somewhat longer-than-normal marketing season; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of such grapefruit; compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof; and a reasonable time is permitted, under the circumstances, for preparation for such effective time.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., July 31, 1950, and ending at 12:01 a. m., e. s. t., September 15, 1950, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler", "variety," and "ship," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191; 14 F. R. 6828).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 7th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6012; Filed, July 11, 1950; 8:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 119—VISITORS

PART 125—STUDENTS

EXTENSION OF STAY OF ALIEN VISITORS AND STUDENTS

APRIL 27, 1950.

The following amendments to Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

1. Paragraph (b) of § 119.12, *Extension of stay; procedure,* is amended to read as follows:

(b) After making such inquiry as may be necessary, the district director shall make a decision on the application and such decision shall be final, (1) except that the Commissioner may from time to time require certain classes of cases or individual cases to be submitted to him for review or for decision; and (2) except that, if the applicant has gone to another district and further information from him is needed, the district director may send the application to the other district for final action. In all cases, the district director shall send to the visitor written notice of the decision, accompanied by any passport and Form 257a or I–94 submitted with the application. That shall be done even though the visitor has, after submitting the application, moved to another district. If the decision is favorable and if a Form 257a or I–94 was submitted with the application, such notice may be given by placing a signed endorsement on the Form 257a or I–94. Such endorsement shall include the date through which the stay is extended. If the application is denied, the district director making that decision shall take appropriate action with a view to enforcing the alien's departure or removal from the United States, and the notice to the alien of the denial shall include advice as to such intended action.

2. Paragraph (b) of § 125.13, *Extension of stay; procedure*, is amended to read as follows:

(b) After making such inquiry as may be necessary, the district director shall make a decision on the application and such decision shall be final: *Provided*, That the Commissioner may from time to time require in individual cases or in certain classes of cases that district directors submit to him for review or decision cases of applications on Form I–535 on which they have acted or which they receive. In all cases the district director shall send notice of the decision to the student. If the decision is favorable, such notice shall be made by placing a signed endorsement on the duplicate Form I–94, showing the date to which the stay is extended and by returning the duplicate Form I–94 and the passport to the student. The district director of the district in which is located the institution which a student is attending shall to the extent practicable notify by form letter each student of the imminent expiration of authorized stay unless the district director is in receipt of an application for an extension of such stay or of information that the student will depart from the United States at the expiration of the period of authorized stay.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date are inapplicable for the reason that the regulations hereby prescribed pertain solely to agency procedure.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

WATSON B. MILLER,
Commissioner of Immigration and Naturalization.

Approved: July 8, 1950.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 50–6009; Filed, July 11, 1950; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Reg., Amdt. 20–7]

PART 20—PILOT CERTIFICATES

CERTIFICATION OF GLIDER PILOTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 6th day of July 1950.

Currently effective Part 20 establishes the certification requirements for glider pilots, but it does not require that an applicant for a pilot certificate with a glider rating have any amount of supervised training. Moreover, the provisions of Part 20 do not provide for the issuance of a flight instructor rating to a pilot holding a pilot certificate with only a glider rating.

This amendment is designed to clarify and simplify the certification requirements for the issuance of pilot certificates with glider ratings, to provide that all applicants for pilot certificates with glider ratings have at least one hour of flight instruction in the recovery from stalls, and to provide that flight instructor ratings may be issued to glider pilots. This amendment also establishes a clearer and more appropriate method of computing glider flight time by providing that 10 short-patterned and released glider flights may be counted as one hour of flight time. Glider flight time is normally logged in terms of the number of flights flown rather than the number of hours flown. Thus, this amendment will eliminate the difficulty currently experienced by providing a standard for the conversion of glider flights into glider flight time.

Part 43 is being amended concurrently, *infra*, with this amendment to provide that a commercial glider pilot may give flight instruction in gliders and that a flight instructor shall not give flight instruction in a category of aircraft in which he has not demonstrated to an authorized representative of the Administrator his proficiency as a flight instructor.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR, Part 20, as amended) as follows, effective August 10, 1950:

1. By adding a new § 20.13 to read as follows:

§ 20.13 *Computation of flight time.* Flight time shall be computed as follows:

(a) *Powered aircraft.* Flight time had in powered aircraft shall be computed in hours and minutes.

(b) *Glider.* Flight time had in a glider may be computed either in hours and minutes or by number of glider flights. Ten short-patterned and released glider flights may be counted as one hour of flight time.

2. By amending § 20.25 (b) to read as follows:

§ 20.25 *Aeronautical experience.* • • •

(b) *Glider.* An applicant for a glider rating shall have had at least 100 glider flights, or 10 hours of glider flight time including at least 50 glider flights. At least 25 of the required total number of flights shall have included 360° turns. As part of his aeronautical experience an applicant shall have had at least one hour of flight instruction in the recovery from stalls entered from all normally anticipated flight attitudes.

3. By amending § 20.26 (b) to read as follows:

§ 20.26 *Aeronautical skill.* • • •

(b) *Glider.* (1) At least 2 flights, one of which shall include a 360° approach to the right and one to the left, landing each time within 200 feet beyond a designated line or point;

(2) Recovery from stalls entered from all normally anticipated flight attitudes. (Stall maneuvers may be demonstrated in airplanes.)

4. By amending § 20.35 (b) to read as follows:

§ 20.35 *Aeronautical experience.* • • •

(b) *Glider.* An applicant for a glider rating shall have had at least 250 glider flights, or 25 hours of glider flight time including at least 125 glider flights. At least 25 of the required total number of flights shall have included 360° turns. As part of his aeronautical experience an applicant shall have had at least one hour of flight instruction in the recovery from stalls entered from all normally anticipated flight attitudes.

5. By amending § 20.36 (b) to read as follows:

§ 20.36 *Aeronautical skill.* • • •

(b) *Glider.* (1) At least 2 flights, one of which shall include a 360° approach to the right and one to the left, landing each time within 100 feet beyond a designated line or point;

(2) A spiral in each direction of not less than 3 full turns in a banked attitude of not less than 45°;

(3) A demonstration of satisfactory technique in the performance of glider flight when towed by an automobile or a winch;

(4) A demonstration of satisfactory technique in the performance of glider flight when towed by an airplane during climb, and when above, below, and to one side of the towing airplane slipstream while in level flight; and

(5) Recovery from stalls entered from all normally anticipated flight attitudes. (Stall maneuvers may be demonstrated in airplanes.)

6. By amending § 20.41 to read as follows:

§ 20.41 *Flight instructor rating.* A flight instructor rating may be issued to an applicant who meets the following requirements:

(a) *Age.* 18 years.

(b) *Knowledge.* An applicant shall pass a theoretical and practical examination on his competency to instruct students in flight.

(c) *Experience.* An applicant shall be a commercial pilot or a private pilot who has met the experience requirements for the issuance of a pilot certificate with a commercial pilot rating.

(d) *Skill.* An applicant shall demonstrate in each category of aircraft in which he desires to give flight instruction his ability to perform with precision and to teach such flight maneuvers as are necessary and appropriate for instruction in the safe piloting of that category of aircraft.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50–6014; Filed, July 11, 1950; 8:50 a. m.]

[Civil Air Regs., Amdt. 43–2]

PART 43—GENERAL OPERATION RULES

FLIGHT INSTRUCTOR PRIVILEGES AND LIMITATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 6th day of July 1950.

Currently effective Part 43 provides that a commercial pilot may pilot aircraft for hire and also establishes flight instruction limitations. However, the current regulations do not specify the categories in which an individual holding a flight instructor rating may give flight instruction, but they do provide that a flight instructor rating be given only for powered aircraft.

Part 20 is concurrently, *supra*, being amended to provide that an applicant for a pilot certificate with a glider rating have at least one hour of flight instruction in the recovery from stalls. We have been advised that the Soaring Society of America has, in the absence of regulation by the Board, recognized flight instruction given by glider pilots holding at least commercial ratings and that their experience with this procedure has been satisfactory. While flight instructors instructing in aircraft other than gliders are required to hold instructor ratings, nevertheless, we believe that the method of instructing persons to pilot gliders (i. e. on the ground rather than in flight) and the inherent differences between glider and powered aircraft are sufficient to authorize commercial glider pilots to instruct in gliders even though they do not hold instructor ratings. We do not believe that the level of safety will be lowered if commercial glider pilots not holding instructor ratings are permitted to give flight instruction in gliders. However, a glider pilot will now be able to secure a flight instructor rating, and it is anticipated that most instructors will secure such rating.

Part 20 is also being amended to require a flight instructor to demonstrate his proficiency as such in each category of aircraft in which he desires to give certified flight instruction. Heretofore the regulations have permitted a pilot holding a flight instructor rating, secured by passing the appropriate tests in one category of aircraft, to give flight instruction in any category of aircraft for which he might be rated as pilot. We believe that the category rating test is sufficient to determine a pilot's ability to pilot an aircraft safely but may not be adequate, considering the marked differences between categories of aircraft, to make a determination that the pilot's ability is sufficiently comprehensive to give flight instruction in that category. On the other hand, it is our opinion that a category rating test sufficiently comprehensive to determine pilot ability and instructor ability would impose an undue burden on many persons who apply for a category rating but do not desire to give flight instruction in that category. Accordingly, we are amending Part 43 to provide that a flight instructor shall not give flight instruction in a category of aircraft in which he has not demonstrated his proficiency as a flight instructor.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations (14 CFR, Part 43, as amended) as follows, effective August 10, 1950:

1. By amending § 43.61 to read as follows:

§ 43.61 *Commercial pilot.* A commercial pilot may pilot aircraft for hire. A commercial glider pilot may give flight instruction in gliders.

2. By adding paragraph (d) to § 43.64 to read as follows:

§ 43.64 *Flight instruction limitations.* • • •

(d) *Aircraft category limitations.* A flight instructor shall not give flight instruction in a category of aircraft in which he has not demonstrated to an authorized representative of the Administrator his proficiency as a flight instructor.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007; 49 U. S. C. 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50–6015; Filed, July 11, 1950; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 2—RULES OF PRACTICE

HEARINGS IN ADVERSARY PROCEEDINGS

The Commission on June 29, 1950, amended paragraph (a) of § 2.15 of its Rules of Practice (§§ 2.1 to 2.31), so as to make said section read as follows, effective on date of publication in the FEDERAL REGISTER.

NOTE: In said section, the number to the right of the decimal point corresponds with the Roman numbers in the Commission's Rules of Practice, as included in its publication, rules, policy, organization, and acts.

§ 2.15 *Hearings in adversary proceedings.* All hearings pursuant to formal complaint shall be public unless otherwise ordered by the Commission, and such hearings shall be subject to the following conditions and requirements:

(a) Every party respondent shall have the right of due notice, cross-examination, presentation of evidence, objection, exception, motion, argument, appeal and all other fundamental rights. Whenever a witness, on examination by the party calling him, is an adverse party, or is an officer, agent or employee of an adverse party, or appears to be hostile, unwilling, or evasive, such witness may be interrogated by leading questions, and may be contradicted in all respects as if he had been called by the adverse party. The witness thus called may be contradicted and impeached by or on behalf of the adverse party and may be cross-examined by the adverse party only upon the subject matter of his examination by the party who called him.

(b) The taking of evidence and subsequent proceedings shall proceed with all reasonable diligence and with the least practicable delay.

(c) Not less than five (5) days' notice of the time and place of any indefinitely postponed hearing shall be given to counsel of record or to parties, but in appointing such hearings due regard shall be had for the convenience and necessity of all parties or their representatives.

(d) The trial examiner may withdraw from a case when he deems himself disqualified, or he may be withdrawn by the Commission after timely affidavits alleging personal bias or other disqualifications have been filed and the matter has been heard by the Commission or by a trial examiner whom it has delegated to investigate and report.

(e) Hearings shall be stenographically reported by the official reporter of the Commission under supervision of the presiding trial examiner. A transcript of said report shall be a part of the record and the sole official transcript of the proceeding. Transcripts will be supplied to respondents and to the public by the official reporter at rates not to exceed the maximum rates fixed by contract between the Commission and the reporter.

(f) Changes in the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. No physical changes shall be made in or upon the official record or copies thereof in the custody of the Commission. Lists of changes agreed to in writing by opposing counsel may be incorporated into the record, if and when approved by the trial examiner, at the close of evidence in support of the complaint, or at the final hearing before the trial examiner, or at any time thereafter before he files his decision, and at no other times. If any changes are ordered by the trial examiner without such written agreement between opposing counsel they shall be subject to objection and exception.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of June 29, 1950, effective on date of publication in the FEDERAL REGISTER.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46)

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50–6046; Filed, July 11, 1950; 8:53 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 261]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 258]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

OKLAHOMA

The Controlled Housing Rent Regulation (§§825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§825.81 to 825.92) are amended in the following respect:

Schedule A, Item 242b, is amended to read as follows:

(242b) [Revoked and decontrolled.]

This decontrols (1) the City of Bartlesville in Washington County, Oklahoma, the Bartlesville, Oklahoma, Defense-Rental Area, and all unincorporated localities in said defense-rental area, based on a resolution submitted with respect to said City of Bartlesville in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Bartlesville, being the major portion of said defense-rental area, and (2) the remainder of said defense-rental area on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective July 10, 1950.

Issued this 7th day of July 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-6002; Filed, July 11, 1950; 8:47 a.m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

1. In § 36.4301, paragraphs (a), (i), and (cc) are amended to read as follows:

§ 36.4301 *Definitions.* • • •

(a) "Act" means Public Law 346, 78th Congress (58 Stat. 284), cited as the "Servicemen's Readjustment Act of 1944," as amended by Public Law 268, 79th Congress (59 Stat. 626), Public Law 864, 80th Congress, Chapter 784, 2d Session (62 Stat. 1206), and Public Law 475, 81st Congress, Chapter 94, 2d Session (38 U. S. C. and sup., 694 et seq.).

• • • • •

(i) "Designated appraiser" means a person requested by the Administrator to render an estimate of the reasonable value of a property, or of a specified type of property, within a stated area for the purpose of justifying the extension of credit to an eligible veteran for any of the purposes stated in Title III of the act. An appraiser on a fee basis is not an agent of the Administrator.

• • • • •

(cc) "Reasonable value" means that figure which represents the amount a reputable and qualified appraiser, unaffected by personal interest, bias, or prejudice, would recommend to a prospective purchaser as a proper price or cost in the light of prevailing conditions.

• • • • •

2. In § 36.4302, paragraphs (a), (b), and (c) are amended and new paragraphs (h), (i), and (j) are added as follows:

§ 36.4302 *Computation of guaranties or insurance credits.* (a) For the purpose of computing guaranty in respect to a loan to a veteran, the following maxima cannot be exceeded:

(1) *Real estate loans.* (i) 505 (a) Loans: 100 percent of the original principal amount of the secondary loan, but not to exceed 20 percent of the purchase price or cost of the property, or $4,000, whichever is less (Public Law 268, 79th Congress).

(ii) 501 (b) Loans: Subject to the provisions of paragraph (j) of this section, 60 percent of the original principal amount, or $7,500, whichever is less.

(iii) All other real estate loans: 50 percent of the original principal amount, or $4,000, whichever is less.

(2) *Non-real estate loans.* 50 percent of the original principal amount, or $2,000, whichever is less.

(3) *Combination real estate and non-real estate loans.* 50 percent of the original principal amount, or $4,000, whichever is less. On the real estate portion of the loan allow not to exceed 50 percent of such portion but not to exceed $4,000. Subtract the amount of guaranty so allowed from $4,000. If any guaranty entitlement remains available not to exceed one-half thereof may be allowed on the non-real estate portion of the loan but the amount so allowed shall not exceed 50 percent of such portion. The aggregate amount of guaranty shall relate to the entire loan.

(b) The maximum credit to the insurance account of a lender relative to any insured loan shall be 15 percent of the original principal amount of such loan: *Provided*, That the sum of all credits to insurance accounts covering loans made to an individual shall not exceed $2,000 for non-real estate loans, nor $4,000 for real estate loans.

(c) The following formula shall govern the ascertainment of the amount of the guaranty or insurance entitlement which remains available to an eligible veteran after prior use of entitlement: Add to the amount of such entitlement previously used for realty, twice the amount previously used for non-realty purposes. Subtract this sum from $4,000. The sum remaining is the amount available for the guaranty or insurance of a real estate loan, and one-half of such sum is so available for a non-real estate loan.

• • • • •

(h) Notwithstanding the provisions of paragraph (g) of this section, if real or personal property acquired or improved with the proceeds of a guaranteed or insured loan be thereafter:

(1) Taken (by condemnation or otherwise) by the United States or any State or local government agency for public use; or

(2) Destroyed or damaged by fire or other natural hazard to the extent that occupancy, use or restoration is impractical, and which destruction or damage is not resultant from an act or omission wilfully designed by the veteran to bring about such destruction or damage; or

(3) Disposes of because of other compelling reasons devoid of fault on the part of the veteran;

the Administrator in the exercise of discretion in any such case may exclude the entitlement used in respect to such loan and the entitlement so excluded shall be disregarded in determining the subsequent use of entitlement by the veteran except for the calculation of the gratuity payable on a new loan. Exclusion of entitlement used in connection with a guaranteed or insured loan shall not be authorized so long as the Administrator remains liable thereon as guarantor or insurer.

(i) The amount of guaranty entitlement, available and unused, of an eligible unremarried widow (whose eligibility does not result from her own service) is determinable in the same manner as in the case of any veteran, and any entitlement which the decedent (who was her husband) used shall be disregarded. A certificate as to the eligibility of such widow, issued by the Administrator, shall be a condition precedent to the guaranty or insurance of any loan made to her in such capacity.

(j) A loan for the purchase or construction of residential property to be occupied by the veteran as his home may be guaranteed under section 501 (b) of the act, if otherwise eligible: *Provided*, That at the time the loan is reported to the Administrator pursuant to § 36.4303 the veteran shall not have used any portion of his entitlement, except such as shall have been excluded under paragraph (h) of this section.

3. In § 36.4303, paragraphs (a) (1), (b), and (f) are amended to read as follows:

§ 36.4303 *Reporting requirements.* (a) • • •

(1) No default exists thereunder which has continued for more than 30 days;

• • • • • •

(b) Loans made pursuant to section 501 (b), 505 (a) or 508 of the act although not entitled to automatic guaranty or insurance thereunder, may, when made by a lender of a class described in section 500 (d) thereof, be reported for issuance of a guaranty or of an insurance credit, or a certificate of commitment as provided in paragraph (a) of this section.

• • • • •

(f) Evidence of a guaranty will be issued by the Administrator by appropriate endorsement on the note or other instrument evidencing the obligation, or

by a separate certificate at the option of the lender. Notice of credit to an insurance account will be given to the lender. Unused certificates of eligibility issued prior to March 1, 1946, are void. In the event loans are reported to the Administrator for guaranty or insurance in respect to which entitlement of the veteran shall not have been reserved, any unused and unreserved entitlement of a veteran shall be applied to the loans in the order they are reported to, or made by, the Administrator. Entitlement reserved by the Administrator may not be so applied or otherwise used until released by the lender for whose benefit the reservation is outstanding. No certificate of commitment shall be issued and no loan shall be guaranteed or insured unless the lender, the veteran, and the loan are shown to be eligible.

4. In § 36.4305, paragraphs (d) and (e) are amended and paragraphs (f) and (g) are deleted.

§ 36.4305 *Partial disbursement.* • • •

(d) There has been full compliance with the provisions of the act and of the applicable regulations up to the time of the last disbursement.

(e) In the case of a construction loan when the construction is not fully completed, the amount and percentage of the guaranty and the amount of the loan for the purposes of insurance or accounting to the Administrator shall be based upon such portion of the amount disbursed out of the proceeds of the loan which, when added to any other payments made by or on behalf of the veteran to the builder or the contractor, does not exceed 80 percent of the value of that portion of the construction performed (basing value on the contract price) plus the sum, if any, disbursed by the lender out of the proceeds of the loan for the land on which the construction is situated: *And provided further*, That the lender shall certify as follows:

(1) Any amount advanced for land is protected by title or lien as provided in the regulations concerning guaranty or insurance of loans to veterans; and

(2) No enforceable liens, for any work done or material furnished for that part of the construction completed and for which payment has been made out of the proceeds of the loan, exist or can come into existence.

(f) [Canceled.]

(g) [Canceled.]

5. In § 36.4306, the preamble in paragraph (a) and paragraph (a) (1) are amended and a new paragraph (e) is added as follows:

§ 36.4306 *Refunding of outstanding indebtedness.* (a) If otherwise eligible, a loan is eligible for guaranty or insurance if the proceeds thereof are used to refinance existing indebtedness of the veteran-applicant or to reimburse him for expenditures he made, *Provided:*

(1) The proceeds of such indebtedness were actually paid out in full, or the last expenditure by the veteran occurred, within 60 days prior to the date of his application to any lender for such loan, or

• • • • •

(c) If a loan is approved for guaranty or insurance pursuant to § 36.4346 the guaranty or insurance shall not be impaired by reason of the disbursement from such loan of an amount which is reasonably necessary to obtain the release from existing liens of the homesite on which the farmhouse is to be constructed or improved. Such amount shall not exceed the reasonable value of the homesite.

6. In § 36.4308, a new paragraph (f) is added as follows:

§ 36.4308 *Transfer of title by borrower or maturity by demand or acceleration.* • • •

(f) The holder of any guaranteed or insured obligation shall have the right, notwithstanding the absence of express provision therefor in the instruments evidencing the indebtedness, to accelerate the maturity of such obligation at any time after the continuance of any default for the period specified in § 36.4316.

7. In § 36.4312, paragraph (a) is amended to read as follows:

§ 36.4312 *Closing costs.* (a) Any costs or expenses incurred in closing a loan or financing a purchase and normally required to be paid by a purchaser or lienor incident to the making of a loan under local lending customs may be included in the amount paid out of the proceeds of a guaranteed or insured loan, except that no brokerage or service charge or their equivalent not expressly approved under schedules set up in advance by the Administrator may be charged against the debtor or the proceeds of the loan either initially, periodically, or otherwise: *Provided*, That no loan for the purchase or construction of a dwelling unit on which the Administrator receives a request for a determination of reasonable value on or after July 17, 1950, shall be guaranteed or insured unless,

(1) The lender certifies to the Administrator that it has not imposed and will not impose any charges or fees against the veteran in excess of those allowed in such schedules; or

(2) If such request relates to a new dwelling unit which has not been occupied previously and which is to be purchased by a veteran, the lender certifies to the Administrator that in connection with financing the construction or sale of such dwelling unit it has not imposed and will not impose upon the builder or veteran any fees or charges in excess of those allowed in the applicable schedule so approved by the Administrator, and, if the loan to be guaranteed or insured is made by a lender other than that which financed the construction of such unit, the Administrator is furnished a further certification either

(i) By the builder that he has not paid and will not pay any charges or fees in excess of those allowed in applicable schedules or

(ii) By the lender which made the construction loan that it has not imposed and will not impose charges in relation to such unit which are in excess of those allowed in the said schedules.

Loans guaranteed or insured pursuant to section 505 (a) of the act shall not exceed 20 percent of the purchase price as defined in § 36.4301 (aa).

• • • • •

8. In § 36.4324, paragraph (f) is amended to read as follows:

§ 36.4324 *Release of security.* • • •

(f) The release of the personal liability of any obligor on a guaranteed or insured obligation resultant from the act or omission of any holder without the prior approval of the Administrator shall release the obligation of the Administrator as guarantor or insurer, except when such act or omission consists of: (1) Failure to establish the debt as a valid claim against the assets of the estate of any deceased obligor provided no lien for the guaranteed or insured debt is thereby impaired or destroyed; or, (2) an election and appropriate prosecution of legally available effective remedies with respect to the repossession or the liquidation of the security in any case, irrespective of the identity or the survival of the original or of any subsequent debtor, if holder shall have given such notice as required by § 36.4317 and if after receiving such notice, the Administrator shall have failed to notify the holder within 15 days to proceed in such manner as to effectively preserve the personal liability of the parties liable, or such of them as the Administrator indicates in such notice to the holder; or, (3) the release of an obligor, or obligors, from liability on an obligation secured by a lien on property, which release is an incident of and contemporaneous with the sale of such property to an eligible veteran who assumed such obligation, which assumed obligation is guaranteed on his account pursuant to the act.

• • • • •

9. In § 36.4330, paragraph (a) is amended to read as follows:

§ 36.4330 *Accounting records.* (a) The holder shall maintain a record of the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof. For the purpose of any accounting with the Administrator or computation of claim against him, any holder who fails to maintain such record shall be presumed to have received on the dates due all sums which by the terms of the contract are payable prior to date of claim for default and the burden of going forward with evidence and of ultimate proof of the contrary shall be on such holder.

• • • • •

10. Section 36.4336 is amended to read as follows:

§ 36.4336 *Eligibility of loans; reasonable value requirements.* No loan made for the purchase of property, or for construction, alterations, repairs or improvements thereof, shall be eligible for guaranty or insurance if the purchase price or cost to the veteran exceeds the reasonable value thereof as determined by a proper appraisal made by an appraiser designated by the Administrator. Notwithstanding that the aggregate of the purchase price or cost to the veteran, and the amount remaining unpaid on taxes, special assessments, prior mort-

gage indebtedness, or other obligations of any character secured by enforceable superior liens or a right to such lien existing as of the date the loan is closed exceeds the reasonable value of such property as of said date and that evidence of guaranty or insurance credit is issued in respect thereof, as between the holder and the Administrator (for the purpose of computing the claim on the guaranty or insurance and for the purposes of § 36.4320, and all accountings), the indebtedness which is the subject of the guaranty or insurance shall be deemed to have been reduced as of the date of the loan by a sum equal to such excess, less any amounts secured by liens released or paid on the obligations secured by such superior liens or rights by a holder or others without expense to or obligation on the debtor resulting from such payment, or release of lien or right; and all payments made on the loan shall be applied to the indebtedness as so reduced. Nothing in this section affects any right or liability resulting from fraud or wilful misrepresentation.

11. Sections 36.4339 and 36.4340 are amended to read as follows:

§ 36.4339 *Qualification for designated fee appraisers.* To qualify for approval as a designated fee appraiser, an applicant must show to the satisfaction of the Administrator that his character, experience, and the type of work in which he has had experience for at least 5 years, qualifies him competently to appraise and value within a prescribed area the type of property to which approval relates.

§ 36.4340 *Restriction on designated fee appraisers.* (a) A designated fee appraiser shall not make an appraisal, excepting of alterations, improvements, or repairs to real property entailing a cost of not more than $1,000, if such appraiser is an officer, director, trustee, employer, or employee of the lender, contractor, or vendor: *Provided*, That appraisals of non-real estate loans may be made by an officer, director, trustee, employer, or employee of a lender of a class specified under sections 500 (d) or 508 of the act.

(b) An appraisal made by a designated fee appraiser shall be subject to review and adjustment by the Administrator. The amount determined to be proper upon any such review or adjustment shall constitute the "reasonable value" for the purpose of determining the eligibility of the related loan.

12. In § 36.4342, paragraph (c) is amended to read as follows:

§ 36.4342 *Delegation of authority.* • • •

(c) Nothing in this section shall be construed (1) to authorize any such employee to exercise the authority vested in the Administrator under section 504 or section 508 (b) of the act or to sue, or enter appearance for and on behalf of the Administrator or confess judgment against him in any court without his prior authorization; or, (2) to include the authority to exercise those powers reserved to the Administrator under §§ 36.4335, 36.4343, and 36.4344, or those delegated to the assistant administrator for finance, or director, loan guaranty service, under § 36.4343 or § 36.4344: *Provided*, That in any case where a loan which is sought to be guaranteed or insured under the provisions of § 36.4343 or § 36.4355 is made by a lender of the class described in section 500 (d) of the act without obtaining prior approval, the assistant administrator for finance, if he finds that such loan otherwise meets the requirements of the act and the regulations concerning guaranty or insurance of loans to veterans, may authorize the issuance of evidence of guaranty or insurance thereon: *And provided further*, That anything in the regulations concerning guaranty or insurance of loans to veterans to the contrary notwithstanding, any evidence of guaranty or insurance issued on or after July 1, 1948, by any of the employees designated in paragraph (b) of this section shall be deemed to have been issued by the Administrator, subject to the defenses reserved in section 511 of the act.

13. Following existing centerhead "Real Estate Loans," new §§ 36.4346, 36.4347, and 36.4348 are added to read as follows:

§ 36.4346 *Construction or improvement of farm housing.* No loan for constructing or improving a farmhouse shall be eligible for guaranty or insurance pursuant to section 502 (b) of the act unless such loan is approved by the Administrator prior to disbursement.

§ 36.4347 *Minimum construction requirements.* No loan made for the purchase or construction of residential property on which construction is begun after June 19, 1950, shall be guaranteed or insured unless the Administrator determines that the property conforms to the applicable minimum construction requirements prescribed by the Administrator for the area in which the property is situated.

§ 36.4348 *Purchase or construction loans made under section 501 (b).* Loans for the purchase or construction of residential property shall be ineligible for guaranty or insurance under section 501 (b) of the act if made in combination with a section 502 or section 503 loan or which include the purchase or construction of any business unit nor is a loan to refinance delinquent indebtedness pursuant to section 507 of the act eligible under section 501 (b) thereof.

14. Section 36.4350 is amended to read as follows:

§ 36.4350 *Estate of veteran in real property.* (a) The estate in the realty acquired by the veteran, wholly or partly with the proceeds of a guaranteed or insured loan, or owned by him and on which construction, or repairs, or alterations or improvements are to be made, shall be not less than:

(1) A fee simple estate therein, legal or equitable; or

(2) A leasehold estate running or renewable at the option of the lessee for a period of not less than 14 years from the maturity of the loan, or to any earlier date at which the fee simple title will vest in the lessee, which is assignable or transferable, if the same be subjected to the lien, or

(3) A life estate, provided that the remainder and reversionary interests are subjected to the lien. The title to such estate shall be such as is acceptable to informed buyers, title companies, and attorneys, generally, in the community in which the property is situated, except as modified by paragraph (b) of this section.

(b) Any such property or estate will not fail to comply with the requirements in paragraph (a) of this section by reason of the following:

(1) Encroachments;
(2) Easements;
(3) Servitudes;
(4) Reservations for water, timber, or subsurface rights;
(5) Right in any grantor or co-tenant in the chain of title, or a successor of either, to purchase for cash, which right by the terms thereof is exercisable only if:
(i) An owner elects to sell,
(ii) The option price is not less than the price at which the then owner is willing to sell to another, and
(iii) Exercised within 30 days after notice is mailed by registered mail to the address of optionee last known to the then owner, of the then owner's election to sell, stating his price and the identity of the proposed vendee;
(6) Building and use restrictions whether or not enforceable by a reverter clause if there has been no breach of the conditions affording a right to an exercise of the reverter;
(7) Any other covenant, condition, restriction, or limitation approved by the Administrator in the particular case. Such approval shall be a condition precedent to the guaranty or insurance of the loan;

Provided, That the limitations on the quantum or quality of the estate or property that are indicated in this paragraph, insofar as they may materially affect the value of the property for the purpose for which it is used, are taken into account in the appraisal of reasonable value required by the act: *And provided further*, That, as to home loans guaranteed or insured subsequent to February 15, 1950, the title to any such property or estate shall not be acceptable under § 36.4320 (h) if it is subject to restrictions against sale or occupancy on the ground of race, color, or creed, which have been created and filed of record subsequent to that date.

15. In § 36.4351, a new paragraph (c) is added as follows:

§ 36.4351 *Loans, first, second, or unsecured.* • • •

(c) Neither paragraph (a) nor (b) of this section shall be applicable to any loan to be guaranteed or insured pursuant to section 502 (b) of the act for the construction or improvement of a "farmhouse" unless otherwise stated incident to the prior approval required by § 36.4346.

16. Section 36.4353 is amended to read as follows:

§ 36.4353 *Dual purpose loans, residential and business property.* If otherwise eligible a loan for the purchase or construction of a combination of residential property and business property which the veteran proposes to occupy in part as a home will not be ineligible under section 501 (a) if not more than two business units are included. A loan for the purchase or construction of residential property containing more than four separate family units plus an added unit for each veteran participating in the ownership thereof, or more than two business units, must be classed as a business loan and satisfy the requirements of eligibility prescribed under section 503.

17. The centerhead "Section 505 (a) Loans," immediately preceding § 36.4354 is hereby deleted and reinserted immediately preceding § 36.4360.

18. In § 36.4355, paragraph (b) is amended to read as follows:

§ 36.4355 *Supplemental loans.* • • •

(b) Such loans shall be secured as required in §§ 36.4337 and 36.4351: *Provided*, That a lien of lesser dignity than therein specified will suffice if the lien obtained is immediately junior to the lien of the original guaranteed or insured obligation.

• • • • • •

19. Section 36.4360 is amended to read as follows:

§ 36.4360 *Concurrent with primary loan.* A second loan is eligible for guaranty or insurance under section 505 (a) only if the proceeds thereof are used concurrently with and as part of the same transaction which is partially financed through the proceeds of the primary loan, or by continuing the primary loan in effect by assumption or otherwise, except that no loan shall be guaranteeable or insurable under section 505 (a) subsequent to October 20, 1950, unless the Administrator has received on or prior to October 20, 1950, a loan report thereon showing actual payment of the full proceeds of the loan or has received on or prior to September 20, 1950, an application or loan report showing earmarked or escrowed funds, on which the Administrator has issued a certificate of commitment.

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation becomes effective July 12, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-5996; Filed, July 11, 1950; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 919]

[Docket No. AO-220]

HANDLING OF IRISH POTATOES GROWN IN UPSTATE NEW YORK

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the State of New York (except the counties of Suffolk, Nassau, Queens, Kings, New York, Bronx and Richmond), to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), hereinafter called the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and the proposed marketing order (hereinafter called the "order") were formulated, was held at Rochester, New York, on May 15-17, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 2364). Such notice set forth a proposed marketing agreement and order which was submitted to the Secretary of Agriculture by the Upstate New York Potato Committee (composed of producers and shippers of Irish potatoes in the proposed production area) with a petition for a hearing thereon.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to accomplish the declared objectives of the act;

(3) The identity of the persons and transactions to be regulated;

(4) The definition of the commodity and determination of the smallest regional production area to be affected by the proposed regulatory program;

(5) The specific terms and provisions of the proposed marketing agreement and order necessary and incidental to attain the declared objectives of the act, including, among others, those applicable to:

(a) The establishment of, maintenance, composition, powers, duties, and operation of the administrative agency;

(b) The method for limiting shipments of Irish potatoes grown in the production area;

(c) The establishment of minimum standards of quality and maturity;

(d) The handling under special regulations, under certain circumstances, and the procedure applicable thereto, of specified shipments of Irish potatoes grown in the production area;

(e) The requirement that all potato containers must be branded;

(f) The relaxation of regulations in hardship cases and the procedure applicable thereto; and

(g) The requirement that all handling of Irish potatoes grown in the production area must be in accordance with the provisions of the marketing agreement and order, and that inspection and certification of shipments of such potatoes and the payment of assessments must be accomplished in connection therewith.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) A substantial percentage of the Irish potatoes grown in the counties of the State of New York (except the counties of Suffolk, Nassau, Queens, Kings, New York, Bronx and Richmond), hereinafter called the "production area", normally enters the current of interstate or foreign commerce, and virtually all of the remainder of such potatoes are consumed as table stock or seed potatoes within the production area, or the State of New York, or are used for so-called diversionary purposes. The market for potatoes grown in the production area is regional in scope and prices for such potatoes at markets both within and outside the State of New York are closely related to each other and to f. o. b. shipping point prices in the production area. Every movement and sale of such potatoes, whether to a market within or outside of the State, or the production area, affects the price structure for all potatoes grown in the production area.

Such movements and sales of potatoes grown in the production area may be scheduled originally for delivery to markets within the production area or the State of New York and then be diverted en route to markets outside of the State. Conversely, such potatoes, destined originally for markets outside of the State, may be diverted en route to markets within the State or to markets within the production area. The movement and sale of such potatoes to

markets within the production area, to markets within the State of New York and to markets outside of the State of New York are, therefore, inextricably intermingled.

It is concluded, therefore, that (i) all transportation and sale (except retail sales) of Irish potatoes grown in the production area are either in the current of interstate or foreign commerce, or directly burden, obstruct, or affect such interstate or foreign commerce (hereinafter called "in commerce"), and (ii) it is impractical to regulate effectively the transportation and sale of such potatoes without regulating all transportation and sale thereof, except to the extent hereinafter indicated.

(2) Effective January 1, 1950, parity prices for Irish potatoes are to be computed in accordance with the provisions of the Agricultural Act of 1948 and the Agricultural Act of 1949.

Seasonal average farm prices for potatoes grown in Upstate New York have been below the applicable parity levels for 11 seasons and above such levels for 6 seasons since 1932, of which four (1942–45, inclusive) seasons were during war years. Such prices were below parity during the 1946–48 season, inclusive. The estimated 1949 seasonal average farm price for potatoes grown in Upstate New York is $1.20 per bushel, which is only 70 percent of the applicable parity price for such potatoes as of May 1950.

During the 1946–48 seasons an average of 16 percent of the potatoes produced in Upstate New York was purchased by the Government in supporting prices at 90 percent of parity. Potato prices in 1949 were supported at 60 percent of parity and 24 percent of the Upstate New York 1949 potato crop has been purchased under the support program as of May 10, 1950.

Since the estimated seasonal average farm prices for the 1949 crop of potatoes in Upstate New York is 30 percent below parity, and since the indicated potato acreage for 1950 in Upstate New York is only slightly below that of 1949, it is anticipated that seasonal average farm prices received by growers in the production area for potatoes produced in 1950 will not exceed the prescribed parity level.

The availability of supplies of Irish potatoes in excess of all market demand therefor tends to decrease the grower's average returns from all of such potatoes. Withholding the poorer grades and undesirable qualities and sizes of such potatoes from market tends to equalize market supply and the demand therefor, and tends to increase the growers' average returns for all Irish potatoes. Poor grades, undesirable qualities, and undesirable sizes of Irish potatoes available for sale in wholesale markets sell at appreciable discounts from the sale price of the better grades and desirable qualities and sizes of such potatoes, and the former not only displace the latter to a considerable extent, but the former give poor consumer satisfaction, resulting in an over-all decreased consumption of Irish potatoes. Grade, quality, and size discounts in wholesale prices of Irish potatoes are reflected in similar discounts in grower returns therefor. Similarly, decreased consumption of Irish potatoes of all grades, qualities, and sizes, decreases grower returns from such potatoes.

Poorer grades, undesirable qualities, and undesirable sizes of Irish potatoes are frequently marketed in a manner designed to indicate that such potatoes are of desirable grades, qualities, and sizes, which results in consumer dissatisfaction, confusion relevant to Irish potato values, and generally chaotic marketing conditions. Therefore, it is concluded that a marketing agreement and order is necessary to regulate the transportation and sale of Irish potatoes grown in the production area, to establish and maintain such orderly marketing conditions therefor as will tend to establish parity prices for such potatoes.

The marketing agreement and order should contain provisions for the establishment and maintenance of such minimum standards of quality and maturity and such grading and inspection requirements for Irish potatoes grown in the production area as will effectuate orderly marketing thereof in the public interest, because even though prices received by farmers for such potatoes exceed parity, some potatoes of poor quality do not, under any circumstances, represent value to the consumers thereof, and the returns to the farmers therefrom are negligible.

(3) (a) The act authorizes the regulation of such handling of Irish potatoes grown in the production area as is in the current of interstate or foreign commerce, or which directly burdens, obstructs or affects such commerce (hereinafter called "in commerce"). The marketing agreement and order should regulate such handling solely to effectuate the declared policy of the act. It is essential, as a basis for such regulation, that the marketing agreement and order define the term "handler" so that persons to be regulated will have notice thereof.

Common or contract carriers transporting Irish potatoes (grown in the production area and owned by another person) to market are performing a handling function in commerce but such handling should not be regulated under the marketing agreement and order for the reason that such carriers are not responsible for the grade, quality, and size of the commodity so transported, are not responsible for the introduction of such commodity in commerce, and their sole interest in such community is to transport it to destinations selected by others for a service charge. The responsibility for the grade, quality, and size of the commodity delivered to such common or contract carriers should be borne solely by the person or persons responsible for delivering such commodity to such carriers.

Other handling functions with respect to such potatoes, which should be regulated under the marketing agreement and order, are hereinafter considered in connection with a definition of "ship", and the definition of "handler" should be synonymous with "shipper" because regulation of the handler performing any of such functions is necessary under the marketing agreement and order to effectuate the declared policy of the act. Therefore, the term "handler" or "shipper" should be defined to mean any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

(b) Processing activities (such as storing, packing, washing and grading) with respect to Irish potatoes are handling functions in commerce. However, it would be impracticable, if not impossible, to require persons engaged in such activities to meet grade, quality, and size requirements, under regulations issued pursuant to the marketing agreement and order, prior thereto except as hereinafter indicated. Therefore, such handling activities should be exempt from regulation under the marketing agreement and order. Such exemption should be limited to storing, washing, packing, grading, and other preparatory handling functions accomplished in the production area because such activities are customarily accomplished therein. After the grading has been accomplished in connection with such potatoes, the handling activity of transporting them to market should be subject to regulation, under the marketing agreement and order, because the grade, quality, and size of such potatoes are determined by the grading process accomplished prior to such transportation and such transportation in commerce can then be limited, on a practical basis, to such grades, qualities, and sizes of such potatoes as will tend to effectuate the declared policy of the act.

Sales of Irish potatoes, grown in the production area, in commerce are handling transactions which should be subject to regulation under the marketing agreement and order because such sales are generally made on the basis of grades, qualities, and sizes or any combination thereof; and because such sales introduce or continue such potatoes in commerce. Therefore, if such sellers fail to meet the requirements of regulations issued under the marketing agreement and order they should be responsible, except as hereinafter indicated, for such introduction or continuation of the potatoes in commerce. However, if a producer of Irish potatoes, grown in the production area, sells such potatoes to a recognized packer in the production area on a field run or grade-out basis, such sale by the producer does not constitute a handling transaction in commerce. Under such state of facts, the sale from the producer to the recognized packer does not place the potatoes in commerce and the customary contemplation of the parties is that prior to their introduction in commerce, the potatoes will be prepared as aforesaid for market. It is necessary to restrict the scope of this producer-packer sale to packers operating processing facilities in the production area because such restriction conforms to customary practice therein.

However, if a producer of Irish potatoes, grown in the production area, sells such potatoes grown by him to an itinerant trucker, or any other person, for transportation to market without prior processing, such potatoes are thereby

placed in commerce at the time of such sale and the producer, under such circumstances, is the first handler of such potatoes. It may be assumed under such circumstances, that the producer intended that the potatoes would be placed in commerce at the time of such sale and, therefore, he should be held responsible for any failure of the commodity so sold to meet such grade, quality, and size requirements as may be in effect under the marketing agreement and order at the time of such sale.

Irish potatoes grown in the production area and consigned or otherwise placed in commerce should be considered in the same category as potatoes sold in commerce because the former activities are merely different methods of selling potatoes. Such potatoes should also meet the minimum grade, quality, and size requirements in effect under the marketing agreement and order at the time they are so introduced into commerce to effectuate the declared policy of the act. The consignor or individual otherwise placing such potatoes in commerce should, therefore, be subject to regulation.

Irish potatoes grown in the production area are frequently transported, sold, or otherwise placed or continued in commerce by more than one person. Each of such persons is responsible for introducing or continuing such potatoes in commerce and, therefore, each of such persons should be required to conduct such handling activities in accordance with applicable grade, quality, and size regulations under the marketing agreement and order, to effectuate the declared policy of the act.

It is concluded, therefore, that "ship" should be defined in the marketing agreement and order to include and be applicable to all of the handling functions which must be subject to regulation to effectuate the declared policy of the act, that such definition should be synonymous with "handle", and that "ship" should mean to transport, sell, or in any other way to place potatoes in the current of commerce within the production area, or between the production area and any point outside thereof: *Provided*, That the definition of "ship" or "handle" shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area for storing, or the sale or transportation of potatoes to a recognized dealer or packer within the production area for the purpose of having such potatoes prepared for market.

(4) (a) It is necessary to define the commodity to be regulated by the marketing agreement and order so that persons handling such commodity will know that their handling activities relevant thereto are subject to regulation thereunder. The act authorizes marketing agreements and orders applicable to potatoes, or to any regional or market classification thereof. Irish potatoes of all varieties grown in the production area is a regional classification of potatoes and regulation of the handling thereof will tend to effectuate the declared policy of the act. It is concluded, therefore, that "potatoes" should be defined to mean all varieties of Irish potatoes grown in the production area.

(b) A definition of "production area" is incorporated in the marketing agreement and order to specify and delineate the area in which potatoes must be grown before the handling thereof is subject to regulation. Potatoes are grown commercially in every county in the production area. Present production, however, tends to concentrate in particular parts of the production area where soil, climate, alternative land uses, and other factors are favorable to producing a potato crop. Upstate New York potato production is more concentrated in the western portion of the State, but is generally spread throughout the production area in varying degrees of concentration.

The development of new potato acreage depends, as previously indicated, upon the proper combination of soil, water resources, climate, and alternative land uses, which are difficult to forecast specifically. It is known, however, that basic soil structures, and climate in all counties within the production area are such that, under favorable circumstances, considerable increases in potato production could be developed in many parts of the production area which do not now produce potatoes in appreciable volume. Although commercial production tends to be concentrated in some counties of the production area, it would be impractical to exclude the counties of lesser commercial importance from the production area. The exclusion of any county, or portion thereof, from the area would create enforcement problems of such magnitude as to jeopardize the successful operation of the marketing agreement and order.

Production, harvesting, and marketing conditions and methods are essentially the same throughout the production area. Such differences in these factors as do exist are not of such magnitude to justify, on the basis of reasons stated herein, the exclusion of any portion of the production area from regulation under the marketing agreement and order. The same or similar varieties of potatoes are grown throughout the production area and potatoes from each part thereof compete in markets both within and outside the area during each season. Exclusion of any portion of the production area from regulation under the marketing agreement and order would make the operation of such program unreasonably difficult and impractical. Therefore, the production area, hereinafter defined, constitutes the smallest practicable regional production area.

(5) It is necessary to define the terms hereinafter set forth, so that their applicability and meaning may be established and to preclude the necessity for redefining them when they are later used in the marketing agreement and order. The definitions of Secretary, act, person, producer, and varieties, as set forth in the notice of hearing, were not in controversy at the hearing. These terms are generally understood by members of the potato industry in the production area and the use of such terms in the marketing agreement and order is essential as the basic framework thereof.

A definition of "fiscal year" is incorporated in the marketing agreement and order to establish the beginning and end of an operating period. The establishment of such period, which should comprise a full twelve months, is necessary for business-like administration of the marketing agreement and order and is desirable as a basis for establishing the terms of office of committee members and alternates. The date marking the end of one fiscal year and the beginning of the new should fall at a time of relative inactivity in the marketing of the potato crop and should allow sufficient time for the committee to organize and be prepared to function prior to the start of the new marketing season. Marketing of the potato crop grown in the production area begins about August 1 of each year and is completed prior to July 1 of the following year. July 1 of each year is, therefore, an appropriate date for establishing the end of one fiscal year and the beginning of the new. Fiscal year should be defined, therefore, as hereinafter set forth.

A definition of "committee" is incorporated in the marketing agreement and order to identify the administrative body which acts as agent of the Secretary. Such committee is authorized by the act and the definition thereof, as hereinafter set forth, minimizes the use of words in the marketing agreement and order.

Definitions of "seed potatoes," "table stock potatoes," and "pack" are incorporated in the marketing agreement and order because regulation is provided, under certain circumstances, differently for each. Special regulation for seed potatoes is justified because such potatoes are produced for a specialized use and the requirements of the seed market differ, in some respects, from that of the table stock market. For example, potatoes of small size are ordinarily discounted in the table stock market but may bring a premium in the seed market. The term "seed potatoes" should be defined to include such potatoes as are certified, tagged, or otherwise appropriately identified by the official seed certifying agency of the State of New York. Table stock potatoes should be defined as all potatoes other than seed potatoes. The sum total of the table stock and seed potatoes so defined will equal "potatoes," otherwise defined in the marketing agreement and order. "Pack" is defined because the order authorizes regulations, under certain circumstances, differently for different types of packs. The notice of hearing defined consumer packs as those containers weighing less than 50 pounds and wholesale packs as those weighing 50 or more pounds. The most commonly used packages in the production area are 10, 15, 50 and 100 pound bags. Ordinarily 10 and 15 pound packages are considered consumer packs, but during the fall months many 50 pound sacks are consumer packages, however, during most of the remainder of the season these packages are normally handled as wholesale packages. A differentiation

between wholesale and consumer packs will provide a basis for establishing different regulations for each. Therefore, the committee is authorized to recommend and the Secretary to establish differentiation among packs which will provide a means of meeting various marketing situations in a practical way, to vary the weight limitation of consumer and wholesale packages, and to recommend different regulations for different packs.

Definitions of "grade" and "size" are incorporated in the marketing agreement and order to enable all persons affected thereby to determine the requirements thereof and to interpret specifically and intelligently regulations issued in such terms. Grade and size, the essential terms in which regulations may be issued, should be defined as comprehending the equivalents of the meanings assigned to these terms in (i) the official standards for potatoes issued by the United States Department of Agriculture, (ii) the State of New York Standards issued by the Commissioner of Agriculture of such State, or (iii) modification or amendment of such standards. Regulations under the marketing agreement and order can then use such terms (grade and size) with the constant meaning assigned thereto in such standards, or such modification or amendment of such terms as may be effected through amendment of such standards, or such variation of such terms as may be required at the time of regulation and spelled out in the regulation. Official inspectors are qualified to certify to the grade and size of potatoes, grown in the proposed production area, in terms of any one of the aforesaid standards, or modification, amendment, or variation thereof.

A definition of "export" is incorporated in the marketing agreement and order because different regulations thereunder are authorized for export shipments than for domestic shipments. Export markets have certain requirements which differ from the domestic market and special regulations are, therefore, justified. Export should be defined to include all shipments of potatoes outside of the continental United States.

A definition of "district" is incorporated in the marketing agreement and order to delineate the geographical divisions of the production area for the purpose of electing nominees for membership on the committee. The production and marketing problems within each of the established districts are similar and election of committee nominees on such basis will afford equitable representation to all producers in the production area. District should be defined, therefore, as hereinafter set forth.

"Branding" is defined in the marketing agreement and order because regulations could require branding of all containers of potatoes during any period when grade, size, and quality regulations are in effect. Many containers of potatoes currently marketed in commerce fail to meet the requirements of the grade and size specified on the container thereby tending to lower prices and consumer acceptance of all potatoes grown in the production area. Such misbranding is an unfair method of competition and an unfair trade practice in the handling of potatoes grown in the production area. Therefore, each handler who first handles potatoes should be required to brand such potatoes prior to such handling by indicating the grade, size, quality and net contents thereof and his name and address. No handler should be permitted to handle potatoes unless the containers thereof are branded. The net contents of a container may at times be determinative of the type of pack and particular regulation applicable thereto. The branding requirement is also necessary as a means of maximizing compliance under the program. Since small grower handlers cannot afford to purchase branded sacks, it is necessary and desirable to permit attaching tags to the container to comply with the branding provisions.

(a) The marketing agreement and order should provide for the selection by the Secretary of an administrative committee, called the Upstate New York Potato Committee, composed of six producer and three handler members. Establishment of this committee is desirable and necessary to aid the Secretary in carrying out the declared policy of the act and such committee is authorized by the act. Provision should be made for an alternate for each member of the committee because circumstances may arise when it is impossible for a member, or members, to attend particular meetings of the committee and where positions are vacant because of death, resignation, or for other reasons. In such situations it is necessary and desirable for the respective alternate to act in lieu of the member, so that there will be no interruption of committee operations and to assure that committee activities will be representative of producer and handler thinking in all districts of the production area. Such alternates should have the same qualifications as the members if the alternates are to represent the same industry interests as such members. A committee of nine members will be sufficiently small to permit it to operate in an efficient manner and at the same time, on the basis of the division of the production area into districts and representation therefrom, will be of such sufficient size to give adequate representation to all producers and handlers in the production area.

Producer members and handler members, and their respective alternates, selected to represent a district should be producers and handlers (or officers or employees thereof), respectively, in such district and residents therein. Persons with such qualifications will be intimately acquainted with the particular problems of producing and marketing potatoes grown in such district and for that reason can be expected to present accurately the views, problems, and economic conditions of producers and handlers in such districts with respect to committee actions.

A nomination procedure is provided in the marketing agreement and order to assure the Secretary that the names of appropriate prospective members and alternates will be brought to his attention. The nomination of prospective members and alternates by producers and handlers at meetings in the respective districts is a practical method of providing the Secretary with names of such members and alternates. Such procedure will insure that the Secretary has available a list of nominees whose qualifications have been reviewed by and acted upon by members of the industry.

The Secretary may appropriately select initial committee members and alternates from nominations which may be made by producers, handlers, or groups thereof. However, the Upstate New York Potato Committee, hereinafter called the "committee," does not come into existence until selection by the Secretary of the initial committee; therefore, the marketing agreement and order should provide for the selection of said initial committee in the absence of nominations.

Nomination meetings for the purpose of nominating succeeding members of the committee and their alternates should be held or caused to be held by the committee sixty days prior to the end of each fiscal year. By holding, or causing to be held, nomination meetings sixty days prior to the end of each fiscal year, the committee would have adequate time to prepare and submit nominee lists to the Secretary in time for the Secretary to select the members and alternates to take office at the beginning of the new fiscal year, and, in the event a selectee declines to serve, for the Secretary to make another appointment.

At least two nominees should be designated for each position as member, and each position as alternate member, so that the Secretary will have a choice in making his selection and, in the event a selectee declines to serve, so that he will have the names of other prospective members or alternates from which to make another appointment.

Nominee lists should be supplied to the Secretary in the manner and form prescribed by him to establish administrative uniformity in the handling of such matters. Such nominations should be presented to the Secretary at least thirty days prior to the end of the fiscal year so that the selection and qualification of the members and alternates for the new term of office which begins with the new fiscal year may be made prior to such date.

Each producer should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives, in designating nominees for producer committee members and alternates regardless of the number of districts in which he produces potatoes. Voting on any other basis would not provide for equitable representation. If a producer could cast more than one vote by reason of operating in more than one district, such producer would have an advantage in selecting nominees over producers operating in only one district. Likewise, if more than one vote was permitted, a few large producers could dominate the elections and nominate producers not favored by a majority of producers. The producer who operates in more than one district should be permitted to elect, from among the districts in which he produces potatoes, the district in which he shall vote in order that he may cast his ballot for nominees for producer committee members and alternates where he believes his main interest lies. The one-vote limitation applies to any one producer position to be filled at a nomination meeting. Each producer is allowed one vote for each such producer position as a committee member and each such producer position as a committee alternate to be filled at a nomination meeting.

Identical limitations and requirements should be applied to handler participation in nominating handler committee members and alternates, for reasons similar to the application of such limitations and requirements to producer nominations of producer committee members and alternates. However, to maintain the distinctive handler and producer representative viewpoint of committee members and alternates, each person who handles and produces potatoes should be required to elect the capacity in which he will participate in program activities, subject to the requirement that, for the purpose of nominating handler committee members and alternates, a handler shall be considered to be a person who produces not more than 50 percent of the total volume of potatoes handled by himself. Such percentage limitation will restrict participation in nominating handlers to persons primarily interested in potato handling activities.

In order that there will be an administrative agency in existence at all times to administer the marketing agreement and order, the Secretary should be allowed to select committee members and alternates without regard to nominations if the committee, for any reason, fails to carry out the nomination procedure prescribed. Such selection, however, should be on the basis of the representation provided in the marketing agreement and order to insure that the entire production area is fairly and adequately represented.

Any person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of willingness and intention to serve in such capacity. Each person selected as a committee member or alternate should qualify, so that the Secretary will have a means of determining if he intends to serve. This is sound operating procedure and is necessary and desirable to avoid delays in the composition of the committee. For this same reason, each member and alternate should file his acceptance within a definite time period after receiving notice of his selection. The ten-day period prescribed is reasonable for qualification and will not unduly retard composition of the committee.

Provision is made for the Secretary to fill any committee vacancies in order to maintain continuity of committee operation. The marketing agreement and order provide several alternative procedures which may be followed by the Secretary in making such selections. The administrative flexibility thus prescribed is desirable so that the Secretary will not be forestalled in making such selections and so that he may choose the most practical of the alternative means of obtaining the names of qualified persons to fill such vacancies. The Secretary should have authority to select persons to fill committee vacancies from nominations made at producer or handler meetings. Practical considerations, however, may preclude the holding of special nomination meetings for this purpose. For example, a vacancy might occur during the height of the potato planting or harvesting season when it would be difficult for the committee to secure an adequate and representative attendance at meetings. It is therefore, appropriate that the Secretary should be authorized to make selections to fill vacancies from the nominee list last submitted by the committee prior to the occurrence of the vacancy.

It is also desirable and necessary that the Secretary should be authorized to fill committee vacancies without regard to nominations if the names of nominees to fill any such vacancy are not made available to the Secretary within thirty days after such vacancy occurs. The Secretary should have recourse to such means of filling vacancies in order to maintain continuity of committee operation and to insure that all portions of the production area are adequately represented in the conduct of committee business.

The term of office of committee members and alternates, except for initial members and alternates, should be for three years. A three-year term is desirable so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service in assisting the Secretary in carrying out the declared policy of the act. A term of three years gives producers and handlers adequate opportunity to vote for a change in their representation, while providing for efficient operation of the committee.

Provision is made in the marketing agreement and order for staggered terms of office of committee members and alternates. Under this provision, two-thirds of the committee in office at the end of a fiscal year will continue in office through the next fiscal year. The establishment of such staggered terms will promote administration of the program in the most effective and efficient manner. By having staggered terms of office, the new members and alternates constituting one-third of the committee membership selected to serve at the beginning of each fiscal year will benefit from the guidance of the experienced members who carry over. This provision for the carry over of experienced members will help insure continuity in the policies and procedures relating to the administration of the marketing agreement and order. Such continuity is an essential ingredient in the successful administration of the marketing agreement and order.

To facilitate the establishment of staggered terms of office, the marketing agreement and order provide that the term of office of three members and alternates of the initial committee shall be one year, the term of office of three members and alternates shall be two years and the term of office for the three remaining members and alternates shall be three years. Such provision is fair and equitable and will permit the establishment, on a practical basis, of a committee with the members and alternates thereon holding office for staggered terms.

A quorum of the committee should consist of six members (including one handler member), and six concurring votes (including the vote of at least one handler member) should be necessary for passing any motion or approving any action of the committee. These requirements are reasonable and are necessary to insure that any action of the committee will be representative of a majority of the committee and that the interests of both producers and handlers will be reflected in committee actions.

Only members present at an assembled meeting of the committee, or alternate members acting for members, should be entitled to vote. This requirement will encourage greater attendance at meetings and will promote fuller discussion of committee actions. Provision is made, however, for meetings of the committee by telephone, telegraph or other means of communication, to meet practical situations where rapid decision with respect to committee actions is necessary. Such emergency situations occur quite frequently in the marketing of potatoes grown in the production area. Any votes cast at such meetings should be promptly confirmed in writing to provide a record of the action taken.

The apportionment and selection of producer members and alternate members of the committee by districts in the manner set forth in the marketing agreement and order will provide fair and equitable representation of all producers in the production area. The representation provided gives weight, on as fair and reasonable a basis as possible, to the various factors, such as acreage, number of producers, size of district, and variation in producing and marketing conditions, necessary to establish assurance of a fair and equitable representation of all portions of the production area on the committee. Therefore, selection of the members and alternates should be as follows: Three committee producer members and alternates from District No. 1; one producer member and alternate from District No. 2; and two producer members and alternates from District No. 3.

The handler representatives are to be selected from the production area at large except that not more than two of the members may be from District No. 1. This is necessary to preclude the selection af all handler members from this district and to establish assurance of a fair and equitable representation on the committee for all handlers in the production area.

Committee members and alternates should be compensated at a rate not to exceed $10.00 per day, or portion thereof, and should be reimbursed for expenses necessarily incurred when acting on

committee business. Since such members and alternates will be serving in the interest of the potato industry in the production area, they should not be required to bear such expenses as they incur in attending to committee business. Compensation at not to exceed the rate prescribed herein will offset, to some extent, the losses which such members and alternates will sustain through committee service.

The powers of the committee, as set forth in the notice of hearing, should be granted to the committee because such powers are authorized by the act and are essential to the committee in order for it to discharge its responsibilities under the marketing agreement and order.

Each and all of the duties set forth in the notice of hearing should be given to the committee because such duties are necessary and essential to the accomplishment of the declared policy of the act and for the committee to discharge its obligations to the Secretary. These duties are similar to duties given to other administrative committees under other marketing agreement and order programs.

(b) The declared policy of the act is to establish and maintain such orderly marketing conditions for potatoes, among other commodities, as will tend to establish parity prices for such potatoes. The regulation of shipments of potatoes by grade, size, or quality, authorized in the marketing agreement and order, provides a means of carrying out such policy.

The procedures which are outlined in the marketing agreement and order for the development and institution of marketing policies relating to grade, size, or quality regulations provide a practical basis for the committee to obtain appropriate and adequate information regarding marketing problems. In turn, members of the industry are also provided an appropriate and adequate means of being informed regarding the policies and regulations the committee recommends and, if issued, the regulations that are effective. The factors which the committee should take into consideration in developing its marketing policy are the ones commonly or usually taken into account by growers and handlers in marketing potatoes.

In order that the Secretary may most effectively carry out his responsibilities in connection with the marketing agreement and order, it is provided that the committee should prepare and submit to the Secretary a report on its proposed policy, or amendments thereto, for the marketing of potatoes during each fiscal year. The initial marketing policy in each fiscal year should be prepared and submitted to the Secretary at the beginning of the fiscal year, to give all interested parties the maximum notice of regulatory possibilities, consistent with affording the committee sufficient time to prepare sound policies. Further provision should be made for the committee to make available the contents of such reports to producers and handlers in the production area.

In making recommendations for regulation, it is provided that the committee shall investigate enumerated relevant factors of supply and demand for potatoes. This requirement is necessary so that the committee will be in the best position to develop sound and practical recommendations for regulation and to advise the Secretary with respect to such supply and demand conditions. The committee will be well qualified to evaluate marketing conditions for potatoes produced in the production area and to recommend specific regulations which will tend to effectuate the declared policy of the act.

The limitation of shipments of the poorer grades, qualities, and less desirable sizes of potatoes grown in the production area will tend to increase the prices of the more desirable grades, qualities, and sizes, and to increase the returns to producers therefrom. Less desirable sizes include not only small potatoes other than seed potatoes but also excessively large potatoes. Such limitation of shipments will also help to improve the long-run demand for and competitive position of potatoes grown in the production area.

It is a necessary and desirable exercise of the authority granted by the act for the committee to recommend and the Secretary to establish grade, size, or quality regulations for any or all portions of the production area, and different grade, size, or quality regulations for different packs, for different time periods within the shipping season, for different varieties, or any combination of the foregoing. Such administrative flexibility is needed in the marketing agreement and order to effectuate the declared policy of the act through the issuance of appropriate regulations adapted to different and changing circumstances encountered in the marketing of potatoes.

Authority to issue different regulations applicable to different portions of the production area is necessary because a particular portion or portions of such area may have adverse growing conditions which cause an abnormally high percentage of the potatoes grown therein to fall within restricted grades, sizes, or qualities. To meet the administrative problems that would arise from a situation of this kind and to provide fair and equitable regulation of all shipments of potatoes grown in the production area, it would be appropriate to establish a less restrictive regulation applicable to such affected portion or portions of the area.

Supply and demand conditions for potatoes are subject to frequent and substantial changes during the course of a particular marketing season. For this reason, it is absolutely essential that the committee have authority to recommend such different regulations at any time during the season in order to carry out the declared policy of the act.

Different regulations should be authorized for different varieties of potatoes because varieties differ in particular characteristics such as shape and in susceptibility to certain defects. For these reasons, an appropriate grade and size regulation for one variety might not be appropriate for another. Moreover, a new variety may be introduced in the area which should be regulated differently than the varieties now being grown.

It is necessary to provide for different regulations, under appropriate circumstances, for different packs to improve and maintain consumer acceptance for potatoes grown in the production area. Since the weight limitation on a consumer pack varies during the season and may vary from one year to the next, the committee should be authorized to recommend the specifications of weight limits for consumer packs and wholesale packs and different regulations for such packs. Consumer packs of potatoes require different size composition than wholesale packs; authority should be provided, therefore, to establish regulations with respect to minimum or maximum sizes of potatoes, or both, differently for consumer packs than for wholesale packs. Consumer acceptance of potatoes is more adversely affected by inferior grades and undesirable sizes in consumer packs than in wholesale packs. In the case of consumer packs, the consumer accepts the package relatively "sight unseen" and does not have an adequate opportunity to make a selection of individual potatoes. The consumer, however, can make the desired selection from bulk displays made up by dumping the contents of wholesale packs into a bin, as is standard procedure in the retail grocery business. Consumers demand a better and more uniform grade, size, and quality of potatoes in consumer packs than in wholesale packs and failure to maintain such grade, size, and quality in consumer packs will disproportionately decrease the total returns of growers of potatoes in the production area.

The Secretary, upon the recommendation of the committee, or other available information, should be authorized to modify, suspend, or terminate grade, size, or quality regulations with respect to shipments outside of the normal commercial markets for table stock potatoes. The committee should be well qualified, because of the experience and knowledge of individual members, to recommend such modifications, suspensions, or terminations as will be in the best interests of the potato industry in the production area and which will tend to effectuate the declared policy of the act. Shipments of potatoes to the noncompetitive outlets, hereinafter set forth, which otherwise could not be marketed under the regulations, would tend to increase the total returns of potato growers in the production area.

The nature of the demand for seed potatoes differs from the demand for table stock in that small sizes are preferred for seed, whereas the same sizes are discounted in the table stock market. However, certain characteristics which constitute grade defects in table stock potatoes do not necessarily detract from the value of seed potatoes. It is desirable therefore, in order to promote more orderly marketing conditions for potatoes, to authorize the committee to recommend, and the Secretary to modify, grade, size, or quality regulations with respect to seed potatoes, or to suspend or terminate regulations relating to such seed shipments.

Export outlets, while relatively small, are an important factor in the demand for potatoes grown in the production area. Since certain export markets offer premium prices for certain grades, sizes, or qualities of potatoes which usually sell at a discount in the domestic market, it is desirable that the committee be authorized to recommend, and the Secretary to establish, modifications, suspensions, or terminations of regulations applicable to export shipments. Such shipments to export would tend to increase returns to producers in the production area and result in added increment to the value of the crop, thereby tending to effectuate the declared policy of the act.

Substantial shipments of potatoes to the Federal government have been made in recent years in carrying out price support obligations administered by the Secretary. It is necessary, therefore, to authorize the committee to recommend and the Secretary to modify, suspend, or terminate regulations to facilitate such shipments, which will increase grower returns from potatoes grown in the production area and thereby tend to effectuate the declared policy of the act.

The committee should be authorized to recommend and the Secretary to modify, suspend, or terminate regulations with respect to potatoes shipped for manufacture or conversion into specified products because such shipments, such as glucose, alcohol, etc., reduce the supply of such potatoes available for shipment to the table stock market and, therefore, such shipments tend to increase the total value of the entire crop of potatoes. The committee should be given authority to recommend which shipments should be classed as being for manufacture or for conversion into specified products because committee members are in an advantageous position to know whether and when such end products constitute outlets that are not competitive with table stock potatoes. It is concluded that the committee should have authority to recommend and the Secretary to specify such products because some products compete on a basis virtually equal to table stock potatoes, and, further, because new end products may be developed from time to time, some of which may, and some of which may not be competitive with table stock potatoes.

The committee should be authorized to recommend that shipments of potatoes for livestock feed, or for other specified purposes, should not be regulated, or to recommend modification or suspension of regulations governing such shipments. Livestock feed provides an outlet for potatoes that is not competitive wih the table stock market. When such outlets are available it will tend to promote objectives sought under regulation to exempt shipments for this purpose from grade, size, and quality regulations. The committee should be authorized to recommend that shipments of potatoes for a particular purpose or type of utilization should not be regulated, or to recommend modification or suspension of regulations with respect to such shipments, when it is found that such shipments are not competitive with table stock shipments in commerce. The Secretary, on the basis of such recommendations, or other available information, should be authorized to modify, suspend, or terminate regulations with respect thereto, when such action will tend to effectuate the declared policy of the act.

The aforesaid authorizations, for the modification, suspension, or termination of regulations with respect to shipments of potatoes for each enumerated special purpose, should permit the modification, suspension, or termination of one or more regulatory provision and the simultaneous retention of other regulatory provisions, because such shipments may require expenditures of administrative funds to police and they may compete, to some extent, with shipments of potatoes for table stock purposes.

The administrative difficulties of regulating small shipments, under some circumstances, may make it uneconomical, undesirable, and impractical to attempt to do so under the marketing agreement and order. Under such circumstances, which can be readily determined by the committee, regulation of such small shipments would not tend to effectuate the declared policy of the act. It is concluded that the committee should be authorized to recommend, and the Secretary to establish, the minimum quantities which should not be subject to any or all regulations issued under the marketing agreement and order. It is necessary to permit the maintenance of one or more regulatory requirements, while relieving such minimum quantities from other regulatory requirements. It may be desirable, for example, for the inspection requirement to be waived on small shipments but that handlers be required to pay assessments or comply with grade, size, and quality regulations with respect to such shipments. This provision provides authority to arrange flexible operation of the marketing agreement and order to meet such situations in a practical way. Such authority will promote more orderly marketing and prevent the imposition of undue burdens upon handlers making such small shipments.

The requirement that the Secretary shall notify the committee of any regulations, or of any modifications, suspensions, or terminations of regulations, is appropriate and necessary to enable the committee to be informed of such actions. The committee's obligation to give reasonable notice (which shall be given through newspapers, radio, mail or such combinations thereof as may be deemed desirable by the committee) of orders issued by the Secretary is appropriate and necessary for proper and efficient administration of the marketing agreement and order.

Authority should be provided for the commmittee to recommend, and the Secretary to prescribe, adequate safeguards to prevent potatoes, including seed potatoes, which may be exempted as aforesaid, from regulation, from being placed, or continuing, in commerce contrary to the provisions of this program. Such safeguards, among others, may require inspection to provide the committee with an accurate record of the grade, size, and quality of such shipments of potatoes. In order to maintain appropriate identification of such shipments of potatoes, the committee should be authorized to issue Certificates of Privilege to handlers thereof and to require that such handlers obtain such certificates on all such shipments. Certificates of Privilege should be issued in accordance with rules and regulations established by the Secretary, on the basis of committee recommendations, or other available information, so that the issuance of such certificates may be handled in an orderly and efficient manner.

The committee also should be authorized to deny or rescind Certificates of Privilege when such action is necessary to prevent abuse of the privileges conferred thereby. The committee should be authorized to take such rescinding or denial action upon evidence satisfactory to the committee that a handler to whom a Certificate of Privilege has been issued has handled potatoes contrary to the provisions thereof. Action by the committee denying a handler such certificates should be in terms of a specified time period. Handlers affected by the aforesaid rescinding or denial action should have the right of appeal to the committee for reconsideration.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or any Certificates of Privilege issued by the committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith and the committee should currently notify all persons affected by the indicated action.

The committee should maintain detailed records relevant to Certificates of Privilege and should submit, when requested to do so, reports thereon to the Secretary to supply pertinent information requisite for him to discharge his duties under the act and the marketing agreement and order.

(c) The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity and such grading and inspection requirements during any and all periods of marketing, when potato prices are above parity, as will be in the public interest. Some potatoes are of such defective quality that they do not give consumer satisfaction at any time because of the great waste and undue amount of time involved in their preparation. The cost of such potatoes to the consumer per edible unit is frequently greater than the cost per edible unit of potatoes of better quality.

The shipment of immature potatoes causes an adverse consumer reaction to potatoes from the production area and tends to demoralize the market for later shipments of mature potatoes. There is a tendency for immature potatoes to deteriorate in transit and to develop undesirable cooking properties. Limitation of shipment of such potatoes would be in the interests of both consumers and

of the potato industry in the production area. Continued shipments of low quality and immature potatoes may result in a permanent reduction in demand for potatoes grown in the production area.

(d) Provision is made in the marketing agreement and order for inspection by the Federal-State Inspection Service of all shipments of potatoes grown in the production area, except as hereinafter indicated. Inspection certificates issued by this service are a common and usual means of specifying the grade, size, and quality of potatoes and are generally used and recognized in the production area. Such certificates constitute prima facie evidence of the grade, size, and quality of the commodity to which they apply and they are accepted in court as such evidence. It is necessary to provide the handler, the committee, or any other interested party with a means of determining whether a shipment, or shipments of potatoes complies with the requirements of any particular grade, size, and quality regulation which may be in effect under the marketing agreement and order. Inspection certificates provide such a means. The Federal-State Inspection Service can provide reasonably prompt inspection at all points for most potato shipments at a reasonable fee, if inspection is requested at a reasonable time prior to the anticipated shipment. Effective regulation of the handling of potatoes grown in the production area requires that the grade, size, and quality of each shipment thereof be authoritatively established. Accordingly, the marketing agreement and order should provide, except as hereinafter indicated, that no handler shall ship potatoes unless, prior thereto, such shipment was inspected by the aforesaid Service.

A sizable portion of the potato crop grown in the production area is graded and marketed by the producer in relatively small lot shipments made at infrequent intervals. Some of these small lot shipments may contain other vegetables in so-called mixed load shipments. Most of these small growers own their own grading equipment either power or hand operated. Nearly all of these growers run their potatoes over the grader before shipment. Some of these small lot shipments are made at regular intervals to supply regular customers while others depend upon the shipper's evaluation of market requirements on the day of shipment. The handler of such small lot shipments is almost always the producer of the potatoes involved. Where the quantity of potatoes involved in such small lot shipments is relatively small, modification, suspension, or termination of the Federal-State inspection requirements with respect thereto should be effected, in appropriate circumstances, on the basis of and for the reasons hereinbefore indicated for so-called minimum quantity or "small shipments."

When the quantity of potatoes contained in a shipment exceeds the aforesaid minimum quantity, the handler of such shipment in nearly all instances can obtain reasonably prompt inspection at a reasonable fee. However, in some instances and under some circumstances, it would require a large inspection force to promptly inspect all loads, thereby greatly increasing the costs to cover a relatively small portion of the shipments. In some instances these conditions could be caused by unusual weather such as snowstorms or blizzards. Immediately after these storms, shipments are above normal at a time when it is difficult for the inspector to travel to outlying points and make all inspections promptly upon request. Also in some instances while one inspector can inspect nearly all of the shipments in a given locality, but two inspectors would be required to cover all of the shipments and thereby materially increase the cost of the service. Therefore, it is imperative to provide procedures whereby a waiver of inspection under the aforesaid conditions can be provided.

If a handler-applicant for inspection requests such service at a reasonable time prior to shipment, the inspection service should either perform the inspection within a reasonable time or notify the applicant and the committee that inspection could not be performed within this time limit. The time limits both on application and performance should not be specified in the agreement and order, as it is not possible in all instances and under all conditions to determine the most appropriate time limits. It may be necessary and desirable to specify different time limits for different portions of the marketing season such as early and late potatoes and from season to season. Therefore, the authority in the agreement and order should be sufficiently flexible to permit the committee to recommend reasonable and practical procedures for handling the inspection waivers. Also, provisions are made to specify adequate safeguards to prevent abuse of this privilege. The committee should be authorized to refuse the issuance of additional waivers when such action is necessary to prevent abuse of the waivers conferred thereby. Action by the committee in denying an inspection waiver should be in terms of a specified time period. Handlers affected by such aforesaid action should have the right of appeal to the committee for reconsideration.

There is substantial evidence in the hearing record that such waiver procedures are necessary and incidental to operation of the agreement for the granting of such waivers will provide methods for eliminating overburdening nuisances in connection with inspection on small lots. The elimination of such nuisances will benefit growers, the committee, and the Secretary in the operation of the agreement and order and promote orderly marketing to a greater extent than would the compulsory inspection of the small lots that may be relieved of this burden. In addition, recommendations with respect to the extent to which such lots will be relieved will be subject to the continuing test of practical operation, so that discretion regarding the extent to which such methods should be used will remain in the hands of the committee and of the Secretary.

Copies of inspection certificates issued pursuant to the requirements of the marketing agreement and order should be supplied to the committee promptly, so that it may promptly discharge its administrative responsibilities thereunder. In instances where potatoes previously inspected are regraded, resorted, or in any other way subjected to further preparation for market in the production area, such potatoes should be and are required to be inspected and a copy of the inspection certificate should be furnished to the committee because such further preparation for market destroys the validity of the original inspection certificate as evidence of the grade, size, and quality of the potatoes involved. All of the aforesaid requirements are necessary for proper administration and enforcement of the provisions of the marketing agreement and order.

(e) Many of the shipments originating within the production area are not inspected but most of the containers are branded or tagged showing the grade, size, or quality designation along with the name and address of the handler. A large percentage of these potatoes fail to meet the grade and size designation on the container. These potatoes, below the specified grade and size are either sold at a discount or the handler in many instances is required to make an adjustment in the selling price. This practice of misbranding has become so widespread that it has tended to lower the price of all potatoes produced in the production area. Also, the consumer acceptance of potatoes produced in this area has been adversely affected by such unfair methods of competition.

There has been a sharp upward trend in the use of consumer size packages, mostly 10 and 15 pound closed paper sacks. Nearly all of these packages are branded U. S. No. 1 or better. Since the consumer cannot see or have a choice of selection, these off grade potatoes result in both a decline in price and sales volume. Evidence in the record shows that generally the potatoes produced in the area sell at an appreciable discount from those potatoes shipped in from other areas particularly from the State of Maine. The elimination of these unfair trade practices will tend to effectuate the declared policy of the act.

Therefore, the agreement and order should contain a provision whereby the committee could recommend and the Secretary require that all containers should be branded or tagged showing the correct grade, size, quality, net contents and name and address of the first handler during periods when grade and size regulations are in effect.

(f) Certain hazards are incidental to the production of potatoes grown in the production area which are beyond the control or reasonable expectation of the producer of such potatoes. Because of these circumstances and to prevent undue hardship among producers with respect to any regulations which may be issued under the marketing agreement and order, the committee should be authorized to issue exemption certificates to producers to permit each producer to handle or cause to be handled his equitable proportion of all potatoes shipped from the production area if the grade, size, or quality of his potatoes have been adversely affected by conditions beyond his control and by conditions beyond reasonable expectation. In determining such equitable proportion, the committee should be authorized to estimate the average percentage of production which has been and will be shipped by all producers in the producer's immediate area of production under a given regulation (which will be such equitable proportion). For such purpose, the committee will need a representative sample of the grade, size, and quality composition of the total crop in such area, a part of which, at any given time during the shipping season, may have been harvested and marketed and another part unharvested.

Similar hazards are prevalent in the handling of potatoes grown in the production area and equitable treatment of each handler, under the marketing agreement and order, requires that he be permitted to handle as large a proportion of his storage holdings of ungraded potatoes (acquired during or immediately following the digging season) as the average proportion of ungraded storage holdings handled by all handlers in an applicant-handler's immediate shipping area, if the grade, size, or quality of such applicant's potatoes have been adversely affected by conditions beyond the applicant's control and by conditions beyond reasonable expectation. Restricting the aforesaid exemptions to cases involving conditions beyond the producer's and handler's control, respectively, and to conditions beyond reasonable expectation, is necessary to preclude the granting of such hardship exemptions where the producers and handlers could have avoided the condition responsible for their hardships.

The committee, by reason of its knowledge of the conditions and problems applicable to the production and handling of potatoes grown in the production area and the information which it will have available in each case, will be well qualified to judge each producer's and handler's application in a fair and equitable manner and to fix the quantity of exempted potatoes which each such applicant may handle or cause to be handled.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in transferring such certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary, are necessary to the orderly and equitable operation of the marketing agreement and order and they should, therefore, be incorporated in the marketing agreement and order.

Provision should be made for the Secretary to modify, change, alter, or rescind the procedure established for granting of exemptions, and any exemptions granted pursuant to such procedure. This is necessary to guard against inequities in the granting of exemptions and to preclude the issuance of exemption certificates in unjustifiable cases.

(g) The operation of the committee and the marketing agreement and order require funds for the payment of necessary administrative expenses. The committee is the logical agency to recommend what expenses are necessary and appropriate for operation of the program. It is also necessary that assessments be levied on the handlers to meet such expenses since no other source of funds is authorized under the act for defraying such expenses. The committee should be required, each year, to prepare and submit to the Secretary a budget showing its estimated expenses and a proposed rate of assessment. This is desirable in order that the Secretary will have the best possible information on probable expenses of the committee and the proper rate of assessment to be levied to meet such expenses.

Assessments should be levied against each handler who first ships potatoes, herein called the first handler, to establish an appropriate basis for each handler paying his pro rata share of necessary administrative expenses. Each first handler should pay assesments to the committee, at its request, to preclude multiple assessments in connection with individual shipments of potatoes. Each first handler's pro rata share of such expenses shall be a percentage of such expenses equal to the percentage his total season's first handling of potatoes subject to regulation is of the total season's first handling of potatoes subject to regulation by all first handlers. The Secretary, upon the basis of the committee's recomendation, or other available information, should fix a rate of assessment per given unit of shipment which first handlers must pay as an equitable share of the expenses of administering the program.

The Secretary shall be authorized to increase the rate of assessment which first handlers should pay if he finds, during or after the fiscal year, that the then applicable rate of assessment is insufficient to cover expenses. Such increased rate should apply to all assessable potatoes handled during that fiscal year to preclude inequities among handlers.

Revenues collected through assessments in excess of expenses for any fiscal year should, at the end of such fiscal year, be credited pro rata to each contributing handler's account, or, upon demand, refunded to any handler.

The committee should be authorized to maintain, with the approval of the Secretary, suits in its own name, or in the name of its members, against any handler for collection of such handler's pro rata share of the committee's expenses. Such authority is contained in the act.

The committee should be permitted to make such expenditures during a fiscal year as are authorized and are necessary for effective administration and proper functioning of the marketing agreement and order program, within the limitations of the budget submitted by the committee and approved by the Secretary for such year.

Any committee member or alternate responsible for or having in his custody any of the property, funds, records, or any other possessions of the committee, should be required to transfer it to his successor or to such person as may be designated by the Secretary, and to execute such instruments as may be necessary to effect such transfers. The committee, and such members and alternates, should be required to give an accounting for all committee receipts and disbursements and for all committee property whenever requested by the Secretary and whenever, in the case of members and alternates, they cease to be such members or alternates. These transfer and accounting requirements represent sound business procedure and are necessary in order that there will be an unbroken succession in committee possessions.

For proper and efficient administration of the marketing agreement and order, the committee needs information on potatoes with respect to supplies, movement, prices, and sundry other relevant factors which are best obtainable from handlers. The committee should be authorized to request, with the approval of the Secretary, and every handler should be required to maintain records of such facts and furnish to the committee upon request, with the approval of the Secretary, such information therefrom as may be required for the committee to exercise its powers and perform its duties under the marketing agreement and order. The committee should be authorized to audit such records to verify reports submitted as aforesaid. The Secretary should retain the right to modify, change, alter, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports.

(h) The provisions of §§ 919.8 through 919.20, as published in the FEDERAL REGISTER of April 26, 1950 (15 F. R. 2364), are common to marketing agreements and orders now operating. Each of such sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the marketing agreement and order. These provisions are incidental to, and not inconsistent with section 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of the marketing agreement and order and to effectuate the declared policy of the act. The substance of such provisions, therefore, should be included in the marketing agreement and order. With respect to the announcement prior to May 31 that the program will be terminated at the end of the fiscal year, growers and handlers will be afforded sufficient time to plan accordingly for the next marketing season.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The order, as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) Such order regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the said area;

(5) All handling of potatoes, as defined in said order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Rulings on proposed findings and conclusions. Interested parties were allowed until June 15, 1950, to file briefs with respect to findings of facts and conclusions based on evidence introduced at the hearing. No such brief was filed; hence, no ruling is necessary.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out.

DEFINITIONS

§ 919.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or employee of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 919.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

§ 919.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 919.4 *Production area.* "Production area" means all territory included within the boundaries of the State of New York (except the counties of Suffolk, Nassau, Queens, Kings, New York, Bronx, and Richmond).

§ 919.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 919.6 *Handler; shipper.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 919.7 *Ship; handle.* "Ship" or "handle" means to transport, sell, or in any other way to place potatoes in the current of commerce within the production area or between the production area and any point outside thereof: *Provided*, That such definition shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area for storing, or the sale or transportation of potatoes to a recognized dealer or packer within the production area for the purpose of having such potatoes prepared for market.

§ 919.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 919.9 *Fiscal year.* "Fiscal year" means the period beginning July 1 of each year and ending June 30 following.

§ 919.10 *Committee.* "Committee" means the administrative committee called the Upstate New York Potato Committee established pursuant to § 919.23.

§ 919.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 919.12 *Seed potatoes.* "Seed potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State of New York.

§ 919.13 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 919.14 *Pack.* "Pack" means a unit of potatoes contained in a bag, crate, or other type of container and falling within specific weight limits recommended by the committee and approved by the Secretary.

§ 919.15 *Grade.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon;

(b) The United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon; or

(c) State of New York Standards for Potatoes issued by the Commissioner of Agriculture of the State of New York, or amendments thereto, or modifications thereof, or variations based thereon.

§ 919.16 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 919.17 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 919.25.

§ 919.18 *Brand.* "Brand" means to mark, tag, or label the grade, size, quality, net contents, in terms of weight, measure, or numerical count, and the name and address of the first handler on each container of potatoes.

§ 919.19 *Part and subpart.* "Part" means the order regulating the handling of Irish Potatoes grown in the State of New York (except the counties of Suffolk, Nassau, Queens, Kings, New York, Bronx, and Richmond), and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart of such part."

ADMINISTRATIVE COMMITTEE

§ 919.23 *Establishment and membership.* (a) The Upstate New York Potato Committee consisting of 9 members of whom 6 shall be producers and 3 shall be handlers is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) (1) Each person selected as a committee member or alternate to represent producers shall be an individual who is a producer or an officer or employee of a producer in the district for which selected.

(2) Each person selected as a committee member or alternate to represent handlers shall be an individual who is a handler or an officer or employee of a handler in the production area.

§ 919.24 *Term of office.* (a) The term of office of committee members and their alternates shall be three fiscal years: *Provided*, That the terms of office of 3 of the initial members and their respective alternates shall be one year, and of 3 other members and alternates shall be two years. Each member and alternate shall continue to serve until the respective successor is selected and has qualified.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the term of office.

§ 919.25 *Districts.* (a) For the purpose of selecting producer committee members, the following districts of the production area are hereby established:

District No. 1. Shall include the counties of Wayne, Seneca, Schuyler, Chemung, and all the counties west thereof;

District No. 2. Shall include the counties of St. Lawrence, Franklin, Clinton, Essex, Warren, and Washington;

District No. 3. Shall include all the remaining counties in the production area not included in Districts Nos. 1 and 2.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided*, That in recommending any such changes in districts or representation the committee shall give consideration to: (1) the relative importance of new areas of production; (2) changes in the relative position with respect to production of existing districts; (3) the geographic location of production areas as it would affect the efficiency of administering this subpart; and (4) other relevant factors: *Provided further*, That there shall be no change in the total number of committee members or in the total number of districts.

§ 919.26 *Nomination.* The Secretary may select the members of the Upstate New York Potato Committee and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for initial members of the committee and their respective alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(b) In order to provide nominations for succeeding committee members and alternates:

(1) The Upstate New York Potato Committee shall hold or cause to be held 60 days prior to the end of each fiscal year, after the effective date of this subpart, a meeting or meetings of producers and of handlers respectively in each of the districts designated in § 919.25 in which the terms of office of committee members, and their respective alternates, will terminate at the end of the then current fiscal year;

(2) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant or which is to become vacant at the end of the then current fiscal year;

(3) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(4) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates. For the purpose of designating nominees for handler committee members and alternates, a handler shall be considered to be a person who produces not more than 50 percent of the total volume of potatoes handled by himself; each person who is both a handler and a producer may vote either as a handler or as a producer and may elect, subject to such 50 percent limitation, the group in which he votes.

(5) Each producer and each handler of potatoes is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, for producer or handler committee members and alternates, respectively: *Provided*, That producers in more than one district shall elect the district in which they will participate in nominating producer committee members and alternates: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 919.27 *Selection.* The Secretary shall select three producer members of the committee with their respective alternates from District No. 1; one producer member of the committee with his respective alternate from District No. 2; and two producer members with their respective alternates from District No. 3, as such districts are defined in § 919.25. The Secretary shall select three handler members of the committee with their respective alternates from the production area at large: *Provided*, That not more than two of such handler members will be from District No. 1. Each person selected as a handler member or alternate shall not produce more than 50 percent of the potatoes handled by himself.

§ 919.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 919.26, the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for in § 919.27.

§ 919.29 *Acceptance.* Any person selected as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

§ 919.30 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected from nominations made in the manner specified in § 919.26, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in § 919.27.

§ 919.31 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 919.32 *Procedure.* (a) Six members of the committee shall be necessary to constitute a quorum and six concurring votes, including the vote of at least one handler member, will be required to pass any motion or approve any committee action.

(b) The committee may provide for meetings by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 919.33 *Expenses and compensation.* Committee members and alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $10.00 for each day, or portion thereof, spent in attending to committee business.

§ 919.34 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 919.35 *Duties.* It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To select a chairman and such other officers for each fiscal period as may be necessary, to select subcommittees of committee members and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(c) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(d) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(e) To furnish to the Secretary such available information as he may request;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activties and objectives under this part.

EXPENSES, ASSESSMENTS, AND BUDGETS

§ 919.41 *Budget.* The committee shall prepare a budget for each fiscal year showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall also transmit to the Secretary a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 919.42 *Expenses.* The committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget or other available information, finds may be necessary during each fiscal year to perform its functions under this part and for such other purposes as may be appropriate pursuant to the provisions of this part.

§ 919.43 *Rate of assessment.* The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate fixed by the Secretary, upon the basis of the committee's recommendation or other available information. Each handler who first ships potatoes shall pay assessments to the committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year. Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

§ 919.44 *Increasing rate of assessment.* Upon recommendation of the committee or upon the basis of a later finding relative to the committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

§ 919.45 *Refunds.* If at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 919.46 *Accounting.* All funds received by the committee pursuant to any provision of this part shall be used solely for the purposes specified in this part and shall be accounted for in the following manner:

(a) The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(b) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 919.47 *Collection of funds.* (a) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(b) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

REGULATION

§ 919.51 *Marketing policy preparation.* At the beginning of each fiscal year the committee shall consider and prepare a proposed policy for the marketing of potatoes during such fiscal year. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(a) Market prices of potatoes, including prices by grade, size, and quality in wholesale or in consumer packs, or any other shipping unit;

(b) Supply of potatoes, by grade, size, and quality, in the production area and in other production areas;

(c) The trend and level of consumer income; and

(d) Other relevant factors.

§ 919.52 *Marketing policy report.* (a) The committee shall submit to the Secretary a report setting forth the aforesaid marketing policy. The committee shall also notify producers and handlers of the contents of such reports.

(b) In the event it becomes advisable to deviate from such marketing policy, because of changed supply or demand conditions, the committee shall formulate a new marketing policy, in accordance with the manner previously outlined in § 919.51. The committee shall also submit a report thereon to the Secretary and notify producers and handlers of such revised or amended marketing policy.

§ 919.53 *Recommendation for regulation; committee recommendations.* The committee shall recommend regulation to the Secretary whenever it finds that such regulation, as provided in § 919.54, will tend to effectuate the declared policy of the act. The committee may also recommend modification, suspension, or termination of any regulation in order to facilitate shipments of potatoes for the specified purposes set forth in § 919.55.

§ 919.54 *Issuance of regulations.* (a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes or quality of any or all varieties of potatoes during any period;

(2) Regulate the shipment of particular grades, sizes or quality of potatoes differently for different varieties, for different portions of the production area, for different packs, or any combination of the foregoing, during any period; or

(3) Regulate the shipment of potatoes by establishing and maintaining, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) During any period when grade, size, or quality regulations are in effect the Secretary may require that potato containers shall be branded whenever such requirements will tend to effectuate the declared policy of the act.

(c) During any period when branding is required pursuant to this subpart, each handler who first handles potatoes shall, prior to such handling, brand, or cause to be branded, each container of such potatoes; and no person shall handle any potatoes during such period unless the respective container thereof is branded.

§ 919.55 *Modification, suspension, or termination.* The Secretary, whenever he finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 919.43, 919.44, 919.54, 919.66, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes:

(a) For seed;

(b) For export;

(c) For distribution by the Federal Government;

(d) For manufacture or conversion into specified products;

(e) For livestock feed;

(f) For other purposes which may be specified.

§ 919.56 *Minimum quantity regulation.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations, issued or in effect pursuant to §§ 919.43, 919.44, 919.54, 919.66, or any combination thereof.

§ 919.57 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 919.58 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe, (1) adequate safeguards to prevent shipments pursuant to §§ 919.55 and 919.56 from entering channels of trade for other than the specific purpose authorized therefor, (2) adequate safeguards to assure that shipments made without inspection pursuant to §919.66 meet effective grade, size or quality regulations, and (3) rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee.

(b) Safeguards, as prescribed herein, may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to §§ 919.55 and 919.56;

(2) Handlers shall obtain inspection provided by § 919.66 or pay the pro rata share of expenses provided by § 919.43, or both, in connection with potato shipments effected under the provisions of §§ 919.55 and 919.56; *Provided*, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under provisions of §§ 919.55 and 919.56 and shipments made without inspection pursuant to § 919.66.

(c) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in §§ 919.55, 919.56, and 919.66 were handled contrary to the requirements applicable thereto.

(d) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(e) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates and such other information as may be requested.

INSPECTION

§ 919.66 *Inspection and certification.* During any period in which shipments of potatoes are regulated, pursuant to the provisions of §§ 919.43, 919.44, or 919.54, or any combination thereof, no handler shall ship potatoes unless, prior thereto, such shipment was inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate. Each handler procuring inspections pursuant to this section, shall make arrangements with the inspecting agency to forward promptly to the committee a copy of the inspection certificate: *Provided*, That the regrading, resorting, repacking, or other further preparation of inspected potatoes for market shall invalidate prior inspection thereon and subsequent shipment of such potatoes after regrading, resorting, repacking, or other preparation for market shall not be effected unless, prior thereto, such shipment is inspected as provided in this section: *Provided further*, That the committee may adopt, subject to the approval of the Secretary, procedures permitting the shipment of potatoes without the required prior inspection thereon; such procedures shall include a requirement that each handler-applicant for a waiver show that he requested shipping point inspection and that the appropriate inspection agency stated that it could not supply reasonably prompt service in connection with such request; and such procedures may require that each applicant agrees, as a condition for the issuance of a waiver, to one or more of the following:

(a) That the potatoes to be shipped under such waiver will be inspected and certified at destination if an inspector is available for such purpose;

(b) That, where inspection indicates that potatoes shipped under a waiver fail to meet minimum grade, size, and quality requirements in effect at the time of such inspection, the potatoes will be removed from all normal domestic commercial channels, except for disposition pursuant to § 919.55; and

(c) That additional waivers will not be granted to an applicant, for the remainder of the fiscal year, if the potatoes shipped under a waiver and failing to meet minimum grade, size, and quality requirements, are not removed from all normal domestic market channels, except for disposition pursuant to § 919.55.

EXEMPTIONS

§ 919.71 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 919.72 *Granting exemptions.* (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 919.54, he will be prevented from handling, or causing to be handled, as large a proportion of his production as the average proportion of production handled, or caused to be handled, during the entire season (or such portion thereof as may be determined by the committee) by all producers in said applicant's immediate area of production and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each such certificate shall permit the producer to handle, or cause to be handled, the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 919.54, he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's immediate shipping area, and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(c) The committee shall be permitted, at any time, to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 919.73 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 919.74 *Records, reports and review of exemptions.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such additional information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 919.71, 919.72, 919.73, or any combination thereof.

MISCELLANEOUS PROVISIONS

§ 919.81 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this part. Handlers shall maintain records from which such reported information can be verified by the committee. The secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 919.82 *Compliance.* Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part, and no handler shall ship potatoes except in conformity to the provisions of this part.

§ 919.83 *Right of the Secretary.* The members of the committee (including successors and alternates), and any

agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 919.84 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ 919.85 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before May 31 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(e) The Secretary shall terminate the provisions of this agreement at the end of any fiscal year, upon the written request of handlers signatory to this agreement who submit evidence satisfactory to the Secretary that they handled not less than sixty-seven percent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year; but such termination shall be effective only if announced on or before May 31 of the then current fiscal year.[1]

§ 919.86 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 919.87 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 919.88 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 919.89 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 919.90 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modifications of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 919.91 *Personal liability.* No member or alternate member of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee except for acts of dishonesty.

§ 919.92 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 919.93 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 919.94 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 919.95 *Additional parties.* After the effective date of this agreement any handler who has not previously executed this agreement may become a party to this agreement if a counterpart of this agreement is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 919.96 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Done at Washington, D. C., this 7th day of July 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50-6013; Filed, July 11, 1950; 8:50 a. m.]

[1] Applicable only to the proposed marketing agreement.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 269]

APPLICATIONS FOR QUALIFICATION OF INDENTURES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal for the amendment of Form T-3 (§ 269.3) under the Trust Indenture Act of 1939. The proposed amendment would add a requirement that there be filed as an exhibit to applications for qualification of indentures on this form a copy of each prospectus, notice, circular, letter, or other written communication which is to be distributed to security holders generally in connection with the issuance or distribution of the identure securities.

The proposed amendment would be in the form of an additional paragraph in the Instructions as to Exhibits in Form T-3 reading as follows:

Exhibit T3E. A copy of every prospectus, notice, circular, letter, or other written communication which is to be sent or given to security holders in connection with the issuance or distribution of the indenture securities. Copies of replies to inquiries from security holders, however, need not be filed.

All interested persons are invited to submit data, views and comments on the above-mentioned proposal in writing to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before July 20, 1950.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 6, 1950.

[F. R. Doc. 50-5987; Filed, July 11, 1950; 8:45 a.m.]

[17 CFR, Part 270]

APPLICATIONS REGARDING BONUS, PROFIT-SHARING AND PENSION PLANS AND ARRANGEMENTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal for the amendment of § 270.17d-1 (Rule N-17D-1) under the Investment Company Act of 1940. The proposed amendment would make it unnecessary for any registered investment company to file applications with respect to certain Christmas or other annual bonus plans where the payment of the bonus is wholly discretionary with the company and the amount of the bonuses paid thereunder is within specified limits. Similarly, no application would need to be filed with respect to the plan of any controlled company which is not an investment company provided no director, officer or other affiliated person of any investment company is eligible to participate therein. Under the existing rule applications are required with respect to all such plans.

In addition the proposed amendment would include a definition of the term "plan" as used in the rule so as to make it clear that the term is not limited to formal, written plans but includes the payment of any bonus, share in profits or pension benefit.

The section as amended would read as follows:

§ 270.17d-1 *Applications regarding bonus, profit-sharing and pension plans.* (a) No affiliated person of any registered investment company, or of any company controlled by any such registered company, shall participate in, or effect any transaction in connection with, any bonus, profit-sharing or pension plan in which any such registered or controlled company is a participant unless an application regarding such plan has been filed with the Commission and has been granted by an order entered prior to the submission of such plan to security holders for approval, or prior to the adoption thereof if not so submitted.

(b) In passing upon such applications, the Commission will consider:

(1) Whether participation in the plan by any such registered or controlled company is on a basis substantially different from or less advantageous than that of other participants therein;

(2) Whether the provisions of the plan are consistent with the policy and purposes set forth in section 1 (b) of the act; and

(3) Whether the provisions of the plan are in contravention of section 18 or 23 (a) of the act or any other provisions of the act.

(c) Notwithstanding the foregoing, no application need be filed pursuant to this section with respect to any of the following Christmas or other annual, year-end bonus plans;

(1) Any such plan provided by any investment company for its officers or employees if (i) the payment of such bonuses and the determination of the amount thereof to be paid to each person is wholly discretionary with the company, (ii) the amount paid to any individual will not in any one year exceed 5 percent of the remuneration of such individual exclusive of such bonus, and (iii) if the total amount paid pursuant to the plan does not in any one year exceed 5 percent of the net income of such company for its latest fiscal year;

(2) Any such plan provided by any controlled company, which is not an investment company, for its officers or employees, provided no affiliated person of any investment company is eligible to participate therein.

(d) The term "plan" as used in this section means any written or oral plan, contract, authorization, or arrangement, or any practice or understanding, pursuant to which any payment is made, whether such payment is obligatory upon or discretionary with the company making it.

All interested persons may submit data, views and comments, in writing, to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before July 20, 1950.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 6, 1950.

[F. R. Doc. 50-5988; Filed, July 11, 1950; 8:45 a. m.]

[17 CFR, Part 270]

BONDING OF OFFICERS AND EMPLOYEES OF REGISTERED MANAGEMENT INVESTMENT COMPANIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal for the amendment of § 270.17g-1 (Rule N-17G-1) under the Investment Company Act of 1940. The proposed amendment would define the terms "officer" and "employee", for the purposes of this rule, to include the depositor or investment adviser and its officers and employees in cases where the investment company is an unincorporated company managed by a depositor or investment adviser. Rule N-17G-1 requires the bonding of officers and employees of registered management investment companies who have access to the securities or funds of such companies.

The proposed amendment would consist of a new paragraph reading as follows:

§ 270.17g-1 *Bonding of officers and employees of registered management investment companies.* * * *

(d) Where the investment company is an unincorporated company managed by a depositor or investment adviser, the terms "officer" and "employee" shall include, for the purposes of this section, the depositor or investment adviser and its officers and employees.

All interested persons are invited to submit data, views and comments on the above-mentioned proposal, in writing, to the Securities and Exchange Commission, at its principal office, 425 Second Street NW., Washington 25, D. C., on or before July 20, 1950.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 6, 1950.

[F. R. Doc. 50-5986; Filed, July 11, 1950; 8:45 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9716]

CORNING LEADER, INC. (WCLI)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Corning Leader, Inc. (WCLI), Corning, New York, for modification of construction permit. Docket No. 9716, File No. BMP-5168.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of June 1950;

The Commission having under consideration the above-entitled application for modification of construction permit to change facilities from 1540 kc. to 1450 kc., and change hours of operation from daytime only to unlimited time at Station WCLI, Corning, New York;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WCLI as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on November 29, 1950, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WHDL, Allegany, New York, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That WHDL, Inc., licensee of Station WHDL, Allegany, New York, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6003; Filed, July 11, 1950; 8:47 a. m.]

[Docket No. 9717]

BELOIT BROADCASTING CO. (WGEZ)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Sidney H. Bliss d/b as Beloit Broadcasting Company (WGEZ), Beloit, Wisconsin, for modification of license; Docket No. 9717, File No. BML-1423.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of June 1950;

The Commission having under consideration the above-entitled application requesting a modification of license of Station WGEZ, Beloit, Wisconsin (1490 kc., 100 w., U) to increase power from 100 watts to 250 watts;

It appearing, that, except as specified in issue number 4, the applicant is legally, technically, financially, and otherwise qualified to operate Station WGEZ, as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at Washington, D. C., at 10:00 a. m. on the 30th day of November 1950 upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WGEZ as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station WGEZ, as proposed, would involve objectionable interference with stations WEBS, Oak Park, Illinois; WKBB, Dubuque, Iowa, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of Station WGEZ, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

4. To determine the overlap, if any, that will exist between the service areas of Station WGEZ, as proposed, and of Station WCLO, Janesville, Wisconsin, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

It is further ordered, That, Joseph Triner, Charles M. Hickman, George Herrmann, Jr., Edward J. Flatysek and William L. Klein d/b as Village Broadcasting Company, licensee of Station WEBS, Oak Park, Illinois; and Dubuque Broadcasting Company, licensee of Station WKBB, Dubuque, Iowa, are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6004; Filed, July 11, 1950; 8:47 a. m.]

[Canadian Change List 57]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

JUNE 23, 1950.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian broadcast stations modifying appendix containing assignments of Canadian Broadcast stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power	Radiation	Class	Probable date to commence operation
CKY	Winnipeg, Manitoba (present operation: 1060 kc., 5 kw., DA-2, Class II).	580 kilocycles, 5 kw.	DA-1	III-A	Apr. 1, 1951.
CJGX	Yorkton, Saskatchewan (delete daytime power increase as notified in Change List Number 52).	940 kilocycles, 1 kw.	-------	II	
CKSM	Shawinigan Falls, Quebec	1220 kilocycles, 1 kw.	DA-1	II	Assignment of call letters.
New	Toronto, Ontario	1400 kilocycles, 250 w.	DA-1	IV	Apr. 1, 1951.
CHUB	Nanaimo, British Columbia (present operation: 1570 kc., 250 w., Class II).	1490 kilocycles, 1 kw.	DA-1	III-B	Do.
CHVC	Niagara Falls, Ontario (increase in daytime power only).	1600 kilocycles, 1 kw.; 5 kw.-LS.	DA-N	III-B	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6008; Filed, July 11, 1950; 8:47 a. m.]

[Docket No. 9718]

SIOUX FALLS BROADCAST ASSN., INC., (KSOO)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Sioux Falls Broadcast Association, Inc. (KSOO), Sioux Falls, South Dakota, for construction permit; Docket No. 9718, File No. BP-7501.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of June 1950;

The Commission having under consideration the above-entitled application requesting a construction permit to change the power and hours of operation of Station KSOO, Sioux Falls, South Dakota from 5 kilowatts, limited time to 10 kilowatts, unlimited time, to install a directional antenna for night use only, to install a new transmitter and to change transmitter location and also having under consideration (1) petition to designate the said application for hearing and name petitioner a party to the proceeding filed on April 6, 1950, by Larus & Brother Company, Incorporated, licensee of Station WRVA, Richmond, Virginia, (2) opposition to the petition filed on April 14, 1950, by Sioux Falls Broadcast Association, Incorporated, (3) reply to opposition filed on May 1, 1950, by Larus & Brother Company, Incorporated;

It appearing that the applicant is legally technically, financially and otherwise qualified to construct and operate Station KSOO as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Commission's rules and Standards of Good Engineering Practice;

It is ordered, That the petition of Larus & Brother Company, Incorporated is granted and that pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said aplication is designated for hearing at 10:00 a. m. on December 4, 1950, at Washington, D. C., upon the following issues;

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KSOO as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station KSOO as proposed would involve objectionable interference with Station WRVA, Richmond, Virginia, or with any other existing United States broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations, and in particular to determine whether the proposed array at Station KSOO would have sufficient stability to afford constant protection to co-channel station WRVA, Richmond, Virginia.

3. To determine whether the operation of Station KSOO as proposed would involve objectionable interference with Station CJCJ, Calgary, Alberta, Canada, or with any other existing foreign broadcast stations and, if so, whether such interference would be in contravention of any international agreement or the Commission's rules and standards.

4. To determine whether the operation of Station KSOO as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of Station KSOO as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Larus & Brother Company, Incorporated, licensee of Station WRVA, Richmond, Virginia, is made a party to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F R Doc. 50-6005; Filed, July 11, 1950; 8:47 a. m.]

[Docket Nos. 9719, 9720]

EAST PENN BROADCASTING CO. AND POTTSTOWN BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of David W. Jefferies and Joseph V. Lentini d/b as East Penn Broadcasting Company, Pottstown, Pennsylvania, Docket No. 9719, File No. BP-7626; Herbert Wolin, Ralph E. P. Mellon, Margaret Levine, Charles Kinzer Bentz, d/b as Pottstown Broadcasting Company, Pottstown, Pennsylvania, Docket No. 9720, File No. BP-7691; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of June 1950;

The Commission having under consideration the above-entitled applications of David Jefferies and Joseph V. Lentini, d/b as East Penn Broadcasting Company, and Herbert Wolin et al., d/b as Pottstown Broadcasting Company, each requesting a construction permit for a new standard broadcast station to operate on frequency 1370 kc., with 1 kw. power, daytime only at Pottstown, Pennsylvania;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on December 7, 1950 at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnerships and partners to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with Station WAMS, Wilmington, Delaware or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Wilmington Tri-State Broadcasting Company, Inc., licensee of Station WAMS, Wilmington, Delaware, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6006; Filed, July 11, 1950; 8:47 a. m.]

[Docket Nos. 9721, 9722]

ROCK CITY BROADCASTERS AND ROBERT HARVARD DYE

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of M. Robert Feldman & Arthur S. Feldman d/b as Rock City Broadcasters, Little Falls, New York, Docket No. 9721, File No. BP-7578; Robert Harvard Dye, Herkimer, New York, Docket No. 9722, File No. BP-7692; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of June 1950;

The Commission having under consideration the above-entitled applications of M. Robert Feldman and Arthur S. Feldman d/b as Rock City Broadcasters requesting a construction permit for a new standard broadcast station to operate on frequency 1230 kc., with 100 watts power, unlimited time at Little Falls, New York, and Robert Harvard Dye requesting a construction permit for a new standard broadcast station to operate on frequency 1230 kc., with 100 watts power, unlimited time at Herkimer, New York;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on December 6, 1950, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and its partners and of the individual to construct and operate the proposed standard broadcast stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with station WHUC, Hudson, New York, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of

Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Robert P. Strakoz and John T. Kearney, a partnership d/b as Colgren Broadcasting Company, licensee of Station WHUC, Hudson, New York, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6007; Filed, July 11, 1950; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1019]

EL PASO NATURAL GAS CO.

NOTICE OF ORDER ACCEPTING RATE SCHEDULE

JULY 7, 1950.

Notice is hereby given that, on July 6, 1950, the Federal Power Commission issued its order entered July 6, 1950, accepting Rate Schedule G-2 and Service Agreement insofar as applicable to sale of gas to Pacific Gas and Electric Company authorized in the above designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6023; Filed, July 11, 1950; 8:54 a. m.]

[Docket Nos. G-1210, G-1236, G-1264]

ERIE GAS SERVICE CORP. ET AL.

ORDER POSTPONING HEARING

JULY 6, 1950.

In the matters of Erie Gas Service Corporation, Docket No. G-1210, Lake Shore Pipe Line Company, Docket No. G-1236, and Grand River Gas Transmission Company, Docket No. G-1264.

On July 3, 1950, Erie Gas Service Corporation filed a motion requesting that the hearing in these proceedings heretofore ordered to resume on July 10, 1950, be postponed until a date not earlier than July 31, 1950.

On July 5, 1950, Grand River Gas Transmission Company filed an answer to said motion opposing any postponement.

The Commission finds: Good cause has been shown for the postponement of hearing in these proceedings as hereinafter ordered.

The Commission orders: The hearing in these matters now set to resume on July 10, 1950, be and it is hereby postponed to July 31, 1950, at the same hour and place.

Date of issuance: July 6, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5992; Filed, July 11, 1950; 8:45 a. m.]

[Docket Nos. G-1248, G-1267, G-1277, G-1306, G-1290, G-1311]

TENNESSEE GAS TRANSMISSION CO. ET AL.

ORDER FIXING DATE OF HEARING

JULY 6, 1950.

In the matters of Tennessee Gas Transmission Company, Docket No. G-1248, Northeastern Gas Transmission Company, Docket No. G-1267, Transcontinental Gas Pipe Line Corporation, Docket No. G-1277, New York State Natural Gas Corporation, Docket No. G-1306, Tennessee Gas Transmission Company, Docket No. G-1290, Niagara Mohawk Power Corporation, Docket No. G-1311.

On May 29, 1950, hearings in the above proceedings were recessed by the Presiding Examiner to reconvene at such time as the Commission may by order determine.

The Commission orders: Hearings in the above proceedings be resumed on July 24, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: July 7, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5991; Filed, July 11, 1950; 8:45 a. m.]

[Docket No. G-1388]

HOPE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 5, 1950.

On May 9, 1950, Hope Natural Gas Company (Applicant), a West Virginia corporation having its principal place of business at Clarksburg, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, as fully described in said application on file with the Commission and open to public inspection.

The Commission finds this proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 19, 1950 (15 F. R. 3071).

The Commission orders:

(a) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 21, 1950, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

(b) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: July 6, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5994; Filed, July 11, 1950; 8:46 a. m.]

[Docket No. G-1397]

SOUTHERN CALIFORNIA GAS CO. AND SOUTHERN COUNTIES GAS CO. OF CALIFORNIA

ORDER FIXING DATE OF HEARING

JULY 5, 1950.

On May 25, 1950, Southern California Gas Company and Southern Counties Gas Company of California (Applicants), both California corporations having their principal place of business at Los Angeles, California, filed a joint application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the installation, construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such joint application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicants having requested that their application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 8, 1950 (15 F. R. 3598).

The Commission orders:

(a) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 21, 1950, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such joint application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(b) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: July 6, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5995; Filed, July 11, 1950; 8:46 a. m.]

[Docket No. G-1433]

EL PASO NATURAL GAS CO. AND EL PASO GAS TRANSPORTATION CORP.

ORDER INSTITUTING INVESTIGATION

It appearing to the Commission that:

(a) El Paso Natural Gas Company, a Delaware corporation with its principal place of business in El Paso, Texas, is engaged in the transportation of natural gas in interstate commerce and the sale of natural gas in interstate commerce for resale for ultimate public consumption for domestic, commercial, industrial and other uses by means of facilities which include a gas transmission pipeline system extending from and within the States of Texas, New Mexico, and Arizona to the Arizona-California border and is a natural-gas company within the meaning of the Natural Gas Act.

(b) El Paso Gas Tranportation Corporation, a Delaware corporation with its principal place of business in El Paso, Texas, is a wholly owned subsidiary of El Paso Natural Gas Company and is engaged in the transportation of natural gas in interstate commerce for resale for ultimate public consumption for domestic, commercial, industrial and other uses by means of facilities which include a gas transmission pipeline extending from a point of interconnection on a main transmission pipeline of El Paso near the city limits of El Paso, Texas, into and through that city, and is a natural-gas company within the meaning of the Natural Gas Act.

(c) On April 24, 1950, the Commission issued an order in Docket No. G-1380 suspending, pending hearing, proposed changes in rates filed by El Paso applicable to service for Southern California Gas Company and Southern Counties Gas Company of California.

(d) On the basis of data available to the Commission, it appears that the rates, charges, services and classifications for and in connection with the transportation and sale of natural gas subject to the jurisdiction of the Commission and rules, regulations, practices and contracts relating thereto by El Paso Natural Gas Company and El Paso Gas Transportation Corporation may be unjust, unreasonable, unduly discriminatory or preferential.

The Commission finds: It is necessary and proper, in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Federal Power Commission on its own motion into and concerning all rates, charges or classifications demanded, observed, charged or collected by El Paso Natural Gas Company and El Paso Gas Transportation Corporation for or in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices or contracts affecting such rates, charges or classifications.

The Commission orders: An investigation of El Paso Natural Gas Company and El Paso Gas Transportation Corporation be and it hereby is instituted for the purpose of enabling the Commission (1) to determine with respect to the said El Paso Natural Gas Company and El Paso Gas Transportation Corporation whether in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, any rates, charges or classifications demanded, observed, charged or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications, are unjust, unreasonable, unduly discriminatory or preferential; and (2) if the Commission, after hearing has been had, shall find that any such rates, charges, classifications, rules, regulations, practices or contracts are unjust, unreasonable, unduly discriminatory or preferential, to determine and fix by appropriate order or orders just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

Date of issuance: July 6, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5993; Filed, July 11, 1950; 8:46 a. m.]

NOTICE OF DELEGATION OF FINAL AUTHORITY FOR EXTENSIONS OF TIME

JULY 5, 1950.

Pursuant to the requirements of section 3 (a) (1) of the Administrative Procedure Act, notice is hereby given that, effective July 5, 1950, the Commission has made the following delegation of final authority for extensions of time:

Authorized the Secretary, or in his absence, the Acting Secretary, to pass upon questions of extending time for electric public utilities, licensees, natural gas companies, and other persons to file required reports, data and information and to do other acts required or allowed to be done at or within a specified time by any rule, regulation, license, permit, certificate, or order of the Commission, not to exceed in any event an extension of six months beyond the time or period originally prescribed.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5952; Filed, July 11, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. 4th Sec. Application 25155]

ROAD BUILDING MATERIAL IN THE SOUTH

APPLICATION FOR RELIEF

JULY 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to the tariff named below.

Commodities involved: Road building material, viz.: broken or ground oyster shells, carloads.

Between: Points in southern territory.

Grounds for relief: Circuitous routes and analogous commodity.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1159, Supplement 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-5997; Filed, July 11, 1950; 8:46 a. m.]

[4th Sec. Application 25221]

WOODPULP FROM WEST MONROE, LA., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JULY 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3901.

Commodities involved: Woodpulp, carloads.

From: West Monroe, La.

To: Points in official territory.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3901, Supplement 1.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5998; Filed, July 11, 1950; 8:46 a. m.]

[4th Sec. Application 25222]

CAN ENDS FROM CHICAGO, ILL., TO FT. SMITH, ARK.

APPLICATION FOR RELIEF

JULY 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3647.

Commodities involved: Can ends, iron, steel or tin, carloads.

From: Chicago, Ill., and points taking same rates.

To: Ft. Smith, Ark.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3647, Supplement 257.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5999; Filed, July 11, 1950; 8:47 a. m.]

[4th Sec. Application 25223]

SILICA SAND FROM GUION, ARK., TO KENTUCKY AND TENNESSEE

APPLICATION FOR RELIEF

JULY 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of the Missouri Pacific Railroad Company and Louisville and Nashville Railroad Company.

Commodities involved: Silica sand, carloads.

From: Guion, Ark.

To: Bowling Green and Hopkinsville, Ky., Knoxville, Lewisburg and Nashville, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3736, Supplement 135.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6000; Filed, July 11, 1950; 8:47 a. m.]

[4th Sec. Application 25224]

CAUSTIC SODA FROM HUNTSVILLE AND HUNTSVILLE ARSENAL, ALA., TO NATCHEZ, MISS.

APPLICATION FOR RELIEF

JULY 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1085.

Commodities involved: Caustic soda, liquid carloads.

From: Huntsville and Huntsville Arsenal, Ala.

To: Natchez, Miss.

Grounds for relief: Circuitous routes and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6001; Filed, July 11, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-676]

AMERICAN ELECTRIC SECURITIES CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of July A. D. 1950.

Notice is hereby given that American Electric Securities Corporation (hereinafter referred to as "Applicant"), a registered investment company, has filed an application pursuant to subdivision (c) of Rule N-23C-1 for an order of the Commission under section 23 (c) (3) of the Investment Company Act of 1940 permitting the purchase by Applicant from the Office of Alien Property, Department of Justice, of 7,000 shares of Participating Preferred Stock of Applicant held by the Office of Alien Property, at a price of $2 per share.[1]

Applicant is a closed-end non-diversified investment company. It was organized in 1928 under the laws of the State of Delaware and is qualified as a foreign corporation in the State of New York. It has its principal place of business at 20 Pine Street, in the borough of Manhattan in the City of New York.

On June 26, 1950, Applicant received notice from the Office of Alien Property, Department of Justice, that such Department had available for sale 7,000 shares of Participating Preferred Stock of Applicant (seized from enemy aliens), and on the same day an offer of $2 per share for all of such shares was made by Applicant for such stock, the offer being subject to authorization of the purchase by this Commission, and subject also to withdrawal prior to receipt of such authorization in the event that prior thereto the securities markets do not remain relatively stable. The latter proviso was inserted because of the wide fluctuations in the market resulting from the Korean situation and which might conceivably reduce the value of such 7,000 shares of stock.

Applicant has issued and outstanding 138,000 shares of Participating Preferred Stock and 30,000 shares of Common stock. All shares have a par value of $1 per share. As at May 31, 1950, after giving effect to unrealized appreciation in the market value of the securities then owned by Applicant, the Participating Preferred Stock had an asset value of $3.75 per share, so that the purchase of such shares at the proposed price of $2 per share would represent a discount of $1.75 per share, or $12,250, from the asset value of such stock, and would result in a net increase of 9.8¢ per share in the asset value of each of the remaining 131,000 shares of Participating Preferred Stock. The Participating Preferred Stock has a priority on liquidation or dissolution of $5 per share plus accrued unpaid dividends. After giving effect to a dividend of 10¢ per share paid thus far in 1950, the dividend accruals on the Participating Preferred Stock will aggregate $1.50 per share at the end of June, 1950, so that the 7,000 shares would have an aggregate priority on dissolution of $45,500. Applicant urges that this priority would be entirely eliminated by the purchase of the 7,000 shares and should thereby shorten the time within which a plan of recapitalization leaving but one class of stock outstanding can be made acceptable to the holders of both classes of stock. Applicant had a surplus as of May 31, 1950, of $250,535.11 so that the purchase can be made from surplus without impairment of capital.

All interested persons are referred to said application which is on file in the offices of the Commission for a detailed statement of the proposed transactions and the matters of fact and law asserted.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after July 17, 1950, unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than July 15, 1950, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5984; Filed, July 11, 1950; 8:45 a. m.]

[1] Rule N-23C-1, which was promulgated pursuant to section 23 (c) (3) of the act, permits a registered closed-end investment company to purchase its outstanding securities provided certain conditions with respect to the securities are met. Among other things, the rule, in effect, prohibits the purchase of a security which is entitled to cumulative dividends, if such dividends are in arrears. Since the Participating Preferred Stock which is the subject of the instant application is entitled to cumulative dividends and since such dividends are in arrears, Applicant cannot purchase its outstanding Participating Preferred Stock pursuant to the rule. Subdivision (c) of the Rule provides that a company may file an application with the Commission for an order under section 23 (c) (3) of the act permitting the purchase of any security of which it is the issuer which does not meet the conditions of the rule and which is not to be made pursuant to section 23 (c) (1) or (2) of the act.

[File No. 70-2421]

AMERICAN GAS AND ELECTRIC CO. AND CITIZENS HEAT, LIGHT AND POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of July A. D. 1950.

Notice is hereby given that American Gas and Electric Company ("American Gas") and one of its utility subsidiaries, Citizens Heat, Light and Power Company ("Citizens"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 and have designated Rule U-45 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

American Gas proposes to make advances to Citizens on open account without interest from time to time prior to June 30, 1951, in an aggregate amount of not to exceed $300,000. Proceeds from the advances are proposed to be used to finance Citizens' construction program estimated at approximately $360,000 for the year 1950.

The application-declaration states that negotiations are now in progress for the disposition of the water properties of Citizens. When such disposition is effected, it is contemplated that the electric utility properties and facilities of Citizens will become a part of the properties and facilities of Indiana & Michigan Electric Company (which is also a subsidiary of American Gas) by merger or consolidation of the two companies or otherwise. At such time it is contemplated that the advances on open account proposed herein will be paid in full or otherwise terminated.

Applicant-declarant requests that the order herein issue as promptly as may be practicable and that such order become effective forthwith upon the issuance thereof.

Notice is further given that any interested person may not later than July 20, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 20, 1950, at 5:30 p. m., e. d. s. t., said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under said act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file with this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5985; Filed, July 11, 1950; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14828]

SOPHIE BRENTANO

In re: Real property and a claim owned by Sophie Brentano.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Brentano, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the County of Major, State of Oklahoma, particularly described as the West Half (W ½) of the Northeast Quarter (NE¼) and the East Half (E ½) of the Northwest Quarter (NW ¼) of Section Thirty (30), Township Twenty-one (21) North, Range Sixteen (16) W. I. M., together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, and

b. That certain debt or other obligation owing to the person named in subparagraph 1 hereof, by Detjen and Detjen, 511 Locust Street, St. Louis, Missouri, arising out of the net income by reason of the collection of rents from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

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and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50–6011; Filed, July 11, 1950; 8:48 a. m.]

[Vesting Order 14774]

CORNELIE THEODORE JOSEPHINE HEUBEL

In re: Debts owing to Cornelie Theodore Josephine Heubel, also known as Cornelie Theodore Josephine van Haren Noman. F–28–30719.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Cornelie Theodore Josephine Heubel, also known as Cornelie Theodore Josephine van Haren Noman, whose last known address is 6 Frankenberger Plan, Goslar, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by ten (10) Chicago, Milwaukee, St. Paul and Pacific Railroad Company Series A 5% Convertible Adjustment Mortgage Gold Bonds, due January 1, 2000, of $1,000 face value each, bearing the numbers M682, M2910, M4686, M70642, M86199, M100514, M158038, M158108, M167766 and M172990, in bearer form, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with all rights in, to and under said bonds and any and all rights under a Plan of Reorganization of December 1945, of the aforesaid company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Cornelie Theodore Josephine Heubel, also known as Cornelie Theodore Josephine van Haren Noman, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50–6010; Filed, July 11, 1950; 8:48 a. m.]

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FEDERAL REGISTER

VOLUME 15 NUMBER 134

Washington, Thursday, July 13, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter A—Administrative Provisions

[Farm Credit Administration Order 514]

PART 4—PUBLIC INFORMATION

OFFICES AND EMPLOYEES OF FARM CREDIT ADMINISTRATION AND OF CORPORATIONS FUNCTIONING THEREUNDER

Paragraph (a) of § 4.1 of Title 6 of the Code of Federal Regulations is hereby amended by adding thereto three new subparagraphs, designated (6), (7) and (8), as follows:

§ 4.1 *Officers and employees of Farm Credit Administration and of corporations functioning thereunder.* (a) Except as specifically authorized by law or rules and regulations promulgated thereunder, no officer, employee, or agent of the Farm Credit Administration or of any corporation under its supervision and control:

• • • • •

(6) (i) Shall acquire, directly or indirectly (including acquisition by membership in syndicates), any part of the surface rights to any land which is owned by or mortgaged to any corporation which is under the supervision and control of the Farm Credit Administration, or which was thus owned or mortgaged at any time within the preceding 12 months, without obtaining the specific prior approval of the board of directors of such corporation (meaning the Federal land bank as agent in the case of the Federal Farm Mortgage Corporation) in addition to conforming with any other applicable regulations.

(ii) Shall acquire any outstanding mineral, oil, or gas interest in a tract of land where such interest is owned by a corporation which is under the supervision and control of the Farm Credit Administration or was owned by such a corporation at any time within the preceding 12 months: *Provided, however,* That this prohibition shall not apply to such acquisitions, in conformance with other applicable regulations, by an owner of all or an undivided part of the surface rights to such tract of land; nor to such acquisitions as are incident to surface right acquisitions under subdivision (i) of this subparagraph.

Exception: This subparagraph shall not apply to acquisitions by will or inheritance; nor to presidents and vice presidents of national farm loan associations and production credit associations.

(7) Shall participate directly or indirectly in any transaction concerning the purchase or sale of corporate stocks or bonds, commodities, or other property for speculative purposes if such action might tend to interfere with the proper and impartial performance of his duties or bring discredit upon the Farm Credit Administration or any corporation under its supervision and control. Employees are not prohibited by this subparagraph from making bone fide investments. When an employee is uncertain as to whether a contemplated transaction is prohibited by this subparagraph, he should consult his immediate superior.

(8) Shall at any time conduct himself in a manner which might cause embarrassment to or criticism of the Farm Credit Administration or any corporation under its supervision and control, or interfere with the efficient performance of his duties. [482]

(Sec. 17, 39 Stat. 375, sec. 2, 42 Stat. 1459, sec. 6, 44 Stat. 803, sec. 4, 46 Stat. 13, sec. 6, 47 Stat. 14, secs. 1–43, 48 Stat. 257, as amended; 7 U. S. C. 456, 12 U. S. C. 665, 831, 1101, 1131–1136f, 1141b)

[SEAL] I. W. DUGGAN,
Governor,
Farm Credit Administration.

JULY 7, 1950.

[F. R. Doc. 50–6058; Filed, July 12, 1950; 8:57 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

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AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS IN NEW HAMPSHIRE

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CFR

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(For Use During 1950)

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Title 43 ($0.35)

Titles 44–45 ($0.25)

Previously announced: Titles 4–5 ($0.30); Title 6 ($1.00); Title 7: Parts 1–209 ($0.55); Parts 210–899 ($0.75); Parts 900 to end ($0.75); Title 8 ($0.20); Title 9 ($0.20); Titles 10–13 ($0.20); Title 14: Parts 1–399 ($1.50); Parts 400 to end ($0.30); Title 15 ($0.40); Title 16 ($0.25); Title 17 ($0.20); Title 18 ($0.20); Title 19 ($0.20); Title 20 ($0.20); Title 21 ($0.30); Titles 22–23 ($0.25); Title 24 ($0.55); Title 25 ($0.20); Title 26: Parts 1–79 ($0.20); Parts 80–169 ($0.25); Parts 170–182 ($0.25); Parts 183–299 ($0.30); Title 26: Parts 300 to end; and Title 27 ($0.25); Titles 28–29 ($0.30); Titles 30–31 ($0.25); Title 32 ($1.00); Title 33 ($0.25); Titles 35–37 ($0.20); Title 38 ($0.50); Titles 40–42 ($0.25)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average value and the investment limit set forth below for said county.

NEW HAMPSHIRE

County: Rockingham; average value: $15,000; investment limit: $12,000.

(Sec. 41, 60 Stat. 1066; 7 U. S. C., 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C., 1003, 1018)

Issued this 10th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–6032; Filed, July 12, 1950; 8:46 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1, Sup. 1, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1950 crop of wheat. The 1950 C. C. C. Grain Price Support Bulletin 1, 15 F. R. 3147, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1950, is supplemented as follows:

Sec.
601.571 Purpose.
601.572 Availability of price support.
601.573 Eligible wheat.
601.574 Warehouse receipts.
601.575 Determination of quantity.
601.576 Determination of quality.
601.577 Maturity of loans.
601.578 Support rates.
601.579 Storage allowance.

AUTHORITY: §§ 601.571 to 601.578 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply secs. 5, 62 Stat. 1072, Titles I, IV, Pub Law 439, 81st Cong.; 15 U. S. C. Sup., 714c.

§ 601.571 *Purpose.* This supplement states additional specific requirements which, together with the general requirements contained in the 1950 C. C. C. Grain Price Support Bulletin 1, and 1950 C. C. C. Wheat Bulletin A, as amended (14 F. R. 6328, 7701), apply to loans and purchase agreements under the 1950-Crop Wheat Price Support Program.

§ 601.572 *Availability of price support.*—(a) *Method of support.* Price support will be made available through nonrecourse farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever wheat is grown in the continental United States except that farm-storage loans will not be available in areas where the PMA State committee determines that wheat cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1951, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing wheat in 1950 as landowner, landlord, tenant, or sharecropper: *Provided*, That such producer is in compliance with the 1950 wheat acreage allotment regulations (14 F. R. 4940) as determined in accordance with 1950 CCC Wheat Bulletin A, as amended.

§ 601.573 *Eligible wheat.* At the time the wheat is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The wheat must have been produced in the continental United States in 1950 by an eligible producer on a farm on which the wheat acreage is within the wheat acreage allotment.

(b) The beneficial interest in the wheat must be in the person tendering the wheat for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the wheat was harvested.

(c) Such wheat must be:

(1) Wheat of any class grading No. 3 or better; or

(2) Wheat of any class grading No. 4 or No. 5 on the factor of "test weight" and/or because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better. (If the wheat is warehouse stored, the quality of the wheat must be evidenced by a statement on the warehouse receipt, the inspection certificate, or the supplemental certificate substantially as follows: "This wheat grades No. ------ because of ----------"); or

(3) Wheat of the class Mixed Wheat, consisting of mixtures of grades of eligible wheat as stated in subparagraphs (1) or (2) of this paragraph provided such mixtures are the natural products of the field.

(d) Wheat grading Tough, Weevily, or Ergoty, shall not be eligible.

(e) If offered as security for a farm-storage loan, the wheat must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.574 *Warehouse receipts.* Warehouse receipts, representing wheat in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements below:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(b) Each warehouse receipt must set forth in its written terms that the wheat is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(c) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross weight or bushels, grade, class, subclass, all grading factors set forth in the Official Grain Standards of the United States for Wheat, protein content (where determined by protein anal-

ysis or station average), degree or percentage of smut, garlic, and dockage, and must show whether the wheat arrived by rail, truck, or barge. The moisture content must also be shown except in the States of California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. Where moisture content is required, but it is not customary for country warehousemen to determine the exact moisture percentage, a warehouse receipt representing wheat stored in a country warehouse will be accepted if the moisture content is not shown, provided the grade of wheat does not show the word "tough." In such cases the warehouseman will be responsible for delivering wheat which does not grade "tough" or "sample" due to moisture content. In the case of warehouse receipts issued for wheat delivered by rail or barge, the grading factors, classes and subclasses, protein content (where determined by protein analysis) on the warehouse receipt must agree with the in-bound weight and inspection certificates and the protein certificate for the car or barge as shown on the freight certificate.

(d) In the case of warehouse receipts issued for wheat delivered by rail or barge, the protein content, as determined by a recognized protein testing laboratory, must be shown on each warehouse receipt (or supplemental certificate accompanying the warehouse receipt) representing wheat of the subclasses of hard red spring and hard red winter and of the subclass hard white wheat, except that protein content need not be shown for the subclasses hard winter and yellow hard winter produced in States or areas tributary to markets where a showing of protein content is not customarily required.

(e) If the warehouse receipt states that the wheat is stored "identity preserved," the producer must execute a supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(f) A separate warehouse receipt must be submitted for each grade and subclass of wheat.

(g) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.578 (d).

§ 601.575 *Determination of quantity.* The quantity of wheat placed under farm-storage loan may be determined either by weight or by measurement. The quantity of wheat placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

When the quantity is determined by weight, a bushel shall be 60 pounds of wheat free of dockage. In determining the quantity of sacked wheat by weight, a deduction of ¾ of a pound for each sack will be made.

When the quantity of wheat is determined by measurement, a bushel will be 1.25 cubic feet of wheat testing 60 pounds per bushel, and fractional pounds of tests weight per bushel will be disregarded. The quantity determined will be the following percentages of the quantity determined for 60 pound wheat:

For wheat testing	*Percent*
65 pounds or over	108
64 pounds or over, but less than 65 pounds	107
63 pounds or over, but less than 64 pounds	105
62 pounds or over, but less than 63 pounds	103
61 pounds or over, but less than 62 pounds	102
60 pounds or over, but less than 61 pounds	100
59 pounds or over, but less than 60 pounds	98
58 pounds or over, but less than 59 pounds	97
57 pounds or over, but less than 58 pounds	95
56 pounds or over, but less than 57 pounds	93
55 pounds or over, but less than 56 pounds	92
54 pounds or over, but less than 55 pounds	90
53 pounds or over, but less than 54 pounds	88
52 pounds or over, but less than 53 pounds	87
51 pounds or over, but less than 52 pounds	85
50 pounds or over, but less than 51 pounds	83

The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the wheat in determining the net quantity available for loan or purchase.

§ 601.576 *Determination of quality.* The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Wheat, whether or not such determinations are made on the basis of an official inspection.

In the States of California, Idaho, New Mexico, Nevada, Oregon, Utah, and Washington, the quantity of smut shall be stated in terms of half percent, whole percent, or whole and half percent, and the quantity of smut so determined in pounds shall be deducted from the weight of the wheat after deduction of dockage. Elsewhere the smut condition of the wheat shall be determined on a degree basis. Where applicable, the words "light smutty" or "smutty" shall be added to, and made a part of, the grade designation.

The garlic condition of the wheat shall be made a part of the grade designation by addition of the words "light garlicky" or the word "garlicky."

§ 601.577 *Maturity of loans.* Loans mature on demand but not later than April 30, 1951.

§ 601.578 *Support rates.* Loans will be made, and wheat delivered under purchase agreements will be purchased at the support rates set forth in this section.

(a) *Support rates at designated terminal markets.* Support rates for No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard white, No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 heavy red spring, No. 1 hard amber durum, No. 1 amber durum, No. 1 durum, stored in approved warehouse storage at the following terminal markets, shall be as follows:

Terminal market	*Rate per bushel*
Terminal markets used for determining county support rates:	
Chicago, Ill.	$2.31
Cincinnati, Ohio	2.33
Duluth, Minn.	2.28
Galveston, Tex.	2.36
Kansas City, Mo.	2.26
Los Angeles, Calif.	2.26
Louisville, Ky.	2.33
Minneapolis, Minn.	2.28
Omaha, Nebr.	2.26
Philadelphia, Pa.	2.42
Portland, Oreg.	2.21
St. Louis, Mo.	2.31
San Francisco, Calif.	2.26
Seattle, Wash.	2.21
Terminal market rates determined for storage only:	
Albany, N. Y.	2.42
Astoria, Oreg.	2.21
Baltimore, Md.	2.42
Buffalo, N. Y.	2.31
Cairo, Ill.	2.32
Council Bluffs, Iowa	2.26
East St. Louis, Ill.	2.31
Evansville, Ind.	2.33
Houston, Tex.	2.36
Kansas City, Kans.	2.26
Longview, Wash.	2.21
Memphis, Tenn.	2.31
Milwaukee, Wis.	2.31
New Orleans, La.	2.36
Norfolk, Va.	2.42
Oakland, Calif.	2.26
Port Arthur, Tex.	2.36
St. Joseph, Mo.	2.26
St. Paul, Minn.	2.29
Sioux City, Iowa	2.26
Stockton, Calif.	2.26
Superior, Wis.	2.28
Tacoma, Wash.	2.21
Vancouver, Wash.	2.21

For loan or purchase at the support rate shown in the above schedule, the wheat must have been shipped on a domestic interstate freight rate basis. On any wheat shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market will be reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

The foregoing schedule of support rates applies to wheat which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate. The warehouse receipts must be accompanied by registered freight bills, or by (1) a statement as indicated below signed by the warehouseman, (2) a certificate of the warehouseman containing such information, or, (3) such form of certification as may be approved by CCC.

FREIGHT CERTIFICATE FOR TERMINALS

The wheat represented by attached warehouse receipt No. ------ was received by rail freight from ---------- ----------
(Town) (County)
---------- point of origin, as evidenced
(State)
by freight bill described as follows:

Way bill, date----------
No. ----------
Car No. ----------
Initial ----------
Freight bill, date----------
No. ----------
Carrier ----------
Transit weight----------
Freight rate in----------
Amount collected----------
Number unused transit stops----------

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the applicable provisions of the Uniform Grain Storage Agreement.

(Warehouseman's signature)

(Address)

(Date of signature)

When shipped by rail or water and stored at any designated terminal market, wheat for which neither registered freight bills nor such freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 8 cents per bushel.

For wheat received by truck and stored at any designated terminal market, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal located in—	*Amount of deduction (cents per bushel)*
Area I: Arizona, California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Washington, Utah	12½
Area II: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin	13
Area III: Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia	14
Area IV: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas	14

(b) *Support rates for wheat in approved warehouse storage at other than designated terminal markets.* (1) Except for the States designated in subparagraph (2) of this paragraph, the support rate for wheat stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water will be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any, (plus tax) of the through-freight rate from point of origin for such wheat to such terminal market: *Provided*, That in the case of wheat stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing wheat in such position.

The warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges or, by a statement in the following form signed by the warehouseman, or by a warehouseman's supplemental certificate containing such information:

FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The wheat represented by attached warehouse receipt No. ------ was received by rail freight from ---------- ----------
(Town) (County)
---------- point of origin, was evidenced
(State)
by freight bill described as follows:

Way bill, date ----------
No. ----------
Car No. ----------
Initial ----------
Freight bill, date ----------
No. ----------
Carrier ----------
Transit weight ----------
Freight rate in ----------
Amount collected ----------
Transit balance, if any, of through freight to ---------- of ---------- per 100 pounds ----------
Number unused transit stops----------
Penalty, if any, to guarantee minimum proportional rate on outbound billing of------ cents per 100 pounds ----------

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the applicable provisions of the Uniform Grain Storage Agreement.

(Warehouseman's signature)

(Address)

(Date of signature)

(2) In the States of Delaware, Kentucky, Maryland, New York, New Jersey, North Carolina, Tennessee, Virginia and West Virginia, the PMA commodity office will, upon request of the county committee, determine the support rate for wheat stored in approved warehouses (except those situated at designated terminal markets) which was shipped by rail in the movement of natural market direction as approved by CCC, by adding to the county rate for the county from which the wheat was shipped an amount per bushel equal to the receiving and loading-out charges computed in accordance with the applicable rates of the Uniform Grain Storage Agreement for the 1950 crop and an amount equal to the transit value of the freight paid (plus tax) from points of origin to markets designated by CCC. The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in subparagraph (1) of this paragraph. If the wheat is stored in approved warehouses located at transit points, taking a penalty by reason of backhaul, or out-of-line of natural market movements such penalty or other costs by reason of such movement, as determined by CCC, shall be deducted from the support rates as determined above.

(c) *County support rates.* Both farm-storage and country warehouse-storage loans will be made at the support rate established for the county in which the wheat is stored. Support rates per bushel on No. 1 dark hard winter, No. 1 hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard white, No. 1 heavy dark northern spring, No. 1 heavy red spring, No. 1 hard amber durum, No. 1 amber durum and No. 1 durum, shall be as follows:

ALABAMA

	Rate per bushel
All counties	$2.20

ARIZONA

County	*Rate per bushel*	*County*	*Rate per bushel*
Apache	$1.68	Mohave	$1.89
Cochise	1.79	Navajo	1.72
Coconino	1.84	Pima	1.94
Graham	1.76	Pinal	2.00
Greenlee	1.76	Yavapai	2.00
Maricopa	2.00	Yuma	2.01

ARKANSAS

Arkansas	$2.01	Little River	$2.02
Baxter	1.98	Logan	1.95
Benton	1.97	Madison	1.97
Clay	2.05	Marion	1.96
Conway	2.00	Miller	1.96
Craighead	2.05	Poinsett	2.05
Crawford	1.96	Pope	1.97
Cross	2.05	Pulaski	2.02
Faulkner	2.01	Saline	2.00
Franklin	1.96	Searcy	1.96
Garland	2.00	Sebastian	1.96
Greene	2.05	Sevier	2.02
Independence	2.02	Sharp	2.03
Izard	2.00	Stone	2.00
Jackson	2.04	Van Buren	1.98
Johnson	1.97	Washington	1.97
LaFayette	2.02	Yell	1.97
Lawrence	2.05		

CALIFORNIA

Alameda	$2.14	Placer	$2.08
Alpine	1.83	Plumas	1.96
Amador	2.09	Riverside	2.09
Butte	2.07	Sacramento	2.10
Colusa	2.08	San Benito	2.11
Contra Costa	2.15	San Bernardino	2.10
El Dorado	2.05	San Diego	2.08
Fresno	2.08	San Francisco	2.14
Glenn	2.03	San Joaquin	2.12
Humboldt	1.93	San Luis Obispo	2.07
Imperial	2.06	Santa Barbara	2.08
Inyo	1.92	Santa Clara	2.14
Kern	2.07	Shasta	2.00
Kings	2.07	Sierra	1.93
Lake	2.09	Siskiyou	1.95
Lassen	1.94	Solano	2.13
Los Angeles	2.13	Stanislaus	2.11
Madera	2.09	Sutter	2.09
Mariposa	2.10	Tehama	2.06
Mendocino	2.06	Trinity	2.02
Merced	2.10	Tulare	2.07
Modoc	1.90	Ventura	2.13
Mono	1.83	Yolo	2.11
Monterey	2.10	Yuba	2.10
Napa	2.12		
Nevada	2.05		
Orange	2.12		

COLORADO

Adams	$1.94	Boulder	$1.94
Alamosa	1.85	Chaffee	1.81
Arapahoe	1.94	Cheyenne	1.96
Archuleta	1.79	Conejos	1.85
Baca	1.95	Costilla	1.86
Bent	1.95	Crowley	1.94

COLORADO—Continued

County	Rate per bushel	County	Rate per bushel
Delta	$1.79	Moffat	$1.79
Denver	1.94	Montezuma	1.71
Dolores	1.71	Montrose	1.79
Douglas	1.94	Morgan	1.94
Eagle	1.79	Otero	1.94
Elbert	1.94	Ouray	1.79
El Paso	1.94	Phillips	1.96
Fremont	1.89	Pitkin	1.79
Garfield	1.79	Prowers	1.96
Grand	1.83	Pueblo	1.94
Huerfano	1.92	Rio Blanco	1.79
Jefferson	1.94	Rio Grande	1.85
Kiowa	1.96	Routt	1.79
Kit Carson	1.96	Saguache	1.82
La Plata	1.79	San Miguel	1.79
Larimer	1.94	Sedgwick	1.96
Las Animas	1.94	Summit	1.83
Lincoln	1.94	Washington	1.94
Logan	1.94	Weld	1.94
Mesa	1.79	Yuma	1.95

DELAWARE

County	Rate per bushel
All counties	$2.20

GEORGIA

County	Rate per bushel
All counties	$2.23

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.83	Gem	$1.84
Adams	1.83	Gooding	1.78
Bennock	1.77	Idaho	1.89
Bear Lake	1.79	Jefferson	1.76
Benewah	1.91	Jerome	1.78
Bingham	1.77	Kootenai	1.90
Blaine	1.76	Latah	1.91
Boise	1.83	Lemhi	1.74
Bonner	1.89	Lewis	1.90
Bonnerville	1.77	Lincoln	1.77
Boundary	1.87	Madison	1.76
Butte	1.76	Minidoka	1.77
Camas	1.76	Nez Perce	1.91
Canyon	1.83	Oneida	1.77
Caribou	1.77	Owyhee	1.82
Cassia	1.78	Payette	1.84
Clark	1.76	Power	1.77
Clearwater	1.91	Shoshone	1.88
Custer	1.76	Teton	1.76
Elmore	1.79	Twin Falls	1.79
Franklin	1.77	Valley	1.81
Fremont	1.76	Washington	1.85

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$2.10	Hancock	$2.09
Alexander	2.12	Hardin	2.08
Bond	2.14	Henderson	2.10
Boone	2.13	Henry	2.11
Brown	2.10	Iroquois	2.14
Bureau	2.12	Jackson	2.12
Calhoun	2.14	Jasper	2.12
Carroll	2.11	Jefferson	2.12
Cass	2.12	Jersey	2.14
Champaign	2.12	Jo Daviess	2.11
Christian	2.12	Johnson	2.09
Clark	2.12	Kane	2.15
Clay	2.12	Kankakee	2.15
Clinton	2.14	Kendall	2.15
Coles	2.12	Knox	2.11
Cook	2.15	Lake	2.15
Crawford	2.12	La Salle	2.13
Cumberland	2.12	Lawrence	2.12
De Kalb	2.14	Lee	2.13
De Witt	2.12	Livingston	2.13
Douglas	2.12	Logan	2.12
Du Page	2.15	McDonough	2.10
Edgar	2.12	McHenry	2.14
Edwards	2.12	McLean	2.12
Effingham	2.12	Macon	2.12
Fayette	2.12	Macoupin	2.14
Ford	2.12	Madison	2.15
Franklin	2.12	Marion	2.12
Fulton	2.12	Marshall	2.12
Gallatin	2.08	Mason	2.12
Greene	2.14	Massac	2.11
Grundy	2.14	Menard	2.12
Hamilton	2.10	Mercer	2.10

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Monroe	$2.14	Schuyler	$2.11
Montgomery	2.13	Scott	2.12
Morgan	2.12	Shelby	2.12
Moultrie	2.12	Stark	2.12
Ogle	2.13	Stephenson	2.11
Peoria	2.12	Tazewell	2.12
Perry	2.12	Union	2.12
Piatt	2.12	Vermillion	2.13
Pike	2.11	Wabash	2.11
Pope	2.10	Warren	2.10
Pulaski	2.12	Washington	2.12
Putnam	2.12	Wayne	2.10
Randolph	2.12	White	2.09
Richland	2.11	Whiteside	2.11
Rock Island	2.10	Will	2.15
Saint Clair	2.14	Williamson	2.12
Saline	2.10	Winnebago	2.12
Sangamon	2.12	Woodford	2.12

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$2.10	Lawrence	$2.14
Allen	2.08	Madison	2.12
Bartholomew	2.14	Marion	2.12
Benton	2.12	Marshall	2.10
Blackford	2.11	Martin	2.10
Boone	2.11	Miami	2.10
Brown	2.13	Monroe	2.13
Carroll	2.13	Montgomery	2.10
Cass	2.10	Morgan	2.10
Clark	2.17	Newton	2.14
Clay	2.12	Noble	2.08
Clinton	2.11	Ohio	2.15
Crawford	2.14	Orange	2.16
Daviess	2.09	Owen	2.11
Dearborn	2.16	Parke	2.10
Decatur	2.15	Perry	2.12
De Kalb	2.08	Pike	2.10
Delaware	2.12	Porter	2.14
Dubois	2.12	Posey	2.12
Elkhart	2.09	Pulaski	2.13
Fayette	2.15	Putnam	2.11
Floyd	2.17	Randolph	2.13
Fountain	2.09	Ripley	2.15
Franklin	2.15	Rush	2.13
Fulton	2.11	Saint Joseph	2.11
Gibson	2.10	Scott	2.15
Grant	2.11	Shelby	2.13
Greene	2.11	Spencer	2.12
Hamilton	2.11	Starke	2.13
Hancock	2.13	Steuben	2.07
Harrison	2.14	Sullivan	2.12
Hendricks	2.11	Tippecanoe	2.12
Henry	2.13	Tipton	2.11
Howard	2.11	Union	2.15
Huntington	2.08	Vanderburgh	2.11
Jackson	2.15	Vermillion	2.13
Jasper	2.14	Vigo	2.12
Jay	2.12	Wabash	2.09
Jefferson	2.13	Warren	2.12
Jennings	2.14	Warrick	2.11
Johnson	2.13	Washington	2.15
Knox	2.10	Wayne	2.13
Kosciusko	2.09	Wells	2.09
Lagrange	2.08	White	2.13
Lake	2.14	Whitley	2.09
La Porte	2.13		

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$2.07	Clarke	$2.06
Adams	2.08	Clay	2.06
Allamakee	2.06	Clayton	2.07
Appanoose	2.07	Clinton	2.10
Audubon	2.08	Crawford	2.09
Benton	2.07	Dallas	2.06
Black Hawk	2.06	Davis	2.08
Boone	2.06	Decatur	2.05
Bremer	2.06	Delaware	2.07
Buchanan	2.07	Des Moines	2.09
Buena Vista	2.05	Dickinson	2.06
Butler	2.06	Dubuque	2.08
Calhoun	2.06	Emmet	2.07
Carroll	2.08	Fayette	2.06
Cass	2.08	Floyd	2.07
Cedar	2.09	Franklin	2.06
Cerro Gordo	2.07	Fremont	2.10
Cherokee	2.06	Greene	2.07
Chickasaw	2.06	Grundy	2.05

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Guthrie	$2.07	Muscatine	$2.09
Hamilton	2.05	O'Brien	2.06
Hancock	2.07	Osceola	2.06
Hardin	2.05	Page	2.09
Harrison	2.11	Palo Alto	2.06
Henry	2.08	Plymouth	2.07
Howard	2.07	Pocahontas	2.05
Humboldt	2.05	Polk	2.05
Ida	2.07	Pottawattamie	2.11
Iowa	2.07	Poweshiek	2.08
Jackson	2.09	Ringgold	2.06
Jasper	2.05	Sac	2.06
Jefferson	2.06	Scott	2.10
Johnson	2.08	Shelby	2.10
Jones	2.09	Sioux	2.07
Keokuk	2.06	Story	2.05
Kossuth	2.06	Tama	2.06
Lee	2.08	Taylor	2.08
Linn	2.08	Union	2.07
Louisa	2.08	Van Buren	2.07
Lucas	2.05	Wapello	2.06
Lyon	2.05	Warren	2.06
Madison	2.06	Washington	2.05
Mahaska	2.05	Wayne	2.07
Marion	2.05	Webster	2.06
Marshall	2.05	Winnebago	2.06
Mills	2.11	Winneshiek	2.07
Mitchell	2.07	Woodbury	2.06
Monona	2.09	Worth	2.08
Monroe	2.06	Wright	2.08
Montgomery	2.10		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$2.07	Linn	$2.08
Anderson	2.08	Logan	1.98
Atchinson	2.09	Lyon	2.06
Barber	2.01	McPherson	2.03
Barton	2.01	Marion	2.03
Bourbon	2.08	Marshall	2.06
Brown	2.08	Meade	1.99
Butler	2.03	Miami	2.10
Chase	2.05	Mitchell	2.03
Chautauqua	2.05	Montgomery	2.06
Cherokee	2.06	Morris	2.05
Cheyenne	1.98	Morton	1.97
Clark	1.99	Nemaha	2.07
Clay	2.05	Neosho	2.07
Cloud	2.04	Ness	2.01
Coffey	2.07	Norton	2.01
Comanche	2.00	Osage	2.08
Cowley	2.03	Osborne	2.02
Crawford	2.07	Ottawa	2.03
Decatur	2.00	Pawnee	2.01
Dickinson	2.03	Phillips	2.01
Doniphan	2.08	Pottawatomie	2.07
Douglas	2.10	Pratt	2.01
Edwards	2.01	Rawlins	1.99
Elk	2.05	Reno	2.03
Ellis	2.01	Republic	2.04
Ellsworth	2.03	Rice	2.03
Finney	1.99	Riley	2.06
Ford	2.00	Rooks	2.02
Franklin	2.09	Rush	2.01
Geary	2.05	Russell	2.02
Gove	2.00	Saline	2.03
Graham	2.01	Scott	1.99
Grant	1.98	Sedgwick	2.03
Gray	1.99	Seward	1.98
Greeley	1.98	Shawnee	2.08
Greenwood	2.06	Sheridan	2.00
Hamilton	1.98	Sherman	1.98
Harper	2.02	Smith	2.03
Harvey	2.03	Stafford	2.01
Haskell	1.99	Stanton	1.97
Hodgeman	2.01	Stevens	1.97
Jackson	2.08	Sumner	2.03
Jefferson	2.10	Thomas	1.99
Jewell	2.03	Trego	2.01
Johnson	2.11	Wabaunsee	2.07
Kearny	1.98	Wallace	1.98
Kingman	2.03	Washington	2.05
Kiowa	2.01	Wichita	1.98
Labette	2.06	Wilson	2.06
Lane	2.00	Woodson	2.07
Leavenworth	2.11	Wyandotte	2.11
Lincoln	2.03		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Adair	$2.17	Kenton	$2.14
Allen	2.17	Knox	2.19
Anderson	2.17	Larue	2.15
Ballard	2.13	Laurel	2.19
Barren	2.16	Lawrence	2.14
Bath	2.16	Lewis	2.14
Boone	2.14	Lincoln	2.19
Bourbon	2.17	Livingston	2.14
Boyd	2.14	Logan	2.15
Boyle	2.17	Lyon	2.14
Bracken	2.14	McCracken	2.13
Breckenridge	2.14	McLean	2.14
Bullitt	2.16	Madison	2.17
Butler	2.15	Magoffin	2.16
Caldwell	2.14	Marion	2.16
Calloway	2.14	Marshall	2.14
Campbell	2.14	Mason	2.14
Carlisle	2.14	Meade	2.14
Carroll	2.14	Menifee	2.17
Carter	2.16	Mercer	2.17
Casey	2.18	Metcalfe	2.16
Christian	2.15	Monroe	2.17
Clark	2.17	Montgomery	2.17
Clay	2.19	Morgan	2.17
Clinton	2.17	Muhlenberg	2.14
Crittenden	2.13	Nelson	2.15
Cumberland	2.17	Nicholas	2.17
Daviess	2.13	Ohio	2.14
Edmonson	2.16	Oldham	2.15
Elliott	2.16	Owen	2.17
Fayette	2.17	Owsley	2.18
Fleming	2.15	Pendleton	2.15
Franklin	2.17	Pulaski	2.19
Fulton	2.14	Robertson	2.15
Gallatin	2.14	Rockcastle	2.19
Garrard	2.18	Rowan	2.16
Grant	2.15	Russell	2.18
Graves	2.14	Scott	2.17
Grayson	2.14	Shelby	2.15
Green	2.17	Simpson	2.16
Greenup	2.14	Spencer	2.17
Hancock	2.13	Taylor	2.17
Hardin	2.15	Todd	2.15
Harrison	2.17	Trigg	2.15
Hart	2.15	Trimble	2.15
Henderson	2.13	Union	2.13
Henry	2.15	Warren	2.16
Hickman	2.14	Washington	2.15
Hopkins	2.14	Wayne	2.19
Jackson	2.19	Webster	2.14
Jefferson	2.15	Whitley	2.19
Jessamine	2.17	Wolfe	2.17
Johnson	2.16	Woodford	2.17

MAINE

County	Rate per bushel
All counties	$2.15

MARYLAND

County	Rate per bushel	County	Rate per bushel
Alleghany	$2.16	Howard	$2.20
Anne Arundel	2.18	Kent	2.20
Baltimore	2.20	Montgomery	2.20
Calvert	2.18	Prince Georges	2.18
Caroline	2.20	Queen Annes	2.20
Carroll	2.19	St. Marys	2.18
Cecil	2.20	Somerset	2.18
Charles	2.18	Talbot	2.20
Dorchester	2.20	Washington	2.18
Frederick	2.19	Wicomico	2.18
Garrett	2.15	Worcester	2.18
Harford	2.19		

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.98	Cass	$2.09
Alger	2.00	Charlevoix	1.97
Allegan	2.06	Cheboygan	1.97
Alpena	1.98	Chippewa	1.97
Antrim	1.97	Clare	2.03
Arenac	2.00	Clinton	2.06
Baraga	1.99	Crawford	1.98
Barry	2.06	Delta	2.02
Bay	2.04	Eaton	2.06
Benzie	1.99	Emmet	1.97
Berrien	2.09	Genesee	2.06
Branch	2.07	Gladwin	2.03
Calhoun	2.08	Grand Traverse	1.99

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Gratiot	$2.06	Monroe	$2.09
Hillsdale	2.06	Montcalm	2.05
Huron	2.04	Montmorency	1.97
Ingham	2.06	Muskegon	2.05
Ionia	2.05	Newaygo	2.03
Iosco	1.99	Oakland	2.07
Isabella	2.04	Oceana	2.02
Jackson	2.07	Ogemaw	2.03
Kalamazoo	2.09	Osceola	2.00
Kalkaska	1.98	Oscoda	1.99
Kent	2.06	Otsego	1.93
Lake	2.01	Ottawa	2.06
Lapeer	2.06	Presque Isle	1.97
Leelanau	1.98	Roscommon	1.99
Lenawee	2.08	Saginaw	2.06
Livingston	2.06	Saint Clair	2.08
Luce	1.97	Saint Joseph	2.08
Mackinac	1.97	Sanilac	2.05
Macomb	2.09	Schoolcraft	1.97
Manistee	2.00	Shiawassee	2.06
Marquette	2.01	Tuscola	2.05
Mason	2.02	Van Buren	2.08
Necosta	2.02	Washtenaw	2.08
Menominee	2.04	Wayne	2.09
Midland	2.05	Wexford	1.99
Missaukee	2.00		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$2.11	Marshall	$2.03
Anoka	2.14	Martin	2.08
Becker	2.06	Meeker	2.12
Beltrami	2.06	Mille Lacs	2.11
Benton	2.10	Morrison	2.09
Big Stone	2.07	Mower	2.09
Blue Earth	2.10	Murray	2.07
Brown	2.10	Nicollet	2.11
Carlton	2.12	Nobles	2.06
Carver	2.13	Norman	2.05
Cass	2.09	Olmsted	2.10
Chippewa	2.09	Otter Tail	2.07
Chisago	2.12	Pennington	2.05
Clay	2.06	Pine	2.11
Clearwater	2.06	Pipestone	2.07
Cottonwood	2.09	Polk	2.04
Crow Wing	2.09	Pope	2.09
Dakota	2.13	Red Lake	2.05
Dodge	2.10	Redwood	2.09
Douglas	2.09	Renville	2.10
Faribault	2.08	Rice	2.12
Fillmore	2.07	Rock	2.06
Freeborn	2.09	Roseau	2.03
Goodhue	2.11	Saint Louis	2.11
Grant	2.08	Scott	2.13
Hennepin	2.14	Sherburne	2.12
Houston	2.07	Sibley	2.11
Hubbard	2.07	Stearns	2.10
Isanti	2.12	Steele	2.10
Itasca	2.08	Stevens	2.08
Jackson	2.07	Swift	2.09
Kanabec	2.11	Todd	2.09
Kandiyohi	2.11	Traverse	2.07
Kittson	2.02	Wabasha	2.11
Kochiching	2.04	Wadena	2.08
Lac Qui Parle	2.07	Waseca	2.10
Lake	2.12	Washington	2.14
Lake of the Woods	2.04	Watonwan	2.09
Le Sueur	2.11	Wilkin	2.06
Lincoln	2.07	Winona	2.09
Lyon	2.08	Wright	2.12
McLeod	2.12	Yellow Medicine	2.08
Mahnomen	2.05		

MISSISSIPPI

County	Rate per bushel
All counties	$2.09

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$2.09	Boone	$2.10
Andrew	2.09	Buchanan	2.10
Atchison	2.06	Butler	2.08
Audrain	2.11	Caldwell	2.09
Barry	2.05	Callaway	2.11
Barton	2.07	Camden	2.08
Bates	2.09	Cape Girardeau	2.10
Benton	2.07	Carroll	2.08
Bollinger	2.10		

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Carter	$2.02	Mississippi	$2.08
Cass	2.10	Maniteau	2.09
Cedar	2.07	Monroe	2.10
Charlton	2.08	Montgomery	2.12
Christian	2.05	Morgan	2.08
Clark	2.09	New Madrid	2.08
Clay	2.10	Newton	2.05
Clinton	2.09	Nodaway	2.07
Cole	2.10	Oregon	2.02
Cooper	2.09	Osage	2.11
Crawford	2.12	Pemiscot	2.08
Dade	2.06	Perry	2.12
Dallas	2.06	Pettis	2.03
Daviess	2.08	Phelps	2.11
De Kalb	2.09	Pike	2.11
Dent	2.11	Platte	2.11
Douglas	2.03	Polk	2.06
Dunklin	2.07	Pulaski	2.10
Franklin	2.14	Putnam	2.05
Gasconnade	2.12	Ralls	2.11
Gentry	2.08	Randolph	2.10
Greene	2.05	Ray	2.09
Grundy	2.07	Reynolds	2.10
Harrison	2.06	Ripley	2.08
Henry	2.09	Saint Charles	2.17
Hickory	2.07	Saint Clair	2.09
Holt	2.07	Sainte Genevieve	2.13
Howard	2.10	Saint Francois	2.13
Howell	2.02	Saint Louis	2.17
Iron	2.11	Saline	2.08
Jackson	2.11	Schwyler	2.08
Jasper	2.06	Scotland	2.09
Jefferson	2.15	Scott	2.09
Johnson	2.09	Shannon	2.04
Knox	2.09	Shelby	2.10
Laclede	2.08	Stoddard	2.09
LaFayette	2.09	Stone	2.04
Lawrence	2.05	Sullivan	2.08
Lewis	2.10	Taney	2.03
Lincoln	2.14	Texas	2.05
Linn	2.08	Vernon	2.08
Livingston	2.08	Warren	2.14
McDonald	2.05	Washington	2.13
Macon	2.09	Wayne	2.10
Madison	2.11	Webster	2.06
Maries	2.11	Worth	2.06
Marion	2.11	Wright	2.05
Mercer	2.06		
Miller	2.09		

MONTANA

County	Rate based on Minneapolis (less than 13 percent protein)	Rate based on Portland (less than 10 percent protein)
Beaverhead	[1]$1.75	
Big Horn	1.82	
Blaine	1.83	
Broadwater	1.80	$1.77
Carbon	1.81	
Carter	1.91	
Cascade	1.81	
Chouteau	1.81	
Custer	1.88	
Daniels	1.87	
Dawson	1.90	
Deer Lodge		1.77
Fallon	1.91	
Fergus	1.81	
Flathead		1.81
Gallatin	1.81	
Garfield	1.86	
Glacier	1.81	1.78
Golden Valley	1.81	
Granite		1.78
Hill	1.81	
Jefferson	1.79	1.77
Judith Basin	1.81	
Lake		1.81
Lewis and Clark	1.80	1.77
Liberty	1.81	
Lincoln		1.83
McCone	1.90	
Madison	1.79	1.77
Meagher	1.81	
Mineral		1.81
Missoula		1.79
Musselshell	1.84	
Park	1.81	
Petroleum	1.82	
Phillips	1.85	
Pondera	1.80	

[1] Based on Omaha.

MONTANA—Continued

County	Rate based on Minneapolis (less than 13 percent protein)	Rate based on Portland (less than 10 percent protein)
Powder River	$1.90	
Powell		$1.77
Prairie	1.90	
Ravalli		1.77
Richland	1.91	
Roosevelt	1.91	
Rosebud	1.86	
Sanders		1.83
Sheridan	1.90	
Silver Bow	1.78	1.77
Stillwater	1.81	
Sweet Grass	1.81	
Teton	1.81	
Toole	1.81	
Treasure	1.84	
Valley	1.87	
Wheatland	1.81	
Wibaux	1.92	
Yellowstone	1.82	

The applicable rate on a lot of wheat in Broadwater, Glacier, Jefferson, Lewis and Clark, Madison, and Silver Bow Counties shall be determined as follows:

1. Subtract all applicable discounts from the rate based on Minneapolis and from the rate based on Portland shown above.

2. If the lot of wheat contains 10 percent or more protein, add the applicable Minneapolis protein premium, if any, shown in the schedule of protein premiums to the rate based on Minneapolis; then add the applicable Portland protein premium from the same schedule to the rate based on Portland.

3. The applicable rate on the lot of wheat will be the highest as determined above.

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$2.05	Harlan	$2.03
Antelope	2.05	Hayes	1.99
Arthur	1.98	Hitchcock	2.00
Banner	1.95	Holt	2.04
Blaine	2.01	Hooker	2.00
Boone	2.07	Howard	2.06
Box Butte	1.97	Jefferson	2.07
Boyd	2.03	Johnson	2.08
Brown	2.01	Kearney	2.04
Buffalo	2.05	Keith	1.98
Burt	2.10	Keya Paha	2.02
Butler	2.09	Kimball	1.94
Cass	2.11	Knox	2.04
Cedar	2.05	Lancaster	2.10
Chase	1.98	Lincoln	2.01
Cherry	2.00	Logan	2.02
Cheyenne	1.94	Loup	2.04
Clay	2.05	McPherson	2.00
Colfax	2.09	Madison	2.07
Cuming	2.09	Merrick	2.07
Custer	2.03	Morrill	1.96
Dakota	2.07	Nance	2.07
Dawes	1.95	Nemaha	2.08
Dawson	2.03	Nuckolls	2.05
Deuel	1.97	Otoe	2.10
Dixon	2.07	Pawnee	2.07
Dodge	2.10	Perkins	1.98
Douglas	2.11	Phelps	2.03
Dundy	1.98	Pierce	2.06
Fillmore	2.07	Platte	2.08
Franklin	2.03	Polk	2.08
Frontier	2.01	Red Willow	2.01
Furnas	2.02	Richardson	2.07
Gage	2.08	Rock	2.02
Garden	1.97	Saline	2.08
Garfield	2.04	Sarpy	2.12
Gosper	2.02	Saunders	2.11
Grant	1.98	Scotts Bluff	2.10
Greeley	2.06	Seward	1.95
Hall	2.06	Sheridan	2.09
Hamilton	2.07	Sherman	1.97

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Sioux	$1.95	Washington	$2.10
Stanton	2.08	Wayne	2.06
Thayer	2.06	Webster	2.04
Thomas	2.01	Wheeler	2.06
Thurston	2.09	York	2.07
Valley	2.04		

NEVADA

County	Rate per bushel	County	Rate per bushel
Churchill	$1.92	Lyon	$1.81
Clark	1.83	Mineral	1.67
Douglas	1.88	Nye	1.67
Elko	1.80	Ormsby	1.88
Esmeralda	1.67	Pershing	1.93
Eureka	1.80	Storey	1.94
Humboldt	1.87	Washoe	1.94
Lander	1.80	White Pine	1.49
Lincoln	1.79		

NEW JERSEY

	Rate per bushel
All counties	$2.16

NEW MEXICO

County	Rate per bushel	County	Rate per bushel
Bernalillo	$1.86	McKinley	$1.75
Catron	1.79	Mora	1.86
Chaves	1.91	Quay	1.94
Colfax	1.87	Roosevelt	1.94
Curry	1.94	San Doval	1.86
De Baca	1.91	San Juan	1.72
Eddy	1.90	San Miguel	1.87
Grant	1.75	Santa Fe	1.86
Guadalupe	1.91	Sierra	1.83
Harding	1.85	Socorro	1.87
Hidalgo	1.75	Torrance	1.88
Lea	1.92	Union	1.89
Luna	1.75	Valencia	1.80

NEW YORK

	Rate per bushel
All counties	$2.15

NORTH CAROLINA

	Rate per bushel
All counties	$2.23

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$1.95	McKenzie	$1.93
Barnes	2.03	McLean	1.98
Benson	2.00	Mercer	1.96
Billings	1.95	Morton	1.97
Bottineau	1.97	Mountrail	1.96
Bowman	1.95	Nelson	2.02
Burke	1.96	Oliver	1.98
Burleigh	2.00	Pembina	2.01
Cass	2.04	Pierce	1.99
Cavalier	2.00	Ramsey	2.01
Dickey	2.03	Ransom	2.04
Divide	1.94	Renville	1.96
Dunn	1.95	Richland	2.05
Eddy	2.01	Rolette	1.99
Emmons	1.99	Sargent	2.04
Foster	2.02	Sheridan	2.00
Golden Valley	1.93	Sioux	1.97
Grand Forks	2.03	Slope	1.95
Grant	1.96	Stark	1.96
Griggs	2.03	Steele	2.03
Hettinger	1.96	Stutsman	2.02
Kidder	2.01	Towner	2.00
La Moure	2.02	Traill	2.04
Logan	2.01	Walsh	2.02
McHenry	1.99	Ward	1.97
McIntosh	2.00	Wells	2.01
		Williams	1.95

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$2.11	Clark	$2.13
Allen	2.11	Clermant	2.12
Ashland	2.11	Clinton	2.13
Ashtabula	2.13	Columbiana	2.11
Athens	2.10	Coshocton	2.11
Auglaize	2.12	Crawford	2.11
Belmont	2.11	Cuyahoga	2.11
Brown	2.11	Darke	2.13
Butler	2.16	Defiance	2.11
Carroll	2.11	Delaware	2.12
Champaign	2.13	Erie	2.11

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Fairfield	$2.11	Monroe	$2.11
Fayette	2.13	Montgomery	2.14
Franklin	2.12	Morgan	2.11
Fulton	2.08	Morrow	2.11
Gallia	2.08	Muskingum	2.10
Geauga	2.12	Noble	2.11
Greene	2.13	Ottawa	2.11
Guernsey	2.11	Paulding	2.11
Hamilton	2.16	Perry	2.11
Hancock	2.11	Pickaway	2.12
Hardin	2.12	Pike	2.12
Harrison	2.11	Portage	2.11
Henry	2.09	Preble	2.14
Highland	2.13	Putnam	2.11
Hocking	2.12	Richland	2.11
Holmes	2.11	Ross	2.12
Huron	2.10	Sandusky	2.11
Jackson	2.11	Scioto	2.10
Jefferson	2.11	Seneca	2.11
Knox	2.11	Shelby	2.13
Lake	2.12	Stark	2.11
Lawrence	2.09	Summit	2.11
Licking	2.11	Trumbull	2.13
Logan	2.13	Tuscarawas	2.11
Lorain	2.10	Union	2.13
Lucas	2.10	Van Wert	2.11
Madison	2.13	Vinton	2.10
Mahoning	2.12	Warren	2.15
Marion	2.12	Washington	2.11
Medina	2.11	Wayne	2.11
Meigs	2.08	Williams	2.10
Mercer	2.12	Wood	2.11
Miami	2.13	Wyandot	2.11

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	$2.00	Le Flore	$1.97
Alfalfa	2.00	Lincoln	1.97
Atoka	1.96	Logan	1.97
Beaver	1.94	Love	1.96
Beckham	1.96	McClain	1.96
Blaine	1.95	McCurtain	1.96
Bryan	1.96	McIntosh	1.99
Caddo	1.96	Major	1.97
Canadian	1.96	Marshall	1.96
Carter	1.96	Mayes	2.03
Cherokee	2.01	Murray	1.96
Choctaw	1.96	Muskogee	2.00
Cimmaron	1.93	Noble	2.00
Cleveland	1.96	Nowata	2.05
Coal	1.96	Okfuskee	1.98
Comache	1.96	Oklahoma	1.96
Cotton	1.96	Okmulgee	2.00
Craig	2.05	Osage	2.02
Creek	2.00	Ottawa	2.04
Custer	1.96	Pawnee	2.00
Delaware	2.02	Payne	1.98
Dewey	1.95	Pittsburg	1.97
Ellis	1.94	Pontotoc	1.96
Garfield	2.00	Pottawatomie	1.96
Garvin	1.96	Pushmataba	1.96
Grady	1.96	Roger Mills	1.95
Grant	2.00	Rogers	2.03
Greer	1.96	Seminole	1.96
Harmon	1.96	Sequoyah	2.00
Harper	1.95	Stephens	1.96
Haskell	1.99	Texas	1.94
Hughes	1.97	Tillman	1.96
Jackson	1.96	Tulsa	2.02
Jefferson	1.96	Wagoner	2.02
Johnston	1.96	Washington	2.05
Kay	2.01	Washita	1.96
Kingfisher	1.96	Woods	1.99
Kiowa	1.96	Woodward	1.95
Latimer	1.97		

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	$1.89	Jackson	$1.92
Benton	2.04	Jefferson	2.00
Clackamas	2.07	Josephine	1.93
Clatsop	2.03	Klamath	1.92
Columbia	2.05	Lake	1.88
Crook	1.98	Lane	2.02
Deschutes	1.98	Linn	2.03
Douglas	1.97	Malheur	1.84
Gilliam	2.04	Marion	2.06
Grant	2.02	Morrow	2.03
Harney	1.79	Multnomah	2.08
Hood River	2.05	Polk	2.05

OREGON—Continued

County	Rate per bushel	County	Rate per bushel
Sherman	$2.05	Wasco	$2.05
Umatilla	1.97	Washington	2.03
Union	1.90	Wheeler	2.00
Wallowa	1.83	Yamhill	2.07

PENNSYLVANIA

County	Rate per bushel	County	Rate per bushel
Adams	$2.17	Lackawanna	$2.15
Allegheny	2.13	Lancaster	2.18
Armstrong	2.13	Lawrence	2.13
Beaver	2.13	Lebanon	2.17
Bedford	2.14	Lehigh	2.17
Berks	2.18	Luzerne	2.15
Blair	2.14	Lycoming	2.15
Bradford	2.15	McKean	2.14
Bucks	2.19	Mercer	2.13
Butler	2.13	Mifflin	2.14
Cambria	2.13	Monroe	2.15
Cameron	2.14	Montgomery	2.19
Carbon	2.15	Montour	2.15
Centre	2.14	Northampton	2.16
Chester	2.19	Northumberland	2.15
Clarion	2.13	Perry	2.14
Clearfield	2.13	Pike	2.15
Clinton	2.14	Potter	2.14
Columbia	2.15	Schuylkill	2.16
Crawford	2.13	Snyder	2.14
Cumberland	2.16	Somerset	2.13
Dauphin	2.15	Sullivan	2.15
Delaware	2.19	Susquehanna	2.15
Elk	2.14	Tioga	2.15
Erie	2.14	Union	2.14
Fayette	2.13	Venango	2.13
Forest	2.13	Warren	2.14
Franklin	2.16	Washington	2.13
Fulton	2.14	Wayne	2.15
Greene	2.13	Westmoreland	2.13
Huntington	2.14	Wyoming	2.15
Indiana	2.13	York	2.18
Jefferson	2.13		
Juniata	2.14		

SOUTH CAROLINA

	Rate per bushel
All counties	$2.23

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$2.02	Jackson	$1.95
Beadle	2.04	Jerauld	2.03
Bennett	1.98	Jones	1.96
Bon Homme	2.04	Kingsbury	2.05
Brookings	2.06	Lake	2.05
Brown	2.04	Lawrence	1.92
Brule	2.02	Lincoln	2.06
Buffalo	2.02	Lyman	1.93
Butte	1.92	McCook	2.04
Campbell	2.00	McPherson	2.01
Charles Mix	2.03	Marshall	2.04
Clark	2.05	Meade	1.93
Clay	2.07	Mellette	1.98
Codington	2.06	Miner	2.04
Corson	1.93	Minnehaha	2.05
Custer	1.93	Moody	2.05
Davison	2.03	Pennington	1.93
Day	2.05	Perkins	1.95
Deuel	2.06	Potter	2.00
Dewey	1.97	Roberts	2.05
Douglas	2.03	Sanborn	2.03
Edmunds	2.03	Shannon	1.98
Fall River	1.94	Spink	2.04
Faulk	2.03	Stanley	1.98
Grant	2.06	Sully	2.00
Gregory	2.03	Todd	2.01
Haakon	1.96	Tripp	2.01
Hamlin	2.06	Turner	2.05
Hand	2.03	Union	2.07
Hanson	2.04	Walworth	2.00
Harding	1.95	Washabaugh	1.95
Hughes	2.01	Yankton	2.06
Hutchinson	2.04	Ziebach	1.95
Hyde	2.01		

TENNESSEE

County	Rate per bushel	County	Rate per bushel
Anderson	$2.22	Bledsoe	$2.20
Bedford	2.17	Blount	2.26
Benton	2.15	Bradley	2.22

TENNESSEE—Continued

County	Rate per bushel	County	Rate per bushel
Campbell	$2.21	Lewis	$2.16
Cannon	2.17	Lincoln	2.17
Carroll	2.14	Loudon	2.24
Carter	2.25	McMinn	2.23
Cheatham	2.17	Macon	2.17
Chester	2.15	Madison	2.14
Claiborne	2.21	Marion	2.19
Clay	2.18	Marshall	2.17
Cocke	2.24	Maury	2.17
Coffee	2.17	Meigs	2.22
Crockett	2.13	Monroe	2.24
Cumberland	2.21	Montgomery	2.15
Davidson	2.17	Moore	2.18
Decatur	2.14	Morgan	2.21
De Kalb	2.18	Obion	2.13
Dickson	2.17	Overton	2.18
Dyer	2.19	Pickett	2.19
Fayette	2.14	Polk	2.23
Fentress	2.19	Putnam	2.17
Franklin	2.18	Rhea	2.21
Gibson	2.14	Roane	2.22
Giles	2.17	Robertson	2.15
Grainger	2.24	Rutherford	2.17
Greene	2.26	Sequatchie	2.20
Grundy	2.19	Sevier	2.25
Hamblen	2.24	Shelby	2.14
Hamilton	2.21	Smith	2.17
Hancock	2.23	Stewart	2.15
Hardeman	2.14	Sullivan	2.28
Hawkins	2.25	Sumner	2.16
Haywood	2.13	Tipton	2.14
Henderson	2.15	Trousdale	2.17
Henry	2.14	Unicoi	2.25
Hickman	2.16	Union	2.23
Houston	2.15	Van Buren	2.18
Humphreys	2.16	Warren	2.18
Jackson	2.17	Washington	2.25
Jefferson	2.24	Wayne	2.17
Johnson	2.25	Weakley	2.14
Knox	2.25	White	2.18
Lake	2.02	Williamson	2.17
Lauderdale	2.13	Wilson	2.17
Lawrence	2.17		

TEXAS

County	Rate per bushel	County	Rate per bushel
Archer	$1.96	Ellis	$2.04
Armstrong	1.96	Erath	2.01
Bailey	1.95	Falls	2.06
Bandera	2.00	Fannin	1.96
Bastrop	2.07	Fisher	1.96
Baylor	1.96	Floyd	1.96
Bell	2.06	Foard	1.96
Bexar	2.04	Gaines	1.96
Blanco	2.04	Galveston	2.22
Borden	1.96	Garza	1.96
Bosque	2.04	Gillespie	2.01
Bowie	1.96	Glasscock	1.96
Briscoe	1.96	Gray	1.95
Brown	1.97	Grayson	1.99
Burleson	2.10	Hale	1.96
Burnet	2.04	Hall	1.96
Caldwell	2.06	Hamilton	2.02
Callahan	1.96	Hansford	1.93
Carson	1.95	Hardeman	1.96
Castro	1.96	Harris	2.22
Childress	1.93	Hartley	1.93
Clay	1.96	Haskell	1.96
Cochran	1.96	Hemphill	1.94
Coke	1.96	Hill	2.04
Coleman	1.96	Hockley	1.96
Collin	2.02	Hood	2.02
Collingsworth	1.96	Howard	1.96
Comanche	1.98	Hudspeth	1.89
Concho	1.96	Hunt	2.00
Cooke	1.96	Hutchinson	1.94
Coryell	2.04	Irion	1.95
Cottle	1.96	Jack	1.96
Crosby	1.96	Jackson	2.10
Culberson	1.88	Jeff Davis	1.88
Dallam	1.91	Johnson	2.03
Dallas	2.02	Jones	1.96
Dawson	1.96	Kaufman	2.03
Deaf Smith	1.95	Kendall	2.01
Delta	1.96	Kent	1.96
Denton	2.01	Kerr	2.00
Dickens	1.96	Kimble	1.96
Donley	1.96	King	1.96
Eastland	1.96	Knox	1.96

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Lamar	$1.96	Real	$1.98
Lamb	1.96	Reeves	1.90
Lampasas	2.04	Roberts	1.94
Limestone	2.06	Robertson	2.07
Lipscomb	1.93	Rockwall	2.02
Llano	2.03	Runnels	1.96
Loving	1.90	San Saba	2.02
Lubbock	1.96	Schleicher	1.94
Lynn	1.93	Scurry	1.96
McCulloch	1.96	Shackelford	1.96
McLennan	2.05	Sherman	1.91
Martin	1.95	Stephens	1.96
Mason	1.95	Sterling	1.96
Maverick	1.90	Stonewall	1.96
Medina	2.02	Swisher	1.95
Menard	1.96	Tarrant	2.02
Midland	1.95	Taylor	1.96
Milam	2.07	Terry	1.96
Mills	2.02	Throckmorton	1.96
Mitchell	1.96	Tom Green	1.96
Montague	1.96	Travis	2.06
Moore	1.93	Uvalde	1.98
Motley	1.96	Van Zandt	2.03
Navarro	2.05	Ward	1.91
Nolan	1.96	Wheeler	1.95
Ochiltree	1.93	Wichita	1.96
Palo Pinto	1.96	Wilbarger	1.96
Parker	2.02	Williamson	2.06
Parmer	1.95	Wise	2.01
Pecos	1.90	Yoakum	1.98
Potter	1.95	Yound	1.96
Presidio	1.88	Zavala	1.93
Randall	1.96		

UTAH

County	Rate per bushel	County	Rate per bushel
Beaver	$1.83	Piute	$1.73
Box Elder	1.77	Rich	1.80
Cache	1.77	Salt Lake	1.80
Carbon	1.80	San Juan	1.80
Daggett	1.80	San Pete	1.77
Davis	1.80	Sevier	1.73
Duchesne	1.80	Summit	1.80
Emery	1.80	Tooele	1.77
Garfield	1.73	Uintah	1.80
Grand	1.80	Utah	1.80
Iron	1.82	Wasatch	1.80
Juab	1.77	Washington	1.80
Kane	1.73	Wayne	1.73
Millard	1.79	Weber	1.80
Morgan	1.80		

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomac	$2.18	Grayson	$2.24
Albermarle	2.22	Greene	2.21
Alleghany	2.22	Greensville	2.21
Amelia	2.22	Halifax	2.24
Amherst	2.23	Hanover	2.25
Appomattox	2.23	Henrico	2.25
Augusta	2.23	Henry	2.23
Bath	2.19	Highland	2.19
Bedford	2.23	Isle of Wight	2.21
Bland	2.23	James City	2.23
Botetourt	2.23	King and Queen	2.22
Brunswick	2.23	King George	2.23
Buchanan	2.20	King William	2.23
Buckingham	2.22	Lancaster	2.21
Campbell	2.23	Lee	2.24
Caroline	2.25	Loudoun	2.20
Carroll	2.23	Louisa	2.22
Charles City	2.23	Lunenburg	2.23
Charlotte	2.23	Madison	2.21
Chesterfield	2.23	Mathews	2.20
Clarke	2.20	Mecklenburg	2.23
Craig	2.20	Middlesex	2.21
Culpeper	2.20	Montgomery	2.23
Cumberland	2.22	Nansemond	2.21
Dickenson	2.21	Nelson	2.22
Dinwiddie	2.22	New Kent	2.23
Essex	2.22	Norfolk	2.23
Fairfax	2.21	Northampton	2.19
Fauquier	2.24	Northumberland	2.21
Floyd	2.23	Nottoway	2.23
Fluvanna	2.22	Orange	2.21
Franklin	2.24	Page	2.21
Frederick	2.20	Patrick	2.23
Giles	2.21	Pittsylvania	2.24
Gloucester	2.21		
Goochland	2.22		

VIRGINIA—Continued

County	Rate per bushel	County	Rate per bushel
Powhatan	$2.22	Scott	$2.26
Prince Edward	2.23	Shenandoah	2.22
Prince George	2.22	Smyth	2.26
Prince William	2.21	Southampton	2.21
Princess Anne	2.21	Spotsylvania	2.23
Pulaski	2.24	Stafford	2.24
Rappahannock	2.20	Surry	2.21
Richmond	2.22	Sussex	2.21
Roanoke	2.25	Tazewell	2.21
Rockbridge	2.23	Warren	2.20
Rockingham	2.22	Washington	2.28
Russell	2.25	Westmoreland	2.22
		Wise	2.21
		Wythe	2.25

WASHINGTON

Adams	$1.93	Klickitat	$2.05
Asotin	1.93	Lewis	2.03
Benton	1.98	Lincoln	1.92
Chelan	1.96	Okanogan	1.92
Clark	2.08	Pend Oreille	1.89
Columbia	1.96	Pierce	2.06
Cowlitz	2.06	San Juan	2.00
Douglas	1.91	Skagit	2.05
Ferry	1.88	Snohomish	2.05
Franklin	1.95	Spokane	1.91
Garfield	1.96	Stevens	1.90
Grant	1.93	Walla Walla	1.97
King	2.06	Whitman	1.92
Kittitas	1.99	Yakima	1.98

WEST VIRGINIA

Barbour	$2.17	Mineral	$2.17
Berkeley	2.18	Monongalia	2.15
Boone	2.16	Monroe	2.19
Braxton	2.18	Morgan	2.18
Brooke	2.14	Nicholas	2.18
Cabell	2.14	Ohio	2.14
Calhoun	2.17	Pendleton	2.19
Clay	2.17	Pleasants	2.14
Doddridge	2.16	Pocahontas	2.18
Fayette	2.18	Preston	2.15
Gilmer	2.17	Putnam	2.15
Grant	2.17	Raleigh	2.18
Greenbrier	2.19	Randolph	2.18
Hampshire	2.18	Ritchie	2.16
Hancock	2.13	Roane	2.16
Hardy	2.18	Summers	2.18
Harrison	2.16	Taylor	2.16
Jackson	2.15	Tucker	2.17
Jefferson	2.18	Tyler	2.14
Kanawha	2.16	Upshur	2.17
Lewis	2.17	Wayne	2.16
Lincoln	2.16	Webster	2.18
Marion	2.15	Wetzel	2.15
Marshall	2.14	Wirt	2.16
Mason	2.14	Wood	1.15
Mercer	2.18		

WISCONSIN

Adams	$2.08	Iowa	$2.08
Ashland	2.07	Iron	2.05
Barron	2.09	Jackson	2.07
Bayfield	2.08	Jefferson	2.11
Brown	2.08	Juneau	2.08
Buffalo	2.09	Kenosha	2.15
Burnett	2.10	Kewaunee	2.07
Calumet	2.09	LaCrosse	2.06
Chippewa	2.08	LaFayette	2.09
Clark	2.06	Langlade	2.06
Columbia	2.09	Lincoln	2.05
Crawford	2.07	Manitowoc	2.09
Dane	2.11	Marathon	2.06
Dodge	2.10	Marinette	2.05
Door	2.05	Marquette	2.08
Douglas	2.12	Milwaukee	2.14
Dunn	2.09	Monroe	2.07
Eau Claire	2.09	Oconto	2.07
Florence	2.04	Oneida	2.04
Fond du Lac	2.10	Outgamie	2.08
Forest	2.05	Ozaukee	2.11
Grant	2.08	Pepin	2.09
Green	2.10	Pierce	2.11
Greenlake	2.09	Polk	2.11

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Portage	$2.07	Trempealeau	$2.07
Price	2.06	Vernon	2.07
Racine	2.15	Vilas	2.02
Richland	2.08	Walworth	2.12
Rock	2.11	Washburn	2.09
Rusk	2.06	Washington	2.11
Saint Croix	2.12	Waukesha	2.11
Sauk	2.09	Waupaca	2.08
Sawyer	2.09	Waushara	2.08
Shawano	2.07	Winnebago	2.09
Sheboygan	2.10	Wood	2.07
Taylor	2.06		

WYOMING

Albany	$1.82	Natrona	$1.83
Big Horn	1.77	Niobrara	1.90
Campbell	1.87	Park	1.77
Carbon	1.79	Platte	1.91
Converse	1.87	Sheridan	1.85
Crook	1.90	Sublette	1.79
Fremont	1.77	Sweetwater	1.79
Goshen	1.94	Teton	1.77
Hot Springs	1.77	Uinta	1.79
Johnson	1.85	Washakie	1.77
Laramie	1.94	Weston	1.90
Lincoln	1.78		

(d) *Warehouse charges.* The warehouse receipt and the wheat represented thereby may be subject to liens for warehouse charges only from May 15, 1950, or the date the warehouse charges begin, whichever is later.

(e) *Discounts and premiums.* The basic support rates specified in paragraphs (a), (b), and (c) of this section shall be adjusted by the premiums and discounts listed below, to determine the support rate for wheat of different classification and quality.

(1) *Classification discounts.*

	Cents per bushel
No. 1 mixed wheat	2
No. 1 red durum	15
No. 1 mixed wheat (containing less than 5 percent of wheats of the classes durum and/or red durum)	2
No. 1 mixed wheat (containing 5 percent or more but less than 10 percent of wheats of the classes durum and/or red durum)	6
No. 1 mixed wheat (containing in excess of 10 percent of wheats of the class durum and/or red durum)	15
No. 1 mixed wheat grading amber mixed durum	5
No. 1 mixed wheat grading mixed durum	10
Wheat otherwise eligible but grading No. 4 or 5 because it contains wheat of the classes durum and/or red durum	6

(2) *Grade discounts.*

	No. 1 heavy dark northern spring, No. 1 heavy, northern spring, No. 1 heavy red spring	No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 hard white, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard amber durum, No. 1 amber durum, No. 1 durum, No. 1 red durum, No. 1 mixed wheat
	Cents per bushel	Cents per bushel
No. 1 (not heavy)	1	0
No. 2	2	1
No. 3	4	3
No. 4 (on test weight only; otherwise No. 3 or better)	6	6
No. 5 (on test weight only; otherwise No. 3 or better)	9	9
Smut-degree basis		
Light smutty	2	2
Smutty	6	6
Smut-percentage basis		
½ of 1%	1	1
1% or over	8	3
Garlic-degree basis		
Light garlicky	6	6
Garlicky	15	15

(3) *Protein premiums.*

Protein content (percent)	Astoria, Portland, Oreg.; Longview, Seattle, Tacoma, Vancouver, Wash.; Los Angeles, Oakland, San Francisco, Stockton, Calif.		All other designated terminal markets listed in paragraph (a) of this section	
	Hard red spring; hard red winter	Hard white wheat of the varieties Early Baart and Bluestem only	Hard red spring	Hard red winter, hard white wheat
	Cents per bushel	Cents per bushel	Cents per bushel	Cents per bushel
10.0–10.9	0	1	0	0
11.0–11.9	1	2	0	0
12.0–12.9	2	3	0	1
13.0–13.9	3	4	1	1½
14.0–14.4	4	4½	2	2
14.5–14.9	5	5	3	2½
15.0–15.4	6	5½	4	3
15.5–15.9	7	6	5	3½
16.0–16.4	8	6½	6	4
16.5–16.9	9	7	7	4½
17.0–17.4	10	7½	8	(2)
Over 17.4	(1)	(2)	(1)	

[1] 1 cent for each ½ percent of protein over 17.4 percent.
[2] ½ cent for each ½ percent of protein over 17.4 percent.

(f) *Track-loading.* A track-loading payment of 2 cents per bushel will be made to the producer on wheat delivered to CCC on track at a country point.

(g) *Settlement* — (1) *Farm-storage loans.* In the case of wheat delivered to CCC from farm-storage under the loan program, settlement will be made at the applicable support rate for the approved point of delivery. The support rate will be for the grade and quality of the total quantity of wheat delivered.

If the wheat under farm-storage loan is, upon delivery, of a grade and/or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and/or quality of the wheat placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the wheat delivered, as determined by CCC.

(2) *Purchase agreement.* Wheat delivered to CCC under a purchase agreement must meet the requirements of wheat eligible for loan. The purchase rate per bushel of eligible wheat will be the support rate established for the approved point of delivery.

§ 601.579 *Storage allowance*—(a) *Warehouse-storage loans.* CCC will assume accrued warehouse charges on wheat which is not redeemed by the producer.

(b) *Farm-storage loans.* A farm-storage payment of 7 cents per bushel will be made to the producer (1) on wheat delivered to CCC on or after April 30, 1951, or (2) on wheat delivered to CCC prior to April 30, 1951, pursuant to the demand by the President, CCC, for repayment of the loan, provided such demand for repayment is not due to any fraudulent representation on the part of the producer or the fact that the wheat was damaged, abandoned or otherwise impaired due to negligence on the part of the producer. If the wheat is delivered to CCC prior to April 30, 1951, upon request of the producer and with the approval of CCC, or in the case of loss assumed by CCC under the loan program, the storage payment will be as follows:

6 cents per bushel if delivered or loss occurs during month of April 1951.
5 cents per bushel if delivered or loss occurs during month of March 1951.
4 cents per bushel if delivered or loss occurs during month of February 1951.
3 cents per bushel if delivered or loss occurs during month of January 1951.
2 cents per bushel if delivered or loss occurs during month of December 1950.

Earned storage shall be computed as of the final date for delivery as specified in the delivery instructions issued to the producer by the county committee, or as of the date of loss assumed by CCC. No storage payment will be made if delivery of wheat is made or the loss occurs prior to December 1950.

No storage payment will be made on wheat delivered to CCC prior to April 30, 1951, pursuant to demand by CCC for the repayment of a loan if such demand for repayment is due to any fraudulent representation on the part of the producer or the fact that the wheat was damaged, threatened with damage, abandoned, or otherwise impaired.

(c) *Purchase agreement.* CCC will assume accrued warehouse charges on wheat in eligible warehouse-storage delivered to CCC, or make a payment of 7 cents per bushel to the producer on wheat in approved warehouse-storage if it is shown that all warehouse charges, except receiving charges, had been paid by the producer through April 30, 1951. A payment of 7 cents per bushel will be made to the producer on wheat delivered from other than approved warehouse-storage, pursuant to delivery instructions issued by the county committee.

Issued this 7th day of July 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50–6056; Filed, July 12, 1950; 8:50 a. m.]

PART 672—WOOL

SUBPART—1950 WOOL PRICE SUPPORT PURCHASE PROGRAM

This bulletin states the requirements with respect to the 1950 Wool Price Support Purchase Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA").

PROGRAM OPERATION

Sec.
672.101 Administration.

ELIGIBILITY

672.102 Eligible persons.
672.103 Eligible shorn wool.
672.104 Eligible pulled wool.

INELIGIBLE WOOL

672.105 Liability.

APPRAISALS

672.106 Determination of appraisal value.
672.107 Reappraisals.

SALES TO CCC

672.108 Notice of election to sell wool to CCC.
672.109 Risk of loss and responsibility for storage charges.

WEIGHTS

672.110 Determination of weights.
672.111 Grease wool.
672.112 Scoured or carbonized wool.

PRICE

672.113 Purchase price.

ACCOUNT SALES

672.114 Information on appraisal value.
672.115 Limitation on charges by handler.

CHARGES

672.116 Grading.
672.117 Scouring and carbonizing.
672.118 Freight.
672.119 Handling.
672.120 Appraisal charges.

GENERAL

Sec.
672.121 Contractual rights.
672.122 Inconsistent provisions.

AUTHORITY: §§ 672.101 to 672.122 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C., Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, Titles II, IV, 63 Stat. 1052, 1054–58; 15 U. S. C. Sup., 714c, 7 U. S. C., Sup., 1446, 1421–1431.

PROGRAM OPERATION

§ 672.101 *Administration.* The program will be carried out under the general supervision and direction of the President of CCC and in accordance with the bylaws of CCC through PMA. Prices of wool will be supported by means of purchases made through wool dealers and cooperative associations (such wool dealers and cooperative associations are hereinafter referred to as "handlers") who enter into agreements with CCC to purchase, store, handle, and sell wool for the account of CCC. Names of approved handlers may be obtained from the County PMA Committees and the Wool Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

ELIGIBILITY

§ 672.102 *Eligible persons.* (a) Shorn wool will be purchased by CCC through shorn wool handlers from any grower, pool, country merchant or assembler (such country merchant or assembler is hereinafter referred to as "secondary handler"). A secondary handler shall be required to furnish a bond for $10,000 in such form and issued by such sureties as CCC may prescribe or approve, in order to be eligible to sell to CCC wool which he has purchased from growers.

(b) Pulled wool will be purchased through pulled wool handlers from pulleries or directly from pulleries having agreements with CCC.

§ 672.103 *Eligible shorn wool.* Eligible shorn wool shall be wool which meets the following requirements:

(a) The wool must be shorn from sheep or lambs raised in the continental United States and Territories.

(b) The wool must be free of all liens and encumbrances.

(c) The wool shall not have previously been purchased by CCC.

(d) The wool must be placed in a warehouse approved by CCC and must be offered for appraisal before March 1, 1951, and CCC must be notified within the time limits specified in § 672.108 of the owner's election to sell such wool to CCC.

(e) Wool received on consignment by a handler must have been received direct from the grower or from a secondary handler or pool which received it from the grower.

(f) Wool purchased by a handler or secondary handler must have been purchased direct from the grower.

(g) Wool purchased from growers by a secondary handler must be accompanied by a certificate of the secondary handler showing for each grower from whom such wool was purchased (1) the name of the grower, (2) the date of the purchase, (3) the net weight of wool

purchased, and (4) the respective amounts paid or payable for such wool. The certificate must also contain a notation by the County PMA Committee for the county in which the secondary handler maintains his principal place of business that a copy of such certificate, showing also the addresses of the growers, has been filed with such county committee.

(h) In the case of wool which the handler has purchased from growers, the handler must have and maintain accurate records showing with respect to such wool, (1) the name and address of each grower from whom wool is purchased, (2) the date of purchase, (3) the net weight of wool purchased from each grower, and (4) the respective amounts paid for such wool.

(i) The entire lot or quantity of wool purchased from a grower by a handler or secondary handler must be sold to CCC if any part of such lot is sold to CCC.

(j) Wool purchased from growers by a handler or secondary handler must have been purchased in lots of not to exceed 3,000 pounds, except that this limitation shall not apply to California processing type wools, i. e., defective fall and eight months' wool, and defective lamb's wool, produced in California.

(k) Wool purchased from growers by a handler or secondary handler must not be commingled with wool received by the handler or secondary handler on consignment.

§ 672.104 *Eligible pulled wool.* Eligible pulled wool shall be wool which meets the following requirements:

(a) The wool must be removed from the skins of sheep or lambs raised in the continental United States and Territories.

(b) The wool must be free of all liens and encumbrances.

(c) The wool shall not have previously been purchased by CCC.

(d) The wool must be placed in a warehouse approved by CCC and must be offered for appraisal before March 1, 1951, and CCC must be notified within the time limits specified in § 672.108 of the owner's election to sell such wool to CCC.

(e) All wool must be received by the handler on consignment from the pullery which produced the wool and shall have been graded by or on behalf of the pullery in accordance with its usual custom. Unless otherwise approved by CCC, such wool shall be in lots of not less than 10,000 pounds of grease wool of the main grades (clear white and stained wools of 50's quality and above), in lots of not less than 5,000 pounds for grease wool of the other grades, and in lots of not less than 2,500 pounds of scoured and/or carbonized wool, irrespective of grade.

(f) The wool must be a part of the pullery's production.

(g) The pullery shall not have previously parted with title to such wool.

(h) The wool must be packed in new bags or bale covers or No. 1 used bags or bale covers that have been disinfested of moth eggs or larvae.

(i) The wool shall not consist of or contain samples left from wool sold in the open market, vat wool, machine wool, mohair, horse hair, sisal, improperly scoured wool, or any type of wool or foreign matter rejected by the Appraiser for purchase by CCC.

INELIGIBLE WOOL

§ 672.105 *Liability.* If a handler, secondary handler, or pullery sells to CCC, or purchases for the account of CCC, wool which is ineligible, the handler, secondary handler, or pullery, as the case may be, shall be liable to CCC for the amount of damages sustained by CCC as a result thereof. If the amount of the damages cannot be determined, such damages shall be computed at the following rates: (a) Shorn wool, seven (7) cents per pound of grease wool; (b) pulled wool, ten (10) cents per pound of grease wool, or fifteen (15) cents per pound of scoured or carbonized wool.

APPRAISALS

§ 672.106 *Determination of appraisal value.* Appraisals of shorn wool will only be made of grading lines aggregating at least 24,000 pounds or original bag lots consisting of at least 10 bags. Growers who have smaller quantities of shorn wool may have such wool appraised by delivering it to a handler with authorization to grade or group it with similar wool received from other growers, to form a lot of the required size. Appraisals of pulled wool will only be made of quantities not less than those specified in paragraph (e) of § 672.104. The appraisal value of wool offered to CCC under the program shall be based on the grade, length, type, and classification of the wool as determined by one or more Appraisers employed by the United States Department of Agriculture. The shrinkage shall be determined by the United States Department of Agriculture by the core-test method unless CCC authorizes the shrinkage to be determined on the basis of an inspection by the Appraiser. If CCC determines that any wool offered for appraisal should be graded, scoured or carbonized, it may require the wool to be graded, scoured or carbonized before the appraisal is made. All California processing type wools shall be scoured and/or carbonized before appraisal.

§ 672.107 *Reappraisals.* The determination of the appraisal value of the wool shall be subject to the right of a reappraisal upon written application to CCC by the person offering the wool to CCC for appraisal within 15 days after the date of the form reporting the appraisal results to the handler if, (a) such wool is available for reappraisal in the same warehouse and in the same quantity or state (i. e., grease, scoured or carbonized) as at the time of the original appraisal; and (b) the handler, in the case of shorn wool, is specifically authorized to act for all persons contributing to any graded line of wool on which a reappraisal is requested.

SALES TO CCC

§ 672.108 *Notice of election to sell wool to CCC—(a) Time limits.* CCC will purchase any eligible wool on the basis of the appraisal results, subject to the terms and conditions herein, if the wool remains in the same warehouse (unless removed with the specific written authorization of CCC) and in the same condition in which it was appraised and if CCC is notified of the owner's election to sell such wool to CCC by the dates specified below:

(1) Shorn wool (offered by a grower or a pool of growers) on which the form reporting the results of the appraisal or reappraisal is dated before December 1, 1950, at any time between the date of the form reporting the results of the appraisal or reappraisal and December 31, 1950.

(2) Shorn wool (offered by a grower or a pool of growers) on which the form reporting the results of the appraisal or reappraisal is dated on or after December 1, 1950, at any time within 30 days after the date of the form reporting the results of the appraisal or reappraisal except that CCC must, in any event, be notified of such election not later than March 31, 1951.

(3) Shorn wool (offered by a handler, secondary handler, or pool which purchased it from growers for resale to CCC) or pulled wool—at any time within 20 days after the date of the form reporting the results of the appraisal or reappraisal except that CCC must, in any event, be notified of such election not later than March 31, 1951.

(b) *Date of notification.* The date of the postmark recorded by the Post Office Department on the notification shall be deemed to be the date of notification to CCC. In cases where the notification is not mailed or the postmark is not recorded by the Post Office Department, the date on which the notification is received by CCC shall be deemed to be the date of notification to CCC.

§ 672.109 *Risk of loss and responsibility for storage charges.* CCC shall not be responsible for loss or damage to shorn wool, or for storage charges on shorn wool, prior to the time CCC is notified of the election of the grower, pool, secondary handler or handler, to sell such wool to CCC. CCC shall not be responsible for loss or damage to pulled wool, or for storage charges on pulled wool, prior to the time the purchase price is paid to the pullery.

WEIGHTS

§ 672.110 *Determination of weights.* All weights shall be taken by a responsible weighmaster, and the weight sheets shall be signed by the weighmaster and show the date on which the weights were taken.

§ 672.111 *Grease wool*—(a) *Shorn.* Shorn grease wool will be purchased by CCC on the basis of weights taken not earlier than 5 days before core samples are drawn, or the date scheduled by CCC for taking core samples, in the case of wool on which the shrinkage is determined by core test. In the case of wool on which the appraisal is completed without drawing core samples, the wool will be purchased by CCC on the basis of weights taken not earlier than 5 days before the date on which the wool is examined by the Appraiser. Wool received in a wet or damp condition shall not be commingled with other wool until it is properly dried and the commingling is authorized by the Appraiser.

(b) *Pulled.* Pulled grease wool will be purchased by CCC on the basis of weights taken not earlier than 5 days before and not later than 5 days after the date the core samples are drawn, or the date scheduled by CCC for taking core samples.

(c) *Reappraised.* In the event a reappraisal is made of grease wool (either shorn or pulled), CCC shall have the right to require that the purchase by CCC be made on the basis of the weight of such wool taken on or after the date on which core samples are drawn for the reappraisal.

§ 672.112 *Scoured or carbonized wool.* Scoured or carbonized wool (both shorn and pulled) will be purchased by CCC on the basis of the weights of bags or bales taken by the scouring mill promptly upon completion of the processing. (These are the weights customarily taken by the scouring mill for preparing the scouring or carbonizing report.)

PRICE

§ 672.113 *Purchase price.* The purchase price for wool that is sold to CCC shall be in accordance with the following schedule, grease, scoured, or carbonized basis, as the case may be (depending upon the state of the wool when appraised), less the applicable charges enumerated in §§ 672.116 to 672.120, except that, in the case of shorn wool purchased from growers by a handler or secondary handler, the purchase price shall not exceed the amount paid the growers for such wool. At the end of the program year, in the case of shorn wool purchased from growers by a handler or secondary handler, an adjustment shall be made with the handler, or secondary handler if the latter makes application therefor, as the case may be. Under such adjustment, the purchase price payable to the handler or the secondary handler, as the lesser of (a) the schedule price less applicable charges or (b) the amount paid growers for the wool, shall be determined on a program year basis. Except as otherwise indicated in the schedule, the prices are quoted on a clean content basis. In the case of wool purchased by CCC in the grease, the shrinkage as determined in accordance with § 672.106 shall be applied to the clean content price appearing in the schedule to arrive at the price applicable to the grease wool. If more than one grower, pool, or secondary handler has contributed to a line of shorn wool which is scoured or carbonized, the purchase price to be paid to them shall be prorated among them on the basis of the quantity of wool each has in the line and on the basis of the length, quality (grade), shrinkage, and extent of the defect in such wool as determined by the handler before scouring or carbonizing.

SCHEDULE OF PURCHASE VALUES FOR DOMESTIC SHORN WOOL FREE OF DEFECT

[Greasy, scoured, carbonized (all prices are sold Boston, Mass.), effective date, Apr. 1, 1950]

Note to All Appraisers: This schedule (as applied to Parts I, I-A, II, II-A, and III) is for good style clear wool only. Prices shown shall be discounted up to five (5) cents per clean pound in appraising ordinary to poor style, poorly put up wool, or wool which for any reason would entail excessive conversion costs exclusive of discounts in Part V, and for wools appraised under a classification for which they are not completely eligible.

Class	Description	Clean price per pound
	PART I	
	Territory and Texas Wool—Graded	
2A	Graded strictly staple, 64s and finer	$1.40
3A	Graded good French combing and staple only, 64s and finer.	1.35
3C	Graded average and good French combing, 64s and finer.	1.32
4A	Graded average French combing, 64s and finer.	1.29
4AA	Graded average and short French combing, 64s and finer.	1.23
5A	Graded clothing and stubby, 64s and finer.	1.14
	Territory and Texas ½ Blood—Graded	
8A	Graded strictly staple, 60/64s	1.30
8AA	Graded staple, some good French combing, 60s and finer.	1.26
8B	Graded good French combing, 60s and finer.	1.24
8C	Graded staple and good French combing, bulk 60s, up to 10% 58s allowed.	1.22
8D	Graded average French combing, 60/64s.	1.22
8E	Graded short French combing, 60s and finer, edge of 58s allowed.	1.17
8EE	Graded clothing, 60s and finer, edge of 58s allowed.	1.11
	Territory and Texas ¾ Blood—Graded	
9A	Graded strictly staple (56/58s)	1.11
9B	Graded good French combing and staple (56/58s).	1.09
9C	Graded good French combing and staple (56s).	1.06
9D	Graded average French combing (56/58s).	1.03
9E	Graded clothing (56/58s)	.96
	Territory and Texas ¼ Blood—Graded	
10A	Graded staple, strictly 50s	1.02
10B	Graded staple, (50/48s)	.99
10C	Graded staple, (48/50s)	.96
10D	Graded average to good French combing (48/50s).	.91
10E	Graded clothing (48s to 50s)	.86
	Territory and Texas Low ¼—Graded	
11A	46s	.90
	Territory and Texas Common and Braid	
12A	44s to 36s	.85
	PART I-A	
	Fine Territory Wool—Original	
2B	Original bag good French combing and staple only, 64s and finer.	1.34
2C	Original bag good French combing and staple, 64s and finer, up to 25% ½ blood or 60s allowed, but no ¾ blood.	1.29
3B	Original bag average to good French combing, 64s and finer, up to 25% ½ blood or 60s allowed.	1.26
4B	Original bag average French combing, 64s and finer, up to 25% ½ blood or 60s allowed.	1.23
4BB	Original bag average to short French combing, 64s and finer, up to 25% ½ blood or 60s allowed.	1.22
5B	Original bag clothing 64/60s	1.14
	¼ Blood—Territory—Original Bag	
8F	Original bag good French combing and staple, bulk 60/64s, if any three-eighths blood fleeces are present, lot must be graded.	1.25
8G	Original bag average to good French combing, bulk 60/64s, if any three-eighths blood fleeces are present, lot must be graded.	1.22

SCHEDULE OF PURCHASE VALUES FOR DOMESTIC SHORN WOOL FREE OF DEFECT—Continued

[Greasy, scoured, carbonized (all prices are sold Boston, Mass.), effective date, Apr. 1, 1950]

Class	Description	Clean price per pound
	PART II	
	Texas Wools—Original Bags	
2	Original bag best 12 months, staple and good French combing, 64s and finer.	$1.36
3	Original bag good 12 months, good French combing, some staple, 64s and finer.	1.34
4	Original bag 12 months average to good French combing, 64s and finer.	1.31
5	Original bag 12 months average French combing, 64s and finer.	1.28
6	Original bag 12 months short French combing, 64s and finer.	1.25
7	Original bag 12 months clothing, inferior, poorly bred, bulk 64s.	1.15
8A	Best length 8 months	1.19
8B	Average length 8 months	1.16
8C	Short length 8 months	1.13
9A	Best length fall	1.11
9B	Average length fall	1.08
9C	Short length fall	1.05
	Texas	
	Original bag 12 months crossbred types produced in Central and West Texas only	
1A	Original bag 12 months staple and good French combing, 64s, edge 60s.	1.30
1B	Original bag 12 months good French combing and staple 60/64s.	1.25
1C	Original bag 12 months average to good French combing 60/64s.	1.22

PART II-A

Skirted Wools. Wools which have been fully skirted and skirting packed separately and accompanied the skirted wool may receive premiums over the prices shown for the appropriate classifications in Parts I through III at the discretion of the Appraisers the following amounts:

60s and finer: up to 7 cents per clean pound.
58s to 48s, inclusive: up to 6 cents per clean pound.
46s and coarser: up to 5 cents per clean pound.

Class	Description	Clean price per pound
	PART III	
	Bright and Semi-Bright Fleece—Graded (Including Valley Oregon and East Texas)	
	Bright—Fine	
1	Choice graded Delaine, strictly staple, 64s and finer, bright only.	$1.44
2	Average to good graded Delaine, strictly staple, 64s, bright only.	1.41
2A	Graded staple, 64s and finer, bright	1.36
3A	Graded average staple and good French combing, 64s and finer, bright.	1.33
3B	Graded good to average French combing, stubby out, 64s and finer, bright.	1.28
4A	Graded average to short French combing, stubby out, 64s and finer, bright.	1.21
5A	Graded fine clothing and stubby, 64s and finer, bright.	1.13
	Semi-Bright—Fine	
2AA	Graded staple, 64s and finer, semi-bright.	1.33
3AA	Graded average staple and good French combing, 64s and finer, semi-bright.	1.28
3BB	Graded good to average French combing, stubby out, 64s and finer, semi-bright.	1.24
4AA	Graded average to short French combing, stubby out, 64s and finer, semi-bright.	1.20
5AA	Graded fine clothing and stubby, 64s and finer, semi-bright.	1.18

SCHEDULE OF PURCHASE VALUES FOR DOMESTIC SHORN WOOL FREE OF DEFECT—Continued

[Greasy, scoured, carbonized (all prices are sold Boston, Mass.), effective date, Apr. 1, 1950]

Class	Description	Clean price per pound
	PART III—continued	
	Bright and Semi-Bright Fleece—Graded Including Valley Oregon and East Texas—Continued	
	Bright—½ Blood	
8A	Graded strictly staple (60s), bright	$1.26
8AA	Graded staple (60s) some good French combing, bright	1.24
8B	Graded staple, 60s and finer, up to 10% 58s allowed, bright	1.21
8C	Graded average to good French combing, 60s and finer, bright	1.19
8D	Graded average to short French combing, 60s and finer, clothing and stubby out, bright	1.14
8E	Graded clothing, 60s and finer, edge of 58s allowed, bright	1.03
	Semi-Bright—½ Blood	
8BB	Graded staple, 60s and finer, up to 10% 58s allowed, semi-bright	1.19
8CC	Graded average to good French combing, 60s and finer, clothing and stubby out, semi-bright	1.17
8DD	Graded average to short French combing, 60s and finer, clothing and stubby out, semi-bright	1.13
8EE	Graded clothing, 60s and finer, edge of 58s allowed, semi-bright	1.02
	¾ Blood	
9A	Graded staple 56/58s	1.05
9B	Graded 56/58s average to good length, clothing out	1.03
9D	Graded 56/58s average to short French combing	.98
9E	Graded 56/58s clothing	.89
	¼ Blood	
10A	Graded strictly 50s staple	1.00
10B	Graded 50/48s staple	.98
10C	Graded 50s, some 48s, average to good length	.93
10D	Graded 48s and finer short French combing and clothing	.88
	Low ¼ Blood	
11A	46s	.81
	Common and Braid	
12A	36s to 44s	.76
	Papermaker Felt Types (Bright and Semi-Bright only, Territory not included)	
13A	44s to 48s, long, strong Luster type wool (in lots rigidly graded to meet the requirements of manufacturers of papermaker felt, containing no fleeces failing to meet such requirements)	.86
13B	36s to 44s, long, strong Luster type wool (in lots rigidly graded to meet the requirements of manufacturers of papermaker felt, containing no fleeces failing to meet such requirements)	.81

PART III-A

Special Types Bright and Semi-Bright. When mid-Southern or Southern Type wools are properly graded, they may be appraised under the proper classification for graded wool in Part III. Untied fleeces will be discounted two (2) cents per pound in the grease. These wools, unless graded, must be scoured before appraisal and appraised under Part IV, paragraph 1.

Territory and Fleece Fed Lamb Wool. Worsted lambs wool, if tied fleeces of strictly combing length and free from woolen fleeces, may be appraised under the appropriate classification in Parts I through III. If worsted type untied, woolen type, or mixed woolen and worsted type lambs wool, they shall be scoured before appraisal and appraised under Part IV, paragraph 1.

SCHEDULE OF PURCHASE VALUES FOR DOMESTIC SHORN WOOL FREE OF DEFECT—Continued

[Greasy, scoured, carbonized (all prices are sold Boston, Mass.), effective date, Apr. 1, 1950]

PART III-A—continued

Class	Description	Clean price per pound
	Burry and Seedy Wools—Territory, Texas, and Fleece	
16A	Fine and ½ blood	$1.10
16B	⅜ and ¼ blood	.87

PART IV

Scoured and Carbonized Wools

NOTE: Prices for scoured and/or carbonized wools shall be discounted 1 percent.

1. *Scoured woolen type wools.* Including Fed Lambs, except California processing type wools:

Class	Grade	Price per pound (scoured and/or carbonized)	
		If unsorted	If sorted
1	60/64s and finer	$1.15	$1.19
2	60s	1.09	1.13
3	58/60s	1.05	1.09
4	58s	1.01	1.05
4A	56/58s	.97	1.01
5	50s	.94	.98
6	50/56s	.87	.91
7	48/46s and lower	.77	.81

2. *Processing California type wools.* A. 8 to 12 months only:

1	60/64s and finer	$1.13	$1.17
2	60s	1.09	1.13
3	58-60/64s	1.04	1.08
4	58s	.99	1.03
5	56/58s	.94	.98
5A	50/56s	.89	.93
5AA	48/46s and lower	.78	.82

B. For all other California processing wools: [1]

6	60/64s and finer	$1.03	$1.07
7	60s	1.01	1.05
8	58/60s	.97	1.01
9	58s	.94	.98
9A	56/58s	.90	.94
10	56s	.87	.91
11	50/56s	.84	.88
12	48/46s and lower	.75	.79

[1] This group is primarily for mixed spring and fall wools. For strictly short fall and lambs wool, appraisers may deduct 5 cents to 25 cents from these prices.

3. The value of all other scoured and/or carbonized domestic shorn wool shall be determined by arriving at the proper classification (clean basis) plus the following amounts per pound:

	Grade	If unsorted	If sorted
(a)	60s and finer	9¢	13¢
(b)	56s to 58s	8¢	12¢
(c)	48s to 50s	7¢	11¢
(d)	36s to 46s	6¢	10¢

NOTE: *Poorly scoured wools.* A minimum discount of 2 cents and a maximum of 7 cents per scoured pound shall be made from the applicable appraisal price.

PART V

[Discounts (grease, scoured, or carbonized)]

Black Wool and Gray Wool (Grease). 1. Original bag: The discount shall be one-third of the grease appraisal price of the white wool. (Figure to the nearest half cent.) 2. Graded: The discount shall be one-third of the grease appraisal price of the comparable grade of white wool. (Figure to the nearest half cent.)

NOTE: If the fine and half blood, or the three eighths and quarter blood are thrown together, the discount shall be one-third of the average grease appraisal price of the comparable grades of white wool. (Figure to the nearest half cent.)

Scoured Black and Gray Wool. The discount shall be 30 cents per pound for 60s or finer, and 25 cents per pound for 58s or below, from the corresponding classification for good style, clear white wool. Where scoured wool contains occasional Black and Gray Locks, the discount shall be 1 cent to 10 cents per scoured pound, from the proper classification for good style, clear white wool.

Sisal or Binder Twine. The discount shall be 10 cents per pound, clean basis, for a lot or any part of a lot of greasy wool tied with sisal or binder twine. Grease or scoured wool containing sisal, binder twine, horse hair, mohair, karakul, or other foreign matter shall be discounted not less than 10 cents per clean or scoured pound, or rejected at the discretion of the appraisers.

Tender Wool. On tender or damaged grease wool the discount shall be 3 cents per pound to 25 cents per pound, clean basis, from the proper classification.

Cotted Wool. The discount for cotted wool shall be 5 cents per pound to 25 cents per pound, clean basis from the proper classification.

Stained Wool (Scoured or Grease). The discount on stained wools shall be from a minimum of 2 cents per pound, clean basis, for slightly stained, up to a maximum of 25 cents per pound, clean basis, for heavily stained.

Feed Lot Wools (Suitable for Combing). The discount shall be a minimum of 3 cents per pound, clean basis, from the proper classification, and a maximum of 7 cents per pound. Feed lot wools, woolen or worsted types, offered in the scoured state shall be appraised under part IV, par. 1.

Tags. On clips appraised in the original bags where all tags are not packed separately by the producer, the clip shall be discounted not to exceed 5 percent from the grease appraisal price as determined by the appraisal committee.

Untied Fleeces. Except in the case of Texas 8 months and Texas fall wool, all untied clips shall be discounted 2 cents per pound from the grease appraisal price.

Kempy Wool. Discounts up to 10 cents per clean pound shall be made from any wool in merchantable condition.

Navajo Type Wools. Scoured New Mexican, Arizona, or Colorado wools showing Kempy fiber and other Navajo characteristics shall be discounted a minimum of 5 cents and a maximum of 10 cents, clean basis or scoured, from the proper Territory classification.

Buck Wools. 1. Crossbred bucks, no discount. 2. The discount on fine bucks shall be a minimum of 3 cents and a maximum of 7 cents per pound, clean basis, off the comparable ewe wool classification.

Defective Wools. (a) Regardless of the State of origin all defective wools containing clover burrs, foxtail, or other vegetable defects, to a degree serious enough to require carbonizing shall be carbonized before appraisal and appraised under part IV.

(b) All defective wools not requiring carbonizing shall be discounted a minimum of 1 cent and a maximum of 10 cents per pound, clean basis or scoured.

NOTE: Wools containing an occasional hard burr are not subject to discount. This shall also apply to all shorn grease wools which are scoured prior to appraisal.

Scoured Paint and Tar Wool and Clips. Appraised at value determined by appraisers.

Karakul Fleece. Karakul shall be appraised at 20 cents sold Boston, regardless of the State of origin. Scoured Karakul shall be appraised at 45 cents sold Boston, regardless of origin.

Pan Handle, Oklahoma, and Kansas Wheat Field Wools. Shall be scoured before appraisal, and appraised under Part IV, paragraph 1. If in the opinion of the area appraiser the wool can be merchandised in the grease condition, it may be appraised under the proper classification.

PART VI—DOMESTIC SHORN OFF WOOLS

[All prices are sold Boston, Mass.—grease basis]

	Maximum price (cents)
A. Territory and Fleece Offs	
Tags: Graders'	11
Tags: Original bag	21
Crutchings (average to good)	17
Crutchings (heavy)	10
Karakul Crutchings	20
Grading Locks (average to good)	14
Grading Locks (heavy)	22
Eyebrows	15
Murrain Dead	20
Pulled Dead	42
Pulled Dead Graded (56/58 #1)	32
Pulled Dead Graded (50/56 #2)	24
B. Texas Offs	
Clear Clippings	24
Defective Clippings	19
Tags	30
Baby Lambs	32
Pulled Dead	17
Murrain Dead	11
Clear and Defective Face Wools	No value
Sweepings	

SCHEDULE OF PURCHASE VALUES FOR PULLED DOMESTIC WOOL (ALL PRICES ARE CLEAN BASIS OR SCOURED)

[All prices less 1 percent]

Effective date, Apr. 1, 1950

Worsted Type

Grade	Grease wool (clean basis)		
	Length in inches	Average to good	Choice
70s	2 and longer	$1.41	$1.44
64s, 70s	2½ and longer	1.36	1.39
	1½ to 2½	1.24	1.27
64s, 60s	2½ and longer	1.31	1.34
	1½ to 2½	1.22	1.25
60s, 64s	2½ and longer	1.28	1.31
	1½ to 2½	1.19	1.22
60s	⅜ and longer	1.26	1.29
	2 to 3	1.17	1.20
58s, 60s	⅜ and longer	1.13	1.16
	2 to 3	1.02	1.05
58s	⅜ and longer	1.10	1.13
	2 to 3	.99	1.02
56s, 58s	⅜ and longer	1.07	1.10
	2 to 3	.98	1.01
56s	3½ and longer	1.05	1.08
	2 to 3½	.96	.99
50s, 56s	3½ and longer	1.00	1.03
	2 to 3½	.92	.95
50s	¼ and longer	.98	1.01
	2 to 4	.90	.93
48s, 50s	4 and longer	.94	.97
48s	do	.92	.95
46s, 48s	do	.87	.90
46s	do	.83	.86
44s to 50s	do	.78	.81
36s, 40s, 44s	do	.73	.76

Grade	Scoured wool (scoured)		
	Length in inches	Average to good	Choice
70s	2 and longer	$1.46	$1.49
64s, 70s	1½ and longer	1.29	1.32
64s, 60s	do	1.27	1.30
60s, 64s	do	1.24	1.27
60s	do	1.22	1.25
58s, 60s	2 and longer	1.07	1.10
58s	do	1.04	1.07
56s, 58s	do	1.03	1.06
56s	do	1.01	1.04
56s, 56s	do	.97	1.00
56s	do	.95	.98
48s, 50s	4 and longer	.99	1.02
48s	do	.97	1.00
46s, 48s	do	.92	.95
46s	do	.88	.91
44s, 50s	do	.83	.86
36s, 40s, 44s	do	.78	.81

NOTE: Where Scoured Worsted Type wool contains a maximum of ⅛ Woolen Type wool more than one (1) inch in length, Appraisers shall deduct a maximum of five (5) cents from the appraisal price for the proper classification. If more than ⅛ staple less than the minimum length for the grade of Scoured Worsted Type wool, and more than one (1) inch in length, the lot shall be appraised as Woolen Type wool. An additional discount may be made for Woolen Type wool *one inch and less as set forth* below.

Woolen Type—(Scoured Only)

Grade	Scoured prices		
	Length in inches	Average to Good	Choice
64s	1½ and under	$1.19	$1.22
60s, 64s	do	1.15	1.18
60s	do	1.12	1.15
56s, 60s	2 and under	1.00	1.03
56s	do	.95	.98
50s, 56s	do	.93	.96
50s	do	.91	.94
50s, 56s	do	.88	.91
50s	do	.86	.89
48s, 50s	4 and under	.85	.88
48s	do	.83	.86
46s	do	.79	.82
44s to 50s	do	.75	.78
36s, 40s, 44s	do	.69	.72

NOTE: Where a percentage of wool 1 inch and less shows in the sample, a minimum deduction of 3 cents, maximum deduction of 5 cents may be made from the above prices.

SCHEDULE OF PURCHASE VALUES FOR PULLED DOMESTIC WOOL (ALL PRICES ARE CLEAN BASIS OR SCOURED)—Continued

[All prices less 1 percent]

Effective date, Apr. 1, 1950

Shank Wools (Scoured Only)

Grade	Average to Good	Choice
56s and finer	$0.47	$0.50
50s to 56s	.35	.38
44s to 50s	.29	.32

Woolen Type, 1 inch and under

Grade	Average to Good	Choice
64s	$0.85	$0.88
60s, 64s	.82	.85
60s	.80	.83
58s	.78	.81
56s, 58s	.76	.79
56s	.74	.77
50s	.70	.73
Under 50s	.66	.69

Paint Wools, 1½ inches and longer

Grade	Average to Good	Choice
64s	$0.87	$0.90
60s	.85	.88
58s, 60s	.84	.87
58s	.83	.86
56s, 58s	.81	.84
56s	.79	.82
56s, 50s	.77	.80
50s, 56s	.75	.78
48s, 50s	.72	.75
46s, 48s	.69	.72
40s, 44s	.51	.54

NOTE: Scoured paint wool under 1½ inches, discount 5 cents from above prices. Paint clips, discount 10 cents from above prices.

Off Color Wools, 1½ inches and longer (Scoured Only)

Grade	Average to Good	Choice
Gray		
64s	$0.93	$0.96
60s	.87	.90
58s, 60s	.84	.87
58s	.79	.82
56s, 58s	.77	.80
56s	.75	.78
56s, 50s	.73	.76
50s, 56s	.71	.74
48s, 50s	.67	.70
46s, 48s	.64	.67
40s, 44s	.52	.55
32s, 36s	.40	.43
Black		
60s, 64s	.95	.98
60s	.90	.93
58s, 60s	.85	.88
58s	.80	.83
56s, 58s	.79	.82

NOTE: Black and Gray wools under 1¼ inches, discount 5 cents from above prices. (Black and Gray wools should not contain Shank wool, Eyebrows, or Vat wool.)

PULLED WOOLS

Discounts

1. *Short Wool.* Pulled wools must be appraised as of the single length group which best represents the lot.

Tolerance: Greasy Pulled Wool. A tolerance of 10 percent of shorter length of staple of the same grade of greasy pulled wool will be allowed. The presence of over 10 percent of the shorter length will require that the lot be appraised at the shorter length price. Greasy pulled wool cannot be discounted for short staple in lieu of appraisal at a price applicable to a shorter length classification.

2. *Low Wool.* Pulled wools must be appraised as of the single grade classification (single count or split counts) as shown in the schedule, which best represents the lot. Appraisers will at their discretion, discount individual lots up to 5 cents per pound, clean basis or scoured, or make an appropriate reduction in grade classification to compensate for low wool.

3. *Slight Tinge.* Greasy or scoured pulled wool showing a slight tinge must be discounted 2 cents per pound, clean basis or scoured, from the prices for the comparable grade and class of choice or average to good wools.

4. *Stained Wools.* Greasy or scoured pulled wool showing stain must be discounted at least 3 cents and not more than 7 cents per pound, clean basis or scoured, from the price for the comparable grade and class of average to good wool.

5. *Defective (Burry and/or Seedy Wools*—A. *Burry and/or Seedy Pulled Wool Not Requiring Carbonizing*—(1) *Burry and Seedy Greasy Pulled Wool.* Shall be discounted a minimum of 10 cents, clean basis, from the price for the comparable grade and class of average to good clear wool. Appraisers will at their discretion make discounts greater than 10 cents, clean basis, or order burry and seedy greasy pulled wool scoured and carbonized before appraisal.

(2) *Burry and Seedy Scoured Pulled Wool.* Shall be discounted a minimum of 15 cents per scoured pound from the price for the comparable grade and class of average to good clear wool. Appraisers will at their discretion make discounts heavier than 15 cents, scoured, or order the wool carbonized before appraisal.

Greasy or Scoured Pulled Wool containing scattered burrs and/or seeds, but in quantities not sufficient to classify the wools as burry and seedy shall be discounted a minimum of 1 or a maximum of 2 cents per clean or scoured pound from the price for the comparable grade and class of average to good clear wool.

B. *Burry and/or Seedy Wools Requiring Carbonizing.* All pulled wools requiring carbonizing must be carbonized before appraisal.

NOTE: In addition to the discounts for Burry and Seedy wools, appropriate discounts shall be made for Short, Low, Stain, etc.

6. *Poorly Scoured Wools.* Poorly scoured pulled wool must be discounted not less than 2 cents per scoured pound and not more than 7 cents per scoured pound, from the price for the comparable grade and class of average to good wool, or rejected for purchase by CCC.

7. *Tender Wool.* For wool containing tender staple, the discount must be not less than 2 cents per pound, and not more than 7 cents per pound, clean basis or scoured, from the price for the comparable grade and class of average to good wool.

8. *Depilatory.* Will make no discount on normal amount of depilatory. Wool containing a heavy percentage of depilatory may be discounted not more than 3 percent from the price, clean basis or scoured, for the comparable grade and class of average to good wool. Figure to the nearest cent.

9. *Damaged Scoured Wools.* (Means dead wool, wool damaged by fire, salt or fresh water, and heat.) Will be discounted up to a maximum of 40 cents per pound, scoured, from the price for the comparable grade and class of average to good wool.

NOTE: If wool is appraised as Damaged Scoured Wool, no additional discount shall be taken for tender and color.

10. *Scoured Pulled Wool Containing a Small Percentage of Gray Locks or Gray Fibers.* Scoured pulled wools containing a small percentage of gray locks or gray fibers, but not sufficient in quantity to classify the wools as gray wools, shall be discounted not to exceed 20 cents per pound, scoured, from prices for the comparable grade and class of average to good wool.

11. *Shank Wools or Eyebrows.* Scoured black and gray wools containing shank wools or eyebrows shall be discounted not more than 10 cents per scoured pound from the price for the comparable grade and class of average to good wool, or, at the discretion of appraisers, shall be appraised under the Shank Wool classification, or rejected for purchase by CCC.

12. *Epidermis.* Greasy or scoured pulled wools containing epidermis shall be discounted up to 3 cents per clean or scoured pound from the price for the comparable grade and class of average to good wool.

13. *Skin Pieces.* Greasy or scoured pulled wool containing skin pieces shall be rejected for purchase by CCC.

14. *Paint Clips and Tar Wool.* Greasy or scoured pulled wools containing Paint Clips or Tar shall be appraised at a value determined by appraisers, or rejected for purchase by CCC.

Carbonized Pulled Wools

The value of carbonized pulled wool shall be the value such clear wool would have if scoured only.

ACCOUNT SALES

§ 672.114 *Information on appraisal value.* When the handler makes payment for wool that is sold to CCC, he shall transmit to the person entitled thereto an account sale. In cases where a single shipper's wool is appraised separately, such account sale shall be accompanied by a copy of the Appraisal

Certificate. The handler shall show on the account sale the grade, shrinkage, weight, and appraisal value of each grade of such wool as shown by the Appraisal Certificate in the case of wool that has been grouped into lines.

§ 672.115 *Limitation on charges by handler.* In rendering account sales, the handler shall make no charges on wool that is sold to CCC other than the applicable charges enumerated in §§ 672.116 to 672.120, without the written approval of CCC, unless the charge is authorized in writing by the person entitled to the purchase price. This limitation, however, shall not be construed to prevent the handler, in making settlement with the grower, pool, or secondary handler for shorn wool sold to CCC, from withholding from the amount due such person for the wool, as determined in accordance with § 672.113, storage charges for any period before such wool is sold to CCC and a charge at one storage location, whenever the service is actually provided, for moving such wool by truck from railroad cars to the warehouse or for the use of trackside unloading facilities, provided that the charge for trucking or unloading shall not exceed the minimum published tariff or established charge for such service at the place where it is provided.

CHARGES

§ 672.116 *Grading.* Any wool for which the handler has provided grading shall be subject to a grading charge of not to exceed one cent (1¢) per pound of grease wool.

§ 672.117 *Scouring and carbonizing.* Any wool scoured or carbonized shall be subject to a charge in an amount not to exceed the actual scouring or carbonizing costs, including the cost of sorting the wool and transporting it from the warehouse to the scouring mills, and, if necessary, from the scouring mills to the place of storage.

§ 672.118 *Freight.* Applicable freight charges, which shall be based on the gross shipping weight, are set forth below. The Federal transportation tax should be included in computing freight charges.

(a) *Shorn wool.* In the case of shorn wool there shall be a freight charge, as follows:

(1) In the case of wool appraised in Boston, the minimum rail freight rate or rail and water freight rate, whichever was used, from the point from which freight charges are paid or payable by the handler, including the cost of applicable transit or concentration privileges.

(2) In the case of wool appraised outside Boston, except where transit privileges are available, the minimum rail freight rate or rail and water freight rate from point from which freight charges are paid or payable by the handler to the point of appraisal, whichever was used, plus minimum rail or rail and water freight from point of appraisal to Boston. Where transit privileges are available, the rate shall be the minimum through rail freight rate or rail and water freight rate from point from which freight charges are paid or payable by the handler to Boston plus the cost of the applicable transit or concentration privileges.

(3) In the case of wool shipped by water or where water rates are used in computing freight charge, there shall also be a charge to cover wharfage, and complete marine and war risk insurance.

(b) *Pulled wool.* In the case of pulled wool, if the wool is stored at a point from which the minimum applicable carload rail freight rate to Boston, Massachusetts, exceeds the minimum applicable carload rail freight rate from Chicago, Illinois, to Boston, Massachusetts, there shall be a charge for freight in an amount sufficient to defray the excess.

§ 672.119 *Handling*—(a) *Shorn wool.* Shorn wool shall be subject to a combined charge for handling, for country service, and for all services performed by the secondary handler or pool on wool received through a secondary handler or pool, at not to exceed the following rates:

(1) For wool received on consignment from growers by a handler or secondary handler, one and one-half (1½) cents per pound of grease wool, or three (3) cents per pound of scoured or carbonized wool, purchased by CCC in quantities of 5,000 pounds or more; or three and three-fourths (3¾) cents per pound of grease wool, or seven (7) cents per pound of scoured or carbonized wool, purchased by CCC in quantities of less than 5,000 pounds. The aggregate quantity of wool sold to CCC for the account of the individual grower or pool as one lot or shipment shall be used in determining the applicable handling rate.

(2) For wool purchased from growers by a handler, a secondary handler, or a pool, five (5) cents per pound of grease wool, or nine and one-half (9½) cents per pound of scoured or carbonized wool purchased by CCC.

Where the wool is received through a secondary handler or pool the division of the combined charge as between the handler and the secondary handler or pool shall be agreed upon by them.

(b) *Pulled wool.* Pulled wool will not be subject to a handling charge in determining the CCC purchase price for such wool. This shall not be construed, however, to prevent a handler, in making settlement with the pullery for wool that is sold to CCC, from deducting from the CCC purchase price a handling charge in the amount (not to exceed one and three-fourths (1¾) cents per pound) agreed upon between the handler and the pullery.

§ 672.120 *Appraisal charges*—(a) *Amount.* All wool appraised by CCC shall be subject to an appraisal charge of 4/10 cent per pound, in the case of grease wool, or 5/10 cent per pound, in the case of scoured or carbonized wool. In the event of a reappraisal which confirms the results of the original appraisal, the wool shall be subject to a reappraisal charge of 4/10 cent per pound, in the case of grease wool, or 5/10 cent per pound, in the case of scoured or carbonized wool, in addition to the charge made for the original appraisal. In the event of a reappraisal which does not confirm the results of the original appraisal, the appraisal value of the wool will be changed accordingly and no charge will be made by CCC for the reappraisal.

(b) *Collection.* If CCC is notified (as provided in § 672.108) that the wool will be sold to CCC, applicable appraisal and reappraisal charges will be collected by deducting such charges in computing the CCC purchase price for the wool. Otherwise, applicable appraisal and reappraisal charges shall be collected by the handler who requested the appraisal. On wool that is appraised but not sold to CCC, appraisal and applicable reappraisal charges become due and payable immediately if any part of the wool is sold to any person other than CCC or is removed from the approved warehouse (except with the specific written authorization of CCC), or if the wool becomes damaged or the appraisal value is otherwise altered, or upon expiration of the time specified in § 672.108 for notifying CCC of the owner's election to sell the wool to CCC.

GENERAL

§ 672.121 *Contractual rights.* Nothing herein shall change or affect the contractual rights and obligations under the wool handling agreements entered into by and between CCC and the handlers or pulleries.

§ 672.122 *Inconsistent provisions.* Terms and conditions in this bulletin with respect to the 1950 Wool Price Support Purchase Program supersede any inconsistent provisions in any prior bulletin, or amendment thereof.

Issued this 7th day of July 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-6057; Filed, July 12, 1950; 8:57 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 6, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Wickson plums grown in the State of California.

Order, as amended. During the period beginning at 1:00 p. m., P. s. t., July 10, 1950, and ending at 12:01 a. m., P. s. t., October 11, 1950, the provisions in paragraphs (b) (1) (i) and (b) (2) of § 936.375 (Plum Order 6, 15 F. R. 4073) shall read respectively as follows:

(b) *Order.* (1) • • •

(i) such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

• • • • •

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid: *Provided*, That, in computing such quantity, three (3) California peach boxes (including other packages and containers of comparable capacity) shall be deemed to be the equivalent of two (2) standard 4-basket crates. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

Nothing contained herein shall be construed (1) as affecting or waiving any right or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provisions of said Plum Order 6, or (2) as releasing or extinguishing any violation of said Plum Order 6 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 10th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6061; Filed, July 12, 1950; 8:58 a. m.]

[Plum Order 7, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Gaviota plums grown in the State of California.

Order, as amended. During the period beginning at 1:00 p. m., P. s. t., July 10, 1950, and ending at 12:01 a. m., P. s. t., October 11, 1950, the provisions in paragraph (b) (2) of § 936.376 (Plum Order 7, 15 F. R. 4073) shall read as follows:

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed two hundred (200) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid: *Provided*, That, in computing such quantity, three (3) California peach boxes (including other packages and containers of comparable capacity) shall be deemed to be the equivalent of two (2) standard 4-basket crates. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

Nothing contained herein shall be construed (1) as affecting or waiving any right or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provisions of said Plum Order 7, or (2) as releasing or extinguishing any violation of said Plum Order 7 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 10th day of July 1950.

[SEAL] S. R. SMITH.
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6059; Filed, July 12, 1950; 8:57 a. m.]

[Plum Order 9, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner hercin provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Duarte plums grown in the State of California.

Order, as amended. During the period beginning at 1:00 p. m., P. s. t., July 10, 1950, and ending at 12:01 a. m., P. s. t., October 1, 1950, the provisions in paragraph (b) (2) of § 936.378 (Plum Order 9, 15 F. R. 4075) shall read as follows:

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed fifty (50) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid: *Provided*, That, in computing such quantity, three (3) California peach boxes (including other packages and containers of comparable capacity) shall be deemed to be the equivalent of two (2) standard 4-basket crates. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

Nothing contained herein shall be construed (1) as affecting or waiving any right or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provisions of said Plum Order 9, or (2) as releasing or extinguishing any violation of said Plum Order 9 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 10th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6060; Filed, July 12, 1950; 8:58 a. m.]

[Plum Order 13]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.383 *Plum Order 13*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 14, 1950.

A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 6, 1950, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 6, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are already being made, and this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 14, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship any package or container of Sugar plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 6 standard pack in a standard basket if said quantity does not exceed fifty (50) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 5 x 5 standard pack, as aforesaid: *Provided*, That, in computing such quantity, three (3) California peach boxes (including other packages and containers of comparable capacity) shall be deemed to be the equivalent of two (2) standard 4-basket crates. The aforesaid 5 x 5 standard pack and 5 x 6 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{5}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{3}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meanings as when used in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh) 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 11th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6103; Filed, July 12, 1950; 9:45 a. m.]

[Plum Order 14]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.384 *Plum Order 14*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 14, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 6, 1950; recommendation as to the need for, and the extent of, regulation of shipments of such plums were made at the meeting of said committee on July 6, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 14, 1950, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 14, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship any package or container of Late Tragedy plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade: *Provided*, That, gum spots which do not cause serious damage shall not be considered a grade defect with respect to such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 6 standard pack in a standard basket. The aforesaid 5 x 6 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{5}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{3}/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 11th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6104; Filed, July 12, 1950; 9:45 a. m.]

[Plum Order 15]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.385 *Plum Order 15*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 14, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Com-

mittee until July 6, 1950, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 6, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 14, 1950, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 14, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship from any shipping point during any day any package or container of Sharkey plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{11}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{9}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{7}{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7. U. S. C. and Sup., 608c)

Done at Washington, D. C., this 11th day of July 1950.

[SEAL] S. R. SMITH.
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6105; Filed, July 12, 1950; 9:45 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 105—HEAD TAX

PART 129—ADMISSION AND DEPORTATION OF ALIENS ENTERING THE UNITED STATES UNDER THE DISPLACED PERSONS ACT OF 1948, AS AMENDED

PART 171—DISPLACED PERSONS RESIDING IN THE UNITED STATES

ADMISSION, DEPORTATION, AND ADJUSTMENT OF STATUS OF DISPLACED PERSONS

JUNE 21, 1950.

The following amendments to Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

PART 105—HEAD TAX

Section 105.3, *Aliens not subject to head tax*, is amended by adding paragraph (r) as follows:

(r) *Eligible displaced persons, eligible displaced orphans, and persons of German ethnic origin.* Eligible displaced persons, eligible displaced orphans, and persons of German ethnic origin as defined by sections 2 (c), 2 (d), 2 (e), 2 (g), and 12 (a) of the Displaced Persons Act of 1948, as amended.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interpret or apply sec. 5, 62 Stat. 1011, as amended; 50 U. S. C. App. Supp., 1954)

PART 129—ADMISSION AND DEPORTATION OF ALIENS ENTERING THE UNITED STATES UNDER THE DISPLACED PERSONS ACT OF 1948, AS AMENDED

The following part is added:

Sec.
129.1 Examination by immigration officers.
129.2 Evidence of support; likelihood of becoming public charge.
129.3 Affidavit upon arrival.
129.4 Effect of misrepresentations.
129.5 Deportation.

AUTHORITY: §§ 129.1 to 129.5 issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interpret or apply sec. 3, 39 Stat. 875, 41 Stat. 891, 45 Stat. 1551, 58 Stat. 746, sec. 21, 39 Stat. 891, secs. 3, 6, 10, 13, as amended, 64 Stat. 1009, as amended; 8 U. S. C. 136, 158; 50 U. S. C. App. Supp., 1951.

§ 129.1 *Examination by immigration officers.* An applicant for admission to the United States for permanent residence under the Displaced Persons Act of 1948, as amended (62 Stat. 1009, 50 U. S. C. App. 1951-1963, Pub. Law 555, 81st Cong.), who does not appear to the examining immigrant inspector to be clearly and beyond a doubt entitled to land in the United States under the provisions of the immigration laws and eligible for admission under the terms of the Displaced Persons Act of 1948, as amended, shall be detained for examination in relation thereto by a board of special inquiry. In determining whether an applicant has the eligibility qualifications specified in the applicable provisions of the Displaced Persons Act of 1948, as amended, the certification and report of the Displaced Persons Commission prepared pursuant to section 10 of the Displaced Persons Act of 1948, as amended, shall be accepted as establishing, in the absence of specific knowledge or substantial belief showing ineligibility, that the applicant is qualified to enter the United States under the Displaced Persons Act of 1948, as amended, except insofar as such report relates to requirements for admission under the general immigration laws. Such certification and report shall not preclude full inquiry by immigration officers concerning the applicant's admissibility under the general immigration laws. In addition, such certification and report shall not preclude, when the immigration officer has specific knowledge or substantial belief showing ineligibility under the Displaced Persons Act of 1948, as amended, any interrogation of the applicant or of other persons, or any investigation or the consideration of any other evidence deemed necessary in order that the applicant's admissibility under the Displaced Persons Act of 1948, as amended, may be determined, and any such additional evidence may also be considered in the determination of his admissibility.

§ 129.2 *Evidence of support; likelihood of becoming public charge.* An applicant for admission to the United States for whom assurances of employment, housing and against his becoming a public charge have been furnished pursuant to the provisions of the Displaced Persons Act of 1948, as amended, shall not be required to submit any affidavit or other evidence of support. However, such an applicant shall also be required to establish, in conformity with the requirements of the general immigration laws of the United States, that he is not likely to become a public charge, and, in appropriate cases, he may be required to furnish a public-charge bond as specified in §§ 110.20 and 110.21 of this chapter.

§ 129.3 *Affidavit upon arrival.* Any alien 18 years of age or older applying at a port of entry for admission into the United States under the provisions of the Displaced Persons Act of 1948, as amended, shall be required to subscribe to Form I-144, in which he shall declare under oath or affirmation that he is not and has never been a member of the Communist Party of any country; that he does not adhere to, advocate, or follow, and that he never has adhered to, advocated, or followed the principles of any political or economic system or philosophy directed toward the destruction of free competitive enterprise and the revolutionary overthrow of representative governments; that he is not and has never been a member of any organization which is named in a list on Form I-144a, attached to the said Form I-144, and which has been designated by the Attorney General of the United States as a Communist organization; that he is not and has never been a member of or participated in any movement which is or has been hostile to the United States or the form of government of the United States; that he has never advocated or assisted in the persecution of any person because of race, religion, or national origin; and that he has not voluntarily borne arms against the United States during World War II. Any alien who refuses to subscribe to the said Form I-144 under oath or affirmation, or who subscribes to such form under oath or affirmation knowing any part thereof to be false, shall be excluded and deported from the United States in the manner provided by law. In addition he shall be liable to prosecution for perjury if such oath or affirmation is wilfully false.

§ 129.4 *Effect of misrepresentations.* (a) An applicant seeking admission as an eligible displaced person as that term is defined in section 2 (c), (d), and (g) of the Displaced Persons Act of 1948, as amended, shall be excluded and deported from the United States if he has ever wilfully made a misrepresentation for the purpose of gaining admission into the United States as an eligible displaced person. As used in this part, the term "misrepresentation for the purpose of gaining admission into the United States" shall mean a wilful misrepresentation, oral or written, made by any such applicant to any person while he is charged with the enforcement or administration of any part of the Displaced Persons Act of 1948, as originally enacted or as amended, of any matter material to the applicant's eligibility for any of the benefits of the said act, as originally enacted or as amended.

(b) An alien whose admission under the Displaced Persons Act of 1948, as amended, is based on the submission of an assurance of suitable employment, shall be deemed to have made a misrepresentation for the purpose of gaining admission into the United States if it is found that the applicant's statement required by section 6 of that act, relating to the acceptance in good faith of employment, was falsely made.

§ 129.5 *Deportation.* In addition to the other grounds for deportation specified in the general immigration laws, an alien admitted to the United States under the Displaced Persons Act of 1948, as amended, shall be subject to arrest and deportation in the manner provided in Parts 150, 151, and 152 of this chapter, irrespective of the date of his entry, if it is found, on the basis of evidence presented at a hearing:

(a) That he falsely represented, in his signed statement under oath or affirmation executed under section 6 of the Displaced Persons Act of 1948, as amended, that he accepted and agreed in good faith to abide by the terms of employment provided for him in the assurance upon which his application for a visa under the Displaced Persons Act of 1948, as amended, was based: *Provided*, That in determining whether such a false representation was made consideration shall be given to the manner, conditions, extent, and duration of such alien's employment following his admission to the United States and to other relevant evidence;

(b) That he made any misrepresentation for the purpose of gaining admission into the United States as an eligible displaced person;

(c) That he was not entitled to a visa because of membership in any of the organizations or movements referred to in § 129.3; or

(d) That at the time of his entry into the United States he was otherwise inadmissible under the provisions of the Displaced Persons Act of 1948, as amended.

PART 171—DISPLACED PERSONS RESIDING IN THE UNITED STATES

1. Section 171.1 is amended to read as follows:

§ 171.1 *Eligibility for adjustment of status*—(a) *Qualifications.* Subject to the limitation described in paragraph (b) of this section, an alien is eligible to be considered for adjustment of his immigration status as a displaced person residing in the United States to that of a permanent resident under the provisions of section 4 of the Displaced Persons Act of 1948, as amended (62 Stat. 1011, 50 U. S. C. App. 1953, Pub. Law 555, 81st Cong.), if:

(1) The entry upon which his residence in the United States is based occurred prior to April 30, 1949, and was a lawful one as a nonimmigrant under section 3 or as a nonquota immigrant student under subdivision (e) of section 4 of the Immigration Act of 1924, as amended; and

(2) He was in the United States on April 30, 1949, except as provided in paragraph (c) of this section; and

(3) He is presently admissible to the United States under the immigration laws; and

(4) He is a person displaced from the country of his birth or nationality, or of his last residence as a result of hostile military action, or persecution or fear of persecution on account of race, religion, or political opinions, occurring subsequent to the outbreak on September 1, 1939, of World War II: and

(5) He cannot return to any of such countries because of persecution or fear of persecution on account of race, religion, or political opinions; and

(6) He has been of good moral character for the preceding five years; and

(7) He has filed his application described in § 171.2 on or before June 16, 1952, and while he is in the United States.

(b) *Limitation.* The number of displaced persons who shall be granted the status of permanent residence pursuant to this section shall not exceed 15,000.

(c) *Temporary absence.* An applicant shall not be considered ineligible for adjustment of his status under this part solely by reason of—

(1) A temporary absence from the United States on April 30, 1949, provided that his entry upon returning is a lawful one as a nonimmigrant under section 3 or as a nonquota immigrant student under subdivision (e) of section 4 of the Immigration Act of 1924, as amended; that he has not abandoned his residence in the United States during such absence, and that such temporary absence was occasioned by one or more of the following special circumstances:

(i) The duties of applicant's employment, which required him to travel outside the United States;

(ii) The serious illness of the applicant;

(iii) The death or serious illness of a relative;

(iv) The protection, recovery or liquidation of property interests or the prosecution or defense of any claim or lawsuit;

(v) Any other exceptional circumstances which are found by the Attorney General to have justified such temporary absence;

(vi) The temporary absence to accompany a member of the applicant's family group whose absence was attributable to any of the special circumstances specified in subdivision (i) to (v) of this subparagraph; or

(2) A temporary absence from the United States commencing after April 30, 1949, provided that his entry upon returning is a lawful one as a nonimmigrant under section 3 or as a nonquota immigrant student under subdivision (e) of section 4 of the Immigration Act of 1924, as amended, and that he has not abandoned his residence in the United States during his temporary absence.

2. The second sentence of § 171.2, *Application for adjustment of status*, is amended to read as follows: "After Form I-500 is filled out, it shall be mailed by the applicant in duplicate direct to the Commissioner of Immigration and Naturalization, Temporary Federal Office Building X, Nineteenth and East Capitol Streets NE., Washington 25, D. C."

3. Paragraph (b) of § 171.3, *Receipt of application by Commissioner*, is amended to read as follows:

(b) *Transmission of application to field office.* Verification of the applicant's last entry into the United States prior to April 30, 1949, and any entries subsequent thereto shall be made from Central Office records where possible and endorsed upon the original and duplicate applications. The Commissioner shall

send the duplicate copy of the application to the Immigration and Naturalization Service office having jurisdiction over the applicant's place of residence.

4. Section 171.4 is amended to read as follows:

§ 171.4 *Documents and investigation.* Upon receipt of the duplicate copy of the application, the officer in charge of the Immigration and Naturalization Service office having jurisdiction over the applicant's place of residence shall advise the applicant to obtain promptly the following documents: Two photographs as described in § 364.1 of this chapter; birth certificate; passport; marriage certificate, if any; affidavits of three witnesses, preferably citizens of the United States—and if the applicant is employed, one from his employer—attesting to the applicant's good moral character; police records covering the period of the applicant's residence in the United States and, where such residence in the United States has been for a period of less than five years, foreign police records, if obtainable, covering the applicant's foreign residence within the five years immediately preceding the filing of the Form I-500; and any documentary evidence the applicant may have to establish his eligibility under § 171.1. The applicant shall be instructed to forward to the officer in charge photostatic copies of all documents, whenever possible, and to submit the originals at the time he appears for the hearing. The officer in charge shall obtain verification of the applicant's last entry into the United States prior to April 30, 1949, and any entries subsequent thereto where such verification has not been furnished by the Central Office when transmitting the duplicate application. The officer in charge shall also cause an independent character investigation to be conducted covering the period of the applicant's residence in the United States. Where the applicant has resided in the United States for a period in excess of five years, the independent character investigation shall cover the last five years of such residence. The investigating officer shall make a written report of his investigation, to be included in the record as provided in § 171.5 (d) (2).

5. The first sentence of § 171.5 (a) is amended by deleting the words "entry has" and inserting in lieu thereof the words "entries have", so that the sentence will read: "When the necessary entries have been verified and the documents required of the applicant and the report of the investigating officer have been submitted, the applicant shall be notified to appear for a hearing at a time and place to be designated by the officer in charge."

6. The third sentence of subparagraph (2) of § 171.5 (d) is amended by deleting the word "entry" and inserting in lieu thereof the word "entries", so that the sentence will read: "The examining officer shall enter of record, as exhibits identified by number, the copy of the application; the documents presented by the applicant; depositions, if any; certifications and affidavits submitted by the applicant; the written report of the investigation, and the reports as to record of applicant's entries and of the entries of such other persons as may be material to the case."

7. Subparagraph (3) of § 171.5 (d) is amended to read as follows:

(3) The applicant shall then be interrogated under oath or affirmation as to his eligibility to be considered for adjustment of immigration status as a displaced person residing in the United States under the provisions of section 4 of the Displaced Persons Act of 1948, as amended, and § 171.1. Eligibility of the applicant as to subparagraphs (4) and (5) of paragraph (a) of § 171.1 shall be comprehensively covered by oral interrogation of the applicant and of the witnesses presented by him, if any.

8. The first sentence of § 171.6, *Evidence and burden of proof,* is amended by inserting after "Displaced Persons Act of 1948" the following: ", as amended,".

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The amendatory regulations prescribed by the order are necessary for carrying out the various amendments to the Displaced Persons Act of 1948 made by Public Law 555, 81st Congress, which was approved on June 16, 1950, and which became effective on that date. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice and delayed effective date is impracticable and contrary to the public interest in this instance, since such compliance would unduly delay and impede the administration and enforcement of the Displaced Persons Act of 1948 as amended by the said Public Law 555.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

[SEAL] A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

Approved: July 7, 1950.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 50-6037; Filed, July 12, 1950; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 14—TANKING AND DENATURING CONDEMNED CARCASSES AND PARTS

INEDIBLE RENDERED FATS

On June 1, 1950, there was published in the FEDERAL REGISTER (15 F. R. 3416), a notice of proposed amendments of Part 14 of the regulations governing the meat inspection of the United States Department of Agriculture (9 CFR, Chapter I, Subchapter A, Part 14). After due consideration of all relevant matters presented and pursuant to the authority conferred upon me by the Meat Inspection Act, as amended (21 U. S. C. 71-91), the aforesaid Part 14 is hereby amended as follows:

1. Section 14.2 is amended to read as follows:

§ 14.2 *Inedible rendered fats.* Rendered animal fat derived from inedible or condemned materials and possessing the physical characteristics of color, odor, and taste of an edible product shall be denatured to effectually distinguish it from an edible product either with low grade offal during the rendering or by adding to, and mixing thoroughly with, such fat denaturing oil, number 2 fuel oil, or brucine dissolved in a mixture of alcohol and pine oil or oil of rosemary.

2. Section 14.3 is revoked.

The foregoing amendments shall be effective upon their publication in the FEDERAL REGISTER since they relieve restrictions and may properly be made effective under section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) less than thirty days after their publication in the FEDERAL REGISTER.

(Ch. 2907, 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89)

Done at Washington, D. C., this 10th day of July 1950. Witness my hand and seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6031; Filed, July 12, 1950; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5648]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL TEA CO.

Subpart—*Discriminating in price under sec. 2, Clayton Act, as amended—Knowingly Inducing or Receiving Discriminating Price under 2 (f):* § 3.830 *Inducing and receiving discriminations.* In or in connection with the purchase of food products or other items of merchandise in commerce, knowingly inducing or receiving from any manufacturer or seller, by or through the use of any profit-sharing plan, or otherwise, any discount, rebate or other allowance higher than, or any price lower than, that allowed by such manufacturer or seller to competitors of said respondent; prohibited, subject to the provision, however that the foregoing shall not be construed to preclude the respondent from defending any alleged violation of the order by showing that any higher discount, rebate or other allowance, or any lower price, knowingly induced or received by it, was one available to said respondent's competitors who were customers of the manufacturer or seller upon openly announced prices of such manufacturer or seller; prohibited.

[Cease and Desist Order, National Tea Company Docket 5648, May 15, 1950] (Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45)

In the Matter of National Tea Company, a Corporation, and National Tea Company-Standard Grocery Division, a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of the respondent, National Tea Company, in which answer said respondent admitted all of the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearing as to said facts; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated sub-section (f) of section 2 of an act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by the Robinson-Patman Act, approved June 19, 1936 (15 U. S. C., sec. 13):

It is ordered, That the respondent, National Tea Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in or in connection with the purchase of food products or other items of merchandise in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Knowingly inducing or receiving from any manufacturer or seller, by or through the use of any profit-sharing plan, or otherwise, any discount, rebate or other allowance higher than, or any price lower than, that allowed by such manufacturer or seller to competitors of said respondent: *Provided, however,* That the foregoing shall not be construed to preclude the respondent from defending any alleged violation of this order by showing that any higher discount, rebate or other allowance, or any lower price, knowingly induced or received by it, was one available to said respondent's competitors who were customers of the manufacturer or seller upon openly announced prices of such manufacturer or seller.

It is further ordered, That for reasons appearing in the Commission's findings as to the facts in this proceeding, that the complaint herein be, and it hereby is, dismissed as to National Tea Company, Standard Grocery Division.

It is further ordered, That the respondent, National Tea Company, shall, within sixty (60) days after service upon it of a copy of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: May 15, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-6047; Filed, July 12, 1950; 8:54 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

RECORD KEEPING REQUIREMENT

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U. S. C. 1-17a), § 1.31, Part 1, Chapter I, Title 17, Code of Federal Regulations (17 CFR 1.31), is hereby amended to read as follows:

§ 1.31 *Books and records; keeping and inspection.* All books and records required to be kept by the act or by the rules and regulations in this chapter, shall be kept for a period of five years from the date thereof and shall be readily accessible during the first two years of such period. During the last two years of such period, the person required to keep such books and records may at his option substitute photographic reproductions thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined. All such books, records, and photographic reproductions shall be open to inspection by any representative of the United States Department of Agriculture or the United States Department of Justice.

This amendment will permit the substitution of microfilm records during the last two years of the five-year period prescribed for the keeping of books and records. Since the amendment will operate to relieve or liberalize a restriction and will not adversely affect the public, it is hereby found that notice and public procedure under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) are unnecessary, and that the amendment should be made effective within less than thirty days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a. Interprets or applies secs. 4, 5, 42 Stat. 999, 1000, secs. 4g, 4i, 5a, as added by secs. 5, 7, 49 Stat. 1496, 1497; 7 U. S. C. 6, 7, 6g, 6i, 7a)

Issued this 10th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6030; Filed, July 12, 1950; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 319]

NURSERY STOCK, PLANTS, AND SEEDS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to sections 1, 5, and 7 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 154, 159, 160), is considering the issuance of amendments, as hereinafter proposed, of notice of quarantine No. 37 and supplementary regulations, as amended (7 CFR 319.37 to 319.37-25, inclusive, as amended; 14 F. R. 1169, 5707; 15 F. R. 1585, 2100),

The proposed amendments are as follows:

(a) In the following items, now included in the list of prohibited plant material appearing in § 319.37 (b), additions, deletions, and substitutions are proposed as indicated:

(1) Insert as a footnote relating to the column heading "Plant Material" the following: "The term 'spp.', as used after a generic name in this subpart, includes all species, varieties, and hybrids of the genus. Unless otherwise specifically indicated, all items of plant material appearing in this subpart refer to the plants as well as all vegetative parts thereof, including buds, cuttings, scions, and layers, but seeds are not included unless specifically mentioned."

(2) Delete the present language in the item now appearing as "Berberis spp. (plants of all species not known to be immune or resistant to stem rust)" from "All foreign countries" because of "Puccinia graminis Pers. (Black-stem rust)", and substitute therefor, in the respective columns, the following two items:

Berberis spp. (plants of all species and horticultural varieties not designated as resistant to black-stem rust in accordance with 7 CFR 301.38-5 (14 F. R. 999) or amendments thereof.	All foreign countries	Puccinia graminis Pers. (Black-stem rust)
Berberis spp. (plants of all species and horticultural varieties designated as resistant to black-stem rust in accordance with 7 CFR 301.38-5 (14 F. R. 999) or amendments thereof.	All foreign countries when destined to the eradication states designated in 7 CFR 301.38-3 (14 F. R. 999) or amendments thereof.	Puccinia graminis Pers. (Black-stem rust).

the item now appearing as "Ribes nigrum (both plants and seeds)" from "All foreign countries when destined to states protected by Domestic Plant Quarantine No. 63 [9]" because of "Cronartium ribicola Fischer (White-pine blister rust)", and substitute therefor the words "designated as noninfected in 7 CFR 301.63–3a."

(b) In § 319.37–1 (g), amend the paragraph to read:

(g) *Restricted plant material.* Any living material the entry of which is not prohibited by any quarantine or order, and which is not restricted entry by any other quarantine or order, which is imported, offered for entry into, or arrives within the territorial limits of, the United States.

(c) In § 319.37–8, amend the second sentence of this paragraph to read: "Inspection of Primula spp., except Primula spp. from Canada, shall be accomplished by detention of the plants for the time necessary to test them for the presence of tobacco-necrosis virus by the process of inoculating known susceptible plants, which is termed 'indexing.'"

(d) In § 319.37–19 (b) (4), amend the paragraph to read:

(4) Make no distribution from the specified premises of the restricted plant material, its increase, or the blooms thereof, until released from the agreement by the Bureau, which release in the case of cut blooms may be written authorization by the inspector.

(e) In the following items, now included in the list of restricted plant material to be grown under postentry quarantine appearing in § 319.37–19 (c), are proposed as indicated:

(1) Delete the present language in the item now appearing as "Berberis spp. (Plants of all varieties known to be immune or resistant to stem rust)" from "All foreign countries. May not be grown under postentry quarantine in states protected by Domestic Plant Quarantine No. 38 [8]", with the accompanying footnote, and substitute in the respective columns the following:

Berberis spp. (plants of all species and horticultural varieties not designated as resistant to black stem rust in accordance with 7 CFR 301.38–5 (14 F. R. 999) or amendments thereof).	All foreign countries. (May not be grown under postentry quarantine in the eradication states designated in 7 CFR 301.38–3 (14 F. R. 999) or amendments thereof).

(2) Delete the present language in the item now appearing as "Fruit and nut buds, clones, cuttings and scions, or stocks imported for the vegetative propagation of the stocks themselves (other than as separately designated)", and substitute therefor the following: "Fruit and nut plants, buds, cuttings, and scions, or stocks imported for the vegetative propagation of stocks (except as 'Mahoberberis spp. (plants of all varieties known to be immune or resistant to stem rust)" from "All foreign countries. May not be grown under postentry quarantine in states protected by Domestic Plant Quarantine No. 38 [8]", with the accompanying footnote, and substitute in the respective columns the following:

Mahoberberis spp. (plants of all species and horticultural varieties not designated as resistant to black stem rust in accordance with 7 CFR 301.38–5 (14 F. R. 999) or amendments thereof).	All foreign countries. (May not be grown under postentry quarantine in the eradication states designated in 7 CFR 301.38–3 (14 F. R. 999) or amendments thereof).

(4) Delete the present language in the item now appearing as "Mahonia spp. (plants of all varieties known to be resistant to rust)" from "All foreign countries. May not be grown under postentry quarantine in states protected by Domestic Plant Quarantine No. 38 [8]", with the accompanying footnote, and substitute in the respective columns the following:

Mahonia spp. (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with 7 CFR 301.38–5 (14 F. R. 999) or amendments thereof).	All foreign countries. (May not be grown under postentry quarantine in the eradication states designated in 7 CFR 301.38–3 (14 F. R. 999) or amendments thereof).

(5) Delete the present language in the item now appearing as "Malus spp. (except clonal understocks)" from "All foreign countries except Australia, Canada, China, Japan, Korea, Manchuria, and those in Europe and South Africa," and substitute in the respective columns the following:

Malus spp., including stocks, when not prohibited entry..	All foreign countries except Canada

(6) Delete entirely the present language in the item now appearing as "Malus spp." from "All foreign countries except Canada and those in South Africa."

(7) Delete the words "British Isles" from the item now appearing as "Nicotiana spp." from "All foreign countries except Australia, British Isles, and Canada" and substitute therefor the words "Great Britain."

(8) Delete entirely the present language in the item now appearing as "Pinus spp. (5-leaved)" from "All foreign countries when destined to states not protected by Domestic Plant Quarantine No. 63 [9]", with the accompanying footnote.

(9) Delete the present language in the item now appearing as "Prunus spp." from "Canada, when destined to California", and substitute, in the respective columns, the following:

Prunus spp., including stocks, when not prohibited entry.	All foreign countries except Canada, and from Canada when destined to California.

(10) Delete the present language in the item now appearing as "Pyrus spp." from "All foreign countries except Canada, Japan, Korea, Manchuria, and those in Europe and South Africa", and substitute, in the respective columns, the following:

Pyrus spp., including stocks, when not prohibited entry...	All foreign countries except Canada.

(11) Delete the words "or when destined to states protected by Domestic Plant Quarantine No. 63 [9]", with the acompanying footnote, from the item now appearing as "Ribes nigrum" from "All foreign countries except British Isles, Canada, and New Zealand, or when destined to states protected by Domestic Plant Quarantine No. 63 [9]", and substitute therefor the words "(may not be grown under postentry quarantine when destined to states designated as noninfected in 7 CFR 301.63–3a)".

(12) Delete the words "(non-Maritime provinces)" from the item now appearing as "Sorbus spp." from "All foreign countries except Canada (non-Maritime provinces), China, Japan, Philippine Islands, and those in Southeastern Asia and Oceania (including Australia and New Zealand)". Also, in this item, insert the word "Germany" between the words "China" and "Japan".

(f) It is also proposed to reissue and approve in toto §§ 319.37 to 319.37–25, as a complete revision to include the proposed amendments as well as all amendments thereof issued since the quarantine and supplementary regulations were approved July 21, 1948.

The supply of reprints of Nursery Stock, Plant, and Seed Quarantine No. 37 and supplementary regulations, effective September 1, 1948, and January 1, 1949, has been exhausted. It is therefore necessary to print a new edition. It is proposed to take advantage of this opportunity to make certain minor changes in the text of the quarantine and regulations.

Several of the above-proposed changes are occasioned by the use in the present quarantine and regulations of the terms "clone" and "clonal understocks." These are subject to several interpretations by those in the horticultural trade. For example, there is no universally accepted nomenclatorial device for differentiating clones from species or true varieties grown from seeds. "Clone" is not even defined in some foreign horticultural encyclopedias. It is therefore proposed, as above indicated, to delete these terms and substitute references to "stocks", a more readily understood term and one in common usage in the trade. In other instances the amendments clarify the intent of the regulations where there are now slight ambiguities. These amendments are all within the scope of the announced statement of purpose contained in the revision of Notice of Quarantine No. 37 and supplementary regulations, approved July 21, 1948 (7 CFR 319.37 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 20 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 1, 5, 7, 37 Stat. 315, 316, 317, as amended, 7 U. S. C. and Supp., 154, 159, 160)

Done at Washington, D. C., this 10th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–6033; Filed, July 12, 1950; 8:47 a. m.]

Production and Marketing Administration

[7 CFR, Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO INCREASE IN BUDGET OF EXPENSES FOR MARKETING YEAR BEGINNING AUGUST 1, 1949

Consideration is being given to the approval of a proposed increase from $62,560 to $68,080 in the current budget of expenses of the Walnut Control Board, established as the administrative agency under Marketing Agreement No. 105 and Order No. 84 (7 CFR 984.1 et seq.), regulating the handling of walnuts grown in California, Oregon, and Washington. The budget of expenses for the marketing year beginning August 1, 1949, was originally approved on October 26, 1949 (14 F. R. 6624, 7 CFR 984.301).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER.

This proposed increase in the authorized budget of expenses was recommended in a resolution adopted by mail vote of the Walnut Control Board initiated on June 13, 1950, and tabulated June 22, 1950. This action was due to the fact that expenses of the Board in connection with the administration of the marketing agreement and order program have been greater than were anticipated by the Board in August 1949, when it recommended the presently authorized budget of $62,560.

As reasons for the need for an increase in the authorized budget of expenses, the Secretary of the Walnut Control Board has reported: That the Board's failure to anticipate and provide for all contingencies which have developed is primarily due to the large pack of merchantable walnuts produced from the 1949 crop and the resultant need for extended operations; that one more session of the Control Board was called, then was anticipated in August 1949, in order for the Board to take action in regard to the selection of an agency which will be the inspection agency for the 1950–51 marketing year; and that the Board had authorized the employment of an additional person to be trained to assume the duties of the Secretary of the Walnut Control Board.

Administrative assessments at the presently authorized rate of one-tenth of a cent per pound of merchantable walnuts handled or certified for handling have resulted in collections in excess of the amount of the budget of expenses as now proposed to be increased.

The proposal is to amend § 984.301 to read as follows:

§ 984.301 *Budget of expenses of the Walnut Control Board for the marketing year beginning August 1, 1949.* Expenses in the amount of $68,080 are reasonable and are likely to be incurred by the Walnut Control Board for its maintenance and functioning, and for such other purposes as the Secretary may, pursuant to the provisions of the marketing agreement and order, determine to be appropriate, for the marketing year beginning August 1, 1949, and the incurring of expenses not in excess of that amount for the said marketing year is approved.

Done at Washington, D. C., this 10th day of July 1950.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50–6062; Filed, July 12, 1950; 8:50 a. m.]

CIVIL AERONAUTICS ADMINISTRATION

[14 CFR, Part 41]

CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 41.49–1 *Crew complement; number of pilots required (CAA rules which apply to §§ 41.49 and 41.65).* The number of pilots required on aircraft certificated in accordance with T-category requirements will not be less than the pilot personnel specified in the minimum crew as set forth in the airplane flight manual of the particular aircraft. In the case of aircraft certificated in accordance with non T-category requirements, not less than two pilots will be required when:

(a) The aircraft incorporates multiengine features combined with retractable landing gear or wing flaps, or

(b) In the conduct of a flight, the duties of a pilot serving as pilot-in-command would be unduly interfered with through the necessity of performing other duties usually performed by a copilot.

§ 41.65–1 *Composition of flight crew (CAA rules which apply to § 41.65)*—(a) *General.* The minimum flight crew as determined by the Administrator, and specified in the air carrier operating certificate, shall be the type and number of flight crew members required on the flight deck for the operation of the aircraft over a particular route or route segment specified in the operating certificate. It is the responsibility of the air carrier to assign such additional flight crew members as necessary for compliance with flight time limitations and the performance of all required functions in accordance with § 41.65 (b).

(b) *Listing of flight crew members in the air carrier operating certificate.* The minimum number of flight crew members serving in the capacity of pilots, and the minimum number of flight crew members serving in the capacity of flight engineers required for duty on the flight deck of an aircraft as prescribed in CAM 41.49–1 and CAM 41.73–1, respectively, are dependent on the type of aircraft authorized for use by the air carrier. As the minimum number of such crew members does not vary with the route or route segment over which the aircraft is flown, this shall be specified in the air carrier operating certificate on Form ACA–514–A by the following provisions: "Pilots and flight engineers shall be those prescribed in CAM 41.49–1 and CAM 41.73–1."

The functional requirements of radiotelegraphy and celestial or other specialized means of navigation, as prescribed in CAM 41.68–1 and CAM 41.80–1, respectively, are dependent on the particular route or route segment over which the aircraft is flown. When a flight crew member is required to perform one of such functions on the flight deck of the aircraft over a route or route segment, he shall be specified in the air carrier operating certificate on Form ACA–514–A by indicating the function required. This will be accomplished by the air carrier's inserting the letter "Y" on a line with the particular route or route segment under the required function; namely, radiotelegraphy — specialized means of navigation.

§ 41.68–1 *Crew complement; flight radio operator (CAA rules which apply to § 41.68)*—(a) *Determination of need.* Radiotelegraphy will be required over any area, route, or route segment where it has been determined that this means of communication is necessary to insure adequate air-ground communication over the area, route, or route segment under normal operating conditions.

§ 41.73–1 *Crew complement; flight engineer (CAA rules which apply to § 41.65 and 41.73)*—(a) *Design of aircraft.* A flight crew member serving in the capacity of a flight engineer shall be required on all four-engine aircraft certificated for more than 80,000 pounds maximum take-off weight as prescribed in CAR 41.73, and on all other four-engine aircraft certificated for more than 30,000 pounds maximum take-off weight when so specified in the airplane flight manual for the particular aircraft.

(b) *Type of operation.* The Administrator has considered the type of operation presently being conducted in aircraft of the 30,000–80,000-pound weight category and has determined that a flight engineer is not required as a result of such operation.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 606, 608, 52 Stat. 1007, 1010, 1011; 49 U. S. C. 551, 554, 556, 558)

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50–6021; Filed, July 12, 1950; 8:45 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Military Renegotiation Policy and Review Board

CONTRACTS CONTAINING THE RENEGOTIATION ARTICLE ENTERED INTO BY OR ON BEHALF OF THE DEPARTMENT OF DEFENSE, INCLUDING THE DEPARTMENTS OF THE ARMY, THE NAVY, AND THE AIR FORCE

Contracts containing the Renegotiation Article entered into by or on behalf of the Department of Defense, including the Departments of the Army, the Navy and the Air Force through March 31, 1950, exclusive of those previously reported in the listings through December 31, 1949, which were published in the FEDERAL REGISTER on April 6, 1950.

Pursuant to the note to § 423.322–1 (c) of the Military Renegotiation Regulations, four lists of numbers of prime contracts which contain the Renegotiation Article, together with the names of the contractors holding such contracts, have been published in the FEDERAL REGISTER. The last of these lists represented a consolidation of such information supplied by the Departments of the Army, the Navy and the Air Force and extended through December 31, 1949. The following list includes contracts entered into through March 31, 1950, but excludes those previously reported in the listings through December 31, 1949. Although a contract is not subject to renegotiation, one or more amendments of such contract may be subject thereto (see MRR 423.332–2). In such cases, only the subject amendments are listed. Subcontractors receiving orders which refer to any such partially listed prime contracts are cautioned to communicate with their customers to ascertain whether it is to the renegotiable or to the nonrenegotiable portion of the prime contract that their orders relate. Contracts over $1,000, but under $5,000, have been omitted from this list; however, the omission does not affect the renegotiability of such contracts.

Publication of these lists, as well as future supplements, is for the sole purpose of disseminating information to help contractors and subcontractors identify sales which are subject to renegotiation. Although every effort has been and will be made to have the lists complete and accurate, the omission of the number of a contract subject to the Renegotiation Act of 1948 does not relieve the contractor and the subcontractors thereunder from renegotiation. Conversely, the inclusion in a published list of the number of a contract which is not subject to the act will not make the contractor or subcontractor thereunder subject to renegotiation. The Renegotiation Article is not physically present in some of the contracts listed herein. However, it is considered that such contracts are required to contain the article and are therefore subject to the Renegotiation Act of 1948. Consequently, the numbers of such contracts are published herein for the same purpose of information as those in which the article is physically present.

Additional lists will be published from time to time in the FEDERAL REGISTER and, also semiannually as supplements of the Military Renegotiation Regulations. The Military Renegotiation Policy and Review Board should be notified of any errors appearing on the lists so that corrections may be made.

FRANK L. ROBERTS,
Chairman.

JULY 6, 1950.

CONTRACTS CONTAINING THE RENEGOTIATION ARTICLE ENTERED INTO BY OR ON BEHALF OF THE DEPARTMENT OF DEFENSE, INCLUDING THE DEPARTMENTS OF THE ARMY, THE NAVY AND THE AIR FORCE THROUGH MARCH 31, 1950, EXCLUSIVE OF THOSE PREVIOUSLY REPORTED IN THE LISTINGS THROUGH DECEMBER 31, 1949, WHICH WERE PUBLISHED IN THE FEDERAL REGISTER ON APRIL 6, 1950

A R F Products, Inc., River Forest, Ill.: DA–36–039–sc–44.

Abrams Instrument Corp., Lansing, Mich.: AF 33(038)–10082.

Ace Engineering & Machine Co., Inc., Philadelphia, Pa.: N161s–20991, AF 19(122)–205.

Acushnet Process Co., New Bedford, Mass.: AF 33(038)–10521.

Adamson United Co., Akron, Ohio: AF 33(038)–846 S. A. No. 3.

Adel Precision Products Corp., Burbank, Calif.: N383s–30234, N383s–30366, N383s–30801, AF 33(038)–11120.

Aero-Rad Corp., The, Youngstown, Ohio: AF 33(038)–10106.

Aero Service Corp., Philadelphia, Pa.: AF 33(038)–10103.

Aero Supply Manufacturing Co., Inc., Corry, Pa.: N383s–28182.

Aerodraulics Co., Los Angeles, Calif.: N383s–28966.

Aerojet Engineering Corp., Azusa, Calif.: NOrd 10805, W33–038 ac 20212 S. A. No. 4, AF 33(038)–11210, Order (33–038) 50–1158 S. A. No. 2.

Aerol Co., Inc., Burbank, Calif.: N383s–28751.

Aeronca Aircraft Corp., Middletown, Ohio: AF 33(038)–8320 C. O. No. 2.

Aeroprojects, Inc., West Chester, Pa.: AF 33(038)–11208.

Aerotec Corp., The, Greenwich, Conn.: N383s–30861.

Aetna Industrial Corp., Roxbury, Mass.—Trimont Manufacturing Co. Division: DA–30–144–ord–177.

Air Associates, Inc., Teterboro, N. J.: N383s–21235, N383s–29094, N383s–29410, N383s–30291, N383s–30808, N383s–32007, N383s–32071, N383s–32769.

Air Reduction Sales Co., New York, N. Y.: AF 33(038)–3094 S. A. No. 1.

Airborne Accessories Corp., Hillside, N. J.: N383s–30704, N383s–31836.

Airborne Instruments Laboratory Co., Mineola, Long Island, N. Y.: NObr 49068, NObr 49070, NObr 49076, AF 28(099)–148, AF 28(099)–463 S. A. No. 3, AF 33(038)–3286 S. A. No. 3 and S. A. No. 5.

Aircooled Motors, Inc., Syracuse, N Y.: AF 33(038)–9499.

Aircraft Mechanics, Inc., Colorado Springs, Colo.: N383s–33009.

Aircraft Radio Corp., Boonton, N. J.: NOa(s) 10728, N383s–28594, N383s–29067, AF 33(038)–10974.

Airquipment Co., Burbank, Calif.: AF 33(038)–8887 S. A. No. 2, S. A. No. 3 and S. A. No. 4; AF 33(038)–10150, AF 33(038)–10416.

Akeley Camera, Inc., New York, N. Y.: AF 33(038)–10202, AF 33(038)–11080.

Allen-Bradley Co., Milwaukee, Wis.: DA–44–114–sc–97.

Allen-Sherman-Hoff Co., Philadelphia, Pa.: N140s–15796.

Allied Business Communications, Inc., Los Angeles, Calif.: AF 33(038)–10810.

Allied Control Co., Inc., New York, N. Y.: N163s–462.

Allis-Chalmers Manufacturing Co., Milwaukee, Wis.: NObs 50201, N104s–10894, N104s–10915, N104s–10972, N104s–11026.

American Agencies, Inc., New York, N. Y.: MSTS 30.

American Air Filter Co., Inc., Louisville, Ky.: N383s–32105.

American Aluminum Ware Co., Newark, N. J.: NOrd 10757.

American Blower Corp., Detroit, Mich.: AF 33(038)–10075, AF 33(096)–1121.

American Brass Co., The, Waterbury, Conn.: N383s–30267.

American Can Co., New York, N. Y.: DA–04–493–qm–1032.

American Chronoscope Corp., Mount Vernon, N. Y.: AF 33(038)–10412.

American Electro Metal Corp., Yonkers, N. Y.: AF 33(038)–10716.

American Film Producers, New York, N. Y.: AF 33(038)–10198.

American Flexible Coupling Co., Erie, Pa.: AF 33(038)–10399.

American Gas Accumulator Co., Elizabeth, N. J.: N383s–28872, AF 33(038)–10177.

American Hospital Supply Corp., Evanston, Ill.: MPA–30–287–md–659.

American Locomotive Co., New York, N. Y.: DA–36–022–tc–95.

American Machine & Foundry Co., Brooklyn, N. Y.: N7nr–43102, AF 33(038)–10060.

American Molasses Co., New York, N. Y.—Sucrest Division: DA–30–280–qm–1923.

American Phenolic Corp., Chicago, Ill.: N383s–30325, N383s–32400.

American President Lines, Ltd., New York, N. Y.: DA–30–182–tc–187.

American Steel & Wire Co., Cleveland, Ohio: NOa(s) 10831.

American Steel Foundries, Chicago, Ill.: DA–30–144–ord–213.

American Television & Radio Corp., St. Paul, Minn.: AF 33(038)–11220.

Ames Textile Corp., New York, N. Y.: DA–30–280–qm–1740.

Amos-James Grocer Co., San Francisco, Calif.: DA–04–493–qm–1054.

Ampex Electric Corp., San Carlos, Calif.: NObs 50412, AF 33(038)–11508.

Anderson-Nichols & Co., Boston, Mass.: DA–44–114–sc–62.

Anton Electronic Laboratories, Inc., Brooklyn, N. Y.: NObr 49064.

Apple, W. A. Textile Manufacturing Co., Dayton, Ohio: AF 33(038)–10040.

Applied Physics Corp., Pasadena, Calif.: AF 19(122)–191.

Applied Research Laboratories, Glendale, Calif.: N173s–14855.

Arma Corp., Brooklyn, N. Y.: NOrd 10760, NOrd 10761, N104s–10885.

Armstrong Rubber Co., The, West Haven, Conn.: DA–20–018–ord–1460.

Arnot and Co., Inc., Baltimore, Md.: DA–44–009–eng–4.

Aro Equipment Co., The, Bryan, Ohio: AF 33(038)–10862, AF 33(038)–11075, AF 33(038)–11353.

Aron, J., & Co., Inc., New Orleans, La.: DA–30–280–qm–1387: P. O. No. 5395.

Associate-Aircraft-Tool & Manufacturing Co., Hamilton, Ohio: AF 33(038)–10670.

Associated Engineers, Inc., Fort Wayne, Ind.: AF 33(038)–10579.

Associated Engineers, Inc., Springfield, Mass.: DA–19–066–ord–70.

Associated Spring Corp., Bristol, Conn.—Wallace Barnes Division: DA–30–144–ord–173.

Atlantic Coast Contracting Co., New York, N. Y.: DA–30–182–tc–169.

Atlas Construction Co., Waxahachie, Tex.: DA–22–052–eng–1035.

Auburn Spark Plug Co., Auburn, N. Y.: AF 33(038)–11111.

Audio Productions Inc., New York, N. Y.: NOa(s) 10862, NOa(s) 10910.

Audio Products Corp., Burbank, Calif.: NOa(s) 10953.

Austin Co., The, Cleveland, Ohio: W–36–039–sc–38207 Mod. No. 2, W–36–039–sc–44536 Mod. No. 2, N9nr–91603, N140s–16393.

Austin Trailer Equipment Co., Muskegon, Mich.: AF 33(038)–9614.

Automatic Electric Sales Corp., Chicago, Ill.: DA–36–039–sc–938, DA–36–039–sc–1243, DA–36–039–sc–1310, DA–36–039–sc–1312, DA–36–039–sc–1313, NObs 50295, N104s–10616, N104s–11260.

Avco Manufacturing Corp., New York, N. Y.: W33–038 ac 19740 S. A. No. 7.

Avondale Marine Ways, Inc., Westwego, La.: W–16–048–tc–629.

Avoset Co., San Francisco, Calif.: DA–04–493–qm–851X.

Axelson Manufacturing Co., Los Angeles, Calif.: AF 33(038)–10663.

B. G. Corp., The, New York, N. Y.: N383s–11643.

Bagley & Sewall Co., Watertown, N. Y.: DA–30–115–ord–4.

Baird Associates, Inc., Cambridge, Mass.: N173s–14996.

Baker, Boggs & James, Sutton, W. Va.: DA–46–022–eng–316.

Baldwin Locomotive Works, The, Eddystone, Pa.: DA–28–017–ord–334.

Barber-Colman Co., Rockford, Ill.: N383s–31125, AF 33(038)–10004.

Barber-Greene Co., Aurora, Ill.: DA–11–184–eng–793, DA–11–184–eng–938.

Borden Corp., Danbury, Conn.: AF 33(038)–10020, AF 33(038)–10029, AF 33(038)–10099.

Barium & Chemicals, Inc., Willoughby, Ohio: DA–36–038–ord–204.

Barnes & Reinecke, Inc., Chicago, Ill.: W33–038 ac 21880 S. A. No. 1.

Barnett, Fred E., Co., San Francisco, Calif.: N220s–53694.

Bassonite Corp., The, Dayton, Ohio: AF 33(038)–10176.

Bausch & Lomb Optical Co., Rochester, N. Y.: NOrd 10763, AF 33(038)–9454, Order (33–038)50–1613.

Bayard, M. L., Co., Inc., Philadelphia, Pa.: NObs 50281.

Bayshore Industries, Inc., Elkton, Md.: DA–18–108–cml–286.

Beavers, V. L., & Associates, San Antonio, Tex.: DA–29–005–eng–105.

Beckman, A. O., Co., Pasadena, Calif.: NObr 49047.

Beech Aircraft Corp., Wichita, Kans.: AF 33(038)–10649.

Bell Aircraft Corp., Buffalo, N. Y.: N383s–29260, W33–038 ac 20429 C. O. No. 14; W33–038 ac 22145 C. O. No. 6, C. O. No. 8, C. O. No. 9 and C. O. No. 10; W33–038 ac 22609 S. A. No. 1, AF 33(038)–11114.

Bell & Howell Co., Chicago, Ill.: AF 33(038)–9438, AF 33(038)–10009, AF 33(038)–10049, AF 33(038)–10578.

Bendix Aviation Corp., Detroit, Mich.—Bendix Products Division: N383s–25418 and L. I., N383s–29445, N383s–29477 L. I., N383s–30062, N383s–30206 L. I., N383s–30406 L. I., N383s–30752, N383s–31467, N383s–32162 L. I., N383s–32163 L. I., W33–038 ac 20802 S. A. No. 2, AF 33(038)–3613 S. A. No. 1, AF 33(038)–10042, AF 33(038)–10208, AF 33(038)–10333, AF 33(038)–10390, AF 33(038)–10392, AF 33(038)–10669. Bendix Radio Division: W–36–039–sc–38121, N126s–1907, N383s–29893, N383s–30780, N383s–32069, AF 33(038)–7002, AF 33(038)–9618, AF 33(038)–11091. Eclipse-Pioneer Division: W–30–069–ord–4450, DA–36–039–sc–6, NOa(s) 10882, NOa(s) 10894, NOa(s) 10970, N383s–26387, N383s–26901, N383s–28334, N383s–28702, N383s–28840, N383s–28841, N383s–28921, N383s–28951, N383s–29151, N383s–29187, N383s–29332, N383s–29433, N383s–29436, N383s–29441, N383s–29580, N383s–30098, N383s–30330, N383s–30417 L. I., N383s–30428, N383s–31124, N383s–31728, N383s–32180 L. I., N383s–32181 L. I., AF 33(038)–9851, AF 33(038)–9954, AF 33(038)–10026, AF 33(038)–10028, AF 33(038)–10044, AF 33(038)–10097, AF 33(038)–10195, AF 33(038)–10575, AF 33(038)–10795, AF 33(038)–10843, AF 33(038)–10858, AF 41(142)–71. Friez Instrument Division: N104s–11566, N60921s–759. Pacific Division: N104s–11158, N383s–29750, N383s–32889, AF 33(038)–10031, AF 33(038)–10411. Red Bank Division: AF 33(038)–11219. Scintilla Magneto Division: NObs 50356, N383s–25440 and L. I., N383s–30750, N383s–31089, N383s–31838, AF 33(038)–9872, AF 33(038)–10098, AF 33(038)–10966, AF 33(038)–11072. Zenith Carburetor Division: DA–11–184–eng–752.

Benson Manufacturing Co., Kansas City, Mo.: N383s–30012.

Berkeley Scientific Co., Richmond, Calif.: DA–36–039–sc–2648, AF 33(038)–10584.

Bertell, Inc., New York, N. Y.: DA–36–039–sc–41.

Beseler, Charles, Co., New York, N. Y.: N140s–15978.

Besler Corp., Emeryville, Calif.: N151s–85091.

Bethlehem Steel Co., Bethlehem, Pa.: N600s–4810.

Bettendorf Co., The, Bettendorf, Iowa: NOrd 10747.

Better Finishes & Coatings, Inc., Newark, N. J.: NOa(s) 10813, N383s–29590, N383s–32086.

Biederman Motors Co., Cincinnati, Ohio: AF 33 (038)–10005, AF 33(038)–10851, AF 33–(038)–11283.

Binder, J., New York, N. Y.: NOp 479.

Blue Island Plastics, Blue Island, Ill.: DA–28–017–ord–294.

Boeing Airplane Co., Seattle, Wash.: W33–038 ac 15587 C. O. No. 52, C. O. No. 55, C. O. No. 56 and C. O. No. 57; W33–038 ac 18821 C. O. No. 22, W33–038 ac 19562 Amd. No. 8, AF 4(171)–56. AF 33(038)–9825, AF 33(038)–9860, AF 33(038)–9945.

Boi, Ltd., New York, N. Y.: AF 33(038)–10328.

Boland Machine & Manufacturing Co., Inc., New Orleans, La.: W–16–048–tc–630.

Bone Engineering Corp., Glendale, Calif.: AF 33(038)–9752, AF 33(038)–10389, AF 33(038)–10603, AF 33(038)–11304.

Booz, Allen & Hamilton, Chicago, Ill.: AF 33(038)–10406, AF 33(038)–10955.

Borg-Warner Corp., Cleveland, Ohio—Pesco Products Division: N383s–30276, N383s–32516, AF 33(038)–10024, AF 33(038)–10855, AF 33(038)–11106, AF 33(038)–11122.

Bostitch-Wilson, Inc., Westerly, R. I.: N383s–32490.

Box Elder Packing Corp., Clearfield, Utah: DA–11–183–qm–844.

Brailsford & Co., Inc., Rye, N. Y.: DA–36–039–sc–51.

Branham Mareck & Duepner, Inc., Minneapolis, Minn.: N102s–52588.

Brann-Knecht-Heimann Co., San Francisco, Calif.: DA–04–197–tc–461.

Breco Manufacturing Co., Baltimore, Md.: N207s–10608.

Breeze Corporations, Inc., Newark, N. J.: N383s–29013, N383s–29751, AF 33(038)–10053.

Bristol Co., The, Waterbury, Conn.—Aircraft Equipment Division: N383s–31034, N383s–32132, N383s–32133.

Bristol Laboratories, Inc., Syracuse, N. Y.: MPA–30–287–md–783.

British Yukon Navigation Co., Ltd., Seattle, Wash.: ASP–1599.

Brown & Sharpe Manufacturing Co., Providence, R. I.: DA–19–058–ord–120, DA–19–058–ord–561.

Brown Art Studio, Detroit, Mich.: DA–28–024–ord–337, DA–28–024–ord–344.

Brunson Instrument Co., Inc., Kansas City, Mo.: DA–44–009–eng–3.

Buckeye Iron & Brass Works, Dayton, Ohio: AF 33(038)–11115.

Bucyrus-Erie Co., South Milwaukee, Wis.: DA–11–184–eng–1034.

Buda Co., The, Harvey, Ill.: DA–11–184–eng–800.

Budd Co., The, Philadelphia, Pa.: DA–36–034–ord–9.

Burton Manufacturing Co., Los Angeles, Calif.: AF 33(038)–10393, AF 33(038)–11299.

Byrons, Inc., Washington, D. C.: NOa(s) 10804, NOa(s) 10861, NOa(s) 10983, Order (40–038)50–5600.

California Packing Corp., San Francisco, Calif.: DA–04–493–qm–1014.

Camloc Fastener Corp., New York, N. Y.: AF 33(038)–10056.

Candace, Inc., Chicago, Ill.: AF 33(038)–10092, AF 33(038)–10857.

Cantwell Machinery Co., Columbus, Ohio: DA–33–062–eng–7.

Capehart-Farnsworth Corp., Fort Wayne, Ind.: NXsa 9726.

Carboloy Co., Inc., Detroit, Mich.: DA–28–017–ord–106 S. A. No. 1.

Cardell Manufacturers, Dayton, Ohio: AF 33(038)–9936.

Cargill, Inc., New York, N. Y.: DA–30–182–tc–166, DA–30–182–tc–170.

Carrier Corp., Syracuse, N. Y.: AF 33(038)–10902.

Cascade Pictures of California, Culver City, Calif.: NOa(s) 10952, NOa(s) 10972.

Case, J. I., Co., Racine, Wis.: DA–11–184–eng–563, DA–11–184–eng–838.

Caterpillar Tractor Co., Peoria, Ill.: DA–11–184–eng–564.

Champion Dish Washing Machine Co., Erie, Pa.: DA–12–036–qm–567; P. O. No. 2534–50.

Champion Spark Plug Co., Toledo, Ohio: AF 33(038)–10812, AF 33(038)–11100.

Cheney Bros., Manchester, Conn.: AF 33(038)–10471.

Chicago Aerial Survey Co., Chicago, Ill.: AF 33(038)–10072.

Chicago Pneumatic Tool Co., New York, N. Y.: DA–11–184–eng–657, DA–11–184–eng–676, N160s–1833.

Cincinnati Milling Machine Co., The, Cincinnati, Ohio: AF 33(038)–10631.

Cine Products Supply Co., Haddon Heights, N. J.: AF 33(038)–9621.

Cities Service Research & Development Co., Hillside, N. J.: N151s–84459.

Clark, David, Co., Inc., Worcester, Mass.: AF 33(038)–10197, Order (33–038)–46–3140 Amd. No. 5, Order (33–038)–49–154 Amd. No. 2.

Clark Brothers Co., Inc., Olean, N. Y.: DA–22–052–eng–1045, AF 33(038)–10081.

Clarke Manufacturing Co., Waltham, Mass.: DA–30–280–qm–1575.

Clayton Manufacturing Co., El Monte, Calif.: N104s–10753, N104s–11427.

Cleveland Pneumatic Tool Co., The, Cleveland, Ohio: N383s–15475, N383s–30799, N383s–32161 L. I. N383s–32184 L. I.

Clyde Iron Works, Inc., Duluth, Minn.: DA–22–052–eng–1028.

Coast Paint & Chemical Co., Los Angeles, Calif.: N303s–30684, N383s–33308.

Collins Radio Co., Cedar Rapids, Iowa: NOnr 1301, N126s–2117, AF 33(038)–10482, AF 33(038)–10815.

Colt's Manufacturing Co., Hartford, Conn.: DA–19–058–ord–590.

Columbia Research & Development Corp., Columbus, Ohio: NOrd 10786.

Columbus Dental Manufacturing Co., Columbus, Ohio: MPA–30–287–md–832.

Combustion Engineering-Superheater, Inc., New York, N. Y.: NObs 50370.

Comfort Products Corp., Dallas, Tex.: AF 33(038)–10007.

Commercial Engineering Co., Washington, D. C.: N104s–10653.

Commonwealth Engineering Co., Dayton, Ohio: AF 33(038)–9824.

Communications Co., Inc., Coral Gables, Fla.: NObr 49057.

Compton, F. E., & Co., New York, N. Y.: DA–30–280–qm–1914.

Conlon, Emerson W., Ann Arbor, Mich.: AF 33(038)–11522.

Consolidated Engineering Corp., Pasadena 4, Calif.: AF 19(122)–182, AF 33(038)–10825.

Consolidated Vultee Corp., San Diego, Calif.: NOrd 9028 Amd. No. 17, NOrd 10706, NOrd 10739, N383s–31867, N383s–32155, AF 33(038)–5958 S. A. No. 2 and S. A. No. 3, AF 33(038)–9870.

Continental Aviation & Engineering Corp., Detroit, Mich.: NObs 2690, N383s–29909, AF 33(038)–8239.

Continental Carbon, Inc., Cleveland, Ohio: DA–36–039–sc–50.

Continental Electric Co., Inc., Newark, N. J.: N130s–33737, AF 33(038)–9605, AF 33(038)–11504.

Continental Motors Corp., Muskegon, Mich.: DA–11–184–eng–1209, DA–20–089–ord–441, DA–20–089–ord–668, DA–20–089–ord–788, DA–20–089–ord–831, AF 33(038)–10320.

Cook Electric Co., Chicago, Ill.: AF 33(038)–10064, AF 33(038)–10653. Cook Research Laboratories Division: AF 33(038)–9852, AF 33(038)–11516.

Cooper & Fitton Hardware Co., Philadelphia, Pa.: N383s–30721.

Cornelius Co., The, Minneapolis, Minn.: AF 33(038)–11097, AF 33(038)–11112, AF 33(038)–11117, AF 33(038)–11124.

Cosa Corp., New York, N. Y.: N600s–4692.

Cox & Stevens Aircraft Corp., Mineola, Long Island, N. Y.: AF 33(038)–10023.

Cramer Posture Chair Co., Inc., Kansas City, Mo.: AF 33(038)–10860.

Cummins Engine Co., Inc., Columbus, Ind.: N104s–9030, N104s–11155.

Curtiss-Wright Corp., Columbus, Ohio—Airplane Division: AF 33(038)–10217. Propeller Division: W33–038 ac 17958 S. A. No. 14, AF 33(038)–9022, AF 33(038)–9840, AF 33(038)–9943, AF 33(038)–10054, AF 33(038)–10055, AF 33(038)–10379, AF 33(038)–10650, AF 33(038)–10979, AF 33(038)–11070. Wright Aeronautical Division: AF 33(038)–9354, AF 33(038)–10963, AF 33(038)–10967, AF 33(038)–11285.

Cutler-Hammer, Inc., Milwaukee, Wis.: N383s–28524.

Dade Refrigerating Co., Waynesboro, Pa.: N209s–4577.

Dana Corp., Toledo, Ohio: AF 33(038)–7968.

Danis, B. G., Co., Inc., Dayton, Ohio: AF 33(038)–7408 S. A. No. 2, AF 33(038)–10214.

Dart Truck Co., Kansas City, Mo.: DA–11–184–eng–1032.

Davey Compressor Co., Kent, Ohio: AF 33(038)–11096.

Davidson, M. T., Co., Brooklyn, N. Y.: N151s–84474.

Davies Laboratories, Inc., The, Riverdale, Md.: AF 33(038)–11360.

Dayton Aircraft Products, Inc., Dayton, Ohio: AF 33(038)–10475.

Deluxe Products Oil Filter, Chicago, Ill.: DA–11–184–eng–665.

De Vore, Lloyd T., Urbana, Ill.: AF 33(038)–11232.

Del Riccio, Lorenzo, Laboratories, Los Angeles, Calif.: AF 33(038)–11300.

Delaval Steam Turbine Co., Trenton, N. J.: NObs 50277.

Delron Co., Inc., The, Los Angeles, Calif.: AF 33(038)–10078.

Delta Laboratories, Inglewood, Calif.: MPA–30–287–md–791.

Design Service Co., Newark, N. J.: DA–28–024–ord–209, DA–28–024–ord–255.

Deutschmann, Tobe, Corp., Canton, Mass.: NOa(s) 10940.

Dexter Folder Co., New York, N. Y.: DA–11–183–qm–1050.

Diagraph-Bradley Industries, Inc., St. Louis, Mo.: DA–11–183–qm–834.

Diamond Power Specialty Corp., Lancaster, Ohio: N104s–10744.

Dill Manufacturing Co., The, Cleveland, Ohio: AF 33(038)–10014.

Disston, Henry, & Sons, Inc., Philadelphia, Pa.: DA–11–070–ord–545.

Dixon Research, Inc., Rockford, Ill.: DA–11–022–ord–6.

Dole Valve Co., Chicago, Ill.: N383s–32908.

Donley Pipe & Supply Co., St. Louis, Mo.: DA–11–184–eng–1128.

Dooley, L. R., Inc., New York, N. Y.: AF 28(099)–121.

Douglas Aircraft Co., Inc., Santa Monica, Calif.: N383s–25717, N383s–30013, N383s–31130, W33–038 ac 20260 S. A. No. 1, W33–038 ac 22144 C. O. No. 10, C. O. No. 11, C. O. No. 13, C. O. No. 14, C. O. No. 15, C. O. No. 18, C. O. No. 19, C. O. No. 20 and C. O. No. 21, AF 33–(038)–10423.

Dow Chemical Co., The, Midland, Mich.: DA–18–108–cml–355, NOa(s) 10576, N383s–32137.

Dowd, John, Co., New York, N. Y.: DA–30–182–tc– : P. O. No. 3020, DA–30–182–tc–188: P. O. No. 3165.

Dravo Corp., Pittsburgh, Pa.: N104s–11178.

Drytrans, Inc., New York, N. Y.: MSTS 37.

Du Mont, Allen B., Laboratories, Inc., Passaic, N. J.: NObr 49081, N173s–14840.

Dunham, C. A., Co., Chicago, Ill.: DA–11–184–eng–567.

Du Pont, E. I., De Nemours & Co., Inc., Wilmington, Del.: DA–28–017–ord–66, AF 33(038)–10090, AF 33(038)–11288.

Dykeman, R. G., Co., Dayton, Ohio: AF 33(038)–9988.

Dynamatic Corp., Kenosha, Wis.: DA–20–089–ord–774.

Dzus Fastener Co., West Islip, Babylon, N. Y.: AF 33(038)–9624.

E. & G. Machine & Tool Co., Inc., Freeport, N. Y.: N383s–30121.

Eagle-Picher Co., The, Cincinnati, Ohio: W–36–039–sc–35548.

Eastern Rotorcraft Co., Willow Grove, Pa.: AF 33(038)–9999, AF 33(038)–11084.

Eastern Stainless Steel Corp., Baltimore, Md.: N600s–4804.

Eastman, Samuel, Co., Concord, N. H.: AF 33(038)–10070.

Eastman Kodak Co., Rochester, N. Y.: DA–36–039–sc–33, NOrd 10741, AF 33(038)–10017, AF 33(038)–10067, AF 33(038)–10071, AF 33(038)–10091, AF 33(038)–10093, AF 33(038)–10191, AF 33(038)–10430, AF 33(038)–11083, AF 33(038)–11088, AF 33(038)–11090, AF 33(038)–11108, AF 33(038)–11119, AF 33(038)–11295.

Eaton Manufacturing Co., Detroit, Mich.: W–20–018–ord–13048.

Edison, Thomas A., Inc., West Orange, N. J.: N383s–29331, N383s–31018.

Edo Corp., College Point, Long Island, N. Y.: NObs 50330.

Elcor, Inc., Chicago, Ill.: AF 33(038)–10327.

Elmson-Freeman Co., Inc., Long Island City, N. Y.: N140s–16013.

Elbe File & Binder Co., Inc., Fall River, Mass.: AF 49(147)–32.

Electric Auto-Lite Co., The, Toledo, Ohio: DA–11–184–eng–674, DA–11–184–eng–826, N104s–11355.

Electric Boat Co., New York, N. Y.: N151s–84563.

Electric Machinery Manufacturing Co., Minneapolis, Minn.: DA–11–184–eng–1029, DA–11–184–eng–1096.

Electric Motors Specialties, Garrett, Ind.: N163s–466.

Electric Storage Battery Co., The, Philadelphia, Pa.: NObs 50186, NOrd 10748, N151s–84473.

Electrical Engineering & Manufacturing Corp., Los Angeles, Calif.: N383s–11944, N383s–13746, N383s–13953, N383s–16844, N383s–28693, N383s–29401, N383s–32090.

Electro Engineering & Manufacturing Co., Detroit, Mich.: W–36–039–sc–44598.

Electro Impulse Laboratory, Eatontown, N. J.: AF 33(038)–10066.

Electro Seal Corp., Des Plaines, Ill.: NOa(s) 10960.

Electro Switch & Controls, Inc., Culver City, Calif.: N383s–30098.

Electrol, Inc., Kingston, N. Y.: N383s–28317, N383s–28895.

Electronic Associates, Inc., Long Branch, N. J.: DA–36–039–sc–20, N123s–65954, AF 33(038)–10076.

Elk Electronics Laboratories, New York, N. Y.: AF 28(099)–181.

Elliott Co., Jeanette, Pa.: DA–36–022–tc–105, N104s–11095, N151s–84564.

Emerson Electric Manufacturing Co., The, St. Louis, Mo.: NOa(s) 10689, N383s–28122, W33–038 ac 16986 S. A. No. 18, AF 33(038)–11034.

Engelhard, Inc., East Newark, N. J.: AF 33(038)–10384.

Engineering & Research Corp., Hyattsville, Md.: NOa(s) 12010, NOnr 1400, NOrd 10785, N8nr 79304.

Engineering Research Associates, Inc., St. Paul, Minn.: NOrd 10765, AF 33(038)–10965.

English & Lauer, Inc., Los Angeles, Calif.: N383s–31525.

Enterprise Engine & Foundry Co., San Francisco, Calif.: DA–36–022–tc–83, DA–36–022–tc–112, DA–36–022–tc–121, N104s–10721.

Enterprise Machine Parts Corp., Detroit, Mich.: DA–20–089–ord–220.

Erie Resistor Corp., Erie, Pa.: NOa(s) 10696.

Erno Machine Co., White Plains, N. Y.: NOa(s) 11035.

Experiment, Inc., Richmond, Va.: W–36–034–ord–7661.

Fabick Tractor Co., Flora, Ill.: DA–11–052–eng–78–50.

Fafnir Bearing Co., The, New Britain, Conn.: AF 33(038)–10087.

Failing, Geo. E., Supply Co., Enid, Okla.: DA–11–184–eng–1099.

Fairbanks, Morse & Co., Chicago, Ill.: DA–36–022–tc–101, DA–36–022–tc–113, N104s–11456.

Fairchild Camera & Instrument Co., Jamaica, Long Island, N. Y.: DA–30–069–ord–13, N383s–29277, AF 33(038)–9720, AF 33(038)–9730, AF 33(038)–9950, AF 33(033)–10085, AF 33(038)–10838, AF 33(038)–10846, AF 33–(038)–10847, AF 33(038)–10953, AF 33(038)–11051, AF 33(038)–11086.

Fairchild Engine & Airplane Corp., Hagerstown, Md.—Fairchild Aircraft Division: W33–038 ac 19200, C. O. No. 7, C. O. No. 9, C. O. No. 19, C. O. No. 26, C. O. No. 29, C. O. No. 30, C. O. No. 34, C. O. No. 36, C. O. No 37, C. O. No. 38, C. O. No. 40, C. O. No. 43, C. O. No. 44, C. O. No. 45, C. O. No. 46, C. O. No. 47, C. O. No. 49, C. O. No. 51, C. O. No. 53, C. O. No. 54, C. O. No. 55, C. O. No. 56, C. O. No. 57, C. O. No. 58, C. O. No. 59, C. O. No. 62, C. O. No. 64, and S. A. No. 8, W33–038 ac 20721, C. O. No. 6, and S. A. No. 11, AF 33(038)–10827. Fairchild Guided Missiles Division: NOa(s) 9871 Amd. No. 8, NOa(s) 10355, NOa(s) 10539. Nepa Division: W33–038 ac 14801, S. A. No. 6, S. A. No. 7, and S. A. No. 8. Fairchild Engine Division (formerly Ranger Division): NOa(s) 9585 Amd. No. 6 and Amd. No. 8, Order (33–038)49–5149 Amd. No. 5.

Farrand Optical Co., New York, N. Y.: AF 33(038)–5135 S. A. No. 1.

Farrin, M. B., Lumber Co., Cincinnati, Ohio: DA–12–036–qm–784.

Federal Aircraft Works, Minneapolis, Minn.: NOa(s) 10656.

Federal Manufacturing & Engineering Corp., Brooklyn, N. Y.: N126s–2119.

Federal-Mogul Corp., Detroit, Mich.—Federal-Mogul Service Division: AF 33(038)–10048.

Federal Motor Truck Co., Detroit, Mich.: AF 33(038)–11284.

Federal Telecommunication Laboratory, Inc., Nutley, N. J.: W33–038 ac 15012 S. A. No. 11, AF 33(038)–11302.

Fellows Gear Shaper Co., The, Springfield, Vt.: AF 33(038)–11281.

Fett, Gilbert Howard, Champaign, Ill.: AF 33(038)–11233.

Field & Flint Co., Brockton, Mass.: DA–30–280–qm–1197: P. O. No. 4797.

Firestone Tire & Rubber Co., The, Akron, Ohio: DA–33–019–ord–8, AF 33(038)–11101.

Fischer & Porter Co., Hatboro, Pa.: N383s–29015.

Fletcher Aviation Corp., Pasadena, Calif.: AF 33(038)–11087.

Flexible Tubing Corp., Branford, Conn.: AF 33(038)–6840 S. A. No. 1.

Fogarty Electric Co., Cincinnati, Ohio: AF 33(038)–3966 S. A. No. 1.

Food Machinery & Chemical Corp., San Jose, Calif.—Westvaco Chemical Division: DA–28–017–ord–64, DA–28–017–ord–252.

Foote Bros. Gear & Machine Corp., Chicago, Ill.: N383s–29274, N383s–30305, N383s–30578, AF 33(038)–10972.

Foster Engineering Co., Union, N. J.: N104s–10856.

Foster Wheeler Corp., New York, N. Y.: NObs 50420.

Foust, Alan S., Ann Arbor, Mich.: AF 33(038)–11523.

Fram Corp., Providence, R. I.: N140s–15612.

Frick Co., Waynesboro, Pa.: N104s–11562, N160s–2029.

Fuller, C. C., Co., Chicago, Ill.: DA–11–184–eng–954.

Gade, Frederick, Norton, Conn.: AF 33(038)–10904.

Garrett Corp., The, Los Angeles, Calif.—Airesearch Manufacturing Co. Division: NOa(s)–10635, NOa(s)–10883, N383s–28871, N383s–29584, N383s–29650, N383s–29666, N383s–30011, N383s–30794, N383s–31043, AF 33(038)–10322, AF 33(038)–11214.

Gaveco Laboratories, Inc., New York, N. Y.: AF 33(038)–10181.

General Aniline & Film Corp., New York, N. Y.—Ansco Division: DA–36–039–sc–32, AF 33(038)–10193, AF 33(038)–11297, Order (23–109)50–653.

General Controls Co., Glendale, Calif.: N383s–31193.

General Electric Co., Schenectady, N. Y.: DA–36–039–sc–24, DA–44–114–sc–80, DA–44–114–sc–82, NOa(s) 10158, NOa(s) 10207, NObr 49018, NObr 49048, NObs 50308, NObs 50391, NOrd 10382, N104s–10680, N104s–10735, N–104s–10764, N104s–10779, N126s–1250, N126s–1346, N126s–1395, N126s–2381, N140s–15794, N140s–15836, N140s–16035, N140s–16146, N–171s–88743 L. I., N383s–28401, N383s–28910, N383s–29014, N383s–29256, N383s–29257, N–383s–29259, N383s–31413, N383s–31473, W33–038 ac 16993 C. O. No. 18, W33–038 ac 20417 S. A. No. 3, AF 33(038)–8494, AF 33(038)–8510, AF 33(038)–8542, AF 33(038)–9547, AF 33(038)–9608, AF 33(038)–9612, AF 33(038)–9753, AF 33(038)–9839, AF 33(038)–9946, AF 33(038)–9953, AF 33(038)–9956, AF 33(038)–10003, AF 33(038)–10027, AF 33(038)–10061, AF 33(038)–10100, AF 33(038)–10473, AF 33(038)–10474, AF 33(038)–10516, AF 33(038)–10971, AF 33(038)–11381, Order (33–038) 49–959 Amd. No. 5.

General Electric X-Ray Corp., Milwaukee, Wis.: MPA–30–287–md–723.

General Finance Corp., Chicago, Ill.: DA–11–184–eng–953.

General Fireproofing Co., The, Youngstown, Ohio: AF 33(038)–10850.

General Laboratory Associates, Inc., Norwich, N. Y.: N383s–30146.

General Motors Corp., Detroit, Mich.—A. C. Spark Plug Division: AF 33(038)–10185, AF 33(038)–10811, AF 33(038)–10849, AF 33(038)–10870. Aeroproducts Division: N383s–29676, AF 33(038)–11286. Allison Division: W33–038 ac 21867 S. A. No. 3, AF 33(038)–9757, AF 33(038)–9829, AF 33(038)–9854, AF 33(038)–10574, AF 33(038)–10656. Cleveland Diesel Engine Division: DA–11–184–eng–758, DA–11–184–eng–759, DA–11–184–eng–811, N104s–10503, N111s–53583. Delco Products Division: DA–11–184–eng–1130, AF 33(038)–10874. Detroit Diesel Engine Division: DA–11–184–eng–556, DA–11–184–eng–739, N104s–10989, AF 33(038)–10951. Electro-Motive Division: N104s–10918. Frigidaire Division: DA–33–008–ord–3, DA–33–008–ord–4. GMC Truck & Coach Division: NOm 55864, N171s–88978. Harrison Radiator Division: N104s–10606. New Departure Division: N163s–472, N163s–481. Rochester Products Division: N383s–31412. United Motors Service Division: DA–11–184–eng–554.

General Precision Laboratory, Inc., Pleasantville, N. Y.: N8nr–62609, N8nr–62610.

General Radio Co., Cambridge, Mass.: NObr 49071.

General Textile Mills, Inc., New York, N. Y.: NOrd 10771, NOrd 10803, N383s–32802, N383s–33227.

General Time Corp., New York, N. Y.: DA–28–017–ord–321.

General Tire & Rubber Co., The, Akron, Ohio: AF 33(038)–647.

Gibbs & Co., Inc., Baltimore, Md.: DA–11–183–qm–843.

Giffels & Vallet, Inc., Detroit, Mich.: DA–11–032–eng–99, DA–11–032–eng–501.

Gilfillan Bros., Inc., Los Angeles, Calif.: NObr 49059, W33–038 ac 20653 S. A. No. 8.

Gill Electric Manufacturing Corp., Redlands, Calif.: N383s–13872.

Gillam Soap Works, Fort Worth, Tex.: DA–30–280–qm–1872.

Gille Bros., Hollywood, Calif.: W28–099 ac 319 S. A. No. 10.

Globe Corp., Chicago, Ill.: NOa(s) 10549, N383s–29435.

Goodrich, B. F., Co., The, Akron, Ohio: N383s–29600, N383s–29646, N333s–32348, AF

33(038)-947 S. A. No. 5, AF 33(038)-10051, AF 33(038)-10073, AF 33(038)-10387, AF 33(038)-11099.

Goodyear Aircraft Corp., Akron, Ohio: N156s-27056, AF 33(038)-9403, AF 33(038)-9742, AF 33(038)-9826, AF 33(038)-10522, AF 33(038)-11374.

Goodyear Tire & Rubber Co., Inc., The, Akron, Ohio: DA-33-019-ord-4, N383s-28048 and L. I., N383s-28551, N383s-29004, N383s-29982, N383s-30599, N383s-31947, N383s-32018, N383s-32548, AF 33(038)-9606, AF 33(038)-9846, AF 33(038)-9878, AF 33(038)-9932, AF 33(038)-10043, AF 33(038)-10045, AF 33(038)-10059, AF 33(038)-10065, AF 33(038)-10404, AF 33(038)-10659, AF 33(038)-10652, AF 33(038)-10903, AF 33(038)-10950.

Goulds Pumps, Inc., Seneca Falls, N. Y.: N104s-9852, N104s-11509, N151s-84503.

Grant Photo Products, Inc., Cleveland, Ohio: AF 33(038)-11294.

Great American Industries, Inc., Meriden, Conn.: N383s-30720, AF 28(099)-154.

Greiner, J. E., Co., Baltimore, Md.: DA-44-110-eng-300.

Griffenhagen & Associates, Chicago, Ill.: SD-5.

Grimes Manufacturing Co., Urbana, Ohio: N383s-32414, AF 33(038)-10039.

Griscom-Russel Co., New York, N. Y.: NObs 50318.

Groak Engineering Corp., Chicago, Ill.: N130s-34279 & L. I.

Grumman Aircraft Engr. Corp., Bethpage, Long Island, N. Y.: N383s-29910, N383s-30194, N383s-31805.

Haenn Ship Ceiling & Refitting Co., Philadelphia, Pa.: DA-30-182-tc-180.

Haft, Morris W., & Bros., Inc., New York, N. Y.: DA-30-280-qm-1655.

Hagan Corp., Pittsburgh, Pa.: NObs 50341.

Haines Designed Products Corp., Dayton, Ohio: AF 33(038)-10830.

Hallett Manufacturing Co., Inglewood, Calif.: N126s-2118.

Hailer, Raymond & Brown, Inc., State College, Pa.: AF 33(038)-6962 S. A. No. 2.

Haloid Co., Rochester, N. Y.: AF 33(038)-11289.

Hamilton Watch Co., Lancaster, Pa.: DA-11-184-eng-668.

Hardman Tool Engineering, South Gate, Calif.: N383s-30508, N383s-31522.

Hardwick, Hindle, Inc., Newark, N. J.: N383s-32415.

Hart Carter Co., Peoria, Ill.—The Lauson Division: AF 33(038)-11081.

Hartzell Industries, Inc., Piqua, Ohio: AF 33(038)-10016.

Hastings Instrument Co., Inc., Hampton, Va.: NObr 49020, N123s-65969, N123s-66580, AF 33(038)-10418.

Hathaway Instrument Co., Denver, Colo.: AF 33(038)-10057.

Hawaiian Canneries Co., Ltd., Cleveland, Ohio: DA-04-493-qm-837, DA-04-493-qm-842.

Haynes Stellite Co., Kokomo, Ind.: DA-19-058-ord-295, DA-19-058-ord-301, DA-19-058-ord-311, DA-19-058-ord-316.

Hazeltine Electronics Corp., New York, N. Y.: NObr 43446, NObr 49043, AF 28(099)-175.

Heil Co., The, Milwaukee, Wis.: AF 33(038)-10419.

Heller, Robert, Associates, Cleveland, Ohio: AF 33(038)-552 C. O. No. 2.

Helmco, Inc., Chicago, Ill.: AF 33(038)-11105.

Hendey Machine Co., The, Torrington, Conn.: DA-19-058-ord-560, DA-19-058-ord-562.

Henry Products Co., Brooklyn, N. Y.: W-36-039-sc-38435.

Hercules Motors Corp., The, Canton, Ohio: N104s-10988, AF 33(038)-9728.

Hercules Steel Products Corp., Galion, Ohio: AF 33(038)-9619.

Herty Foundation Laboratories, Savannah, Ga.: DA-44-109-qm-82.

Hile-Damroth, Inc., New York, N. Y.: NOp 468.

Hillyer Instrument Co., Inc., New York, N. Y.: N9nr-99401.

Hobart Manufacturing Co., Troy, Ohio: N104s-10832.

Hoffman Radio Corp., Los Angeles, Calif.: AF 33(038)-10107.

Holabird & Root & Burgee, Chicago, Ill.: AF 33(038)-11393.

Holley Carburetor Co., Detroit, Mich.: NOa(s) 10903.

Homelite Corp., Port Chester, N. Y.: N383s-31312, AF 33(038)-11082, Order (33-038)50-2253.

Honolulu Iron Works Co., New York, N. Y.: N604s-7519.

Houdaille-Hershey Corp., Detroit, Mich.—Hcude Engineering Division: N383s-28273, N383s-29748, N383s-31114.

Howard, Needles, Tammen & Berdendoff, Kansas City, Mo.: DA-32-015-eng-562.

Hughes-Keenan Corp., Delaware, Ohio.: DA-11-184-eng-1165.

Hughes Tool Co., Houston, Tex.—Hughes Aircraft Co. Division: DA-04-495-ord-2, DA-04-495-ord-16, W33-038 ac 22556 S. A. No. 4, W33-038 ac 22558 S. A. No. 5, AF 33(038)-10515, AF 33(038)-11222.

Hughes-Simonson Engineering Co., Dayton, Ohio: AF 33(038)-10978, AF 33(038)-11068, AF 33(038)-11069.

Hycon Manufacturing Co., Pasadena, Calif.: AF 33(038)-10964.

Hycor Co., North Hollywood, Calif.: N123s-65952.

Hyde Windlass Co., Bath, Maine: NObs 50382.

Hydro-Aire, Inc., Burbank, Calif.: N383s-28700, N383s-30003, N383s-31046, N383s-31475.

Ideal Electric & Manufacturing Co., Mansfield, Ohio: N130s-33976.

Ilg Electric Ventilating Co., Chicago, Ill.: AF 33(038)-10006.

Imperial Burlap Bag Co., Philadelphia, Pa.: DA-30-182-tc-172.

Industrial Engineering Co., Philadelphia, Pa.: AF 33(038)-11280.

Industrial Machine Co., Shreveport, La.: DA-41-117-ord-236.

Industrial Research Laboratories, Baltimore, Md.: N600s-4979.

Industrial Scientific Co., New York, N. Y.: AF 33(038)-10514.

Industrial Sound Control, Hartford, Conn.: AF 33(038)-7359 S. A. No. 1.

Ingersoll-Rand Co., New York, N. Y.: NObs 50320, N104s-11243.

Insinger Machine Co., Philadelphia, Pa.: N104s-11310.

Institute for Research in Human Relations, Philadelphia, Pa.: DA-49-083-osa-51.

Instruments Corp., The, Baltimore, Md.: N383s-29808.

—Interchemical Corp., New York, N. Y.: W-30-069-ord-4457.

International Business Machines, New York, N. Y.: W-30-069-ord-4449, DA-20-089-ord-221, N126s-2172, N171s-89107.

International Elevating Co., New York, N. Y.: DA-30-182-tc-171, DA-30-182-tc-173, DA-30-182-tc-177.

Interstate Engineering Corp., El Segundo, Calif.: N383s-31098 L. I., AF 33(038)-10415.

Jack & Heintz Precision Industries, Inc., Cleveland, Ohio: DA-11-184-eng-552, DA-11-184-eng-733, N160s-1947 L. I., N383s-30411, N383s-32183, AF 33(038)-9724, AF 33(038)-9949, AF 33(038)-10523, AF 33(038)-10576, AF 33(038)-10651.

Jack, Bill, Scientific Instrument Co., Inc., Solana Beach, Calif.: AF 33(038)-10011, AF 33(038)-10102, AF 33(038)-10582.

Jackson & Moreland, Boston, Mass.: N171s-88985.

Jacobs Aircraft Engine Co., Pottstown, Pa.: AF 33(038)-11225.

Jahn, B., Manufacturing Co., New Britain, Conn.: DA-19-058-ord-90.

Jam Handy Organization, Inc., Detroit, Mich.: NOa(s) 10949.

Jarka Corp. of New England, Boston, Mass.: DA-30-182-tc-179: P. O. No. 2808.

Johns-Manville International Corp., New York, N. Y.: DA-11-184-eng-1176.

Johnson Motors, Waukegan, Ill.: N104s-11070.

Jones, M. C., Electronics Co., Bristol, Conn.: W-36-039-sc-48010.

Jones & Lamson Machine Co., Springfield, Vt.: AF 33(038)-11061.

Jones Stevedoring Co., San Francisco, Calif.: DA-04-197-tc-246, DA-04-197-tc-247.

Jordan, Edward C., Urbana, Ill.: AF 33(038)-11521.

Joy Manufacturing Co., Pittsburgh, Pa.: N383s-27915.

Jumbo Steel Products Co., Azusa, Calif.: AF 33(038)-6057 S. A. No. 3, AF 33(038)-9085, AF 33(038)-10661, AF 33(038)-10802.

Kaman Aircraft Corp., Windsor Locks, Conn.: NOa(s) 10742, NOa(s) 10876.

Kayfetz, Victor, New York, N. Y.: AF 33(038)-11126.

Kearfott Co., Inc., New York, N. Y.: NOa(s) 10827, N156s-27022, AF 33(038)-11038.

Kellex Corp., New York, N. Y.: DA-36-039-sc-26, NObs 50379, AF 33(038)-9545.

Kellogg, M. W., Co., The, Jersey City, N. J.: N174s-9152.

Kent Manufacturing Corp., Chestertown, Md.: DA-18-108-cml-418.

Kerkow, Herbert, Inc., New York, N. Y.: NOa(s) 10905, NOa(s) 11034.

Kern Food Products, Inc., Los Angeles, Calif.: DA-11-183-qm-841.

Kidde, Walter & Co., Inc., Belleville, N. J.: N383s-31051.

Kiekhaefer Corp., Cedarburg, Wis.: N383s-32712.

Kingsbury Machine Works, Inc., Philadelphia, Pa.: N104s-10700, N600s-3633 & L. I.

Koch, H. & Sons, San Francisco, Calif.: AF 33(038)-11121.

Koehler Aircraft Products Co., Dayton, Ohio: N383s-28597, N383s-31042, AF 33(038)-11056.

Kollmorgen Optical Corp., Brooklyn, N. Y.: N151s-84475.

Laird Engineering Co., Charleston, W. Va.: AF 33(038)-10869.

Lamb Electric Co., Kent, Ohio: N383s-31829, N383s-32635.

Laminated Shim Co., Inc., Glenbrook, Conn.: N383s-27206.

La Mirada Olive Co., Inc., San Francisco, Calif.: DA-04-493-qm-1028.

Land-Air, Inc., Chicago, Ill.: AF 33(038)-1886 S. A. No. 1.

Lansdowne Steel & Iron Co., Morton, Pa.: NOrd 10759.

Lavoie Laboratories, Morganville, N. J.: W33-038 ac 21047 C. O. No. 8, AF 33(038)-9875.

Lear, Inc., Grand Rapids, Mich.: N383s-29369, N383s-28803, N383s-29001, N383s-29622, N383s-29673, N383s-31084, N383s-31747, AF 33(038)-9931, AF 33(038)-10807, AF 33(038)-10829. Romec Pump Co. Division: N383s-32194, W33-038 ac 19909 S. A. No. 7.

Leece-Neville Co., Cleveland, Ohio: N104s-11153.

Leibsle, Roy W., Houston, Tex.: DA-41-243-eng-449.

Leland Electric Co., Dayton, Ohio: N383s-31657, AF 33(038)-10041.

Leslie Co., Lyndhurst, N. J.: N104s-10926.

Le Tourneau, R. G., Inc., Peoria, Ill. DA-33-031-qm (TS-21366).

Lewis Engineering Co., The, Naugatuck, Conn.: N383s-30063.

Libbey-Owens-Ford Glass Co., Toledo, Ohio: AF 33(038)-10866.

Librascope, Inc., Burbank, Calif.: NOrd 10758.

Lieb-Jackson Co., Columbus, Ohio: W33-038 ac 22528 S. A. No. 3, AF 33(038)-10517.

Liggett & Myers Tobacco Co., Inc., New York, N. Y.: DA-11-183-qm-1314.

Lima-Hamilton Corp., Lima, Ohio: DA-11-184-eng-822, NObs 50343, N104s-10899.

Lindberg Engineering Co., Chicago, Ill.: DA-19-058-ord-606.

Linde Air Products Co., The, New York, N. Y.: N140s-15721, N151s-84692, AF 33(038)-7792 S. A. No. 3, AF 33(038)-8110 S. A. No. 2 and S. A. No. 3.

Linear, Inc., Philadelphia, Pa.: N383s-9165, N383s-9973, AF 33(038)-912.

Link Aviation, Inc., Binghamton, N. Y.: N383s-26806, AF 23(038)-11076.

Liquidometer Corp., The, Long Island City, N. Y.: N383s-28817, N383s-32229, AF 33(038)-11074.

Little, Arthur D., Inc., Cambridge, Mass.: W-18-064-cm-228, W33-038 ac 20409 S. A. No. 5.

Littleford Bros., Inc., Cincinnati, Ohio.: DA-11-184-eng-802.

Litton Industries, San Carlos, Calif.: DA-36-039-sc-2581, AF 33(038)-10074.

Lockheed Air Terminal, Inc., Burbank, Calif.: ASP 2408.

Lockheed Aircraft Corp., Burbank, Calif.: NOa(s) 10437, N383s-32092, N383s-32109, W33-038 ac 2527 C. O. No. 136 and C. O. No. 145, W33-038 ac 21138, W33-038 ac 22031, W33-038 ac 22257, W33-038 ac 22338, W33-038 ac 22567, W33-038 ac 22591, AF 33(038)-1391, AF 33(038)-9844, AF 33(038)-9944, AF 33(038)-9951, AF 33(038)-11205.

Loewy Construction Co., Inc., New York, N. Y.: AF 33(038)-9417. Loewy Research & Development Division: AF 33(038)-9737.

Loral Electronics Corp., New York, N. Y.: NOa(s) 10906, NOa(s) 10997.

Lord Manufacturing Co., Erie, Pa.: N383s-33038, AF 33(038)-9553.

Lowe, Charles E., Co., San Francisco, Calif.: DA-04-197-tc-, P. O. No. 8207.

Lunex Co., Davenport, Iowa: DA-11-070-ord-626.

Lynn, John W., Co., Inc., Tampa, Fla.: AF 9(104)-196.

M. B. Manufacturing Co., Inc., The, New Haven, Conn.: N383s-28918.

Machine & Tool Designing Co., Philadelphia, Pa.: DA-19-058-ord-549.

Machine Products Co., Wichita, Kans.: W33-038 ac 20699 S. A. No. 11.

Machlett Laboratories, Inc., Springdale, Conn.: DA-36-039-sc-1263.

Madison Muffler Corp., Long Island City, N. Y.: N104s-10762.

Magnavox Co., Fort Wayne, Ind.: N383s-29294, N383s-32405.

Majestic Manufacturing Co., St. Louis, Mo.: DA-11-183-qm-1504.

Mallory, P. R., & Co., Inc., Indianapolis, Ind.: AF 33(038)-11094.

Manning, Maxwell & Moore, Inc., Bridgeport, Conn.: N104s-11006.

Mansfield Aircraft Products Co., Mansfield, Ohio: AF 33(038)-10864.

Marine Composition Paint & Scaling Co., Inc., Brooklyn, N. Y.: DA-20-182-tc-176.

Marine Terminals Corp., Wilmington, Calif.: DA-04-197-tc-241.

Marion Power Shovel Co., Marion, Ohio: DA-11-184-eng-927, DA-36-022-tc-111.

Markite Co., The, New York, N. Y.: N8so-3344 Revision No. 2.

Marlin-Rockwell Corp., Jamestown, N.Y.: AF 33(038)-9604, AF 33(038)-10088.

Marman Products Co., Inglewood, Calif.: AF 33(038)-10038, AF 33(038)-10080, AF 33(038)-10845, AF 33(038)-10863.

Marquette Metal Products Co., The, Cleveland, Ohio: N383s-30765, AF 33(038)-10854.

Martin, Glenn L., Co., The Baltimore, Md.: DA-18-108-cml-366, NOa(s) 10771, NOa(s) 10789, NOa(s) 10915, N383s-12507, N383s-29991, N383s-32078, N383s-32093, N383s-32317, N600s-5001, AF 28(099)-85 S. A. No. 1, AF 33(038)-9955, AF 33(038)-10960.

Marvel Manufacturing Co., The, Caldwell, N. J.: AF 33(038)-10662.

Maryland Electronic Manufacturing Corp., College Park, Md.: NOa(s) 10960, NOnr 2801, N123s-63620.

Masca Laboratories, Inc., Cleveland, Ohio: NObs 50329.

Master Machine & Tool Co., Inc., Chicago, Ill.: DA-11-070-ord-614.

Maurer, J. A., Inc., Long Island City, N. Y.: NObs 50404.

Maxson, W. L., Corp., The, New York, N. Y.: N383s-30577.

May Engineering Co., Pittsfield, Mass.: DA-19-058-ord-131.

Maywood Chemical Works, Maywood, N. J.: N123s-62795.

McCord Corp., Detroit, Mich.: N383s-29965.

McDonald, Norman & Co., Chicago, Ill.: AF 33(038)-11095.

McDonnell Aircraft Corp., St. Louis, Mo.: NOa(s) 10481, AF 33(038)-9845, AF 33(038)-10410.

McGrath St. Paul Co., St. Paul, Minn.: AF 33(038)-10655.

McIntire, F. N., Brass Works, Boston, Mass.: AF 33(038)-10859.

McKay Co., The, Pittsburgh, Pa.: AF 33(038)-9693.

McKiernan-Terry Corp., New York, N. Y.: DA-11-184-eng-548.

McLaughlin Research Corp., New York, N. Y.: DA-28-024-ord-204, DA-28-024-ord-269, DA-28-024-ord-292, N171s-89105.

McLean Development Laboratories, Dallas, Tex.: AF 33(038)-10086.

Melpar, Inc., Alexandria, Va.: W33-038 ac 18195 S. A. No. 13, AF 28(099)-61 S. A. No. 1, AF 33(038)-9842, AF 33(038)-10800.

Mengel Co., The, Louisville, Ky.: DA-11-183-qm-1139.

Merck & Co., Inc., Rahway, N. J.: DA-49-007-md-24.

Mergenthaler Linotype Co., Brooklyn, N. Y.: DA-30-069-ord-2.

Metrology Corp., New Rochelle, N. Y.: W-30-069-ord-4438, W-30-069-ord-4448.

Metropolitan Electric Manufacturing Co., Long Island City, N. Y.: NOnr 400.

Micromatic Home Corp., Detroit, Mich.: AF 33(038)-11103.

Microwave Development Laboratories, Inc., Newton, Mass.: AF 19(122)-167.

Midvale Co., Philadelphia, Pa.: NOrd 10709.

Milwaukee Valve Co., Milwaukee, Wis.: AF 33(038)-9613, AF 33(038)-11116.

Mine Safety Appliances Co., Pittsburgh, Pa.: N383s-32448.

Minneapolis-Honeywell Regulator Co., Minneapolis, Minn.: NObs 50030 Amd. No. 2 and Amd. No. 4, N383s-28258, N383s-29446, AF 33(038)-3224 C. O. No. 2, AF 33(038)-3656 S. A. No. 3, AF 33(038)-9930, AF 33(038)-10052, AF 33(038)-10175, AF 33(038)-10178, AF 33(038)-10215, AF 33(038)-10585, AF 33(038)-10712.

Mississippi Valley Engineering & Massman Construction Co., Memphis, Tenn.: DA-22-052-eng-967.

Missouri-Illinois Tractor & Equipment Co., St. Louis, Mo.: DA-11-052-eng-158-50.

Mitchell Camera Corp., Glendale, Calif.: DA-36-039-sc-2257.

Mitchell Industries, Inc., Mineral Wells, Tex.: DA-36-039-sc-2.

Modern Coach Corp., Albany, Ga.: AF 8(094)-149.

Moffitt, L. Q., Inc., Akron, Ohio: N104s-11038.

Mohawk Rubber Co., Akron, Ohio: DA-20-018-ord-1461.

Monadnock Mills, San Leandro, Calif.: AF 33(038)-11079.

Monitor Machinery Corp., Brooklyn, N. Y.: DA-30-182-tc-174.

Montgomery Elevator Co., Moline, Ill.: DA-36-022-tc-80.

Moody, D., & Co., Tulsa, Okla.: AF 33(038)-10069.

Moore Drop Forging Co., Springfield, Mass.: DA-11-070-ord-595, DA-30-144-ord-181.

Morse Instrument Co., Hudson, Ohio.: AF 33(038)-11065.

Motorola, Inc., Chicago, Ill.: DA-36-039-sc-10.

Mount Ida Packing Co., Oroville, Calif.: DA-04-493-qm-1021.

Mount Washington Observatory, Cambridge, Mass.: AF 28(099)-25 S. A. No. 5.

Muirhead & Co., Ltd., Beckenham, England: AF 33(038)-11054.

Munston Manufacturing & Service, Inc., New York, N. Y.: DA-36-039-sc-2600.

Murphy Diesel Co., Milwaukee, Wis.: DA-11-184-eng-719, DA-11-184-eng-947, DA-11-184-eng-1075.

Mutual Stevedoring Co., San Francisco, Calif.: DA-04-197-tc-244.

National Battery Co., St. Paul, Minn.: W33-038 ac 22274, W33-038 ac 22554. Gould Instrument Division: W-36-039-sc-38233, NObs 50271.

National Broach & Machine Co., Detroit, Mich.: N104s-10729.

National Cine Equipment, Inc., New York, N. Y.: DA-36-039-sc-2225.

National Carbon Co., Inc., New York, N. Y.: DA-36-039-sc-7.

National Pneumatic Co., Boston, Mass.: N383s-30162.

National Union Radio Corp., Orange, N. J.: DA-44-114-sc-61, NObr 49079.

Nelson, Herman, Corp., The, Moline, Ill.: AF 33(038)-9994.

Network Manufacturing Corp., Bayonne, N. J.: AF 28(099)-144.

Neumade Products Corp., New York, N. Y.: AF 33(038)-10003.

New Products Manufacturing Co., Dayton, Ohio: Order (33-038)49-7118 Amd. No. 2.

New York Air Brake Co., New York, N. Y.: N383s-28370, N383s-30857, AF 33(038)-631.

Newport Steel Corp., Newport, Ky.—Universal Cooler Division: DA-11-183-qm-1503. Rolling Mill Division: N383s-31740.

Nichols, John F., Honolulu, T. H.: DA-94-612-eng-17.

Niles-Bement-Pond Co., West Hartford, Conn.—Chandler-Evans Division: DA-19-058-ord-132.

Nobles Engineering & Manufacturing Co., St. Paul, Minn.: AF 33(038)-11098.

Nordberg Manufacturing Co., Milwaukee, Wis.: DA-36-022-tc-85. Diesel Marine Engine Division: DA-36-022-tc-117.

North American Aviation, Inc., Los Angeles, Calif.: N383s-28675, N383s-29468, W33-038 ac 15569 C. O. No. 56, C. O. No. 59, and S. A. No. 54, W33-038 ac 18000 C. O. No. 36, C. O. No. 43, S. A. No. 33 and S. A. No. 38, AF 33(038)-8953, AF 33(038)-9456, AF 33(038)-9877, AF 33(038)-9925, AF 33(038)-10021, AF 33(038)-10654.

Northrop Aircraft, Inc., Hawthorne, Calif.: W33-038 ac 14175 S. A. No. 7, W33-038 ac 14548 C. O. No. 8, W33-038 ac 20243 C. O. No. 17 and C. O. No. 23, AF 33(038)-10962.

NYSA-Ila Welfare Fund, Brooklyn, N. Y.: DA-30-182-tc-183.

O'Brien Brothers Shipyard Corp., Rosebank, Staten Island, N. Y.: DA-30-182-tc-181.

O'Grady, Flora, New York, N. Y.: DA-49-024-md-, PR-3-211.

Oak Manufacturing Co., Chicago, Ill.: AF 33(038)-10046.

Ocean Marine Repairs, Inc., Brooklyn, N. Y.: DA-30-182-tc-175.

Offshore Navigation, Inc., New Orleans, La.: AF 23(038)-9837.

Ohio Chemical & Manufacturing Co., The, Madison, Wis.: N383s-28737.

Ohio Steel Foundry Co., Lima, Ohio: DA-30-144-ord-182.

Olin Industries, Inc., East Alton, Ill.—Winchester Repeating Arms Division, DA-19-058-ord-46, DA-19-059-ord-6, DA-19-059-ord-17.

Oro Manufacturing Co., Adrian, Mich.: AF 33(038)-10848.

Oriole Ship Ceiling Co., Baltimore, Md.: DA-30-182-tc-168.

Oshkosh Motor Truck, Inc., Oshkosh, Wis.: DA-11-184-eng-646.

Pacific Airmotive Corp., Burbank, Calif.: N220s-52460, AF 33(038)-10323, AF 33(038)-10383.

Pacific Parachute Co., Inc., Seattle, Wash.: AF 33(038)-11217.

Paramount Rubber Co., Detroit, Mich.: DA-11-070-ord-525.

Parke, Davis & Company, Detroit, Mich.: MPA-30-287-md-708.

Parker Appliance Co., The, Cleveland, Ohio: N383s-27917, N383s-29140, N383s-29148, N383s-29247, N383s-29346, N383s-30476, ASP 2521, AF 33(038)-9616.

Parsons-Aerojet Co., Los Angeles, Calif.: DA-18-108-cml-454.

Parsons Fabricating Co., Traverse City, Mich.: DA-28-017-ord-76, DA-28-017-ord-84.

Patterson, Moos & Co., Inc., Long Island City, N. Y.: DA-18-108-cml-107, DA-36-039-sc-31, AF 33(038)-10033.

Peerless Instrument Co., Elmhurst, N. Y.: NOnr 2900.

Peirce, Carroll J., Worthington, Ohio: AF 33(038)-11665.

Perfection Stove Co., Cleveland, Ohio: DA-20-089-ord-192, DA-20-089-ord-743, DA-20-089-ord-832.

Perkin-Elmer Corp., Glenbrook, Conn.: AF 33(038)-10836.

Petcar Research Corp., Newark, N. J.: AF 33(038)-10382.

Peterson & Backstrum Contractors, Bismarck, N. Dak.: DA-32-015-eng-564.

Phaostron Co., South Pasadena, Calif.: W33-038 ac 21366, W33-038 ac 21724, W33-038 ac 21218, AF 33(038)-5685.

Philco Corp., Philadelphia, Pa.: NOa(s) 10660, NOa(s) 10661, NOa(s) 10721, NOa(s) 10727, NObr 49041, NOrd 10185 Amd. No. 1, Amd. No. 3 and Amd. No. 5 to L. I., W33-038 ac 20025 S. A. No. 3, AF 33(038)-787 S. A. No. 8, AF 33(038)-9458. Electromaster Division: DA-11-183-qm-1290.

Phillips Petroleum Co., Bartlesville, Okla.: NOa(s) 10652.

Photographic Products, Inc., Hollywood, Calif.: AF 28(099)-140.

Photostat Corp., Providence, R. I.: DA-11-183-qm-1399.

Piasecki Helicopter Corp., Morton, Pa.: NOa(s) 10488 & L. I. NOa(s) 10875.

Pierce Governor Co., Inc., The, Anderson, Ind.: AF 33(038)-10080.

Pioneer Electric & Research Corp., The, Forest Park, Ill.: AF 28(099)-170.

Pioneer Parachute Co., Inc., Manchester, Conn.: AF 33(038)-10401, AF 33(038)-11049.

Pittsburgh Lectrodryer Corp., Pittsburgh, Pa.: N104s-11191.

Pittsburgh Plate Glass Co., Philadelphia, Pa.: AF 33(038)-10865.

Plastic Manufacturers, Inc., Stamford, Conn.: NOrd 10723.

Plax Corp., Hartford, Conn.: DA-28-017-ord-328.

Pointer Willamette Co., Inc., Portland, Oreg.: DA-36-022-tc-98.

Polarad Electronics Co., New York, N. Y.: AF 33(038)-11215, AF 33(038)-11361.

Polaroid Corp., Cambridge, Mass.: DA-36-039-sc-49.

Polytechnic Research & Development Co., Inc., Brooklyn, N. Y.: AF 19(122)-183, AF 28(099)-195.

Polytechnical Laboratories, Detroit, Mich.: DA-36-039-sc-28.

Porter, H. K., Co., Inc., Pittsburgh, Pa.: DA-36-022-tc-82.

Press Wireless Manufacturing Co., Inc., Hicksville, Long Island, N. Y.: NObr 49055, NObs 50381.

Prestoseal Manufacturing Corp., Long Island City, N. Y.: AF 33(038)-9947.

Processing Equipment Corp., Hillside, N. J.: AF 28(099)-176.

Purolator Products, Inc., Newark, N. J.: AF 33(038)-9617.

Pyle-National Co., Chicago, Ill.: N102s-52596.

Quick-Way Truck Shovel Co., Denver, Colo.: DA-11-184-eng-795.

Radio Corporation of America, Camden, N. J.—RCA Victor Division: DA-36-039-sc-17, NObr 49060, NObs 50360, N6nr 23603, W28-099 ac 460 S. A. No. 2, AF 33(038)-9838, AF 33(038)-10658.

Radio Frequency Laboratories, Boonton, N. J.: NOa(s) 10916.

Radioplane Co., Van Nuys, Calif.: NOa(s) 10694 & L. I., N383s-29853, N383s-32505, AF 33(038)-8878 S. A. No. 4 and S. A. No. 5, AF 33(038)-9412 S. A. No. 2 and S. A. No. 4, AF 33(038)-10212.

Radio Receptor Co., Inc., New York, N. Y.: DA-36-039-sc-37.

Ransohoff, N., Inc., Cincinnati, Ohio: AF 33(038)-9933.

Rapids-Standard Co., Inc., The, Grand Rapids, Mich.: AF 33(038)-11085.

Ray, Reid H., Film Industrial, Inc., St. Paul, Minn.: NOa(s) 10971.

Raytheon Manufacturing Co., Waltham, Mass.: Noa(s) 10830, N126s-1304, N126s-3031, N130s-34244, N163s-442, AF 33(038)-10096.

Reaction Motors, Inc., Dover, N. J.: NOa(s) 10718, W33-038 ac 20244 C. O. No. 6.

Ready-Power Co., The, Detroit, Mich.: DA-11-184-eng-549, DA-33-062-eng-8.

Recordak Corp., New York, N. Y.: AF 33(038)-11293.

Red Wing Co., Inc., The, Fredonia, N. Y.: DA-11-183-qm-845.

Reeves-Hoffman Corp., Carlisle, Pa.: NObs 2351.

Reeves Instrument Corp., New York, N. Y.: W-36-039-sc-33716, DA-36-039-sc-3, N156s-27030, AF 28(099)-174, AF 33(038)-6191, AF 33(038)-6268, AF 33(038)-9498.

Refined Syrups & Sugars, Inc., Yonkers, N. Y.: DA-30-280-qm-1610.

Refinite Corp., Omaha, Nebr.: AF 33(038)-9835.

Reflectone Corp., Stamford, Conn.: NOnr 800.

Refrigeration Service Supply Co., Ltd., Los Angeles, Calif.: N604s-7535.

Reliance Electric & Engineering Co., Cleveland, Ohio: N104s-11261.

Remington Arms Co., Inc., Bridgeport, Conn.: DA-19-058-ord-290, DA-19-059-ord-11.

Remington Rand, Inc., Buffalo, N. Y.: N171s-89031, AF 33(038)-11110.

Republic Aviation Corp., Farmingdale, Long Island, N. Y.: W33-038 ac 14583 C. O. No. 14, AF 33(038)-9594, AF 33(038)-10018, AF 33(038)-10577, AF 33(038)-10672, AF 33(038)-10808.

Republican Press, The, Hamilton, Ohio: AF 33(038)-11226.

Reynolds, R. J., Tobacco Co., Winston-Salem, N. C.: DA-11-183-qm-1296.

Rheem Manufacturing Co., New York, N. Y.: DA-20-089-ord-840, NOrd 10801.

Rhode Island Engineering Manufacturing Corp., Central Falls, R. I.: N298s-4194.

Rhodes Lewis Co., Los Angeles, Calif.: NOa(s) 10110, NOa(s) 10919, W33-038 ac 17020 S. A. No. 2, AF 33(038)-80, AF 33(038)-350, AF 33(038)-5944, AF 33(038)-9882, AF 33(038)-10094, AF 33(038)-10194, AF 33(038)-10207, AF 33(038)-10581, AF 33(038)-11040, AF 33(038)-11227.

Richardson, Bellows, Henry & Co., New York, N. Y.: AF 33(038)-10414.

Roberts & Mander Corp., Hatboro, Pa.: W-36-034-ord-7711.

Robertshaw-Fulton Controls Co., Youngwood, Pa.: N104s-11051.

Robinson Construction Co., St. Louis, Mo.: DA-11-052-eng-159-50.

Rockingham Machine Co., Davenport, Iowa: DA-11-070-ord-529.

Rohm & Haas Co., Philadelphia, Pa.: W-01-021-ord-334 S. A. No. 6.

Rose, E. J. & Son, East Braintree, Mass.: AF 19(122)-193.

Ross Carrier Co., The, Benton Harbor, Mich.: DA-33-031-qm-767.

Royal Electric Co., Jamestown, Ohio: AF 33(038)-11050.

Royal Iron & Welding Works, Brooklyn, N. Y.: DA-30-182-tc-161.

Rust Process Design Co., Pittsburgh, Pa.: DA-18-108-cml-504.

Ryan Aeronautical Co., San Diego, Calif.: W33-038 ac 22488 C. O. No. 6, C. O. No. 8 and C. O. No. 9, AF 33(038)-9942.

Safe Flight Instrument Corp., White Plains, N. Y.: N383s-32301.

St. Joe Machines, Inc., St. Joseph, Mich.: DA-11-070-ord-552.

Sales Engineering & Training Co., St. Louis, Mo.: DA-28-024-ord-315.

Sangamo Electric Co., Springfield, Ill.: NObr 49036, NObr 49073, NOrd 10780.

Saval, Inc., Los Angeles, Calif.: N383s-29005, AF 33(038)-9620, Order (33-038)49-1714.

Savannah Sugar Refining Corp., Savannah, Ga.: DA-30-280-qm-1611.

Sawyer Bailey Corp., Buffalo, N. Y.: DA-20-089-ord-964.

Schuster Electric Co., Cincinnati, Ohio: AF 33(038)-9573.

Schwebke, Harry C., Miami, Fla.: DA-08-123-eng-138.

Schwien, L. N., Engineering Co., Los Angeles, Calif.: AF 33(038)-10063, AF 33(038)-10526.

Sciaky Bros., Chicago, Ill.: AF 33(038)-10718.

Seaboard Electric Co., New York, N. Y.: AF 33(038)-10357.

Serbin, Hyman, Lafayette, Ind.: AF 33(038)-11067.

Servo Corp. of America, New Hyde Park, N. Y.: DA-36-039-sc-12, NOa(s) 10893.

Shafer Bearing Corp., Chicago, Ill.: AF 33(038)-11107.

Shaw Insulator Co., Irvington, N. J.: DA-28-017-ord-123.

Shea-Matson Trucking Co., Milwaukee, Wis.: N130s-34247.

Sheffield Corp., Dayton, Ohio: AF 33(038)-11128.

Shell Development Co., Inc., New York, N. Y.: AF 33(038)-688 S. A. No. 1.

Sheridan, T. W. & B. C. Co., New York, N. Y.: AF 23(109)-15.

Sherman Bros., Inc., New York, N. Y.: DA-30-280-qm-1656.

Sherwin-Williams Co., Cleveland, Ohio: DA-18-108-cml-462.

Sierra Engineering Co., Sierra Madre, Calif.: AF 33(038)-10479.

Simmonds Aerocessories, Inc., Tarrytown, N. Y.: N393s-29437, N383s-29443, N383s-32106, AF 33(033)-10900.

Singer Manufacturing Co., The, Elizabeth, N. J.: DA-30-280-qm-1025, DA-30-280-qm-1847, N104s-11021.

Smith, A. O., Corp., Milwaukee, Wis.: W-11-022-ord-11383.

Smith Devices, Philadelphia, Pa.: NOa(s) 10852.

Smythe, J. L. N., Co., Middletown, Ohio: N383s-28780.

Snow-Nabstedt Gear Corp., Hamden, Conn.: N104s-11032.

Society for Visual Education, Chicago, Ill.: AF 33(038)-11102.

Socony Vacuum Oil Co., Inc., New York, N. Y.: ASP 1271.

Sola Electric Co., Chicago, Ill.: N126s-1902.

Solar Aircraft Co., San Diego, Calif.: NOa(s) 10051.

Sorensen & Co., Inc., Stamford, Conn.: DA-29-044-xz-46.

Sound Masters, Inc., New York, N. Y.: NOa(s) 10964.

Souther, Henry, Engineering Co., Hartford, Conn.: DA-19-058-ord-607, DA-19-058-ord-612.

Southern Packing Co., Inc., Baltimore, Md.: DA-11-183-qm-832.

Spartan Aircraft Co., Tulsa, Okla.: N383s-16147.

Specialities, Inc., Syosset, Long Island, N. Y.: AF 33(038)-10030.

Specialty Assembling & Packing Co., Inc., Brooklyn, N. Y.: AF 33(038)-10364.

Spencer-Kennedy Laboratories, Inc., Cambridge, Mass.: DA-36-039-sc-20.

Sperry Corp., The, New York, N. Y.—Ford Instrument Co. Division: NOrd 10783, NOrd 10787, AF 33(038)-10839. Sperry Gyroscope Co. Division: DA-30-069-ord-1, DA-30-069-ord-3, NOa(s) 10680, NObr 49046, NOrd 10732, N156s-27009, N161s-20982, N383s-28116, N333s-28124, N383s-28505, N383s-29703, N383s-28812, N383s-29262, N383s-29429, N121s-1425, W33-038 ac 22237 C. O. No. 7, W33-038 ac 22418 S. A. No. 6, AF 33(038)-8866, AF 33(038)-8969, AF 33(038)-10047, AF 33(038)-10111, AF 33(038)-10211, AF 33(038)-10280, AF 33(038)-11073.

Sperry Products, Inc., Danbury, Conn.: AF 33(038)-11078.

Sprague Electric Co., North Adams, Mass.: AF 33(038)-9353, AF 33(038)-10084.

Square D Co., Detroit, Mich.—Kollsman Instrument Division: NOa(s) 10955, N383s-30439 L. I., N383s-32111, AF 33(038)-10062, AF 33(038)-10797.

Standard Manufacturing Co., Inc., Dallas, Tex.: AF 33(033)-10826.

Standard Piezo Co., Carlisle, Pa.: N383s-29273.

Stanley Aviation Corp., Buffalo, N. Y.: AF 33(038)-3850 S. A. No. 1, AF 33(038)-10520, AF 33(038)-11237, AF 33(038)-11237.

Star Electric Motor Co., Bloomfield, N. J.: NOa(s) 10895, NOa(s) 10933.

Statham Laboratories, Los Angeles, Calif.: N220s-52450 & L. I., N600s-5260.

Stavid Engineering, Inc., Plainfield, N. J.: N163s-467.

Steiner, William F., Silver Spring, Md.: AF 19(122)-186.

Steinthal, M., & Co., Inc., New York, N. Y.: AF 33(038)-10395.

Stephens, Albert R., Fort Lauderdale, Fla.: DA-08-123-eng-129.

Sterling Siren Fire Alarm Co., Inc., The, Rochester, N. Y.: AF 33(038)-10077.

Stevens, L. E., Co., Cincinnati, Ohio: AF 33(038)-9957.

Stewart-Warner Corp., Chicago, Ill.: W-11-022-ord-11370, N383s-6898, N383s-7570, AF 33(033)-10867. South Wind Division: N383s-28674, N383s-32612, AF 33(038)-10079.

Stillwell, Henry Sheldon, Urbana, Ill.: AF 33(038)-11234.

Stokely-Van Camp, Inc., Indianapolis, Ind.: DA-04-493-qm-790, DA-04-493-qm-852, DA-04-493-qm-929.

Strachan Shipping Co., Jacksonville, Fla.: N207s-10522.

Stratos Corp., Farmingdale, Long Island, N. Y.: Order (33-038)49-6495.

Sundstrand Machine Tool Co., Rockford, Ill.: AF 33(038)-9850, AF 33(038)-10321.

Surface Combustion Corp., Toledo, Ohio: N383s-31293, N383s-31323, N383s-32016, N383s-32613, AF 33(038)-3309 S. A. No. 2, AF 33(038)-11071.

Sverdrup & Parcel, Inc., St. Louis, Mo.: DA-04-203-eng-192.

Sweeney, B. K., Manufacturing Co., Denver, Colo.: N383s-31119, N383s-32226.

Sylvania Electric Products Co., Inc., Flushing, Long Island, N. Y.: AF 33(038)-9853.

Syntron Co., Homer City, Pa.: N160s-1816.

Tait Stevedoring Co., Inc., Seattle, Wash.: DA-45-045-tc-48.

Tarlton, G. L., Contracting Co., St. Louis, Mo.: DA-11-052-eng-165-50.

Techniflex Corp., Port Jervis, N. Y.: N111s-53361.

Teleflex, Inc., Philadelphia, Pa.: N383s-29647.

Telephonics Corp., New York, N. Y.: N383s-29938.

Teleregister Corp., The, New York, N. Y.: AF 19(122)-39 S. A. No. 1.

Teletype Corp., Chicago, Ill.: DA-36-039-sc-1214, DA-44-114-sc-92, NObr 49061, N130s-32679.

Test Research Service, Bronxville, N. Y.: AF 33(038)-10675.

Texas Engineering & Manufacturing Co., Dallas, Tex.: AF 33(038)-10814, AF 33(038)-10824.

Thermo-Research & Development Corp., Waltham, Mass.: NObs 50358.

Thew Shovel Co., The, Lorain, Ohio: DA-11-184-eng-701, DA-11-184-eng-997.

Thiokol Corp., Trenton, N. J.: DA-01-021-ord-1 S. A. No. 2.

Thompson Products, Inc., Cleveland, Ohio: N383s-28046, N363s-29464, N383s-29602, AF 33(038)-9847, AF 33(038)-9992, AF 33(038)-10010, AF 33(038)-10060, AF 33(038)-10872.

Thurston, Emory W., Laboratories, Los Angeles, Calif.: DA-11-183-qm-1278.

Time, Inc., New York, N. Y.: DA-36-039-sc-1865.

Times Facsimile Corp., New York, N. Y.: NObr 46104.

Titeflex, Inc., Newark, N. J.: AF 33(038)-9602, AF 33(038)-9759 C. O. No. 1, AF 33(038)-11042.

Titus, E. E., Inc., Petersburg, Va.: DA-44-055-qm-27.

Todd Shipyards Corp., New York, N. Y.: N104s-11245.

Torrington Manufacturing Co., The, Torrington, Conn.: AF 33(038)-11093.

Tour, Sam, & Co., Inc., New York, N. Y.: DA-44-109-qm-98.

Towmotor Corp., Cleveland, Ohio: DA-33-031-qm-760, DA-33-031-qm-1050.

Townson, W. D., Lumber Co., Murphy, N. C.: AF 9(104)-199.

Tracerlab, Inc., Boston, Mass.: AF 33(038)-11058.

Tri-State, Inc., Atlanta, Ga.: DA-03-030-qm-1158.

Troy Engine & Machine Co., Troy, Pa.: DA-28-017-ord-365.

Trumbull Electric Manufacturing Co., The, Plainville, Conn.: N151s-84744.

Tumpane Co., Inc., Long Island City, N. Y.: N600s-4718.

Union Diesel Engine Co., Oakland, Calif.: N104s-10728, N104s-11554.

United Advertising Corp., New Haven, Conn.—United Manufacturing Co. Division: AF 33(038)-10450.

United Aircraft Corp., East Hartford, Conn.—Chance Vought Division: NOa(s) 8783 Amd. No. 11, NOa(s) 9937 & L. I., NOa(s) 10799, N383s-15803, N383s-16780, N383s-25537, N383s-32662. Hamilton Standard Propeller Division: NOa(s) 9812 Amd. No. 1, N383s-32095 L. I., AF 33(038)-10397, AF 33(038)-10338, AF 33(038)-10477, AF 33(038)-10954, AF 33(038)-11371. Pratt & Whitney Aircraft Division: N383s-32094, W33-038 ac 18662 S. A. No. 5, AF 33(038)-9879. Research Department: AF 33(038)-10114. Sikorsky Aircraft Division: NOa(s) 9240 Amd. No. 5, NOa(s) 11006, N383s-29261, W33-038 ac 22192 S. A. No. 1 and S. A. No. 2.

United Aircraft Products, Inc., Dayton, Ohio: N383s-28674.

United States Instrument Corp., Summit, N. J.: NObs 50258.

United States Lines Co., New York, N. Y.: DA-30-182-tc-167, DA-30-182-tc-189.

United States Rubber Co., New York, N. Y.: N140s-15020, AF 33(038)-10213. Fuel Cell Division: DA-11-183-qm-1128, N383s-28421.

United States Steel Supply Co., Chicago, Ill.: DA-11-070-ord-618.

U. S. Thermo Control Co., Minneapolis, Minn.: DA-44-109-qm-86: P. O. No. 906, AF 33(038)-9701.

Universal Paper Products Co., New York, N. Y.: DA-30-280-qm-1352.

Universal Recorders, Inc., Hollywood, Calif.: NOm 56181.

Vacu-Blast Co., Inc., San Mateo, Calif.: N104s-10877.

Vapor Heating Corp., Chicago, Ill.: N383s-30143.

Vendo Co., Kansas City, Mo.: AF 33(038)-9615.

Vickers, Inc., Detroit, Mich.: N104s-11500, N383s-28394, N383s-29894.

Virginia Bag Co., Norfolk, Va.: DA-30-182-tc-163.

Von Eschen, Garvin L., Worthington, Ohio: AF 33(038)-11666.

Vulcan Soot Blower Corp., Dubois, Pa.: N104s-10512.

Waco Aircraft Co., The, Troy, Ohio: AF 33(038)-11055.

Wagner, Ferd, Co., The, Cincinnati, Ohio: AF 33(038)-10037, AF 33(038)-10068, AF 33(038)-11291.

Wagner Electric Corp., St. Louis, Mo.: DA-11-184-eng-1094.

Walker-Goulard-Plehn Co., Inc., New York, N. Y.: DA-30-280-qm-1654.

Ward La France Truck Corp., Elmira, N. Y.: DA-20-018-ord-2282.

Ward Leonard Electric Co., Mount Vernon, N. Y.: N104s-10463, N104s-11553.

Warner Aircraft Corp., The, Detroit, Mich.: AF 33(038)-10325.

Warner News, Inc., New York, N. Y.: DA-36-039-sc-1861.

Warren Steam Pump Co., Inc., Warren, Mass.: N104s-10687.

Warshaw Manufacturing Co., Inc., The, Brooklyn, N. Y.: DA-30-280-qm-1653.

Waterbury Companies, Inc., Waterbury, Conn.: DA-28-017-ord-256.

Waterman Steamship Corp., New York, N. Y.: MSTS 33, MSTS 34, MSTS 35, MSTS 36.

Waugh Equipment Co., New York, N. Y.: N161s-21049.

Waukesha Motor Co., Waukesha, Wis.: DA-11-184-eng-749, DA-11-184-eng-996.

Wearley Motor Co., Toledo, Ohio: DA-33-079-ord-117.

Weatherhead Co., The, Cleveland, Ohio: AF 33(038)-10015.

Weber Show Case & Fixture Co., Los Angeles, Calif.: AF-33(038)-10063, AF 33(038)-10896.

Webster-Chicago Corp., Chicago, Ill.: AF 33(038)-10326.

Webster Industries, Inc., Rochester, N. Y.: DA-30-115-ord-3.

Weil-McLain Co., Chicago, Ill.: DA-11-183-qm-1391.

Wellcome, H. E., Pleasantville, N. Y.: N383s-30966.

Wells-Wade, Inc., Wenatchee, Wash.: Order (45-025)50-791, Order (45-025)50-811.

West Coast Terminals, Inc., San Francisco, Calif.: DA-04-197-tc-242, DA-04-197-tc-243.

West Coast Trans Oceanic Steamship Line, Portland, Oreg.: MSTS 31, MSTS 32.

Western Electric Co., Inc., New York, N. Y.: DA-30-069-ord-12, NObr 49039, N126s-1445, N130s-34364, N383s-26348, W33-038 ac 19607 S. A. No. 2, AF 33(038)-8170, AF 33(038)-9641, AF 33(038)-10668, AF 33(038)-10841, AF 33(038)-11048, AF 33(038)-11307.

Western Gear Works, Seattle, Wash.: N383s-29340.

Western Manufacturing Co., Detroit, Mich.: AF 33(038)-10861.

Westinghouse Electric Corp., Pittsburgh, Pa.: DA-11-184-eng-707, DA-11-184-eng-1212, NOa(s) 10653, NOa(s) 10663, NOa(s) 10943, NOa(s) 10976, NOa(s) 11028, NObs 50213, NObs 50243, NObs 50255, NObs 50299, NObs 50304, NObs 50514, N104s-11218, N104s-11415, N104s-11486, N126s-1236, N151s-84485, N383s-14931, N383s-31798, W33-038 ac 20103 S. A. No. 3, AF 33(038)-6009 S. A. No. 1, AF 33(038)-9625, AF 33(038)-9871, AF 33(038)-9997, AF 33(038)-10180, AF 33(038)-10216, AF 33(038)-10970.

Westinghouse Electric International Co., New York, N. Y.: DA-11-183-qm-1173.

Weston Electrical Instrument Corp., Newark, N. J.: N383s-31363, AF 33(038)-10871.

Weston Hydraulics, Ltd., North Hollywood, Calif.: N383s-28042, N383s-32834, N383s-33366, AF 33(038)-10835.

Wheeler, C. H., Manufacturing Co., Philadelphia, Pa.: N104s-11507.

Whittaker, Wm. R., Co., Ltd., Los Angeles, Calif.: N383s-30804, AF 33(038)-11305.

Wickland Manufacturing Co., Pasadena, Calif.: AF 33(038)-10853.

Wiegand, Edwin L., Co., Pittsburgh, Pa.: N151s-84490.

Wilding Picture Productions, Inc., Chicago, Ill.: NOa(s) 11032.

—Wilkins, W. Burdette, Ridgewood, N. J.: DA-44-109-qm-96.

Willard Storage Battery Co., Cleveland, Ohio: N600s-5169.

Wing, L. J., Manufacturing Co., New York, N. Y.: N102s-52586.

Winship-Bolt Co., Wakefield, Mass.: DA-30-280-qm-1970.

Wolfe & Mann Manufacturing Co., The, Baltimore, Md.: N383s-29763.

Wood Electric Co., Newburyport, Mass.: NOa(s) 11042.
Wood, Gar, Industries, Inc., Wayne, Mich.: AF 33(038)-10022.
Wood Manufacturing Co., North Hollywood, Calif.: DA-11-184-eng-598.
Workshop Associates, Inc., Newton Highlands, Mass.: AF 33(038)-9760.
Worthington Mower Co., Stroudsburg, Pa.: DA-11-184-eng-1148.
Worthington Pump & Machinery Corp., Harrison, N. J.: N104s-11380.
Wright & Kremers, Inc., Niagara Falls, N. Y.: DA-18-108-cml-482.
Wyandotte Chemicals Corp., Wyandotte, Mich.: DA-18-064-cml-119.
Yale & Towne Manufacturing Co., New York, N. Y.: AF 33(038)-10025.
Yoh, H. L., Co., Philadelphia, Pa.: DA-18-108-cml-475, DA-20-089-ord-764, DA-28-024-ord-229, DA-36-038-ord-233, NOnr 500, AF 33(038)-10183.
York Corp., York Pa.: N104s-10697, AF 33(038)-11228.
York Electric & Machine Co., York, Pa.: N104s-11442.
Yosemite Chemical Co., San Francisco, Calif.: N140s-15964.
Young Radiator Co., Racine, Wis.: NOa(s) 10684, AF 33(038)-9830.
Zipprodt, Inc., Chicago, Ill.: NOp 472.

[F. R. Doc. 50-6064; Filed, July 12, 1950; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2548, Amdt. 3]

BUREAU OF RECLAMATION

DELEGATION OF AUTHORITY

1. Section 4 of Order No. 2548 is amended to read as follows:

SEC. 4 *Surplus real property.* (a) Pursuant to the authority contained in the letter, dated May 23, 1950, from the Administrator, General Services Administration, the Commissioner of Reclamation and the Director of Supply, the Regional Directors, the Regional Supply Officers, the District Managers, and the Project Heads of the Bureau of Reclamation are severally authorized to dispose of "surplus structures and improvements acquired by the Department of the Interior through its reimbursable Regional Director, the Regional Supply reclamation program which are situated on non-surplus Government-owned land" in accordance with the Federal Property and Administrative Services Act of 1949 and regulations of the Administration issued thereunder. The Commissioner of Reclamation may prescribe limitations upon, and procedures for, the exercise of subordinate officials of the Bureau of Reclamation of the authority granted in this paragraph. The Regional Directors may prescribe similar limitations and procedures in respect to subordinate officials under their jurisdiction.

(b) All expense of care and handling pending disposition and all expense of determining Federal utilization needs and all disposal costs of such property shall be borne by the Bureau of Reclamation.

(c) Prior to the disposition of such property, such steps as are deemed appropriate by the disposal official shall be taken to determine whether any Federal agency has a need for the property. If it is determined that any Federal agency has a need for such property, the property shall be transferred to such agency at the fair value or upon such other basis as may be authorized by law.

2. This amendment supersedes amendment No. 1.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

JULY 5, 1950.

[F. R. Doc. 50-6022; Filed, July 12, 1950; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CALIFORNIA

TRANSFERRING ADMINISTRATION OF CERTAIN LANDS FROM SOIL CONSERVATION SERVICE TO FOREST SERVICE

By virtue of and pursuant to the authority vested in me by Title III of the Bankhead-Jones Farm Tenant Act approved July 22, 1937, as amended (50 Stat. 522, 525, 56 Stat. 725, 7 U. S. C. 1011), all lands in the following-described areas in Tulare County, State of California, acquired by the United States under the aforesaid act be and the same are hereby transferred from the Soil Conservation Service to the Forest Service, effective July 1, 1950, for use, administration and disposition under the provisions of the Bankhead-Jones Farm Tenant Act:

CALIFORNIA; UPPER SAN JOAQUIN PROJECT (CF-LU-21)

MOUNT DIABLO MERIDIAN

T. 23 S., R. 24 E.,
Secs. 5, 6, 7, 9, 10, 15 to 21, inclusive, 23, 24, 26 and 27.
T. 23 S., R. 25 E.,
Secs. 19, 20, 30 to 33, inclusive.

The lands acquired under Title III of the Bankhead-Jones Farm Tenant Act, as amended, in the above-described area aggregate approximately 8,345 acres.

Done at Washington, D. C. this 10th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6063; Filed, July 12, 1950; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board and Maritime Administration

ORGANIZATION AND FUNCTIONS

The statement of organization and functions of the Maritime Administration issued in 15 F. R. 3812-3813 is hereby revoked and the following substituted therefor:

1. *Establishment.* The Federal Maritime Board and the Maritime Administration were established in the Department of Commerce by Reorganization Plan No. 21 of 1950.

2. *Organization.* The Federal Maritime Board is composed of three members appointed by the President by and with the advice and consent of the Senate. The President designates one of the members to serve as Chairman of the Board. The Chairman of the Board is ex officio the Maritime Administrator; and, when serving as Maritime Administrator, he reports and is responsible to the Secretary of Commerce. As Chairman of the Federal Maritime Board, under Reorganization Plan No. 6 of 1949, he is the chief executive and administrative officer of the Board. In the interests of efficiency and economy, the Chairman and Administrator, insofar as he deems desirable, will make joint use of the officers and employees under his supervision as Administrator or Chairman.

Any two members of the Board in office constitute a quorum for the transaction of the business of the Board, and the affirmative votes of any two members are sufficient for the disposition of any matter which may come before the Board.

The Administrator is assisted in his duties as Administrator by a Deputy Maritime Administrator. The Deputy Maritime Administrator is the Acting Maritime Administrator during the absence or disability of the Administrator and, unless the Secretary of Commerce designates another person, during a vacancy in the office of Maritime Administrator. The Deputy Maritime Administrator is appointed by the Secretary of Commerce, after consultation with the Maritime Administrator. The Deputy Administrator at no time sits as a member of the Federal Maritime Board.

The Federal Maritime Board and the Maritime Administration consist of the following organization units: (a) Office of Chairman of the Federal Maritime Board and the Maritime Administrator; (b) Staff offices primarily engaged upon work relating to the functions of the Federal Maritime Board, including the Trial Examiners' Office, the Regulation Office, and the Secretary's Office; (c) Staff offices performing joint services for the Board and the Administration, including the Office of the General Counsel, the Program Planning Office, the Budget Office, and the Personnel Office; (d) Division of Claims; (e) Office of Subsidy and Government Aid; (f) Office of Maritime Operations; (g) Office of the Comptroller.

3. *General functions, policy, and relationships*—(a) *General policy.* In performance of their functions, the Federal Maritime Board and the Maritime Administration are guided by the broad declaration of policy stated in Title I of the Merchant Marine Act, 1936 (49 Stat. 1985), as follows:

It is necessary for the national defense and development of its foreign and domestic commerce that the United States shall have a merchant marine (a) sufficient to carry its domestic water-borne commerce and a substantial portion of the water-borne export and import foreign commerce of the United States and to provide shipping service on all routes essential for maintaining the flow of such domestic and foreign water-borne commerce at all times, (b) capable of serving as a naval and military auxiliary in times of war or national emergency, (c) owned and operated under the United States flag by citizens of the United States insofar as may be practicable, and (d) composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel. It is hereby declared to be the policy of the United States to foster the development and encourage the maintenance of such a merchant marine.

(b) *Regulatory functions.* Under Reorganization Plan No. 21 of 1950, the Federal Maritime Board is independent of the Secretary of Commerce in the performance of the following functions: (1) All functions under the provisions of sections 14 to 20, inclusive, and sections 22 to 33, inclusive, of the Shipping Act, 1916, as amended, including such functions with respect to the regulation and control of rates, services, practices, and agreements of common carriers by water and of other persons;

(2) All functions with respect to the regulation and control of rates, fares, charges, classifications, tariffs, regulations, and practices of common carriers by water under the provisions of the Intercoastal Shipping Act, 1933, as amended;

(3) The functions with respect to the making of rules and regulations affecting shipping in the foreign trade to adjust or meet conditions unfavorable to such shipping, and with respect to the approval, suspension, modification, or annulment of rules or regulations of other Federal agencies affecting shipping in the foreign trade, under the provisions of section 19 of the Merchant Marine Act, 1920, as amended, exclusive of subsection (1) (a) thereof;

(4) The functions with respect to investigating discriminatory rates, charges, classifications, and practices in the foreign trade, and with respect to recommending legislation to correct such discrimination, under the provisions of section 212 (e) of the Merchant Marine Act, 1936; and

(5) So much of the functions with respect to requiring the filing of reports, accounts, records, rates, charges, and memoranda, under the provisions of section 21 of the Shipping Act, 1916, as amended, as relates to its functions under items (1) through (4) above.

(c) *Subsidy contracts.* Under Reorganization Plan No. 21 of 1950 the Federal Maritime Board is guided by the general policies of the Secretary of Commerce in performing the following functions: (1) The functions with respect to making, amending, and terminating construction (reconstruction or reconditioning) differential subsidy contracts, including contracts for the construction, reconstruction, or reconditioning of vessels and contracts for the sale of vessels to subsidy applicants or contracts to pay a differential subsidy and the cost of national defense features. In the exercise of this function the Board investigates and determines the relative cost of construction of comparable vessels in the United States and foreign countries and the extent and character of aids and subsidies granted by foreign governments to their merchant marines;

(2) The functions with respect to making, amending, and terminating operating differential subsidy contracts and, subsequent to entering into an operating differential subsidy contract, making determinations with respect to employment and wage conditions, and taking action on readjustment of operating cost differentials and the sale, assignment or transfer of the contract. In the exercise of this function the Board investigates and determines the relative cost of operating vessels under the registry of the United States and under foreign registry, and the extent and character of aids and subsidies granted by foreign governments to their merchant marines;

(3) The functions with respect to investigating and reporting on relative construction and operating costs in the United States and foreign maritime countries, and the relative advantages of operating under United States or foreign registry, and on marine insurance, navigation laws, and vessel mortgages as authorized under section 12 of the Shipping Act of 1916; and

(4) The functions with respect to requiring the filing of reports, accounts, records, rates, charges and memoranda as relates to its functions as set forth in items (1), (2), and (3) above.

(d) In carrying out its functions under paragraphs (b) and (c) above, the Board adopts rules and regulations; makes reports and recommendations to Congress; subpoenas witnesses; administers oaths; takes evidence; requires the production of books, papers and documents as necessary; issues opinions; promulgates orders; engages in enforcement and other legal proceedings; and performs all functions formerly performable by the Maritime Commission which have been transferred to the Board pursuant to Reorganization Plan No. 21 of 1950.

(e) *Other functions.* Within assignments of functions and delegations of authority by the Secretary of Commerce under Reorganization Plan No. 21 of 1950, the Maritime Administration is generally responsible for the performance of all functions transferred to the Secretary under that Reorganization Plan, including activities pertaining to awarding and amending of non-subsidy contracts, the administration of all contracts, the training of seagoing personnel, and the custody of the reserve fleet and standby shipyards.

4. *Functions of organizational components.* (a) The Office of the Chairman of the Federal Maritime Board and the Maritime Administrator includes the following officials: (1) The Deputy Administrator; (2) Labor Adviser; (3) Information Specialist; and (4) Organization and Methods Officer.

(b) The Staff Offices engaged primarily upon work relating to functions of the Board perform services as follows: (1) The Trial Examiners of the Trial Examiners' Office conduct hearings as required by the Administrative Procedure Act and substantive law, and other hearings as requested by the Board or the Administrator. The head of this office is the Chief Examiner;

(2) The Regulation Office, headed by the chief receives, investigates, makes recommendations to the Board, and maintains public files on matters relating to the regulatory functions of the Board as described in paragraph 3 (b) above; and

(3) The Secretary's Office prepares dockets for, takes minutes of meetings of, and officially notifies interested parties of actions taken by the Federal Maritime Board. It also maintains official records of actions of the Maritime Administrator.

(c) The Staff Offices serving jointly the Board and the Administration perform functions as follows: (1) The Office of the General Counsel serves as the law office of the Board and Administration, renders legal advice and opinions to the Board and the Administrator, and represents the Board and Administration in any litigation in which either is interested;

(2) The Program Planning Office, headed by the chief, develops and recommends long-range merchant marine policy and programs, reviews existing policies and programs in the light of adopted long-range policy, and conducts economic studies connected with policy formulation for the Administrator and the Board;

(3) The Budget Office, headed by the Budget Officer, assists the Administrator-Chairman in the development and presentation of budgetary requests and justifications and in the allotment and budgetary control of appropriated funds; and

(4) The Personnel Office, headed by the Personnel Officer, administers the personnel functions related to employment and position classification, including recruitment, placement, separations, disciplinary actions, counseling and grievance appeal services, training and safety programs, and wage rate studies.

(d) The Division of Claims, headed by the chief, is responsible for analyzing and recommending the basis of settlement of claims in favor of and against the Administration arising from the war-time operations of the former Maritime Commission and War Shipping Administration and from the administration of the Merchant Ship Sales Act, 1946. This office also ascertains that purchasers of vessels comply with the provisions of the vessel sales contracts.

(e) The Office of Subsidy and Government Aid, headed by the chief, is responsible to the Board or to the Administrator in accordance with their respective functions as set forth in paragraph 3 above, for the receipt and processing of applications for subsidy or other government aid and the administration of government aid contracts after their execution, and for the coordination of the work of other organizational components in connection therewith. In so doing the office (1) Presents in a complete and orderly manner recommendations for action on applications for subsidy and on modifications to existing subsidy agreements;

(2) Similarly makes recommendations for action on applications or modifications of existing contracts relating to government aid not involving a subsidy;

(3) Collects and considers foreign and domestic cost data and recommends rates of subsidy based upon the cost differential between domestic and foreign shipbuilding and ship operation;

(4) Investigates and recommends findings with respect to essentiality of trade routes, existence of foreign competition, commercial requirements of routes in terms of characteristics and number of vessels needed; qualifications of applicants for aid; valuation of vessels proposed for trade-in; and national defense features;

(5) Reviews actions of contractors, after government aid contracts are executed, to ascertain that all provisions of contracts are complied with to the interest of the government, and to determine when modifications in contracts are necessary or desirable;

(6) Acts or recommends action on applications from government aid contractors for waivers in contract provisions or the exercise of alternatives under contracts, where such waivers or alternatives are provided for in the contracts; and

(7) Collects, analyzes, and reports on statistical data relating to the maritime industry for use by all components of the Administration. Such statistics include data on the world merchant fleet, commodities exported and imported by the United States or carried in intercoastal and coastwise trade, and labor matters.

The Office of Subsidy and Government Aid has the following divisions: Division of Contract Evaluation and Administration; Division of Operating Cost Comparison; Division of Construction Cost Comparison; and Division of Shipping Data.

(f) The Office of Maritime Operations, headed by the chief, is responsible to the Board or to the Administrator in accordance with their respective functions as set forth in paragraph 3 above, for the conduct of activities relating to ship construction, ship repair, custody and disposal of government-owned merchant vessels, training of seagoing personnel, and management of property. It has five divisions in the departmental service, the functions of which are as follows:

(1) The Division of Ship Construction and Repair, headed by the chief, operates the Administration's programs of vessel design, construction, conversion, betterment, and repair, reviews repairs performed on vessels operating under an operating-differential subsidy contract; conducts surveys and appraisals of vessels in connection with subsidy contracts, sales, charters, tradeins, and mortgages, consults with the Department of Navy on merchant ship construction; and computes allowances for inclusion of national defense features in new ships. The division directly supervises new ship construction through offices of construction representatives located at shipyards where vessels are being built;

(2) The Division of Maritime Training, headed by the chief, conducts programs for the training of licensed and unlicensed seagoing personnel through federally operated training schools and correspondence courses and administers a grant-in-aid program for the state maritime and nautical academies. The chief of this division is the Commandant of the U. S. Maritime Service and directly supervises the activities of the division of field installations. The preventive medical program of the Administration is a responsibility of this division to be supervised in connection with the medical program at the federal training schools;

(3) The Division of Vessel Custody, headed by the chief, directs the movement of, maintains, and preserves all vessels owned by the Maritime Administration. In so doing, the division administers directly the reserve fleets, conducts the vessel charter and sales program, and directs the operations of agents having agreements with the Administration for the movement and husbanding of out-of-service vessels;

(4) The Division of General Services, headed by the chief, is responsible for the custody, protection, and management of all real and personal property under the jurisdiction of the Administration, except vessels. Such property includes that at warehouses, marine terminals, reserve shipyards, in the offices of the Administration, and other real estate. The division conducts the procurement, disposal, and vessel inventory activities and renders to all components general office services such as mail, files, communications, librarial, administrative supplies and equipment, and maintenance of motor vehicles. The division also performs specific services for seagoing personnel of the American merchant marine, as required by law, including issuance of certificates and awards, maintenance of service records, and dissemination of information regarding voting privileges; and

(5) The Vessel Trial and Guarantee Survey Boards, headed by a chairman common to all, conduct acceptance trials of vessels constructed, converted, or improved under Administration or Federal Maritime Board contracts; make determinations as to items of work to be accomplished before acceptance of vessels; conduct the final guarantee surveys, and make decisions as to responsibility for defects and deficiencies in accordance with the guarantee provisions of contracts.

The Coast Directors at New York, N. Y.; New Orleans, Louisiana; and San Francisco, California, report to the Chief, Office of Maritime Operations.

(g) The Office of Comptroller is responsible to the Board or to the Administrator in accordance with their respective functions as set forth in paragraph 3 above, for accounting, auditing, and insurance activities. In fulfilling this responsibility the Office of Comptroller:

(1) Analyzes and reports on the financial status and responsibility of applicants for Government aid, other contractors and prospective contractors, and recommends and administers the financial and insurance provisions of all contracts;

(2) Maintains all general accounting books and related records, prepares financial statements and reports, maintains appropriation allotment records, maintains control records of statutory and contractual reserve funds, audits and certifies vouchers for payment, collects accounts and notes receivable, supervises the accounting activities of agents, and maintains property and cost accounting records;

(3) Administers the insurance program, including the underwriting of insurance risks; arrangements for the purchase of protection, indemnity, and other forms of insurance from commercial underwriters; the settlement of insurance claims; preparation of reports on subsidy allowances on items of insurance premiums; and analysis of current trends in the American marine insurance market; and

(4) Administers the provisions of the Renegotiation Acts of 1942 and 1943 as they pertain to the work of the former U. S. Maritime Commission Price Adjustment Board.

The Office of Comptroller has the following divisions: Division of Audits; Division of Credits and Collections; Division of Insurance; and Division of Accounts.

5. *Field installations.* As of June 28, 1950, the field installations of the Maritime Administration were as follows:

ATLANTIC COAST DISTRICT

Coast Director's Office: New York, N. Y.
District Office of General Counsel: New York, N. Y.
District Auditor's Office: New York, N. Y.
Marine terminals: Boston, Mass.; Hoboken, N. J.; Philadelphia, Pa.; Norfolk, Va.
Reserve shipyard: Wilmington, N. C.
Reserve fleets: Jones Point, N. Y.; Baltimore, Md.; Lee Hall, Va.; Wilmington, N. C.
Warehouses: Hoboken, N. J.; Baltimore, Md.; Norfolk, Va.
District Supervisor and Enrolling Office, Division of Maritime Training: New York, N. Y.
Maritime Service Training Station: Sheepshead Bay, N. Y.
U. S. Maritime Service Institute: New York, N. Y.
U. S. Merchant Marine Academy: Kings Point, N. Y.

GULF COAST DISTRICT

Coast Director's Office: New Orleans, La.
District Office of General Counsel: New Orleans, La.
District Auditor's Office: New Orleans, La.
Reserve fleets: Bay Minette, Ala.; Beaumont, Tex.
Warehouse: New Orleans, La.
District Supervisor and Enrolling Office, Division of Maritime Training: New Orleans, La.

PACIFIC COAST DISTRICT

Coast Director's Office: San Francisco, Calif.
District Office of General Counsel: San Francisco, Calif.
District Auditor's Office: San Francisco, Calif.
Reserve shipyards: Richmond, Calif.; Alameda, Calif.; Vancouver, Wash.
Reserve fleets: Benecia, Calif.; Astoria, Oreg.; Olympia, Wash.
Warehouse: Richmond, Calif.
District Supervisor and Enrolling Office, Division of Maritime Training: San Francisco, Calif.
Maritime Service Training Station: Alameda, Calif.

CONSTRUCTION OFFICES AT SHIPYARDS

Quincy, Mass.; Camden, N. J.; Newport News, Va.; and Pascagoula, Miss.

(5 U. S. C. 22; R. S. 161; and Reorganization Plan No. 21 of 1950)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

In compliance with section 3 of the Administrative Procedure Act, the Federal Maritime Board hereby adopts the foregoing as its statement of organization insofar as applicable.

JOHN T. KOEHLER,
Acting Chairman,
Federal Maritime Board.
SOUTH TRIMBLE, JR.,
Acting Member,
Federal Maritime Board.
PAUL L. MATHER,
Rear Admiral,
Acting Member,
Federal Maritime Board.

[F. R. Doc. 50-6045; Filed, July 12, 1950; 8:48 a. m.]

Federal Maritime Board

AMERICAN MAIL LINE, LTD., ET AL.

NOTICE OF HEARING ON APPLICATIONS FOR BAREBOAT-CHARTER OF DRY-CARGO VESSELS FOR USE IN TRANS-PACIFIC SERVICE

American Mail Line, Ltd., Pacific Transport Lines, Inc., Pacific Atlantic S. S. Co., Pacific Far East Line, Inc., American President Lines, Ltd., and States Marine Corporation.

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4823, Commerce Building, Washington, D. C., on July 14, 1950, at 10:00 o'clock a. m., e. d. s. t., before the Federal Maritime Board, upon applications of the above companies to bareboat-charter war-built dry-cargo vessels for use in the trans-Pacific service.

The purpose of the hearing is to receive evidence with respect to whether such service is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels on reasonable conditions and at reasonable rates for this service.

All persons having an interest in such applications should arrange to be present.

By order of the Federal Maritime Board.

Dated: July 12, 1950.

A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-6133; Filed, July 12, 1950; 3:29 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1399]

VIRGINIA GAS TRANSMISSION CORP.

NOTICE OF AMENDMENT TO APPLICATION

JULY 7, 1950.

Take notice that on May 29, 1950, Virginia Gas Transmission Corporation (Applicant), a Virginia corporation with its principal place of business in Charleston, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of natural gas facilities and sale of gas to the Lynchburg Pipe Line Company.[1]

On June 27, 1950, Applicant filed an amendment to its application requesting an order authorizing the abandonment of certain facilities by the sale to Lynchburg Pipe Line Company consisting of a lateral pipeline referred to as the Lynchburg lateral. The Lynchburg lateral consists of a 6-inch natural-gas pipeline approximately 30 miles in length extending in a southeasterly direction from a point on Applicant's transmission pipeline near Lexington, Virginia; to a point of interconnection with the distribution facilities of the Lynchburg Gas Company.

Applicant asserts the original cost of the Lynchburg lateral at December 31, 1949, was $458,493.82, and that accrued depreciation approximates $23,727.73. Applicant's proposed sale price of its Lynchburg lateral to the Lynchburg Pipe Line Company will be the original cost less depreciation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 27th day of July 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6024; Filed, July 12, 1950; 8:45 a. m.]

[Docket No. G-1430]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

JULY 7, 1950.

Take notice that on June 29, 1950, United Gas Pipe Line Company (Applicant), a Delaware corporation with its principal office in Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas facilities:

A dehydration plant having a capacity of 100,000 Mcf per day and a compressor station with four 1,000 hp compressor units installed to be located on the site of Applicant's Koran Gasoline Plant in section 36, Township 17 North, Range 11 West, Bossier Parish, Louisiana. Also 16.2 miles of 16-inch natural-gas transmission pipeline extending southeasterly from the above stated dehydration plant across Lake Bistineau to connect with Applicant's Carthage-Sterlington Line at mile post 62.8 in Section 34, Township 15 North, Range 9 West, Bienville Parish, Louisiana.

[1] Notice of said application was published in the FEDERAL REGISTER on June 17, 1950 (15 F. R. 3956).

Applicant states that the purpose of the proposed natural gas facilities is to connect another source of supply to meet the requirements of its present customers.

The estimated overall capital cost is $1,813,000 which Applicant proposes to finance out of cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 27th day of July 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6025; Filed, July 12, 1950; 8:45 a. m.]

[Docket No. G-1427]

NORTH CENTRAL GAS CO.

NOTICE OF APPLICATION

JULY 7, 1950.

Take notice that on June 27, 1950, North Central Gas Company (Applicant), a Wyoming corporation having its principal office in Casper, Wyoming, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described natural-gas facilities:

(1) Approximately 24 miles of 8-inch I. D. transmission pipeline starting in the Huntsman Field near the W¼ corner of sec. 7, T. 14 N., R. 49 W., sixth principal meridian, extending in a northerly direction through T. 15 and 16 to a point in the NE¼ of sec. 29, T. 17 N., R. 49 W., thence northwest through secs. 20, 19, 18, and 7, thence through NE¼ of sec. 12, T. 17 N., R. 50 W., thence continuing in a northerly direction through sec. 1, T. 17 N., R. 50 W., and continuing in a northerly direction through secs. 36, 25, 24, 14, and 11, T. 18 N., R. 50 W.

(2) Approximately 11 miles of 6-inch I. D. transmission pipeline commencing from the terminus of the line described in paragraph (1) above in the NE¼ of sec. 11 extending in a northerly direction through sec. 2, T. 18 N., R. 50 W., thence continuing through secs. 35, 26, 27, 22, 15, 10, and 3 in T. 19 N., R. 50 W., thence continuing through secs. 34, 33, and 28 to a point in SE¼ of sec 21, T. 20 N., R. 50 W., to connect with Applicant's present pipeline at Northport, Nebraska.

(3) Approximately 13 miles of 6-inch I. D. transmission pipeline extending from Northport, Nebraska, to Bayard, Nebraska, looping Applicant's present 3-inch pipeline between said points.

(4) Approximately 3 miles of 4-inch I. D. transmission pipeline to commence at the Huntsman Field connecting with Applicant's Huntsman-Northport line near the W¼ corner of sec. 7, T. 14 N., R. 49 W., extending in a southerly direction through secs. 18, 19 and 30 to the City of Sidney, Nebraska, to connect to Applicant's proposed distribution system at Sidney, Nebraska.

(5) 1 mile of 2-inch I. D. pipeline commencing in the NW¼ of sec. 31, T. 16 N., R. 49 W., extending to the town of Gurley, Nebraska, to connect to Applicant's proposed distribution system at Gurley, Nebraska.

(6) 1 mile of 2-inch I. D. pipeline commencing in the NE¼ of sec. 32, thence in an

easterly direction through the NW¼ of sec. 33, T. 17 N., R. 49 W., to be connected to a proposed distribution system in the town of Dalton, Nebraska.

Applicant states the proposed project will improve the service of gas to consumers in the area presently served by Applicant in the State of Nebraska by increasing the supply of gas during peak winter periods, and by supplying the requirements incident to the normal growth along Applicant's system in Nebraska. The project has the further purposes of enabling Applicant to supply natural gas to Sidney, Nebraska, and the towns of Gurley and Dalton, Nebraska, and of maintaining adequate and safe gas supplies and pipe line pressures in Applicant's present system between Scottsbluff and Lewellen, Nebraska.

The application recites the gas reserves in the Third Dakota Sand in the Huntsman Field to be 101.5 billion cubic feet, of which Applicant has a contract with the Ohio Oil Company for 50 billion cubic feet; that the estimated life of the reserves covered by said contract is 25 years, based on the minimum annual withdrawal under the contract of 2 billion cubic feet per year. The estimated maximum daily delivery from the Huntsman Field will be 12,500,000 cubic feet, of which a maximum of 2,500,000 cubic feet will be used to serve the city of Sidney, and the balance to augment the supply in Applicant's present system, and to serve Gurley and Dalton, Nebraska.

The estimated over-all capital costs of the proposed natural gas transmission facilities is $527,888; and the cost of the distribution system in Sidney is estimated at $141,786. Applicant proposes to finance the project by means of a loan from the Society for Savings in the City of Cleveland, Cleveland, Ohio, in the sum of $660,000, evidenced by its promissory note in said sum bearing interest at 3 percent per annum.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of July 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6026; Filed, July 12, 1950; 8:45 a. m.]

[Docket No. G-1428]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

JULY 6, 1950.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation with its principal place of business at Columbus, Ohio, filed June 27, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural gas facilities:

Approximately five miles of 8⅝-inch natural gas transmission pipeline extending from a point of connection with the pipeline facilities of Texas Eastern Transmission Corporation in Fayette County, Ohio, to Applicant's existing line Z-34 near Sabina, Richland Township, Clinton County, together with the incidental equipment necessary for operations, all in the State of Ohio.

Applicant proposes to increase its transmission capacity by use of the proposed facilities above described to its existing market area in order to maintain service to them.

The estimated over-all capital cost is $80,000.00. The costs will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 26th day of July 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6027; Filed, July 12, 1950; 8:46 a. m.]

[Docket No. IT-6083]

LA JUNTA FEDERAL DE MEJORAS MATERIALES AND CENTRAL POWER AND LIGHT CO.

NOTICE OF APPLICATION

JULY 6, 1950.

Notice is hereby given that La Junta Federal de Mejoras Materiales, a governmental agency of the Republic of Mexico (as successor to Comision Federal de Electricidad, also a governmental agency of the Republic of Mexico), and Central Power and Light Company, Corpus Christi, Texas, have filed a joint application pursuant to section 202 (e) of the Federal Power Act (16 U. S. C. 824a (e)) for amendment of the authority to export electric energy across the international boundary between the United States and Mexico over a transmission line from a point at Laredo, Webb County, Texas, to a point on the bank of the Rio Grande at Nuevo Laredo, Tamaulipas, Mexico, in the amount of 10,000,000 kilowatt hours, annually, at a rate of supply not to exceed 1,800 kilowatts. The present authorization is limited to 7,500,000 kilowatt-hours per year at a rate not in excess of 1,500 kilowatts.

Any person desiring to be heard or to make any protest with reference to the said application should, on or before July 27, 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6028; Filed, July 12, 1950; 8:46 a. m.]

[Docket No. E-6293]

MEDINA ELECTRIC COOPERATIVE, INC. AND CENTRAL POWER AND LIGHT CO.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

JULY 6, 1950.

Notice is hereby given that pursuant to the provisions of section 202 (e) of the Federal Power Act, 16 U. S. C. 791a–825r, Medina Electric Cooperative, Inc. of Hondo, Texas, filed with the Federal Power Commission an application on May 8, 1950, and joinder therein by Central Power and Light Company on July 5, 1950, for authorization to transmit electric energy from a point adjacent to the Falcon Dam, Starr County, Texas, to a point on the bank of the Rio Grande in Mexico, opposite the Falcon Dam, in quantities up to 900,000 kilowatt hours per year at a rate not to exceed 300 kilowatts, to supply the needs of Secretaria de Recursos Hidraulicos de Mexico for the construction of the Falcon Dam on the Mexican side of the international boundary, and for resale in the camp area.

Any person desiring to be heard or to make any protest with reference to the proposed application should, on or before July 27, 1950, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and procedure under the Federal Power Act. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6029; Filed, July 12, 1950; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

PUBLIC BUILDINGS SERVICE

DELEGATION OF AUTHORITY TO COMMISSIONER

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Congress, approved June 30, 1949), the authority to (1) assign surplus real property to the Federal Security Administrator, and (2) to disapprove, within thirty days after notice, any transfer proposed to be made by the Federal Security Administrator for school, classroom, or other educational use, or for public health purposes, under section 203 (k) (1) vested in the Administrator of General Services, is hereby delegated to the Commissioner of Public Buildings Service. The Commissioner of Public Buildings Service is authorized in his discretion, (1) to assign to the Federal Security Administrator for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Federal Security Administrator as being needed for school, classroom, or other educational use, for use in the protection of public health, including research, and (2) within thirty days after notice of a proposed transfer to advise the Federal Security Administrator whether objection is interposed to such transfer.

2. The authority contained herein may be exercised by the officer, official or employee empowered to act for the principal during his absence or incapacity, and may be redelegated, but any such redelegation must be filed with the Director of the Office of Management ten days prior to the effective date thereof, unless such filing be waived by said Director.

3. This delegation of authority shall be effective as of July 1, 1950.

4. This delegation of authority rescinds Delegation of Authority No. 20, dated March 21, 1950, and published in the FEDERAL REGISTER, March 29, 1950.

JESS LARSON,
Administrator.

JULY 6, 1950.

[F. R. Doc. 50-6034; Filed, July 12, 1950; 8:47 a. m.]

PUBLIC BUILDINGS SERVICE

DELEGATION OF AUTHORITY TO COMMISSIONER

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Congress), it is hereby provided that:

a. Any authority delegated and transferred to the Commissioner of Liquidation Service by Delegation of Authority No. 17, dated February 9, 1950, and published in the FEDERAL REGISTER, February 16, 1950, relating to surplus real property, is hereby delegated to the Commissioner of Public Buildings Service. Such authorities as have been redelegated by the Commissioner of Liquidation Service shall remain in full force and effect until superseded by the Administrator of General Services or the Commissioner of Public Buildings Service.

b. The authority delegated herein to the Commissioner of Public Buildings Service may be redelegated by the Commissioner to any officer, official, or employee of the Public Buildings Service.

c. The authority conferred herein shall be exercised in accordance with such regulations, policies, administrative procedures and controls as are in effect on and after the effective date hereof.

d. This delegation of authority shall be effective as of July 1, 1950.

2. Delegation of Authority No. 17, dated February 9, 1950, and published in the FEDERAL REGISTER, February 16, 1950, is hereby superseded as of the effective date of this delegation.

JESS LARSON,
Administrator.

JULY 6, 1950.

[F. R. Doc. 50-6035; Filed, July 12, 1950; 8:47 a. m.]

[Temporary Reg. 2, Amdt. 3]

DISPOSAL OF EXCESS AND SURPLUS PROPERTY

Section II (a) of Administrator's Temporary Regulation No. 2, dated July 1, 1949, is hereby amended to read as follows:

(a) (1) Unless otherwise authorized by law, transfers of excess personal property under this regulation to other Federal agencies shall be at the fair value thereof.

(2) Unless directed otherwise by the Federal Supply Service, fair value of excess personal property under this regulation shall be determined by the holding agency by using the following formula which the Administrator has determined will promote utilization and takes into consideration the other costs which transferee agencies will incur:

Code	Condition	Percentage of current delivered market price—new (or original acquisition cost)
A	New—excellent	50
B	Usable—without repair	35
C	Usable—minor repairs required	20
D	All other	(1)

[1] No charge.

(3) *Condition code definitions.*

A. "New—excellent" means unused personal property, ready for use in a condition identical with new items delivered by a supplier.

B. "Usable—without repair" means personal property which has been used and requires no reconditioning or repair; and personal property which, although unused and requiring no reconditioning or repair, does not qualify for Code A.

C. "Usable—minor repairs required" means personal property requiring minor repairs, to put into usable condition, whether used or unused.

D. "All other" means personal property requiring major repairs, conversion, or rehabilitation, and all other items which through deterioration, obsolescence, or other factors do not fit in Codes A, B, or C, and includes scrap and salvage.

(4) The preferred base for determining fair value is the current market delivered price of a new similar item in the commercial area serving the holding agency. There are various sources for determining such prices, such as:

(i) The Federal Supply Service, General Services Administration, Zone Price Lists;
(ii) Federal Supply Schedule Prices;
(iii) Manufacturers' catalogs, price lists, and discount sheets; and
(iv) Local suppliers.

If obtaining such pricing information is impracticable the holding agency may use actual or estimated original acquisition cost.

(5) In determining fair value pursuant to the formula in section II (a) (2) hereof, where doubt arises as to which condition code applies to an item, preference should be given to that condition code which will facilitate and encourage maximum utilization by other Federal agencies. Where application of the above formula will not achieve the intended purpose because of special circumstances or the peculiar nature of the property, the holding agency may use other criteria for arriving at fair value if approved or directed by the Federal Supply Service. Where circumstances warrant, and the agencies concerned agree thereto, fair value prices higher than those arrived at by use of the formula specified in section II (a) (2) hereof, may be used.

(6) Disagreement between agencies as to the fair value shall be referred for final determination to the Federal Supply Service.

JESS LARSON,
Administrator.

JULY 6, 1950.

[F. R. Doc. 50-6036; Filed, July 12, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 27]

SOUTHERN PACIFIC LINES

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Homer C. King, Agent, the Southern Pacific Lines because of congestion is unable to transport all traffic routed over points on its lines. It is ordered, that:

(a) *Rerouting traffic.* The Southern Pacific Lines is hereby authorized to reroute or divert at Stockton, Cal., 250 cars of perishable freight routed over its line, to the Western Pacific Railroad Company to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad named desiring to divert or reroute traffic over the line or lines of another carrier under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 p. m., July 7, 1950.

(g) *Expiration date.* This order shall expire at 11:59 p. m., July 12, 1950, un-

less otherwise modified, changed, suspended, or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., July 7, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-6038; Filed, July 12, 1950; 8:47 a. m.]

[Rev. S. O. 562, Amdt. 2 to Rev. King's I. C. C. Order 26]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Revised King's I. C. C. Order No. 26 and good cause appearing therefor: *It is ordered*, That:

Amendment No. 1 to Revised King's I. C. C. Order No. 26 be, and it is hereby amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) *Rerouting traffic.* The Chicago, Rock Island and Pacific Railroad Company and its connections are authorized and directed to reroute or divert traffic routed over and to points on their lines, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

It is further ordered, That this amendment shall become effective at 10:00 a. m., July 7, 1950, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., July 7, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-6044; Filed, July 12, 1950; 8:48 a. m.]

[4th Sec. Application 25225]

PETROLEUM PRODUCTS FROM MONTANA

APPLICATION FOR RELIEF

JULY 10, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Great Northern Railway Company.

Commodities involved: Gasoline, petroleum products and asphalt, carloads.

From: Points in Montana.

To: Points in Minnesota and Wisconsin.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: GN., tariff I. C. C. No. A-8015, Supplement 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6039; Filed, July 12, 1950; 8:47 a. m.]

[4th Sec. Application 25226]

PETROLEUM AND PETROLEUM PRODUCTS FROM MONTANA

APPLICATION FOR RELIEF

JULY 10, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Northern Pacific Railway Company.

Commodities involved: Petroleum and petroleum products, carloads.

From: Points in Montana.

To: Points in Minnesota and Wisconsin.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: N. P., tariff I. C. C. No. 9658, Supplements 38 and 39.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6040; Filed, July 12, 1950; 8:47 a. m.]

[4th Sec. Application 25227]

PETROLEUM AND PETROLEUM PRODUCTS FROM MONTANA

APPLICATION FOR RELIEF

JULY 10, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Northern Pacific Railway Company.

Commodities involved: Petroleum and petroleum products, carloads.

From: Points in Montana.

To: Points in North Dakota and Minnesota.

Grounds for relief: Market competition and to maintain grouping.

Schedules filed containing proposed rates: NP., tariff I. C. C. No. 9658, Supplement 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6041; Filed, July 12, 1950; 8:48 a. m.]

[4th Sec. Application 25228]

WOODPULP FROM NAIRNS FALLS, QUE.

APPLICATION FOR RELIEF

JULY 10, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for and on behalf of carriers parties to the tariff named below.

Commodities involved: Woodpulp and woodpulp screenings, straight or mixed carloads.

From: Nairns Falls, Que.

To: Wilmington, Del., Chester and Philadelphia, Pa.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: Canadian National Railways tariff I. C. C. No. E-471, Supplement 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6042; Filed, July 12, 1950; 8:48 a.m.]

[4th Sec. Application 25229]

TIN PLATE FROM FAIRFIELD, ALA., TO DALLAS, TEX.

APPLICATION FOR RELIEF

JULY 10, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to fourth-section applications Nos 19339, 19618 and 21200.

Commodities involved: Tin plate, terne plate or tin mill black plate, carloads.

From: Fairfield, Ala.

To: Dallas, Tex.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3648, Supplement 323.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6043; Filed, July 12, 1950; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14755]

WALTER DOBLER

In re: Estate of Walter Dobler, deceased. File No. D-28-10983; E. T. sec. 16733.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Dobler and Fritz Dobler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided two-thirds (⅔) interest in real property situated in the County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1 hereof in and to any and all insurance policies which insure the improvements on the real property described in subparagraph 2-a hereof, and

c. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof by Paul Wendler, Jr., 1813 West Rockland Street, Philadelphia 9, Pennsylvania, arising by reason of the collection of rents from the real property described in subparagraph 2-a hereof,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested shall be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

EXHIBIT A

Real property situated in County of Philadelphia, State of Pennsylvania, more particularly described as follows:

Parcel No. 1. That certain tract, piece or parcel of land situated on the West side of Hartville Street beginning at a distance of 373 feet 9 inches southward from the south side of Indiana Avenue in the 33rd Ward of the City of Philadelphia, containing in front or breadth on the said Hartville Street 13 feet 9 inches and extending of that width in length or depth westward between parallel lines at right angles to the said Hartville Street 48 feet 9 inches, and identified as 2918 N. Hartville Street.

Parcel No. 2. That certain tract, piece or parcel of land situated on the west side of Wilton Street in the 44th Ward of the City of Philadelphia at the distance of 191 feet 9 inches northward from the north side of Media Street, containing in front or breadth on the said Wilton Street 14 feet 9 inches and extending of that width in length or depth westward at right angles to the said Wilton Street on the north line thereof 53 feet 3 inches and on the south line thereof 53 feet 4½ inches to a certain 4 foot wide alley which extends northward and southward between Media Street and Warren Street, and identified as 1486 Wilton Street.

[F. R. Doc. 50-6048; Filed, July 12, 1950; 8:49 a. m.]

[Vesting Order 14775]

HELMUT HEINRICH GARBRECHT

In re: Stock owned by Helmut Heinrich Garbrecht. F-28-30513.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helmut Heinrich Garbrecht, whose last known address is Bad Harzburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty (20) shares of no par

value common capital stock of General Cigar Company, Inc., 119 West 40th Street, New York 18, New York, a corporation organized under the laws of the State of New York, evidenced by certificates numbered 41027 and 41028, for ten (10) shares each, registered in the name of Administratie-Kantoor Van Aandeelen in Binnen en Buitlandsche Leeningen, N. V., Amsterdam, Holland, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Helmut Heinrich Garbrecht, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6049; Filed, July 12, 1950; 8:49 a. m.]

[Vesting Order 14781]

ERNA GRIMM NORDDEG

In re: Stock, bonds and checks owned by and debt owing to Erna Grimm Norddeg, also known as Erna Norddeg. F-28-17700-A-1, F-28-17700-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erna Grimm Norddeg, also known as Erna Norddeg, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) shares of no par value common capital stock of Washington Properties Inc., 2600 Woodley Road NW., Washington, D. C., a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered C01110, registered in the name of E. L. Norddeg and Erna Norddeg, and presently in the custody of Hammersley and Kelley, successors to Norton A. Torke, 714 Majestic Building, 231 West Wisconsin Avenue, Milwaukee, Wisconsin, together with all declared and unpaid dividends thereon,

b. One (1) United States Treasury 2¾% Bond, of $100.00 face value, due September 15, 1947, bearing the number 104834D, in bearer form and presently in the custody of Hammersley and Kelley, successors to Norton A. Torke, 714 Majestic Building, 231 W. Wisconsin Avenue, Milwaukee, Wisconsin, together with any and all rights thereunder and thereto,

c. One (1) Washington Properties Inc. 20 year 7% General Mortgage Income Bond of $1,000.00 face value, bearing the number M7210, registered in the name of E. L. Norddeg and Erna Norddeg, and presently in the custody of Hammersley and Kelley, successors to Norton A. Torke, 714 Majestic Building, 231 W. Wisconsin Avenue, Milwaukee, Wisconsin, together with any and all rights thereunder and thereto,

d. That certain debt or other obligation owing to Erna Grimm Norddeg, also known as Erna Norddeg, by Hammersley and Kelley, successors to Norton A. Torke, 714 Majestic Building, 231 W. Wisconsin Avenue, Milwaukee, Wisconsin, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

e. Two (2) checks payable to E. L. Norddeg and Erna Norddeg dated August 1, 1940 and February 1, 1941, in the amount of $25.00 and $28.50 respectively, and presently in the custody of Hammersley and Kelley, successors to Norton A. Torke, 714 Majestic Building, 231 W. Wisconsin Avenue, Milwaukee, Wisconsin, and any and all rights in, to and under including the right to possession and presentation for payment of the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, Erna Grimm Norddeg, also known as Erna Norddeg, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6050; Filed, July 12, 1950; 8:49 a. m.]

[Vesting Order 14805]

LUISE OBERREIT

In re: Rights of Luise Oberreit under Insurance Installment Certificate. File No. F-28-26651-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Luise Oberreit, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under Continuous Installment Certificate No. D-92,520-C, issued by the Mutual Benefit Life Insurance Company, Newark, N. J., to Luise Oberreit, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6053; Filed, July 12, 1950; 8:49 a. m.]

[Vesting Order 14783]

ADOLPH G. AND ELSE SCHICKERT

In re: Bonds owned by Adolf G. Schickert, and Else Schickert. F-28-18032-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolf G. Schickert and Else Schickert, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Twelve (12) United States Savings Bonds, Series D of $100.00 face value each, bearing the numbers C-2,772,059-D 62-D, C-2,772,067-D/74-D, registered in the names of Mr. Klaus Otto Schickert or Mr. Heinz K. Schickert, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Adolf G. Schickert and Else Schickert, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6051; Filed, July 12, 1950; 8:49 a. m.]

[Vesting Order 14803]

MARIE NOZIRI ET AL.

In re: In the matter of the guardianship of Marie Noziri, Jimmie Noziri, Herbert Noziri and Rosie Noziri, minors. File No. F-39-6739 E. T. sec. 17010.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Noziri, Jimmie Noziri, Herbert Noziri and Rosie Noziri, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That all the property and estate of the persons named in subparagraph 1 hereof in the possession or custody or under the control of the National Bank of Commerce of Seattle, Yakima, Washington as guardian of the estates of Marie Noziri, Jimmie Noziri, Herbert Noziri and Rosie Noziri, subject however to all lawful fees, charges, and disbursements by the National Bank of Commerce of Seattle, guardian as aforesaid, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Japan);

3. That such property is in the process of administration by the National Bank of Commerce of Seattle, as guardian acting under the judicial supervision of the Superior Court of Yakima County, Washington;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6052; Filed, July 12, 1950; 8:49 a. m.]

[Vesting Order 14806]

JOSEF OSTLER ET AL.

In re: Rights of Josef Ostler et al., under insurance contracts. Files No. F-28-30713-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josef Ostler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Josef Ostler, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 217 415 M and 989 453 M, issued by the Metropolitan Life Insurance Company, New York, New York, to Josef Ostler, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Josef Ostler, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6054; Filed, July 12, 1950; 8:49 a. m.]

[Vesting Order 14807]

LEONZ P. A. RIEGER

In re: Rights of Leonz P. A. Rieger under insurance contract. File No. F-28-21365-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leonz P. A. Rieger, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Leonz P. A. Rieger under a contract of insurance evidenced by policy No. 1,314,567 issued by the Sun Life

Assurance Company of Canada, Montreal, Quebec, Canada, to Leonz P. A. Rieger, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Leonz P. A. Rieger be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6055; Filed, July 12, 1950; 8:50 a. m.]

GE JUL 17

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 15 NUMBER 135

Washington, Friday, July 14, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10142

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE BRANIFF AIRWAYS, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Braniff Airways, Inc., a carrier, and certain of its employees represented by the Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express and Station Employees, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Braniff Airways, Inc., or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 12, 1950.

[F. R. Doc. 50-6159; Filed, July 12, 1950; 4:54 p. m.]

EXECUTIVE ORDER 10143

AUTHORIZING THE APPOINTMENT OF MRS. RUTH EDNA MCC. SOMERS TO A POSITION IN THE GOVERNMENT SERVICE WITHOUT REGARD TO THE CIVIL SERVICE RULES

By virtue of the authority vested in me by section 2 of the Civil Service Act of January 16, 1883 (22 Stat. 403, 404), it is hereby ordered that Mrs. Ruth Edna McC. Somers may be appointed to an appropriate position in the competitive service of the Government without regard to the requirements of the Civil Service Rules.

Mrs. Somers is the widow of the late Andrew Lawrence Somers, who served for more than twenty-four years in the House of Representatives from the State of New York.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 12, 1950.

[F. R. Doc. 50-6170; Filed, July 13, 1950; 10:01 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter K—Federal Seed Act

PART 201—FEDERAL SEED ACT REGULATIONS

KENTUCKY BLUEGRASS SEED; EXEMPTION FROM LABELING REQUIREMENTS

It has been found that the time interval between seed harvesting and sowing is not sufficient to assure the completion of a germination test of freshly harvested seed of Kentucky bluegrass, Poa pratensis, and that the information as to germination required by the Federal Seed Act (7 U. S. C. 1551 et. seq.) therefore cannot be given on the label of such seed prior to its delivery for transportation or transportation in interstate commerce for the imminent planting season. Therefore pursuant to the provisions of paragraph 203 (c) of the Fed-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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(For Use During 1950)

The following Pocket Supplements are now available:

Title 43 ($0.35)

Titles 44–45 ($0.25)

Previously announced: Titles 4–5 ($0.30); Title 6 ($1.00); Title 7: Parts 1–209 ($0.55); Parts 210–899 ($0.75); Parts 900 to end ($0.75); Title 8 ($0.20); Title 9 ($0.20); Titles 10–13 ($0.20); Title 14: Parts 1–399 ($1.50); Parts 400 to end ($0.30); Title 15 ($0.40); Title 16 ($0.25); Title 17 ($0.20); Title 18 ($0.20); Title 19 ($0.20); Title 20 ($0.20); Title 21 ($0.30); Titles 22–23 ($0.25); Title 24 ($0.55); Title 25 ($0.20); Title 26: Parts 1–79 ($0.20); Parts 80–169 ($0.25); Parts 170–182 ($0.25); Parts 183–299 ($0.30); Title 26: Parts 300 to end; and Title 27 ($0.25); Titles 28–29 ($0.30); Titles 30–31 ($0.25); Title 32 ($1.00); Title 33 ($0.25); Titles 35–37 ($0.20); Title 38 ($0.50); Titles 40–42 ($0.25)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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eral Seed Act (53 Stat. 1275; 7 U. S. C. 1573 (c)), the following regulation is hereby promulgated:

Exemption from labeling as to germination of Kentucky bluegrass seed. The requirements of paragraph 201 (a) (8) of the Federal Seed Act as to labeling seed for germination when it is transported or delivered for transportation in interstate commerce for seeding purposes, shall not apply to the 1950 crop of seed of Kentucky bluegrass, Poa pratensis, during the period beginning August 15, 1950, and ending October 15, 1950.

Paragraph 203 (c) of the Federal Seed Act provides that the Secretary of Agriculture may, with or without hearing, amend the regulations issued thereunder to provide exemptions from labeling requirements with respect to germination. Pursuant to this provision, the Secretary in various prior years amended the regulations to provide for a seasonal exemption from such labeling requirements, similar to the one provided for herein, for freshly harvested seed of Kentucky bluegrass, and there were never any objections to such action. The current carry-over of this seed from the former crop year is not sufficient to meet the planting requirements therefor this year and by reason of the imminence of the planting season it is in the public interest that the order exempting such seed from the labeling requirements as to germination be made effective as soon as possible. The Federal Seed Act requires a 30-day delay between publication of such order and its effective date. Publication of notice and public procedure as provided in section 4 of the Administrative Procedure Act (5 U. S. C. 1003), would result in a further delay. Therefore in accordance with said section, it is hereby found upon good cause that such notice and public procedure in connection with this amendment would be impracticable and contrary to the public interest.

This regulation shall be effective during the period from August 15, 1950, to October 15, 1950, both inclusive.

(Sec. 402, 53 Stat. 1285; 7 U. S. C. 1592)

Issued this 11th day of July 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 50-6102; Filed, July 13, 1950; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5537]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

VOGUE PRODUCTS

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale, and distribution of the preparation designated "Tuffenail", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said product, which advertisements represent directly or by implication, (a) that said preparation is an effective aid for brittle, splitting, breaking, or chipping nails, or that Tuffenail has any significant effect on the nails in excess of acting to temporarily soften the cuticle around the nails; (b) that said preparation will prevent brittleness, dryness, breaking, splitting or chipping of the nails or peeling of the nail layers; (c) that said preparation is a competent or effective treatment for onychosis or that its use will stimulate nail growth, toughen or strengthen the nails or keep them strong; or, (d) that said preparation will penetrate the skin into the flesh of the nail bed or will prevent sluggishness of the lymphatic glands; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Walter M. Jakway doing business as Vogue Products, Docket 5537, May 23, 1950]

In the Matter of Walter M. Jakway, an Individual Doing Business as Vogue Products

This proceeding having been heard by the Federal Trade Commission upon the complaint, the answer of respondent, testimony, and stipulation as to the facts (filing of recommended decision by the trial examiner having been waived), and the Commission having made its findings as to the facts and, based solely on the statements appearing in said stipulation, its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Walter M. Jakway, individually and trading under the name of Vogue Products, or any other name, and his agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of the preparation designated "Tuffenail", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desists from:

(1) Disseminating or causing to be disseminated by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That said preparation is an effective aid for brittle, splitting, breaking, or chipping nails, or that Tuffenail has any significant effect on the nails in excess of acting to temporarily soften the cuticle around the nails;

(b) That said preparation will prevent brittleness, dryness, breaking, splitting or chipping of the nails or peeling of the nail layers;

(c) That said preparation is a competent or effective treatment for onychosis or that its use will stimulate nail growth, toughen or strengthen the nails or keep them strong;

(d) That said preparation will penetrate the skin into the flesh of the nail bed or will prevent sluggishness of the lymphatic glands.

(2) Disseminating or causing to be disseminated by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph (1) hereof.

It is further ordered, That the respondent, Walter M. Jakway, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: May 23, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-6075; Filed, July 13, 1950; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter D—Employment Taxes

[T. D. 5794]

PART 402—EMPLOYEES' TAX AND THE EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

PART 405—COLLECTION OF INCOME TAX AT SOURCE ON WAGES

PART 411—EMPLOYERS' TAX, EMPLOYEES' TAX, AND EMPLOYEE REPRESENTATIVES' TAX UNDER THE RAILROAD RETIREMENT TAX ACT

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 106 (26 CFR Part 402), Regulations 107 (26 CFR Part 403), Regulations 114 (26 CFR Part 411), and Regulations 116 (26 CFR Part 405) to sections 4, 6, 7 (a), and 9 (a), of Public Law 271, 81st Congress, approved August 27, 1949, such regulations are hereby amended as follows:

PARAGRAPH 1. Immediately preceding the caption "Section 3612 (a), (b) and (c) of the Internal Revenue Code" as set forth preceding § 402.601, the following is inserted:

SECTION 4 OF THE ACT OF AUGUST 27, 1949 (PUBLIC LAW 271, 81ST CONG.)

(a) Chapter 38 of the Internal Revenue Code is hereby amended by inserting at the end thereof the following new section:

SEC. 3809. VERIFICATION OF RETURNS; PENALTIES OF PERJURY.

* * * * *

(c) *Verification in lieu of oath.* The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under any provision of the internal revenue laws shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required.

(b) Sections * * * and 1630 of such code are hereby repealed.

(c) The amendments made by this section shall be applicable with respect to any return, statement, or document filed after the date of the enactment of this Act.

PAR. 2. Immediately preceding § 402.601 the following is inserted:

SECTION 7 (A) OF THE ACT OF AUGUST 27, 1949 (PUBLIC LAW 271, 81ST CONG.)

(a) Section 3310 of the Internal Revenue Code * * * is hereby amended by adding at the end thereof the following new subsection:

(f) *Discretion allowed Commissioner—*(1) *Returns and payment of tax.* Notwithstanding any other provision of law relating to the filing of returns or payment of any tax imposed by chapter 9, 9A, 10, 12, 19, 21, 30, 32, subchapter A of chapter 25, or subchapter A of chapter 29, the Commissioner may by regulations approved by the Secretary prescribe the period for which the return for such tax shall be filed, the time for the filing of such return, the time for the payment of such tax, and the number of copies of the return required to be filed.

* * * * *

PAR. 3. Immediately preceding the caption "Section 3313 of the Internal Revenue Code" as set forth preceding § 402.704, the following is inserted:

SECTION 9 (A) OF THE ACT OF AUGUST 27, 1949 (PUBLIC LAW 271, 81ST CONG.)

(a) Section 3770 (a) of the Internal Revenue Code is hereby amended by renumbering paragraph (5) as paragraph (6), and by amending paragraph (4) to read as follows:

(4) *Credit of overpayment of one class of tax against another class of tax due.* Notwithstanding any provision of law to the contrary, the Commissioner may, in his discretion, in lieu of refunding an overpayment of tax imposed by any provision of this title, credit such overpayment against any tax due from the taxpayer under any other provision of this title.

(5) *Delegation of authority to collectors to make refunds.* The Commissioner, with the approval of the Secretary, is authorized to delegate to collectors any authority, duty, or function which the Commissioner is authorized or required to exercise or perform under paragraph (1), (2), (3), or (4) of this subsection, or under section 322 or 1027, where the amount involved (exclusive of interest, penalties, additions to the tax, and additional amounts) does not exceed $10,000.

* * * * *

PAR. 4. Section 402.802 is amended to read as follows:

§ 402.802 *Interest.* If the tax is not paid to the collector when due and is not adjusted under § 402.702 or § 402.703, interest accrues at the rate of 6 percent per annum subject to the minimum addition to the tax provided by section 1631.

PAR. 5. The second sentence of § 402.804 (a) is amended to read as follows: "The amount to be added to the tax is 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which failure continues, but not exceeding in the aggregate 25 percent of the tax, subject, however, to the minimum addition to the tax provided by section 1631."

PAR. 6. Immediately after § 402.804 the following is inserted:

SECTION 6 OF THE ACT OF AUGUST 27, 1949 (PUBLIC LAW 271, 81ST CONG.)

Section • • • 1631 of such code [Internal Revenue Code] is hereby amended to read as follows:

SEC. 1631. FAILURE OF EMPLOYER TO FILE RETURN OR PAY TAX.

In case of a failure to make and file any return, or a failure to pay any tax, required by this chapter, or both, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, the addition to the tax shall not be less than $5.

PAR. 7. Immediately preceding the caption "Section 125 of the Criminal Code", as inserted by Treasury Decision 5302, approved October 11, 1943, as set forth preceding § 402.804a, as added by Treasury Decision 5324, approved January 8, 1944, the following is inserted:

SECTION 4 OF THE ACT OF AUGUST 27, 1949 (PUBLIC LAW 271, 81ST CONG.)

(a) Chapter 38 of the Internal Revenue Code is hereby amended by inserting at the end thereof the following new section:

SEC. 3809. VERIFICATION OF RETURNS; PENALTIES OF PERJURY.

(a) *Penalties.* Any person who willfully and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

(b) *Signature presumed correct.* The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

• • • • •

(b) Sections • • • and 1630 of such code are hereby repealed.

(c) The amendments made by this section shall be applicable with respect to any return, statement, or document filed after the date of the enactment of this Act.

(53 Stat. 178, 188, 467; 26 U. S. C. 1429, 1609, 3791)

PAR. 8. Immediately preceding the caption "Section 3612 (a), (b), and (c) of the Internal Revenue Code" as set forth preceding § 403.501, the following is inserted:

SECTION 4 OF THE ACT OF AUGUST 27, 1949 (PUBLIC LAW 271, 81ST CONG.)

(a) Chapter 38 of the Internal Revenue Code is hereby amended by inserting at the end thereof the following new section:

SEC. 3809. VERIFICATION OF RETURNS; PENALTIES OF PERJURY.

• • • • •

(c) *Verification in lieu of oath.* The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under any provision of the internal revenue laws shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required.

(b) Sections • • • and 1630 of such code are hereby repealed.

(c) The amendments made by this section shall be applicable with respect to any return, statement, or document filed after the date of the enactment of this Act.

PAR. 9. Immediately preceding the caption "Section 3312 of the Internal Revenue Code" as set forth preceding § 403.501, the following is inserted:

SECTION 7 (A) OF THE ACT OF AUGUST 27, 1949 (PUBLIC LAW 271, 81ST CONG.)

(a) Section 3310 of the Internal Revenue Code • • • is hereby amended by adding at the end thereof the following new subsection:

(f) *Discretion allowed Commissioner—* (1) *Returns and payment of tax.* Notwithstanding any other provision of law relating to the filing of returns or payment of any tax imposed by chapter 9, 9A, 10, 12, 19, 21, 30, 32, subchapter A of chapter 25, or subchapter A of chapter 29, the Commissioner may by regulations approved by the Secretary prescribe the period for which the return for such tax shall be filed, the time for the filing of such return, the time for the payment of such tax, and the number of copies of the return required to be filed.

• • • • • •

PAR. 10. Immediately preceding the caption "Section 2703 (a) of the Internal Revenue Code, made applicable by section 1610 of the Act" as set forth preceding § 403.602, the following is inserted:

SECTION 9 (A) OF THE ACT OF AUGUST 27, 1949 (PUBLIC LAW 271, 81ST CONG.)

(a) Section 3770 (a) of the Internal Revenue Code is hereby amended by renumbering paragraph (5) as paragraph (6), and by amending paragraph (4) to read as follows:

(4) *Credit of overpayment of one class of tax against another class of tax due.* Notwithstanding any provision of law to the contrary, the Commissioner may, in his discretion, in lieu of refunding an overpayment of tax imposed by any provision of this title, credit such overpayment against any tax due from the taxpayer under any other provision of this title.

(5) *Delegation of authority to collectors to make refunds.* The Commissioner, with the approval of the Secretary, is authorized to delegate to collectors any authority, duty, or function which the Commissioner is authorized or required to exercise or perform under paragraph (1), (2), (3), or (4) of this subsection, or under section 322 or 1027, where the amount involved (exclusive of interest, penalties, additions to the tax, and additional amounts) does not exceed $10,000.

• • • • •

PAR. 11. Section 403.603 is amended to read as follows:

§ 403.603 *Interest.* If the tax is not paid to the collector when due, interest accrues at the rate of 6 percent per annum subject to the minimum addition to the tax provided by section 1631.

PAR. 12. The second sentence of § 403.605 (a) is amended to read as follows: "The amount to be added to the tax is 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which failure continues, but not exceeding in the aggregate 25 percent of the tax, subject, however, to the minimum addition to the tax provided by section 1631."

PAR. 13. Immediately after § 403.605, the following is inserted:

SECTION 6 OF THE ACT OF AUGUST 27, 1949 (PUBLIC LAW 271, 81ST CONG.)

Section • • • 1631 of such code [Internal Revenue Code] is hereby amended to read as follows:

SEC. 1631. FAILURE OF EMPLOYER TO FILE RETURN OR PAY TAX.

In case of a failure to make and file any return, or a failure to pay any tax, required by this chapter, or both, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, the addition to the tax shall not be less than $5.

PAR. 14. Immediately preceding the caption "Section 125 of the Criminal Code", as added by Treasury Decision 5302, approved October 11, 1943, as set forth preceding § 403.606, the following is inserted:

SECTION 4 OF THE ACT OF AUGUST 27, 1949 (PUBLIC LAW 271, 81ST CONG.)

(a) Chapter 38 of the Internal Revenue Code is hereby amended by inserting at the end thereof the following new section:

SEC. 3809. VERIFICATION OF RETURNS; PENALTIES OF PERJURY.

(a) *Penalties.* Any person who willfully makes and subscribes any return, statement or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

(b) *Signature presumed correct.* The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

• • • • •

(b) Sections • • • and 1630 of such code are hereby repealed.

(c) The amendments made by this section shall be applicable with respect to any return, statement, or document filed after the date of the enactment of this Act.

(53 Stat. 178, 188, 467; 26 U. S. C. 1429, 1609, 3791)

PAR. 15. Immediately preceding the caption "Section 3612 (a), (b), and (c) of the Internal Revenue Code" as set forth preceding § 411.601, the following is inserted:

SECTION 4 OF THE ACT OF AUGUST 27, 1949 (PUBLIC LAW 271, 81ST CONG.)

(a) Chapter 38 of the Internal Revenue Code is hereby amended by inserting at the end thereof the following new section:

SEC. 3809. VERIFICATION OF RETURNS; PENALTIES OF PERJURY.

• • • • •

(c) *Verification in lieu of oath.* The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under any provision of the internal revenue laws shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required.

(b) Sections • • • and 1630 of such code are hereby repealed.

(c) The amendments made by this section shall be applicable with respect to any return, statement, or document filed after the date of the enactment of this Act.

PAR. 16. Immediately preceding § 411.601, the following is inserted:

SECTION 7 (A) OF THE ACT OF AUGUST 27, 1949 (PUBLIC LAW 271, 81ST CONG.)

(a) Section 3310 of the Internal Revenue Code • • • is hereby amended by adding at the end thereof the following new subsection:

(f) *Discretion allowed Commissioner—* (1) *Returns and payment of tax.* Notwithstanding any other provision of law relating to the filing of returns or payment of any tax imposed by chapter 9, 9A, 10, 12, 19, 21, 30, 32, subchapter A of chapter 25, or subchapter A of chapter 29, the Commissioner may by regulations approved by the Secretary prescribe the period for which the return for such tax shall be filed, the time for the filing of such return, the time for the payment of such tax, and the number of copies of the return required to be filed.

• • • • •

PAR. 17. Immediately preceding the caption "Section 3313 of the Internal Revenue Code" as set forth preceding § 411.801, the following is inserted:

SECTION 9 (A) OF THE ACT OF AUGUST 27, 1949 (PUBLIC LAW 271, 81ST CONG.)

(a) Section 3770 (a) of the Internal Revenue Code is hereby amended by renumbering paragraph (5) as paragraph (6), and by amending paragraph (4) to read as follows:

(4) *Credit of overpayment of one class of tax against another class of tax due.* Notwithstanding any provision of law to the contrary, the Commissioner may, in his discretion, in lieu of refunding an overpayment of tax imposed by any provision of this title, credit such overpayment against any tax due from the taxpayer under any other provision of this title.

(5) *Delegation of authority to collectors to make refunds.* The Commissioner, with the approval of the Secretary, is authorized to delegate to collectors any authority, duty, or function which the Commissioner is authorized or required to exercise or perform under paragraph (1), (2), (3), or (4) of this subsection, or under section 322 or 1027, where the amount involved (exclusive of interest, penalties, additions to the tax, and additional amounts) does not exceed $10,000.

• • • • •

PAR. 18. Section 411.903 is amended to read as follows:

§ 411.903 *Interest.* If the tax is not paid to the collector when due and is not adjusted under § 411.702 or § 411.703, interest accrues at the rate of 6 percent per annum subject to the minimum addition to the tax provided by section 1631.

PAR. 19. The second sentence of § 411.905 (a) is amended to read as follows: "The amount to be added to the tax is 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which failure continues, but not exceeding in the aggregate 25 percent of the tax, subject, however, to the minimum addition to the tax provided by section 1631."

PAR. 20. Immediately after § 411.905, the following is inserted:

SECTION 6 OF THE ACT OF AUGUST 27, 1949 (PUBLIC LAW 271, 81ST CONG.)

Section • • • 1631 of such code [Internal Revenue Code] is hereby amended to read as follows:

SEC. 1631. FAILURE OF EMPLOYER TO FILE RETURN OF PAY TAX.

In case of a failure to make and file any return, or a failure to pay any tax, required by this chapter, or both, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, the addition to the tax shall not be less than $5.

PAR. 21. Immediately preceding the caption "Section 1621 of Title 18 of the United States Code" as set forth preceding § 411.906, the following is inserted:

SECTION 4 OF THE ACT OF AUGUST 27, 1949 (PUBLIC LAW 271, 81ST CONG.)

(a) Chapter 38 of the Internal Revenue Code is hereby amended by inserting at the end thereof the following new section:

SEC. 3809. VERIFICATION OF RETURNS; PENALTIES OF PERJURY.

(a) *Penalties.* Any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

(b) *Signature presumed correct.* The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

• • • • •

(b) Sections • • • and 1630 of such code are hereby repealed.

(c) The amendments made by this section shall be applicable with respect to any return, statement, or document filed after the date of the enactment of this Act.

(53 Stat. 183, 467; 26 U. S. C. 1535, 3791)

PAR. 22. Immediately preceding the caption "Sec. 1627 Other Laws Applicable (as added by sec. 2 (a), Current Tax Payment Act of 1943)." which precedes § 405.601, the following is inserted:

[Effective August 27, 1949, section 6, Public Law 271, 81st Congress, repealed section 1626 (c) and amended section 1631 to supersede, in effect, the provisions of section 1626 (c) quoted above. Section 1631 as amended is set forth immediately preceding § 405.805.]

PAR. 23. Immediately preceding the caption "Section 1420 of the Internal Revenue Code" which precedes § 405.601, the following is inserted:

[Effective August 27, 1949, section 4 (b) and (c) of Public Law 271, 81st Congress, repealed section 1630.]

SEC. 3809. VERIFICATION OF RETURNS; PENALTIES OF PERJURY (as added, effective August 27, 1949, by sec. 4, Public Law 271, 81st Congress).

(a) *Penalties.* Any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

(b) *Signature presumed correct.* The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

(c) *Verification in lieu of oath.* The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under any provision of the internal revenue laws shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required.

PAR. 24. Immediately preceding the caption "Section 1430 of the Internal Revenue Code" which precedes § 405.601 the following is inserted:

SEC. 3310 (f). DISCRETION ALLOWED COMMISSIONER (as added, effective August 27, 1949, by sec. 7, Public Law 271, 81st Congress).

(1) *Returns and payment of tax.* Notwithstanding any other provision of law relating to the filing of returns or payment of any tax imposed by chapter 9, 9A, 10, 12, 19, 21, 30, 32, subchapter A of chapter 25, or subchapter A of chapter 29, the Commissioner may by regulations approved by the Secretary prescribe the period for which the return for such tax shall be filed, the time for the filing of such return, the time for the payment of such tax, and the number of copies of the return required to be filed.

• • • • •

PAR. 25. Section 405.604 is amended to read as follows:

§ 405.604 *Penalties for false returns.* Subsection (a) of section 3809 provides for penalties in the case of any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter. Such person shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

PAR. 26. Immediately preceding § 405.605, the following is inserted:

[Effective August 27, 1949, section 6, Public Law 271, 81st Congress, amended section 1631 to provide for a minimum addition to the tax. The provisions of section 1631 quoted above were in effect superseded by section 3310 (f) (2) as added by section 7 (a) of such law.]

SEC. 3310 (f) (2) USE OF GOVERNMENT DEPOSITARIES (as added by sec. 7 (a) of Public Law 2 , 81st Congress).

(2) *Use of Government depositaries.* The Secretary may authorize Federal Reserve banks, and incorporated banks or trust companies which are depositaries or financial agents of the United States, to receive any tax imposed by this title, in such manner, at such times, and under such conditions as he may prescribe; and he shall prescribe the

manner, times, and conditions under which the receipt of such tax by such banks and trust companies is to be treated as payment of such tax to the collector.

PAR. 27. Section 405.605 is amended by revising the first sentence thereof, as amended by Treasury Decision 5644, approved July 14, 1948, to read as follows: "It will be the duty of every employer who withheld more than $100 during the month to pay, within 15 days after the close of each calendar month, to a depositary and financial agent authorized by the Secretary of the Treasury to receive deposits of withheld taxes, pursuant to section 1631 prior to August 27, 1949, or pursuant to section 3310 (f) (2) after August 26, 1949, all funds withheld as taxes during that calendar month."

PAR. 28. Immediately preceding the caption "Section 3313 of the Internal Revenue Code" which precedes § 405.702 the following is inserted:

SECTION 3770 (a) (4) AND (5) OF THE INTERNAL REVENUE CODE (AS AMENDED, EFFECTIVE AUGUST 27, 1949, BY SEC. 9, PUBLIC LAW 271, 81ST CONG.).

(4) *Credit of overpayment of one class of tax against another class of tax due.* Notwithstanding any provision of law to the contrary, the Commissioner may, in his discretion, in lieu of refunding an overpayment of tax imposed by any provision of this title, credit such overpayment against any tax due from the taxpayer under any other provision of this title.

(5) *Delegation of authority to collectors to make refunds.* The Commissioner, with the approval of the Secretary, is authorized to delegate to collectors any authority, duty, or function which the Commissioner is authorized or required to exercise or perform under paragraph (1), (2), (3), or (4) of this subsection, or under section 322 or 1027, where the amount involved (exclusive of interest, penalties, additions to the tax, and additional amounts) does not exceed $10,000.

PAR. 29. Section 405.802 is amended to read as follows:

§ 405.802 *Interest.* If the tax is not paid to the collector on or before the date prescribed in § 405.601 and is not adjusted under § 405.701, interest accrues at the rate of 6 percent per annum subject to the minimum addition to the tax provided by section 1626 (c) prior to August 27, 1949, or by section 1631 after August 26, 1949. See § 405.805.

PAR. 30. The second sentence of § 405.804 (a) is amended to read as follows: "The amount to be added to the tax is 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which failure continues, but not exceeding in the aggregate 25 percent of the tax, subject, however, to the minimum addition to the tax provided by section 1626 (c) prior to August 27, 1949, or by section 1631 after August 26, 1949."

PAR. 31. Immediately preceding § 405.805, the following is inserted:

[Effective August 27, 1949, section 6, Public Law 271, 81st Congress, repealed section 1626 (c) and amended section 1631 to supersede, in effect, the provisions of section 1626 (c) quoted above.]

SEC. 1631. FAILURE OF EMPLOYER TO FILE RETURN OR PAY TAX (as amended, effective August 27, 1949, by sec. 6, Public Law 271, 81st Congress).

In case of a failure to make and file any return, or a failure to pay any tax, required by this chapter, or both, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, the addition to the tax shall not be less than $5.

PAR. 32. Section 405.805, as amended by Treasury Decision 5759, approved November 10, 1949, is further amended to read as follows:

§ 405.805 *Minimum addition to the tax.* (a) In the case of returns required to be filed or tax which becomes due on or after August 27, 1949, if an employer fails to file a return or pay the tax required to be withheld within the time prescribed in §§ 405.601 and 405.602, unless it is shown that the failure is due to reasonable cause and not to willful neglect, the addition to the tax shall not be less than $5. This provision is to be applied in accordance with the following rules:

(1) In the case of failure to file a return on the applicable form within the prescribed time, the addition to the tax shall be computed as provided by section 3612 (d) and if less than $5 shall be increased to $5.

(2) In the case of failure to pay the tax when due, the addition to the tax shall be computed as provided by section 1420 (b) and if less than $5 shall be increased to $5.

(3) In the case of concurrent failure to file the return and pay the tax within the prescribed time, the ad valorem penalty provided by section 3612 (d) and the interest provided by section 1420 (b) shall be aggregated and if less than $5 shall be increased to $5.

(b) In the case of returns required to be filed or tax required to be paid prior to August 27, 1949, the rules prescribed in paragraph (a) shall be applicable except that in each case the minimum addition to the tax shall be $10 instead of $5.

(53 Stat. 32, 178, 467; 26 U. S. C. 62, 1429, 3791)

Because the purpose of this Treasury decision is merely to conform the regulations to the provisions of sections 4, 6, 7 (a), and 9 (a) of Public Law 271, 81st Congress, and because such sections of law, amending the Internal Revenue Code, became effective on August 27, 1949, it is found that it is unnecessary to issue this Treasury decision under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of such act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: July 6, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-6101; Filed, July 13, 1950; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 522]

LEARNERS IN INDEPENDENT TELEPHONE AND CIGAR INDUSTRIES

NOTICE OF PROPOSED RULE MAKING

Regulations have been issued heretofore pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) setting forth terms and conditions under which special certificates are issued authorizing the employment of learners in the independent telephone industry (§§ 522.82 to 522.93) and in the cigar industry (§§ 522.201 to 522.211 at wages below the minimum wage established in section 6 of the act. The regulations contained in the aforementioned sections were amended on January 25, 1950, to provide, among other things, higher subminimum wage rates, and were made effective for a period of six months as so amended, in other words until July 25, 1950.

Since January 25, 1950, an investigation has been made into the need for amending, extending or revoking the regulations. Such investigation and all relevant information available indicates that the aforesaid regulations must be continued in effect in order to prevent the curtailment of opportunities for employment.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) that the Administrator of the Wage and Hour Division, U. S. Department of Labor, proposes to continue in effect the regulations contained in §§ 522.82 to 522.93 and 522.201 to 522.211, as amended on January 25, 1950 (15 F. R. 398, 400) on and after July 25, 1950, until thereafter modified or revoked.

Prior to such extension of the regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Administrator, Wage and Hour Division, U. S. Department of Labor, Washington 25, D. C., within 7 days of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 11th day of July 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50-6123; Filed, July 13, 1950; 8:52 a. m.]

[29 CFR, Part 522]

LEARNERS IN GLOVE INDUSTRY

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068; 29 U. S. C. 214), the Administrator published in the FEDERAL REGISTER on January 25, 1950 (15 F. R. 401), revised terms and conditions under which special certificates are issued authorizing the employment of learners in the glove industry (§§ 522.220 to 522.222) at wages below the minimum established in section 6 of the act. The terms and conditions were made effective for a six-months' period and are scheduled to expire on July 25, 1950.

It now appears that the continuation of the aforesaid terms and conditions until October 25, 1950, is necessary in order to prevent curtailment of opportunities for employment.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) that the Administrator proposes to continue in effect the aforesaid terms and conditions until October 25, 1950, unless amended or revoked prior to that time.

Prior to such extension, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 7 days of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 11th day of July 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50-6119; Filed, July 13, 1950; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 1]

[Docket No. 9732]

LICENSEES IN DOMESTIC PUBLIC LAND MOBILE RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of promulgation of an annual report form applicable to licensees in the domestic public land mobile radio services and amendment of Part 1 (Practice and Procedure) of the Commission's rules; Docket No. 9732.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Part 6 (Public Radiocommunication Services (Other Than Maritime Mobile)) of the Commission's rules set forth, among other things, the conditions under which licenses are issued for radio stations in the Domestic Public Land Mobile Radio Services. Section 6.601 thereof states that "Part 1 of this chapter, beginning with § 1.541 contains a summary of certain material and reports, including but not limited to schedules of charges and accounting and financial reports, which must be filed with or submitted to the Commission." Part 1 (Practice and Procedure) of the Commission's rules includes a requirement (§ 1.544) that annual financial reports shall be filed by carriers on forms prescribed by the Commission. These forms were designed primarily for use by communication common carriers subject to all of the provisions of the Communications Act of 1934, as amended, and include numerous requirements for filing data not presently needed by the Commission in its regulatory functions with respect to licensees whose Communication common carrier activities comprise only the furnishing of domestic public land mobile radio services.

3. Therefore, it is proposed to prescribe a condensed annual report form, to be designated "F. C. C. Form L," containing reporting requirements set forth in an attachment hereto,[1] and to amend Part 1 (Practice and Procedure) of the Commission's rules, by inserting the following text of new subparagraph (8) to paragraph (a) of § 1.544, *Annual financial reports:*

(8) F. C. C. Form L (Licensees in the Domestic Public Land Mobile Radio Services.)

4. Any interested person who is of the opinion that the proposed report form and rule amendment should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before August 15, 1950; a written statement or brief setting forth his comments. At the same time persons favoring the adoption of the rule amendment and report form as proposed may file statements in support thereof. Before taking action in the matter, the Commission will consider all such comments that are presented and, if any comments are submitted which appear to warrant the holding of an oral argument, notice of the time and place of such oral argument will be given to interested parties.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished to the Commission.

6. These proposals are issued pursuant to the authority of sections 4 (i), 219 (b), 303 (j), 303 (r) and 308 (b) of the Communications Act of 1934, as amended.

Adopted: July 6, 1950.

Released: July 7, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6100; Filed, July 13, 1950; 8:49 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-1426]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

JULY 10, 1950.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation, with office at Owensboro, Kentucky, filed on June 26, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate 5 sales meter stations with one each at the following locations in order to render service to the following designated companies by sale of natural gas for resale for the specified communities:

	Estimated maximum demand for fifth year	Estimated annual demand for fifth year
	Mcf	*Mcf*
1. Arkansas Power & Light Co., Parkdale, Ark.	170	18,000
2. City of Marion, Ky.	620	68,625
3. Hardinsburg Gas & Electric Co., Hardinsburg, Ky.	200	20,000
4. Louisville Gas & Electric Co., La Grange, Ky.	470	51,129
5. City of Carrollton, Ky.	1,321	112,100
	2,781	269,854

Applicant states that it has completed the construction of the facilities authorized by the Commission in Docket No. G-859, and is presently delivering natural gas through those facilities. Applicant states that the communities proposed to be served are located on its 26-inch transmission line and within its service area. Applicant is advised that the respective companies and municipalities will construct the lateral lines needed to transport the gas to the respective distribution systems. Applicant estimates that with the supply of natural gas provided by the facilities authorized in Docket No. G-859 it can render the proposed natural gas service without appreciable effect upon the gas reserves available to Applicant's system.

The proposed construction would be undertaken by Applicant's employees and service would be commenced September 1, 1950, if authorized.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of July 1950. The application

[1] Filed as part of the original document.

is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6077; Filed, July 13, 1950; 8:47 a. m.]

[Docket No. G-1434]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JULY 10, 1950.

Take notice that on June 30, 1950, Cities Service Gas Company (Applicant), a Delaware corporation with its principal office in Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following natural-gas facilities:

A meter setting at a point on its 8-inch gas pipe line near the northeast corner of Section 26, Township 26 South, Range 21 East, Bourbon County, Kansas.

Applicant proposes to use the above described natural-gas facilities to sell natural gas to the Walnut Gas & Electric Company for resale in the Town of Walnut, Kansas.

Applicant represents that the present local supply of gas for the town to be served has become depleted to the extent that the requirements cannot be met without service from it.

The meter to be installed is now in Applicant's warehouse stock.

The total cost of the facilities is estimated at $1,000.00.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 28th day of July 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6076; Filed, July 13, 1950; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4100]

METEOR AIR TRANSPORT, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the suspension and revocation of Letter of Registration No. 812 issued to Meteor Air Transport, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 28, 1950, at 10:00 a. m. e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., July 7, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-6072; Filed, July 13, 1950; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Rev. King's I. C. C. Order 26-A]

WESTERN PACIFIC RAILROAD CO. ET AL.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 26, and good cause appearing therefor: *It is ordered*, That:

(a) King's I. C. C. Order No. 26 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 4:00 p. m., July 8, 1950.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., July 8, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-6065; Filed, July 13, 1950; 8:45 a. m.]

[4th Sec. Application 25230]

SAND FROM INDIANA TO ILLINOIS

APPLICATION FOR RELIEF

JULY 11, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for and on behalf of the New York Central Railroad Company and Wabash Railroad Company.

Commodities involved: Sand, carloads.

From: Kern, Terre Haute, Attica and Lafayette, Ind.

To: Champaign and Urbana, Ill.

Grounds for relief: Competition with motor carriers and wayside pit competition.

Schedules filed containing proposed rates: NYC., tariff I. C. C. No. 429, Supplement 241. Wabash tariff I. C. C. No. 7324, Supplement 253.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6066; Filed, July 13, 1950; 8:45 a. m.]

[4th Sec. Application 25231]

SCRAP IRON AND STEEL BETWEEN POINTS IN THE UNITED STATES

APPLICATION FOR RELIEF

JULY 11, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. A-3656.

Commodities involved: Scrap iron or steel, scrap aluminum or aluminum alloy, scrap brass, bronze, copper, lead or zinc.

Between: Points in the United States.

Grounds for relief: No grounds advanced for the relief prayed.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6067; Filed, July 13, 1950; 8:45 a. m.]

[4th Sec. Application 25232]

SUPERPHOSPHATE FROM THE SOUTH TO WEST

APPLICATION FOR RELIEF

JULY 11, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1180.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated, carloads.

From: Points in the South.

To: Points in Western Trunk Line territory.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1180.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6068; Filed, July 13, 1950; 8:46 a. m.]

[4th Sec. Application 25233]

ETHYLENE GLYCOL FROM PORT NECHES, TEX., TO BELLE, W. VA.

APPLICATION FOR RELIEF

JULY 11, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Ethylene glycol, carloads.

From: Port Neches, Tex.

To: Belle, W. Va.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3721, Supplement 145.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6069; Filed, July 13, 1950; 8:46 a. m.]

[4th Sec. Application 25234]

PAPER ARTICLES FROM WEST MONROE, LA., TO TEXAS

APPLICATION FOR RELIEF

JULY 11, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3905.

Commodities involved: Paper and paper articles, carloads.

From: West Monroe, La.

To: Points in Texas.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3905, Supplement 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6070; Filed, July 13, 1950; 8:46 a. m.]

[4th Sec. Application 25235]

GRAIN FROM THE WEST TO GULF PORTS

APPLICATION FOR RELIEF

JULY 11, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to fourth-section application No. 24335.

Commodities involved: Grain, grain products, seeds and related articles, carloads.

From: Stations on the line of the Chicago Great Western Railway.

To: Texas and Louisiana Gulf ports, for export.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6071; Filed, July 13, 1950; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14789]

MARIE CLAUSEN ET AL.

In re: Trust indenture dated June 16, 1931, between Marie Clausen, et al, grantors, and Fort Lee Trust Company, trustee. File No. D-28-10608 G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Lueckhoff, Gottfried Lueckhoff and Mrs. Vohs, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Louise Lueckhoff, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust indenture dated June 16, 1931, between Marie Clausen, Fred J. Siebrecht, Carl Walter Wensing and Anna Wenzing Steel, grantors, and Fort Lee Trust Company, trustee, presently being administered by the Fort Lee Trust Company, 201 Main Street, Fort Lee, New Jersey, trustee,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Louise Lueckhoff, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6079; Filed, July 13, 1950; 8:47 a. m.]

[Vesting Order 14773]

NORDSTERM ALLGEMEINE VERSICHERUNGS, A. G.

In re: Bonds owned by Nordsterm Allgemeine Versicherungs A. G., also known as Nordstern Lebensversicherungs-Aktiengesellschaft. F 28-8183.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nordsterm Allgemeine Versicherungs A. G. also known as Nordstern Lebensversicherungs-Aktiengesellschaft, the last known address of which is 2 Fehrbelliner Platz, Berlin-Wilmersdorf, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by seventeen (17) 4% Corporate Stock of The City of New York Coupon Bonds, each of $1,000.00 face value, due May 1, 1959, issued in bearer form and numbered as follows:

Series V-10:	Series V-11:
9905	680
14966	681
17071	682
19196	3077
24420	3078
29083	7640
29084	7641
	7642
	7643
	7644

together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid Bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nordsterm Allgemeine Versicherungs A. G. also known as Nordstern Lebensversicherungs-Aktiengesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6078; Filed, July 13, 1950; 8:47 a. m.]

[Vesting Order 14793]

EMILIE BERGMANN

In re: Estate of Emilie Bergmann, deceased. File No. D-28-12838; E. T. sec. No. 17004.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Wolf and Albert Finsterle, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Emilie Bergmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Henry G. Haas, as executor, acting under the judicial supervision of the County Court of Hudson County, New Jersey, Probate Division;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6080; Filed, July 13, 1950; 8:47 a. m.]

[Vesting Order 14808]

EMMA RIESCH

In re: Rights of Emma Riesch under insurance installment certificate. File No. F-28-26651-H-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Riesch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under Continuous Installment Certificate No. D-92,520-B, issued by The Mutual Benefit Life Insurance Company, Newark, New Jersey, to Emma Riesch, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6081; Filed, July 13, 1950; 8:47 a. m.]

[Vesting Order 14809]

KATE SCHULLER SCHMALE

In re: Rights of Kate Schuller Schmale under insurance contract. File No. F-28-1826-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kate Schuller Schmale, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. S-281, issued by the Teachers Insurance and Annuity Association, New York, New York, to Kate Schuller Schmale, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6082; Filed, July 13, 1950; 8:47 a. m.]

[Vesting Order 14811]

MARIE SCHOLZ

In re: Estate of Marie Scholz, deceased. File No. D-28-12796; E. T. sec. 16970.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Thoss and Frieda Schlosser, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Otto Thoss, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Marie Scholz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Paul Thoss and Else Schildbach, as executors, acting under the judicial supervision of the County Court of Hudson County, Probate Division, New Jersey;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Otto Thoss, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6084; Filed, July 13, 1950; 8:47 a. m.]

[Vesting Order 14833]

KATHERINE GOSWEIN

In re: Estate of Katherine Goswein, deceased. File No. D 28-12787 E. T. sec. 16961.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabetha Roempp, nee Scheerer, Wilhelm Scheerer, Anna-Maria Kaupp, nee Scheerer, Karl Scheerer, Hermann Scheerer Gottlob Scheerer, Ernst Scheerer, Adolf Scheerer, Rudolf Scheerer. Otto Scheerer, Frida Kohlmann, nee Scheerer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, issue, heirs, next of kin, and distributees, names unknown, of Barbara Scheerer (Scherer), who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Katherine Goswein, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by James E. Hale, Executor, acting under the judicial supervision of the Probate Court of Franklin County, Ohio,

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, issue, heirs, next of kin, and distributees, names unknown, of Barbara Scheerer (Scherer), are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6084; Filed, July 13, 1950; 8:47 a. m.]

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6087; Filed, July 13, 1950; 8:48 a. m.]

[Vesting Order 14810]

FRANK F. B. SCHNEIDER

In re: Estate of Frank F. B. Schneider, deceased. File No. D-66-1587; E. T. Sec. 9927.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Grossmann, nee Schneider, Frieda Hoeland, nee Schneider, Lina Nies, nee Schneider, Bertram Schneider and Jenny Schmidt, nee Schneider, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Frank F. B. Schneider, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Louis Lehr, as executor, acting under the judicial supervision of the Court of Probate, District of Berlin, State of Connecticut;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6085; Filed, July 13, 1950; 8:47 a. m.]

[Vesting Order 14812]

PAUL O. SCHROEDER

In re: Estate of Paul O. Schroeder, deceased. File No. D-28-9861; E. T. sec. 13898.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frau Klara Freyer, Gretchen Lehmann, Lotta Lehmann, Gertrud Lehmann and Wittwe Marie Fiegenbalg, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the Estate of Paul O. Schroeder, deceased,

is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Emma A. Schroeder, as Executrix, acting under the judicial supervision of the Orphans' Court of Delaware County, Media, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6083; Filed, July 13, 1950; 8:47 a. m.]

[Vesting Order 14813]

WILLIAM SIEMSEN

In re: Rights of William Siemsen under insurance contract. File No. F-28-30652-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Siemsen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 5,101,489, issued by The Prudential Insurance Company of America, Newark, New Jersey, to William Siemsen, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6086; Filed, July 13, 1950; 8:48 a. m.]

[Vesting Order 14820]

EMIL AND THERESIA ARNOLD

In re: Bonds owned by Emil Arnold and Theresia Arnold. F-28-26020-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Arnold and Theresia Arnold, each of whose last known address

is 18 Husaren Strasse, Hanover, Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations matured or unmatured, evidenced by six (6) $770.00 par value New York Majestic Corporation, 4% Non-Cumulative Income bonds and non-detachable Voting Trust Certificates appended thereto representing 60 shares of $1.00 par value common stock of New York Majestic Corporation, bearing numbers M8408/13, registered in the names of Emil Arnold and Theresia Arnold as Joint Tenants, with Right of Survivorship and not as Tenants in Common, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds and certificates appended thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6088; Filed, July 13, 1950; 8:48 a. m.]

[Vesting Order 14826]

FRITZ VON OPEL ET AL.

In re: Debt owing to Fritz von Opel, Elinor von Opel Sachs and Marta von Opel. F-28-21186.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation:

1. It having been found in Vesting Order Number 14 executed on June 4, 1942 and in Amendatory and Supplemental Order Number 1 thereto, executed on July 11, 1944, that Fritz von Opel and Elinor von Opel Sachs are nationals of a designated enemy country (Germany);

2. It is hereby found that Marta von Opel, whose last known address is Bierstaedterstrasse 37, Wiesbaden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Manfred Wronker Flatow, also known as Manfred Wranker Stansfield and of Alexandra Wronker Flatow, also known as Alexandra Manzel Stansfield, 49 West 47th Street, New York, New York, in the amount of $20,000.00, arising out of a loan to the aforesaid Manfred Wronker Stansfield by Wilhelm von Opel in March, 1931, and evidenced by an acknowledgement thereof by Mr. and Mrs. Stansfield on May 16, 1931 and subsequently reacknowledged by letter dated March 8, 1937, together with any and all interest and accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fritz von Opel, Elinor von Opel Sachs and Marta von Opel, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6090; Filed, July 13, 1950; 8:48 a. m.]

[Return Order 673]

HENRI JEAN JOSEPH MARIE DE REGNAULD DE BELLESCIZE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Henri Jean Joseph Marie de Regnauld de Bellescize, Paris, France; Claim No. 33945; April 19, 1950 (15 F. R. 2208); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 1,925,954; 2,176,168 and 2,273,023. Property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 289,682 (now United States Letters Patent No. 2,304,077). All right, title and interest of the Attorney General in and to United States Letters Patent No. 1,990,428 (vested by Vesting Order No. 666, 8 F. R. 5047, April 17, 1943) and in and to the Reissue thereof, No. 20,821.

This return shall not be deemed to include the rights of any licensees under the above patents and patent application.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6092; Filed, July 13, 1950; 8:48 a. m.]

[Vesting Order 14821]

LYDIA GEBHARDT

In re: Bonds, stock, bank account owned by and debts owing to Lydia Gebhardt, also known as Lydia Leube and as Lydia Gebhardt Ott. F-28-9807-D-1; E-1; A-1; A-2; C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lydia Gebhardt, also known as Lydia Leube and as Lydia Gebhardt Ott, whose last known address is Schornweisach 74½ Neustadt/Aisch, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Lydia Gebhardt, and presently in the custody of Dick & Reuteman Co., 316 Century Building, 808 North Third St., Milwaukee 3, Wisconsin, together with any and all rights thereunder and thereto,

b. That certain debt or other obligation owing to Lydia Gebhardt, also known as Lydia Leube and as Lydia Gebhardt Ott, by Dick & Reuteman Co., 316

Century Building, 808 North Third St., Milwaukee, Wisconsin, arising out of a cash account maintained by said Dick & Reuteman Co., entitled Lydia Gebhardt, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Lydia Gebhardt, also known as Lydia Leube and as Lydia Gebhardt Ott, by First Wisconsin National Bank of Milwaukee, 743 N. Water Street, Milwaukee 1, Wisconsin, arising out of a savings account, account number B. O. 6706, entitled Lydia Gebhardt or Eleanore Nell, maintained at the Badger branch office of the aforesaid bank located at 2102 W. Fond du Lac Ave., Milwaukee, Wisconsin, and any and all rights to demand, enforce and collect the same,

d. Two (2) United States of America Defense Savings Bonds, Series E, with an aggregate maturity value of $2.000.00, bearing the numbers M304914E and M305321E, registered in the name of Miss Eleonore Nell or Mr. William E. Nell, presently in the custody of Eleanore Nell, 2212 North 17th Street, Milwaukee 5, Wisconsin, together with any and all rights thereunder and thereto, and

e. An undivided one-half (½) interest in that certain debt or other obligation of Dick & Reuteman Co., 316 Century Building, 808 North Third Street, Milwaukee, Wisconsin, arising out of a cash account maintained by said Dick & Reuteman Co., entitled Clara Gebhardt or Lydia Gebhardt, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

f. An undivided one-half (½) interest in four (4) Certificates of Beneficial Equity numbered 149, 235, 236 and 299 for 2, 5, 5 and 20 units, respectively, formerly attached to Waldemar F. Loebe and Wife, Loan #14801 (Medina Apartments) First Mortgage Real Estate Bonds Nos. 149, 235, 236 and 299, said certificates registered in the names of Clara Gebhardt or Lydia Gebhardt, and presently in the custody of Dick & Reuteman Co., 316 Century Building, 808 North Third St., Milwaukee, Wisconsin, together with all rights thereunder and thereto,

g. An undivided one-half (½) interest in three (3) Charenton Realty Company (The Ambassador Hotel) First Mortgage 4% Real Estate Bonds numbered 392 of $200 par value, 420 of $200 par value and 999 of $2,000 par value, registered in the names of George Gebhardt or Clara Gebhardt, his wife, or Lydia Gebhardt, or the survivor, and presently in the custody of Dick & Reuteman Co., 316 Century Building, 808 North Third St., Milwaukee, Wisconsin, together with all rights thereunder and thereto, and

h. An undivided one-half (½) interest in twenty-four (24) shares of no par value common capital stock, of The Charnet, Inc., 2300-08 West Wisconsin Ave., Milwaukee 3, Wisconsin, evidenced by certificate numbered 119, registered in the names of George Gebhardt and Clara Gebhardt, his wife, and Lydia Gebhardt, presently in the custody of Dick & Reuteman Co., 316 Century Building, 808 North Third St., Milwaukee, Wisconsin, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Lydia Gebhardt, also known as Lydia Leube and as Lydia Gebhardt Ott, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

EXHIBIT A

Description of issue	Face value	Certificate Nos.
Sovereign Apartments, Inc., 3 percent first mortgage real estate bonds.	$80.00	Z 255
	80.00	Z 256
	80.00	Z 257
	400.00	Y 78
John Hunholz, loan 12804, LaShall Apts., 4 percent first mortgage real estate bond.	2,000.00	291
Finance & Investment Co., Miami Apts., 4 percent first Mortgage real estate bonds.	100.00	9
	100.00	10
	100.00	11
	100.00	12

[F. R. Doc. 50-6089; Filed, July 13, 1950; 8:48 a. m.]

[Vesting Order 13903, Amdt.]

S. KAWAMOTO

In re: Safe deposit box lease and contents owned by S. Kawamoto, also known as Shigetaro Kawamoto. D-39-6961-F-1.

Vesting Order 13903, dated October 4, 1949, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That S. Kawamoto, also known as Shigetaro Kawamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. All rights and interests created in S. Kawamoto, also known as Shigetaro Kawamoto under and by virtue of a safe deposit box lease agreement by and between Shigetaro Kawamoto and N. Kawamoto and Security First National Bank of Los Angeles, 6th and Spring Streets, Los Angeles 54, California, relating to safe deposit box number 665, located in the vaults of the Santa Maria Branch Office, Santa Maria, California, of the aforesaid bank including particularly but not limited to the right of access to said safe deposit box, and,

b. All property of any nature whatsoever owned by S. Kawamoto, also known as Shigetaro Kawamoto located in the safe deposit box referred to in subparagraph 2 (a) hereof and all rights and interests of said person evidenced or represented thereby, which includes particularly but is not limited to the following:

(1) Three (3) the Oriental Development Company, Limited (Toyo Takushoku Kabushiki Kaisha) External Loan Thirty Year 5½% Gold Debenture bonds, each of $1,000.00 face value and bearing the numbers 8394, 9395 and 12968, together with any and all rights thereunder and thereto,

(2) Two (2) Taiwan Electric Power Company, Limited Forty Year Sinking Fund 5½% Gold Bonds, each of $1,000.00 face value bearing the numbers 2574 and 20172, together with any and all rights thereunder and thereto,

(3) Five (5) Tokyo Dento Kabushiki Kaisha (Tokyo Electric Light Company, Limited) 6% First Mortgage Gold Bonds, each of $1,000.00 face value and bearing the numbers 13576, 17948, 21020, 57830 and 60220, together with any and all rights thereunder and thereto,

(4) Four (4) shares of $1.00 par value capital stock of Bancamerica-Blair Corporation (now known as Blair Holdings Corp.), 44 Wall Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered SFF-45407, registered in the name of Shigetaro Kawamoto, together with all declared and unpaid dividends thereon, and

(5) Receipt No. 50778 issued by the Sumitomo Bank, Ltd., Los Angeles Branch, for Yen-10,526.31,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, S. Kawamoto, also known as Shigetaro Kawamoto, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6091; Filed, July 13, 1950; 8:48 a. m.]

[Return Order 682]

BRUNO POLLAK

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Bruno Pollak, London, England; Claim No. 42230; April 21, 1950 (15 F. R. 2260); property described in Vesting Order No. 5074 (10 F. R. 10135, August 17, 1945) relating to an undivided one-half interest in and to United States Letters Patent No. 1,989,426. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6093; Filed, July 13, 1950; 8:49 a. m.]

MRS. MARY PAVLIK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Mary Pavlik, Chicago, Ill.; Claim No. 36892; $1,395.95 in the Treasury of the United States.

Executed at Washington, D. C., on July 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6095; Filed, July 13, 1950; 8:49 a. m.]

REGINALD ARTHUR VILLIERS FORBES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Reginald Arthur Villiers Forbes, Paris, France; Claim No. 4974; $36,901.99 cash in the Treasury of the United States. All right, title and interest of Reginald Arthur Villiers Forbes in and to the trust created under the will of Lucretia A. Brydon, deceased.

Executed at Washington, D. C., on July 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6096; Filed, July 13, 1950; 8:49 a. m.]

ELSA BAUML ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elsa Bauml, Claim No. 42386; Ida Heske, Claim No. 42387; Adelheid (Ada) Theil a/k/a Ada Thiel, Claim No. 42388; Hedwig Intichar, Claim No. 42389; All of Graz, Austria (consolidated); $9,831.48 cash in the Treasury of the United States, one-fourth to each claimant. All right, title and interest of Elsa Bauml, Ida Heske, Adelheid Theil (a/k/a Ada Thiel), and Hedwig Intichar in and to the trust created under the will of Arthur M. Elsig, deceased; this trust is being administered by Chemical Bank and Trust Company, New York, New York.

Executed at Washington, D. C., on July 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6097; Filed, July 13, 1950; 8:49 a. m.]

KATHARINA KROPF AND MARIE SCHUETZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Katherina Kropf, nee Korner, Weisenkirchen, Lower Austria, Claim No. 40915; Marie Schuetz, nee Korner, Vienna, Austria, Claim No. 40985, $2,934.45 cash in the Treasury of the United States, one-half thereof to each claimant. All right, title and interest of the claimants in and to the Estate of Theresia Korner, deceased, administered in the Orphans' Court, Gloucester County, New Jersey.

Executed at Washington, D. C., on July 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6098; Filed, July 13, 1950; 8:49 a. m.]

CARMELA GIORDANO D'ONOFRIO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Carmela Giordano D'Onofrio, a/k/a Mellucci D'Onofrio, Forchia (Benevento) Italy, Claim No. 36264; $505.88 in the Treasury of the United States.

Executed at Washington, D. C., on July 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6099; Filed, July 13, 1950; 8:49 a. m.]

WILLY POHLMAN AND LUCY POHLMAN NASCHEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Willy Pohlman, Los Angeles, Calif., Claim No. 4317; Lucy Pohlman Naschel, Los Angeles, Calif., Claim No. 37796; an undivided one-sixth interest in equal shares in the following described real property:

Parcel 1. That portion of Block 20 of Ord's Survey, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 53, Page 66 of Miscellaneous Records in the Office of the County Recorder for said County, described as follows: Beginning at the intersection of the Easterly line of Grand Avenue, 80 ft. wide, with the Northerly line of Seventh Street, 80 feet wide, as said streets are now established; thence along Seventh Street South 52° 13' 50" East, 60.25 feet to a point in the Southerly prolongation of a line between the Southeast wall of a 13 story building and the Northwest wall of a 13 story concrete building, said last mentioned point being North 52° 13' 50" West 270.55 feet from the Westerly line of Olive Street, 80 feet wide; thence along said prolongation and line between walls, North 37° 41' 40" East 108.65 feet to the South line of lot "A" of Tract No. 811, as per map recorded in Book 16, Page 81 of Maps in the office of the County Recorder of said County; thence along said South line, North 51° 54' 30" West 61.05 feet to a point in the East Line of Grand Avenue, said point being also South 37° 16' 30" West 484.34 feet from the South line of Sixth Street, 60 feet wide; thence along Grand Avenue, South 37° 16' 30" West 108.99 feet to the point of beginning.

Parcel 2. Lots 11 and 12 of the Lemmert Tract, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 13, Page 35, of Miscellaneous Records in the office of the County Recorder of said County.

Parcel 3. Lot 13 of the Lemmert Tract, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 13, Page 35, of Miscellaneous Records in the office of the County Recorder of said County.

Parcel 4. Lots 7, 8 and 9 in Block 1 of W. G. Nevin Tract, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 1, Pages 53 and 54 of Maps in the office of the County Recorded of said County.

$18,387.64, in the Treasury of the United States, in equal shares to each claimant.

Executed at Washington, D. C., on July 10, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6094; Filed, July 13, 1950; 8:49 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES

VOLUME 15 — 1934 — NUMBER 136

Washington, Saturday, July 15, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; OHIO

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

OHIO

County	Average value	Investment limit
Allen	$18,000	$12,000
Ashtabula	12,000	12,000
Belmont	12,000	12,000
Carroll	10,000	10,000
Champaign	18,000	12,000
Clark	16,500	12,000
Columbiana	12,000	12,000
Cuyahoga	16,000	12,000
Darke	18,000	12,000
Defiance	17,000	12,000
Delaware	14,000	12,000
Geauga	14,000	12,000
Hamilton	16,000	12,000
Hancock	18,000	12,000
Hardin	16,000	12,000
Highland	16,000	12,000
Hocking	10,000	10,000
Holmes	13,200	12,000
Lawrence	11,000	11,000
Licking	14,000	12,000
Lucas	18,000	12,000
Mahoning	14,000	12,000
Miami	20,000	12,000
Montgomery	16,750	12,000
Morrow	12,000	12,000
Paulding	17,000	12,000
Pike	13,000	12,000
Portage	14,000	12,000
Putnam	18,000	12,000
Scioto	12,000	12,000
Summit	17,000	12,000
Trumbull	13,000	12,000
Van Wert	20,000	12,000
Warren	17,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 11th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6125; Filed, July 14, 1950; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 16]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.386 *Plum Order 16*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CFR

POCKET SUPPLEMENTS

(For Use During 1950)

The following Pocket Supplements are now available:

Title 43 ($0.35)

Titles 44–45 ($0.25)

Previously announced: Titles 4–5 ($0.30); Title 6 ($1.00); Title 7: Parts 1–209 ($0.55); Parts 210–899 ($0.75); Parts 900 to end ($0.75); Title 8 ($0.20); Title 9 ($0.20); Titles 10–13 ($0.20); Title 14: Parts 1–399 ($1.50); Parts 400 to end ($0.30); Title 15 ($0.40); Title 16 ($0.25); Title 17 ($0.20); Title 18 ($0.20); Title 19 ($0.20); Title 20 ($0.20); Title 21 ($0.30); Titles 22–23 ($0.25); Title 24 ($0.55); Title 25 ($0.20); Title 26: Parts 1–79 ($0.20); Parts 80–169 ($0.25); Parts 170–182 ($0.25); Parts 183–299 ($0.30); Title 26: Parts 300 to end; and Title 27 ($0.25); Titles 28–29 ($0.30); Titles 30–31 ($0.25); Title 32 ($1.00); Title 33 ($0.25); Titles 35–37 ($0.20); Title 38 ($0.50); Titles 40–42 ($0.25)

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must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 16, 1950. A reasonable determination as to the supply of, and the demand for, such plums must wait the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 6, 1950, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 6, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 16, 1950, this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 16, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship any package or container of Diamond plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) at least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 9/16 inches in diameter; (ii) at least ninety-five (95) percent by count, of the plums contained in such pack measure not less than 1 7/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 5/16 inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 12th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6166; Filed, July 14, 1950; 8:57 a. m.]

[Plum Order 17]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.387 *Plum Order 17*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 16, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 6, 1950, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 6, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 16, 1950, and this regulation should be applicable to all such shipments of such plums in order to effec-

tuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 16, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship from any shipping point during any day any package or container of Late Santa Rosa plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size than will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid: *Provided*, That, in computing such quantity, three (3) California peach boxes (including other packages and containers of comparable capacity) shall be deemed to be the equivalent of two (2) standard 4-basket crates. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meanings as when used in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 12th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6167; Filed, July 14, 1950; 8:57 a. m.]

[Plum Order 18]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.388 *Plum Order 18*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 16, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 6, 1950, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 6, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 16, 1950, and this regulation should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 16, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship from any shipping point during any day any package or container of Kelsey plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid: *Provided*, That, in computing such quantity, three (3) California peach boxes (including other packages and containers of comparable capacity) shall be deemed to be the equivalent of two (2) standard 4-basket crates. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{13}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{9}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meanings as when used in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of § 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 12th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6168; Filed, July 14, 1950; 8:57 a. m.]

[Plum Order 19]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.389 *Plum Order 19*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 16, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 6, 1950, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 6, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 16, 1950, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 16, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship from any shipping point during any day any package or container of Ace plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid: *Provided*, That, in computing such quantity, three (3) California peach boxes (including other packages and containers of comparable capacity) shall be deemed to be the equivalent of two (2) standard 4-basket crates. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period,

ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{13}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{9}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection:

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promply such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meanings as when used in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 12th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6169; Filed, July 14, 1950; 8:57 a. m.]

[Lemon Reg. 339]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.446 *Lemon Regulation 339*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 12, 1950; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 16, 1950, and ending at 12:01 a. m., P. s. t., July 23, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement.

(ii) District 2: 600 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base scheduled which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 13th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

Storage Date: July 9, 1950

[12:01 a. m. July 16, 1950, to 12:01 a. m. July 30, 1950]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.265
American Fruit Growers, Inc., Fullerton	.511
American Fruit Growers, Inc., Upland	.090
Hazeltine Packing Co	1.499
Ventura Coastal Lemon Co	1.533
Ventura Pacific Co	2.072
Glendora Lemon Growers Association	2.452
La Verne Lemon Association	.910
La Habra Citrus Association	1.298
Yorba Linda Citrus Association	1.357
Escondido Lemon Association	2.244
Alta Loma Heights Citrus Association	.578
Etiwanda Citrus Fruit Association	.340
Mountain View Fruit Association	.305
Old Baldy Citrus Association	.725
San Dimas Lemon Association	1.844
Upland Lemon Growers Association	6.315
Central Lemon Association	.936
Irvine Citrus Association	.489
Placentia Mutual Orange Association	.865
Corona Citrus Association	.491
Corona Foothill Lemon Co	8.589
Jameson Co	.832
Arlington Heights Citrus Co	.632

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
College Heights Orange & Lemon Association	3.787
Chula Vista Citrus Association	1.065
El Cajon Valley Citrus Association	.036
Escondido Cooperative Citrus Association	.203
Fallbrook Citrus Association	1.494
Lemon Grove Citrus Association	.453
Carpinteria Lemon Association	2.555
Carpinteria Mutual Citrus Association	2.718
Goleta Lemon Association	3.547
Johnson Fruit Co	4.540
North Whittier Heights Citrus Association	1.095
San Fernando Heights Lemon Association	2.222
Sierra Madre-Lamanda Citrus Association	1.883
Briggs Lemon Association	2.663
Culbertson Lemon Association	1.323
Fillmore Lemon Association	1.390
Oxnard Citrus Association	5.096
Rancho Sespe	.855
Santa Clara Lemon Association	3.742
Santa Paula Citrus Fruit Association	4.097
Saticoy Lemon Association	3.000
Seaboard Lemon Association	2.768
Somis Lemon Association	2.956
Ventura Citrus Association	1.094
Limoneira Co	2.863
Teague-McKevett Association	1.039
East Whittier Citrus Association	.691
Leffingwell Rancho Lemon Association	.855
Murphy Ranch Company	1.688
Whittier Citrus Association	.421
Chula Vista Mutual Lemon Association	.494
Index Mutual Association	.494
La Verne Cooperative Citrus Association	2.629
Orange Belt Fruit Distributors	.995
Ventura County Orange & Lemon Association	2.215
Whittier Mutual Orange & Lemon Association	.184
Evans Brothers Packing Co	.004
Johnson, Fred	.000
Lorbeer, Carroll W. C	.005
San Antonio Orchard Co	.016
Sweet, L. G	.003

[F. R. Doc. 50-6219; Filed, July 14, 1950; 8:46 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

§ 958.306 *Limitation of shipments*—(a) *Findings.* (1) Notice of proposed rule making with respect to shipments of potatoes grown in Area No. 1, State of Colorado, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER (15 F. R. 4231). This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051). After consideration of all matters presented, including the proposed rule set forth in the aforesaid notice, which proposed rule was recommended by the administrative committee for Area No. 1 (established pursuant to said marketing agreement and order), it is hereby found that the limitation of shipments hereinafter set forth, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this action until 30 days after publication thereof in the FEDERAL REGISTER in that (i) shipments of potatoes from the production area will have begun by July 17, 1950, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the shipment of potatoes in the manner hereinafter set forth on and after the effective date of this section, (iii) notice has been given of the proposed limitation of shipments by publication thereof, as required by law (15 F. R. 4231), and (iv) the order should become effective on July 17, 1950, in order to effectuate the declared policy of the act.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., July 17, 1950, and ending 12:01 a. m., m. s. t., June 1, 1951, no handler shall ship potatoes grown in Area No. 1, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not meet the requirements of Regulation No. 1 limiting shipments to U. S. No. 2 or better grade (General Cull Regulation—published in the FEDERAL REGISTER, July 16, 1949—14 F. R. 3979) and which are of sizes smaller than 2 inches minimum diameter, as such sizes are defined in the United States Standards for Potatoes (14 F. R. 1955, 2161), including the tolerances provided therein: *Provided*, That the aforesaid limitations shall not be applicable to (i) potatoes shipped for seed purposes which have been officially certified as seed potatoes by the official Colorado seed certifying agency and which are in containers bearing official Colorado seed certification tags, and (ii) potatoes shipped for consumption by a charitable institution, for relief purposes, or for manufacturing purposes for conversion into by-products.

(2) The terms used in this section shall have the same meaning as when used in Order No. 58 (7 CFR 958.1 et seq.).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C., and Sup., 608c)

Done at Washington, D. C., this 12th day of July 1950, to be effective on July 17, 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6162; Filed, July 14, 1950; 8:56 a. m.]

[Orange Reg. 336]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.482 *Orange Regulation 336*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended, (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on July 13, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 16, 1950, and ending at 12:01 a. m., P. s. t., July 23, 1950, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: Unlimited movement;

(b) Prorate District No. 2: 1,300 carloads;

(c) Prorate District No. 3: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 966.107 of the current rules and regulations (14 F. R. 6588) contained in this part.

Orange Regulation 332 (7 CFR 966.478, 15 F. R. 3863) fixes the sizes of designated oranges which may be handled during the aforesaid period.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Part 966; 14 F. R. 3614)

Done at Washington, D. C., this 14th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. July 16, 1950, to 12:01 a. m. July 23, 1950]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.1553
A. F. G. Corona	.0599
A. F. G. Fullerton	.8031
A. F. G. Orange	.4333
A. F. G. Riverside	.2152
A. F. G. San Juan Capistrano	.8753
A. F. G. Santa Paula	.5310
Eadington Fruit Co., Inc	4.8318
Hazeltine Packing Co	.4103
Placentia Pioneer Valencia Growers Association	.6624
Signal Fruit Association	.1151
Azusa Citrus Association	.5164
Damerel-Allison Co	.8467
Glendora Mutual Citrus Association	.4469
Puente Mutual Citrus Association	.1769
Valencia Heights Orchard Association	.4727
Covina Citrus Association	1.0217
Covina Orange Growers	.7086
Glendora Citrus Association	.5180
Gold Buckle Association	.7989
La Verne Orange Association	.7667
Anaheim Citrus Fruit Association	.8265
Anaheim Valencia Orange Association	.8884
Fullerton Mutual Orange Association	1.3354
La Habra Citrus Association	1.1059
Orange County Valencia Association	.1649
Yorba Linda Citrus Association	.9807
Escondido Orange Association	2.7399

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Alta Loma Heights Citrus Association	0.0683
Citrus Fruit Growers	.2043
Cucamonga Citrus Association	.0972
Etiwanda Citrus Fruit Association	.0431
Old Baldy Citrus Association	.1677
Rialto Heights Orange Association	.0729
Upland Citrus Association	.4401
Upland Heights Orange Association	.2372
Consolidated Orange Growers	1.5914
Frances Citrus Association	1.1035
Garden Grove Citrus Association	1.1036
Goldenwest Citrus Association, The	1.4102
Irvine Valencia Growers	2.9695
Olive Heights Citrus Association	1.7633
Santa Ana-Trustin Mutual Citrus Association	.8204
Santiago Orange Growers Association	3.7383
Tustin Hills Citrus Association	2.0368
Villa Park Orchard Association, The	1.6098
Bradford Bros., Inc	.7042
Placentia Cooperative Orange Association	.6204
Placentia Mutual Orange Association	2.4734
Placentia Orange Growers Association	1.2715
Yorba Orange Growers Association	.6190
Call Ranch	.0893
Corona Citrus Association	.6558
Jameson Co	.0964
Orange Heights Orange Association	.6047
Crafton Orange Growers Association	.5039
East Highlands Citrus Association	.1035
Fontana Citrus Association	.1101
Redlands Heights Groves	.2940
Redlands Orangedale Association	.2267
Break & Son, Allen	.0293
Bryn Mawr Fruit Growers Association	.1935
Mission Citrus Association	.1812
Redlands Cooperative Fruit Association	.4051
Redlands Orange Growers Association	.2529
Redlands Select Groves	.2872
Rialto Citrus Association	.1845
Rialto Orange Co	.1924
Southern Citrus Association	.2045
United Citrus Growers	.1853
Zilen Citrus Co	.0311
Arlington Heights Citrus Co	.1278
Brown Estate, L. V. W	.1835
Gavilan Citrus Association	.1537
Highgrove Fruit Association	.0714
Krinard Packing Co	.3016
McDermont Fruit Co	.1993
Monte Vista Citrus Association	.2887
National Orange Co	.0407
Riverside Heights Orange Growers Association	.0739
Sierra Vista Packing Association	.0760
Victoria Avenue Citrus Association	.2199
Claremont Citrus Association	.1221
College Heights Orange & Lemon Association	.3755
Indian Hill Citrus Association	.2247
Pomona Fruit Growers Exchange	.3822
Walnut Fruit Growers Association	.5466
West Ontario Citrus Association	.3121
El Cajon Valley Citrus Association	.2546
Escondido Cooperative Citrus Association	.3427
San Dimas Orange Growers Association	.3535
Canoga Citrus Association	.8914
Covina Valley Orange Co	.0481
North Whittier Heights Citrus Association	.9434

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
San Fernando Fruit Growers Association	0.7531
San Fernando Heights Orange Association	1.1649
Sierra Madre-Lamanda Citrus Association	.5296
Camarillo Citrus Association	1.2837
Fillmore Citrus Association	3.6794
Mupu Citrus Association	2.2518
Ojai Orange Association	.9370
Piru Citrus Association	1.9401
Rancho Sespe	.9164
Santa Paula Orange Association	1.0365
Tapo Citrus Association	1.0951
Ventura County Citrus Association	.3315
Limoneira Co	.5041
East Whittier Citrus Association	.5497
Whittier Citrus Association	1.2881
Anaheim Cooperative Orange Association	1.2919
Bryn Mawr Mutual Orange Association	.1069
Chula Vista Mutual Lemon Association	.0562
Euclid Avenue Orange Association	.7648
Foothill Citrus Union, Inc	.0761
Fullerton Cooperative Orange Association	.3079
Garden Grove Orange Cooperative, Inc	.7290
Golden Orange Groves, Inc	.2737
Highland Mutual Groves, Inc	.0204
Index Mutual Groves, Inc	.4412
La Verne Cooperative Citrus Association	1.7680
Mentone Heights Association	.0401
Olive Hillside Groves, Inc	.5789
Orange Cooperative Citrus Association	1.7321
Redlands Foothill Groves	.6016
Redlands Mutual Orange Association	.1933
Ventura County Orange & Lemon Association	1.0550
Whittier Mutual Orange & Lemon Association	.1713
Agricultural Laboratory	.0040
Babijuice Corp. of California	.5725
Banks, L. M	.5463
Bennett Fruit Co., Inc	.0250
Borden Fruit Co	.6043
Calif. Associated Growers	.0089
Cherokee Citrus Co., Inc	.1393
Chess Co., Meyer W	.6071
Dunning Ranch	.0513
Evans Bros. Packing Co	.4684
Gold Banner Association	.2530
Granada Hills Packing Co	.0359
Granada Packing House	.9517
Hill Packing House, Fred A	.1083
Knapp Packing Co., John C	.4767
L Bar S Ranch	.1163
Lawson, William J	.0093
Orange Belt Fruit Distributors	1.9280
Otte, Arnold	.0280
Pacific Citrus Distributors	.0040
Panno Fruit Company, Carlo	.7863
Paramount Citrus Association	1.2655
Patitucci, Frank L	.0100
Placentia Orchards Co	.3771
Prescott, John A	.0000
Riverside Citrus Association	.0499
Ronneberg, Jerry L	.0012
San Antonio Orchards Co	.2730
Stephens, T. F	.2193
Stewart, J. B	.0060
Summit Citrus Packers	.0066
Wall, E. T., Grower-Shipper	.1510
Western Fruit Growers, Inc	.6876

[F. R. Doc. 50-6236; Filed, July 14, 1950; 11:16 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, ACROBATIC, AND RESTRICTED-PURPOSE CATEGORIES

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 21—AIR-LINE TRANSPORT PILOT RATING

PART 61—SCHEDULED AIR CARRIER RULES

RENUMBERING UNDER NEW NUMBERING SYSTEM

Correction

In Federal Register Document 49-5876, Part II, Section 1 of the issue for Saturday, July 16, 1949, the following corrections should be made:

1. In § 3.217 (b) the expression "V_i", occurring in the third and ninth lines, should read "V_f".

2. In § 4b.121 the reference to §§ 4b.126–4b.129 should read "§§ 4b.126–4b.152".

3. In Figure 4b–5 the value "12W", appearing in condition (1), should read "nW".

4. In § 21.28 the reference to § 21.16 (b) in the last line of paragraph (b) should read "§ 21.16 (a)".

5. In the seventh line of § 61.31 (b) the word "models" should read "types".

6. In § 61.213 (a) the reference to §§ 61.214–61.218 should read "§§ 61.214–61.222".

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5688]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GENERAL TACK CO.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1900 *Source or origin—Foreign product as domestic.* In connection with the offering for sale, sale or distribution in commerce, of thumb tacks or other similar products, offering for sale or selling any such products of foreign origin without clearly and conspicuously disclosing on the boards on which such products are mounted, or other packages or containers in which they are sold to the consuming public, the country of origin of such products; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Stanley Weinstein doing business as General Tack Company, Docket 5688, May 23, 1950]

In the Matter of Stanley Weinstein, Doing Business as General Tack Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of the respondent, in which answer said respondent admits all of the material allegations of fact set forth in the complaint and waives all intervening procedure and further hearings as to said facts; and the Commission, having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Stanley Weinstein, individually and trading as General Tack Company, or trading under any other name or trade designation, and said respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of thumb tacks or other similar products, do forthwith cease and desist from:

Offering for sale or selling any such products of foreign origin without clearly and conspicuously disclosing on the boards on which such products are mounted, or other packages or containers in which they are sold to the consuming public, the country of origin of such products.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: May 23, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-6131; Filed, July 14, 1950; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 562—RESERVE OFFICERS' TRAINING CORPS

PARTIAL REVISION

Section 562.1 through 562.36 are revoked and the following §§ 562.1 through 562.43 are prescribed in lieu thereof:

GENERAL PROVISIONS

Sec.
562.1 Purpose.
562.2 Definitions.
562.3 Supervision.
562.4 Control by educational institutions.
562.5 Training.
562.6 Equipment.
562.7 Texts.
562.8 Certificate of eligibility.
562.9 Certificate of recognition.

ORGANIZATION AND TRAINING OF UNITS

562.10 Divisions and Units.
562.11 Department of Military Science and Tactics.
562.12 Classification of ROTC units.
562.13 Conditions for establishment and retention of units.
562.14 Senior and junior division units at same institutions.
562.15 Establishment and withdrawal of units.
562.16 Nonestablishment of new junior units.
562.17 Requirements for conversion from class MS to class MI ROTC rating.
562.18 Requirements for conversion from class MI to class MJC ROTC rating.
562.19 Assignment of students to units.
562.20 Enrollment requirements.
562.21 General conditions for enrollment in ROTC.
562.22 Conditions for enrollment in a specific course.
562.23 Requirements for continuance in ROTC program.
562.24 Utilization of graduates of scientific and technical courses.
562.25 Eligibility of certain graduates for appointment to service academies.
562.26 Eligibility for membership of active or Reserve personnel of the Armed Forces.
562.27 Training of students ineligible for enrollment.
562.28 Programs, content, and obectives of courses.
562.29 Curtailment of courses.
562.30 Election of courses.
562.31 Admission to advanced course.
562.32 Contracts and emoluments.
562.33 Credit for previous military service or ROTC training.
562.34 Credit for training.
562.35 Transfer between Army and Air Force ROTC and between medical ROTC and all other types ROTC units.
562.36 Hours of instruction.
562.37 Courses of instruction (junior division).
562.38 Academic credit.
562.39 Absence from instruction.
562.40 Military training certificates.
562.41 Grading.
562.42 Band.

APPLICATION FOR ESTABLISHMENT OF ROTC UNIT

562.43 Application for establishment of ROTC unit.

AUTHORITY: §§ 562.1 to 562.43 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 39 Stat. 191, as amended, sec. 34, 44 Stat. 778; 10 U. S. C. 354, 381–388, 441.

DERIVATION: AR 145–5, AR 145–350, and SR 145–240–1, April 26, 1950.

GENERAL PROVISIONS

§ 562.1 *Purpose.* The Reserve Officers' Training Corps trains students for positions of leadership in the armed forces in time of national emergency.

(a) *Senior division.* The mission of the senior division, Army ROTC, is to train college students as junior officers who have the qualities and attributes essential to their progressive and continued development as officers in a component of the United States Army, particularly in the Reserve components, i. e., the Organized Reserve Corps and the National Guard. In addition, the senior division will provide a major source of procurement of junior officers for the Regular Army through the recurring selection of a number of distinguished military graduates from senior units for direct Regular Army appointment.

(b) *Junior division.* The mission of the junior division, is to lay the foundation of intelligent citizenship within the student and give him such basic military training as will be of benefit and value to him and to the military service, if he becomes a member thereof.

(c) *Units.* The various arms and services of the Army will be represented in the Reserve Officers' Training Corps by units of such arms and services established at participating educational institutions. However, it is not practicable to maintain units of every arm and service at each institution

§ 562.2 *Definitions.* For use in this part, unless otherwise specified, the following definitions will apply:

(a) *Advanced course.* The Army ROTC course of study normally pursued by the student during his junior and senior academic years, or during the last 3 years of a normal 5-year course.

(b) *Army commander.*

(1) All continental armies.

(2) Military District of Washington.

(3) United States Army, Pacific.

(4) United States Army, Alaska.

(5) United States Army, Caribbean.

(c) *Advanced camp, summer camp, camp.* The Army ROTC course of instruction that supplements the advanced course by stressing practical training in appropriate general and specialized military subjects.

(d) *Assistant professor of military science and tactics (asst. PMS&T).* The academic title customarily conferred upon commissioned officers (other than the PMS&T for associate PMS&T) and warrant officers of the Army who conduct instruction.

(e) *Basic course.* The Army ROTC course of study normally pursued by the student during his freshman and sophomore academic years.

(f) *Commutation in lieu of uniform.* Monetary payment by the Government to compensate for nonissuance of the actual uniform.

(g) *Commutation of subsistence.* Monetary payment by the Government to students of the advanced course, senior division, in lieu of rations.

(h) *Department of military science and tactics.* The academic subdivision of an educational institution which includes all Army ROTC activities conducted at the institution. At institutions where ROTC activities of the Air Force or Navy or both are also conducted, similar departments of air science and tactics and/or of naval science may be established. At the discretion of the institutional authorities, these departments may be grouped into a larger subdivision of the institution, headed by an officer or civilian member designated by the head of the institution.

(i) *Distinguished military student.* A distinguished military student is an individual designated as such by the professor of military science and tactics, after careful consideration of his qualifications.

(j) *Distinguished military graduate.* A distinguished military graduate is an individual designated as such by the professor of military science and tactics, after careful consideration of his qualifications.

(k) *Enrolled student, formally enrolled student, enrolled member, formally enrolled member, member.* A student pursuing the Army ROTC course who has been formally enrolled in the Army ROTC and is eligible to receive all benefits, financial and other, provided for the program.

(l) *Honor graduate.* A graduate of an institution whose ROTC unit has been awarded the rating of "Military-school honor ROTC unit" by the Department of the Army who has been selected as a candidate to compete for admission to the United States Military Academy.

(m) *Hour of instruction, class hour.* A period of instruction of 50 minutes' duration.

(n) *Instructor.* The academic title customarily conferred upon Army enlisted personnel assigned to an Army ROTC unit who assist in instruction.

(o) *Military-school honor ROTC unit.* A rating awarded to ROTC units which have maintained an exceptionally high standard of military training during the school year.

(p) *Military training certificates.* Certificates issued at the discretion of the PMS&T and the head of the institution to students who complete certain phases of the senior division course.

(q) *Other student.* A student who for any reason is ineligible for formal enrollment in the Army ROTC, but who is permitted to pursue the course without the financial benefits provided for the program.

(r) *Professor of military science and tactics (PMS&T).* The senior commissioned officer of the Army assigned to duty with the Army ROTC.

(s) *Senior division, ROTC.* Branch type (Infantry, Signal Corps, etc.) units at educational institutions of college level.

(t) *Unit.* The military organization which includes all Army ROTC activities at an institution.

(u) *Veteran.* Any person who has completed a period of active Federal service in the Army, Navy, Air Force, Marine Corps, or Coast Guard.

§ 562.3 *Supervision.* (a) The Department of the Army is the agency of the Federal Government charged by law with:

(1) The formulation and preparation of plans, policies, regulations, and instructions implementing the statutory provisions relating to the Army ROTC.

(2) The supervision of the execution of pertinent laws pertaining to ROTC.

(b) The Chief of Staff, United States Army, exercises supervision and control over the ROTC. The Adjutant General is the administrative agency of the Department of the Army for ROTC matters.

§ 562.4 *Control by educational institutions.* (a) Civilian heads of institutions exercise the same control over the department of military science and tactics that they generally exercise over the other departments of the institution.

(b) The PMS&T is responsible to the institutional authorities and to higher military authority for the effective conduct and administration of all ROTC activities at the institution. He reports to and receives instructions from the chief of the appropriate military district concerning ROTC matters. He is responsible for the maintenance of good relations with the authorities, faculty, and student body of the institution, and represents the Department of the Army locally in all matters relating to the ROTC. The PMS&T will advise the authorities of the institution of the provisions of law and all regulations affecting the conduct of the ROTC program.

(c) In their strictly military capacities, military personnel on ROTC duty are subordinate to the chief of the appropriate military district and subject to his orders, except that such orders will not contravene institutional regulations. In their academic capacity, these personnel are subject to those institutional regulations pertaining to other members of the faculty and instructional staff.

§ 562.5 *Training.* The obligations to provide military instruction imposed on land-grant institutions by the act of July 2, 1862, are not altered by the National Defense Act, as amended, nor by these regulations. At institutions where military training is a required course under institutional regulations or statutory provisions, the following matters are regarded by the Department of the Army as being entirely within the jurisdiction of the institutional or State authorities:

(a) The excusing or exemption from the required course of military training which may be required by law, and from enrollment in the ROTC of individual members of the student body who have received or are undergoing equivalent military training as further described in this part.

(b) The determination of what constitutes equivalent military training as a basis for excusing students from the required course of military training and from enrollment in the ROTC.

(c) Within quota limitations, students who are pursuing academic majors which have special application to the techniques of an arm or service other than that of the unit in which enrolled may, at their request and with the approval of the army commander, be trained at the summer camp of the other arm of service, and may elect to accept a commission therein.

(d) The ROTC affords to educational institutions a means for practical training in organization leadership and discipline which will be of value to their graduated students in an industrial or professional career. The theoretical courses have a content of general educational value.

§ 562.6 *Equipment.* The Department of the Army will provide the necessary equipment to carry out the ROTC program. Authorized allowances for ROTC equipment are contained in tables of allowances and equipment.

§ 562.7 *Texts.* Field manuals, technical manuals, and other publications of the Department of the Army, as well as other publications authorized by the Department of the Army, including special textbooks for issue to students, are the only officially approved documents for use in the junior and senior ROTC programs. These approved documents may be supplemented by other publications for use as reference material if their use is considered appropriate and necessary, but in no case will any student be required to purchase such publications. The Department of the Army will develop and supervise the publication of necessary textbooks and will provide each enrolled student with the prescribed ROTC textbooks.

§ 562.8 *Certificate of eligibility.* (a) The PMS&T at a class MJC institution may grant to selected students who have successfully completed the advanced course, senior division, and who have successfully completed 2 years of academic work on a college level, a certificate of eligibility which will enable the student to:

(1) Upon enlistment in the Army, enter an officer candidate school course, within quota limitations set by the Department of the Army, and receive a commission in the Organized Reserve Corps upon completion of that course and upon attaining the required age, if he does not complete the last 2 years of undergraduate college study (certificates of eligibility to an officer candidate school course will be valid only for a period of two years); or

(2) Receive a Reserve commission upon successful completion of two additional years of undergraduate college study.

(b) The PMS&T at class MI, MJC, MC, or CC institutions may grant certificates of eligibility for entrance to an officer candidate school course, within quota limitations set by the Department of the Army and valid only for a period of 2 years, to those selected students who:

(1) Have completed the basic course, senior division, ROTC;

(2) Have completed 2 years of college studies; and

(3) Do not pursue their college studies to completion.

§ 562.9 *Certificate of recognition.* ROTC students who do not complete all the ROTC courses required for appointment as an officer may be granted certificates of recognition. Such certificate will be of value in applying for admission to an Army officer candidate course or for appointment as a noncommissioned officer in the Organized Reserve Corps.

ORGANIZATION AND TRAINING OF UNITS

§ 562.10 *Divisions and units.* The Reserve Officers' Training Corps consists of senior and junior division training units established at participating civilian educational institutions in conformity with the provisions of the National Defense Act and the regulations in this part.

(a) *Senior division.* Senior division units, ROTC, are established as branch type units (Infantry, Signal Corps, etc.) at educational institutions of college level. All military instruction required to qualify students for a commission in a specific branch of the Organized Reserve Corps, except summer camp training, will be given at institutions of college level. The basic course only of the senior division, ROTC, is conducted in units authorized at certain essentially military schools of secondary level specifically designated by the Secretary of the Army.

(b) *Junior division.* Junior division units, ROTC, are established at educational institutions of not lower than secondary level. General instruction in military fundamentals will be provided.

§ 562.11 *Department of Military Science and Tactics.* Military instruction given at an educational institution in accordance with programs of instruction prescribed by the Department of the Army will be conducted and supervised by the Department of Military Science and Tactics, which will include all Army ROTC units at that institution.

§ 562.12 *Classification of ROTC units.* Senior and junior division units are classified according to the type of institution at which such units are established.

(a) *Senior division.* The senior division units are classified as follows:

(1) *Class MC.* Units established at essentially military colleges or universities which confer baccalaureate or graduate degrees; at which the average age of the students at the time of graduation is not less than 21 years; which require all students to pursue military training throughout the undergraduate course and require all members of the ROTC to be habitually in uniform; which constantly maintain military discipline; which have as objectives the development of the student by means of military training and the regulation of his conduct in accordance with disciplinary principles.

(2) *Class CC.* Units established at civilian colleges and universities which are not operated on an essentially military basis; which confer baccalaureate or graduate degrees; and at which the average age of the student at graduation is not less than 21 years.

(3) *Class MJC.* Essentially military schools specially designated by the Secretary of the Army as in class MJC, which operate junior college departments but do not confer baccalaureate degrees; and at which the average age of students at graduation is less than 21 years, but which otherwise meet the requirements of class MC and accept and maintain the entire program of instruction prescribed by the Department of the Army for the units of the senior division, ROTC. The junior division, ROTC, program may be conducted in whole or in part at class MJC institutions with Department of the Army approval.

(4) *Class MI.* Essentially military schools specially designated by the Secretary of the Army as in class MI, which do not confer baccalaureate degrees and at which the average age of students at graduation is less than 21 years, but which otherwise meet the requirements of class MC or MJC and accept and maintain the specially designated program of instruction for this classification of ROTC institution, or maintain the entire program of instruction for the junior division (class MS), ROTC, and the basic course of the senior division, ROTC. Those institutions conducting the former program will be required to have a minimum enrollment of 100 students, and those institutions conducting the latter program must have a minimum enrollment in the junior division of 100 students and in the basic course senior division, 50 students.

(b) *Junior division.* Junior division units are classified as follows:

(1) *Class MS.* Essentially military schools which are not specially designated by the Secretary of the Army as in class MI or MJC, at which the average age students at graduation is less than 21 years, but which accept and maintain the course of instruction prescribed by the Department of the Army for the junior division, ROTC, in essentially military schools.

(2) *Class HS.* Units established at high schools and other educational institutions of comparable academic level which are not essentially military or which do not meet the requirements prescribed by any of the other preceding classes.

§ 562.13 *Conditions for establishment and retention of units.* Before an ROTC unit may be established at an educational institution, such institution must be accredited by a recognized civilian national, regional, or State accrediting agency, and there must be insured to each such ROTC unit an enrollment of at least 100 physically fit male students, except in Alaska (sec. 40, National Defense Act; 39 Stat. 191; 10 U. S. C. 381), who are citizens of the United States, who are not less than 14 years of age, except that the minimum enrollment required for units of the administrative and technical services (Chemical Corps, Corps of Engineers, Ordnance Department, Quartermaster Corps, Signal Corps, Corps of Military Police, Transportation Corps, Army Security Agency, and all medical units) is 50 students who meet the above qualifications. The minimum enrollment of 100 students will be maintained by each school within a junior division multiple ROTC unit.

(b) The Department of the Army will periodically inspect and review the productiveness of each senior division unit to insure that the mission of the ROTC as expressed in §§ 562.1 through 562.9 of this part is being accomplished. Any institution dropped from the accredited list of the recognized civilian accrediting agency will be placed on a probationary status for a period of 12 months, during which time it must gain reinstatement as an accredited institution or suffer the loss of its ROTC contract. ROTC units at an institution which is placed on such probationary status will not be considered for the designation "military-school honor ROTC unit(s)," and such institutions will not be authorized to designate "honor graduates" or "distinguished military students" during such probationary period. The accredited status of each institution will be ascertained by the Army inspection groups during each annual formal ROTC inspection.

§ 562.14 *Senior and junior units at same institutions.* When an institution of college level maintains a secondary or preparatory department, ROTC units of both divisions may be authorized. When units of both divisions have been authorized, the required minimum enrollment must be maintained in the unit or units of each division as required in § 562.12 (a) (4).

§ 562.15 *Establishment and withdrawal of units.* (a) Applications for the establishment of any type ROTC unit will be submitted on the form prescribed in § 562.43, by educational institutions to army commanders, who will in turn forward such applications to the Chief, Army Field Forces, with appropri-

ate recommendations. Army commanders are authorized to visit and inspect educational institutions to determine their suitability to conduct the ROTC program. The Chief, Army Field Forces, will forward the applications to the Adjutant General, Washington 25, D. C., Attention: AGAO–R, with appropriate recommendations. The Chief, Army Field Forces, is authorized and directed to coordinate all ROTC activation activities with chiefs of services when ROTC units of such services are involved.

(b) An institution desiring the withdrawal of one or more of the units established thereat will apply in writing to the appropriate army commander, at least 3 months prior to the date withdrawal of the unit is to take effect. The Department of the Army may withdraw any unit should it be considered that its work is not compatible with the objects for which the corps is established. At any time that the enrollment in a unit falls below the minimum enrollment required by law, or whenever the authorities of an institution request the withdrawal of a unit, or when in the opinion of the army commander or the professor of military science and tactics a unit should be withdrawn for any other reason, the professor of military science and tactics will make a report in writing to the army commander, through the head of the institution, including therein, the following information when pertinent:

(1) Attitude of the authorities of the institution regarding the failure to meet the requirements of law and regulations respecting enrollment.

(2) Attitude of the faculty of the institution toward the ROTC.

(3) Attitude of the student body toward the ROTC.

(4) A statement of the efforts made by the professor of military science and tactics to overcome difficulties and to maintain a successful unit, and his recommendation as to the continuance or withdrawal of the unit in question.

(5) Additional facts necessary to arrive at a proper understanding of the situation at the institution.

(c) The army commander concerned will make such investigations concerning requests or recommendations for withdrawal of units as he may deem necessary, and will forward such requests or recommendations together with his own recommendations thereon to the Adjutant General, Washington 25, D. C., Attention: AGAO–R, through the Chief, Army Field Forces.

§ 562.16 *Nonestablishment of new junior units.* (a) Until such time as instructor personnel and funds for the necessary supplies and equipment are available to implement the senior division, ROTC, at the capacity required to produce annually the graduates needed by the Department of the Army, it is not planned to increase the number of junior division units currently established.

(b) Authorities of educational institutions who indicate a desire to participate in the junior division, ROTC, program will be advised by army commanders of the policy stated above. Applications submitted for junior ROTC units will be held by the Department of the Army for consideration at such time as an activation program is authorized.

§ 562.17 *Requirements for conversion from class MS to class MI ROTC rating.* (a) A class MS ROTC school desiring to convert to a class MI ROTC school will secure the approval of the Secretary of the Army for such conversion. Such approval will be contingent on the following:

(1) The institution will agree to: (i) Adopt into its curriculum and maintain the theoretical and practical institution for the basic course, senior ROTC, prescribed for class MI, ROTC, by the Secretary of the Army.

(ii) Provide those facilities required to accomplish successfully the prescribed standard course of theoretical and practical military instruction, as determined by a special inspection by representatives of the Department of the Army.

(iii) Maintain the student body habitually in uniform and under a standard of military discipline comparable to that of the Army and acceptable to the Department of the Army.

(iv) Conform to the regulations of the Secretary of the Army relating to issue, care, use, safeguarding, and accounting for such Government property as may be issued to the institution.

(v) Require that the 2 years of the basic course, senior ROTC, when entered upon by any student will, as regards such student, be a prerequisite for graduation from the institution, unless sooner released by the Department of the Army.

(vi) Require as a minimum for formal instruction in the basic course, senior ROTC, 3 hours per week for two academic years.

(vii) Maintain separate units where both junior and senior division programs are authorized.

(2) The institution will be required to: (i) Enroll in the basic course, senior ROTC, only regularly accented students of the institution who have successfully completed such general survey or screening tests as are given to determine eligibility for admittance to basic course, senior ROTC.

(ii) Enroll in the basic course, senior ROTC, only those students who have satisfactorily completed all but the last 2 years of high school instruction at the time of enrollment, and further require that a student when so enrolled maintain the scholastic standard required by the institution as a requisite for continuance.

(iii) Maintain under Military instruction in the basic course, senior ROTC, at least 50 male students, citizens of the United States, physically qualified by the Department of the Army standards, with due allowances for correctible physical defects as prescribed in Special Regulations, and between the age limits 14 to 22 years, inclusive, at the time of enrollment.

(iv) Maintain an academic level of instruction acceptable by a State university or a recognized regional or national accreditation association.

(v) Maintain the prescribed enrollments in both junior and senior division units where authorized.

(vi) Maintain a standard which may result in the award of the designation "military-school honor ROTC unit."

(b) In the event that any of these agreements and requirements listed above are not met for two consecutive years, the Department of the Army may consider such failure just cause for withdrawal of class MI rating.

§ 562.18 *Requirements for conversion from class MI to class MJC ROTC rating.* An MI school applying for MJC classification will be so designated by the Secretary of the Army if it meets the following requirements:

(a) Qualifies under § 562.12 (a) (3).

(b) Submits formal application for a senior unit as prescribed in § 562.15, accompanied by the statement prescribed therein.

(c) Possesses adequate facilities for the maintenance of the training program prescribed in Department of the Army regulations for the type of senior unit requested. The adequacy of facilities is to be determined by an inspector designated by the army commander in whose area the school is located, with the findings of the inspector subject to approval by the army commander and the Department of the Army.

(d) Has received recognition by having been awarded a "military-school honor ROTC unit" designation for 4 out of the 5 years preceding the date of application.

(e) Produces proof of a good standing at the academic level of junior college as a member of a recognized accreditation association.

§ 562.19 *Assignment of students to units.* (a) Quotas for the enrollment of students in the advanced course of the senior division will be established and allotted annually by the Chief, Army Field Forces.

(b) Within quota limitations, qualified students eligible for enrollment in the advanced course of the senior division, ROTC, will be assigned to the arm or service of their choice.

(c) Students enrolled in the basic course, senior division, will be assigned to the arm or service of their choice so far as practicable at the time of admission, and so shown on reports of enrollment.

§ 562.20 *Enrollment requirements.* Students who are required to participate in military training by institutional regulation, and who meet the conditions outlined in §§ 562.21 and 562.22 will be formally enrolled as members of the ROTC. The Department of the Army will continue to encourage and assist in this training.

§ 562.21 *General conditions for enrollment in ROTC.* All students formally enrolled in the junior division, ROTC, and in the basic and advanced courses of the senior division, ROTC, must be:

(a) Citizens of the United States and not less than 14 years of age.

(b) Physically qualified under standards prescribed by the Department of the Army. Due allowance will be made for an otherwise qualified individual having a defect that will not preclude the performance of general duty and his ultimate appointment in the Organized Reserve Corps upon successful completion of his ROTC training. Professors of military science and tactics at educational institutions will accept for enrollment in the ROTC only those students who meet the physical standards for general military service. Veterans currently receiving compensation from the Veterans Administration for temporary or limited physical disability, if physically qualified under the Army Regulations mentioned above, are eligible to enroll in the ROTC and receive, concurrently, allowances authorized for ROTC students and compensation from Veterans Administration for such temporary or limited physical disability. Waivers of physical defects will be granted only in exceptional cases and then only upon the prior approval of the Department of the Army. Applications for waivers of physical defects will be forwarded through channels to The Adjutant General, Washington 25, D. C., Attention: AGPR–A, together with a report of physical examination recorded on Standard Form 88 (Report of Medical Examination), setting forth the exceptional circumstances which warrant the granting of a waiver.

(c) Acceptable to the institution as a regularly enrolled student of the institution.

(d) Qualified morally. (1) Applicants for enrollment who have a record of conviction by any civil court or by any type of court martial, for other than a minor traffic violation, are not eligible for enrollment in the ROTC without specific approval of the Department of the Army. Request for waiver of any conviction by a civil or military court may be submitted by an applicant, through military channels, to The Adjutant General, Washington 25, D. C., Attention: AGPR–A, for review and final determination when the offense is nonrecurring and does not involve moral turpitude, provided such request is accompanied by recommendation of the professor of military science and tactics concerned that a waiver be granted. Each request for a waiver must be accompanied by an affidavit setting forth the circumstances surrounding the conviction(s) reported and containing a statement of the effect that the applicant has not been convicted of any violations other than those reported.

(2) Advanced course students presently enrolled in the ROTC who have been convicted by any civil court or by any type of court martial for other than a minor traffic violation, will be required to submit a request, through military channels, to The Adjutant General, Washington 25, D. C., Attention: AGPR–A, for a waiver of conviction. If waiver is not approved by The Adjutant General, the student concerned will be separated from the ROTC for the convenience of the Government under the provisions of § 562.23.

§ 562.22 *Conditions for enrollment in a specific course.* In addition to the general conditions for enrollment enumerated in § 562.21, all students formally enrolling in the various courses of the ROTC must comply with the following specific requirements:

(a) *For basic course, senior division—*(1) *Age requirements.* Students enrolling in this course must not have reached 23 years of age at the time of initial enrollment in the basic course, except that:

(i) An age limit of 25 will apply to veterans of World War II initially enrolling in colleges prior to January 1, 1951.

(ii) Students accepted for the basic medical, dental, or veterinary course must not have reached 29 years of age at the time of initial enrollment in those courses.

(iii) Students accepted for the basic pharmacy course must not have reached 26 years of age at the time of initial enrollment in that course.

(2) *Academic requirements.* Students enrolling in this course must:

(i) Successfully complete such survey and general screening tests as may be prescribed.

(ii) If entering the first year of the basic course, have at least two academic years remaining in their course at the institution, and if at a class MJC or class MI institution must be enrolled not below the junior year of the preparatory or high school course.

(b) *For advanced course, senior division—*(1) *Academic requirements.* (i) Applicants for admission to the advanced course of the following technical services must be enrolled in the academic fields listed thereafter:

(*a*) *Chemical Corps.* Any academic course of instruction leading to an engineering or other scientific, accounting, law, business administration, engineering administration, or fiscal administration degree.

(*b*) *Corps of Engineers.* Any academic course of instruction leading to an engineering, technical, or other scientific degree.

(*c*) *Ordnance Dept.* Any academic course of instruction leading to an engineering, technical, or other scientific degree. However, students enrolled in courses other than these may be admitted if marked ability, aptitude, or interest in technical fields of endeavor is demonstrated.

(*d*) *Signal Corps.* Any academic course leading to a degree in engineering, electronics, or physics. However, students enrolled in courses other than these may be admitted if marked ability, aptitude, or interest in technical fields of endeavor is demonstrated.

(ii) Students desiring admission to ROTC units of other arms and services may be pursuing courses in any recognized academic field.

(iii) Students must:

(*a*) Successfully complete such survey and general screening tests as may be prescribed.

(*b*) If entering a class MJC institution, to be regularly enrolled student in the junior college department of that institution. If in an institution of college level, have at least two academic years to complete, for graduation.

(*c*) Be selected by the professor of military science tactics and the head of the institution.

(*d*) Have completed the basic course, senior division, ROTC, or have received credit in lieu thereof as prescribed.

(*e*) In a unit of technical service, be enrolled in an appropriate academic field.

(*f*) Execute a written agreement with the Government as prescribed in § 562.32 (a) (1).

(2) *Age requirements.* Students must not have reached 27 years of age at the time of initial enrollment in the advanced course, except that:

(i) Students accepted for formal enrollment in the advanced medical, dental, or veterinary course must not have reached 31 years of age at the time of initial enrollment in those courses.

(ii) Students accepted for formal enrollment in the advanced pharmacy course must not have reached 28 years of age at the time of initial enrollment in that course.

(c) *For junior course.* All students formally enrolling in the junior course must be not less than 14 years of age at the time of entrance into the junior ROTC.

§ 562.23 *Requirements for continuance in ROTC program.* (a) Students formally enrolled in the ROTC who fail to maintain satisfactory scholastic standing in the ROTC courses as required by the institution attended will, with the approval of the army commander, be discharged for the convenience of the Government.

(b) Students under contract with the Government will, with the approval of the army commander, be discharged for the convenience of the Government if their attendance at the ROTC institution is interrupted by a period of more than two calendar years before completing the final term or semester of ROTC instruction under the agreement.

(c) Students under contract who have become physically disqualified will, with the approval of the army commander, be discharged for the convenience of the Government.

(d) Students under contract who have failed to demonstrate that further instruction will qualify them for appointment in the Organized Reserve Corps will, with the approval of the army commander, be discharged for the convenience of the Government.

(e) Students under contract will not be discharged from the ROTC prior to graduation therefrom to accept a commission in the National Guard or Organized Reserve Corps nor be excused from his contracted attendance at an ROTC camp to attend a National Guard or Organized Reserve Corps camp in lieu thereof.

(f) Army commanders are authorized to adjust cases involving the withdrawal of members of the ROTC from, or return to, advanced course contracts upon the merits of the individual case. Except when withdrawal from the contract is for the convenience of the Government, the student should be required to refund to the Government any sums previously paid to him as commutation of subsistence.

(g) The withdrawal of a student under contract from the institution terminates his obligation to continue the ROTC training unless he later returns to the institution or enrolls in another institution which maintains a senior division, ROTC unit, in which case he will be required to fulfill the provisions of his contract.

§ 562.24 *Utilization of graduates of scientific and technical courses.* Since it is not practicable to maintain units of all the many branches at most colleges and universities, provision is made for graduate students in scientific and technical courses whose services will be needed and who will wish to be commissioned in branches not represented by units on their campuses. The Department of the Army will make provision for such advanced students to attend an ROTC camp of the appropriate branch and will tender such students, if otherwise qualified, a commission in the appropriate branch within quota limitations.

§ 562.25 *Eligibility of certain graduates for appointment to service academies* — (a) *United States Military Academy*—(1) *General.* In accordance with the provisions of the act of Congress approved July 9, 1918 (40 Stat. 894; 10 U. S. C. 1091b), as amended, honor graduates of educational institutions of the essentially military type which, for the academic year of their graduation, have been awarded the rating of "military-school honor ROTC unit" (formerly referred to as "honor military schools") by the Department of the Army as prescribed in subdivision (i) of this subparagraph, may be appointed as candidates for admission to the United States Military Academy.

(i) *Military-school honor ROTC unit.* Following the annual inspection by the Department of the Army of educational institutions of the essentially military type having officers of the Regular Army detailed thereat as professors of military science and tactics, the rating military-school honor ROTC unit is awarded by the Department of the Army to those institutions which have maintained an exceptionally high standard of military training and discipline during the school year. This rating is effective only for the academic year following that in which made.

(ii) *Honor graduate.* A member of each graduating class of an institution which has been awarded the military-school honor ROTC unit rating may be designated as "honor graduate" by the concerted action of the school's superintendent and the professor of military science and tactics. To be eligible for the designation of "honor graduate," the student must meet all of the following requirements:

(*a*) Be a graduate of an academic year in which the institution was awarded the military-school honor ROTC unit rating or of the academic year following such award. The institution may nominate a graduate of a former calendar year provided the institution received the award within the academic year in which the nominee graduated. An undergraduate may also be nominated provided he is in his senior year and the record of his academic, extracurricular, and ROTC activities justifies the assumption that he will fully meet all requirements of (*a*) through (*f*) of this subdivision upon his graduation.

(*b*) Have been a member of the ROTC for at least 3 years while at the school from which nominated.

(*c*) Have shown proficiency in not less than 15 units in subjects prescribed for admission to the United States Military Academy.

(*d*) Have graduated within the upper third of his class in academic standing.

(*e*) Have demonstrated in his academic, extra-curricular, and ROTC activities that he possesses outstanding qualities of leadership, character, and aptitude for the military service.

(*f*) Be a citizen of the United States and meet all other requirements of law and regulation prescribed for admission to the United States Military Academy (which appear in the Catalog of information, United States Military Academy, West Point, New York, available upon request to The Adjutant General, Washington 25, D. C., Attention: AGSO–M).

(2) *Nomination of honor graduates.* Each institution awarded the rating of military-school honor ROTC unit by the Department of the Army may nominate annually not to exceed three honor graduates of that academic year for appointment as candidates to compete for admission to the United States Military Academy. Shortly after July 1, each year The Adjutant General will invite such institutions to submit the nominations of candidates and will provide copies of AGO Form 0866 (nomination from Honor School) for this purpose. Each nomination must include the certification of the school's superintendent and professor of military science and tactics that the nominee meets the requirements of subparagraph (1) (ii) of this paragraph.

(3) *Appointment of honor graduates.* Each candidate nominated as indicated above will be issued a letter of appointment by The Adjutant General authorizing him to undergo the regular entrance examination which is held, beginning the first Tuesday in March each year. All such candidates will compete among themselves at that examination, and the available vacancies in the Corps of Cadets at the United States Military Academy allotted by law to institutions awarded the military-school honor ROTC unit rating will be given to those candidates making the highest proficient averages in the competitive examination without regard to the institution from which appointed.

(b) *United States Naval Academy.* In accordance with the provisions of the act of Congress approved June 6, 1941 (55 Stat. 246; 34 U. S. C. 1033a), honor graduates of educational institutions of the essentially military type which have been awarded the military-school honor ROTC unit rating (formerly referred to as "honor military schools") by the Department of the Army may be appointed as candidates for admission to the United States Naval Academy. Information concerning the manner of selection, appointment, qualification, and admission of such candidates may be obtained from the Chief of Naval Personnel, Department of the Navy, Washington 25, D. C.

§ 562.26 *Eligibility for membership of active or Reserve personnel of the Armed Forces.* (a) A student holding a certification for appointment as a reserve officer or a student formerly commissioned in the Organized Reserve Corps will not be enrolled in the ROTC without the express authority of the area commander in each case, and then only in a unit of an arm other than that in which he is certified for appointment or was formerly commissioned, as the case may be.

(b) No active member of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States may be formally enrolled in the ROTC.

(c) No commissioned officer or former commissioned officer of the Army or Air National Guard, Naval Militia, United States Coast Guard Reserve, or Reserve or former AUS officer of any of the military or naval forces of the United States is eligible for membership in the ROTC, except that a Reserve or National Guard officer of the Army or Air Force who is a regularly enrolled student of a medical school at which there is established a Medical Department ROTC unit may be enrolled in that Medical Department ROTC unit.

(d) Members of the Army Enlisted Reserve Corps or enlisted members of the Army National Guard are eligible for membership in the ROTC provided they are otherwise qualified.

(e) When acceptable to institutional authorities, enlisted members and warrant officers of the Air National Guard, Air Force Reserve, Naval or Marine Corps Reserve, Naval Militia, or Coast Guard Reserve who are otherwise qualified may be enrolled in the basic course of the ROTC on the same basis as any other eligible member of the student body. Enlisted members and warrant officers of the Air National Guard, Air Force Reserve, Naval or Marine Corps Reserve, Naval Militia, or Coast Guard Reserve will not be formally enrolled in the advanced course of the senior division, ROTC, unless or until formally separated from their current status, but may be permitted at the discretion of the professor of military science and tactics to pursue the course under § 562.27 at no expense to the Government.

(f) These policies will not be used to effect the discharge of any student from the advanced course of the ROTC who was properly enrolled under the provisions of regulations in effect at the time of the student's enrollment.

§ 562.27 *Training of students ineligible for enrollment.* (a) When desired by institutional authorities, students who for any reason cannot be enrolled in the ROTC may be permitted to pursue the ROTC course without expense to the Government. Such students, if subsequently enrolled in the ROTC, may be granted credit, applicable toward advanced standing for that portion of the course successfully completed while in attendance under the provisions of this section.

(b) Such students will be reported separately under "Remarks" in enrollment reports, and will not be charged against the enrollment allotment. They will not receive monetary allowances or be issued Government uniforms or commutation therefor, but may use the arms and equipment issued to the institution.

(c) A student may be commissioned in the Organized Reserve Corps if the obstruction which prevented the student from formally enrolling in the ROTC course is removed and if he is:

(1) Physically and otherwise qualified.

(2) Recommended by the professor of military science and tactics.

(3) Approved by the institutional authorities.

§ 562.28 *Programs, content, and objectives of courses.* The content and objectives of the ROTC courses of instruction of the various arms and services are governed by the provisions of the respective programs of instruction published by the Department of the Army.

(a) *Senior division.* The senior division, ROTC, program will consist of the following two courses: The basic course conducted at class MC, CC, MJC, and MI institutions, and the advanced course, with camp, conducted at class MC, CC, and MJC institutions.

(1) The first year basic course will consist of a minimum of 3 hours per week of formal instruction of a general type applicable to the Army as a whole and will not be specialized by arm, service, or major force. The course will be of the same general scope and content regardless of the class of institution at which it is conducted. The second year basic course and the subjects in each branch are provided for in the appropriate program of instruction. There is no authority under the law to compress or curtail the basic course.

(2) The advanced course will consist of a minimum of 5 hours per week of formal military instruction, principally of a specialized type applicable to the arm or service concerned, and will extend over a period of not less than two academic years except where compressed or curtailed in exceptional individual cases under the provisions of § 562.29 (b).

(3) The advanced camp will consist of practical and theoretical military instruction principally of a specialized type and will be of 6 weeks' duration. Students normally will attend the ROTC camp between the two academic years of the advanced course. See §§ 562.58 to 562.69 for information pertaining to the summer camp.

(b) *Junior division.* The junior division, ROTC, will consist of the junior course only and will be conducted in whole at class MS and HS institutions, and may be conducted in whole or in part at class MJC and class MI institutions with Department of the Army approval. While it is not contemplated that officers of the Reserve component will be procured without additional training from institutions operating on the preparatory school level, the Department of the Army will encourage and continue to furnish assistance to students in the junior division, ROTC, in high schools and other secondary schools prior to their undertaking further military training.

(1) The junior course at MS institutions will consist of 3 hours per week of formal military instruction of a general type nature, for not more than four academic years.

(2) Military training at a class HS institution will comprise a 3-year course of theoretical and practical instruction, consisting of 3 hours per week.

(3) The junior course will be approximately equivalent in scope to the first year of the basic course, senior division, ROTC, and will entitle the student, upon transfer, to such credit as may be determined by the professor of military science and tactics and the head of the institution concerned.

(4) The Department of the Army will continue to encourage the holding of summer camps by units of the junior division, ROTC, provided the camps are held without expense to the Government.

§ 562.29 *Curtailment of courses.* (a) There is no authority under the law to compress or curtail the basic course into less than two academic years.

(b) The army commander is authorized to approve applications for curtailment of the advanced course when all the following conditions exist:

(1) When the student will be eligible for graduation from the institution before sufficient time shall have elapsed to enable him to complete the regular advanced course.

(2) When the student has completed or agrees to complete all theoretical (classroom) subjects in the advanced course without reduction of the scope prescribed in the program of instruction, and subject to written examination in all subjects, under the supervision of the professor of military science and tactics.

(3) When the student agrees to attend the advanced course camp.

(4) When the student, in the opinion of the professor of military science and tactics, possesses exceptional aptitude for leadership and capacity for completing the course in the time available.

(c) Notwithstanding the granting of authority for a curtailment of the course, the student will not be recommended for appointment in the Organized Reserve Corps unless, on graduation from the institution, he has fulfilled all the conditions prescribed and has in fact demonstrated his qualifications for commission.

(d) A curtailment of the course will not be authorized in the case of any student who was eligible for enrollment in the advanced course two or more years prior to the date of his graduation from the institution.

§ 562.30 *Election of courses.* Students electing the ROTC courses do so for only 2 years at a time. The first election is for 2 years' basic course, after which, if the student is recommended for further training, he may elect the advanced course. Completion of the advanced course is a requirement of the student's contract and a requirement for academic graduation by virtue of the fact that the institution has, pursuant to section 40a, National Defense Act (39 Stat. 191; 10 U. S. C. 385), as amended, agreed to adopt into its curriculum the course of instruction (advanced course) prescribed by the Secretary of the Army, which, once entered upon by the student, is, under the terms of his contract, a required part of his institutional course.

§ 562.31 *Admission to advanced course.* When any member of the senior division of the ROTC has completed two academic years of the course in that division and has been selected by the head of the institution and the professor of military science and tactics for advanced training, he may be admitted to the advanced course of the senior division within the limits of the enrollment quota allotted to the institution.

§ 562.32 *Contracts and emoluments*—(a) *Advanced course, senior division.* (1) An individual contract will be executed between the Government and each student enrolled in the advanced course of the senior division, ROTC, by which the student, in consideration of commutation of subsistence to be furnished him in accordance with law, agrees to complete the advanced course at the institution in which he is enrolled or any other institution where he may hereafter be enrolled where such course is given, to devote 5 hours per week during such period to the military training prescribed, and to pursue the courses of camp training during such period as prescribed by the Secretary of the Army. Formally enrolled students of the advanced course will be paid a monetary allowance monthly in lieu of subsistence at a daily rate specified by the Department of the Army for a total period not in excess of 595 days in the case of any student. This allowance will not be paid during the period of the advanced ROTC camp, whether or not attended by the student, except to those advanced students who, in consequence of an accelerated summer program, are pursuing regularly scheduled institutional ROTC instruction during that period.

(2) Enrollment in the advanced course will normally take place at or before the beginning of the school year, semester, term, or quarter following the completion of the basic course, and the students enrolled will, under the terms of their contracts, normally pursue the course continuously to completion so long as they continue as students at the institution. Upon the recommendation of the professor of military science and tactics and the concurrence of the heads of institutions, professors of military science and tactics are authorized to defer enrollment in the advanced course in the case of students who, at the time of becoming eligible for enrollment in the advanced course, will normally require more than 2 years to complete their academic courses. Similarly they may authorize deferments of unexecuted portions of advanced course contracts in the case of students who would otherwise complete the advanced course at a period antedating their academic graduation. Such deferments will extend only until

the beginning of such period as will permit the student to complete the advanced course without curtailment. In no case will a deferment be granted which would result in a curtailment of the advanced course or a contraction of the course into a period of less than 2 years. No student in whose case a deferment has been granted and who fails to apply for enrollment in the advanced course in sufficient time to complete the course without curtailment will be accepted.

(3) No deferment of any portion of the advanced course at institutions beyond the date of graduation from the academic course which the student is pursuing will be authorized. Students in postgraduate or professional courses who completed the basic course of any arm or service as undergraduates may be authorized to enroll in the advanced course of any appropriate arm or service at any time prior to the commencement of the last 2 years of their courses.

(b) *ROTC camp.* Students attending ROTC camp will receive subsistence and quarters in kind, and will be paid at the rate prescribed for soldiers of the E–1 grade.

(c) *Basic course, senior division.* No contract will be executed between the Government and students admitted to the basic course, senior division, ROTC.

(d) *Junior division.* No contract will be executed between the Government and students admitted to the junior division, ROTC. A student who satisfactorily completes the junior division, ROTC, will be given a military training certificate signed by the head of the institution and the professor of military science and tactics. Such a certificate, based on qualification tests, not only serves as an incentive but also provides the student a basis for credit should he continue his military training in the senior division, ROTC.

§ 562.33 *Credit for previous military service or ROTC training.* Students who have had previous military service or training will receive such credit toward completion of the two academic years of training in the senior division required for admission to the advanced course as the professor of military science and tactics and the head of the institution may jointly determine within the following limits:

(a) For previous honorable active service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of—

(1) Twelve months or more, credit not to exceed the entire basic course of the senior division, ROTC.

(2) Six months or more, credit not to exceed the first year of the basic course of the senior division, ROTC.

(3) Less than 6 months, no credit.

(b) Credit cited in paragraph (a) of this section is to be granted where the previous service or training is substantially equivalent to that part of the basic course for which credit is given, but in no case will it exceed those limits shown.

(c) The privilege of granting credit will not be exercised indiscriminately, but will be restricted for the most part to the cases of those students who have an academic standing in advance of their ROTC standing.

(d) For previous training at the United States Military Academy, the United States Naval Academy, the United States Coast Guard Academy, and in the Naval Reserve Officers' Training Corps, equivalent credit not to exceed the entire basic course of the senior division, ROTC, will be given, except for the following: Army commanders are authorized to grant additional credit and to curtail the period of the advanced course, senior division, ROTC, in those cases where a student has completed more than two academic years of training in the Army, Navy, or Coast Guard academies, and in the Naval Reserve Officers' Training Corps, and who at the time of admission into the advanced course, senior division, ROTC normally would require less than two academic years to complete all other requirements for graduation as shown in paragraph (e) of this section.

(e) No credit will be granted for training completed more than 5 years prior to formal enrollment or for training received when the student was less than 14 years of age.

§ 562.34 *Credit for training.* (a) A member of the ROTC who withdraws from an institution and enters another in which a unit of the ROTC of the same division is maintained and who is eligible to enroll therein under the regulations of the institution (and, in the case of an advanced course student, is duly selected therefor) will be given credit, if he does enroll therein, for that part of the course successfully completed in the first institution.

(b) When a unit is withdrawn from an institution at which other units are maintained, members of the unit withdrawn may transfer to one of the remaining units of the institution and may be commissioned on graduation in the section of the Organized Reserve Corps for which their entire training best qualifies them.

(c) A certificate substantially as follows will be prepared by the professor of military science and tactics of the school an ROTC student enters, upon transfer from another institution conducting an ROTC course, before he has completed the advanced course and after he has received commutation in lieu of uniform. This certificate is to be forwarded to the institution from which the student has transferred.

I certify that the uniform procured by ---------- on a commutation
(Name of institution)
basis for ---------- is now in
(Name of student)
use at this institution where the student is enrolled in the ---------- semester advanced course, senior division, ROTC. I further certify that a certificate of completion, or noncompletion, of the advanced course by said student will be furnished at the appropriate time for proper settlement of this account.

(d) No reimbursement to the Government of the unearned portion of the commutation of uniforms is required, if the student's enrollment in the ROTC is terminated under any of the following conditions:

(1) Discharged solely because of physical disqualification not the result of his own misconduct, which is incurred or discovered subsequent to initial enrollment in the junior, basic, or advanced course, as applicable.

(2) Discharge or withdrawal to enter the active service of any of the armed forces.

(3) Withdrawal from the institution for reasons not under his control, as determined by the professor of military science and tactics.

(4) Transfer to another institution at which no ROTC unit of the same branch is maintained.

(5) For the convenience of the Government.

§ 562.35 *Transfer between Army and Air Force ROTC and between medical ROTC and all other types of ROTC units.* (a) The joint policy of the Department of the Army and the Department of the Air Force permits Army and Air Force commanders to approve requests for transfers as follows:

(1) *Army ROTC to Air Force ROTC and vice versa.* Where the professors of military and air science and tactics concerned are in mutual agreement on the requested transfers and the academic requirements are met where applicable.

(2) *Medical ROTC to other Army ROTC units or Air Force ROTC.* Transfers may be authorized if the student is otherwise qualified. However, no credit will be given for previous medical ROTC training.

(3) *Army ROTC and Air Force ROTC to medical ROTC.* If the student transfers his academic subjects to the field of medicine, the student may receive hour for hour credit on a subject for subject basis for previous ROTC training, as the professor of military science and tactics of the medical unit shall determine.

(b) The student requesting a transfer will submit his application to the professor of military science and tactics or the professor of air science and tactics of the branch in which he is enrolled. The application will be forwarded with an appropriate indorsement by the professor of military or air science and tactics to the commanding general of the army or the numbered air force concerned dependent upon the service in which the student is enrolled. If the transfer is approved by such commander, he will forward it direct to the appropriate numbered air force or army commander having jurisdiction over the unit to which transfer is requested. In all cases the request for transfer will be returned to the student through the professor of military or air science and tactics of origin, with the appropriate action indicated thereon.

§ 562.36 *Hours of instruction*—(a) *General.* An "hour" in the program of instruction represents the customary academic hour of 50 minutes.

(b) *Number required.* The minimum number of hours of ROTC instruction required to be given in the basic course is an average of 3 hours per week, and in the advanced course, 5 hours per week, with the exception that the minimum

required number of hours for medical, dental, veterinary, and pharmacy units is 90 hours per annum in both the basic and the advanced courses. Time spent in preparation for instruction will not be counted in satisfaction of this requirement.

(c) *Distribution.* With the approval of the army commander the required hours of instruction may be distributed throughout the year in accordance with the conditions existing at the particular institution.

§ 562.37 *Courses of instruction (junior division)*—(a) *Essentially military school units (class MS).* Junior division training in essentially military school units will consist of a 4 years' course of theoretical and practical instruction corresponding to the four highest academic years in the institution. Its scope will include training equivalent to the basic course, Infantry units, senior division, supplemented by appropriate subjects from the advanced course. The program of instruction covering the above 4 years' course is published by the Department of the Army.

(b) *High school units and junior units established in other institutions (class HS).* Military training at institutions maintaining junior units, other than essentially military schools, comprises a 3 years' course of theoretical and practical instruction substantially equivalent in scope to the basic course of infantry units, senior division. The program of instruction covering this 3 years' course is published by the Department of the Army.

(c) The junior ROTC program of instruction (class HS) normally will be conducted at high schools during the last three academic years. Army commanders are authorized, however, to permit institutional authorities to conduct the course during the first three academic years when local conditions justify this procedure and when so requested by the institutional authorities.

§ 562.38 *Academic credit*—(a) Academic credit toward the granting of a degree should be granted for the completion of military courses on the same basis as for nonmilitary courses conducted at the same level.

(b) Credit in ROTC courses for instruction received in the nonmilitary departments of the institution will be limited to that authorized by the Department of the Army.

§ 562.39 *Absence from instruction.* Absence from training or instruction will be excused only for sickness, injury, or other exceptional reasons. Any student who is absent from any part of the practical or theoretical instruction will be required, according to the practice at the particular instituton, to make up the instruction missed thereby before being credited with completion of either the basic or advanced course.

§ 562.40 *Military training certificates*—(a) *Senior division.* Military training certificates may be issued by professors of military science and tactics and heads of institutions, at their discretion, to students who complete certain phases of the senior division course, as indicated in subparagraphs (1), (2), (3) of this paragraph.

(1) *DA AGO Form 133 (Military Training Certificate—ROTC (Elementary Course Senior Division)).* For successful completion of the basic course, ROTC, together with 2 years of academic work on a college level.

(2) *WD AGO Form 136 (Military Training Certificate-Advanced Course Senior Division).* For successful completion of the senior division course, ROTC, at a class MJC institution, together with 2 years of academic work on a college level.

(3) *DA AGO Form 134 (Military Training Certificate, Reserve Officers Training Corps).* Upon termination of the basic course, senior division, at the completion of one academic year.

(b) *Junior units.* A DA AGO Form 134 will also be issued by the professor of military science and tactics to each student enrolled in a junior unit of the ROTC upon the termination of his instruction therein.

§ 562.41 *Grading.* A system of grading similar to that in force in other departments of the institution will be maintained by the Department of Military Science and Tactics.

§ 562.42 *Band.* (a) Participation in authorized ROTC bands is limited to regularly enrolled ROTC students, except that army commanders may at their discretion waive this provision to allow students other than those regularly enrolled in ROTC units to participate in ROTC bands. Students other than those regularly enrolled in the ROTC cannot be issued uniforms or commutation therefor, although they are allowed to participate in ROTC band activities.

(b) All ROTC students who are members of ROTC bands will be excused from such participation for training periods scheduled for close-order drill and military ceremonies only on occasions when the band attends as a military unit.

APPLICATION FOR ESTABLISHMENT OF ROTC UNIT

§ 562.43 *Application for establishment of ROTC unit.* The following form of application for establishment of an ROTC unit (senior and junior divisions) will be used as prescribed in § 562.15.

APPLICATION FOR ESTABLISHMENT OF RESERVE OFFICERS' TRAINING CORPS UNIT (SENIOR AND JUNIOR DIVISIONS)

---------- , 19 ----

Subject: Application for the Establishment of a Reserve Officers' Training Corps Unit.

To: The Adjutant General, Washington 25, D. C.

Thru: Commanding General, ----------
Army, ----------
Chief, Army Field Forces, Fort Monroe, Virginia.

1. By direction of the governing authorities of ----------

(Name of institution) (City) (State)
an application for the establishment of ----------[1] unit in the senior (or junior)[2]

[1] Indicate branch when application for a senior unit is submitted.

[2] Strike out word or words not applicable.

division of the Reserve Officers' Training Corps at this institution is hereby submitted.

2. Provided this application is accepted by the President, the authorities of this institution hereby agree to—

a. Establish a Department of Military Science and Tactics as an integral academic and administrative department of the institution.

b. Establish and maintain (1) a basic course of military training of not less than two academic years' duration, enrollment in which shall be (required) (elective)[2] on the part of all physically fit male undergraduate students who are not less than 14 years of age, and (2) an advanced course of military training extending throughout the remainder of the period of the normal undergraduate course, enrollment in which shall be elective on the part of those students who may be selected therefor by the head of the institution and the professor of military science and tactics; and to require that each student who shall have been enrolled in either course shall complete that course as a prerequisite for his graduation from the institution, unless he is excused from this requirement by authority of the Secretary of the Army.

c. Allot a minimum of an average of 3 hours per week to military training and instruction as prescribed by the Secretary of the Army for each year of the basic course.

d. Arrange for 5 hours per week for military training and instruction as prescribed by the Secretary of the Army for each year of the advanced course, except for medical, dental, pharmacy, or veterinary units, for which 3 hours per week will be arranged.

e. Endeavor to promote and further the objectives of the Reserve Officers' Training Corps.

f. Make available to the Department of Military Science and Tactics the necessary classrooms, administrative offices, office equipment, storage space, and other required facilities in a fair and equitable manner in comparison with other departments of the institution, and to furnish annually to The Adjutant General, without cost, three copies of the current school catalog.

g. Grant academic credit applicable toward graduation for successful completion of each semester, quarter, or term of the military course at the rate of ------ credits per ---------- of the basic course, and ------ credits per ---------- of the advanced course.

h. Arrange for the scheduling of military classes in such manner as to make it equally convenient for students to participate in the Reserve Officers' Training Corps as to pursue courses conducted by other departments of the same educational level and to include on all faculty committees whose recommendations would directly affect the Department of Military Science and Tactics representation designated by the professor of that Department.

i. Conform to the regulations of the Secretary of the Army relating to issue, care, use, safekeeping, and accounting for such Government property as may be issued to the institution.

j. Comply with the provisions of law and regulations of the Secretary of the Army pertaining to the furnishing of a bond to cover the value of all Government property issued to the institution, except clothing, expendable articles, and articles specifically exempted.

k. Appoint or designate by resolution or in bylaws, whichever may be countenanced by statutes or approved methods of procedure governing the institution, an officer of the institution to be known as a military property custodian who will be empowered to requisition, receive, stock, and account for Government property issued to the institution and otherwise to transact matters pertaining thereto, for and in behalf of the institution.

3. It is understood, provided the unit hereby applied for is authorized, that the Secretary of the Army will—

a. Assign such military personnel as he may deem necessary for the proper administration and conduct of the Reserve Officers' Training Corps; but prior to assignment will afford the authorities of this institution an opportunity to review the qualifications of the Army officers being considered for assignment to the institution.

b. Reserve the right to relieve at any time any Army personnel assigned to this institution.

c. Issue to the institution, at the expense of the Government, upon receipt of properly executed requisitions from the military custodian, such available Government property as may be authorized by applicable tables of allowances and pay at the expense of the Government the cost of transportation, packing, crating, and normal maintenance of such property exclusive of cost involved in the storage of such property at the institution.

d. Pay at the expense of the Government and subject to appropriate regulations, commutation in lieu of subsistence at the current prescribed rate, to formally enrolled members of the advanced course, Reserve Officers' Training Corps.

e. Pay at the expense of the Government and subject to appropriate regulations, commutation in lieu of the issue of Government uniform clothing at the currently prescribed rate or rates on behalf of formally enrolled members to whom suitable uniform clothing is not issued at the expense of the Government.

4. The authorities of this institution understand that the law requires, as conditions precedent to the establishment and maintenance of the desired Reserve Officers' Training Corps unit, that—

a. Membership in the Reserve Officers' Training Corps is limited to students of the institution who are citizens of the United States of not less than 14 years of age and whose bodily condition indicates that they are physically fit to perform military duty or will be so upon arrival at military age.

b. The institution must maintain under military training in each unit of the Reserve Officers' Training Corps a minimum of 100 physically fit male students, except that in the case of units other than infantry, cavalry, or artillery the minimum number shall be 50.

For the Institution:

(Name)

(Title)

For the Secretary of the Army:

(Name)

(Title)

STATEMENT—(To be attached to applications for a Reserve Officers' Training Corps unit.)

1. Name and location of institution ----

---

2. Type of institution (check one):

( ) State university (land grant)
( ) State college (land grant)
( ) Private (denominational)
( ) State university (nonland grant)
( ) State college (nonland grant)
( ) Private (other)
( ) Municipal
( ) National
( ) Other (specify----------)

3. List agencies which accredit the various courses given by institution:

4. a. Official designation of governing board:----------

b. Number of members of governing board:

---

c. Designation of head of institution:

---

5. a. To what extent is institution endowed?----------

b. Indicate amount of public support received annually:----------

6. This institution operates on a ("normal") ("accelerated") schedule. The academic year consists of (2 semesters) (3 semesters)---------- There (is) (is not) a summer session. There are ----weeks of instructions conducted during the academic year.

7. Indicate the status to be accorded the Army ROTC unit(s) within the institutional organization (department, division, etc.):

8. Specify the type(s) of screening of college aptitude tests administered to entering freshmen:

9. a. To what extent are entering freshmen physically examined?

b. Specify medical personnel and facilities which will be available for conduct of medical type physical examinations of ROTC students:

10. a. Indicate the number of male students 14 years or more of age now enrolled in the institution, or were at the close of the preceding year, who are eligible for enrollment in the unit:

b. Specify whether the enrollment in the unit will be voluntary or required on the part of the students:

c. Indicate the number of eligible students who you are assured will enroll in the unit:

11. Indicate the facilities which will be furnished for use of the Army ROTC unit without expense to the Government, as follows:

a. Offices:
Number of rooms:
Size:
---' x ---',
---' x ---',
---' x ---',
---' x ---'.

b. Storage rooms:
(1) For storage of clothing, supplies, small articles of equipment.
Number of rooms:
Size:
---' x ---',
---' x ---',
---' x ---',
---' x ---'.

(2) For storage of large items of equipment such as large weapons, motor vehicles, etc. (describe).

c. Classrooms: -------- Seating capacity:
Number of rooms:

d. Assembly hall:
Seating capacity -------. (Is) (is not) provided with projection equipment for (35-mm) (16-mm) films. Will be available for Army ROTC classes as follows:

e. Gymnasium or other indoor area:
Size: --------' x --------' will be available for Army ROTC classes as follows:

f. Outdoor drill area:
Size: --------' x --------' will be available for Army ROTC classes as follows:
Location with respect to ROTC offices and storerooms:

g. Indoor target range:
Number of firing points-------will be available for Army ROTC classes as follows:

h. Other facilities, as specified below:

(Head of institution)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 50-6132; Filed, July 14, 1950; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

AIR MAIL SERVICE

a. In § 127.20 *Air mail service* (39 CFR 127.20; 14 F. R. 2644, 3353, 6133; 15 F. R. 1461, 2037) make the following changes in paragraph (i):

1. Insert "Japan" and "Korea" between "Luxemburg" and "Mexico" in the list of countries shown therein.

2. Add "Yugoslavia" at the end of the list of countries shown therein.

b. In § 127.286 *Japan* (39 CFR 127.286) amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters and post cards, 25 cents one-half ounce. Air-letter sheets, 10 cents each. Other regular mail articles, 65 cents first two ounces and 45 cents each additional two ounces. Merchandise accepted by air as "small packets". (See § 127.20.)

c. In § 127.288 *Korea* (39 CFR 127.288) amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters and post cards, 25 cents one-half ounce. Air-letter sheets, 10 cents each. Other regular mail articles 70 cents first two ounces and 49 cents each additional two ounces. Merchandise accepted by air as "small packets". (See § 127.20.)

d. In § 127.380 *Yugoslavia* (39 CFR 127.380; 15 F. R. 324) make the following changes:

1. Amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages, and post cards, 15 cents one-half ounce. Air-letter sheets, 10 cents each. Other regular mail articles, 43 cents first two ounces and 22 cents for each additional two ounces. (See § 127.20.)

2. Amend paragraph (b) (1) by the addition of subdivision (ii) to read as follows:

(ii) Air parcels:

Lb.	Oz.	Rate	Lb.	Oz.	Rate
0	4	$0.87	7	4	$15.43
0	8	1.39	7	8	15.95
0	12	1.91	7	12	16.47
1	0	2.43	8	0	16.99
1	4	2.95	8	4	17.51
1	8	3.47	8	8	18.03
1	12	3.99	8	12	18.55
2	0	4.51	9	0	19.07
2	4	5.03	9	4	19.59
2	8	5.55	9	8	20.11
2	12	6.07	9	12	20.63
3	0	6.59	10	0	21.15
3	4	7.11	10	4	21.67
3	8	7.63	10	8	22.19
3	12	8.15	10	12	22.71
4	0	8.67	11	0	23.23
4	4	9.19	11	4	23.75
4	8	9.71	11	8	24.27
4	12	10.23	11	12	24.79
5	0	10.75	12	0	25.31
5	4	11.27	12	4	25.83
5	8	11.79	12	8	26.35
5	12	12.31	12	12	26.87
6	0	12.83	13	0	27.39
6	4	13.35	13	4	27.91
6	8	13.87	13	8	28.43
6	12	14.39	13	12	28.95
7	0	14.91	14	0	29.47

Lb.	Oz.	Rate	Lb.	Oz.	Rate
14	4	$29.99	29	4	$61.19
14	8	30.51	29	8	61.71
14	12	31.03	29	12	62.23
15	0	31.55	30	0	62.75
15	4	32.07	30	4	63.27
15	8	32.59	30	8	63.79
15	12	33.11	30	12	64.31
16	0	33.63	31	0	64.83
16	4	34.15	31	4	65.35
16	8	34.67	31	8	65.87
16	12	35.19	31	12	66.39
17	0	35.71	32	0	66.91
17	4	36.23	32	4	67.43
17	8	36.75	32	8	67.95
17	12	37.27	32	12	68.47
18	0	37.79	33	0	68.99
18	4	38.31	33	4	69.51
18	8	38.83	33	8	70.03
18	12	39.35	33	12	70.55
19	0	39.87	34	0	71.07
19	4	40.39	34	4	71.59
19	8	40.91	34	8	72.11
19	12	41.43	34	12	72.63
20	0	41.95	35	0	73.15
20	4	42.47	35	4	73.67
20	8	42.99	35	8	74.19
20	12	43.51	35	12	74.71
21	0	44.03	36	0	75.23
21	4	44.55	36	4	75.75
21	8	45.07	36	8	76.27
21	12	45.59	36	12	76.79
22	0	46.11	37	0	77.31
22	4	46.63	37	4	77.83
22	8	47.15	37	8	78.35
22	12	47.67	37	12	78.87
23	0	48.19	38	0	79.39
23	4	48.71	38	4	79.91
23	8	49.23	38	8	80.43
23	12	49.75	38	12	80.95
24	0	50.27	39	0	81.47
24	4	50.79	39	4	81.99
24	8	51.31	39	8	82.51
24	12	51.83	39	12	83.03
25	0	52.35	40	0	83.55
25	4	52.87	40	4	84.07
25	8	53.39	40	8	84.59
25	12	53.91	40	12	85.11
26	0	54.43	41	0	85.63
26	4	54.95	41	4	86.15
26	8	55.47	41	8	86.67
26	12	55.99	41	12	87.19
27	0	56.51	42	0	87.71
27	4	57.03	42	4	88.23
27	8	57.55	42	8	88.75
27	12	58.07	42	12	89.27
28	0	58.59	43	0	89.79
28	4	59.11	43	4	90.31
28	8	59.63	43	8	90.83
28	12	60.15	43	12	91.35
29	0	60.67	44	0	91.87

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-6110; Filed, July 14, 1950; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.20 *Air mail service* (39 CFR 127.20; 14 F. R. 2644, 3353, 6133; 15 F. R. 1461, 2037) amend paragraph (i) by inserting "Pakistan" between "Norway" and "Philippines".

b. In § 127.210 *Austria* (39 CFR 127.210) amend paragraph (b) (4) by the addition of subdivisions (iii), (iv), and (v) to read as follows:

(iii) Addressees must produce Austrian import licenses in order to take delivery of gift parcels exceeding 300 schillings in value, and of all commercial parcels.

(iv) The wrappers and customs declarations of gift parcels must be marked "Gift Parcel".

(v) Tobacco products which one addressee is permitted to receive are limited to 200 cigarettes, 50 cigars, or 15 grams (5¼ oz.) of tobacco per month.

c. In § 127.216 *Belgium* (39 CFR 127.216) amend paragraph (b) (6) by the addition of inferior subdivision (c) to subdivision (iv) to read as follows:

(c) New or used postage stamps (admitted only in letters).

d. In § 127.225 *Bulgaria* (39 CFR 127.225; 15 F. R. 1842) amend paragraph (a) (8) to read as follows:

(8) *Prohibitions.* (i) Coins, manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry, and other precious articles.

Column 1	Column 2
If the Canadian post office of address of the insured parcel is located in the Province of—	Send Form 2855 to "District Post Office Inspector" located at—
Alberta	Calgary, Alberta, Canada.
British Columbia	Vancouver, British Columbia, Canada.
Mackenzie Territories	Edmonton, Alberta, Canada.
Manitoba	Winnipeg, Province of Manitoba, Canada.
New Brunswick	Saint John, New Brunswick, Canada.
Newfoundland (including Labrador)	St. John's Newfoundland, Canada.
Nova Scotia	Halifax, Nova Scotia, Canada.
Ontario	Toronto, Ontario, Canada.
Prince Edward Island	Saint John, New Brunswick, Canada.
Quebec	Montreal, Province of Quebec, Canada.
Saskatchewan	Saskatoon, Saskatchewan, Canada.
Yukon Territory	Vancouver, British Columbia, Canada.

2. Amend paragraph (b) (6) to read as follows:

(6) *Prohibitions.* (i) The importation of many types of merchandise into Canada is either entirely prohibited or admitted only under quotas administered by the Canadian Department of Finance or by special permission of the Department of Trade and Commerce at Ottawa.

(ii) An exception is made in the case of occasional parcels containing gifts not exceeding $25 in value for individuals, and parcels containing wedding gifts regardless of value. Such parcels are exempt from the import restrictions, if the Canadian customs authorities are satisfied that they actually contain gifts as claimed, but the regular Canadian customs duty and taxes will be charged on any of the contents of occasional gifts which exceed $5 in value, and on any tobacco products or advertising matter.

(iii) Before mailing any package or parcel to Canada, senders should ascertain that the contents will be admitted, and must endorse the wrapper "Importation into Canada authorized", "Bona fide gift", or "Wedding gift" as the case may be.

(iv) Interested patrons may obtain further information concerning articles whose importation is prohibited or restricted from the Canadian government departments named above, from the Office of International Trade, Department of Commerce, Washington 25, D. C., or from any field office of that Department.

(ii) The importation of postage stamps is restricted in accordance with Bulgarian regulations. Persons desiring to send stamps should consult the addressees to assure compliance with those regulations.

e. In § 127.227 *Canada* (39 CFR 127.227) make the following changes:

1. Amend subdivision (xiii) of paragraph (b) (3) to read as follows:

(xiii) When a Form 2855 is to be sent to Canada, first determine in what Canadian Province the post office of address is located. The name of the Province involved should then be located in column 1 of the following list and opposite it, in column 2, will be found the address of the Canadian District Post Office Inspector having jurisdiction over that Province:

f. In § 127.228 *Cape Verde Islands* (39 CFR 127.228) amend paragraph (b) to read as follows:

(b) *Parcel post* (i) Surface parcels.

[Rates include transit charges]

Pounds:	Rate	Pounds:	Rate
1	$0.37	12	$2.37
2	.51	13	2.51
3	.71	14	2.65
4	.85	15	2.79
5	.99	16	2.93
6	1.13	17	3.07
7	1.27	18	3.21
8	1.48	19	3.35
9	1.62	20	3.49
10	1.76	21	3.63
11	1.90	22	3.77

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Registered or insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to 3 parcels. (See § 127.76.)
Registration: Yes. (See Portuguese West Africa.)
Insurance: Yes. (See Portuguese West Africa.)
C. o. d.: No.

g. In § 127.252 *France* (39 CFR 127.252; 14 F. R. 1085; 15 F. R. 1730) make the following changes:

1. Amend subdivision (ii) of paragraph (b) (5) to read as follows:

(ii) *For the protection of animals and plants.* (a) Bees, honey and beeswax must be accompanied by a certificate of origin and non-infection issued by a qualified official approved by the government.

(b) Skins or carcasses of wild or domestic rodents are prohibited.

(c) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

2. Amend subdivision (v) of paragraph (b) (5) as follows:

(*a*) Delete inferior subdivision (*j*).

(*b*) Amend inferior subdivision (*m*) to read as follows:

(*m*) Pure powdered saccharine may be imported only by the French Government. Other artificial sweetening materials are prohibited.

(c) Amend inferior subdivision (*p*) to read as follows:

(*p*) Articles of gold or silver, or of other metals plated with gold or silver, are subject to special inspection on importation.

h. In § 127.264 *Germany* (39 CFR 127.264) amend subdivision (xii) (*f*) of paragraph (a) (8) to read as follows:

(*f*) Seeds and other plant material must be inspected and certified as free of disease, pests, or weeds. However, small quantities of vegetable seeds in gift parcels are admitted without inspection certificate.

i. In § 127.322 *Pakistan* (39 CFR 127.322) make the following changes:

1. Amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents one-half ounce. Other articles in regular mails 63 cents for first two ounces and 43 cents for each additional two ounces.

2. Amend paragraph (b) (1) by the addition of subdivision (ii) to read as follows:

(ii) Air parcels.

Lb.	Oz.	Rate	Lb.	Oz.	Rate
0	4	$1.63	8	4	$28.51
0	8	2.47	8	8	29.35
0	12	3.31	8	12	30.19
1	0	4.15	9	0	31.03
1	4	4.99	9	4	31.87
1	8	5.83	9	8	32.71
1	12	6.67	9	12	33.55
2	0	7.51	10	0	34.39
2	4	8.35	10	4	35.23
2	8	9.19	10	8	36.07
2	12	10.03	10	12	36.91
3	0	10.87	11	0	37.75
3	4	11.71	11	4	38.59
3	8	12.55	11	8	39.43
3	12	13.39	11	12	40.27
4	0	14.23	12	0	41.11
4	4	15.07	12	4	41.95
4	8	15.91	12	8	42.79
4	12	16.75	12	12	43.63
5	0	17.59	13	0	44.47
5	4	18.43	13	4	45.31
5	8	19.27	13	8	46.15
5	12	20.11	13	12	46.99
6	0	20.95	14	0	47.83
6	4	21.79	14	4	48.67
6	8	22.63	14	8	49.51
6	12	23.47	14	12	50.35
7	0	24.31	15	0	51.19
7	4	25.15	15	4	52.03
7	8	25.99	15	8	52.87
7	12	26.83	15	12	53.71
8	0	27.67	16	0	54.55
8	4	$55.39	19	4	$85.47
8	8	56.23	19	8	66.31
8	12	57.07	19	12	67.15
9	0	57.91	20	0	67.99
9	4	58.75	20	4	68.83
9	8	59.59	20	8	69.67
9	12	60.43	20	12	70.51
10	0	61.27	21	0	71.35
10	4	62.11	21	4	72.19
10	8	62.95	21	8	73.03
10	12	63.79	21	12	73.87
11	0	64.63	22	0	74.71

This amendment is effective July 15, 1950.

j. In § 127.327 *Persian Gulf Ports* (39 CFR 127.327) make the following changes:

1. Amend paragraph (a) (7) to read as follows:

(7) *Prohibitions.* (i) Bees, leeches, silkworms, and parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized institutions, are admitted as samples only.

(ii) The articles prohibited or restricted as parcel post are likewise prohibited or restricted in the regular mails.

2. Amend paragraph (b) (4) to read as follows:

(4) *Prohibitions.* (i) Arms and parts thereof.

(ii) Counterfeit coins and banknotes. Fictitious postage stamps and instruments or materials for making them. Cultivated, imitation, artificial or bleached pearls.

(iii) Coins and gold ingots exceeding £5 ($14) in value, except coins declared to be intended as ornaments. Silver ingots or partially worked silver exceeding £20 ($56) in value.

(iv) Carbon paper, oilskins and similar goods are subject to the conditions applicable to such articles for Great Britain.

k. In § 127.380 *Yugoslavia* (39 CFR 127.380) amend paragraph (a) (8) by adding subdivision (v) to read as follows:

(v) The importation of postage stamps is restricted in accordance with Yugoslav regulations. Persons desiring to send stamps should consult the addressees to assure compliance with those regulations.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-6121; Filed, July 14, 1950; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 50-16]

INSPECTION AND NAVIGATION

MISCELLANEOUS AMENDMENTS TO CHAPTER

The purpose of these miscellaneous amendments is to effect editorial changes in the regulations. In accordance with the Administrative Procedure Act (5 U. S. C. 1003) notice of proposed rule making, public procedure thereon, and publication thirty days prior to its effective date are found impracticable and contrary to the public interest because the amendments are to correct errors, change titles of enforcing officers, transfer regulations from one part to another to provide a better presentation of requirements, and to clarify certain requirements applicable to the public.

The regulations in Part 138, regarding shipment and discharge of seamen, are transferred to Part 14 and the sections reprinted so that the requirements will be easy to identify. The following tables indicate the relationship between the old and new section numbers.

COMPARISON OF OLD SECTION NUMBERS WITH NEW SECTION NUMBERS

Old numbers	New numbers
138.8	14.01-1
138.9 (a)	14.10-1
138.9 (b)	14.10-5
138.9 (c)	14.10-10
138.9 (d)	14.01-10
138.9 (e)	14.10-15
138.9 (f)	14.05-1
138.9 (g)	14.05-5
138.9 (h)	14.05-10
138.9 (i)	14.05-10
138.9 (j)	14.05-15
138.10	14.05-20
	14.05-20
	14.10-20

COMPARISON OF NEW SECTION NUMBERS WITH OLD SECTION NUMBERS

New section numbers	Old section numbers
14.01-1	138.8
14.01-10	138.9 (d)
14.05-1	138.9 (f)
14.05-5	138.9 (f)
14.05-10	138.9 (f), (g)
14.05-15	138.9 (h)
14.05-20	138.9 (i), (j)
14.10-1	138.9 (a)
14.10-5	138.9 (b)
14.10-10	138.9 (c)
14.10-15	138.9 (e)
14.10-20	138.10

By virtue of the authority vested in me as Commandant, United States Coast Guard by R. S. 4405, as amended, 46 U. S. C. 375, and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875, 60 Stat. 1097, 46 U. S. C. 1), as well as the additional authorities cited with the regulations below, the following amendments to the regulations are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

Subchapter B—Merchant Marine Officers and Seamen

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

SUBPART 10.15—LICENSING OF OFFICERS FOR UNINSPECTED VESSELS

Section 10.15-1 is amended by deleting reference to R. S. 4463 (46 U. S. C. 222) so that the section will read as follows:

§ 10.15-1 *Applicability of laws.* All the provisions of R. S. 4131, 4250, 4403, 4405, 4438, 4439, 4440, 4441, 4445, 4446, 4447, 4448, 4449, 4450, as amended, sec. 2, 23 Stat. 118, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, sec. 3, 40 Stat. 549, and sec. 5, 49 Stat. 1935; 46 U. S. C. 221, 224, 225, 226, 227, 228, 229, 231, 232, 233, 234, 235, 237, 239, 250, 372, 375, 672a; referring to the issuance, duration, renewal, suspension or revocation of licenses of masters, mates, chief engineers and assistant engineers, and the provisions of the following regulations in this subpart shall be applicable to all uninspected vessels to which the Officers' Competency Certificates Convention, 1936, and the act approved July 17, 1939 (R. S. 4438a; 53 Stat. 1049; 46 U. S. C. 224a) making effective the provisions of the Convention apply.

(R. S. 4405, 4462, as amended, sec. 2, 29 Stat. 188, as amended, secs. 1, 2, 49 Stat. 1544, sec. 7, 53 Stat. 1147, sec. 17, 54 Stat. 166, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 416, 225, 367, 247, 526p, 166, 50 U. S. C., App., 1275)

PART 12—CERTIFICATION OF SEAMEN

SUBPART 12.05—ABLE SEAMEN

Section 12.05-7 is amended by inserting additional descriptive words regarding service required so that the section will read as follows:

§ 12.05-7 *Service or training requirements.* (a) The minimum service or training required to qualify an applicant for certification and the various indorsements as able seaman is listed in this paragraph:

(1) *High seas and inland waters*—(i) *"Any waters—unlimited."* 3 years' service on deck in vessels of 100 gross tons or over operating on ocean or coastwise routes or on the Great Lakes.

(ii) *"Any waters—unlimited."* The period of time spent by an applicant successfully completing a course of able seaman's training in a training school approved by the Commandant may be accepted as the equivalent of sea service up to a maximum of 1 year of the 3 years required in subdivision (i) of this subparagraph.

(iii) *"Any waters—unlimited."* Satisfactory completion of 18 months' training in a seagoing training ship approved by the Commandant.

(iv) *"Any waters—12 months."* 12 months' service on deck in vessels of 100 gross tons or over operating on ocean or coastwise routes or on the Great Lakes. (Holders of certification under this provision are limited to one-fourth of the number of able seamen required by law to be employed on a vessel.)

(v) *"Any waters—12 months."* Satisfactory completion of a course of training at a U. S. Maritime Service Training Station of at least 9 months, 6 months of which shall have been served aboard a seagoing training vessel. (Holders of certification under this provision are limited to one-fourth of the number of able seamen required by law to be employed on a vessel.)

(2) *Great Lakes and inland waters*—(i) *"Great Lakes—18 months' service."* 18 months' service on deck in vessels of 100 gross tons or over operating on ocean or coastwise routes, or on the Great Lakes, smaller lakes, bays, or sounds. (Holders of certification under this provision may comprise the required number of able seamen on vessels on the Great Lakes and on the smaller lakes, bays, and sounds.) If the seaman possesses the requisite service for certification under subparagraphs (1) (iv) of this paragraph, there shall be added "any waters—12 months."

(3) *Tugs and towboats*—(i) *"Tugs and towboats—any waters."* 18 months' service on deck in vessels operating on ocean or coastwise routes, or on the Great Lakes, or on the bays and sounds connected directly with the seas.

(4) *Bays and sounds*—(i) *"Bays and sounds—12 months, vessels 500 gross tons or under not carrying passengers."* 12 months' service on deck in vessels operating on ocean or coastwise routes, or on the Great Lakes, or on the bays and sounds connected directly with the seas.

(5) *Barges*—(i) *"Seagoing barges—12 months."* 12 months' service on deck in vessels operating on ocean or coastwise routes, or on the Great Lakes, or on the bays and sounds connected directly with the seas.

(R. S. 4405, 4417a, 4488, 4551, as amended, sec. 13, 38 Stat. 1169, as amended, secs. 1, 2, 49 Stat. 1544, sec. 7, 49 Stat. 1936, sec. 1, 52 Stat. 753, 55 Stat. 579; 46 U. S. C. 375, 391a, 481, 643, 672, 367, 689, 672b, 672-1, 672-2)

PART 14—SHIPMENT AND DISCHARGE OF SEAMEN

Chapter I, Subchapter B, is amended by adding a new Part 14, reading as follows:

SUBPART 14.01—GENERAL

Sec.
14.01-1 Employment of seamen whose citizenship has not been established.
14.01-10 Reporting loss or recovery of continuous discharge book, certificate of identification, or certificate of discharge.

SUBPART 14.05—SHIPPING ARTICLES

14.05-1 Preparation and number of copies of shipping articles.
14.05-5 Paying off seamen during voyage.
14.05-10 Completing entries in shipping articles at completion of voyage.
14.05-15 Production of documents by seamen signing shipping articles.
14.05-20 Master reporting shipping and discharging of seamen on Form CG 735-T.

SUBPART 14.10—DISCHARGING SEAMEN

14.10-1 Entries in continuous discharge book.
14.10-5 Entries in certificate of discharge.
14.10-10 Discharging a seaman in a foreign port.
14.10-15 Certificate of discharge issued pending issuance of duplicate continuous discharge book.
14.10-20 Discharge of seamen in special cases.

AUTHORITY: §§ 14.01-1 to 14.10-20 issued under R. S. 4551, sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 643, 683, 689.

SUBPART 14.01—GENERAL

§ 14.01-1 *Employment of seamen whose citizenship has not been established.* Seamen whose continuous discharge books, certificates of identification or merchant mariner's documents show question marks with reference to place of birth and/or citizenship shall not be considered as citizens of the United States in computing the number of citizens required by statute to be employed in the crew of a vessel.

§ 14.01-10 *Reporting loss or recovery of continuous discharge book, certificate of identification, or certificate of discharge.* Wherever a continuous discharge book, certificate of identification, or certificate of discharge is reported to a shipping commissioner, collector of customs, or an Officer in Charge, Marine Inspection, as having been stolen, lost, or destroyed, the shipping commissioner, collector of customs, or Officer in Charge, Marine Inspection, shall immediately report the fact by letter to the Commandant, giving all the facts incident to its loss or destruction. By the same procedure, he shall report the recovery of a continuous discharge book, certificate of identification, or certificate of discharge with all the facts incident to its recovery, and shall forward the recovered book, certificate of identification, or certificate of discharge to the Commandant.

SUBPART 14.05—SHIPPING ARTICLES

§ 14.05-1 *Preparation and number of copies of shipping articles.* Shipping articles shall be made out in quadruplicate by carbon process. When the signing on of the crew has been completed the triplicate and quadruplicate copies shall be removed from the pad by the shipping commissioner, who will retain the triplicate copy and forward the quadruplicate copy to Commandant (MVP), Coast Guard Headquarters, Washington 25, D. C., "Attention Merchant Vessel Personnel Records and Welfare Section." The original and duplicate copies of the articles remaining in the pad shall be given to the master who shall enter therein any changes made in the crew during the voyage.

§ 14.05-5 *Paying off seamen during voyage.* In case of the paying off of any members of the crew during the voyage, they shall be required to sign the mutual release on both the original and the duplicate of the articles whether discharged before a shipping commissioner in an American port or before an American consul in a foreign port.

§ 14.05-10 *Completing entries in shipping articles at completion of voyage.* (a) At the completion of the voyage, when the crew is paid off, the mutual release on both the original and the duplicate of the articles must be signed by all members of the crew; and the original copy, together with the white copy of every certificate of discharge, Form 718A rev., given during the voyage or a record of entry, Form 718E, of every entry made in a continuous discharge book during the voyage, shall be forwarded to the Commandant at Washington, D. C. The duplicate copy shall be retained by the shipping commissioner.

(b) All columns on the shipping articles shall be properly filled in and the certifications on the back properly signed.

(c) All entries made in the continuous discharge books during the voyage, and the entries made in all certificates of discharge issued during the voyage to sea-

men holding certificates of identification shall be shown on the ship's articles.

§ 14.05–15 *Production of documents by seamen signing shipping articles.* Every seamen shall be required, when signing articles, to produce his continuous discharge book or certificate of identification, as well as his license, certificate of registry, or certificate of service, in order that the serial numbers may be entered on the articles.

§ 14.05–20 *Master reporting shipping and discharging of seamen on Form CG 735–T.* (a) The master of every merchant vessel of the United States of the burden of one hundred gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, fishing and whaling vessels, yachts, ferries and tugs used in ferry operations if such ferries and tugs are employed exclusively in trade on the Great Lakes, lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and are not engaged on international voyages, and unrigged vessels other than seagoing barges, shall report the employment, discharge, or termination of the services of every seaman not shipped or discharged before a shipping commissioner, or a collector or deputy collector of customs acting as shipping commissioner on Coast Guard Form 735–T in the manner provided in this paragraph.

(b) When a vessel is sailing on a voyage which will extend to the ocean or to the Gulf of Mexico and when coastwise Shipping Articles are opened or when the vessel is departing on a coastwise voyage for which Shipping Articles are not required the master shall, immediately prior to sailing, submit to the Officer in Charge, Marine Inspection, a Form 735–T listing the names, as well as the other data required by the form with the exception of the date and place of discharge, of the master and of each member of the crew. Thereafter, at each domestic port visited on the voyage, the master shall, prior to departure, submit to the Officer in Charge, Marine Inspection, a supplementary report on Form 735–T listing the name, as well as the other data required by the form, of each seaman engaged or discharged or whose services were otherwise terminated since the previous submission of the form. When coastwise Shipping Articles are completed or when a voyage on which Shipping Articles are not required is completed, the master shall submit to the Officer in Charge, Marine Inspection, a Form 735–T listing the names, as well as the other data required by the form, of the master and of each member of the crew on board at the time of the completion of the voyage.

(c) When a vessel is employed exclusively in trade on bays or sounds, the master shall submit a Form 735–T, on the last day of each calendar month, listing the name, as well as the other data required by the form—including the dates and places of engagement and discharge, of each seaman employed, discharged, or whose services were otherwise terminated during the calendar month. This form shall be forwarded by the master directly to Commandant (MVP), U. S. Coast Guard Headquarters, Washington, D. C.

(d) When a vessel is employed exclusively in trade on the Great Lakes, the master shall submit Form 735–T at the commencement of the season, or when the vessel is put into service, listing the names, as well as other information required by the form, with the exception of date and place of discharge, of each member of the crew. Thereafter, at the end of each calendar month, the master shall submit a supplementary report on Form 735–T listing the names, as well as other information required by the form, of (1) each seaman whose employment was terminated during the month and who was not reengaged on the vessel's next trip, and (2) each seaman engaged during the month who was not also employed on the vessel in the same capacity on her last trip preceding the engagement. At the close of the season, or when the vessel is withdrawn from service, the master shall submit a final report on Form 735–T listing the names, as well as other information required by the form, of each seaman who has not been previously reported as discharged.

(e) Every discharge entry made on a Form 735–T shall agree exactly with the corresponding entry made in a continuous discharge book or on the certificate of discharge issued to a seaman and a record of entry (Form 718–E) or a white copy of a certificate of discharge (Form 718–A, Revised) supporting each discharge shall be attached to any Form 735–T on which discharges are reported.

(f) Any master who fails to comply with the requirements of this section is subject to a penalty of $500.

SUBPART 14.10—DISCHARGING SEAMEN

§ 14.10–1 *Entries in continuous discharge book.* (a) Upon the discharge of any seaman and payment of his wages, the shipping commissioner, or collector, or deputy collector of customs at ports where no shipping commissioner has been appointed, shall enter in the continuous discharge book of such seaman, if the seaman carries such a book, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, the rating (capacity in which employed) then held by such seaman, and the signature of the person making such entries, and nothing more.

(b) In cases where the law does not require the seaman to be shipped and discharged before a shipping commissioner, the master of the vessel shall make the required entries in the continuous discharge book.

(c) All entries shall be made in black ink.

(d) The person making the entry in the book shall also prepare a "Record of Entry in Continuous Discharge Book" on Form 718E and make the required entries therein showing the full name and citizenship of the seaman in whose book the entry was made, serial number of his book, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of shipment and of the discharge of such seaman, and the rating (capacity in which employed) then held by such seaman. The record of entry shall be signed by the seaman in whose book the entry was made and by the person making the entry in the book. In cases where the record of entry is signed by a shipping commissioner, or collector, or deputy collector of customs, the master is not required to sign the record of entry, but his name must be shown thereon.

§ 14.10–5 *Entries in certificate of discharge.* (a) Upon the discharge of any seaman who holds a certificate of identification issued by the Coast Guard or predecessor authority, and payment of his wages, the shipping commissioner or collector or deputy collector of customs at ports where no shipping commissioner has been appointed shall issue to the seaman a "Certificate of Discharge" on Form 718A rev., and make the required entries therein showing the full name and citizenship of the seaman to whom it is issued, the serial number of his certificate of identification, the name and official number of the vessel, the nature of the voyage, (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, and the rating (capacity in which employed) then held by such seaman. The certificate of discharge shall be signed by the seaman to whom it is issued and the master of the vessel and shall be witnessed by the shipping commissioner or, at ports where no shipping commissioner has been appointed by the collector or deputy collector of customs.

(b) In cases where the law does not require the seamen to be shipped and discharged before a shipping commissioner, the master of the vessel shall issue such certificate of discharge and make the required entries therein.

(c) All entries on certificates of discharge, Form 718A rev., shall be made with indelible pencil or typewriter to insure legible copies.

(d) The white copy of the certificate of discharge shall be forwarded to the Commandant as prescribed by §§ 14.05–1 and 14.05–20.

§ 14.10–10 *Discharging a seaman in a foreign port.* (a) Upon the discharge of any seaman in a foreign port the master shall make the proper entries in the continuous discharge book and on the ship's articles, and such entries shall be attested to by the consular officer, and Form 718E shall be completed in accordance with § 14.10–1. If the seaman possesses a certificate of identification, the master of the vessel shall issue to the seaman a certificate of discharge on Form 718A rev., and make the required entries therein which shall be attested by the consular officer. If the seaman has lost his continuous discharge book or certificate of identification, the master shall furnish him with a certificate of discharge (Form 718A rev.), attested to by the consular officer and note this fact on the articles.

(b) The white copy of any discharge Form 718A rev., given out in this manner or the original of the record of entry, Form 718E, shall be retained by the master until the articles covering that voyage are closed, at which time, if the crew is discharged before a shipping commissioner, or before a collector or deputy collector of customs at ports where no shipping commissioner has been appointed, it shall be delivered to that officer and forwarded by him to the Commandant, as prescribed in §§ 14.05–10 and 14.05–20; if the crew is not discharged before such officer, it shall be forwarded to the Commandant by the master as prescribed in §§ 14.05–10 and 14.05–20.

§ 14.10–15 *Certificate of discharge issued pending issuance of duplicate continuous discharge book.* Pending the issuance of a duplicate of the continuous discharge book, the shipping commissioner, or collector or deputy collector of customs at ports where no shipping commissioner has been appointed, may furnish the seaman with a certificate of discharge (Form CG 718A rev.), at the completion of the voyage, and this fact shall be noted on the articles. The white copy of such discharge shall be forwarded to the Commandant, as prescribed in §§ 14.05–10 and 14.05–20.

§ 14.10–20 *Discharge of seamen in special cases.* (a) Section 16 of the act of December 21, 1898 (30 Stat. 759), amended in part R. S. 4581 (46 U. S. C. 683), relating to the discharge of seamen by consuls, to read:

If a seaman is discharged on account of injury or illness, incapacitating him for service, the expenses of his maintenance and return to the United States shall be paid from the fund for the maintenance and transportation of destitute American seamen.

(b) Section 19 of the Seamen's Act of March 4, 1915 (38 Stat. 1185; 46 U. S. C. 683), adds to these words the following:

Provided, That at the discretion of the Commandant of the Coast Guard and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before an American consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation, as provided in this paragraph.

(c) The personal appearance of the master of the vessel before an American consul or consular agent to consent to the discharge of a seaman who has been incapacitated by injury or illness may be waived by the consul under the following conditions:

(1) When the condition of the injured or ill seaman is such that prompt medical attendance is necessary and cannot be furnished on shipboard, and

(2) When the master cannot proceed with the seaman to the consul without risk to the crew, the vessel, or the cargo.

(d) When the master cannot appear before the consul in person he will address to the consul in writing a full statement of the facts which render necessary the discharge of the seaman, together with a statement of the reasons why he himself is unable to appear before the consul. The statement should cover the usual particulars set forth in a discharge and should be accompanied with an account of the wages due and with the necessary funds to meet such wages, or (if the cash be not available) with an order on the owner for the amount due.

(e) If the consul shall deem the statement satisfactory, he may discharge the seaman as directed in R. S. 4581, as amended by section 16 of the act of December 21, 1898, and section 19 of the act of March 4, 1915, as if the master were present, attaching to the discharge and to his relief account a copy of the statement submitted by the master.

(f) If the consul shall deem the statement unsatisfactory, he will decline to grant the discharge and direct that the seaman be returned to the vessel at its expense.

Subchapter K—Seamen

PART 132—ALLOTMENTS OF SEAMEN

Section 132.7 *Execution of voyage clause on Form 722* is deleted.

PART 138—SHIPMENT AND DISCHARGE OF SEAMEN

Part 138 is deleted. (The text of the regulations in this part has been redesignated and transferred to Part 14.)

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

SUBPART—DEFINITIONS OF WORDS AND TERMS CONTAINED WITHIN REGULATIONS IN THIS SUBCHAPTER

Section 146.03–36 (c) (2) is amended by changing the phrase "a board of local inspectors" to "an Officer in Charge, Marine Inspection" so that the subparagraph will read as follows:

§ 146.03–36 *Vessels defined.* • • •

(c) *Cargo vessels.* • • •

(2) Any passenger ferry or railroad car ferry during any period it is being operated under authority of a change of character certificate issued by an Officer in Charge, Marine Inspection.

SUBPART—LIST OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ARTICLES SUBJECT TO THE REGULATIONS IN THIS SUBCHAPTER

Section 146.04–5 *List of explosives and other dangerous articles and combustible liquids* is amended by changing the article "burlap bags, used and unwashed" to "burlap bags, used and unwashed or uncleaned"; and by deleting the word "yellow" in column 3, "Label Required", opposite the substance "Guanidine Nitrate."

SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE LIQUIDS

Section 146.21–100 *Table D—Classification: Inflammable liquids* is amended by changing the phrase "(ICC–17C, 17E) STC, not over 55 gal. cap." to "(ICC–17C, 17E) STC, not over 5 gal. cap." under "Outside Containers" in column 4 opposite the substance "Inflammable Liquid, N. O. S."

SUBPART—DETAILED REGULATIONS GOVERNING COMPRESSED GASES

Section 146.24–100 *Table G—Classification: Compressed gases* is amended by changing the phrase "Predominate components are generally propane, butane and isobutane" to "Predominant components are generally propane, butane and isobutane" in the second column opposite the substance "Liquefied Petroleum Gas (pressure not exceeding 375 lbs. per sq. in. at 130° F.);" "Liquefied Petroleum Gas (pressure not exceeding 225 lbs. per sq. in. at 105° F.", "Liquefied Petroleum Gas (pressure not exceeding 75 lbs. per sq. in. at 105° F.)" and "Liquefied Petroleum Gas (pressure not exceeding 65 lbs. per sq. in. at 105° F.)"; and by changing the phrase "Predominate components are generally propane, propylene, butanes (normal butane or isobutane), butylenes, and butadiene" to "Predominant components are generally propane, propylene, butanes (normal butane or isobutane), butylenes, and butadiene" in the second column opposite the substance "Liquefied Petroleum Gas (pressure not exceeding 200 lbs. per sq. in. at 100° F.)."

(R. S. 4405, as amended; 46 U. S. C. 375. Interpret or apply R. S. 4472, as amended; 46 U. S. C. 170)

Dated: July 7, 1950.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 50–6158; Filed, July 14, 1950; 8:55 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1759]

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

GRAZING LEASES OF THE REVESTED AND RECONVEYED LANDS AND INTERMINGLED PUBLIC DOMAIN LANDS

Sections 115.128 to 115.135, inclusive, as set forth below, supersede §§ 115.128 to 115.149, inclusive (Circular No. 1607 of May 29, 1945):

GRAZING LEASES OF THE REVESTED AND RECONVEYED LANDS AND INTERMINGLED PUBLIC DOMAIN LANDS

Sec.
115.128 Statutory authority.
115.129 Policy.
115.130 Grazing of livestock kept for domestic use.
115.131 Crossing permits.

Sec.
115.132 Application and lease.
115.133 Rental.
115.134 Timber and other uses of land.
115.135 Governing regulations; applications and leases subject to regulations.

AUTHORITY: §§ 115.128 to 115.135 issued under sec. 5, 50 Stat. 875.

GRAZING LEASES OF THE REVESTED AND RECONVEYED LANDS AND INTERMINGLED PUBLIC DOMAIN LANDS

§ 115.128 *Statutory authority.* Section 4 of the act of August 28, 1937 (50 Stat. 875) authorizes the Secretary of the Interior in his discretion to lease for grazing purposes any revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in the State of Oregon, hereinafter referred to as O. and C. lands, which may be so used without interfering with the production of timber or other purposes specified in section 1 of the act, and to formulate rules and regulations for the use, protection, improvement, and rehabilitation of such grazing lands. In addition to issuing grazing leases for O. and C. lands under the provisions of §§ 115.128 to 115.135, grazing leases also will be issued under such sections for such lands and intermingled public lands, or for public lands in and West of Range 5 East, or West of Klamath Lakes and Link River in Ts. 36 to 41 S., Rs. 6 to 9 E., inclusive, Willamette Meridian, Oregon.[1]

§ 115.129 *Policy.* Since the statutory authority for grazing on the O. and C. lands subordinates such use to the primary purposes of the act, namely, to provide a permanent source of timber supply by managing the lands in conformity with the sustained-yield principle, protect water sheds, regulate streamflow, and contribute to the economic stability of local communities and industries, no lease will be issued unless the Regional Administrator of the Bureau of Land Management at Portland, Oregon, who is charged with the administration of grazing on such lands, determines that grazing on the lands to be included in the lease will not interfere with the production of timber, or any of the other purposes of the act.

§ 115.130 *Grazing of livestock kept for domestic use.* Bona fide settlers or prospectors may apply to the regional administrator for permission to graze without charge not more than a total of 10 head of milk and work stock on the O. and C. lands, or such lands and intermingled public domain lands. Such permission may be granted by the regional administrator, in his discretion, upon such conditions as he may prescribe.

§ 115.131 *Crossing permits.* The regional administrator may permit the transit of stock on established stock driveways or thoroughfares on O. and C. lands, or such lands and intermingled public domain lands, free of charge. Under such conditions and restrictions as are necessary, the regional administrator may also grant permission to cross allotments of other lessees, areas closed to grazing, or unleased lands, and such permission must be obtained before such crossing occurs. The permittee shall be liable for any damage caused to the range.

§ 115.132 *Application and lease.* An application for a grazing lease shall be made on Form 4–721 in the manner set forth in § 160.5 of this chapter. An application may include O. and C. lands or public lands or both. Leases shall be issued in the manner set forth in § 160.10 of this chapter, and the lease rental shall be computed in accordance with § 115.133.

§ 115.133 *Rental.* (a) The lessee shall pay in accordance with the terms of the lease, an annual rental computed in conformity with the following rate tabulations. However, when warranted by circumstances, including changed marketing conditions, the regional administrator may establish any other appropriate schedule of rental rates for leases issued under §§ 115.128 to 115.135, a copy of which shall be transmitted to the Director.

Estimated grazing capacity in acres per A. U. M.	Estimated grazing capacity in animal units year-long per section	Yearly lease-rate per acre
107.00	0.5	.005
53.00	1.0	.010
38.00	1.5	.013
25.00	2.0	.020
20.00	2.5	.025
18.00	3.0	.028
16.00	3.5	.031
14.00	4.0	.036
12.00	4.5	.042
11.00	5.0	.045
10.00	6.0	.05
7.50	7.0	.067
6.50	8.0	.077
6.00	9.0	.083
5.50	10.0	.091
5.00	11.0	.10
4.50	12.0	.11
4.00	13.0	.125
3.75	14.0	.13
3.50	15.0	.14
3.25	16.0	.15
3.00	17.0	.17
2.75	19.0	.18
2.50	21.0	.20
2.25	24.0	.22
2.00	27.0	.25
1.75	30.0	.29
1.50	36.0	.33
1.25	43.0	.40
1.00	53.0	.50
0.50	107.0	1.00
0.25	213.0	2.00

(b) One cow or one horse or five sheep or five goats constitute one animal unit. The minimum rental charge shall be fixed at not less than $1.00 per annum. The rental may be adjusted to reflect differences in numbers of livestock authorized to be grazed, changes in carrying capacity, and changes in authorized rates of rental at the end of the third year of the lease, and at the end of each subsequent three-year period.

§ 115.134 *Timber and other uses of land.* A lease issued for grazing purposes will not entitle the lessee to cut and remove timber from the land, or to take any other asset therefrom, or to use such land for purposes other than grazing. In order to obtain such rights or privileges, the lessee must make application therefor in accordance with the governing laws and regulations.

§ 115.135 *Governing regulations; applications and leases subject to regulations.* Applications filed and leases issued under §§ 115.128 to 115.135, inclusive, shall be subject to the regulations therein, as well as to the regulations contained in Part 160 of this chapter relating to grazing leases issued pursuant to section 15 of the act of June 28, 1934 (48 Stat. 1275), as amended (43 U. S. C. sec. 315m), to the extent that the latter are not inconsistent with the former. The leases will also be subject to the standard terms and conditions set forth therein, and to any other terms and conditions which, in his discretion, the regional administrator may require.

Sections 115.128 to 115.135, inclusive, will become effective 60 days from date of approval thereof by the Secretary of the Interior.

MARION CLAWSON,
Director.

Approved: July 11, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 50–6106; Filed, July 14, 1950; 8:45 a. m.]

[Circular 1760]

PART 160—GRAZING LEASES

This part is revised to read as follows, effective 60 days from date of approval thereof by the Secretary of the Interior:

Sec.
160.1 Statutory authority.
160.2 Definitions.
160.3 Classes of applicants; preference rights.
160.4 Qualifications of applicants.
160.5 Application and lease.
160.6 No right conferred by application, prior to lease.
160.7 Protests.
160.8 Leases of withdrawn or reserved lands.
160.9 Action on defective application or where the lands applied for are not subject to grazing leasing.
160.10 Disposition of protests and conflicting applications.
160.11 Reduction in leased area; adjustment of grazing use to conform with changes in grazing capacity.
160.12 Leased lands subject to classification and disposition; compensation to lessee for loss of lands and for improvements.
160.13 Access to leased lands; temporary closing of leased area.
160.14 Rental.
160.15 Term of lease.
160.16 Application for renewals.
160.17 Construction and maintenance of improvements.
160.18 Removal of improvements.
160.19 Cancellation of lease.
160.20 Inspection of leased premises.
160.21 Assignment of lease; subleases.
160.22 Pledge of leases as security for loans; applications for extension of lease by borrower-lessee.
160.23 Appeals; filing.

AUTHORITY: §§ 160.1 to 160.23 issued under sec. 2, 48 Stat. 1270; 43 U. S. C. 315a.

§ 160.1 *Statutory authority.* Section 15 of the act of June 28, 1934 (48 Stat. 1275), as amended, authorizes the Secretary of the Interior to lease for grazing purposes vacant, unappropriated, and unreserved public lands outside of established grazing districts in the continental United States only. Grazing leases for other public lands intermingled with the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant lands which are located west of the Cascade Mountain Range Divide, or in and west of Range 5 East, or west of Klamath Lakes and Link River in Ts. 36 to 41 S., Rs. 6 to 9 E., inclusive, Willamette Meridian, Oregon, will be issued pursuant to and will be governed by the provisions of Part 115 of this chapter.

§ 160.2 *Definitions.* (a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "Regional administrator" means the proper regional administrator, Bureau of Land Management.

(d) "Manager" means manager of the proper land office. Where there is no land office, it means the Director, Bureau of Land Management.

(e) "Signing Officer" means the Government official who has been duly authorized to issue a grazing lease.

(f) "Field Office" means any office of the Bureau of Land Management, including the land office, near the lands applied for and in the State in which such lands are situated. If there is no land office or other field office in the State, it means the office of the Director, Bureau of Land Management, Washington 25, D. C.

(g) "The act" means the act of June 28, 1934 (48 Stat. 1269), as amended.

§ 160.3 *Classes of applicants; preference rights.* The act, as amended, provides for the issuance of grazing leases to classes of applicants in the following order:

(a) Preference-right leases to applicants who are the owners, homesteaders, lessees, or other lawful occupants of lands contiguous to or cornering on an isolated or disconnected tract embracing 760 acres or less[1] for the whole of such tract, upon the terms and conditions prescribed by the Secretary, provided the preference-right is asserted during a period of 90 days after such tract is offered for leases.[2]

[1] Where the lands applied for include the even-numbered sections within the limits of a railroad grant, even though in the aggregate such lands exceed 760 acres, each such section will be considered as an isolated or disconnected tract within the meaning of this provision. The difference between the higher preference right accorded under this paragraph and the preference accorded under paragraph (b) of this section is that the applicant is not required to demonstrate that the public lands are necessary for the proper use of the contiguous or cornering lands, except where there are conflicting applications of the same class of applicants.

[2] By Departmental Notice of July 31, 1937, all vacant, unreserved and unappropriated public lands, exclusive of Alaska, not included in an established grazing district, were then offered for lease under section 15; all lands not then subject to lease under section 15 because of their appropriation or reservation, were offered for lease as of the date any such lands first became subject to lease.

(b) Preference-right leases to applicants who are owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit the proper use of such contiguous lands.

(c) Leases where no preference-right applicant is involved.

§ 160.4 *Qualifications of applicants.* An applicant for a grazing lease is qualified if the applicant

(a) Is a citizen of the United States, or

(b) Has filed a declaration of intention to become a citizen: *Provided,* That an applicant who has filed such declaration but has not filed a petition for naturalization before a court of competent jurisdiction within seven years from the date of filing the declaration or, having filed such petition, has failed to attain citizenship within a reasonable time thereafter and is unable to show any satisfactory reason for such failure, shall be disqualified to receive a grazing lease or any renewal of an existing lease until he has actually attained citizenship, or

(c) Is a group, association, or corporation which is authorized to conduct business under the laws of the State in which the lands applied for are located and the controlling interest in which is vested in a citizen or citizens or persons who would be qualified as individual applicants under paragraphs (a) and (b) of this section.

§ 160.5 *Application and lease.* An application for lease shall be executed in triplicate on combined application and lease form (4–721) and filed in triplicate in any field office of the Bureau of Land Management in the state in which the lands applied for are situated.[3] The applicant's signature to the application shall be considered to be his signature to and his acceptance of the lease when executed by the signing officer, without prejudice to the applicant's right to appeal from the disallowance of his application as to any part of the lands applied for or from the issuance of a lease for a shorter term than that applied for.

§ 160.6 *No right conferred by application, prior to lease.* The filing of an application will not segregate the land applied for from application by other persons for a grazing lease or from other disposition under the public land laws. As the issuance of a lease is discretionary, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the use of the lands applied for pending the issuance of a lease. Any such unauthorized use constitutes a trespass.

§ 160.7 *Protests.* Protests against the approval of an application for a lease should be filed in the same manner and number of copies as applications for a grazing lease, contain a complete disclosure of all facts upon which the protest is based, and describe the lands involved in such protest, and should be accompanied by evidence of service of a copy of the protest on the applicant. If the protestant desires to lease all or part of the land embraced in the application against which the protest is filed, the protest should also be accompanied by an application for a grazing lease.

§ 160.8 *Leases of withdrawn or reserved lands.* Leases may be issued for public lands withdrawn for resurvey, or withdrawn and reserved in aid of legislation, or for power sites, classification or other public purposes,[4] if the use of the land for grazing is not inconsistent with the purposes of the withdrawal. Lands included in stock driveway and public water reserve withdrawals may be leased in accordance with the regulations, § 295.7 (c) of this chapter. Any lease issued covering withdrawn lands must contain the stipulations which have been prescribed by the Director of the Bureau of Land Management for the protection and use of the land for the purpose for which it was withdrawn or reserved.

§ 160.9 *Action on defective application or where the lands applied for are not subject to grazing leasing.* Upon the filing of any application, the officer receiving it may require any defects in the application to be cured or additional information to be provided. The signing officer may reject any application if the applicant fails to cure defects in the application within the time allowed, which period shall not be less than thirty days from the date of receipt of notice of such defects by the applicant. If the application must be rejected because of the status of the land for which application is made as where land is in an allowed entry, otherwise appropriated or reserved and not subject to lease under the act, or not public land, a manager, if his office has land status, or a signing officer shall reject the aplication.

§ 160.10 *Disposition of protests and conflicting applications.* (a) The lease will be executed by the signing officer and transmitted to the lessee only after final action is taken on any protests or timely appeals which may have been filed. The lease will provide for an allowance of forage for wildlife, and within the discretion of the signing officer the number of livestock to be grazed, proper grazing season or reservations for authorized trailing across the land, and will contain the standard provisions set forth in the combined application and lease form, together with any other terms, conditions, or reservations which the signing officer in his discretion may deem necessary and proper.

(b) In those cases where more than one applicant applies for the same land and where it appears that a division of the lands should be made, such conflict-

[3] 18 U. S. C. sec. 1001 makes it a crime for any person knowingly and wilfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

[4] Certain lands withdrawn for reclamation purposes are, pursuant to the cooperative agreement of February 28, 1945, between the Bureau of Reclamation and the Bureau of Land Management, leased in accordance with the principles of section 15 leases, under authority of subsection (1) of section 4, act of December 5, 1924 (43 Stat. 703, 43 U. S. C. sec. 501).

[1] For authority to issue grazing leases on public domain lands outside of established grazing districts, see Part 160 of this chapter.

ing applicants will be given an opportunity to agree to a division of the lands prior to a determination by the signing officer as to the disposition of such conflicting applications or division of the lands.

(c) After a division of the range has been made either by agreement between applicants which is acceptable to the signing officer or by determination of the signing officer where there is no acceptable agreement, any conflicting applications or protests filed subsequent thereto will be rejected.

§ 160.11 *Reduction in leased area; adjustment of grazing use to conform with changes in grazing capacity.* The leased area may be reduced if it is determined that such area is required for the protection of sources of water supply to communities, or for camping places, stock driveways, roads and trails, or town sites, or for feeding grounds near communities for the use of domestic livestock or near the slaughtering or shipping points for use of stock to be marketed or for other public purposes; the authorized grazing use may be adjusted to conform to changes in grazing capacity estimates. In the case of any such reduction or adjustment, a proportionate adjustment will be made in the rental for the lease years commencing subsequent to the notice of such reduction or adjustment.

§ 160.12 *Leased lands subject to classification and disposition; compensation to lessee for loss of lands and for improvements.* (a) Lands embraced in a grazing lease are subject to classification and disposition under the provisions of sections 7 and 14 of the act of June 28, 1934 (48 Stat. 1272, 1274), as amended, or other public land laws: *Provided,* That before any application for such classification and disposition is allowed, evidence is furnished that the applicant has agreed to compensate the lessee for any grazing improvements placed on the lands under the authority of the lease or permit in an amount to be mutually agreed upon. If the parties are unable to agree as to the amount and time for payment for such improvements, the amount and time of payment shall be fixed by the signing officer. The failure of the applicant to pay the lessee, in accordance with the agreement or the amount fixed by the signing officer within the time allowed for payment, shall be just cause for cancellation of any rights or interests in the lands acquired by the applicant by reason of the allowance of his application.

(b) Where part of the leased lands are disposed of as provided by this section, the subsequent annual rental charges will be reduced proportionately to reflect the loss of the lands from the leasehold. Such reduced rentals shall apply to rentals for the lease years commencing subsequent to the notice of such reduction.

(c) The holder of a grazing lease shall be compensated, for the loss resulting from the use of lands embraced in the lease for war or national defense purposes, in an amount determined to be fair and reasonable and to be paid by the head of the department or agency of the Federal Government making such use.

§ 160.13 *Access to leased lands; temporary closing of leased area.* (a) The issuance of a grazing lease does not alter or restrict the right of access across the leased lands by licensed hunters or fishermen or restrict their right to hunt and fish on such lands in accordance with the laws of the United States or of the state in which the lands are located, nor may the lessee interfere with such rights. Nor shall such lease restrict or limit prospecting, locating, developing, mining or patenting the mineral resources in the leased lands; miners, prospectors and mineral lessees of the United States and all other authorized persons shall be entitled to enter the leased lands.

(b) The regional administrator, in his discretion, may close temporarily to grazing portions of the leased lands whenever, because of depletion of the vegetal cover due to drought, epidemic, fire, or any other cause, such action is necessary to restore the forage on the range to its normal condition. Such temporary closing will not operate to exclude such lands from the lease.

§ 160.14 *Rental.* The lessee shall pay the lease rental in the amount and manner specified in the lease. The rental shall be computed in conformity with the following rate tabulations, unless for sufficient reasons a different rate is authorized by the Director:

GRAZING RENTAL RATE TABULATION

Estimated grazing capacity in acres per animal unit month	Estimated grazing capacity in animal units yearlong per section	Yearly lease-rate per acre
107.00	0.5	$0.001
53.00	1.0	.002
38.00	1.5	.003
25.00	2.0	.004
20.00	2.5	.005
18.00	3.0	.006
16.00	3.5	.007
14.00	4.0	.008
12.00	4.5	.009
11.00	5.0	.010
10.00	6.0	.012
7.50	7.0	.014
6.50	8.0	.017
6.00	9.0	.019
5.50	10.0	.020
5.00	11.0	.023
4.50	12.0	.025
4.00	13.0	.027
3.75	14.0	.029
3.50	15.0	.030
3.25	16.0	.033
3.00	17.0	.035
2.75	19.0	.040
2.50	21.0	.045
2.25	24.0	.050
2.00	27.0	.055
1.75	30.0	.065
1.50	36.0	.075
1.25	43.0	.090
1.00	53.0	.110
0.50	107.0	.220
0.25	213.0	.440

One cow or one horse or five sheep or five goats constitute one animal unit. The rental charge will not in any case be fixed at less than $1.00 per annum. The rental may be adjusted to reflect changes in approved rates at the end of each three-year period to apply to the rental charges for the next three-year period.

§ 160.15 *Term of lease.* A lease may be issued for a period of not more than 10 years. Renewals may be for periods of not more than 10 years, upon such terms and conditions as may then be prescribed.

§ 160.16 *Application for renewals.* An application for renewal of lease should be executed and filed in triplicate on the combined application and lease form (4–721) at least 90 days prior to the expiration of the lease. The application may also include a request for the consolidation of other outstanding grazing leases held by the lessee. Such application does not confer on the lessee any preference right to a renewal but will, however, authorize the exclusive grazing use of the lands by the lessee in accordance with the provisions of the lease pending final action on the application for renewal.

§ 160.17 *Construction and maintenance of improvements*—(a) *Permit required.* After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or construct other improvements for grazing or stock raising purposes, so long as such improvements do not impair the value of the lands or interfere with other uses: *Provided,* That a permit or cooperative agreement is obtained under the procedure set forth in this section. The lessee will be required to comply with the provisions of the laws of the state in which the leased lands are located with respect to the cost and and maintenance of fences.

(b) *Applications for permits and cooperative agreements.* Applications for permits, cooperative agreements, or arrangements to construct and maintain range improvements shall set forth the location of such improvements by legal subdivision of the public land survey, the necessity, use, cost, and description of such improvements, item by item, shall designate the time and manner of their construction, the period of use, the method of operation, protection, repair, removal, or other disposition, and shall include any other pertinent information. When necessary to explain properly the improvements and matters connected therewith, the application shall be accompanied by a sketch of the improvements with specifications and a map showing the location of the improvements. Applications for a permit shall be made on Form 4–1115 and shall be filed in triplicate with the signing officer. Application for a cooperative agreement shall be made on Form 4–1119.

(c) *Action on the application.* Action will be taken on the application by the signing officer. If the application is approved, the signing officer will issue a permit or enter into a cooperative agreement for the construction and maintenance of the improvements which have been approved.

§ 160.18 *Removal of improvements.* (a) Upon the expiration of the lease or its earlier termination, the signing officer may in his discretion and upon written application filed by the lessee not more than 30 days after date of such expiration or termination, require a proposed subsequent lessee, prior to the execution of a new lease, to agree to compensate the lessee for any grazing improvements of a permanent nature that have been placed upon the leased lands under authority of a section 15 lease executed prior to November 4, 1948, or thereafter, under a permit issued under § 160.17 (b). The amount of such compensation shall be determined in accordance with the procedure set forth in § 160.12. The failure of the subsequent lessee to pay the lessee in accordance with such agreement shall be just cause for cancellation of the subsequent lessee's lease.

(b) The lessee will be allowed three months from the date of expiration or termination of the lease within which to remove such improvements as are not disposed of in the manner set forth above; if not removed or otherwise disposed of within the said period, such improvements shall become the property of the United States. No improvements may be removed at any time the lessee is in default with respect to the lease.

§ 169.19 *Cancellation of lease.* If the lessee shall fail to comply with any of the provisions of the regulations in this part or of the lease and such default shall continue for 30 days after service of written notice thereof, or if the lease was issued improperly through error with respect to a material fact or facts, the lease may be terminated and canceled by the signing officer.

§ 160.20 *Inspection of leased premises.* The land described in the lease shall be subject to inspection at all reasonable times by duly authorized representatives of the Department of the Interior. Other Federal agents, as well as game wardens, shall be permitted access to the lands in connection with necessary official business.

§ 160.21 *Assignment of lease; subleases.* No part of the leased lands may be subleased. The lessee may assign the lease only with the consent of the signing officer. The proposed assignment must be filed with the signing officer within 90 days from date of its execution, and shall contain all the terms and conditions agreed upon between the parties, and the assignee's agreement to be bound by the terms of the lease, together with triplicate copies of the combined application and lease form (4–721) properly executed by the assignee, setting forth all the data required thereby. No assignment will be recognized nor will it confer on the assignee any rights to the leased area until a lease therefor is issued to him.

§ 160 22 *Pledge of leases as security for loans; applications for extension of lease by borrower-lessee.* (a) A lease may be pledged as security for a loan of $500 or more from a lending agency if the loan is for the purpose of furthering the lessee's livestock operations. Before a loan is made, the lending agency may ascertain from the signing officer the status of the grazing lease and other pertinent information relating thereto.

(b) An application by a borrower-lessee for an extension of the lease term should be executed and filed in triplicate on combined application and lease form (4–721). When it appears that such extension will be in accordance with applicable law and not contrary to the public interest, the signing officer in his discretion may extend the lease for a period not to exceed 10 years from the date of the loan, subject to such terms and conditions as are then provided by the regulations in this part, and by the signing officer.

(c) If the property of the lessee which was the basis for the granting of a preference right is acquired by the lending agency through foreclosure or otherwise, such agency or its occupants of the property or a purchaser of the property from the agency, if qualified, may apply on combined application and lease form (4–721) to be recognized as the new lessee. If, in selling the property, the lending agency takes back a mortgage on the property, the agency will receive the same consideration as in the case of an original loan.

(d) Where a lending agency files in the office of the signing officer notice that it has made a loan and has accepted a grazing lease as security therefor, in conformity with the provisions of this section, such agency will be advised of any action taken affecting the lease.

§ 160.23 *Appeals; filing.* An appeal from any decision rendered pursuant to §§ 160.1 to 160.23, inclusive, may be taken to the Director and the Secretary, in accordance with the rules of practice (Part 221 of this chapter). The appeal should be filed with the officer who rendered the decision.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ROSCOE E. BELL,
Associate Director.

Approved: July 11, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 50–6107; Filed, July 14, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 160]

[BAI Order 382]

ALASKA FUR FARMING INDUSTRY

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the authority contained in section 9 of the Alaska Game Law (57 Stat. 306; 48 U. S. C. 198), and section 2 of the act of April 30, 1946 (60 Stat. 127; 7 U. S. C. 434), is considering the issuance of new regulations for the control of the fur farming industry in Alaska. It is proposed to issue the regulations to read as follows:

Subchapter H—Fur Bearing Animals

PART 160—ALASKA FUR FARMING INDUSTRY

Sec.
160.1 Definition of terms.
160.2 Licenses of fur farmers.
160.3 Duties of fur farmers.

§ 160.1 *Definition of terms.* For the purpose of this part, unless the context otherwise clearly indicates:

(a) "Secretary" means the Secretary of Agriculture.

(b) "Commission" means the Alaska Game Commission, as created by the act of January 13, 1925, 43 Stat. 740, and amended by the act of July 1, 1943, 57 Stat. 303.

(c) "Territory" means the Territory of Alaska.

(d) "Person" in the singular or plural, as the case demands, includes individuals, associations, partnerships and corporations.

(e) "Fur farming" means the business of breeding, raising, or producing fur animals in captivity and the marketing of such animals or their products. The word "captivity" means having the fur animals under positive control, as in a pen or within an area of land or water which is completely enclosed by a generally escape-proof barrier.

§ 160.2 *Licenses of fur farmers.* (a) Every person engaged in fur farming shall procure a license annually, and upon request shall produce said license for inspection by all authorized agents of the United States or the Commission.

(b) The cost of said license shall be $2.00.

(c) Each application for a license shall be addressed to the Alaska Game Commission at Juneau, Alaska, and shall be made on a form prescribed by the Commission and accompanied by a bank draft or an express or postal money order payable to the Treasurer of the United States for the amount of the license fee.

(d) The license shall be issued pursuant to subdivision I, section 10 of the Alaska Game Law by the executive officer of the Commission through wildlife agents and other persons authorized by him in writing to sell such licenses.

§ 160.3 *Duties of fur farmers.* Each person carrying on fur farming shall, at all reasonable hours, allow any member or authorized employee of the Commission or any authorized employee of the United States to enter and inspect the premises where operations are being carried on as a fur farm, and to inspect the books and records relating thereto. Each person engaged in fur farming shall sub-

mit annually a written report on a form furnished by the Commission stating the numbers and kinds of fur animals farmed, the numbers and kinds of live animals or skins or pelts thereof bought or sold, and the methods of fur farming employed.

Any interested person who wishes to submit written data, views, or arguments concerning the foregoing proposed regulations may do so by filing them with the Chief, Bureau of Animal Industry, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C., within 45 days from the date of publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 11th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6124; Filed, July 14, 1950; 8:48 a. m.]

Production and Marketing Administration

[7 CFR, Part 904]

HANDLING OF MILK IN GREATER BOSTON, MASS., MARKETING AREA

NOTICE OF PUBLIC MEETING FOR CONSIDERATION OF PROPOSED AMENDMENTS

Notice is hereby given that pursuant to authority contained in Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (7 CFR 904) and the Administrative Procedure Act (60 Stat. 237), and in accordance with Order No. 4 as proposed to be amended (15 F. R. 4133), a public meeting will be held at Room 403, 230 Congress Street, Boston, Massachusetts, on July 17, 1950, at 11:00 a. m., to consider proposed amendments to the rules and regulations (7 CFR 904.101 et seq.) issued by the market administrator to effectuate the terms and provisions of the order. All persons who desire to submit oral data, views, or arguments in connection with the proposed amendments will be given an opportunity to do so at the hearing. All persons who desire to submit written data, views, or arguments in connection with the proposed amendments shall submit them to the market administrator at Room 403, 230 Congress Street, Boston, Massachusetts, by mail or otherwise, in time to be received not later than 5:15 p. m., July 17, 1950.

The market administrator proposes the following amendments to the aforesaid rules and regulations, as amended:

1. Delete § 904.105 (b) (4), and substitute the following:

(4) The butter and cheese adjustment shall not apply to butterfat which is disposed of by the first handler or the second person in a form other than salted butter after being processed into that product. However, if the salted butter is held in inventory by the first handler or the second person at the close of any month, the butterfat in such butter may be tentatively considered as eligible for the adjustment, subject to proof of the form in which the butterfat was subsequently disposed of by the first handler or the second person.

2. Delete that portion of § 904.110 (c) which precedes the table of standard weights, and substitute the following:

(c) *Standard weights.* In the absence of specific weights, the weight of fluid milk products received or disposed of in a quart or 40-quart container shall be determined according to the following table. The weight of such products in any other container shall be determined by multiplying the equivalent number of quarts by the respective standard weight per quart container, except that, in the absence of specific weights, the weight of such products in a 20-quart container shall be considered to be one-half of the applicable standard weight per 40-quart can.

Issued at Boston, Massachusetts, this tenth day of July 1950.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 50-6164; Filed, July 14, 1950; 8:56 a. m.]

[7 CFR, Part 925]

[Docket No. AO-226]

HANDLING OF MILK IN PUGET SOUND, WASH., MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900) notice is hereby given of a public hearing to be held at the U. S. Courthouse, Seattle, Washington, beginning at 10:00 a. m., P. d. s. t., August 1, 1950.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Puget Sound, Washington, marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in the said marketing area. The proposed marketing agreement and order proposals set forth below have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any modification thereof:

Marketing agreement and order proposed by the United Dairymen's Association:

DEFINITIONS

§ 925.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 925.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 925.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified herein.

§ 925.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 925.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 925.6 *Puget Sound, Washington, Marketing Area.* "Puget Sound, Washington, Marketing Area" (hereinafter called the "marketing area") means all territory lying within Whatcom County; all territory lying west of range 8 E. in Skagit, Snohomish, and King Counties; all territory lying west of range 8 E. and within townships 18, 19, 20, 21 and 22 N. in Pierce County; all territory lying within Kitsap County; all territory lying east of range 4 W. in Mason County; all territory lying within Thurston County; all territory lying west of range 5 E. in Lewis County; all territory lying north of township 12 N. in Pacific County; and all territory lying south of T. 19 N. in Grays Harbor County; all in the State of Washington. As used in this definition "territory" shall include all municipal corporations, Federal military reservations, facilities and installations, and state institutions lying wholly or partly within the above described area. The "Northern District" of the marketing area shall include that part of the marketing area lying within Skagit and Whatcom Counties and the "Southern District" shall include the remainder of the marketing area.

§ 925.7 *Route.* "Route" means any delivery (including a sale from a fluid milk plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drink, or cream in fluid form to a wholesale or retail stop(s) other than a milk distributing or milk processing plant.

§ 925.8 *Fluid milk plant.* "Fluid milk plant" means any milk plant from which a route is operated within the marketing area.

§ 925.9 *Country plant.* "Country plant" means any milk plant, other than a fluid milk plant, approved by any health authority having jurisdiction within the marketing area for the receiving of milk qualified for disposition in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drink, or cream within the marketing area: *Provided*, That this definition shall not include any portion of the building or facilities of such plant used to receive or process milk or milk products required to be kept physically separate from milk so qualified.

§ 925.10 *Handler.* "Handler" means:

(a) Any person, irrespective of whether such person is a cooperative association, in his capacity as the operator of a fluid milk plant or country plant; or

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 925.11 *Unapproved plant.* "Unapproved plant" means any milk processing or milk distributing plant which is not a fluid milk plant or country plant.

§ 925.12 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at a fluid milk plant or country plant: *Provided*, That such milk is produced under a dairy farm permit or rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as Grade A milk. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted by a handler for his account to an unapproved plant, and milk so diverted shall be deemed to have been received at the fluid milk plant or country plant from which it was diverted.

§ 925.13 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is purchased or received by a handler either directly from producers or from other handlers.

§ 925.14 *Other source milk.* "Other source milk" means all milk and butterfat other than that contained in producer milk.

§ 925.15 *Producer-handler.* "Producer-handler" means any person who produces milk and operates a fluid milk plant, but who receives no milk from producers.

§ 925.16 *Base.* "Base" means a quantity of milk, expressed in pounds per day, computed pursuant to § 925.60.

§ 925.17 *Base milk.* "Base milk" means milk delivered by a producer each month, which is not in excess of his base multiplied by the number of days of delivery in such month.

§ 925.18 *Excess milk.* "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 925.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 925.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 925.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 925.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 925.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 925.30 to 925.32, inclusive;

(2) Maintained adequate records and facilities pursuant to § 925.33; or

(3) Made payments pursuant to §§ 925.80 to 925.88, inclusive;

(i) On or before the 12th day after the end of each month, report to each cooperative association or its duly designated agent which so requests the amount and class utilization of milk caused to be delivered by such cooperative association, either directly or from producers who are members of such cooperative association, to each handler to whom the cooperative association sells milk. For the purpose of this report the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 925.51 (a) and the Class I butterfat differential pursuant to § 925.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 925.51 (b) and the Class II butterfat differential pursuant to § 925.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price computed pursuant to § 925.71 and the butterfat differential computed pursuant to § 925.62, both applicable to milk delivered during the preceding month; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 925.30 *Reports of receipts and utilization.* On or before the 7th day of each month each handler, except a producer-handler, shall report to the market administrator for each fluid milk plant and country plant, in the detail and on forms prescribed by the market administrator, as to receipts during the preceding month, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The quantities of base and excess milk received; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 925.31 *Payroll reports.* On or before the 20th day of each month each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show (a) the total pounds of base and excess milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (b) the amount of payment to each producer and cooperative association, and (c) the nature and amount of any deductions or charges involved in such payments.

§ 925.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

§ 925.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 925.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That, if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8s (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 925.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 925.30 shall be classified by the market administrator pursuant to the provisions of §§ 925.41 to 925.45, inclusive.

§ 925.41 *Classes of utilization.* Subject to the conditions set forth in §§ 925.42 and 925.43, inclusive, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, yogurt flavored milk, flavored milk drinks, cream (sweet or sour), any mixture (except bulk ice cream mix) of cream and milk or skim milk in fluid form, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section;

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) of this section, (2) disposed of for livestock feed, and (3) in inventory variations of milk, skim milk and cream.

§ 925.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat (except that transferred to a producer-handler) shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 925.43 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to the fluid milk plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 925.45 (a) (1) and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred or diverted to a producer-handler in the form of milk, skim milk or cream.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to an unapproved plant located more than 120 miles from the County-City Building in Seattle by the shortest highway distance as determined by the market administrator: *Provided*, That if a handler transfers or diverts producer milk to any unapproved plant operated by him and such plant disposes of milk, skim milk, or cream in fluid form to any other unapproved plant distributing fluid milk which is located more than 120 miles from the County-City Building in Seattle such disposition of milk shall be deemed to be producer milk and shall be classified as Class I milk.

(d) (1) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located more than 120 miles from the County-City Building in Seattle, and from which milk is disposed of in fluid form unless all the following conditions are met:

(i) The market administrator is permitted to audit the records of such unapproved plant; and

(ii) Such unapproved plant receives milk from dairy farmers whom the market administrator determines constitute its regular source of supply for Class I milk.

(2) If these conditions are met, the market administrator shall classify such milk as reported by the handler subject to verification as follows:

(i) Determine the use of all skim milk and butterfat at such unapproved plant, and (ii) allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting in series, beginning with the highest use classification, the skim milk and butterfat in milk received at the unapproved plant direct from dairy farmers who constitute the regular source of supply.

(e) As Class II milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 120 miles from the County-City Building in Seattle and from which milk is not disposed of in fluid form.

§ 925.44 *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 925.45 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 925.44, the marked administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II;

(2) Subtract from the pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 925.43 (a); and

(3) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 925.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed from the following formula:

(1) Multiply the simple average as computed by the market administrator, of the daily average wholesale selling price (using the midpoint of any price range as one price) of Grade A (92-score bulk creamery butter per pound at Chicago, as reported by the Department during the month) by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 4.

(c) The price per hundredweight computed from the following formula:

(1) Multiply by 4.8 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under paragraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 925.51 *Class prices.* Subject to the provisions of §§ 925.52 and 925.53, inclusive, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price plus $1.45.

(b) *Class II milk.* The price for Class II milk shall be that computed from the following formula:

(1) Multiply by 4.8 the simple average, as computed by the market administrator, of the daily wholesale selling price (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at San Francisco, as reported by the United States Department of Agriculture during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subdivisions (1) and (2) of this subparagraph, subtract 80 cents.

§ 925.52 *Butterfat differential to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 925.45 is more or less than 4.0 percent, there shall be added to the respective class price computed pursuant to § 925.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco as reported by the Department during the preceding month by the applicable factor listed below and dividing the result by 10:

(a) Class I milk: Multiply by 1.40;

(b) Class II milk: Multiply by 1.15.

§ 925.53 *Location adjustment credit to handlers.* (a) With respect to milk, skim milk or cream actually moved from a country plant or from a fluid milk plant owned by a cooperative association to a fluid milk plant, the transferring handler shall be credited at the rate of 10 cents per hundredweight of the product moved if the distance between the plants is 5 to 20 miles and 25 cents if the distance is more than 20 miles: *Provided*, That with respect to milk, skim milk or cream actually moved from plants in the Northern District to fluid milk plants in the Southern District the transferring handler shall be credited at the rate of 25 cents per hundredweight of the product moved: *And provided further*, That the appropriate credit shall be limited to a quantity equal to the difference between the base milk of the transferee handler and the total amount of milk received directly from producers at the fluid milk plant of such handler.

(b) With respect to Class I milk disposed of from fluid milk plants in the Northern District, the Class I price shall be 25 cents less than the price determined pursuant to § 925.51 (a).

DETERMINATION OF BASE

§ 925.60 *Computation of daily base.* Subject to the base rules set forth in § 925.61, the market administrator shall compute a daily base for each producer in the following manner and such base shall be in effect for the months of April through March, inclusive:

(a) Except as provided in (b) of this section, divide such producer's deliveries of milk in the four months of his lowest production between the preceding months of September and February, both inclusive, by the number of days of delivery in such four months: *Provided*, That no month in which the producer delivered less than 15 days shall be used in such computations:

(b) If a producer did not deliver milk during four of the months in such six-month period September through February as required by (a) of this section, his base shall be computed by applying the following percentages, respectively, to his deliveries in the following months of April through March: *Provided*, That for each sequence of twelve months beginning with April 1951 the market administrator shall compute percentages which the market's four low months shall bear to deliveries in each of the preceding twelve months and subtract 10; and the resulting percentage shall become the base for new producers:

Month:	*Percentage*	Month:	*Percentage*
April	70	October	90
May	55	November	90
June	60	December	90
July	65	January	90
August	70	February	85
September	85	March	80

§ 925.61 *Base rules.* The following rules shall be observed in the determination of bases:

(a) A landlord who rents to a tenant is entitled to the entire base if the landlord owns the entire herd.

(b) A tenant who rents a farm is entitled to the entire base if the tenant owns the entire herd.

(c) In the event both landlord and tenant have ownership in a herd and such landlord-tenant relationship terminates, division of base shall be made proportionately based on the number of cows owned by each at the time of division.

(d) A producer with a base, whether landlord or tenant, may retain his base when moving his entire herd from one farm to another.

(e) A tenant or landlord who owns a herd having no base, who joins with a

landlord or tenant having a base, may earn a base under § 925.60 (b), but in this event the current base shall be relinquished and the new base shall be a combined base for both parties.

(f) A producer who does not deliver to a handler for more than 45 days shall lose his base and if he returns to a handler he shall be paid on a base determined pursuant to § 925.60 (b) until he can establish a new base under § 925.60 (a).

(g) A producer who sells his entire herd to another producer may transfer his base to such purchaser.

(h) By notifying the market administrator at least 30 days in advance, a producer may relinquish his base established pursuant to § 925.60 (a) once in any year ending with February, and receive a base for the balance of such year in the manner provided by § 925.60 (b).

(i) In the event of a partnership, the base shall be a combined base and in the event of dissolution of the partnership shall be divided among the partners in proportion to the division of the herd.

(j) In the event of the death or retirement of a person having a base, such base may be transferred to an immediate member of his family who carries on the dairy operations: *Provided*, That such successor continues to supply the market without interruption.

DETERMINATION OF UNIFORM PRICE

§ 925.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, adding together the resulting amounts and deducting therefrom the values of all location adjustments computed at the applicable rates set forth in § 925.53: *Provided*, That if the handler had overage of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 925.44 by the applicable class prices.

§ 925.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 925.70 for all handlers who made the reports prescribed in § 925.30 and, after this order has been in effect for two months, who made the payments pursuant to §§ 925.80 and 925.84 for the preceding month.

(b) Add the aggregate of the values of the maximum allowable location adjustments to producers pursuant to § 925.81 (a) and (b).

(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 925.85.

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent or add if such average butterfat content is less than 4.0 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 925.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Compute the total value of excess milk by multiplying the hundredweight of such excess milk by the Class II price for 4.0 percent milk.

(f) Compute the total value of base milk delivered by producer by subtracting the value computed pursuant to (e) of this section from the value computed pursuant to (d) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of base milk by the Class I price (§ 925.51) such value in excess thereof shall be subtracted from the value of the base milk and added to the value computed in (e) of this section;

(g) Divide the result obtained in (f) of this section by the total hundredweight of base milk and subtract not less than 4 cents nor more than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(h) Divide the result obtained in (e) of this section by the hundredweight of excess milk and subtract not less than 4 cents nor more than 5 cents. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 925.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, each handler other than a cooperative association shall make payment to each producer for milk received from such producer during such month, as follows:

With respect to producers whose milk was caused to be delivered to such handler by a cooperative association which does not operate a fluid milk plant or country plant but which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association on or before the 13th day after the end of the month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph:

(1) At not less than the uniform price for base milk for the quantity of base milk received from such producer, subject to the butterfat differential computed pursuant to § 925.82 and to the location differential set forth in § 925.81; and

(2) At not less than the uniform price for excess milk for the quantity of excess milk received from such producer, subject to the butterfat differential computed pursuant to § 925.82.

(b) On or before the 13th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for milk purchased or received from it during such month, an amount of money representing not less than the total value of such milk computed by multiplying the pounds of such milk in each class by the applicable class price.

§ 925.81 *Location adjustments to producers.* In making payments pursuant to § 925.80, the following deductions may be made:

(a) An amount not in excess of 25 cents per hundredweight may be deducted with respect to producer milk received at country plants located at Lynden, Ferndale, Everson, Sumas, Burlington, Mt. Vernon, Conway, Arlington, Snohomish, Enumclaw, Yelm, Issaquah, Satsop, Sequim, Dungeness or Chehalis, or at any other country plant located more than 20 miles from the County-City Building in Seattle: *Provided*, That an additional amount of 10 cents per hundredweight may be deducted with respect to those country plants located on the Olympic Peninsula;

(b) An amount not in excess of 25 cents per hundredweight may be deducted with respect to producer milk received from farms at loading platforms located at Conway or Elma, or at any other loading platform more than 20 miles from the fluid milk plant for which the milk is received, and reloaded to other trucks for delivery to such fluid milk plant.

(c) A further amount not in excess of 25 cents per hundredweight may be deducted with respect to producer milk received at the country plants specified in paragraph (a) of this section as a plant handling charge at such plants.

§ 925.82 *Producer butterfat differential.* In making payments pursuant to § 925.80 for base and for excess milk, there shall be added to or subtracted from the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the base and excess milk received from the producer are above or below 4.0 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco as reported by the Department during the month, by 1.4 in the case of base milk, and by 1.15 in the case of excess milk, and, in each case, dividing the resulting amount by 10, and rounding to the nearest one-tenth of a cent.

§ 925.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 925.84 and 925.86, and out of which he shall make all payments to handlers pursuant to §§ 925.85 and 925.86, inclusive.

§ 925.84 *Payment to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by

which the value of the milk received by such handler from producers as determined pursuant to § 925.70 is greater than the amount required to be paid producers by such handler pursuant to § 925.80 (a).

§ 925.85 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 925.70 is less than the amount required to be paid producers by such handler pursuant to § 925.80 (a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payment from the market administrator shall be considered in violation of § 925.80 (a) if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund. The handler shall complete such payments to producers not later than the date for making such payments next following after the receipt of the balance from the market administrator.

§ 925.86 *Adjustments of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting on moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 925.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 925.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services.

§ 925.88 *Expense of administration.* As his prorata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 925.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 925.90 *Effective time.* The provisions hereof or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 925.91.

§ 925.91 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 925.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 825.93 *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 925.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 925.101 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

§ 925.102 *Producer-handlers.* Sections 925.40 to 925.45, inclusive, 925.50 to 925.53, inclusive, 925.70 to 925.71, inclusive, and 925.80 to 925.89, inclusive, shall not apply to a producer-handler.

Proposed by Kitsap Dairymen's Association:

1. Eliminate the "Kitsap-Mason County peninsula" from the definition of "Puget Sound, Washington, marketing area" as proposed by the United Dairymen's Association.

Proposed by the Puget Sound Handlers Committee:

2. "Puget Sound Washington Marketing Area" means all territory lying within Whatcom County; all territory lying West of Range 8E in Skagit, Snohomish and King Counties; all territory lying within Clallam, Jefferson, Grays Harbor, Mason and Kitsap Counties; all territory lying West of Range 8E and within townships 18, 19, 20, 21, and 22N in Pierce County; all territory lying within Thurston County; all territory lying West of Range 5E in Lewis County; and all territory lying North of Township 12N in Pacific County. As used in this definition "territory" shall include all municipal corporations; Federal military reservations, facilities and installations; and state institutions lying wholly or partly within the above described area. The "Northern District" of the Marketing Area shall include that part of the Marketing Area lying within Skagit and Whatcom Counties and the "Southern District" shall include the remainder of the Marketing Area.

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture in Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: July 12, 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50-6161; Filed, July 14, 1950; 8:56 a. m.]

[7 CFR, Part 950]

PEACHES GROWN IN UTAH

NOTICE OF PROPOSED RULES AND REGULATIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that consideration is being given to the following proposed administrative rules and regulations submitted by the Administrative Committee functioning under the marketing agreement and Order No. 50 (7 CFR Part 950), regulating the handling of peaches grown in the State of Utah, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended:

§ 950.100 *Definitions.* (a) "Marketing agreement and order" means Marketing Agreement No. 91 and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in the State of Utah.

(b) All terms used herein shall have the same meaning as when used in the marketing agreement and order.

§ 950.101 *General.* Unless otherwise provided in the marketing agreement and the order or by specific direction of the Administrative Committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed to Administrative Committee, Room 412, State Capitol Building, Salt Lake City, Utah.

§ 950.104 *Exemption certificates.* (a) Each application for an exemption certificate shall be submitted on Form A "Application for Exemption from Grade and Size Regulation," which may be obtained from the Administrative Committee, and shall contain the following information:

(1) Name and address of applicant;

(2) Location of each orchard from which peaches will be shipped pursuant to the exemption certificate requested;

(3) Estimated total production of peaches from such orchard and all other orchards owned or controlled by such applicant;

(4) Estimated percentage of peaches of such production which cannot be shipped because of the then effective (i) grade regulation, and (ii) size regulation, together with the reasons why such percentage fails to meet the requirements of the grade and size regulations; and

(5) The total quantity of such peaches which the applicant shipped or otherwise disposed of since the beginning of the then current peach shipping season.

Each such application shall be accompanied by a statement of an authorized representative of the Federal-State Inspection Service showing that he has checked the orchards identified in such application and that he has determined, from a representative sample of the peaches, the percentage of such peaches which will meet the requirements of the aforesaid grade and size regulations; and such percentage shall be set forth in such statement.

(b) In the event the Administrative Committee finds that the applicant is entitled to an exemption certificate, it shall issue, or cause to be issued, an appropriate form of exemption certificate. If the Administrative Committee finds that the applicant is not entitled to an exemption certificate, it shall so advise the applicant promptly in writing and state the reasons therefor.

(c) Each producer who ships peaches, or causes peaches to be shipped, pursuant to an exemption certificate, shall submit promptly to the Administrative Committee an accurate report with respect to the disposition of each such shipment, and the date and quantity thereof.

§ 950.105 *Reports.* Each handler shall with respect to all peaches shipped by him each day, promptly report, or cause to be reported, to the Administrative Committee the point of origin of each shipment, the number and type of packages, the grades and sizes of the peaches, and the number of the railroad car or the license number of the truck in which such peaches were shipped.

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposed rules and regulations may do so by mailing the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077, South Building, Washington, 25, D. C., not later than the tenth day after the publication of this notice in the FEDERAL REGISTER.

Issued this 12th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6165; Filed, July 14, 1950; 8:56 a. m.]

[7 CFR, Part 973]

[Docket No. AO-178-A2]

HANDLING OF MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C. not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Minneapolis, Minnesota, on April 13, 1950, pursuant to notice thereof which was issued on March 23, 1950 (15 F. R. 1695).

The material issues of record related to (1) the addition of the city of Anoka to the marketing area, (2) revision of the classification of milk, specifically with respect to natural buttermilk, unaccounted for milk, and flavored milk in hermetically sealed containers, (3) allocation of milk received from nonpool plants, (4) revision of the Class II pricing formula, (5) revision of the Class I differentials, (6) classification of receipts from producer-handlers, and (7) a reissuance of the entire order.

Findings and conclusions. Upon the basis of the evidence adduced at such hearing it is hereby found and concluded that:

(1) The marketing area should not be extended to include the city of Anoka. The only reason advanced by the proponent for including Anoka in the marketing area was the fact that he distributed milk there in competition with other persons who are not handlers subject to the regulation. At the present time milk is widely distributed by other handlers in communities outside the marketing area under competitive circumstances similar to those existing in Anoka. If Anoka were added to the marketing area it would appear equally logical to add these communities. However, it is neither practical nor feasible to extend the marketing area to include the entire territory within which handlers distribute milk. No evidence was presented tending to indicate the community as a market for milk is homogeneous with that of the present marketing area. The fact standing alone that milk is being distributed in Anoka in competition with milk not subject to regulation does not justify the extension of the marketing area to include such community.

(2) The classification of milk should be revised to provide that all unaccounted for milk be classified as Class I, and that flavored milk and flavored milk drinks in hermetically sealed containers be classified as Class II. No change should be made in the classification of natural buttermilk disposed of for fluid consumption, either plain or with culture added.

At the present time unaccounted for milk up to 1 percent of a handler's receipts is prorated over his entire utilization, and any additional amount is classified as Class I. It was proposed by one of the larger handlers in the market, that all unaccounted for milk be classified as Class I. It was the contention of this handler that, since virtually all the milk handled by the distributing plants is Class I, the slight reduction in total cost of milk to handlers resulting from the present proration is insignificant and is more than offset by the increased bookkeeping and accounting costs involved. The only other testimony concerning the proposal was made by the cooperative association which is the supplier of most of the handlers in the market, and which handles in its own plants virtually all of the Class II milk on the market. In large part its testimony was similar to that of the proponent. Since administrative experience tends to confirm this view, it has been concluded that all unaccounted for milk be classified as Class I.

Flavored milk and flavored milk drinks in hermetically sealed containers should be classified as Class II. These products are not subject to the local health regulations applicable to fresh fluid milk and milk drinks. They are made by nonhandlers, some of whom are located great distances from the marketing area. From an administrative standpoint, it would be unwise to classify such products as Class I. Placing these products in Class I would make the processors of them handlers subject to the order. Because of the location of the plants and the manner of distribution (normally through wholesale grocers rather than milk plants) it woud be highly impracticable to attempt to regulate such plants.

Natural buttermilk should continue to be classified as Class I when disposed of for fluid consumption either in its natural form or in the form of flavored milk or cultured buttermilk.

It was proposed by one of the handlers that the natural buttermilk resulting from the churning operations in the handler's own plant, be classified as Class II, even when disposed of as cultured buttermilk or flavored milk drinks. The proponent operates the only distributing plant in the market where any appreciable amount of butter is churned. The testimony shows that cultured buttermilk and flavored milk drinks made from natural buttermilk are indistinguishable from similar products made from skim milk. The health regulations applicable in the marketing area make no distinction between the two products. Reclassifying these products in Class II if made from buttermilk, would result in a decided competitive advantage to the proponent, since it would result in his being required to pay approximately 1.25 cents per quart less than other handlers for his raw product. It is concluded that the order should not be amended in this respect.

(3) No change should be made in the method of allocating milk received from nonpool plants. The proposed amendment would have prorated such milk rather than allocated it to the lowest class use as provided in the present order. The present provision has not operated to the disadvantage of the proponents but they advance their amendment solely on the basis of "principle." The principle upon which proponents rely, however, seems inappropriate in the circumstances of this market.

A major purpose of the Agricultural Marketing Agreement Act of 1937 is to assure that regulated markets are supplied with adequate quantities of pure and wholesome milk. Under present practice local communities determine, by virtue of the sanitary standards which they promulgate in the interest of protecting the health of such local communities, what is to be accepted as "pure and wholesome milk." The Federal Government does not enforce health and sanitation standards for milk. Consequently the reference in the act to "pure and wholesome milk" means milk meeting the sanitation standards of local health authorities and it is, therefore, a policy of the act to provide for adequate supplies of locally approved milk for regulated marketing areas.

Under the circumstances of this market proponent's suggested amendment would have two consequences:

(a) It would tend to reduce at certain times the returns which farmers receive for milk which is produced in conformity with the local sanitary standards applicable in this marketing area and this, in turn, would tend to hinder the production of an adequate supply of locally produced milk, and

(b) It would increase the incentive for milk handlers to substitute milk which does not meet sanitation standards of this market for milk which does meet such standards. Both of these consequences are objectionable under the act.

(4) The Class II pricing formula should be revised to more accurately reflect actual yields of butter and nonfat dry milk solids and to provide a more realistic allowance for manufacturing costs. At the present prices of butter and nonfat dry milk solids, the net effect of the change would be a reduction of approximately 6 cents per hundredweight. Specifically, the proposed change would (a) increase the presumed yields of butter and nonfat dry milk solids from 4.2 and 7.7 pounds respectively, to 4.24 and 8.2 pounds, (b) use the price of spray process nonfat dry milk solids, rather than the average of the prices of spray and roller process, and (c) increase the "make allowance" from 42 cents to 65 cents per hundredweight of milk.

The proposed yields, on the basis of recent studies introduced in evidence, will much more nearly reflect the actual operations of manufacturing plants under the order than do the present yield factors. Since virtually all of the powder manufactured under the order is spray process, it has been deemed proper to use the price of it alone rather than the average of the prices of both spray and roller process.

The proposed "make allowance" of 65 cents is intended not only to reflect the increased costs of plant operation which have occurred since the original formula was adopted in 1945, but also to establish a price for manufacturing milk comparable to that being paid by plants located adjacent to the marketing area. During February (the last month for which figures are available in the record) the average price paid for milk by seven manufacturing plants operated by nonhandlers located within 25 or 30 miles of the marketing area was $3.03 per hundredweight. The proposed formula would have resulted in a price of $3.02.

The only plant for which actual figures are shown in the record had an actual cost of 61 cents per hundredweight. This plant, however, handles a much larger volume of milk than the average plant and is locally considered to operate much more efficiently than the average plant in the area.

It is concluded that the proposed allowance of 65 cents will establish a price for manufacturing milk competitive with that being paid locally, in addition to reflecting the increased costs of processing milk.

A group of Wisconsin manufacturing plants which are not subject to the order and which are located beyond the outer limits of the milkshed, urged that the proposed formula should be reduced substantially and fixed at about the level of the Class IV price in the Chicago market,

The Class IV price in the Chicago market, however, applies only to milk used to produce butter, cheese, and nonfat dry milk solids and is not comparable to the Class II price in the Minneapolis market which is applicable to a wide variety of products, including ice cream, cottage cheese, evaporated and condensed milk and others, many of which are priced substantially higher under the Chicago order.

In order to bring the Class II butterfat differential in line with the change in the butter yield proposed above, the "overrun" factor in the butterfat differential should be changed from 20 percent to 21.14 percent.

(5) The Class I differential for the months of August through November should be reduced from $1.00 to 85 cents. The present differentials were established when the market was in a period of transition from a Nongrade A to a Grade A status. The shift of producers to Grade A production has been very rapid and virtually the entire supply for the market is now of Grade A quality. It appears that the present differentials, if maintained during the months of August through November, would result in a higher Class I price than necessary to maintain an adequate supply of milk for the market. Under the present order the Class I price during those months would be somewhat higher than the Class I price under the Chicago order at the points where the two milksheds are contiguous and might result in drawing milk from the Chicago to the Minneapolis market. During the other months the differentials are such as to maintain a reasonable balance between the two milksheds. The proposed reduction in the differential during these months, would bring the Class I prices in the two orders more nearly in line and would remove the incentive for producers to shift from the Chicago to the Minneapolis-St. Paul market.

The proposal to increase the Class I differential from 70 cents to 85 cents during the month of July should be denied. It appears that there will be an ample supply of milk during the month and that no additional incentive is needed.

Likewise, the proposal that the Class I differential be increased 5 cents during the months of August through November should the basic price be $3.00 or more should be denied. While there is undoubtedly some merit to changing the amount of the differential when there are wide changes in the basic price, the record evidence on this proposal is sketchy. A much more comprehensive analysis of the problem should be made before any action is taken on the proposal.

The alternative basic price which incorporates the "butter-cheese" formula should be revised to delete the reference to "Twins." In recent years there have been very few prices for "Twins" quoted on the Wisconsin Cheese Exchange. As a consequence the price of "Cheddars" has been used continuously in the formula. The terms of the order should be revised to conform to the existing conditions.

(6) A producer-handler who disposes of skim milk or butterfat to another handler should be considered a producer with respect to such sales only if they are of whole milk. Sales of skim milk or cream by a producer-handler should be considered inter-handler sales and should be outside the pricing provisions of the order. The present construction of the order in this respect has created several problems, and from an administrative point of view it is imperative that the proposed change be made.

(7) The entire order should be renumbered and reissued to conform to the numbering system now required by the FEDERAL REGISTER. The reissuance and renumbering of the entire order will have no substantive effect except as to those provisions of the order which specifically should be amended as aforesaid. The issuance of a complete amended order at this time with section numbering conforming to FEDERAL REGISTER requirements is desirable so that all of the provisions of the order, as amended, will be readily accessible in a single document.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Twin City Milk Producers Association, Dairy Cooperative Institute, Maple Island, Inc., and L. J. Haack doing business as Anoka Dairy.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the fact found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

DEFINITIONS

§ 973.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 973.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 973.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 973.4 *Minneapolis-St. Paul, Minnesota, marketing area.* "Minneapolis-St. Paul, Minnesota, marketing area" hereinafter called the "marketing area" means the territory within the corporate limits of the cities of Minneapolis, Robbinsdale, and Wayzata in Hennepin County; Columbia Heights in Anoka County; St. Paul and White Bear in Ramsey County; West St. Paul and South St. Paul in Dakota County; together with the following townships and all villages therein: Brooklyn, Crystal, St. Anthony, Golden Valley, St. Louis Park, Orono, Excelsior, Minnetonka, Edina, Bloomington, and Richfield in Hennepin County; Fridley in Anoka County; Mounds View, Rose, White Bear, and New Canada in Ramsey County; Grant, Oakdale, Woodbury, Cottage Grove, and Newport in Washington County; and Mendota, West St. Paul, and Inver Grove in Dakota County; all in the State of Minnesota.

§ 973.5 *Pool plant.* "Pool plant" means any milk processing plant during any delivery period within which skim milk or butterfat (a) is disposed of as Class I milk from such plant on wholesale or retail routes (including plant stores) within the marketing area, (b) is transferred as Class I milk from such plant to a plant described in paragraph (a) of this section unless such transfer is made only during the months of August to November, inclusive, or (c) is transferred as Class I milk from such plant to a plant described in paragraph (b) of this section unless such transfer is made only during the months of August to November, inclusive. Any such plant shall continue to be a "pool plant" during any delivery period in which skim milk or butterfat is transferred as Class I milk from such plant to another

pool plant until August 1 of the year following that in which such transfer was last made.

§ 973.6 *Nonpool plant.* "Nonpool plant" means any milk processing plant during any delivery period when such plant does not meet the requirements set forth in § 973.5. Any such plant shall become a "pool plant" during any delivery period within which it meets the requirements set forth in § 973.5.

§ 973.7 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 973.8 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly from such person's farm at a pool plant.

§ 973.9 *Handler.* "Handler" means any person, irrespective of whether such person is also a producer, in his capacity as the operator of a pool plant.

§ 973.10 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 973.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

§ 973.12 *Market administrator.* "Market administrator" means the person designated pursuant to § 973.20 as the agency for the administration hereof.

§ 973.13 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this order is in effect.

MARKET ADMINISTRATOR

§ 973.20 *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 973.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions hereof;

(b) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof;

(c) Recommend to the Secretary amendments hereto; and

(d) Make rules and regulations to effectuate the terms and provisions hereof.

§ 973.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions hereof, including but not limited to, the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 973.90, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 973.91;

(c) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (1) made reports pursuant to § 973.30 or (2) made payments pursuant to §§ 973.80 and 973.83; and may at any time thereafter so disclose any such name if authorized by the Secretary;

(e) Verify each handler's records and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends; and

(f) Prepare and disseminate to the public such statistics and information concerning the operations hereunder as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 973.30 *Delivery period of reports of receipts and utilization.* On or before the 8th day of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to all skim milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by him at each pool plant during the preceding delivery period in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and the quantities of butterfat contained in (or used in the production of) receipts from producers (including his own production), producer-handlers, pool plants and nonpool plants, and the sources thereof;

(b) The utilization of all skim milk or butterfat disposed of;

(c) The quantities of skim milk and butterfat on hand at the beginning and end of each delivery period; and

(d) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

§ 973.31 *Reports of producer-handlers.* Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 973.32 *Reports as to producers.* Each handler, upon the request of the market administrator, shall, on or before the 25th day of each delivery period, submit to the market administrator such handler's producer payroll for the preceding delivery period which shall show for each producer (a) the total pounds of milk delivered with the average butterfat test thereof, and (b) the net amount of such handler's payments to such producer or to a cooperative association together with the prices, deductions, and charges involved.

§ 973.33 *Records and facilities.* Each handler shall permit the market administrator to make such examinations of his operations, equipment, and facilities as the market administrator deems necessary and he shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights and tests for butterfat and for other content of all skim milk or butterfat handled, (c) payments to producers and cooperative associations, and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 973.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided*, That if, within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 973.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by a handler during each delivery period, shall be classified

by the market administrator pursuant to the provisions of §§ 973.41 to 973.45.

§ 973.41 *Classes of utilization.* Subject to the conditions set forth in §§ 973.42 and 973.43, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (except flavored milk and flavored milk drinks in hermetically sealed containers), cream (sweet or sour including a mixture of cream and milk or skim milk containing less butterfat than the legal standard for cream), eggnog, aerated cream, ready whipped cream, and mixes for toppings and uses similar to those of whipped cream, and all skim milk and butterfat not specifically accounted for pursuant to paragraph (b) of this section.

(b) Class II milk shall be all skim milk disposed of as animal feed and all skim milk and butterfat used to produce a milk product other than those specified in paragraph (a) of this section.

§ 973.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat purchased or received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise.

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 973.43 *Transfers.* Skim milk or butterfat disposed of by a handler by transfer shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream to another handler (other than a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer occurred, but in no event shall the amount classified in either class exceed the total use in such class by the transferee handler: *Provided*, That, if either or both handlers have received skim milk or butterfat from a nonpool plant, the skim milk or butterfat transferred from a pool plant shall be classified at both plants so as to return the highest class utilization to milk of producers.

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred in the form of milk, skim milk, or cream to a nonpool plant located less than 100 miles from the marketing area unless (1) the handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and the person who received such milk, on or before the 8th day after the end of the delivery period within which such transfer occurred, (2) the nonpool plant maintains records showing the receipt and utilization of all skim milk and butterfat at such plant which are made available to the market administrator for the purpose of verification, and (3) such nonpool plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if verification of such records discloses that an equivalent amount of skim milk and butterfat had not been used in such indicated utilization, the remaining pounds shall be classified in the remaining class.

(d) As Class I milk if transferred in the form of milk or skim milk and as Class II milk if transferred in the form of cream to a nonpool plant located more than 100 miles from the marketing area.

§ 973.44 *Computation of milk in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler.

§ 973.45 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner: (1) Subtract from the pounds of skim milk in Class II the pounds of skim milk received from nonpool plants: *Provided*, That if the receipts from nonpool plants are greater than the pounds of skim milk remaining in Class II an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I; (2) subtract from the remaining pounds of skim milk in each class, respectively, the pounds of skim milk received from other pool plants in accordance with its classification as determined pursuant to § 973.43 (a); (3) if the total pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from Class II: *Provided*, That if the remaining pounds of skim milk in Class II are less than the amount to be subtracted, an amount equal to the difference shall be subtracted from Class I.

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine, respectively, the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 973.50 *Class prices.* Each handler shall, subject to the provisions of §§ 973.52 and 973.53, pay at the time and in the manner set forth in § 973.80 not less than the prices set forth in this paragraph per hundredweight of milk received during each delivery period at such handler's plant.

(a) *For Class I milk.* The price shall be the basic price determined pursuant to § 973.51 plus 50 cents during the delivery periods of January to June, inclusive; plus 70 cents during the delivery periods of July and December; plus 85 cents during the delivery periods of August to November, inclusive.

(b) *For Class II milk.* The price shall be that determined by the market administrator as follows: (1) Multiply by 4.24 the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period in which such milk was received; (2) multiply by 8.2 the average price of spray process nonfat dry milk solids for human consumption, in carlots f. o. b. manufacturing plants as reported for the Chicago area by the Department of Agriculture for the delivery period during which the milk was received; (3) add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph and (4) subtract 65 cents therefrom.

§ 973.51 *Basic prices.* The basic price to be used in determining the price per hundredweight of Class I milk shall be the price for Class II milk computed pursuant to § 973.50 (b) or that derived from either of the formulas set forth in paragraphs (a) and (b) of this section, whichever is the highest.

(a) The average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture;

Companies:	*Locations*
Borden Co.,	Mountain Pleasant, Mich.
Carnation Co.,	Sparta, Mich.
Pet Milk Co.,	Hudson, Mich.
Pet Milk Co.,	Wayland, Mich.
Pet Milk Co.,	Coopersville, Mich.
Borden Co.,	Black Creek, Wis.
Borden Co.,	Greenville, Wis.
Borden Co.,	Orfordville, Wis.
Borden Co.,	New London, Wis.
Carnation Co.,	Chilton, Wis.
Carnation Co.,	Berlin, Wis.
Carnation Co.,	Richland Center, Wis.
Carnation Co.,	Oconomowoc, Wis.
Carnation Co.,	Jefferson, Wis.
Pet Milk Co.,	New Glarus, Wis.
Pet Milk Co.,	Belleville, Wis.
White House Milk Co.,	Manitowoc, Wis.
White House Milk Co.,	West Bend, Wis.

(b) (1) Multiply the average wholesale price per pound of 93-score butter at New York for said delivery period as reported by the Department of Agriculture by six (6); (2) add 2.4 times the weekly prevailing price of "Cheddars" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture; (3) divide the resulting sum by seven (7); (4) add 30 percent thereof; and (5) multiply the resulting sum by 3.5.

§ 973.52 *Location differential to handlers.* With respect to milk purchased or received at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul and which is classified as Class I milk, the price per hundredweight computed pursuant to § 973.50 (a) shall be reduced one cent for each full mile that such plant is more than 15 miles distant from such viaduct. Such deduction shall be based on the shortest highway distance from such pool plant as determined by the market administrator.

For purposes of this section the milk which is classified as Class I milk during each delivery period shall be considered to have been first that which was received from producers at such handler's pool plants located within the marketing area, and then that milk which was received from producers at such handler's other pool plants located nearest to the marketing area.

§ 973.53 *Butterfat differentials to handlers.* (a) If the average butterfat content of the milk disposed of by any handler as Class I milk is more or less than 3.5 percent, there shall be added to the Class I price per hundredweight computed pursuant to § 973.50 (a) for each one-tenth of 1 percent that the average butterfat content of such Class I milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class I milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 25 percent and divide the sum obtained by 10.

(b) If the average butterfat content of the milk disposed of by any handler as Class II milk is more or less than 3.5 percent, there shall be added to the Class II price per hundredweight computed pursuant to § 973.50 (b) for each one-tenth of 1 percent that the average butterfat content of such Class II milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class II milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 21.14 percent and divide the sum obtained by 10.

§ 973.54 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or for any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk or product associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *And provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 973.60 *Application to producer-handlers.* Sections 973.40 to 973.46, 973.50 to 973.54, 973.70 to 973.73, 973.80 to 973.84, and 973.90 to 973.92 shall not apply to the handling of milk by producer-handlers.

§ 973.61 *Producer-handlers.* Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 973.10, as of the effective date hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing milk that affect their qualifications as producer-handlers; such verification by the market administrator shall be made within 15 days of the receipt of the evidence and shall be retroactive to the effective date hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

§ 973.62 *Sales of milk by a producer-handler.* A producer-handler who sells or disposes of skim milk or butterfat in bulk in the form of whole milk to another handler or producer-handler shall be considered a producer with respect to such skim milk or butterfat.

§ 973.63 *Handlers who receive milk from two groups of producers.* In the case of a handler who is required by any health authority in the marketing area to separate his producers into two groups and to receive and handle separately the milk received from each group, the market administrator shall compute a uniform price for each group of producers in the manner provided in § 973.71, if the handler files separate reports for each group, and the milk is handled in such a manner and the records of the handler are so kept that the market administrator can verify the utilization of the milk received from each group.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 973.70 *Computation of the value of milk received from producers.* The value of the milk received directly from producers' farms during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class price and adding together the resulting amounts: *Provided*, That if any skim milk has been subtracted pursuant to § 973.45 (a) (3), or if any butterfat has been similarly subtracted, there shall be added to the above value an amount computed by multiplying the pounds of skim milk and butterfat so subtracted by the applicable class prices.

§ 973.71 *Computation of the uniform price for each handler.* The market administrator shall compute the uniform price per hundredweight for milk purchased or received directly from producers' farms during the delivery period by each handler as follows:

(a) To the value computed pursuant to § 973.70 add an amount equal to the total value of the location differentials computed pursuant to § 973.82.

(b) From the sum obtained in paragraph (a) of this section subtract, if the average butterfat content of all milk received by such handler directly from producers' farms is more than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 973.81 and multiply the result by the total hundredweight of milk received directly from producers' farms.

(c) Adjust the resulting sum by an amount representing the fraction used in adjusting the uniform price for the previous delivery period to the nearest cent.

(d) Divide the result by the total hundredweight of milk received directly from producers' farms.

(e) Adjust the resulting figure to the nearest cent. This shall be known as the uniform price per hundredweight for each handler for milk of 3.5 percent butterfat content delivered to the marketing area.

§ 973.72 *Announcement of class prices.* On or before the 6th day after the end of the delivery period the market administrator shall mail to all handlers and make public announcement of the class prices computed pursuant to § 973.50 and the butterfat differentials computed pursuant to § 973.53 and § 973.81.

§ 973.73 *Announcement of uniform prices.* On or before the 15th day after the end of each delivery period the market admiinstrator shall notify each handler and make public announcement of the uniform prices computed pursuant to § 973.71.

PAYMENTS FOR MILK

§ 973.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 20th day after the end of the delivery period in which the milk was received, to each producer for milk not caused to be delivered directly from such producers' farms to such handler by a cooperative association, at not less than the uniform price computed pursuant to § 973.71, subject to the differentials set forth in §§ 973.81 and 973.82.

(b) On or before the 15th day after the end of the delivery period in which the milk was received, to a cooperative association for milk which it caused to be delivered directly from producers' farms to such handler and for which such cooperative association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to paragraph (a) of this section, and less the amount of the payment made pursuant to paragraph (d) of this section.

(c) On or before the 10th day after the end of the delivery period in which the skim milk or butterfat was received, to a cooperative association for skim milk or butterfat purchased or received from such cooperative association at not less than the class prices computed pursuant to § 973.50, subject to the differentials set forth in §§ 973.52 and 973.53, and less the amount of the payment made pursuant to paragraph (d) of this section.

(d) On or before the 20th day of the delivery period in which such skim milk and butterfat was received, to a cooperative association, if it so requests, for skim milk and butterfat which was purchased or received from such cooperative association and for skim milk and butterfat which such cooperative association caused to be delivered directly from producers' farms to the plant of such handler during the first 15 days of such delivery period at the approximate value of such skim milk or butterfat.

§ 973.81 *Butterfat differential to producers.* If, during the delivery period, any handler has purchased or received from any producer, milk having an average butterfat content other than 3.5 percent, such handler in making the payment prescribed in § 973.80 (a) and (b) shall add to the uniform price per hundredweight payable to such producer for each one-tenth of 1 percent that the butterfat content in milk is above 3.5 percent not less than, or shall deduct from the uniform price per hundredweight for each one-tenth of 1 percent that the butterfat content in milk is below 3.5 percent not more than an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period, add 20 percent and divide the resulting sum by ten (10).

§ 973.82 *Location differential to producers.* In making payment pursuant to § 973.80 (a) and (b) for milk received from producers at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, each handler shall deduct from the uniform price payable to such producers an amount equal to one cent per hundredweight for each full mile that the plant where such milk was received is more than 15 miles distant from such viaduct.

§ 973.83 *Correction of errors in payments to producers.* Errors in making any of the payments prescribed in § 973.80 shall be corrected not later than the date for making payments next following the determination of such errors. Any correction affecting all producers delivering to any handler during the period in which such error occurred shall be corrected in such manner as the market administrator shall determine to be equitable, either by (a) adjustment of the account of each individual producer who delivered during such period on the basis of a recomputation of the price of such handler, or (b) by addition or subtraction of the amount of such correction to or from the value of all milk received by such handler in the delivery period during which such error was determined, computed as set forth in § 973.70.

§ 973.84 *Statement to producers.* In making the payments required by this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(a) The delivery period and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of the milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 973.80 and 973.83;

(d) The rate which is used in making the payment if such rate is other than the applicable minimum;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 973.91, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MISCELLANEOUS

§ 973.90 *Expense of administration.* As his prorata share of the expense of administration hereof each handler, with respect to all milk purchased or received directly from producers' farms (including such handler's own production) and which is disposed of as Class I milk during the delivery period, shall pay to the market administrator, on or before the 18th day after the end of such delivery period, 2 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe.

§ 973.91 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section each handler in making payments to producers (other than himself) pursuant to § 973.80 shall make a deduction of 2 cents per hundredweight or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk purchased or received directly from producers' farms during the delivery period and shall pay such deductions to the market administrator on or before the 18th day after the end of such delivery period. Such money shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk purchased or received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

§ 973.92 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information: (1) The amount of the obligation; (2) the month(s) during which the milk, with respect to which the obligation exists, was received or handled; and (3) if the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market adminstrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 973.93 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

EFFECTIVE TIME, SUSPENSION, AND TERMINATION

§ 973.100 *Effective time.* The provisions hereof or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 973.101.

§ 973.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions hereof, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 973.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all of the provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate shall:

(a) Continue in such capacity until discharged by the Secretary;

(b) From time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(c) If so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 973.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Filed at Washington, D. C. this 12th day of July 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50-6163; Filed, July 14, 1950; 8:56 a. m.]

[7 CFR, Part 998]

IRISH POTATOES GROWN IN NEW JERSEY

EXEMPTION CERTIFICATES AND SAFEGUARDS

Notice is hereby given that the Secretary of Agriculture is considering the approval of the rules, regulations, and determinations hereinafter set forth which were recommended by the New Jersey Potato Marketing Committee established under Marketing Agreement No. 116 and Order No. 98 (15 F. R. 1925, 2036) regulating the handling of Irish potatoes grown in New Jersey, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

Consideration will be given to any data, views, or arguments pertaining thereto and mailed in triplicate to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Washington 25, D. C., so as to be received by him not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposed rules, regulations, and determinations are as follows:

Sec.
998.101 Definitions.
998.102 Area determinations.
998.103 Exemption certificates.
998.104 Safeguards for special purpose shipments.

AUTHORITY: §§ 998.101 to 998.104 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707, 62 Stat. 1247; 63 Stat. 1051.

§ 998.101 *Definitions.* For the purpose of §§ 998.101 to 998.104, "agreement" means Marketing Agreement No. 116 and "order" means Order No. 98 (15 F. R. 1925, 2036), regulating the handling of Irish potatoes, grown in New Jersey, and the terms used in such sections shall have the same meanings as set forth in said agreement and order.

§ 998.102 *Area determinations.* The committee determines, pursuant to § 998.68, that:

(a) "Immediate production area" means each one of the districts established pursuant to § 998.11; and

(b) "Immediate shipping area" means each one of the districts established pursuant to § 998.11.

§ 998.103 *Exemption certificates*—(a) *Application.* Any producer or handler applying for exemption from regulations issued pursuant to § 998.51, shall file such application with the committee, or its duly designated agent, for such purpose on forms to be furnished by the committee.

Each application shall state (i) the name and address of the applicant for exemption, (ii) the grade, size, and quality regulations from which exemption is requested, and (iii) facts demonstrating that the potatoes, for which exemption is requested, were adversely affected by acts beyond the applicant's reasonable expectation and control. In addition, applications shall set forth such additional information as the committee may find necessary in making determinations with respect thereto, including, without limitation thereto, the information required on producer applications by subparagraphs (1), (2), and (3) of this paragraph, and the information required on handler applications by subparagraphs (4) and (5) of this paragraph:

(1) The location of the farm or farms on which potatoes, for which exemption is requested, were produced, the location where such potatoes are to be processed, and the loading point from which such potatoes are to be shipped if the exemption is granted;

(2) The applicant's acreage of potatoes, by varieties, for the production season in which the application is filed, the total hundredweight of such potatoes harvested on the date of the application, and the total hundredweight of such harvested potatoes which have been disposed of;

(3) The acreage of potatoes which the applicant will harvest subsequent to the date of such application, the estimate total yield therefrom, the estimated percentage thereof which can be handled under regulations in effect at the time of such harvest, and the reasons why the remainder of such unharvested potatoes can not be handled under such regulations;

(4) The quantity (by grade, size, and variety) of potatoes acquired by the applicant and stored during and immediately following the digging season, together with a statement as to the reasons why the specified quantity of such potatoes remaining in storage can not be handled under regulations in effect on and subsequent to the date of the application;

(5) The quantity (by grade, size, and variety) of potatoes acquired by the applicant and stored during and immediately following the digging season, which were handled prior to the date of the application.

(b) *Issuance.* (1) The committee shall give prompt consideration to all statements and facts relating to each application for exemption and, pursuant to the applicable terms of the marketing agreement and order, a determination shall be made as to whether or not the application is approved. The determination, if approving the application, shall be evidenced by the issuance of a certificate of exemption pursuant to § 998.68: *Provided*, That subcertificates of exemption may be issued, at the request of an applicant, where the total quantity of potatoes authorized to be handled under exemption will be handled in more than one shipment. If the applicant's request for exemption is denied, he shall be so notified in writing.

(2) Each exemption certificate issued pursuant hereto shall be on a form duly approved by the committee and signed by

an authorized representative of the committee. Each exemption certificate shall be issued in triplicate, with the original and one copy delivered to the person receiving the exemption, and one copy retained for the committee's records. Each such certificate shall contain the name and address of the recipient; the location and quantity of all potatoes authorized to be shipped under the exemption certificate; and the exceptions from the grade and size regulations which will be permitted in the exempted shipments.

(c) *Transfer of certificates.* Certificates or subcertificates of exemption shall be transferred with each lot of potatoes handled. The transferor of such certificates shall notify the committee within seven days following such transfer, stating the name and address of the person to whom the potatoes were sold or delivered, the quantity sold or delivered, date of the transaction, and such other information as may be requested by the committee.

(d) *Appeals.* If any applicant is dissatisfied with the determination of the committee regarding an application for an exemption certificate, or any duly issued exemption certificate, an appeal by such applicant may be taken to the committee pursuant to § 998.69.

§ 998.104 *Safeguards for special purpose shipments*—(a) *Application for Certificates of Privilege.* (1) Pursuant to the provisions of § 998.55 and when shipments of potatoes for the following purposes are subject to regulation pursuant to § 998.52, all handlers desiring to make shipments of potatoes for seed, for export, for manufacture or conversion into specified products, or for livestock feed, shall first apply to the committee for and obtain a Certificate or Certificates of Privilege permitting the proposed shipments.

(2) Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application shall contain the name and address of the handler, the quantity of potatoes to be shipped, the grades and sizes of potatoes to be shipped, name of consignee, destination, proof of contract, and such other information as the committee may require in safeguarding against the entry of such potatoes into trade channels other than those for which the Certificate or Certificates of Privilege were granted.

(b) *Shipments of seed potatoes.* Each handler of seed potatoes, when the handling of seed potatoes is subject to regulation pursuant to § 998.52, shall handle such potatoes only after procuring a Certificate of Privilege and supplying an official seed potato certification applicable to such seed potatoes, to the committee; such certification shall contain the name and address of the handler, car or truck number, quantity handled, variety, and destination.

(c) *Commercial shipments other than seed potatoes.* Each handler shipping potatoes for any purpose set forth in paragraph (a) of this section (other than seed) shall supply the committee with a report thereon showing the name and address of the shipper, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulation at time of such shipment), loading point, destination, and consignee.

(d) The committee may rescind a Certificate or Certificates of Privilege issued to a handler pursuant hereto, or deny a Certificate or Certificates of Privilege to a handler, upon proof satisfactory to the committee that such handler has handled potatoes contrary to the provisions of this section. Such committee action denying a Certificate or Certificates of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

Done at Washington, D. C., this 12th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6160; Filed, July 14, 1950; 8:56 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 51]

FIELD ORGANIZATION

Pursuant to the requirements of section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002; 60 Stat. 238), the Field Organization of the Department of State, as published in the FEDERAL REGISTER for May 3, 1950 (15 F. R. 2498), is amended as follows:

The Consulate General at Bratislava, Czechoslovakia, was officially closed on June 6, 1950.

The American Embassy at Praha is responsible for the duties previously performed by the Consulate General at Bratislava.

For the Secretary of State.

J. CARNEY HOWELL,
Director,
Office of Management and Budget.

JULY 11, 1950.

[F. R. Doc. 50-6130; Filed, July 14, 1950; 8:53 a. m.]

POST OFFICE DEPARTMENT

KOREA

SUSPENSION OF MAIL SERVICE

Effective at once, all mail and parcel-post service (surface and air) to Korea is temporarily suspended.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-6122; Filed, July 14, 1950; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 13149]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 7, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g), the following described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 1 N., R. 67 E.,
Sec. 12, SE¼,
T. 1 N., R. 68 E.,
Sec. 7, lot 4,
T. 17 N., R. 66 E.,
Sec. 12, W½E½,
T. 20 N., R. 19 E.,
Sec. 33, NW¼NE¼,
T. 23 N., R. 64 E.,
Sec. 6,
T. 36 N., R. 42 E.,
Sec. 16, NE¼NW¼,

The areas described aggregate 1,069.61 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office at Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Reno, Nevada.

DUPUE FALCK,
Acting Director.

[F. R. Doc. 50-6108; Filed, July 14, 1950; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR, Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Community Workshops of R. I., Inc., 79–83 North Main Street, Providence, R. I.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1950, and expires June 30, 1951.

The Volunteers of America, 36–30 N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher; certificate is effective July 1, 1950, and expires June 30, 1951.

Buffalo Goodwill Industries, Inc., 153 North Division Street, Buffalo 3, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher; certificate is effective July 10, 1950, and expires June 30, 1951.

Goodwill Industries of Philadelphia, Inc., 520 Ludlow Street, Philadelphia, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 20 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1950, and expires June 30, 1951.

Charlotte Workshop for the Blind, Charlotte, N. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 47 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1950, and expires June 30, 1951.

Lion's Club Workshop for the Blind, Durham, N. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1950, and expires June 30, 1951.

Guilford Industries for the Blind, Greensboro, N. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1950, and expires June 30, 1951.

Goodwill Industries of the Zanesville Welfare Organization, 108 Main Street, Zanesville, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1950, and expires June 30, 1951.

The Cleveland Society for the Blind, 2275 East Fifty-fifth Street, Cleveland 3, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective June 1, 1950, and expires May 31, 1951.

Christ Mission Goodwill Industries, 330 East Boardman Street, Youngstown, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1950, and expires June 30, 1951.

Calumet Goodwill Industries, Inc., 32–84 State Street, Hammond, Ind.; at a wage rate of not less than the piece rate paid non-handicapped employees en-

gaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 45 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 3, 1950, and expires June 30, 1951.

Goodwill Industries of Arizona, 910 East Sherman Street, Phoenix, Ariz.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective June 21, 1950, and expires June 20, 1951.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 5th day of July 1950.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 50-6118; Filed, July 14, 1950; 8:47 a. m.]

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportwear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR, 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 399)).

Anvil Brand, Inc., 140 South Hamilton Street, 318 Willowbrook Street, High Point, N. C., effective 6-29-50 to 7-25-50; 200 learners for expansion. (Pants, overalls, etc.)

Blakely Mfg. Co., 310 South Blakely Street, Dunmore, Pa., effective 6-23-50 to 7-25-50; 10 percent. (Women's slips.)

The Chenille Products Corp., 6 West Third Avenue, Rome, Ga.; supplemental certificate; effective 7-3-50 to 7-25-50; 20 learners for expansion. (Ladies' cotton skirts.)

Even-Pul Foundations, Inc., 47 West Third Street, Williamsport, Pa.; supplemental certificate; effective 6-23-50 to 7-25-50; 25 learners for expansion. (Brassieres.)

J. Halpern Co., New Eagle, Pa., effective 6-28-50 to 7-25-50; 10 percent. (Masquerade costumes.)

The House of Pinquet, Belding, Mich., effective 7-3-50 to 7-25-50; 10 learners for expansion. (Coats and snowsuits.)

Nardis Sportswear, Inc., 409 Browder Street, and 400 South Foydras, Dallas, Tex., effective 6-23-50 to 7-25-50; 10 percent. (Dresses.)

Nardis Sportswear, 400 South Foydras, Dallas, Tex., effective 6-23-50 to 7-25-50; 20 learners. (Sportswear.)

S & R Mfg. Co., Coderus, Pa., effective 6-23-50 to 7-25-50; 10 percent. (Trousers.) (Supersedes certificate effective 2-15-50, expiring 7-25-50, for 5 learners.)

Sweet Adeline, Inc., 454 North Parkside Avenue, Chicago 44, Ill., effective 7-5-50 to 7-25-50; 10 percent. (Blouses and housecoats.)

The Warner Brothers Co., Malone, N. Y., effective 7-3-50 to 7-25-50; 50 learners for expansion. (Corsets and brassieres.)

Whitaker Mfg. Co., Stanton, Texas, effective 7-3-50 to 7-25-50; 21 learners for expansion. (Shirts and pants.)

Cigar Learner Regulations, (29 CFR, 522.201 to 522.211; as amended January 25, 1950 (15 F. R. 400)).

H. N. Housner & Sons, Inc., 228-30 High Street, Hanover, Pa., 10 percent; effective 7-3-50 to 7-24-50, cigar packing (cigars retailing for over 6c) 320 hours, 60c per hour; cigar packing (cigars retailing for 6c or less) 160 hours, 60c per hour; machine stripping, 160 hours, 60c per hour; cigar machine operating, 320 hours, 60c per hour.

Webster Tobacco Co., Inc., 7th and Washington Streets, Reading, Pa., 10 percent; effective 7-3-50 to 7-24-50, cigar packing (cigars retailing for over 6¢) 320 hours, 60¢ per hour; cigar packing (cigars retailing for 6¢ or less) 160 hours, 60¢ per hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 7th day of July 1950.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 50-6117; Filed, July 14, 1950; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8298]

R. I. BROADCASTING CO. (WRIB)

ORDER REOPENING RECORD

In re application of R. I. Broadcasting Company (WRIB), Providence, Rhode Island, Docket No. 8298, File No. BMP-2479; for modification of its construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of July 1950;

The Commission having under consideration (1) the Examiner's Initial Decision herein, released on March 30, 1950; (2) a Petition to Reopen the Record, filed on May 8, 1950, and a Supplemental Petition, filed on May 16, 1950, by the applicant herein; and (3) a Statement Relating to Petition to Reopen Record, filed on May 10, 1950, by the General Counsel of the Commission; and

It appearing, that in the said Initial Decision the Examiner made certain findings and conclusions as to the policies of applicant in the sale of broadcast time to time-brokers; that the General Counsel in his above-mentioned statement has expressed an intention to file exceptions to the Initial Decision in connection with the time-brokerage policies therein considered; that in the foregoing petition and supplemental petition the applicant has requested that the record be reopened for the purpose of incorporating the affidavits of its president to the effect that it will not in the future sell time to time-brokers and that all its time brokerage contracts have either expired or been cancelled, and that thereupon the record be closed; and

It appearing, that while under the circumstances in this proceeding the applicant should be permitted to incorporate in the record the facts relating to its policy and practices as to time brokerage contracts, such incorporation should be made at a hearing rather than by ex parte affidavits; and that the Examiner's Initial Decision should reflect the facts so established, which occurred after the close of the record herein;

It is ordered, That insofar as the above-mentioned petition and supplemental petition of R. I. Broadcasting Company request that the record be reopened for the purpose of receiving the affidavits attached thereto, the said petitions are denied; but insofar as they request reopening of the record, the said petitions are granted; the Initial Decision herein, released on March 30, 1950, is vacated and set aside; the record is reopened and the proceeding is remanded to the Examiner previously appointed, for the purpose of affording the applicant an opportunity to establish of record the facts recited in the said affidavits.

Released: July 7, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6143; Filed, July 14, 1950; 8:52 a. m.]

[Docket No. 9319]

RADIO STATION WISE, INC.

ORDER CONTINUING HEARING

In re application of Radio Station WISE, Inc. (WISE), Asheville, North Carolina; Docket No. 9319, File No. BP-7132; for construction permit.

The Commission having under consideration a motion filed by Radio Station WISE, Inc., requesting the Commission to continue the hearing in the above-entitled application now scheduled to begin on July 14, 1950; and

It appearing that on June 13, 1950, the applicant filed a petition requesting the Commission to reconsider its action designating the application for hearing, and to grant the application without hearing, which petition is now pending before the Commission, and it cannot be determined at this time when said petition will be acted upon, and no objection having been filed to the granting of said motion;

It is ordered, This the 7th day of July 1950, that the motion for continuance is granted and the hearing in the above-entitled application is continued from July 14, 1950, to a date to be announced by the Commission after acting on the presently pending petition for reconsideration and grant of said application without a hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6146; Filed, July 14, 1950; 8:53 a. m.]

[Docket Nos. 9556, 9557, 9686]

NARRAGANSETT BROADCASTING CO. (WALE) ET AL.

ORDER POSTPONING HEARING

In re applications of Narragansett Broadcasting Company (WALE), Fall River, Massachusetts, Docket No. 9556, File No. BP-2076; for renewal license. Bay State Broadcasting Company, Fall River, Massachusetts, Docket No. 9557, File No. BP-7315; Eastern Connecticut Broadcasting Company (WICH), Norwich, Connecticut, Docket No. 9686, File No. BP-7599; for construction permits.

The Commission having under consideration a petition, filed July 3, 1950, by Eastern Connecticut Broadcasting Company, licensee of Station WICH, requesting a postponement of the hearing in the above-entitled consolidated proceeding presently scheduled for hearing on July 10, 1950, in Fall River, Massachusetts, insofar as the presentation of evidence on behalf of petitioner only is concerned, for approximately 30 days, or to some later convenient date, in Washington, D. C.; and

It appearing, that Station WICH has completed engineering studies which indicate that, so far as the two Fall River proposals are concerned, no interference is caused by the present operation of Station WICH and little, if any, interference will be caused by its pending proposal, with a complete study of the data being necessary to resolve the latter question; that a preliminary study also indicates there will be no interference between Station WICH and Station WHMP, Northampton, Massachusetts, the latter a party to the above-entitled hearing with reference to the proposed operation of Station WICH; and that such continuance is desirable in order that amendments reflecting the results of such engineering studies and request for severance may be filed by petitioner with the Commission; and

It further appearing, that all parties to the above proceeding have consented to a waiver of § 1.745 of the Commission's rules and regulations to permit the early consideration of such petition;

It is ordered, This 6th day of July 1950, that the hearing in this consolidated proceeding, only insofar as it pertains to the presentation of evidence in Docket 9686, be, and the same is hereby, postponed to a date to be hereafter determined.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6144; Filed, July 14, 1950; 8:52 a. m.]

[Docket Nos. 9565, 9566, 9626]

HENRY LEE TAYLOR ET AL.

ORDER CONTINUING HEARING

In re applications of Henry Lee Taylor, San Antonio, Texas, Docket No. 9565, File No. BP-7038; John H. Mayberry tr/as Winter Garden Broadcasting Company, Crystal City, Texas, Docket No. 9566, File No. BP-7255; Leslie C. Smith, B. G. Moffett and J. H. Mayberry, a partnership d/b as Community Broadcasting Company (KUNO), Corpus Christi, Texas, Docket No. 9626, File No. BMP-5034; for construction permits and modification of construction permit.

The Commission having under consideration a petition filed June 30, 1950, by the Community Broadcasting Company, applicant in Docket No. 9626, and a petition filed July 6, 1950, by Winter Garden Broadcasting Company, applicant in Docket No. 9566, each requesting a continuance of the above-entitled proceeding; and

It appearing that on June 29, 1950, Henry Lee Taylor, applicant in Docket No. 9565, filed a petition requesting the Commission to dismiss his application; and

It appearing that the dismissal of the application of Henry Lee Taylor will eliminate the interference which would have resulted from the simultaneous operation of the station proposed by him and the station proposed by Winter Garden Broadcasting Company; and

It appearing that John H. Mayberry, one of the stockholders in Community Broadcasting Company, is negotiating for the sale of his interest in a second broadcasting station, which, if consummated, will render unnecessary a hearing on one of the issues to be developed; and

The General Counsel having consented to the requested continuance and good cause having been shown that the petitions should be granted;

It is ordered, This the 7th day of July 1950, that the petitions for continuance are granted, and the hearing in the above-entitled proceeding is continued from July 10, 1950, to September 5, 1950, at 10:00 a. m. in the offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6145; Filed, July 14, 1950; 8:52 a. m.]

[Docket Nos. 9594, 9595]

PACIFIC COAST BROADCASTING CO. (KXLA)

ORDER CONTINUING HEARING

In re application of Pacific Coast Broadcasting Company (KXLA), Pasadena, California, Docket No. 9594, File No. BML-1328; for modification of license. In re order to show cause directed to Pacific Coast Broadcasting Company (KXLA), Pasadena, California, Docket No. 9595, File No. BS-1189.

The Commission having under consideration the petition of Pacific Coast Broadcasting Company (KXLA), filed on June 26, 1950, requesting that the hearing in the above-entitled proceeding now scheduled to commence in Washington, D. C. on August 1, 1950, be continued to September 11, 1950; and

It appearing, that no objection to the granting of the instant petition has been filed with the Commission;

It is ordered, This 7th day of July 1950, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Monday, September 11, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6147; Filed, July 14, 1950; 8:53 a. m.]

[Docket No. 9620]

TWIN CITY RADIO DISPATCH, INC.

ORDER DESIGNATING APPLICATIONS FOR HEARING ON STATED ISSUES

In the matter of Twin City Radio Dispatch, Inc., Docket No. 9620; applications for modification of licenses for 1 base station and 1 mobile station of 100 mobile units to operate in the Domestic Public Land Mobile Radio Service at St. Paul, Minnesota (Files Nos. 4577 and 4668–C2–ML–E).

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of July 1950;

The Commission, having under consideration its order of March 28, 1950, instituting the consolidated proceedings in Dockets Nos. 9619 and 9620, and having also under consideration the order of June 9, 1950, relating thereto, adopted by the Motions Commissioner, accepting an amendment to the applications filed by Newton Z. Wolpert and removing said applications from hearing status; and

It appearing, that the Commission is unable to determine that the public interest, convenience or necessity would be served by a grant of the instant applications; and

It further appearing desirable to amend the order of March 28, 1950, herein so as to remove therefrom the issues which are now moot and to restate the issues to be determined with respect to the applications of Twin City Radio Dispatch, Inc.;

It is ordered, That the last ordering clause of the Commission's order of March 28, 1950, herein is hereby amended to read as follows:

It is further ordered, That, pursuant to the provisions of section 309 (a) of of the Communications Act of 1934, as amended, the applications of Twin City Radio Dispatch, Inc., are designated for hearing at St. Paul, Minnesota on July 21, 1950, upon the following issues:

1. To determine the justification of Twin City Radio Dispatch, Inc., for the assignment to it of more than one communications channel (one frequency pair).

2. To determine whether Twin City Radio Dispatch, Inc., has directly or indirectly made any unjust or unreasonable discrimination in its charges, practices, classifications, regulations, facilities or services for, or in connection with, communication service afforded through its radio stations KAA282 and KA2605, contrary to the provisions of section 202 (a) of the Communications Act of 1934, as amended, or has charged, demanded, collected or received a greater, less or different compensation for such communication service than that specified in legally applicable tariff schedules, or has unlawfully refunded or remitted a portion of the charges so specified.

3. To determine whether, since October 24, 1947, the date on which Twin City Radio Dispatch, Inc., filed with the Commission its first applications for radio authorizations, there has been any transfer of control with respect to Twin City Radio Dispatch, Inc., which has not been reported to, or approved by, the Commission, as required by the provisions of section 310 (b) of the Communications Act of 1934, as amended, and § 1.322 of the Commission's rules and regulations.

4. To determine whether Twin City Radio Dispatch, Inc., has misrepresented to the Commission the facts and circumstances relating to the control of such corporation.

5. To determine, in the light of the evidence on issues 2, 3 and 4 above, whether Twin City Radio Dispatch, Inc., is qualified to be a radio station licensee in the Domestic Public Land Mobile Radio Service.

6. To determine the facts with respect to the existing and proposed facilities, personnel, rates, regulations, practices and services of said applicant for the furnishing of Domestic Public Land Mobile Radio Service.

7. To determine, in the light of the evidence on the foregoing issues, whether the grant of the instant applications would serve the public interest, convenience or necessity.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–6142; Filed, July 14, 1950; 8:52 a. m.]

[Docket Nos. 9723–9731]

ROBERT C. CRABB ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications for construction permits or licenses, respectively, in the domestic public land mobile radio service of Robert C. Crabb, Los Angeles, California, Docket No. 9723, Files Nos. 4118/4119–C2–ML–E; Lyman G. Berg and C. W. Coleman, d/b as American Telephone Answering Service and Physicians Exchange, Signal Hill (Long Beach), California, Docket No. 9724, Files Nos. 3977/3978–C2–ML–E; W. T. German, d/b as United Radio Communications, San Diego, California, Docket No. 9725, Files Nos. 3538/3539–C2–ML–E; Art Parlas, d/b as Tri-City Radio Dispatch Company, San Bernardino, California, Docket No. 9726, Files Nos. 5003/5004–C2–ML–E; Business and Professional Telephone Exchange, Los Angeles and Pasadena, California, Docket No. 9727, Files Nos. 2036/2037–C2–L–E and 364–C2–P–E; Benjamin H. Warner & Vernon C. Starr, d/b as Orange County Radiotelephone Service, Santa Ana, California, Docket No. 9728, Files Nos. 3744/3745–C2–P–E; H. W. Ziegler & H. Paul Roman, d/b as Automotive Communications Company, Pomona, California, Docket No. 9729, Files Nos. 18646/18647–C2–P–D; Clyde Downen, Downey, California, Docket No. 9730, Files Nos. 23/24–C2–P–E; G. Earle Colee & Christine N. Colee, d/b as Telephone Answering Bureau, Santa Monica, California, Docket No. 9731, File No. 8099–C2–P–E.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of July 1950;

The Commission, having under consideration the above-entitled applications of miscellaneous common carriers for authorizations in the domestic public land mobile radio service in the city of Los Angeles and nearby communities;

It appearing, that the number of applicants for such facilities in this area exceeds the number of frequencies available for this area; and

It further appearing, that, in accordance with the Commission's report and order in Dockets Nos. 8658, et al., dated April 27, 1949, and § 6.409 of the Commission's rules governing public radio communication services (other than maritime mobile), each frequency available for assignment in the domestic public land mobile radio service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference-free basis; and

It further appearing, that the above-entitled applications request authorizations in over-lapping service areas and that a grant of such applications might result in harmful mutual interference;

It is ordered, that, pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at Los Angeles, California, on a date to be hereafter specified, upon the following issues:

1. To determine the legal, technical, and financial qualifications of each of the above-entitled applicants to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to receive service from any proposed station and the need for such service in the area proposed to be served.

3. To determine whether co-channel operations are feasible between any of the communities involved in this proceeding.

4. To determine whether and to what extent adjacent channel operations may be feasible.

5. To determine the extent and degree of mutual interference which would be caused by operation of the proposed stations.

6. To determine the facts with respect to the existing and proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of domestic public land mobile radio service.

7. To determine, in the light of the evidence on the foregoing issues, which applicants are best qualified to serve the public interest, convenience or necessity.

8. To determine, on a comparative basis, which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–6141; Filed, July 14, 1950; 8:52 a. m.]

THIRD PARTY MESSAGES BETWEEN AMATEUR STATIONS OF U. S. AND ECUADOR

In accordance with an official notice received from the Department of State, the Commission is today announcing that a bilateral agreement between the United States and Ecuador directly affecting licensed amateurs of the two countries has been concluded by an exchange of notes. The terms of this agreement provide that amateur radio stations of Ecuador and of the United States may exchange internationally messages or other communications from or to third parties: *Provided*:

1. No compensation may be directly or indirectly paid on such messages or communications.

2. Such messages or communications shall be of a character that would not normally be sent by any other existing means of telecommunication. To the extent that in the event of disaster, other means of telecommunication are not readily available for expeditious handling of communications relating directly to safety of life or property, such means shall not be considered to be an existing means, and such communications may be handled by amateur stations of the respective countries.

3. This arrangement shall apply to all the continental and insular territory of Ecuador and to the United States and its territories and possessions, including Alaska, the Hawaiian Islands, Puerto Rico and the Virgin Islands, and to the Panama Canal Zone. It shall also be applicable to the case of amateur stations licensed by the United States authorities to United States citizens in other areas of the world.

4. This arrangement shall be subject to termination by either Government on sixty days notice to the other Government, by further arrangement between the two Governments dealing with the same subject, or by the enactment of legislation in either country inconsistent therewith.

As a matter of related interest, amateur stations licensed by the Federal Communications Commission heretofore have been able, under and in accordance with the terms of previously effected arrangements, to exchange internationally messages or other communications from or to third parties with amateur stations of Canada, Chile, and Peru.

Released: July 10, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–6148; Filed, July 14, 1950; 8:53 a. m.]

[Docket No. 7497]

DON LEE BROADCASTING SYSTEM (KGB)

ORDER CONTINUING HEARING

In re application of Thomas S. Lee Enterprises, Inc., d/b as Don Lee Broadcasting System (KGB), San Diego, California, Docket No. 7497, File No. BP–4330; for construction permit.

The Commission having under consideration a pleading filed July 7, 1950, by the applicant herein requesting that the hearing on the above-entitled application now scheduled to begin on July 18, 1950, be continued indefinitely; and

It appearing that on May 31, 1950, the applicant herein filed a petition requesting the Commission to reconsider its action of May 11, 1950, designating the above-entitled application for hearing and to grant said application without hearing, and that on June 29, 1950, Radio Modesto, Inc. (KMOD), respondent herein, filed a petition in opposition thereto, and it cannot be determined at this time when the Commission will be in a position to act on said petitions; and

Counsel for all parties having consented to the requested continuance and to waive the requirements of § 1.745 of the Commission's rules insofar as said section requires that pleadings must be on file for 4 days before being acted upon, and good cause having been shown that the request should be granted;

It is ordered, This the 11th day of July 1950, that the request for continuance is granted, and the above-entitled hearing now scheduled to begin on July 18, 1950, is continued to a date to be announced by the Commission after determining the action to be taken on the hereinbefore mentioned petition to reconsider and grant the application without hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–6203; Filed, July 14, 1950; 8:59 a. m.]

[Docket Nos. 9393, 9610, 9714]

KWHK BROADCASTING CO., INC., ET AL.

ORDER CONTINUING HEARING

In re applications of KWHK Broadcasting Company, Inc. (KWHK), Hutchinson, Kansas, Docket No. 9393, File No. BP–6831; KADA Broadcasting, Incorporated (KSMI), Wewoka, Oklahoma, Docket No. 9714, File No. PB–7502; for construction permits. James E. Murray, Vern Minor and Dorothy C. Murray (Transferors), The Hutchinson Publishing Company (Transferee), Docket No. 9610, File No. BTC–869; for consent to transfer of control of KWHK Broadcasting Company, Inc., licensee of Station KWHK, Hutchinson, Kansas.

The Commission having under consideration a petition filed June 30, 1950, by KWHK Broadcasting Company, Inc., requesting a continuance, for a period of at least thirty days, of the consolidated hearing on the above-entitled applications presently scheduled for July 18, 1950, at Hutchinson, Kansas, and July 21, 1950, at Wewoka, Oklahoma; and

It appearing, that the applicants for the construction permits have made engineering studies which indicate the conflict between the two applications may be eliminated and it is desirable to have the hearing continued in order that amendments reflecting the results of such engineering studies may be filed with the Commission; and

It appearing, that all parties to the above proceeding have consented to a waiver of § 1.745 of the Commission's rules and regulations to permit the early consideration and grant of such petition;

It is ordered, This 5th day of July 1950, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled applications be, and it is hereby, continued to August 22, 1950, at Hutchinson, Kansas and August 25, 1950, at Wewoka, Oklahoma.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–6198; Filed, July 14, 1950; 8:58 a. m.]

[Docket No. 9485]

JENNINGS BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re application of Jennings Broadcasting Company, Inc., Jennings, Louisiana, Docket No. 9485, File No. BP–7141; for construction permit.

The Commission having under consideration two petitions filed simultaneously on June 20, 1950, by the Jennings Broadcasting Company, Jennings, Louisiana; one a petition for leave to amend its above-entitled application to change the proposed transmitter site and make changes in technical data with respect to interference to the proposed station and overlap of the service areas of the proposed station and Station KSIG, Crowley, Louisiana, to eliminate excessive interference to the proposed station from KRGV, Westlaco, Texas, and to ameliorate the overlap condition; and the second, a petition requesting a 60-day continuance of the hearing herein on the above application, presently scheduled to be heard on July 12, 1950, in Washington, D. C., in order to afford an opportunity for the Commission to act on the petition for reconsideration and grant, which the Jennings Broadcasting Company also filed on June 20, 1950; and

It appearing that no opposition to either the petition for leave to amend or the petition requesting a 60-day continuance has been filed on behalf of the General Counsel and there are no other parties to this proceeding;

It is therefore ordered, This 30th day of June 1950, that the petition requesting leave to amend its application be and it is hereby granted, and the amendment is accepted; and

It is further ordered, That the petition requesting a 60-day continuance of the hearing herein, be and it is hereby granted, and the hearing herein is continued to September 14, 1950, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–6197; Filed, July 14, 1950; 8:58 a. m.]

[Docket Nos. 9622, 9623]

SUNLAND BROADCASTING CO. AND RIO GRANDE BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Sunland Broadcasting Company, El Paso, Texas, Docket No. 9622, File No. BR-1879; for renewal of license of Station KSET, El Paso, Texas. Sunland Broadcasting Company (Assignor), Rio Grande Broadcasting Company (Assignee), Docket No. 9623, File No. BAL-946; for consent to assignment of the license of Station KSET, El Paso, Texas.

The Commission having under consideration a joint petition filed July 3, 1950, by Sunland Broadcasting Company and Rio Grande Broadcasting Company, applicants in the above-entitled proceeding, requesting a continuance to August 14, 1950, of the hearing presently scheduled for July 14, 1950, in El Paso, Texas; and

It appearing, that good and sufficient cause has been shown for the granting of such petition and public interest requires the consideration of such motion on this date;

It is ordered, This 5th day of July 1950 that the petition be, and it is hereby, granted; and that the hearing on the above-entitled applications now scheduled for July 14, 1950, be, and it is hereby, continued to August 14, 1950, at 10 o'clock a. m., in El Paso, Texas.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6199; Filed, July 14, 1950; 8:58 a.m.]

[Docket No. 9625]

NORTHEAST RADIO, INC. (WABW)

ORDER CONTINUING HEARING

In re application of Northeast Radio, Inc. (WABW), Lawrence, Massachusetts, Docket No. 9625, File No. BMP-4875, for modification of construction permit.

The Commission having under consideration the above-entitled application which was designated for hearing on April 13, 1950, and the hearing set for July 19, 1950, at Washington, D. C.;

It is ordered, This 10th day of July 1950, on the Commission's own motion, that the hearing in the proceeding upon the above-entitled application is continued to 10:00 a. m. Monday, August 21, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6202; Filed, July 14, 1950; 8:59 a. m.]

[Docket No. 9733]

W. WRIGHT ESCH (WMFJ)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of W. Wright Esch (WMFJ), Daytona Beach, Florida, Docket No. 9733, File No. BP-7421; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of July 1950;

The Commission having under consideration the above-entitled application requesting a construction permit to change the facilities of Station WMFJ, Daytona Beach, Florida from 1450 kilocycles, 250 watts power, unlimited time to 1260 kilocycles, 1 kilowatt power, with a directional antenna for night use and to change type of transmitter and transmitter location;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WMFJ, as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at Washington, D. C. at 10:00 a. m. on the 12th day of December 1950 upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WMFJ, as proposed, and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station WMFJ, as proposed, would involve objectionable interference with Station CMCI, Havana, Cuba, or with any other existing foreign broadcast station and, if so, the nature and extent of such interference.

3. To determine whether the installation and operation of Station WMFJ, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the nighttime coverage of the city of Daytona Beach, the areas and populations which will receive satisfactory service, the percentage of population residing within the 250 mv/m blanket contour and the possibility of cross-modulation and re-radiation problems with Station WNDB, Daytona Beach, Florida.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6200; Filed, July 14, 1950; 8:59 a. m.]

[Docket Nos. 9734, 9735]

INLAND RADIO, INC. (KSRV) AND EVERETT BROADCASTING CO., INC. (KRKO)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Inland Radio, Inc. (KSRV), Ontario, Oregon, Docket No. 9734, File No. BP-6859; The Everett Broadcasting Company, Inc. (KRKO), Everett, Washington, Docket No. 9735, File No. BMP-4888; for construction permit and for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of July 1950;

The Commission having under consideration the above-entitled applications of Inland Radio, Inc., requesting a construction permit to change frequency from 1450 kc. to 1380 kc., increase power from 250 watts to 1 kilowatt and install a directional antenna for night use; and of The Everett Broadcasting Company, Inc. for modification of construction permit to make changes in the directional antenna pattern;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on December 14, 1950, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the corporate applicants, their officers, directors and stockholders to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the population and areas to be served.

4. To determine whether the operation of Station KSRV as proposed, would involve objectionable interference with Station KOTA, Rapid City, South Dakota, and whether both proposals would involve objectionable interference with any other existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the high percentage of population within the 250 mv/m blanket contour of the KSRV, Ontario, Oregon proposal.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Black Hills Broadcast Company of Rapid City, licensee of Station KOTA, Rapid City, South Dakota is made a party to this proceeding, with respect to the application of Station KSRV only.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6201; Filed, July 14, 1950; 8:59 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1250]

BLUEFIELD GAS CO.

NOTICE OF AMENDED APPLICATION

JULY 11, 1950.

Take notice that Bluefield Gas Company (Applicant), a West Virginia corporation having its principal place of business at 718 Princeton Avenue, Bluefield, West Virginia, filed on June 23, 1950, an amendment to its application of August 4, 1949 (14 F. R. 5247), for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain pipeline facilities hereinafter described.

Applicant proposes to purchase natural gas from Amere Gas Utilities Company at a point near Princeton, West Virginia, and to transport such gas through approximately 14.3 miles of 6⅝-inch O. D. pipeline which it proposes to construct from that point to its distribution system at Bluefield, West Virginia, and the distribution system of its subsidiary Commonwealth Public Service Corporation (Commonwealth) at Bluefield, Virginia. It also proposes to construct a pressure regulating station and appurtenant facilities. The estimated annual requirements of Applicant and Commonwealth are 110,600 Mcf. in 1951 and 235,000 Mcf. in 1954. The estimated peak day demand is 500 Mcf. in 1951 and 1,725 Mcf. in 1954.

The estimated over-all capital cost of the proposed facilities is $230,000 and will be financed through the sale of mortgage bonds and common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 31st day of July, 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6109; Filed, July 14, 1950; 8:45 a. m.]

[Docket No. G-1433]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 11, 1950.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation, address 1010 Bassett Tower, El Paso, Texas, filed on June 30, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipe-line facilities hereinafter described.

Applicant proposes to transport natural gas for resale to Lea County Gas Company for service in Canutillo, Texas, and for such purpose to construct and operate a natural gas pipe line approximately 2 miles in length extending in a westerly direction from Applicant's present 6-inch line within El Paso County, Texas, together with a metering and regulator station with a delivery capacity of at least 36,000,000 cubic feet of gas per year and with a daily delivery capacity of at least 275,000 cubic feet of gas per day.

The estimated cost of the proposed facilities is $12,200 which will be financed out of current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] LECN M. FUQUAY,
Secretary.

[F. R. Doc. 50-6134; Filed, July 14, 1950; 8:49 a. m.]

[Docket No. G-1431]

EAST OHIO GAS CO.

NOTICE OF APPLICATION

JULY 11, 1950.

Take notice that The East Ohio Gas Company (Applicant), an Ohio corporation, address 1405 East Sixth Street, Cleveland 14, Ohio, filed on June 30, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipe-line facilities hereinafter described.

Applicant proposes to transport natural gas to the communities presently served by it and for such purpose to construct and operate a natural gas pipe line approximately 1 mile in length extending from a point near Petersburg, Ohio, at a proposed connection with a pipe line to be constructed by Applicant pursuant to the Commission's order in Docket No. G-1377 and extending for approximately 1 mile in a generally easterly direction to the Ohio-Pennsylvania State line where it will connect with a pipe line sought to be constructed by New York State Natural Gas Corporation in Docket No. G-1432.

The estimated cost of the proposed facilities is $40,940 which will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6135; Filed, July 14, 1950; 8:49 a. m.]

[Docket No. E-6304]

GULF STATES UTILITIES CO. AND COMMUNITY PUBLIC SERVICE CO.

NOTICE OF APPLICATION

JULY 11, 1950.

Take notice that on July 10, 1950, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Gulf States Utilities Company (hereinafter called "Gulf States") and Community Public Service Company (hereinafter called "Community"), for an order authorizing the sale by Gulf States to Community of its electric facilities in and adjacent to the City of Alvin, Texas, and the sale by Community to Gulf States of its electric facilities in and adjacent to the City of Woodville, Texas, or in the alternative, an order disclaiming jurisdiction over the transactions.

The application states that the consideration to be paid by Gulf States to Community for the property to be acquired in and adjacent to the City of Woodville, Texas, is $75,501 in cash, subject to certain adjustments, and the consideration to be paid by Community to Gulf States for the property to be acquired in and adjacent to the City of Alvin, Texas, is $317,368 in cash, subject to certain adjustments; all as more fully appears in the application on file with the Commission.

Gulf States is a corporation organized under the laws of the State of Texas and doing business in the States of Louisiana and Texas, with its principal business office at Beaumont, Texas. Community is a corporation organized under the laws of the State of Delaware and doing business in the States of New Mexico and Texas, with its principal business office at Fort Worth, Texas.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 31st day of July 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6136; Filed, July 14, 1950; 8:51 a. m.]

[Docket No. G-1432]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

JULY 11, 1950.

Take notice that New York State Natural Gas Corporation (Applicant), a New York corporation, address 30 Rockefeller Plaza, New York, N. Y., filed on June 30, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipe-line facilities hereinafter described. Applicant proposes to transport natural gas for resale to the East Ohio Gas Company and for such purpose

to construct and operate a natural gas pipe line approximately 62 miles in length extending from a connection on its existing general pipe-line system at the John B. Tonkin compressor station in Westmoreland County, Pennsylvania, to a point on the Pennsylvania-Ohio State boundary line where the pipe line will connect with a proposed pipe line to be constructed by the East Ohio Gas Company in Docket No. G–1431, together with metering stations. Applicant proposes to transport a maximum volume of 3,600,000 Mcf. per year during the winter period to the East Ohio Gas Company.

The estimated cost of the proposed facilities is $3,792,806 which will be obtained by the sale of securities to Applicant's parent, the Consolidated Natural Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of August, 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–6137; Filed, July 14, 1950; 8:51 a. m.]

[Docket No. G–1297]

CITIES SERVICE GAS CO.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF APPLICATION

JULY 12, 1950.

Notice is hereby given that, on July 11, 1950, the Federal Power Commission issued its order entered July 11, 1950, permitting withdrawal of application for certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–6138; Filed, July 14, 1950; 8:51 a. m.]

[Docket No. E–6302]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF COMMON STOCK

JULY 12, 1950.

Notice is hereby given that, on July 11, 1950, the Federal Power Commission issued its order entered July 11, 1950, authorizing and approving issuance of common stock in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–6139; Filed, July 14, 1950; 8:52 a. m.]

[Docket Nos. ID–1058, ID–1118, and ID–1141]

W. J. ROSE ET AL.

NOTICE OF AUTHORIZATIONS

JULY 12, 1950.

In the matters of W. J. Rose, Docket No. ID–1058; Albert S. Corson, Docket No. ID–1118; George L. Draffan, Docket No. ID–1141.

Notice is hereby given that, on July 11, 1950, the Federal Power Commission issued its orders entered July 11, 1950, in the above-designated matters, authorizing Applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–6140; Filed, July 14, 1950; 8:52 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

FIELD ORGANIZATION

Section 22 (b) (5) is hereby amended to read as follows:

State, City, and Address	*Jurisdiction*
Alabama:	
Birmingham, 225 3d Ave. North	Entire State.
Mobile,[1] Federal Bldg	(See Birmingham.)
Alaska: Juneau, Community Bldg	Entire Territory.
Arizona:	
Phoenix, 140 South Central Ave	Entire State.
Tucson,[1] 112 West Washington St	(See Phoenix.)
Arkansas: Little Rock, Old Post Office Bldg.	Entire State.
California:	
Fresno,[1] Anglo Bank Bldg	(See San Francisco.)
Long Beach, Times Bldg	Orange County, and that portion of Los Angeles County, bounded as follows: Western boundary: Alameda Street from Wilmington Harbor North to Olive St. Northern boundary: Olive Street and Center Street East to Orange County Line. Eastern boundary: Orange County Line. Southern boundary: Pacific Ocean (San Pedro Bay).
Los Angeles, Rives Strong Bldg	Counties of Inyo, Kern, Los Angeles (except that portion under the Long Beach office), Mono, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura.
Sacramento, 725½ Jay St	Counties of Amador, Butte, Calaveras, Colusa, Eldorado (Western half), Glenn, Nevada (Western half), Placer (Western half), Sacramento, San Joaquin, Shasta, Siskiyou, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba.
San Bernardino,[1] C. M. and H. Bldg.	(See Los Angeles.)
San Diego, Harbor Insurance Bldg	Counties of Imperial and San Diego.
San Francisco, 180 New Montgomery St.	Counties of Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma.
Colorado: Denver, Commonwealth Bldg.	Entire State.
Connecticut:	
Bridgeport,[1] Cilco Bldg	(See Hartford.)
Hartford, Room 301, 125 Trumbull St.	Entire State.
Delaware: Wilmington,[1] Eckerd Bldg	(See Philadelphia.)
District of Columbia: Washington, Horner Bldg.	District of Columbia and the Counties of Calvert, Charles, Prince Georges, St. Marys, and Montgomery in Maryland and the Counties of Fairfax and Arlington, and the City of Alexandria in Virginia.
Florida:	
Jacksonville, Greenleaf Bldg	Counties North and East of Citrus and North of Polk, Osceola, and Brevard.
Miami, Coral Gables City Hall	Counties of Brevard, Broward, Charlotte, Collier, Dade, Glades, Hendry, Indian River, Lee, Martin, Monroe, Okeechobee, Palm Beach, and St. Lucie.
Tampa, 1529 Grand Central Ave	Counties of Citrus, DeSoto, Hardee, Hernando, Highlands, Hillsborough, Manatee, Osceola, Pinellas, Pasco, Polk, and Sarasota.
Georgia:	
Atlanta, 101 Marietta St	Entire State except Dade, Walker, and Catoosa Counties. (See Memphis.)
Savannah,[1] Federal Bldg	(See Atlanta.)
Hawaii: Honolulu, Federal Bldg	Entire Territory.

[1] Indicates a service office serving adjacent areas but reporting to an insuring office as indicated.

State, City, and Address	*Jurisdiction*
Nevada: Reno, Lunsford Bldg	Entire State and the Counties of Alpine, Lassen, Modoc, Plumas, Sierra, and the Eastern Half of Nevada, Placer, and El Dorado Counties in California.
New Hampshire: Manchester, Post Office Bldg.	Entire State.
New Jersey: Camden, Post Office Bldg	Counties South of Mercer and Monmouth.
Newark, Raymond Commerce Bldg.	Counties North of Burlington and Ocean.
New Brunswick,[1] Bank of New Jersey Bldg.	(See Newark.)
New Mexico: Albuquerque,[1] 405 North 2d St.	Entire State and Counties of Brewster, Culbertson, El Paso, Hudspeth, Jeff Davis, Loving, Presidio, and Reeves in Texas.
New York:	
Albany, City and Savings Bank Bldg.	Counties North of Sullivan, Ulster, and Dutchess, and East of Wayne, Seneca, Tompkins, and Broome.
Buffalo, Ellicott Square Bldg	Counties West of Cayuga, Cortland, Chenango, and Delaware.
New York City, 90 Church St	Counties South of Delaware, Greene, and Columbia.
Rochester,[1] Terminal Bldg	(See Buffalo.)
North Carolina:	
Greensboro, Guilford Bldg	Entire State.
Charlotte,[1] Robinson Bldg	(See Greensboro.)
Raleigh,[1] York Bldg	(See Greensboro.)
North Dakota, Fargo, deLendrecie Bldg.	Entire State and the Counties of Clay, Kittson, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, and Roseau in Minnesota.
Ohio:	
Cincinnati, Fifth-Third Union Trust Bldg.	Counties South of Darke, Miami, Clark, and West of Fayette, Ross, Pike, and Scioto.
Cleveland, New Post Office Bldg	Counties North of Van Wert, Allen, Hardin, Marion, Morrow, Knox, Coshocton, Guernsey, and Belmont.
Columbus, Old Post Office Bldg	Counties South of Paulding, Putnam, Hancock, Wyandot, Crawford, Richland, Ashland, Holmes, Tuscarawas, Harrison, Jefferson, and North of Preble, Montgomery, Greene, and Highland.
Dayton,[1] Post Office Bldg	(See Cincinnati.)
Oklahoma:	
Oklahoma City, Leonhardt Bldg	Counties West of Osage, Pawnee, Creek, Okfuskee, Hughes, Coal, Atoka, and Bryan.
Tulsa, 106 East 3d St	Counties East of Kay, Noble, Payne, Lincoln, Seminole, Pontotoc, Johnson, and Marshall.
Oregon: Portland, Platt Bldg	Entire State except Counties of Baker, Malheur, Union, and Wallowa. (See Boise, Idaho) but including the Counties of Clark, Klickitat, and Skamania in Washington.
Pennsylvania:	
Philadelphia, Robinson Bldg	Counties East of Potter, Cameron, Clearfield, Huntingdon, and Fulton, and the entire State of Delaware.
Pittsburgh, Henry W. Oliver Bldg.	Counties West of Tioga, Clinton, Centre, Mifflin, Juniata, Perry, and Franklin.
Puerto Rico: San Juan, Banco Popular Bldg.	Entire Island.
Rhode Island: Providence, Old Colony House.	Entire State.
South Carolina: Columbia, Federal Land Bank Bldg.	Entire State.
South Dakota: Sioux Falls, Minnehaha Bldg.	Entire State.
Idaho: Boise, Sun Bldg	Entire State except Counties of Benewah, Bonner, Boundary, Clear Water, Kootenai, Latah, Nez Perce, Shoshone, Lewis, and Idaho. (See Spokane, Washington) and Counties of Baker, Malheur, Union, and Wallowa in Oregon.
Illinois:	
Chicago, Merchandise Mart Bldg	Counties North of Mercer, Henry, Bureau, La Salle, Livingston, Ford, and Iroquois.
Springfield, Adams Bldg	Counties South of Rock Island, Whiteside, Lee, De Kalb, Grundy, and Kankakee.
Indiana:	
Gary,[1] Post Office Bldg	(See Indianapolis.)
Indianapolis, Marott Bldg	Entire State.
Iowa: Des Moines, Equitable Bldg	Entire State.
Kansas:	
Topeka, National Bank Bldg	Entire State.
Wichita,[1] Wheeler Kelly Hagny Bldg.	(See Topeka.)
Kentucky: Louisville, Post Office Bldg	Entire State.
Louisiana:	
New Orleans, Farm Credit Administration Bldg.	Parishes South of Vernon, Rapides, Avoyelles, and Concordia.
Shreveport, 205 Milan St	Parishes North of Beauregard, Allen, Evangeline, St. Landry, Pointe Coupee, and West Feliciana.
Maine: Bangor, Exchange Bldg	Entire State.
Maryland: Baltimore, Fidelity Bldg	Entire State except Counties of Calvert, Charles, Prince Georges, St. Marys, and Montgomery. (See District of Columbia) and Accomac and Northampton Counties in Virginia.
Massachusetts:	
Boston, Custom House	Entire State.
Springfield,[1] 95 State St	(See Boston.)
Worcester,[1] Post Office-Court House Bldg.	(See Boston.)
Michigan:	
Detroit, Penobscot Bldg	Counties of Bay, Genesee, Hillsdale, Huron, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Saginaw, St. Clair, Sanilac, Shiawassee, Tuscola, Washtenaw, and Wayne.
Flint,[1] 432 North Saginaw St	(See Detroit.)
Grand Rapids, Grand Rapids National Bank Bldg.	Entire State except the Counties of Bay, Genesee, Hillsdale, Huron, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Saginaw, St. Clair, Sanilac, Shiawassee Tuscola, Washtenaw, and Wayne.
Minnesota: Minneapolis, New Post Office Bldg.	Entire State except the Counties of Clay, Kittson, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, and Roseau. (See Fargo, N. D.)
Mississippi: Jackson, Lamar Life Bldg	Entire State except Counties of Alcorn, Benton, De Soto, Marshall, Prentiss, Tate, Tippah, Tishomingo, and Tunica. (See Memphis, Tenn.)
Missouri:	
Kansas City, Fidelity Bldg	Counties West of Putnam, Sullivan, Macon, Randolph, Boone, Cole, Miller, Pulaski, Texas, Shannon, and Oregon.
St. Louis, 315 North 7th St	Counties East of Mercer, Grundy, Linn, Charitan, Howard, Cooper, Moniteau, Morgan, Camden, Laclede, Wright, Douglas, and Howell.
Montana: Helena, Federal Bldg	Entire State.
Nebraska: Omaha, Woodmen of the World Bldg.	Entire State.

[1] Indicates a service office serving adjacent areas but reporting to an insuring office as indicated.

State, City, and Address	Jurisdiction
Tennessee:	
Knoxville,[1] Post Office Bldg	(See Memphis.)
Memphis, Federal Bldg	Entire State and Tunica, DeSoto, Tate, Marshall, Benton, Tippah, Alcorn, Prentiss, and Tishomingo Counties in Mississippi, and Walker, Dade, and Catoosa Counties in Georgia.
Nashville,[1] U. S. Court House Bldg	(See Memphis.)
Texas:	
Amarillo,[1] Post Office Bldg	(See Fort Worth.)
Beaumont,[1] Federal Bldg	(See Houston.)
Dallas, Santa Fe Bldg	Counties East of Montague, Wise, Tarrant, Johnson, Bosque, Hamilton, Lampasas, North of Williamson, Milam, Robertson, Leon, Houston, Angelina, Nacogdoches, and Shelby.
Fort Worth, Electric Bldg	Counties West of Cooke, Denton, Dallas, Ellis, Hill, McLennan, Coryell, and North of Burnet, Llano, Mason, Menard, Schleicher, Crockett, and Terrell, except Loving, Reeves, Jeff Davis, Brewster, Presidio, Culberson, Hudspeth, and El Paso Counties. (See Albuquerque, N. Mex.)
Houston, Rusk Bldg	Counties East of Calhoun, Victoria, DeWitt, Gonzales, Caldwell, Bastrop, Lee, Burleson, Milam, and South of Falls, Limestone, Freestone, Anderson, Cherokee, Rusk, and Panola.
Lubbock,[1] Lubbock National Bank Bldg.	(See Fort Worth.)
San Antonio, 610 South Flores St., Bldg. No. 3.	Counties South of Pecos, Upton, Reagan, Irion, Tom Green, Concho, McCulloch, San Saba, Lampasas, Bell, Falls, and West of Robertson, Brazos, Washington, Fayette, Lavaca, and Jackson.
Utah: Salt Lake City, Dooly Bldg	Entire State.
Vermont: Burlington, Union Station	Entire State.
Virginia:	
Norfolk,[1] Flatiron Bldg	(See Richmond.)
Richmond, Parcel Post Bldg	Entire State except City of Alexandria, Arlington, and Fairfax Counties. (See District of Columbia) and Accomac and Northampton Counties. (See Baltimore.)
Roanoke,[1] Shenandoah Bldg	(See Richmond.)
Washington:	
Seattle, Dexter-Horton Bldg	Entire State except Counties of Clark, Skamania, and Klickitat. (See Portland, Oregon), and Counties West of Ferry, Grant, and Benton. (See Spokane.)
Spokane, Review Bldg	Counties East of Okanogan, Douglas, Kittitas, Yakima, and Klickitat; and Counties of Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Nez Perce, Shoshone, Lewis, and Idaho in Idaho.)
Tacoma, South 11th St	(See Seattle.)
West Virginia: Charleston, Chamber of Commerce Bldg.	Entire State.
Wisconsin: Milwaukee, Wisconsin Broadway Bldg.	Entire State.
Wyoming: Cheyenne, U. A. L. Administration Bldg.	Entire State.

[SEAL]

VINCENT A. CARLIN,
Director, Administrative Services.

[F. R. Doc. 50-6120; Filed, July 14, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25236]

FABRICATED BRIDGE MATERIAL FROM GARY, IND.

APPLICATION FOR RELIEF

JULY 12, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3647.

Commodities involved: Fabricated bridge material, iron or steel, carloads.

From: Gary, Ind.

To: Fordoche, McKneeley, and Melville, La.

Grounds for relief: Potential competition with water carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3647, Supplement 261.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6126; Filed, July 14, 1950; 8:48 a. m.]

[4th Sec. Application 25237]

VARIOUS COMMODITIES FROM ILLINOIS TERRITORY TO SOUTH

APPLICATION FOR RELIEF

JULY 12, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 485 and other tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities.

From: Points in Illinois territory.

To: Points in the south.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6127; Filed, July 14, 1950; 8:48 a. m.]

[4th Sec. Application 25238]

PETROLEUM FROM MONTANA TO MINNESOTA AND WISCONSIN

APPLICATION FOR RELIEF

JULY 12, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

Commodities involved: Petroleum and petroleum products, carloads.

From: Great Falls, Lewistown and West Lewistown, Mont.

To: Points in Minnesota and Wisconsin.

Grounds for relief: Market competition and to restore rate relationships.

Schedules filed containing proposed rates: CMStP&P., tariff I. C. C. No. B-7358, Supplement 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6128; Filed, July 14, 1950; 8:48 a. m.]

[4th Sec. Application 25239]

IRON OR STEEL PIPE FROM TEXAS TO ILLINOIS AND MISSOURI

APPLICATION FOR RELIEF

JULY 12, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Pipe, steel or wrought iron, carloads.

From: Houston, Orange and Galveston, Tex.

To: Points in Illinois and Missouri.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supplement 458.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6129; Filed, July 14, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2393]

RHODE ISLAND POWER TRANSMISSION CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July A. D. 1950.

Notice is hereby given that a declaration has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by Rhode Island Power Transmission Company ("Rhode Island"), a wholly owned public-utility subsidiary company of The Narragansett Electric Company ("Narragansett") which, in turn, is a public-utility subsidiary company of New England Electric System ("NEES"), a registered holding company. Rhode Island designates section 12 (c) and (f) of the act and Rules U-23, U-24, U-43 (a) and U-46 (a) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 19, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 19, 1950, said declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file at the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Rhode Island, which owns, among other things, certain transmission lines connecting Narragansett's electric properties with the transmission lines of other companies in the NEES holding company system, proposes to sell to Narragansett all of its properties and assets for $949,327, subject to certain adjustments. Narragansett will pay for such properties and assets by: (a) the cancellation of Rhode Island's indebtedness to it in the amount of $500,000 evidenced by a demand note bearing interest at the rate of 4 percent per annum and in the amount of $396,323 on open account, aggregating $896,323 as at March 31, 1950, (b) the assumption of Rhode Island's liabilities, (c) the payment of all expenses in connection with the transaction and (d) the conveyance to Rhode Island of its demand note or other acceptable obligation representing the balance of the purchase price, or certificates representing all of Rhode Island's 5,000 shares of $100 par value capital stock with a notation stamped thereon that there has been paid on account thereof the net amount distributable in connection with the subsequent liquidation and dissolution of Rhode Island.

Both Rhode Island and Narragansett have filed applications with the Public Utilities Administrator of Rhode Island and with the Federal Power Commission regarding the proposed transactions.

Incidental services in connection with the proposed transactions will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof. Total expenses, including those of New England Power Service Company in the estimated amount of $1,000, are estimated at $2,500.

Rhode Island requests that its declaration become effective, pursuant to the Commission's Rule U-23, forthwith upon the issuance of the Commission's order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-6111; Filed; July 14, 1950; 8:46 a. m.]

[File No. 812-674]

EQUITY CORP: ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July A. D. 1950.

In the matter of The Equity Corporation, Industrial Insurance Company, Hawkeye Casualty Company, Security Fire Insurance Company, Erie Insurance Company, Northeastern Insurance Company of Hartford, Thomas J. Fisher & Company, Inc., File No. 812-674.

Notice is hereby given that The Equity Corporation (Equity), 103 Park Avenue, New York, New York, has filed an amended application pursuant to section 6 (c) of the Investment Company Act of 1940 requesting an order exempting from section 17 (e) (1) of the act, the acceptance by Thomas J. Fisher & Company, Inc. (Fisher), its agents and employees, of commissions arising from the sale of insurance policies by Fisher, as agent, for any insurance company at present or in the future affiliated with Equity, including Industrial Insurance Company (Industrial), Hawkeye Casualty Company (Hawkeye), Security Fire Insurance Company (Security), Erie Insurance Company (Erie), and Northeastern Insurance Company of Hartford (Northeastern).

Equity is a registered investment company which through indirect stock ownership controls Fisher and all of the above named insurance companies. Sec-

[1] Indicates a service office serving adjacent areas but reporting to an insuring office as indicated.

tion 17 (e) (1) of the act makes it unlawful for Fisher or any person affiliated with it, acting as agent, to accept from any source any compensation for the purchase or sale of any property to or for any controlled company of Equity. The application therefore requests an exemptive order permitting Fisher, its agents and employees, to enter into agency arrangements with Industrial, Hawkeye, Security, Erie, Northeastern and any other insurance company which is or may be controlled by Equity, for the sale of various types of insurance policies. Pursuant to the proposed agency arrangements, Fisher will receive commissions ranging from 15% to 30% of net premiums in conection with insurance sold by it, plus a contingent fee representing 15% of the net profits, if any, accruing to the insurance company from such insurance.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after July 28, 1950, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 26, 1950, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6112; Filed, July 14, 1950; 8:46 a. m.]

[File No. 70-2429]

MICHIGAN-WISCONSIN PIPE LINE CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July A. D. 1950.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), by Michigan-Wisconsin Pipe Line Company ("Michigan-Wisconsin"), a non-utility subsidiary of American Natural Gas Company, a registered holding company. Applicant designates section 6 (b) of the act and Rule U-50 (a) (2) promulgated thereunder as applicable to the proposed transactions.

Notice is hereby further given that any interested person may, not later than July 24, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held with respect to said application, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 24, 1950, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Michigan-Wisconsin proposes to enter into a credit agreement with certain banks hereinafter named which will commit such banks to loan Michigan-Wisconsin, from time to time upon demand prior to June 30, 1951, sums aggregating a maximum of $20,000,000 as follows:

The National City Bank of New York	$6,666,667
Central Hanover Bank & Trust Co., New York	6,666,667
Mellon National Bank & Trust Co., Pittsburgh, Pa	6,666,666
Total	20,000,000

The credit agreement is to be executed as soon as practicable after authorization by the Commission, and the first borrowing of at least $4,350,000 is to be made promptly upon execution of the credit agreement. The remainder of the credit is to be taken down in amounts of not less than $4,350,000 each as additional funds are needed. Each borrowing shall be made from each of the banks pro rata in proportion to their respective commitments and shall be evidenced by a separate note maturing July 1, 1952 and bearing interest at 2½ percent per annum payable quarterly on the first day of January, April, July and October of each year. The credit agreement provides that the notes may be prepaid in whole or in part, but if in part, then only in amounts of $600,000 or multiples thereof, and if prepayment is made directly or indirectly from the proceeds of loans to the Company by banks not parties to the credit agreement, a prepayment penalty to be paid at the rate of one-quarter of one per cent (¼ of 1 percent) per annum, computed for the period from the date of prepayment to the maturity date of the notes being prepaid. A commitment fee is to be paid computed at the rate of one-half of one per cent (½ of 1 percent) per annum on the average daily unused balance of the commitment from the date of the credit agreement to June 30, 1951, or until the entire $20,000,000 shall have been taken down, whichever shall occur first.

The Company is to covenant that (a) if it shall not have received $3,000,000 in cash either through the sale of shares of its preferred stock, common stock or debt obligations subordinated to the notes to be issued under the credit agreement, the Company on or before July 1, 1951, will prepay $3,000,000 principal amount of the notes; (b) it will not without the prior written consent of the banks (i) pay dividends on its common stock in excess of the amount permitted by the Mortgage and Deed of Trust, dated September 1, 1948, to City Bank Farmers Trust Company and George W. Dillon, Trustees; (ii) incur obligations on account of other borrowings unless subordinated to the proposed notes, except first mortgage bonds issued under said Mortgage and Deed of Trust or any mortgage indenture supplementing or replacing the same, the proceeds of which shall be applied first to the prepayment of the proposed notes; or (iii) merge or consolidate with or into any other company.

It is stated that the proceeds from the first borrowing under the credit agreement are to be used, to the extent necessary, to prepay all then outstanding nine-month notes of the Company to the banks who are parties to the credit agreement. The remaining proceeds obtained under the commitment are to be used to finance the construction of additional pipe line facilities. It is also stated that at the appropriate time, after the new facilities are installed and operating, with a consequent expansion of earning power, the Company proposes to consummate a permanent financing program which will provide for additional equity and the elimination of the notes issued under the Credit Agreement.

It is stated that no regulatory agency or authority other than this Commission has jurisdiction over the proposed transactions, and that the proposed issuance and sale of notes is exempt from the competitive bidding requirements of Rule U-50 because of the provisions of paragraph (a) (2) thereof.

It is requested that the Commission enter an order, to become effective upon its issuance, by July 20, 1950, or as soon thereafter as the convenience of the Commission will permit, authorizing the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6113; Filed, July 14, 1950; 8:46 a. m.]

[File No. 70-2430]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND CAMBRIDGE STEAM CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of July 1950.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Gas and Electric Association ("New England"), a registered holding company and its subsidiary, Cambridge Steam Corporation ("Cambridge"). Applicants-declarants have designated sections 6 (b), 10 and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 24, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 24, 1950, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Cambridge proposes to issue and sell to New England, its sole stockholder, 1,500 additional shares of common stock having a par value of $100 per share, at the price of $100 per share as fixed by the Board of Directors. Cambridge proposes to apply the proceeds from the sale of said securities to reimburse current assets for amounts invested in plant improvement and extensions and the balance to financing the proposed 1950 construction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6114; Filed, July 14, 1950; 8:46 a. m.]

[File No. 70-2426]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of July A. D. 1950.

In the matter of Pennsylvania Gas & Electric Corporation, Newport Gas Light Company, Penn-Western Service Corporation, File No. 70-2426.

The Commission having on September 3, 1948 issued an order pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 (the "Act") directing, among other things, that Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, dispose of its interest in The Newport Gas Light Company ("Newport"), a subsidiary of Penn Corp;

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the act by Penn Corp, Newport, and Penn-Western Service Corporation ("Penn-Western"), an approved service company and a subsidiary of Penn Corp, relating to the proposed sale by Penn Corp of its investment in the capital stock of Newport and certain transactions incident to such sale. The applicants-declarants have designated section 12 of the act and Rule U-23 thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Penn Corp proposes to sell to Mrs. Dorothy B. Daley, Mrs. Dorothy P. Rich, John F. Rich, John J. O'Brien and certain other persons all of the outstanding capital stock of Newport, consisting of 5,000 shares of capital stock with a par value of $100 a share, for a cash consideration of $550,000. According to the filing, the proceeds from the sale of Newport's capital stock will be used to reduce the debenture indebtedness of Penn Corp, pursuant to a plan previously filed under section 11 (e) of the act and as to which hearings have been held.

The filing states that Penn Corp has carried on negotiations for the sale of Newport with various prospective buyers since February 1949, and that the highest offer received was that referred to above.

Newport is a gas utility company engaged in the production of manufactured gas and the distribution thereof in Newport, Rhode Island, and adjacent territory. According to a balance sheet of the company dated May 31, 1950, its outstanding securities consist of $276,000 principal amount of first mortgage bonds and the aforementioned 5,000 shares of capital stock of $100 par value per share, which had a book value on such date of $917,316. For the 12 months ended May 31, 1950, operating revenues of the company were $544,836 and net income applicable to the common stock was $34,158. Such earnings were stated after estimated provisions for Federal income taxes based on the filing of a consolidated tax return with the parent company, Penn Corp.

In connection with the proposed sale of Newport's capital stock by Penn Corp, Newport proposes to donate to Penn-Western its holding of 50 shares of the capital stock of Penn-Western, and Penn-Western proposes to pay to Penn Corp the amount originally paid by Penn Corp to Penn-Western for such shares, namely $500. It is proposed that the service contract between Newport and Penn-Western be terminated on the date of closing of the sale of Newport's capital stock.

The applicants and declarants have requested that the Commission's order be issued at such time as to permit consummation of the proposed sale not later than July 18, 1950.

Notice is further given that any interested person may, not later than July 17, 1950 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 17, 1950, said application-declaration as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6115; Filed, July 14, 1950; 8:46 a. m.]

[File No. 70-2417]

MILWAUKEE GAS LIGHT CO.

MEMORANDUM FINDINGS AND ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July A. D. 1950.

Milwaukee Gas Light Company ("Milwaukee"), a public utility subsidiary of American Natural Gas Company, a registered holding company, has filed a declaration, and an amendment thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("Act"), with respect to the following transactions:

Milwaukee proposes to enter into a credit agreement, not later than July 27, 1950, with certain banks hereinafter named which will commit such banks to advance to Milwaukee, from time to time upon its demand and prior to December 31, 1950, sums aggregating a maximum of $3,500,000 as follows:

The National City Bank of New York	$1,000,000
Central Hanover Bank & Trust Co. of New York	1,000,000
Mellon National Bank & Trust Co of Pittsburgh, Pa	1,000,000
First Wisconsin National Bank of Milwaukee	500,000

It is contemplated that the first advance will be made shortly after the execution of the credit agreement and the remainder of the credit will be taken down in amounts of $700,000 or multiples thereof as funds are needed. Each advance by each bank is to be evidenced by a note bearing interest at the rate of 2½ percent per annum and maturing on April 27, 1951. The credit agreement

provides that the notes may be prepaid at any time without penalty in amounts of $700,000, or multiples thereof, except that a prepayment penalty of ¼ of 1 percent per annum shall be paid for the unexpired term of the notes being prepaid if prepayment is made from the proceeds of borrowings from banks other than the banks participating in the credit agreement. A commitment fee will be paid computed at the rate of ½ of 1 percent per annum on the average daily unused balance of the commitment from the date of the credit agreement to December 31, 1950, or until the entire $3,500,000 shall have been taken down, whichever shall occur first.

The declaration states that the proceeds from the proposed bank loans will be utilized by Milwaukee to finance its immediate construction requirements. Prior to October 1950, the company contemplates a permanent financing program which would include the retirement of all of its presently outstanding senior securities, consisting of $21,834,000 principal amount of debt securities and $2,000,000 par value of preferred stock, through the issuance of $27,000,000 principal amount of bonds, $6,000,000 of preferred stock and $3,000,000 of common stock. While this program is set forth in the instant application, all that we are doing now is approving the temporary financing to provide for immediate construction requirements and our action is in no may to be construed as an indication that we are giving any approval to the projected refinancing program.

Milwaukee estimates that the fees and expenses to be incurred in connection with the proposed transactions will aggregate $3,000, including legal fees of $1,500.

It is represented that no approval or consent of any regulatory body, other than this Commission, is necessary for the consummation of the proposed transactions.

Said declaration having been filed on June 5, 1950, and the amendment thereto having been filed on July 3, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, and observing no basis for adverse findings, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6116; Filed, July 14, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14776]

SEIICHIRO IWASAKI

In re: Stock owned by Seiichiro Iwasaki, also known as Seiichiro Iwaski. F-39-103'/-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seiichiro Iwasaki, also known as Seiichiro Iwaski, whose last known address is Sagacho, Fukazawa, Tokio, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Twenty-four (24) shares of no par value common capital stock of State Street Investment Corporation, 140 Federal Street, Boston 10, Massachusetts, a corporation organized under the laws of the State of Massachusetts, evidenced by 3 certificates numbered C52166 for six shares, C2041 for five shares and C18225 for one share of no par common stock of said State Street Investment Corporation, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, together with all declared and unpaid dividends thereon, and the right to receive a new certificate for 24 shares of no par value common stock of the aforesaid State Street Investment Corporation, in accordance with a 2 for 1 split of April 14, 1944,

b. Three (3) shares of ten cent ($0.10) par value common capital stock of American General Corporation, 420 Lexington Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered C060261, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, together with all declared and unpaid dividends thereon.

c. Six (6) shares of no par value common capital stock of Consolidated Equities Inc., formerly known as Incorporated Investors Equities, 1 Court Street, Boston, Massachusetts, a corporation organized under the laws of the State of Massachusetts, evidenced by a certificate numbered 2694, for six shares of no par value stock of Incorporated Investors Equities, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, together with all declared and unpaid dividends thereon, and the right to receive a new certificate for six shares of no par value common stock of the aforesaid Consolidated Equities Inc.,

d. Three (3) shares of $1.00 par value common capital stock of Standard Power & Light Corporation, 15 Exchange Place, Jersey City 2, New Jersey, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered C04421, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, together with all declared and unpaid dividends thereon,

e. Twenty-two (22) shares of $1.00 par value common capital stock of United States Electric Power Corporation, 1 Exchange Place, Jersey City, New Jersey, evidenced by a certificate numbered NC0392 for 6 shares and a certificate numbered JU41499 for 16 shares, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, together with all declared and unpaid dividends thereon,

f. Fifteen shares of $6.00 cumulative preferred capital stock of General Investment Corporation, 941 North Meridian Street, Indianapolis, Indiana, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NP01379, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, together with all declared and unpaid dividends thereon, and any and all rights of exchange thereunder, including particularly, but not limited to the right to receive a cash distribution of $74.52 per share, fifteen (15) shares of $1.50 cumulative preferred capital stock of Stokely Foods, Inc., forty and two-fifths ($40^{2}/_{5}$) shares of common capital stock of Stokely Foods, Inc., fifty five-hundredths (50/500) shares of common scrip of Stokely Foods, Inc., ninety-four (94) shares of common capital stock of First York Corporation, five hundred one-thousandths (500/1000) shares of common scrip of First York Corporation, together with all declared and unpaid dividends applicable to the shares of stock received under such exchange,

g. Thirty (30) shares of common capital stock of the General Investment Corporation, 941 North Meridian Street, Indianapolis, Indiana, evidenced by a certificate numbered NC010629, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, together with all declared and unpaid dividends thereon, and any and all rights to receive one-fifth ($^{1}/_{5}$) share of common capital stock of Stokely Foods, Inc., together with all declared and unpaid dividends applicable to the stock received under such exchange.

h. Thirty-four (34) stock purchase warrants of the General Investment Corporation, 941 North Meridian Street, Indianapolis, Indiana, evidenced by a certificate numbered NC 952, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-6149; Filed, July 14, 1950; 8:54 a. m.]

[Vesting Order 14815]

MATSUSUKE TENGAN

In re: Rights of Matsusuke Tengan under Insurance Contract. File No. D-39-19069-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Matsusuke Tengan, whose last known address is Okinawa, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,650,373, issued by The Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Yoshio Tengan, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-6150; Filed, July 14, 1950; 8:54 a. m.]

[Vesting Order 14816]

JOHN ROBERT TISCHBEIN

In re: Estate of John Robert Tischbein, deceased. File No. D-28-9767; E. T. sec. 13721.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Claerchen Tischbein, Eduard Tischbein, Erika Mueller, Gertrud Von Deritz, nee Mueller, Ilse Mueller, Liselotte Wolfe, nee Mueller, Ingeborg Haselbach, nee Mueller and Hildegard Mueller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the Estate of John Robert Tischbein, deceased, and in and to the Trust created under the will of John Robert Tischbein, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Bertha Tischbein, as Executrix, acting under the judicial supervision of the County Court, Passaic County, Probate Division, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-6151; Filed, July 14, 1950; 8:54 a. m.]

[Vesting Order 14818]

MARIE WUERTZ

In re: Rights of Marie Wuertz under Insurance Contract. File No. F-28-7982-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Wuertz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 20137, issued by the Lutheran Mutual Life Insurance Company, Waverly, Iowa, to Phillip J. Wuertz, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6152; Filed, July 14, 1950; 8:54 a. m.]

[Vesting Order 14562, Amdt.]

ANNA SCHIERNING

In re: Securities owned by and debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Anna Schierning, deceased. D-28-12586-G-1.

Vesting Order 14562, dated April 13, 1950, is amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Anna Schierning, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Two thousand (2,000) shares of no par value common stock of the Charles Leich and Company, 420 N. W. Fifth Street, Evansville 1, Indiana, evidenced by a certificate numbered 734, registered in the names "Walter Leich and Herbert Leich, Trustees" and presently in the custody of Walter Leich and Alexander L. Leich, Trustees, 420 N. W. Fifth Street, Evansville 1, Indiana, and any and all declared and unpaid dividends thereon,

b. That certain debt or other obligation evidenced by a certificate of indebtedness issued by Carl, Clarence, Herbert and Walter Leich, in the original face amount of $24,773.67, bearing endorsements of principal payments totaling $18,555.49, presently in the custody of Walter Leich and Alexander L. Leich, Trustees, 420 N. W. Fifth Street, Evansville 1, Indiana, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same and any and all rights in, to and under the aforesaid certificate of indebtedness,

c. That certain debt or other obligation evidenced by a promissory note dated at Evansville, Indiana, September 30, 1949, issued by Frances Leich Hanson, to Walter Leich and Alexander L. Leich, as trustees, in the original principal sum of $6,185.99, presently in the possession of the Attorney General of the United States, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same and any and all rights in, to and under the aforesaid promissory note,

d. Thirty nine (39) United States Government, Series G Bonds, of the face value, dated and bearing the serial number listed below:

Date	Serial No.	Face value
October 1948	M6602-877 G	$1,000.00
	M6602-878 G	1,000.00
	M6602-879 G	1,000.00
	M6602-880 G	1,000.00
February 1949	C5274-493 G	100.00
	D3658-853 G	500.00
	C5423-460 G	100.00
	C5423-384 G	100.00
	C5423-385 G	100.00
April 1949	M6929-431 G	1,000.00
	C5427-390 G	100.00
June 1949	C5539-836 G	100.00
	C5539-837 G	100.00
	M7074-242 G	1,000.00
	V1635-158 G	5,000.00
July 1949	C5540-981 G	100.00
	C5540-982 G	100.00
	C5540-983 G	100.00
	C5540-984 G	100.00
	D3197-523 G	500.00
September 1949	C5545-976 G	100.00
	C5545-977 G	100.00
	C5545-978 G	100.00
	C5545-979 G	100.00
	D3201-117 G	500.00
	M7196-196 G	1,000.00
	M7196-197 G	1,000.00
	M7196-198 G	1,000.00
	M7196-199 G	1,000.00
	X941-823 G	10,000.00
October 1949	C5547-449 G	100.00
	C5547-450 G	100.00
	C5547-451 G	100.00
	C5547-452 G	100.00
	D3246-443 G	500.00
April 1950	C5732-052 G	100.00
	C5732-053 G	100.00
	C5732-054 G	100.00
	D3310-632 G	500.00

said bonds presently in the custody of Walter Leich and Alexander L. Leich, Trustees, 420 N. W. Fifth Street, Evansville 1, Indiana, and any and all rights thereunder and thereto, and

e. That certain debt or other obligation of Walter Leich and Alexander L. Leich, Trustees, 420 N. W. Fifth Street, Evansville 1, Indiana, in the amount of $277.19, as of June 14, 1949, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Anna Schierning, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Anna Schierning, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6155; Filed, July 14, 1950; 8:54 a. m.]

[Vesting Order 14829]

GUSTAV EDUARD AHLFF

In re: Trust under the will of Gustav Eduard Ahlff, also known as Gus E. Ahlff, deceased. File: D-28-9374; E. & T. sec. 12433.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Molly Ahlff, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the trust established under the will of Gustav Eduard Ahlff, also known as, Gus E. Ahlff, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in process of administration by Ralph B. Brown, as trustee, acting under the judicial supervision of the Superior Court of Colusa County, California

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6153; Filed, July 14, 1950; 8:54 a. m.]

[Vesting Order 14837]

JUICHI AND MASUNO NISHIMOTO

In re: Rights of Juichi Nishimoto and Masuno Nishimoto under Insurance Contract. File No. F-39-5962-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Juichi Nishimoto and Masuno Nishimoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 565,533, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Juichi Nishimoto, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Juichi Nishimoto or Masuno Nishimoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6154; Filed, July 14, 1950; 8:54 a. m.]

[Vesting Order 14582, Amdt.]

HIDESHIGE KASHIWAGI

In re: Stock owned by Hideshige Kashiwagi. F-39-6138-D-1, F-39-6138-A-1.

Vesting Order 14582, dated April 21, 1950, is hereby amended as follows and not otherwise: By deleting from subparagraph 2 (e) of said Vesting Order 14582, the certificate number NY 28744, set forth with respect to common capital stock of the General Investment Corporation, 941 North Meridian Street, Indianapolis, Indiana, and substituting therefor certificate number NYZ 8744.

All other provisions of said Vesting Order 14582 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6156; Filed, July 14, 1950; 8:55 a. m.]

[Vesting Order 14631, Amdt.]

L. SIPPELL-PRUMERS

In re: Stock owned by L. Sippell-Prumers. Vesting Order 14621, dated May 1, 1950, is hereby amended as follows and not otherwise: By deleting from subparagraph 2 (a) of said Vesting Order 14621 the certificate number D-156-300 set for with respect to one hundred (100) shares of $10.00 par value common capital stock of the General Motors Corporation registered in the name of N. V. Amsterdamsche Administratiekantoor van Amerikaansche Waarden, and substituting therefor the certificate number D-156-330.

All other provisions of said Vesting Order 14621 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6157; Filed, July 14, 1950; 8:55 a. m.]

FEDERAL REGISTER

VOLUME 15 NUMBER 137

Washington, Tuesday, July 18, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

PART 664—TOBACCO

SUBPART—1950 TOBACCO LOAN PROGRAM

FLUE-CURED

Set forth below is schedule of advance rates, by grades, for the 1950 crop of types 11–14, flue-cured tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published July 8, 1950, 15 F. R. 4333.

§ 664.212 *1950 crop; flue-cured tobacco, Types 11–14, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade:	Advance rate	Grade:	Advance rate
A1L	70.12	B4F	45.12
A2L	68.12	B5F	34.12
A3L	66.12	B6F	24.12
A1F	68.12	B1R	53.12
A2F	66.12	B2R	45.12
A3F	60.12	B3R	36.12
A1R	62.12	B4R	27.12
A2R	56.12	B5R	19.12
A3R	50.12	B6R	14.12
B1L	65.12	B3D	29.12
B2L	62.12	B4D	21.12
B3L	55.12	B5D	14.12
B4L	51.12	B6D	10.12
B5L	44.12	B3LV	52.12
B6L	32.12	B4LV	46.12
B1F	62.12	B5LV	38.12
B2F	58.12	B3FV	46.12
B3F	51.12	B4FV	38.12

[1] The advance rates quoted above are applicable to tied flue-cured tobacco. Rates for untied flue-cured tobacco are four dollars ($4.00) per hundred pounds less for each grade. The Cooperative Association through which the loans are made is authorized to deduct from the amount paid to the grower 12 cents per hundred pounds to apply against the overhead costs to the Association of the loan operation. Tobacco can be placed under loan only by the original producer and at these rates only if produced on a cooperating farm. Tobacco graded "W" (unsafe order), "U" (unsound), "DAM" (damaged), N2L, N2R, N2G, or N–K will not be accepted.

[Dollars per hundred pounds, farm sales weight]

Grade:	Advance rate	Grade:	Advance rate
B5FV	30.12	C4F	65.12
B3FM	43.12	C5F	58.12
B4FM	37.12	C4LV	59.12
B5FM	29.12	C5LV	52.12
B4FK	34.12	C4FM	50.12
B5FK	27.12	C5FM	44.12
B4GL	39.12	X1L	66.12
B5GL	31.12	X2L	65.12
B6GL	25.12	X3L	59.12
B4GF	33.12	X4L	48.12
B5GF	27.12	X5L	34.12
B6GF	21.12	X1F	65.12
B4GR	19.12	X2F	64.12
B5GR	13.12	X3F	57.12
B6GR	11.12	X4F	44.12
H1L	66.12	X5F	30.12
H2L	65.12	X3R	38.12
H3L	63.12	X4R	28.12
H4L	56.12	X5R	20.12
H5L	50.12	X3LV	46.12
H6L	40.12	X4LV	38.12
H1F	64.12	X3FV	42.12
H2F	63.12	X4FV	34.12
H3F	58.12	X3FM	42.12
H4F	52.12	X4FM	34.12
H5F	45.12	X5FM	24.12
H6F	32.12	X3G	30.12
H1R	54.12	X4G	24.12
H2R	50.12	X5G	18.12
H3R	46.12	P3L	50.12
H4R	39.12	P4L	39.12
H5R	31.12	P5L	24.12
H6R	23.12	P3F	46.12
C1L	69.12	P4F	33.12
C2L	69.12	P5F	20.12
C3L	68.12	P3G	27.12
C4L	66.12	P4G	20.12
C5L	60.12	P5G	15.12
C1F	69.12	N1L	10.12
C2F	69.12	N1R	10.12
C3F	68.12	N1G	10.12

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 2, 59 Stat. 506, sec. 101, Pub. Law 439, 81st Cong.; 7 U. S. C. and Sup., 1312n)

Issued this 12th day of July 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 50–6221; Filed, July 17, 1950; 8:49 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Title 43 ($0.35)
Titles 44–45 ($0.25)

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TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 728—WHEAT

NATIONAL ACREAGE ALLOTMENT FOR 1951 CROP

Sec.
728.103 Basis and purpose.
728.104 1951 national acreage allotment for wheat.

AUTHORITY: §§ 728.103 and 728.104 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375; apply or interpret secs. 301, 332, 333, 52 Stat. 38, 53, as amended; 7 U. S. C. and Sup. 1301, 1332, 1333.

§ 728.103 *Basis and purpose.* Sections 728.103 and 728.104 are based on sections 301, 332, and 333 of the Agricultural Adjustment Act of 1938, as amended, and its purpose is to announce the national acreage allotment for the 1951 crop of wheat. The act provides that the national acreage allotment shall be that acreage which the Secretary determines will, on the basis of the national average yield for wheat, produce an amount thereof adequate, together with the estimated carry-over at the beginning of the marketing year for such crop and imports, to make available a supply for such marketing year equal to a normal year's domestic consumption and exports plus 30 per centum thereof. The findings and determinations made by the Secretary in § 728.104 have been made on the basis of the latest available statistics of the Federal Government and after due consideration within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, of data, views, and recommendations received pursuant to public notice (15 F. R. 2686) given in accordance with the Administrative Procedure Act.

§ 728.104 *1951 national acreage allotment for wheat.* (a) The estimated carry-over of wheat for the marketing year beginning July 1, 1951, is 374 million bushels;

(b) A "normal year's domestic consumption and exports" of wheat are 1,172 million bushels;

(c) Imports of wheat during the marketing year beginning July 1, 1951, are estimated to be negligible;

(d) The "national average yield" of wheat is 15.8 bushels per acre;

(e) The national acreage allotment for the 1951 crop of wheat is 72,784,810 acres.

Issued at Washington, D. C., this 14th day of July 1950.

[SEAL] DILLARD B. LASSETER,
Acting Secretary of Agriculture.

[F. R. Doc. 50-6239; Filed, July 14, 1950; 3:04 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5682]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WESTERN BATT AND BEDDING CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition; Wool Products Labeling Act.* § 3.1325 *Source or origin; Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition; Wool Products Labeling Act;* § 3.1900 *Source or origin; Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, of woolen batts or other wool products, as defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, misbranding such woolen batts or other products, by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is 5 per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the qualification, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and subject to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Western Batt and Bedding Company, Inc., et al., docket 5682, May 24, 1950]

In the Matter of Western Batt and Bedding Company, Inc., a Corporation, and Lee Brown, Individually and as an Officer of the Western Batt and Bedding Company, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answer of respondents, in which joint answer respondents admit all the material allegations of fact set forth in said complaint and waive all intervening procedure, including the filing of recommended decision by the trial examiner and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that respondents have violated the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939:

It is ordered, That respondents Western Batt and Bedding Company, Inc., a corporation, its officers, agents, representatives, and employees, and Lee Brown, individually, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, of woolen batts or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, do forthwith cease and desist from misbranding such woolen batts, or other products, by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding 5 percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is 5 percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; *And provided, further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the man-

ner and form in which they have complied with this order.

Issued: May 24, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-6194; Filed, July 17, 1950; 8:47 a. m.]

[File No. 21-425]

PART 193—SLIDE FASTENER INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of July 18, 1950.

Statement by the Commission. Trade practice rules for the Slide Fastener Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

Members of the industry are the persons, firms, corporations and organizations engaged in the manufacture, assembly, or distribution and marketing, of slide fasteners (commonly called "zippers"), or component parts thereof, including stringers, fastener chains, sliders, pulls, bottom and top stops, and separating end components, whether of metal, plastic, or other material. Total gross sales of the industry in 1948 at wholesale are estimated at between 60 and 70 million dollars.

The rules are directed to the elimination and prevention of various unfair trade practices and are issued in the interest of protecting the purchasing public and maintaining fair competitive conditions in the industry. To this end the rules provide a helpful guide to all members of the industry.

Proceedings leading to the establishment of rules were instituted upon application made on behalf of industry members. A general industry conference was held under Commission auspices in New York City, at which proposals for rules were submitted for consideration of the Commission. Thereafter, a draft of proposed rules was released by the Commission and public hearing thereon held in Washington, D. C., at which all interested or affected parties were afforded opportunity to present their views, suggestions, or objections regarding the rules. Following such hearing, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the trade practice rules hereinafter appearing in Group I and Group II.

Such rules become operative thirty (30) days from date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

Sec.

193.0 Definitions.

GROUP I

193.1 Misrepresentation in general.
193.2 Deception as to used materials.
193.3 Disclosure as to foreign origin of imported slide fasteners.
193.4 Deception as to length.
193.5 Exclusive deals and lifting of stocks.
193.6 Use of "loss leaders".
193.7 Selling below cost.
193.8 Discriminatory returns.
193.9 False or deceptive selling methods.
193.10 Coercing purchase of one product as a prerequisite to the purchase of other products.
193.11 Substitution of products.
193.12 Consignment distribution.
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193.14 Unlawful coercion or combinations in restraint of trade.
193.15 Commercial bribery.
193.16 Enticing away employees of competitors.
193.17 Defamation of competitors or disparagement of their products.
193.18 Procurement of competitor's confidential information.
193.19 Imitation or simulation of trademarks, trade names, etc.
193.20 Inducing breach of contract.
193.21 Unfair threats of infringement suits.
193.22 Prohibited discrimination.
193.23 Aiding or abetting use of unfair trade practices.

GROUP II

193.101 Arbitration.
193.102 Repudiation of contracts.
193.103 Price lists.
193.104 Return of merchandise.
193.105 Dissemination of credit information.
193.106 Filing of trade-marks, etc.
193.107 Giving of samples.

AUTHORITY: §§ 193.0 to 193.107 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46.

§ 193.0 *Definitions.* For purposes of this part the following definitions of industry products shall apply:

(a) "Slide fastener," "fastener," or "zipper" shall mean a pair of fastener stringers, each having a series of cooperating fastener elements, portions, or scoops arranged along their adjacent longitudinal edges, or a continuous portion arranged along the longitudinal edge of one stringer which interlocks with a continuous portion along the longitudinal edge of the opposite stringer, with a slider mounted thereon for opening and closing the fastener, and with or without end stops to limit the movement thereof.

(b) "Stringer" shall mean a tape having a series of fastener elements, or scoops, or interlocking portions, arranged along the edge thereof.

(c) "Fastener chain" shall mean two slide fastener stringers, each having a series of interlocking fastener elements, scoops, or interlocking portions arranged along the opposite edges thereof and in interlocking relation, but incomplete with respect to a slider.

(d) "Slider" shall mean a movable part for opening and closing a fastener and consisting of a pair of spaced-apart wing portions connected at one end by a neck or yoke portion to provide a channel through which pass the fastener elements, scoops, or portions to be engaged or disengaged.

(e) "Separating end components" shall mean any parts, such as pin and socket members, placed at the ends of the stringers of a slide fastener to permit complete separation of such stringers.

GROUP I

General statement. The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 193.1 *Misrepresentation in general.* It is an unfair trade practice for any member of the industry to use, or cause or promote the use of, any advertising matter, guarantee, warranty, trade promotional literature, mark, brand, label, or other representation, however disseminated or published, which has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public with respect to the grade, quality, length, weight, size, use, colorfastness, material, composition, construction, fabrication, manufacture, distribution, origin, or price or terms of sale, of any slide fastener or any component part thereof, or with respect to the character, extent, or type of the business of any industry member. [Rule 1]

§ 193.2 *Deception as to used materials.* (a) It is an unfair trade practice for any member of the industry to sell, offer for sale, advertise, or otherwise represent any slide fastener, or any component thereof, as being new when such is not true in fact.

(b) In the marketing of used, reclaimed, or second-hand slide fasteners, or fasteners containing used, reclaimed, or second-hand parts, it is an unfair trade practice to fail or refuse to make full and nondeceptive disclosure, by tag or label attached to the product, of the fact that such fasteners or components thereof are not new but are used, reclaimed, or second-hand, as the case may be, such failure or refusal to make disclosure having the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public. [Rule 2]

§ 193.3 *Disclosure as to foreign origin of imported slide fasteners.* It is an unfair trade practice for any industry member:

(a) To sell or offer for sale any slide fasteners or slide-fastener parts which have been manufactured or assembled in a foreign country without making clear and nondeceptive disclosure to the purchasers and prospective purchasers of the name of the country in which such fasteners or parts were made or assembled; or

(b) To sell or offer for sale slide fasteners which, though assembled in this country, contain fastener chains of foreign manufacture without making clear and nondeceptive disclosure to purchasers and prospective purchasers of the name of the country in which the fastener chains have been manufactured. Such disclosure should be made in all advertisements and sales promotional literature relating to the product, and by label or tag attached to the product itself, which tags or labels should be of sufficient permanency and so affixed as to carry through to consumer-purchasers. When the product has been assembled in this country of fastener chains made in one country, and of other parts made in another or other countries, such disclosure should be so worded as to make it clear that it has application only to the fastener chain.

NOTE: Nothing in this section shall be construed as relieving any member of the industry or other party of the necessity of complying with the requirements of the customs laws or regulations or other applicable provisions of law or regulation relating to the marking of slide fasteners or any component parts thereof.

[Rule 3]

§ 193.4 *Deception as to length.* (a) It is an unfair trade practice to misrepresent the length of any slide fastener, or to sell, offer for sale, or distribute slide fasteners under any circumstance or condition having the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public concerning the length or measure of any such product.

(b) In order to avoid and prevent deception in the sale of slide fasteners, the linear measure of each slide fastener should be indicated clearly and nondeceptively on the package or other container of the product, or on label, stamp, or tag securely affixed thereto: *Provided, however*, That with respect to slide fasteners of the same length put up for the industrial or manufacturing trade and not for individual retail sale to consumer-purchasers, disclosure of the linear measure of such slide fasteners may be made on the box or other container in which such fasteners are packaged for shipment to the industrial user, or on label, stamp, or tag securely affixed thereto: *And provided further*, That the linear measure so indicated shall be the true length of the metal or plastic fastener elements and the stops and separating units, if any, when the fastener is closed, subject, however, to unavoidable variations in manufacture not to exceed applicable length of tolerances provided for in Federal Specification V-F-106, dated February 1, 1949. [Rule 4]

§ 193.5 *Exclusive deals and lifting of stocks.* It is an unfair trade practice for any member of the industry to purchase or otherwise acquire from a distributor or dealer the stock of a competitor or competitors of such industry member, to make loans to a distributor or dealer, or to guarantee a distributor or dealer increased profits as compared with profits previously obtained in the handling of competitive products, when such acts or practices are done:

(a) Upon any express or implied condition, agreement, or understanding that the distributor or dealer will discontinue handling competitive products and will handle such member's products exclusively; or

(b) As an inducement to the distributor or dealer to discontinue handling competitive products and to handle such member's products exclusively;

and where the effect of such acts or practices may be to substantially lessen competition, or tend to create a monopoly, or to unreasonably restrain trade. [Rule 5]

§ 193.6 *Use of "loss leaders."* The practice of selling any type of slide fasteners or other industry products below the seller's cost as a "loss leader" to induce the purchase of other merchandise, the sale of the latter being used to recoup the loss sustained on the "loss leader" product so sold, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 6]

§ 193.7 *Selling below cost.* The practice of selling slide fasteners or other industry products at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect may be, to injure, suppress, or stifle competition, or tend to create a monopoly in the production or sale of such products, is an unfair trade practice. As used in this section the term "cost" means the total cost to the seller, including his cost of acquisition, processing, preparation for marketing, sale, and delivery. [Rule 7]

§ 193.8 *Discriminatory returns.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one customer-purchaser against another customer-purchaser of industry products, bought from such member of the industry for resale, by contracting to furnish, or furnishing in connection therewith, upon terms not accorded to all competing customer-purchasers on proportionally equal terms, the service or facility whereby such favored purchaser is accorded the privilege of returning industry products so purchased and receiving therefor credit or refund of purchase price: *Provided, however*, That nothing in this part shall prohibit or be used to prevent the return of merchandise by purchasers, for credit or refund of purchase price, when and because such merchandise has not been properly labeled by the seller in accordance with this part, or has been otherwise falsely or deceptively labeled or represented, or when and because such merchandise is defective in material, workmanship, or in any other respect is contrary to warranty or purchase contract. [Rule 8]

§ 193.9 *False or deceptive selling methods.* To use or promote the use of any selling method or credit term which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public is an unfair trade practice. [Rule 9]

§ 193.10 *Coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products or services as a prerequisite to the purchase of one or more other products or services, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice. [Rule 10]

§ 193.11 *Substitution of products.* The practice of shipping or delivering products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without the consent of the purchasers to such substitutions and with the tendency, capacity, or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 11]

§ 193.12 *Consignment distribution.* It is an unfair trade practice for any member of the industry to use the practice of shipping slide fasteners or other industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or to unreasonably restrain trade: *Provided, however*, That nothing in this section shall be construed as restricting or preventing consignment shipping or marketing of slide fasteners or other industry products in good faith where suppression of competition, restraint of trade, or undue interference with competitors' use of the usual channels of distribution, is not effected. [Rule 12]

§ 193.13 *False invoicing.* Withholding from or inserting in invoices or sales slips any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, with the effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 13]

§ 193.14 *Unlawful coercion or combinations in restraint of trade.* It is an unfair trade practice for a member of the industry:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any member of the industry or other person to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more mem-

bers of the industry, or with one or more other persons, to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 14]

§ 193.15 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money, services, or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 15]

§ 193.16 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry willfully to entice away employees of competitors with the purpose and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition.

NOTE: Nothing in this section shall be construed as prohibiting employees or agents from seeking or obtaining more favorable employment, or as preventing manufacturers or sellers from soliciting business from any dealers or other prospective purchasers or marketers in good faith and by means of fair competitive methods.

[Rule 16]

§ 193.17 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, or conditions of employment, is an unfair trade practice. [Rule 17]

§ 193.18 *Procurement of competitors' confidential information.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 18]

§ 193.19 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 19]

§ 193.20 *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 20]

§ 193.21 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 21]

§ 193.22 *Prohibited discrimination—(a) Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* In the marketing in commerce [1] of products of the industry of like grade and quality for use, consumption, or resale within the jurisdiction of the United States, and subject to subparagraph (1) (i), (ii), and (iii) of this paragraph, it is an unfair trade practice for any member of the industry engaged therein to discriminate in price between different purchasers where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with such industry member or with any person who knowingly receives the benefit of such discrimination or with their customers.

(1) The inhibitions against such discrimination in price shall be applicable irrespective of whether the discrimination in the price itself is effected in the form, or through the means, of rebates, refunds, discounts, credits, allowances, or other form of price differential.

(i) Nothing, however, herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the products are sold or delivered to said purchasers.

(ii) Nor shall anything herein contained prevent persons engaged in selling products in commerce [1] from selecting their own customers in bona fide transactions and not in restraint of trade.

(iii) Nor shall anything herein contained prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the products concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the products concerned.

(b) *Prohibited brokerage or commissions.* In the selling of industry products in commerce,[1] it is an unfair trade practice for any member of the industry engaged therein to pay or grant, or to receive or accept, any commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of such products, either to the other party to such transaction or to an agent, representative, or other intermediary therein, where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* In the selling of industry products in commerce [1] by any member of the industry, and in the course thereof, it is an unfair trade practice for such member to pay or contract for the payment of anything of value to or for the benefit of his customer as compensation or in consideration for certain services or facilities furnished by or through such customer, unless such payment or consideration is available on proportionally equal terms to all other customers of such member competing in the distribution of such products.

As used in this paragraph, the certain services or facilities referred to are such as are furnished by or through the customer in connection with the processing, handling, sale, or offering for sale, of such industry member's products.

(d) *Prohibited discrimination in services or facilities.* In the sale of industry products bought for resale, with or without processing, it is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course thereof, to discriminate in favor of one purchaser against another purchaser by furnishing certain services or facilities upon terms not accorded to all competing purchasers on proportionally equal terms.

Said services or facilities referred to in this paragraph are such as are connected with the processing, handling, sale, or offering for sale, of the products purchased, and the term "furnishing" as used in this paragraph shall be construed as including contracting to furnish, and contributing to the furnishing of, the services or facilities.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry, in the course of commerce [1] in which he is engaged, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. [Rule 22]

§ 193.23 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 23]

GROUP II

General statement. Compliance with trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Non-observance of such rules does not per se constitute violation of law. Where, however, the practice of not complying with any Group II rules is followed in such manner as to result in unfair methods of competition or unfair or deceptive acts or practices in commerce, corrective proceedings in respect thereto may be instituted by the Commission as in the case of violation of Group I rules.

§ 293.101 *Arbitration.* The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so they should, if possible, submit these disputes to arbitration. [Rule A]

§ 193.102 *Repudiation of contracts.* Lawful contracts, either written or oral, are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market or by buyers on a declining market is equally reprehensible and is condemned by the industry. [Rule B]

§ 193.103 *Price lists.* (a) The industry approves the practice of each individual member of the industry independently publishing and circulating to the purchasing trade his own price lists.

(b) The industry approves the practice of making the terms of sale a part of all published price schedules. [Rule C]

§ 193.104 *Return of merchandise.* The practice, by members of the industry, of selling merchandise and later permitting the purchaser to return it for credit or refund of purchase price, without just cause, creates waste and loss, increases the cost of doing business to the detriment of both the industry and the public, and is condemned by the industry, subject, however, to requirements and limitations set forth in the provisions of § 193.8. [Rule D]

§ 193.105 *Dissemination of credit information.* The industry records its approval of distributing to its members information covering delinquent and slow accounts insofar as it may be lawfully done. [Rule E]

§ 193.106 *Filing of trade-marks, etc.* To avoid confusion within the industry, it is recommended that each member thereof voluntarily file with a qualified agency designated by the industry all trade-marks, trade names, labels, or brands used by such member, and that such information be made equally available to all members of the industry and to the public. [Rule F]

§ 193.107 *Giving of samples.* The industry disapproves the giving of samples without charge except only as may be necessary to acquaint purchasers or prospective purchasers with the grade or quality of the product offered for sale, and where the giving of such samples by any member of the industry is not practiced or accomplished in such way or to such extent as to effectuate an illegal discrimination in price contrary to the provisions of § 193.22. [Rule G]

A Committee on Trade Practices is hereby authorized to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper in the furtherance of fair competitive practices and in promoting the effectiveness of the rules.

Issued: July 13, 1950.

Promulgated by the Federal Trade Commission July 18, 1950.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-6195; Filed, July 17, 1950; 8:48 a. m.]

[1] As here used, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administration by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357) the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq.) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq. and 1949 Supp.; 15 F. R. 584, 1073, 2082) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.208 *Aureomycin otic—(a) Potency.* Proceed as directed in § 141.201 (a).

(b) *Moisture.* Proceed as directed in § 141.5 (a).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup., 357)

2a. In § 146.106 *Dihydrostreptomycin sulfate solution* * * * paragraph (a) *Standards of identity, etc.* is amended by adding the following new subparagraph:

(4) It may contain one or more suitable and harmless buffer substances and stabilizing agents.

b. In § 146.106, subparagraph (2) of paragraph (c) *Labeling* is amended by changing the period at the end thereof to a comma and by adding the following new clause after the quotation mark: "unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for 12 months at room temperature such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section."

c. In § 146.106 subparagraph (3) of paragraph (d) *Requests for certification; samples* is amended by adding the following new subdivision:

(iv) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 gm.

d. In § 146.106, subparagraph (1) of paragraph (e) *Fees* is amended by inserting "and (iv)" between "(d) (3) (iii)" and "of this section".

3. In § 146.201 *Aureomycin hydrochloride* * * * paragraph (b) *Packaging,* second sentence, is amended by inserting "unless it is intended solely for veterinary use and is conspicuously so labeled" between the words "not more than 1.0 gm." and "and each shall contain".

4. In § 146.205 *Aureomycin powder* * * * paragraph (a), first sentence, is amended to read: "Aureomycin powder is crystalline aureomycin with or without suitable and harmless buffer substances, diluents, colorings, and flavorings."

5. Part 146 is amended by adding the following new section:

§ 146.208 *Aureomycin otic (aureomycin hydrochloride otic)—(a) Standards of identity, strength, quality, and purity.* Aureomycin otic is a packaged combination of one immediate container of crystalline aureomycin and one immediate container of a suitable and harmless aqueous solution. The aureomycin is of such quantity that when dissolved as directed the potency of such solution is not less than 5 mg. per milliliter after it has been kept for 7 days at a temperature of 15° C. (59° F.). The aureomycin used conforms to the requirements of § 146.201 (a), except subparagraphs (2), (4), and (5) of § 146.201 (a). Each substance used in the preparation of the aqueous solution contained in the packaged combination, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Each immediate container shall be a tight container as defined by the U. S. P. and shall be of such

composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of aureomycin otic shall bear on its label or labeling as hereinafter indicated the following:

(1) On the outside wrapper or container and on the immediate container of the aureomycin:

(i) The batch mark;

(ii) The number of milligrams in the immediate container;

(iii) The statement "Expiration date ---------" the blank being filled in with the date which is 24 months after the month during which the batch was certified; and

(iv) The statement "Warning—Not for injection."

(2) On the outside wrapper or container and on the immediate container of the solution in the packaged combination:

(i) A statement giving the method of dissolving the aureomycin in the solution;

(ii) The potency per milliliter after the aureomycin has been dissolved therein; and

(iii) The conditions under which the solution should be stored, including a reference to its instability when stored under other conditions, and the statement "The solution may be kept in a refrigerator for 1 week without significant loss of potency."

(3) On the outside wrapper or container:

(i) The statement "Caution: To be dispensed only by or on the prescription of a physician"; and

(ii) A reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of aureomycin otic; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent to physicians on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of aureomycin otic shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the number of milligrams in each immediate container thereof, the date on which the latest assay of the batch was completed, the batch mark, and (unless it was previously submitted) the date on which the latest assay of the aureomycin used in making such batch was completed, the quantity of each ingredient used in making the aqueous solution included in the packaged combination, and a statement that such solution conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The solution after the aureomycin has been dissolved therein; potency.

(iii) The aureomycin used in making the batch; potency, toxicity, moisture, pH, and crystallinity.

(3) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than 20 packages or more than 100 packages, collected by taking a single package at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The aureomycin used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 mg., packaged in accordance with the requirements of § 146.201 (b).

(iii) In case of an initial request for certification, or when any change is made in composition of such solution; 5 packages of the solution included in the combination.

(4) No result referred to in subparagraph (2) (iii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) of this section, $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigation.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup., 357)

This order, which provides for a container of aureomycin intended for intravenous use larger than one gram, if it is labeled for veterinary use; for certification of aureomycin powder that is packaged with or without other suitable and harmless ingredients; for tests and methods of assay and certification of a new aureomycin preparation, aureomycin otic; and for certification of solutions of dihydrostreptomycin sulfate that contain suitable and harmless buffer substances and stabilizers, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will be benefited by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for a container of aureomycin intended for intravenous use larger than 1 gram, if it is labeled for veterinary use; for the marketing of aureomycin powder that is packaged with or without other suitable and harmless ingredients; for the marketing of aureomycin otic; and for the certification of solutions of dihydrostreptomycin sulfate that contain suitable and harmless buffer substances and stabilizers.

Dated: July 11, 1950.

[SEAL] JOHN L. THURSTON.
Acting Administrator.

[F. R. Doc. 50-6193; Filed, July 17, 1950; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 262]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 259]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

OKLAHOMA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 249b, is amended to read as follows:

(249b) [Revoked and decontrolled.]

This decontrols the entire Okmulgee, Oklahoma, Defense-Rental Area on the Housing Expediter's own initiative, in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 251, is amended to read as follows:

(251) [Revoked and decontrolled.]

This decontrols (1) the City of Tulsa in Tulsa County, Oklahoma, a portion of the Tulsa, Oklahoma, Defense-Rental Area, and all unincorporated localities in said defense-rental area, based on a resolution submitted with respect to said City of Tulsa in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Tulsa being the major portion of said defense-rental area, and (2) the remainder of said defense-rental area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective July 14, 1950.

Issued this 13th day of July 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-6190; Filed, July 17, 1950; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

JOINT PROCUREMENT REGULATIONS

AIRCRAFT MANUFACTURING INDUSTRY

The Joint Procurement Regulations, formerly published in Chapter VIII, Title 10, are amended by changing § 809.1202–19 to read as follows:

§ 809.1202–19 *Aircraft manufacturing industry*—(a) *Definition.* (1) The aircraft manufacturing industry is defined as that industry which manufactures or furnishes airplanes and gliders, aircraft-type engines, aircraft-propellers, parts and accessories especially designed for use with or on the abovementioned products such as fuselage parts, wing assemblies, empennage assemblies, alighting gear parts, aircraft engine parts, propeller parts, helicopter rotor parts, fuel systems, armament equipment, and specialized aircraft servicing equipment including special testing equipment for aircraft, engine, and propeller parts and accessories, and special tools and stand assemblies for the assembly, disassembly, and repair of aircraft and the engines, propellers, parts, and accessories therefor.

(2) Expressly excluded from the scope of the definition are lighter-than-air craft; fabricated textile products, e. g., fabric ground covers, parachutes, safety belts, tow targets, and wind socks; pyrotechnics, e. g., cartridges for engine starters, and flares and signals; electrical and communication equipment, e. g., electrical systems and parts, including but not limited to ignition and lighting systems, batteries, spark plugs, generators, magnetos, and wire and cable and communication equipment including but not limited to radios and electronic devices; rubber products, e. g., rubber deicing equipment, rubber flotation gear, life preservers and life rafts, bonded rubber mountings and vibration dampers, tires and tubes, and rubber sundries, such as hose and belting; ground refueling systems; bearings; bolts, nuts, screws, rivets, washers, springs and other hardware and fittings; jacks, piston rings; wire rope; cameras; cabin heaters; fire extinguishers; first-aid equipment; gaskets, lavatory equipment; engine, flight, and navigation instruments and apparatus; and aircraft air and fuel pumps and valves and flow dividers for use with such pumps.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the aircraft manufacturing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.05 per hour arrived at either upon a time or piecework basis.

(c) *Subminimum wages authorized.* (1) Apprentices may be employed at wages below $1.05 an hour if their employment conforms to the standards of the Federal Committee on Apprenticeship; except that no apprentice may be employed at a rate lower than 75 cents an hour.

(2) Handicapped workers (i. e., workers whose earning capacity is impaired by age or physical or mental deficiency or injury) may be employed at wages below $1.05 an hour upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR, Parts 524 and 525, respectively) under section 14, of the Fair Labor Standards Act, as amended. The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, as appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this determination shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this determination.

(e) *Effective date.* This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations commenced on or after July 8, 1950.

[Proc. Cir. 15, June 28 1950] (R. S. 161, 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Supp. 151–161)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 50-6191; Filed, July 17, 1950; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.102, paragraph (f) is amended to read as follows:

§ 3.102 *Wartime service connection.*

* * *

(f) Field offices will submit for central office consideration cases involving tropical diseases initially manifest at any time after discharge when in their judgment a finding of service connection would be proper but is not warranted under this section. In cases of malaria initially manifested more than 1 year after discharge, a slide with properly prepared and identified blood smear obtained by or under supervision of a physician during an initial attack or relapse will be mailed in a suitable container addressed to the director, veterans claims service, central office, with proper identification of the veteran including C-number and time and place of smear, for consideration in conjunction with the submitted claims folder, before acceptance of the diagnosis—malaria—for rating purposes.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707, ch. 12 note)

2. Section 3.276 is amended to read as follows:

§ 3.276 *Institutional awards.* When an incompetent or insane disabled person entitled to disability compensation, pension or retirement pay is a patient in a hospital or institution, payments on his account may be made by means of an institutional award in accordance with the following:

(a) When no fiduciary has been appointed or when payments to an unsatisfactory fiduciary have been stopped or suspended.

(b) When a fiduciary neglects or refuses to furnish the chief officer of the hospital or institution with funds required for the disabled person's comforts and desires not included in the regular support, care, treatment, and maintenance of the disabled person provided by the institution.

(c) When a fiduciary requests that an institutional award be made or continued.

(d) In any of these circumstances, in accordance with the provisions of section 1 (b) of Public Law 662, 79th Congress, there may be paid to the chief officer in behalf of the disabled person up to but not in excess of $30 per month, depending upon the disability rating: *Provided*, That in awards made on and after September 1, 1950, there will be paid to the manager of a Veterans' Administration hospital or center all sums, otherwise payable in excess of apportionments or awards to fiduciaries. In the event the veteran has dependents or more is payable under his disability rating or there are funds to his credit in "Funds Due Incompetent Beneficiaries," such additional amount as may be needed will be allowed, on the basis of a certification by the chief officer of the hospital or institution with respect to the need and the amount required. A certification by the chief attorney concerned as to the neglect or refusal of a fiduciary to supply necessary funds is required. Acordingly, in such cases there may be awarded to the chief officer of the hospital or institution (for definition of chief officer see § 3.277) as provided above any amount necessary for the disabled person's comforts and desires not included in the regular support, care, treatment, and maintenance of the disabled person provided by the hospital or institution. In cases where an institutional award has been authorized and no fiduciary has been appointed, none of the increases on account of dependents provided by Public Law 877, 80th Con-

gress, as amended by section 4, Public Law 339, 81st Congress, will be reflected in the institutional award but such increases will be paid to the apportionee or apportionees in the full amount which is payable on his or their account. If a fiduciary has been appointed and is providing for the veteran's dependents, the increase will be paid to him. Any benefits payable on account of the disabled person not paid to the chief officer of the hospital or institution or to a fiduciary or not apportioned to a dependent or dependents will be paid into the "Funds Due Incompetent Beneficiaries." Any excess funds in the hands of the chief officer of a hospital or institution other than a Veterans' Administration hospital or center at the end of each accounting period, which he may deem unnecessary for expenditure for the benefit of a disabled person, will be returned to the Veterans' Administration or to a fiduciary, if one is serving.

(e) Where no fiduciary has been or is to be appointed, or when payments to an unsatisfactory fiduciary have been stopped or suspended, as indicated in paragraph (a) of this section, apportionment to dependents will be under § 3.315.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 43 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 1, 60 Stat. 908, secs. 1, 2, 62 Stat. 805, as amended; 38 U. S. C. 739, 740, 741, ch. 12 note)

3. Subparagraph (7) of § 3.1504 (a) of the Provisional Regulations is hereby canceled.

This regulation becomes effective July 18, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-6074; Filed, July 17, 1950; 8:45 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—TRAINING FACILITIES

AMOUNT PAYABLE FOR A COURSE

In § 21.495, paragraph (b) is amended to read as follows:

§ 21.495 *Amount payable by the Veterans' Administration for a course of less than 30 weeks.* * * *

(b) The amount payable by the Veterans' Administration for a course of less than 30 weeks will be based on one of the following applicable conditions:

(1) Customary charge if it has been found to be fair and reasonable in accordance with the provisions of § 21.570.

(2) A fair and reasonable charge calculated in accordance with § 21.530 and under the requirements of a contract as provided in § 21.570, where the customary charge is determined not to be fair and reasonable, except that in any case in which one or more negotiated contracts providing a fair and reasonable rate or rates of tuition under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12) (not under Part VII), have been executed in accordance with Veterans' Administration Regulations for two successive years in calendar time, the manager may, in his judgment, with the approval of the special assistant to the director, training facilities service, for succeeding contracts, continue the rates established by the most recent contract without requiring the submittal of additional cost data. The above continuation of rates on a fair and reasonable basis without submittal of additional cost data will be applicable only where the rates in the most recent contract are approximately the same or within reasonable range of other reasonable tuition rates for the same or similar type of courses in the area: *And provided*, That there have been no material changes in the operation of the course or courses in question. Payment on a fair and reasonable basis, whether on the original basis or on a continuation basis as above, will be in lieu of all claimed charges for tuition and fees where an educational institution (not including educational institutions of higher learning) has no "customary cost of tuition" as defined in § 21.467. Furthermore, such payment on a fair and reasonable basis will be limited to an amount which, together with an allowable charge for books, supplies, and equipment, will not exceed the rate of $500 for a full-time course for an ordinary school year, unless the veteran elects (where authorized) to have such excess paid by the Veterans' Administration and his period of entitlement accelerated accordingly.

* * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation becomes effective July 18, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-6073; Filed, July 17, 1950; 8:45 a. m.]

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

Correction

In Federal Register Document 50-5996, appearing at page 4396 of the issue for Wednesday, July 12, 1950, the following corrections should be made:

1. The first word of § 36.4302 (h) (3) should read "Disposed".

2. The second sentence of subparagraph (3) of § 36.4350 (a) should appear as the final sentence of paragraph (a). As correctly expressed § 36.4350 (a) reads as follows:

(a) The estate in the realty acquired by the veteran, wholly or partly with the proceeds of a guaranteed or insured loan, or owned by him and on which construction, or repairs, or alterations or improvements are to be made, shall be not less than:

(1) A fee simple estate therein, legal or equitable; or

(2) A leasehold estate running or renewable at the option of the lessee for a period of not less than 14 years from the maturity of the loan, or to any earlier date at which the fee simple title will vest in the lessee, which is assignable or transferable, if the same be subjected to the lien, or

(3) A life estate, provided that the remainder and reversionary interests are subjected to the lien.

The title to such estate shall be such as is acceptable to informed buyers, title companies, and attorneys, generally, in the community in which the property is situated, except as modified by paragraph (b) of this section.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

TRI-COUNTY COMMISSION CO. ET AL.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the stockyards listed below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act:

Tri-County Commission Company, Faith, South Dakota.

Huron Livestock Sales Pavilion, Huron, South Dakota.

Mid-South Livestock Commission Company, Columbia, Tennessee.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit within 15 days of the publication of this notice any data, views or argument, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 12th day of July 1950.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 50-6220; Filed, July 17, 1950; 8:49 a. m.]

[7 CFR, Part 45]

GRADES OF AMERICAN CHEESE

UNITED STATES STANDARDS

Correction

In F. R. Document 50-5931, appearing in the issue for Saturday, July 8, 1950, at page 4341, make the following changes:

1. In § 45.2 (b) (2) the word "detachable" should read "detectable".

2. In § 45.4 (c) (3) (ii) the word "cautered" should read "scattered".

CIVIL AERONAUTICS BOARD

[14 CFR, Part 21]

AIRLINE TRANSPORT PILOT CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a revision of Part 21 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by September 15, 1950, will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after September 20, 1950, for perusal by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Currently effective Part 21 establishes certification requirements for the issuance of an airline transport pilot certificate, delineates some of the privileges of such certificates, and establishes some basic operating rules for the holders thereof. The parts of the Civil Air Regulations setting forth the air carrier operation rules and general operating rules for pilots describe other privileges and operating rules for airline transport pilots.

This proposed revision establishes two classes of airline transport pilot certificates, sets forth the privileges which may be exercised by the holders of such certificates, and establishes the basic operating rules for the holders thereof.

This proposal is designed to meet the situation which has developed since the end of the war with respect to the types of aircraft used in commercial air transportation. Since the end of the war with the introduction of large and more complex equipment, the great increase in air traffic, and the continuous development of irregular air carrier activity, two things have become apparent: (1) There is more than one recognizable level of experience, skill, knowledge, and ability among air carrier pilots, and (2), generally speaking, it requires a pilot of the highest competence and experience to handle the larger and more complex aircraft and equipment. For these reasons, the proposed rules for obtaining a senior airline transport pilot certificate with an airplane rating, in addition to requiring the applicant to have a high minimum total number of hours of flight time as pilot (2,000 hours), require considerable experience as pilot in command (300 hours) and experience in piloting the larger airplanes (500 hours in multiengine aircraft of not less than 1,800 maximum continuous horsepower). The lower grade of airline transport pilot certificate with an airplane rating requires less flight time appropriate to the responsibility to be exercised by the holders thereof.

Another purpose of this proposal is to narrow the existing gap between the commercial pilot certification requirements and the requirements for an airline transport pilot certificate. Currently, a pilot may receive a commercial rating after having acquired 200 hours of flight time in airplanes but must wait until he has acquired 1,200 hours before he is eligible to apply for an airline transport pilot certificate. This proposal would permit such a pilot to apply for an airline transport pilot certificate after he has flown 750 hours in airplanes, including 250 hours as pilot in command, and has met other requirements. Such a pilot would be authorized to act as pilot in command only (a) in passenger operations of any type of airplane having a maximum certificated take-off weight of less than 12,500 pounds and (b) in cargo operations using airplanes having a weight of less than 30,000 pounds for which he is rated. He would also be authorized to pilot, other than as pilot in command, all types of airplanes of less than 80,000 pounds.

In establishing these two grades of certificates for pilots of airplanes, consideration has been given to establishing a third grade to be called "master airline transport pilot." It has been suggested that an applicant for such a grade have a total of 3,000 hours as pilot, of which 500 hours should be as pilot in command, and of that total he should be required to have at least 1,000 hours as pilot in multiengine airplanes of not less than 3,500 maximum continuous horsepower. It was also suggested that he be permitted to act as pilot in command of any type of airplane and that the senior airline transport pilot be permitted, in passenger operations, to act as pilot in command only of airplanes having a maximum certificated take-off weight of less than 80,000 pounds. However, the necessity of establishing three grades of airline transport pilots is not apparent to us. Nevertheless, we do not necessarily consider the issue settled, and we shall consider any further suggestions along this line which may be directed to us.

The proposal is also designed to meet the requirement of section 602 of the Civil Aeronautics Act of 1938, as amended, that all pilots engaged in scheduled air transportation be designated "'airline transport pilot' of the proper class." Therefore, the act requires that all pilots and copilots engaged in scheduled air transportation shall have appropriate airline transport pilot certificates.

The Civil Air Regulations currently require pilots in command and two pilots of three-pilot crews engaged in irregular air carrier and commercial operator operations in aircraft of over 12,500 pounds maximum certificated take-off weight to have airline transport pilot ratings. However, we are considering a proposal to require all pilots engaged in such operations to hold such ratings regardless of the weight of the aircraft. This proposal, therefore, is drafted accordingly.

It will be noted that all pilot certificates with airline transport ratings issued prior to the effective date of this part would expire on January 1, 1951, and that on or before that date each holder thereof would be required to exchange his certificate for an airline transport pilot certificate appropriate to his experience qualifications, issued in accordance with this proposal. Such individuals would not be required to take any examination and would be issued the same airplane or helicopter ratings as those held by them on the date of exchange. Holders of commercial pilot certificates issued prior to the effective date of this part who meet the experience requirements of this proposal would, upon passing appropriate examinations, be issued airline or senior airline transport pilot certificates and appropriate ratings. Commercial pilots or airline transport pilots having aircraft ratings other than airplane or helicopter may retain or be issued, as the case may be, pilot certificates with commercial ratings for the purpose of piloting such other aircraft in other than scheduled air transportation.

It is therefore proposed to revise Part 21 to read as follows:

PART 21—AIRLINE TRANSPORT PILOT CERTIFICATES

§ 21.0 *Applicability of this part.* This part establishes certification and operating rules for airline transport pilots.

§ 21.1 *Definitions.* (a) As used in this part the words below shall be defined as follows:

(1) *Approved.* Approved, when used either alone or as modifying such words as aircraft, airplane, parachute, course, etc., means approved by the Administrator of Civil Aeronautics in accordance with the applicable requirements of the Civil Air Regulations.

(2) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties imposed upon him by the provisions of this part.

(3) *Category.* Category is a classification of aircraft such as airplane, helicopter, glider, etc.

(4) *Certificated aircraft.* A certificated aircraft is an aircraft of United States registry for which an airworthiness certificate has been issued by the Administrator, or an aircraft of foreign registry for which an airworthiness certificate has been issued by the competent authority of that country.

(5) *Certificated airline transport pilot.* A certificated airline transport pilot is

a holder of an airline transport pilot certificate or senior airline transport pilot certificate with appropriate ratings issued by the Administrator.

(6) *Class.* Class indicates a difference in basic design of aircraft within a category, such as single-engine land, multiengine sea, etc.

(7) *Crew member.* Crew member means an individual assigned for the performance of duty on an aircraft.

(8) *Dual instruction flight time.* Dual instruction flight time is that portion of the flight time during which a person is receiving flight instruction on board the aircraft from a pilot who is qualified to instruct other pilots.

(9) *Flight time.* Flight time is the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight. (Block to block.)

(10) *Instrument time.* Instrument time is that portion of the flight time during which a pilot actually manipulates the flight controls of an aircraft flown under actual or simulated instrument flight conditions solely by reference to instruments and without external reference points, and time acquired in approved synthetic instrument training devices.

(11) *Maximum continuous horsepower.* Maximum continuous horsepower means the maximum continuous horsepower rating of the engine established in accordance with Part 13 of this chapter.

(12) *Night.* Night is the time between the ending of evening twilight and the beginning of morning twilight as published in the Nautical Almanac converted to local time for the locality concerned.[1]

(13) *Passenger.* A passenger is an individual other than a crew member, company employee, or authorized government representative who is transported in an aircraft.

(14) *Pilot in command.* Pilot in command means the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

(15) *Rating.* A rating is an authorization entered on an airman certificate, and forming a part thereof, stating special conditions, privileges, or limitations pertaining to such certificate.

(16) *Serious injury or serious illness.* Serious injury or serious illness means any injury or illness which requires hospitalization or medical treatment for a period of 5 or more days, a fracture of any bone, lacerations which cause severe hemorrhages or involve muscles, injury to any internal organ, or second or third degree burns or burns involving more than 5 percent of the body surface.

(17) *Type.* Type means all aircraft of the same basic design, including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

[1] The Nautical Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Information is also available concerning such tables in the offices of the Civil Aeronautics Administration or the United States Weather Bureau.

CERTIFICATION RULES

§ 21.5 *Application for certificate.* An application for a certificate and ratings shall be made on a form and in a manner prescribed by the Administrator.

§ 21.6 *Issuance.* (a) An airline transport pilot certificate and ratings shall be issued by the Administrator to an applicant who meets the appropriate requirements of this part.

(b) Pending a review of the applicant's application and supplementary documents and the issuance of an appropriate airline transport pilot certificate by the Administrator, an authorized representative of the Administrator may, subject to such conditions and limitations as the Administrator may prescribe, issue an appropriate temporary certificate to an applicant who meets the appropriate requirements of this part.

§ 21.7 *Duration.* (a) An airline transport pilot certificate or a senior airline transport pilot certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(b) An airline transport pilot certificate or a senior airline transport pilot certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than one year, but it may be reissued without further demonstration of technical competence.

(c) A temporary airline transport pilot certificate or senior airline transport pilot certificate shall remain in effect for no longer than a 90-day period.

§ 21.8 *Exchange of certificates and ratings*—(a) *Airline transport pilot ratings.* All pilot certificates with airline transport pilot ratings issued prior to the effective date of this part shall expire on January 1, 1951. On or before that date each such certificate holder shall surrender his certificate to the Administrator together with documentary evidence of his pilot experience. Thereupon, the Administrator shall, based upon the amount and type of pilot experience, issue to such holder in accordance with the provisions of this part an airline transport pilot certificate, or a senior airline transport pilot certificate.

(b) *Class and type ratings.* Holders of pilot certificates with airline transport pilot ratings shall, at the time they exchange their certificates in accordance with the provisions of this section, be issued the same class and type ratings held by them on the date of exchange. Holders of such certificates issued prior to May 1, 1949, who do not hold type ratings may be issued such ratings for each type of airplane in which such holder has flown as pilot in command a total of 50 hours within 12 months preceding the date of application therefor.[2]

[2] Effective May 1, 1949, each pilot newly issued an airline transport rating is required to have a type rating for each type of aircraft having a mixmum certificated take-off weight of 12,500 pounds.

(c) *Other category ratings.* Holders of pilot certificates with commercial or airline transport ratings whose category ratings authorized them to pilot aircraft other than airplanes or helicopters may retain or be issued pilot certificates with commercial ratings to permit their piloting such other categories of aircraft in other than scheduled air transportation.

§ 21.9 *Display.* An airline transport pilot shall, upon request, present his airman and medical certificates for examination by any authorized representative of the Civil Aeronautics Board, or Administrator or by any State or local law enforcement officer.

§ 21.10 *Change in address.* Within 30 days after any change in the permanent mailing address of a holder of an airline transport pilot certificate, he shall notify the Administrator in writing of his new address. The notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 21.15 *Citizenship.* An applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal airline transport pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 21.16 *Education.* (a) An applicant shall be able to read, write, and understand the English language and speak the same without any accent or impediment of speech which would interfere with two-way radio conversation: *Provided,* That a certificate may be issued to an applicant who is unable to speak or understand the English language, if appropriate operation limitations are imposed.

(b) An applicant shall be a high school graduate or its equivalent as determined by the Administrator from the applicant's showing of general experience, special aeronautical experience, knowledge, and skill.

§ 21.17 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate. The passing grade for all oral and written examinations shall be at least 70 percent. The practical examination shall be accomplished to the satisfaction of the authorized representative of the Administrator.

§ 21.18 *Reexamination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for reexamination within a 30-day period from the date of such failure unless he presents a signed statement that he has received not less than 5 hours of instruction in the subject or subjects failed and is considered competent to pass such examination or test as follows:

(a) For practical examinations the instruction shall be given and attested to by a certificated airline transport pilot.

(b) For theoretical examinations the instruction shall be given and attested to by a certificated ground instructor holding a rating for the subject.

§ 21.19 *Substantiation of experience.* An applicant shall present to the Administrator satisfactory documentary evidence to substantiate the experience qualifications set forth in his application.

§ 21.20 *Physical standards.* An applicant shall present evidence that he has met the physical standards of the first class prescribed in Part 29 of the Civil Air Regulations within six months immediately preceding the date of application.

§ 21.21 *Aircraft used in flight tests.* An applicant shall furnish a certificated aircraft suitable for any flight test to be taken. Such aircraft shall have dual controls, shall accommodate the applicant and the examiner, and shall be of a design and shall possess performance and flight characteristics permitting the applicant to perform with safety the required flight maneuvers. Aircraft having only one elevator and aileron control for two seats, or any arrangement whereby all flight and engine controls cannot be handled in a normal or conventional manner from either seat, are not considered as having dual controls for the purpose of flight tests for pilot ratings. Each such aircraft shall have adequate vision for the pilot and check pilot. Parachutes shall be furnished if required by the examiner.

§ 21.22 *Aircraft category ratings.* Only the following aircraft category ratings shall be issued:

(a) Airplane, in accordance with the provisions of §§ 21.31 through 21.41, or §§ 21.51 through 21.54, whichever is appropriate.

(b) Helicopter, in accordance with the provisions of §§ 21.71 through 21.74.

§ 21.23 *Airplane class ratings.* The following airplane class ratings shall be issued:

(a) Single-engine land,
(b) Multiengine land,
(c) Single-engine sea,
(d) Multiengine sea.

§ 21.24 *Type ratings.* (a) A type rating for airplanes shall be issued for each type of airplane having a maximum certificated take-off weight of over 12,500 lbs.

(b) A type rating for helicopters shall be issued for each type of helicopter.

§ 21.25 *Application for type ratings.* An applicant for a type rating shall demonstrate to an authorized representative of the Administrator his ability to comply with the following provisions:

(a) *Airplane.* Applicant shall perform, at the skill required for the grade of certificate held or being applied for, such maneuvers of §§ 21.35 through 21.40, and § 21.41 (b) (1) and (4) as the Administrator may prescribe.

(b) *Helicopter.* Applicant shall meet the requirements of § 21.74.

QUALIFICATIONS FOR AIRLINE TRANSPORT PILOT CERTIFICATES; AIRPLANE RATINGS

§ 21.31 *Age.* An applicant shall be at least 21 years of age.

§ 21.32 *Experience.* (a) An applicant shall have had at least 750 hours of flight time as pilot of any type of airplane including not less than 250 hours as pilot in command; of which he shall have had at least:

(1) 250 hours of cross-country flight time, of which not less than 50 hours shall have been night flight time, and at least 50 hours shall have been flown as pilot in command, and

(2) 40 hours of instrument time, of which not less than 20 hours shall have been flown as pilot in command under actual instrument flight conditions; or

(b) An applicant, within 90 days immediately preceding the date of application, shall have completed satisfactorily a course of instruction which the Administrator approves as adequate for the training of an airline transport pilot.

§ 21.33 *Knowledge.* (a) An applicant shall accomplish satisfactorily a written examination on the following subjects: *Provided,* That an applicant who is the holder of a commercial pilot certificate with an instrument rating shall be deemed to have met the requirements of this paragraph: *And provided further,* That the holder of a commercial pilot certificate without an instrument rating shall be deemed to have met only the requirements of subparagraphs (1) through (7) of this paragraph:

(1) The provisions of Parts 4b, 21, 27, 40, 41, 42, 43, 45, 60, 61, and 62 of this chapter, as amended, which are pertinent to air carrier operations,

(2) The general system of weather information collection and dissemination,

(3) U. S. Weather Bureau Circular N, as amended,

(4) Weather map, weather forecast, upper air winds, and weather sequence abbreviations, codes, symbols, and nomenclature,

(5) Meteorology with particular reference to the following:

(i) Cloud forms and their significance,
(ii) Icing,
(iii) Turbulence,
(iv) Thunderstorms,
(v) Fog and low ceilings,
(vi) Frontal systems, including associated cloud forms and weather,
(vii) Pressure pattern flying,
(viii) Influence of terrain on meteorological conditions and developments, and relations thereof to air carrier flight operations,
(ix) Principles of forecasting,

(6) Navigational problems including pilotage and dead reckoning and the use of navigational aids,

(7) Theory of flight and the maintenance, inspection, and use of airplanes and powerplants,

(8) Letdown facilities and procedures currently in use,

(9) Air traffic control procedures,

(10) Principles of aircraft weight and balance.

§ 21.34 *Skill.* An applicant shall demonstrate his competence to pilot airplanes by accomplishing satisfactorily the practical tests specified in §§ 21.35 through 21.41 with respect to the airplane in which the flight test or instrument flight test is to be taken.

§ 21.35 *Preflight planning examination.* An applicant shall demonstrate proper flight planning by executing a hypothetical flight plan, including the interpretation of weather maps, upper air charts, and sequence reports.

§ 21.36 *Equipment examination.* An applicant shall accomplish satisfactorily an oral examination covering his knowledge of the safe and practical operation of the airplane, engines, and equipment.

§ 21.37 *Preflight airplane check.* An applicant shall perform a thorough visual inspection of the exterior and interior of the airplane, shall demonstrate the proper use of the check system, and shall demonstrate the issuance of adequate instructions for the proper coordination and functioning of the flight crew.

§ 21.38 *Taxying.* An applicant shall demonstrate safe taxying methods, including compliance with control tower instructions.

§ 21.39 *Engine run-up.* An applicant shall determine the proper functioning of the aircraft, engines, and equipment, using the check system.

§ 21.40 *Airplane flight test.* An applicant shall demonstrate satisfactorily his competency to pilot airplanes by performing the following maneuvers:

(a) Take-offs and landings into the wind and cross wind, with normal aircraft configurations and using approved approach procedures.

(b) Straight climbs, climbing turns, straight glides, gliding turns, medium and steep turns in level flight, and controlled descents with normal aircraft configurations,

(c) Maneuvers with minimum safe speeds,

(d) Simulated engine failure, maneuvers with one engine throttled on twin-engine aircraft, or two or more engines throttled on one side on aircraft of four or more engines, and

(e) Stalls, stall perception, and recovery from stalls entered into from normally anticipated flight attitudes.

§ 21.41 *Instrument flight test.* An applicant shall demonstrate satisfactorily his competence to pilot airplanes under instrument flight conditions by performing the following maneuvers:

(a) *Using primary instrument group.* (1) Straight climbs, climbing turns, straight glides, gliding turns, medium and steep turns in level flight, and controlled descents with all normal aircraft configurations, and

(2) Maneuvers at minimum safe speeds, stalls, stall perception, and recovery from stalls entered into from normally anticipated flight attitudes.

(b) *Using full instrument panel.* (1) Simulated engine failures (if multiengine),

(2) Radio operations, procedures, orientation, use of radio navigational facilities and identification of stations,

(3) Adherence to traffic control procedures, and

(4) Holding, letdown, and missed-approach procedures using approved instrument procedures.

QUALIFICATIONS FOR SENIOR AIRLINE TRANSPORT PILOT CERTIFICATE; AIRPLANE RATINGS

§ 21.51 *Age.* An applicant shall be at least 23 years of age.

§ 21.52 *Experience.* (a) An applicant shall have had at least 2,000 hours of flight time as pilot of any type of aircraft, including 300 hours as pilot in command; of which he shall have had at least

(1) 500 hours of flight time in multiengine airplanes of not less than 1,800 maximum continuous horsepower,

(2) 500 hours of cross-country flight time, of which at least 150 hours shall have been night flight time and at least 100 hours shall have been flown as pilot in command, and

(3) 100 hours of instrument time, of which not less than 50 hours shall have been flown as pilot in command under actual instrument flight conditions; or

(b) An applicant, within 90 days immediately preceding the date of application, shall have completed satisfactorily a course of instruction which the Administrator approves as adequate for the training of a senior airline transport pilot.

§ 21.53 *Knowledge.* An applicant shall accomplish satisfactorily a written examination covering the subjects prescribed in § 21.33 which shall be more comprehensive and shall require the applicant to demonstrate that he possesses a greater knowledge of such subjects than that required by the examination prescribed in § 21.33.

§ 21.54 *Skill.* An applicant shall demonstrate his competence to pilot airplanes by acomplishing satisfactorily the practical skill tests prescribed for an applicant for an airline transport pilot certificate, except that the Administrator shall require the applicant to demonstrate a higher degree of proficiency in the performance of such maneuvers.

QUALIFICATIONS FOR HELICOPTER RATINGS

§ 21.71 *Age.* An applicant shall be at least 21 years of age.

§ 21.72 *Experience.* An applicant shall have had at least

(a) 300 hours of flight time as pilot of any type of helicopter, of which not less than 25 hours shall have been cross-country flight time and 10 hours night flight time; or

(b) 750 hours of flight time as pilot of any type of aircraft, of which not less than 150 hours shall have been as pilot of any type of helicopter, including at least the following time in helicopters: 100 hours as pilot in command, 25 hours of cross-country flight time, and 10 hours of night flight time.

§ 21.73 *Knowledge.* (a) An applicant shall accomplish satisfactorily a written examination on the following subjects, except that the holder of a commercial pilot certificate shall be considered to have met the requirements of subparagraphs (1) and (4) of this paragraph:

(1) The provisions of Parts 6, 21, 40, 41, 42, 43, 45, 46, 60, 61, and 62 of this chapter, as amended, which are pertinent to helicopter operations,

(2) Rotorcraft theory of flight, maintenance, and inspection,

(3) Meteorology as applied to the recognition of weather conditions while flying, the analyzing of weather maps and sequence reports furnished by the United States Weather Bureau,

(4) Practical air navigation including the use of maps, navigation by terrain and dead reckoning, and the use of navigational aids, and

(5) Maintenance and operation of helicopter powerplants in common use.

§ 21.74 *Skill.* An applicant shall demonstrate his competence to pilot helicopters by accomplishing satisfactorily the following:

(a) Preflight inspection,

(b) Cockpit procedure,

(c) Taxying,

(d) Accepted types of take-offs and precision landings,

(e) Precision hovering, including turns,

(f) Forward, backward, and sideward precision flight,

(g) Cruising flight, including shallow and medium bank precision turns,

(h) Accepted types of climbs, descents, and landing approaches,

(i) All types of simulated autorotative approaches and landings in common use, and

(j) Rapid deceleration from cruising to hovering flight.

OPERATING RULES

§ 21.80 *Certificate required.* No individual shall serve as a pilot in scheduled air transportation, in irregular air carrier, or in commercial operator operations subject to Part 45 of the Civil Air Regulations in aircraft of United States registry without, or in violation of, the terms of a certificate and ratings issued in accordance with the provisions of this part.[3] He shall have his certificate in his personal possession when performing his duties.

§ 21.81 *Medical certificate.* No individual shall exercise the privileges accorded by an airline transport pilot certificate unless he has in his personal possession while so serving a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements of the first class within the preceding six months.

§ 21.82 *Operation during physical deficiency.* No individual shall exercise the privileges accorded by an airline transport pilot certificate during any period of known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate. Prior to exercising the privileges of his airman certificate after serious injury or serious illness, he shall at his own expense submit to and pass a physical examination to insure that he meets the physical standards of the first class prescribed in Part 29 of this chapter.

§ 21.83 *Crediting of pilot flight time—*(a) *Pilot in command and pilot flight time.* The holder of an airline transport pilot certificate, in order to obtain a senior airline transport pilot certificate, may be credited with pilot in command or pilot flight time in accordance with the following rules:

(1) A pilot serving as pilot in command on any type of aircraft for which he is rated and on which he is entitled to act as pilot in command may be credited with 100 percent of the total flight time as pilot in command flight time.

(2) A pilot other than a pilot in command, serving as pilot on any type of aircraft for which he is rated and on which he is entitled to act as pilot in command, may be credited with 100 percent of the total flight time as pilot flight time.

(3) A pilot serving as pilot on any type of aircraft on which he is not entitled to act as pilot in command may be credited with 50 percent of the total flight time as pilot flight time.

(b) *Dual instruction flight time.* A pilot undergoing instruction in any type of aircraft regardless of whether or not he is rated for such aircraft may be credited with the total flight time as dual instruction flight time. The pilot giving such instruction may be credited with the total flight time as pilot in command flight time.

(c) *Instrument time.* A pilot may be credited with instrument time as pilot or as pilot in command in accordance with paragraph (a) of this section: *Provided,* That a pilot acquiring instrument time under simulated instrument flight conditions may be credited only with pilot flight time.

§ 21.84 *Recording of flight time.* (a) Each certificated airline transport pilot shall maintain a record of his flight time.

(b) Flight time records shall contain the following information:

(1) The date of the flight,

(2) The points between which the flight was made,

(3) The type and certification number of the aircraft flown,

(4) The duration of the flight,

(5) The total flight time, specifying day or night flight time, within each of the following classifications: pilot in command, pilot, dual instruction, and instrument,

(6) For each dual instruction flight time entry, the maneuvers in which instruction was given and the time spent thereon, and the initials and pilot certificate number of the instructor attesting the correctness of such entry,

(7) Notation of damage, if any, to the aircraft occurring as a result of any accident or incident of which notice is required to be given under the provisions of Part 62 of this chapter.

(c) When an air carrier furnishes an airline transport pilot with a record of his flight time, such pilot may use such record in compliance with this section: *Provided,* That such record furnishes the information required by paragraph (b) of this section.

§ 21.85 *Grace period for periodic tests and other qualification procedures.* Whenever this part requires an examination, test, or other qualifying procedure at stated intervals, a grace period of 15 days shall be allowed: *Provided,* That the effective date of the examination, test, or other qualifying procedure, if met within the grace period, shall be the same as it would have been if met on the day immediately preceding the beginning of such grace period.

RECENT EXPERIENCE REQUIREMENTS

§ 21.91 *Carriage of passengers.* (a) A certificated airline transport pilot shall not pilot any airplane carrying passengers unless appropriately rated therefor and unless within the preceding 3 months he shall have made at least 3 take-offs and 3 landings to a full stop in an airplane of the same type as that in which passengers are to be carried, of which at least one such take-off and landing shall have been made at night if such carriage is to be performed at night.

(b) A certificated airline transport pilot holding a helicopter rating shall not pilot a helicopter carrying passengers unless within the preceding 3 months he has made at least 3 take-offs to a minimum altitude of 300 feet, and 3 landings including at least one autorotative approach to a normal power landing, of which at least one such take-off and the autorotative approach to a normal power landing shall have been made at night if such carriage is to be performed at night.

§ 21.92 *Instrument flight.* A certificated airline transport pilot shall not pilot any aircraft under actual instrument flight conditions carrying passengers unless within the preceding 6 months he has flown and recorded at least 6 hours of flight time under either actual or properly simulated instrument flight conditions. Such pilot when piloting an aircraft under simulated instrument flight conditions shall be accompanied by a certificated pilot holding at least a private rating with an appropriate category and class, or type rating, and an instrument rating.

PRIVILEGES AND LIMITATIONS

§ 21.95 *General.* (a) In additon to the privileges and limitations with respect to operations for compensation or hire, specified in §§ 21.96 through 21.98, a certificated airline transport pilot shall have the privileges of a private and commercial pilot and may give instruction to any other certificated airline transport pilot in any type of aircraft on which he is entitled to act as pilot in command.

(b) No individual other than the holder of a senior airline transport pilot certificate with appropriate airplane type ratings shall act as pilot or pilot in command on airplanes of 80,000 pounds or more maximum certificated take-off weight.

§ 21.96 *Airline transport pilot.* An airline transport pilot may act as pilot in command or pilot on any type of helicopter for which he holds an appropriate rating and may, in airplanes having the following maximum certificated take-off weights, act as:

(a) *Pilot in command.* (1) In passenger operations on airplanes of less than 12,500 lbs. for which he holds appropriate class ratings,

(2) In cargo operations on airplanes of less than 30,000 lbs. for which he holds appropriate class and type ratings, and

(b) *Pilot.* Pilot in any operations on airplanes of less than 80,000 lbs. for which he holds appropriate class ratings.

§ 21.97 *Senior airline transport pilot.* A senior airline transport pilot may act as pilot in command or pilot in any operation on any type of airplane or helicopter for which he holds a rating.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, 62 Stat. 1216, 49 U. S. C. 551–560; act of July 1, 1948)

Dated: July 11, 1950, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 50-6196; Filed, July 17, 1950; 8:48 a. m.]

[3] In accordance with the regulations of of the Federal Communications Commission a pilot is required to possess a valid FCC radio operator license of the appropriate grade in order to operate FCC licensed aircraft radio stations. At the present time FCC radio operator licenses are issued only to U. S. citizens. Application for such licenses may be made with local CAA agents, or with the Federal Communications Commission, attention Examination Section, Washington 25, D. C., or with any local FCC office.

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 179]

TRANSFERS OF OPERATING RIGHTS

DORMANT OPERATING RIGHTS

JULY 11, 1950.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given of the proposed revision of the transfer rules and regulations (49 CFR 179.1–179.6) for the purpose of including a provision providing for the transfer of dormant operating rights. It is proposed to amend the rules by the addition of the following new paragraph:

§ 179.1 *General.* * * *

(c) Dormant operating rights: The transfer of any operating rights under which operations are not being conducted at the time of the proposed transfer and have not been performed for a substantial period will be approved only upon a showing that the cessation of operations was caused by circumstances over which the holder of such operating rights had no control.

No oral hearing is contemplated but anyone wishing to make representations in favor of or against the proposed rule may do so through the submission of written data, views or arguments. The original and five copies of such submission shall be filed with the Commission on or before September 1, 1950.

Notice to the general public shall be given by depositing a copy in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6179; Filed, July 17, 1950; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 210]

FORM AND CONTENT OF FINANCIAL STATEMENTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission, pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, and the Investment Company Act of 1940, particularly sections 8, 30, 31 (c) and 38 (a) thereof, has under consideration a proposal to revise Articles 1, 2, 3, 4, 5 and 11 of Regulation S–X (17 CFR Part 210) to read as set forth below.

All interested persons are invited to submit data, views and comments on the above mentioned proposals in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before August 21, 1950.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 10, 1950.

APPLICATION OF THIS PART

§ 210.1–01 *Application of this part.* Part 210 shall govern the form and content of all financial statements required to be filed as part of:

(a) Registration statements under the Securities Act of 1933, filed on Form S–1, S–2, S–3, S–4, S–5, S–6, or S–11, except as otherwise specifically provided in such forms;

(b) Applications for registration of securities under the Securities Exchange Act of 1934, filed on Form 8–A, 8–B, 10, or 14;

(c) Supplemental or periodic reports under section 13 of the Securities Exchange Act of 1934 filed on form 8–K, 9–K, 10–K, 14–K, or U5–K;

(d) Supplemental or periodic reports under section 15 (d) of the Securities Exchange Act of 1934, filed on Form 2–MD, 4–MD, or U5–MD; and

(e) Registration statements and annual reports under the Investment Company Act of 1940.

§ 210.1–02 *Definitions of terms used in this part.* Unless the context otherwise requires, terms defined in the general rules and regulations or in the instructions to the applicable form, when used in this part, shall have the respec-

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tive meanings given in such instructions or rules. In addition the following terms shall have the meanings indicated in this section unless the context otherwise requires:

(a) *Equity security.* The term "equity security" means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right.

(b) *Principal holders of equity securities.* The term "principal holders of equity securities," used in respect of a particular registration statement or report, means the persons named in the item of such statement or report calling for holders of record or beneficial owners of more than 10 percent of any class of equity securities. If the particular statement or report contains no such item, the term means the persons named in the most recent related registration statement, application or report of the registrant which contains such an item.

(c) *Quasi-reorganization.* The term "quasi-reorganization" means the corporate procedure in the course of which a company without the creation of a new corporate entity, and without the intervention of formal court proceedings, is enabled to eliminate a deficit whether resulting from operations or the recognition of other losses or both and to establish a new earned surplus account for the accumulation of earnings subsequent to the date selected as the effective date of the quasi-reorganization.

CERTIFICATION

§ 210.2–01 *Qualifications of accountants.* (a) The Commission will not recognize any person as a certified public accountant who is not duly registered and in good standing as such under the laws of the place of his residence or principal office. The Commission will not recognize any person as a public accountant who is not in good standing and entitled to practice as such under the laws of the place of his residence or principal office.

(b) The Commission will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will not be considered independent with respect to any person, or any affiliate thereof, in whom he has any financial interest, direct or indirect, or with whom he is, or was during the period of report, connected as a promoter, underwriter, voting trustee, director, officer, or employee.

(c) In determining whether an accountant is in fact independent with respect to a particular registrant, the Commission will give appropriate consideration to all relevant circumstances including evidence bearing on all relationships between the accountant and that registrant or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the Commission.

§ 210.2–02 *Accountants' certificates—*(a) *Technical requirements.* The accountant's certificate shall be dated, shall be signed manually, and shall identify without detailed enumeration the financial statements and schedules covered by the certificate.

(b) *Representations as to the audit.* The accountant's certificate (1) shall state whether the audit was made in accordance with generally accepted auditing standards; and (2) shall designate any auditing procedures generally recognized as normal, or deemed necessary by the accountant under the circumstances of a particular case, which have been omitted, and the reasons for their omission.

In determining the scope of the audit necessary, consideration shall be given as to whether the system of internal control is adequate. Due weight may be given to an internal system of audit regularly maintained by means of auditors employed on the registrant's own staff. The accountant shall review the accounting procedures purported to be followed by the person or persons whose statements are certified and by appropriate measures shall satisfy himself that such accounting procedures are in fact being followed.

Nothing in this section shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by paragraph (c) of this section.

(c) *Opinions to be expressed.* The accountant's certificate shall state clearly: (1) The opinion of the accountant in respect of the financial statements covered by the certificate and the accounting principles and practices reflected therein; (2) the opinion of the accountant as to any material changes in accounting principles or practices, or method of applying the accounting principles or practices, or adjustments of the accounts, required to be set forth by § 210.3–07; and (3) the nature of, and the opinion of the accountant as to, any material differences between the accounting principles and practices reflected in the financial statements and those reflected in the accounts after the entry of adjustments for the period under review.

(d) *Exceptions.* Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.

§ 210.2–03 *Certification by foreign government auditors.* Notwithstanding any requirements as to certification by independent accountants, the financial statements of any foreign governmental agency may be certified by the regular and customary auditing staff of the respective government, if public financial statements of such governmental agency are customarily certified by such auditing staff.

§ 210.2–04 *Certification of financial statements of persons other than the registrant.* If a registrant is required to file financial statements of any other person, such statements need not be certified if certification of such statements would not be required if such person were itself a registrant.

§ 210.2–05 *Certification of financial statements by more than one accountant.* If any required examination of financial statements of any branches or consolidated subsidiaries of the registrant has been made by independent public accountants other than the principal accountants for the registrant, certificates of such other accountants prepared in accordance with § 210.2–02 should be furnished. However, in respect of such examinations relating to foreign branches or foreign consolidated subsidiaries, or relating to domestic consolidated subsidiaries which in the aggregate are not significant, the certificates of the other accountants need not be furnished if the principal certifying accountants upon review, analysis, and investigation of reports of such other accountants have satisfied themselves that the other accountants have in all respects met the requirements of §§ 210.2–01 to 210.2–05 and accept the report of such other accountants in the same manner as though the principal accountants had performed the audit, provided a definite statement to this effect is included in the certificate of the principal accountants.

RULES OF GENERAL APPLICATION

§ 210.3–01 *Form, order and terminology.* (a) Financial statements may be filed in such form and order, and may use such generally accepted terminology, as will best indicate their significance and character in the light of the provisions applicable thereto.

(b) All money amounts required to be shown in financial statements and schedules may be expressed in even dollars or thousands of dollars, provided that, in the latter case, an indication to that effect is inserted immediately beneath the caption of the statement or schedule, or at the top of each money column. Zeros need not be inserted for the omitted figures. The individual amounts shown need not be adjusted to the nearest dollar or thousand if in a footnote it is stated that the failure of the items to add to the totals shown is due to the dropping of amounts less than $1.00 or $1,000, as appropriate.

§ 210.3–02 *Inapplicable captions.* No caption need be shown in any financial statement or schedule as to which the items and conditions are not present. If the amount which would otherwise be required to be shown under any caption is not material, the caption need not be separately set forth.

§ 210.3–03 *Omission of unrequired or inapplicable financial statements and schedules.* (a) Financial statements and schedules not required or inapplicable because the required matter is not present need not be filed.

(b) Financial statements and schedules omitted and the reasons for their omission shall be indicated in the list of financial statements required by the applicable form.

§ 210.3–04 *Omission of substantially identical notes.* If a note covering substantially the same subject matter is required with respect to two or more financial statements, the required information may be shown in a note to only one of such statements, provided that a clear and specific reference thereto is made in each of the other statements with respect to which the note is required.

§ 210.3–05 *Omission of names of certain subsidiaries.* Notwithstanding the requirements as to particular statements, subsidiaries, the names of which are permitted to be omitted from the list of affiliates required by the applicable form, need not be named in any financial statement. Reasonable grouping of such subsidiaries may be made, with an explanatory group caption which shall state the number of subsidiaries included in the group.

§ 210.3–06 *Additional information.* The information required with respect to any statement shall be furnished as a minimum requirement to which shall be added such further material information as is necessary to make the required statements, in the light of the circumstances under which they are made, not misleading. This section shall be applicable to all statements required to be filed, including copies of statements required to be filed in the first instance with other governmental agencies.

§ 210.3–07 *Changes in accounting principles and practices and retroactive adjustments of accounts.* (a) Any change in accounting principle or practice, or in the method of applying any accounting principle or practice, made during any period for which financial statements are filed which materially affects comparability of such financial statements with those of prior or future periods, and the effect thereof upon the net income for each period for which financial statements are filed, shall be disclosed in a note to the appropriate financial statement.

(b) Any material retroactive adjustment made during any period for which financial statements are filed, and the effect thereof upon net income of prior periods shall be disclosed in a note to the appropriate financial statement.

§ 210.3–08 *Summary of accounting principles and practices.* Information required in notes as to accounting principles and practices reflected in the financial statements may be presented in the form of a single statement. In such case specific references shall be made in the appropriate financial statements to the applicable portion of such single statement.

§ 210.3–09 *Foreign operations and foreign exchange.* (a) The basis of conversion of all items in foreign currencies shall be stated, and the amount and disposition of the resulting unrealized profit or loss shown, if material.

(b) Realized losses or gains on foreign exchange shall be charged or credited to income.

(c) Provision for declines in conversion value of foreign net current assets shall be made from income.

§ 210.3–10 *Opening balances.* Instructions which permit the balance of an account at the beginning of the period for which financial statements are being filed to be "as per the accounts" shall not be applicable with respect to companies which have previously filed financial statements under the Securities Act of 1933 or the Securities Exchange Act of 1934. As to such companies, however, balances as per accounts may be taken as of the close of the most recent period for which certified financial statements are on file.

§ 210.3–11 *Basis of accounting for assets.* (a) Except as otherwise specifically provided, accounting for all assets shall be based on cost.

(b) Due consideration shall be given to evidence of loss or impairment of utility value and, where such evidence indicates an apparently permanent decline, recognition thereof shall be made by means of an appropriate write-down or by the establishment of an appropriate reserve.

§ 210.3–12 *Valuation and qualifying reserves.* Valuation and qualifying reserves shall be shown separately in the financial statements as deductions from the specific assets to which they apply.

§ 210.3–13 *Basis of determining amounts—book value.* If an instruction requires a statement as to "the basis of determining the amount," the basis shall be stated specifically. The term "book value" will not be sufficiently explanatory unless, in a particular instruction, it is stated to be acceptable with respect to a particular item.

§ 210.3–14 *Current assets.* Items classed as current assets shall be generally realizable within one year. However, generally recognized trade practices may be followed with respect to the inclusion of items such as instalment receivables or inventories long in process, provided an appropriate explanation of the circumstances is made and, if practicable, an estimate is given of the amount not realizable within one year.

§ 210.3–15 *Current liabilities.* Items due and payable within one year shall in general be classed as current liabilities. However, generally recognized trade practices may be followed with respect to the exclusion of items such as customers' deposits and deferred income, provided an appropriate explanation of the circumstances is made.

§ 210.3–16 *Reacquired evidences of indebtedness.* Reacquired evidences of indebtedness, if material in amount, shall be shown separately as a deduction, under the appropriate liability caption. However, reacquired evidences of indebtedness held for pension and other special funds not related to the particular issues may be carried as assets of such funds: *Provided,* That there be stated parenthetically the amount of such evidences of indebtedness, the cost thereof, and the amount at which carried.

§ 210.3–17 *Reacquired shares.* (a) Reacquired shares shall be shown separately as a deduction from capital shares, or from the total of capital shares and surplus, or from surplus, at either par or stated value, or cost, as circumstances require.

(b) Gain resulting from transactions in reacquired shares shall be credited to paid-in surplus.

§ 210.3–18 *Discount on capital shares.* Discount on capital shares, if material in amount, shall be shown separately as a deduction from capital shares or from surplus, as circumstances require, with an indication of what provisions have been made for writing off this item.

§ 210.3–19 *Quasi-reorganizations.* (a) A quasi-reorganization may not be considered to have been effected unless at least all of the following conditions exist:

(1) Earned surplus as of the effective date is exhausted;

(2) Upon consummation no deficit exists in any surplus account;

(3) The entire procedure is made known to all persons entitled to vote on matters of general corporate policy and the appropriate consents to the particular transactions are obtained in advance in accordance with the applicable law and charter provisions; and

(4) The procedure accomplishes with respect to the accounts substantially what would be accomplished in a reorganization by legal proceedings; namely, the appropriate modifications of capital and capital surplus, resulting from the restatement of assets in terms of present conditions.

(b) In such a procedure the reductions in the carrying value of assets at the effective date may not be made beyond a point which gives appropriate recognition to conditions which appear to have resulted in relatively permanent reductions in asset values; as for example, complete or partial obsolescence, lessened utility value, reduction in investment value due to changed economic conditions, or, in the case of current assets, declines in indicated realization value.

(c) Such a procedure is not to be employed recurrently but only under circumstances which would justify an actual reorganization or formation of a new corporation, particularly if the sole or principal purpose is the elimination of a deficit in earned surplus resulting from operating losses.

(d) In the case of the quasi-reorganization of a parent company the effective date should be recognized as having the significance of a date of acquisition of control of subsidiaries.

(e) Subsequent to the effective date of a quasi-reorganization any description of earned surplus shall indicate the point of time from which the new earned surplus dates and for a period of at least three years shall indicate the total amount of the deficit eliminated.

§ 210.3–20 *Commitments.* (a) If material in amount the pertinent facts relative to firm commitments for the acquisition of permanent investments and fixed assets and for the purchase, repurchase, construction, or rental of assets under long-term leases shall be stated briefly in the balance sheet or in footnotes referred to therein.

(b) Where the rental or obligations under long-term leases are material there shall be shown the amounts of annual rentals under such leases with

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some indication of the periods for which they are payable, together with any important obligation assumed or guarantee made in connection therewith. If the rentals are conditional, state the minimum annual amounts.

(c) If material in amount accrued net losses on commitments covering the purchase of goods for inventory, measured in the same manner as are inventory losses, and indicated permanent declines in utility value of other assets subject to commitments, shall be recognized in the accounts.

§ 210.3–21 *Accounting principles; authoritative support therefor.* Financial statements prepared in accordance with accounting principles for which there is no substantial authoritative support will be presumed to be misleading or inaccurate despite disclosures contained in the certificate of the accountant or in footnotes to the statements provided the matters involved are material. In cases where there is a difference of opinion between the Commission and the registrant as to the proper principles of accounting to be followed, disclosure will not be accepted in lieu of correction of the financial statements themselves unless the points involved are such that there is substantial authoritative support for the practices followed by the registrant and the position of the Commission has not previously been expressed in rules, regulations, or other official releases of the Commission, including the accounting series releases.

§ 210.3–22 *General notes to balance sheets.* If present in regard to the person for which the statement is filed the following shall be set forth in the balance sheet or in notes thereto:

(a) *Assets subject to lien.* The amounts of assets mortgaged, pledged, or otherwise subject to lien shall be designated and the obligations secured shall be briefly identified. However, in the case of commercial, industrial, and public utility companies this rule need not be followed with respect to assets (other than current assets and securities) given as security for bonds, mortgages and similar debt.

(b) *Intercompany profits and losses.* The effect, if material, upon any balance sheet item of profits or losses resulting from transactions between affiliated companies shall be stated. If impracticable of accurate determination, without unreasonable effort or expense, give an estimate or explain.

(c) *Defaults.* The facts and amounts concerning any default in principal, interest, sinking fund, or redemption provisions with respect to any issue of securities or credit agreements, or any breach of covenant of a related indenture or agreement, shall be stated. Notation of such default or breach of covenant shall be made in the balance sheet.

(d) *Preferred shares.* (1) If callable, the date or dates and the amount per share at which such shares are callable shall be stated.

(2) Arrears in cumulative dividends per share and in total for each class of shares shall be stated.

(3) Preferences on involuntary liquidation, if other than the par or stated value, shall be shown. When the excess involved is material there shall be shown (i) the difference between the aggregate preference on involuntary liquidation and the aggregate par or stated value; (ii) a statement that this difference, plus any arrears in dividends, exceeds the sum of the par or stated value of the junior capital shares and the surplus, if such is the case; and (iii) a statement as to the existence, or absence, of any restrictions upon surplus growing out of the fact that upon involuntary liquidation the preference of the preferred shares exceeds its par or stated value.

(e) *Pension and retirement plans.* (1) The terms and conditions of any employee pension or retirement plan shall be stated briefly.

(2) If a plan legally may be discontinued at will and for this reason it has not been funded or otherwise provided for in the accounts the estimated amount required to fund or otherwise provide for the past service cost of the plan, together with the estimated annual cost of the plan, shall be disclosed.

(f) *Restrictions which limit the availability of surplus for dividend purposes.* Describe any such restriction, other than as reported in paragraph (d) of this section, indicating briefly its source, its pertinent provisions, and, where appropriate and determinable, the amount of the surplus so restricted.

(g) *Contingent liabilities.* A brief statement as to material contingent liabilities not reflected in the balance sheet shall be made. In the case of guarantees of securities of other issuers a reference to the appropriate schedule shall be included.

§ 210.3–23 *General notes to profit and loss statements.* If present in regard to the person for which the statement is filed, the following shall be set forth in the profit and loss statement or in notes thereto:

(a) *Installment or deferred sales.* If a material amount of sales is made on a deferred basis, such as installment sales or sales of equipment long in process of manufacture, the basis of taking profits into income shall be stated.

(b) *Intercompany profits and losses.* The amount, if material, of any profits or losses resulting from transactions between affiliated companies shall be stated. If impracticable of determination without unreasonable effort and expense, give an estimate or explain.

(c) *Depreciation, depletion, obsolescence, and amortization.* State for the period for which profit and loss statements are filed, the policy followed with respect to:

(1) The provision for depreciation, depletion, and obsolescence of physical properties or reserves created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts;

(2) The provision for depreciation and amortization of intangibles, or reserves created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts;

(3) The accounting treatment for maintenance, repairs, renewals, and betterments; and

(4) The adjustment of the accumulated reserves for depreciation, depletion, obsolescence, amortization or reserves in lieu thereof, at the time the properties are retired or otherwise disposed of, including the disposition made of any profit or loss on sale of such properties.

(d) *Capital shares sold, offered for sale or optioned to officers, directors and employees.* A brief summary of each such transaction, including with respect to each category the number of shares and the price. Any excess of the fair value of (1) shares sold, at the date of sale, over the sales price, or (2) shares offered for sale, at the date the offer was accepted, over the offering price, or (3) shares optioned, at the date the option right became the property of the grantee, over the option price, should be reflected in the profit and loss statement as compensation.

CONSOLIDATED AND COMBINED STATEMENTS

§ 210.4–01 *Application of §§ 210.4–01 to 210.4–14.* Sections 210.4–01 to 210.4–14 shall govern the preparation of consolidated and combined statements.

§ 210.4–02 *Consolidated statements of the registrant and its subsidiaries.* The registrant shall follow in the consolidated statements principles of inclusion or exclusion which will clearly exhibit the financial condition and results of operations of the registrant and its subsidiaries: *Provided, however,* That:

(a) The registrant shall not consolidate any subsidiary which is not a majority-owned subsidiary;

(b) If the statements of a subsidiary are as of a date or for periods different from those of the registrant, such subsidiary may be consolidated only if all the following conditions exist: (1) Such difference is not more than 93 days; (2) the closing date of the subsidiary is expressly indicated; (3) the necessity for the use of different closing dates is briefly explained; and (4) any changes in the respective fiscal periods of the registrant and the subsidiary made during the period of report are clearly indicated, together with the manner of treatment;

(c) Consolidation of foreign subsidiaries: Due consideration shall be given to the propriety of consolidating with domestic corporations foreign subsidiaries whose operations are effected in terms of restricted foreign currencies. If consolidated disclosure should be made as to the effect, insofar as this can be reasonably determined, of foreign exchange restrictions upon the consolidated financial position and operating results of the registrant and its subsidiaries.

§ 210.4–03 *Group statements of subsidiaries not consolidated.* For majority-owned subsidiaries not consolidated with the registrant there may be filed statements in which such subsidiaries are consolidated or combined in one or more groups pursuant to principles of inclusion or exclusion which will clearly exhibit the financial condition and results of operations of the group or groups. If it is essential to a properly summarized presentation of the facts, such consolidated or combined statement shall be filed.

§ 210.4–04 *Statement as to principle of consolidation or combination followed.* (a) The principle adopted in determining the inclusion and exclusion of subsidiaries in each consolidated balance sheet and in each group balance sheet of unconsolidated subsidiaries shall be stated in a note to the respective balance sheet.

(b) As to each consolidated statement and as to each group statement of unconsolidated subsidiaries, a statement shall be made as to whether there have been included or excluded any persons not similarly treated in the corresponding statement for the preceding fiscal period filed with the Commission. If the answer to the foregoing is in the affirmative, the names of such persons shall be given.

§ 210.4–05 *Reconciliation of investment of parent in subsidiaries and fifty percent owned persons and equity of parent in net assets of subsidiaries*—(a) *Consolidated subsidiaries.* There shall be set forth in a note to each consolidated balance sheet filed a statement of any difference between the investment in subsidiaries consolidated, as shown by the parent's books, and the parent's equity in the net assets of such subsidiaries, as shown by the books of the latter. If any such difference exists, there shall be set forth the amount of the difference and the disposition made thereof in preparing the consolidated statements, naming the balance sheet captions and stating the amount included in each.

(b) *Subsidiaries not consolidated.* A statement shall be made of the amount of any difference between the investment of the parent and its consolidated subsidiaries, as shown by their books, in the unconsolidated subsidiaries and fifty percent owned persons for which statements are filed and the equity of such persons in the net assets of such unconsolidated subsidiaries, as shown by the books of the latter.

§ 210.4–06 *Reconciliation of dividends received from, and earnings of, unconsolidated subsidiaries.* The proportion of the sum of, or difference between, current earnings or losses and the dividends declared or paid by the unconsolidated subsidiaries required to be included in the schedule prescribed by § 210.12–17 that is applicable to the parent and its consolidated subsidiaries shall be set forth in a note to each consolidated profit and loss statement.

§ 210.4–07 *Minority interests.* (a) Minority interests in the net worth of subsidiaries consolidated, shall be shown in each consolidated balance sheet. Separation shall be made between the minority interest in the capital and in the surplus.

(b) The aggregate amount of profit and loss accruing to minority interests shall be stated separately in each consolidated profit and loss statement.

§ 210.4–08 *Intercompany items and transactions.* In general, intercompany items and transactions, if material in amount, shall be eliminated. If not eliminated, a statement of the reasons and the methods of treatment shall be made.

§ 210.4–09 *Special requirement as to insurance companies.* (a) Except as provided in paragraph (b) of this section, the statements of an insurance company shall not be consolidated or combined with the statements of any person.

(b) The statements of an insurance company other than a life insurance company may be consolidated if all of the following conditions exist:

(1) The insurance company is a totally-held subsidiary of the top parent included in the consolidation;

(2) Such top parent is not an insurance company, investment company, or bank holding company;

(3) The insurance company engages in no business of a material amount other than the insuring of risks arising in the ordinary course of business of such top parent and its other subsidiaries; and

(4) Separate financial statements for the insurance company are filed.

§ 210.4–11 *Special requirements as to registrants which are bank holding companies.* If the registrant is a bank holding company:

(a) Statements of the registrant may be consolidated only with the statements of subsidiaries which are bank holding companies.

(b) A consolidated statement of the registrant and any of its bank holding company subsidiaries shall not be filed unless accompanied by a consolidating statement which sets forth the individual statements of each subsidiary included in the consolidated statement.

(c) Consolidated or combined statements filed for subsidiaries not consolidated with the registrant shall not include any bank holding companies unless accompanied by consolidating or combining statements which set forth the individual statements of each included bank holding company subsidiary.

§ 210.4–12 *Special requirements as to banks.* If two or more majority-owned subsidiaries of a person are banks and are directly owned by a single parent, there shall be filed, in lieu of individual statements for such subsidiaries, combined statements showing the minority interest separately and eliminating any material inter-bank items; except that the statements of any such subsidiary which on the date of filing is a closed or liquidating bank shall not be included in any combined statement. Except as provided in the preceding sentence, statements of banks shall not be included in any consolidated or combined statements.

§ 210.4–13 *Special requirements as to public utility holding companies.* There shall be shown in the consolidated balance sheet of a public utility holding company the difference between the amount at which the parent's investment is carried and the underlying book equity of subsidiaries as at the respective dates of acquisition.

§ 210.4–14 *Special requirements as to commercial, industrial and mining companies in the promotional, exploratory or development stage subject to §§ 210.5a–01 to 210.5a–07.* The financial statements required by §§ 210.5a–01 to 210.5a–07, shall not be prepared on a consolidated basis but shall, insofar as practicable, be prepared so as to show the information for the registrant and each of its subsidiaries in parallel columns.

COMMERCIAL AND INDUSTRIAL COMPANIES

§ 210.5–01 *Application of §§ 210.5–01 to 210.5–03.* (a) Sections 210.5–01 to 210.5–03 shall be applicable to financial statements filed for all persons except:

(1) Commercial, industrial, and mining companies in the promotional, exploratory or development stage (see §§ 210.5a–01 to 210.5a–07).

(2) Management investment companies (§§ 210.6–01 to 210.6–10).

(3) Unit investment trusts (see §§ 210.6–10a to 210.6–13).

(4) Insurance companies other than life and title insurance companies (see §§ 210.7–01 to 210.7–06).

(5) Committees issuing certificates of deposit (see §§ 210.8–01 to 210.8–03).

(6) Banks (see § 210.9–05).

(7) Brokers and dealers (see § 240.17A–5 of this chapter and form X–17A–5).

(b) *Bank holding companies.* Financial statements and schedules filed for bank holding companies shall be prepared in accordance with §§ 210.5–01 to 210.5–03 except that §§ 210.9–01 to 210.9–04, inclusive, shall be applicable thereto.

§ 210.5–02 *Balance sheets.* The balance sheets filed for persons to whom §§ 210.5–01 to 210.5–03 are applicable shall comply with the following provisions:

ASSETS AND OTHER DEBITS

CURRENT ASSETS (SEE § 210.4–14)

1. *Cash and cash items.* State separately (a) cash on hand, demand deposits and time deposits; (b) call loans; and (c) funds subject to withdrawal restrictions.

2. *Marketable securities.* Include only securities having a ready market. Securities of affiliates shall not be included here. State the basis of determining the amount at which carried. The aggregate cost, and aggregate amount on the basis of current market quotations, shall be stated parenthetically or otherwise.

3. *Notes receivable (trade).*

4. *Accounts receivable (trade).*

5. *Reserves for doubtful notes and accounts receivable (trade).* Notes and accounts receivable known to be uncollectible shall be excluded from the assets as well as from the reserve account.

6. *Inventories.* (a) State separately the major classes of inventory such as (1) finished goods; (2) work in process; (3) raw materials; and (4) supplies.

(b) The basis of determining the amounts shall be stated. If a basis such as "cost," "market," or "cost or market whichever is lower" is given, there shall also be given, to the extent practicable, a general indication of the method of determining the "cost" or "market": e. g., "average cost," "first-in, first-out," or "last-in, first out."

7. *Other current assets.* (a) State separately (1) total of current amounts, other

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than trade accounts subject to the usual trade terms, due from directors, officers, and principal holders of equity securities other than affiliates; (2) total of current amounts due from parents and subsidiaries; and (3) any other amounts in excess of ten percent of total current assets, indicating any such amount due from affiliates other than parents and subsidiaries.

(b) Indebtedness of a parent or subsidiary, or any affiliate designated under (a) (3) shall not be considered as current unless the net current asset position of such person justifies such treatment. In the registrant's balance sheet show separately that indebtedness which in the related consolidated balance sheet is (1) eliminated and (2) not eliminated.

8. *Total current assets.*

INVESTMENTS

9. *Securities of affiliates.* State the basis of determining the amount. State separately the amounts which in the related consolidated balance sheet are (a) eliminated and (b) not eliminated.

10. *Indebtedness of affiliates; not current.* State separately the indebtedness which in the related consolidated balance sheet is (a) eliminated and (b) not eliminated.

11. *Other security investments.* State the basis of determining the amount. If available, state parenthetically or otherwise, the aggregate amount on the basis of market quotations.

12. *Other investments.* State separately, by class of investments, any items in excess of ten percent of the amount of all assets other than fixed and intangible.

FIXED ASSETS

13. *Property, plant and equipment.* (a) State separately, if practicable, each major class, such as land, buildings, machinery and equipment, leaseholds, or functional grouping, and the basis of determining the amounts.

(b) Tangible and intangible utility plant of a public utility company shall be segregated so as to show separately the original cost, plant acquisition adjustments, and plant adjustments, as required by the system of accounts prescribed by the applicable regulatory authorities. This rule shall not be applicable in respect of companies which are not otherwise required to make such a classification or have not completed the necessary original cost studies. If such classification is not otherwise required or if such original cost studies have not been completed, an appropriate explanation of the circumstances shall be set forth in a note which shall include a specific statement as to the status of the original cost studies and, to the extent practicable, the results indicated thereby.

14. *Reserves for depreciation, depletion, and amortization of property, plant and equipment (or reserves in lieu thereof).*

INTANGIBLE ASSETS

15. *Patents, trade marks, franchises, goodwill, and other intangible assets.* State the basis of determining the amounts.

16. *Reserves for depreciation and amortization of intangible assets.*

DEFERRED CHARGES

17. *Prepaid expenses and other deferred items.* State separately any items material in amount and the method of amortization of such items. Prepayments of services to be received within one year may, however, be included under caption 7.

18. *Organization expense.* State the method of amortization.

19. *Debt discount and expense.* State the method of amortization.

20. *Commissions and expense on capital shares.* State the method of amortization. These items may be shown as deductions from surplus.

OTHER ASSETS

21. *Other assets.* State separately (a) total of amounts due from directors, officers, and principal holders of equity securities other than affiliates; (b) each pension or other special fund of a material amount; and (c) any other item in excess of ten percent of the amount of all assets other than fixed and intangible.

LIABILITIES, CAPITAL SHARES, AND SURPLUS

CURRENT LIABILITIES (SEE § 120.3–15)

22. *Notes payable.* State separately amounts payable (a) to banks; (b) to trade; and (c) to others.

23. *Accounts payable (trade).*

24. *Accrued liabilities.* State separately (a) accrued pay rolls; (b) tax liability; (c) interest; and (d) any other material items. If the total amount under this caption is not material it may be stated as one amount.

25. *Other current liabilities.* State separately (a) dividends declared; (b) bonds, mortgages and similar debt; (c) total of current amounts due to parents and subsidiaries, showing separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (1) eliminated and (2) not eliminated; (d) total of current amounts, other than items arising in the ordinary course of business, due directors, officers, and principal holders of equity securities other than affiliates; and (e) any other item in excess of ten percent of total current liabilities, indicating any such liability due to affiliates other than parents and subsidiaries. Remaining items may be shown in one amount.

26. *Total current liabilities.*

DEFERRED INCOME

27. *Deferred income.*

LONG-TERM DEBT

28. *Bonds, mortgages and similar debt.* State separately each issue or type of obligation. Show here, or in a note referred to herein, such information as will indicate (a) the general character of each type of debt including the rate of interest; (b) the date of maturity, or if maturing serially, a brief indication of the serial maturities, such as "maturing serially from 1950 to 1960"; (c) the aggregate amount of maturities each year for the 5 years following the date of the balance sheet; (d) if the payment of principal or interest is contingent, an appropriate indication of such contingency; (e) a brief indication of priority; and (f) if convertible, a statement to that effect.

29. *Indebtedness to affiliates; not current.* State separately indebtedness which in the related consolidated balance sheet is (a) eliminated and (b) not eliminated.

30. *Other long-term debt.* Include under this caption all amounts of long-term debt not provided for under captions 28 and 29 above. State separately (a) total amounts due banks, (b) total amounts due directors, officers, and principal holders of equity securities other than affiliates and (c) other long-term debt, specifying any material item. Indicate whether secured. Show here, or in a footnote referred to herein, the information required under caption 28.

OTHER LIABILITIES

31. *Other liabilities.* State separately any amount in excess of ten percent of the total of liabilities other than long-term debt.

32. *Commitments and contingent liabilities.* (See §§ 210.3–20 and 210.3–22 (g).)

RESERVES, NOT SHOWN ELSEWHERE

33. *Reserves, not shown elsewhere.* State separately each major class and indicate clearly its purpose.

CAPITAL SHARES AND SURPLUS (SEE § 210.8–01 (a))

34. *Capital shares.* State for each class of shares the title of issue, the number of shares authorized, and the number of shares outstanding and the capital share liability thereof. Show separately also the dollar amount, if any, of capital shares subscribed but unissued, and of subscriptions receivable thereon.

35. *Surplus.* (a) Separate captions shall be shown for (1) paid-in surplus; (2) surplus arising from revaluation of assets; (3) other capital surplus; and (4) earned surplus (i) appropriated and (ii) unappropriated.

(b) If undistributed earnings of subsidiaries are included, state the amount thereof parenthetically, or otherwise. However, in a consolidated statement, the preceding sentence shall have reference only to the undistributed earnings of subsidiaries not consolidated in such statement.

(c) Earned surplus subsequent to the effective date of quasi-reorganization. (See § 210.3–19 (e).)

(d) An analysis of each surplus account setting forth the information prescribed in § 210.11–02 shall be given for each period for which a profit and loss statement is filed, as a continuation of the related profit and loss statement, and shall be referred to here.

§ 210.5–03 *Profit and loss or income statements.* The profit and loss or income statements filed for persons to whom §§ 210.5–01 to 210.5–03 are applicable shall comply with the provisions of this section.

(a) All items of profit and loss given recognition to in the accounts during the period covered by the profit and loss or income statements shall be included.

(b) Only items entering into the determiniation of net income or loss may be included.

(c) If income is derived from both gross sales (caption 1A below) and operating revenues (caption 1B below), the two classes may be combined in one amount if the lesser amount is not more than 10 percent of the sum of the two items. If these items are combined, the cost of goods sold (caption 2A below) and operating expenses (caption 2B below) may be combined in one amount.

(d) Dividends from subsidiaries declared out of earned surplus of such subsidiaries created prior to acquisition by the parent may not be included.

(e) Dividends applicable to an issuer's own capital shares may not be included.

1A. *Gross sales less discounts, returns, and allowances.* State separately, if practicable and if material in amount, (a) sales to parents and subsidiaries and (b) sales to others.

2A. *Cost of goods sold.* (a) State the amount of cost of goods sold as regularly computed under the system of accounting followed. Indicate the amount of opening and closing inventories used in the computation, and state the basis of determining such amounts.

(b) Merchandising organizations, both wholesale and retail, may include occupancy and buying costs under this caption. However, publicity costs shall be included under caption 4 below or shown separately.

1B. *Operating revenues.* State separately, if practicable and if material in amount, revenues from (a) parents and subsidiaries and (b) others. A public utility company using a uniform system of accounts or a form for annual report prescribed by Federal or State authorities, or a similar system or report, shall follow the general segregation of revenues prescribed by such system or report.

2B. *Operating expenses.* State separately, if practicable and material in amount, purchases from and services rendered by (a) parents and subsidiaries and (b) others. A public utility company using a uniform system of accounts or a form for annual report prescribed by Federal or State authorities, or a similar system or report, may follow the general segregation of operating expenses prescribed by such system or report.

3. *Other operating expenses.* State separately any material amounts not included in caption 2A or 2B above.

3A. *Gross profit from sales.*

3B. *Net operating revenues.*

4. *Selling, general, and administrative expenses.*

5. *Provision for doubtful accounts.*

6. *Other general expenses.* Include items not normally included in caption 4 above State separately any material amount.

OTHER INCOME

7. *Dividends.* State separately, if practicable and material, the amount of dividends from (a) securities of affiliates, (b) marketable securities, and (c) other security investments.

8. *Interest on securities.* State separately, if practicable and material, the amount of interest from (a) securities of affiliates, (b) marketable securities, and (c) other security investments.

9. *Profits on securities.* Profits shall be stated net of losses. No profits on the person's own securities, or those of its affiliates, shall be included. State here or in a note herein referred to the method followed in determining the cost of securities sold, e. g., "average cost," "first-in, first-out," or "identified certificate."

10. *Miscellaneous other income.* State separately, any material amounts, indicating clearly the nature of the transactions out of which the items arose.

INCOME DEDUCTIONS

11. *Interest and debt discount and expense.* State separately (a) interest on bonds, mortgages or similar debt; (b) amortization of debt discount and expense or premiums; and (c) other interest.

12. *Losses on securities.* Losses shall be stated net of profits. No losses on the person's own securities, or those of its affiliates, shall be included. State here or in a note herein referred to the method followed in determining cost of securities sold, e. g., "average cost," "first-in, first-out" or "identified certificate."

13. *Miscellaneous income deductions.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose.

14. *Net income or loss before provision for taxes on income.*

15. *Provision for taxes on income.* State separately (a) Federal income taxes; and (b) other income taxes.

16. *Net income or loss.*

(a) See caption 35 (d) of § 210.5–02.

CONTENT OF STATEMENTS OF SURPLUS

§ 210.11–01 *Application of §§ 210.11–01 and 210.11–02.* Sections 210.11–01 and 210.11–02 prescribe the content of the statements of surplus specified in § 210.5–02 (caption 35), and § 210.7–03 (caption 20).

§ 210.11–02 *Statement of surplus.* (See § 210.5–03 (a).) The analysis shall be given as to each class of surplus set forth in the related balance sheet.

1. *Balance at beginning of period.* (a) The balance at the beginning of the period of report may be as per the accounts.

(b) If the schedule is filed as part of an annual or other periodic report and the balances at the beginning of the period differ from the closing balances, as filed for the previous fiscal period, state the difference and explain.

2. *Net income or loss from profit and loss statement.*

3. *Other additions to surplus.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose.

4. *Deductions from surplus other than dividends.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose.

5. *Dividends.* For each class of shares state the amount per share and in the aggregate.

(a) *Cash.*

(b) *Other.* Specify.

6. *Balance at close of period.* The balance at the close of the most recent period shall agree with the related balance sheet caption.

[F. R. Doc. 50–6173; Filed, July 17, 1950; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 56985]

WYOMING

CORRECTION IN RESTORATION ORDER NO. 1295 UNDER FEDERAL POWER ACT

JULY 11, 1950.

In accordance with Departmental Order No. 2238 (a) (16) of August 16, 1946 (11 F. R. 9080), it is ordered as follows:

The township indicated in the land description listed in Federal Power Determination DA–116 Wyoming and included in order dated June 12, 1950, entitled, "Restoration Order No. 1295 Under Federal Power Act" (15 F. R. 3947) should be described as T. 22 N., R. 86 W., 6th P. M., instead of T. 22 S.

WILLIAM ZIMMERMAN, Jr.,
Acting Director.

[F. R. Doc. 50–6171; Filed, July 17, 1950; 8:45 a. m.]

[1925288]

OREGON

NOTICE OF FILING OF PLAT OF SURVEY

JULY 12, 1950.

Notice is given that the plat of survey of an island in the Columbia River including the following described lands, accepted July 31, 1943, will be officially filed in the Land Office, Portland, Oregon, effective at 10:00 a. m. on the 35th day after the date of this notice:

WILLAMETTE MERIDIAN

T. 5 N., R. 28 E.,
Sec. 8, lots 5, 6
Sec. 9, lots 5, 6

The area described aggregates 62.73 acres.

Available data indicates that the land is nearly level.

All unsurveyed islands in the Columbia River are included in the withdrawal for the Department of the Army—McNary (Umatilla Dam and Reservoir, Public Land Order No. 606, September 13, 1949—2118594). The lands involved are also included in first form reclamation withdrawals dated August 16, 1905, and August 16, 1906.

Upon the filing of this plat the lands represented thereby will not be subject to selection, location, entry or other disposition under the general public land laws, by reason of the filing thereof.

WILLIAM ZIMMERMAN, Jr.,
Acting Director.

[F. R. Doc. 50–6172; Filed, July 17, 1950; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

PACIFIC COAST EUROPEAN CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 5200–J, between the member lines of the Pacific Coast European Conference, provides for the waiving, during the second six months of the calendar year 1950, of penalty assessments for failure to maintain minimum sailing requirements as provided in the first paragraph of Article 4 of the basic agreement of the Pacific Coast European Conference (No. 5200). Agreement No. 5200 covers the establishment, regulation and maintenance of agreed rates and charges for or in connection with the transportation of all cargo from the Pacific Coast of the United States to Great Britain, Northern Ireland, Irish Free State, Continental, Baltic, and Scandinavian ports and to base ports in the Mediterranean Sea and to transhipment ports in the Mediterranean Sea, Adriatic Sea, Black Sea, West, South, and East Africa, British India and Iraq.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 13, 1950, at Washington, D. C.

By the Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50–6189; Filed, July 17, 1950; 8:47 a. m.]

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FEDERAL POWER COMMISSION

[Docket No. E-6264]

NIAGARA FALLS POWER CO.

ORDER SETTING HEARING

JULY 11, 1950.

On January 20, 1950, the Niagara Falls Power Company (Niagara Company), Licensee for Project No. 16, filed a petition for authority to amortize through operating expenses, over the period from March 1, 1949, to May 1, 1967, an amount of $1,500,000 now carried in Account 146, Other Deferred Debits, such disposition to be "for all accounting requirements subject to the jurisdiction of the Commission under the Federal Power Act, including particularly determination of project earnings for the purpose of section 10 (d)."

According to the petition, the amount of $1,500,000 proposed to be amortized as an operating expense represents a payment made by Niagara Company to Aluminum Company of America (ALCOA) in consideration for the cancellation by ALCOA of (1) its contract right to take 52,000 mechanical horsepower, deliverable in Niagara Company's Schoellkopf Station 3-A until May 1, 1967, and (2) lease of certain nonproject real property.

The Commission orders:

(A) A public hearing be held on November 15, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, Hurley - Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., on the petition filed January 20, 1950, by Niagara Company.

Date of issuance: July 12, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-6188; Filed, July 17, 1950; 8:47 a. m.]

[Docket Nos. G-1116, G-1152, G-1240, G-1317, G-1344, G-1379, G-1415, G-1417]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS, FIXING DATE OF HEARING AND PRESCRIBING PROCEDURE

JULY 11, 1950.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417; City of Port Huron, City of Marysville, City of St. Clair, Michigan, municipal corporations, Docket No. G-1152; Southeastern Michigan Gas Company, Docket No. G-1415; Michigan Consolidated Gas Company, complainant, v. Panhandle Eastern Pipe Line Company, defendant, Docket No. G-1379.

On May 4, 1950, the Commission issued an order in the proceeding in Docket No. G-1317 granting to Panhandle Eastern Pipe Line Company (Panhandle) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas pipe-line facilities.[1] In such order it was provided, among other things, that further hearings be held with respect to the following matters:

(n) (i) What would be a fair, reasonable and equitable distribution among present and prospective customers of the volumes of natural gas which will be available upon completion of the Trunkline and Panhandle facilities herein authorized.

(ii) The form of tariff and rate level which should be applicable to volumes of gas deliverable from the Panhandle system, i. e., whether Panhandle should be permitted to charge a "rolled-in-rate" demand and commodity in form, and with a minimum bill provision.

(iii) The status of the outstanding authorizations heretofore issued by the Commission in Docket Nos. G-706 and G-876, and whether such authorizations should be modified, and if so, to what extent.

It appears from the record in Docket No. G-1317 that Panhandle by reason of the construction of additional facilities will have an increment in designed system sales capacity during the latter part of 1950 of not less than 50,000 Mcf. of natural gas per day and a total designed system sales capacity of 550,000 Mcf. Panhandle has submitted no proposal or plan with respect to the allocation or distribution of the additional 50,000 Mcf.[2] of natural gas per day among its customers.

The record in the proceeding in Docket No. G-1240 as reflected by the interim order issued by the Commission on December 9, 1949, in such proceeding reveals that the estimated demand for firm gas from the Panhandle system at 0° F. during the winter 1949-1950 would have approximately 549,904 Mcf.[3] This figure is only slightly less than the estimated sales capacity 550,000 Mcf., which will be available from the Panhandle system during the latter part of 1950. It appears that by reason of normal load growth and the relaxation of restrictions on the attachment of spaceheating customers by State commissions the sales capacity of the Panhandle system may be inadequate to meet all the firm demands of Panhandle's customers.

The proceeding in Docket No. G-1240 was initiated after the filing by Panhandle, purportedly in compliance with Part 154 of the Commission's general rules and regulations, of its FPC Gas Tariff Original Volume No. 1 and statements relating to contracts on file with the Commission as rate schedules. After numerous protests had been received by the Commission from State commissions and Panhandle's customers, the tariff and contract statements were suspended by order of the Commission issued July 13, 1949, and the use of such Tariff and contract statements deferred until such time as they might be made effective in accordance with the provisions of the Natural Gas Act. The issues raised with respect to Panhandle's FPC Gas Tariff Original Volume No. 1 and statements relating to contracts are set forth in the Commission's orders issued July 13 and November 1, 1949.

Subsequent to the commencement of the hearing in Docket No. G-1240 it was disclosed on the record that the designed sales capacity of the Panhandle system, then approximately 500,000 Mcf., might be insufficient to meet the firm send-out requirements of customers during the winter 1949-1950. Based upon the evidence presented by the interested parties to the proceeding the Commission on December 13, 1949, issued an "Interim Order Establishing Service Rules and Regulations," hereinbefore referred to. Prior to the issuance of such order, the Illinois Commerce Commission on December 9, 1949, filed with this Commission a "Motion to Recess [Further] Proceedings" in Docket No. G-1240, and on the same date the Commission postponed further hearings in the proceedings until a date to be fixed by further order of the Commission.[4]

[1] The order issued May 4, 1950, authorized Panhandle to construct and operate facilities which will ultimately increase its designed system sales capacity from 500,000 Mcf. to 800,000 Mcf. per day. A part of the facilities authorized are designed to enable Panhandle to receive and transport approximately 250,000 Mcf. of natural gas per day from Trunkline Gas Supply Company. This volume of gas will not become available until the latter part of 1951. Panhandle, however, has been authorized to construct and operate facilities designed to take additional volumes of gas from the Panhandle and Hugoton fields and to increase its designed system sales capacity from an estimated 500,000 Mcf. to 550,000 Mcf. per day. The additional 50,000 Mcf. per day is expected to be available during the latter part of 1950.

[2] Since the recess in the hearing in Docket No. G-1317, the Commission, on June 28, 1950, issued In the Matter of City of Indianapolis, etc., Docket No. G-1083, an "Order Modifying Initial Decision" of the Presiding Examiner the effect of which is to direct Panhandle to establish physical connection of its facilities with facilities to be constructed by the City, and to deliver to City not in excess of 10,000 Mcf. of natural gas per day commencing not later than October 1, 1950.

[3] The estimate of 549,904 Mcf. is exclusive of gas sold directly and for resale for industrial purposes and subject to interruption when such gas is required to meet firm demands. The estimated volume of such sales as disclosed by the record in Docket No. G-1240 approximates 78,000 Mcf. per day.

[4] The motion of the Illinois Commerce Commission filed December 9, 1949, as amended by letter of the same date, requested a recess in the proceedinga until June 1, 1950. The Commission's order issued on December 9, 1949, postponing the hearing until a date to be fixed by further order of the Commission, provided opportunity to the interested parties to file responses to the motion as amended. No objection to the granting of the motion was interposed by any party.

In the response filed by Panhandle it is stated as follows:

1. It [Panhandle] offers no objection to the granting of such request for the recessing of further hearings in this proceeding provided such recess is for a period ending not earlier than June 1, 1950.

2. If such deferment is granted, Panhandle will not move to make effective, in accordance with section 4 of the Natural Gas Act, its FPC Gas Tariff, Original Volume No. 1, prior to further hearings and final action by the Commission.

The proceeding in Docket No. G-1152 with respect to the joint application of the Cities of Port Huron, Marysville and St. Clair, Michigan, has heretofore been consolidated for purposes of hearing with the proceeding in Docket No. G-1317 by order of the Commission issued February 10, 1950. In that application, filed November 16, 1948, the named Cities request an order, pursuant to section 7 (a) of the Natural Gas Act, requiring Panhandle to extend its transportation facilities, to establish physical connection with and sell natural gas to the Detroit Edison Company (Detroit Edison), which is engaged, among other things, in the distribution of gas in the Cities.

Since the filing of the application by the Cities of Port Huron, Marysville and St. Clair, Michigan, and the consolidation of the proceeding upon that application, Docket No. G-1152, with the proceeding in Docket No. G-1317, an application was filed with the Commission on June 8, 1950, by Southeastern Michigan Gas Company (Southeastern) Docket No. G-1415, in which application it is stated that Southeastern has contracted to purchase from Detroit Edison, on or before October 31, 1950, all properties, facilities and franchises now owned and utilized in the production, distribution and sale of manufactured gas in municipalities and unincorporated areas in the counties of Macomb and St. Clair, Michigan, among which are the municipalities of Port Huron, Marine City, St. Clair, Marysville, Romeo, Richmond and New Baltimore. Southeastern contemplates the conversion of the territory from manufactured gas to straight natural gas. In this connection Southeastern by its application seeks pursuant to section 7 of the Natural Gas Act, as amended, (1) an order directing Panhandle to establish physical connection of its transportation facilities with facilities proposed to be constructed by Southeastern, and requiring Panhandle to sell natural gas to Southeastern, and (2) a certificate of public convenience and necessity authorizing the construction and operation of facilities designed to transport gas from the point of connection with facilities of Panhandle to the territory proposed to be served by Southeastern. Due notice of the filing of this application has been given, including publication of such notice in the FEDERAL REGISTER on June 23, 1950 (15 F. R. 4065). An answer to Southeastern's application was filed by Panhandle on July 3, 1950.

On March 17, 1950, Panhandle filed with the Commission an application pursuant to section 3 of the Natural Gas Act, Docket No. G-1344 for an order authorizing it to export natural gas to the Dominion of Canada in accordance with an arrangement between Panhandle and Union Gas Company of Canada, Limited (Union). Panhandle proposes to export to Union under contract dated March 15, 1950, 27,350,000 Mcf. of natural gas per annum, at a daily delivery rate of not less than 37,500 Mcf. nor more than 100,000 Mcf. Due notice of the application has been given, including publication of notice in the FEDERAL REGISTER on March 29, 1950 (15 F. R. 1759-60).

On April 20, 1950, Michigan Consolidated Gas Company (Michigan Consolidated) filed with the Commission, Docket No. G-1379, a complaint against Panhandle in which Michigan Consolidated alleges in substance that it has filed, and there are pending with Panhandle 9 applications for the purchase of approximately 51,000 Mcf. of natural gas per day for resale to large industrial consumers on an interruptible basis; that such applications have been filed in accordance with the provisions of Panhandle's Rate Schedule Rd-2 (contained in Supplement No. 5 to Panhandle's Rate Schedule F. P. C. No. 12 relating to sales to Michigan Consolidated); that Michigan Consolidated has been and is entitled to purchase gas pursuant to the aforesaid 9 applications under Rate Schedule Rd-2, if Panhandle "in its judgment, has a sufficient supply of gas and adequate facilities with which to make such deliveries"; that by reason of the completion of the construction of additional facilities in October 1949, Panhandle has available at least 50,000 Mcf. per day more pipe-line capacity than it had available during the summer of 1949; that from April 1949 to October 1949 Panhandle sold some 982,267 Mcf. of natural gas to Union, thus demonstrating that it is now able to supply the 51,000 Mcf. of natural gas per day covered by Michigan Consolidated's aforesaid 9 applications; and that the export of gas to Canada by Panhandle is contrary to conditions of the Commission's order of April 23, 1946, in Docket No. G-612, 5 F. P. C. 472, authorizing Panhandle pursuant to section 3 of the Natural Gas Act to export gas to Canada, in that such order provides that "at all times, persons and municipalities in the United States are to receive preferential service over that to Union."

On May 24, 1950, Panhandle filed with the Commission its answer to Michigan Consolidated's complaint, in which it denies generally many of the allegations of the complaint. The answer denies specifically that the 9 alleged applications are pending; that Michigan Consolidated has any rights arising out of such alleged applications; that the facts with respect to export of 982,267 Mcf. of natural gas to Union during 1949 have any relevancy to any alleged rights of Michigan Consolidated under its 9 alleged applications. Panhandle avers that the deliveries made to Union did not result in interruption to or impairment of service to Panhandle's other customers, including Michigan Consolidated; that the sales to Union are made on an off peak basis during April to October rather than on the interruptible basis contemplated by Rate Schedule Rd-2; and that the 9 alleged applications requested Panhandle to supply gas in equal monthly volumes throughout the year which is a different type of service from that rendered to Union.

On June 9, 1950, Panhandle filed with the Commission an application, Docket No. G-1417, seeking in the alternative, (1) a disclaimer of jurisdiction over the matters set forth therein or (2) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a meter, necessary measuring and pressure regulating equipment and a physical connection between its facilities and a pipeline which Ford Motor Company (Ford) will construct, or will have constructed, for the purpose of accomplishing the delivery of natural gas for industrial uses in Ford's plant located in Dearborn, Michigan. Due notice of the filing of this application has been given, including publication of such notice in the FEDERAL REGISTER on June 23, 1950 (15 F. R. 4065).

On September 3, 1948, the Commission issued an order in Docket No. G-1116 instituting an investigation for the purpose of enabling the Commission to determine whether any rate, charge, service or classification demanded, observed, charged or collected by Panhandle for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission or any rule, regulation, practice or contract affecting such rate, charge, service or classification is unjust, unreasonable, unduly discriminatory or preferential.

The said order issued September 3, 1948, provided further that if the Commission, after hearing has been had, shall find that any of such rates, charges, services, classifications, rules, regulations, practices or contracts of Panhandle, subject to the jurisdiction of the Commission are unjust, unreasonable, unduly discriminatory or preferential, the Commission will determine and fix by order or orders the just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

As has been indicated, the designed sales capacity of the Panhandle system during the latter part of 1950 will be approximately 550,000 Mcf. per day or an increase of 50,000 Mcf. over the estimated sales capacity of the system during the winter period 1949-1950. For the reasons hereinbefore stated it appears that it is necessary and appropriate in order to carry out the provisions of the Natural Gas Act, particularly sections 4 and 5, thereof that further hearings be held for the purpose of determining:

1. Whether the sales capacity of the Panhandle system during 1950-1951 will be adequate to satisfy all the requirements of customers dependent in whole or in part upon the Panhandle system for their supply of natural gas.

2. The just and reasonable service rules and regulations which should be made applicable to deliveries of natural gas from the Panhandle system in the event the evidence discloses that the capacity of the Panhandle system will be inadequate to satisfy the requirements of all customers served from the system.

It appears that it is appropriate to consider in conjunction with the two matters just enumerated the applications filed by the Cities of Port Huron, et al., and Southeastern Michigan Gas Company, Docket No. G-1152 and Docket No. G-1415, respectively, wherein the applicants are seeking a supply of natural gas for certain communities not now having natural gas service in Michigan; the application of Panhandle, Docket No. G-1417, wherein it seeks authorization

to construct and operate facilities for the delivery of natural gas to Ford at Dearborn, Michigan; and the issues raised and the matters presented by the complaint of Michigan Consolidated against Panhandle in Docket No. G–1379, and the answer to such complaint filed by Panhandle. These proceedings all relate to volumes of natural gas which presently, or in the future, may be available from the Panhandle system, and involve the question of whether the public interest or public convenience and necessity permit or require such service in accordance with the applicable provisions of the Natural Gas Act, and the present rate schedules of Panhandle or under any tariff or service agreement which may be approved or prescribed by the Commission.

During the course of the hearing in Docket No. G–1317 upon its application for a certificate of public convenience and necessity, Panhandle presented testimony with respect to (1) the proposed disposition among present and prospective customers of the additional volumes of natural gas which will be available to it upon completion of facilities authorized in Docket No. G–1317, and of facilities to be constructed by Trunkline Gas Supply Company, and (2) the form of tariff, service agreement, form of rate and rate level to be applicable to the sales of natural gas from the Panhandle system after completion of all the facilities referred to above. For the reasons set forth in the Commission's order issued May 4, 1950, with respect to Docket Nos. G–882 and G–1317, determination of these matters was deferred pending further hearings in Docket No. G–1317.

It appears that the determination of what will be the just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force in the event that in the proceeding in Docket No. G–1116 it is determined that Panhandle's present effective rates, charges, classifications, rules, regulations, practices or contracts are found to be unjust, unreasonable, unduly discriminatory or preferential may present the same or similar issues to those presented in the tariff suspension proceeding in Docket No. G–1240. Further, the matters and issues presented in Docket Nos. G–1116 and G–1240 may have a bearing upon the determination of what would be the just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be observed and in force, or the principles to be applicable in the determination of any of the foregoing, when the designed capacity of the Panhandle system has been increased by the construction and operation of facilities authorized in Docket Nos. G–882 and G–1317. Therefore, it appears appropriate that the proceedings in Docket Nos. G–1116 and G–1240 and further proceedings in Docket No. G–1317 be heard upon the same record.

Because of the interrelationship of all of the proceedings hereinbefore referred to it also is desirable and appropriate that all of such proceedings be consolidated for purposes of hearing. Consolidation of such proceedings for purposes of hearing, however, does not mean that final action with respect to all matters and issues will be deferred until all sessions of hearings in the consolidated proceedings have been finally concluded. The Commission will issue such order or orders in the proceedings as may from time to time appear to be appropriate and justified by the facts then appearing of record. Further, it appears desirable and appropriate to prescribe the order of procedure in which the matters and issues presented in the various proceeding shall be taken up at the hearing, and accordingly, this will be done hereinafter.

Any evidence of record with respect to any of the proceedings hereby consolidated for purposes of hearing at the time the Commission takes dispositive action with respect to any matter or issue herein will be considered by the Commission in connection with such action.

To provide for orderly and timely consideration of the various matters and issues in the proceedings and the expeditious disposition of such matters and issues, the Commission is of the opinion that the presentation of evidence at the hearing in the consolidated proceedings should relate to the following issues and that such presentation should be in the order in which the issues are listed as follows:

1. Whether the designed sales capacity of the Panhandle system of 550,000 Mcf. which is the total expected to be available during the latter part of 1950 will be adequate to satisfy all the requirements of customers dependent in whole or in part upon the Panhandle system for their supplies of natural gas.

2. The just and reasonable service rules and regulations which should be made applicable to deliveries of natural gas from the Panhandle system in the event that the evidence discloses that the capacity of the Panhandle system is, or will be, inadequate to satisfy all the requirements of customers served from the system.

3. (a) Whether the Commission should find it necessary or desirable in the public interest to grant the orders sought in Docket No. G–1152 and in Docket No. G–1415 or either of them, while the designed sales capacity of the Panhandle system approximates 550,000 Mcf. per day; and (b) the matters and issues presented in the proceedings in Docket Nos. G–1417 and G–1379.

4. The form of tariff which should be applicable to volumes of gas delivered from the Panhandle system when the capacity of such system has been increased by additional natural gas supplies from the Trunkline Gas Supply Company project, i. e., whether Panhandle should be permitted to charge a "rolled-in-rate," demand and commodity in form, and with a minimum bill provision.

5. The matters and issues presented by the application in Docket No. G–1344.

6. What would be a fair, reasonable and equitable distribution among present and prospective customers of the volumes of natural gas which will be available upon completion of the Trunkline and Panhandle facilities authorized in Docket Nos. G–882 and G–1317.

7. Whether Panhandle's present rates, charges, classifications, rules, regulations, practices and contracts are unjust, unreasonable, unduly discriminatory or preferential, and if found to be unjust, unreasonable, unduly discriminatory or preferential, what would be the just and reasonable rates, charges, classifications, rules, regulations, practices and contracts to be determined and fixed by order.

8. The just and reasonable rates, charges, classifications, rules, regulations, practices and contracts (or the principles to be followed in the determination of the foregoing), which should be made applicable to volumes of gas deliverable from the Panhandle system when the sales capacity has been increased by the supply of natural gas to be received from Trunkline Gas Supply Company.

9. The status of outstanding authorizations issued by the Commission in Docket Nos. G–706 and G–876, and whether such authorizations should be modified, and if so, to what extent.

The Commission orders:

(A) The proceedings in Docket Nos. G–1116, G–1240, G–1317, G–1344, G–1417, G–1152, G–1415 and G–1379 be and they hereby are consolidated for the purposes of hearing in accordance with the terms of this order.

(B) Pursuant to the provisions of sections 3, 4, 5, 7 and 15 of the Natural Gas Act, as amended, and in accordance with the terms of this order a public hearing be held commencing on August 14, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., with respect to the matters involved and the issues presented in the proceedings which by this order have been consolidated for hearing.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 13, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–6187; Filed, July 17, 1950; 8:46 a. m.]

[Docket Nos. G–1250, G–1262]

BLUEFIELD GAS CO. AND AMERE GAS UTILITIES CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

On August 4, 1949, Bluefield Gas Company (Bluefield), a West Virginia corporation with its principal place of business at Bluefield, West Virginia, filed an application, as amended on June 23, 1950, in Docket No. G–1250, for a certificate of public convenience and necessity to construct and operate certain transmission pipeline facilities, all as more fully described in its application on file with the Commission and open to public inspection, public notice having been given, including publication in the FEDERAL REGISTER on August 24, 1949 (14 F. R. 5247).

On August 17, 1949, Amere Gas Utilities Company (Amere) a West Virginia corporation with its principal place of business at Charleston, West Virginia, filed an application in Docket No. G–1262, for a certificate of public convenience and necessity to construct and operate certain transmission pipeline facilities, all as more fully described in its application on file with the Commission and open to public inspection, public notice having been given, including publication in the FEDERAL REGISTER on September 2, 1949 (14 F. R. 5476).

The Commission finds: Good cause exists for consolidating the above proceedings for purposes of hearing.

The Commission orders:

(A) The above-entitled proceedings be and they are hereby consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on August 2, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 12, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–6186; Filed, July 17, 1950; 8:46 a. m.]

[Docket No. G–1335]

CAROLINA NATURAL GAS CORP.

NOTICE OF AMENDED APPLICATION

JULY 12, 1950.

Take notice that the Carolina Natural Gas Corporation (Applicant), a Delaware corporation with its principal place of business at 701 Wilder Building, Charlotte, North Carolina, filed on July 7, 1950, a second amendment to its application filed March 3, 1950, for (1) a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas transmission pipeline facilities, and (2) an order under section 7 (a) of the act, directing Transcontinental Gas Pipe Line Corporation (Transcontinental), a natural-gas company subject to the jurisdiction of the Commission, to establish physical connections of its transportation facilities with Applicant's proposed facilities and to sell natural gas to the Applicant.

Applicant proposes to construct and operate approximately 467[1] miles of 4½-inch to 12¾-inch pipeline consisting of eleven separate laterals extending from nine connections with the facilities of Transcontinental to the various markets proposed to be served in North and South Carolina. Applicant, in addition to its previously proposed service to various communities in North and South Carolina, by its amendment now seeks to obtain authorization to construct and operate facilities for the purpose of supplying natural gas to the South Carolina Electric & Gas Company for distribution in Columbia, South Carolina, and the delivery and sale of natural gas to several new industrial customers.

Applicant estimates, in view of its proposed additional natural gas service, that its annual demands will be increased from 9,797,000 Mcf. as previously estimated in the first year, to 11,431,000 Mcf. and its previous estimate of 15,273,000 Mcf. in the fifth year, to 18,979,000 Mcf.; its peak day demand previously estimated at 30,000 Mcf. in the first year will be increased to 38,000 Mcf.; and its estimate of 65,000 Mcf. in the fifth year, to 82,000 Mcf.

The estimated over-all capital cost of Applicant's previously proposed facilities was estimated at approximately $7,374,100, whereas in its present proposal it estimates the cost of its facilities to be $9,484,800, which Applicant proposes to finance by the sale of First Mortgage Bonds in the amount of $7,100,000, and by the issuance of junior securities to cover the balance.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before July 21, 1950. The application and amendments thereto are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–6185; Filed, July 17, 1950; 8:46 a. m.]

[1] Applicant by its application of March 3, as amended April 24, 1950, proposed to construct 375.1 miles of 4½-inch to 12¾-inch pipeline consisting of a number of separate laterals which did not include a lateral extending to Columbia, South Carolina, as herein proposed.

FEDERAL SECURITY AGENCY

Food and Drug Administration

DIVISION OF PHARMACEUTICAL CHEMISTRY

ESTABLISHMENT OF A NEW TECHNICAL DIVISION

The description of the organization, functions, and procedures of the Food and Drug Administration as published in the FEDERAL REGISTER of November 27, 1948 (13 F. R. 6983), and amended in the FEDERAL REGISTER of May 6 and November 16, 1949 (14 F. R. 2362, 6959) is amended in the following respect:

In section I, *Organization*, paragraph B, *Washington headquarters*, add to the list of administrative and technical divisions the following: Division of Pharmaceutical Chemistry.

[4th Sec. Application 25240]

HAY AND STRAW FROM AND TO KANSAS CITY, MO.

APPLICATION FOR RELIEF

JULY 13, 1950.

The Commission is in receipt of the above-entitled and numbered applica-

This notice is published pursuant to § 1.45 (a) of the Federal Register Regulations (1 CFR 1.45 (a)).

Dated: July 11, 1950.

[SEAL] JOHN L. THURSTON, *Acting Administrator.*

[F. R. Doc. 50–6192; Filed, July 17, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

AMERICAN NATIONAL LIVE STOCK ASSN. ET AL.

RAILROAD RATES ON LIVESTOCK

JULY 10, 1950.

In the matter of petition of the American National Live Stock Association et al. for an order citing the rail carriers to show cause why they should not reduce their rates on livestock.

There was filed with the Commission on June 19, 1950, a petition (as amended on July 3, 1950), on behalf of the American National Live Stock Association, National Wool Growers Association, Texas and Southwestern Cattle Raisers Association, Texas Sheep and Goat Raisers Association, Highland-Hereford Breeders Association, Live Stock Traffic Association, National Live Stock Producers Association, and their State affiliates, requesting the Commission (a) to issue an order citing the rail carriers and each of them, to show cause why they should not immediately reduce their rates on livestock throughout the United States by making necessary revisions in their increased rates thereon, and (b) to invite a cooperating committee of commissioners selected by the States to participate in the hearings, oral argument, and subsequent disposition of the proceeding.

Any person desiring to make a representation concerning this petition may do so in writing by filing fifteen copies with the Commission and transmitting copies to:

Lee J. Quasey, Commerce Counsel, 139 North Clark Street, Chicago, Illinois,
Chas. A. Stewart, Traffic Manager, 218 Live Stock Exchange, Fort Worth, Texas,
Calvin L. Blaine, Assistant Traffic Manager; Chas. E. Blaine, Traffic Manager, 900 Title & Trust Building, Phoenix, Arizona,

counsel for petitioners, on or before August 15, 1950. Such representation should comply with Rule 15 of the general rules of practice of the Commission.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50–6178; Filed, July 17, 1950; 8:45 a. m.]

UNIVERSITY OF MICHIGAN LIBRARIES

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Union Pacific Railroad Company.

Commodities involved: Hay and straw, also pummies and flax moss, carloads.

Between: Council Bluffs, Iowa, Omaha and South Omaha, Nebr., and Kansas City, Mo.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: UP., tariff I. C. C. No. 4740, Supplement 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6180; Filed, July 17, 1950; 8:45 a. m.]

[4th Sec. Application 25241]

GRAIN FROM KANSAS AND OKLAHOMA TO TEXAS

APPLICATION FOR RELIEF

JULY 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of The Atchison, Topeka and Santa Fe Railway Company and other carriers named in the application.

Commodities involved: Grain, grain products, seeds and related articles, carloads.

From: Points in Kansas and Oklahoma.

To: Points in Texas.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3832, Supplement 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6181; Filed, July 17, 1950; 8:46 a. m.]

[4th Sec. Application 25242]

HAY AND STRAW FROM AND TO KANSAS CITY, MO.

APPLICATION FOR RELIEF

JULY 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago, Rock Island and Pacific Railroad Company.

Commodities involved: Hay, straw and articles taking same rates, carloads.

Between: Council Bluffs, Iowa, Omaha and South Omaha, Nebr., and Kansas City, Mo.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: CRI&P., tariff I. C. C. No. C-12869, Supplement 60.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6182; Filed, July 17, 1950; 8:46 a. m.]

[Application 25243]

PASSENGER FARES; LONG ISLAND RAIL ROAD

APPLICATION FOR RELIEF

JULY 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Long Island Rail Road Company.

Commodities involved: Passenger fares.

Between: Stations on The Long Island Rail Road.

Grounds for relief: No grounds advanced for the relief prayed.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6183; Filed, July 17, 1950; 8:46 a. m.]

[4th Sec. Application 25244]

LUMBER TO CHATTANOOGA, JOHNSON CITY, AND VOSE, TENN.

APPLICATION FOR RELIEF

JULY 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Southern Railway Company for itself and on behalf of The Alabama Great Southern Railway Company and other carriers named in the application.

Commodities involved: Lumber and other forest products, carloads.

From: Points on the Southern Railway and subsidiary lines.

To: Chattanooga, Johnson City, and Vose, Tenn.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: Sou. Ry., tariff I. C. C. No. A-11211.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6184; Filed, July 17, 1950; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2410]

CHARLES C. HARRISON, 3D, ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July A. D. 1950.

In the matter of Charles C. Harrison, 3d, David B. Sharp, Jr., Robert E. Daffron, Jr., File No. 70-2410.

Notice is hereby given that Charles C. Harrison, 3d, David B. Sharp, Jr. and Robert E. Daffron, Jr. have filed a joint application with this Commission pursuant to the Public Utility Holding Company Act of 1935. Applicants have designated sections 9 (a) (2) and 10 of the act as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 31, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by such joint application, as filed or as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 31, 1950, said joint application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application which is on file in the offices of this Commission, for a statement of the transactions therein proposed which may be summarized as follows:

Chesapeake Utilities Corporation ("Chesapeake") is a holding company claiming exemption as such pursuant to the provisions of Rule U-9. Harrison, Sharp and Daffron, jointly, hold 13,000 shares of common stock of Chesapeake of the par value of $5 per share out of the 26,000 shares of such stock outstanding, and hold indirectly, through Harrison & Co., in which they are partners, 50 shares of 5 percent Cumulative Preferred Stock of Chesapeake of the par value of $100 per share of which 1,000 shares are outstanding. Mary Callery owns 950 shares of the preferred and 11,000 shares of the common stocks of Chesapeake. Harrison, Sharp and Daffron propose to acquire from Mary Callery an indirect interest, through Harrison & Co., in an additional 50 shares of the preferred stock of Chesapeake, the initial 50 shares having been acquired from Mary Callery pursuant to an order of this Commission dated February 13, 1950. Harrison & Co. will pay Mary Callery a cash consideration of $5,000, being the aggregate par value of such stock and the cost of such shares to her.

Applicants state that no State commission and no Federal agency, other than this Commission, has any jurisdiction in the matter and have requested that our order herein be issued as soon as possible.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6174; Filed, July 17, 1950; 8:45 a. m.]

[File No. 70-2384]

NORTHERN NATURAL GAS CO.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July 1950.

The Commission by order dated May 29, 1950, having permitted an amended declaration to become effective with respect to the issuance and sale by Northern Natural Gas Company, a registered holding company, of $40,000,000 principal amount of its 2⅝ percent Serial Debentures, dated May 1, 1950, due 1953-70, and said order having reserved jurisdiction over the fees and expenses of counsel for the prospective purchasers and over the engineering fees and expenses; and

Statements having been filed with respect to requested fees in the amount of $12,500 and expenses in the amount of $500, payable to the firm of Pam, Hurd & Reichmann, of Chicago, Illinois, as counsel for the prospective purchasers, and engineering fees payable to Ralph E. Davis, of Pittsburgh, Pennsylvania, in the amount of $8,103.20, including expenses in the amount of $780.70, for services rendered Northern Natural Gas Company in connection with the issuance of said debentures; and

The Commission having considered such statements and finding that the requested fees and expenses are not unreasonable and deeming it appropriate that jurisdiction with respect thereto be released:

It is ordered, That the jurisdiction heretofore reserved over such fees and expenses be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6175; Filed, July 17, 1950; 8:45 a. m.]

[File Nos. 54-72, 59-66, and 54-105]

STANDARD GAS AND ELECTRIC CO. ET AL.

ORDER REGARDING PLANS AND APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of July 1950.

In the matter of Standard Gas and Electric Company, File Nos. 54-72 and 59-66, Standard Power and Light Corporation and Standard Gas and Electric Company, File No. 54-105.

Standard Gas and Electric Company ("Standard Gas"), a registered holding company and a subsidiary of Standard Power and Light Corporation ("Standard Power"), also a registered holding company, having filed, on March 24, 1943, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act"), its "Plan for Recapitalization of Standard Gas and Electric Company", and the Commission having entered its findings and opinion, on May 29, 1944, disapproving said plan; and

Standard Gas having filed, on August 28, 1944, pursuant to section 11 (e) of the act, its "Amended Plan for Recapitalization of Standard Gas and Electric Company", as subsequently modified by amendments Nos. 1 and 2 thereto, and the Commission having entered its Findings and Opinion and Order, on November 15, 1944, approving said plan, as amended; and

The Commission having applied to the United States District Court for the District of Delaware to enforce and carry out the provisions of said "Amended Plan for Recapitalization of Standard Gas and Electric Company", as amended, and said Court having remanded said plan to the Commission for further proceedings in accordance with an opinion of said Court, entered December 29, 1945; and

Standard Gas having filed, on October 3, 1947, pursuant to section 11 (e) of the act, its "Plan of Standard Gas and Electric Company", and the Commission having entered its Memorandum opinion and order, on October 30, 1947, directing, among other things, that Standard Gas show cause why said plan should not be dismissed because of vagueness and lack of specificity; and

Standard Power and Standard Gas having filed, on September 27, 1944, pursuant to section 11 (e) of the act, their "Joint Plan of Standard Power and Light Corporation and Standard Gas and Electric Company," and the Commission having entered its findings and opinion and order, on February 22, 1945, approving said plan; and

Standard Gas having filed, on May 8, 1950, an application requesting (a) that it be permitted to withdraw its plans filed on August 28, 1944 and October 3, 1947, (b) that it be permitted to withdraw as a party to the joint plan filed on September 27, 1944, (c) that the Commission vacate its order, dated November 15, 1944, under section 11 (e) of the act, approving the plan, as amended, filed August 28, 1944, and (d) that the Commission terminate and dismiss all pending proceedings involving the plans filed by Standard Gas on March 27, 1943,

August 28, 1944, and October 3, 1947; and Standard Gas having agreed that its withdrawal, as requested, of said plans and as a party to said joint plan shall not terminate or in any way limit any jurisdiction conferred upon the Commission by law over fees and expenses in connection with the reorganization of Standard Gas under the act, including any and all transactions related to said plans, and that Standard Gas will pay only such of the fees and expenses which are subject to the jurisdiction of the Commission, as aforesaid, as shall be approved, awarded, allowed or allocated by the Commission; and

The Commission having entered an order, dated December 31, 1948, pursuant to section 11 (b) (2) of the act, directing Standard Gas to liquidate and dissolve, or, in the alternative, to recapitalize on the basis of a single class of stock, namely, common stock; and Standard Gas having filed, on December 28, 1949, pursuant to section 11 (c) of the act, an application requesting that the time for compliance with said order be extended for a period of one year; and

Notice of said application filed by Standard Gas on May 8, 1950, having been duly given, all interested persons having been afforded an opportunity for hearing and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or as subsequently extended by order of the Commission, dated June 8, 1950, or otherwise, and not having ordered a hearing thereon; and the Commission having considered the record and filed its Memorandum Opinion herein:

It is ordered, That the "Amended Plan for Recapitalization of Standard Gas and Electric Company", as amended, and the "Plan of Standard Gas and Electric Company" filed on August 28, 1944, and October 3, 1947, respectively, pursuant to section 11 (e) of the act, be, and the same hereby are, permitted to be withdrawn.

It is further ordered, That the proceedings at File No. 54–72 involving the "Plan for Recapitalization of Standard Gas and Electric Company", the "Amended Plan for Recapitalization of Standard Gas and Electric Company", and the "Plan of Standard Gas and Electric Company", filed on March 24, 1943, August 28, 1944, and October 3, 1947, respectively, be, and the same hereby are, terminated and dismissed.

It is further ordered, That jurisdiction is reserved with respect to all fees and expenses paid or to be paid by Standard Gas (except as heretofore specifically approved by the Commission) for services in connection with the reorganization of Standard Gas under the act, including the said plans filed by Standard Gas on March 24, 1943, August 28, 1944, and October 3, 1947, and the joint plan filed by Standard Power and Standard Gas on September 27, 1944, and any and all transactions related thereto.

It is further ordered, That the findings and opinion of the Commission, entered May 29, 1944, and the findings and opinion of the Commission, entered November 15, 1944, at File No. 54–72, be, and the same hereby are, vacated and set aside and that the order of the Commission, dated November 15, 1944, entered at File No. 54–72, be, and the same hereby is, rescinded.

It is further ordered, That the application of Standard Gas to withdraw as a party to the "Joint Plan of Standard Power and Light Corporation and Standard Gas and Electric Company," filed on September 27, 1944, at File No. 54–105, be, and the same hereby is, granted, effective forthwith.

It is further ordered, That the time in which Standard Gas may comply with the order, dated December 31, 1948, entered by the Commission pursuant to section 11 (b) (2) of the act, at File No. 59–66, be, and the same hereby is, extended for a period of one year from December 31, 1949.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50–6176; Filed, July 17, 1950; 8:45 a. m.]

[File No. 70–2418]

SOUTH JERSEY GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington D. C., on the 12th day of July 1950.

South Jersey Gas Company ("South Jersey"), a gas utility subsidiary of The United Corporation, a registered holding company, having filed an application-declaration regarding the purchase of all the common stock of the Bridgeton Gas Light Company ("Bridgeton"), consisting of 3,880 shares, at their par value of $100 per share, and the issuance and sale of $388,000 principal amount of its 2¼ percent bank notes for the purpose of temporarily financing such purchase, and the issuance and sale of $52,000 principal amount of its 2¾ percent bank notes for the purpose of converting the Bridgeton customers' appliances for the use of natural gas; and

A public hearing having been held after appropriate public notice and the Commission having considered the record and filed its memorandum findings and opinion herein:

It is ordered, That said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50–6177; Filed, July 17, 1950; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14823]

MARIE SCHROEDER

In re: Debts owing to Marie Schroeder. F–28–26080–C–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Schroeder, whose last known address is Hamburg (24) Flattbek, Lindemanstrasse 9, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation evidenced by a check drawn by the Comptroller or the Currency on the Union National Bank, Reading, Pennsylvania, payable to Marie Schroeder, dated April 2, 1940, numbered N–265993 in the amount of $50.81, said check representing the fourth dividend on Claim No. 5001 against the Farmers National Bank and Trust Company, Reading, Pennsylvania, presently in the custody of the Division of Insolvent National Banks, Office of the Comptroller of the Currency, Treasury Department, Washington, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

b. That certain debt or other obligation evidenced by a check drawn by the Comptroller of the Currency on the Berks County Trust Company, Reading, Pennsylvania, payable to Marie Schroeder, dated December 1, 1941, numbered P–252493 in the amount of $35.57, said check representing the fifth dividend on Claim No. 5001 against the Farmers National Bank and Trust Company, Reading, Pennsylvania, presently in the custody of the Division of Insolvent National Banks, Office of the Comptroller of the Currency, Treasury Department, Washington, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and

c. That certain debt or other obligation evidenced by a check drawn by the Comptroller of the Currency on the Berks County Trust Company, Reading, Pennsylvania, payable to Marie Schroeder, dated December 30, 1942, numbered P–969097 in the amount of $22.10, said check representing the sixth (final) dividend on Claim No. 5001 against the Farmers National Bank and Trust Company, Reading, Pennsylvania, presently in the custody of the Comptroller of the Currency, Treasury Department, Washington, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50–6204; Filed, July 17, 1950; 8:48 a. m.]

[Vesting Order 14824]

ERNST SONNTAG

In re: Stock owned by Ernst Sonntag also known as Ernest Sonntag.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Sonntag also known as Ernest Sonntag, whose last known address is Plochingerstrasse 13, Wernau am Neckar, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of no par value capital stock of the International Telephone and Telegraph Corporation, 67 Broad Street, New York 4, New York, evidenced by a certificate numbered NNAF 1,501, registered in the name of Ernst Sonntag, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50–6205; Filed, July 17, 1950; 8:48 a. m.]

[Vesting Order 14827]

TOKIZO YAMASHITA

In re: Debt owing to Tokizo Yamashita. F–39–6694–C–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tokizo Yamashita, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tokizo Yamashita, by Fidelity and Deposit Company of Maryland, 405 Montgomery Street, San Francisco 4, California, arising out of funds on deposit in a Time Deposit Open Account, numbered P/B3631, entitled Fidelity and Deposit Company of Maryland, maintained with the Bank of America National Trust and Savings Association, Market-New Montgomery Street, San Francisco, California, and representing cash collateral deposited with the aforesaid Fidelity and Deposit Company of Maryland as security on an Immigration Bond for one Kenji Yamashita, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50–6206; Filed, July 17, 1950; 8:48 a. m.]

[Vesting Order 14830]

ALMA L. DEETJEN

In re: Trust under will of Alma L. Deetjen, deceased. File No. F–28–9589–G–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Doebblein and Gerda Pfeifer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Lina Doebblein, deceased, and the issue, names unknown, of Ilse Schorr, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Trust created under the Will of Alma L. Deetjen, deceased,

is property within the United States, owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Lina Doebblein, deceased, and the issue, names unknown, of Ilse Schorr, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6207; Filed, July 17, 1950; 8:48 a. m.]

[Vesting Order 14831]

AUGUSTE GIESKE ET AL.

In re: Trust agreement between Auguste Gieske, donor, and Alfred W. Gieske and William Lentz, trustees, dated November 11, 1926. File No. F-28-9853-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Driver, Bernhard Driver and Marianne Driver, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Charlotte Essen, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under the Trust Agreement between Auguste Gieske, Donor, and Alfred W. Gieske and William Lentz, Trustees, dated November 11, 1926, presently being administered by William Lentz, Surviving Trustee, 316 Equitable Building, Baltimore 2, Maryland,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Charlotte Essen, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6208; Filed, July 17, 1950; 8:48 a. m.]

[Vesting Order 14832]

THERESA GOESSEL

In re: Estate of Theresa Goessel, deceased. File No. D-28-12848; E. T. sec. 17013.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Goessel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the Domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Helene Goessel, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to the Estate of Theresa Goessel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Charles J. Molloy, as Administrator, acting under the judicial supervision of the Essex County Court, Probate Division, New Jersey;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the Domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Helene Goessel, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6209; Filed, July 17, 1950; 8:48 a. m.]

[Vesting Order 14836]

GEORGE DENISON MORGAN ET AL.

In re: Trust under agreement dated April 14, 1914, between George Denison Morgan, settlor, and Ernest A. Bigelow and Henry A. Wise, trustees. File: F-39-148.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yuki Morgan, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated April 14, 1914, by and between George Denison Morgan, settlor, and Ernest A. Bigelow and Henry A. Wise, trustees, presently being administered by Henry A. Wise, as trustee, 122 East Forty-Second Street, New York 17, New York, and John S. Wise, Ivy Creek Farm, Charlottesville, Virginia, as successor trustee to Ernest A. Bigelow, deceased,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6210; Filed, July 17, 1950; 8:48 a. m.]

[Vesting Order 14838]

WILHELM C. BURMEISTER

In re: Bank account owned by Wilhelm C. Burmeister. F-28-29379-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm C. Burmeister, whose last known address is 49/51 Papenluderstr., Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The San Francisco Bank, 526 California Street, San Francisco, California, arising out of a Savings Account, account number 238580, entitled "Carl H. Burmeister, Trustee for Wilhelm C. Burmeister", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wilhelm C. Burmeister, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6211; Filed, July 17, 1950; 8:49 a. m.]

[Vesting Order 14840]

LEOPOLD JOSEF MOSEL

In re: Debt owing to Leopold Josef Mosel. F 28-1478-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leopold Josef Mosel, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Leopold Josef Mosel by the Trustees-Overseas Fund, Standard Oil Company of New Jersey, 30 Rockefeller Plaza, New York, New York, representing the accumulated Cash Thrift and Pension contributions of the aforesaid Leopold Josef Mosel under the Overseas Thrift Plan of the Standard Oil Co. (N. J.), together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6212; Filed, July 17, 1950; 8:49 a. m.]

[Vesting Order 14842]

ERNA AND CURT SCHOENBRODT

In re: Safe deposit lease and contents owned by Erna Schoenbrodt and Curt Schoenbrodt. F-28-27569-F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erna Schoenbrodt and Curt Schoenbrodt, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests created in Erna Schoenbrodt and Curt Schoenbrodt, under and by virtue of a safe deposit box lease agreement by and between Erna Schoenbrodt, Curt Schoenbrodt and the Corn Exchange Safe Deposit Company, William and Beaver Streets, New York, New York, relating to Safe Deposit Box No. 1074, located in the vaults of said company at the 86th Street Branch, 86th Street at Lexington Avenue, including particularly but not limited to, the right of access to said safe deposit box, and

b. All property of any nature whatsoever owned by Erna Schoenbrodt and Curt Schoenbrodt, in the safe deposit box referred to in subparagraph 2 (a) hereof, and any and all rights of said persons evidenced or represented thereby,

subject, however, to any liens of the aforesaid Corn Exchange Safe Deposit Company, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6214; Filed, July 17, 1950; 8:49 a. m.]

[Vesting Order 14841]

ANNA REINIKE

In re: Stock owned by Anna Reinike, also known as Anna Selma Reinike. F-28-26216 A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Reinike, also known as Anna Selma Reinike, whose last known address is Bergstrasse 1, Ruppertsgruen bei Werdau, Sachsen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Forty-six (46) shares of $25.00 par value Cumulative Participating Preferred Stock of Transit Investment Corporation (in dissolution), evidenced by a certificate numbered TP06899, registered in the name of Anna Reinike, and presently in the custody of Weniger & Walter, Inc., 215 E. Penn Street, Philadelphia 44, Pennsylvania, together with all declared and unpaid dividends thereon, and any and all rights under an order of dissolution of the Philadelphia County Court of Common Pleas,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6213; Filed, July 17, 1950; 8:49 a. m.]

[Vesting Order 14843]

EMIL SCHMIERER

In re: Interest in a bank account owned by Emil Schmierer. F-28-28755-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Schmierer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One-third (⅓) interest in that certain debt or other obligation of the Seattle-First National Bank, Seattle 14, Washington, arising out of a checking account entitled Georg Tobias Schmierer, "a national of Germany," maintained with the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emil Schmierer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6215; Filed, July 17, 1950; 8:49 a. m.]

[Vesting Order 14844]

ROBERT WAHL

In re: Bonds owned by Robert Wahl. F-28-30788-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Wahl, whose last known address is Balingen, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Two (2) American Telephone and Telegraph Co., 3¼% Bonds due 1966, of $1,000.00 face value, each bearing the numbers 16-473 and 16-474, presently in the custody of Dominick and Dominick, 14 Wall Street, New York 5, N. Y., in an account for Banque Cantonale de Schaffhouse, Schaffhouse, Switzerland, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Robert Wahl, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6216; Filed, July 17, 1950; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 15 NUMBER 138

Washington, Wednesday, July 19, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Price Support Program Bulletin 1, Supplement 1, Dry Edible Beans]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950 CROP DRY EDIBLE BEAN LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1950 crop of dry edible beans. The 1950 C. C. C. Grain Price Support Bulletin 1, 15 F. R. 3147, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1950, is supplemented as follows:

Sec.
601.171 Purpose.
601.172 Availability of price support.
601.173 Eligible beans.
601.174 Warehouse receipts.
601.175 Determination of quantity.
601.176 Determination of quality.
601.177 Loss or damage to the beans.
601.178 Maturity of loans.
601.179 Delivery of beans to CCC.
601.180 Support rates.

AUTHORITY: §§ 601.171 to 601.180 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, Titles III, IV, Pub. Law 439, 81st Cong.; 15 U. S. C. Sup., 714c.

§ 601.171 *Purpose.* This supplement states additional specific requirements which, together with the general requirements contained in the 1950 C. C. C. Grain Price Support Bulletin 1, 15 F. R. 3147, and 1950 Dry Edible Bean Bulletin A, 15 F. R. 3053, apply to loans and purchase agreements made available under the 1950 Dry Edible Bean Price Support Program.

§ 601.172 *Availability of price support.*—(a) *Method of support.* Price support will be made available by means of nonrecourse farm-storage and warehouse-storage loans and through purchase agreements. Farm-storage loans will not be available to cooperative associations of producers.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever beans of the eligible classes are grown in the continental United States.

(c) *Where to apply.* Application for price support must be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1951, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing eligible beans in 1950 as landowner, landlord, tenant or sharecropper who is in compliance with the 1950 dry edible bean acreage allotment regulations, as determined in accordance with 1950 Dry Edible Bean Bulletin A, 15 F. R. 3055.

Cooperative marketing associations of producers will be eligible for warehouse-storage loans and purchase agreements on any class of eligible beans produced by eligible producer members: *Provided,* That (1) all beans of such class marketed by the association are produced by producer members; (2) the producer members are bound by contract to market their beans of such class through the association and the association does not release any such beans for the purpose of permitting producer members to obtain individual price support loans or purchase agreements; (3) separate pools are maintained for eligible and ineligible beans and the proceeds of the eligible beans marketed by the association are shared proportionately among the eligible producer members according to the class, grade and quantity of such beans each delivers to the association, and the proceeds of all other beans marketed by the association are shared proportionately among the producer members according to the class, grade and quantity of such beans each delivers to the association; (4) the association has author-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CFR

POCKET SUPPLEMENTS
(For Use During 1950)

The following Pocket Supplements are now available:

Title 43 ($0.35)
Titles 44–45 ($0.25)

Previously announced: Titles 4–5 ($0.30); Title 6 ($1.00); Title 7: Parts 1–209 ($0.55); Parts 210–899 ($0.75); Parts 900 to end ($0.75); Title 8 ($0.20); Title 9 ($0.20); Titles 10–13 ($0.20); Title 14: Parts 1–399 ($1.50); Parts 400 to end ($0.30); Title 15 ($0.40); Title 16 ($0.25); Title 17 ($0.20); Title 18 ($0.20); Title 19 ($0.20); Title 20 ($0.20); Title 21 ($0.30); Titles 22–23 ($0.25); Title 24 ($0.55); Title 25 ($0.20); Title 26: Parts 1–79 ($0.20); Parts 80–169 ($0.25); Parts 170–182 ($0.25); Parts 183–299 ($0.30); Title 26: Parts 300 to end; and Title 27 ($0.25); Titles 28–29 ($0.30); Titles 30–31 ($0.25); Title 32 ($1.00); Title 33 ($0.25); Titles 35–37 ($0.20); Title 38 ($0.50); Titles 40–42 ($0.25)

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ity to obtain a loan on the security of the beans and to give a lien thereon as well as authority to sell such beans.

As a condition of price support hereunder, the cooperative marketing association of producers shall comply with the following requirements:

(1) If the association, between September 15, 1950, and May 1, 1951, sells beans of any class named in § 601.173 (c) at prices equal to or in excess of the county support rate, the quantities of ineligible beans allocated to any such sales shall not represent a larger proportion of the quantity involved in such sale than the proportion which the quantity of ineligible beans delivered to the association by producer members is of the total quantity of beans (eligible and ineligible) delivered to the association by producer members, such proportion to be established by or under the direction of the State PMA Committee not later than January 31, 1951.

(2) The association shall maintain a quantity of beans in the eligible pool at all times which is not less than the unredeemed quantity of beans under loan.

(3) The association shall maintain and make available to CCC and to PMA, at such times and in such places as CCC or PMA may direct, records adequate to make all determinations this paragraph may require.

All determinations with respect to cooperative marketing associations of producers pursuant to this section shall be made by or under the direction of the PMA State Committee.

§ 601.173 *Eligible beans.* At the time the beans are placed under loan or delivered under a purchase agreement, they must meet the following requirements:

(a) The beans must have been produced in the continental United States in 1950 by an eligible producer on a farm on which the bean acreage is within the bean acreage allotment.

(b) Except in the case of cooperative marketing asociations, the beneficial interest must be in the person tendering the beans for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the beans were harvested.

(c) The beans must be dry edible beans of the classes Pea, Medium White, Great Northern, Small White, Flat Small White, Pink, Small Red, Pinto, Cranberry, Red Kidney, Large Lima and Baby Lima.

(d) Beans placed under loan must (1) grade No. 2 or better, or (2) be beans not commercially cleaned which have a moisture content of not more than 18 percent and which, after deduction of foreign material, contain not more than 10 percent of other defects, as these terms are defined in the United States Standards for Beans.

(e) Beans delivered under a purchase agreement must grade U. S. No. 2 or better.

(f) Beans tendered for loan must not be musty, sour, heating, hot, weevily, or materially weathered; must not have any commercially objectionable odor; and must not otherwise be of distinctly low quality.

(g) In order to be eligible for a farm-storage loan, beans must have been stored for at least 30 days prior to inspection for measurement, sampling, and sealing, unless otherwise approved by the State PMA committee.

§ 601.174 *Warehouse receipts.* Warehouse receipts, representing beans in approved warehouse-storage to be placed under loan or delivered under a purchase agreement, must meet the requirements below:

(a) Warehouse receipts must be issued in the name of the producer or cooperative marketing association, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse. The receipts must be negotiable and must cover eligible beans actually in store in the warehouse.

(b) Each warehouse receipt must set forth in its written terms that the beans are insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(c) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the net weight of beans, the class, and the grade or all grading factors used in the determination of the quality of the beans.

(d) In the case of warehouse-stored beans where the warehouseman does not guarantee the quantity and quality shown on the warehouse receipt, the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.179 (b).

§ 601.175 *Determination of quantity—*(a) *When loans are made.* At the time the loan is made, the quantity of beans may be determined either by weight or, if stored in bulk, by measurement. Where quantity is determined by measurement, 2.1 cubic feet shall constitute 100 pounds.

If the beans grade U. S. No. 2 or better, loans shall be made on the basis of the net weight of the lot; otherwise, loans shall be made on the basis of the net weight of sound beans in the lot. Sound beans shall be beans free of dockage and other defects as defined in the United States Standards for Beans.

If the beans are stored in sacks, a deduction of ¾ pound per sack shall be made from the gross weight of sacked beans, except where the net weight is shown on the warehouse receipt.

(b) *At time of delivery.* The quantity of beans delivered to CCC from other than an approved warehouse, or delivered in an approved warehouse where the warehouseman does not guarantee quantity, will be determined on the basis of official net weight at the point of delivery, evidenced by scale tickets.

The quantity of beans delivered to CCC in an approved warehouse where the warehouseman guarantees the quantity shall be the net weight of beans specified on the warehouse receipt or supplemental certificate.

§ 601.176 *Determination of quality.* The class, grade and all quality factors shall be determined in accordance with the United States Standard for Beans. An inspection certificate issued by a licensed inspector is required on all farm-storage loans.

Where quality is guaranteed by the warehouseman, the class and grade delivered under a warehouse-storage loan or purchase agreement shall be that shown on the warehouse receipt. In all other cases, the class and grade shall be determined from a Federal or Federal-State inspection certificate, issued by or under the supervision of the Grain Branch, PMA.

§ 601.177 *Loss or damage to the beans—*(a) *Farm-storage.* The producer is responsible for any loss in quantity or quality of the beans placed under farm-storage loan, except that uninsured physical loss or damage, other than shrinkage, occurring without fault, negligence, or conversion on the part of the producer, or on the part of the person operating or in charge of the storage structure, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, to the extent of the settlement value, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

(b) *Warehouse-storage.* In the case of loss or damage to beans in warehouse storage where the warehouseman guarantees the quantity and quality shown on the warehouse receipt, the producer's account will be credited in the amount of such loss or damage in accordance with paragraph (c) of this section.

If the warehouseman does not guarantee the quantity and quality shown on the warehouse receipt, the producer has the same responsibility for loss or damage to the beans as in the case of farm-storage loans.

(c) *Credit for loss or damage.* The amount to be credited to the producer shall be determined by multiplying the number of cwt. of sound beans lost or destroyed by the support rate for U. S. No. 2 beans of the class lost or destroyed, except that if the warehouse receipt or an official inspection certificate covering the beans shows a grade of U. S. No. 2 or better, the amount credited shall be determined by multiplying the net weight of the beans lost or destroyed by the support rate for the class and grade of such beans.

§ 601.178 *Maturity of loans.* Loans mature on demand but not later than April 30, 1951.

§ 601.179 *Delivery of beans to CCC.* If beans are delivered by the producer to CCC under a loan or a purchase agreement, the following terms and conditions shall apply with respect to packaging and charges. If the warehouse receipt represents beans not commercially cleaned and graded, the producer must arrange to resubmit warehouse receipts on cleaned, graded, and bagged beans at the time of delivery in accordance with instructions issued by the county committee.

(a) *Packaging.* Beans must be packed 100 pounds net in bags equal to or better than (1) new bags made of 36-inch, 10.4 ounce A or B quality common jute or heavier weight jute, or (2) new cotton bags, 36-inch, 2.34 yards osnaburg or 40-inch 2.50 yard osnaburg. If new bags are not available, beans may be packed in No. 1 used bags made of 36-inch, 10.4 ounce A or B quality jute or heavier, free of holes, patches, or other defects, satisfactory for the proper conservation of the product, and thoroughly cleaned before being filled. Bag seams must be sufficiently strong to develop the full strength of the cloth. Bags will be marked to show the commodity name and class, and the net weight when packed; and the name and address of the packer.

(b) *Charges.* Storage, bagging, cleaning, inspection fees and all other charges, including cost of movement to normal railroad shipping points where the warehouse is not located on a railroad (but not including receiving and loading-out charges), incurred on beans up to the time of delivery to CCC, shall be paid by the producer prior to such delivery or

shall be paid from the settlement value: *Provided however*, That on the quantity of eligible beans stored in an approved warehouse and delivered to CCC under a loan or purchase agreement, CCC will asume warehouse storage charges (not in excess of those allowed under the storage agreement in effect for the 1950 crop with CCC) accruing from May 1, 1951.

If delivery is made to CCC in an approved warehouse, and the warehouseman does not guarantee the quantity and quality shown on the warehouse receipt, the producer shall pay any unpiling, turning, repiling, or other warehouse charges, except loading-out charges, incident to official weight and grade determinations.

§ 601.180 *Support rates*—(a) *Loan rates.* (1) The loan rate for eligible beans grading U. S. No. 2 or better, and meeting the packaging requirements of § 601.179 (a), shall be the applicable support rate for the class, grade, and county where produced. Any charges specified in § 601.179 (b) which are unpaid shall be paid from the proceeds of the loan.

(2) The loan rate for all other eligible beans shall be $4.25 per 100 pounds of sound beans. All such beans, when and if delivered to CCC, must meet all requirements of §§ 601.176 and 601.179.

(b) *Support rates.* The support rates per 100 pounds net weight established for dry edible beans are as follows:

Class and area	Support rates: U. S. Choice Hand-Picked and U. S. Extra No. 1	U. S. No. 1	U. S. No. 2
Pinto—Continued			
Area IV—All counties in Utah, in Colorado, the counties of Dolores, Montezuma, and San Miguel	$6.99	$6.89	$6.64
Area V—All other States and counties	6.88	6.78	6.53
Pea and Medium White			
Michigan, New York, Minnesota	7.02	6.92	6.67
Other	6.52	6.42	6.17
Great Northern			
Area I—Nebraska and the counties of Goshen, Laramie, Platte, Converse[1] and Natrona[1] in Wyoming	6.73	6.63	6.38
Area II—Montana, South Dakota, and all counties in Wyoming[2] except Goshen, Laramie and Platte	6.51	6.41	6.16
Area III—Malheur County, Oregon, and the counties of Ada, Bannock, Bear Lake, Bingham, Boise, Canyon, Caribou, Cassia, Elmore, Franklin, Gem, Gooding, Jerome, Lincoln, Minidoka, Oneida, Owyhee, Payette, Power and Twin Falls in Idaho	6.36	6.26	6.01
Area IV—All other States and counties	6.26	6.16	5.91
Small White and Flat Small White	7.07	6.97	6.72
Light, Dark, and Western Red Kidney	8.37	8.27	8.02
Cranberry	7.72	7.62	7.37
Pink	7.17	7.07	6.82
Small Red	6.72	6.62	6.37
Baby Lima	7.12	7.02	6.77
Large Lima	8.72	8.62	8.37

Class and area	Support rates: U. S. Choice Hand-Picked and U. S. Extra No. 1	U. S. No. 1	U. S. No. 2
Pinto			
Area I—All counties in Arizona, California, Nebraska, Texas, Kansas. In Colorado, the counties of Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Clear Creek, Crowley, Denver, Douglas, Elbert, El Paso, Fremont, Gilpin, Huerfano, Jefferson, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Teller, Washington, Weld, and Yuma. In New Mexico, all counties except McKinley, Rio Arriba, San Juan, Taos, and Valencia. In Wyoming, the counties of Goshen, Laramie, Platte, Converse[1] and Natrona[1]	$7.28	$7.18	$6.93
Area II—In New Mexico, the counties of McKinley and Valencia	7.15	7.05	6.80
Area III—All counties in Montana and South Dakota. In Colorado, the counties of Alamosa, Archuleta, Chaffee, Costilla, Conejos, Custer, Delta, Eagle, Garfield, Grand, Gunnison, Hinsdale, Jackson, Lake, La Plata, Mesa, Mineral, Moffatt, Montrose, Ouray, Park, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, and Summit. In Wyoming, all counties[2] except Goshen, Laramie and Platte. In New Mexico, the counties of Rio Arriba, San Juan and Taos	7.07	6.97	6.72

[1] Applicable to beans produced in Converse and Natrona Counties if they have been transported to Goshen County by truck.

[2] Beans produced in Converse and Natrona Counties unless they have been transported to Goshen County by truck.

(c) *Storage in transit.* Reimbursement will be made by CCC to producers and warehousemen for paid-in rail freight (including freight tax) on beans stored in approved warehouses, subject to the following conditions:

(1) The movement from point of origin to storage point must be an "in-line" movement as determined by CCC.

(2) The freight must have been paid in by the person claiming reimbursement and he must not have been otherwise reimbursed.

(3) The warehouseman must furnish the descriptive data on all freight bills or transit tonnage slips on all eligible beans received into the storage facility at the time and in the manner stipulated in the storage agreement in effect with CCC for the 1950 crop.

(4) The freight bills or transit tonnage slips must be made available to CCC in accordance with the provisions of the storage agreement in effect with CCC.

(5) Not more than one transit stop must have been used on the billing.

(6) The freight bills must be otherwise acceptable to CCC under the terms of the storage agreement.

Reimbursement for paid-in freight under this paragraph will be made by the appropriate PMA commodity office subsequent to actual delivery of the beans to CCC pursuant to a loan or purchase agreement.

(d) *Settlement.* Settlement must be made at the support rate for the county in which the beans are produced irrespective of where they are stored or delivered.

(1) *Loans.* In the case of farm-storage loans, and warehouse-storage loans where the warehouseman does not guarantee quality and quantity, settlement shall be made at the applicable support rate for the class and grade of the total quantity delivered.

If the beans are of a grade for which no support rate has been established, the settlement value shall be the settlement rate established for the grade placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade placed under loan and the market price of the beans delivered as determined by CCC: *Provided, however*, That if such beans when placed under loan were not of a grade for which a support rate has been established, the settlement value shall be the settlement value for the lowest grade for which a support rate has been established, less the difference, if any, at the time of delivery, between the market price for such grade and the market price of the beans delivered, as determined by CCC.

(2) *Purchase agreements.* Under purchase agreements, beans will be purchased at the applicable support rate for the class and grade of the eligible beans delivered.

Issued this 12th day of July 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 50-6247; Filed, July 18, 1950; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 558, Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

PINK BOLLWORM; ADMINISTRATIVE INSTRUCTIONS AUTHORIZING METHODS OF TREATING COTTONSEED AND MOVEMENT OF COTTONSEED FROM HEAVILY INFESTED AREA TO ANY DESTINATION UPON CERTAIN TREATMENT

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of Pink Bollworm Quarantine No. 52 (7 CFR 301.52), under section 8 of the Plant Quarantine Act, as amended (7 U. S. C. 161), and having determined that facts exist as to the pest risk involved which make it safe to modify, by making less stringent, the requirements contained in § 301.52–3 and § 301.52–4 (c) (1) and (2) of the regulations under such quarantine, the following revision of administrative instructions authorizing additional methods of treating cottonseed (7 CFR 301.52–4a; 14 F. R. 5733, 15 F. R. 840) is hereby adopted:

§ 301.52–4a *Administrative instructions authorizing methods of treating cottonseed and movement of cottonseed from heavily infested area to any destination upon certain treatment*—(a) *Cottonseed from lightly infested area.* For cottonseed originating in the counties of Andrews, Bailey, Baylor, Borden, Brown, Callahan, Childress, Cochran, Coke, Coleman, Collingsworth, Concho, Cottle, Crane, Crosby, Dawson, Dickens, Donley, Ector, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hardeman, Haskell, Hockley, Howard, Irion, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Martin, Mason, McCullock, Menard, Midland, Mitchell, Motley, Nolan, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackleford, Sterling, Stonewall, Taylor, Terry, Throckmorton, Tom Green, Upton, Wheeler, Wichita, Wilbarger, and Yoakum, in Texas, the counties of Beckham, Caddo, Greer, Harmon, Jackson, Kiowa, Tillman, and Washita, in Oklahoma, and the counties of Curray, Lea, Quay, and Roosevelt, in New Mexico, the required heat treatment incidental to certification may be accomplished at plants designated by the Chief of the Bureau as provided in § 301.52–5: *Provided*, That in lieu of the required heat treatment, methyl bromide fumigation under the supervision of an inspector may be substituted under the following exacting conditions:

(1) *Methyl bromide fumigation of sacked cottonseed.* The seed shall be treated in an approved fumigation chamber with methyl bromide at a dosage of 3 pounds per 1,000 cubic feet for an exposure period of 24 hours. The seed shall be sacked and stacked on a floor rack which will allow circulation beneath the seed. The bulk temperature of the seed at the beginning of the fumigation shall be 60° F. or above. A circulating fan shall be operated for a period of 30 minutes after the introduction of the fumigant.

An approved fumigation chamber shall be one lined with sheet metal, with all openings fitted tightly against a double row of molded sponge rubber gasketing. Chambers more than 100 cubic feet capacity shall have a combination circulating and venting system. Chambers of less than 100 cubic feet shall have a circulating fan. All chambers must pass a pressure test whereby the time lapse is more than 22 seconds for an internal pressure of 50 mm. on a kerosene-filled open arm manometer to recede to 5 mm. pressure.

(2) *Methyl bromide fumigation of bulk cottonseed in stationary chambers*—(i) *Equipment.* The fumigation chamber shall be cylindrical in shape, with walls and top made of sheet steel. All joints or seams must be gastight. It shall have a foundation and base of concrete. The chamber shall have a false floor raised at least 12" above the concrete bottom perforated by ¼" holes 4 inches apart in each direction. The floor joists shall be staggered so that free circulation of air beneath the floor can be obtained. It will be permissible to install a screw conveyor beneath the floor, protected by an inverted V-shaped tunnel, to remove cottonseed from the chamber. All entrances to the chamber, except the exit conveyor channel, must be provided with covers that can be clamped in place against sponge rubber gaskets, or be sealed in some manner, to provide a gastight closure.

Each chamber must be provided with a circulatory system which can draw air from beneath the false floor and return it to the top of the chamber above the load line. This system can be contained entirely within the tank by boxing in the motor and blower on the floor near one wall, and running the return duct up the inside of the wall. If the blower and return duct are outside of the chamber, the blower housing and all ducts must be gastight. The blower intake shall be connected to two lateral ducts, one across the center of each half of the bottom of the chamber. These ducts shall have four or five openings spaced equidistant along their length, and adjusted so as to take in approximately equal portions of air at each opening. The duct may be buried in the concrete floor with only the risers opening above the level of the concrete, or it can be laid directly on the concrete surface.

The blower shall have sufficient capacity to establish air circulation through a full load of cottonseed within 10 minutes. (This fact will be determined by pressure readings above and below the load of cottonseed.) In experimental tests, a blower with a blade wheel 40" in diameter, run at 1800 r. p. m., established air circulation in 8 minutes in a 54,580 cu. ft. chamber through seed 40' deep. As near as can be determined, this blower had a rating of 6000 to 8000 c. f. m. at a static pressure of 10".

The return duct shall be arranged so that the discharge can be diverted to the open air in order that the fumigant can be evacuated at the end of the exposure period.

(ii) *Dosage.* The dosage of methyl bromide to be used in the case of all-metal cylindrical fumigation chambers shall be as follows:

Average seed temperature	Dosage rate (lb. per 1,000 cu. ft.)	Exposure period (hours)
60° F. or above	4	24
	6	12
Below 60° F	5	24
	7.5	12

The dosage shall be introduced as a spray into the return duct at some point beyond the blower.

The circulatory system shall be operated at the beginning for a period to be designated by the inspector in charge.

(3) *Methyl bromide fumigation of bulk cottonseed in railway cars or vans*—(i) *Equipment.* All-metal freight cars or all-metal trucking vans will be acceptable as fumigation chambers. The floor of the car or van may be of wood of tight construction. The doors must be single doors and not over 7 feet in width. Sisal-kraft paper shall be used to cover wooden floors of cars or vans. Doors and other apertures must be sealed in a manner and with materials as required by the inspector.

Each railway car or trucking van shall be prepared so that air can be withdrawn from beneath the seed and returned to the space above the load. This shall be provided by a dispensable duct system made of 4" downspout perforated at 2" intervals on three sides, laid on the car floor. A portable blower with connecting tubular duct shall be attached to the duct system in the car long enough to provide the required circulation. This blower shall have a capacity of not less than 625 CFM against 5" static pressure, and shall be of a design that can be made gastight. The intake side of the blower shall be connected with the duct outlet extended through a paper grain door (installed in the aperature of the regular door) by means of a 10' length of 6" spiral tubing. A 15' length of 8" spiral tube shall be connected to the exhaust side of blower to return the air to the space above the load.

(ii) *Dosage.* The dosage of methyl bromide to be used in the case of all-metal railway cars or all-metal trucking vans shall be as follows:

Average seed temperature	Dosage rate (lb. per 1,000 cu. ft.)	Exposure period (hours)
60° F. or above	7	24
Below 60° F	8	24

The dosage shall be introduced as a gas into the return duct at some point beyond the blower. The gas must be volatilized as it is introduced into the chamber in manner and method required by the inspector.

The railway car or trucking van shall be loaded in such manner as to leave a two-foot air space above the seed.

(b) *Cottonseed from heavily infested area.* Cottonseed located within heavily infested areas, as defined in § 301.52–2, which has been treated as provided in § 301.52–4 (c) (1) as a part of the continuous process of ginning and subsequently protected from contamination and in addition has been given, within the heavily infested area, any one of the following additional treatments in approved equipment under the supervision of an inspector and in a manner approved by him, may be certified for movement to any destination.

(1) *Additional heat treatment.* A second heat treatment shall be given with steam as the heating medium in an apparatus separate and apart from the gin or gins which applied the initial heat treatment. The mass temperature of the seed must be raised to at least 155° F. during an exposure period of 2 minutes. The exposure period is the length of time required for the seed to travel from point of entrance into the heater to the point where the temperature reading of the seed is taken beyond the exit of the heater. The heating apparatus must be so constructed as to apply an adequate amount of live steam to the seed promptly upon entrance into the apparatus, and radiated heat for the full length of the heating unit. The apparatus shall be constructed so as to assure a constant

and uniform flow of cottonseed through the machine when in operation and equipped with devices which will stir the seed so as to expose each seed to both the introduced steam and radiated heat during the entire exposure period.

(2) *Methyl bromide fumigation of bulk or sacked cottonseed.* As an alternative treatment, any type of methyl bromide fumigation authorized in subparagraphs (1), (2) or (3) of paragraph (a) of this section for certain counties in the lightly infested area may be employed as the additional treatment.

The Bureau of Entomology and Plant Quarantine has made tests which show that methyl bromide fumigation of cottonseed does not affect its germination or processing qualities. It has not, however, had an opportunity to test seed under all conditions or from all areas. Those who elect to use this method of treatment are, therefore, hereby notified that no liability shall be attached to the Department of Agriculture or any of its employees for damage to seed that might result from application of the treatment of cottonseed with methyl bromide.

(c) *Approval.* All containers, equipment and apparatus for treatments under these instructions shall be approved by the Bureau of Entomology and Plant Quarantine. Inspectors will approve only such containers, equipment and apparatus as are suitable and effective for the purpose. Any person contemplating the erection of equipment or the use of railway freight cars or trucking vans as fumigation chambers under these instructions should make application and submit plans of proposed structures for approval to the Bureau of Entomology and Plant Quarantine. After construction of fumigation chambers, the Bureau of Entomology and Plant Quarantine will require performance tests of the loaded chambers as shall be deemed necessary before final approval is granted. The use of all-metal railway cars or trucking vans as fumigation chambers is available to all shippers from the counties listed in paragraph (a) of this section, but utilization of this procedure will be governed by the trained and competent personnel available that can be assigned to the supervision of this type of fumigation. This provision definitely limits the number of shipping points that it will be possible to designate. Each individual railway car or trucking van must be approved by an inspector of the Bureau of Entomology and Plant Quarantine before loading with cottonseed to be fumigated. Certificates for movement of seed treated with methyl bromide will be refused if satisfactory fumigation has not been obtained in accordance with performance tests made of the loaded railway car, trucking van, or other approved fumigation chamber.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

These instructions shall become effective July 19, 1950, when they shall supersede B. E. P. Q. 558, effective June 11, 1948, as amended September 20, 1949, and February 16, 1950 (7 CFR 301.52–4a, as amended; 14 F. R. 5733, 15 F. R. 840).

These revised administrative instructions add the counties of Curry and Quay, New Mexico to the lightly infested area in which certain treatments may be applied as a means of securing certification for movement to any destination. Such treatments are not now authorized for use in these counties. The revision also authorizes a new method of fumigating bulk cottonseed in railway cars or trucking vans as a second treatment preliminary to certification for movement from the heavily infested area to any destination. The revision therefore relieves restrictions heretofore imposed. It is important that shippers be afforded this relief at the earliest possible date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found, upon good cause, that notice and public procedure on this amendment are impracticable and contrary to the public interest, and good cause is found for the issuance of the revision effective less than 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 10th day of July 1950.

[SEAL] AVERY S. HOYT,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 50-6248; Filed, July 18, 1950; 8:51 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Rev. 1]

PART 811—SUGAR REQUIREMENTS: CONTINENTAL UNITED STATES

REQUIREMENTS FOR 1950

Basis and purpose. The revised determination set forth below is made pursuant to section 201 of the Sugar Act of 1948. The act requires that the Secretary shall revise the determination of sugar consumption requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of consumption requirements for the calendar year 1950 is necessary. The purpose of this revision is to make such estimate conform to the requirements indicated on the basis of the factors specified in section 201 of the act.

Since the determination of sugar consumption requirements is an important price factor, compliance with the notice and procedure requirements of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C., 1001) is likely to result in excessive speculation and disorderly marketing of sugar. Moreover, in order effectively to carry out the purposes of the Sugar Act, it is necessary that the revision of the determination be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest, and the revision of the determination made herein shall be effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C., Supp. I, 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001) Sugar Regulation 811, the determination of the amount of sugar needed to meet the requirements of consumers in the continental United States for 1950 (14 F. R. 7751), is hereby revised to read as follows:

§ 811.2 *Consumption requirements, 1950.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1950 is hereby determined to be 7,850,000 short tons, raw value.

Statement of bases and considerations. On December 22, 1949, it was announced that the quantity of sugar needed to meet requirements of consumers in the continental United States during the calendar year 1950 was 7,500,000 short tons, raw value.

Distribution of sugar during the first six months of 1950 exceeded distribution during the same period of 1949 by about 170,000 tons. Distribution for all of 1949 totalled 7,580,000 tons.

Authough this increase in distribution undoubtedly reflects some rebuilding of inventories of industrial users, wholesalers and others, it is apparent that demand for sugar is in excess of that contemplated when the initial consumption estimate was announced last December. The additional tons is provided to meet this increased demand. The revised total of 7,850,000 tons should be adequate to provide all buyers with needed supplies at fair prices.

Except to the extent modified herein, the Statement of Bases and Considerations contained in the determination dated December 22, 1949, is unchanged.

(Sec. 403, 61 Stat. 932; 7 U. S. C., Sup., 1153. Interprets or applies sec. 201, 61 Stat. 923; 7 U. S. C., Sup., 1111)

Done at Washington, D. C., this 13th day of July 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 50-6235; Filed, July 18, 1950; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Cauliflower Order 1—1950]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA AND SAGUACHE COUNTIES IN COLORADO

REGULATION BY GRADES AND SIZES

§ 910.312 *Cauliflower Order 1—1950*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 10, as amended (7 CFR Part 910), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the grade and size limitations, as hereinafter provided, with respect to shipments of cauliflower, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when it must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. A reasonable determination as to the supply of, and the demand for, such cauliflower must await the development of the crop; official estimates of the Department of Agriculture with respect to acreage and probable production were not available prior to July 11, 1950; the supply and quality of cauliflower are subject to change by weather conditions; shipments of the current crop of cauliflower are expected to begin on or very soon after July 20, 1950, and this section should be applicable to all shipments of such cauliflower in order to effectuate the declared policy of the act and thereby tend to maximize the benefits derivable therefrom; and compliance with the provisions of the section will not require any preparation therefor by handlers which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., July 20, 1950, and ending at 12:01 a. m., m. s. t., October 16, 1950, no handler shall handle any cauliflower:

(i) That does not grade U. S. No. 1;

(ii) That is of a size smaller than four inches in diameter or larger than seven inches in diameter: *Provided*, That not more than five percent, by count of the heads comprising the lot, may be of a size smaller than four inches in diameter, and not more than 15 percent, by count of the heads comprising such lot, may be of a size larger than seven inches in diameter; or

(iii) That is not of fairly uniform size.

(2) During the period beginning at 12:01 a. m., m. s. t., July 20, 1950, and ending 12:01 a. m., m. s. t., August 6, 1950, no handler shall handle any cauliflower that does not meet the requirements of subparagraph (1) of this paragraph and the following additional requirements:

(i) Any cauliflower which, when well trimmed, packs fairly tight in a crate at least 11 but not more than 14 heads: *Provided*, That, if such cauliflower is without jacket leaves, not less than 24 nor more than 32 heads will pack such crate fairly tight.

(3) During the period beginning at 12:01 a. m., m. s. t., August 6, 1950, and ending at 12:01 a. m., m. s. t., October 16, 1950, no handler shall handle any cauliflower that does not meet the requirements of subparagraph (1) of this paragraph and the following additional requirements:

(i) Any cauliflower which, when well trimmed, packs fairly tight in a crate at least 11 but not more than 12 heads: *Provided*, That, if such cauliflower is without jacket leaves, not less than 24 nor more than 32 heads will pack fairly tight in a crate.

(4) As used in this section:

(i) The term "fairly uniform" means that the diameter of the largest head is not more than two and one-half inches greater than that of the smallest head;

(ii) The term "fairly tight" means that the cauliflower heads packed in the crate have no more than a slight movement in such crate, but not so much movement that there will be any injury to the heads under ordinary handling conditions, and will not be so loose as to permit the addition of another head;

(iii) The term "crate" means a crate having inside dimensions of 8½ inches by 17½ inches by 21⅝ inches;

(iv) The terms "U. S. No. 1," "full jacket leaves," "diameter," "well trimmed," "lot," and "size" shall each have the same meaning as when used in the United States Standards for cauliflower (7 CFR 51.171); and

(v) The terms "cauliflower," "handler," and "handle" shall each have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 17th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch.

[F. R. Doc. 50-6283; Filed, July 18, 1950; 11:04 a. m.]

PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

APPROVAL OF AMENDMENT

Pursuant to the provisions of § 927.4 (b) of Order No. 27, as amended (7 CFR, 927.0 et seq.), regulating the handling of milk in the New York metropolitan milk marketing area, the tentative amendment issued on July 5, 1950, by the market administrator of said Order No. 27, as amended, to the rules and regulations heretofore issued (7 CFR, 927.101 et seq.), pursuant to the provisions of said Order No. 27, as amended, is hereby approved and shall be effective on and after the first day of August 1950.

Order No. 27, as amended, requires that such rules and regulations, and amendments thereto, become effective on the first day of the month following their approval by the Secretary of Agriculture. The changes effected by this amendment to the rules and regulations to some extent tend to relieve restriction and otherwise do not require substantial or extensive preparation by handlers prior to the effective date of the amendment. Furthermore, the said tentative amendment, as issued by the market administrator on July 5, 1950, was sent, on or about that date, to all handlers operating pool plants. In these circumstances, the time intervening between the date of approval of the tentative amendment and its effective date affords handlers a reasonable time to prepare for its effective date. It is, therefore, found and determined that August 1, 1950, herein fixed as the effective date for the said amendment, is reasonable and proper in the circumstances and that to defer the effective date of the said amendment to a date 30 days or more after publication in the FEDERAL REGISTER would be impracticable, unnecessary, and contrary to the public interest.

(48 Stat. 31, as amended; 670, 675; 7 U. S. C. 601 et seq.; 7 CFR, 927.1 et seq., 14 F. R. 1466, 3443)

Done at Washington, D. C., on this 14th day of July 1950.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 50-6251; Filed, July 18, 1950; 8:51 a. m.]

[Reg. 6, Amdt. 1]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (15 F. R. 311), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established under said marketing agreement and order, as amended, and upon other available information, it is hereby found that the termination of the skinning requirement with respect to all varieties of potatoes, except the Russet Burbank variety, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (5 U. S. C. 1001 et seq.) because the time intervening between the date

when information upon which this amendment is based and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon.

Order, as amended. The provisions in paragraph (b) (2) of § 957.306 (Regulation No. 6, 15 F. R. 4216) are hereby amended to read as follows:

(2) During the period ending 12:01 a. m., m. s. t., November 1, 1950, no handler shall ship Russet Burbank potatoes which do not comply with the aforesaid grade and size requirements and which are more than "moderately skinned", as such term is defined in the United States Standards for Potatoes (14 F. R. 1955, 2161), which means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or feathered, and no handler shall ship round red varieties if more than 20 percent of the potatoes in the lot have more than one-half of the skin missing or feathered: *Provided*, That one lot of each variety of not to exceed 200 hundredweight of such potatoes may be handled without regard to the aforesaid skinning requirement if the handler thereof reports, prior to such handling, the name and address of the producer of such lot, and such lot is handled as an identifiable entity.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 14th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6252; Filed, July 18, 1950; 8:51 a. m.]

PART 986—HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

DETERMINATION RELATIVE TO INCREASE IN BUDGET OF EXPENSES OF HOP CONTROL BOARD FOR PERIOD JULY 2, 1949, TO JULY 31, 1950, INCLUSIVE

Notice was published in the June 27, 1950, issue of the FEDERAL REGISTER (15 F. R. 4117) that consideration was being given to the approval of an increase in the budget of expenses for the Hop Control Board established pursuant to Marketing Agreement No. 107 and Order No. 86 (7 CFR, Part 986; 14 F. R. 3660) regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters set forth in the aforesaid notice, including the proposal which was submitted by the Hop Control Board, it is hereby found and determined that § 986.300 (b) should be amended to read as follows:

(b) *Budget of expenses for the period July 2, 1949, to July 31, 1950, inclusive.* Expenses in the amount of $118,675.95 are reasonable and likely to be incurred by the Hop Control Board (including, but not limited to, the Growers Allocation Committee and the several Growers Advisory Committees) established pursuant to the provisions of the marketing agreement and order, for its maintenance and functioning, during the period July 2, 1949, through July 31, 1950.

It is hereby further found that it is necessary to make this increase effective not later than the date of the publication of this document in the FEDERAL REGISTER. The end of said budget period is less than 30 days distant and all expenses will need to be incurred before that time. Such expenses will also need to be paid promptly. It has not been practicable to determine heretofore the exact amount of increase which would be needed. No advance preparation for this regulation is required. Therefore, good cause exists for not delaying the effective date of this regulation beyond the date of its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. Sup., 608c)

Done at Washington, D. C., this 14th day of July 1950, to be effective on and after 12:01 a. m., P. d. s. t., on the date of the publication of this document in the FEDERAL REGISTER.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 50-6249; Filed, July 18, 1950; 8:51 a. m.]

PART 989—HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

STORAGE; RESERVE AND SURPLUS TONNAGE

Notice of proposed rule making was published in the June 21, 1950, issue of the FEDERAL REGISTER (15 F. R. 3986) regarding the amendment of the administrative rules and regulations (15 F. R. 108) for operations under Marketing Agreement No. 109 and Order No. 89 (14 F. R. 5136) regulating the handling of raisins produced from raisin variety grapes grown in California (hereinafter referred to as the "order") so as to prescribe the percentage of shrinkage which handlers would be allowed on reserve and surplus tonnage raisins stored by them for the Raisin Administrative Committee (hereinafter referred to as the "committee"). This percentage was prescribed pursuant to the provisions of § 989.4 (e) (2) and (8) of said order. Such proposed rule had been submitted to the Secretary of Agriculture for approval, as required by the provisions of the said order. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

In said notice, opportunity was afforded interested persons to submit to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington, D. C., written data, views, or arguments for consideration prior to the final approval by the Secretary of the proposed amendments of the administrative rules and regulations. No such written data, views, or arguments were submitted, and the time for filing them has now expired.

After further consideration of all relevant data it is concluded that the proposed rule with respect to the percentage of shrinkage as set forth in the aforesaid notice should be approved. *Therefore, it is hereby ordered*, That a new paragraph, (e), be added at the end of § 989.104 of the aforementioned administrative rules and regulations (15 F. R. 108) to read as follows:

(e) *Storage.* Each handler shall be entitled to an allowance of one percent for normal and natural shrinkage in weight, while in storage, of reserve or surplus tonnage raisins acquired by him during any crop year prior to May 1 and delivered to the committee, or to any person designated by it, on or after May 1 of that crop year, and to no allowance for such shrinkage as to reserve or surplus tonnage raisins acquired during any crop year after May 1, or acquired and delivered during any crop year prior to May 1.

It is hereby further found that it is necessary to make effective not later than the date of publication of this document in the FEDERAL REGISTER this percentage of shrinkage which handlers will be allowed on reserve and surplus tonnage raisins stored by them for the committee in that: this percentage is applicable, by the provisions of the said order, to all reserve and surplus tonnage raisins acquired and stored by handlers prior to May 1 and delivered to the committee after May 1 of any crop year; substantial quantities of reserve and surplus tonnage raisins falling within this category have already been delivered to the committee, or to persons designated by it; and it is essential that the determination regarding the percentage of normal shrinkage which handlers will be allowed in this connection be made as soon as is practicable so that handlers' accounts may be adjusted for such shrinkage promptly, particularly since this crop year will expire on August 14, 1950. No advance preparation for this regulation is required. Therefore, good cause exists for not delaying the effective date of this regulation beyond the date of its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Approved at Washington, D. C., this 14th day of July 1950, to become effective at 12:01 a. m., P. d. s. t., on the date of the publication of this document in the FEDERAL REGISTER.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 50-6250; Filed, July 18, 1950; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regs. 11]

PART 189—BOTTLING OF TAX-PAID DISTILLED SPIRITS

Preamble: 1. These regulations, Regulations 11, "Bottling of Tax-Paid Distilled Spirits" (26 CFR Part 189), shall, on and after September 1, 1950, supersede Regulations 11, 1940 Edition (26 CFR Part 189; 5 F. R. 1905); and Treasury Decisions 5002 (5 F. R. 2821), 5318 (9 F. R. 252), 5465 (10 F. R. 8736), 5541 (11 F. R. 10275), 5597 (13 F. R. 271), 5619 (13 F. R. 3089), 5625 (13 F. R. 3605), 5637 (13 F. R. 3732), 5671 (13 F. R. 6953), 5704 (14 F. R. 3051), 5719 (14 F. R. 4902), 5730 (14 F. R. 4922), 5761 (14 F. R. 7231), and 5780 (15 F. R. 1840).

2. These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability or forfeiture incurred prior to such date.

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AUTHORITY: §§ 189.1 to 189.376 issued under R. S. 161, 53 Stat. 375; 5 U. S. C. 22, 26 U. S. C. 3176. Interpret or apply 53 Stat. 303, as amended, 331; 26 U. S. C. 2803, 2871. Other statutory provisions interpreted or applied are cited to text in parentheses.

LAWS OF MORE COMMON APPLICATION PERTAINING TO THE BOTTLING OF TAX-PAID DISTILLED SPIRITS [1]

SEC. 161, R. S. 5 U. S. C. 22 DEPARTMENT REGULATIONS. The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers and property appertaining to it.

26 U. S. C. 2801 RECTIFIED SPIRITS.

* * * * * *

(b) *Proof and volume.* When the process of rectification is completed and the taxes prescribed by section 2800 (a) (5) have been paid, it shall be unlawful for the rectifier or other dealer to reduce in proof or increase in volume such spirits or wine by the addition of water or other substance; nothing herein contained shall, however, prevent a rectifier from using again in the process of rectification spirits already rectified and upon which the taxes have theretofore been paid.

* * * * * *

26 U. S. C. 2803 STAMPS FOR CONTAINERS OF DISTILLED SPIRITS.

(a) *Requirement.* No person shall transport, possess, buy, sell, or transfer any distilled spirits, unless the immediate container thereof has affixed thereto a stamp denoting the quantity of distilled spirits contained therein and evidencing payment of all internal-revenue taxes imposed on such spirits. The provisions of this section shall not apply to:

(1) Distilled spirits placed in a container for immediate consumption on the premises or for preparation for such consumption;

(2) Distilled spirits in bond or in customs custody;

(3) Distilled spirits in immediate containers required to be stamped under existing law;

(4) Distilled spirits in actual process of rectification, blending, or bottling, or in actual use in processes of manufacture;

(5) Distilled spirits on which no internal-revenue tax is required to be paid;

(6) Distilled spirits not intended for sale or for use in the manufacture or production of any article intended for sale; or

(7) Any regularly established common carrier receiving, transporting, delivering, or holding for transportation or delivery distilled spirits in the ordinary course of its business as a common carrier.

(b) *Purchase and supply.* Any person placing or intending to place any distilled spirits upon which all internal-revenue taxes have been paid into any container upon which a stamp is required by this section, or withdrawing or intending to withdraw any imported spirits in such containers from customs custody, shall be entitled to purchase sufficient stamps for stamping such containers. Such stamps shall be issued by the Commissioner to each Collector, upon his requisition, in such numbers as may be necessary in his district, and shall be sold by the Collectors to persons entitled thereto upon application therefor and compliance with regulations under this section, at a price of 1 cent for each stamp, except that in the case of stamps for containers of less than one-half pint the price shall be one quarter of 1 cent for each stamp. When in his judgment there is no danger to the revenue, and upon the giving of such bonds or other security as he may deem necessary, the Commissioner may authorize the sale of such stamps to importers for stamping containers in the country from which imported.

(c) *Unused stamps; exchange, refund, etc.* The Commissioner of Internal Revenue, under regulations prescribed by him and approved by the Secretary of the Treasury, may redeem or make allowance for any unused stamps issued under section 203 of the Liquor Taxing Act of 1934 or subsection (b) of this section by exchanging them for other stamps of the same kind or by refunding moneys received therefor: *Provided,* That stamps may be exchanged or the value thereof refunded only in quantities of the value of $5 or more: *And provided further,* That no claim for the exchange of strip stamps or refund therefor shall be allowed unless presented within two years after the date on which such stamps were lawfully issued. There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this provision.

(d) *Regulations for issuing, affixing, and canceling stamps.* The Commissioner, with the approval of the Secretary, shall prescribe (a) regulations with respect to the time and manner of applying for, issuing, affixing, and destroying stamps required by this section, the form and denominations of such stamps, proof that applicants are entitled to such stamps, and the method of accounting for receipts from the sale of such stamps, and (b) such other regulations as he shall deem necessary for the enforcement of this section.

(e) *Destruction of stamps.* Every person emptying any container stamped under the provisions of this section shall at the time of emptying such container destroy the stamp thereon.

(f) *Forfeiture of spirits.* All distilled spirits found in any container required to bear a stamp by this section, which container is not stamped in compliance with this section and regulations issued thereunder, shall be forfeited to the United States.

(g) *Penalties.* Any person who violates any provision of this section, or who, with intent to defraud, falsely makes, forges, alters, or counterfeits any stamps made or used under this section, or who uses, sells, or has in his possession any such forged, altered, or counterfeited stamp, or any plate or die used or which may be used in the manufacture thereof, or any stamp required to be destroyed by this section, or who makes, uses, sells, or has in his possession any paper in imitation of the paper used in the manufacture of any such stamp, or who reuses any stamp required to be destroyed by this section, or who places any distilled spirits in any bottle which has been filled and stamped under this section without destroying the stamp previously affixed to such bottle, or who affixes any stamp issued under this section to any container of distilled spirits on which any tax due is unpaid, or who makes any false statement in any application for stamps under this section, or who has in his possession any such stamps obtained by him otherwise than as provided in subsection (b), shall on conviction be punished by a fine not exceeding $1,000, or by imprisonment at hard labor not exceeding five years, or by both. Any officer authorized to enforce any provisions of law relating to internal revenue stamps is authorized to enforce the provisions of this section and the provisions of section 2909 relating to the bottling of distilled spirits in bond.

(h) *Transfer of duties.* For transfer of duties and powers of the Commissioner and his agents, see section 3170.

16 U. S. C. 2804 DETENTION OF CASKS OR PACKAGES ON SUSPICION.

(a) *Power of revenue officer.* It shall be lawful for any internal revenue officer to detain any cask or package containing, or supposed to contain, distilled spirits, when he has reason to believe that the tax imposed by law upon the same has not been paid, or that the same is being removed in violation of law; and every such cask or package may be held by him at a safe place until it shall be determined whether the property so detained is liable by law to be proceeded against for forfeiture; but such summary detention shall not continue in any case longer than forty-eight hours without process of law or intervention of the officer to whom such detention is to be reported.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2806 PENALTIES AND FORFEITURES.

* * * * * *

(d) *Forfeiture of distilled spirits in unstamped casks or packages.* All distilled spirits found in any cask or package containing five gallons or more, without having thereon each mark and stamp required therefor by law, shall be forfeited to the United States.

(e) *Evasion of tax, penalty.* Whenever any person evades, or attempts to evade, the payment of the tax on any distilled spirits, in any manner whatever, he shall forfeit and pay double the amount of the tax so evaded or attempted to be evaded.

* * * * * *

26 U. S. C. 2808 INSTRUMENTS TO PREVENT AND DETECT FRAUD.

(a) *Power of the Commissioner.* For the prevention and detection of frauds by distillers of spirits, the Commissioner may prescribe for use such hydrometers, saccharometers, weighing and gauging instruments, or other means for ascertaining the quantity, gravity, and producing capacity of any mash, wort, or beer used, or to be used, in the production of distilled spirits, and the strength and quantity of spirits subject to tax, as he may deem necessary; and he may prescribe rules and regulations to secure a uniform and correct system of inspection, weighing, marking, and gauging of spirits.

26 U. S. C. 2809 DEFINITIONS.

* * * * * *

(c) *Proof spirits.* Proof spirits shall be held to be that alcoholic liquor which contains one-half its volume of alcohol of a specific gravity of seven thousand nine hundred and thirty-nine ten-thousandths (.7939) at sixty degrees Fahrenheit.

* * * * * *

26 U. S. C. 2810 REGISTRY OF STILLS.

(a) *Requirement.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up, shall register the same with the collector of the district in which it is, by subscribing and filing with him duplicate statements, in writing, setting forth the particular place where such still or distilling apparatus is set up, the kind of still and its cubic contents, the owner thereof, his place of residence, and the purpose for which said still or distilling apparatus has been or is intended to be used; one of which statements shall be retained and preserved by the collector, and the other transmitted by him to the Commissioner. Stills and distilling apparatus shall be registered immediately upon their being set up.

Every still or distilling apparatus not so registered, together with all personal property in the possession or custody, or under the control of such person, and found in the building or in any yard or inclosure connected with the building in which the same may be set up, shall be forfeited.

And every person having in his possession or custody, or under his control, any still or distilling apparatus set up which is not so registered, shall pay a penalty of $500 and shall be fined not less than $100, nor more than $1,000, and imprisoned for not less than one month, nor more than two years.

Stills and distilling apparatus set up at refineries for the refining of crude petroleum or the production of petroleum products and not used in the manufacture of distilled spirits are not required to be registered under this section.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2829 INSTALLATION OF METERS, TANKS, AND OTHER APPARATUS.

(a) *Power of the Commissioner.* The Commissioner, with the approval of the Secretary, is authorized to require at distilleries, breweries, rectifying houses, and wherever else in his judgment such action may be deemed advisable, the installation of meters, tanks, pipes, or any other apparatus for the purpose of protecting the revenue, and such meters, tanks, and pipes and all necessary labor incident thereto shall be at the expense of the person on whose premises the installation is required. Any such person refusing or neglecting to install such apparatus when so required by the Commissioner shall not be permitted to conduct business on such premises.

26 U. S. C. 2857 BOOKS OF RECTIFIERS AND WHOLESALE DEALERS.

(a) *Requirements.* Every rectifier and every wholesale liquor dealer who sells, or offers for sale, distilled spirits in quantities of five wine-gallons or more to the same person at the same time shall keep daily, at his place of business covered by his special tax stamp, a record of distilled spirits received and disposed of by him, and shall render under oath correct transcripts and summaries of such records: *Provided,* That the Commissioner may in his discretion require such record to be kept at the place where the spirits are actually received and sent out. The records shall be kept and the transcripts shall be rendered in such form, and under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe.

The records required to be kept under the provisions of this section and regulations issued pursuant thereto, shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

Every rectifier and wholesale liquor dealer who refuses or neglects to keep such records in the form prescribed by the Commissioner, with the approval of the Secretary, or to make entries therein, or cancels, alters, or obliterates any entry therein (except for the purpose of correcting errors) or destroys any part of such records, or any entry therein, or makes any false entry therein, or hinders or obstructs any internal revenue officer from inspecting such records or taking any abstracts therefrom, or neglects or refuses to preserve or produce such records as required by this chapter or by regulations issued pursuant thereto, shall pay a penalty of $100 and, on conviction, shall be fined not less than $100 nor more than $5,000, and be imprisoned not less than three months nor more than three years.

Every rectifier and wholesale liquor dealer who refuses or neglects to render transcripts or summaries in the form required by the Commissioner, with the approval of the Secretary, shall, upon conviction, be fined not more than $100 for each such neglect or refusal.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2853 EXEMPTION OF STATES FROM PROVISIONS OF SECTION 2857.

The provisions of section 2857 shall not apply to States and Commonwealths and liquor stores operated by such States and Commonwealths that maintain and make available to inspection by internal-revenue officers such records as will enable such officers to readily trace all distilled spirits received and disposed of by them: *Provided,* That such States and Commonwealths, and the liquor stores operated by them, shall, upon the request of the Commissioner, furnish to the Commissioner such transcripts, summaries, and copies of their records as he shall require.

26 U. S. C. 2866 EFFACEMENT OF STAMPS AND BRANDS ON EMPTIED PACKAGES.

Every person who empties or draws off, or causes to be emptied or drawn off, any distilled spirits from a cask or package bearing any mark, brand, or stamp, required by law, shall at the time of emptying such cask or package, efface and obliterate said mark, stamp, or brand. Every such cask or package from which said mark, brand, or stamp is not effaced and obliterated as herein required, shall be forfeited to the United States, and may be seized by any officer of internal revenue, wherever found. And every railroad company or other transportation company, or person who receives or transports, or has in possession with intent to transport, or with intent to cause or procure to be transported, any such empty cask or package, or any part thereof, having thereon any brand, mark, or stamp, required by law to be placed on any cask or package containing distilled spirits, shall forfeit $300 for each such cask or package, or any part thereof, so received or transported, or had in possession with the intent aforesaid; and every boat, railroad car, cart, dray, wagon, or other vehicle, and all horses and other animals used in carrying or transporting the same shall be forfeited to the United States. Every person who fails to efface and obliterate said mark, stamp, or brand, at the time of emptying such cask or package, or who receives any such cask or package, or any part thereof, with the intent aforesaid, or who transports the same, or knowingly aids or assists therein, or who removes any stamp provided by law from any cask or package containing, or which had contained, distilled spirits, without defacing and destroying the same at the time of such removal, or who aids or assists therein, or who has in his possession any such stamp so removed as aforesaid, or has in his possession any canceled stamp, or any

[1] The sections of the United States Code are numbered identically with corresponding sections of the Internal Revenue Code.

stamp which has been used, or which purports to have been used, upon any cask or package of distilled spirits, shall be deemed guilty of a felony, and shall be fined not less than $500 nor more than $10,000, and imprisoned not less than one year nor more than five years.

26 U. S. C. 2870 PROHIBITED HOURS FOR REMOVAL OF SPIRITS.

No person shall remove any distilled spirits at any other time than after sun-rising and before sun-setting in any cask or package containing more than ten gallons from any premises or building in which the same may have been distilled, redistilled, rectified, compounded, manufactured, or stored; and every person who violates this provision shall be liable to a penalty of $100 for each cask, barrel, or package of spirits so removed; and said spirits, together with any vessel containing the same, and any horse, cart, boat, or other conveyance used in the removal thereof, shall be forfeited to the United States.

26 U. S. C. 2871 REGULATION OF TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS.

Whenever in his judgment such action is necessary to protect the revenue, the Secretary is authorized, by the regulations prescribed by him, and permits issued thereunder if required by him (1) to regulate the size, branding, marking, sale, resale, possession, use, and re-use of containers (of a capacity of less than five wine-gallons) designed or intended for use for the sale at retail of distilled spirits (within the meaning of such term as it is used in section 2803) for other than industrial use, and (2) to require, of persons manufacturing, dealing in, or using any such containers, the submission to such inspection, the keeping of such records, and the filing of such reports as may be deemed by him reasonably necessary in connection therewith. Whoever willfully violates the provisions of any regulation prescribed, or the terms or conditions of any permit issued, pursuant to the authorization contained in this section, and any officer, director, or agent of any corporation who knowingly participates in such violation, shall, upon conviction, be fined not more than $1,000 or be imprisoned for not more than two years, or both; and, notwithstanding any criminal conviction, the containers involved in such violation shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for forfeitures, seizures, and condemnations for violations of the internal-revenue laws, and any such containers so seized and condemned shall be destroyed and not sold. Any requirements imposed under this section shall be in addition to any other requirements imposed by, or pursuant to, law, and shall apply as well to persons not liable for tax under the internal-revenue laws as to persons so liable.

26 U. S. C. 2883 TRANSFER OF SPIRITS AT REGISTERED DISTILLERIES.

(a) *Requirements.* Subject to the provisions of existing law, spirits of one hundred and sixty degrees of proof or more produced at registered distilleries, including registered fruit distilleries (such registered distilleries and registered fruit distilleries being referred to hereafter as "distillery" or "distilleries"), may be transferred by means of pipe lines from receiving cisterns in the distillery direct to storage tanks in the internal revenue bonded warehouse located on the bonded premises where produced or located contiguous thereto, and be warehoused in such storage tanks, or they may be withdrawn from the receiving cisterns, without, or after reduction in proof, into approved containers and transferred to any internal revenue bonded warehouse for storage therein, or they may be tax-paid in such approved containers in the cistern rooms of distilleries without being entered into an internal revenue bonded warehouse. Such spirits may be drawn into approved containers from storage tanks in an internal revenue bonded warehouse. Spirits of one hundred and sixty degrees of proof, or more, may be transferred in bond in tank cars from cistern rooms of distilleries or from storage tanks in an internal revenue bonded warehouse and be deposited in storage tanks in any internal revenue bonded warehouse. Such spirits in tanks in internal revenue bonded warehouses distilled at or above one hundred and ninety degrees of proof may be reduced to not less than one hundred and eleven degrees prior to being drawn into packages. Such spirits, upon tax payment, may be withdrawn in approved containers, including pipe lines to contiguous premises, for use for beverage purposes only. Except as provided in subsection (c) hereof and section 2916, such spirits may not be withdrawn for denaturation.

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(d) *Transfer of gin.* Gin of any proof may be transferred in bond by means of pipe lines from receiving cisterns in distilleries direct to storage tanks in the internal revenue bonded warehouse located on the bonded premises where produced, or located contiguous thereto, and be warehoused in such storage tanks. Such gin may, upon tax payment, be transferred by pipe line to a contiguous tax-paid bottling house or rectifying plant.

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(f) *Regulations.* The Commissioner, with the approval of the Secretary, is hereby empowered to prescribe all necessary regulations relating to the drawing of, transferring, gagging, storing, redistillation, and transportation of the spirits; the records to be kept and returns to be made; the size and kind of containers to be used; the marking, branding, numbering, and stamping of such containers; and the kind of bond and the penal sum thereof.

(g) *Effect on other laws.* Nothing contained in this section shall be construed as restricting or limiting the provisions of other sections of the internal-revenue laws relating to internal revenue bonded warehouses, distilleries, and bonded wineries.

(h) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2912 FORFEITURE OF SPIRITS UNLAWFULLY REMOVED FROM DISTILLERY OR WAREHOUSE.

All distilled spirits found elsewhere than in a distillery or internal revenue bonded warehouse, not having been removed therefrom according to law, shall be forfeited to the United States.

26 U. S. C. 3170 TRANSFER AND DELEGATION OF POWERS.

The Secretary is authorized to confer and impose upon the Commissioner and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, powers, duties, and protection conferred or imposed upon the Secretary, or any officer or employee of the Treasury Department, by any law now or hereafter in force relating to the taxation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol.

26 U. S. C. 3173 PENALTIES AND FORFEITURES.

(a) *Removal or transportation of liquors or wines under improper brands.* Whenever any person ships, transports, or removes any spirituous or fermented liquors or wines, under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing the same, or causes such act to be done, he shall forfeit said liquors or wines, and casks or packages, and be subject to pay a fine of $500.

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26 U. S. C. 3176 RULES AND REGULATIONS.

(a) *Power of Commissioner.* The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agent, see section 3170.

26 U. S. C. 3179 EXEMPTION AND DRAWBACK IN CASE OF EXPORTATION

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(b) *Drawback.* Upon the exportation of distilled spirits and wines manufactured or produced in the United States on which an internal-revenue tax has been paid, and which are contained in any cask or package or in bottles packed in cases or other containers, there shall be allowed, under regulations to be prescribed by the Commissioner, with the approval of the Secretary, a drawback equal in amount to the tax found to have been paid on such distilled spirits and wines: *Provided*, That such distilled spirits and wines have been packaged or bottled especially for export, under regulations prescribed by the Commissioner, with the approval of the Secretary. The Commissioner, with the approval of the Secretary, is authorized to prescribe regulations governing the determination and payment of drawback of internal-revenue tax on domestic distilled spirits and wines, including the requirement of such notices, bonds, bills of lading, and other evidence of payment of tax and exportation as shall be deemed necessary.

26 U. S. C. 3250 TAX.

(a) *Wholesale dealers in liquors*—(1) *In general.* Wholesale dealers in liquors shall pay a special tax of $110.

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(3) *Retailers selling at wholesale.* Except as provided in section 3254 (c) (2), a qualified retail dealer in liquors may not sell distilled spirits, wines, or malt liquors in quantities of five wine-gallons or more to the same person at the same time without incurring liability to special tax as a wholesale dealer in liquors.

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(b) *Retail dealers in liquors*—(1) *In general.* Except as provided in paragraph (3) of subsection (e), retail dealers in liquors shall pay a special tax of $27.50.

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(4) *Wholesalers selling at retail.* A qualified wholesale dealer in liquors may not sell distilled spirits, wines, or malt liquors in quantities of less than five wine gallons without incurring liability to special tax as a retail dealer in liquors.

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26 U. S. C. 3254 DEFINITIONS.

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(b) *Wholesale dealer in liquors.* Except as otherwise provided, every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors in quantities of five wine-gallons or more to the same person at the same time, shall be regarded as a wholesale dealer in liquors: *Provided*, That the Commissioner may, by regulations, with the approval of the Secretary, provide for the issuance of a stamp denoting payment of such special tax as a "wholesale dealer in wines" or a "wholesale dealer in wines and malt liquors" if, as the case may be, wines only, or wines and malt liquors only, are sold by a wholesale dealer in liquors.

(c) *Retail dealer in liquors.* Except as otherwise provided, (1) every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors in less quantities than five wine-gallons to the same person at the same time, shall be regarded as a retail dealer in liquors: *Provided*, That the Commissioner may, by regulations, with the approval of the Secretary, provide for the issuance of a stamp denoting payment of such special tax as a "retail dealer in wines" or a "retail dealer in wines and malt liquors" if, as the case may be, wines only, or wines and malt liquors only, are sold by a retail dealer in liquors.

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26 U. S. C. 3270 REGISTRATION.

(a) *Requirements.* Every person engaged in any trade or business on which a special tax is imposed by law shall register with the collector of the district his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and the places of residence, shall be so registered.

(b) *Cross references.* For registration in case of narcotics, marihuana, and firearms, see sections 3221, 3231, and 3261, respectively. For transfer of powers and duties of Commissioner and his agents in case of liquor see section 3170.

26 U. S. C. 3271 PAYMENT OF TAX.

(a) *Condition precedent to doing business.* No person shall be engaged in or carry on any trade or business mentioned in this chapter until he has paid a special tax therefor in the manner provided in this chapter.

(b) *Due date.* All special taxes shall become due on the 1st day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for one year, and in the latter case it shall be reckoned proportionately, from the 1st day of the month in which the liability to a special tax commenced, to and including the 30th day of June following.

(c) *How paid*—(1) *Stamp.* All special taxes imposed by law, including the tax on stills or worms, shall be paid by stamps denoting the tax.

(2) *Assessment.* For authority of Commissioner to make assessments where the special taxes have not been duly paid by stamp, at the time and in the manner provided by law, see section 3640.

26 U. S. C. 3272 RETURNS.

(a) *Time for filing.* It shall be the duty of the special taxpayers to render their returns with remittances to the collector at such times within the calendar month in which the special tax liability commenced as shall enable him to receive such returns, duly signed and verified, together with the remittances, not later than the last day of the month, except in cases of sickness or absence, as provided for in section 3634.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents in case of narcotics and liquor, see subchapter D of chapter 23 and section 3170.

(c) *Penalties.* For penalties imposed for failure to file returns or for making false or fraudulent returns, see section 3612.

26 U. S. C. 3273 STAMPS.

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(b) *Posting.* Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax, shall place and keep conspicuously in his establishment or place of business all stamps denoting the payment of said special tax.

(c) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see subchapter D of chapter 23 and section 3170.

26 U. S. C. 3274 PENALTIES RELATING TO POSTING OF SPECIAL TAX STAMP.

Any person who shall, through negligence, fail to place and keep stamps denoting the payment of the special tax as provided in section 3273 (b) shall be liable to a penalty equal to the special tax for which his business rendered him liable, and the costs of prosecution; but in no case shall said penalty be less than $10. And where the failure to comply with the provisions of section 3273 (b) shall be through wilful neglect or refusal, then the penalty shall be double the amount above prescribed: *Provided*, That nothing in this section shall in any way affect the liability of any person for exercising or carrying on any trade, business, or profession, or doing any act for the exercising, carrying on, or doing of which a special tax is imposed by law, without the payment thereof.

26 U. S. C. 3277 LIABILITY OF PARTNERS.

Any number of persons doing business in copartnership at any one place shall be required to pay but one special tax.

26 U. S. C. 3278 LIABILITY IN CASE OF BUSINESS IN MORE THAN ONE LOCATION.

The payment of the special tax imposed shall not exempt from an additional special tax the person carrying on a trade or business in any other place than that stated in the collector's register; but nothing herein contained shall require a special tax for the storage of goods, wares, or merchandise in other places than the place of business, nor, except as provided in this chapter for the sale by manufacturers or producers of their own goods, wares, and merchandise, at the place of production or manufacture, and at their principal office or place of business, provided no goods, wares, or merchandise shall be kept except as samples at said office or place of business.

26 U. S. C. 3279 LIABILITY IN CASE OF DIFFERENT BUSINESSES OF SAME OWNERSHIP AND LOCATION.

Whenever more than one of the pursuits or occupations described in this chapter are carried on in the same place by the same person at the same time, except as otherwise provided in this chapter the tax shall be paid for each according to the rates severally prescribed.

26 U. S. C. 3280 LIABILITY IN CASE OF DEATH OR CHANGE OF LOCATION.

(a) *Requirements.* When any person who has paid the special tax for any trade or business dies, his wife or child, or executors or administrators or other legal representatives, may occupy the house or premises, and in like manner carry on, for the residue of the term for which the tax is paid, the same trade or business as the deceased before carried on, in the same house and upon the same premises, without the payment of any additional tax. And when any person removes from the house or premises for which any trade or business was taxed to any other place, he may carry on the trade or business specified in the collector's register at the place to which he removes, without the payment of any additional tax: *Provided*, That all cases of death, change, or removal, as aforesaid, with the name of the successor to any person deceased, or of the person making such change or removal, shall be registered with the collector, under regulations to be prescribed by the Commissioner.

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(c *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, in case of liquor, see section 3170.

26 U. S. C. 3301 ATTACHMENT AND CANCELLATION.

(a) *General authority to prescribe methods and instruments.* The stamps referred to in the preceding section shall be attached, protected, removed, canceled, obliterated, and destroyed, in such manner and by such instruments or other means as the Commissioner, with the approval of the Secretary, may prescribe; and he is authorized and empowered to make, with the approval of the Secretary, all needful regulations relating thereto.

(b) *Cross references.* For authority of the Commissioner to prescribe cancellation of stamps by perforation, see section 3303.

For special provisions relating to the attachment, protection, cancellation, and special issue of stamps in the case of—

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Distilled spirits, see sections 2802 and 2803.

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26 U. S. C. 3656 PAYMENT BY CHECK AND MONEY ORDERS.

(a) *Certified, cashiers', and treasurers' checks and money orders*—(1) *Authority to receive.* It shall be lawful for collectors to receive for internal revenue taxes or in payment of stamps to be used in payment of internal revenue taxes certified, cashiers', and treasurers' checks drawn on National and State banks and trust companies, and United States postal, bank, express, and telegraph money orders, during such time and under such regulations as the Commissioner, with the approval of the Secretary, may prescribe.

(2) *Discharge of liability*—(A) *Check duly paid.* No person who may be indebted to the United States on account of internal revenue taxes or stamps used or to be used in payment of internal revenue taxes who shall have tendered a certified, cashier's, or treasurer's check or money order as provisional payment therefor, in accordance with the terms of this subsection, shall be released from the obligation to make ultimate payment thereof until such certified, cashier's, or treasurer's check or money order so received has been duly paid.

(B) *Check unpaid.* If any such check or money order so received is not duly paid, the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of the bank on which drawn or for the amount of such money order upon all the assets of the issuer thereof; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank or issuer except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank.

(b) *Other checks*—(1) *Authority to receive.* Collectors may receive checks in addition to those specified in subsection (a) in payment of taxes other than those payable by stamp during such time and under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe.

(2) *Ultimate liability.* If a check so received is not paid by the bank on which it is drawn the person by whom such check has been tendered shall remain liable for the payment of the tax and for all legal penalties and additions to the same extent as if such check had not been tendered.

26 U. S. C. 3809 VERIFICATION OF RETURNS; PENALTIES OF PERJURY.

(a) *Penalties.* Any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

(b) *Signature presumed correct.* The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

(c) *Verification in lieu of oath.* The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under any provision of the internal revenue laws shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required.

26 U. S. C. 4041 ISSUE OF INSTRUCTIONS, REGULATIONS, AND FORMS.

(a) *In general.* The Secretary shall prescribe forms of entries, oaths, bonds, and other papers, and rules and regulations, not inconsistent with law, to be used under and in the execution and enforcement of the various provisions of the internal revenue laws; and he shall give such directions to collectors and prescribe such rules and forms to be observed by them as may be necessary for the proper execution of the law.

(b) *Receipt of United States securities.* For authority of the Secretary to issue instructions and regulations governing the receipt by collectors and others of United States securities, see R. S. 251 (U. S. C., Title 31, sec. 427).

27 U. S. C. 203 UNLAWFUL BUSINESSES WITHOUT PERMIT. In order effectively to regulate interstate and foreign commerce in distilled spirits, wine, and malt beverages, to enforce the twenty-first amendment, and to protect the revenue and enforce the postal laws with respect to distilled spirits, wine, and malt beverages:

(a) It shall be unlawful, except pursuant to a basic permit issued under this Act by the Secretary of the Treasury—

(1) to engage in the business of importing into the United States distilled spirits, wine, or malt beverages; or

(2) for any person so engaged to sell, offer or deliver for sale, contract to sell, or ship, in interstate or foreign commerce, directly or indirectly or through an affiliate, distilled spirits, wine, or malt beverages so imported.

(b) It shall be unlawful, except pursuant to a basic permit issued under this Act by the Secretary of the Treasury—

(1) To engage in the business of distilling distilled spirits, producing wine, rectifying or blending distilled spirits or wine, or bottling, or warehousing and bottling, distilled spirits; or

(2) For any person so engaged to sell, offer or deliver for sale, contract to sell, or ship, in interstate or foreign commerce, directly or indirectly or through an affiliate, distilled spirits or wine so distilled, produced, rectified, blended, or bottled, or warehoused and bottled.

(c) It shall be unlawful, except pursuant to a basic permit issued under this Act by the Secretary of the Treasury—

(1) To engage in the business of purchasing for resale at wholesale distilled spirits, wine, or malt beverages; or

(2) For any person so engaged to receive or to sell, offer or deliver for sale, contract to sell, or ship, in interstate or foreign commerce, directly or indirectly or through an affiliate, distilled spirits, wine, or malt beverages so purchased.

This section shall not apply to any agency of a State or political subdivision thereof or any officer or employee of any such agency, and no such agency or officer or employee shall be required to obtain a basic permit under this Act.

27 U. S. C. 205 UNFAIR COMPETITION AND UNLAWFUL PRACTICES. It shall be unlawful for any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer or wholesaler, of distilled spirits, wine, or malt beverages, or as a bottler, or warehouseman and bottler, of distilled spirits, directly or indirectly or through an affiliate:

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(e) *Labeling.* To sell or ship or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or to receive therein, or to remove from customs custody for consumption, any distilled spirits, wine, or malt beverages in bottles, unless such products are bottled, packaged, and labeled in conformity with such regulations, to be prescribed by the Secretary of the Treasury, with respect to packaging, marking, branding, and labeling and size and fill of container (1) as will prohibit deception of the consumer with respect to such products or the quantity thereof and as will prohibit, irrespective of falsity, such statements relating to age, manufacturing processes, analyses, guarantees, and scientific or irrelevant matters as the Secretary of the Treasury finds to be likely to mislead the consumer: (2) as will provide the consumer with adequate information as to the identity and quality of the products, the alcoholic content thereof (except that statements of, or statements likely to be considered as statements of, alcoholic content of malt beverages are hereby prohibited unless required by State law and except that, in case of wines, statements of alcoholic content shall be required only for wines containing more than 14 per centum of alcohol by volume), the net contents of the package, and the manufacturer or bottler or importer of the product; (3) as will require an accurate statement, in the case of distilled spirits (other than cordials, liqueurs, and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, informing the consumer of the percentage of neutral spirits so used and of the name of the commodity from which such neutral spirits have been distilled, or in case of neutral spirits or of gin produced by a process of continuous distillation, the name of the commodity from which distilled; (4) as will prohibit statements on the label that are disparaging of a competitor's products or are false, misleading, obscene, or indecent; and (5) as will prevent deception of the consumer by use of a trade or brand name that is the name of any living individual of public prominence, or existing private or public organization, or is a name that is in simulation or is an abbreviation thereof, and as will prevent the use of a graphic, pictorial, or emblematic representation of any such individual or organization, if the use of such name or representation is likely falsely to lead the consumer to believe that the product has been indorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of, such individual or organization: *Provided*, That this clause shall not apply to the use of the name of any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer, wholesaler, retailer, bottler, or warehouseman, of distilled spirits, wine, or malt beverages, nor to the use by any person of a trade or brand name used by him or his predecessor in interest prior to the date of the enactment of this Act: including regulations requiring, at time of release from customs custody, certificates issued by foreign governments covering origin, age, and identity of imported products: *Provided further*, That nothing herein nor any decision, ruling, or regulation of any Department of the Government shall deny the right of any person to use any trade name or brand of foreign origin not presently effectively registered in the United States Patent Office which has been used by such person or predecessors in the United States for a period of at least five years last past, if the use of such name or brand is qualified by the name of the locality in the United States in which the product is produced, and, in the case of the use of such name or brand on any label or in any advertisement, if such qualification is as conspicuous as such name or brand.

It shall be unlawful for any person to alter, mutilate, destroy, obliterate, or remove any mark, brand, or label upon distilled spirits, wine, or malt beverages held for sale in interstate or foreign commerce or after shipment therein, except as authorized by Federal law or except pursuant to regulations of the Secretary of the Treasury authorizing relabeling for purposes of compliance with the requirements of this subsection or of State law.

In order to prevent the sale or shipment or other introduction of distilled spirits, wine, or malt beverages in interstate or foreign commerce, if bottled, packaged, or labeled in violation of the requirements of this subsection, (1) no bottler of distilled spirits, no producer, blender, or wholesaler of wine, or proprietor of a bonded wine storeroom, and no brewer or wholesaler of malt beverages shall bottle, and (2) no person shall remove from customs custody, in bottles, for sale or any other commercial purpose, distilled spirits, wine, or malt beverages, respectively, after such date as the Secretary of the Treasury fixes as the earliest practicable date for the application of the provisions of this subsection to any class of such persons (but not later than August 15, 1936, in the case of distilled spirits, and December 15, 1936, in the case of wine and malt beverages, and only after 30 days' public notice), unless, upon application to the Secretary of the Treasury, he has obtained and has in his possession a certificate of label approval covering the distilled spirits, wine, or malt beverages, issued by the Secretary of the Treasury in such manner and form as he shall by regulations prescribe: *Provided*, That any such bottler of distilled spirits, or producer, blender, or wholesaler of wine, or proprietor of a bonded wine storeroom, or brewer or wholesaler of malt beverages shall be exempt from the requirements of this subsection if, upon application to the Secretary of the Treasury, he shows to the satisfaction of the Secretary of the Treasury that the distilled spirits, wine, or malt beverages to be bottled by the applicant are not to be sold, or offered for sale, or shipped or delivered for shipment, or otherwise introduced, in interstate or foreign commerce. Officers of internal revenue are authorized and directed to withhold the release of distilled spirits from the bottling plant unless such certificates have been obtained, or unless the application of the bottler for exemption has been granted by the Secretary of the Treasury; and customs officers are authorized and directed to withhold the release from customs custody of distilled spirits, wine, and malt beverages, unless such certificates have been obtained. The District Courts of the United States, the District Court of the United States for the District of Columbia, and the United States court for any Territory shall have jurisdiction of suits to enjoin, annul, or suspend in whole or in part any final action by the Secretary upon any application under this subsection;

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The Secretary of the Treasury shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing regulations to carry out the provisions of this section.

27 U. S. C. 206 BULK SALES AND BOTTLING.

(a) It shall be unlawful for any person:

(1) To sell or offer to sell, contract to sell, or otherwise dispose of distilled spirits in bulk except, under regulations of the Secretary of the Treasury, for export or to the following, or to import distilled spirits in bulk except, under such regulations, for sale to or for use by the following: A distiller, rectifier of distilled spirits, person operating a bonded warehouse qualified under the internal-revenue laws or a class 8 bonded warehouse qualified under the customs laws, a winemaker for the fortification of wines, a proprietor of an industrial alcohol plant, or an agency of the United States or any State or political subdivision thereof.

(2) To sell or offer to sell, contract to sell, or otherwise dispose of warehouse receipts for distilled spirits in bulk unless such warehouse receipts require that the warehouseman shall package such distilled spirits, before delivery, in bottles labeled and marked in accordance with law, or deliver such distilled spirits in bulk only to persons to whom it is lawful to sell or otherwise dispose of distilled spirits in bulk.

(3) To bottle distilled spirits unless the bottler is a person to whom it is lawful to sell or otherwise dispose of distilled spirits in bulk.

(b) Any person who violates the requirements of this section shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year or both, and shall forfeit to the United States all distilled spirits with respect to which the violation occurs and the containers thereof.

(c) The term "in bulk" means in containers having a capacity in excess of one wine gallon.

SUBPART A—SCOPE OF REGULATIONS

§ 189.1 *Bottling of tax-paid distilled spirits.* These regulations, "Regulations 11, Bottling of Tax-Paid Distilled Spirits" (26 CFR Part 189), contain the procedural and substantive requirements relative to the bottling of tax-paid distilled spirits. The regulations cover the location, construction, equipment, qualifying documents; requirements governing changes in premises and equipment, alternate operations of the tax-paid bottling house as a bottling-in-bond department of an internal revenue bonded warehouse; bottling of distilled spirits under trade names; action by the district supervisor and Commissioner; operation and supervision of the tax-paid bottling house; the transfer of spirits to the tax-paid bottling house; the dumping, bottling, rebottling, relabeling, and restamping of bottled spirits; the removal of spirits from the tax-paid bottling house for exportation and shipment; and records and reports of spirits bottled at a tax-paid bottling house.

SUBPART B—DEFINITIONS

§ 189.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 189.6 *Collector.* "Collector" shall mean the collector of internal revenue of the collection district in which the tax-paid bottling house is located.

§ 189.7 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 189.8 *Distilled spirits.* "Distilled spirits" shall mean all the substances produced by the distillation of fermented grain, molasses, or other materials, commonly known as spirits, whisky, rum, gin, brandy, alcohol, vodka, etc.

§ 189.9 *District supervisor.* "District supervisor" or "supervisor" shall mean the person having charge of a supervisory district of the Alcohol Tax Unit of the Bureau of Internal Revenue.

§ 189.10 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 189.11 *Including.* The term "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 189.12 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include females, associations, copartnerships, and corporations.

§ 189.13 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 189.14 *Person.* "Person" shall include natural persons, associations, copartnerships, and corporations.

§ 189.15 *Proof.* "Proof" shall mean the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

§ 189.16 *Proof gallon.* "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 per cent of ethyl alcohol by volume.

§ 189.17 *Proof spirits.* "Proof spirits" shall mean that alcoholic liquor which contains 50 per cent of ethyl alcohol by volume at 60 degrees Fahrenheit and which has a specific gravity of 0.93418 in air at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity.

(53 Stat. 307; 26 U. S. C. 2809)

§ 189.18 *Proprietor.* "Proprietor" shall mean the operator of a tax-paid bottling house, except where otherwise indicated.

§ 189.19 *Rectified spirits.* "Rectified spirits" shall mean all the products of rectification.

§ 189.20 *Red strip stamps.* "Red strip stamps" shall mean the stamps prescribed under authority of section 2803 (d), I. R. C.

§ 189.21 *Secretary.* "Secretary" shall mean the Secretary of the Treasury.

§ 189.22 *Spirits.* "Spirits" shall mean distilled spirits, wines, cordials, liqueurs, etc., except where otherwise indicated.

§ 189.23 *Tank car.* "Tank car" shall mean a railroad tank car and, for the purpose of receiving tax-paid distilled spirits, shall include a tank truck in accordance with the applicable provisions of Regulations 3 (26 CFR Part 182), Regulations 4 (26 CFR Part 183), Regulations 5 (26 CFR Part 184), and Regulations 10 (26 CFR Part 185).

§ 189.24 *Tax-paid bottling house.* "Tax-paid bottling house" or "bottling house" shall mean a tax-paid bottling house established or operated under this part for the bottling of tax-paid spirits, including wines, cordials, liqueurs, etc.

§ 189.25 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 189.26 *Wines.* "Wines" shall mean all kinds and types of wine produced by the fermentation of fruits, berries, or other suitable agricultural products, and all artificial or imitation wines or compounds sold as wine.

SUBPART C—ESTABLISHMENT

§ 189.30 *Who may establish.* Tax-paid bottling houses may be established for the bottling of tax-paid spirits by the proprietor of a distillery, or an internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, or by an agency of any State or political subdivision thereof.

(Sec. 6, 49 Stat. 985; 27 U. S. C. 206)

§ 189.31 *Number that may be established.* There may be established only one tax-paid bottling house for each distillery, internal revenue bonded warehouse, industrial alcohol plant, industrial alcohol bonded warehouse, or any combination or group of such establishments operated on the same or contiguous premises by the same proprietor: *Provided*, That where a bottling-in-bond department has been established on the premises of an internal revenue bonded warehouse, such bottling department may be temporarily eliminated from the warehouse premises from time to time in accordance with the provisions of Regulations 10 (26 CFR Part 185), governing the bottling of distilled spirits in bond, and operated under the regulations in this part in lieu of, or as a part or extension of, a permanent tax-paid bottling house established for such bonded warehouse.

(Sec. 6, 49 Stat. 985; 27 U. S. C. 206)

SUBPART D—LOCATION AND USE

§ 189.35 *Location.* Tax-paid bottling houses hereafter established must be located on premises contiguous to, or near a distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse.

§ 189.36 *Use.* The premises of a tax-paid bottling house shall be used exclusively for the business of bottling tax-paid spirits, including wines, cordials, liqueurs, etc.

SUBPART E—CONSTRUCTION

§ 189.40 *Buildings or rooms.* The tax-paid bottling house must be securely constructed and so equipped as to be suitable for the bottling of spirits. Except as provided in § 189.42, and as to necessary openings for the passage of approved distilled spirits, utility and similar pipe lines, as provided in this part, Regulations 3 (26 CFR Part 182), Regulations 4 (26 CFR Part 183), and Regulations 5 (26 CFR Part 184), Regulations 10 (26 CFR Part 185), and Regulations 15 (26 CFR Part 190), the room or building must be completely separated from contiguous buildings or rooms by solid, unbroken partitions and floors of substantial construction: *Provided*, That, where the tax-paid bottling house is under the same roof or in the same building in which the proprietor of the tax-paid bottling house or his affiliate or subsidiary operates a rectifying plant, wholesale liquor dealer premises, or another tax-paid bottling house, the district supervisor may in his discretion authorize the tax-paid bottling house to be separated from such premises by partitions of expanded metal or woven wire of not less than 9-gauge nor more than 2-inch mesh extending from the floor to the ceiling or roof; *And provided further*, That such partitions of expanded metal or woven wire may not be authorized if the tax-paid bottling house operates alternately as a bottling-in-bond department of an internal revenue bonded warehouse. If the

tax-paid bottling house is in the same building in which is located an internal revenue bonded warehouse or rectifying plant, the two premises must have no means of interior communication with each other, except by approved pipe lines, and as specifically provided in this part. Where a tax-paid bottling house has heretofore been established under the same roof or in the same building with an internal revenue bonded warehouse or a rectifying plant, with interior communication between the two premises, it may continue to operate in such location if the revenue will not be jeopardized. When a bottling-in-bond department is operated temporarily as a tax-paid bottling house, as provided in this part and Regulations 10 (26 CFR Part 185), communication between the bottling house and warehouse within the building may continue.

§ 189.41 *Means of ingress and egress.* The doors must lead into the yard connected with the tax-paid bottling house or a public street: *Provided*, That where a room is used, the door may open into an elevator shaft, or a common passageway partitioned off from other businesses, leading either directly or through another elevator shaft or similar passageway to the street or yard. The partitions forming a common passageway shall be substantially constructed of solid materials or expanded metal or woven wire of not less than 9-gauge nor more than 2-inch mesh, and shall extend from the floor to the ceiling or roof, but doors may be permitted therein if they do not afford interior communication with an internal revenue bonded warehouse in the same building. Common passageways must be used exclusively as means of communication.

§ 189.42 *Doors, windows, and other openings.* No door, window, or other opening will be permitted in the walls or floors separating the tax-paid bottling house from another room or building which is not a part of the tax-paid bottling house: *Provided*, That where the proprietor maintains a wholesale liquor dealer premises adjacent or contiguous to the tax-paid bottling house, a communicating door will be permitted.

§ 189.43 *Case storage room.* A room must be provided by the proprietor for the storage of spirits bottled by him, unless all spirits are transferred to contiguous wholesale liquor dealer premises upon completion of bottling. Where a case storage room is provided, it shall be used exclusively for the purpose specified and a sign shall be placed over the entrance door of the room bearing the words "Case Storage Room."

§ 189.44 *Export storage room.* If the proprietor intends to bottle or package distilled spirits or wines for export with benefit of drawback, a separate room for the storage of such products exclusively must be provided and a sign must be placed over the entrance door bearing the words "Export Storage Room." The room must be constructed of substantial, solid materials: *Provided*, That the partitions separating such room from other parts of the tax-paid bottling house may be constructed of expanded metal or woven wire of not less than 9-gauge nor more than 2-inch mesh, extending from the floor to the ceiling or roof. All windows, doors, or other openings must be so constructed that they may be securely locked or fastened from the inside, except the entrance door, which must be so constructed that it may be securely locked from the outside of the room with a Government seal lock.

(53 Stat. 377; 26 U. S. C. 3179)

§ 189.45 *Office facilities.* The proprietor shall provide and maintain on the tax-paid bottling house premises suitable office facilities, including desk and file cabinet, for the use of Government officers. There shall also be provided a metal cabinet of adequate strength and size, or a securely constructed room or vault, suitably equipped for locking with a Government seal lock, for use in safeguarding the keys to Government locks, seals or other Government property and stamps in the custody of Government officers. Such facilities shall be subject to approval by the district supervisor.

SUBPART F—SIGN

§ 189.50 *Posting of sign.* The proprietor shall place and keep conspicuously on the outside and at the front of the tax-paid bottling house, or over the front entrance thereto where it can be plainly seen, a sign exhibiting in plain and legible letters, painted in oil colors or gilded, not less than three inches in height and of a proper and proportionate width, the name of the proprietor and the words "Tax-Paid Bottling House No. ---," using the registry number assigned by the district supervisor.

SUBPART G—EQUIPMENT

§ 189.55 *Scales.* All scales used for weighing spirits shall be tested from time to time by the proprietor by means of test weights or otherwise to insure their accuracy. The proprietor must provide suitable and accurate scales for weighing spirits dumped from or drawn into packages. The beams or dials of such scales must indicate weight in half-pounds graduations.

(53 Stat. 318; 26 U. S. C. 2829)

§ 189.56 *Weighing tanks.* Where weighing tanks are used for gauging spirits, such tanks shall be constructed of metal or other suitable material, and shall be stationary. Each weighing tank shall be mounted on accurate scales, and shall have plainly and legibly painted thereon the words "Weighing Tank," followed by its serial number and capacity in gallons. The beams or dials of scales must be graduated to enable readings to be made as follows: To the nearest ½ pound for scales having a capacity not to exceed 2,000 pounds; to the nearest 1 pound for scales having a capacity of over 2,000 pounds, but not exceeding 6,000 pounds; to the nearest 2 pounds for scales having a capacity over 6,000 pounds, but not exceeding 20,000 pounds; to the nearest 5 pounds for scales having a capacity over 20,000 pounds, but not exceeding 50,000 pounds; and to the nearest 10 pounds for scales having a capacity over 50,000 pounds.

(53 Stat. 318; 26 U. S. C. 2829)

§ 189.57 *Test weights.* Where weighing tanks or other scales are used for gauging spirits, the proprietor shall provide a set of ten 50-pound cast-iron test weights, which shall be certified by the National Bureau of Standards or State departments of weights and measures as conforming to class "C" requirements of the National Bureau of Standards, and provide a suitable place where the weights may be stored under Government lock. If the proprietor has provided such test weights at another plant operated by him on contiguous or nearby premises, he need not provide a separate set of weights for the tax-paid bottling house. All test weights shall be placed under the control and in the custody of the storekeeper-gauger in charge, who shall keep them under Government lock when not in use. In case a scale becomes inaccurate for any reason, the storekeeper-gauger will not permit it to be used while it is in such condition.

(53 Stat. 307, 318; 26 U. S. C. 2808, 2829)

§ 189.58 *Storage tanks.* If spirits are received in tank cars or by pipe line, suitable storage tanks must be provided within which to store such spirits, unless the spirits are run directly into bottling tanks as provided in § 189.166. Each storage tank shall be constructed of metal or other suitable material. Each such tank shall be mounted on accurate scales, or equipped with a suitable device whereby the contents can be accurately determined. There shall be painted on each tank the words "Storage Tank," followed by its serial number and capacity in gallons. Stopcocks must be provided and so arranged as to control completely the flow of spirits, both into and out of the tank. Manheads, inlets, and outlets of the storage tank must be provided with facilities for locking with Government locks. A suitable board shall be provided on each storage tank for the attachment of Forms 703–A, 1520 or 1440, as prescribed in this part.

(53 Stat. 318; 26 U. S. C. 2829)

§ 189.59 *Dumping and reducing tanks.* If dumping and reducing tanks are provided, the same shall be equipped with a suitable device whereby the contents can be accurately determined. Each such tank shall have plainly and legibly painted thereon the words "Dumping and Reducing Tank," followed by its serial number and capacity in gallons.

(53 Stat. 318; 26 U. S. C. 2829)

§ 189.60 *Bottling tanks.* The proprietor shall provide one or more bottling tanks, securely constructed of metal, or other suitable material. Each such tank shall be mounted on accurate scales, or equipped with a suitable device whereby the contents can be accurately determined. There shall be painted on each tank the words, "Bottling Tank," followed by its serial number and capacity in gallons. Each bottling tank must be closed, and any necessary openings therein affording access to the interior or to the contents, must be closed and secured by a Government lock or seal. Stopcocks must be provided and so arranged as to control completely the flow of spirits, both into and out of the tank, and so constructed that they may be locked with Government locks. A suitable board shall be provided on each bottling tank for the attachment of Form 230, as prescribed in this part.

(53 Stat. 318; 26 U. S. C. 2829)

§ 189.61 *Package filling tanks.* Where distilled spirits or wines are to be packaged especially for export with benefit of drawback, tanks suitable for the purpose, and constructed and equipped in accordance with the provisions and requirements of § 189.60 governing the construction and equipment of bottling tanks shall be provided by the bottler. The bottling tank may be used as the package filling tank, provided it is equipped with an approved outlet for filling packages and such outlet is equipped for locking with a Government lock when not in use.

(53 Stat. 318, 377; 26 U. S. C. 2829, 3179)

§ 189.62 *Gravity tank.* The proprietor may, if necessary, install a small gravity tank between the bottling tanks and bottling machine, for the purpose of maintaining a constant head pressure or to afford a gravity flow to the bottling machine. Such tank must be so arranged that it can be filled only through the bottling tanks and the same must be permanently connected with the bottling tanks by a continuous, permanent pipe line, unless the outlet of the tank is equipped with a valve so constructed that it can be secured with a Government lock. The capacity of the gravity tank shall be no larger than necessary, and the manheads, if any, shall be equipped for locking with a Government lock. Gravity tanks must be equipped with a suitable device whereby the contents can be accurately determined, and each such tank shall have plainly and legibly marked thereon the words, "Gravity Tank," followed by its serial number and capacity in gallons.

(53 Stat. 318; 26 U. S. C. 2829)

§ 189.63 *Accumulation tanks.* Where the proprietor removes distilled spirits from the bottling line which contain sediment or foreign matter, or which otherwise require refiltering or rebottling, he may install suitable accumulation tanks in the bottling room for the accumulation of such spirits. Each such tank shall have plainly and legibly painted thereon the words "Accumulation Tank," followed by its serial number and capacity in gallons. The spirits so accumulated must be returned to the bottling tank system for refiltering and bottling with the same batch of spirits. The return of the spirits to the bottling tank system must be under the supervision of the storekeeper-gauger.

(53 Stat. 318; 26 U. S. C. 2829)

§ 189.64 *Water stills.* If water stills are provided in the tax-paid bottling house, there must be a clear space of not less than 1 foot around them. Every such still must have plainly and legibly painted thereon the words, "Water Still," followed by its serial number and capacity in gallons.

§ 189.65 *Distilled water storage tanks.* If the proprietor produces distilled water, or receives the same by pipe line from contiguous establishments operated under internal revenue laws and regulations, distilled water storage tanks shall be provided and so located that their contents may be readily inspected by Government officers. Each such tank shall be equipped with a suitable device whereby the contents can be accurately determined, and shall have plainly and legibly marked thereon the words, "Distilled Water Storage Tank," followed by its serial number and capacity in gallons. Where distilled water is to be conveyed by pipe line to contiguous establishments operated under the internal revenue laws and regulations, the storage tank from which the distilled water is to be conveyed must be so constructed that any necessary openings therein may be closed and secured with a Government lock. The pipe line must be securely constructed as provided in § 189.66. Barrels or other wooden containers in which distilled spirits were previously packaged, may not be used for the removal of distilled water.

(53 Stat. 318; 26 U. S. C. 2829)

§ 189.66 *Pipe lines.* Pipe lines used for the conveyance of tax-paid spirits to bottling or storage tanks in a tax-paid bottling house, must be of a fixed and permanent character, securely constructed and connected and so arranged as to be exposed to view throughout their entire lengths. Such pipe lines, except those from a bonded winery, must be so secured by brazing, welding, fastening and sealing, or locking with Government locks as to effectually prevent disconnection and access to the spirits. Pipe lines may be connected to bottling or storage tanks by manifold connections so arranged as to control the flow of spirits into such tanks. Each pipe line from a contiguous establishment shall have painted thereon, at a point near the manifold or valve controlling the flow, identification as to the premises from which the pipe line originated, as "RD–7," "IRBW–2," etc. Such pipe lines may be connected with tanks in a tax-paid bottling house by means of flexible metal hose with the ends brazed or welded to the inlet of the tank and to the pipe line, or by means of short, detachable hose connections if the end of each pipe line is fitted with a valve so constructed that it may be secured with a Government lock. If detachable hose connections are used, provision must be made so that the connections may be secured by Government locks when spirits are being transferred. Filters may be installed in such pipe lines connected with bottling tanks, if inlet and outlet lines to be attached to filters are equipped with valves which may be locked with Government locks. Pipe lines used for the conveyance of distilled water to contiguous establishments operated under the internal revenue laws and regulations, must be independent ones, without any connection with any other pipe, tank, vessel, or utensil on the tax-paid bottling house premises, except the distilled water storage tanks: *Provided*, That where distilled water is to be so conveyed from two or more distilled water storage tanks, the pipe line may be connected with such tanks by permanent manifold connections.

(53 Stat. 318, 335, as amended; 26 U. S. C. 2829, 2883)

§ 189.67 *Colors for pipe lines.* The pipe lines in the tax-paid bottling house used for conveying the following substances shall be kept painted in the colors indicated:

Black	Spirits.
White	Water.
Aluminum	Steam.
Orange	Air.
Purple	Refrigerants.

These colors are intended for such pipe lines only, and are prescribed for the purpose of distinguishing such pipe lines from each other, and from all other pipe lines on the premises which are painted but for which colors are not prescribed. The painting in one of the prescribed colors, or a color similar thereto, of a pipe line for which a color is not prescribed, is prohibited. Pipe lines for which colors are not prescribed may be painted in sections of contrasting colors.

DETAILS OF CONSTRUCTION AND EQUIPMENT

§ 189.68 *General.* Where details of construction and equipment are not covered by this part, such construction and equipment must afford adequate security and control. The Commissioner may approve details of construction and equipment in lieu of those specified in this part where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford adequate security and control. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, approval of the Commissioner should be first obtained.

§ 189.69 *Bottling houses heretofore established.* Tax-paid bottling houses heretofore established may continue to operate if the present construction and equipment afford adequate supervision and control. The Commissioner or district supervisor may at any time require the proprietor to make changes in construction and equipment conforming to this part, if deemed necessary to permit more economical and efficient supervision by Government officers. All tax-paid bottling houses hereafter established, and changes in existing tax-paid bottling houses, must be in conformity with this part.

SUBPART H—QUALIFYING DOCUMENTS

§ 189.75 *Notice, Form 27–E.* Every person intending to engage in the business of bottling tax-paid distilled spirits must file notice on Form 27–E, in triplicate, with the district supervisor before engaging in the business. Except as provided in § 189.78, in the case of amended and supplemental notices, all of the information indicated by the lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part, shall be furnished. Notices on Form 27–E must be signed in

accordance with the instructions printed on the form, and be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such notice contains therein a provision for verification by a written declaration that such notice is made under penalties of perjury, such notice shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Such notices must be numbered serially, commencing with number 1 and continuing in regular sequence for all notices thereafter filed, whether amended or supplemental. All data, written statements, affidavits, and other documents submitted in support of the notice, shall be deemed to be a part thereof.

(63 Stat. 667; 26 U. S. C. 3809)

§ 189.76 *Federal Alcohol Administration Act permit.* Under the Federal Alcohol Administration Act and Regulations 1 (27 CFR Part 1) issued pursuant thereto, any person, except an agency of a State or political subdivision thereof, or any officer or employee of any such agency, intending to engage in the business of bottling distilled spirits is required to procure a warehousing and bottling basic Federal Alcohol Administration Act permit (Form 1642) therefor. The trade names or styles under which it is intended to conduct the business must be specified in the permit. Application for such permit should be filed on Form 1641 with the district supervisor at the time of filing notice, Form 27–E.

(Sec. 3, 49 Stat. 978; 27 U. S. C. 203)

§ 189.77 *Location of distillery, bonded warehouse, or alcohol plant.* There must be stated in the notice, Form 27–E, the name, registry number, and complete address of the proprietor's distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, in connection with which the tax-paid bottling house is established. The distance between the tax-paid bottling house and the distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse located on contiguous or nearby premises, as provided in § 189.35, shall also be stated in the notice.

§ 189.78 *Amended and supplemental notices.* Amended and supplemental notices on Form 27–E may be executed in skeleton form, except as to the items amended or supplemented. All items which are correctly set forth in prior notices, and in which there has been no change since the last preceding notice, may be incorporated in the amended or suplemental notice by reference to the respective notice previously filed. Such incorporation by reference shall be made by entering for each such item, in the space provided therefor, the statement "No change since filing Form 27–E, Serial No. ——" (the number being inserted), and the date of such form. The Commissioner or the district supervisor may at any time, in his discretion, require the filing of a complete notice on Form 27–E.

§ 189.79 *Corporate documents, etc.* The proprietor of the tax-paid bottling house must submit with, and make a part of, his notice, Form 27–E, certified copies, in triplicate, of the corporate documents or articles of copartnership or association, if any, described in the regulations governing his qualification as the proprietor of a distillery, Regulations 4 (26 CFR Part 183) or Regulations 5 (26 CFR Part 184) internal revenue bonded warehouse, Regulations 10 (26 CFR Part 185), industrial alcohol plant or industrial alcohol bonded warehouse, Regulations 3 (26 CFR Part 182), unless such documents were filed with and made a part of the notice or application submitted in connection with the establishment or operation of one of such plants, in which event a statement, in triplicate, to that effect may be submitted in lieu of a separate set of such documents. Likewise, the proprietor of the tax-paid bottling house must submit powers of attorney in the same circumstances under which he is required by such regulations to submit such documents in connection with the establishment or operation of his distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, except that where he has filed the required powers of attorney in connection with the establishment or operation of one of such plants, and the terms of such powers of attorney are broad enough to cover the execution of documents required for the tax-paid bottling house, a statement, in triplicate, regarding such filing of the powers of attorney may be submitted in lieu of extra copies of the documents.

§ 189.80 *Registry of stills, Form 26.* If a water still is set up at the tax-paid bottling house, the proprietor must register the same with the district supervisor for the district in which the still is located, on Form 26, immediately it is set up. The Form 26 shall be executed in triplicate in accordance with the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto and as required by this part. Form 26 must be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such notice contains therein a provision for verification by a written declaration that such notice is made under penalties of perjury, such notice shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification.

(53 Stat. 308, as amended, 373, as amended, 63 Stat. 667; 26 U. S. C. 2810, 3170, 26 U. S. C., Sup., 3809)

§ 189.81 *Plat and plans.* Every person intending to engage in the business of bottling tax-paid distilled spirits must submit to the district supervisor with his notice, Form 27–E, an accurate plat of the tax-paid bottling house premises and accurate plans of the buildings or rooms and the bottling apparatus and equipment therein, in triplicate, conforming to the requirements of Subpart I.

§ 189.82 *Additional information.* The Commissioner or the district supervisor may at any time, in his discretion, require the proprietor to furnish such additional information as he may deem necessary.

§ 189.83 *Instruments and papers.* The terms, conditions, and instructions contained in instruments and papers required to be furnished by law or regulations are hereby made a part of this part as fully and to the same extent as if incorporated in this part.

Subpart I—Plats and Plans

§ 189.95 *Plat and plans required.* Every person intending to engage in the business of bottling tax-paid distilled spirits must, as provided in § 189.81, file an accurate plat and accurate plans of the tax-paid bottling house premises, apparatus, and equipment, in triplicate, with the district supervisor.

§ 189.96 *Preparation.* Every plat and plan shall be drawn to scale, and each sheet thereof shall bear a distinctive title, enabling ready identification. The cardinal points of the compass must appear on each sheet, except the elevational flow diagrams (plans). The minimum scale of any plat will not be less than $\frac{1}{50}$ inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth, or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least one inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct.

§ 189.97 *Depiction of premises.* Plats must show the outer boundaries of the tax-paid bottling house premises, in feet and inches, in a color contrasting with those used for other drawings on the plat, and must contain an accurate depiction of the building or buildings comprising the premises, and any driveway, public highway, or railroad right-of-way adjacent thereto or connecting therewith. The depiction of the premises shall agree with the description in the notice, Form 27–E. If the premises are separated by a public highway or railroad right-of-way, and the tracts of land comprising the premises, or parts thereof, abut on such highway or right-of-way opposite each other, the different tracts will be depicted separately, in feet and inches. If two or more buildings are to be used, the designated name of each shall be indicated, and all pipe lines or other connections, if any, between the same depicted. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A", and they shall be so shown on the plat. All first floor exterior doors of each building on the premises will be shown on the plat. If the tax-paid bottling house consists of a room or a floor of a building, an outline of the building, the precise location and dimensions of the room or floor, and the means of ingress from, and egress to, a public street or yard shall be shown. Except as provided in § 189.103, all pipe lines leading to or from the premises, the purpose for which used, and points of origin and termination will be indicated on the plat.

§ 189.98 *Contiguous premises.* The plat must show the relative location of any distillery, internal revenue bonded warehouse, industrial alcohol plant, industrial alcohol bonded warehouse, or rectifying plant, or other premises on which liquors are manufactured, stored or sold, contiguous to the tax-paid bottling house premises, and all pipe lines and other connections, if any, between them, and the distance they are from each other. The outlines of such contiguous premises and the tax-paid bottling house premises must be shown in contrasting colors.

§ 189.99 *Floor plans.* The plans shall include a floor plan of each floor of each building, showing the general dimensions of the rooms and floors, and the location of all doors, windows, and other openings, and how such openings are protected. If a portion of a building is used, such as a room or floor, the floor plans will include only that portion, and shall also show the means of ingress and egress to the street. All fixed apparatus and equipment, except pipe lines, must be shown in their exact location on the floor plans and their designated use indicated. Except as provided in this subpart, pipe lines need not be shown. In the case of water stills, tanks, and similar equipment, the serial number and capacity shall also be shown.

§ 189.100 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering the flow of spirits from the time of receipt on the premises until the cased spirits are removed from the bottling room. Such diagrams or plans shall clearly depict all equipment in its relative operating sequence and elevation by floors, with all connecting pipe lines, valves, flanges, measuring devices, and attachments for Government locks: *Provided*, That where flanges, unions or other connections in pipe lines brazed, welded, or otherwise are permanently secured in such a manner as to constitute a continuous, single pipe line, the location of such flanges, unions or other connections, and the manner of securing the same, need not be shown on the plans. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All major fixed equipment, such as dump tanks, bottling tanks, filters, etc., must be identified on these plans as to number and use. The elevational flow diagram must be so drawn that all fixed pipe lines, except those indicated by § 189.103, may be readily traced from beginning to end. Other types of drawings that clearly depict the information required by this subpart may be submitted in compliance with this section. The location of all Government locks required to secure the apparatus and equipment, and the doors of the rooms, must be indicated on the plans by the symbol "GL" at the points where the locks are to be attached.

§ 189.101 *Pipe lines.* The plat and plans shall show pipe lines, if any, connecting the tax-paid bottling house with a registered or fruit distillery, internal revenue bonded warehouse, industrial alcohol plant, industrial alcohol bonded warehouse, bonded winery, and rectifying plant, for the transfer of tax-paid spirits for bottling. The plat will show the relative location of the tax-paid bottling house and the premises connected by such pipe lines. The plat or plans will also show the bottling tanks or storage tanks to which such pipe lines are connected.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 189.102 *Pipe lines in colors.* The fixed pipe lines must be shown on the plat and plans in the colors in which they are required to be painted, as follows:

Black	Spirits.
White	Water.
Aluminum	Steam.
Orange	Air.
Purple	Refrigerants.

§ 189.103 *Pipe lines exempted.* Approved public or private utilities service lines, such as sewers, electric or gas conduits or pipes, and approved sprinkler, refrigeration, or heating systems which have no connection with equipment used for spirits, need not be shown on the plat and plans, provided that the point of entry to the premises shall be indicated.

§ 189.104 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet signed by the proprietor, the draftsman, and the district supervisor, substantially in the following form:

(Name of proprietor)

(Address)

Approved: ---
(Date)

(District supervisor)

Accuracy certified by:

(Name and capacity—for the proprietor)

(Draftsman)

TPBH No. ---

---, 19---. Sheet No. ---
(Date)

§ 189.105 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded, but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence.

Subpart J—Requirements Governing Changes in Name, Proprietorship, Control, Location, Premises, and Equipment

§ 189.110 *General requirement.* Notice in writing must be given immediately by the proprietor to the district supervisor in case of any change in the location, form, capacity, ownership, agency, superintendency, or in persons interested in the business of the tax-paid bottling house.

§ 189.111 *Procedure applicable.* Except as provided in §§ 189.115–189.118, changes in the individual or corporate name, or in the trade name or style, of the proprietor, and changes in the proprietorship, control, location, premises, and equipment of the tax-paid bottling house shall be in accordance with the procedure, in so far as applicable, prescribed by the regulations governing such changes in connection with the operation of the proprietor's distillery, Regulations 4 (26 CFR Part 183) or Regulations 5 (26 CFR Part 184), internal revenue bonded warehouse, Regulations 10 (26 CFR Part 185), industrial alcohol plant or industrial alcohol bonded warehouse, Regulations 3 (26 CFR Part 182). Where the proprietor desires to operate under a trade name or style, or to bottle spirits under a trade name or style, or under a number of trade names or styles, other than those previously approved, he must, if the additional name or style has not previously been specified on the Federal Alcohol Administration Act permit, file with the district supervisor a letterhead application for approval of such trade name or style. The district supervisor will forward such application to the Bureau for action by the Commissioner. If the Commissioner finds that the name or names may be used, he will advise the district supervisor. The proprietor will be advised accordingly. He may then file with the district supervisor an amended Form 27–E in accordance with § 189.78 and, where necessary, he must also procure from the district supervisor an amended basic permit. The proprietor will, in the case of changes in name, proprietorship, or location, also comply with the applicable provisions of the regulations governing special (occupational) taxes, Regulations 20 (26 CFR Part 194).

Subpart K—Requirements Governing Operations Under Alternating Proprietorships

§ 189.115 *Qualification.* A tax-paid bottling house may be operated under alternating proprietorships. Where it is desired to so operate, the successor (lessee) proprietor must qualify as proprietor of the tax-paid bottling house in accordance with the provisions of Subpart H. At the time of the first suspension of the tax-paid bottling house for operation under an alternating proprietorship, the outgoing (lessor) proprietor must discontinue operations and file with the district supervisor an amended notice on Form 27–E, in triplicate, stating thereon the purpose of the notice to be "Temporary discontinuance in order that the tax-paid bottling house may be operated by an alternate proprietor" and give the date of discontinuance. The outgoing (lessor) proprietor shall also comply with Subpart DD of this part.

§ 189.116 *Suspension and subsequent alternate proprietorships.* Where an alternate proprietor desires to suspend operations of the tax-paid bottling house

preparatory to resumption by another alternate proprietor, he must file Form 1696, after proper execution of Parts 1 and 2, through the storekeeper-gauger in charge, with the district supervisor, giving notice of intention to suspend operations. The form shall be executed and filed in accordance with the various lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part. Form 1696 shall contain or be verified by a written declaration that it is executed under the penalties of perjury. The outgoing (lessor) proprietor shall also comply with Subpart DD of this part. Operations will be suspended at the time specified in the notice, upon approval thereof, by the district supervisor.

(63 Stat. 667; 26 U. S. C., Sup., 3809)

§ 189.117 *Resumption for subsequent alternate proprietorships.* Where an alternate proprietor desires to resume operation of the tax-paid bottling house following suspension by another alternate proprietor, he must file Form 1696, after proper execution of Parts 1 and 2, through the storekeeper-gauger in charge, with the district supervisor for authority to resume operations. The notice shall be executed and otherwise completed as provided in this subpart. The outgoing (lessor) proprietor shall also comply with Subpart DD of this part.

§ 189.118 *Approval and disposition of Form 1696.* Upon receipt of Form 1696, the district supervisor will, if he finds that the notice may be properly approved, execute the certificate of approval on all copies and dispose of the copies in accordance with the instructions printed thereon or issued in respect thereto.

SUBPART L—REQUIREMENTS GOVERNING ALTERNATE OPERATIONS AS BOTTLING-IN-BOND DEPARTMENT OF AN INTERNAL REVENUE BONDED WAREHOUSE

§ 189.120 *Procedure applicable.* A tax-paid bottling house may be operated alternately as a bottling-in-bond department. Where it is desired to so operate the procedure prescribed by Regulations 10 (26 CFR Part 185), will be followed in so far as applicable.

SUBPART M—ACTION BY DISTRICT SUPERVISOR

§ 189.125 *Authority to approve.* District supervisors are authorized to approve all notices and other qualifying documents required by this part.

(53 Stat. 373, as amended; 26 U. S. C. 3170)

§ 189.126 *Examination of qualifying documents.* Upon receipt of the notice, plat, plans and other documents required by this part of persons intending to qualify as proprietors of tax-paid bottling houses, the district supervisor will examine the same to determine whether they have been properly executed, and whether they reflect compliance with the requirements of the law and this part. Where any required document has not been filed, or where errors or discrepancies are found in those filed, or where the documents filed do not reflect compliance with this part, action thereon will be held in abeyance until the omission, error or discrepancy, has been rectified, and there has been full compliance with all requirements.

§ 189.127 *Inspection of premises and equipment.* When the required documents have been filed in proper form, the district supervisor will assign an inspector to examine the premises, buildings, apparatus and equipment and determine whether they conform with the description thereof in the notice, plat and plans, and whether the construction and measures of protection afforded meet the requirements of law and this part. Where the inspection discloses minor irregularities in the qualifying documents or in the construction, the inspector will, at the time of their discovery, direct the attention of the proprietor to the same in order that the proprietor may correct the defects before completion of the inspection.

§ 189.128 *Examination and approval of bottling tank.* The district supervisor will in every case detail an officer to examine carefully each bottling tank to see that it is constructed in strict compliance with this part. The officer will test the accuracy of the scales or measuring device required to be provided for the tank, and if it is found that the same is not strictly accurate, or if any portion of the equipment does not conform to the requirements of this part, he will not recommend approval of the tank until the proper changes are made. If the officer is satisfied that the bottling tank or tanks and the attachments thereto are properly constructed, and that the scales or measuring devices are accurate, he will so report to the district supervisor, in writing, and will securely attach to each such tank a certificate on Form 244. No tank or attachment thereto shall be used until such certificate has been attached and the tank and attachments thereto have been approved.

(53 Stat. 373, as amended; 26 U. S. C. 3170)

§ 189.129 *Report of inspection.* Upon completion of the inspection, a report thereof will be submitted to the district supervisor. The report shall describe separately all irregularities and discrepancies found during the course of the inspection, and shall include a complete statement describing all unusual or special conditions. Where irregularities were corrected during the inspection, the report will indicate the corrections so made. The report need not set out in detail each description as set forth in the notice, plat and plans. The description of buildings, rooms, and equipment in the report should be general and brief. However, construction, equipment, signs, etc., which are not in conformity with law and this part, will be completely described. If there are any pipe lines or other connections or openings between the tax-paid bottling house premises and other premises, the same shall be described in detail. The report will also show whether the bottling tanks are constructed in accordance with this part and whether the measuring devices provided for determining the contents of such tanks have been tested and found to be accurate and certificate on Form 244 is attached to each such tank. There shall be further embodied in the report a statement as to whether or not another business is being conducted, or is intended to be conducted, on the tax-paid bottling house premises or in the buildings or rooms thereon.

§ 189.130 *Inaccurate documents; defective construction.* Where the district supervisor's examination, or the inspector's report, discloses discrepancies in the qualifying documents, the inaccurate or incomplete documents will be returned to the proprietor for correction. Where it is found that the construction of the tax-paid bottling house or its equipment does not conform to the requirements of the law and this part, the district supervisor will inform the proprietor concerning the defects, and further action will be held in abeyance pending correction thereof.

§ 189.131 *Approval of qualifying documents.* If the district supervisor finds, upon examination of the inspection report and the qualifying documents, that the person seeking to qualify as a proprietor of a tax-paid bottling house has complied in all respects with the requirements of the law and this part, and is entitled to a permit, he will assign a registry number to the tax-paid bottling house in accordance with § 189.132, note his approval on all copies of the notice and plat and plans, and dispose of the qualifying documents and inspector's reports in accordance with § 189.134.

(53 Stat. 373, as amended; 26 U. S. C. 3170)

§ 189.132 *Registry numbers.* Tax-paid bottling houses will be numbered serially in the order of their establishment. A separate series will be used for each state. Registry numbers heretofore assigned will be retained, and new tax-paid bottling houses will be assigned numbers in sequence thereto. Registry numbers previously assigned to discontinued tax-paid bottling houses will not be reassigned to other tax-paid bottling houses. The same registry number will be continued whenever there is a change in proprietorship.

§ 189.133 *Disapproval of qualifying documents.* If the district supervisor finds that the applicant has not complied in all respects with the requirements of the law and this part, or that the situation of the tax-paid bottling house is such as would enable the proprietor to defraud the United States, he will note his disapproval on the notice and will dispose of the qualifying documents in accordance with § 189.134.

(53 Stat. 373, as amended; 26 U. S. C. 3170)

§ 189.134 *Disposition of qualifying documents.* Where the district supervisor approves the qualifying documents, he will forward to the applicant one copy of the documents with the original of the basic permit (Form 1642) issued pursuant to Regulations 1 (27 CFR Part 1) issued under the Federal Alcohol Administration Act, forward to the Commissioner the originals of the documents and a copy of the basic permit issued under the Federal Alcohol Administration Act, together with copies of inspection reports, and retain one copy of the qualifying documents for the file of the applicant. If the qualifying documents are disapproved, the district supervisor shall note his disapproval on all copies of the notice with brief statements of his reasons therfor, and return to the applicant by registered mail, one copy of the disapproved notice, together with all copies of the supporting documents. The district supervisor shall forward one copy of the disapproved notice to the Commissioner and will advise him fully respecting the disapproval thereof. He shall retain the remaining papers in his files. If the applicant is not entitled to a basic permit, the district supervisor will, upon disapproval of the application therefor, return all copies of the qualifying documents to the applicant without action thereon.

(53 Stat. 373, as amended; 26 U. S. C. 3170)

§ 189.135 *Changes subsequent to original establishment.* The action by the District Supervisor in connection with changes subsequent to the establishment of a tax-paid bottling house will be in accordance with the procedure prescribed in this part, and, insofar as applicable, the procedure prescribed by the regulations governing changes subsequent to the establishment of the proprietor's distillery, Regulations 4 (26 CFR Part 183) or Regulations 5 (26 CFR Part 184), internal revenue bonded warehouse, Regulations 10 (26 CFR Part 185), industrial alcohol plant or industrial alcohol bonded warehouse, Regulations 3 (26 CFR Part 182).

SUBPART N—ACTION BY COMMISSIONER

§ 189.140 *Procedure applicable.* The action by the Commissioner in connection with the establishment, and changes subsequent to establishment, of tax-paid bottling houses will be in accordance with the procedure, insofar as applicable, prescribed by the regulations governing the establishment, and changes subsequent to establishment, of the proprietor's distillery, Regulations 4 (26 CFR Part 183), or Regulations 5 (26 CFR Part 184), internal revenue bonded warehouse, Regulations 10 (26 CFR Part 185), industrial alcohol plant, or industrial alcohol bonded warehouse, Regulations 3 (26 CFR Part 182).

SUBPART O—INSTRUMENTS

§ 189.145 *General requirements.* Proprietors must provide themselves with proper instruments for gauging or determining the alcoholic content of spirits and wines.

§ 189.146 *Hydrometer set.* For use in determining the proof of distilled spirits and rectified spirits to which saccharine or other solid matter has not been added, proprietors will provide themselves with an accurate hydrometer set, consisting of cup with thermometer and the necessary stems.

§ 189.147 *Ebulliometer.* Except as provided in § 189.260, proprietors will provide themselves with an approved ebulliometer or a small still for use in determining the alcoholic content of blended whiskies containing sherry wine, prune juice, caramel, glycerine, etc., and of wines, cordials, liqueurs, and other rectified products containing saccharine or other solid matter. The following ebulliometers have been approved by the Commissioner for use in determining the alcoholic content of such products: Salleron-Dujardin, Juerst, Lefco, Braun, E. B. Torino (with shield), "TAG" (with shield), Malligand Type (with shield), L'Ebulliometer Levesque (with shield), and Arnaldo-Sala (with shield). The E. B. Torino, "TAG", Malligand Type, L'Ebulliometer Levesque, and Arnaldo-Sala have been approved subject to the condition that they will be used in connection with a shield to protect them from drafts or air currents.

§ 189.148 *Other instruments.* The Commissioner may authorize the use of other instruments or methods for determining the alcoholic content by volume of such blended whiskies, and of wines, cordials, liqueurs, and similar products.

§ 189.149 *Accuracy of instruments to be checked.* Government officers will from time to time check the accuracy of all instruments used at tax-paid bottling houses. Instructions for use of hydrometer sets and of small stills (or wine sets) will be found in the Gauging Manual (26 CFR Part 186) and in Regulations 7 (26 CFR Part 178), respectively. Ebulliometers will be tested in accordance with the instructions furnished with the instruments. Instructions for the use of approved ebulliometers will be found in the Appendix to Part 178 of this Chapter.

SUBPART P—PLANT OPERATION

§ 189.155 *Restrictions.* No operations pertaining to transferring of spirits from tank cars to storage or bottling tanks, gauging and dumping of spirits for bottling, bottling, or shipping, shall be carried on at a tax-paid bottling house during other than regular business hours, unless special permission is first obtained therefor from the district supervisor.

§ 189.156 *Operations after regular hours.* The district supervisor will ordinarily restrict operations at a tax-paid bottling house to regular business hours, unless it should be found necessary, upon a proper showing by the proprietor, to permit operations after such hours to meet seasonable demands or temporary emergency conditions. The proprietor may, however, in the discretion of the district supervisor, be authorized to bottle after regular business hours spirits which are transferred in accordance with the procedure prescribed in this subpart to bottling tanks during such hours, provided that the bottled spirits are kept on the premises until the following business day.

SUBPART Q—COMMENCEMENT OF OPERATIONS

§ 189.160 *Supervision of operations.* The operations of tax-paid bottling houses will be conducted under the general supervision of the storekeeper-gauger in charge of the distillery, internal revenue bonded warehouse, industrial alcohol plant, or alcohol bonded warehouse to which the tax-paid bottling house is appurtenant: *Provided*, That where the tax-paid bottling house is contiguous to a rectifying plant, the storekeeper-gauger assigned to the rectifying plant may be charged with the duty of supervising the operations of the tax-paid bottling house.

§ 189.161 *Examination of bottling house.* The storekeeper-gauger charged with the duty of supervising the operations of a tax-paid bottling house will, prior to the commencement of operations, carefully examine the premises and equipment and determine that they conform to this part.

SUBPART R—RECEIPT OF SPIRITS

§ 189.165 *Tax-paid liquors only.* Only spirits, including wines, cordials, liqueurs, etc., that have been tax-paid at the rates provided by law may be received at a tax-paid bottling house.

FROM PREMISES OTHER THAN RECTIFYING PLANTS

§ 189.166 *Deposit in bottling house.* When spirits are received, they must be deposited in the tax-paid bottling house. When spirits are received in a railroad tank car, or by pipe line they must be transferred or conveyed into storage tanks, or into bottling tanks. When spirits are transferred into or out of storage tanks, the Government officer shall open and close the Government locks, but it shall be the duty of the proprietor to manipulate the stopcocks or valves controlling the flow of the spirits. The Government officer will keep a memorandum record of the quantities of spirits entered into and withdrawn from each storage tank and of each reduction in proof of the contents thereof, by dates, in order that he may determine that only lawful, tax-paid spirits are received and withdrawn from such tanks. Distilled spirits may be received in railroad tank cars at a tax-paid bottling house only where the bottling house is equipped with suitable railroad siding facilities.

§ 189.167 *Certificate of tax-payment, Form 1595.* Where distilled spirits are received in a tank car at a tax-paid bottling house, the proprietor shall at the time the car is emptied scalp the certificate of tax-payment, Form 1595, by cutting out all of that portion of the certificate within the border. The proprietor shall then send the scalped portion of the certificate to the supervisor of the district in which the proprietor is located, and shall obliterate the remainder of the certificate.

§ 189.168 *Absence of Form 1595 to be reported.* If the tank car is received without the certificate attached thereto, the proprietor shall note such fact on the bill of lading (if any) or Form 1520 or 1440, as the case may be, covering such tank car and immediately notify the district supervisor, who will cause such inquiry to be made respecting the shipment and receipt of the car as he may deem appropriate. Where a tank car with the certificate missing is received at a tax-paid bottling house, the storekeeper-gauger will furnish a complete report to the district supervisor.

§ 189.169 *Comparison of scalped certificate with application.* The district supervisor will compare the scalped cer-

tificate of tax-payment, Form 1595, with the copy of the application therefor, Form 1594, forwarded to him by the collector at the time Form 1595 was issued. The certificate and the application will be compared as to names of vendor and vendee, number of gallons, amount of tax, etc., and any discrepancy will be investigated. The district supervisor will then send the copy of the application to the Commissioner, and, where there is a discrepancy, a report of his findings relative thereto.

§ 189.170 *Attachment of Forms 703–A, 1440 and 1520 to tanks.* When spirits received in a tank car or by a pipe line are run into a storage tank, the report of gauge, Form 1520, in the case of distilled spirits other than alcohol, and Form 1440 in the case of alcohol, or Form 703–A in the case of wine, sent to the proprietor of the tax-paid bottling house by the shipper, shall be attached to such storage tank. The proprietor shall enter the date and quantity of each removal from the storage tank in a blank space on such form. The form shall be kept on the tank until such time as a quantity equivalent to that covered by the form has been withdrawn from the tank. The form shall then be filed by the proprietor, available for inspection by Government officers. If the spirits are transferred directly from the tank car or by a pipe line into a bottling tank, the proprietor shall make a note to that effect on the form, and attach it to the tank. Upon completion of the bottling, Forms 703–A, 1440 or 1520, as the case may be, will be filed by the proprietor. Where the entire quantity or spirits received is run into more than one storage tank, or into more than one bottling tank, the proprietor will prepare additional copies of Form 703–A, 1440 or 1520, as the case may be, for attachment to each such tank, and note thereon the quantity run in each tank.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

FROM RECTIFYING PLANTS

§ 189.171 *Deposit in bottling house.* When spirits are received, the same must be deposited in the tax-paid bottling house.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 189.172 *Extra copy of Form 230 or Form 237.* When rectified spirits are transferred by pipe line from a rectifying plant to a tax-paid bottling house on contiguous premises, an extra copy of Form 237 will be prepared by the rectifier and the same will be fully executed in the same manner as the original Form 237, including the storekeeper-gauger's certificate of tax-payment, if the spirits are subject to the rectification tax; or the storekeeper-gauger's certificate of exemption from the rectification tax, if the spirits are not subject to such tax. When spirits other than rectified spirits are to be so transferred, an extra copy of Form 230 will be fully executed in the same manner as the original Form 230 prepared by the rectifier. Upon completion of the transfer of spirits to the tax-paid bottling house, the rectifier shall enter under the certificate of cases filled on all copies of Form 237 or Form 230, a statement that the spirits described on the reverse side of the form have been transferred by pipe line to bottling tank No. _____ in the contiguous tax-paid bottling house operated by _____, together with the date of transfer.

§ 189.173 *Attachment of Forms 230 or 237 to bottling tanks.* When spirits are received by pipe line from a rectifying plant and run into a bottling tank, the copy of Form 230 or Form 237 received from the rectifier will be securely attached by means of a staple, eyelet, or similar device, to a copy of the Form 230 prepared by the proprietor of the tax-paid bottling house as evidence that the proper tax on the spirits described therein has been paid and both forms will be attached to the bottling tank. Where the spirits are run into more than one bottling tank, the proprietor of the tax-paid bottling house will prepare additional copies of Forms 230 or 237 for attachment to each such tank, and note thereon the quantity run into each tank.

MIXING IN STORAGE TANKS

§ 189.174 *Mixing of different spirits prohibited.* Spirits of less than 190 degrees of proof, received in tank cars or by pipe line, which were produced from different materials, or by two or more distillers, or at two or more distilleries, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may not be mingled in a storage tank. Examples of spirits which are otherwise heterogeneous are spirits which have been quick-aged and spirits which have not been quick-aged, and spirits which have been stored in different kinds of cooperage. Such spirits of the same composition, produced at approximately the same proof by the same distiller at the same distillery, and differing in age (a) not more than 6 months in the case of spirits more than 2 years of age, (b) not more than 60 days in the case of spirits more than 1 year and not more than 2 years of age, or (c) not more than 30 days in the case of spirits 1 year of age or less, and packaged in the same kind of cooperage will be presumed to be homogeneous, and may be mingled in a storage tank. Where it is desired to mingle spirits falling within more than one of the age categories specified, the difference in age allowable shall be determined according to the age of the youngest spirits. For example, if spirits not more than 1 year of age are mingled with spirits more than 1 year old, the spirits must not vary in age more than 30 days. Spirits of 190 degrees of proof or more, received in tank cars or by pipe line, distilled from the same class of materials (such as grain) will be presumed to be homogeneous and may be mingled in a storage tank.

(Sec. 205, 49 Stat. 981 as amended; 53 Stat. 335 as amended, 391; 27 U. S. C. 205, 26 U. S. C. 2883, 3254)

SUBPART S—DUMPING AND BOTTLING

§ 189.185 *Application, Form 230.* Proprietors of tax-paid bottling houses desiring to bottle tax-paid spirits will execute application on Form 230, in duplicate, giving all of the data called for by the form as indicated by the headings of the various columns and lines and the instructions printed thereon or issued in respect thereto and as required by this part. The proprietor will enter on Form 230 the details of the withdrawal gauge for taxpayment when packages of spirits are to be dumped for bottling, or when liqueurs or cordials are authorized to be bottled from the original package, as provided in § 189.196; or when spirits received in a tank car or by pipe line are conveyed directly into one bottling tank. When spirits received in a tank car or by pipe line are conveyed directly into one or more bottling tanks, or where spirits are withdrawn from a storage tank and run either directly or through a dumping and reducing tank into one or more bottling tanks, the proprietor will enter on a separate Form 230 the details of gauge of each bottling tank giving all applicable information. An actual gauge of the spirits will, however, be made in any case before the bottling begins, and the details of such gauge will also be entered on Form 230, as provided in §§ 189.195 and 189.196. Except as permitted in § 189.197, the proof of spirits shall be adjusted to a whole degree of proof preparatory to bottling. Adjusting the proof to tenths of a degree, either above or below the whole or complete degree, will not be permitted: *Provided*, That when spirits are being prepared for bottling and are to be bottled and labeled in tenths of a degree of proof, such as 86.4, the proof of the spirits shall be adjusted to such tenths of a degree of proof. The proof in each instance shall be verified as to accuracy by the Government officer. Each Form 230 will be given a serial number beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive. A separate application on Form 230 must be prepared for each tank of tax-paid spirits to be bottled.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 189.186 *Distiller's original or wholesale liquor dealer's packages.* Where the spirits to be dumped are contained in distiller's original packages, the proprietor will cut out with a sharp instrument that portion of each tax-paid stamp upon which is shown the serial number of the stamp, the date, the name of the distiller or warehouseman, the proof gallons, and the serial number of the package. In the case of wholesale liquor dealer's packages, that portion of each stamp extending from the top to the bottom and embracing the entire width between the words "proof" and "collector" appearing near the bottom of the stamp, will be cut out. The scalped portions of the stamps will be securely attached by means of a staple, eyelet, or similar device, to a slip of paper in such manner that the data thereon may be readily examined, and such slip of paper bearing the cut-out portions of the stamps will be securely attached to the original Form 230.

§ 189.187 *Rectified spirits.* If packages of rectified spirits are to be dumped, that portion of each rectified spirits stamp showing the serial number, the date, the name of the rectifier, the proof gallons, the class, and the district and State, will be cut out and attached to the original Form 230 in the same manner as tax-paid stamps.

§ 189.188 *Imported spirits.* Where packages of imported spirits are to be dumped, that portion of each customs stamp showing the kind of spirits, the serial number, date of issue, name of the importer, proof gallons, and the name and district of the collector of customs, will be cut out and attached to the original Form 230 in the same manner as tax-paid stamps.

§ 189.189 *Unstamped spirits.* When a stamp has been lost or mutilated by accident so that the required portion thereof cannot be returned, an affidavit setting forth all the facts in the case will be made by the proprietor and attached to each copy of Form 230. Where spirits are received in a tank car bearing a certificate of tax payment, Form 1595, or spirits are received by pipe line, or where spirits in stamped bottles are to be dumped, an explanatory statement will be made in the columns provided for the description of stamps on Form 230, as "Form 1595, Serial No. _____, dated _____, heretofore submitted," or "Form 1520, dated _____, pipe line transfer on Form 1595, Serial No. _____," or "Form 1440, dated _____, pipe line transfer on Form 1595, Serial No. _____," or "See Form 230, Serial No. _____, dated _____," or "See Form 237, Serial No. _____, dated _____," or "In Stamped Bottles," as the case may be.

§ 189.190 *Wines.* Since it is impracticable to scalp wine stamps, the proprietor will, whenever wines are to be dumped from properly stamped containers, certify to such fact by writing the words "Wine stamps attached to the containers" in the columns provided for the description of stamps on Form 230. If the wine to be dumped is in a tank car, storage tank, bottles, or other container to which wine stamps representing the tax are not attached, a statement explaining the absence of the stamps will be attached to each copy of Form 230.

§ 189.191 *Statement of Government officer.* Where scalped portions of the stamps are not attached to Form 230, the storekeeper-gauger charged with the duty of supervising the operations at the tax-paid bottling house will attach to each copy of Form 230 a statement, over his signature, setting forth the reasons why the scalped portions of the stamps are not attached.

§ 189.192 *Approval by storekeeper-gauger.* The proprietor will submit both copies of Form 230 for the approval of the storekeeper-gauger assigned to supervise operations at the tax-paid bottling house. When packages of distilled spirits are to be dumped for bottling, the proprietor will submit with Form 230 a copy of the withdrawal gauge for taxpayment (Form 1520, etc.), and the storekeeper-gauger will examine the packages described in the application, the withdrawal gauge for tax-payment, and the scalped portions of tax-paid stamps, or the affidavit or statement in lieu thereof. When spirits are received by pipe line from contiguous premises (other than rectifying plants) or by tank car and are conveyed directly into bottling tanks, the storekeeper-gauger will compare the kind and quantity described in the application with the kind and quantity reported tax-paid on the withdrawal gauge for taxpayment (Form 703–A, 1440 or 1520, as the case may be). When spirits are received by pipe line from contiguous rectifying plants and are conveyed directly into bottling tanks, the storekeeper-gauger will compare the kind and quantity described in the application with the kind and quantity reported transferred on Form 237 or 230, as the case may be, attached to a copy of Form 230 submitted by the proprietor. The serial number of the copy of Form 230 or Form 237, received from the rectifier, will be noted by the proprietor on both copies of Form 230 prepared by him. Where spirits to be bottled have been transferred from storage tanks to bottling tanks, the storekeeper-gauger will compare the kind and quantity described in the application with the kind and quantity reported withdrawn on Form 703–A, 1440 or 1520, as the case may be, attached to the storage tank. If the storekeeper-gauger finds that the spirits to be bottled are as described and have been lawfully tax-paid, and the forms are properly prepared, he will execute his certificate and the authorization for bottling, and return both copies to the proprietor.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 189.193 *Locking of bottling tank.* When the proprietor desires to transfer spirits to a bottling tank, and the inlet thereof is locked, he will request the Government officer to unlock the inlet of the tank to permit the transfer of the spirits thereto. At the time of opening the inlet to the bottling tank, the Government officer will lock the outlet thereof, which must remain locked until the spirits have been transferred to the tank, the inlet locked and the quantity of spirits in the tank determined. The inlet of the bottling tank will, except as provided in § 189.63, remain locked until all spirits within the tank have been bottled and the outlet has been locked.

§ 189.194 *Transfer of packages of spirits to bottling tank.* Upon approval of Form 230 by the storekeeper-gauger, as provided in § 189.192, the proprietor will, in the case of packages, dump the spirits and run them either directly or through a dumping and reducing tank into a bottling tank.

§ 189.195 *Bottling tank gauge.* The proprietor will make an actual gauge of the spirits in the bottling tank after they have been reduced to bottling proof where such reduction is permissible, and before they are released by the Government officer for bottling, and the details of such gauge (calculated or corrected to volume in accordance with the provisions of the Gauging Manual (26 CFR Part 186)) will be entered in the space provided therefor on all copies of Form 230; and one copy of the form will be attached to the bottling tank.

§ 189.196 *Bottling tank to be used.* All spirits bottled at a tax-paid bottling house must be bottled from approved bottling tanks: *Provided*, That the district supervisor may authorize the bottling from the original package of liqueurs and cordials which it is impracticable to bottle from an approved bottling tank. Where liqueurs or cordials are authorized to be bottled from the original package, the proprietor will gauge such liqueurs or cordials before the bottling begins and enter the details thereof on all copies of Form 230.

(53 Stat. 318; 26 U. S. C. 2829)

§ 189.197 *Reduction of spirits.* Unrectified spirits in storage, dumping and reducing or bottling tanks may be reduced in proof prior to the commencement of bottling. The reduction in proof or the increasing in volume, at a tax-paid bottling house, of rectified spirits on which the rectification tax has been paid is prohibited by law. However, the restoration to the original proof and volume of rectified spirits upon which the rectification tax has been paid, by the addition of water, preparatory to bottling, shall not be deemed a reduction in proof or an increase in volume within the meaning of section 2801 (b) of the Internal Revenue Code. Liqueurs and cordials upon which the tax imposed by section 3030 (a) of the Internal Revenue Code has been paid, may not be reduced in proof or increased in volume, nor may wines be increased in volume or in taxable grade, at a tax-paid bottling house. Section 2801 (b) of the Internal Revenue Code is not applicable to the reduction of imported spirits rectified abroad, or of spirits rectified in Puerto Rico, the Virgin Islands, or of domestically rectified spirits exempt from rectification tax.

(53 Stat 300, as amended; 26 U. S. C. 2801)

§ 189.198 *Mingling of different spirits prohibited.* Spirits of less than 190 degrees of proof, which were produced from different materials, or by two or more distillers, or at two or more distilleries, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may not be mingled in a dumping and reducing or bottling tank for convenience in bottling. Examples of spirits which are otherwise heterogeneous are spirits which have been quick-aged and spirits which have not been quick-aged, and spirits which have been stored in different kinds of cooperage. Such spirits of the same composition, produced at approximately the same proof by the same distiller at the same distillery, and differing in age (a) not more than 6 months in the case of spirits more than 2 years of age, (b) not more than 60 days in the case of spirits more than 1 year and not more than 2 years of age, or (c) not more than 30 days in the case of spirits one year of age or less, and packaged in the same kind of cooperage will be presumed to be homogeneous, and may be mingled in a dumping and reducing or bottling tank for convenience in bottling. Where it is desired to mingle spirits fall-

ing within more than one of the age categories specified, the difference in age allowable shall be determined according to the age of the youngest spirits. For example, if spirits not more than one year of age are mingled with spirits more than 1 year old, the spirits must not vary in age more than 30 days. Packages of blended or rectified spirits filled from the same blend or rectification, or from different blends or rectifications made with precisely the same spirits under the same formula, packaged in the same kind of cooperage, and stored under the same conditions, will likewise be presumed to be homogeneous, and may be dumped together for convenience in bottling. Spirits of 190 degrees of proof or more, distilled from the same class of materials (such as grain) will be presumed to be homogeneous and may be mingled in a dumping and reducing or bottling tank for convenience in bottling.

(Sec. 205, 49 Stat. 981, as amended, 53 Stat. 335 as amended, 391; 27 U. S. C. 205, 26 U. S. C. 2683, 3254)

§ 189.199 *Testing of spirits dumped together for bottling.* Whenever there is doubt as to whether the dumping together of the contents of two or more containers of spirits is permissible, that is, whether the spirits are of the same composition and are homogeneous, a sample of each component of the proposed mixture should be compared with a sample of the final mixture by chemical analysis and by taste, color, and other tests to ascertain whether the mixture is homogeneous with each of its component parts. The regular dumping together of spirits of different ages, or different blends or rectifications, at the time of bottling is indicative of blending (rectification). The district supervisor will make appropriate inquiry where such dumping is done pursuant to Form 230 to determine whether the mass of spirits dumped together is homogeneous with each of its component parts.

§ 189.200 *Permissible filtration.* Filtering which consists of merely removing foreign substances, such as particles of char, wood, dirt, or other extraneous, solid matter, that have got into the spirits since manufacture, and which does not change the original character of the spirits through removal of congeneric substances, or change the composition of the spirits, may be done at tax-paid bottling houses, since such filtering does not constitute rectification.

§ 189.201 *Use of filter-aids.* Filter-aids may be used at tax-paid bottling houses only when they do not change the original character or composition of the spirits, either by the abstraction of any essential constituent or the addition of any substance.

§ 189.202 *Prohibited filtration.* Any filtering of distilled spirits which purifies or refines the same constitutes rectification and may be done only at a rectifying plant. The filtering out of cloudiness in whisky, gin, or other spirits, other than that due to the presence of finely pulverized or agglutinated charcoal or other extraneous, solid matter in suspension, which results in the removal of terpenes or congeneric substances from the spirits and changes their original composition, constitutes rectification.

(53 Stat. 391; 26 U. S. C. 3254)

§ 189.203 *Destruction of stamps, marks, and brands.* When packages of spirits are dumped for bottling, all stamps, except the cut-out portions attached to Form 230, and all marks and brands which such packages are required by law to bear, must be completely effaced and obliterated. This should be done immediately upon completion of the dumping, draining, and rinsing of the packages. Certificates of tax-payment affixed to tank cars of distilled spirits, except the portion thereof scalped for submission to the district supervisor, must likewise be immediately destroyed when such cars are emptied. When packages of wines are emptied by any person, all stamps and marks which such packages are required by law and regulations to bear must be destroyed by scraping or obliteration immediately the packages are emptied. All labels and stamps affixed to tank cars, tanks, tank trucks, or similar containers of wine indicating tax-payment of the contents must also be scraped or obliterated immediately such containers are emptied.

(53 Stat. 330, 398; 26 U. S. C 2866, 3301)

§ 189.204 *Rinsing of barrels.* When packages are dumped for bottling, the barrels and char and wood chips, if any, contained therein must be thoroughly rinsed with water. When packages of distilled spirits which were rinsed in the internal revenue bonded warehouse at the time they were dumped for tax-payment are dumped for bottling, the barrels, char and wood chips contained therein must be thoroughly rinsed with water of a temperature not greater than that of the rinse water used at the time of tax-payment as shown by the marking on the barrels. The rinse water obtained at the time of dumping for bottling may be used to reduce the proof of spirits dumped from such barrels in the tax-paid bottling house. When packages containing rectified spirits exempt from the rectification tax are dumped for bottling, the barrels and char contained therein must be thoroughly rinsed and the rinse water obtained may be used to reduce the proof of spirits dumped from such barrels in the tax-paid bottling house. Any rinse water remaining after reduction must be poured upon the ground or into a sewer and may not be mixed with spirits dumped from other packages. In the case of packages not rinsed in the internal revenue bonded warehouse at the time of tax-payment and in the case of packages containing rectified spirits on which the rectification tax has been paid, the barrels, char and wood chips contained therein must be thoroughly rinsed with water. Except as provided in § 189.197, the rinse water obtained from such barrels may not be used to reduce the proof of spirits dumped from such barrels in the tax-paid bottling house, but must be poured upon the ground or into a sewer. Char and wood chips dumped from packages must be burned on the premises of the tax-paid bottling house, or, if such burning is not practicable, treated with kerosene before removal from the premises. Where kerosene is used, it must be sprayed or sprinkled on the materials, using not less than 1 gallon of kerosene to each 100 pounds of materials, in such manner as to preclude the abstraction of potable spirits from any part of the materials after removal from the premises. This will be effected by stirring or agitating the materials while the kerosene is being applied. Such burning or treating of materials must be done under the supervision of a Government officer. The district supervisor may authorize any other disposition of the materials that will effectively prevent recovery of spirits therefrom. Packages which were tax-paid prior to September 1, 1950, may continue to be rinsed in the tax-paid bottling house and the rinse water used in the same manner as permitted prior to September 1, 1950.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 189.205 *Extracting spirits from wood forbidden.* The rinsing with water of a temperature in excess of that provided for in § 189.204, or the steaming of packages, char or wood chips, for the purpose of extracting spirits from the staves and heads of the packages or from the char or wood chips, is forbidden, unless such rinse water is immediately destroyed. Likewise, such barrels may not be filled or partially filled with water and permitted to stand for the purpose of extracting spirits, nor may any other method or process, except as authorized in § 180.204, be used to extract spirits from the barrels.

(53 Stat. 306, 335, as amended; 26 U. S. C. 2806, 2883)

§ 189.206 *Completion of bottling.* When the contents of a bottling tank are not completely bottled at the close of the day the bottler shall enter in his certificate on the copy of Form 230 attached to the bottling tank the total quantity bottled that day from such tank, giving all the information required by the form. The Form 230 shall be kept on the tank until the entire contents are bottled. Upon completion of the bottling the bottler will remove Form 230 from the bottling tank, complete the execution of his certificate on all copies, and submit them to the storekeeper-gauger for verification.

§ 189.207 *Remnants.* Where, upon the completion of bottling, there remain bottles less than the number necessary to fill a case, such bottles may, after being stamped or labeled in accordance with this part, be removed to the case storage room or to the wholesale liquor dealer premises or placed in a case and kept in the bottling room until spirits of the same kind are again bottled, whereupon the filling of the case will be completed. Appropriate notation will be made on Form 230 to cover the bottling of the remnant, and if such remnant is subsequently used to complete the filling of a case, a notation will be made on the subsequent Form 230 to show such use of the remnant. Appropriate notation in such case will also be made on Form 52–D.

§ 189.208 *Disposition of Form 230.* Immediately after the completion of the bottling and the proper completion of Form 230, the proprietor will forward the original copy of the form, with the cut-out portions of the tax-paid stamps, or the affidavit or statements required in lieu thereof, to the district supervisor, and will file the remaining copy as a permanent record at the plant, available for inspection by Government officers. Where Form 237 or Form 230 is attached to one copy of Form 230 as evidence that the proper tax on the spirits transferred from a rectifying plant has been paid, such copy of Form 230 with Form 237 or Form 230 attached will be filed by the proprietor and the original copy of Form 230 will be forwarded immediately to the district supervisor.

§ 189.209 *Liquor bottles.* The proprietor of a tax-paid bottling house must comply with the provisions of Regulations 13 (26 CFR Part 175), respecting the use of liquor bottles and other containers for rectified and unrectified products. Marked liquor bottles may not be used for packaging wines containing 24 percent or less of alcohol by volume, or products manufactured with such wines, unless such products contain distilled spirits other than those used in fortifying the wine. Bottles must be filled as nearly as possible to conform to the amount stated on the stamp, and on the label or bottle, to be contained therein, but in no event may the amount of spirits contained in any bottle, due to the lack of uniformity of the bottles, vary more than 2 percent from the amount stated to be contained therein and, further, in such case there shall be substantially as many bottles overfilled as there are bottles underfilled for each lot of spirits bottled as reported on Form 230.

§ 189.210 *Red strip stamps.* The proprietor of a tax-paid bottling house must affix over the mouth of each bottle of distilled spirits and compounds containing distilled spirits filled at his plant, except distilled spirits bottled especially for export with benefit of drawback, a red strip stamp, as provided in Subpart T. Red strip stamps shall not be affixed to bottles of wines containing 24 per centum or less of alcohol by volume, or products manufactured with such wines, unless such products contain distilled spirits other than those used in fortifying the wine.

§ 189.211 *Labels for distilled spirits.* The labels used by proprietors of tax-paid bottling houses on bottles of distilled spirits and compounds containing distilled spirits must be covered by a certificate of approval of labels of domestically bottled distilled spirits (Form 1649), or a certificate of exemption from label approval for distilled spirits (Form 1650), issued pursuant to Regulations 5 (27 CFR Part 5) issued under the Federal Alcohol Administration Act, as provided in Subpart U. Labels covered by a certificate of exemption from label approval affixed to bottles of a capacity of one-half pint or more but not exceeding 1 gallon, in which distilled spirits or compounds containing distilled spirits are packaged for sale at retail, must conform to the provisions of Regulations 13 (26 CFR Part 175).

§ 189.212 *Labels for wines.* The labels used by proprietors of tax-paid bottling houses on bottles or packages of wines must be covered by a certificate of approval of labels of wine domestically bottled or packed (Form 1649), or a certificate of exemption from label approval for wine (Form 1650), issued pursuant to Regulations 4 (27 CFR Part 4) issued under the Federal Alcohol Administration Act. Each bottle in which wine is packaged by the proprietor of a tax-paid bottling house must bear a securely affixed label showing the name and address of the proprietor, the kind of wine, the alcoholic content by volume, except that if not over 14 percent it may be so stated, and the net contents of the bottle, unless legibly blown in the bottle: *Provided*, That where the wines are bottled for a dealer under a certificate of exemption from label approval, the name and address of such dealer may be substituted for the name and address of the proprietor, if the name and address of the dealer are preceded by the words "Bottled for" or "Bottled expressly for" and the number of the warehousing and bottling permit of the proprietor is shown on the label. A separate label showing the data specified in the previous sentence need not be affixed to the bottle if such data is shown on the label covered by the certificate issued under the Federal Alcohol Administration Act.

§ 189.213 *Rebottling, relabeling, and restamping of bottled spirits.* Where distilled spirits packaged in bottles are to be rebottled for domestic sale, the bottles, if of a capacity of one-half pint or greater and not exceeding 1 gallon, must conform to the requirements of Regulations 13 (26 CFR Part 175). The spirits may be rebottled in the same bottles from which removed if such bottles containing the spirits originally conform to the requirements of Part 175 of this chapter and have not been sold to the consumer or opened, and the use of such bottles is authorized by the district supervisor in accordance with the said regulations. The new label must be covered by an appropriate certificate of label approval (Form 1649) or a certificate of exemption from label approval (Form 1650) issued pursuant to Regulations 4 and 5 (27 CFR Parts 4 and 5), issued under the Federal Alcohol Administration Act. If the new label is covered by a certificate of exemption from label approval, it must conform to the requirements of Part 175 of this chapter. If the spirits have left the possession of the original bottler and are to be relabeled without rebottling, authorization to relabel the spirits must be obtained in accordance with regulations issued under the Federal Alcohol Administration Act and submitted to the Government officer supervising operations of the plant. Whenever bottled distilled spirits are dumped for rebottling, the red strip stamps on the bottles must be destroyed at the time of dumping, and new red strip stamps must be affixed to the bottles in which the spirits are rebottled. Such rebottling, relabeling, and restamping operations will be performed under the supervision of the Government officer. All products to be rebottled will be dumped pursuant to Form 230.

SUBPART T—RED STRIP STAMPS

§ 189.225 *Requisition, Form 428.* Proprietors of tax-paid bottling houses may purchase red strip stamps indicating tax-payment of bottled distilled spirits in anticipation of their current needs. Requisition for red strip stamps will be made by proprietors on Form 428, in triplicate.

§ 189.226 *Stamp denominations.* Red strip stamps will be provided in the following denominations only: 1 gallon, ½ gallon, 1 quart, ⅘ quart, ¾ quart, 1 pint, ⅘ pint, ¾ pint, ½ pint, and less than ½ pint. Red strip stamps will be issued 50 in a sheet. Requisitions for red strip stamps by proprietors of tax-paid bottling houses must be made for full sheets. Stamps less than a full sheet may not be sold by a collector to proprietors of tax-paid bottling houses.

§ 189.227 *Approval of requisition.* The proprietor will submit all copies of the requisition, Form 428, to the Government officer for approval. Before approving the requisition, the approving officer will see that it is properly executed and will satisfy himself that the number of stamps for which requisition is made is necessary for the current needs of the proprietor. No red strip stamps may be issued for use at tax-paid bottling houses unless Form 428 is approved. Upon approval of the form, the approving officer will return all copies to the proprietor.

§ 189.228 *Purchase and use.* Red strip stamps will be purchased by proprietors of tax-paid bottling houses from the collector of the district in which the bottling house is located. Stamps may not be purchased by one proprietor from another, nor may they, except in cases of emergency, be purchased from collectors of other districts. Proprietors of tax-paid bottling houses shall not sell or transfer strip stamps. Unused strip stamps may be exchanged or redeemed in accordance with the provisions of § 189.241. Red strip stamps, used or unused, may not be purchased, sold, or possessed, except as specifically provided by laws or regulations.

§ 189.229 *Remittance; delivery.* All orders for strip stamps must be accompanied by cash, certified, cashiers' and treasurers' checks drawn on National and State banks and trust companies, United States postal notes, and postal, bank, express, and telegraph money orders, in a sum equal to the value of the stamps. When strip stamps are ordered to be sent by registered mail, the proprietor shall enclose with his order a separate remittance to cover the postage and registry fee and any required registry surcharge as provided by the postal laws and regulations. If the remittance is other than cash, the sum to cover the postage and registry fee and any surcharge must not be included in the remittance covering the cost of the stamps. The local postmaster should be consulted relative to the amount of the registry fee and surcharge required. When stamps

are ordered sent by express, the same will be sent "collect." The proprietor will forward all copies of the approved Form 428 received from the approving officer to the collector of internal revenue with the remittances. The collector will enter the serial numbers of the stamps issued and stamp the date of sale on all copies of Form 428, and will retain one copy and send the original to the district supervisor and one copy (by mail) to the Government officer at the tax-paid bottling house. The collector will, in every case, forward the stamps to the Government officer at the tax-paid bottling house, in care of the proprietor. The proprietor will retain the package intact and deliver it unopened to the Government officer. The Government officer will enter receipt of the stamps on Form 182 and will immediately place them in the Government room, vault or cabinet provided in accordance with § 189.290.

(53 Stat. 447, as amended; 26 U. S. C. 3656)

§ 189.230 *Shipment of stamps.* Where the stamps are to be shipped, the collector will forward the stamps to the Government officer by registered mail or express. The expense of forwarding the stamps by registered mail or express will be borne by the proprietor. The collector may furnish the stamps directly to the proprietor for immediate delivery to the Government officer in accordance with § 189.229.

§ 189.231 *Proprietor's daily requisition.* The proprietor will make requisition of the Government officer for the necessary number of stamps for each day's bottling or for each lot of spirits bottled. The requisition will be prepared in the following form:

(Name of plant)

(Plant requisition number)

(Date)

To United States Storekeeper-Gauger:

Please deliver to our bottling department the following red strip stamps to be used for affixing to bottles of tax-paid spirits to be drawn from bottling tanks shown herein.

Denomination	Quantity	Bottling tank No.

(Proprietor)

By ---

Stamps delivered to proprietor:

Denomination	Quantity	Serial No. of sheets

(Storekeeper-Gauger)

(Date)

§ 189.232 *Stamps issued in serial order.* All red strip stamps will be issued by the Government officer to the proprietor in proper serial order, starting with the lowest serial number of the stamps of the denomination desired on hand at the time of issuance. The proprietor will not, however, be required to affix red strip stamps in serial order.

§ 189.233 *Requisitions to be filed.* Government officers will retain copies of Form 428 returned by the collector, and the proprietor's daily requisitions at the plant as a record available for inspection by other Government officers and will file them in chronological order.

§ 189.234 *Officer's responsibility.* Government officers who have custody of red strip stamps will be held strictly responsible for the proper control and accounting of all stamps received, issued, used, and on hand. They shall determine whether the number of stamps requisitioned is needed; that those issued are properly affixed to bottles of tax-paid spirits; that all stamps issued to the proprietor and not used are returned to them; and that a proper accounting is made of all stamps reported mutilated.

§ 189.235 *Cutting stamps in advance.* The Government officer will enter on Form 182 all red strip stamps received from the collector. He may thereafter, upon request, permit the proprietor to cut all, or any quantity, of such stamps in advance of his needs. Such red strip stamps will be cut under the supervision of the Government officer and returned to him in the same numerical sequence. Each separate package of cut red strip stamps must be marked with the quantity of such stamps in the package and the first and last numbers, as, "5,000, serial Nos. 1,600,001 to 1,600,100." Government officers when issuing red strip stamps will enter in the space provided therefor on the proprietor's requisition the denomination, quantity, and serial numbers of the stamps.

§ 189.236 *Manner of affixing stamps.* The stamps must be securely affixed to the bottles with the use of a good adhesive. The adhesive used must be in proper liquid condition, and care must be taken to cover the entire back of the stamp with the adhesive, and to press the whole surface of the stamp firmly against the surface of the bottle sufficiently long to cause the entire surface of the stamp to adhere securely to the bottle. The stamp must pass over the mouth of the bottle, extending an approximately equal distance on two sides of the bottle and be so affixed that a portion of the stamp will remain attached to the bottle when it is opened.

§ 189.237 *Concealing or obscuring stamps prohibited.* No part of the stamp shall be concealed or obscured by any label or other covering, except that a cup may be placed over the opening of the bottle or the bottle may be placed in a carton, as provided in this part. Seals made of cellulose or other material which are shrunk or otherwise fitted over the necks of the bottles and cover the stamps must be sufficiently transparent to permit the stamps to be plainly seen and the data thereon easily read. No cup or cap may be placed over the opening of a bottle and cover the stamp, unless such cup or cap is transparent or is so placed on the bottle that it may be readily removed at any time without injury to the stamp and the arrangement is such that the ends of the stamp will be plainly visible when the cap or cup is in place. Cartons or other coverings of bottles of distilled spirits are permitted, if so made that they may be opened and closed without being torn or broken. Sealed cartons or other coverings may not be used unless transparent or unless openings therein permit the data on the stamp and the indicia on the bottle to be plainly seen and read.

§ 189.238 *Affixing stamp over cup or cap.* The stamp may be affixed over a cup or cap placed over the opening of the bottle, provided the arrangement is such that the stamp will be torn apart or destroyed when the cup or cap is unscrewed or removed or destroyed. Where it is desired to affix the stamp over a removable cup or cap, the cup or cap must be securely screwed or fastened over the opening of the bottle, and must be of such size and construction that the stamp will pass over the top and extend beyond the cup or cap for such length that each end of the stamp may be securely affixed to the surface of the bottle. Any bottler using such a cup or cap must see to it that the stamp is securely affixed, with a strong adhesive, to both the cup or cap and the bottle in such a manner that the stamp will be torn apart when the cup or cap is unscrewed or removed. Where it is desired to affix the stamp over a cap or seal made of cellulose or other similar adhesive material which is so shrunk or otherwise fitted over the neck of the bottle as to be unremovable without being destroyed, it will not be necessary for the ends of the stamp to be affixed to the surface of the bottle, but the cap or seal and stamp must be so affixed that a portion of each will remain attached to the bottle when it is opened. In any case where there is doubt as to the propriety of the use of any cup or cap, the bottle and cup or cap should be submitted to the district supervisor for a ruling thereon.

§ 189.239 *Bulk containers in excess of 1 and less than 5 gallons.* Where alcohol or other distilled spirits are packaged in containers in excess of 1 gallon and less than 5 gallons, a red strip stamp must be securely affixed over the opening of the container in such a manner that the stamp will be destroyed when the container is opened. Stamps of 1-gallon denomination will be used for such containers and the denomination of the stamp will be changed by obliterating the figure "1" on each end of the stamp over the abbreviation "Gal." and writing or printing immediately above the same other figures representing the exact contents of the container. Alcohol and other distilled spirits in such containers may be sold or disposed of only as provided in § 189.320.

§ 189.240 *Non-usable strip stamps.* Strip stamps issued by foreign countries may not be affixed to either imported or domestic spirits bottled at tax-paid bottling houses and intended for domestic consumption, nor may red strip stamps which have been mutilated be used at such plants. Unless eligible and intended for exchange or refund as provided in § 189.241, red strip stamps that have been multilated should be destroyed by the proprietor under the supervision of the Government officer, who will then enter appropriate credit on Form 182 for the number of each denomination of stamps so destroyed.

§ 189.241 *Exchange and redemption of stamps.* Unused red strip stamps, in quantities of the value of $5 or more, issued under subsection (b) of section 2803, Internal Revenue Code, may be exchanged for other stamps of the same kind and in any prescribed denomination, or the value thereof may be refunded, provided that a claim for such exchange or refund, establishing the lawful issuance and ownership of the stamps, is filed with the collector of internal revenue who issued the stamps within two years after the date on which such stamps were lawfully issued: *Provided, however,* That the value of unused stamps which have been destroyed may be refunded upon the filing of a claim as provided in this section with proof to the satisfaction of the Commissioner of the destruction of the stamps. Claims for exchange of stamps will be filed on Form 1579, which will be prepared in accordance with the instructions printed on the form, signed and sworn to before an officer authorized to administer oaths: *Provided,* That if the form officially prescribed for such application contains therein a provision for verification by a written declaration that such application is made under penalties of perjury, such application shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Claims for refund of the value of the stamps will be filed on Form 843, in accordance with procedure prescribed by the Commissioner.

(63 Stat. 667; 26 U. S. C. 3809)

§ 189.242 *Record, Form 96.* Where the red strip stamps are returned to the proprietor for filing a claim for exchange or redemption, the proprietor shall account for such stamps on Form 96, until the exchange or redemption has been effected. The form will be prepared and disposed of in accordance with the applicable instructions thereon relating to "Other persons assigned custody of stamps."

§ 189.243 *Record and report.* Storekeeper-gaugers assigned to supervise operations at tax-paid bottling houses will make a record and report of red strip stamps received and used on Form 182, as provided in Subpart Z.

Subpart U—Labels on Bottles of Distilled Spirits

§ 189.255 *Certificate of approval or exemption.* All bottlers of distilled spirits are required by Regulations 5 (27 CFR Part 5), issued under the Federal Alcohol Administration Act, to obtain a certificate of approval of labels of domestically bottled distilled spirits (Form 1649) or a certificate of exemption from label approval for distilled spirits (Form 1650) before using labels on bottles of distilled spirits.

(Sec. 5, 49 Stat. 981, as amended; 27 U. S. C. 205)

§ 189.256 *Certificates to be exhibited.* All bottlers of distilled spirits are required to exhibit certificates of label approval (Form 1649) or certificates of exemption from label approval (Form 1650) upon request to a duly authorized representative of the United States. Internal revenue officers will call upon the proprietor to exhibit the required certificates of label approval or certificates of exemption from label approval. The original certificate or duplicate original issued pursuant to Regulations 1 (27 CFR Part 1), issued under the Federal Alcohol Administration Act, must be exhibited to the officer. Photostatic copies are not acceptable for this purpose.

(Sec. 5, 49 Stat. 981, as amended; 27 U. S. C. 205)

§ 189.257 *Comparison of labels with contents of bottling tank.* Before releasing spirits from bottling tanks for bottling, the Government officer will require the proprietor of the tax-paid bottling house to submit to him the label he proposes to use for the spirits in the bottling tank, together with the certificate of label approval (Form 1649) or the certificate of label exemption (Form 1650), as the case may be: *Provided,* That in the case of spirits for export, other than to Puerto Rico, no certificate is required. The storekeeper-gauger will compare such label with the label affixed to such certificate, if any, to see that they agree in every respect except for the difference allowed by the certificate. In the case of spirits for export, the storekeeper-gauger will compare the label with the bottling requirements in Regulations 28 (26 CFR Part 176). In order to determine whether the label to be used corresponds in every respect with the spirits in the bottling tank including age, class and type, and proof, he will then compare such label with Form 230; with the certificate of origin, age, and class and type in the case of imported distilled spirits, where required by Regulations 5 (27 CFR Part 5), issued under the Federal Alcohol Administration Act; and with the statement of composition in the case of distilled spirits received from a rectifier, in accordance with the provisions of Regulations 15 (26 CFR Part 190). In making this determination he will take into consideration the kind of spirits, the proof of distillation, the kind of cooperage in which the spirits were stored, and whether the spirits were treated with oak chips, etc., as disclosed by the marks and brands on the packages, and by the information contained in the certificate of origin, age, and class and type, or in the statement of composition. If the label and spirits agree in every respect, the Government officer will attach the label securely to the copy of Form 230 to be attached to the bottling tank and release the spirits for bottling. If the label and spirits do not agree in every respect, the Government officer will withhold the release of the spirits for bottling until the proprietor submits to him a label and, when required, a certificate of label approval or exemption, as the case may be, correctly describing the spirits to be bottled.

(Sec. 5, 49 Stat. 981, as amended; 27 U. S. C. 205)

§ 189.258 *Additional label requirements.* Officers assigned to tax-paid bottling houses will also see that all labels affixed to containers of distilled spirits subject to the provisions of Regulations 13 (26 CFR Part 175) conform to the requirements of such regulations. The methods prescribed in § 189.257 will be followed in making such determinations.

§ 189.259 *Tests of bottled spirits.* Officers assigned to tax-paid bottling houses will, at frequent, irregular intervals during the process of bottling, test and examine the bottled spirits to determine whether the label attached is identical with the label verified by the Government officer under § 189.257; whether the bottled spirits agree in proof with the data on the label; and whether the quantity agrees with the data on the label, stamp or bottle, subject to the limitation prescribed by §189.209. The test as to proof will be made in accordance with the provisions of the Gauging Manual (26 CFR Part 186). The test as to quantity will be made by the utilization of a glass graduate standardized at sixty degrees Fahrenheit to be provided by the proprietor or by weighing a given number of empty bottles and reweighing the same bottles after filling. The net contents will be computed in accordance with the provisions of the Gauging Manual. If the contents do not agree as to quantity (subject to the limitation of § 189.209) or as to proof (subject to a normal drop in proof occurring during bottling operations not to exceed three-tenths of a degree) with the respective data on the label, stamp or bottle, the Government officer will withhold the release of the bottled spirits and require the proprietor to rebottle, recondition (where permissible), or relabel the spirits in such manner that the label will correctly describe the contents. However, the proof at the beginning of the bottling operations shall always be set exactly as provided in § 189.185.

§ 189.260 *Determining proof of sweetened spirits, wines, etc.* The alcoholic content of blended whiskies containing more than 0.6 gram or 600 milligrams of solids per 100 milliliters derived from blending materials such as sherry wine, prune juice, caramel, glycerine, etc., and of wines, cordials, liqueurs, and other rectified products containing saccharine or other solid matter will be determined by the use of an approved ebulliometer or a small laboratory still provided by the proprietor in accordance with § 189.147. When using such instruments proprietors must follow closely the instructions furnished therewith in order that accurate determinations may be made. Instructions relative to the use of small

laboratory stills (or wine sets) and the following ebulliometers: Arnaldo-Sala (with shield), Braun, Juerst, Lefco, L'Ebulliometer Levesque (with shield), Malligand (with shield), Salleron-Dujardin, "TAG" (with shield), and E. B. Torino (with shield), are also set forth in the Appendix to Regulations 7 (26 CFR Part 178). The alcoholic content of blended spirits containing not more than 0.6 gram or 600 milligrams of solids per 100 milliliters derived from blending materials will be determined by the use of a standard hydrometer or a small still. If determined by a standard hydrometer an obscuration correction factor may be added to the apparent proof in order to obtain the true proof of the blended spirits. Experience has shown that 0.1 gram or 100 milligrams of solids per 100 milliliters will obscure the true proof 0.4 of 1 degree of proof. For example, if a blended whisky contains 0.25 gram or 250 milligrams of solids per 100 milliliters and the apparent proof corrected to 60 degrees Fahrenheit is found to be 89 degrees of proof by a standard hydrometer, a correction factor of 1 degree of proof (2.5 times 0.4) due to the solids may be added to the apparent proof, hence the true proof would be 90 degrees. The solids in blended spirits due to blending materials will be determined by evaporating 25 milliliters of the blended spirits in a weighed dish on a steam bath and then heating for 30 minutes at a temperature of boiling water in a drying oven. The solids thus determined, multiplied by 4, will give the solids in 100 milliliters of blended spirits. The correction factor to be used then will be determined on the basis that every 100 milligrams of solids will obscure the proof 0.4 of 1 degree of proof. The Commissioner may authorize the use of other instruments or methods for determining the alcoholic content by volume of sweetened spirits, wines, etc.

§ 189.261 *Proprietor's responsibility.* Notwithstanding that Government officers assigned to tax-paid bottling houses are required to verify labeling data, full responsibility rests upon the proprietor to see that the labeling of all spirits bottled at his plant is in conformity with requirements of Regulations 4 and 5 (27 CFR Parts 4 and 5) issued pursuant to the Federal Alcohol Administration Act, and Regulations 13 (26 CFR Part 175).

(Sec. 5, 49 Stat. 981, as amended, 53 Stat. 331; 27 U. S. C. 205; 26 U. S. C. 2871)

SUBPART V—MARKING OF CASES

§ 189.265 *Serial numbers.* Each case of distilled spirits filled at a tax-paid bottling house must be numbered serially, beginning with No. 1 for the first case filled: *Provided*, That the series in current use at existing tax-paid bottling houses will be continued. Where upon completion of bottling, there remains less than the number of bottles necessary to fill a case, and the proprietor desires to dispose of such bottles as a remnant case, the case will be given the serial number of the last full case of the same bottling lot followed by the letter "R", thus, "100R", or "161R". Where there is a change in the individual or corporate name, or in the trade name or style, of the proprietor, the series in use at the time of such change will be continued, but a new series will be commenced where there is a change of proprietorship.

§ 189.266 *New or separate series.* The serial numbers of the cases filled at a tax-paid bottling house shall run consecutively and shall not be broken in any manner, except that whenever the number 1,000,000 is reached the proprietor may, if he so desires, begin a new series commencing with No. 1, and that where two or more separate bottling units are used and different kinds of spirits are bottled simultaneously, and it is impracticable to number the cases of each kind of spirits consecutively, a series identified by a letter may be used for each bottling unit, as A1, A2, etc., and B1, B2, etc. Cases may be serially numbered either before or after filling.

§ 189.267 *Other required marks.* In addition to the serial number, each case of distilled spirits shall have marked on the Government side thereof the kind of spirits, the wine gallons, proof, and proof gallons, the date of filling, and the name (or trade name or style), location (city or town and State), and the number of the Federal Alcohol Administration Act warehousing and bottling permit held by the bottler: *Provided*, That if the spirits are unrectified spirits which were produced by such bottler at a distillery, or if the spirits were rectified by such bottler at a rectifying plant, or if the spirits were neither rectified nor produced by such bottler, he may use in connection with his name the designation "Distiller," "Rectifier," or "Bottler," respectively: *And provided further*, That where the spirits are bottled for a certain dealer and it is desired to show the name and address of the dealer on the case in lieu of the name and location of the bottler, such may be done if the name of the dealer is preceded by the words, "Bottled for," or "Bottled expressly for," and the Federal Alcohol Administration Act permit number of the bottler, together with the other required marks, excepting the name and location of the bottler, are shown on the case. Cases of wine will be similarly marked, except that if the wine is unrectified wine which was produced by the bottler at a winery the designation "Winemaker" will be used in lieu of "Distiller," the alcoholic content of the wine will be shown in percentage by volume in lieu of the proof, and the proof gallons will be omitted.

§ 189.268 *Illustration of marks.* The required marks will be placed on the cases substantially as follows:

Ser. No. 1
Whisky
John Doe & Co.
Bottler (or Distiller or Rectifier)
New York, N. Y.
BD–135
3.00 W. G.
90 Proof
2.70 P. G.
Filled May 2, 1949

The location of the bottler, or the address of the dealer for whom the spirits are bottled, may be shown by recognized abbreviations.

§ 189.269 *Manner and size of markings.* The required marks will be durably and plainly printed, stamped, or stenciled on each case in a color contrasting with the background of the case and in letters and figures not less than one-half inch in height.

§ 189.270 *Preservation of marks and brands.* The marks, brands, and serial numbers required by this part, to be placed on cases shall not be removed therefrom, or obscured or obliterated, before the contents thereof have been removed.

§ 189.271 *Deposit in case storage room.* Where the proprietor desires to store bottled spirits in the tax-paid bottling house pending removal thereof from the premises, the same must be placed in the case storage room provided in accordance with § 189.43.

SUBPART W—BOTTLING AND PACKAGING OF DISTILLED SPIRITS AND WINES ESPECIALLY FOR EXPORT WITH BENEFIT OF DRAWBACK

§ 189.280 *General.* Under the law, distilled spirits and wines manufactured or produced in the United States and on which the internal revenue tax has been paid may be bottled or packaged especially for export at a tax-paid bottling house, and upon the exportation of the spirits or wines there may be allowed a drawback equal in amount to the tax found to have been paid thereon.

(53 Stat. 377; 26 U. S. C. 3179)

§ 189.281 *Procedure.* The bottling and packaging of distilled spirits and wines especially for export at a tax-paid bottling house, the storage of the spirits and wines pending exportation, the exportation of the spirits or wines, including the lading thereof on vessels for use as ship's supplies and on aircraft for use as aircraft's supplies, and the allowance of drawback thereon, shall be in accordance with the provisions of Regulations 28 (26 CFR Part 176).

(53 Stat. 377; 26 U. S. C. 3179))

SUBPART X—SAFEGUARDING OF STRIP STAMPS AND GOVERNMENT PROPERTY

§ 189.290 *Storage in Government room, vault or cabinet.* The proprietor's supply of red strip stamps, the seals, and the records and other Government property when not in use, shall be kept in a securely constructed Government room, vault or cabinet, which shall be locked with a Government seal lock, the key to which shall remain at all times in the possession of the storekeeper-gauger. The storekeeper-gauger must not leave the room, vault or cabinet open, except in his immediate presence, nor give the key thereof to anyone, except another Government officer authorized to receive it. Where it is necessary to open the room, vault or cabinet at various times during the day, the lock will not be sealclosed until the close of business.

SUBPART Y—PROPRIETOR'S RECORDS AND REPORTS

§ 189.295 *Form 52–D.* Every proprietor of a tax-paid bottling house shall keep a record and render a monthly report, in duplicate, on Form 52–D, of all

spirits received, dumped for bottling, bottled, and disposed of at his bottling house.

(53 Stat. 327, as amended, 495; 26 U. S. C. 2857, 4041)

§ 189.296 *Contiguous wholesale liquor dealer room.* Where the proprietor of the tax-paid bottling house maintains a contiguous wholesale liquor dealer room and uses it exclusively for products bottled at the tax-paid bottling house, he shall report on Form 52–D all bottled products removed from the tax-paid bottling house and the contiguous wholesale liquor dealer room. If spirits in bulk containers are removed from the tax-paid bottling house, the removal thereof shall also be reported on Form 52–D. Where the wholesale liquor dealer room is not used exclusively for products bottled at the tax-paid bottling house, the proprietor shall report all bottled products removed from his tax-paid bottling house on Form 52–D kept at such bottling house and shall keep at such contiguous wholesale liquor dealer room Record 52, which shall show all bottled distilled spirits products received and disposed of thereat, including those products transferred from his contiguous tax-paid bottling house.

(53 Stat. 327, as amended; 26 U. S. C. 2857)

§ 189.297 *Record of warehouse receipts to be kept by proprietor.* Every proprietor of a tax-paid bottling house who sells, or offers for sale, distilled spirits by warehouse receipts shall, in addition to procuring a wholesaler's basic Federal Alcohol Administration Act permit (Form 1633), keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts on Form 52–F. There need not be entered on Form 52–F transactions in warehouse receipts not involving the purchase or sale of distilled spirits, such as the receipt from a warehouseman of warehouse receipts covering the deposit or bottling of spirits in his warehouse or the surrender of warehouse receipts for the bottling of the spirits in bond or their transfer in bond to another warehouse. Entries on Form 52–F shall be made as indicated by the headings of the various columns and lines of the form, and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part. Form 52–F must be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. The provisions of § 189.299 with respect to the time of making entries, and of § 189.303 with respect to forms to be provided by users, are hereby made applicable to Form 52–F. The provisions of § 189.300 with respect to a separate record of serial numbers of cases are hereby made applicable to Form 52–F with respect to serial numbers of packages and cases purchased or sold by warehouse receipts. The monthly transcript on Form 52–F shall be forwarded to the district supervisor on or before the tenth day of the succeeding month. The physical removal of distilled spirits from the tax-paid bottling house shall continue to be reported on Form 52–D in accordance with the provisions of § 189.295. The physical receipt and disposition of distilled spirits at the contiguous wholesale liquor dealer room not used exclusively for products bottled at the tax-paid bottling house shall continue to be reported on Record 52 in accordance with the provisions of § 189.296.

(53 Stat. 327, as amended, 328, 391; 26 U. S. C. 2857, 2858, 3254)

§ 189.298 *Place where Form 52–F shall be kept.* Every proprietor of a tax-paid bottling house shall keep Form 52–F at the place of business where warehouse receipts are sold or offered for sale.

(53 Stat. 327, as amended, 328, 391; 26 U. S. C. 2857, 2858, 3254)

§ 189.299 *Time of making entries.* Daily entries shall be made on Form 52–D and Record 52 as indicated by the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto, and as required by this part, before the close of the business day next succeeding the day on which the transactions occur. Where the proprietor of a tax-paid bottling house defers the making of the entries to the next business day, as authorized in this section, he shall keep a separate record, such as invoices, of the removals of spirits, showing the removal data required to be entered on Form 52–D and Record 52, and appropriate memoranda of other transactions required to be entered in such records, for the purpose of making the entries correctly.

(53 Stat. 495; 26 U. S. C. 4041)

§ 189.300 *Separate record of serial numbers of cases.* Serial numbers of cases of spirits disposed of by the proprietor of a tax-paid bottling house need not be entered on Form 52–D and Record 52, provided the proprietor keeps in his place of business a separate record, approved by the district supervisor, showing such serial numbers with necessary identifying data, including the date of removal and the name and address of the consignee. Such separate record may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, and bills shall be preserved for a period of four years and in such a manner that the required information may be ascertained readily therefrom, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by revenue officers. Entries shall be made on such separate approved record before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized in this section, appropriate memoranda shall be maintained for the purpose of making the entries correctly. The proprietor whose separate record has been approved by the district supervisor shall make a notation in the column on Form 52–D and Record 52 for reporting serial numbers as follows: "Serial numbers shown on commercial records per authority dated ----------"

(53 Stat. 327, as amended, 495; 26 U. S. C. 2857, 4041)

§ 189.301 *Reports.* Except as otherwise provided in this section, the proprietor shall file, daily, full and complete transcripts, in duplicate, of Form 52–D (Part 3) on Form 52–D (Part 3) and full and complete transcripts of Record 52 on Forms 52–A and 52–B (one copy of each) with the district supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided*, That in any case in which the district supervisor shall direct, the transcripts shall be so filed with the investigator in charge instead of with the district supervisor. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 338 or 52–D:

I hereby certify that these transcripts, consisting of — pages disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the district supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions occurred. In such event, transactions will be entered on Form 52–D and Record 52 in accordance with the provisions of § 189.299. A full and complete transcript, in duplicate, of Form 52–D (except Part 3 where such part is filed daily) shall be prepared and forwarded to the district supervisor on or before the 10th day of the month succeeding the month in which the transactions occurred. Form 52–D must be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. When Record 52 is kept, a monthly summary report on Form 338 shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the district supervisor on or before the 10th day of the month succeeding the month in which the transactions occurred. Form 338 must be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Records kept on Form 52–D and Record 52 shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of

abstracts by the Commissioner or any internal revenue officer.

(53 Stat. 327, as amended, 495, 63 Stat. 667; 26 U. S. C. 2857, 4041, 26 U. S. C., Sup. 3809)

§ 189.302 *Additional requirements.* The proprietor of the tax-paid bottling house shall report, on Form 52–D, Part 3, and when Record 52 is kept, on Part 2 and on transcript, Form 52–B, the name and address of each consignee, in the column now designated "Name". In the column now designated "Address", there will be reported the name and address of the person, firm or corporation paying (by advancement or reimbursement) either tax, bottling charge, brokerage fee, handling charge, or clearance fee, indicating which are included. The headings of both columns will be amended accordingly.

(a) *Reporting of shipment or delivery of distilled spirits to third party.* Where the proprietor of a tax-paid bottling house ships or delivers distilled spirits to a consignee on the order of another wholesale liquor dealer, detailed records of the transactions shall be kept on Form 52–D by the proprietor of the tax-paid bottling house making the shipment or delivery, on Record 52 by the wholesale liquor dealer giving the order, and on Record 52 by the consignee if he is a wholesale liquor dealer. For example, assuming that the proprietor of tax-paid bottling house (A) ships or delivers the distilled spirits to consignee (C) on the order of wholesale dealer (B), entries will be made on the prescribed forms as follows:

(1) The proprietor of the tax-paid bottling house (A) will show in his Form 52–D the name and address of wholesale dealer (B) who ordered the distilled spirits, as well as the name and address of consignee (C), the person to whom the distilled spirits are actually shipped or delivered;

(2) Wholesale dealer (B) will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (A), giving both the name and address of (A), and will at the same time make an entry showing that the distilled spirits were shipped or delivered by (A) to consignee (C) giving the name and address of (C); and

(3) Consignee (C), if a wholesale liquor dealer, will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (B) and received by him from the proprietor of tax-paid bottling house (A), giving name and address of both. A copy of Form 52–D and transcripts of Record 52 on Forms 52–A and 52–B, required to be filed with the district supervisor, will similarly show the details of such transactions.

(b) *Similar third party transactions.* Where the proprietor of a tax-paid bottling house keeps Record 52 and is a party to transactions similar to those described in paragraph (a) of this section, he shall make similar entries of such transactions in Record 52; and the transcripts on Forms 52–A and 52–B required to be filed with the district supervisor, will likewise show the details of the transactions.

(53 Stat. 327, as amended, 495; 26 U. S. C. 2857, 4041)

§ 189.303 *Forms to be provided by users.* Record 52 and Forms 52–A, 52–B, 52–D, 52–F and 338 will be provided by proprietors at their own expense but must be in the form prescribed by the Commissioner: *Provided*, That with the approval of the Commissioner the form may be modified to adapt its use to tabulating or other mechanical equipment: *And provided further*, That where the form is printed in book form, including looseleaf books, the instructions may be printed on the cover or the flyleaf of the book instead of on the individual form.

(53 Stat. 327, as amended, 495; 26 U. S. C. 2857, 4041)

§ 189.304 *Filing of forms.* Proprietors of tax-paid bottling houses shall maintain separate files for Forms 92, 230 (and Form 230 or Form 237 attached thereto in the case of spirits received by pipe line from a rectifying plant), 703–A, 1440, and 1520. He shall file Forms 92 and 230 in serial order and all other forms in chronological order, in their respective files and shall preserve them for a period of four years at the tax-paid bottling house, available for inspection by Government officers.

§ 189.305 *Examination by Government officers.* Government officers inspecting tax-paid bottling houses, or assigned to duty thereat, will from time to time examine Form 52–D (and Record 52 and Form 52–F if required), to determine whether such records are being properly maintained. They will see that copies of Forms 92, 230 (and Form 230 or Form 237 attached thereto in the case of spirits received by pipe line from a rectifying plant), 703–A, 1440, and 1520, are being retained in proper order by the proprietor at the tax-paid bottling house, available for inspection by Government officers.

SUBPART Z—STOREKEEPER-GAUGER'S RECORD AND REPORT OF RED STRIP STAMPS

§ 189.310 *Record, Part I, Form 182.* Storekeeper-gaugers having custody of strip stamps at tax-paid bottling houses will keep a record of strip stamps received and used on Part I of Form 182. Entries will be made on Form 182 daily, as indicated by the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto and as required by this part. The record will be kept in bound form, available for inspection by other Government officers.

§ 189.311 *Monthly report, Part II, Form 182.* At the close of the month or within five days thereafter, the storekeeper-gauger will prepare a monthly report on Part II of Form 182, in triplicate, of strip stamps received and used during the month. The officer will retain one copy of Part II, available for inspection by other Government officers, furnish one copy to the proprietor, and forward the remaining copy to the district supervisor.

SUBPART AA—SALES OF DISTILLED SPIRITS BY PROPRIETORS OF TAX-PAID BOTTLING HOUSES

§ 189.320 *Bulk containers.* Under the regulations issued pursuant to the Federal Alcohol Administration Act (27 CFR Part 3) distillers and proprietors of internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, including those operating tax-paid bottling houses, may sell or dispose of distilled spirits in bulk, i. e., in containers having a capacity in excess of one gallon, (a) to distillers and proprietors of internal revenue bonded warehouses, industrial alcohol plants and industrial alcohol bonded warehouses (holding a permit under the Federal Alcohol Administration Act), including those operating tax-paid bottling houses; (b) to rectifiers; (c) to proprietors of class 8 customs bonded warehouses (imported spirits only); (d) to winemakers (brandy or alcohol) for the fortification of wine; (e) to any agency of the United States or of any State or political subdivision thereof; (f) for export; (g) on warehouse receipts, conforming to the regulations issued under the Federal Alcohol Administration Act, for distilled spirits in internal revenue bonded warehouses; and (h) for industrial use as follows: For experimental purposes and for use in the manufacture (1) of medicinal, pharmaceutical, or antiseptic products, including prescriptions compounded by retail druggists; (2) of toilet products; (3) of flavoring extracts, sirups, or food products; or (4) of scientific, chemical, mechanical, or industrial products; provided such products are unfit for beverage use. Distilled spirits produced at registered distilleries at a proof of 160 degrees or more, upon tax payment, may be withdrawn for beverage purposes only; and under the regulations issued pursuant to the Federal Alcohol Administration Act, distillers, proprietors of internal revenue bonded warehouses and other permittees engaged in the sale or other disposition of distilled spirits for nonindustrial use may not sell or otherwise dispose of distilled spirits (other than alcohol or neutral spirits—fruit) in bulk for industrial use, unless such spirits are shipped or delivered directly to the industrial user thereof.

(Sec. 6, 49 Stat. 985; 53 Stat. 335, as amended; 27 U. S. C. 206, 26 U. S. C. 2883)

§ 189.321 *Retail containers.* Except as provided in § 189.320, proprietors of tax-paid bottling houses may sell or dispose of distilled spirits only in containers having a capacity of 1 gallon or less. All such containers having a capacity of one-half pint or more must conform to the requirements of Regulations 13 (26 CFR Part 175).

(Sec. 6, 49 Stat. 985; 27 U. S. C. 206)

§ 189.322 *Broken cases.* The proprietor may break serially numbered cases in the case storage room or the contiguous wholesale liquor dealer room when necessary for the purpose of filling orders for less than a case of particular brands or kinds of liquors, provided notation of the serial numbers of such cases is made on Form 52–D, or on a separate record with identifying data in accordance with § 189.300. Broken cases will be kept separate from full cases, and no case shall be broken unless necessary to fill orders. Composite or partial cases will not be serially numbered.

(53 Stat. 327, as amended, 495; 26 U. S. C. 2857, 4041)

SUBPART BB—SPECIAL (OCCUPATIONAL) TAXES

§ 189.330 *Wholesale and retail liquor dealer.* Proprietors of tax-paid bottling houses who sell distilled spirits or wines must file separate return on Form 11, and pay special (occupational) taxes as wholesale liquor dealer or retail liquor dealer, or both, for the premises at which sales are made, in accordance with the law and Regulations 20 (26 CFR Part 194).

(53 Stat. 388, as amended, 391, 394, 395, 396; 26 U. S. C. 3250, 3254, 3270–3274, 3277–3280)

§ 189.331 *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every proprietor of a tax-paid bottling house who sells, or offers for sale, warehouse receipts for distilled spirits stored in internal revenue bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where such warehouse receipts are sold or offered for sale, and must file return on Form 11, pay occupational tax as provided in § 189.330, and procure a wholesaler's basic permit issued pursuant to Regulations 1 (27 CFR Part 1), issued under the Federal Alcohol Administration Act.

(53 Stat. 388, as amended, 391, 394, 395, 396; 26 U. S. C. 3250, 3254, 3270–3274, 3277–3280)

SUBPART CC—OPERATING UNDER A NEW NAME, OR BOTTLING UNDER DIFFERENT TRADE NAMES OR STYLES

§ 189.335 *Qualification of proprietor.* Whenever the proprietor of a tax-paid bottling house desires to change the individual or corporate name, or the trade name or style in which the tax-paid bottling house is operated, or to bottle spirits under trade names or styles other than those previously approved, he must secure approval of such change in the manner prescribed in § 189.111, prior to the commencement of operations. Where the proprietor desires to bottle spirits under a trade name or style and such trade name or style has been specified on an approved Form 27–E, and has also been specified on the proprietor's Federal Alcohol Administration Act permit (Form 1642) in the manner prescribed in § 189.111, and he has secured certificates of label approval (Form 1649) or certificates of exemption from label approval (Form 1650) for the labeling of spirits under such trade name or style, he may state on his application to dump and bottle, Form 230, his desire to bottle and label the spirits covered by the form under such trade name or style. Upon approval of the form in the usual manner, he may so bottle and label the particular spirits without filing an amended notice on Form 27–E or changing the name under which the tax-paid bottling house is then qualified and operated.

§ 189.336 *Spirits covered by outstanding Forms 230.* Whenever a change in the individual or corporate name, or in the trade name or style, takes place at a tax-paid bottling house, the proprietor shall enter in his certificate on both copies of each outstanding Form 230 the total quantity of spirits bottled from each lot prior to the effective date of the change, giving all of the information required by headings of the various columns and lines on the form, and the instructions printed thereon, or issued in respect thereto and as required by this part. Each of such entries will be followed by a statement dated and signed by the proprietor, showing that the remainder of the spirits described on the form are to be bottled under the new name. Upon completion of the bottling, the proprietor will complete the execution of his certificate on the forms under the new name, submit them to the storekeeper-gauger for verification, and dispose of the same in the manner prescribed in § 189.208.

§ 189.337 *Records.* Separate records on Form 52–D will not be required for operations under a new individual or corporate name, or under each trade name or style, but the proprietor must note on Form 52–D the individual or corporate names, or the trade names or styles, under which operations were conducted during the month and the dates of operation under each. The storekeeper-gauger will make a similar notation on Form 182.

(53 Stat. 327, as amended, 495; 26 U. S. C. 2857, 4041)

SUBPART DD—CHANGE OF PROPRIETORSHIP

§ 189.345 *Completion of operations required.* When a succession, or actual change, in the proprietorship of a tax-paid bottling house takes place other than a change brought about by operation of law, as by the appointment of an administrator, executor, assignee, receiver, trustee, or other fiduciary, the business of bottling spirits must be completely finished by the person or persons who have been carrying on the business, and all spirits on hand removed from the premises before the business shall be undertaken or begun by the succeeding proprietor, unless by agreement between the outgoing proprietor and the successor it shall be arranged to transfer from the former to the latter, at the time the transfer of proprietorship becomes effective, all spirits then on hand: *Provided*, That in each case the notice and other qualifying documents of the successor prescribed by this part have been approved as provided in this part, to take effect on the day next succeeding that at the close of which the transfer is made. Where a change of proprietorship has been brought about by operation of law, the administrator, executor, assignee, receiver, trustee, or other fiduciary, may not commence operations until the required qualifying documents have been filed and approved.

§ 189.346 *Spirits covered by outstanding Forms 230.* Where there is a change in proprietorship, and all spirits on hand at the time such change becomes effective are transferred to the successor, the outgoing proprietor shall enter on both copies of each outstanding Form 230 the total quantity of spirits bottled by him, giving all the information required by the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto and as required by this part. Each of such entries will be followed by a statement, dated and signed by the outgoing proprietor, showing that the remainder of the spirits described on the form were transferred to his successor. Upon completion of the bottling, the successor shall complete the execution of the forms, submit them to the storekeeper-gauger for verification, and then dispose of the same in the manner prescribed in § 189.208. If an administrator, executor, assignee, receiver, trustee, or other fiduciary succeeds to the business and qualifies to conduct same, he shall make appropriate notation of his succession on both copies of each Form 230, and upon completion of the bottling he shall complete the execution of the forms and otherwise proceed as specified above.

§ 189.347 *Disposition of strip stamps.* The outgoing proprietor may not transfer any strip stamps to his successor. The stamps must be disposed of as provided in § 189.357. Where the change of proprietorship is to be of a temporary nature, any strip stamps on hand belonging to the outgoing proprietor will be retained in the custody of the storekeeper-gauger pending requalification and resumption of operations by such proprietor.

§ 189.348 *Records and reports.* Where there is a change in the proprietorship otherwise than by operation of law, the outgoing proprietor shall enter on his Form 52–D all spirits transferred to his successor, who shall in turn enter such items on his Form 52–D as received from his predecessor. Where an administrator, executor, assignee, receiver, trustee, or other fiduciary succeeds to the business and qualifies to operate the same, he shall make proper notation on Form 52–D of his succession.

(53 Stat. 327, as amended, 495; 26 U. S. C. 2857, 4041)

SUBPART EE—DISCONTINUANCE OF OPERATIONS

§ 189.355 *Disposition of spirits.* Upon permanent discontinuance of business, the proprietor will file notice thereof on Form 27–E as prescribed in § 189.358. All spirits on hand must be accounted for on Form 52–D, and the disposition of any bulk spirits on hand must be in accordance with the provisions of § 189.320.

(53 Stat. 327, as amended, 495; 26 U. S. C. 2857, 4041)

§ 189.356 *Disposition of indicia bottles.* If there are any indicia bottles on hand, the same will be inventoried by the storekeeper-gauger or other officer designated for the purpose by the district supervisor. The disposition of such bottles will be in accordance with the pro-

cedure prescribed in Regulations 13 (26 CFR Part 175).

§ 189.357 *Disposition of strip stamps.* All unused red strip stamps, if any, belonging to the proprietor at the time of permanent discontinuance of business will be inventoried by denomination, serial number, and quantity, by the storekeeper-gauger or other officer designated by the district supervisor to perform such duty. The officer will deliver such stamps to the proprietor and take his receipt therefor, in duplicate. When delivering the stamps the officer will advise the proprietor that the value of the stamps, if in quantities of the value of $5 or more, may be refunded, provided that a claim for such refund on Form 843, establishing the lawful issuance and ownership of the stamps, is filed with the collector of internal revenue who issued the stamps within 2 years after the date on which such stamps were lawfully issued, or that such unused stamps may be destroyed in the presence of the Government officer and the proprietor thereby relieved from further accountability for the stamps. If the stamps are not surrendered to the collector for refund of their value or are not destroyed, the proprietor must account for the stamps each month by rendering Form 96 to the district supervisor. The officer shall make a notation on the receipt as to the disposition made or to be made of the stamps. One copy of the receipt will be delivered to the proprietor and the original will be delivered to the district supervisor.

§ 189.358 *Notice, Form 27–E.* When all spirits, indicia bottles, and red strip stamps have been lawfully disposed of, the proprietor shall file Form 27–E, in triplicate, with the district supervisor, stating the purpose of the filing thereof to be "Permanent discontinuance of business." The district supervisor will forward the original of the Form 27–E to the Commissioner, with a copy of the report of the Government officer, reflecting compliance with the foregoing provisions of this section.

SUBPART FF—LOCKS AND SEALS

§ 189.365 *Furnished by Government.* The Commissioner will furnish, at the expense of the United States, all Government locks and seals required to be used at tax-paid bottling houses. District supervisors will see that tax-paid bottling houses in their respective districts are fully equipped with locks in good condition and that the necessary seals are provided for seal locks.

§ 189.366 *Where locks are required.* Government locks are required upon the door of the Government room, vault or cabinet provided in accordance with § 189.290, and the entrance door of the export storage room, if any; upon the manheads, inlets, outlets, and other openings of storage tanks, and bottling tanks; upon the valves in pipe lines which convey spirits into the tax-paid bottling house from contiguous premises; and upon such other valves, stopcocks, and openings in equipment and apparatus as are required by this part or deemed necessary by the district supervisor to be secured with Government locks.

§ 189.367 *Seal locks.* Seal locks will be used on the door of the Government room, vault or cabinet; on the entrance door of the export storage room, if any; and on such other places where the use of seal locks is required by this part or deemed necessary by the district supervisor.

§ 189.368 *Plain locks:* Plain locks will be used at all other places in the tax-paid bottling house where locks are required by this part.

§ 189.369 *Custody of locks and keys.* Storekeeper-gaugers are strictly prohibited from intrusting locks, keys, or seals in their possession to any person other than an internal revenue officer entitled to receive them, and under no circumstances will they permit locks to remain open, whether hanging by the shackle or otherwise.

§ 189.370 *Breaking of sealed connections forbidden.* Sealed connections must not be broken by the proprietor except as authorized by the storekeeper-gauger in charge or the district supervisor.

SUBPART GG—DUTIES OF STOREKEEPER-GAUGER

§ 189.375 *Additional to other duties.* Where the storekeeper-gauger assigned to a distillery, an internal revenue bonded warehouse, industrial alcohol plant, alcohol bonded warehouse, or a contiguous rectifying plant, is charged with the duty of supervising operations at a tax-paid bottling house, he will exercise such supervision in connection with his other duties.

§ 189.376 *Degree of supervision.* The storekeeper-gauger, who supervises the operations of a tax-paid bottling house in addition to his other duties, will maintain such supervision as will enable him to know that no unauthorized mingling of spirits occurs; that only lawfully tax-paid spirits are bottled; and that the requirements of this part in other respects are being observed by the proprietor. He will, insofar as his other duties permit, examine tank cars of spirits before they are unloaded to determine that the railroad car seals are intact and that each bears a collector's certificate of tax-payment; supervise the receipt of spirits by pipe line; examine packages of spirits to be dumped for bottling to determine whether they bear proper evidence of tax-payment; examine storage tanks from which spirits are to be removed for bottling to determine whether the contents correspond with the record on Form 703–A, 1440 or Form 1520 attached to the tank; verify cases filled; supervise the bottling and storing of distilled spirits and wines especially for export, with benefit of drawback, in accordance with Regulations 28 (26 CFR Part 176); inspect bottles used for packaging spirits to determine whether the provisions of Regulations 13 (26 CFR Part 175) are being complied with; inspect labels to determine whether the provisions of Subpart U are being observed; determine whether proper use is made of strip stamps; and determine whether proper records are kept by the proprietor of the receipt, dumping, bottling, and disposition of spirits. The required supervision may be accomplished by observations made at such times as the storekeeper-gauger must necessarily visit the bottling house for the examination of packages of spirits to be dumped for bottling, the verification of cases filled, the issuance of stamps, etc., and by inspection made at irregular intervals from time to time as his duties at the distillery, bonded warehouse, or rectifying plant permit.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

3. The purposes of the regulations are as follows:

(a) To conform to the act of February 21, 1950 (Public Law 448—81st Congress), effective September 1, 1950.

(b) To delegate to district supervisors the authority to approve the establishment of tax-paid bottling houses.

(c) To incorporate the regulations governing the gauging of distilled spirits at tax-paid bottling houses, now contained in the Gauging Manual (26 CFR Part 186) but which are being deleted from the current revision of such manual.

(d) To liberalize the requirements pertaining to the separation of tax-paid bottling houses from rectifying plants and wholesale liquor dealer premises operated by the same proprietor or his affiliate or subsidiary.

(e) To require that proprietors of tax-paid bottling houses furnish to the Government officer supervising the bottling of spirits received from a rectifying plant, the rectifier's statement of composition of such spirits for comparison with the label to be used.

(f) To discontinue Form 1625 as a district supervisor's monthly account of tax-paid bottling houses.

(g) To prescribe, in lieu of an oath, a declaration subject to the penalties of perjury, for the following forms:

Form 26, "Registry of Stills."
Form 27–E, "Notice by Proprietor of Tax-Paid Bottling House."
Form 52–D, "Monthly Record and Report of Tax-Paid Bottling House Operations."
Form 52–F, "Wholesale Liquor Dealers' Monthly Record and Report of Purchases and Sales of Warehouse Receipts for Distilled Spirits."
Form 338, "Wholesale Liquor Dealer's Monthly Report."
Form 1579, "Application for Exchange of Strip Stamps Under Section 2803 (c), I. R. C."

(h) To rearrange the text to conform to the FEDERAL REGISTER Regulations (13 F. R. 5929).

Effect. These regulations shall be effective as of September 1, 1950.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: July 13, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-6246; Filed, July 18, 1950; 8:50 a. m.]

Subchapter D—Employment Taxes

[T. D. 5795]

PART 402—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

PART 405—COLLECTION OF INCOME TAX AT SOURCE ON OR AFTER JANUARY 1, 1945

FILING DATE OF EMPLOYER'S QUARTERLY TAX RETURN

In order to extend, in certain cases, the date for filing the Employer's Quarterly Federal Tax Return, Form 941, from the last day of the first month following the close of the calendar quarter to the tenth day of the second month following the close of the calendar quarter, Regulations 106 (26 CFR Part 402) and Regulations 116 (26 CFR Part 405) are hereby amended as follows:

PARAGRAPH 1. Regulations 106 are amended by striking out the second sentence of § 402.606 and by inserting in lieu thereof the following:

Except as provided in § 402.603, each return shall be filed on or before the last day of the first month following the period for which it is made. However, if, and only if, the return is accompanied by depositary receipts, Form 450, showing timely deposits, in full payment of the taxes due for the entire calendar quarter, the return may be filed on or before the tenth day of the second month following the period for which it is made. For the purpose of the preceding sentence, the timeliness of the deposit will be determined by the date of the endorsement by a designated commercial bank on the reverse side of Form 450 or, if the deposit is made directly with a Federal Reserve bank, by the date of validation of Form 450 by the Federal Reserve bank. Deposit of the taxes for the last month of the calendar quarter with a designated commercial bank or a Federal Reserve bank, as the case may be, may be made on or before the last day of the first month following the close of such quarter.

PAR. 2. Regulations 116 are amended by striking out the first sentence of § 405.601 as amended by Treasury Decision 5759, approved November 10, 1949, and by inserting in lieu thereof the following:

Except as provided in § 405.602, every person required, under the provisions of section 1622, to deduct and withhold the tax on wages shall make a return and pay such tax on or before the last day of the month following the close of each of the quarters ending March 31, June 30, September 30, and December 31. However, if, and only if, the return is accompanied by depositary receipts, Form 450, showing timely deposits, in full payment of the taxes due for the entire calendar quarter, the return may be filed on or before the tenth day of the second month following the period for which it is made. For the purpose of the preceding sentence, the timeliness of the deposit will be determined by the date of the endorsement by a designated commercial bank on the reverse side of Form 450 or, if the deposit is made directly with a Federal Reserve bank, by the date of validation of Form 450 by the Federal Reserve bank. Deposit of the taxes for the last month of the calendar quarter with a designated commercial bank or a Federal Reserve bank, as the case may be, may be made on or before the last day of the first month following the close of such quarter.

(53 Stat. 178, 467; 26 U. S. C. 1429, 3791)

Because the amendments made by this Treasury decision merely relieve taxpayers by relaxing a requirement under existing regulations, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: July 12, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-6238; Filed, July 18, 1950; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 874—ENLISTMENT OF AVIATION CADETS

SELECTION AND ENLISTMENT

Section 874.6 (d) is changed as follows:

§ 874.6 *Selection and enlistment.* • • •

(d) *Pay and allowances*—(1) *General.* Aviation cadets, while on active duty, will be entitled to be paid at the rate of $105 each month, which pay will include extra pay for flying. They will be entitled to receive, in addition, the same allowance for subsistence as is now or may hereafter be authorized for officers of the Air Force, and while on active duty, will be furnished quarters, medical care, and hospitalization, and will be issued uniforms, clothing, and equipment at Government expense. When traveling under orders, aviation cadets will be entitled to receive transportation and other necessary expenses incident to such travel, or cash in their place, on the same basis and at the same rate as are now or may hereafter be prescribed for airmen.

(2) *Incentive pay.* No aviation cadet will be entitled to receive any incentive pay.

(3) *Subsistence allowance*—(i) *Rate.* Aviation cadets will be paid a basic allowance of $42 each month for subsistence, except as provided in subdivision (iv) of this subparagraph.

(ii) *Collection for meals.* Whenever aviation cadets are regularly subsisted at field ration food facilities, collections for meals made at such food facilities will be made in accordance with current directives.

(iii) *Indebtedness upon transfer.* If, upon transfer before the end of the month, an aviation cadet is indebted to the food service facility, proper collections will be made at rates prescribed at time of transfer.

(iv) *Travel status.* While in a travel status in connection with which per diem in lieu of subsistence is payable, the basic allowance of $42 each month for subsistence is not authorized.

(v) *In hospital.* Payment of the basic allowance for subsistence while sick in the hospital, whether or not in line of duty, is authorized.

(vi) *On leave.* Aviation cadets will be paid the basic allowance for subsistence for periods of authorized leave at the rate of $42 each month, provided that on or before the last day of leave, they have reported at their proper station, or have been discharged.

(4) *Quarters allowance.* Aviation cadets are entitled to the basic allowance for quarters as prescribed for airmen in a nontravel status, but are not entitled to quarters allowance for their dependents.

(5) *Travel allowance.* While traveling under competent orders, aviation cadets will receive the same travel allowances as are authorized for airmen.

(6) *Uniform allowance.* Any aviation cadet commissioned as a second lieutenant in the Air Force or the Air Force Reserve will be entitled at the time of first entry on extended active duty to an allowance of $250 for uniforms.

(7) *Change of station allowances.* An aviation cadet who is discharged from such status and ordered to active duty effective the next day as a second lieutenant at a different station is in a permanent change of station status and is entitled to all the allowances due him as a second lieutenant upon permanent change of station. (8 Comp. Gen. 507.)

(8) *Clothing and equipment.* An aviation cadet will be supplied with clothing and equipment in kind. Alterations at time of issue will be performed at Government expense. Aviation cadets who are discharged to accept commissions as second lieutenants may retain permanently in their possession the items of serviceable clothing authorized for wear by newly commissioned officers.

• • • • •

[AFR 173–10; AFR 50–31] (Sec. 3, 55 Stat. 239; 10 U. S. C. 299. Interprets or applies sec. 4, 55 Stat. 240, as amended, sec. 2, 56 Stat. 1039, sec. 204, Pub. Law 351, 81st Cong.; 10 U. S. C. and Sup. 303, 304, 304b, 904b)

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 50-6228; Filed, July 18, 1950; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

SPECIAL PACKING

In § 35.18 *Special packing of certain matter,* (39 CFR 35.18) make the following changes in paragraph (k):

1. Designate the material immediately following the paragraph heading as subparagraph (1).

2. Add subparagraph (2) to read as follows:

(2) Parcels containing shotguns and rifles must be adequately prepared for mailing including individual cushioning of each part contained therein and positive separation of the loose wood and metal parts. Wrapping of all wood parts with corrugated fiberboard and tying securely before adding the cushioning material to keep the pieces apart is recommended. The shipping carton must be of sufficient strength to protect the contents from weight of other mails. A strong corrugated fiberboard carton with an inner liner of same material with corrugations running at right angles to the corrugations in the shipping carton to protect the wood stock of the gun would be satisfactory. The wood stock must also be protected against damage by shock or dropping by the use of adequate cushioning material or by air space formed by corrugated molds or pads. Shotguns or rifles which are not taken apart prior to shipment must be adequately cushioned to prevent shifting in an exceptionally strong shipping carton and care must be taken to see that the ends are properly cushioned, especially the stock end. Bullets (the non-explosive missiles actually shot from the gun) are mailable if packed in a strong container.

(R. S. 161, 396, sec. 24, 20 Stat. 361, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 250)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-6230; Filed, July 18, 1950; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

HUNGARY AND EGYPT

a. In § 127.276 *Hungary* (39 CFR 127.276; 14 F. R. 1085; 15 F. R. 3452, 4221) make the following changes:

1. Amend paragraph (a) (7) to read as follows:

(7) *Observations.* See "Observations" under "Parcel Post" (paragraph (b) (4)) concerning Hungarian import permits and customs duties, which apply also to merchandise sent in the regular mails.

2. Redesignate subdivision (iii) of paragraph (b) (4) as subdivision (ii) and amend to read as follows:

(ii) All parcels, including those sent as gifts, are subject to production of import permits by the addressees, as well as to payment of heavy customs duty charges. In certain cases senders may prepay the Hungarian customs duty charges on gift parcels through the facilities of the United States Relief Parcel Service, Inc., Capt. Jas. G. Pedlow-Brack, 1220 Second Avenue, New York 21, N. Y., which firm will furnish mailers with stickers to affix to the wrappers of duty-prepaid packages. Interested patrons should be referred to the above named firm for further details.

b. In § 127.244 *Egypt* (39 CFR 127.244; 15 F. R. 643) make the following changes:

1. Redesignate paragraph (a) (7) as (a) (8).

2. Insert a new paragraph (a) (7) to read as follows:

(7) *Observations.* Regular-mail articles containing merchandise, even if sent as samples, may be subject to fine and confiscation by the Egyptian customs authorities unless endorsed to permit customs inspection. Senders should apply the green label (Form 2976) to all such packages, or place an equivalent marking on the wrappers.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-6229; Filed, July 18, 1950; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Parts 14, 17, 24, 25, 27]

MEAT INSPECTION REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture is considering amending the regulations (9 CFR, Charter I, Subchapter A, as amended) issued under the Meat Inspection Act, as amended (21 U. S. C. 71-91), the so-called Horse Meat Act (21 U. S. C. 96), and section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) as follows:

1. Section 14.6 (a) would be amended to read as follows:

§ 14.6 *Livers condemned because of parasitic infestation and for other causes; conditions under which may be disposed of as fish feed.* (a) Livers condemned on account of fluke infestation may be forwarded as fish feed if they are first freely slashed, then denatured, and then frozen. The denaturing shall be accomplished by dipping the slashed livers in a hot solution composed of one part of FD&C Green #3 or Methyl Violet to 5,000 parts of water, followed by washing in fresh water until the washings are no longer colored, or by the application of finely powdered charcoal. Freezing shall be preceded by chilling the livers to a temperature not above 40° F. Livers packed in containers not more than 7 inches thick shall then be held for a period of not less than 10 days at a temperature not higher than 15° F. or for a period of not less than five days at a temperature not higher than 10° F. Livers packed in containers over 7 inches but less than 27 inches thick shall be held not less than 20 days at a temperature not higher than 15° F. or for not less than ten days at a temperature not higher than 10° F. In lieu of freezing, the livers may be thoroughly cooked and then slashed and denatured in the manner indicated above. It is essential that the livers be sufficiently denatured through discoloration by the dye or charcoal to preclude their use as human food. Freezing may be accomplished in the regular freezer in a properly separated compartment or receptable held under division lock.

2. Section 17.2 (c) would be amended to read as follows:

(c) Stencils and box dies shall not include the inspection legend or any abbreviation or representation thereof, and inserts, tags, and like devices shall not bear such inspection legend, abbreviation, or representation: *Provided, however,* That, with the approval of the chief of division, box dies including such legend or an abbreviation or representation thereof may be used in marking wooden boxes of light material having a maximum capacity of five pounds, fiberboard containers, and wooden wire-bound boxes and crates with at least 90 percent of the total wood surface being veneer wood not over 1/8 of an inch thick and of such a quality that matter imprinted on it is legible.

3. Section 17.8 (c) (31) would be amended to read as follows:

(31) Product labeled "Tamales" shall be prepared with at least 25 percent meat computed on the weight of the uncooked fresh meat in relation to all ingredients of the tamales. When tamales are packed in sauce or gravy, the name of the product shall include a prominent reference to the sauce or gravy, for example "Tamales With Sauce" or "Tamales With Gravy." Product labeled "Tamales With Sauce" or "Tamales With Gravy" shall contain not less than 20 percent meat, computed on the weight of the uncooked fresh meat in relation to the total ingredients making up the tamales and sauce or the tamales and gravy.

4. Section 17.8 (c) would be amended by adding thereto the following subparagraphs:

(44) Canned product labeled "Tripe With Milk" shall be prepared so that the finished canned article, exclusive of the cooked-out juices and milk, will contain at least 65 percent tripe. The product shall be prepared with not less than 10 percent milk.

(45) Product labeled "Beans With Frankfurters in Sauce," "Sauerkraut With Wieners and Juice," and the like, shall contain not less than 20 percent frankfurters or wieners computed on the weight of the smoked and cooked sausage prior to its inclusion with the beans or sauerkraut.

(46) Product labeled "Lima Beans With Ham in Sauce," "Beans With Ham in Sauce," "Beans With Bacon in Sauce," and the like, shall contain not less than 12 percent ham or bacon computed on the weight of the smoked ham or bacon prior to its inclusion with the beans and sauce.

(47) Product labeled "Chow Mein Vegetables With Meat" and "Chop Suey Vegetables With Meat" shall contain not less than 12 percent meat computed on the weight of the uncooked fresh meat prior to its inclusion with the other ingredients.

5. Section 24.4 (a) (4) (ii) would be amended to read as follows:

(ii) Preservatives other than common salt, sugar, dextrose, glucose, saltpeter, wood smoke, vinegar, spices, alcohol, refined sodium nitrate, and refined sodium nitrite (not to exceed 200 parts per million in the finished product), or coloring matter, shall not be used in or upon meat, meat byproducts, or any preparation of either of them.

6. Section 24.4 (a) (4) (xxv) would be amended to read as follows:

(xxv) Processed lard shall be the food product made by adding to lard a small proportion of a stabilizer consisting of one or more of the following ingredients: Gum guaiacum; vegetable oil containing tocopherols; lecithin; citric acid, tartaric acid, ascorbic acid; and propyl gallate. Such stabilizers, singly or in combination, shall not exceed two-tenths of one (0.2) percent by weight of the finished product, except propyl gallate which shall not exceed one hundredth of one (0.01) percent by weight of the finished product. The label or marking of every package or container in which processed lard is offered for sale shall display a statement in immediate conjunction with the name of the product naming the stabilizer: e. g. "Contains propyl gallate."

7. Section 24.4 (c) (3) would be amended to read as follows:

(3) The lymphatic glands and/or serous membranes are required to be in close anatomical relationship to fresh meat cuts imported into England and Wales.

8. Section 24.4 (c) (4) would be amended by deleting from the end thereof the following note:

NOTE: The foregoing recommendations of the Association of Port Sanitary Authorities of the British Isles as to the inclusion of lymphatic glands in cuts of imported meat appear not to be applicable to mutton and lamb for importation into England or Wales in view of a recent amendment of the Public Health (Imported Food) Regulations, 1937, issued by the Ministry of Food in the United Kingdom, which permits the importation into England and Wales of mutton and lamb from which the lymphatic glands have been removed, and requires the incision of certain lymphatic glands of sheep (not lamb) carcasses for importation into England and Wales. See subparagraph (5) (iii) and (7) of this paragraph.

9. Section 24.4 (c) (5) (iii) would be amended to read as follows:

(iii) Meat from which a lymphatic gland, except a gland necessarily removed in preparing the meat, has been taken out.

10. Section 24.4 (c) (7) would be revoked.

11. Section 25.6 (d) would be amended to read as follows:

(d) When shipments are made under this section, the inspector in charge at the point of origin shall immediately notify the inspector in charge at the point of destination by means of Form MI 408-1. One copy of the form shall be placed in a sealed envelope and tacked, or otherwise securely fastened, to the inside of one of the doors of the railroad car, truck, wagon, etc., and one copy shall be mailed to the inspector in charge at destination immediately after the vehicle has been sealed.

12. Section 25.9 (c) would be amended to read as follows:

(c) When a shipment is made in a sealed car, truck, wagon, etc., under this section, the inspector in charge at the point of origin shall immediately notify the inspector in charge at point of destination in accordance with instructions in § 25.6 (d). When a shipment is made under this section in properly sealed and marked closed containers, the inspector in charge at point of origin shall immediately notify the inspector in charge at destination by means of an appropriately modified Form MI 408-1, furnishing complete information.

13. Section 25.14 (a) would be amended to read as follows:

(a) No uninspected product, and no inspected and passed product which is known to have become unsound, unhealthful, unwholesome, or in any way unfit for human food, including any rendered or unrendered grease, tallow, or other fat derived from the carcasses of cattle, sheep, swine, or goats and possessing the physical characteristics of an edible product, shall be transported from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, unless it is first denatured or otherwise destroyed for food purposes. The shipper shall not offer nor the carrier receive for such transportation any such article until it has been denatured or otherwise destroyed for food purposes as required by this section. The carrier shall require and the shipper shall make and deliver to the carrier a certificate in duplicate in the following form:

Date _____, 19____
Name of carrier _____
Consignor _____
Point of shipment _____
Consignee _____
Destination _____

I hereby certify that the following described meat or product, or grease, tallow, or other fat, which is offered for shipment in interstate or foreign commerce, has been denatured or otherwise destroyed for food purposes.

Kind of product	Amount and weight

_____
(Signature of shipper)
_____
(Business or occupation of shipper)
_____
(Address of shipper)

The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. The duplicate certificate shall be forwarded immediately by the initial carrier to the Chief of the Meat Inspection Division, Washington, D. C. If the product is transported by the shipper himself a certificate shall nevertheless be forwarded by him to the Chief of the Meat Inspection Division.

14. Section 25.14 would be amended by adding thereto a new paragraph (c) as follows:

(c) No dog food or other animal food prepared, in whole or in part, from materials derived from the carcasses of cattle, sheep, swine, goats, or horses, either in an official establishment or elsewhere, shall be transported from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, unless (1) it is properly identified as dog food or other animal food, (2) it is not represented as being a human food, and (3) if, possessing the physical characteristics of an edible product, it has been treated (denatured or decharacterized) so as to be readily distinguishable from an article of human food: *Provided,* That such dog food or other animal food packed in hermetically sealed, retort processed, conventional retail-size containers need not be denatured or decharacterized if the name of the canned article, as for example "Dog Food," "Cat Food," "Dog and Cat Food," "Animal Food," and the like, appears on the label in a conspicuous manner. To be considered conspicuous, the letters in the name of the canned article, as for example "Dog Food," must be at least three times as high, wide, and thick as the letters in the words denoting the use, as ingredients in the article, of the materials derived from the carcasses of cattle, sheep, swine, goats, or horses, The letters in the name of such article shall contrast as markedly with their background as the letters in the words denoting the use of such ingredient materials contrast with their background.

UNIVERSITY OF MICHIGAN LIBRARIES

15. Section 25.17 (a) (2) would be amended by changing the period at the end thereof to a semicolon.

16. Section 25.17 (a) (3) would be amended by omitting the word "and" at the end thereof and changing the final comma in the subparagraph to a semicolon.

17. Section 25.17 (a) (4) would be renumbered 25.17 (a) (5), and a new subparagraph (4) would be added as follows:

(4) To material or specimens of product for laboratory examination, research, or other purposes, when authorized by the Chief of the Division and under conditions prescribed by him; and

18. Section 27.6 (f) would be amended to read as follows:

(f) Except as provided in § 27.18 and § 27.6 (g), each consignment of any product of a kind prepared customarily to be eaten without cooking (such as summer sausage, "Italian" and "Westphalia" hams, and the like), which contains any muscle tissue of pork, shall be accompanied, in addition to any other certificate required by this section, by a separate foreign meat-inspection certificate in the following form:

OFFICIAL MEAT-INSPECTION CERTIFICATE FOR PORK AND PORK PRODUCTS

(For shipment to the United States of articles of a kind prepared customarily to be eaten without cooking, and which contain muscle tissue of pork.)

Place_____ Date _____, 19__

I hereby certify that the article or articles herein described are of a kind prepared customarily to be eaten without cooking, and contain muscle tissue of pork, which, when fresh or freshly cured in salt, were subjected to a temperature not higher than five (5) degrees F. for not less than twenty (20) days, or otherwise treated as specified by the Chief of the Meat Inspection Division, and that said articles contain no muscle tissue of pork which has not been treated as herein specified.

Kind of product	Number of pieces or packages	Weight

Identification marks on meats and packages _____

Consignor _____

Address _____

Consignee _____

Destination _____

Shipping marks _____

Signature _____

(Name of official of national foreign government authorized to issue inspection certificates for meat and meat food products exported to the United States)

Official title _____

NOTE: A certificate in the above form is required to accompany each consignment of any product of a kind prepared customarily to be eaten without cooking (such as summer sausage, "Italian" and "Westphalia" hams, and the like), which contains any muscle tissue of pork. This certificate is to be delivered by the consignee, or his agent, to the inspector of the Meat Inspection Division at the point of inspection in the United States.

Each such foreign meat-inspection certificate shall be subject to the provisions of paragraphs (b) and (d), inclusive, of this section.

19. Section 27.6 would be amended by adding thereto the following paragraphs:

(g) The official meat-inspection certificate for pork and pork products of the national government of a foreign country, the form of which has been approved by the Department and which is issued for any pork and pork products, may be accepted in lieu of the certificate prescribed in paragraph (f) of this section, notwithstanding the fact that the name of the foreign official who signed the certificate has not been published by the Department.

(h) The foreign official meat-inspection certificate for pork and pork products as provided for in paragraph (f) of this section, accompanied with a foreign meat-inspection certificate approved in accordance with paragraph (e) of this section, may be accepted even though the name of the foreign official who signed it has not been published by the Department, provided, that it agrees with the signature of the foreign official who signed the certificate approved in accordance with paragraph (e) of this section.

The purpose of the foregoing proposed amendments is to bring into the regulations orders and instructions that have been given to the field operating force of the Meat Inspection Division and inspected establishments during the past year, and to incorporate new material controlling the composition of certain meat food products along lines which have been thoroughly investigated by that Division.

Any person who wishes to submit written data or arguments concerning the proposed amendments may do so by filing them with the Chief of the Meat Inspection Division, Bureau of Animal Industry, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C., within fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 13th day of July 1950.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 50-6237; Filed, July 18, 1950; 8:48 a. m.]

Production and Marketing Administration

[7 CFR, Part 927]

MILK IN NEW YORK METROPOLITAN MARKETING AREA

NOTICE OF PROPOSED RULE MAKING

Pursuant to provisions of § 927.4 (b) of Order No. 27, as amended (7 CFR 927.0 et seq.), regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (5 U. S. C., 1001 et seq.), a public meeting was held at New York, New York, on June 14, 1950 to consider proposals for the amendment of the rules and regulations heretofore issued (7 CFR 927.101 et seq.) pursuant to said order. Notice of said public meeting was issued on May 18, 1950 and published in the FEDERAL REGISTER on June 6, 1950 (15 F. R. 3506).

After due consideration of the data, views, and arguments presented by interested parties at such public meeting, the rules and regulations as heretofore amended are hereby further amended, subject to the approval of the Secretary of Agriculture, as follows:

1. Amend § 927.101 as follows:

Add new paragraph (bb) to read as follows:

(bb) "Whipped topping mixture" means a product which results from the mixture of milk solids, moisture, sugar or other sweetening agents, flavor and stabilizer, and which is used for distribution packaged with harmless gas causing it to fluff upon ejection from the package or container. The ingredients contained therein other than those derived from milk must exceed 4.0 percent.

2. Amend § 927.102 as follows:

A. Amend paragraph (c) (1) to read as follows:

(1) If the plant is in the marketing area, the excess shall be considered to have been received in the form of cream from an undisclosed source: *Provided*, That if such excess is an excess of milk it shall be considered to have been received in the form of milk from an undisclosed source. Such excess, other than an excess of milk, shall be assigned as far as possible to butterfat leaving the plant in the form of frozen desserts, homogenized mixtures or cream cheese. Any excesses not so assigned shall be subject to the payments required in § 927.9 (h) (2) (iii) of the orders.

B. In paragraph (1) add the following:

(6) Whipped topping mixture packed under pressure, 2.5 percent.

C. Renumber paragraph (x) to (x) (1) and add a new paragraph (x) (2) as follows:

(2) Add to the remaining butterfat in each class leaving the plant or in the closing inventories at the plant in the form of sour cream, 2.0 percent: *Provided*, That if such additions are greater than remaining plant loss, they shall be reduced pro rata to the point where they are equal to the remaining plant loss. Such additions shall be deducted from plant loss.

D. Amend paragraph (z) by changing the words "Class II cultured or flavored milk drinks" to "Class II and Class III cultured or flavored milk drinks."

E. In paragraph (ff) add the following:

(17) Whipped topping mixture, 2.5 percent.

3. Amend § 927.105 as follows:

A. Amend paragraph (a) as follows:

(1) Change the words "cream (except New Jersey)" to "cream or fluid cream products (except New Jersey)."

(2) Change the words "cream (New Jersey)" to "cream or fluid cream products (New Jersey)."

(3) Add the following immediately after "cream or fluid cream products (New Jersey)":

Whipped topping mixture_____ 19

B Amend paragraph (b) as follows:

(1) In the table change the words "cream" to "cream or fluid cream products" wherever they appear.

(2) Add the following to the table contained in paragraph (b):

Product	Units (quart cans)	Net weight (pounds)
Whipped topping mixture	40	86.50
Whipped topping mixture (more than 20% bf and 6.0% or more of sugar)	40	87.00
Whipped topping mixture (20% or less of bf and 6.0% or more of sugar)	40	88.00

Issued this 5th day of July 1950.

C. J. BLANFORD,
Market Administrator, New York Metropolitan Milk Marketing Area.

[F. R. Doc. 50-6262; Filed, July 18, 1950; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[35053]

CALIFORNIA

NOTICE OF FILING OF PLAT OF SURVEY

JULY 13, 1950.

Notice is given that the plat of (1) extension survey of the W½ sec. 7, W½, SE¼ sec. 18, all of sec. 19, N½ sec. 30, S½ sec. 31, T. 1 N., R. 8 E., S. B. M., (2) dependent resurvey of secs. 2, 3, 4, 6, E½ sec. 7, all secs. 8, 10, 11, 14, NE¼ sec. 18, all sec. 20, NE¼, SW¼ sec. 22, S½ sec. 30, N½ sec. 31, T. 1 N., R. 8 E., S. B. M., accepted November 10, 1949, delineating the retracement and reestablishment of the lines of the original surveys as shown upon the plats approved July 23, 1856, March 26, 1945, and December 28, 1948, including lands hereinafter described will be officially filed in the Land Office at Los Angeles, California, effective at 10:00 a. m., on the 35th day after the date of this notice.

All or parts of the sections involved have been subdivided into small tracts.

The lands affected by this notice are described as follows:

SAN BERNARDINO MERIDIAN

T. 1 N., R. 8 E.,
Sec. 7, W½,
Sec. 18, W½, SE¼,
Sec. 19, all,
Sec. 30, N½,
Sec. 31, S½.

The area described aggregates 2080.54 acres.

Available data indicates that the lands are rolling to level desert in character.

No applications for these lands may be allowed under the homestead, small tract, desert land or any other non-mineral public land laws unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 25th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Los Angeles, California.

WILLIAM ZIMMERMAN, JR.,
Acting Director.

[F. R. Doc. 50-6263; Filed, July 18, 1950; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

POPE & TALBOT, INC.

NOTICE OF HEARING ON APPLICATION

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4823, Commerce Building, Washington, D. C., on July 20, 1950, at 10:00 o'clock, a. m., e. d. s. t., before the Federal Maritime Board, upon application of the above company to bareboat-charter war-built dry-cargo vessels for use between North Atlantic and Pacific Coast ports of the United States.

The purpose of the hearing is to receive evidence with respect to whether such service is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels on reasonable conditions and at reasonable rates for this service.

All persons having an interest in such application should arrange to be present.

By order of the Federal Maritime Board.

Dated: July 17, 1950.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-6289; Filed, July 17, 1950; 5:04 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8298]

R. I. BROADCASTING CO. (WRIB)

ORDER SCHEDULING FURTHER HEARING

In re application of R. I. Broadcasting Company (WRIB), Providence, Rhode Island, for modification of its construction permit; Docket No. 8298, File No. BMP-2479.

The Commission having vacated and set aside the Initial Decision, released March 30, 1950 (granting the application of the R. I. Broadcasting Company to modify its construction permit for Station WRIB, Providence, R. I., for daytime-only operation on 1220 kc. to change power from 250 watts to 1 kw., install new transmitter, make changes in vertical antenna, and to change transmitter location) and, on July 6, 1950, ordered the record reopened and the proceeding remanded to the Examiner for the purpose of affording Station WRIB an opportunity to establish of record the facts recited in affidavits attached to petitions submitted by Station WRIB subsequent to the release of the Initial Decision;

It is ordered, This 12th day of July 1950, that the further hearing herein shall commence on July 13, 1950, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6241; Filed, July 18, 1950; 8:49 a. m.]

[Mexican Change List No. 118]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

JUNE 27, 1950.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph #4714-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEOK	Monterrey, Nuevo Leon	920 kilocycles, 250 w-N/500 w-D.	U	IV	Sept. 10, 1950.
XEOK	do	950 kilocycles (delete—see 920 kc. assignment).			
XELX	San Luis Potosi, San Luis Potosi.	1120 kilocycles (delete assignment).	D	II	Do.
XETR	Ciudad Valles, San Luis Potosi.	1 kw.			
XEIY	Aguascalientes, Aguascalientes.	1170 kilocycles (change in call letters from XECB).			
XECB	San Luis Rio Colorado, Sonora.	1450 kilocycles (change in call letters from XEIY).			
XETR	Ciudad Valles, San Luis Potosi.	1490 kilocycles (delete—see 1120 kc. assignment).			
XENA	Queretaro, Queretaro.	1520 kilocycles (change in call letters from XECX).			

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6242; Filed, July 18, 1950; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4100]

METEOR AIR TRANSPORT, INC.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the suspension and revocation of Letter of Registration No. 812 issued to Meteor Air Transport, Inc.

Notice is hereby given that oral argument in the above-entitled proceeding assigned to be held on July 28, 1950, is postponed to a date to be later determined.

Dated at Washington, D. C., July 13, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-6240; Filed, July 18, 1950; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25245]

SULPHUR FROM DOTHAN, ALA., TO MONTGOMERY, ALA.

APPLICATION FOR RELIEF

JULY 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Central of Georgia Railway Company.

Commodities involved: Sulphur, carloads.

From: Dothan, Ala.

To: Montgomery, Ala.

Grounds for relief: Circuitous routes and to meet intrastate rates.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6223; Filed, July 18, 1950; 8:45 a. m.]

[4th Sec. Application 25246]

HORSES AND MULES FROM MISSOURI RIVER POINTS TO PACIFIC COAST

APPLICATION FOR RELIEF

JULY 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of the Chicago, Burlington & Quincy Railroad Company and other carriers named in the application.

Commodities involved: Horses, mules, burros and asses, valuable only for slaughter, carloads.

From: Council Bluffs, Iowa, Kansas City, Mo.-Kans., Leavenworth, Kans., St. Joseph, Mo., Omaha and South Omaha, Nebr.

To: Points in California, Nevada, and Utah.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. 1534, Supplement 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6224; Filed, July 18, 1950; 8:45 a. m.]

[4th Sec. Application 25247]

CLASS AND COMMODITY RATES FROM AND TO MILITARY, KANS.

APPLICATION FOR RELIEF

JULY 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Kansas City Southern Railway Company and St. Louis-San Francisco Railway Company for themselves and on behalf of carriers parties to Agent A. P. Leland's tariff I. C. C. No. A-30.

Commodities involved: Class and commodity rates.

Between: Military (Jawhawk Ordnance Plant), Kans., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Competition with rail carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6225; Filed, July 18, 1950; 8:45 a. m.]

[4th Sec. Application 25248]

GRAIN FROM KANSAS TO EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

JULY 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Missouri Pacific Railroad Company, for itself and on behalf of carriers parties to its tariff I. C. C. No. A-10016.

Commodities involved: Wheat, carloads.

From: Points in Kansas.

To: East St. Louis, Ill.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: Mo. Pac., tariff I. C. C. No. A-10016, Supplement 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6226; Filed, July 18, 1950; 8:45 a. m.]

[4th Sec. Application 25249]

IRON AND STEEL ARTICLES FROM AND TO FLORIDA

APPLICATION FOR RELIEF

JULY 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 920.

Commodities involved: Manufactured iron and steel articles, carloads.

Between: Points in Florida south of the Seaboard Air Line Railroad, Jacksonville to Chattahoochee, on the one hand, and points in southern territory, Illinois and Indiana, also St. Louis, Mo., on the other.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 920, Supplement 179.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6227; Filed, July 18, 1950; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2289]

DUVAL TEXAS SULPHUR CO. AND UNITED GAS CORP.

ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of July A. D. 1950.

The Commission having, by order dated February 13, 1950, granted and permitted to become effective the joint application-declaration, as amended, of United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, and of Duval Texas Sulphur Company ("Duval"), a non-utility subsidiary of United, regarding the issuance and sale by Duval, pursuant to a rights offering of 375,000 shares of additional capital stock of which United subscribed to its aliquot part (75 percent); and

Said order of February 13, 1950, having contained a reservation of jurisdiction with respect to the payment of fees and expenses incurred or to be incurred in connection with the proposed transactions; and

The record having been completed with respect to said fees and expenses, including the following counsel fees of Duval and United and the following service company fee:

Vinson, Elkins and Weems (local counsel for Duval)	$12,500
Reid & Priest (New York counsel for Duval)	7,500
Baker, Botts, Andrews & Parish (counsel for United)	4,000
Ebasco Services, Inc. (service company)	5,000

The Commission, on the basis of its examination of the record, finding that the payment of fees in the amounts proposed, including the fees of counsel and of the service company, as set forth above, are not unreasonable, and finding it appropriate to release jurisdiction over the payment of such fees and expenses:

It is ordered, That jurisdiction heretofore reserved with respect to the payment of fees and expenses incurred in connection with the issuance and sale of said stock by Duval, and the acquisition of said stock by United, and the related transactions proposed in said application-declaration, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-6233; Filed, July 18, 1950; 8:46 a. m.]

[File No. 70-2432]

COLUMBIA GAS SYSTEM, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of July 1950.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Columbia Gas System, Inc. ("Columbia"), a registered holding company. Declarant has designated section 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than July 24, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 24, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Columbia proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $90,000,000 principal amount of debentures due 1975. The new debentures will be issued under an Indenture dated as of June 1, 1950, as supplemented by a First Supplemental Indenture, to be dated August 1, 1950. The proceeds from the sale of the new debentures will be used in part by Columbia to retire $45,000,000 principal amount of 3¼ percent debentures due 1973 and $33,000,000 principal amount of 3 percent debentures due 1974. The balance of such proceeds will provide funds for the continuance of Columbia's 1950 construction program.

Columbia states that while it is presently of the opinion that a debt ratio of approximately 50 percent is desirable, it believes that a substantial amount of additional borrowing capacity is necessary during periods of heavy construction, when the debt ratio may temporarily increase. Columbia further states that it is its present intention to provide such amounts of additional capital, from time to time, and when market conditions are favorable, from the sale of common stock as together with retained earnings will permit it to maintain a consolidated capital structure having approximately equal amounts of debt and equity.

Columbia desires to invite bids for such new debentures on or about July 26, 1950, and to open the bids received in response to such public invitation on August 1, 1950. Accordingly, Columbia has requested that the Commission's order with respect to the issuance of the new debentures be issued so as to permit the consummation of the financing on the schedule set forth above and such order permit shortening the period for inviting sealed bids to meet such schedule.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6231; Filed, July 18, 1950; 8:46 a. m.]

[File No. 812-675]

EQUITY CORP. AND AMERICAN GENERAL CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of July A. D. 1950.

Notice is hereby given that The Equity Corporation (Equity) and American General Corporation (American General), both of 103 Park Avenue, New York, New York, have filed an application under section 17 (b) of the Investment Company Act of 1940 requesting an order of the Commission exempting from section 17 (a) of the act, a proposed transaction whereby Equity will distribute to American General certain shares of the common stock of American General now held by Equity, for 138,200 shares of the common stock of Equity now owned by American General.

Equity and American General are closed-end, management investment companies registered under the act. Equity owns 76.12 percent of the outstanding voting securities of American General. American General owns 138,200 shares or 2.38 percent of the outstanding common stock of Equity which represents 2.80 percent of Equity's outstanding voting securities. The number of shares of common stock of American General to be distributed by Equity to American General in the proposed exchange will be determined on the basis of the asset values of both companies as of the close of business of the day immediately preceding the date of any order of exemption. The proposed transaction involves purchases of securities of which the seller is not the issuer by an affiliated person of a registered investment company from such registered company. Section 17 (a) of the act prohibits such transactions unless an exemption therefrom is granted pursuant to section 17 (b) of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after August 3, 1950, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than August 1, 1950, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 50-6234; Filed, July 18, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 681]

FRITZ ULRICH RATH AND DOROTHEA RATH

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Fritz Ulrich Rath, Cincinnati, Ohio. Claim No. 42465; Dorothea Rath, Ahrensburg, Holstein, Germany. Claim No. 42466 (consolidated); May 25, 1950 (15 F. R. 3204); 57 shares of $100 par value common capital stock of Central American Plantations Corporation, a Delaware corporation, registered in the name of the Attorney General of the United States, currently in the safekeeping of the Comptroller's Branch of the Office of Alien Property, 120 Broadway, New York, New York, 28½ shares returnable to each claimant; $4,161.00 in the Treasury of the United States returnable to the claimants in equal shares.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-6245; Filed, July 18, 1950; 8:49 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 15 NUMBER 139

Washington, Thursday, July 20, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Hay and Pasture Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950 PRICE SUPPORT PROGRAMS FOR GRAINS AND RELATED COMMODITIES

A price support program has been announced for the 1950 crop of hay and pasture seeds named in § 601.230. The 1950 CCC Grain Price Support Bulletin 1 (15 F. R. 3147) issued by Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1950, is supplemented as follows:

Sec.
601.221 Purpose.
601.222 Availability of price support.
601.223 Eligible seed.
601.224 Warehouse receipts.
601.225 Determination of quantity.
601.226 Determination of quality.
601.227 Loss or damage to seed under farm-storage loan.
601.228 Warehouse and other charges.
601.229 Maturity of loans.
601.230 Schedule of basic specifications and rates.
601.231 Delivery of seed to CCC.
601.232 Settlement.

AUTHORITY: §§ 601.221 to 601.232 issued under sec. 4, 62 Stat. 1070; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, Titles III, IV, Pub. Law 439, 81st Cong.; 15 U. S. C. Sup., 714c.

§ 601.221 *Purpose.* This supplement states additional specific requirements which, together with those contained in the 1950 C. C. C. Grain Price Support Bulletin 1, apply to loans and purchase agreements for producers under the 1950 Crop Hay and Pasture Seed Price Support Program.

§ 601.222 *Availability of price support*—(a) *Method of support.* Price support will be available to producers through nonrecourse farm-storage and warehouse-storage loans and through purchase agreements for all seeds listed in § 601.230.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available to producers wherever any of the seeds listed in § 601.230 are grown in the United States, except that farm-storage loans will not be available in areas where the State PMA committee determines that seeds cannot be stored safely on the farm.

(c) *Where to apply.* Applications for price support on seeds must be made by the producer at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available to producers from the time of harvest through January 31, 1951, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Disbursements under the loan program will be made not later than March 15, 1951, unless specially approved by CCC in each instance.

(e) *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing seed listed in § 601.230 in 1950, as landowner, landlord, tenant, or sharecropper.

Cooperative marketing associations of producers shall be eligible for loans and purchase agreements: *Provided*, That, (1) the producer members are bound by contract to market through the association; (2) the major part of the seed marketed by the association is produced by members who are eligible producers; (3) the members share proportionately in the proceeds from marketings according to the quantity and quality of seed each delivers to the association; (4) the seed purchased from nonmembers is segregated sufficiently to assure that the seed placed under loan or delivered under a purchase agreement accurately reflects the quantity and quality of seed grown by producer members; and, (5) the association has the legal right to pledge or mortgage the seed as security for a loan.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CFR

POCKET SUPPLEMENTS

(For Use During 1950)

The following Pocket Supplements are now available:

Title 43 ($0.35)

Titles 44–45 ($0.25)

Previously announced: Titles 4–5 ($0.30); Title 6 ($1.00); Title 7: Parts 1–209 ($0.55); Parts 210–899 ($0.75); Parts 900 to end ($0.75); Title 8 ($0.20); Title 9 ($0.20); Titles 10–13 ($0.20); Title 14: Parts 1–399 ($1.50); Parts 400 to end ($0.30); Title 15 ($0.40); Title 16 ($0.25); Title 17 ($0.20); Title 18 ($0.20); Title 19 ($0.20); Title 20 ($0.20); Title 21 ($0.30); Titles 22–23 ($0.25); Title 24 ($0.55); Title 25 ($0.20); Title 26: Parts 1–79 ($0.20); Parts 80–169 ($0.25); Parts 170–182 ($0.25); Parts 183–299 ($0.30); Title 26: Parts 300 to end; and Title 27 ($0.25); Titles 28–29 ($0.30); Titles 30–31 ($0.25); Title 32 ($1.00); Title 33 ($0.25); Titles 35–37 ($0.20); Title 38 ($0.50); Titles 40–42 ($0.25)

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§ 601.223 *Eligible seed.* At the time the seed is placed under loan or delivered under a purchase agreement, the seed shall meet the following requirements:

(a) The seed must have been produced in the continental United States by an eligible producer and be one of the kinds and varieties named in § 601.230.

(b) Except in the case of cooperative marketing associations of producers, the beneficial interest in the seed must be in the person tendering the seed for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the seed was harvested.

(c) It must, on the basis of official purity analysis reports, and germination test certificates dated not more than five calendar months prior to the first day of the month in which the seed is tendered for loan or purchase, be equal to or better in every respect than the minimum specifications for the particular kind of seed as shown in § 601.230; unless the warehouseman certifies that the seed is of a quality eligible for loan, shows such quality on the warehouse receipt, and guarantees to deliver to CCC seed of a quality equal to, or better, than that shown on the warehouse receipt. (Due to the length of time required to process Buffalo grass, it may be limited to guaranteed warehouse stored loans.)

(d) The seed must not contain noxious weed seeds in excess of the number permitted for sale as planting seed by the State seed law and rules and regulations pursuant thereto of the State in which the seed is tendered for loan or delivered under a purchase agreement and must conform with the requirements concerning noxious weed seed in § 601.230.

§ 601.224 *Warehouse receipts.* Warehouse receipts representing seed in approved warehouse storage to be placed under loan or delivered under a purchase agreement must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer or cooperative marketing associations of producers, must be properly endorsed in blank so as to vest title in the holder, must be issued by an approved warehouse, and must show the quantity of eligible seed actually in store in the warehouse.

(b) Where the warehouseman guarantees quality, each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the net weight of the seed and the factors used in determining the quality of the seed.

(c) Where the warehouseman does not guarantee the quality, there shall be attached to the warehouse receipt copies of the official purity analysis and germination test certificates.

(d) Warehouse receipts shall carry an endorsement in substantially the following form:

Warehouse charges through April 30, 1951 (September 30, 1951, in the case of buffalo grass seed), on the seed represented by this warehouse receipt have been paid or otherwise provided for, and lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt.

(e) The warehouse receipt representing each lot of seed must set forth in the written or printed terms the kind or variety of seed, the lot identity or number, the number of bags and the total net weight.

§ 601.225 *Determination of quantity.* All determinations of the quantity of seed delivered under loan or purchase agreement in an approved warehouse under this program shall be made on the basis of the net weight of eligible seed, as specified on the warehouse receipt. The quantity of seed being placed under a farm-storage loan shall be determined by the county committee. The quantity of seed delivered under a farm-storage loan will be the actual net weight of seed.

§ 601.226 *Determination of quality.* At the time the seed is placed under loan, the county committee will determine the quality of the seed on the basis of official purity and germination tests of a representative sample, except where the warehouseman guarantees quality of the seed. An "official test" shall be an analysis made by a Federal or State Seed Testing Laboratory where such facilities are available, or, in the absence of such facilities, by a seed testing laboratory approved by the State committee. The germination test certificate shall not be dated more than 5 calendar months prior to the first day of the month in which the seed is tendered for loan or delivered to CCC. A representative sample for determination of quality shall be a sample taken by a licensed State inspector, or where such services are not provided, the county committee shall arrange for obtaining a representative sample which shall consist of equal portions taken from evenly distributed parts of the lot of seed to be sampled.

§ 601.227 *Loss or damage to seed under farm-storage loan.* Notwithstanding the provisions of § 601.15 of the 1950 CCC Grain Price Support Bulletin 1, and the provisions of the chattel mortgage and the mortgage supplement, the producer will not be responsible for deterioration occurring without fault or negligence on the part of the producer or the person in control of the farm-storage structure.

§ 601.228 *Warehouse and other charges.* CCC will not pay or assume cleaning, drying, bagging, sampling, testing and analysis reports, tagging or other handling or processing charges which are necessary to prepare the seed to meet eligibility requirements for price support, or storage charges which accrue prior to May 1, 1951 (October 1, 1951, in the case of buffalo grass seed), or the date of the warehouse receipt, or the date the seed is determined to be eligible for delivery, whichever is later.

§ 601.229 *Maturity of loans.* Loans mature on demand but not later than April 30, 1951 (September 30, 1951, in the case of buffalo grass seed).

§ 601.230 *Schedule of basic specifications and rates.* The rates at which purchases will be made from producers and the loan and settlement rates shall be computed in accordance with the specifications and rates shown in the following schedule.

SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1950 HAY, PASTURE AND RANGE GRASS SEEDS

Kind of seed	Basic support price (ct. per lb. net wt.)	Basic specifications: Purity	Germination [1]	Maximum weed seed [2]	Maximum other crop seed	Discount for each percent or fraction thereof below basic support price requirements: Purity	Germination [1]	Minimum eligibility requirements: Purity	Germination
Hay and pasture:		*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Alfalfa—Northern [3]	32	98	90	.50	2.00	1.50	1.50	97	84
Alfalfa—Central [4]	25	98	90	.50	2.00	1.50	1.50	97	84
Alfalfa—Southern [4]	18	98	90	.50	2.00	1.50	1.50	97	84
Alfalfa, Certified [5] Ranger, Ladak, Cossack, Meeker, Baltie, Grimm	40	[6] 99	90	.50	2.00	1.50	1.50	98	85
Alfalfa, Certified [6] Buffalo, Nemastan, Atlantic	32	[6] 99	90	.50	2.00	1.50	1.50	98	85
Alfalfa, Certified [6] Hairy Peruvian, Chilean and Chilean 21–5, African	25	[6] 99	90	.50	2.00	1.50	1.50	98	85
Clovers:									
Alsike	25	98	90	.50	4.00	1.50	1.50	95	84
Ladino, Certified [6]	125	[6] 99	90	.50	2.50	1.50	1.50	97	85
Red	35	98	90	.50	2.00	1.50	1.50	97	84
Red, Certified [6] Kenland, Midland and Cumberland	42	[6] 98	85	.50	2.00	1.50	1.50	97	80
Sweet, Biennial	12	98	90	.50	2.00	1.50	1.50	97	80
Sweet Clover, Certified [6] Evergreen, Willamette, Madrid and Spanish	18	[6] 98	85	.50	2.00	1.50	1.50	97	80
Hubam Sweet	10	98	88	.50	2.00	1.50	1.50	97	85
White (Louisiana and Mississippi)	80	98	90	.50	4.50	1.50	1.50	95	84
Lespedeza: [7]									
Common or Tenn. 76	16	98	85	1.00	4.50	1.50	1.50	94	80
Sericea (hulled and scarified)	15	98	85	1.00	3.00	1.50	1.50	96	80
Grasses:									
Brome, Smooth	14	92	85	1.00	5.00	1.50	1.50	86	75
Brome, Certified [6] Achenback, Lincoln, Fisher, Elsberry and Manchar	20	[6] 90	85	1.00	4.50	1.50	1.50	85	80
Tall Fescue, Certified [6] [8]	35	[6] 97	90	.50	4.50	1.50	1.50	95	80
Orchard Grass	12	90	85	1.00	4.50	1.50	1.50	85	80
Common Sudan	035	98	85	.50	4.50	1.50	1.50	95	80
Sweet Sudan	04	98	85	.50	4.50	1.50	1.50	95	80
Sweet Sudan, Certified [6] SA–354, SA–372 and Sweet	05	[6] 98	85	.50	4.50	1.50	1.50	95	80
Timothy	075	99	90	.50	4.50	1.50	1.50	95	80
Timothy, Certified [6] Marietta, Loraine and Hopkins	105	[6] 97	90	.50	1.00	1.50	1.50	95	80
Wheatgrass, crested	15	95	85	1.00	4.50	1.50	1.50	90	80
Wheatgrass, intermediate	25	90	90	1.00	4.50	1.50	1.50	85	80
Wheatgrass, slender	15	95	85	1.00	4.50	1.50	1.50	85	77
Wheatgrass, western	15	80	80	1.00	4.50	1.50	1.50	75	72
Range grasses:									
Big Bluestem	20	40	60	2.00	[9] 4.50	1.50	1.50	30	50
Little Bluestem	20	55	60	2.00	[9] 4.50	1.50	1.50	45	45
Sand Bluestem	25	40	60	2.00	[9] 4.50	1.50	1.50	25	45
Blue Grama	15	45	75	2.00	[9] 4.50	1.50	1.50	40	60
Side Oats Grama	25	30	65	2.00	[9] 4.50	1.50	1.50	25	35
Buffalo (in hur)	40	85	70	2.00	[9] 4.50	1.50	1.50	65	60
Sand Lovegrass	25	99	60	.50	[9] 4.50	1.50	1.50	85	50
Mixed Bluestem [10]				2.00	[9] 4.50	1.50	1.50	30	50
Mixed Grama [11]				2.00	[9] 4.50	1.50	1.50	25	55

[1] Live seed including hard seed.
[2] See attached supplement to this schedule for limitations on noxious weed seed.
[3] The Northern region includes all producing areas north of the southern boundaries of Oregon, Idaho, Wyoming, Nebraska, and eastward in counties which are north of, intersected by, the 40th degree of latitude.
[4] The Central region includes all the producing areas south of the Northern region and north of the thirty-seventh degree of latitude (excluding California north of the thirty-seventh degree of latitude except the counties of Tahama,

SUPPLEMENT TO THE SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1950 HAY, PASTURE, AND RANGE GRASS SEED—Continued

NOXIOUS WEED-SEED REQUIREMENTS—continued

Common name	Botanical name
Poverty weed [2]	Franseria discolor.
Puncturevine, caltrop [2]	Tribulus terrestris.
St. Johnswort, Klamath weed [2]	Hypericum perforatum.
Water hemlock [2]	Cicuta maculata.
Western ragweed [2]	Ambrosia psilostachya.
Wolly poverty weed [2]	Franseria tomentosa.
Yellow star thistle [2]	Centaurea solstitialis.
Yellow toadflax [2]	Linaria vulgaris.

(2) 1 noxious weed seed to 5,000 agricultural seeds, or 100 to the pound:

Common name	Botanical name
Barberry [2]	Berberis spps.
Barberry [2]	Mahonia spps.
Black nightshade [2]	Solanum nigrum.
Buffalo-bur [2]	Solanum rostratum.
Butterprint, velvetweed [2]	Abutilon theophrasti.
Corncockle	Agrostemma githago.
Cutleaf nightshade	Solanum triflorum
Daisy, oxeye, field daisy	Chythanthemum leucanthemum.
Deathweed, povertyweed [2]	Iva axillaris.
Flowering spurge [2]	Euphorbia corollata.
Hairy gaura [2]	Gaura villosa.
Hairy nightshade [2]	Solanum villosum.
Mustard, charlock, wild mustard	Brassica spps.
Perennial groundcherry [2]	Physalis subglabrata.
Scarlet gaura [2]	Gaura coccinea.
Scented gaura [2]	Gaura odorata.
Shiny spurge [2]	Euphorbia lucida.
Spreading dogbane [2]	Apocynum androsaemifolium.
Texas blueweed	Helianthus ciliaris.
Wavy-leaved gaura [2]	Gaura sinuata.
Yellowcress [2]	Rorippa sylvestris.

(3) 1 noxious weed seed to 2,000 agricultural seeds or 200 per pound:

Common name	Botanical name
Chicory [2]	Cichorium intybus.
Franseria povertyweed [2]	Franseria tenuifolia.
Giant ragweed [2]	Ambrosia trifida.
Halogeton [2]	Halogeton glomeratus.
Hoary alyssum [2]	Berteroa incana.
Malta starthistle [2]	Centaurea melitensis.
Smaller burdock, Clotbur [2]	Arctium minus.
Purple Star thistle, Caltrops [2]	Centaurea calcitrapa.
Wild oat	Avena fatua.
Wild carrot	Daucus carota.
Wintercress, yellow rocket [2]	Barbarea vulgaris.

(4) 1 noxious weed to 1,000 agricultural seeds or 300 per pound:

Common name	Botanical name
Alkali mallow [2]	Sida hederacea.
Australian Burnweed, Fireweed [2]	Erechtites prenanthoides.
Austrian peaweed [2]	Swainsona salsula.
Ball mustard [2]	Neslia paniculata.
Bassia [2]	Bassia hyssopifolia.
Bladder campion [2]	Silene cucubalus.
Blueweed, Blue thistle [2]	Echium vulgare.
Catchfly, night-blooming catchfly [2]	Silene noctiflora.
Chess, Cheat	Bromus spp.
Cocklebur [2]	Xanthium spp.
Common ragweed [2]	Ambrosia artemisifolia.

SUPPLEMENT TO THE SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1950 HAY, PASTURE, AND RANGE GRASS SEED

NOXIOUS WEED-SEED REQUIREMENTS

In addition to the prescribed eligibility requirements, seed must meet the following requirements with respect to noxious weed seed:

a. The seed shall not contain noxious weed seeds in excess of the number permitted for sale as planting seed by the State seed law and rules and regulations pursuant thereto of the State in which the seed is delivered to C. C. C.

b. In addition to a, above, the seed shall not contain any of the following prohibited noxious weed seeds:

Common name	Botanical name
Austrian fieldcress	Rorippa austriaca.
Bindweed	Convolvulus Arvensis.
Camelthorn	Alhagi (camelorum) pseudalhagi.
Canada thistle	Cirsium arvense.
Globepodded balicress, whitetop	Cardaria pubescens.
Horsenettle [1]	Solanum carolinense.
Johnson grass	Sorghum halpense.
Leafy spurge	Euphorbia esula.
Nutgrass	Cyperus rotundus.
Perennial sowthistle	Sonchus arvensis.
Purple nightshade [1]	Solanum elaeagnifolium.
Quackgrass	Agropyron repens.
Russian knapweed	Centaurea repens (picris).
Whitetop	Cardaria (Lepidium) draba.
Wild onion	Allium spp.

c. In addition to a and b above, the seed shall not contain any of the following noxious weed seeds in greater number or collectively, than the proportions shown below, using either the number or weight proportion as is reported on the analysis report:

(1) 1 noxious weed seed to 10,000 agricultural seeds or 50 per pound:

Common name	Botanical name
Bermuda grass, devilgrass	Cynodon dactylon.
Bindweed, hedge	Convolvulus sepium.
Blue lettuce, chicory lettuce [2]	Lactuca pulchella.
Chufa, nutgrass	Cyperus esculentus.
Dodder	Cuscuta spps.
Iberian star thistle [2]	Centaurea iberica.
Marijuana [2]	Cannabis sativa.
Perennial mustard, whitetop [2]	Lepidium latifolium.
Poison hemlock [2]	Conium maculatum.
Poison milkweed [2]	Asclepias galioides.

[1] Horsenettle and purple nightshade, in lespedeza seed, are classed as prohibited noxious weed seeds only when present in excess of 500 seeds per pound.

[2] Not classified as a noxious weed seed in lespedeza seed.

Plumas, and those counties north of the fortieth degree of latitude, but including all counties south of the thirty-seventh degree of latitude in the State of Kentucky, and Virginia. Approved origin alfalfa seed in Oklahoma must be so certified by the official tags and seals of the Oklahoma Crop Improvement Association will be at the rates specified for the Central region.

[1] The Southern region includes all the producing areas south of the Central region.

[2] For certified varieties listed regardless of where grown. Certified seed from Kansas is authorized to certify to the genetic purity of the seed by the State Crop Improvement Association or other Kansas authorized to certify to the genetic purity of the seed by the State Crop Improvement Association or other tag color designations used in the certification of seed and tagged and sealed by the State Crop Improvement Association or other tag color designations used in the certification of seed and the seed must be below the minimum purity requirements for certification for the next higher grade.

[3] Must be certified seed of quality for highest grade certification, the purity to be used for price support purposes for such certified seed must be below the minimum purity requirements for certification for the next higher grade.

[4] Note exceptions to noxious weed seed requirements for lespedeza seed as given in Supplements.

[5] Alfa and Kentucky 31 only.

[6] Not more than 1 percent sand dropseed.

[7] Not more than 1 percent at the respective rates on quantities of big bluestem, little bluestem, and sand bluestem in mixture; provided the mixture contained at least 30 percent of two or more of these seeds, not more than 1 percent sand dropseed and not more than 5 percent of grass seeds other than switchgrass, side oats grama, and Indiangrass. The pure seed of the mixture and the germination of each component will be used in determining the value. Maximum weed seed, 2 percent.

[8] Not more than 1 percent at the respective rates on quantities of blue grama and side oats grama in mixture provided the mixture contains at least 25 percent of blue grama and side oats grama; not more than 1 percent of sand dropseed and not more than 5 percent of grass seeds other than buffalo grass, bluestem, switchgrass and Indiangrass. The pure seed mixture and the germination of each component will be used in determining the value. Maximum weed seed, 2 percent.

SUPPLEMENT TO THE SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1950 HAY, PASTURE, AND RANGE GRASS SEED—Continued

NOXIOUS WEED-SEED REQUIREMENTS—continued

Common name	Botanical name
Common sowthistle [2]	Sonchus oleraceus.
Cowcockle, Cowherb [2]	Saponaria vaccaria.
Crabgrass, small crabgrass [2]	Digitaria ischaemum.
Crabgrass, crowfoot grass [2]	Digitaria sanguinalis.
Curly indigo [2]	Aeschynomene virginica.
Daisy fleabane [2]	Erigeron strigosus.
Darnel	Lolium temulentum.
Dock, Sorrel	Rumex spp.
Field peppergrass	Lepidium campestre.
Field sandbur [2]	Cenchrus pauciflorus.
Flares-ear-mustard [2]	Conringia orientalis.
Hawkweed [2]	Hieracium Spp.
Lanceleaf sage [2]	Salvia (lanceolata) reflexa.
Littleseed falseflax [2]	Camelina microcarpa.
Pennycress [2]	Thlaspi arvense.
Perennial groundcherry [2]	Physalis longifolia.
Plantain	Plantago Spp.
Prickly sowthistle [2]	Sonchus asper.
Purple-flowered groundcherry [2]	Quincula (Physalis) lobata.
Red rice	Oryza sativa.
Roemeria poppy	Roemeria refracta.
Russian thistle	Salsola kali var. tenuifolia.
Sticktight [2]	Lappula echinata.
Tall indigo [2]	Sesbania exaltata.
Tansy mustard [2]	Sisymbrium irio.
Tansy mustard [2]	Descurainia pinnata (sophia).
Tumble mustard [2]	Sisymbrium altissimum.
White campion [2]	Lynchnis alba.
Whitetop fleabane [2]	Erigeron annus.
Wild barley, Foxtail barley [2]	Hordeum jubatum.
Wild barley, Squirrelgrass [2]	Hordeum murinum.
Wild flax [2]	Camelina sativa.
Wild morning-glory	Ipomoea Spp.
Wild radish [2]	Raphanus raphanistrum.
Wire grass	Paspalum distichum.

[2] Not classified as a noxious weed seed in lespedeza seed.

§ 601.231 *Delivery of seed to CCC.* If seed is delivered by a producer to CCC pursuant to the purchase agreement or in satisfaction of the loan, the following conditions shall apply.

(a) The seed must be cleaned, fumigated if necessary, and the quality of each lot of seed must be evidenced by official purity analysis reports and germination test certificates.

(b) Seed delivered by a producer must meet at least the minimum eligibility requirements in every respect as set forth in § 601.230. The producer must notify the county committee in writing of his intention to sell within the 30-day period ending on the maturity date for loans.

(c) Seed delivered to CCC under a loan or producers purchase agreement must be packaged in even weight, net capacity, new bags of approved quality as described below:

Alfalfa, alsike, ladino (certified), red, sweet, Hubam sweet, and white clover, common or Tenn. 76, and sericea lespedeza, orchard grass, timothy, weeping and sand lovegrass and switchgrass:

Type	Net capacity (pounds)
(1) Tri-Sax (double seam):	
36-inch 7.5 oz. or heavier	100 or 60
40-inch 8.25 oz. or heavier	100 or 60
(2) Osnaburg (seamless or double seam): 30-inch 7-oz. or heavier	100 or 60
(3) Seamless cotton 16-oz	150

Tall meadow fescue (certified), smooth brome, Sudan, and crested, slender, and western wheatgrass, common or Tenn. 76, and sericea lespedeza:

Type	Net capacity (pounds)
(1) Tri-Sax (double seam):	
36-inch 7.5-oz. or heavier	100
40-inch 7-oz. or heavier	100
(2) Osnaburg (seamless or double seam): 30-inch, 7-oz. or heavier	100
(3) Burlap or jute: 10-oz. or heavier	100

Big, little, and sand bluestem, blue and side-oats gramma and natural component mixtures thereof where provided for, Indiangrass and buffalo grass:

Type	Net capacity (pounds)
(1) Burlap or jute: 10-oz. or heavier	50 or 30
(2) Tri-Sax or Osnaburg (double seam):	
36-inch 7.5-oz. or heavier	50 or 30
40-inch 8.25-oz. or heavier	50 or 30

(d) The seed must be tagged in accordance with the Federal Seed Act for interstate shipments, if ordered loaded out for interstate shipment by CCC.

§ 601.232 *Settlement.* Where seed is delivered to CCC in accordance with § 601.18 of the 1950 C. C. C. Grain Price Support Bulletin 1, the following additional provisions shall be applicable:

Settlement under a farm-storage loan shall be made with the producer at the applicable support price on the basis of the quantity of the seed delivered, and on the basis of the quality of the seed when placed under loan except that if deterioration has resulted from negligence on the part of the producer or other person having control of the storage structure, settlement shall be made on the basis of the quality and quantity of the seed delivered.

Where seed is delivered under a purchase agreement in a warehouse for which a Seed Storage Agreement is in effect, settlement will be made on the basis of the quality and quantity of seed shown on the warehouse receipt and accompanying documents, provided the purity analysis reports and germination test certificates are dated not more than five calendar months prior to the first day of the month in which the warehouse receipts are tendered to the county committee. In all other cases of delivery under purchase agreements, settlement will be made on the basis of the quantity of seed actually delivered and the quality shown by purity analysis reports and germination test certificates dated not more than five calendar months prior to the first day of the month in which the seed is delivered to CCC, except that if the county committee determines that the physical condition of the seed is such that such reports and certificates are no longer representative, the quality shall be determined by purity analyses and germination tests made at the time of delivery.

Issued this 14th day of July 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 50-6285; Filed, July 19, 1950; 8:49 a. m.]

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Grain Sorghums]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1950 crop of grain sorghums. The 1950 C. C. C. Grain Price Support Bulletin 1, 15 F. R. 3147, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1950, is supplemented as follows:

Sec.
601.251 Purpose.
601.252 Availability of price support.
601.253 Eligible grain sorghums.
601.254 Warehouse receipts.
601.255 Determination of quantity.
601.256 Determination of quality.
601.257 Maturity of loans.
601.258 Support rates.

AUTHORITY: §§ 601.251 to 601.258 issued under sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, Titles III and IV, Pub. Law 439, 81st Cong.; 15 U. S. C. Sup., 714c.

§ 601.251 *Purpose.* This supplement states additional specific requirements which, together with the general requirements contained in the 1950 C. C. C. Grain Price Support Bulletin 1, 15 F. R. 3147, apply to loans and purchase agree-

ments under the 1950–Crop Grain Price Support Program.

§ 601.252 *Availability of price support*—(a) *Method of support.* Price support will be made available by means of nonrecourse farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever grain sorghums are grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that grain sorghums cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1951, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing grain sorghums in 1950 as landowner, landlord, tenant, or sharecropper.

§ 601.253 *Eligible grain sorghums.* At the time the grain sorghums are placed under loan or delivered under a purchase agreement, they must meet the following requirements:

(a) The grain sorghums must have been produced in the continental United States in 1950 by an eligible producer.

(b) The beneficial interest in the grain sorghums must be in the person tendering the grain sorghums for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the grain sorghums were harvested.

(c) The grain sorghums must be of a class grading No. 4 or better and containing not in excess of 13 percent moisture.

(d) The grain sorghums must not grade discolored, or weevily.

(e) If offered as security for a farm-storage loan, the grain sorghums must have been stored in the granary at least 30 days prior to inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.254 *Warehouse receipts.* Warehouse receipts representing grain sorghums in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements below.

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(b) Each warehouse receipt must set forth in its written terms that the grain sorghums are insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(c) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross weight, grade, class, subclass, dockage, all grading factors set forth in the Official Grain Standards of the United States for Grain Sorghums, and must show whether the grain sorghums arrived by rail, truck, or barge.

(d) If the warehouse receipt states that the grain sorghums are stored "identity preserved," the producer must execute a supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) A separate warehouse receipt must be submitted for each grade, class, and subclass of grain sorghums.

(f) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.258 (d).

§ 601.255 *Determination of quantity.* The quantity of grain sorghums placed under farm-storage loan may be determined either by weight or by measurement. The quantity of grain sorghums placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

When a quantity is determined by weight, a unit of 100 pounds shall be determined to be 100 pounds of grain sorghums free of dockage. In determining the quantity of sacked grain sorghums by weight, a deduction of ¾ of a pound for each sack will be made.

When the quantity of grain sorghums is determined by measurement, 100 pounds shall be 2.25 cubic feet of grain sorghums testing 56 pounds per bushel, and fractional pounds of test weight per bushel and fractional units of less than 100 pounds will be disregarded. The quantity determined by measurement of grain sorghums having a test weight of less than 56 pounds per bushel shall be adjusted by:

For grain sorghums testing	*Percent*
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	93
51 pounds or over, but less than 52 pounds	91
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	87

The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the grain sorghums in determining the net quantity available for loan or purchase.

§ 601.256 *Determination of quality.* The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Grain Sorghums, whether or not such determinations are made on the basis of an official inspection.

§ 601.257 *Maturity of loans.* Loans mature on demand but not later than March 31, 1951.

§ 601.258 *Support rates.* Loans will be made, and grain sorghums delivered under purchase agreements will be purchased, at the support rates set forth in this section.

(a) *Support rates at designated terminal markets.* Support rates per 100 pounds for grain sorghums of the Classes I to IV, inclusive, grading No. 2 or better, stored in warehouse storage at the following terminal markets, shall be as follows:

Terminal market	*Support rate per 100 lbs. for No. 2 or better*
Galveston, Tex.	$2.42
Houston, Tex.	2.42
Kansas City, Mo.	2.35
Los Angeles, Calif.	2.67
Memphis, Tenn.	2.53
New Orleans, La.	2.42
Omaha, Nebr.	2.35
St. Louis, Mo.	2.53
San Francisco, Calif.	2.67
Sioux City, Iowa	2.35

For loan or purchase at the support rate shown in the above schedule, the grain sorghums must have been shipped on a domestic interstate freight rate basis. On any grain sorghums shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market will be reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

The foregoing schedule of support rates applies to grain sorghums which have been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate. The warehouse receipts must be accompanied by registered freight bills, or by (1) a statement as indicated below signed by the warehouseman, (2) a certificate of the warehouseman containing such information, or, (3) such form of certification as may be approved by CCC.

FREIGHT CERTIFICATE FOR TERMINALS

The grain sorghums represented by attached warehouse receipt No. ——— was received by rail freight from ———— (Town) ———— point of ———— (County) ———— (State) origin, as evidenced by freight bill described as follows:

Way bill, date ————
No. ————
Car No. ————
Initial ———— ————
Freight bill, date ————
No. ————
Carrier ————
Transit weight ————
Freight weight ————
Freight rate in ————
Amount collected ————
Number unused transit stops ————

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the applicable provisions of the Uniform Grain Storage Agreement.

————
(Warehouseman's signature)
————
(Address)
————
(Date of signature)

When shipped by rail or water and stored at any designated terminal market, grain sorghums for which neither registered freight bills nor such freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 14 cents per 100 pounds.

When received by truck and stored at any designated terminal market, the support rate for grain sorghums in Area I shall be the terminal rate minus 22 cents; in Area II, the terminal rate minus 23 cents; and in Areas III and IV, the terminal rate minus 25 cents per 100 pounds. (The States included in each of these areas are listed in paragraph (d) of § 601.578.)

(b) *Support rates for grain sorghums in approved warehouse-storage at other than designated terminal markets.* The support rate for grain sorghums stored in approved warehouses (other than those situated in the designated terminal markets) which are shipped by rail or water will be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax), of the through-freight rate from point of origin for such grain sorghums to such terminal market: *Provided*, That in the case of grain sorghums stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing grain sorghums in such position.

The warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges or, by a statement in the following form signed by the warehouseman, or by a warehouseman's supplemental certificate containing such information:

FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The grain sorghums represented by attached warehouse receipt No. ——— was received by rail freight from ———— (Town) ———— point of origin, was evidenced by freight bill described as follows:

Way bill, date ————
No. ————
Car No. ————
Initial ———— ————
Freight bill, date ————
No. ————
Carrier ————
Transit weight ————
Freight rate in ————
Amount collected ————
Transit balance, if any, of through freight rate to ———— of ———— per 100 pounds ————
Number unused transit stops ————
Penalty, if any, to guarantee minimum proportional rate on outbound billing of ——— cents per 100 pounds ————

The above-described paid freight bill has been officially registered for transit and will be held in accordance with applicable provisions of the Uniform Grain Storage Agreement.

————
(Warehouseman's signature)
————
(Address)
————
(Date of signature)

(c) *County support rates.* Both farm-storage and country warehouse-storage loans will be made at the support rate established for the county in which the grain sorghums are stored. Support rates per 100 pounds of grain sorghums of the Classes I to IV, inclusive, grading No. 2, or better, shall be as follows:

ARIZONA

[Rate per 100 pounds for U. S. No. 2 or better]

County		*County*	
Cochise	$1.88	Pima	$2.13
Graham	1.79	Pinal	2.23
Greenlee	1.75	Yuma	2.25
Maricopa	2.23		

ARKANSAS

Arkansas	$2.10	Little River	$1.99
Ashley	2.03	Logan	1.99
Bradley	2.02	Lonoke	2.11
Clay	2.14	Miller	1.99
Conway	2.03	Mississippi	2.17
Craighead	2.16	Monroe	2.14
Crittenden	2.23	Perry	2.06
Cross	2.19	Phillips	2.16
Desha	2.07	Poinsett	2.16
Drew	2.07	Pope	2.02
Faulkner	2.05	Prairie	2.12
Garland	2.03	Pulaski	2.09
Greene	2.14	Saint Francis	2.18
Hempstead	2.00	Saline	2.08
Jackson	2.14	Searcy	2.00
Jefferson	2.09	Sebastian	1.98
Johnson	2.00	Sevier	1.96
Lafayette	2.00	Washington	1.96
Lawrence	2.14	Woodruff	2.15
Lee	2.18	Yell	2.02
Lincoln	2.05		

CALIFORNIA

Alameda	$2.47	Sacramento	$2.40
Butte	2.35	San Benito	2.41
Colusa	2.36	San Bernardino	2.39
Contra Costa	2.46	San Joaquin	2.43
Fresno	2.35	San Luis Obispo	2.34
Glenn	2.33	Shasta	2.23
Imperial	2.33	Solano	2.44
Kern	2.35	Stanislaus	2.41
Kings	2.35	Sutter	2.37
Los Angeles	2.44	Tehama	2.32
Madera	2.37	Tulare	2.35
Merced	2.40	Yolo	2.41
Placer	2.37		
Riverside	2.37		

COLORADO

Adams	$1.81	El Paso	$1.81
Arapahoe	1.81	Jefferson	1.81
Baca	1.83	Kiowa	1.83
Bent	1.82	Kit Carson	1.84
Cheyenne	1.84	Las Animas	1.81
Crowley	1.81	Lincoln	1.81
Denver	1.81	Logan	1.81
Elbert	1.81	Morgan	1.81

COLORADO—Continued

[Rate per 100 pounds for U. S. No. 2 or better]

County		*County*	
Otero	$1.81	Sedgwick	$1.85
Phillips	1.84	Washington	1.81
Prowers	1.84	Weld	1.81
Pueblo	1.81	Yuma	1.83

KANSAS

Allen	$2.02	Linn	$2.04
Anderson	2.04	Logan	1.88
Atchison	2.06	Lyon	2.01
Barber	1.93	McPherson	1.96
Barton	1.93	Marion	1.96
Bourbon	2.03	Marshall	2.01
Brown	2.04	Meade	1.89
Butler	1.96	Miami	2.07
Chase	1.99	Mitchell	1.96
Chautauqua	1.99	Montgomery	2.01
Cherokee	2.01	Morris	1.98
Cheyenne	1.87	Morton	1.85
Clark	1.90	Nemaha	2.02
Clay	1.99	Neosho	2.02
Cloud	1.97	Ness	1.92
Coffey	2.03	Norton	1.93
Comanche	1.91	Osage	2.03
Cowley	1.96	Osborne	1.95
Crawford	2.03	Ottawa	1.96
Decatur	1.90	Pawnee	1.93
Dickinson	1.96	Phillips	1.93
Doniphan	2.04	Pottawatomie	2.02
Douglas	2.07	Pratt	1.93
Edwards	1.93	Rawlins	1.89
Elk	1.93	Reno	1.95
Ellis	1.93	Republic	1.97
Ellsworth	1.95	Rice	1.95
Finney	1.89	Riley	2.01
Ford	1.91	Rooks	1.93
Franklin	2.07	Rush	1.93
Geary	2.00	Russell	1.94
Gove	1.90	Saline	1.96
Graham	1.93	Scott	1.89
Grant	1.87	Sedgwick	1.96
Gray	1.90	Seward	1.87
Greeley	1.87	Shawnee	2.03
Greenwood	2.01	Sheridan	1.90
Hamilton	1.87	Sherman	1.87
Harper	1.95	Smith	1.95
Harvey	1.96	Stafford	1.93
Haskell	1.89	Stanton	1.86
Hodgeman	1.92	Stevens	1.86
Jackson	2.03	Sumner	1.96
Jefferson	2.07	Thomas	1.89
Jewell	1.93	Trego	1.93
Johnson	2.09	Wabaunsee	2.02
Kearny	1.87	Wallace	1.87
Kingman	1.95	Washington	1.99
Kiowa	1.93	Wichita	1.87
Labette	2.01	Wilson	2.01
Lane	1.90	Woodson	2.02
Leavenworth	2.09	Wyandotte	2.10
Lincoln	1.95		

MISSOURI

Adair	$2.15	Johnson	$2.10
Barton	2.04	Lafayette	2.12
Bates	2.06	Linn	2.14
Benton	2.11	Moniteau	2.16
Carroll	2.11	Monroe	2.17
Cass	2.07	Morgan	2.14
Cedar	2.07	Nodaway	2.06
Cooper	2.15	Pettis	2.12
Dade	2.07	Polk	2.08
Gentry	2.07	Ray	2.10
Henry	2.09	Saint Clair	2.08
Hickory	2.08	Saline	2.14
Howard	2.17	Vernon	2.04
Jackson	2.09	Worth	2.06
Jasper	2.04		

NEBRASKA

Adams	$1.99	Buffalo	$1.99
Antelope	2.00	Burt	2.07
Arthur	1.88	Butler	2.07
Banner	1.82	Cass	2.09
Blaine	1.93	Cedar	2.00
Boone	2.02	Chase	1.87
Box Butte	1.86	Cherry	1.91
Boyd	1.96	Cheyenne	1.82
Brown	1.93	Clay	1.99

NEBRASKA—Continued

[Rate per 100 pounds for U. S. No. 2 or better]

County		County	
Colfax	$2.06	Logan	$1.93
Cuming	2.06	Loup	1.97
Custer	1.96	McPherson	1.92
Dakota	2.03	Madison	2.02
Dawes	1.83	Merrick	2.02
Dawson	1.96	Morrill	1.84
Deuel	1.86	Nance	2.03
Dixon	2.02	Nemaha	2.05
Dodge	2.08	Nuckolls	1.99
Douglas	2.09	Otoe	2.07
Dundy	1.87	Pawnee	2.03
Fillmore	2.02	Perkins	1.88
Franklin	1.96	Phelps	1.96
Frontier	1.93	Pierce	2.01
Furnas	1.93	Platte	2.04
Gage	2.04	Polk	2.04
Garden	1.86	Red Willow	1.92
Garfield	1.98	Richardson	2.03
Gosper	1.95	Rock	1.94
Grant	1.88	Saline	2.04
Greeley	2.01	Sarpy	2.10
Hall	2.00	Saunders	2.08
Hamilton	2.02	Scotts Bluff	1.82
Harlan	1.96	Seward	2.06
Hayes	1.90	Sheridan	1.86
Hitchcock	1.90	Sherman	1.99
Holt	1.98	Sioux	1.82
Hooker	1.90	Stanton	2.04
Howard	2.00	Thayer	2.01
Jefferson	2.02	Thomas	1.92
Johnson	2.04	Thurston	2.06
Kearney	1.97	Valley	1.98
Keith	1.88	Washington	2.08
Keya Paha	1.94	Wayne	2.00
Kimball	1.81	Webster	1.98
Knox	1.98	Wheeler	2.01
Lancaster	2.03	York	2.03
Lincoln	1.92		

NEW MEXICO

Bernalillo	$1.64	Luna	$1.64
Chaves	1.73	McKinley	1.67
Curry	1.78	Quay	1.77
De Baca	1.73	Roosevelt	1.78
Eddy	1.71	San Miguel	1.64
Grant	1.58	Sierra	1.58
Guadalupe	1.70	Socorro	1.64
Harding	1.61	Torrance	1.64
Hidalgo	1.68	Union	1.68
Lea	1.74	Valencia	1.64

OKLAHOMA

Adair	$1.93	Kay	$1.92
Alfalfa	1.90	Kingfisher	1.85
Atoka	1.88	Kiowa	1.85
Beaver	1.81	Latimer	1.92
Beckham	1.82	Le Flore	1.95
Blaine	1.85	Lincoln	1.86
Bryan	1.87	Logan	1.86
Caddo	1.85	Love	1.85
Canadian	1.85	McClain	1.85
Carter	1.85	McCurtain	1.88
Cherokee	1.93	McIntosh	1.90
Choctaw	1.88	Major	1.86
Cimarron	1.79	Marshall	1.85
Cleveland	1.85	Mayes	1.96
Coal	1.88	Murray	1.85
Comache	1.85	Muskogee	1.92
Cotton	1.85	Noble	1.91
Craig	1.99	Nowata	1.99
Creek	1.91	Okfuskee	1.88
Custer	1.85	Oklahoma	1.85
Delaware	1.97	Okmulgee	1.91
Dewey	1.84	Osage	1.94
Ellis	1.82	Ottawa	1.98
Garfield	1.90	Pawnee	1.91
Garvin	1.86	Payne	1.87
Grady	1.85	Pittsburg	1.91
Grant	1.91	Pontotoc	1.87
Greer	1.83	Pottawatomie	1.85
Harmon	1.82	Pushmataha	1.91
Harper	1.83	Roger Mills	1.82
Haskell	1.92	Rogers	1.96
Hughes	1.88	Seminole	1.87
Jackson	1.85	Sequoyah	1.93
Jefferson	1.85	Stephens	1.85
Johnston	1.85	Texas	1.80

OKLAHOMA—Continued

[Rate per 100 pounds for U. S. No. 2 or better]

County		County	
Tillman	$1.85	Washita	$1.85
Tulsa	1.95	Woods	1.89
Wagoner	1.94	Woodward	1.83
Washington	1.99		

SOUTH DAKOTA

Aurora	$1.95	Jerauld	$1.94
Beadle	1.92	Jones	1.85
Brule	1.94	Lyman	1.89
Buffalo	1.94	Meade	1.77
Charles Mix	1.96	Mellette	1.88
Clark	1.91	Pennington	1.79
Davison	1.97	Perkins	1.74
Douglas	1.96	Potter	1.85
Gregory	1.96	Sanborn	1.95
Haakon	1.79	Spink	1.90
Hand	1.90	Stanley	1.83
Hanson	1.97	Sully	1.86
Hughes	1.87	Todd	1.92
Hutchinson	1.98	Tripp	1.93
Hyde	1.87	Walworth	1.84
Jackson	1.81	Washabaugh	1.81

TEXAS

Andrews	$1.79	Fisher	$1.80
Aransas	1.95	Floyd	1.80
Archer	1.81	Foard	1.80
Armstrong	1.80	Franklin	1.93
Atacosa	1.90	Frio	1.85
Austin	2.11	Gaines	1.80
Bailey	1.80	Galveston	2.18
Bandera	1.84	Garza	1.80
Bastrop	2.00	Gillespie	1.85
Baylor	1.81	Glasscock	1.80
Bee	1.93	Goliad	1.99
Bell	1.94	Gonzales	1.99
Bexar	1.92	Gray	1.80
Blanco	1.90	Grayson	1.85
Borden	1.80	Grimes	2.08
Bosque	1.90	Guadalupe	1.93
Bowie	1.97	Hale	1.80
Brazoria	2.17	Hall	1.80
Brazos	2.04	Hamilton	1.88
Briscoe	1.80	Hansford	1.76
Brooks	1.83	Hardeman	1.81
Brown	1.82	Harris	2.13
Burleson	2.03	Hartley	1.76
Burnet	1.91	Haskell	1.80
Caldwell	1.96	Hays	1.93
Calhoun	2.02	Hemphill	1.78
Callahan	1.80	Hidalgo	1.74
Cameron	1.78	Hill	1.92
Carson	1.80	Hockley	1.80
Castro	1.80	Hood	1.87
Cherokee	1.94	Houston	1.95
Childress	1.80	Howard	1.80
Clay	1.85	Hudspeth	1.70
Cochran	1.80	Hunt	1.85
Coke	1.80	Hutchinson	1.77
Coleman	1.80	Irion	1.82
Collin	1.87	Jack	1.82
Collingsworth	1.80	Jackson	2.07
Colorado	2.10	Jim Hogg	1.81
Comal	1.92	Jim Wells	1.89
Comanche	1.83	Johnson	1.88
Concho	1.80	Jones	1.80
Cooke	1.85	Karnes	1.93
Coryell	1.92	Kaufman	1.88
Cottle	1.80	Kent	1.80
Crosby	1.80	Kerr	1.84
Culberson	1.68	Kimble	1.80
Dallam	1.74	King	1.80
Dallas	1.88	Kleberg	1.90
Dawson	1.80	Knox	1.80
Deaf Smith	1.80	Lamar	1.88
Delta	1.88	Lamb	1.80
Denton	1.86	Lampasas	1.90
Dewitt	2.00	La Salle	1.83
Dickins	1.80	Lavaca	2.05
Donley	1.80	Lee	2.02
Duval	1.86	Leon	1.99
Eastland	1.81	Limestone	1.94
Ellis	1.91	Lipscomb	1.78
Erath	1.86	Live Oak	1.92
Falls	1.95	Llano	1.88
Fannin	1.85	Loving	1.73
Fayette	2.05	Lubbock	1.80

TEXAS—Continued

[Rate per 100 pounds for U. S. No. 2 or better]

County		County	
Lynn	$1.80	San Jacinto	$2.10
McCulloch	1.80	San Patricio	1.94
McLennan	1.92	San Saba	1.88
McMullen	1.89	Schleicher	1.78
Martin	1.80	Scurry	1.80
Mason	1.80	Shackelford	1.80
Matagorda	2.12	Sherman	1.75
Maverick	1.72	Somervell	1.87
Medina	1.88	Stephens	1.81
Menard	1.80	Sterling	1.80
Midland	1.79	Stonewall	1.80
Milam	1.99	Swisher	1.00
Mille	1.87	Tarrant	1.88
Mitchell	1.80	Taylor	1.80
Montague	1.85	Terry	1.80
Montgomery	2.12	Throckmorton	1.81
Moore	1.76	Tom Green	1.80
Motley	1.80	Travis	1.95
Navarro	1.92	Upton	1.73
Nolan	1.80	Uvalde	1.82
Nueces	1.91	Van Zandt	1.88
Ochiltree	1.76	Victoria	2.04
Oldham	1.80	Waller	2.12
Palo Pinto	1.82	Ward	1.74
Parker	1.87	Washington	2.09
Parmer	1.80	Webb	1.75
Pecos	1.72	Wharton	2.12
Polk	2.05	Wheeler	1.80
Potter	1.80	Wichita	1.84
Randall	1.80	Wilbarger	1.82
Reagan	1.78	Willacy	1.80
Real	1.82	Williamson	1.95
Reeves	1.72	Wilson	1.93
Refugio	2.00	Wise	1.85
Roberts	1.78	Young	1.82
Robertson	2.00	Yoakum	1.80
Rockwall	1.87	Zapata	1.72
Runnels	1.80	Zavala	1.76

WYOMING

Campbell	$1.70	Natrona	$1.63
Converse	1.69	Niobrara	1.74
Crook	1.74	Platte	1.76
Goshen	1.81	Sheridan	1.66
Johnson	1.66	Weston	1.75
Laramie	1.81		

(d) *Warehouse charges.* The warehouse receipt and the grain sorghums represented thereby may be subject to liens for warehouse charges only from May 15, 1950, or the date the warehouse charges begin, whichever is later.

In the case of grain sorghums placed under loan or delivered to CCC under a purchase agreement in an approved warehouse under the Uniform Grain Storage Agreement, evidence must be submitted with the warehouse receipt that all warehouse charges, except receiving charges, have been prepaid, through March 31, 1951, or a deduction as shown below will be made from the applicable support rate and CCC will assume the accrued warehouse charges on the grain sorghums: *Provided*, That CCC will not assume any charges in excess of those provided under the Uniform Grain Storage Agreement applicable to the 1950 crop.

DEDUCTIONS FROM APPLICABLE SUPPORT RATE IF ALL WAREHOUSE CHARGES, EXCEPT RECEIVING CHARGES, HAVE NOT BEEN PREPAID THROUGH MARCH 31, 1951

	Cents per 100 pounds
Area I: Arizona, California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Washington, Utah	17.8
Area II: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin	19.2

DEDUCTIONS FROM APPLICABLE SUPPORT RATE IF ALL WAREHOUSE CHARGES, EXCEPT RECEIVING CHARGES, HAVE NOT BEEN PREPAID THROUGH MARCH 31, 1951—continued

	Cents per 100 pounds
Area III: Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia	19.6
Area IV: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas	20.5

In the case of grain sorghums placed under loan or delivered to CCC under a purchase agreement in an approved warehouse operated by an Eastern common carrier or any other approved warehouse not under the Uniform Grain Storage Agreement, evidence must be submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through March 31, 1951, or all such charges will be deducted from the support rate: *Provided*, That CCC will assume the receiving and loading out charges, or reimburse the producer if he has prepaid such charges.

(e) *Discounts.* The discount for grain sorghums which grade No. 3 shall be 8 cents per 100 pounds and No. 4, 16 cents per 100 pounds.

Grain sorghums which grade "Smutty" shall be discounted 5 cents per 100 pounds.

The support rates for mixed grain sorghums (Class V) shall be 3 cents per 100 pounds less than the support rates for grain sorghums of the classes I to IV, inclusive.

(f) *Track-loading.* A track-loading payment of 4 cents per 100 pounds will be made to the producer on grain sorghums delivered to CCC on track at a country point.

(g) *Settlement*—(1) *Loans.* Settlement on grain sorghums delivered to CCC under farm-storage loans will be made at the support rate for the approved point of delivery. In the case of farm-storage loans, and warehouse-storage loans where the grain sorghums are stored "identity preserved," the support rate will be for the grade and quality of the total quantity of grain sorghums delivered.

If the grain sorghums are, upon delivery, of a grade and/or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and/or quality of the grain sorghums placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the grain sorghums delivered, as determined by CCC.

(2) *Purchase agreements.* Grain sorghums delivered to CCC under a purchase agreement must meet the requirements of grain sorghums eligible for loan. The purchase rate per 100 pounds of eligible grain sorghums will be the applicable support rate established for the approved point of delivery.

Issued this 14th day of July 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-6264; Filed, July 19, 1950; 8:46 a. m.]

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Oats]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program for 1950-Crop Oats has been announced. The 1950 C. C. C. Grain Price Support Bulletin 1, 15 F. R. 3147, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1950, is supplemented as follows:

Sec.
601.301 Purpose.
601.302 Availability of price support.
601.303 Eligible oats.
601.304 Warehouse receipts.
601.305 Determination of quantity.
601.306 Determination of quality.
601.307 Maturity of loans.
601.308 Support rates.

AUTHORITY: §§ 601.301 to 601.308 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat 1072, Titles III, IV, Pub. Law 439, 81st Cong.; 15 U. S. C. Sup., 714c.

§ 601.301 *Purpose.* This supplement states additional specific requirements which, together with the general requirements contained in the 1950 C. C. C. Grain Price Support Bulletin 1, 15 F. R. 3147, apply to loans and purchase agreements under the 1950-Crop Oats Price Support Program.

§ 601.302 *Availability of price support*—(a) *Method of support.* Price support will be available by means of nonrecourse farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever oats are grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that oats cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1951; the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing oats in 1950 as landowner, landlord, tenant, or sharecropper.

§ 601.303 *Eligible oats.* At the time the oats are placed under loan or delivered under a purchase agreement, the oats must meet the following requirements:

(a) The oats must have been produced in the continental United States in 1950 by an eligible producer.

(b) The beneficial interest in the oats must be in the person tendering the oats for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the oats were harvested.

(c) The oats must grade No. 3 or better. Feed oats and mixed feed oats will not be eligible.

(d) The oats must not grade Weevily, Smutty, Ergoty, Garlicky, Bleached, Thin or Tough, or be otherwise of low quality.

(e) If offered as security for a farm-storage loan, the oats must have been stored in the granary at least 30 days prior to their inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.304 *Warehouse receipts.* Warehouse receipts representing oats in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(b) Each warehouse receipt must set forth in its written terms that the oats are insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado, or in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(c) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show the gross weight, grade, class, test weight and all grading factors set forth in the Official Grain Standards of the United States for Oats.

(d) If the warehouse receipt states that the oats are stored "identity preserved," the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) A separate warehouse receipt must be submitted for each grade of oats.

(f) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.308 (b).

§ 601.305 *Determination of quantity.* The quantity of oats placed under farm-storage loan may be determined either by weight or by measurement. The quantity of oats placed under a warehouse-

storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

When the quantity is determined by weight, a bushel shall be 32 pounds of oats. In determining the quantity of sacked oats by weight, a deduction of ¾ of a pound for each sack will be made.

When the quantity of oats is determined by measurement, a bushel will be 1.25 cubic feet of oats testing 32 pounds per bushel, and fractional pounds of test weight per bushel will be disregarded. The quantity determined will be the following percentages of the quantity determined for 32-pound oats:

For oats testing	*Percent*
40 pounds or over	125
39 pounds or over, but less than 40 pounds	121
38 pounds or over, but less than 39 pounds	118
37 pounds or over, but less than 38 pounds	115
36 pounds or over, but less than 37 pounds	112
35 pounds or over, but less than 36 pounds	109
34 pounds or over, but less than 35 pounds	106
33 pounds or over, but less than 34 pounds	103
32 pounds or over, but less than 33 pounds	100
31 pounds or over, but less than 32 pounds	96
30 pounds or over, but less than 31 pounds	93
29 pounds or over, but less than 30 pounds	90
28 pounds or over, but less than 29 pounds	87
27 pounds or over, but less than 28 pounds	84

Since the percentage of dockage is not a grade factor in the case of oats, the quantity of oats will be determined without reference to dockage.

§ 601.306 *Determination of quality.* The grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Oats, whether or not such determinations are made on the basis of an official inspection.

§ 601.307 *Maturity of loans.* Loans mature on demand but not later than April 30, 1951.

§ 601.308 *Support rates.* Loans will be made, and oats delivered under purchase agreements will be purchased, at the support rates set forth in this section.

(a) *County support rates for oats grading No. 3, or better.* Both farm-storage and warehouse-storage loans will be made at the support rate established for the county in which the oats are stored. Support rates per bushel for oats grading No. 3, or better, shall be as follows:

ALABAMA

[Rate per bushel for No. 3 or better]

All counties	$0.87

ARIZONA

All counties	$0.82

ARKANSAS

All counties	$0.79

CALIFORNIA

[Rate per bushel for No. 3 or better]

County		County	
Alameda	$0.83	Plumas	$0.76
Alpine	.79	Riverside	.81
Amador	.80	Sacramento	.81
Butte	.79	San Benito	.81
Calaveras	.80	San Bernardino	.81
Colusa	.80	San Diego	.81
Contra Costa	.83	San Francisco	.84
Del Norte	.80	San Joaquin	.82
El Dorado	.79	San Luis Obispo	.81
Fresno	.81	San Mateo	.83
Glenn	.79	Santa Barbara	.81
Humboldt	.80	Santa Clara	.83
Imperial	.81	Santa Cruz	.82
Inyo	.81	Shasta	.78
Kern	.81	Sierra	.76
Kings	.80	Siskiyou	.76
Lake	.80	Solano	.83
Lassen	.76	Sonoma	.83
Los Angeles	.83	Stanislaus	.82
Madera	.81	Sutter	.80
Marin	.83	Tehama	.79
Mariposa	.81	Trinity	.80
Mendocino	.80	Tulare	.81
Merced	.81	Tuolumne	.80
Modoc	.75	Ventura	.82
Monterey	.81	Yolo	.81
Napa	.82	Yuba	.79
Nevada	.76		
Orange	.82		
Placer	.78		

COLORADO

All counties	$0.71

DELAWARE

All counties	$0.82

FLORIDA

All counties	$0.87

GEORGIA

All counties	$0.86

IDAHO

County		County	
Ada	$0.70	Gem	$0.70
Adams	.69	Gooding	.69
Bannock	.67	Idaho	.69
Bear Lake	.68	Jefferson	.66
Benewah	.69	Jerome	.69
Bingham	.66	Kootenai	.69
Blaine	.68	Latah	.69
Boise	.70	Lamhi	.68
Bonner	.69	Lewis	.69
Bonnerville	.66	Lincoln	.69
Boundary	.69	Madison	.66
Butte	.68	Minidoka	.69
Camas	.69	Nez Perce	.69
Canyon	.70	Oneida	.68
Caribou	.67	Owyhee	.70
Cassia	.69	Payette	.70
Clark	.66	Power	.67
Clearwater	.69	Shoshone	.69
Custer	.68	Teton	.66
Elmore	.70	Twin Falls	.69
Franklin	.68	Valley	.69
Fremont	.66	Washington	.69

ILLINOIS

County		County	
Adams	$0.72	Douglas	$0.72
Alexander	.74	Du Page	.72
Bond	.73	Edgar	.72
Boone	.72	Edwards	.74
Brown	.72	Effingham	.73
Bureau	.72	Fayette	.73
Calhoun	.73	Ford	.72
Carroll	.72	Franklin	.74
Cass	.72	Fulton	.72
Champaign	.72	Gallatin	.75
Christian	.72	Greene	.73
Clark	.72	Grundy	.72
Clay	.73	Hamilton	.74
Clinton	.73	Hancock	.72
Coles	.72	Hardin	.75
Cook	.73	Henderson	.72
Crawford	.73	Henry	.72
Cumberland	.72	Iroquois	.72
De Kalb	.72	Jackson	.74
De Witt	.72	Jasper	.73

ILLINOIS—Continued

[Rate per bushel for No. 3 or better]

County		County	
Jefferson	$0.74	Peoria	$0.72
Jersey	.73	Perry	.74
Jo Daviess	.72	Platt	.72
Johnson	.74	Pike	.72
Kane	.72	Poke	.75
Kankakee	.72	Pulaski	.74
Kendall	.72	Putnam	.72
Knox	.72	Randolph	.74
Lake	.73	Richland	.73
La Salle	.72	Rock Island	.72
Lawrence	.73	Saint Clair	.74
Lee	.72	Saline	.75
Livingston	.72	Sangamon	.72
Logan	.72	Schuyler	.72
McDonough	.72	Scott	.72
McHenry	.72	Shelby	.72
McLean	.72	Stark	.72
Macon	.72	Stephenson	.72
Macoupin	.73	Tazewell	.72
Madison	.74	Union	.74
Marion	.73	Vermilion	.72
Marshall	.72	Wabash	.74
Mason	.72	Warren	.72
Massac	.74	Washington	.74
Menard	.72	Wayne	.74
Mercer	.72	White	.74
Monroe	.74	Whiteside	.72
Montgomery	.73	Will	.73
Morgan	.72	Williamson	.74
Moultrie	.72	Winnebago	.72
Ogle	.72	Woodford	.72

INDIANA

Adams	$0.74	Lawrence	$0.75
Allen	.74	Madison	.74
Bartholomew	.75	Marion	.74
Benton	.73	Marshall	.74
Blackford	.74	Martin	.75
Boone	.74	Miami	.74
Brown	.75	Monroe	.75
Carroll	.74	Montgomery	.74
Cass	.74	Morgan	.74
Clark	.75	Newton	.73
Clay	.73	Noble	.74
Clinton	.74	Ohio	.75
Crawford	.75	Orange	.75
Daviess	.75	Owen	.74
Dearborn	.76	Parke	.73
Decatur	.75	Perry	.75
De Kalb	.74	Pike	.75
Delaware	.74	Porter	.73
Dubois	.75	Posey	.75
Elkhart	.75	Pulaski	.74
Fayette	.74	Putnam	.74
Floyd	.75	Randolph	.74
Fountain	.73	Ripley	.76
Franklin	.75	Rush	.74
Fulton	.74	Saint Joseph	.75
Gibson	.75	Scott	.76
Grant	.74	Shelby	.74
Greene	.75	Spencer	.75
Hamilton	.74	Starke	.74
Hancock	.74	Steuben	.75
Harrison	.75	Sullivan	.74
Hendricks	.74	Switzerland	.76
Henry	.74	Tippecanoe	.74
Howard	.74	Tipton	.74
Huntington	.74	Union	.74
Jackson	.75	Vanderburgh	.75
Jasper	.73	Vermillion	.73
Jay	.74	Vigo	.73
Jefferson	.76	Wabash	.74
Jennings	.76	Warren	.73
Johnson	.74	Warrick	.75
Knox	.75	Washington	.75
Kosciusko	.74	Wayne	.74
Lagrange	.75	Wells	.74
Lake	.73	White	.74
La Porte	.74	Whitley	.74

IOWA

Adair	$0.69	Black Hawk	$0.70
Adams	.69	Boone	.69
Allamakee	.70	Bremer	.70
Appanoose	.70	Buchanan	.70
Audubon	.69	Buena Vista	.69
Benton	.70	Butler	.69

IOWA—Continued

[Rate per bushel for No. 3 or better]

County		County	
Calhoun	$0.69	Linn	$0.71
Carroll	.69	Louisa	.71
Cass	.69	Lucas	.70
Cedar	.71	Lyon	.67
Cerro Gordo	.69	Madison	.69
Cherokee	.68	Mahaska	.70
Chickasaw	.70	Marion	.70
Clarke	.69	Marshall	.70
Clay	.69	Mills	.69
Clayton	.70	Mitchell	.69
Clinton	.71	Monona	.68
Crawford	.68	Monroe	.70
Dallas	.69	Montgomery	.69
Davis	.71	Muscatine	.71
Decatur	.70	O'Brien	.68
Delaware	.71	Osceola	.67
Des Moines	.71	Page	.69
Dickinson	.68	Palo Alto	.69
Dubuque	.71	Plymouth	.63
Emmet	.68	Pocahontas	.69
Fayette	.70	Polk	.70
Floyd	.69	Pottawattamie	.69
Franklin	.69	Poweshiek	.70
Fremont	.69	Ringgold	.69
Greene	.69	Sac	.69
Grundy	.70	Scott	.71
Guthrie	.69	Shelby	.69
Hamilton	.69	Sioux	.67
Hancock	.69	Story	.69
Hardin	.69	Tama	.70
Harrison	.69	Taylor	.69
Henry	.71	Union	.69
Howard	.70	Van Buren	.71
Humboldt	.69	Wapello	.70
Ida	.68	Warren	.70
Iowa	.70	Washington	.71
Jackson	.71	Wayne	.70
Jasper	.70	Webster	.69
Jefferson	.71	Winnebago	.69
Johnson	.71	Winneshiek	.70
Jones	.71	Woodbury	.68
Keokuk	.70	Worth	.69
Kossuth	.69	Wright	.69
Lee	.71		

KANSAS

County		County	
Allen	$0.71	Hodgeman	$0.72
Anderson	.71	Jackson	.71
Atchison	.71	Jefferson	.71
Barber	.74	Jewell	.70
Barton	.72	Johnson	.71
Bourbon	.71	Kearny	.73
Brown	.71	Kingman	.73
Butler	.73	Kiowa	.73
Chase	.72	Labette	.72
Chautauqua	.72	Lane	.72
Cherokee	.72	Leavenworth	.71
Cheyenne	.71	Lincoln	.70
Clark	.74	Linn	.71
Clay	.70	Logan	.72
Cloud	.70	Lyon	.71
Coffey	.71	McPherson	.72
Comanche	.74	Marion	.72
Cowley	.74	Marshall	.70
Crawford	.72	Meade	.74
Decatur	.71	Miami	.71
Dickinson	.71	Mitchell	.70
Doniphan	.71	Montgomery	.72
Douglas	.71	Morris	.71
Edwards	.72	Morton	.74
Elk	.72	Nemaha	.71
Ellis	.71	Neosho	.72
Ellsworth	.71	Ness	.72
Finney	.73	Norton	.71
Ford	.73	Osage	.71
Franklin	.71	Osborne	.70
Geary	.71	Ottawa	.70
Gove	.72	Pawnee	.72
Graham	.71	Phillips	.70
Grant	.73	Pottawatomie	.70
Gray	.73	Pratt	.73
Greeley	.72	Rawlins	.71
Greenwood	.72	Reno	.72
Hamilton	.73	Republic	.70
Harper	.74	Rice	.72
Harvey	.72	Riley	.70
Haskell	.73	Rooks	.70

KANSAS—Continued

[Rate per bushel for No. 3 or better]

County		County	
Rush	$0.72	Stevens	$0.74
Russell	.71	Sumner	.74
Saline	.71	Thomas	.71
Scott	.72	Trego	.71
Sedgwick	.74	Wabaunsee	.71
Seward	.74	Wallace	.72
Shawnee	.71	Washington	.70
Sheridan	.71	Wichita	.72
Sherman	.71	Wilson	.72
Smith	.70	Woodson	.71
Stafford	.72	Wyandotte	.71
Stanton	.73		

KENTUCKY

All counties	$0.80

LOUISIANA

All counties	$0.80

MAINE

All counties	$0.81

MARYLAND

All counties	$0.81

MICHIGAN

County		County	
Alcona	$0.74	Keweenaw	$0.75
Alger	.76	Lake	.76
Allegan	.76	Lapeer	.74
Alpena	.74	Leelanau	.75
Antrim	.75	Lenawee	.75
Arenac	.74	Livingston	.75
Baraga	.75	Luce	.76
Barry	.76	Mackinac	.76
Bay	.74	Macomb	.75
Benzie	.75	Manistee	.76
Berrien	.76	Marquette	.75
Branch	.75	Mason	.78
Calhoun	.75	Mecosta	.75
Cass	.76	Menominee	.75
Charlevoix	.75	Midland	.74
Cheboygan	.75	Missaukee	.75
Chippewa	.76	Monroe	.75
Clare	.75	Montcalm	.75
Clinton	.75	Montmorency	.74
Crawford	.74	Muskegon	.76
Delta	.75	Newaygo	.76
Dickinson	.75	Oakland	.75
Eaton	.75	Oceana	.76
Emmet	.75	Ogemaw	.74
Genesee	.74	Ontonagon	.75
Gladwin	.74	Osceola	.75
Gogebic	.75	Oscoda	.74
Grand Traverse	.75	Otsego	.75
Gratiot	.75	Ottawa	.76
Hillsdale	.75	Presque Isle	.74
Houghton	.75	Roscommon	.74
Huron	.74	Saginaw	.74
Ingham	.75	Saint Clair	.75
Ionia	.75	Saint Joseph	.75
Iosco	.74	Sanilac	.74
Iron	.75	Schoolcraft	.76
Isabella	.75	Shiawassee	.74
Jackson	.75	Tuscola	.74
Kalamazoo	.76	Van Buren	.76
Kalkaska	.75	Washtenaw	.75
Kent	.76	Wayne	.75
		Wexford	.76

MINNESOTA

County		County	
Aitkin	$0.67	Dakota	$0.69
Anoka	.69	Dodge	.67
Becker	.64	Douglas	.65
Beltrami	.64	Faribault	.67
Benton	.67	Fillmore	.68
Big Stone	.65	Freeborn	.67
Blue Earth	.67	Goodhue	.68
Brown	.67	Grant	.65
Carlton	.68	Hennepin	.69
Carver	.69	Houston	.68
Cass	.66	Hubbard	.65
Chippewa	.65	Isanti	.68
Chisago	.68	Itasca	.63
Clay	.64	Jackson	.67
Clearwater	.64	Kanabec	.68
Cook	.69	Kandiyohi	.67
Cottonwood	.66	Kittson	.63
Crow Wing	.66	Koochiching	.66

MINNESOTA—Continued

[Rate per bushel for No. 3 or better]

County		County	
Lac Qui Parle	$0.65	Ramsey	$0.69
Lake	.69	Red Lake	.64
Lake of the Woods	.64	Redwood	.66
Le Sueur	.68	Renville	.67
Lincoln	.65	Rice	.68
Lyon	.65	Rock	.66
McLeod	.68	Roseau	.63
Mahnomen	.64	Saint Louis	.68
Marshall	.63	Scott	.69
Martin	.67	Sherburne	.68
Meeker	.67	Sibley	.68
Mille Lacs	.67	Stearns	.67
Morrison	.66	Steele	.67
Mower	.67	Stevens	.65
Murray	.65	Swift	.65
Nicollet	.68	Todd	.66
Nobles	.66	Traverse	.64
Norman	.64	Wabasha	.68
Olmsted	.68	Wadena	.65
Otter Tail	.65	Waseca	.67
Pennington	.64	Washington	.69
Pine	.68	Watonwan	.67
Pipestone	.65	Wilkin	.64
Polk	.64	Winona	.68
Pope	.65	Wright	.67
		Yellow Medicine	.65

MISSISSIPPI

All counties	$0.83

MISSOURI

County		County	
Adair	$0.72	Lawrence	$0.72
Andrew	.70	Lewis	.72
Atchison	.70	Lincoln	.74
Audrain	.73	Linn	.72
Barry	.74	Livingston	.72
Barton	.72	McDonald	.74
Bates	.71	Macon	.72
Benton	.72	Madison	.74
Bollinger	.74	Maries	.74
Boone	.73	Marion	.73
Buchanan	.71	Mercer	.71
Butler	.74	Miller	.73
Caldwell	.72	Mississippi	.74
Callaway	.74	Moniteau	.73
Camden	.73	Monroe	.73
Cape Girardeau	.74	Montgomery	.74
Carroll	.72	Morgan	.73
Carter	.74	New Madrid	.74
Cass	.71	Newton	.73
Cedar	.72	Nodaway	.70
Chariton	.72	Oregon	.75
Christian	.74	Osage	.74
Clark	.72	Ozark	.75
Clay	.71	Pemiscot	.74
Clinton	.71	Perry	.74
Cole	.73	Pettis	.72
Cooper	.73	Phelps	.74
Crawford	.74	Pike	.73
Dade	.72	Platte	.71
Dallas	.73	Polk	.72
Daviess	.71	Pulaski	.73
De Kalb	.71	Putnam	.71
Dent	.74	Ralls	.73
Douglas	.74	Randolph	.72
Dunklin	.74	Ray	.72
Franklin	.74	Reynolds	.74
Gasconade	.74	Ripley	.75
Gentry	.70	Saint Charles	.74
Greene	.73	Saint Clair	.72
Grundy	.71	Sainte Genevieve	.74
Harrison	.71	Saint Francois	.74
Henry	.72	Saint Louis	.74
Hickory	.72	Saline	.72
Holt	.70	Schuyler	.72
Howard	.73	Scotland	.72
Howell	.75	Scott	.74
Iron	.74	Shannon	.74
Jackson	.71	Shelby	.72
Jasper	.72	Stoddard	.74
Jefferson	.74	Stone	.74
Johnson	.72	Sullivan	.72
Knox	.72	Taney	.75
Laclede	.73	Texas	.73
LaFayette	.72		

MISSOURI—Continued

[Rate per bushel for No. 3 or better]

County		County	
Vernon	$0.71	Webster	$0.73
Warren	.74	Worth	.70
Washington	.74	Wright	.73
Wayne	.74		

MONTANA

Beaverhead	$0.68	Madison	$0.65
Big Horn	.64	Meagher	.64
Blaine	.61	Mineral	.68
Broadwater	.64	Missoula	.67
Carbon	.64	Musselshell	.63
Carter	.64	Park	.64
Cascade	.64	Petroleum	.62
Chouteau	.62	Phillips	.61
Custer	.63	Pondera	.63
Daniels	.61	Powder River	.64
Dawson	.61	Powell	.66
Deer Lodge	.63	Prairie	.62
Fallon	.63	Ravalli	.67
Fergus	.62	Richland	.61
Flathead	.66	Roosevelt	.61
Gallatin	.64	Rosebud	.63
Garfield	.61	Sanders	.68
Glacier	.64	Sheridan	.61
Golden Valley	.63	Silver Bow	.66
Granite	.67	Stillwater	.64
Hill	.62	Sweet Grass	.64
Jefferson	.65	Teton	.63
Judith Basin	.63	Toole	.63
Lake	.67	Treasure	.64
Lewis and Clark	.65	Valley	.61
Liberty	.63	Wheatland	.63
Lincoln	.68	Wibaux	.62
McCone	.61	Yellowstone	.64

NEBRASKA

Adams	$0.69	Jefferson	$0.69
Antelope	.66	Johnson	.70
Arthur	.67	Kearney	.69
Banner	.67	Keith	.68
Blaine	.66	Keya Paha	.65
Boone	.67	Kimball	.68
Box Butte	.65	Knox	.66
Boyd	.65	Lancaster	.69
Brown	.66	Lincoln	.68
Buffalo	.68	Logan	.67
Burt	.68	Loup	.66
Butler	.68	McPherson	.67
Cass	.69	Madison	.67
Cedar	.67	Merrick	.67
Chase	.70	Morrill	.67
Cherry	.65	Nance	.67
Cheyenne	.68	Nemaha	.70
Clay	.69	Nuckolls	.69
Colfax	.68	Otoe	.69
Cuming	.68	Pawnee	.70
Custer	.67	Perkins	.69
Dakota	.68	Phelps	.69
Dawes	.65	Pierce	.67
Dawson	.68	Platte	.67
Deuel	.68	Polk	.67
Dixon	.68	Red Willow	.71
Dodge	.69	Richardson	.70
Douglas	.69	Rock	.66
Dundy	.71	Saline	.69
Fillmore	.69	Sarpy	.69
Franklin	.69	Saunders	.69
Frontier	.69	Scotts Bluff	.66
Furnas	.70	Seward	.68
Gage	.70	Sheridan	.65
Garden	.67	Sherman	.67
Garfield	.66	Sioux	.65
Gosper	.69	Stanton	.67
Grant	.66	Thayer	.69
Greeley	.67	Thomas	.66
Hall	.67	Thurston	.68
Hamilton	.68	Valley	.67
Harlan	.69	Washington	.69
Hayes	.70	Wayne	.67
Hitchcock	.71	Webster	.69
Holt	.66	Wheeler	.66
Hooker	.66	York	.68
Howard	.67		

NEVADA

All counties	$0.80

NEW JERSEY

[Rate per bushel for No. 3 or better]

All counties	$0.80

NEW MEXICO

All counties	$0.77

NEW YORK

All counties	$0.80

NORTH CAROLINA

All counties	$0.85

NORTH DAKOTA

County		County	
Adams	$0.62	McLean	$0.62
Barnes	.64	Mercer	.62
Benson	.63	Morton	.63
Billings	.61	Mountrail	.61
Bottineau	.62	Nelson	.64
Bowman	.62	Oliver	.62
Burke	.61	Pembina	.63
Burleigh	.63	Pierce	.62
Cass	.64	Ramsey	.63
Cavalier	.63	Ransom	.64
Dickey	.64	Renville	.62
Divide	.61	Richland	.64
Dunn	.61	Rolette	.62
Eddy	.64	Sargent	.64
Emmons	.63	Sheridan	.63
Foster	.64	Sioux	.63
Golden Valley	.61	Slope	.61
Grand Forks	.64	Stark	.61
Grant	.63	Steel	.64
Griggs	.64	Stutsman	.64
Hettinger	.61	Towner	.63
Kidder	.63	Traill	.64
La Moure	.64	Walsh	.63
Logan	.63	Ward	.62
McHenry	.62	Wells	.63
McIntosh	.63	Williams	.61
McKenzie	.61		

OHIO

Adams	$0.78	Licking	$0.76
Allen	.75	Logan	.76
Ashland	.76	Lorain	.77
Ashtabula	.79	Lucas	.75
Athens	.79	Madison	.76
Auglaize	.75	Mahoning	.79
Belmont	.80	Marion	.76
Brown	.77	Medina	.77
Butler	.75	Meigs	.79
Carroll	.79	Mercer	.74
Champaign	.76	Miami	.75
Clark	.76	Monroe	.80
Clermont	.77	Montgomery	.75
Clinton	.77	Morgan	.79
Columbiana	.79	Morrow	.76
Coshocton	.77	Muskingum	.78
Crawford	.76	Noble	.79
Cuyahoga	.77	Ottawa	.76
Darke	.74	Paulding	.74
Defiance	.74	Perry	.77
Delaware	.76	Pickaway	.76
Erie	.76	Pike	.78
Fairfield	.76	Portage	.78
Fayette	.76	Preble	.74
Franklin	.76	Putnam	.75
Fulton	.75	Richland	.76
Gallia	.79	Ross	.77
Geauga	.78	Sandusky	.76
Greene	.76	Scioto	.78
Guernsey	.79	Seneca	.76
Hamilton	.76	Shelby	.75
Hancock	.75	Stark	.78
Hardin	.75	Summit	.77
Harrison	.79	Trumbull	.79
Henry	.75	Tuscarawas	.78
Highland	.77	Union	.76
Hocking	.77	Van Wert	.74
Holmes	.77	Vinton	.78
Huron	.76	Warren	.76
Jackson	.78	Washington	.80
Jefferson	.80	Wayne	.77
Knox	.76	Williams	.75
Lake	.78	Wood	.75
Lawrence	.78	Wyandot	.76

OKLAHOMA

Adair	$0.75	Atoka	$0.77
Alfalfa	.74	Beaver	.75

OKLAHOMA—Continued

[Rate per bushel for No. 3 or better]

County		County	
Beckham	$0.75	Logan	$0.76
Blaine	.75	Love	.76
Bryan	.77	McClain	.76
Caddo	.75	McCurtain	.78
Canadian	.76	McIntosh	.76
Carter	.76	Major	.75
Cherokee	.75	Marshall	.77
Choctaw	.78	Mayes	.74
Cimarron	.75	Murray	.76
Cleveland	.76	Muskogee	.75
Coal	.77	Noble	.75
Comanche	.75	Nowata	.73
Cotton	.75	Okfuskee	.76
Craig	.73	Oklahoma	.76
Creek	.75	Okmulgee	.75
Custer	.75	Osage	.73
Delaware	.74	Ottawa	.73
Dewey	.75	Pawnee	.74
Ellis	.75	Payne	.75
Garfield	.75	Pittsburg	.77
Garvin	.76	Pontotoc	.77
Grady	.76	Pottawatomie	.76
Grant	.74	Pushmataha	.78
Greer	.75	Roger Mills	.75
Harmon	.75	Rogers	.74
Harper	.75	Seminole	.76
Haskell	.77	Sequoyah	.76
Hughes	.77	Stephens	.76
Jackson	.75	Texas	.75
Jefferson	.76	Tillman	.75
Johnston	.77	Tulsa	.75
Kay	.74	Wagoner	.75
Kingfisher	.76	Washington	.73
Kiowa	.75	Washita	.75
Latimer	.78	Woods	.74
La Flore	.78	Woodward	.75
Lincoln	.76		

OREGON

Baker	$0.71	Klamath	$0.74
Benton	.76	Lake	.74
Clackamas	.76	Lane	.74
Clatsop	.76	Linn	.75
Columbia	.77	Malheur	.71
Coos	.76	Marion	.76
Crook	.74	Morrow	.73
Curry	.76	Multnomah	.77
Deschutes	.74	Polk	.76
Douglas	.74	Sherman	.74
Gilliam	.74	Umatilla	.72
Grant	.72	Union	.71
Harney	.73	Wallowa	.71
Hood River	.76	Wasco	.74
Jackson	.74	Washington	.77
Jefferson	.74	Wheeler	.74
Josephine	.74	Yamhill	.76

PENNSYLVANIA

All counties	$0.80

SOUTH CAROLINA

All counties	$0.85

SOUTH DAKOTA

County		County	
Armstrong	$0.63	Fall River	$0.63
Aurora	.64	Faulk	.63
Beadle	.64	Grant	.65
Bennett	.63	Gregory	.64
Bon Homme	.65	Haakon	.63
Brookings	.65	Hamlin	.64
Brown	.64	Hand	.64
Brule	.64	Hanson	.64
Buffalo	.64	Harding	.62
Butte	.62	Hughes	.63
Campbell	.63	Hutchinson	.65
Charles Mix	.64	Hyde	.63
Clark	.64	Jackson	.64
Clay	.67	Jerauld	.63
Codington	.64	Jones	.64
Corson	.63	Kingsbury	.64
Custer	.63	Lake	.64
Davison	.64	Lawrence	.62
Day	.64	Lincoln	.66
Deuel	.65	Lyman	.63
Dewey	.63	McCook	.64
Douglas	.64	McPherson	.63
Edmunds	.63	Marshall	.64

SOUTH DAKOTA—Continued

[Rate per bushel for No. 3 or better]

County		County	
Meade	$0.62	Stanley	$0.63
Mellette	.63	Sully	.63
Miner	.64	Todd	.63
Minnehaha	.65	Tripp	.64
Moody	.65	Turner	.66
Pennington	.62	Union	.67
Perkins	.62	Walworth	.63
Potter	.63	Washabaugh	.63
Roberts	.64	Washington	.63
Sanborn	.64	Yankton	.66
Shannon	.63	Ziebach	.63
Spink	.64		

TENNESSEE

All counties	$0.84

TEXAS

County		County	
Anderson	$0.78	Gaines	$0.77
Andrews	.77	Galveston	.83
Angelina	.80	Garza	.77
Aransas	.79	Gillespie	.76
Archer	.75	Goliad	.79
Armstrong	.75	Gonzales	.79
Austin	.81	Gray	.75
Bailey	.76	Grayson	.77
Bandera	.77	Gregg	.79
Bastrop	.79	Grimes	.80
Baylor	.75	Guadalupe	.78
Bee	.78	Hale	.75
Bell	.78	Hall	.75
Bexar	.77	Hamilton	.77
Blanco	.77	Hansford	.75
Borden	.77	Hardeman	.75
Bosque	.77	Hardin	.82
Bowie	.79	Harris	.83
Brazoria	.81	Harrison	.80
Brazos	.79	Hartley	.75
Briscoe	.75	Haskell	.75
Brown	.76	Hays	.77
Burleson	.79	Hemphill	.75
Burnet	.77	Henderson	.78
Caldwell	.78	Hill	.77
Calhoun	.79	Hockley	.77
Callahan	.75	Hood	.77
Camp	.78	Hopkins	.78
Carson	.75	Houston	.79
Cass	.79	Howard	.77
Castro	.76	Hunt	.77
Chambers	.82	Hutchinson	.75
Cherokee	.79	Irion	.76
Childress	.75	Jack	.75
Clay	.75	Jackson	.80
Cochran	.77	Jasper	.82
Coke	.77	Jefferson	.82
Coleman	.76	Jim Wells	.78
Collin	.77	Johnson	.77
Collingsworth	.75	Jones	.75
Colorado	.81	Karnes	.78
Comal	.77	Kaufman	.77
Comanche	.76	Kendall	.77
Concho	.76	Kent	.76
Cooke	.76	Kerr	.77
Coryell	.77	Kimble	.76
Cottle	.75	King	.76
Crosby	.76	Kleberg	.78
Dallam	.75	Knox	.75
Dallas	.77	Lamar	.78
Dawson	.77	Lamb	.76
Deaf Smith	.75	Lampasas	.77
Delta	.78	La Salle	.77
Denton	.77	Lavaca	.80
De Witt	.79	Lee	.79
Dickens	.76	Leon	.78
Donley	.75	Liberty	.82
Eastland	.75	Limestone	.78
Ellis	.77	Lipscomb	.79
Erath	.76	Live Oak	.78
Falls	.78	Llano	.76
Fannin	.77	Lubbock	.76
Fayette	.80	Lynn	.77
Fisher	.76	McCulloch	.76
Floyd	.75	McLennan	.78
Foard	.75	Madison	.79
Fort Bend	.81	Marion	.80
Franklin	.78	Martin	.77
Freestone	.78	Mason	.76
Frio	.77	Matagorda	.81

TEXAS—Continued

[Rate per bushel for No. 3 or better]

County		County	
Medina	$0.77	Scurry	$0.76
Menard	.76	Shackelford	.75
Milam	.78	Shelby	.81
Mills	.77	Sherman	.75
Mitchell	.76	Smith	.78
Montague	.76	Somervell	.77
Montgomery	.81	Stephens	.75
Moore	.74	Sterling	.76
Morris	.78	Stonewall	.76
Motley	.75	Sutton	.76
Nacogdoches	.80	Swisher	.75
Navarro	.78	Tarrant	.77
Newton	.82	Taylor	.75
Nolan	.76	Terry	.77
Neuces	.78	Throckmorton	.75
Ochiltree	.75	Titus	.78
Oldham	.75	Tom Green	.76
Orange	.82	Travis	.78
Palo Pinto	.75	Trinity	.80
Panola	.80	Tyler	.81
Parker	.76	Upshur	.78
Parmer	.76	Uvalde	.77
Polk	.81	Van Zandt	.77
Potter	.75	Victoria	.79
Rains	.77	Walker	.80
Randall	.75	Waller	.81
Red River	.78	Washington	.80
Refugio	.79	Wharton	.81
Roberts	.75	Wheeler	.75
Robertson	.78	Wichita	.75
Rockwall	.77	Wilbarger	.75
Runnels	.76	Williamson	.78
Rusk	.79	Wilson	.80
Sabine	.81	Wise	.76
San Augustine	.81	Wood	.78
San Jacinto	.81	Young	.75
San Patricio	.78	Yoakum	.77
San Saba	.76	Zavala	.77
Schleicher	.76		

UTAH

All counties	$0.75

VIRGINIA

All counties	$0.83

WASHINGTON

County		County	
Adams	$0.70	Lewis	$0.74
Asotin	.70	Lincoln	.70
Benton	.71	Mason	.74
Chelan	.72	Okanogan	.72
Clallam	.74	Pacific	.74
Clark	.76	Pend Oreille	.70
Columbia	.70	Pierce	.74
Cowlitz	.75	San Juan	.74
Douglas	.71	Skagit	.74
Ferry	.71	Skamania	.75
Franklin	.70	Snohomish	.74
Garfield	.70	Spokane	.70
Grant	.71	Stevens	.70
Grays Harbor	.74	Thurston	.74
Island	.74	Wahkiakum	.74
Jefferson	.74	Walla Walla	.70
King	.74	Whatcom	.74
Kitsap	.74	Whitman	.70
Kittitas	.72	Yakima	.72
Klickitat	.72		

WEST VIRGINIA

All counties	$0.82

WISCONSIN

County		County	
Adams	$0.71	Douglas	$0.70
Ashland	.72	Dunn	.70
Barron	.70	Eau Claire	.70
Bayfield	.71	Florence	.73
Brown	.71	Fond du Lac	.71
Buffalo	.70	Forest	.73
Burnett	.70	Grant	.72
Calumet	.71	Green	.73
Chippewa	.71	Greenlake	.71
Clark	.71	Iowa	.73
Columbia	.72	Iron	.73
Crawford	.71	Jackson	.71
Dane	.73	Jefferson	.73
Dodge	.72	Juneau	.71
Door	.71	Kenosha	.74

WISCONSIN—Continued

[Rate per bushel for No. 3 or better]

County		County	
Kewanee	$0.71	Richland	$0.72
La Crosse	.70	Rock	.73
Lafayette	.73	Rusk	.71
Langlade	.72	Saint Croix	.70
Lincoln	.72	Sauk	.72
Manitowoc	.71	Sawyer	.71
Marathon	.72	Shawano	.72
Marinette	.73	Sheboygan	.72
Marquette	.71	Taylor	.72
Milwaukee	.74	Trempealeau	.70
Monroe	.71	Vernon	.70
Oconto	.72	Vilas	.73
Oneida	.73	Walworth	.73
Outagamie	.71	Washburn	.70
Ozaukee	.73	Washington	.73
Pepin	.70	Waukesha	.74
Pierce	.70	Waupaca	.71
Polk	.70	Waushara	.71
Portage	.71	Winnebago	.71
Price	.72	Wood	.71
Racine	.74		

WYOMING

All counties	$0.68

(b) *Warehouse charges.* The warehouse receipt and the oats represented thereby may be subject to liens for warehouse charges only from May 15, 1950, or the date the warehouse charges begin, whichever is later.

In the case of oats placed under loan or delivered to CCC under a purchase agreement in an approved warehouse under the Uniform Grain Storage Agreement, evidence must be submitted with the warehouse receipt that all warehouse charges, except receiving charges, have been prepaid through April 30, 1951, or a deduction of 8 cents per bushel will be made from the support rate: *Provided*, That CCC will not assume any charges in excess of those provided under the Uniform Grain Storage Agreement applicable to the 1950 crop.

In the case of oats placed under loan or delivered to CCC under a purchase agreement in an approved warehouse operated by an Eastern common carrier or any other approved warehouse not under the Uniform Grain Storage Agreement, evidence must be submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through April 30, 1951, or all such charges will be deducted from the support rate: *Provided*, That CCC will assume the receiving and loading out charges or reimburse the producer if he has prepaid such charges.

(c) *Track-loading payment.* A track-loading payment of 2 cents per bushel will be made to the producer on oats delivered to CCC on track at a country point.

(d) *Settlement*—(1) *Loans.* Settlement on oats delivered to CCC under farm-storage loans will be made at the support rate for the approved point of delivery. In the case of farm-storage loans, and warehouse-storage loans where the oats are stored "identity preserved," the support rate will be for the grade and quality of the total quantity of oats delivered.

If the oats are, upon delivery, of a grade and/or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and/or quality

of the oats placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the oats delivered, as determined by CCC..

(2) *Purchase agreements.* Oats delivered to CCC under a purchase agreement must meet the requirements of oats eligible for loan. The purchase rate per bushel of eligible oats will be the applicable support rate established for the approved point of delivery.

Issued this 14th day of July 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 50-6288; Filed, July 19, 1950; 8:49 a. m.]

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Rye]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program for 1950-crop rye has been announced. The 1950 C. C. C. Grain Price Support Bulletin 1, 15 F. R. 3147 issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1950, is supplemented as follows:

Sec.
601.601 Purpose.
601.602 Availability of price support.
601.603 Eligible rye.
601.604 Warehouse receipts.
601.605 Determination of quantity.
601.606 Determination of quality.
601.607 Maturity of loans.
601.608 Support rates.

AUTHORITY: §§ 601.601 to 601.608 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, Titles III, IV, Pub. Law 439, 81st Cong., 15 U. S. C. Sup., 714c.

§ 601.601 *Purpose.* This supplement states additional specific requirements which, together with the general requirements contained in the 1950 C. C. C. Grain Price Support Bulletin 1, 15 F. R. 3147, apply to loans and purchase agreements under the 1950-Crop Rye Price Support Program.

§ 601.602 *Availability of price support—(a) Method of support.* Price support will be made available by means of nonrecourse farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever rye is grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that rye cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1951, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing rye in 1950 as landowner, landlord, tenant, or sharecropper.

§ 601.603 *Eligible rye.* At the time the rye is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The rye must have been produced in the continental United States in 1950 by an eligible producer.

(b) The beneficial interest in the rye must be in the person tendering the rye for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the rye was harvested.

(c) Such rye must be rye grading No. 2 or better, or rye grading No. 3 on the factor of "test weight" only, but otherwise grading No. 2 or better. (If the rye is warehouse stored, the quality of the rye must be evidenced by a statement on the warehouse receipt, the inspection certificate, or the supplemental certificate substantially as follows: "This rye grades No. ____ because of _____.")

(d) The rye must not grade tough, light smutty, smutty, light garlicky, garlicky, weevily or contain in excess of 1 percent ergot.

(e) If offered as security for a farm-storage loan, the rye must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.604 *Warehouse receipts.* Warehouse receipts, representing rye in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements of this section.

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(b) Each warehouse receipt must set forth in its written terms that the rye is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(c) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross weight or bushels, grade, all grading factors set forth in the Official Grain Standards of the United States for Rye, degree of smut and garlic, and percentage of ergot, and dockage, and must show whether the rye arrived by rail, truck, or barge. The moisture content must also be shown, except that where it is not customary for country warehousemen to determine the exact moisture percentage, a warehouse receipt representing rye stored in a country warehouse will be accepted if the moisture content is not shown, provided the grade of rye does not show the word "tough." In such cases, the warehouseman will be responsible for delivering rye which does not grade "tough" or "sample" due to moisture content. In the case of warehouse receipts issued for rye delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound weight and inspection certificates for the car or barge as shown on the freight certificate.

(d) If the warehouse receipt states that the rye is stored "identity preserved," the producer must execute a supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) A separate warehouse receipt must be submitted for each grade of rye.

(f) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.608 (d).

§ 601.605 *Determination of quantity.* The quantity of rye placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rye placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

When the quantity is determined by weight, a bushel shall be 56 pounds of rye free of dockage. In determining the quantity of sacked rye by weight, a deduction of ¾ of a pound for each sack will be made.

When the quantity of rye is determined by measurement, a bushel will be 1.25 cubic feet of rye testing 56 pounds per bushel, and fractional pounds of test weight per bushel will be disregarded. The quantity determined will be the following percentages of the quantity determined for 56-pound rye:

For rye testing	*Percent*
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	92

The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the rye in determining the net quantity available for loan or purchase.

§ 601.606 *Determination of quality.* The grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Rye, whether or not such determinations are made on the basis of an official inspection.

The quantity of ergot shall be stated in terms of tenths of one percent and, where applicable, the word "Ergoty" shall be added to, and made a part of, the grade designation.

§ 601.607 *Maturity of loans.* Loans mature on demand but not later than April 30, 1951.

§ 601.608 *Support rates.* Loans will be made, and rye delivered under purchase agreements will be purchased, at the support rates set forth in this section.

(a) *Support rates at designated terminal markets.* Support rates per bushel for rye grading No. 2, or better, or No. 3 or better on the factor of test weight only, but otherwise No. 2 or better, and stored in approved warehouse-storage at the following terminal markets, shall be as follows:

Terminal market	*Rate per bushel*
Astoria, Oreg.	$1.55
Baltimore, Md.	1.63
Chicago, Ill.	1.52
Duluth, Minn.	1.48
Galveston, Tex.	1.55
Kansas City, Mo.	1.48
Longview, Wash.	1.55
Los Angeles, Calif.	1.55
Memphis, Tenn.	1.58
Milwaukee, Wis.	1.52
Minneapolis, Minn.	1.48
Omaha, Nebr.	1.48
Philadelphia, Pa.	1.63
Portland, Oreg.	1.55
San Francisco, Calif.	1.55
Seattle, Wash.	1.55
Sioux City, Iowa	1.48
St. Louis, Mo.	1.52
Superior, Wis.	1.48
Tacoma, Wash.	1.55
Vancouver, Wash.	1.55

For loan or purchase at the support rate shown in the above schedule, the rye must have been shipped on a domestic interstate freight rate basis. On any rye shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market will be reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

The foregoing schedule of support rates applies to rye which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in-freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate. The warehouse receipts must be accompanied by registered freight bills, or by (1) a statement as indicated below signed by the warehouseman, (2) a certificate of the warehouseman containing such information, or, (3) such form of certification as may be approved by CCC.

FREIGHT CERTIFICATE FOR TERMINALS

The rye represented by attached warehouse receipt No. _____ was received by rail freight from _____ (Town) _____ (County) _____ (State) point of origin, as evidenced by freight bill described as follows:

Way bill, date _____
No. _____
Car No. _____
Initials _____
Freight bill, date _____
No. _____
Carrier _____
Transit weight _____
Freight rate in _____
Amount collected _____
Number unused transit stops _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the applicable provisions of the Uniform Grain Storage Agreement.

_____ (Warehouseman's signature)
_____ (Address)
_____ (Date of signature)

When shipped by rail or water and stored at any designated terminal market, rye for which neither registered freight bills nor such freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 8 cents per bushel.

When received by truck and stored at any designated terminal market, the support rate for rye in Area I shall be the terminal rate minus 12½ cents; in Area II, the terminal rate minus 13 cents; and in Areas III and IV, the terminal rate minus 14 cents per bushel. (The States included in each of these areas are listed in paragraph (d) of this section.)

(b) *Support rates for rye in approved warehouse storage at other than designated terminal markets.* (1) The support rate for rye stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water will be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax), of the through-feirght rate from point of origin for such rye to such terminal market: *Provided*, That in the case of rye stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing rye in such position.

The warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges or, by a statement in the following form signed by the warehouseman, or by a warehouseman's supplemental certificate containing such information:

FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The rye represented by attached warehouse receipt No. _____ was received by rail freight from _____ (Town) _____ (County) _____ (State) point of origin, was evidenced by freight bill described as follows:

Way bill, date _____
Car No. _____
Initials _____
Freight bill, date _____
No. _____
Carrier _____
Transit weight _____
Freight rate in _____
Amount collected _____
Transit balance, if any, of through freight rate to _____ of _____ per 100 pounds _____
Number unused transit stops _____
Penalty, if any, to guarantee minimum proportional rate on outbound billing of _____ cents per 100 pounds _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with applicable provisions of the Uniform Grain Storage Agreement.

_____ (Warehouseman's signature)
_____ (Address)
_____ (Date of signature)

(c) *County support rates.* Both farm-storage and country warehouse-storage loans will be made at the support rate established for the county in which the rye is stored. Support rates per bushel on rye grading No. 2, or better, or No. 3 on the factor of test weight only, but otherwise grading No. 2, or better, shall be as follows:

ALABAMA

[Rate per bushel for No. 2 or better]

All counties	$1.37

ARIZONA

All counties	$1.31

ARKANSAS

All counties	$1.26

CALIFORNIA

County		*County*	
Contra Costa	$1.43	Plumas	$1.27
Lassen	1.25	Sacramento	1.40
Los Angeles	1.42	Shasta	1.30
Madera	1.38	Sierra	1.26
Merced	1.40	Siskiyou	1.26
Modoc	1.23	Stanislaus	1.41

COLORADO

Adams	$1.18	Las Animas	$1.18
Archuleta	1.04	Lincoln	1.18
Baca	1.19	Logan	1.18
Boulder	1.18	Moffat	1.04
Cheyenne	1.19	Montrose	1.04
Denver	1.18	Morgan	1.18
Dolores	.98	Phillips	1.20
Douglas	1.18	Pueblo	1.18
Elbert	1.18	Sedgwick	1.20
El Paso	1.18	Washington	1.18
Kiowa	1.19	Weld	1.18
Kit Carson	1.19	Yuma	1.19
Larimer	1.18		

DELAWARE

All counties	$1.42

FLORIDA

All counties	$1.37

GEORGIA

All counties	$1.37

IDAHO

County		*County*	
Bingham	$1.09	Oneida	$1.10
Cassia	1.12	Power	1.12
Kootenai	1.26	Shoshone	1.24
Lincoln	1.13	Washington	1.21

ILLINOIS

[Rate per bushel for No. 2 or better]

County		County	
Adams	$1.32	Lee	$1.34
Alexander	1.34	Livingston	1.34
Bond	1.35	Logan	1.34
Boone	1.35	McDonough	1.32
Brown	1.32	McHenry	1.36
Bureau	1.34	McLean	1.34
Calhoun	1.36	Macon	1.34
Carroll	1.33	Macoupin	1.36
Cass	1.34	Madison	1.36
Champaign	1.34	Marion	1.34
Christian	1.34	Marshall	1.34
Clark	1.34	Mason	1.34
Clay	1.34	Massac	1.33
Clinton	1.36	Menard	1.34
Coles	1.34	Mercer	1.32
Cook	1.37	Monroe	1.36
Crawford	1.33	Montgomery	1.35
Cumberland	1.34	Morgan	1.34
De Kalb	1.36	Moultrie	1.34
De Witt	1.34	Ogle	1.35
Douglas	1.34	Peoria	1.34
Du Page	1.37	Perry	1.34
Edgar	1.34	Piatt	1.34
Edwards	1.34	Pike	1.33
Effingham	1.34	Pope	1.32
Fayette	1.34	Pulaski	1.34
Ford	1.34	Putnam	1.34
Franklin	1.34	Randolph	1.34
Fulton	1.34	Richland	1.33
Gallatin	1.30	Rock Island	1.32
Greene	1.35	Saint Clair	1.36
Grundy	1.36	Saline	1.32
Hamilton	1.32	Sangamon	1.34
Hancock	1.31	Schuyler	1.33
Hardin	1.30	Scott	1.34
Henderson	1.32	Shelby	1.34
Henry	1.33	Stark	1.34
Iroquois	1.35	Stephenson	1.33
Jackson	1.34	Tazewell	1.34
Jasper	1.34	Union	1.34
Jefferson	1.34	Vermilion	1.35
Jersey	1.36	Wabash	1.33
Jo Daviess	1.33	Warren	1.32
Johnson	1.31	Washington	1.34
Kane	1.37	Wayne	1.32
Kankakee	1.37	White	1.31
Kendall	1.36	Whiteside	1.33
Knox	1.33	Will	1.37
Lake	1.37	Williamson	1.34
La Salle	1.35	Winnebago	1.34
Lawrence	1.33	Woodford	1.34

INDIANA

Adams	$1.30	Marion	$1.30
Allen	1.30	Marshall	1.32
Bartholomew	1.27	Miami	1.31
Blackford	1.31	Montgomery	1.33
Boone	1.30	Morgan	1.33
Carroll	1.34	Newton	1.36
Cass	1.32	Noble	1.30
Clay	1.34	Owen	1.33
Clinton	1.32	Parke	1.30
Daviess	1.29	Porter	1.36
Dearborn	1.29	Pulaski	1.35
De Kalb	1.30	Putnam	1.33
Elkhart	1.31	Ripley	1.27
Fountain	1.30	Rush	1.29
Fulton	1.33	Saint Joseph	1.33
Hendricks	1.29	Spencer	1.23
Henry	1.30	Starke	1.35
Jackson	1.29	Sullivan	1.34
Jasper	1.36	Tippecanoe	1.34
Jefferson	1.32	Vigo	1.24
Jennings	1.26	Wabash	1.31
Johnson	1.33	Warren	1.34
Knox	1.32	Washington	1.32
Kosciusko	1.31	Wayne	1.29
Lagrange	1.30	Wells	1.29
Lake	1.36	White	1.35
La Porte	1.35	Whitley	1.31

IOWA

Adair	$1.30	Audubon	$1.31
Adams	1.30	Benton	1.29
Allamakee	1.28	Black Hawk	1.28
Appancose	1.29	Boone	1.29

IOWA—Continued

[Rate per bushel for No. 2 or better]

County		County	
Bremer	$1.27	Kossuth	$1.27
Buchanan	1.29	Lee	1.30
Buena Vista	1.28	Linn	1.30
Butler	1.27	Louisa	1.30
Calhoun	1.29	Lucas	1.28
Carroll	1.31	Lyon	1.28
Cass	1.31	Madison	1.28
Cedar	1.31	Mahaska	1.28
Cerro Gordo	1.28	Marion	1.27
Cherokee	1.29	Marshall	1.27
Chickasaw	1.27	Mills	1.34
Clarke	1.29	Mitchell	1.28
Clay	1.28	Monona	1.32
Clayton	1.29	Monroe	1.28
Clinton	1.32	Montgomery	1.33
Crawford	1.32	Muscatine	1.31
Dallas	1.29	O'Brien	1.29
Davis	1.30	Osceola	1.28
Decatur	1.27	Page	1.32
Delaware	1.29	Palo Alto	1.27
Des Moines	1.31	Plymouth	1.30
Dickinson	1.27	Pocahontas	1.28
Dubuque	1.30	Polk	1.28
Emmet	1.28	Pottawattamie	1.33
Fayette	1.29	Poweshiek	1.28
Floyd	1.28	Ringgold	1.28
Franklin	1.27	Sac	1.29
Fremont	1.33	Scott	1.32
Greene	1.29	Shelby	1.32
Grundy	1.27	Sioux	1.29
Guthrie	1.30	Story	1.28
Hamilton	1.28	Tama	1.28
Hancock	1.28	Taylor	1.31
Hardin	1.27	Union	1.30
Harrison	1.33	Van Buren	1.30
Henry	1.30	Wapello	1.28
Howard	1.28	Warren	1.28
Humboldt	1.27	Washington	1.29
Ida	1.30	Wayne	1.28
Iowa	1.29	Webster	1.28
Jackson	1.31	Winnebago	1.28
Jasper	1.27	Winneshiek	1.28
Jefferson	1.29	Woodbury	1.30
Johnson	1.30	Worth	1.28
Jones	1.31	Wright	1.27
Keokuk	1.28		

KANSAS

Anderson	$1.31	Lyon	$1.29
Cherokee	1.29	Marion	1.26
Cheyenne	1.21	Meade	1.22
Clay	1.28	Morris	1.27
Cloud	1.27	Osage	1.30
Comanche	1.23	Osborne	1.26
Cowley	1.25	Ottawa	1.26
Crawford	1.30	Pawnee	1.25
Decatur	1.23	Pottawatomie	1.20
Dickinson	1.26	Pratt	1.25
Douglas	1.33	Rawlins	1.22
Edwards	1.23	Reno	1.26
Ellsworth	1.26	Riley	1.29
Finney	1.22	Rooks	1.25
Ford	1.23	Rush	1.25
Franklin	1.32	Russell	1.25
Graham	1.24	Saline	1.26
Grant	1.21	Sedgwick	1.26
Gray	1.23	Seward	1.21
Harvey	1.26	Shawnee	1.30
Jefferson	1.32	Sheridan	1.23
Johnson	1.33	Stafford	1.25
Kiowa	1.25	Stevens	1.21
Labette	1.29	Trego	1.24
Leavenworth	1.34	Wabaunsee	1.29
Lincoln	1.26	Wallace	1.21

KENTUCKY

All counties $1.36

LOUISIANA

All counties $1.26

MARYLAND

All counties $1.45

MICHIGAN

County		County	
Alcona	$1.22	Allegan	$1.29
Alger	1.22	Alpena	1.22

MICHIGAN—Continued

[Rate per bushel for No. 2 or better]

County		County	
Antrim	1.21	Lenawee	$1.31
Arenac	1.22	Livingston	1.28
Baraga	1.24	Luce	1.19
Barry	1.28	Mackinac	1.19
Bay	1.27	Macomb	1.31
Benzie	1.22	Manistee	1.23
Berrien	1.31	Marquette	1.23
Branch	1.29	Mason	1.25
Calhoun	1.30	Mecosta	1.25
Cass	1.31	Menominee	1.26
Charlevoix	1.20	Midland	1.27
Cheboygan	1.20	Missaukee	1.23
Chippewa	1.19	Monroe	1.32
Clare	1.25	Montcalm	1.27
Clinton	1.28	Montmorency	1.20
Crawford	1.21	Muskegon	1.27
Delta	1.24	Newaygo	1.25
Eaton	1.28	Oakland	1.30
Emmet	1.20	Oceana	1.23
Genesee	1.29	Ogemaw	1.25
Gladwin	1.25	Osceola	1.23
Grand Traverse	1.22	Oscoda	1.22
Gratiot	1.28	Otsego	1.21
Hillsdale	1.29	Ottawa	1.28
Huron	1.27	Presque Isle	1.20
Ingham	1.28	Roscommon	1.22
Ionia	1.28	Saginaw	1.28
Iosco	1.22	Saint Clair	1.31
Isabella	1.26	Saint Joseph	1.30
Jackson	1.29	Sanilac	1.28
Kalamazoo	1.31	Schoolcraft	1.20
Kalkaska	1.22	Shiawassee	1.28
Kent	1.28	Tuscola	1.28
Lake	1.24	Van Buren	1.30
Lapeer	1.29	Washtenaw	1.31
Leelanau	1.21	Wayne	1.32
		Wexford	1.22

MINNESOTA

Aitkin	$1.32	Mahnomen	$1.26
Anoka	1.34	Marshall	1.25
Becker	1.27	Martin	1.29
Beltrami	1.27	Meeker	1.32
Benton	1.31	Mille Lacs	1.31
Big Stone	1.28	Morrison	1.30
Blue Earth	1.31	Mower	1.30
Brown	1.30	Murray	1.28
Carlton	1.33	Nicollet	1.32
Carver	1.34	Nobles	1.27
Cass	1.30	Norman	1.26
Chippewa	1.29	Olmsted	1.30
Chisago	1.33	Otter Tail	1.29
Clay	1.27	Pennington	1.26
Clearwater	1.27	Pine	1.31
Cottonwood	1.29	Pipestone	1.28
Crow Wing	1.30	Polk	1.26
Dakota	1.34	Pope	1.30
Dodge	1.31	Red Lake	1.26
Douglas	1.29	Redwood	1.30
Faribault	1.29	Renville	1.31
Fillmore	1.28	Rice	1.32
Freeborn	1.30	Rock	1.27
Goodhue	1.32	Roseau	1.24
Grant	1.29	Saint Louis	1.31
Hennepin	1.35	Scott	1.34
Houston	1.28	Sherburne	1.33
Hubbard	1.28	Sibley	1.32
Isanti	1.32	Stearns	1.31
Itasca	1.29	Steele	1.31
Jackson	1.28	Stevens	1.29
Kanabec	1.32	Swift	1.30
Kandiyohi	1.31	Todd	1.30
Kittson	1.23	Traverse	1.23
Koochiching	1.25	Wabasha	1.31
Lac Qui Parle	1.23	Wadena	1.29
Lake	1.33	Waseca	1.31
Lake of the Woods	1.25	Washington	1.34
La Seur	1.32	Watonwan	1.30
Lincoln	1.28	Wilkin	1.27
Lyon	1.29	Winona	1.30
McLeod	1.32	Wright	1.33
		Yellow Medicine	1.29

MISSISSIPPI

All counties $1.37

MISSOURI

[Rate per bushel for No. 2 or better]

County		County	
Adair	$1.31	Montiteau	$1.31
Cass	1.33	Morgan	1.30
Cedar	1.29	Nodaway	1.30
Clark	1.31	Pettis	1.31
Cole	1.32	Pike	1.33
Cooper	1.31	Putnam	1.28
Dunklin	1.29	Saint Francois	1.34
Grundy	1.30	Saline	1.31
Knox	1.31	Schuyler	1.30
Linn	1.30	Scott	1.31
Macon	1.31	Worth	1.29
Maries	1.33		

MONTANA

Beaverhead	$1.06	Madison	$1.13
Big Horn	1.07	Meagher	1.13
Blaine	1.09	Mineral	1.17
Broadwater	1.13	Missoula	1.16
Carbon	1.11	Musselshell	1.11
Carter	1.13	Park	1.13
Cascade	1.13	Petroleum	1.13
Chouteau	1.13	Phillips	1.08
Custer	1.11	Pondera	1.13
Daniels	1.09	Powder River	1.12
Dawson	1.12	Powell	1.14
Deer Lodge	1.13	Prairie	1.12
Fallon	1.13	Ravalli	1.14
Fergus	1.13	Richland	1.13
Flathead	1.17	Roosevelt	1.13
Gallatin	1.13	Rosebud	1.09
Garfield	1.03	Sanders	1.19
Glacier	1.14	Sheridan	1.12
Golden Valley	1.13	Silver Bow	1.13
Granite	1.14	Stillwater	1.13
Hill	1.13	Sweet Grass	1.13
Jefferson	1.13	Teton	1.13
Judith Basin	1.13	Toole	1.13
Lake	1.17	Treasure	1.08
Lewis and Clark	1.13	Valley	1.09
Liberty	1.13	Wheatland	1.13
Lincoln	1.19	Wibaux	1.14
McCone	1.12	Yellowstone	1.11

NEBRASKA

Adams	$1.28	Hayes	$1.23
Antelope	1.28	Hitchcock	1.23
Arthur	1.22	Holt	1.27
Banner	1.18	Hooker	1.23
Blaine	1.25	Howard	1.28
Boone	1.30	Jefferson	1.30
Box Butte	1.21	Johnson	1.31
Boyd	1.26	Kearney	1.27
Brown	1.24	Keith	1.21
Buffalo	1.28	Keya Paha	1.25
Burt	1.32	Kimball	1.18
Butler	1.32	Knox	1.27
Cass	1.33	Lancaster	1.33
Cedar	1.28	Lincoln	1.24
Chase	1.21	Logan	1.25
Cherry	1.23	Loup	1.27
Cheyenne	1.18	McPherson	1.24
Clay	1.28	Madison	1.30
Colfax	1.32	Merrick	1.30
Cuming	1.32	Morrill	1.19
Custer	1.26	Nance	1.30
Dakota	1.30	Nemaha	1.31
Dawes	1.19	Nuckolls	1.28
Dawson	1.26	Otoe	1.32
Deuel	1.21	Pawnee	1.30
Dixon	1.29	Perkins	1.22
Dodge	1.33	Phelps	1.26
Douglas	1.34	Pierce	1.29
Dundy	1.21	Platte	1.31
Fillmore	1.30	Polk	1.30
Franklin	1.26	Red Willow	1.24
Frontier	1.24	Richardson	1.30
Furnas	1.25	Rock	1.25
Gage	1.31	Saline	1.31
Garden	1.21	Sarpy	1.34
Garfield	1.27	Saunders	1.33
Gosper	1.25	Scotts Bluff	1.18
Grant	1.22	Seward	1.32
Greeley	1.29	Sheridan	1.21
Hall	1.29	Sherman	1.28
Hamilton	1.30	Sioux	1.18
Harlan	1.26	Stanton	1.31

NEBRASKA—Continued

[Rate per bushel for No. 2 or better]

County		County	
Thayer	$1.29	Wayne	$1.29
Thomas	1.24	Webster	1.27
Thurston	1.32	Wheeler	1.29
Valley	1.27	York	1.30
Washington	1.33		

NEVADA

Elko	$1.11	Lander	$1.11
Eureka	1.11	Washoe	1.25
Humboldt	1.18		

NEW JERSEY

All counties $1.43

NEW MEXICO

County		County	
Bernalillo	$1.08	McKinley	$0.99
Catron	1.01	Mora	1.08
Chaves	1.13	Quay	1.15
Curry	1.16	Roosevelt	1.15
De Baca	1.13	San Juan	.97
Eddy	1.11	San Miguel	1.09
Grant	.97	Santa Fe	1.07
Guadalupe	1.13	Torrance	1.10
Harding	1.07	Union	1.11
Lea	1.13	Valencia	1.03

NEW YORK

All counties $1.41

NORTH CAROLINA

All counties $1.38

NORTH DAKOTA

County		County	
Adams	$1.17	McLean	$1.20
Barnes	1.25	Mercer	1.18
Benson	1.22	Morton	1.19
Billings	1.17	Mountrail	1.18
Bottineau	1.18	Nelson	1.23
Bowman	1.16	Oliver	1.19
Burke	1.18	Pembina	1.22
Burleigh	1.21	Pierce	1.20
Cass	1.26	Ramsey	1.22
Cavalier	1.21	Ransom	1.25
Dickey	1.24	Renville	1.18
Divide	1.16	Richland	1.27
Dunn	1.17	Rolette	1.20
Eddy	1.23	Sargent	1.26
Emmons	1.21	Sheridan	1.21
Foster	1.23	Sioux	1.19
Golden Valley	1.15	Slope	1.17
Grand Forks	1.24	Stark	1.18
Grant	1.18	Steele	1.25
Griggs	1.24	Stutsman	1.24
Hettinger	1.18	Towner	1.21
Kidder	1.22	Traill	1.25
La Moure	1.23	Walsh	1.23
Logan	1.22	Ward	1.18
McHenry	1.20	Wells	1.22
McIntosh	1.21	Williams	1.17
McKenzie	1.15		

OHIO

Ashtabula	$1.35	Lucas	$1.32
Butler	1.31	Mahoning	1.35
Clark	1.31	Miami	1.31
Clermont	1.31	Montgomery	1.31
Clinton	1.31	Pike	1.31
Crawford	1.32	Portage	1.33
Fayette	1.31	Putnam	1.31
Hancock	1.32	Sandusky	1.32
Huron	1.32	Seneca	1.32
Lorain	1.33	Stark	1.33

OKLAHOMA

Adair	$1.24	Cimarron	$1.17
Alfalfa	1.23	Cleveland	1.18
Atoka	1.17	Coal	1.18
Beaver	1.18	Comanche	1.17
Beckham	1.17	Cotton	1.17
Blaine	1.19	Craig	1.28
Bryan	1.17	Creek	1.23
Caddo	1.17	Custer	1.17
Canadian	1.18	Delaware	1.25
Carter	1.17	Dewey	1.17
Cherokee	1.24	Ellis	1.17
Choctaw	1.17	Garfield	1.23

OKLAHOMA—Continued

[Rate per bushel for No. 2 or better]

County		County	
Garvin	$1.17	Noble	$1.23
Grady	1.17	Nowata	1.28
Grant	1.23	Okfuskee	1.21
Greer	1.17	Oklahoma	1.19
Harmon	1.17	Okmulgee	1.23
Harper	1.19	Osage	1.25
Haskell	1.22	Ottawa	1.27
Hughes	1.20	Pawnee	1.23
Jackson	1.17	Payne	1.21
Jefferson	1.17	Pittsburg	1.20
Johnston	1.17	Pontotoc	1.18
Kay	1.24	Pottawatomie	1.18
Kingfisher	1.20	Pushmataha	1.17
Kiowa	1.17	Roger Mills	1.16
Latimer	1.20	Rogers	1.26
Le Flore	1.20	Seminole	1.20
Lincoln	1.20	Sequoyah	1.23
Logan	1.21	Stephens	1.17
Love	1.17	Texas	1.17
McClain	1.17	Tillman	1.17
McCurtain	1.17	Tulsa	1.25
McIntosh	1.23	Wagoner	1.25
Major	1.20	Washington	1.28
Marshall	1.17	Washita	1.17
Mayes	1.26	Woods	1.22
Murray	1.17	Woodward	1.19
Muskogee	1.23		

OREGON

Baker	$1.25	Lake	$1.19
Benton	1.38	Lane	1.37
Clackamas	1.41	Linn	1.38
Clatsop	1.38	Malheur	1.20
Columbia	1.40	Marion	1.40
Crook	1.33	Morrow	1.37
Deschutes	1.33	Multnomah	1.42
Douglas	1.32	Polk	1.39
Gilliam	1.38	Sherman	1.39
Grant	1.37	Umatilla	1.32
Harney	1.16	Union	1.26
Hood River	1.40	Wallowa	1.25
Jackson	1.27	Wasco	1.39
Jefferson	1.35	Washington	1.41
Josephine	1.28	Wheeler	1.35
Klamath	1.27	Yamhill	1.40

PENNSYLVANIA

All counties $1.43

SOUTH CAROLINA

All counties $1.37

SOUTH DAKOTA

County		County	
Aurora	$1.25	Jackson	$1.18
Beadle	1.25	Jerauld	1.25
Bennett	1.22	Jones	1.20
Bon Homme	1.27	Kingsbury	1.26
Brookings	1.27	Lake	1.27
Brown	1.25	Lawrence	1.16
Brule	1.25	Lincoln	1.29
Buffalo	1.25	Lyman	1.22
Butte	1.16	McCook	1.27
Campbell	1.22	McPherson	1.23
Charles Mix	1.26	Marshall	1.25
Clark	1.26	Meade	1.15
Clay	1.30	Mellette	1.21
Codington	1.27	Miner	1.26
Corson	1.19	Minnehaha	1.28
Custer	1.17	Moody	1.27
Davison	1.26	Pennington	1.16
Day	1.26	Perkins	1.17
Deuel	1.27	Potter	1.22
Dewey	1.19	Roberts	1.26
Douglas	1.23	Sanborn	1.25
Edmunds	1.24	Shannon	1.21
Fall River	1.18	Spink	1.25
Faulk	1.24	Stanley	1.20
Grant	1.27	Sully	1.22
Gregory	1.26	Todd	1.24
Haakon	1.18	Tripp	1.25
Hamlin	1.27	Turner	1.28
Hand	1.24	Union	1.30
Hanson	1.27	Walworth	1.22
Harding	1.17	Washabaugh	1.18
Hughes	1.22	Yankton	1.29
Hutchinson	1.27	Ziebach	1.17
Hyde	1.23		

TENNESSEE

[Rate per bushel for No. 2 or better]

All counties	$1.38

TEXAS

County		County	
Armstrong	$1.11	Hutchinson	$1.18
Bailey	1.20	Jack	1.20
Baylor	1.20	Jones	1.20
Borden	1.20	Kent	1.20
Bosque	1.26	Kimble	1.20
Brown	1.21	King	1.20
Callahan	1.20	Lubbock	1.20
Childress	1.20	McCulloch	1.20
Coleman	1.20	Mason	1.20
Collingsworth	1.20	Maverick	1.16
Concho	1.20	Mills	1.24
Coryell	1.27	Mitchell	1.20
Cottle	1.20	Navarro	1.27
Dallam	1.17	Nolan	1.20
Dawson	1.20	Parmer	1.20
Dickens	1.20	Pecos	1.16
Eastland	1.20	Potter	1.20
Erath	1.23	Randall	1.20
Fisher	1.20	Real	1.21
Floyd	1.20	San Saba	1.25
Foard	1.20	Scurry	1.20
Gaines	1.20	Stephens	1.20
Glasscock	1.20	Stonewall	1.20
Grayson	1.22	Swisher	1.20
Hall	1.20	Taylor	1.20
Hamilton	1.25	Terry	1.20
Hansford	1.18	Tom Green	1.20
Hardeman	1.20	Ward	1.17
Haskell	1.20	Wheeler	1.20
Hockley	1.20	Wichita	1.20
Hood	1.24	Wilbarger	1.20
Howard	1.20	Yoakum	1.20
		Young	1.20

UTAH

Box Elder	$1.08	San Pete	$1.07
Duchesne	1.08	Tooele	1.08
Juab	1.08	Uintah	1.08
Millard	1.11		

VIRGINIA

All counties	$1.43

WASHINGTON

County		County	
Benton	$1.33	Grant	$1.27
Chelan	1.27	King	1.38
Clark	1.43	Lincoln	1.27
Cowlitz	1.40	Okanogan	1.24
Douglas	1.25	Pierce	1.39
Ferry	1.23	Spokane	1.27
Franklin	1.30	Stevens	1.26
Garfield	1.31	Walla Walla	1.32

WEST VIRGINIA

All counties	$1.40

WISCONSIN

County		County	
Adams	$1.30	Jackson	$1.29
Ashland	1.29	Jefferson	1.33
Barron	1.30	Juneau	1.31
Bayfield	1.30	Kenosha	1.37
Brown	1.31	Kewaunee	1.29
Buffalo	1.30	La Crosse	1.29
Burnett	1.31	Lafayette	1.32
Calumet	1.32	Langlade	1.28
Chippewa	1.29	Lincoln	1.27
Clark	1.28	Manitowoc	1.32
Columbia	1.31	Marathon	1.29
Crawford	1.29	Marinette	1.28
Dane	1.33	Marquette	1.31
Dodge	1.33	Milwaukee	1.36
Door	1.28	Monroe	1.30
Douglas	1.33	Oconto	1.29
Dunn	1.31	Oneida	1.27
Eau Claire	1.30	Outagamie	1.31
Florence	1.27	Ozaukee	1.33
Fond du Lac	1.33	Pepin	1.30
Forest	1.27	Pierce	1.32
Grant	1.30	Polk	1.32
Green	1.33	Portage	1.30
Green Lake	1.32	Price	1.28
Iowa	1.31	Racine	1.38
Iron	1.27	Richland	1.30

WISCONSIN—Continued

[Rate per bushel for No. 2 or better]

County		County	
Rock	$1.34	Vilas	$1.25
Rusk	1.29	Walworth	1.34
Saint Croix	1.33	Washburn	1.31
Sauk	1.31	Washington	1.33
Sawyer	1.30	Waukesha	1.34
Shawano	1.30	Waupaca	1.30
Sheboygan	1.33	Waushara	1.31
Taylor	1.28	Winnebago	1.31
Trempealeau	1.29	Wood	1.30
Vernon	1.29		

WYOMING

Big Horn	$1.01	Natrona	$1.08
Campbell	1.12	Niobrara	1.14
Carbon	1.04	Park	1.01
Converse	1.11	Platte	1.15
Crook	1.14	Sheridan	1.09
Fremont	1.02	Sublette	1.04
Goshen	1.18	Sweetwater	1.04
Hot Springs	1.01	Teton	1.01
Johnson	1.10	Washakie	1.01
Laramie	1.18	Weston	1.14
Lincoln	1.03		

(d) *Warehouse charges.* The warehouse receipt and the rye represented thereby may be subject to liens for warehouse charges only from May 15, 1950, or the date the warehouse charges begin, whichever is later.

In the case of rye placed under loan or delivered to CCC under a purchase agreement in an approved warehouse under the Uniform Grain Storage Agreement, evidence must be submitted with the warehouse receipt that all warehouse charges, except receiving charges, have been prepaid through April 30, 1951, or a deduction as shown below will be made from the applicable support rate and CCC will assume the accrued warehouse charges on the rye: *Provided*, That CCC will not assume any charges in excess of those provided under the Uniform Grain Storage Agreement applicable to the 1950 crop.

DEDUCTIONS FROM APPLICABLE SUPPORT RATE IF ALL WAREHOUSE CHARGES, EXCEPT RECEIVING CHARGES, HAVE NOT BEEN PREPAID THROUGH APRIL 30, 1951

	Cents per bushel
Area I: Arizona, California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Washington, Utah	10
Area II: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin	10¾
Area III: Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia	11
Area IV: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas	11½

In the case of rye placed under loan or delivered to CCC under a purchase agreement in an approved warehouse operated by an Eastern common carrier or any other approved warehouse not under the Uniform Grain Storage Agreement, evidence must be submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through April 30, 1951, or all such charges will be deducted from the support rate: *Provided*, That CCC will assume the receiving and loading out charges or reimburse the producer if he has prepaid such charges.

(e) *Discount for ergot.* In the case of rye containing more than 3/10 of 1 percent but not more than 1 percent ergot, the basic support rates specified in paragraphs (a), (b), and (c) of this section shall be discounted 1 cent per bushel for each 1/10 of 1 percent in excess of 3/10 of 1 percent ergot.

(f) *Track-loading.* A track-loading payment of 2 cents per bushel will be made to the producer on rye delivered to CCC on track at a country point.

(g) *Settlement*—(1) *Loans.* Settlement on rye delivered to CCC under farm-storage loans will be made at the support rate for the approved point of delivery. In the case of farm-storage loans, and warehouse-storage loans where the rye is stored "identity preserved," the support rate will be for the grade and quality of the total quantity of rye delivered.

If the rye is, upon delivery, of a grade and/or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and/or quality of the rye placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the rye delivered, as determined by CCC.

(2) *Purchase agreements.* Rye delivered to CCC under a purchase agreement must meet the requirements of rye eligible for loan. The purchase rate per bushel of eligible rye will be the applicable support rate established for the approved point of delivery.

Issued this 14th day of July 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 50-6287; Filed, July 19, 1950; 8:49 a. m.]

[1949 C. C. C. Dry Edible Bean Bulletin 1, Amdt. 1]

PART 603—BEANS, DRY EDIBLE

SUBPART—1949 CROP DRY EDIBLE BEAN LOAN AND PURCHASE AGREEMENT PROGRAM

1949 CROP DRY EDIBLE BEAN PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 14 F. R. 5285 and supplemented and amended by 14 F. R. 5685 and 15 F. R. 75 governing the making of loans and containing the requirements of the purchase agreement program on dry edible beans produced in 1949 are hereby amended as follows:

Section 603.123 (c) *Storage in transit* is amended to read as follows:

§ 603.123 *Loan and settlement rates.*

* * *

(c) *Storage in transit.* Reimbursement will be made by CCC for paid-in freight (including transportation tax) on beans stored in approved warehouses. Such reimbursement will be made to approved warehousemen subject to the following conditions:

(1) The movement from point of origin to storage point must be an "in-line" movement as determined by CCC.

(2) The freight must have been paid in by the warehouseman and he shall not have been otherwise reimbursed for it.

(3) The warehouseman must furnish the descriptive data on all freight bills or transit tonnage slips on all eligible beans received into the storage facility at the time and in the manner stipulated in the storage agreement in effect with CCC for the 1949 crop.

(4) The freight bills or transit tonnage slips must be made available to CCC in accordance with the provisions of the storage agreement in effect with CCC.

(5) Only 1 transit stop has been used on the billing.

(6) The freight bills are otherwise acceptable to CCC under the terms of the storage agreement.

If the producer has been required to pay the in-bound freight, or to reimburse the warehouseman for it, CCC will reimburse the producer such costs, provided all applicable provisions of this paragraph have been complied with.

All reimbursements for freight under this paragraph shall be made by the appropriate PMA Commodity Office subsequent to actual delivery of the beans to CCC pursuant to a loan or purchase agreement, and subject to such further regulations as CCC may prescribe.

(Sec. 4, 62 Stat. 1070; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1070, secs. 1, 202, 62 Stat. 1247, 1252; 15 U. S. C. Sup., 714c)

Issued this 14th day of July 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 50-6286; Filed, July 19, 1950; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

UNITED STATES CONSUMER STANDARDS FOR BRUSSELS SPROUTS

On June 8, 1950, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 50-4904; 15 F. R. 3587) regarding proposed United States Consumer Standards for Brussels Sprouts. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Consumer Standards for Brussels Sprouts are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.).

§ 51.452 *Consumer standards for Brussels sprouts*—(a) *Grades*—(1) *U. S. Grade A.* U. S. Grade A shall consist of Brussels sprouts which are well colored and not withered or burst and which are firm, clean, well trimmed, and free from soft rot and seedstems, and free from damage caused by discoloration, freezing, disease, insects, or mechanical or other means. Brussels sprouts on the shown face shall be reasonably representative in size and quality of the contents of the container.

(i) The diameter of each Brussels sprout shall be not less than 1 inch.

(ii) Incident to proper grading and handling, not more than 5 percent, by weight, of the Brussels sprouts in any lot may be smaller than the specified minimum diameter. In addition, not more than 5 percent, by weight, of the Brussels sprouts may fail to meet the remaining requirements of the grade, including not more than 1 percent for Brussels sprouts affected by soft rot.

(2) *U. S. Grade B.* U. S. Grade B shall consist of Brussels sprouts which are fairly well colored and not withered, puffy or burst and which are clean, well trimmed and free from soft rot and seedstems and free from serious damage caused by discoloration, freezing, disease, insects, mechanical or other means. Brussels sprouts on the shown face shall be reasonably representative in size and quality of the contents of the container.

(i) The diameter of each Brussels sprout shall be not less than 1 inch.

(ii) Incident to proper grading and handling, not more than 5 percent, by weight, of the Brussels sprouts in any lot may be smaller than the specified minimum diameter. In addition, not more than 5 percent, by weight, of the Brussels sprouts may fail to meet the remaining requirements of the grade, including not more than 1 percent for Brussels sprouts affected by soft rot.

(b) *Off-grade Brussels sprouts.* Brussels sprouts which fail to meet the requirements of either of the foregoing grades shall be Off-grade Brussels sprouts.

(c) *Definitions.* (1) "Well colored" means that the Brussels sprouts have a yellowish green or darker green color characteristic of well-grown Brussels sprouts.

(2) "Firm" means that the Brussels sprout is fairly compact but may yield slightly to moderate pressure.

(3) "Clean" means that the Brussels sprout is practically free from dirt and other foreign matter.

(4) "Well trimmed" means that the butt of the sprout is fairly smoothly and closely trimmed at the point of attachment of the outer leaves and that the sprout does not have more than 2 wrapper leaves which do not enfold the sprout fairly tightly more than two-thirds the distance from the base to the top.

(5) "Seedstems" means Brussels sprouts which have seedstalks showing or in which the formation of seedstalks has plainly begun.

(6) "Damage" means any injury or defect which materially affects the appearance, or the edible, shipping or keeping quality of the Brussels sprout.

(7) "Diameter" means the greatest dimension measured at right angles to a line running from the stem to the apex of the sprout.

(8) "Fairly well colored" means that the Brussels sprouts shall not be lighter than whitish green color.

(9) "Puffy" means that the Brussels sprout is very light in weight in proportion to its size or has excessive air spaces in the central portion.

(10) "Serious damage" means any injury or defect which seriously affects the appearance, or the edible, shipping or keeping quality of the Brussels sprout.

(d) *Effective time.* The United States Consumer Standards for Brussels sprouts contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Done at Washington, D. C., the 17th day of July 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-6284; Filed, July 19, 1950; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 30]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 600 is amended as follows:

1. Section 600.18 is amended to read:

§ 600.18 *Green civil airway No. 8 (Cold Bay, Alaska to Northway, Alaska).* From the Cold Bay (Randall), Alaska, radio range station via the Port Heiden, Alaska, radio range station; King Salmon, Alaska, radio range station; the intersection of the northeast course of the King Salmon, Alaska, radio range and the southwest course of the Homer, Alaska, radio range; Homer, Alaska, radio range station; the intersection of the northeast course of the Homer,

Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range to the Anchorage, Alaska, radio range station. From the intersection of the northeast course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range via the Gulkana, Alaska, radio range station; the intersection of the northeast course of the Gulkana, Alaska, radio range and the southwest course of the Northway, Alaska, radio range to the Northway, Alaska, radio range station."

2. Section 600.240 is amended to read:

§ 600.240 *Red civil airway No. 40 (Port Heiden, Alaska to Anchorage, Alaska).* From the Port Heiden, Alaska, radio range station via the intersection of the west course of the Kodiak, Alaska, radio range and the southeast course of the King Salmon, Alaska, radio range; Kodiak, Alaska, radio range station; the intersection of the north course of the Kodiak, Alaska, radio range and the south course of the Homer, Alaska, radio range to the Homer, Alaska, radio range station. From the intersection of the west course of the Homer, Alaska, radio range and the southwest course of the Kenai, Alaska, radio range via the Kenai, Alaska, radio range station; the intersection of the northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range to the Anchorage (Merrill), Alaska, radio range station.

3. Section 600.293 is added to read:

§ 600.293 *Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.).* From the Lincoln, Nebr., radio range station to the intersection of the east course of the Lincoln, Nebr., radio range and the southeast course of the Omaha, Nebr., radio range.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 301, 302, 307, 52 Stat. 985, 986, as amended; 49 U. S. C. 451, 452, 457)

This amendment shall become effective 0001 e. s. t., July 24, 1950.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-6273; Filed, July 19, 1950; 8:47 a. m.]

[Amdt. 34]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 601 is amended as follows:

1. Section 601.18 is amended to read:

§ 601.18 *Green civil airway No. 8 control area (Cold Bay, Alaska to Northway, Alaska).* From a line extending at right angles across such airway through a point 25 miles southwest of the Port Heiden, Alaska, radio range station to the Northway, Alaska, radio range station.

2. Section 601.240 is amended to read:

§ 601.240 *Red civil airway No. 40 control areas (Port Heiden, Alaska to Anchorage, Alaska).* All of Red civil airway No. 40.

3. Section 601.293 is added to read:

§ 601.293 *Red civil airway No. 93 control areas (Lincoln, Nebr., to Omaha, Nebr.).* All of Red civil airway No. 93.

4. Section 601.625 is amended to read:

§ 601.625 *Blue civil airway No. 25 control areas (Cordova, Alaska, to Big Delta, Alaska).* All of Blue civil airway No. 25.

5. Section 601.1066 *Control area extension (Mitchel Field, N. Y.)* is revoked.

6. Section 601.1066 is added to read:

§ 601.1066 *Control area extension (New York, N. Y.).* All that area within a 40 mile radius of the Empire State Building, New York, N. Y., located at Latitude 40°45'00", Longitude 73°59'15".

7. Section 601.1131 *Control area extension (New York, N. Y.)* is revoked.

8. Section 601.1133 *Control area extension (Idlewild, N. Y.)* is revoked.

9. Section 601.1984 is amended by adding the following airport:

Gulkana, Alaska: Gulkana Airport.

10. Section 601.2022 is amended to read:

§ 601.2022 *Washington, D. C. control zone.* Within a 5 mile radius of the Washington National Airport (excluding the portion overlapping the Washington Airspace Reservation) and extending to include the segment of a circle 15 miles in radius centered on the Washington National Airport bounded on the west by a line 2 miles west of the southwest course of the Washington radio range and on the east by a line 2 miles east of the ILS localizer course, and further extending 2 miles on the east side and 4 miles on the west side of the northeast course of the Washington radio range to the Riverdale, Md., non-directional radio beacon.

11. Section 601.4018 is amended to read:

§ 601.4018 *Green civil airway No. 8 (Cold Bay, Alaska to Northway, Alaska).* Port Heiden, Alaska, radio range station; King Salmon, Alaska, radio range station; the intersection of the northeast course of the King Salmon, Alaska, radio range and the southwest course of the Iliamna, Alaska, radio range; the intersection of the southeast course of the Iliamna, Alaska, radio range and the west course of the Homer, Alaska, radio range; the intersection of the west course of the Homer, Alaska, radio range and the southwest course of the Kenai, Alaska, radio range; Homer, Alaska, radio range station; the intersection of the east course of the Kenai, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station; the intersection of the northeast course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; Gulkana, Alaska, radio range station; Northway, Alaska, radio range station.

12. Section 601.4108 *Amber civil airway No. 8 (Los Angeles, Calif., to The Dalles, Oreg.)* is amended after "the intersection of the west course of the Los Angeles, Calif., VIF radio range and the southeast course of the Camarillo, Calif., radio range" by adding the following reporting point:

Camarillo, Calif., radio range station;

13. Section 601.4212 *Red civil airway No. 12 (Kansas City, Mo., to Philipsburg, Pa.)* is amended after "South Bend, Ind., radio range station" by adding the following reporting point: "the intersection of the east course of the South Bend, Ind., radio range and the south course of the Battle Creek, Mich., radio range;"

14. Section 601.4240 is amended to read:

§ 601.4240 *Red civil airway No. 40 (Port Heiden, Alaska, to Anchorage, Alaska).* The intersection of the west course of the Kodiak, Alaska, radio range and the southeast course of the King Salmon, Alaska, radio range; Kodiak, Alaska, radio range station; Kenai, Alaska, radio range station; the intersection of the northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range.

15. Section 601.4293 is added to read:

§ 601.4293 *Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.).* No reporting point designation.

16. Section 601.4669 is amended to read:

§ 601.4669 *Blue civil airway No. 69 (St. Louis, Mo., to Des Moines, Iowa).* Quincy, Ill., non-directional radio beacon.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 301, 302, 307, 52 Stat. 985, 986, as amended; 49 U. S. C. 451, 452, 457)

This amendment shall become effective 0001 e. s. t., July 24, 1950.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-6274; Filed, July 19, 1950; 8:47 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order No. 154]

PART 2—GENERAL POLICY AND INTERPRETATIONS

JURISDICTIONAL STATUS OF INDEPENDENT PRODUCERS AND GATHERERS

JULY 11, 1950.

On August 7, 1947, the Federal Power Commission adopted Order No. 139, the pertinent part of which was as follows:

For the purpose of administering the Natural Gas Act, the Commission will construe the exemption contained in section 1 (b), to the effect that the provisions of the act shall not apply to the "production or gathering" of natural gas, as including arm's-length sales of natural gas by independent producers and gatherers, made during the course or upon completion of production and gathering. The Commission, consistent with this construction, will not assert jurisdiction over such producers and gatherers who might be subject to jurisdiction solely because of such sales.

The pertinent provisions of such order are inconsistent with the requirements of the Natural Gas Act and should be rescinded.

The Commission finds that: It is necessary and appropriate in the public interest and to carry out the provisions of the Natural Gas Act that Order No. 139 be rescinded.

The Commission orders:

Order No. 139 (18 CFR 2.54) be and the same is hereby rescinded effective as of the date of the issuance of this order.

Date of issuance: July 13, 1950.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

STATEMENT OF POLICY REGARDING REGULATION OF PRODUCERS AND GATHERERS OF NATURAL GAS IN CONNECTION WITH RESCISSION OF ORDER NO. 139

In the present Congress, a bill (H. R. 1758) designated to exempt producers and gatherers from the provisions of the Natural Gas Act was passed, but was vetoed by the President and did not become law.

The President in his veto message returning H. R. 1758 to the House of Representatives, stated that he had no doubt the Commission would operate reasonably and in the public interest in carrying out the present law. That is and will continue to be the policy of the Commission.

Accordingly, the following statement is issued in order that the public may be advised of the Commission's policy in connection with the rescission of Order No. 139:

It is not the intention of the Commission to inaugurate a general investigation respecting existing rates charged by producers and gatherers. Where, however, the sales of individual producers or gatherers have a material effect on interstate commerce and the rates therefor appear excessive, appropriate investigations will be undertaken. In this connection, the Commission at present has under investigation the interstate wholesale rates of Phillips Petroleum Company, one of the largest producers of natural gas, selling to interstate pipelines.

Upon conclusion of further studies of the operation of producers and gatherers and of the administration involved in their regulation, the Commission plans to promulgate rules and regulations specifically applicable to them.

July 11, 1950.

Date of issuance: July 13, 1950.

NOTE: Mon C. Wallgren, chairman; Thomas C. Buchanan, Commissioner; and Claude L. Draper, Commissioner, in accord with this statement of policy.

We concur in the action of the Commission rescinding Order No. 139 only because that order does not accurately reflect the interpretation placed by the majority on the Natural Gas Act, and therefore the policy of the Commission. Our views will be stated more fully in a concurring opinion to be filed.

July 11, 1950.

Date of issuance: July 13, 1950.

NOTE: Harrington Wimberly, Commissioner, and Nelson Lee Smith, Commissioner, concurring.

[F. R. Doc. 50-6272; Filed, July 19, 1950; 8:47 a. m.]

[1] Statements of policy by Commissioners attached hereto and incorporated by reference.

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATIONS

FORT GULICK MILITARY RESERVATION

CROSS REFERENCE: For regulations affecting Fort Gulick Reservation in the tabulation of § 21.3, see Canal Zone Order 20, which supersedes Canal Zone Order 6 of March 31, 1947 (12 F. R. 5365) in the Appendix to this chapter, *infra*.

Appendix—Canal Zone Orders

[Canal Zone Order 20]

FORT GULICK MILITARY RESERVATION

JUNE 29, 1950.

By virtue of the authority vested in The President of the United States by section 5 of title 2 of the Canal Zone Code and delegated to me by Executive Order No. 9746 of July 1, 1946, it is ordered as follows:

SEC. 1. *Setting apart of reservation; boundaries.* The following-described area of land in the Canal Zone is hereby reserved and set apart as, and assigned to the uses and purposes of, a military reservation, which shall be known as Fort Gulick Military Reservation, and which shall be under the control and jurisdiction of the Secretary of the Army, subject to the provisions of section 2 of this order:

The area comprising this reservation is situated southeasterly of Mount Hope on the western shore of the Quebrada Ancha Arm of Gatun Lake, in the Canal Zone, and the boundary is more particularly described as follows:

Beginning at monument No. 1, which is a 1½-inch galvanized iron pipe set in concrete, located on the continuous 92-foot contour of the west shore of the Quebrada Ancha Arm of Gatun Lake, the geographic position of which monument, referred to the Canal Zone triangulation system, is in latitude 9°18' N. plus 2,418.6 feet and longitude 79°52' W. plus 3,280.0 feet from Greenwich.

Thence from said initial point, by metes and bounds: N. 23°08'00" W., 359.9 feet, to monument No. 1A, which is a 1½-inch galvanized iron pipe;

N. 23°12'30" W., 297.4 feet, through monument No. 1B, which is a 1½-inch galvanized iron pipe, to monument No. 2 which is a 2½-inch galvanized iron pipe, the distances being 202.7 feet and 94.7 feet, successively, from beginning of course;

N. 73°07'30" W., 369.8 feet, to monument No. 3, which is a 1½-inch galvanized iron pipe;

N. 72°56'30" W., 998.8 feet, through monuments Nos. 4, NF14, and 5 (Monument No. 4 is a 2½-inch galvanized iron pipe; monument No. NF14 is a concrete post, 8 inches square; monument No. 5 is a 1½-inch galvanized iron pipe) to monument No. 6, which is a concrete post 8 inches square, the distances being 284.8 feet, 453.6 feet, 114.1 feet, and 146.3 feet, successively from beginning of course;

N. 45°58'00" W., 118.2 feet, to monument No. 7, which is a 1½-inch galvanized iron pipe;

N. 46°13'30" W., 315.5 feet, to monument No. 8, which is a 2½-inch galvanized iron pipe;

N. 46°01'00" W., 456.1 feet, to monument No. 9, which is a 2½-inch galvanized iron pipe;

N. 46°02'00" W., 400.0 feet, to monument No. 10, which is a 2½-inch galvanized iron pipe;

N. 46°01'00" W., 463.0 feet, to monument No. 11, which is a 2½-inch galvanized iron pipe;

N. 46°01'30" W., 205.1 feet, to monument No 12, which is a 2½-inch galvanized iron pipe;

N. 46°01'00" W., 1,141.6 feet, through monuments Nos. 13 and 14 which are 2½-inch galvanized iron pipes, to monument No. 15, which is a concrete post, 8 inches square, the distances being 389.8 feet, 394.9 feet, and 356.9 feet, successively, from beginning of course;

N. 00°01'00" W., 2,515.4 feet, through monuments Nos. 16 to 21, inclusive, which are 2½-inch galvanized iron pipes, to monument No. 22, which is a 1½-inch galvanized iron pipe, the distances being 249.8 feet, 193.4 feet, 470.0 feet, 525.0 feet, 520.6 feet, 406.0 feet, and 150.6 feet, successively, from beginning of course;

N. 54°57'00" W., 470.7 feet, to monument No. 23, which is a 1½-inch galvanized iron pipe;

N. 53°41'30" E., 52.9 feet, to monument No. 23-A, which is a 2-inch galvanized iron pipe, located 50 feet southwesterly from the centerline of the Fort Gulick Road;

N. 54°56'00" W., 175.6 feet, to monument No. 23-X, which is a 2-inch galvanized iron pipe located 50 feet southwesterly from the centerline of the Fort Gulick Road;

N. 35°04'00" E., 100.0 feet, through monument No. 23-Y, which is a ½-inch brass plug located on the centerline of the Fort Gulick Road, to monument No. 23-D, which is a 1½-inch galvanized iron pipe, the distances being 49.9 feet and 50.1 feet, successively, from beginning of course;

N. 89°06'30" E., 342.2 feet through monument No. 23-E, which is a 2-inch galvanized iron pipe, to monument No. 24, which is a 1½-inch galvanized iron pipe, the distances being 186.1 feet and 156.1 feet, successively, from beginning of course;

N. 10°13'30" W., 75.6 feet, to monument No. 24-A, which is a 1½-inch galvanized iron pipe;

N. 10°16'30" W., 715.2 feet, to monument No. 24-B, which is a 1½-inch galvanized iron pipe;

N. 10°18'00" W., 431.3 feet, to monument No. 24–C, which is a 1½-inch galvanized iron pipe;

N. 10°12'00" W., 236.0 feet, to monument No. 24–D, which is a 1½-inch galvanized iron pipe;

N. 10°15'30" W., 192.8 feet, to monument No. 24–E, which is a concrete post, 8 inches square;

Due East, 239.4 feet, to monument No. 24P, which is a 1½-inch galvanized iron pipe;

N. 89°59'30" E., 140.8 feet, to monument No. 25, which is a 2½-inch galvanized iron pipe;

N. 00°01'00" W., 370.0 feet, to monument No. 26, which is a concrete post, 8 inches square;

S. 50°31'00" E., 1,522.2 feet, through monuments Nos. 27 and 28, which are 2½-inch galvanized iron pipes, to monument No. 29, which is a concrete post, 8 inches square, the distances being 501.6 feet, 563.0 feet, and 457.6 feet, successively, from beginning of course;

N. 85°14'00" E., 432.9 feet, through monuments Nos. 30 and 31, which are 2½-inch galvanized iron pipes, to monument No. 32, which is a 1½-inch galvanized iron pipe, the distances being 180.6 feet, 62.4 feet, and 189.9 feet, successively, from beginning of course;

N. 43°47'30" E., 1,037.4 feet, parallel to and 50 feet southeasterly of the centerline of the Fort Gulick-France Field Road, to monument No. 33, which is a 1½-inch galvanized iron pipe;

On a curve to the left, with a radius of 1,011.3 feet, 422.3 feet to monument No. 34, which is a 1½-inch galvanized iron pipe (the chord distance between monuments Nos. 33 and 34 being 419.4 feet, N. 31°49'30" E.);

N. 19°50'00" E., 1,345.0 feet, parallel to and 50 feet easterly of the centerline of the Fort Gulick-France Field Road, to monument No. 35, which is a 1½-inch galvanized iron pipe;

S. 24°59'30" E., 626.4 feet, to monument No. 36, which is a 1½-inch galvanized iron pipe;

Due East, 9,122.1 feet, through monuments Nos. 37 to 43, inclusive, which are 1½-inch galvanized iron pipes, and 47–74, inclusive, which are 2½-inch galvanized iron pipes, to monument No. 75, which is a concrete post, 8 inches square, located on the continuous 100-foot contour of the west shore of the Quebrada Ancha Arm of Gatun Lake, the distances being, 374.3 feet, 125.1 feet, 254.1 feet, 335.2 feet, 254.4 feet, 224.3 feet, 335.1 feet, 156.6 feet, 325.0 feet, 161.0 feet, 400.0 feet, 400.0 feet, 300.0 feet, 227.0 feet, 173.0 feet, 264.0 feet, 517.4 feet, 307.0 feet, 134.0 feet, 340.4 feet, 137.2 feet, 203.0 feet, 300.0 feet, 332.0 feet, 92.0 feet, 342.0 feet, 180.0 feet, 73.0 feet, 262.0 feet, 440.8 feet, 113.0 feet, 347.0 feet, 334.0 feet, 126.0 feet, 125.0 feet, 107.2 feet, successively, from beginning of course;

Due East, 100 feet, more or less, to an unmarked point on the continuous 87-foot contour of the shore line of Gatun Lake;

In a general southwesterly direction, along the 87-foot contour of the shore line of Gatun Lake, as it meanders, to an unmarked point, from which the bearing and distance to the above mentioned monument No. 1 is N. 23°08'00" W., 15 feet, more or less;

N. 23°08'00" W., 15 feet more or less, to the point of beginning.

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The boundary of the reservation, from monument No. 1 to monument No. 23–A, inclusive, and from monument No. 23–D to monument No. 75, inclusive, was surveyed by the Section of Surveys, The Panama Canal, in January and February, 1940, and in December, 1946, and the boundary from monument No. 23–A to monument No. 23–D was surveyed by said Section in April, 1950.

The reservation contains an area of 1,755.8 acres, more or less, and is shown on Panama Canal drawing No. M–6115–100 entitled "Boundary of Fort Gulick Military Reservation", scale 1:10,000, dated April 21, 1950, on file in the Governor's Office, Balboa Heights, Canal Zone, and in the Office of the Engineer, U. S. Army, Caribbean, Fort Amador, Canal Zone.

SEC. 2. *Conditions and limitations.* The reservation established by section 1 of this order shall be subject to the following conditions and limitations:

(a) The areas comprising this reservation shall continue to be subject to the civil jurisdiction of the Canal Zone Government in conformity with the provisions of the Canal Zone Code as amended and supplemented.

(b) Personnel and equipment of The Panama Canal shall be permitted free access to the reservation to carry out necessary Panama Canal operations in the area or vicinity in connection with drainage, sanitation, surveys, etc., to protect, maintain, repair, or modify Panama Canal facilities and installations within or adjacent to the reservation; and to install any additional services or utilities that the Governor of The Panama Canal may consider necessary to install through or upon the area or vicinity.

(c) No sanitary sewage originating within the developed sections of the reservation shall be permitted to discharge into the drainage basin of Gatun Lake.

SEC. 3. *Order superseded.* This order supersedes Order of the Secretary of War, Canal Zone Order No. 6 of March 31, 1947, which superseded all previous Executive orders relating to the Fort Gulick Military Reservation. Any lands included in the military reservation set apart by said order and not included within the area included in this order are hereby released from the said reservation.

FRANK PACE, JR.,
Secretary of the Army.

[F. R. Doc. 50–6271; Filed, July 19, 1950; 8:47 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

Pursuant to section 1 (b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35) the Secretary of Labor has at varying times issued and amended minimum wage determinations for a number of industries. These determinations provide the minimum wages to be paid to persons employed in the performance of contracts subject to the provisions of the Walsh-Healey Public Contracts Act for the products of the specified industries. Many also contain authorization under section 6 of the act for employment of learners, apprentices, or auxiliary workers at subminimum wages. Regulations issued pursuant to the act also provide conditions for the employment at subminimum wages of workers whose earning capacity is impaired by age or physical or mental deficiency or injury.

In order to provide uniformity in the presentation and form of these determinations, each determination currently in effect has been editorially revised to read as set forth below. All of the changes are formal in nature and do not in any way affect the substantive provisions of these wage determinations.

Accordingly, the minimum wage determinations contained in this part are amended to read as follows:

202.2 Cotton garment and allied industries.
202.3 Men's neckwear industry.
202.4 Rainwear industry.
202.5 Knitting, knitwear and woven underwear industry.
202.6 Seamless hosiery industry.
202.8 Shoe manufacturing and allied industries.
202.9 Dimension granite industry.
202.10 Handkerchief industry.
202.11 Men's hat and cap industry.
202.13 Envelope industry.
202.16 Vitreous or vitrified china industry.
202.18 Pressed and blown glass and glassware industry.
202.19 Luggage, leather goods, belts, and women's handbag industry.
202.20 Fireworks industry.
202.21 Wool carpet and rug industry.
202.22 Tag industry.
202.23 Aircraft industry.
202.25 Iron and steel industry.
202.26 Tobacco industry.
202.27 Furniture industry.
202.28 Drugs, medicine, and toilet preparations industry.
202.29 Specialty accounting supply manufacturing industry.
202.30 The photographic supplies industry.
202.31 Soap industry.
202.32 Fertilizer industry.
202.33 Paper and pulp industry.
202.34 Small arms ammunition, explosives and related products industries.
202.35 Cement industry.
202.36 Structural clay products industry.
202.37 Uniform and clothing industry.
202.38 Die casting manufacturing industry.
202.39 Dental goods and equipment manufacturing industry.
202.40 Evaporated milk industry.
202.41 Paint and varnish industry.
202.42 Leather manufacturing industry.
202.43 Textile industry.
202.44 Chemical and related products industry.
202.45 Aviation textile products manufacturing industry.
202.46 Gloves and mittens industry.
202.47 Woolen and worsted industry.
202.48 Surgical instruments and apparatus industry.
202.49 Scientific industrial and laboratory industry.

AUTHORITY: §§ 202.2 to 202.49 issued under sec. 4, 49 Stat. 2038; 41 U. S. C. 38. Interpret or apply sec. 1, 49 Stat. 2036; 41 U. S. C. 35.

§ 202.2 *Cotton garment and allied industries*—(a) *Definition.* The cotton garment and allied industries are defined as those industries which manufacture or furnish any of the following products:

(1) Trousers, slacks, work pants, knickers, and breeches made from any fabric except of all-wool or part-wool content;

(2) Dress and work shirts, blouses, and slack suits made from any fabric;

(3) Night wear and lounging garments made from any fabric (except knitted) including nightgowns, pajamas, negligees, housecoats, bed jackets, robes and similar garments;

(4) Overalls, coveralls, overall jackets, one-piece overall suits, and similar work clothing;

(5) Work and outdoor coats and jackets, except wool and wool-lined and leather and sheep-lined coats and jackets;

(6) Washable service apparel, including caps (hospital, professional, nurses', barbers', bakers', and cooks', etc.);

(7) Other women's, children's and infants' outerwear made from cotton fabric (except knitted), but not specified above, including dresses, skirts, suits, coats, jumpers and aprons;

(8) Bags with drawstrings and inset bases such as barrack bags, wardrobe bags, and laundry bags; bandoleers, ammunition belts, and cartridge belts made of textiles; canvas leggings, cot covers, mattress covers, and mosquito bars; and fabric pouches and carriers, and parts thereof, for first-aid equipment.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the cotton garment and allied industries under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524 and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.3 *Men's neckwear industry*—(a) *Definition.* The men's neckwear industry is defined as that industry which manufactures or furnishes men's neckwear (exclusive of knitted neckwear) or women's ties of design and construction similar to such men's neckwear.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the men's neckwear industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners, apprentices, and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners, apprentices, and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 521, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.4 *Rainwear industry*—(a) *Definition.* The rainwear industry is defined as that industry which manufactures or furnishes men's raincoats, including vulcanized and rubberized raincoats and raincoats made from material known under the registered trademark of "Cravenette" or from fabric chemically or otherwise treated so as to render it water-resistant, or oiled waterproof cotton outer garments, and of all other types of rainwear.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the rainwear industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.5 *Knitting, knitwear and woven underwear industry*—(a) *Definition.* The knitting, knitwear, and woven underwear industry is defined as that industry which manufactures or furnishes any of the following products:

(1) Knitted fabric made from any yarn or mixture of yarns and knitted towels and cloths;

(2) Garments, sections of garments, or garment accessories knitted from yarn or made from knitted fabric; except gloves, mittens, hosiery, belts manufactured from purchased knitted fabric, and any product the manufacture of which is covered by the prevailing minimum wage determination for the suit and coat branch of the uniform and clothing industry;

(3) Underwear and bathing suits made from any woven fabric.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the knitting, knitwear and woven underwear industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners, apprentices, and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners, apprentices, and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 521, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.6 *Seamless hosiery industry*—(a) *Definition.* The seamless hosiery industry is defined as that industry which manufactures or furnishes seamless hosiery.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the seamless hosiery industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524 and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.8 *Shoe manufacturing and allied industries*—(a) *Definition.* The shoe manufacturing and allied industries are defined as those industries which manufacture or furnish any of the following products:

(1) Footwear made from any material and by any process except knitting, vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper;

(2) The following types of footwear, subject to the limitations of subparagraph (1) of this paragraph but without prejudice to the generality of that paragraph:

Athletic shoes, boots, boot tops, burial shoes, custom-made boots or shoes, moccasins, puttees (except spiral puttees), sandals, shoes completely rebuilt in a shoe factory, and slippers;

(3) Cut stock and findings for footwear (including bows, ornaments, and trimmings) made from leather or from any shoe upper material;

(4) The following types of cut stock and findings for footwear from any material except from rubber or composition of rubber, molded to shape:

Cut soles, midsoles, insoles, taps, lifts, rands, toplifts, bases, shanks, boxtoes, counters, stays, strippings, sock linings, and heel pads;

(5) Heels of any material except molded rubber, but not including wood heel blocks;

(6) Cut upper parts for footwear, including linings, vamps, and quarters;

(7) Pasted shoe stock;

(8) Boot and shoe patterns.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the shoe manufacturing and allied industries under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners, apprentices, and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners, apprentices, and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 521, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.9 *Dimension granite industry*—(a) *Definition.* The dimension granite industry is defined as that industry which manufactures or furnishes dimension granite, including monumental stone, building stone, paving blocks, curbing, riprap, and rubble, but not crushed stone.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the dimension granite industry under the contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.10 *Handkerchief industry*—(a) *Definition.* The handkerchief industry is defined as that industry which manufactures or furnishes men's, women's, or children's handkerchiefs, plain or ornamented, from any material.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the Handkerchief Industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.11 *Men's hat and cap industry*—(a) *Definition.* (1) The cap and cloth hat branch of the men's hat and cap industry is defined as that industry which manufactures or furnishes any of the following products:

Men's and boys' hats (other than fur-felt) and caps, hat and cap covers, cap frames, helmets and hoods, and women's hat and cap products of similar construction and design. The definition shall not include the following types of hats and caps: leather and sheeplined, washable service (such as cooks', bakers', hospital, etc.), rainwear, straw, knitted, metal, molded plastic, vulcanized fiber, and similar types.

(2) The fur felt hat branch of the men's hat and cap industry is defined as that branch of the industry which manufactures or furnishes fur felt hats.

(b) *Minimum wage.* (1) The minimum wage for persons employed in the manufacture or furnishing of products of the cap and cloth hat branch of the men's hat and cap industry under contracts subject to the Walsh-Healey Public Contracts Act shall be 85 cents per hour arrived at either on a time or piece-rate basis.

(2) The minimum wage for persons employed in the manufacture or furnishing of products of the fur felt hat branch of the men's hat and cap industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece rate basis.

(c) *Subminimum wages authorized.* (1) Auxiliary workers may be employed in the cap and cloth hat branch without limitation as to number or proportion, and shall be paid not less than 75 cents per hour arrived at either on a time or piece rate basis. The term "auxiliary workers" as applied to the employees in the cap and cloth hat branch of the industry shall include only those employees engaged in auxiliary occupations and operations enumerated and defined as follows:

(i) Hand clipping: The operation of separating component parts of the article after they have been sewn.

(ii) Hand cleaning: The operation of removing excess threads from the article or removing stains or dust.

(iii) Size stamping: The operation of stamping the head size marks on the article.

(iv) Floor boys (girls): One who carries items of work to and from the various departments.

(v) Examining: The operation of inspecting the article for imperfections during any stage of manufacture.

(vi) Sweat band, braid, and strap cutting and measuring: The operation of measuring and cutting bands, straps, and ribbons.

(vii) Turning: The operation of turning the article inside out or outside in.

(viii) Packing: The operation of packing the finished caps into shipping containers, spraying larvex or moth flakes; if necessary, inserting tissue paper in caps and inserting a cardboard ring stiffener to support the crown or cap.

(ix) Shipping and receiving: The operation of unloading and checking stock and preparing containers for shipment.

(x) Waste material sorting: The operation of separating paper from the rags whether performed in the cutting room or elsewhere.

(xi) Hand stapling: The operation by hand pressure of a wire stapling machine to join together parts of the article, to attach labels, bows or cloth to the article or part of the article, or to join ends of a cardboard strip to form a packing ring.

(xii) Drawstring pulling: The operation of slipping a cord or drawstring through part of a cap, hood, or helmet.

(xiii) Basting pulling: The operation of pulling out basting threads.

(xiv) Porter: The operation of cleaning floors or carrying boxes.

(xv) Band and braid fitting: The operation of placing by hand but not sewing on a cap a prepared band or braid.

(xvi) Wire stiffener inserting: The operation of slipping a wire ring into the cap.

(xvii) Hand buckling: The operation of slipping a buckle on a strap.

(xviii) Visor inserting: The operation of inserting a canvas stiffener into a cloth pocket before the visor is attached.

(xix) Pasting: The operation of attaching a label or ticket to a part of hat with paste or glue.

(xx) Hand button inserting: The operation of inserting, by hand, into a prepared hole a button and bending over clips to hold the button in place, or inserting a button with a threaded neck, and screwing a nut on neck to hold button firm.

(xxi) Hand hole punching: The operation of punching a hole into material by use of an ice pick or similar pointed hand instrument.

(xxii) Wire cutting and ring forming: The operation of cutting a wire to length and joining the ends to form a stiffener ring.

(xxiii) Hand eyeletting: The operation by hand pressure of a machine to attach an eyelet to the article.

(xxiv) Hand snap fastening: The operation by hand pressure of a machine to attach a snap fastener to the article.

(2) Learners and handicapped workers may be employed at wages below 85 cents an hour in the cap and cloth hat branch and at wages below 75 cents an hour in the fur felt branch upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524, and 525 respectively), under section 14 of the Fair Labor Standards Act, as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* Paragraph (b) (1) of this section shall be effective and the minimum wage hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after November 16, 1948. Paragraphs (b) (2) and (c) (1) of this section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.13 *Envelope industry*—(a) *Definition.* The envelope industry is defined as that industry which manufactures or furnishes envelopes.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the envelope industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.16 *Vitreous or vitrified china industry*—(a) *Definition.* The vitreous or vitrified china industry is defined as that industry which manufactures or furnishes vitreous or vitrified china.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the vitreous or vitrified china industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor

Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.18 *Pressed and blown glass and glassware industry*—(a) *Definition.* The pressed and blown glass and glassware industry is defined as that industry which manufactures or furnishes any of the following products:

Pressed and blown glass and glassware, including, but not limited to tumblers and other glass table and ornamental ware; glass blanks for electric light bulbs and electronic apparatus; glass shades and reflectors, and other illuminating glassware; smokers' glass accessories; glass rod and tubing, chemical and laboratory glassware, and other technical, scientific, and industrial pressed and blown glassware; glass oven, cooking, and kitchenware; glass brick; glass insulators; glass parts for vacuum ware; fiberglass and foamglass products except tapes and other woven fabrics; and goggle lenses, non-prescription lenses and signal lenses.

Expressly excluded from the scope of the definition are window, plate and rolled glass; commercial glass containers (including prescription ware) for commercial packing and bottling, and for home canning; and chemical and other laboratory apparatus in which glass is assembled in combination with other materials.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the pressed and blown glass and glassware industry under contracts subject to the Walsh-Healey and Public Contracts Act shall be 83½ cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wage authorized.* (1) Beginners as defined in this subparagraph may be employed during a learning period of 60 calendar days at 78½ cents an hour unless experienced workers in the same plant and occupation are paid on a piece-rate basis, in which case the beginners must be paid the same piece rates paid to experienced workers and earnings based upon those piece rates, if such earnings are in excess of 78½ cents an hour. A beginner for the purpose of this section, is a person who has not been employed in the same plant, or in the same department of another plant in the same branch of the industry, for as long as 60 calendar days and who is not a journeyman, skilled craftsman, apprentice or an employee in the furnace room or hot metal department. Any previous employment as defined above must be subtracted from the 60-day learning period.

(2) Handicapped workers may be employed at wages below 83½ cents an hour upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524 and 525) under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective and the minimum wage hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after August 16, 1949.

§ 202.19 *Luggage, leather goods, belts, and women's handbag industry*—(a) *Definition.* The luggage, leather goods, belts, and women's handbag industry is defined as that industry which manufactures or furnishes any of the following products:

(1) Luggage made from any material, including, but not by way of limitation, trunks, suitcases, traveling bags, brief cases, and sample cases; instrument cases covered with leather, imitation leather, or fabric including, but not by way of limitation, portable radio cases; small leather goods and like articles from any material except metal; women's, misses' and children's handbags, pocketbooks, purses, and mesh bags from any material except metal. Bodies, panels, and frames from metal, wood, fiber, or paper board for any of the above articles are not included.

(2) Cut stock and parts for any of the articles covered in subparagraph (1) of this paragraph, made from leather, imitation leather, or fabric.

(3) Men's, boys', women's, misses', and children's separate belts made from leather, imitation leather, or other material or fabric.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the luggage, leather goods, belts, and women's handbag industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners, apprentices, and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners, apprentices, and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 521, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.20 *Fireworks industry*—(a) *Definition.* The fireworks industry is defined as that industry which manufactures or furnishes any of the following products:

Commercial fireworks, fuses, flares, and railroad torpedoes.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the fireworks industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirments of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.21 *Wool carpet and rug industry*—(a) *Definition.* The wool carpet and rug industry is defined as that industry which manufactures or furnishes wool carpets or rugs, exclusive of rag rugs.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the wool carpet and rug industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act, as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.22 *Tag industry*—(a) *Definition.* The tag industry is defined as that industry which manufactures or furnishes tags.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the tag industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.23 *Aircraft industry*—(a) *Definition.* (1) The aircraft manufacturing industry is defined as that industry which manufactures or furnishes airplanes and gliders, aircraft-type engines, aircraft-propellers, parts and accessories especially designed for use with or on the above-mentioned products such as fuselage parts, wing assemblies, empennage assemblies, alighting gear parts, aircraft engine parts, propeller parts, helicopter rotor parts, fuel systems, armament equipment, and specialized aircraft servicing equipment including special testing equipment for aircraft, engine, and propeller parts and accessories, and special tools and stand assemblies for the assembly, disassembly, and repair of aircraft and the engines, propellers, parts, and accessories therefor.

(2) Expressly excluded from the scope of the definition are lighter-than-air craft; fabricated textile products, e. g., fabric ground covers, parachutes, safety belts, tow targets, and wind socks; pyrotechnics, e. g., cartridges for engine starters, and flares and signals; electrical and communication equipment, e. g., electrical systems and parts, including but not limited to ignition and lighting systems, batteries, spark plugs, generators, magnetoes, and wire and cable, and communication equipment including but not limited to radios and electronic devices; rubber products, e. g., rubber deicing equipment, rubber flotation gear, life preservers and life rafts, bonded rubber mountings and vibration dampers, tires and tubes, and rubber sundries, such as hose and belting; ground refueling systems; bearings, bolts, nuts, screws, rivets, washers, springs and other hardware and fittings; jacks; piston rings; wire rope; cameras; cabin heaters; fire extinguishers; first-aid equipment; gaskets; lavatory equipment; engine, flight, and navigation instruments and apparatus; and aircraft air and fluid pumps and valves and flow dividers for use with such pumps.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the aircraft manufacturing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.05 per hour arrived at either upon a time or piece-rate basis.

(c) *Subminimum wages authorized.* Apprentices and handicapped workers may be employed at wages below $1.05 an hour upon the same terms and conditions as are prescribed for the employment of apprentices and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 521, 524 and 525, respectively), under section 14 of the Fair Labor Standards Act, as amended, except that no apprentice may be employed at a rate lower than 75 cents an hour.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations commenced on or after July 8, 1950.

§ 202.25 *Iron and steel industry*—(a) *Definition.* The iron and steel industry is defined as that industry which manufactures or furnishes any of the following products:

Axles, railroad—rolled or forged.
Bale ties—single loop.
Bars—alloy steel, hot rolled.
Bars—cold finished, carbon and alloy.
Bars—concrete reinforcing, straight lengths.
Bars—ingots, blooms and billets—iron.
Bars—tool steel.
Ferro—manganese and spiegeleisen.
Girder rails and splice bars therefor.
Ingots, blooms, billets and slabs—alloy.
Ingots, blooms, billets and slabs—carbon.
Light rails—60 pounds or less per yard—and splice bars and angle bars therefor.
Standard tee rails of more than 60 pounds per yard—and angle bars and rail joints therefor; or any of such products.
Mechanical tubing.
Pig iron—foundry, high silicon slivery, malleable, open hearth basic, Bessemer and high silicon Bessemer.
Pig iron—low phorphorus.
Pipe—standard, line pipe and oil country tubular products.
Plates.
Posts—fence and sign.
Railroad tie plates.
Railroad track spikes.
Rods.
Sheet bars.
Sheets.
Skelp.
Steel sheet piling.
Strip steel—cold rolled.
Strip steel—hot rolled.
Structural shapes.
Terneplate.
Tin mill black plate.
Tin plate.
Tube rounds.
Tubes—boiler.
Wheels, railroad—car, rolled steel.
Wire—drawn.
Wire hoops—twisted or welded.
Wire nails and staples, twisted barbless wire, barbed wire, twisted wire fence stays and and wire fencing (except chain-link fencing).
Wire rods.
Wire—spring.
Wire—telephone (except fabric, rubber, and similarly covered).

(b) *Minimum wage.* The minimum wage for employees (other than auxiliary workers) engaged in the performance of contracts with agencies of the United States subject to the provisions of the act for the manufacture or supply of products of the iron and steel industry arrived at either upon a time or piece-rate basis, shall be the amount indicated for each locality as follows:

(1) *Locality A.* $1.08½ per hour, in the locality consisting of the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia;

(2) *Locality B.* $1.23 per hour, in the locality consisting of the States of California, Oregon, and Washington.

(3) *Locality C.* $1.23 per hour, in the locality consisting of the States of Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Utah and Wyoming.

(4) *Locality D.* $1.19 per hour, in the locality consisting of the States of Illinois (East St. Louis Area only), Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota;

(5) *Locality E.* $1.23 per hour, in the locality consisting of the States of Illinois (except for the area in and about East St. Louis, Illinois), Indiana, Michigan, and Wisconsin;

(6, *Locality F.* $1.23 per hour, in the locality consisting of the States of Connecticut, Delaware, District of Columbia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

(c) *Subminimum wages authorized.* (1) Auxiliary workers shall be paid, either upon a time or piece-rate basis, not less than $1.04 per hour in Locality A, $1.18½ per hour in Localities B, C, E, and F, and $1.14½ per hour in Locality D. The term "auxiliary workers" as applied to employees in the iron and steel industry shall mean the following:

In plants where a Standard Steel Industry Job Classification System is in effect as the result of agreement between the company and the United Steelworkers of America, employees who are employed in occupations bearing the classification "Job Class 0–1" or "Job Class 1", and;

In all other establishments, employees who are employed in the following occupations or combinations, as described:

(i) Packing: Weighing, classifying, and sorting materials to be packed; baling, tying, boxing, packaging, strapping, bundling, bagging, wrapping or otherwise packing materials; nailing, gluing, fastening, tying, wiring, banding or otherwise sealing containers or packages.

(ii) Marking: Attaching or placing identifying marks or addresses on materials, containers, bundles, or packages by means of marking, stamping, gluing, labeling, tagging, ticketing, painting, stencilling, punching, or other method, by hand, tool, or machine.

(iii) Package or container making: Forming cartons and assembling boxes, kegs, barrels, crates, and other containers; performing necessary nailing, stitching, and similar operations; repairing defective and damaged containers and parts of containers.

(iv) Scrap handling: Gathering, winding, baling, separating, weighing, classifying, boxing, and otherwise collecting scrap materials.

(v) Utility work: Performing miscellaneous operations such as carrying hose, pipe, paint, clay, oil, water, brick, lumber, and other materials to the required place; hooking, unhooking, coupling, uncoupling, and similar operations with slings, hoists, chains, hooks, and similar equipment; lifting to and removing materials from machines; piling and storing containers, sheets, pipes, and other materials; cutting or shearing by the use of hand tools; oiling, greasing, cleaning, and washing of equipment, tools and materials; manually moving and distributing dollies, trucks, skids, buggies, and similar equipment; manually filing and chipping off burrs, edges, and other imfections; operating simple "on and off" controls maintaining "coke-jack" and similar fires to prevent freezing of equipment such as switches, valves, and pipes; and capping, oiling, and cleaning pipes, tubes, couplings and similar products.

(vi) Conveying and hand trucking: Loading on and unloading materials and supplies from conveyers, dollies, trucks, cars, elevators, buggies, and other means of transportation, or transporting by means of hand conveyances.

(vii) Custodial and janitorial work: Cleaning, mopping, sweeping, and washing of halls, stairways, floors, windows, and other parts of the premises and keeping the working areas and equipment in a clean and orderly manner.

(viii) Tallying: Operating mechanical counter or recording by hand amounts of materials, supplies, tools and finished products.

(ix) Messenger work: Delivering to and collecting from individuals or departments, incoming and outgoing mail, schedules, reports, time-cards and similar items.

(x) Material preparing: Cutting to size burlap, paper, lumber and other materials used in packing or shipping operations; preparing and bagging salt, silicon, aluminum and other supplies; and preparing paints and similar solutions.

(2) Bona fide apprentices in skilled crafts, during the first six months of apprenticeship, may be paid at the same rates specified in this section for auxiliary workers in the respective localities.

(3) Handicapped workers may be employed at wages below the minimum hourly rates established in paragraphs (b) (1) to (6) for the respective localities upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524 and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations commenced on or after August 27, 1949.

§ 202.26 *Tobacco industry*—(a) *Definition.* The tobacco industry is defined as that industry which manufactures or furnishes chewing and smoking tobaccos (excluding cigars), cigarettes, and snuff.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the tobacco industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524 and 525 respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.27 *Furniture industry*—(a) *Definition.* (1) The wood furniture branch of the furniture manufacturing industry is defined as that industry which manufactures, assembles, upholsters, and finishes from wood, reed, rattan, willow, and fiber upholstered and other household, office, lawn, camp, porch, and juvenile and toy furniture, including but without limitations porcelain top breakfast furniture and radio, phonograph and sewing machine cases and cabinets; manufactures and assembles from wood, furniture parts for the above, separately, set up or knocked down including but without limitation parlor furniture frames and chairs in the white; except,

that this definition shall not include the manufacture of any product covered by the public seating branch of the furniture manufacturing industry.

The manufacturing of any products covered under this definition shall be deemed to begin following the delivery of the wood from the kiln or from the air-dried dimension shed.

(2) The public seating branch of the furniture manufacturing industry is defined as that industry which fabricates, assembles, and installs (by those who fabricate or assemble) public seating (upholstered or unupholstered), fabricated or assembled of wood, plywood, iron, steel, non-ferrous metals, or any combinations of these materials, and consisting of the following:

(i) Fixed or connected seating for such public places as theaters, auditoriums, lodges, assembly halls, shoe stores, rinks, ball parks, race tracks, stadia, and other similar buildings and structures;

(ii) Pewing, chancel, choir stalls, and related furniture and accessories for ecclesiastical purposes; seats and benches for court houses, hospitals, public waiting rooms, and for other similar public purposes;

(iii) Pupils' desks, pupils' tables, pupils' chairs, and school furniture for all educational purposes;

(iv) Portable chairs with folding seats in both single and multiple units;

(v) Portable folding seating in single units for other than household use.

The following are specifically not included: Tablet armchairs and school chairs fabricated and/or assembled exclusively of wood.

(3) The metal furniture branch of the furniture manufacturing industry is defined as that industry which manufactures or furnishes any of the following products:

(i) Metal office furniture: Vertical filing cabinets, horizontal sections and half sections, and bookcases, hi-line and bookshelf units, card index cases, transfer units, desks, tables, chairs, storage cabinets and wardrobes;

(ii) Metal hospital furniture;

(iii) Metal household furniture;

(iv) Steel shelving: Industrial and general-purpose steel shelving, miscellaneous fittings, attachments, and accessories;

(v) Steel lockers: Box lockers, single tier lockers, double tier lockers, two-person and compartment lockers, miscellaneous fittings as used in schools, clubs, gymnasiums, commercial, and industrial establishments;

(vi) Visible filing equipment cabinets and panels;

(vii) Metal cabinets for printer's type; metal cabinet partitions; metal tool boxes, tool cabinets, and tool chests; metal trunks, box type; metal rotating bins; metal sectional bins; and metal work benches, desks and tables.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the furniture industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners, and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.28 *Drug, medicine, and toilet preparations industry*—(a) *Definition.* The drug, medicine, and toilet preparations industry is defined as that industry which manufactures or furnishes any of the following products:

(1) Drugs or medicinal preparations (other than food) intended for internal or external use in the diagnosis, treatment, or prevention of disease in, or to affect the structure or any function of, the body of man or other animals;

(2) Dentifrices, cosmetics, perfume, or other preparations designed or intended for external application to the person for the purpose of cleansing, improving the appearance of, or refreshing the person.

The foregoing shall not be deemed to include the manufacture or packaging of shaving cream, shampoo, essential (volatile) oils, glycerine, and soap, or the milling or packaging without further processing of crude botanical drugs.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the drug, medicine, and toilet preparations industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.*—Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524 and 525 respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.29 *Specialty accounting supply manufacturing industry*—(a) *Definition.* The specialty accounting supply manufacturing industry is defined as that industry which manufactures or furnishes any specialty accounting supplies, including continuous form stationery, manifold sets, autographic registers and salesbooks.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the specialty accounting supply manufacturing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners, apprentices, and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners, apprentices, and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 521, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedure prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.30 *The photographic supplies industry*—(a) *Definition.* (1) *The photographic supplies branch* of the photographic supplies industry is defined as that industry which manufactures or furnishes any of the following products:

Cameras, including motion-picture cameras (except 35 millimeter); photostat and blueprint machines; tripods, film rewinders, and reels, shutters, and other photographic accessories (except 35 millimeter); such equipment as flashlight apparatus, plate holders, developing apparatus; supplies such as films, photographic paper, and plates; and projectors of all types (except 35 millimeter).

(2) The blueprint paper coating branch of the photographic supplies industry is defined as that industry which manufactures or furnishes any of the following products:

Blueprint, brownprint, blackprint, blackline and other similarly sensitized papers and cloths.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the photographic supplies industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminium wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524 and 525 respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.31 *Soap industry*—(a) *Definition.* The soap industry is defined as that industry which manufactures or furnishes any of the following products:

Soap in bars, cakes, chips, and flakes, and in granulated, sprayed, powdered, paste, and liquid form; synthetic organic detergents for household or institutional use; glycerin (except synthetic glycerin); and the following products when they contain soap and/or synthetic organic detergents: cleansers, scouring powders, shaving soaps and creams, and washing compounds.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the soap industry under contracts subject to the Walsh-Healey Public Contracts Act shall be 95 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Handicapped workers may be employed at wages below 95 cents an hour upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524 and 525 respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective and the minimum wage hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after February 25, 1950.

§ 202.32 *Fertilizer industry*—(a) *Definition.* The fertilizer industry is defined as that industry which manufactures or furnishes any of the following products:

Superphosphates and concentrated superphosphates; and concentrated fertilizer mixed from superphosphates, potash and ammoniates.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the fertilizer industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524 and 525 respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.33 *Paper and pulp industry*—(a) *Definition.* The paper and pulp industry is defined as that industry engaged in the manufacture or furnishing of pulp and other fiber and in the primary conversion of pulp and other fiber into paper and paperboard, and in the manufacture and conversion of primary paper into toilet paper and paper towels, coated book paper and paper shipping sacks.

(b) *Minimum wage.* The minimum wage for persons employed in the paper and pulp industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.34 *Small arms ammunition, explosives and related products industries*—(a) *Definition.* The small arms ammunition, explosives and related products industries are defined as those industries which manufacture or furnish any of the following products:

(1) Ammunition and parts thereof for small arms, and such related products as saluting primers and aircraft engine starters;

(2) Blasting and detonating caps;

(3) Explosives, including dynamite, permissible explosives (those approved by the United States Bureau of Mines for use in mines where dust and gas explosions are likely to occur), nitroglycerine, black-blasting powder, pellet and fuse powder, and smokeless gunpowder.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the small arms ammunition, explosives and related products industries under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners, apprentices, and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners, apprentices, and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 521, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.35 *Cement industry*—(a) *Definition.* The cement industry is defined as that industry which manufactures or furnishes portland cements, including modified portland cement, such as portland masonry cement and portland-puzzolan cement.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the cement industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524 and 525 respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.36 *Structural clay products industry*—(a) *Definition.* The structural clay products industry is defined as that industry which manufactures or furnishes any of the following products:

Common brick, face brick (including glazed and enameled brick), salt glazed brick, manhole brick, structural clay tile (including glazed tile), unglazed facing tile, paving brick, and clay or shale granules.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the structural clay products industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524 and 525 respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.73 *Uniform and clothing industry*—(a) *Definition.* (1) The suit and coat branch of the uniform and clothing industry is defined as that industry which manufactures or furnishes any of the following products:

Men's civilian suits and overcoats, tailored-to-measure uniforms, tailored-to-measure trousers, uniform overcoats, and uniform coats, including tailored short jackets designed to take the place of regular Army issue coats, e. g., the Eisenhower jacket.

(2) The heavy outerwear branch of the uniform and clothing industry is defined as that industry which manufactures or furnishes any of the following products:

Leather, leather-trimmed and sheeplined garments and wool and wool-lined jackets, whether or not such jackets are properly described as mackinaws, field jackets, windbreakers, lumber jackets, pea jackets, wool jumpers or middies, blanket-lined or similar coats, or by any other similar designation.

(3) The wool trousers branch of the uniform and clothing industry is defined as that industry which manufactures or furnishes wool or part-wool trousers or breeches, including uniform trousers or breeches, except when tailored-to-measure.

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of products of the suit and coat branch of the uniform and clothing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be 85 cents per hour arrived at either on a time or piece-rate basis.

(2) The minimum wage for persons employed in the manufacture or furnishing of products of the heavy outerwear branch of the uniform and clothing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be 85 cents per hour arrived at either on a time or piece-rate basis.

(3) The minimum wage for persons employed in the manufacture or furnishing of products of the wool trousers branch of the uniform and clothing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* (1) Auxiliary workers may be employed in the suit and coat and heavy outerwear branches, and shall be paid not less than 75 cents per hour arrived at either on a time or piece-rate basis. The term "auxiliary workers" as applied to the employees in the suit and coat and heavy outerwear branches of this industry shall include only those employees engaged in the following operations and auxiliary occupations:

(i) Position marking: The operation, by hand, of marking, with a punch, thread, or chalk, the position of buttons, pleats, darts, pockets, buttonholes, etc., by the use of a template, rule or similar device.

(ii) Shade and size numbering: The operation (except when done by sobar or other power-driven machine) of identifying a garment part by marking or stamping the size, shade, or lot number with chalk or stamp, or by sewing, pinning, or stapling a ticket to the garment part.

(iii) Bundle tying: The operation of tying together into bundles piles of garment parts, or partially finished garments.

(iv) Bundle ticketing: The operation, by hand, of preparing and attaching an identifying ticket to a bundle of work.

(v) Matching and pairing: The operation of pairing or matching garment parts.

(vi) Basting pulling: The operation of pulling out basting stitches.

(vii) Hand trimming: The operation of cutting away with scissors, excess piping, loops or tape.

(viii) Cleaning: The operation of clipping the waste ends of threads resulting from "black" or permanent stitchings.

(ix) Turning: The operation of turning inside out or outside in, parts of, or complete garments. Does not, however, include turning of lapels or collars.

(x) Floor boys and girls: Workers who carry bundles or materials from department to department or to workers.

(xi) Porter: Performs the janitorial work of sweeping and cleaning the shop.

(xii) Examiner's helper: Performs minor preliminary checking for rips, tears and other imperfections in the garment, but is not responsible for the final determination as to the acceptability of the work. Also performs the operation of brushing the garment and removing loose lint or threads.

(2) Learners and handicapped workers may be employed at wages below 85 cents an hour in the suit and coat and the heavy outerwear branches and at wages below 75 cents an hour in the wool trousers branch upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* Paragraph (b) (1) of this section shall be effective and the minimum wage hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after May 8, 1948, and paragraph (b) (2) and (3) of this section shall be effective to all such covered contracts bids for which are solicited or negotiations otherwise commenced on or after January 1, 1949. Paragraph (c) (1) of this section shall be effective as to covered contracts awarded on or after January 25, 1950.

§ 202.38 *Die casting manufacturing industry*—(a) *Definition.* The die casting manufacturing industry is defined as that industry which manufactures or furnishes die castings for sale and does not include the manufacture of die castings when incorporated into another product by the manufacture of such other products. The term "die casting" as used herein describes a casting made by forcing molten metal under pressure into a metallic mold or die.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the die casting manufacturing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners, apprentices, and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners, apprentices, and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 521, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.39 *Dental goods and equipment manufacturing industry*—(a) *Definition.* The dental goods and equipment manufacturing industry is defined as that industry which manufactures or furnishes any of the following products:

(1) *Durable goods.* Hand instruments, including forceps and pliers, broaches and cutting instruments, for dental use; dental chairs; dental cabinets; equipment units; dental sterilizers; dental gas apparatus; dental X-ray equipment; dental compressors, engines and lathes; dental lights; dental laboratory equipment, other than laboratory furniture.

(2) *Consumable goods.* Dental gold; dental alloy for amalgams; dental cement and filling materials; teeth, porcelain and gold; orthodontic appliances; waxes, compounds and investments; rubber dental materials, denture materials other than rubber; burrs, drills and similar tools for use with handpieces; abrasive points, wheels and disks.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the dental goods and equipment manufacturing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed in the industry and apprentices may be employed in the durable goods branch thereof at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners, apprentices, and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 521, 524 and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.40 *Evaporated milk industry*—(a) *Definition.* The evaporated milk industry is defined as that industry which manufacturers or furnishes evaporated milk.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the evaporated milk industry under contracts subject to the Walsh-Healey Public Contracts Act shall not be less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524 and 525 respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.41 *Paint and varnish industry*—(a) *Definition.* The paint and varnish industry is defined as that industry which manufactures or furnishes any of the following products:

Pigments or colors, either in dry or paste form; paints mixed ready for use or in dry or paste form; varnishes, lacquers, enamels; fillers, putty, top dressings; paint and varnish removers; furniture and floor wax; and lacquer thinners.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the paint and varnish industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.42 *Leather manufacturing industry*—(a) *Definition.* The leather manufacturing industry is defined as that industry which manufactures or furnishes any of the following products:

(1) Tanned, curried, and finished leather (including rawhide) from any type of hide or skin, and

(2) Welting and power transmission belting when made wholly or principally of leather.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the leather manufacturing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.43 *Textile industry*—(a) *Definition.* For the purpose of this determination the term "textile industry" means:

(1) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in subparagraphs (7) and (8) of this paragraph; except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(2) The manufacturing of batting, wadding, or filling and the processing of waste from the fibers enumerated in subparagraph (1) of this paragraph;

(3) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics or cords (except carpets and rugs containing any wool) from any fiber or yarn;

(4) The processing of any textile fabric, included in this definition of this industry, into any of the following products: Bags, bandages and surgical gauze, bath mats and related articles, bedspreads, blankets, diapers, dishcloths, scrubbing cloths and wash-cloths, sheets and pillow cases, table-cloths, luncheloths, napkins, towels, window curtains, shoe laces and similar laces;

(5) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(6) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(7) The manufacturing or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in subparagraph (1) of this pragaraph, containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(8) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in subparagraph (1) of this paragraph, with a margin of tolerance of 2 percent to meet the exigencies of manufacture;

(9) The manufacturing, dyeing, finishing or processing of rugs or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of the products of the textile industry under contracts subject to the Walsh-Healey Public Contracts Act shall be 87 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* (1) Learners may be employed subject to the following terms and conditions:

(i) Learners may be employed in the occupations of machine operating, machine tending, machine fixing, and jobs immediately incidental thereto;

(ii) Learners may be paid a subminimum rate of 80 cents per hour unless experienced workers in the same plant and occupations are paid on a piece-rate basis, in which case learners must be paid the same piece rates paid to experienced workers and earnings, based upon those piece rates, if such earnings are in excess of 80 cents per hour;

(iii) The length of the learning period shall be 240 hours unless the learner has had previous experience in the industry in which case the number of hours of such experience must be deducted from the 240 hour learning period.

(iv) The number of learners may not exceed 3 percent of the total number of machine operators, machine tenders, machine fixers and persons engaged in jobs immediately incidental thereto except where, upon application to the Administrator of the Wage and Hour and Public Contracts Divisions or his authorized representative, a special certificate has been issued authorizing employment of learners in excess of 3 percent to meet a plant's abnormal situation created by establishment of new plants, expansion of production or plant facilities, and the like. Such special certificates will not be issued where it appears that experienced workers are available to the employer within the area from which he customarily draws his supply of labor, or that the issue of a special certificate will create unfair competitive labor cost advantages, or will impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.

(2) Handicapped workers may be employed at wages below 87 cents an hour upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective and the minimum wage hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after November 16, 1948.

§ 202.44 *Chemical and related products industry*—(a) *Definition.* The chemical and related products industry is defined as that industry which manufactures or furnishes any of the following products:

Heavy, industrial, and fine chemicals, including among others, compressed and liquefied gases, and insecticides and fungicides and the byproducts of the foregoing; bluing, bone black, carbon black, and lampblack; cleaning and polishing preparations (except paint and varnish remover, furniture and floor wax and polish, and soap); mucilage, paste, and other adhesives.

Omitted from the scope of the definition of this industry are:

Ammunition; drugs and medicines; explosives; fertilizer; fireworks; paints, pigments, varnishes, and lacquers; and soap, which have been accorded separate treatment by the Secretary.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the chemical and related products industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.45 *Aviation textile products manufacturing industry*—(a) *Definition.* The aviation textile products manufacturing industry is defined as that industry which manufactures or furnishes any articles (other than apparel) primarily of fabric for use in connection with the aviation industry, including but without limitation, parachutes of all types, parachute packs, parachute harnesses, safety belts, aerial delivery containers made primarily from fabrics, tow targets, and wind direction indicators of the wind-sock type; except that the manufacture of canvas and duck articles for ground use, such as signaling panels, is not included.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the aviation textile products manufacturing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 524 and 525 respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.46 *Gloves and mittens industry*—(a) *Definition.* The gloves and mittens industry is defined as that industry which manufactures or furnishes gloves or mittens (except athletic gloves and mittens) from any material (other than rubber) or from any combinations of materials (other than rubber).

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the gloves and mittens industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners, apprentices and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners, apprentices and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 521, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.47 *Woolen and worsted industry*—(a) *Definition.* For the purpose of this section the term "woolen and worsted industry" means:

(1) The manufacturing or processing of all yarns (other than carpet yarns) spun entirely from wool or animal fiber (other than silk); and all processed preparatory thereto;

(2) The manufacturing, dyeing or other finishing of fabrics and blankets (other than carpets, rugs and pile fabrics) woven from yarns spun entirely of wool or animal fiber (other than silk);

(3) The manufacturing, dyeing, or other finishing of fulled suitings, coatings, topcoatings, and overcoatings knit from yarns spun entirely of wool or animal fiber (other than silk);

(4) The picking of rags and clips made entirely from wool or animal fiber (other than silk), and the garnetting of wool or animal fiber (other than silk) from rags, clips, or mill waste; and other processes related thereto;

(5) The manufacturing of batting, wadding, or filling made entirely of wool or animal fiber (other than silk);

(6) The manufacturing or processing of all yarns (other than carpet yarns) spun from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute, or any synthetic fiber; except the manufacturing or processing on systems other than the woolen system of yarns containing not more than 45 percent by weight of wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber;

(7) The manufacturing, dyeing, or other finishing of the products enumerated in subparagraphs (2), (3), (4), and (5) of this paragraph from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except products containing not more than 25 percent by weight of wool or animal fiber (other than silk), with a margin of tolerance of 2 percent to meet the exigencies of manufacture.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the woolen and worsted industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.05 per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* (1) Learners and beginners may be employed subject to the following terms and conditions:

(i) Learners and beginners may be paid a subminimum rate of 90 cents an hour, unless experienced workers in the same plant and occupation are paid on a piece-rate basis, in which case learners and beginners must be paid the same piece rates paid to experienced workers, and earnings based upon those piece rates if such earnings are in excess of 90 cents per hour;

(ii) The permitted length of the learning period for learners and beginners shall be 320 hours unless the learner or beginner has had previous experience in the industry, in which case the number of hours of such experience must be deducted from the 320-hour learning period;

(iii) A learner or beginner for the purpose of this determination is a person who has had less than 320 hours experience in the industry.

(2) Handicapped workers may be employed at wages below $1.05 per hour upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524 and 525), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective and the minimum wage hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after May 14, 1949.

§ 202.48 *Surgical instruments and apparatus industry*—(a) *Definition.* The surgical instruments and apparatus industry is defined as that industry which manufactures or furnishes any instruments and apparatus used in, or in connection with, or in the aid of the practice of medicine and as particularly applied to surgery, such as surgical and diagnostic instruments and apparatus for medical and surgical treatment, including sutures, ligatures, and sterilizers for surgical purposes;

But not including: Electro-surgical instruments and apparatus in which electricity is the diagnostic, therapeutic or functioning element, such as X-ray, fluoroscope, and high frequency apparatus and equipment, ultra-violet and infra-red ray and other therapeutic and heating lamps, apparatus and equipment; orthopedic appliances, such as trusses, braces, supports, splints, artificial limbs, and elastic belts and stockings; and surgical dressings.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the surgical instruments and apparatus industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners, apprentices, and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners, apprentices, and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 521, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

§ 202.49 *Scientific, industrial and laboratory instruments industry*—(a) *Definition.* The scientific industrial and laboratory instruments industry is defined as that industry which manufactures or furnishes any of the following products:

(1) Instruments and apparatus of the type used in navigation, surveying, engineering, drafting, target detection, fire-control, meteorology, and in laboratories for physical, chemical, clinical, biological, bacteriological, geological, physiological, and psychological teaching, demonstration, research and testing;

(2) Instruments and apparatus for indicating, measuring, recording or controlling the following: Quantity, quality, temperature, combustion, pressure, flow, density, intensity, humidity, conductivity, position, altitude, level, attitude, angle, direction, distance, speed, and acceleration;

(3) Electrically-actuated instruments used to measure physical quantities; and

(4) Optical glass;

But not including: Instruments and apparatus for measuring or controlling flow or consumption of water, gas or gasoline, used in the services rendered by public utilities and service stations indicating consumer consumption; instruments and apparatus used on automobiles; clocks and watches; and machinists' gauges.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the scientific industrial and laboratory instruments industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than 75 cents per hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* Learners, apprentices, and handicapped workers may be employed at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners, apprentices, and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522, 521, 524, and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective as to contracts awarded on or after January 25, 1950.

Signed at Washington, D. C., this 7th day of July 1950.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 50-6222; Filed, July 19, 1950; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. 171]

PART 136—INSTALLATION, INSPECTION, MAINTENANCE, AND REPAIR OF SYSTEMS, DEVICES AND APPLIANCES

Rules, standards and instructions for installation, maintenance, and repair of automatic block signal systems, interlocking, traffic control systems, automatic train stop, train control, and cab signal systems, and other similar appliances, methods and systems.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of June A. D. 1950.

It appearing that on January 6, 1950, the Division issued in the above-entitled proceeding a notice of proposed rule making (15 F. R. 131) pursuant to the provisions of section 25 of the Interstate Commerce Act (49 U. S. C. 26) accompanied by a copy of special rules of practice applicable thereto, and by a copy of rules, standards and instructions for installation, maintenance and repair of automatic block signal systems, interlocking, traffic control systems, automatic train stop, train control, and cab signal systems, and other similar appliances, methods and systems, which were proposed to supersede the rules, standards and instructions prescribed by the Commission's order of April 13, 1939;

It further appearing that all evidence filed pursuant to said special rules of practice has been fully considered and that cross examination of witnesses as provided by said special rules has also been had; and

It further appearing that the Division has, on the date hereof, made and filed its report in this proceeding containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:

It is ordered, That:

Sec.
136.0 Applicability of this part.

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136.5 Design of control circuits on closed circuit principle.
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136.761 Locking, electric.
136.762 Locking, indication.
136.763 Locking, latch operated.
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136.765 Locking, mechanical.
136.766 Locking, movable bridge.
136.767 Locking, route.
136.768 Locking, time.
136.769 Locking, traffic.
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136.829 Terminal, initial.
136.830 Time, acknowledging.
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Sec.
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136.833 Train, opposing.
136.834 Trip.
136.835 Trunking.
136.836 Trunnion.
136.837 Valve, electro-pneumatic.
136.838 Wire, shunt.

AUTHORITY: §§ 136.0 to 136.838 issued under sec. 12, 24 Stat. 383, as amended; 49 U. S. C., 12. Interpret or apply sec. 441, 41 Stat. 498, as amended; 49 U. S. C. 26.

§ 136.0 *Applicability of this part.* The following rules, standards, and instructions are hereby approved and prescribed for observance by each common carrier subject to the provisions of section 25 of the Interstate Commerce Act, on and after October 1, 1950.

SUBPART A—RULES AND INSTRUCTIONS; ALL SYSTEMS

GENERAL

§ 136.1 *Plans, where kept.* Track lay out plan, circuit plan, and where mechanical locking is used, locking sheet and dog chart, shall be kept at each interlocking and circuit plan shall be kept at each controlled point in traffic control systems; circuit plan for each automatic signal shall be available at the headquarters of the employee directly responsible for the maintenance of such signal; copies of all of the foregoing plans, and profile plan, drawn to scale, showing locations of signals, grades and alinement, for the sections of railroad under the jurisdiction of a divisional signal supervisory officer shall be kept at his headquarters; copies of plans pertaining to signal and interlocking facilities under the jurisdiction of general, regional or system signal officers shall be kept at their offices. All plans shall be correct and legible and available for use by the Commission's representatives.

§ 136.2 *Grounds.* Each circuit, the functioning of which affects safety of train operation, shall be kept free of any ground or combination of grounds which will permit a flow of current equal to or in excess of 75% of the release value of any relay or other electromagnetic device in the circuit, except circuit which includes any track rail.

§ 136.3 *Locking of instrument cases and interlocking machine cabinets.* Outdoor signal and instrument cases shall be locked, except signal mechanism housings at interlockings where maintenance forces are continuously on duty. Power interlocking machine cabinets, time releases, and electric locks exposed on interlocking machines shall be locked or sealed.

§ 136.4 *Interference with normal functioning of device.* The normal functioning of any device shall not be interfered with in testing or otherwise without first taking measures for insuring safety of train operation which depends on normal functioning of such device.

§ 136.5 *Design of control circuits on closed circuit principle.* All control circuits the functioning of which affects safety of train operation shall be designed on the closed circuit principle, except circuits for roadway equipment of intermittent automatic train stop system.

§ 136.6 *Hand operated switch equipped with switch circuit controller.* Hand-operated switch equipped with switch circuit controller connected to the point, or with facing point lock and circuit controller, shall be so maintained that when point is open one-fourth inch or more on facing point switch and three-eighths inch or more on trailing point switch, track or control circuits will be opened or shunted or both, and, if equipped with facing point lock with circuit controller, switch cannot be locked. Switch circuit controllers, facing point locks and switch-and-lock movements and their connections shall be securely fastened in place, and contacts maintained with an opening of not less than one-sixteenth inch when open.

§ 136.7 *Circuit controller operated by switch-and-lock movement.* Circuit controller operated by switch-and-lock movement shall be maintained so that normally open contacts will remain closed and normally closed contacts will remain open until the switch is locked.

§ 136.8 *Operating characteristics of electromagnetic apparatus.* Operating characteristics of electromagnetic apparatus shall be maintained in accordance with the limits within which such apparatus is designed to operate.

§ 136.9 *Selection of circuits through indicating or annunciating instruments.* Signal control and electric locking circuits shall not be selected through the contacts of instruments designed primarily for indicating or annunciating purposes in which an indicating element attached to the armature is arranged so that it can in itself cause improper operation of the armature.

NOTE: Existing installations shall be brought into conformity with the requirements of this section on or before October 1, 1952.

§ 136.10 *Electric locks, force drop type; where required.* Electric locks on new installations and new electric locks applied to existing installations shall be of the forced drop type.

§ 136.11 *Adjustment, repair or replacement of apparatus.* Any piece of apparatus or any part thereof which fails to perform its intended function shall be promptly adjusted, repaired or replaced.

§ 136.12 *Spring switch signal protection; where required.* Signal protection shall be provided for facing and trailing movements through spring switch within interlocking limits, and through spring switch hereafter installed in automatic block signal, train stop, train control or cab signal territory where train movements over the switch are made at a speed exceeding 20 miles per hour, except that signal protection shall be required only with the current of traffic on track signaled for movement in only one direction.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier.

§ 136.13 *Spring switch; selection of signal control circuits through circuit controller.* The control circuits of signals governing facing movements over a main track spring switch shall be selected through the contacts of a switch circuit controller, or through the contacts of relay repeating the position of such circuit controller, which, when normally closed switch point is open one-fourth inch or more, will cause such signals to display their most restrictive aspects, except that where a separate aspect is displayed for facing movements over the switch in the reverse position the signal shall display its most restrictive aspect when the switch points are open one-fourth inch or more from either the normal or reverse position.

§ 136.14 *Spring switch signal protection; requirements.* (a) The indication of signal governing movements from siding to main track with the current of traffic on track signaled for movements in only one direction through a spring switch in automatic block signal territory shall be not less restrictive than "Proceed at Restricted Speed" when the block, into which movements are governed by the signal, is occupied, and shall be "Stop" when the main track is occupied by a train approaching the switch within at least 1,500 feet in approach of the approach signal located stopping distance from the main track signal governing trailing movements over switch, except that the indication may be caused to be less restrictive if approach or time locking is used.

(b) The indication of signal governing movements against the current of traffic from the reverse main of main tracks to a single track, or signal governing movements from a siding to a main track signaled for movements in either direction, through a spring switch, in automatic block signal territory, shall be not less restrictive than "Proceed at Restricted Speed" when the block, into which movements are governed by the signal, is occupied by a preceding train, and shall be "Stop" when the block on the single track into which the signal governs is occupied by an opposing train.

(c) The indication of signal governing movements against the current of traffic from the reverse main of main tracks to a single track or signal governing movements from a siding to a main track signaled for movements in either direction through a spring switch in automatic block signal territory shall be "Stop" when the normal direction main track of the double track or the single track signaled for movements in both directions is occupied by a train approaching the switch within at least 1,500 feet in approach of the approach signal located stopping distance from the main track signal governing trailing movements over switch, except that indication may be caused to be less restrictive if approach or time locking is used.

NOTE: Existing installations shall be brought into conformity with the requirements of this section on or before October 1, 1952. As to existing installations, relief from the requirements of this section will be granted upon an adequate showing by an individual carrier.

§ 136.15 *Timetable instructions.* Automatic block, traffic control, train stop, train control and cab signal territory shall be designated in timetable instructions.

ROADWAY SIGNALS AND CAB SIGNALS

§ 136.21 *Location of roadway signals.* Each roadway signal hereafter installed shall be located over or to the right of the track it governs.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

§ 136.22 *Semaphore signal arm; clearance to other objects.* At least one-half inch clearance shall be provided between semaphore signal arm, and any object that may interfere with its operation.

§ 136.23 *Aspects and indications.* (a) Aspects shall be shown by the position of semaphore blades, color of lights, position of lights, flashing of lights, or any combination thereof. They may be qualified by marker plate, number plate, letter plate, marker light, shape and color of semaphore blades or any combination thereof, subject to the following conditions:

(1) Night aspects of roadway signals, except qualifying appurtenances, shall be shown by lights; day aspects by lights or semaphore arms. A single white light shall not be used.

(2) Reflector lenses or buttons or other devices which depend for visibility upon reflected light from an external source shall not be used in night aspects, except qualifying appurtenances.

(b) The aspects of cab signals shall be shown by lights or by illuminated letters.

(c) Each aspect displayed by a signal shall be identified by a name and shall indicate action to be taken. Only one name and indication shall apply to those aspects indicating the same action to be taken; the same aspect shall not be used with any other name and indication.

(d) The fundamental indications of signal aspects shall conform to the following:

(1) A red light, a series of horizontal lights or a semaphore blade in a horizontal position shall be used to indicate stop.

(2) A yellow light, a lunar light, or a series of lights or a semaphore blade in the upper or lower quadrant at an angle of approximately 45 degrees to the vertical, shall be used to indicate that speed is to be restricted and stop may be required.

(3) A green light, a series of vertical lights, or a semaphore blade in a vertical position in the upper quadrant or 60° or 90° in the lower quadrant shall be used to indicate proceed at authorized speed.

(e) The names, indications and aspects of roadway signals and cab signals shall be defined in Block Signal and Interlocking Rules in effect on each railroad subject to these rules, standards and instructions. Copy of such Block Signal and Interlocking Rules shall be filed with the Interstate Commerce Commission within six months after the date of this order and copy of subsequent modifications shall be filed with said Commission within thirty days after such modifications become effective. Such rules and any modifications thereof shall remain in effect until otherwise ordered by the Commission.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier.

§ 136.24 *Spacing of roadway signals.* Each roadway signal shall be located with respect to the next signal or signals in advance which govern train movements in the same direction so that the indication of a signal displaying a restrictive aspect can be complied with by means of a brake application, other than an emergency application, initiated at such signal, either by stopping at the signal where a stop is required, or by a reduction in speed to the rate prescribed by the next signal in advance where reduced speed is required.

§ 136.25 *False restrictive position of semaphore signal arm or failure of lamp in light signal.* If an arm of a semaphore signal assumes a false restrictive position or if a lamp in a light signal fails the signal shall not display a less restrictive aspect than intended.

NOTE: Existing installations on each railroad, which do not conform to the requirements of this section shall be brought into conformity therewith in accordance with the following schedule:

Not less than 20 percent on or before October 1, 1951.
Not less than 40 percent on or before October 1, 1952.
Not less than 60 percent on or before October 1, 1953.
Not less than 80 percent on or before October 1, 1954.
The remainder on or before October 1, 1955.

§ 136.26 *Buffing device, maintenance.* Buffing device shall be maintained so as not to cause the signal to display a less restrictive aspect than intended.

§ 136.27 *Phantom signal aspect.* Measures shall be taken to prevent recurrence of a phantom signal aspect.

TRACK CIRCUITS

§ 136.51 *Track circuit requirements.* Track relay shall be in deenergized position whenever any of the following conditions exist, and the track circuit of an automatic train stop, train control, or cab signal system shall be deenergized in the rear of the point where any of the following conditions exist:

(a) When a rail is broken or a rail or switch-frog is removed except when a rail is broken or removed in the shunt fouling circuit of a turnout or crossover: *Provided, however,* That shunt fouling circuit may not be used in a turnout through which permissible speed is greater than 45 miles per hour. It shall not be a violation of this requirement if a track circuit is energized when a break occurs within the limits of the joint bars or rail-joint bond, or as a result of leakage current or foreign current in the rear of a point where a break occurs or a rail is removed.

(b) When a train, locomotive, or car occupies any part of a track circuit, including fouling section of turnout, except turnouts of a hand-operated main track crossover. It shall not be a violation of this requirement where the presence of sand, rust, dirt, grease or other foreign matter on the rail prevents effective shunting.

(c) Where switch shunting circuit is used:

(1) Switch points are not closed in normal position.

(2) A switch is not locked where facing point lock with circuit controller is used.

(3) An independently operated fouling point derail equipped with switch circuit controller is not in derailing position.

§ 136.52 *Relayed cut-section.* Where relayed cut-section is used in territory where noncoded direct-current track circuits are in use the energy circuit to the adjoining track shall be open and the track circuit shunted when the track relay at such cut-section is in deenergized position.

§ 136.53 *Track circuit feed at grade crossing.* At grade crossing with an electric railroad where foreign current is present, the electric energy for noncoded direct current track circuit shall feed away from the crossing.

§ 136.54 *Minimum length of track circuit.* The length of any track circuit, except trap circuit or special circuit not used for control of signaling facilities, shall be greater than maximum inner wheel base of any locomotive or car.

§ 136.55 *Dead section; maximum length.* Where dead section exceeds 35 feet, special circuit shall be installed. Where shortest outer wheel base of a locomotive operating over such dead section is less than 35 feet, the maximum length of the dead section shall not exceed the length of the outer wheel base of such locomotive unless special circuit is used.

§ 136.56 *Shunting sensitivity.* Track circuit shall be so maintained that track relay will be in deenergized position if, when track circuit is dry, a shunt of 0.06 ohm resistance is connected across the track rails of the circuit, including fouling sections of turnouts.

§ 136.57 *Shunt wires.* Shunt wires and fouling wires, except shunt wires to switch circuit controller through which signal control circuits are controlled and track circuits are shunted, shall consist of at least two conductors and each shall be of sufficient conductivity and maintained in such condition that the track relay will be in deenergized position when the circuit is shunted.

NOTE: Existing installations shall be brought into conformity with the requirements of this section on or before October 1, 1952.

§ 136.58 *Turnout, fouling section.* Fouling section of turnout shall extend to clearance point.

§ 136.59 *Insulated rail joints.* Insulated rail joints shall be maintained in condition to prevent sufficient track cir-

cuit current from flowing between the rails separated by the insulation to cause a failure of any track circuit involved.

WIRES AND CABLES

§ 136.71 *Signal wires on pole lines.* Signal wires carried on pole lines shall be securely tied in on insulators.

§ 136.72 *Clearance of overhead signal wires and cables.* Where men are permitted to be on top of cars, the clear space between the lowest overhead signal line conductor and the top of track rails shall be not less than 27 feet at 60° F., no wind. The distance may be reduced to 25 feet for guys and for cables carried on messengers.

§ 136.73 *Open-wire transmission line; clearance to other circuits.* Open-wire transmission line operating at voltage of 750 volts or more shall be placed not less than 4 feet above the nearest crossarm carrying signal or communication circuits.

§ 136.74 *Protection of insulated wire; splice in underground wire.* Insulated wire shall be protected from mechanical injury. The insulation shall not be punctured for test purposes. Splice in underground wire shall have insulation resistance at least equal to the wire spliced.

§ 136.75 *Insulated wires and cables; supports.* Insulated wires and cables used aerially shall be supported on insulators or by messengers.

§ 136.76 *Interference of wires with operating parts of mechanisms.* Wires shall not interfere with operating parts of mechanisms.

§ 136.77 *Tagging of wires.* Each wire shall be tagged or otherwise marked so it can be identified at each terminal. Nomenclature shall correspond to that of the circuit plan. Tags or other marks of identification in instrument cases and apparatus housings shall be made of insulating material and shall not interfere with moving parts of apparatus.

§ 136.78 *Lightning arrester.* Lightning arrester shall be properly connected and ground maintained with resistance to ground preferably not more than 25 ohms.

INSPECTIONS AND TESTS; ALL SYSTEMS

§ 136.101 *Purpose of inspections and tests; removal from service of relay failing to meet test requirements.* The following inspections and tests shall be made in accordance with specifications of the carrier subject to approval of the Commission to determine if the apparatus and/or equipment is maintained in condition to perform its intended function. Relay or other electromagnetic device which fails to meet the requirements of specified tests shall be removed from service, and shall not be restored to service until its operating characteristics are in accordance with the limits within which such relay or electromagnetic device is designed to operate.

§ 136.102 *Signal mechanism.* Signal mechanism shall be inspected at least once every six months, and tests of the operating characteristics of all parts shall be made at least once every two years.

§ 136.103 *Switch circuit controller.* Switch circuit controller shall be inspected and tested at least once every three months.

§ 136.104 *Shunt fouling circuit.* Shunt fouling circuit shall be inspected and tested at least once every three months.

§ 136.105 *Electric lock.* Electric lock, except forced-drop type, shall be tested at least once every two years.

§ 136.106 *Relays.* Relay in service, except locomotive relay, shall be tested at least once every two years.

§ 136.107 *Lightning arresters.* Gas and vacuum type lightning arresters shall be tested at least once a year.

§ 136.108 *Insulation resistance tests.* Insulation resistance tests shall be made when wires, cables, and insulation are dry. Wires and cables, except wires connected directly to track rails, shall be tested in accordance with the following schedule. Conductors shall be promptly repaired or renewed when insulation resistance is below the following values:

Description	Period	Minimum allowable resistance
Low voltage (660 volts or less) wires and cables with insulation and protective outer covering not specifically designed for underground use, any part of which is underground or in trunking.	5 years	1 megohm.
Low voltage (660 volts or less) wires and cables with insulation and protective outer covering not specifically designed for underground use, no part of which is underground or in trunking.	8 years	Do.
Low voltage (660 volts or less) wires and cables with insulation and protective outer covering designed specifically for underground use, or in underground conduit, or as submarine cables.	do	Do.
Local signal wiring	do	100 megohms between sectionalizing switches.
Lead covered signal power cable	do	40 megohms for voltages up to and including 650 volts for section tested.
Underground signal power lines not lead sheathed	5 years	100 megohms between sectionalizing switches for voltages exceeding 660.

§ 136.109 *Records of results of tests; forms for keeping records; where filed.* Results of tests made in compliance with § 136.102 to 136.108 inclusive, § 136.376 to 136.387, inclusive, and §§ 136.576, 136.577, 136.586, 136.588, and 136.589 shall be recorded on forms provided by the railroad. Such forms shall show name of railroad, place and date, equipment tested, repairs, replacements, adjustments made, and condition in which apparatus was left, and signature of employee making the test. Each form shall be filed in the office of a divisional officer of the division on which the tests were made.

SUBPART B—AUTOMATIC BLOCK SIGNAL SYSTEMS

STANDARDS

§ 136.201 *Track circuit control of signals.* Signals shall be controlled automatically by track circuits extending through the entire block.

§ 136.202 *Signal governing movements over hand-operated switch.* Signal governing movements over hand-operated switch in the facing direction shall display its most restrictive aspect when the points are open one-fourth inch or more and, in the trailing direction, three-eighths inch or more, except that where a separate aspect is displayed for facing movements over the switch in the normal and in the reverse position, the signal shall display its most restrictive aspect when the switch points are open one-fourth inch or more from either the normal or reverse position.

§ 136.203 *Hand operated crossover between main tracks; protection.* At hand-operated crossover between main tracks, protection shall be provided by one of the following: (a) An arrangement of one or more track circuits and switch circuit controllers. (b) facing point locks on both switches of the crossover, with both locks operated by a single lever, or (c) electric locking of the switches of the crossover. Signals governing movements over either switch shall display their most restrictive aspect when any of the following conditions exist:

(1) Where protection is provided by one or more track circuits and switch circuit controllers, and either switch is open or the crossover is occupied by a train, locomotive or car in such a manner as to foul the main track. It shall not be a violation of this requirement where the presence of sand, rust, dirt, grease or other foreign matter on the rail prevents effective shunting;

(2) Where facing point locks with a single lever are provided, and either switch is unlocked;

(3) Where the switches are electrically locked, before the electric locking releases.

§ 136.204 *Track signaled for movements in both direction; requirements.* On track signaled for movements in both directions, a train shall cause one or more opposing signals immediately ahead of it to display an aspect requiring a stop. On such track signals shall be so arranged and controlled that if opposing trains can simultaneously pass signals displaying proceed aspects, and the next signal in advance of each such signal then displays an aspect requiring a stop, the distance between opposing signals requiring a stop shall be not less than the aggregate of the stopping distances for movements in each direction. Where such opposing signals are spaced stopping distance apart for movements in one direction only, signals arranged to display restrictive aspects shall be provided in approach to at least one of the signals. Where such opposing signals are spaced less than stopping distance apart for movements in one direction, signals arranged to display restrictive aspects shall be provided in approach to both such signals.

NOTE: Existing installations on each railroad, which do not conform to the requirements of this section shall be brought into conformity therewith in accordance with the following schedule:

Not less than 20 percent on or before October 1, 1951.

Not less than 40 percent on or before October 1, 1952.

Not less than 60 percent on or before October 1, 1953.

Not less than 80 percent on or before October 1, 1954.

The remainder on or before October 1, 1955.

§ 136.205 *Signal control circuits; requirements.* The circuits shall be so installed that each signal governing train movements into a block will display its most restrictive aspect when any of the following conditions obtain within the block; (a) occupancy by a train, locomotive, or car, (b) when points of a switch are not closed in proper position, (c) when an independently operated fouling point derail equipped with switch circuit controller is not in derailing position, (d) when a track relay is in deenergized position; or when signal control circuit is deenergized.

§ 136.206 *Battery or power supply with respect to relay; location.* The battery or power supply for each signal control relay circuit, where an open-wire circuit or a common return circuit is used, shall be located at the end of the circuit farthest from the relay.

§ 136.207 *Electric lock on hand-operated switch; control.* Electric lock on hand-operated switch shall be controlled so that it cannot be unlocked until control circuits of signals protecting such switch have been opened. Approach or time locking shall be provided.

SUBPART C—INTERLOCKING

STANDARDS

§ 136.301 *Where signals shall be provided.* Signals shall be provided to govern the train movements into and through interlocking limits.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. (See also note 1 following § 136.302.)

§ 136.302 *Track circuits and route locking.* Track circuits and route locking shall be provided throughout interlocking limits. (See note 1, and with respect to route locking only, also note 2.)

NOTE 1: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

NOTE 2: Existing installations on each railroad, which do not conform to the requirements of this section shall be brought into conformity therewith in accordance with the following schedule:

Not less than 20 percent on or before October 1, 1951.

Not less than 40 percent on or before October 1, 1952.

Not less than 60 percent on or before October 1, 1953.

Not less than 80 percent on or before October 1, 1954.

The remainder on or before October 1, 1955.

§ 136.303 *Control circuits for signals; selection through circuit controller operated by switch points or by switch locking mechanism.* The control circuit for power-operated or slotted mechanical signal governing movements at higher than restricted speed in the facing direction over switches, movable-point frogs and derails shall be selected through circuit controller operated directly by switch points or by switch locking mechanism, or through relay controlled by such circuit controller, for each facing point switch, movable-point frog and derail in the routes governed by such signal. Circuits shall be arranged so that such signal can display an aspect to proceed only when each such switch, movable-point frog and derail in the route is in proper position. Such power-operated signals hereafter installed shall be controlled in this manner through circuit controllers or switch repeating relays for all switches, movable-point frogs and derails in the routes governed by such signals.

NOTE: Existing installations shall be brought into conformity with the requirements of this section on or before October 1, 1952.

§ 136.304 *Mechanical locking or same protection effected by circuits.* Mechanical locking, or the same protection effected by means of circuits, shall be provided.

§ 136.305 *Approach or time locking.* Approach or time locking shall be provided in connection with signals governing movements at higher than restricted speed.

§ 136.306 *Facing point lock or switch-and-lock movement.* Facing point lock or switch-and-lock movement shall be provided for mechanically operated switch, movable-point frog, or split-point derail.

§ 136.307 *Indication locking.* Indication locking shall be provided for operative approach signals of the semaphore type, power-operated home signals, power-operated switches, movable-point frogs and derails, and for all approach signals hereafter installed, except light signals all aspects of which are controlled by coded track circuits or by double wire line circuits.

§ 136.308 *Mechanical or electric locking or electric circuits; requisites.* Mechanical or electric locking or electric circuits shall be installed to prevent signals from displaying aspects which permit conflicting movements except that opposing signals may display an aspect indicating proceed at restricted speed at the same time on a track used for switching movements only, by one train at a time. Manual interlocking in service as of the date of this part at which opposing signals on the same track are permitted simultaneously to display aspects authorizing conflicting movements when interlocking is unattended, may be continued, provided that simultaneous train movements in opposite directions on the same track between stations on either side of the interlocking are not permitted.

NOTE: Relief from the requirement of this section will be granted upon an adequate showing by an individual carrier to allow opposing signals on the same track simultaneously to display aspects to proceed through an interlocking which is unattended, provided that train movements in opposite directions on the same track between stations on either site of the interlocking are not permitted at the same time.

§ 136.309 *Loss of shunt at automatic interlocking.* At automatic interlocking, a loss of shunt of 5 seconds or less shall not permit an established route to be changed.

NOTE: Existing installations shall be brought into conformity with the requirements of this section on or before October 1, 1952.

§ 136.310 *Signal governing approach to home signal.* A signal shall be provided on main track to govern the approach with the current of traffic to any home signal except where the home signal is the first signal encountered when leaving yards or stations and authorized speed approaching such signal is not higher than slow speed. When authorized speed between home signals on route governed is 20 miles per hour or less, an inoperative signal displaying an aspect indicating "approach next signal prepared to stop" may be used to govern the approach to the home signal.

§ 136.311 *Signal control circuits, selection through track relays and through signal mechanism contacts and time releases at automatic interlocking.* The control circuits for aspects with indications more favorable than "proceed at restricted speed" shall be selected through track relays for all track circuits in the route governed or through repeating relays for such track relays. At automatic interlocking, signal control circuit shall be selected (a) through track relays for all track circuits in the route governed and in all conflicting routes within interlocking limits or through repeating relays for such track relays; (b) through signal mechanism contacts or relay contacts closed when signals for such conflicting routes display stop aspects; and (c) through normal contacts of time releases for such conflicting routes or contacts of relays repeating the normal position of contacts of such time releases.

§ 136.312 *Movable bridge; interlocking of signal appliances with bridge devices.* When movable bridge is protected by interlocking, the signal appliances shall be so interlocked with bridge devices that before a signal governing movements over the bridge can display an aspect to proceed, the bridge and track must be alined and locked, with the bridge locking members within one inch of their proper positions and with the track rail on the movable span within three-eighths inch of correct surface and alinement with the rail on the bridge abutment or fixed span.

§ 136.313 *Pipe for operating connections; requirements.* Steel or wrought-

iron pipe one inch or larger, or members of equal strength shall be used for operating connections for switches, derails, movable-point frogs, facing point locks, rail-locking devices of movable bridge protected by interlocking, and mechanically operated signals, except up-and-down rod which may be three-fourths inch pipe or solid rod. Pipes shall be fully screwed into coupling and both ends of each pipe shall be riveted to pipe plug with 2 rivets. Pipeline shall not be out of alinement sufficiently to interfere with the proper operation of the interlocking, shall be properly compensated for temperature changes, and supported on carriers spaced not more than 8 feet apart on tangent and curve of less than 2° and not more than 7 feet apart on curve of 2° or more. With lever in any position, couplings in pipe line shall not foul carriers. (With respect to requirement for double rivets, see note.)

NOTE: Existing installations on each railroad, which do not conform to the requirements of this section shall be brought into conformity therewith in accordance with the following schedule:

Not less than 20 percent on or before October 1, 1951.
Not less than 40 percent on or before October 1, 1952.
Not less than 60 percent on or before October 1, 1953.
Not less than 80 percent on or before October 1, 1954.
The remainder on or before October 1, 1955.

§ 136.314 *Electric lock for hand-operated switch or derail.* Electric lock shall be provided for each hand-operated switch or derail within interlocking limits, except where train movements are made at not exceeding 20 miles per hour. At manually operated interlocking it shall be controlled by operator of the machine and shall be unlocked only after signals governing movements over such switch or derail display aspects indicating stop. Approach or time locking shall be provided.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

RULES AND INSTRUCTIONS

§ 136.326 *Mechanical locking removed or disarranged; requirement for permitting train movements through interlocking.* When mechanical locking of interlocking machine is being changed or is removed from the machine, or locking becomes disarranged or broken, unless protection equivalent to mechanical locking is provided by electric locking or electric circuits, train movements through the interlocking shall not be permitted until each switch, movable-point frog or derail in the route is spiked, clamped or blocked in proper position so that it cannot be moved by its controlling lever, and then train movements shall not exceed restricted speed until the interlocking is restored to normal operation. It will not be necessary to comply with this requirement at interlockings where protection is in service in accordance with section 303, provided that the signal controls are arranged so that the signals cannot display an aspect the indication of which is less restrictive than "proceed at restricted speed."

§ 136.327 *Switch, movable-point frog or split-point derail.* Switch, movable-point frog or split-point derail shall be maintained so that it cannot be locked if the switch point is prevented by an obstruction from closing to within three-eighths inch.

§ 136.328 *Plunger of facing point lock.* Plunger of facing point lock shall have at least 8-inch stroke. When lever is in reverse position plunger shall pass through lock rod one-half inch or more.

§ 136.329 *Bolt lock.* Bolt lock shall be so maintained that signal governing movements over switch or derail and displaying an aspect indicating stop cannot be operated to display a less restrictive aspect while derail is in derailing position, or when switch point is open one-half inch or more.

§ 136.330 *Locking dog of switch and lock movement.* Locking dog of switch-and-lock movement shall extend through lock rod one-half inch or more in either normal or reverse position.

§ 136.331 *Repairs to switch and signal valves and cylinders.* Repairs to switch and signal valves and cylinders shall not be made while they are in service.

§ 136.332 *Air distribution system; draining condensation.* Provision shall be made for draining condensation out of air distribution system at low points. Condensers, tanks, reservoirs, and air distribution lines shall be drained frequently enough to avoid overflow of condensation into branch lines and apparatus.

§ 136.333 *Pole changer on electric switch operating mechanism.* Pole changer on electric switch operating mechanism shall be maintained so that movement of switch mechanism follows movement of controlling lever.

§ 136.334 *Point detector.* Point detector shall be maintained so that when switch mechanism is locked in normal or reverse position, contacts cannot be opened by manually applying force at the closed switch point. Point detector circuit controller shall be maintained so that the contacts will not assume the position corresponding to switch point closure if the switch point is prevented by an obstruction, from closing to within one-fourth inch where latch-out device is not used, and to within three-eighths inch where latch-out device is used.

§ 136.335 *Dogs, stops and trunnions of mechanical locking.* Driving pieces, dogs, stops and trunnions shall be rigidly secured to locking bars. Swing dogs shall have full and free movement. Top plates shall be maintained securely in place.

§ 136.336 *Locking bed.* The various parts of the locking bed, locking bed supports, and tappet stop rail shall be rigidly secured in place and alined to permit free operation of locking.

§ 136.337 *Locking faces of mechanical locking; fit.* Locking faces shall fit squarely against each other with a minimum engagement when locked of at least one-half the designed locking face.

§ 136.338 *Mechanical locking required in accordance with locking sheet and dog chart.* Mechanical locking shall be in accordance with locking sheet and dog chart currently in effect.

§ 136.339 *Mechanical locking; maintenance requirements.* Locking and connections shall be maintained so that, when a lever or latch is mechanically locked, the following will be prevented:

(a) *Mechanical machine.* (1) Latch-operated locking. Raising lever latch block so that bottom thereof is within three-eighths inch of top of quadrant.

(2) Lever operated locking. Moving lever latch block more than three-eighths inch on top of quadrant.

(b) *Electro-mechanical machine.* (1) Lever moving in horizontal plane. Moving lever more than three-sixteenths inch when in normal position or more than seven-sixteenths inch when in reverse position.

(2) Lever moving in arc. Moving lever more than 5°.

(c) *Power machine.* (1) Latch operated locking. Raising lever latch block so that bottom thereof is within seven thirty-seconds inch of top of quadrant.

(2) Lever moving in horizontal plane. Moving lever more than five-sixteenths inch when in normal position or more than nine-sixteenths inch when in reverse position.

(3) Lever moving in arc. Moving lever more than 5°.

§ 136.340 *Electromechanical interlocking machine; locking between electrical and mechanical levers.* In electro-mechanical interlocking machine, locking between electric and mechanical levers shall be maintained so that mechanical lever cannot be operated except when released by electric lever.

§ 136.341 *Latch shoes, rocker links, and quadrants.* Latch shoes, rocker links, and quadrants of Saxby and Farmer machines shall be maintained so that locking will not release if a downward force not exceeding a man's weight is exerted on the rocker while the lever is in the mid-stroke position.

§ 136.342 *Switch circuit controller.* Switch circuit controller connected at the point to switch, derail, or movable-point frog, shall be maintained so that its contacts will not be in position corresponding to switch point closure when switch point is open one-fourth inch or more.

INSPECTION AND TESTS

§ 136.376 *Mechanical locking.* Mechanical locking in interlocking machine shall be tested when new locking is placed in service or change in locking is made. Complete test shall be made at least once every 4 years.

§ 136.377 *Approach locking.* Approach locking shall be tested at least once a year.

§ 136.378 *Time locking.* Time locking shall be tested at least once a year.

§ 136.379 *Route locking.* Route or other type of switch locking shall be tested at least once every three months.

§ 136.380 *Indication locking.* Indication locking for semaphore signals and for switch or lock levers shall be tested at least once a year and for light signals at least once every two years.

§ 136.381 *Traffic locking.* Traffic locking shall be tested at least once a year.

§ 136.382 *Switch obstruction test.* Switch obstruction test shall be made at least once a month.

§ 136.383 *Valve locks and valve magnets.* Valve locks on valves of the non-cut-off type, valves, and valve magnets shall be tested at least once every three months.

§ 136.384 *Cross protection.* Cross protection shall be tested at least once every three months.

§ 136.385 *Time releases and timing relays.* Time releases and timing relays shall be tested at least once every three months. The timing shall be maintained at not less than 90 percent of the predetermined time interval, which shall be shown on the plans or marked on the time release or relay.

§ 136.386 *Restoring feature on power switches.* Restoring feature on power switches shall be tested at least once every three months.

§ 136.387 *Movable bridge locking.* Movable bridge locking shall be tested at least once a year.

SUBPART D—TRAFFIC CONTROL SYSTEMS

STANDARDS

§ 136.401 *Automatic block signal system and interlocking standards applicable to traffic control systems.* The standards prescribed in §§ 136.201 to 136.203, inclusive, §§ 136.205, 136.206, 136.303, 136.307, 136.310 and 136.311 shall apply to traffic control systems.

§ 136.402 *Signal control; track circuit and control operator.* Signal governing movement at higher than restricted speed shall be controlled by continuous track circuits. Also, in addition, at controlled point they shall be controlled by control operator, and, at manually operated interlocking, manually in cooperation with control operator.

§ 136.403 *Signals at controlled point.* Signals at a controlled point shall be so interconnected that aspects to proceed cannot be displayed simultaneously for conflicting movements.

§ 136.404 *Signals at adjacent controlled points.* Signals at adjacent controlled points shall be so interconnected that aspects to proceed cannot be displayed simultaneously for conflicting movements.

§ 136.405 *Track signaled for movement in both directions; change of direction of traffic.* On track signaled for movements in both directions, occupancy of the track between opposing signals at adjacent controlled points shall prevent changing the direction of traffic from that which obtained at the time the track became occupied.

§ 136.406 *Indication of track circuit occupancy at controlled points.* Occupancy of track circuits at controlled points shall be automatically indicated at the control station.

§ 136.407 *Approach or time locking; where required.* Approach or time locking shall be provided for all controlled signals and for all electric locks on hand-operated switches.

§ 136.408 *Route locking.* Route locking shall be provided where switches are power operated.

§ 136.409 *Control machine, indication of switch operation.* It shall be indicated on the control machine when power-operated switch has completed its movement and is locked.

§ 136.410 *Hand-operated switch electrically locked.* Each hand-operated switch hereafter installed in main track where train movements are made at speeds exceeding 20 miles per hour shall be electrically locked in normal position. Electric lock may be unlocked either automatically or by the control operator, but only after control circuits of signals governing movements over the switch in each direction have been opened.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

RULES AND INSTRUCTIONS

§ 136.426 *Interlocking rules and instructions applicable to traffic control systems.* The rules and instructions prescribed in §§ 136.327 and 136.328, 136.330 to 136.334, inclusive, and 136.342 shall apply to traffic control systems.

INSPECTION AND TESTS

§ 136.476 *Interlocking inspections and tests applicable to traffic control systems.* The inspections and tests prescribed in §§ 136.377 to 136.380, inclusive, and 136.382, 136.383, 136.385, and 136.386 shall apply to traffic control systems.

SUBPART E—AUTOMATIC TRAIN STOP, TRAIN CONTROL AND CAB SIGNAL SYSTEMS

STANDARDS

§ 136.501 *Forestalling device and speed control.* (a) An automatic train stop system may include a device by means of which the automatic application of the brakes can be forestalled.

(b) Automatic train control system shall include one or more of the following features:

(1) Low-speed restriction, requiring the train to proceed under slow speed after it has either been stopped by an automatic application of the brakes, or under control of the engineman, its speed has been reduced to slow speed, until the apparatus is automatically restored to normal because the condition which caused the restriction no longer affects the movement of the train.

(2) Medium-speed restriction, requiring the train to proceed under medium speed after passing a signal displaying an approach aspect or when approaching a signal requiring a stop, or a stop indication point, in order to prevent an automatic application of the brakes.

NOTE: Relief from the requirements of subparagraphs (1) and (2) of this paragraph will be granted, insofar as speed limits fixed by definitions of Slow and Medium speeds are concerned, upon an adequate showing by an individual carrier where automatic train control systems now in service enforce speed restrictions higher than those required by definitions in §§ 136.700 to 136.838 inclusive.

(3) Maximum-speed restriction, effecting an automatic brake application whenever the predetermined maximum speed limit is exceeded.

§ 136.502 *Automatic brake application; initiation by restrictive block conditions stopping distance in advance.* An automatic train stop or train control system shall operate to initiate an automatic brake application at least stopping distance from the entrance to a block, wherein any condition described in § 136.205 obtains, and at each signal requiring a reduction in speed.

§ 136.503 *Automatic brake application; initiation when predetermined rate of speed exceeded.* An automatic train control system shall operate to initiate an automatic brake application when the speed of the train exceeds the predetermined rate as required by the setting of the speed control mechanism.

§ 136.504 *Operation interconnected with automatic block signal system.* An automatic train stop or train control system shall operate in connection with an automatic block signal system and shall be so interconnected with the signal system as to perform its intended function in event of failure of the engineman to obey a signal requiring a reduction in speed.

§ 136.505 *Proper operative relation between parts along roadway and parts on locomotive.* Proper operative relation between the parts along the roadway and the parts on the locomotive shall obtain under all conditions of speed, weather, wear, oscillation, and shock.

§ 136.506 *Release of brakes after automatic application.* The automatic train stop or train control apparatus shall prevent release of the brakes after automatic application until a reset device has been operated, or the speed of the train has been reduced to a predetermined rate, or the condition that caused the brake application no longer affects the movement of the train. If reset device is used it shall be arranged so that the brakes cannot be released until the train has been stopped, or it shall be located so that it cannot be operated by engineman without leaving his accustomed position in the cab.

§ 136.507 *Brake application; full service.* The automatic train stop or train control apparatus shall, when operated, cause a full service application of the brakes.

§ 136.508 *Interference with application of brakes by means of brake valve.* The automatic train stop, train control or cab signal apparatus shall be arranged so as not to interfere with the application of the brakes by means of the brake valves and not to impair the efficiency of the air brake system.

§ 136.509 *Two or more locomotives coupled.* The automatic train stop, train control or cab signal apparatus shall be arranged so that when two or more locomotives are coupled, or a pushing or helping locomotive is used, it can be made operative only on the locomotive from which the brakes are controlled.

§ 136.510 *Conformance with established clearances.* The automatic train stop, train control and cab signal apparatus shall be arranged so as to conform to carriers' established clearances for equipment and structures.

§ 136.511 *Cab signals controlled in accordance with block conditions stopping distance in advance.* The automatic cab signal system shall be arranged so that cab signals will be continuously controlled in accordance with conditions described in § 136.205 that obtain at least stopping distance in advance.

§ 136.512 *Cab signal indication when locomotive enters block where restrictive conditions obtain.* The automatic cab signal system shall be arranged so that when a locomotive enters or is within a block, wherein any condition described in § 136.205 obtains, the cab signals shall indicate "Proceed at Restricted Speed."

§ 136.513 *Audible indicator.* The automatic cab signal system shall be arranged so that when the cab signal changes to display a more restrictive aspect, an audible indicator will sound continuously until silenced by manual operation of an acknowledging device.

§ 136.514 *Interconnection of cab signal system with roadway signal system.* The automatic cab signal system shall be interconnected with the roadway-signal system so that the cab signal indication will not authorize operation of the train at a speed higher than that authorized by the indication of the roadway signal that governed the movement of a train into a block except when conditions affecting movement of trains in the block change after the train passes the signal.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

§ 136.515 *Visibility of cab signals.* The cab signals shall be plainly visible to members of the locomotive crew from their stations in the cab.

§ 136.516 *Cab indicator; requirements.* The cab indicator shall have a distinctive sound which will be clearly audible throughout the cab under all operating conditions.

RULES AND INSTRUCTIONS; ROADWAY

§ 136.526 *Roadway element not functioning properly.* When a roadway element except track circuit of automatic train stop, train control or cab signal system is not functioning as intended, the signal associated with such roadway element shall be caused manually to display its most restrictive aspect until such element has been restored to normal operative condition.

§ 136.527 *Roadway element insulation resistance.* Insulation resistance between roadway inductor or magnet winding and ground shall be maintained at not less than 10,000 ohms.

§ 136.528 *Restrictive condition resulting from open hand-operated switch; requirement.* When a facing point hand-operated switch is open one-fourth inch or more, a trailing point hand-operated switch three-eighths inch or more, or hand-operated switch is not locked where facing point lock with circuit controller is used, the resultant restrictive condition of an automatic train stop or train control device of the continuous type or the resultant restrictive cab signal indication of an automatic cab signal device on an approaching locomotive shall be maintained to within 300 feet of the points of the switch.

§ 136.529 *Roadway element inductor; height and distance from rail.* Inductor of the inert roadway element type shall be maintained with the inductor pole faces at a height above the plane of the tops of the rails, and with its inner edge at a horizontal distance from the gage side of the nearest running rail, in accordance with specifications of the carrier on file with the Commission.

§ 136.530 *Ramp; height and distance from rail.* Ramp of automatic train stop device shall be maintained with its contact surface at its highest point at a height above the plane of the tops of the rails, and with its center line at a horizontal distance from the gage side of the nearest running rail, in accordance with specifications of the carrier on file with the Commission.

§ 136.531 *Trip arm; height and distance from rail.* Trip arm of automatic train stop device when in stop position shall be maintained at a height above the plane of the tops of the rails, and at a horizontal distance from its center line to gage side of the running rail, in accordance with specifications of the carrier on file with the Commission.

§ 136.532 *Strap iron inductor; use restricted.* No railroad shall use strap iron inductor, short ramp, or other roadway element with characteristics differing from its standard type, on track where speed higher than restricted speed is permitted.

§ 136.533 *Track magnet; height.* Track magnet located between the rails of a track shall not exceed above the plane of the tops of the rails.

§ 136.534 *Entrance to equipped territory; requirements.* Where trains are not required to stop at the entrance to equipped territory, except when leaving yards and stations and speed until entering equipped territory does not exceed restricted speed, the automatic train stop, train control, or cab signal device shall be operative at least stopping distance from the entrance to such territory except where the approach thereto is governed by automatic approach signal.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier.

RULES AND REGULATIONS; LOCOMOTIVES

§ 136.551 *Power supply voltage; requirement.* The voltage of power supply shall be maintained within 10 percent of rated voltage.

§ 136.552 *Insulation resistance; requirement.* Insulation resistance between wiring and ground shall be not less than the following:

Continuous inductive automatic train stop, train control, and cab signal systems—250,000 ohms.

Intermittent inductive automatic train stop systems—20,000 ohms.

§ 136.553 *Seal or lock; where required.* Seal or lock shall be maintained on any device, other than the double heading cock, by means of which operation of the pneumatic portion of the apparatus can be cut out.

§ 136.554 *Rate of pressure reduction; equalizing reservoir or brake pipe.* The equalizing-reservoir pressure or brake-pipe pressure reduction during an automatic brake application shall be at a rate not less than that which results from a manual service application.

§ 136.555 *Repaired or rewound receiver coil.* Receiver which has been repaired or rewound shall have the same operating characteristics which it possessed originally or as currently specified for new equipment.

§ 136.556 *Adjustment of relay.* Change in adjustment of relay shall be made only in a shop equipped for that purpose except when receiver coils, electro-pneumatic valve, or other essential part of the equipment is replaced. Irregularities in power-supply voltage or other variable factors in the circuit shall not be compensated for by adjustment of the relay.

§ 136.557 *Receiver, intermittent inductive; location with respect to rail.* Receiver of intermittent inductive automatic train stop device of the inert roadway element type shall be maintained with bottom of the receiver at a height above the plane of the tops of the rails, and with its outer edge at a horizontal distance from the gage side of the nearest rail, in accordance with specifications of the carrier on file with the Commission.

§ 136.558 *Contact shoe; location with respect to rail.* Contact face of shoe of automatic train stop and train control device shall be maintained at a height above the plane of the tops of the rails, and with center line of shoe at a horizontal distance from the gage side of the nearest rail, in accordance with specifications of the carrier on file with the Commission.

§ 136.559 *Receiver, intermittent magnetic; location with respect to rail.* Receiver of intermittent magnetic inductive automatic train stop device shall be maintained with lower surface of receiver at a height above the plane of the tops of the rails, in accordance with specifications of the carrier on file with the Commission.

§ 136.560 *Contact element, mechanical trip type; location with respect to rail.* Contact element of automatic train stop device of the mechanical trip type shall be maintained at a height above the plane of the tops of the rails, and at a horizontal distance from the gage side of the rail, in accordance with specifications of the carrier on file with the Commission.

§ 136.561 *Safety chain or safety hanger.* Safety chain or safety hanger provided for receiver of continuous inductive automatic train stop, train control or cab signal device shall clear receiver core one inch or more.

§ 136.562 *Minimum rail current required.* The minimum rail current required to restore the locomotive equipment of continuous inductive automatic train stop or train control device to normal condition or to obtain a proceed indication of automatic cab signal device (pick-up) shall be in accordance with specifications of the carrier on file with the Commission.

§ 136.563 *Delay time.* Delay time of automatic train stop or train control system shall not exceed 8 seconds and the spacing of signals to meet the requirements of § 136.24 shall take into consideration the delay time.

§ 136.564 *Acknowledging time.* Acknowledging time of intermittent automatic train stop device shall be not more than 20 seconds.

§ 136.565 *Provision made for preventing operation of pneumatic brake-applying apparatus by double-heading cock; requirement.* Where provision is made for preventing the operation of the pneumatic brake-applying apparatus of an automatic train stop or train control device when the double-heading cock is placed in double-heading position, the automatic train stop or train control device shall not be cut out before communication is closed between the engineman's automatic brake valve and the brake pipe, when operating double-heading cock toward double-heading position.

§ 136.566 *Locomotive of each train operating in train stop, train control or cab signal territory equipped.* The locomotive from which brakes are controlled, of each train operating in automatic train stop, train control, or cab signal territory shall be equipped with apparatus responsive to the roadway equipment installed on all or any part of the route traversed, and such apparatus shall be in operative condition.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

§ 136.567 *Restrictions imposed when device fails or cut out enroute.* Where an automatic train stop, train control, or cab signal device fails and/or is cut-out enroute, train may proceed at restricted speed or if an automatic block signal system is in operation according to signal indication but not to exceed medium speed, to the next available point of communication where report must be made to a designated officer. Where no automatic block signal system is in use train shall be permitted to proceed at restricted speed or where automatic block signal system is in operation according to signal indication but not to exceed medium speed to a point where absolute block can be established. Where an absolute block is established in advance of the train on which the device is inoperative train may proceed at not to exceed 79 miles per hour.

§ 136.568 *Difference between speeds authorized by roadway signal and cab signal action required.* If for any reason a cab signal authorizes a speed different from that authorized by a roadway signal, when a train enters the block governed by such roadway signal, the lower speed shall not be exceeded.

INSPECTION AND TESTS; ROADWAY

§ 136.576 *Roadway element.* Roadway elements, including those for test purposes, shall be gaged monthly for height and alinement, and shall be tested at least once every six months.

§ 136.577 *Test, acknowledgment and cut-in circuits.* Test, acknowledgment and cut-in circuits shall be tested at least once every six months.

INSPECTION AND TESTS; LOCOMOTIVE

§ 136.586 *Daily or after trip test.* The automatic train stop, train control, or cab signal apparatus on each locomotive operating in equipped territory shall be inspected and tested either once every 24 hours or within 24 hours before departure upon each trip, except that such inspection and tests of the automatic train stop, train control or cab signal equipment on Diesel-electric and electric locomotives shall not be required provided that periodic tests be made on such locomotives each 6,000 miles, or at intervals of not more than 2 months, whichever shall occur first.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

§ 136.587 *Departure test.* A test of the automatic train stop, train control, or cab signal apparatus on each locomotive, except locomotives and multiple unit cars equipped with mechanical trip stop, shall be made over track elements or test circuits on departure of locomotive from its initial terminal and, if locomotive apparatus is cut-out between initial terminal and equipped territory, immediately prior to entering equipped territory, to determine if such apparatus is in service and is functioning properly. If such departure test is made by an employeee other than engineman, the engineman shall be informed of the results of such test and a record kept thereof.

§ 136.588 *Periodic test.* Except as provided in § 136.586, periodic tests of the automatic train stop, train control or cab signal apparatus shall be made at least once every three months, and on multiple-unit cars as specified by the carrier, subject to approval by the Commission.

§ 136.589 *Relays.* At least once every 4 years each relay shall be removed from service, subjected to thorough test, necessary repairs and adjustment made, and shall not be replaced in service unless its operating characteristics are in accordance with the limits within which such relay is designated to operate.

§ 136.590 *Pneumatic apparatus.* Automatic train stop, train control, or cab signal pneumatic apparatus shall be inspected and cleaned at least once every six months.

SUBPART F—DRAGGING EQUIPMENT AND SLIDE DETECTORS AND OTHER SIMILAR PROTECTIVE DEVICES

§ 136.601 *Signal controlled by devices; location.* Signals controlled by devices used to provide protection against unusual contingencies, such as landslides, dragging equipment, burned bridges or trestles and washouts shall be located so that stopping distance will be provided between the signal and the point where it is necessary to stop the train.

§ 136.602 *Operation in conjunction with automatic block signal system.* Where these devices are in use in automatic block signal territory they shall be arranged to operate in conjunction with the automatic block signal system.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

DEFINITIONS

§ 136.700 *Definitions.* For the purpose of these rules, standards, and instructions, the following definitions will apply.

§ 136.701 *Application, brake; full service.* An application of the brakes resulting from a continuous or a split reduction in brake pipe pressure at a service rate until maximum brake cylinder pressure is developed. As applied to an automatic or electro-pneumatic brake with speed governor control, an application other than emergency which develops the maximum brake cylinder pressure, as determined by the design of the brake equipment for the speed at which the train is operating.

§ 136.702 *Arm, semaphore.* The part of a semaphore signal displaying an aspect. It consists of a blade fastened to a spectacle.

§ 136.703 *Aspect.* The appearance of a roadway signal conveying an indica-

tion as viewed from the direction of an approaching train; the appearance of a cab signal conveying an indication as viewed by an observer in the cab.

§ 136.704 *Aspect, phantom signal.* An aspect displayed by a light signal, different from the aspect intended, caused by light from an external source being reflected by the optical system of the signal.

§ 136.705 *Bar, locking.* A bar in an interlocking machine to which the locking dogs are attached.

§ 136.706 *Bed, locking.* That part of an interlocking machine that contains or holds the tappets, locking bars, cross-locking, dogs and other apparatus used to interlock the levers.

§ 136.707 *Blade, semaphore.* The extended part of a semaphore arm which shows the position of the arm.

§ 136.708 *Block.* A length of track of defined limits, the use of which by trains is governed by block signals, cab signals, or both.

§ 136.709 *Block, absolute.* A block in which no train is permitted to enter while it is occupied by another train.

§ 136.710 *Block, latch.* The lower extremity of a latch rod which engages with a square shoulder of the segment or quadrant to hold the lever in position.

§ 136.711 *Bond, rail joint.* A metallic connection attached to adjoining rails to insure electrical conductivity.

§ 136.712 *Brake pipe.* A pipe running from the engineman's brake valve through the train, used for the transmission of air under pressure to charge and actuate the automatic brake equipment and charge the reservoirs of the electro-pneumatic brake equipment on each vehicle of the train.

§ 136.713 *Bridge, movable.* That section of a structure bridging a navigable waterway so designed that it may be displaced to permit passage of traffic on the waterway.

§ 136.714 *Cab.* The compartment of a locomotive from which the propelling power and power brakes of the train are manually controlled.

§ 136.715 *Chain, safety.* A chain provided for the purpose of preventing the receiver of a continuous inductive automatic train stop, train control or cab signal device from falling should it become detached from its normal support.

§ 136.716 *Changer, pole.* A device by which the direction of current flow in an electrical circuit may be changed.

§ 136.717 *Characteristics, operating.* As applied to electrical apparatus, the measure of the electrical values at which the apparatus operates. (Drop-away, pick-up, working value, etc.)

§ 136.718 *Chart, dog.* A diagrammatic representation of the mechanical locking of an interlocking machine, used as a working plan in making up, assembling and fitting the locking.

§ 136.719 *Circuit, acknowledgment.* A circuit consisting of wire or other conducting material installed between the track rails at each signal in territory where an automatic train stop system or cab signal system of the continuous inductive type with 2-indication cab signals is in service, to enforce acknowledgment by the engineman at each signal displaying an aspect requiring a stop.

§ 136.720 *Circuit, common return.* A term applied where one wire is used for the return of more than one electric circuit.

§ 136.721 *Circuit, control.* An electrical circuit between a source of electric energy and a device which it operates.

§ 136.722 *Circuit, cut-in.* A roadway circuit at the entrance to automatic train stop, train control or cab signal territory by means of which locomotive equipment of the continuous inductive type is actuated so as to be in operative condition.

§ 136.723 *Circuit, double wire; line.* An electric circuit not employing a common return wire; a circuit formed by individual wires throughout.

§ 136.724 *Circuit, shunt fouling.* The track circuit in the fouling section of a turnout, connected in multiple with the track circuit in the main track.

§ 136.725 *Circuit, switch shunting.* A shunting circuit which is closed through contacts of a switch circuit controller.

§ 136.726 *Circuit, track.* An electrical circuit of which the rails of the track form a part.

§ 136.727 *Circuit, track; coded.* A track circuit in which the energy is varied or interrupted periodically.

§ 136.728 *Circuit, trap.* A term applied to a circuit used where it is desirable to provide a track circuit but where it is impracticable to maintain a track circuit.

§ 136.729 *Cock, double heading.* A manually operated valve by means of which the control of brake operation is transferred to the leading locomotive.

§ 136.730 *Coil, receiver.* Concentric layers of insulated wire wound around the core of a receiver of an automatic train stop, train control or cab signal device on a locomotive.

§ 136.731 *Controller, circuit.* A device for opening and closing electric circuits.

§ 136.732 *Controller, circuit; switch.* A device for opening and closing electric circuits, operated by a rod connected to a switch, derail or movable-point frog.

§ 136.733 *Current, foreign.* A term applied to stray electric currents which may affect a signaling system, but which are not a part of the system.

§ 136.734 *Current of traffic.* The movement of trains on a specified track in a designated direction.

§ 136.735 *Current, leakage.* A stray electric current of relatively small value which flows through or across the surface of insulation when a voltage is impressed across the insulation.

§ 136.736 *Cut-section.* A location other than a signal location where two adjoining track circuits end within a block.

§ 136.737 *Cut-section, relayed.* A cut-section where the energy for one track circuit is supplied through front contacts or through front and polar contacts of the track relay for the adjoining track circuit.

§ 136.738 *Detector, point.* A circuit controller which is part of the switch operating mechanism and operated by a rod connected to a switch, derail or movable point frog to indicate that the point is within a specified distance of the stock rail.

§ 136.739 *Device, acknowledging.* A manually operated electric switch or pneumatic valve by means of which, on a locomotive equipped with an automatic train stop or train control device, an automatic brake application can be forestalled, or by means of which, on a locomotive equipped with an automatic cab signal device, the sounding of the cab indicator can be silenced.

§ 136.740 *Device, reset.* A device whereby the brakes may be released after an automatic train control brake application.

§ 136.741 *Distance, stopping.* The maximum distance on any portion of any railroad which any train operating on such portion of railroad at its maximum authorized speed, will travel during a full service application of the brakes, between the point where such application is initiated and the point where the train comes to a stop.

§ 136.742 *Dog, locking.* A steel block attached to a locking bar or tappet of an interlocking machine, by means of which locking between levers is accomplished.

§ 136.743 *Dog, swing.* A locking dog mounted in such a manner that it is free to rotate on a trunnion which is riveted to a locking bar.

CROSS REFERENCE: Element, contact. See receiver.

§ 136.744 *Element, roadway.* That portion of the roadway apparatus of automatic train stop, train control or cab signal system, such as electric circuit, inductor, magnet, ramp or trip arm to which the locomotive apparatus of such system is directly responsive.

§ 136.745 *Face, locking.* The locking surface of a locking dog, tappet or cross locking of an interlocking machine.

§ 136.746 *Feature, restoring.* An arrangement on a power operated switch movement by means of which power is applied to restore the switch movement to full normal or to full reverse position, before the driving bar creeps sufficiently to unlock the switch, with control lever in normal or reverse position.

§ 136.747 *Forestall.* As applied to an automatic train stop or train control device, to prevent an automatic brake application by operation of an acknowledging device or by manual control of the speed of the train.

§ 136.748 *Hanger, safety.* A rigid member provided for the purpose of preventing the receiver of a continuous inductive automatic train stop, train control or cab signal device from falling should it become detached from its normal support.

§ 136.749 *Indication.* The information conveyed by the aspect of a signal.

CROSS REFERENCE: Inductor, see element, roadway.

§ 136.750 *Interlocking, automatic.* An arrangement of signals, with or without other signal appliances, which functions through the exercise of inherent powers as distinguished from those whose functions are controlled manually, and which are so interconnected by means of electric circuits that their movements must succeed each other in proper sequence, train movements over all routes being governed by signal indication.

§ 136.751 *Interlocking, manual.* An arrangement of signals and signal appliances operated from an interlocking machine and so interconnected by means of mechanical and/or electric locking that their movements must succeed each other in proper sequence, train movements over all routes being governed by signal indication.

§ 136.752 *Joint rail, insulated.* A joint in which electrical insulation is provided between adjoining rails.

§ 136.753 *Limits, interlocking.* The tracks between the opposing home signals of an interlocking.

§ 136.754 *Line, open wire.* An overhead wire line consisting of single conductors as opposed to multiple-conductor cables.

§ 136.755 *Link, rocker.* That portion of an interlocking machine which transmits motion between the latch and the universal link.

§ 136.756 *Lock, bolt.* A mechanical lock so arranged that if a switch, derail or movable-point frog is not in the proper position for a train movement, the signal governing that movement cannot display an aspect to proceed; and that will prevent a movement of the switch, derail or movable-point frog unless the signal displays its most restrictive aspect.

§ 136.757 *Lock, electric.* A device to prevent or restrict the movement of a lever, a switch or a movable bridge, unless the locking member is withdrawn by an electrical device, such as an electromagnet, solenoid or motor.

§ 136.758 *Lock, electric, forced drop.* An electric lock in which the locking member is mechanically forced down to the locked position.

§ 136.759 *Lock, facing point.* A mechanical lock for a switch derail or movable-point frog, comprising a plunger stand and a plunger which engages a lock rod attached to the switch point to lock the operated unit.

§ 136.760 *Locking, approach.* Electric locking effective while a train is approaching, within a specified distance, a signal displaying an aspect to proceed, and which prevents, until after the expiration of a predetermined time interval after such signal has been caused to display its most restrictive aspect, the movement of any interlocked or electrically locked switch, movable-point frog, or derail in the route governed by the signal, and which prevents an aspect to proceed from being displayed for any conflicting route.

§ 136.761 *Locking, electric.* The combination of one or more electric locks and controlling circuits by means of which levers of an interlocking machine, or switches or other units operated in connection with signaling and interlocking, are secured against operation under certain conditions.

§ 136.762 *Locking, indication.* Electric locking which prevents manipulation of levers that would result in an unsafe condition for a train movement if a signal, switch, or other operative unit fails to make a movement corresponding to that of its controlling lever, or which directly prevents the operation of a signal, switch, or other operative unit, in case another unit which should operate first fails to make the required movement.

§ 136.763 *Locking, latch operated.* The mechanical locking of an interlocking machine which is actuated by means of the lever latch.

§ 136.764 *Locking, lever operated.* The mechanical locking of an interlocking machine which is actuated by means of the lever.

§ 136.765 *Locking, mechanical.* An arrangement of locking bars, dogs, tappets, cross locking and other apparatus by means of which interlocking is effected between the levers of an interlocking machine and so interconnected that their movements must succeed each other in a predetermined order.

§ 136.766 *Locking, movable bridge.* The rail locks, bridge locks, bolt locks, circuit controllers, and electric locks used in providing interlocking protection at a movable bridge.

§ 136.767 *Locking, route.* Electric locking, effective when a train passes a signal displaying an aspect for it to proceed, which prevents the movement of any switch, movable-point frog, or derail in advance of the train within the route entered. It may be so arranged that as a train clears a track section of the route, the locking affecting that section is released.

§ 136.768 *Locking, time.* A method of locking, either mechanical or electrical, which, after a signal has been caused to display an aspect to proceed, prevents, until after the expiration of a predetermined time interval after such signal has been caused to display its most restrictive aspect, the operation of any interlocked or electrically locked switch, movable-point frog, or derail in the route governed by that signal, and which prevents an aspect to proceed from being displayed for any conflicting route.

§ 136.769 *Locking, traffic.* Electric locking which prevents the manipulation of levers or other devices for changing the direction of traffic on a section of track while that section is occupied or while a signal displays an aspect for a movement to proceed into that section.

§ 136.770 *Locomotive.* A self-propelled unit of equipment which can be used in train service.

§ 136.771 *Machine, control.* An assemblage of manually operated devices for controlling the functions of a traffic control system; it may include a track diagram with indication lights.

§ 136.772 *Machine, interlocking.* An assemblage of manually operated levers or other devices for the control of signals, switches or other units.

CROSS REFERENCE: See Magnet, track—See element, roadway.

§ 136.773 *Movements, conflicting.* Movements over conflicting routes.

§ 136.774 *Movement, facing.* The movement of a train over the points of a switch which face in a direction opposite to that in which the train is moving.

§ 136.775 *Movement, switch-on-lock.* A device, the complete operation of which performs the three functions of unlocking, operating and locking a switch, movable-point frog or derail.

§ 136.776 *Movement, trailing.* The movement of a train over the points of a switch which face in the direction in which the train is moving.

§ 136.777 *Operator, control.* An employee assigned to operate the control machine of a traffic control system.

§ 136.778 *Piece, driving.* A crank secured to a locking shaft by means of which horizontal movement is imparted to a longitudinal locking bar.

§ 136.779 *Plate, top.* A metal plate secured to a locking bracket to prevent the cross locking from being forced out of the bracket.

§ 136.780 *Plunger, facing point lock.* That part of a facing point lock which secures the lock rod to the plunger stand when the switch is locked.

§ 136.781 *Point, clearance.* The location on a turnout at which the carrier's specified clearance is provided between tracks.

§ 136.782 *Point, controlled.* A location where signals and/or other functions of a traffic control system are controlled from the control machine.

§ 136.783 *Point, stop-indication.* As applied to an automatic train stop or train control system without the use of roadway signals, a point where a signal displaying an aspect requiring a stop would be located.

§ 136.784 *Position, deenergized.* The position assumed by the moving member of an electromagnetic device when the device is deprived of its operating current.

§ 136.785 *Position, false restrictive.* A position of a semaphore arm that is more restrictive than it should be.

§ 136.786 *Principle, closed circuit.* The principle of circuit design where a normally energized electric circuit which, on being interrupted or deenergized, will cause the controlled function to assume its most restrictive condition.

§ 136.787 *Protection, cross.* An arrangement to prevent the improper operation of a signal, switch, movable-point frog, or derail as the result of a cross in electrical circuits.

CROSS REFERENCE: Ramp. See element, roadway.

§ 136.788 *Receiver.* A device on a locomotive, so placed that it is in position to be influenced inductively or actuated by an automatic train stop, train control or cab signal roadway element.

§ 136.789 *Relay, timing.* A relay which will not close its front contacts or open its back contacts, or both, until the expiration of a definite time interval after the relay has been energized.

§ 136.790 *Release, time.* A device used to prevent the operation of an operative unit until after the expiration of a predetermined time interval after the device has been actuated.

§ 136.791 *Release valve.* The electrical value at which the movable member of an electromagnetic device will move to its deenergized position.

§ 136.792 *Reservoir, equalizing.* An air reservoir connected with and adding volume to the top portion of the equalizing piston chamber of the automatic brake valve, to provide uniform service reductions in brake pipe pressure regardless of the length of the train.

CROSS REFERENCE: Rod, lock. See link, rocker.

§ 136.793 *Rod, lock.* A rod, attached to the front rod or lug of a switch, movable-point frog or derail, through which a locking plunger may extend when the switch points or derail are in the normal or reverse position.

§ 136.794 *Rod, up-and-down.* A rod used for connecting the semaphore arm to the operating mechanism of a signal.

§ 136.795 *Route.* The course or way which is, or is to be, traveled.

§ 136.796 *Routes, conflicting.* Two or more routes, opposing, coverging or intersecting, over which movements cannot be made simultaneously without possibility of collision.

§ 136.797 *Route, interlocked.* A route within interlocking limits.

§ 136.798 *Section, dead.* A section of track, either within a track circuit or between two track circuits, the rails of which are not part of a track circuit.

§ 136.799 *Section, fouling.* The section of track between the switch points and the clearance point in a turnout.

§ 136.800 *Sheet, locking.* A description in tabular form of the locking operations in an interlocking machine.

CROSS REFERENCE: Shoe—see receiver.

§ 136.801 *Shoe, latch.* The casting by means of which the latch rod and the latch block are held to a lever of a mechanical interlocking machine.

§ 136.802 *Shunt.* A by-path in an electrical circuit.

§ 136.803 *Signal, approach.* A roadway signal used to govern the approach to another signal and if operative so controlled that its indication furnishes advance information of the indication of the next signal.

§ 136.804 *Signal, block.* A roadway signal operated either automatically or manually at the entrance to a block.

§ 136.805 *Signal, cab.* A signal located in engineman's compartment or cab, indicating a condition affecting the movement of a train and used in conjunction with interlocking signals and in conjunction with or in lieu of block signals.

§ 136.806 *Signal, home.* A roadway signal at the entrance to a route or block to govern trains in entering and using that route or block.

§ 136.807 *Signal, interlocking.* A roadway signal which governs movements into or within interlocking limits.

§ 136.808 *Signals, opposing.* Roadway signals which govern movements in opposite directions on the same track.

§ 136.809 *Signal, slotted mechanical.* A mechanically operated signal with an electromagnetic device inserted in its operating connection to provide a means of controlling the signal electrically, as well as mechanically.

§ 136.810 *Spectacle, semaphore arm.* That part of a semaphore arm which holds the roundels and to which the blade is fastened.

§ 136.811 *Speed, medium.* A speed not exceeding 40 miles per hour.

§ 136.812 *Speed, restricted.* A speed that will permit stopping short of another train or obstruction, but not exceeding 20 miles per hour.

§ 136.813 *Speed, slow.* A speed not exceeding 20 miles per hour.

§ 136.814 *Station, control.* The place where the control machine of a traffic control system is located.

§ 136.815 *Stop.* As applied to mechanical locking, a device secured to a locking bar to limit its movement.

§ 136.816 *Superiority of trains.* The precedence conferred upon one train over other trains by train order or by reason of its class or the direction of its movement.

§ 136.817 *Switch, electro-pneumatic.* A switch operated by an electro-pneumatic switch-and-lock movement.

§ 136.818 *Switch, facing point.* A switch, the points of which face traffic approaching in the direction for which the track is signaled.

§ 136.819 *Switch, hand operated.* A non-interlocked switch which can only be operated manually.

§ 136.820 *Switch, interlocked.* A switch within the interlocking limits, the control of which is interlocked with other functions of the interlocking.

§ 136.821 *Switch, sectionalizing.* A switch for disconnecting a section of a power line from the source of energy.

§ 136.822 *Switch, spring.* A switch equipped with a spring device which forces the points to their original position after being trailed through and holds them under spring compression.

§ 136.823 *Switch, trailing point.* A switch, the points of which face away from traffic approaching in the direction for which the track is signaled.

§ 136.824 *System, automatic block signal.* A block signal system wherein the use of each block is governed by an automatic block signal, cab signal, or both.

§ 136.825 *System, automatic train control.* A system so arranged that its operation will automatically result in the following:

(a) A full service application of the brakes which will continue either until the train is brought to a stop, or, under control of the engineman, its speed is reduced to a predetermined rate.

(b) When operating under a speed restriction, an application of the brakes when the speed of the train exceeds the predetermined rate and which will continue until the speed is reduced to that rate.

§ 136.826 *System, automatic train stop.* A system so arranged that its operation will automatically result in the application of the brakes until the train has been brought to a stop.

§ 136.827 *System, block signal.* A method of governing the movement of trains into or within one or more blocks by block signals or cab signals.

§ 136.828 *System, traffic control.* A block signal system under which train movements are authorized by block signals whose indications supersede the superiority of trains for both opposing and following movements on the same track.

§ 136.829 *Terminal, initial.* The starting point of a locomotive for a trip.

§ 136.830 *Time, acknowledging.* As applied to an intermittent automatic train stop system, a predetermined time within which an automatic brake application may be forestalled by means of the acknowledging device.

§ 136.831 *Time, delay.* As applied to an automatic train stop or train control system the time which elapses after an automatic brake application is initiated until the brakes start to apply.

§ 136.832 *Train.* A locomotive or more than one locomotive coupled, with or without cars.

§ 136.833 *Train, opposing.* A train, the movement of which is in a direction opposite to and toward another train on the same track.

§ 136.834 *Trip.* A movement of a locomotive over all or any portion of automatic train stop, train control or cab signal territory between the terminals for that locomotive; a movement in one direction.

CROSS REFERENCE: Trip-arm—See element, roadway.

§ 136.835 *Trunking.* A casing used to protect electrical conductors.

§ 136.836 *Trunnion.* A cylindrical projection supporting a revolving part.

§ 136.837 *Valve, electro-pneumatic.* A valve electrically operated which, when operated, will permit or prevent passage of air.

§ 136.838 *Wire, shunt.* A wire forming part of a shunt circuit.

It is further ordered, That the Commission's order of April 13, 1939, prescribing rules, standards and instructions be, and it is hereby, vacated and set aside, effective October 1, 1950.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6276; Filed, July 19, 1950; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

JUNE 30, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 80 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 230

For lease and sale for homesites only:

T. 7 N., R. 9 W., S. B. M.,
Sec. 3, Tracts numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 (formerly Lot 2 of NW¼).

The land is situated about 21 miles easterly from the Town of Lancaster, California. It can be reached over improved roads leading from Lancaster, which town is on U. S. Highway 6 leading from Los Angeles, California.

The area is one that is typically desert and the climate is one that is considered beneficial for persons suffering from pulmonary ailments. Temperatures range from 10 degrees in the winter to over 100 degrees in the summer. Rainfall is very light.

Water for domestc use must be obtained from wells and can be found at depths ranging from 300 to 400 feet.

The town of Lancaster has all of the usual communal and trade facilities.

2. As to applications regularly filed prior to 8:30 a. m., March 22, 1946, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., September 1, 1950. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., September 1, 1950, to close of business on November 30, 1950.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., March 22, 1946, to 10:00 a. m., September 1, 1950.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., December 1, 1950.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., March 22, 1946, to 10:00 a. m., December 1, 1950.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $15.00 per tract, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 50-6253; Filed, July 19, 1950; 8:45 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

JUNE 30, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 40 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 231

For lease and sale for homesites only:

T. 4 N., R. 15 W., S. B. M.,
Sec. 26, NW¼SW¼

The land is situated in northern Los Angeles County, about 40 miles from Los Angeles and about 6 miles east of the Town of Saugus, California. It can be reached over U. S. Highway 6 and thence by dirt road. It lies in the hill country on the edge of the Mojave Desert. Temperatures vary from 10 degrees in the

winter to over 100 degrees in the summer. The area is one that has been used extensively for homesite and recreational purposes.

In the Town of Saugus most of the usual trade facilities can be found. Public utilities are available in the area, and there is bus service to nearby schools.

The land is rough and traversed by dry ravines. There is no water supply available on the land, but domestic water can probably be secured from wells at depths ranging from 50 to 150 feet. The subdivision is desirable for homesite use, mainly because of its location and accessibility to the City of Los Angeles.

2. As to applications regularly filed prior to 8:30 a. m., March 22, 1946, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., September 1, 1950. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., September 1, 1950, to close of business on November 30, 1950.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., March 22, 1946, to 10:00 a. m., September 1, 1950.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., December 1, 1950.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., March 22, 1946, to 10:00 a. m., December 1, 1950.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided that the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $15.00 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the state, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 50-6254; Filed, July 19, 1950; 8:45 a. m.]

[2139678]

WISCONSIN

NOTICE OF FILING OF PLAT OF SURVEY

JULY 14, 1950.

Notice is given that the plat of extension survey of the following described lands accepted November 16, 1948, which were erroneously omitted from the original survey of the township and not shown upon the plats approved February 8, 1866, will be officially filed in this Bureau effective at 10:00 a. m., on the 35th day after the date of this notice:

IRON COUNTY

FOURTH PRINCIPAL MERIDIAN

T. 43 N., R. 2 E.,
Sec. 36, lots 7, 8, 9.
T. 43 N., R. 3 E.,
Sec. 31, lot 9.

The area described aggregates 94.51 acres.

Available data indicates that the described lands are level to rolling in character with some area of swamp land. It is also indicated by available data that the lands are not shown to be swamp or overflowed within the meaning of the act of March 2, 1849 (9 Stat. 352).

The act of February 27, 1925 (43 Stat. 1013; 43 U. S. C. 994), authorizes the Secretary of the Interior in his judgment and discretion to sell any of those lands situated in the State of Wisconsin which were originally erroneously meandered and shown upon the official plat as water-covered areas and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws; and affords a preference right to purchase to certain owners of adjoining lands and to citizens of the United States claiming under color of title or as riparian owners. Such right shall be governed in Wisconsin by the regulations contained in 43 CFR 141.21.

Subject to the preference right recited above, no applications for these lands may be allowed under the homestead, small tract or any other non-mineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon the consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, and also any preference right asserted under the acts of February 27, 1925 (43 Stat. 1013; 43 U. S. C. 994), become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

WILLIAM ZIMMERMAN, JR.,
Acting Director.

[F. R. Doc. 50-6255; Filed, July 19, 1950; 8:45 a. m.]

Office of the Secretary

[Order 2548, Amdt. 8]

BUREAU OF RECLAMATION

DELEGATION OF AUTHORITY

Correction

In Federal Register Document 50-6022, of the issue for Thursday, July 13, 1950, delete from section 4, line 14 in its entirety.

FEDERAL POWER COMMISSION

[Docket Nos. G-884, G-887, G-1263]

SOUTHERN NATURAL GAS CO. ET AL.

ORDER REOPENING PROCEEDINGS AND FIXING DATE OF HEARING

JULY 13, 1950.

In the matters of Southern Natural Gas Company, Docket No. G-884; Atlantic Gulf Gas Company, Docket No. G-887; and United Gas Pipe Line Company, Docket No. G-1263.

On May 26, 1950, the Commission ordered in the above-docketed proceedings: "The Presiding Examiner forthwith to certify to the Commission the entire record in the above-docketed proceedings so as to enable the Commission to determine appropriate future procedure in the proceedings in accordance with the Commission's rules."

The Commission finds: It is appropriate and in the public interest to reopen the above-docketed proceedings to permit each of the parties hereto to introduce such further evidence as it deems appropriate on all issues in support of each respective application for a certificate of public convenience and necessity.

The Commission orders:

(A) The hearing in the above-docketed proceedings be and the same are hereby reopened for the purpose stated above.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a further hearing be held commencing on September 25, 1950, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters and issues hereinbefore stated.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f), (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 14, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6256; Filed, July 19, 1950; 8:45 a. m.]

[Docket Nos. ID-1004, ID-1008, ID-1015, ID-1046, ID-1076, ID-1113]

ARTHUR E. LEWIS ET AL.

NOTICE OF AUTHORIZATIONS

JULY 14, 1950.

In the matters of Arthur E. Lewis, Docket No. ID-1004; Alfred V. Coleman, Docket No. ID-1008; George W. Perry, Docket No. ID-1015; Albert F. Tegen, Docket No. ID-1046; George M. Nelson, Docket No. ID-1076; Austin D. Barney, Docket No. ID-1113.

Notice is hereby given that, on July 12, 1950, the Federal Power Commission issued its orders entered July 11, 1950, in the above-designated matters, authorizing Applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6257; Filed, July 19, 1950; 8:45 a. m.]

[Docket No. G-1381]

TENNESSEE NATURAL GAS LINES, INC.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 14, 1950.

Notice is hereby given that, on July 12, 1950, the Federal Power Commission issued its findings and order entered July 11, 1950, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6258; Filed, July 19, 1950; 8:45 a. m.]

[Docket Nos. ID-1115, ID-1139, ID-1140, ID-1142, ID-1143]

VINCENT P. MCDEVITT ET AL.

NOTICE OF AUTHORIZATIONS

JULY 14, 1950.

In the matters of Vincent P. McDevitt, Docket No. ID-1115; G. L. Furr, Docket No. ID-1139; R. E. Hodges, Docket No. ID-1140; Darwin S. Brown, Docket No. ID-1142; C. Maynard Turner, Docket No. ID-1143.

Notice is hereby given that, on July 12, 1950, the Federal Power Commission issued its order entered July 11, 1950, in the above-designated matters, authorizing Applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R., Doc. 50-6259; Filed, July 19, 1950; 8:46 a. m.]

[Docket No. G-1435]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 14, 1950.

Take notice that Southern Natural Gas Company (Applicant), a Delaware corporation, of Birmingham, Alabama, filed on July 3, 1950, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to construct approximately 3½ miles of 24-inch loop pipeline on Applicant's main line between the Tallapoosa River and the Bowden tap in Carroll County, Georgia, and to provide an additional 700 h. p. capacity at its Tarrant Compressor Station by installing two supercharged compressor units having a capacity of 1350 h. p. each, in lieu of the two conventional 1000 h. p. compressor units authorized at Docket No. G-1308, for the purpose of providing 7000 Mcf. per day additional delivery capacity in Applicant's present system to supply the increased requirements of Atlanta Gas Light Company.

The estimated cost of the proposed facilities is $287,840, which will be included in the over-all plan of financing outlined by Applicant at Docket No. G-1308.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of August 1950. The application

is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6260; Filed, July 19, 1950; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 28300]

CLASS RATE INVESTIGATION, 1939

JULY 14, 1950.

Amending notice of November 24, 1949, as amended January 12, February 24, and March 24, 1950.

The notice herein of November 28, 1949, as previously amended, is further amended by amendment of Appendix C, special rules of practice applicable in Docket No. 28300, as follows:

Various parties having requested a further extension of time in which to examine the evidence-in-chief, submitted in the form of verified statements on June 30, 1950, and to prepare rebuttal or concurring testimony in the form of verified statements, and good cause appearing therefor:

The time for filing rebuttal or concurring testimony in the form of verified statements now fixed as August 1, 1950, is hereby extended to September 15, 1950.

Notice to parties in interest: Notice to the general public will be given by depositing a copy of this notice in the office of the Secretary of the Commission, for public inspection, by filing a copy of the notice with the Director, Division of the FEDERAL REGISTER, and by serving copies on the parties of record in this proceeding.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6265; Filed, July 19, 1950; 8:46 a.m.]

[4th Sec. Application 25250]

SHELLS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JULY 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 998.

Commodities involved: Shells, reef (shells dredged from dead oyster reefs), carloads.

Between: Points in southern territory and between points in southern territory and points in Virginia and from St. Louis, Mo., and points in Illinois and Indiana to southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 953, Supplement 138.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6266; Filed, July 19, 1950; 8:46 a. m.]

[4th Sec. Application 25251]

LIQUEFIED CHLORINE GAS FROM ALABAMA TO NATCHEZ, MISS.

APPLICATION FOR RELIEF

JULY 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of the Missouri Pacific Railroad Company and other carriers named in the application, pursuant to fourth-section order No. 16101.

Commodities involved: Liquefied chlorine gas, tank-car loads.

From: Huntsville and Redstone Arsenal, Ala.

To: Natchez, Miss.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6267; Filed, July 19, 1950; 8:46 a. m.]

[4th Sec. Application 25252]

TIRES FROM MEMPHIS, TENN., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

JULY 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of the Chicago, Rock Island and Pacific Railroad Company and other carriers named in the application, pursuant to fourth-section order No. 16101.

Commodities involved: Tires and related articles, carloads.

From: Memphis, Tenn.

To: New Orleans, La.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6268; Filed, July 19, 1950; 8:46 a. m.]

[4th Sec. Application 25253]

CANNED GOODS FROM MOBILE, ALA., AND PENSACOLA, FLA., TO ALABAMA

APPLICATION FOR RELIEF

JULY 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of the Alabama, Tennessee and Northern Railroad Company and other carriers named in the application.

Commodities involved: Canned goods, carloads.

From: Mobile, Ala., and Pensacola, Fla., on import traffic.

To: Birmingham and Montgomery, Ala.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1166, Supplement 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6269; Filed, July 19, 1950; 8:47 a. m.]

[Sec. 5a Application 23]

MIDDLE ATLANTIC CONFERENCE

APPLICATION FOR APPROVAL OF AGREEMENT

JULY 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: July 13, 1950, by: D. T. Waring, Attorney-in-Fact, 2111 E Street NW., Washington 7, D. C.

Agreement involved: An agreement between and among common carriers by motor vehicle relating to rates, exceptions to classifications, ratings, rules, regulations or practices governing the transportation of property to, from, or between points in Middle Atlantic territory as defined in Trunk Line Territory Motor Carrier Rates, 24 M. C. C. 501, and procedures for the joint consideration, initiation and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6270; Filed, July 19, 1950; 8:47 a. m.]

[4th Sec. Application 25254]

COKE FROM TEXAS TO ILLINOIS AND INDIANA

APPLICATION FOR RELIEF

JULY 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3799.

Commodities involved: Coke, coke breeze, coke dust and coke screenings, carloads.

From: Daingerfield and Lone Star, Tex.

To: Points in Illinois and Indiana.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3799, Supplement 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6271; Filed, July 19, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2427]

NORTHERN STATES POWER CO. (MINN.) AND NORTHERN STATES POWER CO. (WIS.)

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of July A. D. 1950.

Northern States Power Company ("Minnesota Company"), a Minnesota corporation and registered holding company, and its wholly owned public-utility subsidiary Northern States Power Company ("Wisconsin Company"), a Wisconsin corporation, having filed a joint application and an amendment thereto pursuant to sections 6 (b), 9 and 10 of the Public Utility Holding Company Act of 1935 ("the act") and Rules U-23, U-24, and U-43 thereunder, with respect to the following transaction:

The Wisconsin Company proposes to issue and sell and the Minnesota Company proposes to purchase from time to time during the balance of the year 1950, at $100 per share, an aggregate of not to exceed 30,000 additional shares of Common Stock of the par value of $100 per share (aggregate par value of $3,000,000) of the Wisconsin Company.

The Wisconsin Company will add the proceeds from the sale of said stock to its general funds. With the addition of such proceeds it is expected that its general funds available during the year 1950 will provide the cash required by it (a) for its expenditures under its construction budget during the balance of the year 1950, and (b) to repay its bank loan in the principal amount of $500,000 which is due on December 2, 1950, and which was made in June 1950 to supply the then current needs of its construction program. The 1950 construction budget of the Wisconsin Company is estimated at $5,189,380.

The expenses of the Wisconsin Company in connection with said transaction are estimated at $7,500, including $1,000 legal fees. It is stated that the expenses of the Minnesota Company, including legal fees, will not exceed $1,000.

Such application, as amended, having been duly filed, and notice of its filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the Public Service Commission of Wisconsin has issued an order authorizing the Wisconsin Company to issue and sell its securities as proposed; that the fees and expenses to be paid by the respective companies are not unreasonable; and that it is appropriate in the public interest and in the interests of investors and consumers to grant applicants' request for permission to consummate the proposed transaction without delay;

It is therefore ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that the application, as amended, be and the same hereby is granted, and that the proposed transaction may be consummated forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-6261; Filed, July 19, 1950; 8:46 a. m.]

[File No. 70-2285]

UNITED GAS CORP. AND UNITED GAS PIPE LINE CO.

ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of July A. D. 1950.

The Commission by orders dated January 11, 1950 and January 25, 1950, having granted and permitted to become effective a joint application-declaration, as amended, filed by United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and by United's wholly owned subsidiary, United Gas Pipe Line Company ("Pipe

Line"), regarding the issuance and sale by United of $25,000,000 principal amount of First Mortgage and Collateral Trust Bonds, 2¾ Percent Series, due 1970, pursuant to the competitive bidding requirements of Rule U-50, and with respect to certain other related transactions; and

Said order of January 25, 1950, having contained a reservation of jurisdiction over the proposed payment of counsel fees and expenses, and the fee of Ralph E. Davis, an independent engineer retained by United to develop a study of its gas reserves; and

The record having been completed with respect to said fees and expenses, and respective counsel, United, and the successful bidder having agreed upon the payment of fees in the following amounts:

Baker, Botts, Andrews & Parish (local counsel for the Company)	$17,500
Reid & Priest (New York counsel for the Company)	12,500
Milbank, Tweed, Hope & Hadley (counsel for the Underwriters)	13,500
Ralph E. Davis (independent engineer)	15,000

The Commission, on the basis of its examination of the record, finding that the payment of fees as set forth above is not unreasonable, and finding it appropriate to release jurisdiction over the payment of such fees:

It is ordered, That jurisdiction heretofore reserved over the payment of fees and expenses of counsel and of Ralph E. Davis in connection with the issuance and sale of said bonds by United be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-6232; Filed, July 18, 1950; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14835]

MONICA MONARSKI ET AL.

In re: Monica Monarski et al. vs. Marion Greb et al. (Estate of Francis X. Orthen, deceased). File D 28-7752; E. T. sec. 8352.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Orthen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to that certain parcel of real property, and the proceeds thereof, which is the subject matter of the partition suit entitled Monica Monarski, et al. vs. Marion Greb, et al. now pending in the Supreme Court of Illinois on appeal from the Superior Court of Cook County, Illinois, and which is particularly described as follows: Lot Ten (10) in Block Twenty-seven (27) in Rogers Park, a Subdivision of Sections Thirty (30), Thirty-one (31) and Thirty-two (32), Township Forty-one (41) North, Range Fourteen (14), East of the Third Principal Meridian in Cook County, Illinois, commonly known as Nos. 1626 to 1630 Lunt Avenue, Chicago, Illinois, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6243; Filed, July 18, 1950; 8:49 a. m.]

[Vesting Order 11476, Amdt.]

ANNA MARIE ELISE WULFF ET AL.

In re: Bank accounts, stock and bonds owned by Anna Marie Elise Wulff, also known as Anna Marie Eliese Wulff, Julius Heinrich Christian Siems, Carl Adolph Christian Siems, also known as Karl Adolph Christian Siems, and Marie Wilhelmine Christian Dohm, also known as Wilhelm Wiesse.

Vesting Order 11476, dated June 21, 1948, is hereby amended as follows and not otherwise:

By deleting subparagraph 2-a of said Vesting Order 11476 and substituting therefor the following:

a. That certain debt or other obligation of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, in the amount of $6,531.00 as of June 1, 1950, representing a portion of an account entitled "Nederlandsche Bank voor Zuid Africa, Amsterdam, Blocked 'B' Account," maintained at the aforesaid Bank of the Manhattan Company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

All other provisions of said Vesting Order 11476 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6244; Filed, July 18, 1950; 8:49 a. m.]

[Vesting Order 14621, Amdt.]

L. SIPPELL-PRUMERS

Correction

In Federal Register Document 50-6157, of the issue for Saturday, July 15, 1950, the vesting, order numbers should be changed to read as it appears in the brackets above.

[Vesting Order 14834]

BARBARA KUNZ

In re: Estate of Barbara Kunz, deceased. File D-28-12852; E. T. sec. 17017.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Kunz and Frank (Franz) Kunz, whose last know address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Barbara Kunz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Alexis F. Centner, Administrator, acting under the judicial supervision of the Campbell County Court, Kentucky;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6277; Filed, July 19, 1950; 8:48 a. m.]

[Vesting Order 14839]

MRS. TOME MIZUNO ODIN

In re: Stock owned by and debts owing to Mrs. Tome Mizuno Odin also known as Mrs. Tome Mizuno. F-39-6673-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Tome Mizuno Odin also known as Mrs. Tome Mizuno, whose last known address is 13 Higashi-Ogimmachi-Suginami-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Ten (10) shares of no par value common capital stock of Consolidated Edison Company of New York, 4 Irving Place, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificates numbered 197671 for three (3) shares, 496866 for five (5) shares, and 494622 for two (2) shares, and presently in the custody of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, in a blocked account of Swiss Bank Corporation, Geneva, Switzerland, together with all declared and unpaid dividends thereon,

b. Sixty (60) shares of $15.00 par value common capital stcok of Borden Company, 350 Madison Avenue, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered 071693 for sixteen (16) shares, 0171176 for four (4) shares, 077238 for thirty-four (34) shares, 0181250/54 for one (1) share each, 0181227 for one (1) share, and presently in the custody of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, in a blocked account of Swiss Bank Corporation, Geneva, Switzerland, together with all declared and unpaid dividends thereon,

c. Sixty (60) shares of no par value common capital stock of General Foods Corporation, 250 Park Avenue, New York 17, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered NC055113 for ten (10) shares, NC079169 for thirty (30) shares, NC087600/1 for five (5) shares each, NC087602 for one (1) share, NC087605/13 for one (1) share each, and presently in the custody of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, in a blocked account of Swiss Bank Corporation, Geneva, Switzerland, together with all declared and unpaid dividends thereon,

d. That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, in the amount of $508.27 as of March 8, 1950, representing a portion of an account entitled "Swiss Bank Corporation, Geneva, Switzerland—blocked account," maintained at the aforesaid Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

e. That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, in the amount of $1,116.53 as of March 8, 1950, representing a portion of an account entitled "Swiss Bank Corporation, Geneva, Switzerland—General Ruling 6/17 account," maintained at the aforesaid Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mrs. Tome Mizuno Odin also known as Mrs. Tome Mizuno, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6278; Filed, July 19, 1950; 8:48 a. m.]

[Vesting Order 14875]

MORRIS BITZ

In re estate of Morris Bitz, also known as Morris F. Bitz, and as Morris Ferdenand Bitz, deceased. Files: D-28-12812; E. T. sec. 16982.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julia Salis, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Morris Bitz, also known as Morris F. Bitz, and as Morris Ferdenand Bitz, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Bertha M. Bitz, as administratrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6280; Filed, July 19, 1950; 8:48 a. m.]

ETO KYOGOKU ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, located in the Treasury of the United States, Washington, D. C., subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Eto Kyogoku, 1653 Citron St., Honolulu, T. H.	11509	$566.37
Ichiro Sato, 491 King St., Honolulu, T. H.	11973	14.74
Isao Shiraki, 194 North Kukui St., Honolulu, T. H.	11974	50.75
Hanayo Taniguchi, 62 Funchal St., Honolulu, T. H.	11975	3.75
Harukichi Watanabe, 2839 I East Manoa Rd., Honolulu, T. H.	11976	7.94
Bunpachi Tanabe, 1743 Nuuanu Ave., Honolulu, T. H.	13752	7.03
Masuyo Yamato or Kenji Yamato, P. O. Box O, Honokaa, Hawaii, T. H.	16183	1,035.39
Some Nishiyama or Semion Arionas, Haiku, Maui, T. H.	16189	403.44
Fumiko Umehara, 2022 Kalela Dr., Honolulu 24, T. H.	29155	15.00
Masaru Taniguchi, P. O. Box 1229, Hilo, T. H.	29156	489.27
Lokolia Kelemano, 1808 No. 2 Kolea Lane, Honolulu, T. H.	30324	8.04
Yoshito Kuwasaki, 1760 A Palolo Ave., Honolulu, T. H.	30325	2.86
Yuki Morisaki, 3512 H. Manoa Rd., Honolulu, T. H.	30326	9,567.66
Yuki Morisaki or Maiju Morisaki, 3512 H. Manoa Rd., Honolulu, T. H.	30327 40594	1,516.16 121.88
Yoshiichi Tamura as guardian of Setsuyo Tamura, 525 Lana Lane, Honolulu, T. H.		
Yoshiichi Tamura as guardian of Yoshie Tamura, 525 Lana Lane, Honolulu, T. H.	40595	27.85
Ansho Takushi, 60 East Elm St., Chicago, Ill.	44899	330.61
Seisuke Tomita or Mine Tomita, 747 University Ave. Extended, Honolulu, T. H.	45256	74.25
Shinji Okamoto, c/o Albert M. Akimoto, 3523 Kilauea Ave., Honolulu, T. H.	45733	288.23

Executed at Washington, D. C., on July 14, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6282; Filed, July 19, 1950; 8:48 a. m.]

[Return Order 684]

CARLO CRESPI FU ANTONIO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Modesto Crespi, d/b/a Carlo Crespi fu Antonio, Ghemme, Italy; Claim No. 37780; May 27, 1950. (15 F. R. 3306); the following property in the possession of the Office of Alien Property, 120 Broadway, New York, N. Y.: Negotiable warehouse receipts No. A 046, acknowledging the receipt of 92 bales of cotton and No. A 047, acknowledging the receipt of 81 bales of cotton, both issued by La Compresora de Algodon Depositos Y Warrants S. A. to Anderson, Clayton & Co. S. A. (Commercial Algodonera Argentina) for the account of Carlo Crespi fu Antonio.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6217; Filed, July 17, 1950; 8:49 a. m.]

[Return Order 687]

MRS. ANNA SCHWARTZ FIEDERER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Mrs. Anna Schwartz Fiederer, Cleveland, Ohio; Claim No. 48110; June 2, 1950 (15 F. R. 3473); $574.05 in the Treasury of the United States representing the total benefits payable under a contract of insurance evidenced by policy No. 66820468, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Emilie Steyer nee Emilie Schonder.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 14, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6281; Filed, July 19, 1950; 8:48 a. m.]

TREFILERIES ET LAMINOIRS DU HAVRE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringements thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Trefileries et Laminoirs du Havre, Paris, France; Claims Nos. 11876 and 40443; property described in Vesting Order No. 2501 (8 F. R. 16341, December 4, 1943) relating to United States Letters Patent No. 1,799,157. Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 1,963,893. All interest and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme Trefileries et Laminoirs du Havre by virtue of an agreement dated March 29, 1932 (including all modifications thereof and supplements thereto, if any) by and between Societe Anonyme Trefileries et Laminoirs du Havre and The American Metal Company, Limited, which agreement relates, among other things, to Patent No. 1,799,157 to the extent owned by Societe Anonyme Trefileries et Laminoirs du Havre immediately prior to the vesting thereof by Vesting Order No. 2501; including royalties in the amount of $230,018.64. Of this amount, a sum not to exceed $135,062.45 will be reserved pending determination of the extent to which any, all, or a part of said sum falls within the provisions of the Memorandum of Understanding between the Government of the United States and the Provisional Government of France, dated May 28, 1946.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6218; Filed, July 17, 1950; 8:49 a. m.]

JUL 26 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 140

Washington, Friday, July 21, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Barley]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for 1950-crop barley. The 1950 C. C. C. Grain Price Support Bulletin 1, 15 F. R. 3147, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1950, is supplemented as follows:

Sec.
601.51 Purpose.
601.52 Availability of price support.
601.53 Eligible barley.
601.54 Warehouse receipts.
601.55 Determination of quantity.
601.56 Determination of quality.
601.57 Maturity of loans.
601.58 Support rates.

AUTHORITY: §§ 601.51 to 601.58 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, Titles III, IV, Pub. Law 439, 81st Cong.; 15 U. S. C. Sup., 714c.

§ 601.51 *Purpose.* This supplement states additional specific requirements which, together with the general requirements contain in the 1950 C. C. C. Grain Price Support Bulletin 1, 15 F. R. 3147, apply to loans and purchase agreements under the 1950-Crop Barley Price Support Program.

§ 601.52 *Availability of price support*—(a) *Method of support.* Price support will be available by means of nonrecourse farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever barley is grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that barley cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1951, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing barley in 1950, as landowner, landlord, tenant, or sharecropper.

§ 601.53 *Eligible barley.* At the time the barley is placed under loan or delivered under a purchase agreement, the barley must meet the following requirements:

(a) The barley must have been produced in the continental United States in 1950 by an eligible producer.

(b) The beneficial interest in the barley must be in the person tendering the barley for loan or for delivery under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the barley was harvested.

(c) The barley must be of any class grading No. 5 or better (or No. 5 Garlicky, or better), except Class III Western Barley, having a test weight of less than 40 pounds per bushel.

(d) The barley must not grade Weevily, Tough, Stained, Blighted, Bleached, Ergoty, or Smutty.

(e) If offered as security for a farm-storage loan, the barley must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.54 *Warehouse receipts.* Warehouse receipts representing barley in approved warehouse-storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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(For Use During 1950)

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Titles 44–45 ($0.25)

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(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(b) Each warehouse receipt must set forth in its written terms that the barley is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado, or in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(c) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show the gross weight, grade, class, dockage, test weight and all grading factors determined in accordance with the Official Grain Standards of the United States for Barley, and must show whether the barley arrived by rail, truck or barge. In the case of warehouse receipts issued for barley delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound weight and inspection certificates for the car or barge as shown on the freight certificate.

(d) If the warehouse receipt states that the barley is stored "identity preserved," the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) A separate warehouse receipt must be submitted for each grade and class of barley.

(f) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.58 (d).

§ 601.55 *Determination of quantity.* The quantity of barley placed under farm-storage loan may be determined either by weight or by measurement. The quantity of barley placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

When the quantity is determined by weight, a bushel shall be 48 pounds of clean barley free of dockage. In determining the quantity of sacked barley by weight, a deduction of ¾ of a pound for each sack will be made.

When the quantity of barley is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel and fractional pounds of test weight per bushel will be disregarded. The quantity determined will be the following percentages of the quantity determined for 48-pound barley:

For barley testing	*Percent*
48 pounds or over	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
44 pounds or over, but less than 45 pounds	92
43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83
39 pounds or over, but less than 40 pounds	81
38 pounds or over, but less than 39 pounds	79
37 pounds or over, but less than 38 pounds	77
36 pounds or over, but less than 37 pounds	75
35 pounds or over, but less than 36 pounds	73

The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the barley in determining the net quantity available for loan or purchase.

§ 601.56 *Determination of quality.* The grade, class, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Barley, whether or not such determinations are made on the basis of an official inspection.

§ 601.57 *Maturity of loans.* Loans mature on demand but not later than April 30, 1951.

§ 601.58 *Support rates.* Loans will be made, and barley delivered under purchase agreements will be purchased, at the support rates set forth in this section.

(a) *Support rates at designated terminal markets.* Support rates per bushel for No. 1 barley, of the Classes I, II, and III, stored in approved warehouses at the terminal markets listed below shall be as follows:

Terminal market:	*Rate per bushel for No. 1*
Astoria, Oreg	$1.39
Baltimore, Md	1.47
Chicago, Ill	1.36
Duluth, Minn	1.32
Kansas City, Mo	1.32
Longview, Wash	1.39
Los Angeles, Calif	1.39
Memphis, Tenn	1.42
Milwaukee, Wis	1.36
Minneapolis, Minn	1.32
Omaha, Nebr	1.32
Philadelphia, Pa	1.47
Portland, Oreg	1.39
San Francisco, Calif	1.39
Seattle, Wash	1.39
Sioux City, Iowa	1.32
St. Louis, Mo	1.36
Stockton, Calif	1.39
Superior, Wis	1.32
Tacoma, Wash	1.39
Vancouver, Wash	1.39
Galveston, Tex	1.39

For loan or purchase at the support rates shown in the above schedule, the barley must have been shipped on a domestic interstate freight rate basis. On any barley shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market will be reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

The foregoing schedule of support rates applies to barley which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate. The warehouse receipt must be accompanied by registered freight bills, or by (1) a statement as indicated below signed by the warehouseman, (2) a certificate of the warehouseman containing such information, or, (3) such form of certification as may be approved by CCC.

FREIGHT CERTIFICATE FOR TERMINALS

The barley represented by attached warehouse receipt No. _____ was received by rail freight from _____ _____
(Town) (County)
_____, point of origin, as evidenced
(State)
by freight bill described as follows:

Way bill, date _____
No. _____
Car No. _____
Initials _____
Freight bill, date _____
No. _____
Carrier _____
Transit weight _____
Freight rate in _____
Amount collected _____
Number unused transit stops _____

The above described freight bill has been officially registered for transit and will be held in accordance with the applicable provisions of the Uniform Grain Storage Agreement.

_____
(Warehouseman's signature)
_____
(Address)
_____
(Date of signature)

When shipped by rail or water and stored at any designated terminal market, barley for which neither registered freight bills nor such freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 7 cents per bushel.

When received by truck and stored at any designated terminal market, the support rate shall be the terminal rate minus 10½ cents.

(b) *Support rates for barley in approved warehouse-storage at other than designated terminal markets.* The support rate for barley stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, will be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through-freight rate from point of origin for such barley to such terminal market: *Provided*, That in the case of barley stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing barley in such position.

The warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges, or by a statement in the following form signed by the warehouseman, or by a warehouseman's supplemental certificate containing such information:

FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The barley represented by attached warehouse receipt No. _____ was received by rail freight from _____ (Town) _____ (County) _____ (State) point of origin, as evidenced by freight bill described as follows:

Way bill, date _____
No. _____
Car No. _____
Initials _____
Freight bill, date _____
No. _____
Carrier _____
Transit weight _____
Freight rate in _____
Amount collected _____
Transit balance, if any, of through freight rate to _____ of _____ per 100 pounds _____
Number of unused transit stops _____
Penalty, if any, to guarantee minimum proportional rate on outbound billing of _____ cents per hundred pounds.

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the applicable provisions of the Uniform Grain Storage Agreement.

_____
(Warehouseman's signature)
_____
(Address)
_____
(Date of signature)

(c) *County support rates for No. 1 barley.* Both farm-storage and country warehouse-storage loans will be made at the support rate established for the county in which the barley is stored. Support rates per bushel for No. 1 barley of the Classes I, II, and III, shall be as follows:

ALABAMA

[Rate per bushel for No. 1]

All counties	$1.21

ARIZONA

County		County	
Apache	$0.91	Mohave	$1.08
Cochise	1.00	Navajo	.95
Coconino	1.04	Pima	1.12
Graham	.96	Pinal	1.17
Greenlee	.94	Yavapai	1.17
Maricopa	1.17	Yuma	1.18

ARKANSAS

All counties	$1.10

CALIFORNIA

County		County	
Alameda	$1.28	Los Angeles	$1.27
Alpine	1.08	Madera	1.24
Amador	1.24	Mariposa	1.25
Butte	1.22	Merced	1.25
Colusa	1.23	Modoc	1.11
Contra Costa	1.29	Mono	1.05
El Dorado	1.21	Monterey	1.25
Fresno	1.23	Napa	1.27
Glenn	1.22	Nevada	1.21
Humboldt	1.11	Orange	1.26
Imperial	1.22	Placer	1.23
Inyo	1.10	Plumas	1.14
Kern	1.23	Riverside	1.24
Kings	1.23	Sacramento	1.25
Lassen	1.12	San Benito	1.25

CALIFORNIA—Continued

[Rate per bushel for No. 1]

County		County	
San Bernardino	$1.25	Shasta	$1.17
San Diego	1.24	Sierra	1.13
San Francisco	1.29	Siskiyou	1.13
San Joaquin	1.26	Solano	1.27
San Luis Obispo	1.22	Stanislaus	1.26
San Mateo	1.29	Sutter	1.24
Santa Barbara	1.23	Tehama	1.21
Santa Clara	1.28	Trinity	1.18
Santa Cruz	1.26	Tulare	1.23
		Ventura	1.27
		Yolo	1.25
		Yuba	1.25

COLORADO

County		County	
Adams	$1.06	La Plata	$0.94
Alamosa	.99	Larimer	1.06
Arapahoe	1.06	Las Animas	1.06
Archuleta	.94	Lincoln	1.06
Baca	1.06	Logan	1.06
Bent	1.06	Mesa	.94
Boulder	1.06	Moffat	.94
Chaffee	.95	Montezuma	.89
Cheyenne	1.07	Montrose	.94
Conejos	.98	Morgan	1.06
Costilla	.99	Otero	1.06
Crowley	1.06	Ouray	.94
Delta	.94	Phillips	1.07
Denver	1.06	Pitkin	.94
Dolores	.89	Prowers	1.07
Douglas	1.06	Pueblo	1.06
Eagle	.94	Rio Blanco	.94
Elbert	1.06	Rio Grande	.98
El Paso	1.06	Routt	.94
Fremont	1.01	Saguache	.96
Garfield	.94	San Miguel	.94
Grand	.97	Sedgwick	1.07
Huerfano	1.04	Summit	.97
Jefferson	1.06	Washington	1.06
Kiowa	1.07	Weld	1.06
Kit Carson	1.07	Yuma	1.07

CONNECTICUT

All counties	$1.23

DELAWARE

All counties	$1.25

GEORGIA

All counties	$1.21

IDAHO

County		County	
Ada	$1.07	Gem	$1.08
Adams	1.07	Gooding	1.04
Bannock	1.00	Idaho	1.12
Bear Lake	1.00	Jefferson	.99
Benewah	1.14	Jerome	1.03
Bingham	.99	Kootenai	1.13
Blaine	1.02	Latah	1.14
Boise	1.07	Lemhi	1.00
Bonner	1.12	Lewis	1.13
Bonneville	.99	Lincoln	1.02
Boundary	1.10	Madison	.99
Butte	.99	Minidoka	1.02
Camas	1.02	Nez Perce	1.14
Canyon	1.07	Oneida	.99
Caribou	1.01	Owyhee	1.07
Cassia	1.02	Payette	1.08
Clark	.96	Power	1.01
Clearwater	1.14	Shoshone	1.11
Custer	.99	Teton	.99
Elmore	1.04	Twin Falls	1.00
Franklin	.99	Valley	1.06
Fremont	.99	Washington	1.09

ILLINOIS

County		County	
Adams	$1.18	Clark	$1.20
Alexander	1.20	Clay	1.20
Bond	1.21	Clinton	1.22
Boone	1.21	Coles	1.20
Brown	1.19	Cook	1.23
Bureau	1.20	Crawford	1.20
Calhoun	1.22	Cumberland	1.20
Carroll	1.19	De Kalb	1.22
Cass	1.20	De Witt	1.20
Champaign	1.20	Douglas	1.20
Christian	1.20	Du Page	1.23

ILLINOIS—Continued

[Rate per bushel for No. 1]

County		County	
Edgar	$1.20	Mason	$1.20
Edwards	1.20	Massac	1.19
Effingham	1.20	Menard	1.20
Fayette	1.20	Mercer	1.18
Ford	1.20	Monroe	1.21
Franklin	1.20	Montgomery	1.21
Fulton	1.20	Morgan	1.20
Gallatin	1.17	Moultrie	1.20
Greene	1.21	Ogle	1.21
Grundy	1.22	Peoria	1.20
Hamilton	1.18	Perry	1.20
Hancock	1.18	Piatt	1.20
Hardin	1.17	Pike	1.19
Henderson	1.18	Pope	1.19
Henry	1.19	Pulaski	1.20
Iroquois	1.21	Putnam	1.20
Jackson	1.20	Randolph	1.20
Jasper	1.20	Richland	1.19
Jefferson	1.20	Rock Island	1.19
Jersey	1.22	Saint Clair	1.22
Jo Daviess	1.19	Saline	1.18
Johnson	1.17	Sangamon	1.20
Kane	1.22	Schuyler	1.19
Kankakee	1.22	Scott	1.20
Kendall	1.22	Shelby	1.20
Knox	1.19	Stark	1.20
Lake	1.22	Stephenson	1.19
La Salle	1.21	Tazewell	1.20
Lawrence	1.20	Union	1.20
Lee	1.20	Vermilion	1.21
Livingston	1.20	Wabash	1.19
Logan	1.20	Warren	1.19
McDonough	1.18	Washington	1.20
McHenry	1.22	Wayne	1.19
McLean	1.20	White	1.18
Macon	1.20	Whiteside	1.19
Macoupin	1.21	Will	1.22
Madison	1.22	Williamson	1.20
Marion	1.20	Winnebago	1.20
Marshall	1.20	Woodford	1.20

IOWA

County		County	
Adair	$1.16	Humboldt	$1.14
Adams	1.16	Ida	1.16
Allamakee	1.15	Iowa	1.16
Appanoose	1.16	Jackson	1.18
Audobon	1.17	Jasper	1.14
Benton	1.16	Jefferson	1.15
Black Hawk	1.15	Johnson	1.17
Boone	1.15	Jones	1.17
Bremer	1.14	Keokuk	1.15
Buchanan	1.16	Kossuth	1.14
Buena Vista	1.14	Lee	1.17
Butler	1.14	Linn	1.17
Calhoun	1.15	Louisa	1.17
Carroll	1.17	Lucas	1.14
Cass	1.17	Lyon	1.14
Cedar	1.17	Madison	1.15
Cerro Gordo	1.14	Mahaska	1.15
Cherokee	1.15	Marion	1.14
Chickasaw	1.14	Marshall	1.14
Clarke	1.15	Mills	1.19
Clay	1.14	Mitchell	1.15
Clayton	1.16	Monona	1.18
Clinton	1.18	Monroe	1.15
Crawford	1.17	Montgomery	1.18
Dallas	1.15	Muscatine	1.17
Davis	1.16	O'Brien	1.15
Decatur	1.14	Osceola	1.14
Delaware	1.16	Page	1.18
Des Moines	1.17	Palo Alto	1.14
Dickinson	1.14	Plymouth	1.16
Dubuque	1.17	Pocahontas	1.14
Emmet	1.15	Polk	1.15
Fayette	1.15	Pottawattamie	1.19
Floyd	1.14	Poweshiek	1.15
Franklin	1.14	Ringgold	1.15
Fremont	1.19	Sac	1.15
Greene	1.16	Scott	1.18
Grundy	1.14	Shelby	1.18
Guthrie	1.16	Sioux	1.16
Hamilton	1.14	Story	1.15
Hancock	1.14	Tama	1.15
Hardin	1.14	Taylor	1.17
Harrison	1.19	Union	1.16
Henry	1.16	Van Buren	1.16
Howard	1.15	Wapello	1.15

IOWA—Continued

[Rate per bushel for No. 1]

County		County	
Warren	$1.15	Winneshiek	$1.15
Washington	1.16	Woodbury	1.16
Wayne	1.15	Werth	1.15
Webster	1.15	Wright	1.13
Winnebago	1.15		

KANSAS

County		County	
Allen	$1.16	Linn	$1.17
Anderson	1.17	Logan	1.09
Atchinson	1.18	Lyon	1.15
Barber	1.11	McPherson	1.13
Barton	1.11	Marion	1.13
Bourbon	1.16	Marshall	1.15
Brown	1.17	Meade	1.09
Butler	1.13	Miami	1.18
Chase	1.14	Mitchell	1.13
Chautauqua	1.14	Montgomery	1.15
Cherokee	1.15	Morris	1.14
Cheyenne	1.08	Morton	1.08
Clark	1.10	Nemaha	1.16
Clay	1.14	Neosho	1.16
Cloud	1.13	Ness	1.11
Coffey	1.16	Norton	1.11
Comanche	1.10	Osage	1.16
Cowley	1.13	Osborne	1.12
Crawford	1.16	Ottawa	1.13
Decatur	1.10	Pawnee	1.11
Dickinson	1.13	Phillips	1.11
Doniphan	1.16	Pottawatomie	1.16
Douglas	1.18	Pratt	1.11
Edwards	1.11	Rawlins	1.09
Elk	1.14	Reno	1.13
Ellis	1.11	Republic	1.14
Ellsworth	1.12	Rice	1.12
Finney	1.09	Riley	1.15
Ford	1.10	Rooks	1.12
Franklin	1.18	Rush	1.11
Geary	1.15	Russell	1.12
Gove	1.10	Saline	1.13
Graham	1.11	Scott	1.09
Grant	1.08	Sedgwick	1.13
Gray	1.10	Seward	1.09
Greeley	1.03	Shawnee	1.16
Greenwood	1.15	Sheridan	1.10
Hamilton	1.08	Sherman	1.08
Harper	1.12	Smith	1.12
Harvey	1.13	Stafford	1.11
Haskell	1.03	Stanton	1.08
Hodgeman	1.11	Stevens	1.08
Jackson	1.16	Sumner	1.13
Jefferson	1.18	Thomas	1.09
Jewell	1.13	Trego	1.11
Johnson	1.19	Waubaunsee	1.16
Kearney	1.09	Wallace	1.08
Kingman	1.12	Washington	1.14
Kiowa	1.11	Wichita	1.08
Labette	1.15	Wilson	1.15
Lane	1.10	Woodson	1.16
Leavenworth	1.19	Wyandotte	1.19
Lincoln	1.12		

KENTUCKY

All counties	$1.19

LOUISIANA

All counties	$1.10

MAINE

All counties	$1.22

MARYLAND

All counties	$1.23

MASSACHUSETTS

All counties	$1.23

MICHIGAN

County		County	
Alcona	$1.12	Branch	$1.18
Alger	1.11	Calhoun	1.17
Allegan	1.16	Cass	1.19
Alpena	1.12	Charlevoix	1.11
Antrim	1.11	Cheboygan	1.11
Arenac	1.13	Chippewa	1.08
Baraga	1.11	Clare	1.14
Barry	1.16	Clinton	1.16
Bay	1.16	Crawford	1.12
Benzie	1.12	Delta	1.12
Berrien	1.19	Eaton	1.16

MICHIGAN—Continued

[Rate per bushel for No. 1]

County		County	
Emmet	$1.11	Menominee	$1.14
Genesee	1.18	Midland	1.15
Goldwin	1.13	Missaukee	1.13
Grand Traverse	1.12	Monroe	1.20
Gratiot	1.16	Montcalm	1.15
Hillsdale	1.13	Montmorency	1.11
Huron	1.16	Muskegon	1.15
Ingham	1.16	Newaygo	1.15
Ionia	1.16	Oakland	1.19
Iosco	1.13	Oceana	1.15
Isabella	1.15	Ogemaw	1.13
Jackson	1.17	Osceola	1.13
Kalamazoo	1.18	Oscoda	1.13
Kalkaska	1.12	Otsego	1.12
Kent	1.16	Ottawa	1.16
Lake	1.14	Presque Isle	1.11
Lapeer	1.18	Roscommon	1.13
Leelanau	1.11	Saginaw	1.16
Lenawee	1.20	Saint Clair	1.20
Livingston	1.17	Saint Joseph	1.18
Luce	1.08	Sanilac	1.19
Mackinac	1.08	Schoolcraft	1.03
Macomb	1.20	Shiawassee	1.16
Manistee	1.13	Tuscola	1.13
Marquette	1.12	Van Buren	1.17
Mason	1.15	Washtenaw	1.20
Mecosta	1.15	Wayne	1.21
		Wexford	1.13

MINNESOTA

County		County	
Aitkin	$1.17	Marshall	$1.11
Anoka	1.19	Martin	1.15
Becker	1.13	Mecker	1.18
Beltrami	1.13	Mille Lacs	1.17
Benton	1.17	Morrison	1.16
Big Stone	1.14	Mower	1.15
Blue Earth	1.16	Murray	1.14
Brown	1.16	Nicollet	1.17
Carlton	1.18	Nobles	1.13
Carver	1.19	Norman	1.12
Cass	1.15	Olmsted	1.16
Chippewa	1.15	Otter Tail	1.14
Chisago	1.18	Pennington	1.12
Clay	1.13	Pine	1.17
Clearwater	1.13	Pipestone	1.14
Cottonwood	1.15	Polk	1.12
Crow Wing	1.16	Pope	1.15
Dakota	1.19	Red Lake	1.12
Dodge	1.16	Redwood	1.16
Douglas	1.15	Renville	1.16
Faribault	1.15	Rice	1.18
Fillmore	1.14	Rock	1.13
Freeborn	1.16	Roseau	1.11
Goodhue	1.17	Saint Louis	1.17
Grant	1.14	Scott	1.19
Hennepin	1.20	Sherburne	1.18
Houston	1.14	Sibley	1.17
Hubbard	1.14	Stearns	1.16
Isanti	1.18	Steele	1.16
Itasca	1.15	Stevens	1.15
Jackson	1.14	Swift	1.15
Kanabec	1.17	Todd	1.16
Kandiyohi	1.17	Traverse	1.14
Kittson	1.10	Wabasha	1.17
Koochiching	1.11	Wadena	1.15
Lac qui Parle	1.14	Waseca	1.16
Lake	1.18	Washington	1.19
Lake of the Woods	1.12	Watonwan	1.15
Le Sueur	1.17	Wilkin	1.13
Lincoln	1.14	Winona	1.16
Lyon	1.15	Wright	1.18
McLeod	1.18	Yellow Medicine	1.15
Mahnomen	1.12		

MISSISSIPPI

All counties	$1.21

MISSOURI

County		County	
Barry	$1.14	Cedar	$1.16
Barton	1.16	Christian	1.14
Bates	1.18	Cole	1.18
Bollinger	1.18	Cooper	1.17
Butler	1.17	Crawford	1.20
Cape Girardeau	1.18	Dade	1.15
Cass	1.18	Dunklin	1.16
		Franklin	1.22

MISSOURI—Continued

[Rate per bushel for No. 1]

County		County	
Gasconade	$1.20	Oregon	$1.12
Greene	1.15	Osage	1.19
Grundy	1.16	Pemiscot	1.17
Howard	1.18	Perry	1.20
Jasper	1.15	Pettis	1.17
Jefferson	1.23	Phelps	1.19
Laclede	1.17	Polk	1.15
LaFayette	1.18	St. Charles	1.24
Lawrence	1.15	Ste. Genevieve	1.20
Linn	1.17	St. Louis	1.24
Madison	1.19	Saline	1.17
Maries	1.19	Scott	1.18
Mississippi	1.17	Stoddard	1.18
Moniteau	1.18	Stone	1.14
Morgan	1.17	Vernon	1.16
New Madrid	1.16	Webster	1.15
Newton	1.14		

MONTANA

County		County	
Beaverhead	$0.96	McCone	$1.00
Big Horn	.96	Madison	1.02
Blaine	.98	Meagher	1.02
Broadwater	1.02	Mineral	1.05
Carbon	1.00	Missoula	1.04
Carter	1.01	Musselshell	1.01
Cascade	1.02	Park	1.02
Chouteau	1.02	Petroleum	1.02
Custer	.99	Phillips	.98
Daniels	.98	Pondera	1.02
Dawson	1.01	Powder River	1.00
Deer Lodge	1.02	Powell	1.03
Fallon	1.01	Prairie	1.00
Fergus	1.02	Ravalli	1.03
Flathead	1.05	Richland	1.01
Gallatin	1.02	Roosevelt	1.01
Garfield	.98	Rosebud	.97
Glacier	1.03	Sanders	1.07
Golden Valley	1.02	Sheridan	1.00
Granite	1.03	Silver Bow	1.02
Hill	1.02	Stillwater	1.02
Jefferson	1.02	Sweet Grass	1.02
Judith Basin	1.02	Teton	1.02
Lake	1.05	Toole	1.02
Lewis and Clark	1.02	Treasure	.98
Liberty	1.02	Valley	.98
Lincoln	1.07	Wheatland	1.02
		Wibaux	1.02
		Yellowstone	1.01

NEBRASKA

County		County	
Adams	$1.14	Grant	$1.09
Antelope	1.15	Greeley	1.15
Arthur	1.09	Hall	1.15
Banner	1.06	Hamilton	1.16
Blaine	1.11	Harlan	1.13
Boone	1.16	Hayes	1.10
Box Butte	1.08	Hitchcock	1.10
Boyd	1.13	Holt	1.14
Brown	1.11	Hooker	1.10
Buffalo	1.14	Howard	1.15
Burt	1.18	Jefferson	1.16
Butler	1.18	Johnson	1.17
Cass	1.19	Kearney	1.13
Cedar	1.15	Keith	1.09
Chase	1.08	Keya Paha	1.12
Cherry	1.10	Kimball	1.06
Cheyenne	1.06	Knox	1.14
Clay	1.14	Lancaster	1.19
Colfax	1.18	Lincoln	1.11
Cuming	1.18	Logan	1.12
Custer	1.13	Loup	1.13
Dakota	1.16	McPherson	1.11
Dawes	1.06	Madison	1.16
Dawson	1.13	Merrick	1.16
Deuel	1.08	Merrill	1.07
Dixon	1.16	Nance	1.16
Dodge	1.18	Nemaha	1.17
Douglas	1.19	Nuckolls	1.14
Dundy	1.08	Otoe	1.18
Fillmore	1.16	Pawnee	1.16
Franklin	1.13	Perkins	1.09
Frontier	1.11	Phelps	1.13
Furnas	1.12	Pierce	1.15
Gage	1.17	Platte	1.17
Garden	1.08	Polk	1.16
Garfield	1.14	Red Willow	1.11
Gosper	1.12	Richardson	1.16

NEBRASKA—Continued

[Rate per bushel for No. 1]

County		County	
Rock	$1.12	Thayer	$1.15
Saline	1.17	Thomas	1.11
Sarpy	1.19	Thurston	1.18
Saunders	1.19	Valley	1.14
Scotts Bluff	1.06	Washington	1.19
Seward	1.17	Wayne	1.15
Sheridan	1.08	Webster	1.14
Sherman	1.14	Wheeler	1.15
Sioux	1.06	York	1.16
Stanton	1.17		

NEVADA

Churchill	$1.11	Lyon	$1.02
Clark	1.04	Mineral	.91
Douglas	1.08	Nye	.91
Elko	1.01	Ormsby	1.08
Esmeralda	.91	Pershing	1.11
Eureka	1.01	Storey	1.12
Humboldt	1.06	Washoe	1.12
Lander	1.01	White Pine	.76
Lincoln	1.00		

NEW HAMPSHIRE

All counties $1.23

NEW JERSEY

All counties $1.26

NEW MEXICO

County		County	
Bernalillo	$0.99	McKinley	$0.91
Catron	.93	Mora	.99
Chaves	1.06	Quay	1.08
Colfax	1.01	Roosevelt	1.09
Curry	1.09	Sandoval	.99
De Baca	1.06	San Juan	.89
Eddy	1.05	San Miguel	1.00
Grant	.90	Santa Fe	.99
Guadalupe	1.05	Sierra	.97
Harding	1.00	Socorro	.99
Hidalgo	.92	Torrance	1.01
Lea	1.07	Union	1.03
Luna	.90	Valencia	.94

NEW YORK

All counties $1.24

NORTH CAROLINA

All counties $1.21

NORTH DAKOTA

County		County	
Adams	$1.05	McLean	$1.07
Barnes	1.11	Mercer	1.05
Benson	1.08	Morton	1.06
Billings	1.04	Mountrail	1.05
Bottineau	1.06	Nelson	1.10
Bowman	1.04	Oliver	1.06
Burke	1.05	Pembina	1.09
Burleigh	1.08	Pierce	1.07
Cass	1.12	Ramsey	1.09
Cavalier	1.08	Ransom	1.11
Dickey	1.11	Renville	1.05
Divide	1.04	Richland	1.13
Dunn	1.04	Rolette	1.07
Eddy	1.09	Sargent	1.12
Emmons	1.08	Sheridan	1.08
Foster	1.10	Sioux	1.06
Golden Valley	1.03	Slope	1.04
Grand Forks	1.11	Stark	1.05
Grant	1.05	Steele	1.11
Griggs	1.11	Stutsman	1.10
Hettinger	1.05	Towner	1.08
Kidder	1.09	Traill	1.11
La Moure	1.10	Walsh	1.10
Logan	1.09	Ward	1.06
McHenry	1.07	Wells	1.09
McIntosh	1.08	Williams	1.04
McKenzie	1.02		

OHIO

Butler	$1.20	Mahoning	$1.23
Clinton	1.20	Montgomery	1.20
Crawford	1.21	Sandusky	1.21
Fayette	1.20	Stark	1.22
Huron	1.21	Washington	1.22
Lucas	1.21		

OKLAHOMA

[Rate per bushel for No. 1]

County		County	
Adair	$1.11	Le Flore	$1.09
Alfalfa	1.11	Lincoln	1.08
Atoka	1.07	Logan	1.09
Beaver	1.06	Love	1.07
Beckham	1.07	McClain	1.07
Blaine	1.07	McCurtain	1.07
Bryan	1.07	McIntosh	1.11
Caddo	1.07	Major	1.09
Canadian	1.07	Marshall	1.07
Carter	1.07	Mayes	1.14
Cherokee	1.12	Murray	1.07
Choctaw	1.07	Muskogee	1.11
Cimarron	1.05	Noble	1.11
Cleveland	1.07	Nowata	1.15
Coal	1.07	Okfuskee	1.09
Comanche	1.07	Oklahoma	1.07
Cotton	1.07	Okmulgee	1.11
Craig	1.15	Osage	1.13
Creek	1.11	Ottawa	1.15
Custer	1.07	Pawnee	1.11
Delaware	1.13	Payne	1.09
Dewey	1.06	Pittsburg	1.09
Ellis	1.06	Pontotoc	1.07
Garfield	1.11	Pottawatomie	1.07
Garvin	1.07	Pushmataha	1.07
Grady	1.07	Roger Mills	1.06
Grant	1.11	Rogers	1.14
Greer	1.07	Seminole	1.08
Harmon	1.07	Sequoyah	1.11
Harper	1.07	Stephens	1.07
Haskell	1.10	Texas	1.06
Hughes	1.09	Tillman	1.07
Jackson	1.07	Tulsa	1.13
Jefferson	1.07	Wagoner	1.13
Johnston	1.07	Washington	1.15
Kay	1.12	Washita	1.07
Kingfisher	1.08	Woods	1.10
Kiowa	1.07	Woodward	1.07
Latimer	1.08		

OREGON

Baker	$1.12	Lake	$1.07
Benton	1.24	Lane	1.22
Clackamas	1.26	Linn	1.24
Clatsop	1.23	Malheur	1.08
Columbia	1.25	Marion	1.26
Crook	1.19	Morrow	1.23
Deschutes	1.19	Multnomah	1.27
Douglas	1.19	Polk	1.25
Gilliam	1.24	Sherman	1.25
Grant	1.23	Umatilla	1.19
Harney	1.04	Union	1.13
Hood River	1.25	Wallowa	1.12
Jackson	1.14	Wasco	1.25
Jefferson	1.21	Washington	1.27
Josephine	1.15	Wheeler	1.21
Klamath	1.14	Yamhill	1.26

PENNSYLVANIA

All counties $1.26

SOUTH CAROLINA

All counties $1.21

SOUTH DAKOTA

County		County	
Aurora	$1.12	Edmunds	$1.10
Beadle	1.12	Fall River	1.05
Bennett	1.09	Faulk	1.10
Bon Homme	1.13	Grant	1.13
Brookings	1.13	Gregory	1.13
Brown	1.11	Haakon	1.05
Brule	1.11	Hamlin	1.13
Buffalo	1.12	Hand	1.11
Butte	1.03	Hanson	1.13
Campbell	1.08	Harding	1.04
Charles Mix	1.12	Hughes	1.09
Clark	1.12	Hutchinson	1.13
Clay	1.15	Hyde	1.09
Codington	1.13	Jackson	1.05
Corson	1.07	Jerauld	1.12
Custer	1.04	Jones	1.07
Davison	1.13	Kingsbury	1.12
Day	1.12	Lake	1.13
Deuel	1.13	Lawrence	1.03
Dewey	1.06	Lincoln	1.14
Douglas	1.12	Lyman	1.09

SOUTH DAKOTA—Continued

[Rate per bushel for No. 1]

County		County	
McCook	$1.13	Shannon	$1.03
McPherson	1.09	Spink	1.11
Marshall	1.11	Stanley	1.07
Meade	1.03	Sully	1.03
Mellette	1.03	Todd	1.11
Miner	1.13	Tripp	1.11
Minnehaha	1.14	Turner	1.14
Moody	1.13	Union	1.16
Pennington	1.04	Walworth	1.09
Perkins	1.05	Washabaugh	1.05
Potter	1.09	Yankton	1.14
Roberts	1.13	Ziebach	1.04
Sanborn	1.12		

TENNESSEE

All counties $1.21

TEXAS

County		County	
Archer	$1.10	Jack	$1.10
Armstrong	1.10	Jones	1.10
Bailey	1.10	Kent	1.10
Baylor	1.10	Kimble	1.10
Blanco	1.14	Lamb	1.10
Borden	1.10	Lampasas	1.14
Bosque	1.14	Lipscomb	1.08
Brown	1.10	Loving	1.06
Callahan	1.10	Lubbock	1.10
Carson	1.10	Lynn	1.10
Castro	1.10	McCulloch	1.10
Childress	1.10	Mason	1.10
Coleman	1.10	Maverick	1.06
Collin	1.13	Milam	1.19
Collingsworth	1.09	Mills	1.13
Comanche	1.11	Moore	1.08
Concho	1.10	Motley	1.10
Cooke	1.10	Navarro	1.15
Coryell	1.15	Nolan	1.10
Cottle	1.10	Ochiltree	1.08
Crosby	1.10	Oldham	1.10
Dallam	1.07	Parker	1.13
Dallas	1.13	Parmer	1.10
Dawson	1.10	Pecos	1.06
Deaf Smith	1.10	Potter	1.10
DeWitt	1.19	Randall	1.10
Dickens	1.10	Real	1.10
Eastland	1.10	Reeves	1.05
Ellis	1.15	Roberts	1.09
Erath	1.12	Runnels	1.10
Fannin	1.10	San Sabu	1.13
Fisher	1.10	Schleicher	1.09
Floyd	1.10	Scurry	1.10
Foard	1.10	Shackelford	1.10
Gaines	1.10	Sherman	1.06
Glasscock	1.10	Stephens	1.10
Gray	1.09	Sterling	1.10
Grayson	1.11	Stonewall	1.10
Hale	1.10	Swisher	1.10
Hall	1.10	Tarrant	1.13
Hamilton	1.13	Taylor	1.10
Hansford	1.03	Terry	1.10
Hardeman	1.10	Throckmorton	1.10
Hartley	1.08	Tom Green	1.10
Haskell	1.10	Ward	1.07
Hemphill	1.03	Wheeler	1.09
Hill	1.15	Wichita	1.10
Hockley	1.10	Williamson	1.17
Hood	1.13	Yoakum	1.10
Howard	1.10	Young	1.10
Hutchinson	1.08		

UTAH

Beaver	$1.04	Piute	$0.95
Box Elder	.93	Rich	.94
Cache	.88	Salt Lake	.99
Carbon	.96	San Juan	.94
Daggett	.94	San Pete	.97
Davis	.99	Sevier	.95
Duchesne	.98	Summit	.99
Emery	.96	Tooele	.99
Garfield	.95	Uintah	.98
Grand	.94	Utah	.99
Iron	1.02	Wasatch	.98
Juab	.99	Washington	1.01
Kane	.95	Wayne	.95
Millard	1.00	Weber	.99
Morgan	.99		

VERMONT

[Rate per bushel for No. 1]

All counties $1.23

VIRGINIA

All counties $1.26

WASHINGTON

County		County	
Asotin	$1.15	Kittitas	$1.18
Benton	1.19	Klickitat	1.25
Chelan	1.14	Lewis	1.23
Clark	1.28	Lincoln	1.14
Columbia	1.18	Okanogan	1.11
Cowlitz	1.23	Pend Oreille	1.12
Douglas	1.12	Pierce	1.22
Ferry	1.10	Spokane	1.14
Franklin	1.17	Stevens	1.13
Garfield	1.17	Walla Walla	1.18
Grant	1.14	Whitman	1.14
King	1.21	Yakima	1.18

WEST VIRGINIA

All counties $1.23

WISCONSIN

County		County	
Adams	$1.16	Marathon	$1.15
Ashland	1.15	Marinette	1.14
Barron	1.16	Marquette	1.17
Bayfield	1.15	Milwaukee	1.22
Brown	1.17	Monroe	1.16
Buffalo	1.16	Oconto	1.16
Burnett	1.17	Oneida	1.14
Calumet	1.18	Outagamie	1.17
Chippewa	1.15	Ozaukee	1.19
Clark	1.14	Pepin	1.16
Columbia	1.17	Pierce	1.18
Crawford	1.16	Polk	1.18
Dane	1.19	Portage	1.16
Dodge	1.19	Price	1.14
Door	1.14	Racine	1.23
Douglas	1.18	Richland	1.16
Dunn	1.16	Rock	1.19
Eau Claire	1.16	Rusk	1.15
Florence	1.14	Saint Croix	1.18
Fond du Lac	1.18	Sauk	1.17
Forest	1.14	Sawyer	1.16
Grant	1.16	Shawano	1.16
Green	1.19	Sheboygan	1.18
Green Lake	1.18	Taylor	1.14
Iowa	1.17	Trempealeau	1.15
Iron	1.13	Vernon	1.16
Jackson	1.15	Vilas	1.12
Jefferson	1.19	Walworth	1.20
Juneau	1.17	Washburn	1.16
Kenosha	1.22	Washington	1.19
Kewaunee	1.16	Waukesha	1.19
La Crosse	1.15	Waupaca	1.16
Lafayette	1.18	Waushara	1.17
Langlade	1.15	Winnebago	1.17
Lincoln	1.14	Wood	1.16
Manitowoc	1.18		

WYOMING

Albany	$0.96	Natrona	$0.97
Big Horn	.92	Niobrara	1.02
Campbell	1.00	Park	.92
Carbon	.94	Platte	1.03
Converse	1.00	Sheridan	.98
Crook	1.02	Sublette	.94
Fremont	.92	Sweetwater	.94
Goshen	1.06	Teton	.92
Hot Springs	.92	Uinta	.96
Johnson	.99	Washakie	.92
Laramie	1.06	Weston	1.03
Lincoln	.95		

(d) *Warehouse charges.* The warehouse receipt and the barley represented thereby may be subject to liens for warehouse charges only from May 15, 1950, or the date the warehouse charges begin, whichever is later.

In the case of barley placed under loan or delivered to CCC under a purchase agreement in an approved warehouse under the Uniform Grain Storage Agreement, evidence must be submitted with the warehouse receipt that all warehouse charges, except receiving charges, have been prepaid through April 30, 1951, or a deduction of 10 cents per bushel will be made from the support rate: *Provided*, That CCC will not assume any charges in excess of those provided under the Uniform Grain Storage Agreement applicable to the 1950 crop.

In the case of barley placed under loan or delivered to CCC under a purchase agreement in an approved warehouse operated by an Eastern common carrier or any other approved warehouse not under the Uniform Grain Storage Agreement, evidence must be submitted with the warehouse receipt that all warehouse charges, except receiving and loading-out charges, have been prepaid through April 30, 1951, or all such charges will be deducted from the support rate: *Provided*, That CCC will assume the receiving and loading-out charges or reimburse the producer if he has prepaid such charges.

(e) *Discounts.* The discount for barley which grades No. 2 shall be 2 cents per bushel; No. 3, 5 cents per bushel; No. 4, 8 cents per bushel; and No. 5, 15 cents per bushel. An additional discount of 25 cents per bushel shall be applied to barley grading "Garlicky." The support rates for "mixed barley" (Class IV) shall be 2 cents per bushel less than the support rates for barley of the Classes I, II, and III.

(f) *Track-loading payment.* A track-loading payment of 2 cents per bushel will be made to the producer on barley delivered to CCC on track at a country point.

(g) *Settlement*—(1) *Loans.* Settlement on barley delivered to CCC under farm-storage loans will be made at the support rate for the approved point of delivery. In the case of farm-storage loans, and warehouse-storage loans where the barley is stored "identity preserved," the support rate will be for the grade and quality of the total quantity of barley delivered.

If the barley is, upon delivery, of a grade and/or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and/or quality of the barley placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the barley delivered, as determined by CCC.

(2) *Purchase agreements.* Barley delivered to CCC under a purchase agreement must meet the requirements of barley eligible for loan. The purchase rate per bushel of eligible barley will be the applicable support rate established for the approved point of delivery.

Issued this 17th day of July 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-6311; Filed, July 20, 1950; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 29—TOBACCO INSPECTION

SUBPART D—ORDERS OF DESIGNATION OF TOBACCO MARKETS

ATHENS AND SWEETWATER, TENN., AND PENNINGTON GAP, VA.

Upon referenda conducted, pursuant to prior notice (15 F. R. 3985), during the period June 29, 1950–July 1, 1950, both dates inclusive, among tobacco growers, who during the 1949–50 marketing season, sold tobacco at auction on the market at Athens, Tennessee, on the market at Sweetwater, Tennessee, and on the market at Pennington Gap, Virginia, respectively, it is found that more than two-thirds of the growers voting in each such referendum favor the designation of each such market under section 5 of The Tobacco Inspection Act (7 U. S. C. 511 et seq.) for the free and mandatory inspection and certification of tobacco sold on each such market. Therefore, pursuant to the authority vested in the Secretary of Agriculture, and for the purpose of said act, the orders of designation of tobacco markets (7 CFR 29.601; 14 F. R. 4514; 14 F. R. 5364; 14 F. R. 6193; 15 F. R. 3979; and 15 F. R. 4071) are amended by adding thereto at the end thereof the following paragraph (ll):

§ 29.601 *Designation of tobacco markets.* * * *

(ll) *The tobacco markets at Athens and Sweetwater, Tennessee, and Pennington Gap, Virginia.* Effective 30 days after July 21, 1950, no tobacco of any type shall be offered for sale at auction on the market at Athens, Tennessee, on the market at Sweetwater, Tennessee, and on the market at Pennington Gap, Virginia, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under The Tobacco Inspection Act (7 U. S. C. 511 et seq.): *Provided, however,* That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service.

(Secs. 2, 5, 49 Stat. 731, 732; 7 U. S. C. 511a 511d)

Issued this 18th day of July 1950.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 50-6343; Filed, July 20, 1950; 8:53 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 813, Amdt. 2]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

DETERMINATION AND PRORATION OF 1950 QUOTAS

Basis and purpose. The amendments herein are issued pursuant to section 202 of the Sugar Act of 1948 and are made for the purpose of giving effect to the revision of the determination of sugar consumption requirements made by the Secretary of Agriculture on July 13, 1950.

After providing for quotas in specific amounts for domestic sugar producing areas and the Republic of the Philippines, section 202 of the act provides that the difference between the sum of such quotas and the consumption estimate shall be prorated to foreign countries other than the Republic of the Philippines on the basis of stated percentages. Thus the statute states specifically how quotas are to be revised when there is a change in the estimate of consumption requirements. Furthermore, in order to afford sellers of sugar in affected areas an adequate opportunity to market the additional sugar authorized by this amendment, and thereby protect the interests of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is impracticable, unnecessary, and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Supp. I, 1100) and the Administration Procedure Act (60 Stat. 237, 5 U. S. C. 1001) Sugar Regulation 813 (14 F. R. 7753), as amended (15 F. R. 3861), establishing sugar quotas for 1950 are hereby amended as hereinafter set forth.

1. Section 813.12 is changed to read:

§ 813.12 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1950 the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Republic of the Philippines	982,000
Cuba	2,564,640
Other foreign countries	35,360

2. Paragraph (a) of § 813.14 is changed to read:

§ 813.14 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines*—(a) *Basic prorations.* The quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated, pursuant to subsection (c) of section 202 of the act, among such countries as follows:

Country:	*Proration in pounds, raw value*
Belgium	417,874
Canada	801,088
China and Hongkong	409,079
Czechoslovakia	373,850
Dominican Republic	9,468,254
Dutch East Indies	300,134
Guatemala	475,511
Haiti	1,308,555
Honduras	4,873,738
Mexico	8,564,372
Netherlands	309,336
Nicaragua	14,512,313
Peru	15,780,377
Salvador	11,654,915
United Kingdom	497,895
Venezuela	411,760
Other countries	60,949
Subtotal	70,220,000
Unallotted reserve	500,000
Total	70,720,000

STATEMENT OF BASES AND CONSIDERATIONS

Revised quotas due to increase in consumption requirements. The revised quotas for Cuba and "Other Foreign Countries" have been established by prorating the amount by which the revised estimate of consumption exceeds the quotas for domestic areas and the Republic of the Philippines on the basis of 98.64 per centum to Cuba and 1.36 per centum to "Other Foreign Countries" as provided in section 202 (c) of the act. In addition, the revised quota for "Other Foreign Countries", after setting aside 500,000 pounds for an unallotted reserve, has been prorated on the basis of the division of the quota made in General Sugar Quota Regulations, Series 4, No. 1, issued December 12, 1936, as provided in section 202 (c).

After giving effect to the changes set forth in this amendment to Sugar Regulation 813, the quotas for all areas are as follows:

BASIC QUOTAS, PRORATIONS OF DEFICIT AND ADJUSTED QUOTAS FOR 1950

[Short tons, raw value]

Production area	Basic quota	Prorations of deficit in quota First and Second Philippine	Adjusted quota
Domestic beet	1,800,000	----------	1,800,000
Mainland cane	500,000	----------	500,000
Hawaii	1,052,000	----------	1,052,000
Puerto Rico	910,000	----------	910,000
Virgin Islands	6,000	----------	6,000
Philippines	982,000	(430,000)	552,000
Cuba	2,564,640	427,500	2,992,140
Other foreign countries:			
Belgium	208.9	88.7	297.6
Canada	400.5	170.0	570.5
China and Hongkong	204.5	86.8	291.3
Czechoslovakia	187.0	79.3	266.3
Dominican Republic	4,734.1	4,031.0	8,765.1
Dutch East Indies	150.1	63.7	213.8
Guatemala	237.8	100.9	338.7
Haiti	654.3	557.1	1,211.4
Honduras	2,436.8	1,034.2	3,471.0
Mexico	4,282.1	3,646.2	7,928.3
Netherlands	154.7	65.6	220.3
Nicaragua	7,256.1	3,079.4	10,335.5
Peru	7,890.2	6,718.2	14,608.4
Salvador	5,827.4	2,473.1	8,300.5
United Kingdom	249.0	105.6	354.6
Venezuela	205.6	87.3	293.3
Other countries	30.5	12.9	43.4
Unallotted	250.0	100.0	350.0
Subtotal	35,360.0	22,500.0	57,860.0
Total	7,850,000	----------	7,850,000.0

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153)

Done at Washington, D. C., this 17th day of July 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 50-6313; Filed, July 20, 1950; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 20]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.390 *Plum Order 20*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 22, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 17, 1950, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 17, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are already being made, and this section should be applicable to all such shipments in order

to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 22, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship any package or container of Giant plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 19th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6475; Filed, July 20, 1950; 9:57 a. m.]

[Plum Order 21]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.391 *Plum Order 21*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 22, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 17, 1950, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 17, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are already being made and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 22, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship from any shipping point during any day any package or container of President plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid: *Provided*, That, in computing such quantity, three (3) California peach boxes (including other packages and containers of comparable capacity) shall be deemed to be the equivalent of two (2) standard 4-basket crates. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at

least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1 7/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 5/16 inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meanings as when used in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 19th day of July 1950.

S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6476; Filed, July 20, 1950; 9:57 a. m.]

PART 992—HANDLING OF IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

§ 992.304 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to the provisions of Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992.1 et seq.) regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and upon the basis of the recommendation and information submitted by the State of Washington Potato Committee, established under said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of potatoes grown in the production area will be underway in substantial volume on the effective date of this section, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth in this section, on and after the effective date set forth in paragraph (b) (1) of this section, (iii) no special preparation will be required on the part of handlers to comply with this section, and (iv) the time intervening between the date information necessary for the issuance of this section became available and the time this section must become effective to effectuate the declared policy of the act is insufficient.

(b) Order. (1) During the period July 20, 1950, to October 15, 1950, inclusive, no handler shall ship potatoes grown in the State of Washington which do not comply with the grade and size regulation effective July 10, 1950 (§ 992.303, 15 F. R. 4337), and no handler shall ship a lot of potatoes if more than 20 percent of the potatoes in such lot have more than one-half of the skin missing or feathered, as such terms are defined in the United States Standards for Potatoes (14 F. R. 1955, 2161): *Provided*, That one lot of not to exceed 360 hundredweight of each variety of potatoes of each producer may be handled without regard to the aforesaid skinning requirement if the handler thereof reports, prior to such handling, the name and address of the producer of each such lot, and each lot is handled as an identifiable entity.

(2) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92 (7 CFR 992.1 et seq.)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 18th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6341; Filed, July 19, 1950; 9:06 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 4922]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

P. LORILLARD COMPANY

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or merits;* § 3.30 *Composition of goods;* § 3.130 *Manufacture or preparation;* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* In or in connection with the offering for sale, sale and distribution in commerce of respondent's Beech-Nut cigarettes, Sensation cigarettes, Old Gold cigarettes, and Friends smoking tobacco, representing by any means, directly or indirectly, (1) that Beech-Nut cigarettes, or any other cigarette composed of substantially the same blend of tobaccos, or the smoke therefrom, will not harm or irritate the throat, or will provide any defense against throat irritation; or that the extra length of Beech-Nut cigarettes, or of any other cigarette of substantially the same length, will filter out or eliminate the harmful properties in the smoke from such cigarettes or will cause the smoke from such cigarettes to be cooler than the smoke from cigarettes of standard length; (2) that Sensation cigarettes, or any other cigarette composed of substantially the same blend of tobaccos, are made of extra-choice imported and domestic tobaccos, or are top quality cigarettes, or are made from the finest tobaccos that can be bought; (3) that Old Gold cigarettes or the smoke therefrom contains less nicotine, or less tars and resins, or is less irritating to the throat than the cigarettes or the smoke therefrom of any of the six other leading brands of cigarettes; or (4) that Friends smoking tobacco, or any other smoking tobacco manufactured in substantially the same manner, is rum-cured, or that the process by which a rum flavoring is added to such tobacco enriches the tobacco or causes the smoke therefrom to be any less irritating to the throat or any cooler than if such rum flavoring were not added; or that the smoke from Friends smoking tobacco, or from any other smoking tobacco composed of substantially the same blend of tobaccos, will not irritate the mouth or throat of a smoker, or is cool, or is free from bite, burn, or harshness; prohibited, subject to the provision, however, that nothing in said first prohibition shall be construed to prohibit the respondent from representing that during the time the extra length of any such cigarette is being smoked the smoke therefrom will contain less irritating properties and will be cooler than the smoke from standard length cigarettes.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Modified cease and desist order, P. Lorillard Company, Docket 4922, May 24, 1950]

In the Matter of P. Lorillard Company, a Corporation

This proceeding was heard by the Federal Trade Commission upon the complaint, answer of the respondents, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, recommended decision of the trial examiner and exceptions filed thereto by counsel supporting the complaint, and brief of counsel supporting the complaint (no brief having been filed by counsel for respondent and oral argument not having been requested), and the Commission, having considered the matter, made and issued its findings as to the facts, conclusion, and order to cease and desist on March 31, 1950.

Thereafter the Commission, acting upon its own motion, reconsidered the matter and on May 12, 1950, issued its rule to show cause why said order to cease and desist should not be modified to read as set forth therein. In response to said rule to show cause, counsel supporting the complaint filed a statement acquiescing in the proposed modification and respondent, by its counsel, filed a statement containing additional proposals for modifying said order to cease and desist; and the Commission having considered such additional proposals and having rejected same for the reason that an order to cease and desist embodying such proposals would not adequately protect the public against a continuation or resumption of the practices found to be unfair and deceptive, and being of the opinion that the order to cease and desist heretofore issued in this proceeding should be modified in the respects set forth in said rule to show cause:

Now, therefore, it is ordered, That said order to cease and desist be, and the same hereby is, modified to read as follows:

It is ordered, That the respondent, P. Lorillard Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in or in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of its products Beech-Nut cigarettes, Sensation cigarettes, Old Gold cigarettes, and Friends smoking tobacco, do forthwith cease and desist from representing by any means, directly or indirectly:

(1) That Beech-Nut cigarettes, or any other cigarette composed of substantially the same blend of tobaccos, or the smoke therefrom, will not harm or irritate the throat, or will provide any defense against throat irritation; or that the extra length of Beech-Nut cigarettes, or of any other cigarette of substantially the same length, will filter out or eliminate the harmful properties in the smoke from such cigarettes or will cause the smoke from such cigarettes to be cooler than the smoke from cigarettes of standard length: *Provided, however*, That nothing herein shall be construed to prohibit the respondent from representing that during the time the extra length of any such cigarette is being smoked the smoke therefrom will contain less irritating properties and will be cooler than the smoke from standard length cigarettes;

(2) That Sensation cigarettes, or any other cigarette composed of substantially the same blend of tobaccos, are made of extra-choice imported and domestic tobaccos, or are top quality cigarettes, or are made from the finest tobacco that can be bought;

(3) That Old Gold cigarettes or the smoke therefrom contains less nicotine, or less tars and resins, or is less irritating to the throat than the cigarettes or the smoke therefrom of any of the six other leading brands of cigarettes; or

(4) That Friends smoking tobacco, or any other smoking tobacco manufactured in substantially the same manner, is rum-cured, or that the process by which a rum flavoring is added to such tobacco enriches the tobacco or causes the smoke therefrom to be any less irritating to the throat or any cooler than if such rum flavoring were not added; or that the smoke from Friends smoking tobacco, or from any other smoking tobacco composed of substantially the same blend of tobaccos, will not irritate the mouth or throat of a smoker, or is cool, or is free from bite, burn, or harshness.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: May 24, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-6292; Filed, July 20, 1950; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter D—Insurance of Accounts

[No. 3375]

PART 163—OPERATIONS

REDUCTION IN INSURANCE PREMIUM

JULY 18, 1950.

Resolved that, effective July 21, 1950, § 163.15 of the rules and regulations for Insurance of Accounts is hereby amended to read as follows:

§ 163.15 *Premiums and their uses; amount; payment.* Each institution whose application for insurance is approved by the Corporation shall pay to the Corporation a premium charge for such insurance at the rate fixed by statute, determined from the latest report of the insured institution filed with the Corporation. One-half of the first annual premium shall be paid at the time the certificate of insurance is issued by the Corporation. The balance of the first annual premium shall be paid six months later. Thereafter, each annual premium charge shall be paid in two equal installments, the first at the beginning of each insurance year and the second six months later, until a reserve fund has been established by the Corporation equal to five percent of all insured accounts and creditor obligations of all insured institutions. Such annual premiums shall be determined from the latest report of the insured institution filed with the Corporation or, if the institution has failed to file such report within sixty days prior to any date upon which its annual premium becomes due, from the latest report of the institution made or published pursuant to the requirements of law or regulations.

Resolved further that, this amendment being required by reason of a reduction in insurance premium already granted by act of Congress approved June 27, 1950 (Pub. Law No. 576, 81st Cong.), the Home Loan Bank Board hereby finds that it may be adopted under the provisions of § 108.11 of the general regulations of the Home Loan Bank Board and that deferment of the effective date would be meaningless.

(Sec. 402, 48 Stat. 1256, as amended, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 61 Stat. 954; 12 U. S. C. 1725, 5 U. S. C. Sup., 133y-16. Interprets or applies sec. 404, 48 Stat. 1258, 49 Stat. 859, as amended; 12 U. S. C. and Sup., 1727)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 50-6323; Filed, July 20, 1950; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 697—BUTTON, BUCKLE, AND JEWELRY INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Supp., 1001), notice was published in the FEDERAL REGISTER on June 22, 1950 (15 F. R. 4030) of my decision to approve the minimum wage recommendations of Special Industry Committee No. 6 for Puerto Rico for the Button, Buckle, and Jewelry Industry in Puerto Rico, and the wage order which I proposed to issue to carry such recommendations into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days of the date of publication of the notice.

An exception was filed by the National Association of Button Manufacturers, New York, New York. All the arguments presented in the exception were before me at the time I made the decision to approve the recommendations of the industry committee. These arguments were carefully considered and analyzed in my decision which was set forth in my findings and opinion dated June 15, 1950. The exception, therefore, raised no new matters which would require any change or modification of my previous decision.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the said decision is

hereby affirmed and made final, and the said wage order is hereby issued, to become effective August 21, 1950.

Sec.
697.1 Approval of recommendations of Industry Committee.
697.2 Wage rates.
697.3 Notices of order.
697.4 Definitions of the button, buckle, and jewelry industry in Puerto Rico and its divisions.

AUTHORITY: §§ 697.1 to 697.4 issued under sec. 8, 52 Stat. 1064; 29 U. S. C. 208. Interprets or applies sec. 3, 54 Stat. 615; 29 U. S. C. 205.

§ 697.1 *Approval of recommendations of Industry Committee.* The Committee's recommendations are hereby approved.

§ 697.2 *Wage rates.* (a) Wages at a rate of not less than 46 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the pearl button and buckle division of the button, buckle and jewelry industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the button and buckle (other than pearl) and bead division of the button, buckle, and jewelry industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the rosary, necklace and native jewelry division of the button, buckle, and jewelry industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the metal and plastic jewelry and miscellaneous products division of the button, buckle and jewelry industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 697.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the button, buckle and jewelry industry in Puerto Rico shall keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 697.4 *Definitions of the button, buckle and jewelry industry in Puerto Rico and its divisions.* (a) The button, buckle, and jewelry industry in Puerto Rico, to which this order shall apply, is hereby defined as follows:

The manufacture from any material of buttons, buckles, jewelry (including rosaries), and jewelry findings (including beads): *Provided, however,* That the definition shall not include the cutting, grinding, polishing, and other processing of gem diamonds and other precious and semiprecious stones, and of natural or synthetic jewels for industrial use, including, but not by way of limitation, jewel bearings and industrial diamonds.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this wage order and its several provisions shall apply, are hereby defined as follows:

(1) *Pearl button and buckle division.* The manufacture of buttons and buckles from ocean pearl and other natural shells.

(2) *Button and b*
pearl) and bead divisi
ture of buttons and
material except ocean
natural shells; and the
metal, glass and plastic beads, but not including the pearlizing or further processing or assembling of beads into necklaces, bracelets and similar jewelry items.

(3) *Rosary, necklace, and native jewelry division.* The assembling of rosaries; the stringing of artificial pearl and other necklaces, bracelets and similar jewelry items, including pearlizing and other processing operation
manufacture of novelty jew
native materials such as see
natural fibers and similar mat

(4) *Metal and plastic and n*
ous products division. The m
of metal and plastic jewelry and jewelry findings, and all other products and activities included in the button, buckle and jewelry industry, as defined in paragraph (a) of this section, except those included in the pearl button and buckle division, the button and buckle (other than pearl) and bead division, and the rosary, necklace and native jewelry division, as defined in paragraph (b) of this section.

Signed at Washington, D. C., this 14th day of July 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50-6293; Filed, July 20, 1950; 8:45 a. m.]

PART 698—VEGETABLE, FRUIT, AND NUT PACKING AND PROCESSING INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER on June 22, 1950 (15 F. R. 4031) of my decision to approve the minimum wage recommendation of Special Industry Committee No. 6 for Puerto Rico for the Vegetable, Fruit, and Nut Packing and Processing Industry in Puerto Rico, and the proposed wage order to carry such recommendation into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days of the date of publication of the notice. No exceptions have been filed, and the time for filing has expired.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the said decision is hereby affirmed and made final, and the said wage order is hereby issued, to become effective August 21, 1950.

Sec.
698.1 Approval of recommendation of Industry Committee.
698.2 Wage rate.
698.3 Notices of order.
698.4 Definition of the vegetable, fruit, and nut packing and processing industry in Puerto Rico.

AUTHORITY: §§ 698.1 to 698.4 issued under

§ 698.1
tee's recommendation
proved.

§ 698.2 *Wage rate.* Wages at the rate of not less than 30 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the vegetable, fruit, and nut packing
and
committee of in the production of goods for commerce in the vegetable, fruit, and nut packing and processing industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 698.4 *Definition of the vegetable, fruit, and nut packing and processing industry in Puerto Rico.* The vegetable, fruit, and nut packing and processing industry in Puerto Rico, to which this order shall apply, is hereby defined as follows: The handling, grading, packing, preparing in the raw or natural state of fresh vegetables, fresh fruits, and nuts; the drying, salting, processing in brine, or other curing of fruits and fruit peels; the drying and other preparation of vanilla beans, coffee beans, and cocoa beans; the canning of vegetables, fruits, and fruit juices; and the manufacture or processing (and the packaging in conjunction therewith) of coffee, cocoa, unsweetened chocolate, jams, preserves, marmalades, jellies, fruit pastes, and similar products.

Old name	New name
Second Assistant Postmaster General, Division of Personnel and Facilities.	Bureau of Transportation.
Third Assistant Postmaster General, Division of Finance.	Bureau of Finance.
Superintendent, Division of Finance and Disbursing Officer.	Bureau of Finance.
Superintendent, Division of Finance	Bureau of Finance.
Third Assistant Postmaster General, Division of Postal Savings.	Bureau of Finance.
Superintendent, Division of Postal Savings	Bureau of Finance.
Assistant Postmaster General, Division of Postal Savings.	Bureau of Finance.
Third Assistant Postmaster General, Division of Stamps.	Bureau of Finance.
Superintendent, Division of Stamps	Bureau of Finance.
Assistant Postmaster General, Division of Stamps	Bureau of Finance.
Third Assistant Postmaster General, Division of Money Orders.	Bureau of Finance.
Assistant Postmaster General, Division of Money Orders.	Bureau of Finance.
Superintendent, Division of Money Orders	Bureau of Finance.
Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.	Bureau of Finance.
Superintendent, Division of Letter and Miscellaneous Mail.	Bureau of Finance.
Assistant Postmaster General, Division of Letter and Miscellaneous Mail.	Bureau of Finance.
Third Assistant Postmaster General, Division of Newspaper and Periodical Mail.	Bureau of Finance.
Superintendent, Division of Newspaper and Periodical Mail.	Bureau of Finance.
Third Assistant Postmaster General, Division of Registered Mails.	Bureau of Finance.
Superintendent, Division of Registered Mails	Bureau of Finance.
Third Assistant Postmaster General, Division of Parcel Post.	Bureau of Finance.
Superintendent, Division of Parcel Post	Bureau of Finance.
Fourth Assistant Postmaster General, Division of Engineering and Research.	Bureau of Facilities.
Superintendent, Division of Engineering and Research	Bureau of Facilities.
Fourth Assistant Postmaster General, Division of Motor Vehicle Service.	Bureau of Facilities.
Superintendent, Division of Motor Vehicle Service	Bureau of Facilities.
Fourth Assistant Postmaster General, Division of Topography.	Bureau of Facilities.
Topographer, Division of Topography	Bureau of Facilities.
Fourth Assistant Postmaster General, Division of Post Office Quarters.	Bureau of Facilities.
Superintendent, Division of Post Office Quarters	Bureau of Facilities.
Fourth Assistant Postmaster General, Division of Equipment and Supplies.	Bureau of Facilities.
Superintendent, Division of Equipment and Supplies	Bureau of Facilities.
Fourth Assistant Postmaster General, Division of Federal Building Operations.	Bureau of Facilities.
Superintendent, Division of Federal Building Operations.	Bureau of Facilities.
Fourth Assistant Postmaster General, Division of Mail Equipment Shops.	Bureau of Facilities.
Fourth Assistant Postmaster General, Division of Traffic.	Bureau of Facilities.
Traffic Manager, Division of Traffic	Bureau of Facilities.
Chief Inspector, Division of Administrative Services.	Chief Post Office Inspector.
Superintendent, Division of Administrative Services, Chief Inspector.	Chief Post Office Inspector.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

ORGANIZATION

CHANGE IN NAMES

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Signed at Washington, D. C., this 14th day of July 1950.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 50-6295; Filed, July 20, 1950; 8:46 a. m.]

1. Title 39, Chapter I, Code of Federal Regulations, as amended, is further amended by changing the names listed below under "Old name", wherever such names appear therein, to the names listed below under "New name":

Old name	New name
First Assistant Postmaster General	Bureau of Post Office Operations.
Second Assistant Postmaster General	Bureau of Transportation.
Third Assistant Postmaster General	Bureau of Finance.
Fourth Assistant Postmaster General	Bureau of Facilities.
Comptroller of the Bureau of Accounts	Comptroller, Bureau of Accounts.
Chief Inspector	Chief Post Office Inspector.
Purchasing Agent for the Post Office Department	Purchasing Agent.
Safety Director	Chief Clerk and Director of Personnel.
First Assistant Postmaster General, Division of Budget and Administrative Services.	Bureau of Post Office Operations.
Director, Division of Budget and Administrative Services.	Bureau of Post Office Operations.
First Assistant Postmaster General, Division of Post Office Clerical Service.	Bureau of Post Office Operations.
Director, Division of Post Office Clerical Service	Bureau of Post Office Operations.
First Assistant Postmaster General, Division of City Delivery Service.	Bureau of Post Office Operations.
Director, Division of City Delivery Service	Bureau of Post Office Operations.
First Assistant Postmaster General, Division of Post Office Personnel.	Bureau of Post Office Operations.
Director, Division of Post Office Personnel	Bureau of Post Office Operations.
First Assistant Postmaster General, Division of Postmasters.	Bureau of Post Office Operations.
Director, Division of Postmasters	Bureau of Post Office Operations.
First Assistant Postmaster General, Division of Rural Delivery Service.	Bureau of Post Office Operations.
Director, Division of Rural Delivery Service	Bureau of Post Office Operations.
Second Assistant Postmaster General, Surface Postal Transport.	Bureau of Transportation.
Second Assistant Postmaster General, International Postal Service.	Bureau of Transportation.
Second Assistant Postmaster General, Air Postal Transport.	Bureau of Transportation.
Second Assistant Postmaster General, Division of Domestic Air Postal Transport.	Bureau of Transportation.
Second Assistant Postmaster General, Division of Foreign Air Postal Transport.	Bureau of Transportation.
Second Assistant Postmaster General, Division of International Postal Service.	Bureau of Transportation.
Second Assistant Postmaster General, Division of Systems and Procedures.	Bureau of Transportation.
Second Assistant Postmaster General, Division of Verification.	Bureau of Transportation.
Second Assistant Postmaster General, Division of Records.	Bureau of Transportation.
Second Assistant Postmaster General, Division of Transportation.	Bureau of Transportation.

Old name	*New name*
Chief Inspector, Division of Service Investigations	Chief Post Office Inspector.
Superintendent, Division of Service Investigations, Chief Inspector.	Chief Post Office Inspector.
Chief Inspector, Division of Criminal Investigations	Chief Post Office Inspector.
Superintendent, Division of Criminal Investigations, Chief Inspector.	Chief Post Office Inspector.
Bureau of Accounts	Comptroller, Bureau of Accounts.
Bureau of Accounts, Division of Accounts	Comptroller, Bureau of Accounts.
Comptroller, Bureau of Accounts, Division of Accounts.	Comptroller, Bureau of Accounts.
Superintendent, Division of Accounts	Comptroller, Bureau of Accounts.
Superintendent, Division of Accounts, Bureau of Accounts.	Comptroller, Bureau of Accounts.
Bureau of Accounts, Division of Cost Ascertainment	Comptroller, Bureau of Accounts.
Comptroller, Bureau of Accounts, Division of Cost Ascertainment.	Comptroller, Bureau of Accounts.
Superintendent, Division of Cost Ascertainment, Bureau of Accounts.	Comptroller, Bureau of Accounts.
Superintendent, Division of Cost Ascertainment	Comptroller, Bureau of Accounts.
Bureau of Accounts, Division of Methods and Procedures.	Comptroller, Bureau of Accounts.
Comptroller, Bureau of Accounts, Division of Methods and Procedures.	Comptroller, Bureau of Accounts.
Superintendent, Division of Methods and Procedures	Comptroller, Bureau of Accounts.
Superintendent, Division of Methods and Procedures, Bureau of Accounts.	Comptroller, Bureau of Accounts.
Office of Budget and Administrative Planning	Office of Administrative Assistant to the Postmaster General.
Director of Budget and Administrative Planning	Office of Administrative Assistant to the Postmaster General.
Commissioner of the Budget	Office of Administrative Assistant to the Postmaster General.
Commissioner of Administrative Planning	Office of Administrative Assistant to the Postmaster General.

2. All instructions and orders issued by any officer or employee of the Post Office Department or the Postal Service, in force and effect on the date of this order, are hereby continued in force and effect until modified or revoked by the person authorized to perform the function of such officer or employee with respect to the modification or revocation of such instructions or orders.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, Reorg. Plan No. 3 of 1949, 14 F. R. 5225, 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-6304; Filed, July 20, 1950; 8:47 a. m.]

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

MISCELLANEOUS AMENDMENTS

In Part 1, make the following changes:

1. Amend § 1.3 to read as follows:

§ 1.3 *Authority to appoint officers*—(a) *Reorganization Plan No. 3 of 1949*—(1) *Deputy Postmaster General.* There shall be in the Post Office Department a Deputy Postmaster General, who shall be appointed by the President by and with the advice and consent of the Senate, shall perform such duties as the Postmaster General may designate, and shall receive compensation * * * as may be provided by law for the under secretaries of executive departments after the date of transmittal of this reorganization plan to the Congress. (Sec. 2, Reorg. Plan No. 3 of 1949)

NOTE: See Pub. Law 359, approved October 15, 1949, as to compensation.

(2) *Assistant Postmasters General.* There shall be in the Post Office Department four Assistant Postmasters General, who shall be appointed by the President by and with the advice and consent of the Senate, shall perform such duties as the Postmaster General may designate, and shall receive compensation * * * as may be provided by law for the assistant secretaries of executive departments after the date of transmittal of this reorganization plan to the Congress. (Sec. 3, Reorg. Plan No. 3 of 1949)

NOTE: See Pub. Law 359, approved October 15, 1949, as to compensation.

(3) *Advisory Board.* There is hereby established an Advisory Board for the Post Office Department of which the Postmaster General shall be chairman and the Deputy Postmaster General the vice chairman. The Board shall have seven additional members, representative of the public, who shall be appointed by the President by and with the advice and consent of the Senate. The members so appointed shall each receive compensation of $50 per diem when engaged in duties as members of the Board (including travel time to and from their homes or regular places of business) and reasonable subsistence and travel expense as determined by the Postmaster General. The Board shall meet quarterly at the seat of the Government in the District of Columbia, or at such other time and place as the Postmaster General shall determine for the purpose of considering methods and policies for the improvement of the postal service, and shall advise and make recommendations to the Postmaster General with respect to such methods and policies. (Sec. 4, Reorg. Plan No. 3 of 1949)

(4) *Agencies abolished.* (i) There are hereby abolished the Bureau of Accounts in the Post Office Department (including the office of Comptroller) and the office of Purchasing Agent for the Post Office Department. (Sec. 5, Reorg. Plan No. 3 of 1949)

(ii) The offices of First Assistant Postmaster General, Second Assistant Postmaster General, Third Assistant Postmaster General, and Fourth Assistant Postmaster General (5 U. S. C. 363) are hereby abolished; but the incumbents thereof immediately prior to the taking of effect of the provisions of this reorganization plan shall without reappointment be the first Assistant Postmasters General in office under the provisions of section 3 (paragraph (2)) hereof. (Sec. 5, Reorg. Plan No. 3 of 1949)

(iii) The employees now being employed, and the records and property now being used or held, in connection with any functions transferred by the provisions of this reorganization plan are hereby transferred to such agencies of the Post Office Department as the Postmaster General shall designate. The unexpended balances of appropriations, allocations, and other funds available or to be made available for use in connection with such functions shall remain so available. (Sec. 6, Reorg. Plan No. 3 of 1949)

NOTE: See 14 F. R. 5244, 6646 and 15 F. R. 2607 for prior orders of the Postmaster General delegating authority to various officers and employees of the Post Office Department, and creating the Bureau of Accounts, Office of Comptroller and Office of Purchasing Agent.

(b) *Other officers.* Authority to appoint the following named officers may be found in the laws cited:

Solicitor for the Post Office Department, 5 U. S. C. 364.

Chief Post Office Inspector, act of July 5, 1884 (23 Stat. 156), 5 U. S. C. 42a, and subsequent appropriation acts.

Other officers and employees, annual appropriation acts.

2. In § 1.5 *Acting officers*, delete paragraph (e) *Succession as Acting Postmaster General.*

3. In § 1.6 paragraph (b) is redesignated paragraph (c) and a new paragraph (b) is inserted to read as follows:

(b) *Functions of the Postmaster General.* (1) There are hereby transferred to the Postmaster General the functions of all subordinate officers and agencies of the Post Office Department, including the functions of each Assistant Postmaster General, the Purchasing Agent for the Post Office Department, the Comptroller, and the Bureau of Accounts. (Sec. 1, Reorg. Plan No. 3 of 1949.)

(2) The Postmaster General is hereby authorized to delegate to any officer, employee, or agency of the Post Office Department designated by him such of his functions as he deems appropriate. (Sec. 1, Reorg. Plan No. 3 of 1949)

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, Reorg. Plan No. 3 of 1949, 14 F. R. 5225, 63 Stat. 1066; 5 U. S. C. and Sup., 22, 133z-15, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-6305; Filed, July 20, 1950; 8:47 a. m.]

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

OFFICE OF POSTMASTER GENERAL

1. Section 1.9 is amended to read as follows:

§ 1.9 *Office of Postmaster General*—(a) *Matters assigned to.* The Postmaster General assigns to his office: The superintendence and government of the Department, and the appointment of the officers, clerks, and employees; the general direction of the Postal Service in all its branches, the management of its finances, and disbursement of appropriations; the appointment of postmasters of the fourth class; the submission of cases to the President relating to appointments to be made by him; the determination of appeals from the action of the several Assistant Postmasters General; the promulgation of rules and regulations; the consideration of claims for damage done to persons or property by or through the operation of the Post Office Department and claims of postmasters for credit or reimbursement for losses by fire, burglary, or other unavoidable casualty; the issuance of all orders requiring the formal approval of the Postmaster General; the custody of the official seal; and the performance of all special duties enjoined by law upon the Postmaster General. (See § 1.6.)

(b) *Officers attached to.* The Deputy Postmaster General, the Administrative Assistant to the Postmaster General, the Solicitor, the Chief Post Office Inspector, the Executive Assistant to the Postmaster General, the Chief Clerk and Director of Personnel, the Comptroller, and the Purchasing Agent.

(c) *Postmaster General's Staff.* The Postmaster General's Staff shall consist of the Deputy Postmaster General who shall act as Chairman, the Assistant Postmasters General, the Administrative Assistant to the Postmaster General, the Soliciter, the Chief Post Office Inspector, the Executive Assistant to the Postmaster General, the Chief Clerk and Director of Personnel, the Comptroller, and the Purchasing Agent. Meetings of the Staff shall be held upon order of the Postmaster General, call by the Chairman, or by request of any member of the Staff. In the absence of any member of the Staff his principal assistant shall act in his place, and in the absence of the Chairman one of the Assistant Postmasters General, designated by the Chairman, shall serve in this position. The Staff may request the attendance at meetings of other officials or employees of the Department. The Staff is charged with the following functions:

To coordinate the activities of the several bureaus and offices of the Postal Establishment; to recommend to the Postmaster General any action to be taken for the more effective handling of postal business; to consider and approve the issuance of all orders, regulations, and instructions for conduct of the Postal Establishment; to consider and recommend to the Postmaster General action to be taken on all requests for performance of any nonpostal service; to consider and recommend to the Postmaster General action to be taken on orders issued by other governmental agencies which affect the Postal Establishment; to coordinate the activities of the Department in meeting wartime emergencies; to consider and recommend to the Postmaster General action to be taken on all requests for cooperation of the Postal Establishment in activities resulting from a state of war, and to perform such other functions as the Postmaster General may direct.

(d) *Deputy Postmaster General.* The Deputy Postmaster General shall serve as the deputy of the Postmaster General in all matters affecting the Post Office Department and Postal Service. He is hereby delegated the responsibility for assuring that the management of the Post Office Department and Postal Service is properly conducted. This responsibility of the Deputy Postmaster General shall include the general supervision of matters of organization, administrative procedures, utilization of personnel, materials and facilities, formulation of policies of the Post Office Department and Postal Service, and the budgeting, accounting for and expenditure of funds, and the administrative audit of accounts. He shall serve as chairman of the Postmaster General's Staff, and shall perform such other duties as the Postmaster General shall assign to him.

(e) *Administrative Assistant to the Postmaster General*—(1) *Duties.* The Administrative Assistant to the Postmaster General is charged with the responsibility and authority for all budgetary, fiscal, and the administrative and management planning activities of the Department; the research and development program of the Department; and the study and analysis of the postal-rate and transportation-rate structures. This shall include planning, advising, and conducting studies for the purpose of formulating policies and forecasts of volumes of business upon which to base the budget estimates of the Department; preparing long-range financial and operating plans for postal operations; developing, directing, and coordinating the Department-wide budgetary and financial program; analyzing, reviewing, coordinating and consolidating final estimates of appropriations; analyzing, reviewing, coordinating, and presenting justifications of estimates of appropriations necessary for the Department's operations; serving as the Postmaster General's liaison officer with the Bureau of the Budget, other Federal agencies, and with the appropriation committees of Congress on all budgetary, financial, and appropriation matters of the Department and on all matters relating to the revision of postal rates and fees, with the Bureau of the Budget and the Treasury Department in the execution of Executive Order No. 8512, as amended, and with the General Accounting Office on all matters of policy and major changes in financial operations; attending and participating in hearings before the Bureau of the Budget, appropriation committees, and other committees of Congress; aiding and advising the bureaus and offices of the Department; reviewing and analyzing requests for allocations and apportionment of appropriated funds; recommending proper and equitable allocations of appropriated funds to activities; apportioning appropriated funds for all activities under the jurisdiction of the bureaus and offices of the Department as approved by the Postmaster General, and insure the best possible budgetary control of expenditures in accordance with such allotments; conducting surveys and preparing recommendations for the improvement of budgetary and fiscal management functions of the bureaus and offices of the Department; determining or approving financial programs, and maintaining over-all control of funds and personnel ceilings; preparing budget and manpower reports required to be submitted by the Department; preparing budgetary statistical analyses; in collaboration with the Comptroller, Bureau of Accounts, conducting surveys and research necessary to the development of improved cost accounting and control procedures and the formulation of policies with respect to the financial accounting and statistical systems of the Department; devising improvements and changes in all operations of the Department as may be desirable because of changing economic conditions or changes in business practices and management, and developing a management improvement plan for meeting the requirements of section 1001 of Title X of Public Law 429, approved October 28, 1949, Executive Order No. 10072, and instructions of the Bureau of the Budget; advising all bureaus and offices of the Department as to policies and workload estimates to be used as a basis for budget estimates and assist in the preparation thereof; revising budget estimates as the Postmaster General may direct; assisting in policy coordinating in program administration areas in the development and allocation of functional program requirements, organization planning, methods improvement, and work simplification programs; maintaining current knowledge of demands upon functional programs by other agencies of the Government; devising procedures for financial reimbursement for services rendered to or by other governmental agencies; conducting courses of instruction for personnel of bureaus and offices of the Department concerned with budget formulation and execution; developing training methods; developing financial and operating reports; developing new systems and procedures, including cost controls; supervising the preperation of all appropriation and postal-rate legislation for the Department; preparing comments and recommendations as to the effect of proposed legislation on the administrative proceedings and financial operations of the Department; advising with and assisting the Departmental official in charge of legislative matters; planning, supervising, and conducting the research and development program of the Post Office Department, which shall include continuous studies and analyses in the fields of business management; in collaboration with the bureaus and offices of the Department, planning, supervising and conducting tests for the purpose of improving existing management, methods, procedures, standards, equipment, supplies, means

and devices used in the postal service; making recommendations for the introduction of new types of management, methods, procedures, standards, equipment, supplies, means and devices for use in such service in order that the business of the Department may be more efficiently and economically operated; planning, supervising, and conducting continuous studies and analyses of the postal-rate structure, including fees for special services, in collaboration with the Bureau of Finance, and making recommendations as to changes, adjustments, or modifications of postal rates and fees in order that the revenues of the Department will, insofar as possible in the light of public interest and consistent with policies established by Congress, be more nearly equal to the expenditures of the Department; planning, supervising, and conducting continuous studies and analyses of the transportation-rate structure, including financial and operational data of carriers transporting mails, in collaboration with the Bureau of Transportation, and making recommendations with respect thereto; determining adequacy and quality of services, and making recommendations deemed necessary with respect to same; analyzing operating statistics; keeping informed of the scope and major findings of the management, operations, planning, postal-rate, and transportation-rate studies and research conducted by the bureaus and offices, and recommending studies to be conducted by the bureaus and offices of the Department; preparing such reports with respect to the postal-rate and transportation-rate structures as the Department may be required to submit to Federal agencies and to the Congress; reviewing and making recommendations with respect to the administrative features of all orders and regulations before they are acted upon by the Postmaster General; planning the simplification of postal laws and regulations and instructions; devising means of making instruction data and material available to officials in charge of schools of instruction for postal personnel; preparing a manual of instructions for postal personnel; preparing a manual of instructions for postal personnel; receiving suggestions and editing all proposed changes in the manual of instructions for postal personnel; coordinating instructions proposed to be issued by the bureaus and offices; preparing recommendations to the Postmaster General on all requests from other Governmental agencies for nonpostal services, and devising procedures for such work; evaluating suggestions and inventions submitted by officers and employees for improvements in the postal service, and recommending action to be taken by the Department with respect thereto; supervising the functions of the Central Suggestions Committee; and preparing the material for annual and special public or confidential reports. He shall serve as a member of the Postmaster General's Staff, and shall perform such other duties as the Postmaster General may direct.

(2) The various bureaus and offices of the Department will confer with the Administrative Assistant to the Postmaster General on budgetary, financial, and accounting matters, on new activities and procedures, on proposed changes in operating and management procedures, and on research matters. The Office of the Administrative Assistant to the Postmaster General will be the channel through which such matters will be coordinated for consideration by the Postmaster General and the Deputy Postmaster General.

(3) In the performance of the functions assigned to him, the Administrative Assistant to the Postmaster General shall use, insofar as practicable, the personnel and other facilities of the various bureaus and offices of the Department.

(4) *Divisions of the Office of Administrative Assistant to the Postmaster General, and assignment of duties.* There shall be in the Office of the Administrative Assistant to the Postmaster General a Division of Budget and Planning, a Division of Research, and a Division of Rates. Each said division shall be under the supervision of a Director. The Directors of the said divisions shall serve as the Central Suggestions Committee; shall have general supervision of the work of the Administrative Assistant to the Postmaster General, as delegated by that officer; and in the absence of the Administrative Assistant to the Postmaster General shall discharge the duties regularly developing upon that officer as designated by him. During vacancy in the office of Administrative Assistant to the Postmaster General, the Director, as designated by the Postmaster General, shall perform the functions assigned to that office. The other personnel of the Office of Administrative Assistant to the Postmaster General, shall perform such duties as are assigned by the Administrative Assistant to the Postmaster General.

(f) *Solicitor for the Post Office Department*—(1) *Duties.* The Solicitor is charged with the duty of giving opinions to the Postmaster General and the heads of the several bureaus and offices of the department upon all questions of law arising upon the interpretation and construction of laws (including the proposed compromise of liabilities to the United States, and the remission of fines, penalties, and forfeitures under the statutes), proposed legislation affecting the Post Office Department and Postal Service, treaties, conventions, and regulations, or otherwise, in the course of business in the Postal Service, and the compilation of such opinions for publications; with analyzing all proposed legislation affecting the Post Office Department and the Postal Service for the Postmaster General and recommending the course of action which the Department should take thereon, and, as the Postmaster General's liaison officer on proposed legislation with the Congress, representing the Department at Congressional hearings; with the editing and, where necessary, the drafting of any bills presented to the Congress by the Post Office Department; with the preparation of all reports on contemplated legislation, and Congressional bills (both general and private relief), requested of the Department by Congressional committees and the Bureau of the Budget; with keeping the Postmaster General and the heads of the several bureaus and offices of the Department informed regarding legislation in which the Post Office Department is interested; with the maintenance of suitable records of legislation affecting the Post Office Department and Postal Service; with the duty of assisting in the defense of cases against the United States arising out of the transportation of the mails, and in other matters affecting the postal revenues, including suits in the Federal courts involving claims of the railroads and other contractors for the carriage of the mails; the representation of the Postmaster General and the preparation and presentation of the Department's cases in proceedings before the Interstate Commerce Commission for the determination by the Commission of the basis for adjustment of railroad mail pay and the fixing of fair and reasonable rates for the transportation of the mails and for services in connection therewith by railroads and urban and interurban electric railway common carriers, and in other matters of petition by the Postmaster General to the Commission; with the representation of the Postmaster General and the preparation and presentation of the Department's cases in proceedings before the Civil Aeronautics Board for the determination by that Board of the basis for adjustment of airplane mail pay and the fixing of fair and reasonable rates for the transportation of mail by airplanes, helicopters, or otherwise, and for services in connection therewith, and in other matters of petition by the Postmaster General to the Civil Aeronautics Board; with the representation of the Postmaster General in hearings before the Department on orders changing the mode of transporting periodical mail matter in connection with reviews of such orders by the Court of Appeals of the District of Columbia; with the consideration and submission (with advice) to the Postmaster General of claims for damage done to persons or property by or through the operation of the Post Office Department, and of all claims of postmasters for losses by fire, burglary, or other unavoidable casualty; with the giving of advice, when desired, in the preparation of correspondence with the Department of Justice and other departments, including the Court of Claims, involving questions of law or relating to prosecutions or suits affecting or arising out of the Postal Service, and with assisting when desired in the prosecution or defense of such cases, and the maintenance of suitable records of all opinions and decisions rendered affecting the Post Office Department and the Postal Service; with the consideration of applications for pardon for crimes committed against the postal laws which may be referred to the department; with the preparation and submission (with advice) to the Postmaster General of all appeals to him from the heads of the bureaus and offices of the department depending upon questions of law; with the determining of questions as to the delivery of mail the ownership of which is in dispute; with the supervision of all proceedings before the department, arising out of the enforcement of the postal fraud, lottery and fictitious statutes, and with the making of recommendations to the Postmaster General relative to the issuance of orders pursuant to the provisions of such laws; with the consideration of the mailability of matter under 18 U. S. C. 871, 1302, 1461, 1463, 1714, 1715, 1717, and 1718; with determining the legal acceptability of securities offered by banks to secure postal savings deposits; with the examining and, when necessary, the drafting of all contracts of the department; with the handling of cases arising from the application of the private express statutes (Government monopoly of carrying letters); with the legal work incident to the enforcement of those provisions of the espionage law which concern the Post Office Department; with correlating the responsibilities, the rights and the respective spheres of action of Federal and State governments under Motor Vehicle Safety Responsibility laws; with the determination of questions involving the construction of lease contracts with landlords and cancellation of leases; with the determination of questions involving interdepartmental legal relations between the Post Office Department and other departments; with the consideration of alleged extortion letters; with the determination of all questions of the Post Office Department arising under the Administrative Procedure Act, and with the preparation of material for publication in the FEDERAL REGISTER; with the receipt of suggestions for changes in the Postal Laws and Regulations; editing of all proposed amendments and with the responsibility of seeing that the Postal Laws and Regulations are amended in accordance with legislation; and with the examining, prior to publication, and, where necessary, the drafting of all contemplated instructions of the several bureaus and offices of the Department which, in any respect, purport to interpret or construe a law or laws affecting the Post Office Department and Postal Service. He shall serve as a member of the Postmaster General's Staff, and perform such other duties as the Postmaster General may direct.

(2) *Regulations for admission of attorneys to practice before Department.* The Solicitor for the Post Office Department is hereby authorized to issue regulations governing the admission of attorneys to practice before this Department; to maintain a roll of those admitted pursuant to such regulations; to issue rules governing such practice; and to prescribe rules governing disbarment proceedings and to conduct hearings on such charges. If he shall find sufficient cause, he shall issue an order of disbarment.

(3) *Assistants and assignment of duties.* The Associate Solicitors, the Assistant Solicitors, and the attorneys for the Post Office Department are assigned to the office of the Solicitor. The Associate Solicitors, as delegated by the Solicitor, shall have general supervision of the work of the office under the Solicitor and in his absence shall discharge the duties regularly devolving upon that officer; and in the absence of the Solicitor and the Associate Solicitors, the Assistant Solicitors and the attorneys in the order of their standing shall act in their stead. The duties of the personnel of the Solicitor's Office shall be such as are assigned by the Solicitor.

(g) *Chief Post Office Inspector*—(1) *Duties.* The Chief Post Office Inspector is charged with keeping the Postmaster General advised as to the condition and needs of the postal service; with the inspection and rating of post offices, and the certification of the results to the Bureau of Post Office Operations; with the inspection, audit, and inventory of finances, valuables, equipment, supplies, and property, and the examination of procedures relating thereto in every bureau or agency of the departmental and field services, and the certification of the results to the Postmaster General or the Assistant Postmaster General in charge of the unit inspected; with the coordination and supervision of plans and arrangements for the handling of the President's mail while he is traveling, and advising with White House officials on matters connected therewith; with all matters relating to depredations upon the mails and losses therein; with the direction of all inquiries for the purpose of determining whether articles of mail matter have been delivered except as provided in § 44.2 of this chapter; with the treatment of all inquiries addressed to the United States Post Office Department by foreign postal administrations or by persons interested, or reported by postal officials and others under §§ 44.1 and 118.1 of this chapter, concerning losses and irregularities in the international mails; with the treatment of all cases involving international mails where some form of return receipt is required which has not been received; with the securing of evidence and the treatment of complaints and correspondence relative to criminal offenses against the postal service; with the presentation of cases to the Department of Justice and the expression of the Department's interest in the prosecution of offenders against the postal laws; with the consideration of claims for rewards for the apprehension and conviction of postal law violators; with the consideration of matters arising from the application of the private express statutes; with the consideration of matters relating to depredations upon the mails, burglaries, robberies, floods and other casualties, loss of domestic mail except questions of individual financial responsibility, mailing of fraudulent and other prohibited matter, rewards for services looking to the apprehension and conviction of postal law violators, and expert examination of questioned documents; with the determination of financial responsibility of postal personnel, sureties, mail contractors, and other persons, firms, and corporations in cases involving loss, theft, rifling, wrong delivery or other mistreatment of mail, and irregularities in official funds, property, and revenue; with the consideration of cases involving the impersonation of postal officers and employees; with the authorization, coordination, and disposition of investigations concerning such matters and of other investigations concerning the personnel, operating needs, revenues, and finances of the departmental and field services; with consideration of matters relating to the inspection of post offices and other postal units; with the management of the Post Office Inspection Service and of the divisions of his Bureau, including the selection, assignment to duty, and government of the personnel of his Bureau, post office inspectors in charge, assistant post office inspectors in charge, post office inspectors, and clerks in the Post Office Inspection Service; the authorization, coordination, and disposition of all investigations by the Post Office Inspection Service, and the custody and disposition of all money or property coming into the possession of the Post Office Inspection Service or any division of his Bureau; in collaboration with the Administrative Assistant to the Postmaster General, with the preparation of budgetary estimates and justifications, and the apportionment and accounting for Post Office Inspection Service allotments; with the consideration of contracts, allowances, accounts, travel, and leaves of absence under Post Office Inspection Service allotments; with the procurement and analysis of statistics; with the operation of cash accounting system of the Post Office Inspection Service; with the authorization of supplies and equipment for the Post Office Inspection Service; with the operation of the Post Office Department Library; and with the printing, numbering, and assignment of travel commissions except those for postal transportation clerks. He shall serve as a member of the Postmaster General's Staff, and shall perform such other duties as the Postmaster General shall direct.

(2) *Assistant Chief Post Office Inspector.* The Assistant Chief Post Office Inspector shall perform such duties as may be delegated to him by the Chief Post Office Inspector, and in the absence of the latter, or during vacancy in the office of Chief Post Office Inspector, shall act in his stead.

(3) *Assistant to the Chief Post Office Inspector.* The Assistant to the Chief Post Office Inspector, under the Chief Post Office Inspector and the Assistant Chief Post Office Inspector, shall exercise general supervision over the divisions of the Bureau of the Chief Post Office Inspector and perform such other duties as may be delegated to him by the Chief Post Office Inspector.

(4) *Divisions of the Bureau of the Chief Post Office Inspector, and assignment of duties.* There shall be in the Bureau of the Chief Post Office Inspector a Division of Service Investigations and Inspections, a Division of Mail Losses and Depredations, a Division of Mail Fraud Investigations, a Division of Financial Investigations, each said Division to be under the supervision of a Director, and a Division of Budget and Field Personnel which shall be under the supervision of an Administrative Aide to the Chief Post Office Inspector. The Directors of the said divisions, the Administrative Aide to the Chief Post Office Inspector, and the other personnel of the Bureau of the Chief Post Office

Inspector shall perform such duties as are assigned by that officer.

(h) *Executive Assistant to the Postmaster General*—(1) *Duties.* The Executive Assistant to the Postmaster General shall perform such duties as may be assigned to him from time to time by the Postmaster General. He shall also serve as a member of the Postmaster General's Staff.

(2) There are hereby assigned to the Office of the Executive Assistant to the Postmaster General, the Special Assistants to the Postmaster General, and the Division of Information Service and Public Relations. The personnel so assigned shall perform such duties as may be delegated to them by the Executive Assistant to the Postmaster General. The Special Assistant to the Postmaster General, as designated by the Executive Assistant to the Postmaster General, shall discharge the duties of that officer during his absences, and during vacancy in the office of the Executive Assistant to the Postmaster General, the Special Assistant to the Postmaster General, as designated by the Postmaster General, shall perform the functions assigned to that office.

(i) *Chief Clerk and Director of Personnel*—(1) *Duties.* The Chief Clerk and Director of Personnel is charged with the responsiblity for personnel administration and the management functions of the departmental service. He shall coordinate and exercise control over position classification, recruitment, selection, placement, training, promotions, discipline, efficiency ratings, leave administration, employee relations, health and safety program, and other personnel matters. He shall be the chairman of the Board of Appeals for the hearing of employee grievances throughout the Postal Establishment, and shall also be the chairman of the Loyalty Board of the Postal Establishment. He shall represent the Department in its relations with the Civil Service Commission, the Federal Personnel Council, and with other agencies where personnel functions are concerned. He is also charged with the administrative management and control of activities and operating services at the departmental level, including the printing and binding required in the departmental and field services; with the receipt and inspection of supplies for the departmental and field services delivered in Washington; with the care and maintenance of public property located in the Department building; with the preparation and certification of pay rolls; with the compilation, publication, and distribution of the Official Postal Guide and other postal publications not otherwise provided for; with the preparation of estimates for and control of expenditures from allotments covering printing and binding, contingent and miscellaneous expenses, travel expenses of the Postmaster General and Assistant Postmasters General, and salaries, Office of the Postmaster General, with the exception of the Bureau of the Chief Post Office Inspector and the Bureau of Accounts; with the custody of the journals, order books, correspondence, and files. He shall be the Security Officer, the Clearance Officer, and the Surplus Property Officer for the Department and the Field service; shall serve as a member of the Postmaster General's Staff, and shall perform such other duties as the Postmaster General may direct.

(2) *Assistant Chief Clerk and Assistant Director of Personnel.* The Assistant Chief Clerk and Assistant Director of Personnel shall perform such functions as may be delegated to him by the Chief Clerk and Director of Personnel. In the absence of the Chief Clerk and Director of Personnel, or during vacancy in the office of Chief Clerk and Director of Personnel, the Assistant Chief Clerk and Assistant Director of Personnel shall act in his stead.

(3) *Divisions of the Office of Chief Clerk and Director of Personnel, and assignment of duties.* There shall be in the Office of Chief Clerk and Director of Personnel a Division of Safety, which division shall be under the supervision of a Director. The Director of the Division of Safety, and the other personnel of the Office of Chief Clerk and Director of Personnel, shall perform such duties as are assigned by the Chief Clerk and Director of Personnel.

(j) *Comptroller, Bureau of Accounts*—(1) *Duties.* To the Comptroller, Bureau of Accounts, are assigned the administrative audit of all accounts of postmasters and the accounts of foreign administrations; the prescribing and supervising of the administrative audit of district office accounts at central accounting offices; the administrative audit of the accounts and conducting of physical audits of the cash and accountability of the Philatelic Agent and of the Director, Division of Finance, in the Bureau of Finance; the maintenance of control accounts showing the daily transactions and financial accountability of the Philatic Agent and of the Director, Division of Finance, in the Bureau of Finance; the instructing of postmasters relative to the maintenance of financial records and the preparation and rendition of their accounts; the determining of the quantity of penalty matter procured and mailed by each department, agency or organization of the Government, the cost of handling such mail, and the quantity of such matter on hand at the close of each fiscal year; the supervision of the quarterly counts of penalty, franked, and matter mailed free of postage and the preparation of reports showing the results thereof; the work of ascertaining the revenues derived from and the cost of carrying and handling the several classes of mail matter and of performing the special postal and nonpostal services; the keeping of administrative appropriation allotment and cost accounts; the maintenance of control accounts of appropriations, apportionments, allotments, obligations, revenues, receipts, and expenditures; in collaboration with the Administrative Assistant to the Postmaster General, conducting surveys and research necessary to the development of improved cost accounting and control procedures and the formulation of policies with respect to the financial accounting and statistical systems of the Department; the ascertainment, from accounts and reports rendered by postmasters, of the gross postal receipts, by calendar years, of each post office, the compilation of such data, and the maintenance of necessary records; the compilation of statistical reports, monthly operating statements, and other financial data for the information of the Postmaster General and other officers of the Post Office Department; the ascertainment of the facts and the preparation of certifications relating to proposed compromise of liabilities to the Department under § 18.52 of this chapter; the general supervision of the administration of the Retirement Act; the keeping of individual accounts, maintained in the Department, of the statutory deductions from the basic salaries of employees in the Department and Postal Service for credit to the Civil Service Retirement and Disability Fund; the compilation of statistical data relative to newspapers and other periodical publications admitted to the mails as second-class matter; the ascertainment of the amount withheld, by quarters, from the earnings of employees for Federal tax on salaries and wages; and the maintenance of control accounts showing the annual cost of maintaining Federal buildings in which post offices are housed. He shall serve as a member of the Postmaster General's Staff, and shall perform such other duties as the Postmaster General may direct.

(2) *Assistant Comptroller.* The Assistant Comptroller shall exercise general supervision over the divisions of the Bureau of Accounts, and perform such other duties as may be delegated to him by the Comptroller. In the absence of the Comptroller, or during vacancy in the office of Comptroller, the Assistant Comptroller shall act in his stead.

(3) *Divisions of the Bureau of Accounts, and assignment of duties.* There shall be in the Bureau of Accounts a Division of Cost Ascertainment and a Division of Accounts. Each of the said divisions shall be under the supervision of a Director. The Director of the Division of Cost Ascertainment, the Director of the Division of Accounts, and the other personnel of the Bureau of Accounts shall perform such duties as may be assigned by the Comptroller.

(k) *Purchasing Agent*—(1) *Duties.* The Purchasing Agent is assigned, under the direction and control of the Postmaster General, the supervision of the purchase of all supplies; and all purchases of supplies of every nature and character, whether under contract or not, either for the Post Office Department proper or for any branch of the Postal Service, shall be made by the Purchasing Agent: *Provided, however,* That the bureau officer controlling an allotment may authorize postmasters and other postal officials to purchase supplies chargeable to that allotment, subject to the approval of the Purchasing Agent in each instance. He shall serve as a member of the Postmaster General's Staff, and shall perform such other duties as the Postmaster General may direct.

(2) *Assistant Purchasing Agent.* The Assistant Purchasing Agent shall perform such functions as may be delegated to him by the Purchasing Agent. In the absence of the Purchasing Agent, or during vacancy in the office of Purchasing Agent, the Assistant Purchasing Agent shall act in his stead.

(3) *Duties of personnel of the office of Purchasing Agent.* The personnel of the office of Purchasing Agent shall perform such duties as are assigned by the Purchasing Agent.

2. Section 1.14 *Chief Inspector,* and § 1.15 *Comptroller, Bureau of Accounts,* are rescinded.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, Reorg. Plan No. 3 of 1949, 14 F. R. 5225, 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50–6306; Filed, July 20, 1950; 8:47 a. m.]

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

BUREAU OF POST OFFICE OPERATIONS; ASSIGNMENT OF DUTIES

Section 1.10 is amended to read as follows:

§ 1.10 *Bureau of Post Office Operations*—(a) *Duties.* The Assistant Postmaster General in charge of the Bureau of Post Office Operations is charged with the general management of post offices and instruction of postmasters, including all matters relating to the establishment, discontinuance, changes of names, hours of service, organization, maintenance, and other service matters of post offices, classified and contract stations and branches, and rural stations; with the selection and preparation for nomination of postmasters at post offices of the first, second, and third classes, and the appointment of postmasters at offices of the fourth class; with the bonding and commissioning of postmasters; with the keeping of a record of the appointment of postmasters; with the obtaining, recording, and filing of bonds and oaths of office and issuance of postmasters' commissions; with the consideration of charges and complaints against postmasters; with the authorization of Army mail clerks and Assistant Army mail clerks, and the supervision of the performance of their official duties; with the handling of all personnel matters relating to employees, paid from the appropriations apportioned to the Bureau of Post Office Operations, including the fixing of the quotas of necessary employees in all such post offices, stations and branches; with the authorization and granting of all allowances for assistant postmasters, supervisors and clerk hire at all post offices, city and village carrier hire, parcel post and collection carriers, special delivery messengers, carfare and bicycle hire, including allowances for vehicle hire in connection with village delivery service, and other expenses connected with post offices; with the supervision of the treatment of all undeliverable and unmailable mail matter sent to dead-letter and dead parcel-post branches for disposition; with the enforcement of the prompt sending and examination of such mail matter according to regulations; with the authorization of official sealing and postmarking machines, and the authorization of postmarking dies in post offices, not including the cancellation marks; with the establishment, location, organization and management, maintenance, hours of service, and conduct of city, village, special and parcel-post delivery service, including collection service; with the mounted and foot delivery and collection; with the bicycle and automotive service; with the conduct and management of the Detroit River Postal Service, including contract for boat; with consideration of all matters pertaining to the delivery and collection service, except as otherwise assigned; with the establishment, extension, consolidation and discontinuance of rural routes; with the maintenance and conduct of the service and the maintenance of all necessary records concerning the rural carriers and the correct mileage of all rural routes; in collaboration with the Administrative Assistant to the Postmaster General, with the development of the Bureau's budget program designed to assure the provision of adequate funds for normal postal operation and necessary expansion of the Postal Service to meet population growth and community development; with the preparation of the Bureau's budget estimates and coordinating the Bureau's budget affairs with those of the Administrative Assistant to the Postmaster General and the Bureau of the Budget; with the determination and maintenance of the accounting procedure necessary to control disbursements to reflect the status of allotments made to the Bureau at all times; with control authorizations and granting of allowances for miscellaneous service items at first- and second-class post offices, such as telephone and telegraph, cleaning and travel expenses, purchase of medical supplies for first aid units, and the like, the separating of mails, and unusual conditions at fourth-class post offices; and with the preparation and keeping of necessary journals and records and making annual adjustments of salaries of postmasters. He shall serve as a member of the Postmaster General's Staff, and perform such other duties as the Postmaster General may direct.

(b) *Executive Director, Bureau of Post Office Operations.* The Executive Director, Bureau of Post Office Operations, is charged with the coordination and general supervision of the activities of the Bureau; aiding and assisting in the formulation of plans and policies; and performing such other duties as the Assistant Postmaster General in charge of the Bureau of Post Office Operations may direct. He shall act as head of the Bureau during the absences of the Assistant Postmaster General in charge of the Bureau of Post Office Operations or during vacancy of the office of Assistant Postmaster General in charge of the Bureau of Post Office Operations.

(c) *Assistant Executive Directors, Bureau of Post Office Operations.* There shall be two Assistant Executive Directors for the Bureau of Post Office Operations, who, as designated by the Assistant Postmaster General in charge of the Bureau of Post Office Operations, shall exercise general supervision over the divisions of the Bureau and perform such other duties as may be delegated to them by the Assistant Postmaster General in charge of the Bureau.

(d) *Divisions of the Bureau of Post Office Operations, and assignment of duties.* There shall be in the Bureau of Post Office Operations a Division of Budget and Administrative Services, a Division of Rural Service, a Division of Postmasters, a Division of Post Office Personnel, a Division of City Delivery, and a Division of Clerical Service. Each said division shall be under the supervision of a Director. The Directors of the said divisions and the other personnel of the Bureau of Post Office Operations shall perform such duties as are assigned by the Assistant Postmaster General in charge of the Bureau.

(e) All post offices in the United States, its territories and possessions are field branches of the Post Office Department, and of the Bureau of Post Office Operations. Each post office is under the general supervision of a postmaster and is charged with providing postal facilities and administering the postal affairs to the communities they serve. Postmasters receive complaints regarding mishandling or mistreating of the mails and loss or nondelivery thereof and all requests for information on purely local postal matters, sending to the Post Office Department such of the complaints and inquiries as they may deem necessary. Complaints involving the conduct of a postmaster should be directed to the Bureau of Post Office Operations. Complaints should be in writing, complete as to detail, and on the prescribed form when available.

(f) Historical and statistical records of public interest pertaining to the Postal Service are on file in the Bureau of Post Office Operations, Washington 25, D. C., and are available at that place to all persons properly or directly concerned.

(g) Detailed instructions on procedure are available in the current issue of the United States Official Postal Guide, Part I for domestic mail, and Part II for foreign mail, and in the current issue of the Manual of Instructions for Postal Personnel. There is also available a list of post offices showing post office receipts and salaries of postmasters published annually. The Postal Laws and Regulations also outline procedures and statutes governing the conduct of the Postal Service. The Postal Bulletin issued twice weekly is an informative publication on procedure and policy. These publications are available at all post offices or may be secured from the Government Printing Office, Washington 25, D. C.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, Reorg. Plan No. 3 of 1949, 14 F. R. 5225, 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50–6307; Filed, July 20, 1950; 8:48 a. m.]

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

BUREAU OF TRANSPORTATION; ASSIGNMENT OF DUTIES

Section 1.11 is amended to read as follows:

§ 1.11 *Bureau of Transportation*—(a) *Duties.* The Assistant Postmaster General in charge of the Bureau of Transportation is charged with the responsibility and authority for administering all matters relating to the transportation of the domestic and international mails by means of railroads, electric and cable cars, steamships, steamboats, mail messengers, star routes and air mail routes, routing of such mails and distribution thereof, management of the international postal service, and supervision of the personnel, accounting, budgetary, and other administrative services of the Bureau of Transportation. This shall include the authorization and management of the transportation of mails on railroads, electric cars, aircraft, steamboats on inland routes, steamship and steamboat routes between the United States and its Territories; the authorization of side and transfer service required in the transportation of the mails; the determination of the necessity for the establishment of new or additional service, and the necessity for changing authorizations and car space in accordance with the needs of the Postal Service; the general management of mail service on highway post office routes and the authorization of new routes or additional service on existing routes; the investigation of cases of delinquencies in service and determination as to fines or penalties to be imposed and the amounts thereof; the collaboration with the Solicitor in the preparation and issuance of rules and regulations, and in the preparation and presentation of the Department's case in proceedings before the Interstate Commerce Commission; the distribution, routing and dispatch of all mails and the instruction of postmasters with respect thereto; devising plans, specifications and changes in railway post office cars and highway post office vehicles; the collaboration with the Bureau of Finance in arranging for the routing and protection of valuable registered mail; the preparation of advertisements inviting proposals for transportation of mails on star routes including those operating in Territories and possessions of the United States; the preparation of orders awarding such service and the preparation of contracts; the issuance of authorizations for mail messenger service; the investigation of delinquencies and determination as to fines and penalties against contractors; and all matters relating to the operation of these services; the handling of all personnel matters relating to employees paid from the appropriations allotted to the Bureau of Transportation; the supervision of the preparation of schemes and schedules and awarding of contracts for their printing; the distribution of pouches, sacks and locks used in the transportation of the mails, other than those used exclusively in the city, village, and rural delivery services; the designation of mail bag depositories; arrangements for terminal railway post office quarters on the basis of investigations by the Chief Post Office Inspector, the preparation of leases relating thereto, and the arrangement for incidental services such as telephones, heat, light and water; the consideration of requisitions for supplies and equipment used by the services under the jurisdiction of this Bureau; the preparation of instructions regarding the admissibility to the mails of matter liable to damage the mails or injure the personnel, regarding preparation and packing of such matter where admissible, and regarding the packing of other parcel-post matter necessary to withstand ordinary handling in transit; the preparation and issuance of orders authorizing, changing, modifying, altering, and suspending service, and the selection and control of schedules for the transportation of mail by aircraft; the preparation and issuance of statements of official distances between points served for the carriage of air mails; in collaboration with the Solicitor, the preparation and issuance of rules and regulations covering the transportation of mails by air carriers; the analysis of reports of nonperformance of service, violation of rules and regulations, and irregularities in the handling of air mails; the investigation and the determination of fines and penalties to be assessed against air carriers for violation of rules and regulations, nonperformance of service, and irregularities in the handling of air mails; the preparation and issuance of instructions to postmasters and field officers concerning the distribution and dispatch of domestic air mails as well as the distribution and dispatch of foreign air mails in accordance with the policies of the International Postal Service, and the operation and conduct of the air mail service; the computation and maintenance of records of the volume of air mail dispatched by post offices and other postal units; the publication and distribution of official schedules, schemes, and pouching instructions for use in the distribution, routing, and dispatch of air mails; the examination of flight reports for operating irregularities; the determination of performance of service by carriers; the allocation of mails between competing carriers; the examination of inspection reports submitted by field officials; the requisition and furnishing of supplies, equipment, furniture, and fixtures for field offices; the preparation and issuance of instructions governing the handling of air mail cachets and first-flight covers in the domestic service; the conduct of promotional air mail activities; the examination and analysis of proposals for new air mail routes; the determination of future needs for air mail service; the collaboration with the Solicitor in the preparation and presentation of the Department's cases in proceedings before the Civil Aeronautics Board; the determination of needs for new and additional quarters at airports for the distribution and handling of air mails; the preparation of plans and specifications for quarters at airports, and the negotiation of leases therefor; the preparation of commissions authorizing free air travel as directed by the Postmaster General; the attendance at meetings of and acting as the Post Office Department's voting member of the Air Coordinating Committee, and related functions; the arrangement and management of details connected with the exchange of mails with foreign countries by surface and air, including the creation and promulgation of all matters of policy relating to the international mails, the classification, rates and other conditions applicable thereto, both by surface and air, and including the ocean transportation of mails from the United States and of other mails the United States is obligated to convey; the investigation and determination of fines and deductions against steamship companies for delinquencies in service or failures to safeguard the international mails while in their custody; negotiating with foreign postal administrations of postal conventions and agreements (except those relating to the money-order system) and the arrangement of all details in connection with the putting into effect of the provisions thereof; representing the Universal Postal Union at United Nations meetings; the preparation and issuance of instructions to postmasters in regard to the international postal service, including the compilation and editing of Part II of the Official Postal Guide; the consideration and preparation of replies to inquiries relating to the international postal service (except those falling within the jurisdiction of the Chief Post Office Inspector); the consideration and disposal of applications for the return to senders of, or change of address on, articles contained in the mails exchanged with foreign countries; the compilation of general statistics of international mails; the translation of letters and documents in foreign languages received by the Department (except those relating to functions under the jurisdiction of the Bureau of Finance or the Chief Post Office Inspector); the determination of the balances due from or to foreign countries on account of intermediary maritime and land transit of international mails and the preparation of instructions to govern the collection of the transit statistics on which these balances are based; the management of all international registry, insurance, and collect-on-delivery services and all instructions and correspondence in relation thereto, except that assigned to the Bureau of Finance, or to the Chief Post Office Inspector; the examination and authorization for payment of indemnity claims for international mail and of certain claims for refund of postage paid on international mails for which no service was rendered (except as provided in § 114.11 of this chapter); the supervision of the sea post service, the Navy Mail Service, and international parcel post service; the adjustment of air mail postage rates and air mail transportation rates to foreign countries; the preparation of general correspondence with foreign postal administrations, the postal service and the general public relating to the international postal service (except that assigned to the Bureau of Finance and the Chief Post Office Inspector); the verification of all authorizations and claims for the transportation of mails; the passing upon claims of railroads for side and transfer service required of them in connection with the transportation of the mails; the examination of evidence of the performance of those services and passing upon the application of the classifications and rates fixed by the Interstate Commerce Commission governing service on railroad and electric car routes, and by the Civil Aeronautics Board governing service on domestic and foreign air-mail routes; the preparation of statements of accounts of the carriers for payment; the maintenance of bookkeeping records which form the basis of administrative audit of all claims for payment for transportation of mails; the statement of accounts for payment and the preparation and certification of vouchers and journals authorizing payment to carriers for the transportation of mails; the verification of accounts covering miscellaneous expenditures of the postal transport service; the performance of cost studies; in collaboration with the Administrative Assistant to the Postmaster General, the development of budget programs designed to assure the provision of adequate funds for the functions assigned to the Bureau of Transportation; the preparation of all budget estimates for the Bureau of Transportation, and coordinating the Bureau's budget affairs with those of the Administrative Assistant to the Postmaster General and the Bureau of the Budget; the determination and maintenance of the accounting procedure necessary to control disbursements and reflect the status of allotments made to the Bureau of Transportation, and the services under the jurisdiction of that Bureau; and the preparation of reports on budget and fiscal matters of the Bureau of Transportation as might be required by the Bureau of the Budget and committees of Congress. He shall serve as a member of the Postmaster General's Staff, and perform such other duties as the Postmaster General may direct.

(b) *Executive Director, Bureau of Transportation.* The Executive Director, Bureau of Transportation, is charged with the coordination and general supervision of the activities of the Bureau; aiding and assisting in the formulation of plans and policies; and performing such other duties as the Assistant Postmaster General in charge of the Bureau of Transportation may direct. He shall act as head of the Bureau during the absences of the Assistant Postmaster General in charge of the Bureau of Transportation or during vacancy of the office of Assistant Postmaster General in charge of the Bureau of Transportation.

(c) *Assistant Executive Directors, Bureau of Transportation.* There shall be two Assistant Executive Directors for the Bureau of Transportation, who, as designated by the Assistant Postmaster General in charge of the Bureau of Transportation, shall exercise general supervision over the divisions of the Bureau and perform such other duties as may be delegated to them by the Assistant Postmaster General in charge of the Bureau.

(d) *Divisions of the Bureau of Transportation, and assignment of duties.* There shall be in the Bureau of Transportation a Division of Budget and Administrative Services, a Division of International Service, a Division of Transportation Accounts, a Division of Railway Transportation, a Division of Air Service, and a Division of Highway and Contract Transportation. Each said division shall be under the supervision of a Director. The Directors of the said divisions and the other personnel of the Bureau of Transportation shall perform such duties as are assigned by the Assistant Postmaster General in charge of the Bureau.

(e) *Field divisions of the Postal Transportation Service.* (1) The Postal Transportation Service, which is under the jurisdiction of the Bureau of Transportation, is divided into fifteen field divisions, each in charge of a general superintendent. The locations of the general superintendents' offices and the area under the jurisdiction of each are shown below:

Division	Jurisdictional area	Office location
First	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut.	Post Office Bldg., Boston 9, Mass.
Second	New York; New Jersey	General Post Office Bldg., 31st St. and 8th Ave., New York 1, N. Y.
Third	District of Columbia, Maryland, North Carolina, Virginia, and West Virginia (except the peninsula of Maryland and Virginia).	City Post Office Bldg., Washington 25, D. C.
Fourth	Alabama, Florida, Georgia, South Carolina, Tennessee, Puerto Rico, and Virgin Islands.	Federal Annex, Atlanta 4, Ga.
Fifth	Ohio, Indiana, and Kentucky	Post Office Annex, Liberty and Dalton Sts., Cincinnati 35, Ohio.
Sixth	Illinois and Iowa	Main Post Office Bldg., Chicago 7, Ill.
Seventh	Kansas and Missouri	Post Office Bldg., St. Louis 3, Mo.
Eighth	Arizona, California, Guam, Hawaii, Nevada, Samoa, and Utah.	Post Office Bldg., San Francisco 1, Calif.
Ninth	Lower Peninsula of Michigan, the main line of the New York Central R. R. between New York, N. Y., and Chicago, Ill. and collateral lines.	Post Office Bldg., Cleveland 1, Ohio.
Tenth	Northern Peninsula of Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.	Post Office Bldg., St. Paul, Minn.
Eleventh	New Mexico, Oklahoma, and Texas	Post Office Bldg., Fort Worth 1, Tex.
Twelfth	Arkansas, Louisiana, and Mississippi	Post Office Bldg., New Orleans 6, La.
Thirteenth	Alaska, Idaho, Montana, Oregon, and Washington	Post Office Bldg., Seattle 11, Wash.
Fourteenth	Nebraska, Colorado, and Wyoming	Post Office Bldg., Omaha 1, Nebr.
Fifteenth	Pennsylvania, Delaware, the Eastern Shore of Maryland, Accomack and Northampton Counties, Virginia and Pennsylvania R. R. System between New York and Chicago and between New York and St. Louis, and such collateral lines as may be designated.	Federal Bldg., Pittsburgh 19, Pa.

(2) *General Superintendent.* (i) The general superintendent shall supervise the operation of the service and employees assigned to his division; see that the Postal Laws and Regulations and all departmental orders are complied with; prepare schemes of distribution and schedules for use as guides to the correct dispatch of the mails; prepare semimonthly pay sheets and quarterly pay rolls showing the names of the employees and the amounts of salaries and travel allowances, except travel allowances for travel on air mail business, to be paid by checks issued by postmasters at division headquarters; make investigations ordered by the Department, and of irregularities occurring within his territory, except losses, taking corrective action when necessary, and report upon all essential matters to the Bureau of Transportation.

(f) *Information.* (1) Requests for information concerning any matters under the jurisdiction of the Bureau of Transportation may be directed to local postmasters or to any of the field officials listed in this section. Requests for information which can not be obtained satisfactorily in the field may be addressed to the Bureau of Transportation, Post Office Department, Washington 25, D. C.

(2) Detailed information concerning postal matters is available to the public in the current issue of the U. S. Official Postal Guide, Part I for domestic mail and Part II for foreign mail; the Postal Laws and Regulations, as amended; the Postal Bulletin, issued twice weekly; and in the annual reports of the Postmaster General. These publications may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

(g) *Official records.* Official records of public interest pertaining to service actions or request for service actions are on file in the Bureau of Transportation, Post Office Department, Washington 25, D. C. and, with the exception of those held confidential, are available at that place to all persons properly and directly concerned.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, Reorg. Plan No. 3 of 1949, 14 F. R. 5225, 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50–6308; Filed, July 20, 1950; 8:48 a. m.]

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

BUREAU OF FINANCE; ASSIGNMENT OF DUTIES

Section 1.12 is amended to read as follows:

§ 1.12 *Bureau of Finance*—(a) *Duties.* The Assistant Postmaster General in charge of the Bureau of Finance is charged with the general supervision of the financial operations of the Postal

Service, including the payment of all salaries to all officers, clerks, and employees of the Department; with the supervision of the Postal Savings System and of the sale of United States Savings bonds at post offices; with the administrative examination of postal-savings, savings-bond, and savings-stamp accounts, and the keeping of records of accounts pertaining thereto; with the supervision, through the Government agencies, of the manufacture of all postage stamps, postage stamp paper, including international reply coupons, postal cards, stamped envelopes, and migratory-bird hunting stamps, and their distribution; with the examination, verification, and adjustment of the accounts of contractors for these supplies; with the distribution of internal revenue stamps and United States Savings stamps for sale in post offices and the accounting therefor; with the determination of responsibility for shortages in postmasters' accounts; with the preparation of the Postmaster General's reports to Congress in cases involving loss of Government funds or stamped paper; with the general direction of the postal money-order system, both domestic and international, the postal-note system, and the preparation of conventions for the exchange of money orders with foreign countries; with the classification of domestic mail matter and supervision of the collection of postage thereon, including the use of precanceled stamps and the acceptance of matter without stamps affixed as metered and non-metered mail; the supervision of the use of the penalty, franking and other domestic free mail privileges authorized by law; with the enforcement of the laws relative to the limit of weight and size of domestic mail; with the granting of authority to refund postage charges on domestic mail in excess of the lawful amounts; with the supervision of, and issuance of instructions pertaining to, the inclusion of any advertisements, slogans, pictures, and insignia in the cancellation portion of any postmarking device or equipment, including postage meters; with the administration of the laws governing second-class matter; with the supervision and management of the domestic registry system and the domestic insurance and collect-on-delivery services; with the general supervision of investigations of methods designed to improve the Parcel Post Service, and its adequacy and adaptability for handling mailable articles. This shall include the gathering and distributing of funds derived from the collection of the revenues of the Postal Service for the purpose of meeting the obligations of the service when and where payable; the supervision of the handling and remitting of funds by postmasters; the covering of postal moneys into the Treasury of the United States; the receiving of moneys coming directly to the Department; the paying of indebtedness not settled by postmasters; the regulation of box-rent rates and deposits for keys of lock boxes in post offices; the making of all payments for rent of departmental buildings, contingent expenses, printing and binding, and such other expenditures as may be authorized; the sale of post route and rural delivery maps; the keeping of accounts of expenditures; with the keeping of accounts of stamped paper issued to postmasters and on hand in post offices, and the audit and disposition of reports and inventories regarding the same; the adjustment of cases of loss, miscarriage, or detention of stamped supplies in transit; the receipt, examination, and disposition of stamped paper, internal revenue, migratory-bird hunting, and United States Savings stamps and international reply coupons sent by postmasters to the Department for redemption, and the certification of credits in favor of postmasters therefor; the consideration of cases relating to the counterfeiting or imitating of United States postage stamps; the supervision of the Philatelic Agency, the Philatelic Exhibition Room, and philatelic matters; the rendition of international reply coupon accounts to the countries of origin and certification of balances due or collectible to the General Accounting Office; the consideration of all administrative questions relating to the classification of mail matter, and the determination of the rates of postage thereon; the admissibility of meat and meat-food products under the Meat Inspection Act and of nursery stock, and other matter under the Plant Quarantine and Terminal Inspection Acts; the admissibility of the dead bodies, or parts thereof, of any wild animals or birds, or the eggs of any such birds, under the laws pertaining to their shipment; the requirements as to the name and address of the sender on mail and the addressing thereof; the verification and allowance of claims for credit by postmasters for postage-due stamps affixed to undeliverable matter; the administrative examination of postmasters' quarterly statements of second-class postage collected and the receipts issued to publishers therefor; the certification to the General Accounting Office of the amount of second-class postage for which each postmaster is accountable; the registration of news agents; the registration of magazines and periodical publications issued in raised characters or on sound-reproduction records for the blind; the determination of the acceptability of free circulation publications at special postage rates provided therefor; the management of the domestic registry system and the domestic insurance and collect-on-delivery features of the Postal Service and the issuance of all instructions and correspondence in relation thereto, except that assigned to the Chief Post Office Inspector; the issuance of instructions concerning receipts or certificates of mailing for domestic ordinary, registered, insured, and collect-on-delivery mail; the authorization of all domestic rotary-lock, brass-lock, lead-seal, and exceptional exchanges and dispatches of registered mail; the recovery and disposition of domestic indemnities found to have been improperly paid; the supervision of the adjustment by postmasters of claims involving domestic insured and collect-on-delivery mail; the adjustment of indemnity claims for domestic registered mail and such claims for domestic insured and collect-on-delivery mail as are not adjusted by postmasters; in collaboration with the Administrative Assistant to the Postmaster General, the development of budget programs designed to assure the provision of adequate funds for the functions assigned to the Bureau of Finance; the preparation of all budget estimates for the Bureau of Finance, and coordinating the Bureau's budget affairs with those of the Administrative Assistant to the Postmaster General and the Bureau of the Budget; the determining and maintaining the accounting procedure necessary to control disbursements and reflect the status of allotments made to the Bureau of Finance and the services under the jurisdiction of that Bureau; and the preparation of reports on budget and fiscal matters of the Bureau of Finance as might be required by the Bureau of the Budget and committees of Congress. He shall serve as a member of the Postmaster General's Staff, and perform such other duties as the Postmaster General may direct.

(b) *Executive Director, Bureau of Finance.* The Executive Director, Bureau of Finance, is charged with the coordination and general supervision of the activities of the Bureau; aiding and assisting in the formulation of plans and policies; and performing such other duties as the Assistant Postmaster General in charge of the Bureau of Finance may direct. He shall act as head of the Bureau during the absences of the Assistant Postmaster General in charge of the Bureau of Finance or during vacancy of the office of Assistant Postmaster General in charge of the Bureau of Finance.

(c) *Assistant Executive Directors, Bureau of Finance.* There shall be two Assistant Executive Directors for the Bureau of Finance, who, as designated by the Assistant Postmaster General in charge of the Bureau of Finance, shall exercise general supervision over the divisions of the Bureau and perform such other duties as may be delegated to them by the Assistant Postmaster General in charge of the Bureau.

(d) *Divisions of the Bureau of Finance, and assignment of duties.* There shall be in the Bureau of Finance a Division of Budget and Administrative Services, a Division of Registered, Insured, and Collect-on-Delivery Mail, a Division of Money Orders a Division of Newspaper and Periodical Mail, a Division of Letter and Miscellaneous Mail, a Division of Finance, a Division of Postal Savings Banking Investments, and a Division of Stamps and Philately. Each said division shall be under the supervision of a Director. The Director of the Division of Finance is hereby designated the Disbursing Officer for the Post Office Department. The Directors of the said divisions and the other personnel of the Bureau of Finance shall perform such duties as are assigned by the Assistant Postmaster General in charge of the Bureau.

(e) *Payment of indemnity claims at post offices.* (1) Applications for indemnity for lost, rifled, or damaged domestic registered, insured, or collect-on-delivery mail may be made by the public to the postmaster at any post office.

(2) Except such claims as are reserved for adjustment by the Department, the postmasters at Central Accounting Post Offices for the States or sections in which Insured and collect-on-delivery articles are mailed are authorized to pay limited indemnity claims, not to exceed $200, arising from the loss or rifling of, or damage to, insured and unregistered collect-on-delivery articles, and exchanged within and between the continental United States (including Alaska), Guam, Hawaii, Pago Pago, Samoa, Puerto Rico, and the Virgin Islands. Below is a list of Central Accounting Post Offices with territory served:

Central-accounting post offices	*Territory served*
Kansas City, Mo.	The following counties of Missouri: Andrew, Atchison, Barry, Barton, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cooper, Dade, Dayless, De Kalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson, Lafayette, Lawrence, Linn, Livingston, McDonald, Mercer, Monteau, Morgan, Newton, Nodaway, Oregon, Ozark, Pettis, Platte, Polk, Putnam, Ray, Saint Clair, Saline, Stone, Sullivan, Taney, Texas, Vernon, Worth.
Saint Louis, Mo.	The following counties of Missouri: Adair, Audrain, Bollinger, Boone, Butler, Callaway, Camden, Cape Girardeau, Carter, Clark, Cole, Crawford, Dallas, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Knox, Laclede, Lewis, Lincoln, Macon, Madison, Maries, Marion, Miller, Mississippi, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, Ripley, Saint Charles, Sainte Genevieve, Saint Francois, Saint Louis, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, Wayne, Webster, Wright.
Helena, Mont.	Montana.
Omaha, Nebr.	Nebraska.
Reno, Nev.	Nevada.
Concord, N. H.	New Hampshire.
Newark, N. J.	New Jersey.
Albuquerque, N. Mex.	New Mexico.
New York, N. Y.	New York.
Charlotte, N. C.	North Carolina.
Fargo, N. Dak.	North Dakota.
Cincinnati, Ohio	The following counties of Ohio: Adams, Allen, Athens, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Defiance, Delaware, Fairfield, Fayette, Franklin, Fulton, Gallia, Greene, Hamilton, Hancock, Hardin, Henry, Highland, Hocking, Jackson, Lawrence, Licking, Logan, Lucas, Madison, Marion, Meigs, Mercer, Miami, Montgomery, Paulding, Perry, Pickaway, Pike, Preble, Putnam, Ross, Scioto, Shelby, Union, Van Wert, Vinton, Warren, Williams, Wood, Wyandot.
Cleveland, Ohio	The following counties of Ohio: Ashland, Ashtabula, Belmont, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Erie, Geauga, Guernsey, Harrison, Holmes, Huron, Jefferson, Knox, Lake, Lorain, Mahoning, Medina, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Portage, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Tuscarawas, Washington, Wayne.
Oklahoma City, Okla.	Oklahoma.
Portland, Oreg.	Oregon.
Philadelphia, Pa.	The following counties of Pennsylvania: Adams, Berks, Bradford, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, York.
Pittsburgh, Pa.	The following counties of Pennsylvania: Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Somerset, Venango, Warren, Washington, Westmoreland.

Central-accounting post offices	*Territory served*
Birmingham, Ala.	Alabama.
Seattle, Wash.	Alaska.
Phoenix, Ariz.	Arizona.
Little Rock, Ark.	Arkansas.
San Francisco, Calif.	California.
Denver, Colo.	Colorado.
New Haven, Conn.	Connecticut.
Wilmington, Del.	Delaware.
Jacksonville, Fla.	Florida.
Atlanta, Ga.	Georgia.
Honolulu, Hawaii	Hawaii and Samoa.
Boise, Idaho	The following counties of Idaho: Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, Washington. See Spokane, Wash., for other counties in Idaho.
Chicago, Ill.	Illinois.
Indianapolis, Ind.	Indiana.
Des Moines, Iowa	Iowa.
Topeka, Kans.	Kansas.
Louisville, Ky.	Kentucky.
New Orleans, La.	Louisiana.
Portland, Maine	Maine.
Baltimore, Md.	Maryland.
Boston, Mass.	Massachusetts.
Detroit, Mich.	The following counties of Michigan: Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, Saint Clair, Saint Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, Wexford.
Marquette, Mich.	The following counties of Michigan: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft.
Minneapolis, Minn.	Minnesota.
Vicksburg, Miss.	Mississippi.

Central-accounting post offices	*Territory served*
San Juan, P. R.	Puerto Rico. The third and fourth class post offices in Virgin Islands.
Providence, R. I.	Rhode Island.
Charlotte, N. C.	South Carolina.
Sioux Falls, S. Dak.	South Dakota.
Nashville, Tenn.	Tennessee.
Austin, Tex.	The following counties of Texas: Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Brazoria, Brazos, Brewster, Brooks, Burleson, Burnet, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Concho, Coryell, Crane, Crockett, De Witt, Dimmit, Duval, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Houston, Irion, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Live Oak, Llano, McCulloch, McMullen, Madison, Mason, Matagorda, Maverick, Medina, Menard, Milam, Montgomery, Nacogdoches, Newton, Nueces, Orange, Pecos, Polk, Presidio, Reagan, Real, Refugio, Robertson, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Shelby, Starr, Sterling, Sutton, Terrell, Tom Green, Travis, Trinity, Tyler, Upton, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, Zavala.
Dallas, Tex.	The following counties of Texas: Anderson, Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Bosque, Bowie, Briscoe, Brown, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanche, Cooke, Cottle, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ector, Ellis, El Paso, Erath, Falls, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Glasscock, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Howard, Hudspeth, Hunt, Hutchinson, Jack, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Limestone, Lipscomb, Loving, Lubbock, Lynn, McLennan, Marion, Martin, Midland, Mills, Mitchell, Montague, Moore, Morris, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Red River, Reeves, Roberts, Rockwall, Runnels, Rusk, Scurry, Shackelford, Sherman, Smith, Somervell, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Upshur, Van Zandt, Ward, Wheeler, Wichita, Wilbarger, Winkler, Wise, Wood, Yoakum, Young.
Salt Lake City, Utah.	Utah.
Burlington, Vt.	Vermont.
Richmond, Va.	Virginia.
San Juan, P. R.	Virgin Islands.
Seattle, Wash.	All third and fourth class post offices in Alaska. The following counties of Washington: Chelan, Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Klickitat, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom, Yakima.
Spokane, Wash.	The following counties of Idaho: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone. The following counties of Washington: Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman.
Charleston, W. Va.	The following counties of West Virginia: Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Summers, Wayne, Webster, Wirt, Wood, Wyoming.
Wheeling, W. Va.	The following counties of West Virginia: Barbour, Berkeley, Brooke, Doddridge, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel.
Milwaukee, Wis.	Wisconsin.
Cheyenne, Wyo.	Wyoming.

(3) Except such claims as are reserved for adjustment by the Department, the postmaster at Washington, D. C., is authorized to pay limited indemnity claims, not to exceed $200, arising from the loss or rifling of, or damage to insured and unregistered collect-on-delivery articles mailed at Washington, D. C. Claims for indemnity involving parcels mailed at Washington, D. C., are, upon completion, sent to the postmaster at Washington, D. C.

(4) Claims involving both insured and c. o. d. parcels mailed at post offices in Alaska are, upon completion, sent to the postmaster at Seattle, Washington.

(5) Claims for indemnity involving parcels mailed at or addressed to post offices in Hawaii are, upon completion, sent to the postmaster at Honolulu, if the payees are located in Hawaii, but if the payees are located elsewhere in the United States, the claim papers are sent to the postmaster at San Francisco, California.

(6) Claims for indemnity involving parcels mailed at or addressed to post offices in Puerto Rico are, upon completion, sent to the postmaster at San Juan, Puerto Rico, if the payees are located in Puerto Rico; but if the payees are located elsewhere in the United States, the claim papers are sent to the postmaster at New York, N. Y.

(7) Claims for indemnity involving parcels mailed at or addressed to post offices in the Virgin Islands are, upon completion, sent to the postmaster at San Juan, Puerto Rico, if the payees are located in the Virgin Islands or Puerto Rico; but if payment is to be made elsewhere in the United States, the claims for indemnity are sent to the postmaster at New York, N. Y.

(f) *Requests for information.* (1) Information regarding the registration of valuable mail matter, insurance of parcels, and sending of articles collect-on-delivery, to domestic destinations, fees, and limits of indemnity, and the advantages to be derived from the use of each of the services may be obtained at any post office or station or branch thereof.

(2) Information concerning certificates of mailing of domestic ordinary mail of any class, or additional receipts, or certificates of mailing of any domestic ordinary, registered, insured, or collect-on-delivery mail, may be obtained at any post office or station or branch thereof. Requests for such receipts or certificates of mailing must be made at the offices at which the articles are mailed.

(3) Applications for the registration of mail may be made at a post office, branch, or station, or to a city, village, or rural delivery carrier.

Mail intended for registration should never be placed in a street letter box or an ordinary mail drop. It must be presented for registration and a receipt obtained at the time showing, in addition to such other particulars as may be required by the Department, the number of the article, the amount of registry fee paid, the class of postage paid, the amount of surcharge, if any, paid, and any fees paid for special services, such as return receipt, restricted delivery, special delivery, and the postmark showing date and place of registration.

(4) At the time of mailing, or after mailing, of a domestic registered article, the sender may make request for a return receipt showing to whom and when the article was delivered, or at the time of mailing only, the sender may make request for a return receipt showing to whom, when and the address where the mail was delivered, upon payment of the prescribed fee.

(5) The sender may restrict the delivery of registered mail by indorsing each such article on the address side "Deliver to Addressee Only," or "Deliver to the Addressee or Order," or with words of similar import, upon payment of the required fee.

(6) When the sender of registered mail desires to reclaim or recall it at any time before delivery, application may be made to the mailing postmaster.

(7) Requests for firm mailing books by patrons who customarily present for registration, insurance, or collection-on-delivery, an average of three or more articles at one time may be made at any post office.

(8) Requests for information as to the proper method of packing and wrapping of articles intended for registration, insurance, or collection-on-delivery, may be made at any post office, or station or branch thereof.

(9) Requests for information regarding the sending of inquiries for domestic registered, insured, or c. o. d. mail and the charges therefor, if any, may be obtained at any post office.

(10) Requests for insurance of parcels may be made at a post office, or branch or station, or to a rural carrier. Matter intended for insurance may be left in a rural patron's mail box for collection, provided sufficient stamps are affixed for postage and fee, or money therefor is left in the box, and the article is properly packed and marked "Insured." A note should be left in the rural box stating contents and what part of the stamps or money represents the insurance fee.

(11) Requests that articles be sent collect-on-delivery may be made at a post office, or station or branch, or to a rural carrier. Matter intended for collection-on-delivery may be left in a rural patron's box for collection, provided sufficient stamps are affixed for postage and fee, or money therefor is left in the box, and the article is properly packed and marked "c. o. d." A c. o. d. tag must be properly filled in and attached to the article. A note should be left in the rural mail box stating the contents of the article if other than first class matter, and what part of the stamps or money represents the c. o. d. fee.

(12) At the time of mailing and upon payment of the required fee, the sender may request restriction in delivery of an insured or c. o. d. parcel by indorsing each such article on the address side "Deliver to Addressee Only," or "Deliver to the Addressee or Order," or with words of similar import.

(13) Requests for information regarding the use of multiple forms providing in one operation, by carbon process, address labels, firm mailing and post office records, and in the case of c. o. d. mail, labels to be affixed over the corresponding portions of the official c. o. d. tags, and for information concerning the use of recapitulation sheets in conjunction with these multiple forms, may be made at any post office.

(14) The sender may, upon the payment of the required fee, request that the amount originally stated as due him on delivery of a c. o. d. parcel be increased (not to exceed $200), decreased, or canceled, or the parcel delivered to a new addressee at the office where it is held.

(15) When the sender of a c. o. d. parcel is advised by the addressee that it has not been received, and a sufficient length of time has elapsed from the date of mailing for the parcel to have been received at the office of address in the usual course of the mails and delivered to the addressee, inquiry may be made at the mailing post office or branch or station thereof. However, if such advice is dated at least ten days from the date on which the parcel should have reached the office of address and been delivered to the addressee, claim for indemnity may be filed.

(16) When the sender of a c. o. d. parcel is advised that it was received by the addressee with all or a part of the contents missing or damaged, claim for indemnity may be made without preliminary inquiry.

(17) When the sender of a c. o. d. parcel fails to receive a c. o. d. money order at the expiration of at least ten days following the date of mailing, in addition to the time limit for retention specified by the sender, or the parcel itself is not returned as undelivered at the expiration of a similar period, inquiry may be made at the mailing post office or branch or station thereof for the parcel.

(18) Written complaints concerning the disposition or delay (as distinguished from loss or rifling of, or damage to), domestic registered mail, including that exchanged with the Canal Zone, and applications for indemnity on account of the loss or rifling of, or damage to, domestic registered mail, including that exchanged with the Canal Zone, may be made at any post office.

(19) Information concerning refunds of postage paid on domestic registered, insured and collect-on-delivery mail may be obtained at any post office. Request for refunds of any postage paid on domestic registered, insured, or collect-on-delivery mail for which service was not rendered, or was collected in excess of the lawful rate, may be made in writing at the office where mailed.

(20) Request for information concerning the status of claims involving domestic registered mail should be addressed to the Bureau of Finance, Washington 25, D. C. Requests for reports of the status of claims involving domestic insured or collect-on-delivery mail should be addressed to the designated paying postmaster.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, Reorg. Plan No. 3 of 1949, 14 F. R. 5225, 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50–6309; Filed, July 20, 1950; 8:48 a. m.]

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

BUREAU OF FACILITIES; ASSIGNMENT OF DUTIES

Section 1.13 is amended to read as follows:

§ 1.13 *Bureau of Facilities*—(a) *Duties.* The Assistant Postmaster General in charge of the Bureau of Facilities is charged with representing the Postmaster General on the Joint Departmental Committee, administering the details of public building programs authorized by Congress outside of the District of Columbia; with the authorization of allowances for rent, light, and fuel, and the consideration of general engineering problems affecting the activities of the Postal Service; with the custody, distribution and transportation of equipment and supplies for the Postal Service; with the administration and operation of Government-owned post-office buildings, appointment and discipline of personnel engaged in operation and maintenance work; with the design and construction of buildings insofar as the operation of the post-office service is concerned; with the layout of post-office quarters in Federal buildings and leased buildings, including conveyor and other labor-saving equipment for same; with the general engineering problems affecting the activities of the Postal Service; in collaboration with the Administrative Assistant to the Postmaster General, with the consideration of the practicability of devices and inventions for use in the Postal Service; with the authorization, operation, and maintenance of the Government-owned motor-vehicle service, and the pneumatic tube service; with the requisitions for materials, supplies, and garage equipment; with the preparation of advertisements inviting proposals for the transportation of the mails in cities by means of screen wagons and pneumatic tubes, and the drafting of orders awarding such service, including the preparation of contracts therefor; with the fixing of allowances for the hire of vehicles used in the delivery and collection service; with the examination of reports and the preparation of orders making deductions and imposing fines for nonperformance of services and other delinquencies on the part of contractors; with the selection, lease, and equipment of quarters for presidential post offices and stations, and the fixing of allowances for rent, light, heat, and water at such offices and stations; with the lease and equipment of post-office garages; with the preparation of specifications for equipment and supplies for the Postal Service; with the requisition, inspection, adjustment and repair of post-office scales; with the maintenance of a record of expenditures from allotments for equipment and supplies; with the requisition and distribution of cleaning and operating supplies and equipment, including fuel, oils and grease, and electric and gas lamps; with the assignment of space and granting of privileges in Federal buildings under the jurisdiction of the Postmaster General; with the joint telephone facilities serving two or more governmental agencies in Federal buildings under the jurisdiction of the Postmaster General; with the requisition and distribution of furniture, floor coverings, window shades, and awnings; with the supervision of matters relating to moving into or out of Federal buildings; with matters relating to safes and their fittings; with the general supervision of the mail-equipment shops; with the manufacture and repair of mail bags and other mail containers and attachments, mail locks, keys, chains, tools, dies, and such other equipment for the Postal Service as may be deemed necessary; with the preparation of specifications for the articles above named and the recommendation of awards for purchase; with the issuance of letter-box locks, mail keys, key chains, and the like, to postmasters and other officials entitled thereto; with the preparation of instructions relative to freight, express,

drayage, crating, routing, and billing shipments of equipment, material, and supplies for the Departmental and Field Service; with the authorization of allowances for hire of vehicles used in the delivery and collection service, and Government-owned motor-vehicle services in cities; with the production and distribution of post-route, rural-delivery, county and local-center maps, which maps shall be issued to the officers of the service and all others entitled thereto upon their request, and which shall not bear the name or imprint of the contractor doing the printing; with the production of and issuance of parcel-post zone keys to be used in connection with the Official Postal Guide to offices of the service, and to the public upon request; in collaboration with the Administrative Assistant to the Postmaster General, with the development of budget programs designed to assure the provision of adequate funds for the functions assigned to the Bureau of Facilities; with the preparation of all budget estimates for the Bureau of Facilities, and coordinating the Bureau's budget affairs with those of the Administrative Assistant to the Postmaster General and the Bureau of the Budget; with determining and maintaining the accounting procedure necessary to control disbursements and reflect the status of allotments made to the Bureau of Facilities and the services under the jurisdiction of that Bureau; and with the preparation of reports on budget and fiscal matters of the Bureau of Facilities as might be required by the Bureau of the Budget and committees of Congress. He shall serve as a member of the Postmaster General's Staff, and perform such other duties as the Postmaster General may direct.

(b) *Executive Director, Bureau of Facilities.* The Executive Director, Bureau of Facilities, is charged with the coordination and general supervision of the activities of the Bureau; aiding and assisting in the formulation of plans and policies; and performing such other duties as the Assistant Postmaster General in charge of the Bureau of Facilities may direct. He shall act as head of the Bureau during the absences of the Assistant Postmaster General in charge of the Bureau of Facilities or during vacancy of the office of Assistant Postmaster General in charge of the Bureau of Facilities.

(c) *Assistant Executive Directors, Bureau of Facilities.* There shall be two Assistant Executive Directors for the Bureau of Facilities, who, as designated by the Assistant Postmaster General in charge of the Bureau of Facilities, shall exercise general supervision over the divisions of the Bureau and perform such other duties as may be delegated to them by the Assistant Postmaster General in charge of the Bureau.

(d) *Divisions of the Bureau of Facilities, and assignment of duties.* There shall be in the Bureau of Facilities a Division of Budget and Administrative Services, a Division of Engineering and Research, a Division of Post Office Quarters, a Division of Federal Buildings Operations, a Division of Motor Vehicle Service, a Division of Equipment and Supplies, a Division of Topography, and a Division of Traffic. Each said Division shall be under the supervision of a Director. The Directors of the said divisions and the other personnel of the Bureau of Facilities shall perform such duties as are assigned by the Assistant Postmaster General in charge of the Bureau.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, Reorg. Plan No. 3 of 1949, 14 F. R. 5225, 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50–6310; Filed, July 20, 1950; 8:48 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce [1]

Subchapter F—Merchant Ship Sales Act of 1946

[Gen. Order 60, Amdt. 5 to Supp. 2]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

SUBPART A—GENERAL PROVISIONS

Paragraph (p) *Preoperating and operating expenses* of § 299.1 *Definitions* is amended by adding at the bottom thereof the following:

Dry cargo vessels:	
C2–SU Reefer	[1] $175,000
R1–HM–AV3	[1] 95,000
R2–S–BVI	[1] 165,000

[1] Effective with respect to applications (and amendments of prior applications) received by the Commission during the period between July 12, 1946, and April 8, 1947.

(Sec. 204, 49 Stat. 1987, as amended, sec. 12, 60 Stat. 49; 46 U. S. C. 1114, 50 U. S. C. App., 1745)

JOHN T. KOEHLER,
Acting Administrator,
Maritime Administration.

JUNE 14, 1950.

[F. R. Doc. 50–6320; Filed, July 20, 1950; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 925]

[Docket No. AO–226]

HANDLING OF MILK IN PUGET SOUND, WASH., MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Notice is hereby given that the hearing on a proposed marketing agreement and order regulating the handling of milk in the Puget Sound, Washington, marketing area, heretofore scheduled (15 F. R. 4508) to begin at 10:00 a. m., P. d. s. t., at the U. S. Court House, Seattle, Washington, on August 1, 1950, is postponed, and shall instead begin at the U. S. Court House, Seattle, Washington, at 10:00 a. m., P. d. s. t., on August 14, 1950.

[SEAL] JOHN L. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50–6342; Filed, July 20, 1950; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 699]

MINIMUM WAGE RATES IN THE TEXTILE AND TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

NOTICE OF PROPOSED RULE MAKING

On October 27, 1949, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, I, as Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 389, appointed Special Industry Committee No. 6 for Puerto Rico, hereinafter called the Committee, and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the Textile and Textile Products Industry, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the Textile and Textile Products Industry, in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the Textile and Textile Products Industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the Textile and Textile Products Industry in Puerto Rico, the Committee filed with me a report containing (a) its recommendation that the industry be divided into separable divisions for the purpose of fixing minimum wage rates; (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in such divisions of the industry.

Pursuant to notice published in the FEDERAL REGISTER on February 25, 1950, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner Clifford P. Grant, as presiding officer, in Washington, D. C., on March 30, 1950, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to me by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendations of the Committee for minimum wage rates in the Textile and Textile Products Industry in Puerto Rico, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 6 for Puerto Rico for Minimum Wage Rates in the Textile and Textile Products Industry in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (15 F. R. 1049), that I propose to approve such recommendations of the Committee and to issue a wage order for the Textile and Textile Products Industry in Puerto Rico to read as set forth below to carry such recommendations into effect. Interested parties may submit written exceptions within 15 days from publication of this notice in the FEDERAL REGISTER. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
699.1 Approval of recommendations of Industry Committee.
699.2 Wage rates.
699.3 Notices of order.
699.4 Definitions of the Textile and Textile Products Industry in Puerto Rico and its divisions.

AUTHORITY: §§ 699.1 to 699.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 699.1 *Approval of recommendations of Industry Committee.* The Committee's recommendations are hereby approved.

§ 699.2 *Wage rates.* (a) Wages at a rate of not less than 25 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Hand-Loomed Textile Division of the Textile and Textile Products Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Cotton Ginning and Compressing Division of the Textile and Textile Products Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Mattress, Quilt and Pillow Division of the Textile and Textile Products Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 32½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Hard-Fiber Products Division of the Textile and Textile Products Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(e) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the General Division of the Textile and Textile Products Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 699.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Textile and Textile Products Industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 699.4 *Definitions of the Textile and Textile Products Industry in Puerto Rico and its divisions.* (a) The Textile and Textile Products Industry in Puerto Rico, to which this order shall apply, is hereby defined as follows:

The preparation of textile fibers, including the ginning and compressing of cotton; the manufacture of batting, wadding, and filling; the manufacture of yarn, cordage, twine, felt, woven and knitted fabrics, and lace-machine products, from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool or other vegetable, animal, or synthetic fibers, or from mixtures of these fibers; and the manufacture of blankets, textile bags, oil cloth and artificial leather, woven carpets and rugs, mattresses, quilts and pillows: *Provided however*, That the definition shall not include the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this order and its several provisions shall apply, are hereby defined as follows:

(1) *General division.* This division consists of all products and activities included in the Textile and Textile Products Industry, as defined in this section, except those included in the Cotton Ginning and Compressing Division, the Mattress, Quilt, and Pillow Division, the Hand-Loomed Textile Division, and the Hard-Fiber Products Division, as defined in this section.

(2) *Cotton ginning and compressing division.* This division consists of the ginning and compressing of cotton.

(3) *Mattress, quilt and pillow division.* This division consists of the manufacture of mattresses, quilts and pillows.

(4) *Hand-loomed textile division.* This division consists of the manufacture from any fiber of hand-loomed fabrics, blankets, rugs and similar textiles.

(5) *Hard-fiber products division.* This division consists of the manufacture from kenaf, coir, sisal, jute or other hard or coarse textile fiber or mixtures of these fibers of yarn, bagging, bags, rope, matting and similar textiles and textile products.

Signed at Washington, D. C., this 18th day of July 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50–6346; Filed, July 20, 1950; 8:54 a. m.]

FEDERAL POWER COMMISSION

[18 CFR, Part 34]

[Docket No. R–114]

PURCHASE OR UNDERWRITING OF SECURITIES

ORDER FIXING DATE FOR ORAL ARGUMENT

JULY 12, 1950.

In the matter of amendment of Part 34 of the general rules and regulations to prescribe revised requirements for public invitation of proposals for the purchase or underwriting of securities subject to the provisions of sections 19, 20, or 204 of the Federal Power Act.

The Commission under date of April 18, 1950, entered its Order No. 152 in the above entitled rule-making proceeding, amending Part 34 of the general rules to require public invitation of proposals for the purchase or underwriting of securities, and excepting, inter alia, from such requirements bonds, notes, or other evidence of debt, of a maturity of five years or less, issued to a commercial bank, insurance company, or similar institution, not for resale to the public.

In adopting the amendment the Commission fixed the aforesaid maturity of five years in lieu of ten years as set out in the notice of proposed rule-making, dated January 24, 1950, after consideration of a written repsonse to that notice suggesting the change.

Prior to May 25, 1950, the effective date of the amendment, numerous communi-

[1] The new chapter head note is an interim designation designed to reflect Reorganization Plan No. 21 of 1950 (15 F. R. 3178).

cations were received requesting that the effective date of the amendment be stayed pending the filing of data showing that the exemption should apply to bank loans with maturities of up to ten years. The Commission denied the requests for stay but in response to such communications indicated that it would consider any views and supporting data filed on or before June 26, 1950, relevant to that question.

Subsequently, such views and supporting data were received from Bank of Manhattan Company, Central Hanover Bank and Trust Company, Chemical Bank and Trust Company, Irving Trust Company, the National City Bank of New York, Bankers Trust Company, the Chase National Bank of the City of New York, the First National Bank of the City of New York, Manufacturers Trust Company, the New York Trust Company, the Northern Trust Company, First National Bank of Boston, Mellon National Bank and Trust Company, Gulf States Utilities Company, the First National Bank of Chicago and Edison Electric Institute.

Halsey, Stuart & Co., Inc., submitted views and supporting data in opposition to any further amendment of the Commission's rules relevant to competitive bidding and has requested extension of time to July 19, 1950, to submit further comments.

Relevant authority of the Commission is as provided by the Federal Power Act (41 Stat. 1063, 49 Stat. 847, 16 U. S. C. secs. 791–825r), and particularly sections 19 and 20 (41 Stat. 1073; 16 U. S. C. secs. 812, 813), section 3 (16) (41 Stat. 1063, 49 Stat. 838, 16 U. S. C. sec. 796), sections 204, 305, 308 and 309 (49 Stat. 850, 856 and 858, 16 U. S. C. secs. 824c, 825d, 825g and 825h, thereof.

The Commission orders: The above matter be and the same hereby is set for oral argument on the issue referred to in the second paragraph of this order before the Commission commencing at 10:00 a. m., d. s. t., on September 22, 1950, in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: July 17, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-6303; Filed, July 20, 1950; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 13151]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 14, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 8 S., R. 43 E.,
Sec. 4, NW¼SW¼, SW¼NW¼;
Sec. 5, SE¼NE¼,
T. 9 S., R. 41 E.,
Sec. 12, S½SE¼;
Sec. 13, N½NE¼,
T. 13 S., R. 15 E.,
Sec. 17, N½SE¼, SE¼SE¼;
Sec. 20, NE¼NE¼,
T. 15 S., R. 39 E.,
Sec. 36, E½E½,
T. 15 S., R. 42 E.,
Sec. 23, SE¼SW¼, S½SE¼;
Sec. 26, NW¼;
Sec. 27, NE¼.
T. 16 S., R. 15 E.,
Sec. 14, W½NW¼;
Sec. 31, SE¼.
T. 16 S., R. 24 E.,
Sec. 22, SE¼SW¼, SE¼,
T. 17 S., R. 15 E.,
Sec. 33, NE¼,
T. 21 S., R. 30 E.,
Sec. 32, E½SW¼, SW¼SE¼,
T. 22 S., R. 30 E.,
Sec. 5, lots 1, 2, 3, SE¼NE¼;
Sec. 15, NE¼NE¼;
Sec. 23, lots 7, 8, E½NE¼, SW¼NE¼,
T. 35 S., R. 44 E.,
Sec. 23, E½;
Sec. 24, W½.

The areas described aggregate 2,762.73 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 662a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Portland, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Portland, Oregon.

WILLIAM ZIMMERMAN, JR., *Acting Director.*

[F. R. Doc. 50-6314; Filed, July 20, 1950; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-228]

BORDER PIPE LINE CO. AND AMERICAN SMELTING AND REFINING CO.

NOTICE OF ORDER GRANTING APPLICATION FOR MODIFICATION OF ORDERS

JULY 17, 1950.

Notice is hereby given that, on July 12, 1950, the Federal Power Commission issued its order entered July 11, 1950, in the above-designated matter, granting application for modification of orders of October 10, 1942, and November 4, 1942, authorizing the exportation of natural gas from the United States to a foreign country.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6297; Filed, July 20, 1950; 8:46 a. m.]

[Docket Nos. G-655, G-1019, G-1051, G-1067, G-1177, G-1195]

SAN JUAN PIPE LINE CO. ET AL.

NOTICE OF OPINION AND ORDER ISSUING CERTIFICATES

JULY 17, 1950.

In the matters of San Juan Pipe Line Company, Docket No. G-1067; El Paso Natural Gas Company, Docket Nos. G-655, G-1051, G-1019 and G-1177, Pacific Gas and Electric Company, Docket No. G-1195.

Notice is hereby given that, on July 14, 1950, the Federal Power Commission issued its Opinion No. 197 and order entered July 14, 1950, in the above-designated matters, issuing certificates of public convenience and necessity to El Paso Natural Gas Company and Pacific Gas and Electric Company, and dismissing application of San Juan Pipe Line Company for certificate of public convenience and necessity.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6296; Filed, July 20, 1950; 8:46 a. m.]

[Docket No. G-1156]

MICHIGAN-WISCONSIN PIPE LINE CO. AND MICHIGAN CONSOLIDATED GAS CO.

NOTICE OF OPINION AND ORDER AMENDING ORDER

JULY 17, 1950.

Notice is hereby given that, on July 14, 1950, the Federal Power Commission issued its Opinion No. 180-A and order entered July 12, 1950, amending order of August 2, 1949, published in the FEDERAL REGISTER on August 12 1949 (14 F. R. 4992), issuing certificates of public convenience and necessity in the above-designated matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6298; Filed, July 20, 1950; 8:46 a. m.]

[Docket No. G-1302]

MICHIGAN-WISCONSIN PIPE LINE CO. AND MICHIGAN CONSOLIDATED GAS CO.

NOTICE OF OPINION AND ORDER ISSUING CERTIFICATES

JULY 17, 1950.

Notice is hereby given that, on July 14, 1950, the Federal Power Commission issued its Opinion No. 196 and order entered July 12, 1950, issuing certificates of public convenience and necessity in the above-designated matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6299; Filed, July 20, 1950; 8:46 a. m.]

[Docket No. G-1406]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER DISMISSING APPLICATION

JULY 17, 1950.

Notice is hereby given that, on July 12, 1950, the Federal Power Commission issued its order entered July 11, 1950, in the above-designated matter, dismissing application for certificate of public convenience and necessity for lack of jurisdiction.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6300; Filed, July 20, 1950; 8:46 a. m.]

[Docket No. G-1436]

MANUFACTURERS LIGHT AND HEAT CO. ET AL.

NOTICE OF APPLICATION

JULY 17, 1950.

In the matter of the Manufacturers Light and Heat Company, Natural Gas Company of West Virginia, Cumberland and Allegheny Gas Company, Home Gas Company; Docket No. G-1436.

Take notice that the Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation, the Natural Gas Company of West Virginia (Natural Gas), a West Virginia corporation, Cumberland and Allegheny Gas Company (Cumberland), a West Virginia corporation, and Home Gas Company (Home), a New York corporation, all with principal offices at Pittsburgh, Pennsylvania, filed on July 3, 1950, a joint application for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing applicants to construct, operate and retire certain natural gas transmission pipeline facilities described in the application.

The application covers 19 miscellaneous items of improvements and abandonments over the system of the Pittsburgh group of operating companies of the Columbia Gas System. The proposed improvements are designed to adjust the system to changes in sources of supply of gas, to provide more flexible operating conditions, to eliminate certain items of outmoded equipment, to provide more adequate, reliable and increased service to present consumers, and to increase deliveries to Home Gas Company for service to a new market.

Manufacturers proposes to install 10 items of new facilities, the aggregate cost of which is estimated at $1,313,900. Three new connections to the Buffalo extension of the Tennessee Gas Transmission Company now under construction are proposed aggregating 6.54 miles of 8 and 16-inch pipelines, including 5.7 miles of 8-inch line for improvement of service to New Castle, Pa. Seven proposed items cover 37.4 miles of 4-, 6-, and 8-inch pipeline installations designed to improve service to York, Gettysburg, Hanover, Waynesboro, and Bradford, Pennsylvania, Calcutta and East Liverpool, Ohio, and New Martinsville, West Virginia. Two compressors aggregating 1,000 horsepower are proposed to be installed at the Eagle Compressor Station to improve deliveries to the Home Gas Company in the Port Jervis area.

Manufacturers proposes to retire a total of 7.8 miles of 4- to 10-inch field lines in McKean and Elk Counties, Pa., compressors aggregating 650 horsepower at the McKinely Compressor Station and 320 horsepower at Rimersburg Compressor Station. These abandonments are occasioned by depletion of local wells.

Natural Gas proposes to install facilities estimated to cost $110,400 including one mile of 8-inch connection with the new Tennessee Gas Transmission Company line in Columbiana County, Ohio, and 3.53 miles of 6- and 8-inch pipelines designed to improve service to Salem, Alliance, Sebring, Beloit and neighboring communities in Ohio.

Cumberland proposes to install facilities estimated to cost $230,200 including 10.3 miles of 6- and 8-inch pipeline connection to the new Cobb-Rockville supply line of the Atlantic Seaboard Corporation for the improvement of service on the central part of its system, and the installation of a 65 horsepower compressor near Rowlesburg, West Virginia, for the purpose of improving service to Kingwood and Albright, West Virginia.

Home proposes to install metering and regulating facilities near Ramapo, New York, costing $16,000 for the purposes of selling gas to Rockland Gas Company for resale in Sloatsburg, Tuxedo and other communities in New York now being served with bottled gas. Estimated demands of this new market are stated to be 351 Mcf. on a peak day and 43,291 Mcf annually.

The estimated cost of the total program aggregating $1,670,500 is expected to be financed by the parent company, the Columbia Gas System, Inc., with the exception of Home's construction estimated to cost $16,000, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 4th day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6290; Filed, July 20, 1950; 8:45 a. m.]

[Project No. 1273]

PAROWAN CITY, UTAH

NOTICE OF ORDER DETERMINING NET CHANGES

JULY 17, 1950.

Notice is hereby given that, on July 13, 1950, the Federal Power Commission issued its order entered July 11, 1950, determining net changes in original cost of project in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6302; Filed, July 20, 1950; 8:46 a. m.]

[Project No. 1520]

ALPINE TRADING CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF NEW LICENSE

JULY 17, 1950.

Notice is hereby given that, on July 13, 1950, the Federal Power Commission issued its order entered July 11, 1950, authorizing issuance of new license for minor project on lands of the United States in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6301; Filed, July 20, 1950; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 400]

PUERTO RICO

APPOINTMENT OF MEMBER OF SPECIAL INDUSTRY COMMITTEE NO. 8

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, hereby accept the resignation of Felix Mejias as a public member of Special Industry Committee No. 8 for Puerto Rico, and I appoint Pedro Munoz Amato of Rio Piedras, Puerto Rico, to serve in his stead as a member of such committee representing the public.

Signed at Washington, D. C., this 14th day of July 1950.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 50-6294; Filed, July 20, 1950; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

JULY PRICE LISTS

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

JULY DOMESTIC PRICE LIST

Commodity (1)	Approximate quantities available (subject to prior sale) (2)	Domestic sales price (3)
Nonfat dry milk solids, in carload lots only:		
Spray process	100,000,000 lb.[1]	13¢ per lb. f. o. b. location of stock in any State.
Roller process	110,000,000 lb.[1]	11¢ per lb. f. o. b. location of stock in any State.
American cheese (Cheddar and twin styles, domestic pack, standard moisture basis), in carload lots only.	65,000,000 lb	U. S. Grade A and higher: All States except those listed below: 33¢ per lb. f. o. b. location of stock, New England States, New York, New Jersey, Pennsylvania, other States bordering the Atlantic Ocean and Gulf of Mexico, and California, Oregon, and Washington: 34¢ per lb. f. o. b. location of stock. U. S. Grade B: 1¢ per lb. less than Grade A prices. U. S. Grade A and higher: All States except those listed below: 63¢ per lb. f. o. b. location of stock. New England States, New York, New Jersey, Pennsylvania, other States bordering the Atlantic Ocean and Gulf of Mexico: 64¢ per lb. f. o. b. location of stock. California, Oregon, and Washington: 64½¢ per lb. f. o. b. location of stock. U. S. Grade B: 2¢ per lb. less than Grade A prices.
Salted creamery butter in carload lots only.	115,000,000 lb	F. o. b. tankcars at storage locations, as follows: 16.75¢ per lb. Minneapolis and Chicago; 17.05¢ per lb. Buffalo, San Francisco, Los Angeles, and Cleveland; 17.35¢ per lb. New York, Philadelphia, Baltimore, and Portland, Oreg.; 17.45¢ per lb. Houston, Tex., Kenedy, Tex., and Good Hope, La.
Linseed oil, raw	55,000,000 lb	
	500,000,000 lb.[1]	
Flaxseed, bulk	14,000,000 bu.[1]	In store, the market price on date of sale at place of delivery but not less than the following: No. 1, $4 per net bu., bulk, in store Minneapolis; for other markets, and other grades, adjust by market differentials.
Dry edible beans		For No. 1 Grade, 1948 crop [1] and 1949 crop, basis in store at locations shown below:
Pinto, bagged	1,370,000 bags	$8.10 per 100 lb., Denver rate areas and California area; $7.70 per 100 lb. Idaho area; for other areas, adjust price upward or downward by amount equal to price support program differential between areas.
Pea, bagged	2,660,000 bags	$7.85 per 100 lb., Michigan and New York areas; $7.55 per 100 lb., Spokane area.
Red kidney, bagged	996,000 bags	$9.30 per 100 lb., New York, Michigan, and California areas.
Great Northern, bagged	2,570,000 bags	$7.15 per 100 lb., Twin Falls, Idaho, rate area; $7.55 per 100 lb., Morrill, Nebr., rate area; for other areas, adjust price upward or downward by amount equal to price support program differential between areas.
Small white, bagged	346,000 bags	$7.90 per 100 lb., California area.
Baby lima, bagged	883,000 bags	$7.95 per 100 lb., California area.
Standard lima, bagged	300,000 bags	$9.65 per 100 lb., California area. (1949 crop only).
Pink, bagged	262,000 bags	$8 per 100 lb., California area.
Cranberry beans, bagged	109,000 bags	$8.60 per 100 lb., California and Michigan areas. For other grades of all beans, adjust by market differentials.
Dry, edible peas, bagged	835,000 cwt.[1]	Above prices on all beans are at point of production. Transit value of any paid-in freight to be added. No. 1 Grade, 1949 crop, $4.28 per 100 lb. basis in store Spokane area.
Austrian winter pea seed, bagged	65,000 cwt	$5 per 100 lbs. f. o. b. point of production. Transit value of any paid-in freight to be added.
Blue Lupine seed, bagged	315 cwt	Do.
Lespedeza, Kobe, bagged	35,000 cwt	$12.85 per 100 lb. f. o. b. point of production. Transit value of any paid-in freight to be added.
Weeping lovegrass seed, bagged	500 cwt	$62.75 per 100 lb. f. o. b. point of production. Transit value of any paid-in freight to be added.
Wheat, bulk	100,000,000 bu.[1]	In store, the market price but not less than the applicable 1949 loan rate for the class, grade, quality and location plus 28¢ per bu. Examples of minimum prices, per bu.: Minneapolis, No. 1 DNS, $2.76; Kansas City, No. 1 HW, $2.49; Chicago, No. 1 SRW, $2.54; Portland, Oreg., No. 1 WW, $2.44.
Oats, bulk	11,000,000 bu.[1]	At points of production, the market price but not less than the applicable 1949 county loan rate plus 16¢ per bu.; at other points the foregoing plus average paid-in freight. Examples of minimum prices, per bu.: Chicago, No. 3 or better, 95¢; Minneapolis, No. 3 or better, 90¢.
Barley, bulk	32,000,000 bu.[1]	In store, the market price but not less than the applicable 1949 loan rate for the class, grade, quality and location plus 22¢ per bu. Examples of minimum prices, per bu.: Minneapolis, No. 1 barley, $1.50; San Francisco, No. 1 Western barley $1.57.
Corn, bulk	100,000,000 bu.[1]	At points of production, the market price but not less than the applicable 1949 county loan settlement rate plus 21¢ per bu.; at other points, the foregoing plus average paid-in freight. Examples of minimum prices, per bu.: Chicago, No. 3 $1.75; St. Louis, No. 3 $1.74; Minneapolis, No. 3 $1.68; Omaha, No. 3 $1.67; Kansas City, No. 3 $1.70.
Rice, rough, bulk	350,000 cwt	For all classes and grades, applicable loan rate, plus 5 percent of such rate, plus 20¢ per cwt. Above computed prices are at points of production. At other locations, transit value of any paid-in freight to be added.
Grain sorghums, bulk	20,000,000 cwt.[1]	In store, the market price but not less than the applicable 1949 loan rate for the class, grade, quality and location plus 24¢ per cwt. Example of minimum price per cwt.: Kansas City, No. 2 or better $2.80.
Potato starch, in carload lots only:		
Pearl type, packed in 200 lbs. burlap bags with paper innerliners.	500,000 lb.[1]	$4.50 per 100 lb., basis f. o. b. Maine shipping points.
Powdered type, packed in 100 lb. and 200 lb. burlap bags with paper innerliners.	9,110,000 lb.[1]	
Gum Resin, in metal drums averaging 517 lb., net, each.	244,000 drums [1]	$6.00 per 100 lbs., net, grades N through G; $6.05 grade WG, and $6.25 grades X and WW, "as is," on storage yards at locations in Georgia, Florida, and Alabama.

[1] These same lots also are available at export sales prices announced on June 30, 1950.

JULY EXPORT PRICE LIST

Commodity (1)	Approximate quantities available (subject to prior sale) (2)	Export sales price (3)
Mexican canned meat and gravy (packed 24 and 48 cans of 20 ounces each per export case), in carload lots only.	32,800,000 lb	10¢ per net pound, f. a. s. vessel U. S. Gulf of Mexico ports.
Mexican canned beef and gravy (packed 24 and 48 cans of 20 ounces each per export case), in carload lots only.	34,000,000 lb	20¢ per net pound, f. a. s. vessel U. S. Gulf of Mexico ports.
Dried whole eggs (packed in barrels, drums, and 14-lb. cartons), in carload lots only.	32,275,000 lb	30¢ per lb., f. a. s. vessel at U. S. Gulf or East Coast ports; or, 34¢ per lb., f. o. b. cars or trucks at warehouse locations, less the net export freight rate to New York or New Orleans, whichever is lower; or, 1948 dried eggs, 20¢ per lb., f. o. b. cars or trucks at warehouse locations provided the egg powder is redried and repackaged by the buyer under the supervision and according to the requirements of USDA.
Nonfat dry milk solids, in carload lots only.		
Spray process	190,000,000 lb.[1]	12½¢ per lb., f. o. b. location of stock in any State.
Roller process	110,000,000 lb.[1]	10½¢ per lb., f. o. b. location of stock in any State.
Linseed oil, raw	500,000,000 lb.[1]	14¢ per lb., f. o. b. tankcars at storage locations (Minneapolis, Chicago, Buffalo, San Francisco, Los Angeles, Cleveland, New York, Philadelphia, Baltimore, Portland, Oreg.; Houston, Tex.; Kenedy, Tex.; and Good Hope, La.)
Flaxseed, bulk	14,000,000 bu.[1]	No. 1, $3.55 per net bushel, (56 lbs. pure flaxseed) bulk, in store New York. For other markets, and other grades, market differentials will apply.
Dry edible beans		For No. 1 Grade 1948 Crop, f. a. s. at locations shown below:
Pinto, bagged	850,000 bags [1]	$5.90 per 100 lb. San Francisco and Portland, Oreg.; $6 per 100 lb., U. S. Gulf ports.
Pea, bagged	660,000 bags [1]	$5.50 per 100 lb., East Coast and North Pacific ports.
Red kidney, bagged	696,000 bags [1]	$6 per 100 lb., New York; $5.90 per 100 lb. San Francisco.
Great Northern, bagged	1,470,000 bags [1]	$5 per 100 lb., Portland, Oreg.; $5.10 per 100 lb., U. S. Gulf ports.
Small white, bagged	246,000 bags [1]	$5.75 per 100 lb., San Francisco.
Baby lima, bagged	383,000 bags [1]	$5.50 per 100 lb., San Francisco.
Pink, bagged	162,000 bags [1]	$5.25 per 100 lb., San Francisco.
Dry edible peas, bagged	835,000 cwt.[1]	Discounts for grades on all beans: No. 2, 25¢ less than No. 1; No. 3, 50¢ less than No. 1. No. 1 Grade, 1949 crop $3.75 per 100 lb. f. a. s. North Pacific ports. At points of production, deduct cost of transportation, and cost of processing if sold on basis thresher run.
Wheat, bulk	100,000,000 bu.[1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Wheat may be used for milling export flour provided the entire quantity of flour produced therefrom is exported.
Oats, bulk	11,000,000 bu.[1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Barley, bulk	32,000,000 bu.[1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Barley may be exported as malt, malt or pearled barley when all of the malt or pearled content is exported.
Corn, bulk	100,000,000 bu.[1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Corn may be used for the manufacture of starch, provided the entire quantity of starch produced therefrom is exported.
Grain, sorghums, bulk	20,000,000 cwt.[1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Grain sorghums may be used for the manufacture of starch, provided the entire quantity of starch produced therefrom is exported.
Potato Starch, in carload lots only:		
Pearl type, packed in 200 lb. burlap bags with paper innerliners.	600,000 lb.[1]	$5.10 per 100 lb., f. a. s. vessel, Boston, Mass.
Powdered type, packed in 100 lb. and 200 lb. burlap bags with paper innerliners.	9,110,000 lb.	
Gum rosin, in metal drums averaging 517 lb. net each.	244,000 drums [1]	$6 per hundred pounds, net grades N through G; $6.05 grade WG, and $6.25 grades X and WW "as is," on storage yards at locations in Georgia, Florida, and Alabama.

[1] These same lots also are available at domestic sales prices announced on June 30, 1950.

Issued: July 17, 1950.

[SEAL] RALPH S. TRIGG,
President, Commodity Credit Corporation.

[F. R. Doc. 50-6312; Filed, July 20, 1950; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9683]

STATION KFTM

ORDER DESIGNATING REVOCATION OF LICENSE FOR HEARING

In the matter of revocation of license of station KFTM, Fort Morgan, Colorado.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of July 1950;

The Commission having under consideration a request for hearing filed on June 5, 1950, by Robert Dolph and Robert McCollum, d/b as The Fort Morgan Broadcasting Company, requesting a hearing in accordance with section 312 (a) of the Communications Act of 1934, as amended, upon the Commission's order of revocation adopted with respect to station KFTM on May 23, 1950; and

It appearing, that the action of this Commission in suspending its order of revocation in the above entitled proceeding, and ordering a hearing thereon, is not a finding that any present operation of station KFTM is in accordance with the Communications Act or the rules and regulations of this Commission;

It is ordered, That, pursuant to section 312 (a) of the Communications Act of 1934, as amended, the above entitled matter is designated for hearing, on all matters pertinent to Commission's order of revocation, dated May 23, 1950;

It is further ordered, That the said hearing shall be held commencing at 10:00 a. m., September 20, 1950, at Fort Morgan, Colorado, before Commissioner George E. Sterling, presiding Commissioner.

Released: July 14, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6459; Filed, July 20, 1950; 8:52 a. m.]

STATION WXLT

ORDER DESIGNATING REVOCATION OF LICENSE FOR HEARING

In the matter of revocation of license of station WXLT, Ely, Minnesota.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of July 1950;

The Commission having under consideration an application filed May 31, 1950, by the Ely Broadcasting Company, requesting a hearing, under the authority of section 312 (a) of the Communications Act of 1934, as amended, upon the Commission's order of revocation adopted with respect to station WXLT on May 23, 1950; and

It appearing, that the parties presently in control of the Ely Broadcasting Company and station WXLT were operating the station in contravention of section 301 of the Communications Act of 1934, as amended, in that they acquired such control without the written consent of the Commission, as required by section 310 (b) of the Communications Act of 1934, as amended; and

It further appearing, that in view of the above facts the Commission on May 23, 1950, ordered the parties in control of the station to cease their illegal operation; and

It further appearing, that in view of the above facts the Commission is not satisfied that the application filed by the Ely Broadcasting Company is legally sufficient under section 312 (a) of the Communications Act of 1934, as amended, inasmuch as the parties now controlling the corporation attained such control without the consent of the Commission; and

It further appearing, that because of practical difficulties no individual may be in a position to request a hearing in

the proceeding, and that the Commission is of the opinion that a hearing should be afforded the parties upon the revocation of license of station WXLT; and

It further appearing, that the action of this Commission in suspending its order of revocation in the above-entitled proceeding, and ordering a hearing thereon, is not a finding that any present operation of station WXLT is in accordance with the Communications Act or the Rules and Regulations of this Commission;

It is ordered, On the Commission's own motion, that pursuant to section 312 (a) of the Communications Act of 1934, as amended, the above-entitled matter is designated for hearing, on all matters pertinent to Commission's order of revocation, dated May 23, 1950, and further, upon the following issue:

1. To determine whether the application filed on May 31, 1950, by the Ely Broadcasting Company is legally sufficient under the provisions of section 312 (a) of the Communications Act of 1934, as amended, to suspend our order of revocation, dated May 23, 1950; and

It is further ordered, That the said hearing shall be held commencing at 10:00 a. m., September 27, 1950, at Ely, Minnesota, before Commissioner George E. Sterling, presiding Commissioner.

Released: July 14, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6460; Filed, July 20, 1950; 8:52 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5773]

APPLETON-CENTURY-CROFTS, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, September 25, 1950, at two o'clock in the afternoon of that day, e. d. s. t., in Room 500, 45 Broadway, New York, New York.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue an initial decision which shall include findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate order; all of which shall become a part of the record in said proceeding.

Issued: July 13, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-6291; Filed, July 20, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25255]

ZIRCONIUM ORE FROM FLORIDA TO NEW YORK

APPLICATION FOR RELIEF

JULY 18, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 979.

Commodities involved: Zirconium ore, zirconium concentrates, and rutile ore, carloads.

From: Jacksonville, South Jacksonville and Starke, Fla.

To: Niagara Falls and Suspension Bridge, N. Y.

Grounds for relief: Competition with imported commodities.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 979, Supplement 119.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6315; Filed, July 20, 1950; 8:50 a. m.]

[4th Sec. Application 25256]

SULPHUR FROM LOUISIANA AND TEXAS TO TENNESSEE

APPLICATION FOR RELIEF

JULY 18, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3862.

Commodities involved: Crude sulphur, carloads.

From: Points in Louisiana and Texas.

To: Nashville and Old Hickory, Tenn.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3862, Supplement 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6316; Filed, July 20, 1950; 8:50 a. m.]

[4th Sec. Application 25257]

COAL FROM ALABAMA TO LEWISBURG, TENN.

APPLICATION FOR RELIEF

JULY 18, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: St. Louis-San Francisco Railway Company for itself and on behalf of the Alabama Great Southern Railroad Company and other carriers named in the application.

Commodities involved: Coal, carloads.

From: Mines in Alabama.

To: Lewisburg, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: StL-SF., tariff I. C. C. No. A-265, Supplement 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6317; Filed, July 20, 1950; 8:50 a. m.]

[4th Sec. Application 25258]

GREEN COFFEE FROM SOUTHWESTERN GULF PORTS TO MISSISSIPPI RIVER POINTS

APPLICATION FOR RELIEF

JULY 18, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3716.

Commodities involved: Green coffee, carloads.

From: Texas gulf ports and Lake Charles, La.

To: St. Louis, Mo., Memphis, Tenn., Cairo and East St. Louis, Ill., and intermediate points east of the Mississippi River.

Grounds for relief: Port competition and relationship.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3716, Supplement 60.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6318; Filed, July 20, 1950; 8:50 a. m.]

[4th Sec. Application 25259]

BARITE AND CELESTITE FROM, TO AND BETWEEN POINTS IN THE SOUTHWEST AND SOUTH

APPLICATION FOR RELIEF

JULY 18, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3775 and Agent C. A. Spaninger's tariff I. C. C. No. 1177.

Commodities involved: Barite and celestite, carloads.

From: Points in Southwestern and Southern territories.

To: Points in Southwestern, Southern, Official and Western Trunk Line territories.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance fromula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3911. C. A. Spaninger's tariff I. C. C. No. 1177.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6319; Filed, July 20, 1950; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14860]

MARTHA BRUNKE

In re: Bank account owned by Martha Brunke. F-28-25547-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Brunke, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Martha Brunke, by The Northern Trust Company, 50 South La Salle Street, Chicago, Illinois, arising out of a savings account, account number 389199, entitled Martha Brunke, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6326; Filed, July 20, 1950; 8:51 a. m.]

[Vesting Order 14857]

GEORGE F. THEUNER

In re: Estate of George F. Theuner, deceased. File: D-28-10906.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Emily Theuner, whose last known address is Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Helen Emily Theuner, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the

Estate of George F. Theuner, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Edgar P. Reid, as Administrator, c. t. a., acting under the judicial supervision of the Superior Court of the State of Washington for Cowlitz County;

and it is hereby determined

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Helen Emily Theuner, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6325; Filed, July 20, 1950; 8:51 a. m.]

[Vesting Order 14861]

DEUTSCHE DAMPFSCHIFFAHRTS GESELLSCHAFT, "HANSA"

In re: Bank account owned by Deutsche Dampfschiffahrts Gesellschaft, "Hansa." F-26-7716-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Dampfschiffahrts Gesellschaft, "Hansa", the last known address of which is Bremen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Marine Midland Trust Company of New York, 120 Broadway, New York 15, New York, arising out of an account, entitled S. Japhet & Co., maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Dampfschiffahrts Gesellschaft, "Hansa", the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6327; Filed, July 20, 1950; 8:51 a. m.]

[Vesting Order 14863]

JOE UMATARO HASEI

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Joe Umataro Hasei, deceased. D-39-19292-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Joe Umataro Hasei, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Seattle-First National Bank, 2d and Cherry, Seattle 14, Washington, arising out of an account, entitled "Joe Umataro Hasei", maintained with the Trust Department of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Joe Umataro Hasei, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Joe Umataro Hasei, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6328; Filed, July 20, 1950; 8:51 a. m.]

[Vesting Order 14867]

ANNA MULLER

In re: Bank account owned by Anna Muller. F-28-30597.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Muller, whose last known address is Kohlen Kreis Wesermunde, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Manhattan Savings Bank, 154 East 86th Street, New York 28, New York, arising out of a Savings Account, account number 620,233, entitled "Anna Muller in trust for Christof Muller", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Muller, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6329; Filed, July 20, 1950; 8:51 a. m.]

[Vesting Order 14873]

TORRI SEYDLER WAGNER

In re: Bank account owned by Torri Seydler Wagner. F-28-27819-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Torri Seydler Wagner, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Torri Seydler Wagner, by The Northern Trust Company, 50 South La Salle Street, Chicago 90, Illinois, arising out of a savings account, account number 389198, entitled Torri Seydler Wagner, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6330; Filed, July 20, 1950; 8:51 a. m.]

[Return Order 685]

NATIONAL SAVINGS AND TRUST CO. AND AMY WETMORE MAY

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

The National Savings and Trust Company, a corporation, as Surviving Executor and Trustee of the Estate of Amy Wetmore May, deceased, Washington, D. C.; Claim No. 35794; May 19, 1950 (15 F. R. 3074); $4,875.55 in the Treasury of the United States.

All those certain lots, pieces or parcels of land situate in the Village of Babylon, Township of Babylon, County of Suffolk, State of New York, consisting of three (3) unimproved tracts identified according to the Tax Map filed in the Office of the Tax Collector, Village of Babylon, as follows:

(1) Premises at the Northwest corner of Prospect Street and Suydam Place known as Lot 2104, Section 32.

(2) Premises at Southwest corner of Prospect Street and Jackson Road known as Lot 2157, Section 32.

(3) Premises at Southeast corner of Prospect Street and Jackson Road known as Lot 2163, Section 32.

All right, title, interest and claim of any kind or character whatsoever of the Estate of Amy Wetmore May, deceased, in and to the Estate of William May, deceased.

All right, title, interest and claim of any kind or character whatsoever of the Estate of Amy Wetmore May, deceased, in and to the Trust created under the will of John Frederick May, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6332; Filed, July 20, 1950; 8:51 a. m.]

[Return Order 686]

ARAMO-STIFTUNG

Having considered the claim set forth below and having issued a determination allowing a separable part of the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Aramo-Stiftung, Vaduz, Liechtenstein; Claim No. 37840; April 19, 1950 (15 F. R. 2208); $1,460,060.73 cash in the Treasury of the United States; 100 shares of $100 par value common capital stock of Oak Commercial Corporation, a corporation of New York, registered in the name of the Attorney General of the United States, Account No. 28-28820, represented by Certificate No. 3, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York; 1,500 shares of no par value common capital stock of International Nickel Company of Canada, Limited, a corporation of the Dominion of Canada, registered in the name of Brown Brothers, Harriman & Co., assigned in blank, represented by Certificates Nos. 310118 to 310330, inclusive, 372873 and 353143, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York; all right, title and interest of the Attorney General of the United States in those debts or other obligations of Swiss Bank Corporation, New York, New York, arising out of dividends received by Swiss Bank Corporation on securities formerly owned by the claimant.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HARCLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6333; Filed, July 20, 1950; 8:52 a. m.]

[Return Order 689]

OLIVIER ZIEGEL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Olivier Ziegel, Seine et Marne, France; Claim No. 36422; June 9, 1950 (15 F. R. 3661); property described in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943) relating to Patent Application Serial No. 428,360 (now United States Letters Patent No. 2,342,320). This return shall not be deemed to include

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the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6334; Filed, July 20, 1950; 8:52 a. m.]

ZOLTAN AND ADA SZTANKAY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Zoltan and Ada Sztankay, 211 Roosevelt Road, Valparaiso, Indiana, Claim No. 4240; $3,031.97 in the Treasury of the United States. Real property situated in Manhasset, Nassau County, New York, known as 30 Timber Lane (specifically described in Exhibit A of Vesting Order No. 1251 (8 F. R. 12765, September 18, 1943), together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of the property.

All rights and interests of the Attorney General in two insurance policies covering the above property for fire and extended coverage and described as follows:

Company	Policy No.	Amount	Expiration date
Springfield Fire & Marine Insurance Co., Springfield, Mass.	B-13307	$14,750	July 21, 1950
American Equitable Assurance Co., New York, N. Y.	92-25654	5,000	Oct. 28, 1952

Executed at Washington, D. C., on July 14, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6335; Filed, July 20, 1950; 8:52 a. m.]

SALVATORE LO FORTE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Salvatore Lo Forte, Cliffside Park, N. J.; Claim No. 4997; $666.09 in the Treasury of the United States.

Executed at Washington, D. C., on July 14, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6336; Filed, July 20, 1950; 8:52 a. m.]

PASQUALE ROMITO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Pasquale Romito, Claim No. 35354; Francesco Romito, Claim No. 35355; Guiseppe Romito, Claim No. 35356; Rosina Sarvancio, Claim No. 35357; all of Catanzaro, Italy; $1,499.53 in the Treasury of the United States to each claimant. All right, title and interest of Pasquale Romito, Francesco Romito, Guiseppe Romito and Rosina Sarvancio and each of them in and to the Estate of John Romito, deceased.

Executed at Washington, D. C., on July 14, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6337; Filed, July 20, 1950; 8:52 a. m.]

BENEDETTO SICA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Benedetto Sica, Colliano, Italy; Claim No. 35986; $8,719.90 in the Treasury of the United States. All right, title and interest of Benedetto Sica in and to the Estate of Vito Anthony Sica, deceased.

Executed at Washington, D. C., on July 14, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6338; Filed, July 20, 1950; 8:52 a. m.]

JOHANNA FRIEDERIKE SCHYBILSKI-MORRIS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Johanna Friederike Schybilski-Morris (Hanna Morris), 61 Osborne Terrace, Newark, N. J.; Claim No. 40414; $2,666.49 in the Treasury of the United States. All right, title and interest of Johanna Friederike Schybilski-Morris (Hanna Morris) in and to the Estate of Bruno Schybilski (also known as George Schmidt) deceased.

Executed at Washington, D. C., on July 14, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6339; Filed, July 20, 1950; 8:52 a. m.]

FRIEDA KAY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Frieda Kay, Cheshire, England; Claim No. 42015; $250.00 in the Treasury of the United States.

Executed at Washington, D. C., on July 14, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6340; Filed, July 20, 1950; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 15 NUMBER 141

Washington, Saturday, July 22, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10144

AMENDMENT OF EXECUTIVE ORDER NO. 10062 OF JUNE 6, 1949,[1] ESTABLISHING THE POSITION OF UNITED STATES HIGH COMMISSIONER FOR GERMANY

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States and Commander in Chief of the armed forces of the United States, Executive Order No. 10062 of June 6, 1949, entitled "Establishing the Position of United States High Commissioner for Germany", is hereby amended as follows:

1. The following paragraphs are added to the said order at the end thereof:

"5. The High Commissioner, as representative of the United States, shall share the four-power responsibility for the custody, care, and execution of sentences and disposition (including pardon, clemency, parole, or release) of war criminals confined in Germany as a result of conviction by the International Military Tribunal, Nuremberg, and shall be responsible for the custody, care, and execution of sentences and disposition (including pardon, clemency, parole, or release) of war criminals confined in Germany as a result of conviction by military tribunals established by the United States Military Governor pursuant to Control Council Law No. 10.

"6. The Commander in Chief, European Command, shall be responsible for the custody, care, and execution of sentences and disposition (including pardon, clemency, parole, or release) of war criminals confined in Germany under sentences adjudged by military tribunals established by United States Military Commanders in Germany and elsewhere, other than those referred to in paragraph 5 hereof. On the request of the High Commissioner, the Commander in Chief, European Command, shall take necessary measures for carrying into execution any sentences adjudged against war criminals as to whom the High Commissioner has responsibility and control, namely: war criminals convicted and sentenced by military tribunals established pursuant to Control Council Law No. 10."

2. The term "Commander of the United States Armed Forces in Germany", occurring in paragraph 3 of the said order, is changed to read "Commander in Chief, European Command".

This order shall be effective as of June 6, 1949.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 21, 1950.

[F. R. Doc. 50-6524; Filed, July 21, 1950; 10:35 a. m.]

[1] 3 CFR, 1949 Supp.

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

[Amdt. 1]

PART 524—HONEY

SUBPART A—HONEY DIVERSION PROGRAM (MARKETING SEASON 1950)

1. Section 524.105 is hereby amended to read as follows:

§ 524.105 *Rate of payment.* The rate of payment applicable to U. S. Grade B honey diverted in accordance with the terms and conditions contained herein shall be 3.75 cents per pound. If the moisture content of the honey is in excess of 18.6 percent but not in excess of 20.0 percent, the specified rate of payment shall be reduced by 0.008 cent per pound for each one-tenth (0.10) of one percent by which the moisture content is in excess of 18.6 percent but not in excess of 20.0 percent.

2. Section 524.107 is hereby amended to read as follows:

§ 524.107 *Minimum grade and inspection.* Honey diverted under this program shall be equal to or better than U. S. Grade B, except that honey with a moisture content in excess of 18.6 percent, but not in excess of 20.0 percent shall, if agreed to between seller and diverter, be eligible on the basis of the payment differential set forth in § 524.-105, reflecting the cost of reducing the moisture content to 18.6 percent. Such

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CFR

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(For Use During 1950)

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Title 43 ($0.35)
Titles 44–45 ($0.25)

Previously announced: Titles 4–5 ($0.30); Title 6 ($1.00); Title 7: Parts 1–209 ($0.55); Parts 210–899 ($0.75); Parts 900 to end ($0.75); Title 8 ($0.20); Title 9 ($0.20); Titles 10–13 ($0.20); Title 14: Parts 1–399 ($1.50); Parts 400 to end ($0.30); Title 15 ($0.40); Title 16 ($0.25); Title 17 ($0.20); Title 18 ($0.20); Title 19 ($0.20); Title 20 ($0.20); Title 21 ($0.30); Titles 22–23 ($0.25); Title 24 ($0.55); Title 25 ($0.20); Title 26: Parts 1–79 ($0.20); Parts 80–169 ($0.25); Parts 170–182 ($0.25); Parts 183–299 ($0.30); Title 26: Parts 300 to end; and Title 27 ($0.25); Titles 28–29 ($0.30); Titles 30–31 ($0.25); Title 32 ($1.00); Title 33 ($0.25); Titles 35–37 ($0.20); Title 38 ($0.50); Titles 40–42 ($0.25)

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honey shall be inspected not more than 10 calendar days prior to diversion by the applicant or shipment from packing plant or warehouse to the place of diversion. Such inspection shall be performed by an inspector of the Processed Products Standardization and Inspection Division, United States Department of Agriculture. The cost of the inspection and issuance of certificates shall be borne by the applicant.

CCC may, in its discretion, waive compliance on the part of the applicant with regard to the place of inspection specified above. To be effective such waiver must be in writing and signed by the Director.

Effective date. This amendment shall be effective at 12:01 a. m., e. s. t., July 14, 1950.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Dated this 18th day of July 1950.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 50–6481; Filed, July 21, 1950; 8:59 a. m.]

[Amdt. 1]

PART 524—HONEY

SUBPART B—HONEY EXPORT PROGRAM (MARKETING SEASON 1950)

1. Section 524.133 is hereby amended to read as follows:

§ 524.133 *Period for export sales.* Sales contracts for the exportation of honey under this program must be entered into within one of the following periods: (a) On or after the effective date hereof and prior to 12 o'clock midnight, e. s. t., June 30, 1950, or (b) on or after July 1, 1950, and prior to 12 o'clock midnight, e. s. t., December 31, 1950. Separate funds are available in each of these periods for payments under this program.

Approval may be given to any application based on a sales contract entered into pursuant to the issuance of the press release dated March 30, 1950, entitled "U. S. Department of Agriculture to Assist in Expanding Honey Outlets," and prior to May 9, 1950, notwithstanding provisions to the contrary §§ 524.132 and 524.145 of this public announcement, if (a) an application is filed prior to July 31, 1950, with the Authorized Representative of the Secretary, (b) the sale and exportation are otherwise in conformity with this public announcement, and (c) evidence satisfactory to the Authorized Representative of the Secretary is submitted by the exporter that such sale was induced by the press release referred to above.

2. Section 524.138 is hereby amended to read as follows:

§ 524.138 *Minimum grade and inspection.* Honey exported under this offer shall be equal to or better than U. S. Grade B: Except that, honey with a moisture content in excess of 18.6 percent, but not in excess of 20.0 percent, shall, if agreed to between exporter and buyer, be eligible on the basis of the payment differential set forth in § 524.136 reflecting the cost of reducing the moisture content to 18.6 percent. Such honey shall be inspected not more than 10 calendar days prior to shipment from a packing plant or warehouse to the port of exportation. The inspection shall be performed by an inspector of the Processed Products Standardization and Inspection Division, United States Department of Agriculture. The cost of the inspection and issuance of certificates shall be borne by the exporter.

CCC may, in its discretion, waive compliance on the part of the applicant with regard to the place of inspection specified above. To be effective such waiver must be in writing and signed by the Director.

Effective date. Section 524.133, as amended herein, shall be effective as of 12:01 a. m., e. s. t., May 18, 1950; § 524.138, as amended herein, shall be effective as of 12:01 a. m., e. s. t., July 14, 1950.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Dated this 18th day of July 1950.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 50-6482, Filed, July 21, 1950; 8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 9, Amdt. 2]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Duarte plums grown in the State of California.

Order, as amended. During the period beginning at 12:01 a. m., P. s. t., July 19, 1950, and ending at 12:01 a. m., P. s. t., October 1, 1950, the provisions in paragraph (b) (1) (i) of § 936.378, as amended (Plum Order 9, 15 F. R. 4075, 4437), shall read as follows:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade;

Nothing contained herein shall be construed (1) as affecting or waiving any right or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provisions of said Plum Order 9, as amended, or (2) as releasing or extinguishing any violation of said Plum Order 9, as amended, which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 18th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6354; Filed, July 21, 1950; 8:47 a. m.]

[Plum Order 10, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Burbank plums grown in the State of California.

Order, as amended. During the period beginning at 12:01 a. m., P. s. t., July 19, 1950, and ending at 12:01 a. m., P. s. t., October 1, 1950, the provisions in paragraph (b) (1) (i) of § 936.379 (Plum Order 10, 15 F. R. 4076) shall read as follows:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade;

Nothing contained herein shall be construed (1) as affecting or waiving any right or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provisions of said Plum Order 10, or (2) as releasing or extinguishing any violation of said plum Order 10, which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 18th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6355; Filed, July 21, 1950; 8:47 a. m.]

[Plum Order 12, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the Amador, Apex, California Blue, Earliana, Emily, Satsuma, Improved Satsuma, Shiro, Splendor, and Standard varieties (hereinafter referred to as "miscellaneous varieties of plums"), in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of miscellaneous varieties of plums grown in the State of California.

Order, as amended. During the period beginning at 12:01 a. m., P. s. t., July 19, 1950, and ending at 12:01 a. m., P. s. t., October 1, 1950, the provisions in paragraph (b) (1) of § 936.381 (Plum Order 12, 15 F. R. 4077) shall read as follows:

(1) During the period beginning at 12:01 a. m., P. s. t., July 19, 1950, and ending at 12:01 a. m., P. s. t., October 1, 1950, no shipper shall ship any package or container of miscellaneous varieties of plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade.

Nothing contained herein shall be construed (1) as affecting or waiving any right or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provisions of said Plum Order 12, or (2) as releasing or extinguishing any violation of said Plum Order 12, which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 18th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6356; Filed, July 21, 1950; 8:47 a. m.]

[Plum Order 22]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.392 *Plum Order 22*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 23, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 17, 1950, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 17, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 23, 1950, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 23, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship from any shipping point during any day any package or container of Gros Hungarian plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade.

(2) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade regulations applicable to such shipment.

(3) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," and "serious damage," shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 19th day of July 1950.

S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6477; Filed, July 21, 1950; 8:59 a. m.]

[Plum Order 23]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.393 *Plum Order 23*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 23, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 17, 1950, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 17, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 23, 1950, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 23, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship from any shipping point during any day any package or container of Late Duarte plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) per-

cent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed fifty (50) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid: *Provided*, That, in computing such quantity, three (3) California peach boxes (including other packages and containers of comparable capacity) shall be deemed to be the equivalent of two (2) standard 4-basket crates. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{11}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{9}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{7}{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{9}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{7}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{5}{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meanings as when used in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 19th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6478; Filed, July 21, 1950; 8:59 a. m.]

[Plum Order 24]

PART 936—FRESH BARLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.394 *Plum Order 24*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Barlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 23, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 17, 1950, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 17, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 23, 1950, this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 23, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship any package or container of Grand Duke plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{9}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{7}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{5}{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted promptly, such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 19th day of July 1950.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6479; Filed, July 21, 1950; 8:59 a. m.]

[Lemon Reg. 340]

PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.447 *Lemon Regulation 340*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as set forth in paragraph (b) (1). Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 19, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period specified in paragraph (b) (1); and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 23, 1950, and ending at 12:01 a. m., P. s. t., July 30, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 475 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 339 (15 F. R. 4486), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 20th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6514; Filed, July 21, 1950; 9:28 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of Industry and Commerce

[5th Gen. Rev. of Export Regs., Amdt. 8[1]]

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

MISCELLANEOUS AMENDMENTS

1. Section 372.12 *Weight and volume tolerance* is amended in the following particulars:

Paragraph (a) *10 percent tolerance; excepted commodities* is amended to read as follows:

(a) *10 percent tolerance.* For all commodities requiring an export license, unless otherwise specified in such license, a 10 percent tolerance by weight or volume over the amount specified in the license is allowed.

This amendment shall become effective as of June 15, 1950.

2. Section 371.9 *General in-transit license GIT* is amended in the following particulars:

Paragraph (c) *Excepted commodity list* is amended by (1) revising the entries on the list for pipe valves, Schedule B Nos. 774430 and 774470, and (2) adding entries for non-metal valves, Schedule B No. 774480, and automatic control or regulating valves, Schedule B No. 774490, as follows:

Commodity	Schedule B No.	Schedule S No.[1]
Other industrial machinery:		
Pipe valves except automatic control or regulating:		
Iron or steel:		
Valves designed for working pressures of 300 or more pounds per square inch, gage reading, ASA rating, or valves designed for working pressures over 600 pounds per square inch, gage reading, W. O. G. rating	774450	745
Valves made of or internally lined with an alloy containing 10% or more of chromium and/or nickel and/or silicon	774450	745
Valves internally lined with glass, ceramics, plastics, or other nonmetallic material of mineral origin, or rubber	774450	745
Brass, bronze, or other nonferrous metals:		
Valves designed for working pressures over 600 pounds per square inch, gage reading, W. O. G. rating	774460	745
Valves internally lined with an alloy containing 10% or more of chromium and/or nickel, and/or silicon, glass, ceramics, plastics, or other nonmetallic material of mineral origin, or rubber	774460	745

[1] The Department of Commerce Schedule S number is shown for each commodity. All shipments of merchandise for which the shipper's export declaration for in-transit goods is required must be reported in terms of Schedule S, as well as Schedule B.

[1] Items 1 and 2 of this amendment were published in Current Export Bulletin No. 575 dated June 15, 1950, and Item 3 thereof in Current Export Bulletin No. 577 dated July 6, 1950.

Commodity	Schedule B No.	Schedule S No.[1]
Other industrial machinery—Con.		
Pipe valves except automatic control or regulating—Con.		
Nonmetal valves:		
Valves designed for working pressures over 600 pounds per square inch, gage reading, W. O. G. rating	774480	745
Valves internally lined with an alloy containing 10% or more of chromium and/or nickel, and/or silicon, glass, ceramics, plastics, or other nonmetallic material of mineral origin, or rubber	774480	745
Automatic control or regulating valves, n. e. s. (Any pipe valve having partially or wholly integral with it a mechanism which automatically regulates or controls its operation):		
Automatic control valves except (a) check, nonreturn, and float valves, (b) pressure relief valves designed for working pressures of less than 300 pounds per square inch, gage reading, ASA rating, or not exceeding 600 pounds per square inch, gage reading, W. O. G. rating, and (c) automatic valves specifically designed for milking machines or for household refrigerators and home freezers. (Report valves for milking machines in 750300, and valves for electric household refrigerators in 705755)	774490	745

[1] The Department of Commerce Schedule S number is shown for each commodity. All shipments of merchandise for which the shipper's export declaration for intransit goods is required must be reported in terms of Schedule S, as well as Schedule B.

This amendment shall become effective as of July 1, 1950.

3. Section 371.21 *Exportation of relief shipments RLS* (includng the note immediately following this section) is hereby deleted.

This amendment shall become effective as of July 15, 1950.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Issued this 19th day of July 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer,
Office of Industry and Commerce.

[F. R. Doc. 50-6487; Filed, July 21, 1950; 9:01 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 6[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

[1] This amendment was published in Current Export Bulletin No. 575 dated June 15, 1950.

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Chemical specialties:				
820590	Agricultural fungicides containing: zinc dimethyl dithiocarbamate; tetramethylthiuram disulfide.	Pound	COTA	100	RO
	Pigments, paints and varnishes:				
843800	Polytetrafluoroethylene (Teflon) finishes and enamels.	Gallon	PLAT	1	RO
843800	Polytrifluorochloroethylene (Kel-F) dispersion	do	PLAT	1	RO
	Miscellaneous commodities, n. e. s.:				
	Manufactured plastic products, n. e. s.:				
	Thermoplastic products:				
981390	Polytetrafluoroethylene (Teflon)		COTA	1	RO
981390	Polytrifluorochloroethylene (Kel-F)		COTA	1	RO

2. The following commodities are changed from R to RO commodities. Accordingly, the entries therefor on the Positive List are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Chemical specialties:				
	Synthetic gums and resins in all unfinished forms, except laminated (report laminated sheets, plates, strips, rods, and tubes in 826000):				
	Synthetic gums and resins, including film, bristles, and bristle filament, n. e. s.:				
	Molding compositions:				
825910	Polytrifluorochloroethylene (Kel-F) [1]	Pound	RESN	1	RO
	All other unfinished forms:				
825950	Polytrifluorochloroethylene (Kel-F) [2]	do	RESN	1	RO
	Synthetic gums and resins, laminated (sheets, plates, rods, and tubes):				
826000	Polytrifluorochloroethylene (Kel-F) [3]	do	RESN	1	RO

[1] Formerly an R commodity included in the entry on the Positive List for Schedule B No. 825910 "Other molding compositions except para coumarone and silicone molding compositions, resins, and adhesives."

[2] Formerly an R commodity included in the entry on the Positive List for Schedule B No. 825950 "Other unfinished forms, n. e. s., except silicone unfinished forms."

[3] Formerly an R commodity included in the entry on the Positive List for Schedule B No. 826000 "Synthetic gums and resins, laminated (sheets, plates, strips, rods, and tubes), n. e. s., except phenol formaldehyde and other tar-acid resins, urea and melamine resins, polystyrene resins and copolymers, and silicone resins."

3. The entries on the Positive List for metal drums and containers, filled and unfilled, Schedule B Nos. 620520 and 620540; and lined steel tanks, Schedule B No. 620915, are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated licence required
	Iron and steel manufactures:				
	Metal drums and containers for transporting gas or lower hydrocarbons:				
620520	Filled drums and containers capable of withstanding pressures over 300 lbs. per square inch where the value of the containers represent 20 percent or more of the total value of the container plus contents (pressure ratings are stamped on the drums and containers).[1]	Pound	STEE	[2]100	RO
620540	Unfilled drums and containers capable of withstanding pressures over 300 lbs. per square inch (pressure ratings are stamped on the drums and containers).[1]	do	STEE	100	RO
620915	Lined steel tanks, for storage or transporting gas or lower hydrocarbons capable of withstanding pressures over 300 lbs. per square inch (pressure ratings are stamped on the tanks).[1]	do	STEE	100	RO

[1] Applicable to containers only and not to contents.

[2] This amendment clarifies the commodity description without making substantive change.

4. The entry on the Positive List for analytical balances; micro-balances, 1/1000 milligram or under; and electronic balances, Schedule B No. 917500, is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
917500	Scientific and professional instruments, apparatus, and supplies, n. e. s.: Analytical balances, including semi-micro balances, micro-chemical balances, assay balances, quarts fiber micro-balances, and electronic balances.[1]	No	SATE	None	RO

[1] This amendment clarifies the commodity description without making substantive change.

2. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Electrical machinery and apparatus:				
	Electrical apparatus and parts, n. e. s.:				
769098	Stroboscopes recording machines		ELME[2]	None	RO
	Construction, excavating and conveying machinery:				
723100	Construction equipment, and parts, n. e. s.:				
	Parts for contractors' wheel-type tractors		CONS	100	R

3. The entries on the Positive List for (1) scleroscopes, Schedule B No. 774020, and (2) parts for scleroscopes, Schedule B No. 775038, are revised by extending the coverage of the two entries to all metal hardness testers adapted to or incorporating diamond penetrators (indenters-brales) and parts and accessories for such testers, as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
774020	Other industrial machinery: Metal hardness testers adapted to or incorporating diamond penetrators (indenters-brales).[1]	No	GIEQ	None	RO
775038	Industrial machinery and parts, n. e. s.: Parts and accessories for metal hardness testers adapted to or incorporating diamond penetrators (indenters-brales).[1]		GIEQ	None	RO

[1] The above revised entries for Schedule B No. 774020, includes scleroscopes, and for Schedule B No. 775038, includes parts for scleroscopes.

4. The following commodities are changed from R to RO commodities. Accordingly, the entry therefor on the Positive List is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
722900	Construction, excavating and conveying machinery: Contractors' wheel-type tractors: 50 and over drawbar horsepower[1]	No	CONS	None	RO

[1] By this amendment, the description on the Positive List for Schedule B No. 722900 is revised to include two entries for such Schedule B number, as follows: "Under 50 drawbar horsepower, GLV None, Validated License Required R", and "50 and over drawbar horsepower, GLV None, Validated License Required RO."

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 2, 3, and 4 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment, may be exported under the previous general license provisions.

This amendment shall become effective as of June 29, 1950.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

5. The entries on the Positive List for (1) parts for electronic balances and (2) parts for micro-balances, 1/1000 milligram or under, Schedule B No. 910098, are revised by combining and amending the two commodity descriptions, as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Scientific and professional instruments, apparatus, and supplies, n. e. s.:				
	Scientific instruments and laboratory apparatus, and parts, n. e. s., including laboratory grade instruments and parts, n. e. s., for measuring to an accuracy of 1% accuracy of full-scale deflection or value (report similar items having industrial, rather than laboratory, application in 705520, 705700, 705820 or 774080):				
910098	Parts especially manufactured for analytical balances, including semi-micro balances, micro-chemical balances, assay balances, quarts fiber micro-balances, and electronic balances.[1]		SATE	None	RO

[1] The effect of this amended entry is to add to the Positive List parts especially manufactured for analytical balances other than electronic balances and micro-balances 1/1000 milligram or under.

6. The Schedule B number for the entry "Fluorocarbons (completely fluorinated materials)" is changed from 839900 to 832990.

This amendment shall become effective as of June 15, 1950.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Issued this 19th day of July, 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer,
Office of Industry and Commerce.

[F. R. Doc. 50-6483; Filed, July 21, 1950; 9:00 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 7[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are deleted from the Positive List:

Dept. of Comm. Sched. B No.	Commodity	Unit
	Rubber (natural, allied gums, and synthetics) and manufactures:	
208610	Rubber and balata belts and belting: V-belts	
	Cotton manufactures:	
	Cotton cloth, duck and tire fabrics:	
303900	Unbleached (gray), cloth: Airplane cloth; and batiloon fabric	

[1] This amendment was published in Current Export Bulletin No. 576 dated June 29, 1950.

Issued this 19th day of July 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer,
Office of Industry and Commerce.

[F. R. Doc. 50-6484; Filed, July 21, 1950; 9:00 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 8 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The dollar value limits in the column headed "GLV dollar value limits" set forth opposite each of the commodities listed below are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar value limits
	Petroleum and products:	
	Refined oils:	
	Motor fuel and gasoline (report octane rating):	
501610	Aviation motor fuels, 100 or over octane number (barrels of 42 gallons)	1 25
501650	Aviation motor fuels, under 100 octane number (barrels of 42 gallons)	1 25
501700	Automotive and other motor fuels and gasoline (barrels of 42 gallons)	1 25
502700	Other kerosene (barrels of 42 gallons)	1 25
503000	Gas oil and distillate fuel oil (barrels of 42 gallons)	

[1] This GLV dollar-value limit is applicable to shipments to all Country Group R and O destinations except Mexico. The GLV dollar-value limit for shipments to Mexico is $1,000.

2. The processing code is changed and "GLV dollar value limits" is amended for the entry for Fluorocarbons, as follows:

Dept. of Commerce Schedule B No.	Commodity	Processing code	GLV dollar value limits
532990	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.): Fluorocarbons (completely fluorinated material)	ORGN	1

3. The following "R" commodities now covered by the Positive List entry for Other metal and metal composition manufactures, n. e. s., Schedule B No. 669198, are listed as separate "R" commodity entries on the Positive List, with different processing codes and separate GLV dollar-value limits as shown below: [2]

Dept. of Commerce Schedule B No.	Commodity	Processing code		GLV dollar value limits
		Old	New	
	Other nonferrous ores, metals and alloys, except precious:			
	Metal and metal composition manufactures:			
669198	Anti-friction manufactures	NONF	GIEQ	100
669198	Antimony manufactures	NONF	GIEQ	100
669198	Babbit metal manufactures	NONF	GIEQ	100
669198	Brake linings, bimetallic	NONF	GIEQ	100
669198	Clutch facings, bimetallic	NONF	GIEQ	100
669198	Friction material, bimetallic	NONF	GIEQ	100
669198	Getters	NONF	GIEQ	100
669198	Invar manufactures	NONF	GIEQ	100
669198	Monel metal articles (fully finished)	NONF	GIEQ	100
669198	Valve bushings, monel metal	NONF	GIEQ	100
669198	Tool bit blanks, molybdenum	NONF	TOOL	100

[1] This amendment was published in Current Export Bulletin No. 577 dated July 6, 1950.
[2] The above referred to entry for "Other metal and metal composition manufactures, n. e. s., processing code NONF, GLV 100, validated license required R", remains on the Positive List. Shipments of any commodities whose GLV dollar-value limits were reduced as set forth in Part 1 of this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment, may be exported under the previous general license provisions.

This amendment shall become effective as of July 6, 1950.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Issued this 19th day of July 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer,
Office of Industry and Commerce.

[F. R. Doc. 50-6485; Filed, July 21, 1950; 9:00 a. m.]

[5th. Gen. Rev. of Export Regs., Amdt. P. L. 9]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodities are changed from R to RO commodities. Accordingly, the entries therefor on the Positive List are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Mining, well, and pumping machinery:				
	Petroleum field and refining equipment and parts:				
734270	Oil and gas production equipment and parts		COMS	100	RO
734300	Petroleum refinery machinery, equipment, components, and parts.		COMS	100	RO
	Other industrial machinery:				
775030	Glass-working lathes		GIEQ	100	RO

Except for glass-working lathes, Schedule B No. 775030, shipments of the commodities removed from general license to Country Group O destinations as a result of changes set forth above, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment, may be exported under the previous general license provisions.

This amendment shall become effective July 20, 1950.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Issued this 19th day of July 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer,
Office of Industry and Commerce.

[F. R. Doc. 50-6486; Filed, July 21, 1950; 9:00 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

DOWN PAYMENT

Section 201.7 is hereby amended by adding the following new paragraph § 201.7 (f):

§ 201.7 *Eligible expenditures.* • • •

(f) *Down payment.* For the period this paragraph remains in effect it shall be established in a manner and upon a form approved by the Commissioner, that the borrower is paying in cash, exclusive of trade-ins or other allowances, at least 10 percent of the total cost of the proposed improvements, exclusive of financing charges: *Provided,* That this paragraph shall not be applicable as to loans involving properties located in the Territory of Alaska.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1703)

The amendment contained herein is effective as to all loans with respect to which Credit Applications are dated or executed on or after August 1, 1950, and shall have the same force and effect as if included in and made a part of each Contract of Insurance.

Issued at Washington, D. C., July 18, 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6443; Filed, July 21, 1950; 8:56 a. m.]

PART 203—TITLE I MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Part 203 is hereby amended by adding the following new § 203.20a:

§ 203.20a *Limitation upon maximum amount of mortgage.* For the period this section remains in effect and notwithstanding the provisions of § 203.7, a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, shall not involve a principal amount in excess of 90 percent of the appraised value of the property if the mortgagor is the owner and occupant or 80 percent of such value if the mortgagor is the builder: *Provided,* That this section shall not be applicable as to mortgages covering properties located in the Territory of Alaska or housing determined by the Commissioner to be military housing.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1703g. Interprets or applies sec. 102, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., July 18, 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6444; Filed, July 21, 1950; 8:56 a. m.]

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Part 221 is hereby amended by adding the following new § 221.26c:

§ 221.26c *Limitation upon maximum amount of mortgage.* For the period this section remains in effect and notwithstanding the provisions of § 221.15, a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, shall not involve a principal amount in excess of $14,000 except in the case of a mortgage covering a property designed for occupancy by two or more families, and shall not exceed 75 percent of the appraised value of the property, except that with respect to mortgages eligible for insurance under § 221.15 (a) the principal amount may exceed 75 percent but shall not exceed 90 percent of $7,000 of such value plus 65 percent of such value in excess of $7,000 and not in excess of $11,000 and mortgages eligible for insurance under § 221.15 (b) may exceed 75 percent but shall not exceed 90 percent of the appraised value of the property if the mortgagor is the owner and occupant and 80 percent of such value if the mortgagor is the builder: *Provided,* That this section shall not be applicable as to mortgages covering properties in the Territory of Alaska or housing determined by the Commissioner to be military housing.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., July 18, 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6445; Filed, July 21, 1950; 8:56 a. m.]

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Part 232 is hereby amended by adding the following new § 232.16a:

§ 232.16a *Limitation upon maximum amount of mortgage.* For the period this section remains in effect and notwithstanding the provisions of paragraphs (a) and (b) of § 232.4, a mortgage insured pursuant to an application received by the Commissioner after July 19, 1950, shall not involve a principal amount in excess of the sum of 85 percent of that portion of the estimated value of the project which does not exceed $7,000 per family unit and 55 percent of that part of the estimated value of the project which is in excess of $7,000 and not in excess of $10,000 per family unit: *Provided,* That this section shall not be applicable as to mortgages covering properties located in the Territory of Alaska or housing determined by the Commissioner to be military housing.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 48 Stat. 1252, as amended; 12 U. S. C. 1713)

Issued at Washington, D. C., July 18, 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6446; Filed, July 21, 1950; 8:56 a. m.]

PART 241—COOPERATIVE HOUSING INSURANCE: ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Part 241 is hereby amended by adding the following new § 241.15a:

§ 241.15a *Limitation upon maximum amount of mortgage.* For the period this section remains in effect and notwithstanding the provisions of § 241.4, the maximum ratio of loan to replacement cost limitation with respect to applications (including applications executed only by the mortgagor to obtain a certificate of eligibility) received by the Commissioner on or after July 19, 1950, shall be 85 percent, except that such limitation may be increased by reason of veteran membership as provided in said § 241.4, in which event, such maximum ratio of loan to replacement cost limitation shall not exceed 90 percent: *Provided,* That this section shall not be applicable to mortgages covering properties located in the Territory of Alaska or housing determined by the Commissioner to be military housing.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 114, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., this 18th day of July 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6447; Filed, July 21, 1950; 8:56 a. m.]

Subchapter E—Farm Mortgage Insurance

PART 251—FARM MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Part 251 is hereby amended by adding the following new § 251.27b:

§ 251.27b *Limitation upon maximum amount of mortgage.* For the period this section remains in effect, and notwithstanding the provisions of § 251.16, a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, shall not involve a principal amount in excess of $14,000 except in the case of a mortgage covering a property designed for occupancy by two or more families, and shall not exceed 75 percent of the appraised value of the property, except that with respect to mortgages eligible for insurance under § 251.16 (a) the principal amount may exceed 75 percent but shall not exceed 90 percent of $7,000 of such value plus 65 percent of such value in excess of $7,000 and not in excess of $11,000, and mortgages eligible for insurance under § 251.16 (b) may exceed 75 percent but shall not exceed 90 percent of the appraised value of the property if the mortgagor is the owner and occupant and 80 percent of such value if the mortgagor is the builder: *Provided,* That this section shall not be applicable as to mortgages covering properties in the

Territory of Alaska or housing determined by the Commissioner to be military housing.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 203, 48 Stat. 1248, as amended; 12 U. S. C. 1709)

Issued at Washington, D. C., July 18, 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6448; Filed, July 21, 1950; 8:56 a. m.]

Subchapter H—War Housing Insurance

PART 276—WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Part 276 is hereby amended by adding the following new § 276.28b:

§ 276.28b *Limitation upon maximum amount of mortgage.* For the period this section remains in effect, and notwithstanding the provisions of § 276.17, a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, shall not involve a principal amount in excess of 85 percent of the appraised value of the property: *Provided*, That this section shall not be applicable as to mortgages covering properties in the Territory of Alaska or housing determined by the Commissioner to be military housing.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742)

Issued at Washington, D. C., July 18, 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6449; Filed, July 21, 1950; 8:56 a. m.]

PART 278—WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE UNDER SECTION 603 PURSUANT TO SECTION 610 OF THE NATIONAL HOUSING ACT

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Part 278 is hereby amended by adding the following new § 278.20b:

§ 278.20b *Limitation upon maximum amount of mortgage.* For the period this section remains in effect, and notwithstanding the provisions of § 278.9, a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, shall not involve a principal amount in excess of 85 percent of the appraised value of the property: *Provided*, That this section shall not be applicable to mortgages covering properties located in the Territory of Alaska or housing determined by the Commissioner to be military housing.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742. Interprets or applies sec. 603, as added by sec. 1, 55 Stat. 56, as amended; 12 U. S. C. and Sup., 1738)

Issued at Washington, D. C., July 18, 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6450; Filed, July 21, 1950; 8:56 a. m.]

Subchapter I—War Rental Housing Insurance

PART 280—MULTIFAMILY WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY RENTAL HOUSING

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Part 280 is hereby amended by adding the following new § 280.22c:

§ 280.22c *Limitation upon maximum amount of mortgage.* For the period this section remains in effect and notwithstanding the provisions of § 280.11, a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, shall not involve a principal amount in excess of 85 percent of the Commissioner's estimate of the necessary current cost of the property or project: *Provided*, The principal amount of the mortgage shall not in any event exceed 85 percent of the Commissioner's estimate of the replacement cost of the property or project on the basis of costs prevailing on December 31, 1947: *Provided further*, That this section shall not be applicable as to mortgages covering properties located in the Territory of Alaska or housing determined by the Commissioner to be military housing.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742. Interprets or applies sec. 608, as added by sec. 11, 56 Stat. 303, as amended; 12 U. S. C. and Sup., 1743)

Issued at Washington, D. C., July 18, 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6451; Filed, July 21, 1950; 8:56 a. m.]

PART 283—MULTIFAMILY WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE UNDER SECTION 608 PURSUANT TO SECTION 610 OF THE NATIONAL HOUSING ACT

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Part 283 is hereby amended by adding the following new § 283.22b:

§ 283.22b *Limitation upon maximum amount of mortgage.* For the period this section remains in effect and notwithstanding the provisions of § 283.11, a mortgage insured pursuant to an application or request for appraisal and eligibility statement received by the Commissioner on or after July 19, 1950, shall not involve a principal amount in excess of 85 percent of the appraised value of the property: *Provided*, That this section shall not be applicable as to mortgages covering properties located in the Territory of Alaska or housing determined by the Commissioner to be military housing.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742. Interprets or applies sec. 608, as added by sec. 11, 56 Stat. 303, as amended; 12 U. S. C. and Sup., 1743)

Issued at Washington, D. C., July 18, 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6452; Filed, July 21, 1950; 8:56 a. m.]

Subchapter J—House Manufacturing Loans, War Housing Insurance

PART 285—ELIGIBILITY REQUIREMENTS OF LOAN FOR MANUFACTURE OF HOUSES

LIMITATION UPON MAXIMUM AMOUNT OF LOAN

Section 285.5 is hereby amended by adding the following new paragraph (l):

§ 285.5 *Manufacturer's loan; eligibility requirements.* * * *

(l) *Limitation upon maximum amount of loan.* For the period this paragraph remains in effect, and notwithstanding any other provisions of this section, loans insured pursuant to an application received by the Commissioner on or after July 19, 1950 shall not involve a principal obligation in excess of 85 percent of the amount which the Commissioner estimates will be the necessary current cost of manufacturing such houses, exclusive of profit, less such amounts as may have been paid by a purchaser prior to the assignment of the purchase contracts as security for the loan: *Provided*, That this paragraph shall not be applicable as to loans made for the purpose of manufacturing houses to be erected in the Territory of Alaska or houses determined by the Commissioner to be manufactured for use in military housing.

Section 285.6 is hereby amended by adding the following new paragraph (h):

§ 285.6 *Requirements of eligibility and conditions of insurance of purchaser's loan.* * * *

(h) *Limitation upon maximum amount of loan.* For the period this paragraph remains in effect, and notwithstanding any other provisions of this section, any purchaser loan made in connection with a manufacturer's loan insured pursuant to an application received by the Commissioner on or after July 19, 1950, shall not involve a principal obligation in excess of 75 percent of the purchase price of the manufactured house or houses delivered and to be delivered pursuant to the purchase contract or contracts assigned to secure the manufacturer's loan and in connection with which the purchaser has paid to the manufacturer, or to the lender for the account of the manufacturer, on or before the date of delivery of any such houses, the balance of the purchase price, in cash, which amount shall in no event be less than 25 percent of the purchase price: *Provided*, That this paragraph shall not be applicable as to loans made for the purpose of purchasing houses to be erected in the Territory of Alaska or houses determined by the Commissioner to be used in military housing.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742)

Issued at Washington, D. C., July 18, 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6453; Filed, July 21, 1950; 8:56 a. m.]

Subchapter K—Single-Family Project Loans, War Housing Insurance

PART 287—ELIGIBILITY REQUIREMENTS OF PROJECT MORTGAGE COVERING GROUP OF SINGLE-FAMILY DWELLINGS

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Part 287 is hereby amended by adding the following new § 287.27a:

§ 287.27a *Limitation upon maximum amount of mortgage.* For the period this section remains in effect and notwithstanding the provisions of § 287.11 of this section, a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, shall not involve a principal amount in excess of 80 percent of the estimated value of the property or project and not in excess of a sum computed on the individual dwellings comprising the total project on the basis of $5,950 or 80 percent of the valuation, whichever is less, with respect to each single-family dwelling: *Provided*, That this section shall not be applicable as to mortgages covering properties located in the Territory of Alaska or housing determined by the Commissioner to be military housing.

(Sec. 607, 55 Stat. 61; 12 U. S. C. 1742)

Issued at Washington, D. C., July 18, 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6454; Filed, July 21, 1950; 8:56 a. m.]

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 263]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 260]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 34, is amended to describe the counties in the defense-rental area as follows:

Contra Costa, except the City of Walnut Creek; Napa; and Solano.

This decontrols the City of Walnut Creek in Contra Costa County, California, a portion of the Richmond-Vallejo, California, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 38, is amended to describe the counties in the defense-rental area as follows:

San Francisco; San Mateo; Marin, except the City of Belvedere and the Judicial Townships of Bolinas, Nicasio, Point Reyes, San Antonio, Tomales; and Sonoma, except (i) the Judicial Townships of Redwood and Sonoma (including the City of Sonoma) and (ii) that portion of Analy Judicial Township lying west of the Monte Rio-Valley Ford Highway and lying between Redwood Judicial Township on the north and the northern line of Marin County on the south.

This decontrols the City of Belvedere in Marin County, California, a portion of the San Francisco Bay, California, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective July 20, 1950.

Issued this 19th day of July 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-6321; Filed, July 21, 1950; 8:46 a. m.]

[Controlled Housing Rent Reg., Amdt. 261]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 258]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

OKLAHOMA; CORRECTION

Correction to Controlled Housing Rent Regulation and Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are corrected in the following respect:

In Amendment 261 to §§ 825.1 to 825.12 and Amendment 258 to §§ 825.81 to 825.92, the words "Item 242b" are corrected to read "Item 242d" and "(242b)" is corrected to read "(242d)".

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This correction shall be effective as of July 10, 1950.

Issued this 19th day of July 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-6322; Filed, July 21, 1950; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter D—Military Renegotiation Regulations

PART 423—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

GENERAL CLASSES OR TYPES OF EXEMPTED CONTRACTS AND SUBCONTRACTS

Amendment 2 to Appendix A to Subpart E of Part 423.

Section 423.354, Appendix A (15 F. R. 170, 2417) hereby is amended by adding the following new item:

10. *Exemption.* All contracts entered into in the fiscal year 1950 by the General Services Administration on behalf of the Department of Defense (including the Departments of the Army, Navy, and Air Force) for furnishing tires and tubes under Class 8 of the Federal Supply Schedule, and each subcontract thereunder. There are included in this exemption all purchase or delivery orders issued by the Department of Defense (including the Departments of the Army, Navy, and Air Force) in pursuance of such contracts.

(Sec. 3, 62 Stat. 259; 50 U. S. C. App. Sup., 1193)

Adopted by the Board: June 8, 1950.

FRANK L. ROBERTS,
Chairman, Military Renegotiation Policy and Review Board.

[F. R. Doc. 50-6464; Filed, July 21, 1950; 8:57 a. m.]

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

PART 862—AIR RESERVE OFFICERS' TRAINING CORPS

MOBILIZATION AND TRAINING; ELIGIBILITY

1. Regulations contained in §§ 861.1001 to 861.1007 inclusive (14 F. R. 7352) are hereby revised.

Sec.
861.1001 General.
861.1002 Definitions.
861.1003 Mobilization assignments.
861.1004 Mobilization designations.
861.1005 Training attachments.
861.1006 Requests for mobilization assignment or designation.
861.1007 Training.

AUTHORITY: §§ 861.1001 to 861.1007 issued under secs. 3, 4, 62 Stat. 88, 89, sec. 310, 62 Stat. 374; 37 U. S. C. Sup., 114, 10 U. S. C. Sup., 422, 5 U. S. C. Sup., 627 i. Interpret or apply sec. 37, 39 Stat. 189, as amended, sec. 32, 41 Stat. 776, sec. 1, 49 Stat. 1028, as amended; 10 U. S. C. 351-353, 369, 369a.

DERIVATION: AFR 45-3.

§ 861.1001 *General.* The regulations contained in §§ 861.1001 to 861.1007 establish procedures for the assignment or designation of Air Force Reserve officers, below the grade of brigadier general, to specific mobilization positions. The total mobilization positions to be filled by Air Force Reserve officers will be established by Headquarters United States Air Force for each major air com-

mand based on mobilization requirements modified by the consideration of funds available, the training capacity of the commands, and the availability of qualified Reservists. Mobilization positions will be filled by mobilization assignees and mobilization designees. The number of persons receiving mobilization assignments to mobilization positions will be limited by the funds available for inactive duty training pay. The remaining mobilization positions will be filled by mobilization designees.

§ 861.1002 *Definitions*—(a) *Mobilization position.* A military position within a Regular Air Force unit or activity that is contained in the Reserve troop basis. A mobilization position is filled by either a mobilization assignee or mobilization designee.

(b) *Mobilization assignee.* An Air Force Reserve officer on inactive duty status who volunteers for and is assigned to a mobilization position. Such personnel are members of the Organized Air Reserve and will be eligible for inactive duty training pay and active duty training.

(c) *Mobilization designee.* An Air Force Reserve officer on inactive duty status who volunteers for and is designated to a mobilization position. Such personnel are members of the Volunteer Air Reserve. Mobilization designees are not eligible for inactive duty training pay.

(d) *Training attachment.* The attachment, for training only, of an Air Force Reserve officer having a mobilization assignment to an appropriate unit or activity of the Regular Air Force; the Organized Air Reserve; or the Air National Guard (subject to the approval of the State concerned) other than the unit or activity in which mobilization assignment is held.

§ 861.1003 *Mobilization assignments*—(a) *To whom given.* Mobilization assignments may be given to those officers of the Air Force Reserve who are in an inactive duty status and who volunteer and are assigned by competent authority to mobilization positions in which it is anticipated they will serve if called to active duty in the event of mobilization. These officers must signify, in writing, their willingness to accept an assignment in the Organized Air Reserve, and to comply with those requirements now or hereafter established for retention of status as a member of the Organized Air Reserve.

(b) *Ineligibility for mobilization assignment.* A mobilization assignment will not be given to a person who, in a civilian capacity, occupies a position which would be occupied by him in the event of mobilization. In these cases, the person may be given a mobilization designation.

(1) Air Force Reserve officers ordered to extended active duty who hold mobilization assignments will be relieved of such assignments.

(2) Mobilization assignments will not be given to Reserve officers serving in the Air Force in a grade below officer grade.

§ 861.1004 *Mobilization designations*—(a) *To whom given.* Reserve officers who are qualified may be earmarked for mobilization positions by means of mobilization designations. Mobilization designations may be given to qualified officers of the Air Force Reserve who are in an inactive duty status and who volunteer and are assigned by competent authority to mobilization positions in which it is anticipated they will serve if called to active duty in event of mobilization. A mobilization designation may be given to a qualified person who is either unwilling to accept a mobilization assignment in the Organized Air Reserve, or for whom no vacancy exists as an assignee. These officers must signify, in writing, their willingness to accept an assignment in the Volunteer Air Reserve and to comply with those requirements now or hereafter established for retention of status as a member of the Volunteer Air Reserve.

(b) *Promotion and retention of status.* Persons with mobilization designations may accrue points for promotion and retention of status in the manner prescribed in §§ 861.3 to 861.11 and, except as provided in paragraph (c) of this section, must meet the requirements for retention of status in the Volunteer Air Reserve as specified in §§ 861.3 to 861.11.

(c) *Waiver of minimum requirements for retention of status.* The minimum requirements for retention of status in the Volunteer Air Reserve may be waived, under the provisions of §§ 861.3 to 861.11, for persons with mobilization designations whose civilian occupations are so directly allied with the mobilization positions for which the person has been designated that proficiency is considered to be retained by virtue of participation in the civilian occupation.

(d) *Ineligibility of certain officers.* Mobilization designations will not be given to Reserve officers serving in the Air Force in a grade below officer grade. Air Force Reserve officers ordered to extended active duty who hold mobilization designations will be relieved of such designations.

(e) *Rotation of mobilization assignees and designees.* Persons filling mobilization positions will not be rotated between mobilization assignee and designee status to permit additional personnel to receive inactive duty training pay.

§ 861.1005 *Training attachments.* A training attachment will not be given to a mobilization assignee to any unit or activity not capable of providing the person concerned with adequate and effective training in his mobilization assignment capacity. If the person is unable to participate in training at the place of mobilization assignment and no suitable training attachment can be provided, a mobilization assignment will not be made.

§ 861.1006 *Requests for mobilization assignment or designation*—(a) *Specific requests.* An individual Reservist desiring a mobilization assignment or designation may request the assignment or designation by military letter to the headquarters of the major air command concerned. Letters of applicants who are not selected, with their career summaries, will be returned to the appropriate numbered air force. Numbered air forces will notify those persons of their nonselection.

(b) *Nonspecific requests.* A person who desires to make application for a mobilization assignment or mobilization designation without specifying the major air command of assignment may submit his application to the numbered air force having responsibility for maintaining his master personnel records.

§ 861.1007 *Training.* Whenever practicable, officers having mobilization assignments or designations will accomplish inactive duty training with the unit or activity in which such mobilization assignment or designation is held. Officers having mobilization assignments to units or activities with which it is not practicable for them to participate in inactive duty training may be attached to other activities and units for training. Active duty training of officers having mobilization assignments normally will be accomplished with the unit or activity in which such assignment or designation is held. Persons with mobilization assignments will be required to participate in a minimum of nine training periods a quarter. Mobilization assignees who fail to meet the minimum number of training periods a quarter will be relieved of their assignment. In exceptional cases only, and upon written request of the person concerned, major air commands may waive this requirement once in any fiscal year.

2. Section 862.36 (f) is amended as follows:

§ 862.36 *Eligibility.* • • •

(f) Not be nor have been a conscientious objector. • • •

[AFL 45–15A] (Sec. 37, 39 Stat. 189, as amended; sec. 37a, 41 Stat. 776; 10 U. S. C. 351–353, 361, 369)

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 50–6345; Filed, July 21, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 910]

FRESH PEAS AND CAULIFLOWER GROWN IN COUNTIES OF ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA AND SAGUACHE IN COLORADO

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1950–51 FISCAL YEAR

Consideration is being given to the following proposals which were submitted by the Administrative Committee, established under amended Marketing Agreement No. 67 and amended Order No. 10 (7 CFR, Part 910) regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla and Saguache in the State of Colorado, as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $2,355.00 will be necessarily incurred during the fiscal year beginning June 1, 1950, and ending May 31, 1951, both dates inclusive, for the maintenance and functioning of the aforesaid Administrative Committee; and

(b) That the Secretary fix, as the pro rata share of such expenses which each handler shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order with respect to peas and cauliflower shipped by him during the aforesaid fiscal year, the rate of assessment as follows: (1) $1.50 per straight car of peas or cauliflower or per mixed car of peas and cauliflower; and when less than a carload is shipped, (2) one-half cent ($0.005) per bushel of peas or per crate of cauliflower or the respective equivalent quantities thereof, but in no event shall the assessment be in excess of $1.50 on a shipment of peas or cauliflower less than a carload lot, or mixed shipment thereof less than a carload lot.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals may do so by mailing the same to the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than midnight of the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be submitted in quadruplicate.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Part 910)

Issued this 19th day of July 1950.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50–6480; Filed, July 21, 1950; 8:59 a. m.]

[7 CFR, Part 927]

MILK IN NEW YORK METROPOLITAN MARKETING AREA

NOTICE OF PROPOSED RULE MAKING

Correction

In F. R. Document 50–6262, appearing in the issue for Wednesday, July 19, 1950, at page 4608, change the table to read as follows:

Product	Units	Netweight (pounds)
Whipped topping mixture.	40 quart can.....	86.50
Whipped topping mixture (more than 20% bf and 6.0% or more of sugar).	40 quart can	87.00
Whipped topping mixture (20% or less of bf and 6.0% or more of sugar).	40 quart can.....	88.00

[7 CFR, Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO AMENDMENT OF PACK SPECIFICATIONS AND MINIMUM STANDARDS

Notice is hereby given, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), that the Walnut Control Board (the administrative agency for operations under this regulatory program), acting in accordance with the authority vested in it by § 984.3 of the marketing agreement and order regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR 984.1 et seq.), which marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), is considering the prescribing, subject to the approval of the Secretary, of an amendment of the pack specifications and minimum standards heretofore prescribed by it with approval of the Secretary (7 CFR 984.101).

Prior to the taking of final action with respect to such proposed amendment, consideration will be given to any written data, views, or arguments pertaining thereto which are submitted in duplicate to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received by him not later than the 10th day after the date of the publication of this notice in the FEDERAL REGISTER.

The proposed amendment relates to that portion of the aforementioned pack specifications for merchantable (unshelled) walnuts which come under the category "Large Size," as set forth in subparagraph (3) of paragraph (a) of said 7 CFR 984.101. It is proposed to reduce the diameter requirement for large size walnuts of the Eureka variety and type by 1/64th of an inch. Information obtained by the Walnut Control Board is to the effect that, by reason of the greater length and freedom from a midrib of Eureka variety and type walnuts as compared with other walnuts, the appearance and kernel content per pound of unshelled walnuts of the Eureka type and variety are equal to those of a shorter walnut of 1/64th inch greater diameter. Information supplied that board by the California Walnut Growers Association, by far the largest handler of walnuts, is to the effect that, in 1948 and 1949, less than one-half of the Eureka pack was "Large Size," whereas the average of all varieties was from 55 to 60 percent "Large Size." The adoption of the proposed change would permit a greater proportion of the Eureka variety and type walnuts to classify as "Large Size."

The amendment of the aforementioned subparagraph (3) of paragraph (a) of said 7 CFR 984.101 would have such subparagraph read as follows:

(3) *Large size.* Walnuts of which not over 12 percent by count pass through a round opening $^{79}/_{64}$ inches in diameter, except that, for walnuts of the Eureka variety and type, such limiting dimension as to diameter shall be $^{78}/_{64}$ inches.

Issued at Washington, D. C., this 18th day of July 1950.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50–6357; Filed, July 21, 1950; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 681]

HAND-BRAIDING OF COTTON TAPE BUTTONS AND OF LEATHER BUTTONS IN PUERTO RICO

MINIMUM PIECE RATES

The present minimum piece rates for the hand-braiding of cotton tape buttons and of leather buttons by homeworkers in Puerto Rico are 30 cents and 28 cents, respectively, per gross. At the time these rates were established the straight-time hourly minimum wage rates fixed by wage order for the performance of such operations in Puerto Rico were 25 cents per hour for the hand-braiding of

cotton tape buttons and 21 cents per hour for the hand-braiding of leather buttons.

However, on July 14, 1950, I approved the recommendations of Special Industry Committee No. 6 for Puerto Rico with respect to the Button, Buckle and Jewelry Industry in Puerto Rico, and issued a wage order for such industry, effective August 21, 1950. This order fixes an hourly minimum wage rate of 40 cents for the Button and Buckle (other than pearl) and Bead Division. Therefore, it is now necessary to adjust such minimum piece rates in order that they may continue to be commensurate with the applicable minimum hourly wage rates, in accordance with section 6 (a) (2) of the Fair Labor Standards Act (sec. 6 (a) (2), 63 Stat. 912; 29 U. S. C. 206 (a) (2)).

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), that the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to establish the following minimum piece rates for the performance of the following operations by homeworkers in Puerto Rico: A minimum piece rate of 48 cents per gross for the hand-braiding of cotton tape buttons, 24 to 30 ligne, and a minimum piece rate of 53⅓ cents per gross for the hand-braiding of leather buttons, 24 to 30 ligne. The hand-braiding of cotton tape buttons consists of tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling at the ends of the strip, inserting the ends of the strip into the braided part, and bringing the ends together. The hand-braiding of leather buttons consists of tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling at the ends of the strip, inserting a leather shank at the base, and tucking the loose ends between the braided part and the shank.

Prior to the final adoption of such minimum piece rates, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 15 days from publication of this notice in the FEDERAL REGISTER.

The proposed minimum piece rates are to be issued under the authority in section 6 (a) (2) of the Fair Labor Standards Act of 1938, as amended (sec. 6 (a) (2), 63 Stat. 912; 29 U. S. C. 206 (a) (2)).

Signed at Washington, D. C., this 18th day of July 1950.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 50-6347; Filed, July 21, 1950; 8:45 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

COASTWISE LINE

NOTICE OF HEARING ON APPLICATION FOR BAREBOAT-CHARTER OF DRY-CARGO VESSEL FOR USE IN ALASKA TRADE

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4823, Commerce Building, Washington, D. C., on July 26, 1950, at 10:00 o'clock a. m., e. d. s. t., before the Federal Maritime Board, upon application of the above company to bareboat-charter a war-built dry-cargo vessel for use in the Alaska trade.

The purpose of the hearing is to receive evidence with respect to whether such service is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels on reasonable conditions and at reasonable rates for this service.

All persons having an interest in such application should arrange to be present.

Dated: July 18, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-6456; Filed, July 21, 1950; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 7760]

CHESAPEAKE BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of Chesapeake Broadcasting Company, Inc., Bradbury Heights, Maryland, Docket No. 7760, File No. BP-4698; for construction permit.

The Commission having under consideration a petition filed July 10, 1950, by Chesapeake Broadcasting Company, Inc., Bradbury Heights, Maryland, requesting a continuance of the hearing presently scheduled for July 27, 1950, at Washington, D. C., in the proceeding upon its above-entitled application for construction permit; and

It appearing, that no opposition to the granting of the above petition has been filed with the Commission; and that there is pending before the Commission a petition for reconsideration and grant without hearing filed on June 26, 1950;

It is ordered, This 14th day of July 1950, that the petition is granted; and that the hearing in the above-entitled proceeding is continued indefinitely pending action on the said petition for reconsideration and grant without hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6463; Filed, July 21, 1950; 8:57 a. m.]

[Docket Nos. 9429-9432, 9511]

ARKANSAS AIRWAVES CO. (KXLR) ET AL.

ORDER CONTINUING HEARING

In re aplications of Arkansas Airwaves Company (KXLR), North Little Rock, Arkansas, Docket No. 9429, File No. BR-1248; West Memphis Broadcasting Corporation (KWEM), West Memphis, Arkansas, Docket No. 9430, File No. BR-1506; Harrison Broadcasting Corporation (KHOZ), Harrison, Arkansas, Docket No. 9431, File No. BR-1387; Stuttgart Broadcasting Corporation (KWAK), Stuttgart, Arkansas, Docket No. 9432, File No. BR-2085; Arkansas Airwaves Company (KXLR), North Little Rock, Arkansas, Docket No. 9511, File No. BP-6747; for renewal of licenses and for construction permit.

The Commission having under consideration a petition filed July 7, 1950, by Arkansas Airwaves Company (KXLR), North Little Rock, Arkansas, and Stuttgart Broadcasting Corporation (KWAK), Stuttgart, Arkansas, requesting a 60-day continuance of the hearing presently scheduled for July 24, 1950, at Little Rock, Arkansas, in the proceeding upon the above-entitled applications; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, this 14th day of July 1950, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Monday, September 25, 1950, at Little Rock, Arkansas.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6462; Filed, July 21, 1950; 8:57 a. m.]

[Docket No. 9596]

PLATTE VALLEY BROADCASTING CORP. (KNEB)

ORDER CONTINUING HEARING

In re application of Platte Valley Broadcasting Corporation (KNEB), Scottsbluff, Nebraska, for construction permit; Docket No. 9596, File No. BP-7035.

The Commission having under consideration a petition filed July 10, 1950, by May Broadcasting Company (KMA), requesting a continuance of the hearing presently scheduled for July 19, 1950, at

Washington, D. C., in the proceeding upon the above-entitled application for construction permit; and

It appearing, that all parties to the above proceeding have consented to a grant of the petition and to a waiver of § 1.745 of the Commission's rules and regulations to permit the early consideration of this request;

It is ordered, this 14th day of July 1950, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Tuesday, August 29, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6461; Filed, July 21, 1950; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CALIFORNIA

NOTICE OF PUBLIC HEARING IN CONNECTION WITH PROPOSED CONDOR SANCTUARY IN LOS PADRES NATIONAL FOREST

Notice is hereby given that a public hearing will be held at the Land Office, Bureau of Land Management, U. S. Department of the Interior, Room 1512, Post Office Building, Los Angeles, California, at 10:00 a. m., on August 21, 1950, to consider withdrawing from all forms of disposition under the public land laws, including the mining and mineral leasing laws, the following-described lands and reserving the lands as a condor sanctuary:

CALIFORNIA

SAN BERNARDINO MERIDIAN

T. 5 N., R. 19 W.,
Secs. 1 to 6, inclusive;
Secs. 9 to 16, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 5 N., R. 20 W.,
Secs. 1 to 24, inclusive;
Secs. 26 to 30, inclusive;
Secs. 33 to 35, inclusive.

These lands lie within the Los Padres National Forest. The withdrawal was requested by the U. S. Department of Agriculture. The California condor is one of the threatened and vanishing species of birds that are a matter of international concern. It is one of the thirteen birds listed by the International Technical Conference on the Protection of Nature at Lake Success in 1949, in a resolution to the International Union for the Protection of Nature recommending that governments take immediate and vigorous action to preserve threatened and vanishing species of fauna and flora.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 20, 1950.

[F. R. Doc. 50-6509; Filed, July 21, 1950; 8:59 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 2823]

TEXAS

LOAN ANNOUNCEMENT

JUNE 16, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 145E Dallam	$160,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-6358; Filed, July 21, 1950; 8:47 a. m.]

[Administrative Order 2824]

MONTANA

LOAN ANNOUNCEMENT

JUNE 22, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Montana 29D Wibaux	$150,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-6359; Filed, July 21, 1950; 8:47 a. m.]

[Administrative Order 2825]

MISSOURI

LOAN ANNOUNCEMENT

JUNE 22, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 35N Adair	$255,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-6360; Filed, July 21, 1950; 8:47 a. m.]

[Administrative Order 2826]

MISSOURI

LOAN ANNOUNCEMENT

JUNE 22, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 45N Osage	$235,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-6361; Filed, July 21, 1950; 8:47 a. m.]

[Administrative Order 2827]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 22, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 69N Washington	$155,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-6362; Filed, July 21, 1950; 8:47 a. m.]

[Administrative Order 2828]

LOUISIANA

LOAN ANNOUNCEMENT

JUNE 22, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 20M Concordia	$205,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-6363; Filed, July 21, 1950; 8:48 a. m.]

[Administrative Order 2829]

ILLINOIS

LOAN ANNOUNCEMENT

JUNE 22, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing-the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 40S Macoupin	$685,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-6364; Filed, July 21, 1950; 8:48 a. m.]

[Administrative Order 2830]

LOUISIANA

LOAN ANNOUNCEMENT

JUNE 22, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 9V Lafayette	$330,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-6365; Filed, July 21, 1950; 8:48 a. m.]

[Administrative Order 2831]

WASHINGTON

LOAN ANNOUNCEMENT

JUNE 22, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Washington 46D Perry District Public	$220,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-6366; Filed, July 21, 1950; 8:48 a. m.]

[Administrative Order 2832]

ALASKA

LOAN ANNOUNCEMENT

JUNE 22, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Alaska 5B Kenai	$360,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-6367; Filed, July 21, 1950; 8:48 a. m.]

[Administrative Order 2833]

IOWA

LOAN ANNOUNCEMENT

JUNE 22, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 73M Adair	$100,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-6368; Filed, July 21, 1950; 8:48 a. m.]

[Administrative Order 2834]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 22, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 41B Greenville Public	$910,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-6369; Filed, July 21, 1950; 8:48 a. m.]

[Administrative Order 2835]

ALLOCATION OF FUNDS FOR LOANS

JUNE 23, 1950.

I hereby amend:

(a) Administrative Order No. 166, dated December 1, 1937, as amended by Administrative Order No. 238, dated April 16, 1938, and Memorandum to Members of the Staff, dated September 15, 1939, by reducing the allocation of $42,000 therein made for "North Carolina 8029 P. I. & L." by $9,804.40 so that the reduced allocation shall be $32,195.60;

(b) Administrative Order No. 538, dated November 5, 1940, by reducing the allocation of $10,000 therein made for "Oregon 1016W3 Malheur" by $39.01 so that the reduced allocation shall be $9,960.99;

(c) Administrative Order No. 705, dated May 19, 1942, by reducing the allocation of $4,000 therein made for "Oregon 2016S4 Malheur" by $1,846.57 so that the reduced allocation shall be $2,153.43;

(d) Administrative Order No. 1103, dated July 3, 1946, by rescinding the allocation of $25,000 therein made for "Oregon 16P Malheur";

(e) Administrative Order No. 1535, dated June 8, 1948, by reducing the allocation of $205,000 therein made for "Oregon 16R Malheur" by $108,049.63 so that the reduced allocation shall be $96,950.37;

(f) Administrative Order No. 314, dated December 29, 1938, as amended by Administrative Order No. 469, dated June 4, 1940, by reducing the allocation of $31,000 therein made for "Washington 9027G1 Lewis District Public" by $5,051.50 so that the reduced allocation shall be $25,948.50; and

(g) Administrative Order No. 1320, dated August 21, 1947, by reducing the allocation of $250,000 therein made for "Washington 27F Lewis District Public" by $186,197.08 so that the reduced allocation shall be $63,802.92.

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-6370; Filed, July 21, 1950; 8:48 a. m.]

[Administrative Order 2836]

WYOMING

LOAN ANNOUNCEMENT

JUNE 23, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wyoming 3M Fremont	$284,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-6371; Filed, July 21, 1950; 8:48 a. m.]

[Administrative Order 2837]

NEBRASKA

LOAN ANNOUNCEMENT

JUNE 23, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 84D Grant	$420,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-6372; Filed, July 21, 1950; 8:48 a. m.]

[Administrative Order 2838]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 23, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 81N Towns	$240,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-6373; Filed, July 21, 1950; 8:48 a. m.]

[Administrative Order 2839]

OKLAHOMA

LOAN ANNOUNCEMENT

JUNE 27, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 31S, T Woodward	$475,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6374; Filed, July 21, 1950; 8:49 a. m.]

[Administrative Order 2840]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JUNE 27, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 37B Hughes	$387,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6375; Filed, July 21, 1950; 8:49 a. m.]

[Administrative Order 2841]

WISCONSIN

LOAN ANNOUNCEMENT

JUNE 27, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 25T Monroe	$190,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6376; Filed, July 21, 1950; 8:49 a. m.]

[Administrative Order 2842]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 28, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 43P Jones	$540,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6377; Filed, July 21, 1950; 8:49 a. m.]

[Administrative Order 2843]

WASHINGTON

LOAN ANNOUNCEMENT

JUNE 28, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Washington 17G Klickitat District Public	$320,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6378; Filed, July 21, 1950; 8:49 a. m.]

[Administrative Order 2844]

WASHINGTON

LOAN ANNOUNCEMENT

JUNE 28, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Washington 30N Stevens	$130,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6379; Filed, July 21, 1950; 8:49 a. m.]

[Administrative Order 2845]

ARKANSAS

LOAN ANNOUNCEMENT

JUNE 28, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 31N Ashley	$50,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6380; Filed, July 21, 1950; 8:49 a. m.]

[Administrative Order 2846]

WYOMING

LOAN ANNOUNCEMENT

JUNE 28, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wyoming 9K Uinta	$630,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6381; Filed, July 21, 1950; 8:49 a. m.]

[Administrative Order 2847]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JUNE 28, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 26D Gregory	$1,630,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6382; Filed, July 21, 1950; 8:49 a. m.]

[Administrative Order 2848]

OREGON

LOAN ANNOUNCEMENT

JUNE 28, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oregon 18K Eugene	$805,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6383; Filed, July 21, 1950; 8:49 a. m.]

[Administrative Order 2849]

TENNESSEE

LOAN ANNOUNCEMENT

JUNE 28, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Ad-

ministrator of the Rural Electrification Administration:

Loan designation:	Amount
Tennessee 45E LaFollette Public	$578,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6384; Filed, July 21, 1950; 8:49 a. m.]

[Administrative Order 2850]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 28, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 96L Pickens	$130,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6385; Filed, July 21, 1950; 8:50 a. m.]

[Administrative Order 2851]

MINNESOTA

LOAN ANNOUNCEMENT

JUNE 28, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 81K Aitkin	$145,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6386; Filed, July 21, 1950; 8:50 a. m.]

[Administrative Order 2852]

MISSISSIPPI

LOAN ANNOUNCEMENT

JUNE 28, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mississippi 48A DeSoto	$1,130,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6387; Filed, July 21, 1950; 8:50 a. m.]

[Administrative Order 2853]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 28, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 33N Cherokee	$40,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6388; Filed, July 21, 1950; 8:50 a. m.]

[Administrative Order 2854]

ALLOCATION OF FUNDS FOR LOANS

JUNE 28, 1950.

Inasmuch as Tri-County Electric Cooperative, O & A Electric Cooperative, Oceana Electric Cooperative and The Western Michigan Electric Cooperative have each transferred certain of their properties and assets to Wolverine Electric Cooperative, Incorporated and Wolverine Electric Cooperative, Incorporated has assumed a part of the total indebtedness of Tri-County Electric Cooperative, O & A Electric Cooperative, Oceana Electric Cooperative and The Western Michigan Electric Cooperative to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 274, dated July 25, 1938, as amended by Administrative Order No. 285, dated September 8, 1938, by further changing the project designation appearing therein as "Michigan 9026G2 Ingham" in the amount of $200,000 to read "Michigan 46 Newaygo (Michigan 9026G2 Ingham)" in the amount of $200,000;

(b) Administrative Order No. 360, dated June 19, 1939, as amended by Administrative Order No. 457, dated May 10, 1940, by further changing the project designation appearing therein as "Michigan 9-0026G3 Ingham" in the amount of $92,500 to read "Michigan 46 Newaygo (Michigan 9-0026G3 Ingham)" in the amount of $92,500;

(c) Administrative Order No. 532, dated October 21, 1940, by changing the project designation appearing therein as "Michigan 1026G4 Ingham" in the amount of $250,000 to read "Michigan 1026G4 Ingham" in the amount of $28,679.46 and "Michigan 46 Newaygo (Michigan 1026G4 Ingham)" in the amount of $221,320.54;

(d) Administrative Order No. 877, dated January 18, 1945, by changing the project designation appearing therein as "Michigan 5026G5 Ingham" in the amount of $100,000 to read "Michigan 5026G5 Ingham" in the amount of $18,716.69 and "Michigan 46 Newaygo (Michigan 5026G5 Ingham)" in the amount of $81,283.31;

(e) Administrative Order No. 884, dated February 27, 1945, by changing the project designation appearing therein as "Michigan 5026D3 Ingham" in the amount of $50,000 to read "Michigan 5026D3 Ingham" in the amount of $2,743.29 and "Michigan 46 Newaygo (Michigan 5026D3 Ingham)" in the amount of $47,256.71;

(f) Administrative Order No. 1072, dated May 23, 1946, by changing the project designation appearing therein as "Michigan 26W Ingham" in the amount of $72,000 to read "Michigan 26W Ingham" in the amount of $2,653.16 and "Michigan 46 Newaygo (Michigan 26W Ingham)" in the amount of $69,346.84;

(g) Administrative Order No. 1202, dated January 15, 1947, by changing the project designation appearing therein as "Michigan 26X Ingham" in the amount of $50,000 to read "Michigan 26X Ingham" in the amount of $948.86 and "Michigan 46 Newaygo (Michigan 26X Ingham)" in the amount of $49,051.14;

(h) Administrative Order No. 1310, dated August 1, 1947, by changing the project designation appearing therein as "Michigan 26Y Ingham" in the amount of $275,000 to read "Michigan 26Y Ingham" in the amount of $2,358.54 and "Michigan 46 Newaygo (Michigan 26Y Ingham)" in the amount of $272,641.46;

(i) Administrative Order No. 182, dated January 19, 1938, by changing the project designation appearing therein as "Michigan 8040A1 Allegan" in the amount of $140,000 to read "Michigan 8040A1 Allegan" in the amount of $112,758.40 and "Michigan 46 Newaygo (Michigan 8040A1 Allegan)" in the amount of $27,241.60;

(j) Administrative Order No. 182, dated January 19, 1938, as amended by Administrative Order No. 251, dated May 22, 1938, by further changing the project designation appearing therein as "Michigan 8040G1 Allegan" in the amount of $25,000 to read "Michigan 46 Newaygo (Michigan 8040G1 Allegan)" in the amount of $25,000;

(k) Administrative Order No. 510, dated August 24, 1940, by changing the project designation appearing therein as "Michigan 1040C1 Allegan" in the amount of $250,000 to read "Michigan 1040C1 Allegan" in the amount of $22,931.79 and "Michigan 46 Newaygo (Michigan 1040C1 Allegan)" in the amount of $227,068.21;

(l) Administrative Order No. 527, dated October 4, 1940, as amended by Administrative Order No. 1849, dated February 11, 1949, by further changing the project designation appearing therein as "Michigan 40 Allegan (Ohio 1093A1 Washington)" in the amount of $24,000 to read "Michigan 46 Newaygo (Michigan 40 Allegan [Ohio 1093A1 Washington])" in the amount of $24,000;

(m) Administrative Order No. 665, dated February 16, 1942, by changing the project designation appearing therein as "Michigan 2040G3 Allegan" in the amount of $10,000 to read "Michigan 46 Newaygo (Michigan 2040G3 Allegan)" in the amount of $10,000;

(n) Administrative Order No. 684, dated March 2, 1942, by changing the project designation appearing therein as "Michigan 2040C2 Allegan" in the amount of $50,000 to read "Michigan 2040C2 Allegan" in the amount of $3,193.12 and "Michigan 46 Newaygo (Michigan 2040C2 Allegan)" in the amount of $46,806.88;

(o) Administrative Order No. 820, dated April 10, 1944, by changing the project designation appearing therein as "Michigan 4-3040C3 Allegan" in the amount of $50,000 to read "Michigan 4-3040C3 Allegan" in the amount of $1,427.18 and "Michigan 46 Newaygo (Michigan 4-3040C3 Allegan)" in the amount of $48,572.82;

(p) Administrative Order No. 850, dated August 4, 1944, by changing the project designation appearing therein as "Michigan 5040G4 Allegan" in the amount of $60,000 to read "Michigan 46 Newaygo (Michigan 5040G4 Allegan)" in the amount of $60,000;

(q) Administrative Order No. 927, dated June 30, 1945, as amended by Administrative Order No. 2557, dated March 6, 1950, by further changing the project designation appearing therein as "Michigan 5-46040D1 Allegan" in the amount of $393,400 to read "Michigan 5-46040D1 Allegan" in the amount of $124,043.66 and "Michigan 46 Newaygo (Michigan 5-46040D1 Allegan)" in the amount of $269,356.34;

(r) Administrative Order No. 1113, dated July 31, 1946, by changing the project designation appearing therein as "Michigan 40R Allegan" in the amount of $125,000 to read "Michigan 40R Allegan" in the amount of $2,760.85 and "Michigan 46 Newaygo (Michigan 40R Allegan)" in the amount of $122,239.15;

(s) Administrative Order No. 1316, dated August 18, 1947, by changing the project designation appearing therein as "Michigan 41E Oceana" in the amount of $75,000 to read "Michigan 41E Oceana" in the amount of $58,250 and "Michigan 46 Newaygo (Michigan 41E Oceana)" in the amount of $16,750; and

(t) Administrative Order No. 944, dated August 3, 1945, by changing the project designation appearing therein as "Michigan 46042B1 Mason" in the amount of $65,000 to read "Michigan 46042B1 Mason" in the amount of $15,000 and "Michigan 46 Newaygo (Michigan 46042B1 Mason)" in the amount of $50,000.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6389; Filed, July 21, 1950; 8:50 a. m.]

[Administrative Order 2855]

IOWA

LOAN ANNOUNCEMENT

JUNE 28, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa 77M, N Davis	$835,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6390; Filed, July 21, 1950; 8:50 a. m.]

[Administrative Order 2856]

NEW MEXICO

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 25E Luna	$170,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6391; Filed, July 21, 1950; 8:50 a. m.]

[Administrative Order 2857]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Dakota 15K Butte	$160,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6392; Filed, July 21, 1950; 8:50 a. m.]

[Administrative Order 2858]

ILLINOIS

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Illinois 36N Jasper	$692,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6393; Filed, July 21, 1950; 8:50 a. m.]

[Administrative Order 2859]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Dakota 25D Aurora	$590,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6394; Filed, July 21, 1950; 8:50 a. m.]

[Administrative Order 2860]

NEBRASKA

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Nebraska 81S Cornhusker	$954,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6395; Filed, July 21, 1950; 8:51 a. m.]

[Administrative Order 2861]

KANSAS

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kansas 26N Coffey	$225,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6396; Filed, July 21, 1950; 8:51 a. m.]

[Administrative Order 2862]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation, has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 74T Jefferson	$240,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6397; Filed, July 21, 1950; 8:51 a. m.]

[Administrative Order 2863]

MINNESOTA

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 12L St. Louis	$352,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Docket 50-6398; Filed, July 21, 1950; 8:51 a. m.]

[Administrative Order 2864]

MISSOURI

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 47T, U Cooper	$565,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6399; Filed, July 21, 1950; 8:51 a. m.]

[Administrative Order 2865]

MINNESOTA

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 37S Jackson	$230,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6400; Filed, July 21, 1950; 8:51 a. m.]

[Administrative Order 2866]

CALIFORNIA

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
California 6R Modoc	$330,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6401; Filed, July 21, 1950; 8:51 a. m.]

[Administrative Order 2867]

IOWA

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation.	*Amount*
Iowa 84C Hamilton	$4,285,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6402; Filed, July 21, 1950; 8:51 a. m.]

[Administrative Order 2868]

MISSISSIPPI

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 56B Alcorn	$250,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6403; Filed, July 21, 1950; 8:52 a. m.]

[Administrative Order 2869]

WYOMING

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wyoming 14N Laramie	$78,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6404; Filed, July 21, 1950; 8:25 a. m.]

[Adminstrative Order 2870]

OKLAHOMA

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 28M Pawnee	$455,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6405; Filed, July 21, 1950; 8:52 a. m.]

[Administrative Order 2871]

FLORIDA

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 16S Sumter	$70,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6406; Filed, July 21, 1950; 8:52 a. m.]

[Administrative Order 2872]

IDAHO

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Idaho 16D Cassia	$670,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6407; Filed, July 21, 1950; 8:52 a. m.]

[Administrative Order 2873]

MICHIGAN

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Michigan 45A, F Cass	$860,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6408; Filed, July 21, 1950; 8:52 a. m.]

[Administrative Order 2874]

TEXAS

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 103P Polk	$790,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6409; Filed, July 21, 1950; 8:52 a. m.]

[Administrative Order 2875]

CALIFORNIA

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
California 16L Plumas	$40,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6410; Filed, July 21, 1950; 8:52 a. m.]

[Administrative Order 2876]

IDAHO

LOAN ANNOUNCEMENT

JUNE 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Idaho 21F Camas	$200,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6411; Filed, July 21, 1950; 8:53 a. m.]

[Administrative Order 2877]

TEXAS

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 7R Bell	$60,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6412; Filed, July 21, 1950; 8:53 a. m.]

[Administrative Order 2878]

OHIO

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Ohio 95B Franklin	$750,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6413; Filed, July 21, 1950; 8:53 a. m.]

[Administrative Order 2879]

TEXAS

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 76Y Blanco	$465,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6414; Filed, July 21, 1950; 8:53 a. m.]

[Administrative Order 2880]

TEXAS

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 99N Jones	$150,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6415; Filed, July 21, 1950; 8:53 a. m.]

[Administrative Order 2881]

VIRGINIA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Virginia 41S Prince William	$462,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6416; Filed, July 21, 1950; 8:53 a. m.]

[Administrative Order 2882]

MINNESOTA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 32T Fillmore	$245,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6417; Filed, July 21, 1950; 8:53 a. m.]

[Administrative Order 2883]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 28N Williamsburg	$340,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6418; Filed, July 21, 1950; 8:53 a. m.]

[Administrative Order 2884]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 84L Cobb	$300,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6419; Filed, July 21, 1950; 8:53 a. m.]

[Administrative Order 2885]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 67W Bacon	$645,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6420; Filed, July 21, 1950; 8:53 a. m.]

[Administrative Order 2886]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 26S Darlington	$135,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6421; Filed, July 21, 1950; 8:54 a. m.]

[Administrative Order 2887]

MONTANA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Montana 25H Sheridan	$335,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6422; Filed, July 21, 1950; 8:54 a. m.]

[Administrative Order 2888]

MONTANA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Montana 15N Fergus	$185,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6423; Filed, July 21, 1950; 8:54 a. m.]

[Administrative Order 2889]

PENNSYLVANIA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Pennsylvania 24K Bedford	$750,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6424; Filed, July 21, 1950; 8:54 a. m.]

[Administrative Order 2890]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 103F Coweta	$88,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6425; Filed, July 21, 1950; 8:54 a. m.]

[Administrative Order 2891]

FLORIDA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Florida 23N Levy	$85,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6426; Filed, July 21, 1950; 8:54 a. m.]

[Administrative Order 2892]

MONTANA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Montana 27E Glasgow	$25,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6427; Filed, July 21, 1950; 8:54 a. m.]

[Administrative Order 2893]

FLORIDA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Florida 33E Pasco	$325,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6428; Filed, July 21, 1950; 8:54 a. m.]

[Administrative Order 2894]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 58S Butts	$420,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6429; Filed, July 21, 1950; 8:54 a. m.]

[Administrative Order 2895]

MINNESOTA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 46T Anoka	$275,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6430; Filed, July 21, 1950; 8:54 a. m.]

[Administrative Order 2896]

MINNESOTA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 82N Becker	$610,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6431; Filed, July 21, 1950; 8:55 a. m.]

[Administrative Order 2897]

MISSISSIPPI

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mississippi 29U Oktibbeha	$625,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6432; Filed, July 21, 1950; 8:55 a. m.]

[Administrative Order 2898]

FLORIDA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Florida 14Z Clay	$1,200,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6433; Filed, July 21, 1950; 8:55 a. m.]

[Administrative Order 2899]

WASHINGTON

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Washington 41A Molson	$265,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6434; Filed, July 21, 1950; 8:55 a. m.]

[Administrative Order 2900]

NEBRASKA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Nebraska 44X Eastern Nebraska District Public	$450,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6435; Filed, July 21, 1950; 8:55 a. m.]

[Administrative Order 2901]

MONTANA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Montana 30B Glacier	$825,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6436; Filed, July 21, 1950; 8:55 a. m.]

[Administrative Order 2902]

TENNESSEE

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Tennessee 46H Warren	$845,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6437; Filed, July 21, 1950; 8:55 a. m.]

[Administrative Order 2903]

WYOMING

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wyoming 11U Lincoln	$175,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6438; Filed, July 21, 1950; 8:55 a. m.]

[Administrative Order 2905]

MONTANA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Montana 33A Custer	$825,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6440; Filed, July 21, 1950; 8:55 a. m.]

[Administrative Order 2906]

MINNESOTA

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 95R Lake of the Woods	$145,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 50-6441; Filed, July 21, 1950; 8:50 a. m.]

[Administrative Order 2907]

TENNESSEE

LOAN ANNOUNCEMENT

JUNE 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Tennessee 32F Hickman	$340,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-6442; Filed, July 21, 1950; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6300]

CENTRAL ARIZONA LIGHT AND POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ACQUISITION OF FACILITIES

JULY 18, 1950.

Notice is hereby given that, on July 17, 1950, the Federal Power Commission issued its order entered July 14, 1950, in the above-designated matter, authorizing and approving acquisition of certain facilities of Southwest Lumber Mills, Inc.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6348; Filed, July 21, 1950; 8:45 a. m.]

[Docket No. G-1342]

WISCONSIN SOUTHERN GAS CO.

ORDER FIXING DATE OF HEARING

JULY 17, 1950.

On March 14, 1950, Wisconsin Southern Gas Company (Applicant) a Wisconsin corporation of Lake Geneva, Wisconsin, filed an application, as supplemented on March 27, 1950, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of approximately 56,000 feet of six-inch pipeline in Wisconsin, all as more fully described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure; no request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 28, 1950 (15 F. R. 1710).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure a hearing be held on July 24, 1950, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Date of issuance: July 18, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6349; Filed, July 21, 1950; 8:45 a. m.]

[Docket No. G-1396]

MONTANA-DAKOTA UTILITIES CO.

ORDER FIXING DATE OF HEARING

JULY 17, 1950.

On May 24, 1950, Montana-Dakota Utilities Co. (Applicant), a Delaware corporation having its principal place of business at Minneapolis, Minnesota, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, all as more fully described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 10, 1950 (15 F. R. 3677).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, a hearing be held on July 25, 1950, at 9:45 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the said rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 18, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6350; Filed, July 21, 1950; 8:45 a. m.]

[Docket No. G-1404]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 18, 1950.

On June 2, 1950, Southern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Birmingham, Alabama, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition of certain natural-gas transmission facilities from the Dixie Lime and Rock Wool Company and their operation and the construction and operation of certain other natural-gas facilities subject to the jurisdiction of the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure for non-contested proceedings, and this proceeding appears to be a proper one for disposition under the aforesaid rule, no request to be heard, protest or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on June 17, 1950 (15 F. R. 3956).

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on July 24, 1950, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 18, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6455; Filed, July 21, 1950; 8:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25260]

SYNTHETIC RESINS FROM TEXAS CITY AND ORANGE, TEX.

APPLICATION FOR RELIEF

JULY 19, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Synthetic resins, carloads.

From: Texas City and Orange, Tex.

To: Oswego, N. Y., and Zanesville, Ohio.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supplement 462.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6351; Filed, July 21, 1950; 8:47 a. m.]

[4th Sec. Application 25261]

ASPHALT FROM OKLAHOMA TO EVANSVILLE, IND., AND LOUISVILLE, KY.

APPLICATION FOR RELIEF

JULY 19, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3725.

Commodities involved: Asphalt, carloads.

From: Points in Oklahoma.

To: Evansville, Ind., and Louisville, Ky.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates:

D. Q. Marsh's tariff I. C. C. No. 3725, Supplement 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6352; Filed, July 21, 1950; 8:47 a. m.]

[4th Sec. Application 25262]

CAST IRON PIPE FROM TEXAS AND KANSAS CITY, MO.

APPLICATION FOR RELIEF

JULY 19, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3910.

Commodities involved: Cast iron pipe, fittings and related articles, carloads.

From: Points in Texas, also Kansas City, Mo.

To: Points in the southwest, Illinois, Kansas, Louisiana, Mississippi, Missouri, New Mexico and Tennessee.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3910.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6353; Filed, July 21, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2440]

ATTLEBORO STEAM AND ELECTRIC CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 20th day of July A. D. 1950.

In the matter of Attleboro Steam and Electric Company, Central Massachusetts Electric Company, Gardner Electric Light Company, Worcester Suburban Electric Company, New England Power Company, Worcester County Electric Company, File No. 70-2440.

Notice is hereby given that Attleboro Steam and Electric Company ("Attleboro"), Central Massachusetts Electric Company ("Central"), Gardner Electric Light Company ("Gardner"), Worcester Suburban Electric Company ("Worcester Suburban"), New England Power Company ("NEPCO"), and Worcester County Electric Company ("Worcester County"), all subsidiary companies of New England Electric System ("NEES"), a registered holding company, have filed separate applications pursuant to the Public Utility Holding Company Act of 1935 and have designated section 6 (b) thereof as applicable to the proposed transactions.

Notice is hereby given that any interested person may, not later than July 28, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said applications which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 28, 1950, said applications may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

Applicant companies propose to issue, from time to time but not later than September 30, 1950, additional unsecured promissory notes, due May 31, 1951. Applicants' notes presently outstanding and proposed to be issued, together with the total amount of notes to be outstanding, are shown in the following table:

Name	Presently outstanding	Proposed to be issued	Total to be outstanding
Attleboro	$380,000	$60,000	$440,000
Central	900,000	100,000	1,000,000
Gardner	450,000	50,000	500,000
Worcester Suburban	2,050,000	50,000	2,100,000
NEPCO	4,400,000	6,100,000	10,500,000
Worcester County	4,550,000	1,500,000	6,050,000
Total	12,730,000	7,860,000	20,950,000

The notes are to be issued pursuant to bank loan agreements, as amended, entered into by the applicant companies and certain other subsidiary companies

of NEES, as described in Holding Company Act Release Nos. 8253 and 9527.

The applicant companies have agreed to reduce the amount of bank notes outstanding to the extent of any permanent financing, except indebtedness to NEES, and to reduce the amount of bank notes authorized by this Commission but not issued prior to such financing, to the extent of the excess of such financing over the amount of notes then outstanding. In addition, it is indicated that the amount of promissory notes authorized to be issued by NEPCO will be reduced by the amount received by NEES in the event it sells its investment in the common shares of its subsidiary, Fall River Electric Light Company.

The applicant companies state that the proceeds to be derived from said unsecured promissory notes will be used to replenish any depletion of working capital occasioned by the construction of property already in progress and to finance proposed construction through September 30, 1950.

Incidental services in connection with the notes proposed to be issued will be performed by New England Power Service Company, an affiliate service company, at the actual cost thereof. The total amount of expenses in connection with the proposed transactions is estimated to be $100 for each of the applicant companies, an aggregate of $600.

The Department of Public Utilities of the Commonwealth of Massachusetts has approved the proposed issuance of notes by the applicant companies and, in addition, the Public Service Commission of the State of New Hampshire and the Vermont Public Service Commission have approved the notes proposed to be issued by NEPCO.

The applicant companies request that the Commission's order herein be and become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-6516; Filed, July 21, 1950; 9:27 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14845]

JOHN HILZINGER

In re: Interest in real property owned by John Hilzinger.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Hilzinger, whose last known address is 166 Haupstrasse, Willstadt, Kr. Kohl Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: An undivided one-half (½) interest in real property situated in the Village of Massapequa, County of Nassau, State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

EXHIBIT A

All those certain lots, pieces or parcels of land situate, lying and being at South Oyster Bay, in the Village of Wurtemburg (now called Massapequa), Nassau County (formerly Queens County) and State of New York, which on a certain map of property of Mrs. Sarah M. Williams, made by John D. Cornelius, Surveyor, filed in the Office of the Clerk of Queens County on July 7, 1870, by No. 229 and entitled "Eastern section, Staadt Wurtemburg, L. I." are bounded and described as follows:

Beginning at a point on the easterly side of Fifth Avenue (now Roosevelt Avenue) distant 110 feet southerly from the corner formed by the easterly side of Fifth Avenue (now Roosevelt Avenue) and the southerly side of Clarke Street (now Clarke Boulevard); running thence easterly and parallel with Clarke Street (now Clarke Boulevard) 100 feet; running thence southerly and parallel with Fifth Avenue (now Roosevelt Avenue) 200 feet; running thence westerly and parallel with Clarke Street (now Clarke Boulevard) 100 feet to the easterly side of Fifth Avenue (now Roosevelt Avenue), running thence northerly along the easterly side of Fifth Avenue (now Roosevelt Avenue) 200 feet to the point or place of beginning.

Said premises being part of Block 41 on said map, and said premises being known as lots 11 to 20 inclusive on map of property of Marie Johnson, amending Block No. 41 on map of "Staadt Wurtemburg" East Section, Massapequa, Long Island, New York; surveyed October 1928 by Baldwin & Cornelius Co., Inc., Engineers and Surveyors, Freeport, L. I., N. Y., and filed in the Office of the Clerk of the County of Nassau under file #962 (new number 2712).

[F. R. Doc. 50-6279; Filed, July 19, 1950; 8:48 a. m.]

[Vesting Order 14848]

RALPH M. FRANZEN ET AL.

In re Ralph M. Franzen and Ida Franzen v. Doris Joekel, et al. File D-28-8761; E. T. sec. 10669.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Reiner (Rinder) F. J. Eilers, whose last known address was on May 9, 1950, Germany, was on such date a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $6,795.57 was paid to the Attorney General of the United States by Hubka & Hubka, 218 Steinmeyer Building, Beatrice, Nebraska, in the action entitled "Ralph M. Franzen and Ida Franzen v. Doris Joekel, et al.";

3. That the sum of $6,795.57 was accepted by the Attorney General of the United States on May 9, 1950, pursuant to the provisions of the Trading with the Enemy Act, as amended;

4. That the said sum of $6,795.57 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof was not within a designated enemy country on May 9, 1950, the national interest of the United States required that such person be treated as a national of a designated enemy country (Germany), on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6465; Filed, July 21, 1950; 8:58 a. m.]

[Vesting Order 14846]

EMMA MARGARETE ALBRECHT

In re: Rights of Emma Margarete Albrecht, also known as Margareta Kapsch, under insurance contract. File No. D-28-12477-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Margarete Albrecht, also known as Margareta Kapsch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. DC Group 6763-G, Serial 168, issued by the Metropolitan Life Insurance Company, New York, New York, to Frank Kapsch, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6466; Filed, July 21, 1950; 8:58 a. m.]

[Vesting Order 14851]

MASAGIRO KONDO

In re: Rights of Masagiro Kondo under insurance contract. File No. F-39-1183-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masagiro Kondo, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7 971 513, issued by the New York Life Insurance Company, New York, New York, to Masagiro Kondo, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6467; Filed, July 21, 1950; 8:58 a. m.]

[Vesting Order 14852]

MRS. SENO KURIYAMA ET AL.

In re: Rights of Mrs. Seno Kuriyama et al. under insurance contract. File No. F-39-4695-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Seno Kuriyama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Manroku Ota, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. WS-109813, issued by the California-Western States Life Insurance Company, Sacramento, California, to Ginji Ota, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Manroku Ota, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6467; Filed, July 21, 1950; 8:58 a. m.]

[Vesting Order 14854]

IMAKICHI NAKAMURA

In re: Rights of Imakichi Nakamura under insurance contract. File No. D-39-17168-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Imakichi Nakamura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 758,205, issued by The Manufacturers Life Insurance Company, Toronto, Ontario, Canada, to Teiji Nakamura, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6468; Filed, July 21, 1950; 8:58 a. m.]

[Vesting Order 14855]

SOPHIE RUHR ET AL.

In re: Rights of Sophie Ruhr, nee Falck, et al. under insurance contract. File No. F-28-9664-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Ruhr, nee Falck, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Julie P. Falck, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany):

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 2000 G Serial 6016, issued by the Metropolitan Life Insurance Company, New York, New York, to Rudolf Falck, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Julie P. Falck, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and is being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6469; Filed, July 21, 1950; 8:58 a. m.]

[Return Order 588]

EMMA ECKER

Having considered the claim set forth below and having issued a determination allowing a separable part of the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and consevatory expenses:

Claimant, Claim Number, Notice of Intention to Return Published, and Property

Emma Ecker, Perchtolsdorf, near Vienna, Austria; Claim No. 37851; January 28, 1950 (15 F. R. 497); $11,327.40 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6470; Filed, July 21, 1950; 8:58 a. m.]

[Return Order 680]

MAX D. ORDMAN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Anna W. Ordman, Executrix of the estate of Max D. Ordman, New York City, New York; Claims Nos. 3269 and 5531; June 2, 1950 (15 F. R. 3474); $1,120.00 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 14, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6471; Filed, July 21, 1950; 8:58 a. m.]

MARIE WILBUR TURINI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marie Wilbur Turini, Rome, Italy; All right, title, interest and claim of any kind or character whatsoever of Marie W. Turini in and to the trust estate created under the will of Franklyn F. Wilbur, deceased, to Marie Wilbur Turini. $7,358.05 in the Treasury of the United States to Marie Wilbur Turini.

Guglielmo Turini, Guardian, Rome, Italy; All right, title, interest and claim of any kind or character whatsoever of Alessandra, Giovanna and Donatella Turini, minor children of Marie W. Turini, in and to the trust estate created under the will of Franklyn F. Wilbur, deceased, to Guglielmo Turini, as natural guardian.

Bank of New York and Fifth Avenue Bank, Trustee u/w of Franklin Freeman Wilbur, New York, New York; Claim No. 5532; All right, title, interest and claim of any kind or character whatsoever of the future born children of Marie W. Turini, the future born issue of children of Marie W. Turini and the next of kin of any deceased child of Marie W. Turini, whose names are unknown, and each of them, in and to the trust estate created under the will of Franklyn F. Wilbur, deceased, to the Bank of New York and Fifth Avenue Bank, Trustee.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6472; Filed, July 21, 1950; 8:58 a. m.]

RENATE KUTTNER STERN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Renate Kuttner Stern, Kirkwood, Missouri; Claim No. 11579; $1,232.66 in the Treasury of the United States.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6474; Filed, July 21, 1950; 8:59 a. m.]

[Return Order 683]

HERMAN A. BRASSERT

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Herman A. Brassert, New York, N. Y.; Claim No. 589; May 27, 1950 (15 F. R. 3304); all right, title and interest of the Attorney General in and to all the United States Letters Patent and Patent Applications listed in Schedule A attached hereto and made a part hereof (68 patents) reserving, however, in the Attorney General of the United States for the life of said patents and any and all patents issued on patent applications listed in Schedule A attached hereto, an irrevocable, non-exclusive, royalty-free license thereunder and the right to grant to applicants therefor non-exclusive, royalty-free sublicenses thereunder, such licenses and sublicenses to be only with respect to military applications not also having substantial civilian usage and in the fields of aeronautics, geophysics and optics, including but not by way of limitation:

(1) All types of automatic steering installations for aircraft,

(2) Gyro instruments, particularly directional gyroscopes and artificial horizons for aircraft, and

(3) Magnetic and radio controlled devices and installations in connection with the instruments defined in (1) and (2), including tie-ins from the radio receiver to the automatic steering devices.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

SCHEDULE A

Vested by Vesting Order No. 13

Patent Nos.: 2,128,682, 2,142,741, 2,150,113, 2,158,737, 2,172,315, 2,185,971, 2,190,506, 2,194,374, 2,204,460, 2,225,518, 2,226,545, 2,247,301, 2,250,341, 2,251,729, 2,263,687.

Vested by Vesting Order No. 112

Patent No.: 2,286,710.

Vested by Vesting Order No. 151

Patent Nos.: 1,550,410, 1,558,529, 1,558,530, 1,620,707, 1,639,394, 1,712,128, 1,721,800, 1,726,463, 1,752,135, 1,757,051, 1,763,994, 1,768,726, 1,776,240, 1,822,184, 1,929,230, 1,944,339, 1,959,890, 1,963,010, 1,982,564, 2,025,629, 2,038,465, 2,042,374, 2,052,375, 2,062,922, 2,074,882, 2,095,404, 2,107,971, 2,107,976, 2,111,466, 1,920,827 (also vested as Re-Issue No. 19,276 by Vesting Order No. 1184).

Vested by Vesting Order No. 201

Patent Nos.: 1,841,565, 1,959,889.

Vested by Vesting Order No. 651

Patent No.: 1,963,009.

Vested by Vesting Order No. 6079

Re-Issue No. 19,114.

Vested by Vesting Order No. 68

Patent application Serial Nos.:

262,975 (now Pat. No. 2,323,013).
266,494 (now Pat. No. 2,322,975).
263,968 (now Pat. No. 2,297,203).
284,318 (now Pat. No. 2,330,559).
291,784 (now Pat. No. 2,319,363).
293,524 (now Pat. No. 2,305,878).
315,835 (now Pat. No. 2,390,143).
326,527 (now Pat. No. 2,388,512).
321,769 (now Pat. No. 2,350,808).
364,730 (now Pat. No. 2,347,590).
352,146 (now Pat. No. 2,353,917).
352,147 (now Pat. No. 2,353,745).
362,655 (now Pat. No. 2,399,872).
273,365.
320,946.
327,512.
362,699.

Vested by Vesting Order No. 205

Patent Application Serial No. 219,926 (now Pat. No. 2,308,662).

[F. R. Doc. 50-6331; Filed, July 20, 1950; 8:51 a. m.]

MARCEL IDZKOWSKI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marcel Idzkowski, Paris, France; Claim No. 5583; $4,270.09 in the Treasury of the United States. Ten (10) shares of Hardman, Peck & Company (New York) capital stock without par value. Certificate No. 125 registered in the name of Voluntary Custody Account of the Alien Property Custodian for benefit of Marcel Idzkowski. Said certificate bears the stamped notation, "The shares of stock represented by this certificate are without par value, but have been given a stated value of $1.00 per share". This certificate is presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York, New York, New York.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6473; Filed, July 21, 1950; 8:58 a. m.]

JL 27

FEDERAL REGISTER

VOLUME 15 NUMBER 142

Washington, Tuesday, July 25, 1950

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

[General Reg. 108, Supp. 1]

PART 7—GOVERNMENT REQUESTS FOR TRANSPORTATION OF PASSENGERS

MISCELLANEOUS AMENDMENTS

JULY 20, 1950.

The following sections are hereby amended as follows:

These sections issued under the authority contained in sections 309 and 311 (f), 42 Stat. 25; 31 U. S. C. 49 and 52 (f).

§ 7.2 *Printing and binding.* (a) The size of the above-prescribed standard forms, with the exception of Standard Form No. 1140, will be 8¼ by 3¼ inches including binding. Standard Form No. 1140 will be 8¼ by 16¼ inches including binding. The original requests for transportation, Standard Forms Nos. 1139 and 1141, will be printed on light green paper and the memorandum copies thereof, Standard Forms Nos. 1139a and 1141a, will be printed on white paper. U. S. Government Request for Transportation—Type A, original, Standard Form No. 1139, together with the memorandum copy thereof, Standard Form No. 1139a, will be bound 10 or 25 requests to the book in U. S. Government Request for Transportation—Type A Book Cover, Standard Form No. 1138. U. S. Government Request for Transportation—Type B, original, Standard Form No. 1141, together with the memorandum copy thereof, Standard Form No. 1141a, will be bound 25, 50, or 100 requests to the book (5 requests to the page) in U. S. Government Request for Transportation—Type B Book Cover, Standard Form No. 1140.

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(d) The above-prescribed forms will be printed only at the Bureau of Engraving and Printing and requisitions therefor should be addressed to the Director, Bureau of Engraving and Printing, and must indicate the agency name and address to be overprinted on the outside of back covers of transportation request books.

§ 7.5 *Use of requests.* • • •

(b) Requests for transportation—Type A (Standard Form No. 1139). In those cases where the traveler is authorized to issue transportation requests for his own use, Type A book(s) of blank transportation request forms will be issued to him, and the traveler will sign such requests once only in the space provided thereon for "Signature of issuing officer-traveler." The official issuing Type A book of blank requests to a traveler will show the transaction in the space provided therefor on the inside front cover of the book, Standard Form No. 1138, over his bona fide signature. The traveler should maintain a record of all requests issued by him and of all unnegotiated requests which are spoiled or canceled for any reason, such record to be kept on the stub to which the memorandum of the request for transportation is attached. When there is no further need for unused requests, when separated from Government service, or when all of the requests contained in a book have been exhausted, the book of unused requests or empty cover thereof, as the case may be, should be returned immediately to the official who issued such book of requests to the traveler. Books returned to the issuing officer containing unused requests may be reissued in blank to other travelers until the requests are exhausted, the return and reissue thereof to be shown in the spaces provided therefor on the inside front and back cover of the transportation request book. When all of the spaces provided for this purpose have been used, the unused transportation requests contained in books returned to the issuing officer should be effectively voided and forwarded immediately to the administrative office where the accountability records are kept, there to be accounted for and destroyed. (See § 7.11.)

§ 7.11 *Spoiled or canceled requests.* All transportation requests spoiled or canceled for any reason should be marked "Canceled" and forwarded immediately, through the official who furnished the request(s), to the administrative office where the accountability records are kept, there to be accounted for and destroyed, except, where a canceled transportation request indicates the non-use of Pullman accommodations and involves a used related rail transportation request, in which instance, the canceled transportation request, bearing a citation to the payment record of the

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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(For Use During 1950)

The following Pocket Supplements are now available:

Title 43 ($0.35)

Titles 44–45 ($0.25)

Previously announced: Titles 4–5 ($0.30); Title 6 ($1.00); Title 7: Parts 1–209 ($0.55); Parts 210–899 ($0.75); Parts 900 to end ($0.75); Title 8 ($0.20); Title 9 ($0.20); Titles 10–13 ($0.20); Title 14: Parts 1–399 ($1.50); Parts 400 to end ($0.30); Title 15 ($0.40); Title 16 ($0.25); Title 17 ($0.20); Title 18 ($0.20); Title 19 ($0.20); Title 20 ($0.20); Title 21 ($0.30); Titles 22–23 ($0.25); Title 24 ($0.55); Title 25 ($0.20); Title 26: Parts 1–79 ($0.20); Parts 80–169 ($0.25); Parts 170–182 ($0.25); Parts 183–299 ($0.30); Title 26: Parts 300 to end; and Title 27 ($0.25); Titles 28–29 ($0.30); Titles 30–31 ($0.25); Title 32 ($1.00); Title 33 ($0.25); Titles 35–37 ($0.20); Title 38 ($0.50); Titles 40–42 ($0.25)

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used related rail transportation request, should be forwarded to the Transportation Division, General Accounting Office, for consideration in the audit.

§ 7.17 *Lost or stolen transportation requests.* • • •

(b) Under no circumstances should transportation requests which have been reported lost or stolen, and subsequently recovered, be used to obtain transportation or accommodations. Blank or completely filled out transportation requests which have been reported lost or stolen, if subsequently recovered, should be immediately marked "Canceled" by the officer or employee recovering same and promptly forwarded to the issuing officer who should record the cancellation thereof and forward same to the administrative office where the accountability records are maintained, there to be accounted for and destroyed.

(Secs. 309, 311, 42 Stat. 25; 31 U. S. C. 49, 52)

[Circ. Letter A–51607, A–49009]

PART 11—CERTIFICATE TO BE USED BY CONTRACTORS AND VENDORS ON INVOICES OR BILLS

Sec.
11.1 Wording of certificate.
11.2 Form of certificate.
11.3 Sign certificate only after delivery or performance.
11.4 Showing of unit prices of petroleum products.
11.5 Furnishing price escalation notices.

AUTHORITY: §§ 11.1 to 11.5 issued under secs. 309, 311, 42 Stat. 25; 31 U. S. C. 49, 52.

§ 11.1 *Wording of certificate.* In the interest of uniformity and in order to simplify certifications required of contractors and vendors when submitting invoices or bills to the Government for payment, the following certificate on such documents will be sufficient and is hereby approved:

I certify that the above bill is correct and just and that payment therefor has not been received.

§ 11.2 *Form of certificate.* The prescribed certificate may be printed, stamped, typed, or written on the vendor's bill of sale or invoice and must be signed, in original only, by the vendor or his duly authorized representative.

§ 11.3 *Sign certificate only after delivery or performance.* Under no conditions should the certificate on Government vouchers or on invoice forms to be attached to such vouchers be signed in blank or at any time prior to the submission of the voucher or invoice but only after delivery or performance by the claimant. To do so may result in the submission of a false claim against the Government for which the person signing the certificate may be held liable under the law.

§ 11.4 *Showing of unit prices of petroleum products.* Where purchases are made under contracts which provide that unit prices of gasoline or other petroleum products shall be based on posted tank wagon, barge, or service station prices at date and point of delivery, such unit prices at date and point of delivery should be shown on invoices or vouchers as audit information.

§ 11.5 *Furnishing price escalation notices.* Where purchases are made under contracts containing an article entitled "Price Escalation", price change notices issued in compliance with price escalation notices received from contractors should be furnished the General Accounting Office for association with the pertinent contract and for audit purposes.

All other directives in conflict with this circular letter are hereby modified to the extent of such conflict.

FRANK L. YATES,
Acting Comptroller General of the United States.

[F. R. Doc. 50–6525; Filed, July 24, 1950; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Mq–71] Peanuts–(1950)]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR 1950 CROP

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729.141 Definitions.
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IDENTIFICATION AND MEASUREMENT OF FARMS

729.144 Identification of farms.
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FARM MARKETING QUOTAS AND MARKETING CARDS

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729.167 Length of time records and reports to be kept.

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729.168 Information confidential.
729.169 Redelegation of authority.

AUTHORITY: §§ 729.140 to 729.169 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 52 Stat. 38, 62–65, as amended; 55 Stat. 88, as amended, Pub. Law 471, 81st Cong; 7 U. S. C. and Sup. 1301, 1358, 1359, 1361–1368, 1372, 1373.

GENERAL

§ 729.140 *Basis and purpose.* The regulations contained in §§ 729.140 to 729.169, are issued pursuant to the Agricultural Adjustment Act of 1938, as as amended, and govern the determination of peanut acreages, the issuance of marketing cards, the identification of peanuts, the collection and refund of penalties, and the records and reports incident thereto, on the marketing of peanuts of the 1950 crop, regardless of whether they are marketed before, during, or after the 1950–51 marketing year. Prior to preparing the regulations in §§ 729.140 to 729.169, public notice of their formulation was published in the FEDERAL REGISTER (15 F. R. 4133) in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations pertaining to the regulations in §§ 729.140 to 729.169, which were submitted have been duly considered within the limits prescribed by the aforesaid Agricultural Adjustment Act of 1938.

§ 729.141 *Definitions.* As used in §§ 729.140 to 729.169 inclusive, and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Act.* "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) *Assistant Administrator.* "Assistant Administrator" means the Assistant Administrator for Production, or the Acting Assistant Administrator for Production, of the Production and Marketing Administration of the United States Department of Agriculture.

(c) *Buyer.* "Buyer" means a person who (1) buys or otherwise acquires any peanuts from a producer, (2) buys or otherwise acquires farmers stock peanuts from any person, or (3) as a commission merchant or broker, markets any peanuts for the account of a producer and who is responsible to the producer for the amount received for the peanuts.

(d) *Committees*—(1) *Community committee.* "Community committee" means the persons elected within a community, pursuant to regulations governing PMA county and community committees published in the FEDERAL REGISTER of September 29, 1949 (14 F. R. 5916), to assist the county committee in the administration within the community of agricultural programs that are administered through the Production and Marketing Administration.

(2) *County committee.* "County committee" means the persons elected within a county, pursuant to regulations governing PMA county and community committees published in the FEDERAL REGISTER of September 29, 1949 (14 F. R. 5916), who are generally responsible for carrying out in the county the agricultural progams administered through the Production and Marketing Administration.

(3) *State committee.* "State committee" means the persons designated as the State committee of the Production and Marketing Administration charged with the responsibility of administering Production and Marketing Administration programs within the State.

(e) *Designated agency.* "Designated agency" means the Commodity Credit Corporation which has been designated by the Secretary as the agency to which excess peanuts may be delivered pursuant to the provisions of section 359 (g) of the act, and any sheller, crusher, warehouseman, or other person utilized by the Commodity Credit Corporation

as its agent to receive, handle, and dispose of excess peanuts.

(f) *Director.* "Director" means the Director, or the Acting Director, of the Fats and Oils Branch of the Production and Marketing Administration of the United States Department of Agriculture.

(g) *Excess acreage.* "Excess acreage" means the acreage by which the farm peanut acreage exceeds the farm allotment, but there will be no excess acreage if the farm peanut acreage is one acre or less.

(h) *Excess peanuts.* "Excess peanuts" means peanuts in excess of the farm marketing quota determined pursuant to § 729.146.

(i) *Farm.* "Farm" means all adjacent or nearby farmland under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farmland which the county committee, in accordance with instructions issued by the Assistant Administrator, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(j) *Farm allotment.* "Farm allotment" means the farm peanut acreage allotment for the 1950 crop of peanuts, established pursuant to §§ 729.110 to 729.127 (14 F. R. 7611).

(k) *Farm peanut acreage.* "Farm peanut acreage" means the acreage on the farm planted to peanuts in 1950 as determined by the county committee, less any such acreage with respect to which it is established by the operator or otherwise to the satisfaction of the county committee that the entire production therefrom has not and will not be picked or threshed either before or after marketing from the farm: *Provided, however,* That (1) the farm peanut acreage shall be considered equal to the farm allotment on a farm for which such allotment equals or exceeds the larger of one acre or the 1947 farm peanut acreage, if the acreage in excess of the farm allotment from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the farm allotment, whichever is larger; (2) the farm peanut acreage shall be considered equal to one acre on a farm for which the farm allotment and the 1947 farm peanut acreage are each equal to or less than one acre, and the acreage from which peanuts are picked or threshed does not exceed 1.1 acres; or (3) the farm peanut acreage shall be considered equal to the 1947 farm peanut acreage on a farm for which such 1947 acreage exceeds the larger of the farm allotment or one acre, if the acreage in excess of the 1947 farm peanut acreage from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the 1947 farm peanut acreage, whichever is larger; but the provisions of subparagraphs (1), (2), and (3) of this paragraph shall not apply unless the operator (i) submits evidence satisfactory to the county committee that the picking or threshing of peanuts was completed before he received notice of the acreage planted to peanuts, or that peanuts were picked or threshed from an acreage in excess of the largest of the farm allotment, one acre, or the 1947 farm peanut acreage notwithstanding an honest effort on the part of the operator to dispose of the excess by means other than by picking or threshing, and (ii) a quantity of peanuts equal to the county committee's estimate of the production from the acreage in excess of the largest of the farm allotment, one acre, or the 1947 farm peanut acreage is disposed of on the farm in such manner that the peanuts cannot be marketed: *Provided, further,* That the maximum acreage limit prescribed in subparagraphs (1), (2), or (3) of this paragraph shall not be applicable if the State committee concurs in the findings and recommendations of the county committee that the unusual circumstances from which the excess resulted are such that the maximum limitation should not apply.

(l) *1947 farm peanut acreage.* "1947 farm peanut acreage" means the acreage on the farm in 1947 from which the peanuts were picked or threshed, as determined by the county committee in accordance with instructions issued by the Assistant Administrator.

(m) *Farmers' stock peanuts.* "Farmers' stock peanuts" means peanuts which have been produced in the continental United States during the calendar year 1950 and have not been cleaned, shelled, crushed, or otherwise changed from their natural state after picking or threshing.

(n) *Market.* "Market" means to dispose of peanuts, including farmers' stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. The terms "marketed," "marketing," and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used. The terms "barter" and "exchange" shall include the payment by the producer of any quantity of peanuts for the harvesting, picking, threshing, cleaning, crushing, or shelling of peanuts, or for any other service rendered to him by anyone.

(o) *Marketing card*—(1) *Excess oil card.* "Excess oil card" means MQ–77–Peanuts (1950), Excess Marketing Card, providing the producer an option for marketing each lot of peanuts either by paying the marketing penalty or by delivering the excess peanuts at oil prices to agencies designated by the Secretary.

(2) *Excess penalty card.* "Excess penalty card" means MQ–77–Peanuts (1950), Excess Marketing Card, requiring that a marketing penalty be paid for all peanuts marketed.

(3) *Within quota card.* "Within quota card" means MQ–76–Peanuts (1950), Within Quota Marketing Card, authorizing the marketing of peanuts without penalty and without requiring the delivery of any peanuts to agencies designated by the Secretary.

(p) *Marketing year.* "Marketing year" means the 1950–51 marketing year beginning August 1, 1950, and ending July 31, 1951.

(q) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(r) *Peanuts.* "Peanuts" means all peanuts produced, excluding any peanuts which were not picked or threshed either before or after marketing from the farm.

(s) *Person.* "Person" means an individual, partnership, association, corporation, firm, joint-stock company, estate or trust, or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(t) *Pound.* "Pound" means that quantity of farmers stock peanuts equal to one pound standard weight. If peanuts have been graded at the time of marketing, the poundage shall be the weight excluding foreign material. If shelled peanuts are marketed, the poundage thereof shall be converted to the weight of farmers stock peanuts by multiplying the number of pounds of shelled peanuts by 1.5, and the result shall be the number of pounds considered as marketed under the regulations in this part.

(u) *Producer.* "Producer" means a person who, as owner, landlord, tenant, or sharecropper, is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(v) *Quota peanuts.* "Quota peanuts" means peanuts which are within the amount of the farm marketing quota determined pursuant to § 729.146.

(w) *Record of resale.* "Record of resale" means MQ–86–Peanuts, Record of Resale of Farmers Stock Peanuts, used to record and report resales of farmers stock peanuts between buyers.

(x) *Record of sale without marketing card.* "Record of sale without marketing card" means MQ–82–Peanuts, Record of Sale without Marketing Card, used to record and report data with respect to peanuts marketed without a marketing card.

(y) *Report of peanuts shelled for producers.* "Record of peanuts shelled for producers" means MQ–91–Peanuts, Report of Peanuts Shelled for Producers, used to record and report data with respect to peanuts shelled for or by producers.

(z) *Secretary.* "Secretary" means the Secretary, or the Acting Secretary, of Agriculture of the United States.

§ 729.142 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations of this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator.

§ 729.143 *Extent of calculations and rule of fractions.* (a) The farm peanut acreage and the acreage and allotment shares of producers shall be expressed in tenths of an acre, and fractions of less than one-tenth of an acre shall be dropped.

(b) The percentage of excess peanuts, hereinafter referred to as the "percent excess," and percentage shares of producers shall be expressed in tenths of a percent and fractions of less than one-tenth of a percent shall be dropped, except that the minimum percent excess for a farm having any excess acreage shall be one-tenth of a percent.

(c) The amount of penalty per pound upon marketings of peanuts, hereinafter referred to as the "converted penalty rate," shall be expressed in tenths of a cent and fractions of less than a tenth of a cent shall be dropped, except that the minimum converted penalty rate for a farm having any excess acreage shall be one-tenth of a cent.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 729.144 *Identification of farms.* Each farm as operated for the 1950 crop of peanuts shall be identified by a farm serial number assigned by the county committee; and all records pertaining to marketing quotas for the 1950 crop of peanuts shall be identified by the farm serial number.

§ 729.145 *Measurement of farms.* The county committee shall provide for measuring peanut farms in the county in accordance with instructions issued by the Assistant Administrator.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 729.146 *Amount of farm marketing quota.* (a) The farm marketing quota for a farm having no excess acreage shall be the actual production of peanuts on the farm peanut acreage.

(b) The farm marketing quota for a farm having excess acreage shall be a quantity of peanuts equal to the actual average yield per acre (determined by dividing the total production of peanuts on the farm peanut acreage by the farm peanut acreage) times the farm allotment.

§ 729.147 *Marketing quotas not transferable.* Farm marketing quotas are not transferable in whole or in part from one farm to another farm; and peanuts produced on one farm shall not be marketed on a marketing card issued with respect to another farm.

§ 729.148 *Issuance of marketing cards.* (a) Except as provided in paragraph (b) of this section, a farm marketing card shall be issued to the operator of each farm having 1950 crop peanuts, for use by any producer for marketing his share of the peanuts produced on the farm. If the county committee finds that it will serve a useful purpose, additional farm marketing cards, issued in the name of the operator, may be delivered to other producers on the farm.

(b) If any producer on a farm eligible for a within quota card or for an excess oil card is not eligible for price support because the county committee determines, pursuant to regulations of the Secretary with respect to the price support program for the 1950 crop of peanuts (6 CFR Part 646) that he knowingly contributed to excess peanut production on one or more farms to such an extent as to off-set his contribution to the adjustment of production on other farms, separate marketing cards shall be issued to each producer on the farm for use in marketing only his share of the peanuts produced on the farm. For a farm eligible for a within quota card, the marketing card issued to any producer who is ineligible for price support shall be an excess penalty card showing a zero converted penalty rate, and the marketing card issued for each other producer on the farm shall be a within quota card. For a farm eligible for an excess oil card, any producer who is ineligible for price support shall be issued an excess penalty marketing card showing the applicable converted penalty rate for the farm, unless he proves to the satisfaction of the county committee that he has delivered to a designated agency a quantity of peanuts equal to his share of the excess peanuts for the farm, in which case he shall be issued an excess penalty marketing card showing a zero converted penalty rate; and each other producer on such farm shall be issued an excess oil card.

(c) All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon return to the office of the county committee of any marketing card after the memoranda of sale have been issued therefrom and before the marketing of peanuts from the farm has been completed, a new marketing card of the same kind, bearing the same name, information, and identification as the used card shall be issued. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county committee to have been lost, destroyed, mutilated, or stolen.

(d) Within quota card: A farm is eligible for a within quota card under any one of the following conditions:

(1) The farm has no excess acreage.

(2) An agreement on MQ–92–Peanuts (1950) is obtained from the farm operator in accordance with § 729.159 (a).

(3) The peanuts were grown only for experimental purposes on land owned or leased by a publicly owned agricultural experiment station and are produced at public expense by employees of the experiment station, or the peanuts were produced by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the cost and risks incident to the production of the peanuts and the proceeds from the crop inure to the benefit of the experiment station: *Provided,* That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm.

(e) Excess oil card: A farm is eligible for an excess oil card under either of the following conditions:

(1) The farm peanut acreage is in excess of the larger of the farm allotment or one acre but is not in excess of the 1947 farm peanut acreage.

(2) An agreement on MQ–92–Peanuts (1950) is obtained from the operator in accordance with § 729.159 (b).

(f) Excess penalty card: An excess penalty card shall be issued for a farm if the farm peanut acreage exceeds the largest of the farm allotment, one acre, or the 1947 farm peanut acreage.

§ 729.149 *Person authorized to issue cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards; *Provided,* That each such person shall place his initials immediately beneath the name of the issuing officer as written by him, or stamped on the card.

§ 729.150 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the peanuts to be marketed from a farm shall, to the extent of such succession, have the same rights as the producer to the use of any farm marketing card issued for the farm.

§ 729.151 *Invalid marketing cards.* A marketing card shall be invalid if:

(a) It is not issued or delivered in the form and manner prescribed;

(b) Entries are omitted, incorrect, contradictory, or illegible;

(c) It is lost, destroyed, or stolen;

(d) Any erasure or alteration has been made, and not properly initialed;

(e) The converted penalty rate on the inside front cover of an excess oil card or an excess penalty card has been altered.

(f) The percent excess on the inside front cover of an excess oil card has been altered.

If any marketing card becomes invalid (other than by loss, destruction or theft) the operator, or the person having the card in his possession, shall return it to the county office from which it was issued. If any marketing card is lost, destroyed or stolen, the producer to whom the card was issued, shall give written notice to the county office from which the card was issued.

If an entry is not made on a marketing card as required either through omission or incorrect entry, and the proper entry is later made and initialed as provided in the instructions for issuing marketing cards, then such card shall become valid; or if the invalid card is not made valid in this manner, it shall be cancelled and a new card issued in its place.

§ 729.152 *Report of misuse of marketing card.* Any information which causes a member of a State, county, or community committee, or an employee of a State or county committee, to believe that any peanuts have been or are being marketed on a marketing card issued for another farm or to another producer shall be reported immediately by such person to the county committee or State committee.

MARKETING OR OTHER DISPOSITION OF PEANUTS AND PENALTIES

§ 729.153 *Extent to which marketings from a farm are subject to penalty.* The marketing of peanuts in excess of the

farm marketing quota for any farm shall be subject to a penalty at the rate prescribed in § 729.155 and the penalty shall be paid on each lot of peanuts marketed from the farm in an amount equal to the converted penalty rate multiplied by the number of pounds in the lot, except that the penalty will not be required on any excess peanuts produced on a farm eligible for an excess oil card if such excess peanuts are delivered to or marketed through an agency designated by the Secretary. The converted penalty rate shall be determined as follows:

(a) Determine the percent excess for the farm by dividing the excess acreage by the farm peanut acreage.

(b) Determine the converted penalty rate by multiplying the percent excess by the rate of penalty prescribed in § 729.155.

§ 729.154 *Identification of marketings.* (a) Each marketing of peanuts from a farm shall be recorded by the buyer or his representative on a marketing card, issued with respect to the farm on which the peanuts were produced, and identified by an executed memorandum of sale from such marketing card; or each marketing without a marketing card shall be recorded on a memorandum from a record of sale without marketing card and shall be subject to the penalty rate prescribed in § 729.155: *Provided however,* That when purchasing peanuts from a producer, a person who is not engaged in the business of buying peanuts shall not be required to make such record or execute memoranda of sale identifying purchases of peanuts if the county committee has determined that, with respect to the peanuts being purchased, it would be administratively impracticable to require such buyer to execute memoranda of sale, keep the records, and make the buyer's reports required in §§ 729.140 to 729.169, in which case the producer marketing the peanuts shall be responsible for reporting each marketing to the county committee.

(b) Each marketing of farmers stock peanuts by any buyer which such buyer represents to be a resale shall be recorded on a record of resale on which the buyer reselling the peanuts or his representative certified that the peanuts were identified by valid marketing cards or other records or resale and that any marketing penalty due has been collected.

§ 729.155 *Rate of penalty.* The penalty per pound upon marketings of excess peanuts subject to penalty shall be at a rate equal to 50 percent of the basic rate of the loan or support price for peanuts for the marketing year.

§ 729.156 *Persons to pay penalty.* The penalty due on peanuts purchased directly from a producer shall be paid by the buyer, who may deduct an amount equivalent to the penalty from the price paid to the producer; except that the penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer. The buyer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memoranda of sale. If the buyer fails to collect or pay the penalty due on any marketing of peanuts from a farm, he and all producers on the farm shall be jointly and severally liable for the amount of the penalty.

Notwithstanding any other provisions of the regulations in this part, if the county committee finds that peanuts from a farm on which there is excess acreage have been or probably will be sold to persons who are not engaged in the business of buying peanuts and determines that it would be administratively impracticable to effect the collection of the marketing penalty from persons who acquire the peanuts, the county committee may, on the basis of county office records or other available information, estimate the actual yield per acre and production for the farm, and determine the amount of penalty that will be due on the quantity of peanuts to be marketed to persons not engaged in the business of buying peanuts. If an excess oil card is issued with respect to the farm, the amount of penalty that will be due will be determined by multiplying the operator's or the producer's estimate of the quantity of peanuts which are to be marketed to persons other than established buyers by the converted penalty rate for the farm. If an excess penalty card is issued for the farm, the amount of penalty shall be determined by multiplying the total production for the farm by the converted penalty rate. The amount of penalty may be collected from the operator or producer before the marketing card is issued if he agrees to payment of the penalty in this manner. If the county committee determines that satisfactory information is not available for estimating the 1950 yield per acre, the county committee shall establish a normal yield per acre for the farm pursuant to the applicable § 729.125 or § 729.127 (14 F. R. 7611) and the normal yield per acre shall be considered to be the estimated yield per acre for the purpose of determining the amount of penalty. The county committee shall issue an excess oil card or an excess penalty card, whichever is applicable. If the penalty is paid before the excess penalty card is issued, the converted penalty rate shall be shown as "zero." If the county committee determines, after marketing of the 1950 crop for the farm is completed, that the actual yield per acre for the farm was less than the estimated yield per acre, any penalty paid in excess of the amount actually due shall be refunded upon presentation of a request therefor as provided in § 729.160.

§ 729.157 *Marketings subject to penalty.* In addition to marketings subject to penalty that are identified by memoranda of sale from excess oil cards, or excess penalty cards, the marketing of peanuts under any of the following conditions shall be deemed to be a marketing subject to penalty at the rate prescribed in § 729.155:

(a) *Producer marketings.* Except for marketings within the terms of the proviso contained in § 729.154 (a), any marketing of peanuts by a producer which is not identified by a valid memorandum of sale shall be deemed to be a marketing subject to penalty. The penalty thereon shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

If any producer falsely identifies or fails to account for the disposition of any peanuts produced on a farm, an amount of peanuts equal to the normal yield, as determined under the applicable § 729.125 or § 729.127 (14 F. R. 7611) of the excess acreage for the farm shall be deemed to have been a marketing subject to penalty from such farm. The penalty thereon shall be paid by the producer.

(b) *Buyer's marketings.* The part or all of any marketing of peanuts by a buyer which such buyer represents to be a resale, but which when added to prior resales by such buyer, is in excess of the total of his prior purchases shall be deemed to be a marketing subject to penalty unless and until such buyer furnishes proof acceptable to the Director showing that such marketing is not a marketing subject to penalty. The penalty thereon shall be paid by the buyer making the resale.

(c) *Marketings not reported.* Any sale of peanuts which, under the regulations in §§ 729.140 to 729.169, a buyer is required to report, but which is not so reported within the time and in the manner therein required, shall be deemed to be a marketing subject to penalty unless and until such buyer furnishes a report of such sale which is acceptable to the Director. The penalty thereon shall be paid by the buyer who fails to make the report as required.

§ 729.158 *Payment of penalty.* Penalties shall become due at the time the peanuts are marketed and shall be paid by remitting the amount thereof to the State committee not later than the end of the calendar week following the week in which the peanuts became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

§ 729.159 *Use of agreement to permit marketings from overplanted farms*—(a) *Within quota card issued on basis of agreement.* The county committee may, upon request of the operator of any farm on which the acreage planted to peanuts exceeds the farm allotment, issue a within quota card with respect to a farm in the manner prescribed in § 729.148, if the county committee obtains from the operator an agreement that the farm peanut acreage will not exceed the farm allotment and that any marketing penalty that may become due will be paid.

(b) *Excess oil card issued on basis of agreement.* The county committee may, upon request of the operator of any farm on which the acreage planted to peanuts exceeds the farm allotment, issue an excess oil card with respect to the farm in the manner prescribed in § 729.148 if the county committee obtains from the operator an agreement that the farm peanut acreage will not exceed a specified acreage which is not greater than the 1947 farm peanut acreage.

(c) *Form of agreement.* The agreement referred to in paragraphs (a) and (b) of this section shall be on form MQ-92—Peanuts (1950), executed in accordance with instructions issued by the Assistant Administrator. If the county committee deems that there is reasonable ground to believe that the within quota card or excess oil card issued pursuant to this section will be used as a device to evade the collection of penalty or the requirements of the 1950 crop price support program, the marketing card shall not be so issued.

(d) *Payment of penalty.* If the county committee determines that any penalty is due, the converted penalty rate for the farm shall be determined as provided in § 729.153. At such time, the operator shall surrender to the county committee any marketing card issued for the farm showing thereon the required record of all peanuts marketed from the farm. The operator shall pay the amount of penalty due on all marketings that have been made from the farm, as determined by the county committee. The county committee shall cancel each marketing card previously issued for the farm and, after collecting the amount of any penalty due, shall issue an excess penalty card.

§ 729.160 *Request for return of penalty.* After the marketing of peanuts from the farm is completed and the disposition of any other peanuts produced on the farm can be shown, the producer or any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 729.140 to 729.169 to be paid. Such request shall be filed with the county committee within two years after the payment of the penalty.

RECORDS AND REPORTS

§ 729.161 *Producer's records and reports*—(a) *Report on marketing card.* Each marketing card issued with respect to a farm on which peanuts are produced in 1950 shall be returned to the office of the county committee whenever marketings from the farm are completed or at such earlier time as the county or State committee may request. Failure to return the marketing card (after formal notification) shall constitute failure to account for disposition of peanuts marketed from the farm in the event that a satisfactory account of such disposition is not furnished otherwise, and the allotment next established for such farm shall be reduced by that percentage which the amount of peanuts unaccounted for is of the farm marketing quota.

(b) *Additional reports by producers.* In addition to any other reports which may be required under §§ 729.140 to 729.169, the operator of each farm or any other producer on the farm (even though the farm peanut acreage does not exceed the farm allotment and even though no farm allotment was established) shall, upon written request from the State committee sent by registered mail to such person at his last known address, furnish the Secretary a written report of the disposition made of all peanuts produced on the farm by sending the same to the State committee within 15 days after the request for such report was deposited in the United States mails. Such written report shall show for the farm at the time of filing, (1) the farm peanut acreage, (2) the total production of peanuts on the farm peanut acreage, (3) the amount of peanuts not marketed and their location, and (4) for each lot of peanuts marketed, the name and address of the buyer to or through whom such peanuts were marketed, the number of pounds marketed, and the date marketed. Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of peanuts produced on the farm and the allotment next established for such farm shall be reduced by that percentage which the amount of peanuts unaccounted for is of the farm marketing quota.

§ 729.162 *Buyers' records and reports.* The following paragraphs shall apply to all marketings except marketings within the terms of the proviso contained in § 729.154 (a):

(a) *Record of marketings.* Each buyer shall keep such records as will enable him to furnish the Director the following information with respect to each lot of peanuts marketed to or through him by a producer and each lot of farmers stock peanuts marketed to or through him by another buyer:

(1) Serial number of the memorandum of sale issued to identify each marketing.

(2) Name of seller (if the seller is a producer, the producer's name and either the name of the operator of the farm or the farm serial number.

(3) Date of marketing.

(4) Number of pounds marketed.

(5) Amount of any penalty due and the amount of any deduction for penalty from the price paid the seller.

(6) Number of pounds marketed as a delivery to or through a designated agency.

Records of all resales of farmers stock peanuts by the buyer shall be maintained and the name of each person to whom such resale was made shall be shown on the buyer's record.

(b) *Memoranda of sale or record of sale without marketing card and remittance of penalties.* A record in the form of a valid memorandum of sale or a memorandum of sale without marketing card shall be obtained by the buyer to cover each marketing of peanuts from a farm. Such record, with remittance for the penalties due as shown thereon, shall be forwarded to the State committee not later than the end of the calendar week following the week in which the peanuts were marketed.

(c) *Additional records and reports by buyer.* Each buyer shall keep such records and furnish such reports to the State committee, in addition to the foregoing, as the State committee may find necessary to insure the proper identification of the marketings of peanuts and the collection of penalties due thereon as provided in §§ 729.140 to 729.169.

§ 729.163 *Record and report of peanuts shelled for producers.* Any person who shells peanuts for a producer, including any producer who shells peanuts produced by himself, shall identify each lot of such peanuts by an executed report of peanuts shelled for producers, and shall forward such report to the State committee not later than the end of the calendar week following the week in which the peanuts are shelled.

§ 729.164 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a buyer, processor, or other person engaged in the business of shelling or crushing peanuts, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 729.165 *Failure to keep records or make reports.* Any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers' cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking or peanut threshing machine who fails to make any report or keep any record as required in accordance with §§ 729.140 to 729.169, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500.

§ 729.166 *Examination of records and reports.* Any buyer, warehouseman, processor or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking or peanut threshing machine, shall make available for examination upon request by a duly authorized representative of the State committee or Director, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the State committee or Assistant Administrator has reason to believe are relevant and are within the control of such person.

§ 729.167 *Length of time records and reports to be kept.* Records required to be kept and copies of reports required to be made by any person in accordance with §§ 729.140 to 729.169 for the 1950–1951 marketing year shall be kept by him until July 31, 1953. Records shall be kept for such longer period of time as may be requested in writing by the Director.

MISCELLANEOUS

§ 729.168 *Information confidential.* All data reported to or required by the

Secretary pursuant to the provisions of §§ 729.140 to 729.169 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members and employees of State or county committees and only such data so reported or acquired as the Assistant Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

§ 729.169 *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 729.140 to 729.169 may be redelegated by the State committee.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 20th day of July 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6498; Filed, July 24, 1950; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 31]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS; TEMPORARY DESIGNATION

The civil airway alterations appearing hereinafter are adopted to meet the requirements of the Air National Guard for an air-to-ground gunnery range in the vicinity of Dover, Del. The alterations have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are made effective during the period indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 600 is amended as follows:

1. Section 600.15 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is amended to exclude the portion below 2,000 feet which lies within the Little Creek, Del., Danger Area.

2. Section 600.277 *Red civil airway No. 77 (Lynchburg, Va., to Millville, N. J.)* is amended to exclude the portion below 2,000 feet which lies within the Little Creek, Del., Danger Area.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 301, 302, 307, 52 Stat. 985, 986, as amended; 49 U. S. C. 451, 452, 457)

This amendment shall be effective from 0001 e. s. t. August 12, 1950 to 0001 e. s. t. August 29, 1950. At the end of that period § 600.15 and § 600.277 will again become effective as designated prior to this temporary amendment.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-6501; Filed, July 24, 1950; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

REORGANIZATION OF CHAPTER

EDITORIAL NOTE: In order to conform Chapter III of Title 15 to the reorganization within the Bureau of Foreign and Domestic Commerce effected by Department Order No. 18 (amended), effective June 1, 1950 (15 F. R. 3594, June 8, 1950), the following changes are made:

1. In Subchapter A, Part 323, Fellowships in National Income and International Balance of Payments Statistics for Qualified Citizens of other American Republics, is redesignated Part 301, and §§ 323.1 to 323.7 thereof are redesignated §§ 301.1 to 301.7, respectively.

2. The heading of Subchapter B is changed to read "Subchapter B—Office of International Trade", and Parts 361, 362, and 363 of Subchapter C are redesignated and transferred to Subchapter B, as follows:

a. Part 361, British Token Import Plan, is redesignated Part 311 and §§ 361.2 to 361.10 thereof are redesignated §§ 311.1 to 311.9, respectively.

b. Part 362, Awards for Training in the Field of International Trade for qualified Citizens of Other American Republics, is redesignated Part 312 and §§ 362.1 to 362.7 thereof are redesignated §§ 312.1 to 312.7, respectively.

c. Part 363, China Trade Act Regulations, is redesignated Part 313 and §§ 363.1 to 363.19 are redesignated §§ 313.1 to 313.19, respectively.

3. The heading of Subchapter C is changed to read "Subchapter C—Office of Industry and Commerce" and Parts 334, 336 and 338 of Subchapter B are transferred to the newly designated Subchapter C with no change in part designation.

4. In Chapter III of Title 15, the name "Office of Domestic Commerce" is changed to "Office of Industry and Commerce" wherever it appears.

5. In Chapter III of Title 15, wherever the name "Office of International Trade" shall appear in the newly designated Subchapter C; it shall be changed to read "Office of Industry and Commerce."

As so reorganized and redesignated, the structure of Chapter III of Title 15 is as follows:

SUBCHAPTER A—OFFICE OF BUSINESS ECONOMICS

Part
301 Fellowships in national income and international balance of payments statistics for qualified citizens of other American Republics. (§§ 301.1–301.7)

SUBCHAPTER B—OFFICE OF INTERNATIONAL TRADE

Part
311 British token import plan. (§§ 311.1–311.9)
312 Awards for training in the field of international trade for qualified citizens of other American Republics. (§§ 312.1–312.7)
313 China Trade Act regulations. (§§ 313.1–313.9)

SUBCHAPTER C—OFFICE OF INDUSTRY AND COMMERCE

334 Office of Industry and Commerce compliance procedure for allocations and priorities.
336 Operation of allocations and export priorities.
338 Allocation orders.
360 Requisitioned property.
370 Scope of export control by Department of Commerce.
371 General licenses.
372 Provisions for individual and other validated licenses.
373 Licensing policies and related special provisions.
374 Project licenses.
375 BLT (Blanket) licenses.
376–378 (Reserved for future use).
379 Export clearance.
380 Amendments, extensions, transfers.
381 Enforcement provisions.
382 Denial or suspension of license privileges.
383 Appeals.
384 General orders.
385–398 (Reserved for future use).
399 Positive list of commodities and related matters.

Dated: July 19, 1950.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 50-6500; Filed, July 24, 1950; 8:48 a. m.]

Subchapter C—Office of Industry and Commerce

[5th Gen. Rev. of Export Regs., Amdt. 9]

PART 384—GENERAL ORDERS

ORDER REVOKING VALIDATED LICENSES TO MANCHURIA AND CHINA

Part 384, General Orders, is amended by adding thereto a new § 384.4, to read as follows:

§ 384.4 *Order revoking validated licenses to Manchuria and China.* Effective 4:00 p. m. eastern daylight time, July 20, 1950, all outstanding validated licenses issued prior to the effective date hereof authorizing exportation of any commodity to Manchuria (including the Port Arthur Naval Base Area and Liaoning Province) and China (including the provinces of Suiyuan, Chahar, Ningsia and Jehol, sometimes referred to as Inner Mongolia; the provinces of Chinghai (Tsinghai) and Sikang; Sinkiang; Tibet; and Outer Mongolia), as described in Schedule C of the Bureau of the Census, are revoked.

Holders of such outstanding validated licenses shall immediately return them to the Office of Industry and Commerce, Department of Commerce, Washington 25, D. C.

This order shall not apply to exportations to the above destinations which have been laden aboard the exporting carrier prior to its effective date.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Issued this 20th day of July 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50-6510; Filed, July 24, 1950; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5796]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

FARMERS' RETURNS AS DECLARATIONS OF ESTIMATED TAX AND CHARITABLE CONTRIBUTIONS BY CORPORATIONS ON ACCRUAL BASIS

In order to conform Regulations 111 (26 CFR Part 29) to sections 1 and 3 of Public Law 378, 81st Congress, approved October 25, 1949, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.23 (q)–1 the following:

SEC. 3. CHARITABLE CONTRIBUTIONS BY CORPORATIONS ON ACCRUAL BASIS. (Public Law 378, 81st Congress, approved October 25, 1949.)

(a) Section 23 (q) of the Internal Revenue Code (relating to charitable and other contributions) is hereby amended by adding at the end thereof the following:

In the case of a corporation reporting its net income on the accrual basis, at the election of the taxpayer any contribution or gift payment of which is made after the close of the taxable year and on or before the 15th day of the third month following the close of such year shall, for the purposes of this subsection, be considered as paid during such taxable year if, during such year, the board of directors authorized such contribution or gift. Such election shall be made only at the time of the filing of the return for the taxable year, and shall be signified in such manner as the Commissioner, with the approval of the Secretary, shall by regulations prescribe.

* * * * *

(c) The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1942. If the election provided for in such amendments is made for any taxable year beginning before January 1, 1949—

(1) The election for such year may be made (in lieu of at the time of the filing of the return for such year) at any time within one year after the date of the enactment of this Act; but

(2) Such election shall not be allowed unless the taxpayer, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, consents in writing to the assessment (within such period as may be agreed upon) of any deficiency, to the extent resulting from such election, for any other taxable year of the taxpayer, even though on the date of the filing of such consent such assessment is otherwise prevented by the operation of any law or rule of law.

PAR. 2. Section 29.23 (q)–1, as amended by Treasury Decision 5645, approved July 20, 1948 is further amended by adding at the end thereof the following:

For taxable years beginning after December 31, 1942, a corporation reporting its net income on the accrual basis may elect to have considered as paid during the taxable year any contribution or gift to organizations described in section 23 (q), with the exceptions hereinbefore described, payment of which contribution or gift is made after the close of the taxable year and on or before the 15th day of the third month following the close of such year if, during such year, the board of directors authorized such contribution or gift. For taxable years beginning after December 31, 1948, such election shall be made only at the time of the filing of the return for the taxable year and shall be signified by reporting such contribution or gift on the return and by attaching to the return a copy of the resolution of the board of directors authorizing such contribution or gift. There shall be attached to such copy of the resolution of the board of directors a written declaration that the resolution of authorization was adopted by the board of directors during the taxable year, and such declaration shall be verified by a statement signed by the president or other principal officer of the corporation that it is made under the penalties of perjury. For taxable years beginning before January 1, 1949, the election may be made (in lieu of at the time of the filing of the return) at any time before October 26, 1950, if the corporation files in duplicate with the Commissioner of Internal Revenue, Washington 25, D. C., attention of the Income Tax Unit, Records Division, a written consent to the assessment (within such period as may be agreed upon) of any deficiency, to the extent resulting from such election, for any other taxable year of the taxpayer, even though on the date of the filing of such consent such assessment is otherwise prevented by the operation of any law or rule of law. For taxable years beginning after December 31, 1942, and before January 1, 1949, the election shall be signified by a written statement filed with the consent hereinbefore described in which the contribution or gift shall be specified together with a copy of the resolution of the board of directors authorizing such contribution or gift. There shall be attached to such copy of the resolution of the board of directors a written declaration that the resolution of authorization was adopted by the board of directors during the taxable year with respect to which the deduction is claimed, and such declaration shall be verified by a statement signed by the president or other principal officer of the corporation that it is made under the penalties of perjury. If the period has expired within which a claim for credit or refund may be allowed with respect to a taxable year, an election under section 3 (c) of Public Law 378, 81st Congress, with respect to such taxable year will not serve to remove the bar of the statute of limitations with respect to such a credit or refund.

PAR. 3. There is inserted immediately after section 60 the following:

SECTION 1. FARMERS' RETURNS AS DECLARATIONS OF ESTIMATED TAX (Public Law 378, 81st Congress, approved October 25, 1949.)

Section 60 (a) of the Internal Revenue Code (relating to declaration of estimated tax by farmers) is hereby amended by striking out the period at the end thereof and inserting in lieu thereof the following: "; and if such an individual files a return on or before January 31 of the succeeding taxable year, and pays in full the amount computed on the return as payable, such return shall have the same effect as that prescribed in section 58 (d) (3) in the case of a return filed on or before January 15."

PAR. 4. Section 29.58–7, as amended by Treasury Decision 5687, approved February 16, 1949, is further amended by revising that portion of the first sentence of paragraph (g) (1) which precedes the matter identified as (i) to read as follows:

(g) *Return as a declaration of estimated tax or amendment thereof.* (1) If the taxpayer files his return for the calendar year on or before January 15 (in the case of a farmer, January 31) of the succeeding calendar year (or if the taxpayer is on a fiscal year basis, on or before the 15th day (in the case of a farmer, the last day) of the first month immediately succeeding the close of such fiscal year) and pays in full the amount of tax shown by such return as payable, then:

PAR. 5. There is inserted immediately preceding § 29.102–1, the following:

SEC. 3. CHARITABLE CONTRIBUTIONS BY CORPORATIONS ON ACCRUAL BASIS. (Public Law 378, 81st Congress, approved October 25, 1949.)

* * * * *

(b) Section 102 (d) (1) (B) of the Internal Revenue Code (relating to section 102 net income). * * * are each amended by adding at the end thereof the following new sentence: "For the purposes of the preceding sentence, payment of any contribution or gift shall be considered as made within the taxable year if and only if it is considered for the purposes of section 23 (q) as made within such year.".

(c) The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1942. If the election provided for in such amendments is made for any taxable year beginning before January 1, 1949—

(1) The election for such year may be made (in lieu of at the time of the filing of the return for such year) at any time within one year after the date of the enactment of this Act; but

(2) Such election shall not be allowed unless the taxpayer, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, consents in writing to the assessment (within such period as may be agreed upon) of any deficiency, to the extent resulting from such election, for any other taxable year of the taxpayer, even though on the date of the filing of such consent such assessment is otherwise prevented by the operation of any law or rule of law.

PAR. 6. Section 29.102–4, as amended by Treasury Decision 5517, approved June 12, 1946, is further amended by revising that portion designated as (b) to read as follows:

(b) contributions or gifts payment of which is made within the taxable year (or considered for the purposes of section 23 (q) as made within such year),

not otherwise allowed as a deduction, to or for the use of donees described in section 23 (o) and § 29.23 (o)–1 for the purposes therein specified;

PAR. 7. There is inserted immediately preceding § 29.336–1 the following:

SEC. 3. CHARITABLE CONTRIBUTIONS BY CORPORATIONS ON ACCRUAL BASIS. (Public Law 378, 81st Congress, approved October 25, 1949.)

* * * * * *

(b) * * * section 336 (a) (2) of such code [Internal Revenue Code] (relating to net income of foreign personal holding companies), * * * are each amended by adding at the end thereof the following new sentence: "For the purposes of the preceding sentence, payment of any contribution or gift shall be considered as made within the taxable year if and only if it is considered for the purposes of section 23 (q) as made within such year."

(c) The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1942. If the election provided for in such amendments is made for any taxable year beginning before January 1, 1949—

(1) The election for such year may be made (in lieu of at the time of the filing of the return for such year) at any time within one year after the date of the enactment of this Act; but

(2) Such election shall not be allowed unless the taxpayer, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, consents in writing to the assessment (within such period as may be agreed upon) of any deficiency, to the extent resulting from such election, for any other taxable year of the taxpayer, even though on the date of the filing of such consent such assessment is otherwise prevented by the operation of any law or rule of law.

PAR. 8. There is inserted immediately preceding § 29.505–1 the following:

SEC. 3. CHARITABLE CONTRIBUTIONS BY CORPORATIONS ON ACCRUAL BASIS. (Public Law 378, 81st Congress, approved October 25, 1949.)

* * * * * *

(b) * * * and section 505 (a) (2) of such code [Internal Revenue Code] (relating to net income of domestic personal holding companies) are each amended by adding at the end thereof the following new sentence: "For the purposes of the preceding sentence, payment of any contribution or gift shall be considered as made within the taxable year if and only if it is considered for the purposes of section 23 (q) as made within such year."

(c) The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1942. If the election provided for in such amendments is made for any taxable year beginning before January 1, 1949—

(1) The election for such year may be made (in lieu of at the time of the filing of the return for such year) at any time within one year after the date of the enactment of this Act; but

(2) Such election shall not be allowed unless the taxpayer, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, consents in writing to the assessment (within such period as may be agreed upon) of any deficiency, to the extent resulting from such election, for any other taxable year of the taxpayer, even though on the date of the filing of such consent such assessment is otherwise prevented by the operation of any law or rule of law.

Inasmuch as the purpose of this Treasury decision is to conform the regulations to the provisions of sections 1 and 3 of Public Law 378, 81st Congress, approved October 25, 1949, which provisions liberalize requirements imposed upon taxpayers, it is found that it is unnecessary to issue this Treasury decision under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, as subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 32, 457; 26 U. S. C. 62, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: July 19, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50–6512; Filed, July 24, 1950; 8:50 a. m.]

TITLE 27—INTOXICATING LIQUORS

Chapter I—Bureau of Internal Revenue, Department of the Treasury

[T. D. 5797]

PART 4—LABELING AND ADVERTISING OF WINE

MISCELLANEOUS AMENDMENTS

Notice of a public hearing to be held in Washington, D. C., on October 27, 1948, and in San Francisco, California, on October 7, 1948, with respect to certain proposals to amend Regulations No. 4, Relating to Labeling and Advertising of Wine, was published in the FEDERAL REGISTER on August 25, 1948 (13 F. R. 4923).

Upon the conclusion of the said hearing and after consideration of all relevant material submitted by interested persons in connection therewith regarding proposals numbered 1–7, inclusive, 9, 11, and 12 of said notice, the following amendments to section 21, Class 1 (*a*), 2 (*a*), (*b*), and (*c*), 4 (*a*), 5 (*a*) and 6 (*a*), section 22 (*b*), section 34 (*a*) and (*b*), section 39 (*b*) and (*g*), section 64 (*i*) and section 72 (*a*) are hereby adopted. Section 21 is further amended by the addition of subsection (*d*) to Class 2 thereof, and by the addition of Class 9 thereto. These amendments shall become effective as stated below:

1. In order to change the maximum limitation on the amelioration of wine by the addition of sugar or sugar solution to a total solids content of 22 grams per 100 cubic centimeters from the present maximum on residual sugar content derived from added sugar of 15 percent by weight; to raise the percentage of dry sugar which may be added for amelioration from 15 percent to 20 percent; and to require that any wines which have a total solids content of over 17 grams per 100 cubic centimeters be conspicuously labeled "extra sweet," "specially sweetened," "specially sweet" or "sweetened with excess sugar," the following provisions of the regulations are amended:

a. Section 21, Class 1 (*a*) (1) (27 CFR 4.21 (a) (1) (i)), Class 4 (*a*) (27 CFR 4.21 (d) (1)), Class 5 (*a*) (27 CFR 4.21 (e) (1)), and Class 6 (*a*) (27 CFR 4.21 (f) (1)) are amended by deleting the phrase "or an unfermented residual sugar content, derived from added sugar, of more than 15 percent by weight", where it appears therein, and inserting, in lieu thereof, the phrase "or a total solids content of more than 22 grams per 100 cubic centimeters";

b. Section 21, Class 1 (*a*) (2) (27 CFR 4.21 (a) (1) (ii)) is amended by deleting the figure "15" in the phrase "not more than 15 percent by weight of dry sugar" and inserting in lieu thereof the figure "20";

c. Section 22 (*b*) (5) (27 CFR 4.22 (b) (5)) is amended by deleting the phrase "if the unfermented residual sugar content, derived from added sugar, is not more than 20 percent by weight" and inserting in lieu thereof the phrase "if the total solids content is not more than 22 grams per 100 cubic centimeters";

d. Section 34 (*a*) (27 CFR 4.34 (a)) is amended by inserting between the third and fourth sentences thereof the following new sentence: "In the case of wine which has a total solids content of more than 17 grams per 100 cubic centimeters the words "extra sweet," "specially sweetened," "specially sweet" or "sweetened with excess sugar" shall be stated as a part of the class and type designation. The last of these quoted phrases shall appear where required by Internal Revenue Regulations 7, "Wine" (26 CFR Part 178), on wines sweetened with sugar in excess of the maximum quantities specified in such regulations."

These amendments shall become effective six months after the date of publication in the FEDERAL REGISTER.

2. In order to provide a standard of identity for "retsina wine" section 21 (27 CFR 4.21) is amended by adding at the end thereof a new class 9 (27 CFR 4.21 (i)) to read as follows:

(i) *Class 9, retsina wine.* "Retsina wine" is grape table wine fermented or flavored with resin.

This amendment shall become effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

3. In order to provide a standard of identity for "crackling wine" as a type of sparkling wine, section 21, Class 2 (27 CFR, 4.21 (b)) is amended by deleting the word "secondary" from subsection (*a*) (27 CFR, 4.21 (b) (1)) thereof and by adding at the end of said section 21, Class 2, a new subsection (*d*) (27 CFR, 4.21 (b) (4) as follows:

(4) "Crackling wine", "petillant wine", "frizzante wine" (including cremant, perlant, reciotto and other similar wine) is sparkling light wine normally less effervescent than champagne or other similar sparkling wine, but containing sufficient carbon dioxide in solution, derived solely from limited fermentation within the bottle, to produce, upon pouring under normal conditions, after the disappearance of air bubbles, a slow and steady effervescence evidenced by the formation of gas bubbles flowing up through the wine.

and section 34 (*a*) (27 CFR, 4.34 (a)) is further amended by deleting the third sentence and inserting in lieu thereof the following: "In the case of champagne, or crackling wines, the type designation 'champagne' or 'crackling wine' ('petillant wine', 'frizzante wine') may appear in lieu of the class designation 'sparkling wine'."

These amendments shall become effective six months after the date of publication in the FEDERAL REGISTER.

4. In order to eliminate the requirement in the present standards of identity for champagne and champagne type sparkling wines that such wines must be white wines so that sparkling pink and red wines may bear these designations, section 21, Class 2 (*b*) and (*c*) (27 CFR, 4.21 (b) (2) and (3)) are amended by deleting the phrase "sparkling light white wine", now appearing in both these subparagraphs, and inserting in lieu thereof the phrase "sparkling light wine".

This amendment relieves restrictions in the present regulations and shall become effective on the date of publication in the FEDERAL REGISTER.

5. In order to limit the present requirement, that wines labeled with representations indicating or inferring origin bear an appellation disclosing the true origin of the wine, to situations in which the inference of origin conveyed by such representations is false, section 34 (*b*) (27 CFR 4.34 (b)) is amended by deleting subparagraph (3) and inserting in lieu thereof the following:

(3) if the label bears any statement, design, device, or representation which indicates or infers an origin other than the true place of origin of the wine.

This amendment relieves a restriction in the present regulations and shall become effective on the date of publication in the FEDERAL REGISTER.

6. In order to permit domestic wines to be bottled in ½ pint bottles of the traditional chianti and round shapes and in the traditional magnum and double magnum sizes section 72 (*a*) (27 CFR, 4.72 (a)) is amended to read:

(a) The standards of fill for wine shall be the following, subject to the tolerances hereinafter allowed:

(1) For all wines:

4.9 gallons	1 pint.
3 gallons	⅘ pint.
1 gallon	½ pint.
⅘ gallon	⅖ pint.
½ gallon	4 ounces.
⅖ gallon	3 ounces.
1 quart	2 ounces.
⅕ quart.	

(2) In addition, for aperitif wines only: $\frac{15}{16}$ quart.

Provided, however, That the standards of fill for the ⅕ and ⅖ gallon shall be applicable only to wine contained in bottles of the traditional bordeaux or burgundy shapes, and the ½ pint standard shall be applicable only to wine contained in bottles of traditional chianti or round shapes.

This amendment relieves restrictions in the present regulations and shall become effective on the date of publication in the FEDERAL REGISTER.

7. In order to permit, under certain conditions, imported vintage wine bottled in this country to state the vintage year upon its labels section 39 (*b*) (27 CFR 4.39 (b)) is amended by deleting subparagraph (3) and inserting in lieu thereof the following:

(3) In the case of imported wine, the year of vintage may be stated if such wine was bottled prior to importation in containers of 1 gallon or less, or, if such wine is bottled in the United States in containers of 1 gallon or less from the original container of the product and such container bears the vintage date upon the brand label thereof and the bottler possesses a certificate, issued by a duly authorized official of the country of origin of such wine, identifying that container as containing vintage wine as defined in § 4.1 (h) and certifying (i) that the laws of such country regulate the appearance of vintage dates upon the labels of wine produced for consumption therein, (ii) that the wine in question has been produced in conformity with such laws, and (iii) that such wine would be entitled, under such laws, to bear the vintage date if sold in such country.

This amendment shall become effective six months after the date of publication in the FEDERAL REGISTER.

8. In order to permit the word "importer" or similar words to appear on labels and in advertisements of domestic wine when such words are part of the name of a permittee or retailer by whom the wines are distributed, section 39 (*g*) (27 CFR 4.39 (g)) and section 64 (*i*) (27 CFR 4.64 (i)) are amended by deleting the phrase "such wine is bottled or packed", which appears in each of these subsections, and inserting in lieu thereof the phrase "such wine is bottled, packed or distributed".

This amendment relieves restrictions in the present regulations and shall become effective on the date of publication in the FEDERAL REGISTER.

(53 Stat. 375; 26 U. S. C. 3176. Interpret or apply sec. 5, 49 Stat. 981, as amended; 27 U. S. C. 205)

[SEAL] CARROLL E. MEALEY,
Deputy Commissioner of Internal Revenue.

Approved: July 18, 1950.

FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50–6513; Filed, July 24, 1950; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

GLOVE INDUSTRY

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, the Administrator, on January 25, 1950, published in the FEDERAL REGISTER revised terms and conditions under which special certificates may be issued authorizing the employment of learners in the glove industry (§§ 522.220 to 522.222) at wages below the minimum wage established in section 6 of the act. The terms and conditions were made effective for a six months' period and are scheduled to expire on July 25, 1950.

On July 14, 1950, a notice was published in the FEDERAL REGISTER (15 F. R. 4471) that the Administrator proposed to continue in effect the aforesaid terms and conditions until October 25, 1950. Interested persons were given 7 days in which to submit data, views or arguments pertaining thereto. No data, views or arguments have been received.

I find that it is necessary, in order to prevent curtailment of opportunities for employment, that the aforesaid revised terms and conditions be continued in effect until October 25, 1950.

Now, therefore, pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214), the regulations contained in §§ 522.220 to 522.222, as revised on January 25, 1950 (15 F. R. 401), are hereby continued in effect on and after July 25, 1950, until October 25, 1950, unless amended or revoked prior to that time.

Inasmuch as it is necessary that action be taken to extend the aforesaid regulations prior to July 25, 1950, and because this action involves no change in the regulations, it is deemed to be impracticable as well as unnecessary to comply with the requirements of section 4 (c) of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. Supp. 1001) that publication of a substantive rule be made 30 days prior to the effective date thereof.

(Sec. 14, 52 Stat. 1068; 29 U. S. C. 214)

Signed at Washington, D. C., this 21st day of July 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50–6541; Filed, July 24, 1950; 8:55 a. m.]

PART 522—EMPLOYMENT OF LEARNERS

INDEPENDENT TELEPHONE AND CIGAR INDUSTRIES

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, the Administrator, on January 25, 1950, amended the regulations which set forth terms and conditions under which special certificates may be issued authorizing the employment of learners in the independent telephone industry (§§ 522.82 to 522.93) and in the cigar industry (§§ 522.201 to 522.211) at wages below the minimum wage established in section 6 of the act. The regulations as amended were made effective for a period of six months, and are scheduled to expire on July 25, 1950.

On July 14, 1950, a notice was published in the FEDERAL REGISTER (15 F. R.

4470) that the Administrator proposed to continue in effect the aforesaid regulations as amended on and after July 25, 1950, until thereafter modified or revoked. Interested persons were given seven days in which to submit data, views or arguments pertaining thereto. No data, views, or arguments have been received.

I find that it is necessary, in order to prevent curtailment of opportunities for employment, that the aforesaid regulations as amended be continued in effect after July 25, 1950.

Now, therefore, pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214), the regulations contained in §§ 522.82 to 522.93 and §§ 522.201 to 522.211 as amended on January 25, 1950 (15 F. R. 398, 400), are hereby continued in effect on and after July 25, 1950, until thereafter amended or revoked.

Inasmuch as it is necessary that action be taken to extend the aforesaid regulations prior to July 25, 1950, and because this action involves no change in the regulations, it is deemed to be impracticable as well as unnecessary to comply with the requirements of section 4 (c) of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. Supp. 1001) that publication of a substantive rule be made 30 days prior to the effective date thereof.

(Sec. 14, 52 Stat. 1068; 29 U. S. C. 214)

Signed at Washington, D. C., this 21st day of July 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50-6542; Filed, July 24, 1950; 8:55 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

ANNULMENT OF MARRIAGE OF BENEFICIARY; CERTIFICATION OF ELIGIBILITY TO LOAN GUARANTY BENEFITS

1. A new centerhead immediately preceding § 4.64 is added as follows: "Annulment of Marriage of Beneficiary"

2. A new centerhead immediately following § 4.64 is added as follows: "Certification of Eligibility to Loan Guaranty Benefits"

3. A new § 4.65 is added as follows:

§ 4.65 *Certification of eligibility to loan guaranty benefits.* For the purpose of Title III, Servicemen's Readjustment Act of 1944 (Public Law 346, 78th Congress) as amended by Public Law 268, 79th Congress, and section 301, Title III, Public Law 475, 81st Congress (National Housing Act of 1950), which provides that loan guaranty benefits provided for veterans shall be extended to unremarried widows, the widow shall have basic eligibility if:

(a) The veteran served at any time on or after September 16, 1940, and prior to or on July 25, 1947; and

(b) The veteran died in service or after separation from service provided such separation was under conditions other than dishonorable; and

(c) The veteran's death was the result of injury or disease incurred in or aggravated by such service in line of duty (cases where compensation is being paid under section 31, Public No. 141, 73d Congress; section 12, Public No. 866, 76th Congress; or section 2 (Veterans Regulation 1 (a), Part VII, par. 4), Public Law 16, 78th Congress, are not included); and

(d) The widow meets the requirements contained in the definition of the term "widow" as outlined in § 4.3 (a) or § 4.15 (a), whichever is applicable, except as to the requirement of continuous cohabitation (Section 1500, Servicemen's Readjustment Act of 1944, Public Law 346, 78th Congress, as amended) (the requirement of continuous cohabitation is confined to payments of death compensation and pension—section 3, Public Law 433, 78th Congress); and

(e) The veteran's widow has not remarried since his death; and

(f) The applicant is not herself an eligible veteran.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 48 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 500, 58 Stat. 291, as amended; 38 U. S. C. 694)

This regulation effective July 25, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-6457; Filed, July 24, 1950; 8:47 a. m.]

PART 17—MEDICAL

REIMBURSEMENT OF EXPENSES OR PAYMENT FOR UNAUTHORIZED MEDICAL SERVICES

1. The centerhead immediately preceding § 17.140 is changed as follows: "Reimbursement of Expenses or Payment for Unauthorized Medical Services"

2. Sections 17.140 through 17.143 are amended to read as follows:

§ 17.140 *Adjudication of claims.* (a) Claims for reimbursement of expenses or payment for medical services obtained subsequent to March 19, 1933, without prior authorization of the Veterans' Administration as hereinafter comprehended will be adjudicated in the office of the chief medical officer, regional offices, and in the office of the physician in charge of regional office medical activities in centers in the United States except in cases under the jurisdiction of central office, which will be adjudicated in the office of the chief medical director.

(b) Claims for services rendered in territory under the jurisdiction of a regional office or center with regional office activities outside the United States or claims for services rendered veterans whose claims folders are under the jurisdiction of a regional office or center with regional office activities outside the United States will be adjudicated as follows: Those under the Honolulu regional office in the San Francisco regional office; those under the Juneau regional office in the Seattle regional office and those under the Manila regional office and the San Juan center in the office of the chief medical director, central office. Claims for services rendered in foreign countries, including the Philippines as above provided, will be developed and adjudicated in the outpatient division, office of the chief medical director, central office.

(c) (1) Claims not exceeding $500 in amount will be reviewed and approved or disapproved by the chief medical officer or his physician designate in regional offices, by the physician in charge of regional office medical activities or his physician designate in centers or by the chief, out-patient division, office of the chief medical director, central office.

(2) If the claim exceeds $500 in amount, favorable recommendation by the chief medical officer or his physician designate in regional offices or the physician in charge of regional office medical activities or his physician designate in centers or the assistant chief medical director for auxiliary services, central office, will require approval by the manager, or the chief medical director or his designate. Disallowance of such claims will not require approval by the manager, or the chief medical director or his designate.

(d) Claims for reimbursement of expenses or payment for unauthorized medical services in death cases will be similarly processed. The XC folder will not be called from the district office until immediate action is contemplated and will be returned promptly to the district office when action has been completed.

(e) Claims, as defined in § 17.141, will be subject to one review after an adverse decision upon appeal to the Administrator. Appeals must be entered within 1 year from the date of notification to the claimant or his representative of the original adverse decision, and the claimant or representative will be so advised. (See Part 19 of this chapter.)

§ 17.141 *Classes of claims comprehended.* (a) Claims for reimbursement or payment of expenses for medical services (including the necessary travel incidental thereto) obtained without prior authorization from the Veterans' Administration, except as provided in paragraphs (b) and (c) of this section, will be considered under the following conditions (all of these four elements must have existed, and, if any one was lacking, reimbursement or payment will not be authorized):

(1) The claim must be for the treatment of a disease or injury shown to be service connected by a decision of a Veterans' Administration adjudicating agency or for the adjunct relief of an associated non-service-connected condition determined by the medical officers designated in § 17.140 (c) as aggravating a service-connected disability.

(2) The treatment must have been rendered in a medical emergency.

(3) Government facilities must have been not feasibly available.

(4) Delay would have been hazardous.

(b) As to claims for reimbursement of expenses or payment for medical services for a non-service-connected disease or injury rendered a beneficiary receiving vocational training under Public Law 16, 78th Congress, as amended, the eligibility criteria defined in paragraphs (a) (2), (3), and (4) of this section will apply; and, in the addition, it must be shown that the treatment was necessary to prevent interruption of training.

(c) As to claims for reimbursement of expenses or payment for repairs of prosthetic appliances used by beneficiaries for treatment of a service-connected disability or a non-service-connected disability determined as aggravating the basic service-connected disability and for repairs of prosthetic appliances used and required by beneficiaries to prevent interruption of the pursuit of a course of training authorized under Public Law 16, 78th Congress, as amended, the following eligibility criteria in lieu of those defined in paragraph (a) of this section will apply.

(1) The repairs were secured from locally available sources.

(2) The cost of the repairs does not exceed $35.00.

(3) There is a showing that the repairs were necessary and that it was more expedient to have such repairs made through private arrangements. Reimbursement or payment as provided in this paragraph will be made in the amount claimed unless determined unreasonable, in which event only a reasonable amount for the service rendered will be paid. Reimbursement or payment will not be made for expense incurred by a beneficiary for thansportation.

§ 17.142 *Filing and perfecting claim.* As to claims filed on or after July 25, 1950, payment or reimbursement of expenses for unauthorized medical services may be authorized for not more than 2 years prior to date of receipt of claim therefor. An informal claim identifying the benefit sought may be accepted if followed by the submission of a formal application within 1 year from the date of receipt of the informal claim. If necessary supporting evidence is not received within 1 year from the date of request therefor, no payment may be made on the basis of the claim in connection with which the supporting evidence was required. Claims pending on July 25, 1950 will be adjudicated under the prior practice.

§ 17.143 *Definitions.* (a) "Emergency," as used in §§ 17.140 to 17.148, inclusive, means a situation where in sound medical judgment delay in immediate treatment would endanger the claimant's health or life.

(b) "No facilities are or were then feasibly available," as used in §§ 17.140 to 17.148, inclusive, means that an attempt to use such facilities beforehand would not have been reasonably sound, wise, or practicable or that treatment had been or would have been denied. In applying this definition, the distance from a Veterans' Administration facility, the location of the patient, the sex and color, the nature and degree of his disability, the available means of transportation, the season and weather conditions then prevailing, the type of medical personnel or equipment requisite, and the time the services were rendered are elements to be given consideration.

(c) "Delay would be or would have been hazardous," as used in §§ 17.140 to 17.148, inclusive, means the risk of possible disastrous consequences attendant upon an endeavor by the claimant to secure treatment through governmental agencies under any or all circumstances.

3. Section 17.144 is hereby canceled.

§ 17.144 *Adjunct treatment.* (Canceled.)

4. Sections 17.146, 17.147, and 17.148 are amended to read as follows:

§ 17.146 *Allowable fees.* (a) In the adjudication of claims for unauthorized medical treatment rendered prior to May 15, 1947, the Schedule of Fees, Veterans' Administration, will govern as to allowance for items except as provided in § 17.141 (c). If the schedule of fees in effect at the time the treatment was rendered did not provide a fee for the particular service, the schedule in effect at the time the claim is being considered will be applied. If the particular service is not covered by the schedule in effect, a fee not in excess of what is reasonable and customarily charged in the community concerned, may be allowed.

(b) In the adjudication of claims for unauthorized medical services rendered subsequent to May 15, 1947, the following provisions will govern as to allowance for items except as provided in § 17.141 (c):

(1) In those States in which there was in effect at the time the services were rendered a State-wide fee schedule approved by the State Medical Society or Association, the fees therein represent the maximum which may be allowed provided they are not in excess of those customarily charged the general public for similar services by the physician or organization rendering the treatment or service.

(2) In those States which had in effect at the time the services were rendered no State-wide fee schedule approved by the State medical society or association, the fees established in VA Form 10-2535a, Fee Schedule for Medical Services, March 1947; VA Catalog No. 5, February 15, 1948; and VA Catalog No. 5, "Guide for Charges for Medical Services," effective July 1, 1949 (whichever is applicable), represent the maximum which may be allowed provided they are not in excess of those customarily charged the general public for similar services by the physician or organization rendering the treatment or service.

(3) Fees charged for services not listed in an approved State-wide fee schedule or not listed in VA Form 10-2535a, March 1947; VA Catalog No. 5, February 15, 1948; or VA Catalog No. 5, effective July 1, 1949 (whichever was in effect at the time the services were rendered), may be allowed provided they are considered reasonable and not in excess of those customarily charged the general public by the physician or organization for similar services.

(4) Claims for accommodations in a semiprivate or private room must be supported by a statement from the attending physician or superintendent of the hospital concerned that the veteran's condition demanded the use of a private or semiprivate room, unless in the judgment of the reviewing physician the necessity therefor is established by the evidence of record.

§ 17.147 *Treatment not dependent upon preference of a patient.* No reimbursement or payment of unauthorized medical treatment will be made when procured by a claimant through private sources in preference to available Government facilities (Decisions Comptroller General, Jan. 31, 1924, A. D. 8111, Jan. 28, 1925, A-6594).

§ 17.148 *Development of claims.* (a) Guided by the controlling provisions of §§ 17.140 to 17.147, inclusive, the chief, out-patient division, office of the chief medical director, central office; the chief medical officer, all regional offices, and the physician in charge of regional office medical activities at all centers or their physician designate will advise claimants whether they have or have not prima facie eligibility to reimbursement or payment of unauthorized medical expenses. If the claim is patently inadmissible (e. g., if made for treatment of a non-service-connected disability, etc.), the claimant will be so advised and the claim will not be developed. Itemized statements of accounts in connection with claims for payment or reimbursement of expenses for unauthorized medical services will not be requested unless and until it is apparent that the basic requirements for entitlement to payment or reimbursement have been met. When the determination of patent inadmissibility is made by the chief medical officer in a regional office or physician in charge of regional office medical activities in a center outside the United States, the claimant or his representative will be informed that, if there is evidence available to him which in his opinion warrants a different decision, the evidence should be submitted to such regional office or center or, if no further evidence is available but there is substantial reason to believe the decision is not in accordance with the law and the facts in the case, he should notify the aforesaid regional office or center immediately, whereupon the claim will be forwarded to the regional office in the United States or to central office, whichever has jurisdiction, for a decision. When the decision is rendered by the chief medical officer in a regional office or the physician in charge of regional office medical activities in a center in the United States or the chief, out-patient division, central office, either as an original determination or following an initial adverse finding by a regional office or center outside the United States, the letter of notification will advise the claimant or his representative of his right of appeal within 1 year. But if the basic facts indicate prima facie eligibility, the employees aforementioned will instruct the claimant as to the submission of VA Form 10-583, if not originally filed, and all the

supporting exhibits within the time limits prescribed in § 17.142. In the event the claim is payable from a lapsed appropriation, VA Form 10–583 will be requested in duplicate. The original will be attached to the voucher, VA Form 10–608, and the duplicate will be filed in the claims folder. After these have been checked as satisfactory, they will be adjudicated or, if developed by a regional office or center outside the United States, will be forwarded with the veteran's files (claims and treatment) to the regional office of jurisdiction or to central office if it has been determined that the case is under the jurisdiction of that office for adjudication. In claims comprehended under § 17.141 (c), a résumé of the pertinent evidence of record will suffice in lieu of the files.

(b) Formal application for reimbursement of expenses or payment of unauthorized medical services will be made on VA Form 10–583, Claim for Cost of Unauthorized Medical Services. This form will be executed by each creditor who has rendered service for which payment has not been received or by each person who has paid, from his personal funds, the cost of the unauthorized medical services. The claim must be supported by completely itemized bills or statements of account. When a claim is presented by a creditor, it is further required that a statement be supplied, signed by the patient or his representative, certifying to the amounts due and unpaid.

(c) All claims other than those patently inadmissible will be briefed by the claims examiner (medical) in the offices of jurisdiction prior to their submittal, with supporting exhibits and the veteran's files, to the employees defined in § 17.140 (c) for approval or disapproval. The brief will contain a complete description of the claim, all pertinent facts explanatory of the data required in VA Form 10–608, Public Voucher, and an explanation of the audit of the amounts claimed and amounts allowable.

(d) Upon approval of claims an award will be prepared on VA Form 10–608, Public Voucher, in quadruplicate. VA Form 10–608 will be signed in the spaces provided by the claims examiner (medical) as "medical claims adjudicator" and the employee designated in § 17.140 (c) acting in the capacity of medical claims authorizer. VA Form 10–608, VA Forms 10–608a and c will be forwarded to the finance officer for certification for payment in cases under the jurisdiction of a regional office or center with regional office activities or to the office of the assistant administrator for finance if central office has jurisdiction. In view of such certification, surety bonds will not be required for medical claims authorizers. VA Form 10–608b, VA Form 10–583, the approved brief of facts, all bills, supporting exhibits and correspondence will be filed in the claims folder (or XC folder). The payee and all interested persons will be fully informed of the action taken.

(e) In problem or doubtful claims the advice of the chief medical director may be solicited by the submission of a brief of the pertinent facts, and a concise statement of the question at issue.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply secs. 1, 6, 48 Stat. 9, 301, 53 Stat. 652; 38 U. S. C. 706, 706a)

This regulation effective July 25, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50–6453; Filed, July 24, 1950; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 854–A]

PART 95—CAR SERVICE

DEMURRAGE ON CARS HELD UNDER LOAD AT GREAT LAKES PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of July A. D. 1950.

Upon further consideration of Service Order No. 854 (15 F. R. 4132) and good cause appearing therefor: It is ordered, that:

Section 95.854 *Demurrage on cars held under load at Great Lakes Ports*, be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 7:00 a. m., July 20, 1950; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–6497; Filed, July 24, 1950; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Parts 723, 725, 726]

BURLEY AND FLUE-CURED TOBACCO, FIRE-CURED AND DARK AIR-CURED TOBACCO AND VIRGINIA SUN-CURED TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO ESTABLISHMENT OF TOBACCO FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1951–52 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313), the Secretary of Agriculture is preparing to formulate regulations governing the establishment of farm acreage allotments and normal yields for marketing quotas to be in effect during the 1951–52 marketing year for Burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco.

Subsection (a) of section 312 of the act (7 U. S. C. 1312 (a)) requires the Secretary to proclaim a national marketing quota for each marketing year for each kind of tobacco for which a national marketing quota was proclaimed for the immediately preceding marketing year. Marketing quotas were proclaimed for the 1950–51 marketing year for Burley tobacco (14 F. R. 6713), flue-cured tobacco (14 F. R. 3737), fire-cured tobacco (14 F. R. 7245), dark air-cured tobacco (14 F. R. 7245), and Virginia sun-cured tobacco (14 F. R. 7243).

Growers of Burley and flue-cured tobacco voting in referenda held on November 26, 1949, and July 23, 1949, respectively, favored marketing quotas for the marketing years 1950–51 through 1952–53 by a percentage of 92.3 (15 F. R. 51) in the case of Burley tobacco, and 97.7 (14 F. R. 5253) in the case of flue-cured tobacco. Growers of fire-cured and dark air-cured tobacco voting in referenda held on November 27, 1948, favored marketing quotas for the marketing years 1949–50 through 1951–52 by a percentage of 94.7, in the case of fire-cured tobacco, and 96.1 in the case of dark air-cured tobacco (14 F. R. 55). Growers of Virginia sun-cured tobacco voting in a referendum held on December 15, 1949, favored marketing quotas for the marketing years 1950–51 through 1952–53 by a percentage of 85.1 (15 F. R. 309).

It is proposed that the regulations for the 1951–52 marketing year be substantially the same as the regulations now in effect for the 1950–51 marketing year.

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than August 5, 1950, in order to be considered.

Issued at Washington, D. C., this 19th day of July 1950.

[SEAL] RALPH S. TRIGG,
Administrator.

[F. R. Doc. 50–6515; Filed, July 24, 1950; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

[41 CFR, Part 202]

DENTAL GOODS AND EQUIPMENT MANUFACTURING INDUSTRY

MINIMUM WAGE DETERMINATIONS

The Secretary of Labor, in an amended minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. secs. 35–45) and effective January 25, 1950 (15 F. R. 382), determined that the minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the act for the manufacture or furnishing of the products of the Dental Goods and Equipment Manufacturing Industry shall be not less than 75 cents per hour. This amended determination was based upon information indicating that substantially all employees in the Dental Goods and Equipment Manufacturing Industry are engaged in commerce or in the production of goods for commerce, as defined in the Fair Labor Standards Act, and that as a consequence the Fair Labor Standards Amendments of 1949 require payment of a wage rate of not less than 75 cents per hour to substantially all employees in the industry. This amended determination also provided that learners and apprentices might be employed at subminimum rates in accordance with regulations of the Administrator of the Wage and Hour Division of the Department of Labor under section 14 of the Fair Labor Standards Act (29 CFR, Parts 522 and 521, respectively).

A wage survey of selected dental goods and equipment manufacturing establishments made by the Bureau of Labor Statistics as of March 1950 shows clearly that the 75-cent rate now in effect does not reflect the prevailing minimum wages in the industry; and it is proposed, therefore, to hold a hearing for the purpose of consideration by the Secretary of Labor of an amendment of the current determination.

The Dental Goods and Equipment Manufacturing Industry, as defined in the current determination, is that industry which manufactures or furnishes any of the following products:

(1) Durable goods: Hand instruments, including forceps and pliers, broaches and cutting instruments, for dental use; dental chairs; dental cabinets; equipment units; dental sterilizers; dental gas apparatus; dental X-ray equipment; dental compressors, engines and lathes; dental lights; and dental laboratory equipment, other than laboratory furniture.

(2) Consumable goods: Dental gold; dental alloy for amalgams; dental cement and filling materials; teeth, porcelain and gold; orthodontic appliances; waxes, compounds and investments; rubber dental materials; denture materials other than rubber; burrs, drills, and similar tools for use with handpieces; and abrasive points, wheels and disks.

Now, therefore, notice is hereby given that a public hearing will be held on August 14, 1950, at 10:00 a. m., in Conference Room "A", Interdepartmental Auditorium, Constitution Avenue between 12th and 14th Streets Northwest, Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and submit data, views and argument: (1) As to what are the prevailing minimum wages in the Dental Goods and Equipment Manufacturing Industry; (2) as to whether there should be included in any amended determination for this industry provision for employment of learners and/or apprentices at subminimum rates and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number of proportion of such subminimum rate employees; and (3) as to whether the definition of the Dental Goods and Equipment Manufacturing Industry should be amended to read as follows:

The Durable Goods Branch of the Dental Goods and Equipment Manufacturing Industry is defined as that industry which manufactures or furnishes any of the following products: Durable dental equipment, including but not by way of limitation, dental hand pieces, hand instruments, including forceps and pliers, broaches and cutting instruments, for dental use; dental chairs; dental cabinets; dental equipment units; dental sterilizers; dental gas apparatus; dental X-ray equipment; dental compressors, engines and lathes; dental lights; dental laboratory equipment, other than laboratory furniture; and other durable dental goods.

The Consumable Goods Branch of the Dental Goods and Equipment Manufacturing Industry is defined as that industry which manufactures or furnishes any of the following products: Consumable dental goods and supplies, including but not by way of limitation, dental anesthetics; dental gold and other precious metals; dental non-precious metals; dental alloy for amalgams; dental cement and filling materials; teeth, porcelain and gold; orthodontic appliances; waxes, compounds and investments; rubber dental materials; denture materials other than rubber; burrs, drills, and similar tools for use with dental handpieces; abrasive points, wheels and disks; and other consumable dental goods.

Persons intending to appear are requested to notify the Administrator of their intention in advance of the hearing.

Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Copies of the above-mentioned survey by the Bureau of Labor Statistics (dental goods and equipment manufacturing industry, March 1950), as well as supplementary tables prepared at the request of the Wage and Hour and Public Contracts Divisions, will be made available to interested persons upon request to the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C. Interested persons are invited to submit wage data, including data as to changes which have taken place in the wage structure of the industry since the time of the survey.

In the discretion of the Presiding Officer, a period of not to exceed 30 days from the close of the hearing may be allowed for the filing of comment on the evidence and statements introduced into the record of the hearing. In the event such supplemental statements are received an original and four copies of each such statement should be filed.

Signed at Washington, D. C., this 19th day of July 1950.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 50–6518; Filed, July 24, 1950; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR–50–21]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405 and 4491, as amended, 46 U. S. C. 375, 489, and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875, 60 Stat. 1097, 46 U. S. C. 1), as well as the additional authorities cited with specific items below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority:

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Cushions are for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.008/436/0, 16" x 18½" x 3" rectangular buoyant cushion, 46 oz. kapok, Dwg. dated May 19, 1950, manufactured by William E. Dunwoody, Box 667, Manasquan, N. J.

Approval No. 160.008/437/0, 14'' x 20'' x 2'' rectangular buoyant cushion, 25 oz. kapok, Dwg. No. LP–2, dated May 26, 1950, manufactured by The Safegard Corp., P. O. Box 66, Station B, Cincinnati 22, Ohio.

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4–1, 160.008)

LIGHTS (WATER), SELF-IGNITING (CALCIUM CARBIDE-CALCIUM PHOSPHIDE TYPE)

Approval No. 160.012/1/1, RES-Q-LITE, self-igniting water light (calcium carbide-calcium phosphide type), Dwg. No. A33 dated September 11, 1947, sheets 1 and 2, manufactured by Coston Supply Co., Inc., 31 Water Street, New York 4, N. Y. (Supersedes Approval No. 160.012/1/0, published in the FEDERAL REGISTER July 31, 1947.)

Approval No. 160.012/3/1, SAVE-U-LITE, self-igniting water light (calcium carbide-calcium phosphide type), Assembly Dwg. No. 1, dated November 9, 1949, revised February 15, 1950, manufactured by Automatic Lite Co., 903 North Iris Avenue, Baltimore 5, Md. (Supersedes Approval No. 160.012/3/0, published in the FEDERAL REGISTER July 31, 1947.)

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346 and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 33.3–6, 33.3–8, 33.7–1, 33.9–1, 59.52, 59.54b, 59.56, 60.45, 60.47b, 60.49, 76.48, 76.48a, 76.48b, 76.53, 94.53, 113.46)

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/4/1, Type 241–A embarkation-debarkation ladder, chain suspension, steel ears, Dwg. No. 241–A, dated February 21, 1950, revised June 7, 1950, manufactured by Great Bend Manufacturing Corp., 151 East Fiftieth Street, New York 22, N. Y. (Supersedes Approval No. 160.017/4/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.017/5/1, Type 241–B embarkation-debarkation ladder, chain suspension, aluminum ears, Dwg. No. 241–B, dated February 21, 1950, revised June 7, 1950, manufactured by Great Bend Manufacturing Corp., 151 East Fiftieth Street, New York 22, N. Y. (Supersedes Approval No. 160.017/5/0 published in the FEDERAL REGISTER dated July 31, 1947.)

(R. S. 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 59.63, 76.56a, 94.55a, 113.47a)

DAVITS, LIFEBOAT

Approval No. 160.032/92/1, mechanical davit, type 22–31, straight boom, sheath screw, approved for maximum working load of 8,800 pounds per set (4,400 pounds per arm), using not less than 2 part falls. Identified by arrangement Dwg. No. DB–101, Alt. D, dated March 28, 1947, and revised May 19, 1950, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.032/92/0, published in the FEDERAL REGISTER dated December 2, 1948.)

(R. S. 4417a, 4426, 4481, 4488, 49 Stat. 1544 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 474, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.1–4, 59.3, 60.21, 76.15, 94.14, 113.23)

LIFEBOATS

Approval No. 160.035/243/0, 36.5' x 12.5' x 5.33' aluminum motor propelled lifeboat with radio cabin, 142 person capacity, identified by Construction and Arrangement Dwg. No. 36–8, dated Dec. 2, 1948, and revised June 8, 1950, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.035/265/0, 24' x 8' x 3.58' aluminum, oar-propelled lifeboat, 40 person capacity, identified by construction and arrangement Dwg. No. 3328, dated Jan. 25, 1950, submitted by Welin Davit & Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4417a, 4426, 4481, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 474, 481, 490, 1333, 50 U. S. C. 1275; 46 CFR 37.1–1, 59.13, 76.16, 94.15, 113.10)

GAS CONSUMING APPLIANCES, LIQUEFIED PETROLEUM

Approval No. 162.020/27/0, Bastian-Morley gas burning hot water heater, Crane-line Champion, Size 20, approved by the American Gas Association, Inc., under Certificate No. 3–537–1.001, for liquefied petroleum gas service, manufactured by Bastian-Morley Co., Inc., La Porte, Ind.

(R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR 32.9–11, 61.25, 95.24, 114.25)

FIRE INDICATING AND ALARM SYSTEMS

Detect-a-Fire, Type 20, Fire Alarm Thermostat, having temperature ratings of 140° F., 160° F. and 225° F. for use with approved closed-circuit type fire indicating and alarm systems. Approved as affording protection of an area where no point on the overhead is more than 17.5 feet from the thermostat except that, where beams or girders of over 12 inches in depth are employed, the overhead on each side of the beam or girder shall be considered as separate areas for the purpose of this spacing limitation. Identified by Dwg. No. 20–17120, revision 3, dated June 5, 1950, manufactured by Fenwal, Inc., Ashland, Mass.

Detect-a-Fire, Type 21, Fire Alarm Thermostat, having temperature ratings of 140° F., 160° F. and 225° F. for use with approved open-circuit type fire indicating and alarm systems. Approved as affording protection of an area where no point on the overhead is more than 17.5 feet from the thermostat except that, where beams or girders of over 12 inches in depth are employed, the overhead on each side of the beam or girder shall be considered as separate areas for the purpose of this spacing limitation. Identified by Dwg. No. 21–17121, Rev. 3, dated June 5, 1950, manufactured by Fenwal, Inc., Ashland, Mass.

C–O–TWO Audible-Visual Smoke Detector, Type AVSC–2; Drawing No. A–65117, 24-line maximum cabinet; Drawing No. A–65118, 38-line maximum cabinet; Drawing No. B–60791—Cabinet Dimensions; Drawing No. B–60451–1, Arrangement of Observation Windows, 24-line maximum cabinet; Drawing No. B–60452–1, Arrangement of Observation Windows, 38-line maximum cabinet; Drawing No. A–65067, Arrangement of Blower Box; Drawing No. C–61159–1, System Wiring Diagram; manufactured by C–O–Two Fire Equipment Co., Box 390, Newark 1, N. J.

FIRE PATROL SYSTEM, SUPERVISED

Simplex Watchman's Clock, Stations, and Keys, manufactured by Simplex Time Recorder Co., Gardner, Mass.

(R. S. 4417a, 4426, 4479, 4492, 49 Stat. 1514, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275)

CHANGE IN NAME AND ADDRESS

The name and address of "Publix Distributors, Inc., 99–103 Portland Street, Boston, Mass." has been changed to, "Finn Bros., Inc., 51 Chardon Street, Boston, Mass."; for Approval No. 160.007/88/0 published in the FEDERAL REGISTER of January 12, 1950.

Dated: July 19, 1950.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 50–6511; Filed, July 24, 1950; 8:50 a. m.]

DEPARTMENT OF COMMERCE

ORGANIZATION AND FUNCTIONS

CHANGES

Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, the following adjustments in organization and functions are made:

1. There is established within the Office of Industry and Commerce, Bureau of Foreign and Domestic Commerce (15 F. R. 3594–3595) a Division of Commodity Standards which will perform the functions transferred to it by paragraph 2 below.

2. The following functions are transferred to the Office of Industry and Commerce, Bureau of Foreign and Domestic Commerce:

(a) Assisting, cooperating with, and coordinating the efforts of individuals and groups of producers, distributors, and users in establishing, recording, publishing, and promoting a nationwide program for the elimination of avoidable waste through the formulation of simplified practice recommendations which identify and list the sizes, types, dimensions, and varieties of products that are in national demand in the country; and

(b) Assisting, cooperating with, and coordinating the efforts of groups of consumers, distributors or producers, technical organizations, and other persons in the voluntary establishment, maintenance, recording, publishing, and promoting of commercial standards as a nationally and internationally recognized basis for testing, grading, labeling, marketing, guaranteeing, or accepting staple manufactured commodities moving in domestic and foreign trade.

3. The function of assisting in the development of Federal purchase standards and specifications and of providing information to the public and the Government concerning such standards and specifications remains in the National Bureau of Standards (12 F. R. 5866).

4. The Division of Commodity Standards, National Bureau of Standards (12 F. R. 5866) is abolished.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 50–6499; Filed, July 24, 1950; 8:48 a. m.]

Federal Maritime Board

AMERICAN-HAWAIIAN STEAMSHIP CO. ET AL.

NOTICE OF HEARING ON APPLICATION FOR BAREBOAT CHARTER OF DRY-CARGO VESSELS

American Hawaiian Steamship Co., American Mail Line, American Pacific Steamship Co., American President Lines, Blidberg Rothchild Co., Inc., W. R. Chamberlin & Co., Coastwise Line, Eastport Steamship Corp., Pope & Talbot, Inc., Sudden & Christenson, Inc., Transportation, Inc., William J. Rountree Co., Inc., T. J. Stevenson & Co., Inc., Ponchelet Marine Corp., Pacific American Steamship Association, Pacific Atlantic Steamship Co., Pacific Far East Line, Inc., States Marine Corp. of Delaware.

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4823, Commerce Building, Washington, D. C., on July 27, 1950, at 10:00 a. m., e. d. s. t. before the Federal Maritime Board, upon application of the above-named parties and all other parties filing application with the Secretary of the Maritime Administration, Room 4850, Department of Commerce Building, on or before 5:00 p. m., e. d. s. t., July 26, 1950, to bareboat-charter warbuilt dry-cargo vessels for use in the trans-Pacific Area under time-charter to the Military Sea Transportation Service of the Department of the Navy.

The purpose of the hearing is to receive evidence with respect to whether such service is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels on reasonable conditions and at reasonable rates for this service.

All persons having an interest in such application should arrange to be present.

By order of the Federal Maritime Board.

Dated: July 21, 1950.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50–6540; Filed, July 24, 1950; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6305]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION

JULY 18, 1950.

Take notice that on July 17, 1950, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by El Paso Electric Company, a corporation organized under the laws of the State of Texas and doing business in the States of Texas and New Mexico, with its principal business office at El Paso, Texas, seeking an order authorizing the issuance of $3,500,000 Promissory Notes, bearing interest at a rate not to exceed 2¼ percent, to be issued commencing on or about July 10, 1950, through March 15, 1951, all to be due and payable on March 31, 1951. The notes are proposed to be issued to the following banks in the amounts shown: The Chase National Bank of the City of New York, $1,900,000; Irving Trust Company, New York, $900,000; The State National Bank of El Paso, $350,000; and El Paso National Bank, $350,000; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 4th day of August, 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50–6488; Filed, July 24, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25263]

SODIUM BICHROMATE FROM OHIO TO ALABAMA

APPLICATION FOR RELIEF

JULY 20, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Acting Agent, for and on behalf of carriers parties to Agent B. T. Jones' tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Sodium (soda), bichromate, carloads.

From: Points in Ohio.

To: Points in Alabama.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–6494; Filed, July 24, 1950; 8:48 a. m.]

[4th Sec. Application 25264]

AUTOMOBILE BODIES FROM LANSING, MICH., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

JULY 20, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Acting Agent, for and on behalf of carriers parties to the tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile bodies, body parts or assembly material, carloads.

From: Lansing, Mich.

To: St. Louis, Mo.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–6495; Filed, July 24, 1950; 8:48 a. m.]

[4th Sec. Application 25265]

AUTOMOBILE PARTS FROM CLEVELAND, OHIO, TO KALAMAZOO, MICH.

APPLICATION FOR RELIEF

JULY 20, 1950.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Acting Agent, for and on behalf of carriers parties to the tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile parts, carloads.

From: Cleveland, Ohio.

To: Kalamazoo, Mich.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6496; Filed, July 24, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-177 and 59-91]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of July A. D. 1950.

Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, having heretofore filed, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the "Act"), a plan for its liquidation and dissolution (File No. 54-177); and

The Commission having previously instituted proceedings under sections 11 (b) (1), 11 (b) (2), 15 (a), 15 (f) and 20 (a) of the act with respect to Penn Corp and its subsidiaries (File No. 59-91), and having consolidated said proceedings with proceedings on another plan involving, among other things, the realignment of the system's properties located in the State of New York under Crystal City Gas Company (File No. 54-165), and the Commission having consolidated the proceedings on the plan for Penn Corp's liquidation and dissolution (File No. 54-177) with the prior consolidated proceedings and having ordered a hearing thereon (Holding Company Act Release No. 9253); and

Hearings having been held in such consolidated proceedings, and the Commission having issued its findings, opinion and order in respect of the plan involving Crystal City Gas Company (Holding Company Act Release No. 9574), which order reserved jurisdiction over, among other things, the plan of liquidation and dissolution;

Notice is hereby given that Penn Corp has filed with the Commission, pursuant to section 11 (e) of the act, an amendment to its plan of liquidation and dissolution, which plan, as amended, is hereinafter referred to as the "Plan".

All interested persons are referred to said Plan which is on file in the offices of the Commission for a full statement of the transactions therein proposed, which are summarized as follows:

PENN CORP'S PLAN

Part I. 1. Part I proposes the redemption by Penn Corp, on September 1, 1950, of all the outstanding $2,100,900 principal amount of its 6% Gold Debentures ("Debentures") at the redemption price of 105%, plus accrued interest. Such proposed redemption is in substitution for the proposal in the original plan that there be a reduction and elimination of such Debentures through ratable partial payments, without payment of premium.

2. To accomplish this redemption, Penn Corp proposes to borrow not more than $1,200,000 from a bank or banks and to use such funds as well as treasury cash (which includes $172,495.27 received upon the liquidation of a former subsidiary of Penn Corp, North Shore Gas Company and $251,822 received upon the sale of Penn Corp's stock interest in York County Gas Company, also a former subsidiary of Penn Corp). The borrowing is to be evidenced by a promissory note to be issued pursuant to a loan agreement, the terms of which are in the process of negotiation, and a copy of which will be supplied by amendment. Penn Corp proposes to deposit with the Manufacturers Trust Company of New York, trustee under Penn Corp's Debenture Agreement ("Trustee"), prior to September 1, 1950, sufficient funds to effect the redemption of the outstanding Debentures on that date.

3. Payments to holders of Debentures will be made only upon surrender to the Trustee, during a period ending five years from September 1, 1950, of Debentures together with interest coupons maturing by their terms on and after September 1, 1950.

4. After the expiration of five years from September 1, 1950, any cash on deposit with the Trustee remaining unclaimed by the holders of Debentures shall become the property of Penn Corp, or of North Penn Gas Company if Penn Corp shall have been dissolved, or of Alleghany Gas Company, if both Penn Corp and North Penn Gas Company shall have been dissolved. Part I provides for periodic notices to, and for other efforts to locate, holders of Debentures.

Part II. The provisions of Part II of the Plan are in substance the same as in such designated part of the original plan. Following the retirement of its Debentures, Penn Corp, after appropriate provision for the payment of its liabilities, will distribute its remaining assets to the holders of the various classes of preferred and common stocks of Penn Corp on a fair and equitable basis. The specific allocation of such assets is to be detailed by further amendment of Part II. Upon completion of such distribution, or at such earlier time as may be fixed with approval of this Commission, Penn Corp will be dissolved in accordance with section 77A of the General Corporation Laws of the State of Delaware.

General provisions. Penn Corp will pay all fees and expenses in connection with Part I and Part II and the proceedings relating thereto, including the charges and expenses of the Trustee and any other liabilities incurred by it in connection therewith, as the Commission shall determine, award, allow or allocate upon petition of interested persons.

The consummation of the Plan or either part thereof is conditioned upon specified findings and a specified order to be made by the Commission; the consummation of Part II is further conditioned upon other action to be taken by the Commission and upon the entry of an order by a court of competent jurisdiction approving Part II and enforcing and carrying out the terms and provisions thereof.

It appearing appropriate that notice be given and the hearing be reconvened on the Plan and on the proceedings instituted under sections 11 (b) (1), 11 (b) (2), 15 (a), 15 (f) and 20 (a) of the act:

It is ordered, That the consolidated hearing on the proposed Plan and on the proceedings instituted pursuant to sections 11 (b) (1), 11 (b) (2), 15 (a), 15 (f) and 20 (a) of the act be reconvened on July 27, 1950, at 10 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. Any person, who has not heretofore entered his appearance, desiring to be heard or otherwise wishing to participate in these proceedings, shall file with the Secretary of the Commission, on or before July 27, 1950, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act, and to a hearing officer under the Commission's rules of practice.

It is further ordered, That at the reconvened hearing, consideration shall be given to the issues with respect to Part I. At such times as amendments are filed with regard to Part II setting forth in detail the specific allocation, appropriate notice will be duly given as to a later hearing on Part II.

It is further ordered, That at said hearing evidence shall be adduced with respect to the following matters and questions without prejudice to subsequently specifying additional matters or questions:

1. Whether Part I, as submitted or as it may be modified, particularly the proposal to borrow funds and to use such funds and treasury cash to redeem Penn Corp's Debentures at the redemption price of 105% of the principal amount, plus accrued interest, is necessary to effectuate the provisions of section 11 (b) of the act, and is fair and equitable to the persons affected thereby.

2. Whether the proposed issuance and sale by Penn Corp of its promissory note meet the applicable requirements of sections 6 (a) and 7 of the act, and whether the proposed redemption of Penn Corp's Debentures are in conformity with the requirements of section 12 (c) of the act and the rules promulgated thereunder.

3. Whether, if the transactions proposed are authorized by the Commission, it is appropriate in the public interest and in the interest of investors and consumers that any terms and conditions be imposed and, if so, what such terms and conditions should be.

4. Whether the fees and expenses which may be claimed in connection with the proposed transactions are for necessary services and are reasonable in amount.

5. Whether the accounting entries in connection with the proposed transactions are appropriate and in accordance with sound accounting principles.

6. What order or orders, if any, should be entered in the proceedings heretofore instituted pursuant to sections 11 (b) (1), 11 (b) (2), 15 (a), 15 (f), and 20 (a) of the act to require Penn Corp and its subsidiaries to take such action as the Commission shall find necessary to comply with the provisions of said sections.

It is further ordered, That notice of this hearing shall be given by mailing a copy of this order by registered mail to the Federal Power Commission, the New York Public Service Commission, the Pennsylvania Public Utility Commission, and to Penn Corp, Crystal City Gas Company, North Penn Gas Company, Allegany Gas Company, Alum Rock Gas Company, Dempseytown Gas Company, New Penn Development Corporation, Penn-Western Service Corporation and to all other participants in the consolidated proceedings (File Nos. 59-91, and 54-177); that notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases under the act; and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Penn Corp shall give further notice of this hearing to all of its security holders (insofar as the identity of such security holders is known or available to Penn Corp) by mailing to each of said persons at his last known address, at least 7 days prior to the date set for hearing, a statement setting forth in brief (a) a summary of the proposal to redeem Penn Corp's debentures and (b) the time, date and place of the hearing. Such statement shall be submitted to the Commission for review prior to mailing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6489; Filed, July 24, 1950; 8:47 a. m.]

[File No. 70-2403]

UTAH POWER AND LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of July A. D. 1950.

Utah Power and Light Company ("Utah"), a registered holding company, having filed a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7 and 12 (b) thereof and Rule U-62 of the rules and regulations promulgated thereunder with respect to the following proposed transactions:

Utah proposes to amend its certificate of organization and by-laws so as to (1) increase its authorized capital stock from 1,500,000 shares of no par value common stock to 2,000,000 shares of no par value common stock; (2) delete the present provision giving the stockholders full pre-emptive rights with respect to any offering of new or additional common stock and to provide that such new or additional common stock shall first be offered to Utah's stockholders on a pro rata basis unless such stock is to be sold for money by a public offering or an offering to or through underwriters or investment bankers who shall have agreed to make a public offering of such shares; and (3) change the date of the annual meeting of stockholders from the first Monday in October to the third Monday in May of each year.

The provisions with respect to the increase of capital stock and the change of the date of annual meetings will require a majority vote of the outstanding common stock, and the proposed change in the preemptive rights provisions will require the affirmative vote of at least two-thirds of the outstanding shares of common stock.

Said declaration having been filed on May 22, 1950, amendments thereto having been filed on June 16, 1950 and June 26, 1950, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed charter amendments will not result in an unfair or inequitable distribution of voting power among the security holders of Utah, and are not otherwise detrimental to the public interest or the interest of investors and consumers, and the Commission deeming it appropriate to permit said declaration, as amended, to become effective forthwith, without the imposition of terms and conditions:

It is ordered, Pursuant to the provisions of Rule U-23 and the applicable sections of the act, and subject to the terms and conditions stated in Rule U-24, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6490; Filed, July 24, 1950; 8:47 a. m.]

[File No. 70-2426]

PENNSYLVANIA GAS AND ELECTRIC CORP. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of July A. D. 1950.

In the matter of Pennsylvania Gas and Electric Corporation, the Newport Gas Light Company, and Penn-Western Service Corporation, File No. 70-2426.

Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, The Newport Gas Light Company ("Newport"), a public utility subsidiary of Penn Corp, and Penn-Western Service Corporation ("Penn-Western"), an approved service company and a subsidiary of Penn Corp, having filed an application-declaration, and amendments thereto, pursuant to sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder regarding (a) the proposed sale by Penn Corp to Mrs. Dorothy B. Daley and certain other persons of the outstanding 5,000 shares of capital stock of Newport for a price of $550,000, and (b) the proposed sale by Newport, and acquisition by Penn-Western, of Newport's holdings of 50 shares of capital stock of Penn-Western for a price of $500; and

It appearing that the expenses and legal fees in connection with the proposed transactions are $2,150; and

Said application-declaration and the amendments thereto having been duly filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act; and the Commission not having received a request for a hearing with respect to said application-declaration, as amended, within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration as amended, be

granted and permitted to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be and the same hereby is granted and permitted to become effective, forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the reservation of jurisdiction with respect to (a) the use of the proceeds of the sale by Penn Corp of its holdings of 5,000 shares of capital stock of Newport, and (b) requests by Penn Corp and Newport for findings, recitals and provisions in connection with Supplement R of the Internal Revenue Code.

It is further ordered and recited, That the following transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820 (U. S. C., Title 15, sec. 79K (b)), within the meaning of section 1808 (f) of the Internal Revenue Code, and are hereby authorized, approved and permitted:

1. The sale, transfer and delivery by Penn Corp to Mrs. Dorothy B. Daley and certain other persons, of the 5,000 shares of common capital stock of Newport with a par value of $100 per share.

2. The sale, transfer and delivery by Newport to Penn-Western of 50 shares of the common capital stock of Penn-Western with a par value of $10 per share.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6491; Filed, July 24, 1950; 8:48 a. m.]

W. F. COLEY & CO., INC., AND WADE F. COLEY

ORDER REVOKING REGISTRATION

In the matter of W. F. Coley & Company, Inc., 211 Emaxcee Building, Greenville, South Carolina, and Wade F. Coley, 211 Emaxcee Building, Greenville, South Carolina.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of July A. D. 1950.

Proceedings having been instituted to determine whether the registration of W. F. Coley & Company, Inc., as a broker and dealer should be revoked pursuant to section 15 (b) of the Securities Exchange Act of 1934; whether W. F. Coley & Company, Inc., should be suspended or expelled from membership in National Association of Securities Dealers, Inc., a registered securities association, pursuant to section 15A (1) (2) of the act; and whether, for purposes of future proceedings under the act, Wade F. Coley should be deemed a cause of any such order of revocation, suspension or expulsion;

A hearing having been held after appropriate notice, the Commission being duly advised and having this day issued its findings and opinion herein; on the basis of said findings and opinion

It is ordered, That the registration of W. F. Coley & Company, Inc., as a broker and dealer be, and it hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6492; Filed, July 24, 1950; 8:48 a. m.]

[File Nos. 54-111 and 59-12]

AMERICAN & FOREIGN POWER CO., INC., ET AL.

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of July A. D. 1950.

In the matter of American and Foreign Power Company, Inc., Electric Bond and Share Company, File No. 54-111; Electric Bond and Share Company, American and Foreign Power Company, Inc., et al., Respondents; File No. 59-12.

American & Foreign Power Company, Inc. ("Foreign Power"), a registered holding company, and its parent, Electric Bond and Share Company ("Bond and Share"), also a registered holding company, have filed a joint application pursuant to section 11 (c) of the Public Utility Holding Company Act of 1935 requesting that the time for compliance with the Commission's order of May 2, 1949, pursuant to section 11 (b) (2) of the act be extended for a period of one year or such other period as the Commission may deem proper. This order directed Bond and Share and Foreign Power to take appropriate steps to reorganize Foreign Power so that Foreign Power will have outstanding only a single class of stock, namely, common stock, together with such amount of debt securities as will under the circumstances then existing meet the standards of the act.

The application recites that subsequent to the Commission's order of May 2, 1949, Foreign Power and Bond and Share directed their efforts during the remainder of 1949 toward what they considered necessary preliminaries to the reorganization of Foreign Power, namely, the reorganization of Cuban Electric Company, a subsidiary of Foreign Power, and the financing of the capital needs of Foreign Power's subsidiaries. In accordance with applications approved by the Commission (In the Matter of American Foreign Power Co., Inc., — S. E. C. — (1949) Holding Company Act Release No. 9589), Bond and Share's holdings of Cuban Debentures were transferred to Foreign Power in exchange for a new note of Foreign Power, subject to certain conditions, and Foreign Power obtained a loan of $10,000,000 from a group of banks with an additional stand-by credit of $5,000,000 available to July 1, 1951. Subsequently, the reorganization of Cuban Electric Company was substantially completed.

The application further states that Foreign Power is now engaged in the preparation of a new plan which it hopes to file in the near future. In the present proceeding Foreign Power has filed a set of papers containing financial data of the company and its subsidiaries for the past ten years and a forecast for the year 1950 which it states it furnished to the participants in the proceedings and to others interested in the reorganization of the company. These data were prepared and made generally available for the purpose of obtaining suggestions from such persons as to the appropriate terms and conditions to be contained in a plan of reorganization and, if possible, to obtain substantial agreement thereon. The company states that many suggestions were received but that because of the conflict in views and the many problems involved, some further time is required to formulate a satisfactory plan.

Notice of the filing of the requested extension was duly given and no request for hearing with respect thereto within the period specified in such notice of filing or otherwise has been received. However, several stockholders have written us objecting to the grantng of an extension of time. These objections appear to be based on the assumption that if Foreign Power's requested extension of time is granted, Foreign Power could delay the filing of a plan for a full year. A stockholder of Bond and Share has objected to the granting of any extension unless subject to a condition that a plan be filed within thirty days.

We have examined the record and have determined that on the basis of the facts appearing therein Foreign Power has made a showing that it has been unable in the exercise of due diligence to comply with our order of May 2, 1949, within one year and, accordingly, deem it appropriate to grant Bond and Share and Foreign Power an additional period of time within which to comply with the provisions of such order. In this connection, however, we wish to emphasize again that there is an urgent need for the prompt reorganization of Foreign Power, not only in the interest of clarifying the position of the investors in Foreign Power but also for economic and business reasons relating to the future growth of the system. Foreign Power has been, and still is, faced with the problem of raising capital for the financing of its subsidiaries' needs. While Foreign Power can, to a limited extent, arrange some financing in its presently unreorganized state, the record indicates that in the next five years substantial additions to the system will be required in order to meet the growing demands for electric service, and that the efficient and economical raising of the necessary capital is largely dependent upon a sound reorganization of the company. Under such circumstances it is imperative that the corporate simplification of Foreign Power be consummated without delay.

We have determined, in granting additional time in which to comply with our section 11 (b) (2) order, to allow the full additional year requested for compliance. We wish to stress, however, that we would anticipate that the additional year would be devoted not only to the filing of a new plan but to the accomplishment of substantial steps toward the effectuation of a reorganization.

In its application Foreign Power states that it is attempting to formulate a plan which will meet no serious objections from the participants in the proceedings in the hope that consummation thereof will be considerably expedited. While the company's intentions in this respect are laudable it must be borne in mind that undue prolongation of negotiations would defeat this very purpose. The responsibility for preparing and filing a plan rests on the management and, in the absence of an agreement resulting from the negotiations within a reasonable period, a plan deemed fair and equitable by Foreign Power should nevertheless be formulated and filed.

It is therefore ordered, Pursuant to section 11 (c) of the act that the time for the compliance with the Commission's order of May 2, 1949, pursuant to section 11 (b) (2) of the act be, and hereby is, extended to May 2, 1951.

By the Commission (Chairman McDonald and Commissioners Rowen and McCormick), Commissioners McEntire and Cook not participating.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6493; Filed, July 24, 1950; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14850]

HANS F. W. ISENBERG

In re: Estate of Hans F. W. Isenberg, deceased. File: D-28-3991; E. T. sec. 9471.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Wilhelm Hermann Schultze, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the Estate of Hans F. W. Isenberg, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Hawaiian Trust Company, Ltd., as trustee, acting under the judicial supervision of the Fifth Judicial Circuit, Territory of Hawaii, Equity;

and it is hereby determined

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-6502; Filed, July 24, 1950; 8:49 a. m.]

[Vesting Order 14853]

HENRY MICHAELIS

In re: Trust under the will of Henry Michaelis, deceased. File No. D-28-12844; E. T. sec. 17011.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Clausen Mahnken, Sophie Bruns Jablonsky, Claus H. Clausen, Margarethe Clausen, Dieter Clausen and Hartmut Clausen whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the trust established under the will of Henry Michaelis, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Diedrich H. Elfers as surviving successor trustee acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-6503; Filed, July 24, 1950; 8:49 a. m.]

[Vesting Order 14856]

JOHN CONRAD SCHUFFERT

In re: Trust under the Will of John Conrad Schuffert, deceased. File No. F-28-30421.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Baeck (formerly Reuter), Reinhold Baeck, Conrad Baeck and Katherine Louisa Christa Baeck, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under the will of John Conrad Schuffert, deceased, and

b. All property in the possession or custody of or under the control of Erwin Geissman, 18-04 112nd Street, College Point, New York, as trustee of the Trust under the Will of John Conrad Schuffert, deceased, including particularly but not limited to the sum of $2,166.46 as of July 11, 1949, together with any and all accruals thereto,

is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Erwin Geissman, as trustee, acting under the judicial supervision of the Surrogate's Court of Queens County, Jamaica, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above subject to all lawful fees and disbursements of Erwin Geissman, 18–04 122d Street, College Point, New York, as trustee of the Trust under the Will of John Conrad Schuffert, deceased,

All such property so vested shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50–6504; Filed, July 24, 1950; 8:49 a. m.]

[Vesting Order 14859]

VICTORIA BIRCK

In re: Stock owned by Victoria Birck. D–28–12857–A–1, D–28–12857–D–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Victoria Birck, whose last known address is Heggenerstrasse 34 Kempten Eich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Four (4) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 52248, registered in the name of Victoria Birck, and presently in the custody of Mr. Eugene Diuhy, 3912 N. Hamilton Street, Chicago 18, Illinois, together with all declared and unpaid dividends thereon, and

b. Seven (7) shares of $2.00 par value capital stock of Transamerica Corp., Montgomery Street at Columbus Avenue, San Francisco 11, California, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NYC28035, registered in the name of Victoria Birck, and presently in the custody of Eugene Diuhy, 3912 N. Hamilton Street, Chicago 18, Illinois, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50–6505; Filed, July 24, 1950; 8:49 a. m.]

[Dissolution Order 91]

JOH. BARTH AND SOHN, INC.

Whereas, by Vesting Order No. 55 dated July 22, 1942 (7 F. R. 5741 (No. 147, July 28, 1942)) as amended on January 1, 1945 (10 F. R. 208, January 5, 1945), there were vested 300 shares of $100 par value common stock comprising all of the issued and outstanding capital stock of Joh. Barth & Sohn, Inc., a New York corporation (hereinafter referred to as the "Corporation"); and

Whereas, a letter was directed by the undersigned to the Secretary of State of the State of New York suggesting that, due to the fact that the Corporation owned no liquid assets and in view of unpaid franchise taxes owed by it to the State of New York, the Corporation be dissolved by proclamation for nonpayment of such taxes; and the State Tax Commissioner, in a letter dated March 13, 1950, advised that the Corporation was dissolved by proclamation of the Secretary of State of the State of New York on December 15, 1949 (pursuant to New York Tax Law, § 203 (a) (McKinney's Consolidated Laws of New York, Vol. 59, Part I, § 203 (a)); and

Whereas, the Corporation has been substantially liquidated,

Now, under the authority of the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except: (a) The claims of the State of New York for an unpaid franchise tax of $388.87, plus penalties and interest, and for an unpaid unemployment insurance tax of $1,296.63, plus penalties and interest; (b) the claim of Wegener & Company, New York City for $100 for accounting services rendered the Corporation prior to vesting; (c) the claim of the Attorney General of the United States for $272.75 which was advanced to the Corporation by the Alien Property Custodian for payment of the cost of an audit of the Corporation's books made by Patterson, Teele & Dennis, Certified Public Accountants, New York City; and (d) such other claims, if any, as the Attorney General of the United States may have for money advanced or services rendered to or on behalf of the Corporation; and

2. Finding that all known remaining assets of the Corporation consist of unliquidated accounts receivable due from Clayton D. Mell, Chevy Chase, Maryland, in the amount of $100; from Herman Lottmann, address unknown but reported to be in Germany, in the amount of $100, from Joh. Barth & Sohn, Nuremberg, Germany, in the amount of $17,880.57 and from Johannes W. Barth, Nuremberg, Germany, in the amount of $15.51; and

3. Having determined that it is in the national interest of the United States that the Corporation be dissolved and its affairs wound up and that the interests of outstanding creditors of the Corporation will be protected by an assignment, as hereinafter provided, to the Attorney General of the United States of all remaining assets of the Corporation which at this time appear to be uncollectible and that a proclamation of dissolution having been made by the Secretary of State of the State of New York:

Hereby orders, That the officers and directors of the Corporation (to wit: Robert Kramer, President and Director; Francis J. Carmody, Secretary and Director; and Angelo Dispenzere, Treasurer and Director) continue the proceedings for the dissolution of the Corporation; and

Further orders, That the said officers and directors wind up the affairs of the Corporation and assign and transfer to the Attorney General of the United States the following unliquidated accounts receivable:

1. Due from Clayton D. Mell, Chevy Chase, Maryland, reflected on the books of the Corporation as the amount owed for the subscription of one qualifying share of stock of the Corporation, which share was found by the amendment to Vesting Order 55 to have been beneficially owned by Joh. Barth & Sohn, Nuernberg, Germany	$100.00
2. Due from Herman P. Lottmann, address unknown but reported to be in Germany, reflected on the books of the Corporation as the amount owed for the subscription of one qualifying share of stock of the Corporation, which share was found by the amendment to Vesting Order 55 to have been beneficially owned by Joh. Barth & Sohn, Nuernberg, Germany	100.00
3. Due from Joh. Barth & Sohn, Nuernberg, Germany, representing the balance due to the Corporation after deduction for purchases of hops from Joh. Barth & Sohn, Nuernberg, Germany	17,880.57
4. Due from Johannes W. Barth, Nuernberg, Germany, representing excess salary paid him in the year 1939 as former president of the Corporation	15.51
Total accounts receivable	18,096.08

which, together with any other assets of the Corporation hereafter discovered, shall be held by the Attorney General pending any liquidation thereof or collection thereon that might be effected at which time any funds derived therefrom shall be subject to the claims of the creditors of the Corporation and shall be distributable on the following priority basis:

1. First, to the Attorney General of the United States for current and other administrative expenses and necessary charges incurred after December 14, 1949, in connection with the dissolution and winding up of the affairs of the Corporation;

2. Then, in payment of all known Federal, State and local taxes and fees owed by or accruing against the said Corporation;

3. Then, pro rata in payment of each of the following:

(a) Wegener & Company, New York City for accounting services rendered the Corporation prior to vesting, at the cost of $100.00;

(b) Attorney General of the United States for the amount of such claim, if any, as he may have for moneys advanced or services rendered to or on behalf of the Corporation prior to December 15, 1949;

4. Any funds or other assets remaining after the payment of the aforesaid claims in full will be retained by the Attorney General of the United States as a liquidating distribution of assets to him, as the holder of all issued and outstanding stock of the Corporation; and

Further orders, That nothing herein set forth shall be construed as prejudicing the right, under the Trading With the Enemy Act, as amended, of any person who may have a claim against said Corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder: *Provided however,* That nothing herein contained shall be construed as creating additional rights in such person: *Provided further,* That any such claim against said Corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

Further orders, That all actions taken and acts done by the said officers and directors of Joh. Barth & Sohn, Inc. pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading With the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 20th day of July 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–6507; Filed, July 24, 1950; 8:49 a. m.]

[Vesting Order 14862]

AUGUST AND ADELE FRYE

In re: Bank account owned by and debt owing to August Frye and Adele Frye. F–28–25592–E–1, F–28–25592–C–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Frye and Adele Frye, each of whose last known address is Bad-Godesberg (22c) Fleerstrasse FF North Rheinproving, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to August Frye and Adele Frye, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an Accounts Payable Account, entitled August and Adele Frye, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to August Frye and Adele Frye, by Mr. and Mrs. August Oelerich, 78 Grand Avenue, Poughkeepsie, New York, representing funds received by Mr. and Mrs. August Oelerich from August Frye and Adele Frye, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50–6506; Filed, July 24, 1950; 8:49 a. m.]

[Bar Order 9]

ORDER FIXING BAR DATE FOR FILING CLAIMS IN RESPECT OF CERTAIN DEBTORS

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Order 9788, January 2, 1951, is hereby fixed as the date after which the filing of claims shall be barred in respect of debtors, any of whose property was first vested in or transferred to the Attorney General between January 1, 1949, and June 30, 1949, inclusive.

Executed at Washington, D. C., this 20th day of July 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–6508; Filed, July 24, 1950; 8:49 a. m.]

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FEDERAL REGISTER

VOLUME 15 NUMBER 143

Washington, Wednesday, July 26, 1950

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 728—WHEAT

SUBPART—1950 COUNTY WHEAT ACREAGE ALLOTMENTS

§ 728.5 *Basis and purpose.* The 1950 county wheat acreage allotments herein have been determined under section 334 (b) of the Agricultural Adjustment Act of 1938, as amended, and increased under the provisions of section 5 of Public Law 272, 81st Congress. The purpose is to apportion among the counties of each State the respective State wheat acreage allotments for 1950 as established by the proclamation dated July 20, 1949 (14 F. R. 4636), and to add thereto the increases required by section 5 of Public Law 272, 81st Congress. Prior to determination of the 1950 county wheat acreage allotments public notice (14 F. R. 2203) was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations pertaining to the determination of the 1950 county wheat acreage allotments which were submitted have been duly considered within the limits prescribed by the Agricultural Adjustment Act of 1938, as amended, and section 5 of Public Law 272, 81st Congress.

§ 728.6 *1950 County Wheat Acreage Allotments.*

County	Total wheat allotment	Increase under Public Law 272
ALABAMA	*Acres*	*Acres*
Autauga	152	21
Barbour	4	
Bibb	32	1
Blount	87	4
Bullock	52	
Calhoun	272	32
Chambers	806	42
Cherokee	1,377	177
Chilton	47	15
Clay	162	17
Cleburne	169	36
Colbert	436	90
Coosa	4	1
Cullman	144	
De Kalb	117	29
Elmore	94	9
Etowah	82	10
Franklin	214	41
Jackson	630	34
Jefferson	13	1
Lamar	11	1
Lauderdale	3,296	843
Lawrence	153	30
Lee	183	13
Limestone	2,235	292
Lowndes	17	3
Macon	26	
Madison	5,284	255
Marion	41	
Marshall	69	2
Morgan	728	10
Perry	8	
Randolph	631	71
St. Clair	96	9
Shelby	145	
Sumter	8	
Talladega	124	41
Tallapoosa	222	
Tuscaloosa	16	14
Winston	26	7
ARIZONA		
Apache	420	
Cochise	464	
Coconino	2,211	397
Graham	332	
Greenlee	168	
Maricopa	16,449	21
Mohave	1,552	
Navajo	1,901	
Pima	384	
Pinal	3,448	
Yavapai	292	
Yuma	2,721	465
ARKANSAS		
Arkansas	309	
Baxter	489	
Benton	2,597	
Boone	1,696	
Carroll	2,132	
Chicot	253	
Clay	3,773	
Cleburne	50	
Conway	1,059	
Craighead	1,714	
Crawford	431	
Crittenden	1,098	
Cross	1,574	
Desha	89	
Franklin	397	
Fulton	745	
Garland	159	
Greene	663	
Hempstead	54	
Howard	54	
Independence	3,358	
Izard	88	
Jackson	1,776	
Johnson	1,307	142
Lafayette	107	
Lawrence	980	
Lee	285	
Little River	171	
Logan	1,649	
Lonoke	71	
Madison	792	
Marion	654	
Miller	128	
Mississippi	1,222	
Monroe	79	
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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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County	Total wheat allotment	Increase under Public Law 272
ARKANSAS—continued	*Acres*	*Acres*
Phillips	243	
Poinsett	1,759	
Polk	183	
Pope	813	204
Prairie	184	
Pulaski	709	
Randolph	2,881	
St. Francis	1,075	
Saline	105	
Searcy	726	
Sebastian	192	
Sevier	80	
Sharp	235	
Stone	536	
Van Buren	38	
Washington	4,062	
White	140	
Woodruff	191	
CALIFORNIA		
Alameda	4,687	116
Alpine	107	
Amador	561	28
Butte	22,962	1,929
Calaveras	70	
Colusa	13,525	929
Contra Costa	5,007	77
El Dorado	39	18
Fresno	64,516	15,677
Glenn	10,268	
Imperial	19,842	
Inyo	98	
Kern	80,099	
Kings	11,402	863
Lake	1,310	51
Lassen	12,173	574
Los Angeles	40,105	
Madera	19,870	274
Marin	453	
Mendocino	1,497	
Merced	8,051	
Modoc	18,982	1,179
Mono	148	11
Monterey	28,092	1,713
Napa	3,789	598
Nevada	74	74
Orange	851	81
Placer	10,112	
Plumas	961	
Riverside	17,929	3,220
Sacramento	30,939	4,135
San Benito	4,530	116
San Bernardino	386	42
San Diego	1,937	304
San Joaquin	19,866	582
San Luis Obispo	121,659	
San Mateo	48	48
Santa Barbara	13,172	48
Santa Clara	1,337	187
Shasta	5,771	
Sierra	598	
Siskiyou	28,730	1,707
Solano	17,598	2,832
Sonoma	1,431	
Stanislaus	2,329	235
Sutter	39,378	4,768
Tehama	4,364	186
Trinity	341	
Tulare	55,772	
Tuolumne	153	
Ventura	1,580	
Yolo	19,993	1,371
Yuba	7,662	820
COLORADO		
Adams	170,923	35,091
Alamosa	2,291	350
Arapahoe	69,392	12,610
Archuleta	2,881	491
Baca	290,035	37,450
Bent	30,997	17,193
Boulder	15,834	1,212
Chaffee	650	
Cheyenne	148,382	73,792
Conejos	5,188	811
Costilla	3,613	764
Crowley	7,704	6,556
Custer	628	110
Delta	2,977	110
Dolores	22,189	3,054
Douglas	14,284	1,391
Eagle	1,125	
Elbert	74,985	14,851
El Paso	15,566	6,968
Fremont	637	66
Garfield	5,321	1,028
Grand	1,442	775
Huerfano	7,471	1,279
Jackson	80	1
Jefferson	12,653	1,166
Kiowa	186,578	104,849
Kit Carson	254,181	72,347
La Plata	20,819	3,509
Larimer	33,044	5,382
Las Animas	26,073	3,806
Lincoln	144,854	45,608
Logan	180,332	16,272
Mesa	3,073	244
Moffat	22,963	6,098
Montezuma	10,158	1,941
Montrose	7,315	540
Morgan	61,777	12,806
Otero	1,755	393
Ouray	1,030	140
Phillips	138,537	13,989
Pitkin	425	
Prowers	148,676	48,366
Pueblo	15,187	3,861
Rio Blanco	6,402	1,176
Rio Grande	6,244	770
Routt	23,096	2,789
Saguache	2,694	372
San Miguel	1,611	397
Sedgwick	81,738	4,653
Teller	55	25
Washington	263,823	69,299
Weld	220,327	45,693
Yuma	180,850	9,082
DELAWARE		
Kent	33,956	
New Castle	25,543	
Sussex	11,623	
GEORGIA		
Appling	23	8
Atkinson	27	15
Baker	23	
Baldwin	119	
Banks	1,750	83
Barrow	4,109	83
Bartow	4,103	267
Ben Hill	7	1
Berrien	2	1
Bibb	1,483	
Bleckley	1,412	
Brooks	5	
Bryan	118	
Bulloch	578	109
Burke	4,526	112
Butts	1,929	55
Calhoun	112	
Candler	62	8
Carroll	1,523	286
Catoosa	1,112	106
Chattooga	426	139
Cherokee	854	127
Clarke	2,509	
Clay	105	81
Clayton	614	157
Cobb	1,125	6
Coffee	64	1
Colquitt	3	54
Columbia	1,432	4
Cook	13	67
Coweta	1,278	

County	Total wheat allotment	Increase under Public Law 272
GEORGIA—continued	*Acres*	*Acres*
Crawford	1,518	144
Crisp	959	173
Dade	387	19
Dawson	343	20
De Kalb	479	
Dodge	197	
Dooly	1,923	126
Dougherty	231	9
Douglas	466	42
Early	55	34
Effingham	4	
Elbert	4,099	114
Emanuel	2,819	
Fannin	181	14
Fayette	815	
Floyd	1,935	180
Forsyth	1,926	101
Franklin	5,803	134
Fulton	1,587	11
Gilmer	74	38
Glascock	721	28
Gordon	1,584	211
Greene	1,687	60
Gwinnett	5,459	35
Habersham	380	80
Hall	1,481	111
Hancock	855	47
Haralson	989	217
Harris	496	166
Hart	7,523	
Heard	596	50
Henry	3,902	336
Houston	5,718	
Irwin	16	
Jackson	5,972	257
Jasper	1,349	41
Jefferson	16,635	254
Jenkins	673	52
Johnson	1,204	
Jones	356	26
Lamar	1,555	
Laurens	1,340	162
Lee	863	24
Lincoln	1,220	40
Long	27	
Lowndes	84	43
Lumpkin	117	13
McDuffie	1,047	
Macon	4,247	127
Madison	10,553	
Marion	265	10
Meriwether	1,612	125
Mitchell	48	14
Monroe	778	35
Montgomery	151	1
Morgan	2,640	141
Murray	1,559	168
Newton	1,727	6
Oconee	3,957	
Oglethorpe	8,952	96
Paulding	259	35
Peach	3,915	
Pickens	283	32
Pierce	4	
Pike	2,520	106
Polk	1,447	155
Pulaski	449	
Putnam	194	
Rabun	56	4
Randolph	612	13
Richmond	1,594	114
Rockdale	850	33
Schley	504	
Screven	796	58
Spalding	2,089	131
Stephens	909	
Stewart	95	35
Sumter	6,582	148
Talbot	526	63
Taliaferro	332	37
Tattnall	60	1
Taylor	425	39
Telfair	248	
Terrell	657	
Thomas	6	4
Tift	26	
Toombs	59	28
Towns	486	
Treutlen	134	3
Troup	226	40
Turner	120	13
Twiggs	171	14
Union	546	46
Upson	686	12
Walker	2,172	274
Walton	4,839	
Ware	9	5
Warren	2,061	31
Washington	10,214	
Webster	267	
Wheeler	1,237	44
White	159	36
Whitfield	2,658	247
Wilcox	214	
Wilkes	3,675	
Wilkinson	188	32
Worth	44	30
IDAHO		
Ada	8,762	1,155
Adams	2,342	491
Bannock	66,519	16,370
Bear Lake	24,590	4,289
Benewah	22,222	2,023
Bingham	52,781	19,259
Blaine	9,871	2,769
Boise	1,207	86
Bonner	2,894	513
Bonneville	125,625	32,145
Boundary	14,338	1,429
Butte	10,393	4,460
Camas	47,431	11,833
Canyon	20,187	2,422
Caribou	64,052	12,098
Cassia	61,760	24,404
Clark	7,662	4,587
Clearwater	8,176	1,411
Custer	2,190	400
Elmore	8,158	1,536
Franklin	45,234	5,602
Fremont	62,133	2,673
Gem	5,026	1,040
Gooding	9,755	1,097
Idaho	76,592	11,444
Jefferson	30,170	9,266
Jerome	13,778	1,211
Kootenai	33,890	5,130
Latah	85,795	8,296
Lemhi	2,483	189
Lewis	53,517	10,546
Lincoln	12,092	1,390
Madison	72,386	12,165
Minidoka	12,214	4,789
Nez Perce	75,054	6,673
Oneida	98,411	18,002
Owyhee	7,042	1,054
Payette	6,281	1,525
Power	137,199	36,178
Teton	35,703	5,050
Twin Falls	36,067	5,058
Valley	1,551	293
Washington	26,425	3,690
ILLINOIS		
Adams	40,917	1,837
Alexander	5,370	77
Bond	22,748	762
Boone	260	53
Brown	6,962	1,827
Bureau	3,428	350
Calhoun	6,362	459
Carroll	502	11
Cass	22,949	317
Champaign	13,351	5,400
Christian	46,369	5,569
Clark	24,185	4,248
Clay	10,681	2,436
Clinton	53,956	
Coles	14,520	5,469
Cook	1,280	188
Crawford	17,224	3,496
Cumberland	8,309	1,833
De Kalb	1,323	112
De Witt	5,374	1,902
Douglas	7,694	1,046
Du Page	2,207	427
Edgar	25,469	3,776
Edwards	16,292	498
Effingham	19,906	1,346
Fayette	24,546	3,366
Ford	588	50
Franklin	24,905	2,005
Fulton	24,359	4,425
Gallatin	13,144	171
Greene	28,076	1,992
Grundy	1,018	313
Hamilton	15,105	1,656
Hancock	29,640	7,080
Hardin	152	28
Henderson	7,204	1,026
Henry	1,459	56
Iroquois	8,776	2,141
Jackson	26,805	771
Jasper	12,991	2,968
Jefferson	22,686	2,806
Jersey	21,957	979
Jo Daviess	237	44
Johnson	2,374	564
Kane	1,068	77
Kankakee	6,832	834
Kendall	1,476	234
Knox	4,321	1,797
Lake	2,933	917
LaSalle	2,533	367
Lawrence	26,240	1,269
Lee	3,810	124
Livingston	1,445	264
Logan	26,812	1,966
McDonough	17,587	3,894
McHenry	852	178
McLean	4,983	1,596
Macon	18,660	4,792
Macoupin	47,618	3,704
Madison	79,967	253
Marion	22,557	2,290
Marshall	3,868	347
Mason	47,456	193
Massac	4,466	219
Menard	21,460	604
Mercer	3,030	227
Monroe	51,854	
Montgomery	41,835	2,109
Morgan	55,243	1,360
Moultrie	10,165	3,220
Ogle	580	103
Peoria	11,971	1,772
Perry	29,848	716
Piatt	12,593	2,271
Pike	50,556	3,512
Pope	2,624	296
Pulaski	4,359	192
Putnam	2,286	250
*Randolph	56,484	205
Richland	14,041	1,488
Rock Island	1,745	2
St. Clair	86,658	
Saline	16,240	531
Sangamon	45,462	3,494
Schuyler	17,365	1,841
Scott	10,661	322
Shelby	28,030	7,134
Stark	441	31
Stephenson	270	9
Tazewell	26,141	950
Union	8,559	433
Vermillion	28,856	6,275
Wabash	10,737	187
Warren	2,884	1,117
Washington	81,794	
Wayne	14,447	2,099
White	35,270	1,820
Whiteside	7,422	77
Will	5,859	843
Williamson	6,944	699
Winnebago	835	174
Woodford	3,554	490
INDIANA		
Adams	18,668	1,181
Allen	36,371	2,548
Bartholomew	30,433	56
Benton	6,836	2,327
Blackford	6,793	737
Boone	15,559	2,723
Brown	537	132
Carroll	19,176	825
Cass	19,108	1,330
Clark	9,235	843
Clay	18,983	1,580
Clinton	26,678	2,281
Crawford	4,946	667
Davies	24,416	704
Dearborn	9,903	219
Decatur	34,772	438
De Kalb	26,657	780
Delaware	18,533	1,656
Dubois	23,255	373
Elkhart	26,713	1,180
Fayette	16,970	159
Floyd	3,041	435
Fountain	23,929	1,805
Franklin	22,853	198
Fulton	11,773	1,908
Gibson	32,484	1,366
Grant	16,748	1,979
Greene	14,156	1,671
Hamilton	19,924	936
Hancock	19,183	1,236
Harrison	10,817	1,309
Hendricks	19,565	2,013
Henry	21,235	1,253
Howard	14,803	1,158
Huntington	17,774	1,511
Jackson	22,722	941
Jasper	14,659	1,092
Jay	19,471	2,690
Jefferson	9,283	1,339
Jennings	12,301	1,032
Johnson	23,115	732
Knox	45,148	475
Kosciusko	26,713	1,751
Lagrange	23,217	389
Lake	14,446	2,322
La Porte	34,742	1,798
Lawrence	5,047	681
Madison	22,151	2,540
Marion	11,130	945
Marshall	21,472	1,344
Martin	3,408	177
Miami	17,356	1,255
Monroe	2,568	399
Montgomery	24,407	1,427
Morgan	14,121	779
Newton	7,627	1,897
Noble	22,498	797
Ohio	1,905	246
Orange	7,013	851
Owen	5,979	821
Parke	19,662	1,130
Perry	7,795	328
Pike	11,121	605
Porter	21,111	1,829
Posey	31,555	834
Pulaski	15,144	1,541

County	Total wheat allotment	Increase under Public Law 272
INDIANA—continued	*Acres*	*Acres*
Putnam	16,954	1,124
Randolph	25,481	2,523
Ripley	22,847	1,238
Rush	40,923	335
St. Joseph	26,042	1,936
Scott	5,193	841
Shelby	36,522	984
Spencer	21,105	226
Starke	9,945	902
Steuben	13,862	1,000
Sullivan	23,749	1,895
Switzerland	4,762	472
Tippecanoe	28,418	1,987
Tipton	13,690	1,811
Union	15,883	43
Vanderburgh	15,268	293
Vermillion	11,750	1,078
Vigo	18,540	1,952
Wabash	22,295	880
Warren	12,584	2,506
Warrick	14,366	182
Washington	13,741	1,610
Wayne	26,376	928
Wells	17,477	2,491
White	13,602	2,334
Whitley	17,417	1,012
IOWA		
Adair	2,468	765
Adams	4,805	1,535
Allamakee	156	20
Appanoose	3,344	1,041
Audubon	608	57
Benton	342	118
Black Hawk	50	
Boone	374	49
Bremer	54	
Buchanan	91	62
Butler	254	37
Calhoun	226	6
Carroll	660	117
Cass	6,947	2,510
Cedar	408	4
Cerro Gordo	176	22
Cherokee	46	11
Chickasaw	52	19
Clarke	1,701	468
Clayton	241	2
Clinton	325	43
Crawford	2,231	
Dallas	4,869	179
Davis	3,845	1,504
Decatur	1,969	597
Des Moines	6,469	700
Dubuque	251	
Floyd	7	
Franklin	19,220	1,873
Fremont	760	71
Greene	5	1
Grundy	2,468	461
Guthrie	107	24
Hamilton	44	
Hancock	66	4
Hardin	31,033	1,342
Harrison	4,351	429
Henry	59	5
Howard	27	
Humboldt	216	29
Ida	620	69
Iowa	302	19
Jackson	3,993	1,053
Jasper	2,768	958
Jefferson	721	198
Johnson	167	16
Jones	1,795	1,034
Keokuk	19	
Kossuth	9,429	580
Lee	550	85
Linn	4,580	213
Louisa	2,563	1,116
Lucas	322	1
Lyon	6,642	1,946
Madison	3,976	1,023
Mahaska	5,501	2,150
Marion	919	71
Marshall	13,263	2,786
Mills	46,905	168
Monona	3,358	670
Monroe	10,599	3,338
Montgomery	2,512	225
Muscatine	13	4
O'Brien	98	
Osceola	14,368	2,999
Page	256	
Palo Alto	2,760	76
Plymouth	4	
Pocahontas	8,480	214
Polk	18,074	1,103
Pottawattamie	415	76
Poweshiek	3,054	807
Ringgold	121	50
Sac	1,292	32
Scott	1,226	175
Shelby	1,603	
Sioux	1,591	456
Tama	547	113
Taylor	7,187	2,616
Union	1,523	488
Van Buren	6,250	1,339
Wapello	7,162	1,521
Warren	9,051	2,001
Washington	2,171	367
Wayne	1,470	619
Webster	30	
Winnebago	161	
Winneshiek	145	10
Woodbury	16,249	720
Worth	93	9
KANSAS		
Allen	23,548	1,254
Anderson	27,961	1,583
Atchison	37,329	1,258
Barber	157,156	
Barton	293,826	
Bourbon	23,127	2,926
Brown	53,404	922
Butler	71,884	3,730
Chase	30,205	467
Chautauqua	17,201	814
Cherokee	75,770	707
Cheyenne	165,433	6,418
Clark	148,711	
Clay	124,809	
Cloud	159,400	
Coffey	31,844	1,746
Comanche	130,349	
Cowley	105,711	72
Crawford	46,992	2,203
Decatur	149,653	
Dickinson	182,142	
Doniphan	18,377	226
Douglas	39,220	696
Edwards	200,039	
Elk	15,364	665
Ellis	201,339	
Ellsworth	142,800	
Finney	292,237	
Ford	366,355	
Franklin	32,220	2,440
Geary	34,964	11
Gove	168,093	6,844
Graham	142,600	7,126
Grant	130,078	
Gray	282,252	
Greeley	186,522	60,341
Greenwood	24,171	1,433
Hamilton	179,840	52,289
Harper	237,804	
Harvey	133,548	
Haskell	202,057	
Hodgeman	199,527	
Jackson	45,003	3,881
Jefferson	42,825	2,370
Jewell	135,536	3,664
Johnson	30,863	2,398
Kearny	135,275	24,301
Kingman	221,305	
Kiowa	162,907	
Labette	62,402	354
Lane	105,556	
Leavenworth	32,997	451
Lincoln	154,571	
Linn	30,206	3,477
Logan	150,769	33,888
Lyon	37,023	1,540
McPherson	254,377	
Marion	156,534	540
Marshall	99,283	700
Meade	217,422	
Miami	32,435	3,016
Mitchell	205,355	
Montgomery	47,991	190
Morris	53,319	633
Morton	114,678	7,626
Nemaha	39,010	1,651
Neosho	44,829	3,884
Ness	234,038	
Norton	115,118	9,198
Osage	33,851	3,239
Osborne	178,412	
Ottawa	167,255	
Pawnee	271,203	
Phillips	110,502	7,371
Pottawatomie	42,368	111
Pratt	221,650	
Rawlins	187,102	
Reno	356,527	
Republic	107,314	1,458
Rice	203,909	
Riley	41,865	465
Rooks	172,043	
Rush	235,502	
Russell	189,592	
Saline	170,324	
Scott	155,867	2,550
Sedgwick	247,041	
Seward	150,486	
Shawnee	44,638	1,426
Sheridan	175,672	640
Sherman	216,916	5,970
Smith	123,036	1,878
Stafford	231,770	
Stanton	169,914	12,331
Stevens	121,950	216
Sumner	350,329	
Thomas	259,476	751
Trego	173,927	
Wabaunsee	32,987	1,012
Wallace	112,772	38,496
Washington	110,350	1,418
Wichita	146,831	6,615
Wilson	38,714	41
Woodson	19,350	305
Wyandotte	4,432	69
KENTUCKY		
Adair	3,415	221
Allen	4,713	157
Anderson	1,231	39
Ballard	2,219	159
Barren	4,489	
Bath	3,594	204
Boone	3,467	97
Bourbon	10,297	522
Boyd	151	24
Boyle	4,837	85
Bracken	3,510	115
Breckinridge	8,817	133
Bullitt	2,301	44
Butler	1,512	43
Caldwell	2,413	70
Calloway	7,189	441
Campbell	2,183	89
Carlisle	860	115
Carroll	1,056	75
Carter	470	8
Casey	3,362	68
Christian	25,717	289
Clark	3,959	
Clinton	1,401	134
Crittenden	1,286	270
Cumberland	102	17
Daviess	9,268	162
Edmonson	1,443	179
Elliott	64	
Fayette	3,480	296
Fleming	3,400	68
Franklin	1,926	108
Fulton	4,272	128
Gallatin	1,118	
Garrard	3,572	96
Grant	2,776	56
Graves	10,137	2,405
Grayson	3,016	53
Green	2,351	17
Greenup	910	51
Hancock	1,957	70
Hardin	7,367	367
Harrison	9,884	547
Hart	797	98
Henderson	6,128	204
Henry	3,586	
Hickman	5,783	461
Hopkins	5,619	142
Jackson	268	10
Jefferson	4,233	66
Jessamine	2,383	103
Kenton	1,665	7
Knox	131	5
Larue	3,370	
Laurel	1,196	185
Lawrence	8	
Lee	40	21
Lewis	1,492	93
Lincoln	6,175	
Livingston	1,235	120
Logan	20,080	
Lyon	1,351	196
McCracken	2,437	352
McLean	4,394	113
Madison	818	55
Marion	3,501	129
Marshall	2,959	209
Mason	9,043	128
Meade	6,693	20
Mercer	5,483	126
Metcalfe	2,360	
Monroe	3,427	83
Montgomery	3,524	154
Morgan	70	17
Muhlenberg	5,900	
Nelson	8,092	
Nicholas	4,290	156
Ohio	4,207	85
Oldham	3,449	122
Owen	2,070	100
Pendleton	3,747	
Powell	40	2
Pulaski	6,034	330
Robertson	1,432	7
Rockcastle	1,011	
Rowan	299	19
Russell	1,303	62
Scott	5,368	53
Shelby	10,039	
Simpson	14,248	481

County	Total wheat allotment	Increase under Public Law 272
KENTUCKY—continued	*Acres*	*Acres*
Spencer	2,421	125
Taylor	5,584	352
Todd	14,868	
Trigg	7,550	9
Trimble	3,264	10
Union	9,074	432
Warren	5,393	346
Washington	3,492	142
Wayne	1,627	46
Webster	7,231	204
Whitley	100	
Woodford	6,374	
LOUISIANA		
East Carroll	47	
Jackson	5	
Madison	77	
Ouachita	11	
MAINE		
Aroostook	2,262	
Cumberland	10	
Kennebec	3	
Penobscot	132	
Piscataquis	68	
York	4	
MARYLAND		
Allegany	2,149	
Anne Arundel	8,032	
Baltimore	16,730	81
Calvert	5,396	
Caroline	22,042	
Carroll	36,388	
Cecil	19,606	
Charles	8,175	
Dorchester	15,637	
Frederick	54,874	
Garrett	4,314	
Harford	11,838	
Howard	13,390	
Kent	25,461	
Montgomery	17,985	
Prince Georges	5,205	
Queen Annes	38,716	
St. Marys	9,194	
Somerset	1,754	53
Talbot	30,081	
Washington	31,241	
Wicomico	1,795	
Worcester	3,965	57
MICHIGAN		
Alcona	2,483	363
Alger	36	
Allegan	30,560	1,595
Alpena	6,608	836
Antrim	614	176
Arenac	4,697	659
Baraga	48	2
Barry	25,390	1,729
Bay	18,231	2,090
Benzie	675	70
Berrien	14,643	716
Branch	25,804	1,814
Calhoun	34,920	2,472
Cass	19,167	2,107
Charlevoix	1,871	172
Cheboygan	1,611	113
Chippewa	2,625	269
Clare	2,493	547
Clinton	40,248	1,965
Delta	506	67
Eaton	39,221	2,508
Emmet	1,186	196
Genesee	26,589	3,202
Gladwin	3,447	683
Grand Traverse	1,630	156
Gratiot	33,076	3,082
Hillsdale	28,598	3,016
Houghton	129	20
Huron	43,384	3,340
Ingham	26,361	2,611
Ionia	35,680	1,509
Iosco	1,589	377
Iron	10	
Isabella	19,377	2,395
Jackson	22,927	2,318
Kalamazoo	27,946	1,918
Kalkaska	657	75
Kent	21,692	3,324
Lake	756	141
Lapeer	21,163	2,172
Leelanau	1,665	22
Lenawee	44,663	1,728
Livingston	19,425	2,389
Luce	62	9
Mackinac	370	1
Macomb	17,888	1,173
Manistee	1,152	106
Mason	5,335	476
Mecosta	4,031	351
Menominee	862	71
Midland	6,749	1,589
Missaukee	3,061	285
Monroe	38,019	2,814
Montcalm	17,557	2,407
Montmorency	1,438	181
Muskegon	4,549	540
Newaygo	5,109	579
Oakland	11,474	1,676
Oceana	2,597	114
Ogemaw	2,322	53
Ontonagon	192	16
Osceola	4,868	466
Oscoda	330	57
Otsego	486	1
Ottawa	22,158	1,133
Presque Isle	3,249	249
Roscommon	121	2
Saginaw	42,494	4,126
St. Clair	32,839	2,919
St. Joseph	25,651	2,107
Sanilac	50,836	5,921
Schoolcraft	67	6
Shiawassee	36,839	2,843
Tuscola	40,790	3,536
Van Buren	16,457	2,961
Washtenaw	27,588	1,851
Wayne	10,350	1,100
Wexford	983	32
MINNESOTA		
Aitkin	85	
Anoka	417	
Becker	22,654	
Beltrami	2,401	
Benton	1,692	
Big Stone	32,662	
Blue Earth	9,395	
Brown	5,026	
Carlton	71	
Carver	3,887	
Cass	461	
Chippewa	14,628	
Chisago	1,028	
Clay	100,906	
Clearwater	5,548	
Cottonwood	2,447	
Crow Wing	119	7
Dakota	12,425	
Dodge	3,246	
Douglas	19,135	
Faribault	2,887	
Fillmore	4,693	
Freeborn	2,729	
Goodhue	14,427	
Grant	20,985	
Hennepin	2,108	
Houston	970	
Hubbard	2,594	
Isanti	1,706	
Itasca	471	
Jackson	433	
Kanabec	168	
Kandiyohi	7,687	
Kittson	112,531	
Koochiching	1,690	
Lac qui Parle	28,622	
Lake of the Woods	4,323	
Le Sueur	11,300	
Lincoln	13,513	
Lyon	11,132	
McLeod	7,508	
Mahnomen	10,850	
Marshall	132,605	
Martin	678	
Meeker	9,648	
Mille Lacs	572	
Morrison	3,223	
Mower	3,668	
Murray	659	
Nicollet	6,870	
Nobles	96	
Norman	64,247	
Olmsted	4,592	
Otter Tail	58,707	
Pennington	11,356	
Pine	190	
Pipestone	380	
Polk	190,233	
Pope	21,519	
Ramsey	64	
Red Lake	13,108	
Redwood	7,827	
Renville	16,901	
Rice	5,974	
Rock	162	
Roseau	21,873	
St. Louis	520	
Scott	5,879	
Sherburne	2,699	
Sibley	11,375	
Stearns	14,578	
Steele	2,926	
Stevens	27,554	
Swift	21,696	
Todd	6,564	
Traverse	44,690	
Wabasha	7,064	
Wadena	2,358	
Waseca	4,642	
Washington	2,101	
Watonwan	1,510	
Wilkin	78,346	
Winona	3,449	
Wright	6,408	
Yellow Medicine	25,843	
MISSISSIPPI		
Bolivar	5,517	
Carroll	67	17
Chickasaw	316	
Claiborne	29	
Clay	118	1
Coahoma	1,563	
Holmes	10	
Humphreys	118	1
Issaquena	855	39
Leflore	722	118
Panola	272	
Quitman	1,491	
Sharkey	725	
Sunflower	2,797	49
Tallahatchie	544	
Tunica	1,259	
Warren	75	26
Washington	1,164	138
Yazoo	79	
MISSOURI		
Adair	6,645	1,022
Andrew	10,035	2,127
Atchison	20,617	1,186
Audrain	13,310	2,790
Barry	8,658	448
Barton	42,516	888
Bates	37,477	4,711
Benton	11,559	833
Bollinger	10,307	849
Boone	15,953	2,658
Buchanan	31,067	1,827
Butler	3,393	319
Caldwell	12,241	2,501
Callaway	17,187	3,284
Camden	1,579	289
Cape Girardeau	24,234	640
Carroll	55,823	
Carter	686	102
Cass	22,389	2,768
Cedar	13,605	704
Charlton	38,194	2,580
Christian	3,702	300
Clark	13,875	1,780
Clay	13,416	2,178
Clinton	12,630	2,576
Cole	15,078	977
Cooper	25,326	2,160
Crawford	4,448	296
Dade	21,562	549
Dallas	3,921	627
Daviess	20,117	3,762
De Kalb	10,059	2,241
Dent	3,666	708
Douglas	3,643	319
Dunklin	4,402	789
Franklin	36,068	1,686
Gasconade	18,386	132
Gentry	9,530	2,659
Greene	11,156	858
Grundy	5,530	1,732
Harrison	11,407	3,411
Henry	17,747	1,757
Hickory	5,206	172
Holt	31,701	1,606
Howard	19,180	1,463
Howell	2,878	258
Iron	1,426	136
Jackson	19,265	3,694
Jasper	50,231	449
Jefferson	9,102	406
Johnson	19,334	2,474
Knox	7,568	2,570
Laclede	6,666	413
Lafayette	39,786	3,362
Lawrence	20,725	1,578
Lewis	18,706	2,598
Lincoln	28,066	
Linn	8,614	1,343
Livingston	19,382	2,459
McDonald	3,039	429
Macon	6,802	1,700
Madison	3,063	185
Maries	9,066	720
Marion	20,546	1,981
Mercer	5,025	1,792
Miller	9,337	885
Mississippi	12,705	227
Moniteau	14,383	1,714
Monroe	12,170	2,037
Montgomery	19,067	1,742
Morgan	12,196	1,261
New Madrid	15,958	314
Newton	21,640	598
Nodaway	16,793	3,880
Oregon	1,979	170

County	Total wheat allotment	Increase under Public Law 272
MISSOURI—continued	*Acres*	*Acres*
Osage	16,067	905
Ozark	2,335	166
Pemiscot	466	
Perry	27,752	399
Pettis	29,348	3,050
Phelps	7,033	316
Pike	21,301	2,162
Platte	41,817	2,089
Polk	11,574	971
Pulaski	2,491	533
Putnam	1,767	558
Ralls	11,152	1,373
Randolph	9,980	1,816
Ray	29,926	2,557
Reynolds	1,123	84
Ripley	2,905	242
St. Charles	52,738	613
St. Clair	18,460	1,597
St. Francis	5,702	30
St. Louis	26,410	761
Ste. Genevieve	11,881	21
Saline	50,623	5,004
Schuyler	2,562	596
Scotland	6,338	1,985
Scott	27,042	244
Shannon	1,164	138
Shelby	11,007	2,838
Stoddard	25,035	859
Stone	346	126
Sullivan	3,692	1,398
Taney	261	11
Texas	12,278	1,320
Vernon	41,701	3,320
Warren	22,392	303
Washington	3,845	318
Wayne	1,641	28
Webster	4,936	487
Worth	4,834	1,491
Wright	2,970	294
MONTANA		
Beaverhead	5,157	1,858
Big Horn	73,732	6,904
Blaine	62,860	11,393
Broadwater	25,377	7,000
Carbon	35,967	1,877
Carter	17,570	
Cascade	155,091	9,485
Chouteau	406,184	47,134
Custer	22,253	3,679
Daniels	207,194	
Dawson	148,480	6,114
Deer Lodge	1,401	200
Fallon	94,660	5,328
Fergus	195,119	
Flathead	33,736	206
Gallatin	85,683	7,774
Garfield	49,060	951
Glacier	70,539	14,126
Golden Valley	23,051	1,346
Granite	2,375	196
Hill	350,022	45,008
Jefferson	11,016	2,617
Judith Basin	102,997	10,156
Lake	28,598	2,367
Lewis and Clark	17,960	2,440
Liberty	176,552	28,750
Lincoln	1,546	80
McCone	168,187	8,206
Madison	17,345	3,187
Meagher	2,517	1,175
Mineral	1,199	39
Missoula	10,541	1,044
Musselshell	22,593	1,454
Park	31,460	3,516
Petroleum	9,710	1,103
Phillips	101,823	10,687
Pondera	189,388	26,828
Powder River	28,215	2,640
Powell	5,371	545
Prairie	51,289	859
Ravalli	9,496	1,145
Richland	161,271	9,660
Roosevelt	272,571	7,550
Rosebud	32,287	2,203
Sanders	8,647	845
Sheridan	250,777	8,678
Silver Bow	224	70
Stillwater	80,121	3,447
Sweet Grass	13,534	1,256
Teton	194,095	15,233
Toole	131,856	34,407
Treasure	8,307	974
Valley	253,808	19,377
Wheatland	11,121	2,066
Wibaux	65,734	3,552
Yellowstone	96,022	8,903
NEBRASKA		
Adams	108,005	216
Antelope	13,724	929
Arthur	100	15
Banner	75,320	11,666
Boone	10,572	2,295
Box Butte	126,907	12,318
Boyd	4,029	1,186
Brown	2,828	575
Buffalo	56,588	6,042
Burt	11,805	2,877
Butler	62,138	1,458
Cass	35,588	3,722
Cedar	852	197
Chase	91,202	12,308
Cherry	3,197	608
Cheyenne	219,177	12,223
Clay	95,995	1,669
Colfax	25,344	2,117
Cuming	3,516	1,473
Custer	61,499	11,124
Dakota	1,991	619
Dawes	58,398	5,563
Dawson	35,903	4,292
Deuel	91,713	1,650
Dixon	713	78
Dodge	35,690	2,907
Douglas	5,646	1,696
Dundy	45,278	7,392
Fillmore	106,213	415
Franklin	55,251	3,678
Frontier	77,085	6,341
Furnas	87,404	9,573
Gage	98,719	1,210
Garden	58,611	3,273
Garfield	448	159
Gosper	39,186	3,103
Greeley	8,314	1,747
Hall	50,168	1,826
Hamilton	83,064	349
Harlan	60,414	5,274
Hayes	61,073	6,292
Hitchcock	95,035	4,971
Holt	9,603	1,632
Howard	32,429	1,279
Jefferson	74,389	1,363
Johnson	36,488	1,072
Kearney	86,933	1,050
Keith	91,208	3,208
Keya Paha	2,033	562
Kimball	176,497	34,424
Knox	5,590	934
Lancaster	88,831	2,483
Lincoln	77,185	9,514
Logan	6,461	2,226
Loup	874	236
McPherson	112	57
Madison	7,707	2,216
Merrick	37,681	1,279
Morrill	46,785	6,788
Nance	25,736	1,999
Nemaha	36,176	1,115
Nuckolls	54,933	2,050
Otoe	48,881	2,988
Pawnee	24,071	1,739
Perkins	180,690	14,739
Phelps	72,764	1,789
Pierce	2,388	1,326
Platte	28,381	2,859
Polk	47,116	724
Redwillow	92,474	5,748
Richardson	36,788	1,518
Rock	560	282
Saline	96,834	547
Sarpy	6,996	1,025
Saunders	47,103	3,781
Scotts Bluff	20,215	4,520
Seward	72,733	892
Sheridan	69,256	3,387
Sherman	19,675	3,410
Sioux	12,645	1,167
Stanton	2,760	1,016
Thayer	82,385	857
Thurston	1,058	242
Valley	17,028	3,144
Washington	14,570	1,431
Wayne	551	250
Webster	51,972	2,109
Wheeler	899	67
York	72,659	922
NEVADA		
Churchill	5,558	80
Clark	505	23
Douglas	1,627	32
Elko	2,383	648
Esmeralda	55	
Eureka	233	2
Humboldt	1,155	
Lander	138	23
Lincoln	205	23
Lyon	2,565	309
Mineral	300	149
Nye	356	45
Ormsby	106	9
Pershing	4,347	330
Storey	41	
Washoe	1,481	
White Pine	958	418
NEW JERSEY		
Bergen	14	
Burlington	5,203	475
Camden	798	86
Cape May	534	
Cumberland	4,989	51
Gloucester	1,353	
Hunterdon	12,430	61
Mercer	14,296	
Middlesex	12,092	1,058
Monmouth	17,825	
Morris	1,274	248
Ocean	441	5
Passaic	8	
Salem	4,824	437
Somerset	6,782	445
Sussex	566	179
Union	46	22
Warren	4,011	250
NEW MEXICO		
Bernalillo	1,441	288
Catron	814	186
Chaves	1,773	51
Colfax	14,365	3,654
Curry	252,897	5,688
De Baca	935	171
Eddy	1,018	358
Grant	105	36
Guadalupe	372	108
Harding	27,015	1,065
Hidalgo	96	49
Lea	1,462	321
Lincoln	698	181
McKinley	674	139
Mora	3,078	358
Otero	263	81
Quay	116,515	5,415
Rio Arriba	4,366	881
Roosevelt	66,237	13,586
Sandoval	1,407	197
San Juan	1,342	151
San Miguel	3,009	483
Santa Fe	9,416	1,318
Sierra	125	6
Socorro	4,108	1,310
Taos	1,904	204
Torrance	41,060	12,210
Union	12,943	3,851
Valencia	3,906	891
NEW YORK		
Albany	1,025	64
Allegany	3,546	537
Broome	486	46
Cattaraugus	2,476	657
Cayuga	21,770	967
Chautauqua	3,754	990
Chemung	3,224	208
Chenango	1,160	242
Clinton	31	5
Columbia	1,706	457
Cortland	1,051	354
Delaware	162	49
Dutchess	1,431	257
Erie	13,325	696
Essex	330	91
Franklin	12	3
Fulton	237	84
Genesee	25,396	1,225
Greene	1,026	57
Herkimer	622	147
Jefferson	2,289	838
Lewis	31	6
Livingston	26,582	1,228
Madison	3,870	579
Monroe	33,521	2,210
Montgomery	1,821	279
Nassau	1,163	199
Niagara	25,699	1,524
Oneida	1,968	393
Onondaga	12,184	850
Ontario	30,944	1,857
Orange	627	61
Orleans	19,556	1,084
Oswego	2,867	444
Otsego	875	250
Putnam	9	
Rensselaer	1,068	274
Rockland	35	1
St. Lawrence	209	62
Saratoga	1,089	256
Schenectady	361	71
Schoharie	1,905	353
Schuyler	6,451	370
Seneca	20,645	1,982
Steuben	11,158	1,164
Suffolk	1,904	396
Sullivan	93	24
Tioga	2,887	312
Tompkins	9,245	1,076
Ulster	1,521	179
Warren	3	
Washington	623	60
Wayne	17,879	810
Westchester	64	
Wyoming	11,682	666
Yates	13,662	976

County	Total wheat allotment	Increase under Public Law 272
NORTH CAROLINA	*Acres*	*Acres*
Alamance	11,320	391
Alexander	6,737	103
Alleghany	417	100
Anson	12,743	524
Ashe	250	52
Avery	48	7
Beaufort	851	79
Bladen	1,110	74
Brunswick	372	12
Buncombe	1,669	51
Burke	5,011	97
Cabarrus	12,472	226
Caldwell	3,446	18
Camden	96	18
Carteret	125	12
Caswell	6,404	233
Catawba	10,165	509
Chatham	10,182	226
Cherokee	227	29
Chowan	19	
Clay	720	28
Cleveland	13,341	337
Columbus	1,616	113
Craven	721	52
Cumberland	7,259	462
Currituck	129	40
Davidson	16,360	331
Davie	7,386	264
Duplin	1,469	126
Durham	2,481	106
Edgecombe	1,529	33
Forsyth	7,748	203
Franklin	4,894	187
Gaston	10,435	341
Gates	35	
Graham	18	3
Granville	3,204	174
Greene	509	50
Guilford	12,548	354
Halifax	3,017	97
Harnett	8,174	242
Haywood	263	8
Henderson	379	32
Hertford	64	4
Hoke	4,273	207
Iredell	27,200	660
Jackson	24	
Johnston	5,783	277
Jones	348	50
Lee	3,058	199
Lenoir	1,806	125
Lincoln	14,480	415
McDowell	1,341	46
Macon	131	6
Madison	1,369	39
Mecklenburg	11,271	553
Mitchell	42	8
Montgomery	4,960	209
Moore	6,268	115
Nash	3,058	114
New Hanover	96	3
Northampton	1,639	34
Onslow	121	18
Orange	5,272	270
Pamlico	500	31
Pasquotank	85	2
Pender	491	39
Perquimans	103	
Person	5,725	89
Pitt	1,157	43
Polk	1,513	133
Randolph	14,994	347
Richmond	6,427	447
Robeson	9,714	444
Rockingham	7,583	462
Rowan	20,757	612
Rutherford	6,926	305
Sampson	4,928	373
Scotland	3,376	163
Stanly	25,818	602
Stokes	2,918	294
Surry	1,458	218
Transylvania	96	1
Tyrrell	42	
Union	24,279	1,634
Vance	2,347	90
Wake	8,079	448
Warren	5,252	126
Washington	112	14
Watauga	220	25
Wayne	5,370	459
Wilkes	4,530	230
Wilson	2,608	73
Yadkin	6,186	357
Yancey	97	10
NORTH DAKOTA		
Adams	162,926	8,632
Barnes	245,224	10,231
Benson	264,288	6,291
Billings	44,045	1,611
Bottineau	324,303	1,640
Bowman	113,716	6,116
Burke	158,308	6,819
Burleigh	145,458	4,287
Cass	286,388	7,037
Cavalier	249,571	4,513
Dickey	101,981	9,001
Divide	205,134	7,774
Dunn	167,215	4,650
Eddy	81,515	2,504
Emmons	219,408	
Foster	99,370	2,964
Golden Valley	97,962	
Grand Forks	293,024	5,507
Grant	170,019	
Griggs	97,820	1,815
Hettinger	214,873	3,454
Kidder	111,916	4,154
La Moure	175,336	10,765
Logan	148,604	1,773
McHenry	255,096	2,892
McIntosh	158,861	
McKenzie	197,171	3,842
McLean	305,132	7,158
Mercer	125,180	1,254
Morton	208,271	
Mountrail	298,329	7,287
Nelson	158,654	4,610
Oliver	72,478	1,104
Pembina	280,838	11,598
Pierce	298,508	1,341
Ramsey	249,758	4,630
Ransom	96,630	3,801
Renville	166,675	3,185
Richland	143,629	1,951
Rolette	130,592	884
Sargent	101,631	5,402
Sheridan	150,474	834
Sioux	57,357	425
Slope	106,000	4,775
Stark	188,202	875
Steele	118,521	2,893
Stutsman	327,256	13,378
Towner	227,181	4,273
Traill	157,225	1,634
Walsh	228,627	6,950
Ward	333,075	3,557
Wells	256,391	1,622
Williams	317,210	12,205
OHIO		
Adams	17,225	512
Allen	27,553	1,744
Ashland	26,600	498
Ashtabula	12,408	1,500
Athens	4,027	310
Auglaize	31,247	1,251
Belmont	6,932	537
Brown	22,486	606
Butler	29,703	546
Carroll	10,442	222
Champaign	31,221	808
Clark	20,312	971
Clermont	12,487	1,214
Clinton	37,412	53
Columbiana	18,051	548
Coshocton	17,189	892
Crawford	28,639	460
Cuyahoga	2,523	137
Darke	42,307	901
Defiance	34,205	1,116
Delaware	25,288	801
Erie	18,047	539
Fairfield	42,311	353
Fayette	38,174	724
Franklin	31,105	1,227
Fulton	31,156	710
Gallia	5,301	513
Geauga	6,749	665
Greene	34,488	535
Guernsey	7,358	392
Hamilton	5,787	192
Hancock	47,316	1,653
Hardin	31,413	985
Harrison	4,941	278
Henry	38,660	1,001
Highland	38,729	794
Hocking	6,856	255
Holmes	24,326	325
Huron	35,034	339
Jackson	4,979	412
Jefferson	5,285	113
Knox	30,129	984
Lake	2,544	307
Lawrence	1,139	
Licking	36,209	1,586
Logan	24,309	1,636
Lorain	20,868	864
Lucas	16,826	1,334
Madison	38,086	809
Mahoning	13,200	584
Marion	26,170	1,709
Medina	23,562	320
Meigs	5,541	394
Mercer	34,627	848
Miami	36,088	704
Monroe	4,188	62
Montgomery	28,650	1,595
Morgan	6,187	394
Morrow	22,728	1,059
Muskingum	14,489	943
Noble	3,303	339
Ottawa	20,483	613
Paulding	33,684	2,420
Perry	13,825	211
Pickaway	36,604	551
Pike	8,085	395
Portage	14,696	1,002
Preble	36,708	548
Putnam	43,520	1,842
Richland	29,849	
Ross	37,482	415
Sandusky	36,205	569
Scioto	6,783	454
Seneca	55,588	47
Shelby	29,297	1,057
Stark	28,806	773
Summit	7,510	527
Trumbull	12,175	1,451
Tuscarawas	18,320	537
Union	28,844	706
Van Wert	27,715	2,759
Vinton	2,643	17
Warren	25,573	1,252
Washington	8,024	564
Wayne	46,627	385
Williams	32,886	169
Wood	55,702	1,481
Wyandot	30,633	596
OKLAHOMA		
Adair	1,421	74
Alfalfa	275,635	
Atoka	120	50
Beaver	338,048	676
Beckham	67,050	2,625
Blaine	105,256	614
Bryan	1,564	377
Cadeo	109,536	4,015
Canadian	173,247	2,245
Carter	1,696	177
Cherokee	1,731	64
Cimarron	245,559	6,630
Cleveland	9,229	195
Coal	668	8
Comanche	74,189	2,491
Cotton	121,806	1,837
Craig	15,164	1,356
Creek	1,971	201
Custer	213,748	773
Delaware	7,226	322
Dewey	190,653	341
Ellis	159,474	171
Garfield	337,824	
Garvin	7,112	1,077
Grady	61,608	2,079
Grant	345,700	
Greer	72,625	1,636
Harmon	71,916	1,216
Harper	176,162	
Haskell	192	81
Hughes	257	
Jackson	152,639	3,462
Jefferson	9,845	1,333
Johnston	1,187	170
Kay	220,268	391
Kingfisher	256,235	178
Kiowa	228,854	1,116
Lincoln	9,597	636
Logan	77,590	1,751
Love	1,652	114
McClain	8,746	1,156
McIntosh	547	
Major	176,972	448
Marshall	765	
Mayes	9,194	458
Murray	4,358	349
Muskogee	3,342	465
Noble	123,669	38
Nowata	12,305	647
Okfuskee	790	79
Oklahoma	26,537	633
Okmulgee	1,538	71
Osage	32,298	530
Ottawa	21,396	1,213
Pawnee	14,286	396
Payne	15,544	1,523
Pittsburg	180	
Pontotoc	1,148	177
Pottawatomie	5,619	702
Roger Mills	73,732	3,292
Rogers	10,952	531
Seminole	1,134	
Sequoyah	572	248
Stephens	15,689	1,835
Texas	503,520	530
Tillman	199,603	4,021
Tulsa	6,712	434
Wagoner	10,533	210
Washington	6,655	475
Washita	154,191	2,954
Woods	236,435	
Woodward	161,040	515
OREGON		
Baker	20,040	3,413

County	Total wheat allotment	Increase under Public Law 272
OREGON—continued	*Acres*	*Acres*
Benton	5,162	497
Clackamas	7,930	
Clatsop	78	
Columbia	303	
Coos	45	
Crook	4,552	1,121
Deschutes	1,274	33
Douglas	3,825	
Gilliam	114,159	3,815
Grant	2,990	
Harney	2,959	614
Hood River	55	
Jackson	2,991	32
Jefferson	20,714	2,628
Josephine	509	1
Klamath	17,312	2,077
Lake	18,596	2,035
Lane	7,378	
Lincoln	12	
Linn	9,592	
Malheur	17,980	4,439
Marion	15,642	2,101
Morrow	143,817	9,046
Multnomah	276	9
Polk	9,720	693
Sherman	123,590	4,861
Umatilla	255,970	11,090
Union	51,783	5,059
Wallowa	32,463	4,758
Wasco	70,393	4,414
Washington	11,962	
Wheeler	6,299	282
Yamhill	10,139	391
PENNSYLVANIA		
Adams	34,061	
Allegheny	5,875	79
Armstrong	13,676	175
Beaver	5,999	
Bedford	18,615	
Berks	44,132	
Blair	9,532	
Bradford	5,432	238
Bucks	23,886	287
Butler	15,633	127
Cambria	6,396	163
Cameron	29	2
Carbon	3,791	
Centre	22,351	
Chester	23,420	
Clarion	11,602	
Clearfield	5,405	
Clinton	5,925	
Columbia	20,433	
Crawford	8,090	146
Cumberland	36,475	
Dauphin	17,827	
Delaware	1,208	
Elk	616	
Erie	7,368	904
Fayette	8,183	167
Forest	540	
Franklin	36,160	
Fulton	14,102	
Greene	3,287	
Huntingdon	13,393	
Indiana	14,808	
Jefferson	7,211	154
Juniata	12,388	
Lackawanna	243	47
Lancaster	73,929	
Lawrence	12,178	32
Lebanon	22,722	
Lehigh	20,582	
Luzerne	5,570	
Lycoming	16,093	
McKean	209	12
Mercer	12,206	
Mifflin	10,962	
Monroe	3,285	
Montgomery	17,326	126
Montour	9,265	
Northampton	13,570	
Northumberland	20,649	
Perry	18,711	
Philadelphia	421	
Pike	65	2
Potter	818	18
Schuylkill	15,308	
Snyder	15,077	
Somerset	10,554	
Sullivan	365	16
Susquehanna	535	
Tioga	2,217	50
Union	13,020	
Venango	3,462	22
Warren	1,680	35
Washington	11,885	
Wayne	84	18
Westmoreland	17,770	407
Wyoming	1,114	140
York	68,511	

County	Total wheat allotment	Increase under Public Law 272
SOUTH CAROLINA	*Acres*	*Acres*
Abbeville	6,254	
Aiken	5,859	
Allendale	1,329	
Anderson	28,906	
Bamberg	2,202	
Barnwell	2,603	
Berkeley	86	
Calhoun	5,292	
Charleston	145	40
Cherokee	5,853	
Chester	1,707	
Chesterfield	7,429	
Clarendon	1,976	
Colleton	200	
Darlington	9,960	
Dillon	3,004	
Dorchester	131	
Edgefield	2,262	
Fairfield	1,140	
Florence	5,544	
Georgetown	433	
Greenville	15,678	
Greenwood	4,227	
Hampton	480	
Horry	1,965	
Jasper	7	2
Kershaw	3,024	
Lancaster	3,601	
Laurens	14,032	
Lee	4,567	
Lexington	5,928	
McCormick	573	
Marion	498	
Marlboro	4,187	
Newberry	7,423	
Oconee	5,282	152
Orangeburg	4,828	
Pickens	7,136	
Richland	4,571	
Saluda	4,708	
Spartanburg	21,798	
Sumter	4,994	
Union	2,961	
Williamsburg	1,522	
York	4,490	
SOUTH DAKOTA		
Aurora	34,790	3,972
Beadle	107,233	9,200
Bennett	62,311	6,993
Bon Homme	11,743	1,023
Brookings	13,343	1,955
Brown	245,391	9,268
Brule	23,617	4,856
Buffalo	5,257	1,733
Butte	14,954	3,433
Campbell	122,336	831
Charles Mix	43,832	7,060
Clark	92,954	3,359
Clay	12,544	1,209
Codington	62,205	1,424
Corson	142,590	4,544
Custer	11,291	625
Davison	17,479	2,645
Day	122,460	963
Deuel	17,277	583
Dewey	59,209	7,493
Douglas	11,579	1,662
Edmunds	151,225	7,224
Fall River	23,117	1,813
Faulk	104,661	3,899
Grant	41,437	758
Gregory	26,801	5,400
Haakon	42,058	7,089
Hamlin	33,295	1,840
Hand	93,972	13,856
Hanson	15,095	1,796
Harding	34,116	5,533
Hughes	41,713	8,361
Hutchinson	38,173	1,797
Hyde	21,843	5,764
Jackson	19,779	831
Jerauld	26,383	2,462
Jones	68,865	1,746
Kingsbury	42,400	5,883
Lake	7,471	1,198
Lawrence	10,542	450
Lincoln	3,849	955
Lyman	114,884	3,308
McCook	16,274	1,350
McPherson	129,100	1,375
Marshall	81,796	1,894
Meade	74,849	4,343
Mellette	37,903	3,907
Miner	25,180	3,049
Minnehaha	1,777	336
Moody	1,565	323
Pennington	69,649	1,325
Perkins	140,630	9,666
Potter	102,319	6,032
Roberts	78,201	2,791
Sanborn	23,837	3,950

County	Total wheat allotment	Increase under Public Law 272
SOUTH DAKOTA—continued	*Acres*	*Acres*
Shannon	22,439	2,195
Spink	305,426	2,954
Stanley	22,688	4,611
Sully	96,458	13,911
Todd	11,187	2,253
Tripp	108,625	5,899
Turner	6,823	1,273
Union	21,464	1,345
Walworth	100,194	1,318
Washabaugh	16,959	2,041
Yankton	8,576	891
Ziebach	36,477	4,823
TENNESSEE		
Anderson	484	80
Bedford	7,850	515
Benton	420	92
Bledsoe	1,517	35
Blount	8,450	429
Bradley	2,719	200
Campbell	1,095	105
Cannon	1,843	85
Carroll	1,289	
Carter	1,965	92
Cheatham	4,011	75
Chester	174	18
Claiborne	7,460	257
Clay	1,403	125
Cocke	4,874	295
Coffee	3,964	368
Crockett	552	52
Cumberland	634	95
Davidson	4,289	288
Decatur	45	11
De Kalb	3,211	181
Dickson	2,682	109
Dyer	2,230	263
Fayette	28	
Fentress	1,144	91
Franklin	8,868	519
Gibson	2,835	201
Giles	5,690	213
Grainger	4,123	170
Greene	21,303	
Grundy	1,019	64
Hamblen	5,781	167
Hamilton	1,504	170
Hancock	2,827	174
Hardeman	281	36
Hardin	578	127
Hawkins	10,897	266
Haywood	328	42
Henderson	100	22
Henry	3,381	119
Hickman	1,218	79
Houston	887	
Humphreys	1,951	31
Jackson	665	70
Jefferson	9,637	165
Johnson	2,029	84
Knox	4,089	268
Lauderdale	503	43
Lawrence	7,081	892
Lewis	454	66
Lincoln	7,598	171
Loudon	6,856	298
McMinn	4,228	237
McNairy	12	2
Macon	2,125	263
Madison	382	22
Marion	647	57
Marshall	5,809	140
Maury	14,403	699
Meigs	1,876	142
Monroe	6,586	250
Montgomery	10,379	223
Moore	898	27
Morgan	545	34
Obion	7,358	633
Overton	2,882	297
Perry	283	41
Pickett	1,336	116
Polk	1,238	72
Putnam	1,558	116
Rhea	1,562	145
Roane	2,238	149
Robertson	31,427	399
Rutherford	10,[illegible]	516
Scott	63	19
Sequatchie	734	41
Sevier	6,328	214
Shelby	861	
Smith	2,704	195
Stewart	967	73
Sullivan	9,775	122
Sumner	9,520	428
Tipton	572	28
Trousdale	999	
Unicoi	476	20
Union	1,610	174
Van Buren	440	23
Warren	4,586	586

County	Total wheat allotment	Increase under Public Law 272
TENNESSEE—continued	*Acres*	*Acres*
Washington	11,337	269
Wayne	736	87
Weakley	2,423	375
White	2,914	216
Williamson	16,107	221
Wilson	6,108	298
TEXAS		
Andrews	127	60
Archer	40,036	224
Armstrong	119,734	
Atascosa	333	206
Bailey	23,946	3,139
Bandera	506	255
Bastrop	131	53
Baylor	76,263	
Bee	48	29
Bell	12,067	2,041
Bexar	6,901	2,183
Blanco	1,651	505
Borden	3,084	245
Bosque	10,153	1,537
Bowie	88	8
Briscoe	74,314	656
Brown	23,284	2,378
Burleson	121	71
Burnet	7,784	3,260
Caldwell	1,314	787
Callahan	27,575	1,146
Carson	212,014	
Castro	217,119	163
Chambers	24	4
Childress	68,776	1,719
Clay	42,268	1,730
Cochran	3,533	909
Coke	4,423	692
Coleman	42,287	4,535
Collin	46,870	3,512
Collingsworth	40,063	1,539
Comal	1,440	438
Comanche	6,859	1,038
Concho	38,109	1,216
Cooke	46,264	1,035
Coryell	19,596	3,450
Cottle	39,149	803
Crosby	81,957	1,197
Dallam	108,690	4,156
Dallas	27,552	2,756
Dawson	7,209	104
Deaf Smith	340,132	463
Delta	59	33
Denton	59,414	779
Dickens	35,773	1,391
Dimmit	38	17
Donley	34,053	3,056
Eastland	10,282	1,312
Edwards	18	4
Ellis	15,691	3,047
Erath	3,163	1,011
Falls	623	364
Fannin	6,583	1,058
Fisher	39,888	3,283
Floyd	214,096	
Foard	77,039	
Gaines	9,296	4,354
Garza	3,837	590
Gillespie	11,366	1,078
Glasscock	469	57
Goliad	28	
Gray	127,260	467
Grayson	55,404	3,925
Guadalupe	3,762	1,693
Hale	196,650	955
Hall	35,190	2,875
Hamilton	16,754	1,331
Hansford	262,910	
Hardeman	109,943	151
Hartley	113,356	593
Haskell	80,069	1,358
Hays	1,246	850
Hemphill	62,026	
Hill	4,271	979
Hockley	4,192	556
Hood	813	287
Howard	5,025	389
Hunt	1,475	655
Hutchinson	79,552	
Irion	261	148
Jack	7,471	556
Jackson	117	77
Jeff Davis	28	18
Johnson	5,961	1,746
Jones	74,645	4,350
Karnes	246	
Kaufman	350	262
Kendall	4,114	215
Kent	8,183	1,127
Kerr	3,178	219
Kimble	718	175
King	4,714	118
Knox	85,854	820
Lamar	308	220
Lamb	31,997	1,353
Lampasas	8,102	2,458
Limestone	162	122
Lipscomb	145,252	

County	Total wheat allotment	Increase under Public Law 272
TEXAS—continued	*Acres*	*Acres*
Live Oak	78	26
Llano	510	268
Lubbock	23,452	912
Lynn	10,179	1,436
McCulloch	29,166	2,105
McLennan	11,038	1,444
Martin	1,595	
Mason	550	299
Maverick	28	18
Medina	970	283
Menard	1,641	156
Midland	67	8
Milam	36	4
Mills	8,401	2,275
Mitchell	16,457	1,725
Montague	4,604	404
Moore	164,759	
Motley	20,134	1,214
Navarro	228	136
Nolan	25,301	1,584
Ochiltree	293,064	
Oldham	85,025	
Palo Pinto	5,267	824
Parker	2,240	322
Parmer	204,545	208
Pecos	174	
Potter	41,732	
Presidio	59	
Randall	184,885	77
Real	27	17
Reeves	174	86
Roberts	35,983	
Rockwall	689	334
Runnels	55,709	4,320
San Saba	7,542	3,029
Schleicher	4,214	282
Scurry	16,857	968
Shackelford	21,050	482
Sherman	231,222	100
Somervell	521	230
Stephens	18,167	216
Sterling	1,202	19
Stonewall	31,695	930
Sutton	61	4
Swisher	223,763	
Tarrant	8,814	934
Taylor	79,462	6,496
Terry	29,756	10,382
Throckmorton	38,944	259
Tom Green	9,490	721
Travis	592	336
Uvalde	418	153
Van Zandt	96	59
Victoria	7	4
Waller	14	8
Ward	159	88
Wharton	19	2
Wheeler	34,257	1,870
Wichita	73,319	319
Wilbarger	85,876	497
Williamson	3,639	1,955
Wilson	862	557
Wise	11,884	
Yoakum	5,134	3,529
Young	60,637	1,254
Zavala	302	238
UTAH		
Beaver	3,901	1,365
Box Elder	119,028	26,782
Cache	44,016	5,159
Carbon	1,919	248
Daggett	110	4
Davis	5,228	1,530
Duchesne	5,585	876
Emery	4,999	352
Garfield	2,074	966
Grand	508	6
Iron	7,093	2,038
Juab	29,258	5,951
Kane	1,903	588
Millard	39,798	13,169
Morgan	2,564	633
Piute	647	60
Rich	3,439	1,189
Salt Lake	25,487	4,470
San Juan	32,908	10,053
Sanpete	16,318	2,597
Sevier	2,995	261
Summit	1,653	337
Tooele	5,925	2,092
Uintah	5,147	1,250
Utah	26,978	4,096
Wasatch	595	70
Washington	8,688	1,746
Wayne	539	23
Weber	4,702	596
VIRGINIA		
Accomac	1,427	
Albemarle	4,478	
Alleghany	512	
Amelia	6,185	
Amherst	3,564	
Appomattox	8,181	
Augusta	26,621	

County	Total wheat allotment	Increase under Public Law 272
VIRGINIA—continued	*Acres*	*Acres*
Bath	802	
Bedford	11,420	
Bland	2,526	
Botetourt	4,173	
Brunswick	6,062	
Buchanan	34	
Buckingham	8,443	
Campbell	11,506	
Caroline	6,827	
Carroll	1,079	
Charles City	2,409	
Charlotte	7,614	
Chesterfield	1,788	
Clarke	8,195	
Craig	1,092	
Culpeper	5,824	
Cumberland	4,897	
Dickenson	15	
Dinwiddie	3,845	
Elizabeth City	115	
Essex	7,581	
Fairfax	3,507	
Fauquier	11,926	
Floyd	3,308	
Fluvanna	3,168	
Franklin	8,007	
Frederick	9,580	
Giles	1,467	
Gloucester	1,260	
Goochland	3,696	
Grayson	2,690	
Greene	2,948	
Greensville	763	24
Halifax	12,516	
Hanover	8,831	
Henrico	2,221	
Henry	1,747	
Highland	283	
Isle of Wight	1,063	
James City	665	
King and Queen	3,097	
King George	3,320	
King William	3,739	
Lancaster	1,798	
Lee	3,534	
Loudoun	12,805	
Louisa	6,969	
Lunenburg	5,173	
Madison	5,527	
Mathews	254	
Mecklenburg	8,586	
Middlesex	2,215	
Montgomery	3,015	
Nansemond	1,568	70
Nelson	3,604	
New Kent	1,404	
Norfolk	4,688	
Northampton	175	
Northumberland	5,659	
Nottoway	3,844	
Orange	5,986	
Page	7,751	
Patrick	723	43
Pittsylvania	27,406	
Powhatan	2,325	
Prince Edward	7,430	
Prince George	3,086	
Prince William	5,217	
Princess Anne	2,630	
Pulaski	3,530	
Rappahannock	1,981	
Richmond	6,519	
Roanoke	2,614	
Rockbridge	8,039	
Rockingham	23,736	
Russell	8,086	
Scott	4,416	
Shenandoah	12,128	
Smyth	5,251	
Southampton	1,638	
Spotsylvania	3,436	
Stafford	1,916	
Surry	2,381	
Sussex	2,060	
Tazewell	3,749	
Warren	3,443	
Warwick	123	
Washington	11,895	
Westmoreland	9,439	
Wise	109	
Wythe	8,247	
York	112	
WASHINGTON		
Adams	360,998	1,094
Asotin	36,015	1,098
Benton	123,751	17,935
Chelan	4,397	279
Clallam	337	
Clark	907	
Columbia	85,170	3,083
Cowlitz	135	
Douglas	215,380	
Ferry	7,554	638
Franklin	159,552	7,069
Garfield	79,723	2,154
Grant	166,231	

County	Total wheat allotment	Increase under Public Law 272
WASHINGTON—continued	*Acres*	*Acres*
Grays Harbor	270	
Island	1,670	
Jefferson	116	
King	38	
Kitsap	24	
Kittitas	11,743	400
Klickitat	69,830	1,247
Lewis	1,940	223
Lincoln	364,083	717
Mason	26	15
Okanogan	39,659	3,439
Pacific	56	
Pend Oreille	1,770	314
Pierce	93	
San Juan	599	
Skagit	798	
Skamania	32	
Snohomish	177	20
Spokane	143,995	14,182
Stevens	21,042	1,885
Thurston	950	8
Wahkiakum	10	
Walla Walla	223,158	9,235
Whatcom	242	16
Whitman	449,980	16,301
Yakima	27,576	2,436
WEST VIRGINIA		
Barbour	949	
Berkeley	12,303	
Braxton	339	
Brooke	813	
Cabell	745	
Calhoun	71	7
Doddridge	139	
Fayette	421	
Gilmer	210	
Grant	3,245	
Greenbrier	6,480	
Hampshire	4,405	
Hancock	999	
Hardy	6,043	
Harrison	475	
Jackson	1,516	
Jefferson	20,878	
Kanawha	80	10
Lewis	200	
Lincoln	101	
Marion	285	
Marshall	1,352	
Mason	5,197	
Mercer	931	
Mineral	1,931	
Monongalia	490	
Monroe	8,535	
Morgan	3,695	
Nicholas	696	
Ohio	782	
Pendleton	5,305	
Pleasants	212	
Pocahontas	1,570	
Preston	3,511	
Putnam	1,491	
Raleigh	114	
Randolph	947	
Ritchie	451	
Roane	466	
Summers	843	
Taylor	181	
Tucker	114	
Tyler	430	
Upshur	621	
Wayne	210	
Webster	56	13
Wetzel	899	
Wirt	343	
Wood	1,769	
Wyoming	16	
WISCONSIN		
Adams	1,619	156
Ashland	291	16
Barron	338	84
Bayfield	1,015	127
Brown	494	12
Buffalo	2,087	355
Burnett	320	27
Calumet	1,420	31
Chippewa	409	113
Clark	873	241
Columbia	5,138	469
Crawford	1,123	27
Dane	5,065	462
Dodge	4,752	594
Door	3,098	
Douglas	860	6
Dunn	1,721	457
Eau Claire	1,021	80
Florence	113	39
Fond du Lac	1,768	295
Forest	154	14
Grant	3,514	470
Green	1,005	131
Green Lake	2,069	168
Iowa	1,775	127
Iron	40	9
Jackson	1,567	231
Jefferson	2,897	163
Juneau	1,151	191
Kenosha	1,645	446
Kewaunee	2,252	
La Crosse	964	78
Lafayette	830	52
Langlade	894	174
Lincoln	202	37
Manitowoc	2,162	162
Marathon	1,139	275
Marinette	842	201
Marquette	2,015	213
Milwaukee	911	228
Monroe	925	143
Oconto	1,492	191
Oneida	112	9
Outagamie	739	64
Ozaukee	1,172	28
Pepin	2,429	203
Pierce	8,696	873
Polk	1,108	81
Portage	1,632	191
Price	112	12
Racine	2,627	501
Richland	1,074	51
Rock	3,414	374
Rusk	77	48
St. Croix	3,319	573
Sauk	3,757	597
Sawyer	15	
Shawano	1,317	139
Sheboygan	1,046	152
Taylor	310	73
Trempealeau	3,057	374
Vernon	1,241	38
Vilas	33	
Walworth	1,645	258
Washburn	175	88
Washington	1,920	6
Waukesha	2,891	345
Waupaca	738	81
Waushara	1,999	524
Winnebago	2,231	148
Wood	502	79
WYOMING		
Albany	120	
Big Horn	3,961	70
Campbell	33,100	4,645
Carbon	7,655	2,979
Converse	4,758	337
Crook	33,787	3,235
Fremont	6,142	961
Goshen	68,702	10,915
Hot Springs	1,014	91
Johnson	8,569	1,500
Laramie	70,396	17,804
Lincoln	5,567	1,070
Natrona	374	182
Niobrara	7,493	1,083
Park	4,218	501
Platte	48,988	10,268
Sheridan	25,189	1,257
Sublette	92	
Sweetwater	229	
Teton	597	35
Uinta	626	
Washakie	586	45
Weston	13,661	1,308
Total	72,775,853	3,831,754

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 334, 52 Stat. 54; sec. 5, Pub. Law 272, 81st Congress; 7 U. S. C. 1334)

Done at Washington, D. C., this 17th day of July 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 50-6344; Filed, July 20, 1950; 8:53 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 203—SPECIAL DEPOSITS OF PUBLIC MONEYS UNDER THE ACT OF CONGRESS APPROVED SEPTEMBER 24, 1917, AS AMENDED

MISCELLANEOUS AMENDMENTS

Part 203, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 92 (Revised) dated November 10, 1949) is hereby amended, effective September 1, 1950, in the following respects:

1. By deleting paragraph (c) of § 203.13;

2. By deleting § 203.17;

3. By deleting the center heading "Special Draft for Credit in Treasury Tax and Loan Account" and §§ 203.18 through 203.22, inclusive; and

4. By renumbering §§ 203.23 and 203.24 as §§ 203.17 and 203.18, respectively.

(Sec. 8, 40 Stat. 291, as amended; 31 U. S. C. 771)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

JULY 20, 1950.

[F. R. Doc. 50-6539; Filed, July 25, 1950; 8:48 a. m.]

PART 213—DEPOSIT WITH FEDERAL RESERVE BANKS AND DEPOSITARY BANKS OF EMPLOYER AND EMPLOYEE TAXES UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT AND OF INCOME TAX WITHHELD ON WAGES UNDER SECTION 1622 OF THE INTERNAL REVENUE CODE

FUNCTIONS TO BE PERFORMED BY FEDERAL RESERVE BANKS

Part 213, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 848, dated November 10, 1949) is hereby amended effective September 1, 1950, by deleting paragraph (e) of § 213.10 and inserting in lieu thereof the following:

§ 213.10 *Functions to be performed by Federal Reserve Banks.* • • •

(e) Perform the necessary functions to provide for crediting deposits of Federal taxes in Treasury Tax and Loan Accounts of depositary banks, with respect to deposits of such taxes made by employers with banks acting in their capacity as Depositaries for Federal taxes.

(Sec. 15, 38 Stat. 265, sec. 8, 40 Stat. 291, as amended, 53 Stat. 399, as amended, sec. 10, 56 Stat. 356; 12 U. S. C. 391; 31 U. S. C. 771, 26 U. S. C. and Sup., 3310, 12 U. S. C. 265)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

JULY 20, 1950.

[F. R. Doc. 50-6538; Filed, July 25, 1950; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Service Order 855]

PART 95—CAR SERVICE

REFRIGERATOR CARS AND STOCK CARS FOR TRANSPORTING ALFALFA MEAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of July A. D. 1950.

It appearing, that the number of freight cars available for the movement of alfalfa meal in the States of Colorado, Kansas, Missouri, Nebraska, Iowa, Wyoming, and South Dakota has seriously decreased recently; that at present the supply is insufficient to move such freight traffic of carriers serving these States; that there are certain refrigerator cars in this territory not suitable for transporting commodities requiring protective service also certain single deck stock cars 36 ft. or less in length not immediately needed for the movement of livestock and that such cars are suitable for transporting alfalfa meal; in the opinion of the Commission an emergency exists requiring immediate action in the States of Colorado, Kansas, Missouri, Nebraska, Iowa, Wyoming, and South Dakota. It is ordered, that:

§ 95.855 *Refrigerator cars and stock cars for loading alfalfa meal.* (a) Any common carrier by railroad subject to the Interstate Commerce Act, serving points in Colorado, Kansas, Missouri, Nebraska, Iowa, Wyoming, and South Dakota, may at its option, furnish and transport, for each box car ordered, not more than two (2) refrigerator cars, unsuitable for transporting commodities requiring protective service, or not more than two (2) single deck stock cars 36 ft. or less in length for loading and transporting carload shipments of alfalfa meal at origins in and destined to points in Colorado, Kansas, Missouri, Nebraska, Iowa, Wyoming, and South Dakota, subject to the carload minimum weight which would have applied if the shipment had been loaded in the box car ordered.

(b) *Application.* The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This section shall become effective at 12:01 a. m., July 21, 1950.

(d) *Expiration date.* This section shall expire at 11:59 p. m., August 22, 1950, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(e) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) *Announcement of suspension.* Each of such railroads, or its agents, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, that this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6529; Filed, July 25, 1950; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 958]

IRISH POTATOES GROWN IN COLORADO

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO SHIPMENTS OF COLORADO AREA 2 POTATOES DURING PERIOD AUGUST 15, 1950, THROUGH MAY 31, 1951

Consideration is being given to the following recommendation, submitted by the administrative committee of Area 2, established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR 958.1 et seq.) regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

(1) During the period beginning at 12:01 a. m., m. s. t., August 15, 1950, and ending 12:01 a. m., m. s. t., June 1, 1951, no handler shall ship potatoes grown in Area No 2, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not meet the requirements of Regulation No. 1 limiting shipments to U. S. No. 2 or better grade (General Cull Regulation—published in the FEDERAL REGISTER, July 16, 1949; 14 F. R. 3979) and which are of sizes smaller than 2 inches minimum diameter, as such sizes are defined in the United States Standards for Potatoes (14 F. R. 1955, 2161), including the tolerances provided therein: *Provided*, That the aforesaid limitations shall not be applicable to (i) potatoes shipped for seed purposes which have been officially certified as seed potatoes by the official Colorado seed certifying agency and which are in containers bearing official Colorado seed certification tags, and (ii) potatoes shipped for consumption by a charitable institution, for relief purposes, or for manufacturing purposes for conversion into by-products.

(2) The terms used herein shall have the same meaning as when used in Order No. 58 (7 CFR 958.1 et seq.).

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposal may do so by submitting the same to the Director, Fruit and Vegetable Branch, United States Department of Agriculture, Washington 25, D. C., not later than the 7th day following publication of this notice in the FEDERAL REGISTER.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 21st day of July 1950.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50-6543; Filed, July 25, 1950; 8:49 a. m.]

[7 CFR, Part 992]

IRISH POTATOES GROWN IN WASHINGTON

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget of expenses and rate of assessment hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992) regulating the handling of Irish potatoes grown in the State of Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1031).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with

the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 992.202 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions, pursuant to provisions of the aforesaid marketing agreement and order and regulations duly issued thereunder, during the fiscal period ending May 31, 1951, will amount to $24,060.00.

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-half of one cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 21st day of July 1950.

[SEAL] C. F. KUNKEL,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50-6544; Filed, July 25, 1950; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 18, 20, 21, 24, 27, 41, 43, 61]

IMPLEMENTATION OF AMENDMENTS TO INTERNATIONAL PERSONNEL LICENSING STANDARDS

NOTICE OF PROPOSED RULE MAKING

On March 22, 1950, the ICAO Council adopted 123 amendments to Annex 1 to the Convention on International Civil Aviation, "Standards and Recommended Practices for Personnel Licensing." As provided in the Convention, adoption of these amendments followed the democratic procedure of submission to vote of the member States on the Council and was favored by more than the required two-thirds of such States. It is now being submitted for consideration to each of the member States of the organization.[1]

By the terms of the Convention and the ICAO Council's Resolution of Adoption such of the amendments as are not disapproved by a majority of the contracting States on or before September 1, 1950, will come into force as international standards as hereinafter indicated.

[1] See Civil Air Regulations Draft Release 48-6 dated October 25, 1948; Subject: "Implementation of International Licensing Standards" for analysis of provisions of the Annex prior to amendment and for discussion of ICAO procedures for adopting international standards.

It will be noted that even if not disapproved as provided in the Convention, there is still open to individual States the course of filing notice with ICAO of their intention to retain different rules than those provided in the amendments to the Annex.

The purpose of this publication is to inform interested persons of those substantive differences[2] from current Civil Air Regulations provisions established in amendments adopted by the ICAO Council, in order that they might submit data, views, and arguments as to (1) whether the Board should recommend disapproval of any amendment,[3] (2) whether, if not disapproved by a majority of contracting States, the United States should file notice of difference from any adopted requirement, or (3) whether the Board should amend its Civil Air Regulations to conform to the standards embodied in the amendments.

It should be noted that the comments submitted will be considered in the formulation of any rules deemed necessary or desirable in amending the Civil Air Regulations to conform with the amendments to Annex 1. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C., on or before August 5, 1950.

To facilitate understanding, instead of setting forth the respective texts, we are summarizing the substantive differences between the Council adopted amendments and the Civil Air Regulations. For ready reference in the furnishing of comment we have separately numbered the subjects treated.

1. Annex 1 currently requires 10 hours of night flight to obtain a commercial pilot certificate. The amendment would halve this requirement. Current Civil Air Regulations do not require any night flight experience for issuance of a commercial pilot certificate for domestic use. However, we have been informed that since May 1, 1949, the great majority of applicants for a commercial pilot certificate have had 10 hours of night flight, so it appears that no undue burden will be imposed upon the aviation industry if we were to require the new standard of 5 hours of night flight for the issuance of such certificate. If the amendment is adopted, we propose to amend Part 20 accordingly.

2. Annex 1 does not currently require instrument flight experience for issuance of a commercial pilot certificate. The Council amendment would establish a requirement of 10 hours of instrument flight instruction of which not more than 5 hours may have been acquired on approved mechanical devices. The Civil Air Regulations do not currently require any instrument flight instruction for issuance of a commercial pilot rating, except where instrument authority is desired, and in such instance our requirements are considerably more comprehensive. However, if adopted as an international standard, we propose to amend the requirements for issuance of a commercial pilot license to meet the international requirement while retaining our current instrument flight provisions for actual instrument authority, unless the comment received indicates that such action would work a substantial hardship on those concerned.

3. Annex 1 currently provides recent experience for night flight for both private and commercial pilots consisting of 5 take-offs and 5 landings at night within 6 months. The amendments would require a commercial pilot to accomplish 10 take-offs and 10 landings at night within the preceding 6 months. Part 43 of the Civil Air Regulations currently requires 5 such landings and take-offs within a 90-day period and therefore exceeds the proposed international standards. However, in a notice of proposed rule making dated June 1, 1950, we recommended reducing the requirement to 3 take-offs and 3 landings at night within the preceding 90 days. If the amendment is adopted as an international standard, we do not propose to amend Part 43 unless the comment received indicates that such inaction would work a hardship on those concerned.

4. Annex 1 has been amended to incorporate therein as standards the provisions for a senior commercial pilot now contained in the Annex as a recommended practice. The detailed standards as provided by the amendment will not be enumerated here because the Bureau expects within the next few days to publish as a notice of proposed rule making a general revision of Part 21 which will include a grade of airline transport pilot license which will be the equivalent of the senior commercial pilot required by the amendments to the Annex.

5. An amendment to Annex 1 provides for a new class of pilot license, namely, private glider pilot. The substantive differences between Annex 1 requirements as contained in the amendment and the provisions of our Civil Air Regulations are that the amendment requires the applicant to be 16 years of age whereas we permit an applicant to qualify at 14 years. In addition, the knowledge requirements of the amendment to the Annex are somewhat more comprehensive than the knowledge requirements contained in the Civil Air Regulations. If adopted as an international standard, we propose that a difference between such standard and the Civil Air Regulations be filed and that the latter not be amended.

6. Annex 1 is also amended to provide standards for another new class of pilot license, namely, free balloon pilot. The substantive difference between the new Annex 1 requirements and those of the Civil Air Regulations is that in Annex 1 the experience requirements are for not less than 8 ascents of average duration of 2 hours, whereas the experience requirements in the Civil Air Regulations provide for a minimum of 6 instruction flights of not less than 1 hour each. If adopted as an international standard, we propose that a difference between such standard and the Civil Air Regulations be filed, and that the latter not be amended.

7. Amendments to Annex 1 set up 2 new classes of aircraft maintenance engineers (aircraft maintenance mechanic), Class I and II. The requirements with respect to knowledge and privileges of the Class II mechanic as provided in Annex 1 are substantially the same as the combined aircraft and engine mechanic rating provided in our Civil Air Regulations. However, our Civil Air Regulations require a minimum age of 18 and that an applicant can qualify for an A & E certificate with a minimum of combined aircraft and engine experience of 2 years, whereas the proposed standards of Annex 1 require a minimum age of 21 years and 3 years of such combined experience. If adopted as an international standard, we propose to amend our requirements to conform therewith, unless the comment received indicates that such action would work a substantial hardship on those concerned.

The Class I aircraft maintenance engineer (aircraft maintenance mechanic) standards have no direct counterpart in our Civil Air Regulations. The standards prescribed for the Class I license require that an applicant be at least 21 years of age and have not less than 5 years of experience in the maintenance and inspection, overhaul, authorized repair and approved modification of aircraft, including its engines, accessories, instruments, and items of equipment. The amendment further provides that where the applicant has satisfactorily completed an approved course of training the 5-year experience requirement may be reduced by not more than 2 years. In addition, if the license is restricted to either airframes or engines, the experience requirement may be reduced to 3 years. In addition to the privilege of accomplishing or supervising the maintenance, overhaul, repair, or modification of an aircraft including all of its components, the Class I mechanic is authorized to return an aircraft to service after these operations.

It will be noted that the Class I mechanic's required qualifications and privileges are comparable to those of the Designated Aircraft Maintenance Inspectors appointed by the Administrator of Civil Aeronautics. Since it is believed that international recognition of our current system may be obtained through ICAO, we do not propose amending the Civil Air Regulations to provide for a Class I mechanic, if this amendment is adopted as an international standard.

8. Annex 1 has also been amended to provide for the use of the term "flight operations officer" and has eliminated the optional use of the designation "aircraft dispatcher". If adopted as an international standard, we propose to amend the Civil Air Regulations to conform therewith.

If adopted as international standards, the provisions for licensing the senior commercial pilot, the private glider pilot, the free balloon pilot, and the Class I aircraft maintenance mechanic will come into force on April 1, 1951. The balance of the amendments, if adopted, will come into force on October 1, 1951.

In preparing comments, it should be noted that under Article 12 of the Convention the United States is under obligation to "keep its own regulations * * * uniform, to the greatest possible extent, with those established * * * under the Convention".

In so far as amendments to Civil Air Regulations are referred to herein, they are proposed under authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, 62 Stat. 1216, 49 U. S. C. 551–560, Act of July 1, 1948)

Dated: July 19, 1950, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 50-6530; Filed, July 25, 1950; 8:46 a. m.]

[2] The bulk of the amendments falls in two categories neither of which should be of concern to the United States aviation public. The first category includes editorial revisions or clarifications of existing standards, the second includes provisions adding new standards to Annex 1 which are substantially the same as those currently provided in the Civil Air Regulations and thus involve no departure from our established procedures and requirements.

[3] It will be noted that the United States position on approval or disapproval of an Annex or amendments thereto is ultimately developed through the medium of the Air Coordinating Committee on which the Board is represented. The question, however, of whether the Civil Air Regulations should or should not be amended to conform with ICAO standards and, therefore, whether or not notice of difference between United States and international standards should be filed is the sole responsibility of the Civil Aeronautics Board.

NOTICES

FEDERAL POWER COMMISSION

[Docket No. E-6306]

NEW HAMPSHIRE GAS AND ELECTRIC CO.

ORDER TO SHOW CAUSE AND DIRECTING SERVICE OF STAFF REPORT

JULY 18, 1950.

Pursuant to the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees, and the order of May 11, 1937, with respect thereto, New Hampshire Gas and Electric Company, The Derry Electric Company, and The Lamprey River Improvement Company filed reclassification and original cost studies of electric plant on January 3, 1939, February 18, 1939, and October 6, 1939, respectively. Subsequently, as of December 31, 1944, the Derry and Lamprey Companies, through merger, became part of the New Hampshire Company.

During 1948 the Commission's staff conducted a field examination of the plant accounts of New Hampshire Company and of the reclassification and original cost studies. The staff of the Public Service Commission of New Hampshire, although invited to participate in the field examination, was unable to do so.

Upon completion of the field examination in August 1948, the adjustments proposed by the staff were submitted to New Hampshire Company for study. After considerable delay, at the request of New Hampshire Company, a conference was held in May 1949 between company representatives and staff members of the Public Service Commission of New Hampshire and the Federal Power Commission, relative to the staff's proposed adjustments and their dispositions, but no agreement was reached on these matters.

Since that time correspondence and a further conference have failed to effect an agreement on the adjustments proposed by this Commission's staff.

The results of the field examination and the adjustments proposed by the staff of this Commission have been incorporated in a report entitled "Staff Report on Examination of the Reclassification and Original Cost Studies of Electric Plant of New Hampshire Gas and Electric Company, The Derry Electric Company, The Lamprey River Improvement Company" as of January 1, 1937, which is to be served herewith upon New Hampshire Company and is made a part of this order by reference.

The adjustments proposed by the staff, all of which appear on Schedule 2 of the report referred to above, include certain transfers of costs between the electric plant accounts within Account 100.1, Electric Plant in Service, and the classification of $392,981.94, as of January 1, 1948, in Account 107, Electric Plant Adjustments. The staff proposes, in its report, that the $392,981.94 be disposed of by charges of $18,495.51 to Account 250, Reserve for Depreciation of Electric Plant, and $374,486.43 to Account 271, Earned Surplus, and recommends that New Hampshire Company be required to state its views regarding this plan of disposition and submit its plan for disposition of the $392,981.94.

The Commission orders:

(A) The Secretary shall serve upon New Hampshire Company a copy of the staff's report, referred to above, concurrently with the service of this order.

(B) New Hampshire Company shall show cause, in writing, under oath, if any there be, within thirty days from the date of issuance of this order, why the Commission should not by order find, determine and direct that:

(1) New Hampshire Company classify, as of January 1, 1948, the amounts reflected in its general or basic corporate

books of account in the manner shown in the last column of Schedule 2 of the Staff Report, including the classification of $392,981.94 in Account 107, Electric Plant Adjustments.

(2) New Hampshire Company dispose of the $392,981.94 by charges of $18,495.51 to Account 250, Reserve for Depreciation of Electric Plant, and $374,486.43 to Account 271, Earned Surplus.

(C) New Hampshire Company shall within thirty days from the date of issuance of this order submit its proposed plan for the disposition of amounts classifiable in Account 107, Electric Plant Adjustments, as of January 1, 1948.

(D) New Hampshire Company's response shall be in the form of an offer of proof; shall set forth with particularity the facts upon which it relies; shall state whether New Hampshire Company admits or denies the accuracy of the facts as stated in the report; shall state whether New Hampshire Company desires a hearing; and shall state upon what facts, if any, or what conclusions, New Hampshire Company desires opportunity to introduce evidence and to be heard. General and unsupported denials by New Hampshire Company of the allegations of this order and of the statements in the staff report will not be considered as complying with this order.

Date of issuance: July 19, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6519; Filed, July 25, 1950; 8:45 a. m.]

[Docket No. G-1394]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

ORDER FIXING DATE OF HEARING

JULY 18, 1950.

On May 23, 1950, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), a Kansas corporation having its principal place of business at Phillipsburg, Kansas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas transmission pipeline facilities, subject to the jurisdiction of the Commission, as fully described in said application on file with the Commission and open to public inspection. Public notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on June 6, 1950 (15 F. R. 3509). The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on August 7, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(B) Interested State commissions may participate, as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 19, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6520; Filed, July 25, 1950; 8:45 a. m.]

[Docket Nos. G-1384, G-1175]

ATLANTIC SEABOARD CORP. ET AL.

NOTICE OF ORDER REMOVING SUSPENSION OF TARIFF IN PART

JULY 20, 1950.

In the matters of Atlantic Seaboard Corporation, and Virginia Gas Transmission Corporation, Docket No. G-1384; Atlantic Seaboard Corporation, Docket No. G-1175.

Notice is hereby given that, on July 19, 1950, the Federal Power Commission issued its order entered July 18, 1950, in the above-designated matters, rescinding order of April 28, 1950, published in the FEDERAL REGISTER on May 5, 1950 (15 F. R. 2610-11), which suspended Atlantic Seaboard Corporation Schedule MLS-1, and allowing said schedule to become effective as of May 1, 1950.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6521; Filed, July 25, 1950; 8:45 a. m.]

[Docket Nos. G-1384, G-1175]

ATLANTIC SEABOARD CORP. ET AL.

ORDER FIXING DATE OF HEARING

JULY 18, 1950.

In the matters of Atlantic Seaboard Corporation and Virginia Gas Transmission Corporation, Docket No. G-1384; Atlantic Seaboard Corporation, Docket No. G-1175.

By order issued April 28, 1950, the Commission, upon its own motion, among other things, suspended the operation of Atlantic Seaboard Corporation's proposed Rate Schedule CDS-1 contained in its proposed FPC Gas Tariff Third Revised Volume No. 1, insofar as it applies to the Washington Gas Light Company and to The Manufacturers Light and Heat Company, together with statements submitted by Atlantic Seaboard Corporation pursuant to § 154.85 of the Commission's general rules and regulations relating to the contract with Washington Gas Light Company.

By said order the Commission, upon its own motion, also instituted an investigation of the lawfulness of the rates, charges, services, and classifications demanded, observed, charged, or collected by Atlantic Seaboard Corporation and Virginia Gas Transmission Company.

The Commission, by order entered July 18, 1950, for reasons stated therein, rescinded that part of the order issued herein on April 28, 1950, which provided for the suspension of Atlantic Seaboard Corporation's proposed Rate Schedule MLS-1 as contained in its proposed FPC Gas Tariff Third Revised Volume No. 1, and certain statements submitted therewith, insofar as they apply to Washington Gas Light Company of Maryland and Maryland Counties Gas Company.

Atlantic Seaboard Corporation, by letter filed on July 13, 1950, has advised the Commission that it is not now prepared to proceed in a hearing in this matter, and requests that such hearing not commence prior to August 28, 1950. Furthermore, Atlantic Seaboard Corporation states that, if such requested delay in hearing is granted, it will not move to put the suspended parts of its tariff into effect prior to November 1, 1950. Without such agreement on the part of the company, Atlantic Seaboard Corporation, pursuant to section 4 (e) of the Natural Gas Act, as amended, could move to make such rates effective at the end of the suspension period on September 30, 1950, if the proceeding has not been concluded and an order made prior to such time.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 5 of the Natural Gas Act, as amended, a public hearing be held commencing on August 28, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates, charges, and classifications demanded, observed, charged, or collected by Atlantic Seaboard Corporation and Virginia Gas Transmission Company in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and the rules, regulations, practices and contracts affecting such rates, charges, and classifications, as well as the changes therein proposed in Rate Schedule CDS-1 contained in Atlantic Seaboard Corporation's FPC Gas Tariff Third Revised Volume No. 1, together with the accompanying statements, suspended by our order herein issued April 28, 1950.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 19, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6522; Filed, July 25, 1950; 8:45 a. m.]

[Docket No. G-1429]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION

JULY 19, 1950.

Take notice that Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation having a principal office at 752 M & M Building, Houston, Texas, filed with the Federal Power Commission on June 29, 1950, an application requesting the issuance of a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, for the construction and operation of certain natural-gas transmission facilities including:

(A) A main transmission line of 26-inch O. D. steel pipe approximately 2,175 miles in length extending from a point in Wharton County, Texas, northwesterly through Texas, Oklahoma, and Kansas to a point near Fort Collins, Colorado, thence in a westerly direction across Wyoming to a point near Boise, Idaho, and thence in a northerly direction across Oregon and Washington terminating near Seattle and Tacoma, Washington, and Portland, Oregon;

(B) Approximately 400 miles of 22-inch and lesser size lateral lines for gathering the supply and for the distribution and sale of natural gas;

(C) Thirteen main-line compressor stations having a total installation of 83,200 horsepower; and

(D) Communications, maintenance and housing facilities, and other property necessary for the operation of such pipe-line system.

Applicant states that it intends to operate such facilities at a maximum pressure of 800 p. s. i. g. at the outlets of compressor stations which it is estimated will provide an initial capacity in the main transmission line of approximately 250 million cubic feet per day. In addition thereto, Applicant proposes to purchase approximately 100 million cubic feet of gas per day at or near the international boundary situated between Idaho and the Dominion of Canada which will be transported through a proposed lateral line extending southwesterly from Eastport, Idaho, to a point of connection with the main line near Hanford, Washington.

Applicant contemplates service in the following sales areas:

UTAH

Salt Lake City area.

IDAHO

Snake River area:
Pocatello.
Idaho Falls.
Twin Falls.
Boise.
Kellogg and Wallace area:
Sand Point.
Bonner's Ferry.
Eastport.
Atomic energy plant, including Arco area.

WASHINGTON

Spokane area.
Hanford area, including atomic energy plant.
Seattle area.
Tacoma area.

OREGON

Portland area.

CANADA

Vancouver area.

Applicant also states that its proposed facilities will intersect numerous other interstate natural-gas transmission pipe lines and that it will offer service to other natural-gas transmission companies at such points along the Applicant's system which may prove convenient to such companies.

Applicant proposes to contract for a gas supply from presently known and undedicated reserves in the Texas Gulf Coast Area in the amount of 250 million cubic feet of gas per day and to purchase 100 million cubic feet of gas per day from reserves in the Province of Alberta, Canada. Furthermore, Applicant states that it will afford an opportunity for the sale of gas to it from gas-producing areas in central and north Texas, and other areas in Colorado, Wyoming, and Utah and through which the proposed main line will be constructed.

It is estimated that the facilities proposed to be constructed will require a capital expenditure of approximately $172,374,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6523; Filed, July 25, 1950; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

DEVELOPMENT OF A UNIFORM FEDERAL SUPPLY CATALOG SYSTEM

DELEGATION OF AUTHORITY

1. Pursuant to the authority vested in me by sections 205 (d) and 206 (a) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, there is hereby delegated to the Secretary of Defense, with power to redelegate to the Chairman of the Munitions Board, the authority to develop, in accordance with the objectives and provisions of Public Law 152, 81st Congress, and House Concurrent Resolution 97, 81st Congress, and subject to the limitations hereinafter set forth, a uniform Federal supply catalog system appropriate to identify and classify personal property under the control of Federal agencies and suitable for interdepartmental supply activities and Government-industry supply relationships.

2. The authority herein granted shall be subject to, and exercised in accordance with, the following:

a. The letter relating to this subject matter, from the Administrator of General Services to the Chairman of the Munitions Board, dated June 6, 1950;

b. The "Statement of Area of Agreement on the Overall Objectives for the Development of a Uniform Federal Catalog System," dated June 2, 1950;

c. The "Statement of Area of Agreement on the Functions To Be Performed by the Cataloging Staff of the Federal Supply Service and the Munitions Board Cataloging Agency Staff in the Federal Catalog Program," dated June 2, 1950;

d. Such modifications of the above as may be agreed upon from time to time between the Adminstrator of General Services and the Secretary of Defense.

3. This delegation of authority shall be effective as of the date hereof.

JESS LARSON, *Administrator.*

JULY 19, 1950.

[F. R. Doc. 50-6531; Filed, July 25, 1950; 8:46 a. m.]

DELEGATION OF AUTHORITY TO R. E. MINNICH

Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Congress), it is hereby provided that:

a. Any authority delegated and transferred to the Commissioner of Liquidation Service by Delegation of Authority No. 17, dated February 9, 1950, and published in the FEDERAL REGISTER, February 16, 1950, relating to the making of administrative determinations arising out of Industry Agents' contracts, in connection with the disposal of surplus aircraft, aircraft components, and electronic property, is hereby delegated to R. E. Minnich. Such authorities relating to the above function as have been redelegated by the Commissioner of Liquidation Service shall remain in full force and effect until superseded by the Administrator of General Services. In carrying out these authorities, Mr. Minnich shall use the title of Special Assistant to the Administrator.

b. The authority conferred herein shall be exercised in accordance with such regulations, policies, administrative procedures and controls as are in effect on and after the effective date hereof.

c. This delegation of authority shall be effective as of July 1, 1950.

JESS LARSON, *Administrator.*

JULY 19, 1950.

[F. R. Doc. 50-6532; Filed, July 25, 1950; 8:46 a. m.]

DELEGATION OF AUTHORITY TO THE COMPTROLLER

Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Congress), it is hereby provided that:

a. Any authority delegated and transferred to the Commissioner of Liquidation Service by Delegation of Authority No. 17, dated February 9, 1950, and published in the FEDERAL REGISTER, February 16, 1950, relating to the disposal of surplus aircraft, aircraft components, electronics property, except for the making of administrative determinations arising out of Industry Agents' contracts, is hereby delegated to the Comptroller. Such authorities relating to the above functions as have been redelegated by the Commissioner of Liquidation Service shall remain in full force and effect until superseded by the Administrator of General Services or the Comptroller.

b. The authority delegated herein to the Comptroller may be redelegated by the Comptroller to any officer, official, or employee of the Office of the Comptroller.

c. The authority conferred herein shall be exercised in accordance with such regulations, policies, administrative procedures and controls as are in effect on and after the effective date hereof.

d. This delegation of authority shall be effective as of July 1, 1950.

JESS LARSON,
Administrator.

JULY 19, 1950.

[F. R. Doc. 50-6533; Filed, July 25, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25266]

ASPHALT FROM MONTANA AND WYOMING

APPLICATION FOR RELIEF

JULY 21, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Asphalt, carloads.

From: Points in Montana and Wyoming.

To: Points in Western Trunk Line territory.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: C&NW., tariff I. C. C. No. 11086, Supplement 55. CB&Q., tariff I. C. C. No. 19978, Supplement 101. CB&Q, tariff I. C. C. No. 20059, Supplement 31. CMStP&P., tariff I. C. C. No. B-7358, Supplement 22. UP., tariff I. C. C. No. 4933, Supplement 131.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6526; Filed, July 25, 1950; 8:46 a. m.]

[4th Sec. Application 25267]

GRAIN FROM KANSAS AND MISSOURI TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

JULY 21, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3827.

Commodities involved: Grain, grain products and related articles, carloads.

From: Kansas City, Mo.-Kans., St. Joseph, Mo., and Atchison, Kans.

To: Memphis, Tenn., when destined beyond to points in the south.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3827, Supplement 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6527; Filed, July 25, 1950; 8:46 a. m.]

[4th Sec. Application 25268]

LIQUEFIED CHLORINE GAS FROM SOUTHWEST

APPLICATION FOR RELIEF

JULY 21, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariffs I. C. C. Nos. 3752, 3908 and 3906.

Commodities involved: Liquefied chlorine gas, carloads.

From: Points in Louisiana, Texas and Arkansas.

To: Kansas City, Mo.-Kans., St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 464. D. Q. Marsh's tariff I. C. C. No. 3906, Supp. 8. D. Q. Marsh's tariff I. C. C. No. 3908, Supp. 4. W. P. Emerson, Jr.'s tariff I. C. C. No. 378, Supp. 93.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6528; Filed July 25, 1950; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2431]

SCRANTON-SPRING BROOK WATER SERVICE CO. AND THE WINTON WATER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of July A. D. 1950.

Notice is hereby given that Scranton-Spring Brook Water Service Company ("Scranton"), a public-utility subsidiary company of Federal Water and Gas Corporation, a registered holding company and The Winton Water Company ("Winton"), a wholly-owned subsidiary company of Scranton, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935. Sections 9, 10, and 12, of the act and Rules U-42 and U-43 promulgated thereunder have been designated as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 31, 1950, request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said joint application-declaration, as filed or as hereafter amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 31, 1950, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission, for a statement of the transactions therein proposed which may be summarized as follows:

Scranton is engaged primarily in the business of storing water and selling it to the public. In this connection Scranton leases three water reservoirs from Winton which comprises the entire plant and property of Winton. Other than said plant and property, Winton's assets consist of cash and receivables from associated companies.

It is proposed that in consideration of the surrender by Scranton to Winton of all the latter's issued and outstanding capital stock for cancellation, Scranton will acquire all of Winton's franchises, rights, powers and property and assume all its obligations. Upon the completion of these proposed transactions Winton will merge its properties into Scranton pursuant to the laws of the State of Pennsylvania and it will cease to exist.

The proposed merger of Scranton and Winton has been submitted for approval to the Pennsylvania Public Utility Commission, the Commission of the State in which the applicants-declarants are organized and doing business.

The applicants-declarants request that the Commission's order herein be issued at the earliest date practicable and that such order become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-6517; Filed, July 25, 1950; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14847]

EDWARD W. DUFFT

In re: Trust under the will of Edward W. Dufft, deceased. File: D-28-1674; E. T. sec. 553.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the issue, names unknown, of Wilhelm Dufft, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the trust established under the will of Edward W. Dufft, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Chase National Bank of the City of New York, as trustee, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined

4. That to the extent that the issue, names unknown, of Wilhelm Dufft, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6534; Filed, July 25, 1950; 8:47 a. m.]

[Vesting Order 14849]

MARIE GRAF

In re: Estate of Marie Graf, also known as Maria Magdalena Graf-Hoellwarth, deceased. File No. D-28-12821; E. T. sec. 16991.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Aberlee, nee Hoellwarth, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the Estate of Marie Graf, also known as Maria Magdalena Graf-Hoellwarth, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Ben H. Brown, as administrator, c. t. a. acting under the judicial supervision of the Superior Court of the State of California, County of Los Angeles;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and pursuant to law,

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6535; Filed, July 25, 1950; 8:47 a. m.]

[Vesting Order 14863]

OTTO RUSCHE

In re: Securities owned by and debt owing to Otto Rusche.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Rusche, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Seven thousand and twenty (7,020) shares of $7.50 par value common stock of Southern Natural Gas Company, Inc., Birmingham, Alabama, evidenced by certificates numbered 26440/26509 for 100 shares each and by a certificate numbered 35784 for twenty (20) shares, all registered in the name of Cia. Constructora Y Administradora, S. A., together with all declared and unpaid dividends thereon.

b. Seven thousand and twenty (7,020) shares of $1.00 par value common stock of Southern Production Company, Inc., 1612 Fairfield Avenue, Shreveport, Louisiana, evidenced by certificates numbered N 5361/5430 for 100 shares each and by a certificate numbered NO4957 for 20 shares, all registered in the name of Cia. Constructora Y Administratora, S. A., together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation evidenced by an outstanding check drawn by the Central Hanover Bank and Trust Company as Transfer Agent for Southern Natural Gas Company, said check numbered 13146, dated June 12, 1950 and in the amount of $2,457.00, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid check,

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is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Otto Rusche, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6536; Filed, July 25, 1950; 8:47 a. m.]

[Vesting Order 14871]

JOE HISASHI SHISHIDO

In re: Securities owned by Joe Hisashi Shishido, also known as Joe H. Shishido. F-39-3255-F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joe Hisashi Shishido, also known as Joe H. Shishido, whose last known address is Fukushima-ken, Shinobu-gun, Mi-zuko Mura, Tsuchifune, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Five hundred (500) shares of common stock of Ben Lomond Investment Co., evidenced by a certificate numbered 481, registered in the name of H. Shishido and presently located in Safe Deposit Box 791, leased from the California Bank, 863 South San Pedro Street, Los Angeles, California, together with all declared and unpaid dividends thereon, and

b. Five (5) 6% Tokyo Electric Light Co. 1st Mortgage Gold Bonds, each of $1,000.00 face value, bearing the numbers 19404, 19405, 43843/5, and presently located in Safe Deposit Box 791, leased from the California Bank, 863 South San Pedro Street, Los Angeles, California, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Joe Hisashi Shishido, also known as Joe H. Shishido, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6537; Filed, July 25, 1950; 8:47 a. m.]

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FEDERAL REGISTER

VOLUME 15 NUMBER 144

Washington, Thursday, July 27, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[Amdt. 1]

PART 648—POTATOES, IRISH

SUBPART—1950 IRISH POTATO PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 15 F. R. 3605, containing the requirements with respect to the 1950 Irish Potato Price Support Program are hereby amended as follows:

Section 648.217, *Setoffs*, is amended to read as follows:

§ 648.217 *Setoffs.* If the vendor is indebted to CCC, whether or not such indebtedness is listed on the county debt register, CCC will set off such indebtedness against the portion of the proceeds of the purchase by CCC which remains after deduction of amounts due prior lienholders. If the vendor is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, such indebtedness will also be set off against the proceeds of purchase, as hereinbefore stated. Any such indebtedness to another agency of the United States not listed on the county debt register may be set off against the proceeds of purchase if the appropriate official of CCC so directs. If any installments past due or maturing within twelve months are unpaid on a loan to a producer-vendor made available by CCC on farm storage facilities, whether held by CCC or a lending agency, CCC will set off such indebtedness as hereinbefore stated. Indebtedness owing to CCC or to a lending agency shall be given first consideration after claims of prior lienholders. Setting off in accordance with this section shall not deprive the vendor of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies Pub. Laws 439, 471, 81st Cong.)

Issued this 21st day of July 1950.

[SEAL] ELMER F. KRUSE,
Vice-President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-6600; Filed, July 26, 1950; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 46—REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

LICENSE; FEES

In accordance with Public Law 554, 81st Cong., 2d Sess., approved June 15, 1950, and the Perishable Agricultural Commodities Act, 1930, as amended (46 Stat. 531, as amended; 7 U. S. C. 499a et seq.), the regulations (7 CFR Part 46) issued thereunder are amended, as of the effective time hereinafter specified, in the following respects:

1. Revise § 46.6 *License fees* to read:

§ 46.6 *License fee.* Each application shall be accompanied by the license fee of fifteen dollars ($15) in cash or in the form of a money order, bank draft, cashier's check, or certified check made payable to the Treasurer of the United States, and the application and fee shall be forwarded to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. Thereafter the annual fee of fifteen dollars ($15) required by the act shall be remitted in the same manner.

2. Revise § 46.7 *Issuance of license* to read:

§ 46.7 *Issuance of license.* Upon receipt of a properly prepared application

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CFR

POCKET SUPPLEMENTS
(For Use During 1950)

The following Pocket Supplements are now available:

Title 43 ($0.35)
Titles 44–45 ($0.25)

Previously announced: Titles 4–5 ($0.30); Title 6 ($1.00); Title 7: Parts 1–209 ($0.55); Parts 210–899 ($0.75); Parts 900 to end ($0.75); Title 8 ($0.20); Title 9 ($0.20); Titles 10–13 ($0.20); Title 14: Parts 1–399 ($1.50); Parts 400 to end ($0.30); Title 15 ($0.40); Title 16 ($0.25); Title 17 ($0.20); Title 18 ($0.20); Title 19 ($0.20); Title 20 ($0.20); Title 21 ($0.30); Titles 22–23 ($0.25); Title 24 ($0.55); Title 25 ($0.20); Title 26: Parts 1–79 ($0.20); Parts 80–169 ($0.25); Parts 170–182 ($0.25); Parts 183–299 ($0.30); Title 26: Parts 300 to end; and Title 27 ($0.25); Titles 28–29 ($0.30); Titles 30–31 ($0.25); Title 32 ($1.00); Title 33 ($0.25); Titles 35–37 ($0.20); Title 38 ($0.50); Titles 40–42 ($0.25)

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accompanied by the proper fee for a license, the Secretary shall, if the applicant is found to be eligible, issue a license certifying that the licensee is authorized to engage in the business of a commission merchant, dealer, or broker. The fee so tendered, together with any arrearage fees and any penalty assessed by the Secretary in accordance with the provisions of the act, shall be deposited as soon as practicable in a special fund designated as the "Perishable Agricultural Commodities Act fund." If the license is denied, the fee shall be refunded to the applicant. Fees received for either renewal or reinstatement of a license shall be handled in the same manner as other fees mentioned herein.

3. Revise § 46.9 *Termination of license; notice; reinstatement* to read:

§ 46.9 *Termination of license; notice; renewal.* Thirty days or more prior to the anniversary date of a license, the Director of the Branch shall mail a notice to the licensee at the latest address known to the Director of the Branch, advising that the license will automatically terminate on its anniversary date unless the annual fee of $15 is paid on or before such date. If the annual fee is not paid by the anniversary date the licensee may obtain a renewal of that license at any time within thirty days by paying a fee of $20.

4. Revise § 46.14 *Arrearage fees* to read:

§ 46.14 *Arrearage fees.* Arrearage fees to be paid by an applicant shall be computed on a basis of 1/12 of the annual fee of $15, or $1.25 per calendar month or fraction thereof from the time the applicant was required by the act to be licensed to the date application and valid fee were submitted for a license.

It is hereby found that it is impracticable to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the changes hereby made are to bring the regulations into conformity with the act, as amended June 15, 1950. The fees are mandatory and could not be varied as a result of any rule-making procedure.

(Sec. 15, 46 Stat. 537, as amended; 7 U. S. C. and Sup., 499o)

The provisions hereof shall be effective as of June 16, 1950.

Done at Washington, D. C., this 24th day of July 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary.*

[F. R. Doc. 50-6576; Filed, July 26, 1950; 8:50 a. m.]

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

UNITED STATES CONSUMER STANDARDS FOR FRESH KALE

On June 13, 1950, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 50-5058; 15 F. R. 3686) regarding proposed United States Consumer standards for Fresh Kale. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Consumer Standards for Fresh Kale are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.).

§ 51.255 *Consumer standards for fresh kale*—(a) *Grades*—(1) *U. S. Grade A.* U. S. Grade A shall consist of leaves or parts of leaves of kale of one type which are fresh, fairly tender, clean, well trimmed and of characteristic color for the type; which are free from decay, small pieces of leaves, and leaf stems without blades, and are free from damage caused by discoloration, seedstems, bud burn, freezing, foreign material, disease, insects or mechanical or other means. Leaves or parts of leaves of kale on the shown face shall be reasonably representative in size and quality of the contents of the container.

(i) Incident to proper grading and handling, not more than 3 percent, by weight, of the kale in any lot may be small pieces of leaves, and not more than 5 percent may fail to meet the remaining requirements of the grade, including not more than 2 percent for leaves or parts of leaves which are seriously damaged.

(2) *U. S. Grade B.* U. S. Grade B shall consist of leaves or parts of leaves of kale which meet the requirements of U. S. Grade A, except that they need be only reasonably clean; and except that those with only the edges affected with bronze or slight yellowish color, but not dried, shall be permitted in this grade; and except for the increased tolerances for defects specified below:

(i) Incident to proper grading and handling, not more than 5 percent, by weight, of the kale in any lot may be small pieces of leaves, and not more than 10 percent may fail to meet the remaining requirements of the grade, including not more than 4 percent for leaves or parts of leaves which are seriously damaged.

(b) *Off-Grade kale.* Leaves or parts of leaves of kale which fail to meet the requirements of either of the foregoing grades shall be Off-Grade kale.

(c) *Definitions*—(1) *One type.* "One type" means that the kale is generally of the same color and character of growth. No mixture of types shall be permitted which materially affects the appearance of the lot.

(2) *Fresh.* "Fresh" means that the leaves or parts of leaves are not more than slightly wilted.

(3) *Fairly tender.* "Fairly tender" means that leaves and parts of leaves are not tough or excessively fibrous.

(4) *Clean.* "Clean" means that the kale does not show more than a trace of grit, sand, dirt, silt, muck or other water insoluble inorganic material.

(5) *Well trimmed.* "Well trimmed" means that the leaf stems (petioles) have been cut or broken off within ½ inch of the blade.

(6) *Small pieces of leaves.* "Small pieces of leaves" means parts of leaves which are smaller in area than a circle one inch in diameter.

(7) *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible, shipping or keeping quality of the individual leaves or parts of leaves or the lot as a whole. The following defects or any combination of defects the seriousness of which exceeds the amount allowed for any one defect shall be considered as damage:

(i) Discoloration, when the appearance of the leaf or part of a leaf is materially affected.

(ii) Mechanical damage, when the leaf or part of a leaf is very badly crushed, torn or broken.

(8) *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible, shipping or keeping quality of the individual leaves or parts of leaves or the lot as a whole. The following defects or any combination of defects the seriousness of which exceeds the amount allowed for any one defect shall be considered as serious damage:

(i) Leaves or parts of leaves which are badly discolored.

(ii) Leaves or parts of leaves on which worms or worm frass are present, or leaves or parts of leaves on which there is more than slight infestation by other insects.

(iii) Leaves which are affected by soft rot.

(iv) Weeds, grass or pieces thereof, and other extraneous matter.

(9) *Reasonably clean.* "Reasonably clean" means that the kale is reasonably free from grit, sand, dirt, silt, muck and other water insoluble inorganic material.

(d) *Effective time.* The United States Consumer Standards for Fresh Kale contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Done at Washington, D. C., the 21st day of July 1950.

[SEAL] ROY W. LENNARTSON, *Acting Assistant Administrator, Production and Marketing Administration.*

JULY 21, 1950.

[F. R. Doc. 50-6598; Filed, July 26, 1950; 8:54 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Docket Nos. AO-14, A17, A18]

PART 904—MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING

§ 904.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing

Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Boston, Massachusetts, on January 30–31, and February 1, 1950, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary to make the present amendment to the said order, as amended, effective not later than August 1, 1950, to reflect current marketing conditions. Any further delay in the effective date of this amendment to said order, as amended, will seriously disrupt the orderly marketing of milk for the Greater Boston, Massachusetts marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order, amending the order, as amended, effective August 1, 1950, and that it is impractical, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4 (c), Administrative Procedure Act, 60 Stat. 237, 5 U. S. C. 1001–1011)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Greater Boston, Massachusetts, marketing area) of more than 50 percent of the volume of milk covered by this order, as amended, and as hereby further amended, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in the referendum and who, during the determined representative period (November 1949), were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Revise § 904.1 (b) (9) to read as follows:

(9) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products other than cream are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

2. Revise § 904.1 (d) (6) (ii) to read as follows:

(ii) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except that receipts from a New York order pool plant which are assigned to Class I milk pursuant to § 904.5 (e) and receipts of emergency milk shall not be considered outside milk; and

3. Revise § 904.5 (e) to read as follows:

(e) *Receipts from New York order pool plants.* Receipts of fluid milk products from New York order pool plants shall be assigned to Class II milk, except as provided in paragraph (f) of this section, and except that receipts during the months of August through March which are classified in Class I–A or I–B under the New York order shall be assigned to Class I milk.

4. Revise the first sentence of § 904.6 (h) to read as follows:

(h) *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, until further written notification from the market administrator.

5. In § 904.7 (e) after the words "During the months of April, May, June and July" insert the words "of any year, and during August and September of 1950."

6. Revise § 904.7 (e) (4) to read as follows:

(4) Subtract such portion of the quantity determined in subparagraph (3) of this paragraph as was made into salted butter and disposed of by the handler or such second person in a form other than salted butter.

7. In § 904.7 (a) (6) and (7) delete the words "For any month after December 1948".

8. In § 904.7 (d) change the reference from M No. 5 to M No. 6.

9. In § 904.8 (b) (7) change the second sentence to read as follows: "This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at plants located in the 201–210 freight mileage zone, shall be known as the basic blended price."

10. Revise § 904.9 (b) to read as follows:

(b) *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 904.8 (a), as follows:

(1) On or before the 25th day after the end of each month to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in paragraphs (d) and (e) of this section, for the quantity of milk delivered by such producer; and

(2) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in paragraph (e) of this section are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 904.8 (a), as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 24th day of July 1950, to be effective on and after the 1st day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6575; Filed, July 26, 1950; 8:49 a. m.]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1950–51 SEASON

Notice was published in the June 21, 1950, daily issue of FEDERAL REGISTER (15 F. R. 3986) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1950–51 season under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951; 14 F. R. 440) regulating the handling of Tokay grapes grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 951.205 *Expenses and rate of assessment for the 1950–51 season*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the season beginning April 1, 1950, will amount to $36,550.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships Tokay grapes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at twenty-five mills ($0.025) per hundred pounds of Tokay grapes shipped by such handler during said season.

(c) The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

As used in this section, the terms "handler," "ships," "shipped," and "season" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 24th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6574; Filed, July 26, 1950; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-347]

PART 34—FLIGHT NAVIGATOR CERTIFICATES

LIMITED CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washinton, D. C., on the 20th day of July 1950.

Currently effective Part 34 of the Civil Air Regulations requires an applicant for a flight navigator certificate to have a specified amount of experience in flight navigation and to accomplish a prescribed written examination in addition to a practical examination in the operation of flight navigational equipment. The Board has been advised by the Administrator that there is an urgent need for flight navigators by air carriers who are under contract with the military services, but that there is an insufficient number of individuals currently certificated and available for employment by these carriers. It appears that there are numerous individuals who have the practical experience and skill, but who do not hold flight navigator certificates and who are unable to accomplish the prescribed written examination prior to their being needed by the air carriers for such military operations. It will be noted that such carriers cannot under current regulations engage in long overwater flights without a flight navigator being included as a member of the flight crew.

In view of the above the Administrator has requested the Board to authorize the issuance of flight navigator certificates to individuals having prior military service as flight navigators who may not, at the time of application, fully meet the knowledge requirements specified in Part 34, but who can demonstrate to the Administrator their competence to navigate aircraft in flight. The Board has been further requested to limit the exercise of the privileges of a flight navigator certificate issued to such individuals only to those operations which are conducted by an air carrier pursuant to a contract with military services. We have been further requested to limit the duration of such certificate to a period not to exceed 3 months and to require such holder thereof to meet all of the requirements of Part 34 should he desire to exercise the privilege of a flight navigator subsequent to such 3-month period.

The Board believes that individuals who have had prior military service as flight navigators and who can demonstrate their ability to navigate aircraft in flight can be considered competent to act as flight navigators if they satisfactorily accomplished the practical examination prescribed in Part 34 and such written examination as the Administrator considers necessary to determine the applicant's knowledge of flight navigation. We believe that a former military navigator who has had at least 6 months service with the military services can meet the prescribed experience requirements. For administrative purposes a certificate issued pursuant to this Special Civil Air Regulation shall be termed a "limited flight navigator certificate". In view of the short duration of such a certificate, it is considered advisable to permit the holder of a limited flight navigator certificate, who has failed to accomplish satisfactorily any part of the examination for the issuance of a flight navigator certificate to apply for reexamination on the part failed, upon approval by the Administrator, without waiting the currently prescribed 30-day period.

For the reasons stated above, notice and public procedure hereon are impracticable and contrary to the public interest, and the Board finds that good cause exists for making this Special Civil Air Regulation effective on less than 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation effective immediately, to read as follows:

1. Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator may issue a limited flight navigator certificate to an individual who meets the following requirements:

(a) The applicant for such certificate shall have served on active duty as a rated navigator with the military services for at least six months since December 7, 1941;

(b) The applicant shall meet the requirements of §§ 34.2 through 34.5 and 34.8; and

(c) The applicant shall satisfactorily accomplish such written examination as may be prescribed by the Administrator.

2. The holder of a limited flight navigator certificate may exercise the same privileges as the holder of a flight navigator certificate issued in accordance with Part 34 of the Civil Air Regulations except that he may act as a flight navigator only in those operations which are conducted by an air carrier pursuant to a contract entered into by that air carrier with the military services.

3. A limited flight navigator certificate shall remain in effect for a period no longer than 3 months and shall not be renewable.

4. A flight navigator certificate shall be issued to the holder of a limited flight navigator certificate, if such holder accomplishes successfully the written examination prescribed in § 34.7. If such individual fails to accomplish satisfactorily any part of such written examination he may, with the approval of the Administrator, apply notwithstanding the provisions of § 34.13, at any time, for reexamination on the part failed.

This regulation shall terminate December 31, 1951, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. and Sup., 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMES,
Acting Secretary.

[F. R. Doc. 50-6595; Filed, July 26, 1950; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5708]

PART 178—WINE

A proposed Treasury decision amending Part 178 (Regulations 7), published as a notice of proposed rule making in the FEDERAL REGISTER of June 8, 1950, 15 F. R. 3584, is hereby adopted as proposed, with the following changes:

1. Sections 178.35 and 178.436 have been revised.

2. Minor changes of an editorial or clarifying nature have been made in §§ 178.70, 178.106b, 178.122, 178.483b, and 178.487.

3. Section 178.87 has been deleted.

4. All changes are shown on the attached copy of the notice.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: July 21, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

1. The act of February 21, 1950 (Pub. Law 443, 81st Cong.), effective September 1, 1950, amending the Internal Revenue Code, provides in part as follows:

Section 2901 of the Internal Revenue Code, as amended, is amended to read as follows:

(a) *Extent.* No tax shall be collected in respect of distilled spirits lost or destroyed while in bond, except that such tax shall be collected—

(1) *Theft.* In the case of loss by theft unless the Commissioner shall find that the theft occurred without connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them; and

(2) *Voluntary destruction.* In the case of voluntary destruction unless the distilled spirits were unfit for use for beverage purposes and the distiller, warehouseman, or other person responsible for the tax, obtained the written permission of the Commissioner for such destruction in each case.

(b) *Proof of loss.* In any case in which spirits are lost or destroyed, whether by theft or otherwise, the Commissioner may require the distiller or warehouseman or other person responsible for the tax to file a claim for relief from the tax and submit proof as to the cause of such loss. In every case where it appears that the loss was by theft, the burden shall be upon the distiller or warehouseman or other person responsible for the tax to establish to the satisfaction of the Commissioner that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them.

(c) *Refund of tax.* When, in any case where the tax would not be collectible by virtue of subsection (a), but such tax has been paid, the Commissioner shall refund such tax. Nothing in section 2901 as hereby amended, or as heretofore amended, shall be construed to authorize refund of the tax where the loss occurred after the tax was paid.

(d) *Insurance coverage.* The abatement or refund of taxes provided for by subsections (a) and (c) in the case of loss of distilled spirits by theft shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss.

(e) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

2. Pursuant to the foregoing provision of law, Regulations 7, approved September 21, 1945 (26 CFR Part 187) as amended, are hereby amended as follows:

(a) Sections 178.5, 178.35, 178.67, 178.70, 178.86, 178.96, 178.97, 178.114, 178.121, 178.122, 178.123, 178.436, 178.467, 178.477, 178.480, 178.482, 178.483, 178.484, 178.485, 178.486, 178.487, 178.488, 178.490, 178.491, and 178.492 are amended;

(b) Sections 178.106b, 178.480a, 178.480b, 178.482a, 178.483a, 178.483b, 178.483c, and 178.483d are added; and

(c) Sections 178.107a and 178.481 are revoked.

DEFINITIONS

§ 178.5 *Definitions.* • • •

(l–1) "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

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(r–1) "Proof" shall mean the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

(r–2) "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 percent of ethyl alcohol by volume.

(r–3) "Proof spirits" shall mean that alcoholic liquor which contains 50 percent of ethyl alcohol by volume at 60 degrees Fahrenheit and which has a specific gravity of 0.93418 in air at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity.

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(53 Stat. 307, 375, 477, 26 U. S. C. 2809, 3176, 3901)

OTHER EQUIPMENT, INSTRUMENTS, AND MEASURES

§ 178.35 *Testing scales.* Scales (other than wagon, truck, or railroad car platform scales) used to weigh wine, brandy, or winemaking or ameliorating materials received, used, or removed, will be tested from time to time by winemakers. Tests of scales, by State, county, or municipal authorities, or by responsible scale companies, will be accepted in lieu of the prescribed tests by the winemaker, but if such tests are not made from time to time, as herein required, additional tests must be made by the winemaker. In case a scale is found to be inaccurate for any reason, it shall not be used while it is in such condition. Where a Government officer is assigned to the winery or storeroom, the test shall be made under the officer's supervision.

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(53 Stat. 375, 477; 26 U. S. C. 3176, 3901)

EXECUTION OF BONDS AND CONSENTS OF SURETY

§ 178.67 *Individual sureties.* • • •

(f) *Investigation.* The district supervisor must cause an investigation to be made of all the facts stated in the surety's affidavit on Form 33 and supporting documents, and shall forward one copy of the report of such investigation to the Commissioner with the qualifying documents specified in § 178.113. District supervisors should exercise great care in deciding upon the sufficiency of the security afforded by individual sureties, and should from time to time make such inquiries as are deemed necessary to determine that such security is still sufficient.

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(53 Stat. 348 as amended, 350 as amended, 351, 354, 375, 477; 26 U. S. C. 3031, 3032, 3033, 3040, 3176, 3901)

§ 178.70 *Consents of surety.* Consents of surety to a change in the terms of a bond must be executed on Form 1533, in as many copies as are required of the bond which they affect, by the principal and all sureties with the same formality and proof of authority to execute as are required for the execution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bond affected thereby and state specifically and precisely what is covered by the extended terms thereof. If the surety is a corporation, the consent may be executed by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the appropriate district supervisor, or the consent may be executed by the home office officials of such corporate surety: *Provided,* That in cases where the saving of time is an element, the consent may be executed by an agent or attorney in fact where the home office officials, by specific direction, order its execution. A copy of such specific direction should be attached to each copy of such consent.

(53 Stat. 375, 477; 26 U. S. C. 3176, 3901)

CHANGE IN BONDED PREMISES

§ 178.86 *Extension or curtailment of premises.* Where it is desired to extend or curtail the bonded premises or to take in or cut off a room or building on the bonded premises, a new application, Form 698, plat and plan, or supplemental plat and plan, must be filed by the proprietor. The additional premises covered by an extension may not be used for winery purposes, and the portion of the winery premises to be excluded by curtailment may not be used for other than winery purposes, prior to approval of the application, Form 698, plat and plan, if required, filed in connection therewith.

(53 Stat. 354, 375, 477; 26 U. S. C. 3040, 3176, 3901)

CHANGES IN PROPRIETORSHIP

§ 178.96 *Change in partnership.* The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship. Likewise, except as provided in paragraph (a) of this section, the death, bankruptcy, or adjudicated insolvency of one or more of the copartners results in a dissolution of the partnership and, consequently, a change in proprietorship. Where such a change in proprietorship of the premises occurs, the successor must qualify in the same manner as a new applicant, except that he may adopt the plat and plan on file, as provided in § 178.85.

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(53 Stat. 348 as amended, 350 as amended, 351, 354, 375, 477; 26 U. S. C. 3031, 3032, 3033, 3040, 3176, 3901)

§ 178.97 *Reincorporation.* Where a corporation is reorganized and a new charter or certificate of incorporation is secured, the new corporation must qualify in the manner prescribed by § 178.95.

(53 Stat. 343 as amended, 350 as amended, 351, 354, 373, 375, 477; 26 U. S. C. 3031, 3032, 3033, 3040, 3171, 3176, 3901)

ACTION BY DISTRICT SUPERVISOR

§ 178.106b *Authority to approve.* District supervisors are authorized to approve all applications, bonds, consents of surety and other qualifying documents required by this part.

(53 Stat. 373 as amended, 375, 477; 26 U. S. C. 3170, 3176, 3901)

ORIGINAL ESTABLISHMENT

§ 178.114 *Disapproval of qualifying documents.* If the district supervisor finds that the applicant has not complied in all respects with the requirements of the law and this part, or that the bond should be disapproved under § 178.75, he will note his disapproval on the application, and shall return to the applicant by registered mail, one copy of the disapproved application, together with all copies of the qualifying documents and all copies of the bond without action thereon. The district supervisor shall forward one copy of the disapproved application to the Commissioner and will advise him fully respecting the disapproval thereof. He shall retain the remaining papers in his files. If the applicant is not entitled to a basic permit, the district supervisor will, upon disapproval of the application therefor, return all copies of the qualifying documents to the applicant without action thereon.

(53 Stat. 311, 354, 375, 477; 26 U. S. C. 2815, 3040, 3176, 3901)

TERMINATION OF BONDS

§ 178.121 *Action on application for notice of termination*—(a) *Winemaker's bond.* When an application for the issuance of notice of the termination of a winemaker's bond, as to liability for future transactions, is filed with the district supervisor in accordance with the provisions of § 178.120, the district supervisor will make a complete examination of the records of his office to determine whether there is any liability outstanding against the bond. He will also ascertain from the collector of internal revenue whether there are any outstanding, unpaid assessments or demands for taxes on wines produced or received, or brandy received, under the bond. If it is found that any such wines or brandy have not been accounted for, or that outstanding assessments or demands for payment of taxes chargeable against the bond have not been paid, the district supervisor will disapprove the application, unless the liability is settled. If the district supervisor finds that the bond may properly be terminated, he will issue notice of termination thereof in accordance with § 178.122.

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(53 Stat. 375, 477; 26 U. S. C. 3176, 3901)

§ 178.122 *Notice of termination*—(a) *Winemaker's bond.* Upon approval of an application for the issuance of notice of the termination of a winemaker's bond, Form 700–A, as to liability for future transactions, the district supervisor will execute "Notice of Termination" on Form 1490 where a superseding bond has been approved, or "Notice of Release" on Form 1491 where the principal has discontinued business and removed all the wines and brandy from the bonded winery or storeroom, in quadruplicate (in quintuplicate if there are two sureties), and will forward the original, together with one copy of the application, to the Commissioner, one copy to each obligor on the bond, and retain one copy on file in his office with the bond to which it relates.

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(53 Stat. 375, 477; 26 U. S. C. 3176, 3901)

§ 178.123 *Release of collateral*—(a) *Winemaker's bond.* The release of collateral pledged and deposited with the United States to support bonds required by this part will be in accordance with the provisions of Department Circular 154, revised (31 CFR Part 225), subject to the conditions governing the issuance of notices on Forms 1490 and 1491 of the termination of such bonds. Upon approval of an application for the issuance of notice of the termination of a winemaker's bond supported by collateral security, the district supervisor will fix the date or dates on which a part or all of the security may be released. In fixing such date, which ordinarily will be not less than six months from the date of determination that there is no outstanding liability against the bond, the district supervisor will satisfy himself that the interests of the Government will not be jeopardized. Collateral pledged and deposited to support a winemaker's bond, will not be released by the district supervisor until liability under the bond has been terminated. At any time prior to the release of such collateral security, the district supervisor may, in his discretion, and for proper cause, further extend the date of release of the security for such additional length of time as in his judgment may be appropriate.

(b) *Export or transfer to customs manufacturing bonded warehouse bonds.* Collateral pledged and deposited to support an export bond, or a bond covering transportation to customs manufacturing bonded warehouse, will ordinarily be released by the district supervisor upon issuance of notice of release of the bond, Form 1491.

(44 Stat. 122, as amended; 6 U. S. C. 15; 53 Stat. 375, 477; 26 U. S. C. 3176, 3901)

FORTIFYING ROOM

§ 178.436 *Scales and weighing tanks.* The proprietor must provide in the fortifying room suitable and accurate scales for gauging brandy received and used, except where all brandy used is conveyed by pipeline directly to the fortifying tank immediately after gauging at the distillery or bonded warehouse. Where brandy is received in tank cars, or by pipeline (except as provided in this section), a weighing tank of suitable size must be provided in the fortifying room. Beams or dials of scales used to weigh packages must indicate weight in half-pound graduations. The beams or dials of weighing tank scales must indicate weight in 1-pound graduations, if of less than 10 tons capacity, and in 5-pound graduations, if of 10 tons or more capacity. In case a scale or weighing tank is found to be inaccurate for any reason, it shall not be used while it is in such condition.

(53 Stat. 318, 348 as amended, 350 as amended, 351, 375, 477; 26 U. S. C. 2829, 3031, 3032, 3033, 3176, 3901)

MANNER OF PROCURING BRANDY FROM FRUIT DISTILLERIES AND INTERNAL REVENUE BONDED WAREHOUSES

PROCUREMENT OF BRANDY IN TANK CARS

§ 178.467 *Report of gauge at winery.* If the gauge of the brandy upon receipt at the winery discloses a loss in transit other than that which may be ascribed to variation in gauge, the officer will prepare a report of his gauge on Form 1520, and attach a copy of the form to each copy of Form 257 received from the officer at the distillery or warehouse. If the loss exceeds 1 percent, or there is evidence that the tank car was tampered with in transit, the officer will make a report of his gauge on Form 1520 in each instance, with a statement respecting his inspection of the tank car and the apparent cause of the loss.

(53 Stat. 340 as amended, 348 as amended, 351, 375, 477; 26 U. S. C. 2901, 3031, 3033, 3176, 3901)

FORTIFICATION OF WINE

§ 178.477 *Report of losses of brandy.* • • •

(b) *From storage tanks.* Losses from storage tanks will be reported by the Government officer on Form 276, giving the serial numbers of the tanks from which the loss was sustained, the quantity lost from each tank, and the apparent cause of the loss in sufficient detail to bring out all the known material facts and circumstances surrounding the loss. Losses from storage tanks will be determined at the end of the month during which wines are fortified or upon completion of fortification for the month, as provided in § 178.482a.

(53 Stat. 340 as amended, 348 as amended, 375, 477; 26 U. S. C. 2901, 3031, 3176, 3901)

LOSSES OF BRANDY

LOSSES IN TRANSIT OR IN FORTIFYING ROOM

§ 178.480 *By theft.* The tax on brandy withdrawn for fortification and lost by theft while being transferred to the fortifying room or while in the fortifying room, not as the result of connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them, may be remitted to the extent that the claimant is not indemnified against or recompensed for such loss.

(53 Stat. 340 as amended, 375, 477; 26 U. S. C. 2901, 3176, 3901)

§ 178.480a *By voluntary destruction.* The tax on brandy withdrawn for fortification and lost by voluntary destruction while being transferred to the fortifying room or while in the fortifying room, may be remitted: *Provided,* That the brandy was unfit for use for beverage purposes, and the distiller, warehouseman, or other person responsible for the tax, obtained the written permission of the district supervisor for such destruction in each case.

(53 Stat. 340 as amended, 373 as amended, 375, 477; 26 U. S. C. 2901, 3170, 3176, 3901)

§ 178.480b *By other causes.* The tax on brandy withdrawn for fortification and lost, due to causes other than by theft or voluntary destruction (as provided in §§ 178.480 and 178.480a, respectively), while being transfered to the fortifying room or while in the fortifying room, may be remitted.

(53 Stat. 340 as amended, 375, 477; 26 U. S. C. 2901, 3176, 3901)

DETERMINATION OF LOSSES

§ 178.482 *In transit.* Losses in transit to the winery will be ascertained at the time the brandy is received at the winery, as provided in §§ 178.455, 178.466, and 178.467.

(53 Stat. 340 as amended, 375, 477; 26 U. S. C. 2901, 3176, 3901)

§ 178.482a *In fortifying room.* Losses by theft or unauthorized voluntary destruction or from other causes in the fortifying room will be determined and reported at the time the loss is discovered. A physical inventory of storage tanks shall be taken at the close of the month during which wines are fortified or upon completion of fortification for the month and any losses which have not previously been ascertained will be determined.

(53 Stat. 340 as amended, 375, 477; 26 U. S. C. 2901, 3176, 3901)

CLAIMS FOR LOSSES

§ 178.483 *When required.* Where any loss by theft occurs, claim for remission of tax must be made by the winemaker. Where the loss from any package or railroad tank car in transit to the winery exceeds 1 percent of the quantity shipped therein, claim for remission of tax on the entire quantity lost from the package or railroad tank car must be made by the winemaker. Where the loss on any lot of brandy transferred to the fortifying room by pipeline exceeds 1 percent, claim for remission of tax on the entire quantity lost must likewise be made by the winemaker. Where the loss in the fortifying room from any package exceeds 1 percent of the quantity contained in the package at the time of receipt, or where the loss from storage tanks exceeds 1 percent of the total quantity contained in such tanks during the month, claim for remission of tax on the entire quantity lost from each such package or from such storage tanks must be made by the winemaker.

(53 Stat. 340 as amended, 373, 375, 477; 26 U. S. C. 2901, 3171, 3176, 3901)

§ 178.483a *When not required.* Where the loss in transit or in the fortifying room does not exceed 1 percent, calculated in accordance with § 178.483, claim for remission of tax will not be required, provided there are no circumstances indicating that the loss is not allowable under the law.

(53 Stat. 340, as amended, 373, 375, 477; 26 U. S. C. 2901, 3171, 3176, 3901)

§ 178.483b *Form of claims.* No special forms have been prescribed for use in filing claims for remission of tax. Such claims shall be made on letter size paper, in duplicate, showing the name, address, and capacity of the claimant, and shall set forth, under oath, the following information:

(a) The name of the fruit distiller who produced the brandy, and the registry number and location of the distillery;

(b) The serial numbers of the packages or other containers from which the brandy was lost, the quantity lost from each, and the total quantity of brandy covered by the claim;

(c) The total amount of tax for which the claim is filed;

(d) The date of the loss or, if such date is not known, the date on which the loss was discovered, and the nature and cause of the loss, together with all the known, material facts and circumstances surrounding the loss;

(e) The name of the carrier, if any;

(f) If lost by theft, the facts establishing whether the loss occurred as the result of any negligence, connivance, collusion, or fraud on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them; and

(g) If lost by theft, whether the claimant is indemnified or recompensed for the loss, and, if so, the amount and nature of such indemnity or recompense. The actual value of the brandy, less the tax, must be stated explicitly, and certified copies of all policies of insurance or other documents of indemnity covering the brandy must be furnished where required.

(53 Stat. 340 as amended, 373, 375, 477; 26 U. S. C. 2901, 3171, 3176, 3901)

§ 178.483c *Supporting documents.* Claims for remission of tax on brandy lost while being transferred to the fortifying room shall, if the transfer was made by carrier, be supported whenever possible by a copy of the bill of lading and statements of the agents of the carrier having personal knowledge of the loss. Claims covering losses in the fortifying room must be supported by affidavits of persons having personal knowledge of the loss.

(53 Stat. 340 as amended, 373, 375, 477; 26 U. S. C. 2901, 3171, 3176, 3901)

§ 178.483d *Filing of claims.* Claims for remission of tax on brandy lost in transit or in the fortifying room must be filed promptly by the winemaker with the district supervisor of the district in which the winery is located.

(53 Stat. 340 as amended, 373, 375, 477; 26 U. S. C. 2901, 3171, 3176, 3901)

REPORT OF LOSSES

§ 178.484 *Procedure.* Losses of brandy requiring the filing of claims pursuant to the provisions of § 178.483, must be reported to the district supervisor by the winemaker or other persons concerned immediately after the losses are discovered. Where losses of brandy occur while in transit and are ascertained by an officer at the time of receipt at the bonded winery, or where losses occur while in the fortifying room of the bonded winery and are ascertained while an officer is on duty, the officer will immediately gauge the contents of the package or other approved container and prepare Form 1520 in quadruplicate. The officer will prepare a letter report in triplicate to the district supervisor setting forth the nature, cause and extent of the loss in sufficient detail to bring out all the known, material facts and circumstances. The condition of each package or other container from which the loss was sustained, and the quantity lost therefrom, should be stated in such report. The officer will forward two copies of Form 1520 and two copies of the letter report to the district supervisor, deliver one copy of Form 1520 to the winemaker, and retain one copy of Form 1520 and the letter report for his file.

(53 Stat. 340 as amended, 373, 375, 477; 26 U. S. C. 2901, 3171, 3176, 3901)

ACTION BY DISTRICT SUPERVISOR

§ 178.485 *Investigation.* Where losses of brandy are reported, the district supervisor will immediately make such investigation and require such evidence to be submitted as he may deem necessary.

(53 Stat. 340 as amended, 373, 375, 477; 26 U. S. C. 2901, 3171, 3176, 3901)

§ 178.486 *Examination of claims.* When a claim for remission of tax is received by the district supervisor, he will carefully examine it and cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary, and will forward the claim to the Commissioner, together with a statement setting out his recommendation and his reasons therefor, as expeditiously as possible. The district supervisor will transmit to the Commissioner with the claim copies of any reports of investigation of the loss submitted by Government officers.

(53 Stat. 340 as amended, 373, 375, 477; 26 U. S. C. 2901, 3171, 3176, 3901)

§ 178.487 *District supervisor's accounts.* District supervisors will enter all items of loss of brandy in the fortifying room or in transit thereto in their accounts, Form 290. Credit will be taken in the account in which the loss is first entered for those losses for which claim is not required by § 178.483a. Losses for which claim is required by § 178.483 will be carried in the account as not allowed until the loss is allowed by the Commissioner or the tax is paid thereon. Where the loss is excessive, for which claim is required, the entire loss will be carried as not allowed.

(53 Stat. 340 as amended, 375, 477; 26 U. S. C. 2901, 3176, 3901)

VOLUNTARY DESTRUCTION OF BRANDY UNFIT FOR BEVERAGE PURPOSES

§ 178.488 *General.* Brandy withdrawn for fortification which is found by the district supervisor to be unfit for use for beverage purposes may be voluntarily destroyed without payment of tax by the winemaker in accordance with the procedure prescribed by §§ 178.489 to 178.492.

(53 Stat. 340 as amended, 375, 477; 26 U. S. C. 2901, 3176, 3901)

§ 178.490 *Investigation and analysis.* Upon receipt of the application, the district supervisor will have a Government officer inspect the brandy to verify the correctness of the application and to procure a sample from each barrel or tank in which the brandy is contained for submission to the district chemist for analysis to determine whether the brandy is unfit for use for beverage purposes. Each sample shall consist of one pint, or if deemed advisable, one quart. The officer will label the samples so as to readily identify the brandy, and will forward them to the district chemist at the expense of the winemaker. The chemist will analyze the samples and furnish a report of his analysis to the district supervisor. The unused portions of the samples will be retained by the chemist for further examination should such be found necessary.

(53 Stat. 340 as amended, 375, 477; 26 U. S. C. 2901, 3176, 3901)

§ 178.491 *Action by district supervisor*—(a) *Unfit for beverage purposes.* If the district supervisor finds that the brandy is unfit for beverage purposes, he will authorize the brandy to be destroyed by the winemaker under the supervision of a Government officer.

(b) *Fit for beverage purposes.* If the district supervisor finds that the brandy is fit for beverage purposes he will disapprove the application and notify the winemaker that the brandy has been found to be fit for beverage purposes and may not be destroyed without payment of tax.

(53 Stat. 340 as amended, 373 as amended, 375, 477; 26 U. S. C. 2901, 3170, 3176, 3901)

§ 178.492 *Gauge and destruction.* Brandy authorized to be destroyed will be gauged by the Government officer and reported for that purpose on Form 1520, in triplicate. Following such gauge, the brandy may be destroyed under the immediate supervision of the Government officer by running the same into the sewer or by other suitable means. The Government officer will then certify to such destruction and the manner thereof on each copy of Form 1520, furnish one copy of the form to the winemaker, retain one copy at the fortifying room, and forward one copy to the district supervisor. The officer will enter the brandy so destroyed at a special line in Part 5 of Form 276. The district supervisor will take appropriate credit at special lines in the appropriate part of his account, Form 290, for the brandy so destroyed.

(53 Stat. 340, as amended, 375, 477; 26 U. S. C. 2901, 3176, 3901)

3. The purposes of the amendments are as follows:

(a) To conform to the act of February 21, 1950 (Pub. Law 448, 81st Cong.), effective September 1, 1950.

(b) To incorporate regulations applicable to the gauging of brandy at bonded wineries now contained in the Gauging Manual (26 CFR Part 186), but which are being deleted from the current revision of such manual.

Effect: These regulations shall be effective as of September 1, 1950.

GEO J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: July 21, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-6596; Filed, July 26, 1950; 9:00 a. m.]

No. 144——2

PART 186—GAUGING MANUAL

Preamble: 1. These regulations, the Gauging Manual (26 CFR, Part 186), shall on and after September 1, 1950, supersede the Gauging Manual, 1938 Edition (26 CFR, Part 186; 5 F. R. 1215), and Treasury Decisions 4905 (4 F. R. 2450), 4949 (4 F. R. 4137), 5013 (5 F. R. 3942), 5026 (5 F. R. 5262), 5060 (6 F. R. 3333), 5117 (7 F. R. 1080), 5130 (7 F. R. 2577), 5140 (7 F. R. 3307), 5201 (7 F. R. 10547), 5466 (10 F. R. 8735), 5477 (10 F. R. 11989), 5518 (11 F. R. 6536), 5620 (13 F. R. 3117), and 5701 (14 F. R. 2916).

2. These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability or forfeiture incurred prior to such date.

SUBPART A—SCOPE OF REGULATIONS

Sec.
186.1 Gauging of distilled spirits.

SUBPART B—DEFINITIONS

186.5 Distilled spirits.
186.6 Gallon.
186.7 Proof.
186.8 Proof gallon.
186.9 Proof spirits.

SUBPART C—GAUGING INSTRUMENTS

186.10 General requirements.
186.11 Hydrometers and thermometers.

SUBPART D—USE OF GAUGING INSTRUMENTS

186.15 Use of hydrometers and thermometers.

SUBPART E—PRESCRIBED TABLES

186.20 Table 1, showing the true percents of proof spirit for any indication of the hydrometer at temperatures between zero and 100 degrees Fahrenheit.
186.21 Table 2, showing wine gallons and proof gallons by weight.
186.22 Table 3, for determining the number of proof gallons from the weight and proof of spirituous liquor.
186.23 Table 4, showing the fractional part of a gallon per pound at each percent of proof of spirituous liquor.
186.24 Table 5, showing the weight per wine gallon (at 60 degrees Fahrenheit) and proof gallon at each percent of proof of spirituous liquor.
186.25 Table 6, showing respective volumes of alcohol and water and the specific gravity in both air and vacuum of spirituous liquor.
186.26 Table 7, for correction of volume of spirituous liquors to 60 degrees Fahrenheit.

AUTHORITY: §§ 186.1 to 186.26 issued under 53 Stat. 333, 335, as amended, 373, as amended, 375, 467; 26 U. S. C. 2878, 2883, 3170, 3176, 3791. Other statutory provisions interpreted or applied are cited to the text in parentheses.

LAWS OF MORE COMMON APPLICATION PERTAINING TO THE GAUGING OF DISTILLED SPIRITS [1]

5 U. S. C. 22; 161 R. S. DEPARTMENTAL REGULATIONS. The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers and property appertaining to it.

26 U. S. C. 2808 INSTRUMENTS TO PREVENT AND DETECT FRAUD.

(a) *Power of the Commissioner.* For the prevention and detection of frauds by distillers of spirits, the Commissioner may prescribe for use such hydrometers, saccharometers, weighing and gauging instruments, or other means for ascertaining the quantity, gravity, and producing capacity of any mash, wort, or beer used, or to be used, in the production of distilled spirits, and the strength and quantity of spirits subject to tax, as he may deem necessary; and he may prescribe rules and regulations to secure a uniform and correct system of inspection, weighing, marking, and gauging of spirits.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2809 DEFINITIONS. • • •

(b) *Distilled spirits.* (1) *General definition.* Distilled spirits, spirits, alcohol, and alcoholic spirits, within the true intent and meaning of this chapter, is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance.

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(c) *Proof spirits.* Proof spirits shall be held to be that alcoholic liquor which contains one-half its volume of alcohol of a specific gravity of seven thousand nine hundred and thirty-nine ten-thousandths (0.7939) at sixty degrees Fahrenheit.

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26 U. S. C. 2878 DRAWING, GAUGING, AND MARKING OF DISTILLED SPIRITS.

(a) *General rule.* Except as provided in section 2883, all distilled spirits shall be drawn from receiving cisterns into casks or packages and thereupon shall be gauged, proved, and marked by a storekeeper-gauger, and immediately removed into an internal revenue bonded warehouse. The Commissioner, with the approval of the Secretary, is hereby empowered to prescribe all necessary regulations relating to the drawing off, gauging, and packaging of distilled spirits; the marking, branding, numbering, and stamping of such packages; and the transfer and transportation to, and the storage of such spirits in, internal revenue bonded warehouses.

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(d) *Marking and branding by distiller.* The Commissioner, with the approval of the Secretary, may, by regulations, from time to time, require a distiller, at his expense and under the immediate personal supervision of a storekeeper-gauger, to do such marking and branding and such mechanical labor pertaining to gauging required under this section as the Commissioner deems proper and determines may be done without danger to the revenue.

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26 U. S. C. 2883 TRANSFER OF SPIRITS AT REGISTERED DISTILLERIES. • • •

(f) *Regulations.* The Commissioner, with the approval of the Secretary, is hereby empowered to prescribe all necessary regulations relating to the drawing off, transferring, gauging, storing, redistillation, and transportation of the spirits; the records to be kept and returns to be made; the size and kind of containers to be used; the marking, branding, numbering, and stamping of such containers; and the kind of bond and the penal sum thereof.

26 U. S. C. 2884 GAUGING, STAMPING, AND BRANDING SPIRITS REMOVED FROM WAREHOUSE.

(a) *Requirement.* Except as may otherwise be required under section 2800 (a) (1)

[1] Sections of United States Code shown herein are identical with corresponding sections of Internal Revenue Code.

(A), whenever an application is received for the removal from any internal revenue bonded warehouse of any cask or package of distilled spirits on which the tax has been paid, the storekeeper-gauger shall gauge and inspect the same, and shall, before such cask or package has left the warehouse, place upon such package such marks, brands, and stamps as the Commissioner, with the approval of the Secretary, shall by regulations prescribe, which marks, brands, and stamps shall be erased when such cask or package is emptied.

The Commissioner, with the approval of the Secretary, may, by regulations, from time to time, require any distiller, at his expense and under the immediate personal supervision of a storekeeper-gauger, to do such marking and branding and such mechanical labor pertaining to gauging required under this section as the Commissioner deems proper and determines may be done without danger to the revenue.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3170 TRANSFER AND DELEGATION OF POWERS.

The Secretary is authorized to confer and impose upon the Commissioner and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, power, duties, and protection conferred or imposed upon the Secretary, or any officer or employee of the Treasury Department, by any law now or hereafter in force relating to the taxation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol.

26 U. S. C. 3176 RULES AND REGULATIONS.

(a) *Power of Commissioner.* The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3791 RULES AND REGULATIONS.

(a) *Authorization*—(1) *In general.* Except as provided in section 1928 (a), Cotton Futures, section 2699, Marihuana, section 2559, Narcotics, section 3176, Liquor, and section 1805, Silver, the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

SUBPART A—SCOPE OF REGULATIONS

§ 186.1 *Gauging of distilled spirits.* These regulations, the "Gauging Manual" (26 CFR, Part 186) contain the procedural and substantive requirements for measuring distilled spirits. Tables 1–7 are provided as a part hereof showing the true per cents of proof spirit for any indication of the hydrometer at temperatures between zero and 100 degrees Fahrenheit, wine gallons and proof gallons by weight, the number of proof gallons from the weight and proof of spirituous liquor, the fractional part of a gallon per pound at each per cent of proof of spirituous liquor, weight per wine gallon and proof gallon at each per cent of proof of spirituous liquor, respective volumes of alcohol and water and the specific gravity in both air and vacuum of spirituous liquor, and the correction of volume of spirituous liquors to 60 degrees Fahrenheit.

SUBPART B—DEFINITIONS

§ 186.5 *Distilled spirits.* Distilled spirits, spirits, alcohol and alcoholic spirits is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar including all dilutions and mixtures of this substance.

(53 Stat. 307; 26 U. S. C. 2809)

§ 186.6 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 186.7 *Proof.* "Proof" shall mean the ethyl alcohol content of a liquid at 60° Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

§ 186.8 *Proof gallon.* "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60° Fahrenheit, containing 50 percent of ethyl alcohol by volume.

§ 186.9 *Proof spirits.* Proof spirits shall be held to be that alcoholic liquor which contains one-half its volume of alcohol of a specific gravity of 0.7939 at 60 degrees Fahrenheit, referred to water at 60 degrees Fahrenheit as unity. Proof spirit has at 60 degrees Fahrenheit a specific gravity of 0.93418 in air (0.93426 in vacuum), 100 parts by volume consisting of 50 parts of absolute alcohol and 53.73 parts of water.

(53 Stat. 307; 26 U. S. C. 2809)

SUBPART C—GAUGING INSTRUMENTS

§ 186.10 *General requirements.* Hydrometers and thermometers furnished at Government expense shall be used by Government officers for determining the alcoholic strength of distilled spirits where the solid content is negligible. The alcoholic strength of liquors to which blending materials have been added, or which contain solids in solution in excess of 0.6 gram per 100 milliliters will be determined by use of an approved ebulliometer, small still, or other instrument or method authorized by the Commissioner, in accordance with provisions of Regulations 11 (26 CFR, Part 189) or Regulations 15 (26 CFR, Part 190).

(53 Stat. 307; 26 U. S. C. 2808)

§ 186.11 *Hydrometers and thermometers.* The hydrometers furnished to Government officers are so graduated as to indicate the number of parts by volume of proof spirits equivalent to 100 parts of the liquor at the standard temperature of 60 degrees Fahrenheit; thus, they read, 0 for water, 100 for proof spirit, and 200 for absolute alcohol. Since the density of any liquor varies inversely with the temperature, the hydrometer reading will be less than the true percent of proof at temperatures below 60 degrees Fahrenheit and will be greater than the true percent of proof at temperatures above 60 degrees Fahrenheit. Hence corrections are necessary for hydrometer readings at temperatures other than 60 degrees Fahrenheit. Precision hydrometers will be used for gauging large quantities of spirits, such as bulk gauging for tax payment, gauging for entry, etc. Hydrometers and thermometers shall be used and the true percent of proof shall be determined in accordance with § 186.15. Hydrometers are designated by letter according to range of proof and are provided in ranges as follows:

U. S. Standard:	
A	0 to 100
B	80 to 120
C	100 to 140
D	130 to 170
E	160 to 200
Precision:	
F	0 to 20
G	20 to 40
H	40 to 60
I	60 to 80
K	75 to 95
L	90 to 110
M	105 to 125
N	125 to 145
P	145 to 165
Q	165 to 185
R	185 to 205

53 Stat. 307; 26 U. S. C. 2808)

SUBPART D—USE OF GAUGING INSTRUMENTS

§ 186.15 *Use of hydrometers and thermometers.* Care must be exercised to obtain an accurate temperature reading. The hydrometer cup or glass cylinder containing the thermometer will be filled and refilled with the spirits to be gauged until the mercury in the thermometer ceases to move upward or downward, and the cup or cylinder shall not be exposed to wind, or any other condition which will influence it unduly against the temperature of the spirits while the readings are being ascertained. The hydrometer stem will be immediately inserted into the spirits and the indications of the stem and thermometer read instantly and as nearly simultaneously as possible. The hydrometer shall be clean and shall be carefully immersed only to the point where it will be sustained by the spirits. Special care must be taken to ascertain the exact point at which the level of the surface of the liquid intersects the scale of proof in the stem of the hydrometer. When the correct readings of the hydrometer and thermometer have been determined, the true percent of proof shall be ascertained from Table 1. The first line designating whole degrees of proof below the general surface of the liquid will be read and the fraction of the degree of proof between the submerged line and the general surface of the spirits noted; e. g., if the 178 line on the stem is the first line indicating a whole degree of proof below the general surface of the spirits at 75 degrees Fahrenheit, the proof corrected to 60 degrees Fahrenheit would be 173.5, plus the fraction of a degree of proof the 178 line is below the general surface of the liquid. If this fraction is 0.7 of a degree of proof, the true proof would be 173.5, plus 0.7 or 174.2.

(53 Stat. 307; 26 U. S. C. 2808)

SUBPART E—PRESCRIBED TABLES

§ 186.20 *Table 1, showing the true per cents of proof spirit for any indication of the hydrometer at temperatures between zero and 100 degrees Fahrenheit.* This table shows the true percent of proof of distilled spirits for indications of the hydrometer likely to occur in practice at temperatures between zero and 100 degrees Fahrenheit. The left-hand column contains the reading of the hydrometer and on the same horizontal line, in the body of the table, in the "Temperature" column corresponding to the reading of the thermometer is the corrected reading or "True percent of proof". The table is computed for tenths of a percent. In practice where reduction to a whole degree of proof is not required, if the decimal is less than five it will be dropped; if it is five or over, a unit will be added. Thus column 23 degrees, indication 146, the true percent, 158.4 is called 158; column 23 degrees, indication 145, the true percent of proof, 157.5 is called 158. Where fractional readings are ascertained, the proper interpolations will be made, e. g., for a hydrometer reading of 151, temperature 71½ degrees, the true percent of proof would be 147.0 or for a hydrometer reading of 179.4, temperature 75 degrees, the true percent of proof would be 175.0.

(53 Stat. 307; 26 U. S. C. 2808)

§ 186.21 *Table 2, showing wine-gallons and proof gallons by weight.* The wine and proof gallon content by weight and proof of packages of distilled spirits usually found in actual practice will be ascertained from this table. The left-hand column contains the weights. The true percent of proof is shown on the heading of each page in a range from 90 degrees to 200 degrees. Under the true percent of proof and on the same horizontal line with the weight will be found the wine gallons (at 60 degrees Fahrenheit) and the proof gallons respectively. Weights or proofs not shown in Table 2 will be ascertained by reference to Table 3.

(53 Stat. 307; 26 U. S. C. 2808)

§ 186.22 *Table 3, for determining the number of proof gallons from the weight and proof of spirituous liquor.* Where the weight or proof of a quantity of distilled spirits is not found in Table 2 the proof gallons may be ascertained from Table 3. The wine gallons (at 60 degrees Fahrenheit) may be ascertained by dividing the proof gallons by the proof.

Example. A tank car of spirits of 190 degrees of proof weighed 60,378 pounds net. We find—

	Proof gallons
60,000 pounds equal to	16,778.4
300 pounds equal to	83.9
70 pounds equal to	19.6
8 pounds equal to	2.2
	16,884.1

That is, 60,378 pounds of spirits at 190 proof is equal to 16,884.1 proof gallons. The equivalent gallons for 70 pounds are found from the column 700 pounds by moving the decimal point one place to the left; those for 8 pounds from the column 800 pounds by moving the decimal point two places to the left.

Example. A package of spirits of 86 proof weighed 321½ pounds net. We find—

	Proof gallons
300 pounds equal to	32.7
20 pounds equal to	2.2
1 pound equal to	.1
½ pound equal to	.1
	35.1

That is, 321½ pounds of spirits at 86 proof is equal to 35.1 proof gallons. The equivalent gallons for 20 pounds are found from the column 200 pounds by moving the decimal point one place to the left; those for 1 pound from the column 100 pounds by moving the decimal point two places to the left; that for the ½ pound from the column 500 pounds by moving the decimal point three places to the left. Fractional gallons beyond the first decimal ascertained through use of this table will be dropped if less than 0.05 or will be added as 0.1 if 0.05 or more. The wine gallons (at 60 degrees Fahrenheit) may be determined by dividing the proof gallons by the proof. For example: 35.1 divided by 86 equals 40.8 wine gallons.

(53 Stat. 307; 26 U. S. C. 2808)

§ 186.23 *Table 4, showing the fractional part of a gallon per pound at each per cent of proof of spirituous liquor.* This table provides an alternate method for use in ascertaining the wine gallon (at 60 degrees Fahrenheit) and/or proof gallon contents of containers of spirits by multiplying the net weight of the spirits by the fractional part of a gallon per pound shown in the table for spirits of the same proof. Fractional gallons beyond the first decimal will be dropped if less than 0.5 or will be added as 0.1 if 0.05 or more. This table may also be used for ascertaining the quantity of water required to reduce to a given proof. To do this, divide the proof gallons of spirits to be reduced by the fractional part of a proof gallon per pound of spirits at the proof to which the spirits are to be reduced, and subtract from the quotient the net weight of the spirits before reduction. The remainder will be the pounds of water needed to reduce the spirits to the desired proof.

Example. It is desired to ascertain the quantity of water needed to reduce 1,000 pounds of 200 proof spirits, 302.6 proof gallons, to 190 proof:

802.6 divided by 0.27964 equals 1,082.11 pounds, weight of spirits after reduction. 1,082.11 minus 1,000 equals 82.11 pounds, weight of water required to reduce to desired proof.

The slight variation between this table and Tables 2, 3, and 5 on some calculations is due to the dropping or adding of fractions beyond the first decimal on those tables.

(53 Stat. 307; 26 U. S. C. 2808)

§ 186.24 *Table 5, showing the weight per wine gallon (at 60 degrees Fahrenheit) and proof gallon at each per cent of proof of spirituous liquor.* This table may be used to ascertain the weight of any given number of wine gallons (at 60 degrees Fahrenheit) or proof gallons of spirits by multiplying the pounds per gallon by the given number of gallons of the spirits. The table should be especially useful where it is desired to weigh a precise quantity of spirits.

Example. It is desired to ascertain the weight of 100 wine gallons of 190 proof spirits:

6.79434×100 equals 679.43 pounds, net weight of 100 wine gallons of 190 proof spirits.

Example. It is desired to ascertain the weight of 100 proof gallons of 190 proof spirits:

3.57597×100 equals 357.60 pounds, net weight of 100 proof gallons of 190 proof spirits.

The slight variation between this table and Tables 2 and 3 on some calculations is due to dropping or adding of fractions beyond the first decimal on those tables.

(53 Stat. 307; 26 U. S. C. 2808)

§ 186.25 *Table 6, showing respective volumes of alcohol and water and the specific gravity in both air and vacuum of spirituous liquor.* This table provides an alternate method for use in ascertaining the quantity of water needed to reduce the strength of distilled spirits by a definite amount. To do this, divide the alcohol in the given strength by the alcohol in the required strength, multiply the quotient by the water in the required strength, and subtract the water in the given strength from the product. The remainder is the number of gallons of water to be added to 100 gallons of spirits of the given strength to produce a spirit of a required strength.

Examples. It is desired to reduce spirits of 191 proof to 188 proof. We find that 191 proof spirits contains 95.5 parts alcohol and 5.59 parts water, and 188 proof spirits contains 94.0 parts alcohol and 7.36 parts water.

95.5 (the strength of 100 wine gallons of spirits at 191 proof) divided by 94.0 (the strength of 100 wine gallons of spirits at 188 proof) equals 1.01. 7.36 (the water in 188 proof) multiplied by 1.01 equals 7.43. 7.43 less 5.59 (the water in 191 proof spirits) equals 1.84 gallons of water to be added to each 100 wine-gallons of 191 proof spirits to be reduced.

This rule is applicable for reducing to any proof; but when it is desired to reduce to 100 proof, it is sufficient to point off two decimals in the given proof, multiply by 53.73, and deduct the water in the given strength. Thus, to reduce 112 proof spirits to 100 proof:

1.12×53.73—47.75 equals 12.42 gallons of water to be added to each 100 wine gallons of spirits to be reduced.

(53 Stat. 307; 26 U. S. C. 2808)

§ 186.26 *Table 7, for correction of volume of spirituous liquors to 60 degrees Fahrenheit.* This table provides correction factors prescribed for ascertaining volume at 60 degree Fahrenheit of spirits at various other temperatures ranging from 18 degrees through 100 degrees Fahrenheit. The wine gallons to be corrected should be multiplied by the factor shown in the table at the per cent proof and temperature of the spirits. The product will be the corrected gallonage at 60 degrees Fahrenheit. This table is also prescribed for use in ascertaining the capacity of containers where the wine gallon capacity at 60 degrees

Fahrenheit is determined by weight in accordance with Tables 2, 3, 4, or 5. This is accomplished by dividing the wine gallons at 60 degrees Fahrenheit by the factor shown in the table at the per cent proof and temperature of the spirits. The quotient will be the true capacity of the container.

Example. It is desired to ascertain the volume at 60 degrees Fahrenheit of 1,000 wine gallons of 190 proof spirits at 75 degrees Fahrenheit:

1,000×0.991 equals 991 wine gallons, the corrected gallonage at 60 degrees Fahrenheit.

Example. It is desired to ascertain the capacity of a tank which, when filled to capacity with 190 proof spirits at 100 degrees Fahrenheit, contains 2,500 wine gallons as determined by weight:

2,500 divided by 0.976 equals 2,561.5 the capacity of the tank in wine gallons at 60 degrees Fahrenheit.

It will be noted that the table is prepared in multiples of 5 percent proof and 2 degrees temperature. Where the spirits to be corrected are of an odd temperature, one-half of the difference, if any, between the factors for the next higher and lower temperature, should be added to the factor for the next higher temperature. For example, the correction factor for spirits of 180 proof at 53 degrees temperature should be taken as 1.004, and for the same proof spirits at 51 degrees temperature the correction factor should be taken as 1.0055. Likewise, where the percent proof is other than a multiple of five, the difference, if any, between the next higher and lower proof should be divided by five and multiplied by the degrees of proof beyond the next lower proof, and the fractional product added to the factor for the next lower proof, or if such factor has been corrected because of odd temperature, to such corrected factor. For example, to ascertain the correction factor for spirits of 112 proof at 47 degrees temperature, we find the difference in the table of 0.001 between 46 degrees and 48 degrees temperature; accordingly, 0.0005 should be added to the factor (1.005) for the next higher temperature (48 degrees), giving a factor of 1.0055 for 47 degrees Fahrenheit; then we find also a difference of 0.001 between 110 proof and 115 proof, or 0.0002 for each percent of proof. Accordingly, for 112 proof we multiply 0.0002 by 2 and get 0.0004 to be added to the factor for the next lower proof, or in this case, to the corrected factor of 1.0055, making the factor to be used 1.0059.

(53 Stat. 307; 26 U. S. C. 2308)

3. The purposes of the regulations are as follows:

a. To conform to the act of February 21, 1950 (Pub. Law 443, 81st Cong., effective September 1, 1950).

b. To restrict the text to instructions concerning the gauging of distilled spirits and the use of prescribed tables, to delete obsolete material, to eliminate material duplicated in other regulations, and to transfer from the existing Gauging Manual to applicable regulations, material which is not considered to be in the nature of gauging operations or instructions.

c. To revise Tables 2 and 3 by rounding off the wine gallon and proof gallon values thereof in order to establish the decimal values to the nearest one-tenth gallon. Thereby, decimal values beyond the first place have been eliminated.

d. To restate instructions for use of hydrometers and thermometers in proofing distilled spirits, and instructions for use of Tables 1–7 in the measurements of distilled spirits.

e. To rearrange the text to conform to FEDERAL REGISTER Regulations (13 F. R. 5929).

4. These regulations shall be effective September 1, 1950.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: July 21, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-6597; Filed, July 26, 1950; 8:53 a. m.]

[Regulations 15]

PART 190—RECTIFICATION OF SPIRITS AND WINES

Preamble: 1. These regulations, Regulations 15, "Rectification of Spirits and Wines" (26 CFR Part 190), shall, on and after September 1, 1950, supersede Regulations 15, 1940 Edition (26 CFR Part 190; 5 F. R. 2020); and Treasury Decisions 5604 (5 F. R. 3180), 5078 (6 F. R. 5029), 5182 (7 F. R. 9630), 5274 (8 F. R. 8860), 5319 (9 F. R. 252), 5463 (10 F. R. 8737), 5492 (10 F. R. 13680), 5542 (11 F. R. 10277), 5573 (12 F. R. 4881), 5598 (13 F. R. 271), 5626 (13 F. R. 3606), 5638 (13 F. R. 3732), 5681 (13 F. R. 9493), 5703 (14 F. R. 3051), 5720 (14 F. R. 4902), 5731 (14 F. R. 4922), 5762 (14 F. R. 7232), and 5781 (15 F. R. 1240).

2. These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability or forfeiture incurred prior to such date.

LAWS OF MORE COMMON APPLICATION PERTAINING TO THE RECTIFICATION OF SPIRITS AND WINES

Sec.
5 U. S. C. 22 Departmental regulations.
26 U. S. C. 1650 War tax rates of certain miscellaneous taxes.
26 U. S. C. 2800 Tax.
26 U. S. C. 2801 Rectified spirits.
26 U. S. C. 2802 Stamps for distilled spirits.
26 U. S. C. 2803 Stamps for containers of distilled spirits.
26 U. S. C. 2804 Detention of casks or packages on suspicion.
26 U. S. C. 2806 Penalties and forfeitures.
26 U. S. C. 2810 Registry of stills.
26 U. S. C. 2812 Notice of business of distiller or rectifier.
26 U. S. C. 2813 Notice of intention to rectify.
26 U. S. C. 2815 Conditions of approval of distiller's bond.
26 U. S. C. 2818 Notice of manufacture of and permit to set up still.
26 U. S. C. 2819 Premises prohibited for distilling.
26 U. S. C. 2828 Distillers and rectifiers to furnish facilities and give assistance for examination of premises.
26 U. S. C. 2829 Installation of meters, tanks, and other apparatus.
26 U. S. C. 2830 Officer's authority to break up grounds or walls.
26 U. S. C. 2831 Signs of distillers, rectifiers, and wholesale liquor dealers.
26 U. S. C. 2832 Conditions precedent to carrying on business of distilling.
26 U. S. C. 2834 Mash, wort, and vinegar; vinegar factories.
26 U. S. C. 2835 Vinegar factories operated prior to March 1, 1879.
26 U. S. C. 2855 Monthly returns of rectifiers.
26 U. S. C. 2856 Penalty for unlawful rectifying.
26 U. S. C. 2857 Books of rectifiers and wholesale dealers.
26 U. S. C. 2858 Exemption of States from provisions of section 2857.
26 U. S. C. 2861 Gauging, branding, and stamping rectified spirits.
26 U. S. C. 2862 Stamping.
26 U. S. C. 2863 Marking and stamping packages filled on premises of wholesale dealers.
26 U. S. C. 2866 Effacement of stamps and brands on emptied packages.
26 U. S. C. 2867 Buying or selling used casks bearing inspection marks.
26 U. S. C. 2868 Changing stamps or shifting spirits.
26 U. S. C. 2869 Affixing limitation stamps on packages of distilled spirits.
26 U. S. C. 2870 Prohibited hours for removal of spirits.
26 U. S. C. 2871 Regulation of traffic in containers of distilled spirits.
26 U. S. C. 2883 Transfer of spirits at registered distilleries.
26 U. S. C. 3030 Tax.
26 U. S. C. 3043 Penalties and forfeitures.
26 U. S. C. 3170 Transfer and delegation of powers.
26 U. S. C. 3171 Records, statements, and returns.
26 U. S. C. 3172 Discretionary method for collecting tax.
26 U. S. C. 3173 Penalties and forfeitures.
26 U. S. C. 3175 Other laws applicable.
26 U. S. C. 3176 Rules and regulations.
26 U. S. C. 3179 Exemption and drawback in case of exportation.
26 U. S. C. 3250 Tax.
26 U. S. C. 3254 Definitions.
26 U. S. C. 3270 Registration.
26 U. S. C. 3271 Payment of tax.
26 U. S. C. 3272 Returns.
26 U. S. C. 3273 Stamps.
26 U. S. C. 3274 Penalties relating to posting of special tax stamp.
26 U. S. C. 3300 Establishment and alteration.
26 U. S. C. 3301 Attachment and cancellation.
26 U. S. C. 3601 Entry of premises for examination of taxable objects.
26 U. S. C. 3656 Payment by check and money orders.
26 U. S. C. 3809 Verification of returns: Penalties of perjury.
27 U. S. C. 203 Unlawful business without permit.
27 U. S. C. 205 Unfair competition and unlawful practices.
27 U. S. C. 206 Bulk sales and bottling.

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AUTHORITY: §§ 190.1 to 190.982 issued under R. S. 161, 53 Stat. 375; 5 U. S. C. 22, 26 U. S. C. 3176. Interpret or apply 53 Stat. 300; 26 U. S. C. 2801. Other statutory provisions interpreted or applied are cited to text in parentheses.

LAWS OF MORE COMMON APPLICATION PERTAINING TO THE RECTIFICATION OF SPIRITS AND WINES[1]

5 U. S. C. 22 DEPARTMENTAL REGULATIONS. The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers and property appertaining to it.

26 U. S. C. 1650 WAR TAX RATES OF CERTAIN MISCELLANEOUS TAXES. In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following table, the rates applicable with respect to the period beginning with the effective date of Title III of the Revenue Act of 1943 shall be the rates set forth under the heading "War Tax Rate";

Section	Description of tax	Old rate	War tax rate
•	• •	• •	• •
3030 (a) (1).....	Still wines: (1) Not over 14% of alcohol.	10 cents per gallon.....	15 cents per gallon.
	(2) Over 14% and not over 21% of alcohol.	40 cents per gallon.....	60 cents per gallon.
	(3) Over 21% and not over 24% of alcohol.	$1 per gallon.....	$2 per gallon.
3030 (a) (2).....	Sparkling wines, liqueurs and cordials: (1) Champagne or sparkling wine.	10 cents per half-pint or fraction thereof.	15 cents per half-pint or fraction thereof.
	(2) Artificially carbonated wine.	5 cents per half-pint or fraction thereof.	10 cents per half-pint or fraction thereof.
	(3) Liqueurs, cordials, etc.	5 cents per half-pint or fraction thereof.	10 cents per half-pint or fraction thereof.
•	• •	• •	• •

26 U. S. C. 2800 Tax—(a) *Rate.*

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(5) *Rectified spirits and wines.* In addition to the tax imposed by this chapter on distilled spirits and wines, there shall be levied, assessed, collected, and paid, a tax of 30 cents on each proof gallon and a proportionate tax at a like rate on all fractional parts of such proof gallon on all distilled spirits or wines rectified, purified, or refined in such manner, and on all mixtures produced in such manner, that the person so rectifying, purifying, refining, or mixing the same is a rectifier within the meaning of section 3254 (g): *Provided*, That this tax shall not apply to gin produced by the redistillation of a pure spirit over juniper berries and other aromatics.

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26 U. S. C. 2801 RECTIFIED SPIRITS.

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(b) *Proof and volume.* When the process of rectification is completed and the taxes prescribed by section 2800 (a) (5) have been paid, it shall be unlawful for the rectifier or other dealer to reduce in proof or increase in volume such spirits or wine by the addition of water or other substance; nothing herein contained shall, however, prevent a rectifier from using again in the process of rectification spirits already rectified and upon which the taxes have theretofore been paid.

(c) *Exemption from tax*—(1) *Cordials and liqueurs.* The taxes imposed by section 2800 (a) (5) shall not attach to cordials or liqueurs on which a tax is imposed and paid under paragraph (1) or (2) of section 3030 (a), nor to the mixing and blending of wines, where such blending is for the sole purpose of perfecting such wines according to commercial standards, nor to blends made exclusively of two or more pure straight whiskies aged in wood for a period not less than four years and without the addition of coloring or flavoring matter or any other substance than pure water and if not reduced below ninety proof; nor to blends made exclusively of two or more pure fruit brandies distilled from the same kind of fruit, aged in wood for a period not less than two years and without the addition of coloring or flavoring matter or any other substance than pure water and if not reduced below ninety proof: *Provided*, That such blended whiskies and blended fruit brandies shall be exempt from tax under section 2800 (a) (5) only when compounded under the immediate supervision of a revenue officer, in such tanks and under such conditions and supervision as the Commissioner, with the approval of the Secretary, may prescribe.

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(d) *Regulations—Use of distilled spirits or wines.* All distilled spirits or wines taxable under section 2800 (a) (5) shall be subject to uniform regulations concerning the use thereof in the manufacture, blending, compounding, mixing, marking, branding, and sale of whisky and rectified spirits, and no discrimination whatsoever shall be made by reason of a difference in the character of the material from which same may have been produced.

(e) *Rectifying*—(1) *Regulations.* The business of a rectifier of spirits shall be carried on, and the tax on rectified spirits shall be paid, under such rules, regulations, and bonds as may be prescribed by the Commissioner, with the approval of the Secretary. The Commissioner, with the approval of the Secretary, shall prescribe such regulations under this section and paragraph (5) of section 2800 (a) as he deems necessary.

(2) *Premises of rectifier.* The premises of a rectifier shall be as described in his notice and, whether they consist of an entire building or of rooms in a building, shall have means of ingress from and egress into a public street or yard, or into a public hall or elevator shaft leading into a public street or yard, and shall be used exclusively for the business of rectification and the bottling of liquors rectified by him thereon, and the bottling of wines and spirits without rectification. Any rectifier who uses his rectifying premises contrary to the provisions of this paragraph shall be fined not more than $50 with respect to each day upon which any such use occurs, but shall not, on account of such use, be subject to the penalties otherwise prescribed in this section.

[1] The sections of the United States Code are numbered identically with corresponding sections of the Internal Revenue Code.

(3) *Filtering and purifying wines.* The filtering, clarifying, or purifying of wines on bonded winery premises or bonded storeroom premises shall not be deemed to be rectification within the meaning of section 3254 (g).

(4) *Vermouth manufactured with fortified wines.* The manufacture of vermouth with fortified sweet wine on bonded winery premises shall not be deemed to be rectification within the meaning of section 3254 (g), if distilled spirits other than necessary in the production of approved essences, used in the manufacture of vermouth, whether or not such essences are produced on the bonded winery premises, are not added to the fortified sweet wine used in the manufacture thereof or to such vermouth during or after its manufacture. Such vermouth may be manufactured on bonded winery premises, but only in a separate department thereof under such supervision and in accordance with such regulations as the Commissioner, with the approval of the Secretary, shall prescribe. The provisions of this paragraph shall apply in the same manner and to the same extent to aperitif wines other than vermouth.

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(f) *Penalties.* Except as provided in subsection (e) (2), whoever violates any of the provisions of this section or section 2800 (a) (5) shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined not more than $1,000 or imprisoned not more than two years, and shall, in addition, be liable to double the tax evaded, together with the tax, to be collected by assessment or on any bond given.

26 U. S. C. 2802 STAMPS FOR DISTILLED SPIRITS—(a) *Issue for restamping.* The Commissioner may, under regulations prescribed by him with the approval of the Secretary, issue stamps for restamping packages of distilled spirits, which have been duly stamped but from which the stamps have been lost or destroyed by unavoidable accident.

(b) *Accountability*—(1) *Other stamps.* All stamps relating to distilled spirits, other than the tax-paid stamps, shall be charged to collectors; and the books containing such stamps may be intrusted by any collector to the storekeeper-gauger of the district, who shall make a daily report to the collector of all such stamps used by him and for whom used; and when all the stamps contained in any such book have been issued, the storekeeper-gauger of the district shall return the book to the collector, with all the marginal stubs therein. Except as provided in section 2878 (b), all export stamps issued to collectors shall be charged to them as representing the value of 10 cents for each stamp, and they shall collect the amount due for such stamps at the rate of 10 cents for each stamp issued in such manner and at such time as the Commissioner may prescribe, and the Commissioner may, in his discretion, make assessment therefor.

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(c) *Exchange of wholesale liquor dealers' stamps for rectified spirits stamps.* Collectors shall not furnish wholesale liquor dealers' stamps in lieu of and in exchange for stamps for rectified spirits unless the package covered by stamp for rectified spirits is to be broken into smaller packages.

26 U. S. C. 2803 STAMPS FOR CONTAINERS OF DISTILLED SPIRITS—(a) *Requirement.* No person shall transport, possess, buy, sell, or transfer any distilled spirits, unless the immediate container thereof has affixed thereto a stamp denoting the quantity of distilled spirits contained therein and evidencing payment of all internal-revenue taxes imposed on such spirits. The provisions of this section shall not apply to—

(1) Distilled spirits placed in a container for immediate consumption on the premises or for preparation for such consumption;

(2) Distilled spirits in bond or in customs custody;

(3) Distilled spirits in immediate containers required to be stamped under existing law;

(4) Distilled spirits in actual process of rectification, blending, or bottling, or in actual use in processes of manufacture;

(5) Distilled spirits on which no internal-revenue tax is required to be paid;

(6) Distilled spirits not intended for sale or for use in the manufacture or production of any article intended for sale; or

(7) Any regularly established common carrier receiving, transporting, delivering, or holding for transportation or delivery distilled spirits in the ordinary course of its business as a common carrier.

(b) *Purchase and supply.* Any person placing or intending to place any distilled spirits upon which all internal-revenue taxes have been paid into any container upon which a stamp is required by this section, or withdrawing or intending to withdraw any imported spirits in such containers from customs custody, shall be entitled to purchase sufficient stamps for stamping such containers. Such stamps shall be issued by the Commissioner to each Collector, upon his requisition, in such numbers as may be necessary in his district, and shall be sold by the Collectors to persons entitled thereto upon application therefor and compliance with regulations under this section, at a price of 1 cent for each stamp, except that in the case of stamps for containers of less than one half pint the price shall be one quarter of 1 cent for each stamp. When in his judgment there is no danger to the revenue, and upon the giving of such bonds or other security as he may deem necessary, the Commissioner may authorize the sale of such stamps to importers for stamping containers in the country from which imported.

(c) *Unused stamps: Exchange, refund, etc.* The Commissioner of Internal Revenue, under regulations prescribed by him and approved by the Secretary of the Treasury, may redeem or make allowance for any unused stamps issued under section 203 of the Liquor Taxing Act of 1934 or subsection (b) of this section by exchanging them for other stamps of the same kind or by refunding moneys received therefor: *Provided*, That stamps may be exchanged or the value thereof refunded only in quantities of the value of $5 or more: *And provided further*, That no claim for the exchange of strip stamps or refund therefor shall be allowed unless presented within two years after the date on which such stamps were lawfully issued. There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this provision.

(d) *Regulations for issuing, affixing, and canceling stamps.* The Commissioner, with the approval of the Secretary, shall prescribe (a) regulations with respect to the time and manner of applying for, issuing, affixing, and destroying stamps required by this section, the form and denominations of such stamps, proof that applicants are entitled to such stamps, and the method of accounting for receipts from the sale of such stamps, and (b) such other regulations as he shall deem necessary for the enforcement of this section.

(e) *Destruction of stamps.* Every person emptying any container stamped under the provisions of this section shall at the time of emptying such container destroy the stamp thereon.

(f) *Forfeiture of spirits.* All distilled spirits found in any container required to bear a stamp by this section, which container is not stamped in compliance with this section and regulations issued thereunder, shall be forfeited to the United States.

(g) *Penalties.* Any person who violates any provision of this section, or who, with intent to defraud, falsely makes, forges, alters, or counterfeits any stamp made or used under this section, or who uses, sells, or has in his possession any such forged, altered, or counterfeited stamp, or any plate or die used or which may be used in the manufacture thereof, or any stamp required to be destroyed by this section, or who makes, uses, sells, or has in his possession any paper in imitation of the paper used in the manufacture of any such stamp, or who reuses any stamp required to be destroyed by this section, or who places any distilled spirits in any bottle which has been filled and stamped under this section without destroying the stamp previously affixed to such bottle, or who affixes any stamp issued under this section to any container of distilled spirits on which any tax due is unpaid, or who makes any false statement in any application for stamps under this section, or who has in his possession any such stamps obtained by him otherwise than as provided in subsection (b), shall on conviction be punished by a fine not exceeding $1,000, or by imprisonment at hard labor not exceeding five years, or by both. Any officer authorized to enforce any provisions of law relating to internal revenue stamps is authorized to enforce the provisions of this section and the provisions of section 2909 relating to the bottling of distilled spirits in bond.

(h) *Transfer of duties.* For transfer of duties and powers of the Commissioner and his agents, see section 3170.

26 U. S. C. 2804 DETENTION OF CASKS OR PACKAGES ON SUSPICION—(a) *Power of revenue officer.* It shall be lawful for any internal revenue officer to detain any cask or package containing, or supposed to contain, distilled spirits, when he has reason to believe that the tax imposed by law upon the same has not been paid, or that the same is being removed in violation of law; and every such cask or package may be held by him at a safe place until it shall be determined whether the property so detained is liable by law to be proceeded against for forfeiture; but such summary detention shall not continue in any case longer than forty-eight hours without process of law or intervention of the officer to whom such detention is to be reported.

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26 U. S. C. 2806 PENALTIES AND FORFEITURES.

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(d) *Forfeiture of distilled spirits in unstamped casks of packages.* All distilled spirits found in any cask or package containing five gallons or more, without having thereon each mark and stamp required therefor by law, shall be forfeited to the United States.

(e) *Evasion of tax, penalty.* Whenever any person evades, or attempts to evade, the payment of the tax on any distilled spirits, in any manner whatever, he shall forfeit and pay double the amount of the tax so evaded or attempted to be evaded.

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(g) *Offenses not specifically covered.* If any distiller, rectifier, or wholesale liquor dealer, shall knowingly or willfully omit, neglect or refuse to do or cause to be done any of the things required by law in the carrying on or conducting of his business, or shall do anything by this title prohibited, if there be no specific penalty or punishment imposed by any other section of this title for the neglecting, omitting or refusing to do, or for the doing or causing to be done the thing required or prohibited, he shall pay a penalty of $1,000; and all distilled spirits or liquors owned by him or in which he has any interest as owner, shall be forfeited to the United States.

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26 U. S. C. 2810. REGISTRY OF STILLS—(a) *Requirement.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up, shall register the same with the collector of the

district in which it is, by subscribing and filing with him duplicate statements, in writing, setting forth the particular place where such still or distilling apparatus is set up, the kind of still and its cubic contents, the owner thereof, his place of residence, and the purpose for which said still or distilling apparatus has been or is intended to be used; one of which statements shall be retained and preserved by the collector, and the other transmitted by him to the Commissioner. Stills and distilling apparatus shall be registered immediately upon their being set up.

Every still or distilling apparatus not so registered, together with all personal property in the possession or custody, or under the control of such person, and found in the building, or in any yard or inclosure connected with the building in which the same may be set up, shall be forfeited.

And every person having in his possession or custody, or under his control, any still or distilling apparatus set up which is not so registered, shall pay a penalty of $500, and shall be fined not less than $100, nor more than $1,000, and imprisoned for not less than one month, nor more than two years.

Stills and distilling apparatus set up at refineries for the refining of crude petroleum or the production of petroleum products and not used in the manufacture of distilled spirits are not required to be registered under this section.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2812 NOTICE OF BUSINESS OF DISTILLER OR RECTIFIER—(a) *Requirements.* Every person engaged in, or intending to be engaged in, the business of a distiller or rectifier, shall give notice in writing, subscribed by him, to the collector of the district wherein such business is/to be carried on, stating his name and residence, and if a company or firm, the name and residence of each member thereof, the name and residence of every person interested or to be interested in the business, the precise place where said business is to be carried on, and whether of distilling or rectifying; and if such business is carried on in a city, the residence and place of business shall be indicated by the name of the street and number of the building. In case of a distiller, the notice shall also state the kind of stills and the cubic contents thereof, the number and kind of boilers, the number of mash tubs and fermenting tubs, the cubic contents of each tub, the number of receiving cisterns, the cubic contents of each cistern, the number of hours in which the distillery will ferment each tub of mash or beer, the estimated quantity of distilled spirits which the apparatus is capable of distilling every twenty-four hours, a particular description of the lot or tract of land on which the distillery is situated, and of the buildings thereon, including their size, material, and construction; and that said distillery premises are not within six hundred feet (or the distance permitted by the Secretary pursuant to law), in a direct line, of any premises authorized to be used for rectifying or refining distilled spirits by any process.

In case of a rectifier, the notice shall state the precise place where such business is to be carried on, the name and residence of every person interested or to be interested in the business, the process by which the applicant intends to rectify, purify, or refine distilled spirits, the kind and cubic contents of any still used or to be used for such purpose, the estimated quantity of spirits which can be rectified, purified, or refined every twenty-four hours in such establishment, and that said rectifying establishment is not within six hundred feet (or the distance permitted by the Secretary pursuant to law), in a direct line, of the premises of any distillery registered for the distillation of spirits.

In case of any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of such distillery or rectifying establishment, or in the time of fermenting the mash or beer, notice thereof, in writing, shall be given to the said collector or proper deputy collector, of the district within twenty-four hours after such change; and any deputy collector receiving such notice shall immediately transmit the same to the collector of the district. Every notice required by this section shall be in such form, and shall contain such additional particulars, as the Commissioner may, from time to time, prescribe.

Every person who fails or refuses to give such notice shall pay a penalty of $1,000, and shall be fined not less than $100 nor more than $2,000; and every person who gives a false or fraudulent notice shall, in addition to such penalty or fine, be imprisoned not less than six months nor more than two years.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2813 NOTICE OF INTENTION TO RECTIFY—(a) *Requirements.* When any rectifier intends to rectify or compound any distilled spirits he shall, before emptying any package of distilled spirits for that purpose, give notice in duplicate to the collector for the district of his intention so to rectify, and, except as provided in section 2861, submit such package for the inspection of a storekeeper-gauger, who shall duly weigh or gauge such package and its contents and make due return thereof, and such spirits shall not be emptied for rectification, nor rectified or compounded in the package, until gauged or weighed as hereinabove provided. And such notice and return shall be made in such form and contain such particulars as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2815 CONDITIONS OF APPROVAL OF DISTILLER'S BOND.

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(c) *Approval as condition to commencing business.* No individual, firm, partnership, corporation, or association, intending to commence or to continue the business of a distiller, rectifier, brewer, or winemaker, shall commence or continue the business of a distiller, rectifier, brewer, or winemaker until all bonds in respect of such a business, required by any provision of law, have been approved by the Commissioner or such other officer of the Bureau of Internal Revenue as the Commissioner, with the approval of the Secretary, may designate.

(d) *Disapproval.* The Commissioner or the designated officer may disapprove any such bond or bonds if the individual, firm, partnership, corporation, or association giving the same, or owning, controlling, or actively participating in the management of the business of the individual or firm, partnership, corporation, or association giving the same, shall have been previously convicted, in a court of competent jurisdiction, of (1) any fraudulent noncompliance with any provision of any law of the United States if such provision related to internal-revenue or customs taxation of distilled spirits, wines, or fermented malt liquors, or if such an offense shall have been compromised with the individual, firm, partnership, corporation, or association upon payment of penalties or otherwise, or (2) any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of distilled spirits, wine, fermented malt liquor, or other intoxicating liquor.

(e) *Appeal from disapproval.* In case the disapproval is by any officer other than the Commissioner, the individual, firm, partnership, corporation, or association giving the bond may appeal from such disapproval to the Commissioner.

The disapproval of the Commissioner in any matter under this section shall be final.

(f) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2818 NOTICE OF MANUFACTURE OF AND PERMIT TO SET UP STILL—(a) *Requirement.* Any person who manufactures any still, boiler, or other vessel to be used for the purpose of distilling, shall, before the same is removed from the place of manufacture, notify in writing the collector of the district in which such still, boiler, or other vessel is to be used or set up, by whom it is to be used, its capacity, and the time when the same is to be removed from the place of manufacture; and no such still, boiler, or other vessel shall be set up without the permit in writing of the said collector for that purpose; and

(b) *Penalty for setting up still without permit.* Any person who sets up any such still, boiler, or other vessel, without first obtaining a permit from the said collector of the district in which such still, boiler, or other vessel is intended to be used, or who fails to give such notice, shall pay in either case the sum of $500, and shall forfeit the distilling apparatus thus removed or set up in violation of law.

(c) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2819 PREMISES PROHIBITED FOR DISTILLING. No person shall use any still, boiler, or other vessel, for the purpose of distilling, in any dwelling house, or in any shed, yard, or inclosure connected with any dwelling house, or on board of any vessel or boat, or in any building, or on any premises where beer, lager beer, ale, porter, or other fermented liquors, vinegar, or ether, are manufactured or produced, or where sugars or sirups are refined, or where liquors of any description are retailed, or where any other business is carried on; or within six hundred feet in a direct line of any premises authorized to be used for rectifying, except that the Secretary is authorized to permit such use for distilling on premises at such lesser distance than six hundred feet as he prescribes, in any case in which he deems that such permission may be granted without danger to the revenue; and every person who does any of the acts prohibited by this section, or aids or assists therein, or causes or procures the same to be done, shall be fined $1,000 and imprisoned for not less than six months nor more than two years, in the discretion of the court, for each such offense: *Provided*, That saleratus may be manufactured, or meal or flour ground from grain, in any building or on any premises where spirits are distilled; but such meal or flour shall be used only for distillation on the premises; *Provided further*, That any boiler used in generating steam or heating water to be used in any distillery, may be located in any other building or on any other premises to be connected with such still or boiling tubs, by suitable pipes or other apparatus, or the steam from such boiler in the distillery may be conveyed to other premises to be used for manufacturing or other purposes.

26 U. S. C. 2826 DISTILLERS AND RECTIFIERS TO FURNISH FACILITIES AND GIVE ASSISTANCE FOR EXAMINATION OF PREMISES—(a) *Power of revenue officers.* On the demand of any internal revenue officer or agent, every distiller or rectifier shall furnish strong, safe, and convenient ladders of sufficient length to enable the officer or agent to examine and gauge any vessel or utensil in such distillery or premises; and shall, at all times when required, supply all assistance, lights, ladders, tools, staging, or other things necessary for inspecting the premises, stock, tools, and apparatus belonging to such person, and shall open all doors, and open for examination all boxes, packages, and all casks, barrels, and other vessels not under the control of the revenue officer in charge, under a penalty of $500 for every refusal or neglect so to do.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2829 INSTALLATION OF METERS, TANKS, AND OTHER APPARATUS—(a) *Power of the Commissioner.* The Commissioner, with the approval of the Secretary, is authorized to require at distilleries, breweries, rectifying houses, and wherever else in his judgment such action may be deemed advisable, the installation of meters, tanks, pipes, or any other apparatus for the purpose of protecting the revenue, and such meters, tanks, and pipes and all necessary labor incident thereto shall be at the expense of the person on whose premises the installation is required. Any such person refusing or neglecting to install such apparatus when so required by the Commissioner shall not be permitted to conduct business on such premises.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2830 OFFICER'S AUTHORITY TO BREAK UP GROUNDS OR WALLS—(a) *Power of revenue agent.* It shall be lawful for any revenue officer, and any person acting in his aid, to break up the ground on any part of a distillery, or premises of a distiller or rectifier, or any ground adjoining or near to such distillery or premises, or any wall or partition thereof, or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil; and, upon finding any such pipe or conveyance leading therefrom or thereto, to break up any ground, house, wall, or other place through or into which such pipe or other conveyance leads, and to break or cut away such pipe or other conveyance, and turn any cock, or to examine whether such pipe or other conveyance conveys or conceals any mash, wort, or beer, or other liquor, which may be used for the distillation of low-wines or spirits, from the sight or view of the officer, so as to prevent or hinder him from taking a true account thereof.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2831 SIGNS OF DISTILLERS, RECTIFIERS, AND WHOLESALE LIQUOR DEALERS. Every person engaged in distilling or rectifying spirits, and every wholesale liquor dealer, shall place and keep conspicuously on the outside of the place of such business a sign, exhibiting in plain and legible letters, not less than three inches in length, painted in oil-colors or gilded, and of a proper and proportionate width, the name or firm of the distiller, rectifier, or wholesale dealer, with the words: "Registered distillery," "rectifier of spirits," or "wholesale liquor dealer," as the case may be. Every person who violates the foregoing provision by negligence or refusal, or otherwise, shall pay a penalty of $500.

And every person, other than a rectifier or wholesale liquor dealer who has paid the special tax, or a distiller who has given bond as required by law, who puts up or keeps up the sign required by this section, or any sign indicating that he may lawfully carry on the business of a distiller, rectifier, or wholesale liquor dealer, shall forfeit and pay $1,000, and shall be imprisoned not less than one month nor more than six months. And every person who works in any distillery, rectifying establishment, or wholesale liquor store, on which no sign is placed and kept, as hereinbefore provided; and every person who knowingly receives at, carries or conveys any distilled spirits to or from, any such distillery, rectifying establishment, warehouse, or store, or who knowingly carries and delivers any grain, molasses, or other raw material to any distillery on which such sign is not placed and kept, shall forfeit all horses, carts, drays, wagons, or other vehicle or animal used in carrying or conveying such property aforesaid, and shall be fined not less than $100 nor more than $1,000, or be imprisoned not less than one month nor more than six months.

26 U. S. C. 2832 CONDITIONS PRECEDENT TO CARRYING ON BUSINESS OF DISTILLING. It shall not be lawful for any distiller to commence the business of distilling, until he has given the bond required by law, and complied with the provisions of law relating to the registration and survey of distilleries, and the arrangement and construction of distilleries and the premises connected therewith; nor shall it be lawful for any person to engage in the business of distilling on any premises distant less than six hundred feet in a direct line from any premises used for rectifying; nor shall the processes of distillation and rectification both be carried on within the distance of six hundred feet in a direct line; except that the Secretary is authorized to permit such business of distilling or process of distillation to be carried on at such lesser distance than six hundred feet as he prescribes, in any case in which he deems that such permission may be granted without danger to the revenue.

26 U. S. C. 2834 MASH, WORT, AND VINEGAR; VINEGAR FACTORIES. No mash, wort, or wash, fit for distillation or for the production of spirits or alcohol, shall be made or fermented in any building or on any premises other than a distillery duly authorized according to law; and no mash, wort, or wash so made and fermented shall be sold or removed from any distillery before being distilled; and no person, other than an authorized distiller, shall, by distillation, or by any other process, separate the alcoholic spirits from any fermented mash, wort, or wash; and no person shall use spirits or alcohol in manufacturing vinegar or any other article, or in any process of manufacture whatever, unless the spirits or alcohol so used shall have been produced in an authorized distillery and (except in the case of vinegar) the tax thereon paid. Every person who violates any provision of this section shall be fined for each offense not less than $500 nor more than $5,000, and be imprisoned not less than six months nor more than two years. Nothing in this section shall be construed to apply to fermented liquors, or to fermented liquids used for the manufacture of vinegar exclusively. But no worm, goose-neck, pipe, conductor, or contrivance of any description whatsoever whereby vapor might in any manner be conveyed away and converted into distilled spirits, shall be used or employed or be fastened to or connected with any vaporizing apparatus used for the manufacture of vinegar; nor shall any worm be permitted on or near the premises where such vaporizing process is carried on.

Nor shall any vinegar factory, for the manufacture of vinegar as aforesaid, be permitted, except as provided in section 2835, within six hundred feet of any distillery or rectifying house. But it shall be lawful for manufacturers of vinegar to separate, by a vaporizing process, the alcoholic property from the mash produced by them, and condense the same by introducing it into the water or other liquid used in making vinegar.

No person, however, shall remove, or cause to be removed, from any vinegar factory or place where vinegar is made, any vinegar or other fluid or material containing a greater proportion than 2 per centum of proof spirits. Any violation of this provision shall incur a forfeiture of the vinegar, fluid, or material containing such proof spirits, and shall subject the person or persons guilty of removing the same to the punishment provided for any violation of this section.

And sections 2827, 2828, and 2830 shall apply to all premises whereon vinegar is manufactured, to all manufacturers of vinegar and their workmen or other persons employed by them.

26 U. S. C. 2835 VINEGAR FACTORIES OPERATED PRIOR TO MARCH 1, 1879—(a) *Regulations.* Any vinegar factory for the manufacture of vinegar, established and operated as a vinegar factory prior to March 1, 1879, may be operated for the manufacture of vinegar by the use of alcoholic vapor within such distance less than six hundred feet of any distillery or rectifying house under such regulations as the Commissioner may prescribe with the approval of the Secretary.

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26 U. S. C. 2855 MONTHLY RETURNS OF RECTIFIERS—(a) *Requirement.* On or before the 10th day of each month every person engaged in rectifying or compounding distilled spirits shall make, in such form as may be prescribed by the Commissioner, a return to the collector of the district, showing the quantity of spirits received for rectification, and from whom received, the quantity dumped for rectification, the quantity rectified, the quantity removed after rectification during the preceding month, and giving such other information as may be required by the Commissioner, such return to be made in duplicate and sworn to by the rectifier; and the collector shall forward one of such returns to the Commissioner.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2856 PENALTY FOR UNLAWFUL RECTIFYING. Every person who engages in, or carries on, the business of a rectifier with intent to defraud the United States of the tax on the spirits rectified by him, or any part thereof, or with intent to aid, abet, or assist any person or persons in defrauding the United States of the tax on any distilled spirits, or who shall purchase or receive or rectify any distilled spirits which have been removed from a distillery to a place other than the distillery warehouse provided by law, knowing or having reasonable grounds to believe that the tax on said spirits, required by law, has not been paid, shall, for every such offense, be fined not less than $1,000 nor more than $5,000, and imprisoned not less than six months nor more than two years.

26 U. S. C. 2857 BOOKS OF RECTIFIERS AND WHOLESALE DEALERS—(a) *Requirements.* Every rectifier and every wholesale liquor dealer who sells, or offers for sale, distilled spirits in quantities of five wine-gallons or more to the same person at the same time shall keep daily, at his place of business covered by his special tax stamp, a record of distilled spirits received and disposed of by him, and shall render under oath correct transcripts and summaries of such records: *Provided*, That the Commissioner may in his discretion require such record to be kept at the place where the spirits are actually received and sent out. The records shall be kept and the transcripts shall be rendered in such form, and under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe.

The records required to be kept under the provisions of this section and regulations issued pursuant thereto, shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

Every rectifier and wholesale liquor dealer who refuses or neglects to keep such records in the form prescribed by the Commissioner, with the approval of the Secretary, or to make entries therein, or cancels, alters, or obliterates any entry therein (except for the purpose of correcting errors) or destroys any part of such records, or any entry therein, or makes any false entry therein, or hinders or obstructs any internal revenue officer from inspecting such records or taking any abstracts therefrom, or neglects or refuses to preserve or produce such records as required

by this chapter or by regulations issued pursuant thereto, shall pay a penalty of $100 and, on conviction, shall be fined not less than $100 nor more than $5,000, and be imprisoned not less than three months nor more than three years.

Every rectifier and wholesale liquor dealer who refuses or neglects to render transcripts or summaries in the form required by the Commissioner, with the approval of the Secretary, shall, upon conviction, be fined not more than $100 for each such neglect or refusal.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2862 STAMPING—(a) *Requirements.* All blanks in any of the forms prescribed in section 2861 shall be duly filled in accordance with the facts in each case. And the stamps therein designated shall in every case be affixed to a smooth surface of the cask or other package, which surface shall not have been previously painted or covered with any substance, and so as to fasten the same securely to the cask or package, and shall be duly canceled, and shall then be immediately covered with a coating of transparent varnish or other substance, so as to protect them from removal or damage by exposure; and such affixing, cancellation, and covering shall be done in such manner as the Commissioner may by regulation prescribe.

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26 U. S. C. 2863 MARKING AND STAMPING PACKAGES FILLED ON PREMISES OF WHOLESALE DEALERS—(a) *Requirements.* Every package of distilled spirits containing five wine gallons or more, filled on the premises of a wholesale liquor dealer, who has paid the special tax required by law, shall be marked, branded, and stamped by such wholesale liquor dealer in such manner and under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe.

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26 U. S. C. 2866 EFFACEMENT OF STAMPS AND BRANDS ON EMPTIED PACKAGES. Every person who empties or draws off, or causes to be emptied or drawn off, any distilled spirits from a cask or package bearing any mark, brand, or stamp, required by law, shall at the time of emptying such cask or package, efface and obliterate said mark, stamp, or brand. Every such cask or package from which said mark, brand, or stamp is not effaced and obliterated as herein required, shall be forfeited to the United States, and may be seized by any officer of internal revenue, wherever found. And every railroad company or other transportation company, or person who receives or transports, or has in possession with intent to transport, or with intent to cause or procure to be transported, any such empty cask or package, or any part thereof, having thereon any brand, mark, or stamp, required by law to be placed on any cask or package containing distilled spirits, shall forfeit $300 for each such cask or package, or any part thereof, so received or transported, or had in possession with the intent aforesaid; and every boat, railroad car, cart, dray, wagon, or other vehicle, and all horses and other animals used in carrying or transporting the same, shall be forfeited to the United States. Every person who fails to efface and obliterate said mark, stamp, or brand, at the time of emptying such cask or package, or who receives any such cask or package, or any part thereof, with the intent aforesaid, or who transports the same, or knowingly aids or assists therein, or who removes any stamp provided by law from any cask or package containing, or which had contained, distilled spirits, without defacing and destroying the same at the time of such removal, or who aids or assists therein, or who has in his possession any such stamp so removed as aforesaid, or has in his possession any canceled stamp, or any stamp which has been used, or which purports to have been used, upon any cask or package of distilled spirits, shall be deemed guilty of a felony, and shall be fined not less than $500 nor more than $10,000, and imprisoned not less than one year nor more than five years.

26 U. S. C. 2867 BUYING OR SELLING USED CASKS BEARING INSPECTION MARKS. Whenever any person knowingly purchases or sells, with inspection marks thereon, any cask or package, after the same has been used for distilled spirits, he shall forfeit and pay the sum of $200 for every such cask so purchased or sold.

26 U. S. C. 2868 CHANGING STAMPS OR SHIFTING SPIRITS. Whenever any person changes or alters any stamp, mark, or brand on any cask or package containing distilled spirits, or puts into any cask or package spirits of greater strength than is indicated by the inspection-mark thereon, or fraudulently uses any cask or package having any inspection-mark or stamp thereon, for the purpose of selling other spirits, or spirits of quantity or quality different from the spirits previously inspected therein, he shall forfeit and pay the sum of $200 for every cask or package on which the stamp or mark is so changed or altered, or which is so fraudulently used, and shall be fined for each such offense not less than $100 nor more than $1,000, and imprisoned not less than one month nor more than one year.

26 U. S. C. 2869 AFFIXING IMITATION STAMPS ON PACKAGES OF DISTILLED SPIRITS. If any person shall affix, or cause to be affixed, to or upon any cask or package containing, or intended to contain, distilled spirits, any imitation stamp or other engraved, printed, stamped, or photographed label, device, or token, whether the same be designed as a trade mark, caution notice, caution, or otherwise and which shall be in the similitude or likeness of, or shall have the resemblance or general appearance of, any internal revenue stamp required by law to be affixed to or upon any cask or package containing distilled spirits, he shall, for each offense, be liable to a penalty of $100, and, on conviction, shall be fined not more than $1,000, and imprisoned not more than three years, and the cask or package with its contents shall be forfeited to the United States.

26 U. S. C. 2870 PROHIBITED HOURS FOR REMOVAL OF SPIRITS. No person shall remove any distilled spirits at any other time than after sun-rising and before sun-setting in any cask or package containing more than ten gallons from any premises or building in which the same may have been distilled, redistilled, rectified, compounded, manufactured, or stored; and every person who violates this provision shall be liable to a penalty of $100 for each cask, barrel, or package of spirits so removed; and said spirits, together with any vessel containing the same, and any horse, cart, boat, or other conveyance used in the removal thereof, shall be forfeited to the United States.

26 U. S. C. 2871 REGULATION OF TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS. Whenever in his judgment such action is necessary to protect the revenue, the Secretary is authorized, by the regulations prescribed by him, and permits issued thereunder if required by him (1) to regulate the size, branding, marking, sale, resale, possession, use, and re-use of containers (of a capacity of less than five wine-gallons) designed or intended for use for the sale at retail of distilled spirits (within the meaning of such term as it is used in section 2803) for other than industrial use, and (2) to require, of persons manufacturing, dealing in, or using any such containers, the submission to such inspection, the keeping of such records, and the filing of such reports as may be deemed by him reasonably necessary in connection therewith. Whoever willfully violates the provisions of any regulation prescribed, or the terms or conditions of any permit issued, pursuant to the authorization contained in this section, and any officer, director, or agent of any corporation who knowingly participates in such violation, shall, upon conviction, be fined not more than $1,000 or be imprisoned for not more than two years, or both; and, notwithstanding any criminal conviction, the containers involved in such violation shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for forfeitures, seizures, and condemnations for violations of the internal-revenue laws, and any such containers so seized and condemned shall be destroyed and not sold. Any requirements imposed under this section shall be in addition to any other requirements imposed by, or pursuant to, law, and shall apply as well to persons not liable for tax under the internal-revenue laws as to persons so liable.

26 U. S. C. 2883 TRANSFER OF SPIRITS AT REGISTERED DISTILLERIES—(a) *Requirements.* Subject to the provisions of existing law, spirits of one hundred and sixty degrees of proof or more produced at registered distilleries, including registered fruit distilleries (such registered distilleries and registered fruit distilleries being referred to hereafter as "distillery" or "distilleries"), may be transferred by means of pipe lines from receiving cisterns in the distillery direct to storage tanks in the internal revenue bonded warehouse located on the bonded premises where produced or located contiguous thereto, and be warehoused in such storage tanks, or they may be withdrawn from the receiving cisterns, without, or after reduction in proof, into approved containers and transferred to any internal revenue bonded warehouse for storage therein, or they may be tax-paid in such approved containers in the cistern rooms of distilleries without being entered into an internal revenue bonded warehouse. Such spirits may be drawn into approved containers from storage tanks in an internal revenue bonded warehouse. Spirits of one hundred and sixty degrees of proof, or more, may be transferred in bond in tank cars from cistern rooms of distilleries or from storage tanks in an internal revenue bonded warehouse and be deposited in storage tanks in any internal revenue bonded warehouse. Such spirits in tanks in internal revenue bonded warehouses distilled at or above one hundred and ninety degrees of proof may be reduced to not less than one hundred and eleven degrees prior to being drawn into packages. Such spirits, upon tax payment, may be withdrawn in approved containers, including pipe lines to contiguous premises, for use for beverage purposes only. Except as provided in subsection (c) hereof and section 2916, such spirits may not be withdrawn for denaturation.

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(d) *Transfer of gin.* Gin of any proof may be transferred in bond by means of pipe lines from receiving cisterns in distilleries direct to storage tanks in the internal revenue bonded warehouse located on the bonded premises where produced, or located contiguous thereto, and be warehoused in such storage tanks. Such gin may, upon tax payment, be transferred by pipe line to a contiguous tax-paid bottling house or rectifying plant.

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(f) *Regulations.* The Commissioner, with the approval of the Secretary, is hereby empowered to prescribe all necessary regulations relating to the drawing off, transferring, gaging, storing, redistillation, and transportation of the spirits; the records to be kept and returns to be made; the size and kind of containers to be used; the marking, branding, numbering, and stamping of each container; and the kind of bond and the penal sum thereof.

(g) *Effect on other laws.* Nothing contained in this section shall be construed as restricting or limiting the provisions of other sections of the internal-revenue laws relating to internal revenue bonded warehouses, distilleries, and bonded wineries.

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26 U. S. C. 3030 TAX—(a) *Rate*—(1) *Still wines*—(A) *Imposition.* Upon all still wines, including vermouth, and all artificial or imitation wines or compounds sold as still wine, produced in or imported into the United States after June 30, 1940, or which on July 1, 1940, were on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid taxes at rates as follows, when sold, or removed for consumption or sale:

On wines containing not more than 14 per centum of absolute alcohol, 10 cents per wine-gallon, the per centum of alcohol under this section to be reckoned by volume and not by weight;

On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 40 cents per wine-gallon;

On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, $1.00 per wine-gallon;

All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall pay tax accordingly.

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(2) *Sparkling wines, liqueurs, and cordials.* Upon the following articles which are produced in or imported into the United States, after June 30, 1940, or which on July 1, 1940, are on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid, in lieu of the internal-revenue taxes imposed thereon by law prior to such date, taxes at rates as follows, when sold, or removed for consumption or sale:

On each bottle or other container of champagne or sparkling wine, 10 cents on each one-half pint or fraction thereof;

On each bottle or other container of artificially carbonated wine, 5 cents on each one-half pint or fraction thereof;

On each bottle or other container of liqueurs, cordials, or similar compounds, by whatever name sold or offered for sale, containing sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wines, papaya wines, pineapple wines, cantaloup wines, or apple wine, fortified respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy, 5 cents on each one-half pint or fraction thereof;

Any of the foregoing articles containing more than 24 per centum of absolute alcohol by volume (except vermouth, liqueurs, cordials, and similar compounds made in rectifying plants and containing tax-paid sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wines, papaya wines, pineapple wines, cantaloup wines, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy) shall be classed as distilled spirits and shall be taxed accordingly.

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(b) *Payment*—(1) *Stamp.* The taxes imposed by paragraphs (1) and (2) of subsection (a) shall be paid by stamp on removal of the wines from the customhouse, winery, or other bonded place of storage for consumption or sale.

The Commissioner may, under regulations prescribed by him with the approval of the Secretary, issue stamps for restamping packages of wines which have been duly stamped but from which the stamps have been lost or destroyed by unavoidable accident.

(2) *Assessment.* The collection of the tax on imported still wines, including vermouth, and sparkling wines, including champagne, and on imported liqueurs, cordials, and similar compounds, may be made within the discretion of the Commissioner, with the approval of the Secretary, by assessment instead of by stamps.

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(See 26 U. S. C. 1650)

26 U. S. C. 3043 PENALTIES AND FORFEITURES—(a) *Offenses.* Whoever evades or attempts to evade any tax imposed by sections 3030 or 3031, or any requirement of this subchapter, or regulation issued pursuant thereto, or whoever, otherwise than as provided in this subchapter, recovers or attempts to recover any spirits from domestic or imported wine, shall, on conviction, be punished for each such offense by a fine of not exceeding $5,000, or imprisonment for not more than five years, or both, and in addition thereto by a penalty of double the tax evaded, or attempted to be evaded, to be assessed and collected in the same manner as taxes are assessed and collected, and all wines, spirits, liqueurs, cordials, or similar compounds as to which such violation occurs shall be forfeited to the United States. But the provisions of this section and of section 3254 (g) relating to rectification, or other internal revenue laws of the United States, shall not be held to apply to or prohibit the mixing or blending of wines subject to tax under the provisions of section 3030 to 3031, with each other or with other wines for the sole purpose of perfecting such wines according to commercial standards, nor to apply to or prohibit the fermentation of grape wine retsina with resin on bonded winery premises: *Provided*, That nothing herein contained shall be construed as prohibiting the use of tax-paid grain or other ethyl alcohol in the fortification of sweet wines as defined in sections 3036 and 3044.

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26 U. S. C. 3170 TRANSFER AND DELEGATION OF POWERS. The Secretary is authorized to confer and impose upon the Commissioner and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, powers, duties, and protection conferred or imposed upon the Secretary, or any officer or employee of the Treasury Department, by any law now or hereafter in force relating to the taxation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol.

26 U. S. C. 3171 RECORDS, STATEMENTS, AND RETURNS—(a) *Requirements.* Every person liable to any tax imposed by this chapter, or for the collection thereof shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

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26 U. S. C. 3172 DISCRETIONARY METHOD FOR COLLECTING TAX—(a) *Power of Commissioner.* Whether or not the method of collecting any tax imposed by this chapter is specifically provided herein, any such tax may, under regulations prescribed by the Commissioner with the approval of the Secretary, be collected by stamp, coupon, serial-numbered ticket, or such other reasonable device or method as may be necessary or helpful in securing a complete and prompt collection of the tax. All administrative and penalty provisions of subchapters A, B, and C of chapter 11, in so far as applicable, shall apply to the collection of any tax which the Commissioner determines or prescribes shall be collected in such manner.

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26 U. S. C. 3173 PENALTIES AND FORFEITURES—(a) *Removal or transportation of liquors or wines under improper brands.* Whenever any person ships, transports, or removes any spirituous or fermented liquors or wines, under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing the same, or causes such act to be done, he shall forfeit said liquors or wines, and casks or packages, and be subject to pay a fine of $500.

(b) *Other violations.* (1) Any person required to pay, or to collect, account for and pay over any tax on distilled spirits, wines, or fermented malt liquors, or required by law or regulations made under authority thereof to make a return or supply any information for the purposes of the computation, assessment or collection of any such tax, who fails to pay, collect, or truly account for and pay over any such tax, make any such return or supply any such information at the time or times required by law or regulation shall in addition to other penalties provided by law be subject to a penalty of not more than $1,000.

(2) Any person who willfully refuses to pay, collect, or truly account for and pay over any such tax, make such return or supply such information at the time or times required by law or regulation, or who willfully attempts in any manner to evade such tax shall be guilty of a misdemeanor and in addition to other penalties provided by law shall be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

(3) Any person who willfully refuses to pay, collect or truly account for and pay over any such tax shall in addition to other penalties provided by law be liable to a penalty of the amount of the tax evaded, or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected: *Provided, however*, That no penalty shall be assessed under this paragraph for any offense for which a penalty may be assessed under authority of section 3612, or of section 2801 (f) or 3013, or for any offense for which a

penalty has been recovered under section 2806 (e).

(4) The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

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26 U. S. C. 3175 OTHER LAWS APPLICABLE All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, shall be extended to and made a part of this chapter.

26 U. S. C. 3176 RULES AND REGULATIONS—(a) *Power of Commissioner.* The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

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26 U. S. C. 3179 EXEMPTION AND DRAWBACK IN CASE OF EXPORTATION.

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(b) *Drawback.* Upon the exportation of distilled spirits and wines manufactured or produced in the United States on which an internal-revenue tax has been paid, and which are contained in any cask or package or in bottles packed in cases or other containers, there shall be allowed, under regulations to be prescribed by the Commissioner, with the approval of the Secretary, a drawback equal in amount to the tax found to have been paid on such distilled spirits and wines: *Provided,* That such distilled spirits and wines have been packaged or bottled especially for export, under regulations prescribed by the Commissioner, with the approval of the Secretary. The Commissioner, with the approval of the Secretary, is authorized to prescribe regulations governing the determination and payment of drawback of internal-revenue tax on domestic distilled spirits and wines, including the requirement of such notices, bonds, bills of lading, and other evidence of payment of tax and exportation as shall be deemed necessary.

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26 U. S. C. 3250 TAX—(a) *Wholesale dealers in liquors*—(1) *In general.* Wholesale dealers in liquors shall pay a special tax of $110.

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(3) *Retailers selling at wholesale.* Except as provided in section 3254 (c) (2), a qualified retail dealer in liquors may not sell distilled spirits, wines, or malt liquors in quantities of five wine-gallons or more to the same person at the same time without incurring liability to special tax as a wholesale dealer in liquors.

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(b) *Retail dealers in liquors*—(1) *In general.* Except as provided in paragraph (3) of subsection (e), retail dealers in liquors shall pay a special tax of $27.50.

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(4) *Wholesalers selling at retail.* A qualified wholesale dealer in liquors may not sell distilled spirits, wines, or malt liquors in quantities of less than five wine gallons without incurring liability to special tax as a retail dealer in liquors.

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(f) *Rectifiers*—(1) *Rate of tax.* Rectifiers of distilled spirits shall pay a special tax of $220: *Provided,* That any rectifier of less than 500 barrels a year, counting 40 gallons of proof spirits to the barrel, shall pay $110.

(2) *Prohibited premises.* No officer shall collect any special tax for rectifying distilled spirits on any premises distant less than six hundred feet (or less than the distance permitted by the Secretary of the Treasury in the particular case) in a direct line from any distillery. And every officer who collects any special tax in violation of this section shall be liable to a penalty of $5,000 for each offense.

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26 U. S. C. 3254 DEFINITIONS.

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(b) *Wholesale dealer in liquors.* Except as otherwise provided, every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors in quantities of five wine-gallons or more to the same person at the same time, shall be regarded as a wholesale dealer in liquors: *Provided,* That the Commissioner may, by regulations, with the approval of the Secretary, provide for the issuance of a stamp denoting payment of such special tax as a "wholesale dealer in wines" or a "wholesale dealer in wines and malt liquors" if as the case may be, wines only, or wines and malt liquors only, are sold by a wholesale dealer in liquors.

(c) *Retail dealer in liquors.* Except as otherwise provided, (1) every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors in less quantities than five wine-gallons to the same person at the same time, shall be regarded as a retail dealer in liquors: *Provided,* That the Commissioner may, by regulations, with the approval of the Secretary, provide for the issuance of a stamp denoting payment of such special tax as a "retail dealer in wines" or a "retail dealer in wines and malt liquors" if, as the case may be, wines only, or wines and malt liquors only, are sold by a retail dealer in liquors.

(2) No retail dealer in liquors shall be held to be a wholesale dealer in liquors solely by reason of sales of five wine-gallons or more to the same person at the same time if such sales are for immediate consumption on the premises where sold.

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(g) *Rectifier.* Every person who rectifies, purifies, or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort, or wash, through continuous closed vessels and pipes, until the manufacture thereof is complete, and every wholesale or retail liquor dealer who has in his possession any still or leach tub, or who keeps any other apparatus for the purpose of refining in any manner distilled spirits, and every person who, without rectifying, purifying, or refining distilled spirits, shall, by mixing such spirits, wine, or other liquor with any material, manufacture any spurious, imitation, or compound liquors for sale, under the name of whisky, brandy, gin, rum, wine, spirits, cordials, or wine bitters, or any other name, shall be regarded as a rectifier, and as being engaged in the business of rectifying: *Provided,* That nothing in this subsection or section 3250 (f) (1) shall be held to prohibit the purifying or refining of spirits in the course of original and continuous distillation through any material which will not remain incorporated with such spirits when the manufacture thereof is complete.

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26 U. S. C. 3270 REGISTRATION—(a) *Requirements.* Every person engaged in any trade or business on which a special tax is imposed by law shall register with the collector of the district his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and the places of residence, shall be so registered.

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26 U. S. C. 3271 PAYMENT OF TAX—(a) *Condition precedent to doing business.* No person shall be engaged in or carry on any trade or business mentioned in this chapter until he has paid a special tax therefor in the manner provided in this chapter.

(b) *Due date.* All special taxes shall become due on the 1st day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for one year, and in the latter case it shall be reckoned proportionately, from the 1st day of the month in which the liability to a special tax commenced, to and including the 30th day of June following.

(c) *How paid*—(1) *Stamp.* All special taxes imposed by law, including the tax on stills or worms, shall be paid by stamps denoting the tax.

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26 U. S. C. 3272 RETURNS—(a) *Time for filing.* It shall be the duty of the special taxpayers to render their returns with remittances to the collector at such times within the calendar month in which the special tax liability commenced as shall enable him to receive such returns, duly signed and verified, together with the remittances not later than the last day of the month, except in cases of sickness or absence, as provided for in section 3634.

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26 U. S. C. 3273—STAMPS.

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(b) *Posting.* Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax, shall place and keep conspicuously in his establishment or place of business all stamps denoting the payment of said special tax.

(c) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see Subchapter D of Chapter 23 and section 3170.

26 U. S. C. 3274. PENALTIES RELATING TO POSTING OF SPECIAL TAX STAMP. Any person who shall, through negligence, fail to place and keep stamps denoting the payment of the special tax as provided in section 3273 (b) shall be liable to a penalty equal to the special tax for which his business rendered him liable, and the costs of prosecution; but in no case shall said penalty be less than $10. And where the failure to comply with the provisions of section 3273 (b) shall be through willful neglect or refusal, then the penalty shall be double the amount above prescribed: *Provided,* That nothing in this section shall in any way affect the liability of any person for exercising or carrying on any trade, business, or profession, or doing any act for the exercising, carrying on, or doing of which a special tax is imposed by law, without the payment thereof.

26 U. S. C. 3300 ESTABLISHMENT AND ALTERATION—(a) *Authorization.* The Commissioner, with the approval of the Secretary, may establish and, from time to time, alter or change the form, style, character, material, and device of any stamp, mark, or label used under any provision of the laws relating to internal revenue.

(b) *Application of penalty and forfeiture provisions.* All pains, penalties, fines, and forfeitures provided by law relating to internal revenue stamps shall apply to and have full force and effect in relation to any and all stamps so established by the Commissioner.

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26 U. S. C. 3301 ATTACHMENT AND CANCELLATION—(a) *General authority to prescribe methods and instruments.* The stamps referred to in the preceding section shall be attached, protected, removed, canceled, obliterated, and destroyed, in such manner and by such instruments or other means as the Commissioner, with the approval of the Secretary, may prescribe; and he is authorized and empowered to make, with the approval of the Secretary, all needful regulations relating thereto.

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26 U. S. C. 3601 ENTRY OF PREMISES FOR EXAMINATION OF TAXABLE OBJECTS—(a) *Authority*—(1) *Entry during day.* Any collector, deputy collector, internal revenue agent, or inspector may enter, in the daytime, any building or place where any articles or objects

subject to tax are made, produced, or kept, within his district, so far as it may be necessary for the purpose of examining said articles or objects.

(2) *Entry at night.* When such premises are open at night, such officers may enter them while so open, in the performance of their official duties.

(b) *Penalty for refusal to permit entry or examination.* Any owner of such building or place, or person having the agency or superintendence of the same, who refuses to admit such officer, or to suffer him to examine such article or articles, shall, for every such refusal, forfeit $500.

(c) *Other penalties.* If any person shall—

(1) *Forcible obstruction or hindrance to officers.* Forcibly obstruct or hinder any collector, deputy collector, internal revenue agent, or inspector, in the execution of any power and authority vested in him by law, or

(2) *Forcible rescue of seized property.* Forcibly rescue or cause to be rescued any property, articles, or objects, after the same shall have been seized by him, or shall attempt or endeavor so to do, the person so offending, excepting in cases otherwise provided for, shall, for every such offense, forfeit and pay the sum of $500, or double the value of the property so rescued, or be imprisoned for a term not exceeding two years, at the discretion of the court.

26 U. S. C. 3656 PAYMENT BY CHECK AND MONEY ORDERS—(a) *Certified, cashiers', and treasurers' checks and money orders*—(1) *Authority to receive.* It shall be lawful for collectors to receive for internal revenue taxes or in payment of stamps to be used in payment of internal revenue taxes certified, cashiers', and treasurers' checks drawn on National and State banks and trust companies, and United States postal, bank, express, and telegraph money orders, during such time and under such regulations as the Commissioner, with the approval of the Secretary, may prescribe.

(2) *Discharge of liability*—(A) *Check duly paid.* No person who may be indebted to the United States on account of internal revenue taxes or stamps used or to be used in payment of internal revenue taxes who shall have tendered a certified, cashier's, or treasurer's check or money order as provisional payment therefor, in accordance with the terms of this subsection, shall be released from the obligation to make ultimate payment thereof until such certified, cashier's or treasurer's check or money order so received has been duly paid.

(B) *Check unpaid.* If any such check or money order so received is not duly paid, the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of the bank on which drawn or for the amount of such money order upon all the assets of the issuer thereof; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank or issuer except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank.

(b) *Other checks*—(1) *Authority to receive.* Collectors may receive checks in addition to those specified in subsection (a) in payment of taxes other than those payable by stamp during such time and under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe.

(2) *Ultimate liability.* If a check so received is not paid by the bank on which it is drawn the person by whom such check has been tendered shall remain liable for the payment of the tax and for all legal penalties and additions to the same extent as if such check had not been tendered.

SEC. 3809. VERIFICATION OF RETURNS; PENALTIES OF PERJURY—(a) *Penalties.* Any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

(b) *Signature presumed correct.* The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

(c) *Verification in lieu of oath.* The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under any provision of the internal revenue laws shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required.

27 U. S. C. 203 UNLAWFUL BUSINESSES WITHOUT PERMIT. In order effectively to regulate interstate and foreign commerce in distilled spirits, wine, and malt beverages, to enforce the twenty-first amendment, and to protect the revenue and enforce the postal laws with respect to distilled spirits, wine, and malt beverages:

(a) It shall be unlawful, except pursuant to a basic permit issued under this Act by the Secretary of the Treasury—

(1) to engage in the business of importing into the United States distilled spirits, wine, or malt beverages; or

(2) for any person so engaged to sell, offer or deliver for sale, contract to sell, or ship, in interstate or foreign commerce, directly or indirectly or through an affiliate, distilled spirits, wine, or malt beverages so imported.

(b) It shall be unlawful, except pursuant to a basic permit issued under this Act by the Secretary of the Treasury—

(1) to engage in the business of distilling distilled spirits, producing wine, rectifying or blending distilled spirits or wine, or bottling, or warehousing and bottling, distilled spirits; or

(2) for any person so engaged to sell, offer or deliver for sale, contract to sell, or ship, in interstate or foreign commerce, directly or indirectly or through an affiliate, distilled spirits or wine so distilled, produced, rectified, blended, or bottled, or warehoused and bottled.

(c) It shall be unlawful, except pursuant to a basic permit issued under this Act by the Secretary of the Treasury—

(1) to engage in the business of purchasing for resale at wholesale distilled spirits, wine, or malt beverages; or

(2) for any person so engaged to receive or to sell, offer or deliver for sale, contract to sell, or ship, in interstate or foreign commerce, directly or indirectly or through an affiliate, distilled spirits, wine, or malt beverages so purchased.

This section shall not apply to any agency of a State or political subdivision thereof or any officer or employee of any such agency, and no such agency or officer or employee shall be required to obtain a basic permit under this Act.

27 U. S. C. 205 UNFAIR COMPETITION AND UNLAWFUL PRACTICES. It shall be unlawful for any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer or wholesaler, of distilled spirits, wine, or malt beverages, or as a bottler, or warehouseman and bottler, of distilled spirits, directly or indirectly or through an affiliate:

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(e) Labeling: To sell or ship or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or to receive therein, or to remove from customs custody for consumption, any distilled spirits, wine, or malt beverages in bottles, unless such products are bottled, packaged, and labeled in conformity with such regulations, to be prescribed by the Secretary of the Treasury, with respect to packaging, marking, branding, and labeling and size and fill of container (1) as will prohibit deception of the consumer with respect to such products or the quantity thereof and as will prohibit, irrespective of falsity, such statements relating to age, manufacturing processes, analyses, guarantees, and scientific or irrelevant matters as the Secretary of the Treasury finds to be likely to mislead the consumer; (2) as will provide the consumer with adequate information as to the identity and quality of the products, the alcoholic content thereof (except that statements of, or statements likely to be considered as statements of, alcoholic content of malt beverages are hereby prohibited unless required by State law and except that, in case of wines, statements of alcoholic content shall be required only for wines containing more than 14 per centum of alcohol by volume), the net contents of the package, and the manufacturer or bottler or importer of the product; (3) as will require an accurate statement, in the case of distilled spirits (other than cordials, liqueurs, and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, informing the consumer of the percentage of neutral spirits so used and of the name of the commodity from which such neutral spirits have been distilled, or in case of neutral spirits or of gin produced by a process of continuous distillation, the name of the commodity from which distilled; (4) as will prohibit statements on the label that are disparaging of a competitor's products or are false, misleading, obscene, or indecent; and (5) as will prevent deception of the consumer by use of a trade or brand name that is the name of any living individual of public prominence, or existing private or public organization, or is a name that is in simulation or is an abbreviation thereof, and as will prevent the use of a graphic, pictorial, or emblematic representation of any such individual or organization, if the use of such name or representation is likely falsely to lead the consumer to believe that the product has been indorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of, such individual or organization: *Provided,* That this clause shall not apply to the use of the name of any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer, wholesaler, retailer, bottler, or warehouseman, of distilled spirits, wine, or malt beverages, nor to the use by any person of a trade or brand name used by him or his predecessor in interest prior to the date of the enactment of this Act: including regulations requiring, at time of release from customs custody, certificates issued by foreign governments covering origin, age, and identity of imported products: *Provided further,* That nothing herein nor any decision, ruling, or regulation of any Department of the Government shall deny the right of any person to use any trade name or brand of foreign origin not presently effectively registered in the United States Patent Office which has been used by such person or predecessors in the United States for a period of at least five years last past, if the use of such name or brand is qualified by the name of the locality in the United States in which the product is produced, and, in the case of the use of such name or brand on any label or in any advertisement, if such qualification is as conspicuous as such name or brand.

It shall be unlawful for any person to alter, mutilate, destroy, obliterate, or remove any mark, brand, or label upon distilled spirits, wine, or malt beverages held for sale in interstate or foreign commerce or after shipment therein, except as authorized by Federal law or except pursuant to regulations of the Secretary of the Treasury authorizing relabeling for purposes of compliance with the requirements of this subsection or of State law.

In order to prevent the sale or shipment or other introduction of distilled spirits, wine, or malt beverages in interstate or foreign commerce, if bottled, packaged, or labeled in violation of the requirements of this subsection, (1) no bottler of distilled spirits, no producer, blender, or wholesaler of wine, or proprietor of a bonded wine storeroom, and no brewer or wholesaler of malt beverages shall bottle, and (2) no person shall remove from customs custody, in bottles, for sale or any other commercial purpose, distilled spirits, wine, or malt beverages, respectively, after such date as the Secretary of the Treasury fixes as the earliest practicable date for the application of the provisions of this subsection to any class of such persons (but not later than August 15, 1936, in the case of distilled spirits, and December 15, 1936, in the case of wine and malt beverages, and only after 30 days' public notice), unless, upon application to the Secretary of the Treasury, he has obtained and has in his possession a certificate of label approval covering the distilled spirits, wine, or malt beverages, issued by the Secretary of the Treasury in such manner and form as he shall by regulations prescribe: *Provided*, That any such bottler of distilled spirits, or producer, blender, or wholesaler of wine, or proprietor of a bonded wine storeroom, or brewer or wholesaler of malt beverages shall be exempt from the requirements of this subsection if, upon application to the Secretary of the Treasury, he shows to the satisfaction of the Secretary of the Treasury that the distilled spirits, wine, or malt beverages to be bottled by the applicant are not to be sold, or offered for sale, or shipped or delivered for shipment, or otherwise introduced, in interstate or foreign commerce. Officers of internal revenue are authorized and directed to withhold the release of distilled spirits from the bottling plant unless such certificates have been obtained, or unless the application of the bottler for exemption has been granted by the Secretary of the Treasury; and customs officers are authorized and directed to withhold the release from customs custody of distilled spirits, wine, and malt beverages, unless such certificates have been obtained. The District Courts of the United States, the District Court of the United States for the District of Columbia, and the United States court for any Territory shall have jurisdiction of suits to enjoin, annul, or suspend in whole or in part any final action by the Secretary upon any application under this subsection; or

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(f) Advertising:

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The Secretary of the Treasury shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing regulations to carry out the provisions of this section.

27 U. S. C. 206 BULK SALES AND BOTTLING. (a) It shall be unlawful for any person—

(1) To sell or offer to sell, contract to sell, or otherwise dispose of distilled spirits in bulk except, under regulations of the Secretary of the Treasury, for export or to the following, or to import distilled spirits in bulk except, under such regulations, for sale to or for use by the following: A distiller, rectifier of distilled spirits, person operating a bonded warehouse qualified under the internal-revenue laws or a class 8 bonded warehouse qualified under the customs laws, a winemaker for the fortification of wines, a proprietor of an industrial alcohol plant, or an agency of the United States or any State or political subdivision thereof.

(2) To sell or offer to sell, contract to sell, or otherwise dispose of warehouse receipts for distilled spirits in bulk unless such warehouse receipts require that the warehouseman shall package such distilled spirits, before delivery, in bottles labeled and marked in accordance with law, or deliver such distilled spirits in bulk only to persons to whom it is lawful to sell or otherwise dispose of distilled spirits in bulk.

(3) To bottle distilled spirits unless the bottler is a person to whom it is lawful to sell or otherwise dispose of distilled spirits in bulk.

(b) Any person who violates the requirements of this section shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year or both, and shall forfeit to the United States all distilled spirits with respect to which the violation occurs and the containers thereof.

(c) The term "in bulk" means in containers having a capacity in excess of one wine gallon.

SUBPART A—SCOPE OF REGULATIONS

§ 190.1 *Rectification of spirits and wines.* These regulations, Regulations 15, "Rectification of Spirits and Wines" (26 CFR Part 190), contain the procedural and substantive requirements relative to the rectification of spirits and wines. The regulations cover requirements governing the location, construction, equipment, qualifying documents, changes in premises, equipment and proprietorship; action by district supervisor and Commissioner; operation and supervision of the rectifying plant; the receipt, dumping, rectification, bottling, rebottling, packaging, stamping, restamping, labeling, and relabeling of spirits; removal of spirits from the rectifying plant; and records and reports of operations at rectifying plants.

SUBPART B—DEFINITIONS

§ 190.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 190.6 *Collector.* "Collector" shall mean the collector of internal revenue of the collection district in which the rectifying plant is located.

§ 190.7 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 190.8 *Distilled spirits.* "Distilled spirits" shall mean all the substances produced by the distillation of fermented grain, molasses, or other materials, commonly known as spirits, whisky, rum, gin, brandy, vodka, alcohol, etc.

§ 190.9 *District supervisor or supervisor.* "District Supervisor" or "Supervisor" shall mean the person having charge of a supervisory district of the Alcohol Tax Unit of the Bureau of Internal Revenue.

§ 190.10 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 190.11 *Including.* The word "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 190.12 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include females, associations, copartnerships, and corporations.

§ 190.13 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 190.14 *Person.* "Person" shall include natural persons, associations, copartnerships, and corporations.

§ 190.15 *Proof.* "Proof" shall mean the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

§ 190.16 *Proof gallon.* "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 percent of ethyl alcohol by volume.

§ 190.17 *Proof spirits.* "Proof spirits" shall mean that alcoholic liquor which contains 50 percent of ethyl alcohol by volume at 60 degrees Fahrenheit and which has a specific gravity of 0.93418 in air at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity.

(53 Stat. 307; 26 U. S. C. 2809)

§ 190.18 *Proprietor.* "Proprietor" shall mean the proprietor of the rectifying plant, unless otherwise indicated.

§ 190.19 *Rectification.* "Rectification" shall mean any act constituting rectification as defined in section 3254 (g), I. R. C., and in this part.

§ 190.20 *Rectified spirits.* "Rectified spirits" shall mean all the products of rectification.

§ 190.21 *Rectifier.* "Rectifier" shall mean the proprietor of a rectifying plant.

§ 190.22 *Red strip stamps.* "Red strip stamps" shall mean the stamps prescribed under authority of section 2803 (d), I. R. C.

§ 190.23 *Secretary.* "Secretary" shall mean the Secretary of the Treasury.

§ 190.24 *Spirits.* "Spirits" shall mean distilled spirits, wines, cordials, liqueurs, etc., except where otherwise indicated.

§ 190.25 *Tank car.* "Tank car" shall mean a railroad tank car and, for the purpose of receiving tax-paid distilled spirits, shall include a tank truck in accordance with the applicable provision of Regulations 3 (26 CFR Part 182), Regulations 4 (26 CFR Part 183), Regulations 5 (26 CFR Part 184), and Regulations 10 (26 CFR Part 185).

§ 190.26 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 190.27 *Wines.* "Wines" shall mean all kinds and types of wine produced by the fermentation of fruits, berries, or other suitable agricultural products, and all artificial or imitation wines or compounds sold as wine.

SUBPART C—PERSONS REQUIRED TO QUALIFY AS RECTIFIERS

§ 190.30 *General.* Except as provided in §§ 190.31–190.38 any person who rectifies, purifies, or refines distilled spirits or wines, or who, by mixing such spirits or wines with each other, or with any materials, manufactures any spurious, imitation, or compound liquor for sale, and every wholesale or retail liquor dealer who has in his possession any still or leach tub, or who keeps any other apparatus for the purpose of refining in any manner distilled spirits, is a rectifier and must qualify as such.

(53 Stat. 300, as amended, 354, as amended, 388, as amended, 391; 26 U. S. C. 2801, 3043, 3250, 3254)

EXCEPTIONS

§ 190.31 *Distillers.* Distillers who rectify, purify, or refine distilled spirits by original and continuous distillation from mash, wort, or wash through continuous, closed vessels and pipes until the manufacture thereof is complete, or who purify or refine spirits in the course of original and continuous distillation through any materials which will not remain incorporated with such spirits when the manufacture thereof is complete are not required to qualify as rectifiers.

(53 Stat. 300, as amended, 354, as amended, 388, as amended, 391; 26 U. S. C. 2801, 3043, 3250, 3254)

§ 190.32 *Producers of absolute alcohol.* Persons who produce absolute alcohol by the process of extraction of water from high-proof spirits are not required to qualify as rectifiers.

(53 Stat. 300, as amended, 354, as amended, 388, as amended, 391; 26 U. S. C. 2801, 3043, 3250, 3254)

§ 190.33 *Proprietors of bonded wineries or storerooms.* Proprietors of bonded wineries or bonded wine storerooms, who mix or blend untaxpaid wines for the sole purpose of perfecting such wines according to commercial standards, or who filter, clarify, or purify wines on bonded winery and bonded storeroom premises; and also proprietors of bonded wineries who manufacture vermouth with fortified sweet wine on bonded winery premises are not required to qualify as rectifiers.

(53 Stat. 300, as amended, 354, as amended, 388, as amended, 391; 26 U. S. C. 2801, 3043, 3250, 3254)

§ 190.34 *Manufacturers of alcoholic compounds.* Persons who manufacture alcoholic compounds which are declared by the Commissioner to be unfit for use for beverage purposes are not required to qualify as rectifiers. (See Subpart D of this part.)

(53 Stat. 300, as amended, 354, as amended, 388, as amended, 391; 26 U. S. C. 2801, 3043, 3250, 3254)

§ 190.35 *Apothecaries.* Apothecaries who use wines or spirituous liquors exclusively in the preparation or making up of medicines unfit for use for beverage purposes are not required to qualify as rectifiers.

(53 Stat. 300, as amended, 354, as amended, 388, as amended, 391; 26 U. S. C. 2801, 3043, 3250, 3254)

§ 190.36 *Manufacturing chemists.* Manufacturing chemists or flavoring extract manufacturers who recover tax-paid alcohol or spirituous liquors from dregs or marc of percolation, if such recovered alcohol or spirituous liquors be again used in the manufacture of medicines or flavoring extracts of the kind in the production of which originally used are not required to qualify as rectifiers.

(53 Stat. 300, as amended, 354, as amended, 388, as amended, 391; 26 U. S. C. 2801, 3043, 3250, 3254)

§ 190.37 *Alcohol plants and bonded warehouses.* Alcohol plants and alcohol bonded warehouses established and operated under Chapter 26, Subchapter C, Part II, I. R. C., and regulations issued pursuant thereto are not required to qualify as rectifiers.

(53 Stat. 300, as amended, 354, as amended, 388, as amended, 391; 26 U. S. C. 2801, 3043, 3250, 3254)

§ 190.38 *Retail liquor dealers.* Retail liquor dealers who mix drinks, after orders have been received therefor, for consumption on the premises where sold are not required to qualify as rectifiers.

(53 Stat. 300, as amended, 354, as amended, 388, as amended, 391; 26 U. S. C. 2801, 3043, 3250, 3254)

SUBPART D—PRODUCTS UNFIT FOR BEVERAGE USE

PRODUCTS EXEMPT FROM SPECIAL AND COMMODITY TAXES

§ 190.45 *U. S. P., N. F., and A. I. H. preparations.* Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the American Institute of Homeopathy, that are unfit for use for beverage purposes are considered as meeting the requirements for exemption from special and commodity taxes.

§ 190.46 *Patent medicines.* Patented, patent, and proprietary medicines that are unfit for use for beverage purposes are considered as meeting the requirements for exemption from special and commodity taxes.

§ 190.47 *Toilet preparations.* Toilet, medicinal, and antiseptic preparations and solutions that are unfit for use for beverage purposes are considered as meeting the requirements for exemption from special and commodity taxes.

§ 190.48 *Flavoring extracts.* Flavoring extracts, sirups, and concentrates that are unfit for use as beverages or for intoxicating beverage purposes, or flavoring extracts which conform to the requirements of the Food and Drug Administration, United States Department of Agriculture, are held to be unfit for use for beverage purposes and are considered as meeting the requirements for exemption from special and commodity taxes.

§ 190.49 *Laboratory reagents.* Laboratory reagents, stains, and dyes that are unfit for use for beverage purposes are considered as meeting the requirements for exemption from special and commodity taxes.

§ 190.50 *Salted wines.* Salted wines which contain not in excess of 21 per cent alcohol by volume and not less than 1.5 grams of salt per 100 cubic centimeters are considered as meeting the requirements for exemption from special and commodity taxes.

§ 190.51 *Sauces.* Sauces or sirups consisting of sugar solutions and intoxicating liquors in which the alcohol does not exceed 12 per cent by volume and the sugar content is not less than 60 grams per 100 cubic centimeters are considered as meeting the requirements for exemption from special and commodity taxes.

§ 190.52 *Brandied fruits.* Brandied fruits consisting of solidly packaged fruits, either whole or segmented, and only sufficient liquor for flavoring and preserving are considered as meeting the requirements for exemption from special and commodity taxes.

§ 190.53 *Food products.* Food products such as mincemeat, plum pudding, and fruit cake where only sufficient liquor is used for flavoring and preserving; and ice cream and ices where only sufficient liquor is used for flavoring purposes are considered as meeting the requirements for exemption from special and commodity taxes.

§ 190.54 *Restrictions.* The products listed in §§ 190.45–190.53, must be sold only for non-beverage purposes. Any sale by the manufacturer for beverage purposes, or under such circumstances as would indicate that the manufacturer knew or had reason to believe that the product sold would be used for beverage purposes, will render the manufacturer liable for special and commodity taxes and penalties.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

§ 190.55 *Formulas and samples.* Manufacturers must submit their formulas and samples of their products to the Commissioner for examination to verify the claim of the manufacturer as to his exemption from tax when requested to do so, or when the manufacturer is in doubt as to the classification of his product.

§ 190.56 *Change of formula.* If the Commissioner shall find at any time that any product manufactured under this Subpart as an unfit product exempt from tax is being used for beverage purposes, or for mixing with beverage liquors other than by a rectifier, he shall notify the manufacturer to desist the manufacturing thereof until the formula is so changed as to render the product not susceptible of beverage use and such change is approved by the Commissioner: *Provided*, That the provisions of this section shall not be so construed as to prohibit the use of such unfit products in small quantities for flavoring drinks at the time of serving for immediate consumption. Where a formula is not so modified, pursuant to notice to desist, as to render the product unsusceptible of beverage use, the manufacturer must

immediately qualify as a rectifier and pay the rectification tax.

§ 190.57 *Prohibited manufacture or storage.* None of the products specified in §§ 190.45–190.53, may be manufactured or stored at a rectifying plant, except as specifically provided in § 190.58. While rectifiers may use flavors and flavoring extracts on which drawback of tax on the spirits used therein has been allowed under section 3250 (1), I. R. C., and Regulations 29 (26 CFR Part 197), the premises used for manufacturing the flavors or flavoring extracts, if contiguous to the rectifying premises, must be completely separated from the rectifying premises by solid unbroken partitions and the two premises must not have means of communication with each other within the building. The rectifier may not transfer distilled spirits from the rectifying plant to the flavoring extract manufacturing premises or from the flavoring extract plant premises to the rectifying plant notwithstanding that the two premises may be owned and operated by the same person. Distilled spirits used at the flavoring extract manufacturing premises, must be received direct from the vendor and all records governing the receipt and use of distilled spirits and other ingredients in the manufacture of flavoring extracts must be kept on the flavoring extract manufacturing premises and not on the rectifying premises.

§ 190.58 *Permissible manufacture or storage.* Where flavors or flavoring extracts are manufactured on premises of the rectifying plant, they must be used exclusively in the manufacture of taxable products at such premises and no drawback of tax may be claimed thereon. Nonalcoholic grenadine, or grenadine containing less than one-half of 1 per cent of alcohol by volume and sufficient sugar to render it wholly unfit for use for beverage purposes, or other such flavoring materials, may not be manufactured on the premises of a rectifying plant unless they are to be used by the rectifier in making his taxable products.

USE OF ALCOHOLIC FLAVORING MATERIALS

§ 190.59 *Limitation.* The use of alcoholic flavors or flavoring extracts manufactured on premises other than a rectifying plant must be limited by the rectifier, so that the quantity of alcohol (proof gallons) contained therein will not represent more than 2½ percent of the quantity of alcohol (proof gallons) contained in the finished product, except as provided in § 190.60. For example, one hundred gallons of a finished cordial, fifty degrees of proof, contain fifty proof gallons. As 2½ percent of fifty equals 1.25, the cordial could contain not more than 1.25 proof gallons of alcohol derived from such flavors or flavoring extracts used in its manufacture.

§ 190.60 *Exception to limitation.* In any case where the use of flavors or flavoring extracts in quantities in excess of the 2½ percent limitation prescribed in § 190.59 is required, such limitation shall not apply to the use of any flavors or flavoring extracts in excess thereof if the flavoring material used is purchased directly from the manufacturer and, as to each lot of purchased flavors or flavoring extracts containing alcohol, the rectifier has available for examination by the storekeeper-gauger an affidavit of the manufacturer showing: The quantity; the date of manufacture; the kind and brand of each flavor or flavoring extract; and that drawback under section 3250 (1), I. R. C., has not been nor will be claimed on any alcohol or distilled spirits contained in the flavor or flavoring extract.

§ 190.61 *New formulas required.* The manufacture of rectified products in which are used alcoholic flavors or flavoring extracts to an extent not consistent with the provisions of §§ 190.59, 190.60, and 190.361, are prohibited. New formulas, submitted for the purpose of showing the use of alcoholic flavors or flavoring extracts in the manufacture of rectified products, must furnish the information required by § 190.361.

SUBPART E—ALCOHOLIC PREPARATIONS FIT FOR BEVERAGE PURPOSES

§ 190.70 *Classed as rectified liquors.* United States Pharmacopoeia tincture of ginger is held to be a rectified liquor. Bitters, patent medicines, and similar alcoholic preparations which are fit for beverage purposes, although held out as having certain medicinal properties, are also classed as rectified liquors. Alcoholic preparations so classed must be manufactured in a rectifying plant and the 30-cent rectification tax must be paid thereon. Such preparations must be manufactured, tax-paid, bottled or packaged, stamped, recorded, and disposed of in accordance with the procedure prescribed in this part for other rectified spirits or products. Sellers of such preparations must qualify as wholesale or retail liquor dealers, or both, according to the quantities which they desire to sell. (See Subpart T of this part.)

(53 Stat. 298, as amended, 368, as amended, 391; 26 U. S. C. 2800, 3250, 3254)

§ 190.71 *Exempt U. S. P. and N. F. preparations.* The following United States Pharmacopoeia and National Formulary preparations which are used by physicians and pharmacists principally as vehicles, and which are capable of beverage use, may be made with alcohol, and sold in good faith for legitimate nonbeverage purposes without incurring liability for rectification and special taxes for their manufacture and sale:

Elixir aromaticum.
Elixir aromaticum rubrum.
Elixir aurantii amari.
Elixir cardamomi compositum.
Elixir glycyrrhizae.
Elixir taraxaci compositum.
Elixir terpini hydratis.
Spiritus aetheris.
Spiritus myrciae compositus.
Tinctura aurantii dulcis.
Tinctura limonis.

SUBPART F—LOCATION AND USE

§ 190.80 *Restrictions.* Rectifying plants for the rectification of distilled spirits or wine may not be located on board of any vessel or boat, or within 600 feet in a direct line of a vinegar factory using the vaporizing process, or, except as provided by this part, within 600 feet in a direct line of a distillery or volatile fruit-flavor concentrate plant. The provisions of §§ 190.81–190.83, 190.157, 190.218, 190.272 and 190.300, relating to the carrying on of the business of rectifying spirits or wine at a distance of less than 600 feet in a direct line from a distillery, shall apply equally to the carrying on of such business at a distance of less than 600 feet in a direct line from a volatile fruit-flavor concentrate plant.

(53 Stat. 314, 319, 373, as amended, 26 U. S. C. 2819, 2832, 2834, 3170)

§ 190.81 *Within 600 feet of distillery.* The district supervisor may permit the carrying on of the business of rectifying spirits or wines at a distance of less than 600 feet in a direct line from a distillery, when he is of the opinion that the revenue will not be endangered thereby.

(53 Stat. 314, 319, 373, as amended; 26 U. S. C. 2819, 2832, 3170)

§ 190.82 *Special application.* A person desiring to establish a rectifying plant within 600 feet of a distillery shall file a special application, in triplicate, for such privilege with the district supervisor. The application shall state the location of the rectifying plant and the distillery, the distance between the premises, the name of the distiller, a description of any connecting pipe lines, the reason for locating the rectifying plant within 600 feet of the distillery, and any additional information which the district supervisor may require. The district supervisor will take action on such special application in accordance with the procedure prescribed in § 190.300.

(53 Stat. 314, 319, 373, as amended; 26 U. S. C. 2819, 2832, 3170)

§ 190.83 *Changes requiring approval.* Where there is to be a change in the distance between a rectifying plant and a distillery located within 600 feet of each other as a result of the extension or curtailment of either premises, a new special application, in triplicate, must be filed with the district supervisor by the proprietor of the premises which are to be extended or curtailed. Where a change occurs in the proprietorship of a rectifying plant or distillery located within 600 feet of each other, the new proprietor shall file with the district supervisor a new special application, in triplicate. Unless the rectifying plant premises are extended or curtailed as the result of such change, the change may be reflected in the next amended notice, Form 27–B, and plat filed by the rectifier. Such new special application shall be considered and disposed of in accordance with § 190.300.

(53 Stat. 314, 319, 373, as amended; 26 U. S. C. 2819, 2832, 3170)

§ 190.84 *Use of premises.* The premises of a rectifying plant shall be used exclusively for the business of rectification and the bottling of liquors, whether rectified or not.

(53 Stat. 300, as amended; 26 U. S. C. 2801)

SUBPART G—CONSTRUCTION

§ 190.90 *Building or rooms.* The rectifying plant must be so constructed and equipped as to be suitable for the rectification of spirits by the process, or processes, of rectification which the rectifier proposes to use. The room or building must be securely constructed of brick, stone, wood, concrete, or other substantial material, and must be completely separated from contiguous buildings or rooms by solid, unbroken partitions, or floors of substantial construction, except as provided in this part. Where the rectifying plant is under the same roof or in the same building in which the rectifier or his affiliate or subsidiary operates a tax-paid bottling house, wholesale liquor dealer premises, or another rectifying plant, the district supervisor may, in his discretion, authorize the rectifying plant to be separated from such premises by partitions of expanded metal or woven wire of not less than 9-gauge nor more than 2-inch mesh extending from the floor to the ceiling or roof: *Provided*, That such partitions of expanded metal or woven wire may not be authorized if the tax-paid bottling house operates alternately as a bottling in bond department of an internal revenue bonded warehouse. All partitions shall extend from the ground to the roof, or from the floor to the ceiling if a room is used, and if the rectifying plant is under the same roof or in the same building in which is located an internal revenue bonded warehouse, or a tax-paid bottling house, the two premises must not have means of communication with each other within the building, except by approved pipe lines as authorized in this part: *Provided*, That where a rectifying plant has heretofore been established under the same roof, or in the same building, with an internal revenue bonded warehouse or a tax-paid bottling house with interior communication between the two premises, it may continue to operate in such location if the revenue will not be jeopardized thereby. Where distilled water or tax-paid spirits are to be transferred by pipe line to, or from, the rectifying plant in accordance with this part necessary openings for the passage of the required pipe lines may be permitted in the walls or partitions, and necessary openings for passage of approved water, steam, sewer, or similar lines may likewise be permitted in the walls or partitions. Where contiguous wholesale liquor dealer premises are used in lieu of a finished product room, the necessary doors or openings may be permitted in the walls or partitions.

§ 190.91 *Means of ingress and egress.* The doors must lead into the yard connected with the rectifying plant or a public street: *Provided*, That where a room is used, the door may open into an elevator shaft, or a common passageway partitioned off from other businesses, leading either directly or through another elevator shaft or similar passageway to the street or yard. The partitions forming a common passageway shall be substantially constructed of solid materials or expanded metal or woven wire of not less than 9-gauge nor more than 2-inch mesh, and shall extend from the floor to the ceiling or roof, but doors may be permitted therein if they do not afford interior communication with an internal revenue bonded warehouse in the same building. Common passageways must be used exclusively as means of communication.

(53 Stat. 300; 26 U. S. C. 2801)

§ 190.92 *Doors, windows, and other openings.* The doors, windows, and other openings in the room or building comprising the rectifying plant must be so arranged and constructed that they may be securely locked or fastened. No door, window, or other opening will be permitted in the walls or floors leading into another room or building which is not a part of the rectifying plant.

§ 190.93 *Division of premises.* The division of the rectifying plant into departments, as required by this subpart, shall be effected by securely constructed, solid partitions or by expanded metal or woven wire of not less than 9-gauge nor more than 2-inch mesh. The partitions in all instances shall extend from the floor to the ceiling or roof, or not less than 12 feet from the floor. There may be communicating doors or elevators between the various departments of the rectifying plant, but such departments shall not be separated from each other by intervening businesses. If more than one room is used for the same purpose, such rooms shall be given alphabetical designations, as "A," "B," "C," etc. A sign must be posted over the door to each room indicating its use.

§ 190.94 *Receiving room.* A room must be provided for the storage of all alcohol, distilled spirits, or wines, received for rectification or for bottling, which room shall be used exclusively for such purpose and shall be designated "Receiving Room": *Provided*, That the district supervisor may, in his discretion, approve storage tanks meeting the requirements of § 190.118, located in rectifying rooms.

§ 190.95 *Rectifying room.* A separate room designated "Rectifying Room" must be provided, wherein all operations in connection with the rectification, blending, bottling, etc., of spirits must be conducted. The rectifying room may be further divided as provided in §§ 190.96–190.98.

§ 190.96 *Quick-aging room.* Where a separate room is provided for the treatment of spirits in barrels and kegs for quick-aging purposes, such room shall be designated "Quick-aging Room."

§ 190.97 *Champagne room.* Where champagne or other sparkling wines are manufactured, a separate room designated "Champagne Room" must be provided therefor, unless the rectifying room is used exclusively for the manufacture of such liquors.

§ 190.98 *Wine bottling room.* Where it is impracticable to bottle wine and certain cordials and liqueurs from the prescribed locked bottling tanks, and it is necessary to bottle such products from the original package or from the container in which compounded, the rectifier must provide for such bottling a room to be designated "Wine Bottling Room." Such room shall be constructed of substantial, solid materials, and the doors and other openings must be so constructed that they may be securely locked or fastened from the inside, except the entrance door which must be so constructed that it may be securely locked from the outside of the room with a Government lock.

§ 190.99 *Finished products room.* A room must be provided by the rectifier for the storage of spirits packaged by him: *Provided*, That if the rectifier conducts no bottling operations whatsoever and his entire production is transferred by pipe line to a contiguous tax-paid bottling house or rectifying plant for bottling, or if the rectifier maintains a contiguous wholesale liquor dealer room and removes all spirits thereto immediately upon tax-payment and completion of bottling, a finished products room need not be provided. Where a finished products room is provided, it shall be used exclusively for the purpose specified and shall be designated "Finished Products Room."

§ 190.100 *Export storage room.* If the rectifier intends to bottle or package distilled spirits or wines for export with benefit of drawback, a separate room for the storage of such products exclusively must be provided and designated "Export Storage Room." The room must be constructed of substantial, solid material: *Provided*, That the partitions separating such room from other parts of the rectifying plant may be constructed of expanded metal or woven wire of not less than 9-gauge nor more than 2-inch mesh, extending from the floor to the ceiling or roof. All windows, door, or other openings must be so constructed that they may be securely locked or fastened from the inside, except the entrance door, which must be so constructed that it may be securely locked from the outside of the room with a Government seal lock.

(53 Stat. 377, as amended; 26 U. S. C. 3179)

§ 190.101 *Empty container storeroom.* If empty barrels, bottles, or other containers are stored within the rectifying plant, they must be segregated from filled containers. If a separate room is provided for such purpose, it will be designated "Empty Container Storeroom."

§ 190.102 *Office facilities.* The rectifier shall provide and maintain on the rectifying plant premises suitable office facilities, including desk and file cabinet, for the use of Government officers. There shall also be provided a metal cabinet of adequate strength and size, or a securely constructed room or vault, suitably equipped for locking with a Government seal lock, for use in safeguarding the keys to Government locks, seals, and other Government property, and stamps in the custody of Government officers. Such facilities shall be subject to approval by the district supervisor.

SUBPART H—SIGN

§ 190.110 *Posting of sign.* The rectifier shall place and keep conspicuously

on the outside and at the front of the rectifying plant or over the front entrance thereto, where it can be plainly seen, a sign, exhibiting in plain and legible letters, painted in oil colors or gilded, not less than 3 inches in height and of a proper and proportionate width, the name of the rectifier and the words, "Rectifier of Spirits," and "Plant No. —," using the registry number assigned by the district supervisor.

SUBPART I—EQUIPMENT

§ 190.115 *Scales.* All scales used for weighing spirits shall be tested from time to time by the proprietor by means of test weights or otherwise to insure their accuracy. The rectifier must provide suitable and accurate scales for weighing spirits to be dumped from or drawn into packages. The beams or dials must indicate weight in half-pound graduations.

(53 Stat. 329; 26 U. S. C. 2861)

§ 190.116 *Weighing tanks.* Where weighing tanks are used for gauging spirits, such tanks shall be constructed of metal, or other suitable material, and shall be stationary. Weighing tanks may be used for gauging rectified spirits for determining the amount of tax, or gauging tax-exempt products prior to transfer of the spirits to a bottling tank, if such weighing tanks conform to the requirements of § 190.124. After such gauging, the spirits must be immediately tax-paid, if subject to the rectification tax, and transferred to a bottling tank. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words "Weighing Tank," followed by its serial number and capacity in gallons. The beams or dials of scales must be graduated to enable readings to be made as follows: To the nearest ½ pound for scales having a capacity not to exceed 2,000 pounds; to the nearest 1 pound for scales having a capacity of over 2,000 pounds, but not exceeding 6,000 pounds; to the nearest 2 pounds for scales having a capacity over 6,000 pounds, but not exceeding 20,000 pounds; to the nearest 5 pounds for scales having a capacity over 20,000 pounds, but not exceeding 50,000 pounds; and to the nearest 10 pounds for scales having a capacity over 50,000 pounds: *Provided*, That except in the case of scales having a capacity of more than 2,000 pounds, not less than twenty percentum of the total capacity of the weighing tank scales may be entered into the tank when spirits are to be gauged for taxpayment.

(53 Stat. 318; 26 U. S. C. 2829)

§ 190.117 *Test weights.* The rectifier shall provide a set of ten 50-pound cast-iron test weights, which shall be certified by the National Bureau of Standards or State departments of weights and measures, as conforming to Class "C" requirements of the National Bureau of Standards, and provide a suitable place where the weights may be secured with a Government lock. If the rectifier has provided such test weights at a distillery, internal revenue bonded warehouse, industrial alcohol plant or bonded warehouse, bonded winery, or tax-paid bottling house, operated by him on contiguous or nearby premises, he need not provide a separate set of weights for the rectifying plant. If the rectifier receives and fills only small packages, he may provide only such number of test weights as will exceed the maximum weight of any such package. All test weights shall be placed under the control and in the custody of the storekeeper-gauger in charge, who shall keep them under Government lock when not in use. In case a scale becomes inaccurate for any reason, the storekeeper-gauger will not permit it to be used while it is in such condition.

§ 190.118 *Storage tanks.* If spirits are received in tank cars, or by pipe line, or if wines are received in tank trucks, suitable storage tanks must be provided within which to store such spirits, except that such storage tanks will not be required in the case of spirits which are transferred directly to processing and bottling tanks in accordance with §§ 190.407 to 190.408. Each storage tank shall be constructed of metal or other suitable material and shall be equipped with a suitable device, or mounted on accurate scales, whereby the contents can be accurately determined. There shall be painted on each tank the words, "Storage Tank," followed by its serial number and capacity in gallons. A suitable board shall be provided on each storage tank for the attachment of Forms 703–A, 1520, or 1440, as provided in this part. Manheads, inlets, and outlets of the tanks must be provided with facilities for locking with Government locks. Stopcocks must be provided and so arranged as to control completely the flow of spirits, both into and out of the tank. The construction of the valves must be such that they can be secured with Government locks. Storage tanks may be permanently connected with pipe lines for the conveyance thereto of air and distilled water, but the distilled water pipe line must be affixed to the top of the tank. Such pipe lines must be equipped with a control valve which may be locked with a Government lock. Pipe lines used for the conveyance of air must also be equipped with a check valve located near the point of entry to the tank in order to effectively prevent any abstraction of spirits from the tank. Other pipe lines, except those used for the conveyance of spirits, may not be permanently connected with such tanks.

(53 Stat. 318, 335, as amended; 26 U. S. C. 2829, 2863)

§ 190.119 *Dumping and reducing tanks.* If dumping and reducing tanks are provided, the same shall be located in the rectifying room and shall be equipped with a suitable device whereby the contents can be accurately determined. Each such tank shall have plainly and legibly painted thereon the words, "Dumping and Reducing Tank," followed by its serial number and capacity in gallons.

(53 Stat. 318; 26 U. S. C. 2829)

§ 190.120 *Processing tanks.* The rectifier shall provide a sufficient number of processing tanks, which shall be located in the rectifying room. Processing tanks shall be equipped with a suitable device whereby the contents can be accurately determined. Each such tank shall have plainly and legibly painted thereon the words, "Processing Tank," followed by its serial number and capacity in gallons. Tanks used for blending, compounding, quick-aging, percolating, etc., will be considered processing tanks and must be so marked. Processing tanks may be used for gauging rectified spirits for determining the amount of tax, or gauging tax exempt products, prior to transfer of the spirits to a bottling tank if such processing tanks conform with the requirements of § 190.124. After such gauging, the spirits must be immediately tax-paid, if subject to the rectification tax, and transferred to a bottling tank.

(53 Stat. 318; 26 U. S. C. 2829)

§ 190.121 *Processing receptacles.* Where barrels or other similar containers are used for rectifying, each such receptacle shall be marked with the words, "Processing Receptacle," followed by its serial number and capacity in gallons. Such receptacles must be so constructed and located that the contents thereof may be readily determined by Government officers. Open bowls, similar to crocks and jars used for macerating, in which spirits are held for a short time during the process of mixing, must be designated "Processing Receptacle," and be located in the rectifying room.

§ 190.122 *Receiving tanks.* Where rectified products are produced by redistillation, such as gin and cordials, or where spirits are redistilled, the rectifier must provide a requisite number of receiving tanks. Each such tank shall be constructed of metal or other suitable material and equipped with a suitable device whereby the contents can be accurately determined. Manheads, inlets, and outlets of such tanks must be provided with facilities for locking with Government locks. Each such tank shall have plainly and legibly painted thereon words indicating its use, as "Gin Receiving Tank," "Cordial Receiving Tank," "Heads and Tails Receiving Tank," etc., followed by its serial number and capacity in gallons. Receiving tanks must be located in the rectifying room.

(53 Stat. 318; 26 U. S. C. 2829)

§ 190.123 *Quick-aging packages.* Where spirits are treated in barrels or kegs for quick-aging or other purposes, each such package shall be marked "Quick-aging Package," followed by its serial number and capacity in gallons. Quick-aging packages must be located in the rectifying room or in the quick-aging room, if one has been provided.

§ 190.124 *Bottling tanks.* Where spirits are bottled at the rectifying plant, the rectifier shall provide in the rectifying room, or bottling room if one is provided, one or more bottling tanks securely constructed of metal or other suitable material. Each bottling tank shall be mounted on accurate scales, or equipped with a suitable device whereby the actual contents will be accurately and precisely indicated, and shall have plainly and legibly painted thereon the words "Bottling Tank," followed by its serial number and capacity in gallons. A suitable board shall be provided on each bottling tank for the attachment of Forms 237 and 230. Each bottling tank must be closed, and any necessary openings therein affording access to the interior, or to the contents, must be closed and secured with a cover, which will be secured by a Government lock or fastened and sealed. Stopcocks must be provided and so arranged as to completely control the flow of spirits both into and out of the bottling tank, and so constructed that they may be locked with a Government lock. The pipe connections containing such stopcocks or valves must be brazed, welded, or otherwise secured to the tank in such a manner that they cannot be detached or altered without showing evidence of tampering, and the outlet pipe connections on bottling tanks shall be equipped with check valves. The pipe line connecting the bottling tanks with the bottling machine must conform to the requirements of § 190.132. Bottling tanks may be permanently connected with pipe lines for the conveyance thereto of air and distilled water, but the distilled water pipe line must be affixed to the top of the tank. Such pipe lines must be equipped with a control valve which may be locked with a Government lock. Pipe lines used for the conveyance of air must also be equipped with a check valve located near the point of entry to the tank in order to effectively prevent any abstraction of spirits from the tank. Other pipe lines, except those used for the conveyance of spirits, may not be permanently connected with such tanks. Bottling tanks shall be accurately and precisely calibrated. Bottling tanks may not be used prior to their approval in accordance with the provisions of § 190.306.

§ 190.125 *Special bottling tanks.* Where highly aromatic liquors, such as anisette and crème de menthe, are produced and bottled, and a special bottling tank is necessary for the bottling thereof, the rectifier may provide in the rectifying room or bottling room one or more small bottling tanks suitable for such purpose. Such special bottling tanks must be constructed, arranged, and secured as provided by § 190.124 in the case of regular bottling tanks, and each special bottling tank shall have plainly and legibly painted thereon the words, "Special Bottling Tank," followed by its serial number and capacity in gallons.

(53 Stat. 318; 26 U. S. C. 2829)

§ 190.126 *Package filling tanks.* Where distilled spirits or wines are to be packaged especially for export with benefit of drawback, tanks suitable for the purpose, and constructed and equipped in accordance with the provisions and requirements of § 190.124 governing the construction and equipment of bottling tanks, shall be provided by the rectifier. The bottling tank may be used as the package filling tank, provided it is equipped with an approved outlet for filling packages and such outlet is equipped for locking with a Government lock when not in use.

(53 Stat. 318, 377, as amended; 26 U. S. C. 2829, 3179)

§ 190.127 *Gravity tanks.* The rectifier may, if necessary, install a small gravity tank between the bottling tanks and bottling machine, for the purpose of maintaining a constant head pressure or to afford a gravity flow to the bottling machine. Such tank must be so arranged that it can be filled only through the bottling tanks and the same must be connected with the bottling tanks and the bottling machine as provided in §§ 190.132, and 190.137–190.140. The capacity of the gravity tank shall be no larger than necessary. The manhead, if any, shall be equipped for locking with a Government lock. Gravity tanks must be equipped with a suitable device whereby the contents can be accurately determined, and each such tank shall have plainly and legibly marked thereon the words, "Gravity Tank," followed by its serial number and capacity in gallons.

(53 Stat. 318; 26 U. S. C. 2829)

§ 190.128 *Accumulation tanks.* Where the rectifier removes distilled spirits from the bottling line which contain sediment or foreign matter, or which otherwise require refiltering or rebottling, he may install suitable accumulation tanks in the bottling room for the accumulation of such spirits. Each such tank shall have plainly and legibly painted thereon the words "Accumulation Tank," followed by its serial number and capacity in gallons. If the spirits accumulated in each tank are of the same class and type, they may be returned to the bottling tank system for refiltering and bottling with the same batch of spirits. The return of the spirits to the bottling tank system must be under the supervision of the storekeeper-gauger. Unless the spirits are refiltered and bottled with the same lot of spirits from which they were originally bottled, they must be returned for rectification under an approved formula, or, in the case of spirits not subjected to taxable rectification, returned to the dumping and reducing tank for commingling with spirits without rectification within the limitation of § 190.697. In such case, appropriate notation will be made on the Form 230 or Form 237 relative to the return of the spirits.

§ 190.129 *Stills.* All stills in the rectifying plant shall be located in the rectifying room and shall be of substantial construction and must have a clear space of not less than 1 foot around them. Every still must have plainly and legibly painted thereon words indicating its use, or uses, as "Gin Still," "Cordial Still," "Water Still," etc., followed by its serial number and capacity in wine gallons. All stills, except cordial stills of not more than 250 wine-gallon capacity and water stills, shall be connected with the receiving tanks by continuous permanent pipe lines: *Provided*, That, where such receiving tank is mounted on scales, the pipe line may be connected with the tank by means of flexible connections with the ends permanently attached and secured by means of Government cap seals, or by brazing or welding, to the inlet of the tank and to the pipe line. If the gin still is equipped with a pipe line to by-pass the berry basket, such pipe line must be equipped with a valve for locking with a Government lock.

§ 190.130 *Other rectifying equipment.* Other rectifying equipment shall be located in the rectifying room and, where practicable, shall be apropriately marked. Tanks used for more than one purpose shall be marked accordingly, as "Weighing and Storage Tank," but processing tanks used for the rectification of spirits may not be used in connection with the bottling of spirits without rectification.

§ 190.131 *Distilled water storage tanks.* If the rectifier produces distilled water, or receives the same by pipe line from contiguous establishments operated under internal revenue laws and regulations, distilled water storage tanks shall be provided and so located that their contents may be readily inspected by Government officers. Each such tank shall be equipped with a suitable device whereby the contents can be accurately determined, and shall have plainly and legibly marked thereon the words, "Distilled Water Storage Tank," followed by its serial number and capacity in gallons. Where distilled water is to be conveyed by pipe line to contiguous establishments operated under the internal revenue laws and regulations, the storage tanks from which the distilled water is to be conveyed must be so constructed that any necessary openings therein may be closed and secured with a Government lock. The pipe line must be securely constructed as provided in § 190.135. Barrels or other wooden containers in which distilled spirits were previously packaged may not be used for the removal of distilled water.

(53 Stat. 318; 26 U. S. C. 2829)

PIPE LINES

§ 190.132 *Pipe lines connecting bottling tanks and bottling machine.* The bottling tanks shall be connected with the bottling machine by a fixed pipe line exposed to view throughout its entire length, unless the outlet of the tank is equipped with a valve so constructed that it can be secured with a Government lock. Where detachable hose connections are used and it is desired to bottle spirits in the absence of the storekeeper-gauger either during or after regular business hours, the connections shall be enclosed within a secure wire cage or room equipped for locking with a Government lock, or, if preferred, the ends of each such connection may be securely sealed to the inlet or outlet of the tank and to the pipe line or the inlet of the bottling machine, as the case may be.

(53 Stat. 319; 26 U. S. C. 2829)

§ 190.133 *Pipe lines to contiguous tax-paid bottling house or rectifying plant.* Pipe lines used for the conveyance of spirits to a contiguous tax-paid bottling house or rectifying plant for bottling, as provided in §§ 190.650 to 190.654, shall be constructed, secured, and marked in accordance with the applicable provisions of § 190.134. A permanent pipe line must be installed to connect the tank in the rectifying plant with the bottling tank in the contiguous tax-paid bottling house or rectifying plant, to which spirits

are to be transferred, and each such pipe line must be equipped with a valve, in the transferring rectifying plant, capable of being locked with a Government lock. Each pipe line to a contiguous tax-paid bottling house or rectifying plant shall have painted thereon, at a point near the manifold or valve controlling the flow, identification as to the premises to which the pipe line leads, as "TPBH–7", "RP–7", etc. Where spirits are to be conveyed from two or more tanks in the rectifying plant or to two or more bottling tanks in the contiguous tax-paid bottling house or rectifying plant, the pipe line may be connected by manifold connections so arranged as to control the flow of spirits from or into each tank. There shall be painted on each pipe line extending from the manifold to the bottling tanks a number corresponding with the serial number of the bottling tank with which the pipe line is connected, unless the arrangement of the pipe line is such that the identity of the tank with which it is connected is apparent. Where the tank in the transferring rectifying plant is mounted on scales, the pipe line may be connected therewith by means of short, detachable hose connections if the end of the pipe line is equipped with a valve which may be locked with a Government lock. Pipe lines used for the conveyance of spirits to a contiguous tax-paid bottling house or rectifying plant shall be constructed, secured, and so arranged that each such pipe line can be completely drained after each transfer of spirits.

§ 190.134 *Pipe lines from other contiguous premises.* The pipe lines used for the conveyance of tax-paid spirits to storage, processing, or bottling tanks must be of a fixed and permanent character, securely constructed and connected and so arranged as to be exposed to view throughout their entire lengths. Such pipe lines, except those from a bonded winery, must be secured by brazing, welding, fastening and sealing, or locking with Government locks as to effectually prevent disconnection and access to the spirits. When the storage, processing, or bottling tanks are mounted on scales the pipe line may be connected therewith by means of short, detachable hose connections if the end of the pipe line is equipped with a valve which may be locked with a Government lock. Where spirits are to be conveyed to two or more storage, processing, or bottling tanks in the rectifying plant, the pipe lines may be connected with such tanks by manifold connections so arranged as to control the flow of spirits both into or out of each tank. Each pipe line from a contiguous establishment shall have painted thereon, at a point near the manifold or valve controlling the flow, identification as to the premises from which the pipe line originated, as "RD–7", "IRBW–2", etc. Filters may be installed in pipe lines connected with bottling tanks, if inlet and outlet lines to be attached to filters are equipped with valves which may be locked with Government locks. Only spirits which are to be bottled without rectification may be conveyed by pipe line from contiguous premises directly into bottling tanks. There shall be painted on each pipe line extending from the manifold to storage, processing, or bottling tanks, a designation and number corresponding with the serial number of the tank with which the pipe line is connected, unless the arrangement of the pipe line is such that the identity of the tank with which it is connected is apparent.

(53 Stat. 318, 335, as amended; 26 U. S. C. 2829, 2883)

§ 190.135 *Distilled water pipe lines.* The pipe line used for the conveyance of distilled water to contiguous establishments operated under the internal revenue laws and regulations must be an independent one, without any connection with any other pipe, tank, vessel, or utensil on the rectifying plant premises, except the distilled water storage tank: *Provided,* That where distilled water is to be so conveyed from two or more distilled water storage tanks, the pipe line may be connected with such tanks by permanent manifold connections. The pipe line must be of a fixed and permanent character, securely constructed and so arranged as to be exposed to view throughout its entire length. The valves, flanges, and other connections in such pipe line on the rectifying plant premises must be brazed, welded, or otherwise secured, in such a manner that the pipe line and its connections cannot be detached or altered without showing evidence of tampering. Where distilled water is produced in the rectifying plant, the distilled water storage tank must be connected with the water still by a continuous, fixed, pipe line.

(53 Stat. 318, 335, as amended, 26 U. S. C. 2829, 2883)

§ 190.136 *Colors for pipe lines.* The pipe lines in the rectifying plant used for conveying the following substances shall be kept painted in the colors indicated:

Black	Spirits.
Blue	Vapor, high wines, low wines, and heads and tails.
Brown	Residue from stills.
White	Water.
Aluminum	Steam.
Orange	Air.
Purple	Refrigerants.

These colors are intended for such pipe lines only and are prescribed for the purpose of distinguishing such pipe lines from each other and from all other pipe lines on the premises which are painted but for which colors are not prescribed. The painting in one of the prescribed colors or a color similar thereto, of a pipe line for which a color is not prescribed, is prohibited. Pipe lines for which colors are not prescribed may be painted in sections of contrasting colors.

SEALING PIPE LINES

§ 190.137 *General.* Where flanges, unions, valves and other detachable connections in pipe lines are not secured by welding or brazing, and are not to be secured by Government locks, they must be prepared by the rectifier for sealing with Government "cap" seals.

(53 Stat. 318; 26 U. S. C. 2829)

§ 190.138 *Sealing flanges.* Flanges may be prepared for sealing by one of the following methods:

(a) By applying a "castle" nut with a hole drilled through the bolt so that the sealing wire may be passed through like a cotter pin, two such nuts being applied to each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three such nuts will be applied at approximately equal distances apart;

(b) By drilling a small hole through both nut and bolt, two such bolts and nuts being drilled for each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three bolts and nuts will be so drilled at approximately equal distances apart; or

(c) By drilling a hole through the corner of the head of the bolt and one through the corner of the nut so the two will be sealed together, two such bolts and nuts being drilled for each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three bolts and nuts will be so drilled at approximately equal distances apart.

(53 Stat. 318; 26 U. S. C. 2829)

§ 190.139 *Sealing unions.* Unions will be prepared for sealing by enclosing the same in a metal box with holes for the sealing wire.

(53 Stat. 318; 26 U. S. C. 2829)

§ 190.140 *Sealing valves.* Small gate and globe valves may be prepared for sealing by enclosing the packing nut and hood with a metal band or strap drawn tightly around the valve and fitted for reception of the sealing wire, or by drilling a hole in the packing nut so that the sealing wire may be passed through and drawn around the pipe and sealed. Where valves have large flanges, such flanges may be sealed in the same manner as other flanges.

(53 Stat. 318; 26 U. S. C. 2829)

DETAILS OF CONSTRUCTION AND EQUIPMENT

§ 190.141 *General.* Where details of construction and equipment are not covered by this part, such construction and equipment must afford the same degree of security and protection to the spirits in the rectifying plant as is intended by the construction and equipment specifications prescribed in this subpart. The Commissioner may approve details of construction and equipment in lieu of those specified in this subpart where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford as much security and protection as the construction and equipment prescribed. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, or where any doubt prevails in regard to the security and protection which will be afforded by construction and equipment not covered by this part, approval of the Commissioner should be first obtained.

(53 Stat. 318; 26 U. S. C. 2829)

§ 190.142 *Plants heretofore established.* Rectifying plants heretofore established may continue to operate unless the present construction and equipment do not afford adequate security and protection to the revenue. The Commissioner or district supervisor may at any time require the proprietor to make changes in construction and equipment conforming to the provisions of this part, if deemed necessary to safeguard the revenue or to permit more economical and efficient supervision by Government officers. All rectifying plants hereafter established, and changes in existing rectifying plants, must be in conformity with this part.

(53 Stat. 318; 26 U. S. C. 2829)

SUBPART J—QUALIFYING DOCUMENTS

§ 190.155 *Notice, Form 27–B.* Every person intending to engage in the business of a rectifier must give notice of such intention on Form 27–B, in triplicate, to the district supervisor before engaging in the business. Except as provided in § 190.162 in the case of amended and supplemental notices, all of the information indicated by the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto, and as required by this part, shall be furnished. Notices on Form 27–B must be signed in accordance with the instructions printed on the form and sworn to before an officer authorized to administer oaths: *Provided,* That if the form officially prescribed for such notice contains therein a provision for verification by a written declaration that such notice is made under the penalties of perjury, such notice shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Such notices must be numbered serially commencing with number 1 and continuing in regular sequence for all notices thereafter filed, whether amended or supplemental. All data, written statements, affidavits, and other documents submitted in support of the notice shall be deemed to be a part thereof.

(53 Stat. 309, 373, as amended, 63 Stat. 667; 26 U. S. C. 2812, 3170, 3809)

§ 190.156 *Federal Alcohol Administration Act permit.* Under the Federal Alcohol Administration Act and Regulations 1 (27 CFR Part 1) issued pursuant thereto, any person, except an agency of a State or political subdivision thereof, or any officer or employee of any such agency, intending to engage in the business of rectifying distilled spirits and wines, is required to procure a rectifier's basic Federal Alcohol Administration Act permit (Form 1638) therefor. In addition, a basic warehousing and bottling permit (Form 1642) must be procured where unrectified spirits, or spirits rectified by another are warehoused and bottled. The trade names or styles under which it is intended to conduct the business must be specified in the permit. Applications for such permits should be filed on Forms 1637 and 1641, respectively, with the district supervisor at the time of filing notice, Form 27–B.

(Sec. 3, 49 Stat., 978; 27 U. S. C. 203)

§ 190.157 *Distance from distillery or vinegar plant.* If the rectifying plant premises are situated more than 600 feet in a direct line from any premises authorized to be used for distilling spirits, or from a vinegar factory using the vaporizing process, such fact shall be stated on Form 27–B. If the distance between the rectifying plant premises and the premises of a distillery is less than 600 feet in a direct line, there must be stated in the notice, Form 27–B, the name of the proprietor of the distillery, the exact distance in feet and inches between the rectifying plant and distillery, and whether the location of the rectifying plant within such distance of the distillery has been approved by the district supervisor. If such location of the rectifying plant has been approved by the district supervisor, the date of such approval shall be given. If the distance between the rectifying plant premises and a vinegar factory using the vaporizing process is less than 600 feet in a direct line, such fact shall be stated on the form, and also whether or not the vinegar factory was established and operated as such prior to March 1, 1879.

(53 Stat. 309, 314, 319, 320, 373, as amended; 26 U. S. C. 2812, 2819, 2834, 2835, 3170)

§ 190.158 *Description of apparatus and equipment.* There must be described on Form 27–B, in the space provided therefor, all storage tanks, receiving tanks, processing tanks, bottling tanks, and stills, which shall be listed separately as to serial number and capacity in wine gallons. All other regular and permanent rectifying equipment must be described on Form 27–B.

(53 Stat. 309; 26 U. S. C. 2812)

§ 190.159 *Description of rooms.* All rooms on the rectifying plant premises shall be accurately described on Form 27–B. The description shall include the designated name of the room, which shall be according to its use, such as receiving room, rectifying room, bottling room, and finished products room, the materials of which constructed, the dimensions thereof, the location of doors, windows and other openings and the manner in which they are secured and protected. The materials of which partitions are constructed, and the height thereof, must also be stated. If more than one room is used for the same purpose, the name shall include an alphabetical designation to distinguish them, as "Receiving Room A," "Receiving Room B," etc.

(53 Stat. 309; 26 U. S. C. 2812)

§ 190.160 *Liquors to be used and produced.* The kinds of liquors proposed to be used in rectification, and the kinds of liquors proposed to be produced by such rectification, must be stated on Form 27–B.

(53 Stat. 309; 26 U. S. C. 2812)

§ 190.161 *Capacity.* The estimated maximum quantity, in wine gallons and proof gallons, of spirits or wines which can be rectified in every 24 hours by the use of all the apparatus and equipment in the rectifying plant, and the estimated quantity, in wine gallons and proof gallons, of spirits and wines which will be rectified every 24 hours and the portion thereof for which exemption from the rectifying tax will be claimed, must be stated on Form 27–B.

(53 Stat. 309; 26 U. S. C. 2812)

§ 190.162 *Amended and supplemental notices.* Amended and supplemental notices on Form 27–B may be executed in skeleton form, except as to the items amended or supplemented. All other items which are correctly set forth in prior notices, and in which there has been no change since the last preceding notice, may be incorporated in the amended or supplemental notice by reference to the respective notice previously filed. Such incorporation by reference shall be made by entering for each such item, in the space provided therefor, the statement "No change since filing Form 27–B, Serial No. ------" (the number being inserted), and the date of such form. The Commissioner or district supervisor may at any time, in his discretion, require the filing of a complete notice on Form 27–B.

(53 Stat. 309; 26 U. S. C. 2812)

§ 190.163 *Formulas and processes, Form 27–B Supplemental.* The rectifier must submit Form 27–B Supplemental, in quadruplicate, for each formula and process to be employed in the rectification of spirits or wines, which shall constitute a part of the notice, Form 27–B. The statement of formula and process shall be prepared in accordance with Subpart S.

(53 Stat. 309; 26 U. S. C. 2812)

§ 190.164 *Corporate documents.* There must be submitted with, and made a part of, the original or initial notice on Form 27–B, given by a corporation to engage in the business of a rectifier, properly certified copies, in triplicate, of the following documents:

(a) Articles of incorporation and any amended articles of incorporation.

(b) Certificate of incorporation.

(c) Certificate authorizing corporation to operate in State where rectifying plant is located, if other than that in which incorporated.

(d) Extracts of minutes of meetings of stockholders, showing election of directors.

(e) By-laws.

(f) Extracts of the minutes of the meetings of the Board of Directors, showing the election of officers.

(g) Extracts of the minutes of meetings of the Board of Directors, authorizing certain officers or other persons to sign for the corporation.

(h) List of names and addresses of the officers and directors.

(i) List of stockholders, as provided in § 190.165.

(53 Stat. 309; 26 U. S. C. 2812)

§ 190.165 *List of stockholders.* In the case of corporations and similar legal entities, there must be submitted with Form 27–B, at the commencement of business, and annually thereafter on May

1, a list of the names and addresses of all stockholders and other persons interested in the corporation or other legal entity and the amount and nature of the stock holding, or other interest of each, whether such interest appears in the name of the interested party or in the name of another for him: *Provided*, That where more than 100 persons are interested in the corporation or other legal entity as stockholders or otherwise, there need be furnished only the names and addresses and the amounts and nature of the stock holding or other interest of the 100 persons having the largest ownership or other interest in each of the respective classes of stock or other interest, except where more complete information shall be specifically required by the Commissioner or the district supervisor: *And provided further*, That where there has been no change in the stockholders and other persons interested in the corporation or other legal entity, or in the extent of the stock holding or other interest of such persons, the rectifier may furnish on May 1 of each year, a certified statement, in triplicate, to that effect in lieu of the prescribed list. Where a corporation operates two or more rectifying plants or other plants situated in the same supervisory district, or wholly owns one or more subsidiaries operating rectifying plants or other plants so situated, and in connection with qualifying for the operation of one of such rectifying plants or other establishments files a list of stockholders and other persons interested, as prescribed in this section, the filing of an additional list for each rectifying plant will not be required, provided that in lieu of such additional list there is submitted by such corporation a certificate, in triplicate, definitely identifying the corporation and plant with whose notice the list of stockholders and other persons interested is filed, and giving the date of the filing thereof.

(53 Stat. 309; 26 U. S. C. 2812)

§ 190.166 *Affidavit.* In the case of a corporation, there must be submitted with each list of stockholders an affidavit, in triplicate, executed by an officer of the corporation authorized so to do, showing the number of shares of each class of stock or other evidence of ownership, such as voting trust certificates, authorized and outstanding, the par value thereof, and the voting rights of the respective owners or holders, and certifying to the correctness of the list of stockholders or the statement authorized to be furnished in lieu of such list. In the case of an individual owner, copartnership, or association, there must be submitted with Form 27–B, at the commencement of business, and annually thereafter on May 1, an affidavit, in triplicate, giving the name of every person interested or to be interested in the rectifying plant, whether such interest appears in the name of the interested party or in the name of another for him.

(53 Stat. 309; 26 U. S. C. 2812)

§ 190.167 *Articles of copartnership or association.* In the case of a copartnership or association, a certified copy, in triplicate, of the articles of copartnership or association, if any, shall be submitted with and constitute a part of the notice, Form 27–B.

(53 Stat. 309; 26 U. S. C. 2812)

§ 190.168 *Trade name certificate.* Where the rectifier is to do business under a firm or trade name, there must be submitted with and made a part of the notice, Form 27–B, certified copies, in triplicate, of the certificate or other document filed with or issued by State officials under the laws of the State to cover the transaction of business under such firm or trade name. If no such certificate or other document is required by the laws of the State to be filed with or issued by State officials to cover the transaction of business under a firm or trade name, the rectifier shall furnish a statement, in triplicate, to that effect.

(53 Stat. 309; 26 U. S. C. 2812)

§ 190.169 *Power of attorney, Form 1534.* If the notice or other qualifying documents are signed by an attorney in fact for an individual, copartnership, association, or corporation, or by one of the members for a copartnership or association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 190.164, such notice or other qualifying documents must be supported by a duly authenticated copy of the power of attorney conferring authority upon the person signing the document to execute the same. Such powers of attorney shall be executed on Form 1534, in triplicate, and submitted to the district supervisor.

(53 Stat. 309; 26 U. S. C. 2812)

§ 190.170 *Execution of power of attorney.* Where the principal giving the power of attorney is an individual, it must be executed by him in person, and not by an agent. In the case of a copartnership or association, powers of attorney authorizing one or more of the members, or another person, to execute documents on behalf of the copartnership or association must be executed by all of the members constituting the same. However, if one or more members less than the whole number constituting the copartnership or association have been delegated the authority to appoint agents or attorneys in fact, the power of attorney may be executed by such member or members, provided it is supported by a duly authenticated copy, in triplicate, of the document conferring authority upon the member or members to execute the same. Where, in the case of a corporation, powers of attorney are executed by an officer thereof, such documents must be supported by triplicate copies of the authorization of such officer so to do, certified by the secretary or assistant secretary of the corporation under the corporate seal, if any, to be true copies.

(53 Stat. 309; 26 U. S. C. 2812)

§ 190.171 *Duration of power of attorney.* Powers of attorney authorizing the execution of documents on behalf of a person engaged in, or intending to engage in, the business of a rectifier shall continue in effect until written notice, in triplicate, of the revocation of such authority is received by the district supervisor, unless terminated by operation of law.

(53 Stat. 309; 26 U. S. C. 2812)

§ 190.172 *Bond, Form 34.* Every person intending to commence the business of a rectifier shall, upon filing his notice of such intention, Form 27–B, and before proceeding with such business, execute a bond on Form 34, in triplicate, in conformity with the provisions of Subpart K of this part, and file the same with the district supervisor.

§ 190.173 *Penal sum.* The penal sum of the rectifier's bond, Form 34, shall be not less than the amount of internal revenue tax that the rectifier will be liable to pay in a period of 30 days, but in no case shall the penal sum of the bond be less than $1,000 or greater than $100,000. Where the rectifier has not furnished bond in the maximum penal sum of $100,000 and the rectification tax, including tax under section 3030 (a), I. R. C., on the quantity of spirits and wines actually rectified during any period of 30 days, exceeds the penal sum of the bond on file, he must furnish immediately a new or additional bond in a sufficient penal sum, effective as of the beginning of such period. If an additional bond is furnished, it must be in accordance with § 190.204.

§ 190.174 *Registry of stills, Form 26.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up must register the same with the supervisor for the district in which the still is located, on Form 26, immediately it is set up. The Form 26 shall be executed, in triplicate, in accordance with the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto and as required by this part. Form 26 must be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such notice contains therein a provision for verification by a written declaration that such notice is made under penalties of perjury, such notice shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification.

(53 Stat. 308, as amended, 373, as amended, 63 Stat. 667; 26 U. S. C. 2810, 3170, 3809)

§ 190.175 *Plat and plans.* Every person intending to engage in the business of a rectifier must submit to the district supervisor with his notice, Form 27–B, an accurate plat of the rectifying plant premises and accurate plans of the buildings or rooms, apparatus and equipment thereon, in triplicate, conforming to the requirements of Subpart L of this part.

§ 190.176 *Additional information.* The Commissioner or the district supervisor may at any time, in his discretion, require the rectifier to furnish such additional information as he may deem necessary.

§ 190.177 *Instruments and papers.* The terms, conditions, and instructions contained in instruments and papers required to be furnished by law or this Part are hereby made a part of this part as fully and to the same extent as if incorporated in this part.

SUBPART K—BONDS AND CONSENTS OF SURETY

§ 190.185 *General requirements.* Every person required to file a bond or consent of surety under this part shall prepare and execute it on the prescribed form, in triplicate, in accordance with the lines on the form, and the instructions printed thereon or issued in respect thereto, and as required by this Part, and shall submit it to the district supervisor.

§ 190.186 *Surety or security.* Bonds required by this part shall be given with surety or collateral security.

(Sec. 1, 28 Stat. 279, 6 U. S. C. 6; sec. 1126, 44 Stat. 122, sec. 7, 49 Stat. 22, 6 U. S. C. 15)

§ 190.187 *Corporate surety.* Bonds may be given with corporate surety authorized by the Secretary of the Treasury to become surety on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356, Commissioner of Accounts and Deposits, Section of Surety Bonds, which is issued semiannually, and subject to such amendatory circulars as may be issued from time to time.

(Sec. 1, 28 Stat. 279, 6 U. S. C. 6; c. 109, 36 Stat. 241, 6 U. S. C. 8)

§ 190.188 *Two or more corporate sureties.* A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided*, That each corporate surety may limit its liability in terms upon the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

(Sec. 1, 28 Stat. 279, 6 U. S. C. 6; c. 109, 36 Stat. 241, 6 U. S. C. 8)

§ 190.189 *Powers of attorney.* Powers of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Commissioner of Accounts and Deposits, Section of Surety Bonds, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, district supervisors.

§ 190.190 *Individual sureties.* Bonds may be given with individual sureties, of which there must be not less than two, each of whom must qualify by executing Form 33, in triplicate. Individual sureties must be citizens of the United States and reside in the State in which the business of the principal is to be conducted. No person will be accepted as an individual surety in a State in which he is not authorized to become a surety.

§ 190.191 *Ownership of real property.* Each individual surety must own unencumbered real property, in fee simple, the appraised value of which, over and above any exemptions from execution allowed by the laws of the State, is equal to the penal sum of the bond. The amount of unemcumbered real property which individual sureties are required to own must be located within the State where the business of the principal is to be conducted.

§ 190.192 *Description of real property.* The real property must be described in the surety's affidavit, Form 33, with all of the formalities required in conveyances of real estate by the laws of the State in which it is situated.

§ 190.193 *Execution of Form 33.* The surety's affidavit on Form 33 shall contain all of the information required by the various lines on the form, and the instructions printed thereon or issued in respect thereto, and as required by this part. The form shall be subscribed and sworn to before an officer duly authorized to administer oaths, and one copy thereof shall be attached to each copy of the bond to which it relates.

§ 190.194 *Certificate of title.* There must be submitted with the surety's affidavit, Form 33, a certificate of title, in triplicate, showing that the surety has a fee simple title, free of encumbrances, to the realty described in the form.

§ 190.195 *Appraisal.* There will also be submitted with Form 33 an appraisal, in triplicate, by two or more competent persons designated by the district supervisor for the purpose, showing separately the value of the land and buildings, and a full and clear statement of the method employed by them in determining their valuation. The appraisal shall be at the expense of the principal on the bond, unless it is made by Government officers.

§ 190.196 *Investigation.* The district supervisor must cause an investigation to be made of all the facts stated in the surety's affidavit on Form 33 and supporting documents.

§ 190.197 *Requalification.* The Commissioner or district supervisor may at any time, in his discretion, require the requalification of individual sureties on Form 33.

§ 190.198 *Interest in business.* The surety, whether individual or corporate, must have no interest whatever in the business covered by the bond.

§ 190.199 *Deposit of collateral.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by principals as collateral security in lieu of individual or corporate sureties. District supervisors on receiving such bonds or notes, or other obligations, pledged and deposited by principals as collateral security in lieu of surety, shall deposit such securities in accordance with Department Circular No. 154, revised (31 CFR Part 225).

(Sec. 1126, 44 Stat. 122, sec. 7, 49 Stat. 22; 6 U. S. C. 15)

§ 190.200 *Consents of surety.* Consents of surety to a change in the terms of a bond must be executed on Form 1533, in as many copies as are required of the bond which they affect, by the principal and all sureties with the same formality and proof of authority to execute as are required for the execution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bond affected thereby and state specifically and precisely what is covered by the extended terms thereof. If the surety is a corporation, the consent may be executed by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the appropriate district supervisor, or the consent may be executed by the home office officials of such corporate surety; except that in cases where the saving of time is an element, the consent may be executed by an agent or attorney in fact where the home office officials, by specific direction, order its execution. A copy of such specific direction should be attached to each copy of the consent.

§ 190.201 *Approval required.* No individual, firm, partnership, corporation, or association, intending to commence or to continue the business of a rectifier shall commence or continue such business until all bonds in respect of such business required by any provision of law have been approved.

(53 Stat. 311; 26 U. S. C. 2815)

§ 190.202 *Authority to approve.* District supervisors are authorized to approve all bonds and consents of surety required by this part.

(53 Stat. 311, 377, as amended; 26 U. S. C. 2815, 3179)

§ 190.203 *Cause of disapproval.* Bonds or consents of surety submitted by any individual, firm, partnership, corporation, or association, in respect to the business of a rectifier may be disapproved if the individual, firm, partnership, corporation, or association, giving the same, or owning, controlling, or actively participating in the management of such business of the individual, firm, partnership, corporation, or association, giving the same, shall have been previously convicted in a court of competent jurisdiction of any fraudulent noncompliance with any provision of any law of the United States, if such provision relates to internal revenue or customs taxation of distilled spirits, wines, or fermented malt liquors, or if such an offense shall have been compromised with the individual, firm, partnership, corporation, or association upon payment of penalties or otherwise; any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of distilled spirits, wines, fermented malt liquors, or other intoxicating liquor. The rectifier's bond, Form 34, may also be disapproved if the situation of the rectifying plant is such as would enable the rectifier to defraud the United States.

(53 Stat. 311; 26 U. S. C. 2815)

§ 190.204 *Additional or strengthening bonds.* In all cases where the penal sum of the bond on file and in effect is not sufficient, computed as prescribed by law

and regulations, the principal may give an additional or strengthening bond in a sufficient penal sum, provided the surety thereon is the same as on the bond already on file and in effect; otherwise a new bond covering the entire liability will be required. Such additional or strengthening bonds, being filed to increase the bond liability of the principal and the surety, are in no sense substitute bonds, and the district supervisor will refuse to approve any additional or strengthening bond where any notation is made thereon intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full penal sum. Additional or strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Additional Bond," or "Strengthening Bond."

§ 190.205 *New bond.* A new bond may be required at any time in the discretion of the Commissioner or district supervisor. A new bond shall be required immediately in the case of the death or insolvency of an individual surety, or the insolvency of a corporate surety. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When, in the opinion of the Commissioner or the district supervisor, the interests of the Government demand it, or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. Where a bond is found to be not acceptable, the principal shall be required to file immediately a new and satisfactory bond, or discontinue business forthwith.

§ 190.206 *Superseding bond.* Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, notice of termination of the superseded bond may be issued as provided in Subpart Q. Superseding bonds must show the current date of execution and the date they are to be effective, and each such bond shall have marked thereon by the obligors at the time of execution, "Superseding Bond."

SUBPART L—PLATS AND PLANS

§ 190.215 *Plat and plans required.* Every person intending to engage in the business of a rectifier must, as provided in § 190.175, file an accurate plat and accurate plans of the rectifying plant premises, apparatus, and equipment, in triplicate, with the district supervisor.

§ 190.216 *Preparation.* Every plat and plan shall be drawn to scale, and each sheet thereof shall bear a distinctive title, enabling ready identification. The cardinal points of the compass must appear on each sheet except the elevational flow diagrams (plans). The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth, or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue- or brown-line lithoprint if such reproductions are clear and distinct.

§ 190.217 *Depiction of rectifying plant premises.* Plats must show the outer boundaries of the rectifying plant premises, in feet and inches, in a color contrasting with those used for other drawings on the plat, and must contain an accurate depiction of the building, or buildings, comprising the premises, and any driveway, public highway, or railroad right-of-way adjacent thereto or connecting therewith. The depiction of the premises shall agree with the description in the notice, Form 27–B. If the premises are separated by a public highway or railroad right-of-way, and the tracts of land comprising the premises, or parts thereof, abut on such highway or right-of-way opposite each other, the different tracts will be depicted separately, in feet and inches. If two or more buildings are to be used, the designated name of each shall be indicated, and all pipe lines or other connections, if any, between the same depicted. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A", and they shall be so shown on the plat. All first floor exterior doors of each building on the premises will be shown on the plat. If the rectifying plant consists of a room or a floor of a building, an entire outline of the building, the precise location and dimensions of the room or floor, and the means of ingress and egress to a public street or yard shall be shown. Except as provided in § 190.226, all pipe lines leading to or from the premises, the purpose for which used, and the points of origin and termination will be indicated on the plat.

§ 190.218 *Distillery within 600 feet.* Where a rectifying plant is to be established on premises at a distance of less than 600 feet in a direct line from a distillery, the plat must show the relative location of such premises, all pipe lines and other connections, if any, between them, and the distance, in feet and inches, that they are from each other in a direct line. The outlines of the two premises must be shown in contrasting colors.

§ 190.219 *Contiguous premises.* Where a distillery, internal revenue bonded warehouse, tax-paid bottling house, or other premises on which liquors are manufactured, stored, or sold, are contiguous to the rectifying plant premises, the plat must show the relative location of the rectifying plant and such contiguous premises, the distance they are from each other, and all pipe lines, if any, and other connections between them. The outlines of such contiguous premises and the rectifying plant premises must also be shown in contrasting colors.

§ 190.220 *Floor plans.* The plans shall include a floor plan of each building, showing the general dimensions of the rooms and floors, and the location of all doors, windows, and other openings, and how such openings are protected. If a portion of a building is used, such as a room or floor, the floor plans will include only that portion, and shall also show the means of ingress and egress to the street. All fixed apparatus and equipment, except pipe lines, must be shown in their exact location on the floor plans and their designated use indicated. Except as provided in this subpart, pipe lines need not be shown. In the case of stills, tanks, and similar equipment, the serial number and capacity shall also be shown.

§ 190.221 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted which shall depict all equipment in its approximate operating sequence and elevation by floors, with all connecting pipe lines, valves, flanges, measuring devices, and attachments for Government locks. Where flanges, unions, or other connections in pipe lines are brazed, welded, or otherwise permanently secured in such a manner as to constitute a continuous, single pipe line, the location of such flanges, unions, or other connections, and the manner of securing the same, need not be shown on the plans. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All major fixed equipment, such as stills and tanks, must be identified on the plans as to number and use. The elevational flow diagram must be so drawn that all fixed pipe lines, except those indicated by § 190.226, may be readily traced from beginning to end. Other types of drawings that clearly depict the information required by this section may be submitted in compliance with this section.

§ 190.222 *Pipe lines.* The plat and plans shall show pipe lines, if any, connecting the rectifying plant with a registered or fruit distillery, internal revenue bonded warehouse, industrial alcohol plant, industrial alcohol bonded warehouse, bonded winery, rectifying plant, and tax-paid bottling house for the transfer of tax-paid spirits. The plat will show the relative location of the rectifying plant and the premises connected by such pipe lines. The plat or plans will also show the storage, bottling, or processing tanks, to which such pipe lines are connected.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 190.223 *Pipe lines in colors.* The fixed pipe lines must be shown on the plat and plans in the colors in which

they are required to be painted, as follows:

Black	Spirits.
Blue	Vapor, high wines, low wines, and heads and tails.
Brown	Residue from stills.
White	Water.
Aluminum	Steam.
Orange	Air.
Purple	Refrigerants.

§ 190.224 *Location of Government locks.* The location of all Government locks required to secure the apparatus and equipment, and the doors of rooms, must be indicated on the elevational flow diagrams (plans) by the symbol "GL" at the points where the locks are to be attached.

§ 190.225 *Direction of flow.* The direction of the flow of spirits, vapor, etc., through pipe lines must be indicated on the plans by arrows.

§ 190.226 *Pipe lines exempted.* Approved public or private utility service lines, such as sewers, electric or gas conduits or pipes, and approved sprinkler, refrigeration, or heating systems which have no connection with the equipment used for spirits, need not be shown on the plans, provided that the point of entry to the premises shall be indicated on the plans.

§ 190.227 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet, signed by the rectifier, the draftsman, and the district supervisor, substantially in the following form:

(Name of proprietor)

(Address)

Approved ---
(Date)

(District supervisor)

Accuracy certified by:

(Name and capacity—for the proprietor)

(Draftsman)

Rectifying Plant No. ---
--- 19---, Sheet No. ---
(Date)

§ 190.228 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded, but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence.

SUBPART M—REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES, AND EQUIPMENT

§ 190.240 *General requirement.* Under the law, notice in writing must be given, in the form prescribed by the Commissioner, to the district supervisor in case of any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of the rectifying plant, within 24 hours after such change.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

CHANGE IN INDIVIDUAL, FIRM, OR CORPORATE NAME

§ 190.241 *Amended notice, Form 27–B.* Where there is a change in the individual, firm, or corporate name of the rectifier, he must submit to the district supervisor an amended notice on Form 27–B, in triplicate, covering the new name.

(53 Stat. 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2812, 2831, 2857, 2861, 3170, 3270)

§ 190.242 *Amended permit.* Where there is a change in the individual, firm, or corporate name of the rectifier, he must procure from the district supervisor under the Federal Alcohol Administration Act an amended basic permit or permits authorizing the rectifier to engage in business under the new name.

(53 Stat. 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2812, 2831, 2857, 2861, 3170, 3270)

§ 190.243 *Amended articles of incorporation, etc.* Where there is a change in the corporate name of the rectifier, he must submit to the district supervisor certified copies, in triplicate, of the amended articles or incorporation, and the amended certificate of incorporation issued under the laws of the State in which incorporated, covering the change in the corporate name. If the operations are conducted in a State other than the State in which incorporated, there must also be submitted to the district supervisor certified copies, in triplicate, of the amended certificate issued under the laws of the State in which the operations are conducted authorizing the corporation to operate under its new name in such State. If other documents than those specified are required under the laws of the State to effect a change in the name of the corporation, certified copies, in triplicate, of such documents must be submitted with the notice, Form 27–B, in lieu of those specified.

(53 Stat. 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2812, 2831, 2857, 2861, 3170, 3270)

§ 190.244 *Amended articles of copartnership or association.* Where there is a change in the firm name of the rectifier, he must, if the rectifier is a copartnership or association, submit to the district supervisor certified copies, in triplicate, of the amended articles of copartnership or association, if any.

(53 Stat. 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2812, 2831, 2857, 2861, 3170, 3270)

§ 190.245 *Sign.* Where there is a change in the individual, firm, or corporate name of the rectifier, he must change the rectifying plant sign to conform to the provisions of § 190.110.

(53 Stat. 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2812, 2831, 2857, 2861, 3170, 3270)

§ 190.246 *Branding, labeling, etc.* Where there is a change in the individual, firm, or corporate name of the rectifier, he must, upon receipt of the district supervisor's authorization, as provided in § 190.316, mark, brand, and label, under such new name the spirits packaged or bottled thereunder, as provided in Subpart NN of this part, unless the spirits are rectified under a trade name or style as provided in the said subpart.

(53 Stat. 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2812, 2831, 2857, 2861, 3170, 3270)

§ 190.247 *Records.* Where there is a change in the individual, firm, or corporate name of the rectifier, he must keep records and submit reports covering operations under the new name as provided in Subpart NN of this part.

(53 Stat. 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2812, 2831, 2857, 2861, 3170, 3270)

§ 190.248 *Special tax stamps.* Where there is a change in the individual, firm, or corporate name of the rectifier, he must file within 30 days of such change an additional return on Form 11 with the collector of internal revenue covering the new individual, firm, or corporate name. The special tax stamp or stamps must be forwarded to the collector for appropriate notation with respect to such change in name.

(53 Stat. 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2812, 2831, 2857, 2861, 3170, 3270)

TRADE NAMES

§ 190.249 *Basic qualification required.* Where the rectifying plant is to be operated under a trade name or style, or under a number of trade names or styles, other than those previously approved, the rectifier must file with the district supervisor a letterhead application for approval of such name or names. The district supervisor will forward such application to the Bureau for action by the Commissioner. If the Commissioner finds that the name or names may be used he will advise the district supervisor. The rectifier will be advised accordingly. He may then file with the district supervisor Form 1643 for an amended basic permit and Form 27–B for permission to operate under the trade name (only one) specifying the date operations are to begin. The district supervisor's action will be in accordance with § 190.316.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

§ 190.250 *Trade names certificates, amended articles of incorporation, etc.* It will be the responsibility of the rectifier to comply with all State laws by filing certified copies of trade names and amended articles of incorporation where required. If no such certificate or amended articles of incorporation are required, the rectifier will furnish a statement to that effect.

(53 Stat. 373, as amended; 26 U. S. C. 3170)

§ 190.251 *Sign.* The rectifying plant sign must be changed to conform to the provisions of § 190.110, unless operation under the trade name is to be temporary, in which event it will not be necessary to change such sign.

(53 Stat. 318, 373, as amended; 26 U. S. C. 2831, 3170)

§ 190.252 *Branding, marking, and labeling.* The spirits must be branded, marked, and labeled under each trade name in which the spirits were packaged or bottled as provided in Subpart NN of this part.

(53 Stat. 329, 373, as amended; 26 U. S. C. 2861, 3170)

§ 190.253 *Records.* Appropriate entries must be made in the rectifying plant records covering operations under each trade name, as provided in Subpart NN of this part.

(53 Stat. 327, as amended, 373, as amended; 26 U. S. C. 2857, 3170)

§ 190.254 *Special tax stamps.* The rectifier must file within 30 days of such change an additional return on Form 11 with the collector showing the new trade name or style. Special tax stamp or stamps must be forwarded to the collector for appropriate notation with respect to such change in trade name or styles.

(53 Stat. 373, as amended, 394; 26 U. S. C. 3170, 3270)

§ 190.255 *Period of operations.* Where the rectifying plant is operated under more than one trade name or style, the operation under each must be in multiples of twenty-four hours.

(53 Stat. 373, as amended; 26 U. S. C. 3170)

§ 190.256 *Subsequent operations.* The basic qualifying documents having once been filed and approved, by the district supervisor, subsequent operations of the rectifying plant, i. e., changing from one trade name to another trade name, or from a trade name to the principal or vice versa, the procedure prescribed by §§ 190.291 to 190.293 will be followed.

(53 Stat. 373, as amended; 26 U. S. C. 3170)

CHANGE IN PROPRIETORSHIP, SUSPENSION

§ 190.257 *Notice, Form 27–B.* If the outgoing rectifier is to discontinue permanently the business of rectifying, he must file with the district supervisor Form 27–B, in triplicate, stating thereon the purpose to be "Permanent discontinuance of business," and giving the date of the discontinuance. If the outgoing rectifier is to temporarily discontinue the business of rectifying during operation of the rectifying plant by the successor, the statement of the purpose on the notice shall conform to the provisions of § 190.290.

(53 Stat. 308, as amended, 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2810, 2812, 2831, 2857, 2861, 3170, 3271)

§ 190.258 *Spirits.* Where there is to be a change in the proprietorship of the rectifying plant, the outgoing rectifier must, preparatory to transfer of the business to the successor, complete the rectification of spirits in process and taxpay the same, draw off, mark, brand, and stamp (where required) all rectified and unrectified spirits in the rectifying room, and remove all spirits from the rectifying plant and dispose of the same to a person authorized to receive them, unless they are transferred to the successor in accordance with Subpart OO of this part.

(53 Stat. 308, as amended, 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2810, 2812, 2831, 2857, 2861, 3170, 3271)

§ 190.259 *Records.* Where there is to be a change in the proprietorship of the rectifying plant, the outgoing rectifier must, preparatory to transfer of the business to the successor, make appropriate entries in the rectifying plant records and submit reports in accordance with the provisions of Subpart OO of this part.

(53 Stat. 308, as amended, 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2810, 2812, 2831, 2857, 2861, 3170, 3271)

CHANGE IN PROPRIETORSHIP, QUALIFICATION OF SUCCESSOR

§ 190.260 *Lessee.* If the successor is a lessee, he must qualify in the same manner as the proprietor of a new rectifying plant, regardless of the temporary nature of the tenancy, except that he may adopt the plat and plans of his predecessor as provided in § 190.264. The lessee must also file with the district supervisor certified copies, in triplicate, of the lease.

(53 Stat. 308, as amended, 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2810, 2812, 2831, 2857, 2861, 3170, 3271)

§ 190.261 *Other nonfiduciary successor.* If the change in proprietorship is brought about by any other means, except by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the successor must likewise qualify in the same manner as the proprietor of a new rectifying plant, except that he may adopt the plat and plans of his predecessor as provided in § 190.264.

(53 Stat. 308, as amended, 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2810, 2812, 2831, 2857, 2861, 3170, 3271)

§ 190.262 *Fiduciary.* If the successor is an administrator, executor, receiver, trustee, assignee, or other fiduciary, and intends to receive spirits, or to possess, rectify, or dispose of spirits on hand in the rectifying plant, he must comply with the provisions of Subparts F–J of this part, to the extent that such provisions are applicable, except that in lieu of filing a new bond and a new plat and plans, the fiduciary may furnish a consent of surety extending the terms of his predecessor's bond and adopt the plat and plans of such predecessor in accordance with §§ 190.263–190.264. The fiduciary must also furnish certified copies, in triplicate, of the order of the court or other pertinent documents showing his qualification as such fiduciary. The effective date of the qualifying documents filed by a fiduciary must be the same as the date of the court order or the date specified therein for him to assume control.

(53 Stat. 308, as amended, 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2810, 2812, 2831, 2857, 2861, 3170, 3271)

§ 190.263 *Consent of surety.* The consent of surety extending the terms of the precedessor's bond to cover operation of the rectifying plant by a fiduciary must conform to the requirements of § 190.200 and be executed by both the fiduciary and the surety.

(53 Stat. 308, as amended, 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2810, 2812, 2831, 2857, 2861, 3170, 3271)

§ 190.264 *Adoption of plat and plans.* The plat and plans of the rectifying plant may be adopted by a successor where they correctly describe and depict the rectifying plant premises and the buildings, apparatus, and equipment thereon, to be taken over by the successor. The adoption by a successor of the plat and plans of his predecessor shall be in the form of a certificate, in triplicate, in which shall be set forth the name of the predecessor, the address and number of the rectifying plant, a description of the rectifying plant premises, the number of each sheet comprising each plat and plan covered by such certificate, and a statement that the rectifying plant premises, and the buildings, apparatus, and equipment thereon, are correctly described and depicted on such plat and plans.

(53 Stat. 308, as amended, 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2810, 2812, 2831, 2857, 2861, 3170, 3271)

§ 190.265 *Sign.* The successor, if other than a fiduciary temporarily operating the rectifying plant, must change the rectifying plant sign to conform to the requirements of § 190.110.

(53 Stat. 308, as amended, 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2810, 2812, 2831, 2857, 2861, 3170, 3271)

§ 190.266 *Special tax stamps.* The successor, if other than a fiduciary, must procure the required special tax stamps in accordance with Subpart T of this part. A fiduciary successor must submit Form 11 to the collector within 30 days from the date when operations are commenced by him. The special tax stamp or stamps should be submitted by the fiduciary to the collector for appropriate notation as to their transfer. Failure to file Form 11 will result in the rectifier incurring an additional special tax liability, computed from the first day of the calendar month in which operations were commenced.

(53 Stat. 308, as amended, 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2810, 2812, 2831, 2857, 2861, 3170, 3271)

§ 190.267 *Spirits and wines.* If spirits and wines are received by transfer from the predecessor, the successor must comply with the requirements of Subpart CO of this part.

(53 Stat. 308, as amended, 309, 318, 327, as amended, 329, 373, as amended, 394; 26 U. S. C. 2810, 2812, 2831, 2857, 2861, 3170, 3271)

OTHER CHANGES

§ 190.268 *Changes in partnership.* The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship. Likewise, the bankruptcy or adjudicated insolvency of one or more of the partners results in a dissolution of the partnership and, consequently, a change in proprietorship. Where such a change in proprietorship of the rectifying plant occurs, the successor must qualify in the same manner as a new proprietor of the rectifying plant, except that the successor may adopt the plat and plans of the predecessor, in the manner prescribed by § 190.264.

§ 190.269 *Changes in stockholders, officers, and directors of corporation.* The sale or transfer of the capital stock of a corporation operating a rectifying plant does not constitute a change in the proprietorship of the rectifying plant. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is a change in the officers or directors, the rectifier must give notice thereof, in triplicate, to the district supervisor within 24 hours after such change. Mere changes in stockholders of corporations not constituting a change in control need not be so reported. The district supervisor must, in the case of changes in officers or directors, be furnished extracts, in triplicate, of the minutes of the meetings showing such changes.

(53 Stat. 309; 26 U. S. C. 2812)

§ 190.270 *Reincorporation.* Where a corporation operating a rectifying plant is reorganized and a new charter or certificate of corporation is secured, the new corporation must qualify in the same manner as a new proprietor of the rectifying plant, except that the new corporation may adopt the plat and plans of the predecessor, in the manner prescribed by § 190.264.

§ 190.271 *Change in location.* Where there is a change in the location of the rectifying plant, the rectifier must comply with all applicable provisions of Subparts F–J of this part, except that in lieu of the filing of a new rectifier's bond, Form 34, the rectifier may furnish a consent of surety, Form 1533, in accordance with § 190.200, extending the terms of the rectifier's bond given for the former location to cover operation of the rectifying plant at the new location. The rectifier must submit, within 30 days from the date of commencing business at the new location, Form 11 to the collector for the district, and the special tax stamp or stamps must be forwarded to such collector for appropriate notation of the change of location. Failure to so file Form 11 will result in the rectifier incurring additional special tax liability, computed from the first day of the calendar month in which operations were commenced at the new location.

(53 Stat. 309, 396; 26 U. S. C. 2812, 3280)

§ 190.272 *Changes in premises.* Where the rectifying plant premises are to be extended or curtailed, the rectifier must file with the district supervisor an amended notice, Form 27–B, and an amended plat of the premises as extended or curtailed. If the plans are affected by the extension or curtailment, they must also be amended. If the rectifying plant is within 600 feet of a distillery, the rectifier must also file a special application in accordance with § 190.82 or § 190.83, if the changes are of such nature or extent as to require a special application. The additional premises covered by an extension may not be used for rectifying purposes, and the portion of the premises to be excluded by a curtailment may not be used for other than rectifying purposes, prior to approval of the notice, Form 27–B.

(53 Stat. 373, as amended; 26 U. S. C. 3170)

§ 190.273 *Changes in construction and use.* Where a change is to be made in the construction of a room or building not involving an extension or curtailment of the rectifying plant premises, or where a change is to be made in the use of any portion of such premises, the rectifier shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes. Upon approval of the application, the changes will be made under the supervision of a Government officer, unless, in the opinion of the district supervisor, they do not require such supervision. The completed changes will be reflected in the next amended notice, Form 27–B, and amended plans filed by the rectifier, unless the district supervisor requires the immediate filing of an amended notice and amended plans.

(53 Stat. 309, 318; 26 U. S. C. 2812, 2829)

§ 190.274 *Changes in equipment.* Where changes are to be made in the apparatus and equipment, the rectifier must file an amended notice and amended plans, except that in the case of minor changes, such as general repairs, changes in pipe lines, or the addition or removal of a tank, an amended notice and amended plans need not be filed immediately: *Provided*, That the proprietor shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes. Emergency repairs may be made under the supervision of the Government officer without prior approval of the district supervisor. However, where such emergency repairs are made the proprietor shall file immediately a report thereof, in triplicate, with the district supervisor. Changes covered by an approved application will also be made under the supervision of a Government officer. Upon completion of any changes made under his supervision, the Government officer will submit a report, in triplicate, of the changes to the district supervisor.

(53 Stat. 309, 318; 26 U. S. C. 2812, 2829)

SUBPART N—REQUIREMENTS GOVERNING OPERATION OF RECTIFYING PLANT UNDER ALTERNATING PROPRIETORSHIPS

§ 190.290 *Qualifications.* Where it is desired to operate a rectifying plant under alternating proprietorships, the successor (lessee) rectifier must qualify as proprietor of the rectifying plant in accordance with the provisions of §§ 190.260–190.267. At the time of the first suspension of the rectifying plant for operation under an alternating proprietorship, the outgoing (lessor) rectifier must discontinue operations and file with the district supervisor an amended notice on Form 27–B, in triplicate, stating thereon the purpose of the notice to be "Temporary discontinuance in order that the rectifying plant may be operated by an alternate rectifier" and give the date of discontinuance. The outgoing (lessor) rectifier shall also file a blanket consent of surety, Form 1533, in triplicate, to continue in effect bond, Form 34. Such blanket consent of surety may be filed to cover all such alternate operations and may be executed in the following form:

To continue in effect the said bond, whenever operation of the rectifying plant is resumed from time to time, pursuant to application on Form 1696, filed by the principal following suspension of operations by an alternate proprietor.

The outgoing (lessor) rectifier shall also comply with the requirements of Subpart OO of this part.

§ 190.291 *Suspension and subsequent alternate proprietorships.* Where an alternate proprietor desires to suspend operations of the rectifying plant preparatory to resumption by another alternate proprietor, he must file Form 1696, after proper execution of Parts 1 and 2, through the storekeeper-gauger in charge, with the district supervisor, giving notice of intention to suspend operations. The form shall be executed and filed in accordance with the various lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part. Form 1696 shall contain or be verified by a written declaration that it is executed under the penalties of perjury. Operations will be suspended at the time specified in the notice upon approval thereof by the district supervisor. The outgoing (lessor) rectifier shall also comply with the requirements of Subpart OO of this part.

(63 Stat. 667; 26 U. S. C. 3809)

§ 190.292 *Resumption for subsequent alternate proprietorships.* Where an alternate proprietor desires to resume operation of the rectifying plant following suspension by another alternate proprietor, he must file Form 1696, after proper execution of Parts 1 and 2, through the storekeeper-gauger in charge, with the district supervisor for authority to resume operations. The notice shall be executed and otherwise completed as provided in § 190.291. The outgoing (lessor) rectifier shall also comply with the requirements of Subpart OO of this part.

§ 190.293 *Approval and disposition of Form 1696.* Upon receipt of Form 1696, the district supervisor will, if he finds that the notice may be properly approved, execute the certificate of approval on all copies and dispose of the copies in accordance with the instructions printed thereon or issued in respect thereto.

SUBPART O—ACTION BY DISTRICT SUPERVISOR

ORIGINAL ESTABLISHMENT

§ 190.300 *Special application.* Where a special application for permission to operate a rectifying plant within 600 feet of a distillery is submitted by the rectifier and such special application

conforms to the requirements of this part, the district supervisor will cause an inspection to be made to determine whether the proposed operation of the rectifying plant within 600 feet of the distillery may be permitted without jeopardy to the revenue. The inspector will ascertain whether the application accurately describes the relative location of the two premises and all pipe lines and other connections, if any, between such premises. The inspector will also observe the surroundings, including all streets, roads, and driveways connecting the two premises, and any condition which might endanger the revenue, and will describe the same in his report. If the district supervisor finds, upon consideration of the inspection report, that the rectifying plant may be operated at the designated location without danger to the revenue, he will note his approval on all copies of the special application. He will then return one copy of the approved application to the applicant, retain the original for his files, and forward the remaining copy, together with a copy of the inspection report, to the Commissioner. Approval of the special application pertains to the location of the rectifying plant only, and does not authorize the operation thereof. The rectifying plant may not be operated until the rectifier's bond and other qualifying documents required by law and this part have been filed and approved. If the special application is disapproved, the district supervisor will note his disapproval thereon and will return all copies of such application to the applicant, with advice as to the reasons for disapproval.

(53 Stat. 314, 319, 373, as amended; 26 U. S. C. 2819, 2832, 3170)

§ 190.301 *Examination of other qualifying documents.* Upon receipt of the notice, plat, plans, bond, and other documents required by this part of persons intending to qualify as rectifiers, the district supervisor will examine the same to determine whether they have been properly executed, and whether they reflect compliance with the requirements of the law and this part. Where any required document has not been filed, or where errors or discrepancies are found in those filed, or where the documents filed do not reflect compliance with this part, action thereon will be held in abeyance until the omission, error or discrepancy, has been rectified, and there has been full compliance with all requirements.

§ 190.302 *Inspection of premises and equipment.* When the required documents have been filed in proper form, the district supervisor will assign an inspector to examine the premises, buildings, apparatus and equipment, and determine whether they conform with the description thereof in the notice, plat and plans, and whether the construction and measures of protection afforded meet the requirements of law and this part. Where the inspection discloses minor irregularities in the qualifying documents or in the construction, the inspector will, at the time of their discovery, direct the attention of the rectifier to the same in order that the rectifier may correct the defects before completion of the inspection.

§ 190.303 *Examination of bottling tank.* The district supervisor will cause a careful examination to be made of each bottling tank to see that it is constructed in strict compliance with this part before it is used by the rectifier. The officer charged with the duty of examining the bottling tank will also test the accuracy of the scale or measuring device provided for determining the contents of the tank, and if it is found that the same is not strictly accurate, or if any portion of the equipment does not conform to the requirements of this part, he will not recommend approval of the tank until the proper changes are made.

§ 190.304 *Test of measuring devices.* The test of the accuracy of the scale or measuring device must be an actual one. It may be made by filling the tank with water and drawing off several precise quantities, observing after each withdrawal that the quantity remaining is correctly indicated by the scale or measuring device and that the quantity withdrawn agrees with that indicated by the scale or measuring device. An accurate water meter, where available, may likewise be used to check the calibration of the tank. Where bottling tanks are mounted on scales, the accuracy of the scales used for weighing spirits in lots of not over 500 gallons will be tested from time to time, under the supervision of the Government officer, by means of the test weights provided in accordance with § 190.117. The scales will be tested by placing the test weights on the scales and checking the weight registered on the beam of the scales. The test weights will then be removed without disturbing the beam and the bottling tank filled with spirits or water to the same weight, whereupon the test weights will again be placed upon the scales, the spirits or water being retained in the tank and the weight registered on the beam checked. This operation will be continued until the scales have been checked in 500-pound notches at all weights at which the scales are used. The proprietor will have scales used for weighing spirits in lots of 500 gallons or more tested and their accuracy certified by State, county, or city departments of weights and measures at intervals of not more than six months. The storekeeper-gauger will not permit the use of any scales not so tested or which upon testing are found to be inaccurate.

§ 190.305 *Necessity for accuracy.* It is absolutely necessary that the scale or measuring device used for determining the contents of a bottling tank be accurate and precise, for ascertainment of the correct amount of tax due on taxable products to be bottled therefrom is dependent thereon. The district supervisor should, after the initial test is made, require further tests from time to time to determine whether the scale or measuring device is still accurate.

§ 190.306 *Approval of bottling tank.* When the officer examining the bottling tank or tanks is satisfied that the same and the attachments thereto are properly constructed and the scales or measuring devices are accurate, he will so report to the district supervisor in writing and will securely attach to each such tank a certificate on Form 244. No tank or attachment thereto shall be used until such certificate has been attached and the tank and attachment thereto have been approved.

§ 190.307 *Report of inspection.* Upon completion of the inspection, a report thereof will be submitted to the district supervisor. The report shall describe separately all irregularities and discrepancies found during the course of the inspection, and shall include a complete statement describing all unusual or special conditions. Where irregularities were corrected during the inspection, the report will indicate the corrections so made. The report need not set out in detail each description as set forth in the notice, plat and plans. The description of buildings, rooms, and equipment in the report should be general and brief. However, construction, equipment, signs, etc., which are not in conformity with law and this part, will be completely described. If there are any pipe lines or other connections or openings between the rectifying plant premises and other premises, the same shall be described in detail. The report will also show whether the bottling tanks are constructed in accordance with this part and whether the measuring devices provided for determining the contents of such tanks have been tested and found to be accurate and certificate on Form 244 is attached to each such tank. There shall be further embodied in the report a statement as to whether or not another business is being conducted, or is intended to be conducted, on the rectifying plant premises or in the buildings or rooms thereon.

§ 190.308 *Inaccurate documents.* Where the district supervisor's examination, or the inspector's report, discloses discrepancies in the qualifying documents, the inaccurate or incomplete documents will be returned to the proprietor for correction. A record will be kept of all bonds so returned.

§ 190.309 *Defective construction.* Where it is found that the construction of the rectifying plant or its equipment does not conform to the requirements of the law and this part, the district supervisor will inform the proprietor concerning the defects, and further action will be held in abeyance pending correction thereof.

§ 190.310 *Law violation record.* Before approving any bond or consent of surety given by any individual, firm, partnership, corporation, or association, in respect to the business of rectifiers, the district supervisor will cause such inquiry or investigation as may be deemed necessary to ascertain whether any individual, firm, partnership, corporation, or association, or any person owning, controlling, or actively participating in the management of the business has been convicted of, or has compromised, an offense of the nature specified in § 190.203. Where record is found of the conviction or compromise of such an offense, the district supervisor will approve or disapprove the bond or consent upon the basis of his findings: *Provided*, That if the bond or consent is disapproved, the principal may appeal the district supervisor's action to the Commissioner. Where an appeal is taken to the Commissioner, the district supervisor will furnish the Commissioner with full information respecting the reasons for disapproval, including the nature and place of the offense, the names of the offenders and the date of conviction or acceptance of an offer in compromise.

(53 Stat. 311; 26 U. S. C. 2815)

§ 190.311 *Approval of qualifying documents.* If the district supervisor finds, upon examination of the inspection report, that the person seeking to qualify as a rectifier has complied in all respects with the requirements of the law and this part, and if the rectifier's bond (Form 34) may be properly approved under § 190.310, and if the applicant is entitled to a permit, he will assign a registry number to the rectifying plant in accordance with § 190.312, note his approval on all copies of the rectifier's bond, consent, notice and plat and plans, and dispose of the qualifying documents and inspectors' reports in accordance with § 190.314. The issuance of a permit should be withheld pending approval of the notice, bond, and other qualifying documents required under the internal revenue laws.

(53 Stat. 311; 26 U. S. C. 2815)

§ 190.312 *Registry numbers.* Rectifying plants will be numbered serially in the order of their establishment. A separate series will be used for each State. Registry numbers heretofore assigned will be retained, and new rectifying plants will be assigned numbers in sequence thereto. Registry numbers previously assigned to discontinued rectifying plants will not be reassigned to other rectifying plants. The same registry number will be continued whenever there is a change in proprietorship.

§ 190.313 *Disapproval of qualifying documents.* If the district supervisor finds that the applicant has not complied in all respects with the requirements of the law and this part, or that the situation of the rectifying plant is such as would enable the rectifier to defraud the United States, or that the bond should be disapproved under § 190.310, he will note his disapproval on the notice, and will dispose of all qualifying documents in accordance with § 190.314.

(53 Stat. 311; 26 U. S. C. 2815)

§ 190.314 *Disposition of qualifying documents.* Where the district supervisor approves the qualifying documents, he will forward to the applicant one copy of the documents with the original of the basic permits (Forms 1638, and 1642, if any) issued pursuant to Regulations 1 (27 CFR Part 1) issued under the Federal Alcohol Administration Act, forward to the Commissioner the originals of the documents and a copy of the basic permit issued under the Federal Alcohol Administration Act, together with copies of inspection reports, and retain one copy of the qualifying documents for the file of the applicant. If the qualifying documents are disapproved, the district supervisor shall note his disapproval on all copies of the notice with brief statements of his reasons therefor, and return to the applicant by registered mail, one copy of the disapproved notice, together with all copies of the qualifying documents and all copies of the bond without action thereon. The district supervisor shall forward one copy of the disapproved notice to the Commissioner and will advise him fully respecting the disapproval thereof. He shall retain the remaining papers in his files. If the applicant is not entitled to a basic permit, the district supervisor will, upon disapproval of the application therefor, return all copies of the qualifying documents to the applicant without action thereon.

§ 190.315 *Notification of collector.* Upon approval of the notice, plat and plans, bond and other qualifying documents, the district supervisor will notify the collector of the district in which the premises are located, on Form 1411 or otherwise, to insure the payment of special taxes as required by this part. Collectors will not issue special tax stamps to rectifiers until such notice has been received from the district supervisor.

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

§ 190.316 *Procedure applicable.* The provisions of §§ 190.311–190.315 respecting the action required of district supervisors in connection with the original establishment of rectifying plants will be followed, to the extent applicable, where there is a change in the individual, firm or corporate name of the rectifier, or the trade name or style, proprietorship, location, premises, construction, apparatus and equipment of the rectifying plant, or where operations are permanently discontinued.

§ 190.317 *Applications and reports covering changes.* Where an application covering changes in rectifying plant buildings or rooms, or in the apparatus or equipment, is approved by the district supervisor, he will retain one copy of the application, forward one copy to the rectifier and one copy to the Commissioner, and, when reports covering minor changes in rectifying apparatus and equipment are received from the rectifier in accordance with § 190.274, he will retain one copy and promptly forward one copy to the Commissioner.

ADDITIONAL AND SUPERSEDING BONDS, AND CONSENTS OF SURETY

§ 190.318 *Procedure applicable.* The procedure prescribed in this subpart for the approval of bonds and consents of surety submitted in connection with the establishment of rectifying plants will, to the extent applicable, govern the approval and disapproval of additional and superseding bonds, and consents of surety.

SUBPART P—ACTION BY COMMISSIONER

ORIGINAL ESTABLISHMENT

§ 190.325 *Review of documents.* The Commissioner will review the action of the district supervisor relating to the establishment of rectifying plants and determine whether it is in conformity with the requirements of the law and this part. If not, the Commissioner will advise the district supervisor as to the necessary action to be taken.

(53 Stat. 311; 26 U. S. C. 2815)

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

§ 190.326 *Procedure applicable.* The foregoing provisions of this subpart respecting the action of the Commissioner in connection with the establishment of rectifying plants will be followed, to the extent applicable, where there is a change in the name, or in the firm name, trade name or style, or in the proprietorship, location, premises, construction, apparatus and equipment.

SUBPART Q—TERMINATION OF BONDS

§ 190.330 *Termination of rectifier's bond.* The rectifier's bond, Form 34, is a continuing bond and, therefore, continues in effect for an indefinite period, unless terminated. Such bonds may be terminated as to future rectification pursuant to application by the surety as provided in § 190.332 or upon approval of a superseding bond or discontinuance of the business by the principal. Application for notice of termination of the rectifier's bond upon approval of a superseding bond or discontinuance of the business must be filed in duplicate with the district supervisor.

§ 190.331 *Termination of drawback bonds.* Bonds given on Form 1581 to cover drawback of internal revenue taxes paid on distilled spirits bottled especially for export, and exported, will be terminated by the district supervisor when no further withdrawals are to be made thereunder: *Provided*, That the account kept with the bond in accordance with Regulations 28 (26 CFR, Part 176), shows there are no outstanding charges.

(53 Stat. 377, as amended; 26 U. S. C. 3179)

§ 190.332 *Application of surety for relief from bond.* A surety on any bond may at any time in writing notify the principal and district supervisor, in whose office the bond is on file, that he desires after a date named, which shall be at least sixty days after date of notification, to be relieved of liability under said bond. The notice shall be executed in triplicate by the surety, who shall deliver one copy to the principal and the other two to the district supervisor, who will retain one copy and transmit the remaining copy to the Commissioner. If such notice is not thereafter in writing withdrawn, the rights of the principal as supported by said bond shall be terminated on the date named in the notice, and the surety shall be relieved in the case of a rectifier's bond, Form 34, from liability for products rectified wholly subsequent to the date named in the notice, and in the case of drawback bonds, Form 1581, from liability for distilled spirits withdrawn for export wholly subsequent to such date. This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney duly executed by the surety authorizing him to give such notice or by a verified statement that such

power of attorney is on file with the Treasury Department. The surety must also file with the district supervisor an acknowledgement or other proof of service of such notice on the principal.

§ 190.333 *Action on application for notice of termination of rectifier's bond.* When an application for notice of termination of a rectifier's bond as to future rectification is filed with the district supervisor in a case where a superseding bond has been approved, or the principal has discontinued business, as provided in § 190.330, the district supervisor will make a complete examination of records to determine whether there is any liability outstanding against the bond. He will also ascertain from the collector of internal revenue whether there are any outstanding, unpaid assessments or demands for taxes on products rectified under the bond. If it is found that outstanding assessments, or demands for payment, of taxes chargeable against the bond have not been paid or otherwise settled, or that all taxes have not been paid on all spirits and wines subjected to any act of rectification during the period covered by the bond, the district supervisor will disapprove the application, unless the liability is settled. If the district supervisor finds that the rectifier's bond may properly be terminated, he will issue notice of termination thereof in accordance with § 190.334.

§ 190.334 *Notices, Forms 1490 and 1491.* When the district supervisor has determined that an application for termination of a rectifier's bond (Form 34) as to liability for future rectification, may properly be approved, he will execute Form 1490, where a superseding bond has been approved, or Form 1491, where the principal has discontinued business, in quadruplicate (quintuplicate if there are two sureties) and will forward the original to the Commissioner, one copy to each obligor on the bond, and retain one copy on file with the bond to which it relates.

§ 190.335 *Release of collateral.* The release of collateral pledged and deposited with the United States to support bonds required by this part will be in accordance with the provisions of Department Circular No. 154, revised (31 CFR, Part 225), subject to the conditions governing the issuance of notices on Forms 1490 and 1491 of the termination of such bonds. On approval of an application for the issuance of notice of termination of a rectifier's bond supported by collateral security, the district supervisor will fix the date or dates on which a part or all of the security may be released. In fixing such date, which ordinarily will be not less than six months from the date of determining that there is no outstanding liability against the bond, the district supervisor will satisfy himself that the interest of the Government will not be jeopardized. Collateral pledged and deposited to support a rectifier's bond, Form 34, will not be released by the district supervisor until all spirits which have been subjected to any act of taxable rectification while the bond was in force and effect have been tax-paid. At any time prior to the release of such collateral security the district supervisor may, in his discretion, and for proper cause, further extend the date of release of the security for such additional length of time as in his judgment may be appropriate. Collateral pledged and deposited to support a drawback bond, will ordinarily be released by the district supervisor upon issuance of notice of release of the bond, Form 1491.

(Sec. 1126, 44 Stat. 122; 6 U. S. C. 15)

SUBPART R—INSTRUMENTS

§ 190.345 *General requirements.* Rectifiers must provide themselves with proper instruments for gauging or determining the alcoholic content of spirits and wines.

(53 Stat. 329; 26 U. S. C. 2851)

§ 190.346 *Hydrometer set.* For use in determining the proof of distilled spirits and rectified spirits to which saccharine or other solid matter has not been added, rectifiers will provide themsleves with an accurate hydrometer set, consisting of cup with thermometer and the necessary stems.

(53 Stat. 329; 26 U. S. C. 2861)

§ 190.347 *Ebulliometer.* Except as provided in § 190.570, rectifiers will provide themselves with an approved ebulliometer or a small still for use in determining the alcoholic content of blended whiskies containing sherry wine, prune juice, caramel, glycerine, etc., and of wines, cordials, liqueurs, and other rectified products containing saccharine or other solid matter. The following ebulliometers have been approved by the Commissioner for use in determining the alcoholic content of such products: Salleron-Dujardin, Juerst, Lefco, Braun, E. B. Torino (with shield), "TAG" (with shield), Malligand Type (with shield), L'Ebulliometer Levesque (with shield), and Arnaldo-Sala (with shield). The E. B. Torino, "TAG," Malligand Type, L'Ebulliometer Levesque, and Arnaldo-Sala have been approved subject to the condition that they will be used in connection with a shield to protect them from drafts or air currents.

(53 Stat. 329; 26 U. S. C. 2861)

§ 190.348 *Other instruments.* The Commissioner may authorize the use of other instruments or methods for determining the alcoholic content by volume of such blended whiskies, and of wines, cordials, liqueurs, and similar products.

(53 Stat. 329; 26 U. S. C. 2861)

§ 190.349 *Accuracy of instruments to be checked.* Government officers will from time to time check the accuracy of instruments used at rectifying plants. Instructions for use of hydrometer sets and of small stills (or wine sets) will be found in the Gauging Manual (26 CFR, Part 186) and in Regulations 7 (26 CFR, Part 178), respectively. Ebulliometers will be tested in accordance with the instructions furnished with the instruments. Instructions for the use of approved ebulliometers will be found in Regulations 7.

SUBPART S—FORMULAS AND PROCESSES

§ 190.360 *Form 27–B Supplemental.* Every rectifier must file with the district supervisor a statement in detail of each formula and process by which he intends to rectify spirits. A separate Form 27–B Supplemental, in quadruplicate, must be filed for each formula and process, and each formula will be serially numbered beginning with number 1. The form will be prepared in accordance with the instructions printed thereon or issued in respect thereto and as required by this part.

§ 190.361 *Description of formula.* Each formula must show the name of the product, the proof thereof, and all the ingredients composing the formula, but the quantity or percentage of each ingredient need not be given, except as provided in this section. Where the taxability or labeling of the product is affected by the quantities or percentages of the ingredients used, the quantities or percentages of such ingredients shall be specified in the formula. Where grape wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wine, papaya wine, pineapple wine, cantaloup wine, or apple wine, which has been fortified with brandy is used, the percentage thereof by volume of the finished product shall be shown. Where sweetening materials are used in compounding products with such wine, the kind and quantity of the sweetening material shall be shown. Where coloring, flavoring, or blending materials are used, the kind and percentage thereof by volume shall be shown. If intermediate products are made for use in manufacturing finished products for sale, as provided in § 190.504, the formula and process by which both the intermediate products and the finished products are made shall be filed. The Commissioner or district supervisor may require the quantity or percentage of each ingredient to be specified in any formula when such is deemed necessary to determine the proper taxability or labeling of the product. Formulas specifying various proofs may be accepted, provided each lot of spirits transferred to a bottling tank is bottled at the same proof. Where the rectifying process will not be completed within ten days, the time required for completion thereof must be shown on Form 27–B Supplemental, and application for approval of such extended process submitted therewith in accordance with Subpart Z of this part.

§ 190.362 *Use of alcoholic flavoring material.* Formulas providing for the use of alcoholic flavors or flavoring extracts under the provisions of §§ 190.59–190.61, in addition to showing the kind of and percentage (by volume) of such material used, must specify the percentage of alcohol (by volume) contained therein. Any formula requiring the use of flavoring materials in excess of the 2½ percent limitation provided in § 190.59 shall show the quantity of alcohol in the finished product derived from flavors or flavoring extracts subject to drawback under section 3250 (1), I. R. C., and flavors or flavoring extracts on which drawback has not been nor will be claimed, and, as to the latter, shall show whether such material is manufactured on rectifying plant premises or obtained from a manufacturer, and if obtained from a manufacturer, whether there will be on file at the rectifying plant a sworn statement by the manufacturer that drawback under section 3250 (1), I. R. C., has not been nor will be claimed on such material. When rectified spirits are bottled or packaged especially for export with benefit of drawback, the rectifier will enter on Form 237 the quantities of each flavoring and blending material used in the product of a particular lot as required by Regulations 28 (26 CFR Part 176).

§ 190.363 *Description of process.* The statement of process must set out in sequence each step therein from the dumping of the spirits for rectification to the completion of the finished product. If the process employed is a continuous one, the statement should clearly show the continuity of the steps thereof. Rectifying processes are deemed to be continuous or unbroken where the spirits are carried through the various steps of rectification specified in the approved formula and statement of process as expeditiously as normal, efficient plant operation will permit in the manufacture of a finished product of standard quality. Reasonable intervals of time occurring between the completion of one step and the commencement of another step occasioned by normal plant operation are not deemed to be a break in the continuity of the rectifying process, where such steps are specified in the approved formula and statement of process and the rectifying process is completed within the specified 10-day limit or such further period of time as may be authorized by the Commissioner.

§ 190.364 *Changes of formulas and processes.* Where a formula conforming to the requirements of this subpart has been submitted it will not be necessary to submit a new formula if the product is to be put up under another brand name (but not as another class or type), or if the quantity of any ingredient used, other than those the percentage of which is required to be disclosed, is varied from time to time. Where the ingredients composing the formula are changed, however, a new formula must be submitted. Any change in the process of rectification will necessitate the submission of a new Form 27–B Supplemental showing the formula and the changed process. Once an approved formula is superseded by a new formula, the original formula will no longer be used and will be surrendered to the district supervisor.

§ 190.365 *Disposition of Form 27–B Supplemental.* The district supervisor will forward all copies of Form 27–B Supplemental to the Commissioner. If the form is properly prepared and the process is approved, the Commissioner will indicate the tax or taxes due on the finished product, note his approval on the form, retain one copy thereof and return three copies to the district supervisor, who will retain one copy and forward one copy to the rectifier and one copy to the storekeeper-gauger assigned to the plant. The approved Forms 27–B Supplemental will be filed in serial order, available for ready reference, by the storekeeper-gauger at the rectifying plant and by the rectifier and the district supervisor.

SUBPART T—SPECIAL (OCCUPATIONAL) TAXES

§ 190.375 *Rectifier's special tax.* Every person engaged in business as a rectifier, within the meaning of the term as defined in Subpart C, must file Form 11 with the collector and pay special tax as such. Persons rectifying less than 500 barrels a year, counting 40 proof gallons to the barrel (i. e., less than 20,000 proof gallons), must pay special tax at the rate of $110 per year, and persons rectifying 500 barrels or more a year (i. e., 20,000 proof gallons or more) must pay special tax at the rate of $220 per year.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

§ 190.376 *Change to higher or lower rate.* A rectifier who has paid the special tax as a rectifier of less than 500 barrels and who exceeds that quantity must immediately pay the special tax due at the higher rate ($220 per year) to the collector for the full period, and obtain a new special tax stamp. The rectifier may submit the stamp representing the special tax paid at the lower rate to the collector with a claim on Form 843 for redemption thereof. A rectifier who has paid special tax at the higher rate, but actually rectifies less than 500 barrels of spirits during the year, may likewise procure a new special tax stamp at the lower rate ($110) and submit the stamp representing the tax paid at the higher rate to the collector with a claim on Form 843 for redemption thereof.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

§ 190.377 *Liquor dealers' special taxes.* Rectifiers who sell distilled spirits or wines must file separate return on Form 11 and pay special (occupational) taxes as wholesale liquor dealer or retail liquor dealer, or both, in accordance with the law and Regulations 20 (26 CFR, Part 194).

(53 Stat. 388, as amended, 391; 26 U. S. C. 3250, 3254)

§ 190.378 *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every proprietor of a rectifying plant who sells, or offers for sale, warehouse receipts for distilled spirits stored in internal revenue bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where warehouse receipts are sold or offered for sale and must file return on Form 11, pay occupational tax as provided in § 190.377, and procure a wholesaler's basic permit issued under Regulations 1 (27 CFR Part 1) issued pursuant to the Federal Alcohol Administration Act.

(53 Stat. 388, as amended, 391, 394; 26 U. S. C. 3250, 3254, 3270, 3271, 3272)

§ 190.379 *Liability not affected by commodity tax exemption.* Exemption from the commodity tax on products of rectification does not provide exemption from the special tax as a rectifier, nor from the dealers' special taxes for the sale of rectified spirits.

SUBPART U—PLANT OPERATION

§ 190.385 *Restrictions.* No operations pertaining to transferring spirits from tanks or tank cars, to storage tanks, gauging and dumping spirits or wines for rectification, rectifying, bottling, or shipping, shall be carried on at a rectifying plant during other than regular business hours, unless special permission is first obtained therefor from the district supervisor, which permission, by reason of section 2870, I. R. C., shall not extend to the removal of any package of spirits containing more than 10 gallons between sundown and sunrise: *Provided, however,* That these restrictions shall not apply to rectifying processes that are automatic and continuous, and do not require any personal handling or other manipulation during such restricted hours.

(53 Stat. 331; 26 U. S. C. 2870)

§ 190.386 *Operations after regular hours.* The district supervisor will exercise sound discretion and may allow such rectifying processes, bottling, and other things to be done after regular hours, as in his judgment may safely be permitted without jeopardy to the revenue, where the proprietor establishes legitimate necessity therefor. The rectifier may, in the discretion of the district supervisor, be authorized to complete the distillation of tax-exempt gin or the bottling of spirits after regular business hours: *Provided,* That such distillation is limited to the quantity of spirits involved in the distilling operation in progress at the close of regular business hours and such bottling operations are confined to spirits which have been released for bottling by the Government officer after all taxes due, if any, have been paid, and that the gin produced is run into closed, locked receiving tanks and the spirits bottled are kept on the premises until the following business day. Such other operations as the filtering of spirits, the filling of bottling tanks where the outlets thereof are locked, and the conducting of taxable rectifying processes where the spirits are retained for inspection and tax-payment, may be authorized in the discretion of the district supervisor.

§ 190.387 *Emergency operations under supervision.* Except as provided in § 190.386, the operations at rectifying plants will be restricted to regular business hours, unless it should be found necessary to permit operations after such hours to meet seasonable demands or temporary emergency conditions. An emergency will be understood to mean a condition which could not reasonably be obviated. Where bona fide emergencies exist, district supervisors will assign officers to duty outside of regular hours only after thorough investigation of the facts in each case and only in the event the necessary personnel can be assigned without undue interference with other activities.

§ 190.388 *Expedition required.* It is not necessary to keep Government officers at plants where no operations are

being conducted, and, as provided in § 190.395, one officer may be assigned to supervise several small plants. Where a Government officer is not assigned continuously at a rectifying plant, rectifiers will, upon arrival of the officer, be required to conduct the operations requiring his supervision as expeditiously as possible in order that the officer may not be required to remain at the rectifying plant any longer than necessary.

§ 190.389 *Operations without supervision.* Where the volume of business at a rectifying plant is insufficient to warrant the assignment of a Government officer to continuous duty at the plant during regular business hours, the rectifier may conduct such operations in the absence of the officer as are not required by this part to be done under the supervision of a Government officer: *Provided, however,* That the district supervisor may in his discretion require such other operations to be conducted in the presence of the Government officer as he deems necessary for the protection of the revenue.

SUBPART V—COMMENCEMENT OF OPERATIONS

§ 190.395 *Assignment of storekeeper-gauger.* When a rectifying plant has been established as provided in this part, the district supervisor will, upon the commencement of operations, assign one or more storekeeper-gaugers to the plant: *Provided,* That one storekeeper-gauger may be assigned to supervise several small plants. In determining the number of storekeeper-gaugers to be assigned to a rectifying plant the district supervisor will consider the number and size of the rooms or buildings comprising the plant, the quantity of spirits to be gauged and dumped daily, the quantity to be bottled daily, and whether the rectifying plant is contiguous or adjacent to a distillery or internal revenue bonded warehouse.

§ 190.396 *Examination of plant.* Storekeeper-gaugers will, upon assignment to a rectifying plant intending to commence operations, examine the plant and the apparatus and equipment, and determine that the plant and the apparatus and equipment conform to this part.

SUBPART W—RECEIPT OF SPIRITS

§ 190.405 *Tax-paid liquors only.* Only distilled spirits, wines, and other liquors that have been previously tax-paid at the rates provided by law may be received at a rectifying plant.

§ 190.406 *Deposit in receiving room.* Except as provided in §§ 190.94, 190.407, and 190.408, all distilled spirits, wines, and other liquors received at a rectifying plant shall be immediately placed in the receiving room. The spirits, wines, and other liquors must remain in the receiving room (or storage tank located in the rectifying room) until permission is obtained on Form 122, to remove the same to the rectifying room for dumping and rectification, or on Form 230, to remove the same to the bottling room, or to the rectifying room where no separate bottling room is provided, for dumping and bottling without rectification, except that unrectified bulk spirits may be shipped or removed from the receiving room without obtaining such permission.

§ 190.407 *Receipt by tank car.* Where distilled spirits are received in tank cars or wines are received in tank cars, tanks, or tank trucks, they must be transferred directly from such containers into storage, processing or bottling tanks if the distilled spirits or wines are first inspected by a Government officer. When such spirits are transferred directly into processing or bottling tanks, the rectifier must submit Form 122 or Form 230, as the case may be, to the Government officer assigned to the plant for approval as provided in §§ 190.425–190.434 and 190.685–190.688, immediately the tank cars, tanks, or tank trucks are emptied. Distilled spirits may be received in railroad tank cars only if the premises of the rectifier are equipped with suitable railroad siding facilities. Before permitting spirits to be transferred from a tank car into storage, processing, or bottling tanks, the Government officer will see that the car seals are intact on the tank car and that the car bears evidence of proper tax-payment. When spirits are transferred into or out of storage tanks, the Government officer shall open and close the Government locks, but it shall be the duty of the proprietor to manipulate the stopcocks or valves controlling the flow of the spirits. The officer will keep a memorandum record of the quantities of spirits entered into and withdrawn from each storage tank and of each reduction in proof of the contents thereof, by dates, in order that he may determine that only lawful, tax-paid spirits are received and withdrawn from such tanks.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 190.408 *Receipt by pipe line.* Where spirits are received at a rectifying plant by pipe line from a contiguous distillery, internal revenue bonded warehouse, industrial alcohol plant or warehouse, or a bonded winery, they shall be conveyed directly into one or more storage tanks, unless the quantity of spirits so transferred is to be conveyed directly into one or more bottling tanks for bottling without rectification, or into one processing tank, or into more than one processing tank if such tanks are equipped for locking. Such spirits may be successively deposited into a processing tank, or into a storage tank subject to the restrictions of § 190.413. When spirits are received by pipe line from a contiguous rectifying plant, the quantity of spirits so transferred must be conveyed directly into one or more bottling tanks. When spirits are transferred into or out of such tanks, the Government officer and the rectifier shall follow the procedure specified in § 190.407 insofar as it is applicable.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 190.409 *Certificate of tax-payment, Form 1595.* When distilled spirits are received in a tank car at a rectifying plant, the rectifier shall at the time the car is emptied scalp the certificate of tax-payment, Form 1595, by cutting out all of that portion of the certificate within the border. The rectifier shall then send the scalped portion of the certificate to the supervisor of the district in which the rectifier is located, and shall obliterate the remainder of the certificate. If the tank car is received without the certificate attached thereto, the rectifier shall note such fact on the bill of lading (if any) or Form 1520 or 1440 covering such tank car and immediately notify the district supervisor, who will cause such inquiry to be made respecting the shipment and receipt of the car as he may deem appropriate. Where a tank car with the certificate missing is received at a rectifying plant, the storekeeper-gauger will furnish a complete report to the district supervisor.

§ 190.410 *Comparison of scalped certificate with application.* The district supervisor will compare the scalped certificate of tax-payment, Form 1595, with the copy of the application therefor, Form 1594, forwarded to him by the collector at the time Form 1595 was issued. The certificate and the application will be compared as to names of vendor and vendee, number of gallons, amount of tax, etc., and any discrepancy will be investigated. The district supervisor will then send the copy of the application to the Commissioner, and, where there is a discrepancy, a report of his findings relative thereto.

§ 190.411 *Disposition of gauge report; tank car.* When distilled spirits received in a tank car are run into a storage tank, the report of gauge, Form 1520 in the case of spirits other than alcohol, and Form 1440 in the case of alcohol, sent to the rectifier by the vendor, shall be attached to such storage tank. The rectifier shall enter the date and quantity of each removal from the storage tank in a blank space on the report of gauge. The report of gauge shall be kept on the tank until such time as a quantity equivalent to that covered by such report has been withdrawn from the tank. The report shall then be filed by the rectifier, available for inspection by Government officers. Where the spirits are run directly from a tank car into a bottling tank for bottling without rectification, the proprietor shall make a note to that effect on the report of gauge, and attach it to the tank. Upon completion of the bottling, Form 1440 or Form 1520 will be filed by the proprietor. Where the entire quantity of spirits received is run into more than one storage tank, or into more than one bottling tank, the rectifier will prepare additional copies of the report of gauge for attachment to each such tank, and note thereon the quantity run into each tank. If the spirits are transferred directly from the tank car into one or more processing tanks, the rectifier will note on the report of gauge the quantity run into each tank and file it.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 190.412 *Disposition of gauge report; pipe line.* When spirits received by pipe line are run into a storage tank, the report of gauge, Form 703–A, Form 1520, or Form 1440, delivered to the rectifier by the vendor shall be attached to the storage tank. The rectifier shall enter the date and quantity of each removal from the storage tank in a blank space on the report of gauge. The report of gauge shall be kept on the tank until such time as a quantity equivalent to that covered by such report has been withdrawn from the tank. The report shall then be filed by the rectifier, available for inspection by Government officers. Where the spirits are run directly by pipe line into a bottling tank, for bottling without rectification, the report of gauge will be attached to the tank. Upon completion of the bottling, Form 703–A, 1440, or 1520, as the case may be, will be filed by the proprietor. Where spirits are received by pipe line from a rectifying plant and transferred directly into a bottling tank, the rectifier shall attach the report of gauge, Form 230 or Form 237, received from the proprietor of the transferring rectifying plant to the bottling tank. Upon the completion of the bottling, Form 230 or Form 237 will be disposed of in accordance with § 190.703. Where the entire quantity of spirits received is run into more than one storage or bottling tank, the rectifier will prepare additional copies of Forms 703–A, 230, 237, 1440 or 1520, as the case may be, for attachment to each such tank, and note thereon the quantity run into each tank. If the spirits are transferred directly by pipe line into one or more processing tanks, the rectifier shall make a notation to that effect on the report of gauge and file it. The spirits transferred by pipe line may not be used by the rectifier prior to attachment of the above forms to the tank or tanks into which the spirits are directly conveyed.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 190.413 *Mixing of different spirits prohibited.* Spirits of less than 190 degrees of proof, received in tank cars or by pipe line, which were produced from different materials, or by two or more distillers, or at two or more distilleries, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may not be mingled in a storage tank. Examples of spirits which are otherwise heterogeneous are spirits which have been quick-aged and spirits which have not been quick-aged, and spirits which have been stored in different kinds of cooperage. Such spirits of the same composition, produced at approximately the same proof by the same distiller at the same distillery, and differing in age (a) not more than 6 months in the case of spirits more than 2 years of age, (b) not more than 60 days in the case of spirits more than 1 year and not more than 2 years of age, or (c) not more than 30 days in the case of spirits one year of age or less, and packaged in the same kind of cooperage will be presumed to be homogeneous, and may be mingled in a storage tank. Where it is desired to mingle spirits falling within more than one of the age categories specified, the difference in age allowable shall be determined according to the age of the younger spirits. For example, if spirits not more than one year of age are mingled with spirits more than 1 year old, the spirits must not vary in age more than 30 days. Spirits of 190 degrees of proof or more, received in tank cars, tank trucks, or by pipe line, distilled from the same class of materials (such as grain) will be presumed to be homogeneous and may be mingled in a storage tank.

(53 Stat. 335 as amended, 391; 26 U. S. C. 2883, 3254; sec. 5, 49 Stat. 981 as amended; 27 U. S. C. 205)

§ 190.414 *Packages bearing evidence of tampering.* When the rectifier, upon inspection of spirits, discovers that any package or other container bears evidence that illicit untax-paid spirits have been substituted for the original contents or any part thereof, or that the character of the original contents has been changed by adulteration or in any other manner, except by diminution in quantity due to leakage or evaporation, he will immediately report the matter to the district supervisor and set aside the package pending advice from the district supervisor as to its disposition.

SUBPART X—GAUGING AND DUMPING SPIRITS FOR RECTIFICATION

§ 190.425 *Application, Form 122.* When the rectifier desires to dump spirits for rectification, he will prepare Form 122, in duplicate, giving a complete description of the packages and making application for permission to dump the spirits in accordance with the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto and as required by this part. The rectifier will carefully gauge each package, except that where spirits are transferred to the rectifying plant directly upon tax payment from a contiguous distillery or internal revenue bonded warehouse or a distillery or internal revenue bonded warehouse located in the immediate vicinity of the rectifying plant and owned by the proprietor of the rectifying plant or a subsidiary and dumped for rectification within 30 days after receipt, the withdrawal gauge will be considered as satisfying the requirement that the spirits shall be gauged when dumped for rectification. The supervisor will determine from all circumstances in each case whether the distillery or warehouse and the rectifying plant are in the immediate vicinity. Where the spirits are so dumped on the withdrawal gauge, details of such gauge will be copied on Form 122 and in addition thereto, if the rectifying plant is equipped with processing tanks mounted on scales, the spirits may be dumped and gauged by weight in such processing tanks, after approval of Form 122 by the Government officer. In such case, the composite proof and proof gallons determined by such gauge shall also be reported on Form 122. The difference in proof gallons between the withdrawal (tax payment regauge) and such tank gauge shall also be reported on Form 122. If the spirits are to be drawn from the storage tank, the rectifier will likewise execute Form 122 giving all the information applicable. When spirits are received by pipe line or withdrawn from storage tanks and run into one or more processing tanks, or when spirits are received by tank car and run into one or more processing tanks, the rectifier will execute Form 122 giving all applicable information. Each Form 122 will be given a serial number beginning with "1" for the 1st day of January of each year and running consecutively thereafter to December 31, inclusive.

(53 Stat. 310, 335, as amended; 26 U. S. C. 2813, 2883)

§ 190.426 *Distiller's original packages.* Where spirits, including alcohol, contained in distiller's original packages are to be dumped, the rectifier will cut out with a sharp instrument, that portion of each tax-paid stamp upon which is shown the serial number of the stamp, the date, the name of the distiller or warehouseman, the proof gallons, and the serial number of the package. The scalped portions of the stamps will be securely attached by means of a staple, eyelet, or similar device to a slip of paper in such manner that the data thereon may be readily examined, and such slip of paper bearing the cut-out portions of the stamps will be securely stapled or otherwise similarly attached to the original Form 122.

(53 Stat. 310; 26 U. S. C. 2813)

§ 190.427 *Rectified spirits.* If packages of rectified spirits are to be dumped, that portion of each rectified spirits stamp bearing the serial number, the date, the name of the rectifier, the proof gallons, the class, and the district and State, will be cut out and attached to Form 122 in the same manner as tax-paid stamps.

(53 Stat. 310; 26 U. S. C. 2813)

§ 190.428 *Imported spirits.* Where packages of imported spirits are to be dumped, that portion of each customs stamp showing the kind of spirits, the serial number, date of issue, name of the importer, proof gallons, and the name and district of the collector of customs, will be cut out and attached to Form 122 in the same manner as tax-paid stamps.

(53 Stat. 310; 26 U. S. C. 2813)

§ 190.429 *Wholesale liquor dealer's packages.* Where spirits contained in wholesale liquor dealer's packages are to be dumped, that portion of each wholesale liquor dealer's stamp extending from the top to the bottom and embracing the entire width between the words "proof" and "collector" appearing near the bottom of the stamp, will be cut out and attached to Form 122 in the same manner as tax-paid stamps.

(53 Stat. 310; 26 U. S. C. 2813)

§ 190.430 *Lost or mutilated stamps.* When a stamp has been lost or mutilated, so that the required portion thereof cannot be returned, an affidavit setting forth all the facts in the case will be made by the rectifier and attached to each copy of Form 122.

(53 Stat. 310; 26 U. S. C. 2813)

§ 190.431 *Wine stamps.* Since it is impracticable to cut out or scalp wine stamps, the rectifier will, whenever wines are to be dumped from properly stamped containers, certify to such fact by writing

the words "Wine stamps attached to the containers," in the columns provided for the description of stamps on Form 122. If the wine to be dumped is in a tank car, storage tank, bottles, or other containers to which wine stamps representing the tax are not attached, the rectifier will attach to each copy of Form 122 a statement explaining the absence of such stamps.

(53 Stat. 310; 26 U. S. C. 2813)

§ 190.432 *Notation on Form 122.* Where spirits are received in a railroad tank car bearing certificate of tax-payment, Form 1595, or where spirits are received by pipe line, or where spirits in stamped bottles are to be dumped, an explanatory statement will be made in the columns provided for the description of stamps on Form 122, as "Form 1595, Serial No. ------, dated ----------, heretofore submitted," or "Form 1520, dated ----------, pipe line transfer on Form 1595, Serial No. ---------," or "Form 1440, dated ----------, pipe line transfer on Form 1595, Serial No. ---------," or "In stamped bottles," as the case may be.

(53 Stat. 310, 335, as amended; 26 U. S. C. 2813, 2883)

§ 190.433 *Statement of Government officer.* Where sealed portions of the stamps are not attached to Form 122 by reason of facts or circumstances described in §§ 190.430 and 190.431, the spirits or wines must be inspected by a Government officer before being dumped. The officer will satisfy himself that the spirits or wines have been lawfully tax-paid and will attach to each copy of Form 122 a statement, over his signature, setting forth the reasons why the sealed portions of the stamps are not attached.

(53 Stat. 310; 26 U. S. C. 2813)

§ 190.434 *Approval of officer.* The rectifier will submit both copies of Form 122 to the Government officer. The officer will inspect the spirits described in the application and verify the entries. If he is satisfied that the spirits are tax-paid and that the entries are correct, he will sign the approval statement on both copies, and will return the same to the rectifier.

§ 190.435 *Dumping of packages of spirits.* The rectifier will, upon receipt of the approved Form 122, remove the packages of spirits to the rectifying room, immediately dump the same into approved processing tanks or receptacles, and enter the date of dumping on each copy of such form.

(53 Stat. 327, 373, as amended; 26 U. S. C. 2855, 3170)

§ 190.436 *Marking processing tanks.* In every case where spirits are placed into processing tanks or receptacles the number of the formula under which the spirits are to be rectified will be marked legibly upon such tanks or receptacles: *Provided*, That where packages of spirits are dumped under the circumstances described in § 190.438 the rectifier will not be required to mark the formula number on processing tanks or receptacles.

§ 190.437 *Disposition of approved Form 122.* When the spirits have been placed into processing tanks or receptacles, the original copy of Form 122 to which the slip bearing the cutout portions of the stamps, or statements, or affidavit and statements, in lieu thereof, are attached, will be forwarded immediately by the rectifier to the district supervisor. The rectifier will retain the other copy on file at the rectifying plant available for examination by Government officers. Upon receipt of Form 122, the district supervisor will see that the requisite scalped stamps, or statements, or affidavit and statements, in lieu thereof, are attached to the form.

§ 190.438 *Entire package to be dumped.* A portion of a package may not be dumped for rectification. Where it is desired to rectify a quantity of spirits less than a full package, the entire package must be dumped into a processing tank or receptacle and the quantity which it is desired to rectify at that time must be removed from such tank or receptacle to another processing tank for rectification. The first processing tank or receptacle into which the full package was dumped will be labeled to show the kind of spirits and the serial number and date of the Form 122 pursuant to which such spirits were dumped. Where small quantities of rum, sherry wine, or other liquors are to be used for flavoring purposes from time to time, a statement to that effect shall be made on Form 122 covering the gauge and dumping of the packages, unless the entire quantity is to be used within 10 days from the date of dumping. No larger quantities of liquor to be used for flavoring purposes shall be dumped than necessary for a reasonable period, except that not less than an entire original package (barrel or keg) may be dumped. No liquors except small quantities of those used for flavoring and similar purposes shall be retained in processing tanks or receptacles for an indefinite period.

§ 190.439 *Special authorization required for return of spirits to receiving room.* When spirits have been removed to the rectifying room they may not be returned to the receiving room, except upon special authorization of the district supervisor. The district supervisor will authorize the return of spirits from the rectifying room to the receiving room without payment of rectification tax only where reasonable cause for such action is shown and he is satisfied that the spirits have not been subjected to any act of rectification. The mere cancellation of orders is not deemed to be sufficient cause to warrant the granting of such authorization unless the product is one for which the rectifier has no other sale.

§ 190.440 *Destruction of stamps, marks, and brands on spirits packages.* When packages of distilled spirits are emptied all stamps, except the scalped portions thereof attached to Form 122, and all marks and brands which such packages are required by law to bear, must be completely effaced and obliterated. This should be done immediately upon completion of the dumping, draining, and rinsing of the packages. Packages from which all stamps, marks, and brands have not been completely effaced and obliterated are subject to forfeiture.

(53 Stat. 330; 26 U. S. C. 2866)

§ 190.441 *Destruction of tank car certificates.* Certificates of tax-payment affixed to tank cars of distilled spirits, except the portions thereof scalped for submission to the district supervisor, must likewise be immediately destroyed when such cars are emptied.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 190.442 *Destruction of stamps and marks on wine containers.* When packages of wines are emptied by a rectifier all stamps and marks which such packages are required by law and regulations to bear must be destroyed by scraping or obliteration immediately the packages are emptied. All labels and stamps affixed to tank cars, tanks, tank trucks, or similar containers of wine indicating tax-payment of the contents must also be scraped or obliterated immediately such containers are emptied.

§ 190.443 *Rinsing of barrels.* When packages are dumped for bottling, the barrels and char and wood chips, if any, contained therein must be thoroughly rinsed with water. When packages of distilled spirits which were rinsed in the internal revenue bonded warehouse at the time they were dumped for tax-payment are dumped for bottling, the barrels, char and wood chips contained therein must be thoroughly rinsed with water of a temperature not greater than that of the rinse water used at the time of tax-payment as shown by the marking on the barrels. The rinse water obtained at the time of dumping for bottling may be used to reduce the proof of spirits dumped from such barrels in the rectifying plant. When packages containing rectified spirits exempt from the rectification tax are dumped for bottling, the barrels and char contained therein must be thoroughly rinsed and the rinse water obtained may be used to reduce the proof of spirits dumped from such barrels in the rectifying plant. Any rinse water remaining after reduction must be poured upon the ground or into a sewer and may not be mixed with spirits dumped from other packages: *Provided*, That where rectified spirits or products subject to the rectification tax are manufactured, such remaining rinse water may be used in spirits or products to be rectified notwithstanding that the spirits so reduced may differ in composition from the spirits dumped from the barrels rinsed. In the case of packages not rinsed in the internal revenue bonded warehouse at the time of tax-payment and in the case of packages containing rectified spirits on which the rectification tax has been paid, the barrels, char and wood chips contained therein must be thoroughly rinsed with water. Except as provided in § 190.699, the rinse water obtained from such barrels may not be used to reduce the proof of spirits dumped from such barrels in the rectifying plant, but must be poured upon the ground or into a sewer. Char and wood chips dumped from packages must be burned on the premises of the rectifying plant, or, if such burning is not practicable, treated with kerosene before removal from the premises. Where kerosene is used, it must be sprayed or sprinkled on the materials, using not less than 1 gallon of kerosene to each 100 pounds of materials, in such manner as to preclude the abstraction of potable spirits from any part of the materials after removal from the premises. This will be effected by stirring or agitating the materials while the kerosene is being applied. Such burning or treating of materials must be done under the supervision of a Government officer. The district supervisor may authorize any other disposition of the materials that will effectively prevent recovery of spirits therefrom. Packages which were tax-paid prior to September 1, 1950, may continue to be rinsed in the rectifying plant and the rinse water used in the same manner as permitted prior to September 1, 1950.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 190.444 *Extracting spirits from wood forbidden.* The rinsing with water of a temperature in excess of that provided for in § 190.443, or the steaming of packages, char or wood chips, if any, contained therein, for the purpose of extracting spirits from the staves and heads of the packages or from the char or wood chips, is forbidden, unless such rinse water is immediately destroyed. Likewise, such barrels may not be filled or partially filled with water and permitted to stand for the purpose of extracting spirits, nor may any other method or process, except as authorized in § 190.443, be used to extract spirits from the barrels.

(53 Stat. 306, 335, as amended; 26 U. S. C. 2806, 2883)

§ 190.445 *Use of original packages as processing receptacles.* When distilled spirits and wines are to be rectified they must be dumped pursuant to approved Form 122 into approved processing tanks or receptacles: *Provided, however*, That, where it is desired to rectify the spirits or wines within the original packages, the original stamps and marks may be completely effaced and obliterated and the packages marked as processing receptacles or quick-aging packages in accordance with § 190.121 or § 190.123, as the case may be, in which case the spirits or wines will be considered as constructively dumped.

§ 190.446 *Use of original packages as shipping containers.* Original packages may be used as shipping or storage containers for rectified products, provided all of the original stamps and marks are completely effaced from the packages, as required in §§ 190.440 and 190.442, and the packages are marked and stamped as shipping containers in accordance with Subpart II of this part. Where the original packages have been used as processing receptacles upon destruction of the original stamps and marks, and the marking of the containers as processing receptacles or quick-aging packages, the markings as processing receptacles or quick-aging packages must likewise be completely effaced and the packages marked and stamped in accordance with Subparts GG and II of this part before they may be used as shipping containers.

§ 190.447 *Discrepancies disclosed by regauge to be reported.* Whenever a rectifier, upon regauging any distiller's original package to be dumped for rectification or for bottling finds that due to increase in gross weight or in proof the package contains 1 proof gallons or more of spirits in excess of the quantity which, according to the stamps, marks, and brands on the package, was contained therein at the time of tax-payment, he shall set aside the package and notify the district supervisor of the results of his regauge.

§ 190.448 *Verification.* The district supervisor will cause the package to be inspected and regauged by an experienced storekeeper-gauger. If the excess of spirits is reported to be due to an increase of the gross weight of the package, the storekeeper-gauger will test the scales to determine the accuracy thereof before reweighing the package; and if the excess is reported to be due to an increase in the proof of the spirits, the storekeeper-gauger will see that the hydrometer and thermometer are accurate before taking the proof of the spirits. Upon completion of the regauge the storekeeper-gauger will submit to the district supervisor a report of his inspection, accompanied by a report of the regauge on Form 1520. The package will not, however, be detained or seized, unless the circumstances are such as to indicate fraud.

§ 190.449 *Assessment of tax.* If the storekeeper-gauger's report of gauge shows an excess of 1 proof gallon or more of spirits, and there is nothing to indicate an intentional evasion of tax, the district supervisor will report the taxable excess to the Commissioner for assessment against the distiller or warehouseman who tax-paid the spirits, in accordance with the prescribed assessment procedure. If, however, the storekeeper-gauger's report indicates fraud, the district supervisor will cause a thorough investigation to be made before determining and reporting the tax liability for assessment.

SUBPART Y—RECTIFICATION

KINDS OF LIQUORS

§ 190.460 *Tax-paid liquors only.* Only distilled spirits, wines and other liquors that have been previously tax-paid at the rates provided by law, may be used for rectification. No wines or other liquors may be produced by fermentation at a rectifying plant, except that champagne and sparkling wine may be so produced through secondary fermentation of tax-paid wine.

TAX-EXEMPT GIN

§ 190.461 *Production.* Gin may be produced exempt from the rectifying tax by the redistillation of a pure spirit over juniper berries and other aromatics. Gin so produced must be run into a receiving tank from which it must be promptly (a) drawn into packages, gauged, stamped, and removed to the finished products room or (b) transferred to a bottling tank, gauged, and bottled and removed to the finished products room or conveyed by pipe line to a contiguous tax-paid bottling house or rectifying plant for bottling. (See §§ 190.615 to 190.672.)

(53 Stat. 298, as amended, 26 U. S. C. 2800)

§ 190.462 *Definition of pure spirit.* The term "pure spirit" is held to mean alcohol or neutral spirits, distilled at or above 190 degrees of proof (whether or not such proof is subsequently reduced), free from impurities, including spirits of such a nature recovered by redistillation of imperfect gin spirits.

(53 Stat. 298, as amended, 335, as amended; 26 U. S. C. 2800, 2883)

§ 190.463 *Type of still.* Tax-exempt gin may be produced by a rectifier by redistillation of pure spirits over juniper berries and other aromatics with any type of still where the process is continuous and closed. There may be refluxing of gin spirits, if such spirits are refluxed immediately and directly back to the same gin still with the same charge. There cannot be any redistillation where the vapors do not pass over the juniper berries and other aromatics. Where the gin still is equipped with a by-pass around the berry basket, such by-pass must be removed or provided with a stopcock and kept locked with a Government lock, except when taxable spirits are being produced.

§ 190.464 *Juniper berries and other aromatics.* The juniper berries may be crushed or mashed, and the other flavoring herbs and substances such as licorice, orange peel, orris root, etc., may be reduced to smaller particles to facilitate extraction, but the materials may not be steeped or percolated with the spirits before distillation is commenced. The juniper berries and other aromatics may be placed in the gin head of the still or in the liquid spirits within the still. Extracts, essences, oils, etc., of such materials may not be used.

(53 Stat. 298, as amended; 26 U. S. C. 2800)

§ 190.465 *Mixing with other spirits or materials prohibited.* Gin produced by redistillation under exemption from tax cannot be mixed with other spirits or treated by the addition or abstraction of any substance or material other than pure water after redistillation, nor can any substance or material other than juniper berries or other aromatics or pure water be added to the spirits prior to or during redistillation.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

§ 190.466 *Reduction and filtering.* Gin exempt from the rectifying tax may be reduced with water in the receiving or bottling tanks and may be filtered when necessary to remove materials held in suspension. The use of filters or filter-aids which will remove essential oils or flavoring materials in solution, thereby changing the composition and character of the gin, will subject the product to the rectifying tax. Whether the filtering changes the composition of the gin by removing materials in solution is a question of fact determinable

by chemical analysis of samples of the spirits before and after filteration.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

TAXABLE GIN

§ 190.467 *Production.* Gin produced in any manner or by any means, other than by the redistillation of a pure spirit over juniper berries and other aromatics as provided in § 190.461 (or by original and continuous distillation at a registered distillery), is subject to the rectification tax. Such taxable gin includes gin produced by compounding spirits with juniper oil, extracts, essences, derivatives, or other similar materials; gin produced by steeping juniper berries, aromatics, sloe berries, or other materials in spirits; gin produced with spirits other than pure spirits, either by distilling or compounding; and gin manufactured by the use of any process or materials other than those specified in §§ 190.461–190.466 as exempt from the rectification tax.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

§ 190.468 *Treatment of gin.* The treatment of gin with any materials or process which changes its composition, subjects the product to the rectification tax. Such treatment includes the flavoring of gin with fruits, sloe berries, extracts, essences, etc., and the manipulation of gin by a physical or chemical process, such as redistillation, filtration, or treatment with activated carbon or other materials, which changes its composition or character.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

PURIFYING OR REFINING SPIRITS

§ 190.469 *General.* Except as otherwise provided in Subpart C of this part, the purifying or refining of distilled spirits by any process constitutes taxable rectification. Such purifying or refining processes include redistillation; leaching; filtering or centrifuging; treatment with activated carbon, chemicals or other materials; or any other process which changes the character or composition of the spirits by removal, change, or modification of soluble matter held in solution in the spirits.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

§ 190.470 *Disposition.* When alcohol or other spirits, such as, heads and tails or high and low feints, impure, or imperfect spirits and products, residues, etc., are purified or refined at a rectifying plant, such purified or refined spirits must be promptly gauged in the receiving tank, Form 237 prepared, and the tax paid by means of rectified spirits stamps in accordance with the procedure set forth in § 190.585 for the payment of tax on spirits in bottling tanks, unless such purified or refined spirits are to be used in the rectifying plant in the manufacture of taxable rectified products, as provided in § 190.472. Materials used for purifying or refining spirits will be disposed of in the manner prescribed by § 190.496.

(53 Stat. 298, as amended, 329; 26 U. S. C. 2800, 2861)

§ 190.471 *Use in manufacturing tax-exempt products.* Where the purified or refined spirits are to be used on the premises in the manufacture of rectified products exempt from the rectification tax, the rectification tax due on such purified or refined spirits must be paid upon completion of the purifying or refining process. The tax-paid spirits may then be used alone or with other spirits of substantially the same kind in the manufacture of tax-exempt finished products under an approved formula and process. Impure or imperfect gin spirits which have been purified or refined and tax-paid upon completion of the purifying or refining process may be used with alcohol or neutral spirits in the manufacture of tax-exempt gin, notwithstanding that the purified or refined spirits retain traces of gin flavoring.

§ 190.472 *Use in manufacturing taxable rectified products.* Where the purified or refined spirits are to be used in the manufacture of taxable rectified products, the rectification tax on the purified or refined spirits must likewise be paid upon completion of the purifying or refining process, unless they are immediately transferred to a processing tank and compounded with other ingredients in the manufacture of such taxable rectified products under an approved formula and process that includes purifying or refining of the spirits and is continuous and unbroken, as defined in § 190.363, in which event the rectification tax will be due and payable only on the finished product. Where the purified or refined spirits are held for subsequent use, the process is not regarded as continuous, and rectification tax will be collected on the purified or refined spirits upon completion of the purifying or refining process, and also on the finished product.

BLENDING

§ 190.473 *Constitutes rectification.* The blending (mixing together) of two or more heterogeneous spirits or wines constitutes rectification and, except as provided in this subpart, necessitates payment of the rectification tax of 30 cents per proof gallon.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

§ 190.474 *Requirements.* All blending must be done according to an approved formula and process, and in designated processing tanks in the rectifying room. Upon completion of the blending, the blended spirits (unless such spirits are to be further aged or matured, or are to be held for a period for "marrying," as provided in § 190.533) must be promptly (a) drawn into packages, gauged, tax-paid (unless not subject to tax), stamped, and removed to the finished products room, or (b) transferred to a bottling tank, gauged, tax-paid (unless not subject to tax), and (1) bottled and removed to the finished products room or (2) conveyed by pipe line to a contiguous tax-paid bottling house or rectifying plant for bottling.

(53 Stat. 298, as amended, 329; 26 U. S. C. 2800, 2861)

BLENDING OF WINES

§ 190.475 *Tax-exempt blending.* The blending of tax-paid wines by rectifiers for the sole purpose of perfecting such wines according to commercial standards is, under the law, exempt from the rectifying tax of 30 cents per proof gallon. This exemption from rectification tax is held to apply only where the wines so blended are made from the same kind of fruit. The blending of wine made from one kind of fruit with wine made from another kind of fruit, as for example, the blending of blackberry wine with grape wine, constitutes taxable rectification.

(53 Stat. 300, as amended; 26 U. S. C. 2801)

§ 190.476 *Approval of formula and process required.* Where the rectifier desires to blend tax-paid wines for the sole purpose of perfecting such wines according to recognized commercial standards under exemption from the rectifying tax, he will, before commencing such blending, submit his formula and statement of process on Form 27–B Supplemental through the district supervisor for approval by the Commissioner as a tax-free blend. The rectifier will, in connection with the formula and process, show the kind and type of the wines to be blended, the respects in which they are to be perfected according to recognized commercial standards, and the kind and type of the blended product. The Commissioner or the district supervisor may require the submission of such additional information as he may deem necessary.

§ 190.477 *Taxable blending.* Any blending of wines by rectifiers, except for the sole purpose of perfecting such wines according to recognized commercial standards, as set forth in § 190.475, incurs the rectifying tax.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

§ 190.478 *Additional wine tax.* Where the taxable grade of wine is increased by blending, additional gallonage wine tax must be paid on the resultant product representing the difference between the tax originally paid on the wine and the tax due on the blended product, as provided in Subpart AA of this part. For example, if 100 gallons of wine containing 20 percent alcohol, on which wine tax in the amount of $60 has been paid, are blended with 100 gallons of wine containing 12 percent alcohol, on which wine tax in the sum of $15 has been paid, making a total wine tax paid on the two wines of $75, and the resultant product contains 16 percent alcohol, the wine tax on which would amount to $120, additional wine tax of $45 must be paid on the blended product, regardless of whether or not the 30-cent rectifying tax is incurred by the blending.

(53 Stat. 347, as amended, 525; 26 U. S. C. 3030, 3190)

BLENDING OF STRAIGHT WHISKIES AND PURE FRUIT BRANDIES

§ 190.479 *Exemption from tax.* The rectifying tax of 30 cents per proof gallon does not attach to blends made exclusively of two or more pure straight whiskies aged in wood for a period of not less than four years and without the addition of coloring or flavoring matter or any other substance than pure water, and if not reduced below 90 proof, nor to blends made exclusively of two or more pure fruit brandies distilled from the same kind of fruit, aged in wood for a period not less than two years and without the addition of coloring or flavoring matter or any other substance than pure water and if not reduced below 80 proof: *Provided,* That the blending is done under the immediate supervision of the Government officer assigned to the plant or detailed to such duty by the district supervisor: *And provided further,* That the foregoing prohibition against the addition of coloring or flavoring matter shall not be construed to prevent the blending under the provisions of this part of pure fruit brandies otherwise eligible, to which a small quantity of burnt sugar has been added under the limitations prescribed in Regulations 5 (26 CFR Part 184).

(53 Stat. 300, as amended; 26 U. S. C. 2801)

§ 190.480 *Application for supervision.* When a rectifier desires to blend two or more straight whiskies or two or more fruit brandies distilled from the same kind of fruit, under exemption from rectifying tax, he will make written application, in duplicate, to the Government officer assigned to the plant. The application will be accompanied by Form 122, in duplicate, properly executed, to show that it is desired to blend straight whiskies aged in wood for a period of not less than four years, or fruit brandies distilled from the same kind of fruit and aged in wood for a period of not less than two years, without payment of rectification tax.

(53 Stat. 300, as amended; 26 U. S. C. 2801)

§ 190.481 *Required data.* The application must state, in addition to the data shown in Form 122, the dates when the whiskies or brandies were produced as to each package; the proof to which the blended whisky or brandy is to be reduced; and that no coloring, flavoring, or other substance will be added, except the quantity of pure water necessary to reduce the whisky or brandy to the desired proof.

(53 Stat. 300, as amended; 26 U. S. C. 2801)

§ 190.482 *Approval by officer.* The Government officer will make the examination prescribed in § 190.483, and, if satisfied that the whiskies or brandies may be blended free of tax, he will execute his certificate and the approval statement on Form 122, and return both copies to the rectifier.

(53 Stat. 300, as amended; 26 U. S. C. 2801)

§ 190.483 *Officer's examination.* The officer who is to supervise the blending will examine the records of the rectifier and the packages covered by the application to ascertain whether they contain straight whisky or fruit brandy and whether such whisky or brandy has been properly tax-paid and aged in wood for four years or more in the case of whisky, or two years or more in the case of brandy, and is in every respect eligible to be blended without payment of the rectification tax, as authorized by law. The officer will likewise examine the tank or tanks into which the whisky or brandy is to be dumped to insure that they do not contain any spirits, coloring, flavoring, or other substance.

(53 Stat. 300, as amended; 26 U. S. C. 2801)

§ 190.484 *Supervision of operations.* After the officer has completed his examination of the whisky or brandy and the tanks and other equipment, and if satisfied in every respect, he will notify the rectifier that he may proceed with the blending. The officer will supervise the blending of the whiskies or brandies and the reduction of the proof thereof, and upon completion of same will note on each copy of the application that the whisky or brandy was blended and reduced in proof (if reduced) under his supervision, in accordance with the application. The Government officer will then deliver both copies of the application to the rectifier, who will attach a copy to each Form 122 covering the gauge of the spirits, retain one copy of Form 122 with a copy of the application attached, and forward the other copy to the district supervisor.

(53 Stat. 300, as amended; 26 U. S. C. 2801)

§ 190.485 *Bottling.* If the blended whisky or brandy is to be bottled, an accurate gauge thereof in the bottling tank will be made and reported on Form 237, in duplicate if it is to be bottled directly from such bottling tank, and in triplicate if it is to be transferred to a contiguous tax-paid bottling house or rectifying plant for bottling. (See Subpart BB of this part.) The Government officer approving the form will note in the approval statement thereof "Exempt from tax under section 2801, I. R. C."

(53 Stat. 300, as amended; 26 U. S. C. 2801)

§ 190.486 *Packaging.* If the blended whisky or brandy is to be drawn off into packages, an accurate gauge of each package will be made and the details thereof reported on Form 237, in triplicate, as provided in Subpart BB. The Government officer approving the form will note in the approval statement thereof, "Exempt from tax under section 2801, I. R. C." The collector will issue class A (No money value) rectifier's stamps for the packages, and will note in the proper column of each copy of Form 237 the serial number of the stamp to be attached to each package.

(53 Stat. 300, as amended, 329; 26 U. S. C. 2801, 2861)

§ 190.487 *Removal of blended whisky or brandy.* Upon being bottled or packaged and stamped, the blended whisky or brandy must be immediately removed to the finished products room. Upon removal of the whisky or brandy to the finished products room, or the transfer thereof to a contiguous tax-paid bottling house or rectifying plant for bottling, Form 237 will be completed and disposed of as provided in Subpart BB of this part.

(53 Stat. 300, as amended; 26 U. S. C. 2801)

§ 190.488 *Failure to observe conditions.* Any blending of such whisky or brandy without supervision of a Government officer as outlined in § 190.484, or with the addition of any coloring, flavoring, or other substance, or if reduced below 90 proof, will necessitate payment of the rectifying tax.

TAXABLE BLENDING OF SPIRITS

§ 190.489 *Blending constitutes rectification.* Except as provided in § 190.479, any blending of two or more heterogeneous spirits by a rectifier constitutes taxable rectification. For example, the dumping together of spirits produced by different distillers, or of different ages or blends or rectifications (except as provided in § 190.697), or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act (27 U. S. C. 205 (e); (f)), or which are not homogeneous, will constitute taxable rectification. Likewise, the dumping together of spirits stored in new charred cooperage with spirits stored in plain or reused cooperage, or the mixing of spirits that have been quick-aged or treated with wood chips with spirits not so processed, or the mixing of spirits that have been subjected to any treatment which changes their character with spirits not so treated, will constitute taxable rectification, unless it is established by chemical analysis or organoleptic examination that the composition of the spirits is the same, notwithstanding the storage in different kinds of cooperage or the treatment of a portion of the spirits.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

§ 190.490 *Dumping for convenience in bottling.* The term "blending" shall not be construed to include the dumping together, for convenience in bottling, of distilled spirits within the descriptions and limitations specified in § 190.697. The spirits so dumped together must be, in fact, of the same composition or character and the purpose of the dumping must be solely for convenience in bottling. The regular dumping together of spirits of different ages, or different blends or rectifications, at the time of bottling is indicative of blending (rectification), and will be made the subject of appropriate inquiry by the district supervisor to determine whether the mass of spirits dumped together is homogeneous with each of its component parts.

QUICK-AGING

§ 190.491 *Constitutes rectification.* The "quick-aging" of spirits by rectifiers constitutes rectification and necessitates payment of the rectifying tax.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

§ 190.492 *Quick-aging processes.* The use of any physical or chemical process or any apparatus which accelerates the maturing of the spirits, such as the placing of wood chips in a barrel of whisky by a rectifier, or the applica-

tion of heat in a barrel by means of a steam coil or other heating device, will subject the spirits to the rectifying tax of 30 cents per proof gallon. Where tax-paid spirits are artificially heated in any manner to a temperature above 80 degrees Fahrenheit, such action is regarded as heating the spirits for the purpose of accelerating the aging process, and will subject the spirits to the rectifying tax.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

§ 190.493 *Quick-aging containers.* "Quick-aging" may be done by the rectifier pursuant to an approved formula and process only, either in the designated processing tanks or in portable containers, such as barrels and kegs, which need not be permanently marked as in the case of stationary processing tanks, but each such barrel or keg must be marked as provided in § 190.123.

§ 190.494 *Quick-aging as part of rectifying process.* Where spirits are blended, purified, or refined, or otherwise rectified, and then quick-aged, only one rectification tax will be incurred if the blending, purifying, refining, etc., and "quick-aging" are continuous and the quick-aging is a part of the approved formula and process. Where the process is not continuous and the approved formula and process do not include the quick-aging of the spirits, two rectification taxes must be paid, one at the time of blending, purifying, refining, etc., and another upon completion of the "quick-aging" process. For example, if spirits are blended in a processing tank and then drawn off into barrels which are immediately placed in the quick-aging room and subjected to a quick-aging process, the rectification tax need not be paid until the "quick-aging" process has been completed, provided such process is included in the approved formula and process. However, if spirits are blended and later "quick-aged," both operations not being continuous and not included in an approved formula and process, such procedure would constitute two processes of rectification and necessitate payment of the rectifying tax for each process.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

§ 190.495 *Completion of process.* Upon completion of the approved process the spirits must be immediately (a) packaged, gauged, tax-paid, stamped, and removed to the finished products room, or (b) transferred to a bottling tank, gauged, tax-paid, and (1) bottled and removed to the finished products room or (2) conveyed by pipe line to a contiguous tax-paid bottling house or rectifying plant for bottling.

(53 Stat. 298, as amended, 329; 26 U. S. C. 2800, 2861)

§ 190.496 *Destruction of materials.* Materials, such as wood chips, used in a quick-aging process must, upon removal from the process, be burned on the premises of the rectifying plant, or, if such burning is not practicable, treated with kerosene before removal from the premises. Where kerosene is used, it must be sprayed or sprinkled on the materials, using not less than 1 gallon of kerosene to each 100 pounds of materials, in such manner as to preclude the abstraction of potable spirits from any part of the materials after removal from the premises. This will be effected by stirring or agitating the materials while the kerosene is being applied. Such burning or treating of materials must be done under the supervision of a Government officer. The district supervisor may authorize any other disposition of the materials that will effectively prevent recovery of spirits therefrom.

(53 Stat. 298, as amended, 329; 26 U. S. C. 2800, 2861)

COMPOUNDING

§ 190.497 *Constitutes rectification.* The compounding of spirits or wines through the mixing of any coloring, flavoring, or other material (including carbon dioxide) with either distilled spirits or wines for sale as such, or as another product, such as a cordial or liqueur, constitutes rectification and necessitates payment of the rectifying tax thereon, except where cordials or liqueurs subject to tax under section 3030 (a), I. R. C., as provided in Subpart AA of this part, are manufactured. Compounding must be done in the rectifying room in the processing tanks or other suitable vessels appropriately marked (see Subpart I of this part). Compounding must likewise be done in accordance with the formula and process submitted by the rectifier, as provided in Subpart S of this part.

(53 Stat. 298, as amended, 300, as amended, 391; 26 U. S. C. 2800, 2801, 3254)

§ 190.498 *With fruits, berries, etc.* The steeping or soaking of fruits, such as apricots, peaches, etc., or of berries, such as sloe berries, juniper berries, etc., or of aromatic herbs, roots, seeds, etc., in spirits or wines by rectifiers constitutes rectification and necessitates payment of the rectifying tax on the finished product.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

§ 190.499 *With sugar, caramel, essences, etc.* The addition of sugar, dextrose, rock candy, or any sweetening materials, or of essences, extracts, or other flavoring materials, or of any coloring material, such as caramel, to spirits or wines by a rectifier, regardless of quantity, constitutes rectification and necessitates payment of the rectifying tax on the finished product, unless such product is a liqueur or cordial subject to tax under section 3030 (a), I. R. C.

(53 Stat. 298, as amended, 300, as amended, 391; 26 U. S. C. 2800, 2801, 3254)

§ 190.500 *Mixing spirits and wine.* The mixing or compounding of distilled spirits and wine with each other by a rectifier constitutes rectification and necessitates payment of the rectifying tax. Where the rectified product is classed as wine and the taxable grade of the wine is increased by the addition of the distilled spirits thereto, additional tax due on the wine according to its new grade must be paid as well as the rectification tax, as provided in Subpart AA of this part. Likewise where the volume of the wine is increased, wine tax must be paid on the additional gallonage, as provided in § 190.501.

(53 Stat. 298, as amended, 347, as amended, 391; 26 U. S. C. 2800, 3030, 3254)

§ 190.501 *Increasing volume of wine.* Where wine is treated or compounded at a rectifying plant by the addition of sugar or a sugar solution or other material thereto, and the volume of the wine is increased by such treatment, wine tax must be paid on the additional gallonage, plus the rectification tax on the entire quantity. If, however, the wine is so treated as to convert it into a distinct product other than wine and it is not sold as wine, no additional wine tax will be due.

(53 Stat. 347, as amended; 26 U. S. C. 3030)

§ 190.502 *Artificial carbonation.* The artificial carbonating of spirits or wines constitutes rectification and necessitates payment of the rectifying tax. Where spirits or wines are subjected to some other process of rectification and are immediately thereafter carbonated and bottled, only one rectification tax will be incurred for the entire process, if the carbonization is included in the formula and process submitted by the rectifier; but if the spirits or wines are subjected to a specified rectifying process and are later carbonated, such will necessitate the payment of the rectifying tax twice on the spirits or wines involved.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

§ 190.503 *Manufacture of distinct products.* Where a distinct product is manufactured, such as vermouth, champagne or sparkling wine, or artificially carbonated wine, which is subject to tax under section 3030 (a), I. R. C., such tax must be paid in addition to the rectification tax: *Provided*, That the rectification tax shall not attach to liqueurs or cordials containing sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wine, papaya wine, pineapple wine, cantaloup wine, or apple wine, fortified with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy, respectively. (See Subpart AA of this part.)

(53 Stat. 347, as amended; 26 U. S. C. 3030)

§ 190.504 *Manufacture of intermediate products.* Where products, such as vermouth, blended whisky, compounded gin, etc., are compounded under an approved formula and process as an intermediate step in the manufacture of a specified finished product, such as a cocktail, sloe gin, etc., and such intermediate products are not made as finished products for sale but are retained in the processing room for use in further compounding under a specified process, tax will attach to the finished product only and not to the intermediate product. Where it is desired to manufacture an intermediate product for use in manufacturing a finished product with payment of tax on the finished product only, a separate formula and process must be filed for the intermediate product and for the finished product, and the intermediate product must be designated as such on the formula and process.

§ 190.505 *Use of vermouth in manufacturing.* Where tax-paid vermouth is mixed with distilled spirits or other liquors in the manufacture of a cordial, liqueur, or similar compound, such cordial, liqueur, or similar compound will be subject to the rectifying tax of 30 cents per proof gallon, but will not be taxable under section 3030 (a), I. R. C., unless it contains fortified wine of the kind described in § 190.503 in addition to that used in the manufacture of such tax-paid vermouth. If, however, the vermouth is compounded with such fortified wine as an intermediate step in the manufacture of the cordial, liqueur, or similar compound, the finished product will be taxable under section 3030 (a), I. R. C.; but in such event the vermouth will not be subject to tax as such nor will the rectification tax attach to the cordial, liqueur, or similar compound, provided the manufacturing operation is continuous and is conducted in accordance with the formula and statement of process submitted by the rectifier.

(53 Stat. 298, as amended, 306, as amended, 347, as amended; 26 U. S. C. 2800, 2801, 3030)

§ 190.506 *Completion of process.* Upon completion of the process of compounding or manufacturing where another product, such as a cordial or liqueur is made, the compounded liquor or product produced thereby must be tax-paid and removed to the finished products room or conveyed by pipe line to a contiguous tax-paid bottling house or rectifying plant for bottling. The proof-gallon content of such compounded liquors or products must be determined as set forth in Subpart BB of this part.

MANUFACTURE OF SPARKLING WINES

§ 190.507 *Statement of process.* Champagne and other sparkling wines may be manufactured by a rectifier from tax-paid domestic or imported wines. A statement of the exact process to be followed in manufacturing sparkling wines must be filed by the rectifier on Form 27–B Supplemental, as provided in Subpart S of this part, and application made for extension of time in which to complete the process of manufacture, as provided in Subpart Z of this part. In view of the nature of the manufacturing process, a statement as to the approximate period of manufacture will be acceptable.

§ 190.508 *Dumping of still wine.* When the rectifier desires to dump still wine for bottling for champagne manufacture or for the manufacture of a sparkling wine of the champagne type by fermentation in bulk, he will submit Form 122, in duplicate, properly executed, to the Government officer for approval, and the same procedure will be followed as in the case of the dumping of wines for rectification by other processes.

§ 190.509 *Storage during manufacture.* The bottled wine will be kept in the champagne room during the process of manufacture into champagne or other sparkling wines, except that where the rectifying room is used exclusively for the manufacture of such wines, the bottled wine may be retained in the rectifying room during the manufacturing process.

§ 190.510 *Records and reports.* Where the sparkling wine is to be manufactured by secondary fermentation within the bottle, the rectifier will, upon bottling the still wine, prepare a special report on Form 702–A, in triplicate, properly modified as to the heading, and showing in Statement II the date, quantity, and alcoholic content of the still wines used and the number of bottles of each size filled. Form 702–A must be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under the penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. The rectifier will retain one copy of Form 702–A and forward two copies to the district supervisor, who will keep one copy and forward one copy to the Commissioner. Thereafter, as long as sparkling wines are in the process of manufacture the rectifier will prepare a report thereof each month on Form 702–A, in triplicate, one copy of which will be retained at the rectifying plant and two copies forwarded to the district supervisor enclosed with the rectifier's monthly report, Form 45. The rectifier will also make appropriate entries on Form 45 of the manufacture and disposition of all sparkling wines produced.

(53 Stat. 327, 373, as amended, 63 Stat. 667; 26 U. S. C. 2855, 3170, 3339)

§ 190.511 *Completion of process.* Upon completion of the process of manufacture, Form 237, properly modified, will be promptly prepared in triplicate, the rectifying and sparkling wine taxes will be paid and the sparkling wine will be removed to the finished products room, as provided in Subpart EB of this part.

FILTERING

§ 190.512 *Taxable filtration.* Any filtering of distilled spirits or wines by rectifiers which purifies or refines and changes the composition or character of the spirits or wines constitutes rectification and necessitates payment of the rectifying tax of 30 cents per proof gallon. Such filtering must be done within the rectifying room and upon completion thereof the spirits or wines must be immediately (a) drawn into packages, gauged, tax-paid, stamped, and removed to the finished products room; or (b) transferred to a bottling tank, gauged, tax-paid, and (1) bottled and removed to the finished products room, or (2) conveyed by pipe line to a contiguous tax-paid bottling house or rectifying plant for bottling.

(53 Stat. 298, as amended, 329, 391; 26 U. S. C. 2800, 2861, 3254)

§ 190.513 *Filtering out solid matter.* Filtering which consists of merely removing foreign substances, such as particles of char, wood, or other extraneous solid matter which have got into the spirits or wines since manufacture, and which does not change the original character of the spirits or wines through removal of any congeneric substance, or change the composition, does not constitute rectification.

§ 190.514 *Filtering out cloudiness.* The filtering of whisky, brandy, or rum for the removal of cloudiness due to the presence of finely pulverized or agglutinated charcoal or other extraneous matter does not constitute rectification, provided there is no change in the original composition or character of the spirits. However, the filtering out of congeneric substances, thereby changing the composition and character of the spirits, will constitute rectification.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

§ 190.515 *Soluble matter held in solution.* The use of filters and filter-aids which will remove, change, or modify soluble matter held in solution in the spirits, thereby changing the composition or character of the spirits, will subject the product to the rectifying tax. Whether filtering changes the composition of the spirits by removal or modification of matter in solution is a question of fact determinable by chemical analysis of the spirits before and after filtration. Where there is doubt whether the filtering changes the composition of the spirits, samples should be taken of the spirits both before and after filtering and submitted to the Bureau chemist for examination.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

§ 190.516 *Filtering as part of rectifying process.* Spirits may be purified or refined by filtering one or more times during the rectifying process without incurring more than one rectification tax, provided such filtering is done pursuant to an approved formula and process and the operation is continuous and unbroken. If the spirits or wines are subjected to a rectifying process and are then set aside, removed to the finished products room, etc., and later filtered in such a manner as to constitute rectification, such filtering will necessitate the payment of another rectifying tax on the spirits or wines involved. Likewise, when the process of rectification has been completed any further filtering which purifies or refines the spirits or wines through the removal of any congenerics, or which changes the original composition of the spirits or wines, will necessitate payment of another rectifying tax.

(53 Stat. 298, as amended, 391; 26 U. S. C. 2800, 3254)

§ 190.517 *Clarification of wine.* The clarification of wine on the premises of a rectifier by filtering, sedimentation, or the addition of isinglass or similar clari-

fying substance, which does not change the composition of the wine is permissible, and such manipulation only does not involve the rectifier in any additional tax.

OTHER PROCESSES

§ 190.518 *Must conform to regulations.* Other rectifying processes must be conducted in conformity with this part. District supervisors will inform themselves fully regarding each process of rectification employed by rectifiers in their districts and will see that such is in conformity with this part and that the proper tax is paid in each case. Where the district supervisor is in doubt as to any rectifying process or as to the incurrence of rectification tax, he will submit the matter to the Commissioner.

SUBPART Z—TIME FOR COMPLETION OF RECTIFICATION

§ 190.530 *General limitation.* The rectifying process must be completed within 10 days from the date of the dumping of the spirits for rectification, unless a longer period is authorized by the Commissioner as provided by this subpart.

§ 190.531 *Application required for extension.* Where the rectifier desires to employ a process of rectification which will extend over more than 10 days, thus necessitating the holding of the spirits in the rectifying room for such longer period, application, in quadruplicate, for approval of such extended process must be incorporated in the Form 27–B Supplemental, and filed with the district supervisor as provided in § 190.360. The rectifier must set forth fully on such form, following the statement of process, the reason why the period of time specified for completion of the process is necessary.

§ 190.532 *Inquiry by district supervisor.* Upon receipt of a Form 27–B Supplemental requesting approval of a process requiring more than 10 days for completion, the district supervisor will make such inquiry as he may deem proper to determine the necessity for the extended period, and whether approval thereof will jeopardize the revenue. He will then forward all copies of the Form 27–B Supplemental to the Commissioner along with his findings and recommendation. The Form 27–B Supplemental will be disposed of in the manner prescribed by § 190.365.

§ 190.533 *Processes which may require extension.* Processes involving the steeping or macerating of fruits or herbs in spirits for flavoring may require more than 10 days for completion. The retention in the rectifying room of rectified spirits, such as blended whiskies, cordials, etc., for a reasonable period to permit "settling" or "marrying" may be authorized. Tax-exempt products, such as distilled gin, or blended 4-year-old straight whiskies, or blended 2-year-old pure fruit brandies, so held must be kept in closed tanks under Government lock.

SUBPART AA—COMMODITY TAXES ON RECTIFIED SPIRITS AND PRODUCTS

§ 190.545 *Rectification tax.* Section 2800 (a) (5), I. R. C., imposes a tax of 30 cents on each proof gallon, and a proportionate tax at a like rate on all fractional parts of a proof gallon, on all distilled spirits and wines rectified, purified, or refined, in such manner, and on all mixtures produced in such manner, that the person so rectifying, purifying, refining, or mixing the same is a rectifier. (See Subpart C of this part.)

(53 Stat. 298, as amended; 26 U. S. C. 2800)

§ 190.546 *Exemption from rectification tax.* The tax of 30 cents per proof gallon does not attach to gin produced by the redistillation of a pure spirit over juniper berries and other aromatics; to the mixing and blending of wines, where such blending is for the sole purpose of perfecting such wines according to recognized commercial standards; to cordials or liqueurs on which a tax is imposed by section 3030 (a), I. R. C.; nor to blends made exclusively of two or more pure straight whiskies aged in wood for a period of not less than four years and without the addition of coloring or flavoring matter or any other substance than pure water, and if not reduced below 90 proof; nor to blends made exclusively of two or more pure fruit brandies distilled from the same kind of fruit, aged in wood for a period not less than two years and without the addition of coloring or flavoring matter or any other substance than pure water, and if not reduced below 90 proof: *Provided*, That such blended whiskies and blended fruit brandies are compounded under the immediate supervision of a revenue officer in such tanks and under such conditions and supervision as provided in Subpart Y of this part.

(53 Stat. 298, as amended, 300, as amended; 26 U. S. C. 2800, 2801)

§ 190.547 *Vermouth.* Vermouth made at a rectifying plant, which is subject to the rectification tax of 30 cents per proof gallon imposed by section 2800 (a) (5), I. R. C., is in addition thereto subject to the tax imposed upon vermouth by section 3030 (a) (1), as amended by section 1650, I. R. C., which tax is as follows:

(a) On vermouth containing not more than 14 per centum of absolute alcohol, 15 cents per wine gallon, the per centum of alcohol to be reckoned by volume and not by weight;

(b) On vermouth containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 60 cents per wine gallon;

(c) On vermouth containing more than 21 per centum and not exceeding 24 percentum of absolute alcohol, $2.00 per wine gallon;

(d) All vermouth containing more than 24 per centum of absolute alcohol by volume (except vermouth containing tax-paid sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wine, papaya wine, pineapple wine, cantaloup wine, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy) shall be classed as distilled spirits and shall be taxed accordingly.

(54 Stat. 522, as amended, 53 Stat. 298, as amended, 347, as amended; 26 U. S. C. 1650, 2800, 3030)

§ 190.548 *Liqueurs, cordials, etc., taxable under section 3030 (a) (2), I. R. C.* Section 3030 (a) (2), as amended by section 1650, I. R. C., imposes a tax on certain products of rectification, as follows: On each bottle or other container of liqueurs, cordials, or similar compounds, by whatever name sold or offered for sale, containing sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wine, papaya wine, pineapple wine, cantaloup wine, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy, ten cents on each one-half pint or fraction thereof. Liqueurs, cordials, and similar compounds on which a tax is imposed and paid under section 3030 (a) (2), as amended by section 1650, I. R. C., are exempt from the 30-cent rectification tax. By "liqueurs, cordials, or similar compounds" is meant those products that contain not less than 2½ percent by weight of sweetening material and possess the taste, aroma, and characteristics generally attributed to liqueurs and cordials.

(54 Stat. 522, as amended, 53 Stat. 347, as amended; 26 U. S. C. 1650, 3030)

§ 190.549 *Liqueurs, cordials, etc., taxable under section 2800 (a) (5), I. R. C.* Liqueurs, cordials, and similar compounds prepared with distilled spirits or with wines which are not fortified with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy, or which are prepared with distilled spirits and such wines, are subject to the rectification tax of 30 cents per proof gallon imposed by section 2800 (a) (5), I. R. C., but are not taxable under section 3030 (a) (2), I. R. C.

(53 Stat. 298, as amended, 347, as amended; 26 U. S. C. 1650, 3030)

§ 190.550 *Carbonated and sparkling wines.* The carbonating of tax-paid wines, either by secondary fermentation of the wine within the bottle or container or by charging the wine artificially with carbon dioxide, must be done at a rectifying plant. The carbonated wine is subject to the rectification tax of 30 cents per proof gallon, and, in addition thereto, the tax imposed by section 3030 (a) (2), as amended by section 1650, I. R. C., upon sparkling wine, or artificially carbonated wine, as the case may be, must be paid. This tax is as follows:

(a) On each bottle or other container of champagne or sparkling wine, 15 cents on each one-half pint or fraction thereof;

(b) On each bottle or other container of artificially carbonated wine, 10 cents on each one-half pint or fraction thereof;

(c) Any of the foregoing articles containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly.

(54 Stat. 522, as amended, 347, as amended; 26 U. S. C. 1650, 3030)

§ 190.551 *Gin.* Gin produced by a rectifier is exempt from the rectification tax of 30 cents per proof gallon only if produced by the redistillation of a pure spirit over juniper berries and other aromatics. If gin is otherwise produced or compounded, a rectification tax of 30 cents per proof gallon must be paid thereon. (See Subpart Y of this part.)

(53 Stat. 298, as amended; 26 U. S. C. 2800)

§ 190.552 *Blended wines.* Any blending of tax-paid wines by rectifiers, except the blending of domestic tax-paid wines for the sole purpose of perfecting such wines according to recognized commercial standards, subjects the resultant product to the 30-cent rectification tax. Where the taxable class of wine is increased by blending wines with each other, additional wine tax due on the blended wines must be paid, regardless of whether or not the 30-cent rectification tax is incurred by such blending. This additional wine tax represents the difference between the wine tax due on the blended wine under its new classification and the tax previously paid on the wines used for such blending. Section 3030 (a) (1), as amended by section 1650, I. R. C., imposes a tax upon all still wines, and all artificial or imitation wines or compounds sold as still wine, at the following rates:

(a) On wines containing not more than 14 per centum of absolute alcohol, 15 cents per wine gallon, the per centum of alcohol to be reckoned by volume and not by weight;

(b) On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 60 cents per wine gallon;

(c) On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, $2.00 per wine gallon;

(d) All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly.

(54 Stat. 522, as amended, 347, as amended; 26 U. S. C. 1650, 3030)

§ 190.553 *Compounded wines.* Except as provided in § 190.548, any rectifying, mixing, or compounding of tax-paid wine with tax-paid distilled spirits subjects the resultant product to the 30-cent rectification tax; and where the taxable class of wine is increased by the addition of distilled spirits thereto, additional tax due on the wine under its new classification must be paid as well as the rectification tax. (See Subpart Y of this part.)

(53 Stat. 298, as amended, 347, as amended; 26 U. S. C. 2800, 3030)

§ 190.554 *Increase in volume of wine.* Where the volume of wine is increased by the addition of sugar or a sugar solution or other material thereto, wine tax must be paid on the additional gallonage, plus the rectification tax on the entire quantity. (See Subpart Y of this part.)

(53 Stat. 298, as amended, 347, as amended; 26 U. S. C. 2800, 3020)

§ 190.555 *Distinct products.* Where the rectifying, mixing, compounding, or blending of wine results in the manufacture of a distinct product, such as vermouth or sparkling wine, the tax imposed upon such product must, as provided in §§ 190.547 and 190.550, be paid in addition to the rectification tax. (See Subpart Y of this part.)

(53 Stat. 298, as amended, 347, as amended; 26 U. S. C. 2800, 3030)

SUBPART BB—GAUGE, RETURN, AND TAX-PAYMENT OF RECTIFIED SPIRITS

GAUGE OF RECTIFIED SPIRITS

§ 190.565 *Transfer to packages or bottling tank.* Rectified spirits will, upon completion of the process of rectification, be transferred to packages of a capacity of more than 1 wine gallon and not exceeding 130 proof gallons, or to a bottling tank, and gauged therein, except as provided in §§ 190.116, 190.120, 190.575 and 190.620.

(53 Stat. 329; 26 U. S. C. 2861)

§ 190.566 *Adjustment of proof.* The proof of rectified spirits shall be adjusted to a whole degree of proof in accordance with the provisions of the Gauging Manual (26 CFR, Part 186) preparatory to filling barrels or bottles. Adjusting the proof to tenths of a degree, either above or below the whole or complete degree, will not be permitted: *Provided*, That when spirits are being prepared for bottling and are to be bottled and labeled in tenths of a degree of proof, such as 86.4, the proof of the spirits shall be adjusted to such tenths of a degree of proof. The proof in each instance shall be verified as to accuracy by the Government officer.

(53 Stat. 329; 26 U. S. C. 2861)

§ 190.567 *Filling of packages.* When filling packages of rectified spirits, the rectifier will determine the weight (tare) of the empty package immediately preceding the filling of the same. When the package has been filled, the gross weight will be ascertained and the net weight determined by subtracting the tare from the gross weight. The rectifier will mark such data on the packages in accordance with § 190.797. The storekeeper-gauger shall verify the gross weight, tare, net weight, wine gallons, proof, and proof gallons marked on each package by comparison with Form 237, and shall satisfy himself as to the accuracy of the marks and brands, and stamps. All mechanical labor pertaining to the weighing and marking of packages shall be performed by the rectifier.

(53 Stat. 329; 26 U. S. C. 2861)

§ 190.568 *Preparation of statement of composition.* Where rectified spirits are to be removed for bottling elsewhere, the rectifier shall prepare a statement of composition identifying the spirits and providing such information as will, in conjunction with the information shown on the packages, or on Form 237 covering pipe line transfer, permit verification of the label proposed to be used in bottling. The statement must include all pertinent information which is mandatory on the label for the particular product, for example, the presence or absence of flavoring material, artificial coloring, treatment with oak chips, quick-aging, etc. Such statement shall be signed by the rectifier and delivered to the storekeeper-gauger in charge, who, if he finds the spirits properly described, shall certify thereto by signing his name and title under the word "Verified." The statement shall be returned to the rectifier for forwarding to the purchaser of the spirits or to the proprietor of the premises where the spirits are to be bottled.

§ 190.569 *Determining proof of unsweetened spirits.* The proof of distilled spirits and rectified spirits to which saccharine or other solid matter has not been added will be determined by the use of a standard hydrometer set provided by the rectifier in accordance with Subpart R of this part. In connection with the use of such instruments, rectifiers must provide themselves with the official Gauging Manual (26 CFR Part 186) and follow closely instructions therein relative to the gauging of spirits.

(53 Stat. 329; 26 U. S. C. 2861)

§ 190.570 *Determining proof of sweetened spirits, wines, etc.* The alcoholic content of blended whiskies containing more than 0.6 gram or 600 milligrams of solids per 100 milliliters derived from blending materials such as sherry wine, prune juice, caramel, glycerine, etc., and of wines, cordials, liqueurs, and other rectified products containing saccharine or other solid matter will be determined by the use of an approved ebulliometer or a small laboratory still provided by the rectifier in accordance with Subpart R of this part. When using such instruments rectifiers must follow closely the instructions furnished therewith in order that accurate determinations may be made. Instructions relative to the use of small laboratory stills (or wine sets) and the following ebulliometers: Arnaldo-Sala (with shield), Braun, Juerst, Lefco, L'Ebulliometer Levesque (with shield), Malligand (with shield), Salleron-Dujardin, "TAG" (with shield), and E. B. Torino (with shield), are also set forth in Regulations 7 (26 CFR Part 178). The alcoholic content of blended spirits containing not more than 0.6 gram or 600 milligrams of solids per 100 milliliters derived from blending materials will be determined by the use of a standard hydrometer or a small still. If determined by a standard hydrometer an obscuration correction factor may be added to the apparent proof in order to obtain the true proof of the blended spirits. Experience has shown that 0.1 gram or 100 milligrams of solids per 100 milliliters will obscure the true proof 0.4 of 1° of proof. For example, if a blended whisky contains 0.25 gram or 250 milligrams of

solids per 100 milliliters and the apparent proof corrected to 60° Fahrenheit is found to be 89° proof by a standard hydrometer, a correction factor of 1° of proof (2.5 times 0.4) due to the solids may be added to the apparent proof, hence the true proof would be 90°. The solids in blended spirits due to blending materials will be determined by evaporating 25 milliliters of the blended spirits in a weighed dish on a steam bath and then heating for 30 minutes at the temperature of boiling water in a drying oven. The solids thus determined, multiplied by 4, will give the solids in 100 milliliters of blended spirits. The correction factor to be used then will be determined on the basis that every 100 milligrams of solids will obscure the proof 0.4 of 1° of proof.

(53 Stat. 329; 26 U. S. C. 2861)

§ 190.571 *Determining contents by weight.* Rectified spirits containing not more than 0.6 gram or 600 milligrams of saccharine or other solid matter per 100 milliliters which are transferred to portable packages or to a bottling tank mounted on scales may be gauged by weight in accordance with the Gauging Manual (26 CFR Part 186). To this end accurate scales must be provided. Government officers will frequently test, by means of the test weights provided in accordance with § 190.117, the accuracy of the scales used for weighing packages. Scales used for weighing spirits in lots of not over 500 gallons in bottling tanks will be tested from time to time under the supervision of the storekeeper-gauger by means of the test weights provided in accordance with § 190.117. Such scales will be tested by placing the prescribed test weights upon the scales and checking the weight registered on the beam of the scales. The test weights will then be removed without disturbing the beam and the bottling tank filled with spirits or water to the same weight, whereupon the test weights will again be placed upon the scales, the spirits or water being retained in the tank, and the weight registered on the beam checked. This operation will then be continued until the scales have been checked in 500-pound notches at all weights for which the scales are used. Rectifiers will have scales used for weighing spirits in larger lots tested and their accuracy certified by State, county, or city departments of weights and measures at intervals of not more than six months. The storekeeper-gauger will not permit the use of any scales not so tested or which upon testing are found to be inaccurate.

§ 190.572 *Determining contents by measure.* Rectified spirits transferred to a bottling tank not mounted on scales, and spirits, wines, cordials, liqueurs, and other rectified products containing saccharine and other solid matter will be gauged by measure to determine the wine-gallon content, corrected to volume in accordance with the provisions of the Gauging Manual (26 CFR Part 186); the proof-gallon content will then be determined by multiplying the wine-gallon content by the proof (pointed off in two decimal places) of the spirits. If the spirits, wines, cordials, liqueurs, and other rectified products containing saccharine or other solid matter are transferred to packages, the capacity of each package must be ascertained before the liquors are placed therein, or the quantity to be placed in each package must first be ascertained by actual measure in another vessel provided for that purpose: *Provided, however,* That the quantity in wine gallons of any liquor placed in packages may be determined by weight if the specific gravity of the liquor is ascertained and used in calculating the volume.

§ 190.573 *Accuracy required.* The proof of spirits, wines, or other liquors transferred to packages or bottling tanks at rectifying plants, and the wine-gallon and proof-gallon contents of the containers must be accurately determined by the rectifier. Where the actual proof of the contents of a container is found upon test to differ from the proof marked on the container, or where a package is found to contain a larger number of proof or wine gallons than is shown by the markings thereon, the container or package is liable to detention or seizure and forfeiture. When rectified spirits and products are gauged for tax-payment, the Government officer will verify the proof or alcoholic content and the quantity on which the tax is to be paid. Since the amount of tax to be paid on the spirits is determined by the proof-gallon content thereof, the officer should use care in verifying the proof, the weight or measure, and the wine-gallon and proof-gallon contents.

(53 Stat. 304, 329; 26 U. S. C. 2804, 2861)

§ 190.574 *Preparation of Form 237.* A separate Form 237 will be prepared by the rectifier covering the gauge of each lot of packages or each tank filled with rectified spirits or products as provided in § 190.565. All of the information called for on Form 237, as indicated by the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto, and as required by this Part, will be given. Each Form 237 will be given a serial number beginning with 1 for the 1st day of January of each year and running consecutively thereafter to December 31.

RETURN OF SPECIAL PRODUCTS

§ 190.575 *Exemption from processing or bottling requirements.* Where by reason of unusual processes employed in the rectification and bottling of special products, such as sparkling wines, rock and rye, gin ricky, etc., it is impracticable to manufacture the products in processing tanks equipped with glass gauges or other measuring devices, or to bottle the same from bottling tanks so equipped, the Commissioner may exempt the rectifier from such processing and bottling requirements.

§ 190.576 *Application.* Rectifiers desiring to manufacture or bottle such special products under exemption from the regular processing or bottling requirements must file application for such exemption, in triplicate, with the district supervisor, setting forth in detail with respect to each such product the process of manufacture or bottling to be employed, and the necessity therefor.

§ 190.577 *Action on application.* Upon receipt of the application, the district supervisor will make appropriate inquiry and will then forward all copies of the application to the Commissioner, with his findings and recommendation. The Commissioner will indicate his approval or disapproval on all copies of the application and will return two copies to the district supervisor, who will retain one copy and forward the other copy to the applicant.

§ 190.578 *Form 237, modified.* In any case in which such exemption is granted and it is impracticable to gauge the spirits and pay the tax prior to bottling in the usual manner, the tax shall be computed and paid on the contents of the bottles. When so bottled prior to tax-payment, Form 237, modified to fit the circumstances, will be prepared for each lot of such bottled special products upon completion of the bottling, except that where manufacture is completed after bottling, as in the case of champagne, Form 237 will be prepared upon completion of manufacture.

PAYMENT OF RECTIFICATION TAX

§ 190.579 *Form 237.* Where rectified spirits are subject to the rectification tax of 30 cents per proof gallon and are to be tax-paid in packages, Form 237 will be prepared in triplicate. Where rectified spirits are subject to the rectification tax of 30 cents per proof gallon and are to be tax-paid in a tank, Form 237 will be prepared in duplicate, except that an extra copy will be made where the transfer of spirits by pipe line to a contiguous tax-paid bottling house or rectifying plant is authorized, as provided in Subpart DD of this part. In computing the rectification tax, all fractional parts of a proof gallon less than five-hundredths shall be dropped, and fractional parts of five-hundredths or more shall increase the fractional part to the next tenth.

§ 190.580 *Inspection and approval by officer.* All copies of Form 237 will be submitted by the rectifier to the Government officer assigned to the rectifying plant, who will then inspect the rectified spirits. If, after inspection of the rectified spirits and verification of the entries on Form 237, the officer finds the details are correctly given on the form, and that the Form 237 covers lawful tax-paid spirits, he will, after ascertaining from the approved formula the rate of tax applicable, note his approval on each copy of the form and the tax rate to which the spirits are subject. He will then return all copies of the Form 237 to the rectifier.

§ 190.581 *Remittance of tax for packages.* Except as provided in § 190.584, for the tax-payment of spirits and wines in packages filled especially for export with benefit of drawback, if the rectified spirits are to be tax-paid in packages, the rectifier shall, upon receipt of Form 237, duly approved, forward all copies to the collector with remittance for the tax due on the spirits. The remittance shall be in the form set forth in § 190.717.

TAXABLE PRODUCTS IN PACKAGES

§ 190.582 *Spirits.* If Form 237 covers spirits (not including wines) in packages (barrels, kegs, or other containers holding more than 1 wine gallon and not exceeding 130 proof gallons each), the collector will issue a Class B rectified spirits stamp, with proper coupons attached, for each package and will enter the serial numbers of the stamps in the proper column on all copies of Form 237, opposite the package for which the stamp is issued. The collector will retain one copy of Form 237 as his authority for issuing the stamps, and will return the other two copies to the rectifier with the stamps. The rectifier will immediately affix the stamps to the packages and cancel the same and mark the packages, as required by Subparts GG and II of this part. The Government officer will see that the proper tax-paid stamp is securely affixed to each package and canceled and that the package is properly marked. When the packages have been properly stamped and marked, the rectifier will immediately remove them to the finished products room, and mark on each copy of Form 237 the date of such removal, and sign each copy of Form 237 and submit them to the Government officer, who will, after proper verification, sign and date the verification in the space provided therefor and return both copies to the rectifier. The rectifier will immediately forward the original of the form to the district supervisor and will retain the copy on file at the plant available for inspection by Government officers.

(53 Stat. 329; 26 U. S. C. 2831, 2862)

§ 190.583 *Wines.* If Form 237 covers wines, the collector will execute the collector's certificate of tax-payment on each copy of Form 237, retain one copy for his files, and return the other two copies to the rectifier, who will immediately stencil the words "Rectification Tax Paid" on each package, mark the packages as required by Subpart II of this part, and remove them to the finished products room. Form 237 will be completed and disposed of in accordance with § 190.582.

§ 190.584 *Spirits packaged especially for export with benefit of drawback.* If Form 237 covers spirits, wines, cordials, or liqueurs drawn into barrels, casks, drums, or other approved containers, containing not less than 5 wine gallons, especially for export with benefit of drawback, the rectifier shall, upon receipt of Form 237, duly approved, cancel the necessary stamps in the exact amount of the tax due in the manner provided by § 190.718. He shall then attach the stamps to Form 237 and return all copies to the Government officer. The Government officer shall complete the cancellation of the stamps as provided by § 190.718 and shall execute the certificate on Form 237 evidencing the receipt and cancellation of stamps for the amount of taxes due. He shall then return all copies of the Form 237 and the canceled stamps to the rectifier who shall stencil the words "Rectification Tax Paid" on each package, remove the packages to the export storage room, attach the canceled stamps to the original of the Form 237 by means of staple, eyelet or similar device and immediately forward the original and the additional copy of the Form 237 to the district supervisor.

TAXABLE PRODUCTS TO BE BOTTLED

§ 190.585 *Tax-payment.* If Form 237 covers spirits in a bottling tank to be bottled, or wines, cordials, or liqueurs to be bottled in the wine bottling room from the processing receptacle in which compounded, the rectifier will, upon receipt of Form 237, duly approved, cancel the necessary stamps in the exact amount of the tax due in the manner provided by § 190.718. He will then attach the stamps to Form 237 and return all copies to the Government officer. The Government officer will complete the cancellation of the stamps as provided by § 190.718 and will execute the certificate on Form 237 evidencing the receipt and cancellation of stamps for the amount of taxes due. He will then return all copies of Form 237 and the canceled stamps to the rectifier, who will attach the canceled stamps to the original of Form 237 by means of a staple, eyelet, or similar device, and attach one copy of the form to the board provided therefor on the bottling tank, or to the door of the wine bottling room, as the case may be. The spirits will be bottled in accordance with the procedure prescribed in Subpart CC of this part.

§ 190.586 *Disposition of Form 237 and stamps.* Upon the completion of the bottling, the rectifier will execute the certificate of cases filled on all copies of Form 237, sign each copy and submit same to the Government officer, who will, after proper verification, sign and date the verification in the space provided therefor. The bottling tank or wine bottling room copy of the form will be retained in the rectifying plant available for inspection by Government officers. The rectifier will immediately forward the completed original and stamps to the district supervisor.

TAXABLE SPIRITS TO BE TRANSFERRED BY PIPE LINE TO CONTIGUOUS TAX-PAID BOTTLING HOUSE OR RECTIFYING PLANT

§ 190.587 *Certificate of tax-payment.* If Form 237 covers spirits to be transferred by pipe line to a contiguous tax-paid bottling house or rectifying plant, the procedure for taxpaying the spirits will be the same as where the spirits are to be bottled from a bottling tank. The extra copy of the form specified by § 190.579 will be attached after completion to Form 230 on the bottling tank in the contiguous tax-paid bottling house or rectifying plant, as evidence that the proper tax on the spirits therein has been paid. The spirits will be transferred in accordance with the procedure prescribed in Subpart DD of this part.

§ 190.588 *Disposition of Form 237.* Upon completion of the transfer of rectified spirits to the tax-paid bottling house or rectifying plant, there shall be entered on all copies of Form 237 a statement that the spirits described on such form have been transferred by pipe line to bottling tank No. __ in the contiguous tax-paid bottling house or rectifying plant operated by _____, together with the date of such transfer and the serial number of the Form 230, prepared by the receiving proprietor, to which the extra copy of Form 237, prepared by the rectifier, is to be attached. After execution of such statement, the rectifier will submit all copies of the form to the Government officer, who will, after proper verification, sign and date the verification in the space provided therefor. The rectifier will retain his copy of Form 237 at the rectifying plant, available for inspection by Government officers, will immediately furnish a copy of Form 237 to the proprietor of the tax-paid bottling house or rectifying plant to which the spirits are transferred, and will immediately forward the original copy of Form 237 with the canceled stamps to the district supervisor.

TAXABLE SPECIAL PRODUCTS

§ 190.589 *Certificate of tax-payment.* Where the Commissioner has exempted the rectifier from the usual processing and bottling requirements in connection with the manufacture of champagne or other sparkling wines, artificially carbonated wines, or other special products, as provided in § 190.575, and it is impracticable to gauge the spirits and pay the tax prior to bottling in the usual manner, the 30-cent rectification tax will be paid upon completion of the bottling or, if the bottling is only a step in manufacture, upon completion of the manufacture. The rectifier will prepare Form 237, in duplicate, modified to fit the circumstances, and the same procedure will be followed in paying the tax as that prescribed in the case of products to be bottled from bottling tanks. Upon receipt of Form 237 from the Government officer with his certificate of tax-payment executed, and upon payment of the tax due (if any) under section 3030 (a), I. R. C., as provided in § 190.598, the products will be removed to the finished products room.

§ 190.590 *Disposition of Form 237.* Upon removal of the product to the finished products room, the rectifier will enter on each copy of Form 237 a statement that the product described on the form has been tax-paid and removed to the finished products room. The rectifier will sign each copy of Form 237 and submit same to the Government officer, who will, after proper verification, sign and date the verification in the space provided therefor, and return both copies to the rectifier. The rectifier will immediately forward the original copy of Form 237 with the canceled stamps to the district supervisor and retain one copy on file at the plant, available for inspection by Government officers.

PARTIALLY RECTIFIED, TAXABLE PRODUCTS

§ 190.591 *Determination of tax liability.* Where the rectifier desires to remove partially rectified, taxable products, the taxes due thereon must be paid prior to removal of the products from the rectifying room, in the same manner as completely rectified products are taxpaid. If the partially rectified products

are such as are subject to tax under section 3030 (a), I. R. C., in lieu of or in addition to the rectification tax, the rectifier must append to each copy of Form 237 a precise statement as to the extent to which the products have been rectified and as to their present character, in order that the taxes due thereon may be determined. Products subject to tax under section 3030 (a), I. R. C., in lieu of the rectification tax will be so tax-paid, unless the process of manufacture has not been sufficiently completed to bring them within the classification of such articles, in which event the products will be subject to the rectification tax. If the products are such as to be subject to both the rectification tax and tax under section 3030 (a), I. R. C., both such taxes must be paid, unless the process of manufacture has not been sufficiently completed to bring them within the classification of such articles, in which event they will be subject to the rectification tax only. The Government officer will verify the extent of rectification and the present character of the partially rectified products and will forward the Forms 237 with his report to the district supervisor. If the district supervisor is in doubt as to the amount of tax due on the products, he will submit the matter to the Commissioner for a ruling.

§ 190.592 *Stamping and marking packages.* Where partially rectified products, subject to the rectification tax, are transferred to packages for removal, the rectification tax due thereon will be paid pursuant to Form 237, and class B rectified spirits stamps will be issued for and affixed to the packages of spirits and the words "Rectification Tax Paid" will be stenciled on packages of wine, in accordance with the procedure prescribed in this subpart in the case of the tax-payment of completely rectified spirits and wines in packages. If the products are not subject to rectification tax, class A rectified spirits stamps will be issued for and affixed to the packages of spirits and the words "Rectification Tax Exempt" will be stenciled on packages of wine. If the products are subject to tax under section 3030 (a), I. R. C., wine stamps will be affixed to the packages. The packages will be marked as provided in Subpart II of this part, and, if shipped to another rectifier for further rectification, there will be securely affixed to the Government head of each package a label showing that the product is partially rectified, the formula under which the product was partially rectified, and the extent to which the product has been treated.

(53 Stat. 329; 26 U. S. C. 2861, 2862)

§ 190.593 *Transfer to another rectifier.* Where partially rectified, taxable products are transferred to another rectifying plant, after tax-payment in accordance with § 190.591, they will, upon receipt at the receiving plant, be placed in the receiving room of such plant and dumped for further rectification or for bottling, pursuant to approved Forms 122 or Forms 230, as the case may be. Where the products are subjected to any further rectifying treatment or process at the receiving plant, additional rectification tax must be paid thereon: *Provided, however,* That where the product manufactured by the additional rectifying process is subject to tax under section 3030 (a), I. R. C., in lieu of the rectification tax, and the tax levied by such section was not paid on the product at the time of removal from the first rectifying plant, tax will be paid under such section in lieu of the rectification tax. If tax was paid on the products under section 3030 (a), I. R. C., either in lieu of or in addition to the rectification tax, at the time of partial rectification and the products are subjected to further rectification at the receiving plant, a second rectification tax must be paid thereon.

§ 190.594 *Transfer to successor.* Where the rectifier desires to transfer partially rectified products to a successor at the same premises, the procedure prescribed in Subpart OO of this part will be followed.

PRODUCTS EXEMPT FROM RECTIFICATION TAX

§ 190.595 *Spirits and wines in packages.* Where the rectified spirits or products (not including wines) are not subject to the 30-cent rectification tax and are filled into packages, Form 237 will be prepared in triplicate and the same procedure will be followed as in the case of such spirits or products subject to the rectification tax, except that the officer approving the form will, if the spirits or products are exempt from tax, make the notation "No tax due" on each copy, the rectifier will send no remittance to the collector when submitting the approved forms to him, and the collector will issue no-value class A rectified spirits stamps for the packages. The same procedure will be applicable where the rectifier desires to remove tax-free blended wines in packages, except that Form 237 will be prepared in duplicate and in lieu of forwarding such form to the collector for the issuance of no-value class A stamps, the rectifier will stencil the words "Rectification Tax Exempt" on each package.

(53 Stat. 329; 26 U. S. C. 2861, 2862)

§ 190.596 *Approval of bottling tax-exempt products.* Where rectified spirits or products are not subject to the 30-cent rectification tax and are transferred directly to a bottling tank for bottling or to the wine bottling room for bottling from the processing receptacle in which compounded, as provided in Subpart CC of this part, Form 237 will be prepared in duplicate, and the same procedure will be followed as in the case of bottling of spirits or products subject to the rectification tax, except that the officer approving the form will, if the spirits or products are exempt from tax, make the notation "No tax due" on each copy, and none of the forms will be sent to the collector.

§ 190.597 *Approval of pipe line transfer of tax-exempt products.* Where rectified spirits or products are not subject to the 30-cent rectification tax and are transferred directly to a tank for conveyance by pipe line to a contiguous tax-paid bottling house or rectifying plant for bottling, Form 237 will be prepared in triplicate and the same procedure will be followed as in the case of the transfer by pipe line to a contiguous tax-paid bottling house or rectifying plant of products subject to the rectification tax, except that the officer approving the form will, if the products are exempt from tax, make the notation "No tax due" on each copy, and none of the forms will be sent to the collector.

PAYMENT OF TAX UNDER SECTION 3030 (a), I. R. C.

§ 190.598 *Time of payment.* Where rectified products subject to tax under section 3030 (a), I. R. C., in lieu of, or in addition to, the 30-cent rectification tax are manufactured, the taxes due under section 3030 (a), I. R. C., will be paid as provided in § 190.599. The 30-cent rectification tax, if due, will be paid in accordance with the procedure prescribed in §§ 190.579–190.584.

§ 190.599 *Payable by use of wine stamps.* Wine stamps will be used for the payment of taxes due under section 3030 (a), I. R. C., and for the payment of any additional wine tax due by reason of a change in the taxable grade of wine, or by an increase in the volume of wine, as provided in this part. Such stamps will be canceled and attached to the original copy of Form 237 in the manner provided in § 190.585.

(53 Stat. 347, as amended; 26 U. S. C. 3030)

SUBPART CC—BOTTLING OF RECTIFIED SPIRITS AND PRODUCTS

§ 190.615 *Bottling tank to be used.* Except as provided in §§ 190.120, 190.575 and 190.620, all rectified spirits or products to be bottled will be transferred to an approved bottling tank and an accurate gauge thereof made and reported on Form 237, as provided in Subpart BB of this part. Rectified spirits and products may be bottled only after approval of Form 237 by the Government officer assigned to the rectifying plant, and, if the spirits and products are subject to the rectification tax, upon payment of such tax as provided by §§ 190.585–190.598.

§ 190.616 *Request to open inlet of bottling tank.* When a rectifier desires to transfer spirits to a bottling tank, and the inlet thereof is locked, he will request the Government officer to unlock the inlet of the tank to permit the transfer of the spirits thereto. Where a Government officer is not assigned to continuous duty at the rectifying plant, and is not available, the rectifier will request the district supervisor to detail an officer to the duty.

§ 190.617 *Transfer of spirits to bottling tank.* At the time of unlocking the inlet of the bottling tank, the Government officer will lock the outlet thereto, which must remain locked until the spirits have been transferred to the bottling tank, the inlet locked, the quantity of spirits in the bottling tank determined, Form 237 prepared and approved, and the rectification tax and tax due under section 3030 (a), I. R. C., if any, paid in accordance with the procedure prescribed in Subpart BB of this part.

(53 Stat. 347, as amended; 26 U. S. C. 3030)

§ 190.618 *Release of spirits from tank.* Upon presentation by the rectifier of Form 237 in the case of spirits subject to rectification tax, and upon conformance with the tax-payment procedure prescribed by § 190.585, the Government officer will unlock the outlet of the tank and permit the spirits to be bottled. If Form 237 covers spirits exempt from rectification tax, the Government officer will, upon presentation of the form to him, determine if the form agrees with the contents of the bottling tank, and, if it so agrees, he will execute his certificate and the approval statement on the form, lock the inlet and unlock the outlet of the tank and allow the spirits to be bottled. The inlet of the bottling tank will remain locked, except as authorized in § 190.128, until all spirits within the tank have been bottled and the outlet has been locked. Form 237 will then be completed and disposed of as provided in § 190.586.

§ 190.619 *Filling tank in officer's absence.* Where a Government officer, who is not assigned to continuous duty at the rectifying plant, is present thereat after the bottling of a lot of spirits has been completed, he will lock the outlet and unlock the inlet of the bottling tank. When such is done, the tank may be filled in the absence of the Government officer, Form 237 prepared, and, upon approval thereof, the tax due, if any, paid as prescribed in §§ 190.585 and 190.598.

§ 190.620 *Bottling from processing receptacle.* Where authorized by the district supervisor, wines and certain cordials and liqueurs that require bottling from the processing receptacle in which compounded may be so bottled in the wine bottling room, provided for the purpose in accordance with § 190.98. A rectifier desiring to so bottle such liquors must request approval of the district supervisor in writing, describing the liquors and showing the necessity for bottling same from the processing receptacle. The district supervisor will authorize the bottling from processing receptacles of only those wines, cordials and liqueurs which it is impracticable to bottle from the prescribed bottling tank.

§ 190.621 *Transfer of products to wine bottling room.* Where the rectifier desires to bottle from processing receptacles wines, cordials, or liqueurs authorized to be so bottled, such receptacles will be placed in the wine bottling room, an accurate gauge made of the contents, Form 237 prepared and approved, and the tax thereon paid, as provided in Subpart BB of this part. The wine bottling room will be locked by the Government officer with a Government lock pending payment of the rectification tax, if any, and bottling.

§ 190.622 *Release of products from wine bottling room.* Upon presentation by the rectifier of Form 237 in the case of products subject to the rectification tax, and upon conformance with the tax-payment procedure prescribed by § 190.585, the Government officer will permit the products to be bottled. If the Form 237 covers products exempt from the rectification tax, and if the form agrees with the contents of the receptacles, the Government officer will execute his certificate and the approval statement on the form, and permit the products to be bottled. Form 237 will be completed and disposed of as provided in § 190.586.

§ 190.623 *Separate Form 237 for each tank.* A separate Form 237 must be prepared for each tank of spirits to be bottled, or to be transferred by pipe line to contiguous premises, and the same procedure will be followed for each tank.

§ 190.624 *Separate bottling of taxable and tax exempt spirits.* Spirits subject to tax, and spirits not subject to tax, may not be bottled at the same time in the rectifying plant, unless two or more complete and separate bottling units are provided and the products are kept completely separate and apart.

§ 190.625 *Unauthorized bottling forbidden.* Spirits may not be bottled from any vessel, tank, or receptacle other than a designated and approved bottling tank, except as otherwise provided in §§ 190.575 and 190.620; nor may spirits be bottled without notice to the Government officer assigned to the rectifying plant or the district supervisor, as required in this subpart.

(53 Stat. 374; 26 U. S. C. 3173)

§ 190.626 *Completion of bottling.* When the contents of a bottling tank are not completely bottled at the close of the day the rectifier shall enter on the copy of Form 237 attached to the bottling tank the total quantity bottled that day from such tank, giving all the information required by the form. The Form 237 shall be kept on the tank until the entire contents are bottled. Upon completion of the bottling the rectifier will remove Form 237 from the bottling tank and such form will then be completed and disposed of as provided in Subpart BB of this part.

§ 190.627 *Remnants.* Where, upon the completion of bottling, there remain bottles less than the number necessary to fill a case, which are not to be removed in accordance with the provisions of § 190.795, such bottles will, after being stamped and labeled in accordance with this part, be removed to the finished products room, where they will be used for filling orders for less than a full case of such spirits, or, when a sufficient number of such bottles have been accumulated, they may be placed in regular cases. Appropriate notation will be made on Form 237 and Form 45 to show the quantity removed to the finished products room as a remnant.

§ 190.628 *Liquor bottles.* The proprietor of a rectifying plant must comply with the provisions of Regulations 13 (26 CFR Part 175), respecting the use of liquor bottles and other containers for rectified and unrectified products. Marked liquor bottles may not be used for packaging wines containing 24 per cent or less of alcohol by volume, or products manufactured with such wines, unless such products contain distilled spirits other than those used in fortifying the wine. Bottles must be filled as nearly as possible to conform to the amount stated on the stamp, and on the label or bottle, to be contained therein, but in no event may the amount of spirits contained in any bottle due to the lack of uniformity of the bottles, vary more than 2 percent from the amount stated to be contained therein and, further, in such case there shall be substantially as many bottles overfilled as there are bottles underfilled for each lot of spirits bottled as reported on Form 230 or 237.

(53 Stat. 331; 26 U. S. C. 2871)

§ 190.629 *Red strip stamps.* The proprietor of a rectifying plant must affix over the mouth of each bottle of distilled spirits and compounds containing distilled spirits filled at his plant, except distilled spirits bottled especially for export with benefit of drawback, a red strip stamp, as provided in Subpart GG of this part. Red strip stamps shall not be affixed to bottles of wines containing 24 per centum or less of alcohol by volume, or products manufactured with such wines, unless such products contain distilled spirits other than those used in fortifying the wine.

(53 Stat. 303, as amended; 26 U. S. C. 2803)

§ 190.630 *Labels for distilled spirits.* The labels used by rectifiers on bottles of distilled spirits and compounds containing distilled spirits must be covered by a certificate of approval of labels of domestically bottled distilled spirits (Form 1649), or a certificate of exemption from label approval for distilled spirits (Form 1650), issued under Regulations 5 (27 CFR Part 5), issued under the Federal Alcohol Administration Act, as provided in Subpart HH of this part. Labels covered by a certificate of exemption from label approval affixed to bottles of a capacity of one-half pint or more but not exceeding 1 gallon, in which distilled spirits or compounds containing distilled spirits are packaged for sale at retail, must conform to the provisions of Regulations 13 (26 CFR Part 175).

(53 Stat. 331; 26 U. S. C. 2671)

§ 190.631 *Labels for wines.* The labels used by rectifiers on bottles or packages of wines must be covered by a certificate of approval of labels of wine domestically bottled or packed (Form 1649), or a certificate of exemption from label approval for wine (Form 1650), issued under Regulations 4 (27 CFR Part 4), issued under the Federal Alcohol Administration Act. Each bottle in which wine is packaged by a rectifier must bear a securely affixed label showing the name and address of the rectifier; the kind of wine; the alcoholic content by volume, except that if not over 14 percent it may be so stated; and the net contents of the bottle, unless legibly blown in the bottle: *Provided,* That where the wines are bottled for a dealer under a certificate of exemption from label approval, the name and address of such dealer may be substituted for the name and address of the rectifier, if the name and

address of the dealer are preceded by the words "Bottled for" or "Bottled expressly for" and the number of the rectifying permit of the rectifier is shown on the label. A separate label showing the data specified in the previous sentence need not be affixed to the bottle if such data is shown on the label covered by the certificate issued under the Federal Alcohol Administration Act regulations.

§ 190.632 *Removal to finished products room.* Upon completion of bottling, the filled bottles, with labels and red strip stamps (where required) properly affixed, must be placed in cases marked in accordance with Subpart II of this part, the filled cases then sealed and stamps representing tax (if any) due under section 3030 (a), I. R. C., attached thereto and canceled as provided in Subpart GG of this part, after which such cases must be immediately removed to the finished products room, except as provided in § 190.99: *Provided*, That the district supervisor may authorize the rectifier to remove to the finished products room, for storage therein pending the receipt of orders, affixing of brand labels or State stamps, or for other acceptable reasons, a reasonable number of unsealed cases of spirits in bottles bearing strip stamps (where required) and labels fully describing the contents, upon condition that the brand labels, if missing, will be affixed and the cases sealed before shipment.

SUBPART DD—TRANSFER OF SPIRITS BY PIPE LINE FROM RECTIFYING PLANT TO CONTIGUOUS TAX-PAID BOTTLING HOUSE OR RECTIFYING PLANT FOR BOTTLING

§ 190.650 *District supervisor may authorize.* The district supervisor may, in his discretion, authorize the installation of a pipe line for the transfer of spirits from bottling tanks and also from weighing and processing tanks conforming to the requirements of § 190.124, in the rectifying plant to bottling tanks in a contiguous tax-paid bottling house or rectifying plant for bottling.

§ 190.651 *Application.* A rectifier who desires to transfer spirits by pipe line to a contiguous tax-paid bottling house or rectifying plant for bottling, must file application, in triplicate, with the district supervisor, showing the relative position of the plants and the ownership thereof, and giving a description of the proposed pipe line and the reasons why it is desired to transfer spirits to the contiguous tax-paid bottling house or rectifying plant for bottling.

§ 190.652 *Action on application.* Upon receipt of the application, the district supervisor will make such inquiry as he may deem necessary to determine the propriety of granting the permission sought. He will then indicate his approval or disapproval on all copies of the application, and will return one copy to the applicant. Where the application is approved, the rectifier will, upon installation of the pipe line, file amended rectifier's notice on Form 27–B, and plans, as provided in § 190.274 in the case of major changes in equipment and an amended plat. The district supervisor will take appropriate action, pursuant to Subpart O of this part, prior to use of the pipe line. If the application is disapproved, the district supervisor will return all copies of the application to the applicant with advice as to the reasons for disapproval.

§ 190.653 *Request for transfer of spirits.* Where the transfer of spirits by pipe line from the rectifying plant to bottling tanks in the contiguous tax-paid bottling house or rectifying plant is authorized, the rectifier will, whenever he desires to so transfer spirits, submit Form 237 or Form 230 to the Government officer and request him to unlock the valve in the pipe line and to supervise the transfer of the spirits. Where the spirits to be transferred are subject to tax, the officer will not permit the transfer thereof to the bottling tanks in the contiguous tax-paid bottling house or rectifying plant unless all tax due has been paid.

§ 190.654 *Transfer of spirits.* When spirits are to be so transferred, the Government officer will see whether the contents of the tank agree with the Form 237 or Form 230, and if found in agreement, and if all taxes due on the spirits have been paid, he will unlock the valve or valves in the pipe line controlling the flow of spirits to the bottling tanks in the contiguous tax-paid bottling house or rectifying plant and permit the rectifier to transfer the spirits under his supervision. Immediately the spirits have been transferred, the proprietor will close the pipe line valve or valves and the Government officer will apply the Government locks thereto. Form 237, prepared as required by this part, will be completed and disposed of as provided in §§ 190.588 and 190.597. Form 230, likewise prepared, will be completed and disposed of as provided in § 190.694.

SUBPART EE—RECTIFICATION AND BOTTLING OF DISTILLED SPIRITS AND WINES ESPECIALLY FOR EXPORT WITH BENEFIT OF DRAWBACK

§ 190.670 *General.* Under the law any distilled spirits and wines on which the internal revenue tax has been paid may be rectified and bottled or packaged especially for export at a rectifying plant or rectified at a rectifying plant for bottling or packaging especially for export by a qualified bottler or packer other than the rectifier, and unrectified domestic distilled spirits and wines on which the internal revenue tax has been paid may be bottled or packaged especially for export in a rectifying plant.

(53 Stat. 377, as amended; 26 U. S. C. 3179)

§ 190.671 *Extent of drawback allowance.* Upon the exportation of distilled spirits and wines so manufactured or produced and tax-paid in the United States and bottled or packaged especially for export, there may be allowed a drawback equal in amount to the tax found to have been paid thereon.

(53 Stat. 377, as amended; 26 U. S. C. 3179)

§ 190.672 *Procedure.* The rectification, bottling, and packaging of distilled spirits and wines especially for export, the rectification of distilled spirits and wines to be bottled or packaged especially for export by a qualified bottler or packer other than the rectifier, the bottling and packaging of unrectified domestic distilled spirits and wines especially for export, the storage pending exportation of distilled spirits and wines bottled or packaged especially for export, the exportation of the spirits or wines, including the lading thereof on vessels for use as ship's supplies and on aircraft for use as aircraft's supplies, and the allowance of drawback thereon shall be in accordance with the provisions of Regulations 28 (26 CFR Part 176).

(53 Stat. 377, as amended; 26 U. S. C. 3179)

SUBPART FF—BOTTLING OF UNRECTIFIED SPIRITS AND WINES

§ 190.685 *Application, Form 230.* Proprietors of rectifying plants desiring to bottle tax-paid distilled spirits or wines without rectification will execute application on Form 230, in duplicate, or in triplicate if the spirits are to be transferred for bottling, giving all of the data called for by the form, as indicated by the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto, and as required by this part. The rectifier will enter in the space provided therefor on Form 230 the details of the withdrawal gauge for tax-payment when packages of spirits are to be dumped for bottling, or when liqueurs or cordials are authorized to be bottled from the original package, or when spirits received in a tank car or by pipe line are conveyed directly into one bottling tank. When spirits received in a tank car or by pipe line are conveyed directly into more than one bottling tank, or where spirits are withdrawn from a storage tank and run either directly or through a dumping and reducing tank into one or more bottling tanks, the rectifier will enter on a separate Form 230 the details of gauge of each bottling tank giving all applicable information. Each Form 230 will be given a serial number beginning with "1" for the 1st day of January of each year and running consecutively thereafter to December 31, inclusive. A separate Form 230 must be prepared for each tank of spirits to be bottled or to be transferred by pipe line to contiguous premises and the same procedure will be followed for each tank.

(53 Stat. 300, as amended; 26 U. S. C. 2901)

§ 190.686 *Scalping stamps.* The rectifier will cut out with a sharp instrument that portion of the tax-paid stamp, rectified spirits stamp, customs stamp, or wholesale liquor dealer's stamp on each package of spirits to be bottled without rectification, which is required to be cut out at the time spirits are dumped for rectification, as provided in Subpart X of this part. The cut-out portions of the stamps will be securely attached to a slip of paper in such manner that the data thereon may be readily examined and such slip of paper bearing the cut-out portions of the stamps will be securely attached to the original Form 230.

§ 190.687 *Unstamped spirits.* Where the stamp on a package of spirits to be dumped for bottling without rectification has been lost or mutilated, so that the required portion thereof cannot be returned, or where spirits received in tank cars bearing certificate of tax-payment, Form 1525, or where spirits are received by pipe line from premises other than a rectifying plant, or where spirits in stamped bottles, or wines, are to be dumped for bottling without rectification, the same procedure will be followed as that prescribed in §§ 190.430–190.433 in the case of the dumping of spirits or wines from such containers for rectification. When spirits are received by pipe line from a rectifying plant, an explanatory statement will be made in the columns provided for the description of stamps on Form 230, as "see Form 230, Serial No. ------, dated ----------."

§ 190.688 *Approval by officer.* All copies of Form 230 will be submitted to the Government officer asigned to the plant for approval, with a request to unlock and lock the stopcocks on the bottling tank. When packages of spirits are to be dumped for bottling, the proprietor will submit with Form 230 a copy of the withdrawal gauge for tax-payment (Form 1520), and the Government officer will examine the packages described on the form, the withdrawal gauge for tax-payment, and the cut-out portions of the tax-paid stamps, or the affidavit or statement in lieu thereof, attached to one copy of the form. When spirits are received by pipe line from contiguous premises (other than rectifying plants) and are conveyed directly into bottling tanks, the Government officer will compare the kind and quantity described on the form with the kind and quantity reported tax-paid on the withdrawal gauge for tax-payment (Form 703–A, 1440, or 1520, as the case may be). When spirits are received by pipe line from contiguous rectifying plants, and are conveyed directly into bottling tanks, the Government officer will compare the kind and quantity described on Form 230 with the kind and quantity reported transferred on Form 230, or Form 237, as the case may be, attached to a copy of Form 230 submitted by the rectifier. The serial number of the copy of Form 230, or Form 237, received from the rectifier, will be noted by the proprietor on both copies of Form 230 prepared by him. Where spirits to be bottled have been transferred from storage tanks to bottling tanks, the Government officer will compare the kind and quantity described in the application with the kind and quantity reported withdrawn on Form 703–A, 1440, or 1520, as the case may be, attached to the storage tank. If the Government officer finds that the spirits to be bottled have been lawfully tax-paid, and the forms are properly prepared, he will execute his certificate and the authorization for bottling and return all copies to the rectifier. Spirits may be bottled at a rectifying plant without rectification only after approval of Form 230 by the Government officer.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 190.689 *Transfer of packages of spirits to bottling tank.* Upon approval of Form 230 by the storekeeper-gauger, as provided in § 190.688, the rectifier will, in the case of packages, dump the spirits and run them either directly or through a dumping and reducing tank into a bottling tank.

§ 190.690 *Bottling tank gauge.* The rectifier will make an actual gauge of the spirits in the bottling tank after they have been reduced to bottling proof, where such reduction is permissible, and before they are released by the Government officer for bottling. The proof of spirits shall be adjusted to a whole degree of proof preparatory to filling bottles. Adjusting the proof to tenths of a degree, either above or below the whole or complete degree, will not be permitted: *Provided*, That when spirits are being prepared for bottling and are to be bottled and labeled in tenths of a degree of proof, such as 86.4 the proof of the spirits shall be adjusted to such tenths of a degree of proof. The restoration to the original proof and volume of rectified spirits upon which the rectification tax has been paid, by the addition of water, preparatory to bottling, shall not be deemed a reduction in proof or an increase in volume within the meaning of section 2301 (b) of the Internal Revenue Code. The proof in each instance shall be verified as to accuracy by the Government officer. The details of such gauge (calculated or corrected to volume in accordance with the provisions of the Gauging Manual (26 CFR Part 186)) will be entered in the space provided therefor on all copies of Form 230, and one copy of the form will be attached to the bottling tank.

§ 190.691 *Bottling tank to be used.* All spirits bottled at a rectifying plant must be bottled from approved bottling tanks: *Provided*, That the district supervisor may authorize the bottling of wines and certain cordials and liqueurs that require bottling from the original package in the wine bottling room. A rectifier desiring to so bottle such liquors must request approval of the district supervisor in writing, describing the liquors and showing the necessity for bottling the same from the original package. The district supervisor will authorize the bottling from the original package of only those wines, cordials, and liqueurs which it is impracticable to bottle from an approved bottling tank.

§ 190.692 *Locking of bottling tank.* At the time of opening the inlet to the bottling tank, the Government officer will lock the outlet thereof, which must remain locked until the spirits have been transferred to the tank, the inlet locked and the quantity of spirits in the tank determined. The inlet of the bottling tank will remain locked (except as provided in § 190.128) until all spirits within the tank have been bottled and the outlet has been locked.

§ 190.693 *Transfer of products to wine bottling room.* Where the rectifier desires to bottle from the original package wines, cordials, or liqueurs authorized by the district supervisor to be so bottled, such packages will be placed in the wine bottling room and Form 230 will be prepared and submitted to the Government officer assigned to the rectifying plant for approval; but no bottling will be done until the packages have been inspected by an authorized Government officer and an actual gauge of the spirits has been made and the details of such gauge entered on Form 230. When wines, cordials, or liqueurs are to be bottled in the wine bottling room, the rectifier will attach one copy of the approved Form 230 to the door of such room.

§ 190.694 *Disposition of Form 230—Transfer.* Upon completion of the transfer of spirits to the tax-paid bottling house or rectifying plant, there shall be entered on all copies of Form 230 a statement that the spirits described on such form have been transferred by pipe line to Bottling Tank No. -------- in the contiguous tax-paid bottling house or rectifying plant operated by ---------- ----------, together with the date of such transfer and the serial number of the Form 230, prepared by the receiving proprietor, to which the extra copy of Form 230, prepared by the rectifier, is to be attached. After execution of such statement, the rectifier will submit all copies of the form to the Government officer, who will, after proper verification, sign and date the verification in the space provided therefor. The rectifier will retain his bottling tank copy of Form 230 at the rectifying plant, available for inspection by Government officers, will immediately furnish a copy of Form 230 to the proprietor of the tax-paid bottling house or rectifying plant to which the spirits are transferred, and will immediately forward the original copy of Form 230, with the cut-out portions of the tax-paid stamps, or the statements, or affidavit and statement required in lieu thereof, to the district supervisor who will determine that such stamps, etc., are attached to the form.

§ 190.695 *Preparation of statement of composition.* Where spirits are to be removed for bottling elsewhere, the rectifier shall prepare a statement of composition identifying the spirits and providing such information as will, in conjunction with the information shown on the packages or on Form 230 covering pipe line transfer, permit verification of the label proposed to be used in bottling. The statement must include all pertinent information which is mandatory on the label for the particular product. Such statement shall be signed by the rectifier and delivered to the storekeeper-gauger in charge, who, if he finds the spirits properly described, shall certify thereto by signing his name and title under the word "Verified." The statement shall be returned to the rectifier for forwarding to the purchaser of the spirits or to the proprietor of the premises where the spirits are to be bottled.

§ 190.696 *Rinsing of barrels; destruction of stamps, marks, etc.* When packages of spirits are dumped for bottling without rectification the provisions of §§ 190.440, 190.442, 190.443, and 190.496, respecting the destruction of stamps and marks and brands, the rinsing of barrels and wood chips contained therein, and the disposition of wood chips, when pack-

ages of spirits are dumped for rectification, shall be applicable.

(53 Stat. 330; 26 U. S. C. 2866)

§ 190.697 *Mingling of different spirits prohibited.* Spirits of less than 190 degrees of proof which were produced from different materials, or by two or more distillers, or at two or more distilleries, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may not be mingled in a dumping and reducing or bottling tank for convenience in bottling. Examples of spirits which are otherwise heterogeneous are spirits which have been quick-aged and spirits which have not been quick-aged, and spirits which have been stored in different kinds of cooperage. Such spirits of the same composition, produced at aproximately the same proof by the same distiller at the same distillery, and differing in age (a) not more than 6 months in the case of spirits more than 2 years of age, (b) not more than 60 days in the case of spirits more than 1 year and not more than 2 years of age, or (c) not more than 30 days in the case of spirits one year of age, or less, and packaged in the same kind of cooperage will be presumed to be homogeneous, and may be mingled in a dumping and reducing or bottling tank for convenience in bottling. Where it is desired to mingle spirits falling within more than one of the age categories specified, the difference in age allowable shall be determined according to the age of the younger spirits. For example, if spirits not more than one year of age are mingled with spirits more than 1 year old, the spirits must not vary in age more than 30 days. Packages of blended or rectified spirits filled from the same blend or rectification, or from different blends or rectifications made with precisely the same spirits under the same formula, packaged in the same kind of cooperage, and stored under the same conditions, will likewise be presumed to be homogeneous, and may be dumped together for convenience in bottling. Spirits of 190 degrees of proof or more, distilled from the same class of materials (such as grain) will be presumed to be homogeneous and may be mingled in a dumping and reducing or bottling tank for convenience in bottling.

(53 Stat. 335, as amended, 391; 26 U. S. C. 2383, 3254; sec. 5, 49 Stat. 981, as amended; 27 U. S. C. 205)

§ 190.698 *Testing of spirits dumped together for bottling.* Whenever there is doubt as to whether the dumping together of the contents of two or more containers of spirits constitutes rectification, a sample of each component of the proposed mixture should be compared with a sample of the final mixture by chemical analysis and by taste, color, and other tests to ascertain whether the mixture is homogeneous with each of its component parts. The regular dumping together of spirits of different ages, or different blends or rectifications, at the time of bottling is indicative of blending (rectification). The district supervisor will make appropriate inquiry where such dumping is done pursuant to Form 230 to determine whether the mass of spirits dumped together is homogeneous with each of its component parts.

§ 190.699 *Reduction of spirits.* Processing tanks may not be used for the dumping and reducing of spirits to be bottled without rectification. Spirits may be reduced in proof in storage, dumping and reducing, or bottling tanks, prior to the commencement of bottling. The reduction in proof or the increasing in volume of rectified spirits on which the rectification tax has been paid is, however, prohibited by law, unless the spirits are again rectified and the rectification tax again paid thereon. However, the restoration to the original proof and volume of rectified spirits upon which the rectification tax has been paid, by the addition of water, preparatory to bottling, shall not be deemed a reduction in proof or an increase in volume within the meaning of section 2801 (b), I. R. C. Section 2801 (b), I. R. C., is not applicable to the reduction of imported spirits rectified abroad, or spirits rectified in Puerto Rico, or the Virgin Islands, or of domestically rectified spirits exempt from rectification tax.

(53 Stat. 300, as amended; 26 U. S. C. 2801)

§ 190.700 *Filtration.* Spirits dumped for bottling without rectification may be filtered before being bottled, provided that the method of filtering employed is such as will not constitute rectification. (See Subpart Y of this part.)

§ 190.701 *Completion of bottling.* When the contents of a bottling tank are not completely bottled at the close of the day the rectifier shall enter in his certificate on the copy of Form 230 attached to the bottling tank the total quantity bottled that day from such tank, giving all the information required by the form. The Form 230 shall be kept on the tank until the entire contents are bottled. Upon completion of the bottling the rectifier will remove Form 230 from the bottling tank, complete the execution of his certiffcate on all copies, and submit it to the Government officer for verification.

§ 190.702 *Remnants.* Remnants left over upon completion of the bottling of unrectified spirits will be disposed of in accordance with the procedure prescribed in § 190.627 for the disposition of remnants of rectified spirits, except that notation of the removal of the spirits to the finished products room will be made on Form 230 in lieu of Form 237.

§ 190.703 *Disposition of Form 230—Bottling.* Immediately after the completion of the bottling and the proper completion of Form 230, the rectifier will forward the original copy of the form, with the cut-out portions of the tax-paid stamps, or the statements, or affidavit and statement, required in lieu thereof, to the district supervisor, and will file the remaining copy as a permanent record at the plant available for inspection by Government officers. Where the spirits were transferred to the rectifying plant for bottling from a contiguous rectifying plant, the bottling Form 230 with the extra copy of Form 230 or Form 237 attached as evidence of the tax-paid status of the spirits, as provided by §§ 190.588, 190.597, and 190.694, will be filed by the proprietor. The original copy of Form 230 will be forwarded immediately to the district supervisor.

§ 190.704 *Unrectified products to be kept separate.* When unrectified spirits or wines are being bottled in a rectifying plant, such liquors must be kept completely separate and apart from rectified spirits and products.

§ 190.705 *Removal to finished products rooms.* Upon completion of the bottling of spirits or wines without rectification the filled bottles, with labels and red strip stamps (where required) properly affixed, must be placed in cases marked in accordance with Subpart II of this part, the filled cases then sealed and imediately removed to the finished products room, except as provided in § 190.09: *Provided*, That the district supervisor may authorize the rectifier to remove to the finished products room for storage therein pending receipt of orders, affixing of brand labels or State stamps, or for other acceptable reasons, a reasonable number of unsealed cases of spirits in bottles bearing strip stamps (where required) and labels fully describing the contents, upon condition that the brand labels, if missing, will be affixed and the cases sealed before shipment.

§ 190.706 *Rebottling, relabeling, and restamping of bottled spirits.* Where distilled spirits packaged in bottles are to be rebottled for domestic sale, the bottles, if of a capacity of one-half pint or greater and not exceeding 1 gallon, must conform to the requirements of Regulations 13 (26 CFR Part 175). The new label must be covered by an appropriate certificate of label approval (Form 1649) or a certificate of exemption from label approval (Form 1650). If the new label is covered by a certificate of exemption from label approval, it must conform to the requirements of Regulations 13. If the spirits have left the possession of the original bottler and are to be relabeled without rebottling, authorization to relabel the spirits must be obtained in accordance with Regulations 4 and 5 (27 CFR Parts 4 and 5) issued pursuant to the Federal Alcohol Administration Act and submitted to the Government officer assigned to the plant. Whenever bottled distilled spirits are dumped for rebottling, the red strip stamps on the bottles must be destroyed at the time of dumping, and new red strip stamps must be affixed to the bottles in which the spirits are rebottled. Such rebottling, relabeling, and restamping operations will be performed under the supervision of the Government officer. All products rebottled will be dumped pursuant to Form 230 and will be reported on Form 45 in accordance with the instructions printed thereon.

(53 Stat. 303, as amended, 331; 26 U. S. C. 2803, 2871)

SUBPART GG—STAMPS

RECTIFIED SPIRITS STAMPS (FOR BOTTLING TANKS)

§ 190.715 *Denominations; purchase and use.* Stamps for the tax-payment of rectified spirits in bottling tanks may be purchased in various denominations. The denominations of such stamps are set forth on Form 427–C. Rectified spirits stamps for tax-paying the contents of bottling tanks should be purchased by rectifiers from the collector of internal revenue of the district in which the rectifying plant is located. Stamps may not be purchased by one rectifier from another, nor may they, except in cases of emergency, be purchased from collectors of other districts. Stamps may be sold only to proprietors of rectifying plants and only for the payment of tax on rectified spirits. Rectifiers shall not sell or transfer stamps except that they may transfer such stamps to other rectifying plants operated by themselves as provided in § 190.719 pursuant to the prior approval of the district supervisor; or return such stamps for redemption in accordance with § 190.720. Rectified spirits stamps used or unused may not be purchased, sold, or possessed, except as specifically provided by law or this part.

(53 Stat. 375, 398; 26 U. S. C. 3175, 3300)

§ 190.716 *Form 427–C.* With each purchase of stamps the rectifier will submit to the collector Form 427–C, in triplicate, properly executed. The collector will stamp the date of sale on all copies of Form 427–C, return one copy to the rectifier with the stamps and send one copy to the appropriate district supervisor. The remaining copy of Form 427-C will be filed in the collector's office so that all purchase of stamps may be verified at any time. The collector will refuse to sell stamps when such form is not submitted.

§ 190.717 *Remittance; delivery.* All orders for stamps must be accompanied by cash, certified, cashiers' and treasurers' checks drawn on National and State banks and trust companies, United States postal notes, and postal, bank, express, and telegraph money orders, in a sum equal to the value of the stamps. Unless the stamps are called for by the rectifier or his agent in person, they will be sent to him by ordinary mail, registered mail, or express, at the expense of the rectifier. When the stamps are not called for in person, the rectifier will specify on Form 427–C the means (ordinary mail, registered mail, or express) by which he desires the stamps sent to him. If the stamps are ordered to be sent by ordinary mail, the rectifier shall enclose with his order sufficient postage stamps, or a separate remittance to cover the postage; if the stamps are ordered to be sent by registered mail, the rectifier shall include the postage and registry fee and any required registry surcharge, as provided by the postal laws and regulations. If the remittance is other than cash, the sum to cover the postage, registry free, or surcharge, must not be included in the remittance covering the cost of the stamps. The local postmaster should be consulted relative to the amount of the registry fee and surcharge required. Stamps forwarded by express will be sent "collect."

(53 Stat. 447, as amended; 26 U. S. C. 3656)

§ 190.718 *Manner of cancelling stamps.* At the time of delivery of the stamps to the Government officer for payment of the rectified spirits tax, the rectifier shall cancel the stamps by legibly writing or stamping on each stamp with indelible (India) ink his name, registry number, and the serial number of Form 237. The tax-paid stamps must be further canceled by being signed by the Government officer, followed by his title. Facsimile signatures of Government officers on stamps may be affixed by the use of hand stamps, provided care is taken to use only such ink as will neither fade nor blur.

§ 190.719 *Transfer to other premises.* When the rectifying plant is permanently discontinued, or the proprietor has no use for the stamps thereat and the proprietor operates other rectifying plants in which the stamps could be used, he may transfer the stamps to such other premises for use thereat. Permission to so transfer stamps to other premises must be first obtained from the district supervisor. If the rectifying plant to which the stamps are to be transferred is located in another supervisory district, the district supervisor granting authority to transfer the stamps will advise the district supervisor of the other district so that he may know that the receiving rectifying plant is entitled to receive the stamps. The latter district supervisor will also inform the Government officer assigned to the receiving rectifying plant of the authority to receive stamps from other rectifying plants. Record of such transfers of stamps must be made on Form 45, as provided in § 190.722.

§ 190.720 *Redemption of rectified spirits stamps; Claim to collector.* Rectifiers desiring to have rectified spirits stamps redeemed under the provisions of section 3304, I. R. C. must make claim on Form 843 to the collector of internal revenue. The stamps, for which redemption is claimed, must be attached to the claim, and the number and denominations thereof must be listed on the claim or on a sheet of paper attached thereto. Where the stamps have been destroyed, evidence satisfactory to the Commissioner establishing such destruction must accompany the claim.

§ 190.721 *Unredeemable stamps.* Rectified spirits stamps may not be redeemed while rectified spirits, on which the stamps can be used in tax-payment, remain on hand and while the rectifying plant remains in a qualified status. When a rectifying plant is discontinued and stamps remain on hand, such stamps are not redeemable if the proprietor operates other rectifying plants at which the stamps could be used. In such cases the stamps will be transferred to the other premises for use thereat. Notation of the transfer must be made on Form 45 of both premises.

§ 190.722 *Stamp record.* The rectifier shall keep a record on Form 45 of all rectified spirits stamps for bottling tanks received and used at his rectifying plant. When rectified spirits stamps are surrendered for redemption, in accordance with § 190.720, or are transferred to, or received from, other rectifying plants operated by the proprietor, as authorized in § 190.719, record thereof must be made on Form 45, giving the reason for such surrender, transfer, or receipt, the date thereof, and the denominations of the stamps surrendered, transferred, or received, and, in cases of transfer or receipt, the name, registry number, and location of the premises to which the stamps were transferred or from which they were received.

RECTIFIED SPIRITS STAMPS (FOR PACKAGES)

§ 190.723 *Two classes.* Stamps for rectified spirits are provided in two classes: Class A, for products of rectification to which the rectifying tax of 30 cents per proof gallon does not attach; and Class B, for products of rectification to which the rectifying tax of 30 cents per proof gallon does attach.

(53 Stat. 329; 26 U. S. C. 2861)

§ 190.724 *Denominations.* Rectified spirits stamps of classes A and B are provided in denominations of 1, 10, 20, 30, 40, 50, 60, 70, 80, 90, 100, 110, 120 and 130 proof gallons, with 9 coupons attached representing 1 gallon each, and 9 coupons representing one-tenth of a gallon each.

(53 Stat. 329; 26 U. S. C. 2861)

§ 190.725 *Collector to issue stamps.* When Form 237, properly approved, showing that packages (barrels, kegs, or similar containers) of rectified spirits or products have been filled by the rectifier, is submitted to the collector without remittance in the case of rectified spirits or products exempt from the rectification tax, or with proper remittance in the case of rectified spirits or products subject to the 30-cent rectification tax, the collector will issue Class A or Class B stamps, respectively, of the proper denomination with the required coupons attached for each package listed on the form.

(53 Stat. 329; 26 U. S. C. 2861)

§ 190.726 *Issuance of stamps.* Upon issuing the stamps, the collector will enter on each stamp the collection district, name of the rectifier, the date of issuance, the proof gallons, and the serial number of the package for which the stamp is issued. The collector will also enter the serial number of each stamp in the column provided therefor on Form 237 opposite the serial number of the package, unless stamps are issued for several packages in consecutive order, in which case the numbers of the first and last stamps will be entered opposite the serial numbers of the first and last packages with an intervening waved line indicating that the omitted numbers follow consecutively from the first to the last.

(53 Stat. 329; 26 U. S. C. 2862)

§ 190.727 *Stamp stub.* Connected with each stamp is a corresponding stub, and the collector shall enter thereon the data called for necessary to preserve a

perfect record of the use of such stamp when detached.

(53 Stat. 301; 26 U. S. C. 2802)

§ 190.728 *Affixing of stamps.* Each rectified spirits stamp must be affixed to the package containing the spirits or products which it was issued to cover. Such stamps may not under any circumstances be affixed to other packages of spirits. The stamps must be securely affixed to a smooth surface of the Government head of the cask or package (the head bearing the marks and brands required by Subpart II of this part). That surface must not have been previously painted or covered with any oily substance or any substance which would have a tendency to cause the stamp to crack or peel off. Varnish, glue, or other adhesive material which would cause the stamp to adhere securely must be used for affixing the stamp to the package.

(53 Stat. 329; 26 U. S. C. 2862)

§ 190.729 *Use of tacks.* In affixing stamps, one tack or staple will be driven in each corner of the stamp, and as many more as appear necessary where the stamp bears coupons rendering it irregular in shape.

(53 Stat. 329; 26 U. S. C. 2862)

§ 190.730 *Cancellation.* The stamp having been affixed must be immediately canceled. For this purpose the rectifier will use a stencil plate of brass or copper, in which have been cut not less than five fine parallel waved lines long enough to extend not less than three-fourths of an inch above and below the stamp on the head of the cask or package. This plate must be imprinted with black, durable coloring material over and across the stamp as indicated. The stencil plate will be so set as to bring the five parallel waved lines across the stamp at such points as will least obscure the reading matter on the stamp. The coloring material will be so applied with the brush as to make these lines distinct without blotting or spreading over the stamp. The stencil plates, with the edges of the cuttings of the lines, will be kept clean and the coloring material will be carefully examined to see that it is of a quality which will make a distinct and durable mark, without blotting or spreading.

(53 Stat. 329; 26 U. S. C. 2862)

§ 190.731 *Covering.* The stamp having been so affixed and canceled must be immediately covered with a coating of transparent varnish, shellac, or lacquer. No varnish, shellac, or lacquer shall be used which is not transparent or which is oily enough to affect in the least the glue or other adhesive on the stamp.

(53 Stat. 329; 26 U. S. C. 2862)

§ 190.732 *Proprietor to furnish all necessary labor.* All necessary labor in connection with the affixing, canceling, and covering of stamps affixed to packages of spirits shall be furnished by the rectifier.

WHOLESALE LIQUOR DEALER'S STAMPS

§ 190.733 *Circumstances authorizing procurement.* Where, because of the discontinuance of business or change of location or desire to return to the vendor distilled spirits found to be unsuitable after the deposit thereof in storage tanks or the dumping thereof from the stamped packages in which received, or for other lawful reasons, the rectifier desires to fill packages of distilled spirits containing five wine gallons or more, in cases where the spirits have not been rectified, he may, if qualified as a wholesale liquor dealer, procure wholesale liquor dealer's stamps for the packages.

(53 Stat. 329; 26 U. S. C. 2863)

§ 190.734 *Denominations.* Wholesale liquor dealer's stamps are provided in denominations of 5, 10, 20, 30, 40, 50, 100, 200, 300, and 500 wine gallons, with 9 coupons attached representing 1 wine gallon each, and 9 coupons representing one-tenth of a wine gallon each.

(53 Stat. 329; 26 U. S. C. 2363)

§ 190.735 *Application to package.* Rectifiers desiring to draw distilled spirits into wholesale liquor dealer's packages of 5 wine gallons or more, as authorized in § 190.733, will make application therefor on Form 92, in triplicate, giving all of the information called for by the form. Where the spirits to be so packaged have been dumped from the stamped containers in which received the application shall show, in addition to other applicable data, the date and number (122 or 230) of the form pursuant to which the spirits were dumped. If the spirits were received in a tank car the application shall show, in addition to other applicable data, the date the certificate of tax-payment (Form 1595) was submitted to the district supervisor. Should the spirits, which it is permissible to transfer to wholesale liquor dealer's packages under § 190.733, be contained in stamped packages, the stamps thereon must be scalped and securely attached to one copy of the application.

(53 Stat. 329; 26 U. S. C. 2863)

§ 190.736 *Government officer's certificate.* All copies of Form 92 will be submitted to the Government officer assigned to the rectifying plant, who, if he finds after inspection of the spirits and verification of the entries and statements in the application that the spirits are correctly described and have been properly tax-paid and have not been subjected to any act of rectification, will execute his certificate on each copy of the form.

(53 Stat. 329; 26 U. S. C. 2863)

§ 190.737 *Approval of application.* If the Government officer is satisfied that the rectifier is entitled to receive wholesale liquor dealer's stamps for the packages he desires to fill because of discontinuance of business, change of location, or desire to return to the vendor distilled spirits found to be unsuitable after the deposit thereof in storage tanks or the dumping thereof from the stamped packages in which received, he will approve the application and return all copies to the rectifier. If the wholesale liquor dealer's stamps are desired for lawful reasons other than the above, the Government officer will return all copies to the rectifier for forwarding to the district supervisor. If the district supervisor is satisfied that the application is properly executed and that the rectifier is entitled to procure such stamps, he will approve the application and return all copies to the rectifier.

(53 Stat. 329; 26 U. S. C. 2863)

§ 190.738 *Filling, gauging, and marking packages.* Upon receipt of Form 92, duly approved, the rectifier will fill, gauge, and mark the packages under the supervision of the Government officer. The packages will be filled in accordance with the provisions of § 190.567. The packages will be gauged in accordance with the rules prescribed in the Gauging Manual 26 CFR, Part 186), and the details of the gauge will be entered on each copy of the form. The packages will be marked and branded in accordance with the provisions of Subpart II of this part.

(53 Stat. 329; 26 U. S. C. 2863)

§ 190.739 *Preparation of statement of composition.* Where a rectifier, pursuant to an approved Form 92, packages distilled spirits in wholesale liquor dealer's packages for removal to other qualified premises for bottling, he shall prepare a statement of composition identifying the packages and providing such information as will, in conjunction with the information shown on the packages, permit verification of the label proposed to be used in bottling. The statement must include all pertinent information which is mandatory on the label for the particular product, for example, the presence or absence of flavoring material, artificial coloring, treatment with oak chips, quick-aging, etc. Such statement shall be signed by the rectifier and delivered to the storekeeper-gauger in charge, who, if he finds the spirits properly described, shall certify thereto by signing his name and title under the word "Verified." The statement shall be returned to the rectifier for forwarding to the purchaser of the spirits or to the proprietor of the premises where the spirits are to be bottled.

§ 190.740 *Application for stamps.* When the spirits have been properly packaged and the details of the gauge thereof entered on Form 92, the rectifier will execute the application on such form for the issuance of wholesale liquor dealer's stamps for the packages, and will deliver all copies of the form to the Government officer for his verification.

(53 Stat. 329; 26 U. S. C. 2863)

§ 190.741 *Government officer's verification.* The Government officer will, after verification of the rectifier's entries on the form, sign and date the verification in the spaces provided therefor, and will return all copies to the rectifier, who will then forward them to the collector.

(53 Stat. 329; 26 U. S. C. 2863)

§ 190.742 *Issuance of stamps.* Upon receipt of Form 92, duly executed, the collector will issue a wholesale liquor dealer's stamp, with proper coupons attached, for each package listed on the form. When issuing the stamps the collector will enter on each stamp the date, his name and collection district, the name of the wholesale liquor dealer (the rectifier), the number of wine gallons in the package for which the stamp is issued, the name and collection district of the distiller or other person who filled the stamped package or packages or tank car in which the spirits were previously contained, and the present proof of the spirits. If the package for which the stamp is issued was filled directly from a stamped package, the collector will also enter on the stamp the serial number of the stamped package, the kind and serial number of the stamp which such package bore, and the original proof of the spirits. Where the spirits drawn into wholesale liquor dealer's packages have been previously contained in two or more packages which had been dumped together, or in a tank car, the collector will insert a dash in the spaces provided on the stamp for the insertion of the serial number of the previous package, the kind and serial number of the stamp thereon, and the original proof of the spirits, except that where the spirits were contained in a tank car the words "Tank car" will be inserted in the space provided for the serial number of the previous package.

(53 Stat. 329; 26 U. S. C. 2863)

§ 190.743 *Stamp stub.* The collector shall enter on the stub connected with each stamp the data called for to preserve a perfect record of the use of the stamp when detached.

(53 Stat. 301; 26 U. S. C. 2802)

§ 190.744 *Collector's disposition of Form 92.* The collector will enter the serial numbers of the wholesale liquor dealer's stamps in the proper column on each Form 92, opposite the description of the package for which the stamp is issued. The collector will then return one copy of Form 92 to the rectifier with the stamps, forward one copy of the form to the district supervisor, and retain the remaining copy as his authority for issuing the stamps.

(53 Stat. 329; 26 U. S. C. 2863)

§ 190.745 *Wholesale liquor dealer's stamps for rectified spirits.* Collectors may not furnish wholesale liquor dealer's stamps in lieu of and in exchange for stamps for rectified spirits, unless the package covered by the stamp for rectified spirits is to be broken into smaller packages.

(53 Stat. 301; 26 U. S. C. 2802)

§ 190.746 *Affixing and canceling stamps.* Upon receipt from the collector of Form 92 and the accompanying stamps, the rectifier will affix the stamps to the packages and cancel the same under the supervision of the Government officer. The stamps will be affixed and canceled in the same manner as rectified spirits stamps are required in this subpart to be affixed and canceled.

(53 Stat. 398; 26 U. S. C. 2301)

§ 190.747 *Records.* Where distilled spirits which have been dumped for bottling without rectification are packaged under wholesale liquor dealer's stamps, the rectifier shall enter a full description of the packages and their contents in his certificate on Form 220, together with a reference to the Form 92 under which the spirits were authorized to be so packaged. The rectifier shall also make appropriate entries and notations on Form 45 whenever any distilled spirits are packaged and removed under wholesale liquor dealer's stamps.

(53 Stat. 329; 26 U. S. C. 2862)

WINE STAMPS

§ 190.748 *Purchase, transfer, record, etc., of wine stamps.* Wine stamps for the payment of taxes on rectified spirits or products under section 3030 (a), I. R. C., will be provided in the denominations set forth on Form 427–B. Such stamps will be purchased by rectifiers pursuant to application on Form 427–B from the collector of the district in which the rectifying plant is located, in accordance with the provisions of § 190.715. Wine stamps may also be received from another rectifying plant operated by the rectifier pursuant to § 190.719. The provisions of §§ 190.715–190.722, shall be applicable to the procurement, possession, use, and record of wine stamps.

(53 Stat. 347, as amended; 26 U. S. C. 3030)

DESTRUCTION OF STAMPS UPON EMPTYING PACKAGES

§ 190.749 *Immediate destruction required.* All stamps must remain on the package until the contents are emptied therefrom. When a package of distilled spirits is emptied, all stamps thereon must be completely effaced and obliterated. Every person who empties any receptacle to which wine stamps are attached shall destroy such stamps by scraping or obliterating the same immediately the receptacle is emptied; and if the receptacle is a cask, barrel, keg, or similar container he shall scrape or obliterate the marks and brands therefrom. The responsibility for destroying stamps on empty packages rests upon the person emptying the same.

(53 Stat. 330, 398; 26 U. S. C. 2306, 3301)

RED STRIP STAMPS

§ 190.750 *Requisition, Form 428.* Proprietors of rectifying plants may purchase red strip stamps indicating tax-payment of bottled distilled spirits in anticipation of their current needs. Requisition for red strip stamps will be made by proprietors on Form 428, in triplicate.

§ 190.751 *Stamp denominations.* Red strip stamps will be provided in the following denominations only: 1 gallon, ½ gallon, 1 quart, ⅘ quart, ¾ quart, 1 pint, ⅘ pint, ¾ pint, ½ pint, and less than ½ pint. When bottles containing spirits are of sizes for which no stamps are provided, the rectifier will use stamps of the denomination next under the actual quantity of spirits contained in the bottles, as, for instance, a stamp of the ½-pint denomination for a bottle containing more than ½ pint and less than ¾ pint, and will block or strike out the original denomination and write or print on the stamps immediately above the blocked or stricken out denomination the exact quantity of spirits contained in the bottles. Stamps of the denomination of "less than ½ pint" need not be changed to show the exact quantity contained in the bottles. Red strip stamps will be issued 50 in a sheet. Requistions for red strip stamps by proprietors of rectifying plants must be made for full sheets. Stamps less than a full sheet may not be sold by a collector to a rectifier.

(53 Stat. 303, as amended; 26 U. S. C. 2803)

§ 190.752 *Approval of requisition.* The proprietor will submit all copies of the requisition, Form 428, to the Government officer for approval. Before approving the requisition, the approving officer will see that it is properly executed and will satisfy himself that the number of stamps for which requisition is made is necessary for the current needs of the rectifier. No red strip stamps may be issued for use at a rectifying plant unless Form 428 is approved. Upon approval of the form, the approving officer will return all copies to the rectifier.

(53 Stat. 303, as amended; 26 U. S. C. 2803)

§ 190.753 *Purchase of stamps.* Red strip stamps will be purchased by rectifiers from the collector of the district in which the rectifying plant is located. Stamps may not be purchased by one rectifier from another, nor may they, except in cases of emergency, be purchased from collectors of other districts. The rectifier will forward all copies of the approved Form 428 received from the approving officer to the collector of internal revenue with remittance for the stamps in the manner prescribed by § 190.717. The collector will enter the serial numbers of the stamps issued and stamp the date of sale on all copies of Form 428, and will retain one copy and send the original to the district supervisor and one copy (by mail) to the Government officer at the rectifying plant. The collector will, in every case, forward the stamps to the Government officer at the plant, in care of the rectifier. The rectifier will retain the package intact and deliver it unopened to the Government officer. The Government officer will enter receipt of the stamps in Form 182, and will immediately place them in the Government room, vault or cabinet, provided in accordance with § 190.895.

(53 Stat. 303, as amended; 26 U. S. C. 2803)

§ 190.754 *Shipment of stamps.* Where the stamps are to be shipped, the collector will forward the stamps to the Government officer by registered mail or express. The expense of forwarding the stamps by registered mail or express will be borne by the proprietor. The collector may furnish the stamps directly to the proprietor for immediate delivery to the Government officer in accordance with § 190.753.

§ 190.755 *Rectifier's daily requisition.* The rectifier will make requisition of the Government officer for the necessary number of stamps for each day's bottling or for each lot of spirits bottled. The requisition will be prepared in the following form:

(Name of plant)

(Plant requisition number)

(Date)

To *United States Storekeeper-Gauger:*

Please deliver to our bottling department the following red strip stamps to be used for affixing to bottles of tax-paid spirits to be drawn from bottling tanks shown herein:

Denomination	Quantity	Bottling tank number

(Proprietor)

By _____

Stamps delivered to proprietor:

Denomination	Quantity	Serial number of sheets

(U. S. Storekeeper-gauger)

(Date)

(53 Stat. 303, as amended; 26 U. S. C. 2803)

§ 190.756 *Stamps issued in serial order.* All red strip stamps will be issued by the Government officer to the rectifier in proper serial order, starting with the lowest serial number of the stamps of the denominations desired on hand at the time of issuance. The rectifier will not, however, be required to affix red strip stamps in serial order.

(53 Stat. 303, as amended; 26 U. S. C. 2803)

§ 190.757 *Requisitions to be filed.* Government officers will retain copies of Form 428 returned by the collector, and the rectifier's daily requistions at the plant as a record available for inspection by other Government officers and will file them in chronological order.

§ 190.758 *Officer's responsibility.* Government officers who have custody of red strip stamps will be held strictly responsible for the proper control and accounting of all stamps received, issued, used, and on hand. They shall determine whether the number of stamps requisitioned is needed; that those issued are properly affixed to bottles of tax-paid spirits; that all stamps issued to the rectifier and not used are returned to them; and that a proper accounting is made of all stamps reported mutilated.

§ 190.759 *Cutting stamps in advance.* The Government officer will enter on Form 182 all red strip stamps received from the collector. He may thereafter, upon request, permit the rectifier to cut all, or any quantity, of such stamps in advance of his needs. Such red strip stamps will be cut under the supervision of the Government officer and returned to him in the same numerical sequence. Each separate package of cut red strip stamps must be marked with the quantity of such stamps in the package and the first and last numbers, as "5,000, serial Nos. 1,600,001 to 1,600,100." Government officers when issuing red strip stamps will enter in the space provided therefor on the rectifier's requisition the denomination, quantity, and serial numbers of the stamps.

(53 Stat. 303, as amended; 26 U. S. C. 2803)

§ 190.760 *Manner of affixing stamps.* The stamps must be securely affixed to the bottles with the use of a good adhesive. The adhesive used must be in proper liquid condition, and care must be taken to cover the entire back of the stamp with the adhesive, and to press the whole surface of the stamp firmly against the surface of the bottle sufficiently long to cause the entire surface of the stamp to adhere securely to the bottle. The stamp must pass over the mouth of the bottle, extending an approximately equal distance on two sides of the bottle, and be so affixed that a portion of the stamp will remain attached to the bottle when the same is opened.

(53 Stat. 303, as amended; 26 U. S. C. 2803)

§ 190.761 *Concealing or obscuring stamps prohibited.* No part of the stamp shall be concealed or obscured by any label or other covering, except that a cup may be placed over the opening of the bottle or the bottle may be placed in a carton, as provided in this section. Seals made of cellulose or other material which are shrunk or otherwise fitted over the necks of the bottles and cover the stamps must be sufficiently transparent to permit the stamps to be plainly seen and the data thereon easily read. No cup or cap may be placed over the opening of a bottle and cover the stamp, unless such cup or cap is transparent or is so placed on the bottle that it may be readily removed at any time without injury to the stamp and the arrangement is such that the ends of the stamp will be plainly visible when the cap or cup is in place. Cartons or other coverings of bottles of distilled spirits are permitted, if so made that they may be opened and closed without being torn or broken. Sealed cartons or other coverings may not be used unless transparent or unless openings therein permit the data on the stamp and the indicia on the bottle to be plainly seen and read.

(53 Stat. 303, as amended; 26 U. S. C. 2803)

§ 190.762 *Affixing stamp over cup or cap.* The stamp may be affixed over a cup or cap placed over the opening of the bottle, provided the arrangement is such that the stamp will be torn apart or destroyed when the cup or cap is unscrewed or removed or destroyed. Where it is desired to affix the stamp over a removable cup or cap, the cup or cap must be securely screwed or fastened over the opening of the bottle, and must be of such size and construction that the stamp will pass over the top and extend beyond the cup or cap for such length that each end of the stamp may be securely affixed to the surface of the bottle. Any bottler using such a cup or cap must see to it that the stamp is securely affixed, with a strong adhesive, to both the cup or cap and the bottle in such a manner that the stamp will be torn apart when the cup or cap is unscrewed or removed. Where it is desired to affix the stamp over a cap or seal made of cellulose or other similar adhesive material which is so shrunk or otherwise fitted over the neck of the bottle as to be unremovable without being destroyed, it will not be necessary for the ends of the stamp to be affixed to the surface of the bottle, but the cap or seal and stamp must be so affixed that a portion of each will remain attached to the bottle when it is opened. In any case where there is doubt as to the propriety of the use of any cup or cap, the bottle and cup or cap should be submitted to the district supervisor for a ruling thereon.

(53 Stat. 303, as amended; 26 U. S. C. 2803)

§ 190.763 *Bulk containers in excess of 1 and less than 5 gallons.* Where unrectified alcohol or other unrectified distilled spirits are packaged in containers in excess of 1 gallon and less than 5 gallons, a red strip stamp must be securely affixed over the opening of the container in such a manner that the stamp will be destroyed when the container is opened. Stamps of 1-gallon denomination will be used for such containers and the denomination of the stamp will be changed by obliterating the figure "1" on each end of the stamp over the abbreviation "Gal." and writing or printing immediately above the same other figures representing the exact contents of the container. Alcohol and other distilled spirits in such containers may be sold or disposed of only as provided in § 190.815, relative to sales in bulk containers.

(53 Stat. 303, as amended; 26 U. S. C. 2803)

§ 190.764 *Non-usable strip stamps.* Strip stamps issued by foreign countries may not be affixed to either imported or domestic spirits bottled at rectifying plants and intended for domestic consumption, nor may red strip stamps which have been mutilated be used at such plants. Unless eligible and intended for exchange or refund, as provided in § 190.765, red strip stamps that have been mutilated should be destroyed by the rectifier under the supervision of the Government officer, who will then enter appropriate credit on Form 182 for the number of each denomination of stamps so destroyed.

(53 Stat. 303, as amended; 26 U. S. C. 2803)

§ 190.765 *Exchange and redemption of stamps.* Unused red strip stamps, in quantities of the value of $5 or more, issued under subsection (b) of section 2803, Internal Revenue Code, may be exchanged for other stamps of the same kind and in any prescribed denomination, or the value thereof may be refunded: *Provided* That a claim for such exchange or refund, establishing the lawful issuance and ownership of the stamps, is filed with the collector of internal revenue who issued the stamps within two years after the date on which such stamps were lawfully issued: *Provided, however,* That the value of unused stamps which have been destroyed may be refunded upon the filing of a claim as provided in this section with proof to the satisfaction of the Commissioner of the destruction of the stamps. Claims for exchange of stamps will be filed on Form 1579 which will be prepared according to the instructions printed on the form, signed and sworn to before an officer authorized to administer oaths: *Provided,* That if the form officially prescribed for such application contains therein a provision for verification by a written declaration that such application is made under penalties of perjury, such application shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath and required herein for verification. Claims for refund of the value of the stamps will be filed on Form 843, in accordance with procedure prescribed by the Commissioner.

(53 Stat. 303, as amended, 63 Stat. 667; 26 U. S. C. 2803, 3309)

§ 190.766 *Record, Form 96.* Where the red strip stamps are returned to the proprietor for filing a claim for exchange or redemption, the proprietor shall account for such stamps on Form 96, until the exchange or redemption has been effected. The form will be prepared and disposed of in accordance with the applicable instructions printed thereon relating to "Other persons assigned custody of stamps."

§ 190.767 *Government officer's record and report.* Storekeeper-gaugers assigned to rectifying plants will make a record and report of red strip stamps received and used on Form 182, as provided in Subpart LL of this part.

(53 Stat. 303, as amended; 26 U. S. C. 2803)

SUBPART HH—LABELS ON BOTTLES OF DISTILLED SPIRITS

§ 190.780 *Certificates of approval or exemption.* All bottlers of distilled spirits are required by Regulations 5 (27 CFR Part 5) issued under the Federal Alcohol Administration Act to obtain a certificate of approval of labels of domestically bottled distilled spirits (Form 1649) or a certificate of exemption from label approval for distilled spirits (Form 1650) before using labels on bottles of distilled spirits.

(Sec. 5, 49 Stat. 1965; 27 U. S. C. 205)

§ 190.781 *Certificates to be exhibited.* All bottlers of distilled spirits are required to exhibit certificates of label approval (Form 1649) or certificates of exemption from label approval (Form 1650) upon request to a duly authorized representative of the United States. Internal revenue officers will call upon the proprietor to exhibit the required certificates of label approval or certificates of exemption from label approval. The original certificate or duplicate original issued under the Federal Alcohol Administration Act regulations must be exhibited to the officer. Photostatic copies are not acceptable for this purpose.

(Sec. 5, 49 Stat. 1965; 27 U. S. C. 205)

§ 190.782 *Comparison of labels with contents of bottling tank.* Before releasing spirits from bottling tanks for bottling, the Government officer will require the rectifier to submit to him the label he proposes to use for the spirits in the bottling tank, together with the certificate of label approval or the certificate of label exemption, as the case may be: *Provided,* That in the case of spirits for export, other than to Puerto Rico, no certificate will be required. The storekeeper-gauger will compare such label with the label affixed to such certificate, if any, to see that they agree in every respect except for the differences allowed by the certificate. In the case of spirits for export, the storekeeper-gauger will compare the label with the label requirements of Regulations 28 (2 CFR Part 176). In order to determine whether the label to be used corresponds in every respect with the spirits in the bottling tank including age, class and type, and proof, he will then compare such label with Forms 122 and 237, and Form 27–B Supplemental describing the formula, for rectified products manufactured by the rectifier; and with Form 230 as to products being bottled without rectification; with the certificate of origin, age and class and type in the case of imported distilled spirits, where required by Regulations 5, (27 CFR Part 5) issued under the Federal Alcohol Administration Act; and with the statement of composition required by §§ 190.563, 190.695 and 190.739, in the case of distilled spirits received from another rectifier. In making this determination he will take into consideration the kind of spirits, the proof of distillation, the kind of cooperage in which the spirits were stored, and whether the spirits were treated with oak chips, etc., as disclosed by the marks and brands on the packages, by Forms 122, 237 or 230, and by the certificate of origin, age, and class and type, or in the statement of composition. If the label and spirits agree in every respect, the Government officer will attach the label securely to the copy of Form 237 or Form 230 to be attached to the bottling tank and release the spirits for bottling. If the label and spirits do not agree in every respect, the Government officer will withhold the release of the spirits for bottling until the rectifier submits to him a label and, where required, a certificate of label approval or exemption, as the case may be, correctly describing the spirits to be bottled.

(49 Stat. 1965; 27 U. S. C. 205)

§ 190.783 *Additional label requirements.* Officers assigned to rectifying plants will also see that all labels affixed to containers of distilled spirits subject to the provisions of Regulations 13 (26 CFR Part 175) conform to the requirements of such part. The methods prescribed in § 190.782 will be followed in making such determinations.

(53 Stat. 331; 26 U. S. C. 2871)

§ 190.784 *Tests of bottled spirits.* Officers assigned to rectifying plants will, at frequent, irregular intervals during the process of bottling, test and examine the bottled spirits to determine whether the label attached is identical with the label verified by the Government officer under § 190.782; whether the bottled spirits agree in proof with the data on the label; and whether the quantity agrees with the data on the label, stamp or bottle, subject to the limitation prescribed by § 190.628. The test as to proof will be made in accordance with the provisions of the Gauging Manual (26 CFR, Part 186). The test as to quantity will be made by the utilization of a glass graduate standardized at sixty degrees Fahrenheit to be provided by the rectifier, or by weighing a given number of empty bottles and reweighing the same bottles after filling. The net contents will be computed in accordance with the provisions of the Gauging Manual (26 CFR Part 186). If the contents do not agree as to quantity (subject to the limitation of § 190.628) or as to proof (subject to a normal drop in proof occurring during bottling operations not to exceed three-tenths of a degree), with the respective data on the label, stamp or bottle, the Government officer will withhold release of the bottled spirits and require the rectifier to rebottle, recondition, or relabel the spirits in such manner that the labels will correctly describe the contents. However, the proof at the beginning of the bottling operations shall always be set exactly as provided in §§ 190.566 and 190.690.

§ 190.785 *Rectifier's responsibility.* Notwithstanding that Government officers assigned to rectifying plants are required to verify labeling data, full responsibility rests upon the rectifier to see that the labeling of all spirits and wines bottled or packaged at his plant is in conformity with the requirements of Regulations 4 and 5 (27 CFR Parts 4 and 5) issued pursuant to the Federal Alcohol Administration Act, and Regulations 13 (26 CFR, Part 175).

SUBPART II—MARKING AND BRANDING

SERIAL NUMBERS

§ 190.795 *Method of numbering.* Each case, barrel, cask, or similar container filled at a rectifying plant, including packages and cases of unrectified spirits and wines, must be numbered serially, beginning with No. 1 for the first case or package filled: *Provided,* That the series in current use at existing rectifying plants will be continued. Where, upon completion of bottling, there remain less than the number of bottles necessary to fill a case, and the rectifier desires to dispose of such bottles as a remnant case, the case will be given the serial number of the last full case of the same bottling lot followed by the letter "R", thus, "100R", or "161R". Where there is a change in the individual or corporate name, or in the trade name or style, of the rectifier, the series in use at the time of such change will be continued, but a new series will be commenced where there is a change of proprietorship.

(53 Stat. 329; 26 U. S. C. 2861)

§ 190.796 *New or separate series.* The serial numbers of the cases and packages filled at a rectifying plant shall run consecutively and shall not be broken in any manner, except that whenever the number 1,000,000 is reached the rectifier may, if he so desires, begin a new series commencing with No. 1, and that where two or more separate bottling units are used and different kinds of spirits are bottled simultaneously, and it is impracticable to number the cases of each kind of spirits consecutively, a series identified by a letter may be used for each bottling unit, as A1, A2, etc., and B1, B2, etc. Likewise, where cases and packages are filled simultaneously, and it is impracticable to number the cases and pack-

ages consecutively, a separate series followed by an identifying letter may be used for the packages and one or more separate series, as provided above, may be used for the cases. Cases may be serially numbered either before or after filling.

(53 Stat. 329; 26 U. S. C. 2861)

OTHER REQUIRED MARKS

§ 190.797 *Packages of distilled spirits.* In addition to the serial number, there shall be plainly and durably burned, cut, imprinted, or stenciled, on the Government head of each barrel or similar container of distilled spirits the kind of spirits, the wine-gallon content, the proof of the spirits, the proof-gallon content, the date of filling, the number of the approved formula under which rectified, the name (or trade name or style) of the rectifier, the location (city or town, and State) of the rectifying plant, and the number of the rectifier's basic permit (Form 1638) issued pursuant to Regulations 1 (27 CFR Part 1) issued under the Federal Alcohol Administration Act: *Provided*, That if the spirits were rectified by such rectifier, or if the spirits are unrectified spirits which were produced by such rectifier at a distillery, he may use in connection with his name the designation "Rectifier" or "Distiller," respectively.

(53 Stat. 329; 26 U. S. C. 2861)

§ 190.798 *Cases of distilled spirits.* In addition to the serial number, each case of distilled spirits shall have marked on the Government side thereof the kind of spirits, the wine gallons, proof, and proof gallons, the date of filling, and the name (or trade name or style), location (city or town and State), and the number of the rectifier's basic permit issued under the Federal Alcohol Administration Act regulations (27 CFR, Part 1): *Provided*, That, if the spirits were rectified by such rectifier, or if the spirits are unrectified spirits which were produced by such rectifier at a distillery, or if the spirits were neither rectified nor produced by such rectifier, he may use in connection with his name the designation "Rectifier," "Distiller," or "Bottler," respectively: *And provided further*, That where the spirits are bottled for a certain dealer and it is desired to show the name and address of the dealer on the case in lieu of the name and location of the rectifier, such may be done if the name of the dealer is preceded by the words "Bottled for" or "Bottled expressly for," and the number of the rectifier's basic permit issued under the Federal Alcohol Administration Act regulations, together with the other required marks, excepting the name and location of the rectifier, are shown on the case.

§ 190.799 *Packages and cases of wine.* The rectifier shall place marks upon packages and cases of wine similar to the marks required by §§ 190.797 and 190.798 to be placed upon packages and cases of distilled spirits: *Provided*, That the alcoholic content of the wine will be shown in percentage by volume in lieu of the proof; and, in the case of unrectified wine, the proof gallons may be omitted.

§ 190.800 *Illustration of marks.* The required marks, stamps, and brands will be placed on packages and cases substantially as follows:

Barrels

Ser. No. 1
F–16
Whiskey
John Doe & Co.
Rectifier (or Distiller)
New York, N. Y.
R–135
[STAMP] 50.00 W. G.
90 Proof
45.00 P. G.
Filled May 2, 1949

Cases

Ser. No. 2
Whiskey
John Doe & Co.
Rectifier (or Distiller or Bottler)
New York, N. Y.
R–135
3.00 W. G.
90 Proof
2.70 P. G.
Filled May 2, 1949

The location of the rectifier, or the address of the dealer for whom the spirits are bottled, may be shown by recognized abbreviations.

(53 Stat. 329; 26 U. S. C. 2861)

MANNER AND SIZE OF MARKINGS

§ 190.801 *Packages.* The required marks and brands will be plainly printed or stenciled on each package with black, durable coloring material, in letters and figures not less than three-fourths of an inch in height, except that in the case of barrels or similar containers of less than 20 wine gallons capacity the letters and figures may be proportionate in height but in no event less than three-eighths of an inch.

(53 Stat. 329; 26 U. S. C. 2861)

§ 190.802 *Cases.* The required marks will be durably and plainly printed, stamped, or stenciled on each case in a color contrasting with the background of the case and in letters and figures not less than one-half inch in height.

MISCELLANEOUS PROVISIONS

§ 190.803 *Destruction of marks and brands.* The marks, brands, and serial numbers required by this part to be placed on barrels, casks, or similar containers, or cases, shall not be removed therefrom, or obscured or obliterated, before the contents thereof have been removed; but when barrels, casks, or similar containers are emptied, all such marks, brands, and serial numbers shall be effaced and obliterated by the person removing the contents therefrom.

(53 Stat. 330; 26 U. S. C. 2866)

§ 190.804 *Trade marks.* No person shall affix or cause to be affixed to or upon any cask or package containing or intended to contain distilled spirits any imitation stamp or other engraved, printed, stamped, or photographed label, device, or token, whether the same be designed as a trade mark, caution notice, caution, or otherwise, and which shall be in the similitude or likeness of or shall have the semblance or general appearance of any internal revenue stamp required by law to be affixed to or upon any cask or package containing distilled spirits.

(53 Stat. 330; 26 U. S. C. 2869)

§ 190.805 *Placing of trade marks on Government head forbidden.* No marks, brands, caution notices, or other devices whatsoever will be permitted on the Government head of any package or Government side of any case, other than the stamps, labels, marks, or brands required or authorized to be affixed by law or this part.

SUBPART JJ—SALES OF DISTILLED SPIRITS BY RECTIFIERS

§ 190.815 *Bulk containers.* Under the regulations issued pursuant to the Federal Alcohol Administration Act (27 CFR, Part 3), proprietors of rectifying plants may sell or dispose of distilled spirits in bulk, i. e., in containers having a capacity in excess of 1 gallon (a) to distillers and proprietors of internal revenue bonded warehouses, industrial alcohol plants and industrial alcohol bonded warehouses (holding a permit under the Federal Alcohol Administration Act), including those operating tax-paid bottling houses; (b) to rectifiers; (c) to proprietors of class 8 customs bonded warehouses (imported spirits only); (d) to winemakers (brandy or alcohol) for the fortification of wine; (e) to any agency of the United States, or of any State or political subdivision thereof; (f) for export; (g) on warehouse receipts, conforming to the regulations issued under the Federal Alcohol Administration Act, for distilled spirits in internal revenue bonded warehouses; and (h) for industrial use, as follows: For experimental purposes, and in the manufacture (1) of medicinal, pharmaceutical, or antiseptic products, including prescriptions compounded by retail druggists; (2) of toilet products; (3) of flavoring extracts, sirups, or food products; or (4) of scientific, chemical, mechanical, or industrial products; provided such products are unfit for beverage use. Distilled spirits produced at registered distilleries at a proof of 160 degrees or more, upon tax-payment, may be withdrawn for beverage purposes only; and under the regulations issued pursuant to the Federal Alcohol Administration Act rectifiers may not sell in bulk for industrial use other distilled spirits (except alcohol or neutral spirits—fruit) unless such spirits are shipped or delivered directly to the industrial user thereof.

(53 Stat. 335, as amended; 26 U. S. C. 2883; sec. 6, 49 Stat. 985; 27 U. S. C. 206)

§ 190.816 *Retail containers.* Except as provided in § 190.815, rectifiers may sell or dispose of distilled spirits only in containers having a capacity of 1 gallon or less. All such containers having a capacity of one-half pint or more must conform to the requirements of Regulations 13 (26 CFR, Part 175).

(53 Stat. 331; 26 U. S. C. 2871; sec. 6, 49 Stat. 985; 27 U. S. C. 206)

§ 190.817 *Broken cases.* The rectifier may break serially numbered cases in the finished products room or the contiguous wholesale liquor dealer room

when necessary for the purpose of filling orders for less than a case of particular brands or kinds of liquors, provided notation of the serial numbers of such cases is made on Form 45 or Record 52, or on a separate record with identifying data in accordance with § 190.831. Broken cases shall be kept separate from full cases, and no case shall be broken unless necessary to fill orders. Composite or partial cases shall be marked in accordance with the requirements of §§ 190.798 and 190.799, except that such cases will not be serially numbered and where the contents differ in kind or proof the words "Miscellaneous spirits" or "Assorted spirits," or a similar designation, may be substituted for a more particular decription of the kind of spirits and the proof may be omitted.

SUBPART KK—RECTIFIER'S RECORDS AND REPORTS

§ 190.825 *Monthly record, Form 45.* In addition to rendering Forms 122 and 237, as provided in Subparts X and BB of this part, every rectifier shall keep a monthly record on Form 45 of all distilled spirits, wines, and other liquors received, dumped for rectification, packaged or bottled after rectification, bottled without rectification, and disposed of. All of the information indicated by the headings of the columns and lines on the form, and the instructions printed thereon or issued in respect thereto, and as required by this part, will be entered thereon. Form 45 will be kept, in bound form, at the rectifying plant.

(53 Stat. 327, 373; 26 U. S. C. 2855, 3171)

§ 190.826 *Where contiguous wholesale liquor dealer room is maintained.* Where the rectifier maintains a contiguous wholesale liquor dealer room and uses it exclusively for products bottled at his rectifying plant, he shall report on Form 45 all bulk products removed from the rectifying plant and all bottled products removed from the rectifying plant and the contiguous wholesale liquor dealer room. Where the wholesale liquor dealer room is not used exclusively for products bottled at the rectifying plant, the rectifier shall report all bottled products (rectified and unrectified) removed from his rectifying plant, on Form 45, kept at such plant and shall keep at such contiguous wholesale liquor dealer room Record 52, which shall show all bottled distilled spirits products (rectified and unrectified) received and disposed of thereat, including those products transferred from his contiguous rectifying plant.

(53 Stat. 327, 327, as amended, 373; 26 U. S. C. 2855, 2857, 3171)

§ 190.827 *Where noncontiguous wholesale liquor dealer premises are maintained.* Every rectifier who maintains a noncontiguous wholesale liquor dealer premises shall report all bottled products (rectified and unrectified) removed from his rectifying plant on Form 45 kept at such plant. He shall keep Record 52 at such noncontiguous wholesale liquor dealer premises, which shall show all bottled distilled spirits products (rectified and unrectified) received and disposed of thereat, including products transferred from his noncontiguous rectifying plant and products received from other persons.

(53 Stat. 327, 327, as amended, 373; 26 U. S. C. 2855, 2857, 3171)

§ 190.828 *Record of warehouse receipts to be kept by rectifier.* Every proprietor of a rectifying plant who sells, or offers for sale, distilled spirits by warehouse receipts shall, in addition to procuring a wholesaler's basic Federal Alcohol Administration Act permit (Form 1633), keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts on Form 52–F. There need not be entered on Form 52–F transactions in warehouse receipts not involving the purchase or sale of distilled spirits, such as the receipt from a warehouseman of warehouse receipts covering the deposit or bottling of spirits in his warehouse or the surrender of warehouse receipts for the bottling of the spirits in bond or their transfer in bond to another warehouse. Entries on Form 52–F shall be made as indicated by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part. Form 52–F must be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. The provisions of § 190.830 with respect to the time of making entries, and of § 190.840 with respect to forms to be provided by users, are hereby made applicable to Form 52–F. The provisions of § 190.831 with respect to a separate record of serial numbers of cases are hereby made applicable to Form 52–F with respect to serial numbers of packages and cases purchased or sold by warehouse receipts. The monthly transcript on Form 52–F shall be forwarded to the district supervisor on or before the tenth day of the succeeding month. The physical removal of distilled spirits from the rectifying plant shall continue to be reported on Form 45 in accordance with the provisions of § 190.825. The physical receipt and disposition of distilled spirits at the contiguous wholesale liquor dealer room not used exclusively for products bottled at the rectifying plant shall continue to be reported on Record 52 in accordance with the provisions of § 190.826. The physical receipt and disposition of distilled spirits at the rectifier's noncontiguous wholesale liquor dealer premises shall continue to be reported on Record 52 in accordance with the provisions of § 190.827.

(53 Stat. 327, as amended, 328, 391, 63 Stat. 667; 26 U. S. C. 2857, 2858, 3254, 3809)

§ 190.829 *Place where Form 52–F shall be kept.* Every proprietor of a rectifying plant shall keep Form 52–F at the place of business where warehouse receipts are sold or offered for sale.

(53 Stat. 327, as amended, 328, 373, 391; 26 U. S. C. 2857, 2858, 3171, 3254)

§ 190.830 *Time of making entries.* Daily entries shall be made on Form 45 and Record 52, as indicated by the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto, and as required by this part, before the close of the business day next succeeding the day on which the transactions occur. Where the proprietor defers the making of the entries to the next business day, as authorized in this section, he shall keep a separate record, such as invoices, of the removals of spirits, showing the removal data required to be entered on Form 45 or Record 52, respectively, and appropriate memoranda of other transactions required to be entered on such records, for the purpose of making the entries correctly.

(53 Stat. 327, 327, as amended, 373; 26 U. S. C. 2855, 2857, 3171)

§ 190.831 *Separate record of serial numbers of cases.* Serial numbers of cases of spirits disposed of need not be entered on Form 45 or Record 52, provided the proprietor keeps in his place of business a separate record, approved by the district supervisor, showing such serial numbers, with necessary identifying data, including the date of removal and the name and address of the consignee. Such separate record may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, or bills shall be preserved for a period of four years and in such a manner that the required information may be ascertained readily therefrom, and during such period, shall be available during business hours for inspection and the taking of abstracts therefrom by revenue officers. Entries shall be made on such separate approved record before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized in this section, appropriate memoranda shall be maintained for the purpose of making the entries correctly. The proprietor whose separate record has been approved by the district supervisor shall make a notation in the column for reporting serial numbers, as follows: "Serial numbers shown on commercial records per authority dated ----------."

(53 Stat. 327, 327, as amended; 26 U. S. C. 2855, 2857)

§ 190.832 *Miscellaneous items.* The proprietor may enter on Record 52 as one item the total quantity of different kinds of spirits made up from broken cases sold to the same person on the same day, provided such total quantity is not in excess of 10 gallons. The entry of such items shall be stated as "Miscellaneous" or "Misc.," and shall show the date, the name and address of the person to whom sold, and the quantity. The total quantity of such miscellaneous spirits so disposed of during the month shall be reported as "Miscellaneous" in the monthly summary which the proprietor is required to render on Form

338: *Provided*, That the proprietor determines by actual inventory the quantity of each kind of spirits remaining on hand at the end of the month.

(53 Stat. 327, as amended, 373; 26 U. S. C. 2857, 3171)

§ 190.833 *Where wholesaler maintains retail department.* Where a wholesale liquor dealer maintains a separate retail liquor dealer department on the same premises, he shall keep Record 52 at his wholesale liquor dealer department and enter thereon all spirits received and disposed of thereat. Distilled spirits transferred from the wholesale department to the retail department shall be reported on Record 52, Part 2, as "Transferred to retail liquor dealer department." Sales of 5 wine gallons or more of distilled spirits to the same person at the same time, filled wholly or partly from the retail liquor dealer department, shall be entered on Record 52, Part 2, and the quantity taken from the retail department shall be entered on Record 52, Part 1, as "Transferred from the retail liquor dealer department." Where the wholesale liquor dealer sells at both wholesale and retail and does not maintain a separate retail department, all distilled spirits received and disposed of shall be entered on Record 52.

(53 Stat. 327, as amended, 373; 26 U. S. C. 2857, 3171)

§ 190.834 *Reports.* Except as otherwise provided in this section, the proprietor shall file, daily, full and complete transcripts of Form 45 (Part 5) and Record 52 on Forms 45 (Part 5), 52–A and 52–B with the District Supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided*, That in any case in which the District Supervisor shall direct, the transcripts shall be so filed with the Investigator in Charge instead of with the District Supervisor. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 45 or 338:

I hereby certify that these transcripts, consisting of ------ pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the District Supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions occurred. In such event, transactions will be entered on Form 45 and Record 52 in accordance with the provisions of § 190.830. A full and complete transcript of Form 45 (except Part 5 where such part is filed daily) shall be prepared and forwarded to the District Supervisor on or before the 10th day of the month succeeding the month in which the transactions occurred. Where Record 52 is kept, a monthly summary report shall be prepared on Form 338, in duplicate, one copy of which will be retained on file and the original forwarded to the District Supervisor on or before the 10th day of the month succeeding the month in which the transactions occurred. The District Supervisor will, after audit, forward one copy of Form 45 to the Commissioner not later than the last day of the month succeeding that for which the report is rendered, and will retain the remaining copy.

(53 Stat. 327, 327, as amended, 373; 26 U. S. C. 2855, 2857, 3171)

REPORT OF THIRD PARTY TRANSACTIONS

§ 190.835 *Additional requirements.* The proprietor of the rectifying plant shall report, on Form 45, Part 5, and when Record 52 is kept, on Part 2 and on transcript, Form 52–B, the name and address of each consignee, in the column now designated "Name". In the column now designated "Address", there will be reported the name and address of the person, firm or corporation paying (by advancement or reimbursement) either tax, bottling charge, brokerage fee, handling charge, or clearance fee, indicating which are included. The heading of both columns will be amended accordingly.

(53 Stat. 327, 327, as amended, 373; 26 U. S. C. 2855, 2857, 3171)

§ 190.836 *Reporting of shipment or delivery of distilled spirits to third party.* Where the proprietor of a rectifying plant ships or delivers distilled spirits to a consignee on the order of another wholesale liquor dealer, detailed records of the transactions shall be kept on Form 45 by the proprietor of the rectifying plant making the shipment or delivery; on Record 52 by the wholesale liquor dealer giving the order; and on Record 52 by the consignee if he is a wholesale liquor dealer. For example, assuming that the proprietor of rectifying plant (A) ships or delivers the distilled spirits to consignee (C) on the order of wholesale dealer (B), entries will be made on the prescribed forms as follows:

(a) The proprietor of the rectifying plant (A) will show in his Form 45 the name and address of wholesale dealer (B) who ordered the distilled spirits, as well as the name and address of consignee (C), the person to whom the distilled spirits are actually shipped or delivered;

(b) Wholesale dealer (B) will show in his Record 52 that the distilled spirits were purchased from rectifier (A), giving both the name and address of (A), and will at the same time make an entry showing that the distilled spirits were shipped or delivered by (A) to consignee (C) giving the name and address of (C); and

(c) Consignee (C), if a wholesale liquor dealer, will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (B) and received by him from the proprietor of rectifying plant (A), giving name and address of both. A copy of Form 45 and transcripts of Record 52 on Forms 52–A and 52–B, required to be filed with the district supervisor, will similarly show the details of such transactions.

(53 Stat. 327, 327, as amended, 373; 26 U. S. C. 2855, 2857, 3171)

§ 190.837 *Similar third party transactions.* Where the proprietor of a rectifying plant keeps Record 52 and is a party to transactions similar to those described in § 190.836, he shall make similar entries of such transactions in Record 52; and the transcripts on Forms 52–A and 52–B required to be filed with the district supervisor, will likewise show the details of the transactions.

(53 Stat. 327, 327, as amended, 373; 26 U. S. C. 2855, 2857, 3171)

EXECUTION AND DISPOSITION OF RECORDS AND REPORTS

§ 190.838 *Execution of reports.* Reports on Forms 45 and 338 must be signed in the same manner as the rectifier's notice, Form 27–B, except that in the case of a corporation the affixing of the corporate seal will not be required. Each report must be verified under oath by the proprietor, or his authorized agent at the rectifying plant or wholesale liquor dealer premises, as the case may be: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Where Form 45, or Form 338, is signed by an agent, proper power of attorney authorizing the agent to execute the reports for the proprietor must be filed with the district supervisor. In the case of Form 45 the power of attorney will be filed in duplicate, one copy of which will be forwarded by the district supervisor to the Commissioner.

(53 Stat. 327, as amended, 63 Stat. 667; 26 U. S. C. 2855, 2857, 3809)

§ 190.839 *Preservation of records.* Records kept on Form 45 and Record 52 shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

(53 Stat. 327, as amended, 373; 26 U. S. C. 2855, 2857, 3171)

§ 190.840 *Forms to be provided by users.* Record 52 and Forms 45, 52–A, 52–B, 52–F, 122, 230, 237, and 338 will be provided by users at their own expense but must be in the form prescribed by the Commissioner: *Provided*, That, with the approval of the Commissioner, the forms may be modified to adapt their use to tabulating or other mechanical equipment: *And provided further*, That, where the form is printed in book form, including loose-leaf books, the instructions may be printed on the cover or the flyleaf of the book instead of on the individual form.

(53 Stat. 327, as amended, 373; 26 U. S. C. 2855, 2857, 3171)

§ 190.841 *Filing of forms.* Rectifiers shall maintain separate files for Forms 92, 122, 230 (and Form 230 or Form 237 attached thereto in the case of spirits received by pipe line from another rectifying plant), 237, 703–A, 1440, and 1520. They shall file Forms 92, 230, and 237 in serial order and all other forms in chronological order, in their respective files and shall preserve them for a period of four years at the rectifying plant, available for inspection by Government officers.

§ 190.842 *Examination by Government officers.* Government officers inspecting rectifying plants, or assigned to duty thereat, will from time to time examine Form 45 (and Record 52 and Form 52–F, if required) to determine whether such records are being properly maintained. They will see that copies of Forms 92, 122, 230 (and Form 230 or Form 237 attached thereto in the case of spirits received by pipe line from another rectifying plant), 237, 703–A, 1440, and 1520, are being retained in proper order by the rectifier at the rectifying plant, available for inspection by Government officers.

SUBPART LL—GOVERNMENT OFFICER'S RECORD AND REPORT OF RED STRIP STAMPS

§ 190.855 *Record, Part I, Form 182.* Government officers assigned to rectifying plants will keep a record of strip stamps received and used on Part I of Form 182. Entries will be made on Form 182 daily, as indicated by the headings of the various columns and lines on the form, and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part. The record will be kept in bound form, available for inspection by other Government officers.

(53 Stat. 303, as amended, 373; 26 U. S. C. 2803, 3171)

§ 190.856 *Monthly report, Part II, Form 182.* At the close of the month or within five days thereafter, the Government officer will prepare a monthly report on Part II of Form 182, in triplicate, of strip stamps received and used during the month. The officer will retain one copy of Part II, available for inspection by other Government officers, furnish one copy to the rectifier, and forward the remaining copy to the district supervisor.

(53 Stat. 303, as amended; 26 U. S. C. 2803)

SUBPART MM—SAFEGUARDING RED STRIP STAMPS AND GOVERNMENT PROPERTY

§ 190.895 *Storage in Government room, vault or cabinet.* The rectifier's supply of red strip stamps, the Government seals, and the Government officer's records and other Government property when not in use, shall be kept in the Government room, vault or cabinet, which shall be locked with a Government seal lock, the key to which shall at all times remain in the possession of the Government officer. The officer must not leave the room, vault or cabinet open, except in his presence, or give the key thereof to anyone except another Government officer authorized to receive it. Where it is necessary to open the room, vault or cabinet at various times during the day, the seal will not be inserted until the lock is closed for the night, unless the duties of the Government officer require him to leave the rectifying plant during the day.

SUBPART NN—OPERATING UNDER A NEW NAME OR BOTTLING UNDER DIFFERENT TRADE NAMES OR STYLES

§ 190.900 *Qualification of proprietor.* Whenever the proprietor of a rectifying plant desires to change the individual or corporate name, or the trade name or style in which the rectifying plant is operated, he must secure approval of such change in the manner prescribed in §§ 190.240–190.256 prior to the commencement of operations: *Provided*, That where the rectifier desires to bottle spirits under more than one trade name or style and such trade name or style has been specified on an approved Form 27–B, and has also been specified on the rectifier's Federal Alcohol Administration Act permit and he has secured certificates of label approval (Form 1649) or certificates of exemption from label approval (Form 1650) for the labeling of spirits under such trade name or style, the rectifier shall state on Form 230 or Form 237, as the case may be, his desire to bottle and label the particular lot of spirits or wines covered by the form under such name or style. Upon approval of the form in the usual manner, he may so bottle and label the particular spirits covered by Form 230 or Form 237, as the case may be, without filing an amended notice on Form 27–B or changing the name under which the rectifying plant is then qualified and operated.

§ 190.901 *Spirits in process of rectification or bottling.* Whenever a rectifier desires to operate his rectifying plant under a new individual or corporate name, or a trade name or style other than the trade name or style under which he is then operating, and has complied with the provisions of § 190.900, he will not be required to complete the rectification of spirits or wines dumped for the purpose, or the bottling or packaging of spirits or wines covered by approved Forms 230 or 237, before commencing business under the new individual or corporate name or under such other trade name or style.

§ 190.902 *Outstanding Forms 230 and 237.* When a change in the individual or corporate name, or in the trade name or style, takes place at a rectifying plant the proprietor shall enter on both copies of each outstanding Form 230 and on all copies of each outstanding Form 237 the total quantity of spirits bottled under each prior to the effective date of the change, giving all the information required by the form. Each of such entries shall be followed by a statement, dated and signed by the rectifier, showing that the remainder of the spirits or wines described on the form are to be bottled under the new name. Upon completion of the bottling the proprietor will complete the execution of the forms under the new name, and, after submitting them to the Government officer for verification, will dispose of them in the manner prescribed in Subparts BB and FF of this part. If Form 237 covers spirits to be removed in barrels or similar packages the form will be completed in the name under which the rectified spirits stamps were applied for and issued.

§ 190.903 *Marking, branding, and labeling.* The spirits will be marked, branded, and labeled under the individual or corporate name or trade name or style in which the rectifying plant is being operated: *Provided*, That if the rectifier is bottling and labeling spirits or wines under a name other than the one in which the plant is operated, he may not use such terms as "Blended by," "Produced by," etc., on the labels.

§ 190.904 *Records.* Separate records on Forms 45 and 182, will not be required for operations under a new individual or corporate name or under each trade name or style. The rectifier shall, however, note on Form 45 the individual or corporate name or the trade names or styles under which operations were conducted during the month, and the dates of operation under each. The storekeeper-gauger will make a similar notation on Form 182.

SUBPART OO—CHANGE OF PROPRIETORSHIP

§ 190.915 *Completion of operations required.* When a succession or actual change in the proprietorship of a rectifying plant takes place other than a change brought about by operation of law, as by the appointment of an administrator, executor, assignee, receiver, trustee, or other fiduciary, the business of rectification, the bottling of liquors rectified, and the bottling of spirits and wines without rectification must, except as provided in this subpart, be completely finished by the person or persons who have been carrying on the business and all spirits and wines on hand removed from the premises before the business shall be undertaken or begun by the succeeding proprietor. The successor of a rectifier shall not commence operations until all documents required for his qualification as such have been approved by the district supervisor.

§ 190.916 *Transfer of spirits to successor.* The outgoing rectifier may transfer to his successor all spirits on hand, including those in the process of rectification: *Provided*, That where any spirits to be so transferred have been subjected to a process of rectification, all taxes due thereon shall be paid by the outgoing rectifier before transfer to the successor, irrespective of whether or not the process of rectification has been completed: *And provided further*, That the notice, bond, and other qualifying documents of the successor have been approved by the district supervisor to take effect on the day next succeeding that at the close of which the transfer is to be made. The required qualifying documents of the successor should be submitted to the district supervisor in sufficient time to permit approval for the date desired.

§ 190.917 *Gauging of partially rectified products.* All partially rectified products to be transferred to the successor shall be drawn from the processing tanks and receptacles into packages or bottling tanks, gauged, and retained therein pending tax-payment by the outgoing rectifier, except that partially rectified spirits in gaugeable packages may be gauged and retained therein pending tax-payment and transfer to the successor, and partially rectified products which are to be further rectified by the successor may be run into a weighing tank, or, if no weighing tank has been provided, into a bottling tank and gauged, and then returned to processing tanks or receptacles and retained therein pending tax-payment and trans-

fer to the successor. A separate Form 237 shall be prepared in quadruplicate for each tank, and in triplicate for each lot of packages containing the same kind of product in the same stage of rectification.

§ 190.918 *Determining tax liability of partially rectified products.* The tax liability of partially rectified products to be transferred to the successor shall be determined in accordance with the provisions of § 190.591, pertaining to the tax-payment of partially rectified products for removal from the plant. If the partially rectified products are such as are subject to tax under section 3030 (a), I. R. C., the outgoing rectifier shall, as provided by said § 190.591, append to each copy of Form 237, before the same is submitted to the Government officer for certification, and by him submitted to the district supervisor for approval, a precise statement showing the extent to which the products have been rectified and their present character. The district supervisor will specify on the form the tax or taxes due, and will return all copies to the rectifier.

§ 190.919 *Tax-payment of partially rectified products.* Upon receipt from the district supervisor of Form 237, with the tax or taxes due duly specified, the outgoing rectifier shall, in the case of all partially rectified products in packages, forward all copies of the form to the collector with remittance for the rectification tax due, if any. The collector will execute the certificate of tax-payment, in all cases where remittance is received, retain one copy, and return the remaining copies to the rectifier, together with the required number of the appropriate class of rectified spirits stamps where packages are listed on the form. The outgoing rectifier will affix the rectified spirits stamps to the packages for which they were issued, and will cancel such stamps and mark and brand the packages, as provided in Subpart GG and Subpart II of this part. In the case of partially rectified products in tanks, the rectification tax of 30 cents per proof gallon shall be paid in accordance with § 190.585. If the Form 237 covers a partially rectified product in a tank, one copy thereof will be attached to the tank pending transfer to the successor, and the original copy with the canceled stamps attached will be disposed of as provided in § 190.586. If the partially rectified product is subject to tax under section 3030 (a), I. R. C., wine stamps representing such tax will be canceled and attached to Form 237 in the manner provided by §§ 190.585 and 190.586.

(53 Stat. 303, as amended, 329; 26 U. S. C. 2803, 2862, 2863)

§ 190.920 *Completion and disposition of Form 237.* When the partially rectified products in packages have been tax-paid (if subject to tax) and removed to the finished products room, and such products in tanks have been tax-paid (if subject to tax) and transferred to the successor, the outgoing rectifier shall make appropriate notation of the disposition of the products on Form 237, and, after approval by the Government officer, will retain one copy of the form and forward the original copy to the district supervisor.

(53 Stat. 375; 26 U. S. C. 3175)

§ 190.921 *Rectification of partially rectified products by successor.* When rectified products contained in tanks are to be further rectified by the successor, he shall, immediately upon receipt thereof from the outgoing rectifier, prepare and submit Form 122 to show a constructive dumping of the products by him for rectification. The form will be prepared and submitted in the manner prescribed by Subpart X of this part for the regular dumping of spirits for rectification, except that the copy of Form 237 attached to the tank by the outgoing rectifier will be removed and attached to the district supervisor's copy of Form 122 as evidence of the tax-paid character of the product, in lieu of the cut-out portions of the stamps required to be attached to the form when packages are dumped. Upon completion of the process of rectification, pursuant to an approved formula, the successor shall prepare and submit Form 237 and pay all taxes due on the product in accordance with the procedure prescribed in Subpart BB of this part. Partially rectified products received from the outgoing rectifier in packages may be returned to the rectifying room and dumped for further rectification, pursuant to Form 122, provided appropriate entries are made in Form 45 to show a constructive transfer of the products from the finished products room to the receiving room.

§ 190.922 *Bottling of partially rectified products by successor.* Where partially rectified products in bottling tanks are transferred to the successor and such products are to be bottled without further rectification, the successor shall prepare and submit Form 230 in the manner prescribed by Subpart FF of this part, except that the copy of Form 237 attached to the bottling tank by the outgoing rectifier will be removed and attached to the district supervisor's copy of Form 230 as evidence of the tax-paid character of the product in lieu of the cut-out portions of stamps required to be attached to the form when packages are dumped.

§ 190.923 *Tax-payment of completely rectified products.* Where completely rectified products are to be transferred to the successor, such products shall be drawn into packages or run into bottling tanks and gauged, Form 237 shall be prepared and submitted, and all taxes due on such products shall be paid by the outgoing rectifier, in accordance with the procedure prescribed in Subpart BB of this part. If completely rectified products in bottling tanks are to be bottled by the successor, the same procedure shall be followed as in the case of the bottling of partially rectified products contained in such tanks.

§ 190.924 *Bottling of unrectified products by successor.* Where there is a change of proprietorship in a rectifying plant, and products to be bottled without rectification, covered by Form 230, are to be transferred to the successor prior to completion of bottling, the outgoing rectifier shall enter on all copies of each such form the total quantity of products bottled under each by him prior to the effective date of transfer, giving all the information required by the form. Each of such entries shall be followed by a statement dated and signed by the outgoing rectifier showing that the remainder of the products described on the form are to be transferred to the successor. The outgoing rectifier will complete the form, retain one copy, and forward one copy to the district supervisor. When the transfer has been effected, the successor may bottle such products without rectification pursuant to Form 230 filed by him. The Form 230 of the successor should contain a reference to the Form 230 of the predecessor to identify the products.

§ 190.925 *Transfer of strip stamps forbidden.* The outgoing rectifier may not transfer any strip stamps to his successor. Where the change of proprietorship of the plant is to be of a temporary nature, any strip stamps on hand belonging to the outgoing proprietor may be retained in the custody of the storekeeper-gauger pending the qualification and resumption of operations by such proprietor.

(53 Stat. 303, as amended; 26 U. S. C. 2803)

§ 190.926 *Transfer of rectified spirits stamps and wine stamps forbidden.* The outgoing rectifier may not transfer any rectified spirits stamps or wine stamps to his successor, nor may such stamps be otherwise transferred except as provided by § 190.719. Where the change of proprietorship of the plant is to be of a temporary nature, any rectified spirits stamps and wine stamps on hand will be retained in the custody of the outgoing proprietor (the owner of the stamps) and proper report will be rendered on Form 45. The rectifier will submit a monthly report of such stamps due at the end of any monthly period during the period of temporary discontinuance in accordance with § 190.722 during such period of temporary discontinuance.

(53 Stat. 303, as amended; 26 U. S. C. 2803)

§ 190.927 *Records and reports.* Where there is a change in proprietorship otherwise than by operation of law, the outgoing rectifier shall make appropriate entries on Form 45 covering all spirits transferred to his successor, who shall in turn enter such items on his Form 45 as received from his predecessor. The storekeeper-gauger will keep a separate record on Form 182 for the successor.

§ 190.928 *Succession by fiduciary.* Where a change of proprietorship is brought about by operation of law, the administrator, executor, assignee, receiver, trustee, or other fiduciary may not continue the business until the required qualifying documents have been filed and approved. In the case of such change, the fiduciary shall make appropriate notation of his succession on Form 45 and on all copies of each outstanding Form 230 and Form 237, and upon completion of the bottling of spirits covered by Form 230 or Form 237, he shall complete the

execution of the forms and dispose of the same as provided in Subparts BB and FF of this part. The storekeeper-gauger will make similar notation of such succession on Form 182.

Subpart PP—Discontinuance of Operations

§ 190.940 *Disposition of spirits.* Upon permanent discontinuance of business, and prior to the filing of notice thereof on Form 27–B, as prescribed in § 190.944, all spirits on hand must have been lawfully removed from the premises. Persons to whom such spirits are sold or delivered must be qualified to receive the same.

§ 190.941 *Disposition of indicia bottles.* If there are any indicia bottles on hand, the same will be inventoried by the storekeeper-gauger or other officer designated for the purpose by the district supervisor. The disposition of such bottles will be in accordance with the procedure prescribed in Regulations 13 (26 CFR, Part 175).

§ 190.942 *Disposition of red strip stamps.* All unused red strip stamps, if any, belonging to the proprietor at the time of permanent discontinuance of business will be inventoried by denomination, serial number, and quantity, by the storekeeper-gauger or other officer designated by the district supervisor to perform such duty. The officer will deliver such stamps to the proprietor and take his receipt therefor, in duplicate. When delivering the stamps the officer will advise the proprietor that the value of the stamps, if in quantities of the value of $5 or more, may be refunded, provided that a claim for such refund on Form 843, establishing the lawful issuance and ownership of the stamps, is filed with the collector of internal revenue who issued the stamps within two years after the date on which such stamps were lawfully issued, or that such unused stamps may be destroyed in the presence of the Government officer and the proprietor thereby relieved from further accountability for the stamps. If the stamps are not surrendered to the collector for refund of their value or are not destroyed, the proprietor must account for the stamps each month by rendering Form 96 to the district supervisor. The officer shall make a notation on the receipt as to the disposition made or to be made of the stamps. One copy of the receipt will be delivered to the proprietor and the original will be delivered to the district supervisor.

(53 Stat. 303, as amended; 26 U. S. C. 2803)

§ 190.943 *Disposition of rectified spirits and wine stamps.* All of the rectified spirits stamps and wine stamps, if any, belonging to the proprietor at the time of permanent discontinuance of business will be inventoried by denomination by the storekeeper-gauger after which the same may be disposed of and an account made in accordance with §§ 190.719–190.722.

§ 190.944 *Notice, Form 27–B.* When all spirits, indicia bottles, and red strip stamps have been lawfully disposed of, the proprietor shall file Form 27–B, in triplicate, with the district supervisor, stating the purpose of the filing thereof to be "Permanent discontinuance of business." The district supervisor will forward a copy of the Form 27–B to the Commissioner, with a copy of the report of the Government officer, reflecting compliance with the foregoing provisions of this section.

Subpart QQ—Manufacture, Tax-Payment, Removal, and Registration of Stills and Worms

§ 190.955 *General.* Whenever rectifiers manufacture or reconstruct stills or worms, or set up, sell, or remove stills or distilling apparatus, they must comply with Regulations 23 (26 CFR Part 181).

(53 Stat. 338, as amended, 314; 26 U. S. C. 2310, 2818)

§ 190.956 *Registry on Form 26.* Every person having in his possession or custody or under his control any still or distilling apparatus that is set up, must register the same on Form 26, in triplicate, with the district supervisor for the district in which it is set up. Stills to be used for the rectification of any type of distilled spirits may be registered for "Rectification of distilled spirits," and the specific type need not be shown. Thereafter, when another type of distilled spirits is to be rectified, the still need not be reregistered. The temporary suspension of a rectifying plant will not necessitate reregistration of the stills. Furthermore, the operation of a rectifying plant by alternating proprietors, where no actual change in ownership occurs, will not require reregistration of the stills by the proprietors. Where there is a change in location or use, or an actual change in ownership of a still, the still must be registered to reflect the change. The district supervisor will, upon approving the registration of a still on Form 26, retain one copy of the form, forward one copy to the Commissioner, and return the remaining copy to the rectifier.

(53 Stat. 308, as amended, 373, as amended; 26 U. S. C. 2810, 3170)

Subpart RR—Locks and Seals

§ 190.965 *Furnished by Government.* The Commissioner will furnish, at the expense of the United States, all Government locks and seals required to be used at rectifying plants. District supervisors will see that rectifying plants in their respective districts are fully equipped with locks in good condition and that the necessary seals are provided for seal locks.

§ 190.966 *Where locks are required.* Government locks are required upon the door of the Government room, vault or cabinet, provided in accordance with § 190.595; upon the entrance door of the wine bottling and export storage rooms, if any; upon the manheads, inlets, outlets, and other openings of storage tanks, receiving tanks, and bottling tanks; upon the manheads of gravity tanks; upon the valves in pipe lines which convey spirits from rectifying stills to receiving tanks where the pipe lines are equipped for refluxing the spirits to the stills or for by-passing the berry basket in the case of gin stills, or which convey spirits into the rectifying plant from contiguous premises; and upon such other valves, stopcocks, and openings in equipment and apparatus as are required by this part or deemed necessary by the district supervisor to be secured with Government locks.

§ 190.967 *Seal locks.* Seal locks will be used on the door of the Government room, vault or cabinet; on the entrance door of the export storage room, if any; and on such other places where the use of seal locks is required by this part or deemed necessary by the district supervisor.

§ 190.968 *Plain locks.* Plain locks will be used at all other places in the rectifying plant where locks are required by this part.

§ 190.969 *Custody of locks.* Government locks when not required for use at plants will be retained in the possession of the district supervisor. Receipts will be taken by district supervisors from storekeeper-gaugers for all locks and seals issued to them. Storekeeper-gaugers are strictly prohibited from intrusting locks, keys, or seals in their possession to any person other than an internal revenue officer entitled to receive them, and under no circumstances will they permit locks to remain open, whether hanging by the shackle or otherwise.

§ 190.970 *Custody of keys.* The Government officer will keep the keys to Government locks in use under his charge in his custody at all times and will not permit them at any time to go into the possession of the rectifier or any other person, except the district supervisor or another Government officer authorized to receive them.

§ 190.971 *Breaking of sealed connections forbidden.* Sealed connections must not be broken by the rectifier except as authorized by the storekeeper-gauger in charge or the district supervisor.

Subpart SS—Officer's Right of Entry and Examination

§ 190.980 *Authority to enter and inspect.* Internal revenue officers have authority under the law to inspect at any reasonable hour the records, liquors, and premises of rectifiers to determine that all provisions of the internal revenue laws and the regulations promulgated thereunder are being complied with. Officers desiring to make inspections will identify themselves by exhibiting their credentials. Any denial of or interference with such inspection by the rectifier, his agents or employees, is a violation of law and will be reported as such for appropriate action.

(53 Stat. 435; 26 U. S. C. 3601)

§ 190.981 *Authority to break up grounds or walls.* Under the law, any internal revenue officer and any persons acting in his aid may break up the ground on any part of the premises of a rectifier or any ground adjoining or near any such premises, or any wall or partition thereof or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil,

and upon finding any pipe or conveyance leading from or to such premises to break up any ground, house, wall, or other place through or into which such pipe or conveyance leads, and to break or cut away such pipe or other conveyance. Before taking action under the law, the investigating officer should consult with his superior officer or the district supervisor, unless the circumstances are such as to require immediate action.

(53 Stat. 318; 26 U. S. C. 2830)

§ 190.982 *Rectifiers to furnish assistance.* Under the law, on demand of any internal revenue officer, every rectifier shall furnish convenient ladders to enable the officer to examine any vessel or utensil in his rectifying plant, and shall furnish all assistance, lights, tools, or other things necessary for inspecting the premises and apparatus, and shall open all doors, boxes, packages, and all casks, barrels, and other vessels not under the control of the Government officer in charge thereof.

(53 Stat. 317; 26 U. S. C. 2828)

3. The purposes of the regulations are as follows:

(a) To conform to the act of February 21, 1950 (Public Law 448—81st Congress), effective September 1, 1950.

(b) To delegate to district supervisors the authority to approve the establishment of rectifying plants.

(c) To incorporate the regulations governing the gauging of distilled spirits at rectifying plants, now contained in the Gauging Manual (26 CFR, Part 186) but which are being deleted from the current revision of such manual.

(d) To liberalize the requirements pertaining to the separation of rectifying plants from tax-paid bottling houses, wholesale liquor dealer premises, and other rectifying plants operated by the same proprietor or his affiliate or subsidiary.

(e) To require that proprietors of rectifying plants prepare a statement of composition covering spirits to be removed for bottling elsewhere.

(f) To discontinue Form 183, district supervisor's monthly account of rectifying plants.

(g) To prescribe, in lieu of an oath, a declaration subject to the penalties of perjury, for the following forms:

Form 26, "Registry of Stills."

Form 27–B, "Notice by Proprietor of Rectifying Plant."

Form 45, "Rectifier's Monthly Record and Report."

Form 52–F, "Wholesale Liquor Dealer's Monthly Record and Report of Purchases and Sales of Warehouse Receipts for Distilled Spirits."

Form 338, "Wholesale Liquor Dealer's Monthly Report."

Form 702–A, "Winemaker's Report of Production, Receipt, and Disposition of Champagne, Sparkling Wines, and Artificially Carbonated Wines."

Form 1579, "Application for Exchange of Strip Stamps Under Section 2803 (c), I. R. C."

(i) To rearrange the text to conform to the Federal Register Regulations (13 F. R. 5929).

These regulations shall be effective as of September 1, 1950.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: July 21, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50–6601; Filed, July 26, 1950; 8:55 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9702]

PART 19—CITIZENS RADIO SERVICE

OPERATION OF CITIZENS RADIO STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of July 1950;

The Commission having under consideration a proposed change in the provision of § 19.51 in order to permit the operation of citizens radio stations by any person authorized by the station licensee where manually operated telegraphy transmitting by any type of the Morse Code is not involved;

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in the above entitled matter was duly published in the FEDERAL REGISTER on June 30, 1950, at page 4201 thereof, and that the period for submitting comments has expired; and

It further appearing, that several favorable comments have been placed on record urging the adoption of the proposed amendment set forth in the aforesaid notice of proposed rule making, and no adverse comments have been received; and

It further appearing, that in addition to the rule amendment heretofore set forth in the notice of proposed rule making the rule amendment herein ordered provides for two minor editorial changes, (1) designed to clarify the intent of the rule which distinguishes between the normal operation and the adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, and (2) changing the name of the "Restricted Radiotelegraph Operator Permit" to "Radiotelegraph Third Class Operator Permit", which latter designation is made pursuant to the Commission's order of June 27, 1950, in Docket 9387.

It further appearing, that because of the nature of the changes described in the preceding paragraph, compliance with the proposed rule making procedure of section 4 of the Administrative Procedure Act is unnecessary and not required; and

It further appearing, that the public convenience and necessity will be served by the amendment herein ordered and that the authority therefor is contained in sections 4 (i), 303 (l) and (r) and 318 of the Communications Act of 1934, as amended; and

It further appearing, that since the amendment herein ordered relieves a restriction existing under the present requirements, it may be made effective immediately upon the publication thereof in accordance with section 4 (c) of the Administrative Procedure Act.

It is ordered, That, effective immediately, § 19.51 of the Commission's rules and regulations governing the Citizens Radio Service is amended to read as follows:

§ 19.51 *Operation of citizens radio stations.* (a) Citizens radio stations, except stations using manually operated telegraphy transmitting by any type of the Morse Code, may during the course of normal rendition of service, be operated by any person: *Provided*, Such operation is authorized by the station licensee who shall be at all times responsible for the use and operation of that station in accordance with all applicable provisions of treaty, laws, and regulations.

(b) Stations using manually operated telegraphy transmitting by any type of the Morse Code may, during the course of normal rendition of service, be operated only by the holders of a radiotelegraph class operator license of either the Radiotelegraph Third Class Operator Permit [1] or higher class.

(c) In any case, however, all transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed, and such person shall be responsibile for the proper functioning of the station equipment.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: July 19, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–6581; Filed, July 26, 1950; 8:51 a. m.]

[1] Pursuant to the Commission's order of June 27, 1950, in Docket 9387, the Radiotelegraph Third Class Operator Permit will be established as a class of license effective September 1, 1950, on which date the Restricted Radiotelegraph Operator Permit will cease to be issued or renewed. Pending September 1, 1950, and thereafter, a Restricted Radiotelegraph Operator Permit will be accepted in lieu of a Radiotelegraph Third Class Operator Permit so long as such Permit, issued or renewed before September 1, 1950, remains valid and outstanding.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 67]

WOOL CERTIFICATION SERVICE

PROPOSED SUSPENSION

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture is considering suspending, until further notice, the service conducted by the Department for the determination and certification of the condition (shrinkage or clean content) of wool. This service has been furnished upon request of interested persons under the wool certification regulations (7 CFR Part 67) pursuant to the Agricultural Marketing Act of 1946 (7 U. S. C. 1621 et seq.) and the so-called Farm Products Inspection Act consisting of provisions for the market inspection of farm products recurring in the annual appropriation act for the Department of Agriculture (7 U. S. C. 414).

The wool certification program is a purely voluntary service under such authorities available only upon request. The market price of wool is currently so high that wool producers have been selling their wool without requesting the service. Therefore, it appears that suspension of the service until further notice would be appropriate.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed suspension may do so by filing them with the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 24th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–6577; Filed, July 26, 1950; 8:50 a. m.]

[7 CFR, Part 939]

[Docket No. AO–99–A1]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO THE MARKETING AGREEMENT AND ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Portland, Oregon, beginning on April 10, 1950, at Yakima, Washington, beginning on April 13, 1950, and at Sacramento, California, beginning on April 17, 1950, pursuant to notice thereof published in the FEDERAL REGISTER (15 F. R. 1892), upon proposed amendments to Marketing Agreement No. 89, hereinafter referred to as the "marketing agreement," and Order No. 39 (7 CFR Part 939), hereinafter referred to as the "order," regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on June 19, 1950, filed with the Hearing Clerk, United States Department of Agriculture, the recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (15 F. R. 4021).

The material issues and the findings and conclusions of the recommended decision, set forth in the FEDERAL REGISTER (F. R. Doc. 50–5395; 15 F. R. 4021), are hereby approved, adopted, and incorporated herein as the material issues, and the findings and conclusions of this decision as if set forth in full herein, and such findings and conclusions are supplemented to the extent hereinafter set forth.

Rulings on exceptions. Exceptions to the recommended decision were filed by H. B. Murphy, Pinnacle Packing Company, Medford, Oregon. Each of such exceptions was carefully and fully considered, in conjunction with the evidence in the record, in arriving at the findings and conclusions set forth herein.

Exception was taken to the failure of the aforesaid recommended decision to find, with respect to a regulation which establishes "a combination of grades" as the lowest quality of pears that may be handled, that the "component parts of any combination grade can be packed in separate containers." In this connection, the recommended decision clearly stated, together with the reasons and basis therefor, that regulations under the proposed amended marketing agreement and order may limit, in appropriate circumstances, the shipment of the total quantity of any grade of any variety of pears. Consequently, the results derivable through the provisions contended for in this exception may be achieved in the manner permitted in the proposed amended marketing agreement and order.

Exception was taken to the findings and conclusions, and to the effectuating provisions of the amended marketing agreement and order, pertaining to the issuance of regulations by the Secretary. It was contended that the currently effective provisions of the marketing agreement and order do not authorize the Secretary "to impose more stringent grade and size regulations" than recommended by the Control Committee and that similar restrictions on the authority of the Secretary should, therefore, be incorporated into the provisions of the proposed marketing agreement and order. However, the currently effective regulatory program provides that "in the event of any such recommendation by the Control Committee, and upon the basis thereof and the information and data submitted therewith and any other data, the Secretary may issue a regulation lowering, raising, or modifying the aforesaid minimum grade or minimum sizes, or both, as to any one or more of said varieties of pears * * *." In view of the foregoing, there is no enlargement, insofar as such contention is concerned, of the Secretary's authority to issue regulations. The authority of the Secretary, therefore, should be as set forth in the recommended decision.

Exception was also taken to the regulatory provisions of the proposed amended marketing agreement and order. It was asserted that such provisions would constitute "authority to prorate shipments" and permit the imposition, under the provisions for the establishment of minimum standards, "of grade and size regulations," and limitations "based upon the factor of condition." It is assumed that the reference "to prorate shipments" means to allot to various handlers of pears specified quantities of the total volume of all pear shipments that may be handled by the respective handlers. The proposed amended marketing agreement and order are not designed, nor intended, for such purpose. With respect to the minimum standards of quality which may be made effective it is clearly stated in the recommended decision that such minimum standards may be established, and maintained in effect, only during periods when the seasonal average price of pears may be in excess of the parity price. The level at which any such minimum standards may be fixed is indicated in the recommended decision and should not exceed the lower limits of the grade and size restrictions which are made effective during periods when the seasonal average price of pears is below the parity price.

Exceptions were taken to some of the other findings and conclusions and certain provisions of the amended marketing agreement and order contained in the recommended decision. To the extent that the findings and conclusions contained herein are at variance with any of the exceptions pertaining thereto, such exceptions are denied for the foregoing reasons and on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

Amendments to the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement Regulating the Handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears

grown in the States of Oregon, Washington, and California," and "Order Amending the Order Regulating the Handling of Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau Varieties of Pears Grown in Oregon, Washington and California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid amendments shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement amending the marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order which will be published with this decision.

Done at Washington, D. C., this 24th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order Regulating the Handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau Varieties of Pears Grown in Oregon, Washington, and California

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939.0 Findings and determinations.

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AUTHORITY: §§ 939.0 to 939.81 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.

§ 939.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. (For original findings relative issuance Order No. 39, see F. R. Doc. 39–3103; 4 F. R. 3694.)

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Portland, Oregon, beginning on April 10, 1950, at Yakima, Washington, beginning on April 13, 1950, and at Sacramento, California, beginning on April 17, 1950, upon proposed amendments to the marketing agreement and Order No. 39, effective August 26, 1939, regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order as hereby amended regulates the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order as hereby amended is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act; and

(4) The said order as hereby amended prescribes such different terms, applicable to different production and marketing areas, as are necessary to give due recognition to differences in the production and marketing of such pears.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order as hereby amended; and such order is hereby amended to read as follows:

DEFINITIONS

§ 939.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States.

§ 939.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 939.3 *Person.* "Person" means an individual, partnership, corporation, association, legal representative, or any organized group of individuals.

§ 939.4 *Pears.* "Pears" means and includes any and all of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California.

§ 939.5 *Size.* "Size" means the number of pears which can be packed in a standard western pear box 18" long, 11½" wide and 8½" deep (inside measurements) when packed in accordance with the packing requirements of the U. S. Standards for Pears, effective July 1, 1939, or as such standards hereafter may be modified or as "size" may be more specifically defined in a regulation issued hereunder.

§ 939.6 *Grower.* "Grower" means any person engaged in the production of pears, either as owner or as tenant.

§ 939.7 *Handler.* "Handler" means any person (except a common carrier of pears owned by another person) who, as owner, agent, broker, or otherwise, ships or handles pears, or causes pears to be shipped or handled, in fresh form by rail, truck, boat, or any other means whatsoever.

§ 939.8 *Ship or handle.* "To ship" or "to handle" means to sell, deliver, handle for shipment, transport, or offer for transportation pears in the current of commerce, or so as directly to burden, obstruct, or affect commerce, from the State of Oregon, the State of Washington, or the State of California to any point outside thereof.

§ 939.9 *Fiscal period.* "Fiscal period" means the period beginning July 1 of any year and ending June 30 of the following year.

§ 939.10 *Area.* "Area" means and includes the States of Oregon, Washington, and California.

§ 939.11 *District.* "District" means the applicable one of the following-described subdivisions of the area covered by the provisions of this subpart:

(a) Medford District shall include the counties of Jackson, Josephine, Curry, Coos, Douglas, Lane, and Klamath in the State of Oregon.

(b) Hood River-White Salmon-Underwood District shall include all of the State of Oregon not included in the Medford District, and the counties of Skamania and Klickitat in the State of Washington.

(c) Wenatchee District shall include the counties of Chelan, Okanogan, Douglas, and Spokane in the State of Washington.

(d) Yakima District shall include all of the State of Washington not included in the Wenatchee District or in the Hood River-White Salmon-Underwood District.

(e) Placerville District shall include all counties north of the northern boundaries of San Francisco, Contra Costa, San Joaquin, Calaveras, and Alpine Counties in the State of California.

(f) Santa Clara District shall include all of the State of California not included in the Placerville District.

§ 939.12 *Export market.* "Export market" means any destination which is not within the 48 States, or the District of Columbia, of the United States.

CONTROL COMMITTEE

§ 939.20 *Establishment.* A Control Committee, consisting of 12 individual persons as its members, is hereby established to administer the terms and provisions of this subpart as specifically provided in §§ 939.20 to 939.35. There shall be two alternates, designated as the "first alternate" and the "second alternate," respectively, for each member of the committee. Six members of the Control Committee and their respective alternates shall be growers of pears, and six members and their respective alternates shall be handlers of pears. Each district shall be represented on the committee by one grower member and one handler member.

§ 939.21 *Nomination and selection of members and their respective alternates.* The grower members and their respective alternates for each district shall be selected by the Secretary from nominees elected by the growers in such district, and the handler members and their respective alternates for each district shall be selected by the Secretary from nominees elected by the handlers in such district.

§ 939.22 *Meetings for election of nominees.* Nominations for members of the Control Committee and their alternates shall be made at meetings of growers and handlers held in each of the districts designated in § 939.11 at such times and places as the Control Committee shall designate. At each of such meetings the growers or handlers eligible to participate therein shall select a chairman and a secretary of that meeting. In the election of nominees, each grower and each handler shall be entitled to vote in accordance with the provisions of § 939.23. The chairman of the meeting shall announce at the meeting the name of each person for whom votes have been cast, whether as a member or as an alternate for a member, and the number of votes cast for each such person; and the chairman or the secretary of such meeting shall forthwith transmit such information to the Secretary or his designated representative.

§ 939.23 *Voting.* Only growers in attendance at meetings for election of nominees shall participate in the nomination of grower members and their alternates, and only handlers in attendance at meetings for election of nominees shall participate in the nomination of handler members and their alternates. A grower may participate only in the election held in the district in which he produces pears, and a handler may participate only in the election held in the district or districts in which he handles pears. No person may vote both as a handler and as a grower. Each grower and each handler shall be entitled to cast one vote, on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives, for each nominee to be elected.

§ 939.24 *Eligibility for membership.* Each grower member and each of his alternates shall be a grower who grows pears in the district in which and for which he is nominated and selected. Each handler member and each of his alternates shall be a handler, or an officer or employee of a handler, handling pears in the district in and for which he is nominated and selected.

§ 939.25 *Failure to nominate.* In the event nominations are not made pursuant to §§ 939.21 and 939.22 on or before June 1 of any year, the Secretary may select members and alternates for members without regard to nominations.

§ 939.26 *Qualifications.* Any person selected by the Secretary as a member or as an alternate for a member of the Control Committee shall qualify by filing a written acceptance with the Secretary within 15 days after being notified of such selection.

§ 939.27 *Term of office.* Each member and each alternate for a member shall serve during the fiscal period for which he has been selected or until his successor is selected and has qualified.

§ 939.28 *Alternates for members of the Control Committee.* The first alternate for a member shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his first alternate shall act as a member until a successor for the member is selected and has qualified. The second alternate for a member shall serve in the place and stead of the member for whom he is an alternate whenever both the member and his first alternate are unable to serve.

§ 939.29 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate for a member of the Control Committee to qualify, or in the event of the death, removal, resignation, or disqualifiation of any qualified member or qualified alternate for a member, a successor for his unexpired term shall be nominated and selected in the manner set forth in §§ 939.20 to 939.35. If nominations to fill any such vacancy are not made within 20 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations.

§ 939.30 *Compensation and expenses.* The members and alternates for members of the Control Committee shall serve without compensation, but may be reimbursed for expenses necessarily incurred by them in the performance of their respective duties.

§ 939.31 *Powers of Control Committee.* The Control Committee shall have the following powers:

(a) To administer, as specifically provided in §§ 939.20 to 939.35, the terms and provisions of this subpart;

(b) To make administrative rules and regulations in accordance with, and to effectuate, the terms and provisions of this subpart; and

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart.

§ 939.32 *Duties of Control Committee.* The duties of the Control Committee shall be as follows:

(a) To act as intermediary between the Secretary and any grower or handler;

(b) To keep minutes, books, and records which will reflect clearly all of the acts and transactions of the Control Committee, which minutes, books, and records shall be subject at any time to examination by the Secretary or by such person as may be designated by the Secretary;

(c) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions relative to pears, to engage in such research and service activities relative to the handling of pears as may be approved by the Secretary, and to furnish to the Secretary such available information as may be requested;

(d) To perform such duties as may be assigned to it from time to time by the Secretary in connection with the administration of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress, approved August 24, 1935 (49 Stat. 774), as amended;

(e) To cause the books of the Control Committee to be audited by one or more competent accountants at the end of each fiscal year and at such other times as the Control Committee may deem necessary or as the Secretary may request,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

and to file with the Secretary copies of any and all audit reports made;

(f) To appoint such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(g) To give the Secretary, or the designated agent of the Secretary, the same notice of meetings of the Control Committee as is given to the members of the Control Committee;

(h) To select a chairman of the Control Committee and, from time to time, such other officers as it may deem advisable; and

(i) To submit to the Secretary each fiscal period a budget of its expenses during that fiscal year.

§ 939.33 *Procedure of Control Committee*—(a) *Quorum and voting.* A quorum shall consist of nine members, or alternates then serving in the place and stead of any members, in attendance at the meeting. Except as otherwise provided in § 939.52, all decisions of the Control Committee shall be made by not fewer than seven affirmative votes.

(b) *Mail voting.* The Control Committee may provide for members voting by mail, telephone, or telegraph, upon due notice to all members. Promptly after voting by telephone or telegraph, each member thus voting shall confirm in writing, the vote so cast.

§ 939.34 *Rights of the Secretary.* The members and alternates for members of the Control Committee and any agent or employee appointed or employed by the Control Committee shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the Control Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 939.35 *Funds and other property.* (a) All funds received by the Control Committee pursuant to any of the provisions of this subpart shall be used solely for the purposes herein specified, and the Secretary may require the Control Committee and its members to account for all receipts and disbursements.

(b) Upon the death, resignation, removal, disqualification, or expiration of the term of office of any member or employee of the Control Committee, all books, records, funds, and other property in his possession belonging to the Control Committee shall be delivered to his successor in office or to the Control Committee, and such assignments and other instruments shall be executed as may be necessary to vest in such successor or in the Control Committee full title to all the books, records, funds, and other property in the possession or under the control of such member or employee pursuant to this subpart.

EXPENSES AND ASSESSMENTS

§ 939.40 *Expenses.* The Control Committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out its functions under this subpart. The funds to cover such expenses shall be acquired by the levying of assessments as provided in § 939.41.

§ 939.41 *Assessments.* Assessments will be levied only upon the handler who first handles pears which subsequently are shipped from the State of Oregon, the State of Washington, or the State of California. Such handler shall pay to the Control Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds necessarily will be incurred by the Control Committee for the maintenance and functioning of the Control Committee during each fiscal period. Such handler's pro rata share of such expenses shall be that proportion thereof which the total quantity of pears first handled by that handler during such fiscal period is of the total quantity of pears first handled by all handlers during that fiscal period. The Secretary shall fix the rate of assessment to be paid by such handler, which rate may be adjusted from time to time by the Control Committee, with the approval of the Secretary, in order to cover any later findings by the Secretary of estimated expenses or the actual expenses of the Control Committee during said fiscal period.

§ 939.42 *Handler accounts.* At the end of each fiscal period the Control Committee shall credit each handler assessed with any amount paid by such handler in excess of his pro rata share of the expenses, or shall debit such handler with the deficiency between his pro rata share and the amount paid by him. Any such debits shall become due and payable upon demand by the Control Committee.

§ 939.43 *Use of funds.* From the funds acquired pursuant to § 939.41 the Control Committee shall pay the salaries of its employees, if any, and pay the expenses necessarily incurred in the performance of the duties of the Control Committee.

§ 939.44 *Collection of unpaid assessments.* The Control Committee, with the approval of the Secretary, may institute and maintain, in its own name or in the names of its members, legal proceedings against any handler assessed for the collection of such handler's pro rata share of the aforesaid expenses.

REGULATION OF SHIPMENTS

§ 939.50 *Recommendation by the Control Committee.* (a) It shall be the duty of the Control Committee to investigate, from time to time, supply and demand conditions relative to pears and each grade, size, and quality of each variety thereof. Such investigations by the Control Committee shall be with respect to the following: (1) Estimated production of each variety of pears and of each grade, size and quality thereof; (2) prospective supplies and prices of Bartlett pears and other fruits, both in fresh and processed form, which are competitive to the marketing of pears; (3) prospective exports of pears and imports of pears from other producing areas; (4) probable harvesting period for each variety of pears; (5) the trend and level of consumer income; (6) general economic conditions; and (7) other relevant factors.

(b) On or before August 1 of each year, the Control Committee shall recommend regulations to the Secretary if it finds, on the basis of the foregoing investigations, that such regulation as is provided in § 939.51 will tend to effectuate the declared policy of the act.

(c) In the event the Control Committee at any time finds that by reason of changed conditions any regulation issued pursuant to § 939.51 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

§ 939.51 *Issuance of regulations; and modification, suspension, or termination thereof.* (a) Whenever the Secretary finds, from the recommendations and information submitted by the Control Committee, or from other available information, that regulation, in the manner specified in this section, of the shipment of pears would tend to effectuate the declared policy of the act, he shall so limit the shipment of pears during a specified period or periods. Such regulation: (1) May limit the total quantity of any grade, size, quality, or combinations thereof, of any variety of pears grown in any district and may prescribe different requirements applicable to shipments to different export markets; or (2) may prescribe minimum standards of quality for any variety of pears and limit the shipment thereof to those meeting such minimum standards.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the Control Committee, or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of pears grown in any district in order to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such regulation. If the Secretary finds, from the recommendations and information submitted by the Control Committee, or from other available information, that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate such modification or suspension.

§ 939.52 *Prerequisites to committee recommendations.* (a) Decisions of the Control Committee with respect to any recommendation to the Secretary pursuant to the provisions of § 939.50 shall be made by an affirmative vote of not less than 80 percent of the applicable total number of votes, computed in the manner hereinafter prescribed in this section, of all committee members.

(b) With respect to a particular variety of pears, the applicable total number of votes shall be the aggregate of the votes allotted to the members of the committee in accordance with the following: Each member shall have one vote as an individual and, in addition, shall have an equal share of the vote of the district represented by such member; and such district vote shall be computed by the Control Committee as soon as practical after the beginning of each fiscal period on the basis of one vote for each 25,000 boxes of the average quantity (rounded to the nearest 25,000 boxes) of such variety produced in the particular district and shipped therefrom during the immediately preceding three fiscal periods to destinations outside the State in which produced. The votes so allotted to a member of the committee may be cast by such member on each recommendation relative to the variety of pears on which such votes were computed.

§ 939.53 *Notification.* (a) The Control Committee shall give prompt notice to growers and handlers of each recommendation to the Secretary pursuant to the provisions of § 939.50.

(b) The Secretary shall immediately notify the Control Committee of the issuance of each regulation and of each modification, suspension, or termination of a regulation and the Control Committee shall give prompt notice thereof to growers and handlers.

§ 939.54 *Exemption certificates.* (a) As soon as practicable after the beginning of each fiscal period the Control Committee shall adopt and announce the procedural rules by which exemption certificates may be issued to growers. The Control Committee shall determine the percentage which the grades and sizes of each variety of pears permitted to be shipped from each district under the regulation bears to the total quantity of each variety of pears which could be shipped from that district in the absence of regulation. An exemption certificate may thereafter be granted to any grower who furnishes proof that he will be prevented, because of the regulation in effect, from shipping a percentage of a particular variety of his pears equal to the percentage of pears of that particular variety permitted to be shipped from his district as determined by the Control Committee. Such exemption certificate shall permit the grower to ship that quantity of the particular variety of pears of the regulated grades and sizes of such variety as will enable him to ship as large a percentage of such variety of his pears as the average percentage of that particular variety of pears that is permitted to be shipped by all growers in his district.

(b) In the event the Control Committee shall determine and report to the Secretary that, by reason of general crop failure or other extraordinary conditions within a particular district, it is not feasible and would not be equitable to issue exemption certificates to growers within that district on the basis of the average percentage of the pears grown in the district which may be shipped in compliance with the requirements of § 939.51, the Secretary may prescribe such other basis for the issuance of such certificates to growers within that district as he may find to be feasible, equitable, and proper.

(c) The Secretary shall have power to modify, change, alter, or amend any procedural rules and any exemption granted under this section.

INSPECTION

§ 939.60 *Inspection and certification.* No handler shall ship any pears not theretofore inspected, and a certificate issued with respect thereto, by a duly authorized representative of the Federal-State Inspection Service: *Provided,* That such inspection and certification of shipments of pears may be performed by such other inspection service as the Control Committee, with the approval of the Secretary, may designate. Promptly after shipment of any pears, the handler shall submit, or cause to be submitted, to the Control Committee a copy of the inspection certificate issued on such shipment.

EXCEPTIONS

§ 939.65 *Exemption from regulation.* (a) Nothing contained in this subpart shall limit or authorize the limitation of shipment of pears for consumption by charitable institutions or distribution by relief agencies or conversion into by-products, nor shall any assessment be computed on pears so shipped. The Control Committee may prescribe regulations to prevent pears shipped for either of such purposes from entering commercial fresh-fruit channels of trade contrary to the provisions of this subpart.

(b) The Control Committee shall prescribe rules and regulations, to become effective upon the approval of the Secretary, whereby shipments of pears in individual gift packages may be exempted from the provisions of this subpart.

(c) The Control Committee may, with the approval of the Secretary, designate storage warehouses within the area and prescribe rules and regulations whereby pears may be shipped to such storage warehouses exempt from the provisions of this subpart: *Provided,* That pears so shipped shall not thereafter be handled contrary to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

§ 939.70 *Reports.* Upon the request of the Control Committee, subject to the disapproval of the Secretary, each handler shall furnish to the Control Committee, in such manner and at such times as it prescribes, such information as will enable it to perform its duties under this subpart.

§ 939.71 *Compliance.* Except as provided in § 939.65, no handler shall ship any pears contrary to the applicable restrictions and limitations specified in, or effective pursuant to, the provisions of this subpart.

§ 939.72 *Duration of immunities.* The benefits, privileges, and immunities conferred by virtue of this subpart shall cease upon termination hereof, except with respect to acts done under and during the existence of this subpart.

§ 939.73 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remaining provisions and the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 939.74 *Derogation.* Nothing contained in this subpart is or shall be construed to be in derogation of, or in modification of, the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 939.75 *Liability of Control Committee members.* No member or alternate for a member of the Control Committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any party under this subpart or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate for a member, or employee, except for acts of dishonesty.

§ 939.76 *Agents.* The Secretary may name, by a designation in writing, any person, including any officer or employee of the Government, or any bureau or division in the Department of Agriculture to act as his agent or representative in connection with any of the provisions of this subpart.

§ 939.77 *Effective time.* The provisions of this subpart shall become effective August 26, 1939, and shall continue in force until terminated in one of the ways specified in § 939.78.

§ 939.78 *Termination.* (a) The Secretary may at any time terminate this subpart.

(b) The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such operation obstructs or does not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of the growers of pears who, during such fiscal period, have been engaged in the area in the production of pears for market: *Provided,* That such majority have produced for market during such period more than 50 percent of the volume of pears produced for market in the area; but such termination shall be effective only if announced on or before June 30 of that fiscal period.

(d) The provisions of this subpart shall terminate, in any event, whenever the provisions of the act authorizing the same cease to be in effect.

§ 939.79 *Proceedings after termination.* (a) Upon the termination of this subpart, the members of the Control Committee then functioning shall continue as joint trustees for the purpose of liquidating all funds and property then in the possession or under the control of the Control Committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The joint trustees shall continue in such capacity until discharged by the Secretary; from time to time account for all receipts and disbursements; deliver all funds and property on hand, together with all books and records of the Control Committee and of the joint

trustees, to such person as the Secretary shall direct; and, upon the request of the Secretary, execute such assignments or other instruments necessary and appropriate to vest in such person full title to all of the funds or claims vested in the Control Committee or in said joint trustees.

(c) Any funds collected pursuant to this subpart and held by such joint trustees or such person over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the joint trustees or such other person in the performance of their duties under this subpart, as soon as practicable after the terminaton hereof, shall be returned to the handlers pro rata in proportion to their contributions thereto.

(d) Any person to whom funds, property, or claims have been delivered by the Control Committee or its members, upon direction of the Secretary, as provided in this section, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are imposed upon the members of said Committee or upon said joint trustees.

§ 939.80 *Amendments.* Amendments to this subpart may be proposed from time to time by the Control Committee or by the Secretary.

§ 939.81 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart or the issuance of any amendment to either, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued hereunder, or (b) release or extinguish any violation of this subpart or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

[F. R. Doc. 50–6572; Filed, July 26, 1950; 8:49 a. m.]

[7 CFR, Part 939]

[Docket No. AO–99–A1]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED; DESIGNATION OF AGENTS TO CONDUCT REFERENDUM; DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the period July 1, 1949 to June 30, 1950, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, within the States of Oregon, Washington, and California, in the production of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears for market, to ascertain whether such producers favor the issuance of an order amending Order No. 39, effective August 26, 1939, regulating the handling of the aforesaid varieties of pears grown in the said States. The said amendatory order is annexed to the decision of the Secretary of Agriculture filed[1] simultaneously herewith.

W. J. Broadhead and Robert H. Eaton of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to perform, jointly or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By determining the time of commencement and termination of the period of the referendum, and by giving opportunity to each of the aforesaid producers to cast his ballot in the manner herein authorized, relative to the aforesaid amendatory order, on a copy of the appropriate ballot form. A cooperative association of such producers, bona fide engaged in marketing the aforesaid varieties of pears grown in the said States or in rendering services for or advancing the interests of the producers of such pears, may vote for the producers who are members of, stockholders in, or under contract with such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such producers.

(2) By giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, (iii) that all ballots so cast must be addressed to W. J. Broadhead, Field Representative, Western Marketing Field Office, Fruit and Vegetable Branch, 515 S. W. Tenth Avenue, Portland 5, Oregon, and (iv) of the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing (without advertising expense) available agencies of public information, including both press and radio facilities serving the States of Oregon, Washington, and California; (ii) by mailing a notice thereof (including a copy of the text of the amendatory order and a copy of the appropriate ballot form) to each such cooperative association and to each producer whose name and address is known; and (iii) by such other means as said referendum agents may deem advisable.

(4) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents determine that voting shall be at meetings. At each such meeting, balloting shall continue until all of the producers who are present, and who desire to do so, have had an opportunity to vote. Any producer may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots and copies of the text of the amendatory order to producers at the meeting; and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum. Any individual casting a ballot on behalf of a producer shall submit, with the ballot, evidence of his authority to cast such ballot, which evidence in the case of a corporation or a cooperative association shall be in the form of a certified copy of a resolution of the Board of Directors.

(7) By giving reasonable advance public notice of the time and place of each meeting authorized hereunder, and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By appointing any county agricultural agent, and by authorizing the chairman of the State Production and Marketing Administration committees in the States of Oregon, Washington, and California to appoint any member or members of a county Production and Marketing Administration committee in their respective States, and by appointing any other persons deemed necessary or desirable, to assist the said referendum agents in performing their duties hereunder. Each such person so appointed shall serve without compensation; and may be authorized by the said referendum agents to perform any or all of the functions set forth in paragraphs (a) (3), (4), (5), (6), and (7) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements herein set forth; and shall forward to W. J. Broadhead, Field Representative, Western Marketing Field Office, Fruit and Vegetable Branch, 515 S. W. Tenth Avenue, Portland 5, Oregon, immediately after the close of the referendum, the following:

(i) A list containing the name and address of each producer to whom a ballot form was given;

(ii) A list containing the name and address of each producer from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent or appointee (as the case may be) in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent or appointee during the referendum period;

(iv) A statement showing when and how notice of referendum was given and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and

(v) A detailed statement reciting the method used in giving publicity of such referendum.

[1] See F. R. Doc. 50–6572, *supra*.

(b) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or, if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(c) Upon receipt by W. J. Broadhead of all ballots cast and such other documents as are required pursuant hereto, the ballots shall be canvassed by him and the results of the referendum shall be forwarded with the ballots and other required documents to the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(d) The Fruit and Vegetable Branch shall prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(e) All ballots shall be kept confidential.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the text of the aforesaid amendatory order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., and at the Western Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 515 S. W. Tenth Avenue, Portland 5, Oregon.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Done at Washington, D. C., this 24th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–6573; Filed, July 26, 1950; 8:49 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF RED KIDNEY BEANS AT FIXED PRICES

SUPPLEMENT TO JULY EXPORT PRICE LIST

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodity is added to the list of commodities available for export sale to commercial exporters during the month of July 1950:

Red Kidney beans, 1949 crop: $6.50 per 100 pounds basis U. S. No. 1, delivered f. a. s. California or East Coast Ports.

Discount for lower grades: U. S. No. 2, 25 cents; U. S. No. 3, 50 cents.

(Public Law 439, 81st Cong.)

Issued this 24th day of July 1950.

[SEAL] RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50–6599; Filed, July 26, 1950; 8:54 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

[Gen. Order 1]

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO.

OPERATION

1. *Operation of the Chicago, Rock Island & Pacific Railroad Company by existing management.* The authority and functions of this carrier, whose transportation system has been taken pursuant to the provision of Executive Order No. 10141, shall be as prescribed in the Executive Order, subject to such further orders or regulations as The Secretary of the Army or his authorized delegates may prescribe as therein provided. Any protest against any such order or regulation shall be made to The Chief of Transportation, Department of the Army, by the carrier or other person aggrieved, by registered mail or telegram, within ten (10) days after the receipt of the particular order or regulation or the publication of such order or regulation in the FEDERAL REGISTER, whichever first occurs.

2. *Suits, attachments, and garnishments permitted until further order.* Until further order, the Chicago, Rock Island & Pacific Railroad will remain subject to suit as heretofore, and to the levy of attachments by mesne process, garnishment, execution or otherwise, on or against its property and assets, but no receivership, reorganization, or similar proceeding affecting it shall be instituted without the prior written consent of The Chief of Transportation, Department of the Army.

[SEAL] F. A. HEILEMAN,
Major General, U. S. Army,
Chief of Transportation.

[F. R. Doc. 50–6578; Filed, July 26, 1950; 8:50 a. m.]

DEPARTMENT OF STATE

[Public Notice 52]

FIELD ORGANIZATION

Pursuant to the requirements of section 3 (a) (1) of the Adminstrative Procedure Act (5 U. S. C. 1002; 60 Stat. 238), the Field Organization of the Department of State, as published in the FEDERAL REGISTER for May 3, 1950 (15 F. R. 2498), is amended as follows:

Effective May 31, 1950, the Consular Agency at Matagalpa, Nicaragua, is closed.

For the Secretary of State.

J. CARNEY HOWELL,
Director,
Office of Management and Budget.

JULY 12, 1950.

[F. R. Doc. 50–6579; Filed, July 26, 1950; 8:51 a. m.]

[Public Notice 53]

FIELD ORGANIZATION

Pursuant to the requirements of section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002; 60 Stat. 238), the Field Organization of the Department of State, as published in the FEDERAL REGISTER for May 3, 1950 (15 F. R. 2498), is amended as follows:

The Consulate at Patras, Greece has been officially closed, effective July 15, 1950.

Functions other than those relating to United States Information and Educational Exchange operations which have previously been performed by Patras are now being discharged by the American Embassy at Athens.

Information and Educational Exchange operations at Patras will continue tentatively through December 31, 1950.

For the Secretary of State.

J. CARNEY HOWELL,
Director,
Office of Mangement and Budget.

JULY 20, 1950.

[F. R. Doc. 50–6580; Filed, July 26, 1950; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and

is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportwear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 399)).

A. J. Manufacturing Co., Coopersburg, Pa., effective 7-3-50 to 7-25-50; 10 percent learners (blouses and dresses).

Capitol Manufacturing Co., Inc., 74 Kilborn Street, New Bedford, Mass., effective 7-3-50 to 7-25-50; 10 percent learners (dresses).

Connie Lee Frocks, 12-14 South Street, Wilkes Barre, Pa., effective 7-10-50 to 7-25-50; 10 learners for expansion only (dresses).

Donovan Manufacturing Co., 214 West Ennis Avenue, Ennis, Tex., effective 2-3-50 to 7-25-50; an additional 14 learners for expansion only (dresses, blouses, etc.).

Fit-well Underwear Manufacturing Co., 613-15 Prairie Avenue, Houston, Tex., effective 2-8-50 to 7-25-50; an additional 10 learners for expansion only (ladies underwear, nightwear, etc.).

Gen-Mar Sportswear, Third and Carroll Streets, St. Claire, Pa., effective 7-3-50 to 7-25-50; 10 percent learners (blouses and dresses).

Globe Pants Manufacturing Co., 300 Plymouth Avenue, Fall River, Mass., effective 7-10-50 to 7-25-50; 10 percent learners (single pants).

Hardwick Woolen Mills, Inc., Clothing Factory Division, Church Street, Cleveland, Tenn., effective 7-10-50 to 7-25-50; 14 learners (single pants).

Harvie Manufacturing Co., 88 Hallen Avenue, Somerset, Mass., effective 7-3-50 to 7-25-50; 10 percent learners (children's wear).

Hayti Manufacturing Co., Hayti, Mo., effective 2-3-50 to 7-25-50; 50 learners (sportswear).

Leslie Ann, Inc., Sixth and Colliery Avenue, Tower City, Pa., effective 7-6-50 to 7-25-50; 10 percent learners (dresses).

Liberty Trousers Co., 2211 First Avenue, Birmingham, Ala., effective 7-3-50 to 7-25-50; 10 percent learners (pants, overalls, etc.).

Augustine Lore, 55 Pike Street, Port Jervis, N. Y., effective 7-3-50 to 7-25-50; 10 percent learners (ladies woven underwear).

Movietone Frocks, Inc., 708 Jackson Street, Dallas, Tex., effective 7-3-50 to 7-25-50; 10 percent learners (ladies outer wearing apparel).

Myco Manufacturing Co., Inc., Wilburton, Pa., effective 7-3-50 to 7-25-50; 10 percent of productive factory workers (housecoats).

O'Connell Sportswear, 117 Main Street, Dalton, Pa., effective 7-7-50 to 7-25-50; an additional four learners for expansion purposes (dresses).

Par Manufacturing Corp., 216 Front Street, Catasauqua, Pa., effective 7-3-50 to 7-25-50; 10 percent learners (dresses, skirts, blouses).

Quaker Dress Co., 2014 North Fourth Street, Harrisburg, Pa., effective 7-6-50 to 7-25-50; 40 learners for expansion (dresses).

R & G Sportswear Corp., 1216 Main Street, Northampton, Pa., effective 2-3-50 to 7-25-50; 10 learners (mens' shirts).

Reade Shirts, Inc., Malden, Mo., effective 7-3-50 to 7-25-50; 10 percent learners (shirts).

Schramm & Schnieg Co., 200 North Fourth Street, Burlington, Iowa, effective 7-7-50 to 7-25-50; four learners (work clothing).

Hosiery Learner Regulations (29 CFR 522.40 to 522.51; as revised January 25, 1950 (15 F. R. 283)).

Hollyvogue of California, Los Angeles, Calif., supplemental expansion certificate, effective 7-5-50 to 3-4-51; 44 learners.

Jefferies Dyeing Works, Inc., Chester, Pa., expansion certificate, effective 6-30-50 to 3-1-51; 15 learners.

Park Knitting Co., Little Chute, Wis., expansion certificate, effective 6-30-50 to 3-1-51; three learners.

Roan Hosiery Co., Inc., Harriman, Tenn., effective 7-3-50 to 3-2-51; 15 learners.

Stansfield Knitting Mills, Winona, Minn., effective 6-28-50 to 6-27-51; four learners.

Stylewise Mills, Inc., Carrollton, Ga., effective 6-30-50 to 3-1-51; 15 learners.

Knitted Wear Learner Regulations (29 CFR 522.63 to 522.79; as amended January 25, 1950 (15 F. R. 398)).

Carolina Corps, Clover, S. C., effective 7-3-50 to 7-25-50; three learners.

Formtex Sportswear Corp., 114 South Front Street, Quakertown, Pa., effective 7-3-50 to 7-25-50; 5 percent of productive factory workers.

Iredell Knitting Mills, Inc., Statesville, N. C., effective 7-3-50 to 7-25-50; five learners.

Myrna Mills, 706 Forrest Street, Charlottesville, Va., effective 7-3-50 to 7-25-50; 5 percent of productive factory workers.

Rielly Co., Inc., Valatie, N. Y., effective 2-8-50 to 7-25-50; 5 percent of productive factory workers.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Andrew Fearing Co., Spartanburg, S. C., effective 7-25-50 to 7-24-51; 10 percent of total productive factory force; machine operators, 480 hours, 60 cents per hour for the first 320 hours and not less than 65 cents per hour for the remaining 160 hours (ball bearings).

Artcraft Mantel Co., Inc., Englewood, Tenn., effective 7-25-50 to 1-24-51; four learners; sander, 320 hours, finisher, 320 hours, machine operator, 320 hours, assembler, 320 hours, 60 cents (furniture).

Continental Springs Co., Houston, Tex., effective 7-6-50 to 1-5-51; 10 percent of total productive factory force; assembler, border man, machine operator, 480 hours; 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (coil bedsprings).

The Gaines Co., Gaines, Pa., effective 7-7-50 to 1-6-51; two learners; fly tiers, 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (trout flies, nylon leaders).

Johnson Electric Motor Co., Shreveport, La., effective 6-27-50 to 12-26-50; two learners; automotive electric unit rebuilder 480 hours; 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (rebuilding generators, etc.)

Levan-Gehrke Textile Mills, Inc., Fleetwood, Pa., effective 7-7-50 to 1-6-51; two learners; embroidery machine watcher, 240 hours; embroidery machine spanner, 240 hours, 60 cents (embroidery clocks or men's seamless hosiery).

Mike Mennies & Son, Philadelphia, Pa., effective 7-25-50 to 1-24-51; 20 learners; hand sewers, 200 hours, 60 cents (slipper socks).

Montag Bros., Inc., Atlanta, Ga., effective 7-25-50 to 1-24-51; 15 learners; box maker, 240 hours; envelope maker, 240 hours; pressman, 480 hours, 65 cents (stationery).

Pagano Bros., Inc., Vineland, N. J., effective 6-28-50 to 12-27-50; one learner; automotive electrician, 480 hours; 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (wholesalers and retailers of auto parts).

Video Products Corp., Red Bank, N. J., effective 7-25-50 to 1-25-51; 20 learners; solderer, 160 hours; wirer, 160 hours; assembler, 160 hours; 70 cents (television chassis).

Star Seat Cover Co., San Antonio, Tex., effective 7-3-50 to 1-2-51; 2 learners; sewing machine operators, 240 hours, 60 cents (seat covers).

The following special learner certificates were issued to the school-operated industries listed below:

Atlantic Union College, South Lancaster, Mass., effective 1-25-50 to 9-15-50; print shop, compositor, pressmen, and related operations; clerical, bookkeeping, cashiering, and related work; 19 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Auburn Academy, Auburn, Wash., effective 1-25-50 to 9-15-50; manufacturing furniture, glue and assemble cabinets, making drawers, sand, stain and lacquer, machine operations, and inspecting; 40 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Broadview Academy, La Grange, Ill., effective 1-25-50 to 9-15-50; college wood products, woodworking; 40 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Campion Academy, Loveland, Colo., effective 1-25-50 to 9-15-50; broomshop, stitching, winding, bunching, sorting, and related operations; printing, compositor, pressman, and related operations; 18 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Cedar Lake Academy, Cedar Lake, Mich., effective 1-25-50 to 9-15-50; woodworking, assembler, machine operators, packers, shippers; 18 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Emmanuel Missionery College, Berrien Springs, Mich., effective 1-25-50 to 9-15-50; bookbinding, binding, and related operations; clerical, bookkeeping, typing, and related operations; printing, press work, stitcher, hand and machine composition, and related operations; woodworking, assembly, mill machine operating; 120 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Glendale Union Academy, Glendale 6, Calif., effective 1-25-50 to 9-15-50; printing, type setting, press work, compositor, and related operations; four learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

La Sierra College, La Sierra Station, Arlington, Calif., effective 1-25-50 to 9-15-50; print shop; five learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Madison College, Madison College, Tenn., effective 1-25-50 to 9-15-50; food processing, skilled operations; office work; steam plant; 50 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Maplewood Academy, Hutchinson, Minn., effective 1-25-50 to 9-15-50; clerical, typing, recordkeeping, posting, invoicing, etc.: six learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Mount Vernon Academy, Mount Vernon, Ohio, effective 1-25-50 to 9-15-50; printing, composition, press, bindery, and clerical operations; 10 learners; 250 hours at 45 cents, 250 hours at 50 cents; 250 hours at 60 cents.

Oak Park Academy, Nevada, Iowa, effective 1-25-50 to 9-15-50; press, pressman, compositor, and related operation; broom shop, winding and stitching, sorting and related operations; 14 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Ozark Academy, Gentry, Ark., effective 1-25-50 to 9-15-50; broom making, sorting, winding, stitching, painting (handles), bundling, wrapping, labeling, seeding: 10 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Pacific Union College, Angwin, Calif., effective 1-25-50 to 9-15-50; printing, compositors, pressmen, lithography, binding and other related operations; bindery, sewing, gold stamping, trimming and booking, cutting, case making, cashing-in; 20 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Plainview Academy, Redfield, S. Dak., effective 1-25-50 to 9-15-50; broom shop, sorting, winding, stitching, painting, bundling, wrapping, labeling, seeding; 10 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Southern Missionary College, Collegedale, Tenn., effective 1-25-50 to 9-15-50; bookbinding, binding, and related operations; broom factory, broom maker and related operations; clerical, typing, filing and related operations; furniture, cabinet and furniture making; factory, compositor, pressman, bindery workers, and related operations; 145 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Sunnydale Academy, P. O. Box 209, Centralia, Mo., effective 1-25-50 to 9-15-50; food manufacturing, preparing gluten, precooking, making broth, canning, cooking, labeling, and shipping; 12 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Union College, Lincoln, Nebr., effective 1-25-50 to 9-15-50; bookbindery, bookbinding, and related operation; furniture factory, woodworking, machine operator, assembler and related operation; print shop, compositor, pressman, and related operations; clerical workers, bookkeepers, filing machine operators and related work; 86 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Walla Walla College, College Place, Wash., effective 1-25-50 to 9-15-50; college press, compositor, pressman, binder and related operations; book bindery, bind, sew, place on covers, stamping, forwarding, finishing and related operations; 30 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Washington Missionary College, Takoma Park, Md., effective 1-25-50 to 9-15-50; printing, pressman, compositor, linotype operator, bindery operations, clerical, and other related skilled operations; woodworking, milling, assembling, clerical and related skilled operations; clerical, typists, stenographers, bookkeepers and related office practices; 37 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available except that employers of student-workers employed in school-operated industries were not required to certify to the non-availability of experienced workers. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 18th day of July 1950.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 50-6545; Filed, July 26, 1950; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9578]

BRAZORIA COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of A. T. Deere et al., d/b as Brazoria County Broadcasting Company, Freeport, Texas, for construction permit; Docket No. 9578, File No. BP-5511.

The Commission having under consideration a petition filed on July 10, 1950, by Brazoria County Broadcasting Company, Freeport, Texas, requesting that the hearing in the above-entitled proceeding, now scheduled for July 17, 1950, be continued for 90 days; and

It appearing, that the General Counsel has consented to a grant of the petition and to a waiver of the four-day requirement of § 1.745 of the Commission's rules and regulations, so as to permit immediate consideration of said petition, and good cause having been shown why the petition should be granted;

It is ordered, This 14th day of July 1950, that the petition of Brazoria County Broadcasting Company for a continuance of the hearing herein, is hereby granted, and the hearing in the above-entitled proceeding, is hereby continued, to October 2, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6583; Filed, July 26, 1950; 8:51 a. m.]

[Docket No. 9627]

ALL-OKLAHOMA BROADCASTING CO. (KRMG)

ORDER ENLARGING ISSUE

In re application of All-Oklahoma Broadcasting Company (KRMG), Tulsa, Oklahoma, for construction permit; Docket No. 9627, File No. BP-7420.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of July 1950;

The Commission having under consideration a petition filed on July 10, 1950, by All-Oklahoma Broadcasting Company (KRMG), asking that the issues in the proceeding upon its above-entitled application now scheduled to be held on July 21, 1950, be enlarged to include an issue relating to the present and proposed coverage and other services available thereto; and

It appearing, that the issue suggested by the petitioner is necessary to a proper determination in this matter;

It is ordered, That the petition is granted; and that the Commission order of April 13, 1950 designating the above-entitled application for hearing is amended to include as Issue No. 4, the following:

4. To determine the areas and populations which may be expected to gain or lose service from the proposed operation and the character of other broadcast service available to such areas and populations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6582; Filed, July 26, 1950; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1420]

HOPE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 20, 1950.

On June 13, 1950, Hope Natural Gas Company (Applicant), a West Virginia corporation having its principal place of business at Clarksburg, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, as fully described in said application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 28, 1950 (15 F. R. 4148).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 3, 1950, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 20, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6546; Filed, July 26, 1950; 8:46 a. m.]

[Docket No. G–1437]

CITY OF CORINTH, MISS.

NOTICE OF APPLICATION

JULY 20, 1950.

Take notice that the City of Corinth, Mississippi (Applicant) a municipal corporation of the State of Mississippi, filed on July 3, 1950, an application pursuant to section 7 (a) of the Natural Gas Act, for an order directing Tennessee Gas Transmission Company (Tennessee), a natural gas company, to establish or permit physical connection of its transmission facilities with the proposed facilities of Applicant and to sell Applicant an adequate supply of natural gas.

Applicant proposes to construct and operate 21½ miles of 6-inch high pressure lateral transmission line extending from a point on a local distribution system to be constructed in the City of Corinth to a point of connection with the main transmission pipeline system of Tennessee traversing McNairy County, Tennessee.

The application recites negotiations for a supply of natural gas from Alabama-Tennessee Natural Gas Company were discontinued due to the rate proposed by said Company; and that a saving of $1,228,800 over a 20-year period can be effected by the City of Corinth by purchasing and obtaining natural gas from Tennessee Gas Transmission Company rather than from Alabama-Tennessee Natural Gas Company.

The estimated cost of the proposed lateral transmission line is $350,000, and of proposed distribution facilities to be installed in the City of Corinth is $525,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50–6547; Filed, July 26, 1950; 8:46 a. m.]

[Docket No. G–1440]

LOUISIANA-NEVADA TRANSIT CO.

NOTICE OF APPLICATION

JULY 20, 1950.

Take notice that on July 11, 1950, Louisiana-Nevada Transit Company (Applicant), a Nevada corporation with its principal place of business at Ada, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a measuring and regulating station at Okay, Arkansas, on Applicant's pipeline system for the sale and delivery of natural gas to the City of De Queen, Arkansas.

Applicant represents that it has adequate gas reserves and capacity of transmission facilities to meet the estimated requirements of the City of De Queen which are at 89,540 Mcf. per year.

The estimated total cost of the proposed facilities is $1,727.27 which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 8th day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50–6548; Filed, July 26, 1950; 8:46 a. m.]

[Projects Nos. 20, 472, 486, 597, 665, 671, 675, 696, 703, 713]

UTAH POWER & LIGHT CO.

NOTICE OF ORDER

JULY 21, 1950.

Notice is hereby given that, on July 20, 1950, the Federal Power Commission issued its order entered July 18, 1950, determining net changes in actual legitimate original cost and prescribing accounting therefor in the above-designated matters.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50–6549; Filed, July 26, 1950; 8:46 a. m.]

[Project No. 382]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF ORDER

JULY 21, 1950.

Notice is hereby given that, on July 19, 1950, the Federal Power Commission issued its order entered July 18, 1950, authorizing amendment of license (major) in the above-designated matter.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50–6550; Filed, July 26, 1950; 8:46 a. m.]

[Project No. 516]

SOUTH CAROLINA ELECTRIC & GAS CO.

NOTICE OF ORDER

JULY 21, 1950.

Notice is hereby given that, on July 20, 1950, the Federal Power Commission issued its order entered July 18, 1950, determining net changes in actual legitimate original cost and prescribing accounting therefor in the above-designated matter.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50–6551; Filed, July 26, 1950; 8:46 a. m.]

[Project No. 1036]

MILLIE GREVE MARSH

NOTICE OF ORDER

JULY 21, 1950.

Notice is hereby given that, on July 20, 1950, the Federal Power Commission issued its order entered July 18, 1950, authorizing issuance of new license (minor) in the above-designated matter.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50–6552; Filed, July 26, 1950; 8:47 a. m.]

[Project No. 1940]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF ORDER

JULY 21, 1950.

Notice is hereby given that on July 20, 1950, the Federal Power Commission issued its order entered July 18, 1950, approving revised Exhibit K and adjusting annual charges in the above-designated matter.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50–6553; Filed, July 26, 1950; 8:47 a. m.]

[Project No. 2011]

GLANCY WARDEN COLE

NOTICE OF ORDER

JULY 21, 1950.

Notice is hereby given that, on July 19, 1950, the Federal Power Commission issued its order entered July 18, 1950, authorizing issuance of license (major) in the above-designated matter.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50–6554; Filed, July 26, 1950; 8:47 a. m.]

[Docket No. G–1326]

COLORADO INTERSTATE GAS CO. AND CANADIAN RIVER GAS CO.

NOTICE OF ORDER

JULY 21, 1950.

Notice is hereby given that, on July 20, 1950, the Federal Power Commission issued its order entered July 20, 1950, in the above-designated matter, issuing certificate of public convenience and necessity and reopening record of proceeding for hearing to be hereafter set by the Commission.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50–6555; Filed, July 26, 1950; 8:47 a. m.]

[Docket No. E–6159]

CONNECTICUT RIVER POWER CO. ET AL.

NOTICE OF ORDER

JULY 21, 1950.

In the matter of Connecticut River Power Company, New England Power Company, Rhode Island Power Transmission Company, and The Narragansett Electric Company. Docket No. E–6159.

Notice is hereby given that, on July 19, 1950, the Federal Power Commission issued its order entered July 18, 1950, supplementing order of September 2, 1948, published in the FEDERAL REGISTER on September 11, 1948 (13 F. R. 5319), enlarging investigation in the above-designated matter.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50–6556; Filed, July 26, 1950; 8:47 a. m.]

[Docket No. E–6274]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER

JULY 21, 1950.

Notice is hereby given that, on July 20, 1950, the Federal Power Commission issued its order entered July 18, 1950, in the above-designated matter, granting request for withdrawal of application for authorization for issuance of securities.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50–6557; Filed, July 26, 1950; 8:47 a. m.]

[Docket No. E–6290]

RHODE ISLAND POWER TRANSMISSION CO. ET AL.

NOTICE OF ORDER

JULY 21, 1950.

In the matter of Rhode Island Power Transmission Company, The Narragansett Electric Company, and Blackstone Valley Gas and Electric Company. Docket No. E–6290.

Notice is hereby given that, on July 19, 1950, the Federal Power Commission issued its order entered July 18, 1950, approving merger or consolidation of facilities by The Narragansett Electric Company and dismissing application for disposition of these facilities by Rhode Island Power Transmission Company; and dismissing application for disposition of facilities by Blackstone Valley Gas and Electric Company and acquisition of these facilities by Rhode Island Power Transmission Company.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50–6558; Filed, July 26, 1950; 8:47 a. m.]

[Docket No. E–6303]

DEEPWATER LIGHT AND POWER CO. AND ATLANTIC CITY ELECTRIC CO.

NOTICE OF ORDER

JULY 21, 1950.

Notice is hereby given that, on July 19, 1950, the Federal Power Commission issued its order entered July 18, 1950, authorizing and approving sale and merger or consolidation of facilities, and acquisition of securities in the above-designated matter.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50–6559; Filed, July 26, 1950; 8:47 a. m.]

[Docket Nos. G–1365, G–1387]

TENNESSEE GAS TRANSMISSION CO., AND ARKANSAS LOUISIANA GAS CO.

NOTICE OF FINDINGS AND ORDERS

JULY 21, 1950.

Notice is hereby given that, on July 19, 1950, the Federal Power Commission issued its findings and orders entered July 18, 1950, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50–6560; Filed, July 26, 1950; 8:47 a. m.]

[Docket No. ID–1135]

ERNEST R. ACKER

NOTICE OF ORDER

JULY 21, 1950.

Notice is hereby given that, on July 20, 1950, the Federal Power Commission issued its order entered July 18, 1950, in the above-designated matter, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50–6561; Filed, July 26, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25269]

GRAIN FROM OKLAHOMA TO TEXAS

APPLICATION FOR RELIEF

JULY 24, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3832.

Commodities involved: Grain and grain products, also seeds, carloads.

From: Points in Oklahoma.

To: Points in Texas.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3832, Supplement 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–6562; Filed, July 26, 1950; 8:47 a. m.]

[4th Sec. Application 25270]

CHICAGO GREAT WESTERN RAILWAY CO.; MOTOR-RAIL-MOTOR RATES

APPLICATION FOR RELIEF

JULY 24, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for and on behalf of the Chicago Great Western Railway Company and Transamerican Freight Lines, Inc.

Commodities involved: All commodities.

Between: Chicago, Ill., and Kansas City, Mo.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, Agent, tariff I. C. C. No. 22, Supplement 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hear-

ing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6563; Filed, July 26, 1950; 8:47 a. m.]

[4th Sec. Application 25271]

SLAG FROM ALABAMA TO THE SOUTH

APPLICATION FOR RELIEF

JULY 24, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 975.

Commodities involved: Slag, carloads.

From: Alabama City, Ensley and Spocari, Ala.

To: Points in the South.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 975, Supplement 144.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6564; Filed, July 26, 1950; 8:47 a. m.]

[4th Sec. Application 25272]

CHICAGO GREAT WESTERN RAILWAY CO.; MOTOR-RAIL-MOTOR RATES

APPLICATION FOR RELIEF

JULY 24, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for and on behalf of the Chicago Great Western Railway Company and Transamerican Freight Lines, Inc., Operator (in part) of Donaldson Transfer.

Commodities involved: All commodities.

Between: Chicago, Ill., and Council Bluffs, Iowa.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, Agent, tariff I. C. C. No. 22, Supplement 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6565; Filed, July 26, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1951]

NEW ENGLAND PUBLIC SERVICE CO.

ORDER PERMITTING WITHDRAWAL OF DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of July A. D. 1950.

New England Public Service Company ("NEPSCO"), a registered holding company, having on September 20, 1948, filed a declaration with this Commission, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935, with respect to the sale by NEPSCO of 200,000 shares of the common stock of Public Service Company of New Hampshire; the Commission having, on October 1, 1948, issued a notice of filing and order for hearing thereon and a hearing having been held;

NEPSCO having now filed an application requesting permission to withdraw said declaration and, in conjunction with its request, having filed a declaration with respect to the sale by NEPSCO of 260,000 shares of the common stock of Central Maine Power Company (File No. 70-2438); and

The Commission having considered the application and it appearing that the withdrawal requested is consistent with the public interest:

It is ordered, That NEPSCO's application for withdrawal of the declaration herein be and hereby is granted, and said declaration is hereby deemed withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6566; Filed, July 26, 1950; 8:48 a. m.]

[File No. 70-2438]

NEW ENGLAND PUBLIC SERVICE CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of July A. D. 1950.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New England Public Service Company ("NEPSCO"), a registered holding company. Declarant designates section 12 (d) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the offices of the Commission for a statement of the proposed transactions, which are summarized as follows:

NEPSCO own 1,315,181 shares (60.4 percent) of the common stock of Central Maine Power Company. NEPSCO proposes to sell 260,000 shares of its holdings of such stock, at competitive bidding under Rule U-50, prior to October 1, 1950, or such later date as the Commission shall approve. The price which NEPSCO will receive for the common stock, the price at which it will be offered to the public, and the names of the underwriters will be supplied by amendment. The net proceeds from the sale of the stock will be applied to the reduction of notes issued to certain banks by NEPSCO in October 1947 (Holding Company Act Release No. 7713). Declarant states that no state commission has jurisdiction over the proposed transactions. Declarant requests that the order herein conform to the provisions of Supplement R of the Internal Revenue Code.

The Commission has this day granted NEPSCO's application, filed in conjunction with the declaration noticed herein, to withdraw its declaration (File No. 70-1951) with respect to the sale by NEPSCO of 200,000 shares of the common stock of Public Service Company of New Hampshire.

The notes to which the proceeds of the sale are to be applied were issued as a step in NEPSCO's plan for the retirement of its Prior Lien Preferred Stock. This plan, which was approved by order of the Commission of June 27, 1947 and by the District Court of the United States for the District of Maine by order of August 6, 1947, provided, inter alia, for the borrowing by NEPSCO for a term of one year of an amount not in excess of $16,000,000. It further provided that NEPSCO would, within one year from the date of the loan, sell, at competitive bidding pursuant to Rule U-50, or in such manner as the Commission might approve, sufficient of its portfolio to repay the loan in full, unless the Commission granted one or more extensions of time. On October 9, 1947 NEPSCO borrowed an aggregate amount of $13,500,000. This amount has now been reduced to $8,625,000 by quarterly payments of $400,000 and by an additional payment of $475,000 made May 15, 1950. The notes were renewed with Commission approval for a term of one year in October 1948 and again in October 1949; however, requested extensions of the time in which portfolio securities were to be sold to retire the notes were not granted. (Holding Company Act Release No. 8567 and 9404). In its Memorandum Opinion of April 7, 1950 (Holding Company Act Release No. 9781) the Commission concluded that no further delay was justified in the sale by NEPSCO of portfolio securities for the purpose of reducing the loan.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration and that said declaration should not be permitted to become effective except pursuant to further order of this Commission.

It is hereby ordered, Pursuant to the applicable provisions of the act and the rules and regulations thereunder, that a hearing with respect to said declaration be held on August 15, 1950 at 10:00 a. m., e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before August 14, 1950 his request or application therefor as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing and is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed sale by New England Public Service Company of common stock of Central Maine Power Company meets the requirements of section 12 (d) of the act and the rules and regulations promulgated thereunder.

2. Whether the fees or other remuneration to be paid in connection with the proposed transactions are reasonable.

3. Whether the accounting entries proposed to be made by New England Public Service Company in connection with the proposed transactions are consistent with sound accounting principles and conform to the standards of the act and the rules promulgated thereunder.

4. Generally, whether the proposed transactions comply with all the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder, and whether, it is necessary or appropriate in the public interest or for the protection of investors and consumers to impose terms and conditions in connection with the proposed transactions.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of this Commission shall serve a copy of this order by registered mail on NEPSCO, Central Maine Power Company, and on all persons heretofore granted participation in the proceeding with respect to the retirement of the Prior Lien Preferred Stock of NEPSCO (File No. 59-15); and that notice of said hearing shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6567; Filed, July 26, 1950; 8:48 a. m.]

[File No. 31-573]

MINNESOTA AND ONTARIO PAPER CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of July A. D. 1950.

Notice is hereby given that Minnesota and Ontario Paper Company ("Minnesota and Ontario") has filed with this Commission an application requesting an exemption for itself and its two subsidiary companies, Rainy River Improvement Company ("Rainy River") and The Ontario-Minnesota Pulp and Paper Company Limited ("Ontario-Minnesota") from the provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder pursuant to sections 3 (a) (3) and 3 (a) (5) of the act.

All interested persons are referred to such application, which is on file in the offices of this Commission, for a statement of the allegations therein contained, which are summarized as follows:

Minnesota and Ontario is a corporation organized under the laws of the State of Minnesota and is primarily engaged in the manufacture and sale of paper and allied products. Its principal office is located in the city of Minneapolis, Minnesota, and its plant is located at International Falls, Minnesota. During the calendar year 1949 applicant had net sales of $42,778,384 and net earnings of $3,534,496, substantially all of which was derived from the sale of its industrial products. In connection with the operation of its industrial business, applicant owns and operates facilities for the generation and transmission of electric energy, all of which energy is consumed by applicant or transmitted to its subsidiaries.

Rainy River is organized in the State of Minnesota. It is principally engaged in public utility business and carries on its operations entirely within the United States. It receives electric energy generated by Minnesota and Ontario and distributes and sells such electric energy to members of the public. During the calendar year 1949, it had gross sales of electric energy of $280,661 and net earnings of $11,525.

Ontario-Minnesota is organized in the Province of Ontario, Dominion of Canada. It is engaged primarily in the manufacture and sale of paper and allied products and, in connection therewith, operates facilities in Canada for the generation, transmission and distribution of electric energy. A portion of such electric energy is sold to members of the public, all of such sales being made in Canada. During the calendar year 1949, Ontario-Minnesota had net sales of $17,588,123, of which $117,516 represented sales of electric energy. Most of Ontario-Minnesota's products are sold to applicant.

Applicant alleges that it is only incidentally a holding company being primarily engaged in a business other than that of a public utility company and that it does not derive a material part of its income from one or more companies the principal business of which is that of a public utility company. Applicant further alleges that it owns all the outstanding securities of its two subsidiaries, other than directors' qualifying shares.

Notice is further given that any interested person may, not later than August 7, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on the matter, stating the reasons for his request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 7, 1950, the application of Minnesota and Ontario, as filed or amended, may be granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6568; Filed, July 26, 1950; 8:48 a. m.]

[File Nos. 70-1250, 59-85]

PENNSYLVANIA EDISON CO. ET AL.

ORDER AUTHORIZING PAYMENT AND RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of July 1950.

In the matters of Pennsylvania Edison Company, Pennsylvania Electric Company, and Associated Electric Company, File No. 70–1250; Pennsylvania Edison Company, and Associated Electric Company, File No. 59–85.

The Commission by orders dated June 19, 1946, and October 15, 1948, having approved a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, by Associated Electric Company, a registered holding company, and two of its public utility subsidiary companies, Pennsylvania Electric Company and Pennsylvania Edison Company, for the merger of Pennsylvania Edison Company into Pennsylvania Electric Company; and said orders having reserved jurisdiction over the payment of all fees and expenses to be paid in connection with the plan; and applications requesting allowances of fees and expenses having been filed as follows:

Applicant	Requested allowances	Requested reimbursement of expenses
Shearman & Sterling & Wright, counsel for Associated Electric Co.	$67,500.00	$2,276.77
Edward Hopkinson, Jr., financial expert for Associated Electric Co.	7,000.00	
James N. Land, financial expert for Associated Electric Co.	1,500.00	250.00
The Pennsylvania Co. for Banking and Trusts, disbursing agent for the escrowed funds	8,650.50	1,372.03
Chemical Bank & Trust Co., escrow agent	750.00	
Gilbert Associates, Inc., engineering expert for Associated Electric Co.	15,131.14	818.50
Wolf, Block, Schorr and Solis-Cohen, counsel for protective committee for preferred stockholders of Pennsylvania Edison Co.	62,500.00	2,072.67
E. Ralph Sterling, member of protective committee and financial adviser thereto	7,000.00	788.86
Harold M. Bayuk, member of protective committee	650.00	532.85
Perry N. Selheimer, member and secretary of protective committee	3,600.00	732.82
Henry Herz, financial expert for protective committee	4,200.00	1,285.18
Charles A. O'Neil, financial expert for protective committee	6,000.00	529.90

The Commission having considered said applications and having entered its Memorandum Opinion herein, and having determined that said requests are not unreasonable in amount and are for necessary services and expenditures and Associated Electric Company having stated that it has no objection to any of said requests:

It is ordered, That Associated Electric Company pay the above-noted amounts to the named persons.

It is further ordered, That the jurisdiction heretofore reserved with respect to the payment of fees and expenses to be paid in connection with the transactions proposed in the plan be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–6570; Filed, July 26, 1950; 8:48 a. m.]

[File No. 70–2406]

CONSOLIDATED NATURAL GAS CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of July A. D. 1950.

In the matter of Consolidated Natural Gas Company, The Peoples Natural Gas Company, and New York State Natural Gas Corporation; File No. 70–2406.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its wholly-owned subsidiaries, Peoples Natural Gas Company ("Peoples"), a gas utility company, and New York State Natural Gas Corporation ("New York State"), a gas transmission company. Applicants-declarants have designated sections 9, 10, and 12 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 22, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 22, 1950, said joint application-declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, and which are summarized as follows:

Consolidated, Peoples, and New York State have entered into an agreement with Texas Eastern Transmission Corporation ("Texas Eastern"), a non-affiliated gas transmission company, pursuant to which it is proposed that, subject to obtaining the necessary approval of regulatory bodies, Peoples will sell and New York and Texas Eastern will acquire, as tenants in common, certain oil and gas leases and other interests in land, together with gas wells, pipelines and other appurtenant facilities, located in an area, called the Oakford Storage Area, in Westmoreland County, Pennsylvania. It is stated that the purpose of the proposed transfer is to provide for the joint development and operation of a natural gas storage pool by the Consolidated system and Texas Eastern. It is also stated that the requisite quantities of base or cushion gas required for operation of the pool is beyond the ability of the Consolidated system to provide from its own available supplies, and that, under the contract, Texas Eastern will undertake to supply such gas on a best effort basis.

The purchase price, which will be borne equally by New York and Texas Eastern, will be Peoples' book depreciated original cost at the time of transfer, estimated to be approximately $2,550,000, including $2,000,000 to be incurred in carrying on certain development work and acquisition of storage rights pending the transfer.

The financing of New York's pro rata share of the acquisition and development costs of the storage pool will be accomplished as part of its general future financing and will be the subject of further applications to this Commission.

Peoples has applied to the Public Utility Commission of Pennsylvania for approval of the sale of the properties, and New York and Texas Eastern have applied to the Federal Power Commission for the issuance of an appropriate certificate of convenience and necessity.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–6569; Filed, July 26, 1950; 8:48 a. m.]

[File No. 70–2428]

THOMAS KENWORTHY ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of July A. D. 1950.

In the matter of Thomas Kenworthy, John S. Cooper, Halbert McN. Jones, et al. File No. 70–2428.

Notice is hereby given that an application has been filed with this Commission pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 (the "act") by Thomas Kenworthy and by certain other individuals comprising two separate groups, John S. Cooper and Clark Cooper, Jr. (the "Cooper Group") and Halbert McN. Jones, Elizabeth M. Jones, Mary Ellen Jones, Halbert McN. Jones, Jr., Mrs. Mary J. McCoy, Ina McN. Avinger, Edwin Morgan, Anna B. Evans and James A. Jones (the "Jones Group").

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Kenworthy and the individuals comprising the Cooper and Jones groups propose to acquire from certain other individuals, respectively, 17,500 (17.8 percent), 6,386 (6.5 percent), and 15,000 shares (15.3 percent) of the 98,240 outstanding shares of common stock of Pennsylvania & Southern Gas Company ("Pennsylvania & Southern"), a public utility holding company, for a cash consideration of $5.00 per share. Of the outstanding common stock of Pennsylvania & Southern, 42,146 shares (42.9 percent) are owned by Mark Anton, H. Emerson Thomas, R. Gould Morehead, and Sylvester C. Smith, Jr. (the "Anton Group"), who have filed with the Commission a statement for the purpose of qualifying for an exemption pursuant to Rule U-9, and who, among others, are included in the selling group. After consummation of the proposed acquisition none of the members of the Anton Group will own any common stock of Pennsylvania & Southern, except H. Emerson Thomas who will retain 5,000 shares of his present holdings of Pennsylvania & Southern common stock.

According to the filing, the companies in the Anton Group holding company system are five gas utility companies which conduct propane gas operations in various small communities in Pennsylvania, New York, New Jersey and West Virginia, and Pennsylvania & Southern and its subsidiaries. Pennsylvania & Southern has six gas utility subsidiaries which serve propane gas in various small communities in Pennsylvania, North Carolina and South Carolina, one gas utility subsidiary which serves manufactured gas in one small community in Maryland, and one non-utility subsidiary which is engaged in the business of selling propane gas in portable containers; each of the gas utility subsidiaries is also engaged in the business of selling propane gas in portable containers.

The filing contains financial statements which show that at April 30, 1950, combined plant, property and equipment of the subsidiaries of Pennsylvania & Southern amounted to $1,631,281 (after deduction of negative plant acquisition adjustments of $292,756); combined investment in bottled gas equipment amounted to $113,297; and the combined reserves for depreciation of plant, property and equipment amounted to $776,189; consolidated utility operating revenues amounted to $536,881 for the 12 months ended April 30, 1950; consolidated revenues from bottled gas operations amounted to $264,939 for the same period. Such financial statements also show that Pennsylvania & Southern's consolidated common stock equity as of April 30, 1950, was equivalent to $2.93 per share and that consolidated net income applicable to its common stock amounted to $0.74 per share for the 12 months ended April 30, 1950.

The filing states that it is contemplated that Pennsylvania & Southern will, after consummation of the proposed acquisition, file a statement with the Commission for the purpose of qualifying for an exemption pursuant to Rule U-9.

Each of the buyers proposes to pay to Lewis C. Dick Company, of Philadelphia, a broker's commission of 25¢ per share and to Bioren & Co., of Philadelphia, a broker's commission of 12½¢ per share; Bioren & Co. is also to receive from each of the sellers a broker's commission of 10¢ per share. Legal fees and expenses estimated at $500 in connection with the proposed purchase of the shares will be paid by Lewis C. Dick Company.

The applicants have requested that the Commission's order be entered herein at the earliest date practicable and that such order become effective forthwith.

Notice is further given that any interested person may, not later than July 28, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 28, 1950, said application as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–6571; Filed, July 26, 1950; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14864]

MARGARET KESSLER

In re: Bank accounts owned by and debt owing to Margaret Kessler. D–28–6438–E–1, C–2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret Kessler, whose last known address is Kaulbach Str. 12, Nürnberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Margaret Kessler, by The First National Bank of Jersey City, 47 Newark Street, Hoboken, New Jersey, arising out of a savings account, account number 47690, entitled Margaret Kessler, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Margaret Kessler, by The First National Bank of Jersey City, 47 Newark Street, Hoboken, New Jersey, arising out of a checking account, entitled Estate of John M. Kessler (Margaret Kessler Adm.), maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Margaret Kessler by Alfred Reinauer and Betty Reinauer, 203–06 38th Avenue, Bayside, Long Island, New York, evidenced by a note, in the principal sum of $500.00, dated July 11, 1939, and presently in the custody of Henry G. Haas, 68 Hudson Street, Hoboken, New Jersey, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid note,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50–6584; Filed, July 26, 1950; 8:53 a. m.]

[Vesting Order 14865]

MRS. G. A. LASONDER

In re: Debts owing to Mrs. G. A. Lasonder also known as G. A. Bauer Lasonder. F–28–30659.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. G. A. Lasonder also known as G. A. Bauer Lasonder, whose last known address is Gildehaus, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by the bearer bonds described in Exhibit A, attached hereto and by reference made a part hereof, together with any and all accruals to the aforesaid debts or other obligations and any and

all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. G. A. Lasonder also known as G. A. Bauer Lasonder, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

EXHIBIT A—BONDS

Description of issue	Face value	Bond Nos.
Bush Terminal Co., consolidated mortgage 5-percent gold bonds, due Jan. 1, 1955	[1] $1,000	1889 2334 2419 2431
Southern Pacific R. R. Co., first refunding mortgage gold bonds, due Jan. 1, 1955.	[1] 1,000	M 30710 M 70726 M 70727 M 70730
Illinois Central R. R. Co., 4 percent gold bonds, of 1952, due Apr. 1, 1952.	[1] 1,000	400 1570 9534 11534
Connecticut Railway & Lighting Co., first and refunding mortgage 4½ percent, 50-year gold bonds, due Jan. 1, 1951.	[1] 1,000	10564 10797
The Louisville & Nashville R. R. Co., St. Louis Division, second mortgage 3 percent gold bonds, due Mar. 1, 1980.	[1] 1,000	91 1043 1471 2713
The Kansas City Southern Ry. Co., 3 percent first mortgage 50-year gold bonds, due 1950.	[1] 1,000	426 6708 25736 26006
The Central Pacific Ry. Co., first refunding mortgage gold bonds, due Aug. 1, 1949.	[1] 1,000	2987 27131 27141 80411

[1] Each.

[F. R. Doc. 50-6585; Filed, July 26, 1950; 8:53 a. m.]

[Vesting Order 14866]

HELEN LIEDELICH ET AL.

In re: Debts owing to Helen Liedelich, also known as Helene Liedelich, Dresdner Bank, Werner Rischbieth and T. Watanabe. F-28-30394-C-1, F-28-176-C-6, D-28-5573-C-1; E-1, F-39-6544-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Liedelich, also known as Helene Liedelich, whose last known address is No. 5 Alardus St., Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Dresdner Bank, the last known address of which is Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Hamburg, Germany, and is a national of a designated enemy country (Germany);

3. That Werner Rischbieth on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

4. That T. Watanabe, whose last known address is 2388-3 Setagaya Ku, Setagayu, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

5. That the property described as follows: That certain debt or other obligation of the Canal Bank and Trust Company in liquidation, New Orleans, Louisiana, in the amount of $111.46, arising out of liquidating dividends and interest distributions on account of a savings account, Citizens Camp—20552, maintained by Helen Liedelich, also known as Helene Liedelich, with the aforesaid bank and trust company, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with those certain checks drawn for payment of the aforesaid debt or other obligation, said checks drawn by W. J. Begnaud, payable to Mrs. Helene Liedelich and drawn on the National Bank of Commerce in New Orleans, New Orleans, Louisiana, numbered, dated, and in the amounts as follows:

Number	Date	Amount
18178	Apr. 30, 1948	$19.45
14244	do	19.45
12784	do	35.00
12816	Aug. 1, 1945	23.33
A12878	Aug. 4, 1947	7.11
B12863	Dec. 26, 1947	3.56
C12863	Apr. 26, 1948	3.56

and presently in the custody of J. Edgar Moore, George E. Burgess and John F. Finke, State Bank Commissioners, 1202 Canal Bank Building, New Orleans 12, Louisiana, together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of, the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Helen Liedelich, also known as Helene Liedelich, the aforesaid national of a designated enemy country (Germany);

6. That the property described as follows: That certain debt or other obligation of the Canal Bank and Trust Company in liquidation, New Orleans, Louisiana, in the amount of $86.52, arising out of liquidating dividends and interest distributions on account of a deposit account maintained by Dresdner Bank, with the aforesaid bank and trust company, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with those certain checks drawn for payment of the aforesaid debt or other obligation, said checks drawn by W. J. Begnaud, payable to Dresdner Bank, and drawn on the National Bank of Commerce in New Orleans, New Orleans, Louisiana, numbered, dated, and in the amounts as follows:

Number	Date	Amount
11609	Apr. 30, 1948	$18.29
10750	do	32.91
10788	Aug. 1, 1945	21.94
A10788	Aug. 4, 1947	6.69
B10824	Dec. 26, 1947	3.35
C10824	Apr. 26, 1948	3.34

and presently in the custody of J. Edgar Moore, George E. Burgess and John F. Finke, State Bank Commissioners, 1202 Canal Bank Building, New Orleans 12, Louisiana, together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of, the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Dresdner Bank, the aforesaid national of a designated enemy country (Germany);

7. That the property described as follows:

a. That certain debt or other obligation of the Canal Bank and Trust Company in liquidation, New Orleans, Louisiana, in the amount of $291.45, arising out of liquidating dividends and interest distributions on account of a deposit account maintained by Werner Rischbieth, with the aforesaid bank and trust company, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with those certain checks drawn for payment of the aforesaid debt or other obligation, said checks drawn by W. J. Begnaud, payable to Werner Rischbieth and drawn on the National Bank of Commerce in New Orleans, New Orleans, Louisiana, numbered, dated, and in the amounts as follows:

Number	Date	Amount
8099	Apr. 30, 1948	$61.60
8052	do	110.87
8075	Aug. 1, 1945	73.91
A8075	Aug. 4, 1947	22.33
B8109	Dec. 26, 1947	11.27
C8109	Apr. 26, 1948	11.27

and presently in the custody of J. Edgar Moore, George E. Burgess and John F. Finke, State Bank Commissioners, 1202 Canal Bank Building, New Orleans 12, Louisiana, together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of, the aforesaid checks, and

b. That certain debt or other obligation owing to Werner Rischbieth by the National Bank of Commerce in New Orleans, Louisiana, arising out of a checking account, entitled Werner Rischbieth, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Werner Rischbieth, the aforesaid national of a designated enemy country (Germany);

8. That the property described as follows: That certain debt or other obligation of the Canal Bank and Trust Company in liquidation, New Orleans, Louisiana, in the amount of $74.26, arising out of liquidating dividends and interest distributions on account of a deposit account maintained by T. Watanabe, with the aforesaid bank and trust company, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with those certain checks drawn for payment of the aforesaid debt or other obligation, said checks drawn by W. J. Begnaud, payable to T. Watanabe, and drawn on the National Bank of Commerce in New Orleans, New Orleans, Louisiana, numbered, dated, and in the amounts as follows:

Number	Date	Amount
10790	Apr. 30, 1948	$15.70
9952	do	28.25
10007	Aug. 1, 1945	18.83
A10007	Aug. 4, 1947	5.74
B10043	Dec. 26, 1947	2.87
C10043	Apr. 26, 1948	2.87

and presently in the custody of J. Edgar Moore, George E. Burgess and John F. Finke, State Bank Commissioners, 1202 Canal Bank Building, New Orleans 12, Louisiana, together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of, the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by T. Watanabe, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

9. That to the extent that the persons named in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

10. That to the extent that the person named in subparagraph 4 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6586; Filed, July 26, 1950; 8:53 a. m.]

[Vesting Order 14870]

JOACHIM SEDLMAYR

In re: Rights of Joachim Sedlmayr under an agreement. F-28-29192-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joachim Sedlmayr, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All rights and interests created in Joachim Sedlmayr under and by virtue of an agreement between Hill & Tibbitts, Inc., 1114 Vermont Avenue NW., Washington 5, D. C., and said Joachim Sedlmayr, accepted by said Joachim Sedlmayr on August 22, 1940, establishing a credit on the books of the aforesaid Hill & Tibbitts, Inc., in favor of said Joachim Sedlmayr,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6587; Filed, July 26, 1950; 8:52 a. m.]

[Vesting Order 14880]

JOHAN HANS FORG ET AL.

In re: Debt owing to Johan Hans Forg, also known as Johan Hans Foerg and others. F-28-30814-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Johan Hans Forg, also known as Johan Hans Foerg, Bad Tölz, Markstr. 28, Schliessfach 51, Oberbayern, Germany.

Rosa Fuchsberger, Munchen 19, Fueterer-str. 22, Bayern, Germany.

Centa Schindler, (13b) Munchen 13, Hohenzollern Str. 114/2, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to Johan Hans Forg, also known as Johan Hans Foerg, Rosa Fuchsberger and Centa Schindler by Charles E. Gruenberg, 127 N. Dearborn Street, Chicago, Illinois, arising from funds received from the Estate of Otto Mayer, also known as Otto Meyer, deceased, by the aforesaid Charles E. Gruenberg, in behalf of Johan Hans Forg, also known as Johan Hans Foerg, Rosa Fuchsberger and Centa Schindler, heirs-at-law, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6592; Filed, July 26, 1950; 8:52 a. m.]

[Vesting Order 14874]

ORLEANA R. E. BOKER

In re: Trust under will of Orleana R. E. Boker, also known as Orleana R. E. Thompson, deceased. Files D-28-1635; E. T. sec. No. 478 and D-28-1635 G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Walden Ellery von Gorrissen and Robert Curt von Gorrissen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, to the extent not heretofore vested by Vesting Order 12871, in and to the trust created under the will of Orleana R. E. Boker, also known as Orleana R. E. Thompson, deceased, presently being administered by the Rhode Island Hospital Trust Company, as succeeding trustee, 15 Westminster Street, Providence, Rhode Island,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6588; Filed, July 26, 1950; 8:52 a. m.]

[Vesting Order 14876]

KAMAICHI ABE

In re: Bank account owned by Kamaichi Abe, also known as Kumaichi Abe. D-39-19296-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kamaichi Abe, also known as Kumaichi Abe, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kamaichi Abe, also known as Kumaichi Abe, by The United States National Bank of San Diego, San Diego 12, California, arising out of a Savings Account, account number 17408, entitled Kamaichi Abe, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6590; Filed, July 26, 1950; 8:52 a. m.]

[Vesting Order 14877]

TOKUTARO CHIBA

In re: Bank account owned by Tokutaro Chiba. F-39-1460-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tokutaro Chiba, whose last known address is Toni-Mura, Kisen-gun, Iwate, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tokutaro Chiba, by The United States National Bank of San Diego, San Diego 12, California, arising out of a Savings Account, account number 30021, entitled Tokutaro Chiba, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6589; Filed, July 26, 1950; 8:52 a. m.]

AUG 1 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 145

Washington, Friday, July 28, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1949-50 Farm Storage Facility Loan Program, Amdt. 1]

PART 674—FARM STORAGE FACILITIES

SUBPART—FARM STORAGE FACILITY LOAN PROGRAM

The regulations formulated by Commodity Credit Corporation and the Production and Marketing Administration and published in 14 F. R. 5587, governing the making of loans, and containing the requirements of the Farm Storage Facility Loan Program are hereby amended and supplemented as follows:

1. Paragraph (b) of § 674.102 is amended so that the section reads as follows:

§ 674.102 *Availability of loans*—(a) *Area.* Loans will be available in all States.

(b) *Time.* Loan applications may be submitted through June 30, 1951.

(c) *Source.* All forms and documents will be made available through the offices of county committees. Disbursements on loans will be made by approved lending agencies under agreements with CCC, or by drafts drawn on CCC by the State PMA committee.

2. Paragraph (c) of § 674.106 is amended to read as follows:

§ 674.106 *Terms and conditions of loan.* • • •

(c) *Repayment of loan.* Payment will be due annually in equal principal installments. Where loan applications are approved by CCC prior to July 1, 1950, loans will be payable beginnnig January 31, 1951; where loan applications are approved by CCC on or after July 1, 1950, loans will be payable beginning January 31, 1952. The borrower is required to prepay the amount of any annual installment out of the proceeds from any price support loss or purchase agreement due the borrower within 12 months preceding the date on which the installment falls due. Any past due installment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture. In addition, any farm-storage payments due the borrower by CCC for storage of commodities in such farm-storage facilities may be applied to any installment past due or next maturing, and any excess thereover may be applied on the remaining principal. The loan may be paid in part or in full by the borrower at any time before maturity. Upon payment of farm-storage facility loans secured by mortgages or deeds to secure debt which are held by CCC or secured by deeds of trust under which CCC is beneficiary, the county committees should be requested to release or obtain the release of such instruments of record. The chairman of each county committee is authorized to act as agent of CCC in releasing or obtaining the release of such instruments. Upon payment of loans secured by instruments held by a lending agency or under which a lending agency is beneficiary, the lending agency should be requested to release or obtain the release of such instrument or instruments.

3. Section 674.109 is added to the part to read as follows:

§ 674.109 *Sale or conveyance of security.* When a borrower desires to sell or convey the facilities or other property securing a loan without repaying the loan in full, he should apply to the county committee for approval of the sale or conveyance. Approval of the sale or conveyance must be evidenced by an assumption agreement in form prescribed by CCC under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness and agrees to comply with all the terms, conditons, covenants, and agreements set out in the security instruments. Such forms may be obtained from the county committee. The chairman of each county committee is authorized to ap-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR

POCKET SUPPLEMENTS
(For Use During 1950)

The following Pocket Supplements are now available:

Title 43 ($0.35)
Titles 44–45 ($0.25)

Previously announced: Titles 4–5 ($0.30); Title 6 ($1.00); Title 7: Parts 1–209 ($0.55), Parts 210–899 ($0.75); Parts 900 to end ($0.75); Title 8 ($0.20); Title 9 ($0.20); Titles 10–13 ($0.20); Title 14: Parts 1–399 ($1.50); Parts 400 to end ($0.30); Title 15 ($0.40); Title 16 ($0.25); Title 17 ($0.20); Title 18 ($0.20); Title 19 ($0.20); Title 20 ($0.20); Title 21 ($0.30); Titles 22–23 ($0.25); Title 24 ($0.55); Title 25 ($0.20); Title 26: Parts 1–79 ($0.20); Parts 80–169 ($0.25); Parts 170–182 ($0.25); Parts 183–299 ($0.30); Title 26: Parts 300 to end; and Title 27 ($0.25); Titles 28–29 ($0.30); Titles 30–31 ($0.25); Title 32 ($1.00); Title 33 ($0.25); Titles 35–37 ($0.20); Title 38 ($0.50); Titles 40–42 ($0.25)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Issued this 25th day of July 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50–6631; Filed, July 27, 1950; 8:50 a. m.]

[1949–50 Program to Finance the Purchase of Mechanical Driers for Farm Commodities, Amdt. 1]

PART 674—FARM STORAGE FACILITIES

SUBPART—PROGRAM TO FINANCE THE PURCHASE OF MECHANICAL DRIERS FOR FARM COMMODITIES

The regulations formulated by Commodity Credit Corporation and the Production and Marketing Administration and published in 14 F. R. 6709, governing the making of loans, and containing the requirements of the Program to Finance the Purchase of Mechanical Driers for Farm Commodities are hereby amended and supplemented as follows:

1. Paragraph (b) of § 674.116 is amended to read as follows:

§ 674.116 *Availability of loans.* • • •

(b) *Time.* Loan applications may be submitted through June 30, 1951.

2. Paragraph (c) of § 674.120 is amended to read as follows:

§ 674.120 *Terms and conditions of loans.* • • •

(c) *Repayment of loan.* Payment will be due annually in equal principal installments. Where loan applications are received by the Production and Marketing Administration county committee prior to July 1, 1950, loans will be payable in equal annual principal payments beginning January 31, 1951; where loan applications are received by the Production and Marketing Administration county committee during the period July 1, 1950 through June 30, 1951, loans will be payable in equal annual principal payments beginning January 31, 1952. The borrower is required to prepay the amount of any annual installment out of the proceeds from any price support loan or purchase agreement due the borrower within 12 months preceding the date on which the installment falls due. Any past due installment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture. The loan may be paid in part or in full by the borrower at any time before maturity. Upon payment of a loan secured by a mortgage which is held by CCC, the county committees should be requested to release the mortgage of record by filing an instrument of release or by a marginal release on the county records. Upon payment of loans secured by mortgages held by a lending agency, the lending agency should be requested to release such mortgage. The chairman of each county committee is authorized to act as agent of CCC in executing or obtaining such releases.

3. Section 674.123 is added to the part to read as follows:

§ 674.123 *Sale or conveyance of security.* When a borrower desires to sell a mechanical drier securing a loan without repaying the loan in full, he should apply to the county committee for approval of such sale. Approval of the sale must be evidenced by an assumption agreement in form prescribed by CCC under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness and agrees to comply with all the terms, conditions, covenants, and agreements set out in the security instruments. Such forms may be obtained from the county committee. The chairman of each county committee is authorized to approve such transactions on behalf of CCC and to act as contracting officer of CCC in executing such assumption agreements with respect to mechanical driers located within the county.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U. S. C. Sup., 714c)

Issued this 25th day of July 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50–6632; Filed, July 27, 1950; 8:51 a. m.]

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In Federal Register Document 50–6056, appearing at page 4423 of the issue for Thursday, July 13, 1950, make the following corrections in the table in § 601.578 (c):

1. Change the rate per bushel for Carroll County under the State of Indiana to read $2.12.

2. Change the rate per bushel for Wood County under the State of West Virginia to read $2.15.

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Grain Sorghums]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In Federal Register Document 50–6264, appearing at page 4617 of the issue for Thursday, July 20, 1950, change the rate per bushel appearing in the table for Irion County under the State of Texas in § 601.258 (c), to read $1.79.

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Oats]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In Federal Register Document 50–6288, appearing at page 4621 of the issue for Thursday, July 20, 1950, make the following corrections in the table in § 601.308 (a):

1. Change the rate per bushel for Kings County under the State of California to read $0.81.

2. Change the rate per bushel for all counties of the State of Louisiana to read $0.84.

3. Change the rate per bushel for all counties of the State of Maryland to read $0.82.

4. Change the rate per bushel for Grant County under the State of Oregon to read $0.73.

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Rye]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In Federal Register Document 50–6287, appearing at page 4626 of the issue for Thursday, July 20, 1950, change the rate per bushel of the following counties in the table in § 601.608 (c), under the State of Kansas to read:

Cowley	$1.26
Douglas	1.32
Edwards	1.25
Pottawatomie	1.30

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

TENTATIVE AMENDMENT OF JULY 5, 1950

EDITORIAL NOTE: The tentative amendment of July 5, 1950, referred to in F. R. Doc. 50–6251 at page 4579 of the issue for Wednesday, July 19, 1950, is published at page 4608 in the same issue. The document at page 4608 is incorrectly published under the caption "Notice of Proposed Rule Making". The caption should read "Tentative Amendment".

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 264]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 261]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 31, is amended to describe the counties in the Defense-Rental Area as follows:

Sutter County, and Yuba County, except the City of Marysville and the portion of Yuba County described as follows:

All North and East of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of Township seventeen (17) North Range six (6) East MDB&M and running thence west along said Township line to the southwest corner of said Township; then north along the west line of Townships seventeen (17) and eighteen (18) North, Range six (6) East to the point where said line intersects the line between Butte County and Yuba County.

Butte, except that portion described as follows:

All North and East of a line beginning at a point in the boundary line between Yuba and Butte Counties, California, between T. 18 N., R. 5 E. and T. 18 N., R. 6 E., thence North in Butte County along the east lines of T. 18 N., R. 5 E., T. 19 N., R. 5 E. and T. 20 N., R. 5 E. to NE. corner of T. 20 N., R. 5 E.; thence West along north line of T. 20 N., R. 5 E. to SE. corner of T. 21 N., R. 4 E.; thence north along east lines of T. 21 N., R. 4 E., T. 22 N., R. 4 E. and T. 23 N., R. 4 E. to the NE. corner of T. 23 N., R. 4 E.; thence west along the north lines of T. 23 N., R. 4 E., T. 23 N., R. 3 E., and T. 23 N., R. 2 E. to the boundary line between Butte and Tehama Counties, California.

This decontrols the city of Marysville in Yuba County, California, a portion of the Marysville-Chico, California, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 27, is amended to describe the counties in the defense-rental area as follows:

In San Diego County, the portion lying west of San Bernardino Meridian, except the cities of Coronado and La Mesa.

This decontrols the city of La Mesa in San Diego County, California, in the San Diego, California, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective July 26, 1950.

Issued this 25th day of July 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-6619; Filed, July 27, 1950; 8:48 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter E—Credit to Indians

PART 28—KLAMATH TRIBAL LOAN FUND

MISCELLANEOUS AMENDMENTS

On June 6, 1950, there was published in the daily issue of the FEDERAL REGISTER notice of intention to amend §§ 28.1 (c); 28.7 (a), (d), (f), and (h); and §§ 28.4, 28.8, and 28.18 of Title 25, CFR, of the regulations approved by the Secretary of the Interior on September 30, 1947, and amended December 9, 1948, which were promulgated under authority contained in the act of Congress approved August 28, 1937 (50 Stat. 872, 25 U. S. C. 530–535, incl.) as amended, and to promulgate a new § 28.7 (i). Interested persons were given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to E. Morgan Pryse, Area Director, Bureau of Indian Affairs, Building 34, Swan Island, Portland 18, Oregon, within 30 days from the date of publication of the notice of intention in the daily issue of the FEDERAL REGISTER. No views and data or arguments having been received from interested persons, and the 30-day period for submittal thereof having expired, §§ 28.1 (c); 28.7 (a), (d), (f), and (h); and §§ 28.4, 28.8, and 28.18 of said regulations are amended, and a new § 28.7 (i) is promulgated, to read as hereinafter indicated:

§ 28.1 *Definitions.* • • •

(c) "Area director" means the officer in charge of the area office of the Indian Service, or his successor in office, under which the Klamath Indian Agency is placed for administrative purposes. The authority of the area director under the regulations in this part may be delegated by him in writing to his subordinates in the area office.

§ 28.4 *Eligibility.* Loans may be made to enrolled members of the Klamath Tribes, and to cooperative associations of members: *Provided*, That the articles of association and bylaws of cooperative associations must be approved by the area director.

§ 28.7 *Approval of loans.* • • •

(a) *Action by board.* Applications shall be acted upon only in meetings of the board. Any action on applications by the board shall require a uniform vote of at least two members of the board. All applications shall be acted upon, and applicants advised in writing that their applications have been acted upon favorably or unfavorably by the board, within 30 days of the date of receipt of their applications by the board. All notices of unfavorable action shall state the reasons therefor. In order to receive final approval, applications must be acted upon favorably by the board.

• • • • •

(d) *Approval by area director.* Except as otherwise indicated in the regulations in this part, loans acted upon favorably by the board, where the applicant's indebtedness to the fund will exceed $4,000 but not exceed $10,000, shall be approved by the area director. Loans to cooperatives; loans for the purchase of livestock, equipment, or machinery with maturities exceeding six years; loans to members under 21 years of age; loans with maturities exceeding ten years; loans for the purchase of land; educational loans; and loans to individuals who are Government employees shall require approval of the area director regardless of amount. Burial loans in excess of $500; emergency loans in excess of $700 to applicants who do not have security adequate to protect the loans; and loans for the maintenance and support of aged, infirm, incapacitated members in excess of $700 shall also require approval of the area director.

• • • • •

(f) *Restrictions on approval.* Loans shall not be approved for less than $25. Any loans to borrowers who are delinquent in payment of previous indebtedness to the fund shall require the approval of the business committee in addition to the approval set forth in other sections of the regulations in this part. Unless an exception is approved by the area director, not more than two loan agreements may be in effect with the same borrower at the same time, and only joint loans may be made to a husband and wife who are both eligible for loans, and any existing loan to either spouse shall be consolidated with such loans.

• • • • •

(h) *Modifications.* The board may approve one modification of any loan agreement extending the terms of repayment up to 90 days beyond the maturity date scheduled in the original loan agreement when the original loan agreement has been approved by the board in accordance with pargaraph (b) of this section. Unless otherwise authorized by the Commissioner, all other modifications of loans approved by other than the Commissioner shall require approval by the area director. The area director may approve modifications of loan agreements approved by the Commissioner in accordance with paragraph (e) of this section, in cases where the amounts of the loans are not increased.

(i) *Advances.* Advances on all approved loans shall be made within 30 days of the date of final approval of the applications, unless otherwise requested by the borrowers and so provided in their loan agreements.

§ 28.8 *Interest, service fees, and penalties.* Borrowers shall pay five percent interest annually on the basis of 360 days per annum, from the date funds are advanced on the loan until they are repaid, except on loans for educational purposes, on which the board may specify the rate to be charged: *Provided*, That such rate may not be less than 1 percent per annum nor more than the rate charged other borrowers. Borrowers also shall pay a penalty of one-half of one percent per month, or fraction thereof, on all amounts which are not paid on the due dates set forth in their loan agreements as originally approved, or as subsequently modified. Except on loans for educational purposes, and loans for the maintenance and support of aged, infirm, and incapacitated members, service fees may be charged as set forth in the following table, or a schedule of fees may be established by the board: *Provided*, That fees shall not be charged on amounts included in loans for payment of fees and such schedule shall not exceed the amounts set forth in the following table:

Loans of $500 or less: 3 percent of the amount of the loan.
Loans over $500 but not over $2,000: $15 plus 2 percent of the amount over $500.
Loans over $2,000: $45 plus 1 percent of the amount over $2,000.

§ 28.18 *Responsibility of superintendent.* The superintendent shall not make disbursements on any loans which are in violation of the regulations in this part. The superintendent shall also take the following action with reference to board matters:

(a) Return to the board any application acted upon favorably by the board in accordance with § 28.7 (a) which are in violation of the regulations in this part, and advise the board in writing of the section violated.

(b) Advise the board in writing of any application approved by the board in accordance with § 28.7 (b) which, although not in violation of the regulations in this part, does not indicate, in his opinion, reasonable assurance of repayment to the fund. He shall state the reasons for his opinion. Disbursements on such loans may be withheld pending reconsideration by the board. If, after reconsideration, the board again approves such loan, and the superintendent is still of the opinion that it does not indicate reasonable assurance of repayment to the fund, he shall advise the business committee in writing of his opinion and the facts in the case. Disbursements on such loan may be withheld until it also receives the approval of the business committee.

(c) Advise the board in writing of the action which should be taken on any loan delinquent for a period longer than 30 days, in payment of either principal or interest, and prescribe a time limit within which such action shall be taken. If the board fails to take such action within the period prescribed, the case shall be reported to the business committee. The business committee may direct the board in writing to take the action which it deems necessary to protect the loan. In the event the board fails to take such action within 10 days after receipt of the business committee's directive, the business committee may take any action which the board could have taken.

(Sec. 3, 50 Stat. 872; 25 U. S. C. 532)

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 21, 1950.

[F. R. Doc. 50-6602; Filed, July 27, 1950; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORE SPACE RESTORATION NO. 442 AND SMALL TRACT CLASSIFICATION NO. 26

JULY 18, 1950.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372) and Departmental Order No. 2325 of May 24, 1947 (43 CFR 4.275 (a) (56), 12 F. R. 3566), and pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319, of July 19, 1948 (43 CFR 50.451 (a) (56), (b) (3), 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the public lands hereinafter described in the Fairbanks, Alaska, Land District, which are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, for home and cabin sites:

FAIRBANKS AREA

T. 1 S., R. 1 W., Fairbanks Meridian;
Sec. 7: Lot 2 except that portion if described in terms of a normal subdivision would be: SE¼SW¼SW¼NW¼ and NE¼NW¼NW¼SW¼.
T. 1 S., R. 2 W., Fairbanks Meridian;
Sec. 13: Lot 2 except that portion if described in terms of a normal subdivision would be: NE¼NE¼NW¼NE¼ and NW¼NW¼NE¼NE¼.
Sec. 14: Lot 2 except that portion if described in terms of a normal subdivision would be: S½SE¼SW¼NE¼, and SE¼SW¼SW¼NE¼.
Sec. 14: SE¼NW¼.

The area described contains approximately 148.66 acres.

The lands are located within a radius of from three to five miles of the town of Fairbanks. All of the lands are located on or within a mile of secondary roads, hence are accessible or will be accessible with a minimum construction of roads. The lands lie on the Chena River floodplain near the banks of the Chena River and are generally level. Adequate water for domestic purposes can be obtained from wells, and sewage disposal may be made by the use of cesspools. It is reported that electric service is presently available or will be made available to the area in the near future by construction of electric transmission lines by the Rural Electrification Administration. Churches, schools and marketing facilities are available at Fairbanks. The climate is of the extreme continental type of interior Alaska, cold and long winters, but the snowfall is not excessive. The summers are short and warm, but the days are long and twilight is continuous during the short nights.

This order shall not become effective to change the status of such lands or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on August 7, 1950. At that time the lands shall, subject to valid existing rights, become subject to application, petition, location or selection, as follows:

(a) *Ninety-day period for preference right filings.* For a period of 90 days from 10:00 a. m. on August 7, 1950, to close of business on November 4, 1950, inclusive to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on July 18, 1950, or thereafter, up to and including 10:00 a. m., on August 7, 1950, shall be treated as simultaneously filed.

(c) *Date for nonpreference right filings authorized by the public land laws.* Commencing at 10:00 a. m., on November 6, 1950, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous nonpreference right filings.* Applications under the Small Tract Act by the general public filed on October 17, 1950, or thereafter, up to and including 10:00 a. m. on November 6, 1950, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

All applications for the land, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than five years, at an annual rental of $5.00 for home and cabin sites, payable in advance for the entire lease period. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

All of the land will be leased in tracts varying in size from approximately one to four acres, in compact units, in accordance with the classification maps on file in the Land Office, Fairbanks, Alaska.

The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts, or as shown on the classification maps on file in the Land Office, Fairbanks, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

All inquiries relating to these lands shall be addressed to the Manager, Land Office, Fairbanks, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-6607; Filed, July 27, 1950; 8:45 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION NO 27

JULY 18, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify, as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. Sec. 682 (a)), as amended, the following described public lands in the Fairbanks, Alaska, land district, embracing approximately 30.02 acres:

FOR LEASING AND SALE

For home and cabin sites.

T. 1 S., R. 2 W., Fairbanks Meridian;
Sec. 12: Lot 4 except that portion if described in terms of a normal subdivision would be S½SW¼SE¼SE¼.

2. The lands are located within a radius of from three to five miles of the town of Fairbanks. All of the lands are located on or within a mile of secondary roads, hence are accessible or will be accessible with a minimum construction of roads. The lands lie on the Chena River floodplain near the banks of the Chena River and are generally level. Adequate water for domestic purposes can be obtained from wells, and sewage disposal may be made by the use of cesspools. It is reported that electric service is presently available or will be made available to the area in the near future by construction of electric transmission lines by the Rural Electrification Administration. Churches, schools and marketing facilities are available at Fairbanks. The climate is of the extreme continental type of interior Alaska, cold and long winters but the snowfall is not excessive. The summers are short and warm, but the days are long and twilight is continuous during the short nights.

3. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR Part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to this classification, and (b) are of the type of site for which the lands subject thereunder have been classified. As to such applications, this order shall become effective upon the date which it is signed.

4. As to the lands not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on August 7, 1950. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on August 7, 1950, to close of business on November 4, 1950, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid statement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on July 18, 1950, or thereafter, up to and including 10:00 a. m. on August 7, 1950, shall be treated as simultaneously filed.

(c) *Date for nonpreference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on November 6, 1950, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous nonpreference right filings.* Applications under the Small Tract Act by the general public filed on October 17, 1950, or thereafter, up to and including 10:00 a. m. on November 6, 1950, shall be treated as simultaneously filed.

5. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications referred to in paragraph 3 and 4, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938 shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than five years, at an annual rental of $5.00 for home and cabin sites, payable in advance for the entire lease period. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

8. All of the land will be leased in tracts varying in size from approximately 2 acres to 4 acres, in accordance with the classification map on file in the Land Office, Fairbanks, Alaska. The tracts where possible are made to conform in description with the rectangular system of survey in compact units.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, or as shown on the classification maps on file in the Land Office, Fairbanks, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Fairbanks, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-6608; Filed, July 27, 1950; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION NO. 28

JULY 20, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify, as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C., sec. 682 (a)), as amended, the following described public lands in the Anchorage, Alaska land district, embracing approximately 2,915.31 acres:

FOR LEASING ONLY

For Cabin and Business Sites.

T. 1 N., R. 12 W., Seward Meridian;
Sec. 6: Lot 1, except that portion if described in terms of a normal section would be the W½SE¼NW¼NE¼.
T. 1 N., R. 13 W., Seward Meridian;
Sec. 12: Lots 2 and 3.
Sec. 13: Lots 1 and 2.
Sec. 14: Lots 1 and 2.
Sec. 22: Lot 1.
Sec. 27: Lot 4.
Sec. 34: Lot 1.
T. 2 N., R. 12 W., Seward Meridian;
Sec. 17: Lots 2 and 3.
Sec. 20: Lots 1, 2, 3, 4 and SE¼SE¼.
Sec. 29: Lot 4 and NE¼NE¼.
Sec. 32: Lot 2.
T. 7 N., R. 12 W., Seward Meridian;
Sec. 21: S½ of Lot 4, all Lot 5.
Sec. 27: Lots 1 and 2.
Sec. 28: Lots 1 and 2.
Sec. 34: Lots 2, 3 and 4.
T. 8 N., R. 10 W., Seward Meridian;
Sec. 18: Lots 1, 2, 3 and 4.
T. 8 N., R. 11 W., Seward Meridian;
Sec. 13: Lots 1, 2, 3 and 4.
Sec. 14: Lots 1, 2, 3, 4 and 5.
Sec. 15: Lots 1, 2, 3 and 4.
Sec. 17: Lot 1.
Sec. 20: Lots 1, 2 and 4.
Sec. 29: Lots 1 and 2.
Sec. 30: Lots 1, 2 and 3.
Sec. 31: Lot 1 and E½ of Lot 2.
T. 8 N., R. 12 W., Seward Meridian;
Sec. 35: Lots 1, 2, 3 and 4.
T. 1 S., R. 13 W., Seward Meridian;
Sec. 20: NW¼ of Lot 1, N½ and SE¼ of Lot 3 and all of Lot 4.
Sec. 29: Lots 1 and 4.
T. 2 S., R. 15 W., Seward Meridian;
Sec. 24: S½ of Lot 1 and all Lot 2.
Sec. 25: Lot 2.
Sec. 35: Lots 1 and 2.
T. 4 S., R. 15 W., Seward Meridian;
Sec. 11: S½ and NE¼ of Lot 3.
Sec. 22: Lot 3.
T. 5 S., R. 15 W., Seward Meridian;
Sec. 21: Lot 2.
Sec. 22: Lot 1.
Sec. 27: Lots 1, 2, 3 and 4.
Sec. 35: Lots 1, 2, 3 and 4.
Sec. 36: Lot 1.
T. 6 S., R. 14 W., Seward Meridian;
Sec. 6: Lots 3, 4 and 5.
Sec. 8: Lots 3 and 4.
T. 6 S., R. 15 W., Seward Meridian;
Sec. 1: Lots 1, 2 and 3.

2. The lands above described are located on the Kenai Peninsula along the shores of Cook Inlet and are accessible by boat. The beach is utilized as a roadway at low tide and is used exclusively as a means of access by fishermen in supplying their fishing sites as well as transporting their catch to the canneries. The climate is somewhat similar to that of the north central tier of States. Schools, churches and marketing facilities are or will be available in the near future at Homer, Kenai and Kasilof. Water for domestic purpose may be obtained from dug or drilled wells at various depths. Adequate sewage disposal may be made through the use of cesspools or septic tanks.

3. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR Part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to this classification, and (b) are of the type of site for which the lands subject thereunder have been classified. As to such applications, this order shall become effective upon the date which it is signed.

4. As to the lands not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on August 9, 1950. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on August 9, 1950, to close of business on November 6, 1950, inclusive, to (1) application for lease under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subparagraph (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on July 20, 1950, or thereafter, up to and including 10:00 a. m., on August 9, 1950, shall be treated as simultaneously filed.

(c) *Date for nonpreference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on November 7, 1950, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous nonpreference right filings.* Applications under the Small Tract Act by the general public filed on October 18, 1950, or thereafter, up to and including 10:00 a. m., on November 7, 1950, shall be treated as simultaneously filed.

5. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Leases under the Small Tract Act of June 1, 1938, will be made subject to the following terms and conditions:

(a) The right of the public to enter upon, cross, and use the leased land to the extent necessary for conducting fishing operations, including the erection and use of temporary structures along the shore during fishing seasons.

(b) That the lease shall not confer upon the lessee any exclusive right to the use of the leased land for fishing purposes.

(c) That in conducting fishing operations the lessee may only erect temporary structures during fishing seasons.

8. Leases will be for a period of not more than five years, at an annual rental of $5.00 for cabin sites, payable in advance for the entire lease period. Leases for fish traps and set net sites for commercial fishing operations will be considered as a use of the leased land for business purpose and the rental shall be the minimum charge for business sites of $20.00 payable yearly in advance.

9. The land will be leased in tracts varying in size, but not exceeding 7½ acres, and where possible will be made to conform in description with the rectangular system of survey, in compact units.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-6609; Filed, July 27, 1950; 8:46 a. m.]

ALASKA

SHORE SPACE RESTORATION NO. 443

JULY 20, 1950.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

T. 5 S., R. 15 W., Seward Meridian;
Sec. 5: Lot 6, NE¼SE¼ (Homestead Entry of Ruth W. Kyllonen, Anchorage 010663) containing 93.27 acres.
Sec. 8: Lots 3 and 4.
Sec. 9: W½SW¼ (Homestead Entry of Michael W. O'Riley, Anchorage 014374) containing 119.06 acres.

A tract of land located on Tongass Narrows, identified as Lot 1, U. S. Survey No. 2678, containing approximately 0.32 acre (Homesite application of Jack G. Brounty, Anchorage 014609).

A tract of land located on Tongass Narrows, identified as Lot 15, U. S. Survey No. 2604, containing approximately 3.57 acres (Homesite application of Reuben K. Alleman, Anchorage 014949).

A tract of land located on Kenai Lake, identified as Forest List Homesite No. 109 located at latitude 60°29' north, longitude 149°45' west, containing approximately 4.75 acres (Homesite petition for Free Survey of R. J. Bowers, Anchorage 014555).

The above described lands aggregate approximately 220.97 acres.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-6610; Filed, July 27, 1950; 8:46 a. m.]

Office of the Secretary

[Order 2509, Amdt. 7]

DELEGATIONS OF AUTHORITY; GENERAL

MISCELLANEOUS AMENDMENTS

1. Paragraph (h) of section 50 of Order No. 2509 (14 F. R. 308) is amended to read as follows:

SEC. 50. *Contracts: Bureaus.* • • •

(h) As used in this section, the term "bureau" means The Alaska Railroad, the Alaska Road Commission, the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Mines, the Bureau of Reclamation, the Fish and Wildlife Service, the Geological

Survey, the National Park Service, the Puerto Rico Reconstruction Administration, the Southeastern Power Administration, and the Southwestern Power Administration.

2. Paragraph (g) of section 52 of Order No. 2509 (14 F. R. 308) is amended to read as follows:

SEC. 52. *Leases.* • • •

(g) As used in this section, the term "bureau" means The Alaska Railroad, the Alaska Road Commission, the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Mines, the Bureau of Reclamation, the Fish and Wildlife Service, the Geological Survey, the National Park Service, the Puerto Rico Reconstruction Administration, the Southeastern Power Administration, and the Southwestern Power Administration. This section has no application to the Bonneville Power Administrator, who may continue to exercise the authority concerning leases provided in the act of August 20, 1937, as amended (16 U. S. C., 1946 ed., sec. 832 et seq.). (Delegation of authority, June 30, 1950, Acting Administrator of General Services, 15 F. R. 4385.)

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 21, 1950.

[F. R. Doc. 50-6603; Filed, July 27, 1950; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

APPOINTMENT OF CONTRACTING OFFICERS

DELEGATION OF AUTHORITY

Pursuant to the authority conferred upon me, by the bylaws of Commodity Credit Corporation published in 14 F. R. 7689, I hereby appoint the chairman of every Production and Marketing Administration county committee a contracting officer, within the county of his jurisdiction, for the purpose of:

(1) Approving on behalf of Commodity Credit Corporation the sale or conveyance of farm-storage facilities or other property securing a loan made pursuant to the regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 14 F. R. 5587, as amended,[1] governing the making of loans, and containing the requirements of the Farm Storage Facility Loan Program, and signing, on behalf of Commodity Credit Corporation, assumption agreements, under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness, with respect to such sale and conveyance.

(2) Approving on behalf of Commodity Credit Corporation the sale of mechanical driers securing a loan made pursuant to the regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 14 F. R. 6709, as amended,[2] governing the making of loans, and containing the requirements of the program to finance the purchase of mechanical driers for farm commodities, and signing on behalf of Commodity Credit Corporation, assumption agreements, under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness, with respect to such sale.

(3) Upon payment of the obligation therein described, executing releases or otherwise obtaining the release of record of chattel mortgages made to or assigned to Commodity Credit Corporation which secure loans on agricultural commodities.

(4) Upon payment of the obligation therein described, executing releases or otherwise obtaining the release of record of security instruments made to or assigned to Commodity Credit Corporation or under which Commodity Credit Corporation is beneficiary which secure loans made to purchase or construct farm-storage facilities or loans made to finance the purchase of mechanical driers for farm commodities.

(5) In accordance with instructions, selling Commodity Credit Corporation-owned storage structures, equipment, and materials which the State PMA Committee has determined in writing should be sold because of damage or deterioration, and selling such other Commodity Credit Corporation-owned storage structures, equipment, and materials as the Director, Transportation and Warehousing Branch, has determined in writing should be sold.

(6) In accordance with instructions, selling damaged agricultural commodities other than seeds owned by Commodity Credit Corporation, when such damaged commodities are in lots of 100 bushels or less and are not stored in warehouses operating under Commodity Credit Corporation storage agreements, and executing any documents in connection with such sale.

(7) In accordance with instructions, executing leases of Commodity Credit Corporation-owned storage structures to farmers or groups of farmers for the storage of their own grain, and farmer cooperatives and commercial warehousemen for the storage of grain, provided that the termination date of any such lease shall not be later than July 31, 1951.

Issued this 25th day of July 1950.

[SEAL] RALPH S. TRIGG,
President,
Commodity Credit Corporation.

Attest:

LIONEL C. HOLM,
Secretary,
Commodity Credit Corporation.

[F. R. Doc. 50-6630; Filed, July 27, 1950; 8:50 a. m.]

[1] See F. R. Doc. 50-6631, *supra.*
[2] See F. R. Doc. 50-6632, *supra.*

FEDERAL POWER COMMISSION

[Docket No. G-1392]

JERSEY CENTRAL POWER & LIGHT CO.

ORDER FIXING DATE OF HEARING

JULY 21, 1950.

On May 17, 1950, Jersey Central Power & Light Company (Applicant), a New Jersey corporation having its principal place of business at Asbury Park, New Jersey, filed an application which was amended on June 12, 1950, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction of certain natural gas transmission pipeline facilities and the operation of such facilities and existing facilities all subject to the jurisdiction of the Commission as fully described in the application on file with the Commission and open for public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application and amendment thereto, including publication in the FEDERAL REGISTER on June 6, 1950 (15 F. R. 3508-3509).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 8, 1950, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 24, 1950.

By the Commission.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50-6616; Filed, July 27, 1950; 8:47 a. m.]

[Docket No. G-1418]

MONTANA-DAKOTA UTILITIES CO.

ORDER FIXING DATE OF HEARING

JULY 21, 1950.

On June 12, 1950, Montana-Dakota Utilities Co. (Applicant), a Delaware corporation having its principal office at Minneapolis, Minnesota, filed an application for certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended authorizing the construction and operation of certain natural gas pipeline facilities at Hardin, Montana, as more fully described in the application on file with the Commission and open to public inspection.

The Commission finds: The proceedings is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 28, 1950 (15 F. R. 4149).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, a hearing be held on July 31, 1950, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Date of issuance: July 24, 1950.

By the Commission.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 50-6617; Filed, July 27, 1950; 8:47 a. m.]

[Docket No. G-1423]

NATURAL GAS PIPELINE CO. OF AMERICA

ORDER FIXING DATE OF HEARING

JULY 24, 1950.

On June 21, 1950, Natural Gas Pipeline Company of America, a Delaware corporation having its principal office at Chicago, Illinois, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission, as are fully described in the application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided for by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure; no request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 7, 1950 (15 F. R. 4327-4328).

The Commission finds: This proceeding is a proper one for disposition under the provisions of §§ 1.32 (a) and 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 31, 1950, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 24, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6614; Filed, July 27, 1950; 8:47 a. m.]

[Docket No. G-1442]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 24, 1950.

Take notice that on July 17, 1950, Northern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in Omaha, Nebraska, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described natural-gas facilities subject to the jurisdiction of the Commission:

Approximately 13.9 miles of 8¾-inch O. D. branch transmission line beginning at a point on Applicant's 24-inch O. D. loop line in Section 30, Township 90 North, Range 26 West, Wright County, Iowa, and extending in a Northwesterly direction to a point in Section 19, Township 91 North, Range 28 West, Humboldt County, Iowa; together with a measuring and regulating station at the terminus of said branch line.

Applicant states the proposed construction and operation are for the purpose of providing a natural-gas service to the proposed electric generating plant (under construction) of the Corn Belt Power Cooperative near Humboldt, Iowa, as a direct main line customer of Applicant, pursuant to the terms of a contract between Applicant and said Cooperative, on an interruptible basis; that the said Cooperative will use coal as a stand-by fuel.

The application recites that for the first five years of operation plant requirements and annual revenues will be (Mcf.):

Year	Maximum day	Annual sale	Annual revenue
1	5,000	917,000	$220,740
2	9,000	1,224,000	294,420
3	9,000	1,224,000	294,420
4	11,600	1,585,000	302,360
5	11,600	1,585,000	302,360

and that for curtailment purposes 3000 Mcf of maximum daily demand will be classified under Step 3, with the remaining maximum day volume to be classified under Step 1 of paragraph 9 of Applicant's FPC Gas Tariff, First Revised Volume No. 2. Applicant states the 3000 Mcf. of Step 3 gas can be served without exceeding the previously authorized maximum daily requirements of Northern's direct customers and without impairing Northern's ability to deliver the authorized summer demand to any gas utility during the month of July.

The estimated over-all capital cost of the proposed facilities is $230,900, and will be financed out of Applicant's general funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of August, 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6615; Filed, July 27, 1950; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5776]

AUTOMATIC VOTING MACHINE CORP. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Automatic Voting Machine Corporation, a corporation, and Alaric R. Bailey, Burton G. Tremaine III, Paul A. Ahlstrom, William H. Staring, George S. Stevenson, Burton G. Tremaine, Jr., W. G. McKetterick, Frank P. Stone, Raymond C. Anderson, Alvin N. Gustavson, Oscar F. Swanson, individually, and in their respective capacity as officers, directors, agents, representatives or employees of Automatic Voting Machine Corporation.

This matter being at issue and ready for the taking of testimony and receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That William L. Pack, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and evidence begin on Tuesday, August 22, 1950, at ten o'clock in the forenoon of that day e. d. s. t., in Hearing Room, City Hall, Jamestown, New York.

Upon completion of the taking of testimony and evidence in support of the

allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue an initial decision which shall include findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate order; all of which shall become a part of the record in said proceeding.

Issued: July 21, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-6606; Filed, July 27, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25273]

PIG IRON FROM TEXAS TO ELYRIA, OHIO

APPLICATION FOR RELIEF

JULY 25, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Pig iron, carloads.

From: Daingerfield and Lone Star, Tex.

To: Elyria, Ohio.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supplement 465.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6611; Filed, July 27, 1950; 8:46 a. m.]

[4th Sec. Application 25274]

MOLASSES AND SYRUP FROM LOUISIANA TO THE EAST

APPLICATION FOR RELIEF

JULY 25, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. P. Emerson, Jr., Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 362.

Commodities involved: Molasses and syrup, carloads.

From: Points in Louisiana.

To: Points in Trunk Line and New England territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 362, Supplement 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6612; Filed, July 27, 1950; 8:46 a. m.]

[4th Sec. Application 25275]

WOODPULP FROM PALATKA, FLA., TO OFFICIAL AND WESTERN TRUNK LINE TERRITORIES

APPLICATION FOR RELIEF

JULY 25, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of the Atlantic Coast Line Railroad Company and other carriers named in the application.

Commodities involved: Woodpulp, not powdered, carloads.

From: Palatka, Fla.

To: Points in Official and Western Trunk Line Territories.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6613; Filed, July 27, 1950; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-178]

UNITED LIGHT AND RAILWAYS CO. ET AL.

ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington D. C., on the 21st day of July 1950.

The United Light and Railways Company ("Railways"), a registered holding company, and its public-utility subsidiary, Eastern Kansas Utilities, Inc. ("Eastern Kansas"), having filed, pursuant to the Public Utility Holding Company Act of 1935 ("act"), a joint application-declaration, designated Supplemental Application No. 7, proposing to amend the liquidation plan of Railways and its holding company subsidiary, Continental Gas & Electric Corporation, approved under section 11 (e) of the act by order of January 10, 1950, to provide for the distribution by Railways to its common stockholders of all of the outstanding shares of the common stock of Eastern Kansas; and

A public hearing having been held after appropriate notice, at which hearing all interested persons were afforded an opportunity to be heard; and

Kansas Electric Cooperative, Inc., a participant, having at the hearing interposed an oral motion for a 60-day postponement of our decision herein to enable it to examine the situation with the view of submitting a bid for the property of Eastern Kansas; and

Applicants-declarants having requested that the Commission enter an order, to become effective upon its issuance, approving the proposed amendment to the liquidation plan, and that said order contain appropriate recitals conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended; and

The Commission having considered the record in the matter and having filed its findings and opinion herein approving the proposed amendment, and the Commission in its findings and opinion issued December 30, 1949 (Holding Company Act Release No. 9587), having found the liquidation plan necessary to effectuate the provisions of section 11 (b) of the act, and deeming it appropriate to grant the request that the order herein contain appropriate recitals conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, and having for reasons stated in the findings and opinion concluded that the motion for a 60-day postponement should be denied:

It is ordered, That the motion of Kansas Electric Cooperative, Inc., for a 60-day postponement of our decision be, and it hereby is, denied.

It is further ordered, Pursuant to the applicable provisions of the act, that the proposed amendment to the liquidation plan to provide for the distribution by Railways to its stockholders of all the outstanding shares of the common stock of Eastern Kansas, and the plan as so amended, be, and hereby are, approved, subject, however, to the conditions specified in Rule U-24, and subject to a reservation of jurisdiction with respect to the fees, expenses and other remuneration incurred and to be incurred in connection with the transactions proposed in the application-declaration and to the reservations of jurisdiction contained in the order of January 10, 1950, approving the liquidation plan.

It is further ordered and recited, That the following steps and transactions involved in the consummation of paragraph 6 of the plan, as amended, are necessary or appropriate to the integration or simplification of the holding company system of which Railways and Eastern Kansas are members and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

1. The change of the 14,000 outstanding shares of common stock of the par value of $100 each of Eastern Kansas into 100,000 outstanding shares of common stock without par value, and, in connection therewith, the issuance by Eastern Kansas of a new certificate or certificates evidencing said 100,000 shares of common stock without par value to be outstanding in exchange for the certificate or certificates evidencing said 14,000 shares of common stock of the par value of $100 each which are now outstanding;

2. The issuance by Eastern Kansas to Railways of 26,933 additional shares of common stock without par value in consideration of (a) $200,000 in cash to be paid in Eastern Kansas, (b) the cancellation by Railways of Eastern Kansas' indebtedness to Railways in the amount of $100,000, and (c) the capitalization of $74,381 of Eastern Kansas' existing paid-in surplus.

3. The distribution and transfer by Railways to its common stockholders of shares of common stock without par value of Eastern Kansas on the basis of one share of common stock of Eastern Kansas for each 25 shares of common stock of Railways (together with cash in lieu of fractional shares).

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6605; Filed, July 27, 1950; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14858]

OTTO AND LOUISE BALZER

In re: Safe Deposit lease, contents and certificate of beneficial interest owned by Otto Balzer and Louise Balzer and debt owing to Otto Balzer and Louise Balzer. F-28-2095-F-1/D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Balzer and Louise Balzer, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests created in Louise Balzer and Otto Balzer under and by virtue of a safe deposit box lease agreement by and between Louise Balzer, Otto Balzer and Jno J. Krause (Deceased) and the Continental Illinois Safe Deposit Company, 231 South La Salle Street, Chicago, Illinois, relating to Safe Deposit Box No. K-1995, located in the vaults of said Company, including particularly but not limited to, the right of access to said safe deposit box, and

b. All property of any nature whatsoever owned by Louise Balzer and Otto Balzer located in the safe deposit box referred to in subparagraph 2 (a) hereof, and any and all rights of said persons evidenced or represented thereby,

subject however, to any liens of the aforesaid Continental Illinois Safe Deposit Company, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Louise Balzer and Otto Balzer, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation evidenced by a Certificate of Beneficial Interest issued by Pioneer Trust & Savings Bank, 4000 West North Avenue, Chicago 39, Illinois, as Trustee under Liquidation Trust No. 4637, said certificate representing 15 units, bearing the number 15248, and registered in the name of John J. Krause, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid Certificate including particularly the right to receive any dividends due or to become due thereon,

b. That certain debt or other obligation of Jane L. Krause, 744 Glenayre Drive, Glenview, Illinois, arising out of liquidating dividends received by the aforesaid Jane L. Krause on the claim of John J. Krause in the liquidation of Kimbell Trust & Savings Bank, Chicago, Illinois, and any and all dividend checks presently in the custody of Jane L. Krause, received from the liquidation of the aforesaid Kimbell Trust & Savings Bank, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Louise Balzer and Otto Balzer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-6620; Filed, July 27, 1950; 8:48 a. m.]

[Vesting Order 14879]

MAX FEHRINGER

In re: Bank account owned by Max Fehringer. F-28-30815-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Fehringer, whose last known address is 22a Dusseldorf-Grafenberg, Gutenbergstrasse 51, North Rhein Province, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Max Fehringer, by the Peoples Trust Company of Bergen County, 210 Main Street, Hackensack, New Jersey, arising out of a checking

account, entitled Max Fehringer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6591; Filed, July 26, 1950; 8:52 a. m.]

[Vesting Order 14881]

FUKUJI ISOSAKI

In re: Bank account owned by Fukuji Isosaki. F-39-1425-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fukuji Isosaki, whose last known address is Toni Mura, Kisen Gun, Iwate, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Fukuji Isosaki, by The United States National Bank of San Diego, San Diego 12, California, arising out of a savings account, account number 30023, entitled Fukuji Isosaki, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6593; Filed, July 26, 1950; 8:52 a. m.]

[Vesting Order 14883]

FRANCIS LEWEK

In re: Debt owing to Francis Lewek. F-28-26512-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Francis Lewek, whose last known address is c/o Frederick Wirth, Lutzowuffer 17, Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Francis Lewek, by Samuel A. Pleasants, 101 Cedar Street, New York, N. Y., representing moneys received by the aforesaid Samuel A. Pleasants on behalf of Francis Lewek as a compromise settlement of the claim of Francis Lewek as next of kin of Max Nast, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6594; Filed, July 26, 1950; 8:52 a. m.]

[Vesting Order 14884]

FUJITARO NUKUI

In re: Bank account owned by Fujitaro Nukui. F-39-1377-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fujitaro Nukui, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Fujitaro Nukui by The United States National Bank of San Diego, San Diego 12, California, arising out of a Savings Account, account number 15823, entitled Fujitaro Nukui, maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6621; Filed, July 27, 1950; 8:48 a. m.]

[Vesting Order 14896]

ANNA PETZ

In re: Real property and a claim owned by Anna Petz.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Petz, whose last known address is Bahnhofstr. 4, Augsburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the County of Brazoria, State of Texas, particularly described as all that certain twenty-nine and twenty-nine hundredths (29.29) acres of land, being Plat No. One (1) in the subdivision of the Fourth League of the L. F. Tumlinson, Survey Abstract No. 374 in Brazoria County, Texas, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, and

b. That certain debt or other obligation owing to the person named in subparagraph 1 hereof, by Dotjen and Dotjen, Suite 410-12, 511 Locust Street, St. Louis 1, Missouri, arising out of the net income by reason of the collection of rents from the real property described in subparagraph 2-a hereof and from her distributive share in the estate of Otto Petz, deceased, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6628; Filed, July 27, 1950; 8:49 a. m.]

[Vesting Order 14885]

REICHSKREDIT GESELLSCHAFT

In re: Bank account owned by Reichskredit Gesellschaft. F-28-226-E-13.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Reichskredit Gesellschaft, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Reichskredit Gesellschaft, by The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of an Old Checks Outstanding Account, entitled Reichskredit Gesellschaft, Berlin, Germany, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6622; Filed, July 27, 1950; 8:49 a. m.]

[Vesting Order 14888]

KATIE RUFF

In re: Bank account owned by Katie Ruff, also known as Kaethe Ruff. F-28-30827-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katie Ruff, also known as Kaethe Ruff, whose last known address is 51 Nordendstrasse, Frankfurt Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Katie Ruff, also known as Kaethe Ruff, by Emigrant Industrial Savings Bank, 51 Chambers Street, New York 7, New York, arising out of a savings account, account number 239225, entitled Katie Ruff, maintained at the branch office of the aforesaid bank located at 5 East 42nd Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having

been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6623; Filed, July 27, 1950; 8:49 a. m.]

[Vesting Order 14890]

TORAKICHI SHIMAMOTO

In re: Bank account owned by Torakichi Shimamoto. D-39-19294-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Torakichi Shimamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Torakichi Shimamoto, by The United States National Bank of San Diego, San Diego 12, California, arising out of a Savings Account, account number 15822, entitled Torakichi Shimamoto, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6625; Filed, July 27, 1950; 8:49 a. m.]

[Vesting Order 14891]

YASUTARO SUGA

In re: Bank account owned by Yasutaro Suga, also known as Yasutaro Suka. D-39-19295-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yasutaro Suga, also known as Yasutaro Suka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yasutaro Suga, also known as Yasutaro Suka, by The United States National Bank of San Diego, San Diego 12, California, arising out of a Savings Account, account number 9629, entitled Yasutaro Suga, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6626; Filed, July 27, 1950; 8:49 a. m.]

[Vesting Order 14893]

KOMEGORO UEMURA

In re: Bank account owned by Komegoro Uemura, also known as Kamegoro Uemura. F-39-1678-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Komegoro Uemura, also known as Kamegoro Uemura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Komegoro Uemura, also known as Kamegoro Uemura, by The United States National Bank of San Diego, San Diego, California, arising out of a Savings Account, account number 30024, entitled Komegoro Uemura, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6626; Filed, July 27, 1950; 8:49 a. m.]

[Vesting Order 14894]

KAMEI YADA

In re: Bank account owned by Kamei Yada. F-39-6750-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kamei Yada, whose last known address is Japan, is a resident of Japan, and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 485 California Street, San Francisco, California, arising out of a savings account, account number 22716, entitled Kamei Yada, maintained at the aforesaid association, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kamei Yada, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6627; Filed, July 27, 1950; 8:49 a. m.]

[Amendment to Vesting Order 13582]

WATARU KITAGAWA

In re: Safe Deposit Lease owned by Wataru Kitagawa, also known as W. Kitagawa and contents owned by Wataru Kitagawa, also known as W. Kitagawa and Rikima Kitagawa, also known as R. Kitagawa. F-39-37-F-1.

Vesting Order Number 13582, dated August 2, 1949, is amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wataru Kitagawa, also known as W. Kitagawa, whose last known address is Kochi-Shi Nishiki Kawa-Cho 51, Banchi, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That Rikima Kitagawa, also known as R. Kitagawa, whose last known address is Otsu No. 4050, Aza Iwaya, Shimoyama, Sakawa-machi, Takaoka-gun, Kochi-ken, Japan, is a resident of Japan, and a national of a designated enemy country (Japan);

3. That the property described as follows:

a. All rights and interests created in Wataru Kitagawa, also known as W. Kitagawa, under and by virtue of a safe deposit lease agreement by and between Wataru Kitagawa and the California Bank, 625 South Spring Street, Los Angeles, California, relating to Safe Deposit Box Number 3147, located in the vaults of the Branch Office of the aforesaid bank located at 863 South San Pedro Street, Los Angeles 14, California, including particularly but not limited to the right of access to said Safe Deposit Box,

b. All property of any nature whatsoever owned by Wataru Kitagawa, also known as W. Kitagawa, located in the Safe Deposit Box referred to in subparagraph 3 (a) hereof and all rights and interests of said person evidenced or represented thereby, including particularly but not limited to the following:

(1) That certain debt or other obligation evidenced by a Promissory Note, dated January 3, 1938, payable to W. Kitagawa on demand with interest at 6%, said note in the face amount of $2,000.00, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid Promissory Note,

(2) Four hundred (400) shares of $25.00 par value capital stock of the Yano Crate Company, Ltd., 1100 S. San Pedro Street, Los Angeles, California, a corporation organized under the laws of the State of California, evidenced by a certificate numbered 2 for 300 shares registered in the name of Fujiso Yano and assigned in blank, and by certificates numbered 4 and 5 for 50 shares each, and registered in the name of Wataru Kitagawa, together with all declared and unpaid dividends thereon,

(3) Four (4) shares of $25.00 par value capital stock of California Flower Market, Inc., a corporation organized under the laws of the State of California, evidenced by a certificate numbered 38, registered in the name of Wataru Kitagawa, together with all declared and unpaid dividends thereon, and

(4) Certificate of Membership in the Southern California Flower Market, Inc., Los Angeles, California, said certificate numbered A-50, issued in the name of Wataru Kitagawa, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wataru Kitagawa, also known as W. Kitagawa, the aforesaid national of a designated enemy country (Japan);

4. That the property described as follows: All property of any nature whatsoever owned by Rikima Kitagawa, also known as R. Kitagawa, located in the Safe Deposit Box referred to in subparagraph 3 (a) hereof and all rights and interests of said person evidenced or represented thereby, including particularly but not limited to the following: That certain debt or other obligation evidenced by a Promissory Note, dated November 28, 1930, drawn by Y. Sakada, payable to R. Kitagawa, six months after date with interest at 4%, said note in the face amount of $225.00, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid Promissory Note,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Rikima Kitagawa, also known as R. Kitagawa, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6629; Filed, July 27, 1950; 8:50 a. m.]

AUG 2

FEDERAL REGISTER

VOLUME 15 NUMBER 146

Washington, Saturday, July 29, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10145

EXTENSION OF ENLISTMENTS IN THE ARMED FORCES OF THE UNITED STATES

By virtue of the authority vested in me by the Act of this date, entitled "An Act to authorize the President to extend enlistments in the Armed Forces of the United States," and as President of the United States and Commander in Chief of the armed forces of the United States, I hereby extend for a period of twelve months all enlistments in the Army, the United States Navy, and the United States Marine Corps, including the Naval Reserve and the Marine Corps Reserve, and in any component of the Air Force of the United States, which shall expire at any time after the date of this order and prior to July 9, 1951: *Provided*, That nothing contained herein shall be construed to prevent voluntary re-enlistments or voluntary extension of existing enlistments under provisions of applicable laws or the regulations of the Departments of the Army, Navy and Air Force.

The Secretary of Defense is hereby directed to take such steps as he may deem necessary to carry out the provisions of this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 27, 1950.

[F. R. Doc. 50-6702; Filed, July 28, 1950; 9:55 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; INDIANA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

INDIANA

County	Acreage value	Investment limit
Benton	$22,000	$12,000
Boone	22,000	12,000
Carroll	22,000	12,000
Cass	19,500	12,000
Clay	12,000	12,000
Clinton	22,000	12,000
Daviess	14,000	12,000
De Kalb	18,000	12,000
Elkhart	16,000	12,000
Fountain	18,000	12,000
Fulton	16,000	12,000
Greene	12,000	12,000
Hamilton	20,000	12,000
Jasper	20,000	12,000
Jay	12,000	12,000
Jennings	11,000	11,000
Kosciusko	16,000	12,000
Lagrange	15,000	12,000
Lake	18,000	12,000
La Porte	16,000	12,000
Marshall	18,000	12,000
Martin	12,000	12,000
Monroe	12,000	12,000
Montgomery	18,000	12,000
Newton	22,000	12,000
Noble	16,000	12,000
Owen	12,000	12,000
Parke	16,000	12,000
Porter	18,000	12,000
Putnam	13,500	12,000
Saint Joseph	16,000	12,000
Spencer	12,500	12,000
Steuben	16,000	12,000
Sullivan	12,000	12,000
Tippecanoe	20,000	12,000
Tipton	20,000	12,000
Vigo	12,000	12,000
Warren	17,500	12,000
Washington	12,000	12,000
White	18,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 26th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6653; Filed, July 28, 1950; 8:47 a. m.]

PART 321—SELECTION OF FARMS

SUBPART B—OPTIONING

OPTIONING OF FARM OWNERSHIP FARMS

Subpart B of Part 321 in Title 6, Code of Federal Regulations (13 F. R. 9397), is amended to read as follows:

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CFR

POCKET SUPPLEMENTS

(For Use During 1950)

The following Pocket Supplements are now available:

Title 43 ($0.35)
Titles 44–45 ($0.25)

Previously announced: Titles 4–5 ($0.30); Title 6 ($1.00); Title 7: Parts 1–209 ($0.55); Parts 210–899 ($0.75); Parts 900 to end ($0.75); Title 8 ($0.20); Title 9 ($0.20); Titles 10–13 ($0.20); Title 14: Parts 1–399 ($1.50); Parts 400 to end ($0.30); Title 15 ($0.40); Title 16 ($0.25); Title 17 ($0.20); Title 18 ($0.20); Title 19 ($0.20); Title 20 ($0.20); Title 21 ($0.30); Titles 22–23 ($0.25); Title 24 ($0.55); Title 25 ($0.20); Title 26: Parts 1–79 ($0.20); Parts 80–169 ($0.25); Parts 170–182 ($0.25); Parts 183–299 ($0.30); Title 26: Parts 300 to end; and Title 27 ($0.25); Titles 28–29 ($0.30); Titles 30–31 ($0.25); Title 32 ($1.00); Title 33 ($0.25); Titles 35–37 ($0.20); Title 38 ($0.50); Titles 40–42 ($0.25)

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SUBPART B—OPTIONING

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321.23 Mineral rights.
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321.26 Recording of option.
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AUTHORITY: §§ 321.21 to 321.28 issued under sec. 41, 60 Stat. 1066, 7 U. S. C. 1015. Statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: §§ 321.21 to 321.28 contained in FHA Instruction 421.2.

§ 321.21 *General.* (a) An option will be taken in the name of the applicant, unless the land to be optioned consists of a tract to be subdivided (in the case of a subdivision, see Subpart D of this part). In the process of obtaining an option, any qualified person may render assistance.

(b) While the information developed by the appraiser would be helpful in arriving at a fair option price, the applicant generally will be advised to obtain an option prior to the preparation of the appraisal form.

(c) Prior to optioning, the County Supervisor will examine all farms or tracts of land proposed for purchase to eliminate the appraisal of unsuitable farms and to assure that the appraising of land for negotiation of prices will not become burdensome. The applicant should be given every possible assistance in securing the option at the lowest cash figure the seller will accept. Usually, land should not be optioned at a price believed to be in excess of the figure that will later be determined to be its appraised value, or when it appears that legal limitations on loans will prevent the purchase of the land. Care should be exercised to advise the vendor when negotiating an option at a price below his asking price, that a further reduction may be necessary. Occasionally, it may be advisable to take an option at the asking price, then have the farm appraised before suggesting a reduction, in order that all necessary reductions of the option price can be negotiated at one time.

§ 321.22 *Preparation of option*—(a) *Use of option forms.* (1) Options for individual units will be taken on Form FHA–188A or Form FHA–188B, "Option for Purchase of Farm." Form FHA–188A requires the seller to furnish an abstract or certificate of title, and Form FHA–188B requires him to furnish a policy of title insurance. Title insurance will be used when it is available. The seller will be requested to fill out an application for title insurance at the same time he signs the option. The County Supervisor will be advised by the State Office whether title insurance is available and whether Form FHA–188A or Form FHA–188B should be used. When title insurance is used, the seller will be given the choice of any title insurance company which has been approved for issuing title insurance policies in the county. In the case of a Farm Enlargement loan, the seller will select the title insurance company and will apply for title insurance on the tract which he is selling; at the same time the applicant will apply for title insurance from the same company on the tract which he owns. When possible, it is desirable to insert in the option the time and conditions under which the applicant will be given possession of the property.

(2) Option which involve more than one tract will contain the following clause, inserted in the space provided for conditions peculiar to a particular transaction:

> The seller agrees that, irrespective of any other provision in this option, the buyer, or his assignees may, if the option is accepted, without any liability therefor, refuse to accept conveyance of the property described herein if the Government or other prospective Mortgagee fails or refuses to make the aforesaid loan because of defects in the title to other land now owned by, or being purchased by, the buyer.

The inclusion of this clause will relieve the applicant of his obligation to purchase and will absolve him from possible liability for damages whenever incurable defects in the title to other land owned by, or being purchased by the applicant are disclosed, subsequent to the acceptance of the option, which prevent the closing of the loan.

(3) As soon as the option has been signed by the seller and the buyer, it will be transmitted by the County Supervisor to the State office. (See §§ 331.1 and 332.1 of this chapter.)

(b) *Listing complete information on options.* Options should contain complete and accurate information on all reservations, easements, leases, water rights, or other conditions peculiar to the transaction. Such items as dates of execution and expiration, names of lessees, lessors, and areas involved, and amounts of compensation should be stated clearly. If the spaces provided on the option are insufficient for such information, extra sheets should be used and stapled to the form. Disclosure of such information at a later date causes undue delay in closing the loan. If the applicant is related to the seller, or has the same last name and is not related, the relationship should be explained fully on an extra sheet, or the State Director should be advised that no relationship exists.

(c) *Agricultural conservation program payments.* Options should not contain assignments of Agricultural Conservation Program payments, since the Soil Conservation and Domestic Allotment Act forbids such assignments. However, the cash equivalent of the anticipated Agricultural Conservation Program payment may be taken into account in arriving at the option price, since the amount of such payment and the individuals to whom it will accrue legally can be determined readily.

(Sec. 103, 52 Stat. 35, sec. 18, 52 Stat. 205; 16 U. S. C. 590h)

§ 321.23 *Mineral rights.* It is the general policy of the Farmers Home Administration that borrowers will hold all of the mineral rights in land purchased, improved, or refinanced with the proceeds of Farm Ownership loans. In some instances, however, sellers may refuse to transfer mineral rights, or such rights may be vested wholly or partially in third parties. In such situations, field officials are to be guided by the principle that, with respect to the minerals, the applicant should make as good a bargain as is possible under the circumstances. Reservations authorized on behalf of a seller should embrace the smallest fraction of the mineral rights and run for the shortest time to which the seller will agree.

(a) When an option is submitted to the State Office which does not propose to convey all of the mineral rights to the applicant, the State Director, after satisfying himself that all practical efforts to obtain 100 percent of the mineral rights have been made, may approve the option if he finds that the following conditions exist:

(1) The applicant has obtained, or is able to obtain, a portion of the mineral rights or guaranties of compensation, either of which is deemed adequate protection against loss in the event that the minerals are developed, or

(2) There is little likelihood that the minerals will be developed. (This determination may be made by the State Director on a county basis or for a group of counties provided the situation with respect to minerals is similar or widespread in the county or group of counties.), and

(3) The situation with respect to the minerals will not jeopardize the security interest of the mortgagee or will not render the farm less than an efficient family-type farm-management unit, and

(4) It is not practicable for the applicant to select another farm.

(b) When a farm which is less than an efficient family-type farm-management unit has been selected by a disabled veteran and is subject to mineral reservations, the option will not be approved unless the State Director finds that such a reservation does not constitute a potential impairment of the income-producing ability of the farm, or will not otherwise render the farm unsuitable for the disabled veteran.

(c) The County Supervisor should ascertain whether the option includes all mineral rights or whether the seller or some prior owner of the property has deeded, leased, or otherwise conveyed the whole or a part of the mineral rights. If the seller is in doubt as to whether a conveyance or lease of any part of the mineral rights has been made, or if there is a possibility that a deed, lease, or any other type of conveyance of mineral rights exists, a check of the public records will be made to determine whether there are such outstanding conveyances. If there is an outstanding deed, lease, or other conveyance of the mineral rights, the County Supervisor will forward to the State Office with the option a copy of such instrument, secured either from the seller or from the public records. If minerals are being reserved by the seller, they should be described specifically in the option, and the term "other minerals" should be avoided when possible.

(Secs. 1, 44, 60 Stat. 1073, 1069; 7 U. S. C. 1001, 1018)

§ 321.24 *Side agreements.* (a) Side agreements between applicants and sellers involving a purchase price greater

or less than the option price or any additional consideration whatsoever are in violation of Federal law. Any party entering into such side agreements or misrepresenting in any way the purchase price is subject, upon conviction under Title 18, U. S. C., sec. 1001, to a $10,000 fine or imprisonment for five years, or both, and is subject, upon conviction under Title 18, U. S. C., sec. 1014, to a $5,000 fine or imprisonment for two years, or both, which penalties are referred to in the option. Without in any way limiting their criminal liability described above, by executing the option, the buyer and seller agree that if any side agreement excess payment (money or anything of value) is paid or delivered at any time by or for the buyer to the seller, such excess payment shall be deemed to be intended as a payment immediately due and payable on the buyer's indebtedness owed to or insured by the Government, received by the seller as agent for the buyer for transmittal to the Government. The borrower, in effect, assigns to the Government his right to recover excess payments from the seller. The County Supervisor must call to the attention of applicants and sellers these provisions of the option. Failure on the part of Farmers Home Administration employees to carry out the spirit and intent of these provisions with respect to side agreements will constitute an offense of serious gravity and will be dealth with accordingly. The County Supervisor is responsible for informing applicants and sellers regarding these penalties.

(1) If the County Supervisor or any employee becomes aware of a side agreement before a loan is closed, the County Supervisor will suspend processing and the loan will not be made. He will report the facts in the case to the State Director.

(2) If the County Supervisor or any employee becomes aware of a side agreement after a loan is closed, the County Supervisor will make a report of the facts in the case to the State Director, and will thereafter take only such steps in that case as are requested by the State Director.

(3) Upon receipt of information, if there appears to be substantial evidence of a side agreement and personnel of the Farmers Home Administration are not involved, the State Director will take the following steps:

(i) Make any additional investigation he deems advisable through members of his own staff;

(ii) After he has exhausted all efforts to complete the inquiry with his own staff and is unable to obtain sufficient evidence on which to make adequate recommendations concerning the case, he may request the Area Representative of the Examination Division to make a complete investigation;

(iii) Where the option provides that excess payments are intended as a payment on the buyer's indebtedness owed to or insured by the Government, refer the case to the representative of the Office of the Solicitor for collection of the claim against the seller;

(iv) Transmit a copy of the information he has obtained through the investigation conducted from his office to the Administrator with recommendations for action by the Administrator on the criminal phase of the case and a copy of the information obtained to the Area Representative of the Examination Division;

(v) Foreclose the loan, if he deems it advisable.

(4) If information received by the State Director indicates that an employee of the Farmers Home Administration is or may be involved in a side agreement, the State Director will refer the matter to the Area Representative of the Examination Division for investigation. In making the referral, the State Director will include such recommendations as he may desire to make concerning the case. After receipt of such investigation report, the State Director will take appropriate action under his delegated authority or will make recommendations to the Administrator concerning the fiscal and disciplinary aspects of the case.

(Sec. 44, 60 Stat. 1039, sec. 1001, 62 Stat. 749, sec. 21, Pub. Law 72, 81st Cong.; 7 U. S. C. 1018, 18 U. S. C. 1001, 1014)

§ 321.25 *Payment of one dollar consideration.* The option requires payment of one dollar ($1) by the applicant, and the money actually should be paid to the seller, since a receipt for the payment of one dollar ($1) is acknowledged specifically in the option.

§ 321.26 *Recording of option.* In some cases, it may be desirable to record the option to prevent third parties from acquiring an interest in the optioned property. The County Supervisor will be informed by the State Office of the circumstances under which recordation is advisable. If the option is recorded, the fee will be paid by the applicant.

§ 321.27 *Assignment of option.* If paragraph 10 of Form FHA–188A or FHA–188B has not been stricken by the seller, Form FHA–188H, "Assignment of Option," will be used when it is desirable to assign the option to a new Farm Ownership applicant.

§ 321.28 *Expiration of option.* (a) If in unusual circumstances the County Supervisor is unable to send a Farm Ownership option to the State Office three weeks before the irrevocable period expires, he should send it as promptly as possible and request that it be given preferential consideration.

(b) If it becomes necessary to extend the time of expiration of such an option beyond one year, a new option will be secured by the applicant.

(c) If such an option is in the State Office and the seller gives ten days' written notice of termination, in accordance with the terms of the option, the County Supervisor will wire the State Office promptly so that special consideration may be given to such an option.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

JULY 19, 1950.

Approved: July 26, 1950.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6652; Filed, July 28, 1950; 8:47 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

[Amdt. 5]

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

DRIED FRUIT EXPORT PROGRAM (FISCAL YEAR 1950)

1. Section 518.108 is hereby amended to read as follows:

§ 518.108 *Period for making sales.* No payment under this program will be made in connection with any sale for export unless the sales contract was entered into on or after October 1, 1949, and prior to 12 o'clock midnight, e. d. s. t., August 31, 1950: *Provided however*, That no payment under this program will be made in connection with any sale of raisins for export unless the sales contract was entered into on or after October 1, 1949, and prior to 12 o'clock midnight, e. d. s. t., July 31, 1950.

(Sec. 32, 49 Stat. 774, as amended, sec. 112, 62 Stat. 146; 7 U. S. C. and Sup., 612c, 22 U. S. C. Sup., 1510)

Dated this 26th day of July 1950.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 50-6668; Filed, July 28, 1950; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 160—REGULATIONS AND STANDARDS FOR THE ENFORCEMENT OF THE NAVAL STORES ACT

ESTABLISHMENT AND PROMULGATION OF A STANDARD FOR TALL OIL ROSIN

1. Pursuant to section 3 of the Naval Stores Act (42 Stat. 1435–1436; 7 U. S. C. 93), and following 3 months' notice of the proposed standard to the trade (15 F. R. 691) and after oral hearing on May 9, 1950, and other reasonable opportunity to be heard was afforded those favoring or opposing the same, the United States Standard for Tall Oil Rosin, to appear as 7 CFR 160.305, is hereby established and promulgated as follows:

§ 160.305 *Tall oil rosin.* Tall oil rosin means rosin remaining after the removal of the fatty acids from tall oil by fractional distillation. Such rosin shall have the characteristic form and appearance and other physical and chemical properties normal for other kinds of rosin.

2. The heading of Part 160 is hereby redesignated as set forth above.

(Sec. 1, 42 Stat. 1435, sec. 205, 60 Stat. 1090; 70 U. S. C. 91–99, 7 U. S. C. 1624)

This order and the standard established hereby shall become effective November 1, 1950.

Done at Washington, D. C., this 26th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6664; Filed, July 28, 1950; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 341]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.448 *Lemon Regulation 341*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 26, 1950; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 30, 1950, and ending at 12:01 a. m., P. s. t., August 6, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup, 608c)

Done at Washington, D. C., this 27th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

Storage Date: July 23, 1950

[12:01 a. m. July 30, 1950, to 12:01 a. m. Aug. 13, 1950]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.227
American Fruit Growers, Inc., Fullerton	.494
American Fruit Growers, Inc., Upland	.074
Hazeltine Packing Co	1.476
Ventura Coastal Lemon Co	1.752
Ventura Pacific Co	2.200
Glendora Lemon Growers Association	2.232
La Verne Lemon Association	.865
La Habra Citrus Association	1.243
Yorba Linda Citrus Association	1.220
Escondido Lemon Association	2.099
Alta Loma Heights Citrus Association	.542
Etiwanda Citrus Fruit Association	.324
Mountain View Fruit Association	.308
Old Baldy Citrus Association	.699
San Dimas Lemon Association	1.758
Upland Lemon Growers Association	6.230
Central Lemon Association	.845
Irvine Citrus Association	.455
Placentia Mutual Orange Association	.473
Corona Citrus Association	.448
Corona Foothill Lemon Co	2.297
Jameson Company	.818
Arlington Heights Citrus Co	.609
College Heights Orange & Lemon Association	4.029
Chula Vista Citrus Association	1.028
El Cajon Valley Citrus Association	.022
Escondido Cooperative Citrus Association	.173

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Fallbrook Citrus Association	1.347
Lemon Grove Citrus Association	.428
Carpinteria Lemon Association	2.651
Carpinteria Mutual Citrus Association	2.786
Goleta Lemon Association	4.062
Johnston Fruit Co	4.985
North Whittier Heights Citrus Association	.969
San Fernando Heights Lemon Association	2.043
Sierra Madre-Lamanda Citrus Association	1.706
Briggs Lemon Association	2.466
Culbertson Lemon Association	1.500
Fillmore Lemon Association	1.265
Oxnard Citrus Association	5.764
Rancho Sespe	.747
Santa Clara Lemon Association	3.766
Santa Paula Citrus Fruit Association	3.822
Saticoy Lemon Association	3.192
Seaboard Lemon Association	3.138
Somis Lemon Association	2.095
Ventura Citrus Association	1.268
Limoneira Co	2.765
Teague-McKevett Association	.977
East Whittier Citrus Association	.645
Leffingwell Rancho Lemon Association	.758
Murphy Ranch Co	1.577
Whittier Citrus Association	.371
Chula Vista Mutual Lemon Association	.551
Index Mutual Association	.436
La Verne Cooperative Citrus Association	2.621
Orange Belt Fruit Distributors	1.007
Ventura County Orange & Lemon Association	2.275
Whittier Mutual Orange & Lemon Association	.181
Evans Brothers Packing Co	.000
Lorbeer, Carroll W. C	.002
San Antonio Orchard Co	.009
Sweet, L. G	.004

[F. R. Doc. 50-6618; Filed, July 28, 1950; 9:00 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 53 (7 CFR 958.1 et seq.), regulating the handling of Irish potatoes grown in the State of Colorado was published in the FEDERAL REGISTER (15 F. R. 4231). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the area committee for Area No. 3 (established pursuant to said agreement and order), the following rules and regulations are hereby approved.

§ 958.204 *Budget of expenses and rate of assessment, Area No. 3.* The expenses necessary to be incurred by the area com-

mittee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order and regulations duly issued thereunder, during the fiscal period ending May 31, 1951, will amount to $7,059.00.

The rate of assessment, to be paid by each handler who first ships potatoes from Area No. 3, shall be one-half of one cent ($0.005) per hundredweight of potatoes shipped by him therefrom as the first shipper thereof during such fiscal period: *Provided*, That no assessment shall be paid for a shipment or shipments of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies.

Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 26th day of July 1950, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F R. Doc. 50–6665; Filed, July 28, 1950; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 1, Amdt. 1]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF CERTIFICATED AIRCRAFT AND OF AIRCRAFT ENGINES, PROPELLERS, AND INSTRUMENTS

DESIGNATING CONVERTED ENGINES

Supplement 1, published and made effective on March 14, 1950, in 15 F. R. 1352, is amended as follows:

1. Section 18.20–13 (a) (8) is added to read:

§ 18.20–13 *Engines and fuel systems (CAA policies which apply to § 18.20).* • • •

(a) *Engines, general.* • • •

(8) *Designating converted engines.* When engine type or model conversions are accomplished (see CAM 18.7–2 and CAM 18.7–6), the engine nameplate should be altered or replaced to include the new official model designation and any other necessary information shown on the pertinent CAA engine specification.

(i) For current engines, information concerning engine modernizing, engine model conversions, and new properly marked nameplates should be obtained from the engine manufacturer.

(ii) For military surplus engines, or old engines for which new nameplates can no longer be secured, the new model designation symbols should be marked, either in the same title block adjacent to the old symbols, or on a plain thin steel plate attached beside the existing plate by at least two of the mounting screws. For engines which were never provided with separate designation plates and have, instead, an integral stamping boss on the crankcase, the new designation symbols should be added thereto, or a stamped thin steel plate may be fabricated and attached thereto. The superseded model designations should be obliterated or enclosed with parentheses. When metal stamps are used, care should be exercised to avoid damage to the engine.

(iii) In some instances, suffix letters should be added to the engine serial number on the nameplate to designate certain alterations or conversions. Such additions should be made when the alteration or conversion is not of sufficient importance to warrant model designation changes. Examples of these letter additions are:

(*a*) Suffix letter "C" on P&W Military R–2000–7, –9, and –11 engines denoting the plain main bearing type main crankcases as indicated on Specification 5E–5;

(*b*) Suffix letters "A," "E," "L," "M," or "P" on Warner Super Scarab Series 50 engines as indicated on Specification E–104;

(*c*) Suffix letter "D" on Continental E185 series engines denoting incorporation of a dampered crankcase as indicated on Specification E–246.

(iv) Examples of model designation changes are:

(*a*) Pratt and Whitney R–985–AN–1 engine converted to R–985–AN–14B may be redesignated R–985–AN–(1)14B if it is desired to preserve its former designation. Usually, though, there is no specific reason to preserve prior identities of converted engines.

(*b*) A Continental A–65–8 engine converted to an A–75 engine with flange-type crankshaft should be redesignated an A–75–8F engine. Continental Service Bulletin No. M47–16 discusses the manufacturer's recommended procedures for handling conversions of Continental engines.

(*c*) A Wright R–1820–71 engine, when installed in certificated aircraft, should be redesignated with its civil model designation 702C9GC1 and Type Certificate No. 219. Similarly, a Lycoming 0–235–2 engine nameplate should be redesignated 0–235–B and Type Certificate No. 229.

(*d*) An R–1830–65 engine, when converted to an R–1830–90D engine, may be designated R–1830–90D and the "65" obliterated.

(v) Some model conversions merely require the addition of the symbols M1 or M2, etc., to the existing designation, e. g., R–2000–7M1 as indicated on Specification 5E–5.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 603, 605, 52 Stat. 1009, 1010, as amended; 49 U. S. C. 553, 554)

These policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50–6633; Filed, July 28, 1950; 8:45 a. m.]

[Supp. 2, Amdt. 6]

PART 60—AIR TRAFFIC RULES

MINIMUM EN ROUTE INSTRUMENT ALTITUDES

The minimum enroute instrument altitude alterations appearing hereinafter are adopted to meet the requirements of the Air National Guard for an air-to-ground gunnery range in the vicinity of Dover, Del. The alterations have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are made effective during the period indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 60 is amended as follows:

1. Section 60.17–15 *Green Civil Airway No. 5* is amended to read in part:

From—	To—	Min. Alt.
Hartley (INT), Md.	Millville, N. J.	3,000

2. Section 60.17–277 *Red Civil Airway No. 77* is amended to read in part:

From—	To—	Min. Alt.
Meekins Neck (INT), Md.	Int. SE crs. Dover, Del. (VAR) and the center line of Red Civil Airway No. 77.	1,500
Int. SE crs. Dover, Del. (VAR) and the center line of Red Civil Airway No. 77.	Millville, N. J.	3,000

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective from 0001 e. s. t., August 12, 1950 to 0001 e. s. t., August 29, 1950. At the end of that period § 60.17–15 and § 60.17–277 will again become effective as designated prior to this temporary amendment.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50–6634; Filed, July 28, 1950; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

APPLICATIONS FOR PERMISSION TO CONTINUE OR EXTEND UNLISTED TRADING PRIVILEGES

The Securities and Exchange Commission today announced an amendment to its § 240.12f–1 (Rule X–12F–1) under the Securities Exchange Act of 1934, adopting a proposal published for comment on June 24, 1950.

The Commission acting pursuant to the Securities Exchange Act of 1934, as amended, particularly sections 12 (f) and 23 (a), thereof, and deeming such action necessary and appropriate in the public interest and necessary for the execution of the functions vested in the Commission by the act, hereby amends § 240.12f–1 by deleting subparagraph (7) of paragraph (a) and renumbering the ensuing subparagraphs (8) and (9) to (7) and (8) respectively.

In connection with section 4 (c) of the Administrative Procedure Act the Commission finds that the amendment has the effect of granting exemption or relieving restriction and directs that the amendment shall be effective July 25, 1950.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies sec. 12, 48 Stat. 892, 15 U. S. C. 78l)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 25, 1950.

[F. R. Doc. 50–6337; Filed, July 28, 1950; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52526]

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

IDENTIFICATION CARDS

Part 23, Customs Regulations of 1943 (19 CFR Part 23), is amended by adding a new § 23.33 to read as follows:

§ 23.33 *Identification cards.* (a) Each customs employee, other than an officer of the Customs Agency Service, who needs identification in the performance of his official duties shall be furnished an identification card on customs Form 3133 if the employee is required to carry weapons regularly or from time to time. In all other cases customs Form 3135 shall be used.

(b) A signed recent photograph (2 x 3¼ inches) shall be securely affixed with glue or other adhesive in the space provided. The signature shall be on the photograph itself and shall be written from bottom to top. The official customs seal shall be impressed on the lower portion of the photograph on each identification card.

(c) The Commissioner will issue identification cards in appropriate cases to principal field officers. Each principal field officer shall be the issuing officer for the employees under his jurisdiction.

(d) Special identification cards, bearing the facsimile signature of the Secretary of the Treasury and countersigned by the Commissioner, shall be issued to officers of the Customs Agency Service. All officers of the Customs Agency Service are authorized to carry weapons in the performance of their official duties, and specific authorization is therefore omitted from their identification cards.

(e) Identification cards shall be numbered as issued. Each card issued by the Commissioner to a principal officer will be numbered 1 and will start the series of numbers to be maintained in the particular district. Separate series of numbers shall be maintained for customs Form 3133, customs Form 3135, and the special identification cards issued to officers of the Customs Agency Service. A simple but adequate record of identification cards issued shall be maintained by each principal officer.

(f) Identification cards issued to principal field officers and to officers of the Customs Agency Service, when taken up for any reason, shall be transmitted to the Bureau for cancelation and thereafter returned for filing in the respective employees' personnel folders in the field offices. When such cards have been issued by principal field officers and are thereafter taken up for any reason, they shall be canceled and placed in the respective employees' personnel folders in the field offices.

(R. S. 161, 251, secs. 581, 624, 46 Stat. 747, as amended, 759; 5 U. S. C. 22, 19, U. S. C. 66, 1581, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: July 25, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50–6658; Filed, July 28, 1950; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter C—Federal Savings and Loan System

[No. 3386]

PART 145—OPERATIONS

EMERGENCY LIMITATION ON UNSECURED LOANS

JULY 25, 1950.

Amendment requiring borrower to supply 10% of cost of improvements in connection with certain unsecured loans.

Resolved that Part 145 of the rules and regulations for the Federal Savings and Loan System (24 CFR Part 145) is hereby amended, effective August 15, 1950, by inserting immediately after § 145.8, a new § 145.8–1, reading as follows:

§ 145.8–1 *Emergency limitation on unsecured loans.* In the public and national interest, notwithstanding any other provision of these rules and regulations or of any charter, no Federal association shall make any unsecured loan, other than an insured or guaranteed loan, during the period that this emergency regulation remains in effect, unless the borrower states in writing that his borrowings to cover the cost of the property alteration, repair, or improvement, including the proceeds of any such loan and any trade-ins and other allowances, will not exceed 90% of the total cost of any such alteration, repair, or improvement. This section shall terminate August 15, 1951.

Resolved further that, by reason of current economic conditions, the Home Loan Bank Board hereby finds that this amendment restricting certain unsecured loans is in the public interest and may be adopted under the provisions of § 108.11 of the general regulations of the Home Loan Bank Board and that deferment of the effective date beyond August 15, 1950, would be contrary to the public interest.

(Secs. 4, 5, 48 Stat. 129, 132, as amended, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp., 61 Stat. 954; 12 U. S. C. and Sup., 1463, 1464, 5 U. S. C. Sup., 133y–16 note)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 50–6655; Filed, July 28, 1950; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

PART 186—GAUGING MANUAL

Correction

In Federal Register Document 50–6597, appearing at page 4787 of the issue for Thursday, July 27, 1950, the second sentence of § 186.23 should read, "Fractional gallons beyond the first decimal will be dropped if less than 0.05 or will be added as 0.1 if 0.05 or more."

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 13—COMMERCIAL RADIO OPERATORS

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 13 since it last appeared in a daily issue of the FEDERAL REGISTER, there follows a recapitulation of Part 13 as revised to and including the Commission's actions of June 27, 1950.

GENERAL

Sec.
13.1 Licensed operators required.
13.2 Classes of operator licenses.
13.3 Dual holding of licenses.
13.4 Term of licenses.
13.5 Eligibility for new license.
13.6 Operator license, posting of.
13.7 Operators, place of duty.

APPLICATIONS

13.11 Procedure.
13.12 Special provisions, radiotelegraph first class.

EXAMINATIONS

13.21 Examination elements.
13.22 Examination requirements.
13.23 Form of writing.
13.24 Passing mark.
13.25 New class, additional requirements.
13.26 Canceling and issuing new licenses.
13.27 Eligibility for reexamination.
13.28 Renewal service requirements, renewal examinations, and exceptions.

CODE TESTS

Sec.
13.41 Transmitting speed requirements.
13.42 Transmitting test procedure.
13.43 Receiving speed requirements.
13.44 Receiving test procedure.
13.45 Computing words or code groups.

SCOPE OF AUTHORITY

13.61 Operating authority.
13.62 Special privileges.
13.63 Operator's responsibility.
13.64 Obedience to lawful orders.
13.65 Damage to apparatus.
13.66 Unnecessary, unidentified, or superfluous communications.
13.67 Obscenity, indecency, profanity.
13.68 False signals.
13.69 Interference.
13.70 Fraudulent licenses.

MISCELLANEOUS

13.71 Issue of duplicate or replacement licenses.
13.72 Exhibiting signed copy of application.
13.73 Verification card.
13.74 Posting requirements for operator.
13.75 Record of service and maintenance duties performed.

SERVICE

13.91 Endorsement of service record.
13.92 Aviation service endorsement.
13.93 Service acceptability.
13.94 Statement in lieu of service endorsement.

AUTHORITY: §§ 13.1 to 13.94 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

GENERAL

§ 13.1 *Licensed operators required.*[1] [2] [3] [4] Unless otherwise specified by the Commission, the actual operation of any radio station for which a station license is required shall be carried on only by a licensed radio operator of the required class.[5]

§ 13.2 *Classes of operator licenses.*[6] [7] The classes of commercial radio operator licenses issued by the Commission are classified basically as radiotelegraph and radiotelephone licenses, and are further classified in accordance with international usage as follows:

(a) General radio operator group:

(1) General radiotelegraph certificates:

(i) Radiotelegraph first-class operator license.

(ii) Radiotelegraph second-class operator license.

(2) General radiotelephone certificates: [8]

(i) Radiotelephone first-class operator license.

(ii) Radiotelephone second-class operator license.

(b) Restricted radio operator group:

(1) Special radiotelegraph certificate: [8]

(i) Radiotelegraph third-class operator permit.[7]

(2) Restricted radiotelephone certificate: [8]

(i) Radiotelephone third-class operator permit.

(c) Limited radio operator group:

(1) Limited radiotelephone operator certificate:

(i) Restricted radiotelephone operator permit.

(ii) Aircraft radiotelephone operator authorization.

§ 13.3 *Dual holding of licenses.* A person may not hold more than one radiotelegraph operator license (or restricted radiotelegraph permit) and one radiotelephone operator license (or restricted radiotelephone operator permit) at the same time.

§ 13.4 *Term of licenses.* Commercial operator licenses are normally issued for a term of 5 years from the date of issuance.

§ 13.5 *Eligibility for new license.* (a) Under the provisions of section 303 (l) of the Communications Act of 1934, as amended, United States citizens who are found qualified by the Commission are the only persons to whom radio operator licenses may be issued.

(b) Notwithstanding any other provisions of the Commission's rules, no person otherwise eligible shall be deemed to be eligible to be examined for or to receive a commercial radio operator license of any class, (1) whose commercial radio operator license is under suspension or is involved in a suspension proceeding, (2) who is involved in any pending litigation based on an alleged violation of the Communications Act of 1934, as amended, or (3) who is afflicted with complete deafness or complete muteness or complete inability for any other reason to transmit correctly and to receive correctly by telephone spoken messages in English.

(c) No applicant who is eligible to apply for any commercial radio operator license shall, by reason of any physical handicap, other than as set forth in paragraph (b) of this section, be denied the privilege of applying and being permitted to attempt to prove his qualifications (by examination if examination is required) for such commercial radio operator license in accordance with established procedure; nor, subject to the following conditions, shall such applicant be denied the issuance of any commercial radio operator license for which he is found qualified:

(1) If the applicant is afflicted with an uncorrected physical handicap which would clearly prevent the performance of all or any part of the duties of a radio operator, under the license for which application is made, at a station under emergency conditions involving the safety of life or property, he may be issued the license for which he is found qualified: *Provided, however,* That any license so received, if of the diploma form (as distinguished from such document of the card form), shall bear the following restrictive endorsement:

This license is not valid for the performance of any operating duties, other than installation, service and maintenance duties, at any station licensed by the Federal Communications Commission which is required, directly or indirectly, by any treaty, statute or rule or regulation pursuant to statute, to be provided for safety purposes.

(2) In any case where an applicant, who normally would receive or has received a commercial radio operator license bearing the endorsement prescribed by subparagraph (1) of this paragraph, indicates his desire to operate a station falling within the prohibitive terms of the endorsement, he may request in writing that such endorsement not be placed upon, or be removed from, his license, and may submit in support of his request any written comment or statement of himself or any interested party.

(3) An applicant who shows that he has theretofore performed satisfactorily [9] the duties of a radio operator at a station required, directly or indirectly, by any treaty, statute, or rule or regulation pursuant to statute to be provided for safety purposes, during a period when he was afflicted by uncorrected physical handicaps of the same kind and to the same degree as the physical handicaps shown by his current application,[10] shall not be deemed to be within the provisions of subparagraph (1) of this paragraph.

§ 13.6 *Operator license, posting of.* The original license of each station operator shall be posted at the place where he is on duty, except as otherwise provided in this part or in the rules governing the class of station concerned.

§ 13.7 *Operators, place of duty.* (a) Except as may be provided in the rules governing a particular class of station, one or more licensed radio operators of the grade specified by this part shall be on duty at the place where the transmitting apparatus of each licensed radio station is located and in actual charge thereof whenever it is being operated: *Provided, however,* That, (1) subject to the provisions of paragraph (b) of this section, in the case of a station licensed for service other than broadcast, where remote control of the transmitting apparatus has been authorized to be used, the Commission may modify the foregoing requirements upon proper application and showing being made so that such operator or operators may be on duty at the control point in lieu of the place where the transmitting apparatus is located; (2) in the case of two or more stations, except amateur and broadcast, licensed in the name of the same person to use frequencies above 30 megacycles only, a licensed radio operator holding a valid radiotelegraph or radiotelephone first- or second-class license who has the station within his effective control may be on duty at any point within the communication range of such stations in lieu of the transmitter location or control point during the actual operation of the transmitting apparatus and shall supervise the emissions of all such stations so as to insure the proper operation in accordance with the station license.

(b) An operator may be on duty at a remote control point in lieu of the location of the transmitting apparatus in accordance with the provisions of paragraph (a) (1) of this section: *Provided,* That all of the following conditions are met: (1) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons; (2) the emissions of the transmitter shall be continuously monitored at the control point by a licensed operator of the grade specified for the class of station involved; (3) provision shall be made so that the transmitter can quickly and without delay be placed in an inoperative condition by the operator at the control point in the event there is a deviation from the terms of the station license; (4) the radiation of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license.

APPLICATIONS

§ 13.11 *Procedure*—(a) *General.* Applications shall be governed by applicable rules in force on the date when application is filed.[11] The application in the prescribed form and including all required subsidiary forms and documents, properly completed and signed, shall be submitted in person or by mail to the office at which the applicant desires his application to be considered and acted upon, which office will make the final arrangements for conducting any required examination. If the application is for renewal of license, it may be filed at any time during the final year of the license term or during a one year period of grace after the date of expiration [12] of the license sought to be renewed. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed. A renewal application shall be accompanied by the license sought to be renewed. If the prescribed service requirements for renewal without examination [13] are fulfilled, the renewed license may be issued by mail. If the service record on the reverse side of the license does not fully describe or cover the service desired by the applicant to be considered in connection with license renewal (as might occur in the case of service rendered at U. S. government stations), the renewal application shall be supported by documentary evidence describing in detail the service performed and showing that the applicant actually performed such service in a satisfactory manner.

(b) *Restricted radiotelephone operator permit.* No oral or written examination is required for this permit. If the application is properly completed and signed, and if the applicant is found to be qualified, the permit may be issued forthwith by personal delivery to the applicant or by mail.

§ 13.12 *Special provisions, radiotelegraph first class.* An applicant for the radiotelegraph first-class operator license must be at least 21 years of age at the time the license is issued and shall have had an aggregate of 1 year of satisfactory service as a radiotelegraph operator manipulating the key of a manually operated radiotelegraph station on board a ship or in a manually operated coastal telegraph station.

EXAMINATIONS

§ 13.21 *Examination elements.* Written examinations will comprise questions from one or more of the following examination elements:

ELEMENT 1. *Basic law.* Provisions of laws, treaties and regulations with which every operator should be familiar.

ELEMENT 2. *Basic operating practice.* Radio operating procedures and practices generally followed or required in communicating by means of radiotelephone stations.

ELEMENT 3. *Basic radiotelephone.* Technical, legal and other matters applicable to the operation of radiotelephone stations other than broadcast.

ELEMENT 4. *Advanced radiotelephone.* Advanced technical, legal and other matters particularly applicable to the operation of the various classes of broadcast stations.

ELEMENT 5. *Radiotelegraph operating practice.* Radio operating procedures and practices generally followed or required in communicating by means of radiotelegraph stations primarily other than in the maritime mobile services of public correspondence.

ELEMENT 6. *Advanced radiotelegraph.* Technical, legal and other matters applicable to the operation of all classes of radiotelegraph stations, including operating procedures and practices in the maritime mobile services of public correspondence, and associated matters such as radio navigational aids, message traffic routing and accounting, etc.

ELEMENT 7. *Aircraft radiotelegraph.* Basic theory and practice in the operation of radio communication and radio navigational systems in general use on aircraft.

ELEMENT 8. *Ship radar techniques.*[14] Specialized theory and practice applicable to the proper installation, servicing and maintenance of ship radar equipment in general use for marine navigational purposes.

§ 13.22 *Examination requirements.* Applicants for original licenses will be required to pass examinations as follows:

(a) Radiotelephone second-class operator license:

(1) Ability to transmit and receive spoken messages in English.

(2) Written examination elements: 1, 2, and 3.

(b) Radiotelephone first-class operator license:

(1) Ability to transmit and receive spoken messages in English.

(2) Written examination elements: 1, 2, 3, and 4.

(c) Radiotelegraph second-class operator license:

(1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of sixteen (16) code groups per minute.

(3) Written examination elements: 1, 2, 5, and 6.

(d) Radiotelegraph first-class operator license:

(1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of twenty-five (25) words per minute plain language and twenty (20) code groups per minute.

(3) Written examination elements: 1, 2, 5, and 6.

(e) Radiotelephone third-class operator permit:

(1) Ability to transmit and receive spoken messages in English.

(2) Written examination elements 1 and 2.

(f) Radiotelegraph third-class operator permit:

(1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of sixteen (16) code groups per minute.

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[1] Whenever the term "license" is used generally to denote an authorization from the Commission, it includes "license," "permit," and "authorization".

[2] By Order No. 126, dated August 21, 1945 certain railroad employees were authorized to operate radio transmitting apparatus for use in connection with railroad operations without on operator's license upon compliance by the affected employee and the employing railroad with the condition of the Commission's order.

[3] By Commission Order No. 133, dated May 10, 1946, effective June 1, 1946, the Commission waived the requirements for the operation of mobile or portable radio transmitting apparatus by a licensed operator in the Emergency, Miscellaneous, Railroad and Experimental Services (Parts 5, 10, 11 and 16 of the Commission's rules) subject to certain conditions stated in the order. Those provisions of Part 13 of the Commission's rules that are inconsistent with the provisions of Order No. 133 are suspended.

[4] By order, dated and effective December 15, 1947, and by subsequent orders effective March 15, 1948, June 15, 1948, November 15, 1948, April 15, 1949, November 15, 1949, and May 15, 1950, the Commission temporarily waived to a limited extent the requirement that ship radar stations licensed in the Ship Service be operated by licensed radio operators. See footnote 71, § 8.195 of the Commission's rules governing Ship Service. See also § 13.61.

[5] See § 13.61.

[6] By Commission Order No. 97, dated May 19, 1942, the Commission established a class of operator license designated "Temporary Limited Radiotelegraph Second Class Operator License", to be valid for a period of five years from the date of issuance, for the operation of certain ship radiotelegraph stations. By Commission Order No. 136, effective June 30, 1946, the issuance of this class of license was discontinued. Outstanding licenses of this class remain valid until expiration according to the respective terms thereof, but may not be renewed.

[7] By Commission order dated June 27, 1950, and effective September 1, 1950, the issuance of the previous license entitled "Restricted Radiotelegraph Operator Permit" was discontinued. Outstanding licenses of this class remain valid until expiration according to the respective terms thereof, but may be renewed only as Radiotelegraph Third-Class Operator Permits.

[8] Classification by international usage.

[9] This showing may be made by means of the service record appearing on the appropriate license document of the applicant or such other proof as may be appropriate under the circumstances of the particular case.

[10] This showing may be made by means of the applicant's written, sworn statement or such other documentary proof as may be appropriate under the circumstances of the particular case.

[11] See § 13.28, footnote 18.

[12] Applications for renewal of licenses which expired between July 1, 1948, and September 1, 1949, may be filed during a period of one year commencing on September 1, 1949, and ending with August 31, 1950. Applications filed under this footnote shall be governed by applicable rules in force on the date when application is filed.

[13] See § 13.28

[14] Effective at a date to be announced after June 1, 1950, but prior to January 2, 1951.

(3) Written examination elements: 1, 2, and 5.

(g) Restricted radiotelephone operator permit: No oral or written examination is required for this permit. In lieu thereof, applicants will be required to certify in writing to a declaration which states that the applicant has need for the requested permit; can receive and transmit spoken messages in English; can keep at least a rough written log in English or in some other language in general use that can be readily translated into English; is familiar with the provisions of treaties, laws and rules and regulations governing the authority granted under the requested permit; and understands that it is his responsibility to keep currently familiar with all such provisions.

§ 13.23 *Form of writing.* Written examination shall be in English and shall be written by the applicant in longhand in ink, except that diagrams may be in pencil.

§ 13.24 *Passing mark.* A passing mark of 75 percent of a possible 100 percent will be required on each element of a written examination.

§ 13.25 *New class, additional requirements.* The holder of a license, who applies for another class of license, will be required to pass only the added examination elements for the new class of license. However, no person holding a new, duplicate, or replacement restricted radiotelephone operator permit issued upon the basis of a declaration, or a renewed restricted radiotelephone operator permit which renews a permit issued upon the basis of a declaration, shall, by reason of the declaration or the issuance of the permit based thereon, be relieved of qualifying by examination on any phase of the subject matter of the declaration when applying for any other operator license or permit for which examination on any subject matter is required.

§ 13.26 *Canceling and issuing new licenses.* If the holder of a license qualifies for a higher class in the same group, the license held will be canceled upon the issuance of the new license. Similarly, if the holder of a restricted operator permit qualifies for a first- or second-class operator license of the corresponding type, the permit held will be canceled upon issuance of the new license.

§ 13.27 *Eligibility for reexamination.* An applicant who fails an examination element will be ineligible for 2 months [15] to take an examination for any class of license requiring that element. Examination elements will be graded in the order listed,[16] and an applicant may, without further application, be issued the class of license for which he qualifies.

§ 13.28 *Renewal service requirements, renewal examinations, and exceptions.* A restricted radiotelephone operator permit or an aircraft radiotelephone operator authorization is not renewable but must always be obtained as a new permit or authorization in each instance. A license of any other class may be renewed without examination provided that the service record on the reverse side of the license [17] shows at least two years of satisfactory service in the aggregate during the license term and while actually employed as a radio operator under that license. If this two year renewal service requirement is not fulfilled, but the service record shows at least one year [18] of satisfactory service in the aggregate during the last three years of the license term and while actually employed as a radio operator under that license, the license may be renewed upon the successful completion of a renewal examination, which may be taken at any time during the final year of the license term or during a one year period of grace after the date of expiration [19] of the license sought to be renewed. The renewal examination will consist of the highest numbered examination element normally required for a new license of the class sought to be renewed, plus the code test (if any) required for such a new license. If the renewal examination is not successfully completed before expiration of the aforementioned one year period of grace, the license will not be renewed on any basis.

CODE TESTS

§ 13.41 *Transmitting speed requirements.* An applicant is required to transmit correctly in the International Morse code for 1 minute at the rate of speed prescribed in this part for the class of license desired.

§ 13.42 *Transmitting test procedure.* Transmitting tests shall be performed by the use of the conventional Morse key except that a semi-automatic key, if furnished by the applicant, may be used in transmitting code tests of 25 words per minute.

§ 13.43 *Receiving speed requirements.* An applicant is required to receive the International Morse code by ear, and legibly transcribe, consecutive words or code groups for a period of 1 minute without error at the rate of speed specified in the rules for the class of license for which the application is made.

§ 13.44 *Receiving test procedure.* Receiving code tests shall be written in long hand either in ink or pencil except that in the case of the 25 words per minute code test a typewriter may be used when furnished by the applicant.

§ 13.45 *Computing words or code groups.* Each five characters shall be counted as one word or code group. Punctuation marks or figures count as two characters.

SCOPE OF AUTHORITY

§ 13.61 *Operating authority.* The various classes of commercial radio operator licenses issued by the Commission authorize the holders thereof to operate radio stations, except amateur, as follows:[20]

(a) *Radiotelegraph first-class operator license.* Any station except—

(1) Stations transmitting television, or

(2) Any of the various classes of broadcast stations other than remote pickup and ST broadcast stations, or

(3) On a cargo vessel (other than a vessel operated exclusively on the Great Lakes) required by treaty or statute to be equipped with a radiotelegraph installation, the holder of this class of license may not act as chief or sole operator until he has had at least 6 months' satisfactory service in the aggregate as a qualified radiotelegraph operator in a station on board a ship or ships of the United States.

(4) On an aircraft employing radiotelegraphy, the holder of this class of license may not operate the radiotelegraph station during the course of normal rendition of service unless he has satisfactorily completed a supplementary examination qualifying him for that duty, or unless he has served satisfactorily as chief or sole radio operator on an aircraft employing radiotelegraphy prior to February 15, 1950. The supplementary examination shall consist of:

(i) Written examination element: 7.

(5) [21] At a ship radar station licensed in the Ship Service, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless he has satisfactorily completed a supplementary examination qualifying him for that duty and received a ship radar endorsement on his license certifying to that fact: *Provided,* That nothing in this sub-paragraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes. The

[15] A month after date is the same day of the following month, or if there is no such day, the last day of such month. This principle applies for other periods. For example, in the case of the 2-month period to which this note refers, an applicant examined December 1 may be reexamined February 1, and an applicant examined December 29, 30, or 31 may be reexamined the last day of February, while one examined February 28 may be reexamined April 23.

[16] See § 13.21.

[17] See §§ 13.91 to 13.94.

[18] As a temporary exception, during the period September 1, 1949, through September 30, 1949, applications for renewal by renewal type examination will be considered upon the basis of showing of three months satisfactory service instead of one year during the last three years of the license term provided the renewal application is filed with the Commission or postmarked on or before September 30, 1949, and during the last year of the license term.

[19] With respect to licenses which expired between July 1, 1948, and September 1, 1949, the renewal examination (where required) may be taken during a period of one year commencing on September 1, 1949, and ending with August 31, 1950.

[20] For temporary authority granted holders of valid first and second class operator licenses, either radiotelephone or radiotelegraph, to perform adjustments, servicing and maintenance of ship radar stations licensed in the Ship Service, see footnote 71, § 8.195, of the Commission's rules governing ship service.

[21] Effective January 2, 1951.

supplementary examination shall consist of:

(i) Written examination element: 8.

(b) *Radiotelegraph second-class operator license.* Any station except—

(1) Stations transmitting television, or

(2) Any of the various classes of broadcast stations other than remote pickup and ST broadcast stations, or

(3) On a passenger [22] vessel required by treaty or statute to maintain a continuous radio watch by operators or on a vessel having continuous hours of service for public correspondence, the holder of this class of license may not act as chief operator, or

(4) On a vessel (other than a vessel operated exclusively on the Great Lakes) required by treaty or statute to be equipped with a radiotelegraph installation, the holder of this class of license may not act as chief or sole operator until he has had at least 6 months' satisfactory service in the aggregate as a qualified radiotelegraph operator in a station on board a ship or ships of the United States.

(5) On an aircraft employing radiotelegraphy, the holder of this class of license may not operate the radiotelegraph station during the course of normal rendition of service unless he is at least eighteen (18) years of age and has satisfactorily completed a supplementary examination qualifying him for that duty, or unless he has served satisfactorily as chief or sole radio operator on an aircraft employing radiotelegraphy prior to February 15, 1950. The supplementary examination shall consist of:

(i) Transmitting and receiving code test at twenty-five (25) words per minute plain language and twenty (20) code groups per minute.

(ii) Written examination element: 7.

(6) [23] At a ship radar station licensed in the Ship Service, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless he has satisfactorily completed a supplementary examination qualifying him for that duty and received a ship radar endorsement on his license certifying to that fact: *Provided,* That nothing in this subparagraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes. The supplementary examination shall consist of:

(i) Written examination element: 8.

(c) *Radiotelegraph third class operator permit.*[24] Any station except:

[22] A ship shall be considered a passenger ship if it carries or is licensed or certificated to carry more than 12 passengers. A cargo ship means any ship not a passenger ship.

[23] Effective January 2, 1951.

[24] The scope of authority of restricted radiotelegraph operator permits valid as of September 1, 1950 shall until the expiration of their current terms, remain unaffected by the amendment of paragraph (c) of this section set forth in the Commission's order dated June 27, 1950, and effective Sept. 1, 1950; and at the expiration of their current terms, such permits may, in accordance with the provisions of § 13.28, be renewed only as radiotelegraph third class operator permits.

(1) Stations transmitting television, or

(2) Any of the various classes of broadcast stations other than non-commercial educational FM broadcast stations using transmitters with power ratings of 10 watts or less, remote pickup broadcast stations and ST broadcast stations, or

(3) Coastal telephone stations (other than when transmitting manual radiotelegraphy for identification or for testing) at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts, or

(4) Coastal harbor telephone stations (other than in the Territory of Alaska and other than when transmitting manual radiotelegraphy for identification or for testing) at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts, or

(5) Ship stations or aircraft stations other than those at which the installation is used solely for telephony and at which the power in the antenna of the unmodulated carrier wave is not authorized to exceed 250 watts, or

(6) Ship telegraph, coastal telegraph or marine-relay stations open to public correspondence, or

(7) Radiotelegraph stations on board a vessel required by treaty or statute to be equipped with a radio installation, or

(8) Aircraft stations while employing radiotelegraphy;

Provided, That (1) such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph as may be appropriate for the class of station involved,[25] who shall be responsible for the proper functioning of the station equipment, and (4) in the case of ship radiotelephone or aircraft radiotelephone stations when the power in the antenna of the unmodulated carrier wave is authorized to exceed 100 watts, any needed adjustments of the transmitter that may affect the proper operation of the station are made only by or under the immediate supervision and responsibility of an operator holding a first- or second-class radiotelegraph license, who shall be responsible for the proper functioning of the station equipment.

(d) *Radiotelephone first-class operator license.* Any station except—

(1) Stations transmitting telegraphy by any type of the Morse Code, or

(2) Ship stations licensed to use telephony and power in excess of 100 watts for communication with coastal telephone stations.

(3) [26] At a ship radar station licensed in the Ship Service, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless he has satisfactorily completed a supplementary examination qualifying him for that duty and received a ship radar endorsement on his license certifying to that fact: *Provided,* That nothing in this sub-paragraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes. The supplementary examination shall consist of:

(i) Written examination element: 8.

(e) *Radiotelephone second-class operator license.* Any station except—

(1) Stations transmitting telegraphy by any type of the Morse Code, or

(2) Standard broadcast stations, or

(3) International broadcast stations, or

(4) FM broadcast stations, or

(5) Non-commercial educational FM broadcast stations with transmitter power rating in excess of 1 kilowatt, or

(6) Television broadcast stations licensed for commercial operation, or

(7) Ship stations licensed to use telephony and power in excess of 100 watts for communication with coastal telephone stations.

(8) [26] At a ship radar station licensed in the Ship Service, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless he has satisfactorily completed a supplementary examination qualifying him for that duty and received a ship radar endorsement on his license certifying to that fact: *Provided,* That nothing in this subparagraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes. The supplementary examination shall consist of:

(i) Written examination element: 8.

(f) *Radiotelephone third-class operator permit.* Any station except—

(1) Stations transmitting television, or

(2) Stations transmitting telegraphy by any type of the Morse code, or

(3) Any of the various classes of broadcast stations other than non-commercial educational FM broadcast stations using transmitters with power ratings of 10 watts or less, remote pickup broadcast stations and ST broadcast stations, or

(4) Coastal telephone stations at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts, or

(5) Coastal harbor telephone stations, other than in the Territory of Alaska, at which the power in the antenna of the

[25] As determined by the scope of authority of the respective licenses as set forth in paragraphs (a), (b), (d) and (e) of this section and § 13.62.

[26] Effective January 2, 1951.

unmodulated carrier wave is authorized to exceed 250 watts, or

(6) Ship stations or aircraft stations other than those at which the installation is used solely for telephony and at which the power in the antenna of the unmodulated carrier wave is not authorized to exceed 250 watts:

Provided, That, (1) Such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph as may be appropriate for the class of station involved,[27] who shall be responsible for the proper functioning of the station equipment, and (4) in the case of ship radiotelephone or aircraft radiotelephone stations when the power in the antenna of the unmodulated carrier wave is authorized to exceed 100 watts, any needed adjustments of the transmitter that may affect the proper operation of the station are made only by or under the immediate supervision and responsibility of an operator holding a first- or second-class radiotelegraph license, who shall be responsible for the proper functioning of the station equipment.

(g) *Restricted radiotelephone operator permit.* Any station except—

(1) Stations transmitting television, or

(2) Stations transmitting telegraphy by any type of the Morse Code, or

(3) Any of the various classes of broadcast stations other than remote pickup and ST broadcast stations, or

(4) Coastal telephone stations or coastal harbor stations other than in the Territory of Alaska, or

(5) Ship stations licensed to use telephony for communication with coastal telephone stations;

(6)[28] At a ship radar station licensed in the Ship Service, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy: *Provided*, That nothing in this subparagraph shall be construed to prevent any person holding such a license from making replacements of fuses or of receiving type tubes. *Provided*, That, (1) Such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or in the presence of an operator holding a first- or second-class license, either radiotelephone or radiotelegraph, who shall be responsible for the proper operation of the equipment.

§ 13.62 *Special privileges.* In addition to the operating authority granted under § 13.61, the following special privileges are granted the holders of commercial radio operator licenses:

(a) The holder of any class of commercial radio operator license may operate any station in the experimental service while using frequencies solely above 300 megacycles.

(b) The holder of any class of radiotelephone operator license, whose license authorizes him to operate a station while transmitting telephony, may operate the same station when transmitting on the same frequencies, any type of telegraphy under the following conditions:

(1) When transmitting telegraphy by automatic means for identification, for testing, or for actuating an automatic selective signaling device, or

(2) When properly serving as a relay station and for that purpose retransmitting by automatic means, solely on frequencies above 50 megacycles, the signals of a radiotelegraph station, or

(3) When transmitting telegraphy as an incidental part of a program intended to be received by the general public, either directly or through the intermediary of a relay station or stations.

§ 13.63 *Operator's responsibility.* The licensed operator responsible for the maintenance of a transmitter may permit other persons to adjust a transmitter in his presence for the purpose of carrying out tests or making adjustments requiring specialized knowledge or skill, provided that he shall not be relieved thereby from responsibility for the proper operation of the equipment.

§ 13.64 *Obedience to lawful orders.* All licensed radio operators shall obey and carry out the lawful orders of the master or person lawfully in charge of the ship or aircraft on which they are employed.

§ 13.65 *Damage to apparatus.* No licensed radio operator shall willfully damage, or cause or permit to be damaged, any radio apparatus or installation in any licensed radio station.

§ 13.66 *Unnecessary, unidentified, or superfluous communications.* No licensed radio operator shall transmit unnecessary, unidentified, or superfluous radio communications or signals.

§ 13.67 *Obscenity, indecency, profanity.* No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language, or meaning.

§ 13.68 *False signals.* No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

§ 13.69 *Interference.* No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communiction or signal.

§ 13.70 *Fraudulent licenses.* No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain an operator's license by fraudulent means.

MISCELLANEOUS

§ 13.71 *Issue of duplicate or replacement licenses.* (a) An operator whose license, permit or authorization has been lost, mutilated or destroyed shall immediately notify the Commission. A properly executed application for duplicate should be submitted to the office of issue, embodying a statement of the circumstances involved in the loss, mutilation or destruction of the license or permit for which a duplicate is desired. If the license or permit has been lost, the applicant must state that reasonable search has been made for it, and further, that in the event it be found either the original or the duplicate will be returned for cancellation. The applicant should also submit documentary evidence of the service that has been obtained under the original license or permit, or a statement under oath or affirmation embodying that information.

(b) The holder of any license, permit or authorization whose name is legally changed may make application for replacement document to indicate the new legal name, by submitting a properly executed application to the office of issue, accompanied by the license' permit or authorization affected and by documentary evidence of the legality of the name change.

§ 13.72 *Exhibiting signed copy of application.* When a duplicate or replacement operator license or permit has been requested, or request has been made for renewal upon service or for an endorsement or a verification card, the operator shall exhibit in lieu of the original document a signed copy of the application which has been submitted by him.

§ 13.73 *Verification card.* The holder of an operator license or permit of the diploma form (as distinguished from such document of the card form) may, by filing a properly executed application accompanied by his license or permit, obtain a verification card.[29] This card may be carried on the person of the operator in lieu of the original license or permit when operating any station at which posting of an operator license is not required: *Provided*, That the license is readily accessible within a reasonable time for inspection upon demand by an authorized Government representative.

§ 13.74 *Posting requirements for operator.* (a) Performing duties other than, or in addition to, service or maintenance, at two or more stations. The holder of any class of radio operator license or permit of the diploma form (as distinguished from the card form) who performs any radio operating duties, as contrasted with but not necessarily exclusive of service or maintenance duties, at two or more stations at which posting of his license or permit is required shall post at one such station his operator license or permit and shall post at all other such stations a duly issued verified statement.[30]

(b) Performing service or maintenance duties at one or more stations. The holder of a radiotelephone or radiotelegraph first- or second-class radio operator license who performs, or supervises, and is responsible for service or maintenance work on any transmitter of any station for which a station license is required, shall post his license at the transmitter involved whenever the transmitter is in actual operation while service or maintenance work is being performed: *Provided*, That in lieu of posting his license, he may have on his person either his license or a verification card: [29] *And provided further*, That if he performs operating duties in addition to service or maintenance duties he shall, in lieu of complying with the foregoing provisions of this paragraph, comply with the posting requirements applicable to persons performing such operating duties, as set forth in paragraph (a) of this section and in the rules and regulations applicable to each service.

§ 13.75 *Record of service and maintenance duties performed.* In every case where a station log or service and maintenance records are required to be kept and where service or maintenance duties are performed which may affect the proper operation of a station, the responsible operator shall sign and date an entry in the log of the station concerned, or in the station maintenance records if no log is required, giving:

(a) Pertinent details of all service and maintenance work performed by him or under his supervision;

(b) His name and address; and

(c) The class, serial number and expiration date of his license;

Provided, That the responsible operator shall not be subject to requirements in paragraphs (b) and (c) of this section in relation to a station, or stations of one licensee at a single location, at which he is regularly employed as an operator on a full time basis and at which his license is properly posted.

SERVICE

§ 13.91 *Endorsement of service record.* A station licensee, or his duly authorized agent, or the master of a vessel acting as the agent of a licensee, shall endorse the service record appearing on said operator license, showing the call letters and types of emission of the station operated, the nature and period of employment, and quality of performance of duty.

§ 13.92 *Aviation service endorsement.* If the operator has operated more than three stations in the aviation service, the service may be shown by giving the name of the aviation chain or company in lieu of listing the call letters of the several stations.

§ 13.93 *Service acceptability.* Credit will be allowed only for satisfactory service obtained under conditions that required the employment of licensed operators, or when obtained at United States Government stations.

§ 13.94 *Statement in lieu of service endorsement.* The holder of a radiotelegraph license or a restricted radiotelegraph operator permit desiring an endorsement to be placed thereon attesting to an aggregate of at least 6 months' satisfactory service as a qualified operator on a vessel of the United States, may, in the event documentary evidence cannot be produced, submit to any office of the Commission a statement under oath accompanied by the license to be endorsed, embodying the following:

(a) Names of ships at which employed;

(b) Call letters of stations;

(c) Types of emission used;

(d) Type of service performed as follows:

(1) Manual radiotelegraph operation only; and

(2) Transmitter control only; or

(3) Combination of subparagraphs (1) and (2) of this paragraph running concurrently;

(e) Whether service was satisfactory or unsatisfactory;

(f) Period of employment;

(g) Name of master, employer, licensee, or his duly authorized agent.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6656; Filed, July 28, 1950; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Corrected S. O. 851, Amdt. 1]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of July A. D. 1950.

Upon further consideration of Service Order No. 851 (15 F. R. 3486), and good cause appearing therefor: It is ordered, that:

Section 95.851 *Substitution of refrigerator cars for box cars* of Service Order No. 851 be, and it is hereby further amended by substituting the following paragraph (a) (1) for paragraph (a) (1) thereof:

(a) (1) Except as provided in subparagraph (2) of this paragraph, common carriers by railroad subject to the Interstate Commerce Act transporting carload freight from origins in the States of Oregon, California, Arizona or Nevada, and destined to points in the States of Oregon, California, Arizona or Nevada, may, at their option, furnish and transport not more than three (3) refrigerator cars of SFRD or PFE ownership, not suitable for transporting commodities requiring protective service, in lieu of each box car ordered, subject to the carload minimum weight which would have applied if shipment had been loaded in a box car.

Effective date. This amendment shall become effective at 11:59 p. m., July 25, 1950.

It is further ordered, that a copy of this amendment and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6646; Filed, July 28, 1950; 8:46 a. m.]

[S. O. 855, Amdt. 1]

PART 95—CAR SERVICE

REFRIGERATOR CARS AND STOCK CARS FOR TRANSPORTING ALFALFA MEAL OR ANY COMMODITY SUITABLE FOR MOVEMENT IN SUCH CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of July A. D. 1950.

Upon further consideration of Service Order No. 855 (15 F. R. 4771), and good cause appearing therefor: It is ordered, that:

Section 95.855 *Refrigerator cars and stock cars for loading alfalfa meal or any commodity suitable for movement in such cars* of Service Order No. 855 be, and it is hereby further amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) Any common carrier by railroad subject to the Interstate Commerce Act, serving points in Colorado, Kansas, Missouri, Nebraska, Iowa, Wyoming, and South Dakota, may at its option, furnish and transport, for each box car ordered, not more than two (2) refrigerator cars, unsuitable for transporting commodities requiring protective service, or not more than two (2) single deck stock cars 36 ft. or less in length for loading and transporting carload shipments of alfalfa meal or any other commodity suitable for movement in such cars at origins in and destined to points in Colorado, Kansas, Missouri, Nebraska, Iowa, Wyoming, and South Dakota, subject to the carload minimum weight which would

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[27] As determined by the scope of authority of the respective licenses as set forth in paragraphs (a), (b), (d) and (e) of this section and § 13.62.

[28] Effective January 2, 1951.

[29] Form 758-F.

[30] Form 759.

have applied if the shipment had been loaded in the box car ordered.

Effective date. This amendment shall become effective at 12:01 a. m., July 27, 1950.

It is further ordered, that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6657; Filed, July 28, 1950; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 92]

IMPORTATION OF CERTAIN ANIMALS AND POULTRY INTO U. S. (EXCEPT FROM MEXICO)

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the authority vested in him by sections 6, 7, 8, and 10 of the act of Congress approved August 30, 1890, as amended (21 U. S. C. 102–105), and section 2 of the act of Congress approved February 2, 1903, as amended (21 U. S. C. 111), proposes to amend the regulations governing the importation of certain animals and poultry into the United States from countries other than Mexico (9 CFR Part 92, as amended) as follows:

1. The title of Part 92 would be changed to read "Part 92—Importation Into the United States of Certain Animals and Poultry and Certain Animal and Poultry Products (Except from Mexico)."

2. Section 92.4 would be amended by changing its heading to read *"Permits for ruminants, swine, and poultry and for animal semen"*; by redesignating the present provisions of the section as paragraph (a), headed *"Ruminants, swine, and poultry"*; and by adding to the section a new paragraph (b) to read as follows:

(b) *Animal semen.* (1) No animal semen may be imported from any part of the world unless the importer first obtains a permit from the Bureau. However, the Chief of Bureau, when he finds that such action may be taken without endangering the livestock industry of the United States, may authorize the importation of animal semen from Canada without such permit. No permit will be issued for the importation of semen derived from domestic ruminants or swine in any country where foot-and-mouth disease or rinderpest has been determined to exist.

(2) The permit will be in two sections, one for presentation to the American consulate in the district which includes the port of shipment and the other for presentation to the collector of customs at the port of entry specified therein. The semen will be received at the specified port on the date prescribed for its arrival or at any time during three weeks immediately following, after which time the permit shall be void.

3. Paragraph (c) of § 92.20 would be amended to read as follows:

(c) *Brucellosis test certificates.* Cattle 6 months old or older, offered for importation from Canada—except steers, spayed heifers, and all cattle for immediate slaughter—shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to have been tested for brucellosis (Bang's disease), with negative results, within 30 days preceding their being offered for entry. However, such cattle need not have been so tested if they are accompanied by a certificate, similarly issued or endorsed, showing that they were officially vaccinated as calves 6 to 8 months of age, in accordance with Canadian regulations, within 22 months prior to their being offered for entry. The certificate accompanying such vaccinated cattle shall also show the date of vaccination of each animal.

4. Sections 92.19 and 92.23 would be amended by deleting the phrase "cattle, sheep, goats, and swine" wherever it appears therein and substituting therefor the phrase "cattle, sheep, goats, swine, and poultry."

5. Section 92.25 would be amended by deleting therefrom the phrase "cattle, sheep, and swine" and substituting therefor the phrase "cattle, sheep, swine, and poultry"; by deleting the word "or" preceding the figures "92.22 (a)"; and by adding after such figures the phrase "or 92.25a".

6. Section 92.25a would be amended to read as follows:

§ 92.25a *Poultry from Canada.* (a) All poultry offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that such poultry have been inspected on the premises of origin and that, as far as it has been possible to determine, such poultry are free of evidence of any communicable disease or exposure thereto. However, the Chief of Bureau, when he finds that such action may be taken without endangering the poultry industry of the United States, may authorize the importation from Canada, without such certification, of eggs for hatching, newly hatched poultry, and poultry consigned to a recognized slaughtering center for immediate slaughter.

The principal purposes of the proposed amendments would be (1) to provide for supervision over the importation of animal semen; (2) to provide slightly more liberal requirements for brucellosis test certificates for cattle, and health certificates for poultry and poultry products, imported from Canada; and (3) to make minor adjustments in several regulations because of the recent addition of poultry to the coverage of this part.

Any person who wishes to submit written data, views, or arguments concerning the foregoing proposed amendments may do so by filing them with the Chief of the Bureau of Animal Industry, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 26th day of July 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 50-6651; Filed, July 28, 1950; 8:47 a. m.]

Production and Marketing Administration

[7 CFR, Part 923]

[Docket No. AO-224]

HANDLING OF IRISH POTATOES GROWN IN PENNSYLVANIA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Harrisburg, Pennsylvania, on May 22–24, 1950, pursuant to notice thereof in the FEDERAL REGISTER (15 F. R. 2418), upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in Pennsylvania.

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on July 5, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (15 F. R. 4343). No exceptions to the recommended decision were filed.

The material issues and the findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 50-5930; 15 F. R. 4343) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Irish Potatoes Grown in Pennsylvania" and "Order Regulating Handling of Irish Potatoes Grown in Pennsylvania" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order, which will be published with this decision.

Done at Washington, D. C., this 26th day of July 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

Order[1] Regulating the Handling of Irish Potatoes Grown in Pennsylvania

Sec.
923.0 Findings and determinations.

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AUTHORITY: §§ 923.0 to 923.92 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051.

§ 923.0 *Findings and determinations—*(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Harrisburg, Pennsylvania, May 22–24, 1950, upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the State of Pennsylvania. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary in order to give due recognition to the difference in production and marketing of such Irish potatoes;

(2) This order is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of the production area specified in this order would not effectively carry out the declared policy of the act;

(3) This order, and all of the terms and conditions of this order, will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto as will tend to effectuate such orderly marketing of such Irish potatoes as will be in the public interest;

(4) This order regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held; and

(5) All handling of potatoes grown in the production area, within the production area or between the production area and any point outside thereof, is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Order relative to handling. It is hereby ordered, pursuant to the findings and determinations set forth in § 923.0 hereof, and pursuant to the aforesaid act, that such handling of potatoes, as defined in this order shall, from and after the time hereinafter specified, be in conformity to and in compliance with the terms and conditions of this order; and the terms and conditions of this order are as follows:

DEFINITIONS

§ 923.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer, or employee of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 923.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricul-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

tural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

§ 923.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 923.4 *Production area.* "Production area" means all territory included within the boundaries of the State of Pennsylvania.

§ 923.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 923.6 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 923.7 *Ship.* "Ship" or "handle" means to transport, sell, or in any other way to place potatoes in the current of commerce within the production area, or between the production area and any point outside thereof: *Provided*, That the definition of "ship" or "handle" shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area for storing, or to the sale or transportation of potatoes to a recognized dealer or packer within the production area for the purpose of having such potatoes prepared for market.

§ 923.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 923.9 *Fiscal year.* "Fiscal year" means the period beginning on June 1 of each year and ending May 31 following.

§ 923.10 *Committee.* "Committee" means the administrative committee, called the Pennsylvania Potato Committee, established pursuant to § 923.22.

§ 923.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 923.12 *Seed potatoes.* "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State of Pennsylvania or such other seed certification agencies as the Secretary may designate.

§ 923.13 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 923.14 *Wholesale pack.* "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

§ 923.15 *Consumer pack.* "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

§ 923.16 *Grade.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon;

(b) The United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon;

(c) State of Pennsylvania Standards for Potatoes issued by the Secretary of Agriculture, State of Pennsylvania, or amendments thereto, or modifications thereof, or variations based thereon.

§ 923.17 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 923.18 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 923.24.

§ 923.19 *Part and subpart.* "Part" means the order regulating the handling of Irish potatoes grown in Pennsylvania, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such "part."

COMMITTEE

§ 923.22 *Establishment and membership.* (a) The Pennsylvania Potato Committee, consisting of 23 members of whom 16 shall be producers and 7 shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate to represent producers shall be an individual who is a producer and resident in the respective district for which selected. Each person selected as a committee member or alternate to represent handlers shall be an individual who is a handler and resident in the district for which selected. Officers or employees of producers or handlers, respectively, can be selected as committee members or alternates in the districts for which selected if such selectees reside in the respective districts.

§ 923.23 *Term of office.* (a) The term of office of committee members and alternates shall be two fiscal years: *Provided*, That the terms of office of a majority of the initial members and their respective alternates shall be one fiscal year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 923.24 *Districts.* (a) For the purpose of selecting committee members and alternates, the following districts of the production area are hereby established:

District No. 1. Shall include Bucks, Montgomery, Philadelphia, Delaware, Chester, Lancaster, Lebanon, Dauphin, York, Cumberland, Perry, Adams and Franklin Counties.

District No. 2. Shall include Berks, Lehigh, and Northampton Counties.

District No. 3. Shall include Schuylkill, Carbon, Luzerne, Columbia, Northumberland, Montour, Monroe, Lackawanna, Wyoming, Susquehanna, Bradford, Sullivan, Lycoming, Union, Snyder, Wayne and Pike Counties.

District No. 4. Shall include Cambria, Somerset, Bedford, Blair, Indiana, Armstrong, Butler, Mercer, Lawrence, Beaver, Allegheny, Washington, Greene, Fayette, Westmoreland, Fulton, Huntingdon, Juniata, Mifflin, Centre, Clinton, and Clearfield Counties.

District No. 5. Shall include Potter, Tioga, McKean, Cameron, and Elk Counties.

District No. 6. Shall include Erie, Warren, Crawford, Venango, Forest, Clarion, and Jefferson Counties.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts; *Provided*, That in recommending any such changes in districts or representation the committee shall give consideration to: (1) The relative importance of new areas of production; (2) changes in the relative position, with respect to production, of existing districts; (3) the geographic locations of areas of production, insofar as they affect the efficiency of administering the marketing agreement and order; and (4) other relevant factors: *Provided further*, That there shall be no change in the total number of committee members and alternates, or in the total number of districts.

§ 923.25 *Nomination.* The Secretary may select the members of the committee and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for initial committee members and alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(b) In order to provide nominations for succeeding committee members and alternates:

(1) The committee shall hold or cause to be held prior to April 1 of each year, after the effective date of this subpart, a meeting or meetings of producers in each of the districts designated in § 923.24, in which producer committee vacancies will occur at the end of the then current fiscal year. In like manner, the committee shall hold or cause to be held prior to April 1 of each year, after the effective date of this subpart, a meeting or meetings of handlers to nominate handler committee members and alternates to fill vacancies which will occur at the end of the then current fiscal year.

(2) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant or which is to become vacant at the end of the then current fiscal year.

(3) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year.

(4) Only producers may participate in designating nominees for producer committee members and alternates and only handlers may participate in designating nominees for handler committee members and alternates. For the purpose of designating nominees for handler committee members and alternates, a handler shall be considered to be a person who produces not more than 50 percent of the total volume of potatoes handled by himself; each person who is both a handler and a producer may vote either as a handler or as a producer and may elect, subject to such 50 percent limitation, the group in which he votes.

(5) Each producer and each handler of potatoes is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, for producer or handler committee members and alternates, respectively: *Provided*, That producers and handlers operating in more than one district shall elect the district in which they will participate in nominating committee members and alternates: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the district in which he elects to vote.

§ 923.26 *Selection.* The Secretary shall select three producer members of the committee, with their respective alternates, from District Nos. 1 and 3; four producer members of the committee, with their respective alternates, from District No. 2; and two producer members, with their respective alternates, from each of the remaining districts, as such districts are defined in § 923.24. The Secretary shall select two handler members of the committee, with their respective alternates, from District No. 2; and one handler member of the committee, with his respective alternate, from each of the remaining districts, as such districts are defined in § 923.24.

§ 923.27 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 923.25, the Secretary may select the committee members and alternates without regard to nominations, which selection shall be on the basis of the representation provided for in § 923.26.

§ 923.28 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 923.29 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected from nominations made in the manner specified in § 923.25, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in § 923.26.

§ 923.30 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 923.31 *Procedure.* (a) Twelve members, including at least one handler member of the committee, shall be necessary to constitute a quorum, and 12 concuring votes, including the vote of at least one handler, shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meetings by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That all votes shall be cast in person at assembled meetings.

§ 923.32 *Expenses and compensation.* Committee members and alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $10.00 for each day, or portion thereof, spent in attending to committee business.

§ 923.33 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 923.34 *Duties.* It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To select a chairman and such other officers for each fiscal period as may be necessary, to select subcommittees of committee members and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(c) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(d) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities, which relate to the handling or marketing of potatoes, as may be approved by the Secretary;

(e) To furnish to the Secretary such available information as he may request;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

BUDGET, EXPENSES, AND ASSESSMENTS

§ 923.40 *Budget.* The committee shall prepare a budget for each fiscal year, showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall transmit such budget to the Secretary, together with a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 923.41 *Expenses.* The Committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget and other available information, finds may be necessary during each fiscal year to perform its functions under this part and for such other purposes as may be appropriate pursuant to the provisions of this part.

§ 923.42 *Rate of assessment.* The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate fixed by the Secretary, upon the basis of the committee's recommendation, or other available information. Each handler who first ships potatoes shall pay assessments to the committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year.

Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

§ 923.43 *Increasing rate of assessment.* Upon recommendation of the committee, or upon the basis of a later finding relative to the committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

§ 923.44 *Refunds.* If at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 923.45 *Accounting.* All funds received by the committee, pursuant to any provision of this part, shall be used solely for the purposes specified in this part and shall be accounted for in the following manner:

(a) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(b) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 923.46 *Collection of funds.* (a) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(b) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

REGULATION

§ 923.50 *Marketing policy preparation.* Prior to the beginning of shipments each season, the committee shall consider and prepare a proposed policy for the marketing of potatoes during such season or portion thereof. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes, giving appropriate consideration to:

(a) Market prices of potatoes, including prices by grade, size, and quality, in wholesale or consumer packs, or any other shipping unit;

(b) Supply of potatoes, by grade, size, and quality, in the production area and in other production areas;

(c) The trend and level of consumer income; and

(d) Other relevant factors.

§ 923.51 *Marketing policy report.* (a) The committee shall submit to the Secretary a report setting forth the aforesaid marketing policy; a copy of such report shall be made available to producers and handlers.

(b) In the event it becomes advisable to deviate from such marketing policy, because of changed supply or demand conditions, the committee shall formulate a new marketing policy in the manner outlined in § 923.50, which shall be submitted to the Secretary and made available to producers and handlers.

§ 923.52 *Recommendation for regulations.* The committee shall recommend regulation to the Secretary whenever it finds that such regulation, as provided in § 923.53, will tend to effectuate the declared policy of the act. The committee may also recommend modification, suspension, or termination of regulations in order to facilitate shipments of potatoes for the specified purposes set forth in § 923.54.

§ 923.53 *Issuance of regulations.* The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes, or quality of any or all varieties of potatoes during any period;

(b) Regulate the shipment of particular grades, sizes, or quality of potatoes differently for different varieties, for different portions of the production area, for consumer and wholesale packs, or any combination of the foregoing, during any period;

(c) Regulate the shipment of potatoes by establishing and maintaining, in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 923.54 *Modification, suspension or termination.* The Secretary, whenever he finds upon the basis of recommendations and information submitted by the committee, or other available information, that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 923.42, 923.43, 923.53, 923.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes:

(a) For seed;

(b) For export;

(c) For distribution by the Federal Government, for distribution by relief agencies, or for consumption by charitable institutions;

(d) For manufacture or conversion into specified products;

(e) For livestock feed;

(f) For other purposes which may be specified.

§ 923.55 *Minimum quantity regulation.* The Secretary may establish, upon the basis of a committee recommendation, or other available information, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued or in effect pursuant to §§ 923.42, 923.43, 923.53, 923.65, or any combination thereof.

§ 923.56 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued, or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 923.57 *Safeguards.* (a) The committee may recommend and the Secretary, upon the basis of such recommendation, or other available information, may prescribe adequate safeguards to prevent shipments effected pursuant to § 923.54 and § 923.55, from entering channels of trade for other than the specific purposes authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to § 923.54 and § 923.55;

(2) Handlers shall obtain inspection required by § 923.65, or pay the pro rata share of expenses provided by §§ 923.42, and 923.43, or both, in connection with potato shipments effected under the provisions of § 923.54 and § 923.55: *Provided*, That such inspection, or payment of expenses, or both may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under provisions of § 923.54 and § 923.55.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that potatoes shipped by him for the purposes stated in § 923.54 and § 923.55 were handled contrary to the requirements applicable thereto.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 923.65 *Inspection and certification.* During any period in which shipments of potatoes are regulated pursuant to the provisions of §§ 923.42, 923.43, or 923.53, or any combination thereof, no handler shall ship potatoes unless, prior thereto, such shipment was inspected by an authorized representative of the Federal-

State Inspection Service, or such other inspection service as the Secretary shall designate. Each handler procuring inspections pursuant to this section, shall make arrangements with the inspecting agency to forward promptly to the committee a copy of the inspection certificate: *Provided*, That the regrading, resorting, repacking, or other further preparation of inspected potatoes for market shall invalidate prior inspection thereon and subsequent shipment of such potatoes after regrading, resorting, repacking, or other preparation for market shall not be effected unless, prior thereto, such shipment is inspected as provided in this section.

EXEMPTIONS

§ 923.70 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 923.71 *Granting exemptions.* (a) The committee may issue certificates of exemptions to any producer who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 923.53, he will be prevented from handling, or causing to be handled, as large a proportion of his production as the average proportion of production handled, or caused to be handled, during the entire season (or such portion thereof as may be determined by the committee) by all producers in said applicant's immediate area of production, and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each such certificate shall permit the producer to handle, or cause to be handled, the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 923.53, he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's immediate shipping area, and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(c) The committee shall be permitted, at any time, to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 923.72 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 923.73 *Records and reports and review of exemptions.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such additional information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 923.70, 923.71, 923.72, or any combination thereof.

MISCELLANEOUS PROVISIONS

§ 923.80 *Reports.* Upon the request of the committee, with the approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this part. Handlers shall maintain records from which such reported information can be verified by the committee. The Secretary shall have the right to modify, change, or rescind any requests for reports made pursuant to this section.

§ 923.81 *Compliance.* Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part, and no handler shall ship potatoes except in conformity to the provisions of this part.

§ 923.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 923.83 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 923.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before April 30 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 923.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of, or under control of, the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 923.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart, or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect

or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart, or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart, or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 923.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 923.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 923.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modifications of the rights of the Secretary, or of the United States, to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 923.90 *Personal liability.* No member or alternate member of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 923.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 923.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

[F. R. Doc. 50-6666; Filed, July 28, 1950; 8:51 a. m.]

[7 CFR, Part 923]

HANDLING OF IRISH POTATOES GROWN IN PENNSYLVANIA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS, DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM, AND DETERMINATION OF A REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), it is hereby directed that a referendum be conducted among producers in the State of Pennsylvania who, during the 1949 crop year (which period for the purpose of such referendum is hereby determined to be (1) the period June 1, 1949, to May 31, 1950, and (2) a representative period) were engaged in the production of Irish potatoes for market, to determine whether such producers favor the issuance of an order regulating the handling of Irish potatoes grown in Pennsylvania, a copy of which is attached to the decision of the Secretary of Agriculture [1] filed simultaneously herewith.

A. C. Cook, O. H. Chapin, John Rivoire, R. L. Hawes, and M. F. Miller, of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly or severally, the following functions in connection with such referendum.

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity to each of the aforesaid producers to cast his ballot, in the manner herein authorized, relative to the aforesaid marketing order, on forms furnished by the Department of Agriculture. A cooperative association of producers, bona fide engaged in marketing potatoes grown in the State of Pennsylvania, or in rendering services for or advancing the interests of producers of such potatoes, may vote for the producers who are members of, stockholders in, or under contract with such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such producers.

(2) By giving public notice, as prescribed in paragraph (a) (3) hereof, (i) of the time determined by such agents during which the referendum will be conducted; (ii) that any ballot may be cast by mail; (iii) that all ballots so cast must be addressed to O. H. Chapin, c/o Pennsylvania State PMA Committee, 928 North Third Street, Harrisburg, Pennsylvania; and (iv) of the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in Pennsylvania; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each producer, and to each cooperative marketing association, whose name and address is known to such agents); and (iii) by such other means as said referendum agents may deem advisable.

(4) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents determine that voting shall be at meetings. At each such meeting, balloting shall continue until all of the producers who are present, and who desire to do so, have had an opportunity to vote. Any producer may cast his ballot at any such meeting in lieu of voting by mail.

[1] See F. R. Doc. 50-6666, *supra*.

(5) By giving ballots to producers at the meeting; and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of any meetings authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as practicable by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By forwarding to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Washington 25, D. C., immediatley after the close of the referendum, the following: (i) A register containing the name and address of each producer to whom a ballot form was given; (ii) a register containing the name and address of each producer and each cooperative association of producers from whom an executed ballot was received; (iii) all of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period; (iv) a statement showing when and where each notice of referendum was posted and the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and (v) a detailed statement indicating the method used in giving publicity to such referendum.

(9) By appointing any county agricultural agent, and by authorizing the chairman of the State Production and Marketing Administration committee in the State of Pennsylvania to appoint any member or members of a county Production and Marketing Administration committee in the State of Pennsylvania and by appointing any other persons deemed necessary or desirable, to assist the said referendum agents in performing their duties hereunder. Each such person so appointed shall serve without compensation and may be authorized by the said referendum agents, or any of them, to perform any or all of the functions set forth in subparagraphs (5), (6), (7), and (8) of paragraph (a) hereof in accordance with the requirements herein set forth.

(b) Upon receipt by the referendum agents, of all ballots cast in accordance with the provisions hereof, and such other information and data as may be required pursuant hereto, they shall forward the ballots, together with the information and data, to the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The Fruit and Vegetable Branch shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid marketing order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D. C., and at the county Production and Marketing Administration Office in each of the counties in the State of Pennsylvania.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Done at Washington, D. C., this 26th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6667; Filed, July 28, 1950; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

SPECIAL RULE FOR THE ADMINISTRATION OF CERTAIN LANDS IN ARIZONA GRAZING DISTRICT NO. 4

A proper factual showing of its necessity having been made by the Regional Administrator, the following special rule is prescribed for the Fan and Murchison Units of Arizona Grazing District No. 4, pursuant to authority vested in me by section 2 of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315a), as amended, and in accordance with the provisions of 43 CFR 161.15:

(a) The areas affected by this special rule are described as follows:

GILA AND SALT RIVER MERIDIAN

Fan Unit:

T. 11 S., R. 29 E.,
Secs. 21 to 28,
Secs. 33 to 36;
T. 12 S., R. 29 E.,
Sec. 1,
Sec. 2, N½, N½SW¼, SE¼SW¼, SE¼, SW¼SW¼, that part north and east of a range fence crossing diagonally from a point near the northwest corner of said SW¼SW¼ to a point near the southeast corner of the said SW¼SW¼ of said sec. 2.

Murchison Unit:

T. 12 S., R. 29 E.,
Sec. 2, SW¼SW¼, that part south and west of said range fence,
Secs. 3 to 17,
Secs. 20 to 29,
Secs. 33 to 36;
T. 13 S., R. 29 E.,
Secs. 1 to 3,
Sec. 4, E½,
Sec. 9, E½,
Secs. 10 and 11;
T. 12 S., R. 30 E.,
Secs. 7 and 8,
Sec. 9, that part south and west of a range fence crossing diagonally from the northwest corner of said sec. 9 in a southeasterly direction to the southeast corner of sec. 13 of said T. 12 S., R. 29 E.,
Sec. 10, that part south and west of said range fence,
Sec. 13, that part south and west of said range fence,
Sec. 14, that part south and west of said range fence,
Secs. 15 to 36;
T. 13 S., R. 30 E.,
Secs. 1 to 6.

(b) As to the granting of grazing privileges on the Federal range, within the Fan and Murchison Units, including the Government acquired lands therein, the ownership or control of private lands within the San Simon Land Utilization Project area shall be considered as base property within the meaning of 43 CFR 161.4, preference being given to lands heretofore recognized and determined to be qualified and in the same proportion to grazing preferences established under the Land Management Plan of October 24, 1945, a copy of which is on file in the office of the Range Manager, Arizona Grazing District No. 4, Safford, Arizona. Such base property may include such lands used either for grazing or for agricultural purposes but need not be used directly by the permitted livestock, provided such lands constitute an integral part of the agricultural economy of the applicant.

WILLIAM ZIMMERMAN, Jr.,
Acting Director.

Approved: JULY 21, 1950.

DALE E. DOTY,
Assistant Secretary of the Interior.

[F. R. Doc. 50-6635; Filed, July 28, 1950; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportwear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 399)).

Brooke Manufacturing Corp., 57 Cove Street, New Bedford, Mass., effective 7-13-50 to 7-25-50; 10 percent normal labor turnover (dresses, skirts and smocks).

Connie Blouse Co., Main Street, Roseto, Pa., effective 7-14-50 to 12-31-50; 4 learners (blouses).

Dolores Manufacturing Co., Inc., 57 Main Street, Haverstraw, N. Y., effective 7-14-50 to 12-31-50; 10 percent normal labor turnover (blouses and skirts).

Glenrose Manufacturing, Inc., 39-41-43 Main Street, Haverstraw, N. Y., effective 7-14-50 to 7-25-50; 10 percent normal labor turnover (blouses).

Hazelton-McAdoo Sportswear Co., 313-319 West Twentieth Street, Hazelton, Pa., effective 7-17-50 to 3-31-51; 10 percent normal labor turnover (sportswear).

Jewel Togs, Inc., Ninth and Wright Streets, Columbia, Pa., effective 7-14-50 to 7-25-50; 10 percent normal labor turnover (children's sportswear).

Jo-Art Manufacturing Co., 50 Prospect Street, New Bedford, Mass., effective 7-14-50 to 7-25-50; 10 percent normal labor turnover (children's cotton garments).

The Johnson Co., Box 303, Marshfield, Wis., effective 7-13-50 to 12-31-50; 6 learners (men's jackets and shirts).

Keystone Sportswear Co., 154-156 Garibaldi Street, Roseto, Pa., effective 7-17-50 to 12-31-50; 2 learners (blouses).

Little Prince, Inc., Third and Cedar Streets, Columbia, Pa., effective 7-13-50 to 12-31-50; 10 percent normal labor turnover (infant's and children's outerwear).

Nevada Manufacturing Co., 65 Hiway and Rhinehart Road, Pine Bluff, Ark., effective 7-10-50 to 7-25-50; 10 percent normal labor turnover (work garments).

Schramm & Schmieg Co., 200 North Fourth Street, Burlington, Iowa, effective 1-25-50 to 12-31-50; 4 learners (pants, overalls, etc.) (replacement certificate).

Sewell Manufacturing Co., Bremen, Haralson County, Ga., effective 7-17-50 to 1-16-51; 7 percent of productive factory force (men's and boy's clothing).

Hosiery Learner Regulations (29 CFR 522.40 to 522.51; as revised January 25, 1950 (15 F. R. 283)).

Gilbert Knitting Co., Inc., Little Falls, N. Y., effective 7-10-50 to 7-9-51; six learners.

Nu-Vogue Hosiery Mills, Inc., Graham, N. C.; supplemental certificate; effective 7-7-50 to 5-30-51; three learners.

Senorita Hosiery Mills, Inc., Gurabo, Puerto Rico, effective 7-1-50 to 6-30-51; 16 learners for expansion purposes.

Trumpet Hosiery Co., Inc., Traubauersville, Pa., effective 7-10-50 to 7-9-51; five learners.

Independent Telephone Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950 (15 F. R. 398)).

Lincoln Telephone Co., Troy exchange, Troy, Mo., effective 7-15-50 to 12-31-50.

Milledgeville Mutual Telephone Co., Milledgeville exchange, Milledgeville, Ill., effective 7-15-50 to 12-31-50.

Glove Learner Regulations (29 CFR 522.220 to 522.222, as amended January 25, 1950 (15 F. R. 400)).

Dinberg Glove Corp., 215 Gilbert Street, Ogdensburg, N. Y., effective 7-18-50 to 8-31-51; five learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Acro Switch Division of Acro Manufacturing Co., Columbus, Ohio, effective 7-25-50 to 1-24-51; 10 percent of total number of factory workers (not including sales or office personnel); switch maker, 480 hours 65 cents per hour for the first 320 hours and 70 cents per hour for the remaining 160 hours (precision snap switches).

American Decorative Flower Co., Inc., Baltimore, Md., effective 7-6-50 to 1-5-51; 15 percent of the total number of workers engaged in authorized learner occupations, or five learners, whichever is the greater in number; only in the occupation of flower maker, including the following operations: Slipping-up, heading, tying, pasting, rosemaking, branching, and stemming, 160 hours. 60 cents per hour (artificial flowers and feathers).

Ames Safety Envelope Co., Somerville, Mass., effective 7-26-50 to 1-25-51; five learners; basic all-round training in hand and machine envelope making, 640 hours, 60 cents per hour for the first 480 hours and 65 cents per hour for the remaining 160 hours (specialty and expanding envelope).

Archer & Smith, Inc., Lexington, Ky., effective 7-25-50 to 1-24-51; 10 percent of total productive factory force (not including sales or office personnel); machine operators, 960 hours, 55 cents per hour for the first 320 hours, 60 cents per hour for the next 320 hours and 65 cents per hour for the remaining 320 hours (cutting tools).

Artcraft Mantel Co., Engelwood, Tenn., effective 7-25-50 to 1-24-51; 14 learners; sander, 320 hours; finisher, 320 hours; machine operator, 320 hours; assembler, 320 hours; 60 cents (furniture).

Beneeda Bedspread Co., Macon, Ga., effective 7-11-50 to 1-10-51; 10 percent of total productive factory force, or 10 learners, if less than 100 productive factory workers are employed; machine operating, hand sewing, and finishing operations involving hand sewing, 320 hours; punch work operators, 640 hours; electric embroidery, 640 hours; machine operating, hand sewing, and finishing operations involving hand sewing; 55 cents per hour for the first 160 hours and 65 cents per hour for the remaining 160 hours; punch work operators and electric embroidery, 55 cents per hour for the first 320 hours and 65 cents per hour for the remaining 320 hours (chenille robes, bedspreads, etc.).

Berol Pen Co., Waynesboro, Va., effective 7-7-50 to 12-6-50; four learners; pencil machine operators, 80 hours; assemblers, 80 hours; 70 cents per hour for machine operators and 65 cents per hour for assemblers (lead and wood pencils).

Canvas Products Corp., Fond du Lac, Wis., effective 7-13-50 to 1-12-51; 10 percent of the productive factory force; sewing machine operator on gym suits, uniforms and shop aprons, 480 hours; sewing machine operators on laundry cases, and other textile industry products, 240 hours; 55 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours in the 480 hour occupation and not less than 60 cents per hour in the 240 hour occupations (awnings, canvas goods, etc.).

Crise Controls Division of Acro Manufacturing Co., Columbus, Ohio, effective 7-11-50 to 1-10-51; 10 percent of total productive factory workers (not including sales or office workers); assembler, 480 hours, 65 cents per hour for the first 320 hours and 70 cents per hour for the remaining 160 hours (electric motors).

Diamond Braiding Mills, Inc., Tarpon Springs, Fla., effective 7-7-50 to 12-6-50; 10 learners; shoe lace pairing, 240 hours, 60 cents for the first 160 hours and 65 cents for the remaining 80 hours (shoe laces and narrow fabrics).

Electrical Reactance Corp., Olean, N. Y., effective 7-10-50 to 1-9-51; 300 learners; condenser maker, 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (ceramic condensers).

General Shoe Lacing Co., Louisville, Ky., effective 7-7-50 to 12-6-50; four learners; shoe lace pairing, 240 hours, 60 cents for the first 160 hours and 65 cents for the remaining 80 hours (shoe laces, braids).

Kendrick & Davis Co., Lebanon, N. H., effective 7-12-50 to 1-11-51; three learners; machine operators, 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (watchmaker's tools and small electric motors).

Nevada Manufacturing Co., Pine Bluff, Ark., effective 7-10-50 to 1-9-51; three learners; sewing machine operators on sheets, pillow cases (and other cotton textile products), 240 hours, 60 cents per hour (sheets and pillow cases).

Ordill Industries, Inc., Ordill, Ill., effective 7-12-50 to 1-11-51; four learners; woodworking machine operators, 480 hours; finishers, 320 hours; assemblers, 320 hours; woodworking machine operators, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours; finishers and assemblers, 60 cents per hour for 320 hours (television tables and cabinets).

St. Louis Braid Co., St. Louis, Mo., effective 7-7-50 to 12-6-50; 10 learners; shoe lace pairing, 240 hours, 60 cents per hour for the first 160 hours and 65 cents per hour for the remaining 80 hours (shoe laces and braids).

South Shore Packing Co., Vermilion, Ohio, effective 7-12-50 to 1-11-51; 10 percent of total productive factory force (not including sales or office personnel); olive packers, 240 hours, 60 cents per hour (olive packing).

The following special learner certificates were issued to the school-operated industries listed below:

Southwestern Junior College, Keene, Tex., effective 1-25-50 to 9-15-50; College press; composition, press bindery, 10 learners; chenille factory, sewing machine operators, and related operations, 14 learners; college mill, assembling, wrapping, machine work, office, 40 learners; clerical workers, typing, filing, bookkeeping, stenography, 10 learners; bindery, casing, sawing, stamping, 15 learners; 250 hours at 45 cents per hour, 250 hours at 50 cents per hour, 250 hours at 60 cents per hour (reissued certificate).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available except that employers of student-workers employed in school-operated industries were not required to certify to the non-availability of experienced workers. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 21st day of July 1950.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 50-6636; Filed, July 28, 1950; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1398]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

On May 25, 1950, Northern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Omaha, Nebraska, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to construct and operate certain facilities, subject to the jurisdiction of the Commission, as are fully described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure; no request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 10, 1950 (15 F. R. 3676).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 8, 1950, at 9:45 o'clock a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate, as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 25, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6643; Filed, July 28, 1950; 8:46 a. m.]

[Docket No. G-1419]

PRINCE GEORGES GAS CORP.

ORDER FIXING DATE OF HEARING

On June 12, 1950, Prince Georges Gas Corporation (Applicant), a Maryland corporation having its principal place of business at Chillum, Prince Georges County, Maryland, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, as fully described in said application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 28, 1950 (15 F. R. 4148).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 3, 1950, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 25, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6644; Filed, July 28, 1950; 8:46 a. m.]

[Docket No. G-1421]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

On June 13, 1950, Cities Service Gas Company (Applicant), a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to construct and operate certain facilities, and for permission and approval to abandon and remove certain facilities, subject to the jurisdiction of the Commission, as are fully described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure; no request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 28, 1950 (15 F. R. 4149).

Temporary authorization to construct and operate and to abandon and remove the requested facilities was granted by the Commission on July 17, 1950.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 16, 1950, at 9:45 o'clock a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 25, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6645; Filed, July 28, 1950; 8:46 a. m.]

NORTH COUNTIES HYDRO-ELECTRIC CO.

ORDER TO SHOW CAUSE AND FIXING DATE FOR HEARING

North Counties Hydro-Electric Company ("North Counties") owns and operates a hydroelectric project on the Fox River in La Salle County, Illinois, under a 50-year license from the Federal Power Commission issued April 11, 1924. As set forth in detail below, North Counties has failed to file certain required reports on FPC Form Nos. 1-B, 7, 8 and 97, at the times prescribed and at any time, and required annual statements of earnings beginning with the twenty-first year of operation.

North Counties, according to the Commission's records, has failed to file the following reports and statements:

(1) An Annual Report on FPC Forms Nos. 97 or 1-B, in complete or substantially complete form, for every year for which such reports were prescribed. Annual Reports were required to be filed on or before March 31 of each year. In accordance with the Commission's practice, copies of the appropriate annual report form were sent to North Counties at the close of each filing year or the begin-

ning of the next year, under covering letter explaining the filing requirements, and, when the reports were not filed, follow-up letters were sent to North Counties requesting compliance.

(2) Statement of Actual Legitimate Original Cost of Construction on FPC Form No. 7, which was required to be filed on or before January 8, 1947, by the Commission's order issued November 7, 1946 (5 FPC 892) determining the actual legitimate original cost of the project as of December 31, 1925. FPC Form No. 7 was first prescribed as FPC Form No. 76 by the Commission's order of June 7, 1938, for the purpose of reporting actual legitimate original cost after determination thereof by the Commission. After service of the Commission's order on November 7, 1946, the filing requirement was again called to North Counties' attention by letter of March 18, 1947.

(3) Reports of claimed increases and decreases in licensed project plant accounts on FPC Form No. 8, originally prescribed by the Commission's order of June 7, 1938, as FPC Form No. 75, and required to be filed by North Counties on or before March 31, 1947, for the period from January 1, 1926, the time as of which the Commission determined the actual legitimate original cost of the project, to December 31, 1946, the year of the Commission's order determining cost, and on March 31 of 1948, 1949 and 1950 for the calendar years 1947 through 1949. The requirement for filing these reports on the prescribed form was called to North Counties attention in letters dated as follows, enclosing copies of the form: December 5, 1946 for the period January 1, 1926 to December 31, 1946; December 31, 1947 for the year 1947; January 14, 1949 for the year 1948; and January 26, 1950 for the year 1949. In follow-up letters of April 25, 1947, June 16, 1947, March 18, 1949 and May 5, 1949, North Counties was repeatedly requested to file the reports as required by the Commission's rules.

(4) Statements of earnings for the period April 1, 1945, when the twenty-first year of operation commenced, to December 31, 1945, and for the calendar years 1946 through 1949, in connection with the creation of amortization reserves pursuant to section 10 (d) of the Federal Power Act. The first report was due on or before March 1, 1946, and the succeeding statements on March 1 of each year thereafter for each preceding year.

It therefore appears that North Counties has not only failed to file the reports and statements described above as required by the Commission's orders and regulations but though repeatedly advised of the requirements for filing has without exception, according to the records of the Commission, ignored such notices and requests.

The Commission orders:

(A) A public hearing be held commencing September 18, 1950, at 10 a. m., e. d. s. t., in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington, D. C., at which hearing North Counties shall show cause, if any there be, why the Commission should not—

(1) Find and determine that North Counties has failed to comply with the provisions of the Federal Power Act, of orders, rules and regulations promulgated thereunder, and of the license issued April 11, 1924, requiring the filing of the reports and statements as enumerated in paragraphs (1) through (4) above.

(ii) Find and determine that it is necessary or appropriate to enable the Commission to carry out the provisions of the act to require North Counties to file the reports and statements enumerated above within a reasonable time to be fixed by the Commission.

(iii) Find and determine that North Counties in failing to file the reports and statements enumerated above has wilfully and knowingly violated the Federal Power Act;

(iv) Issue such other orders as may be necessary or appropriate to carry out the provisions of the act, initiate proceedings to bring about compliance with the act and the rules and regulations issued thereunder, transmit evidence of violation of the license, the act, and regulations and orders promulgated under the act, to the Attorney General for institution of proceedings for revocation of the license and of other appropriate proceedings, and take such other steps as may be appropriate under the act.

(B) Nothing contained in this order shall be construed as a waiver or stay of any of the orders of the Commission which may be applicable to the licensee.

(C) Interested State commissions may participate in the hearing ordered herein, as provided by §§ 1.8 and 1.37 (f) of the Commission's general rules and regulations, including rules of practice and procedure, dated January 1, 1948 (18 CFR 1.8 and 1.37 (f)).

Date of issuance: July 25, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6650; Filed, July 28, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25276]

GYPSUM PRODUCTS FROM AND TO THE SOUTHWEST

APPLICATION FOR RELIEF

JULY 26, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Metal accessories in mixed carloads with gypsum and plaster products.

From and to points in the southwest to and from interstate points.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates:

D. Q. Marsh's tariffs I. C. C. Nos. 3706, 3411 and 3798, Supplements 60, 96 and 21, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6647; Filed, July 28, 1950; 8:46 a. m.]

[4th Sec. Application 25277]

AUTOMOBILE BODIES FROM MARION, OHIO, TO CENTRAL TERRITORY

APPLICATION FOR RELIEF

JULY 26, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Acting Agent, for and on behalf of carriers parties to the tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile bodies, passenger, carloads.

From: Marion, Ohio.

To: Detroit, Mich., South Bend, Ind., North Chicago and Waukegan, Ill.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6648; Filed, July 28, 1950; 8:46 a. m.]

[4th Sec. Application 25278]

VARIOUS COMMODITIES FROM, TO AND BETWEEN POINTS IN THE SOUTH

APPLICATION FOR RELIEF

JULY 26, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 931, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities.

From, to and between points in the South.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6649; Filed, July 28, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2429]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of July A. D. 1950.

Michigan-Wisconsin Pipe Line Company ("Michigan-Wisconsin"), a non-utility subsidiary of American Natural Gas Company ("American Natural"), a registered holding company, having filed an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 (a) (2) promulgated thereunder, with respect to the following transactions:

Michigan-Wisconsin proposes to enter into a credit agreement with certain banks hereinafter named, which will commit such banks to lend Michigan-Wisconsin, from time to time upon demand prior to June 30, 1951, sums aggregating a maximum of $20,000,000 as follows:

The National City Bank of New York	$6,666,667
Central Hanover Bank & Trust Co., New York	6,666,667
Mellon National Bank & Trust Co., Pittsburgh	6,666,666
	20,000,000

The credit agreement is to be executed as soon as practicable after authorization by the Commission, and it is contemplated that the first borrowing is to be made promptly upon execution of the credit agreement. Each borrowing is to be from each bank pro rata and is to be evidenced by separate notes maturing July 1, 1951, and bearing interest at 2½ percent per annum. Michigan-Wisconsin, at its option and subject to the approval of the Commission, is to have the right to renew the notes for an additional term of one year from July 1, 1951 upon the same terms and conditions. The notes are to be payable in whole or in part, but if in part, then pro rata in amounts of $600,000 or multiples thereof, and if prepayment is made directly or indirectly from the proceeds of loans by banks not parties to the proposed credit agreement, a prepayment penalty is to be paid at the rate of one-quarter of one percent per annum, computed for the period from the date of prepayment to the maturity date of the notes being prepaid. A commitment fee is to be paid computed at the rate of one-half of one percent per annum on the average daily unused balance of the commitment from the date of the credit agreement to June 30, 1951 or until the entire $20,000,000 shall have been taken down, whichever shall occur first.

The credit agreement is to provide that if the company shall not have received $3,000,000 in cash on or before June 20, 1951, either through the sale of its preferred stock, common stock, or debt obligations subordinated to the notes to be issued, it will, on or before June 30, 1951 prepay $3,000,000 principal amount of the notes. The credit agreement is also to contain certain limitations with respect to the payment of dividends, mergers, consolidations, and the incurrence of additional indebtednes.

It is stated that the proceeds from the first borrowing under the credit agreement are to be used, to the extent necessary, to prepay all then outstanding nine-month notes of the Company to the banks who are parties to the credit agreement. The remaining proceeds obtained under the commitment are to be used to finance the construction of additional pipeline facilities. It is also stated that as soon as practicable, the company proposes to consummate a permanent financing program which will provide for the elimination prior to their maturity of the notes issued pursuant to the credit agreement, and that it is contemplated that such program will include the issuance and sale by the company of $12,000,000 principal amount of additional first mortgage bonds and $3,000,000 additional common stock.

The application having been filed June 29, 1950, and notice of the filing of said application, as amended, having been issued in the form and manner prescribed by Rule U-23 promulgated under the act, and the last amendment having been filed on July 13, 1950, and the Commission not having received a request for a hearing with respect to said application, as amended, within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicant having requested that an order to become effective upon its issuance, be entered granting said application, and according to opinion of counsel for applicant, it appearing that no regulatory authority other than the Securities and Exchange Commission has jurisdiction over the proposed transactions; and

The Commission finding that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, that no adverse findings are necessary thereunder, that no basis appears for imposing any terms and conditions in connection with our order other than those specified by Rule U-24, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the application, as amended; and

It appearing that the estimated fees and expenses, aggregating $3,500, including counsel fees of $1,000 payable to Sidley, Austin, Burgess & Smith and service company fees of $750 payable to American Natural Gas Service Company are not unreasonable and should be approved:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said application, as amended, be, and it hereby is, granted, subject to the terms and conditions prescribed by Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6638; Filed, July 28, 1950; 8:48 a. m.]

[File Nos. 70-2435, 70-2436]

SOUTHERN CO. ET AL.

NOTICE OF FILING, ORDER FOR CONSOLIDATION, AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 24th day of July A. D. 1950.

In the matter of The Southern Company, Alabama Power Company, File No. 70-2435; Electric Bond and Share Company, File No. 70-2436.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, and Alabama Power Company ("Alabama"), a public utility subsidiary of Southern, have filed a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder regarding, among other things, the acquisition by Southern, in exchange for common stock of Southern,

of the common stock of Birmingham Electric Company ("Birmingham"), a public utility subsidiary of Electric Bond and Share Company ("Bond and Share"), a registered holding company. Applicants-declarants designate sections 6 (a), 6 (b), 7, 9 (a), 10 and 12 (f) of the act and Rule U-43 thereunder as applicable to the proposed transactions

Notice is further given that Bond and Share, which is the owner of approximately 46% of the common stock of Birmingham, has filed an application-declaration pursuant to the act and rules and regulations promulgated thereunder regarding the transfer of its holdings of the common stock of Birmingham to Southern in exchange for common stock of Southern. Bond and Share has designated section 12 (d) of the act and Rule U-44 thereunder as applicable to the proposed transactions.

All interested persons are referred to said applications and declarations which are on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

(1) Southern and Bond and Share have entered into an agreement providing for the acquisition by Southern and the sale by Bond and Share of the latter's holdings of 254,045 shares of the common stock of Birmingham in exchange for 381,067½ shares of the common stock of Southern, which is on the basis of 1½ shares of common stock of Southern for each share of common stock of Birmingham.

(2) Southern also proposes to acquire as many of the remaining 291,565 shares of the common stock of Birmingham outstanding in the hands of the public as may be tendered in exchange for shares of its common stock on the same basis as agreed upon with Bond and Share, namely, at the rate of 1½ shares of Southern common stock for one share of Birmingham common stock. No half shares will be issued in such exchanges or in the exchange with Bond and Share, but Southern will pay in cash for each half share due an amount equal to one-half of the public offering price per share of the 1,000,000 shares of common stock of Southern proposed to be issued by Southern in accordance with a pending application-declaration (File No. 70–2422) or an amount equal to one-half of the closing sale price on shares of Southern common stock on the New York Stock Exchange on the date of this Commission's order herein authorizing such exchange offer or an amount to be determined by some other method subject to the approval of the Commission.

(3) Alabama proposes to acquire as many of the 64,000 shares of Birmingham's $100 par value 4.20 percent preferred stock outstanding in the hands of the public as may be tendered in exchange for shares of $100 par value 4.20 percent preferred stock of Alabama on a share for share basis.

(4) Southern and Alabama propose that the exchange offers described in paragraphs (2) and (3) will be made as soon as practicable following the order of the Commission herein authorizing the proposed transactions and that such exchange offers will remain open for a period of 21 days subject to an extension at the option of the companies.

(5) Following the acquisition by Southern of Birmingham's common stock, Southern proposes to transfer such shares to Alabama for shares of common stock of Alabama, at a rate to be determined upon and supplied by amendment herein.

(6) The joint application-declaration filed by Southern and Alabama states that after the acquisition of the securities of Birmingham by Southern and Alabama, such companies will endeavor as soon as practicable to cause Birmingham to dispose of its transportation properties to non-affiliated companies, and that within two calendar years subsequent to the calendar year in which such disposition is made by Birmingham, Alabama will acquire the electric properties and other remaining assets of Birmingham by merger, liquidation or otherwise, on a basis which will provide for the holders of the then unexchanged common stock and preferred stock of Birmingham such consideration as shall not be more favorable under the then circumstances than that proposed in the instant case.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said applications and declarations and that said applications and declarations shall not be granted or be permitted to become effective except pursuant to further order of this Commission; and

It further appearing to the Commission that the foregoing matters under File Nos. 70–2435 and 70–2436 involve common questions of law and fact and that substantial savings of time and expense will be achieved if such matters are consolidated:

It is ordered, That the proceeding with respect to the joint application-declaration filed by Southern and Alabama (File No. 70–2435) and the proceeding with respect to the application-declaration filed by Electric Bond and Share Company (File No. 70–2436) be, and the same hereby are, consolidated, without prejudice, however, to the right of the Commission to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, matters or questions herein set forth or which may arise in these proceedings or to take such other action as may appear necessary or appropriate to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That a hearing on said applications and declarations pursuant to the applicable provisions of the act and the rules thereunder be held on August 8, 1950, at 10 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that day by the Hearing Room Clerk in Room 193. Any person desiring to be heard, or wishing to participate in the proceedings, shall file with the Secretary of the Commission on or before August 4, 1950, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated for that purpose shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby authorized to exercise such powers granted to the Commission under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the applications and declarations and upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the specification of additional matters or questions upon further examination:

(1) Whether the proposed acquisition by Southern and Alabama of the securities of Birmingham and the proposed acquisition by Bond and Share of the common stock of Southern meet the requirements of the applicable provisions of the act, particularly section 10.

(2) Whether within the meaning of section 10 (b) (2) of the act the consideration involved in the proposed transactions is reasonable or bears a fair relationship to the sums invested in or to the earning capacity of utility assets underlying such securities.

(3) Whether within the meaning of section 10 (c) (2) of the act the acquisition by Southern and Alabama of the securities of Birmingham will serve the public interest by tending toward the economical and efficient development of an integrated public utility system.

(4) Whether within the meaning of section 10 (b) (1) the acquisition by Bond and Share of the common stock of Southern will tend toward interlocking relations or the concentration of control of public-utility companies of a kind or to an extent detrimental to the public interest or the interest of investors or consumers.

(5) Whether, in the event that the proposed acquisition by Bond and Share of the common stock of Southern meets the standards of the act and is permitted, it is necessary to impose terms and conditions with respect to the disposition of such stock by Bond and Share, and particularly whether the acquisition should be permitted only upon condition that Bond and Share dispose of such stock within a limited period of time.

(6) Whether the proposed offers to be made to the public holders of securities of Birmingham are fair and if not whether such offers should be modified.

(7) Whether the financing of the proposed acquisition of Birmingham common stock by Southern through an issuance of Southern common stock satisfies the standards of section 7 of the act.

(8) Whether the financing of the proposed acquisition of Birmingham preferred stock by Alabama through the issuance of Alabama preferred stock satisfies the standards of section 6 (b) of the act and whether it is necessary or appropriate to impose any terms and conditions in the public interest or for the protection of investors or consumers.

(9) Whether competitive conditions have been maintained in the negotiations of the proposed sale of the common stock of Birmingham by Bond and Share and whether the proposed sale of such stock is in conformity with the applicable standards of the act, particularly section 12 (d) thereof.

(10) Whether the fees and expenses and remunerations to be paid by Southern, Alabama, and Bond and Share in connection with the proposed transactions are for necessary services and are reasonable in amount.

(11) Whether the proposed accounting entries to be recorded in connection with the proposed transactions are proper and conform with sound accounting principles and meet the standards of the act.

(12) Whether, if the transactions proposed herein are approved, it is necessary and appropriate in the public interest or for the protection of investors or consumers to impose any terms and conditions, and in particular whether it is necessary or appropriate to impose any terms and conditions with respect to disposition by Southern and Alabama of the transportation and steam heating properties of Birmingham, and if so, what terms and conditions should be imposed.

(13) Generally, whether the proposed transactions comply with the applicable provisions of the act and the rules and regulations promulgated thereunder.

It is further ordered, That a copy of this notice shall be mailed by registered mail to the Federal Power Commission, the Alabama Public Service Commission, the Mayor of the City of Birmingham, The Southern Company, Alabama Power Company, Electric Bond and Share Company, and Birmingham Electric Company; that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases under the act; and that further notice be given to all persons by publication of this notice in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6639; Filed, July 28, 1950; 8:48 a. m.]

[File No. 70–2393]

RHODE ISLAND POWER TRANSMISSION CO.

ORDER GRANTING DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of July A. D. 1950.

Rhode Island Power Transmission Company ("Rhode Island"), a public utility subsidiary company of The Narragansett Electric Company ("Narragansett"), which, in turn, is a public-utility subsidiary company of New England Electric System ("NEES"), a registered holding company, having filed a declaration, pursuant to sections 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-23, U-24, U-43 (a) and U-46 (a) promulgated thereunder, with respect to the following transactions:

Rhode Island, which owns, among other things, certain transmission lines connecting Narragansett's electric properties with the transmission lines of other companies in the NEES holding company system, proposes to sell to Narragansett all of its properties and assets for $949,327, subject to certain adjustments. Narragansett will pay for such properties and assets by: (a) The cancellation of Rhode Island's indebtedness to it in the amount of $500,000 evidenced by a demand note bearing interest at the rate of 4 percent per annum and in the amount of $396,323 on open account, aggregating $396,323 as at March 31, 1950, (b) the assumption of Rhode Island's liabilities, (c) the payment of all expenses in connection with the transaction and (d) the conveyance to Rhode Island of its demand note or other acceptable obligation representing the balance of the purchase price, or certificates representing all of Rhode Island's 5,000 shares of $100 par value capital stock with a notation stamped thereon that there has been paid on account thereof the net amount distributable in connection with the liquidation of Rhode Island.

The Public Utility Administrator of Rhode Island has approved the proposed sale by Rhode Island.

The Commission finding with respect to the declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate that said declaration be permitted to become effective, and further deeming it appropriate to grant the request of Rhode Island that the order herein become effective forthwith upon its issuance.

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6640; Filed, July 28, 1950; 8:48 a. m.]

[File No. 70-2432]

COLUMBIA GAS SYSTEM, INC.

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of July A. D. 1950.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration, and amendments thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 with respect to the issue and sale by Columbia, pursuant to the competitive bidding requirements of Rule U-50, of $90,000,000 principal amount of Series B Debentures due 1975, the proceeds of which will be used in part to retire $45,000,000 principal amount of 3¼ percent Debentures due 1973, $20,000,000 principal amount of 3 percent Debentures due 1974 and $13,000,000 principal amount of 3 percent Debentures due August 1974, and the balance to be used to provide funds for the continuance of Columbia's 1950 construction program. The declarant has also requested that the Commission's order permit shortening the 10-day period for inviting sealed bids pursuant to Rule U-50.

The Indenture under which the proposed Debentures are to be issued permits the issuance of debt to the extent of 60 percent of total capitalization, as defined therein, whereas the Indenture under which the Debentures to be retired were issued permits the issuance of such debt only to the extent of 50 percent of such capitalization.

Columbia states that while it is presently of the opinion that a debt ratio of approximately 50 percent is desirable, it believes that a substantial amount of additional borrowing capacity is necessary during periods of heavy construction, when the debt ratio may temporarily increase. Columbia further states that it is its present intention to provide such amounts of additional capital, from time to time, and when market conditions are favorable, from the sale of common stock as will together with retained earnings permit it to maintain a consolidated capital structure having approximately equal amounts of debt and equity.

We recognize the desirability of Columbia's having the flexibility with respect to future financing which the proposed debt limitation of sixty percent will permit and in light of this recognition and the above-stated intention of Columbia with respect to such future financing are permitting the declaration herein to become effective. Such action on our part should not, however, be construed as an indication that we believe Columbia's future financing should be in the form of debt or that we would under all circumstances approve the issuance of debt to the full limit permitted by the Indenture. We are in full accord with Columbia that a continuing debt ratio of not to exceed 50 percent of capitalization is a desirable objective and every effort should be made to maintain such ratio.

Said declaration having been duly filed on July 7, 1950 and the last amendment thereto having been filed on July 24, 1950 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of Debentures shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That the ten-day period for inviting sealed bids pursuant to Rule U-50 with respect to the said Series B Debentures due 1975 be, and hereby is, shortened to six days, so that bids may be opened on August 1, 1950.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of legal fees and expenses to be incurred in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-6641; Filed, July 28, 1950; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14869]

ELISABETH SCHMIDT

In re: Bank account owned by Elisabeth Schmidt. F-28-25151-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Schmidt, whose last known address is Berlin-Wilmersdorf Landauer Strasse 1, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Elisabeth Schmidt by Bishop Trust Company, Limited, P. O. Box 2390, Honolulu 4, Hawaii, arising out of an agency account in the name of Elisabeth Schmidt, maintained at said Bishop Trust Company, Limited, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6659; Filed, July 28, 1950; 8:49 a. m.]

BERTHA AND JULIUS VAMOS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Bertha Vamos, Administratrix of the Estate of Julius Vamos, decd., New York, New York; Claim No. 6871; $1,405.89 cash in the Treasury of the United States. All right, title and interest of Joseph Vamos, also known as Josef Wamos, in and to the Estate of Anie Sharf, also known as Ilka Nick, Ilka Mauthner, Ilka Nick and Anni Sharf, deceased.

Executed at Washington, D. C., on July 24, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6663; Filed, July 28, 1950; 8:50 a. m.]

MARIA TERESA FERRISE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Teresa Ferrise, Cosenza, Italy; Claim No. 35273; $64.56 in the Treasury of the United States. One (1) Life Insurance Certificate No. A440, dated May 1, 1940, issued by the Travelers Insurance Company of Hartford, Connecticut, in the face amount of $1,000.00 on the life of Giovanni Ferrise, named beneficiary, Maria Teresa Ferrise, in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

Executed at Washington, D. C., on July 24, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Office of Alien Property.

[F. R. Doc. 50-6662; Filed, July 28, 1950; 8:50 a. m.]

[Return Order 693]

FRANCESCA PAOLA LOMBARDO AND GIULIO CESARO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Francesca Paola Lombardo, Palermo, Italy; and Giulio Cesaro, Palermo, Italy; Claim No. 33762; February 28, 1950 (15 F. R. 1096); $3,207.31 in the Treasury of the United States. $3,207.32 in the Treasury of the United States. All right, title and interest of Concettina Cesaro in and to the trusts under the will and codicil of Gabriel Marino, deceased, to Francesca Paola Lombardo and Giulio Cesaro in equal shares.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 24, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6660; Filed, July 28, 1950; 8:49 a. m.]

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AUG

SEP 25 '50

FEDERAL REGISTER

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[2] Appears as Chapter VI, Part 601.

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U. S. GOVERNMENT PRINTING OFFICE: 1950

NOV 2 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 147

Washington, Tuesday, August 1, 1950

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

GOVERNMENT PATENTS BOARD

Under authority of § 6.1 (a) of Executive Order 9830, the Commission has approved the exception from the competitive service of one Confidential Assistant to the Chairman of the Government Patents Board. Effective upon publication in the FEDERAL REGISTER, a new § 6.152 is added as follows:

§ 6.152 *Government Patents Board.* (a) One Confidential Assistant to the Chairman.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-6669; Filed, July 31, 1950; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 904.100 *Findings and determinations.* Pursuant to the provisions of Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Mass., marketing area (7 CFR 904) and of the Administrative Procedure Act (60 Stat. 237), a public meeting was held at Boston, Mass., on July 17, 1950, to consider proposed amendments to the rules and regulations (7 CFR 904.101 et seq.) issued by the market administrator to effectuate the terms and provisions of the the order. The data, views, and arguments presented at this meeting and all written material received prior to July 18, 1950, have been considered and it is hereby found and determined that the following amendments to the aforesaid rules and regulations are necessary to effectuate the terms and provisions of Order No. 4, as amended, and as further amended effective August 1, 1950. Since the amendment to § 904.105 (b) (4) is necessitated by the amendment of the order made effective August 1, 1950, and since none of the amendments herein requires substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the issuance of these amendments. The said rules and regulations are therefore amended as follows:

1. Delete § 904.105 (b) (4), and substitute the following:

(4) The butter and cheese adjustment shall not apply to butterfat which is disposed of by the first handler or the second person in a form other than salted butter after being processed into that product. However, if the salted butter is held in inventory by the first handler or the second person at the close of any month, the butterfat in such butter may be tentatively considered as eligible for the adjustment, subject to proof of the form in which the butterfat was subsequently disposed of by the first handler or the second person.

2. Delete that portion of § 904.110 (c) which precedes the table of standard weights, and substitute the following:

(c) *Standard weights.* In the absence of specific weights, the weight of fluid milk products received or disposed of in a quart or 40-quart container shall be determined according to the following table. The weight of such products in any other container shall be determined by multiplying the equivalent number of quarts by the respective standard weight per quart container, except that, in the absence of specific weights, the weight of such products in a 20-quart container shall be considered to be one-half of the applicable standard weight per 40-quart container.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Boston, Massachusets, this 26th day of July 1950, to be effective on and after the first day of August 1950.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 50-6699; Filed, July 31, 1950; 8:49 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CFR
POCKET SUPPLEMENTS
(For Use During 1950)

The following Packet Supplements are now available:

Title 39 ($0.35)
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Previously announced: Titles 4–5 ($0.30); Title 6 ($1.00); Title 7: Parts 1–209 ($0.55); Parts 210–899 ($0.75); Parts 900 to end ($0.75); Title 8 ($0.20); Title 9 ($0.20); Titles 10–13 ($0.20); Title 14: Parts 1–399 ($1.50); Parts 400 to end ($0.30); Title 15 ($0.40); Title 16 ($0.25); Title 17 ($0.20); Title 18 ($0.20); Title 19 ($0.20); Title 20 ($0.20); Title 21 ($0.30); Titles 22–23 ($0.25); Title 24 ($0.55); Title 25 ($0.20); Title 26: Parts 1–79 ($0.20); Parts 80–169 ($0.25); Parts 170–182 ($0.25); Parts 183–299 ($0.30); Title 26: Parts 300 to end; and Title 27 ($0.25); Titles 28–29 ($0.30); Titles 30–31 ($0.25); Title 32 ($1.00); Title 33 ($0.25); Titles 35–37 ($0.20); Title 38 ($0.50); Titles 40–42 ($0.25); Title 43 ($0.35); Titles 44–45 ($0.25)

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[Reg. 6, Amdt. 2]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (15 F. R. 311) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amened (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established under said marketing agreement and order, as amended, and upon other available information, it is hereby found that the skinning requirement hereinafter set forth, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (ii) the time intervening between the date information necessary for the issuance of this amendment became available and the time such amendment must become effective to effectuate the declared policy of the act is insufficient, and (iii) no special preparation will be required of handlers which cannot be completed prior to the effective date hereof.

Order, as amended. The provisions of paragraph (b) (2) of § 957.306 (Regulation No. 6, 15 F. R. 4216), as amended (15 F. R. 4579), are hereby further amended to read as follows:

(2) During the period beginning 12:01 a. m., m. s. t., August 1, 1950, and ending 12:01 a. m., m. s. t., November 1, 1950, no handler shall ship Russet Burbank potatoes which do not comply with the aforesaid grade and size requirements and which are more than "moderately skinned," as such term is defined in the United States Standards for Potatoes (14 F. R. 1955, 2161), which means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or feathered; no handler shall ship round red varieties if more than 20 percent of the potatoes in any lot have more than one-half of the skin missing or feathered; and no handler shall ship White Rose variety of potatoes if more than 35 percent of the potatoes in any lot have more than one-half of the skin missing or feathered: *Provided*, That one lot of each variety of not to exceed 200 hundredweight of such potatoes may be handled without regard to the aforesaid skinning requirement if the handler thereof reports, prior to such handling, the name and address of the producer of such lot, and such lot is handled as an identifiable entity.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 28th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6757; Filed, July 31, 1950; 9:59 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2, Amdt. 5]

PART 60—AIR TRAFFIC RULES

MINIMUM EN ROUTE INSTRUMENT ALTITUDES

The minimum en route instrument altitude alterations appearing hereinafter are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 60 is amended as follows:

1. Section 60.17–12 *Green Civil Airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Dunham Lake, Mich.	Detroit, Mich.	2,200′

2. Section 60.17–14 *Green Civil Airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Columbia, Mo.	St. Peters (INT), Mo.	2,200′

3. Section 60.17–15 *Green Civil Airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Phoenix, Ariz.	Casa Grande (INT), Ariz.	5,000′

4. Section 60.17–18 *Green Civil Airway No. 8* is amended to eliminate:

From—	To—	Minimum altitude
Attu, Alaska	Shemya, Alaska	3,200
Shemya, Alaska	Adak, Alaska	8,000
Adak, Alaska [1]	Atka, Alaska	7,800
Atka, Alaska	North Shore, Alaska	6,700
North Shore, Alaska	Cape Mordvinoff (INT), Alaska.	7,700
Cape Mordvinoff (INT), Alaska.	Cold Bay, Alaska	6,900

[1] 6,600′—Minimum crossing altitude at Adak, northeast-bound.

5. Section 60.17–18 *Green Civil Airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Port Heiden, Alaska	King Salmon, Alaska	1,500
King Salmon, Alaska	Kukaklek (INT), Alaska.	4,500

6. Section 60.17–106 *Amber Civil Airway No. 6* is amended by adding:

From—	To—	Minimum altitude
Cincinnati, Ohio	West Jefferson (INT), Ohio.	2,200

7. Section 60.17–208 *Red Civil Airway No. 8* is amended by adding:

From—	To—	Minimum altitude
Int. W crs. Wright-Patterson, Ohio & NW crs. Cincinnati, Ohio.	Trotwood (INT), Ohio.	2,200
Trotwood (INT), Ohio.	Wright-Patterson, Ohio.[1]	2,500
Wright-Patterson, Ohio.	Lockbourne (INT), Ohio.	2,200
Lockbourne (INT), Ohio.	Zanesville, Ohio (Rbn).	2,200
Zanesville, Ohio (Rbn).	Bergholz, Ohio (Rbn).	2,500
Bergholz, Ohio (Rbn).	Butler, Pa. (Rbn)	2,500

[1] 2,500′—Minimum crossing altitude at Wright-Patterson, west-bound.

8. Section 60.17–209 *Red Civil Airway No. 9* is amended to read in part:

From—	To—	Minimum altitude
Phoenix, Ariz. (VAR).	Cactus (INT), Ariz.	5,000′
Cactus (INT), Ariz.[1]	Winslow, Ariz. (VAR)	10,000′

[1] 6,000′—Minimum crossing altitude at Cactus (INT) northeast-bound.

9. Section 60.17–215 *Red Civil Airway No. 15* is amended to read in part:

From—	To—	Minimum altitude
Prescott, Ariz.	Cactus (INT), Ariz.[1]	10,000′
Cactus (INT), Ariz.	Phoenix, Ariz.	5,000′

[1] 6,000′—Minimum crossing altitude at Cactus (INT), north-bound.

10. Section 60.17–240 *Red Civil Airway No. 40* is amended to eliminate:

From—	To—	Minimum altitude
Shemya, Alaska	Amchitka, Alaska	5,000′
Amchitka, Alaska	Chunu (INT), Alaska.	3,000′
Chunu (INT), Alaska.	Adak, Alaska [1]	4,900′

[1] 6,600′—Minimum crossing altitude at Adak, northeast-bound.

11. Section 60.17–246 *Red Civil Airway No. 46* is amended to read in part:

From—	To—	Minimum altitude
Ellendale (INT), Minn.	Rochester, Minn.	2,400′

12. Section 60.17–258 *Red Civil Airway No. 58* is amended to read in part:

From—	To—	Minimum altitude
Salinas, Calif. (VAR)	Int. NE crs. Salinas, Calif. (VAR) and NW crs. Fresno, Calif.	6,000′

13. Section 60.17–274 *Red Civil Airway No. 74* is amended by adding:

From—	To—	Minimum altitude
Loveland (INT), Ohio.	Wright-Patterson, Ohio.[1]	2,500′
Wright - Patterson, Ohio.	Springfield (INT), Ohio.	2,200′

[1] 2,500′—Minimum crossing altitude at Wright-Patterson, southwest-bound.

14. Section 60.17–281 *Red Civil Airway No. 81* is amended by adding:

From—	To—	Minimum altitude
Columbus, Ohio	Parkersburg, W. Va. (VAR).	2,200′

15. Section 60.17–293 *Red Civil Airway No. 93* is added to read:

From—	To—	Minimum altitude
Lincoln, Nebr	Glenwood (INT), Iowa.	2,500′

16. Section 60.17–603 *Blue Civil Airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Maxwell, Ala	Eden (INT), Ala	3,000′

17. Section 60.17–609 *Blue Civil Airway No. 9* is amended to read in part:

From—	To—	Minimum altitude
Kirksville, Mo	Int. NW crs. Kirksville, Mo. and S crs. Des Moines, Iowa.	2,500′
Int. NW crs. Kirksville, Mo. and S crs. Des Moines, Iowa.	Des Moines, Iowa	2,200′

18. Section 60.17–638 *Blue Civil Airway No. 38* is amended to read in part:

From—	To—	Minimum altitude
Haines, Alaska	Carcross (INT), Yukon Territory.	9,500′

19. Section 60.17–641 *Blue Civil Airway No. 41* is amended by adding:

From—	To—	Minimum altitude
Westfield, Mass	Greenfield (INT), Mass.	3,500′
Greenfield (INT) Mass.	Concord, N. H	5,200′

20. Section 60.17–669 *Blue Civil Airway No. 69* is added to read:

From—	To—	Minimum altitude
Jerseyville (INT), Mo.	Quincy, Ill. (Rbn)	1,900′
Quincy, Ill. (Rbn)	Luray (INT), Mo	2,600′
Luray (INT), Mo	Ottumwa, Iowa (VAR)	2,000′
Ottumwa, Iowa (VAR)	Des Moines, Iowa	2,500′

21. Section 60.17–1001 *Direct routes; northeast United States* is amended to eliminate:

From—	To—	Minimum altitude
Greenfield (INT) Mass.	Westfield, Mass	4,000′
Ottumwa, Iowa	Des Moines, Iowa	2,500′
Do	Quincy, Ill	2,500′
Quincy, Ill	St. Louis, Mo	2,000′

22. Section 60.17–1001 *Direct routes; northeast United States* is amended by adding:

From—	To—	Minimum altitude
Cleveland, Ohio	Clear Creek, Ontario	2,400′
Do	London, Ontario	2,100′
Pittsburgh, Pa	Phillipsburg, Pa	4,500′
Phillipsburg, Pa	Williamsport, Pa	4,500′
Wilkes-Barre, Pa	Newark, N. J	4,400′

23. Section 60.17–1002 *Direct routes; southeast United States* is amended by adding:

From—	To—	Minimum altitude
Atlanta, Ga	Savannah, Ga	2,000′
Greenville, S. C	Hendersonville, N. C. (INT).	8,000′

24. Section 60.17–1003 *Direct routes; southwest United States* is amended to eliminate:

From—	To—	Minimum altitude
Point Dume (INT), Calif.	Anacapa (INT), Calif.	3,000′
Anacapa (INT), Calif.	Mugu (INT), Calif.	3,000′
Mugu (INT), Calif.	Santa Barbara, Calif.: Northbound	7,000′
	Southbound	6,000′

25. Section 60.17–217 *Red Civil Airway No. 17* is amended by adding:

From—	To—	Minimum altitude
McKeesport, Pa. (Rbn)	Johnstown, Pa. (Rbn)	4,500′

26. Section 60.17–261 *Red Civil Airway No. 61* is amended by adding:

From—	To—	Minimum altitude
Butler, Pa. (Rbn)	Johnstown, Pa. (Rbn)	4,500′

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective August 1, 1950.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50–6670; Filed, July 31, 1950; 8:45 a. m.]

[Supp. 7, Amdt. 45]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

1. The Pine Bluff, Arkansas, area, published on June 30, 1950, in 15 F. R. 4187, is amended by changing the "Time of Designation" column to read: "Continuous".

2. The Pocatello, Idaho, area, published on April 21, 1949, in 14 F. R. 1913, and on July 16, 1949, in 14 F. R. 4287, is amended by changing the "Using Agency" column to read: "Naval Ordnance Plant, Pocatello, Idaho".

3. The Scenic, South Dakota, area, published on April 21, 1949, in 14 F. R. 1913, and on July 16, 1949, in 14 F. R. 4287, is amended by changing the "Using Agency" column to read: "Rapid City Air Force Base, South Dakota".

4. The Mana, Kauai, Territory of Hawaii, area is deleted.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 1, 1950.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50–6701; Filed, July 31, 1950; 8:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[Dept. Circ. 418, Amdt. 5]

PART 309—ISSUE AND SALE OF TREASURY BILLS

TENDER; WHEN CASH DEPOSIT REQUIRED

Paragraph 8 of Department Circular No. 418, as amended, dated February 28, 1941, is hereby amended to read as follows:

§ 309.8 *Tenders; when cash deposit required.* Tenders should be submitted on the printed forms and forwarded in the special envelopes which will be supplied on application to any Federal Reserve Bank, or Branch. If a special envelope is not available, the inscription "Tender for Treasury Bills" should be placed on the envelope used. The instructions of the Federal Reserve Banks with respect to the submission of tenders should be observed. Others than banking institutions will not be permitted to submit tenders except for their own account. Tenders from incorporated banks and trust companies, and from responsible and recognized dealers in investment securities will be received without deposit. Tenders from all others must be accompanied by a payment of such percent of the face amount of the Treasury bills applied for as the Secretary of the Treasury may from time to time prescribe: *Provided, however,* That such deposit will not be required if the tender is accompanied by an express guaranty of payment in full by an incorporated bank or trust company. Forfeiture of the prescribed payment may be declared by the Secretary of the Treasury, if payment is not completed, in the case of accepted tenders, on the prescribed date.

(R. S. 161, sec. 5, 40 Stat. 290, as amended, sec. 8, 50 Stat. 481, as amended; 5 U. S. C. 22, 31 U. S. C. 738a, 754)

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 50–6672; Filed, July 31, 1950; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

1. In § 21.52, paragraphs (e) and (h) are amended to read as follows:

§ 21.52 *Charges against entitlement.*

* * *

(e) *Short, intensive postgraduate, or training course of less than 30 weeks.* The charge against a period of entitlement for a short, intensive postgraduate, or training course of less than 30 weeks' duration will be determined by dividing the total cost of the course by $2.10 ($500 divided by 238), converting the resulting days to years, months, and days in accordance with paragraph (f) of this section: *Provided, however,* That in no event will the charge against entitlement be less than the entitlement charge which is appropriate as provided in paragraph (a) of this section.

* * * * * * *

(h) *Veteran's election to have Veterans' Administration pay charges in excess of the rate of $500 for an ordinary school year.* Where customary charges are in excess of the rate of $500 for an ordinary school year, the veteran's election to have such excess charges paid by the Veterans' Administration may be made at the time of enrollment, or after his enrollment, but in any event the election must be received with or prior to receipt of the final institutional voucher in the regional office having jurisdiction. The veteran's election will apply only to the unit of instruction certified by the institution as the veteran's period of enrollment (ordinary school year, single term, single semester, or course). When enrollment is certified for a single term, semester, or course, the term, semester, or course constitutes the unit of instruction to which such election applies. When the enrollment certification if for an ordinary school year, that period constitutes the unit of instruction and the veteran may not elect to have excess charges paid by the Veterans' Administration for any specific term or semester to the exclusion of other terms or semesters of the ordinary school year. Where enrollment has been effected by the Veterans' Administration upon the basis of the veteran's election to have the Veterans' Administration pay excess charges, such election may not be rescinded at any time except with full agreement of the institution, and in no event may such election be rescinded after the Veterans' Administration has made payment to the institution for the period covered by the election.

* * * * * * *

2. In § 21.109, paragraphs (b) and (c) are amended to read as follows:

§ 21.109 *Determination of subsistence allowance for institutional on-farm training.* * * *

(b) *Estimate of anticipated compensation.* At the time a veteran begins his course of institutional on-farm training, the anticipated compensation for productive labor for one calendar year will be developed by the veteran, the farmer-trainer, and the instructor and approved and certified by the institution and forwarded through channels, as designated by the State approving agency, to the regional office of the Veterans' Administration. Where the veteran performs part of his course on a farm under his own control, the estimate will represent the veteran's and the instructor's judgment as to the income that may be expected from productive labor on the particular farm during a calendar year in accordance with the instructions in paragraph (a) of this section. Subsistence allowance will be authorized at the rates prescribed in § 21.104 (b), which rates when added to the monthly pro rata amount of compensation for productive labor will not exceed the statutory limitations provided in § 21.105. The authorization of subsistence allowance will show an ending date as of March 31 of the succeeding year.

(c) *Annual report.* On or before March 1 of each year thereafter (see paragraph (b) of this section) a report will be rendered on VA Form 7–1922, Report of Income—Institutional on-Farm Training, showing the compensation received for productive labor for the preceding calendar year and the anticipated income for the succeeding calendar year as derived from the records in the veteran's farm and home accounts and certified to by the veteran and the institution as being to the best of their knowledge and belief a correct statement in support of the veteran's claim for subsistence allowance. If compensation reports are not submitted when due, subsistence allowance will terminate on March 31, and other training benefits will be discontinued on April 30, or date of last attendance at the school, whichever occurs first. If a compensation report is submitted after benefits have been discontinued, payment of subsistence allowance may be resumed, if appropriate, and if the veteran has continued to make satisfactory progress in his course, but not earlier than the date the delinquent report is received in the Veterans' Administration. If the total amount of subsistence payments and compensation for productive labor for the period covered by the report exceeds the statutory limit prorated over such period, the excess rate shall be recovered by pro rata reduction of the payment rate established for the succeeding period based upon estimated income, which estimate should not be less than the actual income for the preceding period. If the established rate was less than the amount authorized by statute, the deficiency will be adjusted by a retroactive award reflecting the correct rate to which the veteran was entitled. Upon termination of training through interruption, completion, exhaustion of entitlement, or for any other reason, a final report will be promptly made of income received since the latest report and a final subsistence allowance adjustment will be made accordingly. In those instances where a veteran in an excess payment status withdraws from training and the excess payment has not been completely liquidated, authorization action will be effected to reflect the actual rate of subsistence allowance to which the veteran was entitled in the previous period or periods. If the veteran fails to submit a report as required, further training under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12) will be denied until the report is furnished. Any overpayment must be repaid. Reports at 4-month intervals will not be required. Subject to available entitlement, the course may be completed without subsistence allowance notwithstanding the income equals or exceeds the statutory limit.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective August 1, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50–6654; Filed, July 31, 1950; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 856]

PART 95—CAR SERVICE

SATURDAYS AND SUNDAYS TO BE INCLUDED IN COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of July A. D. 1950.

It appearing that railroad freight cars are being delayed unduly in loading and unloading; or while held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, or forwarding directions; or while held for any other purpose of consignee, consignor or owner, causing a shortage of equipment and impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency requiring immediate action exists in all sections of the country. It is ordered, that:

§ 95.856 *Saturdays and Sundays to be included computing demurrage on all freight cars.* (a) Each common carrier by railroad subject to the Interstate Commerce Act shall include all Saturdays and Sundays, occurring after the expiration of the free time published in tariffs, when computing demurrage on all freight cars whether or not they are subject to monthly average agreement or any other regular settlement period.

(b) Application: The provisions of this section shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(c) Regulations suspended; announcement required. The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(d) Effective date: This section shall become effective at 7:00 a. m., August 1, 1950.

(e) Expiration date: This section shall expire at 7:00 a.m., February 1, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered that a copy of this order and direction shall be served upon the railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6684; Filed, July 31, 1950; 8:47 a.m.]

[S. O. 857]

PART 95—CAR SERVICE

REFRIGERATOR CARS FOR FRUIT AND VEGETABLE CONTAINERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of July A. D. 1950.

It appearing that the number of boxcars available for the movement of fruit and vegetable containers now moving from origins in the States of Pennsylvania, Delaware, Maryland, and New Jersey has seriously decreased recently; that there is a temporary surplus of refrigerator cars in this territory and that the substitution of refrigerator cars for such boxcars will release the boxcars for other essential transportation; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment. It is ordered, that:

§ 95.857 *Refrigerator cars for fruit and vegetable containers.* (a) Common carriers by railroad subject to the Interstate Commerce Act transporting fruit and vegetable containers, in carloads, from origins located in the States of Pennsylvania, Delaware, Maryland, and New Jersey, to destinations in the States of Pennsylvania, Delaware, Maryland, and New Jersey may, at their option, furnish and transport not more than two (2) refrigerator cars of BREX, WFEX, and FGEX ownership in lieu of each boxcar ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a boxcar.

(b) Application: The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) Effective date: This section shall become effective at 12:01 a. m., July 28, 1950.

(d) Expiration date: This section shall expire at 11:59 p. m., September 14, 1950, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) Rules and regulations suspended: The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) Announcement of suspension: Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, that this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6685; Filed, July 31, 1950; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Parts 549, 778]

PROFIT SHARING, THRIFT OR SAVINGS AND EMPLOYEE WELFARE PLANS OR TRUSTS

NOTICE OF HEARING

The Fair Labor Standards Amendments of 1949 (63 Stat. 910), among other things, added new provisions to the Fair Labor Standards Act of 1938 (52 Stat. 1060) which authorized the exclusion from the "regular rate" at which an employee is employed (1) payments "made pursuant to a bona fide profit-sharing plan or trust or bona fide thrift or savings plan" (section 7 (d) (3) (b)) and (2) "contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old age, retirement, life, accident, or health insurance or similar benefits for employees" (hereinafter referred to as "welfare plans") (section 7 (d)-(4)).

Pursuant to the aforesaid sections of the act the Administrator issued, effective January 25, 1950, (1) regulations, Part 549, defining and delimiting the term "bona fide profit-sharing plan or trust"; and (2) Interpretative Bulletin, Part 778, on overtime compensation, in § 778.6 (g) of which, he set forth the conditions which would have to be met in order for an employer's contributions to a welfare plan to qualify for exclusion from the regular rate. To date, no regulations have been issued with respect to "bona fide thrift or savings plans" provided for in section 7 (d) (3) (b).

The experience of the Wage and Hour Division in the application of the above regulations and Interpretative Bulletin since their issuance, has indicated the need for a review and reexamination of the provisions thereof, with a view to possible revisions or amendments. Furthermore, it appears necessary to add to regulations, Part 549, appropriate provisions dealing with bona fide thrift or savings plans. In considering such possible revisions or amendments and the formulation of additional regulations, the Administrator desires to have the benefit of the views of any interested persons.

Accordingly, notice is hereby given of a public hearing to be held before an authorized representative of the Administrator beginning on Wednesday, September 6, 1950 at 10 a. m., in the Interdepartmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW., Washington, D. C., at which interested persons will be heard on the following questions:

1. What, if any, changes should be made in the regulations Part 549, defining and delimiting the term "bona fide profit-sharing plan or trust," pursuant to section 7 (d) (3) (b) of the Fair Labor Standards Act, as amended?

2. What provisions relating to "bona fide thrift or savings plans," as used in section 7 (d) (3) (b) of the act, should be adopted by the Administrator?

3. What revisions should be made by the Administrator in § 778.6 (g) of Interpretative Bulletin, Part 778, dealing with the conditions required for the exclusion of an employer's contributions to a welfare plan from the "regular rate" under section 7 (d) (4) of the act?

All persons desiring to be heard at the aforesaid public hearing should notify the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., not later than August 24, 1950, which notification should contain the following information:

1. Name and address of the person who will appear.

2. If such person will appear in a representative capacity, the name and address of the persons or organizations he will represent.

3. The particular question or questions concerning which he intends to make a presentation at the hearing.

4. The approximate length of time requested for his presentation.

Written statements may be filed in lieu of personal appearances at any time before the date of the hearing.

Signed at Washington, D. C., this 26th day of July 1950.

WM. R. MCCOMB, *Administrator, Wage and Hour Division.*

[F. R. Doc. 50-6671; Filed, July 31, 1950; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

U. S. STANDARDS FOR GRADES OF CANNED GRAPE JUICE [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Canned (or Bottled) Grape Juice, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and Pub. Law 585, 81st Cong., approved June 29, 1950. This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.378 *Canned grape juice.* Canned grape juice is the unfermented liquid obtained from the properly matured fresh grapes of the Concord type. Such grape juice is prepared without any concentration, without dilution, is packed with or without the addition of sweetening ingredients, and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers (either metal or glass).

(a) *Types of canned grape juice.* Unless specifically designated as "sweetened," canned grape juice is considered as "unsweetened."

(1) Type I, Unsweetened (without added sweetening ingredient or ingredients).

(2) Type II, Sweetened (with added sweetening ingredient or ingredients).

(b) *Grades of canned grape juice.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned grape juice that is prepared by removal of tartrate crystals; that possesses a good color; that is practically free from defects; that possesses a good flavor; and that scores not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of canned grape juice that is prepared by removal of tartrate crystals; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good flavor; and that scores not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned grape juice that is prepared with or without the removal of tartrate crystals; that possesses a fairly good color; that is fairly free from defects; that possesses a fairly good flavor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of canned grape juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled as full as practicable with grape juice and that the product occupy not less than 90 percent of the volume of the container.

(d) *Ascertaining the grade.* (1) The grade of canned grape juice may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(i) Color	40
(ii) Absence of defects	20
(iii) Flavor	40
Total score	100

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned grape juice that possesses a good color may be given a score of 36 to 40 points. "Good color" means a clear and bright purple color typical of freshly pressed grape juice.

(ii) If the canned grape juice possesses a reasonably good color, a score of 32 to 35 points may be given. Canned grape juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means a purple color typical of canned grape juice, which color may be slightly dull or bluish-purple.

(iii) If the canned grape juice possesses a fairly good color, a score of 28 to 31 points may be given. Canned grape juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means a typical purple color that may be dull but not off color.

(iv) Canned grape juice that fails to meet the requirements of subdivision

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(iii) of this subparagraph may be given a score to 0 to 27 points and shall not be graded above U. S. Grade D or U. S. Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from sediment and other residue, from tartrate crystals, from particles of skin, from particles of pulp, from particles of seed, and from other defects.

(i) Canned grape juice that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that the canned grape juice may possess a slight amount of sediment and residue of an amorphous nature; may possess not more than a trace of sediment and residue of a non-amorphous nature; is free from tartrate crystals; and is free from particles of skin, particles of pulp, particles of seed, and from other defects.

(ii) If the canned grape juice is reasonably free from defects, a score of 16 or 17 points may be given. Canned grape juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned grape juice may possess a slight amount of sediment and residue of an amorphous or non-amorphous nature; may posses a slight amount of tartrate crystals; may possess not more than a trace of particles of skin, particles of pulp, particles of seed, and other defects.

(iii) If the canned grape juice is fairly free from defects, a score of 14 or 15 points may be given. Canned grape juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned grape juice may possess sediment and residue of an amorphous or non-amorphous nature or may possess tartrate crystals provided such substances do not materially affect the appearance or palatability of the product; and may possess a slight amount of particles of skin, particles of pulp, particles of seed, and other defects.

(iv) Canned grape juice that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule.)

(3) *Flavor.* (i) Canned grape juice that possesses a good flavor may be given a score of 36 to 40 points. "Good flavor" means that the flavor is a distinct and normal flavor, typical of well-matured grapes and that the canned grape juice is free from any trace of scorching, caramelization, and objectionable flavors and objectionable odors of any kind. To score in this classification, canned grape juice shall meet the following additional requirements:

Brix—Style I, unsweetened—Not less than 16.0 degrees.

Brix—Style II, sweetened—Not less than 17.0 degrees.

Acid—Not less than 0.55 gram per 100 ml. nor more than 1.20 grams per 100 ml., calculated as tartaric acid.

Canned grape juice of this grade that tests less than 0.80 gram per 100 ml. acid, calculated as tartaric, is considered "mild" grape juice.

(ii) If the canned grape juice possesses a reasonably good flavor, a score of 32 to 35 points may be given. Canned grape juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means that the flavor is normal and typical of reasonably well-matured grapes and that the canned grape juice may be slightly astringent but is free from any trace of scorching, caramelization, and objectionable odors of any kind. To score in this classification, canned grape juice shall meet the following additional requirements:

Brix—Style I, unsweetened—Not less than 15.0 degrees.

Brix—Style II, sweetened—Not less than 16.0 degrees.

Acid—Not less than 0.45 grams per 100 ml. nor more than 1.30 grams per 100 ml., calculated as tartaric acid.

Canned grape juice of this grade that tests less than 0.80 grams per 100 ml. acid, calculated as tartaric, is considered "mild" grape juice.

(iii) If the canned grape juice possesses a fairly good flavor, a score of 28 to 31 points may be given. Canned grape juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the flavor is normal and that the canned grape juice is free from objectionable flavors and objectionable odors of any kind. To score in this classification, canned grape juice shall meet the following additional requirements:

Brix—Style I, unsweetened—Not less than 14.0 degrees.

Brix—Style II, sweetened—Not less than 15.0 degrees.

Acid—Not less than 0.40 grams per 100 ml. nor more than 1.50 grams per 100 ml. acid, calculated as tartaric.

Canned grape juice of this grade that tests less than 0.80 grams per 100 ml. acid, calculated as tartaric, is considered "mild" grape juice.

(iv) Canned grape juice that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms.* (1) "Brix" means the degrees Brix of canned grape juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If canned grape juice is tested at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of canned grape juice may be determined by any other method which gives equivalent results.

(2) "Acid" means grams of acid (calculated as tartaric acid) per 100 ml. of juice in canned grape juice determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator or any other satisfactory indicator.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned grape juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for canned grape juice.*

Size and kind of container		
Container mark or identification		
Label		
Liquid measure (fluid ounces)		
Vacuum (in inches)		
Brix (degrees)		
Acid (tartaric: grams/100 ml.)		
Type (if "mild")		
Factors	**Score points**	
I. Color	40	((A) 36-40 ((B) [1] 32-35 ((C) [1] 28-31 ((D) [1] 0-27
II. Absence of defects	20	((A) 18-20 ((B) [1] 16-17 ((C) [1] 14-15 ((D) [1] 0-13
III. Flavor	40	((A) 36-40 ((B) [1] 32-35 ((C) [1] 28-31 ((D) [1] 0-27
Total score	100	
Grade		

[1] Indicates limiting rule.

Issued at Washington, D. C. this 26th day of July 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-6680; Filed, July 31, 1950; 8:47 a. m.]

[7 CFR, Part 957]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57 (6 F. R. 4508) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 957.203 *Budget of expenses and rate of assessment.*. (1) The expenses necessary to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, to enable such committee to carry out its functions pursuant to provisions of the aforesaid marketing agreement and order, during the fiscal year ending June 30, 1951, will amount to $22,000.00;

(2) The rate of assessment to be paid by each handler who first ships potatoes shall be fifty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal year; and

(3) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 27th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6698; Filed, July 31, 1950; 8:49 a. m.]

[7 CFR, Part 974]

[Docket No. AO 176-A7]

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Columbus, Ohio, on January 19-20, 1950, pursuant to notice thereof which was issued on January 10, 1950 (15 F. R. 264).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on June 8, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER (15 F. R. 3699).

Within the period reserved for filing exceptions, exceptions were submitted on behalf of The Central Ohio Cooperative Milk Producers, Inc. and on behalf of handlers. These exceptions have been considered and appropriate revisions made. To the extent to which the findings and conclusions of the recommended decision as hereinafter modified are at variance with the exceptions, such exceptions are hereby overruled.

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 50-5059, 15 F. R. 3699) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein subject to the following amendments:

1. Delete the first paragraph of paragraph (1) under *Findings and conclusions*, 15 F. R. 3699 (F. R. Doc. 50-5059) and substitute therefor the following:

(1) The Class I and Class II price differentials should be increased 10 cents for the months of August, September, October, and November, 1950, and for the months of December, 1950, and January 1951, if the total receipts of producer milk in the months of May through August, 1950, are lower in relation to total Class I and Class II milk than during the corresponding period of 1949.

2. Delete the fifth undesignated paragraph of paragraph (1) under *Findings and conclusions*, 15 F. R. 3700 (F. R. Doc. 50-5059) and substitute therefor the following:

It is concluded, therefore, that the Class I and Class II price differentials should be increased 10 cents for the months of August, September, October, and November 1950, and also for the months of December 1950 and January 1951 if receipts of producer milk in relation to Class I and Class II utilization decline from the level of 1949, as measured by comparative production and sales in the four-month period May through August 1950. Prices should then return to the previous levels unless the need for a continued higher price level is shown upon the basis of market conditions and prospects at that time.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order as hereby proposed to be amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order as hereby proposed to be amended will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of May 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order regulating the handling of milk in the Columbus, Ohio, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of §900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 27th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order,[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

AUTHORITY: §§ 974.0 to 974.93 issued under sec. 5, 49 Stat. 758 as amended; 7 U. S. C. and Sup. 608c.

§ 974.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held at Columbus, Ohio, on January 19–20, 1950, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 974.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 974.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 974.3 *Columbus, Ohio, marketing area.* "Columbus, Ohio, marketing area," hereinafter called the "marketing area," means the city of Columbus; the city of Bexley; and all territory, including but not being limited to all municipal corporations, within the townships of Blendon, Clinton, Franklin, Marion, Mifflin, Perry, Sharon, and Truro; all in Franklin County, Ohio.

§ 974.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 974.5 *Fluid milk plant.* "Fluid milk plant" means the premises and portions of the building and facilities used in the receipt and processing or packaging of milk all or a portion of which is disposed of from such plant during the month on a route(s), wholly or partially within the marketing area, but not including any portion of such buildings or facilities used for receiving or processing milk or any milk product required by the appropriate health authorities in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area.

§ 974.6 *Handler.* "Handler" means (a) any person who receives producer milk at a fluid milk plant and (b) any association of producers with respect to any producer milk constituting a part of the producer milk supply of a fluid milk plant which such association diverts on its account to a plant other than a fluid milk plant. Producer milk so diverted shall be deemed to have been received by such association.

§ 974.7 *Producer.* "Producer" means any person, including one who may also be a handler who produces (a) under a dairy farm permit issued by the appropriate health authorities in the marketing area, milk which is received at a fluid milk plant or by an association of producers in its capacity as a handler, or (b) milk which is received as a part of the dairy farm supply of a fluid milk plant not required by the appropriate health authorities in the marketing area to obtain its dairy farm supply from milk produced under dairy farm permits.

§ 974.8 *Producer milk.* "Producer milk" means any milk produced by one or more producers under the conditions set forth in § 974.7.

§ 974.9 *Other source milk.* "Other source milk" means (a) milk, (b) skim milk, (c) cream, or (d) any milk product received at a fluid milk plant from sources other than producers or other handlers. "Other source milk" shall include, but shall not be limited to, milk, skim milk, cream, or any milk product received at such fluid milk plant under an emergency permit in writing issued by the appropriate health authorities in the marketing area.

§ 974.10 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 974.50.

§ 974.11 *Route.* "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including a State or municipal institution, other than to a fluid milk plant(s) or to a plant(s) manufacturing milk products.

MARKET ADMINISTRATOR

§ 974.20 *Destination.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 974.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions hereof;

(b) Make rules and regulations to effectuate the terms and provisions hereof; and

(c) Receive, investigate, and report to the Secretary complaints of violations hereof.

§ 974.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions hereof, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(c) Pay, out of the funds provided by § 974.77, (1) the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses, except those incurred under § 974.78, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 974.30 or (2) payments pursuant to §§ 974.70, 974.73, 974.77 or 974.78;

(f) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(g) On or before the 10th day after the end of each month, supply each cooperative association as described in § 974.78 (b) upon request with a record of the amount and average butterfat test of milk received during such month and the amount of any advance payments made and of any deductions or charges from payments for such milk authorized with respect to each producer determined by the market administrator to be a member of such association or to have given written authorization to such association to receive such information.

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of milk for such handler depends; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 6th day after the end of each month, the minimum class prices for skim milk and butterfat computed pursuant to §§ 974.51, 974.52 and 974.53; and

(2) On or before the 10th day after the end of each month, the uniform price computed pursuant to § 974.63 and the butterfat differential computed pursuant to § 974.76.

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 974.30 *Reports of receipts and utilization.* On or before the 5th day after the end of each month, each handler, except as otherwise provided in § 974.31 (a) shall report to the market administrator for such month with respect to all producer milk and other source milk received during the month, in the detail and on forms prescribed by the market adminstrator; (a) the quantities of butterfat and the quantities of skim milk contained therein (except that the quantities of the products should be substituted for the quantities of butterfat and skim milk in the case of products disposed of in the form in which received from other handlers or other sources), (b) the utilization thereof, and (c) such other information with respect to such receipts and utilization as the market administrator may request: *Provided,* That any person operating more than one fluid milk plant shall make one report covering all such operations for the purposes of paragraphs (a), (b) and (c) of this section.

§ 974.31 *Other reports.* (a) Each handler who receives at his fluid milk plant no producer milk other than that from his own farm or from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) On or before the 5th day after the end of each month, each handler shall submit to the market administrator a report which shall show for the month (1) the total pounds of milk received from each producer and association of producers and the average butterfat test thereof, (2) the amount and date of any advance payments to each producer and association of producers, and (3) the nature and amount of each deduction or charge authorized from payments for such milk.

§ 974.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator, or to his representative, during the usual hours of business, such accounts and records of any of his operations, including those of plants other than fluid milk plants, in which any producer milk is received, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to (a) the utilization in whatever form, of all skim milk and butterfat required to be reported pursuant to § 974.30; (b) the weights, samples, and tests for butterfat and other contents of all milk and milk products previously received or utilized or currently being received or utilized; and (c) payments to producers or to associations of producers.

§ 974.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 974.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in (a) all milk, skim milk, cream, and milk products (except in the case of milk products disposed of in the form in which received) received during the month by a handler at a fluid milk plant, and (b) all producer milk received during the month in the manner described in § 974.6 (b), shall be classified by the market administrator in the classes set forth in § 974.41.

§ 974.41 *Classes of utilization.* Subject to the conditions set forth in §§ 974.42, 974.43 and 974.44, the classes of utilization shall be:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of (except that which has been dumped or disposed of for livestock feeding) as milk, skim milk, buttermilk, or flavored milk or flavored milk drinks; and (2) not specifically accounted for under subparagraph (1) of this paragraph or as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of in fluid form for consumption as sweet or sour cream, frozen cream, or any mixture of cream or milk (or skim milk), including eggnog, containing more than 6 percent of butterfat; (2) used to produce aerated products containing milk, cream, or any combination thereof (such as "Reddi-Wip," "Instant Whip," etc.), condensed milk and condensed skim milk (except evaporated milk or skim milk in hermetically sealed cans), ice cream, ice cream mix, ice cream novelties, ice sherbets, or imitation ice cream; and (3) used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat specifically accounted for as (1) having been used to produce any milk product other than as specified in paragraphs (a) (1) and (b) of this section; (2) having been dumped or disposed of for livestock feeding; (3) actual plant shrinkage of skim milk and butterfat in producer milk received but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively; and (4) actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided*, That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to each shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received from each source to their total: *And provided also*, That producer milk transferred by a handler to any plant of another handler without first having been received for purposes of weighing and testing in the transferring handler's fluid milk plant shall be included in the receipts at the plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts at the fluid milk plant of the transferring handler in computing his plant shrinkage.

§ 974.42 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in §§ 974.41 and 974.43, the burden rests upon the first handler who receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(b) Any skim milk or butterfat classified in one class shall be reclassified if found by the market administrator to have been used or disposed of (whether in original or other form) by such handler or by any other person in another class in accordance with such use or disposition.

§ 974.43 *Transfers.* (a) Subject to the conditions set forth in § 974.42 and paragraphs (c) and (d) of this section, skim milk and butterfat when transferred by a handler from a fluid milk plant to any other milk distributing or milk manufacturing plant in the form of milk, skim milk, flavored milk, flavored milk drinks, or buttermilk, shall be classified as follows:

(1) According to the utilization as mutually indicated in writing by both handlers if transferred to another fluid milk plant, except one as referred to in subparagraph (2) of this paragraph;

(2) As Class I milk if transferred to the fluid milk plant of a handler who receives no milk from producers or associations of producers other than such handler's own farm production; or

(3) As Class I milk if transferred to any such plant not a fluid milk plant: *Provided*, That if the transferring handler on or before the 5th day after the end of the month during which such transfer is made furnishes to the market administrator a statement signed also by the receiver that such skim milk and butterfat was used as Class II milk or Class III milk, and that such utilization may be audited at the receiving plant, such skim milk and butterfat shall be classified accordingly.

(b) Subject to the conditions set forth in § 974.42 and in paragraphs (c) and (d) of this section, skim milk and butterfat when transferred by a handler from a fluid milk plant to any other milk distributing or milk manufacturing plant in the form of cream shall be classified as follows:

(1) According to the utilization as mutually indicated by both handlers if transferred to another fluid milk plant, except one as referred to in subparagraph (2) of this paragraph;

(2) As Class II milk if transferred to the fluid milk plant of a handler who receives no milk from producers or from an association of producers other than such handler's own farm production; or

(3) As Class II milk if transferred to any such plant not a fluid milk plant: *Provided*, That if the transferring handler on or before the 5th day after the end of the delivery period during which such transfer is made furnishes to the market administrator a statement signed also by the receiver that such skim milk and butterfat was used as Class I milk or Class III milk, and that such utilization may be audited at the receiving plant, such skim milk and butterfat shall be classified accordingly.

(c) The utilization of all transfers made pursuant to paragraphs (a) (1) and (2) and (1) and (2) of this section shall be subject to verification by the market administrator.

(d) No statement made relative to transfers as provided for in this section shall operate to deter the prior subtraction of other source milk pursuant to § 974.45 (b) or the prior subtraction of skim milk or butterfat pursuant to § 974.45 (c), or the pro rata subtraction of skim milk or butterfat pursuant to § 974.45 (e). Any quantity reported for allocation to a particular class but not eligible therefor because of § 974.45 (b) (c) or (e), shall be classified by the market administrator as Class I milk, pending his verification.

§ 974.44 *Classification of skim milk and butterfat for each handler.* For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and compute separately the respective amounts of skim milk and butterfat in Class I milk, Class II milk and Class III milk, as follows:

(a) Determine the handler's total receipts by adding together the total pounds of milk, skim milk, and cream received, and the pounds of skim milk and butterfat used to produce all other milk products received (except milk products disposed of in the form in which received without further processing in his fluid milk plant) regardless of source;

(b) Determine the total pounds of butterfat contained in the total receipts computed pursuant to paragraph (a) of this section.

(c) Determine the total pounds of skim milk contained in the total receipts computed pursuant to paragraph (a) of this section by subtracting therefrom the total pounds of butterfat computed pursuant to paragraph (b) of this section;

(d) Determine the total pounds of butterfat in Class I milk by: (1) Computing the aggregate amount of butterfat included in each of the several items of Class I milk; and (2) adding all other butterfat not specifically accounted for under subparagraph (1) of this paragraph or in Class II milk or Class III milk;

(e) Determine the total pounds of skim milk in Class I milk by: (1) Computing the aggregate amount of skim milk and butterfat included in each of the several items of Class I milk; (2) subtracting the result obtained in paragraph (d) (1) of this section; and (3) adding all other skim milk not specifically accounted for under subparagraph (1) of this paragraph or in Class II milk or Class III milk;

(f) Determine the total pounds of butterfat in Class II milk by computing the aggregate amount of butterfat included in each of the several items of Class II milk;

(g) Determine the total pounds of skim milk in Class II milk by: (1) Computing the aggregate amount of skim milk and butterfat included in (or, in the case of products other than cream or eggnog, used to produce) each of the several items of Class II milk; and (2) subtracting the result obtained in paragraph (f) of this section;

(h) Determine the total pounds of butterfat in Class III milk by: (1) Computing the aggregate amount of butterfat used to produce each of the several items of Class III milk; and (2) adding actual plant shrinkage of butterfat referred to in paragraph (c) (2) and (4) of § 974.41; and

(i) Determine the total pounds of skim milk in Class III milk by: (1) Computing the aggregate amount of skim milk and butterfat (in whatever form) used to produce each of the several items of Class III milk; (2) subtracting the result obtained in paragraph (h) (1) of this section; and (3) adding the actual plant shrinkage of skim milk referred to in paragraph (c) (3) and (4) of § 974.41.

§ 974.45 *Classification of skim milk and butterfat in producer milk for each handler.* For each month the market administrator shall compute separately the respective amounts of skim milk and butterfat of producer milk in Class I milk, Class II milk and Class III milk for each handler by making the following computations in the order specified:

(a) Subtracting from Class III milk (other than butterfat used in buttermaking) the actual plant shrinkage of skim milk and butterfat, respectively, allowed pursuant to paragraph (c) (3) and (4) of § 974.41;

(b) Subtracting from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced uses, the skim milk and butterfat, respectively, received as other source milk, except that received under an emergency permit in writing issued by the appropriate health authorities in the marketing area;

(c) Subtracting from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced uses, the skim milk and butterfat, respectively, received from any other handler who received no milk from producers or from an association of producers other than such handler's own farm production;

(d) Adding to the remaining Class III milk the amount subtracted pursuant to paragraph (a) of this section;

(e) Subtracting pro rata from the remaining pounds of skim milk and butterfat in such class, the skim milk and butterfat, respectively, received as other source milk under an emergency permit in writing issued by the appropriate health authorities in the marketing area;

(f) Subtracting from the remaining pounds of skim milk and butterfat in each class (not including plant shrinkage on producer milk in Class III milk), the total pounds of skim milk and butterfat, respectively, received from other handlers (except those referred to in paragraph (c) of this section) and stated by the transferring handler and receiver to have been used in such class, to the extent of the amounts of skim milk and butterfat remaining in such class after making the computation pursuant to paragraph (e) of this section: *Provided*, That skim milk or butterfat allocated by such statements to Class II milk or Class III milk, in excess of amounts subtracted above pursuant to this paragraph shall be subtracted from Class I milk; and

(g) If the total amount of skim milk or butterfat in all classes after the computation made above pursuant to this paragraph, is greater than the skim milk or butterfat in producer milk, decrease the lowest-priced available class, or classes, by such excess.

MINIMUM PRICES

§ 974.50 *Basic formula prices.* The basic formula price per hundredweight of milk for the month shall be the higher of the prices as computed by the market administrator for such month pursuant to paragraphs (a) and (b) of this section.

(a) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

Companies	Location
Borden Co.,	Black Creek, Wis.
Borden Co.,	Greenville, Wis.
Borden Co.,	Mt. Pleasant, Mich.
Borden Co.,	New London, Wis.
Borden Co.,	Orfordville, Wis.
Carnation Co.,	Berlin, Wis.
Carnation Co.,	Jefferson, Wis.
Carnation Co.,	Chilton, Wis.
Carnation Co.,	Oconomowoc, Wis.
Carnation Co.,	Richland Center, Wis.
Carnation Co.,	Sparta, Mich.
Pet Milk Co.,	Belleville, Wis.
Pet Milk Co.,	Coopersville, Mich.
Pet Milk Co.,	Hudson, Mich.
Pet Milk Co.,	New Glarus, Wis.
Pet Milk Co.,	Wayland, Mich.
White House Milk Co.,	Manitowoc, Wis.
White House Milk Co.,	West Bend, Wis.

(b) Compute the price per hundredweight by adding together the amounts resulting under subparagraphs (1) and (2) of this paragraph:

(1) From the arithmetical average of the daily wholesale prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month, as reported by the Department of Agriculture for the Chicago market, subtract 3.5 cents, add 20 percent, and then multiply the resulting amount by 3.5, and

(2) From the arithmetical average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. Chicago area manufacturing plants, as published for the month by the Department of Agriculture, deduct 4 cents, multiply by 8.2.

§ 974.51 *Class I milk prices.* Subject to the provisions of § 974.54, the respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class I milk shall be as follows, as computed by the market administrator:

(a) Add to the basic formula price the following amount for the month indicated: April, May, June and July, $0.75; and all others $1.00: *Provided*, That the price of Class I milk for any of the months of October through December, inclusive, shall not be lower than the arithmetical average of the prices computed for such class pursuant to this paragraph (prior to the provisos) for the two months immediately preceding; and the price of Class I milk for any of the months of April through June, inclusive, shall not be higher than the arithmetical average of the prices computed for such class pursuant to this paragraph (prior to this proviso) for the two months immediately preceding: *Provided further*, That for the months of August, September, October and November 1950, there shall be added to the price of Class I milk so computed 10 cents: *And provided also*, That for the months of December 1950 and January 1951, there shall be added to the price of Class I milk so computed 10 cents if the total receipts of milk from producers by all handlers during the period May 1 through August 31, 1950, inclusive, are less than 114% of the gross combined volume of Class I milk and Class II milk of all handlers during such period.

(b) Add together the amounts determined in paragraph (b) (1) and (2) of § 974.50 and divide the sum into the amount determined in subparagraph (1) of such paragraph.

(c) Multiply the price determined in paragraph (a) of this section by the percentage determined in paragraph (b) of this section and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(d) From the price determined in paragraph (a) of this section subtract the amount determined in paragraph (c) of this section times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight: *Provided*, That in no event shall the price of skim milk or butterfat in Class I milk be lower, respectively than the skim milk and butterfat price in Class II milk.

§ 974.52 *Class II milk prices.* Subject to the provisions of § 974.54, the respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class II milk shall be as follows, as computed by the market administrator:

(a) Add to the basic formula price the following amount for the month indicated: April, May, June, and July, $0.35; and all others, $0.60: *Provided*, That for the months of August, September, October, and November, 1950, there shall be added to the price of Class II milk so computed 10 cents: *And provided also*, That for the months of December 1950 and January 1951, there shall be added to the price of Class II milk so computed 10 cents if the total receipts of milk from producers by all handlers during the period May 1 through August 31, 1950, inclusive, are less than 114 percent of the gross combined volume of Class I milk and Class II milk of all handlers during such period.

(b) Multiply the price computed in paragraph (a) of this section by the percentage computed in paragraph (b) of § 974.51 and then divide by 0.035. The resulting amount shall be the Class II butterfat price per hundredweight: *Provided*, That in no event shall the price of butterfat pursuant to this subparagraph be less than the price computed pursuant to paragraph (b) of § 974.53 prior to the proviso therein.

(c) Subtract from the price computed in paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class II skim milk price per hundredweight.

§ 974.53 *Class III milk prices.* The respective minimum prices per hundred-

weight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class III milk shall be as follows, as computed by the market administrator:

(a) The price per hundredweight of such skim milk shall be computed as follows: From the arithmetical average of the weighted average of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the month by the Department of Agriculture, subtract 5.5 cents, and multiply the result by 8.5.

(b) The price per hundredweight of butterfat shall be computed as follows: Multiply the arithmetical average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the month by 120: *Provided*, That the price per hundredweight of butterfat made into butter shall be such price per hundredweight less $5.00.

§ 974.54 *Prices of Class I milk and Class II milk disposed of outside the marketing area.* The price to be paid by a handler for Class I milk or Class II milk disposed of outside the marketing area shall be the same as the price applicable within the Columbus, Ohio, marketing area: *Provided*, That Class I milk or Class II milk disposed of in another fluid milk marketing area covered by a Federal milk marketing agreement or order, issued pursuant to the act, shall be the price applicable within the Columbus, Ohio, marketing area, pursuant to this section, or the price applicable for milk of similar use or disposition in the other marketing area, whichever is higher.

DETERMINATION OF UNIFORM PRICE

§ 974.60 *Computation of value of milk for each handler.* Subject to the location adjustment provided in § 974.61, the value of producer milk received by each handler during each month shall be a sum of money computed by the market administrator by multiplying by the respective class prices for skim milk and butterfat, the skim milk and butterfat according to classification pursuant to § 974.45, and adding together the resulting amounts: *Provided*, That if such handler, after subtracting all receipts other than producer milk has disposed of skim milk or butterfat in excess of the skim milk or butterfat received in producer milk, there shall be added a further amount equal to the value of such skim milk or butterfat in the class from which subtracted pursuant to § 974.45 (g): *Provided further*, That if in the verification of the reports or payments of such handler for any previous month, the market administrator discovers errors which result in payments due the producer-settlement fund or the handler, there shall be added, or subtracted, as the case may be, the amount necessary to correct such errors: *Provided further*, That such handler shall be credited at the difference between the applicable class prices for skim milk and butterfat and the Class II prices for skim milk and butterfat, respectively, with respect to milk or skim milk disposed of in bulk fluid form during April, May, June, or July, to a manufacturer of soup, candy, or bakery products for use in such manufacturing operations: *And provided also*, That such handler shall be credited with the difference between the Class II and Class III prices for skim milk received in producer milk in excess of skim milk classified as Class I milk or Class II milk (other than that used to produce condensed skim milk) in any of the months of April, May, June and July which is disposed of in any such month in the form of condensed skim milk to a person whose supply of milk is not produced under permits or specified in § 974.7.

§ 974.61 *Location adjustment to handlers.* With respect to the actual weight of whole milk which is moved directly to the marketing area from a fluid milk plant located more than 40 miles from the Ohio State Capitol, Columbus, by shortest highway distance as determined by the market administrator, there shall be deducted 17 cents per hundredweight in the computation of the value of producer milk received by the handler operating such plant.

§ 974.62 *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall notify each handler of (a) the amount and value of his milk in each class as computed pursuant to §§ 974.45 and 974.60, respectively, and the totals of such amounts and values, including any adjustments thereto; (b) the uniform price computed pursuant to § 974.63; (c) the amount due each handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and (d) the total amounts to be paid by such handler pursuant to §§ 9 4.70, 974.73, 974.77 and 974.78.

§ 974.63 *Computation of uniform price.* For each month, the market administrator shall compute a uniform price per hundredweight for producer milk by:

(a) Combining into one total the values computed pursuant to § 974.60 for all handlers except those who did not make the payments required pursuant to § 974.73 for the previous delivery period;

(b) Adding an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(c) Adding the aggregate of the values of all allowable location adjustments computed pursuant to § 974.71;

(d) Subtracting, if the weighted average butterfat test of all pooled milk is greater than 3.5 percent, or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 974.76 times 10.

(e) Dividing by the hundredweight of producer milk pooled; and

(f) Subtracting not less than 4 cents nor more than 5 cents. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

PAYMENTS

§ 974.70 *Time and method of payment.* On or before the 15th day after the end of each month, each handler shall make payment to each producer for milk received during the month at not less than the uniform price per hundredweight, subject to the location adjustment pursuant to § 974.71 and the butterfat differential computed pursuant to § 974.76: *Provided*, That payment may be made to a cooperative association qualified under § 974.79 with respect to milk received from any producer who has given such association authorization by contract or other written instrument to collect the proceeds from the sale of his milk and any payment made pursuant to this proviso shall be made on or before the 10th day after the end of each month: *And provided further*, That if by such date such handler has not received full payment for such month pursuant to § 974.74, he shall not be deemed to be in violation of this section if he reduces uniformly for all producers his payments per hundredweight by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

§ 974.71 *Location adjustment to producers.* In making payments pursuant to § 974.70 a handler may deduct, with respect to producer milk received at a fluid milk plant located more than 40 miles from the Ohio State Capitol, Columbus, by shortest highway distance as determined by the market administrator not more than 17 cents per hundredweight.

§ 974.72 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 974.73 and out of which he shall make all payments to handlers pursuant to § 974.74: *Provided*, That the market administrator shall offset any such payment due any handler against payments due from such handler.

§ 974.73 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the total value computed for him pursuant to § 974.60 for such month is greater than the sum required to be paid by such handler pursuant to § 974.70.

§ 974.74 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler the amount by which the sum required to be paid producers by such handler pursuant to § 974.70 is greater than the total value computed for him pursuant to § 974.60 for such month: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 974.75 *Adjustment of errors.* Whenever audit by the market administrator of the payment required to be made by a handler to a producer pursuant to § 974.70 discloses payment of less than is required, the handler shall make up such payment not later than the time for making payments pursuant to § 974.70 next following such disclosure.

§ 974.76 *Butterfat differential.* For each month the market administrator shall compute (to the nearest one-tenth cent) a butterfat differential by subtracting from the weighted average price per hundredweight of all butterfat from producer milk in Class II milk and Class III milk the weighted average price per hundredweight of all skim milk from producer milk in Class II milk and Class III milk and dividing the remainder by 1,000.

§ 974.77 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 974.22 (c) each handler shall pay the market administrator on or before the 12th day after the end of each delivery period 2 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts of skim milk and butterfat (except receipts from other handlers) in (a) producer milk and (b) other source milk at a fluid milk plant.

§ 974.78 *Marketing services.* Except as set forth in § 974.79, each handler for each delivery period shall deduct 5 cents per hundredweight or such amount not to exceed 5 cents as the Secretary may from time to time prescribe, from the payments made to each producer pursuant to § 974.70, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples, and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

§ 974.79 *Cooperative associations.* In the case of producers for whom a cooperative association which, as determined by the Secretary, has its entire activities under the control of its members and meets the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in § 974.78, each handler shall make, in lieu of the deductions specified in § 974.78, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and, on or before the 12th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services.

EFFECTIVE TIME; SUSPENSION AND TERMINATION

§ 974.80 *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 974.81.

§ 974.81 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof, whenever he finds that this order or any provision hereof obstructs, or does not tend to effectuate the declared policy of the act. This order shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 974.82 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(a) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person to such person as the Secretary may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(b) Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 974.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 974.91 *Producer-handlers.* Sections 974.50, 974.51, 974.52, 974.53, 974.54, 974.60, 974.61, 974.62, 974.70, 974.71, 974.73, 974.74, 974.75, 974.76, 974.77 and 974.78 shall not apply to a handler who handles only milk from his own farm production or received from other handlers.

§ 974.92 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions hereof to other persons or circumstances shall not be affected thereby.

§ 974.93 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section,

a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

[F. R. Doc. 50-6679; Filed, July 31, 1950; 8:47 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-1443]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

JULY 26, 1950.

Take notice that on July 19, 1950, Ohio Fuel Gas Company (Applicant), an Ohio corporation with its principal place of business in Columbus, Ohio, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described facilities:

1. The construction and operation of approximately 12.7 miles of 12¾ inch O. D. natural gas transmission line, together with incidental facilities necessary for normal operation, such proposed facilities to extend from Applicant's Benton compressor station, Benton Township, Hocking County, Ohio, to a point of connection with its existing Line "C" near Hallsville in Colerain Township, Ross County, Ohio.

2. The subsequent removal of 15.7 miles of Applicant's 8⅝ inch and 10¾ inch O. D. Line "C" extending from its Crawford compressor station to the vicinity of Laurelville, Ohio.

Applicant seeks the above-described authorization stating that its Line "C" from Crawford compressor station to Chillicothe was constructed in 1895, is now badly deteriorated and corroded, and is susceptible of safe operation at pressures not in excess of 150 psig at Crawford station whereas to serve the peak load of 6.8 million cubic feet anticipated for the winter of 1950-51 with the present line would require 180 psig at that station.

Rather than replace the existing line in its present location, Applicant proposes to construct the new line from Benton, thereby requiring less construction, providing a direct connection with the Benton storage area and its Line R-501, and decreasing the total distance for market service.

The total estimated cost of construction for which authorization is sought will approximate $319,000. Applicant's parent, the Columbia Gas System, Inc., has by letter to the Applicant, agreed to provide or cause to be provided from other sources the necessary financing, the nature and terms of which will be subject to the jurisdiction of the Securities and Exchange Commission.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 14th day of August 1950.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6681; Filed, July 31, 1950; 8:47 a. m.]

[Docket No. G-1439]

TEXAS EASTERN TRANSMISSION CO.

NOTICE OF APPLICATION

JULY 26, 1950.

Take notice that on July 7, 1950, Texas Eastern Transmission Company (Applicant), a Delaware corporation with its principal office at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following natural gas facilities:

Two 24-inch pipe lines, approximately 6,000 feet in length, extending from a point on the west bank of the Arkansas River, near the point where Applicant's present 24- and 20-inch pipelines cross the river at Little Rock, Arkansas, to a point on the east bank of the said river.

Applicant states that proposed facilities are necessary to safeguard against future "washouts" and to provide for continuous and uninterrupted service, that no new service will be rendered by the facilities proposed, and that the existing 24-inch pipeline has been washed out by the shifting river course.

The estimated total over-all capital cost of construction is $540,000, which is to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 14th day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6682; Filed, July 31, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25279]

SODA AND SODA PRODUCTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JULY 27, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. A-848.

Commodities involved: Soda and soda products, carloads.

From: Stations on the E. J. & E. Ry. and M. & St. L. Ry.,

To: Points in New England territory.

Between: Points in Trunk Line and Central territories, on the one hand, and stations on the EJ&E., and M&StL., Rys., on the other.

Grounds for relief: Circuitous routes, competition with water and motor carriers and to maintain grouping.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-848, Supplement 167, B. T. Jones' tariffs I. C. C. Nos. 3779, 2445, 2446, 2447, 2448, 3685, 3355, 2451, 3425, 3098, 3642, Supps. 93, 273, 283, 275, 270, 104, 158, 278, 138, 165, 156, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6676; Filed, July 31, 1950; 8:46 a. m.]

[4th Sec. Application 25280]

SAND, GRAVEL, CHERT, ETC., BETWEEN MISSISSIPPI RIVER CROSSINGS

APPLICATION FOR RELIEF

JULY 27, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of the Chicago, Rock Island and Pacific Railroad Company and other carriers named in the application, pursuant to fourth-section order No. 16101.

Commodities involved: Sand, gravel, chert, slag and stone, carloads.

From: Mississippi River Crossings and points in Illinois.

To: Mississippi River Crossings.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6677; Filed, July 31, 1950; 8:46 a. m.]

[4th Sec. Application 25281]

ALCOHOLIC LIQUORS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JULY 27, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. A-848.

Commodities involved: Alcoholic liquors, carloads.

From and to points within Official Classification territory, excluding northern Illinois, southern Wisconsin and Extended Zone "C" in Wisconsin and points within Illinois Freight Association territory.

Grounds for relief: Circuitous routes, competition with motor carriers and to maintain grouping.

Schedules filed containing proposed rates:

	Supplement	I. C. C. Tariff No.
Agent		
C. W. Boin	106	A-756
	211	A-331
	199	A-332
	201	A-333
	207	A-334
	199	A-335
	203	A-336
	212	A-337
	111	A-755
	226	A-339
	217	A-340
	120	A-744 [1] 459
	80	A-819
	167	A-848
I. N. Doe	48	497
	53	370
	47	521 [2] A-821
	112	362
	11	593
B. T. Jones	93	3779
	273	2445
	283	2446
	275	2447
	270	2448
	104	3685
	158	3355
	278	2451
	138	3425
	165	3098
	156	3642
Railroad		
B&M R. R.	31	A-3080
C. Vt. Ry.	36	A-6928
Grand Trunk	24	279
Maine Central R. R.	38	C-4525
NYC R. R.	30	655
NYNH&H R. R.	136	F-3290
Rutland R. R.	34	6717
StJ&LC R. R.	38	60

[1] J. N. Doe, Agent.
[2] C. W. Boin, Agent.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6678; Filed, July 31, 1950; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2425]

CONSOLIDATED NATURAL GAS CO. AND EAST OHIO GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of July A. D. 1950.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiary, The East Ohio Gas Company ("East Ohio"), having filed a joint application-declaration, pursuant to the provisions of sections 6 (b), 9 (a), 10, and 12 (f) of the Public Utility Holding Company Act of 1933 and Rule U-43 promulgated thereunder, with respect to the following proposed transaction:

East Ohio proposes to issue and sell to Consolidated and Consolidated proposes to acquire 25,000 additional shares of the common stock of East Ohio of a par value of $100 per share for a cash consideration of $2,500,000. Proceeds of the sale of common stock will be utilized by East Ohio to provide larger underground gas storage capacity, increase gas inventories, and enlarge its pipe line system. The proposed transaction has been approved by the Public Service Commission of Ohio.

Said joint application-declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-6674; Filed, July 31, 1950; 8:46 a. m.]

[File No. 70-2434]

PHILADELPHIA CO. AND DUQUESNE LIGHT CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of July 1950.

Notice is hereby given that pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") a joint application-declaration has been filed with this Commission by "Philadelphia Company ("Philadelphia") a registered holding company and a subsidiary of Standard Gas and Electric Company ("Standard Gas") and Stand-

ard Power and Light Corporation, both registered holding companies, and by Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia. The applicants-declarants have designated sections 6, 7, 9, 10, 11 (b), 12 (c) and 12 (f) of the act and Rules U-42, U-43 and U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Duquesne's authorized capital stock consists of 1,500,000 shares of First Preferred Stock, $100 par value, of which 275,000 shares designated as 5 percent Cumulative First Preferred Stock are issued and outstanding; 1,000,000 shares of Participating Preferred Stock, $100 par value, none of which is issued and outstanding; and 4,500,000 shares of no par value Common Stock, of which 2,152,828 shares are issued and outstanding. Philadelphia owns all of the outstanding Common Stock of Duquesne.

Dequesne will create a new class of Preferred Stock ($50 par value) of an authorized amount of $40,000,000. The new class of Preferred Stock will be issued in an aggregate amount of $35,000,000 par value thereof, in two series, one series ("Philadelphia Series Preferred Stock") in the aggregate amount of $27,500,000 par value, and the other series ("Public Series Preferred Stock") in the aggregate amount of $7,500,000 par value.

Duquesne will sell the Philadelphia Series Preferred Stock to Philadelphia for a consideration of $27,200,000 in cash and the transfer by Philadelphia to Duquesne of all of the outstanding capital stock, aggregating 500 shares, $100 par value, and carried on Philadelphia's books at $300,000, of Cheswick and Harmar Railroad Company, a railroad whose principal business is the transportation of coal mined by Duquesne. The dividend rate for the Philadelphia Series Preferred Stock will be specified at the hearing on this application-declaration.

The cash required by Philadelphia to purchase the Philadelphia Series Preferred Stock will be derived in part from one or more bank loans aggregating approximately $17,500,000 and in part from the remaining balance of the proceeds realized by Philadelphia from the sale by it on March 31, 1950, of the Common Stock of Equitable Gas Company, jurisdiction over the use of which proceeds the Commission has heretofore reserved, and from other treasury cash. It is stated that further details as to the proposed bank loan or loans will be supplied by amendment to the application-declaration or at the hearing thereon.

Upon receipt of the payment of $27,200,000 from Philadelphia, Dequesne will utilize that cash plus funds derived from one or more bank loans, information as to the amount and terms of which will be supplied by amendment or at the hearing hereon, to redeem and retire its presently outstanding 275,000 shares of 5 percent Cumulative First Preferred Stock at the redemption price of $110 per share plus accrued dividends to the date of redemption.

Duquesne will eliminate from its authorized capital stock all of its authorized First Preferred Stock, including the 5 percent Cumulative First Preferred Stock being redeemed, and all of its authorized Participating Preferred Stock.

Duquesne will issue and sell $12,000,000 principal amount of First Morgtage Bonds, Series due August 1, 1980 ("Bonds"), and thereafter will issue and sell the aforementioned $7,500,000 par value of Public Series Preferred Stock. Both securities will be sold at competitive bidding pursuant to Rule U-50 with the respective coupon and dividend rates to be determined by such bidding. Duquesne will apply the proceeds realized from the sale of the Bonds to the repayment of its aforementioned bank loan or loans and will apply the balance of such proceeds, together with the proceeds from the sale of the Public Series Preferred Stock, to the financing of its construction program.

Upon consummation of the foregoing transactions, Philadelphia will invest in or contribute to Duquesne such amount, if any, as may be required in order that the common stock equity of Duquesne at the time shall be at least 30 percent of Duquesne's total capitalization and surplus.

Consummation of the proposed transactions by the applicants-declarants is conditioned upon the obtaining from the United States Treasury Department of a closing agreement or ruling as to tax consequences, satisfactory to the applicants-declarants, and applicants-declarants reserve the right to withdraw the filing or to postpone consummation of the proposed transactions until such agreement or ruling is obtained.

The applicants-declarants state that the Pennsylvania Public Utility Commission is the only State commission having jurisdiction over any of the proposed transactions.

The applicants-declarants request that the Commission make, as to certain of the proposed transactions, the recitals, specifications and itemizations required by Supplement R and section 1808 (f) of the Internal Revenue Code, as amended.

The applicants-declarants further request that the Commission take appropriate action herein as soon as possible and that the ten-day notice period required by Rule U-50 for the submission of bids for the Bonds and the Public Series Preferred Stock be reduced to not less than six days.

This Commission, on June 1, 1948, in proceedings under section 11 (b) of the act, entered its order directing, among other things, that Philadelphia take appropriate steps to liquidate and dissolve in an appropriate manner not in contravention of the act or the rules, regulations or orders of the Commission thereunder, and that Standard Gas cause appropriate steps to be taken to effect such liquidation and dissolution. There is now pending before the Commission, at File No. 54–173, an Amended Plan for the Simplification of Corporate Structure of the Philadelphia Company System ("Amended Plan"), filed by Standard Gas under section 11 (e) of the act. Pursuant to authority granted by the Commission, Philadelphia has consummated certain of the steps proposed in said Amended Plan, as amended.

On July 12, 1950, Standard Gas filed further amendments to the Amended Plan which propose as steps in the Amended Plan the carrying out of the transactions set forth in the instant application-declaration. Said amendments also propose the use by Philadelphia of the Philadelphia Series Preferred Stock of Duquesne, together with cash, in the retirement of Philadelphia's noncallable Six Per Cent Cumulative Preferred Stock and the non-callable 6 percent Cumulative Preferred Stock of its subsidiary, The Consolidated Gas Company of the City of Pittsburgh, as to which Philadelphia has guaranteed the payment of cumulative dividends to the extent of 4 percent per annum.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application-declaration and that said application-declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing with respect to said application-declaration, pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder, be held on August 8, 1950, at 10:00 a. m., e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding should file with the Secretary of the Commission, on or before August 7, 1950, a written request with respect thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the said application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the specification of additional matters or questions upon further examination:

(1) Whether the securities to be issued will be reasonably adapted to the security structure and earning power of the issuing companies and will otherwise meet applicable standards of the act;

(2) Whether the terms and conditions of the securities to be issued, and particularly the dividend rate of the Philadelphia Series Preferred Stock and the interest rate of the proposed bank loans, are appropriate and not detrimental to the public interest or the interest of investors or consumers;

(3) Whether the incurring of bank loans by Philadelphia is detrimental to compliance by Philadelphia with the Commission's order of June 1, 1948;

(4) Whether the proposed acquisitions of securities satisfy the requirements of section 10 of the act, and particularly whether the consideration to be paid by Philadelphia to Duquesne for the Philadelphia Series Preferred Stock meets the requirements of section 10 (b) (2) thereof;

(5) Whether the proposed transactions meet the requirements of section 12 of the act and the rules and regulations promulgated thereunder;

(6) Whether the fees and expenses to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

(7) Whether the accounting entries in connection with the proposed transactions are appropriate and in accordance with sound accounting principles, and whether any additional or different accounting entries should be required;

(8) Whether, generally, the proposed transactions satisfy the applicable requirements of the act and the rules and regulations promulgated thereunder, and whether any terms or conditions should be required or imposed in the public interest or for the protection of investors and consumers and, if so, the nature of such terms and conditions:

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Philadelphia, Duquesne, Standard Gas, Standard Power and Light Corporation, all persons having heretofore entered an appearance in the proceedings involving the Amended Plan for Philadelphia, the Interstate Commerce Commission, the Federal Power Commission, the Pennsylvania Public Utility Commission, and the City of Pittsburgh, Pennsylvania, and that notice be given to all other persons by general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the act, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6675; Filed, July 31, 1950; 8:46 a. m.]

[File No. 70-2444]

COLUMBIA GAS SYSTEM, INC., AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of July 1950.

Notice is hereby given that a joint application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Cumberland and Allegheny Gas Company ("Cumberland"). Applicants have designated sections 6 (b), 9 and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 10, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the naure of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 10, 1950, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Cumberland proposes to issue and sell to Columbia $1,000,000 principal amount of 3¼ percent installment promissory notes. Such notes are to be paid in equal annual installments on February 15th of each of the years 1952 to 1976, inclusive. The applicant states that the proceeds to be obtained through the issue and sale of said notes will be utilized by Cumberland to finance its 1950 construction program.

The applicant states that the issue and sale of the proposed notes by Cumberland is subject to the jurisdiction of the Public Service Commission of West Virginia and that the order of said Commission will be supplied by amendment to the instant application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–6673; Filed, July 31, 1950; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. 10–7]

GUNLITE, INC., AND DAVOL RUBBER CO.

COMPLAINTS FILED FOR INVESTIGATION

JULY 27, 1950.

Complaints as listed below have been filed with the Tariff Commission for investigation under the provisions of section 337 of the Tariff Act of 1930.

Name of article	Purpose of request	Date received	Name and address of complainant
Pistol-simulating cigarette lighters	Exclusion from entry	July 26, 1950	Gunlite, Inc., New York, N. Y.
Rubber catheters	do	do	Davol Rubber Co., Providence, R. I.

The complaints listed above are available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., and also in the New York Office of the Tariff Commission, located in Room 437 of the Customhouse, where they may be read and copied by persons interested.

[SEAL] L. W. MOORE, *Secretary.*

[F. R. Doc. 50-6683; Filed, July 31, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14878]

COMPANIA COMERCIAL TAIBO, S. A.

In re: Debt owing to Compania Comercial Taibo, S. A., also known as Cia Comercial Taibo, S. A.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kennosuki Kawaguchi, Ko Kawamura, M. Okayama, Tsuneji Shimizu, and Itsuo Miyamoto, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That Compania Comercial Taibo, S. A., also known as Cia Comercial Taibo, S. A., is a corporation, partnership, association or other business organization, organized under the laws of Chile, whose principal place of business is located in Santiago, Chile, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by, or all of the stock of which, is or has been owned or controlled, directly or indirectly by the aforesaid Kennosuki Kawaguchi, Ko Kawamura, M. Okayama, Tsuneji Shimizu, and Itsuo Miyamoto, and is a national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation of the Superintendent of Banks of the State of New York as Liquidator of the Business and Property in New York of the Bank of Taiwan, Ltd., 80 Spring Street, New York, New York, in the

amount of $197.22, as of October 7, 1949, arising from a 100% dividend declared on an Accepted Account Payable on the claim register of the Bank of Taiwan, Ltd., New York, which account represented the proceeds of an outstanding check, No. 990, dated December 6, 1941, for $197.22, issued by the Bank of Taiwan, Ltd., in payment of balance of account of Cia Comercial Taibo, S. A., Santiago, Chile, together with any and all accruals thereto and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Compania Comercial Taibo, S. A., also known as Cia Comercial Taibo, S. A., the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That Compania Comercial Taibo, S. A., also known as Cia Comercial Taibo, S. A., is controlled by, or acting for or on behalf of a designated enemy country (Japan) or persons within such country and is a national of a designated enemy country (Japan);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6686; Filed, July 31, 1950; 8:48 a. m.]

[Vesting Order 14882]

LEIPZIGER FEUERVERS. ANSTALT

In re: Bonds owned by Leipziger Feuervers. Anstalt. F-28-30820.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leipziger Feuervers. Anstalt, the last known address of which is Leipzig, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Leipzig, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by twenty (20) Coupon Bonds of the 3% Corporate Stock of The City of New York, due January 1, 1977, of $1,000.00 face value each, bearing the numbers, Series R-30: 1398, 1399, 10033, 13816, 13817, 13818, 13819, 13820, 13821, 13822, 13823, 15105, 15106, 15107, 15108, 15109; Series D-10: 2860, 2861, 3713; Series W-29: 5968, in bearer form, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with all rights in, to and under the said bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Leipziger Feuervers. Anstalt, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6687; Filed, July 31, 1950; 8:48 a. m.]

[Vesting Order 14886]

PAUL OTTO RUDOLPH

In re: Securities owned by Paul Otto Rudolph, also known as P. O. Rudolph, Paul Rudolph, Paul O. Rudolph and as Paul Rudolf.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Otto Rudolph, also known as P. O. Rudolph, Paul Rudolph, Paul O. Rudolph and as Paul Rudolf, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) Mystery Gold Mining Company Certificates numbered 116 and 156 for twenty-one thousand nine hundred and ninety-nine (21,999) rights and twelve thousand (12,000) rights respectively, said certificates presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

b. Three (3) certificates representing two hundred and five (205) shares of beneficial interest in a trust known as Bur-Ban Oil and Gas Company, said certificates numbered 3743 and 735 for one hundred (100) shares each and 2499 for five (5) shares, said certificates presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

c. One (1) North Star Sultan Mining Company Certificate of Interest, of $152.00 face value, numbered 380, registered in the name of Paul O. Rudolph, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

d. Two (2) Bank fur Handel und Gewerbe Kommanditgeselischaft auf Aktien. Bonds, of RM 5,000 each, numbered 29627 and 29628, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

e. Two (2) Frankfurter Handelsbank Aktiengesellschaft vorm. Frankfurter Viehmerktsbank Bonds of RM. 1,000 each, numbered 147411 and 147413, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto, and

d. Six (6) Russian 4% Bonds, bearing the numbers 00295 for 5,000 rubles and 02497, 02998, 02999, 06825 and 08646 for 1,000 rubles each, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliberable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6688; Filed, July 31, 1950; 8:48 a. m.]

[Vesting Order 14889]

KARL SCHMID AND JOHN MARCHNER

In re: Stock owned by Karl Schmid and John Marchner. F-28-30818-D-1, F-28-30819-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Schmid and John Marchner, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Three and five tenths (3.5) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered UL307942 and VL970951, registered in the name of Karl Schmid, together with all declared and unpaid dividends thereon, and

b. Five and five tenths (5.5) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered VL316892, VL716347, DL20503 and XL330846, registered in the name of John Marchner, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6689; Filed, July 31, 1950; 8:48 a. m.]

[Vesting Order 14895]

HARUJI YAMAMOTO

In re: Stock owned by and debt owing to Haruji Yamamoto. F-39-2217-C-1; D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Haruji Yamamoto, whose last known address is Mitsubishi Shoji Kaisha, Ltd., Metal Dept. Marunouchi, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Ten (10) shares of no par value common capital stock of the Phillips Petroleum Company, 80 Broadway, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 0154070, registered in the name of Haruji Yamamoto, together with all declared and unpaid dividends thereon, including particularly but not limited to any and all rights in, to and under withheld or outstanding dividend checks on the aforesaid stock, and

b. That certain debt or other obligation owing to Haruji Yamamoto, by the Phillips Petroleum Company, 80 Broadway, New York 5, New York, representing cash received from the sale of ten (10) Subscription Warrants representing rights to subscribe to stock issued by the aforesaid company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6690; Filed, July 31, 1950; 8:48 a. m.]

[Vesting Order 14897]

ADELE BUCK ET AL.

In re: Rights of Adele Buck et al. under insurance contract File No. F-28-3870-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adele Buck, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Heinrich Schweitzer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under the death benefit provisions of a contract of insurance evidenced by policy No. 3190527, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Heinrich Schweitzer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Heinrich Schweitzer, deceased, are not within a designated enemy country, the national

interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6691; Filed, July 31, 1950; 8:48 a. m.]

[Vesting Order 14899]

HENRY G. GIESE

In re: Rights of Henry G. Giese under insurance contracts; File Nos. F-28-24772-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry G. Giese, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 59304898 and 73940650, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Henry G. Giese, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Henry G. Giese be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6692; Filed, July 31, 1950; 8:48 a. m.]

[Vesting Order 14901]

RICHARD AND ELLA HUBSCHER

In re: Rights of Richard Hubscher and Ella Hubscher under insurance contract. File No. F-28-11488-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Hubscher and Ella Hubscher, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 5 390 608 A, issued by the Metropolitan Life Insurance Company, New York, New York, to Richard Hubscher, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Richard Hubscher or Ella Hubscher, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6693; Filed, July 31, 1950; 8:48 a. m.]

[Return Order 695]

SALOMON BEIFUS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Salomon Beifus, San Francisco, Calif.; Claim No. 6776; June 22, 1950 (15 F. R. 4038); all right, title, interest, and claim of any kind or character whatsoever of Helen Beifuss in and to the Estate of Isaac Berg, deceased; $771.30 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6694; Filed, July 31, 1950; 8:49 a. m.]

LORENZA PIPITONE CORTE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lorenza Pipitone Corte, Poggioreale, Trapani, Italy; Claim No. 42879; $5,779.82 cash in the Treasury of the United States. All right, title and interest of Mrs. Lorenza Pipitone Corte in and to the Estate of Gluseppe (Joseph) Pipitone, deceased.

Executed at Washington, D. C., on July 24, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6661; Filed, July 28, 1950; 8:49 a. m.]

DR. HANS NISSL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Dr. Hans Nissl, Vienna, Austria; Claim No. 35633; $95.00 in the Treasury of the United States; 10 shares of no par value common capital stock of General Aniline & Film Corporation, a Delaware corporation, registered in the name of the Attorney General of the United States, Account No. 28-4815, represented by Certificate No. 4170, presently in the custody of the Safekeeping Department of Federal Reserve Bank of New York; an undivided ¼ interest in one share of 500 Swiss francs ordinary stock of Internationale Gesellschaft fur Chemische Unternehmungen A. C. (I. G. Chemie), a Swiss corporation, with dividend coupons 13/20 and talon attached, 50% paid prior to December 19, 1945, which share is represented by Certificate No. 288013, presently in the custody of the aforementioned Safekeeping Department.

Executed at Washington, D. C., on July 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6696; Filed, July 31, 1950; 8:49 a. m.]

CHARLOTTE DURRIGL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provisions for taxes and conservatory expenses:

Claimant, Claim Number, and Property

Charlotte Durrigl nee Zillinger, Vienna, Austria; Claim No. 6173; $772.24 in the Treasury of the United States. All right, title, interest, and claim of any kind or character whatsoever of Charlotte Durrigle in and to the estate of Andrew C. Zillinger, deceased.

An undivided 1/4th interest in 500 shares Butte Copper Consolidated Mines capital stock, par value 50¢ per share. Certificate No. 25717, presently in the custody of the Safekeeping Department of the Federal Reserve Bank, New York.

An undivided 1/4th interest in the following securities located in the Office of Alien Property, 120 Broadway, New York, N. Y.:

2 units Cameron-Anderson Interests, par value $25.00 per unit. Certificate No. 420 for 2 units.

2 units Cameron-Anderson Interests preorganization receipt Certificate No. 177 for 2 units.

200 shares Evangeline Oil Company capital stock, par value 50¢ per share. Certificate Nos. 16074 for 80 shares, 3783 and 7687 for 50 shares each and 11360 and 15184 for 10 shares each.

250 shares The Evangeline Petroleum Company capital stock, par value 50¢ per share. Certificate Nos. 1499 for 150 shares and 6068 for 100 shares.

325 shares Lorrain Consolidated Mines, Limited, capital stock, par value $1.00 per share. Certificate No. 0-3984 for 325 shares.

2 units Slentz Smackover Holding Syndicate, par value $15.00 per unit. Certificate No. 283 for 2/1500ths beneficial interest in oil and gas leases.

2 units Smackover Membership Lease Pool, par value $20.00 per unit. Certificate Nos. 245 and 283 for one unit each.

50 units Smackover Five Gusher Pool, par value $1.00 per unit. Certificate Nos. 371 for 40 units, 795 for 8 units and 652 for 2 units.

Cameron-Anderson Archer-Baylor Protection Leases. Certificate No. 339 for 2/900ths interest in oil and gas leases.

Cameron-Anderson Free Fifty-Acre Lease Pool. Certificate No. 580 for 2/1000ths interest in oil and gas leases.

Cameron-Anderson Free Twenty-Acre Seay Lease. Certificate No. 835 for 50/186000ths interest in oil and gas leases.

Cameron-Anderson Free 160 Acre Reagan County Leases. Certificate No. 130 for 25/15000ths interest in oil and gas leases.

25 shares Apple Radio Corporation capital stock par value $5.00 per share. Certificate No. 119 for 25 shares.

200 shares The Atlantic Fruit & Sugar Company common stock, par value $1.00 per share. Certificate Nos. 19407 and 19408 for 100 shares each.

40 shares Atlantic United Petroleum Company capital stock, par value $1.00 per share. Certificate Nos. 1037 and 1217 for 20 shares each.

550 shares Blue Bird Oil Corporation capital stock, par value 10¢ per share. Certificate Nos. 9769 for 500 shares and 5425 for 50 shares.

150 shares Bush Consolidated Gold Mines Inc., capital stock, par value 50¢ per share. Certificate No. 170 for 150 shares.

1 share Cape May Golf Development Company capital stock, par value $100.00 per share. Certificate No. 14 for 1 share.

12 95/100ths shares The Gold Dirt Mining Company capital stock, par value $1.00 per share. Certificate Nos. 2540 for 4-20/100ths shares and 1988-B for 8-75/100ths shares.

25 shares Hapgood Production Company capital stock, par value $1.00 per share. Certificate No. 467 for 25 shares.

350 shares Intercontinent Petroleum Corporation capital stock, par value $5.00 per share. Certificate Nos. N-4648, N-4649 and N-4650 for 100 shares each and NO-424 for 50 shares.

5 shares Mid-Colombia Oil and Development Company capital stock, without par value. Temporary Certificate No. T. O. 74 for 5 shares.

500 shares The Peerless Consolidated Copper Company capital stock, par value 1¢ per share. Certificate No. 842 for 500 shares.

350 shares The Rose-City Ore Company capital stock, par value 5¢ per share. Certificate No. 3542 for 350 shares.

160 shares Seafoam Mines Corporation capital stock, without par value. Certificate No. (not legible) for 160 shares.

200 shares Sunstar Oil Company capital stock, par value $1.00 per share. Certificate No. 497 for 200 shares.

500 shares Unity Mines Corporation capital stock, par value $1.00 per share. Certificate Nos. 2425/2429, incl., for 100 shares each.

5 units Vitek Oil & Refining Company, par value $10.00 per unit. Trustee's Cert. No. 30169 for 5 units.

$165.00 The Blue Bird Oil Corporation Production Bond Series "A". Certificate No. 5539 for $15.00 and Certificate No. 7245 for $150.00.

Executed at Washington, D. C., on July 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6697; Filed, July 31, 1950; 8:49 a. m.]

FELIX CARO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Felix Caro, New York, N. Y.; Claim No. 3259; $10.50 cash in the Treasury of the United States; 1 share of no par value Class A common stock of General Aniline & Film Corporation, a Delaware corporation, registered in the name of the Attorney General of the United States, Account No. 28-4817, represented by Certificate No. 4172, presently in the Safekeeping Department of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on July 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6695; Filed, July 31, 1950; 8:49 a. m.]

AUG 7 '50

THE NATIONAL ARCHIVES

FEDERAL REGISTER

LITTERA SCRIPTA MANET

1934

OF THE UNITED STATES

VOLUME 15 NUMBER 148

Washington, Wednesday, August 2, 1950

TITLE 3—THE PRESIDENT

REORGANIZATION PLAN NO. 26 OF 1950

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, May 31, 1950, Pursuant to the Provisions of the Reorganization Act of 1949, Approved June 20, 1949 [1]

DEPARTMENT OF THE TREASURY

SECTION 1. *Transfer of functions to the Secretary.* (a) Except as otherwise provided in subsection (b) of this section, and subject to the provisions of subsection (c) of this section, there are hereby transferred to the Secretary of the Treasury all functions of all other officers of the Department of the Treasury and all functions of all agencies and employees of such Department.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) in hearing examiners employed by the Department of the Treasury or to functions vested by any provision of law in the Comptroller of the Currency.

(c) Notwithstanding the transfer to the Secretary of the Treasury of the functions of the United States Coast Guard and of the functions of the Commandant of the Coast Guard, effected by the provisions of subsection (a) of this section, such Coast Guard, together with the said functions, shall operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President shall so direct, as provided in section 1 of the Act of January 28, 1915 (ch. 20, 38 Stat. 800, as amended, 14 U. S. C. 1).

SEC. 2. *Performance of functions of Secretary.* The Secretary of the Treasury may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of the Treasury of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

[1] Effective July 31, 1950, under the provisions of section 6 of the act; published pursuant to section 11 of the act. (Pub. Law 109, 81st Cong.).

SEC. 3. *Administrative Assistant Secretary.* There shall be in the Department of the Treasury an Administrative Assistant Secretary of the Treasury, who shall be appointed, with the approval of the President, by the Secretary of the Treasury under the classified civil service, who shall perform such duties as the Secretary of the Treasury shall prescribe, and who shall receive compensation at the rate of $14,000 per annum.

SEC. 4. *Incidental transfers.* The Secretary of the Treasury may from time to time effect such transfers within the Department of the Treasury of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

[F. R. Doc. 50-6809; Filed, July 31, 1950; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Department of the Army, § 6.105 is amended by the addition of paragraphs (l) and (m) as set out below, effective upon publication in the FEDERAL REGISTER.

§ 6.105 *Department of the Army.* • • •

(l) *Medical Department.* (1) Until June 30, 1952, the position of Technical Director of Research.

(m) *Ordnance Department.* (1) Until June 30, 1952, the positions of Technical Director of Research and Development, Director of Research and Development (Rockets and Guided Missiles), Director of Field Service Operations, Director of Industrial Operations, Production Manager of the Detroit Arsenal, Technical Director of Explosives Laboratory, Technical Director of Metal-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CFR

POCKET SUPPLEMENTS

(For Use During 1950)

The following Pocket Supplements are now available:

Title 39 ($0.35)

Title 46: Parts 1–145 ($0.30)
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Titles 47–48 ($0.55)

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lurgical Laboratory, and Technical Director of Non-Ferrous Laboratory.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 9830, Feb. 24, 1947, 12 F. R. 1259, 3 CFR, 1947 Supp., E. O. 9973, June 28, 1948, 13 F. R. 3600, 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-6730; Filed, Aug. 1, 1950; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

PART 364—SETTLEMENT

SUBPART A—COMPROMISE, ADJUSTMENT, AND CANCELLATION OF DEBTS OWED THE FARMERS HOME ADMINISTRATION

DEBT SETTLEMENT ACTIONS ON CORPORATION INDEBTEDNESS

Subpart A of Part 364 in Title 6, Code of Federal Regulations (14 F. R. 6967), is amended to add § 364.10 as follows:

§ 364.10 *Reduction of corporation indebtedness to zero*—(a) *Purpose, scope, and source of authority.* This section provides for the reduction to zero of indebtedness of corporations meeting the conditions set forth in paragraph (c) of this section without application or request from the corporation. Cases in which applications or requests for debt settlement are received from corporations, as well as other cases not covered by this section, will be submitted to the National Office for consideration and further instructions. The reduction of indebtedness to zero will eliminate any necessity for further servicing or accounting activities with respect thereto. Authority for the reduction of indebtedness to zero is derived from section 41 (g) of title IV of the Bankhead-Jones Farm Tenant Act, as amended by the Farmers Home Administration Act of 1946.

(b) *Definitions.* For the purpose of this section, the following definitions are applicable:

(1) "Indebtedness" is the amount (including interest) owed by a corporation to the United States and under the jurisdiction of the Farmers Home Administration, including indebtedness on State Rural Rehabilitation Corporation trust claims. Such indebtedness may be for

loans, rents, or other charges or advances.

(2) "Reduction to zero" is the final discharge of a debt without any payment thereon, except that in the case of State Rural Rehabilitation Corporation trust claims, it is the charging off of the claim as a trust asset.

(c) *Conditions for settlement.* State Directors are authorized to take such action as may be necessary to reduce indebtedness of corporations to zero without application or request from the corporation, when the following conditions exist:

(1) The corporation has not made an application or request for debt settlement.

(2) If an indebtedness has been reported to the General Accounting Office on Form FHA–752, "Reply to General Accounting Office Inquiry," as uncollectible, the State Director has obtained clearance from the National Office before proceeding with the reduction to zero.

(3) The claim is not pending before the Department of Justice for collection.

(4) A final liquidation report on the corporation has been submitted to, and approved by, the Administrator.

(5) The amount remaining on the indebtedness, including both principal and interest, is less than $10,000.

(6) All of the Government's security for the indebtedness has been properly applied on the corporation's account.

(7) All possibilities of making further collections on the indebtedness have been exhausted and the corporation has no assets of value and no present or prospective ability to make further payments on the indebtedness, or the amount which might be realized through further collection efforts would not justify the expense which would be involved.

(8) The indebtedness has not been assumed, in whole or in part, by another party.

(9) The corporation has acted in good faith and there is no evidence that it has concealed or disposed of any assets to avoid payment of its indebtedness to the Government.

(10) The Government does not hold any of the corporation's property or assets as security for the indebtedness.

(11) The corporation's corporate existence has been dissolved, or the corporation has been inactive from the standpoint of program operations for the past twelve months, and does not contemplate reactivation, but plans to forfeit or dissolve its organizational existence.

(d) *Processing.* Reduction to zero of indebtedness of a corporation must be recommended by the appropriate County Supervisor and County Committee. The Area Finance Manager will stamp notes, rental contracts and ledger cards representing indebtedness (other than on State Rural Rehabilitation Corporation trust claims) "Satisfied by Approved Cancellation". All such instruments, whether representing State Rural Rehabilitation Corporation trust or other claims, will be retained in the Area Finance Office.

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies sec. 41, 60 Stat. 1065; 7 U. S. C. 1015)

DERIVATION: § 364.10 contained in Administration Letter 154 dated June 28, 1950.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

JUNE 28, 1950.

Approved: July 28, 1950.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–6756; Filed, Aug. 1, 1950; 8:57 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 15 F. R. 3147 and 4423, governing the making of loans and containing the requirements of the purchase agreement program on wheat produced in 1950 are hereby amended as follows:

§ 601.578 *Support rates,* paragraph (a) *Support rates at designated terminal markets,* the Buffalo, New York, terminal and rate therefor shall be deleted.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, Titles I, IV, Pub. Law 439, 81st Cong.; 15 U. S. C. Sup., 714c)

Issued this 28th day of July 1950.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50–6755; Filed, Aug. 1, 1950; 8:57 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Peach Order 1]

PART 962—FRESH PEACHES GROWN IN GEORGIA

REGULATION OF SHIPMENTS

§ 962.305 *Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962; 15 F. R. 4105), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of available information, it is hereby found that the limitation of shipments of peaches, as hereinafter set forth in accordance with the provisions of § 962.61 of the amended marketing agreement and order, will tend to effectuate such orderly marketing of peaches as will be in the public interest and the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the level of prices of peaches is such that the operation of the amended marketing agreement and order cannot be continued after the effective time of this section in the absence of the regulation set forth; (2) the suspension of the amended marketing agreement and order would permit the unrestricted shipment of immature peaches from the area; (3) such unrestricted shipment of immature peaches is not conducive to orderly marketing of Georgia peaches in the public interest and would not tend to effectuate the declared policy of the act; and (4) compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* During the period beginning at 12:01 a. m., e. s. t., August 2, 1950, and ending at 12:01 a. m., e. s. t., September 1, 1950, no handler shall ship peaches which do not meet the requirements for maturity set forth and defined in the United States Standards for Peaches (7 CFR 51.312): *Provided,* That not more than an average of ten (10) percent, by count, of the peaches contained in any bulk lot or in any lot of packages may fail to meet the said requirements for maturity, but not more than fifteen (15) percent, by count, of the peaches contained in any individual package in any lot may fail to meet the said requirements for maturity.

(c) *Definitions.* When used in this section, the terms "area," "handler," "ship," and "peaches" shall have the same meaning as when used in the aforesaid amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 28th day of July 1950.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50–6705; Filed, Aug. 1, 1950; 8:45 a. m.]

[Amdt. 1]

PART 992—HANDLING OF IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992) regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and upon the basis of the recommendation and information submitted by the State of Washington Potato Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the modification of the skinning requirement with respect to the White Rose variety of potatoes, as hereinafter provided, will tend to effectuate the declared policy of the act, and that such modification relieves restrictions on the handling of Irish potatoes grown in the State of Washington.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which amendment is based and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient therefore.

Order, as amended. The provisions in paragraph (b) (1) of § 992.304 (15 F. R. 4678) are hereby amended to read as follows:

(1) During the period ending 12:01 a. m., P. s. t., October 16, 1950, no handler shall ship potatoes grown in the State of Washington which do not comply with the grade and size regulation effective July 10, 1950 (§ 992.303, 15 F. R. 4337); no handler shall ship a lot of potatoes, except potatoes of the White Rose variety, if more than 20 percent of the potatoes in such lot have more than one-half of the skin missing or feathered; and no handler shall ship a lot of potatoes of the White Rose variety if more than 35 percent of the potatoes in such lot have more than one-half of the skin missing or feathered, as such terms are defined in the United States Standards for Potatoes (14 F. R. 1955, 2161): *Provided,* That one lot of not to exceed 360 hundredweight of each variety of potatoes of each producer may be handled without regard to the aforesaid skinning requirements if the handler thereof reports, prior to such handling, the name and address of the producer of each such lot, and each such lot is handled as an identifiable entity.

(Sec 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 28th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6782; Filed, Aug. 1, 1950; 9:00 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR–348]

PART 24—MECHANIC CERTIFICATES

LIMITED MECHANIC CERTIFICATE WITH PROPELLER OR AIRCRAFT APPLIANCE RATING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of July 1950.

The provisions of Special Civil Air Regulation SR–340 which authorize the issuance of a limited mechanic certificate with a propeller or appliance rating to an individual employed by a manufacturer or repair station expires July 31, 1950. At the time this regulation was adopted it was anticipated that the projected revision of Part 24, Mechanic Certificates, which would incorporate provisions for the issuance of mechanic certificates with propeller or appliance ratings, would be completed prior to the expiration date. However, while the Board has had such project under consideration it has not yet been promulgated. Therefore, in view of the fact that currently effective Part 24 makes no provisions for the issuance of certificates for propeller or appliance mechanics it is believed necessary to extend the authorization currently provided in SR–340 until July 31, 1951, or such earlier date as the projected revision may become effective.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter submitted. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board makes and promulgates the following Special Civil Air Regulation, effective August 1, 1950, to read as follows:

A mechanic certificate with a propeller or aircraft appliance rating, excepting a parachute rating, may be issued by the Administrator of Civil Aeronautics to an individual who is employed and designated by either a manufacturer holding a currently effective propeller or aircraft appliance production certificate or by an applicant for, or the holder of, a repair station certificate with a propeller or aircraft appliance rating. The individual must be in direct charge of the inspection, overhaul, or repair of propellers or aircraft appliances, and his experience and employment record must indicate that he is competent to engage in such activity. The individual to whom a certificate is issued shall exercise the privileges of his certificate only with respect to the work performed for such manufacturer or repair station and through the use of facilities provided by the manufacturer or repair station.

This regulation supersedes Special Civil Air Regulation SR–340, and shall terminate July 31, 1951, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 602, 607, 52 Stat. 1007, 1008, 1011, 62 Stat. 1216; 49 U. S. C. 551, 552, 557)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 50–6704; Filed, Aug. 1, 1950; 8:45 a. m.]

[Regs., Serial No. SR–349]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

PART 61—SCHEDULED AIR CARRIER RULES

DELEGATION OF AUTHORITY TO ADMINISTRATOR TO PERMIT AIR CARRIERS UNDER CONTRACT TO MILITARY SERVICES TO DEVIATE FROM PARTS 40, 41, 42, 45 AND 61 OF CIVIL AIR REGULATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of July 1950.

The Air Transport Association (ATA) on behalf of several scheduled air carriers under contract to the military services has requested that authority be granted to such carriers to permit them to deviate from certain provisions of Parts 40, 41, 42 and 61, under which they are currently required to operate, in order to permit such carriers to accomplish expeditiously the mission assigned them by the military services. ATA states that in view of the type of operations that these air carriers have been requested to perform certain provisions of those parts impose an undue burden upon the air carriers involved. It appears that several of the difficulties encountered in complying with the currently prescribed regulations result from the fact that some of the air carriers are acting in the capacity of prime contractors with the military services, while others are acting as sub-contractors and are merely furnishing aircraft and/or flight crews to another air carrier for use in operations conducted pursuant to the military contracts. It should be noted that Parts 40, 41, 42 and 61 are designed to be applicable to scheduled and irregular air carrier operations performed under normal operating conditions. We believe that the type of operation which air carriers are expected to perform in executing their obligations under military contracts is a specialized type of operation and is different in many respects from the normal type of air carrier operation envisaged by current Civil Air Regulations relating to air carrier operations. In view of that we believe that the Civil Air Regulations applicable to air carriers should be tailored to the type of operation to be con-

ducted under military contracts to the extent that the Administrator finds that deviation from those regulations is necessary or desirable for the expeditious conduct of such operations.

The Board considers it necessary to limit the operations conducted pursuant to any deviation granted by the Administrator to those operations conducted pursuant to military contracts and to require that all operations conducted in accordance with such deviations be conducted in accordance with such terms and conditions as to the Administrator may prescribe in granting the deviation.

It is anticipated that the Administrator will, as part of the procedure in issuing a deviation of major importance, coordinate his decision with the Board and the appropriate military authorities.

ATA has requested that authority to deviate be granted without delay since operations under currently prescribed regulations is hindering the expeditious execution of the air carriers' obligations under the military contracts.

For the reasons stated above notice and public procedure hereon are impracticable and contrary to the public interest and the Board finds that good cause exists for making this Special Civil Air Regulation effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective immediately, to read as follows:

1. Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator may upon application by an air carrier, authorize an air carrier under contract to the military services, or an air carrier furnishing civil aircraft and/or flight crews to another air carrier for use in operations conducted pursuant to a contract with the military services to deviate from the applicable provisions of Parts 40, 41, 42, 45, and 61, to the extent that he finds upon investigation a deviation from those regulations is necessary or desirable for the expeditious conduct of such operations.

2. Any authority granted by the Administrator pursuant to this regulation shall be limited to those operations conducted pursuant to military contracts and shall not be applicable to any other type of operation.

3. The Administrator shall, in any authorization granted pursuant to this regulation, specify the terms and conditions under which the air carrier may deviate from the currently prescribed Regulations, and each carrier shall in the conduct of operations pursuant to military contracts comply with such terms and conditions.

This regulation shall terminate August 1, 1951, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, 62 Stat. 1216, 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 50-6754; Filed, Aug. 1, 1950; 8:55 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52527]

PART 6—AIR COMMERCE REGULATIONS

AIRPORT OF ENTRY

JULY 27, 1950.

The official name of the Municipal Airport, El Paso, Texas, which is a designated airport of entry (T. D. 43785), has been changed to "El Paso International Airport." Therefore, § 6.12, Customs Regulations of 1943 (19 CFR 6.12), as amended, is hereby further amended by substituting the name "El Paso International Airport" for the name "Municipal Airport" opposite "El Paso, Texas."

(R. S. 161, 251, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 624, 46 Stat. 759, secs. 201, 367, 58 Stat. 683, 706; 5 U. S. C. 22, 8 U. S. C. 102, 222, 19 U. S. C. 66, 1624, 42 U. S. C. 202, 270. Interprets or applies sec. 7, 44 Stat. 572, sec. 644, 46 Stat. 761; 19 U. S. C. 1644, 49 U. S. C. 177)

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-6731; Filed, Aug. 1, 1950; 8:52 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter A—General

PART 200—GENERAL

SUBPART B—FEDERAL HOUSING ADMINISTRATION PROCEDURE

Subpart B is hereby amended by adding the following new section numbered 200.10:

§ 200.10 *Title I Mortgage Insurance*—(a) *Purpose.* This new legislative enactment is intended to assist in providing adequate housing for families of low and moderate income in rural and small communities as well as urban and suburban areas by making feasible the insurance of mortgages covering properties in areas where it is not practicable to obtain conformity with many of the requirements essential to the insurance of mortgages on properties in built-up urban areas. However, the construction and location requirements involve risk characteristics unlike those in connection with mortgages insured under other plans which this plan supplements, for which reason an entirely new insurance fund is required for its operation known as "Title I Housing Insurance Fund." In this financing plan there is presented an opportunity for families of low and moderate incomes to obtain soundly constructed houses priced within their means.

(b) *Processing and closing.* The Administrative, Fiscal, and Legal procedure for the processing and closing of loans under section 8 of the National Housing Act will be practically the same as for section 203 of Title II of the act. Substantially the same forms presently in use under section 203 of the act shall be used except that these forms will be modified by deleting all reference to Title II of section 203 of the act and inserting in lieu thereof, section 8 of the act.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup. 1703)

VINCENT A. CARLIN,
Director, Administrative Services.

[F. R. Doc. 50-6706; Filed, Aug. 1, 1950; 8:45 a. m.]

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Section 221.26c is hereby amended to read as follows:

§ 221.26c *Limitation upon maximum amount of mortgage.* For the period this section remains in effect, and notwithstanding the provisions of § 221.15, a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, shall not involve a principal amount in excess of $14,000 except in the case of a mortgage covering a property designed for occupancy by two or more families, and shall not exceed 75 percent of the appraised value of the property, except that with respect to mortgages eligible for insurance under paragraph (a) of § 221.15 the principal amount may exceed 75 percent but shall not exceed 90 percent of $7,000 of such value plus 65 percent of such value in excess of $7,000 and mortgages eligible for insurance under paragraph (b) of § 221.15 may exceed 75 percent but shall not exceed 90 percent of the appraised value of the property if the mortgagor is the owner and occupant and 80 percent of such value if the mortgagor is the builder: *Provided*, That this section shall not be applicable as to mortgages covering properties in the Territory of Alaska or housing determined by the Commissioner to be military housing.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., July 27, 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6707; Filed, Aug. 1, 1950; 8:46 a. m.]

Subchapter D—Multifamily and Group Housing Insurance

PART 232 MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Section 232.16a is hereby amended to read as follows:

§ 232.16a *Limitation upon maximum amount of mortgage.* For the period this section remains in effect and notwithstanding the provision of paragraphs (a) and (b) of § 232.4, a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, shall not involve a principal amount in excess of the sum of 85 percent of that portion of the estimated value of the project which does not exceed $7,000 per family unit and 55 percent of that part of the estimated value of the project which is in excess of $7,000 per family unit: *Provided*, That this section shall not be applicable as to mortgages covering properties located in the Territory of Alaska or housing determined by the Commissioner to be military housing.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 48 Stat. 1252, as amended; 12 U. S. C. 1713)

Issued at Washington, D. C., July 27, 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6709; Filed, Aug. 1, 1950; 8:46 a. m.]

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

DEVELOPMENT OF PROPERTY

Section 241.22 (a) is hereby amended to read as follows:

§ 241.22 *Development of property.*

* * *

(a) The mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property designed principally for residential use, conforming to standards satisfactory to the Commissioner, and consisting of not less than 12 dwelling units and may be detached, semi-detached, or row houses, or multi-family structures, except that in the case of a release clause project such units must be single family dwellings constructed for sale to members of the mortgagor corporation.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 114, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., July 27, 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6711; Filed, Aug. 1, 1950; 8:46 a. m.]

Subchapter E—Farm Mortgage Insurance

PART 251—FARM MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Section 251.27b is hereby amended to read as follows:

§ 251.27b *Limitation upon maximum amount of mortgage.* For the period this section remains in effect, and notwithstanding the provisions of § 251.16, a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, shall not involve a principal amount in excess of $14,000 except in the case of a mortgage covering a property designed for occupancy by two or more families, and shall not exceed 75 percent of the appraised value of the property, except that with respect to mortgages eligible for insurance under paragraph (a) of § 251.16 the principal amount may exceed 75 percent but shall not exceed 90 percent of $7,000 of such value plus 65 percent of such value in excess of $7,000, and mortgages eligible for insurance under paragraph (b) of § 251.16 may exceed 75 percent but shall not exceed 90 percent of the appraised value of the property if the mortgagor is the owner and occupant and 80 percent of such value if the mortgagor is the builder: *Provided*, That this section shall not be applicable as to mortgages covering properties in the Territory of Alaska or housing determined by the Commissioner to be military housing.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 203, 48 Stat. 1248, as amended; 12 U. S. C. 1709)

Issued at Washington, D. C., July 27, 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6708; Filed, Aug. 1, 1950; 8:46 a. m.]

Subchapter I—War Rental Housing Insurance

PART 282—MULTIFAMILY WAR HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

PREPAYMENT PREMIUM CHARGES

Section 282.4 (a) is amended to read as follows:

§ 282.4 *Prepayment premium charges.* (a) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment and shall, except with respect to a mortgage covering a release clause project, collect from the mortgagor and pay to the Commissioner an adjusted premium charge of 1 percent of the original face amount of the prepaid mortgage, except that if at the time of any such prepayment there is placed on the mortgaged property a new insured mortgage in an amount less than the original face amount of the prepaid mortgage, an adjusted premium shall be paid based upon the difference between such amounts at the rate applicable as above stated, depending upon the date of prepayment.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742. Interprets or applies sec. 608, as added by sec. 11, 56 Stat. 303, as amended; 12 U. S. C. and Sup., 1743)

Issued at Washington, D. C., July 27, 1950.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-6710; Filed, Aug. 1, 1950; 8:46 a. m.]

Chapter VIII—Office of Housing Expediter

[Controlled Housing and Rent Reg. Amdt. 265]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 262]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ILLINOIS

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respect:

Schedule A, Item 92, is amended to describe the counties in the defense-rental area as follows:

Boone County, except all unincorporated localities in said County; and Winnebago County, except the City of Rockford and all unincorporated localities in said County.

De Kalb County, except all unincorporated localities in said county.

This decontrols the City of Rockford in Winnebago County, Illinois, a portion of the Rockford, Illinois, Defense-Rental Area, and all unincorporated localities in said defense-rental area.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective July 31, 1950.

Issued this 28th day of July 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-6727; Filed, Aug. 1, 1950; 8:49 a. m.]

TITLE 29—LABOR

Chapter IV—Child Labor Branch, Department of Labor

PART 422—OCCUPATIONS PARTICULARLY HAZARDOUS FOR EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL BEING

WAIVER WITH RESPECT TO AGRICULTURAL EMPLOYMENT

Section 3 (l) of the Fair Labor Standards Act of 1938, as amended (sec. 3 (l), 52 Stat. 1061, as amended; 29 U. S. C. 203 (l)) defines oppressive child labor as, among other things, the employment of any employee between the ages of 16 and 18 years of age in any occupation which the Secretary of Labor shall find and by order declare to be particularly hazardous for the employment of children between such ages or detrimental to their health or well being. Pursuant to this provision of the act and the regulations adopted by the Secretary of Labor governing the determination of hazardous occupations (Part 421 of this chapter), various orders declaring certain occupations to be hazardous for the employment of minors 16 to 18 years of

age or detrimental to their health or well being have been heretofore issued. These orders are codified in Part 422 of this chapter.

Pending study as to the hazardous or detrimental nature of occupations in agriculture, and in order to clarify the scope and effect of the hazardous occupations orders appearing in this part with respect to agricultural employment, the following footnote is added to the headnote of this part:

¹ The provisions of this part declaring certain occupations to be particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being do not apply to employment in agriculture.

(Sec. 3, 52 Stat. 1061; 29 U. S. C. 203)

Signed at Washington, D. C., this 21st day of July 1950.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 50-6604; Filed, Aug. 1, 1950; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter D—Military Renegotiation Regulations

PART 423—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

GENERAL CLASSES OR TYPES OF EXEMPTED CONTRACTS AND SUBCONTRACTS

Amendment 3 to Appendix A to Subpart E of Part 423.

Section 423.334, Appendix A (15 F. R. 170, 2417, 4717) hereby is amended, by the amendment of the following items:

4. *Supplies purchased for authorized resale—Exemption.* All contracts subject to the Renegotiation Act of 1948 entered into in the fiscal years 1950 or 1951 pursuant to the authority of section 2 (c) (8) of the Armed Services Procurement Act of 1947, Public Law 413, 80th Cong., and subcontracts thereunder.

5. *Perishable subsistence supplies—Exemption.* All contracts subject to the Renegotiation Act of 1948, entered into in the fiscal years 1950 or 1951 pursuant to the authority of section 2 (c) (9) of the Armed Services Procurement Act of 1947, Public Law 413, 80th Cong., and subcontracts thereunder.

6. *Collateral items*—(a) *Exemption.* All subcontracts for:

(1) The sale, furnishing, or installation, of machinery, equipment or materials used in the processing of an end product or of an article incorporated therein; provided such machinery, equipment, or materials do not become a part of such end product or of an article incorporated therein.

(2) The sale, furnishing, or installation, of machinery used in the processing of other machinery to be used in the processing of an end product or of an article incorporated therein.

(3) The sale, furnishing, or installation of component parts of, or subassemblies for, machinery included in (2) above, and machinery, equipment and materials included in (1) above. As used herein the phrase "used in processing" has the same meaning as that set forth in § 423.333-3 of the Military Renegotiation Regulations.

(b) *Limitations on exemptions.* This exemption does not apply to subcontracts subject to the Renegotiation Act of 1948, under contracts entered into on or after October 1, 1950. This exemption does not apply to subcontracts where the purchaser of such machinery, equipment, or materials, has acquired them for the account of the Government. As used herein the phrase "acquired them for the account of the Government" means acquired pursuant to an arrangement between the Government and the purchaser of such machinery, equipment, or materials, whereby title to such machinery, equipment, or materials will, or may, at the option of the Government, vest in the Government.

8. *Blind-made products—Exemption.* All contracts subject to the Renegotiation Act of 1948 entered into in the fiscal years 1950 or 1951 for procurement of supplies at prices determined by the Committee on Purchases of Blind-Made Products, pursuant to the provisions of sections 46-48, inclusive, of Title 41 of the United States Code (52 Stat. 1196), from any non-profit making agency for the blind organized under the laws of the United States or of any State, and subcontracts thereunder.

(Sec. 3, 62 Stat. 259; 50 U. S. C. App. Sup. 1193)

Adopted by the Board: July 14, 1950.

FRANK L. ROBERTS,
Chairman, Military Renegotiation Policy and Review Board.

[F. R. Doc. 50-6761; Filed, Aug. 1, 1950; 9:00 a. m.]

Chapter VII—Department of the Air Force

Subchapter A—Aid of Civil Authorities and Public Relations

PART 805—SAFEGUARDING MILITARY INFORMATION

MISCELLANEOUS AMENDMENTS

1. The center head "General" is hereby designated for §§ 805.1 to 805.22 (14 F. R. 1928; 14 F. R. 2695).

2. Sections 805.7 (a), (b) and (c), 805.8 (a), and 805.13 are amended as follows:

§ 805.7 *Dissemination*—(a) *To civilian requesters*—(1) *General.* Classified military information of primary interest to the Department of the Air Force may be released as hereinafter set forth to private individuals, firms, corporations, organizations, and Federal or State agencies: *Provided*, That possession of the information by these persons or agencies is necessary for the performance of an official military or other governmental function. A receipt will be obtained when documents are released to persons or agencies referred to herein.

(2) *Military and Reserve personnel.* For the purpose of this paragraph, military personnel on active duty, military personnel in retired status, and members of the Reserve Forces who request access to classified matter for personal or commercial purposes will be considered as "private individuals" in accordance with policy of the Department of Defense.

(b) *Action on requests.* All requests for classified military information from persons or agencies referred to in paragraph (a) of this section, and all proposals originating within the Department of the Air Force to release classified information to such persons or agencies will be forwarded for necessary action to the Director of Intelligence, Headquarters United States Air Force, except as otherwise hereinafter set forth, or as otherwise specifically directed in separate regulations:

(1) *Congressional requests.* (i) All requests by the Congress, its commitees, or members for classified military information will be referred to the Secretary of the Air Force, Attention: Director of Legislation and Liaison.

* * * * *

(c) *Foreign nationals.* Exchanges of classified or unclassified military information with foreign nationals or governments will be made only through or with the express permission of the Chief of Staff, United States Air Force. Except as otherwise authorized in specific instructions furnished to interested commands or offices, requests received from foreign nationals or governments for military information, and all proposals originating within the Department of the Air Force to disclose military information to them, will be forwarded for necessary action through military channels to the Director of Intelligence, Headquarters United States Air Force.

§ 805.8 *Invitations for bids and contracts.* (a) In order to prevent the release of any classified information to a prospective bidder, subbidder, contractor, or subcontractor, prior to adequate check of facilities of interest to contracting agencies of the Department of the Air Force, clearance will be obtained in accordance with §§ 805.31 to 805.38. After clearance has been granted, and prior to furnishing a prospective bidder, subbidder, contractor, or subcontractor with drawings, specifications, or other classified information concerning any project or projects of a classified nature, a general security agreement will be signed by the individual or by a responsible officer on behalf of the firm or corporation concerned. The execution of the general security agreement with any individual, firm, or corporation will be in force so long as the individual, firm, or corporation retains possession of classified matter, and will constitute authority for delivery to such individual, firm, or corporation from time to time of other or additional classified information required for the submission of bids or performance of contracts, without the necessity of executing a specific security agreement in each case. A receipt will be obtained when classified matter is submitted to those who have entered into such an agreement.

* * * * *

§ 805.13 *Legislation pertaining to the Department of the Air Force.* Recommendations for legislation pertaining to the Department of the Air Force and the nature and content of reports of the Department of the Air Force on bills submitted to it by committees of the Congress will be classified until released by the Secretary of the Air Force. Prior to such release, no information concerning legislative recommendations or reports will be revealed to any individual or agency outside the Department of Defense except as authorized by the Secretary of the Air Force or as required by law.

* * * * *

[AFR's 205-1, 205-1D; 205-17] (R. S. 161, sec. 5, 63 Stat. 580; 5 U. S. C. and Sup. 21, 171a)

3. Sections 805.31 to 805.38 and §§ 805.51 to 805.60 are added as follows:

INVESTIGATION AND CLEARANCE OF PRIVATE CONTRACTORS' FACILITIES

Sec.
805.31 Objective.
805.32 Facility clearances.
805.33 Forms.
805.34 Scope of facility clearance.
805.35 Facility denial.
805.36 Plant survey.
805.37 Subcontractors.
805.38 Nonapplicability.

INVESTIGATION AND CLEARANCE OF PRIVATE CONTRACTOR EMPLOYEES

805.51 Objective.
805.52 Responsibility.
805.53 Required investigations.
805.54 Forms.
805.55 Scope of investigation.
805.56 Clearances.
805.57 Waiver of clearance requirements.
805.58 Revocation of clearance.
805.59 Subcontractor employees.
805.60 Nonapplicability.

AUTHORITY: §§ 805.31 to 805.60 issued under R. S. 161, sec. 5, 63 Stat. 580; 5 U. S. C. and Sup., 21, 171a. Interprets or applies sec. 10, 44 Stat. 737; 10 U. S. C. 310.

DERIVATION: AFR's 205-17; 205-18.

INVESTIGATION AND CLEARANCE OF PRIVATE CONTRACTORS' FACILITIES

§ 805.31 *Objective.* To assure the protection of classified matter, procurement activities of the Department of the Air Force will insure that a prospective bidder or contractor has been granted a facility security clearance by one of the military Departments prior to disclosing classified information to such prospective bidder or contractor in connection with precontract negotiations for the award of or performance on a classified contract.

§ 805.32 *Facility clearances.* Facility security clearances will be granted by major air commands concerned to prospective bidders or contractors: *Provided*, That:

(a) The officers, directors, owners, and key employees who will require access to classified matter in connection with precontract negotiations or preparation of bids are United States citizens, or aliens who have been lawfully admitted to the United States for permanent residence under an immigration visa and have been issued a letter of consent, and

(b) A check of the central records of the Federal Bureau of Investigation and the records of such other agencies as may be pertinent reveals no adverse information concerning:

(1) The facility,
(2) Officers,
(3) Directors,
(4) Owners and key employees who have access to classified matter. If the records reveal adverse information, sufficient investigation thereof will be conducted to support a decision to grant or deny a security clearance.

§ 805.33 *Forms.* (a) Five copies of Department of Defense Form 48, "Personnel Security Questionnaire," will be completed by all United States citizens who are subject to investigation.

(b) Five copies of Department of Defense Form 49, "Alien Questionnaire," will be completed by all aliens who are subject to investigation.

§ 805.34 *Scope of facility clearance.* A clearance accorded a facility for the purpose of precontract negotiations or preparation of bids, made in accordance with § 805.32, shall also constitute a clearance of the facility for purposes of the award of a contract: *Provided, however*, That:

(a) Such facility clearance shall not be considered to dispense with the requirements of § 805.36 for adequate facilities for the protection of classified matter at the place at which the contract will be performed:

(b) Clearance of private contractor personnel shall be required in the manner and to the extent provided by §§ 805.51 to 805.60.

§ 805.35 *Facility denial.* (a) Facility security clearances will not be granted when an officer or director of the firm or corporation or any owner who will have access to classified matter is found to be unsuited for access to classified matter under the following criteria: On all the evidence and information available, reasonable grounds exist for belief that the person:

(1) Has committed acts of treason or sedition, or has engaged in acts of espionage or sabotage; has actively advocated or aided the commission of such acts by others; or has knowingly associated with persons committing such acts.

(2) Is employed by, or subject to the influence of, a foreign government under circumstances which may jeopardize the security interests of the United States.

(3) Has actively advocated or supported the overthrow of the Government of the United States by the use of force or violence.

(4) Has intentionally disclosed military information classified confidential or higher without authority and with reasonable knowledge or belief that it may be transmitted to a foreign government, or has intentionally disclosed such information to persons not authorized to receive it.

(5) Is mentally or emotionally unstable; is a habitual offender of the law; or does not possess the integrity, discretion, and responsibility essential to the security of classified military information.

(6) Is or recently has been a member of, or affiliated or sympathetically associated with, any foreign or domestic organization, association, movement, group, or combination of persons (i) which is, or which has been designated by the Attorney General as being totalitarian, Fascist, Communist, or subversive; (ii) which has adopted, or which has been designated by the Attorney General as having adopted, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States; or (iii) which seeks, or which has been designated by the Attorney General as seeking, to alter the form of the Government of the United States by unconstitutional means.

(b) When a denial appears justified, a copy of the report of investigation and any other evidence upon which the decision is predicated, with appropriate recommendations, will be forwarded to the Army-Navy-Air Force Personnel Security Board for decision. A facility security clearance denied or revoked on security grounds other than those pertaining to the physical elements of security is appealable to the Industrial Employment Review Board. Security clearances for precontract negotiations need not be denied when a key employee is found to be unsuited for access to classified matter: *Provided*, That the employee concerned will not be given access thereto.

(c) If the facility is foreign owned or controlled to an extent that it may constitute a security risk, clearance will be denied in accordance with specific instructions on this subject.

(d) When any officer, director, owner, or key employee is found to be an alien in the United States under other than an immigration visa, military information will not be released or disclosed to the alien without the specific approval of the Director of Intelligence, United States Air Force.

§ 805.36 *Plant survey.* (a) In addition to requirements concerning facility security clearances, the award of a contract involving classified matter will be subject to an appropriate survey of the plant, shop, laboratory, or place at which work under the contract will be performed to determine whether adequate facilities are available for the protection of classified matter that will be released to or developed by the contractor, so far as can be anticipated at the time of the survey. Commanders concerned will conduct such formal or informal surveys as they consider proper according to the security classification, nature, or volume of classified matter that will require physical protection. However, when practicable and time permits, a complete security survey will be conducted.

(b) When a security survey reveals inadequate facilities for the protection of the classified matter, the award of a contract involving classified matter will be withheld pending satisfactory completion of negotiations for the correction of the deficiencies.

§ 805.37 *Subcontractors.* The policies contained in §§ 805.31 to 805.38 pertaining to contractors are equally applicable to subcontractors.

§ 805.38 *Nonapplicability.* The provisions of the policy contained in §§ 805.31 to 805.38 do not apply to prospective bids or contracts involving Restricted Data as defined in the Atomic Energy Act of 1946 (60 Stat. 755; 42 U. S. C. 1801-1819), or to research, development, and production of cryptographic equipment.

INVESTIGATION AND CLEARANCE OF PRIVATE CONTRACTOR EMPLOYEES

§ 805.51 *Objective.* To minimize the security risk incident to the handling of military information by Department of the Air Force contractor employees, it is essential that the loyalty, integrity, and trustworthiness of such personnel as is specified in §§ 805.51 to 805.60 be established by investigation.

§ 805.52 *Responsibility.* (a) The Department of the Air Force is responsible for investigating and clearing Air Force contractor personnel in accordance with the provisions of §§ 805.51 to 805.60. A clearance granted as prescribed herein constitutes an administrative determination that the employment of such a person in the manner proposed, will not be inimical to the interests of the United States, and it will be evidenced by the issuance of an appropriate letter of consent. A letter of consent issued by activities of the Department of the Army or Navy, granting consent of the Secretary of the Army or Navy, should be accepted as a basis for the issuance of a letter to the same or another contractor for employment of the same person on Air Force contracts.

(b) Commanders concerned are responsible for taking appropriate action to prevent the disclosure of military information to persons referred to in §§ 805.51 to 805.60 until the prescribed clearances have been granted.

§ 805.53 *Required investigations.* Department of the Air Force contractor employees in the following categories will be investigated as indicated:

(a) For United States citizens whose duties or employment in connection with the performance of a contract will involve access to matter classified top secret, a background investigation will be conducted.

(b) For United States citizens whose duties or employment in connection with the performance of a contract will involve access to matter classified secret, a National Agency Check will be conducted. A background investigation will be conducted in those cases where derogatory information is developed, to prove or disprove the allegations.

(c) For aliens whose duties or employment in connection with the performance of a contract will involve access to any classified matter, a background investigation will be conducted.

(d) For contractor employees whose duties or employment in connection with the performance of a contract will involve access to confidential or restricted matter, investigation and clearance are not required, except as prescribed in paragraphs (c) and (e) of this section.

(e) Sections 805.51 to 805.60 are not intended to preclude investigation of contractor personnel not otherwise provided for herein, when there is any evidence that the continued employment of these persons constitutes a security risk.

§ 805.54 *Forms.* (a) Five copies of Department of Defense Form 48, "Personnel Security Questionnaire," will be completed by all United States citizens who are subject to investigation by reason of employment on Department of the Air Force contracts.

(b) Five copies of Department of Defense Form 49, "Alien Questionnaire," will be completed by all aliens who are subject to investigation by reason of employment on Department of the Air Force contracts; and in the case of contracts for furnishing or constructing aircraft, aircraft parts, aeronautical accessories, by all aliens who require access to the plans or specifications, or to the work under construction, or to participate in the contract trials, whether or not access to classified matter is involved.

§ 805.55 *Scope of investigation.* (a) For the purpose of §§ 805.51 to 805.60, a background investigation is a thorough and complete investigation in which pertinent facts having a bearing on the loyalty, integrity, and trustworthiness of the subject are inquired into, and will cover basically the period of the person's life during the period of ten years next preceding the date of the investigation which will include reference to local law enforcement files at the place of residence and employment of the applicant, including municipal, county, and State law enforcement files; schools and colleges attended by applicant; former employers of applicant; references given by applicant; any other appropriate source; and a National Agency Check.

(b) For the purpose of §§ 805.51 to 805.60, a National Agency Check is a check of the central records of the Federal Bureau of Investigation; the records of the Assistant Chief of Staff, G–2, General Staff, United States Army, Office of Naval Intelligence, Office of Special Investigations, United States Air Force, in those cases which indicate previous service or employment in the applicable military Department; and the records of such other agencies as may be pertinent to the purpose of the inquiry.

§ 805.56 *Clearances.* (a) Upon completion of required investigation as prescribed in § 805.53, commanding generals, major air commands concerned may grant personnel security clearances by issuance of a letter of consent of the Secretary of the Air Force to the contractor involved. In the case of United States citizens referred to in § 805.53 (a), and aliens referred to in § 805.53 (c), a letter of consent may be issued based on favorable results of a National Agency Check pending completion of the required background investigation, subject to revocation in the event derogatory information is subsequently developed. Such letters will not be issued when it appears that the proposed access to classified matter will be inimical to the security interests of the United States under the criteria prescribed in § 805.35 (a).

(b) Activities of the Department of the Air Force will not initially deny personnel security clearances of contractor employees. Whenever a denial appears justified, a copy of the report of investigation and any other evidence upon which the decision is predicated, with appropriate recommendations, will be forwarded to the Army-Navy-Air Force Personnel Security Board for decision.

(c) Appropriate letters of consent may be issued by commanding generals, major air commands concerned, to contractors involved, for alien employees requiring access to unclassified matter described in section 10 (j), act of July 2, 1926 (44 Stat. 787; 10 U. S. C. 310 (j)). No such consent will be granted unless, after full consideration of the evidence presented, it is determined that the employment of such person, in the manner proposed, will not be inimical to the interests of the United States. When a denial is indicated, the provisions of paragraph (b) of this section will govern.

§ 805.57 *Waiver of clearance requirements.* (a) Commanding generals, major air commands concerned are authorized to modify clearance requirements for Department of the Air Force contractor employees, except aliens, who require access to secret matter, pending completion of National Agency Checks, when considered necessary for the performance of contracts. Such action will not be taken, however, unless after full consideration of the evidence presented (Department of Defense Form 48, with personnel reports of contractors or other similar data, such as that obtainable from local sources) it is determined that such access will not be inimical to the security interests of the United States. In arriving at decisions to modify clearance requirements, the criteria referred to in § 805.56 (a) should be applied. Further, letters of consent should be issued when favorable action is taken pursuant to the provisions of this paragraph, subject to revocation in the event derogatory information is subsequently developed.

(b) In connection with the authority to modify clearance requirements as indicated in paragraph (a) of this section, it is not intended that contractors should be compelled to furnish personnel reports. However, when personnel reports or other similar data are not available, action to modify clearance requirements will not be taken.

§ 805.58 *Revocation of clearance.* When a letter of consent has been issued, it will not, except in an emergency, be revoked until authorization therefor has been obtained from the Army-Navy-Air Force Personnel Security Board. An emergency is defined as any situation in which failure to act until the above authorization has been obtained presents a serious threat to the security interests of the United States. In arriving at decisions to revoke letters of consent, the criteria referred to in § 805.56 (a) should be applied.

§ 805.59 *Subcontractor employees.* The policies contained in §§ 805.51 to 805.60 pertaining to contractor employees are applicable to employees of subcontractors.

§ 805.60 *Nonapplicability.* The provisions of the policy contained in §§ 805.51 to 805.60 do not apply to contracts involving Restricted Data as defined in the Atomic Energy Act of 1946 (60 Stat. 755; 42 U. S. C. 1801-1819), or to research, development, and production of cryptographic equipment.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 50-6700; Filed, Aug. 1, 1950; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 205—DUMPING GROUNDS REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 4 of the River and Harbor Act of March 3, 1905 (33 Stat. 1147; 33 U. S. C. 419), § 205.20 is hereby amended by eliminating the dumping grounds off Swan Point and Love Point, Maryland, enlarging the dumping grounds off Kent Island, Maryland, and revising the regulations, § 205.50 is hereby amended by modifying the dumping grounds in Lake St. Clair and prescribing regulations, and § 205.55 is hereby prescribed establishing two dumping grounds in the west end of Lake Erie and regulating their use, as follows:

§ 205.20 *Chesapeake Bay off Kent Island, Md.*—(a) *The dumping grounds.* The waters of Chesapeake Bay within an area west of the north end of Kent Island bounded as follows: Beginning at latitude 39°00′00″, longitude 76°21′39″; thence to latitude 39°03′30″, longitude 76°20′15″; thence to latitude 39°03′33″, longitude 76°19′35″; thence to latitude 39°00′00″, longitude 76°21′00″; and thence 270° true to the point of beginning.

(b) *The regulations.* (1) Materials shall be dumped only in areas more than 50 feet deep at mean low water, and only at such places indicated by buoys within the dumping grounds as may be designated by the District Engineer, Baltimore District, Corps of Engineers.

(2) Materials from private or municipal dredging may be dumped under permission previously obtained for each job from the District Engineer. The permittee shall furnish and install such buoys or other marks as may be required by the District Engineer to designate the dumping area.

(3) All deposits in the authorized areas shall be made under the supervision of inspectors appointed by the United States unless, in the opinion of the District Engineer, such supervision is not necessary or desirable. The cost of inspection shall be borne by the permittees.

(4) Any deposits made above the plane of 50 feet below mean low water shall be leveled to that plane by the contractor or responsible person at his own expense within the time specified by the District Engineer, and failure to do so shall constitute a violation of this section.

(5) The route to be followed between the dredging area and the dumping area may be designated by the District Engineer whenever he considers it necessary.

§ 205.50 *Lake St. Clair, Mich.*—(a) *The dumping grounds.* The waters of Lake St. Clair within a rectangular area east of Grosse Pointe, Michigan, between the Lake St. Clair Ship Channel and the International Boundary, bounded as follows: Beginning at a point, 900 feet southeasterly from the southeast channel line of the Ship Channel, bearing 53°30′ true, 13,500 feet, from Peach Island Range Front Light; thence 48° true, along a line parallel to and 900 feet southeasterly from the southeast channel line of the Ship Channel, 13,000 feet; thence 138° true, 6,500 feet; thence 228° true, 13,000 feet; and thence 318° true, 6,500 feet, to the point of beginning. The boundaries of the area are marked by a series of red-and-white and black-and-white buoys established and maintained by the United States Coast Guard.

(b) *The regulations.* (1) The dumping grounds shall be used only for the dumping of suitable nonfloatable, earthen materials, not easily transported by the currents, from dredging and related operations in the Lake St. Clair and the Detroit River.

(2) No materials shall be dumped until a permit therefor has been issued by the District Engineer, Detroit District, Corps of Engineers. Written application for such permit must be addressed to the District Engineer, 609 Federal Building, Detroit, Michigan.

(3) No dumping shall be commenced without at least 24 hours' prior notice thereof to the District Engineer.

(4) Materials shall be dumped only under the supervision of the District Engineer or his representative. The cost of inspection shall be borne by the party responsible for the dumping. Inspectors and others while engaged in this service shall be afforded satisfactory transportation to and from the dumping grounds, and provided with protection from the weather and, if necessary, satisfactory board and sleeping accommodations by the responsible party.

(5) In no case shall materials be so dumped as to project higher than eight feet below low-water datum (low-water datum for Lake St. Clair is elevation 573.5 feet above mean tide at New York). In the event projections are left above this depth the responsible party shall, upon 10 days' notice by the District Engineer, lower and level the materials so left to the depth stated at his own expense and within the time stipulated by the District Engineer, and failure to do so shall constitute a violation of this section.

§ 205.55 *Lake Erie, west end*—(a) *The dumping ground*—(1) *West of Detroit River Light.* The waters of Lake Erie within a rectangular area east of Pointe Mouillee and west of the improved ship channel passing west of Detroit River Light, bounded as follows. Beginning at a point, 1,000 feet westerly from the west channel line of the ship channel, bearing 314° 40′ true, 2,450 feet, from Detroit River Light; thence 191° 40′ true, along a line parallel to and 1,000 feet westerly from the west channel line of the ship channel, 10,000 feet; thence 281° 40′ true, 4,000 feet; thence 11° 40′ true, 10,000 feet; and thence 101° 40′ true, 4,000 feet, to the point of beginning. The area will be marked by spar or float buoys installed by the District Engineer, Detroit District, Corps of Engineers.

(2) *North of Toledo Harbor Light, Maumee Bay.* The waters of Lake Erie within a rectangular area between the entrances to Monroe Harbor, Michigan, and Toledo Harbor, Ohio, bounded as follows: Beginning at a point bearing 358° 40′ true, 20,000 feet, from Toledo Harbor Light; thence 191° 45′ true, 10,000 feet, to a point bearing 346° 30′ true, 10,500 feet, from Toledo Harbor Light; thence 281° 45′ true, 8,000 feet; thence 11° 45′ true, 10,000 feet; and thence 101° 45′ true, 8,000 feet, to the point of beginning. The area will be marked by spar or float buoys installed by the District Engineer.

(b) *The regulations.* (1) The dumping grounds shall be used only for the dumping of suitable nonfloatable materials, not easily transported by the currents, from dredging and related operations in the Detroit River and vicinity and in Maumee Bay and River and vicinity.

(2) No materials shall be dumped until a permit therefor has been issued by the District Engineer. Written application for such permit must be addressed to the District Engineer, 609 Federal Building, Detroit, Michigan.

(3) No dumping shall be commenced without at least 24 hours' prior notice thereof to the District Engineer.

(4) Materials shall be dumped only under the supervision of the District Engineer or his representative. The cost of inspection shall be borne by the party responsible for the dumping. Inspectors and others while engaged in this service shall be afforded satisfactory transportation to and from the dumping grounds, and provided with protection from the weather and, if necessary, satisfactory board and sleeping accommodations by the responsible party.

[Regs., June 22, 1950, 800.213—ENGWO] (33 Stat. 1147; 33 U. S. C. 419)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 50-6729; Filed, Aug. 1, 1950; 8:50 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Subchapter C—Real Property Management

PART 101—REAL PROPERTY UTILIZATION AND DISPOSAL

DESIGNATION OF DISPOSAL AGENCIES

Section 101.41 of the Real Property Utilization and Disposal Regulation, 15 F. R. 1346, as amended by amendment of May 17, 1950, is hereby further amended to read as follows, effective July 1, 1950.

§ 101.41 *Designation of disposal agencies.* Surplus real property and related personal property shall be disposed of by

disposal agencies designated in this section:

(a) The holding agency is hereby designated as disposal agency for (1) all surplus leaseholds except airport property, (2) all real property and related personal property having a total estimated fair value of less than $1,000, (3) all real property and related personal property located in Puerto Rico, Virgin Islands, Hawaii and Alaska and reported excess by the Department of Defense under the provisions of the act, and (4) improvements located on Government-owned land in the custody of the Department of Defense, which land is not excess and is not expected to become excess. Unless otherwise specifically directed by the Administrator, holding agencies are authorized pursuant to this paragraph to dispose of such real property and related personal property under applicable provisions of the regulations in this part without notice to other Federal agencies: *Provided, however*, That the Department of Defense shall provide the Federal Security Administrator with appropriate notification of the availability for disposal of property included in subparagraphs (3) and (4) of this paragraph.

(b) The General Services Administration is hereby designated as the disposal agency for all surplus real property not assigned to any other disposal agency.

(Sec. 205, 63 Stat. 389; 41 U. S. C. Sup., 235. Interprets or applies sec. 203, 63 Stat. 385; 41 U. S. C. Sup., 233)

JESS LARSON,
Administrator.

JULY 27, 1950.

[F. R. Doc. 50-6738; Filed, Aug. 1, 1950; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9320]

PART 1—PRACTICE AND PROCEDURE

INFORMAL APPLICATION FOR AUTHORITY TO USE APPARATUS FOR PRODUCTION OF PROGRAMS TO BE TRANSMITTED TO FOREIGN RADIO STATIONS

The Commission has before it a proposal to amend § 1.327 of its rules and regulations so as to permit applications under section 325 (b) of the Communications Act of 1934, as amended, for authority to use apparatus for the production of programs to be transmitted to foreign radio stations to be made informally where the applicant is a licensee or permittee of a broadcast station and where the program to be transmitted or delivered to a foreign radio station has been, is being, or will be broadcast in the United States by said licensee or permittee. Notice of Proposed Rule Making with respect to this matter was released May 19, 1949, and was duly published in the FEDERAL REGISTER (14 F. R. 2764), which notice provided that persons desiring to file briefs or comments with respect to said proposal might do so on or before June 30, 1949. The Notice of Proposed Rule Making also proposed an amendment of § 0.143 of the Commission's Statement of Delegations of Authority delegating authority to act upon said informal applications to the Secretary upon securing approval of the Bureau of Law. The Commission also indicated that applicants for the authority required by section 325 (b) of the Communications Act would be expected to conform to the citizenship requirements of section 310 of the act. Comments with respect to the proposed rules were filed by Mutual Broadcasting System, Incorporated, and Western Ontario Broadcasting Company, Limited, licensee of Station CKLW, Windsor, Ontario, and oral argument was had before the Commission en banc on November 4, 1949.

No objection to the proposed new rules was raised. The Commission was urged, however, to extend the benefits of the proposed informal procedure to persons other than licensees and permittees of United States broadcast stations and particularly to the Mutual Broadcasting System, Incorporated. Where the applicant is already a licensee or permittee of a broadcast station the Commission has previously passed upon its qualifications to conduct broadcasting operations; and where the program to be transmitted to a foreign station is also broadcast by the United States station it is a portion of the operation of the United States station which is subject to over-all review by the Commission upon application for renewal of license. However, where the applicant is not a licensee or a permittee or where the program is not broadcast over a United States station the Commission has no other opportunity of reviewing the qualifications of the licensee or the nature of the programming to be engaged in except upon application for a permit under section 325 (b) of the act. Accordingly, we are of the opinion that in such cases formal application and Commission review thereof are necessary in order for the Commission properly to discharge its responsibilities under the Communications Act.

It was also urged upon the Commission that it should entertain applications for authority to transmit programs to foreign radio stations where the applicant does not meet the citizenship requirements of section 310 (a) of the Communications Act. In support of this argument it was pointed out that section 325 makes no reference to any other section of the act except section 309, and the latter section contains no reference to citizenship requirements and further that the long standing administrative interpretation of the act by the Commission has been to the contrary. Section 325 (c) provides that action upon applications for authority to transmit programs to foreign stations must be in accordance with the requirements of section 309. Section 309 provides in part that the Commission may grant applications for station licenses or for renewal or modification of station licenses provided it determines that the public interest, convenience or necessity will be served by the granting thereof. The standard of public interest, convenience and necessity must be interpreted and applied within the context of the entire Communications Act. Federal Radio Commission v. Nelson Bros. Bond & Mortgage Co., 289 U. S. 266; Federal Communications Commission v. Sanders Bros. Radio Station, 309 U. S. 470; National Broadcasting Company v. United States, 319 U. S. 190. In section 310 of the act the Congress has indicated that in its judgment the public interest, convenience and necessity requires that United States broadcasting be under the control of citizens only. Where a program is produced in the United States and broadcast over foreign stations that can be regularly received in the United States the practical effect is the same as though the program had been broadcast over a United States station. There is thus no basis for applying a different standard of the public interest to the above operation than to any other broadcast operation. Accordingly we are of the opinion that it was the intention of Congress that the permits required by section 325 (b) of the act be granted only to persons meeting the citizenship requirements set forth in section 310.

As noted above, the responsibility of the Commission under section 325 (b) of the act may appropriately be discharged by less formal procedures where the applicant for the permit required by section 325 (b) is already a licensee of this Commission and where the program which he proposes to deliver to the foreign radio station is also a program which he has broadcast or will broadcast over the United States station for which he holds a license. The adoption of these informal procedures will conduce to the orderly and expeditious dispatch of the Commission's business and relieve applicants in many situations from unnecessary burdens.

Since the proposed amendment to the Commission's rules relates to procedural matters only it may be made effective immediately.

Accordingly, *it is ordered*, This 21st day of July, 1950, that, effective immediately, § 1.327 of the Commission's rules and regulations is amended by the addition of the following proviso: *"Provided*, That licensees or permittees of broadcast stations need not file applications on FCC Form 308 in those cases where the programs to be transmitted or delivered to a foreign radio station has been, is being, or will be broadcast in the United States by said licensee or permittee, but may make informal application for the authority sought."

(Sec. 4, 48 Stat. 1066; 47 U. S. C. 154, 303, 50 Stat. 191; 47 U. S. C. 303. Interprets or applies 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: July 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6739; Filed, Aug. 1, 1950; 8:53 a. m.]

PART 1—PRACTICE AND PROCEDURE

PROCESSING OF STANDARD BROADCAST APPLICATIONS

At a session of the Federal Communications Commission, held at its offices, in Washington, D. C., on the 21st day of July, 1950:

The Commission, having under consideration § 1.373 of its rules and regulations and, specifically, that part of § 1.373 which provides for the engineering and other consideration of standard broadcast applications in two processing lines, depending upon the complexity of the engineering problems involved; and

It appearing, that the establishment of dual processing lines was an emergency measure designed for more efficient deployment of Commission personnel to meet a substantial increase in standard broadcast applications; and

It further appearing, that in view of a levelling off in standard broadcast activity, the emergency program is no longer necessary and can be abandoned, without loss of administrative efficiency, in favor of the more desirable practice of processing all applications in one order of procedure; and

It further appearing, that the consolidation of processing lines herein ordered is organizational and procedural in nature, and that the notice and procedures provided for in section 4 of the Administrative Procedure Act are, therefore, inapplicable; and

It further appearing, that authority for the amendment ordered herein is contained in sections 4 (i) and (j) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, § 1.373 of the Commission's rules and regulations is amended to read as set forth below.

(Sec. 4, 48 Stat. 1066; 47 U. S. C. 154. Sec. 303, 50 Stat. 191; 47 U. S. C. 303. Interprets or applies sec. 4, 48 Stat. 1068; 47 U. S. C. 154)

Released: July 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

§ 1.373 *Procedure with respect to processing of standard broadcast applications.* (a) When an application for the construction of a new broadcast station, or for a change in the facilities of an existing station, is received in the Commission it is immediately referred to the Broadcast License Branch which examines the application to determine whether it is sufficiently complete to permit the Commission to process it. If it is found to be sufficiently complete to be processed—even though it is incomplete in certain minor particulars—it is immediately given a file number and a letter is sent to the applicant requesting the correction of any minor defects that may have been disclosed by the examination. If the examination by the Broadcast License Branch discloses that the application is incomplete in major particulars which makes it impossible to process it, the Broadcast License Branch then with the advice and concurrence of the Offices of the General Counsel and the Chief Engineer returns the application to the applicant with a statement that it cannot be accepted. The reasons for its rejection are specified in the letter returning the application.

(b) There shall be only one processing line and all applications, subject to the exceptions noted in succeeding paragraphs of this section, will be processed in the order of filing with the Commission. Once an application has been given a file number it is referred to a member of the Office of the Chief Engineer to determine whether it is one which must obviously go to hearing. For example, if the application seeks to use 1240 kilocycles in a particular town and there is already pending an application for that same frequency in that same town, then the two obviously must be consolidated for hearing and steps are set in motion at this stage looking toward an order designating the two applications for hearing, the only question at this stage, however, only those cases which are obvious conflicts are sifted out and put into hearing. If an engineering study is necessary in order to determine whether the case must go to hearing, the application is not set for hearing at this stage but is put in line for processing by the Office of the Chief Engineer and is set for hearing after the engineering study is completed (provided that such a study discloses an engineering conflict requiring a hearing). In view of this, it is to the advantage of an applicant who knows that his case does present a conflict requiring a hearing promptly to point that fact out to the Commission—preferably at the time the application is filed—so that it will be immediately recognized as a hearing case. This will result in getting the application immediately into line awaiting the assignment of a date on the hearing calendar instead of having the case remain in line awaiting processing by the Office of the Chief Engineer with the result that some weeks or months later it will be recognized as a hearing case and then put in the hearing line.

(c) (1) Where the application is for modification of a construction permit filed because of conditions imposed by the Commission at the time of the original grant, such as conditions with respect to the approval of transmitter site and antenna system, it will be referred to the Civil Aeronautics Administration upon its receipt and will be acted on by the Commission as soon as approval by the Civil Aeronautics Administration is received without reference to the processing line.

(2) Where the application is for minor changes in the construction permit, such as specification of new equipment or very slight changes in the directional antenna pattern, effort will be made to handle these cases promptly upon their receipt without placing them in the processing line.

(3) Where an application for modification of a construction permit involves major changes in the original proposal requiring engineering study and such application is required by the terms of the original grant, such applications will be placed at the head of the construction permit processing line. However, wherever major changes in the original proposal are initiated by the applicant, these applications will be placed in the processing line in accordance with the file number of the original application for the construction permit which is sought to be modified.

(d) Applications take their places on the processing line in proper order according to file number. The oldest (lowest file number) is at the front of the line and the newest (highest file number) is at the back of the line. Cases are drawn by engineers in order of file number. Thus, the file number strictly determines the order in which the staff's work is begun on a particular application. There is one exception to this. The Aural Broadcast Division of the Office of the Chief Engineer is authorized to group together for study cases which involve interference conflicts where it appears that by making a simultaneous study of such conflicting applications rather than individual studies of separate applications, a substantial amount of the staff's time can be saved. Further, such cases would ordinarily require simultaneous consideration by the Commission and preparation of simultaneous reports is, therefore, necessary.

(e) It takes longer to process some applications than it does others. Also it frequently occurs that when the processing of an application is begun it is discovered that additional information is needed and the staff's work cannot be completed until further word is received from the applicant. Thus, there will be cases where the processing of a particular application may be completed and ready for Commission action prior to another application even though the processing of the latter application began at an earlier date. However, every effort is made, once the processing of an application has begun, to carry its processing through to completion at the earliest possible date in the light of the circumstances involved in the particular case. The Offices of the General Counsel and Chief Accountant, by keeping track of the cases which will be reached next in the processing line, are in position to plan their work so that they will be writing reports on the same applications that are being studied by the Office of the Chief Engineer.

(f) If, as a result of the study by the Offices of the General Counsel, Chief Engineer and Chief Accountant and by the Commission it appears that the application is satisfactory in all respects, it can be granted without a hearing. If, on the other hand, the complete study by the staff and the Commission indicates that a hearing is required, then the application will be designated for hearing.

(g) Frequently, when two cases are designated for hearing because they are mutually exclusive, one of the applicants amends and removes the conflict. Where this occurs the appropriate procedure is to petition for leave to amend and remove from the hearing docket. Such motions will be considered promptly and if it appears that the conflict which caused the case originally to be set for

hearing has been removed and there is no other obvious conflict, the two cases will be removed from the hearing docket and placed back in their proper position (as determined by the file numbers) in the processing line. Petitions for amendment, removal from the hearing docket, and grant will not be entertained insofar as they request a grant. The Examiner, or Motions Commissioner if an Examiner has not yet been designated, in acting on such petitions, will dismiss the request for a grant. In such a case the matter will simply be put back in its proper place in line.

(h) An application will continue to be carried under the same file number unless major amendment is made which really involves the substitution of a different application. Amendments simply changing the frequency and/or power or changing from full time to daytime only will be accepted without changing the file number.

(i) Sometimes it occurs that when an application is reached for processing it is necessary for the staff or the Commission itself to address a letter to the applicant asking further information. If the application cannot be processed until the information requested is received, then the application is placed in the pending file to await the applicant's response. Also it sometimes occurs that a particular category of cases is placed in the pending file by Commission action. In such cases the Commission makes a public announcement of its policy and notifies the individual applicant as to why his application is being placed in the pending file.

[F. R. Doc. 50-6742; Filed, Aug. 1, 1950; 8:53 a. m.]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS, GENERAL RULES AND REGULATIONS

LIST, FOR INFORMATION ONLY, OF TREATIES, AGREEMENTS AND ARRANGEMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1950.

The Commission having under consideration Appendix A to Part 2 of its rules and regulations: and

It appearing, that the proposed change is not substantive and does not in any way affect the requirements of any of the Commission's rules and regulations; that said change consists of the addition of information with reference to an Agreement between the United States and certain countries of the British Commonwealth regarding the establishment of new telegraph ceiling rates as well as general conditions governing the retention of existing radiotelegraph circuits and the establishment of new or additional circuits between the respective countries; and of the addition of information with reference to an Agreement between the United States and Ecuador on the subject of the international exchange of messages between the two countries on behalf of third parties by operators of amateur radio stations; and

It further appearing that because of the informational nature of the proposed change, notice and public procedure thereon as prescribed by sec. 4 (a) of the Administrative Procedure Act is unnecessary, and that this order may be made effective immediately for the same reasons.

It is ordered, That effective immediately, Appendix A to Part 2 of the Commission's rules and regulations is amended as set forth below.

(Sec. 303, 50 Stat. 191; 47 U. S. C. 303)

Released: July 24, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend the first sentence of Paragraph 1 of Appendix A to Part 2, Frequency Allocation and Treaty Matters; General Rules and Regulations, Federal Communications Commission, so that the date "March 31, 1950" is substituted for the date "November 1, 1949".

2. Delete in paragraph 1, page 1, in its entirety, last item relating to TIAS 1518.

3. Add as next-to-the-last item in paragraph 1, page 2, the following:

Date: 1949; series: ____; title: Telecommunications Agreement between the United States of America and certain British Commonwealth Governments. Signed at London, August 12, 1949. Effective February 24, 1950. (Not available as of July 21, 1950, but to be published shortly by Government Printing Office.)

4. Add at the end of paragraph 1, the following:

Date: 1950; series ____; title; Radio communications between amateur stations on behalf of third parties. Arrangement between U. S. A. and Ecuador. Effective March 17, 1950. (Not available as of July 21, 1950, but to be published shortly by Government Printing Office.)

[F. R. Doc. 50-6740; Filed, Aug. 1, 1950; 8:53 a. m.]

[Docket 9621]

PART 11—INDUSTRIAL RADIO SERVICES

ASSIGNMENT OF FREQUENCIES TO LOW POWER MOBILE STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1950;

The Commission having under consideration the amendment of its rules governing the Low Power Industrial Service to make the frequency 27.51 Mc. available to Low Power Industrial radio installations aboard aircraft, and also excepting such installations from three foot maximum transmitter-antenna separation and remote control requirements; and

It appearing, that, in accordance with section 4 (a) of the Administrative Procedure Act, general Notice of Proposed Rule Making in the above-entitled matter was published in the FEDERAL REGISTER on April 19, 1950, on Page 2200 thereof; and

It further appearing, that no adverse comments have been received by the Commission in connection with said proposals; and

It further appearing, that the public interest, convenience and necessity will be served by the adoption of said proposals; and

It further appearing, that authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), 303 (e), 303 (f) and 303 (r) of the Communications Act of 1934, as amended:

It is ordered, That effective Aug. 31, 1950, §§ 11.553 and 11.554 (c) and (e) be amended to read as follows:

§ 11.553 *Frequencies available for mobile stations.* (a) The following frequencies are available for assignment to mobile stations, other than aircraft, in the Low Power Industrial Radio Service only:

Mc.	Mc.	Mc.
33.14	35.02	42.98

(b) The following frequency is available for assignment to mobile stations, including aircraft, in the Low Power Industrial Radio Service only:

Mc.
27.51

(c) The following frequency is available for assignment to mobile stations, other than aircraft, in the Low Power Industrial Radio Service on a shared basis with other services:

Mc.
154.57

§ 11.554 *Special restrictions.* Each authorization for the operation of a low power mobile station on a frequency listed in § 11.553 is subject to the following restrictions in addition to those applicable regulations appearing in other sections of this part:

(c) Except for stations aboard aircraft, the maximum distance between the transmitter and the radiating portion of the antenna shall not exceed three feet.

(e) Except for stations aboard aircraft, transmitters shall not be operated by remote control.

(Sec. 4, 48 Stat. 1066; 47 U. S. C. 154. 303, 50 Stat. 191; 47 U. S. C. 303. Interprets or applies 301, 303, 48 Stat. 1081; 1082; 47 U. S. C. 301, 303)

Released: July 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6741; Filed, Aug. 1, 1950; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED CRANBERRY SAUCE [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as herein proposed, of United States Standards for Grades of Canned Cranberry Sauce, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and Pub. Law 585, 81st Cong., approved June 29, 1950. These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than January 1, 1951.

The proposed standards are as follows:

§ 52.282 *Canned cranberry sauce.* Canned cranberry sauce is the jellied or semi-jellied product prepared from clean, sound, matured or fairly well-matured cranberries; sugar, and water. Pectin may be added but only in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of cranberries. The mixture is concentrated and sufficiently processed by heat to assure preservation of the product in hermetically sealed containers. The soluble solids of the finished product is not less than 38 percent and not more than 45 percent.

(a) *Styles of canned cranberry sauce.* (1) Style I—Strained (typical of a jellied product prepared from strained cranberries)

(2) Style II—Whole (typical of a semi-jellied product prepared from whole or partially whole cranberries)

(b) *Grades of canned cranberry sauce.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned cranberry sauce that possesses a good color; that possesses a good consistency and good texture; that is practically free from defects; that possesses a good flavor and odor; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned cranberry sauce that possesses a fairly good color; that possesses a fairly good consistency and a fairly good texture; that is fairly free from defects; that possesses a fairly good flavor and odor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of canned cranberry sauce that fails to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled as full as practicable with cranberry sauce and that the product occupy not less than 90 percent of the volume of the container.

(d) *Ascertaining the grade.* The grade of canned cranberry sauce may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, consistency and texture, absence of defects, and flavor and odor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(1) Color	20
(2) Consistency and texture	40
(3) Absence of defects	20
(4) Flavor and odor	20
Total score	100

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned cranberry sauce that possesses a good color may be given a score of 17 to 20 points. "Good color" means the bright dark red color typical of canned cranberries which color is free from any dullness.

(ii) If the canned cranberry sauce possesses a fairly good color, a score of 14 to 16 points may be given. Canned cranberry sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means the red color typical of canned cranberries, which color may be slightly dull or may indicate slight evidence of oxidation but is not off color.

(iii) Canned cranberry sauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Consistency and texture.* (i) Canned cranberry sauce that possesses a good consistency and good texture may be given a score of 34 to 40 points. "Good consistency and good texture" has the following meanings with respect to the following styles of canned cranberry sauce:

Strained. The gel is tender to slightly firm and there may be evidence of a reasonable separation of free liquid.

Whole. The skin particles and the semi-jellied portions are reasonably tender and the fruit, seed, and skin particles are dispersed reasonably uniformly throughout the product.

(ii) If the canned cranberry sauce possesses a fairly good consistency and a fairly good texture, a score of 28 to 33 points may be given. Canned cranberry sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good consistency and fairly good texture" has the following meanings with respect to the following styles of canned cranberry sauce:

Strained. The gel may lack firmness or may be stiff but is not tough or rubbery and there may be evidence of separation of free liquid which is not excessive.

Whole. The skin particles and the semi-jellied portions are fairly tender and the fruit, seed, and skin particles are dispersed fairly uniformly throughout the product and there may be evidence of separation of free liquid which is not excessive.

(iii) Canned cranberry sauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from foreign material and objectionable material and from harmless extraneous particles in Style I, Strained; and from defective cranberries and foreign berries and particles thereof, fine stems, foreign material and objectionable material, and other defects in Style II, Whole.

(i) Canned cranberry sauce that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" has the following meanings with respect to the following styles of cranberry sauce:

Strained. The product is free from foreign material and objectionable material, is free from any harmless extraneous particles that exceed the area of a circle $^3/_{16}$ inch in diameter; and is practically free from harmless extraneous particles that are the equivalent in area of a circle $^3/_{16}$ inch or less in diameter.

Whole. There may be present for each 12 ounces of net weight not more than 3 defective cranberries or foreign berries

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

and not more than 4 fine stems ¾ inch or more in length; the product is free from foreign material and objectionable material and is practically free from other defects which affect materially the appearance or edibility of the product.

(ii) If the canned cranberry sauce is fairly free from defects, a score of 14 to 16 points may be given. Canned cranberry sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the following styles of cranberry sauce:

Strained. The product is free from foreign material and objectionable material; is practically free from harmless extraneous particles that exceed the area of a circle 3/16 inch in diameter; and is fairly free from harmless extraneous particles that are the equivalent in area of a circle 3/16 inch or less in diameter.

Whole. There may be present for each 12 ounces of net weight not more than 6 fine stems ¾ inches or more in length; the product is free from foreign material and objectionable material and is fairly free from other defects which affect materially the appearance or edibility of the product.

(iii) Canned cranberry sauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Flavor and odor.* (i) Canned cranberry sauce that possesses a good flavor and odor may be given a score of 17 to 20 points. "Good flavor and odor" means that the product possesses a good, characteristic, slightly tart flavor typical of cooked cranberries and that the product is free from any trace of a caramelized flavor, abnormal flavor, and abnormal odor.

(ii) If the canned cranberry sauce possesses a fairly good flavor and odor, a score of 14 to 16 points may be given. Canned cranberry sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor and odor" means that the product possesses a normal flavor typical of cooked cranberries and that the product is free from objectionable flavors and objectionable odors of any kind.

(iii) Canned cranberry sauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms.* (1) "Soluble solids" content is determined by the refractometer without correction for water-insoluble solids.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned cranberry sauce, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for canned cranberry sauce.*

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Vacuum (inches)	
Style	
Soluble solids (%, by Refractometer)	

Factors	Score points	
I. Color	20	(A) 17–20 (C) [1] 14–16 (D) 1 0–13
II. Consistency and texture	40	(A) 34–40 (C) [1] 28–33 (D) 1 0–27
III. Absence of defects	20	(A) 17–20 (C) [1] 14–16 (D) 1 0–13
IV. Flavor and odor	20	(A) 17–20 (C) [1] 14–16 (D) 1 0–13
Total score	100	
Grade		

[1] Indicates limiting rule.

Issued at Washington, D. C., this 28th day of July 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-6759; Filed, Aug. 1, 1950; 8:58 a. m.]

[7 CFR, Part 51]

UNITED STATES STANDARDS FOR APPLES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Apples under the authority contained in Pub. Law 585, 81st Cong., approved June 29, 1950, to supersede United States Standards for Apples (S. R. A.-P. M. A. 154) issued October 1937 and reissued October 1947. The standards are proposed to become effective during October 1950.

All persons who desire to submit written data views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Assistant Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth day after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.104 *Standards for apples*—(a) *General.* (1) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(2) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(3) When the apples are in bulk, percentages shall be calculated on the basis of weight.

(b) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of apples of one variety which are mature but not overripe, carefully hand-picked, clean, well formed, free from decay, internal browning, internal breakdown, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible water core. The apples shall also be free from injury caused by russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Color requirements, Tolerances and Condition after storage or transit.)

(2) *U. S. No. 1.* U. S. No. 1 consists of apples of one variety which are mature but not overripe, carefully hand-picked, clean, fairly well formed, free from decay, internal browning, internal breakdown, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible water core. The apples shall also be free from damage caused by russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Color requirements, Tolerances and Condition after storage or transit.)

(3) *U. S. Commercial.* U. S. Commercial consists of apples of one variety which meet the requirements of U. S. No. 1 grade except as to color. This grade is provided for apples which are mature but which do not have sufficient color to meet the specifications of U. S. No. 1 grade. (See Tolerances and Condition after storage or transit.)

(4) *U. S. No. 1 Early.* U. S. No. 1 Early consists of apples of one variety which meet the requirements of U. S. No. 1 grade except as to color and maturity. Apples of this grade may have no red color and need not be mature. This grade is provided for early varieties only, such as Oldenburg (Duchess of Oldenburg), Gravenstein, Lowland Raspberry (Liveland Raspberry), Red June, Summer Hagloe, Twenty Ounce, Wealthy, Williams, Bailey Sweet, Bietigheimer, and other varieties which ripened at the same period and which are often used for cooking rather than for eating out of hand. (See Tolerances and Condition after storage or transit.)

(5) *U. S. Utility.* U. S. Utility consists of apples of one variety which are mature but not overripe, carefully hand-picked, not seriously deformed, free from decay, internal browning, internal breakdown, scald and freezing injury. The apples shall also be free from serious damage caused by dirt or other foreign matter, broken skins, bruises, russeting, sunburn, spray burn, limb rubs, hail, drought spots, scars, visible water core, disease, insects, or mechanical or other means. (See Tolerances and Condition after storage or transit.)

(6) *U. S. Utility Early.* U. S. Utility Early consists of apples of one variety which meet the requirements of U. S. Utility grade except as to maturity. Apples of this grade need not be mature. This grade is provided for early varieties only, such as Oldenburg (Duchess of Oldenburg), Gravenstein, Lowland Raspberry (Liveland Raspberry), Red June, Summer Hagloe, Twenty Ounce, Wealthy, Williams, Bailey Sweet, Bietigheimer, and other varieties which ripen at the same period and which are often used for cooking rather than for eating out of hand. (See Tolerances and Condition after storage or transit.)

(7) *Combination grades.* Combinations of the above grades may also be used as follows:

Combination U. S. Fancy and U. S. No. 1.
Combination U. S. No. 1 and U. S Commercial.
Combination U S. No. 1 and U. S. Utility.

(i) Combinations other than these are not provided for in connection with the United States apple grades. When combination grades are packed, at least 50 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. (See Color requirements, Tolerances and Condition after storage or transit.)

(8) *U. S. Hail grade.* U. S. Hail grade consists of apples which meet the requirements of U. S. No. 1 grade except that hail marks where the skin has not been broken and well healed hail marks where the skin has been broken shall be permitted, provided the apples are fairly well formed. (See Color requirements, Tolerances and Condition after storage or transit.)

(9) *Color requirements.* In addition to the requirements specified for the above grades, each apple of these grades shall have the percentage of color specified for the variety in the table appearing in this subparagraph. For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety, except that an apple having color of a lighter shade of solid red or striped red than that considered as good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties the percentage stated refers to the area of the surface in which the stripes of good shade of red characteristic of the variety shall predominate over the stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as good shade of red characteristic of the variety may be admitted to a grade: *Provided,* That it has sufficient additional area covered so that the apple has as good an appearance and is one with the minimum percentage of stripes of good red characteristic of the variety required for the grade. Faded brown stripes shall not be considered as color except in the case of the Gray Baldwin variety.

Variety	U. S. Fancy	U. S. No. 1
	Percent	*Percent*
Solid red:		
Aiken Red	50	25
Arkansas Black	50	25
Black Ben	50	25
Detroit Red	50	25
Esopus Spitzenburg	50	25
Gano	50	25
King David	50	25
Lowry	50	25
Opalescent	50	25
Virginia Beauty	50	25
Winesap	50	25
Other similar varieties	50	25
Red Sport varieties [1]	50	25
Striped or partially red:		
Jonathan	50	25
Kinnard	50	25
McIntosh	50	25
Cortland	50	25
Missouri Pippin	50	25
Other similar varieties	50	25
Mammoth Black Twig	33	15
Delicious	33	15
Baldwin	33	15
Gray Baldwin	33	15
Ben Davis	33	15
Bonum	33	15
Fameuse	33	15
Limbertwig	33	15
Nero	33	15
Northern Spy	33	15
Ontario	33	15
Paragon	33	15
Ralls (Geneton)	33	15
Rainier	33	15
Rome Beauty	33	15
Salome	33	15
Stayman Winesap	33	15
Sutton	33	15
Tompkins King	33	15
Wagener	33	15
Wealthy	33	15
Willowtwig	33	15
York Imperial	33	15
Other similar varieties	33	15
Stark	25	10
Hubbardston	25	10
Other similar varieties	25	10
Red June	33	(2)
Williams	33	(2)
Other similar varieties	33	(2)
Gravenstein	25	(2)
Jefferies	25	(2)
Oldenburg (Duchess of Oldenburg)	25	(2)
Red Astrachan	25	(2)
Shiawasse	25	(2)
Smokehouse	25	(2)
Summer Rambo	25	(2)
Twenty Ounce	25	(2)
Other similar varieties	25	(2)
Red checked or blushed:		
Hyde King	(3)	(4)
Maiden Blush	(3)	(4)
Monmouth (Red Checked Pippin)	(3)	(4)
Winter Banana	(3)	(4)
Other red checked or blushed varieties	(3)	(4)
Yellow or green varieties	(5)	(5)

[1] When Sport varieties are specified as such they shall meet the color requirements specified for Red Sport Varieties.
[2] Tinge of color.
[3] Blushed check.
[4] None.
[5] Characteristic color.

(c) *Unclassified.* Unclassified consists of apples which are not graded in conformity with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades the following tolerances are provided as specified:

(1) *U. S. Fancy, U. S. No. 1, U. S. Commercial, U. S. No. 1 Early, Combination grades, and U. S. Hail grade.* Not more than a total of 10 percent of the apples in any lot may fail to meet the requirements of the grade, but not more than 5 percent shall be allowed for apples affected by decay or internal breakdown, or which are seriously damaged by insects, including not more than 1 percent for apples affected by decay or internal breakdown.

(i) When applying the foregoing tolerances to the combination grades no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of apples of the higher grade required in the combination, but individual containers may have not less than 40 percent of the higher grade.

(2) *U. S. Utility and U. S. Utility Early grades.* Not more than a total of 10 percent of the apples in any lot may fail to meet the requirements of the grade, including not more than 1 percent for apples affected by decay or internal breakdown.

(e) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(2) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(3) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

(f) *Condition after storage or transit.* (1) Decay, scald, or any other deteriorations which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

(g) *Size requirements.* (1) The numerical count or the minimum diameter of the apples packed in a closed container shall be indicated on the container.

(2) When the numerical count is marked on the container the minimum diameter of the largest apple shall be not more than one-fourth inch larger than the minimum diameter of the smallest apple.

(3) When the numerical count is not shown the minimum diameter shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2½ inches minimum, 2¼ inches minimum, or 2⅝ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum diameters be marked on the container, as 2¼ to 2¾ inches, or 2½ to 2¾ inches, as such marking is especially desirable for apples marketed in the export trade.

(4) The measurement for minimum diameter shall be the largest diameter of the apple taken at right angles to a line from the stem end to the blossom end. The measurement for maximum diameter shall be the smallest dimension of the apple determined by passing the apple through a round opening.

(5) In order to allow for variations incident to proper sizing, not more than a total of 15 percent of the apples in any lot may fail to meet the size requirements, including not more than 5 percent for apples which have a smaller diameter than the specified minimum diameter.

(h) *Packing requirements.* (1) Each package shall be packed so that the apples in the shown face shall be reasonably representative in size, color, and quality of the contents of the package.

(2) *Boxes.* Apples packed in the standard northwestern apple boxes shall be arranged in the containers according to the approved and recognized methods with the stems pointing toward the ends of the boxes, except when jumbled, and all packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages. Apples packed in the standard northwestern apple boxes shall show a total bulge (top and bottom) of not less than three-fourths inch. Each wrapped apple shall be completely enclosed by its individual wrapper.

(3) *Baskets.* Apples packed in round-stave bushel baskets or tubs shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded.

(4) *Barrels.* Apples in barrels shall be tightly packed.

(5) In order to allow for variations incident to proper packing not more than 5 percent of the containers in any lot may not meet these requirements.

(i) *Suggestions for marking containers.* (1) In order to conserve space, abbreviations may be used for marking United States grade names on containers. The following abbreviations are suggested where it is not desired to use the full grade name:

(i) U. S. Fcy. for U. S. Fancy.
(ii) U. S. No. 1 for U. S. Number 1.
(iii) U. S. Com. for U. S. Commercial.
(iv) U. S. Util. for U. S. Utility.

(v) Combination grades may be designated by abbreviations of the grades preceded by the abbreviation "Comb." as "Comb. U. S. Fcy.-U. S. No. 1."

(j) *Standards for export, as applied to condition factors:* (1) The apples in any lot shall be generally tightly packed when in barrels or baskets and either generally fairly tight or tightly packed when in boxes.

(2) Not more than 5 percent of the apples in any container shall be further advanced in maturity than firm ripe.

(3) Not more than a total of 5 percent of the apples in any container shall be damaged by bitter pit, Jonathan spot, scald, internal breakdown water core, freezing, decay, or other such condition factors, except that—

(i) Not more than 2 percent shall be allowed for apples affected by decay.

(ii) Not more than 2 percent shall be allowed for damage by internal breakdown.

(iii) The apples shall be free from scald unless they are properly packed in oiled paper or have been especially treated with oil to prevent scald. When so packed or treated, not more than 2 percent of slight scald shall be permitted.

(4) Any lot of apples shall be considered as meeting the standards for export if the entire lot averages within the requirements specified, *Provided*, That no sample from the containers in any lot is found to exceed double the percentages specified.

(k) *Definitions.* (1) "Mature" means that the apples have reached the stage of growth which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing these different stages of firmness of apples:

(i) "Hard" means apples with tenacious flesh and starchy flavor. Apples at this stage are suitable for storage and long distance shipment.

(ii) "Firm" means apples with tenacious flesh but which are becoming crisp with a slight starchy flavor, except the Delicious variety. Apples at this stage are also suitable for storage and long distance shipment.

(iii) "Firm ripe" means apples with crisp flesh except that the flesh of the apples of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy. Apples at this stage may be shipped long distances but should be moved into consumption within a short period of time.

(iv) "Ripe" means apples with mealy flesh and soon to become soft for the variety. Apples at this stage should be moved immediately into consumption.

(2) "Overripe" means apples which are dead ripe, with flesh very mealy or soft, and past commercial utility.

(3) "Carefully hand-picked" means that the apples do not show evidence of rough handling or of having been on the ground.

(4) "Clean" means that the apples are free from excessive dirt, dust, spray residue and other foreign material.

(5) "Well formed" means that the apple has the normal shape characteristic of the variety, except that the shape may be slightly irregular, provided, it does not detract from the general appearance of the apple.

(6) "Injury" means any injury or defect which more than slightly affects the appearance, or the edible or shipping quality of the apples.

(i) Russeting in the stem basin or calyx cavity which cannot be seen when the apple is placed stem end or calyx end down on a flat surface, shall not be considered in determining whether or not an apple is injured by russeting, except that rough or bark-like russeting in the stem basin or calyx cavity shall be considered as injury when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem basin or calyx cavity, shall be considered as injury:

(*a*) Smooth net-like russeting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(*b*) Smooth, solid russeting, when an aggregate area of more than 5 percent of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(*c*) Slightly rough russeting which covers an aggregate area of more than one-fourth inch in diameter.[1]

(*d*) Rough russeting shall be considered as injury, unless it is well within the stem basin or calyx cavity and is not readily apparent.

(ii) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as injury:

(*a*) Sunburn or sprayburn which has caused blistering or cracking of the skin, or when the normal color of more than 5 percent of the surface of the apple is materially changed, unless the injury can be classed as russeting.

(*b*) Light colored limb rubs or other similar marks which affect a total area of more than one-fourth inch in diameter, or dark brown or black limb rubs which affects a total area of more than one-eighth inch in diameter.[1]

(*c*) Hail marks, drought spots or other similar depressions or scars where there is appreciable discoloration other than russeting, or when the indentations are not superficial, or when an individual indentation exceeds one-eighth inch in diameter, or the total affected area exceeds one-fourth inch in diameter.[1]

(*d*) Disease: (*1*) Scab spots which affect a total area of more than one-eighth inch in diameter.[1]

(2) Cedar rust infection which affects a total area of more than one-eighth inch in diameter.[1]

(3) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.[1]

(*e*) Insects: Any sting or stings which affect a total area of more than one-eighth inch in diameter including any

[1] The area refers to that of a circle of the specified diameter.

encircling discolored rings; or worm holes.[1]

(7) "Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

(8) "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality of the apples.

(i) Russeting in the stem basin or calyx cavity which cannot be seen when the apple is placed stem end or calyx end down on a flat surface, shall not be considered in determining whether or not an apple is damaged by russeting, except that excessively rough or bark-like russeting in the stem basin or calyx cavity shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem basin or calyx cavity, shall be considered as damage:

(*a*) Russeting which is excessively rough on Roxbury Russet and other similar varieties.

(*b*) Smooth net-like russeting, when an aggregate area of more than 25 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(*c*) Smooth solid russeting, when an aggregate area of more than 10 percent of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(*d*) Slightly rough russeting which covers an aggregate area of more than one-half inch in diameter.[1]

(*e*) Rough russeting which exceeds one-fourth inch in diameter, unless it is well within the stem basin or calyx cavity and is not readily apparent.[1]

(ii) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(*a*) Sunburn or spray burn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(*b*) Dark brown or black limb rubs which affect a total area of more than one-half inch in diameter, or light brown limb rubs which affect a total area of more than 1 inch in diameter.[1]

(*c*) Hail marks, drought spots, or other similar depressions or scars which are not superficial, or when such injury affects a total area of more than one-half inch in diameter.[1]

(*d*) Disease: (*1*) Scab spots which affect a total area of more than one-fourth inch in diameter.[1]

(2) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.[1]

(3) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[1]

(*e*) Insects: Any sting or stings which affect a total area of more than one-eighth inch in diameter including any

(2) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.[1]

(3) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[1]

(*e*) Insects: Any sting or stings which affect a total area of more than one-eighth inch in diameter excluding any encircling discolored rings; or worm holes.[1]

(9) "Seriously deformed" means that the apple is so badly misshapen that its appearance is seriously affected.

(10) "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality of the apples.

(i) The following types and amounts of russeting shall be considered as serious damage:

(*a*) Smooth solid russeting, when more than one-half of the surface in the aggregate is covered, including any russeting in the stem basin or calyx cavity, or slightly rough, or excessively rough or bark-like russeting which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted: *Provided*, That any amount of russeting shall be permitted on Roxbury Russet and other similar varieties.

(ii) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(*a*) Sunburn or spray burn which seriously detracts from the appearance of the fruit.

(*b*) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(*c*) Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate: *Provided*, That no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall be allowed for well-healed hail marks where the skin has been broken.[1]

(*d*) Visible water core which affects an area of more than one-half inch in diameter.[1]

(*e*) Disease: (*1*) Scab spots which affect a total area of more than three-fourths inch in diameter.[1]

(2) Cedar rust infection which affects a total area of more than three-fourths inch in diameter.[1]

(3) Sooty blotch or fly speck which affects more than one-third of the surface.

(*f*) Insects: Stings which affect a total area of more than one-fourth inch in diameter including any encircling discolored rings; or worm holes.[1]

Done at Washington, D. C., this 28th day of July 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-6758; Filed, Aug. 1, 1950; 8:58 a. m.]

[7 CFR, Part 51]

UNITED STATES CONSUMER STANDARDS FOR APPLES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Consumer Standards for Apples under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Assistant Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 30th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.105 *Consumer standards for apples*—(a) *Grades.* (1) *U. S. Grade AA.* U. S. Grade AA consists of apples of one variety which are mature but not overripe, carefully hand-picked, clean, well formed, free from decay, internal browning, internal breakdown, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible water core. The apples shall also be free from injury caused by russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified hereinafter for the variety and apples on the shown face shall be reasonably representative in size and quality of the contents of the container. (See Color requirements.)

(i) Incident to proper grading and handling, not more than a total of 5 percent, by count, of the apples in any lot may fail to meet the requirements of this grade, but not more than 2 percent shall be allowed for apples affected by decay or internal breakdown or which are seriously damaged by insects, including not more than 1 percent for apples affected by decay or internal breakdown.

(2) *U. S. Grade A.* U. S. Grade A consists of apples of one variety which are mature but not overripe, carefully hand-picked, clean, fairly well formed, free from decay, internal browning, internal breakdown, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible water core. The apples shall also be free from damage caused by russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified hereinafter for the variety and apples on the shown face shall be reasonably representative in size and quality of the contents of the container. (See Color requirements.)

(i) Incident to proper grading and handling, not more than a total of 5 percent, by count, of the apples in any

lot may fail to meet the requirements of this grade, but not more than 2 percent shall be allowed for apples affected by decay or internal breakdown or which are seriously damaged by insects, including not more than 1 percent for apples affected by decay or internal breakdown.

(3) *U. S. Grade B.* U. S. Grade B consists of apples which meet the requirements of U. S. Grade A except for color. Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Color requirements.)

(4) *Color requirements.* In addition to the requirements specified for the above grades, each apple of these grades shall have the percentage of color specified for the variety in the table appearing in this subparagraph. For the solid red varieties the percentages stated refer to the area of the surface which must be covered with a good shade of solid red characteristic of the variety, except that an apple having color of a lighter shade of solid red or striped red than that considered as good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties the percentages stated refer to the area of the surface in which the stripes of good shade of red characteristic of the variety shall predominate over the stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as good shade of red characteristic of the variety may be admitted to a grade: *Provided*, That it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of good red characteristic of the variety required for the grade. Faded brown stripes shall not be considered as color except in the case of the Gray Baldwin variety.

Variety	U. S. Grade AA	U. S. Grade A	U. S. Grade B
	Per-cent	*Per-cent*	*Per-cent*
Solid red:			
Arkansas Black	66	33	25
Black Ben	66	33	25
Esopus Spitzenburg	66	33	25
Gano	66	33	25
King David	66	33	25
Lowry	66	33	25
Winesap	66	33	25
Other similar varieties	66	33	25
Red Sport varieties [1]	66	33	25
Striped or partially red:			
Jonathan	66	33	25
McIntosh	66	33	25
Cortland	66	33	25
Missouri Pippin	66	33	25
Other similar varieties	66	33	25
Mammoth Black Twig	50	25	15
Delicious	50	25	15
Baldwin	50	25	15
Gray Baldwin	50	25	15
Jon Davis	50	25	15
Ronum	50	25	15
Limbertwig	50	25	15
Northern Spy	50	25	15
Rome Beauty	50	25	15
Stayman Winesap	50	25	15
Tompkins King	50	25	15
Wagener	50	25	15
Wealthy	50	25	15
Willowtwig	50	25	15

[1] When sport varieties are specified as such they shall meet the color requirements specified for red sport varieties.

Variety	U. S. Grade AA	U. S. Grade A	U. S. Grade B
	Per-cent	*Per-cent*	*Per-cent*
Striped or partially red—Con.			
York Imperial	50	25	15
Other similar varieties	50	25	15
Stark	50	15	10
Other similar varieties	50	15	10
Williams	50	10	(2)
Other similar varieties	50	10	(2)
Gravenstein	25	10	(2)
Oldenburg (Duchess of Oldenburg)	25	10	(2)
Smokehouse	25	10	(2)
Summer Rambo	25	10	(2)
Twenty Ounce	25	10	(2)
Other similar varieties	25	10	(2)
Red checked or Blushed:			
Malden Blush	(3)	(4)	(4)
Winter Banana	(3)	(4)	(4)
Other red checked or blushed varieties	(3)	(4)	(4)
Yellow or green varieties	(3)	(3)	(3)

[2] Tinge of color.
[3] Blushed cheek.
[4] None.
[5] Characteristic color.

(b) *Off-Grade apples.* Apples which fail to meet the requirements of any of the foregoing grades shall be Off-Grade apples.

(c) *Size requirements.* (1) The size of the apples in any type of container may be specified by giving the numerical count, minimum diameter, or range of diameters. When the numerical count is not shown the minimum diameter may be specified in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2½ inches minimum, 2¼ inches minimum, or 2⅜ inches minimum in accordance with the facts. Both the minimum and the maximum diameters may be marked on the container, as 2¼ to 2¾ inches, or 2½ to 3 inches.

(2) The measurement for minimum diameter shall be the largest diameter of the apple taken at right angles to a line from the stem end to the blossom end. The measurement for maximum diameter shall be the smallest dimension of the apple determined by passing the apple through a round opening.

(3) Incident to proper sizing, not more than 5 percent of the apples in any lot may fail to meet the size requirements: *Provided*, That when the maximum and minimum diameters are both stated, not more than a total of 5 percent of the apples in any lot may be larger than the specified maximum diameter and not more than a total of 5 percent of the apples in any lot may be smaller than the specified diameter.

(d) *Definitions.* (1) "Mature" means that the apples have reached the stage of growth which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing these different stages of firmness of apples:

(i) "Hard" means apples with tenacious flesh and starchy flavor. Apples at this stage are suitable for storage and long distance shipment.

(ii) "Firm" means apples with tenacious flesh but which are becoming crisp with a slight starchy flavor, except the Delicious variety. Apples at this stage are also suitable for storage and long distance shipment.

(iii) "Firm ripe" means apples with crisp flesh except that the flesh of the apples of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy. Apples at this stage may be shipped long distances but should be moved into consumption within a short period of time.

(iv) "Ripe" means apples with mealy flesh and soon to become soft for the variety. Apples at this stage should be moved immediately into consumption.

(2) "Overripe" means apples which are dead ripe, with flesh very mealy or soft, and past commercial utility.

(3) "Carefully hand-picked" means that the apples do not show evidence of rough handling or of having been on the ground.

(4) "Clean" means that the apples are free from excessive dirt, dust, spray residue and other foreign material.

(5) "Well formed" means that the apple has the normal shape characteristic of the variety, except that the shape may be slightly irregular, provided it does not detract from the general appearance of the apple.

(6) "Injury" means any injury or defect which more than slightly affects the appearance, or the edible or shipping quality of the apples.

(i) Russeting in the stem basin or calyx cavity which cannot be seen when the apple is placed stem end or calyx end down on a flat surface, shall not be considered in determining whether or not an apple is injured by russeting, except that rough or barklike russeting in the stem basin or calyx cavity shall be considered as injury when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem basin or calyx cavity, shall be considered as injury:

(*a*) Smooth net-like russeting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(*b*) Smooth, solid russeting, when an aggregate area of more than 5 percent of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(*c*) Slightly rough russeting which covers an aggregate area of more than one-fourth inch in diameter.[1]

(*d*) Rough russeting shall be considered as injury, unless it is well within the stem basin or calyx cavity and is not readily apparent.

(ii) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as injury:

(*a*) Sunburn or sprayburn which has caused blistering or cracking of the skin, or when the normal color of more than 5 percent of the surface of the apple is materially changed unless the injury can be classed as russeting.

(*b*) Light colored limb rubs or other similar marks which affect a total area of more than one-fourth inch in diameter, or dark brown or black limb rubs which affect a total area of more than one-eighth inch in diameter.[1]

(*c*) Hail marks, drought spots or other similar depressions or scars where there is appreciable discoloration other than russeting, or when the indentations are not superficial, or when an individual indentation exceeds one-eighth inch in diameter, or the total affected area exceeds one-fourth inch in diameter.[1]

(*d*) Disease: (*1*) Scab spots which affect a total area of more than one-eighth inch in diameter.[1]

(*2*) Cedar rust infection which affects a total area of more than one-eighth inch in diameter.[1]

(*3*) Sooty blotch or fly speck in thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.[1]

(*e*) Insects: Any sting or stings which affect a total area of more than one-eighth inch in diameter including any encircling discolored rings; or worm holes.[1]

(7) "Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

(8) "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality of the apples.

(i) Russeting in the stem basin or calyx cavity which cannot be seen when the apple is placed stem end or calyx end down on a flat surface, shall not be considered in determining whether or not an apple is damaged by russeting, except that excessively rough or barklike russeting in the stem basin or calyx cavity shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem basin or calyx cavity, shall be considered as damage:

(*a*) Russeting which is excessively rough on Roxbury Russet and other similar varieties.

(*b*) Smooth net-like russeting, when an aggregate area of more than 25 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(*c*) Smooth solid russeting, when an aggregate area of more than 10 percent of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(*d*) Slightly rough russeting which covers an aggregate area of more than one-half inch in diameter.[1]

(*e*) Rough russeting which exceeds one-fourth inch in diameter, unless it is well within the stem basin or calyx cavity and is not readily apparent.[1]

(ii) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(*a*) Sunburn or spray burn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(*b*) Dark brown or black limb rubs which affect a total area of more than one-half inch in diameter, or light brown limb rubs which affect a total area of more than 1 inch in diameter.[1]

(*c*) Hail marks, drought spots, or other similar depressions or scars which are not superficial, or when such injury affects a total area of more than one-half inch in diameter.[1]

(*d*) Disease: (*1*) Scab spots which affect a total area of more than one-fourth inch in diameter.[1]

(*2*) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.[1]

(*3*) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[1]

Done at Washington, D. C., this 28th day of July 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-6760; Filed, Aug. 1, 1950; 8:58 a. m.]

[1] The area refers to that of a circle of the specified diameter.

NOTICES

DEPARTMENT OF STATE

[Public Notice 54]

FIELD ORGANIZATION

Pursuant to the requirements of section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002; 60 Stat. 238), the Field Organization of the Department of State, as published in the FEDERAL REGISTER for May 3, 1950 (15 F. R. 2498), is amended as follows:

Effective July 22, 1950, the Consulate at Buenaventura, Colombia, is officially closed.

Beginning July 24, 1950, limited representation of American interests at Buenaventura, Colombia, is being provided by a Consular Agent. This office should, therefore, be listed as a Consular Agency.

For the Secretary of State.

J. CARNEY HOWELL,
Director,
Office of Management and Budget.

JULY 26, 1950.

[F. R. Doc. 50-6703; Filed, Aug. 1, 1950; 8:45 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

FOREIGN TRADE AND FINANCIAL INVESTMENTS IN JAPAN

The following material, promulgated by the Supreme Commander for the Allied Powers, Japan, contains regulations of interest to American citizens. Included is SCAP Circular No. 11, June 16, 1950.

ENTRY REQUIREMENTS AND BUSINESS ACTIVITIES IN JAPAN

(Circular No. 11, June 16, 1950)

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I. Rescissions and references—1. *a. Rescissions.* (1) Circular 2, General Headquarters, Supreme Commander for the Allied Powers.

(2) Circular 22, General Headquarters, Supreme Commander for the Allied Powers.

(3) Circular 26, General Headquarters, Supreme Commander for the Allied Powers.

(4) Circular 19, General Headquarters, Supreme Commander for the Allied Powers.

(5) Circular 29, General Headquarters, Supreme Commander for the Allied Powers.

b. References. (1) Circular 4, General Headquarters, Supreme Commander for the Allied Powers. Subject: Sale, Resale and Registration of Privately Owned Automobiles.

(2) Circular 21, General Headquarters, Supreme Commander for the Allied Powers. Subject: Sale, Resale and Registration of Privately Owned Automobiles.

(3) Circular 23, General Headquarters, Supreme Commander for the Allied Powers. Subject: General Personnel Regulations.

(4) Circular 27, General Headquarters, Supreme Commander for the Allied Powers. Subject: Real Estate Policy for Japan.

(5) Circular 3, General Headquarters, Supreme Commander for the Allied Powers. Subject: Control of Entry and Exit of Individuals, Cargo, Aircraft, and Surface Vessels into and from Japan.

(6) Circular 8, General Headquarters, Supreme Commander for the Allied Powers. Subject: Admission and Dissemination of

Foreign Magazines, Books, Motion Pictures, News and Photograph Services, etc., and business relating thereto.

II. *Purpose.* 2. This circular is published for the purpose of detailing the conditions—

a. Under which non-Occupation personnel may enter Japan.

b. Under which non-Japanese nationals, foreign controlled firms, and non-resident Japanese nationals other than occupation personnel may conduct themselves and their commercial, professional, and investment activities within Japan.

3. Nothing in this circular will be construed as giving the Japanese Government or any of its agents any authority whatsoever over any agency, official or unofficial, of the Occupation Forces. The provisions of this circular shall not apply to occupation personnel.

For the purpose of this circular, the following definitions will apply:

III. *Definitions*—4. a. *Foreign controlled firm.* A corporation, institution, association, partnership, or other organization wholly owned or controlled, directly or indirectly, by non-residents of Japan or by residents of Japan of non-Japanese nationality.

b. *Non-occupation personnel.* All persons of whatever nationality other than occupation personnel who have entered Japan as authorized by the Supreme Commander for the Allied Powers since September 2, 1945, upon a temporary or semi-permanent basis, including but not restricted to commercial entrants, missionaries, visitors and tourists, including dependents of such persons.

c. *Non-Japanese nationals.* Non-Occupation personnel, as defined in the preceding subparagraph, and individuals deriving their nationality from a country other than Japan, who were resident in Japan prior to September 2, 1945, or who have been or who shall be permitted by the Supreme Commander for the Allied Powers to enter Japan for permanent residence.

d. *"Personnel," "persons," or "nationals."* Includes firms, organizations, corporations, associations, partnerships and juridical persons as well as individuals.

IV. *Entry requirements*—5. *Commercial entrants.* Upon submission of application through governmental channels, entry of private commercial entrants to Japan for semi-permanent residence may be permitted provided their entrance is for one or more of the following purposes:

a. Investigating and conducting business, trade, professional, and investment activities in conformity with applicable regulations of the Supreme Commander for the Allied Powers and Japanese law.

b. Seeking restitution of holdings in Japan prior to the war, the restitution of which would contribute to the economic rehabilitation of Japan.

6. *Missionaries.* Upon submission of application through governmental channels, accompanied by a guarantee of logistic support by the representative missionary in Japan of the sect or denomintion of the individual desiring entry, entry into Japan of individuals for missionary purposes is permitted. Entry may be authorized as a temporary visitor or a semi-permanent resident.

7. *Tourists.* a. Upon submission of application through governmental channels, entry of individuals into Japan as tourists for non-professional and non-commercial purposes may be authorized for a period not to exceed 180 days. Upon arrival in Japan, tourists are required to present:

(1) Travel documents valid for the duration of the authorized stay and for onward travel from Japan.

(2) Satisfactory financial arrangements for onward travel as evidenced by one of the following: (a) Possession of a ticket valid for onward passage from Japan aboard a commercial carrier. (b) Written guarantee from a commercial carrier or travel agency maintaining representatives in Japan accepting responsibility for onward passage as may hereafter be authorized by the Supreme Commander for the Allied Powers.

b. Arrangements for accommodations and logistic support in Japan are the responsibility of the individual tourist. The Supreme Commander for the Allied Powers assumes no responsibility for such arrangements or the adequacy thereof.

8. *Others.* Applications for entry of individuals for purposes other than those listed in the preceding paragraphs will be decided by the Supreme Commander for the Allied Powers on a case-by-case basis on their merits.

V. *Entry procedures.* 9. Applications for entry into Japan and control over entry and exit of individuals and cargo shall be governed by rules and regulations as set forth in Circular 3, General Headquarters, Supreme Commander for the Allied Powers, and amendments thereto.

VI. *Status in Japan*—10. *General.* Non-Japanese nationals are subject to rules and regulations promulgated by the Supreme Commander for the Allied Powers or pursuant to authority delegated by him, and laws and regulations promulgated by the Japanese Government.

11. *Criminal jurisdiction.* Non-Japanese nationals are subject to arrest in case of criminal offenses against the laws and regulations mentioned in paragraph 10. Such arrest in the case of a United Nations national will be made by the Occupation Forces, except that in areas where troops of the Occupation Forces are not actually present on duty and there is reasonable evidence that a serious offense has been committed, or when otherwise ordered by the Supreme Commander for the Allied Powers, arrest may be made by the Japanese police. Arrest in the case of persons not United Nations nationals may be made by the Occupation Forces or the Japanese police. Trial for offenses committed in Japan, when the accused is a United Nations national, will be by an Occupation Forces military court. When the accused is not a United Nations national, in the absence of specific direction by competent authority that the trial be by military court, trial may be either by a Japanese criminal court or by military court.

12. *Civil jurisdiction.* Non-Japanese nationals are subject to the jurisdiction of Japanese courts in civil matters except as modified by applicable directives of the Supreme Commander for the Allied Powers. Decisions in all civil cases affecting United Nations nationals and organizations in which such nationals are or may become parties shall be subject to review by the Supreme Commander for the Allied Powers.

13. *Taxes.* Non-Japanese nationals are subject to Japanese taxes under the provisions of Japanese law. The Japanese Government has been prohibited from imposing discriminatory taxes against non-Japanese nationals. United Nations nationals are also exempt from any tax against them or their property designed primarily to meet reparation or other charges incurred by the Japanese Government because of World War II, such as the Capital Levy, the Non-War Sufferers Special Tax, and part of the War Indemnity Special Measures Law.

14. *Illegal entrants.* No individual shall enter or remain in Japan except pursuant to authorization granted by or on behalf of the Supreme Commander for the Allied Powers. Individuals who enter or remain in Japan in violation of these or other regulations of the Supreme Commander for the Allied Powers governing entry of individuals into Japan, and individuals who although authorized entry, fail unreasonably or neglect to depart from Japan by or before the terminal date of the period of stay for which authority was granted or of any authorized extension of such period, shall be considered unlawfully in Japan and shall be subject to prosecution or deportation, or both, as illegal entrants under these regulations.

15. *Registration.* Individuals entering Japan under the provisions of this circular are subject to the registration requirements of Japanese law. Initial registration will be made with the Immigration Office at the port of entry. In addition thereto, individuals shall register as required by the Alien Registration Law of the Japanese Government. Individuals and firms engaging in business in Japan are required to register as indicated in paragraph 24 of this circular.

16. *Revocation of entry permits.* Acts which are inimical to the interest of the occupation or which operate to the detriment of the occupation of Japan are cause for revocation of entry permit.

VII. *Logistic support*—17. *Billets.* a. The Supreme Commander for the Allied Powers assumes no responsibility for procurement of private facilities or furnishing logistic support for non-Japanese nationals.

b. The Japanese Government has designated a number of hotels for which arrangements have been made for the provisions of essential imported and indigenous supplies. In congested areas such designated hotels are required by the Japanese Government to reserve a certain number of accommodations for tourists and commercial entrants. Commercial entrants and tourists staying in excess of 60 days will be permitted accommodations only on a space available basis.

18. *Medical facilities.* Military medical facilities of the Occupation Forces are available to non-Occupation personnel only in case of extreme emergency or when required to save a life or limb.

19. *Religious services.* Religious services available to the Occupation Forces will be available to non-Occupation personnel.

20. *Entertainment.* a. Non-Occupation personnel are authorized the use of recreational facilities of the Occupation Forces, such as golf courses, tennis courts, and swimming pools, as guests of and when accompanied by Occupation personnel. However, non-Occupation personnel are required to provide their own recreational equipment and supplies.

b. Non-occupation personnel may be authorized to use libraries operated for the Occupation Forces when application is made to and approved by the responsible operating agency.

c. Concerts and similar entertainment and sports contests for occupation personnel where no admission charges are made are available to non-occupation personnel as spectators.

d. Entertainment where fees are charged occupation personnel may be available according to the contract agreements of the entertainment concerned.

e. Private club privileges may be extended to non-Japanese nationals according to the regulations of the club concerned.

21. *Mail.* Except as provided in applicable postal regulations, the use by non-Japanese nationals of the Army-Air Force Postal Service and Fleet Post Offices is prohibited.

22. *Transportation.* The use by non-Japanese nationals of rail and bus facilities provided by or for Occupation personnel is prohibited except that:

a. Foreign national employees of the Occupation Forces in Japan, who are paid from United States dollar or Occupation yen accounts, are authorized the use of such transportation in performance of official business.

b. Public rail facilities provided for Occupation personnel may be utilized by non-Japanese nationals on the same basis as Japanese nationals.

23. Schools available to dependents of Occupation personnel may be made available to dependents of non-Occupation personnel under the provisions of pertinent regulations.

VIII. *Foreign business activities*—24. *Registration of foreign-controlled firms.* Non-Japanese nationals and foreign controlled firms, prior to engaging in domestic business activities, are required to register pursuant to and in compliance with the commercial laws of Japan.

25. *Permission to do business.* a. All business shall be conducted pursuant to and in compliance with all laws and regulations of the Japanese Government and the Supreme Commander for the Allied Powers.

b. Persons engaging in business activities involving the admission or dissemination, commercial or non-commercial, of magazines, books, motion pictures, news and photograph services, and other media of mass communication are required, under the provisions of Circular 8, General Headquarters, Supreme Commander for the Allied Powers, 1950, to obtain a specific license from the Supreme Commander for the Allied Powers prior to authorization by or registration with the Japanese Government. Applications shall be filed with the Foreign Investment Board through Civil Information and Education Section, General Headquarters, Supreme Commander for the Allied Powers.

c. The conduct of business activities with Occupation Forces agencies and personnel involving the transfer of foreign exchange or transfers between convertible accounts is prohibited unless specifically authorized in writing by the Supreme Commander for the Allied Powers. Persons and firms seeking to do business with Occupation Force agencies and personnel will register properly with and obtain necessary licenses from the Japanese Government in accordance with Japanese law before applying to the Supreme Commander for the Allied Powers for authorization. Applications shall be filed with Foreign Investment Board, General Headquarters, Supreme Commander for the Allied Powers.

d. The conduct or solicitation of any business in military installations, including billets and other quarters, is prohibited without specific written authority of the area commander.

IX. *Foreign investment activities.* 26. a. Non-Japanese nationals and foreign-controlled firms are authorized to acquire or lease properties and rights in Japan in accordance with Japanese law, except that acquisition by such persons of property interests and rights in the following categories from Japanese nationals, from firms in which Japanese nationals or firms have a proprietary interest, or from Japanese Government agencies, will be void unless validated by the Japanese Government with the concurrence of the Supreme Commander for the Allied Powers.

(1) Acquisition of title to stocks and shares other than acquisition of new stock issues based upon prior valid stock acquisitions.

(2) Acquisition of title to land and/or residence for business purposes, and to commercial and industrial buildings and installations, and plant and facilities attached thereto. (Land and residences reasonably required by an individual for his full or part time residence are not considered business properties.)

(3) Leases for periods in excess of five years, mortgages or other hypothecations, and arrangements or options for future acquisition of properties in the categories indicated in paragraph 21 (1) and (2).

(4) Acquisition of patents of Japanese origin and rights thereunder.

(5) (a) Acquisition of rights to a proportion of the profits, sales, sales price, or output of an enterprise for a period in excess of one year by transfer of patent rights or technology; continuing technical or factory management assistance agreements, patent license agreements or otherwise.

(b) Acquisition of rights to a specified periodical payment covering a period in excess of one year, as consideration for transfer of patent rights or technology; continuing technical or management assistance agreements; patent license agreements or similar contracts.

b. Applications for validation as required by paragraph 26 (a) will be submitted to the Foreign Investment Commission of the Japanese Government.

c. Real properties acquired or leased by non-Japanese nationals and foreign-controlled firms are subject to requisition by the Occupation Forces on the same basis as Japanese properties. Non-Japanese nationals and foreign controlled firms contemplating acquisition or lease of real properties may secure information from the local area commander as to whether there is a foreseeable Occupation requirement for the properties involved.

d. The requirements for validation established in this paragraph shall not apply to restoration or restitution of properties to prewar owners by the Japanese Government under supervision of the Supreme Commander for the Allied Powers.

e. Nothing in this paragraph shall be construed as validating any acquisition or lease of properties or rights which was made before the date of this circular and which was contrary to then existing laws or regulations of the Supreme Commander for the Allied Powers or otherwise invalid at the time made.

X. *Currencies and exchange controls*—27. *General.* Pursuant to the Foreign Exchange and Foreign Trade Control Law of 1949 all persons in Japan are classified as exchange residents or exchange non-residents. Persons domiciled or engaged in business activities or gainfully employed within Japan are regarded by the Japanese Government as exchange residents. Branch offices of foreign firms within Japan are exchange residents whether or not they have a separate legal status. Persons sojourning in Japan, but domiciled outside of Japan, whose sources of income are located exclusively outside of Japan are exchange non-residents. In unusual instances and upon application to the Ministry of Finance, persons who receive yen income in Japan may be permitted to retain a status as an exchange non-resident. Applications may be made to the Ministry of Finance for clarification of residential status.

28. *Foreign currencies.* Transactions in foreign currencies in Japan are prohibited under the laws of Japan except for their sale to foreign exchange banks or authorized money changers. Except as otherwise authorized, exchange residents are required to sell all foreign currencies or foreign exchange receipts to the Japanese Government for yen and may purchase foreign exchange for yen at foreign exchange banks for approved purposes. Exchange non-residents entering Japan are required to register all holdings of foreign currencies and foreign currency instruments with the Customs Service at the time of entry or with Foreign Exchange Banks or appropriate office of the Ministry of Finance if subsequently received. Exchange non-residents who have entered Japan prior to enforcement of regulations requiring registration are required to effect such registration prior to August 1, 1950, or to dispose of such holdings in accordance with the provisions of the Foreign Exchange and Foreign Trade Control Law. Registration may be effected at any customs unit, foreign exchange bank, or appropriate office of the Ministry of Finance. Conversion of registered foreign currencies and exchange instruments into yen will be recorded in accordance with Japanese law. Except as authorized by Japanese law, exchange non-residents leaving Japan will be permitted to carry out of Japan only foreign currencies and foreign currency instruments which were registered and not subsequently converted into Japanese currency.

29. *Yen currency.* a. The importation or exportation of yen currency is subject to specific license of the Ministry of Finance. Yen currency carried by persons entering or leaving Japan without license to import or export will be taken up by the customs service against receipt and held in safekeeping in the Bank of Japan until such license is obtained or will be disposed of in accordance with Japanese law.

b. Yen currency may be purchased in Japan at the official bank buying rate from foreign exchange banks, money changers or other authorized agencies with acceptable foreign currencies or financial instruments expressed in acceptable currencies.

30. *Banking facilities.* Foreign currency bank accounts other than those held for Occupation agencies and personnel and other authorized agencies are not permitted. Non-Japanese nationals may maintain yen bank accounts. In addition, exchange non-residents and such exchange residents as can demonstrate a need therefor will be licensed by the Japanese Government to hold special convertible accounts in foreign exchange banks into which foreign currencies, exchange instruments and transfers from other convertible accounts may be deposited and which may be converted to the currencies of deposit at will. Such accounts will be held under conditions and limitations established by the Japanese Government.

31. *Military currencies.* a. Military payment certificates, a military currency instrument expressed in United States dollars, are issued as a means of payment for and restricted in use of Occupation Force personnel and agencies. Acceptance, use or possession thereof by persons, firms, or agencies not a part of or accredited to the Occupation Forces is prohibited except when specifically authorized by the Commander-in-Chief, Far East.

b. British Armed Forces Special Vouchers, a currency instrument expressed in United Kingdom pounds, are issued as a means of payment for and restricted in use to persons and agencies specifically authorized by the General Officer Commanding British Commonwealth Occupation Force. Acceptance, use, or possession thereof by persons, firms, or agencies not so authorized is prohibited.

XI. *Miscellaneous*—32. *Firearms and other weapons.* a. Subject to the provisions of current customs regulations governing the importation of firearms into Japan, possession and retention in Japan by non-Occupation personnel of sporting rifles, shotguns, and ammunition therefor is permitted; provided, such rifles and shotguns:

(1) Are registered with the local Provost Marshal, or, in outlying areas, with the nearest military unit commander,

(2) Are used only for hunting, trapshooting or skeetshooting, and

(3) Are retained in the residence of the registered owner at all other times.

b. The possession and retention in Japan by non-Occupation personnel of firearms and ammunition except as noted in paragraph 32 (a) is prohibited unless specifically authorized by the Supreme Commander for the Allied Powers.

c. Those non-Occupation personnel who on the effective date of this circular have in their possession firearms and ammunition other than those excepted in paragraph 32 (a) and who do not have specific written authority from the Supreme Commander for the Allied Powers to possess and retain same will, within 30 days after the effective date of this circular, surrender such firearms and ammunition against a written receipt to the nearest Provost Marshal or, in outlying areas, to the nearest military unit commander. Firearms and ammunition so surrendered will be returned to the receipt holder upon his departure from Japan. Subsequent to the effective date of this circular, non-Occupation personnel are prohibited from acquiring in Japan firearms and

ammunition other than those excepted in paragraph 32 (a), unless specifically authorized in each case by the Supreme Commander for the Allied Powers.

d. Non-Occupation personnel shall not at any time carry concealed on or about their person any deadly or dangerous weapon.

e. All non-Occupation personnel are required to comply with hunting regulations issued by the Commanding General, Eighth Army, or by his subordinate commanders in their respective areas, and all non-Japanese nationals will comply with the hunting regulations prescribed by or under the provisions of Japanese law.

f. Non-Japanese nationals, other than non-Occupation personnel, will comply with all Japanese laws governing the possession, use, and registration of firearms and other weapons.

33. *Off limits areas.* The following areas and installations are "off limits" to all non-Japanese nationals unless employed therein or pursuant to military authority.

a. Jails, prisons, stockades, and temporary inclosures for confinement of prisoners.

b. Telephone exchanges, railroad yards, water, gas and electric utility installations, dump areas containing confiscated war materials and supplies, fish hatcheries, fisheries, experimental stations, game preserves, and like installations.

c. Any building, house, business establishment or area which has been placed "off limit" by the local Occupation Force commander in the area by an appropriate public notice specifying its application to both occupation and non-occupation personnel.

34. *Illegal sales.* Except as specifically authorized by the Supreme Commander for the Allied Powers or the Japanese Government non-Japanese nationals and foreign-controlled firms are prohibited from selling to any person in Japan goods or merchandise either purchased in Japan with foreign exchange or by transfer of funds between convertible accounts established as set forth in paragraph 30, or imported with foreign exchange obtained or furnished by the importer without Japanese Government exchange allocation, unless payment for such goods or merchandise is made and received either in foreign exchange or by transfer of fund between convertible accounts; and are further prohibited from disposing of such goods or merchandise by sale or barter for any consideration, or by gift, with knowledge or reasonable cause to believe that the same will subsequently be sold for any other monetary consideration than a transfer of foreign exchange or a transfer of funds between convertible accounts: *Provided, however,* Such persons may make casual sales, not in course of business for any consideration, of used items, excluding motor vehicles, notwithstanding purchase or import as above described, provided such items are durable or semi-durable in quality and have been owned in Japan by the vendor not less than six months prior to such casual sale. The provisions of this paragraph shall not be construed as imposing restrictions upon the sales or purchases of goods or merchandise purchased or imported with a Japanese Government foreign exchange allocation.

XII. *Penalties.* 35. a. Violators of the terms and provisions of this circular or other laws or regulations shall be tried and punished as directed by competent authority.

b. Violations of the terms and provisions of this circular or of any license or authority issued thereunder or of other laws or regulations shall constitute grounds for deportation or revocation of license or authority or both.

XIII. *Interpretation.* 36. Non-Japanese nationals and foreign controlled firms desiring interpretation of the terms and provisions of this circular may address a request therefor in writing to the Supreme Commander for the Allied Powers, Attention: Legal Section, APO 500.

XIV. *Effective date.* 37. This circular shall become effective on July 1, 1950.

AG 014.331 (Apr. 12, 50) ESS

By command of General MacArthur:

EDWARD M. ALMOND,
Major General,
General Staff Corps, Chief of Staff.

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army.
The Adjutant General.

[F. R. Doc. 50-6728; Filed, Aug. 1, 1950; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF ATLANTIC CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7840-13, between the member lines of the Atlantic Conference, modifies the provision of the basic agreement of said Conference (No. 7840) governing party organizers to provide that one free round-trip passage may be given to a party organizer or his representative acting as bona fide party conductor for each group of 20 round-trip full fare paying passengers, but limiting the free tickets to five party conductors for any one party organizer by any one outward sailing. Under the provision as presently in effect party organizers who secure by any one outward sailing a party of 20 or more round-trip full fare paying passengers may be given only one free round-trip passage for himself or his representative acting as party conductor. Agreement No. 7840 covers passenger traffic between all ports of European, Mediterranean, and Black Sea countries, also the ports of Morocco, Madeira and the Azores Islands, and all ports on the east coast of North America (United States, Canada and Newfoundland), also United States Gulf ports.

Agreement No. 7778, between The Scindia Steam Navigation Company, Ltd., and Bull Insular Line, Inc., covers transportation of Gunny Sacks, Hessian Cloth and Jute under through bills of lading in the trade from Calcutta, India, to Puerto Rico, with transshipment at New York, Baltimore, or Philadelphia.

Agreement No. 7775, between United States Lines Company and Bull Insular Line, Inc., covers transportation of general cargo under through bills of lading in the trades from Japan, Hongkong, China, Philippine Islands, Australia, New Zealand, Formosa, Tasmania and South Sea Islands to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia.

Agreement No. 7774, between International Freighting Corporation, Inc., and Bull Insular Line, Inc., covers transportation of cargo under through bills of lading in the trade from Buenos Aires, Argentina, to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia.

Agreement No. 7772, between New York & Cuba Mail Steamship Co. and Bull Insular Line, Inc., covers transportation of general cargo under through bills of lading in the trade from Mexican ports to Puerto Rican ports, with transshipment at New York, Baltimore or Philadelphia.

Agreement No. 7707-1, between Isthmian Steamship Company and Matson Navigation Company, modifies the approved basic joint service agreement (No. 7707) covering the trade between the Hawaiian Islands and U. S. Atlantic and Gulf ports, to provide for a greater variation in the number of vessels to be furnished by each of them and in the scheduling of sailings to meet the fluctuations in cargo offerings.

Agreement No. 7580-1, between the member lines of the Australia, New Zealand and South Sea Islands-Pacific Coast Conference, modifies the basic agreement of said Conference (No. 7580) to provide for an admission fee of $250 for new members.

Agreement No. 6150-2, between the member lines of the Continental-U. S. A. Gulf Westbound Freight Conference, modifies Article 2 of the basic agreement of said Conference (No. 6150) to provide for the charging and collecting of the actual rates and charges adopted by the parties and recorded in the Conference tariff. As presently worded this article provides that freight and other charges shall be charged and collected at not less than the minimum tariff rates and charges agreed to by the parties. Agreement 6150-2 also provides that all rates, charges, rules, and/or regulations and additions thereto and changes therein adopted by the parties shall be furnished the Federal Maritime Board.

Agreement No. 6060-5, between the member lines of the Pacific/Indonesian Conference, modifies the basic agreement of said Conference (No. 6060) to provide that regular Conference meetings shall be held as agreed upon by the members and at such time and place as designated by the Secretary. Agreement 6060 presently provides that regular meetings shall be held at San Francisco the first Thursday of each month.

Agreement No. 4183-16, between the member lines of the Gulf and South Atlantic Havana Steamship Conference, modifies the basic agreement of said Conference (No. 4188) by extending the geographical scope thereof to include the trade from U. S. Gulf and South Atlantic ports south of Virginia to the Cuban Mainland Outport of Mariel. Agreement No. 4188 as presently worded covers the trade from U. S. Gulf and South Atlantic ports south of Virginia to Havana, Cuba.

Agreement No. 3357-2, between the member lines of the United Kingdom/United States Pacific Freight Association, modifies the basic agreement of said Association (No. 3357), (1) to reduce the commission which may be paid to forwarding agents from 5 percent to 3 percent; (2) to clarify the admission provision; (3) to include a provision dealing with the loss of voting rights upon suspension of service; and (4) to include a provision clarifying the voting provisions of the agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: July 28, 1950, at Washington, D. C.

By the Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-6723; Filed, Aug. 1, 1950; 8:48 a. m.]

ACTIUM SHIPPING CORP., ET AL.

NOTICE OF HEARING ON APPLICATION FOR BAREBOAT CHARTER OF DRY-CARGO VESSELS

Actium Shipping Corp., Admanthos Ship Operating Co., Inc., Agwilines (New York & Cuba Mail), Alaska Steamship Co., Albatross Steamship Co., American Foreign Steamship Corp., American Hawaiian Steamship Co., American Mail Line, American Pacific Steamship Co., American President Lines, Arnold Bernstein Line, Inc., Blidberg Rothchild Co., Inc., Burns Steamship Co., W. R. Chamberlin & Co., Clifton Steamship Corp., Coastwise Line, Cosmopolitan Shipping Co., Dichman, Wright & Pugh, Dolphin Steamship Corp., Eastern Steamship Line, Eastport Steamship Corp., Firth Steamship Corp., Gulf Range Steamship Corp., Isbrandtsen Co., A. Willard Ivers, Inc., J. Lasry & Sons, Inc., Luckenbach Steamship Co., Mississippi Shipping Co., Moore-McCormack Lines, Inc., North Atlantic & Gulf Steamship Co., Ocean Freighting & Brokerage Co., Olympic Steamship Co., Omnium Trading Co., Orion Shipping & Trading Co., Pacific Transport Lines, Palmer Shipping Corp., Polarus Steamship Co., Pope & Talbot, Inc., Prudential Steamship Corp., St. Lawrence Navigation Co., Inc., Senior Lines, Shepard Steamship Co., South Atlantic Steamship Line, Standard Fruit & Steamship Co., Stockard Steamship Corp., Sudden & Christenson, Inc., Transportation, Inc., Wm. J. Rountree Co., Inc., Ponchelet Marine Corp., Pacific Atlantic Steamship Co., Pacific Far East Line, Inc., States Marine Corp. of Delaware, Union Sulphur Co., Inc., United States Lines, U. S. Navigation Co., Wessel Duval & Co., Inc., West Coast Trans-Oceanic Steamship Co., West India Steamship Co., White Range Steamship Co., Daniel F. Young, T. J. Stevenson & Co., Inc.

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4823, Commerce Building, Washington, D. C., on August 4, 1950, at 10:30 a. m., e. d. s. t., before the Federal Maritime Board, upon application of the above-named parties and all other parties filing application with the Secretary of the Maritime Administration, Room 4850, Department of Commerce Building, on or before 5:00 p. m., e. d. s. t., August 3, 1950, to bareboat-charter war-built dry-cargo vessels for the use of the Military Sea Transportation Service of the Department of the Navy in the trans-Pacific Area.

The purpose of the hearing is to receive evidence with respect to whether such service is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels on reasonable conditions and at reasonable rates for this service.

All persons having an interest in such application should arrange to be present.

Dated: July 31, 1950.

By order of the Federal Maritime Board.

A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-6807; Filed, July 31, 1950; 4:57 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4082]

E. W. WIGGINS AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of E. W. Wiggins Airways, Inc., over its entire system.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on August 4, 1950, at 9:30 a. m., e. d. s. t., in Wing "C", Room 116, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., July 28, 1950.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 50-6753; Filed, Aug. 1, 1950; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1019]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 26, 1950.

On June 15, 1950, El Paso Natural Gas Company, Applicant, a Delaware corporation with its principal place of business at El Paso, Texas, filed a "second supplemental application," supplementing the Fourth Amended Application in Docket No. G-1019, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities and requesting an order permitting and approving the abandoning of certain other natural gas facilities subject to the jurisdiction of the Commission, as are described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure.

No request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 29, 1950 (15 F. R. 4179).

The Commission finds: This proceeding is a proper one under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on August 9, 1950, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 27, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6722; Filed, Aug. 1, 1950; 8:48 a. m.]

[Docket No. G-1450]

PANHANDLE EASTERN PIPE LINE CO.

ORDER SUSPENDING CHANGES IN RATE SCHEDULES

JULY 27, 1950.

On June 30, 1950, Panhandle Eastern Pipe Line Company (Panhandle) filed with the Commission four notices of cancellation proposing to cancel certain sheets of four supplementary rate schedules presently in effect and on file with the Commission.[1]

The sheets of the four supplementary rate schedules (which Panhandle proposes to cancel) constitute Panhandle's interruptible Rate Schedule Rd-2 and supplement agreements on file with the

[1] Michigan Consolidated Gas Company and the City of Detroit have protested such cancellations and have requested that the Commission suspend the cancellations.

Commission as rate schedules covering the sale and delivery of natural gas to Michigan Consolidated Gas Company (two rate schedules), the East Ohio Gas Company and Texas Gas Transmission Corporation. The notices of cancellation have been tentatively designated in the files of the Commission as follows:

Supplement No.	to Supplement No.	to Rate schedule	Name of customer
1	5	12	Michigan Consolidated.
1	3	21	Texas Gas Transmission.
1	6	25	Michigan Consolidated.
1	2	61	East Ohio Gas Co.

Rate Schedule Rd–2 which Panhandle proposes to cancel as of July 30, 1950, in the "Applicable" clause provides as follows:

(b) Subsequent to October 1, 1945, this rate schedule shall apply to natural gas purchased by the Utility for resale to any individual customer whose present, or estimated, annual use of gas exceeds one million two hundred thousand (1,200,000) therms unless Utility has purchased such customer's requirements on a firm basis prior to October 1, 1945, and elects to continue to do so under Rate Schedule Gd–1.

The Rd–2 schedule is available to any utility in the States of Indiana, Ohio and Michigan, which purchases gas from Panhandle under its Gd–1, or firm service, schedule.

The changes which would be effected by Supplement No. 1 to Supplement No. 5 to Panhandle's Rate Schedule FPC No. 12; by Supplement No. 1 to Supplement No. 3 to Panhandle's Rate Schedule FPC No. 21; by Supplement No. 1 to Supplement No. 6 to Panhandle's Rate Schedule FPC No. 25; and by Supplement No. 1 to Supplement No. 2 to Panhandle's Rate Schedule FPC No. 61 may be unjust, unreasonable, unduly discriminatory, preferential and unlawful contrary to the provisions of the Natural Gas Act.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the changes proposed by Panhandle in Supplement No. 1 to Supplement No. 5 to Panhandle's Rate Schedule FPC No. 12; in Supplement No. 1 to Supplement No. 3 to Panhandle's Rate Schedule FPC No. 21; in Supplement No. 1 to Supplement No. 6 to Panhandle's Rate Schedule FPC No. 25; and in Supplement No. 1 to Supplement No. 2 to Panhandle's Rate Schedule FPC No. 61 and the aforesaid supplements should be suspended as hereinafter provided and use thereof deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5 and 15 of the Natural Gas Act a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the changes subject to the jurisdiction of the Commission set forth in Supplement No. 1 to Supplement No. 5 to Panhandle's Rate Schedule FPC No. 12; in Supplement No. 1 to Supplement No. 3 to Panhandle's Rate Schedule FPC No. 21; in Supplement No. 1 to Supplement No. 6 to Panhandle's Rate Schedule FPC No. 25; and in Supplement No. 1 to Supplement No. 2 to Panhandle's Rate Schedule FPC No. 61 and by which Panhandle proposes to change its presently effective rate schedules on file with the Commission.

(B) Pending hearing and decision thereon the supplementary rate schedules filed by Panhandle on June 30, 1950, and referred to in paragraph (A) hereof, be and they hereby are suspended within the purview of and in accordance with section 4 (e) of the Natural Gas Act, and the use of such supplementary rate schedules is deferred until December 30, 1950, and until such further time thereafter as said supplementary rate schedules shall be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 28, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50–6721; Filed, Aug. 1, 1950; 8:48 a. m.]

[Docket No. G–1441]

INDIANA GAS & WATER CO., INC.

NOTICE OF APPLICATION

JULY 26, 1950.

Take notice that on July 12, 1950, Indiana Gas & Water Company, Inc. (Applicant), an Indiana corporation with its principal place of business at Indianapolis, Indiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition and operation by the Applicant of the following described natural gas facilities comprising the gas systems of Eastern Indiana Gas Company (Eastern Indiana), Summit Gas and Water Company, Inc. (Summit) and Knightstown Natural Gas Company, Inc. (Knightstown), as an alternative to a request for an order disclaiming jurisdiction over the proposed acquisition and operation by the Applicant of the facilities comprising the systems of the named companies:

(1) Plant, property and equipment comprising the gas utility system of Eastern Indiana used in serving the communities of Rushville, Sexton, Circleville, Mays, Spiceland, Lewisville, Dunreith, Raleigh, Straughn, Dublin, Mt. Auburn, Pershing, Milton, Cambridge City, McCordsville, Ingalls and Fortville, and adjacent rural areas in Rush, Henry, Madison, Hamilton, Wayne and Hancock Counties in the State of Indiana.

(2) Plant, property and equipment comprising the gas utility system of Summit used in serving the communities of Oakville, Springport and Mt. Summit and adjacent rural areas in Henry and Delaware Counties in the State of Indiana.

(3) Plant, property and equipment comprising the gas utility system of Knightstown used in serving the community of Knightstown and adjacent rural areas in Hancock, Henry and Rush Counties in the State of Indiana.

Applicant states that the operation of its pipeline from Muncie to New Castle, Indiana, does not constitute interstate transportation or sale of natural gas within the meaning of the Natural Gas Act, and that the operations of Eastern Indiana, Summit, and Knightstown do not constitute the interstate transportation or sale of natural gas within the meaning of the Natural Gas Act. Applicant further states that its operations after the proposed acquisition will be essentially the same as those now conducted except that the service rendered through the Muncie-New Castle line will be expanded so as to permit additional volumes of gas purchased from Panhandle to be delivered through the facilities acquired in order to provide adequate service to the three companies hereinbefore named.

The application recites that Applicant will connect its facilities with those of Eastern Indiana, Summit, and Knightstown upon the consummation of the proposed acquisition and that the acquisition will make available to the areas served by those companies an adequate supply of natural gas.

The cost of the facilities to be acquired by Applicant are stated to be: $245,000 for Eastern Indiana, $5,000 for Summit and $50,000 for Knightstown, which will be paid for in cash from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of August, 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50–6724; Filed, Aug. 1, 1950; 8:49 a. m.]

[Docket No. G–1444]

MIDSOUTH GAS CO. AND ARKANSAS POWER AND LIGHT CO.

NOTICE OF APPLICATION

JULY 26, 1950.

Take notice that on July 19, 1950, MidSouth Gas Company (Applicant) an Arkansas Corporation with its principal place of business in Little Rock, Arkansas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition and operation of the following described facilities:

The existing system of Arkansas Power and Light Company in the counties of Lawrence, Craighead, Independence, Jackson, White, Ashley, Chicot, and Desha, Arkansas. Such system includes 1,337.8 miles of 3 inch equivalent pipe.

Applicant states that Arkansas Power and Light has no present main line industrial customers, that there are no sales to or interchanges with other natural gas companies, and that it proposes to operate the facilities to be acquired in the same manner and by the same methods as they are now operated.

Arkansas' existing system is supplied by Texas Gas Transmission Corporation and Mississippi River Fuel Corporation under long-term contracts expiring in August 1953 and November 1969 respectively.

The estimated purchase price for the entire facilities to be acquired is $1,825,200. Applicant proposes to finance the acquisition by the sale of debt securities and common stock.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 14th day of August 1950.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50–6726; Filed, Aug. 1, 1950; 8:49 a. m.]

[Docket No. G–1445]

MIDSOUTH GAS CO.

NOTICE OF APPLICATION

JULY 26, 1950.

Take notice that on July 19, 1950, MidSouth Gas Company (Applicant) an Arkansas Corporation with its principal place of business in Little Rock, Arkansas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described facilities:

A proposed transmission and distribution system consisting of some 240 miles of line, corresponding to approximately 668 miles of three inch equivalent, to be used for the transportation, distribution and sale of natural gas to numerous communities in the counties of Greene, Poinsett, Crittenden, St. Francis, Lee, Phillips, Monroe, Woodruff, and Cross, Arkansas. Such system is to be supplied by connections in its northern and southern portions with the lines of Mississippi River Fuel Corporation at Biggers, Arkansas, and Texas Gas Transmission Corporation at Helena, Arkansas, respectively.

Applicant proposes to start construction as soon as practicable after the issuance of the Commission's order herein, and desires to begin natural gas service to the communities involved starting on or about November 1, 1950, with the City of Helena.

Applicant states that it does not have, nor does it presently contemplate having, with respect to these proposed facilities, any major main line industrial customers, or sales to, or interchanges with, other natural-gas companies, and that its retail sales are subject to regulation by the communities involved and/or by the Arkansas Public Service Commission. It says that its only other contemplated service is the transportation of natural gas for Arkansas Power and Light Company for use as boiler fuel in its new steam generating plant near Palestine, Arkansas.

The overall capital cost of the facilities proposed here together with the proposed acquisition of the existing gas facilities of Arkansas Power and Light Company (the subject of a separate application in Docket No. G–1444, filed July 19, 1950) and Arkansas Utility Company (a propane air system in Helena, Phillips County, Arkansas, serving annually some 39,000 M. c. f. through approximately 677 meters) is estimated at $10,665,500. The Applicant proposes financing the cost of this construction and acquisition through the sale of bonds and common stock, such sales to coincide generally with a plan of construction contemplated to occupy the years 1950–53, inclusive.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 14th day of August, 1950.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50–6725; Filed, Aug. 1, 1950; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY TO INCREASE GAS RATES

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, authority to represent the interests of the executive agencies of the Federal Government and to appear as witnesses and counsel for the executive agencies of the Federal Government in the matter of Application No. 31466 of the Pacific Gas and Electric Company before the Public Utilities Commission of the State of California is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

JESS LARSON,
Administrator.

JULY 25, 1950.

[F. R. Doc. 50–6732; Filed, Aug. 1, 1950; 8:52 a. m.]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO CLASS RATE INVESTIGATION, 1939 I. C. C. DOCKET NO. 28300

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, authority to represent the interests of the executive agencies of the Federal Government and to appear as witnesses and counsel for the executive agencies of the Federal Government in the matter of Docket 28300, Class Rate Investigation, before the Interstate Commerce Commission is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official, or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

JESS LARSON,
Administrator.

JULY 25, 1950.

[F. R. Doc. 50–6733; Filed, Aug. 1, 1950; 8:52 a. m.]

SECRETARY OF INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO PURCHASES AND CONTRACTS FOR SUPPLIES AND SERVICES IN CONNECTION WITH SYNTHETIC LIQUID FUELS PROGRAM

1. Pursuant to authority vested in me by provisions of the Federal Property and Administrative Services Act of 1949, and having determined that such action is advantageous to the government in terms of economy and efficiency, I hereby delegate to the Secretary of the Interior authority to make purchases and contracts for supplies and services in connection with the synthetic liquid fuels program of the Bureau of Mines, pursuant to the provisions of Title III of the aforesaid act, but subject however, to the following limitations:

(a) Such purchases and contracts may be negotiated only pursuant to the authority contained in sections 302 (c)

(5), (9), (10), (12), or (14) of the aforesaid act.

(b) The authority contained in this delegation shall not include the authority contained in section 305 of the aforesaid act, relating to advance payments.

2. The authority contained herein may be delegated and redelegated in accordance with section 307 (a).

3. The authority contained herein shall be inoperative to the extent that any authority heretofore permitting purchases or contracts for supplies and services in connection with the synthetic liquid fuels program, Bureau of Mines, without regard to advertising requirements of law, may be continued in effect.

4. This delegation of authority shall be effective July 1, 1950.

JESS LARSON,
Administrator.

JULY 27, 1950.

[F. R. Doc. 50-6734; Filed, Aug. 1, 1950; 8:53 a. m.]

FEDERAL SECURITY ADMINISTRATOR

DELEGATION OF AUTHORITY TO ACT AS CONTRACTING OFFICER ON CONTRACT TS-23003 FOR DISTRIBUTION OF MOTION PICTURES AND FILM STRIPS

1. Pursuant to the authority vested in me by section 205 (d) of the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Congress), authority is hereby delegated to the Federal Security Administrator to act as contracting officer on Contract TS-23003, dated December 30, 1949, and in such capacity to make all decisions authorized by the terms of said contract.

2. Appeals from decisions of said contracting officer shall be taken to the Administrator of General Services.

3. Amendments to said contract shall be made only with the approval of the Administrator of General Services or his authorized representative.

4. This authority may be redelegated to any official or employee of the Federal Security Agency, and shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration.

5. This delegation of authority shall be effective as of the date hereof.

JESS LARSON,
Administrator.

JULY 25, 1950.

[F. R. Doc. 50-6735; Filed, Aug. 1, 1950; 8:52 a. m.]

Public Buildings Service

[Wildlife Order 14]

TRANSFER OF PROPERTY KNOWN AS TENNESSEE PRODUCTS CORPORATION (R-TEN-28) TO THE STATE OF TENNESSEE

Pursuant to the authority granted under Public Law 537, Eightieth Congress, notice is hereby given that:

1. By deed from the United States of America, dated December 30, 1949, to the State of Tennessee, a portion of that property known as Tennessee Products Corporation, Rockwood, Tennessee, and more particularly described in such deed, has been transferred from the United States to the State of Tennessee.

2. The above described property is transferred to the State of Tennessee for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

JESS LARSON,
Administrator of General Services.

JULY 19, 1950.

[F. R. Doc. 50-6736; Filed, Aug. 1, 1950; 8:52 a. m.]

[Wildlife Order 15]

TRANSFER OF A PORTION OF THE WEST VIRGINIA ORDNANCE WORKS (W-W. VA.-6) TO THE STATE OF WEST VIRGINIA

Pursuant to the authority granted under Public Law 537, Eightieth Congress, notice is hereby given that:

1. By deed from the United States of America, dated October 12, 1949, to the State of West Virginia, a portion of that property known as the West Virginia Ordnance Works, Point Pleasant, West Virginia, and more particularly described in such deed, has been transferred from the United States to the State of West Virginia.

2. The above described property is transferred to the State of West Virginia for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

JESS LARSON,
Administrator of General Services.

JULY 27, 1950.

[F. R. Doc. 50-6737; Filed, Aug. 1, 1950; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25282]

CATALOGUES FROM CHICAGO, ILL., TO KANSAS CITY, MO.

APPLICATION FOR RELIEF

JULY 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. A-3733.

Commodities involved: Catalogues, carloads.

From: Chicago, Ill.

To: Kansas City, Mo.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3733, Supplement 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6712; Filed, Aug. 1, 1950; 8:46 a. m.]

[4th Sec. Application 25283]

CAST IRON PIPE BETWEEN TEXAS POINTS

APPLICATION FOR RELIEF

JULY 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Ira D. Dodge, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 762.

Commodities involved: Cast iron pipe and related articles, carloads.

Between: Points in Texas and between points in Texas, on the one hand, and points in Arkansas and Louisiana, on the other.

Grounds for relief: Circuitous routes and to meet intrastate rates.

Schedules filed containing proposed rates: Ira D. Dodge's tariff I. C. C. No. 762, Supplement 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6713; Filed, Aug. 1, 1950; 8:46 a. m.]

[4th Sec. Application 25284]

WOODPULP FROM COOSA PINES, ALA., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JULY 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1051.

Commodities involved: Woodpulp, carloads.

From: Coosa Pines, Ala.

To: Chicago, South Chicago, Chicago Heights and Joliet, Ill., Milwaukee, Wis., Ivanhoe and Gary, Ind.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1051, Supplement 91.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6714; Filed, Aug. 1, 1950; 8:46 a. m.]

[4th Sec. Application 25285]

WOODPULP FROM NATCHEZ, MISS., TO HOOSAC TUNNEL, MASS.

APPLICATION FOR RELIEF

JULY 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1051.

Commodities involved: Woodpulp, carloads.

From: Natchez, Miss.

To: Hoosac Tunnel, Mass., for beyond.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1051, Supplement 91.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6715; Filed, Aug. 1, 1950; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2380]

COLUMBIA GAS SYSTEM, INC., AND COLUMBIA ENGINEERING CORP.

NOTICE REGARDING FILING OF JOINT APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of July A. D. 1950.

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Columbia Engineering Corporation ("Engineering"), a subsidiary thereof, have filed with this Commission a joint application-declaration and an amendment thereto pursuant to the provisions of the Public Utility Holding Company Act of 1935. Applicants-declarants have designated sections 6, 7, 9, 10 and 12 of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is hereby given that any interested person may, not later than August 10, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 10, 1950, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Engineering is a service company rendering services to associate companies in the Columbia holding company system. Its capital stock, consisting of 2,500 shares of common stock, $100 per share, is entirely held by Columbia.

Engineering now proposes to increase its capital from $250,000 to $500,000 by issuing and selling to Columbia 2,500 shares of common stock, $100 par value. In addition to its present common stock capital, Engineering has obtained, as a temporary measure, $150,000 of non-interest bearing advances from Columbia. Engineering proposes to repay the temporary advances to Columbia out of the proceeds from the sale of the additional common stock to Columbia. Approximately $45,000 of such proceeds will be invested by Engineering in additional office equipment and the remainder of such proceeds will be added to the working capital of Engineering.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-6719; Filed, Aug. 1, 1950; 8:48 a. m.]

[File No. 70-2421]

AMERICAN GAS AND ELECTRIC CO. AND CITIZENS HEAT, LIGHT AND POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of July A. D. 1950.

American Gas and Electric Company ("American Gas"), a registered holding company, and one of its utility subsidiaries, Citizens Heat, Light and Power Company ("Citizens"), having filed a joint application-declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder, particularly Rule U-45, with respect to the following proposed transactions.

American Gas proposes to make advances to Citizens on open account without interest from time to time prior to June 30, 1951, in an aggregate amount of not to exceed $300,000. Proceeds from the advances are proposed to be used to finance Citizens' construction program estimated at approximately $360,000 for the year 1950.

The application-declaration states that negotiations are now in progress for the disposition of the water properties of Citizens. When such disposition is effected, it is contemplated that the electric utility properties and facilities of Citizens will become a part of the properties and facilities of Indiana & Michigan Electric Company (which is also a subsidiary of American Gas) by merger or consolidation of the two companies or otherwise. At such time it is contemplated that the advances on open account proposed herein will be paid in full or otherwise terminated.

Said application-declaration having been filed on June 12, 1950, an amendment thereto having been filed on June 30, 1950, notice of said filing having been given in the form and manner required by Rule U-23, promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable provisions of the act and the rules thereunder, the Commission observing no basis for adverse findings thereunder, and the Commission deeming it appropriate to grant and permit said application-declaration, as amended, to become effective without the imposition of terms and conditions:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act and the rules thereunder, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective, forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6716; Filed, Aug. 1, 1950; 8:47 a. m.]

[File No. 70-2430]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND CAMBRIDGE STEAM CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of July A. D. 1950.

New England Gas and Electric Association ("New England"), a registered holding company, and its subsidiary, Cambridge Steam Corporation ("Cambridge"), having filed a joint application-declaration, pursuant to the provisions of sections 6 (b), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, with respect to the issue and sale by Cambridge to New England, its sole stockholder, of 1,500 additional shares of common stock having a par value of $100 per share, at the price of $100 per share, the proceeds from the sale to be applied by Cambridge to reimburse current assets for amounts invested in plant improvement and extensions and the balance to finance the proposed 1950 construction; and

Said joint application-declaration having been filed on July 5, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate that the said joint application-declaration be granted and permitted to become effective.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6717; Filed, Aug. 1, 1950; 8:47 a. m.]

[File No. 70-2446]

COLUMBIA GAS SYSTEM, INC. AND HOME GAS CO.

NOTICE REGARDING FILING OF JOINT APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of July A. D. 1950.

Notice is hereby given that a joint application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Home Gas Company ("Home"). Applicants have designated sections 6 (b), 9 and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 10, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 10, 1950, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Home proposes to issue and sell to Columbia $600,000 principal amount of 3¼ percent installment promissory notes. Such notes are to be paid in equal annual installments on February 15th of each of the years 1952 to 1976, inclusive. The applicant states that the proceeds to be obtained through the issue and sale of said notes will be utilized by Home to finance its 1950 construction program.

The application states that the issue and sale of the proposed notes by Home are subject to the jurisdiction of the Public Service Commission of New York and that the order of said Commission will be supplied by amendment to the instant application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6720; Filed, Aug. 1, 1950; 8:48 a. m.]

[File No. 70-2447]

LONG ISLAND LIGHTING CO.

NOTICE OF FILING OF DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of July 1950.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Long Island Lighting Company ("Long Island"), a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than August 11, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 11, 1950, said declaration, as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Long Island proposes to issue and sell for cash at principal amount to three commercial banks an aggregate of $6,000,000 principal amount of notes which will bear interest at the rate of 2¼ percent per annum and will mature December 15, 1950. The net cash proceeds of the sale of the notes are to be used for construction requirements of the company.

Declarant states that the transaction is not subject to the jurisdiction of any regulatory body other than this Commission.

Declarant requests that the Commission enter its order as soon as practicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6718; Filed, Aug. 1, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14215, Amdt.]

MARTHA CHARLOTTE FREISE ET AL.

In re: Interests in securities and bank account owned by Martha Charlotte Freise and others. F-28-30442-A-1, F-28-30138-A-1.

Vesting Order 14215, dated December 28, 1949, is hereby amended as follows and not otherwise:

By deleting, from subparagraph 5 (e) of the aforesaid Vesting Order 14215, the clause "which certificate was issued for twenty-eight (28) shares", and substituting therefor the clause "which certificate was issued for twenty-six (26) shares".

All other provisions of said Vesting Order 14215 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-6749; Filed, Aug. 1, 1950; 8:54 a. m.]

[Vesting Order 14900]

HERMAN HAASE

In re: Estate of Herman Haase, deceased. File No. D-28-12387; E. T. Sec. 16505.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Auguste Knappe, Helene Fathke, Gertrude Klose and Frieda Wolwatzni, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Frieda Wolwatzni, who there is reasonable ground to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Herman Haase, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Rees L. Phelps, as administrator, acting under the judicial supervision of the County Court of Kidder County, North Dakota;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Frieda Wolwatzni are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-6744; Filed, Aug. 1, 1950; 8:54 a. m.]

[Vesting Order 14902]

FERDINAND JORDAN

In re: Rights of Ferdinand Jordan under insurance contract. File No. F-28-8916-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Jordan, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 45533, issued by the Westinghouse Electric Annuity Trust, Pittsburgh, Pennsylvania, to Ferdinand Jordan, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-6745; Filed, Aug. 1, 1950; 8:54 a. m.]

[Vesting Order 14903]

GEORGE MOLHOFF

In re: Estate of George Molhoff, also known as Gus Molhoff, deceased. Files No. D-28-12753 and D-28-12753-C-1; E. T. Sec. 16972.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Molhoff, Minna Molhoff, Heinrich Molhoff, Frieda Gothan, nee Molhoff, Hilde Molhoff and Lisa Molhoff, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the sum of $9,822.47, deposited with the State Treasurer of Colorado, Denver, Colorado, pursuant to an order of the County Court for the City and County of Denver, Denver, Colorado, dated February 23, 1943, in the matter of the estate of George Molhoff, also known as Gus Molhoff, deceased,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having

been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6746; Filed, Aug. 1, 1950; 8:54 a. m.]

[Vesting Order 14907]

AUGUSTE WAGNER

In re: Rights of Auguste Wagner under annuity contract. File No. F-28-7886-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Auguste Wagner whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under an annuity contract evidenced by Policy No. A-8771 issued by the Aetna Life Insurance Co., Hartford, Connecticut to Auguste Wagner together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6747; Filed, Aug. 1, 1950; 8:54 a. m.]

[Vesting Order 14906]

FRIEDRICH WALTER VOLLMANN

In re: Rights of Friedrich Walter Vollmann under insurance contract. File No. F-28-678-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Walter Vollmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under the disability provisions of a contract of insurance evidenced by policy No. 7,287,035, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Friedrich Walter Vollmann, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6748; Filed, Aug. 1, 1950; 8:54 a. m.]

JAKOB RANTASA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jakob Rantasa, Wipplingerstrasse 13, Vienna, Austria; Claim No. 37388; Property described in Vesting Order No. 68 (7 F. R. 6181, August 11, 1942), relating to United States Patent Application Serial No. 321,122 (now United States Patent No. 2,330,623). Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Patent No. 1,696,125.

Executed at Washington, D. C., on July 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6750; Filed, Aug. 1, 1950; 8:54 a. m.]

MRS. ANTONIA AND JOHANN ROBERT PECHAR

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Antonia Pechar and Johann Robert Pechar, both of Gratkorn, Styria, Austria; Claim No. 11472; to Mrs. Antonia Pechar, $2,432.68 cash in the Treasury of the United States. To Mrs. Antonia Pechar and Johann Robert Pechar, All right, title and interest of Mrs. Antonie (Antonie) Pechar and Johann Robert Pechar in and to the trust established under the Will of John Pechar, deceased; trust is being administered by Irving Trust Company, New York, New York.

Executed at Washington, D. C., on July 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6752; Filed, Aug. 1, 1950; 8:54 a. m.]

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FEDERAL REGISTER

VOLUME 15 NUMBER 149

Washington, Thursday, August 3, 1950

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 728—WHEAT

STATE ACREAGE ALLOTMENTS FOR THE 1951 CROP OF WHEAT

Sec.
728.105 Basis and purpose.
728.106 1951 State acreage allotments for wheat.

AUTHORITY: §§ 728.105 and 728.106 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 334, 52 Stat. 53, as amended; 7 U. S. C. 1334.

§ 728.105 *Basis and purpose.* The purpose of this proclamation is to apportion among the several States the national acreage allotment for the 1951 crop of wheat proclaimed on July 14, 1950, and published in the FEDERAL REGISTER (15 F. R. 4543) in accordance with the provisions of section 334 (a) of the Agricultural Adjustment Act of 1938, as amended. Section 334 (a) of the act provides that the 1951 national acreage allotment for wheat shall be apportioned among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1940 to 1949 (plus, in applicable years, the acreage diverted from wheat under agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period. Public Law 12, 79th Congress, 59 Stat. 9, provides that in establishing acreage allotments under the act for farms for which 1942 wheat acreage allotments were determined, provision may be made so as to consider as wheat the acreages of war crops, designated by the Secretary of Agriculture, which were produced in lieu of wheat during the years 1945, 1946, and 1947.

In accordance with section 301 (c) of the Agricultural Adjustment Act of 1938, as amended, the findings and determination made by the Secretary in § 728.106 have been made on the basis of the latest available statistics of the Federal Government.

Prior to the apportionment of the national acreage allotment for the 1951 crop of wheat among the several States, public notice of the proposed action was given (15 F. R. 2686) in accordance with the Administrative Procedure Act. The views and recommendations received from wheat growers and other interested persons have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 728.106 *Apportionment of the national acreage allotment for the 1951 crop of wheat among the several States.* The national acreage allotment proclaimed in § 728.104 is hereby apportioned among the several States as follows:

State:	*Acres*
Alabama	16,054
Arizona	29,334
Arkansas	41,796
California	719,288
Colorado	2,855,759
Delaware	70,212
Georgia	213,074
Idaho	1,346,218
Illinois	1,679,406
Indiana	1,591,183
Iowa	304,843
Kansas	14,077,057
Kentucky	412,337
Louisiana	145
Maine	2,313
Maryland	383,412
Michigan	1,114,086
Minnesota	1,289,658
Mississippi	16,862
Missouri	1,686,729
Montana	4,623,633
Nebraska	4,096,359
Nevada	20,717
New Jersey	91,692
New Mexico	540,333
New York	371,061
North Carolina	478,108
North Dakota	9,805,968
Ohio	2,115,433
Oklahoma	6,347,358
Oregon	989,711
Pennsylvania	907,803
South Carolina	225,031
South Dakota	3,709,196
Tennessee	358,722
Texas	6,263,158
Utah	372,737
Virginia	508,354
Washington	2,578,470
West Virginia	100,943
Wisconsin	103,782
Wyoming	326,455
Total	72,784,810

Issued at Washington, D. C., this 31st day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6808; Filed, Aug. 2, 1950; 8:45 a. m.]

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FEDERAL REGISTER

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Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 974—MILK IN THE COLUMBUS, OHIO, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

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AUTHORITY: §§ 974.0 to 974.93 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. and Sup. 608c.

§ 974.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held at Columbus, Ohio, on January 19–20, 1950, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective on and after the 1st day of August 1950, in order to reflect current marketing conditions. Any further delay beyond this time, in the effective date of this order amending the order, as amended, will seriously threaten the supply of milk and impair the orderly marketing of milk in the Columbus, Ohio, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held January 19–20, 1950, and the decision having been executed by the Secretary on July 27, 1950. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective on and after the 1st day of August 1950, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237; 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the Columbus, Ohio, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during May 1950 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 974.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 974.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 974.3 *Columbus, Ohio, marketing area.* "Columbus, Ohio, marketing area," hereinafter called the "marketing area," means the city of Columbus; the city of Bexley; and all territory, including but not being limited to all municipal corporations, within the townships of Blen-

don, Clinton, Franklin, Marion, Mifflin, Perry, Sharon, and Truro; all in Franklin County, Ohio.

§ 974.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 974.5 *Fluid milk plant.* "Fluid milk plant" means the premises and portions of the building and facilities used in the receipt and processing or packaging of milk all or a portion of which is disposed of from such plant during the month on a route(s), wholly or partially within the marketing area, but not including any portion of such buildings or facilities used for receiving or processing milk or any milk product required by the appropriate health authorities in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area.

§ 974.6 *Handler.* "Handler" means (a) any person who receives producer milk at a fluid milk plant and (b) any association of producers with respect to any producer milk constituting a part of the producer milk supply of a fluid milk plant which such association diverts on its account to a plant other than a fluid milk plant. Producer milk so diverted shall be deemed to have been received by such association.

§ 974.7 *Producer.* "Producer" means any person, including one who may also be a handler who produces (a) under a dairy farm permit issued by the appropriate health authorities in the marketing area, milk which is received at a fluid milk plant or by an association of producers in its capacity as a handler, or (b) milk which is received as a part of the dairy farm supply of a fluid milk plant not required by the appropriate health authorities in the marketing area to obtain its dairy farm supply from milk produced under dairy farm permits.

§ 974.8 *Producer milk.* "Producer milk" means any milk produced by one or more producers under the conditions set forth in § 974.7.

§ 974.9 *Other source milk.* "Other source milk" means (a) milk, (b) skim milk, (c) cream, or (d) any milk product received at a fluid milk plant from sources other than producers or other handlers. "Other source milk" shall include, but shall not be limited to, milk, skim milk, cream, or any milk product received at such fluid milk plant under an emergency permit in writing issued by the appropriate health authorities in the marketing area.

§ 974.10 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 974.50.

§ 974.11 *Route.* "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including a State or municipal institution, other than to a fluid milk plant(s) or to a plant(s) manufacturing milk products.

MARKET ADMINISTRATOR

§ 974.20 *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 974.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions of this part;

(b) Make rules and regulations to effectuate the terms and provisions of this part; and

(c) Receive, investigate, and report to the Secretary complaints of violations of this part.

§ 974.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Pay, out of the funds provided by § 974.77, (1) the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses, except those incurred under § 974.78, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 974.30 or (2) payments pursuant to §§ 974.70, 974.73, 974.77 or 974.78;

(f) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(g) On or before the 10th day after the end of each month, supply each cooperative association as described in § 974.78 (b) upon request with a record of the amount and average butterfat test of milk received during such month and the amount of any advance payments made and of any deductions or charges from payments for such milk authorized with respect to each producer determined by the market administrator to be a member of such association or to have given written authorization to such association to receive such information.

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of milk for such handler depends; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 6th day after the end of each month, the minimum class prices for skim milk and butterfat computed pursuant to §§ 974.51, 974.52 and 974.53; and

(2) On or before the 10th day after the end of each month, the uniform price computed pursuant to § 974.63 and the butterfat differential computed pursuant to § 974.76.

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 974.30 *Reports of receipts and utilization.* On or before the 5th day after the end of each month, each handler, except as otherwise provided in § 974.31 (a) shall report to the market administrator for such month with respect to all producer milk and other source milk received during the month, in the detail and on forms prescribed by the market adminstrator; (a) the quantities of butterfat and the quantities of skim milk contained therein (except that the quantities of the products should be substituted for the quantities of butterfat and skim milk in the case of products disposed of in the form in which received from other handlers or other sources), (b) the utilization thereof, and (c) such other information with respect to such receipts and utilization as the market administrator may request: *Provided,* That any person operating more than one fluid milk plant shall make one report covering all such operations for the purposes of paragraphs (a), (b) and (c) of this section.

§ 974.31 *Other reports.* (a) Each handler who receives at his fluid milk plant no producer milk other than that from his own farm or from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) On or before the 5th day after the end of each month, each handler shall submit to the market administrator a report which shall show for the month (1) the total pounds of milk received from each producer and association of producers and the average butterfat test thereof, (2) the amount and date of any advance payments to each producer and association of producers, and (3) the nature and amount of each deduction or charge authorized from payments for such milk.

§ 974.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator, or to his representative, during the usual hours of business, such accounts and records of any of his operations, including those of plants other than fluid milk plants, in which any producer milk is received, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to (a) the utilization in whatever form, of all skim milk and butterfat required to be reported pursuant to § 974.30; (b) the weights, samples, and tests for butterfat and other contents of all milk and milk products previously received or utilized or currently being received or utilized; and (c) payments to producers or to associations of producers.

§ 974.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 974.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in (a) all milk, skim milk, cream, and milk products (except in the case of milk products disposed of in the form in which received) received during the month by a handler at a fluid milk plant, and (b) all producer milk received during the month in the manner described in § 974.6 (b), shall be classified by the market administrator in the classes set forth in § 974.41.

§ 974.41 *Classes of utilization.* Subject to the conditions set forth in §§ 974.42, 974.43 and 974.44, the classes of utilization shall be:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of (except that which has been dumped or disposed of for livestock feeding) as milk, skim milk, buttermilk, or flavored milk or flavored milk drinks; and (2) not specifically accounted for under subparagraph (1) of this paragraph or as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of in fluid form for consumption as sweet or sour cream, frozen cream, or any mixture of cream or milk (or skim milk), including eggnog, containing more than 6 percent of butterfat; (2) used to produce aerated products containing milk, cream, or any combination thereof (such as "Reddi-Wip," "Instant Whip," etc.), condensed milk and condensed skim milk (except evaporated milk or skim milk in hermetically sealed cans), ice cream, ice cream mix, ice cream novelties, ice sherbets, or imitation ice cream; and (3) used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat specifically accounted for as (1) having been used to produce any milk product other than as specified in paragraphs (a) (1) and (b) of this section; (2) having been dumped or disposed of for livestock feeding; (3) actual plant shrinkage of skim milk and butterfat in producer milk received but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively; and (4) actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided,* That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to each shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received from each source to their total: *And provided also,* That producer milk transferred by a handler to any plant of another handler without first having been received for purposes of weighing and testing in the transferring handler's fluid milk plant shall be included in the receipts at the plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts at the fluid milk plant of the transferring handler in computing his plant shrinkage.

§ 974.42 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in §§ 974.41 and 974.43, the burden rests upon the first handler who receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(b) Any skim milk or butterfat classified in one class shall be reclassified if found by the market administrator to have been used or disposed of (whether in original or other form) by such handler or by any other person in another class in accordance with such use or disposition.

§ 974.43 *Transfers.* (a) Subject to the conditions set forth in § 974.42 and paragraphs (c) and (d) of this section, skim milk and butterfat when transferred by a handler from a fluid milk plant to any other milk distributing or milk manufacturing plant in the form of milk, skim milk, flavored milk, flavored milk drinks, or buttermilk, shall be classified as follows:

(1) According to the utilization as mutually indicated in writing by both handlers if transferred to another fluid milk plant, except one as referred to in subparagraph (2) of this paragraph;

(2) As Class I milk if transferred to the fluid milk plant of a handler who receives no milk from producers or associations of producers other than such handler's own farm production; or

(3) As Class I milk if transferred to any such plant not a fluid milk plant: *Provided,* That if the transferring handler on or before the 5th day after the end of the month during which such transfer is made furnishes to the market administrator a statement signed also by the receiver that such skim milk and butterfat was used as Class II milk or Class III milk, and that such utilization may be audited at the receiving plant, such skim milk and butterfat shall be classified accordingly.

(b) Subject to the conditions set forth in § 974.42 and in paragraphs (c) and (d) of this section, skim milk and butterfat when transferred by a handler from a fluid milk plant to any other milk distributing or milk manufacturing plant in the form of cream shall be classified as follows:

(1) According to the utilization as mutually indicated by both handlers if transferred to another fluid milk plant, except one as referred to in subparagraph (2) of this paragraph;

(2) As Class II milk if transferred to the fluid milk plant of a handler who receives no milk from producers or from an association of producers other than such handler's own farm production; or

(3) As Class II milk if transferred to any such plant not a fluid milk plant: *Provided,* That if the transferring handler on or before the 5th day after the end of the delivery period during which such transfer is made furnishes to the market administrator a statement signed also by the receiver that such skim milk and butterfat was used as Class I milk or Class III milk, and that such utilization may be audited at the receiving plant, such skim milk and butterfat shall be classified accordingly.

(c) The utilization of all transfers made pursuant to paragraphs (a) (1) and (2) and (b) (1) and (2) of this section shall be subject to verification by the market administrator.

(d) No statement made relative to transfers as provided for in this section shall operate to deter the prior subtraction of other source milk pursuant to § 974.45 (b) or the prior subtraction of skim milk or butterfat pursuant to § 974.45 (c), or the pro rata subtraction of skim milk or butterfat pursuant to § 974.45 (e). Any quantity reported for allocation to a particular class but not eligible therefor because of § 974.45 (b) (c) or (e), shall be classified by the market administrator as Class I milk, pending his verification.

§ 974.44 *Classification of skim milk and butterfat for each handler.* For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and compute separately the respective amounts of skim milk and butterfat in Class I milk, Class II milk and Class III milk, as follows:

(a) Determine the handler's total receipts by adding together the total pounds of milk, skim milk, and cream received, and the pounds of skim milk and butterfat used to produce all other milk products received (except milk products disposed of in the form in which received without further processing in his fluid milk plant) regardless of source;

(b) Determine the total pounds of butterfat contained in the total receipts computed pursuant to paragraph (a) of this section;

(c) Determine the total pounds of skim milk contained in the total receipts computed pursuant to paragraph (a) of this section by subtracting therefrom the total pounds of butterfat computed pursuant to paragraph (b) of this section;

(d) Determine the total pounds of butterfat in Class I milk by: (1) Computing the aggregate amount of butterfat included in each of the several items of Class I milk; and (2) adding all other butterfat not specifically accounted for under subparagraph (1) of this paragraph or in Class II milk or Class III milk;

(e) Determine the total pounds of skim milk in Class I milk by: (1) Computing the aggregate amount of skim milk and butterfat included in each of the several items of Class I milk; (2) subtracting the result obtained in paragraph (d) (1) of this section; and (3) adding all other skim milk not specifically accounted for under subparagraph (1) of this paragraph or in Class II milk or Class III milk;

(f) Determine the total pounds of butterfat in Class II milk by computing the aggregate amount of butterfat included in each of the several items of Class II milk;

(g) Determine the total pounds of skim milk in Class II milk by: (1) Computing the aggregate amount of skim milk and butterfat included in (or, in the case of products other than cream or eggnog, used to produce) each of the several items of Class II milk; and (2) subtracting the result obtained in paragraph (f) of this section;

(h) Determine the total pounds of butterfat in Class III milk by: (1) Computing the aggregate amount of butterfat used to produce each of the several items of Class III milk; and (2) adding actual plant shrinkage of butterfat referred to in paragraph (c) (2) and (4) of § 974.41; and

(i) Determine the total pounds of skim milk in Class III milk by: (1) Computing the aggregate amount of skim milk and butterfat (in whatever form) used to produce each of the several items of Class III milk; (2) subtracting the result obtained in paragraph (h) (1) of this section; and (3) adding the actual plant shrinkage of skim milk referred to in paragraph (c) (3) and (4) of § 974.41.

§ 974.45 *Classification of skim milk and butterfat in producer milk for each handler.* For each month the market administrator shall compute separately the respective amounts of skim milk and butterfat of producer milk in Class I milk, Class II milk and Class III milk for each handler by making the following computations in the order specified:

(a) Subtracting from Class III milk (other than butterfat used in buttermaking) the actual plant shrinkage of skim milk and butterfat, respectively, allowed pursuant to paragraph (c) (3) and (4) of § 974.41;

(b) Subtracting from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced uses, the skim milk and butterfat, respectively, received as other source milk, except that received under an emergency permit in writing issued by the appropriate health authorities in the marketing area;

(c) Subtracting from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced uses, the skim milk and butterfat, respectively, received from any other handler who received no milk from producers or from an association of producers other than such handler's own farm production;

(d) Adding to the remaining Class III milk the amount subtracted pursuant to paragraph (a) of this section;

(e) Subtracting pro rata from the remaining pounds of skim milk and butterfat in such class, the skim milk and butterfat, respectively, received as other source milk under an emergency permit in writing issued by the appropriate health authorities in the marketing area;

(f) Subtracting from the remaining pounds of skim milk and butterfat in each class (not including plant shrinkage on producer milk in Class III milk), the total pounds of skim milk and butterfat, respectively, received from other handlers (except those referred to in paragraph (c) of this section) and stated by the transferring handler and receiver to have been used in such class, to the extent of the amounts of skim milk and butterfat remaining in such class after making the computation pursuant to paragraph (e) of this section: *Provided*, That skim milk or butterfat allocated by such statements to Class II milk or Class III milk, in excess of amounts subtracted above pursuant to this paragraph shall be subtracted from Class I milk; and

(g) If the total amount of skim milk or butterfat in all classes after the computation made above pursuant to this paragraph, is greater than the skim milk or butterfat in producer milk, decrease the lowest-priced available class, or classes, by such excess.

MINIMUM PRICES

§ 974.50 *Basic formula prices.* The basic formula price per hundredweight of milk for the month shall be the higher of the prices as computed by the market administrator for such month pursuant to paragraphs (a) and (b) of this section.

(a) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

COMPANIES AND LOCATION

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) Compute the price per hundredweight by adding together the amounts resulting under subparagraphs (1) and (2) of this paragraph:

(1) From the arithmetical average of the daily wholesale prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month, as reported by the Department of Agriculture for the Chicago market, subtract 3.5 cents, add 20 percent, and then multiply the resulting amount by 3.5, and

(2) From the arithmetical average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. Chicago area manufacturing plants, as published for the month by the Department of Agriculture, deduct 4 cents, multiply by 8.2.

§ 974.51 *Class I milk prices.* Subject to the provisions of § 974.54, the respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class I milk shall be as follows, as computed by the market administrator:

(a) Add to the basic formula price the following amount for the month indicated: April, May, June and July, $0.75; and all others $1.00: *Provided*, That the price of Class I milk for any of the months of October through December, inclusive, shall not be lower than the arithmetical average of the prices computed for such class pursuant to this paragraph (prior to the provisos) for the two months immediately preceding; and the price of Class I milk for any of the months of April through June, inclusive, shall not be higher than the arithmetical average of the prices computed for such class pursuant to this paragraph (prior to this proviso) for the two months immediately preceding: *Provided further*, That for the months of August, September, October and November 1950, there shall be added to the price of Class I milk so computed 10 cents: *And provided also*, That for the months of December 1950 and January 1951, there shall be added to the price of Class I milk so computed 10 cents if the total receipts of milk from producers by all handlers during the period May 1 through August 31, 1950, inclusive, are less than 114% of the gross combined volume of Class I milk and Class II milk of all handlers during such period.

(b) Add together the amounts determined in paragraph (b) (1) and (2) of § 974.50 and divide the sum into the amount determined in subparagraph (1) of such paragraph.

(c) Multiply the price determined in paragraph (a) of this section by the percentage determined in paragraph (b) of this section and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(d) From the price determined in paragraph (a) of this section subtract the amount determined in paragraph (c) of this section times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight: *Provided*, That in no event shall the price of skim milk or butterfat in Class I milk be lower, respectively than the skim milk and butterfat price in Class II milk.

§ 974.52 *Class II milk prices.* Subject to the provisions of § 974.54, the respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class II milk shall be as follows, as computed by the market administrator:

(a) Add to the basic formula price the following amount for the month indicated: April, May, June, and July, $0.35; and all others, $0.60: *Provided*, That for the months of August, September, October, and November, 1950, there shall be added to the price of Class II milk so computed 10 cents: *And provided also*, That for the months of December 1950 and January 1951, there shall be added to the price of Class II milk so computed 10 cents if the total receipts of milk from producers by all handlers during the period May 1 through August 31, 1950, inclusive, are less than 114 percent of the gross combined volume of Class I milk and Class II milk of all handlers during such period.

(b) Multiply the price computed in paragraph (a) of this section by the percentage computed in paragraph (b) of § 974.51 and then divide by 0.035. The resulting amount shall be the Class II butterfat price per hundredweight: *Provided*, That in no event shall the price of butterfat pursuant to this subparagraph be less than the price computed pursuant to paragraph (b) of § 974.53 prior to the proviso therein.

(c) Subtract from the price computed in paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class II skim milk price per hundredweight.

§ 974.53 *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class III milk shall be as follows, as computed by the market administrator:

(a) The price per hundredweight of such skim milk shall be computed as follows: From the arithmetical average of the weighted average of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the month by the Department of Agriculture, subtract 5.5 cents, and multiply the result by 8.5.

(b) The price per hundredweight of butterfat shall be computed as follows: Multiply the arithmetical average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the month by 120: *Provided*, That the price per hundredweight of butterfat made into butter shall be such price per hundredweight less $5.00.

§ 974.54 *Prices of Class I milk and Class II milk disposed of outside the marketing area.* The price to be paid by a handler for Class I milk or Class II milk disposed of outside the marketing area shall be the same as the price applicable within the Columbus, Ohio, marketing area: *Provided*, That Class I milk or Class II milk disposed of in another fluid milk marketing area covered by a Federal milk marketing agreement or order, issued pursuant to the act, shall be the price applicable within the Columbus, Ohio, marketing area, pursuant to this section, or the price applicable for milk of similar use or disposition in the other marketing area, whichever is higher.

DETERMINATION OF UNIFORM PRICE

§ 974.60 *Computation of value of milk for each handler.* Subject to the location adjustment provided in § 974.61, the value of producer milk received by each handler during each month shall be a sum of money computed by the market administrator by multiplying by the respective class prices for skim milk and butterfat, the skim milk and butterfat according to classification pursuant to § 974.45, and adding together the resulting amounts: *Provided*, That if such handler, after subtracting all receipts other than producer milk has disposed of skim milk or butterfat in excess of the skim milk or butterfat received in producer milk, there shall be added a further amount equal to the value of such skim milk or butterfat in the class from which subtracted pursuant to § 974.45 (g): *Provided further*, That if in the verification of the reports or payments of such handler for any previous month, the market administrator discovers errors which result in payments due the producer-settlement fund or the handler, there shall be added, or subtracted, as the case may be, the amount necessary to correct such errors: *Provided further*, That such handler shall be credited at the difference between the applicable class prices for skim milk and butterfat and the Class II prices for skim milk and butterfat, respectively, with respect to milk or skim milk disposed of in bulk fluid form during April, May, June, or July, to a manufacturer of soup, candy, or bakery products for use in such manufacturing operations: *And provided also*, That such handler shall be credited with the difference between the Class II and Class III prices for skim milk received in producer milk in excess of skim milk classified as Class I milk or Class II milk (other than that used to produce condensed skim milk) in any of the months of April, May, June and July which is disposed of in any such month in the form of condensed skim milk to a person whose supply of milk is not produced under permits or specified in § 974.7.

§ 974.61 *Location adjustment to handlers.* With respect to the actual weight of whole milk which is moved directly to the marketing area from a fluid milk plant located more than 40 miles from the Ohio State Capitol, Columbus, by shortest highway distance as determined by the market administrator, there shall be deducted 17 cents per hundredweight in the computation of the value of producer milk received by the handler operating such plant.

§ 974.62 *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall notify each handler of (a) the amount and value of his milk in each class as computed pursuant to §§ 974.45 and 974.60, respectively, and the totals of such amounts and values, including any adjustments thereto; (b) the uniform price computed pursuant to § 974.63; (c) the amount due each handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and (d) the total amounts to be paid by such handler pursuant to §§ 974.70, 974.73, 974.77 and 974.78.

§ 974.63 *Computation of uniform price.* For each month, the market administrator shall compute a uniform price per hundredweight for producer milk by:

(a) Combining into one total the values computed pursuant to § 974.60 for all handlers except those who did not make the payments required pursuant to § 974.73 for the previous delivery period;

(b) Adding an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(c) Adding the aggregate of the values of all allowable location adjustments computed pursuant to § 974.71;

(d) Subtracting, if the weighted average butterfat test of all pooled milk is greater than 3.5 percent, or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 974.76 times 10.

(e) Dividing by the hundredweight of producer milk pooled; and

(f) Subtracting not less than 4 cents nor more than 5 cents. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

PAYMENTS

§ 974.70 *Time and method of payment.* On or before the 15th day after the end of each month, each handler shall make payment to each producer for milk received during the month at not less than the uniform price per hundredweight, subject to the location adjustment pursuant to § 974.71 and the butterfat differential computed pursuant to § 974.76: *Provided*, That payment may be made to a cooperative association qualified under § 974.79 with respect to milk received from any producer who has given such association authorization by contract or other written instrument to

collect the proceeds from the sale of his milk and any payment made pursuant to this proviso shall be made on or before the 10th day after the end of each month: *And provided further*, That if by such date such handler has not received full payment for such month pursuant to § 974.74, he shall not be deemed to be in violation of this section if he reduces uniformly for all producers his payments per hundredweight by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

§ 974.71 *Location adjustment to producers.* In making payments pursuant to § 974.70 a handler may deduct, with respect to producer milk received at a fluid milk plant located more than 40 miles from the Ohio State Capitol, Columbus, by shortest highway distance as determined by the market administrator not more than 17 cents per hundredweight.

§ 974.72 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 974.73 and out of which he shall make all payments to handlers pursuant to § 974.74: *Provided*, That the market administrator shall offset any such payment due any handler against payments due from such handler.

§ 974.73 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the total value computed for him pursuant to § 974.60 for such month is greater than the sum required to be paid by such handler pursuant to § 974.70.

§ 974.74 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler the amount by which the sum required to be paid producers by such handler pursuant to § 974.70 is greater than the total value computed for him pursuant to § 974.60 for such month: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 974.75 *Adjustment of errors.* Whenever audit by the market administrator of the payment required to be made by a handler to a producer pursuant to § 974.70 discloses payment of less than is required, the handler shall make up such payment not later than the time for making payments pursuant to § 974.70 next following such disclosure.

§ 974.76 *Butterfat differential.* For each month the market administrator shall compute (to the nearest one-tenth cent) a butterfat differential by subtracting from the weighted average price per hundredweight of all butterfat from producer milk in Class II milk and Class III milk the weighted average price per hundredweight of all skim milk from producer milk in Class II milk and Class III milk and dividing the remainder by 1,000.

§ 974.77 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 974.22 (c) each handler shall pay the market administrator on or before the 12th day after the end of each delivery period 2 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts of skim milk and butterfat (except receipts from other handlers) in (a) producer milk and (b) other source milk at a fluid milk plant.

§ 974.78 *Marketing services.* Except as set forth in § 974.79, each handler for each delivery period shall deduct 5 cents per hundredweight or such amount not to exceed 5 cents as the Secretary may from time to time prescribe, from the payments made to each producer pursuant to § 974.70, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples, and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

§ 974.79 *Cooperative associations.* In the case of producers for whom a cooperative association which, as determined by the Secretary, has its entire activities under the control of its members and meets the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in § 974.73, each handler shall make, in lieu of the deductions specified in § 974.78, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and, on or before the 12th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services.

EFFECTIVE TIME, SUSPENSION AND TERMINATION

§ 974.80 *Effective time.* The provisions of this part or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 974.81.

§ 974.81 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds that this part or any provision of this part obstructs, or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 974.82 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(a) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person to such person as the Secretary may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

(b) Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 974.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 974.91 *Producer-handlers.* Sections 974.50, 974.51, 974.52, 974.53, 974.54, 974.60, 974.61, 974.62, 974.70, 974.71, 974.73, 974.74, 974.75, 974.76, 974.77 and 974.78 shall not apply to a handler who handles only milk from his own farm production or received from other handlers.

§ 974.92 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions hereof to other persons or circumstances shall not be affected thereby.

§ 974.93 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Issued at Washington, D. C., this 28th day of July 1950, to be effective on and after the 1st day of August, 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6789; Filed, Aug. 2, 1950; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

PART 94—RINDERPEST AND FOOT-AND-MOUTH DISEASE; PROHIBITED AND RESTRICTED IMPORTATION

IMPORTATION OF CERTAIN ANIMALS AND PRODUCTS FROM VENEZUELA

Pursuant to the authority conferred by section 306 of the Tariff Act of 1930 (46 Stat. 689, 19 U. S. C. 1306) and section 2 of the act of February 2, 1903, as amended (32 Stat. 792, as amended, 21 U. S. C. 111), § 94.1 of the regulations relating to prohibitions and restrictions upon importations of certain animals and products because of rinderpest and foot-and-mouth disease (9 CFR 94.1) is hereby amended by adding Venezuela to the list of countries named therein, as I have determined that foot-and-mouth disease now exists in Venezuela and have so notified the Secretary of the Treasury.

The primary effect of the amendment is to prohibit the importation of cattle, sheep, other domestic ruminants and swine and fresh, chilled or frozen beef, veal, mutton, lamb, pork, and meat and meat products of wild ruminants and swine from Venezuela, and to prohibit or restrict the importation of certain other meats and products and dressed poultry from Venezuela. The protection of the livestock interests of the United States demands that this amendment be made effective at the earliest possible moment. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and public procedure on this amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER. Such notice and hearing are not required by any other statute.

This amendment shall become effective immediately.

(Sec. 2, 32 Stat. 792, as amended; sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 111)

Done at Washington, D. C. this 28th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6788; Filed, Aug. 2, 1950; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52531]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

REWAREHOUSE ENTRY AND COMBINED ENTRY FOR REWAREHOUSE AND WITHDRAWAL FOR CONSUMPTION

Because merchandise received from another port under a warehouse withdrawal for transportation entry is subject to examination for identification of the merchandise, for the determination of shortages or for other purposes; and because the duties on certain alcoholic beverages and merchandise subject to quota restrictions are required to be determined and liquidated at the port where the goods are withdrawn for consumption; and because such liquidations are subject to protests, §§ 8.33 (b), 8.34, and 8.35 (c), Customs Regulations of 1943 (19 CFR 8.33 (b), 8.34, and 8.35 (c)), are amended as follows:

1. Section 8.33 (b) is amended to read:

(b) No declaration is required on entry. Any examination necessary for identification of the merchandise, determination of shortages, or other purposes shall be made.

(Secs. 557, 624, 46 Stat. 722, as amended, 759; 19 U. S. C. 1557, 1624)

2. Section 8.34 is amended to read:

§ 8.34 *Value and classification; protest.* (a) Except in the cases provided for in § 16.10 (h) of this chapter, the duties determined at the port where the original warehouse entry was filed shall be the duties chargeable under the rewarehouse entry or entry for rewarehouse and withdrawal for consumption.

(b) A protest may be filed at the port of destination against a liquidation made at that port under § 16.10 (h) or against the refusal of the collector at that port to liquidate pursuant to § 16.10 (h).

(Secs. 514, 557, 624, 46 Stat. 734, 722, as amended, 759; 19 U. S. C. 1514, 1557, 1624)

3. Section 8.35 (c) is amended to read:

(c) No declaration is required on the combined entry. Any examination necessary for identification of the merchandise, determination of shortages, or other purposes shall be made.

(Secs. 484, 557, 624, 46 Stat. 722, as amended, 744, as amended, 759; 19 U. S. C. 1484, 1557, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: July 28, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-6806; Filed, Aug. 2, 1950; 8:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357) the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.; 15 F. R. 4172) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.; 15 F. R. 1073, 4172) are amended as indicated below:

1. Section 141.8 *Penicillin ointment* is amended by deleting paragraph (c).

2. Section 141.9 *Penicillin tablets* is amended by deleting paragraph (c).

3. Section 141.13 *Penicillin dental cones* is amended by deleting paragraph (b) and by changing paragraph (c) to (b).

4a. In § 141.14 *Penicillin with vasoconstrictor*, paragraph (a) *Penicillin used in the packaged combination* is amended by deleting subparagraph 3.

b. In § 141.14, paragraph (b) is amended to read as follows:

(b) *Dry mixture of penicillin with vasoconstrictor; potency, moisture.* Proceed as directed in §§ 141.1 and 141.5 (a).

5. Section 141.15 *Penicillin for surface application* is amended by deleting paragraph (b) and by changing paragraph (c) to (b).

6. Section 141.18 *Penicillin vaginal suppositories* is amended by deleting paragraph (c).

7. Section 141.22 *Penicillin bougies* is amended by deleting paragraph (c).

8. Section 141.27 *Procaine penicillin in oil* is amended by deleting paragraph (d).

9. Section 141.28 *Crystalline penicillin for inhalation therapy* is amended by deleting paragraph (c).

10. Section 141.31 *Ephedrine penicillin tablets* is amended by deleting paragraph (c).

11. Section 141.35 *Penicillin-streptomycin ointment, penicillin-dihydrostreptomycin ointment* is amended by deleting paragraph (c).

12. Section 141.36 *Penicillin-streptomycin bougies, penicillin-dihydrostreptomycin bougies* is amended by deleting paragraph (c).

13. Section 141.37 *Penicillin-bacitracin ointment* is amended by deleting paragraph (c).

14. Section 141.38 *Procaine penicillin and streptomycin in oil* • • • is amended by deleting paragraph (c).

15. Section 141.107 *Streptomycin ointment* is amended by deleting paragraph (b).

16. Section 141.109 *Streptomycin tablets* is amended by deleting paragraph (c).

17. Section 141.202 *Aureomycin ointment* is amended by deleting paragraph (c).

18. Section 141.206 *Aureomycin ophthalmic* is amended by deleting paragraph (c).

19. Section 141.402 *Bacitracin ointment* is amended by deleting paragraph (c).

20. Section 141.403 *Bacitracin tablets* is amended by deleting paragraph (c).

21. Section 141.405 *Bacitracin with vasoconstrictor* is amended by deleting paragraph (b) and by changing paragraph (c) to (b).

22a. In § 146.26 *Penicillin ointment* • • •, paragraph (a) *Standards of identity, etc.* is amended by deleting the fourth sentence.

b. In § 146.26, subparagraph (2) (i) of paragraph (d) *Request for certification; samples* is amended to read as follows:

(i) The batch; potency and moisture.

23a. In § 146.27 *Penicillin tablets*, paragraph (a) *Standards of identity, etc.* is amended by deleting the fourth sentence.

b. In § 146.27, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the words after "24 months;" to read as follows: "or if procaine penicillin is used with the date which is 18 months; or if crystalline sodium penicillin, potassium penicillin, or procaine penicillin is not used with the date which is 12 months after the month during which the batch was certified."

c. In § 146.27, paragraph (c) (2) is amended to read as follows:

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled the statement "Caution: To be dispensed only by or on the prescription of a _____," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or any combination of two or all of these words as the case may be; and

(ii) Unless the drug is intended solely for veterinary use and is so labeled a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such tablets; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

d. In § 146.27, paragraph (c) (3) is amended to read as follows:

(3) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such tablets, including: • • •

e. In § 146.27, subparagraph (2) (i) of paragraph (d) *Request for certification; samples* is amended to read as follows:

(i) The batch; average potency per tablet and average moisture.

24a. In § 146.31 *Penicillin dental cones* • • •, the second sentence of paragraph (a) *Standards of identity, etc.* is changed to read as follows: "The potency of each cone is not less than 500 units. Its moisture content is not more than 1.0%."

b. In § 146.31, subparagraph (2) (i) of paragraph (d) *Request for certification; samples* is amended to read as follows:

(i) The batch; average potency per cone and average moisture.

25a. In § 146.32 *Penicillin with vasoconstrictor*, the fourth sentence of paragraph (a) *Standards of identity, etc.* is amended by changing the comma to a period after "1.5%," and deleting the remaining words of the sentence.

b. Section 146.32 (a) is further amended by changing the comma after the word "paragraph" in the fifth sentence to a period, and by deleting the remaining words of the sentence.

c. In § 146.32, paragraph (d) *Request for certification; samples* is amended by deleting the words "microorganism count," in subdivisions (i) and (iii) of subparagraph (2).

26a. In § 146.33 *Penicillin for surface application*, paragraph (a) *Standards of identity, etc.* is amended by deleting the second sentence.

b. In § 146.33, subparagraph (2) (i) of paragraph (d) *Request for certification; samples* is amended by changing the comma after the word "moisture" to a period and deleting the words "microorganism count."

27a. In § 146.36 *Penicillin vaginal suppositories* • • •, paragraph (a) *Standards of identity, etc.* second sentence, is amended by changing the semicolon after "1.0%" to a period and deleting the remaining words of the sentence.

b. In § 146.36, subparagraph (2) (i) of paragraph (d) *Request for certification; samples* is amended to read as follows:

(i) The batch; the average potency per suppository and moisture.

28a. In § 146.40 *Penicillin bougies* • • •, paragraph (a) *Standards of identity, etc.* is amended by deleting the fourth sentence.

b. In § 146.40, subparagraph (2) (i) of paragraph (d) *Request for certification; samples* is amended to read as follows:

(i) The batch; average potency per bougie and moisture.

29. In § 146.44 *Procaine penicillin* • • •, subparagraph (3) of paragraph (c) *Labeling* is amended by changing the figure "18" to "24".

30a. In § 146.45 *Procaine penicillin in oil*, paragraph (a) *Standards of identity, etc.*, fourth sentence, is amended to read as follows: "It is sterile, unless it is packaged and labeled solely for udder instillations of cattle."

b. In § 146.45, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the figure "18" to "24".

c. In § 146.45, subparagraph (2) (i) of paragraph (d) *Request for certification; samples* is amended to read as follows:

(i) The batch; potency, sterility (unless it is intended solely for udder instillations of cattle), and moisture.

31a. In § 146.46 *Crystalline penicillin for inhalation therapy*, paragraph (a) *Standards of identity, etc.* is amended by deleting the third sentence.

b. In § 146.46, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended to read as follows:

(iii) The statement "Expiration date _____," the blank being filled in, if crystalline sodium penicillin or potassium penicillin is used, without a diluent, with the date which is 36 months; or if crystalline sodium penicillin or potassium penicillin is used, with a diluent, or if procaine penicillin is used, with the date which is 18 months after the month during which the batch was certified; and

c. In § 146.46, subparagraph (2) (i) of paragraph (d) *Request for certification; samples* is amended to read as follows:

(i) The batch; potency and moisture.

32a. In § 146.49 *Ephedrine penicillin tablets*, paragraph (a) *Standards of identity, etc.*, third sentence, is amended to read as follows: "Its moisture content is not more than 1.5%."

b. In § 146.49, subparagraph (2) (i) of paragraph (d) *Request for certification; samples* is amended to read as follows:

(i) The batch; average potency per tablet and average moisture.

33a. In § 146.51 *Buffered penicillin powder*, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended to read as follows:

(iv) The statement "Expiration date _____," the blank being filled in with the date which is 18 months after the month during which the batch was certified; and

b. In § 146.51, paragraph (c) (2) is amended to read as follows:

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a ____," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or any combination of two or all of these words, as the case may be;

(ii) Unless the drug is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such buffered penicillin powder; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

c. In § 146.51, paragraph (c) (3) is amended to read as follows:

(3) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such buffered penicillin powder, including:

• • • • •

34a. In § 146.102 *Streptomycin ointment*, paragraph (a) *Standards of identity, etc.* is amended by deleting the third sentence.

b. In § 146.102, subparagraph (2) (i) of paragraph (d) *Request for certification; samples* is amended to read as follows:

(i) The batch; potency.

35a. In § 146.104 *Streptomycin tablets*, paragraph (a) *Standards of identity, etc.* is amended by deleting the fourth sentence.

b. In § 146.104, subparagraph (2) (i) of paragraph (d) *Request for certification; samples* is amended to read as follows:

(i) The batch; average potency per tablet and average moisture.

36a. In § 146.202 *Aureomycin ointment*, paragraph (a) is amended by deleting the fourth sentence.

b. In § 146.202, subparagraph (2) (i) of paragraph (d) *Request for certification; samples* is amended to read as follows:

(i) The batch; potency and moisture.

37a. In § 146.206 *Aureomycin ophthalmic* • • •, paragraph (a) *Standards of identity, etc.* is amended by deleting the fifth sentence.

b. In § 146.206, subparagraph (2) (i) of paragraph (d) *Request for certification; samples* is amended to read as follows:

(i) The batch; potency and moisture.

38a. In § 146.402 *Bacitracin ointment*, paragraph (a) *Standards of identity, etc.* is amended by deleting the fourth sentence.

b. In § 146.402, subparagraph (2) (i) of paragraph (d) *Request for certification; samples* is amended to read as follows:

(i) The batch; potency and moisture.

39a. In § 146.403 *Bacitracin tablets*, the fourth and fifth sentences of paragraph (a) *Standards of identity, etc.* are amended to read as follows: "Unless it is represented to be used for inhalation therapy, the bacitracin used conforms to the requirements of § 146.401 (a), except subparagraphs (1), (2), and (4) of that paragraph, but in no case is its potency less than 30 units per milligram. If it is represented to be used for inhalation therapy, the bacitracin used conforms to the requirements of § 146.401 (a), except subparagraphs (2) and (4) of that paragraph."

b. In § 146.403, subparagraph (2) (i) of paragraph (d) *Requests for certification; samples* is amended to read as follows:

(i) The batch; average potency per tablet and average moisture.

40a. In § 146.405 *Bacitracin with vasoconstrictor* • • •, paragraph (a) *Standards of identity, etc.*, fourth sentence, is amended by changing the comma after "5%" to a period and deleting the remaining words of the sentence.

b. Section 146.405 (a) is further amended by changing the fifth sentence to read as follows: "The bacitracin used conforms to the requirements of § 146.401 (a), except subparagraphs (2) and (4) of that paragraph."

c. In § 146.405, paragraph (d) *Request for certification; samples* is amended by deleting the words "microorganism count," from subdivisions (i) and (iii) of subparagraph (2).

Those parts of this order which provide for the deletion of the microorganism count limitation for all antibiotic drugs now having such standard and for increasing the effective date of certification of procaine penicillin tablets from 12 to 18 months, procaine penicillin from 18 to 24 months, procaine penicillin in oil from 18 to 24 months, procaine penicillin for inhalation therapy from 12 to 18 months, and buffered procaine penicillin powder from 12 to 18 months shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find. These parts of this order which provide for deletion of the requirement that a circular containing directions for use be packaged with penicillin tablets and buffered penicillin powder, unless such drugs are labeled solely for veterinary use, shall become effective 60 days after publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay extending the effective date of certification of procaine penicillin tablets from 12 to 18 months, procaine penicillin from 18 to 24 months, procaine penicillin in oil from 18 to 24 months, procaine penicillin for inhalation therapy from 12 to 18 months, and buffered procaine penicillin powder from 12 to 18 months and to provide for deletion of the requirement that a circular containing directions for use by the medical profession be packaged with penicillin tablets and buffered penicillin powder, unless such drugs are labeled solely for veterinary use.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup., 357)

Dated: July 28, 1950.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-6790; Filed, Aug. 2, 1950; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing and Rent Reg., Amdt. 266]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 263]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA AND WASHINGTON

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81–825.92) are amended in the following respects:

1. Schedule A, Item 39b, is amended to read as follows:

(39b) [Revoked and decontrolled.]

This decontrols (1) the City of Santa Barbara in Santa Barbara County, California, a portion of the Santa Barbara, California, Defense-Rental Area, and all unincorporated localities in said defense-rental area, based on a resolution submitted with respect to said City of Santa Barbara in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Santa Barbara being the major portion of said defense-rental area, and (2) the remainder of said defense-rental area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

2. Schedule A, Item 347, is amended to describe the counties in the defense-rental area as follows:

Whatcom County.
Skagit County except the City of Mount Vernon.

This decontrols the City of Mount Vernon in Skagit County, Washington, a portion of the Bellingham, Washington Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

3. Schedule A, Item 352, is amended to describe the counties in the defense-rental area as follows:

Those parts of the Counties of King and Pierce lying west of the Snoqualmie National Forest, except the City of Kent in King County and the City of Sumner in Pierce County.

This decontrols the City of Sumner in Pierce County, Washington, a portion of the Puget Sound, Washington, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective August 1, 1950.

Issued this 31st day of July 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50–6805; Filed, Aug. 2, 1950; 8:51 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

SUBPART Q—FOREIGN SERVICE ALLOWANCES

Effective July 1, 1950, Appendix A is amended as follows:

Special Class "G" rates changed:

	Subsistence	Quarters	Total	Travel
From	$10.80	$6.25	$17.05	$20.00
To	15.00	10.00	25.00	30.00

(Sec. 215, 58 Stat. 690; 42 M. S. C. 216)

Dated: July 26, 1950.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: July 28, 1950.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 50–6791; Filed, Aug. 2, 1950; 8:49 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV — Office of Vocational Rehabilitation, Federal Security Agency

PART 403—VENDING STAND PROGRAM FOR THE BLIND IN FEDERAL AND OTHER BUILDINGS

DEFINITION OF BLINDNESS

In order to clarify the definition of blindness contained in paragraph (b) of section 6 of the act of June 20, 1936 (Pub. Law 732, 74th Cong.) and in paragraph (q) of § 403.1 (formerly § 602.1) of the regulations thereunder (13 F. R. 5236), such paragraph of the regulations is hereby amended to read as follows:

(q) The term "blind person" is defined in the act as "a person having not more than 10 per centum visual acuity in the better eye with correction." This means a person who has (1) not more than 20/200 central visual acuity in the better eye after correction; or (2) an equally disabling loss of the visual field—i. e., a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees. Such blindness shall be certified by a duly licensed physician skilled in the diseases of the human eye.

(49 Stat. 1559; 20 U. S. C. 107–107f)

Dated: July 28, 1950.

[SEAL] JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 50–6792; Filed, Aug. 2, 1950; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 105—ALASKA PENINSULA AREA FISHERIES

OPEN SEASON, EXCEPT PORT MOLLER DISTRICT

Basis and purpose. As a result of investigations by field personnel of the Fish and Wildlife Service it has been determined that a local fall run of salmon in Port Heiden can be utilized without damage to fishery populations in those waters. Accordingly, § 105.3 is hereby amended as follows:

§ 105.3 *Open seasons, except Port Moller district.* Fishing is prohibited except from 6 o'clock antemeridian May 27 to 6 o'clock post-meridian August 5: *Provided*, That beach seines and gill nets may be used in Port Heiden from August 10 to September 30, both dates inclusive.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Since this amendment will reopen Port Heiden to salmon fishing on August 10, it is imperative that this change become effective immediately upon publication in the FEDERAL REGISTER, and it is so ordered.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 28, 1950.

[F. R. Doc. 50–6763; Filed, Aug. 2, 1950; 8:46 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket No. 9649]

BROADCASTS BY CANDIDATES FOR PUBLIC OFFICE

PUBLIC NOTICE REGARDING PROPOSED RULE MAKING

In its Notice of Proposed Rule Making (FCC 50–591, Docket No. 9649) the Commission proposed to add a new section, to be designated § 3.590, to Subpart C of Part 3 of its rules and regulations, which governs noncommercial educational FM broadcast stations. The proposed new section, pertaining to broadcasts by candidates for public office, will be substantially in the same language as the present §§ 3.190, 3.290 and 3.690, which concern, respectively, standard broadcast stations, FM broadcast stations, and television broadcast stations. The proposed rules were set forth in the Appendix attached thereto.

The notice also provided that "Any interested person who is of the opinion that the proposed section should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before June 19, 1950, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date."

Pursuant to the notice Westinghouse Radio Stations, Inc., filed comments and a petition for rule making in Docket No. 9649.

In its comments Westinghouse points out that the proposal to add a new § 3.590, Broadcasts by Candidates for Public Office, contains sub-paragraph (a), Definitions, and states: "A 'legally qualified candidate' means any person who has publicly announced that he is a candidate for nomination • • •". Westinghouse believes that this definition should be enlarged so that the rules also apply,

• • • to any individuals specifically authorized by the candidate to speak for him or authorized by the appropriate campaign or finance committee acting under general authorization from the candidate.

Westinghouse states that the foregoing enlargement of the proposed rule "would be in conformity with the law and would remove some of the existing uncertainty • • •." Specifically, Westinghouse states that section 315 of the Communications Act, on which the proposed rule is based, should not be given a narrow interpretation, limiting its application to the candidate personally. Westinghouse points out that section 315 of the act provides that if "any licensee shall permit any • • • candidate • • • *to use* a broadcasting station • • • such licensee shall have no power of censorship over the material broadcast • • •" (italics supplied), and contends that it "is the candidacy to be promoted, the elected office sought to be won, which is the test, and not the identity of the speaker." It points, further, to the fact that the interpretation of section 315 which it advocates was adopted by the Federal District Court for the Eastern District of Pennsylvania, in the recent case of Felix v. Westinghouse Radio Stations, Inc., 89 F. Supp. 740 (1950).

Therefore, Westinghouse has petitioned the Commission:

(a) To stay further proceedings at this docket number 9649.

(b) To issue proposed Rule Making Proceedings to enlarge §§ 3.190, 3.290 and 3.690 in accordance with the foregoing comments, and consolidate therein this proposal for a new section to be designated 3.590.

(c) To take such further action as may be necessary to clarify the rules applicable to broadcasts by candidates for public office.

The Commission realizes that the Westinghouse petition raises issues which could not have been contemplated by a reading of the Commission's Notice of Proposed Rule Making in the above-entitled proceeding. However, a similar suggestion for the institution of rule-making has been received from the law firm of Wolf, Block, Schorr and Solis-Cohen of Philadelphia, Pennsylvania, and it is believed that the matter may warrant serious consideration by the Commission either in connection with the present proceeding or in a separate rule-making proceeding. The Commission believes, however, that an opportunity should be made available to other interested persons to comment on the issues raised in the instant petition before the Commission takes any action upon it. The Commission, therefore, intends to withhold action at this time with respect to the proposed rules to allow all persons wishing to do so to file written statements setting forth their views on the matters raised in the Westinghouse petition. Such comments, briefs or arguments should be filed with the Commission on or before the 21st day of August 1950.

Fifteen copies of each brief or written statement should be filed in accordance with § 1.764 of the Commission's rules and regulations.

Adopted: July 21, 1950.

Released: July 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–6801; Filed, Aug. 2, 1950; 8:51 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of Industry and Commerce

[Case No. 90]

THEODORE E. KEDROS

ORDER SUSPENDING LICENSE PRIVILEGES

This proceeding was begun on June 13, 1950, by the mailing of a charging letter to the above-named respondent, wherein the Office of Industry and Commerce charged respondent, together with certain others against whom enforcement proceedings are still pending, with having violated the Export Control Act of 1949 (63 Stat. 7) and the regulations issued thereunder. It was alleged that, acting as agent for such other respondents who reside and are engaged in business in Trieste, respondent during 1948 and 1949 placed with certain suppliers in this country various orders for shipment of truck tires and tubes to Trieste; caused such suppliers to make twelve specified applications for, and in nine cases to obtain, export licenses for such shipments on the basis of representations that the ultimate destination was Trieste; and further caused shipments to be made under such licenses and pursuant to bills of lading describing the shipments as being made to Trieste "in transit". It was alleged, finally, that respondent, in procuring said action to be taken, knew or should have known that the true and intended destination was not Trieste but that such tires and tubes would be (as they were in fact) transshipped from Trieste to Yugoslavia.

It appears that respondent, after receiving the above-mentioned charging letter, submitted to the Enforcement Section, with the advice of counsel and through such counsel, a statement denying that, prior to shipment, he had actual knowledge that such tires and tubes were to be transshipped from Trieste and that he acted as agent for the Trieste respondents but admitting for purposes of this proceeding that the other charges against him were true, waiving his right to an oral hearing, and consenting that an order be issued revoking his outstanding export licenses and denying to him and associated persons and enterprises for the duration of export control the privilege of making shipment to any destination of any article on the Positive List.

It further appears that the investigation reports, written statements of witnesses, and other evidentiary material in the possession of the Enforcement Section, together with the above-mentioned proposal for a consent order, have been submitted to and reviewed by the Compliance Commissioner; that he has found that such evidence, while not establishing actual knowledge of intended transshipment to Yugoslavia on the part of respondent, does support the charge that he knew or should have known that some transshipment beyond Trieste was contemplated and, consequently, that he caused and participated in the making of false representations to the Government to the effect that Trieste was the ultimate destination of the tires and tubes; that the Compliance Commissioner has further found that the terms and conditions of the proposed order as consented to by respondent are fair and reasonable if coupled with a provision allowing him, at any time after the expiration of six months, to apply for modification or termination of such order; and that the Compliance Commissioner has recommended that such proposal, as so qualified, be approved and such order issued.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the evidentiary material placed before him, and it appears that such findings are in accordance with the evidence and that such recommendations are fair and reasonable and should be adopted.

Now, therefore, it is ordered, As follows:

(1) All outstanding export licenses issued to or held by respondent are hereby revoked and shall be forthwith returned to the Office of Industry and Commerce for cancellation.

(2) Respondent is hereby denied, for the duration of export control, the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses for shipment of any commodity on the Positive List as promulgated by the Office of Industry and Commerce, as such list may be constituted at the time of any proposed shipment, to any destination under either validated or general license.

(3) Such denial of export license privileges shall extend not only to respondent personally but also to any person, trade name, firm, corporation or other business organization with which he may now or hereafter be related by ownership or control or with which he may hold a position of responsibility in the conduct of export trade.

(4) Respondent may, nevertheless, at any time after six months from the date of this order, make application for its modification or termination.

Issued this 28th day of July 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

Approved:

JOHN F. HAVENER,
Assistant Director.

[F. R. Doc. 50-6762; Filed, Aug. 2, 1950; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportwear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 399)).

Adams Sportswear & Dresses Inc., 60 Franklin Street, Quincy, Mass., effective 7-20-50 to 3-31-51; 10 percent normal labor turn-over (women's apparel).

All American Dress Co., 7th and Mifflin Streets, Lebanon, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (infants and children's outerwear).

Barbizon of Jessup, Inc., 101 Church Street, Jessup, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (ladies woven underwear).

Barlow-Welker Knitting Co., Wyoming, N. Y., effective 7-20-50 to 3-31-51; 10 percent normal labor turn-over (men's T shirts and briefs).

Bedford Manufacturing Corp., 381 Pleasant Street, Fall River, Mass., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Blue Bell Inc., Lenoir, N. C., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (pants, overalls, etc.).

Brewster Shirt Manufacturing Corp., Ocala, Fla., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (sport shirts).

Brook Manufacturing Co., Inc., First and Miles Streets, Old Forge, Pa.; effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (trousers).

Campus Sweater & Sportswear Co., 234 St. Clair Avenue West, Cleveland 13, Ohio, effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (sport shirts).

Cape Girardeau Leather Manufacturing Co., 815-817-a Broadway, Cape Girardeau, Mo., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (outerwear).

Clyde Shirt Co., Northampton, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dress shirts).

Cotton City Wash Frocks, Inc., 52 Twelfth Street, Fall River, Mass., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Dalomar Dress Co., 41-43 Polk Street, Riverside, N. J., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Dillsburg Dress Co., Dillsburg, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Elder Manufacturing Co., Dexter, Mo., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (shirts).

Elder Manufacturing Co., St. Genevieve, Mo., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dress shirts, etc.).

Fairfield Manufacturing Co., 1 Franklin Street, New Haven, Conn., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dress shirts).

Freeland Dress Co., Inc., 721 Birkbeck Street, Freeland, Pa., effective 7-21-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Fulton Manufacturing Co., McConnellsburg, Pa., effective 7-24-50 to 10-15-50; 10 percent normal labor turn-over (men's coats).

G & G Manufacturing Co., 120 Harrison Avenue, Boston, Mass., effective 7-24-50 to 3-31-51; 2 learners (children's sportswear).

General Sportswear Co., Inc., 23 Market Street, Ellenville, N. Y., effective 7-21-50 to 3-31-51; 10 percent normal labor turn-over (infant's and children's outerwear).

Glenshore Manufacturing Co., 1622 Arapahoe Street, Denver, Colo., effective 7-20-50 to 3-31-51; 10 percent normal labor turn-over (men's western pants and jackets).

Greenville Pant Manufacturing Co., Stonewall Street, Greenville, Tex., effective 7-20-50 to 12-31-50; 80 learners for expansion purposes only (pants, overalls, etc.).

Guilford Garment Co., 920 Guilford Street, Lebanon, Pa., effective 7-21-50 to 12-31-50; 10 percent normal labor turn-over (blouses).

The H & A Pants Manufacturing Co., 625 Washington Boulevard, Baltimore 30, Md., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (pants, overalls, etc.).

Helmer Manufacturing Co., Ore Street, Bowmanstown, Pa., effective 7-21-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Hickory Overall Co., 902 Federal Street, Hickory, N. C., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (pants, overalls, etc.).

Huggins Garment Co., Ridge Springs, S. C., effective 7-23-50 to 11-30-50; 26 learners (sport shirts).

Indiana Rayon Corp., 280 East Osage Street, Greenfield, Ind., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dress shirts, etc.).

M. Janowitch & Sons, Main and Market Streets, Mahanoy City, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

The Jay Garment Co., Brookville, Ind., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (children's overalls).

Jo-Burt, Inc., 213 Church Street, Zeigler, Ill., effective 7-21-50 to 3-31-51; 10 percent normal labor turn-over (junior misses).

Johnson & Co., St. Peter, Minn., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (pants, overalls, etc.).

Karen Sportswear, R. D. No. 2, Shickshinny, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Karp & Shapiro, 397 Rodman Street, Fall River, Mass., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Katz Underwear Co., Honesdale, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (ladies' underwear, etc.)

Julius Kayser & Co., Moscow, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (women's underwear).

King Sportswear Co., Inc., Main Street, Mocanaqua, Pa., effective 7-21-50 to 3-31-51; 10 percent normal labor turn-over (sewing of children's sportswear).

Kulpmont Manufacturing Co., Inc., Kulpmont, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (brassieres, corsets, and girdles).

J. A. Lamy Manufacturing Co., 108 West Pacific Street, Sedalia, Mo., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (pants, overalls, etc.).

Little Star Frocks, Inc., Bridgeton, N. J., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (children's dresses).

Mart Realty Corp., 112 Spruce Street, Lititz, Pa., effective 7-21-50 to 3-31-51; 10 percent normal labor turn-over (children's sportswear).

Mary Ann Manufacturers, 268 Broadway, Mauch Chunk, Pa., effective 7-21-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Maybelle Sportswear Manufacturing Co., 310½ West Weatherford Street, Fort Worth, Tex., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (sportswear).

Miller Brothers, Inc., 1619 Preston Avenue, Houston, Tex., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (pants, shirts, etc.).

Monarch Textile Corp., 206 Globe Mills Avenue, Fall River, Mass., effective 7-22-50 to 3-31-51; 10 percent normal labor turnover (ladies' robes).

Norann Manufacturing Co., Inc., 140 East Centre Street, Nesquehoning, Pa., effective 7-21-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Nuremberg Dress Co., Nuremberg, Pa., effective 7-21-50 to 12-31-50; 10 percent normal labor turn-over (dresses).

Phillips-Jones Factory, Pottsville, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dress shirts and pajamas).

Phillips-Jones Factory, Coaldale, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (shirts).

R. Q. L. Shirt Co., Franklin Street, Quakertown, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (men's shirts, etc.).

Emanuel G. Rosenblatt, 55 South Street, Patchogue, N. Y., effective 7-21-50 to 3-31-51; 10 percent normal labor turn-over (single pants).

Scranton Frocks, Inc., 515-17 Mulberry Street, Scranton, Pa., effective 7-22-51 to 3-31-51; 14 learners for expansion purposes (dresses).

Shenan Dress Corp., Washington and Bower Streets, Shenandoah, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dresses and sportswear).

Siceloff Manufacturing Co., Inc., East Second Avenue, Lexington, N. C., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (overalls, dungarees, etc.).

Boris Smoler & Sons, Church and Maple Streets, Salem, Ill., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Boris Smoler & Sons, Crawford and Prospect Streets, Elkhart, Ind., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Boris Smoler & Sons, 3021 North Pulaski Road, Chicago 41, Ill., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Southland Manufacturing Co., Inc., 1510 South Third Street, Wilmington, N. C., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (shirts).

Spruce Manufacturing Co., Spruce and Second Streets, Sunbury, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (ladies underwear).

Star Sportswear Manufacturing Co., 278 Broad Street, Lynn, Mass., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (sportswear, etc.).

Steingut Dress Co., 228 Everheart Street, DuPont, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Troy Clothing Specialties Co., Inc., 29 Troy Street, Fall River, Mass., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (robes).

United Garment Manufacturing Co., 400 First Avenue North, Minneapolis, Minn., effective 7-20-50 to 3-31-51; 10 percent normal labor turn-over (sportswear, etc.).

United Pants Co., Inc., Nuangola Branch, R. D. No. 2, Mountain Top, Pa., effective 7-21-50 to 12-31-50; six learners (pants and jackets).

Valerie Fashions, 39 Allen Street, West Nanticoke, Pa., effective 7-21-50 to 12-31-50; 10 percent normal labor turn-over (dresses).

S. Weitz & Co., Inc., 2882 Detroit Avenue, Cleveland 13, Ohio, effective 7-18-50 to 11-30-50; 7 percent of productive factory workers (men's and boys' clothing).

Yorktowne Dress Co., Inc., 19 East Newton Avenue, York, Pa., effective 7-24-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Zawick Manufacturing Co., 1706 North Main Street, Hellertown, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (overalls, operating gowns, etc.).

S. Zucker Co., 218 Northwest Twenty-fifth Street, Miami, Fla., effective 7-21-50 to 3-31-51; 10 percent normal labor turn-over (skirts, blouses, etc.).

Hosiery Learner Regulaltions (29 CFR 522.40 to 522.51; as revised January 25, 1950 (15 F. R. 283)).

Vogue Hosiery Mills, Inc., Oxford, N. C., effective 7-18-50 to 7-17-51; one learner.

Cigar Learner Regulations (29 CFR 522.201 to 522.211; as amended January 25, 1950 (15 F. R. 400)).

Waitt & Bond, Inc., 526-530 Ash Street, Scranton 9, Pa., 10 percent learners; cigar machine operating, 320 hours, 60 cents per hour; cigar packing, 320 hours, 60 cents per hour (cigars retailing for over 6 cents); cigar packing, 160 hours, 60 cents per hour (cigars retailing for 6 cents or less); machine stripping, 160 hours, 60 cents per hour; effective 7-20-50 to 3-31-51.

J. C. Winter & Co., Inc., 49 South Pine Street, Red Lion, Pa., 10 percent learners; effective 7-21-50 to 3-31-50, cigar machine operating, 320 hours, 60 cents per hour.

Glove Learner Regulations (29 CFR 522.220 to 522.222; as amended January 25, 1950 (15 F. R. 400)).

Scotsmoor Co., Inc., 29 North Market Street, Johnstown, N. Y., effective 7-20-50 to 3-31-51; 10 percent learners (knit wool gloves).

Wm. Seal & Co., East North Street, Millersburg, Pa., effective 7-25-50 to 3-31-51; 10 percent learners (work gloves).

Knitted Wear Learner Regulations (29 CFR 522.68 to 522.79; as amended January 25, 1950 (15 F. R. 398)).

Carolina Corp., Clover, S. C.; replacement certificate; effective 7-3-50 to 3-31-51; nine learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

American Sardine Corp., Machiasport, Maine, effective 7-21-50 to 12-15-50; 10 percent of total productive factory workers only, not including office, maintenance, sales or other personnel; sardine packer, 160 hours, 60 cents (sardine canning).

Attica Manufacturing Co., 109 West Main Street, Attica, Ind., effective 7-17-50 to 1-16-51; five learners; sewing machine operators, 320 hours, 60 cents (novelty headwear).

Bath Canning Co., 66 Bowery, Bath, Maine, effective 7-21-50 to 12-15-50; 10 percent of total productive factory workers, not including office, maintenance, sales, or other personnel; sardine packer, 160 hours, 60 cents (packing sardines).

Falls Bait Co., Chippewa Falls, Wis., effective 7-16-50 to 1-15-51; one learner; fly tier, 480 hours, 60 cents per hour for the first 320 hours, and 65 cents per hour for the remaining 160 hours (manufacturing of fishing flies and bugs).

Gaines Co., Gaines, Pa.; corrected certificate; effective 7-7-50 to 1-6-51; two learners; fly tier, 480 hours, 60 cents for the first 320 hours and 65 cents for the remaining 160 hours (trout flies and nylon leaders).

Green Island Packing Co., Rockland, Maine, effective 7-21-50 to 12-15-50; 10 percent of total productive factory workers only, not including office, maintenance, sales, or other personnel; sardine packer, 160 hours, 60 cents (sardine packing).

Louis Hand, Inc., Fall River, Mass., effective 7-25-50 to 1-25-51; 3 percent of total productive factory force (not including sales or office personnel); sewing machine operator, 240 hours, 65 cents (curtains).

Hawkins Iron Co., Inc., 315 North Fourth Street, Birmingham, Ala., effective 7-17-50 to 10-1-50; one learner; tracer, 480 (for summer vacation employment only) 60 cents (fabricators of iron and steel, ornamental and structural).

Hickory Springs Manufacturing Co., Inc., 614-618 East Highland Avenue, Hickory, N. C., effective 7-19-50 to 11-18-50; 25 learners; machine operators and assemblers, 480 hours; finishers, 320 hours, for machine operators and assemblers, 60 cents for the first 240 hours and not less than 65 cents for the remaining 240 hours; for finishers, 60 cents for the first 240 hours and not less than 65 cents for the remaining 80 hours (bed springs).

Holmes Packing Corp., Ocean Street, Rockland, Maine, effective 7-21-50 to 12-15-50; 10 percent of total productive factory workers only, not including office, maintenance, sales, or other personnel; sardine packer, 160 hours, 60 cents (packing sardines).

Lustour Corp., Murphysboro, Ill., effective 7-17-50 to 1-16-51; 10 percent of the total productive factory force (not including sales or office personnel); basic hand and machine operations in the manufacture of labels, 240 hours, 60 cents per hour for the first 160 hours and 65 cents per hour for the remaining 80 hours (rotogravure printing of labels).

Maine Sardine Co., Addison, Maine, effective 7-21-50 to 12-15-50; 10 percent of total productive factory workers only, not including office, maintenance, sales, or other personnel; sardine packer, 160 hours, 60 cents (sardine packers).

Milbridge Canning Corp., Milbridge, Maine, effective 7-21-50 to 12-15-50; 10 percent of total productive factory workers only, not including office, maintenance, sales, or other personnel; sardine packer, 160 hours, 60 cents (sardine canning).

North Lubec Manufacturing & Canning Co., North Lubec, Maine, effective 7-21-50 to 12-15-50; 10 percent of total productive factory workers only, not including office, maintenance, sales, or other personnel; sardine packer, 160 hours, 60 cents (canning sardines).

North Lubec Manufacturing & Canning Co., Rockland, Maine, effective 7-21-50 to 12-15-50; 10 percent of total productive factory workers only, not including office, maintenance, sales, or other personnel; sardine packer, 160 hours, 60 cents (canning sardines).

R. J. Peacock Canning Co., Water Street, Lubec, Maine, effective 7-21-50 to 12-15-50; 10 percent of total productive factory workers only, not including office, maintenance, sales or other personnel; sardine packer, 160 hours, 60 cents (sardine canning).

R. J. Peacock Canning Co., Clark Street, Eastport, Maine, effective 7-21-50 to 12-15-50; 10 percent of total productive fac-

tory workers only, not including office, maintenance, sales, or other personnel; sardine packer, 160 hours, 60 cents (sardine packing).

R. J. Peacock Canning Co., Ubley Drive, Lubec, Maine, effective 7–21–50 to 12–15–50; 10 percent of total productive factory workers only, not including office, maintenance, sales, or other personnel; sardine packer, 160 hours, 60 cents (sardine packing).

Riegal Textile Corp., Ware Shoals, S. C., effective 7–25–50 to 1–24–51; 3 percent of total productive factory workers (not including sales or office personnel); sewing machine operators only, 240 hours, 60 cents (diapers, pillow cases, etc.).

Riviera Packing Co., Water Street, Eastport, Maine, effective 7–21–50 to 12–15–50; 10 percent of total productive factory workers only, not including office, maintenance, sales, or other personnel; sardine packer, 160 hours, 60 cents (sardine canning).

Seaboard Packing Co., Lubec, Maine, effective 7–21–50 to 12–15–50; 10 percent of total productive factory workers only; not including office, maintenance, sales, or other personnel; sardine packer, 160 hours, 60 cents (sardine canning).

Seaboard Packing Co., Robbinston, Maine, effective 7–21–50 to 12–15–50; 10 percent of total productive factory workers only, not including office, maintenance, sales, or other personnel; sardine packer, 160 hours, 60 cents (sardine canning).

Wm. Underwood Co., West Jonesport, Maine, effective 7–21–50 to 12–15–50; 10 percent of total productive factory workers only, not including office, maintenance, sales, or other personnel; sardine packer, 160 hours, 60 cents (sardine canning).

Wm. Underwood Co., McKinley, Maine, effective 7–21–50 to 12–15–50; 10 percent of total productive factory workers only, not including office, maintenance, sales, or other personnel; sardine packer, 160 hours, 60 cents (sardine canning).

B. H. Wilson Fisheries, Battery Street, Eastport, Maine, effective 7–21–50 to 12–15–50; 10 percent of total productive factory workers only, not including office, maintenance, sales, or other personnel; sardine packer, 160 hours, 60 cents (sardine canning).

The following special learner certificates were issued in the Shoe Industry. These certificates authorize the employment of learners in any occupations except custodial, maintenance, supervisory, and office and clerical occupations. The learning period is 480 hours at not less than 65 cents an hour for the first 240 hours and not less than 70 cents an hour for the next 240 hours, except as otherwise indicated in parenthesis.

Cole of Dunmore, Dunmore, Pa.; supplemental certificate, effective 7–19–50 to 8–25–50, 5 learners for expansion purposes (240 hours, not less than 70 cents per hour for 240 hours).

Wilkes Shoe Co., 352–354 East Market Street, Wilkes-Barre, Pa., effective 7–24–50 to 8–25–50; 15 learners.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 27th day of July 1950.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 50–6764; Filed, Aug. 2, 1950; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4366]

TRANS-PACIFIC AIRLINES, LTD.

NOTICE OF HEARING

In the matter of the application of Trans-Pacific Airlines, Ltd., for amendment of its certificate of public convenience and necessity for route No. 99 to authorize air transportation of persons, property and mail.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on August 16, 1950, at 10:00 a. m., e. d. s. t., in Conference Room C, Departmental Auditorium, between Twelfth and Fourteenth Streets on Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Without limiting the scope of the issues presented by the parties to this proceeding, particular attention will be paid to the following matters and questions:

(1) Whether the amendment of the certificate for Route No. 99 to authorize the carrier to engage in air transportation of mail is required by the public convenience and necessity.

(2) If so, is Trans-Pacific Airlines, Ltd., fit, willing and able to perform such transportation properly, and to conform to the provisions of the act and rules, regulations, and requirements of the Board.

Notice is further given that any person desiring to be heard in opposition to this proceeding must file with the Board, on or before August 16, 1950, a statement setting forth the issues of fact or law which he wishes to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., July 28, 1950.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 50–6793; Filed, Aug. 2, 1950; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9683]

STATION KFTM

ORDER CHANGING PLACE OF HEARING

In the matter of revocation of license of Station KFTM, Fort Morgan, Colorado.

The Commission having under consideration the above-entitled matter which was designated for hearing on July 6, 1950, and scheduled to be heard on September 20, 1950, at Fort Morgan, Colorado;

It is ordered, This 24th day of July 1950 that the place of hearing in the above-entitled proceeding is changed from Fort Morgan, Colorado, to Denver, Colorado.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–6794; Filed, Aug. 2, 1950; 8:50 a. m.]

[Docket Nos. 7170, 7955, 8045]

HARMCO, INC. (KROY), ET AL.

ORDER CONTINUING HEARING

In re applications of Harmco, Inc. (KROY), Sacramento, California, Docket No. 7170, File No. BP–4253; Palo Alto Radio Station, Inc. (KYA), San Francisco, California, Docket No. 7955, File No. BP–4452; Edmond Scott, Gordon D. France, Hugh Smith and Merwyn F. Planting, a Partnership, d/b as San Mateo County Broadcasters (KVSM), San Mateo, California, Docket No. 8045, File No. BP–5536; for construction permits.

The Commission having under consideration a petition filed July 21, 1950, by Palo Alto Radio Station, Inc., licensee of Standard Broadcast Station KYA, San Francisco, California, requesting that the hearing in the above-entitled proceeding be continued for a period of 90 days from the presently scheduled date of August 1, 1950;

It appearing, that all other parties to the proceeding and Commission Counsel have indicated that they have no objection to the requested continuance; that compliance with § 1.745 of the Commission's rules is therefore unnecessary; and that good and sufficient cause has been shown in the petition for said continuance;

It is ordered, This 21st day of July 1950 that the petition be, and it is hereby, granted; and the hearing in the above-entitled matter be, and it is hereby, continued to 10:00 a. m., Monday, October 30, 1950, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–6795; Filed, Aug. 2, 1950; 8:50 a. m.]

[Docket No. 9303]

SOUTHERN RADIO AND EQUIPMENT CO. (WOBS)

ORDER CONTINUING HEARING

In re application of Southern Radio and Equipment Company (WOBS), Jacksonville, Florida, for modification of construction permit; Docket No. 9303, File No. BMP–3699.

The Commission having under consideration a petition filed July 18, 1950, by Southern Radio and Equipment Company (WOBS), Jacksonville, Florida, requesting a continuance of the hearing presently scheduled for July 24, 1950, at Washington, D. C., in the proceeding upon the above-entitled application for modification of construction permit;

It is ordered, This 21st day of July 1950 that the petition is granted; and that the hearing in the above-entitled proceeding is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–6796; Filed, Aug. 2, 1950; 8:50 a. m.]

[Docket No. 9628]

KSOK BROADCASTING CO., INC. (KSOK)

ORDER CONTINUING HEARING

In re application of The KSOK Broadcasting Company, Inc. (KSOK), Arkansas City, Kansas, for construction permit; Docket No. 9628, File No. BP–7192.

The Commission having under consideration a petition filed July 17, 1950, by The KSOK Broadcasting Company, Inc., licensee of Station KSOK, Arkansas City, Kansas, requesting a continuance of the hearing to August 7, 1950, in the proceeding upon its above-entitled application for construction permit;

It is ordered, This 21st day of July 1950 that the petition is granted; and that the hearing in the above-entitled proceeding is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–6797; Filed, Aug. 2, 1950; 8:50 a. m.]

[Docket No. 9668]

KICKAPOO PRAIRIE BROADCASTING CO., INC. (KICK)

ORDER CONTINUING HEARING

In re application of Kickapoo Prairie Broadcasting Company, Inc. (KICK), Springfield, Missouri, for renewal of license; Docket No. 9668, File No. BR–2324.

The Commission having under consideration a petition filed July 11, 1950, by Kickapoo Prairie Broadcasting Company, Inc., licensee of Radio Station KICK, Springfield, Missouri, requesting a continuance of the hearing presently set for August 1, 1950, at Springfield, Missouri, in the proceeding upon its above-entitled application for renewal of license; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 21st day of July 1950 that the petition is granted; and that the hearing in the above-entitled proceeding is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–6798; Filed, Aug. 2, 1950; 8:50 a. m.]

[Docket No. 9692]

ST. JOSEPH VALLEY BROADCASTING CORP. (WJVA)

ORDER CONTINUING HEARING

In re application of St. Joseph Valley Broadcasting Corporation (WJVA), South Bend, Indiana, for renewal of license; Docket No. 9692, File No. BR–1877.

The Commission having under consideration a petition filed July 17, 1950, by St. Joseph Valley Broadcasting Corporation, licensee of Radio Station WJVA, South Bend, Indiana, requesting a continuance of the hearing presently scheduled for August 7, 1950, at South Bend, Indiana, in the proceeding upon its above-entitled application for renewal of license;

It is ordered, This 21st day of July 1950 that the petition is granted; and that the hearing in the above-entitled proceeding is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–6799; Filed, Aug. 2, 1950; 8:50 a. m.]

[Docket No. 9320]

INFORMAL APPLICATIONS FOR AUTHORITY TO USE CERTAIN APPARATUS

AMENDMENT TO STATEMENT OF DELEGATIONS OF AUTHORITY

In the matter of amendment of section 0.143 of the Commission's Statement of Delegations of Authority to provide for action by the Secretary upon informal applications for authority to use apparatus for production of programs to be delivered to foreign radio stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1950;

The Commission having under consideration a proposal to amend section 0.143 of its Statement of Delegations of Authority to authorize the Secretary, upon securing the approval of the Bureau of Law, to act upon informal applications for authority to use apparatus for the production of programs to be transmitted or delivered to foreign radio stations; and

It appearing, that a Notice of Proposed Rule Making proposing the above amendment to section 0.143 and also an amendment to § 1.327 of the Commission's rules and regulations to permit the filing of such informal applications under certain circumstances was issued May 19, 1949, and was duly published in the FEDERAL REGISTER (14 F. R. 2764); that said Notice of Proposed Rule Making specified June 30, 1949, as the last day for the filing of comments with respect to the above proposals; that certain comments were filed within the time permitted; and that oral argument was had before the Commission en banc on November 4, 1949; and

It further appearing, that no objection has been made to the proposed delegation of authority to the Secretary; that the comments received and arguments made to the Commission were related to the proposed amendment of §1.327 and to the Commission's interpretation of sections 325 and 310 of the Communications Act of 1934, as amended, as set forth in the above-mentioned Notice of Proposed Rule Making; and that the Commission has this day adopted a report and order making final its proposed amendment of § 1.327; and

It further appearing, that the adoption of the proposed amendment to the Commission's Statement of Delegations of Authority would conduce to the orderly and expeditious dispatch of the Commission's business; and that said amendment relates to organizational and procedural matters only and may, therefore, be made effective immediately;

It is ordered, That, effective immediately, section 0.143 of the Commission's Statement of Delegation of Authority is amended by the addition of a new paragraph (k) reading as follows:

(k) Informal applications by licensees or permittees of broadcast stations for authority to locate, use or maintain a radio broadcast studio or place or apparatus for the production of programs to be transmitted to foreign radio stations, where the program has been, is being, or will be broadcast in the United States by said licensee or permittee.

Released: July 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–6800; Filed, Aug. 2, 1950; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–731]

MICHIGAN GAS STORAGE CO.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 28, 1950.

Notice is hereby given that, on July 27, 1950, the Federal Power Commission issued its order entered July 27, 1950, modifying order of December 4, 1946 (11 F. R. 14220), issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50–6766; Filed, Aug. 2, 1950; 8:46 a. m.]

[Docket No. G–1012]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

On March 10, 1948, Texas Eastern Transmission Corporation (Applicant), a

Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application which was amended on November 14, 1949 and May 5, 1950, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas transmission pipe line facilities, subject to the jurisdiction of the Commission, as fully described in said application on file with the Commission and open to public inspection. Public notice of the filing of the application, as amended, has been given, including publication in the FEDERAL REGISTER on May 16, 1950 (15 F. R. 2913).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on August 7, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 28, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6765; Filed, Aug. 2, 1950; 8:46 a. m.]

[Docket Nos. G-1342, G-1404]

SOUTHERN NATURAL GAS CO. AND WISCONSIN SOUTHERN GAS CO.

NOTICE OF FINDINGS AND ORDERS

JULY 28, 1950.

Notice is hereby given that on July 26, 1950, the Federal Power Commission issued its findings and orders entered July 26, 1950, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6773; Filed, Aug. 2, 1950; 8:47 a. m.]

[Docket No. G-1352]

ACME NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

JULY 28, 1950.

Notice is hereby given that, on July 27, 1950, the Federal Power Commission issued its findings and order entered July 27, 1950, issuing certificate of public convenience and necessity and ordering connection of transportation facilities with those of the Manufacturers Light and Heat Company in the above-designated matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6767; Filed, Aug. 2, 1950; 8:46 a. m.]

[Docket Nos. G-1388, G-1395, G-1397]

HOPE NATURAL GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

JULY 28, 1950.

In the matters of Hope Natural Gas Company, Docket No. G-1388; United Gas Pipe Line Company, Docket No. G-1395; Southern California Gas Company and Southern Counties Gas Company of California, Docket No. G-1397.

Notice is hereby given that, on July 26, 1950, the Federal Power Commission issued its findings and orders entered July 25, 1950, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6772; Filed, Aug. 2, 1950; 8:47 a. m.]

[Docket No. G-1390]

HOPE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

JULY 28, 1950.

Notice is hereby given that, on July 26, 1950, the Federal Power Commission issued its findings and order entered July 25, 1950, authorizing and approving abandonment of facilities in the above-designated matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6770; Filed, Aug. 2, 1950; 8:47 a. m.]

[Docket No. G-1396]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF FINDINGS AND ORDER

JULY 28, 1950.

Notice is hereby given that, on July 27, 1950, the Federal Power Commission issued its findings and order entered July 26, 1950, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6771; Filed, Aug. 2, 1950; 8:47 a. m.]

[Docket No. IT-6054]

UNION ELECTRIC POWER CO.

NOTICE OF ORDER

JULY 28, 1950.

Notice is hereby given that, on July 25, 1950, the Federal Power Commission issued its order entered July 25, 1950, in the above-designated matter, allowing rate schedule to take effect as of July 1, 1950, and terminating proceeding.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6769; Filed, Aug. 2, 1950; 8:47 a. m.]

[Project No. 1014]

ALEXANDER J. ALLEN

NOTICE OF ORDER

JULY 28, 1950.

Notice is hereby given that, on July 26, 1950, the Federal Power Commission issued its order entered July 25, 1950, authorizing issuance of new license (minor) in the above-designated matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-6768; Filed, Aug. 2, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25286]

NEWSPRINT PAPER FROM COOSA PINES, ALA., TO MEMPHIS AND NEW ORLEANS

APPLICATION FOR RELIEF

JULY 31, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1069.

Commodities involved: Newsprint paper, carloads.

From: Coosa Pines, Ala.

To: Memphis, Tenn., and New Orleans, La.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1069, Supplement 125.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6783; Filed, Aug. 2, 1950; 8:48 a. m.]

[4th Sec. Application 25287]

CANS OR PAILS FROM CHICAGO, ILL., TO FREMONT, NEBR.

APPLICATION FOR RELIEF

JULY 31, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. A-3614.

Commodities involved: Cans or pails, iron, steel or tin, carloads.

From: Chicago, Ill.

To: Fremont, Nebr.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3614, Supplement 93.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6784; Filed, Aug. 2, 1950; 8:48 a. m.]

[4th Sec. Application 25288]

ALCOHOL FROM VELASCO, TEX., TO LOUISVILLE, KY.

APPLICATION FOR RELIEF

JULY 31, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Alcohol, methanol and related articles, carloads.

From: Velasco, Tex.

To: Louisville, Ky.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3721, Supplement 147.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6785; Filed, Aug. 2, 1950; 8:48 a. m.]

[4th Sec. Application 25289]

SLAG FROM SIGLO, TENN., TO SAND SPRINGS, OKLA.

APPLICATION FOR RELIEF

JULY 31, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3736.

Commodities involved: Slag, carloads.

From: Siglo, Tenn.

To: Sand Springs, Okla.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3736, Supplement 138.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6786; Filed, Aug. 2, 1950; 8:48 a. m.]

[4th Sec. Application 25290]

FOREIGN WOODS FROM GOODYEAR, MISS., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JULY 31, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariffs I. C. C. Nos. 621 and 709.

Commodities involved: Foreign woods and veneer, carloads.

From: Goodyear, Miss.

To: Points in official territory.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariffs I. C. C. Nos. 621 and 709, Supplements 200 and 149, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6787; Filed, Aug. 2, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2408]

REPUBLIC SERVICE CORP. ET AL.

ORDER CONCERNING EXTENSION PERIOD PERMITTED TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of July A. D. 1950.

In the matter of Republic Service Corporation, Greencastle Light, Heat, Fuel and Power Company, Mercersburg, Lehmasters and Markes Electric Company, Fulton Electric Light, Heat & Power Company, File No. 70-2408.

Republic Service Corporation ("Republic"), a registered holding company, and three of its wholly-owned public utility subsidiary companies, Greencastle Light, Heat, Fuel and Power Company ("Greencastle"), Mercersburg, Lehmasters and Markes Electric Company ("Mercersburg"), and Fulton Electric Light, Heat & Power Company ("Fulton"), having filed a joint application-declaration, and amendments thereto, regarding among other things, the merger of the above named subsidiary companies of Republic, the issuance and sale of First Mortgage Bonds and Serial Notes by the surviving company, and the retirement of Republic's outstanding indebtedness; and

Republic having requested as a part of its declaration that in the event the foregoing proposed transactions are not consummated on or before July 1, 1950, the Commission enter an order permitting the extension, for a period of thirty days, of its unsecured promissory note outstanding in the principal amount of $150,000 due July 1, 1950, presently held by the Provident Trust Company of Philadelphia; and

The Commission on June 30, 1950, after appropriate notice, having issued an order permitting Republic to extend its outstanding unsecured promissory note in the amount of $150,000 due July 1, 1950, for a period of thirty days; and

Republic having filed an amendment to its declaration requesting an extention of its said unsecured promissory note for an additional period of thirty days, due to the delay in obtaining the necessary order from the Pennsylvania Public Utility Commission approving the merger of the subsidiaries and the other transactions incident thereto; and

It appearing to the Commission that such temporary extension of Republic's note is necessary under the circumstances, that no adverse findings under section 7 (d) are required and the Commission deeming it appropriate in the public interest that this order be permitted to become effective forthwith;

It is ordered, Pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 that said declaration, as amended, with respect to the extension for a period of thirty days of Republic's unsecured promissory note in the principal amount of $150,000 due August 1, 1950, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6774; Filed, Aug. 2, 1950; 8:47 a. m.]

LAURENCE STEELE COSTELLE

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of July A. D. 1950.

This is a proceeding under section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the broker-dealer registration of Laurence Steele Costelle should be revoked.[1]

The proceeding was instituted by a notice and order for hearing dated June 21, 1950, which, in brief, alleges that registrant violated section 17 (a) of the act and Rule X-17A-5 adopted thereunder in that he did not file with us the required reports of his financial condition during the calendar years 1943 through 1949.

A copy of the notice and order was sent by registered mail to registrant's last known address at 44 Wall Street, New York City, New York, on June 22, 1950, but was returned to us by the Post Office Department bearing the notation, "Not at address given." Registrant did not appear at the hearing scheduled for July 17, 1950.[2]

The registration of registrant as a broker-dealer became effective January 17, 1936, and has not been withdrawn, canceled, suspended, or revoked.

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act. That rule provides, among other things, that commencing January 1, 1943, every registered broker and dealer must file with this Commission during each calendar year a report of his financial condition. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the public press, and by distribution to the mailing list.

Registrant did not file the required reports in any year from 1943 through 1949. By its failure to file such reports, we find that registrant willfully violated section 17 (a) of the act and Rule X-17A-5. Under the circumstances of this case proof of actual knowledge of the rule is not necessary for a finding of willfulness, for any ignorance that he may have had of its requirements would appear to have been the result of deliberate indifference to the obligations imposed upon registrant in his status as a registered dealer. His conduct, in failing to claim registered mail and in placing himself out of reach of communications we might find necessary to address to him, amounted to such a disregard of the duty, inherent in his licensed status, to keep informed of the legal requirements attaching to that status, as to make his violations willful within the meaning of that term as used in section 15 (b) of the act.[3]

We find that, because of his willful violations, it is necessary in the public interest to revoke registrant's registration as a broker and dealer. However, in view of the fact that the record does not show whether registrant actually received personal notice of the hearings herein, in view of the nature of the violations, and to avoid any possible prejudice to him, our order shall provide that the revocation of registrant's registration be without prejudice to his right to move to reopen these proceedings and seek to set aside the revocation upon a proper showing.[4]

Accordingly it is ordered, That the registration of Laurence Steele Costelle be, and it hereby is, revoked without prejudice to the right of Laurence Steele Costelle to move to reopen these proceedings and set aside said revocation upon a proper showing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6776; Filed, Aug. 2, 1950; 8:47 a. m.]

DAVID BRODY

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of July A. D. 1950.

This is a proceeding under section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the broker-dealer registration of David Brody should be revoked.[1]

The proceeding was instituted by a notice and order for hearing dated June 21, 1950, which, in brief, alleges that registrant violated section 17 (a) of the act and Rule X-17A-5 adopted thereunder in that he did not file with us the required reports of his financial condition during the calendar years 1943 through 1949.

A copy of the notice and order was sent by registered mail to registrant's last known address at 26 Beaver Street, New York City, New York, on June 22, 1950, but was returned to us by the Post Office Department bearing the notation "Not at address given." Registrant did not appear at the hearing scheduled for July 17, 1950.[2]

The registration of registrant as a broker-dealer became effective June 18, 1937, and has not been withdrawn, canceled, suspended, or revoked.

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act. That rule provides, among other things, that commencing January 1, 1943, every registered broker and dealer must file with this Commission during each calendar year a report of his financial condition. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the public press, and by distribution to the mailing list.

Registrant did not file the required reports in any year from 1943 through 1949. By its failure to file such reports, we find that registrant willfully violated section 17 (a) of the act and Rule X-17A-5. Under the circumstances of this case proof of actual knowledge of the rule is not necessary for a finding of willfulness, for any ignorance that he may have had of its requirements would appear to have been the result of deliberate indifference to the obligations imposed upon registrant in his status as a registered dealer. His conduct, in failing to claim registered mail and in placing himself out of reach of communications we might find necessary to address to him, amounted to such a disregard of the duty, inherent in his licensed status, to keep informed of the legal requirements attaching to that status, as to make his violations willful within the meaning of that term as used in section 15 (b) of the act.[3]

We find that, because of his willful violations, it is necessary in the public interest to revoke registrant's registration as a broker and dealer. However, in view of the fact that the record does not show whether registrant actually received personal notice of the hearings herein, in view of the nature of the violations, and to avoid any possible prejudice to him, our order shall provide that the revocation of registrant's registration be without prejudice to his right to move to reopen these proceedings and seek to set aside the revocation upon a proper showing.[4]

Accordingly it is ordered, That the registration of David Brody be, and it hereby is, revoked without prejudice to the right of David Brody to move to reopen these proceedings and set aside said revocation upon a proper showing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6777; Filed, Aug. 2, 1950; 8:47 a. m.]

BRYSON & CO.

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of July A. D. 1950.

This is a proceeding under section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the broker-dealer registration of William Bryson, doing business as Bryson & Company, should be revoked.[1]

The proceeding was instituted by a notice and order for hearing dated June 21, 1950, which, in brief, alleges that registrant violated section 17 (a) of the act and Rule X-17A-5 adopted thereunder in that he did not file with us the required reports of his financial condition during the calendar years 1943 through 1949.

A copy of the notice and order was sent by registered mail to registrant's last known address at 2 Rector Street, New York City, New York, on June 22, 1950, but was returned to us by the Post Office Department bearing the notation, "Not at address given." Registrant did not appear at the hearing scheduled for July 17, 1950.[2]

The registration of registrant as a broker-dealer became effective February 14, 1936, and has not been withdrawn, canceled, suspended, or revoked.

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act. That rule provides, among other things, that commencing January 1, 1943, every registered broker and dealer must file with this Commission during each calendar year a report of his financial condition. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the public press, and by distribution to the mailing list.

Registrant did not file the required reports in any year from 1943 through 1949. By its failure to file such reports, we find that registrant willfully violated section 17 (a) of the act and Rule X-17A-5. Under the circumstances of this case proof of actual knowledge of the rule is not necessary for a finding of willfulness, for any ignorance that he may have had of its requirements would appear to have been the result of deliberate indifference to the obligations imposed upon registrant in his status as a registered dealer. His conduct, in failing to claim registered mail and in placing himself out of reach of communications we might find necessary to address to him, amounted to such a disregard of the duty, inherent in his licensed status, to keep informed of the legal requirements attaching to that status, as to make his violations willful within the meaning of that term as used in section 15 (b) of the act.[3]

We find that, because of his willful violations, it is necessary in the public interest to revoke registrant's registration as a broker and dealer. However, in view of the fact that the record does not show whether registrant actually received personal notice of the hearings herein, in view of the nature of the violations, and to avoid any possible prejudice to him, our order shall provide that the revocation of registrant's registration be without prejudice to his right to move to reopen these proceedings and seek to set aside the revocation upon a proper showing.[4]

Accordingly it is ordered, That the registration of William Bryson, doing business as Bryson & Company, be, and it hereby is, revoked without prejudice to the right of William Bryson, doing business as Bryson & Company, to move to reopen these proceedings and set aside said revocation upon a proper showing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6778; Filed, Aug. 2, 1950; 8:47 a. m.]

W. C. CRIDER

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of July A. D. 1950.

This is a proceeding under section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the broker-dealer registration of W. C. Crider should be revoked.[1]

The proceeding was instituted by a notice and order for hearing dated June 21, 1950, which, in brief, alleges that registrant violated section 17 (a) of the act and Rule X-17A-5 adopted thereunder in that he did not file with us the required reports of his financial condition during the calendar years 1943 through 1949.

A copy of the notice and order was sent by registered mail to registrant's last known address at 68 State Street, Albany, New York, on June 22, 1950, but was returned to us by the Post Office Department bearing the notation, "Moved, left no address." Registrant did not appear at the hearing scheduled for July 17, 1950.[2]

The registration of registrant as a broker-dealer became effective January 1, 1936, and has not been withdrawn, canceled, suspended, or revoked.

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act. That rule provides, among other things, that commencing January 1, 1943, every registered broker and dealer must file with this Commission during each calendar year a report of his financial condition. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the public press, and by distribution to the mailing list.

Registrant did not file the required reports in any year from 1943 through 1949. By its failure to file such reports, we find that registrant willfully violated section 17 (a) of the act and Rule X-17A-5. Under the circumstances of this case proof of actual knowledge of the rule is not necessary for a finding of willfulness, for any ignorance that he may have had of its requirements would appear to have been the result of deliberate indifference to the obligations imposed upon registrant in his status as a registered dealer. His conduct, in failing to claim registered mail and in placing himself out of reach of communications we might find necessary to address to him, amounted to such a disregard of the duty, inherent in his licensed status, to keep informed of the legal requirements attaching to that status, as to make his violations willful within the meaning of that term as used in section 15 (b) of the act.[3]

We find that, because of his willful violations, it is necessary in the public interest to revoke registrant's registration as a broker and dealer. However, in view of the fact that the record does not show whether registrant actually received personal notice of the hearings herein, in view of the nature of the violations, and to avoid any posible prejudice to him, our order shall provide that the revocation of registrant's registration be without prejudice to his right to move to reopen these proceedings and seek to set aside the revocation upon a proper showing.[4]

Accordingly it is ordered, That the registration of W. C. Crider be, and it hereby is, revoked without prejudice to the right of W. C. Crider to move to reopen these proceedings and set aside said revocation upon a proper showing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6779; Filed, Aug. 2, 1950; 8:47 a. m.]

ARTHUR V. CURRY

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its

[1] Section 15 (b) provides in part:

The Commission shall, after appropriate notice and opportunity for hearing, by order • • • revoke the registration of any broker or dealer if it finds that such • • • revocation is in the public interest and that (1) such broker or dealer • • • (D) has willfully violated any provision of the Securities Act of 1933, as amended, or of this title, or of any rule or regulation thereunder.

[2] The notice and order was published in the FEDERAL REGISTER at least fifteen days prior to July 17, 1950.

[3] William Monroe Layton, — S. E. C. — (1949), Securities Exchange Act Release No. 4204.

[4] William Monroe Layton, *supra.*

Footnotes on p. 4986.

office in the city of Washington, D. C., on the 27th day of July A. D. 1950.

This is a proceeding under section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the broker-dealer registration of Arthur V. Curry should be revoked.[1]

The proceeding was instituted by a notice and order for hearing dated June 21, 1950, which, in brief, alleges that registrant violated section 17 (a) of the act and Rule X-17A-5 adopted thereunder in that he did not file with us the required reports of his financial condition during the calendar years 1943 through 1949.

Copies of the notice and order were sent by registered mail to registrant's last known addresses at 210 Fifth Avenue, New York, New York, and 89–14 One Hundred Eighteenth Street, Richmond Hill, New York, New York, on June 22, 1950, but were returned to us by the Post Office Department bearing the notation, "Not at address given." Registrant did not appear at the hearing scheduled for July 17, 1950.[2]

The registration of registrant as a broker-dealer became effective March 30, 1939, and has not been withdrawn, canceled, suspended, or revoked.

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act. That rule provides, among other things, that commencing January 1, 1943, every registered broker and dealer must file with this Commission during each calendar year a report of his financial condition. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the public press, and by distribution to the mailing list.

Registrant did not file the required reports in any year from 1943 through 1949. By its failure to file such reports, we find that registrant willfully violated section 17 (a) of the act and Rule X-17A-5. Under the circumstances of this case proof of actual knowledge of the rule is not necessary for a finding of willfulness, for any ignorance that he may have had of its requirements would appear to have been the result of deliberate indifference to the obligations imposed upon registrant in his status as a registered dealer. His conduct, in failing to claim registered mail and in placing himself out of reach of communications we might find necessary to address to him, amounted to such a disregard of the duty, inherent in his licensed status, to keep informed of the legal requirements attaching to that status, as to make his violations willful within the meaning of that term as used in section 15 (b) of the act.[3]

We find that, because of his willful violations, it is necessary in the public interest to revoke registrant's registration as a broker and dealer. However, in view of the fact that the record does now show whether registrant actually received personal notice of the hearings herein, in view of the nature of the violations, and to avoid any possible prejudice to him, our order shall provide that the revocation of registrant's registration be without prejudice to his right to move to reopen these proceedings and seek to set aside the revocation upon a proper showing.[4]

Accordingly it is ordered, That the registration of Arthur V. Curry be, and it hereby is, revoked without prejudice to the right of Arthur V. Curry to move to reopen these proceedings and set aside said revocation upon a proper showing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–6780; Filed, Aug. 2, 1950; 8:48 a. m.]

SIDNEY ASCHER

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of July A. D. 1950.

This is a proceeding under section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the broker-dealer registration of Sidney Ascher should be revoked.[1]

The proceeding was instituted by a notice and order for hearing dated June 21, 1950, which, in brief, alleges that registrant violated section 17 (a) of the act and Rule X-17A-5 adopted thereunder in that he did not file with us the required reports of his financial condition during the calendar years 1943 through 1949.

A copy of the notice and order was sent by registered mail to registrant's last known address at 302 East 38th Street, New York, New York, on June 22, 1950, but was returned to us by the Post Office Department bearing the notation, "Not at address given." Registrant did not appear at the hearing scheduled for July 17, 1950.[2]

The registration of registrant as a broker-dealer became effective May 6, 1939, and has not been withdrawn, canceled, suspended, or revoked.

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act. That rule provides, among other things, that commencing January 1, 1943, every registered broker and dealer must file with this Commission during each calendar year a report of his financial condition. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the public press, and by distribution to the mailing list.

Registrant did not file the required reports in any year from 1943 through 1949. By its failure to file such reports, we find that registrant willfully violated section 17 (a) of the act and Rule X-17A-5. Under the circumstances of this case proof of actual knowledge of the rule is not necessary for a finding of willfulness, for any ignorance that he may have had of its requirements would appear to have been the result of deliberate indifference to the obligations imposed upon registrant in his status as a registered dealer. His conduct, in failing to claim registered mail and in placing himself out of reach of communications we might find necessary to address to him, amounted to such a disregard of the duty, inherent in his licensed status, to keep informed of the legal requirements attaching to that status as to make his violations willful within the meaning of that term as used in section 15 (b) of the act.[3]

We find that, because of his willful violations, it is necessary in the public interest to revoke registrant's registration as a broker and dealer. However, in view of the fact that the record does not show whether registrant actually received personal notice of the hearings herein, in view of the nature of the violations, and to avoid any possible prejudice to him, our order shall provide that the revocation of registrant's registration be without prejudice to his right to move to reopen these proceedings and seek to set aside the revocation upon a proper showing.[4]

Accordingly it is ordered, That the registration of Sidney Ascher be, and it hereby is, revoked without prejudice to the right of Sidney Ascher to move to reopen these proceedings and set aside said revocation upon a proper showing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–6781; Filed, Aug. 2, 1950; 8:48 a. m.]

[File No. 70–2445]

QUEENS BOROUGH GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of July A. D. 1950.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Queens Borough Gas and Electric Company ("Queens"), a subsidiary of Long Island Lighting Company ("Long Island"), a registered holding company. Declarant has designated section 7 (e) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than August 31, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 31, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Queens has outstanding in the hands of the public $799,000 principal amount of 5 percent General Mortgage Bonds due 1952, $1,362,000 principal amount of 3½ percent Refunding Mortgage Bonds due 1961, and $10,350,000 principal amount of 4 percent Refunding Mortgage Bonds due 1961, all of which are secured by mortgages on the properties presently owned by Queens. Queens also has outstanding in the hands of the public $3,393,000 principal amount of unsecured Debentures due 1952. Under the terms of the indenture pursuant to which the Debentures were issued, no mortgage or like encumbrance (except the mortgages securing the General Mortgage Bonds due 1952 and the Refunding Mortgage Bonds due 1961) may be placed or permitted to exist upon any of the properties owned by Queens unless all of the Debentures issued under the Debenture indenture are first secured by a mortgage.

A plan of consolidation and recapitalization for Long Island, Queens, and Nassau & Suffolk Light Company ("Nassau"), a subsidiary of Queens, filed pursuant to section 11 (e) of the act, has been approved by this Commission, ordered enforced by the United States District Court for the Eastern District of New York, and affirmed by the United States Court of Appeals for the Second Circuit. A petition for certiorari to review such affirmance has been filed with the United States Supreme Court. Upon consolidation, the lien of the mortgage securing certain bonds of Long Island would attach to the properties owned by Queens.

Accordingly, in order to satisfy the terms of the indenture pursuant to which the Queens' Debentures were issued, that company proposes, immediately prior to the consolidation of Long Island, Queens and Nassau, to secure the Debentures by placing its properties under a mortgage (subject to the liens of the mortgages securing the 5 percent Mortgage Bonds due 1952 and the Refunding Mortgage Bonds due 1961).

Declarant states that the transaction is subject to the jurisdiction of the Public Service Commission of the State of New York.

Declarant requests that the Commission enter its order as soon as practicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–6775; Filed, Aug. 2, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

Footnotes on p. 4988.

[Return Order 697]

MARGARETHA BERGHEIMER GOLDSCHMIDT AND LORE BIRKENRUTH

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Margaretha Bergheimer Goldschmidt, New York, N. Y.; Lore Birkenruth, Heaton, Bradford, England; Claim No. 43826; June 23, 1950 (15 F. R. 4070); all right, title, interest and claim of Elisabeth Bergheimer, also known as Elisabethe Bergheimer, in and to the Estate of Simon Heumann, deceased, William V. Elliott, Public Administrator, Kings County, New York; $3,277.00 in the Treasury of the United States. The property is returnable to the claimants in equal shares.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50–6803; Filed, Aug. 2, 1950; 8:51 a. m.]

[Return Order 696]

GUGLIELMO AMBROSETTI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Guglielmo Ambrosetti, Via dei Serragli 117, Florence, Italy; Claim No. 33299; June 23, 1950 (15 F. R. 4069); $3,974.88 in the Treasury of the United States. All right, title and interest of Guglielmo Ambrosetti in a trust created under the will of Stephen Hills Parker, deceased; Trustee, City Bank Farmers Trust Co., 22 William Street, New York, N. Y.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50–6802; Filed, Aug. 2, 1950; 8:51 a. m.]

GIUSEPPE AND ELEANOR MCQUADE TIERI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Property, and Location

Giuseppe Tieri and Eleanor McQuade Tieri, Yonkers, N. Y.; Claims Nos. 6769 and 3841 (consolidated); $2,043.42 in the Treasury of the United States, $1,243.77 returnable to the claimants jointly, the balance of $799.65 to Giuseppe Tieri.

Executed at Washington, D. C., on July 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50–6804; Filed, Aug. 2, 1950; 8:51 a. m.]

PASQUALINA SANTORA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Pasqualina Santora, a/k/a Pasqualina Romano, Solofra, Italy; Claim No. 35208; $1,721.11 in the Treasury of the United States. All right, title and interest of Pasqualina Santora in and to the Estate of Frank Romano, deceased.

Executed at Washington, D. C., on July 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50–6751; Filed, Aug. 1, 1950; 8:54 a. m.]

[Vesting Order 14872]

BERTA VAN TAACK ET AL.

In re: Stock owned by Berta Van Taack also known as Berta Van Taack-Trakranen, and others. D–28–8482–D–1/3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Berta Van Taack also known as Berta Van Taack-Trakranen, Susanna

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Katharina Van Taack also known as Susanna Katharina Van Taack-Trakranen, Karin Van Taack also known as Karin Van Taack-Trakranen, and Cornelius Van Taack also known as Cornelius Van Taack-Trakranen, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. One thousand (1,000) shares of no par value common capital stock of The Aviation Corporation (now known as Avco Manufacturing Corporation), 420 Lexington Avenue, New York 17, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered NY 35259/68 inclusive for one hundred (100) shares each, registered in the name of Baldwin Von Herff, together with all declared and unpaid dividends thereon, and any and all rights under a plan of recapitalization of the aforesaid company effected July 1, 1935,

b. Two hundred (200) shares of no par value common capital stock of the Radio Corporation of America, 30 Rockefeller Plaza, New York 20, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered FN037881, FN037882, FN037884 and FN037886 for fifty (50) shares each, registered in the name of Baldwin Von Herff, together with all declared and unpaid dividends thereon, and

c. Two hundred seventy-five (275) shares of common capital stock of United Cigar Stores Company of America (now known as United Cigar-Whelan Stores Corporation), 215 Fourth Avenue, New York 3, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered 35321 for one hundred (100) shares, 35322 for one hundred (100) shares, and 15888 for seventy-five (75) shares, registered in the name of Baldwin Von Herff, together with all declared and unpaid dividends thereon, and any and all rights under a plan of reorganization of the aforesaid company, dated March 23, 1937,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Berta Van Taack also known as Berta Van Taack-Trakranen, Susanne Katharina Van Taack also known as Susanna Katharina Van Taack-Trakranen, Karin Van Taack also known as Karin Van Taack-Trakranen and Cornelius Van Taack also known as Cornelius Van Taack-Trakranen, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6743; Filed, Aug. 1, 1950; 8:54 a. m.]

AUG 7 '50

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 15 NUMBER 150

Washington, Friday, August 4, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10146

EXEMPTION OF WILLIAM J. PATTERSON FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS, in my judgment, the public interest requires that William J. Patterson, a member of the Interstate Commerce Commission, be exempted from compulsory retirement for age as provided below:

NOW, THEREFORE, by virtue of the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), it is ordered, effective as of July 1, 1950, that the said William J. Patterson be, and he hereby is, exempted from compulsory retirement for age under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, for an indefinite period of time not extending beyond the expiration of his present term of office as a member of the Interstate Commerce Commission: Provided, that, for the purposes of this order, his present term of office shall be considered as expiring upon the appointment and qualification of his successor.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 2, 1950.

[F. R. Doc. 50-6699; Filed, Aug. 2, 1950; 4:48 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

MISCELLANEOUS AMENDMENTS

1. Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Economic Cooperation Administration, paragraph (d) of § 6.149 is amended as set out below, effective upon publication in the FEDERAL REGISTER.

§ 6.149 *Economic Cooperation Administration* • • •

(d) Not to exceed 30 positions at GS-12 or above when filled by persons who have served overseas with the Administration for not less than one year.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

2. Effective upon publication in the FEDERAL REGISTER, § 20.9 (b) is amended to read as follows:

§ 20.9 *Actions* • • •

(b) *Reassignments to continuing positions in local commuting area.* Reassignment is required in lieu of separation or furlough, within the local commuting area, without interruption to pay status whenever possible, to an available position for which the employee is fully qualified, unless a reasonable offer of reassignment is refused. No displacement will be required to permit the reassignment of an employee unless such employee is fully qualified to perform the duties of the position in question without undue interruption to the work program. Subject to these conditions, reassignment is required in each of the following cases:

(1) Any employee in any subgroup in group A, with competitive status in a position in the competitive service, if there is a position in the competitive service held by an employee in a lower subgroup.

(2) Any employee in subgroup A-1 or A-2, with competitive status in a position in the competitive service, who had previously been promoted, if there is a competitive service position, the same as the position from which he had been promoted, within the same competitive area (installation in the field service) held by an employee in the same subgroup with fewer retention credits.

(3) Any employee in subgroup B-1, in a position in the competitive service, if there is a competitive service position held by an employee in a lower subgroup.

(Secs. 11 and 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868. Interprets or applies sec. 8, 54 Stat. 890, sec. 12, 58 Stat. 390, sec. 9, 62 Stat. 614; 50 U. S. C. App. 308, 459, 5 U. S. C. 861)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-6651; Filed, Aug. 3, 1950; 8:51 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CFR

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(For Use During 1950)

The following Pocket Supplements are now available:

Title 39 ($0.35)
Title 46: Parts 1–145 ($0.30)
Parts 146 to end ($0.25)
Titles 47–48 ($0.55)
Title 49: Parts 1–70 ($0.15)
Parts 71–90 ($0.20)
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Previously announced: Titles 4–5 ($0.30); Title 6 ($1.00); Title 7: Parts 1–209 ($0.55); Parts 210–899 ($0.75); Parts 900 to end ($0.75); Title 8 ($0.20); Title 9 ($0.20); Titles 10–13 ($0.20); Title 14: Parts 1–399 ($1.50); Parts 400 to end ($0.30); Title 15 ($0.40); Title 16 ($0.25); Title 17 ($0.20); Title 18 ($0.20); Title 19 ($0.20); Title 20 ($0.20); Title 21 ($0.30); Titles 22–23 ($0.25); Title 24 ($0.55); Title 25 ($0.20); Title 26: Parts 1–79 ($0.20); Parts 80–169 ($0.25); Parts 170–182 ($0.25); Parts 183–299 ($0.30); Title 26: Parts 300 to end; and Title 27 ($0.25); Titles 28–29 ($0.30); Titles 30–31 ($0.25); Title 32 ($1.00); Title 33 ($0.25); Titles 35–37 ($0.20); Title 38 ($0.50); Titles 40–42 ($0.25); Title 43 ($0.35); Titles 44–45 ($0.25)

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AUTHORITY: §§ 909.0 to 909.161 issued under the authority of sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

§ 909.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 62 Stat. 1247; 63 Stat. 282, 1051; 7 U. S. C. 601 et seq.), and in accordance with the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900.1 et seq.) a public hearing was held at Sacramento, California, on March 14 through March 18, 1950, upon a proposed marketing agreement and a proposed marketing order regulating the handling of almonds grown in California. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order will be applicable only to persons in the respective classes of industrial and commercial activities specified in the proposals upon which the hearing was held;

(3) There are no differences in the production and marketing of said commodity in the production area covered by this order which make necessary different terms applicable to different parts of such area;

(4) The production area, as set forth in this order, is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and

(5) The handling, as defined herein, of almonds grown in California is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary to have this program in effect for the coming crop year, and almonds of the 1950 crop will be ready for harvest about the middle of August. The control board must, after this program is put into effect, be selected, qualified, meet, and submit to the Secretary of Agriculture its estimations and recommendation with respect to the salable and surplus percentages for said crop year. In addition, the Secretary of Agriculture must consider such estimations and recommendation, as well as any other available pertinent data in his possession, in that regard and issue an appropriate order fixing such percentages. The completion of such actions by the indicated time will necessitate the prompt beginning of such actions. The nature and provisions of this regulation are well known to the handlers of almonds, since the public hearing was held in March 1950, and the recommended and final decisions were published in the FEDERAL REGISTER on June 9, 1950 (15 F. R. 3623) and July 6, 1950 (15 F. R. 4272), respectively. All known interested parties have received copies of the regulatory provisions. It is hereby found and determined, in view of these facts and circumstances, that good cause exists for making this order effective on the date of its publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of almonds grown in California upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping almonds covered by this order) who handled not less than 50 percent of the volume of such almonds covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (July 1, 1949, through June 30, 1950), produced almonds in California for market, such producers having also produced at least two-thirds of the volume of almonds represented in such referendum.

Order relative to handling. It is therefore, ordered that, on and after the effective time hereof, the handling of almonds grown in California shall be in conformity to, and in compliance with, the terms and conditions of said order, which are as follows:

DEFINITIONS

§ 909.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties hereunder of the Secretary of Agriculture of the United States.

§ 909.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 62 Stat. 1247; 63 Stat. 282, 1051; 7 U. S. C. 601 et seq.).

§ 909.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 909.4 *Almonds.* "Almonds" means (unless otherwise specified) all varieties of almonds (except bitter almonds), either shelled or unshelled, grown in the State of California in the initial crop year hereunder, and thereafter.

§ 909.5 *Unshelled almonds.* "Unshelled almonds" means almonds the kernels of which are contained in the shell.

§ 909.6 *Shelled almonds.* "Shelled almonds" is synonymous with the term "kernels" and means almonds after the shells are removed.

§ 909.7 *Major variety.* "Major variety" means any one of the following varieties of almonds: Nonpareil, IXL, Ne Plus Ultra, Peerless, Drake, Mission, and Jordanolo.

§ 909.8 *Similar variety.* "Similar variety" means any variety, other than a major variety, having characteristics closely resembling the particular major variety under consideration.

§ 909.9 *Dissimilar varieties.* "Dissimilar varieties" means any two or more varieties, one of which is a major variety or variety similar thereto and the other of which is another major variety or variety similar thereto.

§ 909.10 *Mixed varieties.* "Mixed varieties" means any lot of almonds which, in respect to the predominant variety in the lot, contains more than 17 percent by weight of dissimilar and similar varieties, and any such lot or any other lot which contains more than six percent by weight of a dissimilar variety or varieties.

§ 909.11 *Inedible kernel.* "Inedible kernel" is synonymous with "damaged kernel" and means an almond kernel or piece thereof (which will not pass through a round opening one-eighth inch in diameter) damaged in any one of the following ways: (a) Gumminess, when 25 percent or more of the surface area is covered by a waxy or resinous appearing substance; (b) insect or bird injury, when there is any evidence of, or injury by, insects or birds; (c) shriveling, seriously affecting 50 percent or more of the surface area or any shriveling, dark discoloration, or thinness producing an equally objectionable effect; (d) stains or dirt, when kernels have a dirty appearance caused by grease, mud, dirt, or other foreign substance; (e) mold, when there are light strands of white or grey mold affecting 10 percent or more of the surface area, or presence of other molds; (f) rancidity, when the kernel oil is partially oxidized producing a rancid taste or odor or the inside of the kernel is yellowish or brownish in color; (g) damage by other means, when there is any damage from any other cause of seriousness equal to any of the above enumerated classes of damage. Pieces of kernels which will pass through a round opening one-eighth inch in diameter and are rancid, moldy, dirty, or otherwise equally objectionable shall also be classed as inedible. The foregoing specifications may be revised or amended by the Secretary, on recommendation of the control board.

§ 909.12 *Edible kernel.* "Edible kernel" is synonymous with "sound kernel" and means an almond kernel or piece thereof which is not an inedible kernel.

§ 909.13 *Edible kernel weight.* "Edible kernel weight" means the weight of edible kernels contained in any lot of almonds, unshelled or shelled.

§ 909.14 *Almonds received for his own account.* "Almonds received for his own account" means all almonds which are received by a handler (including all almonds of his own production), except those which are received by him for storage or processing for the account of any other person and with respect to which such handler performs no handling function.

§ 909.15 *Area of production.* "Area of production" means the State of California.

§ 909.16 *Grower.* "Grower" is synonymous with "producer" and means any person engaging, in a proprietary capacity, in the commercial production of almonds.

§ 909.17 *Handler.* "Handler" means any person handling almonds during any crop year, except that such term shall not include a grower who sells only almonds of his own production at retail at a roadside stand operated by him.

§ 909.18 *Cooperative handler.* "Cooperative handler" means any handler which is a cooperative marketing association of growers regardless of where or under what laws it may be organized.

§ 909.19 *Pack.* "Pack" means any commercially recognized classification of almonds according to variety, size, quality, appearance, and condition.

§ 909.20 *To process.* "To process" means to bleach, clean, grade, shell, halve, package, or otherwise prepare in any manner whatsoever almonds for market as unshelled or raw shelled almonds, except as a grower in preparation for delivery of his own almonds to a handler.

§ 909.21 *To manufacture.* "To manufacture" means to blanch, slice, dice, roast, or otherwise prepare products from raw shelled almonds.

§ 909.22 *To handle.* "To handle" means to sell, consign, transport, ship (except as a common carrier of almonds owned by another person), or in any other way to put into the channels of trade either within the area of production or from such area to points outside thereof, except that such sales or deliveries by growers to a handler within the area of production shall not be considered as handling.

§ 909.23 *Inspection agency.* "Inspection agency" means either that inspection service on almonds which is performed by the United States Department of Agriculture under a cooperative arrangement with a State pursuant to authority contained in any act of Congress, which service is generally known as the Federal-State Inspection Service, or that inspection service on almonds which service is performed independently by the United States Department of Agriculture, which is generally known as the Federal Inspection Service, except that the term shall mean the Federal-State Inspection Service in the absence of a specific, and unrevoked, designation, by the Secretary, of the Federal Inspection Service as the inspection agency hereunder.

§ 909.24 *Settlement weight.* "Settlement weight" means the actual gross weight of any lot of almonds received for his own account by any handler, less adjustments as follows:

(a) For weight of containers;
(b) For excess moisture content;
(c) For trash and other foreign material of any kind; and
(d) For inedible kernel content.

§ 909.25 *Crop year.* "Crop year" means the 12 months from July 1 to the following June 30, both inclusive: *Provided*, That the initial crop year hereunder shall begin on the effective date hereof.

§ 909.26 *Handler carryover.* "Handler carryover" as of any given date means all almonds (except almonds held as surplus) wherever located, then held by handlers or for their accounts (whether or not sold), not including any manufactured products.

§ 909.27 *Trade demand.* "Trade demand" means the quantity of almonds which the wholesale, chain store, confectionery, bakery, ice cream, and nut salting trades will acquire from all handlers during a crop year for distribution in continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone.

§ 909.28 *Control board.* "Control board" is synonymous with "board" and means the Almond Control Board established by this subpart.

§ 909.29 *Part and subpart.* "Part" means the order regulating the handling of almonds grown in the State of California, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such part.

ALMOND CONTROL BOARD

§ 909.40 *Establishment.* A control board of ten members, with an alternate member for each such member, is hereby established.

§ 909.41 *Membership representation.* Two members and an alternate for each member shall be selected from nominees submitted by each of the following groups designated in paragraphs (a) through (d) of this section, or from among other qualified persons belonging to such groups; and one member and an alternate member shall be selected from nominees submitted by each of the following groups designated in paragraphs (e) and (f) of this section, or from among other qualified persons belonging to such groups:

(a) The cooperative handlers;
(b) All handlers, other than cooperative handlers;
(c) Those growers who market their almonds through cooperative handlers;
(d) Those growers who market their almonds through other than cooperative handlers;
(e) The group of cooperative handlers or the group of handlers other than cooperative handlers whichever during that part of the then current crop year through March 31 received for their own accounts more than 50 percent of the almonds delivered by growers: *Provided*, That the group in this category for the selection of original members shall be the group of cooperative handlers; and
(f) Those growers whose almonds were marketed during that period of the then current crop year through March 31, through the handler group specified in paragraph (e) of this section.

§ 909.42 *Selection of original members.* The original members and their respective alternates shall hold office for a term ending with the second Monday in June, 1951, and until their successors shall be selected and shall qualify, and shall be selected by the Secretary from each of the six groups specified in § 909.41. The nominating procedure prescribed in § 909.43 (a) shall not be followed for the selection of the initial control board.

§ 909.43 *Successor members*—(a) *Nominations.* Nominations for successor members and alternate members for each of the six groups specified in § 909.41 shall be made by that group. The nominations for each such group shall be submitted on the basis of ballots, which shall be mailed by the control board, in the case of each such group, to all members of which it has a record, and the board shall also make such ballots available upon request. Every such ballot shall contain the names of the then incumbent members and alternate members of the board representing the particular group, listed separately, and it shall also contain blank spaces for use by voters in writing in the names of any persons other than those listed for whom they might desire to vote. In addition, the ballots for use by growers who market their almonds through other than cooperative handlers shall contain the name of any other person who has been proposed as a nominee for the particular position in a petition, signed by at least 15 of such growers, which had been submitted to the board. Previous announcements of every such balloting, regardless of whether by handlers or by growers, will be made by press releases through the United States Department of Agriculture to the newspapers and other publications having general circulation in the almond producing areas in California, furnishing pertinent information with respect to such balloting. The control board shall furnish, along with each ballot, all information needed for voting purposes.

In cases of voting by handlers (regardless of whether cooperative or other than cooperative), the vote of each handler shall be weighted by the volume of the tonnage of almonds (computed to the nearest whole ton in the case of fractions), in terms of edible kernel weight, recorded by the control board as having been received by the particular handler for his own account during the period through March 31 of the crop year in which the nominations are made. Each handler shall cast his vote as to his respective choices for the number of member positions to be filled and for the number of alternate member positions to be filled. The nominees for the respective member positions shall be the persons receiving, in order, the highest number of the votes cast by all handlers in the group for those positions for that group which are to be filled. Likewise, the nominees for the respective alternate member positions shall be the persons receiving, in order, the highest number of votes cast by all handlers in the group for those positions which are to be filled. The handler group which is determined to be eligible for additional representation on the board as the group which received more than 50 percent of the almonds delivered by growers through March 31 of the crop year in which the nominations are made, which group is referred to and described in paragraph (e) of § 909.41, shall nominate the persons to represent it in that group in the same manner as it nominates its other representatives. Similar provisions shall be applicable to voting by growers who market their almonds through cooperative handlers, except that nominations on their behalf shall be submitted by the appropriate cooperative handler on the basis of a ballot cast by it for the growers who are members of, or under contract with, such cooperative handler, and such ballot shall be weighted by the number of growers who are members of, or under contract with, such cooperative handler.

In cases of voting by growers who market their almonds through other than cooperative handlers, each grower shall have only one vote, and every vote shall have equal weight. The nominees for the respective member positions for that group shall be the persons receiving, in order, the highest number of the votes cast by all such growers for those positions. Likewise, the nominees for the respective alternate member positions for such group shall be the persons receiving, in order, the highest number of the votes cast by all such growers for those positions. In the event such group should be determined to be eligible for additional representation on the board as the group of growers whose almonds were marketed through March 31 of the crop year in which the nominations are made through the handler group which received more than 50 percent of the almonds delivered by all growers to all handlers during that period, which grower group entitled to additional representation is referred to and described in paragraph (f) of § 909.41, it should nominate the persons to represent it in that group in the same manner as it nominates its other representative on the board.

Nominations received in the foregoing manner by the control board shall be reported to the Secretary on or before May 20 of each crop year, together with a certificate of all necessary tonnage data and other information deemed by the board to be pertinent or requested by the Secretary. If such nominations of any group are not submitted as hereinbefore provided to the Secretary on or before May 20 of any year the Secretary may select representatives of that group, without nomination.

(b) *Selection.* The successors of the original members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning with the first Tuesday after the second Monday in June, and shall serve until their respective successors shall be selected and shall qualify.

§ 909.44 *Qualification.* Any person selected as a member or alternate of the control board, shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, upon ceasing to be such member or employee, become disqualified to serve further and his position on the control board shall be deemed vacant.

§ 909.45 *Alternates.* An alternate for a member of the control board shall act in the place and stead of such member (a) in his absence, or (b) in the event of his death, removal, resignation or disqualification, until a successor for his unexpired term has been selected and has qualified.

§ 909.46 *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation or disqualification of any member or alternate of the control board, a successor for his unexpired term shall be selected as soon as practicable in the

manner provided in § 909.43, so far as applicable.

§ 909.47 *Expenses.* The members of the control board shall serve without compensation, but shall be allowed their necessary expenses.

§ 909.48 *Powers.* The control board shall have the following powers:

(a) To administer the provisions hereof in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions hereof;

(c) To receive, investigate and report to the Secretary complaints of violations hereof; and

(d) To recommend to the Secretary amendments hereto.

§ 909.49 *Duties.* The control board shall have, among other things, the following duties:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall be subject to examination by the Secretary at any time;

(c) To investigate the growing, shipping, and marketing conditions with respect to almonds and to assemble data in connection therewith;

(d) To furnish to the Secretary such available information as may be deemed pertinent or as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and fix the bonds of such employees; and

(f) To cause the books of the control board to be audited by one or more competent certified public accountants at least once for each crop year, and at such other times as the control board may deem necessary or as the Secretary may request; and the report of each such audit shall show, among other things, the receipt and expenditure of funds pursuant hereto; and to file with the Secretary three copies of all audit reports made.

§ 909.50 *Procedure*—(a) *Organization and rules.* The members of the control board shall select a chairman from their membership. The board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the control board as is given to members of the board.

(b) *Quorum.* All decisions of the control board, except where otherwise specifically provided, shall be by a majority vote of the members present. The presence of six members shall be required to constitute a quorum.

(c) *Permissive method of voting.* The control board may vote by mail or telegram upon due notice to all members including in the notice to each a statement of a reasonable time in which a vote by mail or telegram must be received for counting: *Provided,* That voting by mail or telegram shall not be permitted at any assembled meeting of the board. When any proposition is submitted for voting by mail or telegram, one dissenting vote shall prevent its adoption by that method.

(d) *Right of the Secretary.* The members of the control board (including successors or alternates), and any agent or employee appointed or employed by the control board, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the control board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

SURPLUS CONTROL

§ 909.60 *General.* In order to effectuate the declared policy of the act, no handler shall handle almonds except in accordance with the terms and conditions of this part.

§ 909.61 *Withholding surplus.* When a surplus percentage has been fixed for any crop year, as hereinafter provided, no handler shall handle almonds except on condition that he comply with the requirements in respect to withholding surplus almonds and the prescribed disposition thereof.

§ 909.62 *Method of establishing salable and surplus percentages.* Whenever the Secretary finds from the recommendations and supporting information supplied by the control board or from any other available information, that to designate the percentages of almonds during such crop year which shall be salable almonds and surplus almonds, would tend to effectuate the declared policy of the act, he shall designate such percentages. The salable and surplus percentages shall each be applied to the edible kernel weight of almonds received by a handler for his own account during the crop year, as provided in § 909.65. In fixing such salable and surplus percentages the Secretary shall give consideration to the ratio of the estimated trade demand, minus the estimated handler carryover, to the estimated production of almonds, all expressed in terms of edible kernel weight, the recommendations submitted to him by the control board, and such other data as he deems appropriate. The total of the salable and surplus percentages fixed each crop year shall equal 100 percent.

§ 909.63 *Increase of salable percentage.* The Secretary may, on request of the control board made at any time prior to May 15 of any crop year (or if the control board shall fail to so request, upon the request within like time of two or more handlers who have handled during the immediately preceding crop year at least 15 percent of the total tonnage, in terms of edible kernel weight, handled by all handlers during such crop year), and after findings of facts based upon such revised and current information as may be pertinent that the almonds available for handling will not be sufficient to supply the trade demand, increase the salable percentage to conform with such new relation as may be found to exist between trade demand and available supply.

§ 909.64 *Board estimates and recommendations.* To aid the Secretary in fixing the salable and surplus percentages, the board shall furnish to the Secretary, not later than August 1 of each crop year (except, for the initial crop year hereunder, such submission shall be made not later than 15 days after the effective date hereof), the following estimates, expressed in terms of edible kernel weight, and recommendation, each of which shall be adopted by the affirmative vote of at least six members:

(a) Its estimate of the quantity of almonds to be produced during such year;

(b) Its estimate of handler carryover as of July 1, regardless of the crop year in which the almonds were produced;

(c) Its estimate of the total trade demand taking into consideration economic conditions and the anticipated market price, within the limitations of the act; and

(d) Its recommendation as to the salable and surplus percentages to be fixed.

The board shall also furnish to the Secretary a complete report of the proceedings of the board meeting at which the recommended salable and surplus percentages to be fixed by the Secretary were adopted. If, for any reason, the board fails to make these estimates or to recommend to the Secretary salable and surplus percentages as required hereby, reports representing the respective views of each member with respect to such matters shall be submitted to the Secretary and the Secretary may act on the basis of such reports or such other information as may be available to him.

§ 909.65 *Surplus obligation*—(a) *Requirement for withholding.* Except as otherwise provided in §§ 909.66 and 909.68, every handler shall withhold from handling a quantity of almonds having an edible kernel weight equal to the surplus percentage of the edible kernel weight of all almonds such handler receives for his own account during the crop year: *Provided,* That this provision shall not apply to any lot of almonds for which the surplus obligation has been met by a previous holder and the handler receiving such almonds makes a report thereof to the control board accompanied by a certification from the previous holder that the surplus obligation for such almonds has been met. Such almonds so withheld shall be set aside and thereafter kept for the account of the control board and, from the date of withholding, and at all times thereafter, shall be kept by the handler available for inspection by the control board or its agents. Such almonds shall be stored in such manner as to maintain them in the same condition as when certified as surplus, except for loss through fire, acts of God, acts of war, riot or other conditions beyond the handler's control. Upon demand of the control board they shall be delivered to the board f. o. b. handler's warehouse or point of storage, except that the control board shall not make such demand upon a handler prior to April 1, with respect to surplus almonds for which the handler has filed a bond, as provided for in § 909.66, which bond is in force and effect. All such surplus almonds so withheld by the handler shall be, at the time of withholding, placed by the handler at his expense in suitable containers which may be prescribed by the control board and following inspection shall be identified by appropriate seals or stamps and tags to be furnished by the board and to be affixed to the containers by the handlers under the direction and supervision of the control board. In the event adequate records are not available at any time to show all almonds received by a handler during a crop year, or any part thereof, the surplus obligation of such handler in respect to almonds handled by him shall be a quantity of almonds having an edible kernel weight equal to the withholding percentage of the edible kernel weight of all the almonds theretofore handled by such handler during the crop year. Such withholding percentage shall be the ratio, measured as a percentage, of the surplus percentage to the salable percentage. The quantity of almonds hereby required to be withheld shall constitute, and may be referred to as, the "surplus" or "surplus obligation" of a handler. The almonds handled by any handler in accordance with the provisions of this part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8 (a) (5) of the act.

(b) *Grade requirement for surplus.* Lots of almonds to be eligible for certification as surplus must meet the following requirements, and only edible kernel weight in such lots shall be credited as surplus: (1) They shall be dry and properly cured; (2) unshelled almonds shall not be affected by adhering hulls (where more than ten percent of the surface is affected) on more than five percent by count; shall contain no more than two percent by weight of loose shells, hulls and other foreign material; and not more than ten percent by count of the kernels shall be inedible; and (3) shelled almonds shall not contain, in the aggregate, more than five percent by weight of loose hulls, shells, other foreign material, inedible kernels, and material of any kind which will pass through a round opening one-eighth inch in diameter. The requirements of this paragraph may be revised or amended by the Secretary upon the recommendation of the control board.

§ 909.66 *Postponement of surplus obligation upon filing bond*—(a) *Privilege.* Compliance by any handler with the requirements of § 909.65 as to the time when surplus almonds shall be withheld shall be deferred to any date desired by the handler but not later than March 31 of the crop year, upon the voluntary execution and delivery by such handler to the control board, before he handles any almonds of such crop year, of a written undertaking that on or prior to such date he will have fully satisfied his surplus obligation required by said § 909.65.

(b) *Bond requirement.* Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the control board, and with a surety or sureties acceptable to the control board, in the amount or amounts stated below conditioned upon full compliance with such undertaking. Such bond or bonds shall, at all times during their effective period, be in such amounts that the aggregate thereof shall be no less than the total bonding value of the handler's deferred surplus obligation. The bonding value shall be the total deferred surplus obligation of the handler in pounds multiplied by the bonding rate established pursuant to paragraph (c) of this section. The cost of such bond or bonds shall be borne by the handler filing the same.

(c) *Bonding rate.* Said bonding rate shall be based upon the then current season's domestic price per pound for shelled almonds generally known in the trade as "Nonpareil Medium" and shall be computed at 90 percent of the weighted average domestic price f. o. b. shipping point for the then current crop year at which such pack was sold during the first 15 days following announcement of opening prices, by any handler or handlers who during the preceding crop year handled 51 percent of the almonds handled by all handlers. Such handler or handlers shall be selected in order of volume handled in the preceding crop year, using the minimum number of handlers to represent a volume of 51 percent of the total volume handled. If the price from two or more handlers is involved for the designated pack, the price so computed shall be averaged on the basis of the quantity of such designated pack handled during the preceding crop year by each such handler. Handlers whose prices are to be used as aforesaid shall furnish the board with information necessary to compute the bonding rate. Until the bonding rate is fixed for the first crop year ending June 30, 1951, the bonding rate shall be 38.5 cents per pound.

(d) *Description of Nonpareil Medium.* "Nonpareil Medium" is the shelled product of a major variety of almonds produced in California known as Nonpareil. It has the following specifications: fairly uniformly graded kernels of the Nonpareil variety generally counting 22 to 24, 23 to 25, or 24 to 26 kernels to an ounce, consisting of whole unchipped almond kernels (whole kernels having chips not exceeding one-eighth inch in diameter or cuts and scratches one-sixteenth inch wide by three-eighths inch long shall not be classified as chipped kernels) with not more than ten percent by count of whole kernels having larger chips or cuts and scratches than above defined, not more than five percent by weight of double (twin) kernels, not more than one-half of one percent of broken kernels or pieces (less than seven-eighths of a whole kernel), and less than one percent by weight of inedible kernels, all of which are well dried, clean, and free (less than one-tenth of one percent) from pieces of shell, hull, or other foreign material.

(e) *Replacement by control board.* Any sums collected through default of a handler on his bond shall be used by the control board to purchase from handlers, as provided herein, a quantity of almonds not to exceed the total quantity represented by the sums collected. Purchases shall be made from the salable percentages with respect to which the surplus obligation has been met. If a larger quantity is offered than can be purchased the purchases shall be made in such pack or packs as the board considers most desirable to acquire for purposes of surplus disposal, at the lowest prices at which such pack or packs are offered. The purchases shall be made from the various handlers as nearly as practicable in proportion to the quantity of their respective offerings (at the same price) of the pack or packs to be purchased.

(f) *Disposition of excess funds.* Any unexpended sums, which have been collected by the control board through default of a handler on his bond, remaining in possession of the control board at the end of a crop year shall be used to reimburse the board for its expense, including administrative and other costs, incurred in the collection of such sums and in the purchase of almonds as provided in paragraph (e) of this section. Any balance remaining after reimbursement of such expenses shall be distributed as follows: In case purchases have been made of a poundage equal to that on which the default occurred, distribution shall be made only to the defaulting handler and in case the board is unable to purchase a poundage of almonds as large as that on which the default occurred, distribution shall be made among all handlers, other than the defaulting handler, in proportion to the ratio of each such handler's surplus obligation to the total surplus obligation of all such handlers for the crop year in which the default occurred. A handler who has defaulted on his bond shall be credited on his surplus obligation with that quantity of almonds represented by the sums collected on account of such default.

§ 909.67 *Payment to handlers for services rendered.* The control board may pay handlers for necessary services rendered by handlers in connection with almonds eventually disposed of as surplus including but not limited to storing, shelling, sorting, bleaching, grading, packaging, fumigating, and other services, in accordance with the schedule of payments specified in Appendix 1 (§§ 909.151 to 909.154, inclusive), or such amended or additional schedules as may be established by the Secretary which may be based upon the recommendation of the control board.

§ 909.68 *Inter-handler transfer of surplus.* For the purpose of meeting his surplus obligation, any handler may, upon notice to, and under the supervision and direction of the control board, acquire from another handler almonds with respect to which the surplus has not been withheld and any surplus obligation of the seller with respect to any almonds so transferred shall be waived, and shall be transferred to the buying handler. If any such sales were made of almonds on which the surplus obligation has been met, the seller's surplus obligation shall be reduced accordingly when the purchaser has had such almonds or a like quantity of almonds certified to the control board as surplus.

§ 909.69 *Termination.* (a) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any manner which he may determine.

(b) The Secretary shall terminate or suspend the operation of any or all provisions hereof whenever he finds that such provision obstructs or does not tend to effectuate the declared policy of the act.

(c) The Secretary shall conduct a referendum, or otherwise ascertain the views of producers, during the month of July 1951, and during the month of July of each third year thereafter, to determine whether the continuance of this part is favored by producers. He shall terminate this part at the end of the crop year if he finds that it is not favored by producers who, during a representative period determined by him, have been engaged in the production of almonds for market.

(d) The Secretary may terminate this part at the end of any crop year if he finds that it does not tend to effectuate the declared policy of the act.

(e) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 909.70 *Proceedings after termination.* Upon the termination of the provisions hereof, the members of the control board then functioning shall continue as joint trustees for the purpose of liquidating the affairs of the control board. They shall continue in such capacity until discharged by the Secretary, shall from time to time account for all receipts and disbursements, and deliver all property on hand together with all books and records of the control board and of the joint trustees to such person as the Secretary may direct, and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the control board or joint trustees pursuant hereto.

§ 909.71 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any provision hereof shall not affect any action taken hereunder or any right or obligation which is in existence on the date of such termination.

§ 909.72 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 909.73 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 909.74 *Personal liability.* No member or alternate of the control board, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty.

§ 909.75 *Separability.* If any provision hereof is declared invalid, the remainder of the provisions hereof shall not be affected thereby.

§ 909.76 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of the provisions hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence of the provisions hereof.

APPENDIX 1

SCHEDULE OF PAYMENTS

§ 909.151 *Payments.* Payments for services rendered by handlers in connection with almonds eventually disposed of as surplus shall be made in accordance with the following schedule:

Item	Rate
Storing, per ton per month	$2.00
Shelling, per pound	.0175
Sorting, per pound	.0125
Bleaching, per pound	.0125
Grading, per pound	.0125
Packaging, per pound	.0125
Fumigating, per pound	.0125

§ 909.152 *Other services.* Payments for services rendered by handlers in connection with almonds eventually disposed of as surplus, which services are not listed in the schedule of payments specified in § 909.151, shall be made in accordance with such amended or additional schedules as may be established by the Secretary which may be based upon the recommendation of the control board.

§ 909.153 *Claims.* Claims for payments for services rendered by handlers in connection with almonds eventually disposed of as surplus shall be made to the control board on such forms and in such manner as the control board may prescribe.

§ 909.154 *Verification of claims.* Payments for services rendered by handlers in connection with almonds eventually disposed of as surplus shall be made only upon verification of claims therefor by the control board.

[F. R. Doc. 50-6911; Filed, Aug. 3, 1950; 8:48 a. m.]

§ 909.69 *Assistance of control board in accounting for surplus.* The control board, on written request, may assist handlers in accounting for their surplus obligations and may aid any handler in acquiring almonds to meet any deficiency in a handler's surplus.

§ 909.70 *Application of salable and surplus percentages after end of crop year.* The salable and surplus percentages established for any crop year shall continue in effect with respect to all almonds for which the surplus obligation has not been previously met, which are received for his own account or handled by any handler after the end of such crop year and before salable and surplus percentages are established for the succeeding crop year. After such percentages are established for the new crop year, the withholding requirements for all such almonds theretofore received for his own account or handled during that crop year shall be adjusted to the newly established percentages.

§ 909.71 *Application of bonding rate after end of crop year.* The bonding rate established for any crop year shall continue in effect with respect to any bond or bonds executed and delivered pursuant to § 909.66 before the bonding rate for the new crop year is established. After such bonding rate is established for the new crop year, the new rate shall be applicable and any bond or bonds theretofore given for that crop year shall be adjusted to the new rate.

§ 909.72 *Exchange of surplus almonds.* Any handler who has withheld surplus almonds pursuant to the requirements of § 909.65 and has had the same certified as surplus almonds may exchange therefor, to the extent that such almonds have not been disposed of, an equal quantity, by edible kernel weight, of other almonds. Any such exchange shall be made under the supervision and direction of the control board with appropriate inspection and certification of the almonds involved.

§ 909.73 *Adjustment upon increase of salable percentage.* Upon any increase in the salable percentage and corresponding decrease in the surplus percentage, the surplus obligation of each handler for the entire crop year to the effective date of such action shall be recomputed in accordance with such revised salable and surplus percentages. From the surplus almonds that may have been withheld by him and not yet disposed of, any handler authorized to act and acting as agent of the board in disposing of surplus pursuant to § 909.102 shall be permitted to select, under the supervision and direction of the control board, the particular surplus almonds to be restored to his salable percentage, and such restoration shall be deemed to fulfil the obligation of the board with respect to such increase.

In the case of handlers who have not been authorized to dispose of their own surpluses, and handlers who have terminated their agencies to dispose of their own surpluses, prior to an increase in the salable percentage, insofar as practicable each such handler shall be permitted to select almonds from his own surplus to be restored to his salable quantity. In the event there are not sufficient surplus almonds held by the board at the time the salable percentage is increased, to make full restoration as represented by the increase in the salable percentage, to all such handlers, the restoration to the salable quantities of the respective handlers shall be pro rata on the basis of edible kernel weight poundage of surplus contributed by said handlers during the crop year to the date of increase of the salable percentage. However, in case a handler who has been authorized to act as agent in disposing of his surplus, has terminated such agency as of April 1, and the salable percentage is increased after such termination, the restoration to said handler's salable quantity shall not exceed the quantity of surplus turned back to the board by him at the expiration of his agency, plus any surplus which he may have contributed after termination of his agency. Such restoration to the salable quantity shall be deemed to fulfil the obligation of the board with respect to the increase in the salable percentage.

RECORDING RECEIPTS, INSPECTION, AND CERTIFICATION

§ 909.80 *Record of receipts.* For the purpose of establishing the surplus obligation and furnishing statistical information to the control board necessary for the conduct of its operations, each handler, on receiving almonds for his own account, shall issue to the person from whom so received a receipt therefor. At least two duplicates thereof shall be made at the time of issuance, one of which shall be retained by the handler as a part of his records and the other submitted to the control board as hereinafter provided. Such receipts shall be serially numbered and shall accurately show for each lot received, the identity of the handler, the name and address of the person from whom received, the number of containers in the lot, the variety, whether shelled or unshelled, and the settlement weight for each such variety. The character and amount of all adjustments deducted from the gross weight shall be shown with the gross weight on the receipt issued by the handler.

§ 909.81 *Report of receipts.* Each handler receiving almonds for his own account shall tabulate such receipts by varieties and shall submit reports thereof to the control board in such form and at such intervals as the board may prescribe for all receipts issued by him. Such reports shall be accompanied by duplicate copies of the receipts issued pursuant to the provisions of § 909.80 for all almonds included in such report. The control board, after checking such reports in such manner as it deems desirable, shall determine in the manner specified in § 909.82 the edible kernel weight of the almonds so received.

§ 909.82 *Determination of edible kernel weight—*(a) *Almonds for which settlement is made on kernel weight.* All lots of almonds, whether shelled or unshelled, for which settlement is made on the basis of kernel weight shall be included in the total edible kernel weight for any handler at the settlement weight.

(b) *Unshelled, known varieties.* Any unshelled almonds of known varieties for which settlement is made on the basis of unshelled weight shall be included in the total edible kernel weight for any handler at the settlement weight of such unshelled almonds of each known variety multiplied by the varietal shelling ratio applicable to such variety. Such varietal shelling ratios shall be those shown in Appendix 2 (§ 909.161). Such Appendix 2 may be revised or amended by the Secretary on recommendation of the control board and when so revised or amended in any crop year, unless otherwise directed by the Secretary, shall be applied to all almonds of known varieties received during that crop year.

(c) *Unshelled, mixed, and unknown varieties.* All lots of unshelled almonds for which settlement is made on the basis of unshelled weight, consisting of mixed varieties or of varieties which are unknown or not shown on the handler's reports or on the receipts issued by the handler, shall be included in the total edible kernel weight for any handler at the actual weight of the unshelled almonds multiplied by a shelling ratio of 55 percent unless the handler, at the time of the receipt of any such lot obtains at his own expense an inspection of such lot by an inspection agency. In the event of such an inspection, the edible kernel weight of such lot of almonds as shown by such inspection shall be used. When such an inspection is made, a copy of the inspection report shall be attached to the copy of the grower receipt for such lot submitted by the handler to the control board as part of his report specified in § 909.81.

§ 909.83 *Redetermination of edible kernel weight.* The control board, on the basis of reports by handlers as required in §§ 909.111 through 909.115 together with its records of almonds certified as surplus, shall redetermine the edible kernel weight of all almonds received by the respective handlers for their own accounts during the respective crop year (and on which surplus has not been contributed by a previous handler) through each of the following dates: December 31, March 31, and June 30. In determining the edible kernel weight of salable unshelled almonds on which delivery has been effected as reported under provisions of § 909.112 or in the carryover as reported under provisions of § 909.111 the shelling ratios specified in § 909.82 shall be used. The weight of salable shelled almonds on which delivery has been effected, the weight of kernels used by the handler for manufactured products, and the weight of shelled almonds in the carryover shall be used in determining the edible kernel weight of shelled almonds. The edible kernel weight of certified surplus as determined at time of certification shall be used with respect to such surplus. If upon the foregoing computations of the total edible kernel weight of almonds received by a handler for his own account during a portion of the crop year or the entire crop year based on such reports made by the handler and such verification thereof as the board or the Secretary makes as provided in § 909.114 the edible kernel weight is found to differ from that determined in the manner specified in § 909.82 appropriate adjustments shall be made in the recorded total edible kernel weight of almonds received by such handler for his own account, and such revised total, after taking into consideration any almonds which have contributed to surplus in the hands of a previous holder, shall be the basis for the determination of such handler's revised surplus obligation. The determination of the board based on the handlers' reports, the examination of their records, and the board's records of certified surplus shall be final. Such examination or audit of handlers' records as the board makes shall be at the board's expense and under uniform procedure.

§ 909.84 *Inspection and certification of surplus almonds.* It shall be the duty of each handler to cause an inspection to be made of all almonds withheld by him in satisfaction of his surplus obligation to determine whether such almonds meet the grade requirements specified in § 909.65 (b). Such inspection shall be made by the inspection agency, and the cost thereof shall be paid by the handler. A report of such inspection shall be issued which shall show, in addition to such other requirements as the control board may specify, the identity of the handler, the kind and number of containers in the lot and any brand or labels, the variety of almonds in the lot, whether shelled or unshelled, the weight of edible kernels contained in the lot, the weight of inedible kernels, if any, contained in the lot, and that such lot meets the grade requirements for surplus almonds. Copies of such reports shall be furnished to the handler and the control board.

DISPOSITION OF SURPLUS

§ 909.100 *Prohibition on the handling of surplus.* Except as provided in §§ 909.101 and 909.102 surplus almonds withheld pursuant to the requirements of § 909.65 shall not be handled by any person.

§ 909.101 *Conditions governing disposition of surplus—*(a) *General.* The control board shall have power and authority to sell or dispose of any and all surplus almonds withheld upon the best terms and at the highest return obtainable consistent with the ultimate complete disposition of surplus, subject to all conditions of this section.

(b) *Disposition of surplus for export.* Sales of surplus almonds for export to destinations outside the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone shall be made only on execution of an agreement to prevent sale within or reimportation into the United States; and in case of export to Canada or Mexico, such almonds shall be sold only on the basis of a delivered price, duty paid.

(c) *Exclusion from domestic normal trade channels.* No surplus almonds shall be sold in the United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone other than to governmental agencies or to charitable institutions for charitable purposes, except for diversion into almond oil, almond butter, poultry or animal feed, or into other channels which the control board finds are noncompetitive with existing normal markets for almonds, and with proper safeguards in each case to prevent such almonds thereafter entering the channels of trade in such normal markets.

(d) *Time restriction on disposition.* The control board shall not dispose of, or authorize the disposition of, more than 50 percent of the surplus almonds prior to May 15 of any crop year unless disposition in excess of 50 percent is made pursuant to paragraph (b) of this section or unless the salable percentage is increased pursuant to § 909.63.

(e) *Disposition after August 1.* Any surplus almonds remaining unsold as of August 1 shall be disposed of by the board as soon as practicable through the most readily available outlets within the limitations of paragraph (c) of this section.

§ 909.102 *Disposition by handler.* Upon request of a handler, made prior to the delivery by him of any surplus to the board in any crop year, the board shall authorize such handler to act as agent of the board, upon such reasonable terms and conditions as the board may specify and subject to the conditions of § 909.101 in disposing of the surplus contributed by such handler for that crop year. Any handler who is authorized to dispose of his surplus may, through arrangement with another handler, dispose of such surplus through such other handler. In the latter instance, the second handler shall also be subject to the conditions of § 909.101. It shall be the obligation of any handler authorized to dispose of such surplus to effect disposition thereof in accordance with all applicable requirements and conditions. The proceeds of such disposition shall be retained by the handler making the disposition, except that, in case he disposes of the surplus of another handler, the proceeds from that disposition shall be divided between the two handlers on the basis of a mutual agreement. Such authorization shall expire as of August 1 of the next crop year, and any surplus then remaining undisposed of by the handler shall be returned to the board. Any handler who has been authorized to act as agent of the board in disposing of his surplus may terminate such agency as of April 1 of the particular crop year by giving written notice to the board to that effect not later than the previous March 20, in which event such handler shall return to the board, for disposition by it, all surplus almonds remaining in his possession. In case a handler does not terminate his agency as of April 1, he shall be required to continue to serve as such agent until August 1 of the next crop year. The board shall not terminate such an agency prior to August 1 unless the agent violates the terms and conditions specified by the board or other provisions of the order. During the period of such agency the board, as principal, shall not dispose of the surplus contributed by said agent.

§ 909.103 *Disposition of proceeds from sales of surplus—*(a) *Pools.* Surplus from almonds received by handlers for their own accounts during any crop year, other than surplus disposed of by handlers as agents of the board as authorized in § 909.102, shall be disposed of by the control board in three pools as follows: Pool No. 1—surplus delivered to the board during a crop year up to April 1 and disposed of during that period; Pool No. 2—surplus delivered to the board from April 1 to July 31, inclusive, and disposed of during that period, including, in addition to deliveries by handlers not acting as agents, deliveries by handlers who terminate their agencies as of April 1, and also any surplus from Pool No. 1 which was not disposed of prior to April 1, but which is disposed of prior to August 1; and Pool No. 3—all surplus held unsold by the board on August 1, including, in addition to any surplus turned over to it by handlers whose agencies expired on August 1, any surplus from Pool No. 1 and Pool No. 2 which was not disposed of by the board prior to August 1.

(b) *Expenses.* Direct expenses incurred by the control board in the maintenance and disposition of surplus almonds in each respective pool shall be charged against the proceeds of sales of the almonds in that pool.

(c) *Distribution to handlers.* Net proceeds from the disposition of surplus almonds in each of the three pools shall be distributed by the board to each handler having an interest in that pool in proportion to his relative contribution thereto in terms of edible kernel weight. In the case of a carryover from one pool to another pool, the board shall allocate the interests of the appropriate handlers therein on the basis of their respective total deliveries of almonds, in terms of edible kernel weight, to the board during the pool period in connection with which such carryover first originated.

REPORTS, BOOKS, AND RECORDS

§ 909.111 *Reports of handler carryover.* On or before January 15, April 15, and July 15 of each crop year every handler shall file with the control board a written report, under oath, of his carryover of all almonds by variety, showing whether unshelled or shelled and the number and type of containers and weight as of December 31, March 31, and June 30, respectively.

§ 909.112 *Reports of almonds sold and delivered.* On or before January 15, April 15, and July 15 of each crop year every handler shall file with the control board a written report, under oath, of all his sales of almonds by variety, showing whether unshelled or shelled and whether salable or surplus, and the weight on which delivery has been effected during the crop year, as of December 31, March 31, and June 30, respectively, including therein any manufactured products (whether or not sold) at their equivalent in terms of raw shelled almonds.

§ 909.113 *Other reports.* Upon the request of the control board, made with the approval of the Secretary, every handler shall furnish to the control board in such manner and at such times as it prescribes (in addition to such other

reports as are specifically provided for in this part) such other information as will enable the control board to perform its duties and exercise its powers hereunder.

§ 909.114 *Verification of reports.* For the purpose of checking and verifying reports made by handlers to it, the Secretary or the control board through its duly authorized agents shall have access to the handler's premises wherever almonds may be held by such handler, and at any time shall be permitted to inspect any almonds so held by such handler and any and all records of the handler with respect to the holding or disposition of all almonds which may be held or which may have been disposed of by such handler. Every handler shall furnish all labor necessary to facilitate such inspections as the control board or the Secretary may make of such handler's holdings of any almonds.

§ 909.115 *Confidential information.* All reports and records furnished or submitted by handlers to the board which include data or information constituting a trade secret or disclosing of the trade position, financial condition, or business operations of the particular handler from whom received shall be received by and at all times kept in the custody and under the control of one or more employees of the board, who shall disclose such information to no person except the Secretary. Notwithstanding the above provisions of this paragraph, information may be disclosed to the board when necessary to enable the board to carry out its functions hereunder.

EXPENSES AND ASSESSMENTS

§ 909.120 *Expenses.* The control board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the control board and for such purposes as the Secretary may, pursuant to the provisions hereof, determine to be appropriate. The recommendation of the control board as to the expenses for each such year, together with all data supporting such recommendation, shall be submitted to the Secretary on or before August 1 of the crop year in connection with which such recommendation is made: *Provided*, That if the program is not made effective early enough to permit making such recommendation prior to August 1 of the initial crop year such recommendation shall be submitted within 15 days after the effective date of this program. The funds to cover such expenses shall be acquired by levying assessments as hereinafter provided.

§ 909.121 *Assessments*—(a) *Requirement for payment.* Each handler shall pay to the control board on demand by the board, from time to time, the sum of two-tenths of a cent for each pound of edible almond kernels received by him for his own account (except as to receipts from other handlers on which assessments had been paid) after the effective date hereof. In the event adequate records are not available at any time to show all almonds received by a handler during a crop year, or any part thereof, and his surplus obligation is determined under the alternate provision of § 909.65 (a), the assessment herein specified shall be based upon such handler's total salable and surplus almonds measured by edible kernel weight. Upon redetermination of edible kernel weight of almonds received by handlers for their own account as provided in § 909.83, such redetermined edible kernel weight for each handler shall be the basis upon which he shall pay assessments at the aforesaid rate. At any time during or after a crop year, the Secretary may increase the rate of assessment to apply to all such almonds during such crop year to secure sufficient funds to cover the expenses authorized by § 909.120 or by any later finding by the Secretary relative to the expenses of the control board, and such additional assessments shall be paid to the control board by each handler on demand.

(b) *Refunds.* Any money collected as assessments during any crop year and not expended in connection with the respective crop year's operations hereunder may be used and shall be refunded by the control board in accordance with the provisions hereof. Such excess funds may be used by the control board during the period of four months subsequent to such crop year in paying the expenses of the control board incurred in connection with the new crop year. The control board shall, however, from funds on hand, including assessments collected during the new crop year, distribute or make available, within five months after the beginning of the new crop year, the aforesaid excess to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of assessments paid by all handlers during said crop year.

(c) *Disposition of funds upon termination.* Any money collected from assessments hereunder and remaining unexpended in possession of the control board upon the termination hereof shall be distributed in such manner as the Secretary may direct.

MISCELLANEOUS PROVISIONS

§ 909.131 *Personal liability.* No member or alternate member of the control board, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent, or employee, except for acts of dishonesty.

§ 909.132 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 909.133 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 909.134 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon its termination except with respect to acts done under and during its existence.

§ 909.135 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 909.136 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, as well as any amendments hereto, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways hereinafter specified in this section.

(b) *Suspension or termination*—(1) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions hereof, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(2) *When favored by growers.* The Secretary shall terminate the provisions hereof at the end of any crop year whenever he finds that such termination is favored by a majority of the growers of almonds who during that crop year have been engaged in the production for market of almonds in the State of California: *Provided*, That such majority have during such period produced for market more than 50 percent of the volume of such almonds produced for market within said State; but such termination shall be effected only if announced on or before June 1 of the then current crop year.

(3) *If enabling legislation is terminated.* The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination*—(1) *Designation of trustees.* Upon the termination of the provisions hereof, the members of the control board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the control board, of all funds and property then in the possession or under the control of the board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) *Duties of trustees.* Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the control board and the joint trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or

appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the control board or the joint trustees pursuant hereto.

(3) *Obligations of persons other than board members and trustees.* Any person to whom funds, property, or claims have been transferred or delivered by the control board or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said board and upon the said joint trustees.

§ 909.137 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 909.138 *Amendments.* Amendments hereto may be proposed, from time to time, by any person or by the control board.

APPENDIX 1—SCHEDULE OF PAYMENTS TO HANDLERS FOR SERVICES RENDERED IN CONNECTION WITH SURPLUS ALMONDS

[Rates are expressed in dollars per ton of 2000 lbs.]

§ 909.151 *Storage.* Handlers shall be paid for storing almonds beginning on the day on which any handler has surplus almonds certified and shall continue so long as the almonds are stored by the handlers for the control board. Cold storage shall be used only when specified by the control board. Payments per ton shall be as follows:

	First month	Per month thereafter
Dry storage:		
Unshelled	$2.90	$1.15
Shelled	1.75	.70
Cold storage:		
Unshelled	5.00	2.50
Shelled	7.60	3.00

These storage rates include piling, holding, and tearing down piles.

§ 909.152 *Fumigation.* Handlers shall be paid the actual cost of fumigating almonds, but not to exceed $1.00 per ton for unshelled and $.60 per ton for shelled almonds. Each such fumigation must be approved by the control board.

§ 909.153 *Packaging in new burlap bags.* Handlers must provide suitable containers for storing surplus almonds, but when the control board requires packaging in new burlap bags, handlers shall be paid for such packaging as follows:

Unshelled—actual cost of the burlap bags plus $2.00 per ton for labor; and

Shelled—actual cost of the burlap bags and liners plus $2.00 per ton for labor.

§ 909.154 *Processing costs.* The processing costs hereinafter enumerated shall be paid to handlers only when such work is authorized by the board. Handlers shall be paid their actual expenses for grading and bleaching unshelled almonds, but not to exceed $5.25 per ton. Handlers shall be paid the actual cost of shelling and sorting almonds but not to exceed $10.00 per ton of kernels for shelling the Nonpareil variety, $15.00 per ton of kernels for shelling any other variety, and $20.00 per ton for the sorting of any variety to produce a sheller run grade.

APPENDIX 2—VARIETAL SHELLING RATIOS APPLICABLE TO UNSHELLED ALMONDS

§ 909.161 *Varietal shelling ratios applicable to unshelled almonds.* The varietal shelling ratios applicable to unshelled almonds for determination of edible kernel weight are as follows:

Major varieties	*Percent*
Nonpareil	60
Jordanolo	60
Ne Plus Ultra	50
IXL	50
Mission	40
Drake	40
Peerless	35
Minor varieties	
King	60
California (California Papershell)	60
Princess	60
Bigelow	55
Harparell	55
Rivers	55
Eureka	54
Klondike	54
Baker	53
Trembath	53
Oakley	52
Silvershell	51
Long IXL	50
Harriott	50
Commercial	49
Frost Proof	49
Smith (Smith's XL)	48
Routier	48
La Marie	48
La Prima	48
Lewelling (Lewelling's Prolific)	47
Proctor	47
Barclay	47
Fairoaks	47
Batham	46
Reams	44
Sellers	43
Marcona	42
Queen	42
Jubilee	42
Walton	41
Gilt Edge	40
Standard	38
Golden State	33
French Languedoc (Cartagena)	37
Languedoc	37
Hampton	36
Sultana	36
La France	33
Tarragona	33
Philopena	32
Grosse Tender	32
Hardshell	30
Almendro	30
Bidwell	30
Jordan	30
King George	30

Issued at Washington, D. C., this 1st day of August 1950, to be effective on and after 12:01 a. m. P. s. t., August 4, 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6857; Filed, Aug. 3, 1950; 8:51 a. m.]

PART 940—HANDLING OF PEACHES GROWN IN COUNTY OF MESA, COLORADO

ORDER AMENDING ORDER REGULATING HANDLING

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AUTHORITY: §§ 940.0 to 940.95 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

§ 940.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection

with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. (For original findings relative to issuance of Order No. 40, see F. R. Doc. 39-2965; 4 F. R. 3599.)

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the rules of practice and procedure effective thereunder (7 CFR, Part 900), a public hearing was held at Palisade, Colorado, beginning on March 8, 1950, upon proposed amendments to the marketing agreement and Order No. 40, effective August 15, 1939, regulating the handling of peaches grown in the County of Mesa in the State of Colorado. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order as hereby amended regulates the handling of peaches grown in the County of Mesa in the State of Colorado in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held; and

(3) There are no differences in the production and marketing of peaches grown in the production area covered by said order as hereby amended that make necessary different terms and provisions applicable to different parts of such area.

(b) *Additional findings.* It is hereby found and determined, on the basis hereinafter indicated, that good cause exists for making the provisions of this part effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). It is necessary, in the public interest, to make this part effective upon publication in the FEDERAL REGISTER, so as to facilitate, promote, and maintain orderly marketing of the peaches covered hereunder. Shipments of early varieties of Mesa County peaches will begin to be made in a limited way early in August and in volume soon thereafter. It is necessary, therefore, to make this part effective promptly so that regulations may be formulated and issued prior to the commencement of volume shipments. Thus, the benefits of the program will be available to producers and handlers throughout the marketing season of the 1950 crop. The provisions of this part are well known to handlers, the public hearing on the amendments having been held in Palisade, Colorado, beginning on March 8, 1950, and the recommended decision and final decision having been published on May 11 (15 F. R. 2804, 3038), and June 9, 1950 (15 F. R. 3647, 3811), respectively. Handlers and producers have received copies of the text of the amendatory order; and compliance with the provisions of this part will not require any advance preparation on the part of persons subject thereto that cannot be completed prior to such effective date.

(c) *Determinations.* It is hereby determined that: (1) The agreement, amending the marketing agreement regulating the handling of peaches grown in the County of Mesa in the State of Colorado, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the peaches covered by this order) who, during the period May 1, 1949, through April 30, 1950, shipped not less than 50 percent of the volume of peaches covered by said order as hereby amended;

(2) The aforesaid agreement, amending the said marketing agreement, has been executed by handlers who were signatory parties to said marketing agreement and who, during the preceding fiscal year, shipped not less than sixty-seven (67) percent of the peaches grown in the County of Mesa in the State of Colorado, shipped by all signatory handlers to said marketing agreement during such fiscal year;

(3) The issuance of this part, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (May 1, 1949, through April 30, 1950), have been engaged within the County of Mesa in the State of Colorado in the production of peaches for market; and

(4) The issuance of this part, amending the aforesaid order, is favored or approved by producers who, during said representative period, have produced for market at least two-thirds of the volume of such peaches produced for market within the County of Mesa in the State of Colorado.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of peaches grown in the County of Mesa in the State of Colorado as is in the current of commerce between the State of Colorado and any point outside thereof shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order as hereby amended; and such order is hereby amended to read as follows:

DEFINITIONS

§ 940.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States of America.

§ 940.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 940.3 *Person.* "Person" means an individual, partnership, corporation, association, legal representative, or any organized group of individuals.

§ 940.4 *Peaches.* "Peaches" means all peaches grown in the county of Mesa in the State of Colorado.

§ 940.5 *Committee.* "Committee" means the Administrative Committee established pursuant to the provisions of this subpart.

§ 940.6 *Producer.* "Producer" means any person engaged in growing peaches in the county of Mesa in the State of Colorado for market.

§ 940.7 *Handler.* "Handler" means any person (except a common or contract carrier of peaches owned by another person) who, as owner, agent, or otherwise, ships peaches, or causes peaches to be shipped.

§ 940.8 *Ship.* "Ship" means to sell, transport, offer for transportation, or ship peaches in fresh form by rail, truck, or any other means whatsoever in the current of commerce between the State of Colorado and any point outside thereof.

§ 940.9 *Fiscal year.* "Fiscal year" is synonymous with "season" and means the twelve-month period beginning March 1 of any year and ending the last day of February of the following year, both dates inclusive.

§ 940.10 *District.* "District" means the applicable one of any of the following-described subdivisions of the county of Mesa in the State of Colorado:

(a) "Redlands District," which shall include all that portion of Mesa County lying south of the Colorado River west of the Junction of the Colorado River with the Gunnison River and south and west of the Gunnison River and more fully described as follows: Beginning at a point which is the intersection of the Colorado River and the Utah-Colorado State line; thence southerly along said State line to a point which is the intersection of the south boundary line of Mesa County and said Utah-Colorado State line; thence easterly along said south boundary line of Mesa County to the east boundary line between Mesa and Montrose Counties; thence northerly along said east boundary line of Mesa County to a point which is the intersection between said east boundary line of Mesa County and the Gunnison River; thence northwesterly along said river to a point which is the junction of the Gunnison and Colorado Rivers; thence westerly along said Colorado River to the point of beginning.

(b) "East Orchard Mesa District," which shall include all that portion of Mesa County bounded as follows: Beginning at a point which is the intersection of the Colorado River and the east section line of Section 3, Township 1 South, Range 2 East of the Ute Meridian; thence southerly along the east section line of Sections 3, 10, 15, and 22 of said township to the southeast corner of Section 22 of said township; thence westerly along the south section line of Sections 22, 21, and 20 of said township to a point which is the intersection of said section line and the Big Wash, said point lying on the south boundary of said Section 20 of said township; thence northwesterly along said Big Wash to the junction of the Big Wash and the Colorado River; thence northeasterly along said Colorado River to the point of beginning.

(c) "Vineland District," which shall include all that portion of Mesa County lying east of the following described line: Beginning at a point which is the intersection of the Colorado River and the north boundary of Mesa County; thence southwesterly along said Colorado River to a point which is the intersection of the Colorado River and the west section line of Section 2, Township 1 South, Range 2 East of the Ute Meridian; thence southerly along said west section line of Sections 2, 11, 14, and 23 of said township to the southwest corner of Section 23 of said township; thence easterly along the south section lines of Sections 23 and 24 of said township to the east range line of Range 2 East of the Ute Meridian; thence southerly along said range line to a point which is the intersection of said range line and the Mesa-Delta County boundary line.

(d) "Palisade District," which shall include all that portion of Mesa County bounded as follows: Beginning at a point which is the intersection of the Colorado River and the north boundary line of Mesa County; thence southwesterly along said Colorado River to a point which is the intersection of the main channel of said Colorado River and the range line between Range 1 East and Range 2 East of the Ute Meridian; thence northerly along said range line extended to the Mesa-Garfield County boundary line; thence easterly along said county line to the point of beginning.

(e) "Clifton District," which shall include all that portion of Mesa County bounded as follows: Beginning at a point which is the intersection of the Colorado River and the Utah-Colorado State line; thence easterly along said river to a point which is the junction of the Gunnison and Colorado Rivers; thence southeasterly along said Gunnison River to a point which is the intersection of the Gunnison River and the Mesa County line; thence northerly and easterly along said boundary line of Mesa County to a point which is the intersection of said boundary line of Mesa County and the east range line of Range 2 East of the Ute Meridian; thence northerly along said range line to the northeast corner of Section 25, Township 1 South, Range 2 East of the Ute Meridian; thence westerly along the north section line of Sections 25, 26, 27, 28, and 29 of said township to a point which is the intersection of said section line and the Big Wash, said point lying on the north boundary of said Section 29; thence northwesterly along said Big Wash to the junction of the Big Wash and the Colorado River; thence westerly along the Colorado River to its intersection with the range line between Range 1 East and Range 2 East of the Ute Meridian; thence northerly along said range line extended to the Mesa-Garfield County line; thence westerly along said county line to the northwest corner of Mesa County on the Utah-Colorado State line; thence southerly along said State line to the point of beginning.

ADMINISTRATIVE COMMITTEE

§ 940.20 *Establishment and membership.* An Administrative Commitee is hereby established consisting of nine members, five of whom shall represent producers and four of whom shall represent handlers. There shall be an alternate for each member of the Committee.

§ 940.21 *Selection of initial members.* The initial members of the Administrative Committee and their respective alternates shall be selected by the Secretary as soon as possible after the effective date hereof. In selecting the initial members and their respective alternates, the Secretary shall make his selections upon the basis of the representation provided for in §§ 940.22 and 940.23. The Secretary may consider such nominations or suggestions, if any, submitted by producers and handlers, which nominations or suggestions may be by virtue of elections conducted by groups of producers and groups of handlers prior to, or immediately subsequent to, the effective date of this part.

§ 940.22 *Nomination and selection of successors to initial producer members.* (a) Nominations of producer members and their respective alternates, subsequent to the initial members and alternates, shall be made at a meeting of producers in each of the districts, at such times (on or before February 1 of each year) and places as the Administrative Committee shall designate. At each of such meetings, the producers eligible to participate therein shall select a chairman and a secretary therefor. In the election of nominees for producer member and for alternate for such member, each producer shall be entitled to vote in accordance with the provisions of paragraph (b) of this section. The chairman of each meeting shall announce at such meeting the name of each person for whom votes have been cast, whether as member or as alternate, and the number of votes cast for each such person, and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary.

(b) Only producers shall participate in the nominations of producer members and their alternates, and a producer may participate only in the elections held in the district in which he produces peaches. No producer shall participate in the election of producer members and their alternates in more than one district in any one fiscal year. In any such election, each producer shall be entitled to cast but one vote on behalf of himself, his agents, partners, and representatives for each nominee to be elected. Cumulative or proxy voting shall not be allowed.

(c) The producers in each district shall elect two nominees for producer member and two nominees for alternate from such district, and the Secretary shall select one producer member and his respective alternate for such district from among the nominees elected by the producers in such district.

§ 940.23 *Nomination and selection of successors to initial handler members.* (a) Handler members and their respective alternates, subsequent to the initial members and alternates, shall be nominated and selected as follows:

(1) Six nominees for handler members and six nominees for alternates shall be elected by the members of cooperative associations, and the Secretary shall select three handler members and their respective alternates from among such nominees. Any cooperative association shipping 50 percent, or more, of the total volume of peaches shipped by all handlers during the fiscal year in which an election of nominees is being held shall be entitled to elect four of the six nominees for handler members and four of the six nominees for alternates, and the Secretary shall select two of the handler members and their respective alternates from among the nominees elected by such cooperative association: *Provided,* That if such election is being held between March 1 and October 15 of any year, such percentage of the total volume of peaches shipped shall be based upon the total volume of peaches shipped by all handlers during the fiscal year immediately next preceding that in which such election is being held; and

(2) Two nominees for handler member and two nominees for alternate shall be elected by handlers other than cooperative associations and members of such associations, and the Secretary shall select one handler member and his alternate from among such nominees.

(b) Nominations of handler members and their respective alternates, subsequent to the initial members and alternates, to be elected by members of cooperative associations shall be made at a meeting or meetings of the members of such cooperative associations at such times (on or before February 1 of each year) and places as the Administrative Committee shall designate. At each such meeting, the handlers eligible to participate therein shall select a chairman and a Secretary therefor. In the election of nominees for such members and alternates, each member of a cooperative association shall be entitled to cast but one vote on behalf of himself, his agents, partners, and representatives. Cumulative voting shall be permissible, but proxy voting shall not be allowed. The chairman of each meeting shall announce at such meeting the name of each person for whom votes have been cast, whether as member or as alternate, and the number of votes cast for each such person, and the chairman or the secretary of such meeting shall forthwith transmit such information to the Secretary.

(c) Nominations for a handler member and his alternate, subsequent to the initial member and alternate, to be elected by handlers other than cooperative associations and members of such associations, shall be made at a meeting of such handlers at such time (on or before February 1 of each year) and place as the Administrative Committee shall designate. At each such meeting, the handlers eligible to participate therein shall select a chairman and a secretary therefor. In the election of nominees for such member and alternate, each such handler shall be entitled to cast but one vote on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives, which vote shall be weighted by the volume of

peaches shipped by such handler during the fiscal year in which such election is being held: *Provided*, That if such election is being held between March 1 and October 15 of any year, such vote shall be weighted by the volume of peaches shipped by such handler during the fiscal year immediately next preceding that in which such election is being held. Proxy voting shall not be allowed. The chairman of the meeting shall announce at such meeting the name of each person for whom votes have been cast, whether as member or as alternate, and the number of votes cast for each such person, and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary.

§ 940.24 *Eligibility for membership.* (a) Producer members of the Administrative Committee and alternates for such members must be producers of peaches in the district in and for which they are nominated and selected.

(b) A handler member of the Administrative Committee and an alternate for such member, to be selected from the nominees of cooperative associations, must be a member or an employee of a cooperative association.

(c) The handler member of the Administrative Committee and the alternate for such member, to be selected from the nominees of handlers other than cooperative associations and members of such associations, must be a handler and shall not be a member or an employee of a cooperative association.

§ 940.25 *Failure to nominate.* In the event nominations, subsequent to the selection by the Secretary of the initial members and their respective alternates, are not made and the names of such nominees are not submitted to the Secretary on or before February 15 of any year, pursuant to §§ 940.22 and 940.23, the Secretary may select such members and alternates without regard to nominations.

§ 940.26 *Qualification by members and alternates.* Any person selected by the Secretary as a member or as an alternate for a member of the Administrative Committee shall qualify therefor by filing a written acceptance thereof with the Secretary within 15 days after being notified of such selection.

§ 940.27 *Term of office.* The initial members and their respective alternates shall hold office for a term beginning on the date designated by the Secretary and ending April 30, 1940, and until their successors are selected and have qualified. Members and alternates selected subsequent to the initial term shall serve during the fiscal year for which they have been selected and until their successors are selected and have qualified.

§ 940.28 *Alternate members of Administrative Committee.* An alternate for a member shall act in the place and stead of such member during such member's absence, or, in the event of the death, removal, resignation, or disqualification of such member, until a successor for such member is selected and has qualified.

§ 940.29 *Vacancies.* To fill any vacancy occasioned by the failure to qualify of any person selected as a member or as an alternate for a member of the Administrative Committee, or, in the event of the death, removal, resignation, or disqualification of any member or of any alternate, nomination and selection to fill such vacancy shall be made in the manner set forth in §§ 940.20 to 940.35. If nominations to fill such vacancy are not made or the names of such nominees are not submitted to the Secretary within 20 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nomination.

§ 940.30 *Compensation and expenses.* The members and the alternates for members of the Administrative Committee shall serve without compensation, but they may be reimbursed, at a rate of not to exceed $5 per meeting, for expenses incurred by them in the performance of their duties and in the exercise of their powers.

§ 940.31 *Powers.* The Administrative Committee shall have the following powers:

(a) To administer, as specifically provided in §§ 940.20 to 940.35, the terms and provisions of this part;

(b) To make administrative rules and regulations in accordance herewith and to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 940.32 *Duties.* The duties of the Administrative Committee shall be as follows:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To keep minutes, books, and records which will clearly reflect all of the acts and transactions of the Administrative Committee, which minutes, books, and records shall be subject at any time to examination by the Secretary;

(c) To study and assemble data on the growing, shipping, and marketing conditions respecting peaches;

(d) Each season prior to making any recommendation to the Secretary for the regulation of shipments pursuant to the provisions of this subpart, to determine the marketing policy to be followed during such season and to submit to the Secretary a report thereon containing, among other provisions, information relative to the estimated total production of peaches; information as to the expected grades and sizes of such peaches; possible or expected demand conditions of different market outlets; supplies of competitive commodities; an appropriate analysis of the foregoing factors and conditions; and the type of regulation of shipments of peaches expected to be recommended;

(e) To furnish to the Secretary such available information as the Secretary requests;

(f) To perform such duties as may be assigned to it from time to time by the Secretary in connection with the administration of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress (49 Stat. 774), August 24, 1935, as amended;

(g) To cause the books of the Administrative Committee to be audited by one or more competent accountants at least once each fiscal year and at such other times as the committee may deem necessary or as the Secretary may request, and to file with the Secretary copies of any and all audit reports;

(h) To appoint such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(i) To give the Secretary the same notice of meetings of the Administrative Committee as is given to the members of the committee; and

(j) To select a chairman of the Administrative Committee and, from time to time, such other officers as it may deem advisable.

§ 940.33 *Procedure.* A quorum shall consist of six members of the Administrative Committee, or alternates then serving in the place and stead of any members, in attendance at a meeting, and all decisions of the committee shall be made by not less than six affirmative votes.

§ 940.34 *Rights of the Secretary.* The members of the Administrative Committee, including successors and alternates, and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary for cause at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 940.35 *Funds and other property.* (a) All funds received by the Administrative Committee pursuant to any of the provisions of this part shall be used solely for the purposes herein specified, and the Secretary may require the committee and its members to account for all receipts and disbursements.

(b) Upon the death, resignation, removal, or expiration of the term of office of any member of the Administrative Committee, all books, records, funds, and other property in his possession shall be delivered to his successor in office or to the committee, and such assignments and other instruments shall be executed as may be necessary to vest in his successor or in the committee full title to all the books, records, funds, and other property in the possession or under the control of such member pursuant to this part.

EXPENSES AND ASSESSMENTS

§ 940.40 *Expenses.* The Administrative Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by such committee for its maintenance and functioning hereunder during the then current fiscal year. The committee shall prepare, and submit to the Secretary, a proposed budget of expenses and a proposed rate of assessment for the then current fiscal year. The funds to cover such expenses shall be acquired by the levying of assessments as provided in § 940.41.

§ 940.41 *Assessments.* Each handler shall pay to the Administrative Committee, upon demand, such handler's pro rata share of the aforesaid expenses. Each handler's pro rata share shall be based upon a rate of assessment fixed by the Secretary and shall be that proportion of such expenses which the total quantity of peaches shipped during a fiscal year by such handler as the first handler thereof is of the total quantity of peaches shipped by all handlers as the first handlers thereof, during the same fiscal year. The rate of assessment may be increased, from time to time during any fiscal year, by the Secretary in order to cover any later finding by the Secretary of the estimated or actual expenses of the committee for said fiscal year. Each such increase shall be applicable to all assessable peaches shipped during such fiscal year.

§ 940.42 *Handler accounts.* At the end of each fiscal year the Administrative Committee shall credit each handler with any amount paid by such handler in excess of his pro rata share of the expenses or shall debit such handler with the amount by which his pro rata share exceeds the amount paid by him. Any such debits shall become due and payable upon demand of the Committee.

§ 940.43 *Suit to enforce collection.* The Administrative Committee may, with the approval of the Secretary, maintain a suit in its own name or in the names of its members for the collection of any handler's pro rata share of expenses.

REGULATION OF SHIPMENTS

§ 940.50 *Regulation of shipments.* Whenever the Administrative Committee deems it advisable to regulate, during any period or periods, the shipment of peaches by grades or sizes, or both, or by minimum standards of quality or maturity, or both, it shall so recommend to the Secretary.

§ 940.51 *Recommendation of the Administrative Committee.* (a) At the time of submitting each such recommendation for the regulation by grades or sizes, or both, the committee shall furnish to the Secretary, in addition to all pertinent data and information on which it acted in making such recommendation, such other data and information as the Secretary may request. The committee shall promptly give adequate notice to handlers and producers of each such recommendation.

(b) At the time of submitting each such recommendation for the regulation by minimum standards of quality or maturity, or both, the committee shall furnish to the Secretary, in addition to all pertinent data and information on which it acted in making such recommendation, such other data and information as the Secretary may request. Each such recommendation of the committee should, so far as it is practical, be in terms of such grades or sizes, or both, of peaches as would be in the public interest and tend to effectuate the declared policy of the act.

§ 940.52 *Establishment of regulation.*—(a) *By grades and sizes.* Whenever the Secretary finds, from any such recommendation and information or other available information, that to limit the shipment of the total quantity of peaches to particular grades or sizes, or both, would tend to effectuate the declared policy of the act, he shall so limit the shipment of peaches during a specified period or periods. The Secretary shall promptly notify the committee of each such regulation; and the committee shall promptly give adequate notice thereof to handlers and producers.

(b) *By minimum standards of quality and maturity.* Whenever the Secretary finds, from any such recommendation and information or other available information, that to establish minimum standards of quality or maturity, or both, and to limit the shipment of peaches during any period or periods to those meeting such minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall establish such minimum standards, designate the period or periods, and so limit the shipment of such peaches. The Secretary shall promptly notify the committee of each such regulation; and the committee shall promptly give adequate notice thereof to handlers and producers.

§ 940.53 *Exemptions and exemption certificates.* (a) The Administrative Committee shall, subject to the approval of the Secretary, adopt procedural rules to govern the issuance of exemption certificates.

(b) In the event the Secretary issues a regulation pursuant to § 940.52, the committee shall determine what the percentage of peaches permitted to be shipped under such regulation is of the total quantity of peaches which would be shipped in the absence of such regulation; and the committee shall forthwith announce this percentage. An exemption certificate shall thereafter be issued by such committee to any producer who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping, or having shipped, a percentage of his crop of peaches equal to the percentage, determined as aforesaid. The certificate shall permit such producer to ship, or have shipped, a percentage of his crop of peaches equal to the aforesaid percentage.

(c) If any producer is dissatisfied with the action of the Administrative Committee taken with respect to his application for an exemption certificate, such producer may appeal to the Secretary. The Secretary may, upon any appeal made as aforesaid, modify or reverse the action of the committee. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

(d) The Administrative Committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of peaches thus exempted, and such additional information as may be requested by the Secretary.

§ 940.54 *Inspection and certification.* Prior to making each shipment of peaches during any period in which the shipment of peaches is regulated pursuant to § 940.52, each handler shall, if the respective shipment has not theretofore been so inspected, have such shipment inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary may designate. Promptly thereafter, such handler shall submit, or cause to be submitted, to the Administrative Committee a copy of the inspection certificate issued with respect to such shipment.

§ 940.55 *Modification, suspension, or termination.* Whenever the Administrative Committee deems it advisable to recommend to the Secretary the modification, suspension, or termination of any or all of the regulations issued pursuant to § 940.52, it shall so recommend to the Secretary. If the Secretary finds, upon the basis of such recommendation or other available information, that to modify any such regulation will tend to effectuate the declared policy of the act, he shall so modify such regulation. If the Secretary finds, upon the basis of such recommendation or other available information, that any such regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. The Secretary shall promptly notify the committee, and the committee shall promptly give adequate notice to handlers and producers, of each such modification, suspension, and termination. In like manner and upon the same basis the Secretary may terminate any such modification or suspension.

REPORTS AND LIABILITY

§ 940.65 *Reports.* Upon the request of the Administrative Committee, made with the approval of the Secretary, each handler shall furnish the Committee, in such manner and at such times as it prescribes, such information as will enable it to exercise its powers and to perform its duties under this part.

§ 940.66 *Liability of Administrative Committee members.* No member, alternate member, or employee of the Administrative Committee shall be held liable, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, or employee, except for acts of dishonesty.

COMPLIANCE AND EXCEPTIONS

§ 940.70 *Compliance.* Except as otherwise specifically provided in this

part, no person shall ship peaches, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part.

§ 940.71 *Peaches not subject to regulation.* Nothing contained herein shall be construed to authorize any limitation of the right of any person to ship (a) peaches for consumption by a charitable institution or for distribution for relief purposes or for distribution by a relief agency; (b) peaches for processing on a commercial scale; or (c) peaches to any one person during any one day if such peaches are not for resale and do not aggregate more than 19 bushels. The inspection and assessment provisions hereof shall not be applicable to peaches so shipped. The Administrative Committee may prescribe adequate safeguards to prevent peaches, shipped for such purposes, from entering commercial channels of trade contrary to the provisions hereof.

EFFECTIVE TIME AND TERMINATION

§ 940.80 *Effective time.* The provisions of this part shall become effective August 15, 1939, and shall continue in force until terminated in one of the ways specified in § 940.81.

§ 940.81 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least 1 day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provision or provisions obstruct or do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any current marketing period whenever he finds that such termination is favored by a majority of the producers of peaches who, during such current marketing period, have been engaged in the production of peaches for market: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the total volume of peaches produced for market during such period, but such termination shall be effective only if notice thereof is given on or before February 1 of such current marketing period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 940.82 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the members of the Administrative Committee then functioning shall, for the purpose of liquidating the affairs of the Committee, continue as joint trustees of all funds and property then in the possession or under the control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements, or deliver all funds and property on hand, together with all books and records of the Administrative Committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all of the funds and claims vested in the committee or the joint trustees pursuant hereto.

(c) Any funds collected for expenses pursuant to the provisions of this part, and held by such joint trustees or such other person, over and above amounts necessary to meet outstanding obligations and the expenses incurred necessarily by the joint trustees or such other person in the performance of their duties under this part, shall, as soon as practicable after the termination hereof, be returned to the handlers pro rata in proportion to their contributions made pursuant to the provisions of this part.

(d) Any person to whom funds, property, or claims have been delivered by the Administrative Committee or its members upon direction of the Secretary, as provided in this section, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are imposed upon the members of the committee or upon the joint trustees.

MISCELLANEOUS PROVISIONS

§ 940.90 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 940.91 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination hereof, except with respect to acts done under and during the existence of this part.

§ 940.92 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 940.93 *Derogation.* Nothing contained in this part is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the Act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 940.94 *Amendments.* Amendments to this part may be proposed, from time to time, by the Administrative Committee or by the Secretary.

§ 940.95 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

Issued at Washington, D. C., this 1st day of August 1950, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6856; Filed, Aug. 3, 1950; 8:51 a. m.]

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

DETERMINATION RELATIVE TO INCREASE IN BUDGET OF EXPENSES OF WALNUT CONTROL BOARD FOR MARKETING YEAR BEGINNING AUGUST 1, 1949

Notice was published in the July 13, 1950, issue of the FEDERAL REGISTER (15 F. R. 4445) that consideration was being given to the approval of an increase in the budget of expenses for the Walnut Control Board, established pursuant to Marketing Agreement No. 105 and Order No. 84 (7 CFR 984.1 et seq.), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

In said notice, opportunity was afforded interested persons to submit to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., written data, views, or arguments for consideration prior to the final approval by the Secretary of this proposed increase in the budget of the Walnut Control Board. No such written data, views or arguments were submitted, and the time for filing them has now expired.

After further consideration of all relevant matters, including the proposal which was submitted by the Walnut Control Board, it is concluded that this proposed increase in the budget of expenses of the Walnut Control Board should be approved. Therefore, it is hereby ordered, that 7 CFR 984.301 be amended to read as follows:

§ 984.301 *Budget of expenses of the Walnut Control Board for the marketing year beginning August 1, 1949.* Expenses in the amount of $68,080 are reasonable and are likely to be incurred by the Walnut Control Board for its maintenance and functioning, and for such other purposes as the Secretary may, pursuant to the provisions of the marketing agreement and order, determine to be appropriate, for the marketing year beginning August 1, 1949, and the incurring of expenses not in excess of that amount for the said marketing year is approved.

It is hereby further found that it is necessary to make this increase effective not later than the date of the publication of this document in the FEDERAL REGISTER. The end of said marketing year is July 31, 1950, which is less than 30 days distant, and all expenses will need to be incurred before that time. Such expenses will also need to be paid promptly. It has not been practicable to determine heretofore the exact amount of increase which would be needed. No advance preparation for this regulation is required. Therefore, good cause exists for not delaying the effective date of this regulation beyond the date of its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 1st day of August 1950, to be effective on and after 12:01 a. m., P. s. t., on the date of the publication of this document in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6858; Filed, Aug. 3, 1950; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-350]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

AUTHORIZATION FOR SCHEDULED AIR TRANSPORTATION OF CARGO

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of July 1950.

Special Civil Air Regulation SR-334 currently authorizes air carriers appropriately authorized by the Board to engage in scheduled cargo-only service to conduct such operations under the provisions of Part 42 of the Civil Air Regulations. That authorization expires August 1, 1950. At the time the Board promulgated that regulation it pointed out that that was only a temporary measure pending the development of adequate certification and operation rules for scheduled air transportation of cargo. It was anticipated that such rules would be developed prior to August 1, 1950. However, that project is one in which the Board's Bureau of Safety Regulation is still engaged. Pending a determination in this matter it is considered desirable to continue the authorization currently in effect.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since it imposes no additional burden on any person, this regulation may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective August 1, 1950:

Any air carrier authorized by the Board, pursuant to Title IV of the Civil Aeronautics Act of 1938, as amended, to engage in scheduled air transportation of cargo may conduct such transportation under the air carrier certification and operation rules prescribed in Part 42 of the Civil Air Regulations.

This regulation shall supersede Special Civil Air Regulation Serial Number SR-334 and shall terminate August 1, 1951, unless sooner terminated or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 50-6859; Filed, Aug. 3, 1950; 8:51 a. m.]

[Regs., Serial No. SR-351]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 61—SCHEDULED AIR CARRIER RULES

ISSUANCE OF LOCAL AREA AIR CARRIER OPERATING CERTIFICATES FOR AIRCRAFT UNDER 12,500 POUNDS TAKE-OFF WEIGHT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of July 1950.

Special Civil Air Regulation SR-333 authorizes the Administrator to issue temporary air carrier operating certificates of one-year duration called Air Carrier Operating Certificates for Local Areas, to scheduled air carriers holding temporary certificates of public convenience and necessity authorizing the use of aircraft under 12,500 pounds maximum certificated take-off weight in accordance with such certification and operating standards as may be established by the Administrator. At the time the Board adopted SR-333 it was intended that appropriate certification and operation standards for such carriers would be developed prior to August 1, 1950. However, while the Board's Bureau of Safety Regulation has been actively engaged in this project, it is not anticipated that this project will be completed prior to August 1, 1950. In view of that and in view of the fact that we believe that it is desirable to differentiate clearly between certificates issued to air carriers using conventional multi-engine aircraft and those using aircraft under 12,500 pounds maximum certificated take-off weight, we consider it necessary to extend the authority granted in SR-333 until August 1, 1951, or until such earlier date as the general rules regarding the certification and operation of such air carriers are adopted, and to authorize the Administrator to extend the duration of certificates issued under SR-333 for another one-year period.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

Since this regulation imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective August 1, 1950, to read as follows:

The Administrator is hereby authorized to issue temporary air carrier operating certificates of one-year duration to scheduled air carriers holding temporary certificates of public convenience and necessity, authorizing the use of aircraft under 12,500 pounds maximum certificated take-off weight, in accordance with such certification and operating standards as may be established by the Administrator and to extend for a like period the duration of certificates heretofore issued under the authority of Special Civil Air Regulation SR-333: *Provided*, That all such certificates so issued or extended shall expire at such earlier date as may be directed in any general rule issued by the Board regulating this subject matter.

This regulation shall terminate August 1, 1951, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 50-6860; Filed, Aug. 3, 1950; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5332]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

KLEEREX CO. ET AL

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale, or distribution of the product Kleerex, or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said product, which advertisements represent, directly, or by implication, that said product will cause pimples to disappear or constitutes an effective treatment for pimples; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Milton W. Folds et al. doing business as Kleerex Company, Docket 5332, June 6, 1950]

In the Matter of Milton W. Folds, Jessie D. Folds, and Jessie May Folds, Co-partners Doing Business Under the Name Kleerex Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision and supplemental recommended decision of the trial examiner, and the exceptions filed thereto, and briefs filed in support of and in opposition to the complaint (oral argument not having been requested); and the Commission, having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That Milton W. Folds, Jessie D. Folds, and Jessie May Folds, individually and doing business under the name of Kleerex Company, or under any other name, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of the product Kleerex, or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said product will cause pimples to disappear or constitutes an effective treatment for pimples.

(2) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraph (1) hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 6, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-6827; Filed, Aug. 3, 1950; 8:47 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

SPECIAL EXEMPTION

The Securities and Exchange Commission today announced the adoption of amendments to § 230.240 (Rule 240) under Regulation A–M. That regulation, adopted pursuant to section 3 (b) of the Securities Act of 1933, exempts certain offerings of assessable mining securities from registration under the act.

The purpose of the amendments is to remove the restriction which prevents issuers from commencing more than one offering under the regulation per year. However, the regulation as amended continues to limit the aggregate of unregistered offerings and assessments received to not more than $100,000 in each yearly period. The amendments eliminate paragraph (c) of Rule 240, change the manner of computation of successive yearly periods under paragraph (b) of the rule, and by amendment of paragraph (f) of the rule, require the reporting to the Commission of assessments received by an issuer.

The deletion of paragraph (c) eliminates the restriction under which an issuer could not commence more than one offering under the regulation in any period of one year and, subject to the provisions of the regulation, thereby permits more than one exempted offering in a yearly period.

The amendment changes the manner of determining the successive yearly periods during which offerings of unregistered securities and assessments received are limited in the aggregate of $100,000. The date for commencing such periods will be established by the issuer's first prospectus filed under the Regulation on or after August 1, 1950.

An issuer which has filed a prospectus under the Regulation prior to August 1, 1950, will not be affected by the amendment as to computation of yearly periods unless it files a subsequent prospectus on or after August 1, 1950. The date of such subsequent filing will then determine the measurement of the yearly periods following such filing and a subsequent filing thereafter will not operate to change the computation of the yearly periods.

Under amended paragraph (b), the total of securities offered (other than those registered under the act) and all assessments received by the issuer within any yearly period, as computed for such issuer on the basis of the filing date of its first prospectus on or after August 1, 1950, will be counted to determine the availability of an exemption for further offerings under the regulation during the time remaining before expiration of such yearly period.

The text of the Commission's action is as follows:

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof, and finding such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said act, hereby takes the following action:

Paragraphs (b), (c) and (f) of § 230.240 (Rule 240) are amended to read as follows:

§ 230.240 *For assessable shares of stock of mining corporations.* • • •

(b) The sum of the following shall not exceed $100,000 in each successive yearly period commencing with the filing date of the first prospectus required by paragraph (e) of this section which is filed on or after August 1, 1950:

(1) The aggregate offering price of the issuer's securities offered to the public, other than securities registered under the act and other than securities the offering of which has been withdrawn by amending the prospectus, and filing copies of such amended prospectus pursuant to paragraph (f) of this section; and,

(2) The aggregate amount by the issuer as a result of all assessments.

[Paragraph (c) of § 230.240 is rescinded.]

• • • • •

(f) Three copies of the prospectus required under paragraph (e) of this section shall be filed with the regional office of the Commission for the region in which the issuer's principal place of business is located, at least ten days prior to its use. Such copies shall be accompanied by a letter of transmittal showing the amounts referred to in paragraphs (a) (2), (a) (3), (b) (1) and (b) (2) of this section.

The Commission finds that the foregoing amendments will apply only in a limited number of cases and that notice and procedure pursuant to sections 4 (a) and (b) of the Administrative Procedure Act are not necessary. The Commission also finds that the amendment recognizes an exemption and relieves a previous restriction and may, therefore, be made effective immediately.

The foregoing action shall be effective August 1, 1950.

(Sec. 19, 48 Stat. 85 as amended; 15 U. S. C. 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 31, 1950.

[F. R. Doc. 50-6819; Filed, Aug. 3, 1950; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter D—Insurance of Accounts

PART 162—APPLICATIONS FOR INSURANCE

PART 165—TERMINATION OF INSURANCE

PART 167—PROCEDURE TO AMEND RULES AND REGULATIONS; HEARINGS

AMENDMENTS RELATING TO TERMINATION OF INSURANCE UNDER AMENDATORY ACT OF CONGRESS, APPROVED JUNE 27, 1950

AUGUST 1, 1950.

Resolved that in conformity with the provisions of Public Law No. 576 of the 81st Congress, approved June 27, 1950, the rules and regulations for Insurance of Accounts (24 CFR, Subchapter D, Chapter I of Subtitle B) are hereby amended, effective June 27, 1950, in the following particulars:

1. Section 162.11 (24 CFR) is repealed.

2. Part 165—Termination of Insurance (24 CFR, Part 165) is amended to read as follows:

Sec.
165.1 Effective date of termination.
165.2 Voluntary termination.
165.3 Termination by the corporation.
165.4 Notice to insured members.
165.5 Cessation of existence; mergers and consolidations.
165.6 Cessation of existence; other cases.
165.7 Surrender of insurance certificate.

AUTHORITY: §§ 165.1 to 165.6 issued under sec. 402, 48 Stat. 1256, as amended, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp., 61 Stat. 954; 12 U. S. C. 1725, 5 U. S. C. 133y–16. Interpret or apply secs. 404, 407, 48 Stat. 1258, as amended, 1260, sec. 10, Pub. Law No. 576, 81st Cong.; 12 U. S. C. and Sup., 1727, 1730.

§ 165.1 *Effective date of termination.* The effective date of termination of the insured status of an institution under the provisions of §§ 165.2 and 165.3 shall be the date of the written notice provided for therein.

§ 165.2 *Voluntary termination.* Any insured institution other than a Federal savings and loan association may terminate its status as an insured institution by written notice to the Corporation. Evidence of legal and valid action to effect termination of its insurance must be submitted by the insured institution to the Corporation with such notice.

§ 165.3 *Termination by the corporation.* Termination by the Corporation of the insured status of any insured institution for violation of its duty as an insured institution shall be by written notice to such institution. No such notice shall be given by the Corporation to any insured institution until such insured institution shall have been afforded a reasonable opportunity to be heard upon an order to show cause, which order shall state the grounds upon which the proposed termination is based. A violation of any provision of Title IV of the National Housing Act, as amended, any rule or regulation made thereunder, or of any agreement with the Corporation whether made pursuant to section 403 of such act (48 Stat. 1257, 49 Stat. 298; 12 U. S. C. 1726) or otherwise shall constitute a violation by an insured institution of its duty as such.

§ 165.4 *Notice to insured members.* Upon any termination of the status of any institution as an insured institution, such institution shall submit to the Corporation, within 60 days from the date of such termination, satisfactory evidence of the giving of notice of termination of insurance of accounts to its insured members, as provided by law, together with a copy of the notice given. In the event of the failure of any such institution to submit such evidence within the 60-day period or in the event the Corporation determines the form of notice given by such institution is unsatisfactory, the Corporation may give such notice to the insured members of the institution of the termination of its status as an insured institution as the Corporation determines appropriate.

§ 165.5 *Cessation of existence; mergers and consolidations.* Subject to the provisions of § 163.16 of this subchapter the termination of the existence of an insured institution by merger or consolidation shall terminate, as of the effective date of such merger or consolidation, the insured status of such insured institution and all rights of its insured members to insurance by this Corporation and its liability for insurance premiums, except premiums still unpaid (including current annual premium) shall cease as of such date.

§ 165.6 *Cessation of existence; other cases.* In connection with any other case of cessation of existence of an insured institution, by lapse of charter, dissolution, voluntary liquidation, or otherwise than by reason of a default, the insured status of the insured institution, all rights of its insured members to insurance by this Corporation and its liabiliy for insurance premiums, except premiums still unpaid (including current annual premium) shall cease, as of the date of the distribution of its final liquidating dividend.

§ 165.7 *Surrender of insurance certificate.* Upon termination of insurance of any insured institution under this part, the certificate of insurance shall be surrendered to the Corporation for cancellation.

3. Section 167.2 (24 CFR 167.2) is amended by adding the following sentence at the end thereof: "This section shall not apply to hearings upon action taken by the Corporation to terminate the status of an insured institution as such, under the provisions of section 407 of the National Housing Act, as amended (48 Stat. 1260, Pub. Law No. 576, 81st Cong., approved June 27, 1950; 12 U. S. C. 1730)." so that the section shall read as follows:

§ 167.2 *Hearings.* Any person who has made an application or petition to the Board pursuant to any provision of Parts 162, 163, 164, or 165 of this subchapter may request a hearing thereon: *Provided*, Such application or petition has been denied or disapproved by the Board. At any time after the filing of any such application or petition and before consideration thereof by the Board, any interested person may request a hearing upon such application or petition. The Board may order a hearing in connection with the consideration of any matter arising under any provision of the rules and regulations in this subchapter, and, subject to § 167.1, under Title IV of the National Housing Act, as amended, whether or not any request therefor has been made by any person. The Board may deny any request for, or dispense with any hearing for which this section provides when, in its judgment, no need therefor exists. This section shall not apply to hearings upon action taken by the Corporation to terminate the status of an insured institution as such, under the provisions of section 407 of the National Housing Act, as amended (48 Stat. 1260, Pub. Law No. 576, 81st Cong., approved June 27, 1950; 12 U. S. C. 1730).

Resolved further, that these amendments being required by reason of amendments to Title IV of the National Housing Act, as amended, which were effected by an act of Congress approved June 27, 1950 (Pub. Law No. 576, 81st Cong.) changing the procedure governing termination of insurance of accounts, the Home Loan Bank Board hereby finds that they may be adopted under the provisions of § 108.11 of the General regulations of the Home Loan Bank Board (24 CFR 108.11) and that deferment of the effective date would be ineffective.

(Sec. 402, 48 Stat. 1256, as amended, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp., 61 Stat. 954; 12 U. S. C. 1725, 5 U. S. C. 133y–16. Interprets or applies secs. 403, 407, 48 Stat. 1257, as amended, 1260; 12 U. S. C. 1726, 1727, 1730)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 50-6845; Filed, Aug. 3, 1950; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regulations 16]

PART 187—DENATURATION OF RUM

Preamble: 1. These regulations, Regulations 16, "Denaturation of Rum" (26 CFR Part 187), shall, on or after September 1, 1950, supersede Regulations 16, 1940 Edition (26 CFR Part 187; 5 F. R. 2062); and Treasury Decisions 5721 (14 F. R. 4901) and 5766 (14 F. R. 7453).

2. These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previ-

ously existing regulations, or any penalty, liability or forfeiture incurred prior to such date.

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AUTHORITY: §§ 187.1 to 187.367 issued under 53 Stat. 375, 467; 26 U. S. C. 3176, 3791. Interpret or apply 53 Stat. 355; 26 U. S. C. 3070. Other statutory provisions interpreted or applied are cited to the text in parentheses.

LAWS OF MORE COMMON APPLICATION PERTAINING TO THE DENATURATION OF RUM[1]

5 U. S. C. 22 DEPARTMENTAL REGULATIONS. The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers and property appertaining to it.

26 U. S. C. 2883 TRANSFER OF SPIRITS AT REGISTERED DISTILLERIES.

* * * * *

(c) *Transfer of rum for denaturation.* Rum of not less than one hundred and fifty degrees of proof may be transferred by pipeline for denaturation from receiving cisterns in the cistern room of any distillery to a denaturing bonded warehouse on the distillery premises or to storage tanks situated in the internal revenue bonded warehouse located on the distillery premises, or from such storage tanks to a denaturing bonded warehouse on the distillery premises.

* * * * *

26 U. S. C. 2901 LOSS ALLOWANCES.

(a) *Extent.* No tax shall be collected in respect of distilled spirits lost or destroyed while in bond, except that such tax shall be collected—

(1) *Theft.* In the case of loss by theft unless the Commissioner shall find that the theft occurred without connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them; and

(2) *Voluntary destruction.* In the case of voluntary destruction unless the distilled spirits were unfit for use for beverage purposes and the distiller, warehouseman, or other person responsible for the tax, obtained the written permission of the Commissioner for such destruction in each case.

(b) *Proof of loss.* In any case in which spirits are lost or destroyed, whether by theft or otherwise, the Commissioner may require the distiller or warehouseman or other person responsible for the tax to file a claim for relief from the tax and submit proof as to the cause of such loss. In every case where it appears that the loss was by theft, the burden shall be upon the distiller or warehouseman or other person responsible for the tax to establish to the satisfaction of the Commissioner that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them.

(c) *Refund of tax.* When, in any case where the tax would not be collectible by virtue of subsection (a), but such tax has been paid, the Commissioner shall refund such tax. Nothing in section 2901 as hereby amended, or as heretofore amended, shall be construed to authorize refund of the tax where the loss occurred after the tax was paid.

(d) *Insurance coverage.* The abatement or refund of taxes provided for by subsection (a) and (c) in the case of loss of distilled spirits by theft shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss.

(e) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3070 WITHDRAWAL FROM BOND TAX FREE.

(a) *For industrial use.* Domestic alcohol of such degree of proof as may be prescribed by the Commissioner, and approved by the Secretary, may be withdrawn from bond without the payment of internal revenue tax, for use in the arts and industries, and for fuel, light, and power, provided said alcohol shall have been mixed in the presence and under the direction of an authorized Government officer, after withdrawal from the distillery warehouse, with methyl alcohol or other denaturing material or materials, or admixture of the same, suitable to the use for which the alcohol is withdrawn, but which destroys its character as a beverage and renders it unfit for liquid medicinal purposes; such denaturing to be done upon the application of any registered distillery in denaturing bonded warehouses specially designated or set apart for denaturing purposes only, and under conditions prescribed by the Commissioner with the approval of the Secretary.

The character and quantity of the said denaturing material and the conditions upon which said alcohol may be withdrawn free of tax shall be prescribed by the Commissioner, who shall, with the approval of the Secretary, make all necessary regulations for carrying into effect the provisions of this subsection.

Distillers, manufacturers, dealers and all other persons furnishing, handling or using alcohol withdrawn from bond under the provisions of this section shall keep such books and records, execute such bonds and render such returns as the Commissioner, with the approval of the Secretary, may by regulation require. Such books and records shall be open at all times to the inspection of any internal revenue officer or agent.

(b) *For use in manufacture of chemicals.* Notwithstanding anything contained in subsection (a), domestic alcohol when suitably denatured may be withdrawn from bond without the payment of internal revenue tax and used in the manufacture of ether and chloroform and other definite chemical substances where said alcohol is changed into some other chemical substance and does not appear in the finished product as alcohol. Rum of not less than one hundred and fifty degrees proof may be withdrawn, for denaturation only, in accordance with the provisions of subsection (a).

* * * * *

26 U. S. C. 3072 UNLAWFUL USE OR CONCEALMENT OF DENATURED ALCOHOL.

Any person who withdraws alcohol free of tax under the provisions of section 3070 (a) and regulations made in pursuance thereof, and who removes or conceals same, or is concerned in removing, depositing or concealing same for the purpose of preventing the same from being denatured under governmental supervision, and any person who uses alcohol withdrawn from bond under the provisions of said section for manufacturing any beverage or liquid medicinal preparation, or knowingly sells any beverage or liquid medicinal preparation made in whole or in part from such alcohol, or knowingly violates any of the provisions of section 3070 (a) or 3073, or (except as provided in section 3073) who shall recover or attempt to recover by redistillation or by any other process or means, any alcohol rendered unfit for beverage or liquid medicinal purposes under the provisions of section 3070 (a), or who knowingly uses, sells, conceals, or otherwise disposes of alcohol so recovered or redistilled, shall on conviction of each offense be fined not more than $5,000, or be imprisoned not more than five years, or both, and shall, in addition, forfeit to the United States all personal property used in connection with his business, together with the buildings and lots or parcels of ground constituting the premises on which said unlawful acts are performed or permitted to be performed.

26 U. S. C. 3073 RECOVERY OF SPIRITS FOR REUSE IN MANUFACTURE.

(a) *Regulations.* Manufacturers employing processes in which alcohol, used free of tax under the provisions of section 3070 (a), is expressed or evaporated from the articles manufactured, shall be permitted to recover such alcohol and to have such alcohol restored to a condition suitable solely for reuse in manufacturing processes under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe.

26 U. S. C. 3111 TAXABILITY OF DENATURED ALCOHOL OR ARTICLES PRODUCED, TRANSFERRED, USED, OR SOLD IN VIOLATION OF LAW OR REGULATIONS.

Any person who shall produce, withdraw, sell, transport, or use denatured alcohol, denatured rum, or articles in violation of laws or regulations now or hereafter in force pertaining thereto, and all such denatured alcohol, denatured rum, or articles shall be subject to all provisions of law pertaining to alcohol that is not denatured, including those requiring the payment of tax thereon; and the person so producing, withdrawing, selling, transporting, or using the denatured alcohol, denatured rum, or articles shall be required to pay such tax.

26 U. S. C. 3114 ALCOHOL PERMITS.

* * * * *

(c) *Inaccurate description of denatured articles.* Whenever the Commissioner has reason to believe that denatured alcohol, denatured rum, or articles do not correspond with the descriptions and limitations as to such alcohol, rum, or articles provided by law and regulations, he shall cause an analysis of said alcohol, rum, or articles to be made, and if upon such analysis the Commissioner shall find that said alcohol, rum, or articles do not so correspond, he shall give not less than fifteen days' notice in writing to the person who is the manufacturer thereof to show cause why said alcohol, rum, or articles should not be dealt with as other distilled spirits, such notice to be served personally or by registered mail, as the Commissioner may determine, and shall specify the time when, the place where, and the name of the agent or official before whom such person is required to appear.

If the manufacturer of said alcohol, rum, or articles fails to show to the satisfaction of the Commissioner that the alcohol, rum, or articles manufactured by him correspond to the descriptions and limitations as to such alcohol, rum, or articles provided by law and regulations, his permit to manufacture and sell the same shall be revoked. The manufacturer may by appropriate proceeding in a court of equity have the action of the Commissioner reviewed, and the court may affirm, modify, or reverse the finding of the Commissioner as the facts and law of the case may warrant, and during the pendency of such proceedings may restrain the manufacture, sale, or other disposition of such alcohol, rum, or articles.

* * * * *

26 U. S. C. 3170 TRANSFER AND DELEGATION OF POWERS.

The Secretary is authorized to confer and impose upon the Commissioner and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, power, duties, and protection conferred or imposed upon the Secretary, or any officer or employee of the Treasury Department, by any law now or hereafter in force relating to the taxation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol.

26 U. S. C. 3171 RECORDS, STATEMENTS, AND RETURNS.

(a) *Requirements.* Every person liable to any tax imposed by this chapter, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

[1] The sections of the United States Code are numbered identically with corresponding sections of the Internal Revenue Code.

26 U. S. C. 3176 RULES AND REGULATIONS.

(a) *Power of Commissioner.* The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3791 RULES AND REGULATIONS.

(a) *Authorization*—(1) *In general.* Except as provided in section 1928 (a), Cotton Futures, section 2599, Marihuana, section 2559, Narcotics, section 3176, Liquor, and section 1805, Silver, the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

26 U. S. C. 3809 VERIFICATION OF RETURNS: PENALTIES OF PERJURY.

(a) *Penalties.* Any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

(b) *Signature presumed correct.* The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

(c) *Verification in lieu of oath.* The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under any provision of the internal revenue laws shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required.

SUBPART A—SCOPE OF REGULATIONS

§ 187.1 *Denaturation and withdrawal.* These regulations, Regulations 16, "Denaturation of Rum" (26 CFR Part 187), contain the procedural and substantive requirements relative to the denaturation of rum and its withdrawal from the distillery denaturing bonded warehouse. The regulations cover the location, construction, equipment, action by the district supervisor and Commissioner; control, custody, and supervision of warehouse; transfer of rum to warehouse, and the denaturation of rum; the disposition of denatured rum; and, concerning the use, exportation, shipment, losses, records and reports, of rum and denatured rum.

§ 187.2 *Sale and use.* The sale of denatured rum by dealers, and the use thereof by manufacturers, shall be in accordance with the provisions of Regulations 3 (26 CFR Part 182).

SUBPART B—DEFINITIONS

§ 187.10 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 187.11 *Collector.* "Collector" shall mean the collector of internal revenue.

§ 187.12 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 187.13 *Distillery denaturing bonded warehouse.* "Distillery denaturing bonded warehouse" or "denaturing bonded warehouse" shall mean a bonded warehouse established or operated under the provisions of this part on the premises of a registered distillery for the denaturation of rum of not less than 150 degrees of proof produced at such distillery.

§ 187.14 *Distillery premises.* "Distillery premises" shall mean the lot or tract of land described in the distiller's notice, Form 27–A, on which the distillery is located.

§ 187.15 *District supervisor.* "District supervisor" or "supervisor" shall mean the person having charge of a supervisory district of the Alcohol Tax Unit of the Bureau of Internal Revenue.

§ 187.16 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 187.17 *Including.* The word "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 187.18 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include females, associations, copartnerships, and corporations.

§ 187.19 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 187.20 *Person.* "Person" shall include natural persons, associations, copartnerships, and corporations.

§ 187.21 *Proof.* "Proof" shall mean the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

§ 187.22 *Proof gallon.* "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 percent of ethyl alcohol by volume.

(53 Stat. 307; 26 U. S. C. 2809)

§ 187.23 *Proprietor.* "Proprietor" shall mean the operator of a distillery denaturing bonded warehouse, unless otherwise indicated.

§ 187.24 *Rum.* "Rum" shall mean any alcoholic distillate from the fermented juice of sugarcane, sugarcane sirup, sugarcane molasses, or other sugarcane byproducts distilled at less than 190 degrees of proof in such manner that the distillate possesses the taste, aroma, and characteristics generally attributed to rum, and withdrawn at not less than 150 degrees of proof.

§ 187.25 *Secretary.* "Secretary" shall mean the Secretary of the Treasury.

§ 187.26 *Tank car.* "Tank car" shall mean a railroad tank car conforming to the requirements of this part.

§ 187.27 *U. S. C.* "U. S. C." shall mean the United States Code.

SUBPART C—LOCATION

§ 187.35 *On distillery premises.* Distillery denaturing bonded warehouses for the denaturation of rum of not less than 150 degrees of proof may be established by the proprietor of a registered distillery only, and such warehouse must be located on the distillery premises.

SUBPART D—CONSTRUCTION

§ 187.40 *Buildings.* The buildings or rooms constituting the distillery denaturing bonded warehouse must be securely constructed of brick, stone, wood, concrete, or other substantial material and must be completely separated from contiguous buildings or rooms by solid, unbroken walls or partitions of substantial construction extending from the ground or floor to the roof or ceiling: *Provided*, That necessary openings may be permitted in such walls or partitions for the passage of approved steam, water, electric, sewer, or similar lines, and for the passage of approved pipelines for the conveyance of rum to the denaturing bonded warehouse. The foundations, floors, walls, and roofs and the doors, windows, and other openings shall be constructed, and such doors, windows, and other openings shall be protected and secured, in accordance with the requirements, insofar as applicable, of Regulations 10 (26 CFR Part 185), relating to internal revenue bonded warehouses; and the means of ingress to and egress from the denaturing bonded warehouse shall conform to the requirements of such part.

§ 187.41 *Denaturing material storeroom.* The proprietor must provide within the denaturing bonded warehouse a denaturing material storeroom for use solely for the storage of denaturing materials, except that this requirement shall not apply where permanently fixed metal tanks of such size that they cannot be readily removed and so constructed that they can be securely locked with a Government lock, are installed within the denaturing bonded warehouse for the storage of the denaturing materials. The proprietor shall place over the entrance door of the room a sign bearing, in plain and legible letters, the words "Denaturing Material Storeroom." If more than one such storeroom is provided, each shall be given an alphabetical designation, which shall appear on the sign. If denaturants are stored in original packages or other portable receptacles, a denaturing material storeroom must be provided. The walls of the denaturing material storeroom must be securely constructed of substantial materials and extend from the floor to the ceiling. The entrance door of such storeroom must open into the denaturing bonded warehouse, and be so equipped that it may be securely locked with a Government lock. All other doors of such storeroom must be locked on the inside of the room with Government locks.

§ 187.42 *Rum storeroom.* Where rum is received in barrels, drums, or similar containers, the proprietor must provide within the denaturing bonded warehouse a rum storeroom for use solely for the storage of rum, unless all rum received in such containers is immediately transferred into rum storage or mixing tanks provided in accordance with § 187.63. The rum storeroom must be constructed in accordance with the requirements of § 187.40. The entrance door of such storeroom must be so equipped that it may be securely locked on the outside of the room with a Government lock. The proprietor shall place over the entrance door of the room a sign bearing, in plain and legible letters, the words "Rum Storeroom." If more than one such storeroom is provided, each shall be given an alphabetical designation, which shall appear on the sign.

§ 187.43 *Specially denatured rum storeroom.* Where specially denatured rum is retained on the premises in barrels, drums, cans, or similar containers, the proprietor must provide on the denaturing bonded warehouse premises a separate room (or building) for use solely for the storage of specially denatured rum. The specially denatured rum storeroom must be constructed in accordance with the requirements of § 187.40. The entrance door of such storeroom must be so equipped that it may be securely locked on the outside of the room with a Government lock. The proprietor shall place over the entrance door of the specially denatured rum storeroom a sign bearing, in plain and legible letters, the words "Specially Denatured Rum Storeroom." If more than one such storeroom is provided, each shall be given an alphabetical designation, which shall appear on the sign.

§ 187.44 *Empty container storeroom.* If empty barrels or other containers are to be stored in the denaturing bonded warehouse, a separate room must be provided for such purpose. Such room shall not have any means of interior communication with any other part of the denaturing bonded warehouse. This room may be used for general cooperage purposes.

§ 187.45 *Government cabinet.* There shall be provided in the denaturing bonded warehouse a metal cabinet of adequate strength and size, suitably equipped for locking with a Government seal lock, for use in safeguarding the keys of Government locks, seals, records, and other Government property: *Provided*, That where a cabinet of sufficient size conforming to these specifications is installed in the Government office for the distillery or internal revenue bonded warehouse, and such office is so located that the cabinet therein will be readily accessible to Government officers assigned to the denaturing bonded warehouse, a separate cabinet in the denaturing bonded warehouse will not be required. Each Government cabinet shall be subject to approval by the district supervisor.

SUBPART E—SIGN

§ 187.55 *Posting of sign.* The proprietor shall place and keep conspicuously on the outside and at the front of the denaturing bonded warehouse where it can be plainly seen, a sign exhibiting in plain and legible letters painted in oil colors or gilded, not less than 3 inches in height, and of a proper and proportionate width, the name of the proprietor and the words "Distillery Denaturing Bonded Warehouse," followed by the registered number of the warehouse. If the warehouse consists of two or more buildings, the required sign will be placed over the entrance of each building, and there shall also be shown on such sign the alphabetical designation of the building.

SUBPART F—EQUIPMENT

§ 187.60 *Scales.* The proprietor of the denaturing bonded warehouse must provide suitable and accurate scales for weighing rum gauged in packages and specially denatured rum drawn into packages. The beams or dials of such scales must indicate weight in half-pound graduations.

§ 187.61 *Weighing tanks.* Where rum received in packages, or by pipeline is transferred into storage or mixing tanks, the proprietor must provide in the denaturing bonded warehouse one or more suitable weighing tanks, constructed and marked in accordance with the provisions of Regulations 4 (26 CFR Part 183), to weigh such rum upon its receipt: *Provided*, That where rum received by pipeline is weighed in the distillery or internal revenue bonded warehouse prior to transfer, it need not be weighed again in the distillery denaturing bonded warehouse prior to deposit in storage or mixing tanks.

§ 187.62 *Test weights.* The proprietor shall provide a set of test weights conforming to the requirements of Regulations 4 (26 CFR Part 183), unless he has provided such test weights at the distillery or at an internal revenue bonded warehouse on the same or contiguous premises or at a rectifying plant or tax-paid bottling house on contiguous premises. Such test weights shall be under the control and in the custody of the storekeeper-gauger in charge, who shall keep them under Government lock when not in use.

§ 187.63 *Tanks.* Rum storage tanks, denaturing material storage tanks, mixing tanks, denatured rum tanks, and other similar tanks shall be constructed and secured in conformity with the provisions of Regulations 4 (26 CFR Part 183). Each tank shall have plainly and legibly painted thereon its designated use, such as "Rum Storage Tank," "Denaturing Material Storage Tank," etc., followed by its serial number and capacity in gallons.

§ 187.64 *Pipelines.* Pipelines for the conveyance of rum to and from storage, weighing, or gauge tanks; rum and denaturants to mixing tanks; and denatured rum from mixing tanks and to and from denatured rum storage tanks; shall be of a fixed and permanent character, constructed, secured, and exposed to view throughout their entire lengths, in conformity with the requirements, insofar as applicable, of Regulations 10 (26 CFR Part 185), relating to internal revenue bonded warehouses. Pipelines for the conveyance of other substances shall not be permanently connected with such tanks.

§ 187.65 *Colors for pipelines.* The pipelines in the denaturing bonded warehouse used for conveying the following substances shall be kept painted in the colors indicated:

Black	Rum.
Dark green	Denatured rum.
Light green	Denaturants.
White	Water.
Aluminum	Steam.
Orange	Air.

These colors are intended for such pipelines only, and are prescribed for the purpose of distinguishing such pipelines from each other and from all other pipelines on the premises which are painted but for which colors are not prescribed. The painting in one of the prescribed colors, or a color similar thereto, of a pipeline for which a color is not prescribed, is prohibited. Pipelines for which colors are not prescribed may be painted in sections of contrasting colors.

§ 187.66 *General.* The applicable provisions of Regulations 10 (26 CFR Part 185), concerning details of construction and equipment, and the construction and equipment of existing warehouses, shall apply to distillery denaturing bonded warehouses.

SUBPART G—QUALIFYING DOCUMENTS

§ 187.75 *Application, Form 571.* Every person engaged in the business of operating a registered distillery or intending to engage therein, who desires to establish a distillery denaturing bonded warehouse on the distillery premises, shall file application therefor on Form 571, in triplicate, with the district supervisor. Except as provided in § 187.79, in the case of amended and supplemental applications, all of the information indicated by the headings of the various columns and lines on the form, and the instructions printed thereon, or issued in respect thereto and as required by this part, shall be furnished. Applications on Form 571 must be signed in accordance with the instructions printed on the form and sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such application contains therein a provision for verification by a written declaration that such application is made under penalties of perjury, such application shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Such applications must be numbered serially, commencing with number 1 and continuing in regular sequence for all applications thereafter filed, whether amended or supplemental.

(63 Stat. 667; 26 U. S. C. 3809)

§ 187.76 *Description of warehouse.* The application shall contain a complete

description of the buildings or rooms constituting the warehouse, in accordance with the requirements, insofar as applicable, of Regulations 4 (26 CFR Part 183).

§ 187.77 *Description of tanks.* Rum storage tanks, weighing tanks, denaturing material storage tanks, mixing tanks, and denatured rum tanks shall be described in the application, Form 571, the designation, serial number, and capacity in gallons of each being shown.

§ 187.78 *Capacity.* The estimated maximum quantity, in proof gallons, of rum to be received in the denaturing bonded warehouse during a period of 30 days shall be stated in the application.

§ 187.79 *Amended and supplemental applications.* The provisions of Regulations 4 (26 CFR Part 183), regarding the filing of amended and supplemental applications, shall apply to Form 571.

§ 187.80 *Corporate documents.* Where the applicant is a corporation there must be submitted with and made a part of the application, Form 571, certified copies, in triplicate, of the supporting documents described in Regulations 4 (26 CFR Part 183), unless such documents were filed with and made a part of the distiller's notice, Form 27–A, in which event a statement, in triplicate, to that effect may be submitted in lieu of a separate set of such documents.

§ 187.81 *Articles of copartnership or association.* Where the applicant is a copartnership or association there must be submitted with and made a part of the application, Form 571, certified copies, in triplicate, of the articles of copartnership or association, if any, unless certified copies of such articles were filed with and made a part of the distiller's notice, Form 27–A, in which event a statement, in triplicate, to that effect may be submitted in lieu of a separate set of such articles.

§ 187.82 *Power of attorney.* The provisions of Regulations 4 (26 CFR Part 183), concerning powers of attorney, shall apply to proprietors of distillery denaturing bonded warehouses: *Provided*, That where a power of attorney has been filed in connection with the distiller's notice, Form 27–A, and supporting documents, and the terms of such power of attorney are broad enough to cover the execution of documents required for the denaturing bonded warehouse, a statement, in triplicate, regarding such filing of the power of attorney may be submitted with the denaturing bonded warehouse application, Form 571, and supporting documents, in lieu of additional copies of the power of attorney.

§ 187.83 *Bond, Form 572.* Every person desiring the establishment of a distillery denaturing bonded warehouse on his distillery premises shall, upon filing his application, Form 571, execute bond on Form 572, in triplicate, with surety or supported by collateral security, and file the same with the district supervisor. Bonds on Form 572, and consents of surety to changes in the terms thereof, shall conform to the requirements of Regulations 10 (26 CFR Part 185), the provisions of which part are hereby extended, insofar as applicable, to bonds and consents of surety required of proprietors of distillery denaturing bonded warehouses.

§ 187.84 *Penal sum.* The penal sum of the distiller's denaturing warehouse bond, Form 572, shall be not less than the amount of internal revenue tax at the rate prescribed by law on the maximum quantity of rum that will be withdrawn and transferred to the denaturing bonded warehouse for denaturation during any calendar month, plus the quantity, either undenatured or specially denatured, which may remain on hand at the beginning of the month, but in no case shall the penal sum of the bond be less than $5,000 or more than $100,000.

§ 187.85 *Plat and plans.* Every person desiring the establishment of a distillery denaturing bonded warehouse on his distillery premises must submit to the district supervisor with his application, Form 571, accurate copies of the plat of the distillery premises and accurate plans of the denaturing bonded warehouse buildings, apparatus, and equipment, in triplicate. The plat and plans shall conform to the requirements of Regulations 10 (26 CFR Part 185), the provisions of which part are hereby extended, insofar as applicable, to plats and plans required of proprietors of distillery denaturing bonded warehouses.

§ 187.86 *Additional information.* The Commissioner or the district supervisor may at any time, in his discretion, require the proprietor to furnish such additional information as he may deem necessary.

§ 187.87 *Instruments and papers.* The terms, conditions, and instructions contained in instruments and papers required to be furnished by law or regulations are hereby made a part of this part as fully and to the same extent as if incorporated herein.

Subpart H—Requirements Governing Changes in Name, Proprietorship, Control, Location, Premises, and Equipment, and in the Title to the Premises

§ 187.95 *Procedure.* The procedure prescribed in Regulations 4 (26 CFR Part 183), governing changes in name, proprietorship, control, location, premises, and equipment, and in the title to the distillery premises, or the encumbrance thereof, is hereby extended, insofar as applicable, to distillery denaturing bonded warehouses.

Subpart I—Action by District Supervisor

§ 187.100 *Procedure applicable.* The provisions of Regulations 4 (26 CFR Part 183), respecting action by the district supervisor in connection with the establishment, and changes subsequent to establishment, of distilleries are hereby extended, insofar as applicable, to distillery denaturing bonded warehouses.

Subpart J—Action by Commissioner

§ 187.110 *Procedure applicable.* The provisions of Regulations 4 (26 CFR Part 183), respecting action by the Commissioner in connection with the establishment, and changes subsequent to establishment, of distilleries are hereby extended, insofar as applicable, to distillery denaturing bonded warehouses.

Subpart K—Termination of Bonds

§ 187.115 *Denaturing warehouse bonds.* Distillers' denaturing warehouse bonds, Form 572, may be terminated as to liability for rum transferred to the denaturing bonded warehouse after a specified, future date pursuant to application by the surety; for transactions subsequent to the effective date of an approved superseding bond; or for future transactions upon discontinuance of business by the principal after denaturation of all rum withdrawn or possessed under the bond and the lawful removal of all denatured rum from the warehouse.

§ 187.116 *Procedure.* The termination of such bonds and the release of collateral deposited in support thereof shall be in accordance with the conditions specified in § 187.115 and with the applicable procedure prescribed by Regulations 10 (26 CFR Part 185) for the termination of bonds and the release of collateral deposited to support the same: *Provided*, That the district supervisor's inquiry shall determine whether all rum withdrawn or possessed and all specially denatured rum manufactured or possessed, while the bond was in effect, have been duly accounted for; and the release of collateral need not be deferred for a period of 6 months from the date of determination that there is no outstanding liability against the bond.

Subpart L—Control, Custody, and Supervision

§ 187.125 *Control of warehouse.* Every distillery denaturing bonded warehouse shall be under the control of the supervisor of the district in which such warehouse is located.

§ 187.126 *Custody of warehouse.* Each distillery denaturing bonded warehouse shall be in the joint custody of the storekeeper-gauger and of the proprietor, and shall at no time be unlocked or opened or remain open when rum or denatured rum is present therein, except in the presence of the storekeeper-gauger. The keys to all Government locks shall remain at all times in the custody of the storekeeper-gauger or of the district supervisor or other officer designated by him. The storekeeper-gauger having custody of such keys will not permit any other person, except the district supervisor or other authorized officer, to secure possession of them.

§ 187.127 *Admittance of proprietor.* The proprietor shall upon request at reasonable times have admittance, in the presence of the storekeeper-gauger, to the warehouse. The warehouse shall not be opened on Sunday or at night, except in cases of emergency, and then only with the approval of the district supervisor: *Provided*, That where the rum is in imminent danger of loss by fire, flood, or other casualty, and it is impracticable to first obtain authorization from the district supervisor for the opening of the warehouse, the storekeeper-gauger may, upon the request of the proprietor, open the warehouse for the purpose of preventing loss of the rum, but a report thereof must be made immediately, by telephone or telegraph where possible, to the district supervisor: *And provided further*, That where the rum is in imminent danger of loss by fire, and it is impracticable to first communicate with the district supervisor or the storekeeper-gauger, city and State fire officers may break open the warehouse for the purpose of preventing loss of the rum, but a similar report thereof must be made immediately to the district supervisor.

§ 187.128 *Storekeeper-gauger to supervise operations.* The distillery denaturing bonded warehouse will be operated under the supervision of the storekeeper-gauger assigned to the distillery or the internal revenue bonded warehouse: *Provided*, That where operations at the distillery or the internal revenue bonded warehouse are such that the officer or officers assigned thereto cannot adequately supervise the operations at the denaturing bonded warehouse, the district supervisor will assign one or more officers to the denaturing bonded warehouse in order that the required supervision may be maintained.

§ 187.129 *Examination of warehouse.* The storekeeper-gauger charged with the duty of supervising the operations of the denaturing bonded warehouse will, prior to commencement of operations, examine the warehouse and its equipment and will determine that the doors, windows, and other openings are properly protected and equipped for locking; that the inlets, outlets, and other necessary openings of rum storage tanks, weighing tanks, mixing tanks, denaturing material tanks, and denatured rum tanks, and valves in pipelines, are properly equipped for locking; that the Government cabinet is so equipped that the door thereto may be securely locked with a Government seal lock; and that all tanks, pipelines, pipeline connections, and other equipment conform to the requirements of this part. The storekeeper-gauger will apply Government locks and seals wherever the same are required.

Subpart M—Transfer of Rum to Warehouse

§ 187.135 *Methods of transfer.* Rum of not less than 150 degrees of proof may be transferred for denaturation to a distillery denaturing bonded warehouse located on the distillery premises:

(a) By pipeline direct from the distillery receiving cisterns through weighing tanks to storage or mixing tanks in the denaturing bonded warehouse;

(b) By pipeline from the distillery receiving cisterns through weighing tanks to storage tanks in an internal revenue bonded warehouse on the distillery premises and from such warehouse storage tanks through weighing tanks to storage or mixing tanks in the denaturing bonded warehouse; or

(c) In original packages, from an internal revenue bonded warehouse on the distillery premises, if such rum was produced at the distillery on the same premises.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 187.136 *Application, Form 573.* When the proprietor desires to transfer rum of not less than 150 degrees of proof to the denaturing bonded warehouse for denaturation, he will file application therefor with the storekeeper-gauger in charge on Form 573, in triplicate. Where the rum is to be transferred by pipeline, the applicant shall specify on Form 573 the maximum number of tax gallons to be so transferred.

§ 187.137 *Sufficiency of bond.* Where the bond covering operation of a denaturing bonded warehouse is given in less than the maximum penal sum of $100,000, the district supervisor will inform the storekeeper-gauger in charge of the penal sum of the bond, and the storekeeper-gauger will see that the quantity of rum transferred to the denaturing bonded warehouse is within the limits of the bond.

§ 187.138 *Report of gauge, Form 1520; packages.* If the rum described in the application, Form 573, is in packages, Form 1520 will be prepared by the proprietor, pursuant to Regulations 10 (26 CFR Part 185). The storekeeper-gauger will verify by reference to his records, the entries in the headings thereof and the details of the entry gauge transcribed thereto. A careful gauge will be made of all packages, except that rum in original packages may be transferred to the denaturing bonded warehouse on the original gauge, if such transfer is made within 30 days of the date of the original entry for deposit. The storekeeper-gauger will enter on Form 1520 the weights and proofs found on gauge and will return the form to the proprietor for completion. Upon completion, the Form 1520 will be returned to the storekeeper-gauger for verification and signature. Where packages of rum are transferred to the denaturing bonded warehouse on the original gauge, the proprietor will copy the details of such gauge on Form 1520. When rum for denaturation is transferred in packages, a careful inspection of such packages will be made prior to transfer, and where evidence of tampering or unusual loss is found, the provisions of Regulations 10 (26 CFR Part 185), relative to losses of distilled spirits in bond will be followed.

§ 187.139 *Report of gauge, Form 1520; pipeline transfers.* Where the rum described in the application, Form 573, is to be transferred from distillery receiving cisterns or warehouse storage tanks, it will be run into a weighing or gauging tank and carefully gauged. Where no weighing or gauging tank is provided in the distillery or internal revenue bonded warehouse, the rum may be gauged in a weighing tank in the denaturing bonded warehouse, in which case the rum shall be run directly from the receiving cistern or storage tank to a weighing tank in the denaturing bonded warehouse. The storekeeper-gauger will prepare Form 1520, in triplicate, and enter the details of the gauge thereon.

(53 Sat. 335, as amended; 26 U. S. C. 2883)

§ 187.140 *Transfer of rum.* Upon completion of the gauge and Form 1520, the storekeeper-gauger will permit the rum to be transferred to the denaturing bonded warehouse. If the rum is in packages the proprietor will, under the supervision of the storekeeper-gauger and before removal of the rum to the denaturing bonded warehouse, stencil upon the head of each package, in letters and figures large enough to be easily read, the words, "For Denaturation," followed by the date of removal to the denaturing bonded warehouse.

§ 187.141 *Supervision of transfers.* The transfer of rum from the distillery or internal revenue bonded warehouse to the denaturing bonded warehouse will be made under the supervision of the storekeeper-gauger. Where rum is so transferred by pipeline, the storekeeper-gauger supervising the deposit of the rum in a storage, weighing, or mixing tank in the denaturing bonded warehouse will see that the outlet and all other openings of such tank, except the inlet, are closed and locked and that the valves in the pipeline are so adjusted by the proprietor as to control the flow of rum into the tank before the outlet of the distillery receiving cistern or weighing tank, or the warehouse storage or gauging tank from which the rum is to be transferred is unlocked. When the rum has been deposited in the tank in the denaturing bonded warehouse the inlet of such tank and the outlets of the pipeline and the distillery receiving cistern or weighing tank, or warehouse storage or gauging tank will be immediately closed by the proprietor and locked by the storekeeper-gauger. The valves on the pipelines, and the openings of tanks containing rum or specially denatured rum, shall be kept closed and locked at all times, except when required to be open for the transfer of rum or specially denatured rum or for other necessary purposes. Whenever rum or specially denatured rum is to be transferred into or out of tanks the storekeeper-gauger will open and close the locks, but it shall be the duty of the proprietor to manipulate the stopcocks or valves controlling the flow of the rum. The storekeeper-gauger will not permit the transfer of rum from the distillery cistern room or the internal revenue bonded warehouse to the denaturing bonded warehouse by pipeline unless the use of such pipeline has been approved in accordance with the provisions of this part.

§ 187.142 *Disposition of Forms 573 and 1520.* Upon the transfer of the rum, the storekeeper-gauger will execute his certificate of gauge and transfer on each copy of Form 573, retain one copy of Form 573, with Form 1520 attached, deliver one copy of each to the proprietor and forward one copy of each to the district supervisor.

Subpart N—Formula for Denaturation of Rum

§ 187.155 *Special Formula No. 4.* The following formula is prescribed for the denaturation of rum:

SPECIAL FORMULA No. 4

To every 100 gallons of rum of not less than 150 degrees of proof add 1 gallon of the following solution: 5 gallons of an aqueous solution containing 40 percent nicotine; 3.6 ounces of methylene blue; water to make 100 gallons.

The denaturing solution must conform to the following analytical requirements:

Determination of nicotine. It must contain not less than 1.88 percent of nicotine when tested by the following process: 20 c. c. of the solution are measured into a 500 c. c. Kjeldahl flask provided with a suitable bulb tube, 10 c. c. of N/10 alkali added, the liquid made up to 50 c. c., and distilled in a current of steam until the distillate is no longer alkaline (about 500 c. c.). The distillate is then titrated with N/10 H_2SO_4, using rosolic acid or methyl red as an indicator. Not less than 25.2 c. c. should be required for the neutralization.

To determine the intensity of color. Of the denaturing solutions, 1 c. c. is diluted with 100 c. c. of water and 50 c. c. of this solution are compared in a 50 c. c. Nessler tube with 50 c. c. of a solution containing 5 grams of $CuSO_4.5H_2O$, C. P., in 100 c. c. of water.

Caution. It has been found that the above modified denaturing material when kept in closely stoppered containers loses its color, but when agitated in the presence of air the color returns. Therefore, officers should see that this material is thoroughly agitated in the presence of air, before being added to the rum to be denatured.

If the officer is in doubt, a standard color sample will be sent on request.

SUBPART O—DENATURING MATERIALS

§ 187.160 *Storage of denaturants.* Authorized denaturants may be brought on the denaturing bonded warehouse premises in any desired quantity if ample storage facilities have been provided, but the same must be immediately placed in the denaturing material storeroom or the denaturing material tanks. Denaturants which are used in small quantities may be stored in the original packages, in the denaturing material storeroom. All other denaturants must be deposited in the appropriate tanks or other approved receptacles. Each tank or other receptacle in which denaturants are stored, either within or without the denaturing material storeroom, must have plainly marked thereon the kind of denaturant contained therein.

§ 187.161 *Taking samples of denaturants.* Except as provided in § 187.169, the storekeeper-gauger in charge will take a 1-pint sample from each package or tank or other approved receptacle of mingled denaturants received or prepared, and will forward the same to the chemist authorized by the Commissioner to analyze such denaturants. Where a lot comprising a number of packages of the mingled denaturants is received or prepared, samples of equal quantities shall be taken from each package and mingled, and the 1-pint sample to be forwarded to the authorized chemist taken from such mixture. The sample to be submitted to the authorized chemist shall be taken from the denaturing solution of 100 gallons specified in the prescribed formula.

§ 187.162 *Container to be sealed.* After taking the sample the storekeeper-gauger will securely close and seal the tank or package from which it was obtained, and no part of the contents of such tank or package may be used until the sample has been officially tested and approved, and report on Form 1472 of such test is received by the storekeeper-gauger in charge of the plant.

§ 187.163 *Packaging samples of denaturants.* Samples of denaturants to be submitted by the storekeeper-gauger to the authorized chemist for analysis must be placed in heavy glass bottles or other suitable containers to be provided by the proprietor of the denaturing bonded warehouse, and such bottles or containers must be securely closed and a label (Form 1469) affixed thereto showing the name of the substance, serial number of the denaturing material tank or a description of the container from which the sample was taken, date it was taken, and the name of the officer forwarding it to the chemist. All samples of denaturants submitted for analysis must be sealed with wax by use of the seal furnished for such purpose or by a paper seal signed by the storekeeper-gauger. The authorized chemist shall not examine samples of denaturants brought to him unless they bear the seal of the Government officer.

§ 187.164 *Shipment of samples to authorized chemist.* The samples of denaturants, after being securely packed and sealed, shall be sent to the most convenient authorized chemist for examination and report. District supervisors will furnish proprietors of denaturing bonded warehouses and storekeeper-gaugers with the names and addresses of authorized chemists. All expenses in connection with the forwarding and testing of samples must be borne by the proprietor. A report of each sample submitted by the storekeeper-gauger for analysis shall be prepared by him on Form 1472, in triplicate, and forwarded to the authorized chemist.

§ 187.165 *Report of analysis by the chemist.* Upon completion of the analysis of the denaturants, the authorized chemist shall make a report of his analysis on the Form 1472, in triplicate, received from the storekeeper-gauger, note his approval or disapproval of the samples thereon, and sign the same. One copy of the Form 1472 shall be returned to the storekeeper-gauger in charge of the denaturing bonded warehouse, one copy shall be forwarded to the district supervisor of the district in which the warehouse is located, and the remaining copy shall be transmitted to the Commissioner.

§ 187.166 *Retention of samples.* The authorized chemist must retain all samples of rum denaturants for a period of 30 days so that they will be available for reference.

§ 187.167 *Approval of denaturants.* If the sample is approved the contents of the tank or package from which the same was taken shall, upon receipt of the chemist's report, become an approved denaturant and the storekeeper-gauger shall at once remove the seals from such tank or package and permit the denaturant to be used.

§ 187.168 *Treatment of disapproved denaturant.* Where a sample of denaturant does not conform to the prescribed specifications, the storekeeper-gauger shall, upon receipt of the chemist's report of disapproval, permit the proprietor, if he so desires, to treat or manipulate the proposed denaturant so as to render it suitable for use. Where the denaturant is so treated or manipulated, another sample must be submitted for approval. If the proprietor does not desire to further treat the denaturant, the storekeeper-gauger shall require him immediately to remove the denaturant from the premises.

§ 187.169 *Supplying denaturant to other proprietors.* Proprietors of distillery denaturing bonded warehouses will be permitted to supply approved denaturant, i. e., denaturing solution which has been tested and approved by the authorized chemist, to proprietors of other distillery denaturing bonded warehouses: *Provided*, That such denaturant is furnished in containers properly marked and sealed, with a certificate attached by the storekeeper-gauger in charge at the denaturing bonded warehouse making shipment or delivery of the denaturant. Such denaturant need not be further analyzed at the receiving denaturing bonded warehouse.

SUBPART P—DENATURATION OF RUM

§ 187.180 *General.* Only rum of not less than 150 degrees of proof may be denatured and the denaturation thereof must be done at a distillery denaturing bonded warehouse and in strict conformity with the prescribed formula. No rum may be denatured except in the immediate presence of the storekeeper-gauger assigned to supervise the operation of the denaturing bonded warehouse.

§ 187.181 *Notice, Form 576.* Whenever the proprietor of a denaturing bonded warehouse desires to manufacture denatured rum, he shall give notice to the storekeeper-gauger in charge on Form 576, in triplicate, furnishing all the information indicated by the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto and as required by this part.

§ 187.182 *Denaturation.* Upon receipt of Form 576, properly executed, the storekeeper-gauger will see that the exact quantity of rum and the proper quantity of approved denaturants are conveyed directly to the mixing tank and that the same are thoroughly agitated and mixed therein before being drawn off for shipment or storage.

§ 187.183 *Measuring rum and denaturants.* All denaturants before being used must be carefully measured or weighed by the proprietor under the supervision of the storekeeper-gauger in previously tested receptacles or by scales provided by the proprietor; and all rum to be used, unless dumped from packages gauged within the preceding 30 days or received by pipeline and run directly into mixing tanks, must be carefully proofed and measured or weighed by the proprietor under the supervision of the storekeeper-gauger. The proprietor will provide accurate hydrometers and thermometers for his own use in determining

the proof of the rum, and will not use the Government owned instruments.

§ 187.184 *Responsibility of proprietor.* The proprietor will be held strictly accountable for any errors in the quantities of denaturants added. It is important that his determinations shall be absolutely correct. He must know that the measuring or weighing devices used by him are accurate.

§ 187.185 *Responsibility of storekeeper-gauger.* The storekeeper-gauger in charge must frequently apply, or cause to be applied, such tests to the measuring or weighing devices as will satisfy him that they are accurate. The accuracy of scales used for weighing packages will be determined by means of the test weights provided in accordance with § 187.62. Weighing tank scales shall be tested and their accuracy determined in accordance with the procedure prescribed in Regulations 4 (26 CFR Part 183). If the storekeeper-gauger finds the measures or scales to be inaccurate he shall refuse to permit their use until the proprietor has provided accurate measures or scales.

SUBPART Q—TRANSFER OF DENATURED RUM TO STORAGE OR SHIPPING CONTAINERS

§ 187.195 *Kinds of containers.* Unless temporarily retained under Government lock in the mixing tank, denatured rum must, when the manufacture thereof is completed, be transferred to properly equipped denatured rum tanks and stored therein under Government lock, or drawn into packages or other portable containers for immediate shipment or storage in the specially denatured rum storeroom, or transferred to tank cars for immediate shipment.

§ 187.196 *Application to gauge, Form 577.* When the proprietor desires to draw denatured rum into packages or other portable containers, or into tank cars for shipment he shall file application on Form 577, in triplicate, with the storekeeper-gauger in charge for the gauging of such denatured rum. The denatured rum then will be drawn into packages or other portable containers, or run into a weighing tank, as the case may be, and gauged by the proprietor under supervision of the storekeeper-gauger. Upon completion of the gauge, the storekeeper-gauger will execute his report on Form 577, retain one copy of the form, deliver one copy to the proprietor, and forward one copy to the district supervisor.

SUBPART R—MARKING CONTAINERS OF SPECIALLY DENATURED RUM

MARKING PACKAGES

§ 187.200 *Serial number.* All packages containing specially denatured rum filled at a distillery denaturing bonded warehouse shall be numbered serially beginning with number 1 for the first package filled: *Provided*, That the series in current use at existing denaturing bonded warehouses will be continued. Where there is a change in the individual or corporate name, or in the trade name or style, or in the proprietorship of the business, the series in use at the time of such change will be continued.

(53 Stat. 307; 26 U. S. C. 2808)

§ 187.201 *Other required marks.* In addition to the serial number, there shall be placed upon the Government head of each package of specially denatured rum the name of the proprietor, registered number and location (city or town and State) of the denaturing bonded warehouse, the words, "Specially Denatured Rum," formula number, apparent proof, contents in wine gallons, and the date filled. Such marks and brands shall be plainly and durably marked or stenciled upon the package in a color contrasting with that of the surface upon which placed. The words "Specially Denatured Rum" shall be placed upon the package in conspicuous letters of not less than 1 inch in height, each letter being of the same size and color: *Provided*, That in the case of packages containing less than 5 wine gallons the words "Specially Denatured Rum" may be in letters of less than 1 inch in height, but must be as prominently displayed as is consistent with the size of the package. The required marks shall be placed upon the package by the proprietor, under the supervision of the storekeeper-gauger.

§ 187.202 *Additional marks.* There may be shown upon the Government heads of packages of denatured rum, in letters no more conspicuous or larger than those used in placing the required marks thereon, the brand name and a statement indicating the character of the product, but such additional marks shall not be so placed upon the Government head of the package as to unduly detract from the required marks thereon.

MARKING TANK CARS

§ 187.203 *Manner of marking.* Each tank car used for shipping specially denatured rum must have legibly marked or painted thereon its number, capacity in wine gallons, and the name or symbol of the owner. Tank cars into which specially denatured rum is transferred for shipment must also be constructed and labeled in accordance with Subpart V of this part.

SUBPART S—FURNISHING SAMPLES OF DENATURED RUM

§ 187.210 *To whom samples may be furnished.* The proprietor of a distillery denaturing bonded warehouse may furnish samples of specially denatured rum to prospective applicants for permits to use specially denatured rum, who need not necessarily be then engaged in business; to applicants for permits to use specially denatured rum; and to holders of such permits, for experimental purposes and for use in preparing samples of products for submission to the Commissioner for analysis. Preparations made with samples of specially denatured rum may not be sold, unless Form 1479–A, giving the quantitative formula, and a sample of the preparation are submitted to and approved by the Commissioner, and permit on Form 1481 to use specially denatured rum in the manufacture of such preparation is procured from the district supervisor.

§ 187.211 *Application, Form 1512.* Application for the withdrawal of samples of specially denatured rum shall be made to the district supervisor on Form 1512, and proprietors of denaturing bonded warehouses may furnish samples of specially denatured rum only pursuant to Form 1512, duly approved by the district supervisor, except that where the quantity involved in any case does not exceed 8 fluid ounces application to or approval by the district supervisor will not be required, but the commercial records of the vendor must show each such transaction.

§ 187.212 *Quantity limitations.* District supervisors will not approve the withdrawal of samples of specially denatured rum in quantities in excess of 5 gallons, except that in extraordinary cases where the necessity for the withdrawal of larger quantities has been clearly demonstrated, district supervisors may authorize withdrawals in excess of 5 gallons, but not in excess of the quantity shown to be necessary.

§ 187.213 *Labeling and sealing samples.* All samples of specially denatured rum furnished by the proprietor of a denaturing bonded warehouse shall be sealed, and labeled to show the name and address of the proprietor, the formula number and, where furnished pursuant to Form 1512, the serial number of such form.

§ 187.214 *Record of samples.* All samples of specially denatured rum furnished by the proprietor pursuant to permits on Form 1512 shall be entered by the storekeeper-gauger on Form 575 in the same manner as other shipments of such denatured rum. The storekeeper-gauger will enter the serial number of the permit, Form 1512, in the appropriate column on Form 575, and, where Form 1512 bears the serial number of the applicant's basic permit in addition to its own serial number, the storekeeper-gauger will enter the serial numbers of both permits on Form 575. Where samples of 8 fluid ounces or less are furnished, entry thereof will be made on the proprietor's commercial records, as provided in § 187.211.

SUBPART T—DISPOSITION OF SPECIALLY DENATURED RUM

§ 187.225 *To permittees.* Except as otherwise provided in this part, the proprietor of a distillery denaturing bonded warehouse or a dealer in specially denatured rum may sell or dispose of specially denatured rum only to the person to whom a permit has been issued, in accordance with the provisions of Regulations 3 (26 CFR Part 182) authorizing the procurement thereof. Specially denatured rum may not be shipped on permits authorizing the procurement of specially denatured alcohol.

§ 187.226 *Permit authority for shipment.* The proprietor of a denaturing bonded warehouse or a dealer in specially denatured rum may ship or deliver specially denatured rum to qualified permittees in accordance with this part and Regulations 3 (26 CFR Part 182).

§ 187.227 *Withdrawal permits, Form 1477 or Form 1485.* When permits on Form 1477 or Form 1485, authorizing the procurement of specially denatured rum by bonded dealers or users, respectively, are issued by the district supervisor pursuant to application therefor, the district supervisor will forward the permit by

mail to the permittee. When a dealer or user desires to procure specially denatured rum, he will forward the withdrawal permit to the proprietor or dealer named therein from whom he desires to procure the specially denatured rum. Upon shipment, the proprietor or dealer will enter the shipment on the withdrawal permit and return it to the permittee, unless the proprietor or dealer has been authorized by the permittee to retain the permit for the purpose of making future shipments. No specially denatured rum may be shipped by a vendor named in the withdrawal permit until such permit is in his possession, and specially denatured rum may not be furnished in excess of the quantity set forth in the withdrawal permit.

§ 187.228 *Cancellation of withdrawal permit.* The person upon whose application, a permit on Form 1477 or Form 1485 has been issued, may at any time file request for the cancellation of such permit and the issuance of a new permit naming a new vendor or vendors. The district supervisor shall, upon receipt of such request, notify the proprietor of the denaturing bonded warehouse holding the permit to be superseded that the same has been canceled and that no more shipments or deliveries may be made to the vendee under such permit. The proprietor shall immediately forward the canceled permit to the district supervisor. Upon expiration of a withdrawal permit, it shall be returned to the district supervisor for cancellation. Where the withdrawal permit is in the possession of a vendor on the date of expiration, such vendor shall return it to the permittee for surrender to the district supervisor. Should a basic permit, Form 1476 (held by a dealer in specially denatured rum to whom withdrawal permit, Form 1477, was issued), or a basic permit, Form 1481 (held by a person to whom withdrawal permit, Form 1485, was issued), be terminated, surrendered, or revoked, each proprietor or dealer named as vendor in withdrawal permits, Forms 1477 or 1485, shall, upon notice from the district supervisor, make no further shipments thereunder, and if such withdrawal permit is in his possession, he shall return it to the district supervisor for cancellation.

§ 187.229 *Release of specially denatured rum for shipment.* When the proprietor desires to ship specially denatured rum pursuant to withdrawal permit on Form 1477 or Form 1485, he shall present such permit to the storekeeper-gauger for examination. If the officer finds that the permit authorizes the proposed shipment, he will permit shipment of the specially denatured rum.

SUBPART U—EXPORTATION OF SPECIALLY DENATURED RUM

§ 187.240 *Application, Form 1545.* Where the proprietor of a denaturing bonded warehouse desires to export specially denatured rum, he shall file application on Form 1545, in triplicate, with the district supervisor for a permit to export the same. The application, properly modified to cover the exportation of specially denatured rum by the proprietor of a denaturing bonded warehouse, must contain all of the information indicated by the lines on the form and the instructions printed thereon or issued in respect thereto and as required by this part. Form 1545 must be sworn to by an officer authorized to administer oaths: *Provided,* That if the form officially prescribed for such application contains therein a provision for verification by a written declaration that such application is made under the penalties of perjury, such application shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification.

(63 Stat. 667; 26 U. S. C. 3809)

§ 187.241 *Consent of surety, Form 1533.* Before an application for a permit to export specially denatured rum may be approved, the proprietor must file with the district supervisor consent of surety, Form 1533, in triplicate, extending the terms of his denaturing warehouse bond, Form 572, to cover the exportation of such rum. The extension of the terms of the bond, if intended to cover the exportation of specially denatured rum from time to time shall be in the following form:

> The obligors hereby agree to extend the terms of said bond to cover all liability that may be incurred for and on account of all specially denatured rum hereafter withdrawn by the principal for exportation, for which satisfactory evidence of exportation and landing at a foreign port, or of loss on land or at sea, without fault or negligence on the part of the principal or his agents, is not furnished as provided by law or regulations now or hereafter in force.

The consent of surety may, if desired, be limited to cover the exportation of a specific lot of specially denatured rum, instead of being furnished in a continuing form, as provided in this section.

§ 187.242 *Permit to export.* If the application is properly prepared and the required consent of surety has been filed, and the bond, if given in less than the maximum penal sum, is sufficient to cover the tax on the specially denatured rum to be exported, plus the tax on the quantity of rum, either denatured or undenatured, on hand or unaccounted for, and if there is nothing to indicate that such rum will be used for any unlawful purpose, and proper certificates of clearance and landing have been filed for previous shipments, as required by this subpart, the district supervisor will approve the application, which thereupon becomes a permit. The district supervisor will then forward all copies of Form 1545 to the storekeeper-gauger in charge of the warehouse.

§ 187.243 *Consignment to collector of customs.* Upon receipt of the approved application and permit, Form 1545, by the storekeeper-gauger, and the marking of the packages as provided in this section and Subpart R of this part, the applicant may withdraw the specially denatured rum specified on the form and consign the same to the collector of customs at the port of export for exportation under his supervision. The applicant shall procure two copies of the bill of lading covering the shipment and submit them to the storekeeper-gauger, who will immediately forward one copy of Form 1545 with a copy of the bill of lading attached to the collector of customs and one copy of such form and bill of lading to the district supervisor, and will deliver the remaining copy of Form 1545 to the applicant. The storekeeper-gauger will, upon release of the specially denatured rum for shipment, make appropriate entry on Form 575 of the withdrawal thereof. The proprietor shall plainly and legibly stencil on the Government head of each package of specially denatured rum, before the same is released for exportation, the words "For Export," in addition to the marks required by Subpart R of this part.

§ 187.244 *Export entry; certificate of exportation, etc.* When the specially denatured rum arrives at the port of export, the exporter or his agent shall file immediately with the collector of customs an export entry and two copies of the export bill of lading; and when the vessel, railroad car, motor truck, or other conveyance on which the specially denatured rum is laden for exportation has cleared the port of export, the collector of customs shall execute the certificate of exportation on the copy of Form 1545 sent to him, and return the same with one copy of the bill of lading to the district supervisor.

§ 187.245 *Evidence of foreign landing.* The proprietor shall, within 30 days after the date of shipment of such specially denatured rum where exportation is made to Canada or Mexico, and within 90 days after the date of shipment where exportation is made to any other foreign country or possession, secure and forward to the district supervisor a certificate showing that the shipment was duly landed at the foreign port. The landing certificate shall be executed by a customs officer of the foreign country or possession to which the specially denatured rum is exported, unless it is shown that such country or possession has no customs administration, in which event the certificate shall be signed by the consignee or by the vessel's agent at the place of landing and sworn to before a notary public or other officer authorized to administer oaths, and having an official seal. Failure by the proprietor to produce within the specified time satisfactory evidence of the landing of the shipment of specially denatured rum at a foreign port, or of loss of the same on land or at sea after shipment, as provided in § 187.246, shall be sufficient grounds for refusal by the district supervisor to issue to the proprietor any further permits to export specially denatured rum, pending the filing of the required evidence of clearance and foreign landing, or of loss on land or at sea, of shipments previously made, or the assessment of tax or the enforcement of liability against the bond.

§ 187.246 *Proof of loss after clearance.* When the proprietor is unable to furnish proof of landing at a foreign port in consequence of loss on land or at sea after shipment, he shall file with the district supervisor issuing the permit, Form 1545, a statement setting forth fully the cause and extent of the loss and all the pertinent facts and circumstances surrounding the same. Such statement must be accompanied by affidavits from two or more creditable and disinterested persons as to the loss. If the specially denatured rum was insured, the proprietor shall also file certificates by officers of the insurance company, or board of underwriters, that the insurance has been paid and that, to the best of their knowledge and belief, the specially denatured rum was destroyed on land or at sea after shipment. When obtainable, affidavits must be furnished by the master and mate of the vessel, conductor in charge of the railroad car, or operator of the motor truck or other conveyance, as the case may be, detailing the cause and extent of the loss and all pertinent facts and circumstances surrounding the same. Such proofs shall be furnished the district supervisor within the time provided in § 187.245 for furnishing proof of foreign landing, or within such further time as the district supervisor or Commissioner may deem reasonable.

§ 187.247 *Losses in transit to port of export.* Allowance for losses of specially denatured rum in transit from the denaturing bonded warehouse to the port of export will be made in accordance with provisions of Subpart W of this part.

§ 187.248 *Shipment to American Territories and possessions.* The provisions of this subpart and the forms prescribed by it, shall be applicable to the shipment of specially denatured rum to Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Panama Canal Zone. The shipment of specially denatured rum to or from Hawaii and Alaska shall be in accordance with the provisions of this part governing shipments entirely within the continental limits of the United States.

SUBPART V—SHIPMENT AND DELIVERY OF SPECIALLY DENATURED RUM

§ 187.260 *Tank trucks.* Deliveries of specially denatured rum by tank wagons or tank trucks are not permitted.

§ 187.261 *Packages.* Deliveries of specially denatured rum may be made in packages of any desired size to persons authorized to receive the same. The packages must be marked in accordance with the provisions of Subpart R of this part.

§ 187.262 *Tank cars.* Deliveries of specially denatured rum may also be made in railroad tank cars to persons authorized to receive the same: *Provided,* That deliveries may be made in tank cars only where the premises of the consignor and consignee are equipped with suitable railroad siding facilities. Railroad tank cars must be marked as provided in Subpart R of this part, and must be so constructed that all openings which would afford access to the contents may be closed and securely fastened and sealed. The tank car will be so closed and sealed by the proprietor under the supervision of the storekeeper-gauger immediately after it has been filled. The tank car will be sealed with railroad or other appropriate seals furnished by the proprietor.

§ 187.263 *Tank car label.* The proprietor of the denaturing bonded warehouse shall affix to each tank car of specially denatured rum a label showing the name of the proprietor, registered number and location (city or town and State) of the denaturing bonded warehouse, the name and location of the consignee, the quantity in wine gallons, the formula number, and the date withdrawn for shipment. The label will be in substantially the following form:

Shipped By
JOHN DOE RUM COMPANY
Denaturing Bonded Warehouse No. 1
New York, N. Y.
To
RICHARD ROE TOBACCO COMPANY
Baltimore, Md.
8,500 Gals. Specially Denatured Rum
Formula No. 4
Withdrawn May 17, 1949

The label shall be securely affixed to the route board of the car and shall be obliterated when the car is emptied.

§ 187.264 *Deliveries by proprietor.* The proprietor of a denaturing bonded warehouse shall make deliveries of specially denatured rum from his premises only in vehicles operated or controlled by him, or by a railroad or steamship company, or express company operating on a railroad or steamship line, or by a trucking company holding permit to transport specially denatured or tax-free alcohol. Where the specially denatured rum is delivered in vehicles operated or controlled by the proprietor, delivery must be made within 24 hours and the proprietor shall be responsible on his bond for the delivery of the specially denatured rum to the premises of the consignee. Where shipments of specially denatured rum are made by railroad, steamship or express company, or by a trucking company holding permit to transport specially denatured or tax-free alcohol, as provided in this section, the proprietor shall be responsible on his bond for delivery of the specially denatured rum to such carrier.

§ 187.265 *Report of shipment, Form 597.* Whenever specially denatured rum is shipped from the premises of a distillery denaturing bonded warehouse, the proprietor shall, at the time shipment is made, prepare a report thereof on Form 597 and immediately deliver the same to the storekeeper-gauger in charge. The report will be furnished in duplicate, except that one copy only need be furnished where the consignor and consignee are located in the same district. The proprietor will date the form and furnish all the information indicated by the headings of the various columns and lines in Part I. Where shipments are made in railroad tank cars, or consist of barrels or drums in carload lots, the name of the railroad; the number of the car, and the routing of the shipment shall be reported on Form 597. The consignor shall not change the routing without giving immediate notice of such action to the supervisor of his district.

§ 187.266 *Disposition of Form 597.* The storekeeper-gauger will, upon receipt of Form 597, check the same with the withdrawal permit and, if found to agree, will enter the shipment on Form 575 and date and initial Part II of each copy of Form 597. Where the consignee is located in another district the storekeeper-gauger will, on the same day he receives Form 597, forward one copy thereof to the supervisor of such district and one copy to the supervisor of the district from which the shipment is made. The supervisor of the district in which the consignee is located will check the copy of Form 597 sent to him with the monthly report of the consignee, execute Part III of the form, and forward the same to the supervisor of the district in which the consignor is located. The supervisor of the latter district will check the copy of Form 597 received from the supervisor of the other district with the storekeeper-gauger's report on Form 575, and will date and initial Part II of Form 597. Where the consignor and consignee are located in the same district the storekeeper-gauger will, on the same day he receives Form 597, forward the same to the supervisor of the district. The district supervisor will check the shipment with the consignee's monthly report and the storekeeper-gauger's report on Form 575, and will date and initial Part II and execute Part III of Form 597.

§ 187.267 *Investigation by district supervisor.* Where report of receipt of the specially denatured rum shipped is not received in due course, or where any material or unexplained difference exists between the quantity shipped and the quantity received, or where there is reasonable ground to suspect that the specially denatured rum has been or will be used for purposes other than those authorized by law and regulations, the district supervisor shall cause an investigation to be made.

§ 187.268 *Memorandum of receipt, Form 1453–A.* Proprietors of denaturing bonded warehouses will, when shipping specially denatured rum to the United States or any governmental agency thereof, prepare one copy of Form 1453–A, properly modified, and forward it to the Government officer to whom the specially denatured rum is consigned. Upon receipt of the shipment, the Government officer will execute the certificate of receipt on the form and forward it to the district supervisor whose address appears at the bottom of the form.

§ 187.269 *Deliveries by bonded dealer.* A dealer in specially denatured rum shall make deliveries in accordance with the applicable provisions of this subpart.

SUBPART W—LOSSES

LOSSES IN DENATURATION

§ 187.280 *Determined monthly.* Losses occurring by evaporation or other unavoidable causes in the process of denaturation at a distillery denaturing bonded warehouse must be determined and reported monthly. The extent of the losses for each month shall be established by comparison of the quantity in proof gallons of rum used for denaturation with the quantity in proof gallons of denatured rum produced.

§ 187.281 *Losses allowable without claim.* Where the loss occurring in the process of denaturation during any calendar month does not exceed 1 percent of the quantity of rum used for denaturation during the month, claim for allowance of such loss will not be required, provided there are no circumstances indicating that the rum, or any part thereof, was used for purposes other than denaturation, or was unlawfully removed from the denaturing bonded warehouse. The allowance of 1 percent on account of losses in the process of denaturation will not be cumulative. Losses for each month must be determined separately.

§ 187.282 *Losses requiring claim.* Where the loss occurring in the process of denaturation is in excess of 1 percent, calculated in accordance with the provisions of § 187.281, claim under oath for allowance of the total losses during the month will be filed by the proprietor with the district supervisor, in accordance with the provisions of § 187.291.

§ 187.283 *Illegal diversion or removal.* The distilled spirits tax must be paid on all rum diverted to illegal uses on the premises of the denaturing bonded warehouse or in the course of transfer thereto, and on all rum removed from the denaturing bonded warehouse contrary to law, whether or not the total losses, including the rum diverted or unlawfully removed, exceed 1 percent of the aggregate quantity used for denaturation.

(53 Stat. 359; 26 U. S. C. 3111)

LOSSES OF RUM BY THEFT, UNAUTHORIZED VOLUNTARY DESTRUCTION, OR CASUALTY

§ 187.284 *Procedure applicable.* The procedure prescribed by Regulations 10 (26 CFR Part 185), relating to losses of rum by theft, unauthorized voluntary destruction, or casualty, shall apply to such losses in a distillery denaturing bonded warehouse.

LOSSES OF SPECIALLY DENATURED RUM AT DENATURING BONDED WAREHOUSE

§ 187.285 *Determined monthly.* The quantity of specially denatured rum lost at a denaturing bonded warehouse must be determined and reported monthly. The extent of the losses for each month shall be established by comparison of the quantity shown by actual inventory with the quantity carried in the storekeeper-gauger's report, Form 575, as remaining in storage at the end of the month. For the purpose of such comparison the gauge at the time of the filling of packages of specially denatured rum may be taken. The actual quantity in tanks must be ascertained.

§ 187.286 *Losses allowable without claim.* Where the loss of specially denatured rum does not exceed 1 percent of the aggregate quantity of specially denatured rum shipped from the denaturing bonded warehouse during any calendar month, claim for allowance of such loss will not be required, provided there are no circumstances indicating that the specially denatured rum, or any part thereof, was diverted to illegal use. The allowance of 1 percent on account of losses of specially denatured rum at a denaturing bonded warehouse will not be cumulative. Losses for each month must be determined separately by inventory of specially denatured rum on hand at the end of the month.

§ 187.287 *Losses requiring claim.* Where the loss of specially denatured rum exceeds 1 percent of the quantity shipped from the denaturing bonded warehouse during the month, claim under oath for allowance of the total losses during the month will be filed by the proprietor with the district supervisor in accordance with the provisions of § 187.291.

§ 187.288 *Illegal diversion or removal.* The distilled spirits tax must be paid on all specially denatured rum diverted to illegal uses, and on all such rum removed from the denaturing bonded warehouse contrary to law, whether or not the total losses of specially denatured rum at the denaturing bonded warehouse, including specially denatured rum diverted or unlawfully removed, exceed 1 percent of the aggregate quantity shipped from the denaturing bonded warehouse. No person shall sell denatured rum for use, or for sale for use, for beverage purposes; nor shall any person sell any denatured rum under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale or use for beverage purposes.

(53 Stat. 359; 26 U. S. C. 3111)

LOSSES OF SPECIALLY DENATURED RUM IN TRANSIT FOR EXPORT OR IN THE COURSE OF DELIVERY IN TRUCKS OWNED OR CONTROLLED BY PROPRIETOR

§ 187.289 *Losses allowable without claim.* Where the loss of specially denatured rum from any package or tank car in transit from the denaturing bonded warehouse for export, or in the course of delivery in trucks owned or controlled by the proprietor, does not exceed 1 percent of the quantity contained therein at the time of shipment, claim for allowance of such loss while in transit will not be required, provided there are no circumstances indicating that the specially denatured rum, or any part thereof, was diverted to illegal use.

§ 187.290 *Losses requiring claim.* Where the loss of specially denatured rum from any package or tank car in transit from the denaturing bonded warehouse for export or in the course of delivery in trucks owned or controlled by the proprietor exceeds 1 percent of the quantity contained therein at the time of shipment, claim under oath for allowance of the total quantity lost shall be filed with the district supervisor by the proprietor of the denaturing bonded warehouse. The claim will be prepared and filed in accordance with the provisions of § 187.291. Claims covering losses in transit of specially denatured rum shipped to manufacturers and dealers by railroad or steamship companies, or by express companies operating on railroad or steamship lines, or by trucking companies holding permit to transport specially denatured or tax-free alcohol, will be filed by such manufacturers and dealers in accordance with Regulations 3 (26 CFR part 182)

CLAIM FOR ALLOWANCE OF LOSSES

§ 187.291 *Form of claims.* No special forms have been provided for use by claimants in presenting claims for allowance of losses in the process of denaturation, or losses of specially denatured rum at a denaturing bonded warehouse or in transit for export or in the course of delivery in trucks owned or controlled by the proprietor. Such claims may be made on letter size paper, but must be in affidavit form, in duplicate, and the claimant must furnish the following information:

(a) The name of the proprietor and the registered number and location of the denaturing bonded warehouse;

(b) The serial numbers of the packages or other containers from which the specially denatured rum was lost;

(c) The quantity of specially denatured rum lost from each package or other container, and the total quantity of specially denatured rum covered by the claim;

(d) The date of the loss, or, if such date is not known, the date on which the loss was discovered, and the cause and nature thereof, together with all of the facts surrounding the loss;

(e) In the case of losses in the process of denaturation, (1) the quantity in proof gallons of rum used for denaturation during the month; (2) the quantity in proof gallons of denatured rum produced during the month; (3) whether the loss occurred as the result of any negligence, connivance, collusion, or fraud on the part of the proprietor or any of his agents; and (4) whether the proprietor is indemnified or recompensed in any manner for the loss. If the proprietor is indemnified or recompensed for the loss, the amount and nature of such indemnity or recompense must be shown;

(f) In the case of losses of specially denatured rum at a denaturing bonded warehouse, (1) the quantity shown by actual inventory to be on hand at the end of the month; (2) the quantity carried in the warehouse records as remaining on hand at the end of the month; (3) whether the loss occurred as the result of any negligence, connivance, collusion, or fraud on the part of the proprietor or any of his agents; and (4) whether the proprietor is indemnified or recompensed in any manner for the loss. If the proprietor is indemnified or recompensed for the loss, the amount and nature of such indemnity or recompense must be shown.

(g) In the case of losses of specially denatured rum in transit for export or in the course of delivery in trucks owned or controlled by the proprietor, (1) whether the loss occurred as a result of any negligence, collusion, or fraud on the part of the proprietor or any of his agents, and (2) whether he is indemnified or recompensed in any manner for the loss. If the proprietor is indemnified or recompensed for the loss, the amount and nature of such indemnity or recompense must be shown.

§ 187.292 *Supporting statements.* Claims for losses must be supported by affidavits of persons having personal knowledge of the loss.

§ 187.293 *Filing of claims.* The claims must be filed with the supervisor of the district in which the denaturing bonded warehouse is located. Claims for allowance of losses of specially denatured rum while in transit should be filed promptly.

§ 187.294 *Report of losses.* Losses of rum in process of denaturation or specially denatured rum by theft, accidental fire, or other casualty must be reported to the district supervisor by the proprietor of the denaturing bonded warehouse immediately after the losses are discovered. Where such losses are ascertained while an officer is on duty, the officer will immediately make a full report of the loss to the district supervisor. The officer's report should set out the nature, cause, and extent of the loss in sufficient detail to bring out all the material facts and circumstances surrounding the loss. The condition of each package or other container from which loss has been sustained and the quantity lost therefrom should be reported by the officer.

§ 187.295 *Investigation.* Where large losses from theft, casualty, or other cause are reported, the district supervisor will immediately make such investigation and require such evidence to be submitted as he may deem necessary, and will advise the Commissioner of his findings and recommendation relative to the allowance or disallowance of the loss.

§ 187.296 *Examination of claim.* When a claim for allowance of loss is received by the district supervisor, he will carefully examine same to see that all required information has been furnished and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon completion of the investigation, if any, the district supervisor will forward one complete copy of the claim and accompanying papers, together with any pertinent reports and documentary evidence, to the Commissioner with his recommendation in respect to allowance or disallowance of the claim.

§ 187.297 *Records.* The storekeeper-gauger will enter all losses occurring at the denaturing bonded warehouse in his monthly record and report, Form 575. Where the loss is such as to require the filing of a claim, the storekeeper-gauger will attach to Form 575 a statement showing the nature, cause, and extent of the loss, or, if such information was previously furnished in the report submitted in accordance with § 187.294, a reference to such report will be noted on Form 575.

§ 187.298 *Failure to file claim.* Where loss has been sustained in such a quantity as to require the filing of a claim, and claim for allowance of the loss is not made as provided in §§ 187.291 to 187.293, the district supervisor will report the tax to the Commissioner for assessment, in accordance with prescribed assessment procedure.

SUBPART X—PROPRIETOR'S RECORD AND REPORT OF DENATURANTS

§ 187.315 *Record 129.* The proprietor of every distillery denaturing bonded warehouse shall keep a monthly record on Record 129 of all denaturants received and used at such bonded warehouse or removed therefrom, of all samples of denaturants forwarded to the authorized chemist for analysis, and of the chemist's report of all analyses. Daily entries shall be made on Record 129 as indicated by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part, before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized by this section, appropriate memoranda shall be kept for the purpose of making the entries correctly. A monthly summary of the denaturants received and used or removed shall be made on such record at the end of the month. Record 129 shall be bound by the proprietor as a permanent record and kept available for inspection by Government officers.

(53 Stat. 373; 26 U. S. C. 3171)

§ 187.316 *Monthly report.* The proprietor shall render a monthly report on Record 129, in duplicate, to the district supervisor on or before the 5th day of the succeeding month. Record 129 must be sworn to before an officer authorized to administer oaths: *Provided,* That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. The district supervisor will, after audit and not later than the last day of the month succeeding that for which the report is rendered, forward one copy of the report to the Commissioner and will retain the remaining copy.

(53 Stat. 373, 63 Stat. 667; 26 U. S. C. 3171, 3809)

SUBPART Y—STOREKEEPER-GAUGER'S RECORD AND REPORT

§ 187.325 *Form 575.* The storekeeper-gauger in charge of the distillery denaturing bonded warehouse shall keep a monthly record on Form 575 of all rum received and used for denaturation, all denaturants used, and all specially denatured rum produced, and withdrawn for shipment. Daily entries shall be made on Form 575 as indicated by the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto, and as required by this part. A monthly summary of rum received and used, denaturants received and used, and denatured rum produced and disposed of, will be made on such form at the end of the month. Form 575 will be kept by the storekeeper-gauger in bound form as a permanent record, available for inspection by Government officers.

§ 187.326 *Monthly report.* The storekeeper-gauger shall render a monthly report on Form 575, in duplicate, to the district supervisor on or before the 5th day of the succeeding month. The district supervisor will, after audit and not later than the last day of the month succeeding that for which the report is rendered, forward one copy of the report to the Commissioner and will retain the remaining copy.

SUBPART Z—RETURN OF SPECIALLY DENATURED RUM

§ 187.335 *Entry on Form 575.* Where specially denatured rum is for any reason returned to the denaturing bonded warehouse by a bonded dealer or manufacturer or by the carrier, as provided in Regulations 3 (26 CFR Part 182), the storekeeper-gauger will make a memorandum entry of the same in red ink on Part 1 of Form 575, but will not include the quantity thereof in the totals of the rum receipts recorded on such part. The total quantity of specially denatured rum returned during the month will, however, be entered on line 5 of the summary of Part 6, and when such denatured rum is again shipped entry thereof will be made in the same manner as other shipments.

SUBPART AA—OPERATION UNDER A NEW INDIVIDUAL OR CORPORATE NAME, OR UNDER DIFFERENT TRADE NAMES OR STYLES

§ 187.340 *Qualification required.* Whenever the proprietor of a denaturing bonded warehouse desires to change the individual or corporate name, or to operate under a trade name or style not previously approved, he must comply with § 187.95 and secure approval of such change in the manner prescribed in §§ 187.100 and 187.110, prior to the commencement of operations. Thereafter, whenever he desires to again operate under such approved trade name or style he must comply with § 187.95 and secure approval of the change in the manner prescribed in § 187.100, prior to commencement of operations thereunder.

§ 187.341 *Records.* Separate records on Record 129 will not be required for operations under a new individual or corporate name, or under each trade name or style, but the proprietor must note on each record the individual or corporate name or the trade names or styles under which operations were conducted during the month, and the dates of operation under each. The storekeeper-gauger will make similar notations on Form 575 whenever changes in the individual or corporate name or in trade names or styles occur.

(53 Stat. 373; 26 U. S. C. 3171)

SUBPART BB—CHANGE OF PROPRIETORSHIP

§ 187.350 *Completion of operations required.* When a succession or actual change in the proprietorship of a distillery denaturing bonded warehouse takes place other than a change brought about by operation of law, as by the appointment of an administrator, executor, assignee, receiver, trustee, or other fiduciary, the business of denaturing rum must be completely finished by the per-

son or persons who have been carrying on the business, and all specially denatured rum removed from the premises before the business shall be undertaken or begun by the succeeding proprietor, unless by agreement between the outgoing proprietor and the successor it shall be arranged to transfer from the former to the latter at the time the transfer of proprietorship becomes effective, all rum and specially denatured rum then on hand: *Provided*, That in each case the application and other qualifying documents of the successor, prescribed by Subpart H of this part, have been approved by the district supervisor, to take effect on the day next succeeding that at the close of which the transfer is made. Where a change of proprietorship has been brought about by operation of law, the administrator, executor, receiver, trustee, or other fiduciary may not commence or continue operations until the required qualifying documents have been filed and approved.

§ 187.351 *Records and reports.* Where there is a change in the proprietorship otherwise than by operation of law, the outgoing proprietor shall enter on his Record 129 all denaturants transferred to his successor, who shall in turn enter such items on his Record 129 as received from his predecessor. The storekeeper-gauger will likewise enter on Form 575 for the outgoing proprietor all rum and specially denatured rum transferred to the successor, and will take up on the Form 575 for the successor all such rum and specially denatured rum received from his predecessor. Where an administrator, executor, assignee, receiver, trustee, or other fiduciary succeeds to the business and qualifies to operate the same, he shall make proper notation on Record 129 of his succession, and the storekeeper-gauger will likewise make note of such succession on Form 575.

SUBPART CC—SAFEGUARDING OF GOVERNMENT PROPERTY

§ 187.360 *Storage in Government cabinet.* The keys to Government locks, and the seals and other Government property at a denaturing bonded warehouse, when not in use, will be kept in the Government cabinet under Government seal lock. The storekeeper-gauger must not leave the cabinet open except in his immediate presence, nor give the key thereof to anyone except another Government officer authorized to receive it. Where it is necessary to open the cabinet at various times during the day the lock will not be seal-closed until the close of business.

SUBPART DD—LOCKS AND SEALS

§ 187.365 *General.* The provisions of Regulations 4 (26 CFR Part 183), relative to locks and seals, are hereby extended, insofar as applicable, to denaturing bonded warehouses.

§ 187.366 *Where locks are required.* District supervisors will bear in mind that Government locks are required on the doors of the denaturing bonded warehouse and the denaturing material storeroom therein; on the door of the Government cabinet; on all manheads, inlets, outlets, and other openings of rum storage tanks, weighing tanks, denaturing material storage tanks, and denatured rum tanks; on the valves in pipelines used for the conveyance of rum and denatured rum; and on such other parts of the premises or equipment as are required by this part or deemed necessary by the district supervisor.

§ 187.367 *Seal locks.* Seal locks will be used on the entrance doors of the denaturing bonded warehouse and the denaturing material storeroom; on denaturing material tanks, if not located in the denaturing material storeroom; on the door of the Government cabinet; and on such other places where the use of seal locks is required by this part or deemed necessary by the district supervisor.

3. The purposes of the proposed regulations are as follows:

a. To conform to the act of February 21, 1950 (Public Law 448, 81st Cong.), effective September 1, 1950.

b. To delegate to district supervisors the authority to approve the establishment of distillery denaturing bonded warehouses.

c. To incorporate regulations applicable to the gauging of rum at distillery denaturing bonded warehouses now contained in the Gauging Manual (26 CFR Part 186), but which are being deleted from the current revision of such manual.

d. To discontinue Form 1489 as a district supervisor's monthly account of distillery denaturing bonded warehouses.

e. To prescribe, in lieu of an oath, a declaration subject to the penalties of perjury, for certain forms:

Form 129, "Report of Denaturants."
Form 571, "Application by Proprietor of Distillery Denaturing Bonded Warehouse."
Form 1545, "Application for Permit to Export Specially Denatured Alcohol."

f. To rearrange the text to conform to the Federal Register Regulations (13 F. R. 5929).

Effective date. These regulations shall be effective as of September 1, 1950.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: July 31, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-6844; Filed, Aug. 3, 1950; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (33 U. S. C. 1), and chapter XIX of the Army Appropriation Act of July 9, 1918 (33 U. S. C. 3), § 204.10 (c) is hereby revoked, §§ 204.180 and 204.225 are hereby amended, and §§ 204.81 and 204.221 are hereby prescribed, as follows:

§ 204.10 *Narragansett Bay and adjacent waters, R. I.; danger zones for naval operations.* • • •

(c) *Prohibited area in vicinity of Ohio Ledge.* [Revoked.]

• • • • •

§ 204.81 *Atlantic Ocean off Georgia coast; aerial gunnery and bombing range, Air National Guard*—(a) *The danger zone.* An area approximately 25 miles offshore between a line two miles north of St. Catherines Sound and a line three miles south of Altamaha Sound, described as follows: Beginning at latitude 31°45'00, longitude 80°33'00"; thence 90° true to longitude 80°17'30"; thence southerly to latitude 31°15'00", longitude 80°20'30"; thence 270° true to longitude 80°51'00"; and thence northeasterly to the point of beginning.

(b) *The regulations.* (1) All aerial gunnery and bombing practice in the danger zone will be conducted during daylight hours and usually on Saturdays and Sundays. The danger zone shall be open to navigation except when aerial gunnery or bombing practice is being conducted.

(2) Prior to conducting each practice the danger zone will be patrolled by aircraft, which will warn navigation to leave the area by "buzzing," i. e., by flying low over the watercraft. Any watercraft shall, upon being so warned, immediately leave the area designated and shall remain outside the area until practice has ceased.

(3) The regulations in this section shall be enforced by the Commanding Officer, 158 Fighter Squadron, Georgia Air National Guard, Hunter Field, Savannah, Georgia, and such agencies as he may designate.

§ 204.180 *Waters of Lake Michigan south of Northerly Island at entrance to Burnham Park Yacht Harbor, Chicago, Illinois; danger zone adjacent to airport on Northerly Island*—(a) *Danger zone*—(1) *Zone A.* • • • During the navigation season, the southeast and southwest corners of Zone A will be marked with spar buoys colored and lettered as prescribed by the United States Coast Guard.

(2) *Zone B.* • • • During the navigation season, the southeast and southwest corners of Zone B will be marked with spar buoys colored and lettered as prescribed by the United States Coast Guard.

(b) *Regulations.* • • •

(3) The regulations in this section shall be enforced by the Commander, Ninth Coast Guard District, Cleveland, Ohio, and such agencies as he may designate.

§ 204.221 *Strait of Juan de Fuca, Wash.; naval operations area for nonexplosive air-to-surface target practice*—(a) *The danger zone.* (1) Beginning at a point at latitude 48°16'30", longitude 123°03'00"; thence east to latitude 48°16'30", longitude 122°55'00"; thence northwesterly to latitude 48°21'00", longitude 122°57'00"; thence to latitude 48°21'00", longitude 123°05'00"; thence southwesterly to the point of beginning.

(2) The area will be used for air to surface target practice using non-explosive projectiles.

(3) All runs will be made under weather conditions which will insure that the pilot can determine from the air that the area is clear, and firing will be in a direction from any vessels near the area in order to eliminate all possibility of danger to property or life.

(4) No firing shall take place until the area is clear of all watercraft except those taking part in the practice.

(b) *The regulations.* (1) Between 8:00 a. m., and 4:00 p. m., Pacific standard time, no vessel or other craft shall enter or remain within the designated area except as authorized by the enforcing agency.

(2) Prior to the conducting of each practice the area will be patrolled by Naval vessels flying a "Baker" (red) flag, and unauthorized vessels found therein will be contacted and warned to immediately leave the area.

(3) Upon application, the Navy will grant special permission to others to pass through or otherwise use the area if no interference to the Navy's use of the area is evident.

(4) The regulations in this section shall be enforced by the Commandant of the Thirteenth Naval District or his authorized representative.

§ 204.225 *Mona Passage in vicinity of Monito and Desecheo Islands, Puerto Rico; aerial bombing and gunnery ranges, United States Air Force, Ramey Air Force Base, Puerto Rico*—(a) *The danger zones*—(1) *Monito Island area.* All waters within a circle ten miles in diameter with its center at latitude 18°09'42.5", longitude 67°57'00", the approximate center of Monito Island.

(2) *Desecheo Island area.* All waters within a circle ten miles in diameter with its center at latitude 18°23'15", longitude 67°28'50", the approximate center of Desecheo Island.

(3) The outer boundaries of the danger zones will not be marked, but signs will be posted at conspicuous places on the shores of Monito and Desecheo Islands to warn against trespassing on the target areas. Aircraft and watercraft will be presumed to know the location of the danger zones by their principal landmarks, Monito Island at the center and Mona Island on the southeast edge of one area, and Desecheo Island at the center of the other area.

(b) *The regulations.* (1) The danger zones shall be open to navigation at all times except when aerial bombing and gunnery practice is being conducted. At such times no vessel or other craft shall enter or remain within the areas except with the specific permission of the enforcing agency.

(2) The fact that bombing or gunnery practice is to take place over the designated areas will be advertised to the public through the usual media for the dissemination of such information. Inasmuch as such practice is to be carried on throughout the year, without regard to season, such advertising will be repeated at intervals not exceeding three months, and at more frequent intervals when, in the opinion of the enforcing agency, such frequent repetition is advisable in the interests of public safety.

(3) Prior to conducting each bombing or gunnery practice the entire areas will be patrolled to insure that no watercraft are within the danger zone. Any watercraft found in the vicinity will be warned that such practice is about to take place. Any such watercraft shall, upon being so warned, leave the danger zone immediately and shall not return until such practice shall have been terminated.

(4) This section shall be enforced by the Commanding Officer, 5900th Composite Wing, United States Air Force, Ramey Air Force Base, Puerto Rico, and such agencies as he may designate.

[Regs. July 6, 1950, 800.2121—ENGWO] (Sec. 4, 28 Stat. 362, as amended; 33 U. S. C. 1. Interpret or apply 40 Stat. 892; 33 U. S. C. 3)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 50-6818; Filed, Aug. 3, 1950; 8:46 a. m.]

PART 208—FLOOD CONTROL REGULATIONS

MEDICINE CREEK DAM AND RESERVOIR, MEDICINE CREEK, FRONTIER COUNTY, NEBR.

Pursuant to the applicable provisions of section 7 and 9 of the act of Congress approved December 22, 1944 (58 Stat. 890, 891; 33 U. S. C. 709), the following regulations are hereby prescribed to govern the use of storage capacity for flood-control purposes in the Medicine Creek Reservoir on Medicine Creek, Frontier County, Nebraska, and the operation of Medicine Creek Dam for flood-control purposes.

§ 208.35 *Medicine Creek Dam and Reservoir, Medicine Creek, Frontier County, Nebraska.* The Bureau of Reclamation, Department of the Interior, represented by its appropriate District Manager, hereinafter referred to as the District Manager, shall operate the Medicine Creek Dam and Reservoir in the interest of flood control as follows:

(a) The flood-control storage capacity of the reservoir, which initially amounts to 52,000 acre-feet between elevations 2366.1 and 2386.2, will be operated to restrict discharges to the capacity of the ungated flood-control notch except as necessary for irrigation requirements, unless otherwise directed by the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, hereinafter referred to as the District Engineer. Whenever necessary in the interests of flood control, the District Engineer will furnish instructions to the District Manager as to operation of the flood control storage through the outlet works (having a capacity of approximately 400 c. f. s. with water surface in the flood-control pool) to coordinate the operation of the Reservoir with other reservoirs in the Republican and Missouri River Basins. Oral instructions of the District Engineer to the District Manager shall be confirmed in writing under date of the day issued.

(b) The discharge characteristics of the ungated flood-control notch incorporated into the spillway structure (having an estimated capacity of 4,000 c. f. s. with reservoir level at elevation 2386.2) shall be maintained in accordance with the construction plans (Bureau of Reclamation Specifications No. 2023 as modified by Drawing 328-D-587, Revision dated 8-5-49).

(c) Proposed schedules of irrigation releases and storage changes, if available, and current operating data shall be provided to the District Engineer by the District Manager. These data shall be tabulated daily and furnished periodically as required, and shall include such items as: reservoir elevation, reservoir storage, inflow, discharge, and pertinent available hydrologic data.

(d) Whenever the reservoir level reaches or exceeds elevation 2366.1, or flood discharges appear imminent, the District Manager shall report at once to the District Engineer by telephone, telegraph or radio and, as requested thereafter until the reservoir level falls to elevation 2366.1 or below and flood discharges cease.

(e) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damage.

(f) All elevations stated in this section are at the Medicine Creek Dam and are referred to the datum in use at that location.

[Regs. July 14, 1950, ENGWE] (58 Stat. 890, 891; 33 U. S. C. 709)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 50-6817; Filed, Aug. 3, 1950; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 654]

ALASKA

EXCLUDING CERTAIN AREAS EMBRACED IN UNITED STATES SURVEYS FROM THE TONGASS NATIONAL FOREST AND RESTORING THEM FOR PURCHASE AS HOMESITES OR FOR CLASSIFICATION UNDER THE SMALL TRACT ACT

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Those lands within United States Surveys Nos. 2402, 2403 and 2801, plats of which are on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., which have not heretofore been excluded from the Tongass National Forest, are hereby excluded from that forest and restored, subject to valid existing rights, for purchase as homesites under section 10 of the act of May 14, 1898, as amended by

the act of May 26, 1934, 48 Stat. 809 (48 U. S. C. 461), or for classification under the Small Tract Act of June 1, 1938, 52 Stat. 609, as amended by the act of July 14, 1945, 59 Stat. 467 (43 U. S. C. 682a), except that all rights-of-way within the surveys and lot 90 of U. S. Survey No. 2403 shall not be affected by this order but shall remain national-forest land.

The amount of land within each survey restored by this order is as follows:

Within U. S. Survey No. 2402: 78.33 acres.
Within U. S. Survey No. 2403: 3.47 acres.
Within U. S. Survey No 2801: 17.09 acres.

Those lands not occupied under Forest Service permits shall not become subject to the initiation of any rights or to any disposition under the public-land laws until provision is made therefor by an order of classification issued by the Regional Administrator, Bureau of Land Management, Department of the Interior, Anchorage, Alaska, opening the lands to application under the said Small Tract Act, as amended, with a ninety-day preference-right period for the filing of such applications by veterans of World War II and other qualified persons entitled to preference under section 4 of the act of September 27, 1944, 58 Stat. 748 as amended by section 3 of the act of May 31, 1947, 61 Stat. 124 (43 U. S. C. 282).

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 28, 1950.

[F. R. Doc. 50-6816; Filed, Aug. 3, 1950; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9650]

PART 3—RADIO BROADCAST SERVICES

RESERVATION OF NON-COMMERCIAL EDUCATIONAL FM BROADCAST CHANNEL FOR UNITED NATIONS

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 26th day of July 1950:

The Commission having under consideration a proposal to amend § 3.501 of Subpart C (Rules Governing Non-Commercial Educational FM Broadcast Stations) of Part 3 (Radio Broadcast Services) of the Commission's rules in order to reserve frequency 89.1 Mc., Channel No. 206 in the New York City metropolitan area for the use of the United Nations;

It appearing, that notice of proposed rule making setting forth the above amendment was issued by the Commission on May 15, 1950, and was duly published in the FEDERAL REGISTER, which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before June 19, 1950; and

It further appearing, That the time for filing comments has passed and that no comments have been submitted with respect to the proposed amendment; and

It further appearing, That authority for this action is contained in section 4 of 61 Stat. 759, and in sections 4 (i), 303 (c) and 303 (r) of the Communications Act, as amended;

It is ordered, That effective September 5, 1950, the following footnote be added to § 3.501 of Subpart C of Part 3 of the Commission's rules:

[1] The frequency 89.1 Mc., Channel No. 206 in the New York City metropolitan area is reserved for the use of the United Nations with the equivalent of an antenna height of 500 feet above average terrain and effective radiated power of 20 kw., and the Commission will make no assignments which would cause objectionable interference with such use.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Released: July 26, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6828; Filed, Aug. 3, 1950; 8:48 a. m.]

PART 12—AMATEUR RADIO SERVICE

USE OF NARROW BAND FREQUENCY OR PHASE MODULATION EMISSION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of July 1950;

The Commission having under consideration the matter of amending § 12.114 (b) of the rules governing Amateur Radio Service for the purpose of continuing beyond August 1, 1950, the present temporary authority for amateurs to use narrow band frequency or phase modulation emission for radiotelephone communication in the bands 3850 to 3900 kc.; 14200 to 14250 kc.; 28.5 to 29.0 Mc. and 51.0 to 52.5 Mc.; and

It appearing that, by order dated April 20, 1949, the Commission has heretofore promulgated a notice of proposed rule making (Docket 9295) which proposes, among other matters, to grant authority on a permanent basis for the use of such narrow band techniques for radiotelephone communication in the amateur frequency bands specified herein; and

It further appearing that, it is desirable that there be no interruption in this type of operation after July 31, 1950, the date when the present temporary authority for this type of operation expires, pending action on the above-mentioned notice of proposed rule making; that it is, therefore, desirable that § 12.114 (b) be amended effective not later than August 1, 1950, in order to extend beyond that date the authority for this type of operation, and, therefore, that the public notice and procedure provided for in section 4 of the Administrative Procedure Act are impracticable and unnecessary; and for the same reasons and also because the extension of the mentioned authority will continue to relieve a restriction which would otherwise exist, such extension should be made effective not later than August 1, 1950; and

It further appearing that, authority to adopt the amendment in question is contained in sections 303 (b), (e), (f), (g), and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective August 1, 1950, § 12.114 (b) of the rules governing Amateur Radio Service is amended by changing the date "July 31, 1950" which appears therein to read "July 31, 1951".

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: July 26, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6829; Filed, Aug. 3, 1950; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1234266]

FLORIDA

NOTICE OF FILING OF PLAT OF SURVEY

JULY 28, 1950.

Notice is given that the plat of extension survey of the following described lands, accepted October 5, 1949, will be officially filed in this Bureau effective at 10:00 a. m. on the 35th day after the date of this notice:

DUVAL COUNTY

TALLAHASSEE MERIDIAN

T. 1 S., R. 28 E.,
Sec. 19, lot 1,
Sec. 20, lot 1,
Sec. 29, lot 8,
Sec. 30, lot 1.

The area described aggregates 669.91 acres.

Available data indicates that the above described lands are low level salt marsh having elevations of from 0.3 to 1.5 feet above mean high tide.

Upon the official filing of this plat the lands shown thereon will become subject to disposition under the general public land laws; however, it appears from the plat and field notes of the survey that the lands described therein are swamp and overflowed within the meaning of the act of September 28, 1850 (9 Stat. 519). Therefore, if upon a selection by the State of Florida, it should be finally determined that the lands are swamp and overflowed in character, they must be held to be subject to the claim by the State under the preference

right provided for by the act of September 28, 1850 (9 Stat. 519).

This order shall not become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90 day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Director, Bureau of Land Management, Washington 25, D. C.

MARION CLAWSON,
Director.

[F. R. Doc. 50-6815; Filed, Aug. 3, 1950; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8380]

OZARKS BROADCASTING CO. (KWTO)

ORDER CONTINUING ORAL ARGUMENT

In re application of Ozarks Broadcasting Company (KWTO), Springfield, Missouri, for construction permit; Docket No. 8380, File No. BP-5259.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of July 1950;

The Commission having under consideration a letter dated July 26, 1950, from counsel for Aladdin Radio and Television, Inc. (KLZ), Denver, Colorado, respondent in the above-entitled proceeding, requesting that oral argument in this proceeding, now scheduled for July 28, 1950, be continued to the next date upon which the Commission hears oral arguments in broadcast proceedings; and

It appearing, that in support of said request counsel for KLZ states that a situation has arisen which makes it of utmost importance that he be absent from Washington, D. C., on July 27 and 28, 1950; that counsel for the applicant and the other parties to this proceeding have stated that they have no objection to the postponement requested; and that under the circumstances said request should be granted and said oral argument should be continued without date;

Accordingly, it is ordered, That the above-described request of Aladdin Radio and Television, Inc. (KLZ) is granted; and that oral argument in the above-entitled proceeding, now scheduled for July 28, 1950, is continued without date.

Released: July 27, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6842; Filed, Aug. 3, 1950; 8:49 a. m.]

[Docket No. 9422]

KAVR, INC. (KAVR)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of KAVR, Inc. (KAVR), Havre, Montana, for construction permit; Docket No. 9422, File No. BP-7254.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of July 1950;

The Commission having under consideration the above-entitled application requesting a construction permit to change the facilities of Station KAVR, Havre, Montana, from 1240 kc., 250 w., U. to 910 kc., 1 kw.–5 kw.–LS, DA–2 U.; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station KAVR, as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at Washington, D. C., at 10:00 a. m., on the 9th day of January 1951, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KAVR, as proposed, and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station KAVR, as proposed, would involve objectionable interference with Station KCJB, Minot, North Dakota, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of Station KAVR, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the areas and populations which will receive satisfactory service, the percentage of population residing within the 250 mv/m blanket contour and the possibility of cross-modulation and re-radiation problems with Station KOJM, Havre, Montana, as presently operating or as proposed in the application File No. BP-7134.

It is further ordered, That the North Dakota Broadcasting Company, Inc., permittee of Station KCJB, Minot, North Dakota, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6841; Filed, Aug. 3, 1950; 8:49 a. m.]

[Docket Nos. 9479, 9667, 9740]

RALPH D. EPPERSON (WPAQ) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ralph D. Epperson (WPAQ, Mount Airy, North Carolina, Docket No. 9479, File No. BP-7153; News Journal Corporation (WNDB), Daytona Beach, Florida, Docket No. 9667, File No. BP-6983; The Fort Industry Company (WAGA), Atlanta, Georgia, Docket No. 9740, File No. BP-7593; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1950;

The Commission having under consideration the above-entitled application of The Fort Industry Company for a construction permit to change frequency from 590 kc to 550 kc and to change antenna system and transmitter location at Station WAGA, Atlanta, Georgia;

It appearing, that, on May 12, 1950, the Commission designated for hearing in a consolidated proceeding the above-entitled applications of Ralph D. Epperson (WPAQ) and the News Journal Corporation (WNDB); the said hearing was originally scheduled for June 26, 1950, but by Order of the Hearing Examiner on June 16, 1950, the said hearing was continued for 60 days and is presently scheduled for August 28, 1950, at 10:00 a. m. in Washington, D. C.;

It further appearing, that the above-entitled application of The Fort Industry Company (WAGA) may involve objectionable interference to each of the other two above-entitled applications and otherwise may not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application of The Fort Industry Company is designated for hearing in a consolidated proceeding with the above-entitled applications of Ralph D. Epperson and News Journal Corporation, commencing at 10:00 a. m. on August 28, 1950, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the corporate applicant, its officers, directors and stockholders to operate Station WAGA, as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WAGA, as proposed, would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of

other broadcast service to such areas and populations.

5. To determine whether the operation of Station WAGA, as proposed, would involve objectionable interference with the services proposed in the pending applications of Ralph D. Epperson (WPAQ) and News Journal Corporation (WNDB), or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of Station WAGA, as proposed, would involve objectionable interference with Station CMW, Havana, Cuba, or with any other existing foreign broadcast station and, if so, the nature and extent of such interference.

7. To determine whether the installation and operation of Station WAGA, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted, or whether all of the applications should be granted.

It is further ordered, That the Commission's order of May 12, 1950, designating for hearing in a consolidated proceeding the above-entitled applications of Ralph D. Epperson (WPAQ) and News Journal Corporation (WNDB) is amended to include the application of The Fort Industry Company (WAGA), and the issues specified herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6835; Filed, Aug. 3, 1950; 8:49 a. m.]

[Docket No. 9596]

PLATTE VALLEY BROADCASTING CORP. (KNEB)

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re application of Platte Valley Broadcasting Corporation (KNEB), Scottsbluff, Nebraska, for construction permit; Docket No. 9596, File No. BP-7035.

The Commission has before it a petition for modification or clarification of issues filed on May 19, 1950, by May Broadcasting Company, licensee of Station KMA, Shenandoah, Iowa, and opposition thereto filed on May 29, 1950, by Platte Valley Broadcasting Corporation.

The above-entitled application of Platte Valley Broadcasting Corporation for a construction permit to change the facilities of Station KNEB, Scottsbluff, Nebraska, from frequency 970 kilocycles, 1 kilowatt power, daytime only to frequency 960 kilocycles, 500 watts, 1 kilowatt-LS power, unlimited time and to install a directional antenna (DA-2) was designated for hearing by Commission Order of March 6, 1950. By this same order, the petition of May Broadcasting Company requesting that the said application be designated for hearing and that petitioner be made a party to the proceeding and be afforded an opportunity to furnish program data was granted.

The petition of May Broadcasting Company was based on that section of the Standards of Good Engineering Practice which provides that "when it is shown that primary service is rendered by" a station "beyond the normally protected contour, and when primary service to approximately 90 percent of the population (population served with adequate signal) of the area between the normally protected contour and the contour to which such station actually serves, is not supplied by any other station or stations carrying the same general program service, the contour to which protection may be afforded in such cases will be determined from the individual merits of the case under consideration." The petition and supporting engineering affidavit alleged that Station KMA renders primary nighttime service beyond its normally protected 2.5 mv/m contour and that the area between the normally protected contour and the contour to which it actually serves is not served by any other station carrying the same general program service.

As a result of the said petition, the order of March 6, 1950, granting the petition and designating the application of Platte Valley Broadcasting Company for hearing, contained, among others, the following issue:

To determine whether Station KMA, Shenandoah, Iowa, renders primary service to ninety percent of the population of the area between its normally protected contour and the contour to which it actually serves and, if so, to determine in what respects and to what extent, if any, the general program service supplied differs from the general program service of other stations serving this area.

The instant petition requests that this issue be modified to read as follows:

To determine whether Station KMA, Shenandoah, Iowa, renders primary service to 90 percent of the population of the area between its normally protected contour and the contour to which it actually serves in those sectors where interference could result from a grant of the KNEB application and if so, to determine in what respects and to what extent, if any, the general program service supplied by KMA differs from the general program service of other stations serving these interference areas.

As reason for requesting the clarification of the above stated issue, petitioner states the issue as presently worded could be construed as requiring KMA to show what program service it provides between its 1.76 and 2.5 mv/m contours to the east, to the west, to the north, and to the south, and what other signals and program services are available throughout that "donut shaped" area. It is also stated that "it seems obvious that the Commission's interest in this proceeding vis-à-vis KMA-KNEB is in determining where the interference falls, the extent of the interference, signals available to 90 percent or more of the population in those areas and the program service provided by KMA and other stations in those interference areas." As support for this belief petitioner sets forth the situation that where a station like KMA serves a large area, it not infrequently happens that the granting of a new application would cause a crescent or other shaped area of interference in one sector only in the existing station's interference-free primary service area. If that interference fell in an area where no other primary signal was available, thus creating a "white area" where none presently existed, the "public interest" considerations would be far different than if the interference fell in some other sector where several stations provided "the same general program service."

In its opposition to the instant petition, applicant contends that the petition is dilatory in nature and that the Commission has not heretofore been interested in aiding counsel's interpretation of any particular rule or regulation or of any paragraph of the Standards of Good Engineering Practice. Applicant further contends that the instant request is for modification of that paragraph of the Standards on which the intervention of May Broadcasting Company is based as issue 4 of the order of designation is a paraphrase of the paragraph in question. It is contended that the language of this paragraph is unequivocal and unambiguous.

With reference to applicant's contention that the instant pleading is dilatory, the pleading was timely filed under the Commission's rules and presents a valid question as to the interpretation to be given to the issue in question. With regard to applicant's contention of lack of interest on the part of the Commission in this matter, a resolution of the conflicting interpretations of this issue is necessary to permit an orderly proceeding on the application of Platte Valley Broadcasting Corporation.

Applicant's contention that the instant petition is in effect a request for modification of the Standards of Good Engineering Practice is not well taken. The pertinent section of the Standards states "the contour to which protection may be afforded in such cases will be determined from the individual merits of the case under consideration." The case under consideration in this proceeding is the application of Platte Valley Broadcasting Corporation and one of the matters to be determined is the contour to which protection may be afforded to Station KMA from the proposed operation of Station KNEB. The object of this proceeding is not to determine the protection which may be afforded Station KMA around the entire periphery of its service area. The Commission is of the opinion that such is not the intent of the section of the Standards in question and that such an interpretation would be unreasonable.

Issue 4 in this proceeding shifts the burden of proof with reference to interference claimed outside the normally protected contour from the applicant to the party intervenor and compels a specific showing by the intervenor of the general program service provided by all stations serving such area or areas. The Standards raise no presumption that primary service is rendered beyond normally protected contours. The burden of proving such service is rendered, is on the party claiming protection within the areas involved. Further, the party claiming protection within these areas has the burden of showing that less than approximately 90 percent of the population it serves outside its normally protected contour, but within the interference areas involved, does not receive the same general program service from any other station or stations.

If Station KMA is the only station providing a particular type of program service within such areas of interference, if any, such fact would be pertinent in making a determination of whether public interest, convenience, or necessity would be best served by a grant or by a denial of the application for increase in facilities of Station KNEB and in resolving whether or not a grant would tend to provide a fair, efficient and equitable distribution of radio service among the several States and communities as required under sections 307 (a) and 307 (b) of the Communications Act.[1] A showing of other services available within those sectors not involving interference from the proposed operation would not be pertinent to making such a determination.

Accordingly, it is ordered, This 26th day of July 1950, that the said petition for modification or clarification of issues is granted and the Commission's Order of March 6, 1950, designating the application of Platte Valley Broadcasting Corporation for hearing is amended to delete Issue 4 therefrom and to include as Issue 4 therein the following issue:

4. To determine whether Station KMA, Shenandoah, Iowa, renders primary service beyond its normally protected contour in any area or areas within which the operation of Station KNEB as proposed may involve interference and, if so, whether 90 percent of the population (population served with an adequate signal) in those areas are supplied with primary service by any other station or stations which carry the same general program service as station KMA.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6840; Filed, Aug. 3, 1950; 8:49 a. m.]

[1] Section 307 (a) provides: "The Commission, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this act, shall grant to any applicant therefor a station license provided for by this act."

Section 307 (b) provides: "In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same."

[Docket No. 9654]

SEVIER VALLEY BROADCASTING CO. (KSVC)

ORDER CONTINUING HEARING

In re application of Sevier Valley Broadcasting Company (KSVC), Richfield, Utah, for renewal of license; Docket No. 9654, File No. BR-2232.

The Commission having under consideration a petition filed July 24, 1950, by Sevier Valley Broadcasting Company, licensee of Radio Station KSVC at Richfield, Utah, requesting that the hearing in the above-entitled proceeding be continued for a period of 60 days from the presently scheduled date of August 7, 1950;

It appearing, that there are no other parties to the proceeding; that Commission Counsel has indicated that he has no objection to the requested continuance; that compliance with § 1.745 of the Commission's rules is therefore unnecessary; and that good and sufficient cause has been shown in the petition for said continuance;

It is ordered, This 25th day of July, 1950, that the petition be, and it is hereby, granted; and the hearing in the above-entitled matter be, and it is hereby, continued to 10:00 a. m. Monday, October 9, 1950, in Richfield, Utah.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6843; Filed, Aug. 3, 1950; 8:50 a. m.]

[Docket No. 9669]

CLATSOP VIDEO BROADCASTERS (KVAS) ET AL

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Leroy E. Parsons and Richard F. Denbo, d/b as Clatsop Video Broadcasters (KVAS), Astoria, Oregon, for modification of construction permit; Docket No. 9669, File No. BMP-5086.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1950;

The Commission having under consideration the above-entitled application of Leroy E. Parsons and Richard F. Denbo, d/b as Clatsop Video Broadcasters, requesting a modification of construction permit to change frequency from 1050 kc. to 1240 kc. and operate unlimited time with 250 w. power at Station KVAS, Astoria, Oregon;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station KVAS as proposed, but that the application may involve interference with one or more existing stations;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on January 5, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of Station KVAS as proposed would involve objectionable interference with Station KGY, Olympia, Washington, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

It is further ordered, That Tom Olsen, licensee of Station KGY, Olympia, Washington, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6832; Filed, Aug. 3, 1950; 8:48 a. m.]

[Docket No. 9736]

CECIL W. ROBERTS

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Cecil W. Roberts, Kewanee, Illinois, for construction permit; Docket No. 9736, File No. BP-7647.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1950;

The Commission having under consideration (1) the above-entitled application for a permit to construct a new standard broadcast station to operate on 960 kilocycles, with 250 watts power, daytime only at Kewanee, Illinois; and (2) a petition, filed June 2, 1950, by the May Broadcasting Company, licensee of Station KMA, Shenandoah, Iowa, alleging that the above-entitled application would involve objectionable interference to Station KMA, and requesting that the subject application be designated for hearing and that the petitioner be made a party to the proceeding;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice; particularly with reference to operation of a Class IV station on a Class III channel.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on December 18, 1950, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station KMA, Shenandoah, Iowa, and with Station WSBT, South Bend, Indiana, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to failure to meet the minimum requirements for the establishment of a Class IV station on a Regional Channel.

It is further ordered, That the petition of the May Broadcasting Company (KMA) requesting that the above-entitled application be designated for hearing and that the petitioner be made a party to the proceeding, is granted.

It is further ordered, That the May Broadcasting Company, licensee of Station KMA, Shenandoah, Iowa; and that the South Bend Tribune, licensee of Station WSBT, South Bend, Indiana, are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6830; Filed, Aug. 3, 1950; 8:48 a. m.]

[Docket No. 9737]

BLAKE BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Robert Blake and John Blake d/b as Blake Broadcasting Company, Memphis, Texas, for construction permit; Docket No. 9737, File No. BP-7648.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1950:

The Commission having under consideration the above-entitled application for a permit to construct a new standard broadcast station to operate on the frequency of 1370 kilocycles, with 250 watts power daytime only, at Memphis, Texas;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, that no interference would be caused to any existing or proposed station but that the proposed station may not comply with the Standards of Good Engineering Practice, particularly with reference to the requirements for operation of a Class IV station on a regional channel;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on January 3, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the requirements of the Standards for operation of a Class IV station on a regional channel.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6831; Filed, Aug. 3, 1950; 8:48 a. m.]

[Docket No. 9738]

WHARTON COUNTY BROADCASTING CO., INC. (KULP)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Wharton County Broadcasting Company, Inc., (KULP) El Campo, Texas, for construction permit; Docket No. 9738, File No. BP-7644.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1950;

The Commission having under consideration the above-entitled application of Wharton County Broadcasting Company, Inc., to change the power and hours of operation of Station KULP, El Campo, Texas, from 500 watts daytime only to 500 watts daytime, 100 watts nighttime, unlimited time while operating on frequency 1390 kc; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station KULP, as proposed;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing to commence at 10:00 a. m. on January 8, 1951 at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the Station KULP, as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the Station KULP, as proposed, would involve objectionable interference with any existing broadcast station, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the Station KULP, as proposed, would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of Station KULP, as proposed, would be in compliance with the Commission's Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the ratio of the population within the normally protected and actual nighttime interference-free contours to the population which would receive satisfactory service; to the assignment of a Class IV nighttime operation on a regional channel and to the type of transmitter proposed.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6833; Filed, Aug. 3, 1950; 8:49 a. m.]

[Docket No. 9739]

EVANGELINE BROADCASTING CO., INC. (KVOL)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Evangeline Broadcasting Company, Inc. (KVOL), Lafayette, Louisiana, for modification of construction permit; Docket No. 9739, File No. BMP-5098.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1950;

The Commission having under consideration the above-entitled application for modification of construction permit (File No. BP-5668 which authorized change of frequency and power of Station KVOL, Lafayette, Louisiana, from frequency 1340 kilocycles, 250 watts power to frequency 1330 kilocycles, 1 kilowatt power) to increase daytime power to 5 kilowatts, to decrease height of the south tower of the antenna system, to change type of transmitter and to change towers from shunt fed to series fed, and also having under consideration a petition filed on June 6, 1950, by Shamrock Broadcasting Company, licensee of Station KXYZ, Houston, Texas, requesting that the said application be designated for hearing and petitioner be made a party to the proceeding on the basis of objectionable interference to Station KXYZ;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to construct and operate Station KVOL as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That the said petition is granted and pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at 10:00 a. m. on January 10, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KVOL as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of Station KVOL as proposed would involve objectionable interference with Stations KXYZ, Houston, Texas, KOLE, Port Arthur, Texas, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station KVOL as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of Station KVOL as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the population residing within the 250 mv/m blanket contour.

5. To determine the overlap, if any, that will exist between the service areas of Station KANE, New Iberia, Louisiana, and the operation of Station KVOL as proposed, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

It is further ordered, That Shamrock Broadcasting Company, licensee of Station KXYZ, Houston, Texas, and Mary A. Petru and Socs N. Vratis d/b as Port Arthur Broadcasting Company, licensee of Station KOLE, Port Arthur, Texas, are made parties to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6834; Filed, Aug. 3, 1950; 8:49 a. m.]

[Docket No. 9741]

LOGAN BROADCASTING CORP. (WVOW)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Logan Broadcasting Corporation (WVOW), Logan, West Virginia, for modification of construction permit; Docket No. 9741, File No. BMP-5144.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1950;

The Commission having under consideration (1) the above-entitled application for modification of construction permit to increase nighttime power from 1 kilowatt to 5 kilowatts and make changes in the antenna system at Station WVOW, Logan, West Virginia, and (2) a petition, filed May 29, 1950, by the Logan Broadcasting Corporation (WVOW), for immediate consideration and grant of the instant application without hearing;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WVOW as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on January 15, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Stations KOIL, Omaha, Nebraska; WKNE, Keene, New Hampshire; WNBF, Binghamton, New York; KTRN, Wichita Falls, Texas; KRGV, Weslaco, Texas; and WHIO, Dayton, Ohio, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the nighttime coverage to the city of Logan, West Virginia.

It is further ordered, That the petition for immediate consideration and grant without hearing, filed by the Logan Broadcasting Corporation, is denied.

It is further ordered, That Central States Broadcasting Company, licensee of Station KOIL, Omaha, Nebraska; WKNE Corporation, licensee of Station WKNE, Keene, New Hampshire; Clark Associates, Inc.; licensee of Station WNBF, Binghamton, New York; Texoma Broadcasting Company, licensee of Station KTRN, Wichita Falls, Texas, Taylor Radio & Television Corporation, licensee of Station KRGV, Weslaco, Texas, and Miami Valley Broadcasting Corporation, licensee of Station WHIO, Dayton, Ohio, are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6836; Filed, Aug. 3, 1950; 8:49 a. m.]

[Docket Nos. 9742, 9743]

SKY WAY BROADCASTING CORP. AND ATHENS BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of: Sky Way Broadcasting Corporation, Columbus, Ohio, Docket No. 9742, File No. BP-7655; Athens Broadcasting Company, Athens, Ohio, Docket No. 9743, File No. BP-7688; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of July 1950;

The Commission having under consideration the above-entitled applications of Sky Way Broadcasting Corporation for a construction permit for a new standard broadcast station to operate with the facilities 1580 kilocycles, 1 kilowatt power, daytime only with a directional antenna at Columbus, Ohio, and of the Athens Broadcasting Company for a construction permit for a new standard broadcast station to operate with the facilities 1580 kilocycles, 1 kilowatt power daytime only at Athens, Ohio;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at Washington, D. C., at 10:00 a. m. on the 18th day of January 1951 upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with each other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the station proposed by Sky Way

Broadcasting Corporation at Columbus, Ohio and of Station WONE at Dayton, Ohio, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6837; Filed, Aug. 3, 1950; 8:49 a. m.]

[Docket Nos. 9744, 9745]

ROLLINS BROADCASTING, INC., AND ELIZABETH EVANS

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Rollins Broadcasting, Inc., Georgetown, Delaware, Docket No. 9744, File No. BP-7616; Elizabeth Evans, Seaford, Delaware, Docket No. 9745, File No. BP-7693; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1950;

The Commission having under consideration the above-entitled applications of Rollins Broadcasting, Inc., requesting a construction permit for a new standard broadcast station to operate on frequency 900 kc., with 1 kw. power, daytime only at Georgetown, Delaware, and of Elizabeth Evans requesting a construction permit for a new standard broadcast station to operate on frequency 900 kc., with 1 kw. power, daytime only at Seaford, Delaware; and

It appearing, that the above applicants are legally qualified to operate the proposed stations but that the proposals involve objectionable interference with one another;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on January 22, 1951 at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the corporate applicant, its officers, directors and stockholders and of the individual applicant to construct and operate the broadcast stations as proposed in their respective applications.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6838; Filed, Aug. 3, 1950; 8:49 a. m.]

[Docket No. 9746]

INTERLAKE BROADCASTING CORP. (KXRN)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Interlake Broadcasting Corporation (KXRN), Renton, Washington, for construction permit; Docket No. 9746, File No. BP-7560.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of July 1950;

The Commission having under consideration the above-entitled application for a construction permit to change frequency to 1230 kilocycles and share time with Station KTW, Seattle, Washington, which station presently operates on 1250 kilocycles and shares time with Station KWSC, Pullman, Washington;

It appearing, that the applicant is legally, technically, financially, and otherwise qualified to construct and operate Station KXRN, as proposed, but that the operation of Station KXRN, as proposed, may involve conflict with the Commission's rules and regulations and Standards of Good Engineering Practice and may result in an inefficient utilization of the frequency 1230 kilocycles and that for these reasons among others the Commission is unable to conclude that a grant of the above-entitled application would be in the public interest, convenience, and necessity; and

It further appearing, that a grant of the above-entitled application may involve a modification of the license of Station KTW and that the licensee of KTW has not consented thereto,

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at Washington, D. C., at 10:00 a. m. on the 8th day of January 1951, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KXRN, as proposed, and the character of other broadcast service available to those areas and populations.

2. To determine whether, and to what extent, the operation of Station KXRN, as proposed, would preclude the more efficient utilization of the frequency 1230 kc.

3. To determine whether a grant of the application would require a modification of the license of Station KTW and, if so, whether such modification would serve public interest, convenience, and necessity.

4. To determine whether the operation of Station KXRN, as proposed, would be in conflict with the Commission's rules and regulations and the Standards of Good Engineering Practice concerning standard broadcast stations with particular reference to § 3.23 (d) of the rules and the extent and quality of service to be rendered to the Seattle Metropolitan District.

It is further ordered, That The First Presbyterian Church of Seattle, Washington, licensee of Station KTW, Seattle, Washington, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6839; Filed, Aug. 3, 1950; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1281]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF OPINION NO. 198 AND ORDER

AUGUST 1, 1950.

Notice is hereby given that, on July 27, 1950, the Federal Power Commission issued its Opinion No. 198 and order entered July 27, 1950, in the above-designated matter, in part issuing a certificate of public convenience and necessity and in part reopening the proceeding.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6826; Filed, Aug. 3, 1950; 8:47 a. m.]

[Docket No. G-1447]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

JULY 31, 1950.

Take notice that United Gas Pipe Line Company (Applicant) a Delaware corporation, having its principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed on July 24, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas transmission pipeline facilities as hereinafter described.

Applicant proposes to construct 1,005 miles of natural gas transmission pipeline as hereinafter described together with appurtenant facilities:

(1) Approximately 451.3 miles of 30-inch, 8.8 miles of 26-inch and 53.4 miles of 24-inch pipeline extending from a point in the Augua Dulce Field in southern Texas, in a northeasterly direction to a point near Monroe, Louisiana. Said pipeline to have a delivery capacity of approximately 415,000 Mcf. per day.

(2) Approximately 211.9 miles of 30-inch, 13.4 miles of 26-inch, 3.7 miles of 24-inch and 15.5 miles of 20-inch pipeline extending from the Eugene Island area in a northeasterly direction to Applicant's Jackson-Mississippi compressor station; approximately 10.4 miles of 26-inch, 24.6 miles of 24-inch and 17.4 miles of 20-inch pipeline extending from Lirette, Louisiana, and tying into the above-mentioned 30-inch line at a point near Napoleonville, Louisiana; approximately 23.6 miles of 20-inch, 8.8 miles of 16-inch and 28.2 miles of 12-inch pipeline from Applicant's proposed Lafayette compressor station and tying into the above-mentioned 30-inch line at a point southeast of Franklin, Louisiana; approximately 42.4 miles of 24-inch pipeline extending from Applicant's proposed Burna compressor station in south Mississippi, to Applicant's Baxterville Dehydration plant, and approximately 59.6 miles of 30-inch pipeline extending from Applicant's Jackson compressor station and terminating at the proposed delivery point to Texas Eastern Transmission Corporation southeast of Kosciusko, Mississippi. Said pipelines to have a delivery capacity of approximately 390,000 Mcf. of gas per day at the proposed Kosciusko delivery point.

(3) Approximately 4.6 miles of 16-inch, 6.7 miles of 12-inch, and 12.3 miles of 8-inch pipeline to connect various fields in south Louisiana, to the proposed augmented facilities.

The estimated over-all capital cost of the proposed project is $111,510,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6812; Filed, Aug. 3, 1950; 8:45 a. m.]

[Project No. 2016]

CITY OF TACOMA, WASHINGTON

ORDER FIXING HEARING

JULY 28, 1950.

On December 28, 1948, the city of Tacoma, Washington, filed an application for a license under the Federal Power Act for a proposed hydroelectric development (Project No. 2016) to be located in and along the Cowlitz River in the vicinity of Mayfield and Mossyrock, Washington. The original application was revised and supplemented on June 20, 1949, and a revised Exhibit N to the application was filed on June 8, 1950.

Public notice of the filing of the application for license for Project No. 2016 has been given.

In a separate proceeding (Docket No. E-6156) the Commission found on March 8, 1949, that construction and operation of the project proposed by the City would affect lands or reservations of the United States; that the construction of either or both of the proposed reservoirs (Mayfield and Mossyrock) would materially affect the navigable capacity of the Cowlitz River below the site of the proposed project; and that the interest of interstate or foreign commerce would be affected by the construction and operation of either or both of the reservoirs proposed by the City of Tacoma. On the basis of these findings the Commission entered the following order on the same date: As provided in section 23 (b) of the Federal Power Act the City of Tacoma, before commencing construction of either of the proposed reservoirs, shall have received a license therefor under the provisions of the Federal Power Act.

Widespread public interest in the City of Tacoma's proposal to construct the project is indicated by the large number of communications urging approval or disapproval of the application. In addition, many requests for a public hearing have been received.

The Commission finds: It is in the public interest to hold a public hearing respecting the matters involved and the issues presented in this proceeding.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by the Federal Power Act, particularly sections 4, 6, and 308 thereof, and the Commission's rules of practice and procedure (in force January 1, 1948, as amended and supplemented), a public hearing be held on the 3d day of October 1950, at 10:00 a. m., e. s. t., in the Hearing Room of the Commission, 12th Floor, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) As provided in Rule 30 (18 CFR 1.30) of the Commission's rules of practice and procedure, the officer hereafter designated to preside at the hearing shall certify the record of the hearing, including his report thereon, to the Commission for its decision and the presiding officer's report shall constitute a recommended decision.

Date of issuance: July 31, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6813; Filed, Aug. 3, 1950; 8:45 a. m.]

[Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1152, G-1415, G-1379]

PAN HANDLE EASTERN PIPE LINE CO. ET AL.

ORDER MODIFYING AND AMENDING PREVIOUS ORDER

JULY 28, 1950.

In the matters of Panhandle Eastern Pipe Line Company, City of Port Huron, City of Marysville, City of St. Clair, Michigan, municipal corporations; Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417; Southeastern Michigan Gas Company, Docket No. G-1152; Michigan Consolidated Gas Company, complainant, Docket No. G-1415; v. Panhandle Eastern Pipe Line Company, defendant, Docket No. G-1379.

In an "Order Consolidating Proceedings, Fixing Date of Hearing and Prescribing Procedure" issued July 13, 1950, the Commission designated the order in which evidence should be presented with respect to the matters and issues involved in the various proceedings in the above-docketed matters which, by the aforesaid order, were consolidated for hearing.

The Commission stated in the order issued July 13, 1950, "that the presentation of evidence at the hearing in the consolidated proceedings should relate to the following issues and that such presentation should be in the order in which the issues are listed as follows:

"1. Whether the designed sales capacity of the Panhandle system of 550,000 Mcf. which is the total expected to be available during the latter part of 1950 will be adequate to satisfy all the requirements of customers dependent in whole or in part upon the Panhandle system for their supplies of natural gas.

"2. The just and reasonable service rules and regulations which should be made applicable to deliveries of natural gas from the Panhandle system in the event that the evidence discloses that the capacity of the Panhandle system is, or will be, inadequate to satisfy all the requirements of customers served from the system.

"3. (a) Whether the Commission should find it necessary or desirable in the public interest to grant the orders sought in Docket No. G-1152 and in Docket No. G-1415 or either of them, while the designed sales capacity of the Panhandle system approximates 550,000 Mcf. per day; and (b) the matters and issues presented in the proceedings in Docket Nos. G-1417 and G-1379.

"4. The form of tariff which should be applicable to volumes of gas delivered from the Panhandle system when the capacity of such system has been increased by additional natural gas supplies from the Trunkline Gas Supply Company project, i. e., whether Panhandle should be permitted to charge a "rolled-in-rate," demand and commodity in form, and with a minimum bill provision.

"5. The matters and issues presented by the application in Docket No. G-1344.

"6. What would be a fair, reasonable and equitable distribution among present and prospective customers of the volumes of natural gas which will be available upon completion of the Trunkline and Panhandle facilities authorized in Docket Nos. G-882 and G-1317.

"7. Whether Panhandle's present rates, charges, classifications, rules, regulations, practices and contracts are unjust, unreasonable, unduly discriminatory or preferential, and if found to be unjust, unreasonable, unduly discriminatory or preferential, what would be the just and reasonable rates, charges, clas-

sifications, rules, regulations, practices and contracts to be determined and fixed by order.

"8. The just and reasonable rates, charges, classifications, rules, regulations, practices and contracts (or the principles to be followed in the determination of the foregoing), which should be made applicable to volumes of gas deliverable from the Panhandle system when the sales capacity has been increased by the supply of natural gas to be received from Trunkline Gas Supply Company.

"9. The status of outstanding authorizations issued by the Commission in Docket Nos. G–706 and G–876, and whether such authorizations should be modified, and if so, to what extent."

The Commission finds: Good cause exists for modifying and amending the order issued July 13, 1950, in the above docketed proceedings so as to provide for hearing with respect to the issues presented in the proceedings on the dates and in the order hereinafter specified.

The Commission orders:

(A) The order issued July 13, 1950, be and the same is hereby amended to provide as follows:

The public hearing set to commence on August 14, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., shall be limited to the presentation of evidence with respect to the issues of: "Whether the Commission should find it necessary or desirable in the public interest to grant the orders sought in Docket No. G–1152 and in Docket No. G–1415 or either of them, while the designed sales capacity of the Panhandle system approximates 550,000 Mcf per day" as set forth in paragraph 3 (a) of the Commission's order issued July 13, 1950.

(B) The hearing insofar as it concerns other issues set forth in paragraphs 1, 2, 3 (b), 4, 5, 6, 7, 8 and 9 (and the presentation of evidence relating thereto) be and it is hereby postponed until September 6, 1950, at 10:00 a. m., e. d. s.t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C. The presentation of evidence to follow the order set forth in the Commission's order issued July 13, except as such order has been modified herein.

Date of issuance: July 31, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6814; Filed, Aug. 3, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25291]

COFFEE FROM NORTH ATLANTIC PORTS TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

AUGUST 1, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Coffee, green or roasted, carloads.

From: North Atlantic ports and points taking same rates.

To: Points in official territory.

Grounds for relief: Circuitous routes and port relationships.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A–913. I. N. Doe's tariff I. C. C. No. 597. P. W. Phillips' tariff I. C. C. No. 223, Supp. 28. NYNH&H RR., tariff I. C. C. No. F–4120, Supp. 22. W. Md. Ry., tariff I. C. C. No. 8735, Supp. 86.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–6824; Filed, Aug. 3, 1950; 8:45 a. m.]

[4th Sec. Application 25292]

VARIOUS COMMODITIES BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

AUGUST 1, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Ira D. Dodge, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 666.

Commodities involved: Coke, coke breeze, coke dust aud coke screenings, carloads. Pipe, wrought or cast iron, and related articles, carloads.

Between: Points in Texas.

Grounds for relief: Circuitous routes and to meet intrastate rates.

Schedules filed containing proposed rates: Ira D. Dodge's tariff I. C. C. No. 666, Supp. 119.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–6822; Filed, Aug. 3, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1243]

STANDARD OIL CO. (OHIO)

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of July A. D. 1950.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application for unlisted trading privileges in the Common Stock, $10 Par Value, of Standard Oil Company (Ohio), a security listed and registered on the New York Stock Exchange. Rule X-12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to August 14, 1950, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50–6823; Filed, Aug. 3, 1950; 8:47 a. m.]

[File No. 7–1244]

WESTINGHOUSE AIR BRAKE CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of July A. D. 1950.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Westinghouse Air Brake Company, a security listed and registered on the New York Stock Exchange. Rule X-12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to August 14, 1950, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50–6825; Filed, Aug. 3, 1950; 8:47 a. m.]

[File Nos. 31–574, 70–2441]

ARKANSAS POWER & LIGHT CO. ET AL.

NOTICE OF FILING, NOTICE OF AND ORDER FOR HEARING, AND ORDER OF CONSOLIDATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of July A. D. 1950.

In the matter of Arkansas Power & Light Company, Midsouth Gas Company, File No. 70–2441; In the matter of Equitable Securities Corporation, T. J. Raney & Sons, Womeldorff & Lindsey, File No. 31–574.

Notice is hereby given that Arkansas Power & Light Company ("Arkansas"), a utility subsidiary of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 regarding the sale of all of its gas distribution systems or properties and related facilities to Midsouth Gas Company ("Midsouth Gas") and has designated section 11 (b) of the Public Utility Holding Company Act and Rule U-44 of the rules and regulations promulgated thereunder as applicable to the proposed transactions:

Notice is further given that an application pursuant to sections 3 (a) (3) and 3 (a) (4) of the act for an exemption from all of the provisions of the act applicable to registered holding companies has been filed by Equitable Securities Corporation, T. J. Raney & Sons and Womeldorff & Lindsey (hereinafter collectively referred to as the Equitable Group). The Equitable Group propose to be the owners of the common stock of Midsouth Gas. The application for exemption is predicated on the contention that the acquisition of the common stock of Midsouth Gas is only a temporary one in connection with a bona fide arrangement for the distribution of such common stock.

All interested persons are referred to said declaration and to said application, which are on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Arkansas proposes to sell its existing gas properties for a cash cosideration of $1,825,000 which represents the depreciated book cost of such properties, plus or minus certain closing adjustments. In addition, Midsouth Gas undertakes to construct or acquire and operate a gas transmission line to deliver the gas fuel supply to a steam generating station of Arkansas presently under construction. Midsouth Gas further undertakes the construction and operation of facilities which will furnish natural gas service to communities heretofore not supplied with natural gas in the area of the proposed transmission line. The declaration of Arkansas states that proceeds from the proposed sale will be reinvested in the company's business.

The application of the Equitable Group states that the acquisition by Midsouth Gas of the Arkansas gas assets together with the initial working capital requirements will require $2,300,000, and that the contemplated additional requirements for construction and working capital of Midsouth Gas during the years 1950 and 1951 are estimated at $7,400,000.

The Equitable Group application sets forth that the initial requirements are proposed to be obtained from the sale of sufficient shares of common stock of Midsouth Gas to the Equitable Group to raise the net amount of $800,000 and the sale of $1,500,000 principal amount of 20 year, 3⅝ percent first mortgage bonds to institutional investors. It is further proposed that at the time of such initial financing, arrangements will be made for the sale to such institutional investors of an additional $5,400,000 principal amount of such bonds to be sold by Midsouth Gas during 1950 and 1951, the remainder of the funds to be obtained from the sale to the public in 1950 of sufficient shares of the common stock of Midsouth Gas to raise $2,000,000.

Equitable Securities Corporation presently owns all of the outstanding stock of Chattanooga Gas Company, and, pursuant to an order of the Commission dated December 30, 1949, was exempted from all of the provisions of the act. The application states that neither of the other members of the Equitable Group is an affiliate of any public utility company nor is a subsidiary of a company which is a public utility company.

The application further sets forth that it is the intention of the Equitable Group to effect an underwriting or distribution of the common stock of Midsouth Gas within one year after the issuance of an order for exemption, subject to such extension of time as the Commission may permit. It is stated that the applicants desire, subject to market conditions, to retain such securities only during the period of organization and initial operation of Midsouth Gas.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to such matters and that said application and declaration should not be granted or permitted to become effective except pursuant to further order of this Commission; and

It further appearing to the Commission that the foregoing matters under File Nos. 70–2441 and 31–574 relate to and involve common questions of law and fact; that evidence offered in respect to each of such matters may have a bearing on the other; that a substantial savings in time, effort and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter; and, so that evidence adduced with respect to each of said matters may stand as evidence in respect of all of said matters for all purposes:

It is ordered, That the hearing in the matter of Arkansas Power & Light Company, File No. 70–2441 be consolidated with the hearing in the matters of Equitable Securities Corporation, et al., File No. 31–574; the Commission reserving the right, if at any time, it may appear conducive to an orderly and economical disposition of said matters, to order a separate hearing concerning any one of such matters, to close the record with respect to any one or more of such matters, or to take separate action on any one or more of such matters prior to the closing of the record or any other matter.

It is further ordered, That a hearing on such matters under the applicable provisions of said act and rules and regulations of the Commission thereunder be held on August 9, 1950, at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such day the hearing room clerk in Room 193 will advise as to the room where such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before August 7, 1950 a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

The Division of Public Utilities having advised the Commission that it has made a preliminary examination of the declaration and application and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying

additional matters and questions upon further examination.

(1) Whether the sale of the gas properties of Arkansas, as now proposed or as hereinafter modified, meets the requirements of section 12 (d) of the act and the requirements of any other applicable provisions of the act and the rules and regulations thereunder.

(2) Whether the proposed disposition of Arkansas is necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

(3) Whether the fees and expenses to be paid, directly or indirectly in connection with the proposed transactions are unreasonable.

(4) Whether the accounting treatment of the proposed transactions is in accordance with sound accounting principles.

(5) Whether the Equitable Group application for exemption meets the requirements of sections 3 (a) (3) and 3 (a) (4) of the act.

(6) Whether in the event that the requirements of sections 3 (a) (3) and 3 (a) (4) of the act are satisfied, the proposed exemption is detrimental to the public interest or the interest of investors or consumers, and whether in this connection the contemplated sale of bonds to institutional investors is adverse to the public interest or to the interest of investors or consumers.

(7) Whether the joint application by the Equitable Group for an exemption from all of the provisions of the act should be granted, and if granted, whether any conditions with respect to the applicability of any particular section of the act or with respect to notice of any proposed transaction should be imposed upon Midsouth Gas or all or any of the applicants herein.

(8) Whether the proposed acquisition by Midsouth Gas and the Equitable Group meets the applicable provisions of the act.

(9) Generally, whether the proposed transactions comply with all of the applicable provisions and requirements of the act and the rules and regulations promulgated thereunder and whether it is necessary or appropriate in the public interest and for the protection of investors or consumers and to prevent the circumvention of the provisions of the act and the rules and regulations to impose any conditions in connection with any of the proposed transactions.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve by registered mail a copy of this order on the declarant and applicants herein, Middle South Utilities, Inc., the Arkansas Public Service Commission, the Federal Power Commission, and the Mayors of the cities of Helena, West Helena, Marianna, Forrest City, Brinkley, Wynne, West Memphis, Paragould, Searcy, Batesville, Newport, Jonesboro, and McGhee, in the state of Arkansas, and that notice to all other persons shall be given by publication of this notice in the FEDERAL REGISTER and by general release of the Commission distributed to the press and mailed to the names on the Commission's list for release issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6820; Filed, Aug. 3, 1950; 8:47 a. m.]

[File No. 812-670]

INVESTORS DIVERSIFIED SERVICES, INC. ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 28th day of July A. D. 1950.

In the matter of Investors Diversified Services, Inc., Investors Selective Fund, Inc., Investors Stock Fund, Inc. and Investors Mutual, Inc., File No. 812-670.

Notice is hereby given that Investors Diversified Services, Inc. ("I. D. S."), Investors Selective Fund, Inc. ("Selective"), Investors Stock Fund, Inc. ("Stock") and Investors Mutual, Inc. ("Mutual"), have jointly filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of exemption from the provisions of section 22 (d) of the act.

I. D. S. is a registered face amount certificate company under the act, was the organizer and promoter of each of the other applicants hereto, acts as principal underwriter in the distribution of their shares and as investment adviser for each of them. Selective, Stock and Mutual are affiliated companies of I. D. S.; are registered open-end investment companies under the act; and, through I. D. S. are offering to the public shares which are registered under the Securities Act of 1933, as amended. While each of the open-end companies is a separate company, the proposals made in the application are stated to be possible only because I. D. S. is the principal underwriter for each of the companies.

It is stated in the application that the practice of providing graduated scales for sales commissions is well established by custom and precedent and that the applicant companies themselves have followed this practice as is shown by the present sales commissions set forth in their registration statement and prospectuses; for example the present graduated gross sales commissions for Mutual and Stock are as follows:

Amount of application	Investment in underlying assets per $100	Loading charge per $100
To $24,950	$92.50	$7.50
$25,000 to $49,950	94.25	5.75
$50,000 to $99,950	95.50	4.50
$100,000 or more	96.00	4.00

The sales commission schedule for Investors Selective Fund, Inc., is slightly lower but is graduated on a basis consistent with the above.

The variations of the proposed public offering prices of shares of the applicant open-end companies as proposed, and for which an order of exemption from section 22 (d) of the act is requested, are as follows:

1. The public offering price of the shares of capital stock of the applicant open-end investment companies is to be computed by adding to the asset value of the shares of the respective company as of the date of sale, a sales commission graduated according to the amount of the sale, or the accumulation of sales to the same individual (to the extent that shares previously purchased are still registered in his name) in accordance with the following schedules:

SHARES OF INVESTORS SELECTIVE FUND, INC.

	Sales commission	
	Percent of public offering price	Approximate percent of asset value
To $15,000	6½	6.95
$15,000 to $20,000	6	6.38
$20,000 to $25,000	5½	5.82
$25,000 to $30,000	5	5.26
$30,000 to $50,000	4½	4.71
$50,000 to $100,000	4	4.17
$100,000 to $200,000	3½	3.63
$200,000 to $400,000	3	3.09
$400,000 to $700,000	2½	2.56
$700,000 to $1,000,000	2	2.04
$1,000,000 and over	1½	1.52

SHARES OF INVESTORS MUTUAL, INC., AND INVESTORS STOCK FUND, INC.

	Sales commission	
	Percent of public offering price	Approximate percent of asset value
To $15,000	7½	8.10
$15,000 to $20,000	7	7.52
$20,000 to $25,000	6½	6.95
$25,000 to $30,000	6	6.38
$30,000 to $40,000	5½	5.82
$40,000 to $50,000	5	5.26
$50,000 to $75,000	4½	4.71
$75,000 to $100,000	4	4.17
$100,000 to $200,000	3½	3.63
$200,000 to $400,000	3	3.09
$400,000 to $700,000	2½	2.56
$700,000 to $1,000,000	2	2.04
$1,000,000 and over	1½	1.52

The above graduated sales commissions will apply on initial purchases in the amounts stated, and also to any subsequent purchases where the aggregate investment of the same shareholder (to the extent that shares previously purchased are still registered in his name) exceeds $15,000.

2. That the graduated scale of commissions applicable, in the manner stated in the previous paragraph, will apply to purchases of a shareholder for shares representing a combination of any of the three funds, as well as to additions to aggregate holdings in each of the companies.

3. That the scale of sales commissions, shown in paragraph numbered 1 above, will be applicable to any investment by a single purchaser even though such purchase may be divided among several accounts if all of such accounts are those of husband and wife and their children under twenty-one years of age. It also is intended that individual or corporate trustees, guardians or other fiduciary custodians may have the benefit of the foregoing graduated scale of sales commissions for their fiduciary or guardianship accounts (including accounts in which they have cofiduciaries).

4. Since the principal underwriter may allow commissions or discounts to brokers, dealers or authorized sales representatives in an amount not in excess of the gross sales load such underwriter receives, it is proposed that any person authorized to sell shares of the funds may acquire shares for his own account at the public offering price less that commission or discount, but in no event at a price less than the asset value thereof.

5. That the underwriter may allow the officers, directors and employees of the applicants, the right to purchase shares of the applicant open-end investment companies for their own account at a discount (but at not less than the asset value per share), provided in each instance such shares are purchased for investment and not for resale.

Persons referred to in paragraphs 4 and 5, who purchase securities for their own account, will be required to furnish assurances that shares so acquired will not be resold except by regular redemption, and all persons referred to in those paragraphs are to receive the same discount.

Since the above proposals in the manner set forth may result in varying prices to members of the public of the shares of the open-end applicant companies and thus contravene the policy, purposes and provisions of section 22 (d) of the act, the applicants seek an order of exemption to the extent necessary to permit the offering of the shares of Selective Stock and Mutual on the basis proposed.

All interested persons are referred to said application which is on file in the Washington, D. C. office of the Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after August 10, 1950, unless a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than August 8, 1950, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing to be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6821; Filed, Aug. 3, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14908]

WILHELM WAPPENSCHMIDT

In re: Estate of Wilhelm Wappenschmidt, also known as Hubert William Wappenschmidt, William Hubert Wappenschmidt, and William Wappenschmidt, deceased. File No. D-28-12024; E. T. sec. 16218.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Jacob Wappenschmidt, Miss Gertrude Wappenschmidt, Anton Wappenschmidt, Joseph Wappenschmidt, Marie Wappenschmidt and Theodore Wappenschmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Wilhelm Wappenschmidt, also known as Hubert William Wappenschmidt, William Hubert Wappenschmidt, and William Wappenschmidt, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Wilhelm Wappenschmidt, also known as Hubert William Wappenschmidt, William Hubert Wappenschmidt and William Wappenschmidt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Detroit Trust Company, as administrator, c. t. a., acting under the judicial supervision of the Probate Court of Wayne County, Michigan;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Wilhelm Wappenschmidt, also known as Hubert William Wappenschmidt, William Hubert Wappenschmidt, and William Wappenschmidt, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-6849; Filed, Aug. 3, 1950; 8:50 a. m.]

[Vesting Order 14904]

HENRY A. SIEBERN

In re: Trust under will of Henry A. Siebern, deceased. File No. D-28-12620; E. T. sec. 16803.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Augusta Feindt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees, distributees and issue, names unknown, of Marie Meier, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Henry A. Siebern, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Trust Company of New Jersey, as trustee, acting under the judicial supervision of the Bergen County Court, Probate Division, Hackensack, New Jersey;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees, distributees and issue, names unknown, of Marie Meier, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6847; Filed, Aug. 3, 1950; 8:50 a. m.]

[Vesting Order 14905]

REBECKA SIEBERN

In re: Trust under will of Rebecka Siebern deceased. File No. D-28-12621; E. T. sec. 16804.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Augusta Feindt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees, distributees and issue, names unknown, of Marie Meier, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Rebecka Siebern, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Trust Company of New Jersey, as trustee, acting under the judicial supervision of the Bergen County Court, Probate Division, Hackensack, New Jersey;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees, distributees and issue, names unknown, of Marie Meier, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6848; Filed, Aug. 3, 1950; 8:50 a. m.]

EMIL OETTINGER AND ROBERT GOLDSCHMIDT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emil Oettinger, New York, N. Y.; Robert Goldschmidt, London, England; Claim No. 32591; $45.00 in the Treasury of the United States to each claimant.

Executed at Washington, D. C., on July 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6851; Filed, Aug. 3, 1950; 8:50 a. m.]

KARL VIRAG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Karl Virag, New York, N. Y., Claim No. 42170; $1,310.43 in the Treasury of the United States.

Executed at Washington, D. C., on July 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6852; Filed, Aug. 3, 1950; 8:50 a. m.]

TOSHIKO KITAGAWA MORI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Toshiko Kitagawa Mori, Administratrix of the estate of Yoshio Kitagawa, deceased, San Mateo, Calif.; Claim No. 37223; $8,478.24 in the Treasury of the United States, representing the share of Sotaro Kitagawa in the property vested by Vesting Order No. 6530 as the property of Yoshio Kitagawa.

Executed at Washington, D. C., on July 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6850; Filed, Aug. 3, 1950; 8:50 a. m.]

PROF. DR. AUGUST CHWALA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Prof. Dr. August Chwala, Vienna, Austria; Claim No. 41161; property described in Vesting Order No. 68 (7 F. R. 6181, August 11, 1942), relating to United States Patent Application Serial No. 283,323 (now United States Letters Patent No. 2,356,565).

Executed at Washington, D. C., on July 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6853; Filed, Aug. 3, 1950; 8:50 a. m.]

[Vesting Order 14898]

EMILY (AMALIE) CRAMER

In re: Estate of Emily (Amalie) Cramer, deceased. File No. D-28-12754; E. T. sec. 16930.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heribert Cramer, whose last known address is Germany, is a resident

of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Emily (Amalie) Cramer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Donald F. Cutler, Jr., as administrator, c. t. a., acting under the judicial supervision of the Probate Court of Plymouth County, Massachusetts;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6846; Filed, Aug. 3, 1950; 8:50 a. m.]

AUG 11 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 151

Washington, Saturday, August 5, 1950

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 3—ACQUISITION OF A COMPETITIVE STATUS

INCUMBENTS OF POSITIONS BROUGHT INTO COMPETITIVE SERVICE

Paragraphs (e) and (f) of § 3.101 are revoked, effective upon publication in the FEDERAL REGISTER.

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-6880; Filed, Aug. 4, 1950; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 342]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.449 *Lemon Regulation 342*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 2, 1950; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 6, 1950, and ending at 12:01 a. m., P. s. t., August 13, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325 carloads;

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR

POCKET SUPPLEMENTS

(For Use During 1950)

The following Pocket Supplements are now available:

Title 39 ($0.35)
Title 46: Parts 1–145 ($0.30)
Parts 146 to end ($0.25)
Titles 47–48 ($0.55)
Title 49: Parts 1–70 ($0.15)
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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 341 (15 F. R. 4887), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 3d day of August 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50–6937; Filed, Aug. 4, 1950; 9:15 a. m.]

PART 979—IRISH POTATOES GROWN IN EASTERN SOUTH DAKOTA

LIMITATION OF SHIPMENTS

§ 979.303 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 103 and Order No. 79 (7 CFR Part 979) regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and upon the basis of the recommendation and information submitted by the South Dakota Potato Committee, established under said marketing agreement and order and other available information, it is hereby found that such limitation of shipments of potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impractical and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that: (i) shipments of potatoes from the production area will begin immediately following the effective date of this section; (ii) more orderly marketing in the public interest than would otherwise prevail will be prompted by regulating such shipments of potatoes on and after the effective date hereof in the manner herein set forth; (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date hereof; (iv) the committee submitted its recommendation for regulation on the earliest date on which it had adequate information with respect to the supply and demand for potatoes and other relevant factors needed to formulate appropriate recommendations for regulation to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended; the time intervening between such date and the date when this regulation must become effective to effectuate the declared policy of the act is insufficient; good cause exists for not delaying the effective date hereof for 30 days after publication; and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning 12:01 a. m., c. s. t., August 7, 1950, and ending 12:01 a. m., c. s. t., July 1, 1951, no handler shall ship table stock potatoes grown in the Eastern South Dakota production area unless such potatoes meet the requirements of U. S. No. 2 grade, or better grade, and are at least 1½ inches minimum diameter, as such grades and sizes are defined in the United States Standards for Potatoes (14 F. R. 1955, 2161).

(2) Terms used herein shall have the same meaning as when used in Order No. 79 (7 CFR 979.1 et seq.).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 3d day of August 1950.

S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50–6939; Filed, Aug. 4, 1950; 9:24 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 118—TRANSIT ALIENS

PART 165—FORMAL PETITIONS AND APPLICATIONS

TRANSIT ALIENS

JUNE 22, 1950.

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of March 22, 1950 (15 F. R. 1602), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there were set out in full the terms of proposed amendments to the regulations relating to transit aliens. Representations which have been received concerning the proposal have been considered. The amendatory regulations, as set out below, are hereby adopted. The adopted regulations are the same as those set out in the notice except that §§ 118.3 (c), 118.3 (g), and 118.12 have been clarified in certain respects, and § 118.3 (g) has also been revised to indicate that the furnishing of a bond by the alien to insure the maintenance of his status as a transit alien and his timely departure from the United States shall be within the discretion of the appropriate immigration officials.

PART 118—TRANSIT ALIENS

Part 118, Chapter I, Title 8 of the Code of Federal Regulations, is amended to read as follows:

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
118.1 Definitions.
118.2 Period for which admitted.
118.3 Conditions of admission.
118.4 Arrest and deportation of transit aliens.
118.5 Prohibition against extension of stay.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

118.11 Authority to admit.
118.12 Aliens held for board of special inquiry examination.

AUTHORITY: §§ 118.1 to 118.12 issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interpret or apply sec. 3, 43 Stat. 154, secs. 14, 15, 43 Stat. 162, sec. 23, 43 Stat. 165; 8 U. S. C. 203, 214, 215, 221.

CROSS REFERENCES: For consular procedure with respect to transit aliens, see 22 CFR 42.145–42.155.

For head tax on transit aliens, see Part 105 of this chapter.

For manifests, see Part 107 of this chapter.

For recording of arrivals and departures, see Part 108 of this chapter.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 118.1 *Definitions.* (a) As used in this part, the term "transit alien" means an alien admitted to the United States temporarily to proceed in continuous transit through the United States under the provisions of section 3 (3) of the Immigration Act of 1924 (43 Stat. 154; 8 U. S. C. 203) and under the provisions of this part.

(b) As used in this part, the term "district director" includes officers and employees who are under the supervision of the district director and whom he may direct to assist him in performing his duties and exercising his authority under this part.

§ 118.2 *Period for which admitted.* The period for which a transit alien may be admitted to the United States shall be whatever time is necessary for him to proceed in continuous transit through the United States: *Provided:*

(a) That such period shall not in any case exceed 29 days; and

(b) That such period shall terminate whenever the alien violates or fails to

fulfill, or evidences orally or in writing or by conduct an intention to violate or to fail to fulfill, any of the conditions of admission prescribed in § 118.3.

§ 118.3 *Conditions of admission.* The conditions under which an alien may be admitted to the United States as a transit alien shall be that he:

(a) Is coming to the United States solely for the purpose of proceeding in continuous transit through the United States.

(b) Is to leave the United States within the period of his admission.

(c) Is in possession of transportation to the country of his destination and is also in possession of sufficient funds to enable him to carry out the purpose of his transit journey through the United States or has such funds available to him in the United States.

(d) Is not subject to exclusion from the United States under any of the applicable provisions of the immigration laws or regulations.

(e) Is in possession of whatever document or documents are required by the applicable Executive order or orders, or by Part 176 of this chapter or any other applicable regulations prescribing the documents to be presented by aliens entering the United States as transit aliens.

(f) Is in possession of a valid visa or other form of valid authority assuring his entry into the country of his destination if he is destined to some country other than the one whence he came.

(g) Will furnish a bond on Form I–336 in a sum of not less than $500, if such bond is required by an officer in charge or by a board of special inquiry or pursuant to an order entered on appeal from the decision of such board, to insure that he will maintain his status as a transit alien and will depart from the United States at the termination of the specific period of authorized stay or upon failure to comply with the conditions under which he is admitted, whichever occurs first, unless he is within the terms of a bond furnished on Form I–317 or I–318; *Provided*, That in lieu of such bond the Attorney General or the officer in charge of the district may require that the alien be accompanied while in transit by such number of immigration officers, guards, or attendants as will insure his passage through and out of the United States without unnecessary delay, if the expense of such accompaniment is borne by or on behalf of the alien or the carrier which brought the alien to the United States, which expense shall include the cost of transportation of the officers, guards, or attendants from the port of arrival to the port of departure and return.

§ 118.4 *Arrest and deportation of transit aliens.* (a) An alien admitted as a transit alien shall be subject to being taken into custody and made the subject of further proceedings under Parts 150, 151, and 152 of this chapter governing deportation proceedings, if:

(1) He remains in the United States for a period longer than permitted by § 118.2, or

(2) He is found to have been at the time of his entry not entitled to enter the United States as a transit alien under the Immigration Act of 1924.

(b) Notwithstanding the provisions of paragraph (a) of this section, any alien who is subject to being taken into custody under such paragraph but who is ready and willing to depart from the United States may, in the discretion of the district director having jurisdiction, be permitted to proceed promptly from the United States, his departure to be verified by an officer of the Immigration and Naturalization Service.

§ 118.5 *Prohibition against extension of stay.* No extension of the period of admission shall be granted to any alien admitted under this part.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 118.11 *Authority to admit.* If the examining immigrant inspector is satisfied beyond a doubt that an alien is admissible as a transit alien, he may admit him as such upon the furnishing of the required bond. If the examining immigrant inspector is not so satisfied that the alien applying for admission to the United States as a transit alien is admissible, he shall hold the alien for examination by a board of special inquiry.

§ 118.12 *Aliens held for board of special inquiry examination.* An alien held for examination by a board of special inquiry as provided in § 118.11 may at any time prior to hearing before such board, or before his case is forwarded to the Commissioner on an appeal from an excluding decision of such board, be permitted upon request to return to the country whence he came, or to transship at the port of arrival directly to the country of his destination, if other than the country whence he came, under such safeguards as the district director may require: *Provided*, That any such alien who desires to proceed overland to the proposed port of his departure may be permitted to do so under guard of such number of immigration officers, guards, or attendants as will insure his passage through and out of the United States without unnecessary delay, if the expense of such accompaniment is borne by or on behalf of the alien or the carrier which brought the alien to the United States, which expense shall include the cost of transportation of the officers, guards, or attendants from the port of arrival to the port of departure and return.

PART 165—FORMAL PETITIONS AND APPLICATIONS

Section 165.13a, relating to the granting or denial of extensions of stay of transit aliens, is revoked.

The regulations stated above shall become effective on the thirty-first day following the date of their publication with this order in the FEDERAL REGISTER.

The general basis for these regulations is a determination that it will be advantageous to the Government and to persons concerned to define fully the conditions under which transit aliens may enter, and remain temporarily in, the United States. The purpose of these regulations is to make available to interested persons a comprehensive statement of the requirements for the temporary admission to the United States of transit aliens.

A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

Approved: July 31, 1950.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 50-6873; Filed, Aug. 4, 1950; 8:47 a. m.]

PART 151—DEPORTATION PROCEEDINGS: HEARING AND ADJUDICATION

APPLICABILITY OF REGULATIONS

JULY 19, 1950.

Effective as of March 10, 1950, Part 151, Deportation Proceedings: Hearing and Adjudication, of Chapter I, Title 8 of the Code of Federal Regulations, is amended by adding the following section:

§ 151.10 *Applicability of regulations.* The provisions of this part shall be applicable to all cases of aliens arrested in deportation proceedings except those cases in which warrants of arrest were served prior to September 11, 1946, regardless of whether or not hearings in such excepted cases were held during the period beginning September 11, 1946, and ending March 9, 1950, or reopened during that period for the purpose of lodging deportation charges additional to those contained in the warrant of arrest, but any hearings required in such cases on or subsequent to March 10, 1950, shall, for administrative convenience, be conducted pursuant to the provisions of this part.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

Approved: July 31, 1950.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 50-6872; Filed, Aug. 4, 1950; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amdt. 24-1, Civil Air Regs.]

PART 24—MECHANIC CERTIFICATES

AIRMAN RATING RECORD REQUIREMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 1st day of August 1950.

Part 24 currently makes provision for packing and repair of parachutes. Such provision is now made in Part 25 which has been adopted concurrently [1] with this amendment, after compliance with the usual notice and rule-making procedures.

For the reason stated above, further notice and public procedure hereon is unnecessary.

[1] See F. R. Doc. 50-6902, *infra*.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 24 (14 CFR Part 24, as amended) effective September 5, 1950.

1. By amending § 24.40 to read as follows:

§ 24.40 *Airman Rating Record requirement.* A certificated mechanic who is directly in charge of the inspection, maintenance, or repair of certificated aircraft, aircraft engines, or their appliances, shall not engage in such service unless there is attached to his certificate the appropriate Airman Rating Record, prescribed and issued by the Administrator. Every holder of a valid mechanic certificate in effect on May 1, 1940, may perform service pursuant to such authority without an Airman Rating Record until the expiration, suspension, or revocation of such license or certificate.

2. By deleting §§ 24.41 and 24.42.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 607, 52 Stat. 1007, 1011, 49 U. S. C. 551, 557)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 50-6903; Filed, Aug. 4, 1950; 8:51 a. m.]

PART 25—PARACHUTE RIGGER CERTIFICATES

REVISION OF PART

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 1st day of August 1950.

Currently effective Part 25 provides for the issuance of parachute technician certificates to persons meeting the prescribed qualifications for the performance of duties of parachute rigger, senior parachute rigger, and master of parachute maintenance. The part further provides for the issuance of parachute jumper and instructor ratings in addition to specifying the privileges and limitations of all such certificates and ratings.

This revision providing for the issuance of a parachute rigger certificate and a master parachute rigger certificate with appropriate parachute type ratings simplifies the requirements for the issuance of such certificates and ratings and clarifies the privileges and limitations of such certificates. The following are the types of parachutes for which ratings will be issued: Seat, back, chest, and special purpose.

This revision further provides that all parachute technician certificates issued prior to the effective date of this part shall expire on July 1, 1951, and that each holder thereof shall surrender such certificate to the Administrator who shall issue a new certificate in accordance with the provisions of this revised part. It is believed that all such holders will be able to qualify for such new certificates and ratings and that no such person will be denied a parachute rigger certificate merely because the requirements for the issuance thereof have been clarified and restated.

It will be noted that this part does not provide for the issuance of parachute jumper or parachute instructor ratings and that all such ratings in effect on the date of adoption of this part shall expire on July 1, 1951. With regard to parachute jumper ratings we do not consider it necessary in the interest of safetly to require parachute jumpers to be certificated, nor is the Board required under the Civil Aeronautics Act of 1938, as amended, to establish standards for the certification of such individuals. The privilege of instructing others in the proper methods and procedures of constructing, maintaining, repairng, inspecting, and using parachutes is included among those granted the holder of a master parachute rigger certificate.

This part further provides for the issuance of a parachute rigger certificate to an individual who has obtained part or all of the required knowledge, skill, and experience while a member or civilian employee of the armed forces of the United States. Unlike the military competence provision in effect prior to the adoption of this revision, such knowledge, skill, and experience may be obtained while a member of the reserve forces of the United States, and application for a certificate on the basis of military competence may be made either during the time the applicant is a member of such reserve forces or within 12 months from the date of his honorable discharge therefrom.

It will be further noted that Part 54 is being amended concurrently [1] with the adoption of this part to conform the definitions included therein to those adopted in this part.

Interested persons have been afforded an opportunity to participate in the making of this revision, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby adopts revised Part 25 of the Civil Air Regulations (14 CFR Part 25) effective September 5, 1950, to read as follows:

Sec.
25.0 Applicability of part.
25.1 Definitions.

CERTIFICATION RULES

25.5 Application for certificate.
25.6 Issuance.
25.7 Duration.
25.8 Exchange of certificates.
25.9 Display.
25.10 Change of address.

GENERAL CERTIFICATE REQUIREMENTS

25.21 Citizenship.
25.22 Age.
25.23 Education.
25.24 Examinations and tests.
25.25 Reexamination after failure.
25.26 Type ratings.
25.27 Rating competence.
25.28 Substantiation of experience.

QUALIFICATIONS FOR A PARACHUTE RIGGER CERTIFICATE

25.40 General.
25.41 Experience.
25.42 Knowledge.
25.43 Skill.
25.44 Military competence.
25.45 Privileges.

QUALIFICATIONS FOR A MASTER PARACHUTE RIGGER CERTIFICATE

25.60 General.
25.61 Experience.
25.62 Knowledge.
25.63 Skill.
25.64 Privileges.

OPERATING RULES

25.80 General.
25.81 Facilities and equipment.
25.82 Performance standards.
25.83 Seal.
25.84 Required records.
25.85 Recent experience requirements.

AUTHORITY: §§ 25.0 to 25.85 is issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552.

§ 25.0 *Applicability of part.* This part establishes the certification and the general operating rules for the packing, repair, and alteration of parachutes.

§ 25.1 *Definitions.* (a) As used in this part the words listed below shall be defined as follows:

(1) *Alteration.* Alteration shall mean any change in the design of a parachute.

(2) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties imposed upon him by the provisions of this part.

(3) *Certificated parachute rigger.* A certificated parachute rigger shall mean an individual holding a parachute rigger certificate with appropriate ratings issued by the Administrator.

(4) *Maintenance.* Maintenance shall mean the upkeep and preservation of parachutes, including the component parts thereof.

(5) *Major repair.* Major repair shall mean a repair which might have an effect on the structural, functional, or handling characteristics of a parachute.

(6) *Minor repair.* Minor repair shall mean a repair other than a major repair.

(7) *Manufacturer.* Manufacturer shall mean any individual, firm, partnership, company, association, or joint stock association, including any trustee, assignee or other similar representative thereof, which

(i) Holds a type or production certificate for a parachute, or

(ii) Manufactures an approved parachute.

(8) *Parachute.* A parachute shall mean a contrivance, including its component parts, designed to retard the descent of a falling body or object through the air.

(9) *Repair.* Repair shall mean the restoration of a parachute to a condition for safe use after damage or deterioration.

(10) *To pack.* To pack shall mean to arrange properly a parachute in its container for use.

CERTIFICATION RULES

§ 25.5 *Application for certificate.* An application for a parachute rigger certificate and ratings shall be made on a

[1] See F. R. Doc. 50-6904, *infra*.

form and in a manner prescribed by the Administrator.

§ 25.6 *Issuance.* (a) A parachute rigger certificate with appropriate ratings shall be issued by the Administrator to an applicant who meets the requirements of this part.

(b) Pending a review of an application for a certificate and supplementary documents and the issuance of a certificate by the Administrator, an authorized representative of the Administrator may, subject to such conditions and limitations as the Administrator may prescribe, issue a temporary parachute rigger certificate with appropriate ratings to an applicant who meets the requirements of this part.

§ 25.7 *Duration.* (a) A parachute rigger certificate with appropriate ratings issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(b) A parachute rigger certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(c) A temporary parachute rigger certificate with appropriate ratings shall remain in effect for no longer than 3 months after the date of issuance.

(d) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occuring during the effective period of the certificate.

§ 25.8 *Exchange of certificates.* All parachute technician certificates and special ratings issued prior to the effective date of this part shall expire on July 1, 1951. Each certificate holder shall, on or before July 1, 1951, surrender such certificate to the Administrator who shall issue a new certificate with appropriate ratings in accordance with the provisions of this part.

§ 25.9 *Display.* A parachute rigger shall, upon request, present his airman certificate for examination by any authorized representative of the Civil Aeronautics Board or Administrator or by any State or local law enforcement officer.

§ 25.10 *Change of address.* Within 30 days after any change in the permanent mailing address of a certificated parachute rigger, he shall notify the Administrator in writing of his new address. The notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 25.21 *Citizenship.* An applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal parachute rigger privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 25.22 *Age.* An applicant shall be at least 18 years of age.

§ 25.23 *Education.* An applicant shall be able to read, write, speak, and understand the English language: *Provided,* That a citizen of Puerto Rico, or an applicant who is employed by an air carrier outside the United States, need not be able to read, write, speak, or understand the English language except that a certificate issued to such an applicant shall be valid only in Puerto Rico, or only while employed by an air carrier outside of the United States, as the case may be.

§ 25.24 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate. The passing grade for all oral and written examinations shall be at least 70 percent. The practical examination shall be accomplished to the satisfaction of the authorized representative of the Administrator.

§ 25.25 *Reexamination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for reexamination within a 30-day period unless he presents a statement signed by a certificated master parachute rigger, or an individual in charge of a military parachute department that he has received an additional 5 hours of instruction in the subject or subjects failed and is considered competent to pass the examination or test.

§ 25.26 *Type ratings.* The following type ratings shall be issued: (a) seat, (b) back, (c) chest, (d) special purpose.

§ 25.27 *Rating competence.* An applicant for a type rating shall have packed at least 20 parachutes of the type for which the rating is sought in accordance with the manufacturer's packing instructions and under the supervision of a certificated master parachute rigger holding a rating for such type or an individual holding an appropriate military rating, and shall demonstrate to an authorized representative of the Administrator competence in the packing, maintenance, repair, and inspection of such type.

§ 25.28 *Substantiation of experience.* An applicant shall present evidence satisfactory to the Administrator to substantiate the experience qualifications for the parachute rigger certificate or rating applied for.

QUALIFICATIONS FOR A PARACHUTE RIGGER CERTIFICATE

§ 25.40 *General.* An applicant for a parachute rigger certificate shall meet the following experience, knowledge, and skill requirements.

§ 25.41 *Experience.* An applicant for a parachute rigger certificate with appropriate ratings shall have packed satisfactorily at least 20 parachutes of each type for which a rating is sought, in accordance with the manufacturer's packing instructions, and under the supervision of a certificated master parachute rigger holding a rating for such type or an individual holding an appropriate military rating.

§ 25.42 *Knowledge.* An applicant for a parachute rigger certificate shall satisfactorily accomplish an oral, written, and practical examination on the construction, packing, maintenance, repair, inspection, and use of, and the manufacturer's instructions with respect to, at least one type of parachute in common civilian use, and the provisions of this part.

§ 25.43 *Skill.* An applicant shall demonstrate to an authorized representative of the Administrator that he has the ability to pack, maintain, inspect, and repair at least one type of parachute in common civilian use.

§ 25.44 *Military competence.* The Administrator may issue a parachute rigger certificate and appropriate ratings to an applicant who satisfactorily accomplishes a written examination on the provisions of this part and presents reliable documentary evidence showing:

(a) That he is a member of the regular or reserve armed forces of the United States; or that he is a civilian employee of the regular armed forces of the United States; or that he is a United States citizen and is either a member or civilian employee of the regular armed forces of a foreign government; or that he has been honorably discharged or released from such status within 12 months preceding the date of application; and

(b) That he is serving, or has, within 12 months preceding the date of application, served in such organization or organizations as a parachute rigger; and

(c) That he meets the experience requirements of this part for the issuance of an appropriate parachute rigger certificate.

§ 25.45 *Privileges.* A certificated parachute rigger may maintain, pack, inspect, and perform minor repairs on any type of parachute for which he is rated.

QUALIFICATIONS FOR A MASTER PARACHUTE RIGGER CERTIFICATE

§ 25.60 *General.* An applicant for a master parachute rigger certificate shall meet the following experience, knowledge, and skill requirements.

§ 25.61 *Experience.* An applicant for a master parachute rigger certificate shall:

(a) Have had at least 5 years of experience as a parachute rigger; and

(b) Have packed satisfactorily not less than 100 parachutes of each of two types in common civilian use.

§ 25.62 *Knowledge.* An applicant shall satisfactorily accomplish an oral and practical test covering the construction, inspection, packing, maintenance, repair, use of, and the manufacturer's instructions with respect to, at least two different types of parachutes in common civilian use.

§ 25.63 *Skill.* An applicant shall demonstrate to an authorized representative of the Administrator that he has the ability to pack, maintain, inspect, and repair at least two types of parachutes in common civilian use and has the ability to supervise others in the accomplishment of such operations.

§ 25.64 *Privileges.* A certificated master parachute rigger may:

(a) Maintain, pack, inspect, repair, and alter any type of parachute for which he holds a rating; and

(b) Instruct other individuals in the proper methods and procedures of constructing, packing, maintaining, and using the types of parachutes for which he holds ratings.

OPERATING RULES

§ 25.80 *General.* No individual shall pack, repair, maintain, alter, or inspect a parachute for use in connection with any civil aircraft used in air commerce without an appropriate certificate and rating issued in accordance with the provisions of this part, except as provided in §§ 25.81 through 25.85: *Provided,* That a certificated parachute rigger need not hold a rating for the parachute nor comply with the provisions of §§ 25.81 through 25.85 if the parachute is to be used exclusively by him for exhibition jumps or testing.

§ 25.81 *Facilities and equipment.* A certificated parachute rigger shall have available the following minimum facilities and equipment:

(a) A smooth-top table measuring at least 3 feet by 40 feet,

(b) A compartment where parachutes may be suspended vertically for drying and airing,

(c) Sufficient packing tools and other equipment to pack, maintain, and repair the type of parachute being serviced, and

(d) Adequate housing facilities for the proper performance of the duties of a parachute rigger and for the protection of tools and equipment.

§ 25.82 *Performance standards.* No certificated parachute rigger shall:

(a) Pack or perform any maintenance, repair, or alteration on any type of parachute unless rated for such type,

(b) Pack any parachute which is not in a safe condition for emergency use,

(c) Pack any parachute unless such parachute has been thoroughly dried and aired,

(d) Pack any parachute in a manner not specified in the manufacturer's instructions,

(e) Make any alteration not specifically authorized by the manufacturer or the Administrator, or in any way deviate from the procedures approved by the manufacturer or Administrator for the maintenance, repair, alteration, packing, or inspection of parachutes.

§ 25.83 *Seal.* Each certificated parachute rigger shall have a seal bearing an individual identifying mark assigned by the Administrator and a seal press available for use. When packing or repacking any parachute, the certificated parachute rigger shall seal each pack with his individual seal in accordance with the manufacturer's recommendations for the particular type of parachute.

§ 25.84 *Required records*—(a) *Operation record.* Each certificated parachute rigger shall keep a bound record of all packing, inspection, maintenance, repair, and alteration operations performed or supervised by him on parachutes other than those in military service. This record shall contain the type and make of parachute, its serial number, the name and address of its owner, the kind and extent of the operation performed, the date and place where performed, and the results of any drop test made. Where major repairs and alterations are performed, each certificated parachute rigger shall execute such major repair and alteration forms as may be prescribed by the Administrator and shall deliver copies of such forms to the owner of the parachute and to the Administrator. These records shall be retained for at least two years after the date of the last entry therein.

(b) *Parachute packing record.* Each certificated parachute rigger packing a parachute other than that used in military service shall enter on the parachute packing record attached to the parachute the date and place of such packing or repacking and a notation of any defects found upon inspection. The rigger shall sign such record and enter thereon the number of his parachute rigger certificate.

§ 25.85 *Recent experience requirements.* No certificated parachute rigger shall exercise the privileges of his parachute rigger certificate unless he is familiar with the current manufacturers' instructions pertinent to the particular operation, and

(a) Has performed the duties of a parachute rigger under the terms of his certificate and ratings for at least 90 days within the preceding 12-month period, or

(b) Has demonstrated to an authorized representative of the Administrator that he is competent to perform the duties of a parachute rigger under the terms of his certificate and ratings.

NOTE: The reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 50-6902; Filed, Aug. 4, 1950; 8:51 a.m.]

[Amdt. 54-1, Civil Air Regs.]

PART 54—PARACHUTE LOFT CERTIFICATES AND RATINGS

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 1st day of August 1950.

Currently effective Part 54 contains definitions of certain terms used in that part and in Part 25, Parachute Technician Certificates, which is a related part. In view of the fact that Part 25 is being revised[1] and that such revision has included different definitions, it is considered advisable to amend Part 54 to include these newer definitions.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 54 (14 CFR, Part 54, as amended) effective September 5, 1950:

1. By amending § 54.22 introductory text and paragraph (c) to read as follows:

§ 54.22 *Agencies authorized to perform maintenance, repairs, alterations and inspections.* Maintenance, repairs, alterations and inspections of parachutes may be performed by:

* * * * *

(c) The manufacturer of the parachute; or

2. By amending § 54.30 to read as follows:

§ 54.30 *Parachute.* A parachute shall mean a contrivance, including its component parts, designed to retard the descent of a falling body or object through the air.

(a) *Canopy.* That part of a parachute combination which is designed to retard the descent of a falling body or object.

(b) *Harness.* That part of a parachute combination which is designed to enfold or carry the body or object and to serve as an attachment between the canopy and the body or object.

(c) *Container.* That part of a parachute combination designed to hold or contain a folded canopy.

(d) *Accessory.* That part or parts of a parachute combination necessary to complete a unit as designed by the manufacturer and approved by the Administrator.

3. By amending § 54.31 to read as follows:

§ 54.31 *Manufacturer.* Manufacturer shall mean any individual, firm, partnership, company, association, or joint stock association, including any trustee, assignee or other similar representative thereof, which

(a) Holds a type or production certificate for a parachute, or

(b) manufactures an approved parachute.

4. By amending § 54.32 to read as follows:

§ 54.32 *Maintenance.* Maintenance shall mean the upkeep and preservation of parachutes, including the component parts thereof.

5. By amending § 54.33 to read as follows:

§ 54.33 *Minor repair.* Minor repair shall mean a repair other than a major repair.

6. By amending § 54.34 to read as follows:

[1] See F. R. Doc. 50-6902, *supra.*

§ 54.34 *Major repair.* Major repair shall mean a repair which might have an effect on the structural, functional, or handling characteristics of a parachute.

7. By amending § 54.35 to read as follows:

§ 54.35 *Alteration.* Alteration shall mean any change in the design of a parachute.

8. By amending § 54.36 to read as follows:

§ 54.36 *Repair.* Repair shall mean the restoration of a parachute to a condition for safe use after damage or deterioration.

9. By deleting §§ 54.37 and 54.38.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply Secs. 601, 607, 52 Stat. 1007, 1011, 49 U. S. C. 551, 557)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 50-6904; Filed, Aug. 4, 1950; 8:51 a. m.]

[Supp. 9, Amdt. 2]

PART 60—AIR TRAFFIC RULES

TRAFFIC PATTERNS

The traffic patterns for LaGuardia Airport, New York, New York-International (Idlewild) Airport, New York, and Newark Airport, New Jersey, published on February 4, 1949, in 14 F. R. 481 and amended on September 20, 1949, in 14 F. R. 5745 are hereby revised. This revision has been approved by authorized representatives of the Air Transport Association of America, Airline Pilots Association, and Aircraft Owners and Pilots Association, and is adopted without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedures Act would be impracticable and contrary to the public interest, and therefore is not required.

1. Section 60.18-2 is revised to read:

§ 60.18-2 *Traffic patterns for LaGuardia, New York International, and Newark Airports (CAA rules which apply to § 60.18 (d)).* Operators of aircraft taking off from or landing at LaGuardia Airport, New York; New York-International (Idlewild) Airport, New York; or Newark Airport, New Jersey, shall adhere to the following traffic patterns and altitudes made a part thereof, unless otherwise authorized or directed by air traffic control:

(a) All aircraft shall be operated to follow a standard left-hand rectangular traffic pattern which, for each runway, is contained within a five-mile radius of the center of the airport.

(b) Landing aircraft shall be operated so as to join the traffic pattern at or above an altitude of 1200 feet mean sea level, weather permitting.

2. Sections 60.18-3 and 60.18-4 are revoked.

3. Section 60.18-5 is renumbered 60.18-3.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. August 15, 1950.

DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-6896; Filed, Aug. 4, 1950; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Rent Procedural Reg. 2, Amdt. 5]

PART 840—PROCEDURE

MISCELLANEOUS AMENDMENTS

Rent Procedural Regulation 2 (§§ 840.101 to 840.153 [1]) is hereby amended in the following respects:

1. The first paragraph is amended to read as follows:

Pursuant to the authority of the Housing and Rent Act of 1947, as amended (Pub. Laws 129, 422 and 464, 80th Cong.; Pub. Laws 31 and 574, 81st Cong.) in order to provide for orderly procedures the following rules are prescribed for adjustments, administrative review and interpretations under the maximum rent regulations:

2. Section 840.103 is amended by inserting "(a)" before the first sentence thereof, by changing the period at the end of the paragraph to a comma and adding the words "except as provided in paragraph (b) of this section" and by adding a new paragraph (b). Said section as amended will read as follows:

§ 840.103 *Method of filing, form, contents and service.* (a) A landlord's petition or tenant's application for adjustment or other relief provided by a maximum rent regulation shall be filed only with the Area Rent Director of the Office of the Housing Expediter for the defense-rental area within which the housing accommodations involved are located. Petitions and applications shall be filed upon forms prescribed by the Housing Expediter and pursuant to instructions stated on such forms and must be accompanied by affidavits or other documents setting forth all of the evidence upon which the petitioner or applicant relies in support of the facts alleged in his petition or application and by proof of service upon the other party or parties. A landlord's petition and tenant's application and all accompanying documents shall be filed in an original and one copy and shall be served upon the other party or parties in the manner prescribed by § 840.106, except as provided in paragraph (b) of this section.

(b) Notwithstanding any other provision of §§ 840.101 to 840.148, the Area Rent Director, in appropriate cases involving petitions for rental adjustments, may require the landlord to file additional copies of the petition for adjustment with the Area Rent Office and may dispense with the requirement that the petition and accompanying documents be served on the tenant prior to entry of an order thereon. If in such a case the petition is granted in whole or in part, the Area Rent Director shall serve copies of the petition and order on both the landlord and the tenant. Within 15 days after the issuance date of the order of increase the tenant may file with the Area Rent Office a written request for revocation or modification, together with facts and evidence supporting such request. The tenant must serve a copy of such request and accompanying documents on the landlord within 7 days after he has filed it with the Area Rent Office and the landlord shall be afforded a period of seven days from the date of such service within which to file a reply.

3. Paragraph (b) of § 840.110 is amended by adding a sentence to the proviso clause as follows: "This proviso shall not apply to proceedings under § 840.103 (b)." Said paragraph as amended will read as follows:

(b) An order entered by an Area Rent Director upon a petition or application for adjustment or other relief, or an order entered by an Area Rent Director on his initiative or upon remand of a proceeding to the Area Rent Director by the Housing Expediter pursuant to § 840.127 shall be effective and binding until changed by further order and shall be final subject only to appeal. Unless an appeal has been filed, an order entered by the Area Rent Director may be revoked or modified at any time: *Provided,* That due notice of the intention to revoke or modify was previously given to all persons affected by such order. This proviso shall not apply to proceedings under § 840.103 (b). A copy of an order entered by the Area Rent Director shall be served upon all parties to the proceedings.

4. Section 840.113 is amended by inserting "(a)" at the beginning of the first paragraph, by substituting a colon for the period at the end of said paragraph and by adding the clause "*Provided, however,* That in the case of an order entered pursuant to proceedings under § 840.103 (b) the tenant may file an appeal only from the order entered in the proceedings had upon the tenant's request for revocation or modification." Said first paragraph as amended will read as follows:

§ 840.113 *Right to appeal.* (a) Except as provided in § 840.109 (b), any landlord affected by any provision of a maximum rent regulation, or any landlord or tenant affected by an order issued by an Area Rent Director may file an appeal in the manner set forth below: *Provided, however,* That in the case of an order entered pursuant to proceedings under § 840.103 (b) the tenant may file an appeal only from the order entered in the proceedings had upon the tenant's request for revocation or modification.

(Sec. 204 (d), 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective as of August 2, 1950.

Issued this 2d day of August 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-6881; Filed, Aug. 4, 1950; 8:50 a. m.]

[1] 14 F. R. 1783, 3677, 5073, 5271, 5898.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 789—GENERAL STATEMENT ON THE PROVISIONS OF SECTION 12 (a) AND SECTION 15 (a) (1) OF THE FAIR LABOR STANDARDS ACT, AS AMENDED, RELATING TO WRITTEN ASSURANCES

Sec.
789.0 Introductory statement.
789.1 Statutory provisions and legislative history.
789.2 "• • • in reliance on written assurance from the producer • • •".
789.3 "• • • goods were produced in compliance with" • • • the requirements referred to.
789.4 Scope and content of assurances of compliance.
789.5 "• • • acquired • • • in good faith • • • for value without notice • • •".

AUTHORITY: §§ 789.0 to 789.5 issued under 52 Stat. 1060, as amended; 29 U. S. C. and Sup., 201-219.

§ 789.0 *Introductory statement.* (a) Section 12 (a) and section 15 (a) (1) of the Fair Labor Standards Act of 1938, as amended [1] (hereinafter referred to as the act) contain certain prohibitions against putting into interstate or foreign commerce any goods ineligible for shipment (commonly called "hot goods"), in the production of which the child-labor or wage-hour standards of the act were not observed. These sections were amended by the Fair Labor Standards Amendments of 1949 [2] to provide, among other things, protection against these "hot goods" prohibitions with respect to purchasers "who acquired such goods for value without notice of such violation" if they did so "in good faith in reliance on" a specified "written assurance."

(b) These amendments to the act relating to purchasers in good faith and written assurances are for the protection of purchasers. The act does not provide that a purchaser must secure such an assurance or that a supplier must give it. The amendments confer no express authority for the Department of Labor to require the use of these assurances or to prescribe their form or content. Whether any particular written assurance affords the statutory protection to a purchaser who acquires his goods in good faith and for value without notice of an applicable violation, is left for determination by the courts. Opinions issued by the Department of Labor on this question are advisory only and represent simply the Department's best judgment as to what the courts may hold.

(c) The interpretations contained in this general statement are confined to the statutory protection accorded these purchasers in section 12 (a) and section 15 (a) (1) of the act. These interpretations, with respect to this protection of purchasers, indicate the construction of the law which the Secretary of Labor and the Administrator of the Wage and Hour Division [3] believe to be correct and which will guide them in the performance of their administrative duties under the act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon re-examination of an interpretation, that it is incorrect.

§ 789.1 *Statutory provisions and legislative history.* Section 12 (a) of the act provides, in part, that no producer, manufacturer or dealer shall ship or deliver for shipment in commerce any goods produced in an establishment situated in the United States in or about which within 30 days prior to the removal of such goods therefrom, any oppressive child labor has been employed. Section 12 (a) then provides an exception from this prohibition in the following language:

Provided, That any such shipment or delivery for shipment of such goods by a purchaser who acquired them in good faith in reliance on written assurance from the producer, manufacturer, or dealer that the goods were produced in compliance with the requirements of this section, and who acquired such goods for value without notice of any such violation, shall not be deemed prohibited by this subsection • • •.

Section 15 (a) (1) provides, in part, that it shall be unlawful for any person to transport, offer for transportation, ship, deliver, or sell with knowledge that shipment or delivery or sale thereof in commerce is intended, any goods in the production of which any employee was employed in violation of section 6 or 7 of the act or any regulation or order of the Administrator issued under section 14. Section 15 (a) (1) also provides the following exception with respect to this "hot goods" restriction:

• • • any such transportation, offer, shipment, delivery, or sale of such goods by a purchaser who acquired them in good faith in reliance on written assurance from the producer that the goods were produced in compliance with the requirements of the act, and who acquired such goods for value without notice of any such violation, shall not be deemed unlawful.

The most important portion of the legislative history of those provisions in sections 12 (a) and 15 (a) (1) which relate to the protection of purchasers is found in the following discussion of the amendment to section 15 (a) (1), contained in the Statement of the Managers on the part of the House appended to the Conference Report on the Fair Labor Standards Amendments of 1949: [4]

This provision protects an innocent purchaser from an unwitting violation and also protects him from having goods which he has purchased in good faith ordered to be withheld from shipment in commerce by a "hot goods" injunction. An affirmative duty is imposed upon him to assure himself that *the goods in question were produced* in compliance with the act, and he must have secured written assurance *to that effect* from the producer of the goods. The requirement that he must have made the purchase in good faith is comparable to similar requirements imposed on purchasers in other fields of law, and is to be subjected to the test of what a reasonable, prudent man, acting with due diligence, would have done in the circumstances. [Emphasis supplied.]

This discussion would appear to be generally applicable also to the similar provisions of the act contained in section 12 (a).

§ 789.2 "• • • *in reliance on written assurance from the producer* • • •." In order for a purchaser to be protected under these provisions of the act, he must acquire the goods "in reliance on written assurance • • •." The written assurance specified in section 15 (a) (1) is one from the "producer" and in section 12 (a) it is one from the "producer, manufacturer or dealer."

Since the acquisition of the goods by the purchaser must be "in reliance" upon such written assurance it is obvious that the act contemplates a written assurance given to the purchaser as a part of the transaction by which the goods are acquired, and on which he can rely at the time of their acquisition. Thus, where the purchaser does not receive a written assurance at the time he acquires particular goods, he cannot be said to have acquired the goods "in reliance on" the specified written assurance merely because the producer later furnishes an assurance that all goods which the purchaser has previously acquired from him were produced in compliance with the Fair Labor Standards Act.

The assurances described in the act are assurances in writing "from" the producer or "from" the producer, manufacturer, or dealer, as the case may be. It is therefore clear that the following procedures will not amount to "written assurance from the producer" within the meaning of the act:

(1) The purchaser stamps his purchase order with the statement that the order is valid only for goods produced in compliance with the requirements of the Fair Labor Standards Act. No written statement concerning the production of the goods is made to the purchaser by the producer. The producer ships the goods which the purchaser has ordered.

[1] Pub. No. 718, 75th Cong., 3d Sess. (52 Stat. 1060), as amended by the act of June 26, 1940 (Pub. Res. No. 88, 76th Cong., 3d Sess., 54 Stat. 616); by Reorganization Plan No. 2 (60 Stat. 1095), effective July 16, 1946; by the Portal-to-Portal Act of 1947, approved May 14, 1947 (61 Stat. 84); by the Fair Labor Standards Amendments of 1949, approved October 26, 1949 (Pub. Law 393, 81st Cong., 1st Sess., 63 Stat. 910); and by Reorganization Plan No. 6 of 1950 (15 F. R. 3174), effective May 24, 1950.

[2] Pub. Law 393, 81st Cong., 1st sess. (63 Stat. 910).

[3] The functions of the Secretary and the Administrator under the act are delineated in 13 F. R. 2195, 12 F. R. 6971, and 15 F. R. 3290.

[4] H. Rept. No. 1453, 81st Cong., 1st sess., p. 31.

(2) The purchaser stamps the above statement on his purchase order and in addition notifies the producer that shipment of the goods so ordered will be construed by the purchaser as a guarantee by the producer that the goods were produced in compliance with the act. The producer ships the goods to the purchaser.

In neither of these situations can the purchase order be deemed to contain a written assurance from the producer to the purchaser. A statement concerning the circumstances under which the order will be valid is sent to the producer, but no written instrument at all is given the purchaser by the producer. Although, in these situations, the shipment of the goods by the producer may establish a contractual relationship between the parties, the conditions of the statute are not satisfied because there is in neither situation any written assurance from the producer to the purchaser that the goods were produced in compliance with applicable provisions of the act referred to in sections 12 (a) and 15 (a) (1).

§ 789.3 "* * * *goods were produced in compliance with*" * * * *the requirements referred to.* It is apparent from the language of the statute and the statement appended to the Conference Report[4] that the written assurance referred to is one with respect to specific goods in being, assuring the purchaser that the "goods in question were produced in compliance" with the requirements referred to in sections 12 (a) and 15 (a) (1). A written statement made prior to production of the particular goods is not the type of assurance contemplated by the statute.

A so-called "general and continuing" assurance or "blanket guarantee" stating, for instance, that all goods to be shipped to the purchaser during a twelve-month period following a certain date "will be or were produced" in compliance with applicable provisions of the act would not afford the purchaser the statutory protection with respect to any production of such goods after the assurance is given. This type of assurance attempts to assure the purchaser concerning the future production of goods. With respect to any production of goods after the assurance is given, this "general and continuing" assurance would, at most, be an assurance that the goods will be produced in compliance with the act.

The definitions of the terms "goods" and "produced" in sections 3 (i) and 3 (j) of the act,[5] respectively, should be considered in interpreting the requirement that the written assurance must relate to goods which were produced in compliance with applicable provisions of the act. These definitions make it apparent, for instance, that the raw materials from which a machine has been made retain their identity as "goods" even though these raw materials have been converted into an entirely different finished product in which the raw materials are merely a part.

Since "goods," as defined in the act, "does not include goods after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof," the "hot goods" restrictions of section 12 (a) and section 15 (a) (1) do not apply to such ultimate consumers. There appears to be no need, therefore, for such consumers to secure these written assurances from their suppliers.

§ 789.4 *Scope and content of assurance of compliance.* A question frequently asked is whether a single written assurance of compliance will suffice for purposes both of section 12 (a), relating to child labor, and section 15 (a) (1), relating to wage and hour standards. A single assurance would appear to be sufficient, provided it is specific enough to meet all the conditions of the two sections. Although it is possible that the courts might find assurances referring generally to compliance "with the requirements of the act" adequate for all purposes, the safer course to pursue would be to phrase the assurance in terms of compliance with the specific sections of the act whose violation would bar the goods from interstate or foreign commerce.

The language of the statute gives support to this view. It will be noted that the written assurance referred to in section 15 (a) (1) is described as one of "compliance with the requirements of the act * * *," whereas the written assurance referred to in section 12 (a) is described as one of "compliance with this section." In view of the differences in wording of the two sections, a court might conclude that a general assurance of compliance with the act is not sufficient to include a specific assurance of compliance with section 12, on the theory that if Congress had intended an assurance of compliance with the act to be sufficient under the child-labor provisions, there would have been no reason for the use of the more specific language which it placed in section 12. Also, it is possible that a court might conclude that Congress intended, under section 15 (a) (1), that the assurance should refer specifically to the particular sections of the act mentioned therein, since unless there is some violation of one of those sections in the production of goods, a subsequent purchaser is not prohibited from putting them in commerce.

There is no prescribed form or language that must be followed in order for the written assurance of compliance to afford the desired protection. However, in view of the considerations mentioned above, the following is suggested as a guide for the type of language which would appear to provide the maximum degree of certainty that a purchaser who acquired the goods in good faith in reliance on the written assurance would receive the protection intended by the amendments:

> We hereby certify that these goods were produced in compliance with all applicable requirements of sections 6, 7, and 12 of the Fair Labor Standards Act, as amended, and of regulations and orders of the United States Department of Labor issued under section 14 thereof.

The question has also arisen as to what method should be used to give a purchaser a proper written assurance which would adequately identify the particular goods to which such assurance relates. Although other means of giving proper written assurances may be found to be more practical and convenient, it appears that one simple and feasible method of giving such assurance is for the producer to stamp or print the assurance on the invoice which covers the particular goods and which is given to the purchaser as a part of the transaction whereby the goods are acquired.

§ 789.5 "* * * * acquired * * * *in good faith* * * * *for value without notice* * * *." Section 12 (a) and section 15 (a) (1) of the act provide that a purchaser must acquire the goods in good faith in reliance on the specified written assurance in order to be accorded the statutory protection.

The legislative history of the amendments indicates that a purchaser's good faith is not to be determined merely from the actual state of his mind but that good faith also depends upon an objective test—that of what a "reasonable, prudent man, acting with due diligence, would have done in the circumstances." This good faith requirement is, in the words of the House Managers, "comparable to similar requirements imposed on purchasers in other fields of law." The final determination of what will amount to good faith can be made only upon the basis of the pertinent facts in each situation.

It is clear, however, that good faith, as used in the act, not only requires honesty of intention but also that a purchaser must not know, have reason to know, or have knowledge of circumstances which ought to put him on inquiry that the goods in question were produced in violation of any of the provisions of the act referred to in sections 12 (a) and 15 (a) (1).

These good faith provisions are reinforced by the requirement in sections 12 (a) and 15 (a) (1) that the purchaser must also acquire his goods "for value without notice" of an applicable violation of the act.

[4] H. Rept. No. 1453, 81st Cong., 1st sess., p. 31.

[5] Section 3 (i) defines "goods" to mean "goods (including ships and marine equipment), wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof, but does not include goods after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof."

Section 3 (j) defines "produced" to mean "produced, manufactured, mined, handled, or in any other manner worked on in any State; and for the purposes of this act an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any closely related process or occupation directly essential to the production thereof, in any State."

To illustrate the application of the above principles, let us assume that a purchaser of goods for value acquires them in reliance upon a written assurance from the producer, manufacturer, or dealer that the particular goods were produced in compliance with all applicable requirements of the act, and that the form and content of the assurance is sufficient to meet the conditions of sections 12 and 15 (a) (1) of the act. If a reasonable, prudent man in the purchaser's position, acting with due diligence, would have no reason to question the truth of the assurance that the applicable requirements had been complied with, the purchaser's reliance on such written assurance would be considered to be in good faith and without notice of any violation, and the purchaser would be protected in the event that violations of the child-labor or the wage-hour standards of the act had actually occurred in the production of such goods by the vendor or by prior producers of the goods. In such circumstances, the purchaser's protection would not be contingent on his securing separate written assurances from the prior producers or on his assuring himself that his vendor had secured specific guarantees from them with respect to compliance.

Signed at Washington, D. C., this 27th day of July 1950.

MAURICE J. TOBIN,
Secretary of Labor.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50-6811; Filed, Aug. 4, 1950; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 8—POSTAGE STAMPS AND OTHER STAMPED PAPER AND SECURITIES

PART 78—POSTAL NOTES

MISCELLANEOUS AMENDMENTS

In § 8.15 *Special-request envelopes rejected by purchaser* amend paragraph (a) by striking out the next to the last sentence reading "A new requisition on Form 3202–D, indorsed 'To replace rejected envelopes invoiced (date)' shall be sent with the report to the central accounting postmaster if replacement is desired", and by inserting in lieu thereof a sentence to read as follows: "A new requisition on Form 3202–D, endorsed 'To replace rejected envelopes invoiced (date),' shall be sent to the Bureau of Finance."

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

In § 78.1 *Authorization of postal notes* amend the proviso and legislative reference in paragraph (b) to read as follows:

Provided, That no claim for the amount of a postal note which is filed later than one year from the last day of the month of issue will be considered unless the original postal note is presented with such claim and no duplicate postal note has been issued therefor. Postal notes shall not be negotiable through endorsement.

(Sec. 207, 62 Stat. 1260, as amended; 39 U. S. C. 738a; Pub. Law 486, approved April 28, 1950)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-6866; Filed, Aug. 4, 1950; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1761]

PART 108—PATENTS

PART 217—REPAYMENTS

MISCELLANEOUS AMENDMENTS

1. The section headnote and paragraph (d) of § 108.1 are amended to read as follows:

§ 108.1 *Issuance of patents; transmittal to land office.* * * *

(d) When a patent issued on or after August 1, 1950, is ready for delivery it will be transmitted to the patentee or his or her recognized agent or successor in interest.

(R. S. 2478; 43 U. S. C. 1201)

2. Section 108.2 is amended to read as follows:

§ 108.2 *Delivery of patents.* Original patents (issued before August 1, 1950) on file in land offices, or which have been returned to the Washington office of the Bureau of Land Management from such offices upon their discontinuance, may be procured upon proper request therefor made to the Washington office of the Bureau of Land Management.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675, sec. 327, 54 Stat. 1150; 8 U. S. C. 102, 222, 458, 727. Interpret or apply sec. 2, 43 Stat. 154, secs. 30, 34, 328, 54 Stat. 673, 674, 1151; 8 U. S. C., 202, 451, 455, 726)

3. Section 217.20 is amended to read as follows:

§ 217.20 *Surrender of receipts and duplicate certificates.* The receipts showing the payments of the money claimed must be surrendered, and also the duplicate certificates whenever such have issued; but if the same have been lost or destroyed or are not available for any reason, a statement showing the facts must be furnished.

(Sec. 4, 21 Stat. 287; 43 U. S. C. 263)

MARION CLAWSON,
Director.

Approved: July 31, 1950.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

[F. R. Doc. 50-6862; Filed, Aug. 4, 1950; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Corrected S. O. 856]

PART 95—CAR SERVICE

SATURDAYS AND SUNDAYS TO BE INCLUDED IN COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of July A. D. 1950.

It appearing, that railroad freight cars are being delayed unduly in loading and unloading; or while held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, or forwarding directions; or while held for any other purpose of consignee, consignor or owner, causing a shortage of equipment and impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency requiring immediate action exists in all sections of the country. It is ordered, that:

§ 95.856 *Saturdays and Sundays to be included in computing demurrage on all freight cars.* (a) Each common carrier by railroad subject to the Interstate Commerce Act shall include all Saturdays and Sundays, occurring after the expiration of the free time published in tariffs when computing demurrage on all freight cars whether or not they are subject to monthly average agreement or any other regular settlement period. When the last day of free time begins to run 7:00 a. m., Friday, the Saturday and Sunday immediately following shall be included in computing demurrage detention time.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(c) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(d) *Effective date.* This order shall become effective at 7:00 a. m., August 1, 1950.

(e) *Expiration date.* This order shall expire at 7:00 a. m., February 1, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscrib-

ing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6877; Filed, Aug. 4, 1950; 8:48 a. m.]

[Rev. S. O. 856]

PART 95—CAR SERVICE

SATURDAYS AND SUNDAYS TO BE INCLUDED IN COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of August A. D. 1950.

It appearing, that railroad freight cars are being delayed unduly in loading and unloading; or while held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, or forwarding directions; or while held for any other purpose of consignee, consignor or owner, causing a shortage of equipment and impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency requiring immediate action exists in all sections of the country. It is ordered, that:

§ 95.856 *Saturdays and Sundays to be included in computing demurrage on all freight cars.* (a) Each common carrier by railroad subject to the Interstate Commerce Act shall include all Saturdays and Sundays, occurring after the expiration of the free time published in tariffs when computing demurrage on all freight cars whether or not they are subject to monthly average agreement or any other regular settlement period. When the last day of free time begins to run 7:00 a. m., Friday, the Saturday and Sunday immediately following shall be included, or when the last day of free time begins to run 7:00 a. m. Saturday, the Sunday immediately following shall be included in computing demurrage detention time.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(c) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(d) *Effective date.* This order shall become effective at 7:00 a. m., August 3, 1950.

(e) *Expiration date.* This order shall expire at 7:00 a. m., February 1, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6882; Filed, Aug. 4, 1950; 8:50 a. m.]

[S. O. 858]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNING LUMBER

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of August A. D. 1950.

It appearing, that carload shipments of lumber are being held at points in the United States for diversion, reconsignment, or disposition orders, thereby impending the use, control, supply, movement, distribution, exchange, interchange, and return of cars; the Commission is of opinion an emergency requiring immediate action exists in all sections of this country. It is ordered, That:

§ 95.858 *Lumber, restrictions on reconsigning*—(a) *Definition.* The term "lumber" as used in this order means lumber, veneer or forest products as listed in Items 26715 to 27135, inclusive, of Consolidated Freight Classification No. 19, supplements thereto or reissues thereof.

(b) *Holding of cars for diversion, reconsignment, or disposition orders, restricted.* Carload shipments of lumber held in cars for diversion reconsignment, or disposition orders beyond three days (72 hours), exclusive of the holidays listed in Item 7 of Agent B. T. Jones' Tariff I. C. C. 4257, after the first seven a. m. (7:00 a. m.) after notice of arrival of the car at any point prior to delivery at the ultimate destination is sent or given the consignee or party entitled to receive same, and later reforwarded upon request of consignor, consignee, or owner, will be subject to the basis of charges shown in note 1 of this paragraph.

NOTE 1: The full local or joint (not proportional, reshipping or transshipping) tariff rate to the reforwarding point, plus the full local or joint (not proportional, reshipping or transshipping) tariff rate from the reforwarding point, in effect on the date of shipment from point of origin, plus all other applicable charges previously or subsequently accruing.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(2) The provisions of this order shall not apply to carload shipments of lumber billed from the primary point of origin prior to the effective date of this order.

(3) This order shall apply to a railroad freight car loaded with lumber stopped for partial unloading at a hold or reconsigning point when the order for the "stop for partial unloading" of such car is received by the carriers subsequent to the arrival of such car at the hold or reconsigning point.

(d) *Tariff provisions suspended; announcement required.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(e) *Effective date.* This order shall become effective at 12:01 a. m., August 3, 1950.

(f) *Expiration date.* This order shall expire at 11:59 p. m., February 2, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(g) *Reconsigning involving backhaul prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall reconsign or execute reconsigning orders when such reconsigning involves, requires or results in any backhaul, nor when such reconsigning requires or results in a car moving through or to a point where that car had previously been transported in through or continuous movement.

It is further ordered, that a copy of this order and direction be served upon each State Railroad regulatory body, upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon all other railroads not parties to that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1).

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6883; Filed, Aug. 4, 1950; 8:50 a. m.]

[S. O. 859]

PART 95—CAR SERVICE

RAILROAD FREIGHT CARS TO BE STOPPED TO COMPLETE LOADING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of August A. D. 1950.

It appearing, that there is a critical shortage of railroad freight cars; that shippers are appropriating such cars and shipping them almost empty to other points to complete loading; that such practice is wasteful and aggravates the car shortage, depleting and diminishing the use, control, supply, distribution and interchange of such cars; the Commission is of opinion that an emergency requiring immediate action exists in the States of Oregon and Washington. It is ordered, that:

§ 95.859 *Railroad freight cars to be stopped to complete loading.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, or transport or move, any railroad freight car (whether ordered or appropriated without being ordered), which car is loaded with lumber, shingles, plywood, doors, and other lumber or forest products in Oregon or Washington and tendered to be forwarded to another point to be stopped off to complete the loading thereof, unless or until the shipper or consignor certifies on the bill of lading that the lumber, shingles, plywood, doors, and other lumber or forest products loaded in the car at the first loading point equals or exceeds twenty-five percent (25%) of the tariff minimum weight.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign commerce as well as interstate commerce.

(c) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(d) *Effective date.* This order shall become effective at 12:01 a. m., August 3, 1950.

(e) *Expiration date.* This order shall expire at 11:59 p. m., February 2, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6884; Filed, Aug. 4, 1950; 8:50 a. m.]

[S. O. 860]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS, TO TRANSPORT FRUIT AND VEGETABLE CONTAINERS AND BOX SHOOKS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of August A. D. 1950.

It appearing, that fruit and vegetable containers, box shooks and other packing material are now moving in box cars from origins in the States of Washington, Oregon, or California, to destinations in the State of California; that refrigerator cars are moving empty from the same points of origin to the same points of destination and that the substitution of refrigerator cars for such box cars will release the box cars for other and more essential transportation; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment. It is ordered, that:

§ 95.860 *Substitution of refrigerator cars for box cars, to transport fruit and vegetable containers and box shooks.* (a) (1) Except as provided in paragraph (a) (2), common carriers by railroad subject to the Interstate Commerce Act transporting fruit and vegetable containers, box shooks or other packaging or packing materials, in carloads, from origins located in the States of California, or in the State of Oregon on or south of a line extending from Bend through Eugene, to destinations in the State of California may, at their option, furnish and transport not more than three (3) refrigerator cars in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

(2) On shipments on which the carload minimum weight varies with the size of the car,

(i) Two (2) refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of 40' 7", or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of over 40' 7", but not over 50' 7", subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) *Application.* The provisions of this order shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This order shall become effective at 12:01 a. m., August 3, 1950.

(d) *Expiration date.* This order shall expire at 11:59 p. m., October 31, 1950, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(f) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, that this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6885; Filed, Aug. 4, 1950; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR, Part 21]

GENERAL CREDIT TO INDIANS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given of intention to amend §§ 21.2, 21.4, 21.10, 21.15 and 21.12 (e) of the regulations approved by the Secretary of the Interior, December 18, 1945, and amended August 21, 1947, and June 25, 1948, which were promulgated under authority contained in the Acts of June 18, 1934 (48 Stat. 986), and June 26, 1936 (49 Stat. 1967), as amended and supplemented, and to add new paragraphs (f) and (g) to § 21.12, to read as hereinafter indicated:

§ 21.2 *Eligible borrowers.* Loans may be made from revolving credit funds to Indian chartered corporations; recognized tribes and bands; credit associations organized pursuant to the Oklahoma Indian Welfare Act or whose form of organization has been approved by the Commissioner of Indian Affairs; other cooperative associations whose members are not eligible to borrow from incorporated or unincorporated tribes or bands; and members of Indian tribes or their descendants of at least one-quarter degree of Indian blood. Unless otherwise authorized by the Commissioner of Indian Affairs, individual Indians shall not be eligible for loans if they are members of a corporation, tribe, or band which is conducting credit operations, or if they are eligible for loans from a credit association.

§ 21.4 *Purpose of loans.* Borrowers from the United States may use funds to make loans to individual members, cooperative associations, subordinate bands, and enterprises of their members for any purpose which will promote the economic development of the group or individual, or to finance corporate or tribal enterprises. Indian chartered corporations and recognized tribes and bands may borrow money for the purchase of cattle for relending to members under the regulations in Part 23 of this chapter.

§ 21.10 *Penalties on default.* Unless otherwise provided in the loan agreement, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds for any one or all of the following steps to be taken by the Commissioner:

(a) Discontinue any further advances of funds contemplated by the loan agreement.

(b) Take possession of any or all collateral given as security, and in the case of individuals and cooperative associations, the property purchased with borrowed funds.

(c) Prosecute legal action against the borrower, or against officers of corporations, unincorporated tribes or bands, and credit and other cooperative associations.

(d) Declare the entire amount advanced immediately due and payable.

(e) Prevent further disbursement of credit funds under the control of the borrower.

(f) Withdraw any unobligated funds from the borrower.

(g) In the case of corporations, unincorporated tribes or bands, and credit associations, require that all repayments on loans be applied to liquidate the indebtedness to the United States.

(h) In the case of credit associations, take possession of the assets of the borrower and exercise or arrange for the exercise of its powers until the Commissioner has received acceptable assurance of its repayment and of compliance with the loan agreement.

(i) In the case of corporate and tribal enterprises and cooperative associations, to liquidate or operate, or arrange for the operation of the enterprise or association, until its indebtedness is paid or until the Commissioner has received acceptable assurance of its repayment and of compliance with the loan agreement.

§ 21.12 *Tribal industrial assistance funds.* * * *

(e) Loans to Menominee Indians from Menominee tribal funds shall bear interest at a rate specified by the tribe and approved by the Commissioner of Indian Affairs.

(f) Failure of a corporation or unincorporated tribe or band to use tribal industrial assistance funds advanced under authority of paragraph (a) of this section of the regulations in this part in accordance with the purposes for which requested, shall be grounds for any one or all of the following steps to be taken by the Commissioner:

(1) Discontinue any further advances of funds requested by the corporation, tribe, or band.

(2) Require that the entire amount advanced to the corporation, tribe, or band be returned to the Treasury.

(3) Prevent further disbursement of tribal industrial assistance funds under the control of the corporation, tribe, or band.

(4) Withdraw any unobligated funds from the corporation, tribe, or band, and deposit the same in the Treasury.

(5) Require that all repayments on loans made by the corporation, tribe, or band, be used to replace funds advanced to the corporation, tribe, or band from the Treasury.

(6) In the case of corporate and tribal enterprises operated with tribal industrial assistance funds, to liquidate or operate, or arrange for the operation of the enterprise, until all tribal industrial assistance funds advanced to the corporation, tribe, or band have been replaced in the Treasury, or until the Commissioner has received acceptable assurance that the funds will be replaced, or that the enterprise will be operated in a manner satisfactory to him.

(g) Tribal industrial assistance funds may be advanced to corporations and tribes for the purchase of cattle for relending to members under the regulations in Part 23, Title 25, CFR.

§ 21.15 *Charters.* The Commissioner of Indian Affairs may issue charters to credit and other cooperative associations of ten or more members in Oklahoma whose articles of association and bylaws have been approved by him.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to Dillon S. Myer, Commissioner of Indian Affairs, Washington 25, D. C., within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Dated: July 31, 1950.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

[F. R. Doc. 50-6898; Filed, Aug. 4, 1950; 8:51 a. m.]

[25 CFR, Part 23]

REVOLVING CATTLE POOL

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given of intention to amend §§ 23.2 to 23.20 inclusive of the regulations approved by the Secretary of the Interior on June 13, 1947, and amended April 27, 1948, which were promulgated under authority contained in 5 U. S. C. sec. 22 and to add new paragraphs (h) and (i) to § 23.1 (paragraphs (a) through (g) remaining unchanged). Part 23 as proposed reads as follows:

Sec.
23.1 Definitions.
23.2 Purpose of regulations.
23.3 Eligible borrowers.
23.4 Application.
23.5 Purpose of loans.
23.6 Approval of loans.
23.7 Modifications.
23.8 Interest.
23.9 Records and reports.
23.10 Maturity.
23.11 Security.
23.12 Title.
23.13 Branding.
23.14 Penalties on default.
23.15 Assignment.
23.16 Sales and exchanges.
23.17 Repayments.
23.18 Cash settlements.
23.19 Deposit of funds.
23.20 Relending by corporations and tribes.

AUTHORITY: §§ 23.1 to 23.20 issued under 5 U. S. C. sec. 22 and Public Law 525, 81st Congress.

§ 23.1 *Definitions.* The terms defined in this section shall have the meaning stated wherever used in this part.

(a) "Secretary" means Secretary of the Interior.

(b) "Commissioner" means Commissioner of Indian Affairs.

(c) "Corporation" means an Indian corporation chartered under section 17 of the act of June 18, 1934 (48 Stat. 988; 25 U. S. C. 477).

(d) "Tribe" means an unincorporated Indian tribe or band. A tribe shall be deemed any band, pueblo, or group of Indians residing on one reservation having a form of organization recognized by the Commissioner.

(e) "Loans" means loans of cattle repayable in kind and assignments of cattle under agreements requiring maintenance of the number and other operating conditions.

(f) "Corporate enterprise" means a business operated by a corporation.

(g) "Tribal enterprise" means a business operated by a tribe.

(h) "Area director" means the officer in charge of the area office of the Indian Service, or his successor in office, under which the borrower is placed for administrative purposes. The authority of the Area Director under the regulations in this part may be delegated by him in writing to his subordinates in the area office.

(i) "Superintendent" means the Superintendent of the Indian Agency under which the borrower is operating.

§ 23.2 *Purpose of regulations.* The purpose of this part is to prescribe the terms and conditions of loans of cattle by the United States to corporations and tribes, and loans of cattle by a corporation or tribe to its members. All loans shall be for the purpose of promoting the economic development of the borrower. Sections 23.3 to 23.19, inclusive, shall govern loans of cattle by the United States. Loans of cattle by corporations and tribes originating in loans of cattle to such organizations by the United States, or purchased with cash loans or advances of tribal industrial assistance funds under the regulations in Part 21 of this chapter shall be governed by the provisions of § 23.20.

§ 23.3 *Eligible borrowers.* Loans of cattle may be made only to corporations and tribes.

§ 23.4 *Application.* The application shall be submitted on a form approved by the Commissioner, and shall indicate the period of the loan, the interest, if any, to be paid, the security offered, and the procedures to be followed in handling and repaying the loan.

§ 23.5 *Purpose of loans.* Cattle loaned to corporations and tribes may be used in the operation of corporate or tribal enterprises and to make loans to individual members, in order to promote the economic development of the group or individual.

§ 23.6 *Approval of loans.* All loans of cattle shall require the approval of the Commissioner. Loan agreements must be executed on a form approved by the Commissioner. Applications may be approved either as submitted, or by issuance of commitment orders covering the terms and conditions of making the loans. Commitment orders shall be unconditionally accepted by borrowers.

§ 23.7 *Modifications.* Modifications of loan agreements shall be handled through the same channels as the original agreements.

§ 23.8 *Interest.* Interest may be charged on loans of cattle by the United States at a rate as nearly equivalent as possible to one head for each ten head loaned for a period not exceeding twenty-five years.

§ 23.9 *Records and reports.* Corporations and tribes shall keep separate records and accounts of their cattle loans, and make reports as directed by the Commissioner.

§ 23.10 *Maturity.* The period of maturity of loans of cattle shall be determined according to the circumstances, except that twenty-five years shall be the maximum.

§ 23.11 *Security.* Corporations and tribes shall furnish security, if available, up to an amount adequate to protect the loan. Loans may be secured by the assignment of notes, chattel mortgages, income, liens (except on trust or restricted land), and such other securities as the Commissioner may require.

§ 23.12 *Title.* Title to all cattle loaned to corporations and tribes, the increase therefrom, cattle received in repayment of loans made by the corporations and tribes, and any "lieu" cattle to replace animals loaned, shall be in the United States in trust for the corporation or tribe until the cattle are loaned to individual members under the provisions of § 23.20.

§ 23.13 *Branding.* All cattle loaned by the United States for use only in corporate or tribal enterprises shall be branded or marked "ID" and with the brand or mark of the enterprise.

§ 23.14 *Penalties on default.* Unless otherwise provided in the loan agreement, failure of a corporation or tribe to conform to the terms of its loan agreement will be deemed grounds for any one or all of the following steps to be taken by the Commissioner:

(a) Take possession of any or all collateral given as security.

(b) Prosecute legal action against the corporation or tribe or against officers of the corporation or tribe.

(c) Declare the loan immediately due and payable.

(d) Prevent further loans of cattle under the control of the corporation or tribe, repossess any cattle which have not been reloaned, and require that repayments on loans made by the corporation or tribe be applied to liquidate its indebtedness to the United States.

(e) In the case of corporate and tribal enterprises, liquidate or operate, or arrange for the operation of the enterprise until its indebtedness is paid, or until the Commissioner has received acceptable assurance of its repayment and of compliance with the loan agreement.

§ 23.15 *Assignment.* A corporation or tribe may not assign its loan agreement or any interest therein to a third party without the written consent of the Commissioner.

§ 23.16 *Sales and exchanges.* Superintendents may grant corporations and tribes permission to sell or exchange cattle for which repayment has not been made, provided the interest of the United States in the loan will not be jeopardized.

§ 23.17 *Repayments.* Repayments of cattle to the United States shall be made to a bonded Government disbursing agent or his authorized representative, who shall issue receipts for all such payments. With the prior approval of the Commissioner, cattle repaid to the United States may be sold under applicable authority governing the sale of Government-owned property.

§ 23.18 *Cash settlements.* When authorized by the Commissioner, corporations, tribes, cooperative associations, and individual Indians indebted to the United States for loans of cattle, may settle obligations in cash in lieu of cattle, and any obligation payable in cattle which is not yet due may be converted to a cash obligation. The value of the livestock for the purpose of any such cash settlement or conversion shall be based on prevailing market prices in the area and shall be ascertained by a committee composed of three members, one of whom shall be selected by the superintendent, one of whom shall be selected by the chairman of the tribal council, and one of whom shall be selected by the other two members.

§ 23.19 *Deposit of funds.* The proceeds of the sales of cattle repaid to the United States, and of cash accepted in lieu of cattle, shall be deposited in the United States Treasury to the credit of the revolving fund established pursuant to the acts of June 18, 1934 (48 Stat. 986), and June 26, 1936 (49 Stat. 1967), as amended and supplemented, in accordance with instructions of the Commissioner.

§ 23.20 *Relending by corporations and tribes.* Corporations and tribes receiving either loans of cattle from the United States, or cash loans from the revolving credit fund and advances of tribal industrial assistance funds under the regulations in Part 21 of this chapter for the purchase of cattle for relending to members, may make loans of cattle as follows:

(a) *Purpose.* All loans shall be to promote the economic development of the borrower.

(b) *Eligibility.* Loans may be made to individual members of the corporation or tribe of one-quarter or more degree of Indian blood, except that individuals need not be of at least one-quarter degree of Indian blood in order to receive loans of cattle purchased with tribal industrial assistance funds.

(c) *Application.* The application shall be on a form approved by the Commissioner.

(d) *Approval.* All loans shall require approval of the Area Director, unless the Commissioner authorizes the Superintendent, the corporation, or the tribe to approve loans up to a specified number of cattle. Loan agreements must be executed on a form approved by the Commissioner. Applications shall be approved as submitted, or by the issuance of a commitment order covering the terms and conditions of making the loan. Commitment orders shall be unconditionally accepted by borrowers.

(e) *Modifications.* Modifications of loan agreements shall be handled through the same channels as the original loan agreement.

(f) *Interest.* Interest may be charged at a rate as nearly equivalent as possible to one head for each ten head loaned for a period not exceeding eight years.

(g) *Maturity.* Ten years shall be the maximum on loans of cattle.

(h) *Security.* Borrowers shall mortgage all cattle borrowed from a corporation or tribe to the lender as security for any unpaid indebtedness, unless the Area Director determines that the repayment of such indebtedness is otherwise reasonably assured. Mortgages shall be filed in accordance with State law. Borrowers shall furnish other security, if available, up to an amount adequate to protect the loan. Liens on trust or restricted land may be taken as security.

(i) *Title.* Title to all cattle loaned shall be in the name of the borrower.

(j) *Branding.* All cattle loaned, the increase therefrom, and any "lieu" cattle replacing animals loaned shall be branded or marked with the brand or mark of the borrower.

(k) *Penalties on default.* Unless the loan agreement otherwise provides, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds for any one or all of the following steps to be taken at the option of the lender:

(1) Take possession of any or all collateral given as security, and, in accordance with State law, the cattle loaned, increase therefrom, and any "lieu" cattle replacing animals loaned.

(2) Prosecute legal action against the borrower.

(3) Declare the loan immediately due and payable.

(l) *Assignment.* A borrower may not assign a loan agreement or any interest therein to a third party without the consent of the lender.

(m) *Sales and exchanges.* The lender, with the approval of Superintendent, may grant borrowers permission to sell or exchange cattle for which repayment has not been made, provided the interests of the lender in the loan will not be jeopardized. Partial releases in connection with such transactions shall be filed in accordance with State law.

(n) *Repayments.* Repayments shall be made to an authorized representative of the lender, who shall issue receipts for all repayments. With the approval of the Superintendent, lenders may accept from borrowers, their heirs, successors, or assigns, cash in lieu of cattle. Cash repayments shall be used for the purchase of suitable replacements by the corporation or tribe, unless otherwise authorized by the Area Director.

(o) *Number loaned.* Indian boys and girls enrolled in 4–H Club work may receive loans of from one to ten head of cattle for use in connection with their club projects. Other borrowers may receive loans of not less than ten head nor more than fifty head of beef cattle. Dairy cattle may be loaned in units of less than ten head.

(p) *Preference.* Preference shall be given to applicants in the following order:

(1) *Beef cattle.* First preference shall be given to applicants who have less than fifty head of cattle of breeding age, and who are equipped to handle up to fifty head. Second preference shall be given to applicants without cattle who have not previously participated in the program, but who are equipped to handle a cattle enterprise. Third preference shall be given to applicants who have fifty head or more cattle of breeding age, but less than one hundred head, but this group shall not receive loans until all applicants having less than fifty head of cattle of breeding age and who are equipped to handle this size unit, have received loans.

(2) *Dairy cattle.* Applicants for cattle to supply milk for home consumption shall receive preference over applicants for cattle to undertake commercial dairy operations.

(g) *Restrictions.* Loans to applicants owning one hundred or more head of beef cattle of breeding age shall not be approved without the consent of the Commissioner. Not more than fifteen head of dairy cattle of breeding age may be loaned to any one individual without the consent of the Commissioner.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to Dillon S. Myer, Commissioner of Indian Affairs, Washington 25, D. C., within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Dated: July 31, 1950.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

[F. R. Doc. 50-6897; Filed, Aug. 4, 1950; 8:50 a. m.]

Bureau of Land Management

[43 CFR, Part 200]

MINERAL DEPOSITS IN ACQUIRED LANDS

NOTICE OF PROPOSED AMENDMENT OF THE REGULATIONS CONCERNING FUTURE AND FRACTIONAL INTEREST LEASES

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 10 of the act of August 7, 1947 (61 Stat. 913), it is proposed to amend the regulations governing the issuance of future and fractional interest leases. A tentative draft of the proposed regulations, 43 CFR 200.7, is attached as Appendix A, and a draft of a Supplemental Agreement, Form 4–1155, to be executed by each applicant under these proposed regulations, is attached as Appendix B.

Interested persons may submit written comments, suggestions, or objections with respect to the proposed new offer and lease form and the change in the regulations to the Director of the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice.

Upon receiving the recommendation of the Director of the Bureau of Land Managemnt, together with all responses received pursuant to this notice, the Secretary of the Interior will determine whether the proposed regulations, 43 CFR 200.7, and the Supplemental Agreement should be adopted. Should the Secretary of the Interior decide that such form and regulations be adopted they will be duly published in the FEDERAL REGISTER.

DALE E. DOTY,
Assistant Secretary of the Interior.

JULY 31, 1950.

APPENDIX A

Section 200.7 is completely revised as follows:

§ 200.7 *Leases for future or fractional interests*—(a) *General.* The Secretary may issue leases for future or fractional interests in mineral deposits covered by the act, whenever in his judgment the public interest will be best served thereby. Noncompetitive leases will be issued only for land not on the known geologic structure of a producing oil or gas field. In leasing lands in which the fractional or other interest owned by the United States is different for different tracts, separate leases may be issued for the different interest or a single lease may be issued with separate development, production and royalty requirements for the different interests. Where the United States owns only a future interest in the mineral deposits in part of the lands covered by an application and has present ownership, either total or fractional, in the mineral deposits in the remainder of the lands, separate leases will be issued, one for the future interests and the other for the presently owned interests. An application must conform to §§ 200.4 and 200.5.

(b) *Applications for leases for future mineral interests, including future fractional interests.* A future interest lease, whether the future interest of the United States is whole or fractional, will be issued only to an applicant who shows that he either owns all or substantially all the present mineral rights or holds a lease, operating agreement or other contract covering all or substantially all of those rights, providing for the development of the mineral deposits in the lands covered by his application. If the application is made by one claiming ownership of the present mineral interest, it shall also be accompanied by a certified abstract of title, going back to the title of the predecessor in interest of the United States who created such mineral interest, showing such ownership. If made by someone who holds the leasehold or operating rights to the present mineral interest, it shall, in addition to the abstract of title, also be accompanied by three certified copies of the lease, or other contract under which such rights were acquired from the owner of the present mineral interest. In lieu of an abstract a certificate of title may be furnished.

(c) *Supplemental agreement as consideration for issuance of lease on future interest in oil and gas deposits.* As part of the consideration for the issuance of a future interest oil and gas lease and as supplemental thereto, the applicant shall execute and file in triplicate Form 4–1155 "Supplemental agreement to lease of future interests in oil and gas deposits". Such agreement will be effective as of the date the lease issues. Such agreement will govern the relationship of the applicant and the United States between its effective date and the respective dates when each future interest covered thereby vests in the United States. Where the United States owns a fractional share of the present interest, together with the entire future interest, then, for the purpose of the supplemental agreement, the United States shall be deemed to own a future interest to be covered by the supplemental agreement only to the extent of the fractional share of the present interest not held by it. The lease when issued, shall be effective for the present interest held by the United States as of the date for which the lease issues. In such cases or where the United States owns only part of the future mineral interest the percentage of royalty specified in the agreement shall apply to the fractional future interest in that proportion. In lieu of a provision in the agreement for the payment of royalty by the future interest lease holder the applicant, if not the owner of the present mineral interest, may obtain and file with the Bureau of Land Management an instrument executed in duplicate by the present mineral owner conveying or assigning to the United States the royalty interest set forth in the agreement applicable to the particular term of years which will elapse before the United States becomes the owner of the mineral rights. If found acceptable, one original of such assignment will be returned to the applicant for recordation at his expense. In such case, the supplemental agreement should have endorsed on it by the applicant the statement that the assignment of such royalty interest to the United States is recognized by the holder of the agreement.

(d) *Applications for fractional interest oil and gas leases, excepting future fractional interest.* An application for a fractional interest lease should include a statement showing whether applicant owns the entire operating rights to the fractional mineral interest not owned by the United States in each tract covered by the application, and if not so owned, the extent of his ownership, the names of the parties who own the remainder of the operating rights to such fractional interests. Ordinarily, the issuance of a lease to an applicant, who upon such issuance would own less than a majority interest of the operating rights in any such tract, will not be regarded as in the public interest and such application will be rejected.

APPENDIX B

Form 4–1155

Acquired lands
Serial No. ----------
Effective Date ----------

No. 151—3

AGREEMENT SUPPLEMENTAL TO LEASE OF OIL AND GAS LANDS UNDER THE ACT OF AUGUST 7, 1947

(61 Stat. 913, 30 U. S. C. 351)

This agreement, made and entered into, in quadruplicate, by and between the United States of America, through the Bureau of Land Management, hereinafter called the lessor, and ----------
hereinafter called the lessee, witnesseth:

Whereas, an oil and gas lease with the above Serial Number covering certain future interests in oil and gas rights in the lands described therein is issued concurrently herewith as requested in an application filed by lessee,

Now, therefore, as part of the consideration for the issuance of said lease and as supplemental thereto, the lessee hereby agrees:

SECTION 1. *Rights and obligations of lessee.* (a) To pay to the United States an annual rental in advance at the rate of 25 cents an acre or fraction thereof for the lands subject to said lease, until said lease becomes effective as to the respective tracts therein described or until production is had on the leased lands. Such rental shall not be prorated for the year or years in which said lease becomes effective or the year production is had.

(b) To pay the United States a royalty, until said lease becomes effective as to the respective tracts therein described, on all oil and gas produced from or allocated to the respective tracts subject to said lease, in value or, at the option of lessor, in kind, delivered free of cost and in merchantable condition, at the applicable following per centums: When the interval from the date of receipt of said lease application to the date that ownership of the mineral estate will vest in the United States is:

	Percent
Not more than 5 years	5
More than 5 years, but not more than 10 years	4
More than 10 years, but not more than 15 years	3
More than 15 years	1

Where the United States owns only part of the future mineral interest in any tract covered by this agreement the percentage of royalty specified in the agreement shall apply to the fractional future interest in that tract in that proportion.

(c) To compensate the United States in full for any loss in royalty caused by drainage from the leased lands. The amount of such compensatory royalty shall be determined under instructions of the Secretary and shall be due and payable monthly on the last day of the calendar month next following the calendar month in which the drainage occurred.

(d) To furnish the Geological Survey all reports necessary to enable it to compute the royalty payable hereunder in accordance with the operating regulations (30 CFR 221).

(e) To make rental, royalty, or other payments to the lessor, to the order of the Treasurer of the United States, and unless otherwise directed by the Secretary of the Interior, such payments to be tendered to the Director of the Bureau of Land Management, Washington 25, D. C.

(f) To furnish and maintain a corporate surety bond conditioned upon compliance with the terms and conditions of this agreement, in the penal sum of $1,000 prior to discovery of oil or gas on the lands described in the lease and to substitute a like bond after discovery for not to exceed $5,000, if required by the Bureau of Land Management.

SEC. 2. *Transfer of oil and gas rights.* Not to make a transfer of the future interest lease and this supplemental agreement in whole or in part without a concurrent transfer to the same extent and to the same party of the rights to the present mineral interests which were the basis for the issuance of such future interest lease and agreement, nor will he make any transfer in whole or in part of the rights to the present mineral interests which were the basis for the issuance of the future interest lease and this agreement without a transfer of the future interest lease and this agreement to the same extent and to the same party. Within 30 days after the execution of any such transfer, three certified copies of the transfer of such agreement, future interest lease, and rights to the present mineral interest shall be furnished to the Bureau of Land Management for approval of the transfer as to the future interest lease and this agreement, together with the address of the transferee, if not shown, in the transfer, and a new bond unless there is submitted the consent to the transfer of the surety on the existing bond.

SEC. 3. *Termination of operating rights.* That, if lessee holds only leasehold or operating rights to the present mineral interests, his obligations under this agreement and the right to hold the future interest lease shall cease and terminate to the same extent that such rights to the present mineral interests are released, surrendered, canceled, or otherwise terminated prior to the expiration of the present mineral interests; and to furnish to the Bureau of Land Management within 30 days after such release, surrender, or cancellation has been executed, three certified copies thereof, together with the consent of the surety, if it is only a partial release, surrender, or cancellation, to remain bound as to the interests retained, or to give notice of such termination to the Bureau of Land Management within 30 days after it occurs.

SEC. 4. *Forfeiture and default.* That if lessee shall default in performance or observance of any of the terms, covenants, or stipulations hereof, and such default is continued for a period of 30 days after service of written notice thereof by the United States, this agreement may be canceled by the Director, Bureau of Land Management; but this provision shall not be construed to prevent the exercise by the United States of any legal or equitable right which it might otherwise have. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of this agreement for any other cause of forfeiture or for the same cause occurring at any other time.

SEC. 5. *Heirs and successors in interest.* That each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall enure to the heirs, executors, administrators, successors or assigns of the respective parties hereto.

SEC. 6. *Unlawful interest.* That no Member of or Delegate to the Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior shall be admitted to any share or part of this agreement, or derive any benefit that may arise therefrom, and the provisions of section 3741 of the Revised Statutes of the United States, and sections 431, 432, and 433, Title 18, United States Code, relating to contracts, enter into and form a part of this agreement so far as the same may be applicable.

In witness whereof:

THE UNITED STATES OF AMERICA,
By ----------
(Director of the Bureau of Land Management)

(Lessee)

Witnesses to signature of lessee:

(If lessee is a corporation, the corporate seal must be affixed opposite the lessee's signature.)

The reporting requirements of this lease have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F. R. Doc. 50-6863; Filed, Aug. 4, 1950; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED LIMA BEANS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Canned Lima Beans, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and Public Law 585, 81st Congress, approved June 29, 1950. This revision, if made effective, will be the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.169 *Canned lima beans.* (a) "Canned lima beans" means canned lima beans as defined in the definitions and standards of identity for canned vegetables (21 CFR Cum. Supp. 52.990) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) *Types of canned lima beans.* (1) Canned lima beans consist of either (i) the thin-seeded varietal types, such as the Henderson Bush varieties or (ii) the thick-seeded varietal types, such as the Fordhook variety.

(c) *Grades of canned lima beans.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically free from defects, and are of such quality with respect to character, clearness of liquor, and the aforesaid factors as to score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a reasonably good color; that are reasonably free from defects, and are of such quality with respect to character, clearness of liquor, and the aforesaid factors as to score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a fairly good color; that possess a fairly clear liquor; that are fairly free from defects; that possess a fairly good character, and score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of canned lima beans that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled with lima beans as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

(e) *Recommended minimum drained weight.* (1) The drained weight recommendations in Table No. I hereof are not incorporated in the grades of the finished product, since drained weight, as such, is not a factor of quality for the purpose of these grades.

(2) The drained weight of canned lima beans is determined by emptying the contents of the container upon a No. 8, sieve of proper diameter and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and for containers of equal or smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

TABLE NO. I

[Recommended minimum drained weights (in ounces) of lima beans]

Container size or designation:	Drained weight
8-ounce Tall	5½
No. 1 (Picnic)	7
No. 1 Tall	10¾
No. 300	9¾
No. 303	11
No. 2	13½
No. 10	72
No. 303 jar	11

(f) *Sizes of lima beans in canned lima beans.* The size of lima beans is not a factor of quality of canned lima beans for the purpose of these grades. The size of a lima bean is determined by measuring the greatest width through the center at right angles to the longitudinal axis of the bean. The designations of the various sizes of lima beans packed as canned beans are shown in table No. II of this section.

TABLE NO. II

[Sizes of lima beans in canned lima beans]

Word designation	Number designation	Size of lima beans (inches in width)
Tiny	No. 1	$^{39}/_{64}$ inch in width and smaller.
Small	No. 2	Over $^{39}/_{64}$ inch to and including $^{45}/_{64}$ inch in width.
Medium	No. 3	Over $^{45}/_{64}$ inch to and including $^{51}/_{64}$ inch in width.
Large	No. 4	Larger than $^{51}/_{64}$ inch in width.

(g) *Ascertaining the grade.* (1) The grade of canned lima beans is ascertained by considering in conjunction with the other requirements of the respective grade, the respective ratings of the factors of color, clearness of liquor, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on a scale of 100. The maximum number of points that may be given such factors is:

Factor:	Points
(i) Color	35
(ii) Clearness of liquor	10
(iii) Absence of defects	25
(iv) Character	30
Total score	100

(3) "Normal flavor and normal odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

(h) *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "8 to 10 points" means 8, 9, or 10 points).

(1) *Color.* (i) "Green" means that the individual lima bean, with respect to (*a*) thin-seeded types possesses as much or more green color than Plate 19, G–1, and, with respect to (*b*) thick-seeded types possesses as much or more green color than Plate 12, L–2, as illustrated in Maerz and Paul's Dictionary of Color.

(ii) "Pale green" means that the individual lima bean, with respect to (*a*) thin-seeded types possesses less green color than Plate 19, G–1 but possesses as much or more green color than Plate 11, G–1, and, with respect to (*b*) thick-seeded types possesses less green color than Plate 12, L–2, but possesses as much or more green color than Plate 11, L–3, as illustrated in Maerz and Paul's Dictionary of Color.

(iii) "White" means that the individual lima bean, with respect to (*a*) thin-seeded types possesses less green color than Plate 11, G–1, and, with respect to (*b*) thick-seeded types possesses less green color than Plate 11, L–3, as illustrated in Maerz and Paul's Dictionary of Color.

(iv) Canned lima beans that possess a good color may be given a score of 32 to 35 points. "Good color" means that the canned lima beans possess a bright, typical color, and with respect to thin-seeded types contain not less than 90 percent, by count, of green beans and not more than 10 percent, by count, may be pale green and white, of which not more than 1 percent, by count, may be white; and with respect to thick-seeded types contain not less than 90 percent, by count, of green lima beans and not more than 10 percent, by count, may be pale green and white, of which not more than 3 percent, by count, may be white beans.

(v) If the canned beans possess a reasonably good color a score of 29 to 31 points may be given. Canned lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the canned lima beans possess a typical color and with respect to thin-seeded types contain not less than 50 percent, by count, of green beans and the remainder may be pale green and white, of which not more than 25 percent, by count, may be white beans; and with respect to thick-seeded types contain not less than 50 percent, by count, of green lima beans and the remainder may be pale green or white.

(vi) Canned lima beans that possess a fairly good color may be given a score of 26 to 28 points. Canned lima beans that score in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned lima beans possess a typical color and with respect to thin-seeded types may contain less than 50 percent, by count, of green beans or pale green beans or more than 25 percent, by count, of white beans; and with respect to thick-seeded types may contain less than 50 percent, by count, of green beans or pale green beans or more than 50 percent, by count, that may be white beans.

(vii) Canned lima beans that are definitely off color or fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 25 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Clearness of liquor.* (i) Canned lima beans that possess a practically clear liquor may be given a score of 9 to 10 points. "Practically clear liquor" means that the liquor may be slightly cloudy and that not more than a small amount of sediment is present.

(ii) If the canned lima beans possess a reasonably clear liquor a score of 7 to 8 points may be given. "Reasonably clear liquor" means that the liquor may be somewhat cloudy and may contain a considerable amount of sediment.

(iii) Canned lima beans that possess a fairly clear liquor may be given a score of 5 to 6 points. "Fairly clear liquor" means that the liquor may be dull in color; and may be rather viscous, creamlike or starchy.

(iv) Canned lima beans that possess a liquor that is definitely off color for any reason or contain an excessive amount of sediment may be given a score of 0 to 4 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, from loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, mashed or broken beans and from beans that are blemished or seriously blemished by discoloration, pathological injury, insect injury or blemished by other means.

(*a*) "Extraneous vegetable matter" means pods or pieces of pods, leaves, stems, and other similar vegetable matter.

(*b*) "Mashed and broken" means broken or crushed so that the bean has lost its original conformation or is broken to the extent that a cotyledon or portion thereof has become separated from the bean.

(*c*) "Loose skin" means a whole skin which has become separated from the cotyledons or loose pieces of skin aggregating the equivalent of an average size whole skin.

(*d*) "Loose cotyledon" means a whole cotyledon which has become separated from the skin or loose pieces of a cotyledon aggregating the equivalent of an average size cotyledon.

(*e*) "Blemished" means blemished by discoloration, pathological injury, insect injury or blemished by other means to such an extent that the aggregate blemished area materially affects the appearance of the bean.

(*f*) "Seriously blemished" means blemished to such an extent that the aggregate blemished area seriously affects the appearance or eating quality of the bean.

(ii) Canned lima beans that are practically free from defects may be given a score of 22 to 25 points. "Practically free from defects" means that for each 12 ounces drained weight there may be present extraneous vegetable matter having an aggregate area of not more than $^{3}/_{16}$ square inch ($^{1}/_{2}$'' x $^{3}/_{8}$'') on one surface of the piece or pieces; not more than 5 percent, by count, of mashed and broken beans, loose skins, and loose cotyledons; and not more than 4 percent, by count, may be blemished or seriously blemished beans and of such 4 percent not more than ⅛ thereof or ½ percent, by count, may be seriously blemished.

(iii) If the canned lima beans are reasonably free from defects a score of 20 to 21 points may be given. Canned lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that for each 12 ounces drained weight there may be present extraneous vegetable matter having an aggregate area of not more than ¼ square inch ($^{1}/_{2}$'' x $^{1}/_{2}$'') on one surface of the piece or pieces; not more than 10 percent, by count, of mashed and broken beans, loose skins, and loose cotyledons; and not more than 6 percent, by count, may be blemished or seriously blemished beans and of such 6 percent not more than ⅛ thereof or 1 percent, by count, may be seriously blemished.

(iv) Canned lima beans that are fairly free from defects may be given a score of 18 to 19 points. Canned lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that for each 12 ounces drained weight there may be present extraneous vegetable matter having an aggregate area of not more than ½ square inch (1'' x $^{1}/_{2}$'') on one surface of the piece or pieces; not more than 15 percent, by count, of mashed and broken beans, loose skins, and loose cotyledons; and not more than 8 percent, by count, may be blemished or seriously blemished beans and of such 8 percent not more than ¼ thereof or 2 percent, by count, may be seriously blemished.

(v) Canned lima beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 17 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Character.* (i) The factor of character refers to the tenderness and maturity of the product.

(ii) Canned lima beans that possess a good character may be given a score of 27 to 30 points. "Good character" means that not less than 90 percent, by count, of the lima beans are in the early stages of maturity; and possess a tender texture; and the remainder are at least in the fairly early stage of maturity and possess a reasonably tender texture.

(iii) If the canned lima beans possess a reasonably good character a score of 24 to 26 points may be given. "Reasonably good character" means that not less than 50 percent, by count, of the lima beans are in the early stages of maturity; and possess a tender texture; and the remainder are at least in the fairly early stage of maturity or nearly mature and possess at least a fairly tender texture.

(iv) Canned lima beans that possess a fairly good character may be given a score of 21 to 23 points. Canned lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the lima beans may be nearly mature and possess a fairly tender texture, may be firm and mealy but not hard, or may be soft but not mushy.

(v) Canned lima beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(i) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned lima beans the grade of such

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

lot will be determined by averaging the total scores of all containers, if

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(j) *Score sheet for canned lima beans.*

Size and kind of container	----
Container marks or identification	----
Label	----
Net weight (ounces)	----
Vacuum (inches)	----
Drained weight (ounces)	----
Variety (thin or thick seeded)	----
Size	----
Color:	
Percent green	----
Percent pale green	----
Percent white	----

Factors	Score points		
I. Color	35	(A)	32-35
		(B)	1 29-31
		(C)	1 26-28
		(D)	1 0-25
II. Clearness of liquor	10	(A)	9-10
		(B)	7- 8
		(C)	5- 6
		(D)	1 0- 4
III. Absence of defects	25	(A)	22-25
		(B)	1 20-21
		(C)	1 18-19
		(D)	1 0-17
IV. Character	30	(A)	27-30
		(B)	24-26
		(C)	1 21-23
		(D)	1 0-20
Total score	100		

Grade	----
Normal flavor and odor	----

1 Indicates limiting rule.

Issued at Washington, D. C., this 1st day of August 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-6901; Filed, Aug. 4, 1950; 8:51 a. m.]

[7 CFR, Part 940]

PEACHES GROWN IN COUNTY OF MESA IN COLORADO

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND THE FIXING OF THE RATE OF ASSESSMENT FOR THE 1950-51 FISCAL YEAR

Consideration is being given to the following proposals which were submitted by the Administrative Committee, established under the marketing agreement and Order No. 40 (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $6,750.00 are likely to be incurred by said committee during the fiscal year beginning May 1, 1950, and ending April 30, 1951, both dates inclusive, for its maintenance and functioning under the aforesaid marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler shall pay in accordance with the provisions of the aforesaid marketing agreement and order during the aforesaid fiscal year, the rate of assessment at $0.01 per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by mailing the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Part 940)

Issued this 2d day of August 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch.

[F. R. Doc. 50-6900; Filed, Aug. 4, 1950; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1950, 37th Supp.]

TRANSPORTATION INSURANCE CO.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

JULY 28, 1950.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved August 13, 1894, 28 Stat. 279-80, as amended by the act of Congress approved March 23, 1910, 36 Stat. 241 (U. S. Code, title 6, secs. 6-13), as an acceptable surety on Federal bonds. An underwriting limitation of $224,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-6886; Filed, Aug. 4, 1950; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CORRECTION TO SMALL TRACT CLASSIFICATION ORDER NO. 228

JULY 26, 1950.

Notice of Small Tract Classification Order, California No. 228, published in 15 F. R. 4379, is corrected as follows:

Paragraph 4, section (a), third line: change "1950" to "1949."

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 50-6861; Filed, Aug. 4, 1950; 8:45 a. m.]

Office of the Secretary

[Order 2509, Amdt. 7]

ACQUISITION OF REAL ESTATE BY CONDEMNATION

DELEGATIONS OF AUTHORITY

JULY 31, 1950.

A new section, numbered 28 and reading as follows, is added to Order No. 2509:

SEC. 28. *Acquisition of real estate by condemnation.* (a) The Solicitor of the Department of the Interior is authorized to exercise the power of the Secretary of the Interior under section 1 of the act of August 1, 1888 (25 Stat. 357), as amended (40 U. S. C., 1946 ed., Supp. III, sec. 257), to acquire real estate for the United States by condemnation, under judicial process, whenever in the opinion of the Solicitor it is necessary or advantageous to the Government to do so, and the Solicitor is authorized to submit to the Attorney General of the United States applications for the institution of proceedings for condemnation.

(b) The Solicitor of the Department of the Interior is authorized to exercise the power of the Secretary of the Interior under section 1 of the act of February 26, 1931 (46 Stat. 1421, 40 U. S. C., 1946 ed., sec. 258a), to sign declarations of taking.

(Issued under section 2, Reorganization Plan No. 3 of 1950, 15 F. R. 3174)

WILLIAM E. WARNE,
Acting Secretary of the Interior.

[F. R. Doc. 50-6864; Filed, Aug. 4, 1950; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 3718, 3867]

SOUTHWEST AIRWAYS CO. AND UNITED AIR LINES, INC.; SOUTHWEST RENEWAL, UNITED SUSPENSION CASE

NOTICE OF REOPENED HEARING

In the matter of the renewal of the temporary certificate of public convenience and necessity for route No. 76 held by Southwest Airways Company, its amendment to include Salinas, Calif., and Klamath Falls, Oreg., as intermediate points thereon for a period of five years, and the temporary suspension of the certificate of public convenience and necessity held by United Air Lines, Inc., insofar as said certificate authorizes the holder to provide air transportation of persons, property, and mail to Eureka-Arcata, Red Bluff, Santa Barbara, and Monterey, Calif., for a period of five years or less and to Salinas, Calif., and Klamath Falls, Oreg., for an indefinite period.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (h), and 1001 thereof, and the orders of the Board in this proceeding, including, inter alia, Serial Nos. E-4292 adopted June 6, 1950, and E-4315 adopted June 16, 1950, that the record in this proceeding will be reopened and further hearing held on August 14, 1950, at 10:00 a. m., e. d. t., in the South Lounge of the Hotel Carlton, 923 Sixteenth Street NW., Washington, D. C., before Hearing Examiner Paul N. Pfeiffer.

The scope of the issues involved in this reopened hearing will be limited to the following:

1. The effect of the proposed merger between Southwest Airways Company and West Coast Airlines, Inc., upon the substitution-suspension issues in this proceeding.

2. The effect of the proposed suspensions in this proceeding upon the rights of certain of the pilot and co-pilot members of the intervenor, Air Line Pilots Association, International.

Notice is further given that any person desiring to be heard in this proceeding must have filed with the Board on or before August 14, 1950, a statement setting forth the issues of fact and law which he desires to controvert.

For further details with respect to this proceeding, interested persons are referred to the pertinent orders of the Civil Aeronautics Board and the other material on file in the docket.

Dated at Washington, D. C., August 1, 1950.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 50-6895; Filed, Aug. 4, 1950; 8:50 a. m.]

[Docket No. 4515]

MID-WEST AIRLINES, INC.

NOTICE OF HEARING

In the matter of compliance with section 401 (l) (1) of the Civil Aeronautics Act by Mid-West Airlines, Inc.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (l) (1), 1001, and 1002 (b) thereof, a hearing in the above-entitled proceeding is assigned to be held on August 9, 1950, at 10:00 a. m., e. d. s. t., in Room C-116, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner J. Earl Cox.

Without limiting the scope of the issues involved in this proceeding, particular attention will be directed to the following matters and questions:

1. Has Mid-West Airlines, Inc., violated the Civil Aeronautics Act by failing to comply with the requirements of section 401 (l) (1) with respect to minimum rates of compensation of its pilots?

2. If such violation has occurred should the Board issue an order directing the respondent to cease and desist from any violation of the Civil Aeronautics Act or take other appropriate action?

For further details as to the matters involved reference can be made to the order instituting this proceeding (Serial No. E-4300) adopted by the Board on the 8th day of June 1950, the report of the prehearing conference, and other papers contained in the docket of this proceeding.

Dated at Washington, D. C., July 31, 1950.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 50-6894; Filed, Aug. 4, 1950; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1410]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

On June 5, 1950, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed an application for an emergency certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission, all as more fully described in such application on file with the Commission and open to the public. On July 7, 1950, Applicant filed an amendment to said application, requesting that the word "emergency" be deleted wherever it appeared therein. On July 24, 1950, the Commission granted to Applicant temporary authorization to proceed with construction of the proposed facilities.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for non-contested proceedings, and it appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on June 23, 1950 (15 F. R. 4064-4065).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on August 22, 1950, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: August 1, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6878; Filed, Aug. 4, 1950; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, field organization and final delegations of authority, is amended as follows:

1. Subparagraph (r) is added to section III b 7, as follows:

(r) To execute, on behalf of the PHA, as authorized by section 10 (h) of the United States Housing Act of 1937, as amended, amendments to the contract for loan and annual contributions in respect to locally owned P. L. 412 projects in permanent financing and amendments to the contract for financial assistance in respect to locally owned P. L. 671 projects, between a Local Housing Authority and the PHA, to permit the Local Housing Authority to increase its payments in lieu of taxes to an amount not in excess of ten per cent of annual shelter rents.

2. Paragraph 11 is added to section III b, as follows:

11. Effective June 19, 1950, in respect to Farm Labor Camps and other properties transferred to the PHA from the Secretary of Agriculture pursuant to the provisions of section 205 of Public Law 475 (81st Cong.):

(a) To execute on behalf of the PHA extensions of existing revocable use permits, and to execute new revocable use permits to Local Housing Authorities and to present operators.

Approved: July 31, 1950.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 50-6865; Filed, Aug. 4, 1950; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25293]

SOYBEAN OIL FROM PENSACOLA, FLA., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

AUGUST 2, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of the St. Louis-San Francisco Railway Company and other carriers named in the application.

Commodities involved: Soybean oil, carloads.

From: Pensacola, Fla.

To: New Orleans, La.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 933, Supplement 97.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6874; Filed, Aug. 4, 1950; 8:48 a. m.]

[4th Sec. Application 25294]

GRAIN FROM OMAHA, NEBR., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

AUGUST 2, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of the Chicago, Burlington & Quincy Railroad Company and other carriers parties to the application.

Commodities involved: Grain, grain products, seeds and related articles, carloads.

From: Omaha, Nebr.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3712, Supplement 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6875; Filed, Aug. 4, 1950; 8:48 a. m.]

[4th Sec. Application 25295]

LUBRICATING OIL FROM PENNSYLVANIA TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

AUGUST 2, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Acting Agent, for and on behalf of The Baltimore and Ohio Railroad Company and other carriers named in the application.

Commodities involved: Petroleum lubricating oil, tank-car loads.

From: Points in Pennsylvania.

To: St. Louis, Mo.

Grounds for relief: Competition with motor-water carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6876; Filed, Aug. 4, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2432]

COLUMBIA GAS SYSTEM, INC.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of August A. D. 1950.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, having filed a declaration and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale, pursuant to the competitive bidding requirements of Rule U-50, of $90,000,000 principal amount of Series B debentures due 1975; and

The Commission having, by order dated July 25, 1950, permitted said declaration, as amended, to become effective, subject to the condition, among others, that the proposed sale of debentures shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and jurisdiction having been reserved over the payment of all legal fees and expenses in connection with the proposed transactions; and

Columbia having, on August 1, 1950, filed a further amendment to said declaration in which it is stated that it has offered the debentures for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Price to Columbia,[1] percent of principal	Interest rate (percent)	Cost to Columbia (percent)
Morgan Stanley & Co.	101.88	3	2.89384
Halsey, Stuart & Co., Inc.	101.707	3	2.94371

[1] Exclusive of accrued interest from Aug. 1, 1950.

The amendment further stating that Columbia has accepted the bid of Morgan Stanley & Co. for the debentures as set forth above and that the debentures will be offered for sale to the public at a price of 102.308% of principal amount thereof, resulting in an underwriter's spread of 0.428%; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said debentures, and redemption prices thereof, the interest rate thereon and the underwriter's spread;

It is hereby ordered, That jurisdiction heretofore reserved in connection with the sale of said debentures be, and the same hereby is, released, and that the said declaration, as further amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

It is further ordered, That jurisdiction heretofore reserved over all legal fees and expenses in connection with the proposed transaction be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6867; Filed, Aug. 4, 1950; 8:46 a. m.]

[File No. 70-2440]

ATTLEBORO STEAM AND ELECTRIC CO. ET AL.

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of July A. D. 1950.

In the matter of Attleboro Steam and Electric Company, Central Massachusetts Electric Company, Gardner Electric Light Company, Worcester Suburban Electric Company, New England Power Company, Worcester County Electric Company, File No. 70-2440.

Attleboro Steam and Electric Company ("Attleboro"), Central Massachusetts Electric Company ("Central"), Gardner Electric Light Company ("Gardner"), Worcester Suburban Electric Company ("Worcester Suburban"), New England Power Company ("NEPCO"), and Worcester County Electric Company ("Worcester County"), all subsidiary companies of New England Electric System ("NEES"), a registered holding company, having filed separate applications pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, with respect to the following proposed transactions:

Applicant companies propose to issue, from time to time but not later than September 30, 1950, additional unsecured promissory notes, due May 31, 1951. Applicants' notes presently outstanding and proposed to be issued, together with the total amount of notes to be outstanding, are shown in the following table:

Name	Presently outstanding	Proposed to be issued	Total to be outstanding
Attleboro	$380,000	$60,000	$440,000
Central	900,000	100,000	1,000,000
Gardner	450,000	50,000	500,000
Worcester Suburban	2,050,000	50,000	2,100,000
NEPCO	4,400,000	6,100,000	10,500,000
Worcester County	4,550,000	1,500,000	6,050,000
Total	12,730,000	7,860,000	20,590,000

The notes are to be issued pursuant to bank loan agreements, as amended, entered into by the applicant companies and certain other subsidiary companies of NEES, as described in Holding Company Act Release Nos. 8253 and 9527.

The applicant companies have agreed to reduce the amount of bank notes outstanding to the extent of any permanent financing, except indebtedness to NEES, and to reduce the amount of bank notes authorized by this Commission but not issued prior to such financing, to the extent of the excess of such financing over the amount of notes then outstanding. In addition, it is indicated that the amount of promissory notes authorized to be issued by NEPCO will be reduced by the amount received by NEES in the event it sells its investment in the common shares of its subsidiary, Fall River Electric Light Company.

The applicant companies state that the proceeds to be derived from said unsecured promissory notes will be used to replenish any depletion of working capital occasioned by the construction of property already in progress and to finance proposed construction through September 30, 1950.

Incidental services in connection with the notes proposed to be issued will be performed by New England Power Service Company, an affiliate service company, at the actual cost thereof. The total amount of expenses in connection with the proposed transactions are estimated to be $100 for each of the applicant companies, an aggregate of $600

The Department of Public Utilities of the Commonwealth of Massachusetts has approved the proposed issuance of notes by the applicant companies and, in addition, the Public Service Commission of the State of New Hampshire and the Vermont Public Service Commission have approved the notes proposed to be issued by NEPCO.

The applicant companies request that the Commission's order herein be and become effective upon issuance.

Said applications having been filed on July 19, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said applications within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transactions meet the exemption requirements of section 6 (b) of the act and the Commission deeming it appropriate that said applications be granted without the imposition of any terms and conditions other than those contained in Rule U-24 and the Commission also deeming it appropriate to grant said applicant companies' request that the order herein become effective forthwith upon its issuance:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said applications, be, and the same hereby are, granted forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6868; Filed, Aug. 4, 1950; 8:46 a. m.]

[File No. 70-2442]

COLUMBIA GAS SYSTEM, INC., AND NATURAL GAS CO. OF WEST VIRGINIA

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of July 1950.

Notice is hereby given that a joint application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Natural Gas Company of West Virginia ("Natural Gas"). Applicants have designated sections 6 (b), 9 and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 10, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 10, 1950, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Natural Gas proposes to issue and sell to Columbia $1,400,000 principal amount of 3¼% installment promissory notes. Such notes are to be paid in equal annual installments on February 15th of each of the years 1952 to 1976, inclusive. The applicant states that the proceeds to be obtained through the issue and sale of said notes will be utilized by Natural Gas to finance its 1950 construction program.

The applicant states that the issue and sale of the proposed notes by Natural Gas is subject to the jurisdiction of the Public Service Commission of West Virginia and that the order of said Commission will be supplied by amendment to the instant application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6869; Filed, Aug. 4, 1950; 8:47 a. m.]

[File No. 54-178]

UNITED LIGHT AND RAILWAYS CO. ET AL.

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of July A. D. 1950.

The Commission, by Order dated January 10, 1950, having approved a plan, as amended, providing for the liquidation and dissolution of The United Light and Railways Company ("Railways"), a registered holding company, and its regis-

tered holding company subsidiary, Continental Gas & Electric Corporation ("Continental"), pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, which plan, inter alia, provides that the distribution by Railways to its common stockholders of the common stock of Iowa-Illinois Gas and Electric Company ("Iowa-Illinois") will be made by a depositary to be selected by Railways, after notice to the Commission of the method used in selecting such depositary and the fees to be paid; and that the rights of Railways' stockholders to receive such distribution of the stock of Iowa-Illinois shall expire on a date to be fixed by Railways with the approval of the Commission, after which date the unclaimed shares of stock will be sold and the net proceeds together with dividends received by the depositary upon the shares sold, shall be paid to the stockholders entitled thereto or held for their benefit until December 31, 1955, as provided in the amended plan; and

Railways having filed a supplemental application, designated Supplemental Application No. 9, stating that it requested bids from three New York and two Chicago banks, including Iowa-Illinois' New York and Chicago transfer agents, of the charges to be made for their services for acting as such depositary, that the bid of The First National Bank of Chicago, Iowa-Illinois transfer agent, will provide the necessary depositary service at the lowest cost, and that Railways proposes, subject to the approval of the Commission, to select The First National Bank of Chicago, Illinois, as such depositary and to pay it a fee of $4,900; and said supplemental application further stating that Railways proposes to fix December 1, 1951, as the date on which the rights of stockholders to receive the securities to be distributed shall expire; and applicant having requested that our order herein become effective upon its issuance; and

It appearing that the other fees and expenses, consisting of $2,100 to Bankers Trust Company, Railways' transfer agent, and $500 for miscellaneous, printing, mailing, mimeographing, etc., to be incurred in connection with the transaction are not unreasonable; and

The Commission finding that the selection of the depositary and the fixing of December 1, 1951, as the date on which the rights of stockholders to receive the securities of Iowa-Illinois to which they are entitled in the proposed distribution shall expire are in accordance with the plan, and that the standards of the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder have been satisfied, and observing no basis for adverse findings with respect thereto, and deeming it appropriate in the public interest and in the interest of investors to grant said supplemental application and said request for acceleration of the effective date of this order:

It is ordered, That said supplemental application be, and it hereby is, granted, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6870; Filed, Aug. 4, 1950; 8:47 a. m.]

[File No. 70-2428]

THOMAS KENWORTHY ET AL.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of July A. D. 1950.

In the matter of Thomas Kenworthy, John S. Cooper, Halbert McN. Jones, et al., File No. 70-2428.

Thomas Kenworthy and certain other individuals comprising two separate groups, John S. Cooper and Clark Cooper, Jr. (the "Cooper Group") and Halbert McN. Jones, Elizabeth M. Jones, Mary Ellen Jones, Halbert McN. Jones, Jr., Mrs. Mary J. McCoy, Ina McN. Avinger, Edwin Morgan, Anna B. Evans and James A. Jones (the "Jones Group"), having filed an application pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 (the "act") with respect to the following proposed transaction:

Kenworthy and the individuals comprising the Cooper and Jones groups propose to acquire from certain other individuals, respectively, 17,500 (17.8 percent), 6,386 (6.5 percent), and 15,000 shares (15.3 percent) of the 98,240 outstanding shares of common stock of Pennsylvania & Southern Gas Company ("Pennsylvania & Southern"), a public utility holding company, for a cash consideration of $5.00 per share. Of the outstanding common stock of Pennsylvania & Southern, 42,146 shares (42.9 percent) are owned by Mark Anton, H. Emerson Thomas, R. Gould Morehead, and Sylvester C. Smith, Jr. (the "Anton Group"), who have filed with the Commission a statement for the purpose of qualifying for an exemption pursuant to Rule U-9, and who, among others, are included in the selling group. After consummation of the proposed acquisition none of the members of the Anton Group will own any common stock of Pennsylvania & Southern, except H. Emerson Thomas who will retain 5,000 shares of his present holdings of such stock.

The companies in the Anton Group holding company system are five gas utility companies and Pennsylvania & Southern and its subsidiaries. The filing states that it is contemplated that Pennsylvania & Southern will, after consummation of the proposed acquisition, file a statement with the Commission for the purpose of qualifying for an exemption pursuant to Rule U-9;

It appearing from the filing that each of the buyers proposes to pay brokers commissions of 25 cents per share to Lewis C. Dick Company, of Philadelphia, and of 12½ cents per share to Bioren & Co., of Philadelphia; that Bioren & Co. is also to receive from each of the sellers a brokers commission of 10 cents per share; and that legal fees and expenses estimated at $500 in connection with the proposed acquisition will be paid by Lewis C. Dick Company; and

Said application and the amendments thereto having been duly filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act; and the Commission not having received a request for a hearing with respect to said application, as amended, within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application, as amended, that the requirements of the applicable provisions of the act are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application, as amended:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and, subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be and it hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6871; Filed, Aug. 4, 1950; 8:47 a. m.]

[File No. 812-680]

PENNSYLVANIA INDUSTRIES, INC.

NOTICE OF APPLICATION, STATEMENT OF ISSUES, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of August A. D. 1950.

Notice is hereby given that Pennsylvania Industries, Inc. (hereinafter referred to as the Company, has filed an application pursuant to sections 6 (c) and 17 (b) of the Investment Company Act of 1940 (hereinafter referred to as the act) for an order of the Commission exempting from section 17 of the act the transaction herein described.

The Company is a Delaware corporation and is a management investment company registered under the act. The Company is the beneficial owner of 15,500 shares of Prior Preferred Stock, First Series 5½ percent, and of 124,934 shares of the Common Stock of Pittsburgh Steel Company. These holdings represent 20.8 percent of the outstanding voting shares of Pittsburgh Steel Company. It is conceded in the application that Pittsburgh Steel Company is an affiliated person of the Company as defined in section 2 (a) (3) of the act.

J. H. Hillman, Jr., J. H. Hillman, III, J. H. Hillman & Sons Company, W. J. Rainey, Inc., Hecla Coal & Coke Company and Hillman Land Company are all controlled, directly or indirectly by J. H. Hillman, Jr., and are referred to in the application as the "Hillman Group", which group owns 36,236 shares, comprising 56.09 percent of the $6 Cumulative Preferred Stock and 21,-927.84 shares or 92.39 percent of the Common Stock, $25 Par Value, of the Company. The Hillman Group is therefore an affiliated person of the Company within the definition of section 2 (a) (3) of the act. This Group owns 1,520 shares of the Prior Preferred Stock, First Series, 5½ percent, 1,010 shares of Class A 5 percent Stock, 201 shares of Class B 7 percent Preferred Stock and 15,653 shares of Common Stock of Pittsburgh Steel Company, which represents in the aggregate approximately 2.7 percent of the outstanding voting shares of the Company.

Pittsburgh Steel Company has proposed a Plan of Capital Readjustment, dated June 26, 1950, whereby holders of shares of the Prior Preferred Stock, First Series, 5½ percent, and of Class A, 5 percent Preferred Stock of Pittsburgh Steel Company may, subject to certain limitations set forth in said Plan, exchange their present holdings on the following basis:

For each share of prior preferred stock, first series, 5½ percent: ½ share of prior preferred stock, first series, 5½ percent (identical stock) and 3½ shares of common stock.

For each share of class A, 5 percent preferred stock and dividend arrearages thereon, amounting to $50.625 per share: 6/10 of a share of prior preferred stock, first series, 5½ percent, and 4½ shares of common stock.

The Plan provides that the number of shares of Common Stock of Pittsburgh Steel Company to be made available for exchange under said Plan is limited to 450,000 shares (accordingly, if on July 28, 1950, more stock has been deposited for exchange than can be exchanged within the limit of the 450,000 shares of Common Stock made available, the acceptance of the shares theretofore deposited will be pro rated to the nearest full share so that only 450,000 shares of Common Stock of Pittsburgh Steel Company will be issued). The Plan further provides that any shares of Common Stock of Pittsburgh Steel Company remaining available for exchange after the close of business on July 28, 1950, will be used to complete exchanges of stock tendered for delivery after that date and shares so tendered will be exchanged upon receipt on a first-come, first-served basis, so long as the supply of Common Stock available for exchange lasts. No stock may in any event be deposited for exchange after the close of business on September 8, 1950, or after the close of business on such later date as may be fixed by future action by the Board of Directors.

The application requests exemption for a proposed transaction wherein the Company would exchange 7,750 shares of Prior Preferred Stock, First Series, 5½ percent of Pittsburgh Steel Company owned by it for 3,875 shares of Prior Preferred Stock, First Series, 5½ percent, and 27,125 shares of Common Stock. The Company asserts that participation in the voluntary capital readjustment plan to the extent of one-half of its holdings of Prior Preferred Stock will enable Pitsburgh Steel Company to eliminate dividend arrearages on its Class A, 5 percent Preferred Stock, amounting to $50.625 per share and to increase the market value of the shares of common stock held by the Company. It is further claimed that such exchange which will convert a portion of the Prior Preferred Stock, First Series, into Common Stock will result in acquisition of stock which has a much wider and more active market than the Prior Preferred.

The applicants specifically request an order of the Commission pursuant to section 17 (b) of the act exempting the proposed exchange as outlined above from the provisions of section 17 (a) of the act which makes it unlawful for an affiliated person of a registered investment company to purchase any security or property from such investment company and pursuant to section 6 (c) of the act to exempt in its entirety the transaction between the Company and Pittsburgh Steel Company.

For a more detailed statement of the matters of fact and law asserted all interested persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington 25, D. C.

The Division of Corporation Finance has advised the Commission that upon a preliminary examination of the application it deems the following issues to be raised without prejudice to the specification of additional issues upon further examination:

(1) Whether the terms of the proposed exchange, including the consideration to be given and received by the Company are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether said proposed exchange is consistent with the policy of the Company as set forth in its registration statement and reports filed with the Commission and with the policy of the act;

(3) Whether the proposed exemption of the foregoing section from the provisions of section 17 (a) of the act is necessary or appropriate in the public interest and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act;

(4) Whether the proposed exemption of the above transaction in its entirety under section 6 (c) of the act is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate;

It is ordered, Pursuant to section 40 (a) of said act that a public hearing of the aforesaid application be held on August 15, 1950 at 10 a. m., e. d. t., in Room 193 of the offices of the Commission, 425 Second Street NW., Washington 25, D. C.

It is further ordered, That R. Townsend or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-named Pennsylvania Industries, Inc., Pittsburgh Steel Company and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any person desiring to be heard in said proceeding should file with the hearing officer or the Secretary of the Commission, on or before August 11, 1950, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above matters or issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 50-6927; Filed, Aug. 4, 1950; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14892]

ICHIZAEMON SUMIYOSHI

In re: Cash owned by Ichizaemon Sumiyoshi. D-39-11665-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ichizaemon Sumiyoshi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $267.00, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the name of Ichizaemon Sumiyoshi, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ichizaemon Sumiyoshi, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6687; Filed, Aug. 4, 1950; 8:48 a.m.]

[Vesting Order 14663 Amdt.]

JOSEPH AND PAULA FASTENMAYER

In re: Bank account and securities owned by Joseph Fastenmayer and Paula Fastenmayer and stock and safe deposit box lease owned by Joseph Fastenmayer. D-28-7149-D-1, D-28-7149-E-1, D-28-7149-F-1.

Vesting Order 14663, dated May 15, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Fastenmayer and Paula Fastenmayer, each of whose last known address is Niedermenchsdorf, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Joseph Fastenmayer and Paula Fastenmayer, by Hamburg Savings Bank, 1451 Myrtle Avenue, Brooklyn 27, New York, arising out of a savings account, entitled Joseph & Paula Fastenmayer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. All rights and interests created in Joseph Fastenmayer, under and by virtue of a safe deposit box lease agreement by and between Joseph Fastenmayer and the Hamburg Savings Bank, 1451 Myrtle Avenue, Brooklyn 27, New York, relating to Safe Deposit Box No. 80, located in the vaults of said bank, including particularly but not limited to, the right of access to said safe deposit box, and

c. All property of any nature whatsoever owned by Joseph and Paula Fastenmayer, located in the safe deposit box referred to in subparagraph 2 (b) hereof, and any and all rights of said persons evidenced or represented thereby, including particularly but not limited to the following:

(1) Three Hundred (300) shares of $1.00 par value capital stock of Yuma Gold Fields, Inc. (Arizona), evidenced by certificate number 165, registered in the name of Joseph and Paula Fastenmayer, together with all declared and unpaid dividends thereon,

(2) One Thousand (1,000) shares of $1.00 par value capital stock of Glenora Gold Mines, Limited, (Ontario), evidenced by certificate number 1639, registered in the name of Paula Fastenmayer and Joseph Fastenmayer, together with all declared and unpaid dividends thereon,

(3) Three (3) Rheinelbe Union, 20 year, 7% Sinking Fund Mortgage Gold bonds, each of $1,000.00 face value, and bearing the numbers, M-19883, M-20425 and M-22530, together with any and all rights thereunder and thereto,

(4) One (1) Rheinelbe Union, 20 year, 7% Sinking Fund Mortgage Gold bond of $1,000.00 face value, bearing the number M-23732 and Non-detachable Purchase Warrant for right to purchase 10 shares of common stock, together with any and all rights in, to and under, the aforesaid bond and Non-detachable Purchase Warrant,

(5) One (1) Ruhr Chemical Corporation, 6% Sinking Fund Mortgage bond, Series A, of $1,000.00 face value, bearing the number M-337, together with any and all rights thereunder and thereto,

(6) Two (2) coupons, each bearing the number 15, detached from bonds of I. G. Farbenindustrie Aktiengesellschaft, numbered A 341782 and 341973, together with any and all rights thereunder and thereto,

(7) Seven (7) United States of America Federal Reserve Notes, each of ten dollar ($10.00) denomination, bearing the following numbers:

B 26605904 B	B 98241581 A
B 42802223 B	B 34194669 B
B 41052099 B	B 19691979 B
B 02133776 B	

(8) One (1) United States of America twenty dollar gold piece, Mint date 1887,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Joseph Fastenmayer and Paula Fastenmayer, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: Seventy-one (71) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered LA-94688, registered in the name of Joseph Fastenmayer, together with all declared and unpaid dividend thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Joseph Fastenmayer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6688; Filed, Aug. 4, 1950; 8:49 a. m.]

[Return Order 694]

LOUISE MARY HARDY ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Louise Mary Hardy, Claim No. 25722; Rudolph Hardy, Claim No. 25724; Louise Marguerite Hardy, Claim No. 26271; New York, N. Y.; June 22, 1950 (15 F. R. 4038): To Louise Mary Hardy a one-fourth interest and to Rudolph Hardy and Louise Marguerite Hardy each a three-eighth interest in the following described securities presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York: Fifteen (15) National Railways of Mexico three-year 6% secured gold notes, due January 1, 1917, issued in the name of bearer, each of $45 face value bearing the numbers 23842/23856; fifteen (15) National Railways of Mexico prior lien 4½% 50 year sinking fund gold bonds, due July 1, 1957, issued in the name of bearer, each of $1,000 face value, bearing the numbers M34612, M48014, M34702/4 and M37442/51.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6689; Filed, Aug. 4, 1950; 8:49 a. m.]

[Return Order 699]

ALOISIA AFUHS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Aloisia Afuhs, a/k/a Louise Afuhs, a/k/a Luise Afuhs, Vienna, Austria; Claim No. 37366; $4,763.54 in the Treasury of the United States.

Two (2) United States Savings Bonds Series G, 2½% issued November 1, 1943, due November 1, 1955, registered in the name of the Alien Property Custodian, Washington, D. C., Nos. 2041138 at $500; 3940484 at $1,000, in the custody of the Federal Reserve Bank of New York, New York.

Forty (40) shares of Calaveras Copper Company (Delaware) $5.00 par value capital stock, registered in the name of Gustav Afuhs, assigned in blank by Union National Bank, trustee under Will of Gustav Afuhs, deceased, Certificate Nos. A3584 for 10 shares; A3620 for 10 shares; A3619 for 20 shares; in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

One (1) share of Cleveland Engineering Agency Company $25.00 par value capital stock, registered in the name of Gustav Afuhs, assigned to Alien Property Custodian, Washington, D. C., Certificate No. 33 for one share, in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

Two hundred (200) shares Engineer Gold Mines, Ltd., Inc. (Delaware) $5.00 par value capital stock registered in the name of Paine, Webber & Co., assigned in blank by Paine, Webber & Co., Certificate Nos. A8131 for 100 shares; A9120 for 100 shares; in custody of the Deposit and Clearance Section, Comptroller's Branch, 120 Broadway, Office of Alien Property, New York, New York.

One thousand ninety (1,090) shares of Engineer Gold Mines, Ltd., Inc. (Delaware) $5.00 par value capital stock, registered in the name of Gustav Afuhs, assigned in blank by Union National Bank, trustee under Will of Gustav Afuhs, deceased, Certificate Nos. A9278 to A9287, inclusive, for 100 shares each; B3527 for 10 shares; B3545 for 10 shares; B3810 for 40 shares; B3899 for 20 shares; B4401 for 10 shares; in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

Fifty (50) shares of Esmeralda Gold Mining Corporation (Nevada) $1.00 par value preferred capital stock registered in the name of Gustav Afuhs, assigned in blank by Union National Bank, trustee under the Will of Gustav Afuhs, deceased, Certificate No. P-26 for 50 shares; in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

One hundred (100) shares of Esmeralda Gold Mining Corporation (Nevada) $1.00 par value common stock registered in the name of Gustav Afuhs, assigned in blank by Union National Bank, trustee under the Will of Gustav Afuhs, deceased, Certificate No. 47 for 100 shares; in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

One (1) subscription warrant No. 7 for 2080 shares of Engineer Gold Mines, Ltd., Inc., Class A stock at $0.40 per share, bearing notation "Unless payment for this subscription is made in full and in cash on or before June 30, 1932, this warrant is void and of no value", in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

All right, title, interest and claim of any kind or character whatsoever of Luise Afuhs in and to the estate of Gustav Afuhs, deceased, and in and to the trust created under the Will of Gustav Afuhs, deceased.

Notice of intention to return published June 22, 1950 (15 F. R. 4038).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6890; Filed, Aug. 4, 1950; 8:49 a. m.]

[Return Order 700]

COMPAGNIE FRANCAISE DES PRODUITS CHIMIQUES & INDUSTRIELS DU SUD-EST

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Compagnie Francaise des Produits Chimiques & Industriels du Sud-Est, a/k/a Saint-Clair, Paris, France; Claim No. 5140; $5,661.15 in the Treasury of the United States; 3 shares of $500 PV common capital stock of Saint-Denis, Kuhlmann, Saint-Clair Dyestuff Corporation, a New York corporation, presently in custody of Safekeeping Department, Federal Reserve Bank of New York.

Societe Anonyme des Matieres, Colorantes et Produits, Chimiques de St. Denis, a/k/a Saint-Denis, Paris, France; Claim No. 5141; $37,547.84 in the Treasury of the United States; 6 shares of $500 PV common capital stock of Saint-Denis, Kuhlmann, Saint-Clair Dyestuff Corporation presently in custody of Safekeeping Department, Federal Reserve Bank of New York.

Manufactures de Produits Chimiques du Nord "Etablissements Kuhlmann" a/k/a Kuhlmann, Paris, France; Claim No. 5142; $39,582.42 in the Treasury of the United States; 10 shares of $500 PV common capital stock of Saint-Denis, Kuhlmann, Saint-Clair Dyestuff Corporation presently in custody of Safekeeping Department, Federal Reserve Bank of New York.

Societe de Produits Chimiques & Matieres Colorantes de Mulhouse, a/k/a Mulhouse, Paris, France; Claim No. 5143; $2,112.78 in the Treasury of the United States; 1 share of $500 PV common capital stock of Saint-Denis, Kuhlmann, Saint-Clair Dyestuff Corporation presently in custody of Safekeeping Department, Federal Reserve Bank of New York.

All right, title and interest of the aforelisted claimants, and each of them, in and to all indebtedness, owing to them, or any of them, by Saint-Denis, Kuhlmann, Saint-Clair Dyestuff Corporation, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness.

H. Peter Rossiger, a/k/a H. P. Roessiger and H. Peter Rossiger-Girard, New York, N. Y.; Claim No. 3815; 1 share of $500 PV common capital stock of Saint-Denis, Kuhlmann, Saint-Clair Dyestuff Corporation presently in custody of Safekeeping Department, Federal Reserve Bank of New York.

Notice of intention to return published April 13, 1950 (15 F. R. 2095).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property

[F. R. Doc. 50-6891; Filed, Aug. 4, 1950; 8:49 a. m.]

[Return Order 701]

MME. VVE. LUCIEN LOREL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Mme. Vve. Lucien Lorel, 20, Boulevard des Moulins, Monte-Carlo, France; Claim No. 41878; June 23, 1950 (15 F. R. 4070); property to the extent owned by Cecile Chaminade immediately prior to the vesting thereof by Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating to the musical composition "Romanza Appassionata" (listed in Exhibit A of said vesting order) including royalties pertaining thereto in the amount of $122.30.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6892; Filed, Aug. 4, 1950; 8:49 a. m.]

[Return Order 702]

MARIANNE GOLDSCHMIDT-ROTHSCHILD

Having considered the claim set forth below and having issued a determination

allowing the claim, which is incorporated by reference herein and filed herewith.

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Marianne Goldschmidt-Rothschild, Paris, France; Claim No. 40856; June 23, 1950 (15 F. R. 4070); $4,620.60 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C. on July 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 50-6893; Filed, Aug. 4, 1950; 8:50 a. m.]

AUG 11 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 152

Washington, Tuesday, August 8, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10147

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE NEW YORK CENTRAL RAILROAD COMPANY, LINES EAST OF BUFFALO, AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the New York Central Railroad Company, Lines East of Buffalo, a carrier, and certain of its employees represented by the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen, labor organizations; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the New York Central Railroad Company, Lines East of Buffalo, or by its employees, in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 4, 1950.

[F. R. Doc. 50-6959; Filed, Aug. 4, 1950; 4:48 p. m.]

EXECUTIVE ORDER 10148

DESIGNATION OF CERTAIN OFFICERS OF THE DEPARTMENT OF COMMERCE TO ACT AS SECRETARY OF COMMERCE

By virtue of the authority vested in me by section 179 of the Revised Statutes of the United States (5 U. S. C. 6), and as President of the United States, I hereby authorize and direct (1) the Under Secretary of Commerce for Transportation to perform the duties of the Secretary of Commerce in case of the absence, sickness, resignation, or death of the Secretary of Commerce and of the Under Secretary of Commerce; (2) the Assistant Secretaries of Commerce, in the order of precedence as determined by the dates of their commissions, to perform the duties of the Secretary of Commerce in case of the absence, sickness, resignation, or death of the Secretary of Commerce, the Under Secretary of Commerce, and the Under Secretary of Commerce for Transportation; and (3) the Solicitor of Commerce to perform the duties of the Secretary of Commerce in case of the absence, sickness, resignation, or death of the Secretary of Commerce, the Under Secretary of Commerce, the Under Secretary of Commerce for Transportation, and the Assistant Secretaries of Commerce.

This order supersedes Executive Order No. 9885 of August 18, 1947, entitled "Designation of the Assistant Secretaries of Commerce and the Solicitor of Commerce to Act as Secretary of Commerce".

HARRY S. TRUMAN

THE WHITE HOUSE,
August 5, 1950.

[F. R. Doc. 50-6973; Filed, Aug. 7, 1950; 10:56 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

COMPETITION RESTRICTED TO VETERANS

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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§ 2.102 (c) is amended as set out below. As amended, paragraph (c) reads as follows:

§ 2.102 *Competition restricted to veterans* • • •

(c) (1) A position, examination for which has been restricted to veterans under paragraphs (a) or (b) of this section, may not be filled by appointment, reappointment, reinstatement, promotion, demotion, transfer, or reassignment of a non-veteran from outside the organizational entity in which the position exists, if there is a veteran in the employ of such entity in the local area who is qualified and available for promotion or reassignment to the position, or if there is a total of three or more veterans elsewhere who are qualified and available for an appointment of equal tenure.

(2) The restriction in subparagraph (1) of this paragraph shall not be applicable to the promotion, demotion, transfer, or reassignment of an employee (i) within the organizational entity or (ii) from one restricted position to another when both positions are covered by the same generic title, nor to the reinstatement (i) under the provisions of § 20.11 of this chapter of former employees of the agency to the positions from which separated by reduction in force or to positions covered by the same generic title and (ii) of former employees of the agency last separated by disability retirement.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50–6909; Filed, Aug. 7, 1950; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Peach Order 2]

PART 940—PEACHES GROWN IN COUNTY OF MESA IN COLORADO

REGULATION BY GRADES AND SIZES

§ 940.302 *Peach Order 2*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 40, as amended (7 CFR Part 940; 15 F. R. 5001) regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 9, 1950. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 24, 1950; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on July 24, 1950, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information was submitted to the Department, and made available to growers and handlers; necessary supplemental information was not available to the Department until July 28, 1950; in order to effectuate the declared policy of the act, the regulation of peach shipments during the present fiscal year should, insofar as practicable, be applicable to all shipments of such peaches; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., August 9, 1950, and ending at 12:01 a. m., m. s. t., October 15, 1950, no handler shall ship:

(i) Any peaches that do not grade at least U. S. No. 2: *Provided*, That, with respect to ripe peaches, the requirements of such grade shall not include damage, other than serious damage, caused by bruises; or

(ii) Any peaches that are smaller than 2 inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2 inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2 inches in diameter and if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2 inches in diameter; or (*b*) if the peaches in such lot are shipped in peach boxes and the peaches are of a size not smaller than a size that will pack, in accordance with the specifications of a standard pack, a count of 78 peaches in a peach box, except that the tolerance for variations incident to proper packing, provided in such pack specifications, shall not permit a variation of more than 4 peaches in any such box.

(2) *Definitions.* As used in this section, "peaches," "handler," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U. S. No. 2," "diameter," "count," and "standard pack" shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.312); and "peach box" shall mean a box of the following inside dimensions: 4½–5" x 11½" x 16⅛".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 4th day of August 1950.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50–6961; Filed, Aug. 7, 1950; 9:58 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

PART 4a—AIRPLANE AIRWORTHINESS

Correction

In the revision of Title 14, Chapter I, published in Part II, Section 1, of the issue for Saturday, July 16, 1949, the following additional corrections have been made:

In § 4a.37 (e), on page 4076, the reference "§§ 4a.687–4a.692" should read "§ 4a.687".

In § 4a.701, on page 4094, the reference "§§ 4a.671 through 4a.692" should read "§§ 4a.671 through 4a.687".

In § 4a.724, on page 4095, the reference "§§ 4a.687–4a.692" should read § 4a.687".

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regs. 71; T. D. 5799]

PART 113—DOCUMENTARY STAMP TAXES

EXEMPT TRANSFERS BETWEEN CORPORATIONS AND THEIR NOMINEES: ELIMINATION OF RETURNS OF BROKERS AND DEALERS IN STOCKS AND BONDS

In order to conform Regulations 71 (1941 Edition) (26 CFR Part 113), to the provisions of section 4 of Public Law 378 (81st Cong., 1st sess.), approved October 25, 1949, and in order to eliminate the requirement of filing a monthly return on Form 838 by brokers and by dealers in stocks and bonds, such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding § 113.30 there is inserted the following:

PUBLIC LAW 378 (81ST CONG., 1ST SESS.), APPROVED OCTOBER 25, 1949

SEC. 4. TRANSFERS OF STOCK BETWEEN CORPORATION AND NOMINEE.

(a) Section 1802 (b) of the Internal Revenue Code (relating to stamp taxes on sales and transfers of stock) is hereby amended by striking out the period at the end of clause (2) and inserting in lieu thereof a semicolon, and by inserting after clause (2) the following new clause:

(3) From a corporation to a registered nominee of such corporation, or from one such nominee to another such nominee, if in either case the shares or certificates continue to be held by such nominee for the same purpose for which they would be held if retained by such corporation; or from such nominee to such corporation.

(b) In the case of the death before the date of the enactment of this act of a nominee of a corporation (whether or not such nominee was registered), the tax under section 1802 (b) of the Internal Revenue Code shall not be imposed upon any delivery or transfer of stock from the executor or administrator of such nominee to such corporation if such delivery or transfer is made on or before the date of the enactment of this act or within one year after such date.

PAR. 2. Section 113.35, as amended by Treasury Decision 5613, approved April 27, 1948, is further amended as follows:

(A) By changing the designations of paragraphs (g) and (h) to (h) and (i) respectively, by substituting "(g)" for "(f)" in the first sentence of the redesignated paragraph (i), and by changing "(h)" as it occurs in paragraphs (a) to (f) inclusive to "(i)".

(B) By inserting a new paragraph (g) as follows:

(g) *Transfers between corporations and their nominees.* The tax does not apply to the delivery or transfer of stock from a corporation to a registered nominee of such corporation, or from one such nominee to another such nominee, if in either case the shares or certificates continue to be held by such nominee for the same purpose for which they would be held if retained by such corporation; or from such nominee to such corporation. No exemption is granted unless the nominee is registered in the manner provided in § 113.153.

In the case of the death before October 25, 1949, of a nominee of a corporation (whether or not such nominee was registered), the tax shall not apply to the delivery or transfer of stock from the executor or administrator of such nominee to such corporation if such delivery or transfer is made on or before October 25, 1950.

The exemption specified in this paragraph shall not be granted in any case unless the delivery or transfer is accompanied by an exemption certificate, executed by the person making the exempt transfer, in substantially the form prescribed in paragraph (i).

PAR. 3. Section 113.153 is amended by deleting the third paragraph thereof and inserting in its place the following two paragraphs:

Any corporation may appoint some person to act as nominee in holding stock on its behalf.

The name of the person appointed as nominee of a broker, custodian or corporation shall be registered with the collector for the district in which the principal office of the broker, custodian or corporation is located. Substitution of a nominee may be effected by likewise registering the name of the successor nominee.

PAR. 4. Section 113.154 is amended by deleting from the third paragraph thereof the words "broker or custodian" wherever such words appear and inserting in lieu thereof the words "broker, custodian or corporation."

PAR. 5. Sections 113.39 and 113.69 are deleted.

(Sec. 3791, I. R. C. (53 Stat. 467; 26 U. S. C. 3791))

Because the purposes of this Treasury decision are merely to conform the regulations to the provisions of section 4 of Public Law 378 (81st Congress, 1st Session), exempting from stamp tax certain deliveries and transfers of stock, and to eliminate the filing of monthly returns by brokers or dealers in stocks or bonds, it is found that it is unnecessary to issue this Treasury decision under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: August 2, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-6935; Filed, Aug. 7, 1950; 8:51 a. m.]

TITLE 29—LABOR

Chapter IV—Child Labor Branch, Department of Labor

PART 450—GENERAL STATEMENT ON THE CHILD LABOR PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED

GENERAL

Sec.
450.0 Introductory statement.
450.1 General scope of statutory provisions.
450.2 Comparison with wage and hours provisions.

COVERAGE OF SECTION 12 (a)

Sec.
450.3 General.
450.4 "Producer, manufacturer, or dealer".
450.5 "Ship or deliver for shipment in commerce".
450.6 "Goods".
450.7 "Produced".
450.8 "Establishment situated in the United States".
450.9 "In or about".
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COVERAGE OF SECTION 12 (c)

450.11 General.
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JOINT AND SEPARATE APPLICABILITY OF SECTIONS 12 (a) AND 12 (c)

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OPPRESSIVE CHILD LABOR

450.16 General.
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ENFORCEMENT

450.26 General.
450.27 Good faith defense.
450.28 Relation to other laws.

AUTHORITY: §§ 450.0 to 450.28 issued under 52 Stat. 1060, as amended; 29 U. S. C. and Sup., 201-219.

GENERAL

§ 450.0 *Introductory statement.* This part discusses the meaning and scope of the child labor provisions of the Fair Labor Standards Act, as amended[1] (hereinafter referred to as the act). The provisions of this part seek to protect the safety, health, well-being and opportunities for schooling of youthful workers and authorize the Secretary of Labor to issue legally binding orders or regulations in certain instances and under certain conditions. The child labor provisions are found in sections 3 (l), 11 (b), 12, 13 (c) and (d), 15 (a) (4), 16 (a), and 18 of the act. They are administered and enforced by the Secretary of Labor who had delegated[2] to the Wage and Hour Division the duty of making investigations to obtain compliance, and to the Bureau of Labor Standards the duty of developing standards for the issuance of regulations and orders relating to (a) hazardous occupations, (b) employment of 14- and 15-year-old children, and (c) age certificates.

[1] Pub. No. 718, 75th Cong., 3d sess. (52 Stat. 1060), as amended by the act of June 26, 1940 (Pub. Res. No. 88, 76th Cong., 3d sess.); by Reorganization Plan No. 2 (60 Stat. 1095), effective July 16, 1946; by the Portal-to-Portal Act of 1947, approved May 14, 1947 (61 Stat. 84); and by the Fair Labor Standards Amendments of 1949, approved October 26, 1949 (Pub. Law 393, 81st Cong., 1st sess.). Amendments provided by the Fair Labor Standards Amendments of 1949 are effective as of January 25, 1950. These amendments leave the existing law unchanged except as to provisions specifically amended and the addition of certain new provisions.

[2] General Order No. 42 issued by the Secretary on July 1, 1949.

The interpretations of the Secretary contained in this part indicate the construction of the law which will guide him in performing his duties until he is directed otherwise by authoritative rulings of the courts or until he shall subsequently decide that his prior interpretation is incorrect.

§ 450.1 *General scope of statutory provisions.* The most important of the child labor provisions are contained in sections 12 (a), 12 (c), and 3 (l) of the act. Section 12 (a) provides that no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any goods produced in an establishment in or about which oppressive child labor was employed within 30 days before removal of the goods. The full text of this subsection is set forth in § 450.3 and its terms are discussed in §§ 450.4 to 450.10, inclusive. Section 12 (c) prohibits any employer from employing oppressive child labor in interstate or foreign commerce or in the production of goods for such commerce. The text and discussion of this provision appear in §§ 450.11 and 450.12. Section 3 (l) of the act, which defines the term "oppressive child labor," is set forth in § 450.16 and its provisions are discussed in §§ 450.17 to 450.20, inclusive. It will further be noted that the act provides various specific exemptions from the foregoing provisions which are set forth and discussed in §§ 450.21 to 450.25, inclusive.

§ 450.2 *Comparison with wage and hours provisions.* A comparison of the child labor provisions with the so-called wage and hours provisions contained in the act discloses some important distinctions which should be mentioned.

(a) The child labor provisions contain no requirements in regard to wages. The wage and hours provisions, on the other hand, provide for minimum rates of pay for straight time and overtime pay at a rate not less than one and one-half times the regular rate of pay for overtime hours worked. Except as provided in certain exemptions contained in the act, these rates are required to be paid all employees subject to the wage and hours provisions, regardless of their age or sex. The fact, therefore, that the employment of a particular child is prohibited by the child labor provisions or that certain shipments or deliveries may be proscribed on account of such employment, does not relieve the employer of the duties imposed by the wage and hours provisions to compensate the child in accordance with those requirements.

(b) There are important differences between the child labor provisions and the wage and hours provisions with respect to their general coverage. As pointed out in § 450.13, two separate and basically different coverage provisions are contained in section 12 relating to child labor. One of these provisions (section 12 (c)), which applies to the employment by an employer of oppressive child labor in commerce or in the production of goods for commerce, is similar to the wage and hours coverage provisions, which include employees engaged in commerce or in the production of goods for commerce. The other provision (section 12 (a)), however, differs fundamentally in its basic concepts of coverage from the wage and hours provisions, as will be explained in §§ 450.3 to 450.10.

(c) Another distinction is that the exemptions provided by the act from the minimum wage and/or overtime provisions are more numerous and differ from the exemptions granted from the child labor provisions. There are only four specific child labor exemptions of which only one applies to the minimum wage and overtime pay requirements as well. This is the exemption for employees engaged in the delivery of newspapers to the consumer.[3] With this exception, none of the specific exemptions from the minimum wage and/or overtime pay requirements applies to the child labor provisions. However, it should be noted that the exclusion of certain employers by section 3 (d)[4] of the act applies to the child labor provisions as well as the wage and hours provisions.

COVERAGE OF SECTION 12 (a)

§ 450.3 *General.* Section 12 (a) of the act provides as follows:

No producer, manufacturer, or dealer shall ship or deliver for shipment in commerce any goods produced in an establishment situated in the United States in or about which within thirty days prior to the removal of such goods therefrom any oppressive child labor has been employed: *Provided*, That any such shipment or delivery for shipment of such goods by a purchaser who acquired them in good faith in reliance on written assurance from the producer, manufacturer, or dealer that the goods were produced in compliance with the requirements of this section, and who acquired such goods for value without notice of any such violation, shall not be deemed prohibited by this subsection: *And provided further*, That a prosecution and conviction of a defendant for the shipment or delivery for shipment of any goods under the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such goods before the beginning of said prosecution.

In determining the applicability of this provision, consideration of the meaning of the terms used is necessary. These terms are discussed in §§ 450.4 to 450.10, inclusive.

§ 450.4 *"Producer, manufacturer, or dealer".* It will be observed that the prohibition of section 12 (a) with respect to certain shipments or deliveries for shipment is confined to those made by producers, manufacturers, and dealers. The terms "producer, manufacturer, or dealer" used in this provision are not expressly defined by the statute. However, in view of the definition of "produced" in section 3 (j), for purposes of this subsection a "producer" is considered to be one who engages in producing, manufacturing, handling or in any other manner working on goods in any State.[5] Since manufacturing is considered a specialized form of production, the word "manufacturer" does not have as broad an application as the word "producer." Manufacturing generally involves the transformation of raw materials or semifinished goods into new or different articles. A person may be considered a "manufacturer" even though his goods are made by hand, as is often true of products made by homeworkers. Moreover, it is immaterial whether manufacturing is his sole or main business. Thus, the term includes retailers who, in addition to retail selling, engage in such manufacturing activities as the making of slip-covers or curtains, the baking of bread, the making of candy, or the making of window frames. The word "dealer" refers to anyone who deals in goods (as defined in section 3 (i) of the act),[6] including persons engaged in buying, selling, trading, distributing, delivering, etc. It includes middlemen, factors, brokers, commission merchants, wholesalers, retailers and the like.

§ 450.5 *"Ship or deliver for shipment in commerce."* (a) Section 12 (a) forbids producers, manufacturers, and dealers to "ship or deliver from shipment in commerce" the goods referred to therein. A producer, manufacturer, or dealer may "ship" goods in commerce either by moving them himself in interstate or foreign commerce or by causing them to so move, as by delivery to a carrier.[7] Thus, a baker "ships" his bread in commerce whether he carries it in his own truck across State lines or sends it by contract or common carrier to his customers in other States. The word "ship" must be applied in its ordinary meaning. For example, it does not apply to the transmission of telegraphic messages.[8]

(b) To "deliver for shipment in commerce" means to surrender the custody of goods to another under such circumstances that the person surrendering the goods knows or has reason to believe that the goods will later be shipped in commerce.[9] Typical is the case of a

[3] Section 13 (d) of the act.

[4] Section 3 (d) defines "employer" to include "any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States or any State or political subdivision of a State, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization."

[5] For a discussion of the definition of "produced" as it relates to section 12 (a), see § 450.7.

[6] See § 450.6.

[7] Section 3 (b) of the act defines "commerce" to mean "trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof."

[8] Western Union Telegraph Co. v. Lenroot, 323 U. S. 490.

[9] Tobin v. Grant, N. D. Calif., 79 F. Sup. 975 which was a suit for injunction by the Secretary of Labor against a manufacturer of books and book covers employing oppressive child labor. The facts showed that the manufactured articles sold by defendant to purchasers in the same State had an ultimate out-of-State destination which was manifest to defendant. The court construed the words "deliver for shipment in commerce" as sufficiently broad to cover this situation even though the purchasers acquired title to the goods.

Detroit manufacturer who delivers his goods in Detroit to a distributor who, as the manufacturer is well aware, will ship the goods into another State. A delivery for shipment in commerce may also be made where raw materials are delivered by their producer to a manufacturer in the same State who converts them into new products which are later shipped across State lines. If the producer in such case is aware or has reason to believe that the finished products will ultimately be sent into another State, his delivery of the raw materials to the manufacturer is a delivery for shipment in commerce. Another example is a paper box manufacturer who ships a carton of boxes to a fresh fruit or vegetable packing shed within the same State, with knowledge or reason to believe that the boxes will there be filled with fruits or vegetables and shipped outside the State. In such case the box manufacturer has delivered the boxes for shipment in commerce.

§ 450.6 *"Goods".*[10] Section 12 (a) prohibits the shipment or delivery for shipment in commerce of "any goods" produced in an establishment which were removed within 30 days of the employment there of oppressive child labor. It should be noted that the statute does not base the prohibition of section 12 (a) upon the percentage of an establishment's output which is shipped in commerce.

The act furnishes its own definition of "goods" in section 3 (i), as follows:

> "Goods" means goods (including ships and marine equipment), wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof, but does not include goods after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof.

The term includes such things as foodstuffs, clothing, machinery, printed materials, blueprints and also includes intangibles such as news, ideas, and intelligence. The statute expressly excludes goods after their delivery into the actual physical possession of an ultimate consumer other than a producer, manufacturer, or processor thereof. Accordingly, such a consumer may lawfully ship articles in his possession although they were incligible for shipment (commonly called "hot goods") before he received them.[11]

§ 450.7 *"Produced".* The word "produced" as used in the act is defined by section 3 (j) to mean:

> • • • produced, manufactured, mined, handled, or in any other manner worked on in any State; • • •[12]

(a) The prohibition of section 12 (a) cannot apply to a shipment of goods unless those goods (including any part or ingredient thereof) were actually "produced" in and removed from an establishment where oppressive child labor was employed. This provision is applicable even though the under-age employee does not engage in the production of the goods themselves if somewhere in the establishment in or about which he is employed goods are "produced" which are subsequently shipped or delivered for shipment in commerce. In contrast to this restrictive requirement of section 12 (a), it will be noted that the employees covered under the wage and hours provisions as engaged in the production of goods for commerce are not limited to those in or about establishments where such goods are being produced. If the requisite relationship [13] to production of such goods is present, an employee is covered for wage and hours purposes regardless of whether his work brings him in or near any establishment where the goods are produced.[14]

(b) Since the first word in the definition of "produced" repeats the term being defined, it seems clear that the first word must carry the meaning that it has in everyday language. Goods are commonly spoken of as "produced" if they have been brought into being as a result of the application of work. The words "manufactured" and "mined" in the definition refer to special forms of production. The former term is generally applied to the products of industry where existing raw materials are transformed into new or different articles by the use of industrial methods, either by the aid of machinery or by manual operations. Mining is a type of productive activity involving the taking of materials from the ground, such as coal from a coal mine, oil from oil wells, or stone from quarries. The statute also defines the term "produced" to mean "handled" or "in any other manner worked on." [15] These words relate not only to operations carried on in the course of manufacturing, mining, or production as commonly described, but include as well all kinds of operations which prepare goods for their entry into the stream of commerce, without regard to whether the goods are to be further processed or are so called "finished goods." [16] Accordingly, warehouses, fruit and vegetable packing sheds, distribution yards, grain elevators, etc., where goods are sorted, graded, stored, packed, labeled or otherwise handled or worked on in preparation for their shipment out of the State are producing establishments for purposes of section 12 (a).[17] However, the handling or working on goods, performed by employees of carriers which accomplishes the interstate transit or movement in commerce itself, does not constitute production under the act.[18]

§ 450.8 *"Establishment situated in the United States".*—(a) The statute does not expressly define "establishment." Accordingly, the term should be given a meaning which is not only consistent with its ordinary usage, but also designed to accomplish the general purposes of the act. As normally used in business and in Government, the word "establishment" refers to a distinct physical place of business. This is the meaning attributed to the term as it is used in section 13 (a) (2) of the act.[19] Since the establishments covered under section 12 (a) of the act are those in which goods are produced, the term "establishment" there refers to a physical place where goods are produced. Typical producing establishments are industrial plants, mines, quarries, and the like. The producing establishment, however, need not have a permanently fixed location as is the case with a factory or mine. A boat, for instance, where productive activities such as catching or canning fish are carried on, is considered a producing establishment for purposes of section 12 (a).

Frequently, questions arise as to what should be considered a single establishment. No hard and fast rule can be laid down which will fix the area of all establishments. Accordingly, a determination of the area contained in a single establishment must be based upon the facts of each individual situation. Facts which are particularly pertinent in this connection, however, are those which relate to the physical characteristics and the manner of operation and control of the business. Sometimes, an establishment may extend over an area of several square miles as is common with farms, logging enterprises, mines, and quarries. On the other hand, it may be confined to a few square feet. A typical illustration of this is a loft building that houses the workshops of hundreds of independent manufacturing firms. Each of the workshops is, for purposes of this subsection, a separate establishment.

Similar principles are applicable in determining whether several buildings located on the same premises constitute one establishment or more than one. For example, where several factory buildings are located on the same premises and owned and operated by the same person, they are generally to be considered as a single establishment. On the other hand, factory buildings located on the same premises, but owned and operated by different persons, will not ordinarily be treated as a single establishment. Where the several factories, however, are engaged in a joint productive enterprise, they may constitute a single establishment. This is the case, for example, where a large shipyard contains the plants of a number of subcontractors who are engaged in making parts or equipment for the boats that are built in the yard.

(b) The phrase "situated in the United States" is construed to include any of the 48 States or the District of Columbia or any Territory or possession of the United States.

§ 450.9 *"In or about".* Section 12 (a) excludes from the channels of interstate commerce goods produced in an establishment "in or about" which oppressive child labor has been employed. In a great many situations it is obviously easy to determine whether a minor is employed "in" an establishment. Thus, he is so employed where he performs his occupational duties on the premises of the producing establishment. Furthermore, a minor is also considered as employed in an establishment where he performs most of his duties off the premises but is regularly required to perform certain occupational duties in the establishment, such as loading or unloading a truck, checking in or out, or washing windows. This is true in such cases even though the minor is employed by someone other than the owner or operator of the particular establishment. On the other hand, a minor is not considered to be employed in an establishment other than his employer's merely because such establishment is visited by him for brief periods of time and for the sole purpose of picking up or delivering a message or other small article.

If, in the light of the preceding statements, the minor cannot be considered as employed in the establishment, he may, nevertheless, be employed "about" it if he performs his occupational duties sufficiently close in proximity to the actual place of production to fall within the commonly understood meaning of the term "about." This would be true in a situation where the foregoing proximity test is met and the occupation of the minor is directly related to the activities carried on in the producing establishment. In this connection, occupations are considered sufficiently related to the activities carried on in the producing establishment to meet the second test above at least where the requisite relationship to production of goods exists within the meaning of section 3 (j) of the act.[20] By way of example, a driver's helper employed to assist in the distribution of the products of a bottling company who regularly boards the delivery truck immediately outside the premises of the bottling plant is considered employed "in or about" such establishment, without regard to whether he ever enters the plant itself. On the other hand, employees working entirely within one establishment are not considered to be employed "in or about" a wholly different establishment occupying separate premises and operated by another employer. This would be true even though the two establishments are contiguous. But in other situations the distance between the producing establishment and the minor's place of employment may be a decisive factor. Thus, a minor employed in clearing rights-of-way for power lines many miles away from the power plant cannot well be said to be employed "in or about" such establishment. In view of the great variety of establishments and employments, however, no hard and fast rule can be laid down which will once and for all distinguish between employments that are "about" an establishment and those that are not. Therefore, each case must be determined on its own merits. In determining whether a particular employment is "about" an establishment, consideration of the following factors should prove helpful: (1) actual distance between the producing establishment and the minor's place of employment; (2) nature of the establishment; (3) ownership or control of the premises involved; (4) nature of the minor's activities in relation to the establishment's purpose; (5) identity of the minor's employer and the establishment's owner; (6) extent of control by the producing establishment's owner over the minor's employment.

§ 450.10 *Removal "within 30 days."* According to section 12 (a) goods produced in an establishment in or about which oppressive child labor has been employed are barred as "hot goods" from being shipped or delivered for shipment in commerce in the following two situations: First, if they were removed from the establishment while any oppressive child labor was still being employed in or about it; second, if they were removed from an establishment in or about which oppressive child labor was no longer employed but less than 30 days had then elapsed since any such employment of oppressive child labor came to an end. Once any goods have been removed from a producing establishment within the above-mentioned thirty-day period, they are barred at any time thereafter from being shipped or delivered for shipment in commerce so long as they remain "goods" for purposes of the act." Goods are considered removed from an establishment just as soon as they are taken away from the establishment as that term has been defined.[22] The statute does not require that this "removal" from the establishment be made for the purpose or in the course of a shipment or delivery for shipment in commerce. A "removal" within the meaning of the statute also takes place where the goods are removed from the establishment for some other purpose such as storage, the granting of a lien or other security interest, or further processing.

COVERAGE OF SECTION 12 (c)

§ 450.11 *General.* Section 12 (c) of the act provides are follows: "No employer shall employ any oppressive child labor in commerce or in the production of goods for commerce."

This provision, which was added by the Fair Labor Standards Amendments of 1949,[23] broadens child labor coverage to include employment in commerce. Moreover, it establishes a direct prohibition of the employment of oppressive child labor in commerce or in the production of goods for commerce. The legislative history pertaining to this provision leads to the conclusion that Congress intended its application to be generally consistent with that of wage and hours coverage provisions. The application of the provision depends on the existence of two necessary elements: (1) the employment of "oppressive child labor" [24] by some employer and (2) the employment of such oppressive child labor in commerce or in the production of goods for commerce.

§ 450.12 *Employment [25] "in commerce or in the production of goods for commerce".* (a) The term "employ" is broadly defined in section 3 (g) of the act to include "to suffer or permit to work." The act expressly provides that the term "employer" includes "any person acting directly or indirectly in the interest of an employer in relation to an employee." The nature of an employer-employee relationship is ordinarily to be determined not solely on the basis of the contractual relationship between the parties but also in the light of all the facts and circumstances. Moreover, the terms "employer" and "employ" as used in the act are broader than the common-law concept of employment and must be interpreted broadly in the light of the mischief to be corrected. Thus, neither the technical relationship between the parties nor the fact that the minor is unsupervised or receives no compensation is controlling in determining whether an employer-employee relationship exists for purposes of section 12 (c) of the act. However, these

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[10] The term "goods" is discussed in more detail in Part 776 (Interpretative Bulletin on the coverage of the wage and hours provisions) issued by the Administrator of the Wage and Hour Division.

[11] For a discussion of the exclusionary clause in section 3 (i) of the act, see Powell et al. v. United States Cartridge Co., 70 S. Ct. 755.

[12] The remaining portion of section 3 (j) provides: "• • • and for the purposes of this act an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any closely related process or occupation directly essential to the production thereof, in any State."

[13] See footnote 12.

[14] See Part 776 (Interpretative Bulletin on the coverage of the wage and hours provisions) issued by the Administrator of the Wage and Hour Division. Also, see §§ 450.11 and 450.12 of this bulletin.

[15] For a more complete discussion of these words, see § 776.16 of Part 776 (bulletin on coverage of the wage and hours provisions) of Chapter V of this title.

[16] In Western Union Telegraph Co. v. Lenroot, 323 U. S. 490, the Supreme Court stated that these words bring within the statutory definition "every step in putting the subject of commerce in a state to enter commerce," including "all steps, whether manufacture or not, which lead to readiness for putting goods into the stream of commerce," and "every kind of incidental operation preparatory to putting goods into the stream of commerce."

[17] Lenroot v. Kemp and Lenroot v. Hazlehurst Mercantile Co., 153 F. 2d 153 (C. A. 5), where the court directed issuance of injunctions to restrain violations of the child labor provisions by operators of vegetable packing sheds at which they bought, then washed, sorted, crated, and packed cabbages and tomatoes for shipment in interstate commerce.

[18] Western Union Telegraph Co. v. Lenroot, 323 U. S. 490.

[19] A. H. Phillips, Inc. v. Walling, 324 U. S. 490. See Part 779 (bulletin on the retail and service establishment exemption from the wage and hours provisions) of Chapter V of this title.

[20] See Part 776 (bulletin on coverage of the wage and hours provisions) of Chapter V of this title.

[21] However, section 12 (a) contains a provision relieving innocent purchasers from liability thereunder provided certain conditions are met. For a discussion of this provision, see § 450.24.

Also, section 15 (a) (1) relieves any common carrier from liability under the act for the transportation in commerce in the regular course of its business of any goods not produced by such common carrier.

[22] For a discussion of the meaning of "establishment," see § 450.8.

[23] Pub. Law 393, 81st Cong., 1st sess. (63 Stat. 910). These amendments became effective on January 25, 1950.

[24] "Oppressive child labor" is discussed in §§ 450.16 to 450.20, inclusive.

[25] For a more detailed discussion, see Part 767 (bulletin on employment issued by the Administrator of the Wage and Hour Division) of Chapter V of this title.

are matters which should be considered along with all other facts and circumstances surrounding the relationship of the parties in arriving at such determination. The words "suffer or permit to work" include those who suffer by a failure to hinder and those who permit by acquiescence in addition to those who employ by oral or written contract. A typical illustration of employment of oppressive child labor by suffering or permitting an under-aged minor to work is that of an employer who knows that his employee is utilizing the services of such a minor as a helper or substitute in performing his employer's work. If the employer acquiesces in the practice or fails to exercise his power to hinder it, he is himself suffering or permitting the helper to work and is, therefore, employing him, within the meaning of the act. Where employment does exist within the meaning of the act, it must, of course, be in commerce or in the production of goods for commerce in order for section 12 (c) to be applicable.

(b) As previously indicated, the scope of coverage of section 12 (c) of the act is, in general, coextensive with that of the wage and hours provisions. The basis for this conclusion is provided by the similarity in the language used in the respective provisions and by statements appearing in the legislative history concerning the intended effect of the addition of section 12 (c). Accordingly, it may be generally stated that employees considered to be within the scope of the phrases "in commerce or in the production of goods for commerce" for purposes of the wage and hours provisions are also included within the identical phrases used in section 12 (c). To avoid needless repetition, reference is herein made to the full discussion of principles relating to the general coverage of the wage and hours provisions contained in Part 776 (Interpretative Bulletin issued by the Administrator of the Wage and Hour Division) of Chapter V of this title. In this connection, however, it should be borne in mind that lack of coverage under the wage and hours provisions or under section 12 (c) does not necessarily preclude the applicability of section 12 (a) of the act.[28]

JOINT AND SEPARATE APPLICABILITY OF SECTIONS 12 (A) AND 12 (C)

§ 450.13 *General.* It should be noted that section 12 (a) does not directly outlaw the employment of oppressive child labor. Instead, it prohibits the shipment or delivery for shipment in interstate or foreign commerce of goods produced in an establishment where oppressive child labor has been employed within 30 days before removal of the goods. Section 12 (c), on the other hand, is a direct prohibition against the employment of oppressive child labor in commerce, or in the production of goods for commerce. Moreover, the two subsections provide different methods for determining the employees who are covered thereby. Thus, subsection (a) may be said to apply to young workers on an "establishment" basis. If the standards for child labor are not observed in the employment of minors in or about an establishment where goods are produced and from which such goods are removed within the statutory 30-day period, it becomes unlawful for any producer, manufacturer, or dealer (other than an innocent purchaser who is in compliance with the requirements for a good faith defense as provided in the subsection) to ship or deliver those goods for shipment in commerce. It is not necessary for the minor himself to have been employed by the producer of such goods or in their production in order for the ban to apply. On the other hand, whether the employment of a particular minor below the applicable age standard will subject his employer to the prohibition of subsection (c) is dependent upon the minor himself being employed in commerce or in the production of goods for commerce, within the meaning of the act. If such a minor is so employed by his employer and is not specifically exempt from the child labor provisions then his employment under such circumstances constitutes a violation of section 12 (c) regardless of where he may be employed or what his employer may do. Moreover, a violation of section 12 (c) occurs under the foregoing circumstances without regard to whether there is a "removal" of goods or a shipment or delivery for shipment in commerce.

§ 450.14 *Joint applicability.* The child labor coverage provisions contained in sections 12 (a) and 12 (c) of the act may be jointly applicable in certain situations. For example, a manufacturer of women's dresses who ships them in interstate commerce, employs a minor under 16 years of age who gathers and bundles scraps of material in the cutting room of the plant. Since the employment of the minor under such circumstances constitutes oppressive child labor and involves the production of goods for commerce, the direct prohibition of section 12 (c) is applicable to the case. In addition, section 12 (a) also applies to the manufacturer if the dresses are removed from the establishment during the course of the minor's employment or within 30 days thereafter. To illustrate further, suppose that a transportation company employs a 17-year-old boy as helper on a truck used for hauling materials between railroads and the plants of its customers who are engaged in producing goods for shipment in commerce. The employment of the minor as helper on a truck is oppressive child labor because such occupation has been declared particularly hazardous by the Secretary for children between 16 and 18 years of age. Since his occupation involves the transportation of goods which are moving in interstate commerce, his employment in such occupation by the transportation company is, therefore, directly prohibited by the terms of section 12 (c). If the minor's duties in this case should, for example, include loading and unloading the truck at the establishments of the customers of his employer, then the provisions of section 12 (a) might be applicable with respect to such customers. This would be true where any goods which they produce and ship in commerce are removed from the producing establishment within 30 days after the minor's employment there.

§ 450.15 *Separate applicability.* There are situations where section 12 (c) does not apply because the minor himself is not considered employed in commerce or in the production of goods for commerce. This does not exclude the possibility of coverage under the provisions of section 12 (a), however. Thus, the employment of a minor by a local window-cleaning company to wash the windows of a factory producing goods for shipment in commerce is not subject to section 12 (c) because the work performed by the minor is not closely related and directly essential to production. However, the prohibition contained in section 12 (a) would apply in such a situation to shipments from the factory of goods removed within the statutory 30-day period provided, of course, the minor was below the applicable age minimum. In those cases where oppressive child labor is employed in commerce but not in or about a producing establishment, coverage exists under section 12 (c) but not under the provisions of section 12 (a). The employment of telegraph messengers under 16 years of age would normally involve this type of situation.[29] There may also be cases where oppressive child labor is employed in occupations closely related and directly essential to the production of goods in a separate establishment and therefore covered by section 12 (c) but due to the fact that none of the goods produced in the establishment where the minors work are ever shipped or delivered for shipment in commerce either in the same form or as a part or ingredient of other goods, coverage of section 12 (a) is lacking. An illustration of this type of situation would be the employment of a minor under the applicable age minimum in a plant engaged in the production of electricity which is sold and consumed exclusively within the same State and some of which is used by establishments in the production of goods for commerce.

OPPRESSIVE CHILD LABOR

§ 450.16 *General.* Section 3 (l) of the act defines "oppressive child labor" as follows:

"Oppressive child labor" means a condition of employment under which (1) any employee under the age of sixteen years is employed by an employer (other than a parent or a person standing in place of a parent employing his own child or a child in his custody under the age of sixteen years in an occupation other than manufacturing or mining or an occupation found by the Secretary of Labor to be particularly hazardous for the employment of children between the ages of sixteen and eighteen years or detrimental to their health or well-being) in any occupation, or (2) any employee between the ages of sixteen and eighteen years is employed by an employer in any occupation which the Secretary of Labor shall find and by order declare to be particularly hazardous for the employment of children between such ages or detrimental to their health or well-being, but oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file an unexpired certificate issued and held pursuant to regulations of the Secretary of Labor certifying that such person is above the oppressive child labor age. The Secretary of Labor shall provide by regulation or by order that the employment of employees between the ages of fourteen and sixteen years in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor if and to the extent that the Secretary of Labor determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being.

It will be noted that the term includes generally the employment of young workers under the age of 16 years in any occupation. In addition, the term includes employment of minors 16 and 17 years of age by an employer in any occupation which the Secretary finds and declares to be particularly hazardous for the employment of children of such ages or detrimental to their health or well-being. Authority is also given the Secretary to issue orders or regulations permitting the employment of children 14 and 15 years of age in nonmanufacturing and nonmining occupations where he determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being. The subsection further provides for the issuance of age certificates pursuant to regulations of the Secretary which will protect an employer from unwitting employment of oppressive child labor.

§ 450.17 *Sixteen-year minimum.* The act sets a 16-year age minimum for employment in manufacturing or mining occupations. Furthermore, this age minimum is applicable to employment in all other occupations unless otherwise provided by regulation or order issued by the Secretary.

§ 450.18 *Fourteen-year minimum.* With respect to employment in occupations other than manufacturing and mining, the Secretary is authorized to issue regulations or orders lowering the age minimum to 14 years where he finds that such employment is confined to periods which will not interfere with the minors' schooling and to conditions which will not interfere with their health and well-being. Pursuant to this authority, the Secretary permits the employment of 14- and 15-year-old children in a limited number of occupations where the work is performed outside school hours and is confined to other specified limits. Under the provisions of Child Labor Regulation No. 3, as amended,[30] employment of minors in this age group is not permitted in the following occupations: (a) Manufacturing, mining, or processing occupations; (b) occupations requiring the performance of any duties in a work room or work place where goods are manufactured, mined or otherwise processed; (c) occupations involving the operation or tending of hoisting apparatus or of any power-driven machinery other than office machines; (d) public messenger service; (e) occupations declared to be particularly hazardous or detrimental to health or well-being by the Secretary; or (f) occupations (except office or sales work) in connection with (1) transportation of persons or property by rail, highway, air, water, pipeline, or other means; (2) warehousing and storage; (3) communications and public utilities; and (4) construction (including demolition and repair). The exception permitting office and sales work performed in connection with the occupations specified in (f) above does not apply if such work is performed on trains or any other media of transportation or at the actual site of construction operations. Employment of fourteen- and fifteen-year-olds in all occupations other than the foregoing is permitted by the Regulation, if the following conditions are observed: (1) employment only outside school hours and between the hours of 7 a. m. and 7 p. m.; (2) employment for not more than 3 hours a day nor more than 18 hours a week when school is in session; and, (3) employment for not more than 8 hours a day nor more than 40 hours a week when school is not in session. The employment of minors under 14 years of age is not permissible, under any circumstances if the employment is covered by the child labor provisions and not specifically exempt.

§ 450.19 *Eighteen-year minimum.* To protect young workers from hazardous employment, the act provides for a minimum age of 18 years in occupations found and declared by the Secretary to be particularly hazardous or detrimental to health or well-being for minors 16 and 17 years of age. Hazardous-occupations orders are the means through which occupations are declared to be particularly hazardous for minors. They are issued after public hearing and advice from committees composed of representatives of employers and employees of the industry and the public and in accordance with procedure established in Child Labor Regulation No. 5.[31] The effect of these orders is to raise the minimum age for employment to 18 years in the occupations covered. Seven orders[32] have thus far been issued under the act and are now in effect. In general, they cover:

No. 1. Occupations in or about plants manufacturing explosives or articles containing explosive components.

No. 2. Occupations of motor-vehicle driver and helper.

No. 3. Coal-mine occupations.

No. 4. Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill.

No. 5. Occupations involved in the operation of power-driven woodworking machines.

No. 6. Occupations involving exposure to radioactive substances.

No. 7. Occupations involved in the operation of power-driven hoisting apparatus.

§ 450.20 *Age certificates.* To protect an employer from unwitting violation of the minimum age standards, it is provided in section 3 (l) (2) of the act that "oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file an unexpired certificate issued and held pursuant to regulations of the Secretary of Labor certifying that such person is above the oppressive child labor age." An age certificate is a statement of a minor's age issued under regulations of the Secretary (Child Labor Regulation No. 1),[33] based on the best available documentary evidence of age, and carrying the signatures of the minor and the issuing officer. Its purpose is to furnish an employer with reliable proof of the age of a minor employee in order that he may, as specifically provided by the act, protect himself against unintentional violation of the child labor provisions. Pursuant to the regulations of the Secretary, State employment or age certificates are accepted as proof of age in 44 States, the District of Columbia, Hawaii, and Puerto Rico, and Federal certificates of age in Idaho, Mississippi, South Carolina and Texas. If there is a possibility that the minor whom he intends to employ is below the applicable age minimum for the occupation in which he is to be employed, the employer should obtain an age certificate for him.

It should be noted that the age certificate furnishes protection to the employer as provided by the act only if it shows the minor to be above the minimum age applicable thereunder to the occupation in which he is employed. Thus, a State certificate which shows a minor's age to be above the minimum required by State law for the occupation in which he is employed does not protect his employer for purposes of the Fair Labor Standards Act unless the age shown on such certificate is also above the minimum provided under that act for such occupation.

EXEMPTIONS

§ 450.21 *General.* Specific exemptions from the child labor requirements of the act are provided for (a) employment of children in agriculture outside of school hours for the school district where they live while so employed; (b) employment of employees engaged in the delivery of newspapers to the consumer; (c) employment of children as actors or performers in motion pictures or in theatrical, radio, or television productions; and (d) employment by a parent or a person standing in a parent's place of his own child or a child in his custody under the age of sixteen years in any occupation other than the following: (1) Manufacturing, (2) mining, (3) an occupation found by the Secretary to be particularly hazardous for the employment of children between the ages of sixteen and eighteen years or detrimental to their health or well-being. In his interpretations of these provisions, the Secretary will be guided by

[28] See § 450.15.

[29] In Western Union Telegraph Co. v. Lenroot, 323 U. S. 490, the court held section 12 (a) inapplicable to Western Union on the grounds that the company does not "produce" or "ship" goods within the meaning of that subsection.

[30] 29 CFR Part 441 as amended.

[31] 29 CFR Part 401.

[32] 29 CFR Part 421.

[33] 29 CFR Part 422.

the principle that such exemptions should be narrowly construed and their application limited to those employees who are plainly and unmistakably within their terms. Thus, the fact that a child's occupation involves the performance of work which is considered exempt from the child labor provisions will not relieve his employer from the requirements of section 12 (c) or the producer, manufacturer, or dealer from the requirements of section 12 (a) if, during the course of his employment, the child spends any part of his time doing work which is covered but not so exempt.

§ 450.22 *Agriculture.* Section 13 (c) of the act provides an exemption from the child labor provisions for "any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed." This is the only exemption from the child labor provisions relating to agriculture or the products of agriculture. The various agricultural exemptions provided by sections 7 (b) (3), 7 (c), 13 (a) (6), 13 (a) (10) and 13 (b) (5) from all or part of the minimum wage and overtime pay requirements are not applicable to the child labor provisions. This exemption, it will be noted, is limited to periods outside of school hours in contrast to the complete exemption for employment in "agriculture" under the wage and hours provisions. Under the original act, the exemption became operative whenever the applicable State law did not require the minor to attend school. The legislative history clearly indicates that in amending this provision, Congress sought to establish a clearer and simpler test for permissive employment which could be applied without the necessity of exploring State legal requirements regarding school attendance in the particular State. It recognized that the original provision fell short of achieving the objective of permitting agricultural work only so long as it did not infringe upon the opportunity of children for education. By recasting the exemption on an "outside of school hours" basis, Congress intended to provide a test which could be more effectively applied toward carrying out this purpose.

The applicability of the exemption to employment in agriculture as defined in section 3 (f) [22] of the act depends in general upon whether such employment conflicts with school hours for the locality where the child lives. Since the phrase "school hours" is not defined in the act, it must be given the meaning that it has in ordinary speech. Moreover, it will be noted that the statute speaks of school hours "for the school district" rather than for the individual child. Thus, the provision does not depend for its application upon the individual student's requirements for attendance at school. For example, if an individual student is excused from his studies for a day or a part of a day by the superintendent or the school board, the exemption would not apply if school was in session then. "Outside of school hours" generally may be said to refer to such periods as before or after school hours, holidays, summer vacation, Sundays, or any other days on which the school for the district in which the minor lives does not assemble. Since "school hours for the school district" do not apply to minors who have graduated from high school, the entire year would be considered "outside of school hours" and, therefore, their employment in agriculture would be permitted at any time.

Attention is directed to the fact that by virtue of the parental exemption provided in section 3 (l) of the act, children under 16 years of age are permitted to work for their parents on their parents' farms at any time provided they are not employed in a manufacturing or mining occupation.

The orders (Part 422 of this title) declaring certain occupations to be particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being do not apply to employment in agriculture, pending study as to the hazardous or detrimental nature of occupations in agriculture.[23]

§ 450.23 *Delivery of newspapers.* Section 13 (d) of the act provides an exemption from the child labor as well as the wage and hours provisions for employees engaged in the delivery of newspapers to the consumer. This provision applies to carriers engaged in making deliveries to the homes of subscribers or other consumers of newspapers (including shopping news). It also includes employees engaged in the street sale or delivery of newspapers to the consumer. However, employees engaged in hauling newspapers to drop stations, distributing centers, newsstands, etc., do not come within the exemption because they do not deliver to the consumer.

§ 450.24 *Actors and performers.* Section 13 (c) of the act provides an exemption from the child labor provisions for "any child employed as an actor or performer in motion pictures or theatrical productions, or in radio or television productions." The term "performer" used in this provision is obviously more inclusive than the term "actor." In regulations issued pursuant to section 7 (d) (3) of the act, the Administrator of the Wage and Hour Division has defined a "performer" on radio and television programs for purposes of that section.[24] The Secretary will follow this definition in determining whether a child is employed as a "• • • performer • • • in radio or television productions" for purposes of this exemption. Moreover, in many situations the definition will be helpful in determining whether a child qualifies as a "• • • performer in motion pictures or theatrical productions • • •" within the meaning of the exemption.

§ 450.25 *Parental exemption.* By the parenthetical phrase included in section 3 (l) (1) of the act, a parent or a person standing in place of a parent may employ his own child or a child in his custody under the age of 16 years in any occupation other than the following: (a) Manufacturing; (b) mining; (c) an occupation found by the Secretary to be particularly hazardous or detrimental to health or well-being for children between the ages of 16 and 18 years. This exemption may apply only in those cases where the child is exclusively employed by his parent or a person standing in his parents' place. Thus, where a child assists his father in performing work for the latter's employer and the child is considered to be employed both by his father and his father's employer, the parental exemption would not be applicable. The words "parent" or a person standing in place of a parent" include natural parents, or any other person, where the relationship between that person and a child is such that the person may be said to stand in place of a parent. For example, one who takes a child into his home and treats it as a member of his own family, educating and supporting the child as if it were his own, is generally said to stand to the child in place of a parent. It should further be noted that occupations found by the Secretary to be hazardous or detrimental to health or well-being for children between 16 and 18 years of age, as well as manufacturing and mining occupations, are specifically excluded from the scope of the exemption.

ENFORCEMENT

§ 450.26 *General.* Section 15 (a) (4) of the act makes any violation of the provisions of sections 12 (a) or 12 (c) unlawful. Any such unlawful act or practice may be enjoined by the United States District Courts under section 17 upon court action, filed by the Secretary pursuant to section 12 (b) and, if willful, will subject the offender to the criminal penalties provided in section 16 (a) of the act.[25]

§ 450.27 *Good faith defense.* A provision is contained in section 12 (a) of the act relieving any purchaser from liability thereunder who ships or delivers for shipment in commerce goods which he acquired in good faith in reliance on written assurance from the producer, manufacturer, or dealer that the goods were produced in compliance with section 12, and which he acquired for value without notice of any violation.[26]

§ 450.28 *Relation to other laws.* Section 18 provides, in part, that "no provision of this act relating to the employment of child labor shall justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established under this act." The child labor requirements of the Fair Labor Standards Act, as amended, must be complied with as to the employment of minors within their general coverage and not excepted from their operation by special provision of the act itself regardless of any State, local, or other Federal law that may be applicable to the same employment. Furthermore, any administrative action pursuant to other laws, such as the issuance of a work permit to a minor or the referral by an employment agency of a minor to an employer does not necessarily relieve a person of liability under this act. Where such other legislation is applicable and does not contravene the requirements of the Fair Labor Standards Act, however, nothing in the act, the regulations or the interpretations announced by the Secretary should be taken to override or nullify the provisions of these laws. Although compliance with other applicable legislation does not constitute compliance with the act unless the requirements of the act are thereby met, compliance with the act, on the other hand, does not relieve any person of liability under other laws that establish higher child labor standards than those prescribed by or pursuant to the act. Moreover, such laws, if at all applicable, continue to apply to the employment of all minors who either are not within the general coverage of the child labor provisions of the act or who are specifically excepted from their requirements.

Signed at Washington, D. C., this 27th day of July 1950.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 50-6810; Filed, Aug. 7, 1950; 8:45 a. m.]

[22] "Agriculture" as defined in section 3 (f) includes "farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry, or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market."

[23] See the footnote to the headnote, 29 CFR Part 422.

[24] Section 550.2 (b) of this title provides:

(b) The term "performer" shall mean a person who performs a distinctive, personalized service as a part of an actual broadcast or telecast including an actor, singer, dancer, musician, comedian, or any person who entertains, affords amusement to, or occupies the interest of a radio or television audience by acting, singing, dancing, reading, narrating, performing feats of skill, or announcing, or describing or relating facts, events and other matters of interest, and who actively participates in such capacity in the actual presentation of a radio or television program. It shall not include such persons as script writers, stand-ins, or directors who are neither seen nor heard by the radio or television audience; nor shall it include persons who participate in the broadcast or telecast purely as technicians such as engineers, electricians and stage hands;

[25] Section 16 (a) provides:

Any person who willfully violates any of the provisions of section 15 shall upon conviction thereof be subject to a fine of not more than $10,000, or to imprisonment for not more than six months, or both. No person shall be imprisoned under this subsection except for an offense committed after the conviction of such person for a prior offense under this subsection.

[26] For a complete discussion of this subject see Part 789 of this title, General Statement on the Provisions of section 12 (a) and section 15 (a) (1) of the Fair Labor Standards Act, as amended, relating to Written Assurances.

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

MISCELLANEOUS AMENDMENTS

Rescind §§ 577.3 and 577.4 and substitute the following in lieu thereof:

§ 577.3 *Civilian medical care for Army personnel*—(a) *For whom authorized.* (1) Civilian medical care at the expense of Army Medical Service funds is authorized for the following personnel and none other when the required care cannot be provided by available medical treatment facilities of the Department of Defense or other governmental agencies.

(i) Officers, contract surgeons (full time), warrant officers, enlisted personnel, cadets of United States Military Academy, general prisoners, and prisoners of war, when on a duty status or when absent on any authorized leave or pass. Such attendance will not be authorized when absent without leave.

(ii) Applicants for enlistment and selectees while being processed.

(2) Elective medical treatment in civilian medical treatment facilities or by civilian physicians will not be authorized or paid for from the above-mentioned funds.

(b) *Ordinary medical care.* (1) Personnel authorized civilian medical care who are not serving under an immediate commanding officer may engage civilian medical care without prior authorization of the approving authority when the urgency of the situation prevents obtaining such prior authorization, or when serving outside the continental United States in areas not under an oversea commander.

(2) A local commanding officer may engage or authorize necessary civilian medical care for himself or for persons under his jurisdiction:

(i) When the cost will not exceed $100 except when the individual for whom the medical care is required is serving outside continental United States and not under the jurisdiction of an oversea commander, or

(ii) When the urgency of the situation does not permit obtaining prior authorization.

(c) *Specialist service.* (1) The engagement of a civilian specialist (as distinguished from appointed civilian professional consultants) at the expense of Army Medical Service funds is authorized only for those personnel specified in paragraph (a) of this section and is subject to prior authorization of the appropriate approving authority, except when the urgency of the situation is such that the services of the civilian specialist are immediately necessary to save life or prevent undue suffering or distress.

(2) Accounts for the engagement of consultation service (as distinguished from the services of appointed civilian professional consultants) will be allowed only in the most extraordinary cases.

(d) *Allowances.* The rates of compensation allowed for civilian medical care will be published annually in a Department of the Army circular.

§ 577.4 *Medical attendance in medical treatment facilities of Federal agencies outside Department of Defense*—(a) *For whom authorized.* Medical care in medical treatment facilities of other Federal agencies at the expense of Medical Department funds is authorized for the following personnel when the required care cannot be provided by available medical treatment facilities of the Department of Defense:

(1) Officers, contract surgeons (full time), warrant officers, enlisted personnel, cadets of United States Military Academy, general prisoners, and prisoners of war. The duty status of these individuals does not affect their authority to receive medical care.

(2) Applicants for enlistment and selectees while being processed.

(3) Civilian employees under SR 40-220-5 (Special Regulations pertaining to Army Federal Civilian Employees Health Service Programs).

(b) *Rates of charge.* Charges for hospitalization or treatment will be at rates prescribed for pay patients for the applicable fiscal year. The Surgeon General will reimburse the Federal agency for authorized charges and, in those cases where the patient is not entitled to subsistence at Government expense, will collect from the patient and deposit the funds to the proper appropriation.

[SR 40-505-11, July 20, 1950; SR 50-505-12, June 15, 1950] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 50-6923; Filed, Aug. 7, 1950; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—EDUCATION AND TRAINING

MISCELLANEOUS AMENDMENTS

1. Section 21.202 is amended to read as follows:

§ 21.202 *Devotion of full time to training.* (a) (1) Training under Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), Part VII will be prescribed and provided only in such kind and amount that, except as provided in paragraph (b) (1) and (2) of this section, such training will require the veteran to devote full time to his course of vocational rehabilitation. This full-time requirement will be considered to have been met only when the kind and amount of material to be learned during the prescribed length of the course is such that the course necessarily will require the veteran to give it his undivided attention and effort and will require the veteran to devote to the pursuit of his ccurse approximately as much time per week (in the case of a school course this will include any normal time required for preparation outside the school) as

is commonly applied to employment in the particular occupation for which the veteran is training: *Provided*, That under particular conditions specialized restorative training may be provided on a part-time basis as set forth in § 21.201 (d) (5).

(2) A school course which does not meet the requirements of subparagraph (1) of this paragraph will not be prescribed except where:

(i) The course is modified for the particular veteran so that it does meet the provisions of subparagraph (1) of this paragraph either by arranging for additional hours of instruction, with corresponding shortening of the duration of the course, or by supplementing the course with additional subject matter which is necessary or at least clearly contributes to rendering the trainee satisfactorily employable in the chosen occupation and/or

(ii) The school course is supplemented by providing part-time on-the-job training for the selected occupation, wherever practicable, in a training establishment where there is good promise of employment upon completion of the school course.

(b) Where restoration of a veteran's employability is determined to be practicable through the pursuit of a course of training but the assigned medical consultant determines that due to the limitations imposed by the veteran's disability the maximum time that should be devoted currently by the veteran to training is less than full time as contemplated in paragraph (a) of this section, the veteran may be placed in a reduced-time training program where:

(1) The assigned medical consultant determines that the amount of time which can be devoted currently by the veteran to training is as great as the veteran's disability ever will permit: *Provided*, That the prescribed course can be completed in 48 months of training or is authorized under § 21.206 (a) (1) (i) or (iii) to exceed 48 months, or

(2) The assigned medical consultant determines that the veteran is able to devote at least 4 hours per day 5 days per week to training exclusive of time if any required to travel to and from the place of training and that there is reasonable promise that during training the veteran's work tolerance will increase steadily to such extent that he will be able to pursue training on a full time basis and the chief, education and training section, determines that considering the determination of the assigned medical consultant there is reasonable assurance that the veteran will attain the selected employment objective within the statutory period of 48 months or within a period exceeding 48 months where authorized under § 21.206 (a) (1) (i) or (iii): *Provided*, That the individual training program will be so developed that it will require the veteran to devote to his training that amount of time which was determined by the assigned medical consultant to be the maximum time which the veteran currently can devote to training (in the case of a school course this will include any normal time required for preparation outside the school).

(c) In the case of each veteran inducted into reduced-time training under paragraph (b) (1) or (2) of this section, there will be prepared and placed in the veteran's training subfolder a statement showing under which of those two subparagraphs the veteran's induction into reduced-time training was authorized and giving the facts upon which the determination to place the veteran into training was made.

(d) Until a veteran inducted into training under paragraph (b) (2) of this section is pursuing training on a full time basis, at the end of each 90-day period (or at the end of each term or semester if the veteran is pursuing a school course conducted on a term or semester basis) the chief, education and training section:

(1) Will obtain medical determination as to the veteran's current work tolerance, and

(2) Will assure himself that all of the conditions set forth in paragraph (b) (2) of this section continue to be met, and

(3) Will effect prompt adjustment in the number of hours devoted by the veteran to training to conform with the current medical determination.

(e) A veteran inducted into training under paragraph (b) (2) of this section will be removed from training under that subparagraph at any time that the chief, education and training section, finds that one or more of the following conditions exist:

(1) The veteran's work tolerance as determined by the assigned medical consultant falls below the 4 hours per day 5 days per week stipulated in paragraph (b) (2) of this section, or

(2) The assigned medical consultant has determined that there is no longer reasonable promise that during training the veteran's work tolerance will increase to such extent that he will be able to pursue training on a full time basis, or

(3) The veteran will not attain the selected employment objective within 48 months or within a period exceeding 48 months where induction into training was authorized under § 21.206 (a) (1) (i) or (iii). In such a case, § 21.206 (a) (1) (ii) may not be resorted to for the purpose of continuing the veteran in training on a reduced time basis under paragraph (b) (2), of this section.

(f) Where, pursuant to the provisions of paragraph (e) of this section, a veteran is removed from training under paragraph (b) (2) of this section, the chief, education and training section:

(1) Will interrupt the veteran's training until such time as all of the conditions of paragraph (b) (2) of this section again are met or until such time as the veteran is able to pursue full time training, or

(2) Where the veteran fully meets the requirements of paragraph (b) (1) of this section, will place the veteran into training under that subparagraph, or

(3) Will make other appropriate disposition of the veteran's case.

2. A new § 21.240a is added as follows:

§ 21.240a *Furnishing items susceptible of personal use.* Musical instruments, cameras and their accessories, tennis rackets, golf clubs, fountain pens, desk sets, and similar items which are susceptible of use for personal purposes will not be furnished unless indispensable to particular major or minor unit courses prescribed by the education and training section as essential to accomplishing the selected employment objective, and such items are otherwise furnishable under §§ 21.230 through 21.240, as applicable. Such items will not be furnished for elective courses.

3. Section 21.241 is amended to read as follows:

§ 21.241 *Furnishing special equipment.* (a) Supplies over and above those required by the school or establishment to be owned personally by all students pursuing the same course or over and above those furnishable under § 21.237a but which, because of the character of the veteran's disability, are necessary to enable the veteran to undertake and/or pursue, or continue to pursue, successfully the course of vocational rehabilitation which has been prescribed by the education and training section, shall be considered to be special equipment and shall be referred to as such.

(b) Special equipment as defined in paragraph (a) of this section may be authorized and furnished to trainees under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), subject to the prior approval of central office for only two categories of conditions and purpose as follows:

(1) Where the equipment is necessary to enable the veteran to pursue the prescribed course of training which because of his disability he could not otherwise pursue successfully. That is, the equipment will enable the veteran to do and accomplish those things which persons not disabled are able to do without special equipment but which the particular veteran because of his disability cannot do and therefore cannot pursue the prescribed course satisfactorily. Equipment in this category ordinarily will be items not necessary to persons not disabled but may include such items modified in design and construction as, for example, a work bench or a work seat especially designed and constructed to compensate the veteran's inability to move about freely.

(2) Where the equipment is necessary to a veteran for whom the education and training section has prescribed and authorized a course of training in the home in accordance with § 21.201 (g) to enable the veteran to learn essential operations in the prescribed course. Equipment in this category is of a kind which ordinarily is made available by the school or training establishment but is not available to a veteran training in the home because of his inability to travel to a school or training establishment due to the limitations imposed by his disability.

(c) Requests for approval to furnish special equipment under this section will be submitted to central office accompanied by a detailed statement of all facts which necessitate furnishing the special equipment, including at least the following:

(1) The name, C–number, and address of the veteran needing the special equipment.

(2) The veteran's employment objective and code.

(3) Length of prescribed course and percentage of course already completed.

(4) Type of course prescribed as per § 21.201 and the school or establishment at which the veteran is pursuing or is to pursue the prescribed course.

(5) Description and cost of each item needed and the category of condition and purpose under which it is requested, i. e., § 21.241 (b) (1) or § 21.241 (b) (2).

(6) Where authority is requested to furnish items under paragraph (b) (1) of this section, a statement of the particular conditions which prevent or interfere with the disabled veteran's entering or pursuing training and which constitute the need for the equipment, and a showing of how the requested articles will overcome those conditions, including sufficient facts to establish that the furnishing of the special equipment is necessary because of the nature of the disability and the demands of the training course and that the trainee has sufficient physical and mental ability to make adequate use of the requested equipment in the course of training.

(7) Where authority is requested to furnish items under paragraph (b) (2) of this section, a statement indicating on what basis it has been determined that the veteran is not able to travel to a school or training establishment due to the limitations imposed by his disability and demonstrating why and how the use of the special equipment is necessary to learn specified essential operations in the prescribed course; and itemized list of all supplies furnished or proposed to be furnished to the veteran under § 21.237a; and sufficient facts to establish that the trainee has sufficient physical and mental ability to make adequate use of the requested equipment in the course of training.

(8) Definite evidence that such equipment or its equivalent has not been furnished previously to the veteran by the Veterans' Administration or otherwise.

(9) Recommendation of the special rehabilitation procedures supervisor.

(d) When any item is furnished a veteran under the provisions of this section, a complete record of each such item will be placed in the veteran's claims folder, also in the training subfolder, as a basis for avoiding the furnishing, in the future, of items which have already been supplied. The record of each item will include identifying data such as name of article, type, model, serial number, size, name of manufacturer, etc.

(e) Special equipment not required for training purposes but necessary to overcome the handicap of blindness as contemplated in Public Law 309, 78th Congress, will be furnished under that law rather than under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).

(f) Where need for training has been determined solely on the basis of the service-connected disability, and the objective and training facility have been so chosen that the non-service-connected disability will have no effect, or the least possible effect, upon training to overcome the handicap of the service-connected disability and if it then develops that the necessary training cannot be pursued because of the non-service-connected disability, but the effect of the non-service-connected disability assuredly will be overcome by furnishing an item of special equipment, such special equipment may be provided under and subject to conditions of this section.

(g) If for any reason the veteran fails to complete the prescribed course of training in the home for which special equipment has been furnished under paragraph (b) (2) of this section, the veteran will be deemed to be at fault under § 21.243 (a) with respect to such special equipment only, and he will be required to return such equipment to the Veterans' Administration or to pay the reasonable value thereof: *Provided, however*, That if the veteran has completed such part of the prescribed course of training that he is found to be employable and has been declared rehabilitated under § 21.281 he will not be deemed to be at fault and he will not be required to return such equipment to the Veterans' Administration or to pay the reasonable value thereof. The veteran will be advised accordingly. With respect to any special equipment furnished to the veteran under paragraph (b) (1) of this section, a separate finding will be made under § 21.243 of whether the veteran's failure was due to fault on his part.

4. Section 21.252 is amended to read as follows:

§ 21.252 *Change of employment objective.* (a) A veteran once inducted into training under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), ordinarily will be expected to pursue his training program to completion without changing his employment objective insofar as it is possible for him to do so. Accordingly, a change of employment objective will not be approved except where it is clear that such a change is necessary because (1) continuance of the veteran in training for the present objective will result in failure to accomplish bona fide vocational rehabilitation for reasons not within the veteran's control or (2) although the veteran could continue successfully in training for the present employment objective, the proposed employment objective is more in keeping with the veteran's interests and aptitudes and will not require any greater period of time for completion than the present employment objective.

(b) A change of employment objective will not be approved where a veteran's disability rating has been reduced to less than a compensable degree. Nor will a veteran be permitted to commence training for a new employment objective after his disability rating has been so reduced.

5. In § 21.281 (a), subparagraph (2) is amended to read as follows:

§ 21.281 *Status "rehabilitated."* (a) • • •

(2) When a trainee while in training status or while properly in interrupted status as required by § 21.282 accepts employment in the same occupation for which he is being trained or in an occupation for which the training received under Part VII has contributed materially toward rehabilitation, and his earnings approximate those of the average trained worker in the occupation, and the employment is such kind that to pursue it full time would be not imcompatible with the trainee's disability—thus demonstrating attainment of satisfactory employment: *Provided*, That where such employment is not in the same occupation for which the veteran was being trained, his case will be referred to the advisement and guidance section for determination of whether the occupation in which the veteran is employed is compatible with the veteran's disability and aptitudes. If the findings of the advisement and guidance section are negative, the veteran will be placed in discontinued status.

• • • • •

6. In § 21.282, paragraph (e) is amended to read as follows:

§ 21.282 *Status "interrupted".* • • •

(e) The veteran has completed his course and has taken a required examination for license to practice the occupation for which he has been trained, and the results of the examination are not available on the day following completion of the examination.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective August 8, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50–6879; Filed, Aug. 7, 1950; 8:55 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

FREE MAIL PRIVILEGE FOR MEMBERS OF ARMED FORCES OF THE U. S.

Part 34 (39 CFR), as amended, is further amended as follows:

In text, insert a new § 34.14a to read as follows:

§ 34.14a *Free mail privilege for members of the Armed Forces of the United States*—(a) *Law.* (1) Any first-class letter mail matter admissible to the mails as ordinary mail matter which is sent by a member of the Armed Forces of the United States, while on active duty or in the active service of the Armed Forces of the United States in Korea and such other areas as the President of the United States may hereafter designate as combat zones or theaters of military operations, to any person in the United States, including the Territories and possessions thereof, shall be transmitted in the mails free of postage, subject to such rules and regulations as the

Postmaster General may prescribe: *Provided*, That, when specified by the sender, letters weighing not to exceed one ounce shall be transmitted to destination by air mail, dependent upon air space availability therefor.

(Sec. 1, Pub. Law 609, approved July 12, 1950)

(2) The free mailing privileges above granted shall become effective upon the date of enactment of this act and shall continue until June 30, 1951, unless terminated at an earlier date by concurrent resolution of the Congress, or by direction of the President.

(Sec. 2, Pub. Law 609, approved July 12, 1950)

(b) *Regulations.* (1) Letters sent by members of the Armed Forces of the United States in Korea and such other areas as the President may designate, to be mailed free of postage, shall bear in the upper right corner of the address side in the handwriting of the sender the word "Free" and in the upper left corner the written name of the sender together with his serial number, his rank or rating, and the designation of the service to which he belongs.

(2) The free mail privilege shall be applicable only to personal letter mail in its usual and generally accepted form, including messages on post cards, sent by members in the active service of the Armed Forces.

(3) Such letters, including messages on post cards, weighing not to exceed one ounce and endorsed by the sender for air service, shall be given air mail transportation, whenever practicable. Letters intended for air service should be marked or endorsed "Air Mail" or "Via Air Mail" in a prominent manner above the address and below the word "Free."

(Pub. Law 609, 81st Cong.)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-6907; Filed, Aug. 7, 1950; 8:48 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

Subchapter D—Grants

PART 55—GRANTS AND LOANS FOR WATER POLLUTION CONTROL

SUBPART B—PLANNING GRANTS

Sec.
55.21 Definitions.
55.22 Application.
55.23 Assurances.
55.24 Records of expenditures.
55.25 Approval of project by State agency.
55.26 Approval by the Surgeon General.
55.27 Notification of approval of projects.
55.28 Notification of approval of planning grants.
55.29 Payment of planning grants.
55.30 Expenditure of planning grants.
55.31 Disposition of balances.

AUTHORITY: §§ 55.21 to 55.29 issued under sec. 9, 62 Stat. 1160, 33 U. S. C. 466h.

§ 55.21 *Definitions.* All terms used in this subpart which are defined in the Water Pollution Control Act and not defined in this section shall have the meaning given to them in such act. As used in this subpart, the following terms shall have the meaning indicated hereinbelow:

(a) *Federal act.* The Water Pollution Control Act (Pub. Law 845, 80th Cong., approved June 30, 1948, 62 Stat. 1155), as modified by Reorganization Plan No. 16 effective May 24, 1950.

(b) *Surgeon General.* The Surgeon General of the Public Health Service.

(c) *State.* A State, the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

(d) *Municipality.* A county, city, town, district, or other political subdivision created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(e) *State water pollution agency.* The agency of the State which has comprehensive powers for enforcing the State laws relating to the abatement of water pollution. If there is no one agency of the State which has such powers, the term means the State health authority.

(f) *Interstate agency.* An agency of two or more States having powers or duties pertaining to the abatement of pollution of waters.

(g) *Applicant.* Any State, municipality, or interstate agency, or two or more thereof acting jointly, which files an application for financial aid under the act and this subpart.

(h) *Application.* The document or documents, including amendments thereto and communications in support thereof, filed by an applicant requesting financial aid under the act and this subpart.

(i) *Project.* A proposed treatment work to prevent the discharge of untreated or inadequately treated sewage or other waste into waters in or adjacent to any State, including the proposed preparation of engineering reports, plans, and specifications in connection therewith.

(j) *Planning grant.* A grant under section 8 (c) of the Federal act to assist in financing the cost of engineering, architectural, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures and other action preliminary to construction of projects.

(k) *Treatment works.* Any of the various devices used in the treatment of sewage or industrial waste of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and any extensions, improvements, remodeling, additions, and alterations thereof. The term "intercepting sewer" as used in the foregoing definition includes sewers designed for intercepting or receiving and carrying the flow from any other sewer or sewers discharging directly into natural watercourses.

(l) *Comprehensive program.* A comprehensive program for a designated drainage basin area prepared or adopted by the Surgeon General pursuant to section 2 (a) of the Federal act for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters.

§ 55.22 *Application.* Any State, municipality or interstate agency may file with the Surgeon General, through the appropriate State water pollution agency or agencies on forms prescribed by the Surgeon General, an application for approval of a project and to obtain a planning grant. Applications for planning grants may be approved for $20,000 or 33⅓ percent of the estimated reasonable costs of the action preliminary to the construction of the project, whichever amount is smaller. No planning grant shall be made for any work which, prior to the date of approval of such planning grant, has been completed or has been specifically included in a contract under which the work is required to be performed.

§ 55.23 *Assurances.* The Surgeon General or his designee shall not approve a planning grant without assurances from the applicant that such applicant will comply with such reasonable conditions as the Surgeon General may prescribe.

§ 55.24 *Records of expenditures.* An applicant to whom a grant under this subpart is made shall maintain and make available for purpose of audit accurate records of all expenditures incurred in carrying out the purposes for which the grant is made.

§ 55.25 *Approval of project by State agency.* The appropriate State water pollution agency or agencies when forwarding applications to the Surgeon General, in addition to indicating approval or disapproval of such projects, may make recommendations for priorities together with reasons therefor.

§ 55.26 *Approval by the Surgeon General.* The Surgeon General or his designee shall consider any such application where the project has been approved by the appropriate State water pollution agency or agencies and submitted in accordance with regulations. In determining whether to approve projects and make grants, the Surgeon General or his designee shall, in addition to giving full consideration to the State's recommendation for priorities, give consideration to the following:

(a) The public benefits to be derived from its construction taking into account the extent of the water pollution problem, and giving highest priority to projects whose construction will aid in furthering the national defense effort;

(b) The relation of such construction to a comprehensive program in an area where such program has been prepared or adopted;

(c) The financial status of the applicant, the probability that treatment works will be constructed within a reasonable time, and any other factors appropriate to the carrying out of the purposes of the Federal act.

The approval of a project for a planning grant shall not constitute approval for purposes of a loan under section 5 of the Federal act.

§ 55.27 *Notification of approval of projects.* The applicant and the appropriate State water pollution agency or agencies shall be notified of approval (or disapproval) and of the scope of the project approved. Such approval of a project does not constitute the approval of a planning grant.

§ 55.28 *Notification of approval of planning grants.* The applicant and the appropriate water pollution agency or agencies shall be notified of approval of a planning grant, the amount of the grant awarded, the purposes for which the grant is being made, and the conditions on which it is being made.

§ 55.29 *Payment of planning grants.* Upon completion of the work for which the planning grant is made and upon the filing of a report with the Surgeon General and the appropriate State water pollution agency or agencies covering such completed work, there shall be certified to the Secretary of the Treasury for payment to the applicant a sum equal to 33⅓ percent of the actual cost of the work for which the grant is made. The sum so certified to the Secretary of the Treasury for payment shall not exceed the amount awarded by the grant unless specifically authorized by the Surgeon General or his designee. In any event such amount shall not exceed $20,000.

§ 55.30 *Expenditure of planning grants.* Amounts paid to an applicant shall be paid as reimbursement for costs incurred solely in the carrying out of the purposes for which the grant was approved.

§ 55.31 *Disposition of balances.* In the event that planning grant funds paid under the Federal act shall amount to more than 33⅓ percent of the actual costs in carrying out the work for which the grant is made, such amount in excess of 33⅓ percent shall be returned to the Treasurer of the United States.

This subpart shall become effective upon publication in the FEDERAL REGISTER.

Dated: July 20, 1950.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: August 1, 1950.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 50-6906; Filed, Aug. 7, 1950; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of August 1950;

The Commission having under consideration the table of Average Sunrise and Sunset Times, section 26 of the Commission's Standards of Good Engineering Practice Concerning Standard Broadcast Stations (13 F. R. 3023), and particularly the times therein given for Youngstown, Ohio; and

It appearing, that the Commission on August 20, 1948, issued a public notice (Docket No. 9134; FCC 48-1994; 13 F. R. 5011) which explained the basis of calculation of the above table; and that the table gives the sunset time for the month of August for Youngstown, Ohio, as 5:15 p. m., e. s. t., but that the correct time should be 7:30 p. m., e. s. t.; and

It further appearing, that the public notice and procedure provided for by section 4 (a) of the Administrative Procedure Act is impracticable and unnecessary as a prerequisite to the correction of this error, since the correction is of a minor nature and is due to a typographical mistake and increases the over-all operating hours of the stations to which the time is applicable, and since it is desirable that this correction be effected prior to August 1, 1950; and that for the same reasons the correction may be made effective immediately; and

It further appearing, that authority for this correction is vested in the Commission by sections 4 (i), 303 (c), (f), and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, the Commission's table of Average Sunrise and Sunset Times, section 26 of the Commission's Standards of Good Engineering Practice Concerning Standard Broadcast Stations, is amended to indicate a sunset time of 7:30 p. m., e. s. t., at Youngstown, Ohio, during the month of August.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6931; Filed, Aug. 7, 1950; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Corrected S. O. 860]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS, TO TRANSPORT FRUIT AND VEGETABLE CONTAINERS AND BOX SHOOKS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of August A. D. 1950.

It appearing, that fruit and vegetable containers, box shooks and other packing material are now moving in box cars from origins in the States of Washington, Oregon or California, to destinations in the State of California; that refrigerator cars are moving empty from the same points of origin to the same points of destination and that the substitution of refrigerator cars for such box cars will release the box cars for other and more essential transportation; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment. It is ordered, that:

§ 95.660 *Substitution of refrigerator cars for box cars, to transport fruit and vegetable containers and box shooks.* (a) (1) Except as provided in paragraph (a) (2), common carriers by railroad subject to the Interstate Commerce Act transporting fruit and vegetable containers, box shooks or other packaging or packing materials, in carloads, from origins located in the States of Washington, Oregon or California, to destinations in the State of California may, at their option, furnish and transport not more than three (3) refrigerator cars in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

(2) On shipments on which the carload minimum weight varies with the size of the car,

(i) Two (2) refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of 40' 7", or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of over 40' 7", but not over 50' 7", subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) *Application.* The provisions of this order shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This order shall become effective at 12:01 a. m., August 4, 1950.

(d) *Expiration date.* This order shall expire at 11:59 p. m., October 31, 1950, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(f) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension or any of the provisions therein.

It is further ordered, that this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6933; Filed, Aug. 7, 1950; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR, Part 6]

MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

FURTHER AMENDED NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), as amended, notice was given on May 5, 1950 (15 F. R. 2804), that the Secretary of the Interior proposed to adopt amendments to the regulations under the aforesaid act establishing specifications relating to open seasons and shooting hours, bag limits, possession and transportation of migratory game birds and also in connection with the issuance of permits for scientific and propagating purposes. On July 7, 1950 (15 F. R. 4316–4318), further specific proposals with respect to seasons on doves (white-winged, mourning or turtle) and rails and gallinules were set out in an amended notice. After consultation with State conservation agencies and others concerning these proposed seasons, it appears that certain minor changes in the schedule included in the notice of July 7 should be made and that notice thereof should be given as far in advance of opening dates as is possible.

In lieu of the previously indicated dates for the opening of the seasons on mourning doves in Georgia, Virginia, and Nebraska, it now is proposed that the opening dates for such seasons be as follows: Georgia, December 17; Virginia, October 2; and Nebraska, September 1.

In lieu of the previously indicated dates for the opening of the seasons on rails and gallinules in certain States, it now is proposed that such seasons open as follows: Florida, September 15; Maryland, New Jersey, Rhode Island, and Virginia, September 1; and Massachusetts, October 20.

In lieu of the previously indicated dates for the season on mourning doves in Idaho, it now is proposed that the season will be September 1 to September 15, both dates inclusive, in all of the State except Bannock, Bear Lake, Caribou, Bingham, Bonneville, Clark, Jefferson, Fremont, Madison, and Teton Counties.

As previously noted, the detailed regulations will be published on or about August 26. Those specifying the open seasons on doves, rails and gallinules, waterfowl and coot in Alaska, scoter, eider, and old squaw ducks in northeastern States, and related matters will become effective September 1, 1950. Those specifying the open seasons, bag limits and possession of waterfowl and coot will become effective October 1, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 3, 1950.

[F. R. Doc. 50-6950; Filed, Aug. 7, 1950; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 918]

HANDLING OF MILK IN MEMPHIS, TENN., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order, regulating the handling of milk in the Memphis, Tenn., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreement and the proposed order were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a petition filed by the Mid-South Milk Producers Association, Memphis, Tenn., and was held at Memphis, Tenn., March 20 through March 24, 1950, and March 27 through March 29, 1950, pursuant to notice duly published in the FEDERAL REGISTER (15 F. R. 1112, Doc. 50–1659). The period from March 29, 1950, to May 2, 1950, was reserved for interested parties to file briefs on the record.

The major issues developed at the hearing were concerned with the following matters:

(1) Whether the handling of milk produced for the Memphis, Tenn., marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products;

(2) Whether marketing conditions justify the issuance of a milk marketing agreement or order;

(3) The extent of the marketing area;

(4) What milk should be covered for pricing purposes;

(5) The classification of milk;

(6) The level of class prices to be paid and the methods for determining such prices;

(7) The type of pool to be used and a base rating system of distributing returns to producers; and

(8) Administration provisions.

Findings and conclusions. The following findings and conclusions on the material issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The handling of milk produced for the Memphis, Tennessee, marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products.

The record clearly indicates that the proposed marketing area obtains its regular producer milk supply from producers located in several adjoining states. The percentage of the total receipts of milk from producers, by states, is estimated as follows:

	Percent
Tennessee	57.5
Mississippi	36.5
Kentucky	5.4
Arkansas	.6

When the regular producer milk supply is inadequate to meet the requirements of the market, additional milk is imported from the Chicago area. In addition it has been necessary to import substantial quantities of skim milk from Paducah, Kentucky. Other milk products such as nonfat dry milk solids and condensed skim milk are imported by handlers in interstate shipments for use in reconstituted products offered for sale in the Memphis marketing area or for use in manufactured products.

Handlers distribute milk and milk products in interstate commerce in West Memphis, Helena, and Blytheville, all located in the State of Arkansas and in various towns in Mississippi, from routes extending as far south as Clarksdale, Mississippi.

Surplus milk or cream accumulated in the flush production months is usually diverted to manufacturing plants located in Tennessee, Mississippi, Kentucky, and Illinois. The products manufactured from this surplus include cheese, butter, and evaporated milk which are sold on the national market.

The evidence shows that in addition to the receipt of interstate shipments and the distribution of substantial quantities of milk and milk products to points outside the State of Tennessee, there is competition for the local supply of milk by milk distributors located outside of the State.

From the foregoing it is clear that a substantial volume of the milk in the Memphis, Tennessee, marketing area is moved physically in interstate commerce in the form of milk, cream, and manufactured dairy products and that the handling of milk in the market directly burdens, obstructs, and affects interstate commerce in milk and its products.

(2) Marketing conditions in the Memphis, Tennessee, marketing area justify the issuance of a marketing agreement or order.

In the Memphis market the supply of milk cannot be adjusted readily to changes in market conditions. Moreover, in order to assure an adequate supply at all times (both the supply and consumption of milk vary from day to day and season to season without relation to each other), a quantity of milk should always be delivered to the market in excess of that which is used in fluid form. Finally, milk is produced by a large number of individual producers who, because of their inability to control supplies (no one of them produces a significant share of the total market supply) and because the markets for their milk are limited by the pattern of transportation routes and the application of local sanitation regulations, find themselves in a relatively weak bargaining position. All of these factors contribute to an inherent instability in the marketing and pricing of milk in this market. As a result farmers make long run outlays for capital equipment upon which they are not assured reasonable returns. Under these conditions farmers are subject to economic exploitation and they may not, for this reason, be able to continue to supply adequate quantities of pure and wholesome milk for this marketing area.

Fluid milk markets which are unstable engender a situation of recurrent shortages and excesses of supply. When the market is adequately supplied, the necessary reserve (i. e., the amount over and above that used as fluid milk which is delivered to the market in order to assure against shortages arising from the daily and seasonal variation in supplies and consumption) tends to depress prices below a level where farmers can obtain an adequate return on their capital investment. These periods of excess supply can continue for a long time because the costs involved are largely fixed costs and farmers are impelled to continue the production of milk as long as they are able to receive anything more than the direct costs of production. Finally, however, if prices continue at low levels supplies of milk will become less than adequate to the market's needs because farmers are unable under these conditions to replace depleted capital investments. It is then necessary to increase prices to especially high levels in order to induce new suppliers to make the capital outlays which are necessary to produce milk in accordance with health regulations. The production of milk under these unstabilized conditions is more costly than the production of milk in adequate quantities for a stabilized market. The regulatory plan as contained herein is designed to stabilize marketing conditions in a situation where a market (in order to assure adequate supplies of milk daily) is carrying a supply in excess of fluid requirements.

The inherent instability of milk markets is intensified wherever there is a lack of uniformity in the buying, pricing, and pooling plans of handlers.

At the present time there is no uniform plan for establishing prices to producers in the Memphis marketing area. The milk of approximately 620 producers for whom 2 producer cooperative associations are acting as bargaining agents is sold to handlers on a classified basis. The milk of the remaining producers, approximately 380, is purchased by certain handlers without regard to the use of the milk. Under the marketing plan operated by the Mid-South Milk Producers Association and the Madison County Milk Producers Association, cooperating handlers purchase producer milk in accordance with the use of such milk. The returns from the sale of milk are then distributed to producers by means of a "base quota system." Since the development of this marketing plan some handlers have gradually withdrawn their support of the plan. This action has made it difficult, if not impossible, to administer the plan effectively. For example, one large handler in September 1948 inaugurated his own base rating plan for paying producers. Under this plan the daily base of most producers is determined by computing the average daily deliveries of such producer during the months of September, October, November, January, February, and March. The record shows that exceptions to the general plan were made in the case of certain producers. During the base forming months the receipts of producer milk by this handler have been considerably below his Class I requirements as evidenced by the supplemental purchases of Class I milk from the Mid-South Milk Producers Association. Evidence shows that this handler does not adjust the bases of producers from month to month in accordance with the use made of base deliveries nor does he adjust the base price for the use made of base deliveries. It is evident from these facts that his cost of milk is not related to the use made of such milk nor comparable with the cost of milk to competing handlers.

Another handler distributing Class I and Class II milk in the marketing area purchases only Class I milk from the Madison County Milk Producers Association. There is no arrangement under these two purchase plans whereby the returns from the sale of surplus production of producer milk in the market is equitably distributed among member and nonmember producers of the cooperative associations. Under the marketing arrangements in the market the cooperative associations have assumed the responsibility of the disposal of seasonal surpluses and have assumed the responsibility of purchasing supplementary supplies of Class I milk.

It is concluded that a marketing agreement or order is needed to establish uniform prices to handlers for milk in accordance with the use made of such milk and to distribute the returns from the sale of milk equitably among producers. The issuance of a marketing agreement or order would provide producers with the marketing information which is necessary for the efficient marketing of their milk. The auditing of the utilization of milk in the plants of all handlers and the checking of weights and tests of producer milk will aid in establishing and maintaining orderly marketing conditions by assuring producers that they will receive a proper accounting for their milk.

(3) The marketing area should include all the territory within the boundaries of the Cities of Memphis and Jackson, Tennessee.

Two proposals for defining the marketing area were made prior to the hearing. The Mid-South Milk Producers Association proposed the territory within the boundaries of the City of Memphis. The Madison County Milk Producers Association proposed that the area should also include the City of Jackson, Tennessee. This proposal was also supported by the Mid-South Milk Producers Association.

There are nine handlers who purchase milk from producers and distribute milk on wholesale and retail routes in Memphis, one of whom bottles a substantial quantity of milk for sale in the City of Jackson in competition with three handlers who purchase milk from producers and distribute milk on wholesale and retail routes in the City of Jackson and adjacent territory. In addition there is another handler who purchases milk from producers at Martin, Tennessee, and disposes of it in bulk to a handler in the City of Memphis.

The quality of milk distributed in the Cities of Memphis and Jackson, Tennessee, which have a population of 351,000 and 38,000, respectively, is regulated by local municipal health ordinances patterned after the U. S. Public Health Service ordinance. Evidence shows that the provisions and enforcement of the ordinances for the two cities are comparable. In the procurement of Grade A producer milk in the State of Tennessee handlers in the Cities of Memphis and Jackson compete for such supplies.

At the hearing it was proposed by one handler that the marketing area include other towns surrounding Memphis where milk is distributed by Memphis handlers. Such a proposal cannot be considered on the basis of this record since other parties who would be affected by such a proposal were not notified that such areas would be considered at the hearing.

(4) The milk to be priced under the order should be that which is produced under a dairy farm inspection permit issued by the appropriate health authority of the marketing area, for distribution as Grade A milk, and which is regularly delivered to a plant distributing such milk on routes in the marketing area or to a plant supplying milk so approved to such a distributing plant. The record indicates that the milk distributed in the marketing area is inspected by the health authorities of the Cities of Memphis and Jackson, which require fluid milk and cream products to be of Grade A quality.

To implement this conclusion the order should define a "fluid milk plant" as a plant, approved by the appropriate health authorities of the marketing area, which is used during the month for the receipt and processing or packaging of producer milk, and from which all or a portion of such milk is disposed of as Class I milk in the marketing area to wholesale or retail outlets, including plant stores. The definition should also include a plant at which producer milk is received and cooled for shipment to a plant described above. The record indicates at least one such plant is supplying a Memphis handler with Grade A producer milk. The fluid milk plant definition should not include plants approved by the appropriate health authorities of the marketing area to furnish milk to handlers during periods of emergency or shortage if such plants do not receive milk from dairy farmers holding a dairy farm inspection permit issued by such authorities. Inclusion of such

plants would be beyond the intended scope of the order and would involve pricing milk not primarily produced for the marketing area.

"Handler," to whom the regulatory provisions of the order are applicable, should be defined as an operator of a "fluid milk plant" in his capacity as such; a producer-handler; or a cooperative association with respect to milk which it causes to be diverted to a nonfluid milk plant for the account of such association. At times of flush production, proprietory handlers may not be in a position to accept milk from all of their producers, or to arrange for its diversion for their account, even though the milk of these producers may be needed to supply the market later in the year. The provision that a cooperative association be defined as a handler with respect to milk which it causes to be diverted to a nonfluid milk plant will permit these producers to share in the market so that their milk will be available to the market when it is needed. The inclusion of a producer-handler in this definition is necessary in order to permit the market administrator to obtain such reports from producer-handlers as he deems necessary.

"Producer" should be defined as any person, except a producer-handler, who produces milk in conformity with the Grade A requirements of the appropriate health authorities in the marketing area and whose milk is received at a fluid milk plant or diverted by a handler to a nonfluid milk plant. The health authorities of the marketing area require that dairy farmers producing milk for sale as Grade A milk in the market shall hold a dairy farm inspection permit issued by such authorities. This definition is not intended to include those producers who hold such a permit but whose milk is not permitted temporarily to be received at a fluid milk plant for bottling purposes. Producer-handlers (those who normally distribute only milk of their own production) should not be included in this definition. In other sections of the order it is proposed that such persons shall not share with producers the benefits of their sales. Producer-handlers normally sell to handlers only milk that is surplus to their own operations and should not share with producers in the Class I sales of the handlers which are regularly supplied by other producers.

(5) It is concluded that two classes of milk should be established.

Class I milk should be all skim milk and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, and any other product required by the appropriate health authority in the marketing area to be made from Grade A milk. It should also include all skim milk and butterfat not specifically accounted for as Class II milk.

Class II milk should include all skim milk and butterfat used to produce any product other than those defined as Class I milk; disposed of for livestock feed; and in shrinkage of producer milk up to 2 percent of the receipts of milk from producers. In the matter of shrinkage of producers' milk, producers proposed the maximum of 2 percent. The evidence indicates that this maximum is considered to be representative of practical plant operation in the market. Any shrinkage in excess of this maximum should be classified in Class I milk as unaccounted for milk. No maximum was proposed or has been adopted with respect to the amount of shrinkage on other source milk allowed as Class II since such milk would be deducted from the lower available use classification under the allocation provisions.

The classification plan herein decided upon results in milk and those products required to be derived from milk produced under the sanitary standards of the appropriate health authority in the marketing area being placed in Class I. Such products as butter, cheese, condensed and evaporated milk, and other milk products, which need not be made from graded milk and which normally are made from such milk only at times when a handler's supply of graded milk is in excess of his needs for graded milk, are placed in Class II.

The health ordinances in effect in the marketing area require that milk disposed of for consumption as milk and milk used to produce skim milk, buttermilk, flavored milk, flavored milk drinks, and cream be derived from milk produced in conformity with the sanitary standards of the local ordinances. In accordance with these ordinances, milk producers in the local supply area are inspected by the local health authorities and those producers in the area who meet the standards are given certificates of permission to ship to the marketing area. Normally only inspected producers are allowed to provide the milk disposed of as milk, cream, skim milk, buttermilk, flavored milk, and flavored milk drinks. In times of shortage, however, it has been the practice to allow the importation of milk, skim milk, and cream from sources outside the local milkshed. Such importations must meet sanitary standards similar to those applying to milk produced in the local supply area.

A major principle of milk classification plans is that uses of milk with similar economic values are placed in the same class. Because the milk and all the products of milk which it is concluded should be placed in Class I must be derived from milk that meets the standards of the local sanitary ordinances (even though upon occasion milk and milk products may be imported from outside the local supply area), the costs of producing this milk, insofar as the sanitary standards have any affect, are the same for all uses. Moreover, it is the practice in this market to ship in as whole milk in fluid form all milk from producers needed in the marketing area for milk, cream, and other ordinance products. Cream for use in the marketing area is not separated at country points but is made at plants in the marketing area. Some cream, however, is shipped into the market during times of shortage from outside the local supply area. Because all milk produced within the supply area for use as milk, cream, and other ordinance products must meet the same sanitary standards and is shipped in the form of whole fluid milk to the marketing area, it is concluded that all milk used in milk, cream, and other ordinance products has the same economic value and, hence, is placed in the same class, i. e., Class I.

Milk consumers have an interest in the classification system. If all products which because of economic circumstances should be placed in Class I and thereby bear their share of supporting the uniform price to producers, are not placed in Class I, but are priced lower, then the Class I price must be at a higher level than otherwise would be necessary. Thus, if cream and skim milk drinks are not placed in Class I, consumers who use products of Class I, e. g., fluid milk, are required, insofar as the Class I price is a factor in resale prices, to pay higher prices for milk in order that the consumers of cream and other products not in Class I may purchase these products at lower prices. In effect such a system requires consumers of whole milk to subsidize consumers of cream and byproducts.

All this is not to say that where economic conditions in a particular milk market compel differences in the price of milk as compared to cream and byproducts that the classification should not be different. But economic conditions in the market appear to demonstrate, as indicated above, that the values for fat and skim milk when disposed of to consumers in the form of milk, cream, and certain byproducts are equal and hence such products must be placed in Class I.

Provision is made for the reclassification of skim milk and butterfat when it is found that the original classification was incorrect. This provision is necessary in order to determine the ultimate classification of milk which may be used to produce an intermediate product which in turn is disposed of in fluid form such as buttermilk and milk drinks. It also provides for the ultimate classification of milk which may be carried over as inventory and temporarily placed in Class II for purposes of determining a value for such milk for the month within which such milk was received.

In the case of transfers or diversions of milk the responsibility for correct classification is placed on the handler who first receives the milk from producers. In the event milk is transferred without adequate proof of utilization such milk should be classified as Class I milk. Milk transferred by a handler to another handler or to a nonhandler may be classified in a class agreed upon by the parties involved, except in the case of transfers from a fluid milk plant from which no Class I milk is disposed of on wholesale or retail routes in the marketing area to fluid milk plants from which Class I milk is so disposed of in the marketing area. The record shows that there is such a plant located approximately 125 miles from the City of Memphis which supplies bulk milk to a bottling plant located in the City of Memphis. The operators of these two plants would be handlers under the terms of the order. Milk so transferred between plants of this type should be classified on an agreed basis so long as the resulting uniform price for the transferring handler does not exceed the uniform price computed for the transferee handler. If this is not done transfers could be made to the advantage of far-out producers and to the disadvantage of nearby producers.

It was suggested at the hearing that the order specify the class in which transfers of milk would be classified and that the market administrator would subsequently determine the utilization of the milk. The market administrator would then reconcile the differences between the handlers involved in his billing to such handlers for the utilization value of milk received from producers. The practical application of such a provision under the type of pool adopted does not provide the flexibility necessary to secure the most economical utilization of milk.

The order further provides that skim milk and butterfat received by handlers from sources other than producers shall be allocated to the lowest use in the handler's plant. This is to prevent other souree milk from displacing the milk of producers who constitute the regular source of supply of the market. A proposal was made that in the allocation of other source skim milk sufficient producer skim milk should remain in Class II milk so that the butterfat content of producer milk classified as Class II milk would not be more than 40 percent even though the result would allocate skim milk in other source milk to Class I milk. Under the system of pricing adopted in this order inequities could arise between handlers in the cost of milk through the adoption of this proposal.

(6) The Class I price should be fixed in relation to the general level of the value of milk used to produce manufactured dairy products. To achieve this end a basic price should be adopted which will reflect this general level and to which differentials should be added to reach the desired Class I price. Such price should vary in terms of charges of 40 cents per hundredweight in the basic price and the relationship of receipts of producer milk to the sales of Class I milk.

It is concluded that the basic price should be the highest of (a) the average price paid by a group of 18 northern condenseries, (b) a formula based on the price of 92-score butter at Chicago and the price of nonfat dry milk solids f. o. b. plants in the Chicago area, or (c) the average price paid by specified manufacturing plants located in or adjacent to the Memphis milkshed.

The purpose of such basic price is to take into account the national economic factors underlying the price of milk for manufacturing uses which influence the local market prices. Evidence was introduced to show that handlers compete with local manufacturing plants in the procurement of milk. Generally, prices paid for milk used for fluid purposes have been related to prices paid for milk used for manufacturing purposes. Production and marketing of milk for each type of manufacturing outlet are subject to many of the same economic factors. Since the market for most manufactured products is country-wide, prices of manufactured dairy products reflect, to a large extent, changes in general economic conditions affecting the supply of and demand for milk. For these reasons fluid milk markets have used butter, nonfat dry milk solids, and cheese prices, or the prices paid by condenseries with differentials over these basic or manufacturing prices to establish fluid milk prices. These differentials are needed to cover the cost of meeting quality requirements in the production of market milk, transportation costs to the fluid market, and to furnish the necessary incentive to get such milk produced.

Basic prices similar to those proposed herein are contained in the Federal milk orders issued pursuant to the act for the Chicago, Illinois, and Paducah, Kentucky, marketing areas. The record shows that substantial quantities of supplementary supplies of milk, skim milk (including condensed skim milk and nonfat dry milk solids), and cream have been purchased from the Chicago and Paducah milksheds. Such supplies are commingled with producer milk sold in bottled form in competition with producer milk. Furthermore, milk from producers is purchased by handlers in the Memphis marketing area in competition with handlers in the Paducah marketing area. Under these circumstances, the basic price should reflect manufacturing values which influence the prices paid by Chicago and Paducah handlers for milk. The inclusion of the prices paid by the 18 condenseries and the formula price based on the price of butter and nonfat dry milk solids will reflect the manufacturing values which influence the Chicago and Paducah prices. Historically, the average price paid for milk by manufacturing plants in the Memphis area has been below the average of the prices paid by northern condenseries, or the price resulting from the proposed butter and nonfat dry milk solids formula. It is felt, however, that should conditions in the Memphis area at some time result in local manufacturing plants paying prices somewhat higher than normal in relation to the general level of manufacturing milk prices, the Class I price for the Memphis marketing area should be maintained above the local price of ungraded milk by at least the amount of the proposed differentials.

The testimony indicates that general economic conditions and business activity in the Memphis marketing area together with increasing population point to a continued good demand for fluid milk and milk products. The record indicates also that wages of farm labor and prices of building material, machinery, equipment, and supplies for the production of milk continue at relatively high levels. While there has been some decline in the cost of feed grains and hay in the past year, no substantial reduction in production costs of Grade A milk as compared with ungraded milk is apparent. A substantial investment is necessary if a producer is to provide facilities to meet the requirements for the production of milk qualified for sale in the marketing area. The expense of properly handling and cooling milk and maintaining the milk barn and milk house is substantially greater for producing Grade A milk than for producing ungraded milk.

To reflect the additional costs involved in the production and marketing of Grade A milk and to furnish the necessary incentive for farmers to produce a sufficient supply of such milk for the marketing area, the prices of Grade A milk must be maintained at a substantially higher level than the prices of milk produced for manufacturing purposes.

The Class I price for milk containing 4.0 percent butterfat should be $5.08 per hundredweight during the months of September through February and $4.68 per hundredweight during the months of March through August whenever the basic price is between $3.20 and $3.60 per hundredweight. Increases or decreases of 40 cents per hundredweight in the basic price range will be reflected in an increase or a decrease of a like amount in the Class I price. An average Class I differential is applied over the basic price of $1.68 during the fall and winter months and $1.28 during the spring and summer months, or $1.48 average for the year. In computing the Class I price for the current month, the basic price for the previous month would be used in order that producers and handlers may know, on or before the 5th of the month the price for Class I milk.

Prices should be maintained at approximately their present levels as a means of assuring the market an adequate supply of pure and wholesome milk for the coming fall and winter months. Historically, the market has been short of milk during the short production season and the record indicates that there is considerable unrest and uncertainty among producers concerning the market for milk in the coming months. With the basic price plus the proposed differential for Class I milk together with the United States Department of Agriculture's purchase program supporting the price of milk and butterfat nationally, it is anticipated that the Class I price would remain at approximately the present level. However, in view of the uncertainty and unrest among producers and their lack of understanding of the operations of a formula price, it is concluded that the Class I price should not be less than $5.08 per hundredweight from the effective date of the order through the month of February 1951.

Provision is made for a reduction of 40 cents per hundredweight in the average Class I differential applied over the basic price during the months of March through August. Handlers of the Memphis marketing area regularly dispose of large quantities of Class I milk to outlets adjacent to the marketing area. These outlets are also served regularly by unregulated distributors who are normally able to obtain supplies of milk for fluid uses at considerably reduced prices during these months. In order to enable handlers to compete more readily with such distributors for Class I sales, it is

appropriate that the price of Class I milk be reduced during such months.

In arriving at a Class I price in a market where an order is being promulgated, it is difficult to determine the relative long term influence which such price would have upon the volume of supply and sales of milk. This is particularly true in a market where new methods of determining prices and paying producers are being instituted. In view of this it is concluded that for any month, after the pricing provisions of this order have been in effect for 13 months, the Class I price should be increased 40 cents per hundredweight if the total volume of milk received from producers by all handlers during the 12 months immediately preceding the month prior to the month for which the class price is being computed is less than 110 percent of the total Class I sales of all handlers during such 12 month period. Likewise, if the total volume of milk received from producers by all handlers during such period is more than 125 percent of the total Class I sales of all handlers the Class I price should be reduced 40 cents per hundredweight. This will provide for changes in the Class I price differential in accordance with current supply and demand conditions without the necessity of a hearing procedure.

An analysis of the production and sales figures for the years of 1948–49 indicates that an annual production of milk for the Memphis marketing area of approximately 15 percent greater than the annual sales of Class I milk was needed in order to supply the market with sufficient producer milk for Class I use during the short production month. In view of the high butterfat content in milk received from producers and the relatively large demand for skim milk in Class I products, it is questionable whether it is economical for producers to attempt to supply the market with sufficient milk to meet all Class I demands in the shortest production months. It may be more economical for the market to import small amounts of milk for Class I use during the short production months rather than to be faced with burdensome surpluses during the spring months. Therefore, it is concluded that the Class I price should not be increased because of the supply-demand adjustment until the market has had less than 10 percent of the receipts of milk from producers utilized in Class II on an annual basis. Likewise, no adjustment downward resulting from the supply-demand factor should be made unless it is obvious that the market is over-supplied with milk. In this connection the higher limit of the bracket, i. e., 125 percent, appears to be reasonable.

Class II milk prices should be based on the average of prices paid for milk by nearby milk manufacturing plants. The prices paid by the plants selected are representative of the value of manufacturing milk in the Memphis milkshed. Since handlers compete with these plants in the sale of products included in Class II milk and at times dispose of some of their surplus milk to one or another of these plants, it is necessary that producer milk going into such products be priced at a similar level in order to assure a market for producer milk delivered in excess of fluid requirements. The plants named as a basis for fixing the Class II price are those of the Pet Milk Company at Mayfield, Kentucky, and Kosciusko, Mississippi; the Carnation Company at Tupelo, Mississippi; the Borden Company at Starkville, Mississippi; the Collierville Dairy Products Company at Collierville, Tennessee; the Coldwater Dairy Products Company at Coldwater, Mississippi; and the Olive Branch Cheese Company at Olive Branch, Mississippi.

The class prices computed and publicly announced by the market administrator under the terms of the order would be those for milk containing 4.0 percent butterfat. The skim milk and butterfat in milk received from producers is separated, classified in the respective classes. The class prices for each handler would be adjusted by a butterfat differential in accordance with the average test of producer milk classified in such class. Such differential for Class II milk should be on the basis of the value of 92-score butter in the Chicago market plus 20 percent. This differential is in line with the general level of the price of butterfat for manufacturing uses. With regard to Class I milk, such differential should be on the basis of the value of 92-score butter in the Chicago market plus 25 percent which reflects the higher valued use of butterfat for fluid uses.

The price to handlers for Class I milk received at plants located 40 miles or more from the City Hall in Memphis should be adjusted to reflect the value of such milk at the various plants. The economic value of milk for fluid uses decreases as the distance at which it is produced increases in relation to the terminal market which in this instance is Memphis. This is due largely to the cost of transporting milk in fluid form to the market. It is therefore concluded that the Class I price to handlers for milk received from producers at plants located 40 miles or more from Memphis should be reduced as follows: 40 miles but less than 50 miles, 17 cents; 50 miles but less than 60 miles, 18 cents; 60 miles but less than 70 miles, 19 cents; and, for each 10 mile zone thereafter an additional 1 cent. These location differentials would result in a reduction of 25 cents per hundredweight in the price of Class I milk received at the Martin, Tennessee, plant which amount corresponds to the pricing arrangement practiced at the present time by the handler operating such plant. It is not appropriate to apply these location differentials to Class II milk since such milk can be disposed of to manufacturing plants located throughout the milkshed.

Testimony was received at the hearing on a proposal to reduce the price of Class II milk diverted to cheese plants by an amount which varies with the distance of such cheese plant from the City of Memphis. The record indicates that in the assembly of fluid milk for the market, milk haulers pass by or near to several manufacturing plants in the milkshed on their routes to the city plants. It should be possible therefore to deliver milk to such manufacturing plants with a saving in transportation cost. Furthermore, the record shows that manufacturing plants receiving diverted milk pay the same price for such milk as they pay for milk received from their farmers. Under these circumstances, it is concluded that the proposed allowance is not justified.

It was suggested at the hearing that class prices be established on the basis of milk containing 3.5 percent butterfat and that handlers should be charged for Class I milk disposed of as whole milk on the basis of minimum standard tests even though such milk contained less than the minimum butterfat specified in such standards. It appears that the objectives sought through adoption of the above proposals would be accomplished by the adoption of certain provisions of the order, such as skim milk and butterfat accounting and class butterfat differentials to handlers.

(7) The "individual-handler" type of pool should be established in this order for the purpose of distributing returns from the sale of milk among producers. Under the individual-handler pooling arrangement producers delivering to each handler receive a uniform price based upon such handler's utilization of milk.

The record indicates that the Class II operations of handlers in the marketing area are small in relation to the total operations of such handlers and in relation to the manufacturing operations carried on by handlers in the majority of other markets of this size. Because of the relatively small volume of Class II operations the uniform prices of individual handlers should not vary substantially. Because of an adjustment between prices paid to producers who are members of a cooperative association and those who are not members (see below) substantial equity in the distribution of returns among producers can be achieved in this market under the individual-handler pool arrangement. The additional mechanics and procedures of the market-wide pool are thus not necessary and the inherent difficulty of market-wide pools of defining the milk to be included is avoided.

The principal objective of a pooling system in an order is to distribute the returns from the sale of milk equitably among producers. This is also one of the functions of cooperative associations representing producers in a market. However, in cases such as Memphis, where all of the producers are not members of the cooperative association, the returns from the sale of milk by the cooperative association are distributed equitably among the producers represented by the cooperative association but the total returns from the sale of all milk in the market may not be distributed equitably among all producers. The record indicates that the cooperative associations have not only assumed the responsibility for the importation of supplementary supplies of milk for fluid uses but have also assumed the burden for disposal of seasonal surpluses. In this instance the effects of the cooperative associations' removing or diverting surplus milk to manufacturing plants are to raise the uniform price to

the nonmember producers whose milk remains in the handler's plant. Had the handler diverted all of the surplus in his plant to manufacturing channels, the returns from the sale of milk by such handler would be distributed equitably among his producers. In order to accomplish this result, it is concluded that member producers should receive at least the same percentage of a handler's Class I sales during the months of April through July as was purchased by such handler from the cooperative association during the months of October through January. In the event a handler purchases, during any of the months of April through July, a smaller percentage of his Class I sales from producers who are members of a cooperative association than the monthly average percentage of such purchases from member producers during the preceding period of October through January, a provision is made whereby the returns to producers (members and nonmembers) of such handler will be shared proportionately in the same manner as though such handler had continued to receive milk from the same group of producers. If an equivalent amount of milk were not purchased from the cooperative association by another handler or a nonhandler for Class II use there would be no inequity among producers and the provisions should not apply since such member producers would not be penalized by being paid for a disproportionate share of the Class II sales of the market.

In the distribution of the returns from the sale of milk among producers, a base rating plan is incorporated to encourage the production of a more level supply of milk throughout the year. Although there is some indication of improvement in the seasonal pattern of production in recent months, the deliveries of milk by producers during the war years was more uneven than for the period of 1938–43. This unevenness was due largely to an increase in the rate of turnover of producers supplying the market during the years of 1943–46 and to the conditions influenced by the war effort to obtain maximum production of milk which deemphasized the level production programs in effect in fluid markets. Furthermore, the low level of production in relation to the Class I sales in Memphis resulted in an average price to producers of approximately the Class I price during all months of each year for the period of 1943–46. In recent months the local supply of milk has shown some increase in relation to the Class I sales thereby reducing the average price of milk to producers, particularly in the spring months, and the rate of turnover of producers in the market is decreasing.

A proposal was made for a base rating plan. A base rating plan has wide support among producers in this market. Base rating plans are a means of distributing returns from the sale of milk among producers in a way which tends to even out seasonal variation in milk deliveries. Under the plan provided for herein new bases would be established each year on the basis of total deliveries made by each producer during the months of shortest production, i. e., October through January. The market administrator would compute the base of each producer from whom each handler received milk during the base period of October through January and notify each producer of his established base on or before the 20th day following the close of the base period. The bases so established would be used in making payments to producers during the months of greatest production, i. e., April through July. Deliveries of base milk during these months would receive the highest available classification and deliveries in excess of base milk would receive the lowest classification.

It is necessary to set forth certain rules for the handling of established bases which will assure their use in accordance with the intent of the plan. Since a base would be established for each producer at the plant of the handler to whom he delivered milk during the base period, it is necessary to provide for the transfer of base to another handler in the event a producer transfers deliveries from one handler to another. The rules should provide also that the established base of a producer may be transferred to another producer. Base may be retained by a producer in case he moves his dairy herd from one farm to another. In the case of a landlord and tenant relationship, the landlord would be entitled to the entire base to the exclusion of the tenant if the landlord owns the entire herd, or the tenant would be entitled to the entire base to the exclusion of the landlord if the tenant owns the entire herd. If the herd is jointly owned by the tenant and landlord, the base would be divided between the joint owners according to ownership of the herd when such relationship is terminated. If a producer begins shipping milk to the market during the months of April through July without an established base, he would receive the excess price until August 1. Such a producer may obtain a base by transfer of established base from another producer. During the period of August through March, he would receive the uniform price the same as all other producers, and, during the period of October through January, he would establish a base for the following months of April through July. These rules should assure the workability of the plan without placing undue hardship upon any producer.

(8) Certain other provisions should be adopted in order to carry out administratively the purposes of the regulation.

(a) *Administrative assessments.* Each handler should be required to pay to the market administrator, as his pro rata share in the costs of administration of the order, 4 cents per hundredweight, or such amount not to exceed 4 cents per hundredweight as the Secretary may from time to time prescribe, on receipts of (1) milk from producers and (2) other source milk classified as Class I milk.

The market administrator is required to verify the utilization of all milk received, and therefore other source milk, as well as producer milk, should bear an appropriate share of the administrative cost. Substantial quantities of other source milk are received by handlers, some of which is sold in Class I uses at certain times during the year. An assessment on other source milk used as Class I milk will appropriately apportion the expenses among handlers. The testimony indicates that some handlers receive other source milk for manufacturing purposes. Application of the assessment to all the other source milk received by such a handler could place him at some disadvantage in disposing of manufactured dairy products in competition with persons not regulated by the order.

Both handlers and producers recognize that the market administrator must have the necessary funds to enable him to administer properly the terms of the order. A rate of 5 cents per hundredweight was proposed by producers and was supported by handlers at the hearing. In view of the anticipated volume of milk to be regulated, a maximum of 4 cents per hundredweight should be adequate to guarantee a sufficient administrative income. Office expenses are usualy relatively high at the beginning of a program. In the event a lesser amount proves upon experience to be sufficient for proper administration, provision is made to enable the Secretary to revise the assessment accordingly within the 4-cent maximum without the necessity of amending the order.

Some objection was made at the hearing to the proposed rate of 5 cents per hundredweight because of fear that consumers would be taxed in the form of higher retail prices to pay for the cost of administering an order. While the act does not give the Secretary authority to fix retail prices it does require that minimum prices to be paid to producers should be in the public interest. In this connection, it is worthy of notice that the Class I price of $5.08 per hundredweight which handlers would be required to pay to producers plus the administrative assessment charge of 4 cents per hundredweight would be identical to the price currently paid by handlers for Class I milk.

(b) *Deductions for marketing services.* Provision should be made for the performance by the market administrator of marketing services for producers who do not belong to a cooperative association performing such services. These services should include sampling, testing, and checking the weights of milk delivered and furnishing market information to such producers. Such provision is specifically authorized by the act, and the proponents of the order proposed that in making payments to producers 0.07 cent per hundredweight should be deducted with respect to the milk of such nonmember producers to cover expenses in connection with the services to be rendered. The cost of performing these services will vary with the volume of milk involved at any given time and the number of producers delivering to each plant. The proponents who have had experience with sampling, testing, and checking of weights expressed the opinion based on such experience that these services could not be performed for less than the 7 cent rate under current con-

ditions. Should experience prove that a lesser rate is sufficient, provision is made whereby the Secretary may reduce the assessment to an amount which he determines is necessary without the necessity of amending the order. In the event that any qualified cooperative association of producers is determined to be performing such services for its members the market administrator in making payments to the cooperative association for milk received from its members shall not make the deductions for marketing services. Such an association in making payments to its members may make such deductions as are authorized by the members of the association.

(c) *Reports and records.* All accounting, reports, price computations and payments should be made on a monthly basis. The term "month" is used throughout the order in its ordinary and usual meaning as one of the twelve divisions of the year. However, the use of this term within the text of the order shall not be construed to prevent the issuance by the Secretary of amendments to the order to be effective on any day of a month.—In view of this, it is determined that it is not necessary to include a definition of "delivery period."

Provisions should be included in the order for the purpose of requiring handlers to maintain adequate records and to make reports with respect to receipts, utilization, and payments for milk. Such records and reports are necessary for the purpose of determining proper classification, pricing, and payment relative to the milk of producers. Producers proposed that reports of receipts and utilization of milk be filed with the market administrator on or before the 9th day after the end of the month. It is necessary to allow sufficient time following the month for the compiling and filing of such reports by the handler. On the other hand, the payments to producers should not be unduly delayed. It is concluded that the 8th day following the end of the month will allow handlers sufficient time to file such reports and will permit payments to producers by the 15th day after the end of the month.

(d) *Audits.* Provisions should be included in the order to provide for the auditing of each handler's reports and records to insure producers the proper returns for milk as provided for in the order. It is necessary that the handler also provide whatever facilities are necessary to verify reports or to ascertain the correct information regarding the receipts and utilization of milk and payments to producers.

(e) *Payments to producers.* Provision should be made for the computation of a uniform price for each handler and the payment to producers on a monthly basis. Such payment should be made to individual producers by the market administrator on or before the 15th day after the end of the month, or to a cooperative association on or before the 13th day after the end of the month. Producers proposed an advance payment covering milk delivered during the first 15 days of the month to be made on or before the last day of the month. Such an advance payment was proposed to be made only upon request of the individual producer. The record indicates that producers are customarily paid on the 15th day after the end of the month but handlers have made advance payments to some producers upon individual requests. The plan proposed herein would allow such a practice to continue by permitting handlers to deduct such advances from the money due producers on the 15th day after the end of the month. Dates for the filing of handler reports and for the payment by handlers to the market administrator of the utilization value of producer milk, less money advances and other deductions authorized in writing by individual producers, have been adjusted in a manner which will permit the market administrator to make payments to producers within the date prescribed.

In making payments to producers, an appropriate location differential should be deducted from the uniform prices and the base prices to be paid by a handler for producer milk received at a fluid milk plant located 40 miles or more by shortest hard surface highway distance from the City Hall in Memphis, Tennessee. Such rate of deduction is the same as is applied for Class I milk received by such handler at such plant. This deduction will result in approximately equal prices for milk at the farm whether the milk is delivered to the country plant or directly to a plant in Memphis.

One handler objected to the market administrator collecting the utilization value of milk from handlers and making payments to producers on the basis that such a procedure was uneconomical as well as impractical in settling disputes between producers and handlers. It was contended that it takes less time to write a check to a producer than it does to relay the information to a second party who in turn would write the check. It was argued that mistakes may arise in handler-producer transactions and in such instances the producer naturally looks to his handler for the correction of such mistakes or errors. It was also contended that under the method of payment proposed, it would be necessary for the handler to notify the market administrator who in turn would have to communicate with the producer in order to correct a mistake.

Under the plan proposed herein the handler would furnish the market administrator with a statement for each producer showing among other things the total pounds and the average butterfat content of milk delivered by the producer and the amount or rates per hundredweight of each deduction claimed by the handler including money advancements to such producer. Both producers and handlers proposed that such a statement be given to each producer each month. The statement could be filled out in triplicate showing the above information and given to the market administrator each month in lieu of a producer pay-roll report which is normally required to be filed by a handler when payments are required to be made direct to producers by the handler. The market administrator could fill in the uniform price on the statement and complete the extensions to determine the net amount of payment due the producer. Such calculations would normally be performed by the market administrator in verification of handlers' payments to producers. After such extensions have been completed one copy of the statement would accompany the check mailed to producers. In the case of producers who are members of a cooperative association collecting payment for milk of its members, a copy of the statements for such producers accompanied by a check for the total amount due for all such milk would be mailed to the cooperative association. The second copy of the completed statement would be returned to the appropriate handler and the third copy would be retained by the market administrator for his files.

The writing of checks to producers by the market administrator would not involve more time than would be required to verify cancelled checks or cash receipts in the handler's plant as a means of assuring payments of minimum prices to producers. The number of mistakes normally made in the extensions on the statements and the writing of individual checks is relatively small and inconsequential. Other errors or disputes between handlers and producers could continue to be settled in the normal manner. Other handlers did not object to the proposed plan. It is concluded that it would not be uneconomical in this market for each handler to make a lump sum payment to the market administrator of the money due his producers and for the market administrator to make payment to such producers. This will preserve the confidential character of the membership rolls of a cooperative association. Furthermore, it will facilitate the operations of the adjustment of prices to be paid to producers who are members and those who are not members of a cooperative association. Such payments by handlers to the market administrator should be made on or before the 12th day after the end of the month.

(f) *Other administrative provisions.* The other provisions of the order are of general administrative nature which are common to all orders and have been found from experience to be necessary for proper and efficient administration. They provide for the selection of a market administrator, define his powers and duties, prescribe the information to be reported by handlers each month and set forth the rules to be followed by the market administrator in making the computations required by the order. They also prescribe the length of time that records must be retained and provide a plan for liquidation of the order in the event of its suspension or termination.

It is also provided that a "producer-handler" shall be exempt from all the regulatory provisions of the order except that requiring the filing of reports as requested by the market administrator. The producer-handler maintains control of his milk until ultimate disposition and in this respect his situation is different from the regular producer whose milk is marketed through a handler. On the other hand, such persons frequently change their status. It is necessary, therefore, for the market administrator to have authority to require reports from the producer-handler in order to verify his status as well as to supplement other market information.

The order provides also for the retention of necessary records by handlers and for the ultimate termination of obligations. It is necessary for handlers to retain records in order to prove the utilization of milk and the payments made to producers. It is necessary that these records be kept for a substantial period of time since some transactions with respect to the handling of the producers' milk are not completed and audited until several months after producers have delivered the milk to handlers' plants. Detailed records of this kind soon assume tremendous physical proportions and become burdensome for this reason. It is necessary that a definite time period be provided within which handlers must maintain their records and after which they will be relieved of so doing. The order should provide that handlers shall retain records for three years after the end of the delivery period or month to which such records relate. In terms of the volume of records which would be retained and the types of transactions involved in disposing of milk, the retention of records for three years is concluded to be a reasonable requirement. If litigation is in progress, it may be necessary to require records to be retained for a longer period and provision should be made for this contingency.

The order should provide for the termination of obligations to handlers after a reasonable period of time has elapsed. Without such a provision handlers may file claims which, because the period involved might extend back over many years, could be in substantial amounts. This creates uncertainties which could endanger the stability of the market and lead to serious inequities. The order should provide that any obligation to pay a handler shall terminate two years after the month in which the milk was received if an underpayment is claimed, or within two years after payment was made if a refund is claimed, unless within such period of time the handler files a petition, pursuant to section 8c (15) (A) of the act, claiming such money. Handlers also need the protection of provisions terminating their obligations to make payments. Since handlers cannot be forewarned always as to contingent liabilities, it is extremely difficult and burdensome for them to make adequate provisions therefor by setting up reserves or by taking other precautionary measures. The obligation of any handler to pay money should, except under certain extraordinary conditions, such as litigation, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. It is concluded that in general a period of two years is a reasonable time within which a market administrator should complete his auditing and inspection work and render any billings for money due under the order. Provisions are necessary also, as contained in the order included in this decision, to meet such contingencies as failure of the handler to submit required books and records and to deal with situations where fraud or willful concealment of information may be involved.

It was proposed that if a handler fails to make the required reports or payments, his name may be publicly announced by the market administrator, unless otherwise directed by the Secretary. Such a provision is provided for by the act and it is concluded that its adoption will facilitate the enforcement of the terms of the order.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Proposed findings and conclusions. Briefs were filed on behalf of producers and certain handlers. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order:

DEFINITIONS

§ 918.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 918.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 918.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 918.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 918.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 918.6 *Memphis, Tennessee, marketing area.* "Memphis, Tennessee, marketing area," hereinafter called the "marketing area" means all the territory within the boundaries of the cities of Memphis and Jackson, Tennessee.

§ 918.7 *Fluid milk plant.* "Fluid milk plant" means any milk plant approved by the appropriate health authority in the marketing area, and used during the month for (a) the receipt and processing or packaging of producer milk, all or a portion of which is disposed of as Class I milk in the marketing area to wholesale or retail outlets, including plant stores; or (b) the receipt and cooling of producer milk for shipment to a plant described in paragraph (a) of this section.

§ 918.8 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant.

§ 918.9 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of a fluid milk plant; (b) a producer-handler; or (c) any cooperative association with respect to milk of producers diverted by it from a fluid milk plant to a nonfluid milk plant for the account of such cooperative association.

§ 918.10 *Producer. "Producer"* means any person, except a producer-handler, who produces milk under a dairy farm inspection permit issued by the appropriate health authority in the marketing area and whose milk is permitted to be used for consumption as milk in the marketing area, which milk is; (a) received at a fluid milk plant, or (b) diverted from a fluid milk plant to a nonfluid milk plant: *Provided*, That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted.

§ 918.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is purchased or received by a handler either

directly from producers or from other handlers.

§ 918.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 918.13 *Producer-handler.* "Producer-handler" means any person who produces milk under a dairy farm permit issued by the appropriate health authority in the marketing area and who processes milk from his own production, and distributes all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from producers.

MARKET ADMINISTRATOR

§ 918.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 918.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 918.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 918.97 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 918.96, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 918.30 and 918.31 or payments pursuant to § 918.90;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate and notify each handler in writing on or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 918.51 (a) and the Class I butterfat differential computed pursuant to § 918.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 918.51 (b) and the Class II butterfat differential computed pursuant to § 918.52 (b), both for the previous month;

(j) Notify each handler in writing on or before the 11th day of each month the amount of the net obligation of such handler for milk received from producers during the previous month. Such notification shall show the amount and the value of milk in each class; the amount and the value of overage; and the amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and notify each handler in writing:

(1) On or before the 13th day after the end of each of the months of August through March the uniform price and the location differential for each handler computed pursuant to §§ 918.71 and 918.93, respectively, and the butterfat differential computed pursuant to § 918.92; and

(2) On or before the 13th day after the end of each of the months of April through July the uniform prices for base milk and for excess milk and the location differential for each handler computed pursuant to §§ 918.72 and 918.93, respectively, and the butterfat differential computed pursuant to § 918.92; and

(l) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 918.30 *Reports of receipts and utilization.* On or before the 8th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 918.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator in detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 8th day after the end of the month, the correct name and address of each producer, the total pounds of milk received from each producer, the number of days on which milk was received from each producer, the amount of any deductions authorized in writing by the producer to be made in making payments to such producer, and the average butterfat content of the milk received from each producer.

(2) Upon request of the market administrator, the information described in subparagraph (1) of this paragraph together with such other information as the market administrator may prescribe for prior calendar months included in the period beginning with October 1950 to the effective date of this part.

(3) On or before the first day other source milk is received, such handler's intention to receive such milk and on or before the last day such milk is received, his intention to discontinue receipt of such milk.

§ 918.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled; and

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month.

§ 918.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to

begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 918.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 918.30 shall be classified by the market administrator pursuant to the provisions of §§ 918.41 through 918.46.

§ 918.41 *Classes of utilization.* Subject to the conditions set forth in §§ 918.43 and 918.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, and any other product required by the appropriate health authority in the marketing area to be made from Grade A milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) of this section, (2) disposed of for livestock feed, (3) in shrinkage up to 2 percent of receipts from producers, and (4) in shrinkage of other source milk.

§ 918.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for such handler; and

(b) Pro rate the resulting amounts between such handler's receipts of skim milk and butterfat in producer milk and in other source milk.

§ 918.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 918.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion from a fluid milk plant shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to another fluid milk plant unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 918.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *Provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk: *And provided further*, That the amount of skim milk or butterfat transferred or diverted from a fluid milk plant described in § 918.7 (b) to a fluid milk plant described in § 918.7 (a) shall not be classified in Class I to the extent that the resulting uniform price for the transferring handler shall be higher than the resulting uniform price for the transferee-handler.

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk or cream.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonfluid milk plant, except that of a producer-handler, unless the following conditions are met:

(1) The handler claims classification in Class II;

(2) The market administrator is permitted to audit the books and records showing the utilization of all skim milk and butterfat received at such nonfluid milk plant, for the purpose of verification; and

(3) An amount of skim milk and butterfat not less than that so transferred or diverted was used in Class II: *Provided*, That the skim milk and butterfat so assigned to Class II shall be limited to the amount thereof in Class II in such nonfluid milk plant and any additional amounts of skim milk and butterfat so transferred or diverted shall be assigned to Class I.

§ 918.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 918.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 918.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 918.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 918.44 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 918.50 *Basic formula price to be used in determining the Class I price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 918.51 (b), all for the preceding month.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the butterfat differential computed pursuant to § 918.52 (b) for the month by by 5.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average as computed by the market administrator of

the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the month, add 20 percent thereof and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceeding month through the 25th day of the current month by the Department of Agriculture, deduct 5 cents, and multiply by 7.5.

§ 918.51 *Class prices.* Subject to the provisions of §§ 918.52 and 918.53, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the amount set forth below for such months opposite the price range within which the basic formula price falls:

Basic formula price range (dollars per hundredweight)	Amount per hundredweight	
	September through February	March through August
Not more than 1.999	$3.48	$3.08
2.00 but not more than 2.399	3.88	3.48
2.40 but not more than 2.799	4.28	3.88
2.80 but not more than 3.199	4.68	4.28
3.20 but not more than 3.599	5.08	4.68
3.60 but not more than 3.999	5.48	5.08
4.00 but not more than 4.399	5.88	5.48
And for each additional 40 cents or fraction thereof.	An additional 40 cents	

Provided, That the Class I price from the effective date of this provision through the month of February 1951 shall not be less than $5.08 per hundredweight: *And provided further*, That for any month after this provision has been in effect for 13 months the Class I price shall be increased 40 cents per hundredweight if the receipts of milk from producers by all handlers, during the 12 months prior to the month immediately preceding the month for which the Class I price is being computed, was less than 110 percent of the total Class I milk disposed of by all handlers during such 12-month period; or the Class I price for any such month shall be reduced 40 cents per hundredweight if the receipts of milk from producers during such 12-month period are more than 125 percent of the total Class I milk disposed of by all handlers during such 12-month period.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture.

Present Operator and Location

Collierville Dairy Products Co., Collierville, Tenn.
Coldwater Dairy Products Co., Coldwater, Miss.
Olive Branch Cheese Co., Olive Branch, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Kosciusko, Miss.

§ 918.52 *Butterfat differential to handlers.* If the average butterfat content of producer milk allocated to any class pursuant to § 918.46 is more or less than 4.0 percent there shall be added to the respective class price computed pursuant to § 918.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department of Agriculture during the period listed below by the applicable factor so listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price reported for the preceding month by 1.25;

(b) *Class II milk.* Multiply such price reported for the current month by 1.20.

§ 918.53 *Location differentials to handlers.* For that portion of milk which is received from producers at a handler's fluid milk plant located 40 miles or more from the City Hall in Memphis, Tennessee, by shortest hard surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the prices specified in § 918.51 (a) shall be reduced by the amount per hundredweight set forth in the schedule below for the appropriate distance at which is located the fluid milk plant where such milk was received:

Distance from the City Hall in Memphis (miles):	*Amount per hundredweight (cents)*
40 but less than 50	17
50 but less than 60	18
60 but less than 70	19
Within each 10-mile zone thereafter: an additional 1 cent.	

APPLICATION OF PROVISIONS

§ 918.60 *Producer-handlers.* Sections 918.40 through 918.46, 918.50 through 918.53, 918.70 through 918.72, 918.80 through 918.83, 918.90 through 918.97 shall not apply to a producer-handler.

DETERMINATION OF UNIFORM PRICE

§ 918.70 *Net obligation of each handler.* The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class prices; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 918.46 by the applicable class prices; and (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 918.71 *Computation of the uniform price for each handler.* For each of the months of August through March the market administrator shall compute for each handler the uniform price as follows:

(a) Add to the amount computed pursuant to § 918.70 the amount of location differential pursuant to § 918.93;

(b) Subtract, if the average butterfat content of milk received from producers by such handler is more than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential to producers, and multiply the result by the total hundredweight of such milk;

(c) Add the amount represented by any deductions made pursuant to paragraph (d) of this section for fractions of a cent in computing the uniform price for the preceding month;

(d) Divide the resulting amount by the total hundredweight of milk received from producers by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. the marketing area.

§ 918.72 *Computation of the uniform price for base milk and for excess milk for each handler.* For each of the months of April through July, the market administrator shall compute for each handler the uniform price for base milk and for excess milk as follows:

(a) Add to the amount computed pursuant to § 918.70 the amount of location differential pursuant to § 918.93;

(b) Subtract, if the average butterfat content of milk received from producers by such handler is more than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential to producers, and multiply the result by the total hundredweight of such milk;

(c) Subtract, for each of the months of April through July, if a handler purchases a smaller proportion of his Class I milk from producers who are members of a cooperative association than the monthly average of such purchases by such handler during the preceding months of October through January, an amount computed as follows:

(1) Compute the difference between the percentage which Class I milk purchased from producers who were members of such cooperative association was of the total Class I milk disposed of by such handler during the months of October through January, and the percentage which Class I milk purchased from member producers of such cooperative association was of the total Class I milk disposed of by such handler during the month;

(2) Multiply this percentage difference by the total Class I milk disposed of by such handler during the month;

(3) Multiply this quantity of milk by the difference between the price of Class I milk and Class II milk for the month: *Provided*, That the total quantity of all handlers to which such difference in price shall apply shall not be greater than the pounds of milk which were received by all handlers from member producers of such cooperative association during the month, and which were classified as Class II milk: *And provided further*, That during any month when the preceding proviso applies to more than one handler the quantities of milk for each handler to be multiplied by such difference in price shall be reduced pro rata until the total of such quantities is equal to the total pounds of milk which were received by all handlers from member producers of such cooperative during the month, and which were classified as Class II milk.

(d) Add, in computing the uniform price of base milk and excess milk diverted by a cooperative association, the sum of the deductions made for the month pursuant to paragraph (c) of this section in computing such uniform prices for all handlers;

(e) Add the amount represented by any deductions made pursuant to paragraphs (h) and (i) of this section for fractions of a cent in computing such uniform prices for the preceding months;

(f) Subject to the conditions set forth in paragraph (g) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class price;

(g) Compute the value of base milk received by such handler from producers by substracting the value obtained pursuant to paragraph (f) of this section from the value obtained pursuant to paragraphs (a) through (e) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price such value in excess thereof shall be added to the value computed pursuant to paragraph (f) of this section;

(h) Divide the value obtained pursuant to paragraph (g) of this section by the hundredweight of base milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. the marketing area; and

(i) Divide the value obtained pursuant to paragraph (f) of this section, subject to the conditions set forth in paragraph (g) of this section, by the hundredweight of excess milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

BASE RATING

§ 918.80 *Determination of daily base of each producer.* For the months of April through July of each year, the daily base of each producer shall be an amount of milk computed by the market administrator by dividing the total pounds of milk received from such producer by handlers during the preceding months of October through January by the total number of days in such period.

§ 918.81 *Determination of monthly base of each producer.* For each of the months of April through July of each year, the monthly base of each producer shall be an amount of milk computed by the market administrator by multiplying the daily base of such producer by the number of days on which milk was received during such month from such producer by a handler.

§ 918.82 *Base rules.* (a) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle.

(b) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of the landlord and tenant may be combined and may be divided when such relationship is terminated.

(c) The base of a producer may be moved from one handler to another and may be transferred from such producer to another producer.

§ 918.83 *Announcement of daily bases.* On or before February 20, of each year, the market administrator shall notify each producer of his daily base.

PAYMENTS

§ 918.90 *Payments to market administrator.* On or before the 12th day of each month each handler shall pay to the market administrator an amount equal to such handler's net obligation for the previous month as determined pursuant to § 918.70 less deductions authorized in writing by producers from whom he received milk. The market administrator shall maintain a separate fund in which he shall deposit all payments of handlers received pursuant to this paragraph and out of which he shall make all payments pursuant to § 918.91.

§ 918.91 *Payments to producers.* The market administrator shall pay each producer in the following manner for milk received by a handler from such producer: *Provided*, That if such handler has not made full payment pursuant to § 918.90 for the month the market administrator shall reduce uniformly such payments to such handler's producers and shall complete such payments as soon as the necessary funds are available.

(a) On or before the 15th day after the end of the months of August through March, the market administrator shall pay each producer for milk received by a handler from such producer during the month an amount computed by multiplying the hundredweight of such milk by not less than the uniform price computed for such handler pursuant to § 918.71, subject to the adjustments specified in §§ 918.92, 918.93, and 918.96, and less deductions authorized in writing by such producer.

(b) On or before the 15th day after the end of each of the months of April through July, the market administrator shall pay each producer for milk received by a handler from such producer during the month an amount computed as follows, subject to the adjustments specified in §§ 918.92, 918.93, and 918.96, and less deductions authorized in writing by such producer:

(1) Multiply the hundredweight of base milk received from such producer by such handler by not less than the uniform price for base milk computed for such handler pursuant to § 918.72;

(2) Multiply the hundredweight of excess milk received from such producer by such handler by not less than the uniform price for excess milk computed for such handler pursuant to § 918.72; and

(3) Add together the resulting sums.

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section the market administrator shall pay, on or before the 2d day prior to the date payments are due to individual producers, to a cooperative association which is authorized to collect payment for milk of its members and from which a request for such payment has been received a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to this section.

§ 918.92 *Butterfat differential to producers.* In making payment to producers pursuant to § 918.91, there shall be added to or subtracted from, as the case may be, the applicable uniform prices computed pursuant to §§ 918.71 and 918.72 for the handler who received milk from such producer for each one-tenth of one percent of butterfat content above or below 4.0 percent in such milk the amount shown in the schedule below for the butter price range in which falls the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month:

Butter price range (cents):	*Butterfat differential (cents)*
Not more than 17.500	2
17.50–22.499	2½
22.50–27.499	3
27.50–32.499	3½
32.50–37.499	4
37.50–42.499	4½
42.50–47.499	5
47.50–52.499	5½
52.50–57.499	6
57.50–62.499	6½
62.50–67.499	7

Butter price range (cents)—Continued	Butterfat differential (cents)
67.50–72.499	7½
72.50–77.499	8
77.50–82.499	8½
82.50–87.499	9
87.50–92.499	9½
92.50 and over	10

§ 918.93 *Location differentials to producers.* In making payment to producers pursuant to § 918.91, there shall be deducted from the applicable uniform prices, computed pursuant to §§ 918.71 and 918.72 (h), to be paid by a handler for producer milk received at a fluid milk plant located 40 miles or more from the City Hall in Memphis, Tennessee by the shortest hard surfaced highway distance, as determined by the market administrator, the amount set forth below for the appropriate distance at which is located the fluid milk plant where such milk was received:

Distance from the City Hall in Memphis (miles):	Amount per hundredweight (cents)
40 but less than 50	17
50 but less than 60	18
60 but less than 70	19
Within each 10-mile zone thereafter: an additional 1 cent.	

§ 918.94 *Statement to producers.* In making the payments pursuant to § 918.91, the market administrator shall furnish each producer or cooperative association with a statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The delivery period and the identity of the handler and the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer;

(c) The minimum rates at which payment to the producer or cooperative association is required under the provisions of §§ 918.91 and 918.92;

(d) The amount or rates per hundredweight of each deduction, together with a description of the respective deductions; and

(e) The net amount of payment to the producer or cooperative association.

§ 918.95 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator from such handler, or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 918.96 *Marketing services*—(a) *Deductions.* In making payments to producers pursuant to § 918.91, the market administrator shall deduct 7 cents per hundredweight or such amount not exceeding 7 cents per hundredweight as may be prescribed by the Secretary, with respect to milk (other than milk of a handler's own production) of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association.

(b) *Marketing services to be rendered.* The moneys received by the market administrator pursuant to paragraph (a) of this section shall be used by the market administrator to sample, test, and check the weights of milk received from producers for whom a cooperative association is not performing such services and to provide such producers with market information.

§ 918.97 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe with respect to all receipts within the month of (a) milk from producers including such handler's own production, and (b) other source milk which is classified as Class I milk.

§ 918.98 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 918.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 918.101.

§ 918.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 918.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 918.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 918.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 918.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 3d day of August 1950.

[SEAL] JOHN I. THOMPSON, *Assistant Administrator.*

[F. R. Doc. 50–6938; Filed, Aug. 7, 1950; 8:52 a. m.]

[7 CFR, Part 919]

[Docket No. AO–220]

HANDLING OF IRISH POTATOES GROWN IN UPSTATE NEW YORK

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Rochester, New York, beginning on May 15, 1950, pursuant to notice thereof in the FEDERAL REGISTER (15 F. R. 2364), upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the State of New York (except the Counties of Suffolk, Nassau, Queens, Kings, New York, Bronx, and Richmond).

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on July 7, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (15 F. R. 4399).

The material issues and the findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 50–6013; 15 F. R. 4399) are hereby approved, and adopted, and incorporated herein, as the material issues and the findings and conclusions of this decision as if set forth in full herein, and such findings and conclusions are supplemented to the extent hereinafter set forth.

Rulings. Exceptions to the recommended decision were filed, on behalf of the Upstate New York Potato Marketing Agreement Committee, by Harold J. Evans, Chairman of the Committee. Each of such exceptions was fully and carefully considered, together with the evidence in the record, in arriving at the findings and conclusions set forth herein.

It was asserted that changes should be made in the provisions of the proposed marketing agreement and order to require expressly that growers and handlers pay their proportionate shares of the cost of administration on the basis of "potatoes marketed." It is assumed that the term "marketed," as used in the exception, is synonomous with the terms "shipped" and "handled," as such terms are defined in the proposals and refers to the person who first markets, or ships, or handles the potatoes. In § 919.43 it is provided that funds "shall be acquired by the levying on handlers of assessments which shall be at a rate fixed by the Secretary, upon the basis of the committee's recommendation or other available information." It is further provided that "each handler who first ships potatoes shall pay assessments to the committee upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year." It appears, in view of the foregoing and the reasons and findings in the recommended decision with respect thereto, that there is no conflict between the terms and provisions of the proposed regulatory program and the implications of the exception insofar as the achievement of the objectives of the exception may be concerned. In addition, the proposed program does not require that assessments be paid on the basis of the quantity of potatoes "indicated by inspection certificates," as this exception seems to infer. The proposals, in § 919.43, clearly state that each handler's share of the expenses "shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers, as the first handlers thereof, during the same fiscal year."

An additional exception urges "some flexibility must be provided by which the committee can work out flexible arrangements, with the approval of the Secretary, to effectively control the grade and size of the potatoes marketed." The exception further suggests the use of the following or a similar statement to accomplish this purpose: "*Provided further*, That the committee have responsibility of recommending to the Secretary practical rules concerning the waiver of inspection for small lots of potatoes that cannot be inspected in the usual way." Such authority is already incorporated in the provisions of the said marketing agreement and order through the provision (§ 919.56) of exemption of shipments from regulation when the volume thereof is below such minimum quantities as may be established by the administrative committee with the approval of the Secretary and through the provision relating to inspection and certification contained in § 919.66. Provision is made in such section that "the committee may adopt, subject to the approval of the Secretary, procedures permitting the shipment of potatoes without the required prior inspection thereon; such procedures shall include a requirement that each handler-applicant for a waiver show that he requested shipping point inspection and that the appropriate inspection agency stated that it could not supply reasonably prompt service in connection with such request." Such provision embodies the prerequisites set forth in the aforesaid exception as necessary for efficient operation of the program.

Exception was taken to some of the other findings and conclusions and provisions of the marketing agreement and order contained in the recommended decision. To the extent that the findings and conclusions herein are at variance with any of the exceptions pertaining thereto, such exceptions are denied for the foregoing reasons and on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Irish Potatoes Grown in Upstate New York" and "Order Regulating Handling of Irish Potatoes Grown in Upstate New York", which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decison, except the attached agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order, which will be published with this decision.

Done at Washington, D. C., this 3d day of August 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

Order[1] Regulating the Handling of Irish Potatoes Grown in Upstate New York

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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AUTHORITY: §§ 919.0 to 919.93 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1501.

§ 919.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Rochester, New York, on May 15–17, 1950, upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the State of New York (except the Counties of Suffolk, Nassau, Queens, Kings, New York, Bronx, and Richmond). Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) All handling of potatoes grown in the production area is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce;

(2) This part, and all of the terms and conditions of this part, will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in the production area specified in this part by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, as will tend to effectuate such orderly marketing of such Irish potatoes as will be in the public interest;

(3) This part regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement on which a hearing has been held;

(4) This part is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area specified in this order would not effectively carry out the declared policy of the act; and

(5) The terms and provisions of this part prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of potatoes grown in the production area.

Order relative to handling. It is, therefore, ordered that on and after the effective time of this part the handling of potatoes, as defined in this part, shall be in conformity to and in compliance with the terms and conditions of this part; and the terms and conditions of this part are as follows:

DEFINITIONS

§ 919.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or employee of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 919.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

§ 919.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 919.4 *Production area.* "Production area" means all territory included within the boundaries of the State of New York (except the counties of Suffolk, Nassau, Queens, Kings, New York, Bronx, and Richmond).

§ 919.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 919.6 *Handler; shipper.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 919.7 *Ship; handle.* "Ship" or "handle" means to transport, sell, or in any other way to place potatoes in the current of commerce within the production area or between the production area and any point outside thereof: *Provided*, That such definition shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area for storing, or the sale or transportation of potatoes to a recognized dealer or packer within the production area for the purpose of having such potatoes prepared for market.

§ 919.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 919.9 *Fiscal year.* "Fiscal year" means the period beginning July 1 of each year and ending June 30 following.

§ 919.10 *Committee.* "Committee" means the administrative committee called the Upstate New York Potato Committee established pursuant to § 919.23.

§ 919.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 919.12 *Seed potatoes.* "Seed potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State of New York.

§ 919.13 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 919.14 *Pack.* "Pack" means a unit of potatoes contained in a bag, crate, or other type of container and falling within specific weight limits recommended by the committee and approved by the Secretary.

§ 919.15 *Grade.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of

the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon;

(b) The United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon; or

(c) State of New York Standards for Potatoes issued by the Commissioner of Agriculture of the State of New York, or amendments thereto, or modifications thereof, or variations based thereon.

§ 919.16 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 919.17 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 919.25.

§ 919.18 *Brand.* "Brand" means to mark, tag, or label the grade, size, quality, net contents, in terms of weight, measure, or numerical count, and the name and address of the first handler on each container of potatoes.

§ 919.19 *Part and subpart.* "Part" means the order regulating the handling of Irish Potatoes grown in the State of New York (except the counties of Suffolk, Nassau, Queens, Kings, New York, Bronx, and Richmond), and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart of such part."

ADMINISTRATIVE COMMITTEE

§ 919.23 *Establishment and membership.* (a) The Upstate New York Potato Committee consisting of 9 members of whom 6 shall be producers and 3 shall be handlers is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) (1) Each person selected as a committee member or alternate to represent producers shall be an individual who is a producer or an officer or employee of a producer in the district for which selected.

(2) Each person selected as a committee member or alternate to represent handlers shall be an individual who is a handler or an officer or employee of a handler in the production area.

§ 919.24 *Term of office.* (a) The term of office of committee members and their alternates shall be three fiscal years: *Provided*, That the terms of office of 3 of the initial members and their respective alternates shall be one year, and of 3 other members and alternates shall be two years. Each member and alternate shall continue to serve until the respective successor is selected and has qualified.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the term of office.

§ 919.25 *Districts.* (a) For the purpose of selecting producer committee members, the following districts of the production area are hereby established:

District No. 1. Shall include the counties of Wayne, Seneca, Schuyler, Chemung, and all the counties west thereof;

District No. 2. Shall include the counties of St. Lawrence, Franklin, Clinton, Essex, Warren, and Washington;

District No. 3. Shall include all the remaining counties in the production area not included in Districts Nos. 1 and 2.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided*, That in recommending any such changes in districts or representation the committee shall give consideration to: (1) the relative importance of new areas of production; (2) changes in the relative position with respect to production of existing districts; (3) the geographic location of production areas as it would affect the efficiency of administering this subpart; and (4) other relevant factors: *Provided further*, That there shall be no change in the total number of committee members or in the total number of districts.

§ 919.26 *Nomination.* The Secretary may select the members of the Upstate New York Potato Committee and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for initial members of the committee and their respective alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(b) In order to provide nominations for succeeding committee members and alternates:

(1) The Upstate New York Potato Committee shall hold or cause to be held 60 days prior to the end of each fiscal year, after the effective date of this subpart, a meeting or meetings of producers and of handlers respectively in each of the districts designated in § 919.25 in which the terms of office of committee members, and their respective alternates, will terminate at the end of the then current fiscal year;

(2) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant or which is to become vacant at the end of the then current fiscal year;

(3) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(4) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates. For the purpose of designating nominees for handler committee members and alternates, a handler shall be considered to be a person who produces not more than 50 percent of the total volume of potatoes handled by himself; each person who is both a handler and a producer may vote either as a handler or as a producer and may elect, subject to such 50 percent limitation, the group in which he votes.

(5) Each producer and each handler of potatoes is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, for producer or handler committee members and alternates, respectively: *Provided*, That producers in more than one district shall elect the district in which they will participate in nominating producer committee members and alternates: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 919.27 *Selection.* The Secretary shall select three producer members of the committee with their respective alternates from District No. 1; one producer member of the committee with his respective alternate from District No. 2; and two producer members with their respective alternates from District No. 3, as such districts are defined in § 919.25. The Secretary shall select three handler members of the committee with their respective alternates from the production area at large: *Provided*, That not more than two of such handler members will be from District No. 1. Each person selected as a handler member or alternate shall not produce more than 50 percent of the potatoes handled by himself.

§ 919.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 919.26, the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for in § 919.27.

§ 919.29 *Acceptance.* Any person selected as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

§ 919.30 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected from nominations made in the manner specified in § 919.26, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in § 919.27.

§ 919.31 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 919.32 *Procedure.* (a) Six members of the committee shall be necessary to constitute a quorum and six concurring votes, including the vote of at least one handler member, will be required to pass any motion or approve any committee action.

(b) The committee may provide for meetings by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

§ 919.33 *Expenses and compensation.* Committee members and alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $10.00 for each day, or portion thereof, spent in attending to committee business.

§ 919.34 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 919.35 *Duties.* It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To select a chairman and such other officers for each fiscal period as may be necessary, to select subcommittees of committee members and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(c) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(d) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(e) To furnish to the Secretary such available information as he may request;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activties and objectives under this part.

EXPENSES, ASSESSMENTS, AND BUDGETS

§ 919.41 *Budget.* The committee shall prepare a budget for each fiscal year showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall also transmit to the Secretary a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 919.42 *Expenses.* The committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget or other available information, finds may be necessary during each fiscal year to perform its functions under this part and for such other purposes as may be appropriate pursuant to the provisions of this part.

§ 919.43 *Rate of assessment.* The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate fixed by the Secretary, upon the basis of the committee's recommendation or other available information. Each handler who first ships potatoes shall pay assessments to the committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year. Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

§ 919.44 *Increasing rate of assessment.* Upon recommendation of the committee or upon the basis of a later finding relative to the committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

§ 919.45 *Refunds.* If at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 919.46 *Accounting.* All funds received by the committee pursuant to any provision of this part shall be used solely for the purposes specified in this part and shall be accounted for in the following manner:

(a) The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(b) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 919.47 *Collection of funds.* (a) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(b) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

REGULATION

§ 919.51 *Marketing policy preparation.* At the beginning of each fiscal year the committee shall consider and prepare a proposed policy for the marketing of potatoes during such fiscal year. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(a) Market prices of potatoes, including prices by grade, size, and quality in wholesale or in consumer packs, or any other shipping unit;

(b) Supply of potatoes, by grade, size, and quality, in the production area and in other production areas;

(c) The trend and level of consumer income; and

(d) Other relevant factors.

§ 919.52 *Marketing policy report.* (a) The committee shall submit to the Secretary a report setting forth the aforesaid marketing policy. The committee shall also notify producers and handlers of the contents of such reports.

(b) In the event it becomes advisable to deviate from such marketing policy, because of changed supply or demand conditions, the committee shall formulate a new marketing policy, in accordance with the manner previously outlined in § 919.51. The committee shall also submit a report thereon to the Secretary and notify producers and handlers of such revised or amended marketing policy.

§ 919.53 *Recommendation for regulation; committee recommendations.* The committee shall recommend regulation to the Secretary whenever it finds that such regulation, as provided in § 919.54, will tend to effectuate the declared policy of the act. The committee may also recommend modification, suspension, or termination of any regulation in order to facilitate shipments of potatoes for the specified purposes set forth in § 919.55.

§ 919.54 *Issuance of regulations.* (a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes or quality of any or all varieties of potatoes during any period;

(2) Regulate the shipment of particular grades, sizes or quality of potatoes differently for different varieties, for different portions of the production area, for different packs, or any combination of the foregoing, during any period; or

(3) Regulate the shipment of potatoes by establishing and maintaining, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) During any period when grade, size, or quality regulations are in effect the Secretary may require that potato containers shall be branded whenever such requirements will tend to effectuate the declared policy of the act.

(c) During any period when branding is required pursuant to this subpart, each handler who first handles potatoes shall, prior to such handling, brand, or cause to be branded, each container of such potatoes; and no person shall handle any potatoes during such period unless the respective container thereof is branded.

§ 919.55 *Modification, suspension, or termination.* The Secretary, whenever he finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 919.43, 919.44, 919.54, 919.66, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes:

(a) For seed;

(b) For export;

(c) For distribution by the Federal Government;

(d) For manufacture or conversion into specified products;

(e) For livestock feed;

(f) For other purposes which may be specified.

§ 919.56 *Minimum quantity regulation.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations, issued or in effect pursuant to §§ 919.43, 919.44, 919.54, 919.66, or any combination thereof.

§ 919.57 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 919.58 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe, (1) adequate safeguards to prevent shipments pursuant to §§ 919.55 and 919.56 from entering channels of trade for other than the specific purpose authorized therefor, (2) adequate safeguards to assure that shipments made without inspection pursuant to §919.66 meet effective grade, size or quality regulations, and (3) rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee.

(b) Safeguards, as prescribed herein, may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to §§ 919.55 and 919.56;

(2) Handlers shall obtain inspection provided by § 919.66 or pay the pro rata share of expenses provided by § 919.43, or both, in connection with potato shipments effected under the provisions of §§ 919.55 and 919.56: *Provided,* That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under provisions of §§ 919.55 and 919.56 and shipments made without inspection pursuant to § 919.66.

(c) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in §§ 919.55, 919.56, and 919.66 were handled contrary to the requirements applicable thereto.

(d) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(e) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates and such other information as may be requested.

INSPECTION

§ 919.66 *Inspection and certification.* During any period in which shipments of potatoes are regulated, pursuant to the provisions of §§ 919.43, 919.44, or 919.54, or any combination thereof, no handler shall ship potatoes unless, prior thereto, such shipment was inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate. Each handler procuring inspections pursuant to this section, shall make arrangements with the inspecting agency to forward promptly to the committee a copy of the inspection certificate: *Provided,* That the regrading, resorting, repacking, or other further preparation of inspected potatoes for market shall invalidate prior inspection thereon and subsequent shipment of such potatoes after regrading, resorting, repacking, or other preparation for market shall not be effected unless, prior thereto, such shipment is inspected as provided in this section: *Provided further,* That the committee may adopt, subject to the approval of the Secretary, procedures permitting the shipment of potatoes without the required prior inspection thereon; such procedures shall include a requirement that each handler-applicant for a waiver show that he requested shipping point inspection and that the appropriate inspection agency stated that it could not supply reasonably prompt service in connection with such request; and such procedures may require that each applicant agrees, as a condition for the issuance of a waiver, to one or more of the following:

(a) That the potatoes to be shipped under such waiver will be inspected and certified at destination if an inspector is available for such purpose;

(b) That, where inspection indicates that potatoes shipped under a waiver fail to meet minimum grade, size, and quality requirements in effect at the time of such inspection, the potatoes will be removed from all normal domestic commercial channels, except for disposition pursuant to § 919.55; and

(c) That additional waivers will not be granted to an applicant, for the remainder of the fiscal year, if the potatoes shipped under a waiver and failing to meet minimum grade, size, and quality requirements, are not removed from all normal domestic market channels, except for disposition pursuant to § 919.55.

EXEMPTIONS

§ 919.71 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 919.72 *Granting exemptions.* (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 919.54, he will be prevented from handling, or causing to be handled, as large a proportion of his production as the average proportion of production handled, or caused to be handled, during the entire season (or such portion thereof as may be determined by the committee) by all producers in said applicant's immediate area of production and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and

by acts beyond reasonable expectation. Each such certificate shall permit the producer to handle, or cause to be handled, the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 919.54, he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's immediate shipping area, and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(c) The committee shall be permitted, at any time, to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 919.73 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 919.74 *Records, reports and review of exemptions.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such additional information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 919.71, 919.72, 919.73, or any combination thereof.

MISCELLANEOUS PROVISIONS

§ 919.81 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this part. Handlers shall maintain records from which such reported information can be verified by the committee. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 919.82 *Compliance.* Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part, and no handler shall ship potatoes except in conformity to the provisions of this part.

§ 919.83 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 919.84 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ 919.85 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before May 31 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 919.86 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 919.87 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 919.88 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 919.89 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 919.90 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modifications of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 919.91 *Personal liability.* No member or alternate member of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee except for acts of dishonesty.

§ 919.92 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 919.93 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

[F. R. Doc. 50-6919; Filed, Aug. 7, 1950; 8:49 a. m.]

[7 CFR, Part 919]

[Docket No. AO-220]

HANDLING OF IRISH POTATOES GROWN IN UPSTATE NEW YORK

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), it is hereby directed that a referendum be conducted among producers who, during the period July 1, 1949, to June 30, 1950 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the production in the State of New York (except the Counties of Suffolk, Nassau, Queens, Kings, New York, Bronx, and Richmond) of Irish potatoes for market, to determine whether such producers favor the issuance of an order regulating the handling of Irish potatoes grown in the State of New York (except the Counties of Suffolk, Nassau, Queens, Kings, New York, Bronx, and Richmond); and said order is annexed to the decision of the Secretary of Agriculture filed[1] simultaneously herewith.

A. C. Cook, O. H. Chapin, John Rivoire, R. L. Hawes, and M. F. Miller, of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture are hereby designated as agents of the Secretary of Agriculture to perform, jointly or severally, the following functions in connection with such referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By determining the time of commencement and termination of the period of the referendum, and by giving opportunity to each of the aforesaid producers to cast his ballot, in the manner herein authorized, relative to the aforesaid order, on a copy of the appropriate ballot form. A cooperative association of producers, bona fide engaged in marketing potatoes grown in the State of New York (except the counties of Suffolk, Nassau, Queens, Kings, New York, Bronx, and Richmond), or in rendering services for or advancing the interests of producers of such potatoes, may vote for the producers who are members of, stockholders in, or under contract with such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the votes of such producers.

(2) By giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted; (ii) that any ballot may be cast by mail; (iii) that all ballots so cast must be addressed to O. H. Chapin, c/o New York State PMA Committee, Byrne Building, Syracuse 2, New York; and (iv) of the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing (without advertising expense), available agencies of public information, including both press and radio facilities serving the aforesaid production area; (ii) by mailing a notice thereof (including a copy of the text of the order and a copy of the appropriate ballot form) to each producer, and to each such cooperative association, whose name and address is known to such agents; and (iii) by such other means as said referendum agents may deem advisable.

(4) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents determine that voting shall be at meetings. At each such meeting, balloting shall continue until all of the producers who are present, and who desire to do so, have had an opportunity to vote. Any producer may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots and copies of the text of the order to producers at the meeting; and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum. Any individual casting a ballot on behalf of a producer, a corporation, or a cooperative association of producers shall submit, with the ballot, evidence of his authority to cast such ballot, which evidence in the case of a corporation or a cooperative association shall be in the form of a certified copy of a resolution of the Board of Directors.

(7) By giving public notice of the time and place of any meetings authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as practicable by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By appointing any county agricultural agent, and by authorizing the chairman of the State Production and Marketing Administration committee in the State of New York to appoint any member or members of a county Production and Marketing Administration committee in the State of New York and by appointing any other persons deemed necessary or desirable, to assist the said referendum agents in performing their duties hereunder. Each such person, so appointed, shall serve without compensation; may be authorized by the said referendum agents, or any of them, to perform any or all of the functions set forth in subparagraphs (4), (5), (6), and (7) of paragraph (a) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements herein set forth, and shall forward to O. H. Chapin, c/o New York State Production and Marketing Administration Committee, Byrne Building, Syracuse 2, New York, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each producer and cooperative association, as aforesaid, to whom a ballot form was given;

(ii) A register containing the name and address of each producer and cooperative association, as aforesaid, from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent or appointee in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent or appointee during the referendum period;

(iv) A statement showing when and where each notice of referendum was given and, if the notice was mailed, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and

(v) A detailed statement reciting the method used in giving publicity of such referendum.

(b) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(c) Upon receipt by O. H. Chapin of all ballots cast and such other information and data as may be required pursuant hereto, he shall forward the ballots, together with the information and data, to the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The Fruit and Vegetable Branch shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other

[1] See F. R. Doc. 50-6919, *supra*.

information pertinent to the full analysis of the referendum and its results.

(d) All ballots shall be kept confidential.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the text of the aforesaid order may be examined in the Office of the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington, D. C., and at the county Production and Marketing Administration Office in each of the counties within the production area.

Ballots to be cast in the referendum and copies of the text of the order may be obtained from any referendum agent, and any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 3d day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6920; Filed, Aug. 7, 1950; 8:49 a. m.]

[7 CFR, Part 922]

[Docket No. AO-223]

HANDLING OF IRISH POTATOES GROWN IN CENTRAL NEBRASKA

FINDINGS AND DETERMINATIONS ON RESULTS OF REFERENDUM ON PROPOSED MARKETING ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Kearney, Nebraska, on May 1-2, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 2109, 2228), upon a proposed marketing agreement and a proposed marketing order regulating the handling of potatoes grown in the counties of Phelps, Loup, Garfield, Custer, Valley, Greeley, Sherman, Howard, Hall, Buffalo, Dawson, and Kearney in Nebraska. The recommended decision (15 F. R. 3687) of the Assistant Administrator, Production and Marketing Administration, and the decision (15 F. R. 4284) of the Secretary of Agriculture, setting forth a proposed marketing agreement and order as the appropriate and detailed means for effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, were published in the FEDERAL REGISTER on June 13 and July 6, 1950, respectively. The Secretary also issued an order (15 F. R. 4289) directing that a referendum be conducted among producers of potatoes grown in Central Nebraska to determine whether the requisite majority of such producers favors the issuance of the proposed marketing order.

It is hereby found and determined, on the basis of the results of the referendum conducted pursuant to the aforesaid referendum order, that the issuance of the proposed marketing order regulating the handling of Irish potatoes grown in Central Nebraska is not approved or favored by the requisite percentage of producers or of the total volume of production voting in the aforesaid referendum.

It is hereby further determined that the proposed marketing order set forth in the Secretary's decision of July 6, 1950 (15 F. R. 4284), cannot be made effective because of the failure of producers to approve or favor its issuance by the requisite percentage of producers or of the total volume of production voting in the referendum conducted among such producers.

Done at Washington, D. C., this 3d day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6918; Filed, Aug. 7, 1950; 8:49 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 17]

[Docket No. FDC-31 (b)]

BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSED RULE MAKING

In the matter of definitions and standards of identity for the following foods: bread, white bread, and rolls, white rolls, or buns, white buns; enriched bread and enriched rolls or enriched buns; milk bread, and milk rolls or milk buns; raisin bread and raisin rolls or raisin buns; whole wheat bread, graham bread, entire wheat bread, and whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns; breads and rolls or buns made with combinations of flour, whole wheat flour, cracked wheat, and crushed wheat; and unsalted breads and rolls or buns:

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371) and upon the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on October 14, 1948 (13 F. R. 6023), and upon consideration of proposed findings of fact filed by interested parties, which are adopted in part and rejected in part as is apparent from the detailed findings made below, the following order be made:

Findings of fact.[1] 1. The food commonly and usually known as "bread" or "white bread" and that commonly and usually known as "rolls," "white rolls," "buns," or "white buns" are prepared by baking a kneaded yeast-leavened dough made by moistening flour with water (or with certain other liquid ingredients hereinafter specified, alone or in combination with water) with the addition of salt, and usually with the addition of certain other ingredients as hereafter set forth. Bread and rolls are sometimes prepared from bromated flour or phosphated flour or both, with or without admixture with plain flour. (R. 30, 49, 57, 59-62, 69, 70, 71; Ex. A)

2. Rolls, sometimes known as buns, differ from bread in the size of the units baked, and usually in their shape. A reasonable and satisfactory differentiation is that a loaf of bread weighs, after cooling, one-half pound or more, whereas a roll, after cooling, weighs less than one-half pound. (R. 60-62, 69; Ex. A)

3. White bread and, at times, other types of bread are sometimes made without added salt, for special dietary use. These breads are often referred to as salt-free breads. A more accurate modifying designation is "unsalted." They serve a useful purpose when sold to persons who know their characteristics and use them as a special type of bread. (R. 14296-14297)

4. All bread and rolls contain moisture. An excessive moisture content tends to defraud consumers. A reasonable maximum limitation upon the moisture, which is somewhat in excess of the usual content, is 38 percent by weight, the solids being not less than 62 percent by weight. A satisfactory and reliable method for determining the total solids contained in bread and rolls is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Sixth Edition, 1945, page 260, section 20.84 (a), "Total Solids in an Entire Loaf of Bread—Official," except that if the baked unit weighs 1 pound or more, one entire unit is used for the determination, and if the baked unit weighs less than 1 pound such number of entire units as weigh 1 pound or more are used for the determination. (R. 64, 68, 85-87, 138-142; Ex. A, 2)

5. Shortening is commonly, but not always, added to bread dough. Any food fat or food oil, including butter, oleomargarine and cream or any mixture of two or more of these, is suitable for this purpose. For accentuating the shortening action of fats and oils, lecithins derived from corn oil or soybean oil (which with their associated phosphatides are both commercially known as lecithin) and mono- and diglycerides of fat-forming fatty acids are sometimes used, and are suitable for such use. Lecithin was proposed as an ingredient of the dough apart from its use as an ingredient of shortening. There was no substantial evidence, however, that it serves any useful purpose other than as an ingredient of shortening. In 1942, mono- and diglycerides in limited amounts, usually not exceeding 5 percent, were used in many types of shortening. Since 1942, experience has shown that even larger proportions of mono- and diglycerides in the shortening still further increase the shortening effect. Although detailed data as to the physical properties of bread prepared with varying amounts of shortenings containing varying amounts of mono- and diglycerides are not shown in the record, it is evident that when the mono- and diglyceride content of the shortening does not exceed 25 percent no properties are imparted by it to bread other than those commonly associated with the use of shortening. (R. 71-73, 194, 193, 209-213, 228-229, 243-244, 269-270, 295, 307, 327, 454-466, 496-497, 4190-4191, 4391, 5160, 5254, 5287-5290, 5305-5306, 5407-5408, 5504-5505, 5514-5518, 5815-5816, 5856-5858, 14045-14051; Ex. 3, 4, 44)

6. In addition to mono- and diglycerides of fat-forming fatty acids, corresponding compounds have recently been developed in which acetylated tartaric acid has been substituted for fat-forming fatty acids. Compounds of this kind have been used to some extent in bread dough. Their effect on the bread is very similar to that resulting from the use of similar quantities of mono- and diglycerides of fat-forming fatty acids. Prior to the use of mono- and diglycerides of acetylated tartaric acid there had been no known employment of acetylated tartaric acid in preparing a food ingredient. Limited studies have been made of the physiological effects following the ingestion of acetylated tartaric acid. It appears to have little, if any, food value. Proponents of the use of the mono- and diglycerides of acetylated tartaric acid assumed, but we did not present evidence to prove, that the pharmacological properties of acetylated tartaric acid are the same as those of tartaric acid. The evidence showed that when mono- and digylcerides of acetylated tartaric acid were fed to animals in amounts somewhat exceeding those that would normally be present in bread there was no observable injury. Further experiments showed, however, that the acetylated tartaric acid was not broken down into acetic acid and tartaric acid in the bodies of the animals for a considerable time. Whether for this reason any adverse effect on humans might result was not definitely known. Although no injury was noted in the limited experiments carried out, the introduction into the human body of a substance such as acetylated tartaric acid, whose properties have not been thoroughly studied, cannot be justified by necessity for its use or by any advantages that the mono- and diglycerides of this acid may have over those of mono- and diglycerides of the fatty acids. The evidence does not justify a finding that the recognition of the mono- and diglycerides of acetylated tartaric acid as an optional ingredient of bread, rolls, and buns would promote honesty and fair dealing in the interest of consumers. (R. 12840-12841, 12843-12844, 12865-12866, 13052, 13086, 13119-13125, 13231, 13233, 13254-13255, 13299, 13304, 13356, 13358-13359, 13387-13389, 13412-13413, 13542; Ex. 244, 246, 247)

7. The quantity of shortening used in bread dough varies widely. Some breads contain no shortening. The evidence affords no basis for concluding that the fixing of any maximum or minimum limits for shortening would serve consumer interest. The usual quantities of shortening are between 2 and 6 parts by weight for each 100 parts by weight of flour used, and seldom exceed 12 parts except in the cases of "sweet goods" and "specialty goods," products so distinctively different from bread and rolls as to be unlikely to be confused with bread or rolls by consumers. Such products usually contain from 12 to 30 parts of shortening. The possible effect of the use of products referred to as emulsifiers on the quantity of shortening used in bread and rolls is discussed in finding 39. (R. 368, 2543-2544, 2549, 2594, 2597, 17063-17064, 17069-17071; Ex. D., 383, 384)

8. Milk and various milk products are widely used in making bread and rolls and serve to improve their nutritive value and modify certain physical characteristics. In addition to fluid milk there have been used for these purposes, singly or in combination, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, sweetened condensed partly skim milk, and nonfat dry milk solids. (R. 73-75, 128-130, 438-440, 449; Ex. A)

9. In order to set bread made with any of the ingredients specified in finding 8 apart from milk bread, it is reasonable that such ingredients, together with any butter and cream used in bread, be so limited in quantity or composition as not to meet the requirements prescribed in findings 54 to 57, inclusive, for the quantity and composition of such ingredients in milk bread. (R. 74, 129)

10. Nonfat dry milk solids are widely used in the baking industry as an ingredient of bread and rolls. Occasionally bakers receive shipments of nonfat dry milk solids which have unsatisfactory baking qualities. The causes of poor baking qualities in these occasional lots of nonfat dry milk solids are not well understood. A proposal was made to provide, for use as an optional ingredient in bread or rolls, of nonfat dry milk solids that had been treated with calcium and magnesium oxides and to which soy flour was added. The mineral salts were said to neutralize any excess acidity of the product and improve its baking qualities. Testimony was incomplete relative to the type of nonfat dry milk solids used in preparing this combination, its acidity, and whether the properties of the finished mixture depended upon neutralization of the acidity of the nonfat dry milk solids. The evidence did not show that such modified nonfat dry milk solids had any better baking qualities by reason of the addition of calcium and magnesium oxide and soy flour. Calcium and magnesium oxides serve no useful purpose in bread or rolls. The use of soy flour as an ingredient of bread is described in other findings. (R. 14364-14366, 14386, 14393-14394, 14399, 14414, 14428-14429, 14463-14464, 14479, 14495-14496, 14516-14517, 14532-14536, 14543-14544, 14547, 14549-14551, 14563-14564)

11. During and shortly after the Second World War, nonfat dry milk solids were in short supply in the baking industry, and manufacturers of dairy products developed a dried cheese whey as a substitute for nonfat dry milk solids in bread and rolls. Dried cheese whey contains more lactose and less protein than nonfat dry milk solids. When prepared from proper raw materials cheese whey is suitable for human food. Although the properties imparted to bread by cheese whey are not identical with those imparted by nonfat dry milk solids, cheese whey performs certain desirable functions in bread. However, when cheese whey is used in place of nonfat dry milk solids the loaf volume of bread is decreased. In order to make the action of dried cheese whey simulate that of nonfat dry milk solids on the mixing time and loaf volume of bread, some manufacturers experimented with cheese whey containing calcium sulfate, and obtained a loaf volume comparable to that obtained with similar quantities of nonfat dry milk solids. In some of their experiments the cheese whey was first treated with sulfuric acid which was later neutralized by the addition of lime, thus forming calcium sulfate. Whether the use of this process actually changed some constituents of the whey or whether the added calcium sulfate increased the size of the loaves of bread in which this type of whey was used is not clear. The evidence does not show that the use in bread and rolls of cheese whey so processed would promote honesty and fair dealing in the interest of consumers. (R. 4844-4855, 4876-4881, 4895, 4915, 4918, 4922-4937, 4958, 4966, 5025-5026, 5034-5035, 5055-5056, 5062-5067)

12. Another ingredient of milk (usually prepared from whey but sometimes from skim milk) proposed for use in bread and rolls is a mixture of proteins consisting largely of albumin. The nutritive properties of these mixed proteins are very similar to those of casein, which supplies most of the protein in nonfat dry milk solids. Although formerly the cost of separating albumin from whey has been such that it has not been used to any substantial extent as a separate ingredient in foods, such albumin is a valuable food ingredient and serves somewhat the same purpose in bread as the proteins of nonfat dry milk solids. Albumin in amounts likely to be used would cause no noticeable change in the physical characteristics of the bread or rolls. There were indications from the testimony of proponents of the recognition of albumin as an optional ingredient of bread that its use would be accompanied by exaggerated representations, through labeling or advertising, that bread containing albumin had special nutritive properties. Although such promotion is not in the consumer interest, prohibition of the use of albumin does not appear warranted. The information required by the regulations prescribing the labeling of foods for special dietary use (21 CFR 125.1 et seq.) will aid in preventing consumer deception. (R.

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

14858–14861, 14864–14865, 14872–14876, 14929–14935; Ex. 319, 320)

13. Buttermilk, concentrated buttermilk, dried buttermilk, sweet cream buttermilk, concentrated sweet cream buttermilk, and dried sweet cream buttermilk, singly or in combination, are sometimes used in bread making, for purposes similar to those stated for the dairy ingredients specified in finding 8. (R. 75–76, 128, 1627–1629, 1638–1639)

14. Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, egg white, frozen egg white, and dried egg white, singly or in combination with each other, are sometimes used in bread making, for the purpose of improving the nutritive value and imparting other desired characteristics. (R. 76, 130; Ex. A)

15. As the quantity of egg solids or egg-yolk solids in the dough is increased, the characteristics imparted to the baked product by such solids become more noticeable. The evidence does not establish the point at which the quantity of such solids results in products of identities different from bread and rolls, although the evidence indicates that such point lies between 2 parts and 5 parts for each 100 parts of flour. (R. 131, 2669–2672)

16. In making bread or rolls certain saccharine products are commonly used to furnish fermentable carbohydrates, to control the color of the crust, and to alter the taste, frequently to the extent of imparting some sweetness to the finished product. These include sugar, invert sugar (in sirup or congealed form), light-colored molasses, light-colored brown sugar, refiners' sirup, dextrose, honey, glucose sirup, corn sirup, dried corn sirup, nondiastatic malt sirup, and nondiastatic dried malt sirup. All these products, used either singly or in combination with each other, are satisfactory for the purpose stated. (R. 76–77, 131, 712, 714–715, 740–741, 781, 785, 788, 795–797, 4598–4600, 4607, 4617; Ex. A)

17. Blackstrap molasses and dark-colored brown sugar, by reason of their color and other properties, are unsuitable for use in bread or rolls. Concentrated water extract of raisins and concentrated water extract of prunes have been proposed as saccharine ingredients in bread or rolls, but are not shown to be suitable for this purpose, especially because of their color and taste. (R. 670–672, 691, 743–744, 754–755, 1759–1761)

18. If carbohydrates are desired only for yeast fermentation, the quantity of saccharine substances added generally does not exceed 3 parts by weight, on a dry basis, for each 100 parts by weight of flour. When the baker wishes to produce some minor change in taste or in the appearance of the crumb or crust, increased quantities are used. Such baked products are considered by consumers as ordinary white bread or rolls unless they are definitely sweet or have acquired other definite characteristics from such ingredients. (R. 327, 359, 791, 1046–1047; Ex. D)

19. It is impracticable to prescribe a maximum limit for saccharine ingredients generally in white bread or rolls because of the wide differences in the respective sweetness and other characteristics of such ingredients and because even where sugar alone is used the evidence is not definite as to the quantity above which an article ceases to be ordinary bread and becomes sweet goods, although 16 parts by weight of sugar to each 100 parts by weight of flour appears to be near the average for sweet goods. (R. 2744, 2947, 2979, 2983, 2990; Ex. D)

20. Inactive dry yeast is occasionally used to impart a flavor, sometimes referred to as a "homemade flavor," to bread and rolls. If added in excess of 2 parts per 100 parts by weight of flour used, inactive dry yeast adversely affects the color of the crumb and crust. Inactive yeast of the Saccharomyces cerevisiae type, which is the type of yeast used for leavening, is suitable for the above purpose in quantities up to 2 parts per 100 parts by weight of flour used. Inactive yeast of the Toruplosis utilis variety was also proposed as an optional ingredient of bread and rolls. This type of inactive dry yeast is used to some extent in the United States as an ingredient of animal feeds and was used in Europe as a dietary supplement for humans during the wartime food shortages. Inactive dry yeast of the Toruplosis utilis variety has not been used in bread or rolls in the United States except experimentally. The evidence does not show that there is any demand on the part of bakers for inactive yeast of this variety or that under the conditions under which it is now produced it is suitable for use as an ingredient of bread and rolls. (R. 4707, 4716–4718, 4722–4725, 4728–4729, 15411–15412, 15423–15425, 15430–15433, 15468)

21. Malt sirup, dried malt sirup, malted barley flour, and malted wheat flour, each of which is diastatically active, are frequently used, singly or in combination with each other, in making bread or rolls. These substances are generally used to compensate for a deficiency of natural enzymes in the flour used, and when used for this purpose alone the quantity is limited to about 0.25 percent of the weight of the flour. In certain kinds of hearth bread, however, quantities of malt sirup or dried malt sirup as high as 4 percent, or even higher, are used to improve the crust characteristics, especially the color of crust. (R. 505–509, 517–519, 522–523, 527–530)

22. The desired action of malt flour and diastatically active malt sirups in bread dough is primarily due to their content of certain enzymes that act upon the starch of the flour during the fermentation of the dough. The action of these enzymes is rather complex and affects the baking qualities of the dough in several ways. Recently it has been found that enzymes having a somewhat similar action on the starch of flour can be obtained from media in which certain molds, particularly Aspergillus oryzae, are grown. Purified preparations containing enzymes from Aspergillus oryzae are suitable for use in bread making. (R. 15031–15036, 15057, 15065–15066, 15072–15073, 15226–15228, 15358–15365; Ex. 40)

23. Consumers normally expect white bread and rolls to be essentially products of wheat flour. At various times in the past, however, when there has been a scarcity of wheat flour, other similar grain products, especially corn flour, have been extensively used to replace part of the flour in making bread and rolls. Potato mash is sometimes used to develop a preliminary yeast growth and is then incorporated in the dough. So-called dusting flour, often consisting in whole or in part of farinaceous products other than wheat flour, has long been in common use to prevent the dough from sticking to the receptacles or to machinery; a considerable proportion of such dusting flour becomes incorporated in the dough. Dextrinized starch is believed by some to have the property of retaining moisture in bread after baking. The advisory standards issued by the Secretary of Agriculture for white bread, beginning with the first such standard in 1923, have all recognized the propriety of such practices to the extent of the replacement of not more than 3 percent of the wheat flour by some "other edible farinaceous substance." (R. 27, 30, 34, 77–78, 111–112, 1762–1764)

24. Products that have been used and are suitable for one or more of the purposes stated in finding 23 are corn flour or finely ground corn meal, potato flour, rice flour, cornstarch, milo starch, potato starch, sweet potato starch, and wheat starch. Sometimes these products are wholly or in part dextrinized. Dextrinized wheat flour is also suitable for such use. In recent years soy flour has also been used in small amounts. At times one or more of such starches or flours are used in preparing pastes in which flavors are developed by the action of certain harmless souring organisms. These pastes are dried and the material used as an ingredient of bread or rolls for the purpose of slightly modifying their flavor. (R. 77–78, 105, 111–115, 132–133, 567–568, 4505, 4508, 4540, 4593–4595, 4736–4738, 4750–4751, 4753, 4764, 4782–4783; Ex. M, O)

25. Use in making white bread or rolls of any one or more of the products specified in finding 24, in a total quantity not greater than 3 parts by weight for each 100 parts by weight of wheat flour used, does not run counter to the normal expectation of present-day consumers. (R. 34, 49, 78, 133; Ex. A)

26. Subsequent to the hearing held in 1942, a great many bakers had experimented with the use of various quantities of soy flour in bread. Their experience shows that up to 3 parts of soy flour to 100 parts flour may be used without a substantial change in the physical characteristics of white bread. Within this limit, many bakers wish soy flour recognized as an optional ingredient, as described in finding 24. When bakers use more than this amount of soy flour they do so primarily because they wish to increase the protein content of the bread. As the soy flour content of bread is increased above 3 parts per 100 parts of flour, the taste and color of the bread are progressively changed. Special breads known as wheat-and-soya breads have been sold containing varying proportions of soy flour. No interest was manifested by the persons desiring to use soy flour in bread in excess of 3 parts per 100 parts of flour in the adoption of a definition and standard of identity for wheat-and-soy bread. (R. 4505–4506, 4539–4540, 4673, 15512–15514)

27. Products referred to as peanut flour and cottonseed flour were proposed for use as optional ingredients in bread and rolls, in quantities up to 3 parts per 100 parts of flour. These products were said to serve the same purposes as the products described in finding 24 and also to contribute substantial nutritive values. Cottonseed flour was not proposed as an ingredient in white bread and rolls. The evidence does not show that these products have been used to any material extent in making bread or rolls or that they are suitable for such use. (R. 538, 548, 613–630, 640, 1772, 3897–3908, 3910, 4572–4574, 4576–4577; Ex. 17)

28. Rolled oats, ground oatmeal, and oat flour were proposed as optional ingredients for inclusion with the products specified in finding 24, on the ground that such oat products are economical and nutritious foods and furnish a distinctive and desirable flavor. The evidence does not establish that any of these products have been used in making white bread or rolls, or their suitability for such use. (R. 1768–1769; Ex. P)

29. The evidence does not establish that the use of the products listed in findings 27 and 28 results in any significant improvement in nutritive properties when the quantities used are not more than 3 parts to each 100 parts of flour; it does indicate that the inclusion of such products in white bread would run counter to the normal expectation of consumers. The evidence furnishes no basis for a determination of what quantities of such products should be used with flour to produce breads of different identities recognizable as such by consumers. (R. 624–627, 633–643, 1769–1772, 3914–3915, 3937–3938, 3942–3945, 4573, 4578)

30. Wheat germ processed in various ways to modify its enzymatic activity and to prevent rancidity has been used as an ingredient in some white bread. The processing may consist of heating it, treating it with potassium bromate, removing part of the wheat germ oil, and possibly of treating it in other ways suggested but not described in the record. Such processed wheat germ was proposed as an optional ingredient for the purpose of imparting flavor and improving some of the physical characteristics of white bread. No proposal was advanced for recognition of the use of unprocessed wheat germ such as that naturally present in small amounts in flour. The testimony regarding benefits from the use of small amounts of processed wheat germ in white bread ($1\frac{1}{2}$ to 2 parts by weight of processed wheat germ per 100 parts by weight of flour) is not convincing. On the other hand, there was evidence establishing that the use of processed wheat germ in white bread has led to labeling and advertising claims, based on its vitamin and mineral content, that might confuse consumers with respect to identity and relative nutritive properties of bread and enriched bread. (R. 116–118, 559–572, 576–577, 579–580, 584–585, 589–591, 593–605, 1765–1767, 3292–3293, 3298, 3367–3368, 15534–15535; Ex. ZZ)

31. Ground dehulled soybeans, with or without heat treatment and with or without removal of oil, but which retain their enzymatic activity, exert a bleaching action upon flour in bread dough. The use of such products in dough permits the production of light-colored bread or rolls from unbleached or slightly bleached flour. Substantial quantities of ground dehulled soybeans have been used for this purpose for many years. For this bleaching effect it is not necessary to use more than 0.5 part by weight of such a product to each 100 parts by weight of flour used. (R. 111–113, 165–166, 539–540, 545, 552–555, 3926–3933)

32. In making bread and rolls it has become a widespread practice among bakers to add to the dough small quantities of certain mineral salts, commonly known by such designations as yeast foods, dough conditioners, and bread improvers. Calcium and ammonium salts are used to stimulate the growth of yeast during fermentation. Other salts, which act as oxidizing agents are used to affect the process of fermentation, although the evidence establishes no satisfactory scientific explanation of the mechanism of their action. The evidence indicates that the addition of so-called dough conditioners tends to lessen the variability in the qualities of the dough resulting from differences in characteristics of the flour used, differences in water supply, and other factors, and thereby to facilitate the handling of the dough in mechanized bakeries. (R. 78–82, 133–135, 838–858, 875–876, 892–900, 904–905, 995–999, 1014, 1034–1035, 1065, 1071–1074, 1080)

33. The calcium salts used for the purpose described in finding 32 are monocalcium phosphate, dicalcium phosphate, calcium sulfate, and calcium lactate. Calcium carbonate has a limited use in a so-called double-strength dough conditioner. Ammonium salts used for this purpose are monobasic and dibasic ammonium phosphates, ammonium sulfate, ammonium chloride, ammonium carbonate, and ammonium lactate. Ammonium carbonate and ammonium lactate, however, are no longer of commercial importance. It is not necessary to use any of these salts or any combination of them in a quantity greater than 0.25 part by weight for each 100 parts by weight of flour used. (R. 78–81, 104, 133–135, 831, 838–840, 870, 883–884, 887–888, 990, 992–993, 4195–4196, 14301–14309)

34. The over-all effect of the use of varying kinds and quantities of oxidizing agents in bread dough is usually judged by the change in the size of the loaf in comparison with similar loaves baked from dough to which no oxidizing agents are added. The use of too large a quantity of an oxidizing agent is likely to cause a decrease in loaf volume.

There was no evidence that potassium bromate, potassium iodate, and calcium peroxide in the amounts commonly used leave residues or cause the formation of oxidation products which might make the bread injurious to health. Due to uncertainty as to the end-products resulting from the action of oxidizing agents on the ingredients of bread and to the fact that they leave small residues (potassium bromate leaves a residue of potassium bromide, and potassium iodate a residue of potassium iodide) which serve no useful purpose in bread, it is desirable that the amounts of such substances used be restricted to a minimum. It is not necessary to use any of these oxidizing agents or any combination of them, including the potassium bromate contained in any bromated flour used, in a quantity greater than 0.0075 part by weight for each 100 parts by weight of flour used.

In 1942 sodium chlorite was proposed as an optional oxidizing agent. It was shown by rather limited experimental use to be suitable for use in bread. Although accorded tentative recognition in the proposed order published in 1943, no evidence was presented to show that it has been used commercially or experimentally since that time or that there is any desire on the part of the baking industry to use this product.

Ammonium persulfate and potassium persulfate have been used to a limited extent as ingredients of so-called dough conditioners in the United States. These salts have at times been added to flour in countries other than the United States, for the purpose of affecting the properties of dough and bread made therefrom. There was evidence indicating that dough prepared from flour containing persulfates has been the cause of the sensitization of some of the persons handling it and that frequent handling of such dough caused allergic manifestations (dermatitis). The evidence does not justify the finding that ammonium persulfate and potassium persulfate are suitable ingredients for use in bread or that their use will promote honesty and fair dealing in the interest of consumers. (R. 78–81, 135–136, 840–841, 895–900, 933–935, 990–994, 13527–13528, 13541–13542, 13661–13663, 13694–13695, 13703, 13975, 14128, 14212, 14252, 16337–16344; Ex. 260–263, 271, 289–290, 292–295)

35. A product described as grain infusion was proposed for use as a yeast food and bread improver. It is a mixture of concentrated corn steepwater (neutralized with calcium carbonate) and dextrinized cornstarch, with added ammonium chloride, salt, and potassium bromate. The concentrated steepwater, a byproduct of the starch industry now generally used for cattle feed, is made by concentrating the liquid obtained by steeping corn in water containing 0.15 percent of sulfur dioxide. The so-called grain infusion as sold to the baker contains approximately 0.002 percent of sulfur dioxide, which is oxidized during fermentation and baking. The evidence does not establish that this so-called grain infusion is suitable for use in bread or that it improves the quality of bread otherwise than through the action of the calcium and ammonium salts and the potassium bromate contained in it. (R. 946–981, 1776, 2146–2175, 4106–4112, 4129–4130, 4134)

36. Amino acids, especially cystine, were proposed as a substitute for the

oxidizing agents in bread or rolls. The evidence does not establish the suitability of such acids for this purpose. (R. 1773–1775; Ex. W)

37. Spice is sometimes added to bread or rolls, usually on the surface, but occasionally by incorporation in the dough. Spice oil and spice extracts have been used to a slight extent. Such additions materially affect the flavor of the bread or rolls. Consumers do not ordinarily expect such additions unless announced by appropriate label statement. Such statements which are accurate and informative are "spice added," "with added spice," or such statements in which the common or usual name of the spice is substituted for the word "spice." (R. 84, 1817–1820)

38. Bread is subject to deterioration and spoilage. The most common form of deterioration is staling. Old bread or stale bread is harder than fresh bread, its taste has changed, and it is almost universally regarded as less desirable than fresh bread. The length of time for staleness to develop varies, depending on several factors; but it is the common practice of many bakers to withdraw bread from sale 2 days after baking. Some bakers make a price concession on bread over 1 day old. (R. 435, 1162, 1407–1408, 1438–1440, 2365; Ex. FF, GG)

39. Since the issuance in 1943 of the tentative order proposing definitions and standards of identity for bread, it was discovered that the addition to bread dough of small amounts of certain substances, referred to as surface-active agents or emulsifying agents, causes the bread baked from such dough to be more compressible and to feel softer when squeezed. Soon after this discovery, certain products containing one or more such substances were offered for sale to bakers. (A somewhat similar effect obtained by using mono- and diglycerides is described in findings 5 and 6.) Three classes of compounds were involved. One class includes compounds prepared by reacting sorbitol with a fatty acid. In the reaction the sorbitol loses moisture and the resulting product is a fatty acid ester of sorbitan. Compounds of this class are distributed under the trade name of Spans. Products of a second class are prepared by reacting a sorbitan ester of a fatty acid with ethylene oxide. This reaction makes possible the addition to the sorbitan portion of the molecule of a predetermined number of ethylene-oxide groups. Compounds of this type prepared for use in food products theoretically contain from four to twenty such groups. They are distributed under the trade name of Tweens. A third class of compounds is prepared by reacting ethylene oxide directly with a fatty acid, or by first reacting ethylene oxide with water, forming a glycol, and then reacting this glycol with a fatty acid. There are a great number of compounds possible in each of these three classes, due to the possibility of using different fatty acids and different amounts of the ethylene oxide.

The classes of compounds known as Spans and Tweens were used in the baking industry in a limited way prior to the discovery that some surface-active agents made bread feel softer. Mixtures of Spans or Tweens or both with other substances were sold under trade names and represented for a time as useful to the baking industry as egg substitutes. As bakers became acquainted with the properties of the various special products offered them, a compound of stearic acid and ethylene oxide (or a glycol and stearic acid) containing about 40 percent stearic acid (chemical name polyoxyethylene monostearate; widely used trade names Myrj 45 and Sta-Soft) became the most generally used. It was distributed to the baking industry beginning early in 1947.

During the latter years of the Second World War practically all bakers reduced the proportion of shortening in bread. They began to return to prewar practices after orders of the War Food Administration regulating the use of the various ingredients of bread were rescinded. Shortening at this time was high in price, and there is reason to believe that some bakers were influenced in their decision to use a preparation containing a surface-active agent because of merchandising claims that its use would make possible a reduction in shortening without materially changing the properties of the finished bread.

Representations were made by a number of promoters of the use of polyoxyethylene monostearate that it retarded or prevented the staling of bread. Experience by bakers in the use of polyoxyethylene monostearate showed that 0.5 part to 100 parts of flour in bread dough made measurably softer bread, and that this effect was obtained even if no shortening was used. Experience further showed that breads in which polyoxyethylene monostearate was used remained slightly softer over a period of days than breads of the same composition except that they contained no polyoxyethylene monostearate. Thus bakers using polyoxyethylene monostearate were able to place on the market breads which appealed to the large segment of consumers who choose bread because it feels soft upon squeezing the wrapped loaf. Some bakers using polyoxyethylene monostearate in their bread advertised softness as an index to the freshness of their bread. No bakers, by advertisements or label statements, advised consumers of their use of this chemical to influence the softness of the bread.

Softness and freshness are intimately connected in the minds of purchasers of bread. Undoubtedly a great many purchasers were led to believe by the feeling of softness of breads containing surface-active agents that such bread was not as old as it actually was.

Whether the addition of polyoxyethylene monostearate to bread dough caused the bread to retain the properties of fresh bread, other than softness, for a longer period of time than similar bread without this substance is highly controversial. There was some persuasive testimony that the only significant effect from the addition of polyoxyethylene monostearate was to make the bread softer at the time of baking, without any effect on the rate of hardening or staling thereafter. Findings as to the exact action of this substance in affecting the properties of bread cannot be made with certainty from the evidence. (R. 4290–4291, 4384–4385, 4391, 4394–4404, 4420–4421, 5827–5828, 5835, 5957–5959, 5972–5975, 5977–5979, 5987–5988, 5991–5992, 6258, 6270–6272, 6330, 6362–6363, 6371, 6385, 6392, 7446–7448, 7518–7525, 7600, 7628–7629, 7679–7680, 8930, 9787–9788, 9793–9797, 10293, 10606, 10633, 10651, 10722, 10751, 11165–11193, 11226, 11240–11243, 11599–11601, 11938, 11954–11955, 11973, 12037–12038, 12058, 12083–12084, 12217–12218, 12221–12222, 12784–12785; Ex. 4–6, 57, 58, 96–99, 120, 128, 181–185, 202–206, 226)

40. There was evidence tending to show that some of the polyoxyethlene monostearate prepared for food use contained small amounts of poisonous glycols of low molecular weight, that is, ethylene glycol and diethylene glycol. Due to the type of chemical reaction involved in combining ethylene oxide with water, with fatty acids, or with sorbitan, it is probable that a number of esters of varying molecular weight, including esters of higher and lower molecular weight than planned, are always present. Some polyoxyethylene glycols of quite high molecular weight have been found to cause injury when fed to test animals, and it is possible that small quantities of such substances, as well as esters of quite low molecular weight, are present in some of the polyoxyethylene monostearates sold to bakers. The range in quantity of such deleterious substances that might be present was not shown but the maximum is probably quite small. (R. 7447–7448, 7601–7602, 7628–7629, 7858–7859, 7863–7866, 8363; Ex. 96, 97, 98, 99, 350–354)

41. Experimental feedings to test animals of substances in each of the three classes described indicated that when used in the diet of these animals in amounts several times greater than might be expected in the human diet they had no noticeable effect on the animals. However, when the amounts in the animal diet were increased to 10 percent or more of the dry matter there was some evidence of adverse effects.

The mechanism by which the lower animal body and the human body eliminate these products has been the subject of study in both experimental animals and in human subjects. This scientific work indicates that polyoxyethylene monostearate is largely split into stearic acid and a glycol and that the fatty acid portion is utilized for food. The glycol portion, according to some experimenters, is largely absorbed and later eliminated unchanged in the urine. Other experimenters, however, were never able to trace the fate of all the glycol portion, indicating the possibility of its oxidation in the body or the possibility of its conversion into unrecognized substances. In general, experimental feeding to test animals indicated that only small portions, if any, of compounds of Span and Tween type were utilized for food. These substances appear to be excreted, for the most part, in the feces.

Experiments with polyoxyethylene monostearate and one of the Tweens were made by giving these substances to human subjects, most of whom were in a hospital following operations on the stomach. In the amounts given there

was no indication of injury to these patients, and some indication of increased fat absorption. One of these substances of the Tween class has been used to a limited extent by physicians, with no apparent injury, in attempting to promote the absorption of fat in patients suffering from faulty fat absorption. Experimental feeding of a solution containing Spans and Tweens to a group of college students showed no apparent injury, but control over the subjects was such that not much reliance can be placed on the results reported.

Reports were made of the examination of the urine of persons and of animals to detect the possible appearance of oxalic acid when compounds containing the polyoxyethylene group were fed to them. None of these experiments showed an increase in oxalic acid in the urine which could be ascribed definitely to the ingestion of the polyoxyethylene compounds. However, in some test animals fed large quantities of polyoxyethylene monostearate urinary calculi of undetermined composition were found.

There was testimony indicating the possibility that surface-active agents containing the polyoxyethylene group may influence the absorption in the human digestive tract of substances contained in fats, such as cholesterol, and possibly of other ingredients. This possibility, however, appears to be largely conjectural. (R. 6380, 6480, 6487–6488, 6492–6494, 6496–6497, 6499–6500, 6504–6508, 6516–6522, 6525–6526, 6532, 6540–6546, 6549–6554, 6691–6692, 6910–6911, 6941, 7078, 7296–7300, 7304–7305, 7318–7319, 7383–7384, 7400–7403, 7732, 7751, 7754, 7763, 7796, 7823, 7827, 7955, 7999, 8002–8004, 8140–8142, 8169, 8196, 8303–8304, 8973, 9503, 9508–9511, 9525, 9528–9531, 9537, 9542, 9550, 9567, 9570, 9583, 9586, 10832, 11646, 11781, 11800–11802, 11804, 15630, 15644, 15682, 15716, 15718, 15752, 16115, 16136; Ex. 20, 59, 60–62, 76, 78, 78A, 84–90, 93, 94, 106, 113, 114, 132, 152, 153, 155–161, 163–167, 173, 174, 176, 177, 201, 211, 213, 343–347, 347A, 357, 358)

42. Although the use of surface-active agents in bread may enable consumers to keep such bread longer before it becomes unpalatable, it is doubtful that any substantial number of consumers have benefited by the use in bread of the substances described in finding 39. Deception of some consumers as to the age of bread purchased has resulted from the use in it of polyoxyethylene monostearate. A slight lowering is indicated in the nutritive value of the bread in which compounds containing the polyoxyethylene group are used. The consequences of the use of chemicals having any significant potentiality for harm in any food consumed as extensively and continuously as bread are of great importance to public health. Although there has been no definite evidence of injury from the use of Spans, Tweens, or polyoxyethylene monostearate in amounts in which they are likely to occur in the diet from their use in bread, the investigational work does not definitely establish their safety, and the record does not permit a conclusion that bread containing them is safe for continuous use over the human life span. Apart from their possible toxicity, the record as a whole will not support a finding that it would promote honesty and fair dealing in the interest of consumers to recognize sorbitan esters of fatty acids, polyoxyethylene sorbitan esters of fatty acids, and polyoxyethylene esters of fatty acids as optional ingredients in breads, rolls, and buns. (R. 6492–6494, 6497–6500, 6506–6508, 6522, 6525–6526, 6540, 6542, 6544, 6549–6554, 6716–6720, 6910, 7296–7300, 7304–7305, 7732, 7754, 7768, 7955, 7999, 9379–9380, 9508–9511, 9528–9531, 9537, 9542, 9550, 9567, 9586, 9797, 10832, 11600, 11646, 12218, 12784–12785, 15630, 15644, 15682, 15716, 15718, 16136; Ex. 59–62, 76, 78, 84, 86, 90, 147, 152, 153, 155–158, 160, 161, 163–165, 167, 173, 177, 181–185, 201, 343–346, 357, 358)

43. In addition to staling, bread is subject to spoilage from the growth of mold. If the surface of bread is moist it is a good medium for the growth of mold spores. The temperature of baking effectively destroys any mold spores in the dough, but such spores may be present in the bakery, and bread not suitably protected during and after cooling may become contaminated with such spores. When bread is sliced and wrapped, as is the common practice among large bakeries, the moisture remaining in the bread is held inside the wrapper, keeping the surface of bread moist and so creating a favorable environment for the growth of mold spores which may have accumulated on the surface of the loaf or of the slices prior to wrapping. Unwrapped bread from which moisture can evaporate readily is less likely to become moldy. Mold development on bread is most rapid in warm weather, especially when the humidity is high. (R. 1124–1137, 1140, 1143; 1270, 1481, 1500; Ex. AA)

44. The time necessary for the development of visible mold varies greatly, depending on a number of conditions. Under conditions most favorable to mold growth, a visible speck of mold may develop within 1 or 2 days after exposure of the bread to the spores. Under normal summer conditions, however, several days will elapse between the time of contamination and the appearance of a mold spot sufficiently large to be noticed. (R. 1143, 1409, 1413, 1473, 1490–1491)

45. A considerable number of bakers take no steps to protect their bread from mold other than controls within the bakery which tend to prevent contamination of the bread with mold spores. A few bakers have installed special precautionary devices for this purpose that are elaborate and beyond the means of bakers generally. Methods available to most bakers do not wholly prevent contamination, and where this occurs in sufficient degree and conditions are favorable to mold growth losses of bread may follow. Many bakeries, and probably a majority of wholesale bakeries, have adopted the practice of adding to the dough, at least during summer months, some substance that will retard the growth of mold on the bread. Proposals were made to recognize as optional ingredients for this purpose sodium and calcium propionates and sodium diacetate. (R. 1138–1139, 1151, 1154, 1476–1479, 1673, 1674, 3879–3880, 3986, 4046–4047; Ex. X, QQ)

46. In addition to spoilage from mold, decomposition and spoilage in bread are caused on rare occasions by the growth inside the loaf of a type of bacterium which, in spore form, can survive the temperature of baking. This bacterium, Bacillus mesentericus, causes spoilage which in advanced stages is characterized by an unpleasant odor and a pasty consistency of the center of the loaf. This pasty material will pull out into fine threads, and such bread is said to be "ropy." B. mesentericus is known as the rope-forming organism. (R. 1163–1164, 1166, 1231, 1425, 2658, 2993–2994, 3001, 3820–3822, 4045)

47. Technical experts in the baking industry are not entirely in agreement as to how the rope organism enters bread dough, but they generally agree that the most probable means is through use in preparing the dough of raw materials contaminated with numerous spores of the organism. There is some possibility that spores may be air-borne and enter the dough from the air circulating in the bakery. In order for spoilage from rope organisms to develop in bread there must be a combination of circumstances where a considerable number of spores enter the dough and where the bread is held for some time after baking at a high temperature under conditions whereby the moisture in the bread is retained. Where such a combination of circumstances is present, large losses may occur from such spoilage. (R. 1165–1167, 1169, 1353–1354, 1495, 2190, 3813, 3819, 3824; Ex. HH, II)

48. A considerable number of bakers take no steps for the protection of bread from rope other than to use ingredients sufficiently low in spore content. The ordinary baker, however, has no means of quickly testing ingredients to determine if they are contaminated with rope-forming organisms and must rely upon suppliers to furnish ingredients that are safe to use. Much progress has been made by suppliers in safeguarding their products. Many bakers, however, probably including a majority of wholesale bakers, at some time during the year add some type of ingredient to dough as additional assurance against rope development. (R. 1174, 1294–1298, 1502, 3826, 3832, 3870–3871, 4042, 4044; Ex. HH, WWWW)

49. It was found several years ago that materials that render the dough slightly more acid than normal are effective in preventing the development of the rope organism. The acidity of the finished bread need not be greater than pH 5.0. The necessary increase in acidity is frequently effected by adding about a pint of 100-grain vinegar for each 100 pounds of flour used in the dough. Another product used by bakers for increasing acidity is monocalcium phosphate, which is the acidifying ingredient in phosphated flour. About ½ pound or less of monocalcium phosphate for each 100 pounds of flour usually increases acidity sufficiently for this purpose, or phosphated flour may be used. Other acids that are said not to interfere with yeast growth have also been tried to a limited extent. Lactic acid, in a quantity suffi-

cient to reduce the pH of the bread to not less than 4.5, has recently been found to be a suitable acidifying ingredient of the dough for the purpose of preventing or retarding the growth of certain spore-forming organisms, the spores of which are not destroyed in the baking process. Sodium and calcium propionates have been found to be effective in retarding the growth of rope organism without a significant change in acidity. Sodium diacetate, which liberates acetic acid in the dough, has been used in lieu of vinegar and monocalcium phosphate against the possibility of spoilage due to rope. (R. 137, 1040, 1170, 1174, 1183–1134, 1644, 1674–1679, 3918, 3968–3969, 3976–3977, 4771–4773; Ex. JJ, KK)

50. The quantity of calcium propionate or sodium propionate or both used in white bread for the purposes indicated in findings 45 and 49 need not exceed 0.32 part by weight for each 100 parts by weight of flour used. The quantity of sodium diacetate used for such purposes need not exceed 0.4 part by weight. The quantity of any vinegar used for the purposes indicated in finding 49 need not exceed 1 pint of any vinegar of 100-grain strength for each 100 pounds of flour used, or corresponding amounts of vinegar of less strength to furnish an equivalent amount of acetic acid. The quantity of monocalcium phosphate used for the purposes indicated in finding 49 exceeds the amount used as a yeast food (for which purpose the maximum amount used is 0.25 part for each 100 parts by weight of flour used) but does not exceed 0.75 part for each 100 parts by weight of flour. (R. 1322–1323, 1413, 1486, 1649, 1680, 1687, 3964, 3969, 3976, 3977; Ex. X)

51. The evidence shows that a substantial proportion of bakers do not consider that they have a mold or rope problem and that they use none of the substances referred to in finding 49. Most bakers consider that they do have a mold or rope problem during the months of relatively high temperature, particularly when the humidity is high, and these bakers use such substances during those months. Some bakers consider that they have a mold and rope problem throughout the entire year and use such substances continuously. The evidence points to the possibility that the use of such substances may result in practices contrary to consumer interest, but does not establish that such practices exist or are likely to develop to any material extent. (R. 1412, 1428–1429, 1453–1459, 1478–1479, 1495, 1697, 2187–2191, 3003–3005, 3879, 3880, 3986, 4046–4047; Ex. QQ)

52. All the substances used as set forth in findings 49 and 50 act as preservatives in bread and rolls in that they delay spoilage by certain micro-organisms. All such substances, except vinegar are chemicals within the usual meaning of the term. (R. 2046–2048, 2050)

53. The foods commonly and usually known as milk bread and milk rolls or milk buns differ from bread and rolls primarily in that they contain a certain minimum of milk solids. Findings 2 to 7 and 14 to 53, inclusive, are applicable to milk bread and milk rolls. (R. 35, 1830, 1831, 2415, 2527, 2586; Ex. A)

54. Milk bread is prepared in the home, and to a considerable extent in commercial bakeries, by using milk as the sole ingredient for moistening the flour and other ingredients to make the dough. However, many bakers use, instead of milk, various milk products (with or without water), containing essentially the same quantity of milk solids as would be supplied by milk when it is used as the sole wetting agent. Milk products used for this purpose, and which are suitable for such use, are concentrated milk, evaporated milk, sweetened condensed milk, dried milk, and reconstituted milk (see finding 56). (R. 1836–1837, 2527–2528; Ex. A, III)

55. The solids of milk may be divided into two well-recognized components, milk fat and nonfat milk solids. The relative proportion of fat and nonfat milk solids varies somewhat, but in milk of average composition as delivered to consumers the quantity of nonfat milk solids is not more than 2.3 times the quantity of milk fat. In milks of greater richness than average milk the fat content may rise to a point where the nonfat milk solids is about 1.2 times the milk fat. (R. 1838, 2371–2383, 2529; Ex. 4, AAA, LLL)

56. The ingredients used to supply milk-constituent solids in the reconstitution of milk for making milk bread are skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, sweetened condensed partly skimmed milk, and nonfat dry milk solids or any two or more of these, combined with butter or cream or both. Unless a maximum limit is set on the proportion of nonfat dry milk solids to milk fat in reconstituting milk, abuses can easily arise through the use of decreasing quantities of milk fat and increasing quantities of the less expensive nonfat milk solids. It is reasonable to require that when reconstituted milk is used the proportion of nonfat milk solids to milk fat fall within the range set forth in finding 55. (R. 444–447, 1830, 1833, 1836, 1838, 1846, 2507, 2509; Ex. 2, III)

57. The quantity of water necessary to make flour into dough varies somewhat, but it is generally about 60 pounds to each 100 pounds of flour, and in practically no case is less than 58 pounds to 100 pounds of flour. In milk of average composition, 58 pounds of moisture is associated with 8.23 pounds of milk solids. A reasonable minimum requirement for milk solids in milk bread made with dairy ingredients other than fluid milk is 8.2 pounds to each 100 pounds of flour. Because of variation in the total solids content of fluid milk and because of differences in the quantity of moisture absorbed in making the dough, it would not be reasonable to prescribe a minimum based on the average composition of milk for the milk solids content of milk bread when fluid milk is used as the sole moistening ingredient. (R. 452–454, 1840, 2445–2446, 2565, 2566, 2607)

58. Milk bread is generally considered by consumers to be made from milk and not from buttermilk. Buttermilk and its products, such as those listed in finding 13, are not appropriate ingredients of milk bread. (R. 443, 1840–1842, 2419)

59. In the announcement of the hearing definitions and standards of identity were proposed for:

Cream bread and cream rolls or cream buns.

Butter bread and butter rolls or butter buns.

Egg bread and egg rolls or egg buns.

Butter and egg bread and butter and egg rolls or butter and egg buns.

Honey bread and honey rolls or honey buns.

Milk and honey bread and milk and honey rolls or milk and honey buns.

In each instance the American Bakers Association proposed other definitions and standards differing from the proposals for hearing chiefly in that they would require substantially lesser amounts of the ingredients indicated by the names of the various kinds of bread and rolls or buns. (R. Ex. 1. Also see page references under finding 60)

60. The quantities of the characterizing ingredients specified in the published proposal and the quantities recommended by the American Bakers Association are shown in the following tabulation ("parts" signify parts by weight for each 100 parts by weight of flour used in preparing dough):

	Published proposals	Proposals by American Bakers Association
Cream bread, Cream rolls, Cream buns, Butter bread, Butter rolls, Butter buns	12 parts of milk fat from cream or combination of milk and nonfat milk solids in certain specified proportions.	4 parts of milk fat.
	12 parts of milk fat from butter.	Do.
Egg bread, Egg rolls, Egg buns	5 parts of egg solids.	2 parts of egg solids.
Butter and egg bread, Butter and egg rolls, Butter and egg buns	12 parts of milk fat from butter, 5 parts egg solids.	4 parts of milk fat, 2 parts of egg solids.
Honey bread, Honey rolls, Honey buns	16 parts of honey solids.	4 parts of honey solids.[1]
Milk and honey bread, Milk and honey rolls, Milk and honey buns	Milk content same as for milk bread, 16 parts honey solids.	Milk content same as for milk bread, 4 parts of honey solids.

[1] Three parts of honey solids was recommended by a witness introduced by the American Bakers Association. (R. 2868, 2870)

(R. 1849–1854, 2423–2425, 2427–2428, 2476–2479, 2552–2555, 2568, 2623–2625, 2633, 2644–2645, 2673, 2703, 2713, 2717, 2739–2746, 2755–2757, 2759–2760, 2795–2796, 2820, 2837–2838, 2846, 2933, 2965, 3046–3047, 3049–3051, 3061, 3068)

61. There have been sold at times under the names of the products listed in finding 60, or under similar names, breads containing little or none of the ingredients for which the breads have been named. This practice has not been widespread. The amount of such bread is small in comparison with the total amount of bread sold, but this practice has tended to mislead the consumer, giving the impression that these ingredients are used in such substantial amounts as to characterize the breads. (R. 1851, 1854, 2339–2340, 2476, 2478, 2497–2498, 2617–2620, 2625, 2627, 2631, 2640, 2740–2742, 2788, 2910–2911, 3044–3046, 3058–3060; Ex. III)

62. The evidence does not establish that products containing these ingredients in the quantities proposed by the American Bakers Association (see finding 60) are distinguishable by the ordinary consumer from the product commonly known as bread or white bread. It is not shown that benefit to consumers would result from the promulgation of definitions and standards of identity for these products as proposed by the American Bakers Association. (R. 2495, 2552–2553, 2555, 2569, 2621–2624, 2632, 2641, 2672, 2742–2743, 2795–2797, 2807, 2820, 3036–3037, 3039, 3046, 3049, 3051)

63. There is not shown to be, nor is there likely to develop, a demand on the part of consumers for bread or rolls containing the quantities of these ingredients in the published proposals that were supported by the Food and Drug Administration (see finding 60). The evidence does not establish that such proposed definitions and standards of identity would be reasonable. (R. 1851, 2427, 2476, 2498, 2553, 2570, 2700, 2713–2715, 2867–2868, 2931–2932, 2965–2966)

64. The foods commonly and usually known as raisin bread and raisin rolls or raisin buns differ from bread and rolls primarily in that raisins are added to the dough before baking. Seedless (or seeded) raisins are suitable for such use. They are usually washed and are often soaked in water before being added to the dough. Except as noted in findings 66 and 67, findings 2 to 52, inclusive (except finding 9), are applicable to raisin bread and raisin rolls. (R. 35–36, 3076–3084, 3086–3091, 3093–3097)

65. The quantity of raisins used in making raisin bread varies somewhat. A minimum requirement for raisins based on the weight of the raisins in the loaf was contained in the advisory standard for raisin bread promulgated some years ago. A more understandable requirement from the standpoint of the baker is a specification of the weight of raisins (before soaking or washing) used with each 100 parts by weight of flour. The requirement of the advisory standard calculated to this basis is about 35 parts of raisins to each 100 parts of flour. In recent years it has become the practice of most bakers to use substantially more raisins, and a minimum requirement of 50 parts of raisins to each 100 parts of flour now conforms more nearly to consumer preference and good bakery practice. (R. 35–36, 3076–3080, 3088–3090, 3093–3097; Ex. 2, III, TTT, UUU, VVV)

66. When making raisin bread some bakers use as a saccharine ingredient a raisin sirup made by concentrating a water extract of raisins (referred to in finding 16). Such an extract is suitable for use in raisin bread, but such raisin extractives as are incorporated in this manner do not take the place of raisins used in making the raisin bread. Raisin bread and raisin rolls are sometimes prepared with an icing or frosting. (R. 3080, 3125)

67. The method of determining total solids, described in finding 4, must be modified slightly to be applicable to raisin bread and raisin rolls, in order to insure the proper mixing of raisins in the sample. This can be accomplished by passing the sample twice through a food chopper and then taking a portion for solids determination without attempting to pass the ground sample through a 20-mesh sieve. (R. 3086–3087; Ex. 2)

68. The foods commonly and usually known as whole wheat bread, graham bread, entire wheat bread, and whole wheat rolls, graham rolls, wheat rolls, or whole wheat buns, graham buns, and entire wheat buns differ from white bread and white rolls only in that the dough is made with whole wheat flour or bromated whole wheat flour, and no flour, bromated flour, or phosphated flour is used therein. Findings 2 to 52, inclusive (except finding 9), are applicable to whole wheat bread and whole wheat rolls, except that the maximum limit for propionates (see finding 50) is 0.38 part by weight to each 100 parts by weight of whole wheat flour used. (R. 34–35, 1323, 1413, 3126–3135, 3160–3161; Ex. 2, A)

69. Several different kinds of bread and rolls are prepared which differ from white bread and white rolls only in that the dough is made by using various mixtures of two or more of the wheat ingredients flour (including bromated flour and phosphated flour), whole wheat flour, cracked wheat, and crushed wheat. In order to obtain in finished bread and rolls of these kinds the characteristics of each of the wheat ingredients used, it is necessary that the quantity of each such ingredient be not less than 20 percent by weight of the mixture of wheat ingredients used. Findings 2 to 52, inclusive (except finding 9), are applicable to bread and rolls of these kinds, except that the maximum limit for propionates (see finding 50) is 0.38 part by weight for each 100 parts by weight of the mixture of wheat ingredients. (R. 38, 1323, 1413, 3135–3158, 3160–3161; Ex. 5, 6, 7)

70. Bread and rolls of these kinds are ordinarily labeled with the word "bread" or "rolls," preceded by the name of one of the wheat ingredients (for example, "cracked wheat bread"). Consumers are confused as to the composition of such products by the failure to disclose in the name other wheat ingredients present in characterizing quantities. Names for them which are accurate and informative are the words "bread," "rolls," and "buns," as the case may be, preceded by words which show the wheat ingredients used, in the order of their predominance, if any, by weight in the mixture (for example, "white and whole wheat bread"). (R. 3135–3158; Ex. 5, 6, 7)

71. "Enriched bread" and "enriched rolls" or "enriched buns" are the common and usual names of baked products identical with bread and rolls, respectively, except that they contain added nutrients and are not subject to the limitations indicated in finding 9. The reasons for enriching flour and for regulating such enrichment are applicable to enriched bread and enriched rolls; such reasons are set forth in findings 33 to 41, inclusive, of the order prescribing a definition and standard of identity for enriched flour (6. F. R. 2574), as modified and supplemented by findings 1 to 11, inclusive, of the order amending that definition and standard of identity (8 F. R. 9115). The basis for requiring or permitting the particular enriching ingredients and the particular quantities thereof specified in such findings is also applicable to enriched bread and enriched rolls. Findings 2 to 52, inclusive (except findings 9 and 30), are applicable to enriched bread and enriched rolls. (R. 3241–3255)

72. The quantities of vitamins and minerals in enriched bread and enriched rolls are those which result from the use of enriched flour or enriched bromated flour in lieu of flour, bromated flour, or phosphated flour. These quantities may be contributed by any of the following methods, or by any two or more of them in combination:

1. Enriched flour or enriched bromated flour is used, in whole or in part.

2. The substances used for enriching flour (including wheat germ or partly defatted wheat germ in a quantity not more than 5 parts by weight to each 100 parts of flour, bromated flour, and phosphated flour used) are added in making the dough, under the conditions permitted by 21 CFR 15.10, for the addition of such substances in preparing enriched flour.

3. Ingredients of bread which contain such vitamins or minerals (e. g., yeast, dried skim milk, monocalcium phosphate) are used within the limits, if any, for such use in bread. (R. 3241; Supp. R. 375, 843, 893, 900, 958, 961)

73. It would not be reasonable to subject enriched bread or enriched rolls to any requirement for or limitation on enrichment that cannot be met in ordinary commercial practice by the use of any enriched flour which conforms to the definition and standard of identity prescribed in 21 CFR 15.10. (R. 3320)

74. The flour content of enriched bread and enriched rolls varies from a minimum of about 60 percent to a maximum of about 75 percent, depending upon such factors as the quantity of ingredients other than flour used and the moisture content of the finished products. In baking such products there is some loss of vitamins, mostly through destruction in the crust. Such losses of niacin, riboflavin, and vitamin D are negligible, and in the cases of niacin and riboflavin are compensated by some contribution of these vitamins by yeast and other ingredients commonly used. Except as noted for thiamine, riboflavin, and calcium in findings 75, 76, and 77, minima for the vitamins and minerals

in enriched bread and enriched rolls of 60 percent of the minima prescribed for enriched flour, and maxima of 75 percent of the maxima for enriched flour, are, when rounded off to the nearest significant decimal point, reasonable limits when enriched flour is used to make enriched bread and enriched rolls. On this basis each pound of enriched bread or enriched rolls contains not less than 10 milligrams nor more than 15 milligrams of niacin; not less than 8 milligrams nor more than 12.5 milligrams of iron; and when the optional ingredient vitamin D is used, not less than 150 U. S. P. units nor more than 750 U. S. P. units of such vitamin. It would not be reasonable to prescribe minima and maxima for vitamins and minerals, when they are added in making the dough, different from the minima and maxima prescribed when enriched flour is used. An unnecessarily wide spread between minima and maxima would likely lead to competitive increases between manufacturers, accompanied by such advertising claims as would confuse consumers as to their nutritionary needs and the value of enriched bread in supplying those needs. Consumer understanding of the value of enriched bread will be promoted by requiring its composition to be as nearly uniform as practicable as to both quantities and kinds of nutritive factors present. (R. 3241–3252, 3306, 3466–3472, 3474–3488, 3692–3696, 3770–3782, 3786–3800; Supp. R. 287, 362–364, 645, 648, 649, 844–854)

75. In baking enriched bread and enriched rolls losses of thiamine are appreciable. However, if flour enriched to the minimum of 2 milligrams of thiamine per pound is used there is sufficient contribution of thiamine from the yeast and other ingredients customarily added that in common commercial practice the finished products contain not less than 1.1 milligrams of thiamine per pound. If flour enriched to the maximum of 2.5 milligrams per pound is used, the thiamine content of the finished products, after due allowances are made for contributions from such ingredients and for baking losses, will not exceed 1.8 milligrams per pound. (R. 3242–3251, 3466–3472, 3474–3488, 3770–3782; Supp. R. 363–368, 372, 647, 844–854)

76. Yeast and milk or its products used in making enriched bread and rolls may contribute as much as 0.48 milligram of riboflavin per pound of bread or rolls. When these are used with enriched flour containing 1.5 milligrams of riboflavin per pound, the riboflavin content of the enriched bread or enriched rolls may approach 1.6 milligrams per pound. When milk and its products are not used, and the enriched flour contains the minimum 1.2 milligrams of riboflavin per pound, the riboflavin content of the enriched bread or enriched rolls may fall to nearly 0.7 milligram per pound. (Supp. R. 844, 848)

77. Nonfat dry milk solids, so-called bread improvers, rope inhibitors, and other optional ingredients used in making bread and rolls may contribute nearly 300 milligrams of calcium per pound to bread or rolls. When these are used with enriched flour containing 625 milligrams of calcium per pound, the calcium content of the enriched bread or enriched rolls may approach 800 milligrams per pound, particularly if water used in making the dough is high in calcium. When these are not used and the enriched flour contains the minimum of 500 milligrams of calcium per pound the calcium content of the enriched bread or enriched rolls may fall to about 300 milligrams per pound. (Supp. R. 849, 858)

78. The following are reasonable limits for the specified vitamins and minerals in enriched bread and enriched rolls or enriched buns:

	Minimum	Maximum
Required ingredients:		
Thiamine	1.10 mg. per lb.	1.8 mg. per lb.
Niacin	10.0 mg. per lb.	15.0 mg. per lb.
Riboflavin	0.7 mg. per lb.	1.6 mg. per lb.
Iron	8.0 mg. per lb.	12.5 mg. per lb.
Optional ingredients:		
Calcium	300 mg. per lb.	800 mg. per lb.
Vitamin D	150 U. S. P. units per lb.	750 U. S. P. units per lb.

(Supp. R. 153, 157, 159, 160–162, 221, 278–280, 312–313, 386–388, 773–774, 797–798, 843–848, 888)

79. Several proposals were made to require label declarations of certain optional ingredients used in bread. There was testimony indicating that some ingredients of bread are causes of allergic manifestations, and that consumers who are sensitive to such ingredients might be benefited by label declaration of these ingredients. There was conflicting testimony as to the prevalence of food allergies and the extent to which the ingredients of bread are the causative agents. The evidence does not indicate that a significant proportion of consumers are sensitive to any particular optional ingredient whose presence in bread would not be expected without label declaration, or would benefit by label declarations of any or all of the optional ingredients used in bread.

A witness representing the Union of Orthodox Jewish Congregations of America, Inc., recommended that the origin and type of shortening used in bread be stated on the label, so that those persons who wished to observe the Jewish dietary laws might avoid the purchase of bread containing "non-kosher" fat. It was not shown that a significant number of persons observing the Jewish dietary laws would benefit by such a label declaration.

A witness appearing on behalf of the American Home Economics Association recommended that bread be labeled to show all the ingredients used in excess of 1 percent of the weight of the flour, the number of calories in a specified unit of weight, the percentage of protein in the loaf, and the maximum percentage of water in the loaf. Interest in such labeling, except in the case of bread and rolls represented for or purporting to be for special dietary use, is restricted to small groups. Requirements for informative labeling of foods for special dietary uses are contained in regulations adopted under authority of section 403 (j) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 343 (j)). (R. 5635–5640, 14596–14630, 14685–14687, 14729–14730, 14743, 14744–14748, 14752–14758, 14765, 14768, 14782–14783, 14809–14810, 14812–14813, 14839, 14847–14848, 15545–15548)

Conclusions. Upon consideration of the whole record and the foregoing findings of fact, it is concluded that the adoption of the following definitions and standards of identity for various kinds of breads and rolls or buns will promote honesty and fair dealing in the interest of consumers:

§ 17.1 *Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.* (a) Each of the foods bread, white bread, rolls, white rolls, buns, white buns is prepared by baking a kneaded yeast-leavened dough, made by moistening flour with water or with one or more of the optional liquid ingredients specified in this section or with any mixture of water and one or more of such ingredients. The term "flour," unqualified, as used in this section, includes flour, bromated flour, and phosphated flour. The potassium bromate in any bromated flour used and the monocalcium phosphate in any phosphated flour used shall be deemed to be optional ingredients in the bread or rolls. Each of such foods is seasoned with salt, and in its preparation one or more of the optional ingredients prescribed by subparagraphs (1) to (14), inclusive, of this paragraph may be used:

(1) Shortening, which may contain lecithin and which may contain not more than 25 percent by weight of mono- and diglycerides of fat-forming fatty acids.

(2) Milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed partly skimmed milk, sweetened condensed skim milk, nonfat dry milk solids, or any combination of two or more of these; except that any such ingredient or combination, together with any butter and cream used, is so limited in quantity or composition as not to meet the requirements for milk or dairy ingredients prescribed for milk bread by § 17.3.

(3) Buttermilk, concentrated buttermilk, dried buttermilk, sweet cream buttermilk, concentrated sweet cream buttermilk, dried sweet cream buttermilk, cheese whey, concentrated cheese whey, dried cheese whey, milk proteins, or any combination of two or more of these.

(4) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen egg yolks, dried yolks, egg white, frozen egg white, dried egg white, or any combination of two or more of these.

(5) Sugar, invert sugar (in congealed or sirup form), light-colored brown sugar, refiner's sirup, dextrose, honey, corn sirup, glucose sirup, dried corn sirup, dried glucose sirup, nondiastatic malt sirup, nondiastatic dried malt sirup, molasses (except blackstrap molasses), or any combination of two or more of these.

(6) Malt sirup, dried malt sirup, malted barley flour, malted wheat flour, each of which is diastatically active; harmless preparations of enzymes obtained from Aspergillus oryzae; or any combination of two or more of these.

(7) Inactive dried yeast of the genus Saccharomyces cerevisiae; but the total quantity thereof is not more than 2 parts for each 100 parts by weight of flour used.

(8) Harmless lactic-acid producing bacteria.

(9) Corn flour (including finely ground corn meal), potato flour, rice flour, wheat starch, cornstarch, milo starch, potato starch, sweet potato starch (any of which may be wholly or in part dextrinized), dextrinized wheat flour, soy flour, or any combination of two or more of these; but the total quantity thereof is not more than 3 parts for each 100 parts by weight of flour used.

(10) Ground dehulled soybeans, which may be heat-treated and from which oil may be removed, but which retain enzymatic activity; but the quantity thereof is not more than 0.5 part for each 100 parts by weight of flour used.

(11) Calcium sulfate, calcium lactate, calcium carbonate, ammonium phosphates, ammonium sulfate, ammonium chloride, monocalcium phosphate, dicalcium phosphate, or any combination of two or more of these; but the total quantity of such ingredients (not including the monocalcium phosphate in any phosphated flour used) is not more than 0.25 part for each 100 parts by weight of flour used.

(12) Potassium bromate, potassium iodate, calcium peroxide, or any combination of two or more of these; but the total quantity thereof (including the potassium bromate in any bromated flour used) is not more than 0.0075 part for each 100 parts by weight of flour used.

(13) (i) Monocalcium phosphate, but the total quantity thereof, including the quantity in any phosphated flour used and any quantity added as permitted by subparagraph (12) of this paragraph, is more than 0.25 part but not more than 0.75 part by weight for each 100 parts by weight of flour used; or

(ii) A vinegar, in a quantity equivalent in acid strength to not more than 1 pint of 100-grain distilled vinegar for each 100 pounds of flour used; or

(iii) Calcium propionate, sodium propionate, or any mixture of these, but the total quantity thereof is not more than 0.32 part for each 100 parts by weight of flour used; or

(iv) Sodium diacetate, but the quantity thereof is not more than 0.4 part for each 100 parts by weight of flour used; or

(v) Lactic acid, in such quantity that the pH of the finished bread is not less than 4.5.

(14) Spice, with which may be included spice oil and spice extract.

Each of such foods contains not less than 62 percent of total solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Sixth Edition 1945, page 260, section 20.34 (a), "Total Solids in Entire Loaf of Bread • • • Official," except that if the baked unit weighs 1 pound or more one entire unit is used for the determination, and if the baked unit weighs less than 1 pound, such number of entire units as weigh 1 pound or more is used for the determination.

(b) Bread, white bread is baked in units each of which weighs one-half pound or more after cooling. Rolls, white rolls, and buns, white buns are baked in units each of which weighs less than one-half pound after cooling.

(c) (1) When any optional ingredient, except a vinegar, permitted by paragraph (a) (13) of this section is used, the label shall bear the statement "_____ added to retard spoilage," the blank being filled in with the name by which the ingredient used is designated in such paragraph.

(2) When an optional ingredient permitted by paragraph (a) (14) of this section is used, the label shall bear the statement "spiced" or "spice added" or "with added spice"; but in lieu of the word "spice" in such statements, the common or usual name of the spice may be used.

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this paragraph shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 17.2 *Enriched bread and enriched rolls or enriched buns; identity; label statement of optional ingredients.* (a) Each of the foods enriched bread, enriched rolls, enriched buns conforms to the definition and standard of identity, and is subject to the requirement for label statement of optional ingredients, prescribed for bread by § 17.1 (a) and (c), except that:

(1) Each such food contains in each pound not less than 1.1 milligrams and not more than 1.8 milligrams of thiamine, not less than 0.7 milligram and not more than 1.6 milligrams of riboflavin, not less than 10.0 milligrams and not more than 15.0 milligrams of niacin or niacinamide, and not less than 8.0 milligrams and not more than 12.5 milligrams of iron (Fe).

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 150 U. S. P. units and not more than 750 U. S. P. units of vitamin D.

(3) Each such food may also contain as an optional ingredient added harmless calcium salts in such quantity that each pound of the finished food contains not less than 300 milligrams and not more than 800 milligrams of calcium (Ca).

(4) Each such food may also contain as an optional ingredient wheat germ or partly defatted wheat germ; but the total quantity thereof, including any wheat germ or partly defatted wheat germ in any enriched flour used, is not more than 5 percent of the flour ingredient.

(5) Enriched flour may be used, in whole or in part, instead of flour.

(6) The limitation prescribed by § 17.1 (a) (2) on the quantity and composition of milk and dairy ingredients does not apply.

As used in this section, the term "flour," unqualified, includes bromated flour and phosphated flour; the term "enriched flour" includes enriched bromated flour. The prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3) of this paragraph may be supplied, or partly supplied, through the use of enriched flour; through the direct addition of such substance under the conditions permitted by § 15.10 of this chapter for supplying such substance in the preparation of enriched flour; through the use of any ingredient containing such substance, which ingredient is required or permitted by § 17.1 (a) within the limits, if any, prescribed by such section, as modified by subparagraph (6) of this paragraph; through the use of wheat germ; or through any two or more of such methods.

(b) Enriched bread is baked in units each of which weighs one-half pound or more after cooling. Enriched rolls or enriched buns are baked in units each of which weighs less than one-half pound after cooling.

§ 17.3 *Milk bread and milk rolls or milk buns; identity; label statement of optional ingredients.* (a) Each of the foods milk bread, milk rolls, milk buns conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread and rolls or buns by § 17.1 (a) and (c), except that:

(1) Milk is used as the sole moistening ingredient in preparing the dough; or in lieu of milk one or more of the dairy ingredients prescribed in paragraph (c) of this section is used, with or without water, in a quantity containing not less than 8.2 parts by weight of milk solids for each 100 parts by weight of flour used (including any bromated flour or phosphated flour used).

(2) No ingredient permitted by § 17.1 (a) (3) is used.

(b) Milk bread is baked in units each of which weighs one-half pound or more after cooling. Milk rolls or milk buns are baked in units each of which weighs less than one-half pound after cooling.

(c) The dairy ingredients referred to in paragraph (a) (1) of this section are concentrated milk, evaporated milk, sweetened condensed milk, dried milk, and a mixture of butter or cream or both with skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, sweetened condensed partly skimmed milk, nonfat dry milk solids, or any two or more of these, in such proportion that the weight of nonfat milk solids in such mixture is not more than 2.3 times and not less than 1.2 times the weight of the milk fat therein.

§ 17.4 *Raisin bread and raisin rolls or raisin buns; identity; label statement of optional ingredients.* (a) Each of the foods raisin bread, raisin rolls, raisin buns conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for

bread and rolls or buns by § 17.1 (a) and (c), except that:

(1) Not less than 50 parts by weight of seeded or seedless raisins are used for each 100 parts by weight of flour used (including any bromated flour or phosphated flour used).

(2) Water extract of raisins may be used, but not to replace raisins.

(3) The baked units may bear icing or frosting.

(4) The limitation prescribed by § 17.1 (a) (2) on the quantity and composition of dairy ingredients does not apply.

(5) In determining its total solids, instead of following the direction "Grind sample just to pass a 20-mesh sieve" (Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists, Sixth Edition, 1945, page 260, section 20.84 (a), under "Total Solids in Entire Loaf of Bread * * * Official"), comminute the sample by passing it twice through a food chopper.

(b) Raisin bread is baked in units each of which weighs one-half pound or more after cooling. Raisin rolls or raisin buns are baked in units each of which weighs less than one-half pound after cooling.

§ 17.5 *Whole wheat bread, graham bread, entire wheat bread, and whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns; identity; label statement of optional ingredients.* (a) Each of the foods whole wheat bread, graham bread, entire wheat bread, whole wheat rolls, graham rolls, entire wheat rolls, whole wheat buns, graham buns, entire wheat buns conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread, rolls, and buns by § 17.1 (a) and (c), except that:

(1) The dough is made with whole wheat flour, and no flour is used therein.

(2) The limitation prescribed by § 17.1 (a) (2) on the quantity and composition of dairy ingredients does not apply.

(3) The total weight of calcium propionate, sodium propionate, or mixtures of these used is not more than 0.38 part for each 100 parts by weight of the whole wheat flour used.

As used in this section, the term "flour," unqualified, includes flour, enriched flour, bromated flour, enriched bromated flour, and phosphated flour; the term "whole wheat flour" includes whole wheat flour and bromated whole wheat flour. The potassium bromate in any bromated whole wheat flour used shall be deemed to be an optional ingredient in the whole wheat bread or whole wheat rolls.

(b) Whole wheat bread, graham bread, or entire wheat bread is baked in units each of which weighs one-half pound or more after cooling. Whole wheat rolls, graham rolls, entire wheat rolls, whole wheat buns, graham buns, or entire wheat buns are baked in units each of which weighs less than one-half pound after cooling.

§ 17.6 *Breads and rolls or buns made with combinations of flour, whole wheat flour, cracked wheat, and crushed wheat; identity; label statement of optional ingredients.* (a) The foods for which definitions and standards of identity are prescribed by this section are the foods each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread and rolls by § 17.1 (a) and (c), except that:

(1) The bread, roll, or bun is made with a combination of two or more of the following wheat ingredients, in which the weight of each such ingredient used is not less than 20 percent of the weight of such combination:

(i) Flour (including bromated flour and phosphated flour).

(ii) Whole wheat flour (including bromated whole wheat flour).

(iii) Cracked wheat.

(iv) Crushed wheat.

(2) The limitation prescribed by § 17.1 (a) (2) on the quantity and composition of dairy ingredients does not apply.

(3) The total weight of calcium propionate, sodium propionate, or mixtures of these used is not more than 0.38 part for each 100 parts by weight of such mixture.

(b) The potassium bromate in any bromated flour or bromated whole wheat flour used and the monocalcium phosphate in any phosphated flour used shall be deemed to be optional ingredients in the finished baked products.

(c) If such food is baked in units each of which weighs one-half pound or more after cooling, the name of such food is "-------- bread"; if in units each of which weighs less than one-half pound after cooling, "-------- rolls" or "-------- buns," the blank being filled in each instance with the names of the wheat ingredients, in the order of predominance, if any, by weight of such ingredients in the combination used in making the bread, as for example, "white and whole wheat bread." For the purposes of this provision, the name of the wheat ingredient specified in paragraph (a) (1) (i) of this section is "white"; in paragraph (a) (1) (ii) is "whole wheat," "graham," or "entire wheat"; in paragraph (a) (1) (iii) is "cracked wheat"; and in paragraph (a) (1) (iv) is "crushed wheat."

§ 17.7 *Unsalted breads and rolls or buns; identity; label statement of optional ingredients.* (a) Unsalted breads and unsalted rolls or buns are the foods each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for kinds of breads and rolls or buns by §§ 17.1, 17.2, 17.3, 17.4, 17.5, and 17.6, except that no salt is used in their preparation.

(b) The name of each kind of unsalted bread and unsalted roll or bun is the word "unsalted," followed by the name of the kind of bread and roll or bun prescribed in the definition and standard of identity therefor.

Any interested person whose appearance was filed at the hearing may, within 30 days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Federal Security Agency, Room 5109, Federal Security Building, Fourth Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in this tentative order and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which such exceptions are based. Such exceptions may be accompanied by a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs shall be submitted in quintuplicate.

Dated: July 31, 1950.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-6921; Filed, Aug. 7, 1950; 8:48 a. m.]

[21 CFR, Part 20]

[Docket No. FDC-34 (a)]

ICE CREAM, FROZEN CUSTARD, SHERBET, WATER ICES, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF HEARING

In the matter of definitions and standards of identity for ice cream, frozen custard, sherbet, water ices, and related foods:

Notice is hereby given that the Federal Security Administrator, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), will reopen the record in the above matter and hold further hearings commencing at 10:00 o'clock in the morning of November 13, 1950, in Room 5140, Federal Security Building, Independence Avenue and Fourth Street SW., Washington, D. C., for the purpose of taking additional evidence for use in the formulation of definitions and standards of identity for ice cream, frozen custard, sherbet, water ices, and related foods.

Pursuant to notices published in the FEDERAL REGISTER of November 1, 1941, and November 19, 1941 (6 F. R. 5574, 6 F. R. 5888), a hearing was held beginning January 5, 1942, and ending April 21, 1942, on proposals to adopt definitions and standards of identity for ice cream, frozen custard, sherbet, water ices, and related foods. A tentative order was not published because the War Food Administration had issued regulations restricting the use of some of the raw materials used in the preparation of the above-described foods. At the suggestion of the War Food Administration further action relative to the promulgation of definitions and standards of identity for these foods was deferred.

Because of the time that has elapsed since the evidence was received at the hearing which ended April 21, 1942, it is determined that the record in this matter should be reopened to afford interested parties an opportunity to present further evidence. For the purpose of avoiding the introduction of repetitious or unnecessary additional evidence and

to assist interested parties, in deciding what evidence they will offer, there are published herewith the proposals from the notice of November 1, 1941 (6 F. R. 5574), and also proposed findings of fact and proposed regulations suggested by the Food and Drug Administration on the basis of the evidence adduced at the hearing which ended April 21, 1942.

At the hearing commencing November 13, 1950, evidence will be limited to that which is material and relevant to the proposals herewith republished from the notice of November 1, 1941, or to the proposed findings of fact and proposed regulations suggested by the Food and Drug Administration. These proposals and suggested findings and regulations are as follows:

PROPOSALS IN NOTICE PUBLISHED NOVEMBER 1, 1941 [1]

§ 20.1 *Ice cream; identity; label statement of optional ingredients.* (a) Ice cream is the food prepared with one of the optional dairy ingredients specified in paragraph (b) of this section, sweetened with one or more of the optional saccharine ingredients specified in paragraph (c) of this section. Subject to the conditions hereinafter prescribed, one or more of the optional ingredients indicated under subparagraphs (1) to (3), inclusive, of this paragraph and under paragraph (c) (5) to (8), inclusive, of this section is used:

(1) Ground spice, ground vanilla beans, infusion of coffee or tea, any natural food flavoring.

(2) Any artificial food flavoring.

(3) Chocolate or cocoa; but if any such ingredient is used no ingredient or combination of ingredients under subparagraphs (1) and (2) of this paragraph is used, directly or as a component of any other ingredient, which imitates the flavor of chocolate. For the purposes of this section the term "cocoa" means one or any combination of two or more of the following: cocoa, breakfast cocoa, defatted cocoa, the unpulverized residual material prepared by removing part of the fat from ground cacao nibs.

(4) Properly prepared mature fruit, or the juice of such fruit, in such quantity that the finished ice cream contains not less than 10 percent by weight of fruit or fruit juice or both, as the case may be; but if any such ingredient is used no ingredient or combination of ingredients under subparagraphs (1) and (2) of this paragraph is used, directly or as a component of any other ingredient (except as a component of artificially flavored maraschino-type cherries or of any confectionery which remains in pieces rather than being homogeneously distributed in the finished ice cream), which imitates the flavor of any fruit or fruit juice. The fruit used may be fresh, frozen, or canned, except that dried currants, dried figs, dried dates, dried prunes, and raisins may be used. The fruit juice used may be fresh, canned, or concentrated. The requirement of this section with respect to the weight of fruit or fruit juice means the weight of fruit or fruit juice, exclusive of the weight of any sweetening ingredient, water, or any other substance added for packing or canning, or otherwise added; and in the case of any fruit whose proper preparation requires the removal of pits, seeds, skins, cores, or other parts, the weight of such fruit after it is so prepared; and in the case of concentrated fruit juice, the original weight of the juice before it was concentrated; and in the case of dried fruit, the weight thereof multiplied by four.

(5) Properly prepared nuts, in such quantity that the finished ice cream contains not less than 6 percent by weight of nuts; but if any such ingredient is used no ingredient or combination of ingredients under subparagraphs (1) and (2) of this paragraph is used, directly or as a component of any other ingredient, which imitates the flavor of any nut.

(6) Malted milk.

(7) Confectionery. For the purposes of this section, the term "confectionery" means candy, cakes, cookies, or glaced fruits.

(8) Properly prepared cereal.

(9) Any distilled alcoholic beverage, including liqueurs, or any wine, or both; but if any such beverage or wine is used no ingredient or combination of ingredients under subparagraphs (1) and (2) of this paragraph is used, directly or as a component of any other ingredient, which imitates the flavor of any distilled alcoholic beverage or of any wine.

No ingredient or combination of ingredients under subparagraphs (1) and (2) of this paragraph, whether added as such or as a component of any other ingredient, is used which imitates the flavor of milk, cream, butter, or egg. Any artificial flavoring in any chocolate, cocoa, maraschino-type cherries, confectionery, distilled alcoholic beverages, or other ingredient used, is an optional ingredient of the finished ice cream. Coloring may be added. One or more of the optional ingredients indicated under subparagraphs (10) and (11) of this paragraph may be used.

(10) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks; but the total weight of egg solids in any such ingredient used singly, or in any combination of two or more such ingredients used (including any egg white used, as authorized under subparagraph (11) of this paragraph), is less than -------- percent [to be fixed within the range of 1½ percent to 2 percent] of the weight of the finished ice cream.

(11) Gelatin, egg white, algin, locust bean gum, gum acacia, gum karaya, gum tragacanth, agar-agar; but the total weight of the solids of any such ingredient used, singly, or of any combination of two or more such ingredients used, is not more than 0.5 percent of the weight of the finished ice cream.

It may be seasoned with salt, and may be homogenized. It is frozen while being stirred.

The quantity of the optional dairy ingredient used, and its content of milk fat, are such that the weight of milk fat is not less than 12 percent of the weight of the finished ice cream; except that when one or more of the optional ingredients, other than malted milk, indicated in subparagraphs (3) to (9), inclusive, of this paragraph is used, the weight of milk fat is not less than 12 percent of the remainder obtained by subtracting the weight of such optional ingredients from the weight of the finished ice cream, but in no case is the weight of the milk fat less than 10 percent of the weight of the finished ice cream. The finished ice cream contains not less than 1.6 pounds of total solids to the gallon, and weighs not less than 4.5 pounds to the gallon.

(b) The optional dairy ingredients referred to in paragraph (a) of this section are cream, or cream and butter, or cream or butter or both combined with one or more of the following: milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, dried skim milk, sweetened skim milk which has been concentrated and from which part of the lactose has been removed. Water may be added to each such dairy ingredient, and each is pasteurized. The term "milk" as used in this section means cow's milk.

(c) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.
(2) Dextrose.
(3) Invert sugar sirup.
(4) Corn sirup, dried corn sirup.
(5) Maple sirup, maple sugar.
(6) Honey.
(7) Brown sugar.
(8) Molasses.

When any of optional saccharine ingredients specified in subparagraphs (5) to (8), inclusive, of this paragraph is used, no ingredient or combination of ingredients under paragraph (a) (1) and (2) of this section is used, directly or as a component of any other ingredient, which imitates the flavor of such saccharine ingredient.

(d) (1) When any artificial flavoring is used, directly or as a component of any other ingredient, the label shall bear the statement "artificially flavored" or "artificial flavoring added" or "with added artificial flavoring," or in lieu thereof, in case the artificial flavoring is a component of another ingredient, "-------- artificially flavored," the blank being filled in with the name of such other ingredient.

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed, or other graphic matter, except that a word or words indicating the kind of the ice cream may so intervene.

§ 20.2 *Frozen custard, french ice cream, french custard ice cream; identity; label statement of optional ingredients.* Frozen custard, french ice cream, french custard ice cream conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for ice cream by § 20.1, except that one or more of the optional egg ingredients permitted by

[1] Section numbers changed to conform with proposed order. Certain minor editorial corrections also made.

paragraph (a) (10) of § 20.1 are used, in such quantity that the total weight of egg solids therein is _____ percent (to be fixed within the range of 1½ percent to 2 percent) or more of the weight of the finished frozen custard.

§ 20.3 *Sherbet; identity.* (a) Sherbet is the food prepared with one or more of the optional fruit ingredients specified in paragraph (b) of this section, an optional dairy ingredient specified in paragraph (c) of this section, sweetened with one or more of the optional saccharine ingredients sugar, dextrose, invert sugar sirup, corn sirup, and dried corn sirup. One or more of the optional ingredients indicated in subparagraphs (1) and (2) of this paragraph may be used:

(1) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks.

(2) Gelatin, egg white, algin, locust bean gum, gum acacia, gum karaya, gum tragacanth, agar-agar, pectin; but the total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used, is not more than 0.5 percent of the weight of the finished sherbet.

It may be seasoned with salt, and may be homogenized. It is frozen while being stirred. The weight of the optional fruit ingredient or mixture of fruit ingredients used is not less than _____ percent [to be fixed within the range of 10 percent to 20 percent] of the weight of the finished sherbet. The quantity of the optional dairy ingredient used, and its content of milk fat and total milk constituent solids, are such that the finished sherbet contains not less than 2 percent by weight of milk fat, but less than 8 percent by weight of total milk constituent solids. The finished sherbet weighs not less than 6 pounds to the gallon.

(b) The optional fruit ingredients referred to in paragraph (a) of this section are:

(1) Any fresh, canned, or concentrated juice or mixture of juices of mature fruit.

(2) Any mature, properly prepared fruit or mixture of fruits, which may be fresh, frozen, or canned, and which is screened or crushed.

The requirement of this section with respect to the weight of fruit ingredients means the weight of fruit or fruit juice exclusive of the weight of any sweetening ingredient, water, or other substance added for packing or canning, or otherwise added; and in the case of any fruit whose proper preparation requires the removal of pits, seeds, skins, cores, or other parts, the weight of such fruit after it is so prepared; and in the case of concentrated fruit juice, the original weight of the juice before it was concentrated.

(c) The optional dairy ingredients referred to in paragraph (a) of this section are cream, milk, concentrated milk, evaporated milk, sweetened condensed milk, or dried milk, or any combination of two or more of these, or any combination of one or more of these with butter, or any combination of one or more of these or of butter with one or more of the following: skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, dried skim milk. Water may be added to each such dairy ingredient, and each is pasteurized. The term "milk" as used in this section means cow's milk.

§ 20.4 *Water ices; identity.* (a) Water ices are the foods each of which is prepared from one or more of the optional fruit ingredients specified in paragraph (b) of this section, with or without added water, sweetened with one or more of the optional saccharine ingredients sugar, dextrose, invert sugar sirup, corn sirup, and dried corn sirup. One or more of the following optional ingredients may be used: gelatin, egg white, algin, locust bean gum, gum acacia, gum karaya, gum tragacanth, agar-agar, pectin; but the total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used, is not more than 0.5 percent of the weight of the finished water ice. It is frozen while being stirred. The weight of the optional fruit ingredients or mixture of fruit ingredients used is not less than _____ percent (to be fixed within the range of 10 percent to 20 percent) of the weight of the finished water ice. The finished water ice weighs not less than 6 pounds to the gallon.

(b) The optional fruit ingredients referred to in paragraph (a) of this section are:

(1) Any fresh, canned, or concentrated juice or mixture of juices of mature fruit.

(2) Any mature, properly prepared fruit or mixture of fruits, which may be fresh, frozen, or canned, and which is screened or crushed.

The requirement of this section in respect to the weight of fruit ingredients means the weight of fruit or fruit juice, exclusive of the weight of any sweetening ingredient, water, or other substance added for packing or canning, or otherwise added; and in the case of any fruit whose proper preparation requires the removal of pits, seeds, skins, cores, or other parts, the weight of such fruit after it is so prepared; and in the case of concentrated fruit juice, the weight of the original juice before it was concentrated.

(c) The name of each such water ice is "_____ ice," the blank being filled in with the common name of the fruit or fruits from which the fruit ingredient or fruit ingredients used are obtained. When two or more fruit names are filled in, such names are in the order of predominance, if any, by weight of the respective fruit ingredients used.

PROPOSED FINDINGS AND REGULATIONS BASED ON EVIDENCE TAKEN AT HEARING OF JANUARY 5, 1942–APRIL 21, 1942, SUGGESTED BY FOOD AND DRUG ADMINISTRATION

Findings of fact.[1] 1. Ice cream is the common and usual name of the frozen product made from cream or a mixture of milk and cream (or a combination of dairy products of equivalent composition), sweetened with sugar or other suitable sweetening agent, and containing natural or imitation flavorings or other food ingredients, such as cocoa, fruit, and nuts, to characterize it as a kind of ice cream. It is sometimes seasoned with salt. Gelatin, or other products having similar properties (known in the industry as stabilizers), are usually added. Other ingredients hereinafter noted are sometimes added. (R. 42–46, 82, 231–232, 397, 430, 528–529, 688, 800, 4834)

2. Ice cream is made to some extent in the home. The usual household practice is to prepare it from sweet cream or a mixture of sweet milk and sweet cream. However, a large proportion of commercially produced ice cream is prepared from various dairy products, with or without water, so combined that the composition closely resembles that of cream or a mixture of milk and cream (see finding 3). When prepared for freezing, the sweetened dairy ingredient (with other ingredients used and with or without the addition of flavoring or other characterizing ingredient) is known in the trade as ice cream mix. Certain characterizing ingredients such as fruit may be, and frequently are, added after the mix is frozen. (R. 230–233, 402, 671–672, 699, 1049, 2252, 5236)

3. Milk and cream are composed of certain proportions of water, milk fat, and other constituents commonly referred to as nonfat milk solids or serum solids. The nonfat milk solids include proteins, milk sugar, various minerals, and certain water-soluble vitamins. The dairy products other than milk and cream referred to in finding 2 which are used and are suitable for use in making commercial ice cream contain milk fat or nonfat milk solids or both in varying proportions, and may also contain added sweetening agents. Such dairy products are concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated (evaporated or condensed) skim milk, superheated condensed skim milk, sweetened condensed skim milk, dried skim milk, liquid or condensed or dried sweet cream buttermilk (see finding 4), and butter. Combinations of two or more of these products are used. Water is added if necessary. To produce the properties associated by consumers with ice cream the proportions of the various products used in such combinations are so adjusted that the finished ice cream mix contains substantial amounts of both milk fat and nonfat milk solids. In recent years the proportion of nonfat milk solids to milk fat in ice cream has been generally increased, as compared with the proportion naturally present in cream or mixtures of cream and milk previously used as the dairy ingredient. The most important and expensive single constituent of ice cream, however, is milk fat, and ice cream cannot be made without a substantial proportion of this constituent. There is no evidence that any milk or milk product other than cow's milk or cow's milk products is used in making ice cream. (R. 44, 46, 50, 402, 440, 532–533, 564, 696–697, 721–728, 732, 786, 1101, 4422, 5204, 5482–5491)

4. Sweet cream buttermilk, in liquid or condensed or dried form, has substantially the same composition as the corresponding form of skim milk. Careful selection and handling of the product sold as sweet cream buttermilk are necessary to avoid some degree of souring. To be suitable for use in ice cream, the product is made from cream which is churned when it is fresh and sweet. No starter or neutralizer is used, and the resulting buttermilk is promptly used or is promptly evaporated or dried while it is still sweet. Such buttermilk, or the concentrated or dried product mixed with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid, and a bacterial count (microscopic cluster count) of not more than one million per cubic centimeter. (R. 276–277, 406, 626–628, 660–661, 989–994, 1513–1514, 1517–1519, 1520–1530, 1532–1535, 1539–1546, 1548–1555, 1562–1563, 1570–1585, 1592–1606, 1607–1615, 1620–1622, 3064, 5469–5473, 5512–5527)

5. The tendency in recent years to use increasing amounts of nonfat milk solids in ice cream (see finding 3) has had the effect of improving the texture and, when the fat content is held at the same level, of enhancing the nutritional value of the ice cream. Lactose (milk sugar) constitutes about half or slightly more of the nonfat milk solids. It has a limited solubility in cold water, and when the nonfat milk solids of ice cream are raised to about 12 percent or above, the lactose tends to crystallize while the ice cream is in storage. These crystals impart an undesirable grittiness which is known in the trade as sandiness. In order to incorporate larger amounts of nonfat milk constituents without danger of sandiness, various products derived wholly or in part from milk have been used. One of these is prepared by concentrating in vacuo sweetened skim milk to a point where part of the lactose crystallizes; the crystals are then removed by centrifuging. The resulting product differs from sweetened condensed skim milk only in that it has a lower lactose content. (R. 491–499, 668, 681–684, 906, 1819, 1844)

6. Other products represented as suitable for increasing the nonfat milk solids without danger of sandiness are prepared by the following basic procedure: The casein of skim milk is coagulated by the action of an acid, usually hydrochloric. The coagulated casein is separated from the other solids of the skim milk and is then treated with a solution of soda or other alkali to restore the casein to something like its natural condition. The resulting product is usually dried. It consists mostly of casein or a compound of casein and the alkali used; large parts of the vitamins and minerals of the skim milk from which it is prepared are lost. (R. 686–687, 927–932, 1640–1641, 2200)

7. A product similar to those described in finding 6, which is sold for a similar purpose, is prepared by separating casein from skim milk by the addition of a gum. Usually calcium chloride is also added. The precipitated mass is collected and dried. The final product contains casein, gum, some calcium chloride if this is used, and a part of the soluble constituents of the skim milk. The method of preparing this product also results in a very considerable loss of the vitamins and minerals of the original skim milk. (R. 685–686, 728–729, 916, 1627–1650, 2200)

8. There was considerable testimony about a product sold under the trade name of Sanalac. It was first said to be made by treating skim milk with an alkali to a point where some change occurs in the lactose, the mixture then being neutralized with an acid, concentrated, and dried. Further testimony indicated that this method is not now used but that the skim milk is treated in some other way. The evidence on the composition of this product is contradictory, and the record contains no substantial basis upon which its suitability for use in ice cream can be determined. (R. 729, 1428–1505, 1661–1675, 1677–1694, 2719–2720, 2729–2731, 5462–5464)

9. Ice cream is basically and essentially a milk and cream product. The products described in findings 6 and 7, although derived in part from milk, are so changed that they have lost the characteristics of milk and cream, including a large proportion of the water-soluble vitamins and minerals. Such products contribute to the ice cream in which they are used a certain smoothness of texture ordinarily associated with the milk fat and nonfat milk solids content of ice cream. (R. 729–730, 1631, 2199, 3240, 3825)

10. The sweetening agent most commonly used in ice cream is sugar (sucrose). Other products, however, are used which impart sweetness, and are suitable for such use. These are dextrose or corn sugar, invert sugar in the form of paste or sirup, corn sirup, or dried corn sirup. These may be used singly or in combination with each other and with sugar. Additional products which serve the dual purpose of sweetening the ice cream and imparting to it their own characteristic taste and flavor are specified in finding 19. (R. 44–45, 407–409, 537, 693, 733, 831, 1126, 1705–1715, 1784–1787, 1799–1803, 1814–1820, 1835–1838, 1845–1846, 1853–1859, 1862, 1882–1917, 1918–1937, 1939–1953)

11. Ground spices, ground vanilla beans, infusions of coffee or tea, and a large variety of natural food flavorings, such as extracts of lemon and vanilla, are used as characterizing flavors of ice cream and are suitable for such use. (R. 54–55, 237, 248, 409, 544, 1152, 3032; OPEx. 3)

12. Various artificial food flavorings are also widely used to modify or characterize the flavor of ice cream. They may be added as such or as components of other ingredients. When so used that they do not create a misleading impression as to the presence of a natural ingredient or the amount of a natural ingredient present, artificial food flavorings are suitable ingredients of ice cream. Consumers quite generally prefer natural over artificial flavorings and desire to know when artificial flavorings are present in ice cream. To the extent that information can be conveyed to consumers by labeling on ice cream, label statements of the use of artificial flavorings are in the consumer's interest. Such label statements which are accurate, informative, and reasonable are "artificially flavored," "artificial flavoring added," "with added artificial flavoring," or if the artificial flavoring is not added as such but as a component of some other ingredient, the statement "_____ artificially flavored," the blank being filled in with the name of such other ingredient. (R. 85–86, 416, 426–429, 1248, 1382–1384, 1391–1394, 1401–1402, 1963–1965, 1982, 1997, 2011–2012, 2903, 5095–5099, 5254)

13. The kind of ice cream now produced in greatest quantity is characterized, wholly or substantially, by the flavor of vanilla beans or by the alcoholic extract of such beans. Frequently this flavor is fortified with synthetic vanillin. Vanillin is naturally present in cured vanilla beans but is responsible for only a part of the flavor of such beans and their alcoholic extract. It was proposed that when synthetic vanillin is used in ice cream the label declare its presence simply as vanillin, and that no reference be made to the fact that it is an artificial flavoring. A label declaration in such terms would not reveal to consumers the artificial character of the flavoring, and would tend to be deceptive. R. 54–55, 237, 526, 538–540, 1394, 1935, 4452–4480, 4511–4518, 4525, 4611, 4624–4627, 4655–4658, 4731–4739, 4759, 4769, 4912–4913, 4940–4966, 4968–4973, 4974–4983, 5094–5095; OPEx.3)

14. Chocolate or various kinds of cocoas, or the unpulverized residual material prepared by removing part of the fat from ground cacao beans, or mixtures of any two or more of these substances are used as characterizing ingredients of a kind of ice cream. These cacao ingredients may be added to the ice cream mix as the dry substances or as suspensions in sirup. When added as the dry substances they may cause undue thickening of the mix during pasteurization, which results in difficulties in subsequent steps of manufacture. This may be prevented by the use of a small quantity of disodium phosphate. The quantity necessary and suitable for this purpose is not more than 0.2 percent by weight of the ice cream. (R. 56, 87, 238, 414–415, 546, 648, 692–693, 790–791, 1790, 1807–1808, 3072, 3076, 3102)

15. When fruits are used to characterize ice cream it is customary to use the fresh fruits, when they are available. However, frozen and canned fruits are also extensively used and are suitable for such use. Dried fruits are sometimes used and are likewise suitable. Fruit juices, alone or in combination with fruits, are also suitable for use in ice cream. The fruit juice used may be fresh, canned, frozen, or concentrated. (R. 57, 238–240, 529, 1104, 1167–1168, 1278–1282)

16. To be suitable for use in ice cream, fruits should be mature and properly prepared by removal of pits, seeds, skins, and cores, where such removal is the usual procedure in preparing such fruit for consumption as fresh fruit. In the case of citrus fruit, however, the whole

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing, which are the basis for these findings.

fruit, except seeds, is often used in order to obtain the flavoring value of the peel. Fruits are often sweetened before addition to ice cream, and for some types of ice cream (ripple, variegated, marbleized) the fruit and sugar mixture is thickened with pectin. Sometimes fruits are acidulated before use. Acids suitable for the acidulation of such fruits are citric, tartaric, malic, and lactic acids. (R. 57, 194–196, 415, 469, 543, 788, 1059, 1145, 1276–1284, 1364, 1957, 1966, 1973–1974, 2001, 2006, 2023, 2417, 2422–2425, 2460–2461, 2469–2472, 2490, 2503–2504, 3031, 3083–3084 4265–4266, 4296, 4359–4360, 4393–4397)

17. Substantial quantities of fruit must be added to ice cream to import the definite fruit characteristics expected by consumers in a fruit type of ice cream. However, the evidence is insufficient to establish numerical minima for the content of the various fruits used. (R. 58, 86, 188–192, 252–265, 269–271, 417–421, 1050–1059, 1091, 1097, 1105–1109, 1111–1113, 1128, 1144, 1147, 1152, 1161–1162, 1282–1283, 1284–1286, 1304, 1330, 1365–1366, 1377, 1959–1960, 1973; OPEx. 5; Govt. Exs. 8, 9, 10)

18. Properly prepared nuts are frequently used to characterize ice cream. The nuts used are sometimes roasted or cooked in butter, and are sometimes preserved in a sirup. Substantial quantities of nuts must be added to ice cream to impart the definite characteristics expected by consumers in a nut type of ice cream. However, the record does not contain sufficient evidence to establish numerical minima for the content of the various nuts used. (R. 58–59, 86, 197, 241–242, 254–265, 271, 422–424, 545, 1060–1063, 1110, 1151, 1153, 1231–1232, 1288–1289, 1365, 1961–1963, 1978–1979, 1981, 2005, 2900, 2973–2974, 2994, 5095–5099; Govt. Exs. 8, 9, 10; OPEx. 5)

19. Maple sirup, maple sugar, honey, brown sugar, malt sirup, dried malt extract, and molasses (other than blackstrap) are frequently used to characterize ice cream, in addition to contributing sweetness, and are suitable for such use. (R. 43, 243, 408, 693, 1714, 1730, 1733, 1948–1951)

20. Malted milk is used and is suitable for use as a characterizing ingredient of ice cream. Although malted milk contains substantial quantities of milk solids, its use by ice cream manufacturers is solely as a characterizing ingredient and not as a source of milk fat or nonfat milk solids. (R. 694, 801–802, 936–938, 1653–1657)

21. Candy, cakes, cookies, cooked cereals, and glacéed fruits also are used to characterize ice cream and are suitable for such use. (R. 57, 59, 244–247, 424–425, 4826–4828)

22. Wines and distilled alcoholic beverages, including liqueurs, are used to characterize ice cream and are suitable for such use. (R. 59, 425–426, 1153, 1338–1343)

23. Eggs or egg yolks (liquid, frozen, or dried) are often used in small quantities in ice cream, both in the home and in commercial plants. Their use commercially is mainly to facilitate the whipping or incorporation of air into the ice cream. When eggs or egg yolks are used in sufficient quantity they impart their color and flavor and create a frozen product different from ice cream which is known as frozen custard (see finding 40). The quantity of eggs or egg yolk used in ice cream is such that the egg yolk solids in the finished ice cream is less than 1.4 percent by weight. (R. 65–68, 82, 87, 234, 397, 431–437, 691–692, 741–742, 932–936, 997–998, 4834–4835)

24. The following substances are used as stabilizers in ice cream, to retard the formation of large ice crystals and in some cases to improve the whipping quality of the mix, and are suitable for such use: gelatin, with or without admixture of mono- or diglycerides, or both, of fat-forming fatty acids; algin (sodium alginate); extract of Irish moss; psyllium seed husk; agar-agar; gum acacia; gum karaya; locust bean gum; gum tragacanth. Dextrin is often used as a carrier for such stabilizing substances. The quantity of such substances needed is not more than 0.5 percent by weight of the finished ice cream. Larger quantities are unnecessary and may result in undesirable effects. There is no evidence establishing the use or suitability of egg white or quince seed as stabilizers. (R. 45, 90, 437–439, 549–551, 691, 733–741, 805–806, 824–830, 1860, 2031–2038, 2040–2047, 2067–2073, 2079–2119, 2124–2158, 2190–2192, 2202, 2208–2223, 2248–2259, 2271–2276, 2336–2339, 2374–2382, 2468, 2485–2486, 2515, 2537, 2558, 2691–2717, 2735–2753, 4913)

25. The evidence does not establish that lecithin is used to any substantial extent in ice cream, that it is effective as a stabilizer in ice cream, or that it has any legitimate place in the product. (R. 2564–2614, 2617–2626, 2630–2643, 2656–2658, 2662–2684)

26. Oat flour was proposed for use in ice cream as a stabilizer and antioxident. The evidence does not establish its suitability for use as a stabilizer or that it has been used as such to any substantial extent. The evidence does not establish that there is any need for an antioxident in ice cream. (R. 53, 2761–2771, 2773–2793, 2802–2824, 2832–2873, 3053, 3203, 4888–4899)

27. Ice cream has customarily been made from dairy ingredients that are not sour. From their general knowledge of the composition of ice cream, derived in part from its home preparation, consumers do not expect the milk, cream, or other dairy product used in place of of these, to be sour or to have been prepared from sour materials. Some ice cream manufacturers have added to the dairy ingredients baking soda and other alkalis, such as calcium hydroxide, magnesium hydroxide, and magnesium carbonate, to neutralize the acidity resulting from the souring of milk and cream. An ice cream mix which is prepared with sour dairy ingredients is likely to cause difficulty such as thickening and curdling during pasteurization, homogenization, or freezing, unless the acidity of the mix has been neutralized by an alkali. It was proposed that the alkalis sodium bicarbonate, magnesium oxide, magnesium carbonate, calcium oxide, calcium hydroxide, and calcium sucrate be recognized as optional ingredients of ice cream. It was claimed that the use of such alkalis is necessary to permit the use of milk and cream that have developed acidity while being held for use or during shipment from distant points; that neutralization would not result in abuses since consumers would refuse ice cream having the objectionable flavor accompanying souring; and that in any event the practice could be controlled by setting a limit on the amount of acidity that could be so neutralized. Some manufacturers use neutralizing agents to reduce the slight acidity naturally present in ice cream mix even where no souring has occurred, sometimes with the idea of manipulating the flavoring or whipping quality and sometimes upon the theories, which have not been established, that reduced acidity permits the use of larger quantities of nonfat milk solids without danger of sandiness and improves the viscosity of certain mixes. Recognition of such alkaline substances as optional ingredients of ice cream would encourage the use of sour milk products which are not normal or acceptable ingredients of ice cream, would hinder the work of agencies which long and successfully have been attempting to improve the sanitary quality of dairy products used in ice cream, and may result in the concealment of the presence of such unfit milk products. (R. 51–52, 404, 525, 571, 624, 701, 704, 792, 809–811, 945–954, 975, 978, 1010, 1179, 1245, 1260, 1790, 1807–1808, 1867–1870, 2164, 2264, 2279–2286, 2308–2323, 2487, 2522, 2882–2897, 2965–2968, 3004–3006, 3012–3018, 3022, 3054–3058, 3071, 3189–3192, 3297–3300, 3317, 3371, 3374, 3570, 3637–3640, 4016, 4495–4497, 4504, 4847, 4912, 5136–5140, 5181, 5239–5242, 5280, 5302–5303, 5336–5339, 5417–5462, 5492, 5501–5505; Govt. Exs. 18, 19, 20, 21, 22, 23, 24, 37)

28. Occasionally batches of ice cream have the appearance of being "wet" or not fully frozen. Sometimes there is a partial separation of the casein in curd-like particles. Sometimes there is difficulty in cooling the mix after pasteurization and homogenization, due to its becoming too thick to flow freely; this is often caused by the clumping together of particles of fat. Occasionally, different batches of ice cream prepared by the same formula show differences in apparent smoothness and richness. These difficulties often arise from the improper adjustment of certain mechanical equipment used in preparing the mix or freezing the ice cream. Most, if not all, of the difficulties will occur if dairy ingredients are used in which souring has progressed to some degree, and in such cases the use of small quantities of the alkalis referred to in finding 27 will correct the trouble, but such use is subject to the objection expressed in that finding. Some persons advance the theory that these difficulties may also arise occasionally when the mechanical equipment is in proper adjustment and the dairy ingredients used are sweet. In such circumstances these persons ascribe the difficulties to a condition of the mineral salts naturally present in milk, which condition they call lack of salt balance. They describe this as an abnormal relationship in the relative proportions of calcium and magnesium ions on the one hand to phosphate and citrate ions on the other. To correct a deficiency in calcium or magnesium ions these persons recommend the use of calcium chloride or calcium lactate, and for a deficiency in phosphate or citrate ions they recommend the use of sodium citrate, disodium phosphate, or sodium metaphosphate. The use of such salts, except disodium phosphate in a mix characterized by cacao ingredients, has been quite limited. When adequate precautions are adopted to eliminate dairy products in which incipient souring has occurred there is no established need for the use of either alkalis or salts. The evidence does not establish that lack of salt balance is the causative factor in the difficulties listed above or that the addition of the mineral salts serves any legitimate purpose except in the case of ice cream characterized by cacao ingredients. (R. 624, 709–711, 748–763, 769–770, 809–822, 846–858, 869–874, 921–926, 960–977, 998–1000, 1790, 1876–1881, 2172, 2289–2296, 2499, 2520–2523, 3113–3150, 3152–3160, 3162–3170, 3205–3233, 5135, 5260–5267, 5332–5336, 5418, 5421, 5432)

29. Several products made by adding alkalis to skim milk, concentrating the mixture and drying it to a powder, are sold under trade names to ice cream manufacturers with representations that by the use of such products the nonfat milk solids can be increased without danger of sandiness. There was testimony concerning a mixture of an alkali-treated dried skim milk and dried egg yolk, largely to the effect that its egg yolk content causes a change in texture and permits a high overrun. Another such product is prepared by adding calcium and magnesium hydroxide and disodium phosphate to skim milk and drying, although theories advanced by witnesses concerning the use of such substances as salt-balancing agents (see finding 28) indicate that the effect from calcium and magnesium is offset by the phosphate. The use of such alkalis neutralizes the natural acidity of the skim milk. Whether or not such neutralized dried skim milk retards the crystallization of lactose in ice cream is not established by the evidence. To the extent that these products may be overneutralized and serve as vehicles for the introduction of alkalis into ice cream, their use is subject to the same objection as the direct addition of such alkalis (see finding 27). When they are not overneutralized their incorporation in any substantial proportion in the ice cream mix dilutes the acidity of the mix and makes possible the use of larger quantities of dairy ingredients in which souring has occurred. The evidence does not establish that such products have a legitimate place in ice cream. (R. 44, 739, 3238–3280, 3557–3570, 3605–3616; Govt. Exs. 20, 24, 37)

30. Carotene (provitamin A) was proposed by a manufacturer of this substance as an optional ingredient of ice cream for the purpose of enhancing its nutritive value. The evidence does not establish that carotene is stable and retains its potency in ice cream. Ice cream is consumed in relatively small quantities, particularly by those groups whose diet is likely to be deficient in vitamin A. It is not shown that, even if carotene retains its potency in ice cream, the quantity of vitamin A it would contribute to such diets would be of any substantial significance. It was also not shown that carotene would otherwise serve a useful purpose in ice cream or that it has been used in ice cream to any substantial extent. To avoid confusing and misleading consumers, the fortification of foods with vitamins should be restricted to a few staple foods which are effective carriers of the particular vitamins that are deficient in the diet of a significant segment of the population who regularly consume these foods. The quantities of carotene suggested for addition to ice cream would be of no substantial nutritional significance and would tend to mislead consumers. (R. 3850–3868, 3871–3897, 4992–5012, 5041–5046; OP Ex. 100)

31. Many kinds of ice cream are colored. When so used that they do not create a misleading impression as to the presence of a natural ingredient or the amount of a natural ingredient present, colorings are suitable ingredients of ice cream. (R. 53–54, 86, 547–548, 614, 776–778, 1021, 1102–1103, 1119–1126, 1143–1144, 1148, 1183, 1344, 1958, 1970, 1975, 1993–1995, 2507, 3025, 4361, 4835, 4845)

32. To obtain uniformity of distribution of the components of ice cream mix and to disperse the fat particles so as to produce a better texture in the finished product, it is customary to heat the ice cream mix to a temperature of about 145° Fahrenheit or above while the mix is being stirred and then to run it through a homogenizer. (R. 43, 530, 745–747)

33. The heating prior to homogenization is normally such that it pasteurizes the mix. Pasteurization eliminates danger of milk-borne diseases and increases the keeping quality of ice cream. Pasteurization is generally recognized as an essential step in the preparation of commercial ice cream, and consumers expect the protection from milk-borne diseases afforded by pasteurization. (R. 397, 534, 745)

34. Each State and the District of Columbia have established through law or regulation minima for the fat content of ice cream. In the case of plain ice cream, that is, ice cream in which the characterizing ingredients are not bulky, the minimum requirements are as follows:

Milk Fat				
8 percent (5)	10 percent (23)	12 percent (13)	13 percent (1)	14 percent (7)
District of Columbia. Missouri. Rhode Island. Texas. West Virginia.	Alabama. Arizona. Arkansas. California. Connecticut. Florida. Georgia. Indiana. Kansas. Kentucky. Louisiana. Massachusetts. Mississippi. Montana. New Jersey. New York. North Carolina. Ohio. Pennsylvania. South Carolina. Tennessee. Virginia. Washington.	Colorado. Delaware Illinois Iowa Maryland. Michigan. Minnesota. New Mexico. North Dakota. Oregon. South Dakota. Utah. Wyoming.	Wisconsin.	Idaho. Maine. Nebraska. Nevada. New Hampshire. Oklahoma. Vermont.

(R. Govt. Ex. 4)

35. The characteristic smoothness and texture and the characteristic richness in taste and food values expected in ice cream by consumers are produced primarily by the content of milk fat, nonfat milk solids, and other solids in the mix, by the homogenization of the mix, and by the technique of freezing. Of all these factors, the quantity of milk fat has the greatest influence on such characteristics. A reasonable minimum limit for milk fat in ice cream is 12 percent by weight. (R. 23–25, 27, 46, 50, 83–84, 440–443, 478–479, 564, 678–679, 1022–1025, 1101, 1158–1159, 1236–1244, 1259, 1263, 1834, 1865, 2230–2231, 2240, 2489, 2908–2912, 2981–2982, 3175–3184, 3321–3323, 3349–3350, 3364, 4422, 4433–4447, 4487–4494, 4498–4500, 4836, 4914, 5133, 5482–5491; Govt. Exs. 3, 5, 28–34; OPEx. 224)

36. The characterizing ingredients specified in findings 14, 15, 18, 20, and 21, are bulky, that is, they must be used in relatively large quantities in order to characterize ice cream. When such quantities are added to an ice cream mix, the fat content of the finished ice cream will be lowered in proportion to the quantity of such characterizing ingredients used. This is recognized in practically all State standards. A considerable number of States permit a reduction in fat content proportionate to the quantity of such characterizing ingredients, but provide that in no case shall the reduction be more than 2 percent. Many States provide for a flat reduction of 2 percent. Most State standards limit the reduction to not more than 2 percent below the minimum prescribed for ice cream characterized by non-bulky ingredients. The characterizing ingredients specified in findings 11, 12, and 22 are used in relatively small quantities and do not significantly lower the fat content of the mix. The characterizing and sweetening ingredients specified in finding 19 replace other sweetening agents and do not lower the fat content of the mix. (See page references under findings 11, 12, 14, 15, 18, 19,

20, 21, and 22; also R. 440A, 786–788, 524–525, 566–568. 3399–3404; Govt. Ex. 4)

37. Although there was no evidence of the use of insufficient nonfat milk solids in ice cream, attention was called to the possibility that abuses in this respect might arise unless a minimum nonfat milk solids content is required. When the fat content is low (8 percent to 10 percent), it is customary to use 10 percent to 12 percent of nonfat milk solids. In high-fat ice cream the content of nonfat milk solids is lower, but even in the case of very high-fat ice cream it does not fall below about 6 percent. A minimum of 6 percent by weight of nonfat milk solids in ice cream is a reasonable limitation. (R. 50, 681, 1717–1722, 1725–1726, 1745, 1753–1756, 1766–1767, 1771–1773, 1804–1805, 1824; OPEx. 15)

38. When ice cream mix is frozen, air is whipped in and the volume of finished ice cream is greater than the volume of the original mix. This increase in volume is known in the trade as "overrun." The amount of overrun depends mainly on the vigor of whipping, the temperature of freezing, and the composition of the mix. A certain amount of overrun is necessary to give ice cream some of its characteristic properties, but ice cream can be excessively inflated and thus cheapened, since it is sold by volume. As the amount of air is increased the weight of a given volume of the ice cream decreases. It is practicable in manufacturing ice cream to control the quantity of overrun with either of the two types of freezers in general use, that is, the batch type and the continuous type. Most of the State standards limit the overrun either by establishing a minimum weight per gallon for the finished ice cream or by other provisions. An overrun of more than approximately 100 percent is excessive. A requirement that the weight of ice cream be not less than 4.5 pounds per gallon, coupled with a minimum limit on solids per gallon (see finding 39), permits an overrun of about 100 percent, is effective in preventing the excessive incorporation of air, and is reasonable. (R. 60–62, 85, 443b–443c, 448–449, 765–768, 771–776, 2229, 4914; Govt. Ex. 4)

39. Excessive water in ice cream mix dilutes its solids content and cheapens the product. A reasonable limitation against excessive dilution is a requirement that the solids content be not less than 1.6 pounds per gallon of finished ice cream. Such a requirement also serves as a desirable adjunct to the method of controlling overrun referred to in finding 38, since it allows higher overrun in the case of higher solids content and restricts overrun in the case of lower solids content (R. 29, 60–61, 448, 525; Govt. Ex. 4)

40. Frozen custard, french ice cream, and french custard ice cream are common and usual names for the food which is identical with ice cream except that it contains eggs or egg yolk in such quantity that the egg yolk solids are not less than 1.4 percent of the weight of the finished food. Findings 1 to 39 on ice cream, except that part of finding 1 on the name "ice cream" and that part of finding 23 limiting the egg yolk solids content of ice cream, are applicable to frozen custard. (See page references under finding 23; also R. 523–524, 569; Govt. Ex. 4)

41. A frozen product which closely resembles ice cream but which usually contains only about 4 or 5 percent of milk fat is sold in several States. Proposals were advanced that a definition and standard of identity be prescribed for this product under the name "ice milk." In comparison with the volume of ice cream, the quantity of ice milk sold is small; its production in 1938 was less than 3.5 percent of that of ice cream. Fourteen States define the product as imitation ice cream, and ten of these prohibit its sale; twelve States define ice milk and prescribe restrictions designed to safeguard against its sale as ice cream. Among such safeguards are: Sale is permitted only in packages conspicuously labeled ice milk; the size of the packages is limited to not more than 1 pint or other relatively small quantity; sale is restricted to establishments which sell no other frozen desserts; establishments selling the product are required to display signs in letters of specified height bearing such inscriptions as "Ice milk sold here." A large proportion of this product is used in certain soda fountain beverages. Consumers do not generally distinguish ice milk from ice cream. It is easily passed off as and for ice cream, and sometimes is so passed off. (R. 22, 68, 75–76, 89, 551, 2508–2511, 2513–2514, 2983–2988, 3000, 3037–3039, 3086–3096, 3325–3338, 3531–3556, 3576–3588, 3700–3704, 3722–3725, 3775–3786, 3791, 3835–3836, 3900–3904, 3908–3923, 3925–3954, 3955–3969, 3970–3993, 4000–4005, 4007–4012, 4020–4044, 4059–4067, 4074–4111, 4139–4140, 5141–5145, 5245–5248, 5252, 5287–5297, 5328, 5341–5350, 5473–5482; Govt. Ex. 15, 26, 27; OP Ex. 98, 99, 101, 102, 105)

42. Sherbet is a frozen food having a number of characteristics that distinguish it from ice cream. The most outstanding characteristics of ice cream, even of the fruit types, are the smoothness, texture, and richness in taste and food values arising from a relatively high content of milk fat and nonfat milk solids (see findings 5 and 35), whereas the principal characteristic of most sherbet arises from its content of fruit or fruit juice. Sherbet contains milk constituent solids, but in quantities much less than does ice cream, and these solids usually serve to impart no more than a slightly milky (not creamy) taste. (R. 21–22, 69–70, 88, 398, 410, 443B, 530, 2504–2508, 4211, 4278–4279, 4834, 4914–4915, 5146–5147, 5249)

43. Other significant differences between ice cream and sherbet are: Sherbet has a tarter taste, due to its fruit content or to added acid or both; it is usually somewhat sweeter than ice cream, lower in total solids, and of somewhat coarser texture. (R. 22, 69–70, 203, 209, 398, 530, 1961, 2524, 4186, 4196, 4212, 4223–4224, 4291–4292, 4834)

44. Small quantities of frozen foods are sold as sherbet which contain no fruit or fruit juice but are characterized by mint, wine, chocolate, vanilla, tea, coffee, spices, ginger ale, or pistachio. Some of these are not acidulated and do not have the characteristic tartness of sherbet. Such products can be made to resemble ice cream, and to the extent that they are so made they tend toward deception of consumers (cf. finding 41). The name "sherbet" so generally implies a frozen food of fruity characteristics that it may be a misnomer for a non-fruity food. However, there is no evidence that when the word "sherbet" is preceded by the name of a nonfruit characterizing ingredient (e. g. "mint sherbet") such designation is misleading, nor is there evidence that such nonfruity products are not legitimate articles if they can be and are so made as not to simulate ice cream. (R. 72, 411–412, 4219, 4238, 4241–4244, 4249, 4257, 4304, 4834, 4914–4915, 5146–5147, 5249)

45. Findings 15, 16, and 17 are applicable to fruit sherbet, except that the record shows no use of dried fruits in sherbet. When fruit is used it is screened or crushed. Screened or crushed tomato and rhubard, which have fruity characteristics (cf. definitions and standards of identity for fruit preserves, 5 F. R. 3557), are sometimes used instead of fruit or fruit juice. (R. 70–71, 270–271, 417–418, 543, 1960, 2517–2518, 3033, 4189–4190, 4219, 4221–4222, 4278–4279, 4289, 4303, 4372)

46. Sherbet is frequently called "milk sherbet," and this designation is used in many State laws defining the product. Some of the essential characteristics of fruit sherbet are imparted by its content of milk fat and nonfat milk solids. The milk constituent solids of fruit sherbet are ordinarily obtained by adding unflavored ice cream mix, with or without the addition of one or more of the dairy products specified in findings 2 and 3 as suitable for use in making ice cream. Sometimes milk is used alone or in combination with other dairy products so specified. All of the dairy ingredients specified in findings 2 to 5, inclusive, as suitable for use in ice cream are also suitable for use in fruit sherbet, but there is no occasion for the use of the ingredient so specified in finding 5 except as a component of ice cream mix, and the use of skim milk in any of its forms as the sole dairy ingredient would tend to mislead consumers. (R. 70, 72, 400, 401–402, 440, 443A, 530, 4186–4187, 4214, 4286)

47. The quantity of milk constituent solids necessary to characterize fruit sherbet is at least 2 percent by weight of the finished product. More than 5 percent of such solids tends to make the product resemble ice cream, as does a quantity of milk fat above 2 percent. Maxima of not more than 5 percent total milk constituent solids and not more than 2 percent milk fat, and minima of not less than 2 percent total milk constituent solids and not less than 1 percent milk fat, are necessary to characterize fruit sherbet and to differentiate it from ice cream and water ice. (R. 440A, 4188, 4215–4217, 4236, 4281–4282, 4371–4372)

48. The sweetening agents which are used and are suitable for use in fruit sherbet are sugar, dextrose, invert sugar (as paste or sirup), corn sirup, and dried corn sirup. (R. 1786–1787, 1820, 1838, 1858, 1917, 1971, 4286)

49. Finding 24 is applicable to fruit sherbet, except that there is evidence indicating the use and suitability of egg white as a stabilizer in fruit sherbet. Pectin is also stuitable for use for this purpose, in a quantity not more than 0.5 percent by weight. (R. 70, 88, 439, 530, 2417, 2420–2421, 2430–2431, 2441, 2459–2460, 2478–2479, 2502, 4218, 4282–4285)

50. Most State laws defining sherbet are designed to prevent its manufacture in simulation of ice cream. One requirement of many such laws is that the acidity of the product be not less than 0.35 percent, calculated as lactic acid. The acidity of sherbet averages about 0.5 to 0.6. A minimum of 0.35 acidity, calculated as lactic acid, is a reasonable limit for fruit sherbet. (R. 22, 71–72, 2903–2904, 4257)

51. To reach the desired acidity harmless acids are usually added. Those generally used and suitable for use are citric, tartaric, lactic, and malic. (R. 202–203, 207, 1978, 2006, 4197, 4223–4224, 4291–4292)

52. Salt and eggs or egg yolks are sometimes present in fruit sherbet as a result of the use of ice cream mix in its preparation (see findings 23 and 46). The quantity of egg yolk solids thus introduced is less than ½ of 1 percent. (R. 70, 430, 4211)

53. Much fruit sherbet is colored. When so used that they do not create a misleading impression as to the quantity of fruit or fruit juice present, colorings are suitable ingredients of fruit sherbet. (R. 70, 1960, 2504–2506, 4200, 4211, 4251)

54. Some frozen foods sold as fruit sherbet contain no fruit or fruit juice but are characterized by natural or artificial fruit flavoring, including extracts or emulsions of citrus oils. These same flavorings are frequently used as "kickers" with some fruit or fruit juice, that is, they enhance the fruity characteristics of the finished product to an intensity that would otherwise be reached only by using more fruit or fruit juice. Such flavorings produce a given flavor intensity at a lesser cost than does fruit or fruit juice. The most important and expensive single constituent of fruit sherbet is fruit or fruit juice. Authorization to use such flavorings in any frozen product having the apparent characteristics of fruit sherbet would tend to deception of consumers. (R. 70–71, 411, 530, 2504–2507, 3031–3035, 4189, 4192–4195, 4246, 4261–4262, 4278–4279, 4289, 4295, 4336–4337, 4372, 4507, 5146–5147)

55. The dairy ingredient of fruit sherbet is pasteurized, and may be homogenized, either before or after addition to the fruit sherbet mix. Pasteurization of the dairy ingredient is generally recognized as an essential step in the preparation of commercial fruit sherbet, and consumers expect the protection from milk-borne diseases afforded by pasteurization (see finding 33). (R. 72, 214, 368, 401)

56. Finding 38 is applicable to fruit sherbet. The normal overrun in fruit sherbet is less than that in ice cream. A requirement that the weight of fruit sherbet be not less than 6 pounds per gallon is effective in preventing the excessive incorporation of air, and is a reasonable limit. (R. 69, 72, 449, 4278, 4290, 4386)

57. The common and usual name of each kind of fruit sherbet is the word "sherbet," preceded by the common or usual name of the fruit from which the fruit ingredient used is obtained.

58. Most of the commercially produced water ices are characterized by their fruity flavor and are of the same composition as the correspondingly flavored commercial fruit sherbets except that no dairy ingredient is used in water ice. Some nonfruity-type water ices are produced, but the record contains insufficient evidence to determine what the composition and characteristics of each of such various products should be. (R. 72–73, 398–399, 4237, 4278, 4363–4365)

59. Findings 45, 48, and 49 are applicable to fruity-type water ice. (R. 72–73, 401)

60. To obtain the desired tartness, the acids specified in finding 51 are frequently used and are suitable for use in fruity-type water ice. (R. 72–73, 212, 1234–1235)

61. Findings 53, 54, and 56 are applicable to fruity-type water ice. (R. 72–73, 89, 1234–1235)

62. The common and usual name of each kind of fruity-type water ice is the word "ice" preceded by the common or usual name of the fruit from which the fruit ingredient used is obtained. (R. 73, 453)

63. There are other frozen foods which differ from ice cream, fruit sherbet, and fruit-type water ice. They are not sold under these names, but usually are referred to collectively as "frozen confections." A proposal was advanced that a definition and standard of identity be prescribed for these articles under the name "frozen confections." The composition and characteristics of these articles are so varied that no blanket requirement sufficiently definitive to be of substantial significance to consumers is practicable. (R. 552, 553, 563, 597–598, 5163)

DEFINITIONS AND STANDARDS OF IDENTITY SUGGESTED BY FOOD AND DRUG ADMINISTRATION, BASED ON EVIDENCE AT 1942 HEARING

§ 20.1 *Ice cream; identity; label statement of optional ingredients.* (a) Ice cream is the food prepared by freezing, while stirring, a pasteurized mix composed of one or more of the optional dairy ingredients specified in paragraph (b) of this section, sweetened with one or more of the optional saccharine ingredients specified in paragraph (c) of this section. One or more of the optional ingredients indicated under subparagraphs (1) to (9), inclusive, of this paragraph and under paragraph (c) (5) to (10), inclusive, of this section may be used, subject to the conditions hereinafter set forth:

(1) Ground spice, ground vanilla beans, infusion of coffee or tea, any natural food flavoring.

(2) Any artificial food flavoring.

(3) Chocolate or cocoa, which may be added as such or as a suspension in sirup, and which may contain disodium phosphate in such quantity that the finished ice cream contains not more than 0.2 percent thereof by weight. For the purpose of this section the term "cocoa" means one or any combination of two or more of the following: cocoa, breakfast cocoa, low-fat cocoa, the unpulverized residual material prepared by removing part of the fat from ground cacao nibs.

(4) Mature fruit, or the juice of mature fruit. The fruit used may be fresh, frozen, canned, or dried, and may be sweetened, thickened with pectin, and acidulated with citric, tartaric, malic, or lactic acid. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit; except that in the case of citrus fruits the whole fruit, including the peel but excluding the seeds, may be used. The fruit juice used may be fresh, frozen, canned, or concentrated.

(5) Nut meats, which may be roasted, cooked in butter, or preserved in sirup.

(6) Malted milk.

(7) Confectionery. For the purpose of this section the term "confectionery" means candy, cakes, cookies, or glacéed fruits.

(8) Properly prepared and cooked cereal.

(9) Any distilled alcoholic beverage, including liqueurs, or any wine, or both.

One or more of the optional ingredients designated under subparagraphs (10) and (11) of this paragraph may be used:

(10) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks; but the total weight of egg yolk solids in any such ingredient used singly, or in any combination of two or more such ingredients used, is less than 1.4 percent of the weight of the finished ice cream.

(11) Gelatin (with or without admixture of monoglycerides or diglycerides or both of fat-forming fatty acids), algin, extract of Irish moss, psyllium seed husk, agar-agar, gum acacia, gum karaya, locust bean gum, gum tragacanth; but the total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used, is not more than 0.5 percent of the weight of the finished ice cream. Such ingredients may be added in admixture with dextrin.

Coloring may be added. The mix may be seasoned with salt and may be homogenized. The kind and quantity of optional dairy ingredients used, and the content of milk and nonfat milk solids therein, are such that the weights of milk fat and nonfat milk solids are not less than 12 percent and 6 percent, respectively, of the weight of the finished ice cream; except that when one or more of the optional ingredients indicated in subparagraphs (3) to (8), inclusive, of this paragraph are used the weights of milk fat and nonfat milk solids (exclusive of such fat and solids in any malted milk used) are not less than 12 percent and 6 percent, respectively, of the remainder obtained by subtracting the weight of such optional ingredients from the weight of the finished ice cream; but in no case is the weight of milk fat or nonfat milk solids less than 10 percent and 5 percent, respectively, of the weight of the finished

ice cream. The weight of such optional ingredients is their weight exclusive of any sweetening ingredient, water, or any other substance added thereto; and in the case of any ingredient whose proper preparation requires the removal of pits, seeds, skins, cores, peel, shell, or other parts, the weight of such ingredient after it is so prepared; and in the case of concentrated fruit juice the original weight of the juice before it was concentrated; and in the case of dried fruit the weight thereof multiplied by four. The finished ice cream contains not less than 1.6 pounds of total solids to the gallon and weighs not less than 4.5 pounds to the gallon. Any artificial flavoring in any chocolate, cocoa, confectionery, or other ingredient used is an optional ingredient of the finished ice cream.

(b) The optional dairy ingredients referred to in paragraph (a) of this section are cream, butter, milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated (evaporated or condensed) skim milk, superheated condensed skim milk, sweetened condensed skim milk, dried skim milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, sweetened skim milk which has been concentrated and from which part of the lactose has been removed after crystallization. Water may be added. The sweet cream buttermilk, and the concentrated sweet cream buttermilk or dried sweet cream buttermilk mixed with water to a total solids content of 8.5 percent each, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid, and a bacterial count (microscopic cluster count) of not more than 1,000,000 per cubic centimeter. The term "milk" as used in this section means cow's milk.

(c) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.
(2) Dextrose.
(3) Invert sugar (paste or sirup).
(4) Corn sirup, dried corn sirup.
(5) Maple sirup, maple sugar.
(6) Honey.
(7) Brown sugar.
(8) Malt sirup.
(9) Dried malt extract.
(10) Molasses (other than blackstrap).

(d) (1) When any artificial flavoring is used, directly or as a component of any other ingredient, the label shall bear the statement "artificially flavored" or "artificial flavoring added" or "with added artificial flavoring," or in lieu thereof, in case the artificial flavoring is a component of another ingredient, "_____ artificially flavored," the blank being filled in with the name of such other ingredient.

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed, or other graphic matter, except that a word or words indicating the kind of the ice cream may so intervene.

§ 20.2 *Frozen custard, french ice cream, french custard ice cream; identity; label statement of optional ingredients.* Frozen custard, french ice cream, french custard ice cream conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for ice cream by § 20.1, except that one or more of the optional egg ingredients permitted by § 20.1 (a) (10) are used in such quantity that the total weight of egg yolk solids therein is not less than 1.4 percent of the weight of the finished frozen custard.

§ 20.3 *Fruit sherbets; identity.* (a) Fruit sherbets are the foods each of which is prepared by freezing, while stirring, a mix composed of one or more of the optional fruit ingredients specified in paragraph (b) of this section and one or more of the pasteurized optional dairy ingredients specified in paragraph (c) of this section, sweetened with one or more of the optional saccharine ingredients sugar, dextrose, invert sugar (paste or sirup), corn sirup, and dried corn sirup, and with or without added water. One or more of the optional ingredients indicated under subparagraphs (1) to (3), inclusive, of this paragraph may be used, subject to the conditions hereinafter set forth:

(1) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks; but the weight of egg yolk solids therein is less than ½ of 1 percent of the weight of the finished fruit sherbet.

(2) Gelatin (with or without admixture of monoglycerides or diglycerides or both, of fat-forming fatty acids), egg white, algin, extract of Irish moss, psyllium seed husk, agar-agar, gum acacia, gum karaya, locust bean gum, gum tragacanth, pectin; but the total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used, is not more than 0.5 percent of the weight of the finished fruit sherbet. Such ingredients may be added in admixture with dextrin.

(3) Citric acid, tartaric acid, malic acid, lactic acid, or any combination of two or more of these, in such quantity as seasons the finished food.

Coloring may be added. The mix may be seasoned with salt and may be homogenized. The kind and quantity of optional dairy ingredients used, and the content of milk fat and nonfat milk solids therein, are such that the weight of milk fat is not less than 1 percent and not more than 2 percent, and the weight of total milk constituent solids is not less than 2 percent and not more than 5 percent, of the weight of the finished fruit sherbet. The titratable acidity of the finished fruit sherbet, calculated as lactic acid, is not less than 0.35 percent. The finished fruit sherbet weighs not less than 6 pounds to the gallon.

(b) The optional fruit ingredients referred to in paragraph (a) of this section are any mature fruit or the juice of mature fruit. The fruit used may be fresh, frozen, or canned; and the fruit juice used may be fresh, frozen, canned, or concentrated. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit, except that in the case of citrus fruits the whole fruit, including the peel but excluding the seeds, may be used. The fruit is screened, crushed, or otherwise comminuted.

(c) The optional dairy ingredients referred to in paragraph (a) of this section are cream, butter, milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated (evaporated or condensed) skim milk, superheated condensed skim milk, sweetened condensed skim milk, dried skim milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, sweetened skim milk which has been concentrated and from which part of the lactose has been removed after crystallization. Water may be added. The sweet cream buttermilk, and the concentrated sweet cream buttermilk or dried sweet cream buttermilk mixed with water to a total solids content of 8.5 percent, each has a titratable acidity of not more than 0.17 percent, calculated as lactic acid, and a bacterial count (microscopic cluster count) of not more than 1,000,000 per cubic centimeter. The term "milk" as used in this section means cow's milk.

(d) The name of each such fruit sherbet is "_____ sherbet," the blank being filled in with the common name of the fruit or fruits from which the fruit ingredient used is obtained. When two or more fruit names are filled in, such names are in the order of predominance, if any, by weight of the respective fruit ingredients used.

§ 20.4 *Water ices; identity.* (a) Water ices are the foods each of which is prepared by freezing, while stirring, a mix composed of one or more of the optional fruit ingredients specified in paragraph (b) of this section, sweetened with one or more of the optional saccharine ingredients: sugar, dextrose, invert sugar (paste or sirup), corn sirup, and dried corn sirup, and with or without added water. One or more of the optional ingredients indicated under subparagraphs (1) and (2) of this paragraph may be used, subject to the conditions hereinafter set forth:

(1) Gelatin (with or without admixture of monoglycerides or diglycerides or both, of fat-forming fatty acids), egg white, algin, extract of Irish moss, psyllium seed husk, agar-agar, gum acacia, gum karaya, locust bean gum, gum tragacanth, pectin; but the total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used, is not more than 0.5 percent of the weight of the finished water ice. Such ingredients may be added in admixture with dextrin.

(2) Citric acid, tartaric acid, malic acid, lactic acid, or any combination of two or more of these, in such quantity as seasons the finished food.

Coloring may be added. The mix may be seasoned with salt and may be homogenized. The titratable acidity of the finished water ice, calculated as lactic acid, is not less than 0.35 percent. The finished water ice weighs not less than 6 pounds to the gallon.

(b) The optional fruit ingredients referred to in paragraph (a) of this section are any mature fruit or the juice of mature fruit. The fruit used may be fresh, frozen, or canned; and the fruit juice used may be fresh, frozen, canned, or concentrated. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit, except that in the case of citrus fruits the whole fruit, including the peel but excluding the seeds, may be used. The fruit is screened, crushed, or otherwise comminuted.

(c) The name of each such water ice is "_____ ice," the blank being filled in with the common name of the fruit or fruits from which the fruit ingredient used is obtained. When two or more fruit names are filled in, such names are in the order of predominance, if any, by weight of the respective fruit ingredients used.

Mr. Edward E. Turkel is designated as presiding officer to conduct the hearing, in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the supplementary record of the proceedings of this hearing to the Administrator for consideration together with the previous record, prior to issuance of a tentative order based on the entire record.

The hearing will be conducted in accordance with the rules of practice provided therefor.

Dated: August 2, 1950.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-6905; Filed, Aug. 7, 1950; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 5]

[Docket No. 9751]

EXPERIMENTAL RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. A proposed revision of Part 5 of the Commission's rules is set forth below. These new rules are designed to cover all experimental radio stations except those authorized under the developmental rules of the various services.

3. This revision is issued under authority of sections 301 and 303 of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed rules should not be adopted in the form set forth herein may file with the Commission on or before September 15, 1950, a written statement or brief setting forth his comments. At the same time, any person who favors the rules as set forth may file a statement in support thereof. The Commission will consider all comments, briefs, and statements presented before taking final action in the matter. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given such interested parties.

5. In accordance with the provision of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: August 2, 1950.

Released: August 3, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

PART 5—EXPERIMENTAL RADIO SERVICES

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SUBPART A—GENERAL

§ 5.1 *Basis and purpose.* (a) The rules following in this part are promulgated pursuant to the provisions of Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations.

(b) The purpose of this part is to prescribe the manner in which parts of the radio frequency spectrum may be made available for radio experimentation, looking toward the advancement of the science or technique of radio utilization.

§ 5.2 *Services available.* (a) Experimental services are classified, according to the type of experimentations permitted, into two categories as follows:

(1) Experimental Service (Research) Subpart E.

(2) Experimental Service (Developmental) Subpart F.

§ 5.3 *Definition of terms.* For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2, Frequency Allocations and Treaty Matters; General Rules and Regulations.

(a) *Authorized frequency.* The frequency assigned to a station by the Commission and specified in the instrument of authorization.

(b) *Authorized power.* The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the Bureau of the International Telecommunications Union.

(c) *Experimental service.* Any service conducted by a station utilizing Hertzian waves in connection with research, design, the development of equipment, the determination of engineering data or technique pertaining to radio art, or the development of an existing or proposed radio service.

(d) *Experimental service (research).* An Experimental Radio Service conducted by a station utilizing Hertzian waves solely for scientific or technical radio research not related to an existing or proposed radio service.

(e) *Experimental service (developmental).* An Experimental Radio Service conducted by a station utilizing Hertzian waves for the development of equipment, engineering or operational data, or techniques for an existing or proposed radio service.

(f) *Fixed service.* A service of radiocommunication between specified fixed points.

(g) *Fixed station.* A station in the fixed service.

(h) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the Table of Frequency Allocations.

(i) *Landing area.* As defined by Title I, section I (22) of the Civil Aeronautics Act of 1938, as amended, Landing Area means any locality, either of land or water, including airdromes and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(j) *Land station.* A station in the mobile service not intended for operation while in motion.

(k) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

(l) *Mobile station.* A station in a mobile service intended to be used while in motion or during halts at unspecified points.

(m) *Mean power or radio transmitter.* The power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation.

(n) *Peak power of a radio transmitter.* The mean power supplied to the antenna during one radio frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal operation.

(o) *Person.* An individual, partnership, association, joint stock company, trust, or corporation.

(p) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(q) *Radio service.* An administrative subdivision of the field of radiocommunication. In an engineering sense, the subdivisions may be made according to the method of operation, as, for example, mobile service and fixed service. In a regulatory sense, the subdivisions may be descriptive of particular groups of licensees, as, for example, the groups of persons licensed under this part.

(r) *Station authorization.* Any construction permit, license, or special temporary authorization issued by the Commission.

§ 5.4 *General citizenship restrictions.* A station license may not be granted to or held by:

(a) Any alien or the representative of any alien.

(b) Any foreign government or the representative thereof.

(c) Any corporation organized under the laws of any foreign government.

(d) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country.

(e) Any corporation of which any officer or director is an alien.

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by: Aliens or their representative; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 5.5 *Transfer and assignment of station authorization.* A station authorization, the frequencies authorized to be used by the grantee of such authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such authorization, to any person, unless the Commission shall, after securing full information decide that said transfer is in the public interest, and shall give its consent in writing. Requests for authority to transfer or assign a station authorization shall be submitted on the forms prescribed by § 5.55.

SUBPART B—APPLICATIONS AND LICENSES

§ 5.51 *Station authorization required.* No radio transmitter shall be operated in the Experimental Radio Services except under and in accordance with a proper station authorization granted by the Federal Communications Commission.

§ 5.52 *Procedure for obtaining a radio station license.* (a) The first step toward obtaining a station license is the filing of an application for a construction permit in accordance with these rules. After the construction and installation are completed, an application for station license may be submitted in accordance with § 5.55.

(b) In the case of transmitters which are purchased as complete packaged units and used without modification the application for license may be submitted simultaneously with the application for construction permit, except in those instances when the filing of Form 401a is required under § 5.55.

(c) When the design and construction of the transmitting equipment is an integral part of the experimental program, the application for license may be submitted simultaneously with the application for construction permit, except in those instances when the filing of Form 401a is required under § 5.55.

§ 5.53 *Filing of applications.* (a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to these radio services are discussed in § 5.55 and may be obtained from the Washington, D. C., office of the Commission, or from any of its engineering field offices. Concerning matters where no standard form is applicable, the informal application procedure outlined in § 5.55 (k) should be followed.

(b) Any application for radio station authorization and all correspondence relating thereto shall be submitted to the Commission's office at Washington, D. C. An application for commercial radio operator permit or license may be submitted to any of the Commission's engineering field offices, or to the Commission's office at Washington 25, D. C.

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed.

(d) Each application for station authorization shall be specific and complete with regard to station location, proposed equipment, power, antenna height, and operating frequency; and other information required by the application form and these rules.

(e) Applications involving operation at temporary locations:

(1) When a land station or a fixed station is to remain at a single location for less than six months, the location is considered to be temporary and the procedure outlined in § 5.65 shall apply.

(2) When a land station or fixed station authorized to operate at temporary locations remains at a single location for more than six months, an application for modification of the station authorization to specify the permanent location shall be filed within thirty days after expiration of the six-month period.

(f) Unless otherwise specified in a particular case or for a particular form, each application shall be filed in duplicate.

§ 5.54 *Who may sign applications.* One copy of each application for an authorization shall be signed under oath or affimation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association.

§ 5.55 *Forms to be used*—(a) *Application for construction permit for land stations and fixed stations.* A separate application for construction permit shall be submitted on FCC Form 401 for each station to be located at a fixed point. Such application shall be accompanied by FCC Form 401a, in quadruplicate, in all cases when:

(1) The antenna and supporting structures proposed to be erected will exceed an over-all height of 150 feet above ground level; or

(2) The antenna is to be located within 3 miles of a landing area and will exceed an over-all height of one foot above ground for each 100 feet of distance, or fraction thereof, from the nearest boundary of the landing area.

(b) *Description of antenna structure.* When required to be submitted, by the terms of paragraph (a) of this section, FCC Form 401a shall be submitted in quadruplicate. There shall be attached to each copy of the form a sketch showing the antenna and supporting structure as well as a map showing the location of the antenna, landing areas in the vicinity thereof, and all tall structures that may affect the requirement for marking the antenna or supporting structure.

(c) *Application for construction permit for mobile station.* Application for construction permit for any number of mobile units to be operated in the same service, including hand-carried or pack-carried units, may be combined into one application and shall be submitted on FCC Form 401.

(d) *Application for station license.* Application for station license shall be filed on FCC Form 403 upon completion of construction or installation in acordance with the terms and conditions set forth in the construction permit.

(e) *Application for modification of construction permit.* Separate application for modification of construction permit shall be submitted on FCC Form 401 for each station to be located at a fixed point. Application for modification of construction permit for any number of mobile units to be operated in the same service, including hand-carried or pack-carried units, may be combined into one application and shall be submitted on FCC Form 401.

(f) *Application for modification of station license.* Application for modification of station license shall be submitted on FCC Form 403. A blanket application for modification of a group of station licenses of the same class may be submitted in those cases where the modification requested is the same for all stations covered by the application. The individual stations covered by such application shall be clearly identified therein.

(g) *Application for renewal of license.* Application for renewal of station license shall be submitted on FCC Form 405. A blanket application may be submitted for renewal of a group of station licenses in the same class. The individual stations covered by such applications shall be clearly identified thereon. Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license to be renewed.

(h) *Application for additional time to construct radio station.* FCC Form 701 shall be submitted to the Commission in duplicate, whenever it is necessary to request an extension of the time limit specified on a valid construction permit.

(i) *Application for consent to assignment of radio station construction permit or license.* Application on FCC Form 702 shall be submitted to the Commission when the legal right to construct or to control the use and operation of a station is to be transferred as a result of a voluntary act (contract or other agreement) or an involuntary act (death or legal disability) of the grantee of a permit or station license or by involuntary assignment of the physical property constituting the station under a court decree in bankruptcy proceedings, or other court order, or by operation of law in any other manner. Such application must be accompanied by statements signed by the proposed assignee which supply information required of an original licensee by § 5.57.

(j) *Application for consent to transfer of control of corporation holding construction permit or station license.* Application for consent to transfer of control shall be submitted to the Commission on FCC Form 703 whenever it is proposed to change the control of a corporate permittee or licensee.

(k) *Informal application.* (1) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed under oath or affirmation. Each application shall be clear and complete within itself as to the facts presented and the action desired.

(2) An informal application for authority to operate transmitting equipment will be accepted only under the conditions set forth in § 5.56.

§ 5.56 *Procedure for obtaining a special temporary authorization.* (a) The Commission may issue a special temporary authorization under this part:

(1) In cases where an urgent need is shown for operation of an authorized station for a limited time only, in a manner other than that specified in the existing authorization, but not in conflict with the Commission's rules.

(b) An application for special temporary authorization may be filed as an informal application in the manner prescribed by § 5.55 (k) and shall contain the following information:

(1) Name, address, and citizenship status of applicant.

(2) Need for special action.

(3) Type of operation to be conducted.

(4) Purpose of operation.

(5) Time and date of proposed operation.

(6) Class of station and nature of service.

(7) Location of station.

(8) Equipment to be used, including name of manufacturer, model and number of units.

(9) Frequency(s) desired.

(10) Plate power input to final radio frequency stage.

(11) Type of emission.

(12) Antenna height.

(c) No request for special temporary authorization will be considered unless full particulars as to the purpose for which the request is made are stated, and unless the request is received in the Commission at least 10 days prior to the date of the proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reason for the delay in submitting the request.

§ 5.57 *Supplementary statements required*—(a) *Showing.* In addition to the specific information required for each particular class of station operating in the Experimental Radio Services as covered by §§ 5.204 and 5.252 whichever is applicable, each applicant for a station authorization must enclose with his application for construction permit a satisfactory showing in regard to the following:

(1) That the applicant is a person qualified to carry forward the proposed program of experimentation;

(2) That the program of experimentation will be conducted by qualified personnel, and the applicant possesses adequate technical facilities to carry forward the program and has made adequate financial appropriations toward this end;

(3) That the applicant has an organized plan of experimentation leading to (a) specific objective(s);

(4) That the program of experimentation has reasonable promise of contribution to the development, extension, or expansion of the radio art, or is along lines not already investigated;

(5) That the applicant has a program of experimentation that has reached a stage in the laboratory where actual transmission by radio is essential to its further progress;

(6) That the station(s) shall be operated in accordance with the applicable Commission's rules and regulations and only in such a manner and at such times as to preclude harmful interference with established stations or services;

(7) That the applicant will have, through ownership, lease, or other agreement, exclusive control over the transmitting apparatus.

(b) *Confirmation clauses.* In addition to the showing required by paragraph (a) of this section, a statement shall be filed with and made a part of each application for construction permit for a station in these services confirming the applicant's understanding:

(1) That all operations on the frequencies assigned will be on an experimental basis, and conducted in accordance with the provisions of this part and as specified in the station instrument of authorization;

(2) That the granting of the authority requested shall not be construed as a finding on the part of the Commission:

(i) That the frequencies authorized are the best suited to the particular purpose to be served by the station;

(ii) That the applicant is qualified to operate a station in a service on any basis other than experimental;

(iii) That the applicant will be authorized to operate on any basis other than experimental;

(iv) That the Commission is obligated by the results of the experimental program to make provision in the service-allocation plan for the applicant's type of operation.

(3) That the applicant desires and is willing to conduct and finance the experimental program with full knowledge

and understanding of the provisions of this section.

(c) *Cancellation provisions.* The applicant for a station in these services accepts the license with the express understanding: (1) That the authority to use the frequency or frequencies assigned is granted upon an experimental basis only and does not confer any right to conduct an activity of a continuing nature; and (2) that said grant is subject to change or cancellation by the Commission at any time without hearing if in its discretion the need for such action arises.

§ 5.58 *Partial grant.* Where the Commission, without a hearing, grants an application in part, or with any privileges, terms or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall within 20 days from the date of such grant, or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action and set the application for hearing.

§ 5.59 *Defective applications.* (a) An application which is not in accordance with the Commission's rules or other requirements will be considered defective and will be returned to the applicant.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied by a petition to amend any rule or regulation with which the application is in conflict.

§ 5.60 *Amendment or dismissal of applications.* Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment to, or request for dismissal of an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All subsequent correspondence or other material which the applicant desires to have incorporated as a part of an application already filed shall be submitted in the form of an amendment to the application.

§ 5.61 *Construction period.* Each radio station construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and installation, and a maximum of eight months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission in any particular case.

§ 5.62 *License required for separate experimental projects.* A separate station license will be required for each class of station in the experimental radio services. Application for a class of station embracing widely divergent and unrelated experimentations normally will require a separate license for each phase of the experimental program: *Provided, however,* The Commission may, when circumstances warrant, issue a single license embracing the entire project.

§ 5.63 *License period.* (a) Licenses for stations in the Experimental Radio Services will be issued normally for a period of one year unless otherwise stated in the instrument of authorization, and each respective class of station license shall expire each year at 3:00 a. m., e. s. t., on the first day of the following months:

(1) Experimental Service (Research) June.

(2) Experimental Service (Developmental) October.

(b) Unless otherwise ordered, when an application for a new station license is granted within three months of the expiration date of the license term of the particular class of station involved, the license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted more than three months from the normal expiration date, the license will be issued for the unexpired period of the current license term only.

(c) If the Commission approves a modification of a license, a modified license will be issued for the unexpired license period. If such period is 30 days or less, the application will also be treated as an application for renewal and, if approved, a new authorization will be issued to indicate this unexpired period plus the full succeeding term of the license as designated in paragraph (a) of this section.

§ 5.64 *Change in equipment.* (a) A change may be made in a licensed transmitter without specific authorization from the Commission provided: (1) The change does not result in operation inconsistent with any term of the outstanding authorization for the station involved; and (2) a description of the change is incorporated in the next application for renewal or modification of license.

(b) Prior authorization from the Commission is required before the following antenna changes may be made at a station at a fixed location:

(1) Any change which will either increase or decrease the antenna height; and

(2) Any change in the location of an antenna when such relocation involves a change in the geographic coordinates of latitude or longitude by as much as one second, or when such relocation involves a change in street address.

§ 5.65 *Operation at a temporary location.* (a) An application for authority to operate at temporary locations shall specify the general geographical area within which the operation will be confined.

(b) When a station is authorized to operate in an area encompassing two or more Radio Districts, the following notification procedure shall be followed:

(1) When the station is placed in operation for the first time, the Engineer in Charge of the Radio District(s) involved shall be notified.

(2) When the station is moved from one Radio District to another, the Engineer in Charge of each of the two Radio Districts involved shall be notified.

§ 5.66 *Discontinuance of station operation.* In case of permanent discontinuance of operation of a fixed or land station in these services, or in case of permanent discontinuance of operation of all transmitter units listed in the license for a mobile station in these services, the licensee shall forward the station license to the Washington, D. C., office of the Commission for cancellation. A copy of the request for cancellation of the license shall be forwarded to the Commission's Engineer in Charge of the radio district in which the station is located.

§ 5.67 *Policy governing the assignment of frequencies.* (a) Each frequency or band of frequencies, available for assignment to stations in these services, is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant, and such use may also be restricted to one or more specified geographical areas. Normally not more than one frequency in a band of frequencies will be assigned for the use of a single applicant unless a showing is made demonstrating that need for the assignment of additional frequencies is essential to the proposed program of experimentation. Applicants for authorizations should request use of an available frequency in the band in which it is desired to operate. Upon receipt of such application, the Commission will then assign the frequency or frequencies which will cause least interference in the area of proposed operation. In the event a specific frequency is essential for the program of experimentation, requests for use of that specific frequency must be accompanied by a detailed showing of need for the specific frequency requested and must indicate reasons why another frequency in the general vicinity in the radio frequency spectrum will not adequately meet the required needs.

(b) Frequency assignments will be made only on the condition that harmful interference will not be caused to any station operating in accordance with the Table of Frequency Allocation of Part 2 of the Commission's rules.

(c) The frequencies available for use in these services are set forth in §§ 5.203 and 5.253.

SUBPART C—TECHNICAL STANDARDS

§ 5.101 *Frequency stability.* (a) The carrier frequency of each authorized transmitter operating in the Experimental Radio Service on frequencies specified by § 5.203 (a) shall be maintained within plus or minus 0.01 percent unless otherwise designated in the station authorization.

(b) The frequencies assigned in accordance with the provisions of §§ 5.203 and 5.253 shall be maintained to within the tolerances set forth in the rules governing the service to which the frequencies are assigned in the Table of Frequency Allocations of Part 2 of the Commission's rules unless otherwise designated in the station authorization.

(c) Less restrictive tolerances than those specified in paragraphs (a) and (b) of this section may be authorized for stations in these services provided the applicant presents satisfactory evidence of the need for such tolerances and that the program of research can and will be conducted without causing harmful interference to any other radio service operating in accordance with the Table of Frequency Allocations.

§ 5.102 *Types of emission.*—(a) Stations in the Experimental Radio Services may be authorized to use any of the classification of emissions covered in Part 2 of the Commission's rules. A request for a specific type of emission not included in paragraph (b) of this section shall be accompanied by a showing of need therefor, which shall include a statement of the band width required for the proposed operations, a full and complete description of the emission specified and the purpose for which such emission is desired.

(b) The following systems of designating emissions, modulation and transmission may be employed:

Type of modulation or emission	Type of transmission	Supplementary characteristics	Symbol
1. Amplitude	Absence of any modulation		A0
	Telegraphy without the use of modulating audio frequency (on-off keying).		A1
	Telegraphy by the keying of a modulating audio frequency of audio frequencies or by the keying of the modulated emission (special case: an unkeyed modulated emission).		A2
	Telephony	Double Sideband, full carrier	A3
		Single sideband, reduced carrier	A3a
		Two independent sidebands, reduced carrier.	A3b
	Facsimile		A4
	Television		A5
	Composite transmissions and cases not covered by the above.		A9
	Composite transmissions	Reduced carrier	A9c
2. Frequency (or phase) modulated.	Absence of any modulation		F0
	Telegraphy without the use of modulating audio frequency (frequency shift keying).		F1
	Telegraphy by the keying of a modulating audio frequency of audio frequencies or by the keying of the modulated emission (special case: an unkeyed emission modulated by audio frequency).		F2
	Telephony		F3
	Facsimile		F4
	Television		F5
	Composite transmissions and cases not covered by the above.		F9
3. Pulsed emissions	Absence of any modulation intended to carry information.		P0
	Telegraphy without the use of modulating audio frequency.		P1
	Telegraphy by the keying of a modulating audio frequency of audio frequencies, or by the keying of the modulated pulse (special case an unkeyed modulated pulse).	Audio frequency or audio frequencies modulating their pulse in amplitude.	P2c
		Audio frequency or audio frequencies modulating the width of the pulse.	P2d
		Audio frequency or audio frequencies modulating the phase (or position) of the pulse.	P2f
	Telephony	Amplitude modulated pulse	P3d
		Width modulated pulse	P3e
		Phase (or position) modulated pulse.	P3f
	Composite transmissions and cases not covered by the above.		P9

§ 5.103 *Emission limitations.* (a) Each authorization issued to a station operating in these services will show, as the prefix to the emission classification, a figure specifying the maximum authorized bandwidth in kilocycles to be occupied by the emission. The specified band shall contain those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power. Any radiation in excess of the limits specified in paragraph (c) of this section is considered to be an unauthorized emission.

(b) The emission prefix figures referred to in paragraph (a) of this section for the types of emission covered by § 5.102 shall be as designated in the station instrument of authorization.

(c) For the purpose of demonstrating compliance with paragraph (a) of this section, the following limits apply:

(1) Any emission appearing on any frequency removed from the carrier frequency by at least 50 percent, but not more than 100 percent, of the maximum authorized bandwidth shall be attenuated not less than 25 db below the unmodulated carrier.

(2) Any emission appearing on any frequency removed from the carrier frequency by at least 100 percent of the maximum authorized bandwidth shall be attenuated below the unmodulated carrier by not less than the amount indicated in the following table:

Maximum authorized plate power input to the final radio frequency stage:	Attenuation (db)
3 watts or less	40
Over 3 watts and including 150 watts	60
Over 150 watts and including 600 watts	70
Over 600 watts	80

(d) When an unauthorized emission results in harmful interference, the Commission may, in its discretion, require appropriate technical changes in equipment to eliminate such interference.

§ 5.104 *Modulation requirements.* Modulation requirements of stations in the Experimental Radio Services shall not be in excess of that necessary for the conduct of the authorized program of experimentation nor shall the emissions exceed the limitations imposed by § 5.103 of this part, unless specifically authorized by the Commission.

§ 5.105 *Power and antenna heights.* (a) The effective radiated power and antenna height which may be used by a station in this service shall be no more than the minimum necessary to satisfactorily carry on the authorized program of experimentation. No station shall operate at any time with power in excess of that authorized in the station instrument of authorization. In cases of harmful interference, the Commission may order a change in the effective radiated power or antenna height, or both.

(b) The maximum carrier power requested by an applicant shall not be in excess of the maximum obtainable carrier power output of the transmitter consistent with satisfactory technical operation.

§ 5.106 *Transmitter control requirements.* (a) Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) A control point is an operating position which meets all of the following conditions:

(1) The position must be under the control and supervision of the licensee;

(2) It is a position at which the monitoring facilities required by this section are installed; and

(3) It is a position at which an operator responsible for the operation of the transmitter is stationed.

(c) Each station shall be provided with a control point, the location of which will be specified in the license. It will be assumed that the location of the control point is the same as that of the transmitting equipment unless the application includes a request for a different location. Authority must be obtained from the Commission for the installation of additional control points.

(d) A dispatch point is a position from which messages may be transmitted under the supervision of a control point operator. Dispatch points may be installed without authorization from the Commission.

(e) At each control point the following facilities shall be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation: *Provided, however,* That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters;

(2) Equipment to permit the operator to aurally monitor all transmissions originating at dispatch points under his supervision; and capable of receiving transmissions from co-channel stations to which harmful interference might be caused.

(3) Facilities which will permit the operator either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision; and

(4) Facilities which will permit the operator to turn the transmitter carrier on and off at will.

§ 5.107 *Transmitter measurements.* (a) The licensee of each station in the Experimental Radio Services shall employ suitable procedures to determine that the frequency deviation, power, and modulation do not exceed the limits prescribed in the station authorization.

(b) The transmitter operating characteristics shall be checked and adjustments made, if necessary, at the beginning of each period of operation and as often thereafter as necessary to maintain the transmitter's operation within the limits specified on the instrument of authorization.

(c) Exceptions to these provisions may be made, provided the applicant makes a satisfactory showing that the nature of the proposed program of experimentation precludes compliance therewith.

§ 5.108 *Tests.* (a) When construction is completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the applicable rules of the Commission, and after an application for station license has been filed with the Commission, the permittee is authorized to conduct tests in exact accordance with the terms of the construction permit: *Provided,* That:

(1) The Engineer in Charge of the local Radio District is notified two days in advance of the beginning of tests.

(2) The Commission may cancel, suspend, or change the date of beginning of such tests if and when such action may appear to be in the public interest, convenience and necessity.

(3) Tests will not be authorized after the expiration date of the construction permit.

(4) The authorization for tests embodied in this section shall not be constructed as constituting a license to operate but as a necessary part of construction.

(b) When a construction permit and license or a construction permit and modification of licenses are issued simultaneously for a station, such station may be placed in operation without notification to the Engineer in Charge of the local Radio District, except as required by § 5.65.

SUBPART D—OPERATING REQUIREMENTS

§ 5.151 *General limitations on use.* (a) The following transmission limitations are applicable to all classes of stations in these services and are in addition to the specific requirements applicable to each respective class of service as covered under Subparts E and F of this part:

(1) Stations may make only such transmissions as are necessary and directly related to the conduct of the licensee's stated program of experimentation as specified in his application for construction permit and license and the related station instrument of authorization, and as governed by the provisions of the rules and regulations contained in this part. All transmissions shall be limited to the minimum practical transmission time.

(2) When transmitting, the licensee must use every precaution to insure that the radio frequency energy emitted will not cause harmful interference to the services carried on by stations operating in accordance with the Table of Frequency Allocations of Part 2 of the Commission's rules and, further, that the power radiated is reduced to the lowest practical value consistent with the program of experimentation for which the station authorization is granted. If harmful interference to an established radio service develops, the licensee shall cease transmissions and such transmissions shall not be resumed until the interference has been eliminated.

(b) Unless expressly permitted in the instrument of authorization, experimental stations shall not be used:

(1) To transmit the program of any other station, except in conjunction with the authorized program of experimentation.

(2) To transmit programs intended for public reception or render any communication service.

§ 5.152 *Station identification.* Each class of station in these services, shall, unless specifically exempted by the terms of the station authorization, transmit its assigned call sign at the end of each complete transmission: *Provided, however,* That the transmission of the call sign at the end of each transmission is not required for projects requiring continuous, frequent, or extended use of the transmitting apparatus, if, during such periods and in connection with such use, the call sign is transmitted at least once every fifteen minutes.

§ 5.153 *Suspension of transmission required.* The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmissions concerning the immediate safety of life or property, in which case the transmissions shall be suspended as soon as the emergency is terminated.

§ 5.154 *Mobile installations in vehicles not under the continuous control of the licensee.* A mobile radio station licensed in these services may not be installed or maintained in a vehicle, aircraft, or vessel, which is not at all times controlled exclusively by the licensee, unless precautions have been taken to eliminate effectively the possibility of the licensed transmitter being operated during the period that the vehicle, aircraft, or vessel is not under the control of the licensee.

§ 5.155 *Operator requirements.* (a) All transmitter adjustments or tests during or coincident with the experimental program authorized, or with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment: *Provided, however,* That only persons holding a first or second class commercial radiotelegraph operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse Code.

(b) Except under the circumstances specified in paragraph (a) of this section, only a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission shall operate a station when transmitting, in a normal[1] manner and in accordance with the experimental program authorized, radiotelegraphy by any type of the Morse Code: *Provided,* That when such telegraphy is transmitted by automatic means for identification, for testing, or for actuating an automatic selective signalling device, the holder of a radiotelephone operator license may operate the station under the conditions set forth in § 13.62 (b) (1) of the rules governing Commercial Radio Operators.

(c) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) through (j) of this section, an unlicensed person may operate a mobile station when transmitting, in a normal[1] manner and in accordance with the experimental program authorized, on frequencies above 25 Mc. after being authorized to do so by the station licensee.

(d) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) through (j) of this section, only a person holding a commercial radio operator license or permit of any class issued by the Commission, shall operate in a mobile station when transmitting, in a normal[1] manner and in accordance with the experimental program authorized, on frequencies below 25 Mc.: *Provided, however,* That an unlicensed person, after being authorized to do so by the station licensee, may operate such a mobile station when transmitting, in a normal[1] manner and in accordance with the experimental program authorized, on frequencies below 25 Mc. while it is associated with and under the operational control of a land station of the same licensee.

(e) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) through (j) of this section, land stations and fixed stations shall be operated in accordance with the following when transmitting in a normal[1] manner and in accordance with the experimental program authorized:

(1) From a control point, only by a person holding a commercial radio operator license or permit of any class issued by the Commission.

(2) From a dispatch point, an unlicensed person may operate such stations after being authorized to do so by the station licensee: *Provided, however,* That such operation shall be under the direct supervision and responsibility of a person who (i) holds a commercial radio operator license or permit of any class issued by the Commission, and who (ii) is on duty at a control point.

(f) Except under the circumstances specified in paragraph (a) of this section, and except as limited by paragraphs (g) through (j) of this section, no person, whether or not a licensed operator, is required to be in attendance at a station when transmitting, in a normal[1] manner and in accordance with the experimental program authorized, on frequencies solely above 50 Mc and when either:

(1) Transmitting for telemetering purposes or

(2) When properly serving as a relay station and for the purpose retransmitting by self-actuating means a radio signal received from another radio station or stations.

(g) The provisions of this section, authorizing certain unlicensed persons to operate certain stations, shall be applicable only to stations in the domestic service except that the provisions of paragraph (e) (2) of this section shall be applicable to stations in either the domestic or international service. For the purpose of this section, a station in the domestic service is one which is located within the United States, its territories or possessions and which, when communicating with other stations, is in communication exclusively with one or more other United States stations which are also located in the United States, its territories or possessions; a station in the international service is one which is not in the domestic service as just defined.

(h) The provisions of this section authorizing certain unlicensed persons to operate mobile stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

(i) Notwithstanding any other provisions of this section, unless the transmitter is so designed that none of the operations necessary to be performed during the course of transmission, in a normal[1] manner and in accordance with the experimental program authorized, may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be operated by a person holding a first or second class commercial radio operator license (either radiotelephone or radiotelegraph as may be appropriate for the type of emission being used) issued by the Commission.

(j) Any reference in this section to a commercial radio operator license or permit of any class issued by the Commission shall not be construed to include Aircraft Radiotelephone Operator Authorizations.

§ 5.156 *Posting of operator license.* (a) The original license of each operator of a station in these services, other than an operator exclusively performing service and maintenance duties, shall be posted or kept immediately available at the place where he is on duty as an operator: *Provided, however,* That if an operator who is on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from such document of the diploma form) or holds a valid license verification card (FCC 758–F) attesting to the existence of any other valid commercial radio operator license, he may have such permit or verification card, as the case may be, in his personal possession.

(b) Whenever a licensed operator is required for a mobile station, the original license of each such operator, other than an operator exclusively performing service and maintenance duties, shall be kept in his possession whenever he performs the duties of an operator at such station: *Provided,* That in lieu of an original license of the diploma form (as distinguished from such document of the card form) he may have in his personal possession a valid verification card attesting to its existence.

(c) The original license of every station operator who exclusively performs service and maintenance duties at that station shall be posted at the transmitter involved whenever the transmitter is in actual operation while service or maintenance work is being performed by him or under his immediate supervision and responsibility: *Provided,* That in lieu of posting his license, he may have on his person either his license or a valid verification card.

§ 5.15 *Transmitter identification card and posting of station license.* (a) The current authorization of each station in these services authorized at a fixed location shall be posted in a conspicuous place in the principal control position of that station. At all other control points listed on the station authorization, a photocopy of the authorization shall be posted. In addition, an executed transmitter Identification Card (FCC Form No. 452–C, Revised—obtainable from the Washington, D. C. office of the Commission, or from any of its field offices) shall be affixed to each transmitter operated at a fixed location, when such transmitter is not in view of, and readily accessible to, the operator at the principal control position. The following information shall be entered on the card by the permittee or licensee:

(1) Name of permittee or licensee.

(2) Station call sign assigned by the Commission.

(3) Exact location or locations of the station's records of operation.

(4) Frequency or frequencies on which the transmitter to which the card is attached is adjusted to operate; and

(5) Signature of the permittee or licensee, or a designated official thereof.

(b) The current station authorization for each station authorized for mobile operation shall be retained as a permanent part of the station record but need not be posted. In addition, a transmitter Identification Card (FCC Form No. 452–C, Revised) executed in accordance with paragraph (a) of this section, shall be affixed to each mobile transmitter or associated control equipment. When the transmitter is not in view of, and readily accessible to, the operator, it is preferred that the Identification Card be affixed to the control equipment at the transmitter operating position.

§ 5.158 *Communication with other stations.* Stations in the Experimental Radio Service may be authorized under special Commission authority to communicate with stations in other services and with U. S. Government stations for communications essential to the conduct of program of experimentation of the permittee or licensee. Authority for such transmissions may be granted by the Commission only upon a written request therefor by the permittee or licensee accompanied by a statement of need for such communications, stations with which communications are desired, frequency to be used, and any other data pertinent to the proposed operations.

§ 5.159 *Operation during an emergency.* The licensee of any station in the Experimental Radio Services may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service by communicating in a manner other than that specified in the station license: *Provided:*

(a) That as soon as possible after the beginning of such emergency use, notice be sent to the Commission at Washington, D. C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and

(b) That the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and

(c) That the Commission at Washington, D. C., and the Engineer in Charge shall be notified immediately when such special use of the station is terminated: *Provided further,*

(d) That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law: *And provided further,*

(e) That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

[1] Normal transmission is defined as transmissions, other than those occurring in the course of transmitter adjustments or tests, during or coincident with the experimental program authorized or the installation, service or maintenance of the station equipment.

See footnote on p. 5126.

§ 5.160 *Inspection of stations.* All stations and records of stations in these services shall be made available for inspection at any time while the station is in operation or shall be made available for inspection upon reasonable request of an authorized representative of the Commission.

§ 5.161 *Inspection of tower lights and associated control equipment.* The licensee of any station in the Experimental Radio Services which has an antenna or antenna supporting structure(s) required by the terms of the station authorization to be illuminated shall:

(a) Make a daily check of the tower lights either by visual observation or an automatic indicator to insure that all such lights are functioning properly as required;

(b) Report immediately by telephone or telegraph to the nearest Airways Communication Station or office of Civil Aeronautics Administration any observed failure to any code and/or rotating beacon light(s) if such failure(s) is not corrected within thirty minutes after it has been observed, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given the above station or office immediately upon resumption of the required illumination;

(c) Inspect at intervals of at least once each three months all code and rotating beacon light(s) and automatic lighting control devices to insure that such apparatus is functioning properly as required.

§ 5.162 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgement made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 5.163 *Content of station records.* (a) The licensee of each station in these services shall maintain adequate records of the station's operations, including:

(1) Hours of operation.

(2) All measurements of the frequency(s), including the name of the person making the measurements, observed deviations from the assigned frequency(s), and a statement of any corrective action taken.

(3) Power.

(4) Types of emission.

(5) Chronological record of experimentation conducted.

(6) The name and address of the operator on duty.

(b) For all stations, when service or maintenance duties are performed which may affect their proper operation, the responsible operator shall sign and date an entry in the station record concerned, giving:

(1) Pertinent details of all duties performed by him or under his supervision;

(2) His name and address; and

(3) The class, serial number and expiration date of his license: *Provided, however,* That the information called for under subparagraphs (2) and (3) of this paragraph, so long as it remains unchanged, is not required to be repeated in the case of a person who is regularly employed as operator on a full-time basis at the stations.

(c) For stations whose antenna or antenna supporting structure is required to be illuminated, a record in accordance with the following:

(1) The time the tower lights are turned on and off each day if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made.

(3) In the event of any observed failure of a tower light:

(i) Nature of such failure.

(ii) Date, time, and nature of the adjustments, repairs, or replacements made.

(iii) Date and time the failure was observed.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months:

(i) The date of the inspection and the condition of all tower lights and associated lighting control devices.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 5.164 *Form of station records.* (a) The records shall be kept in an orderly manner, in suitable form, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

(b) Each entry in the record shall be signed by a person qualified to do so, and having actual knowledge of the facts to be recorded.

(c) No record or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the persons originating the entry, who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 5.165 *Retention of station records.* Records required to be kept by these rules shall be retained by the licensee for a period of at least one year.

§ 5.166 *Adherence to program of research.* (a) The program of experimentation as stated by an applicant in its application for construction permit or license or in the station instrument of authorization, shall be substantially adhered to unless the licensee is authorized to do otherwise by the Commission.

(b) Where some phases of the experimental program are not covered by the general rules of the Commission or by the rules of this part, the Commission may specify supplemental or additional requirements or conditions in each case as deemed necessary in the public interest, convenience, or necessity.

SUBPART E—EXPERIMENTAL SERVICE (RESEARCH)

§ 5.201 *Eligibility for license.* Authorizations for stations in the Experimental Service (Research) will be issued only to persons qualified to conduct experimentations utilizing hertzian waves for scientific or technical radio research not related to an existing service or proposed service; or for communications in connection with research projects when existing communication facilities are inadequate.

§ 5.202 *Scope of services.* Stations operating in the Experimental Service (Research) will be permitted to conduct the following types of operations:

(a) Experimentations in scientific or technical radio research.

(b) Development of radio technique, equipment or engineering data not relating to an existing or proposed service.

(c) Experimentations under contractual agreement with the United States, or for export purposes.

(d) Communications essential to research projects.

§ 5.203 *Frequencies available for assignment to stations operating in the Experimental Service (Research).* (a) The following frequencies are available for assignment to this class of station:[1]

Kc.	*Kc.*
1614	9135
2398	12862.5
3492.5	17310
4797.5	23100

(b) In addition to the frequencies listed in paragraph (a) of this section, stations operating in the Experimental Service (Research) may be authorized to use any government or non-government frequency designated in the table of frequency allocation set forth in Part 2 of the Commission's rules as available for assignment to this service: *Provided,* That the need of the specific frequency(s) requested is fully justified by the applicant.

§ 5.204 *Additional showing required for stations involving contractual agreements.* (a) In the case of experimentations under contractual agreement with the United States if such operations involve non-government frequencies, the applicant shall submit a statement from the government agency concerned that:

[1] These frequencies may be subject to change when the Atlantic City Table of Frequency Allocations below 27.5 Mc. comes into force.

(1) The experimental program must be conducted on specific non-government frequencies.

(2) The proposed operation(s) is necessary in the interest of national defense.

(3) The specific frequency(s) requested is essential to the experimental program.

(4) Harmful interference will not be caused to the service of any station operating in accordance with the Table of Frequency Allocation in Part 2 of the Commission's rules.

(5) The contract number and the name of the agency concerned (security regulations permitting).

(6) The daily hours of operation and the estimated dates of the beginning and end of the specific time period for which the requested frequency is necessary.

(b) In the case of experimentations for the purpose of developing equipment for export purposes to be employed by stations under the jurisdiction of a foreign government, the applicant shall submit a statement that:

(1) The specific frequency(s) requested is essential to the developmental program;

(2) The contract number and the name of the foreign government concerned;

(3) The daily hours of operation and the estimated dates of the beginning and end of the specific time period for which the requested frequency is necessary.

§ 5.205 *Experimental report.* (a) A report on the results of the experimental program carried on under this subpart shall be filed with and made a part of each application for renewal of license: *Provided, however,* That the licensee shall, upon request, forward experimental reports at such times during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the experimental program.

(b) An applicant may request that the Commission withhold from public information certain reports and associated material, and the Commission will so regard the same unless the public interest requires disclosures.

(c) The experimental report shall include comprehensive information on the following items in the order designated:

(1) Detailed analysis of the results obtained.

(2) Report on the research experimentation conducted.

(3) Total number of hours of operation on each frequency assigned.

(4) Copies of publications on the research program of experimentation.

(5) Any other pertinent information.

Provided, That, in the case of experimentations which are under contractual agreement with the United States, such reports shall include the above statements insofar as security regulations will permit.

SUBPART F—EXPERIMENTAL SERVICE (DEVELOPMENTAL)

§ 5.251 *Eligibility for license.* (a) Authorizations for stations in the Experimental Service (Developmental) will be issued only to persons qualified to conduct experimentations utilizing hertzian waves for the development of equipment, engineering or operational data, or techniques, directly related to an existing service or a proposed service.

(b) Applicants eligible for authorizations in an established service, and seeking to develop equipment or techniques directed toward the improvement of that service, shall conduct such projects under the developmental rules of the established service involved.

§ 5.252 *Scope of service.* Stations operating in the Experimental Service (Developmental) will be permitted to conduct the following types of operations:

(a) Development of radio technique, equipment, operational or engineering data related to an existing or proposed radio service.

(b) Field strength surveys or the demonstration of equipment by manufacturers to prospective purchasers for proposed stations in existing services. Transmission shall be limited to test messages essential to the installation, extension or development of an established radio communication facility and the procedure set forth in § 5.253 (c) shall apply.

(c) Technical demonstrations of equipment before a scientific meeting or convention.

§ 5.253 *Frequencies available for assignment to stations operating in the Experimental Service (Developmental).* (a) Applicants requesting authorizations for the development of existing services may be authorized to use any frequency designated in Part 2 of the Commission's rules as available for assignment to that service provided the proposed operation is in accordance with the rules governing that particular service.

(b) Applicants requesting authorizations for the development of a new service or for the use of frequencies not in accordance with the table of frequency allocations as set forth in Part 2 of the Commission's rules should select the frequency band in which it is desired to develop the program of experimentation. Specific frequency assignment may be made by the Commission in accordance with the procedure set forth in § 5.254.

(c) Applicants requesting authorization to conduct field strength surveys or equipment demonstrations over a broad geographical area may normally be granted an authorization without the designation of a specific frequency or frequencies. The licensee, when desiring to conduct a survey in a particular area, will request a specific frequency assignment for each individual survey following the procedure set forth below:

(1) The licensee of the station shall submit to the Commission prior to each specific survey, complete and detailed information, including

(i) Time, date and duration;

(ii) Frequency to be used;

(iii) Location of transmitter and geographical area to be covered;

(iv) Purpose of survey;

(v) Method and equipment to be used;

(vi) Names and addresses of the persons for whom the survey is conducted if other than the licensee of the experimental station together with a statement from that person indicating that such a survey has been requested.

(2) Upon receipt of authorization from the Commission, the licensee shall furnish the Engineer in Charge of the radio district in which the survey is to be conducted sufficiently in advance to assure receipt before the commencement thereof, the following information; time, date, duration, frequency, location of transmitter, area to be covered, and the purpose of the survey.

§ 5.254 *Special procedure for the development of a new service or for the use of frequencies not in accordance with the Table of Frequency Allocations.*

(a) An authorization for the development of a new service or for the use of frequencies not in accordance with the Table of Frequency Allocations will be granted only after the Commission has made a preliminary determination of the following factors as the case may require:

(1) That the public interest, convenience or necessity would be served by the establishment of the proposed service or by the use of the proposed frequency;

(2) That the importance of the proposed operation appears to warrant a change in the Table of Frequency Allocations.

(b) The Commission will follow such rule making procedure as may be appropriate before making a grant for the operation of a station under this section.

(c) Where circumstances require and permit, the Commission may authorize a grant of limited duration for the express and sole purpose of developing data which the Commission finds to be necessary to make the determination required under paragraphs (a) and (b) of this section. Such grants shall in no way be construed as a finding by the Commission with respect to the matters set forth in the aforementioned paragraphs or that the operation of any radio station thereunder will serve the public interest, convenience and necessity beyond the express terms of the particular grant. The terms of such grant, including frequency, power, emission, etc., will be specified in the instrument of authorization.

§ 5.255 *Experimental report.* (a) A report on the results of the experimental program carried on under this sub-part shall be filed with and made a part of each application for renewal of license: *Provided, however,* That the licensee shall, upon request, forward experimental reports at such time during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the experimental program.

(b) An applicant may request that the Commission withhold from public information certain reports and associated material, and the Commission will so regard the same unless the public interest requires disclosures.

(c) The experimental report of stations operating in this service for the development of existing services shall include comprehensive information on the following items in the order designated:

(1) Detailed analysis of the results obtained.

(2) Report on the experimental work conducted.

(3) The total number of hours of operation on each frequency.

(4) Copies of any published reports on the program of experimentation.

(5) Any other pertinent information that may be of value to the Commission in evaluating the merits of the proposed operations.

(d) In addition to the information included in paragraph (c) of this section, the experimental report of a station authorized for the development of a new service shall include comprehensive information on the following items:

(1) Probable public support and methods of its determination.

(2) Practicability of service operations.

(3) Interference encountered.

(4) Pertinent information relative to merits of the proposed service.

(5) Propagation characteristics of frequencies used, particularly with respect to service objective.

(6) Frequencies believed to be more suitable and reasons therefor.

(7) Type of signals or communications employed in the experimental work.

[F. R. Doc. 50-6932; Filed, Aug. 7, 1950; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 52908]

NEW MEXICO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 31, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 4 S., R. 8 E.,
Sec. 13, W½E½,
T. 7 S., R. 11 W.,
Sec. 7, SW¼SE¼;
Sec. 20, N½N½,
T. 7 S., R. 12 W.,
Sec. 9;
Sec. 12,
T. 7 S., R. 13 W.,
Sec. 9, S½S½;
Sec. 10, SW¼SW¼;
Sec. 15, NW¼NW¼;
Sec. 21, W½E½, NE¼NW¼;
Sec. 22, N½NW¼, W½NE¼;
Sec. 28, NE¼NE¼,
T. 29 S., R. 20 W.,
Sec. 10, SW¼NW¼.

The areas described aggregate 2,320 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Santa Fe, New Mexico.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50-6910; Filed, Aug. 7, 1950; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF NEW YORK FREIGHT BUREAU ET AL.

NOTICE OF AGREEMENTS FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 5800-4, between the member lines of the New York Freight Bureau (Shanghai), modifies the basic agreement of said Bureau (No. 5800) to remove Formosa from its territorial scope and to clarify certain provisions of the basic agreement.

Agreement No. 5700-2, between the member lines of the New York Freight Bureau (Hong Kong), modifies the basic agreement of said Bureau (No. 5700) to include Formosa within its territorial scope and to clarify certain provisions of the basic agreement.

Agreement No. 4379-1, between the member lines of the New York Freight Bureau (Hong Kong) and the member lines of the Trans-Pacific Freight Conference (Hong Kong), modifies Agreement No. 4379 to include Formosa within its territorial scope and to clarify certain provisions.

Agreement No. 4292-3, between the member lines of the New York Freight Bureau (Shanghai) and the member lines of the Trans-Pacific Freight Conference of North China (Shanghai), modifies Agreement No. 4292 to remove Formosa from its territorial scope.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: August 2, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-6922; Filed, Aug. 7, 1950; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 48]

DESIGNATION OF MOTIONS COMMISSIONER FOR AUGUST 1950

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 26th day of July 1950:

It is ordered, Pursuant to section 0.111 of the Statement of Delegations of Authority, that Rosel H. Hyde, Commissioner, is hereby, designated as Motions Commissioner for the month of August 1950.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6924; Filed, Aug. 7, 1950; 8:50 a. m.]

[Docket No. 9747]

ATLANTIC BROADCASTING CO., INC. (WHOM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Atlantic Broadcasting Company, Inc. (WHOM), Jersey City, New Jersey, Docket No. 9747, File No. BML-1413; for modification of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of July 1950,

The Commission having under consideration the above-entitled application requesting a modification of the license of Station WHOM authorizing the removal of its main studios from Jersey City, New Jersey to New York, New York; and

It appearing, that the applicant is legally, technically, financially, and otherwise qualified to operate Station WHOM as proposed, but that the operation of Station WHOM as proposed would fail to provide satisfactory service in accordance with the Commission's Standards of Good Engineering Practice to the city of New York, New York, that the removal of WHOM's main studios from Jersey City, New Jersey, would deprive that city of its only existing facility for the local origination of standard broadcast programs, and that for these reasons, among others, the Commission is unable to conclude that a grant of the above-entitled application would serve public interest, convenience, and necessity;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing commencing at 10:00 a. m. January 17, 1951, at Jersey City, New Jersey, upon the following issues:

1. To determine the comparative needs of the cities of Jersey City, New Jersey, and New York, New York, for broadcast service originating in local studios, and, in view thereof, whether a grant of this application would be in accordance with section 307 (b) of the Communications Act of 1934, as amended.

2. To determine whether the operation of Station WHOM as proposed would be in compliance with the Commission's rules and regulations and Standards of Good Engineering Practice with particular reference to extent and quality of service which would be provided to the city of New York, New York.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6925; Filed, Aug. 7, 1950; 8:50 a. m.]

[Docket No. 9105]

AIR WAVES, INC. (WJOC)

ORDER DESIGNATING APPLICATION FOR FURTHER HEARING ON STATED ISSUE

In re application of Air Waves, Incorporated (WJOC), Jamestown, New York, Docket No. 9105, File No. BP-6822; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of July 1950;

The Commission having under consideration (1) the record herein; (2) the Examiner's Initial Decision in this proceeding, released February 24, 1950; and (3) a Petition to Reopen Record, Accept Supplemental Evidence, and Close Record without Further Hearing, filed on July 3, 1950, by Air Waves, Incorporated, licensee of Station WJOC, Jamestown, New York, applicant herein; and

It appearing, that WJOC now operates on the frequency of 1470 kc., daytime only, with 1 kw. power; that in the above-entitled application it requests authority to operate on 1340 kc. with 250 watts power, unlimited time; that following hearings held on the said application the Examiner issued an Initial Decision looking to the grant thereof; that exceptions were timely filed thereto by the General Counsel of the Commission; and

It further appearing, that from evidence developed at the hearing on the application it appeared that the proposed operation would cause daytime co-channel interference to Station CKOX, Woodstock, Ontario, Canada, based upon calculations employing soil map conductivities as set forth in the Commission's and Canadian soil maps; and

It further appearing, that the Examiner in his Initial Decision found that "On the basis of conductivities as shown in the Commission's ground conductivity map, Station WJOC, operating as proposed, would cause some interference to Station CKOX but the entire area of interference to CKOX is already suffering interference from Station WIKK, operating at Erie, Pennsylvania, on 1330 kc. * * *"; and

It further appearing, That in its above-mentioned petition the applicant states that as it was "of the opinion that its original estimates regarding the conductivity in the Jamestown area in the direction of Canada were substantially correct, it proceeded to take measurements on a radial from Jamestown to Woodstock, Ontario, Canada, to ascertain the conductivity within the United States from Jamestown in the direction of Woodstock, Ontario, Canada."; that such measurements and the analysis thereof "show that the conductivity within the United States is lower than that shown on the Commission's soil maps, and that using the measured conductivity plus the map conductivity shown for Lake Erie and that portion of Canada over which the signal would traverse, * * * no interference of any nature would be caused to CKOX."; and that the applicant requests that without further hearing the record be reopened for the purpose of admitting the measurements and analysis referred to above, attached to the petition and designated as Exhibit No. 29; and

It further appearing, That in view of the foregoing circumstances, the record should show whether interference would be caused to Station CKOX from the proposed operation of Station WJOC, based upon the measurements contained in Exhibit No. 29 attached to the above-described petition; but that a determination of such question should be made on the basis of evidence received at a hearing rather than on the basis of ex parte affidavits, statements, and calculations as proposed by the applicant;

It is ordered, That in so far as the above-described petition of Air Waves, Incorporated, requests that the record in this proceeding be reopened and the measurements and analysis thereof, identified as Exhibit No. 29, be accepted in evidence, and the record closed without further hearing, the said petition is denied; but in so far as it requests reopening of the record, the said petition is granted; the Initial Decision herein,

released on February 24, 1950, is vacated and set aside; the record is reopened and the proceeding is remanded to the Examiner previously appointed for further hearing upon the following issue:

1. To determine, on the basis of measurements taken by the applicant and attached to the above-described petition and identified as Exhibit No. 29, whether the operation of Station WJOC as proposed would cause objectionable interference to Station CKOX, Woodstock, Ontario, Canada, and if so, the nature and extent thereof.

Released: July 28, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6926; Filed, Aug. 7, 1950; 8:50 a. m.]

[Docket Nos. 9439, 9611]

FRANCIS DAVID BURGESS ET AL.

ORDER CONTINUING HEARING

In re applications of Francis David Burgess, Robert Olin Lowery, Francis J. Burgess, Allan S. Heard, Walker B. Jones and R. F. McCasland, d/b as Tul'e Broadcasting Co., Tulia, Texas, Docket No. 9439, File No. BP-7276; West Texas Broadcasters, Inc., Floydada, Texas, Docket No. 9611, File No. BP-7222; for construction permits.

The Commission having under consideration a petition filed July 28, 1950, by the Tul'e Broadcasting Co., Tulia, Texas, requesting a continuance of the hearing herein (presently scheduled for August 1, 1950, in Washington, D. C.) for a period of thirty days, in order to provide petitioner time to file a petition to dismiss, the completion of which has been delayed pending receipt of an affidavit of no consideration; and

It appearing that West Texas Broadcasters, Inc., Floydada, Texas, has consented to action upon this petition and a grant thereof prior to the expiration of the four-day period, as set forth in § 1.745 of the Commission's rules, that the General Counsel has also agreed to immediate action upon this petition, and that there are no other parties to this proceeding;

It is therefore ordered, This 31st day of July 1950 that the petition be and it is hereby granted and the hearing herein is hereby continued to September 5, 1950, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6928; Filed, Aug. 7, 1950; 8:50 a. m.]

[Docket No. 9157]

FORT INDUSTRY CO. (WSPD)

ORDER AMENDING ISSUE

In the matter of the petition of The Fort Industry Company (WSPD), for designation for hearing of Northeastern Indiana Broadcasting Company, Inc. (WKJG), Docket No. 9157; for modification of construction permit (File No. BMP-3332).

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of August 1950;

The Commission having under consideration a petition filed July 21, 1950, by The Northeastern Indiana Broadcasting Company, Inc. (WKJG) requesting the Commission to enlarge the issue in the above-entitled proceeding so as to permit the introduction of testimony relating to the operation of Station WKJG as indicated by its proof of performance which was filed with the Commission on August 23, 1949; and

It appearing, that the Commission is, among other things, interested in the effect the actual operation of Station WKJG would have upon the operation of Station WSPD; and that, therefore, the issue in this proceeding should be designed to allow such a showing;

It is ordered, That the petition is granted; and that the issue in the Commission's order of October 27, 1948, designating the above-entitled matter for hearing is amended to read as follows: To determine whether the operation of the proposed station at Fort Wayne, Indiana (WKJG), under the original construction permit would involve objectionable interference with WSPD, Toledo, Ohio, and whether the operation of Station WKJG under the modification application as reflected by the proof of performance submitted to the Commission on or about August 23, 1949, would involve an increase of interference, if any, with Station WSPD, Toledo, Ohio, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6929; Filed, Aug. 7, 1950; 8:51 a. m.]

[Docket No. 9634]

MIDWEST BROADCASTING CORP.

ORDER CONTINUING HEARING

In the matter of Midwest Broadcasting Corporation, Montevideo, Minn., Docket No. 9634, File No. BP-7458; applicant for construction permit for a new standard broadcasting station.

The Commission having under consideration a petition filed July 28, 1950, by the applicant, Midwest Broadcasting Corporation, requesting a continuance of the hearing which is now scheduled for Wednesday, August 2, 1950, because the business obligations of applicant's counsel preclude his appearing at the appointed time and place of hearing; and

It appearing, that counsel for the Commission and counsel for the respondent, Times Publishing Company, St. Cloud, Minn., have informally consented to waive the time of filing requirements of § 1.745 of the rules and to a grant of the petition for continuance; and

It further appearing, that applicant's counsel has encountered unexpected conflicting business obligations and is unable in the time available to delegate responsibility for representation of this applicant at the hearing as now scheduled, and that good cause for continuance is thus shown, and that a grant of the petition therefor will conduce to the proper dispatch of the Commission's business and the ends of justice; now therefore,

It is ordered, This 1st day of August 1950, that the petition for continuance be, and it is hereby, granted, and the hearing upon the Midwest Broadcasting Corporation application, presently scheduled to commence on August 2, 1950, is continued until 10 o'clock a. m., on Wednesday, September 13, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6930; Filed, Aug. 7, 1950; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1972]

DUANE H. CURRY

NOTICE OF ORDER

AUGUST 2, 1950.

Notice is hereby given that, on August 2, 1950, the Federal Power Commission issued its order entered August 1, 1950, authorizing amendment of license (minor) in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6911; Filed, Aug. 7, 1950; 8:48 a. m.]

[Docket No. G-1277]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER

AUGUST 2, 1950.

Notice is hereby given that, on August 2, 1950, the Federal Power Commission issued its order entered August 1, 1950, supplementing order of April 28, 1950, published in the FEDERAL REGISTER on May 6, 1950 (15 F. R. 2695), issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6912; Filed, Aug. 7, 1950; 8:48 a. m.]

[Docket No. G-146]

INTERSTATE NATURAL GAS CO., INC., AND HOPE PRODUCING CO.

NOTICE OF ORDER

AUGUST 2, 1950.

Notice is hereby given that, on August 1, 1950, the Federal Power Commission issued its order entered August 1, 1950, terminating proceeding relating to rate suspension in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6913; Filed, Aug. 7, 1950; 8:48 a. m.]

[Docket No. IT-6093]

HOMESTAKE MINING CO.

NOTICE OF ORDER

AUGUST 2, 1950.

Notice is hereby given that, on August 1, 1950, the Federal Power Commission issued its order entered August 1, 1950, in the above-designated matter, authorizing maintenance of permanent interconnection for emergency use only.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6914; Filed, Aug. 7, 1950; 8:48 a. m.]

NATIONAL LABOR RELATIONS BOARD

GENERAL COUNSEL

AMENDMENT OF DELEGATION OF CERTAIN POWERS

Pursuant to the provisions of section 3 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.), the National Labor Relations Board hereby separately states and currently publishes in the FEDERAL REGISTER the following Amendments to the Statement of Delegation of Certain Powers of the National Labor Relations Board to the General Counsel of the National Labor Relations Board.[1]

Dated, Washington, D. C., August 3, 1950.

By direction of the Board.

FRANK M. KLEILER,
Executive Secretary.

The Statement of Delegation of Certain Powers of the National Labor Relations Board to the General Counsel of the National Labor Relations Board, effective August 22, 1947, as amended February 23, 1950, is hereby further amended in the following aspects:

Paragraph VII entitled *Personnel* is amended to read as follows:

VII. *Personnel.* In order better to ensure the effective exercise of the duties and responsibilities described above, the General Counsel of the Board, subject to applicable laws and the rules and regulations of Civil Service Commission, is delegated full and final authority on behalf of the Board over the selection, retention, transfer, promotion, demotion, discipline, discharge and in all other respects, of all personnel engaged in the field and in the Washington Office (other than Trial Examiners, Legal Assistants to Board Members, the personnel in the Information Division, the personnel in the Division of Administration—excluding the Affidavit Compliance Branch—the Solicitor of the Board and personnel in his office, the Executive Secretary of the Board and personnel in his office, including the Order Section and personnel engaged in assisting the Executive Secretary in carrying out his duties, and secretarial, stenographic and clerical employees assigned exclusively to the work of the Members and the Office of the Executive Secretary): *Provided, however*, That no appointment, transfer, demotion or discharge of any Regional Director, or of any Officer in Charge of a Subregional Office, shall become effective except upon approval by the Board. In order to effectuate the exercise of the powers herein delegated (but not with respect to those powers herein reserved to the Board), the General Counsel is authorized, using the services of the Division of Administration, to execute such necessary requests, certifications, and other related documents on behalf of the Board, as may be needed from time to time to meet the requirements of Civil Service Commission, the Bureau of the Budget, or any other Governmental Agency.

The Board will provide such of the "housekeeping" functions performed by the Division of Administration as are requested by the General Counsel in the conduct of his administrative business at all times so as to meet the stated requirements of the General Counsel within his statutory and delegated functions.

The establishment, transfer or elimination of any Regional or Subregional Office shall require the approval of the Board.

[F. R. Doc. 50-6934; Filed, Aug. 7, 1950; 8:51 a. m.]

[1] This amends Statements of General Policy or Interpretation which appeared at 13 F. R. 654 and the Amended Statement appearing at 15 F. R. 1083.

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 172]

WATER CARRIER SERVICE ON THE GREAT LAKES WITH NONOWNED VESSELS

ORDER ASSIGNING HEARING

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 28th day of July A. D. 1950.

Sections 304 (a) and (b), 309 (a), and 313 (a), (b) and (f) of the Interstate Commerce Act being under consideration; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted by the Commission, Division 4, on its own motion, into the lawfulness of the practice of transporting automobiles, in interstate or foreign commerce, purportedly in the service of T. J. McCarthy Steamship Company and Nicholson Transit Company, between ports on the Great Lakes on vessels owned by others, with a view to determining whether such operations constitute transportation by those carriers or, instead, transportation by the respective vessel owners, and of entering such order or taking such other action in the premises as the facts and circumstances shall appear to warrant.

It is further ordered, That T. J. McCarthy Steamship Company, Nicholson Transit Company, Midland Steamship Line, Inc., Jones & Laughlin Steel Corporation, Johnson Transportation Company, T. H. Browning Steamship Company, Boland & Cornelius, Managers, and The Kinsman Transit Co. be, and they are hereby, made respondents to this proceeding.

And it is further ordered, That the proceeding be assigned for hearing at such times and places as may hereafter be designated.

By the Commission, Division 4.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6915; Filed, Aug. 7, 1950; 8:48 a. m.]

[4th Sec. Application 25296]

PHOSPHATE ROCK FROM FLORIDA TO GULFPORT, MISS.

APPLICATION FOR RELIEF

AUGUST 3, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to ACL., and SAL., tariffs I. C. C. Nos. B-3232 and A-8153, respectively.

Commodities involved: Phosphate rock, carloads.

From: Points in Florida.

To: Gulfport, Miss.

Grounds for relief: Competition with water-rail carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6916; Filed, Aug. 7, 1950; 8:48 a. m.]

[4th Sec. Application 25297]

PETROLEUM PRODUCTS BETWEEN SOUTHWESTERN TERRITORY AND ADJACENT POINTS

APPLICATION FOR RELIEF

AUGUST 3, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Petroleum products, tank-car loads.

From, to, and between points in southwestern territory, southern Missouri, Kansas and adjacent points.

Grounds for relief: Circuitous routes, competition with motor carriers and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3585, 3821, 3642, 3793 and 3723, Supplements 419, 49, 54, 29 and 125, respectively, and L. E. Kipp's tariff I. C. C. No. A-3578, Supplement 55.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6917; Filed, Aug. 7, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2410]

CHARLES C. HARRISON, 3D, ET AL.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of July A. D. 1950.

In the matter of Charles C. Harrison, 3d, David B. Sharp, Jr., Robert E. Daffron, Jr., File No. 70-2410.

Charles C. Harrison, 3d, David B. Sharp, Jr., and Robert E. Daffron, Jr. have filed a joint application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a) (2) and 10 thereof, with respect to the following proposed transactions:

Chesapeake Utilities Corporation ("Chesapeake") is a holding company claiming exemption as such pursuant to the provisions of Rule U-9 of the general rules and regulations promulgated under the act. Harrison, Sharp and Daffron, jointly, hold 13,000 shares of common stock of Chesapeake of the par value of $5 per share out of 26,000 shares of such stock outstanding, and hold indirectly, through Harrison & Co., in which they are partners, 50 shares of 5 percent Cumulative Preferred Stock of Chesapeake of the par value of $100 per share of which 1,000 shares are outstanding. Mary Callery owns 950 shares of the preferred and 11,000 shares of the common stocks of Chesapeake. Harrison, Sharp and Daffron propose to acquire from Mary Callery an indirect interest, through Harrison & Co., in an additional 50 shares of the preferred stock of Chesapeake, the initial 50 shares having been acquired from Mary Callery pursuant to an order of this Commission dated February 13, 1950. Harrison & Co. will pay Mary Callery a cash consideration of $5,000, being the aggregate par value of such stock and the cost of such shares to her.

The application states that the proposed transactions are not subject to the jurisdiction of any State commission nor of any Federal agency other than this Commission.

Notice of said filing having been duly given in the form and manner prescribed by Rule U-123 promulgated under the act, and the Commission not having receive a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted, and further deeming it appropriate to grant the request of the applicants that the order become effective as soon as possible:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6908; Filed, Aug. 7, 1950; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14887]

KAROLINE E. RUECKERT ET AL.

In re: Stock owned by Karoline E. Rueckert, Katharina Kessel, and the personal representatives, heirs, next of kin, legatees and distributees of Katharina Satoria, deceased. F-28-30772-D-1, F-28-30773-D-1, F-28-30774-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karoline E. Rueckert, whose last known address is 16/0 Werdenfelsstrasse, Munich 25, Germany, and Katharina Kessel, whose last known address is Kloster Wildburg, Vallender am. Rhein, bei Koblenz, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Katharina Satori, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: One hundred and twenty (120) shares of the capital stock of Faust-Weber Corporation (in liquidation), a corporation organized under the laws of the State of New York, evidenced by certificate numbered 4, registered in the name of Charles A. Weber as Attorney-in-fact for Karoline E. Rueckert, together with all declared and unpaid dividends thereon, and any and all rights in and to the proceeds of liquidation of the aforesaid Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Karoline E. Rueckert, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: One hundred and twenty (120) shares of the capital stock of Faust-Weber Corporation (in liquidation), a corporation organized under the laws of the State of New York, evidenced by a certificate or certificates, registered in the name of Charles A. Weber as Attorney-in-fact for Katharina Kessel, together with all declared and unpaid dividends thereon, and any and all rights in and to the proceeds of liquidation of the aforesaid Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Katharina Kessel, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows: One hundred and twenty (120) shares of the capital stock of Faust-Weber Corporation (in liquidation), a corporation organized under the laws of the State of New York, evidenced by a certificate or certificates, registered in the name of Charles A. Weber as Attorney-in-fact for Katharina Satori, together with all declared and unpaid dividends thereon, and any and all rights in and to the proceeds of liquidation of the aforesaid Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Katharina Satori, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

7. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Katharina Satori, deceased, referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-6936; Filed, Aug. 7, 1950; 8:51 a. m.]

AUG 11 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 153

Washington, Wednesday, August 9, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

[Amdt. 6]

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

DRIED FRUIT EXPORT PROGRAM (FISCAL YEAR 1950)

1. Section 518.108 is hereby amended to read as follows:

§ 518.108 *Period for making sales.* No payment under this program will be made in connection with any sale for export unless the sales contract was entered into on or after October 1, 1949, and prior to 12 o'clock midnight, eastern daylight savings time, August 10, 1950: *Provided, however,* That no payment under this program will be made in connection with any sale of raisins for export unless the sales contract was entered into on or after October 1, 1949, and prior to 12 o'clock midnight, eastern daylight savings time, July 31, 1950.

(Sec. 32, 49 Stat. 774, as amended, sec. 112, 62 Stat. 146; 7 U. S. C. and Sup., 612c, 22 U. S. C. Sup., 1510)

Dated this 31st day of July 1950.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 50-6960; Filed, Aug. 8, 1950; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-352]

PART 34—FLIGHT NAVIGATOR CERTIFICATES

LIMITED FLIGHT NAVIGATOR CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 1st day of August 1950.

On July 20, 1950, the Board adopted Special Civil Air Regulation SR-347 which prescribed the requirements for the issuance of a limited flight navigator certificate. At the time of adoption the Board indicated that there was urgent need for flight navigators for air carriers who are under contract with the armed forces but that there was an insufficient number of individuals holding flight navigator certificates available for employment by those air carriers. Special Civil Air Regulation SR-347 was designed to secure a sufficient number of qualified flight navigators for immediate employment by those air carriers. It will be noted that only those individuals who had served on active duty as rated navigators with the armed forces of the United States for at least six months since December 7, 1941, were eligible to make application for limited flight navigator certificates.

At the time of the adoption of Special Civil Air Regulation SR-347, the Board was of the opinion that only former military navigators were available to and desired by the air carriers involved. However, since that time the Board has been advised that the air carriers desire to include in the eligible group for this purpose employees of United States air carriers who performed flight navigator duties prior to November 15, 1947, the date beyond which no person could serve as a flight navigator without a certificate issued in accordance with the provisions of Part 34 of the Civil Air Regulations. The Board believes that such individuals can be considered as proficient in the performance of flight navigator duties as former military navigators. The Board is also of the opinion that there are additional groups of individuals who should be given an opportunity to apply for limited flight navigator certificates. One group consists of employees of a person engaged in the conduct of military contract operations. Another group consists of civilian employees of the armed forces of the United States who might have served as flight navigators in the conduct of operations for the armed forces.

In view of the above, we are superseding the provisions of Special Civil Air Regulation SR-347 in order to permit the groups of individuals referred to above to make application for limited flight navigator certificates. The Board believes that from these groups a sufficient number of flight navigators will be secured to insure the expeditious fulfillment of the air carriers' obligations under existing military contracts.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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It is to be noted that the provisions of paragraphs 1 (b), 1 (c), 2, 3, and 4 of SR–347 are not being altered. It should be further noted that this regulation provides that all limited flight navigator certificates issued in accordance with the provisions of Special Civil Air Regulation SR–347 shall be treated in all respects as though issued under this Special Civil Air Regulation.

For the reasons stated above notice and public procedure hereon are impracticable and contrary to the public interest, and the Board finds that good cause exists for making this Special Civil Air Regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective immediately, to read as follows:

1. Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator may issue a limited flight navigator certificate to an individual who meets the following requirements:

(a) The applicant for such certificate shall have served as a flight navigator for at least six months, or for at least 500 hours, since December 7, 1941.

(1) As a member of the armed forces of the United States or a civilian employee thereof.

(2) As an employee of a United States air carrier prior to November 15, 1947.

(3) As an employee of a person engaged in the conduct of military contract operations;

(b) The applicant shall meet the requirements of §§ 34.2 through 34.5 and 34.8; and

(c) The applicant shall satisfactorily accomplish such written examination as may be prescribed by the Administrator.

2. The holder of a limited flight navigator certificate may exercise the same privileges as the holder of a flight navigator certificate issued in accordance with Part 34 of the Civil Air Regulations except that he may act as a flight navigator only in those operations which are conducted by an air carrier pursuant to a contract entered into by that air carrier with the armed forces.

3. A limited flight navigator certificate shall remain in effect for a period no longer than 3 months and shall not be renewable.

4. A flight navigator certificate shall be issued to the holder of a limited flight navigator certificate, if such holder accomplishes successfully the written examination prescribed in § 34.7. If such individual fails to accomplish satisfactorily any part of such written examination he may, with the approval of the Administrator, apply notwithstanding the provisions of § 34.13, at any time, for re-examination on the part failed.

5. All limited flight navigator certificates issued pursuant to the authority of Special Civil Air Regulation SR–347 shall have the same effect as though issued hereunder.

This regulation supersedes Special Civil Air Regulation SR–347 and shall terminate December 31, 1950, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. and Sup., 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 50–6951; Filed, Aug. 8, 1950; 8:48 a. m.]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

REVISION OF PART

Correction

In Federal Register Document 50–4312, published at page 3543 of the issue for June 8, 1950, the following correction should be made: In § 4b.643 (page 3577) the reference to § 4b.18 should read "§ 4b.19".

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of Industry and Commerce

[5th General Revision of Export Regs., Amdt. 10]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

MISCELLANEOUS AMENDMENTS

The following sections of the Fifth General Revision of Export Regulations are hereby deleted:

1. Section 370.4 *Prohibited exportations to certain consignees.*

2. Section 371.20 *Gift parcels to enemy prisoners of war.*

3. Section 371.22 *Exportations by citizens of foreign countries serving in the United States Armed Forces GAF.*

This amendment shall become effective August 3, 1950.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Issued this 4th day of August 1950.

[SEAL] RAYMOND S. HOOVER, *Issuance Officer.*

[F. R. Doc. 50–6948; Filed, Aug. 8, 1950; 8:48 a. m.]

[5th General Revision of Export Regs., Amdt. P. L. 10]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

AMENDMENTS TO LIST

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Com. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Other industrial machinery:				
774020	Electric strain gauge equipment assemblies for measuring indicating or recording strains electrically.	No.	GIEQ	None	RO
774020	Electric strain gauges	No.	GIEQ	None	R
	Coal-tar products:				
	Coal-tar intermediates, except coal-tar acids:				
802590	Phenyl naphthylamine	Lb.	COTA	100	R
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.):				
	Organic chemicals not of coal-tar origin, n. e. s.:				
832690	Tetrabromo ethane	Lb.	SALT	100	R

2. The entry on the Positive List for Vistanex, Schedule B No. 200907, is amended to read as follows:

Dept. of Com. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Rubber (natural, allied gums, and synthetics) and manufactures:				
200907	Synthetic rubbers (dry rubber content): Polyisobutylene (Vistanex type only)[1]	Lb.	RUBR 2	100	R

[1] This amendment clarifies the commodity description without making substantive change.

3. The GLV dollar value limit for the entry "Schedule B No. 774098, Other industrial indicating, recording, or controlling instruments for pressure, flow, temperature, humidity, or gas analysis" is changed from $100 to "None".

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Part 1 of this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective August 3, 1950.

Issued this 4th day of August 1950.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

[SEAL] RAYMOND S. HOOVER, *Issuance Officer.*

[F. R. Doc. 50–6963; Filed, Aug. 8, 1950; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 867—DISABILITY AND DEATH BENEFITS

Sec.
867.1 Statutory provisions.
867.2 Definitions.
867.3 Applicability.
867.4 Benefits to which entitled.
867.5 Conditions of entitlement.
867.6 Limitations of benefits.
867.7 Travel.
867.8 Claims for death gratuity.
867.9 Retroactive claims.

AUTHORITY: §§ 867.1 to 867.9 issued under sec. 2, 3, 63 Stat. 202; 10 U. S. C. Sup. 456; 32 U. S. C. Sup. 160a. Interpret or apply sec. 515, 61 Stat. 908; 10 U. S. C. Sup. 506d.

DERIVATION: AFR 173–116.

§ 867.1 *Statutory provisions.* The act of June 20, 1949 (63 Stat. 202; 10 U. S. C. Sup. 456) provides that, effective from August 14, 1945:

(a) Members of the Reserve Forces called or ordered into active military service by competent authority for active duty in excess of 30 days, who suffer disability or death in line of duty from disease while on such duty; and

(b) Members of the Reserve Forces called or ordered into military service by competent authority to perform active duty, active duty training or inactive duty training for any period of time, who suffer disability or death in line of duty from injury while on such duty; shall be considered to have been in the active military service during such period and shall be in all respects entitled to receive the same pensions, compensation, death gratuity, retirement pay, hospital benefits, and pay and allowances as are now or may hereafter be provided by law or regulation for officers and airmen of corresponding grades and length of service of the Regular Air Force.

§ 867.2 *Definitions.* For the purpose of the regulations contained in this part, the following definitions will apply:

(a) Active duty in excess of 30 days means a tour of duty specifically or impliedly (by the abbreviation EAD) prescribed in orders to be in excess of 30 days duration, whether for duty with the Regular Air Force, or for active duty training.

(b) Active duty for 30 days or less means a tour of duty prescribed in orders to be of 30 days or less in duration, whether for duty with the Regular Air Force, or for active duty training.

(c) Inactive duty training means training, when not on active duty as defined in paragraphs (a) and (b) of this section, under written authorization by competent authority, covering a specific training assignment and prescribing a time limit. Training schedules, periodically published in advance in the same manner as orders, will meet the requirements of written authorization.

§ 867.3 *Applicability*—(a) *General.* Officers, warrant officers, and airmen of the Reserve Forces who, under competent orders, perform extended active duty, active duty, active duty training, or inactive duty training may become entitled to the benefits described in the regulations contained in this part provided that disability or death occurs in line of duty.

(b) *Temporary officers.* The provisions of the regulations contained in this part apply to temporary officers of the Air Force of the United States. (Sec. 515 (h), Officer Personnel Act of 1947; sec. 515 (h), 61 Stat. 908; 10 U. S. C. Sup. 506d)

§ 867.4 *Benefits to which entitled*—(a) *Gratuity pay.* If a member dies or is killed, his next of kin, or certain other beneficiaries, may become entitled to receive a lump sum of money equal to six months' pay at the rate the member was entitled to receive on the date of death. (See Part 833 of this chapter.)

(b) *Medical treatment and hospitalization.* If a member is injured while participating in the Reserve training program, under competent orders, he is entitled to medical treatment and hospitalization at Government expense.

(c) *Continuation of pay and allowances.* A member who is hospitalized for treatment of an injury incurred in line of duty while participating in the Reserve training program, under competent orders, is entitled to continue to receive the pay and allowances to which entitled on date of entry to the hospital, if in a pay status at that time; or he is entitled to receive pay and allowances commensurate with his grade and length of service if performing inactive duty training without pay on the date of entry to the hospital. In either case he is entitled to receive such pay and allowances for the entire period of hospitalization, even though for all or a portion of that time he is not, in fact, on active duty.

(d) *Disability retirement or severance pay.* A member who, by determination of proper authority, has received maximum benefit from hospitalization may be separated from the service and receive disability retirement or severance pay.

§ 867.5 *Conditions of entitlement.* Under the provisions of law cited in § 867.1, members called or ordered to active duty in excess of 30 days are entitled, after entry on active duty, to benefits if disability or death is the result of disease or injury contracted or incurred in line of duty. Members called or ordered to active duty for 30 days or less, on and after August 14, 1945, are entitled to benefits only if disability or death is the result of injury incurred in line of duty after entry on active duty. Members called or ordered to perform inactive duty training with or without pay, on and after August 14, 1945, are entitled to the benefits of the law referred to in this section only if disability or death is the result of injury incurred in line of duty while engaged in such inactive duty training.

§ 867.6 *Limitations of benefits*—(a) *While traveling.* Members engaged in inactive duty training with or without pay are not entitled to benefits under the provisions of the regulations contained in this part:

(1) While traveling to and from the site designated for the inactive duty training period (armory, air base, firing range, field training, command post exercise, etc.) except:

(i) When engaged in authorized travel in Government owned vehicles from the regular site designated for inactive duty training (armory or air base) to such other site specifically designated for a period of inactive duty training (firing range, convoy training, command post exercise, etc.) and return therefrom, or

(ii) When engaged in authorized travel in Government owned vehicle from an authorized assembly point to the site designated for inactive duty training and return thereto, provided that the designated assembly points, transportation schedule, route, and the date are authorized in advance by duly authenticated written orders; or

(iii) When engaged in authorized travel in privately owned vehicles from and to the site designated for training when authorized in advance by competent written orders.

NOTE: The above restriction has the effect of excluding claims for benefits under the provisions of the regulations contained in this part for all injuries sustained by members of the Reserve Forces while traveling from their homes, places of employment, or other places to the regular site designated for inactive duty training or such other site specifically designated for a period of inactive duty training and return therefrom, except as provided in subdivisions (i), (ii), and (iii) of this subparagraph.

(2) During any period, training or otherwise, which is not designated as a period of inactive duty training by written authorization of competent authority covering a specific training assignment and prescribing a time limit

(b) *While hospitalized.* (1) Members injured in connection with participation in any way in the Reserve training program are entitled to pay and allowances, if otherwise proper, only while hospitalized as a result of injury incurred in line of duty. If hospitalization, as determined by the appropriate medical authorization, is not required, no pay and allowances will accrue but medical treatment may be provided at Government expense.

(2) Medical and dental attendance at civilian hospitals for members of the Reserve Forces at public expense is authorized only when the required treatment cannot be obtained from available facilities of the Air Force or other Federal agencies such as Army, Navy, Veterans Administration, United States Public Health Service, or Indian Service. All personnel assigned to duty, or performing inactive duty training at places where there are no Air Force medical facilities, will be advised to familiarize themselves with the location of the nearest Federal medical installation and instructed to utilize the facilities at these installations when circumstances permit. In other than emergencies, prior approval of competent authority will be required to obtain medical and dental attendance from civilian agencies.

§ 867.7 *Travel.* A member of the Reserve Forces who contracts a disease while on active duty for a period in excess of 30 days, or is injured while on active duty or while participating in inactive duty training is entitled to transportation in kind or reimbursement for travel performed in connection with hospitalization. For travel performed from and to the places indicated in paragraphs (a) and (b) of this section, officer and enlisted members of the Reserve Forces will be furnished transportation in kind and/or reimbursed for travel expenses in accordance with regulations governing members of the Regular Air Force traveling under the same conditions:

(a) *Members on active duty.* (1) From active duty station to hospital if transferred in permanent change of station status; or from active duty station to hospital for observation and treatment if ordered to hospital in temporary duty status.

(2) From hospital to active duty station or home of record upon release from hospital in permanent change of station status; or from hospital to active duty station upon release from hospital in temporary duty status.

(b) *Members on inactive duty training (with or without pay).*

(1) From designated place for performance of inactive duty training to hospital (temporary duty status).

(2) From hospital to home of record (temporary duty status), the amount payable not to exceed the amount which would be payable from hospital to designated place for performance of inactive duty at time of injury.

§ 867.8 *Claims for death gratuity.* Claims for six months' lump sum payment for death gratuity will be settled as prescribed in Part 833 of this Chapter.

§ 867.9 *Retroactive claims.* If line of duty has been previously determined by Headquarters United States Air Force, retroactive claims for benefits under the provisions of the regulations contained in this part, accruing on and after August 14, 1945, and prior to July 1, 1949, other than those for pensions or compensation administered by the Veterans Administration, may be submitted by the claimant to the headquarters of the numbered air force having jurisdiction over the unit to which he is, or was, assigned. Claims for pensions or compensation administered by the Veterans Administration may be submitted by the claimant direct to the appropriate Veterans' Administration regional office; however, to expedite adjudication the claimant should insure that line of duty status has been determined by Headquarters United States Air Force.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 50-6940; Filed, Aug. 8, 1950; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 17—MEDICAL

OUTPATIENT TREATMENT

Section 17.60 is amended to read as follows:

§ 17.60 *Outpatient treatment.* (a) Outpatient treatment, medical or dental, including necessary medicines, prosthetic appliances and other supplies, may be rendered to the following applicants under the conditions stated:

(1) Persons discharged or released from active military or naval service, including those who had active duty as a member of the Women's Army Auxiliary Corps and officers retired for disability under the provisions of the Emergency Officers Retirement Act (Public No. 506, 70th Congress, as amended) who served during a period of war as defined in § 17.47 (a) (1) and who are in need of treatment for a disease or injury adjudicated by the Veterans' Administration as incurred or aggravated in such war service.

(2) Persons included in paragraph III, Part I, Veterans Regulation 1 (a), and paragraph IV, Part II, Veterans Regulation 1 (a) (approved May 11, 1944) (38 U. S. C. ch. 12 note), who are in need of treatment for an injury or disease incurred in line of duty and for which they are receiving disability compensation.

(3) Retired members of the Regular Establishment who have elected, under Public Law 314, 78th Congress, to receive disability compensation from the Veterans' Administration for a service-connected disease or injury and who are in need of treatment for said service-connected compensable disease or injury.

(4) Persons who were discharged or released under other than dishonorable conditions from active military or naval service for disability incurred or aggravated in line of duty in active service or who are in receipt of compensation for service-connected or service-aggravated disability. A formal claim for disability compensation will not be required of an applicant eligible for outpatient treatment by reason of discharge for disability incurred or aggravated in line of duty; and a denial of a claim for disability compensation will not debar outpatient treatment for such disability. (See determination of line of duty, § 17.47 (b) (1) (i) and (iii).)

(5) Persons pursuing a course of vocational training authorized under Public Law 16, 78th Congress, as amended, who are in need of treatment to avoid interruption of such training.

(6) Persons properly referred by authorized officials of other Federal agencies for which the Administrator of Veterans Affairs may agree to render such service under conditions stipulated by him and pensioners of nations allied with the United States in World War I and World War II when duly authorized. Charges for treatment of patients of the classes specified herein will be at prescribed rates.

(7) Employees of the Veterans' Administration, their families, and the general public in emergencies, subject to conditions stipulated by the Administrator of Veterans Affairs. Charges for treatment of patients specified herein will be at prescribed rates.

(b) While outpatient treatment is primarily authorized only for service-connected or service-aggravated conditions, adjunct outpatient treatment for a non-service-connected condition which is associated with and held to be aggravating disability from a disease or injury service connected or service aggravated may be also authorized in accordance with prescribed principles for persons defined in paragraph (a) (1) through (4) of this section. The opinion of the chief medical director may be requested in any individual case where advice as to the propriety of furnishing adjunct treatment is desired.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interprets or applies 45 Stat. 735, as amended, secs. 1, 8, 48 Stat. 9, 301, 53 Stat. 652, 57 Stat. 21, 60 Stat. 526; 38 U. S. C. 488 note, 488a, 581, 582, 706, 706a, ch. 12 note)

This regulation effective August 9, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-6956; Filed, Aug. 8, 1950; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1760]

PART 160—GRAZING LEASES

Correction

In Federal Register Document 50-6107, appearing at page 4504 of the issue for Saturday, July 15, 1950, § 169.19 (page 4507) should be designated "§ 160.19".

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 50-28]

EXAMINATIONS FOR ABLE SEAMEN; PERMITS FOR LOADING CLASS A EXPLOSIVES

The purpose of the following new regulations is to provide a guide for the administration of regulations and to inform the public of conditions which must be met. The new regulation to be added to 46 CFR 12.05-9 definitely states that no additional professional examination will be required for any person who is in valid possession of a certificate as able seaman indorsed "any waters—12 months" and who produces documentary evidence of sufficient service to qualify for a certificate as able seaman indorsed "any waters—limited." Neither will a physical examination be required unless the applicant obviously suffers from some physical or mental infirmity which, in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the usual duties of an able seaman at sea. This regulation is being added to remove any question of doubt as to the intent of the present regulations. It does not impose new requirements. It is therefore found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is unnecessary.

The new regulation regarding permits for Class A explosives will be added to the Dangerous Cargo Regulations and is to provide a series of requirements which shall be met before authorizing the transfer of Class A explosives. This regulation is considered necessary to provide adequate standards and to obtain uniformity in the issuance of permits. Since Class A explosives are presently being shipped in large quantities and the hazards to safety of life at sea are great it is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest. It is also found that an emergency exists and the provisions of R. S. 4472, as amended (46 USC 170 (9)), regarding publication of proposed rule making, public hearings thereon, and effective date requirements are contrary to the public interest and it is necessary that the regulation shall become effective on the date of publication in the FEDERAL REGISTER.

By virtue of the authority vested in me as Commandant, United States Coast Guard (R. S. 4405 as amended, 46 U. S. C. 375, and Section 101 of Reorganization Plan No. 3 of 1946, 11 CFR 7875, 60 Stat. 1097, 46 U. S. C. 1), as well as the additional authorities cited with the regulations below, the following amendments to the regulations are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

Subchapter B—Merchant Marine Officers and Seamen

PART 12—CERTIFICATION OF SEAMEN

Section 12.05-9 is amended by adding a new paragraph (d) reading as follows:

§ 12.05-9 *Examination and demonstration of ability.* • • •

(d) Any person who is in valid possession of a certificate as able seaman indorsed, "any waters—12 months" and who can produce documentary evidence of sufficient service to qualify for a certificate as able seaman indorsed, "any waters—unlimited," may be issued a new document bearing this indorsement without additional professional examination. The applicant shall surrender for cancellation the document bearing the limited indorsement. No physical examination will be required at the time of this exchange unless it is found that the applicant obviously suffers from some physical or mental infirmity to a degree that in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the usual duties

of an able seaman at sea. If such condition is believed to exist, the applicant shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency.

(R. S. 4405, 4417a, 4488, 4551, as amended, sec. 13, 38 Stat. 1169, as amended, secs. 1, 2, 49 Stat. 1544, sec. 7, 49 Stat. 1936, sec. 1, 52 Stat. 753, 55 Stat. 579; 46 U. S. C. 375, 391a, 491, 643, 672, 367, 689, 672b, 672–1, 672–2)

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

SUBPART—DETAILED REGULATIONS GOVERNING EXPLOSIVES

Part 146 is amended by adding a new § 146.20–43, reading as follows:

§ 146.20–43 *Permits for Class A explosives.* (a) Before permits to load or discharge Class A explosives in amounts exceeding five hundred (500) pounds are granted in accordance with § 146.20–42, the requirements of this section shall be met.

(b) Where loading or discharge operations take place in designated explosive anchorages, the following requirements shall be determined:

(1) The requested amount of explosives to be loaded or discharged shall not exceed limits set by the applicable anchorage regulation of the Secretary of the Army in regard to the quantity of Class A explosives which a vessel may have on board.

(2) The vessel shall comply in all respects with the regulations in this subchapter.

(3) Conditions within the anchorage shall offer no more than normal acceptable hazards to the vessel or its cargo.

(4) If there are Department of Defense installations, such as a Navy or Army depot, navy yard, naval anchorage, etc., in the vicinity of an explosive anchorage, the Commanding Officer of the installation should be appraised of the proposed movement of explosives and if opposition is raised the permit shall be withheld.

(c) Where loading or discharge operations take place in civilian establishments outside designated explosive anchorages, the following requirements shall be determined:

(1) The Coast Guard District Commander, together with the cognizant Captain of the Port, shall be furnished a written permit or document having comparable legal effect from the municipal, state, or port authority authorizing the vessel to use a designated waterfront facility for explosives loading or discharge.

(2) The vessel shall comply in all respects with the regulations in this subchapter.

(3) The facility shall offer no more than normal acceptable hazards to the vessel or its cargo.

(4) The proposed loading or discharge facility shall offer isolation and remoteness from populous areas which compare favorably with the distance required by the American Table of Distances for inhabited buildings, unbarricaded, even though permission has been obtained for its use from local authorities.

NOTE: Under the exemption contained in § 146.10–4 railroad carfloats transporting railroad vehicles to vessel's side for the purpose of transferring their cargo to the vessel should not be required to obtain a permit as required by § 146.20–42. However, the Captain of the Port has the authority under 33 U. S. C. 471 to require a permit for such carfloats to enter an explosives anchorage. A permit is also required under § 146.20–42 for the transfer of explosives from the carfloats to the vessel.

(d) Where loading or discharge operations take place in the establishments under direct control of the Department of Defense, the following requirements shall be determined:

(1) The vessel shall comply in all respects with the regulations in this subchapter.

(2) Commercial vessels loading or discharging military explosives shipped by or consigned to the Department of Defense of the U. S. Government at facilities under its direct control such as a Navy or Army depot, arsenal, navy yard, port of embarkation, etc., where transfer of the explosives is supervised by Army, Navy or Air Force personnel, shall comply with the Coast Guard regulations pertaining to the safe handling, transportation, conveyance, stowage, or use of explosives or other dangerous articles or substances on board vessels.

(R. S. 4405, as amended; 46 U. S. C. 375. Interprets or applies R. S. 4472, as amended; 46 U. S. C. 170)

Dated: July 28, 1950.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 50–6958; Filed, Aug. 8, 1950; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

PROCESSING OF STANDARD BROADCAST APPLICATIONS

Correction

The following correction should be made in the Wednesday, August 2, 1950, issue of the FEDERAL REGISTER:

At page 4947, column 2, § 1.373, paragraph (b) line 19, delete: "whether the case must go to hearing, the" and substitute therefor: "plications for a consolidated hearing. At".

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–6957; Filed, Aug. 8, 1950; 8:49 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Part 4b]

HUMIDITY ACCOUNTABILITY

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment of Part 4b of the Civil Air Regulations in substance as hereinafter set forth:

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted, in duplicate, to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by September 1, 1950, will be considered by the Board before taking further action on the proposed rule. Copies of the communications received will be available after September 6, 1950, for perusal by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Currently effective § 4b.110 provides that the prescribed airplane's performance shall be determined, and compliance shall be shown, for standard atmospheric conditions and still air. Standard atmosphere is defined in part as a "dry, perfect gas." Thus, this regulation in effect stipulates that whenever an airplane is flight tested in other than standard atmospheric conditions the performance data shall be corrected to the standard atmosphere. In the past, compliance with this provision was shown by correcting the performance data to all of the conditions defining the standard atmosphere except that condition which relates to the humidity of the air. This procedure was considered acceptable because the results of the tests conducted in average atmospheric conditions (i. e. humid instead of dry air) are always conservative. It had not been considered worth while to correct for humidity because the corrections were small and therefore not considered to be of practical significance. Therefore, even though the regulations did not require humidity accountability, accountability to an average degree had in the past actually been introduced in the procedures for the certification of transport airplanes.

With the advent of larger and greater powered airplanes, it has become evident that the effect of humidity on the performance of the airplane, as expressed in useful load, is of practical significance. As a result, some manufacturers have sought to comply strictly with the regulation which permits correcting the airplane's performance to dry air, i. e., to zero humidity. In their study of this problem both the Administrator and the Bureau realized that the current requirement has unconservative implications, particularly with respect to the larger and greater powered airplanes, which were not foreseen at the time of its promulgation. In view of this the Administrator requested that no corrections be made by the manufacturers for humidity to a value lower than 0.4 in. hg. vapor pressure, a value considered by him to be a practical average. Upon being informed of the Administrator's request, the Bureau considered the whole problem of humidity accountability for transport type airplanes. At that time the Bureau felt that the problem of humidity might be solved more realistically in a manner similar to that used in taking account of temperature effects, namely by allowing corrections to be made to zero humidity in the certification of airplanes but simultaneously requiring that humidity be taken into account operationally. However, we believe that development and implementation of an appropriate operational requirement at this time would impose too great a burden upon the manufacturers and operators in view of the increased activity on their part to meet current and anticipated military commitments. The Administrator of Civil Aeronautics has expressed the belief that no new transport aircraft types should be certificated without some form of humidity accountability. Accordingly, it is considered advisable to incorporate into the airworthiness regulations a requirement that humidity be accounted for in determining the performance of newly type certificated transport aircraft.

It should be noted that it was the Bureau's intention to discuss this subject matter during this year's annual review of the airworthiness parts of the Civil Air Regulations, and that this subject was included as one of the items for discussion under Committee No. 2—Transport Category Airplanes: Part 4b. However, this item was deleted from the agenda for the annual review at the official request of the Aircraft Industries Association and the Air Transport Association. In making such requests these industry groups pointed out that the increased activity on military projects has made it impossible for the transport aircraft manufacturers and the scheduled air carriers to provide adequate technical representation at the forthcoming annual meeting. The Bureau regrets that it will not have the benefit of the full exchange of information between government agencies and the various industry groups with respect to this subject which it anticipated in the annual review meeting. Nevertheless, we feel that the subject of humidity accountability is of such urgency as to warrant action at this time to remove the unconservative implications in the current requirement, even though the method chosen may not be as rational as ultimately desired. In the meantime, the Bureau will continue its study of this problem.

Accordingly, it is proposed to amend § 4b.110 to read as follows:

§ 4b.110 *General.* With respect to all airplanes type certificated on or after (the effective date of this section), the performance prescribed in this subpart shall be determined, and compliance shall be shown, for standard atmospheric conditions and still air, except that the performance instead of being based on dry air shall be based on a humidity not less than 0.4 in. hg. vapor pressure.

This amendment is proposed under authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, 62 Stat. 1216, 49 U. S. C. 551–560, act of July 1, 1948)

Dated August 4, 1950, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 50–6964; Filed, Aug. 8, 1950; 8:50 a. m.]

[14 CFR, Parts 40, 41, 45, 61]

NONTRANSPORT CATEGORY AIRPLANES IN SCHEDULED PASSENGER OPERATION

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a Special Civil Air Regulation in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted, in duplicate, to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received prior to September 11, 1950, will be considered by the Board before taking further action on the proposed regulation. Copies of such communications will be available after September 14, 1950, for perusal by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington 25, D. C.

Certain airplanes certificated as a basic type prior to June 30, 1942, and currently used in scheduled air carrier passenger operations have at various times since original certification been allowed increases in their certificated maximum take-off and landing weights. The increases have been allowed under the provisions of later adopted airworthiness requirements based upon different and more realistic safety criteria where the airplane has been shown to comply with such requirements for particular operations.

However, these developments have not followed a consistent pattern, and at the present time airplanes of the same basic type are operated at differing maximum landing weights. For example, the usual maximum landing weight for a Douglas DC–3 (not certificated in the transport category) operated in scheduled passenger service is 24,400 pounds when operated in accordance with limitations established in the air carrier's operating specifications, whereas a comparable airplane used by an irregular air carrier or commercial operator operates at a maximum landing weight of 25,200 pounds subject to operating limitations recently provided for in Part 42 of the Civil Air Regulations.[1]

We have been asked by certain scheduled air carriers to permit operation of the DC–3 and the Lockheed Model 18 as nontransport category airplanes at higher landing weights than are currently authorized. It is our opinion that such higher weights may be justified for nontransport category airplanes when they are operated in accordance with the operating limitations established for such airplanes in Part 42. Therefore, we propose authorizing the operating in passenger service by air carriers or commercial operators of nontransport category airplanes type certificated prior to June 30, 1942, at maximum landing weights not exceeding their presently certificated maximum take-off weights for passenger use, when such airplanes are operated under operating limitations established pursuant to current provisions of Part 42.

It is proposed to promulgate a Special Civil Air Regulation to read as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, an airplane type certificated or approved prior to June 30, 1942, may be used for the carriage of persons in scheduled service at a maximum landing weight not exceeding its maximum certificated take-off weight for passenger service: *Provided*, That such landing weight does not exceed the weight for which the structure has been substantiated in accordance with the structural requirements upon which the original certification was based: *And provided further*, That the airplane is operated in accordance with operating limitations established pursuant to §§ 42.80 through 42.83 of the Civil Air Regulations as heretofore or hereafter amended.

This regulation shall terminate on December 31, 1951, unless sooner superseded or rescinded.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, 49 U. S. C. 551–560)

Dated: August 4, 1950, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 50–6965; Filed, Aug. 8, 1950; 8:50 a. m.]

[1] The DC–3 is also eligible and is being operated at a maximum certificated take-off weight of 26,200 lbs. and a maximum certificated landing weight of 26,000 lbs. in accordance with transport category performance rules. The DC–3 when used for carriage of cargo only is eligible and is being operated at maximum certificated take-off and landing weights as high as 26,900 lbs. Furthermore, corresponding military versions of the DC–3 have been operated at maximum weights in excess of 30,000 lbs.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 28

Correction

The following corrections have been made in the original document, F. R. Doc. 50-6609, published at page 4872 of the issue for Friday, July 28, 1950:

1. In the land description, the entry for T. 1 N., R. 12 W. should be deleted.

2. Under T. 1 N., R. 13 W., the description for Sec. 14 should read: "Sec. 14: Lot. 1."

3. The descriptions "T. 1 S., R. 13 W." and "T. 2 S., R. 15 W." should read "T. 2 S., R. 14 W." and "T. 3 S., R. 15 W.", respectively.

Office of the Secretary

[Order No. 2578]

REDELEGATION OF AUTHORITY TO BUREAU OF MINES

SEC. 1. *Authority redelegated.* (a) The authority delegated to the Secretary of the Interior by letter of June 29, 1950, from the Acting Administrator of General Services to make negotiated purchases and contracts under the synthetic liquid fuels program where the facts are such as to bring the purchase or contract within the provisions of subsections (5), (9), (10), (12), or (14) of section 302 (c) of the Federal Property and Administrative Services Act of 1949 (41 U. S. C., 1946 ed., Supp. III, sec. 252), is redelegated to the following officials of the Bureau of Mines, as provided in paragraph (b) of this section:

Director.
Chief, Administrative Division.
Regional Director, Region IV.
Regional Director, Region VII.
Regional Director, Region VIII.
Chief, Coal-to-Oil Demonstration Plants.
Chief, Oil Shale Demonstration Branch.

(b) The officials designated in paragraph (a) are authorized

(1) To make negotiated purchases and contracts for supplies and services in connection with the synthetic liquid fuels program of the Bureau of Mines, pursuant to the provisions of Title III of the aforesaid act (41 U. S. C., 1946 ed., Supp. III, secs. 251–260), excluding the authority relating to advance payments; provided that the facts are such as to bring the purchase or contract in question within the provisions of subsections (5), (9), (10), (12), or (14) of section 302 (c) of the act, and that the determinations required under subparagraphs (2) and (3) of this paragraph have first been made;

(2) To determine that the facts are such as to bring the purchase or contract in question within the provisions of paragraphs (5), (9), or (14) of section 302 (c) of the act; and

(3) To determine, with respect to contracts which will not require the expenditure of more than $25,000, that the facts are such as to bring the purchase or contract in question within the provisions of paragraph (10) of section 302 (c) of the act.

SEC. 2. *Determinations by Secretary.* Determinations as to whether the facts are such as to bring the purchase or contract in question within the provisions of section 302 (c) (10) (if the purchase or contract is over $25,000), or within the provisions of section 302 (c) (12), will be made by the Secretary. Such purchases or contracts shall not be negotiated until after the requisite determinations have been made by the Secretary.

(Sec. 307, 63 Stat. 396; 41 U. S. C., 1946 ed., Supp. III, sec. 257)

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 1, 1950.

[F. R. Doc. 50-6949; Filed, Aug. 8, 1950; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[No. O-12]

FAIR AND REASONABLE WAGES FOR EMPLOYEES IN SUGARCANE AND SUGAR BEET INDUSTRIES

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948 (61 Stat. 929; U. S. C. Sup. 1131), notice is hereby given that public hearings will be held as follows:

At Honolulu, on the Island of Oahu, in the Grand Jury Room, Federal Building, on September 8, 1950, at 9:30 a. m.;

At Hilo, on the Island of Hawaii, in the Circuit Court Room, Post Office Building, on September 11, 1950, at 9:30 a. m.; and

At Berkeley, California, in the Farm Credit Building, on September 20, 1950, at 10:00 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii and of sugar beets in California, southwestern Arizona, and southern Oregon during the calendar or crop year 1951 on farms with respect to which applications for payments under the said act are made and (2), pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1951 crop of Hawaiian sugarcane and the 1951 crop of sugar beets in California, southwestern Arizona, and southern Oregon to be paid, under either purchase or toll agreements by processors who, as producers, apply for payments under the said act. In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearings to express their views and present appropriate data in regard to the foregoing matters.

Such hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

W. Carroll Hunter, Thomas H. Allen, Ward S. Stevenson, and Will N. King are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 4th day of August 1950.

[SEAL] RALPH S. TRIGG,
Administrator.

[F. R. Doc. 50-6962; Filed, Aug. 8, 1950; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1446]

LONE STAR GAS CO.

NOTICE OF APPLICATION

AUGUST 2, 1950.

Take notice that Lone Star Gas Company (Applicant), a Texas corporation, address, Dallas, Texas, filed on July 20, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 9.9 miles of 10-inch natural gas transmission pipeline which will loop Applicant's existing pipeline "GD" in Garvin County, Oklahoma.

Applicant proposes to loop approximately 3.51 miles of its 6-inch and 6.39 miles of its 8-inch line "GD", and states that by the looping of its 6-inch line, an additional 10,000 Mcf of natural gas will be made available from the Katie Field in Garvin County to compensate for a decrease in availability of natural gas from the Doyle Field, Stephens County, Oklahoma, of approximately 10,000 Mcf.

The estimated over-all capital cost of the proposed facilities is $154,371.00 which will be financed out of Applicant's current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6941; Filed, Aug. 8, 1950; 8:46 a. m.]

[Docket No. G-1401, G-1418]

OHIO FUEL GAS CO. AND MONTANA-DAKOTA UTILITIES CO.

NOTICE OF FINDINGS AND ORDERS

AUGUST 3, 1950.

Notice is hereby given that, on August 2, 1950, the Federal Power Commission issued its findings and orders entered August 1, 1950, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6952; Filed, Aug. 8, 1950; 8:48 a. m.]

[Docket No. G-1448]

SHENANDOAH GAS CO.

NOTICE OF APPLICATION

AUGUST 3, 1950.

Take notice that Shenandoah Gas Company (Applicant), a Virginia corporation, with office at Lynchburg, Virginia, filed an application on July 26, 1950, for (1) an Order, pursuant to section 7 (a) of the Natural Gas Act, directing Virginia Gas Transmission Corporation (Virginia), a subsidiary of Atlantic Seaboard Corporation, which is controlled by the Columbia Gas System, Inc., to establish a physical connection of its transmission facilities with the proposed facilities of, and to sell and deliver natural gas to, the Applicant; and (2) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate approximately 38 miles of 8⅝ inch transmission pipeline and 11 miles of 4½ and 3½ inch transmission pipeline from a point on Virginia's 26 inch transmission line near Cedarville, Warren County, Virginia, to communities proposed to be served by Applicant, including Front Royal and Winchester, Virginia, and Martinsburg, West Virginia.

Applicant proposes to construct or acquire distribution systems for the distribution of natural gas at retail in the designated communities, which are presently being served with bottle gas, and propane air gas. In the event that Applicant cannot purchase distribution facilities in communities proposed to be served, Applicant proposes to sell natural gas at wholesale to such companies as now own distribution systems. Applicant also proposes to make sales of natural gas to industrial plants located within economic distances of Applicant's lines, and proposes to construct facilities necessary to make such sales.

The total estimated overall cost of constructing the pipeline and distribution systems, as well as acquisition cost of the existing gas distribution system in Martinsburg, West Virginia, is $2,300,000. Applicant proposes to finance these costs by the issuance of mortgage bonds and other securities bearing prices and in ratios to be determined at the time of issuance.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6953; Filed, Aug. 8, 1950; 8:48 a. m.]

[Docket No. G-1451]

NATURAL GAS CO. OF W. VA. AND MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION

AUGUST 3, 1950.

Take notice that on July 27, 1950, Natural Gas Company of West Virginia ("Natural") and The Manufacturers Light and Heat Company ("Manufacturers"), West Virginia and Pennsylvania public utility corporations, respectively, with their principal places of business at 800 Union Trust Building in Pittsburgh, Pennsylvania, filed an application for authority pursuant to section 7 of the Natural Gas Act, as amended, for the transfer from Natural to Manufacturers of the following described facilities:

All of Natural's properties located in the States of Pennsylvania and West Virginia, particularly such transmission facilities as are located in Washington and Greene Counties, Pennsylvania, and in Ohio and Marshall Counties, West Virginia, consisting of three 8-inch pipelines and one 10-inch pipeline running generally from the production and storage fields of Natural located in the Pennsylvania area to the Wheeling area, the Heard Station in Washington County, Pennsylvania, and the Conkey Station in Greene County, Pennsylvania, all leases, wells and gathering lines, including Heard Storage Field, located mainly in Washington and Greene Counties, Pennsylvania, and distribution systems in the city of Wheeling and in other smaller communities in Washington and Greene Counties, Pennsylvania, and in Ohio and Marshall Counties, West Virginia.

Natural and Manufacturers (Applicants) state that the volume of gas produced by Natural in the Pennsylvania fields, from which it obtains gas to serve the Wheeling area, has declined, while the requirements of that area have increased, that Natural must now purchase 75 percent of the gas for its West Virginia and Pennsylvania markets from Manufacturers, that Manufacturers has facilities in this general area which parallel and complement those of Natural, that if this transfer is approved, the present facilities of both companies in the area can be integrated and more efficient and economical service rendered to the customers of both companies in the area, that duplication of lines can be avoided in the future, and that certain bookkeeping and administrative expenses can be eliminated.

Applicants aver that the properties of Natural in Ohio are separate operating units whose operation will not be impaired in any way by the proposed transfer, and that the Ohio customers of Natural will not be adversely affected thereby.

Applicants further state that if the proposed transfer is approved, Manufacturers does not propose by reason of such approval to serve any new communities not now served by either Natural or Manufacturers.

Applicants have agreed that the consideration for this transfer will be the original cost, less depreciation, of the facilities as of the date of the transfer, the calculated purchase price as of February 28, 1950, being $3,231,833.74.

To finance this cost, Columbia Gas System, Inc., parent of the two applicants, has agreed that Manufacturers may assume up to $3,200,000 principal amount of 3¼ percent Notes of Natural, which may be held by Columbia at the time of the transfer. Manufacturers proposes to finance the amount of consideration over $3,200,000 with cash out of its own funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 22d day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6954; Filed Aug. 8, 1950; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25298]

WOODPULP FROM COOSA PINES, ALA., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

AUGUST 4, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1051.

Commodities involved: Woodpulp, carloads.

From: Coosa Pines, Ala.

To: Haverhill, Mass., Corinth and Piermont, N. Y.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1051, Supplement 92.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the

expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6947; Filed, Aug. 8, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-53]

NORWALK TIRE AND RUBBER CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of August A. D. 1950.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from registration and listing the Common Stock, No Par Value, of The Norwalk Tire and Rubber Company.

The application alleges that:

(1) The attorneys for the Trustee of The Norwalk Tire and Rubber Company in proceedings under Chapter 10 of the National Bankruptcy Act notified the applicant exchange under date of July 5, 1950, that a petition had been presented to the court for an order terminating the appointment of the transfer agent and registrar for the common stock of this company in the city of New York.

(2) The applicant exchange has been informed that an order was entered by the court on July 12, 1950, terminating all transfer facilities for the common stock of this company, on that date.

(3) Transactions in this security on the applicant exchange were suspended on July 13, 1950.

(4) The reason for the proposed removal of this security from registration and listing on the applicant exchange is that the facilities in New York City for transfer and for registering shares of this security are no longer available.

(5) The rules of the applicant exchange with respect to striking a security from registration and listing have been complied with.

Upon receipt of a request, prior to August 31, 1950, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 50-6945; Filed, Aug. 8, 1950; 8:47 a. m.]

[File Nos. 54-177, 59-91]

PENNSYLVANIA GAS AND ELECTRIC CORP. ET AL.

ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of August A. D. 1950.

In the Matter of Pennsylvania Gas & Electric Corporation, Applicant, File No. 54-177, Pennsylvania Gas & Electric Corporation and its Subsidiaries, Respondents, File No. 59-91.

Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, having filed, pursuant to the Public Utility Holding Company Act of 1935 (the "act"), a plan for its liquidation and dissolution, consisting of Part I and Part II; the Commission having previously instituted proceedings under sections 11 (b) (1), 11 (b) (2), 15 (a), 15 (f), and 20 (a) of the act with respect to Penn Corp and its subsidiaries, and having consolidated said proceedings with proceedings on another plan involving Penn Corp and certain of its subsidiaries; and the Commission having consolidated the proceedings on the plan for Penn Corp's liquidation and dissolution with the prior consolidated proceedings; and

Penn Corp having filed amendments to Part I of its plan for liquidation and dissolution proposing the sale by Penn Corp to Bank of the Manhattan Company of a $600,000 promissory note, bearing interest at the rate of 2 percent per annum and maturing 90 days after date of issuance, and the use of the borrowed funds plus treasury cash to redeem all of Penn Corp's outstanding 6 percent Gold Debentures on September 1, 1950, at the redemption price of 105 percent of principal amount plus accrued interest; and Penn Corp having filed a declaration pursuant to sections 6, 7, and 12 (c) of the act and the rules and regulations thereunder regarding the proposed sale of the note and redemption of the debentures; and

Penn Corp having requested the Commission to enter an order approving Part I, as amended; and

Public hearings having been held in the consolidated proceedings, after appropriate notice thereof, and the Commission having considered the record and having issued its Findings and Opinion with respect to Part I, as amended, finding therein that Part I, as amended, is necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby, and that said declaration meets the applicable standards of the act:

It is ordered, That said Part I, as amended, be, and the same hereby is, approved, and that said declaration be, and the same hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24 and the reservation of jurisdiction over all fees and expenses of Penn Corp which have been or may be incurred in connection with Part I and to the further condition that jurisdiction be, and it hereby is, reserved to: (a) Decide all questions relating to the retainability of interests in New Penn Development Corporation and Penn-Western Service Corporation under common control with other assets of the present Penn Corp holding company system; (b) decide all questions relating to Part II of the plan for liquidation and dissolution of Penn Corp and such supplemental plans as may be filed pursuant to section 11 (e) of the act; and (c) enter such other and further orders and take such further action as the Commission may deem necessary or appropriate to secure compliance by Penn Corp and its subsidiaries with the provisions of the act and the rules, regulations, and orders thereunder.

It is further ordered, That this order shall be effective immediately upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6944; Filed, Aug. 8, 1950; 8:47 a. m.]

[File Nos. 59-15, 70-2438]

NORTHERN NEW ENGLAND CO. ET AL.

NOTICE OF FILING, NOTICE OF AND ORDER FOR HEARING, AND ORDER CONSOLIDATING HEARINGS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 3d day of August A. D. 1950.

In the matter of Northern New England Company, New England Public Service Company, File No. 59-15; New England Public Service Company, File No. 70-2438.

Notice is hereby given that New England Public Service Company ("NEPSCO"), a registered holding company and a subsidiary of Northern New England Company, also a registered holding company, has filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, an application requesting approval pursuant to section 11 (e) of the act of further amendments to NEPSCO's plan for corporate simplification by retirement of Prior lien stock dated March 8, 1947, as heretofore amended, which was approved by the Commission by order of June 27, 1947 (Holding Company Act Release No. 7511), and by the District Court of the United States for the District of Maine by order of August 6, 1947.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the matters set forth therein, which are summarized as follows:

NEPSCO's plan, dated March 8, 1947, as heretofore amended ("the plan"), provided that NEPSCO might borrow from banks the funds necessary to carry out the plan. The plan further provided, in the last paragraph of Appendix III thereof:

If NEPSCO shall borrow as aforesaid, it will within one year after the date of the loan sell * * * sufficient of its holdings of utility stocks to repay the loan in full, provided that NEPSCO may request, and the Commission may grant, one or more extensions of said period of one year.

On October 9, 1947, NEPSCO borrowed an aggregate amount of $13,500,000, Holding Company Act Release No. 7713, and on October 10, 1947, the prior lien stock was retired pursuant to the plan, certificates of contingent interest secured by an escrow fund being issued, in addition to the amounts then paid. By order of June 19, 1950, the Commission entered its determination as to the amounts payable on such certificates, Holding Company Act Release No. 9982.

The bank loan has now been reduced to $8,625,000 by quarterly payments of $400,000 and by an additional payment of $475,000 made May 15, 1950. The loan was renewed with Commission approval for a term of one year in October 1948 and again in October 1949; however, requested extensions of the time in which portfolio securities were to be sold to retire the notes were not granted. Holding Company Act Releases Nos. 8567 and 9404. In its Memorandum Opinion of April 7, 1950 (Holding Company Act Release No. 9781) the Commission concluded that no further delay was justified in the sale by NEPSCO of portfolio securities for the purpose of reducing the loan. NEPSCO has filed with the Commission a declaration proposing the sale by it of 260,000 shares of the common stock of Central Maine Power Company for the purpose of applying the proceeds of the sale to the reduction of the loan. Holding Company Act Release No. 9984.

NEPSCO now proposes to substitute for the last paragraph of Appendix III of the plan, referred to above, the following:

If NEPSCO shall borrow as aforesaid, it will, prior to October 1, 1950, or such later date as the Commission shall approve, sell at competitive bidding pursuant to the Commission's Rule U-50, 260,000 shares of common stock of Central Maine Power Company, and will apply the proceeds of said sale to the reduction of its bank loan, and will further similarly apply moneys released from said Escrow Deposit when received by NEPSCO. The unpaid balance of NEPSCO's bank loan on October 11, 1950, shall be renewed or replaced for a period of one year on such terms as the Commission shall approve, with the right in NEPSCO to renew said loan, with the Commission's approval, for a further year. It is expected that the proceeds of the above sale and said escrow moneys will reduce NEPSCO's bank loan to a point where it will by October 11, 1952, be paid in full from NEPSCO's earnings, at the same time leaving sufficient earnings to permit the declaration and payment of dividends on NEPSCO's plain Preferred Stock at the current quarterly rate. In the event, however, that it shall become apparent that said loan will not by October 11, 1952, be paid in full from earnings, NEPSCO will sell additional shares of its utility stocks so that said loan will be paid in full not later than October 11, 1952.

NEPSCO further proposes to delete from the first paragraph of said Appendix III of the plan the last sentence thereof, which reads as follows:

No dividends will be paid on any class of stock of NEPSCO so long as any part of the loan remains unpaid.

NEPSCO further proposes to insert in the plan a new paragraph as follows:

2a. As of August 31, 1950, NEPSCO will transfer its Industrial Liquidation Suspense Account in the amount of $5,430,781.04 to Earned Surplus; will appropriate from Earned Surplus $4,000,000 to a reserve against the payment to the holders of Certificates of Contingent Interest of the amounts ultimately due thereon, and will appropriate from Earned Surplus $1,600,000 to a Reserve for Contingencies to provide for losses, if any, in any subsequent sale of assets and for fees, costs, expenses and other possible losses incurred in liquidation of the company, the amounts of which are indeterminable at said date, any amounts from said reserves not required for said purposes will thereafter be credited to Capital Surplus; and will charge Capital Surplus and credit Earned Surplus (Deficit) with the amount of any Earned Surplus (Deficit) then remaining, leaving Earned Surplus at zero as of said date.

NEPSCO further proposes that paragraph 8 of the plan, which provides as follows:

This plan may be amended or altered by NEPSCO in any manner suggested or approved by the Securities and Exchange Commission or required or approved by the court referred to in paragraph 6 above, and whether before or after the consummation thereof, but in the latter case, in no way which will diminish the payment hereunder to holders of Prior Lien Stock,

be amended to read:

This plan may be amended by NEPSCO in any manner approved by the Securities and Exchange Commission and by the Court referred to in paragraph 6 above.

NEPSCO further requests that the Commission apply to the District Court of the United States for the District of Maine for modification of the order of the Court of August 6, 1947, so that said order will apply to the plan as amended by the proposed amendments.

NEPSCO has undertaken to mail to all of its stockholders of record a notice of the time, place and general purpose of the hearing herein with respect to the proposed amendments.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan thereunder, to find, after notice and opportunity for hearing, that such plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) and is fair and equitable to the persons affected by such plan;

The Commission having on July 21, 1950 ordered that a hearing be held with respect to the declaration of NEPSCO (File No. 70-2438) regarding the sale by NEPSCO of 260,000 shares of the common stock of Central Maine Power Company; and the related issues arising in connection with said declaration and NEPSCO's application herein making it appropriate that the hearings in said matters be consolidated;

It is hereby ordered, That the hearing in File No. 59-15 be reconvened for the purpose of considering said application and that there be consolidated therewith the hearing with respect to said declaration set by the Commission's order of July 21, 1950; and that the consolidated hearing be held on August 15, 1950 at 10:00 a. m., e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in the consolidated hearing shall file with the Secretary of the Commission on or before August 14, 1950 his request or application therefor as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing and is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed amendments are necessary to effectuate the provisions of section 11 (b) of the act.

2. Whether the proposed amendments are fair and equitable to the persons affected thereby.

3. Whether the accounting entries proposed to be made by NEPSCO are consistent with sound accounting principles and conform to the standards of the act and the rules and regulations promulgated thereunder.

4. Generally, whether the proposed amendments comply and are otherwise consistent with all the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder, and whether it is necessary or appropriate in the public interest or for the protection of investors and consumers to impose terms or conditions in connection therewith, or to require modification thereof.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions and to the matters and questions specified in the Commission's order of July 21, 1950, in File No. 70-2438, Holding Company Act Release No. 9984.

It is further ordered, That jurisdiction be and it hereby is reserved to separate, in whole or in part, either for hearing or for disposition, the matters consolidated herein or any of the issues or questions which may arise in the consolidated hearing, and to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

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It is further ordered, That the Secretary of this Commission shall serve a copy of this order by registered mail on NEPSCO, Central Maine Power Company, and on all persons heretofore granted participation in the proceeding in File No. 59–15; and that notice of said consolidated hearing shall be given to all other persons by publication of this Notice and Order in the FEDERAL REGISTER and by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–6942; Filed, Aug. 8, 1950; 8:46 a. m.]

[File No. 70–2191]

PENNSYLVANIA GAS AND ELECTRIC CORP. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION IN CERTAIN MATTERS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of August A. D. 1950.

In the matter of Pennsylvania Gas & Electric Corporation, York County Gas Company, Penn-Western Service Corporation, File No. 70–2191.

The Commission, on October 4, 1949, having issued its order (Holding Company Act Release No. 9392) permitting to become effective a declaration filed pursuant to the Public Utility Holding Company Act of 1935 by Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, relating to the sale by Penn Corp of its holdings of 4,506 shares of the capital stock of York County Gas Company ("York") for an aggregate cash price of $255,850.68, and having reserved jurisdiction with respect to the use of the net proceeds of such sale and the request of Penn Corp for findings and recitals conforming to the Internal Revenue Code; and

The Commission, on August 1, 1950, having issued its order approving a plan filed by Penn Corp pursuant to section 11 (e) of the act providing for the redemption of all of Penn Corp's outstanding 6 percent Gold Debentures on September 1, 1950, at the redemption price of 105 percent plus accrued interest; and

Penn Corp having requested the entry of an order releasing jurisdiction over the $251,822 of net proceeds from the sale of its holdings of the capital stock of York and authorizing Penn Corp to use such net proceeds to redeem outstanding 6 percent Gold Debentures of Penn Corp on September 1, 1950, at the redemption price thereof, and conforming to the requirements of sections 371 and 373 of the Internal Revenue Code; and

The Commission deeming it appropriate to grant such request:

It is ordered, That the jurisdiction heretofore reserved over the net proceeds from the sale of capital stock of York be, and it hereby is, released.

It is further ordered and recited, That the expenditure by Penn Corp of the $251,822 of net proceeds from the sale by Penn Corp of 4,506 shares of the capital stock of York, for the redemption of 6 percent Gold Debentures of Penn Corp on September 1, 1950, at the redemption price of 105 percent of principal amount plus accrued interest is necessary or appropriate to the integration or simplification of the holding company system of which York is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–6943; Filed, Aug. 8, 1950; 8:46 a. m.]

[File No. 70–2369]

INTERSTATE POWER CO.

ORDER RELEASING JURISDICTION OVER PAYMENT OF CERTAIN FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 3d day of August A. D. 1950.

The Commission, by order dated May 23, 1950, having granted and permitted to become effective an application-declaration, as amended, filed by Interstate Power Company ("Interstate"), regarding the issuance and sale by Interstate of $3,000,000 principal amount of First Mortgage Bonds due 1980 and 275,000 shares of $3.50 par value common stock pursuant to the competitive bidding requirements of Rule U-50; the issuance and sale by Interstate of 100,000 shares of $50 par value preferred stock in a negotiated transaction; and the negotiation by Interstate with the sole holder of its outstanding $5,000,000 principal amount of 4¾ percent Debentures due 1968 for a reduction in the interest rate thereof to 3¾ percent; and

Said order of May 23, 1950, having contained a reservation of jurisdiction over the proposed payment of fees and expenses to counsel for Interstate and over the payment of fees of counsel for the successful underwriters; and

The record having been completed with respect to the fees and expenses of Matthews & Springer, counsel for Interstate, in the amounts of $20,000 and $3,500, respectively; and

The Commission, on the basis of its examination of the record, finding that the payment of said fees and expenses to Matthews & Springer in the amounts proposed are not unreasonable, and finding it appropriate to release jurisdiction over payment of said fees and expenses to Matthews & Springer;

It is ordered, That jurisdiction heretofore reserved with respect to the payment of fees and expenses to Matthews & Springer incurred by Interstate in connection with said financing be, and the same hereby is, released.

It is further ordered, That jurisdiction heretofore reserved with respect to the fees of counsel for the successful underwriters be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–6946; Filed, Aug. 8, 1950; 8:47 a. m.]

AUG 14 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 154

Washington, Thursday, August 10, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10149

SUSPENDING THE LIMITATIONS UPON PUNISHMENTS FOR VIOLATIONS OF ARTICLES OF WAR 58, 59, 61, 64, 65, AND 86

By virtue of the authority vested in me by Article of War 45, Chapter II, act of June 4, 1920, 41 Stat. 759, 796, and as President of the United States, I hereby suspend until further order, as to offenses hereafter committed by persons under the command of, or within any area controlled by, the Commander in Chief, Far East, or any of his successors in command, the limitations prescribed by the Table of Maximum Punishments, paragraph 117*c*, of the Manual for Courts-Martial, U. S. Army, 1949 (prescribed by Executive Order No. 10020 of December 7, 1948, and adopted for use in the Department of the Air Force by Executive Order No. 10026 of January 4, 1949), upon punishments for violations of Articles of War 58, 59, 61, 64, 65, and 86, relating, respectively, to desertion, aiding or advising another to desert, absence without leave, assaulting or wilfully disobeying a superior officer, insubordinate conduct toward a noncommissioned officer, and misbehavior of sentinels.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 8, 1950.

[F. R. Doc. 50–7028; Filed, Aug. 8, 1950; 4:40 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; MINNESOTA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

MINNESOTA

County	Average value	Investment limit
Beltrami	$7,500	$7,500
Carver	20,000	12,000
Koochiching	7,500	7,500
Sibley	20,000	12,000
Stearns	12,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 4th day of August 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 50–6975; Filed, Aug. 9, 1950; 8:47 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Rice]

PART 601—GRAINS AND RELATED COMMODITIES

A price support program has been announced for the 1950 crop of rice. The 1950 C. C. C. Grain Price Support Bulletin 1, 15 F. R. 3147, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1950, is supplemented as follows:

Sec.
601.371 Purpose.
601.372 Availability of price support.
601.373 Eligible rice.
601.374 Warehouse receipts.
601.375 Determination of quantity.
601.376 Determination of quality.
601.377 Maturity of loans.
601.378 Support rates.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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1950–51 Edition

(Revised through July 1)

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AUTHORITY: §§ 601.371 to 601.378 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421.

§ 601.371 *Purpose.* This supplement states additional specific requirements which, together with the general requirements contained in the 1950 C. C. C. Grain Price Support Bulletin 1, 15 F. R. 3147, and 1950 C. C. C. Rice Bulletin A, 15 F. R. 3054, apply to loans and purchase agreements under the 1950 Crop Rice Price Support Program.

§ 601.372 *Availability of price support*—(a) *Method of support.* Price support will be made available to eligible producers by means of nonrecourse farm-storage and warehouse-storage loans and of purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available on eligible rice produced in the States of Arizona, Arkansas, California, Louisiana, Mississippi, Missouri, and Texas.

(c) *Where to apply.* Application for price support must be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1951, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* (1) An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing rice in 1950 or having an interest in a 1950 rice crop as landlord, tenant, or sharecropper, and includes a person owning and operating his own farm, a tenant operating a farm rented for cash, a tenant operating a farm under a crop-share lease, contract, or agreement, a landlord leasing to share tenants, and an irrigation company furnishing water for a share of the crop, who is in compliance with the 1950 Rice Acreage Allotment Regulations, 15 F. R. 1457, as determined in accordance with 1950 Rice Bulletin A, 15 F. R. 3054.

(2) Cooperative marketing associations of producers shall be eligible for loans and purchase agreements: *Provided,* That:

(i) The producer members are bound by contract to market through the association;

(ii) The major part of the rice marketed by the association is produced by members who are eligible producers;

(iii) The members share proportionately in the proceeds from marketings according to the quantity and quality of rice each delivers to the association;

(iv) The association has the legal right to pledge or mortgage the rice as security for a loan.

(3) The following special conditions of price support shall apply to cooperative marketing associations of producers:

(i) The association must maintain a record of the total quantity of rough rice acquired by or delivered to the association from all sources and a separate record of the quantity of eligible rice delivered to the association by eligible producer members. The books of such associations shall be made available to CCC for inspection at all reasonable times.

(ii) Eligible rice placed under loan by the association must be stored separately from all other rice and kept separately stored until redeemed from the loan or delivered to CCC.

(iii) Eligible rice delivered by the association to CCC under purchase agreements must represent the average quality of eligible rice delivered by eligible producers as shown in the records of the association.

(iv) The total quantity of rough rice delivered to CCC by a cooperative marketing association under loans and purchase agreements may not exceed a quantity determined by multiplying the quantity of rough rice in the inventory of the association on April 30, 1951, by a factor determined (by or under the direction of the PMA State Committee) by dividing the total quantity of eligible rice received from eligible producer members by the total quantity of rough rice received by the association from all sources during the period August 1, 1950, through April 30, 1951; except that this limitation shall not operate to reduce the quantity of rice under loan which may be delivered to CCC, below the quantity of eligible rice actually under loan by the association on April 30, 1951.

§ 601.373 *Eligible rice.* At the time the rice is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The rice must have been produced in 1950 by an eligible producer in the States of Arizona, Arkansas, California, Louisiana, Mississippi, Missouri, or Texas, on a farm on which the rice acreage is within the rice acreage allotment.

(b) Except in the case of eligible cooperative marketing associations, the beneficial interest in the rice must be in the person tendering the rice for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the rice was harvested.

(c) In accordance with the Official Standards of the United States for Rough Rice, the rice must be of the varieties included in classes I to IX, inclusive, or of the varieties Arkrose, Blue Bonnet, Calrose, Kamrose, Magnolia, Patna, Prelude, R. N., Rexark, and Zenith, included in the miscellaneous class X.

(d) The rice must (1) grade U. S. No. 4 or better, or U. S. No. 4 or better of special grades ("slightly seedy," "seedy," "slightly chalky," "chalky," "slightly muddy" or "muddy") (rice of special grades other than those listed shall not be eligible rice); (2) show a minimum yield of 25 pounds of head rice from 100 pounds of rough rice on the basis of the respective milling tests in California and in the southern States; and (3) contain not more than 14½ percent moisture, except that rice produced in California and Arizona may contain not more than 15 percent moisture.

(e) If offered as security for a farm-storage loan, the rice must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.374 *Warehouse receipts.* Warehouse receipts, representing rice in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements below:

(a) Warehouse receipts must be issued in the name of the producer, or cooperative marketing association, must be properly endorsed in blank so as to vest title in the holder, and must be issued by a warehouse approved under the Uniform Rice Storage Agreement. (In accordance with the terms of this agreement, the warehouseman must insure the rice.)

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse recept, must show weight, quality in terms of class, grade, test weight, dockage, moisture, and such applicable factors as damaged kernels, red rice, foreign material, milling quality or milling test, chalky kernels, mud lumps, muddy kernels, seeds, cereal grains, and rice of other classes.

(c) Warehouse receipts representing rice stored on a "commingled" basis must be accompanied by supplemental certificates (CCC Rice Form B, Supplement) executed in duplicate by the warehouseman, under which the warehouseman assumes responsibility for delivering rice of the quantity and quality indicated thereon.

(d) If the warehouse receipt states that the rice is stored "identity preserved," the producer must execute a supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) A separate warehouse receipt must be submitted for each class (or in the case of Class X, for each variety), grade, and milling quality or milling test of rice.

(f) Warehouse receipts shall carry an endorsement in substantially the following form:

Warehouse charges through April 30, 1951, on the rice represented by this warehouse receipt have been paid or otherwise provided for, and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of this warehouse receipt.

§ 601.375 *Determination of quantity.* Loans and purchase agreements shall be made on the basis of rough rice expressed in units of 100 pounds, and fractional units of less than 100 pounds shall be disregarded. The quantity of rice placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rice placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

In determining the quantity of sacked rice by weight, a deduction of ¾ of a pound for each 100 pounds of gross weight will be made.

When the quantity of rice is determined by measurement, a cubic foot of rice testing 45 pounds per bushel, shall be 36 pounds. The quantity determined will be the following percentages of the quantity determined for 45 pound rice:

For rice testing—	Percent
45 pounds or over	100
44 pounds or over, but less than 45 pounds	98
43 pounds or over, but less than 44 pounds	96
42 pounds or over, but less than 43 pounds	93
41 pounds or over, but less than 42 pounds	91
40 pounds or over, but less than 41 pounds	89

Proportionately lower for rice testing below 40 pounds.

In cases where the warehouseman guarantees the quantity and quality of rice shown on the warehouse receipt or the supplemental certificate, loans will be made on 100 percent of the quantity of rice determined in accordance with this section. In all other cases, loans will be made on 95 percent of the quantity of rice so determined, and at the time of delivery settlement will be made on the basis of the actual quantity and quality of rice delivered.

The percentage of dockage shall be determined in accordance with the United States Standards for Rough Rice with respect to all lots of rice produced in California and Arizona. The weight of such dockage shall be deducted from the gross weight of the rice in determining the net quantity available for loan or purchase.

§ 601.376 *Determination of quality.* The class, variety, grade, grade factors, milling quality or milling test and all quality factors shall be determined in accordance with the methods set forth in the official United States Standards for Rough Rice and the instructions for determining milling quality and milling test. The test weight and milling test for such rice shall be on a dockage-free basis.

At the time of making a loan on farm-stored rice or "identity preserved" warehouse-stored rice, the county committee will draw a representative sample of each lot of rice and obtain an official sample inspection certificate for each such lot. The producer will execute the supplemental certificate (C. C. C. Rice Form B, Supplement) for each such lot.

Whenever, at the time of delivery of rice to CCC, quality and quantity are guaranteed by the warehouseman under a warehouse-storage loan, the quality and quantity shown on the warehouse receipt or supplemental certificate shall be the basis for settlement with the producer. In all other cases, the producer shall submit an official Federal or Federal-State lot inspection certificate dated subsequent to April 30, 1951. Sample inspection fees incurred by the county committee in connection with the making of loans will be for the account of CCC. Lot inspection fees incurred in connection with the delivery of rice to CCC will be for the account of the producer.

§ 601.377 *Maturity of loans.* Loans mature on demand but not later than April 30, 1951.

§ 601.378 *Support rates.* Loans will be made, and rice delivered under purchase agreements will be purchased, at the support rates set forth in this section.

(a) *Basic rates.* The basic support rate for 100 pounds of rough rice in store in an approved warehouse and with all accrued charges paid through April 30, 1951, shall be computed as follows:

Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety and geographical area). Similarly, multiply the yield (in pounds per hundredweight) of broken rice by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rough rice and express such rate in dollars and cents.

In the case of rough rice produced in California and Arizona, the milling test must be made on the basis of dockage-free rough rice and the head rice yield shall be stated on the basis of head rice with 4 percent broken kernels. In computing the loan or purchase rate, fractions of a pound of yields of heads or brokens shall be dropped and the rate shall be rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE

Class or variety	California and Arizona		Other areas	
	Head rice [1]	Broken rice	Head rice	Broken rice
Blue Bonnet, Nira, Patna, Rexark, and Rexoro	0.0974	0.0350	0.1000	0.0350
Edith, Fortuna, and R. N.	.0875	.0350	.0912	.0350
Arkrose, Blue Rose, Calady, Cairose, Kamrose, Lady Wright, Magnolia, Prelude, and Zenith	.0746	.0350	.0762	.0350
Early Prolific, Pearl, and other varieties	.0673	.0350	.0666	.0350

[1] With 4 percent broken.

(b) *Discounts and premiums.* The basic support rates, specified under paragraph (a) of this section, per 100 pounds of rough rice shall be adjusted by the discounts and premiums for each grade applicable to an individual lot of rough rice, for which a premium or discount is specified:

(1) California and Arizona:

Grade U. S. No. 1: Premium of 10 cents per 100 pounds.

Grade U. S. No. 2: Premium of 5 cents per 100 pounds.

Grade U. S. No. 3: Discount of 10 cents per 100 pounds.

Grade U. S. No. 4: Discount of 20 cents per 100 pounds.

Special grade, slightly muddy: Discount of 5 cents per 100 pounds.

Special grade, muddy: Discount of 15 cents per 100 pounds.

(2) All areas other than California and Arizona:

Grade U. S. No. 1: Premium of 25 cents per 100 pounds.

Grade U. S. No. 2: Premium of 10 cents per 100 pounds.

Grade U. S. No. 3: Discount of 10 cents per 100 pounds.

Grade U. S. No. 4: Discount of 35 cents per 100 pounds.

Special grade, slightly seedy: Discount of 15 cents per 100 pounds.

Special grade, seedy: Discount of 50 cents per 100 pounds.

Special grade, slightly chalky: Discount of 10 cents per 100 pounds.

Special grade, chalky: Discount of 30 cents per 100 pounds.

Special grade, slightly muddy: Discount of 5 cents per 100 pounds.

Special grade, muddy: Discount of 15 cents per 100 pounds.

NOTE: Discounts for special grades are in addition to the applicable numerical grade premium or the applicable numerical grade discount.

(c) *Warehouse charges.* There shall be no storage allowance on rice placed under loan or delivered to CCC under a purchase agreement. In the case of rice placed under a warehouse-storage loan or stored in an approved warehouse and delivered to CCC under a purchase agreement, each warehouse receipt must be endorsed to show that warehouse charges through April 30, 1951, on the rice represented by the warehouse receipt have been paid or otherwise provided for, and that a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt.

(d) *Settlement—(1) Farm-storage and "identity preserved" warehouse-storage loans.* In the case of rice delivered to CCC from farm-storage or "identity preserved" warehouse storage under the loan program, settlement will be made at the applicable support rate. The support rate will be for the grade and quality of the total quantity of rice delivered.

If the rice under farm-storage or "identity preserved" warehouse-storage loan is, upon delivery, of a grade and/or yield (as shown by milling quality or milling test) for which no support rate has been established, the settlement value shall be the support rate established for the grade and yield of the rice placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and yield placed under loan and the market price of the rice delivered, as determined by CCC.

(2) *Purchase agreements.* Rice delivered to CCC under a purchase agreement must meet the eligibility requirements of rice placed under loan. The purchase rate per 100 pounds of eligible rice will be the applicable support rate established for the grade and yield of the rice delivered.

Issued this 4th day of August 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-6950; Filed, Aug. 9, 1950; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.3, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO 1950

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948 (hereinafter called the "act") for the purpose of revising § 814.3, as amended (15 F. R. 2400; 15 F. R. 3982) which allots the 1950 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1950 sugar quota for local consumption in Puerto Rico among persons (1) whose Puerto Rican raw sugar is brought into the continental United States or who transfer such sugar for further processing and shipment to the continental United States as direct-consumption sugar, and (2) who market sugar for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments." The sugar quota for consumption in Puerto Rico and allotments thereof are referred to respectively as "local quota" and "local allotments."

The allotments established by the initial order and amendment 1 were based in part upon estimates of production of sugar from the 1949–50 crop by each allottee and to guard against the possibility of a processor exceeding its final allotment, the amount which could be marketed prior to September 1, 1950, was limited to 75 percent of the initial allotment, and later to 90 percent of the amended allotment.

Each allottee under § 814.3 agreed to waive its right to a public hearing prior to the issuance of a revised order based upon the same allotment formula as the initial order but using final 1949–50 crop production data in place of the estimated data used in the initial order.

Such actual production data are now available and this amendment provides for the substitution of the actual data. However, the revised allotments are determined by use of the same formula as that utilized in determining the initial allotments.

This amendment also removes the restriction on marketings prior to September 1, 1950, so that the full amounts of the allotments established herein may be marketed at any time during the remainder of the calendar year. The previous allotment order limits marketings prior to September 1, 1950, to 90 percent of the allotments. Since a number of allottees have already marketed 90 percent of their initial allotments, they are precluded from marketing additional quantities of sugar until this amendment becomes effective. It is imperative, therefore, that this amendment become effective at the earliest possible date in order to permit continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, § 814.3 is hereby amended to read as follows:

§ 814.3 *Allotments of 1950 sugar quotas for Puerto Rico—(a) Allotments.* The 1950 sugar quota for Puerto Rico for consumption in the continental United States, including raw sugar to be further processed and shipped within the direct-consumption portion of such quota, amounting to 910,000 short tons of sugar, raw value, and the 1950 sugar quota for local consumption in Puerto Rico, amounting to 105,000 short tons of sugar, raw value, are hereby allotted to the following processors in amounts which appear opposite their respective names:

(Short tons, raw value)

Processor	Mainland allotment	Local allotment
Antonio Roig, Sucesores, S. en C.	16,432	18,463
Arturo Lluberas (estate of) y Sobrinos (San Francisco)	3,977	1,635
Asociacion Azucarera Cooperativa (Lafayette)	27,466	764
Central Aguirre Sugar Co., a trust	102,305	2,142
Central Coloso, Inc.	46,411	823
Central Eureka, Inc.	27,124	1,347
Central Guanmani, Inc.	8,415	1,157
Central Igualdad, Inc.	19,035	16,221
Central Juanita, Inc.	25,533	2,452
Central Mercedita, Inc.	51,300	18,259
Central Monserrate, Inc.	20,483	1,331
Central San Jose, Inc.	16,655	23
Central San Vicente, Inc.	41,572	1,796
Central Victoria, Inc.	17,185	333
Compania Azucarera del Carmy, Inc. (Rio Llano)	13,334	195
Compania Azucarera del Tea	23,885	0
Cooperativa Azucarera Los Canos	30,524	215
Corporacion Azucarera Sauri & Subira (Constancia Ponce)	9,328	1,534
Eastern Sugar Associates, a trust	96,821	15,896
Fajardo Sugar Co.	86,498	5
Land Authority of Puerto Rico	66,826	23
Mario Mercado e Hijos (Rufina)	25,062	1,419
Mayaguez Sugar Co., Inc. (Rochelaise)	8,961	190
Plata Sugar Co.	38,529	514
Soller Sugar Co.	11,812	25
South Porto Rico Sugar Co. of Puerto Rico	73,460	18,259
Subtotal	909,272	105,000
Valdivieso, Jorge Lucas P. (Pallejas)	728	0
Total	910,000	105,000

(b) *Producers' marketings under allotments.* If settlement with producers of sugarcane is made in sugar, marketings of such sugar of such producers shall be charged to the allotments of the processor. Each processor shall reserve a share of each of its allotments for the marketings of each such producer. Such share shall be equal to the same percentage of the allotment that the producer's 1949–50 crop sugar plus carryover on January 1, 1950, is of the total production of 1949–50 crop sugar plus carryover on January 1, 1950, of the processor and all his producers.

(c) *Restrictions on marketing.* (1) During the calendar year 1950 each processor named in paragraph (a) of this section, together with the producers with whom it shares its allotments under paragraph (b) of this section, is hereby prohibited from bringing into or marketing for entry into the continental United States for consumption therein, or from marketing for local consumption in Puerto Rico, any sugar in excess of the allotments established in paragraph (a) of this section.

(2) All persons who acquire raw sugar for further processing and resale as direct-consumption sugar are hereby prohibited from marketing sugar for local consumption in Puerto Rico in excess of the amounts of sugar acquired for such purpose within the limitations specified in paragraph (a) of this section, and subparagraph (1) of this paragraph.

(d) *Transfer or exchange of allotments.* The allotments established in paragraph (a) of this section, or producers' shares thereof established under paragraph (b) of this section shall not be transferred or exchanged without the approval of the Director or Assistant Director, Caribbean Area Office, Production and Marketing Administration, United States Department of Agriculture, San Juan, Puerto Rico.

(e) *Specific charges against allotments.* Sugar produced in Puerto Rico which is brought into or marketed for entry into the continental United States for consumption therein or marketed for local consumption in Puerto Rico after December 31, 1949, but prior to April 28, 1950, shall be charged to the applicable allotment of the processor who processed such sugar.

(Sec. 205, 61 Stat. 926; 7 U. S. C. Supp., 1115)

Done at Washington, D. C., this 7th day of August 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 50-6997; Filed, Aug. 9, 1950; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN THE GREATER BOSTON, MASS., MARKETING AREA

PART 934—MILK IN THE LOWELL-LAWRENCE, MASS., MARKETING AREA

PART 947—MILK IN THE FALL RIVER, MASS., MARKETING AREA

PART 996—MILK IN THE SPRINGFIELD, MASS., MARKETING AREA

PART 999—MILK IN THE WORCESTER, MASS., MARKETING AREA

TERMINATION OF DETERMINATION OF EQUIVALENT PRICE

In accordance with the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) a determination by the Secretary of Agriculture of a price equivalent to or comparable with the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, was published in the June 6, 1950, issue of the FEDERAL REGISTER (15 F. R. 3501) to be effective immediately, pursuant to § 904.7 (f) of the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, milk marketing area; § 934.6 (f) of the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area; § 947.14 of the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area; § 996.7 (e) of the order regulating the handling of milk in the Springfield, Massachusetts, marketing area; and § 999.7 (e) of the order regulating the handling of milk in the Worcester, Massachusetts, marketing area. The purpose of this determination was to provide an equivalent or a comparable price for use in the computation of minimum class prices and butterfat differentials under the orders referred to above during those months in which the United States Department of Agriculture did not report or publish a weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as specified in the respective orders. The determination recited that the United States Department of Agriculture had not published the aforesaid price during recent reporting periods and provided that the equivalent or comparable price determined should remain in full force and effect indefinitely. The United States Department of Agriculture has resumed reporting the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, therefore the determination of an equivalent or comparable price published in the June 6, 1950, issue of the FEDERAL REGISTER (15 F. R. 3501) is hereby terminated.

As required by section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), it is hereby found and determined that notice and public procedure prior to this termination are unnecessary since the determination of equivalent or comparable price being terminated has already been rendered inoperative by the resumption of the reporting of a weighted average price per 40-quart can of 40 percent bottling quality cream f. o. b. Boston, by the United States Department of Agriculture, and for the reason that the submission at this time of oral or written data, views, or arguments relative to the future effect of the determination would serve no useful purpose inasmuch as all such data, views, and arguments would necessarily be subject to review when and if the use of a price equivalent is again required.

In accordance with section 4 (c) of the Administrative Procedure Act, it is also found and determined that good cause exists for making this termination of an equivalent or comparable price immediately effective because it results in no modification of the current regulation and requires no preparation by the persons affected.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 7th day of August 1950, to become effective immediately.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6994; Filed, Aug. 9, 1950; 8:50 a. m.]

PART 950—PEACHES GROWN IN UTAH

REGULATION OF HANDLING

Notice was published in the FEDERAL REGISTER issue (15 F. R. 4514) of July 15, 1950, that consideration was being given to the approval of proposed administrative rules and regulations to be effective under the marketing agreement and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in the State of Utah, effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found and determined that the following rules and regulations are in accordance with the provisions of said marketing agreement and order and are hereby approved:

Sec.
950.100 Definitions
950.101 General
950.102 Exemption certificates
950.103 Reports

AUTHORITY: §§ 950.100 to 950.103 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

§ 950.100 *Definitions.* (a) "Marketing agreement and order" means Marketing Agreement No. 91 and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in the State of Utah.

(b) All terms used herein shall have the same meaning as when used in the marketing agreement and order.

§ 950.101 *General.* Unless otherwise provided in the marketing agreement and the order or by specific direction of the Administrative Committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed to Administrative Committee, Room 412, State Capitol Building, Salt Lake City, Utah.

§ 950.102 *Exemption certificates.* (a) Each application for an exemption certificate shall be submitted on Form A "Application for Exemption from Grade and Size Regulation," which may be obtained from the Administrative Committee, and shall contain the following information:

(1) Name and address of applicant;

(2) Location of each orchard from which peaches will be shipped pursuant to the exemption certificate requested;

(3) Estimated total production of peaches from such orchard and all other orchards owned or controlled by such applicant;

(4) Estimated percentage of peaches of such production which cannot be shipped because of the then effective (i) grade regulation, and (ii) size regulation, together with the reasons why such percentage fails to meet the requirements of the grade and size regulations; and

(5) The total quantity of such peaches which the applicants shipped or otherwise disposed of since the beginning of the then current peach shipping season.

(b) The Administrative Committee shall promptly verify all statements contained in each application for an exemption certificate. In the event the Administrative Committee finds that the applicant is entitled to an exemption certificate, it shall issue, or cause to be issued, an appropriate form of exemption certificate. If the Administrative Committee finds that the applicant is not entitled to an exemption certificate, it shall so advise the applicant promptly in writing and state the reasons therefor.

(c) Each producer who ships peaches, or causes peaches to be shipped, pursuant to an exemption certificate, shall submit promptly to the Administrative Committee an accurate report with respect to the disposition of each such shipment, and the date and quantity thereof.

§ 950.103 *Reports.* Each handler shall, with respect to all peaches shipped by him each day, promptly report, or cause to be reported, to the Administrative Committee the point of origin of each shipment, the number and type of packages, the grades and sizes of the peaches, and the number of the railroad car or the license number of the truck in which such peaches were shipped.

Done at Washington, D. C., this 7th day of August 1950, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN.
Secretary of Agriculture.

[F. R. Doc. 50-6991; Filed, Aug. 9, 1950; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 4]

PART 60—AIR TRAFFIC RULES

SCHEDULED AIR CARRIER OPERATIONS

Proposed rules regarding compliance by scheduled air carriers with § 60.21, § 60.43 and § 60.47 were published on September 1, 1949, in 14 F. R. 5434. Interested persons were afforded an opportunity to submit data, views, or arguments. Consideration has been given to all relevant matter presented. The following rules and policies are hereby adopted:

§ 60.21–1 *Adherence to air traffic clearances required of scheduled air carriers (CAA rules which apply to § 60.21 and SR–346).*[1] Flights of scheduled air carriers while at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and 14,500 feet above sea level west of longitude 100° W. shall be conducted in full compliance with § 60.21.

§ 60.43–1 *Air traffic clearance required of scheduled air carriers (CAA rules which apply to § 60.43 and SR–346).*[1] Flights of scheduled air carriers while at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and 14,500 feet above sea level west of longitude 100° W. shall be conducted in full compliance with § 60.43.

§ 60.47–1 *Radio communications required of scheduled air carriers (CAA rules which apply to § 60.47 and SR–346q.*[1] Flights of scheduled air carriers while at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and 14,500 feet above sea level west of longitude 100° W. shall be conducted in full compliance with § 60.47.

§ 60.47–2 *Route of flight and communication procedures (CAA policies which apply to § 60.47)*—(a) *Definition of route.* If a flight is to be conducted over an off-airway route which may join or cross civil airways, or terminate within civil airways, the route of flight should be indicated by the identification of reporting points and other check points over which the flight will pass. The check points selected should be points over which the position of the aircraft can be accurately determined and should not be more than approximately 200 miles apart.

(b) *Reports of progress.* Pilots should report by radio, as soon as possible, the time and altitude of passing each designated reporting point and other check points specified in the flight plan.

(c) *Change of flight plan.* Any change of altitude or route of flight from that specified in the traffic clearance, should be reported to the air traffic control center within which flight advisory area the change is made. A change of flight plan should be reported and approval received before the change is made while operating within a control area; or if outside of control area, prior to entering a control area.

(d) *Means of communication.* Communications should be handled directly with the nearest CAA communications station when the flight is within the flight advisory area of an air route traffic control center not equipped with direct Service "F" interphone communications with a ground radio station provided or contracted by the air carrier concerned.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules and policies shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-6966; Filed, Aug. 9, 1950; 8:46 a. m.]

[1] 15 F. R. 4186.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 267]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 264]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

NORTH CAROLINA

Amendment 267 to the Controlled Housing Rent Regulation and Amendment 264 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.

The Controlled Housing Rent Regulation (§§ 825.1–12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81–92) are amended in the following respect:

Schedule A, Item 216a, is amended to describe the counties in the defense-rental area as follows:

In Guilford County, all incorporated cities, towns and villages other than those located in High Point Township.

This decontrols the unincorporated areas of the Greensboro, North Carolina, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective August 8, 1950.

Issued this 7th day of August 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-6955; Filed, Aug. 9, 1950; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 681—HOME WORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN THE NEEDLEWORK INDUSTRIES

ESTABLISHMENT OF PIECE RATES

On July 22, 1950, notice was published in the FEDERAL REGISTER that the Administrator of the Wage and Hour Division, United States Department of Labor, proposed to establish minimum piece rates of 48 cents per gross for the hand-braiding of cotton tape buttons, 24 to 30 ligne, and 53⅓ cents per gross for the hand-braiding of leather buttons, 24 to 30 ligne, by homeworkers in Puerto Rico. Interested persons were afforded an opportunity to submit data, views, or arguments pertaining thereto within 15 days from the date of publication of the notice. No data, views or arguments have been received, and such 15-day period has expired.

Accordingly, pursuant to the authority in section 6 (a) (2) of the Fair Labor Standards Act, as amended (sec. 6 (a) (2), 63 Stat. 912; 29 U. S. C. 206 (a) (2)), minimum piece rates of 48 cents per gross for hand-braiding cotton tape buttons, 24 to 30 ligne, and 53⅓ cents per gross for hand-braiding leather buttons, 24 to 30 ligne, by homeworkers in Puerto Rico, are hereby established. The hand-braiding of cotton tape buttons consists of tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling at the ends of the strip, inserting the ends of the strip into the braided part, and bringing the ends together. The hand-braiding of leather buttons consists of tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling at the ends of the strip, inserting a leather shank at the base, and tucking the loose ends between the braided part and the shank.

So that the above minimum piece rates be effective on the same date as the minimum wage order for the Button, Buckle and Jewelry Industry in Puerto Rico (part 697 of this chapter) this order is hereby issued to become effective August 21, 1950.

Signed at Washington, D. C., this 8th day of August 1950.

(Secs. 8, 11, 52 Stat. 1064, 1066; 29 U. S. C. 208, 211. Interprets or applies sec. 3, 54 Stat. 615, sec. 6, 63 Stat. 912; 29 U. S. C. and Sup., 205, 206)

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50-6985; Filed, Aug. 9, 1950; 8:48 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

Correction

In F. R. Doc. 50-6222, published at page 4634 of the issue for Thursday, July 20, 1950, the following changes should be made:

1. In the 17th and 18th lines of subdivision (v) of § 202.25 (c) (1) the word "imfections" should read "imperfections".

2. In the middle column on page 4643 § 202.73 should be designated "§ 202.37".

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—CHARLES SHELDON ANTELOPE RANGE, NEVADA

DEER HUNTING

Basis and Purpose: On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of the Nevada Fish and Game Commission, it has been determined that the public hunting of deer can be permitted on the Charles Sheldon Antelope Range without interfering with the primary purpose of the Range.

Inasmuch as the following regulation is a relaxation of the present prohibition against deer hunting on the Range, the notice and public rule-making procedure required by the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.) are herewith found to be impracticable, and the effective date requirement of the Administrative Procedure Act does not apply.

Effective immediately upon publication in the FEDERAL REGISTER, § 31.46 is added.

§ 31.46 *Deer hunting permitted.* Deer hunting is permitted during the period from October 8, to 15, inclusive, 1950, on that part of the Charles Sheldon Antelope Range situated east and south of the County road (State Highway 8A), otherwise known as the Vya-Denio Road, in accordance with the provisions of §§ 31.43 to 31.45, inclusive. Hunters, when entering or leaving the public hunting area, must report at such checking stations as may be established for the purpose of regulating the hunt.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: August 4, 1950.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 50-6967; Filed, Aug. 9, 1950; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 94]

RINDERPEST AND FOOT-AND-MOUTH DISEASE; PROHIBITED AND RESTRICTED IMPORTATION

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the authority vested in him by section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) and by section 2 of the act of Congress approved February 2, 1903, as amended (21 U. S. C. 111), proposes to amend the regulations prohibiting and restricting the importation of certain animals and animal products into the United States because of rinderpest and foot-and-mouth disease (9 CFR Part 94) to read as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), AND NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS); PROHIBITED AND RESTRICTED IMPORTATIONS

§ 94.1 *Designation of countries where rinderpest or foot-and-mouth disease exists; importations prohibited.* Notice is hereby given that the Secretary of Agriculture has determined that rinderpest or foot-and-mouth disease exists in the following designated countries: Mexico; all the countries of South America except Colombia; and all the countries east of the 30th meridian west longitude and west of the International Date Line, except Iceland, Greenland, Republic of Ireland, Northern Ireland, the Channel Islands, Australia, New Zealand, and the Union of South Africa. Official notice of such determination has been given to the Secretary of the Treasury. Therefore, the importation from such countries into the United States of cattle, sheep, other domestic ruminants, and swine, or of fresh, chilled, or frozen beef, veal, mutton, lamb, or pork (including the entry into any port of the United States of any vessel having on board as sea stores or otherwise such animals or meats from the above named countries), is prohibited.

§ 94.2 *Meat or products derived from goats, wild ruminants, or wild swine.* The importation of fresh, chilled, or frozen meat or products derived from goats, wild ruminants, or wild swine, originating in any country designated in § 94.1 is prohibited, except as provided in § 94.3.

§ 94.3 *Organs, glands, extracts, or secretions of ruminants or swine.* The importation of fresh, chilled, or frozen organs, glands, extracts, or secretions derived from ruminants or swine, originating in any country designated in § 94.1, except for pharmaceutical purposes, is prohibited.

§ 94.4 *Foreign cured meats from countries where rinderpest or foot-and-mouth disease exists.* The importation of cured meat derived from ruminants or swine, originating in any country designated in § 94.1 is prohibited unless the following conditions have been fulfilled:

(a) All bones shall have been completely removed in the country of origin.

(b) The meat shall have been held in an unfrozen, fresh condition for at least 7 days immediately following the slaughter of the animals from which it was derived.

(c) The meat shall have been thoroughly cured by the application of dry salt or by soaking in a solution of salt.

(d) The meat shall be limited to usual commercial wholesale cuts such as hams, loins, briskets, rounds and the like, and shall have been shipped and offered for importation in an unfrozen state.

§ 94.5 *Garbage from foreign meats or meat products.* No garbage derived in whole or in part from meats or meat products originating in any country designated in § 94.1 shall be unloaded from any vessel, aircraft or other carrier in the United States or within the territorial waters thereof: *Provided, however,* That such garbage, when contained in tight receptacles, may be so unloaded for incineration or other proper disposal in such manner and under such supervision as may be prescribed by the Chief of the Bureau of Animal Industry.

§ 94.6 *Dressed poultry.* The importation of dressed poultry from any foreign country except Canada is prohibited unless such poultry shall have been drawn and the feet and heads shall have been removed.

§ 94.7 *Disposal of animals, meats, products, and other commodities refused admission.* Animals, meats, products, and other commodities that are prohibited importation or entry under the regulations in this part shall be handled as follows:

(a) Animals and meats prohibited importation under § 94.1 which come into the United States by ocean vessel and are offered for entry and refused admission into this country shall be destroyed or otherwise disposed of as the Chief of the Bureau of Animal Industry may direct unless they are exported by the consignee within 10 days on the same vessel and meanwhile are retained on board such vessel under such isolation and other safeguards as said Chief of Bureau may require.

(b) Animals and meats prohibited importation under § 94.1 which come into the United States by any means other than ocean vessel and are offered for entry and refused admission into this country shall be destroyed or otherwise disposed of as the Chief of the Bureau of Animal Industry may direct unless they are exported by the consignee within 24 hours on the same carrier and meanwhile are retained on board such carrier under such isolation and other safeguards as said Chief of Bureau may require.

(c) Animals and meats prohibited importation under § 94.1 which come into the United States by any means but are not offered for entry into this country, and animals, meats, products and other commodities prohibited importation or entry under §§ 94.2, 94.3, 94.4, and 94.6 which come into the United States by any means, whether they are offered for entry into this country or not, shall be immediately destroyed or otherwise disposed of as the Chief of the Bureau of Animal Industry may direct.

The principal purposes of the proposed amendments are (1) to designate in simpler form the countries where foot-and-mouth disease or rinderpest has been found to exist; (2) to add fresh, chilled, and frozen goat meat to the coverage of § 94.2; (3) to prohibit the importation of dressed poultry from countries other than Canada unless the poultry have been drawn and their feet and heads removed; and (4) to consolidate in one regulation the provisions of several regulations dealing with the disposal of animals, meats, products, and commodities prohibited importation or entry into the United States.

Any interested person who wishes to submit data, views, or arguments concerning the proposed amendment may do so by filing them with the Chief of the Bureau of Animal Industry within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 4th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6974; Filed, August 9, 1950; 8:46 a. m.]

Forest Service

[36 CFR, Part 251]

NAVIGATION OF AIRCRAFT WITHIN AIRSPACE RESERVATION OVER CERTAIN AREAS OF THE SUPERIOR NATIONAL FOREST IN MINNESOTA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture is considering the issuance of regulations, as hereinafter proposed, pursuant to the authority vested in him by Executive Order 10092 (14 F. R. 7637), which sets apart and reserves the airspace below the altitude of 4,000 feet above sea level over the below-designated areas in the Counties of Cook, Lake, and St. Louis, State of Minnesota, as an airspace reservation, and prohibits the navigation of aircraft within these areas after January 1, 1951, except in conformity with the provisions of said Executive order and as permitted by or under the authority of regulations prescribed by the Secretary of Agriculture.

Prior to the issuance of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are filed in writing with the Chief, Forest Service, United States Department of Agriculture, Washington, D. C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are as follows:

§ 251.26 *Description of areas.* Sections 251.27 to 251.31, inclusive, apply to those areas of land and water in the Counties of Cook, Lake, and St. Louis, State of Minnesota, within the exterior boundaries of the Superior National Forest which have heretofore been designated by the Secretary of Agriculture as the Superior Roadless Area, the Little Indian Sioux Roadless Area, and the Caribou Roadless Area, respectively, and which are more particularly described as follows:

FOURTH PRINCIPAL MERIDIAN

SUPERIOR ROADLESS AREA

T. 61 N., R. 6 W., sec. 4, W½; secs. 5 to 8, inclusive, and W½ sec. 9.
T. 61 N., R. 7 W., secs. 1 to 12, inclusive.
T. 61 N., R. 8 W., secs. 3 to 8, inclusive.
T. 61 N., R. 9 W., secs. 1 to 12, inclusive.
T. 61 N., R. 10 W., secs. 1, 2, 11, and 12.
T. 62 N., R. 3 W., sec. 3, W½; and secs. 4 to 9, inclusive.
T. 62 N., R. 4 W., secs. 1 to 6, inclusive, and secs. 8 to 15, inclusive.
T. 62 N., R. 5 W., secs. 1 to 24, inclusive.
T. 62 N., R. 6 W., secs. 1 to 20, inclusive, N½ sec. 21, secs. 22 to 24, inclusive, and secs. 29 to 32, inclusive.
T. 62 N., R. 7 W., all.
T. 62 N., R. 8 W., secs. 1 to 34, inclusive, N½ sec. 35, and N½ sec. 36.
T. 62 N., R. 9 W., all.
T. 62 N., R. 10 W., secs. 1 to 6, inclusive, secs. 8 to 17, inclusive, secs. 21 to 28, inclusive, and secs. 33 to 36, inclusive.
T. 62 N., R. 11 W., secs. 1 and 2.
T. 63 N., R. 1 W., secs. 4 to 9, inclusive, and secs. 16 to 21, inclusive.
T. 63 N., R. 2 W., secs. 1 to 16, inclusive, N½ sec. 17, N½ sec. 18, and secs. 21 to 24, inclusive.
T. 63 N., R. 3 W., secs. 1 to 12, inclusive, N½ sec. 13, N½ sec. 14, N½, SW¼, sec. 15, secs. 16 to 21, inclusive, W½ sec. 22, W½ sec. 27, secs. 28 to 33, inclusive, and W½ sec. 34.
T. 63 N., Rs. 4, 5, 6, 7, and 8 W.
T. 63 N., R. 9 W., sec. 15, lot 3, sec. 16, lots 4, 6, 7, 8, 10, 11, 12, sec. 19, lots 6, 7, 8, 10, 11, SE¼SW¼, and SE¼, sec. 20, lots 1, 2, 3, 7, 8, SE¼NW¼, S½NE¼, S½, sec. 21, NE¼, NE¼NW¼, lot 5, S½NW¼, S½, secs. 22 to 36, inclusive.
T. 63 N., R. 10 W., sec. 6, N½ sec. 7, sec. 24, lots 7, 8; sec. 25, NE¼, lots 1, 3, 4, SW¼ SW¼, E½SW¼, SE¼, sec. 26, lots 5, 6, 7, 8, 9, 10, SE¼SE¼, sec. 27, lots 3 to 6, inclusive, lot 8, SW¼, SW¼SE¼, sec. 28, lots 5 to 8, inclusive, S½ sec. 29, lots 5 to 8, inclusive, S½ sec. 30, lots 10 to 14, inclusive, SE¼SE¼, and secs. 31 to 36, inclusive.
T. 63 N., R. 11 W., secs. 1 to 4, inclusive, N½ secs. 9 to 12, inclusive, sec. 25, lots 9 to 12, inclusive, sec. 26, lots 5, 6, sec. 35, except lot 3, and sec. 36.
T. 64 N., R. 1 W., secs. 17 to 22, inclusive, and secs. 27 to 34, inclusive.
T. 64 N., R. 2 W., S½ secs. 3 to 6, inclusive, secs. 7 to 11, inclusive, and secs. 13 to 36, inclusive.
T. 64 N., R. 3 W., S½ secs. 1 to 4, inclusive, and secs. 5 to 36, inclusive.
T. 64 N., Rs. 4, 5, 6, 7, and 8 W., entire.
T. 64 N., R. 9 W., secs. 1 to 24, inclusive, and N½ secs. 25 to 30, inclusive.
T. 64 N., R. 10 W., secs. 1 to 24, inclusive, N½ secs. 25, 26, 27; and all secs. 28 to 33, inclusive.
T 64 N, R. 11 W., secs. 1 to 4, inclusive, secs. 8 to 17, inclusive, secs. 21 to 28, inclusive, and secs. 33 to 36, inclusive.
T. 65 N., R. 3 W., sec. 18.
T. 65 N., R. 4 W., secs. 1, 2, 3, 10, 11, 12, 13, 14, S½ sec. 6, secs. 7, 18, 19, 30, 31.
T. 65 N., Rs. 5, 6, 7, 8, 9, 10, 11, entire.
T. 65 N., R. 12 W., secs. 1 to 30, inclusive, and secs. 32 to 36, inclusive.
T. 65 N., R. 13 W., secs. 1 to 14, inclusive, secs. 16, 17, and 24.
T. 65 N., R. 14 W., secs. 1 to 3, inclusive.
T. 66 N., R. 4 W., secs. 4 to 9, inclusive, secs. 16 to 22, inclusive, 26 to 28, inclusive, and 33 to 36, inclusive.
T. 66 N., R. 5 W., all except E½ sec. 36.
T. 66 N., Rs. 6, 11, 12, and 13.
T. 66 N., R. 14 W., secs. 1 to 30, inclusive, and secs. 33 to 36, inclusive.
T. 66 N., R. 15 W., secs. 1 to 30, inclusive.
T. 66 N., R. 16 W., secs. 1 to 5, inclusive, secs. 9 to 13, inclusive, secs. 24 and 25.
T. 67 N., R. 4 W., entire.
T. 67 N., Rs. 13, 14, and 15 W. entire.
T. 67 N., R. 16 W., secs. 8, 16, 17, 20, 21, 28, 29, and secs. 32 to 34, inclusive.
T. 68 N., Rs. 13, 14, and 15 W. entire.

LITTLE INDIAN SIOUX ROADLESS AREA

T. 63 N., R. 13 W., secs. 5, 6, 7, and 18.
T. 63 N., R. 14 W., secs. 1 to 24, inclusive.
T. 63 N., R. 15 W., secs. 1 to 24, inclusive.
T. 63 N., R. 16 W., secs. 1, 2, 3, 10 to 15, inclusive, and secs 22 to 24, inclusive.
T. 64 N., R. 13 W., secs. 5, 6, 7, 8, 14 to 23, inclusive, N½NW¼, SW¼NW¼, sec. 26, and secs. 27 to 32, inclusive.
T. 64 N., R. 14 W., secs. 6 to 36, inclusive.
T. 64 N., R. 15 W., secs. 1, 2, 3, and secs. 10 to 36, inclusive.
T. 64 N., R. 16 W., secs. 22 to 27, inclusive, and secs. 34 to 36, inclusive.
T. 65 N., R. 14 W., secs. 18, 19, 30, and 31.
T. 65 N., R. 15 W., secs. 13, 14, 23 to 26, inclusive, and secs. 35, 36.

CARIBOU ROADLESS AREA

T. 64 N., R. 1 E., secs. 1 to 4, inclusive, sec. 5, lot 15, sec. 7, lots 6 to 11, inclusive, sec. 8, lots 4 to 10, inclusive, sec. 9, lots 1 to 14, inclusive, and NE¼SE¼, secs. 10 to 12, inclusive, secs. 15 to 17, inclusive, and E½ sec. 18.
T. 64 N., R. 2 E., secs. 1 to 12, inclusive.
T. 64 N., R. 3 E., sec. 7, part south of Stump Lake.
T. 65 N., R. 1 E., secs. 19 to 30, inclusive, secs. 33 to 36, inclusive.
T. 65 N., R. 2 E., all.
T. 65 N., R. 1 W., secs. 19 to 30, inclusive.

§ 251.27 *Emergency landing and rescue operations.* The pilot of any aircraft landing within the area for reasons of emergency or for conducting rescue operations, shall inform the Forest Supervisor, Superior National Forest, Duluth, Minnesota (hereinafter called the "Forest Supervisor"), within seven days after the termination of the emergency or the completion of the rescue operation as to the date, place, and duration of landing, and the type and registration number of the aircraft.

§ 251.28 *Low flights.* Any person making a flight within said area for reasons of safety or for conducting rescue operations shall, upon request of the Forest Supervisor, make available to him all reports and records relating to such flight.

§ 251.29 *Permits.* Permits for the navigation of aircraft within the airspace

reservation until January 1, 1952, for the purpose of direct travel to and from private lands within the area will be issued by the Forest Supervisor to the pilot or owner of such lands whenever it is shown by the applicant to the satisfaction of the Forest Supervisor that air travel was a customary means of ingress to and egress from such lands prior to December 17, 1949. Upon request of the Forest Supervisor, the reports, records, and other information as to any flights made pursuant to such permits shall be made available.

§ 251.30 *Official flights.* The provisions of §§ 251.27, 251.28, and 251.29 will not apply to flights made for conducting or assisting in the conduct of official business of the United States, the State of Minnesota or of Cook, St. Louis or Lake County, Minnesota.

§ 251.31 *Conformity with law.* Nothing in these regulations shall be construed as permitting the operation of aircraft contrary to the provisions of the Civil Aeronautics Act of 1938 (52 Stat. 973), as amended, or any rule, regulation or order issued thereunder.

Done at Washington this 4th day of August 1950. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6976; Filed, Aug. 9, 1950; 8:47 a. m.]

Production and Marketing Administration

[7 CFR, Part 965]

[Docket No. AO-166-A12]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 6th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Cincinnati, Ohio, on March 13-14, 1950, pursuant to notice thereof which was issued on March 3, 1950 (15 F. R. 1240).

The material issues of record related to:

1. A revision of the basis for determination of the milk to be priced and included in the computation of the uniform price;
2. A revision of the definition of "emergency milk;"
3. A revision of the provisions for classifying milk;
4. A revision of the basis for determination of the price for Class III milk;
5. A change in the basic price used in the determination of the prices for Class I milk and Class II milk; and
6. A revision of the present method of accounting for milk.

Findings and conclusions. The findings and conclusions with respect to the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) The basis for determination of the milk to be priced and included in the computation of the uniform price should be revised.

The present order provides for pricing and including in the computation of the uniform price, milk which is received at a plant from which milk is disposed of in fluid form in the marketing area.

Objections raised to the present order in this respect were that milk may be priced and included in the uniform price pool without any obligation that such milk be supplied at times when it is need in the market. A plant may make only one small sale in the marketing area during any of the months of flush production and all the milk received from dairy farmers at such plant is now priced and pooled during such month even though the plant does not supply any milk to the market during the months of short supply. Also during any of the months of short supply a plant may make only one small sale in the marketing area, manufacture the remainder of its milk into dairy products and have all the milk received from dairy farmers priced and pooled during such month. The pooling and pricing of all milk received from dairy farmers at such plants tend to reduce the price received by producers whose milk is used regularly in the market and to discourage such producers from supplying an amount of milk sufficient to meet the needs of the market.

Milk received at plants outside the marketing area should not be pooled unless such plants (a) dispose of not less than 10 percent of their total route disposition of Class I milk on routes operating in the marketing area or (b) supply a reasonable amount of milk during the months of short supply to a plant which is located in the marketing area and from which milk is disposed of on routes operating in the marketing area or to a plant which is located outside the marketing area and from which not less than 10 percent of its entire route disposition of Class I milk is on routes operating in the marketing area.

Cincinnati is not the primary market for plants from which less than 10 percent of the total route disposition of Class I milk is in the marketing area. Very likely the market where the 90 percent rather than the market where the 10 percent of the milk is sold would have first claim upon the supplies of such a plant. The economic conditions in the territory where 90 percent of the milk is sold may be different from those prevailing in the area (i. e. regulated marketing area) where the 10 percent is sold and the prices specified in the order for the marketing area may not be appropriate in the territory outside the marketing area. The pricing of all milk received at such a plant from dairy farmers might well result in a serious financial disadvantage to the operator of such plant, especially if the prices paid by competitors were lower than those specified in the order. A requirement that at least 10 percent of the total route disposition of Class I milk from a plant be from routes operating in the marketing area before all milk received at such plant from dairy farmers would be priced and pooled is reasonable under the circumstances of this market.

Plants which are located outside the marketing area and from which no routes are operated in the marketing area should meet specified minimum requirements with respect to furnishing a supply of milk to the market during the months of short supply in order to have the receipts at such plants included in the pooling arrangement. More particularly, plants should furnish during the months listed below a determined amount of milk (i. e., not less than 1 percent of the total Class I milk in the pool for the second preceding month) in order to be included in the pool for the following months:

Months during which the determined amount of milk must be furnished:	*For inclusion in the pool during*
1 of the 2 months of October and November.	November.
2 of the 3 months of October, November, and December.	December.
3 of the 4 months of October, November, December, and January.	January through October.

This requirement recognizes the need for a standby supply during the months of short supply, furnishes a definite standard amount to be supplied by each and every plant, permits the operator of a plant to learn before the first of any given month what such determined amount is to be for such month and will not disqualify any plant whose supply is needed in the market. At the same time this requirement will tend to limit the abuse of handlers in entering plants in the Cincinnati pool without assuming any substantial responsibility for supplying the market.

It is necessary to delineate a method for determining what plants are to be

included in the pool between the date this amendment becomes effective and the date (i. e., November 1, 1950) upon which a plant would first be pooled pursuant to the above requirement. The most desirable method appears to be to include in the pool between the effective date of this amendment and November 1, 1950, all plants which were in the pool during the month next preceding the effective date of this amendment.

Producer milk diverted by a cooperative association during any month of the year to a plant from which no milk is disposed of in the marketing area should be priced and included in the pool.

The present order further provides for pricing and including in the computation of the uniform price, producer milk which is diverted by a cooperative association during April, May, or June to a plant from which no milk is disposed of in the marketing area.

There may be necessity for a cooperative association to divert milk, not needed in a bottling plant, to a manufacturing plant during months other than April, May, or June. Limitation of the period when diverted milk may continue in the pool to these three months would result in reduced prices to those producers whose milk was diverted during months other than April, May, or June as such producers probably would receive only the manufacturing price for their milk so diverted. This would result in uncertainty among producers as to the returns on the sale of their milk and would hinder the efficient production of milk for the market. It is desirable therefore to include in the pool producer milk diverted by a cooperative association during all months. Accordingly, the definitions of "producer" and "handler" are revised and definitions of "route," "fluid milk plant," and "pool plant" are added.

(2) The definition of "emergency milk" should be revised.

More particularly emergency milk should be defined as milk or skim milk in excess of the milk or skim milk, respectively, used in Class III milk received by a handler during any month when the receipts of producer milk by such handler are less than 120 percent of such handler's Class I utilization.

Under the present order emergency milk is that milk or skim milk received from outside sources in excess of the total quantity of milk diverted by a cooperative association on the same day.

The relationship between receipts of producer milk and utilization of Class I milk, however, is a more accurate criterion for the need of emergency milk than is the amount of milk diverted by a cooperative association. A supply equal to 120 percent of Class I milk is sufficient under normal conditions to cover the usual daily variations.

(3) The provisions for classifying milk should be revised by (a) including in Class I any product containing less than 8 percent butterfat not named in another class, (b) by including in Class II any product containing more than 8 percent butterfat not named in another class, (c) by naming the products in Class III milk, and (d) by allocating transfers from a pool plant to a plant other than a pool plant to the highest priced class utilization in such receiving plant during months other than April, May, June, and July.

Under the present order, fluid milk is the main item in Class I milk, cream is the main item in Class II milk, and all milk used to produce a milk product other than one specified in Class II is included in Class III.

When a new product is introduced to the market it should be classified in the class which appears to contain products which are similar to the new product. In the determination of whether such product shall be included in Class I or in Class II a standard based upon the percentage of butterfat in such product is appropriate. A new product containing 8 percent or more of butterfat more nearly resembles cream than milk and should be included in Class II milk. Likewise, a product containing less than 8 percent butterfat appropriately would be included in Class I milk. If the classification of a new product in this way is unsatisfactory to anyone, consideration may be given to classifying it in another class by the usual procedures for amending the order.

In order to avoid misunderstanding as to what products are included in Class III milk, the various products should be definitely named. Accordingly, whipped cream, whipped cream products, and eggnog are specified as products of Class III. These products have heretofore been in that class but producers proposed that they should be classified as Class II. These products, however, may be made from uninspected milk and sold in the marketing area and for this reason they are appropriately classified in Class III with other products which need not be made from inspected milk.

Transfers from a pool plant to a plant other than a pool plant during months other than April, May, June, and July should be allocated to the highest priced utilization in such receiving plant.

Under the present order, milk or cream transferred to another person not a handler may be classified as Class III subject to verification by the market administrator, if both parties agree to such classification.

There appears to be little reason why milk of producers, transferred to a plant other than a pool plant during the normally short season, should be classified as Class III milk if any milk has been used in Class I or Class II in the receiving plant. During the months when the supply of producer milk is usually shortest there may be need for such milk in Class I or Class II in the market.

A provision classifying such milk transferred during months other than the flush season in the highest priced class in which there is use in the receiving plant will assure the highest return to Cincinnati producers commensurate with the utilization of milk in plants having utilization in Class I and Class II, will not interfere with the transfer to plants in which only products named in Class III are manufactured and will not be unduly burdensome upon handlers.

(4) The basis for determination of the Class III price should be revised by changing the butter-powder formula.

The present order provides that the Class III price shall be the higher of the prices resulting from a butter-powder formula and the average price paid for milk at five Kentucky, Ohio, and Indiana manufacturing plants.

The present butter-powder formula makes use of a yield factor of 7 pounds of powder from 96 pounds of skim milk. This is equal to a yield of a slightly less than 7.3 pounds of powder per 100 pounds of skim milk. The average yield of powder from 100 pounds of skim milk in a plant representative of the Cincinnati area, however, approximates 8.5 pounds.

In converting prices of powder to equivalent prices for the skim milk in order to reflect accurately the value of skim milk used in making the powder, a representative yield of powder from skim milk should be used. Hence, the yield factor 8.5 pounds should be used instead of 7.3 pounds.

In months when the butter-powder formula price becomes the basic formula price, the increase in the powder yield factor will result in slightly increased Class I and Class II prices as compared to the present order. There will also be a similar increase in the Class III price during months when the butter-powder formula price becomes the Class III price. Since the result will be to effect a closer alignment among other fluid milk markets, the resultant increase is concluded to be justified.

The average price paid by the five Kentucky, Ohio, and Indiana plants should remain as an alternative Class III price.

The proposed substitution of the average price paid for milk at eighteen Wisconsin and Michigan manufacturing plants for the average price paid by the five Kentucky, Ohio, and Indiana plants as an alternative Class III price was not substantiated. The value of Class III milk is related to the prices paid for uninspected milk produced locally for manufacture into dairy products. The prices paid at the five Kentucky, Ohio, and Indiana plants are more representative of the local value of milk used for manufacturing purposes than are the prices paid at the eighteen Wisconsin and Michigan plants.

(5) The basic price used in the determination of the prices for Class I milk and Class II milk should be changed by substituting the average price paid for milk by eighteen Michigan and Wisconsin manufacturing plants for the average price paid for milk by five Kentucky, Ohio, and Indiana manufacturing plants.

Under the present order, prices for Class I milk and Class II milk are determined by adding a differential to the higher of a butter-powder formula price or the average of the prices paid by five local manufacturing plants.

The average of the prices paid for milk at 18 Michigan and Wisconsin plants would appear to represent better the national level of prices paid for milk to be used in the manufacture of dairy products than would the average of the prices reported as paid for milk at the five local plants.

It is important that class prices be kept in alignment with those in other nearby fluid milk markets and the aver-

age paid for milk at the 18 plants is widely used as a basic price for the determination of prices in other milk markets in the Ohio area. A closer correlation between class prices in the Cincinnati market and in other nearby markets would result therefore from the use of the price paid by the 18 plants.

(6) The present method of accounting for milk should be changed to one of accounting for the actual pounds of milk and butterfat used in each class.

Under the provisions of the present order the pounds of Class I milk have been computed on a volume basis and the pounds of Class II milk and Class III milk have been computed on the basis of the 4.0 percent milk equivalent of the butterfat used in each such class. If the total volume in all classes computed in this manner has been more or less than the total volume of receipts, the pounds of Class III milk have been decreased or increased, as the case may be, by the difference in such volume.

A method of accounting on a volume basis for the pounds of milk and butterfat used in each class should be adopted. There should be a butterfat differential for each class in order to reflect the combined value of the skim milk and butterfat used in each class.

The new accounting procedure will result in more accurate volumes classified as Class II milk and Class III milk, will make it possible for handlers to compute the cost of milk in the several products in the various classes, will simplify order operations and will result in costs of milk more nearly equal according to the use of skim milk and butterfat in each class among handlers.

Each class price should be divided into separate values for skim milk and butterfat. This is accomplished by the use of a butterfat differential. By application to the Class I price and to the Class II price of the same percentage that the butterfat value in the butter-powder formula used in the computation of the Class III price is of the total value resulting from such formula, the same relationship between skim milk and butterfat is applied to Class I milk and Class II milk as prevails in the value of milk which is manufactured into nonfat dry milk solids and butter.

The above change necessitates revision of the language of several provisions of the order.

Changes resulting from other issues are as follows:

The number of classes should be increased to four and Class IV should contain only milk manufactured into butter.

The present order provides for a reduction in the price of both skim milk and butterfat used in the manufacture of butter and Cheddar cheese during any month when the receipts of milk from producers by all handlers exceed 140 percent of the total Class I milk and Class II milk.

Although the manufacture of cheese in this market is a comparatively large volume operation carried on throughout the year, it does not serve as an outlet for surplus milk for any appreciable number of handlers. On the other hand, the manufacture of butter in the Cincinnati market affords salvage outlet for small amounts of butterfat which cannot be efficiently processed and for which no other use is available.

The Class III price is indicative of the value of milk manufactured into those products named in Class III and should apply in the case of large scale year-round operations. However, a reduction in the price of butterfat, below the price of butterfat in Class III, should be continued as a means of disposing of surplus butterfat used in the manufacture of butter. It is possible that some butterfat may have to be disposed of in the form of butter during the season of short supply as well as during the flush season; hence, the lower price should be operative during all months of the year, rather than only during the months of May, June and July, as proposed, or during any month when the receipts of milk from producers exceed 140 percent of the total Class I milk and Class II milk in the market as now provided in the order.

To accomplish this reduction and to avoid the confusion of having two prices for Class III milk, butter should be placed in a separate class (Class IV) and the price for Class IV milk should be the price for Class III milk less 17.5 cents per hundredweight ($0.05 x 3.5).

Class prices and uniform prices should be determined on the basis of milk containing 3.5 percent butterfat. Heretofore class prices have been determined on the basis of milk containing 4 percent of butterfat while the uniform price has been computed on the basis of 3.5 percent butterfat. A change in the method of accounting for milk (see Issue 6) to a 3.5 percent basis makes it possible to provide for the determination of the class prices and the uniform price on a single butterfat test without resulting in substantial changes in either cost of milk to handlers or returns on milk to producers. The use of a single butterfat test will reduce confusion regarding the determination of prices and will facilitate aligning prices under this order in appropriate relationship to the prices in other orders in the Ohio area.

A minor administrative change is made in the determination of the milk which is included in the computation of the uniform price. This change will have no effect on the cost of milk of any handler. The provision of the uniform price computation which insures the solvency of the producer-settlement fund is continued.

The definitions of "market administrator" and "delivery period" are deleted. Other provisions which relate to the market administrator render unnecessary a definition of that term. The term "month" has been used throughout the order in place of the term "delivery period."

The section "Expense of Administration" is revised so that the Secretary rather than the market administrator determines the minimum rate of assessment.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers associations and the majority of the handlers.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and order, as amended, and as hereby amended. The following order, as amended, and as hereby amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

DEFINITIONS

§ 965.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 965.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 965.3 *Cincinnati, Ohio, marketing area.* "Cincinnati, Ohio, marketing area," hereinafter called the "marketing area," means the city of Cincinnati, Ohio, and the territory geographically included within the boundary lines of Hamilton County, Ohio.

§ 965.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 965.5 *Route.* "Route" means a delivery (including a sale from a store) of milk, flavored milk drinks, or cream in fluid form to a wholesale or retail stop(s) other than to a milk processing plant(s).

§ 965.6 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in preparation or processing of milk all or a portion of which is disposed of on routes operating wholly or partially in the marketing area.

§ 965.7 *Pool plant.* "Pool plant" means:

(a) A fluid milk plant as described in § 965.6 located in the marketing area;

(b) A fluid milk plant located outside the marketing area and disposing of not less than 10 percent of its entire route disposition of Class I milk on routes operating wholly or partially within the marketing area;

(c) A plant, receiving milk from dairy farms, which the market administrator determines has moved to a plant(s) described under paragraphs (a) or (b) of this section an amount of milk equal to not less than one percent of the total Class I utilization of plants described in paragraphs (a) and (b) of this section during the second month preceding such movement as specified in the following schedule:

Months milk is moved:	*Months plant is pool plant*
One of the months of October or November.	November.
Two of the months of October, November, December.	December.
Three of the months of October, November, December,	January through October. January.

Provided, That upon written request to the market administrator by the operator of a plant which is a pool plant pursuant to this paragraph for the discontinuance of such plant as a pool plant, such plant shall cease to be a pool plant in the first month, following such request, during which no milk is moved to a plant described in paragraphs (a) or (b) of this section and shall not become a pool plant until such plant again meets the requirements for a pool plant pursuant to this paragraph.

§ 965.8 *Producer.* "Producer" means any person operating a dairy farm, producing milk under a dairy farm permit issued by an appropriate health authority, which is received at a "pool plant" described in § 965.7 or diverted from a pool plant by a cooperative association: *Provided,* That any producer whose milk has been approved as "Grade A milk" by an appropriate health authority for any month, or portion thereof, shall be a "Grade A producer" for such month, and any producer whose milk has not been so approved shall be a "Grade B producer."

§ 965.9 *Handler.* "Handler" means any person who: (1) Operates a pool plant; or (2) operates a nonpool plant and either directly or indirectly disposes of Class I or Class II milk, on a route extending into the marketing area; or any cooperative association with respect to the milk of any producer(s) whose milk has been received previously at a pool plant described in § 965.7 which milk has been caused to be diverted by a cooperative association, to a plant from which no milk is disposed of in the marketing area, if payment therefor has been collected by such association, and such milk shall be deemed to have been received from producers by such cooperative association.

§ 965.10 *Producer milk.* "Producer milk" means milk produced by one or more producers under the conditions set forth in § 965.8.

§ 965.11 *Emergency milk.* "Emergency milk" means milk or skim milk other than producer milk received by a handler under a permit to receive such milk or skim milk issued to him by proper health authorities during months when receipts of producer milk or skim milk of the individual handler are less than 120 percent of such handler's Class I utilization of milk or skim milk, respectively.

MARKET ADMINISTRATOR

§ 965.20 *Designation.* The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 965.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions of this part; and

(b) Report to the Secretary complaints of violations of the provisions of this part.

§ 965.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Within 45 days following the date upon which he enters his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Pay, out of the funds provided by § 965.74, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.30 or has not made payments pursuant to §§ 965.70 and 965.72;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times.

(h) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices computed pursuant to § 965.51 and the butterfat differential computed pursuant to § 965.52; and

(2) On or before the 20th day after the end of such month the uniform price computed pursuant to § 965.64, and the butterfat differential computed pursuant to § 965.52.

REPORTS

§ 965.30 *Reports of handlers to market administrator.* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows:

(a) On or before the 10th day after the end of each month, each handler who receives milk from producers shall report with respect to all milk, skim milk, cream and milk products received by him during the month:

(1) The receipts at each plant from producers, from his own production, and from other handlers;

(2) The receipts of emergency milk, the date or dates upon which such milk was received during the month, the plant from which such milk was shipped, the price per hundredweight paid or to be paid for such milk;

(3) The receipts from any other source together with the butterfat content;

(4) The utilization of all receipts during the month;

(5) The name and address of each new producer; and

(6) His producer pay roll, which shall show for each producer the total receipts of milk with the average butterfat test thereof, the amount of the advance payment to such producer made pursuant to § 965.70 and the deductions and charges made by the handler.

(b) Each handler who receives no milk from producers shall make reports to the market administrator at such times and in such manner as the market administrator may request.

§ 965.31 *Verification of handler reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to § 965.30, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 965.32 *Reports of market administrators to cooperative associations.* On

or before the 13th day after the end of each month, the market administrator shall report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.73 (b), to each handler to whom the cooperative sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

§ 965.33 *Records and facilities.* Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as, in the opinion of the market administrator are necessary to verify reports, or to ascertain the correct information with respect to (1) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (2) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (3) payments to producers and cooperative associations.

§ 965.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 965.40 *Basis of classification.* Milk received by each handler, including milk produced by him, shall be classified by the market administrator in the classes set forth in § 965.41 subject to the provisions of §§ 965.42, 965.43 and 965.44.

§ 965.41 *Class of utilization.* The classes of utilization of milk and butterfat shall be as follows:

(a) Class I milk shall be all milk and skim milk disposed of in the form of milk and milk drinks and any product containing less than 8.0 percent butterfat not specified in Class II milk, Class III milk or Class IV milk and all unaccounted for butterfat in excess of 2½ percent of receipts of butterfat from producers and emergency milk.

(b) Class II milk shall be all milk and skim milk disposed of as buttermilk, cottage cheese, cream for consumption as cream, and any product containing 8.0 percent or more of butterfat, not specified in Class I milk, Class III milk or Class IV milk.

(c) Class III milk shall be all milk (1) disposed of as plain or sweetened condensed or evaporated milk, spray or roller powder, margarine, animal feed, cheese except cottage cheese, commercially manufactured candy, eggnog, and whipped cream and whipped cream substitute; (2) used to produce ice cream, ice cream mix and frozen desserts; (3) dumped or spilled; (4) inventory variations, and butterfat not accounted for to the extent of 2½ percent of total receipts of butterfat from producers and emergency milk.

(d) Class IV milk shall be all milk disposed of as butter.

§ 965.42 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification as required in §§ 965.41 and 965.43, the burden rests upon the handler to account for all milk and milk products received by him and to prove to the market administrator that such milk, or milk products, should not be classified as Class I milk.

(b) Any milk or milk product classified in one class shall be reclassified if such milk or milk product is later used or disposed of by any handler in another class, in accordance with such later use or disposition.

§ 965.43 *Transfers between pool plants and between pool plants and plants other than pool plants.* (a) Milk and skim milk transferred from a pool plant to another pool plant shall be Class I milk, and cream so transferred shall be Class II milk, unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 10th day after the end of the month within which such transfer was made: *Provided*, That if either or both plants have received milk other than producer milk or emergency milk, the milk, skim milk or cream so transferred shall be classified at both plants so as to allocate the highest possible utilization to producer milk.

(b) Milk or skim milk transferred from a pool plant to a plant other than a pool plant shall be classified as Class I milk and cream so transferred shall be Class II milk: *Provided*, That if the operator of the pool plant on or before the 10th day after the end of the month furnishes to the market administrator a statement, which is signed by the operators of both plants, that such milk, skim milk, or cream was used in a lower class, such milk, skim milk, or cream shall be classified accordingly, subject to verification by the market administrator: *And provided further*, That in making such verification for months other than April, May, June, and July, the market administrator will assign milk, skim milk or cream so transferred to the highest use classification in the plant of the receiver.

§ 965.44 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of butterfat in producer milk and in milk other than producer milk.

§ 965.45 *Computation of milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk, and Class IV milk for such handler.

§ 965.46 *Allocation of milk and butterfat classified.* The pounds of milk and butterfat remaining in each class after making the following computations shall be the pounds of milk and butterfat respectively in such class allocated to producer milk;

(a) The pounds of milk in Class III shall be decreased by any excess of utilization of all classes over total receipts and shall be increased by any excess of total receipts over total utilization of all classes.

(b) Subtract from the pounds of butterfat in Class III the pounds of producer butterfat in plant shrinkage which is not in excess of 2½ percent of all butterfat received from producers and in emergency milk.

(c) Subtract from the remaining pounds of milk and butterfat, respectively, in each class, the pounds of milk and butterfat, respectively, received from other handlers, in the classes transferred pursuant to § 965.43.

(d) Subtract from the remaining pounds of milk and butterfat, respectively, in series beginning with the lowest-priced use available, the pounds of milk and butterfat, respectively, except emergency milk, received other than producer milk.

(e) Add to the Class III butterfat the pounds of butterfat subtracted pursuant to paragraph (b) of this section.

(f) Subtract prorata out of the remaining pounds of milk and butterfat, respectively, in each class, the total pounds of emergency milk and butterfat.

(g) If the pounds of butterfat remaining in all classes exceed the pounds of butterfat received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest priced class.

MINIMUM PRICES

§ 965.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum prices for Class I milk and Class II milk shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices per hundredweight ascertained to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator or to the United States Department of Agriculture.

Company and Location
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply by 3.5 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month for which payment is to be made, and add 20 percent thereof;

(2) From the simple average as computed by the market administrator of the weighted average of carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceeding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply the result by 8.2.

§ 965.51 *Class prices.* Each handler shall pay, at the time and in the manner set forth in § 965.72, not less than the following prices per hundredweight, on the basis of milk of 3.5 percent butterfat content, for the respective quantities of milk in each class computed pursuant to § 965.46.

(a) The price for Class I milk shall be the basic formula price plus $1.05 for the months of April through July and $1.35 for the months of August through March.

(b) The price for Class II milk shall be the basic formula price plus $0.60 for the months of April, through July and $0.90 for the months of August through March.

(c) The price for Class III milk shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) The price as computed pursuant to § 965.50 (b);

(2) The simple average, as computed by the market administrator, of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

M and R Dietetic Laboratories, Inc., Chillicothe, Ohio.
Carnation Milk Company, Hillsboro, Ohio.
Nestles Milk Products, Inc., Greenville, Ohio.
Nestles Milk Products, Inc., (Osgood Milk Company) Osgood, Indiana.
Carnation Milk Company, Maysville, Kentucky.

(d) The price for Class IV milk shall be the price of Class III milk less 17.5 cents.

§ 965.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent, there shall be added to or subtracted, as the case may be, from the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows: For Class I, Class II and Class III, determine the percent of the alternate basic formula price as computed pursuant to § 965.50 (b) represented by the sum computed pursuant to § 965.50 (b) (1), apply the percentage so determined to the respective Class I, Class II and Class III prices for 3.5 percent milk computed pursuant to § 965.51 (a), (b), and (c) and divide by 35, the resulting sum (to the nearest hundredth of a cent) shall be the handler butterfat differential for each class, respectively. The handler butterfat differential for Class IV milk shall be such differential for Class III milk less 0.5 cent.

DETERMINATION OF UNIFORM PRICE

§ 965.60 *Computation of value of milk for each handler.* The value of the milk received from producers during each month by each handler shall be a sum of money computed by the market administrator by multiplying the hundredweight of milk in each class by the applicable class prices, subject to the butterfat differential provided in § 965.52 and adding any amount resulting from the following computation: Multiply the pounds of butterfat subtracted pursuant to § 965.46 (g) by the price for the applicable class adjusted by the applicable butterfat differential.

§ 965.61 *Computation of obligation to the producer-settlement fund for handlers operating a fluid milk plant which is not a pool plant.* For each month, the obligation to the producer-settlement fund for each handler operating a fluid milk plant which is not a pool plant shall be computed by the market administrator by multiplying by the difference between the Class I and the Class III prices, the hundredweight of milk disposed of as Class I milk by such handler on routes operating within the marketing area less the hundredweight of Class I milk purchased by such handler during the month from a pool plant. On or before the thirteenth day after the end of each month, the market administrator shall notify each such handler of the amount so computed for him subject to adjustment pursuant to § 965.62 and on or before the 17th day after the end of each month each such handler shall make payment to the market administrator.

§ 965.62 *Correction of errors.* If, in the verification of reports submitted by a handler, the market administrator discovers errors in such reports which result in payment due the producer-settlement fund or the handler for any previous month, there shall be added or subtracted as the case may be, the amount necessary to correct such errors.

§ 965.63 *Notification to handler of the value of his milk.* On or before the thirteenth day after the end of each month, the market administrator shall notify each handler of the value of milk computed for him in accordance with § 965.60 and of any adjustments pursuant to § 965.62.

§ 965.64 *Computation of uniform prices for Grade A producers and Grade B producers.* (a) Computation of uniform price for Grade A producers. For each month, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade A producers as follows:

(1) Add together the values of milk as computed pursuant to § 965.60 for handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 965.62) to the producer-settlement fund as required by § 965.72 for the preceding month;

(2) Subtract, if the weighted average butterfat test of all milk received from producers by handlers whose milk is represented in the sum computed under subparagraph (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by 50 cents if the average price of butter, described under § 965.50 (b) (1), was more than 40 cents but not more than 50 cents, such amount (50 cents) to be increased or decreased, as the case may be, by 10 cents for each 10-cent range in such price of butter above or below the range "more than 40 cents but not more than 50 cents;"

(3) Subtract an amount equivalent to the moneys retained pursuant to § 965.76;

(4) Add the unobligated balance in the producer-settlement fund;

(5) Add an amount computed by multiplying the total hundredweight of milk received from Grade B producers by $0.40;

(6) Divide by the total hundredweight of milk of all producers represented in the sum computed pursuant to subparagraph (1) of this paragraph; and

(7) Subtract from the figure obtained in subparagraph (6) of this paragraph not less than 4 cents or more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight

for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade A producers.

(b) Computation of uniform price for Grade B producers. For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade B producers as follows: From the uniform price computed pursuant to paragraph (a) (7) of this section subtract 40 cents. The result shall be known as the uniform price per hundredweight for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade B producers.

PAYMENT FOR MILK

§ 965.70 *Payments to producers.* On or before the 5th day after the end of each month, each handler shall pay, with respect to all milk received during the month, $1.00 per hundredweight of milk to each producer: *Provided*, That in the event the total amount of deductions and charges authorized by any producer against payments due such producer for the month next preceding is greater than the payment computed for such producer pursuant to § 965.73 (a) with respect to the milk received from such producer during such preceding month, the handler may deduct from the payment required by this section a sum equal to the difference between such amounts.

§ 965.71 *Producer-settlement fund.* The market administrator shall maintain a separate fund, known as the producer-settlement fund, in which he shall deposit all payments made pursuant to §§ 965.61 and 965.72 and from which he shall make all payments pursuant to § 965.73.

§ 965.72 *Payment to producer-settlement fund.* On or before the 17th day after the end of each month, each handler shall pay to the market administrator the amount of money which represents the value of milk for such month of which he is notified pursuant to § 965.63 less the amount paid out to each producer in accordance with § 965.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer pay roll: *Provided*, That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 965.70 (inclusive of the deductions and charges authorized by § 965.70) will not exceed the total value of the milk received from such producer.

§ 965.73 *Payments from producer-settlement fund.* (a) The market administrator shall compute the payment due to each producer for milk delivered each month by multiplying the hundredweight of such milk by the uniform price computed pursuant to § 965.64 adjusted to the butterfat test of such milk by adding or subtracting if the butterfat is above or below 3.5 percent, one-tenth of the rate provided in § 965.64 (b) for each one-tenth of one percent variation from 3.5 percent, and subtracting any charges or deductions made pursuant to § 965.72.

(b) On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, to each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments. On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section

§ 965.74 *Expense of administration.* As his pro rata share of the expense incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler shall pay to the market administrator, on or before the 17th day after the end of each month, 2 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe, with respect to all milk received from producers and produced by him during the month: *Provided*, That any cooperative association which has handled milk during the month under the conditions set forth in § 965.9, shall pay such pro rata share of expense of administration on only that quantity of milk so handled.

§ 965.75 *Marketing services.* (a) The market administrator shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73 (b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The moneys received by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the Secretary.

§ 965.76 *Payments to cooperative associations.* (a) Upon application to the Secretary, any cooperative association duly organized under the laws of any State which he determines, after appropriate inquiry or investigation, to be conforming to the provisions of such laws and with the standards set forth in § 965.75 (a); to be operating as a producer-controlled marketing association exercising full authority in the sale of the milk of, and assuming responsibility for payments to, its members; to be maintaining individually or in collaboration with other qualified cooperative associations, a competent staff for dealing with marketing problems and to be complying with all provisions hereof applicable to such cooperative association shall be entitled, under the further conditions hereafter specified, to receive payments from the date of its qualification as fixed by the Secretary, until it has been found by the Secretary, after notice and opportunity for hearing, that it has failed to continue to meet any condition set forth in this section for the receipt of such payments:

(1) At the rate of one-half cent per hundredweight on all milk (i) marketed by it in the manner indicated above on behalf of members, and (ii) on which reports and payments have been made as required under §§ 965.30, 965.70 and 965.74, except that payment at this rate shall not be made on milk with respect to which the same association is eligible to receive payment under subparagraph (2) of this paragraph.

(2) At the rate of 3 cents per hundredweight on all milk which is received from members at any plant operated by such an association, or subsidiary thereof, and which is included in the computations made pursuant to § 965.64.

(b) The market administrator shall, upon notice of the filing of an application by a cooperative association, retain each delivery period in the producer-settlement fund such sum as he estimates is ample to make payments to the applicant, to be held in reserve until the Secretary has ruled upon said application and shall, when the application has been ruled upon by the Secretary, make payment or issue credit out of such reserves in accordance with said ruling and shall release the balance of the reserved sums, if any, for disposition pursuant to § 965.64 (d); and shall on or before the 20th day of each month thereafter, make such payments or issue credit therefor out of the producer-settlement fund, subject to verification of the facts upon which the amount of payment is based.

(c) Each cooperative association qualified to receive payments pursuant to this section shall, from time to time, as requested by the market administrator, make reports to him with respect to its conformity with any of the conditions for qualification or to the use of such payments and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

(d) The market administrator shall suspend payment upon his own initiative or upon request by the Secretary or by such officer of the United States Department of Agriculture as he may designate, by giving written notice to a cooperative association and to the Secretary whenever there is good reason to believe that such association is no longer qualified to receive payment. Such suspended payments shall be aggregated and held in reserve until the Secretary, after notice and opportunity for hearing, has appraised the performance of the cooperative and either has ordered a partial or complete payment of funds held in reserve to the cooperative or has disqualified such cooperative, in which event the balance of funds held in reserve shall be released for disposition pursuant to § 965.64 (d).

§ 965.77 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calender month during which milk involved in the claim was received if any underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 965.80 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 965.81 *Suspension or termination.* Any or all provisions of this part, or amendments to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 965.82 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such person as the Secretary may designate, shall continue in such capacity until removed by the Secretary; account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such other person to such person as the Secretary shall direct and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 965.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 965.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 965.91 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 7th day of August 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50-6995; Filed, Aug. 9, 1950; 8:51 a. m.]

[7 CFR, Part 973]

[Docket No. AO-178-A2]

HANDLING OF MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Minneapolis, Minnesota, on April 13 and 14, 1950, pursuant to notice thereof which was issued on March 23, 1950 (15 F. R. 1695).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on July 12, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on July 15, 1950 (15 F. R. 4514).

The material issues of record related to (1) the addition of the city of Anoka to the marketing area, (2) revision of the classification of milk, specifically with respect to natural buttermilk, unaccounted for milk, and flavored milk in hermetically sealed containers, (3) allocation of milk received from nonpool plants, (4) revision of the Class II pricing formula, (5) revision of the Class I differentials, (6) classification of receipts from producer-handlers, and (7) a reissuance of the entire order.

Rulings on exceptions. No exceptions were filed on behalf of interested parties.

FINDINGS AND CONCLUSIONS

Findings and conclusions on the record. The findings and conclusions of the recommended decision set forth in

the FEDERAL REGISTER (F. R. Doc. 50-6163; 15 F. R. 1695) with respect to the issues set forth above are approved and adopted as the findings and conclusions of this decision as if set forth in full herein. These findings and conclusions are supplemented by the following general findings.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

DETERMINATION OF REPRESENTATIVE PERIOD

The month of May 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing agreement regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, Marketing Area," and "Order amending the order," as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 7th day of August 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area*

§ 973.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date of this part the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 973.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 973.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 973.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 973.4 *Minneapolis-St. Paul, Minnesota, marketing area.* "Minneapolis-St. Paul, Minnesota, marketing area" hereinafter called the "marketing area" means the territory within the corporate limits of the cities of Minneapolis, Robbinsdale, and Wayzata in Hennepin County; Columbia Heights in Anoka County; St. Paul and White Bear in Ramsey County; West St. Paul and South St. Paul in Dakota County; together with the following townships and all villages therein: Brooklyn, Crystal, St. Anthony, Golden Valley, St. Louis Park, Orono, Excelsior, Minnetonka, Edina, Bloomington, and Richfield in Hennepin County; Fridley in Anoka County; Mounds View, Rose, White Bear, and New Canada in Ramsey County; Grant, Oakdale, Woodbury, Cottage Grove, and Newport in Washington County; and Mendota, West St. Paul, and Inver Grove in Dakota County; all in the State of Minnesota.

§ 973.5 *Pool plant.* "Pool plant" means any milk processing plant during any delivery period within which skim milk or butterfat (a) is disposed of as Class I milk from such plant on wholesale or retail routes (including plant stores) within the marketing area, (b) is transferred as Class I milk from such plant to a plant described in paragraph (a) of this section unless such transfer is made only during the months of August to November, inclusive, or (c) is transferred as Class I milk from such plant to a plant described in paragraph (b) of this section unless such transfer is made only during the months of August to November, inclusive. Any such plant shall continue to be a "pool plant" during any delivery period in which skim milk or butterfat is transferred as Class I milk from such plant to another pool plant until August 1 of the year following that in which such transfer was last made.

§ 973.6 *Nonpool plant.* "Nonpool plant" means any milk processing plant during any delivery period when such plant does not meet the requirements set forth in § 973.5. Any such plant shall become a "pool plant" during any delivery period within which it meets the requirements set forth in § 973.5.

§ 973.7 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 973.8 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly from such person's farm at a pool plant.

§ 973.9 *Handler.* "Handler" means any person, irrespective of whether such person is also a producer, in his capacity as the operator of a pool plant.

§ 973.10 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided,* That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 973.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

§ 973.12 *Market administrator.* "Market administrator" means the person designated pursuant to § 973.20 as the agency for the administration of this part.

§ 973.13 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this part is in effect.

MARKET ADMINISTRATOR

§ 973.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 973.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions of this part;

(b) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this part;

(c) Recommend to the Secretary amendments to this part; and

(d) Make rules and regulations to effectuate the terms and provisions of this part.

§ 973.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 973.90, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 973.91;

(c) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (1) made reports pursuant to § 973.30 or (2) made payments pursuant to §§ 973.80 and 973.83; and may at any time thereafter so disclose any such name if authorized by the Secretary;

(e) Verify each handler's records and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends; and

(f) Prepare and disseminate to the public such statistics and information concerning the operations under this part as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 973.30 *Delivery period of reports of receipts and utilization.* On or before the 8th day of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to all skim milk and butterfat, except that in nonfluid milk products, disposed of in the form in which received without further processing or packaging, received by him at each pool plant during the preceding delivery period in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and the quantities of butterfat contained in (or used in the production of) receipts from producers (including his own production), producer-handlers, pool plants and nonpool plants, and the sources thereof;

(b) The utilization of all skim milk or butterfat disposed of;

(c) The quantities of skim milk and butterfat on hand at the beginning and end of each delivery period; and

(d) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

§ 973.31 *Reports of producer-handlers.* Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 973.32 *Reports as to producers.* Each handler, upon the request of the market administrator, shall, on or before the 25th day of each delivery period, submit to the market administrator such handler's producer payroll for the preceding delivery period which shall show for each producer (a) the total pounds of milk delivered with the average butterfat test thereof, and (b) the net amount of such handler's payments to such producer or to a cooperative association together with the prices, deductions, and charges involved.

§ 973.33 *Records and facilities.* Each handler shall permit the market administrator to make such examinations of his operations, equipment, and facilities as the market administrator deems necessary and he shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights and tests for butterfat and for other content of all skim milk or butterfat handled, (c) payments to producers and cooperative associations, and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 973.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided,* That if, within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 973.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by a handler during each delivery period, shall be classified by the market administrator pursuant to the provisions of §§ 973.41 to 973.45.

§ 973.41 *Classes of utilization.* Subject to the conditions set forth in §§ 973.42 and 973.43, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of for con-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

sumption in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (except flavored milk and flavored milk drinks in hermetically sealed containers), cream (sweet or sour including a mixture of cream and milk or skim milk containing less butterfat than the legal standard for cream), eggnog, aerated cream, ready whipped cream, and mixes for toppings and uses similar to those of whipped cream, and all skim milk and butterfat not specifically accounted for pursuant to paragraph (b) of this section.

(b) Class II milk shall be all skim milk disposed of as animal feed and all skim milk and butterfat used to produce a milk product other than those specified in paragraph (a) of this section.

§ 973.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat purchased or received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise.

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 973.43 *Transfers.* Skim milk or butterfat disposed of by a handler by transfer shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream to another handler (other than a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer occurred, but in no event shall the amount classified in either class exceed the total use in such class by the transferee handler: *Provided*, That, if either or both handlers have received skim milk or butterfat from a nonpool plant, the skim milk or butterfat transferred from a pool plant shall be classified at both plants so as to return the highest class utilization to milk of producers.

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred in the form of milk, skim milk, or cream to a nonpool plant located less than 100 miles from the marketing area unless (1) the handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and the person who received such milk, on or before the 8th day after the end of the delivery period within which such transfer occurred, (2) the nonpool plant maintains records showing the receipt and utilization of all skim milk and butterfat at such plant which are made available to the market administrator for the purpose of verification, and (3) such nonpool plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if verification of such records discloses that an equivalent amount of skim milk and butterfat had not been used in such indicated utilization, the remaining pounds shall be classified in the remaining class.

(d) As Class I milk if transferred in the form of milk or skim milk and as Class II milk if transferred in the form of cream to a nonpool plant located more than 100 miles from the marketing area.

§ 973.44 *Computation of milk in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler.

§ 973.45 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner: (1) Subtract from the pounds of skim milk in Class II the pounds of skim milk received from nonpool plants: *Provided*, That if the receipts from nonpool plants are greater than the pounds of skim milk remaining in Class II an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I; (2) subtract from the remaining pounds of skim milk in each class, respectively, the pounds of skim milk received from other pool plants in accordance with its classification as determined pursuant to § 973.43 (a); (3) if the total pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from Class II: *Provided*, That if the remaining pounds of skim milk in Class II are less than the amount to be subtracted, an amount equal to the difference shall be subtracted from Class I.

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine, respectively, the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 973.50 *Class prices.* Each handler shall, subject to the provisions of §§ 973.52 and 973.53, pay at the time and in the manner set forth in § 973.80 not less than the prices set forth in this paragraph per hundredweight of milk received during each delivery period at such handler's plant.

(a) *For Class I milk.* The price shall be the basic price determined pursuant to § 973.51 plus 50 cents during the delivery periods of January to June, inclusive; plus 70 cents during the delivery periods of July and December; plus 85 cents during the delivery periods of August to November, inclusive.

(b) *For Class II milk.* The price shall be that determined by the market administrator as follows: (1) Multiply by 4.24 the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period in which such milk was received; (2) multiply by 8.2 the average price of spray process nonfat dry milk solids for human consumption, in carlots f. o. b. manufacturing plants as reported for the Chicago area by the Department of Agriculture for the delivery period during which the milk was received; (3) add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph and (4) subtract 65 cents therefrom.

§ 973.51 *Basic prices.* The basic price to be used in determining the price per hundredweight of Class I milk shall be the price for Class II milk computed pursuant to § 973.50 (b) or that derived from either of the formulas set forth in paragraphs (a) and (b) of this section, whichever is the highest.

(a) The average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture;

Companies and Locations

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) (1) Multiply the average wholesale price per pound of 93-score butter at New York for said delivery period as reported by the Department of Agriculture by six (6); (2) add 2.4 times the weekly prevailing price of "Cheddars" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture; (3) divide the resulting sum by seven (7); (4) add 30 percent thereof; and (5) multiply the resulting sum by 3.5.

§ 973.52 *Location differential to handlers.* With respect to milk purchased or received at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul and which is classified as Class I milk, the price per hundredweight computed pursuant to § 973.50 (a) shall be reduced one cent for each full mile that such plant is more than 15 miles distant from such viaduct. Such deduction shall be based on the shortest highway distance from such pool plant as determined by the market administrator.

For purposes of this section the milk which is classified as Class I milk during each delivery period shall be considered to have been first that which was received from producers at such handler's pool plants located within the marketing area, and then that milk which was received from producers at such handler's other pool plants located nearest to the marketing area.

§ 973.53 *Butterfat differentials to handlers.* (a) If the average butterfat content of the milk disposed of by any handler as Class I milk is more or less than 3.5 percent, there shall be added to the Class I price per hundredweight computed pursuant to § 973.50 (a) for each one-tenth of 1 percent that the average butterfat content of such Class I milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class I milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 25 percent and divide the sum obtained by 10.

(b) If the average butterfat content of the milk disposed of by any handler as Class II milk is more or less than 3.5 percent, there shall be added to the Class II price per hundredweight computed pursuant to § 973.50 (b) for each one-tenth of 1 percent that the average butterfat content of such Class II milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class II milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 21.14 percent and divide the sum obtained by 10.

§ 973.54 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or for any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk or product associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *And provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 973.60 *Application to producer-handlers.* Sections 973.40 to 973.46, 973.50 to 973.54, 973.70 to 973.78, 973.80 to 973.84, and 973.90 to 973.92 shall not apply to the handling of milk by producer-handlers.

§ 973.61 *Producer-handlers.* Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 973.10, as of the effective date of this part, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing milk that affect their qualifications as producer-handlers; such verification by the market administrator shall be made within 15 days of the receipt of the evidence and shall be retroactive to the effective date of this part in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

§ 973.62 *Sales of milk by a producer-handler.* A producer-handler who sells or disposes of skim milk or butterfat in bulk in the form of whole milk to another handler or producer-handler shall be considered a producer with respect to such skim milk or butterfat.

§ 973.63 *Handlers who receive milk from two groups of producers.* In the case of a handler who is required by any health authority in the marketing area to separate his producers into two groups and to receive and handle separately the milk received from each group, the market administrator shall compute a uniform price for each group of producers in the manner provided in § 973.71, if the handler files separate reports for each group, and the milk is handled in such a manner and the records of the handler are so kept that the market administrator can verify the utilization of the milk received from each group.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 973.70 *Computation of the value of milk received from producers.* The value of the milk received directly from producers' farms during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class price and adding together the resulting amounts: *Provided*, That if any skim milk has been subtracted pursuant to § 973.45 (a) (3), or if any butterfat has been similarly subtracted, there shall be added to the above value an amount computed by multiplying the pounds of skim milk and butterfat so subtracted by the applicable class prices.

§ 973.71 *Computation of the uniform price for each handler.* The market administrator shall compute the uniform price per hundredweight for milk purchased or received directly from producers' farms during the delivery period by each handler as follows:

(a) To the value computed pursuant to § 973.70 add an amount equal to the total value of the location differentials computed pursuant to § 973.82.

(b) From the sum obtained in paragraph (a) of this section subtract, if the average butterfat content of all milk received by such handler directly from producers' farms is more than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 973.81 and multiply the result by the total hundredweight of milk received directly from producers' farms.

(c) Adjust the resulting sum by an amount representing the fraction used in adjusting the uniform price for the previous delivery period to the nearest cent.

(d) Divide the result by the total hundredweight of milk received directly from producers' farms.

(e) Adjust the resulting figure to the nearest cent. This shall be known as the uniform price per hundredweight for each handler for milk of 3.5 percent butterfat content delivered to the marketing area.

§ 973.72 *Announcement of class prices.* On or before the 6th day after the end of the delivery period the market administrator shall mail to all handlers and make public announcement of the class prices computed pursuant to § 973.50 and the butterfat differentials computed pursuant to § 973.53 and § 973.81.

§ 973.73 *Announcement of uniform prices.* On or before the 15th day after the end of each delivery period the market administrator shall notify each handler and make public announcement of the uniform prices computed pursuant to § 973.71.

PAYMENTS FOR MILK

§ 973.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 20th day after the end of the delivery period in which the milk was received, to each producer for milk not caused to be delivered directly from such producers' farms to such handler by a cooperative association, at not less than the uniform price computed pursuant to § 973.71, subject to the differentials set forth in §§ 973.81 and 973.82.

(b) On or before the 15th day after the end of the delivery period in which the milk was received, to a cooperative association for milk which it caused to be delivered directly from producers' farms to such handler and for which such cooperative association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to paragraph (a) of this section, and less the amount of the payment made pursuant to paragraph (d) of this section.

(c) On or before the 10th day after the end of the delivery period in which the skim milk or butterfat was received, to a cooperative association for skim milk or butterfat purchased or received from such cooperative association at not less than the class prices computed pursuant to § 973.50, subject to the differentials set forth in §§ 973.52 and 973.53, and less the amount of the payment made

pursuant to paragraph (d) of this section.

(d) On or before the 20th day of the delivery period in which such skim milk and butterfat was received, to a cooperative association, if it so requests, for skim milk and butterfat which was purchased or received from such cooperative association and for skim milk and butterfat which such cooperative association caused to be delivered directly from producers' farms to the plant of such handler during the first 15 days of such delivery period at the approximate value of such skim milk or butterfat.

§ 973.81 *Butterfat differential to producers.* If, during the delivery period, any handler has purchased or received from any producer, milk having an average butterfat content other than 3.5 percent, such handler in making the payment prescribed in § 973.80 (a) and (b) shall add to the uniform price per hundredweight payable to such producer for each one-tenth of 1 percent that the butterfat content in milk is above 3.5 percent not less than, or shall deduct from the uniform price per hundredweight for each one-tenth of 1 percent that the butterfat content in milk is below 3.5 percent not more than an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period, add 20 percent and divide the resulting sum by ten (10).

§ 973.82 *Location differential to producers.* In making payment pursuant to § 973.80 (a) and (b) for milk received from producers at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, each handler shall deduct from the uniform price payable to such producers an amount equal to one cent per hundredweight for each full mile that the plant where such milk was received is more than 15 miles distant from such viaduct.

§ 973.83 *Correction of errors in payments to producers.* Errors in making any of the payments prescribed in § 973.80 shall be corrected not later than the date for making payments next following the determination of such errors. Any correction affecting all producers delivering to any handler during the period in which such error occurred shall be corrected in such manner as the market administrator shall determine to be equitable, either by (a) adjustment of the account of each individual producer who delivered during such period on the basis of a recomputation of the price of such handler, or (b) by addition or subtraction of the amount of such correction to or from the value of all milk received by such handler in the delivery period during which such error was determined, computed as set forth in § 973.70.

§ 973.84 *Statement to producers.* In making the payments required by this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(a) The delivery period and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of the milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 973.80 and 973.83;

(d) The rate which is used in making the payment if such rate is other than the applicable minimum;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 973.91, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MISCELLANEOUS

§ 973.90 *Expense of administration.* As his prorata share of the expense of administration of this part each handler, with respect to all milk purchased or received directly from producers' farms (including such handler's own production) and which is disposed of as Class I milk during the delivery period, shall pay to the market administrator, on or before the 18th day after the end of such delivery period, 2 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe.

§ 973.91 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section each handler in making payments to producers (other than himself) pursuant to § 973.80 shall make a deduction of 2 cents per hundredweight or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk purchased or received directly from producers' farms during the delivery period and shall pay such deductions to the market administrator on or before the 18th day after the end of such delivery period. Such money shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk purchased or received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

§ 973.92 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information: (1) The amount of the obligation; (2) the month(s) during which the milk, with respect to which the obligation exists, was received or handled; and (3) if the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market adminstrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market adminstrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market adminstrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 9c (15) (A) of the act, a petition claiming such money.

§ 973.93 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

EFFECTIVE TIME, SUSPENSION, AND TERMINATION

§ 973.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 973.101.

§ 973.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 973.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate shall:

(a) Continue in such capacity until discharged by the Secretary;

(b) From time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(c) If so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 973.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

[F. R. Doc. 50-6996: Filed, Aug. 9, 1950; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 695]

HOME WORKERS IN INDUSTRIES IN THE VIRGIN ISLANDS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), that the Administrator of the Wage and Hour Division, U. S. Department of Labor, proposes to issue regulations relating to homeworkers in industries in the Virgin Islands, to read as hereinafter set forth. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, U. S. Department of Labor, Washington 25, D. C., or to the Territorial Director, Wage and Hour Division, U. S. Department of Labor, P. O. Box 3906, Santurce 29, Puerto Rico, within fifteen days from publication hereof in the FEDERAL REGISTER.

The regulations are to be issued pursuant to the authority contained in sections 6 (a) (2) and 11 (c) of the Fair Labor Standards Act of 1938, as amended (sec. 3 (f), 54 Stat. 616, as amended; sec. 11 (c), 52 Stat. 1066; 29 U. S. C. 206 (a) (2), 211 (c)),

Sec.
695.1 Applicability.
695.2 Definitions.
695.3 Filing and notification requirements.
695.4 Delivery and collection of goods.
695.5 Payment for work.
695.6 Records to be kept.
695.7 Maintenance of records.
695.8 Minimum piece rates prescribed by the Administrator.
695.9 Piece rates adopted by employers.
695.10 Penalties.
695.11 Petition for amendment of regulations.
695.12 Piece rates established in accordance with § 695.8.

AUTHORITY: §§ 695.1 to 695.12 issued under sec. 3 (f), 54 Stat. 616, as amended, sec. 11 (c), 52 Stat. 1066; 29 U. S. C. 206 (a) (2), 211 (c).

§ 695.1 *Applicability.* The provisions of this part shall apply to persons engaged in activities relating to home workers in the Virgin Islands.

§ 695.2 *Definitions.* The following words, terms, and phrases as used in this part shall have the meaning ascribed to them in this section except when the context clearly indicates a different meaning; provided, however, that the following definitions shall not be construed in any way to restrict the meaning of such words, terms, or phrases as are defined in section 3 of the Fair Labor Standards Act of 1938, as amended, hereinafter referred to as the act.[1]

(a) "Employer" includes any natural or artificial person, who, for his own account or benefit, or on behalf of any other person, directly or indirectly, through any other person:

(1) Delivers, or causes to be delivered, any goods to be processed or fabricated in or about a home and thereafter to be returned or thereafter to be disposed of or distributed in accordance with his directions; or

(2) Sells any goods for the purpose of having such goods processed or fabricated in or about a home and then rebuys such goods after such processing or fabricating, either himself or through some other person.

(3) Purchases any goods from a homeworker whom he suffers or permits to work, even though such homeworker has purchased the material used in the processing or fabrication of such goods from a source other than such employer.

(b) "Employ" includes to suffer or permit to work.

(c) "Home" includes any room, house, apartment, or other premises used regularly in whole or in part as a dwelling place.

(d) "Home worker" includes any employee performing in or about a home any operation on goods produced for commerce, provided that such work is not performed under either actively or personally regulated or supervised conditions.

(e) "Operation" means any work or any process other than the distribution of goods to or collection of goods from home workers.

§ 695.3 *Filing and notification requirements.* Every employer prior to the distribution of work to any home worker (or prior to the commencement of work by a homeworker, in cases where the homeworker purchases the raw materials) shall file with the Territorial Office of the Wage and Hour Division in Puerto Rico,

(a) A design, pattern, diagram, photograph, or sample of the product, together with such other description or illustration of the product as he, upon inquiry at the Wage and Hour Division in Puerto Rico, may be requested to submit; and

(b) A description in writing of each operation to be performed by any home worker, together with the full piece rate schedule designation, if any, prescribed in accordance with § 695.8, the corresponding piece rates to be paid for each such operation, and the style numbers, if any, of the goods upon which the operations are to be performed.

§ 695.4 *Delivery and collection of goods.* Where goods for production in a home are distributed to the homeworker by the employer, such goods shall be personally distributed to and collected from the home worker who is to work on the goods, either directly at the employer's principal office in the Virgin Islands or by employees expressly employed by the employer to distribute and collect such goods outside such principal office.

§ 695.5 *Payment for work.* When an employer receives goods on which work has been completed, he shall pay the home worker immediately for such work. Payment shall be made to each home worker at rates not less than those required under §§ 695.8 or 695.9, and in accordance with the requirements of sections 6 and 7 of the act.

[1] Sec. 3, 52 Stat. 1060; 29 U. S. C. 203.

§ 695.6 *Records to be kept.*[1] (a) Every employer shall make and have available at his principal office in the Virgin Islands a record of the following information:

(1) The name and address of each firm situated outside the Virgin Islands, if any, from whom the goods for delivery to a home worker were received.

(2) The name and address of each home worker, and the date of birth of each home worker under 19, to whom goods were delivered or from whom goods were purchased.

(3) The dates upon which goods were delivered to and collected from, or purchased from, each home worker.

(4) The style number, if any, description of, and amount of goods, the operations to be performed or performed thereon, together with the piece rates to be paid or paid and the net amount actually paid each home worker for the operations performed upon such goods.

(5) The date upon which each home worker was paid for operations performed on the goods.

(b) At the time work is given out to or received or purchased from a home worker, as the case may be, every employer shall enter the following information in the handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each home worker) which shall be kept by the home worker:

(1) The dates upon which goods were delivered to and collected from, or purchased from, the home worker.

(2) The style number, if any, description of, and amount of goods, the operations to be performed or performed thereon, together with the piece rate to be paid or paid and the net amount actually paid the home worker for the operations performed upon such goods.

(3) The date upon which the home worker was paid for operations performed on the goods.

(4) The signature of the person acting in behalf of the employer.

(c) No employer shall employ any home worker for more than 40 hours in any workweek unless, in addition to the records which he is required to keep pursuant to paragraphs (a) and (b) of this section, such employer makes and keeps available at his principal office in the Virgin Islands, and enters in the handbook of each such home worker, a record of the following information:

(1) The hours worked by the home worker on the goods in each lot of work delivered to the employer.

(2) The total hours worked each week.

(3) The wages paid the home worker each week at regular piece rates.

(4) The extra amount paid to the home worker for hours worked in excess of 40 in each week.

[1] Although responsibility for making the record is placed upon the employer, the actual work of doing so may be performed by supervisory or clerical employees, or other persons acting in behalf of the employer. No particular order or form of records is prescribed by the regulations contained in this part. The employer may keep his own record system, so long as he keeps all the required information available in understandable form.

§ 695.7 *Maintenance of records.* Every employer shall keep and preserve for a period of not less than three years at his place of business the records required above. All such records shall be open at any time to inspection and transcription by the Administrator or his authorized representative.

§ 695.8 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (2) of the act, each home worker shall be paid, in lieu of the applicable hourly rate established by wage order, not less than the piece rates prescribed in § 695.12 for the operations described therein.

§ 695.9 *Piece rates adopted by employers.* Pursuant to the provisions of section 6 (a) (5) of the act, in the event that a home worker is to perform an operation for which no minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid a piece rate adopted by the employer which shall yield to home workers of ordinary skill, under prevalent operating conditions and with equipment ordinarily found in homes, an amount not less than the applicable minimum hourly wage rate established by wage order. No employer shall adopt such a piece rate until he has first notified the Division of his intention to establish a rate for such operation, the rate fixed and the basis on which the piece rate has been computed. Such an employer piece rate shall be lawful only if it actually satisfies the requirements of this section, and such a rate shall remain in effect only until such time as the Administrator or his authorized representative, by regulation or order, establishes a minimum piece rate for such operation.

§ 695.10 *Penalties.* Section 15 of the act makes it unlawful for any person to violate the provisions of this part and subjects any such person to the penalties provided by section 16 and section 17 of the act.

§ 695.11 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of this part may submit in writing to the Administrator or his authorized representative a petition setting forth the changes desired, and the reasons for proposing them. If, upon inspection of the petition, the Administrator or his authorized representative believes that reasonable cause for amendment of this part is set forth, the Administrator or his authorized representative will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes.

§ 695.12 *Piece rates established in accordance with § 695.8.*

Schedule A—Piece Rate Schedule for the Hand-Made Art Linen Industry in the Virgin Islands.
(Hand-embroidery operations)

Design No.	Description of design	Piece rate per unit (cents)
1	Native Woman No. 1—Woman carrying tray of fruit on head, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 1, filed with the Wage and Hour Division. Size: 1" high, 5/8" at base.	10.5
2	Native Woman No. 2—Woman carrying tray of fruit on head, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 2, filed with the Wage and Hour Division. Size: 1 3/16" high, 1 3/16" at base.	12.7
3	Native Woman No. 3—Woman carrying tray of fruit on head, palm tree with 2 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 3, filed with the Wage and Hour Division. Size: 2" high, 2 1/16" at base.	16.8
4	Native Women No. 4—Woman carrying tray of fruit on head, 2 palm trees, each with 3 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 4, filed with the Wage and Hour Division. Size: 3 3/4" high, 6 1/4" at base.	72.9
5	Palm Tree No. 1—Palm tree, 6 leaves, 2 small fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 5, filed with the Wage and Hour Division. Size: 1 5/8" high, 1 1/4" at base.	11.8
6	Palm Tree No. 2—Palm tree, 8 leaves, 2 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 6, filed with the Wage and Hour Division. Size: 2 1/2" high, 1 3/8" at base.	13.9
7	Palm Tree No. 3—Palm tree, 8 leaves, 2 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 7, filed with the Wage and Hour Division. Size: 3 3/4" high, 2 1/2" at base.	21.4
8	Donkey and Rider No. 1—Boy riding donkey, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 8, filed with the Wage and Hour Division. Size: 1 5/8" high, 1 3/4" at base.	12.4
9	Donkey and Rider No. 2—Boy riding donkey, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 9 filed with the Wage and Hour Division. Size: 1 1/2" high, 1 3/4" at base.	17.4
10	Donkey and Rider No. 3—Boy riding donkey, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 10, filed with the Wage and Hour Division. Size: 2 1/8" high, 2 1/2" at base.	21.4
11	Donkey and Boy No. 1—Boy leading donkey, man carrying bundle of bananas, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 11, filed with the Wage and Hour Division. Size: 2" high, 1 3/4" at base.	18.1
12	Donkey and Boy No. 2—Boy leading donkey, man carrying bundle of bananas; palm tree, embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 12, filed with the Wage and Hour Division. Size: 2 3/4" high, 2 3/4" at base.	21.3
13	Bluebeard Castle No. 1—Castle in shape of tower, 4 windows, door, flag, and 2 palm trees; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 13, filed with the Wage and Hour Division. Size: 1 3/8" high, 1 3/8" wide.	16.1
14	Bluebeard Castle No. 2—Castle in shape of tower, 4 windows, door, flag, 1 large and 2 small palm trees; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 14, filed with the Wage and Hour Division. Size: 2 3/4" high, 2 3/4" wide.	21.3
15	Bluebeard Castle No. 3—Castle in shape of tower, 4 windows, door, flag, 2 large and 3 small palm trees, 2 banana plants; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 15, filed with the Wage and Hour Division. Size: 4 1/2" high, 6 1/4" wide.	53.0

Signed at Washington, D. C., this 4th day of August 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50-6986; Filed, Aug. 9, 1950; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 2]

[Docket No. 9748]

USE OF GOVERNMENT FREQUENCIES BY NON-GOVERNMENT STATIONS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rulemaking in the above entitled matter.

2. It is proposed to amend § 2.103 by adding the following paragraph:

(c) The use of frequencies allocated exclusively to Government stations in columns 5 and 6 of § 2.104 (a) may be authorized to non-Government stations in those instances where the Commission finds, after consultation with the appropriate Government agency or agencies, that such assignment is necessary for intercommunication with Government stations or where such use by non-Government stations is required for coordination with Government activities.

3. The proposed revision of Part 2 is issued under authority of section 303 (c), (d), (e), (f), and (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed changes should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before Sept. 15, 1950, a written statement or brief setting forth his comments. The Commission will consider all comments that are received before taking final action in this matter, and if any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: August 2, 1950.

Released: August 3, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6989; Filed, Aug. 9, 1950; 8:49 a. m.]

[47 CFR, Part 20]

[Docket No. 9749]

DISASTER COMMUNICATIONS SERVICE

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. On June 5 and 6, 1950, the Commission in accordance with its Public Notices of March 23 and June 1, 1950 (FCC 50-382 and FCC 50-705), held an informal public conference to plan the establishment of a new Disaster Communications Service. That conference discussed the principles that should be covered in such rules as might eventually be adopted to govern a Disaster Communications Service. The subsequent pressure of recent world events makes the early establishment of such a service both highly desirable and necessary. Accordingly, the Commission has accelerated the preparation of proposed rules based on the data obtained at the conference. Because of the urgency of the matter, comments of all interested parties both as to substance and form are earnestly requested.

3. The proposed rules which are set forth in the attached appendix are issued under the authority of sections 4 (i), 301 and 303 of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed rules should not be adopted, or should not be adopted in the manner set forth below, may file with the Commission on or before September 15, 1950, a statement or brief setting forth his comments. At the same time, persons favoring the rules may file statements in support thereof. The Commission will consider all such comments that are presented before taking action in the matter, and if any comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and six copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: August 2, 1950.

Released: August 3, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

PART 20—DISASTER COMMUNICATIONS SERVICE

§ 20.1 *Basis and purpose.* (a) The basis for the rules in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses to stations.

(b) The purpose of the rules in this part is to make provision for the authorization of radio stations to operate in a Disaster Communications Service. These stations will provide communications in connection with disasters and other incidents involving loss of communications facilities normally available or demanding the temporary establishment of communications facilities beyond those normally available. As used in this part, the term "disaster and other incidents" means an occurrence of such a nature as to involve the health or safety of a community or larger area and shall include, but not be limited to, floods, earthquakes, hurricanes, explosions, and consequences of armed attack.

§ 20.2 *Scope of service.* (a) Stations operating in this service are authorized to transmit and receive only disaster communications as set forth in § 20.5 for:

(1) Liaison purposes between individual or network stations handling disaster communications on their own regularly assigned service frequencies; or

(2) Direct operation of Disaster Communications Service networks having no other frequencies available or none satisfactory for the distances to be covered.

(b) Payment in any form for handling any communications in this service is prohibited: *Provided, however,* That the utilization of persons on a salary basis in connection with the service is permitted.

§ 20.3 *Disaster station defined.* Any government or non-government radio station able to function as a fixed, land, or mobile station and authorized, if government by its controlling federal government agency or if non-government by the Federal Communications Commission, to operate in the Disaster Communications Service.

§ 20.4 *Activation and points of communication.* (a) All stations in the Disaster Communications Service are authorized to communicate with one another only when competent local authority:

(1) Determines that a pending or actual disaster warrants their activation, or

(2) Schedules training operations, practice drills, or tests to keep the networks and associated stations alert and the frequencies in use.

(b) Competent local authority is defined as meaning that authority within a community or larger area which is so designated in the coordinated disaster communications plan for the area concerned. In the absence of a specific authority named in the plan, the individual in charge of the net control station, or his representative, for the local Disaster Communications Service net established in accordance with the disaster plan shall be considered as competent local authority for activating the net. Nothing in this paragraph shall be deemed to preclude any station from using the Scene of Disaster Frequency at any time the safety of life and property are in danger as a result of a disaster as that term is defined in § 20.1 (b).

§ 20.5 *Disaster communications defined.* Disaster communications shall comprise only the following: (a) Communications when there is no impending or actual disaster.

(1) Necessary drills and tests to insure the establishment and maintenance of efficient networks of disaster stations. These drills and tests may include the pre-arranged exchange of communications by stations of established networks with stations outside any established network provided that the purpose of such exchange is to provide training and practice in the establishment and maintenance of liaison and coordination between such network and non-network stations

(b) Communications when there is an impending or actual disaster, the order of priority to be descending in the order named:

(1) Communications directly concerning:

(i) The activation of a disaster network, or

(ii) The establishment and maintenance of liaison and coordination between:

(a) The stations of one network and the stations of any other network,

(b) Any network station and any non-network station of any agency possessed of its own system of radiocommunication which is actually engaged in averting or overcoming the effects of the disaster, or

(c) Any non-network station of one agency possessed of radiocommunication which is actually engaged in averting or overcoming the effects of the disaster and any non-network station of any other agency possessed of its own system of radiocommunication which is actually engaged in averting or overcoming the effects of the disaster.

(2) Communications directly concerning the conduct of service by an activated disaster network.

(3) Communications directly concerning safety of life, preservation of property, or maintenance of law and order by authorized government agencies.

(4) Communications directly concerning the accumulation and dissemination of public information regarding safety of life, preservation of property, or maintenance of law and order by authorized government agencies.

(5) Communications directly concerning the transaction of business.

(6) Communications directly concerning personal matters not included in any of the foregoing categories.

§ 20.6 *Eligibility.* (a) Authorizations to operate in the Disaster Communications Service will be issued to any person eligible under the Communications Act of 1934, as amended, provided the station or proposed station will operate as an element of a disaster communications network set up under a locally coordinated disaster plan.

(b) If the station to be operated in the service is a United States Government station, the authority to so operate will be granted by the appropriate United States Government agency concerned.

§ 20.7 *Organization of networks.* Local disaster communications networks shall be organized by whatever local group or groups of people may be interested in providing such a service. In any particular area there may be several networks and each network may be independent of the others. Wherever there are several networks in the same area, however, they will all share the available frequencies in an efficient and orderly manner, under a single coordinated disaster communication plan. Any particular network shall be organized and set up along such lines and include the making of such written records that an inspection of the network will show that there is in fact a local disaster network of definitely identified stations with appropriate leadership and rules for self-government and operating procedure that will tend to assure an orderly and reasonably efficient service. The various networks in different areas shall establish proper liaison arrangements so that in case of need they can all work together under a coordinated inter-area plan.

§ 20.8 *Specific frequencies, emission, power.* (a) Within the band 1750–1800 kc., disaster stations shall be limited to their choice of the following specific frequencies with the specific type of emission indicated: (Selection and use of frequencies shall be in accordance with a coordinated local area and adjacent area disaster communication plan)

(1) *C.' channels* (15–1.0 kc. channels):
1. 1750–1751 kc., 1.0A1 (1750.5 kc. center).
2. 1751–1752 kc., 1.0A1 (1751.5 kc. center).
3. 1752–1753 kc., 1.0A1 (1752.5 kc. center).
4. 1753–1754 kc., 1.0A1 (1753.5 kc. center).
5. 1754–1755 kc., 1.0A1 (1754.5 kc. center).
6. 1755–1756 kc., 1.0A1 (1755.5 kc. center).
7. 1756–1757 kc., 1.0A1 (1756.5 kc. center).
8. 1757–1758 kc., 1.0A1 (1757.5 kc. center).
9. 1758–1759 kc., 1.0A1 (1758.5 kc. center).
10. 1759–1760 kc., 1.0A1 (1759.5 kc. center).
11. 1760–1761 kc. 1.0A1 (1760.5 kc. center).
12. 1761–1762 kc., 1.0A1 (1761.5 kc. center).
13. 1762–1763 kc., 1.0A1 (1762.5 kc. center).
14. 1763–1764 kc., 1.0A1 (1763.5 kc. center).
15. 1764–1765 kc., 1.0A1 (1764.5 kc. center).

(2) *Scene of disaster channel* (1–7 kc. channel): S. O. D. 1765–1772 kc., 2.5A1 or 7A3 (1768.5 kc. center).

(3) *Phone channels* (4–7 kc. channels):
1. 1772–1779 kc., 7A3 (1775.5 kc. center).
2. 1779–1786 kc., 7A3 (1782.5 kc. center).
3. 1786–1793 kc., 7A3 (1789.5 kc. center).
4. 1793–1800 kc., 7A3 (1796.5 kc. center).

(b) For purpose of demonstrating compliance with paragraph (a) of this section, the following limits apply:

(1) Any emission appearing on any frequency, removed from the carrier frequency by at least 50 percent, but not more than 100 percent, of the maximum authorized bandwidth shall be attenuated not less than 25 db below the unmodulated carrier.

(2) Any spurious or harmonic emission appearing on any frequency removed from the carrier frequency by at least 100 percent of the maximum authorized bandwidth shall be attenuated below the unmodulated carrier by not less than the amount indicated in the following table:

Maximum authorized plate power input to the final radio frequency stage:	Attenuation (db)
3 watts or less	40
Over 3 watts and including 150 watts	60
Over 150 watts and including 600 watts	70
Over 600 watts	80

(c) When an authorized emission results in harmful interference, the Commission may, in its discretion, require appropriate technical changes in equipment to alleviate the interference.

(d) The carrier frequency of each authorized transmitter in these services shall be maintained within 0.005 percent of the assigned frequency.

(e) The transmitting equipment in a radio station in the disaster communications service shall be adjusted in such a manner as to produce the minimum radiation necessary to carry out the communication desired when such station is sending radio communications or signals of disaster and radio communications relating thereto.

§ 20.9 *Operator requirements.* Any amateur radio operator license issued by the Federal Communications Commission authorizing operation of an amateur station in the amateur segments of the 1800–2000 kc. band qualifies the holder of such license to operate an authorized Disaster Station in the 1750–1800 kc. band, in accordance with these rules. Any commercial radio operator license qualifies its holder to operate authorized Disaster Stations under these rules to the extent that the same method of operation is permitted in any other service in which the commercial license can normally be used. All transmitter adjustments or tests during or coincident with the installation, servicing or maintenance of a disaster station which may affect its proper operation shall be made by or under the immediate supervision and responsibility of a person holding the above-type amateur operator license or the holder of either a first or second class commercial radio operator license which authorizes adjustments and repair to the type of equipment being used in the Disaster Communication Service, in accordance with the type of emission being employed.

§ 20.10 *Station applications, licenses, and authorizations.* (a) An application for authorization to operate, in the Disaster Communications Service, a radio station already licensed in a different service shall be submitted as a notarized letter directly to the Secretary, Federal Communications Commission, Washington 25 D. C. Such letter shall describe in detail the applicant's eligibility under § 20.7, and shall be supported by an attached certified copy of the locally coordinated disaster communication plan, or if already submitted shall include a reference to it in the application letter.

(b) An application (by an applicant not presently licensed in another radio service) for license to operate a radio station in the Disaster Communications Service only, shall be submitted as indicated in paragraph (a) of this section for an authorization, and shall be accompanied by an application for a radio station construction permit (FCC Forms Nos. 401 and 401a).

§ 20.11 *Term of station authorizations and licenses.* (a) Authorizations to operate in the Disaster Communications Service for stations already licensed in other services will be issued, upon satisfactory application, for a term concurrent with the present station licenses.

(b) Licenses for new stations to operate in this service only, will be issued upon application on FCC Form 403, after completion of construction or installation in accordance with the terms and conditions set forth in the construction permit. Such licenses normally will be issued for an original term of from one to four years, as the Commission may determine in each case, to permit the orderly scheduling of renewals, and for a renewal term of four years.

§ 20.12 *Station identification.* (a) Call signs. Radio stations licensed in a service other than the Disaster Communications Service shall identify their transmissions in the Disaster Communications Service by using the regular station call signs assigned to them for the service in which they normally operate. Radio stations licensed only in the Disaster Communications Service shall use a special call sign assigned to them for that service.

(b) Use of call signs. Each station shall transmit the call sign of the station being called followed by its own call sign at the beginning of each series of communications with the called station, at least once each fifteen minutes of such operation, and when signing off communication with the called station. One-way transmissions intended for several Disaster Communications Stations shall be identified in the same manner except that a general call or group name may be used in place of the call signs of the several stations intended to receive the transmission. Test transmissions of a station tuning up or making adjustments with a signal on the air must be identified by announcement of its sign at the beginning and end of the test period and each two minutes of that period.

§ 20.13 *Equipment requirements.* (a) Frequencies, types of emission, bandwidth limitations, frequency tolerance and power are specified in § 20.8.

(b) Transmitting equipment shall include specific means for practicable limitations of emissions to the frequency channel being employed.

(c) When the radio frequency carrier of a station in the Disaster Communications Service is amplitude modulated, such modulation shall not exceed 100 percent on negative peaks.

§ 20.14 *Radio station log.* The licensee of each radio station authorized to operate in the Disaster Communications Service shall keep a log of all operations in the 1750–1800 kc band which shall include the following:

(a) Name and address of the disaster station licensee or authorization holder, station call sign used in the disaster service, disaster station authorization date and number, and d. c. plate power input to the r. f. tube or tubes supplying power to the antenna system. This information need be entered only once in the log unless there is a change in any of the above items. Each change shall be entered with the date the change is made.

(b) Date and time of beginning and end of each period during which the disaster station is manned.

(c) Signature of each licensed operator who manipulates the key of a manually operated radiotelegraph transmitter or the signature of each licensed operator who operates a transmitter using any other type of emission, and the name (or signature) of any person not holding a radio operator license who transmits by voice. The signature of the operator shall be entered with the date and time at both the beginning and end of each period during which he is manning the controls of the disaster station and at least once on each page additional to the first page covering the period for which he is the responsible operator. The signature of any additional operator who operates the station during the regular watch of another operator shall be entered in the proper space for that additional operator's transmissions.

(d) Upon completion of each period of operation for drill, training, or liaison purposes and each period of operation in connection with an imminent or actual disaster, there shall be entered in the log a summary of such operation describing its nature and giving pertinent details.

(e) There shall be no erasures, obliteration or destruction of any part of the disaster station log. Corrections shall be made by striking out erroneous portions and initialling and dating the correction.

§ 20.15 *Availability of station license or authorization and operator licenses.* (a) The station license or authorization for a radio station in the Disaster Communications Service, or photo copy thereof, shall be permanently attached to the transmitter if the transmitter is readily accessible, or permanently posted at the transmitter control position.

(b) The original radio operator license or license verification card of the operator controlling the emissions of a station in the Disaster Communications Service shall be carried on his person, or kept immediately available at the place where he is operating the disaster station.

[F. R. Doc. 50–6988; Filed, Aug. 9, 1950; 8:49 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 17]

BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSED RULE MAKING

Correction

In F. R. Doc. 50–6921, appearing at page 5102 of the issue for Tuesday, August 8, 1950, the 22d line of paragraph 6 of the Findings of fact should read: "ylated tartaric acid assumed, but did".

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION NO. 29

AUGUST 2, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify, as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682 (a)), as amended, the following described public lands in the Anchorage, Alaska land district, embracing approximately 99.5 acres:

FOR LEASING AND SALE

FOR HOME AND CABIN SITES

T. 17 N., R. 3 W., Seward Meridian
Section 20: W½SW¼NE¼NE¼.
Lot 4
Lot 5, that portion if described in terms of a normal subdivision would be: W½SW¼NE¼SE¼, N½N½NE¼SE¼, and SW¼NW¼NE¼SE¼.
Lot 6
Lot 7, that portion if described in terms of a normal subdivision would be: NE¼SW¼ and E½SE¼SW¼

2. The lands are located on the northeast shore of Big Lake, approximately fifteen miles west of Wasilla, Alaska. The land is accessible by seaplane or by boat from an airfield and a road terminal at the east end of the lake. No public facilities are obtainable in the area at the present time. The climate is a favorable combination of the temperate coastal climate of south-central Alaska and the extreme continental climate typical of the interior of Alaska. The winter is typically long and moderately cold, and the summer short and fairly warm.

3. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR Part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to this classification, and (b) are of the type of site for which the lands subject thereunder have been classified. As to such applications, this order shall become effective upon the date which it is signed.

4. As to the lands not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on August 22, 1950. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for other preference-right filings.* For a period of 90 days from 10:00 a. m. on August 22, 1950, to close of business on November 20, 1950, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference

rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on August 2, 1950, or thereafter, up to and including 10:00 a. m. on August 22, 1950, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on November 21, 1950, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference-right filings.* Applications under the Small Tract Act by the general public filed on November 1, 1950, or thereafter, up to and including 10:00 a. m. on November 21, 1950, shall be treated as simultaneously filed.

5. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications referred to in paragraph 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than five years, at an annual rental of $5.00 for home and cabin sites, payable in advance for the entire lease period. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

8. All of the land will be leased in tracts varying in size from approximately 3 acres to 7.5 acres, in accordance with the classification map on file in the Land Office, Anchorage, Alaska. The tracts where possible are made to conform in description with the rectangular system of survey, in compact units.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, or as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-6968; Filed, Aug. 9, 1950; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

PROCEDURE FOR THE CONDUCT OF REFERENDA AMONG PRODUCERS IN CONNECTION WITH MARKETING ORDERS (EXCEPT THOSE APPLICABLE TO MILK AND ITS PRODUCTS) TO BECOME EFFECTIVE PURSUANT TO THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937, AS AMENDED

Unless otherwise prescribed by the Secretary of Agriculture, the following procedure will be applicable to each producer referendum conducted for the purpose of ascertaining whether the issuance by the Secretary of a marketing order or amendment thereto (except marketing orders and amendments applicable to milk and its products) is approved or favored, as required under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.):

(a) For the purpose of such referendum:

(1) "Producer" means any individual, partnership, corporation, association, or other business unit who or which: (i) Owns and farms land, resulting in his or its ownership of the commodity produced thereon; (ii) rents and farms land, resulting in his or its ownership of all or a portion of the commodity produced thereon; or (iii) owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the commodity produced thereon. Ownership of, or leasehold interest in, land and the acquisition, in any manner other than as hereinbefore set forth, of legal title to the commodity grown thereon shall not be deemed to result in such owners or lessees becoming producers. For the purpose of this definition, the term "partnership" shall be deemed to include a husband and wife with respect to land the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property.

(2) Each producer shall be entitled to only one vote in such referendum, except that: (i) In a landlord-tenant relationship, wherein each of the parties is a producer, each such producer shall be entitled to one vote in the referendum; and (ii) a cooperative association of producers, bona fide engaged in marketing the commodity or product thereof proposed to be regulated, or in rendering services for or advancing the interests of the producers of such commodity or product, may, if it elects to do so, vote for the producers who are members of, stockholders in, or under contract with such association. Each ballot cast by, or on behalf of, a producer shall reflect the total volume of the commodity of which he or it was the producer during the representative period determined by the Secretary.

(3) Any individual casting a ballot in such referendum on behalf of a producer shall submit, with the ballot, evidence of his authority to cast such ballot, which evidence in the case of a corporation or cooperative association shall be in the form of a certified copy of a resolution of the Board of Directors.

(b) The agents designated by the Secretary to conduct any such referendum shall perform their functions subject to, and at the direction of, the Director of the Fruit and Vegetable Branch, Production and Marketing Administration.

(c) Such agents shall:

(1) Conduct the referendum in the manner herein prescribed, by giving an opportunity to producers, who, during the representative period determined by the Secretary, have been engaged, within the specified production area, in the production for market of the commodity specified, to cast their ballots relative to the issuance of such order or amendment.

(2) Determine the time of commencement and termination of the period of the referendum, and the time prior to which all ballots must be cast.

(3) Determine whether ballots may be cast by mail, at polling places, at meetings of producers, or by any combination of the foregoing.

(4) Give reasonable advance notice of the referendum (i) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the production area, announcing the dates, places, methods of voting, eligibility requirements, and other pertinent information, and (ii) by such other means as said agents may deem advisable.

(5) Make available to producers and the aforesaid cooperative associations copies of the text of the proposed order or amendment, instructions on voting, and appropriate ballot and other necessary forms.

(6) In the event such agents determine that ballots may be cast by mail, cause all the material specified in paragraph (b) (5) hereof to be mailed to each such cooperative association and each such producer whose name and address is known.

(7) In the event such agents determine that ballots may be cast at polling places, determine the necessary number of polling places, and designate and announce such polling places and the hours during which each such polling place will be open: *Provided*, That all such polling places shall remain open at least four (4) consecutive daylight hours during each day announced.

(8) In the event such agents determine that ballots may be cast at meetings of producers, determine the necessary number of meeting places, and designate and announce such meeting places, and the time of each such meeting.

(d) Said agents may appoint any person or persons deemed necessary or desirable to assist said agents in performing their functions hereunder. Each person so appointed may be authorized by said agents to perform, in accordance with the requirements herein set forth, any or all of the following functions (which, in the absence of such appointment of subagents, shall be performed by said agents):

(1) Give public notice of the referendum in the manner specified herein;

(2) Preside at a meeting of producers or as poll officer at a polling place;

(3) Distribute ballots and the aforesaid texts to producers and receive any ballots which are cast; and

(4) Obtain the name and address of each person receiving or casting a ballot and inquire into the eligibility of such person to vote in the referendum.

(e) Said agents and their appointees shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, or if a ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefor, and the results of any investigations made with respect thereto.

(f) At the conclusion of the referendum, the agents shall prepare for, and submit to, the Fruit and Vegetable Branch the following:

(1) All ballots received by the agents and appointees, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and received by such persons during the referendum period;

(2) A list of all challenged ballots; and

(3) A detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

(g) The Director, Fruit and Vegetable Branch, may designate any of the said agents to serve as an agent-in-charge to receive the material specified in paragraph (f) hereof. Each such agent-in-charge shall canvass the ballots and list them. The original tabulation shall then be forwarded, together with the ballots and other required documents, to the Director, Fruit and Vegetable Branch.

(h) The Fruit and Vegetable Branch thereafter shall prepare and submit to the Secretary a report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(i) All ballots shall be treated as confidential; and the contents of ballots shall not be divulged except as provided herein or as the Secretary may direct.

(j) The Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by said referendum agents and appointees in conducting said referendum.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 7th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6992; Filed, Aug. 9, 1950; 8:50 a. m.]

PROCEDURE FOR THE CONDUCT OF REFERENDA TO DETERMINE PRODUCER APPROVAL OF MILK MARKETING ORDERS TO BE MADE EFFECTIVE PURSUANT TO THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937 AS AMENDED

Unless otherwise prescribed by the Secretary of Agriculture, the following procedure will be applicable to each producer referendum conducted for the purpose of ascertaining whether the issuance by the Secretary of a marketing order or amendment thereto with respect to the handling of milk in a specified marketing area is approved or favored, as required under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

1. The agent (or agents) to conduct the referendum shall be designated by the Secretary of Agriculture or his duly authorized representative.

2. Each producer, as defined in the order or amendment with respect to which the referendum is to be conducted, who, during the representative period determined by the Secretary, was engaged in the production of milk for sale in the marketing area, shall be entitled to one vote in any such referendum: *Provided*, That no person who alleges that during all or any part of the representative period he was a producer as defined in the order or amendment shall be refused a ballot: *And provided further*, That any cooperative association of producers which the Director of the Dairy Branch has found to be qualified to express approval or disapproval on behalf of its producers pursuant to section 8c (12) of the Agricultural Marketing Agreement Act of 1937, as amended, may, if it elects to do so, cast its vote for the producers who are members of, or stockholders in, or under contract with, such association.

3. Any cooperative association of producers, which has not previously been determined by the Director of the Dairy Branch to be qualified to express approval or disapproval on behalf of the producers who are members of, stockholders in, or under contract with, such association, and desires to obtain such qualification, shall, at least five days prior to the time of the referendum, make application to the Director of the Dairy Branch for the required determination. Copies of the association's articles of incorporation, by-laws and membership contracts must accompany such application.

4. Subject to direction of the Director of the Dairy Branch, Production and Marketing Administration, the referendum agent shall perform the following functions in connection with such referendum:

(a) Ascertain the names of all producers eligible to vote.

(b) Ascertain whether any qualified cooperative association desires to cast a ballot on behalf of its eligible producers. If it does,

(1) Verify the names of all of such association's eligible producers and make a record of all duplications of names (names appearing on more than one verified association list) without attempting to judge, as to which association the person legally belongs. Special inquiry should be made to determine whether any producer shown on more than one association list has taken action to withdraw from either association.

(c) If the referendum agent has knowledge of any other producer association which might claim the right to vote its producers, he should notify it in writing of the requirements set forth in section 3 hereof. The referendum agent should also request from the association a certified list of producers who are members of, stockholders in, or under contract with such association, and should advise such association that refusal or failure to comply with the provisions of section 3 hereof, and to permit an immediate verification of the certified list of producers will be regarded as an indication of its desire to waive the right to vote on behalf of its producers.

(d) Referendum conducted by mail. At least three days prior to the time of the referendum

(1) Mail to the chairman of the board of directors of each qualified cooperative association electing to vote its producers, copies of the order or amendment under consideration, enclosing a ballot, notice as to the time prior to which all ballots must be cast, and an addressed envelope for the return of the ballot. The chairman should be instructed that the association's ballot must be accompanied by a certified copy of the resolution of the board of directors authorizing the casting of the ballot;

(2) Mail to each producer who does not appear to be a member of any qualified cooperative association voting in the referendum, a copy of the order or amendment under consideration, a ballot, a letter of instructions for casting the ballot (including notice as to the time prior to which the ballot must be cast), and an addressed envelope for the return of the ballot.

(3) On the day the ballots are mailed to producers, present to the daily newspapers generally distributed throughout the area, to the radio stations serving the area, and to all county agents and PMA county committees within the milkshed, a statement setting forth notice of the referendum, of the mailing of ballots to all known producers, of the final date for the return of the ballots, and of the time and places where eligible producers who have failed to receive the voting materials described in paragraph (d) hereof, may obtain the same. The aforementioned notice should also be given at the same time by such other means as the referendum agent may deem desirable, including paid advertising in daily newspapers.

(e) Referendum conducted at polling places or at meetings of producers.

(1) Designate the polling or meeting places, the day for the referendum, and the time of such meetings or the hours during which such polling places shall be open and closed: *Provided*, That all polling places shall remain open not less than four hours during such day.

(2) Give notice of the day, places, and hours of polling or time of meetings by (i) issuing a statement to the press and to the radio stations serving the area, giving such information; (ii) posting a copy of such statement at each polling or meeting place at least one day prior to the date of balloting; (iii) mailing to all county agents and to all PMA county committees within the milkshed copies of the order or amendment thereto, on which the referendum is to be conducted, together with the notice of the date, places, and hours of polling or meetings; (iv) mailing at least three days prior to the date of the referendum, to each qualified cooperative association voting on behalf of its producers, and to each eligible producer whose name does not appear on the certified list of such association's producers, a letter giving notice of the date, places, and hours of polling, and enclosing a copy of the order or amendment thereto; and (v) such other means as the referendum agent may deem desirable, including paid advertising in daily newspapers.

(3) Appoint the person or persons who shall be in charge of each polling place, or who shall preside at such meetings and instruct all such officers as to the conduct of the referendum and the manner of transmittal of the ballots. Each person so appointed shall serve without compensation.

(4) Personally supervise the counting and tabulation of all ballots cast.

(f) During the period within which the referendum is to be conducted, present to each handler defined in the order or amendment, a copy of the marketing agreement, containing identical terms, for his signature.

(g) Unless otherwise directed, the referendum shall be completed on or before the 15th day from the date on which the Secretary signs an order directing that a referendum be conducted. All ballots cast shall be treated as confidential and the contents thereof shall be divulged only to the Secretary or to such other persons as the Secretary may direct. The referendum agent shall make no public announcement of, and shall not discuss with any interested person the results of the referendum prior to the official announcement of such results by the Secretary.

(h) Upon receiving the ballots submitted within the specified time for the casting of ballots, tabulate such ballots in a manner which will show the total number of ballots mailed to producers, the number of producers voting in the referendum, the number of producers favoring and the number opposed to the issuance of the order or amendment, and the number of producers whose ballots were disqualified. (If, in checking the ballots, it is found that any ballots were cast by persons who were not producers during the representative period, such ballot shall be disqualified. Likewise, if a ballot is cast by any person whose name appears on the list of producers on whose behalf a qualified cooperative association is voting, such ballot shall be disqualified.)

(i) In the event a poll is also being taken with respect to the inclusion of an individual handler pool provision in the order or amendment, a separate tabulation should be made of the number of producers opposed to or in favor of such a provision, and the number of producers whose ballots were disqualified. The results should be reported separately to the Secretary at the same time that the results of the vote on the issuance of the order or amendment are reported.

(j) Within 2 days after the close of the referendum, transmit to the Secretary, for the attention of the Director of the Dairy Branch, a complete detailed report of all action taken in connection therewith, together with all of the ballots received. A copy of each statement as it appeared in each newspaper shall also be transmitted with the report of the referendum.

5. The Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe the type of referendum to be conducted and to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by said referendum agent and appointees in conducting said referendum.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 7th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6993; Filed, Aug. 9, 1950; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Regulations, Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportwear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR, 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 359)).

Alabama Textile Products Corp., Brantley, Ala., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (work shirts).

Angela Frock, 159 Oak Street, Browntown, Pa., effective 7-24-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Anthracite Shirt Co., 1 South Franklin Street, Shamokin, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dress shirts, etc.).

Blue Bell, Inc., 626 South Elm Street, Greensboro, N. C., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (overalls, denim jackets).

Blue Bell, Inc., Shenandoah, Va., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dungarees).

Blue Bell, Inc., Mt. Jackson, Va., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dungarees).

Blue Bell, Inc., Madison, Va., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dungarees).

Blue Bell, Inc., Luray, Va., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dungarees).

Blue Bell, Inc., Elkton, Va., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dungarees).

Blue Bell, Inc., Abingdon, Ill., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (overalls).

Braeburn Manufacturing Co., 65 Bedford Street, Boston, Mass., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's rainwear and sportswear).

Bridge Sewing Co., Union Bridge, Md., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's pajamas).

Brownstown Manufacturing Co., Brownstown, Pa., effective 7-29-50 to 3-31-51; 10 percent normal labor turnover (ladies underwear).

Carolyn's Fashions, Inc., Route 3, Moscow, Pa., effective 7-24-50 to 3-31-51; 10 percent normal labor turnover (ladies blouses, etc.).

Lee Champion Garment Co., Inc., 900 LaGarde Avenue, Anniston, Ala., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (trousers).

The Cleveland Overall Co., 1768 East 25th Street, Cleveland, Ohio, effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (work shirts and pants).

Condor-Murphy, Inc., Mount Holly Springs, Pa., effective 7-24-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Connellsville Sportswear Co., Connellsville, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (pants).

Connellsville Sportswear Co., Connellsville, Pa., effective 7-26-50 to 3-31-51; 15 learners for expansion purposes (pants).

D & D Sewing Co., Delta (York County), Pa., effective 7-24-50 to 3-31-51; 10 percent normal labor turnover (infants' and children's outerwear).

De Vare Dress Co., 26 Brand Avenue, Clementon, N. J., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

The Douglas Corp., Box 366, Douglas, Ga., effective 7-26-50 to 3-31-51; 10 learners for expansion purposes (overalls and dungarees).

The Douglas Corp., Box 366, Douglas, Ga., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (overalls and dungarees).

Duti-Duds, Inc., 1117 Clay Street, Lynchburg, Va., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (ladies and maids uniforms).

Economy Blouse Co., 94 Sawyer Street, New Bedford, Mass., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dress shirts).

Elder Manufacturing Co., Bloomfield, Mo., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (pants).

Empire Manufacturing Corp., Statesville, N. C., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (hunting clothing, knitwear).

Empire Manufacturing Co., 918 Broadway, Kansas City, Mo., effective 7-26-50 to 3-31-51; 10 learners (men's uniform caps).

William F. Fretz and Son, Bedminster, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (trousers).

Fuller Shirt Co., Inc., Kingston, N. Y., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (shirts).

Gerstman Manufacturing Co., Inc., 706 William Street, Buffalo 6, N. Y., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (snowsuits and outerwear).

Gilbert Sportswear, 1346 Centre Avenue, Reading, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Glaser Brothers, Inc., Eldon, Mo., effective 7-26-50 to 1-31-51; 44 learners for expansion purposes (men's and boys' clothing).

Glaser Brothers, Inc., Eldon, Mo., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's and boys' clothing).

Gort Girls' Frocks, Inc., 75 Stark Street NE., Wilkes-Barre, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (housecoats, playsuits, etc.).

Great Lakes Garment Manufacturing Co., 518-522 North Main Street, Cheboygan, Mich., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Gunnin Manufacturing Co., Dawson, Ga., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (sport shirts).

Hagerstown Manufacturing Co., 607 West Washington Street, Hagerstown, Md., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Hagerstown Manufacturing Co., 113 Summit Avenue, Hagerstown, Md., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

The Hercules Trouser Co., Wellston, Ohio, effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (single pants).

The Hercules Trouser Co., Hillsboro, Ohio, effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (single pants).

The Hercules Trouser Co., Manchester, Ohio, effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (cotton trousers).

Hickory Flat Manufacturing Co., New Albany, Miss., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (cotton work shirts).

Hopkinsville Clothing Manufacturing Co., 1100 South Main Street, Hopkinsville, Ky., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (cotton trousers).

Hughesville Manufacturing Co., Inc., Route 1, P. O. Box 56, Hughesville, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (sport shirts).

I. B. S. Manufacturing Co., Second and Clark Streets, New Albany, Miss., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (work shirts, etc.).

Iowa Needlecraft, Greenfield, Iowa, effective 7-24-50 to 3-31-51; 8 leaners (girls' underwear).

Irwin Manufacturing Co., Second and Clark Streets, New Albany, Miss., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (sport shirts and work shirts).

The Jay Garment Co., Portland, Ind., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (pants, overalls, etc.).

Jonabelle Frocks Co., Inc., 235 New Brunswick Avenue, Perth Amboy, N. J., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Kahn Manufacturing Co., Inc., St. Louis and Royal Streets, Mobile, Ala., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (pants, overalls, suits).

The Kaynee Co., Williamsburg, Ky., effective 7-26-50 to 3-31-51; 22 learners for expansion purposes (shirts, pajamas and trousers).

The Kaynee Co., Williamsburg, Ky., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (shirts, pajamas and trousers).

Julius Kayser & Co., Susquehanna, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (ladies' woven underwear).

Knickerbocker Manufacturing Co., West Point, Miss., effective 7-31-50 to 3-31-51; 10 percent normal labor turnover (men's pajamas).

Kresgeville Manufacturing Co., Inc., Kresgeville, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (ladies' wearing apparel).

Lackawanna Pants Manufacturing Co., Cedar Avenue and Brook Street, Scranton 2, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (trousers).

Lakeland Manufacturing Co., Sheboygan, Wis., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (sportswear).

Legion Dress Co., Main and Paxton Streets, Centralia, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Linwood Mills, Inc., Lafayette, Ga., effective 7-27-50 to 3-31-51; 10 percent normal labor turnover (pants, shirts).

Lu Rae Fashions, 124 South Third Street, Lehighton, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

M. & G. Sportwear Co., 613 Main Street, Rockland, Maine, effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (single pants).

Magolia Sportswear Inc., 140 Green Street, Worcester, Mass., effective 7-31-50 to 3-31-51; 10 percent normal labor turnover (skirts, shorts).

Man-Lee Manufacturing Co., 201 South Church Street, Asheboro, N. C., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (sport shirts).

Marissa Manufacturing Co., Marissa, Ill., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's cotton robes).

Mark-Jay Dress Co., Riverside, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Michael Stern Co., Inc., 87 North Clinton Avenue, Rochester, N. Y., effective 7-25-50 to 11-30-50; 7 percent of the number of productive factory workers (men's clothing).

Mode O'Day Corp., 39 Federal Avenue, Logan, Utah, effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

New England Shirt Co., Inc., 7 Montgomery Street, Danbury, Conn., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's dress and sport shirts).

Penn State Mills, Inc., Washington and Meadow Streets, Allentown, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (knitted polo shirts).

Perfect Maid Apparel Co., 513 Maple Street, Old Forge, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (children's dresses).

Phillips-Jones Corp., Patton, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dress shirts).

Phillips-Jones Factory, Barnesboro, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (sport shirts).

Phillips-Jones Factory, Muir, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's sport shirts).

Phillips-Jones Factory, Minersville, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's dress shirts).

Phillips-Jones Factory, Geneva, Ala., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's dress shirts).

Roger Williams Shirt Corp., 4459 Devine Street, Columbia, S. C., effective 7-26-50 to 3-31-51; 10 percent of productive factory force (men's shirts).

Romay Garments, Inc., 967 Montello Street, Brockton, Mass., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Sanmar Dress Co., Inc., Canal Street, Hollidaysburg, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Schwob Manufacturing Co., 945 Broad Street, Columbus, Ga., effective 7-26-50 to 3-31-51; 7 percent of productive factory force (suits, pants, etc.).

Boris Smoler and Sons, 507 Jefferson Street, La Porte, Ind., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Soperton Manufacturing Co., Soperton, Ga., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (shirts).

Southern Garment Manufacturing Co., Inc., Culpeper, Va., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (work pants).

Southern Garment Manufacturing Co., Inc., Culpeper, Va., effective 7-26-50 to 3-31-51; 20 learners for expansion purposes (work pants).

Stylecraft Foundations, Inc., 1043 East Genesee Street, Saginaw, Mich., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (brassieres, corsets, and girdles).

Sylvania Sportswear Co., 1766 Main Street, Northampton, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (sports shirts).

Tennessee Overall Co., 401 North Atlantic Street., Tullahoma, Tenn., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (pants, overall, etc.).

Troy Textiles, Inc., Troy, Ala., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dress shirts).

Union Underwear Co., Inc., Bowling Green, Ky., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's and boys' underwear).

United Pants Co., Inc., 222-228 Beade Street., Plymouth, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (pants).

United Shirt and Blouse Co., Inc., 84 Center Street., Shelton, Conn., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dress shirts, collars, etc.).

Van Baalen, Heilbrun & Co., Inc., 87-95 Camden Street, Rockland, Maine, effective 7-24-50 to 3-31-51; 10 percent normal labor turnover (bathrobes and lounging robes).

Vernon Manufacturing Co., Inc., Vernon, Tex., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (trousers).

Warren Shirt Co., 7th and Locust Streets, Lebanon, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dress shirts, collars, etc.).

The Watson-Scott Co., Thomasville, Ga., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (industrial uniforms).

Arthur Winer Inc., Gary, Ind., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (trousers).

Woltz Textile Products Inc., Old Lowgap Road, Mount Airy, N. C., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (brassieres, garter belts, etc.).

York Maid Dress Co., 131 North George Street, York, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (infant's and children's wear).

Hosiery Learner Regulations (29 CFR, 522.40 to 522.51; as revised January 25, 1950 (15 F. R. 283)).

Ohio Willow Wood Co., Mount Sterling, Ohio, effective 7-25-50 to 1-10-51; 2 learners.

Glove Learner Regulations (29 CFR, 522.220 to 522.222; as amended January 25, 1950 (15 F. R. 400)).

Escanaba Glove Co., Escanaba, Mich., effective 7-28-50 to 3-31-51; 5 learners (ladies' fabric gloves).

Jasper Glove Co., Inc., 611 Main Street, Jasper, Ind., effective 7-25-50 to 3-31-51; 10 percent of its total number of employees listed in the occupations (work gloves).

Julius Kayser & Co., Hornell, N. Y., effective 7-25-50 to 3-31-51; 8 learners (knit fabric gloves).

Julius Kayser & Co., Westfield, Pa., effective 7-25-50 to 3-31-51; 3 learners (knit fabric gloves).

Julius Kayser & Co., Wellsville, N. Y., effective 7-25-50 to 3-31-51; 8 learners (knit fabric gloves).

Julius Kayser & Co., Elkland, Pa., effective 7-25-50 to 3-31-51; 8 learners (knit fabric gloves).

Marso & Rodenborn Manufacturing Co., Fort Dodge, Iowa, effective 7-25-50 to 3-31-51; 3 learners (work gloves).

Newton Glove Manufacturing Co., P. O. Drawer 271, Newton, N. C., effective 7-25-50 to 3-31-51; 10 percent of its total number of employees listed in the occupations (work gloves).

Frank Russell Glove Co., Berlin, Wis., effective 7-25-50 to 3-31-51; 4 learners (leather dress gloves).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt., effective 7-25-50 to 3-31-51; 10 percent of its total number of employees listed in the occupations (knit fabric gloves).

Star Glove Co., Detroit 8, Mich., effective 7-25-50 to 3-31-51; 4 learners (work gloves).

The Spartan Glove Co., 440 Maryland Avenue, Dayton 4, Ohio, effective 7-25-50 to 3-31-51; 4 learners (work gloves).

Zwicker Knitting Mills, Appleton, Wis., effective 7-25-50 to 3-31-51; 50 learners (knit wool gloves).

Knitted Wear Learner Regulations (29 CFR, 522.68 to 522.79; as amended January 25, 1950 (15 F. R. 398)).

The Atlas Underwear Co., North Tenth and D Streets, Richmond, Ind., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (knitted underwear).

Blue Ridge Textile Co., Inc., Bangor, Pa., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (warpknit fabrics).

William Carter Co., 33 Morris Street, Springfield, Mass., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (knitted underwear).

Clarke Mills, Jackson, Ala., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (ladies' lingerie).

Devon Knitting Mills, Ashbach, Pa., effective 7-26-50 to 3-31-51; 5 learners (tee shirts, undershirts).

E-Z Mills, Inc., Cartersville, Ga., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (cotton knit underwear).

Ellwood Knitting Mills, Inc., 911 Lawrence Avenue, Ellwood City, Pa., effective 7-26-50 to 3-31-51; 5 learners (knitted outerwear).

Gibbs Underwear Co., Indiana Avenue and A Street, Philadelphia, Pa., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (knit underwear and polos).

Greenway Mfg. Co., Waynesburg, Pa., effective 7-26-50 to 3-31-51; 5 learners (tee shirts).

Holeproof Hosiery Co., Luxite Division, New London, Wis., effective 7-26-50 to 3-31-51; five learners (ladies woven underwear).

Holeproof Hosiery Co., Luxite Division, Cullman, Ala., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (women's underwear).

Holeproof Hosiery Co., Luxite Division, Milwaukee 1, Wis., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (women's underwear).

Julius Kayser Co., Allentown Plant, Allentown, Pa., effective 7-26-50 to 3-31-51; five learners (slips and gowns).

Knitwear Associates, Inc., 1427 Chew Street, Allentown, Pa., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (knitted polo shirts).

J. J. Miller Knitting Mills, Shenandoah, Pa., effective 7-26-50 to 3-31-51; two learners (cotton knit shirts).

Monroe Mills, Monroeville, Ala., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (ladies lingerie).

Necho Mills, Inc., 108 Logan Street, Pottsville, Pa., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (polo shirts).

The Perry Knitting Co., Fillmore Branch, Fillmore, N. Y., effective 7-26-50 to 3-31-51; five learners (knitted outerwear).

The Perry Knitting Co., 101 Water Street, Perry, N. Y., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (knitted outerwear).

The Perry Knitting Co., Main Street, Mount Morris, N. Y., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (children's knitted wear).

Pottsville Mills, Inc., 480 Peacock Street, Pottsville, Pa., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (polo shirts).

O. Joseph Rutch Manufacturing, 203 Hamilton Street, Allentown, Pa., effective 7-26-50 to 3-31-51; 5 learners (knitted outerwear).

Taylor Manufacturing Co, Court Street, Campbellsville, Ky., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (men's and boys' knit briefs, etc.).

Taylor Manufacturing Co., West Main Street, Campbellsville, Ky., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (knitted athletic undershirts).

Charles P. Thornley, Inc., Smyrna, Del., effective 7-26-50 to 3-31-51; 5 percent of the productive factory force engaged (men's broadcloth shirts).

Utica Knitting Co., 2100 Walnut Avenue, Anniston, Ala., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (tee shirts).

Valley Knitting Co., Inc., Seventeenth Street and West End Avenue, Pottsville, Pa., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (cotton knit underwear).

Van Raalte Co., Inc., Bristol, Vt., effective 7-26-50 to 3-31-51; five learners (knit underwear).

Wolverine Knitting Mills, 120 North Jackson Street, Bay City, Mich., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (underwear).

Regulations Applicable to the Employment of Learners (29 CFR, 522.1 to 522.14).

The Deshler Broom Factory, Deshler, Nebr., effective 7-27-50 to 1-26-51; 10 percent of its productive factory workers, not including sales or office personnel; broom and whisk winders, 320 hours; corn sorter, 320 hours; sewing machine operator, 320 hours, 60 cents (broom and whisks).

Desley Fabrics, Chicopee, Mass., effective 7-26-50 to 1-25-51; 3 percent of total productive factory workers, not including sales or office personnel; sewing machine operator, 240 hours, 65 cents (manufacturing bedspreads, draperies, pillow covers, etc.).

Dustproof Mattress Cover Co., Ellwood City, Pa., effective 7-26-50 to 1-25-51; five learners; sewing machine operators only, 240 hours, 60 cents (mattress covers).

Paperlynen Co., Division of White Castle System, Inc., Columbus, Ohio, effective 7-25-50 to 1-24-51; five learners; folders, 160 hours, 60 cents (manufacturing disposable, sanitary, adjustable head covering).

Philadelphia Textile Finishers, Inc., Norristown, Pa., effective 7-21-50 to 1-20-51; one learner; laboratory technician, 240 hours, 70 cents (treating canvas duck).

Salisbury Burlap & Bag Co., Columbia, S. C., effective 7-19-50 to 1-18-51; three learners; sewing machine operators only, 160 hours, 60 cents (reconditioned burlap products).

R. S. L. Shuttlecock Co., Altoona, Pa., effective 7-27-50 to 1-26-51; 10 percent of its productive factory workers not including office and sales personnel; shuttlecock makers, 320 hours, 60 cents (badminton shuttlecocks).

A. G. Spalding & Bros., Inc., Chicopee, Mass., effective 7-25-50 to 1-24-51; 10 percent of total productive factory workers, not including sales or office personnel; hand sewers, 480 hours; coverers, stringers, inflaters, 160 hours; ball and club makers, 160 hours, 60 cents; hand sewers only, 60 cents for the first 320 hours and 65 cents for the remaining 160 hours (athletic goods).

Tamale-etta Corp., 1316 North Grand Avenue, Gainesville, Tex., effective 7-26-50 to 1-25-51; 15 learners; chili makers, 240 hours, 65 cents for the first 160 hours and 70 cents for the remaining 80 hours (cannery, manufacturing chili and tamales).

Victor Products Corp. of Pennsylvania, 39 North Washington Street, Gettysburg, Pa., effective 7-26-50 to 1-25-51; 10 learners; machine operators, millers, and inspectors, 160 hours, 60 cents (rubber heels).

The following special learner certificates were issued in the Shoe Industry. These certificates authorize the employment of learners in any occupations except custodial, maintenance, supervisory, and office and clerical occupations. The learning period is 480 hours at not less than 65 cents an hour for the first 240 hours and not less than 70 cents an hour for the next 240 hours, except as otherwise indicated in parentheses.

Adams Shoe Co., Adamsdale, Pa., effective 7-27-50 to 8-25-50; six learners.

M. Beckerman & Sons, Inc., 326 East Fourth Street, Boyertown, Pa., effective 7-26-50 to 8-25-50; 25 learners for expansion (expanding plant).

Bijou Manufacturing Co., Inc., 478 Smithfield Avenue, Providence, R. I., effective 7-27-50 to 8-25-50; four learners.

International Shoe Co., St. James, Mo.; replacement certificate; 10 percent learners; effective 7-27-50 to 8-25-50.

The following special learner certificates were issued to the school-operated industries listed below:

Forest Lake Academy, Maitland, Fla., effective 9-1-49 to 9-15-50; print shop, typesetting, press work and bindery work; 15 learners; 500 hours at 30 cents, 500 hours at 30 cents.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available except that employers of student-workers employed in school-operated industries were not required to certify the nonavailability of experienced workers. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Regulations, Part 522.

Signed at Washington, D. C., this 3d day of August 1950.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 50-6969; Filed, Aug. 9, 1950; 8:46 a. m.]

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR, Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Boston Tuberculosis Association, 554 Columbus Avenue, Boston, Mass.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 22 cents per hour, whichever is higher, and a rate of not less than 20 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1950, and expires June 30, 1951.

Goodwill Industries of Scranton, Inc., 334 Penn Avenue, Scranton, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher; certificate is effective August 1, 1950, and expires January 31, 1951.

Upper Susquehanna Branch, Pennsylvania Association for the Blind, 1246 Vine Avenue, Williamsport, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950, and expires January 31, 1951.

Northampton County Branch, Pennsylvania Association for the Blind, 129 East Broad Street, Bethlehem, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher, and a rate of not less than 20 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950, and expires January 31, 1951.

Philadelphia Society for Crippled Children & Adults, 2000 South College Avenue, Philadelphia, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950, and expires July 31, 1951.

Goodwill Union Mission & Industries, 713 East Tuscarawas, Canton, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950, and expires July 31, 1951.

Goodwill Industries of Toledo, Ohio, 601 Cherry Street, Toledo, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950, and expires July 31, 1951.

Veterans of Foreign Wars of the U. S., Soldiers' Home, St. James, Mo.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 19 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 26, 1950, and expires June 30, 1951.

Goodwill Industries of Central Calif., Inc., 707 Que St., Sacramento 14, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 60 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 24, 1950, and expires July 23, 1951.

Goodwill Industries of San Diego County, 402 Fifth Avenue, San Diego, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 24, 1950 and expires January 24, 1951.

Seattle Goodwill Industries, 1400 Lane Street, Seattle 44, Wash.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective July 24, 1950 and expires July 23, 1951.

Springfield Goodwill Industries, Inc., 139 Lyman Street, Springfield, Mass.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950 and expires July 31, 1951.

The Merrimack Valley Goodwill Industries, Inc., 99 Willis Street, Lowell, Mass.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950 and expires July 31, 1951.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' repre-

sentations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 2d day of August, 1950.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 50-6984; Filed, Aug. 9, 1950; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-216]

ACCIDENT NEAR DENVER, COLO.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-67960, which occurred at Denver, Colorado, July 30, 1950.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Friday, August 11, 1950, at 9:00 a. m., m. s. t., in Room 409, New Customs Building, Nineteenth and Stout Streets, Denver, Colorado.

Dated at Washington, D. C., August 4, 1950.

[SEAL] RUSSELL A. POTTER,
Presiding Officer.

[F. R. Doc. 50-6983; Filed Aug. 9, 1950; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

AMENDMENT TO STATEMENT OF ORGANIZATION

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 2d day of August 1950;

The Commission, having under consideration the necessity for amending the Statement of Organization of the Commission to reflect a change in internal procedures of the Commission relating to delegation of authority;

It appearing, that such amendment is designed to improve the internal administration of the Commission and will best conduce to the proper dispatch of the Commission's business and to the ends of justice;

It further appearing, that the proposed amendment to the rules and regulations is organizational in nature, and that publication of notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is not required;

It is ordered, That, effective immediately, the Statement of Organization of the Commission's rules and regulations is amended (1) by adding to section 0.107 (b) (1) the words "and (b)" after the words "and 0.147 (a)" and (2) by adding a new paragraph (b) to section 0.147, as follows:

(b) Requests for reconsideration and dismissal of applications to discontinue, reduce or impair service where authority has been granted under section 214 of the Communications Act, but will not be used by applicant because of conditions arising subsequent to the filing of the application.

Released: August 3, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6987; Filed, Aug. 9, 1950; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1416]

SYRACUSE SUBURBAN GAS CO., INC., AND NIAGARA MOHAWK POWER CORP.

ORDER FIXING DATE OF HEARING

AUGUST 4, 1950.

On June 8, 1950, Syracuse Suburban Gas Company, Inc. (Suburban), a public utility corporation of the State of New York, filed with the Commission a complaint against Niagara Mohawk Power Corporation (Niagara Mohawk), a public utility corporation of the State of New York, and a natural-gas company within the meaning of the Natural Gas Act as defined in Title 15, section 717 (a) of the United States Code, alleging among other things, that Suburban has been served with gas since 1913 by Niagara Mohawk and predecessor companies for a number of years at pressures ranging from approximately 2 to 5 or more pounds in the summer months and 3 to 6 or more pounds in the winter months from the intermediate pressure system of Niagara Mohawk, which pressures Suburban has been informed will be reduced by Niagara Mohawk upon completion of a new high pressure line from Therm City to DeWitt, New York.

Suburban alleges Niagara Mohawk is unwilling to guarantee pressures in excess of 1 pound in the summer months and 2 pounds in the winter months; that the contemplated reduction in pressures and change in operation and practice is the equivalent to a rate increase, and operating expenses will be increased if and when it becomes necessary to use a booster to increase the pressure of gas in Suburban's distribution system.

Suburban further alleges additional points of connection have been proposed and considered but that negotiations have not resulted in any satisfactory conclusion; that in each instance Niagara Mohawk has been unwilling to guarantee pressures of more than 1 pound during the summer months and 2 pounds during the winter months at any point on its intermediate system; that it has been proposed to Niagara Mohawk that Suburban's pressure and volume needs could be adequately met with no detriment to Niagara Mohawk by service from its proposed high pressure line at DeWitt where it connects with the 8-inch line to Utica, or if necessary, at approximately one-half mile further south at the terminus of the 14-inch line from Therm City to DeWitt, and for which Suburban has offered to construct the necessary lateral. A delivery pressure of 25 to 30 pounds has been requested at a point of connection on the Utica or Therm City-DeWitt lines.

The complainant recites that a delivery pressure of 10 to 15 pounds would be adequate for the present to meet its requirements; that for the past several years it is experiencing a very rapid growth in the number of customers in therms sold and in gross revenues, and a still greater increase in the supply of gas will be necessary on or about October 1, 1950, as a result of the plant expansion of the Carrier Corporation, whose requirements are estimated at approximately 22,000 cubic feet per hour; that Suburban experienced a maximum day of 474 Mcf. in November 1949, and peak day for 1950-51 is estimated at 900 Mcf., with an estimated hourly peak demand of 75 Mcf.

The Complainant (Suburban) requests an order requiring Niagara Mohawk to continue serving it through an existing connection at present pressures and volume, and in addition thereto to render the same present service through a new connection at Court Street and North Midler Avenue (all in East Syracuse, New York) or in lieu of an additional connection and the continuation of a minimum pressure of higher than 2 pounds in the winter months and 1 pound in summer months at James Street that Niagara Mohawk be required to provide a direct connection at DeWitt, delivery to be made (in order of preference by Suburban) (1) at the limit of Suburban's franchise territory on Erie Boulevard about 1 mile southeast of Thompson Road, or (2) at the junction of Niagara Mohawk's 10-inch high pressure line and 8-inch line on Route 5 in DeWitt, or, if necessary, (3) at the terminus of the proposed 14-inch high pressure line of Niagara Mohawk in DeWitt under such terms and conditions as the Commission may determine to be reasonable and just; or an order requiring continuation of the present service and pressure at the present James Street connection and a direct connection to Niagara Mohawk's high pressure line at DeWitt under such terms and conditions as may be just and reasonable.

Suburban further requests in the event it develops adequate service making it necessary for it to proceed with and complete the construction of a connecting line to Court Street and North Midler Avenue prior to the final determination of this complaint, that Niagara Mohawk be required to maintain the present service and pressures on gas delivered at James Street and no lesser pressures at Court Street and North Midler Avenue until such time as Suburban shall find it prudent to make a connection and accept service from Niagara Mohawk's high pressure line in DeWitt under such terms and conditions as the Commission may determine to be just and reasonable; and for such other and further orders as the Commission may consider proper.

Due notice of the filing of the complaint has been given to Niagara Mohawk Power Corporation and the New York Public Service Commission. Niagara Mohawk has filed an answer to the complaint of Suburban and the New York Public Service Commission has filed a notice of intervention.

The Commission orders:

(A) A public hearing be held on September 5, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., with respect to the matters involved and the issues presented by: The complaint of Syracuse Suburban Gas Company and the answer filed thereto by Niagara Mohawk Power Corporation.

(B) Interested State Commissions may participate as provided by §§ 1.8 or 1.37 (f) (18 CFR 1.8 or 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 4, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6980; Filed, Aug. 9, 1950; 8:47 a. m.]

[Docket No. G-1428]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

AUGUST 4, 1950.

On June 27, 1950, The Ohio Fuel Gas Company (Applicant), an Ohio corporation having its principal place of business at Columbus, Ohio, filed an application for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities pursuant to section 7 of the Natural Gas Act, as amended. The facilities are more particularly described in the application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure. No request to be heard or protest has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 13, 1950 (15 F. R. 4458).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 15, 1950, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 4, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6981; Filed, Aug. 9, 1950; 8:48 a. m.]

[Docket No. G-1433]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

AUGUST 4, 1950.

On June 30, 1950, El Paso Natural Gas Company, Applicant, a Delaware corporation having its principal place of business at El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural gas transmission facilities subject to the jurisdiction of the Commission, as fully described in said application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to due notice of the filing of application, including publication in the FEDERAL REGISTER on July 15, 1950 (15 F. R. 4529).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 7, 1950, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 4, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-6982; Filed, Aug. 9, 1950; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25301]

PETROLEUM PRODUCTS FROM MISSOURI RIVER CITIES, KANSAS AND OKLAHOMA TO ARKANSAS

APPLICATION FOR RELIEF

AUGUST 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3585.

Commodities involved: Petroleum products, carloads.

From: Missouri River Cities and stations in Kansas and Oklahoma.

To: Mena, Ark.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3585, Supplement 418.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6977; Filed, Aug. 9, 1950; 8:47 a. m.]

[4th Sec. Application 25300]

MURIATIC ACID FROM WEEKS, LA., TO CHICAGO AND JOLIET, ILL.

APPLICATION FOR RELIEF

AUGUST 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3906.

Commodities involved: Acid, muriatic (hydrochloric), tank-carloads.

From: Weeks, La.

To: Chicago, Ill., and points taking the same rates, and Joliet, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3906, Supplement 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6978; Filed, Aug. 9, 1950; 8:47 a. m.]

[4th Sec. Application 25299]

PULPBOARD AND RELATED ARTICLES FROM CAMDEN AND CROSSETT, ARK., TO NEW ORLEANS

APPLICATION FOR RELIEF

AUGUST 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3788 and 3895.

Commodities involved: Pulpboard, fibreboard, wallboard, wrapping paper and paper bags, carloads.

From: Camden and Crossett, Ark.

To: New Orleans, La.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3788 and 3895, Supplements 55 and 1, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6979; Filed, Aug. 9, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2443]

NEW ENGLAND GAS AND ELECTRIC ASSN. ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 4th day of August A. D. 1950.

In the matter of New England Gas and Electric Association, Plymouth County Electric Company, Cape & Vineyard Electric Company; File No. 70-2443.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New England Gas and Electric Association ("Negea"), a registered holding company, and its wholly owned utility subsidiaries, Plymouth County Electric Company ("Plymouth"), and Cape & Vineyard Electric Company ("Cape"). Applicants-declarants have designated sections 6 (b), 9 and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 16, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 16, 1950, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Cape proposes to issue and sell to Negea 8,000 additional shares of its common capital stock of a par value of $25 per share at a price of $50 per share. Plymouth proposes to issue and sell to Negea 10,000 additional shares of its common capital stock of a par value of $25 per share at a price of $35 per share. The proceeds from the sale of the stock are to be used to reimburse the Plant Replacement Fund Assets accounts of Cape and Plymouth for amounts borrowed therefrom for the purpose of financing extensions, additions and improvements to their respective properties.

The proposed issuances and sales of stock have been approved by the Department of Public Utilities of Massachusetts.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6970; Filed, Aug. 9, 1950; 8:46 a. m.]

[File No. 70-2453]

MIDDLE SOUTH UTILITIES, INC., AND NEW ORLEANS PUBLIC SERVICE INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 4th day of August A. D. 1950.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its electric utility subsidiary, New Orleans Public Service Inc. ("New Orleans"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and have designated sections 6 (b), 7, 9 (a), 10, 12 (c) and 12 (f) thereof, and Rule U-43 thereunder, as applicable to the transactions proposed in said joint application-declaration which may be summarized as follows:

New Orleans proposes to issue and sell 160,074 shares of its authorized and unissued common stock without nominal or par value. New Orleans proposes to offer said shares of common stock (in the ratio of 0.168 shares for each share held of record on a date to be determined by the board of directors of New Orleans) for subscription pro rata by the common stockholders of New Orleans at a cash price of $25.00 per share which is the amount per share at which the issued and outstanding common stock is carried on the company's books. Subscription warrants (transferable to any assignee except to a dealer who takes the rights for the purpose of exercise and resale of the stock certificates obtainable by the exercise of such rights) expiring approximately 20 days after their issue and evidencing such right to subscribe for the additional shares would be issued to all present holders of New Orleans common stock. Warrants in respect of fractions of a share would be issued entitling the holder, upon surrender thereof and of other warrants together aggregating one or more full shares, to subscribe to the number of full shares which such warrants shall together aggregate, but no subscription would be accepted for fractional shares. New Orleans proposes to appoint the Transfer Agent for its common stock Transfer Agent also for the subscription warrants and for fractional subscription warrants.

Middle South as the holder of 906,671.823 shares (95.16%) of New Orleans outstanding common stock proposes to purchase pursuant to the offering of said stock, 152,320 shares, the number of full shares to which it would be entitled pursuant to the pro rata offering.

Rights evidenced by subscription warrants which shall not have been exercised on or prior to the date of termination of the right, to be fixed by the board of directors of New Orleans as aforesaid, will expire and all rights evidenced by such subscription warrants shall thereupon terminate.

New Orleans states that the proceeds from the sale of the common stock proposed to be issued will be used for the construction of additions and betterments to its property and for general corporate purposes.

The application-declaration states that the proposed issuance and sale of New Orleans common stock as above described has been expressly authorized by the Commission Council of the City of New Orleans, which is asserted to be the only state regulatory body having jurisdiction over the issuance and sale of said shares of common stock.

Applicants-declarants request that the Commission's order herein issue as promptly as may be practicable and that any order authorizing the proposed transactions become effective upon issuance.

Notice is further given that any interested person may, not later than August 21, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 21, 1950, said application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to the application-declaration which is on file in the offices of the Commission for a full statement of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6971; Filed, Aug. 9, 1950; 8:46 a. m.]

[File No. 70-2448]

MICHIGAN CONSOLIDATED GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of August 1950.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), by Michigan Consolidated Gas Company ("Michigan Consolidated"), a public-utility subsidiary of American Natural Gas Company ("American Natural"), a registered holding company. Declarant designates section 7 of the act and Rule U-50 (a) (2) promulgated thereunder as applicable to the proposed transactions.

Notice is hereby further given that any interested person may, not later than August 18, 1950 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held with respect to said declaration, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert, or may request that he be notified if the Commission shall order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 21, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration, as filed or as amended, which is on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Michigan Consolidated proposes to enter into a credit agreement with certain banks hereinafter named which will commit such banks to lend Michigan Consolidated, from time to time on demand prior to December 31, 1950, sums aggregating a maximum of $25,000,000, as follows:

National Bank of Detroit	$5,400,000
The National City Bank of New York	5,400,000
Central Hanover Bank and Trust Company—New York	5,400,000
Mellon National Bank and Trust Company—Pittsburgh	5,400,000
The Detroit Bank	1,500,000
The Manufacturers National Bank of Detroit	1,500,000
Old Kent Bank, Grand Rapids, Michigan	400,000
	25,000,000

The credit agreement is to be executed as soon as practicable after authorization by the Commission, and it is contemplated that the first borrowing is to be made promptly upon the execution of the credit agreement. Each borrowing shall be pro rata from the respective banks and evidenced by separate notes bearing interest at the rate of 2¼ percent per annum and maturing February 20, 1951. The notes are to be prepayable any time in aggregate amounts of $2,500,000, or multiples thereof, without penalty, except that if prepayment is made out of the proceeds of borrowings from banks not parties to the proposed credit agreement, a penalty is to be paid at the rate of one-quarter of one percent (¼ of 1 percent) per annum for the unexpired term of the notes being prepaid. At the option of the company and with approval of the Commission, the notes are to be renewable upon ten days' notice on the same terms and conditions for an additional term of six months from February 20, 1951. A commitment fee is to be paid computed at the rate of one-half of one percent (½ of 1 percent) per annum on the average daily unused balance of the commitment from the date of the credit agreement to December 31, 1950, or until the entire $25,000,000 shall have been taken down, whichever shall occur first. The company may reduce the amount of the commitment at any time without penalty.

The credit agreement is to contain certain limitations with respect to the payment of dividends by Michigan Consolidated and with respect to mergers, consolidations, and the incurrence of other obligations by Michigan Consolidated and its subsidiary, Austin Field Pipe Line Company.

It is stated that the proceeds from borrowings under the commitment are to be used to finance the construction requirements of the company, estimated at $51,000,000 during the years 1950 and 1951. It is further stated that as soon as practicable and prior to the maturity of the notes to be issued, it is proposed to consummate a permanent financing program, which it is contemplated will provide for the elimination of the notes and will include, during 1950, the sale of $20,000,000 of first mortgage bonds and $6,000,000 of common stock, and the sale, in 1951, of about $10,000,000 of preferred stock.

It is also stated that no regulatory agency or authority other than this Commission has jurisdiction over the proposed transactions, and that the proposed issue and sale of notes is exempt from the competitive bidding requirements of Rule U-50, under the provisions of paragraph (a) (2) thereof.

It is requested that the Commission enter an order, to become effective upon its issuance, by August 22, 1950, or as soon thereafter as possible, permitting the declaration to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6972; Filed, Aug. 9, 1950; 8:46 a. m.]

AUG 15

FEDERAL REGISTER

VOLUME 15 NUMBER 155

Washington, Friday, August 11, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 CCC Cotton Bulletin 1]

PART 607—COTTON

SUBPART—1950 COTTON LOAN PROGRAM

1950 COTTON LOAN BULLETIN

This bulletin contains the instructions and requirements with respect to the 1950 Cotton Loan Program of Commodity Credit Corporation (hereinafter referred to as CCC) formulated by CCC and the Production and Marketing Administration (hereinafter referred to as PMA). Loans will be made available on upland cotton produced in 1950, in accordance with this bulletin.

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AUTHORITY: §§ 607.101 to 607.130 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Supp., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Supp., 714c.

§ 607.101 *Administration.* Under the general direction and supervision of the President, CCC, the Cotton Branch and other appropriate branches of PMA will carry out the provisions of this program. In the field, the program will be administered through PMA commodity offices, State PMA Committees, and county PMA committees (hereinafter referred to as county committees). Forms will be distributed by the applicable PMA commodity office and will be available at the offices of county committees, approved lending agencies, approved warehouses, and others designated to assist in administering the loan program.

§ 607.102 *Availability of loans.* Loans will be available to eligible producers on eligible cotton.

(a) *Area.* (1) Loans on eligible cotton stored in approved warehouses will be available in all areas.

(2) Loans on eligible cotton stored in approved structures, on or off the farm (hereinafter referred to as "farm storage"), will be available in the States and counties for which loan rates will be established.

(3) Loans on eligible cotton covered by bills of lading will be available in areas specified by the applicable PMA commodity office.

(b) *Time.* Loans will be available from the date the loan rates are announced through April 30, 1951.

(c) *Source.* Loans may be obtained by producers from approved lending agencies or from the applicable PMA commodity office.

§ 607.103 *Producer.* A producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision, producing upland cotton in 1950 in the capacity of landowner, landlord, tenant or sharecropper.

§ 607.104 *Eligible producer.* A producer will be entitled to a loan on eligible cotton produced by or for him in 1950 on a farm for which a 1950 cotton acreage allotment has been determined under Title III of the Agricultural Adjustment Act of 1938, as amended and supplemented, if all of the following requirements are met:

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1950–51 Edition

(Revised through July 1)

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

657 pages—$1.00 a copy

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(a) The 1950 planted acreage (as determined for purposes of cotton marketing quotas) of upland cotton on the farm does not exceed such 1950 cotton farm acreage allotment. For the purpose of determining eligibility for a loan, the upland cotton acreage on the farm will not be deemed to be in excess of such acreage allotment unless such acreage allotment is knowingly exceeded. If the producer operating the farm is notified that such acreage allotment has been exceeded and the planted acreage is not adjusted to such acreage allotment within the period allowed under the notice, such acreage allotment shall be deemed to have been knowingly exceeded by the producers having an interest in the cotton.

(b) His aggregate share of the 1950 planted acreage of upland cotton on all farms in which he has an interest does not exceed, as determined by the county or State PMA committee, his aggregate share of the 1950 cotton acreage allotments for such farms. The producer's share of the acreage allotment for any farm shall be deemed to be proportionate to his share of the planted upland cotton acreage on the farm.

(c) Where eligible cotton is produced by a landlord and his share tenant or sharecropper, a loan may be obtained only as follows:

(1) If the cotton is divided among the producers entitled to share in such cotton, each landlord, tenant, and sharecropper may obtain a loan on his separate share.

(2) If the cotton is not divided, (i) the landlord and one or more of the share tenants or sharecroppers may obtain a joint loan on their shares of such cotton, or (ii) the landlord may obtain a loan on cotton in which both he and a share tenant or a sharecropper have an interest if he has the legal right to do so, and in such case the share tenant or sharecropper must be paid his pro rata share of the loan proceeds and his pro rata share of any additional proceeds received from the cotton. In no case shall a share tenant or sharecropper obtain a loan individually on cotton in which a landlord has an interest.

§ 607.105 *Eligible cotton.* Eligible cotton shall be upland cotton produced in the United States in 1950 which meets the following requirements:

(a) Such cotton must be of a grade and staple length specified in § 607.130.

(b) Such cotton must be represented by warehouse receipts complying with the provisions of § 607.119 or bills of lading complying with the provisions of § 607.123 or must be covered by a Cotton Chattel Mortgage (CCC Cotton Form F, hereinafter referred to as "Form F") and a 1950 Cotton Mortgage Supplement (1950 CCC Cotton Form FF, hereinafter referred to as "Form FF") which will give the payee of the Cotton Producer's Note (CCC Cotton Form E, hereinafter referred to as "Form E") secured by such mortgage a first lien on such cotton.

(c) Such cotton must not be false-packed, water-packed, reginned or repacked, and must not have been classed as gin cut, oily, sandy, dusty, or seedy, or reduced in grade because of extraneous matter (such as needle grass).

(d) Such cotton must not be compressed to high density.

(e) Such cotton must be free and clear of all liens and encumbrances, except warehouseman's liens in the case of warehouse-stored cotton.

(f) Such cotton must have been produced by the person tendering it for a loan, and such person must have the legal right to pledge or mortgage it as security for a loan.

(g) If the person tendering such cotton for a loan is a landlord or landowner, the cotton must not have been acquired by him directly or indirectly from a share tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if it was produced by him in the capacity of landlord, share tenant, or sharecropper, it must be his separate share of the crop, unless he is a landlord and is tendering cotton in which both he and a share tenant or sharecropper have an interest.

(h) The person tendering such cotton for a loan must not have previously executed and delivered, with respect to such cotton, a 1950 Cotton Producer's Note and Loan Agreement (1950 CCC Cotton Form A, hereinafter referred to as "Form A"), a Form E, or a 1950 CCC Cotton Form G–2, and must not have previously sold and repurchased such cotton.

(i) Each bale of such cotton must weigh at least 300 pounds.

(j) All persons having an interest in the cotton must be entitled to a loan under this part.

§ 607.106 *Forms.* The following documents must be delivered by producers in connection with every loan except loans made pursuant to §§ 607.124 and 607.127. (A Form A or E executed by an administrator, executor or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing the form or by a repurchase agreement of the lending agency. Copies of this agreement may be obtained from the applicable PMA commodity office. State documentary revenue stamps shall be affixed to loan documents where required by law.)

(a) *Warehouse storage loans.* (1) Cotton Producer's Note and Loan Agreement (CCC Cotton Form A) duly executed within the period prescribed in § 607.102.

(2) Warehouse receipts complying with the provisions of § 607.119.

(3) Producer's Letter of Transmittal (CCC Cotton Form B, hereinafter referred to as "Form B") if the loan is obtained direct from the applicable PMA commodity office.

(b) *Farm storage loans.* (1) Cotton Producer's Note (CCC Cotton Form E) duly executed within the period prescribed in § 607.102.

(2) Cotton Chattel Mortgage (CCC Cotton Form F) and 1950 Cotton Mortgage Supplement (CCC Cotton Form FF) covering the cotton tendered as security for loan.

(3) Form B if the loan is obtained direct from the applicable PMA commodity office.

(c) *Cotton represented by order bills of lading.* (1) Form A duly executed within the area and during the period such loans are available.

(2) Order bill of lading in a form acceptable to CCC and representing the cotton tendered as security for the loan.

(3) Weight and Condition Certificates complying with the provisions of § 607.123 if the Receiving Agency is not a warehouseman.

(4) Form B if the loan is obtained direct from the applicable PMA commodity office.

§ 607.107 *Approved lending agency.* An approved lending agency shall be any bank, corporation, partnership, association, individual, or other legal entity which has entered into a Lending Agency Agreement (CCC Cotton Form D) with CCC covering loans on 1950-crop cotton. Organizations desiring to enter into such agreements should communicate with the local county committee.

§ 607.108 *Approved storage—(a) Warehouses.* Cotton in warehouses will be accepted as security for loans under this part only if stored in warehouses approved by CCC. Warehousemen desiring approval of their facilities should communicate with the local county committee. When warehouses are approved, notification will be given either by letter or by published lists.

(b) *Farm storage.* Cotton in farm storage will be accepted as security for loans under this part only if stored in a structure approved by the county committee for the county in which the cotton is stored. Such structures may be on or off the farm and must afford safe storage and protection against weather damage, poultry and livestock, and reasonable protection against fire and theft. If the producer does not own the premises where the cotton is stored and his lease on such premises expires prior to September 30, 1951, the owner of such premises must execute the Consent for Storage on the Cotton Mortgage Supplement. Any other tenant who has a right or interest in the premises must also execute the Consent for Storage.

§ 607.109 *Amount, weight, and rate.* (a) Loans will be made on the gross weight of the cotton. Notes covering cotton pledged on reweights will not be accepted if it is evident that such reweights reflect an increase in weight due to the absorption of additional moisture. An allowance of 7 pounds per bale will be made for bales covered with cotton bagging.

(b) The base loan rate applicable at each approved warehouse will be shown in the "Schedule of Base Loan Rates for Warehouse-Stored Cotton" and the base loan rate under the farm-storage program for each county will be shown in the "Schedule of Base Loan Rates by Counties for Farm-Stored Cotton." These schedules will be published by CCC and will be available at county committee offices. The premium or discount applicable to each eligible grade and staple length is shown in § 607.130.

§ 607.110 *Preparation of documents.* All blanks on the loan forms must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and no documents containing additions, alterations, or erasures will be accepted by CCC. The spaces provided in the notes on Forms A and E for the producer to request and direct payment of the proceeds of the note must be completed in every instance. All disbursements made from the proceeds of the note by the lending agency, including clerks' fees when deducted, must be shown. If the proceeds are to be paid only to the producer, his name should be shown. The total must agree with the amount of the note.

Before the clerk prepares loan documents for a producer, he must determine that the producer is eligible for a loan. The reverse side of the producer's marketing card will show the producer's eligibility. If the box following the word "Eligible" contains an "X" the clerk will use this as evidence that the producer is eligible for a loan and shall assist the producer in the preparation of his loan documents. If the box following the words "ineligible unless Loan Agreement Approved by County Committee" contains an "X" the clerk shall inform the producer that in order for him to obtain a loan he must have his loan documents prepared in the county office. If the box following the word "Ineligible" contains an "X", the producer cannot obtain a loan on cotton produced on that farm under any condition and should be so informed by the clerk. In the event that the marketing card indicates that the producer is eligible but shows evidence of any alteration or erasure, the clerk should not prepare loan documents and should inform the producer that the documents will have to be prepared in the county office.

(a) *Warehouse-storage cotton.* A producer desiring to obtain a loan on warehouse-stored cotton may obtain the necessary forms from county committees, approved lending agencies, approved warehouses, and approved clerks (persons approved by the county committees to assist producers in preparing and executing the loan forms). The Clerk's Certificate in each Form A tendered for a loan must be executed by an approved clerk, who will assist the producer in the preparation and execution of the Form A. The original of Form A must be signed by the producer and the copy marked "duplicate" is to be retained by

the producer. All of the cotton pledged as security for any loan must be of only one grade and staple and must be stored in the same warehouse.

(b) *Farm-storage cotton.* A producer desiring to obtain a loan on farm-storage cotton should communicate with the county committee in the county in which the cotton is to be stored. The county committee will inspect the storage structure and approve it if it determines that it is of such construction as to afford adequate storage for the cotton. A service charge of $1 per bale with a minimum of $3.00 per loan will be collected by the county committee from the producer to cover services rendered under this program. No such service charge will be refunded. The producer may also obtain the necessary loan forms from, and will be assisted in their preparation, by the county committee. A deposit of $1.00 per bale will also be collected from the producer to guarantee delivery of the cotton if the loan is not repaid by the producer. Such deposit will be returned if the loan is repaid or the cotton is delivered in accordance with the provisions of Form FF. If the producer does not deliver the cotton upon demand by CCC, the county committee will arrange delivery and retain the deposit. The original of the Form FF will be retained by the county committee. If the producer desires to obtain a loan directly from CCC, the county committee will forward the loan documents for the producer.

(c) *Fees.* The clerk or county committee assisting the producer in the preparation of the loan documents may collect a fee from the producer not to exceed the fees shown in the following schedule:

Number of bales on note	*Maximum fee allowed*
1	25 cents.
2–6	25 cents plus 15 cents for each bale over 1.
7–18	$1.00 plus 10 cents for each bale over 6.
19 and over	$2.20 plus 5 cents for each bale over 18.

§ 607.111 *Liens.* Eligible cotton must be free and clear of all liens except warehouseman's liens on warehouse-storage cotton. The signatures of the holders of all existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgagees (but not the warehouseman, if the cotton is stored in a warehouse), must be obtained in the Lienholders' Waiver on each Form A and Form FF. If the producer tendering the cotton for the loan is not the owner of the land on which the cotton was produced, all landowners and landlords must sign the Lienholders' Waiver on the Form A or Form FF whether or not they claim liens, unless they sign the note jointly with the borrower. A fraudulent representation, as to prior liens or otherwise, will render the producer personally liable under the terms of the Loan Agreement and subject him to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act. The Lienholders' Waiver must be signed personally by all lienholders, by their agents (in which case duly executed powers of attorney must be attached), or, if a corporation, by the designated officer thereof customarily authorized to execute such instruments (in which case no authority need be attached).

§ 607.112 *Set-offs.* (a) If the producer is indebted to CCC on any accrued obligation, or if any installments past due or maturing within twelve months are unpaid on any loan made available by CCC on farm-storage facilities, whether held by CCC or a lending agency, the producer must designate CCC or such lending agency as the payee of the proceeds of the loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders. If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders. In such case, the producer must go to the office of the county committee in the county in which it is listed on the debt register and have his loan documents completed by a clerk in the county office. A clerk in the office of the county committee will assist the producer in the preparation of such loan documents and will show in the space provided in the notes the agency to which the check should be issued and the amount to be collected from the note.

(b) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 607.113 *Classification of cotton.* (a) All cotton must be classed by a Board of Cotton Examiners of the United States Department of Agriculture (hereinafter referred to as the "Board"). Warehousemen (for warehouse-storage cotton), receiving agencies (for cotton covered by bills of lading) and county committees (for farm-storage cotton) should forward samples to the Board serving the district in which the cotton is located. A Cotton Classification Memorandum Form A3 must be inserted in each sample. A Tag List and Record Sheet (CCC Cotton Form L, hereinafter referred to as "Form L"), must be prepared by the warehouseman, receiving agency or county committee listing each sample included in a shipment to the Board. A copy of such Form L shall be included with the samples and two copies must be mailed separately to the Board. The Board will enter the classification of each bale on the Form L and return a copy of such form to the warehouse, receiving agency or county committee. The Cotton Classification Memorandum Form A3 will be returned to the producer by the Board. A Cotton Classification Memorandum Form 1 of the United States Department of Agriculture will also be accepted, provided the sample is a representative cut sample drawn in accordance with instructions to organized cotton improvement groups for sampling cotton under the 1950 Smith-Doxey Program. If a sample has been drawn and submitted for a Form 1 classification, another sample may not be drawn and forwarded to a Board except for review.

(b) A charge of 25 cents per bale shall be collected from the producer for all cotton for which samples are submitted to a Board for classification, except that no charge shall be collected for samples submitted for Form 1 classification. The Boards will submit billings for classing charges to the warehousemen, receiving agencies, and county committees at the end of each month. A certified check, cashier's check, or postal money order payable to Treasurer of United States in care of CCC must be sent to the applicable PMA commodity office by each warehouseman, receiving agency, and county committee in payment of these charges.

§ 607.114 *Method of obtaining loans.* Producers may obtain loans from a local lending agency, which, in turn, will tender the notes evidencing such loans to CCC, or direct from the applicable PMA commodity office. A producer, if he so desires, may designate persons other than himself to receive all or part of the proceeds of the loan by designating them in the spaces provided in the note. In each case where the loan is obtained from the applicable PMA commodity office, the note must be made payable to CCC and must be tendered to the applicable PMA commodity office with a Form B, in duplicate, postmarked not later than April 30, 1951, if tendered by mail. Upon receipt of all necessary documents, properly executed, and upon approval, payment will be made in accordance with the directions of the producer contained in the note.

§ 607.115 *Lending agency.* The lending agency shall execute the Payee's Endorsement on Forms A and E. In the case of warehouse-storage cotton, care should be exercised by the lending agency to determine that the warehouse receipts are genuine. No deduction may be made from the loan proceeds by the lending agency as a charge for handling the loan documents, except the authorized clerk's fee in case an employee of the lending agency has executed the Clerk's Certificate on Form A. Lending agencies may carry their investment in the loans and receive interest at the rate of 1½ percent per annum. Lending agencies which are also eligible producers must obtain direct loans from the applicable PMA commodity office in accordance with § 607.114 or obtain loans from another approved lending agency on cotton produced by them.

§ 607.116 *Interest rate.* Loans will bear interest at the rate of 3 percent per annum from the date of disbursement.

§ 607.117 *Maturity.* Loans mature July 31, 1951, or upon such earlier date as CCC may make demand for payment. If a producer does not repay his loan by maturity, CCC has the right to sell, purchase or pool the cotton securing the loan in accordance with the provisions of the loan agreements. If the cotton is pooled, the producer will no longer have a right to redeem the cotton, but will share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat any pooled cotton as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of cotton, even though part or all of such pooled cotton is disposed of under such policies for prices less than the current domestic price for such cotton.

Any sum due the producer as a result of the sale of the cotton or collections of insurance proceeds therefrom, or his ratable share from a pool, shall be payable only to the producer or his personal representative without right of assignment to or substitution of any other person.

(a) *Farm storage.* If the producer does not repay his loan on or before maturity, he is required to deliver the cotton in accordance with the provisions of Form FF, and if the cotton is not delivered by the producer, the holder of the note may enter on the premises where the cotton is stored and remove the cotton. Upon such delivery or removal, the holder may dispose of the cotton in accordance with the provisions of this section.

§ 607.118 *Safeguarding farm-storage cotton.* The producer obtaining a farm-storage loan is obligated to maintain the farm-storage structure in good repair and to keep the cotton in good condition. The producer will be responsible for any loss or damage occurring through the fault or negligence of the producer or any other person having control of the storage structure or as a result of any cause other than fire, flood, lightning, explosion, windstorm, cyclone, or tornado except that he will not be responsible for loss in weight of not to exceed 10 pounds per bale which is due to natural shrinkage. The maximum amount of cotton stored in any structure shall be limited to 200 bales if only one producer has cotton stored in such structure and to 100 bales if more than one producer has cotton stored in such structure. The conversion or unlawful disposition of any bale of the cotton will render the producer personally liable for the payment of the mortgage indebtedness.

§ 607.119 *Warehouse receipts and insurance.* (a) Only negotiable warehouse receipts issued by an approved warehouse in the name of the individual, individuals, or concern who appear as producer on the Cotton Producer's Note to which the receipt is pledged will be acceptable, except that receipts representing cotton pledged in the name of a landowner, landlord, tenant or sharecropper or pledged jointly in the name of two or more parties to a tenancy will be acceptable when issued in the name of either individual who is a party to the tenancy or a signatory to the note. In those instances where the warehouse receipt is issued to an individual or concern who is a party to the tenancy, but who cannot be identified as such from the note, the producer securing a loan will be required to submit a statement certifying that the individual in whose name the warehouse receipt is issued is a tenant or sharecropper of the producer. The warehouse receipts must show that the cotton is covered by fire insurance, must be dated on or prior to the date of the producer's notes, and, if not bearer form receipts, must be properly assigned by an endorsement in blank so as to vest title in the holder. They must set out in their written or printed terms a description by tag number and weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Warehouse receipts issued prior to August 1, 1950, which by their terms will expire prior to August 1, 1951, must bear an endorsement of the warehouseman extending the terms of the warehouse receipts for a period of one year from August 1, 1950. Block warehouse receipts will not be accepted.

(b) In addition to the insurance carried by the warehouseman, CCC will carry insurance on the loan cotton covering losses due to flood and errors and omissions in the warehouseman's insurance. The cost of such insurance will be a charge against the cotton.

§ 607.120 *Insurance on farm-storage cotton.* CCC will not require the producer to insure cotton under farm-storage loan; however, if the producer does insure the cotton, such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the cotton involved in the loss.

§ 607.121 *Warehouse charges.* The warehouseman's charges are limited and his obligations defined by the Warehouseman's Certificate and Storage Agreement contained in Form A. The Agreement of Warehouseman on Form A must be executed by the warehouseman not more than 10 days preceding the date of the note.

§ 607.122 *Tender of notes by lending agencies.* Notes (Forms A and Forms E) evidencing loans made by a lending agency which has entered into a Lending Agency Agreement (CCC Cotton Form D) prior to the making of the loans will be eligible for purchase or pooling by CCC. Under this agreement, lending agencies which are parties thereto are required to tender to CCC, on Form C executed in quadruplicate, all notes on Form A and Form E with warehouse receipts, bills of lading (and weight and condition certificates, if required), or cotton chattel mortgages attached, representing loans made by the lending agency within 15 days after the dates of the notes. Forty notes shall be submitted on each Form C except when fewer notes are listed thereon in order that the loans may be tendered within 15 days after the dates of the notes. All notes transmitted on a Form C must cover cotton stored in warehouses in the same custodial district. Notes secured by warehouse receipts, by bills of lading and by chattel mortgages must be transmitted on separate Forms C. Notes accompanied by Producer's Powers of Attorney must also be transmitted on separate Forms C. Each Form C shall state whether the lending agency desires CCC to purchase the notes or to place them in a pool. Upon receipt of the loan papers by the applicable PMA commodity office, they will be examined and, if found correct, will be approved and transmitted to the custodial office serving the district in which the cotton is stored, and will be purchased or placed in a pool, as directed by the lending agency. Lending agencies which have previously been approved by CCC as eligible to draw drafts on CCC may, subject to such instructions and requirements as CCC may hereafter from time to time prescribe, obtain immediate payment for notes they desire to sell to CCC, by tendering such notes and letters of transmittal with sight drafts drawn on CCC through a Federal Reserve Bank or Branch Bank approved by CCC. In the event that the notes are pooled, a Certificate of Interest representing the interest in the pool acquired as the result of the deposit therein of the notes shown on the Form C will be issued to any approved lending agency designated on the Form C.

§ 607.123 *Loans on order bills of lading.* (a) Loans on cotton represented by order bills of lading will be available only in areas specified by the applicable PMA commodity office where there is a shortage of storage space and where the necessary arrangements for handling the cotton may be made.

(b) Cotton represented by order bills of lading will be eligible for a loan only when it is shipped by an approved receiving agency as agent for the producer. Warehousemen, ginners, and other responsible parties in areas where such loans are available may be approved to act as receiving agencies by the applicable PMA commodity office. Receiving agencies will enter into Receiving Agency Agreements with CCC. When receiving agencies are approved, notification will be given by letter or published lists.

(c) A producer who is unable to find storage space in his local area and who wishes to obtain such a loan should deliver his cotton to a receiving agency with the request that it ship the cotton as agent for the producer to a warehouse where storage space is available. The receiving agency will complete the Schedule of Pledged Cotton on a Form A and, if it is a warehouseman, will execute the Warehouseman's Certificate and Storage Agreement thereon. If the receiving agency is not a warehouseman, it will have the cotton weighed by a public or licensed weigher and will secure a Weight and Condition Certificate in the form prescribed by CCC. The receiving agency will ship the cotton, secure order bills of lading in a form acceptable to CCC, and deliver to the producer the bills of lading, together with Forms A and Weight and Condition Certificates (if any). If the receiving agency is a warehouseman, it will be permitted to collect fees in accordance with the Warehouseman's Certificate and Storage Agreement and a fee of not to exceed 10 cents a bale to cover the cost of preparation of shipping documents. If the receiving agency is not a warehouseman, it will be permitted to collect from pro-

ducers a fee not to exceed the fee set forth in the Receiving Agency Agreement executed by the receiving agency, and shall post, in a conspicuous place, a notice showing the fee to be charged producers. Loans will be made at the full loan rate at the point where the receiving agency receives the cotton. CCC will pay warehouse storage charges on cotton tendered by the producer for a loan under this section, if the receiving agency is a warehouseman.

§ 607.124 *Advance loans.* (a) If a producer desires to obtain a loan under this part on cotton stored or to be stored in a warehouse, prior to the announcement of the loan rates on such cotton (as determined on the basis of the August 1, 1950, parity price of cotton), prior to the receipt of the classification of such cotton by a Board of Cotton Examiners, or prior to the issuance of a warehouse receipt representing the cotton, and if the producer desires to obtain interim financing from a lending agency until such time as a CCC loan may be obtained, the lending agency may make the producer a private loan (hereinafter called "the advance loan") on such cotton on forms and in amounts agreed upon between the lending agency and the producer and may obtain from the producer a duly executed Producer's Power of Attorney (CCC Cotton Form J, hereinafter referred to as "Form J") in triplicate authorizing and directing the lending agency to prepare or cause to be prepared and execute on behalf of and in the name of the producer Forms A covering all such cotton which is eligible for a loan under this part. The duplicate copy shall be delivered to the producer. On or before the date the advance loan is made, samples must have been drawn from the cotton and submitted to a Board of Cotton Examiners for classification or, if the cotton has not arrived at the warehouse, the warehouseman must have been instructed to sample the cotton and forward the samples for classification upon receipt of the cotton at the warehouse. On or before September 1, 1950, or within 15 days after the dates of the classification certificates, or within 15 days after the dates of the warehouse receipts, whichever is later, the lending agency shall (as provided in the Producer's Power of Attorney), unless the cotton is redeemed by the producer, prepare or cause to be prepared and execute on behalf of the producer Forms A covering all of such cotton which is eligible for a loan and make a CCC loan or loans to the producer under this part. The lending agency shall promptly remit to the producer any difference between the amount due on the advance loan and the proceeds of the CCC loan, less any applicable charges under this part paid by the lending agency on behalf of the producer. The duplicate copies of Forms A and the canceled note evidencing the advance loan shall be forwarded to the producer. The original of the Producer's Power of Attorney shall be transmitted with the notes when they are tendered to CCC.

(b) It shall be the joint responsibility of the lending agency named in the Form J to obtain the official classification from the producer or the warehouseman and of the producer to deliver the official classification to such lending agency, within 15 days from the date of the classification certificate, so that the Form A loans can be made within the specified time.

(c) It shall be the responsibility of the lending agency named in the Form J to obtain the execution of the Warehouseman's Certificate and Storage Agreement and the Clerk's Certificate on the Form A. Only bona fide employees of lending agencies making the advance loans who are approved as clerks by the county committee, or approved clerks in the office of the county committee, will be permitted to execute the Clerk's Certificate on Forms A covering cotton on which advance loans have been made.

§ 607.125 *Loans prior to August 1, 1950.* Loans will be made available to eligible producers in the area where cotton is harvested prior to August 1, 1950. Base loan rates for warehouse locations in the early harvesting area will be announced by the applicable PMA commodity office prior to harvest. The premium or discount applicable to each eligible grade and staple length is shown in § 607.130. Other provisions for loans prior to August 1, 1950, will be the same as provided for loans after that date except that in the event that 90 percent of parity as of August 1, 1950, is in excess of the rate announced prior to such date, the difference will be paid to the producer upon his application to the applicable PMA commodity office in the manner prescribed by such office.

§ 607.126 *Repayments—*(a) *Warehouse-stored cotton.* No partial release of the cotton represented by warehouse receipts and securing a note will be permitted. If a producer desires to obtain the return of his note and the release of the cotton securing the note, he must execute the Producer's Redemption Request on the Producer's Loan Statement, which will be furnished to the producer by the applicable PMA commodity office at the time the notes are processed by that office, and must send or deliver the equity transfer to CCC, in care of the custodial office serving the district in which the cotton is stored, as shown in § 607.128. If the producer desires to sell his equity in the cotton, he must complete the Producer's Equity Transfer Agreement in the Producer's Equity Transfer on the reverse side of the Producer's Loan Statement furnished him by the applicable PMA commodity office, and the Certificate of Witness in the Producer's Equity Transfer must be dated and signed by a witness approved for such purpose by a county committee in the cotton-producing area. Outside the cotton-producing area, the certificate may be executed by a notary public. The equity purchaser must complete the Certificate of Purchaser in the Producer's Equity Transfer and send it to CCC, in care of the custodial office serving the district in which the cotton is stored. Upon receipt of the Producer's Redemption Request or the Producer's Equity Transfer, the custodial office will forward the note and warehouse receipts to any approved bank designated by the person requesting their release with directions to the bank to release the note and warehouse receipts only to the producer or holder of the equity transfer upon payment of the amount due on the loan. In all such cases, the bank will be instructed to return the note and warehouse receipts to the custodial office if payment is not effected within 15 days. All charges assessed by the bank to which the note and warehouse receipts are sent must be paid by the person requesting the release of the cotton. In the event the Producer's Loan Statement is destroyed or lost, the producer may obtain a duplicate of such form from the custodial office serving the district in which the cotton is stored.

(b) *Farm-stored cotton.* If the producer desires to repay his loan and obtain the release of the cotton securing the note, he may obtain complete instructions from the county committee of the county in which the cotton is stored. Partial releases will be allowed.

§ 607.127 *Cotton cooperative marketing association loans.* A special form of loan agreement will be made available to cotton cooperative marketing associations whereby members of such associations may act collectively in obtaining loans. The loan rates under this agreement will be the same as the loan rates to individual producers, and loans to such associations will otherwise be made on substantially the same basis as loans to individual producers. Members desiring to obtain loans from their associations should contact their associations.

§ 607.128 *Custodial offices.* The custodial offices referred to herein and the district served by each are shown below:

(a) Warehouse-storage cotton:

Custodial Office and District Served

Federal Reserve Bank, Atlanta, Ga.: Georgia, Alabama, Florida, Virginia, North Carolina, South Carolina.

Federal Reserve Bank, Dallas, Tex.: New Mexico, Texas.

Federal Reserve Bank, Los Angeles, Calif.: California, Arizona.

Federal Reserve Bank, Memphis, Tenn.: Illinois, Kentucky, Arkansas, Missouri, Tennessee, and the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, Yalobusha.

New Orleans PMA Commodity Office: Louisiana and counties in Mississippi not assigned to Memphis.

Federal Reserve Bank, Oklahoma City, Okla.: Oklahoma.

(b) Farm-stored cotton:

Custodial Office and District Served

New Orleans PMA Commodity Office: All States except Arizona, California, and Nevada.

San Francisco PMA Commodity Office: Arizona, California, and Nevada.

§ 607.129 *PMA Commodity Offices.* The PMA commodity offices and the areas served by each are shown below:

Masonic Temple Building, New Orleans 12, La.: All cotton States except Arizona, California, and Nevada.

335 Fell Street, San Francisco 2, Calif.: Arizona, California, and Nevada.

§ 607.130 *Schedule of premiums and discounts for Upland Cotton.*

[Basis 15/16 inch Middling]

Grade	Staple length (inches)													
	29/32	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 1/32	1 1/8	1 5/32	1 3/16	1 7/32	1 1/4 and longer
White and extra white	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*
Good Middling and Better	−140	−95	−20	75	115	170	210	240	340	460	735	1,205	1,910	2,140
Strict Middling	−155	−105	−30	65	105	155	195	225	330	450	710	1,180	1,885	2,115
Middling	−225	−155	−25	Base	35	80	110	135	210	320	575	1,045	1,745	1,980
St. Low Middling	−430	−360	−305	−250	−235	−215	−195	−160	−110	−25	120	405	770	845
Low Middling	−720	−650	−605	−555	−555	−545	−540	−540	−480	−470	−405	−440	−430	−410
St. Good Ordinary	−995	−925	−880	−830	−830	−820	−815	−815	−765	−765	−765	−765	−765	−765
Good Ordinary	−1,205	−1,125	−1,070	−1,030	−1,030	−1,020	−1,020	−1,020	−915	−915	−915	−915	−915	−915
Spotted														
Good Middling	−370	−275	−195	−110	−95	−75	−65	−55	−25	Even	25	75	125	175
Strict Middling	−380	−295	−215	−125	−95	−80	−70	−35	−15	15	50	100	150	150
Middling	−590	−485	−410	−315	−310	−285	−280	−280	−230	−205	−180	−153	−130	−105
St. Low Middling	−960	−880	−805	−750	−750	−730	−730	−730	−670	−670	−670	−670	−670	−670
Low Middling	−1,215	−1,135	−1,075	−1,010	−1,010	−1,000	−1,000	−1,000	−950	−950	−950	−950	−950	−950
Tinged														
Good Middling	−780	−690	−640	−585	−580	−560	−555	−555	−470	−440	−420	−400	−385	−365
Strict Middling	−815	−720	−670	−615	−610	−590	−585	−585	−495	−455	−435	−415	−400	−380
Middling	−1,035	−935	−885	−835	−835	−815	−815	−810	−755	−755	−755	−755	−755	−755
St. Low Middling	−1,295	−1,205	−1,150	−1,100	−1,095	−1,065	−1,065	−1,075	−955	−955	−955	−955	−955	−955
Low Middling	−1,450	−1,355	−1,300	−1,255	−1,255	−1,250	−1,250	−1,250	−1,175	−1,175	−1,175	−1,175	−1,175	−1,175
Yellow stained														
Good Middling	−1,115	−1,080	−1,005	−945	−940	−935	−935	−935	−880	−880	−880	−880	−880	−880
Strict Middling	−1,175	−1,115	−1,045	−980	−980	−970	−970	−970	−905	−905	−905	−905	−905	−905
Middling	−1,370	−1,315	−1,255	−1,200	−1,200	−1,190	−1,190	−1,190	−1,125	−1,125	−1,125	−1,125	−1,125	−1,125
Gray														
Good Middling	−485	−410	−330	−250	−240	−220	−215	−210	−205	−170	−25	50	100	150
Strict Middling	−565	−495	−400	−330	−325	−305	−300	−295	−250	−170	−100	−25	25	75
Middling	−670	−640	−545	−480	−470	−450	−445	−435	−415	−320	−280	−229	−200	−185
St. Low Middling	−1,100	−1,025	−975	−950	−950	−925	−900	−875	−850	−850	−850	−850	−850	−850

Issued this 8th day of August, 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-7032; Filed, Aug 10, 1950; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Pear Order 3]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 939.303 *Pear Order 3—*(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 39 (7 CFR Part 939) regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 15, 1950. A reasonable determination as to the composition of the available supplies of such pears, and therefore the extent of grade and size regulation warranted, must await the development of the crop; recommendations as to the need for, and the extent of, regulation of shipments of such pears were made by said committee on July 14, 1950, after consideration of all information then available relative to the supply and demand conditions for such pears, at which time such recommendations and supporting information were submitted to the Department and notice thereof given to handlers and growers; necessary supplemental information was not available to the Department until July 28, 1950; shipments of the current crop of such pears are expected to begin on or about August 15, 1950, and this regulation should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., August 15, 1950, and ending at 12:01 a. m., P. s. t., July 1, 1951, no handler shall ship:

(i) Any Beurre D'Anjou pears which do not meet the requirements of the U. S. No. 2 grade: *Provided,* That Beurre D'Anjou pears may be shipped in interstate commerce only, and not in foreign commerce, when bearing unhealed broken skins or skin punctures measuring not to exceed three-sixteenths of one inch in diameter or depth, as the case may be, if they otherwise meet the requirements of the U. S. Combination grade;

(ii) Any Winter Nelis, Doyenne du Comice, Beurre Bosc, Beurre Easter, or Beurre Clairgeau pears which do not meet the requirements of the U. S. No. 2 grade;

(iii) Any Winter Nelis pears which are of a size smaller than the 225 size;

(iv) Any Doyenne du Comice, Beurre Bosc, Beurre Easter or Beurre Clairgeau pears which are of a size smaller than the 180 size; or

(v) Any Beurre D'Anjou pears which are of a size smaller than the 195 size.

(2) *Definitions.* As used herein, "handler," "ship," "shipments," and "shipped" shall have the same meaning as when used in the aforesaid marketing agreement and order; "U. S. No. 2" and "U. S. Combination Grade" shall have the same meaning as when used in the United States Standards for Winter Pears such

as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties, issued by the United States Department of Agriculture, effective July 8, 1940 (14 F. R. 7415, 7479; 7 CFR 51.332); and "180 size," "195 size," and "225 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 180, 195, or 225 pears, respectively, in a standard western pear box (inside dimensions, 18 inches long by 11½ inches wide by 8½ inches deep).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 8th day of August 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-7011; Filed, Aug. 10, 1950; 8:46 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

§ 958.307 *Limitation of shipments*—(a) *Findings.* (1) Notice of proposed rule making with respect to shipments of potatoes grown in Area No. 2, State of Colorado, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER (15 F. R. 4771). This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051). After consideration of all matters presented, including the proposed rule set forth in the aforesaid notice, which proposed rule was recommended by the administrative committee for Area No. 2 (established pursuant to said marketing agreement and order), it is hereby found that the limitation of shipments hereinafter set forth, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this action until 30 days after publication thereof in the FEDERAL REGISTER in that (i) shipments of potatoes from the production area will have begun by August 15, 1950, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the shipment of potatoes in the manner hereinafter set forth on and after the effective date of this section, (iii) notice has been given of the proposed limitation of shipments by publication thereof, as required by law (15 F. R. 4771), and (iv) the order should become effective on August 15, 1950, in order to effectuate the declared policy of the act.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., August 15, 1950, and ending 12:01 a. m., m. s. t., June 1, 1951, no handler shall ship potatoes grown in Area No. 2, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not meet the requirements of Regulation No. 1 limiting shipments to U. S. No. 2 or better grade (General Cull Regulation—published in the FEDERAL REGISTER, July 16, 1949—14 F. R. 3979) and which are of sizes smaller than 2 inches minimum diameter, as such sizes are defined in the United States Standards for Potatoes (14 F. R. 1955, 2161), including the tolerances provided therein: *Provided*, That the aforesaid limitations shall not be applicable to (i) potatoes shipped for seed purposes which have been officially certified as seed potatoes by the official Colorado seed certifying agency and which are in containers bearing official Colorado seed certification tags, and (ii) potatoes shipped for consumption by a charitable institution, for relief purposes, or for manufacturing purposes for conversion into by-products.

(2) The terms used in this section shall have the same meaning as when used in Order No. 58 (7 CFR 958.1 et seq.).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 8th day of August 1950, to be effective on August 15, 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-7034; Filed, Aug. 10, 1950; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5249]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HUMANIA HAIR GOODS & SPECIALTY CO.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods;* § 3.170 *Qualities or properties of product or service;* § 3.195 *Safety.* In connection with the offering for sale, sale or distribution of his cosmetic preparations designated "B. Paul's Compound", "Herolin Skin Cream", "Henry's Super-Light Working Oil", "Working Oil", "Henry's Sulphur Lanolin Treatment for Hair and Scalp", and "Humania Dandruff Treatment", or any other preparation or preparations of substantially similar composition or possessing substantially similar properties, under whatever name or names sold, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, (a) that the preparation, "B. Paul's Compound", is composed of harmless ingredients or can be used without harmful effects; (b) that the preparation, "Herolin Skin Cream" constitutes a competent or effective treatment for superficial pimples or marks on the skin; (c) that the preparations "Henry's Super-Light Working Oil", "Working Oil", and "Henry's Sulphur Lanolin Treatment for Hair and Scalp" constitute competent or effective treatments for dandruff or itchy scalp or will relieve itchy scalp, except that caused by minor scalp irritations; (d) that the preparation "Henry's Sulphur Lanolin Treatment for Hair and Scalp" will prevent falling hair or baldness or constitutes a competent or effective treatment therefor; or, (e) that the preparation "Humania Dandruff Treatment" will cure dandruff or constitutes a competent or effective treatment for dandruff; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Modified cease and desist order, Gustave Goldstein trading as Humania Hair Goods & Specialty Co., Docket 5249, June 16, 1950]

In the Matter of Gustave Goldstein, an Individual Trading as Humania Hair Goods & Specialty Co.

This proceeding having heretofore been heard by the Federal Trade Commission upon the complaint of the Commission, the respondent's answer thereto, and a stipulation as to the facts entered into by and between the respondent, Gustave Goldstein, and Richard P. Whiteley, Assistant Chief Counsel of the Commission, which said stipulation provided, among other things, that without further evidence or other intervening procedure the Commission might issue and serve upon the respondent its findings as to the facts and its conclusion based thereon and an order disposing of said proceeding; and

The Commission, after having made its findings as to the facts and its conclusion that the respondent had violated the provisions of the Federal Trade Commission Act, on April 27, 1945, issued, and on April 30, 1945, served upon the respondent said findings as to the facts, conclusion, and its order to cease and desist; and

This proceeding, on April 25, 1949, having been reopened for the purpose of receiving such supplemental evidence as might be offered to determine whether or not changed conditions of fact or the public interest, or both, require modification of said findings as to the facts and order to cease and desist, certain supplemental evidence was received and duly filed; and the Commission, having considered said supplemental evidence and the entire record herein and having made its modified findings as to the facts and its conclusion based thereon, and being of the opinion that its order to cease and desist issued on April 27, 1945, should also be modified in certain respects:

It is ordered, That the Commission's findings as to the facts, conclusion, and order to cease and desist issued in this proceeding on April 27, 1945, be, and they hereby are, set aside.

It is further ordered, That the respondent, Gustave Goldstein, an individual trading as Humania Hair Goods & Specialty Co., or trading under any other name or through any corporate or other device, and said respondent's agents, representatives and employees, in connection with the offering for sale, sale or distribution of his cosmetic preparations designated "B. Paul's Compound", "Herolin Skin Cream", "Henry's Super-Light Working Oil", "Working Oil," "Henry's Sulphur Lanolin Treatment for Hair and Scalp", and "Humania Dandruff Treatment", or any other preparation or preparations of substantially similar composition or possessing substantially similar properties, under whatever name or names sold, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication,

(a) That the preparation, "B. Paul's Compound", is composed of harmless ingredients or can be used without harmful effects;

(b) That the preparation, "Herolin Skin Cream" constitutes a competent or effective treatment for superficial pimples or marks on the skin;

(c) That the preparations, "Henry's Super-Light Working Oil", "Working Oil", and "Henry's Sulphur Lanolin Treatment for Hair and Scalp" constitute competent or effective treatments for dandruff or itchy scalp or will relieve itchy scalp, except that caused by minor scalp irritations;

(d) That the preparation "Henry's Sulphur Lanolin Treatment for Hair and Scalp" will prevent falling hair or baldness or constitutes a competent or effective treatment therefor;

(e) That the preparation "Humania Dandruff Treatment" will cure dandruff or constitutes a competent or effective treatment for dandruff.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, any advertisement which contains any representation prohibited in paragraph 1 hereof.

Issued: June 16, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-7014; Filed, Aug. 10, 1950; 8:47 a. m.]

[Docket 5413]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

REALFLEX PRODUCTS CO.

Subpart—*Advertising falsely or misleadingly:* § 3.130 *Manufacture or preparation;* § 3.140 *Old, reclaimed or reused as new;* § 3.235 *Source or origin; Maker.* Subpart—*Misbranding or mislabeling:* § 3.1325 *Source or origin; Maker.* Subpart—*Using misleading name; Goods;* § 3.2345 *Source or origin; Maker.* In connection with the offering for sale, sale or distribution in commerce, of spark plug cable sets or other automotive specialties (1) representing, directly or indirectly, that their said spark plug cable sets are made with cable of the same quality as the cable used on United States Government planes in combat or that their spark plug cable sets are made from new and unused cable, when such is not a fact; (2) using the words "Champion", "Goodyear", or "Eveready", or any of them, either alone or in connection with any other word or words, to designate, describe, or refer to their said products; (3) representing, in any manner, that their said products are the products of, or are made by, Champion Spark Plug Company, Goodyear Tire & Rubber Company, or National Carbon Company, Inc., or that any of said corporations has any connection with the manufacture or sale of said products; or, (4) representing, through the use of the trade name or mark of any other concern or concerns engaged in the manufacture, sale, or distribution of automotive specialties, or in any other manner, that respondents' said products are the products of, or are made by, such other concerns; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Martin J. Goldstein et al. trading as Realflex Products Company, Docket 5413, June 14, 1950]

In the Matter of Martin J. Goldstein and Isabel Goldstein, Individually and as Copartners Trading Under the Name of Realflex Products Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner and exceptions thereto, and briefs and oral argument of counsel, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Martin J. Goldstein and Isabel Goldstein, individually and trading as Realflex Products Company, or trading under any other name, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of spark plug cable sets or other automotive specialties, do forthwith cease and desist from:

(1) Representing, directly or indirectly, that their said spark plug cable sets are made with cable of the same quality as the cable used on United States Government planes in combat or that their said spark plug cable sets are made from new and unused cable, when such is not a fact.

(2) Using the words "Champion", "Goodyear", or "Eveready", or any of them, either alone or in connection with any other word or words, to designate, describe, or refer to their said products.

(3) Representing, in any manner, that their said products are the products of, or are made by, Champion Spark Plug Company, Goodyear Tire & Rubber Company, or National Carbon Company, Inc., or that any of said corporations has any connection with the manufacture or sale of said products.

(4) Representing, through the use of the trade name or mark of any other concern or concerns engaged in the manufacture, sale, or distribution of automotive specialties, or in any other manner, that respondents' said products are the products of, or are made by, such other concerns.

It is further ordered, That the respondents shall, within sixty days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 14, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-7012; Filed, Aug. 10, 1950; 8:46 a. m.]

[Docket 5666]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GEO-MINERAL CO.

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or merits;* § 3.30 *Composition of goods;* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* In connection with the offering for sale, sale, or distribution of the preparation designated "Geo-Mineral", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication (a) that said preparation, when used as directed, is a competent or effective treatment for, or will cure, stomach or kidney ailments, bloating, constipation, bowel adhesions, rheumatism, arthritis, neuritis, or will relieve the pains of rheumatism or arthritis, or that it has any value in the treatment of such conditions; (b) that said preparation is a competent or effective treatment for, or will cure, headaches, nervousness or dizzy spells, or will restore vitality, energy, or weakened sexual powers, will improve appetite or increase weight, or will enrich or build the blood, or will correct dullness, tiredness, laziness, poor appe-

tite, or a lack of ambition to work or play, of sparkle in the eye, or of mental brilliance, or similar symptoms and conditions, unless such representations be expressly limited to those instances in which the symptoms and conditions to be treated are due solely to iron deficiency resulting from an inadequate intake of iron in the diet, and unless such advertisement discloses that such of the aforesaid symptoms and conditions to which the statements may relate are caused less frequently by anemia due to a simple deficiency of iron in the diet than by other causes and that when such symptoms and conditions are due to other causes this preparation will not be effective in relieving or correcting them; (c) that said preparation does not contain drugs or influences health without the use of drugs; (d) that said preparation contains the same minerals in therapeutic amounts as are found in mineral waters of well-known mineral springs, or that its use will produce the benefits ordinarily ascribed to the use of such mineral waters; (e) that said preparation keeps the colon free from waste matter, or that black stools and apparent impurities in the urine demonstrate the value of respondent's product in eliminating waste; (f) that any percentage or number of persons are suffering from nutritional mineral-iron anemia unless such statement is based on authoritative and reliable medical statistics; or, (g) that said preparation will restore health to all persons who may suffer from ill health: prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Nicholas Sage trading as Geo-Mineral Company, Docket 5666, June 14, 1950]

In the Matter of Nicholas Sage, Trading as Geo-Mineral Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and answer by respondent admitting all the material allegations of fact set forth in the complaint and waiving further intervening procedure and hearings as to the said facts, and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That Nicholas Sage, individually and trading under the name of Geo-Mineral Company, or any other name, and his agents, representatives, and employees, directly or through any corporate or other devices, in connection with the offering for sale, sale, or distribution of the preparation designated "Geo-Mineral", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

(1) Disseminating or causing to be disseminated by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That said preparation, when used as directed, is a competent or effective treatment for, or will cure, stomach or kidney ailments, bloating, constipation, bowel adhesions, rheumatism, arthritis, neuritis, or will relieve the pains of rheumatism or arthritis, or that it has any value in the treatment of such conditions.

(b) That said preparation is a competent or effective treatment for, or will cure, headaches, nervousness or dizzy spells, or will restore vitality, energy, or weakened sexual powers, will improve appetite or increase weight, or will enrich or build the blood, or will correct dullness, tiredness, laziness, poor appetite, or a lack of ambition to work or play, of sparkle in the eye, or of mental brilliance, or similar symptoms and conditions, unless such representations be expressly limited to those instances in which the symptoms and conditions to be treated are due solely to iron deficiency resulting from an inadequate intake of iron in the diet, and unless such advertisement discloses that such of the aforesaid symptoms and conditions to which the statements thereof may relate are caused less frequently by anemia due to a simple deficiency of iron in the diet than by other causes and that when such symptoms and conditions are due to other causes this preparation will not be effective in relieving or correcting them.

(c) That said preparation does not contain drugs or influences health without the use of drugs.

(d) That said preparation contains the same minerals in therapeutic amounts as are found in mineral waters of well-known mineral springs, or that its use will produce the benefits ordinarily ascribed to the use of such mineral waters.

(e) That said preparation keeps the colon free from waste matter, or that black stools and apparent impurities in the urine demonstrate the value of respondent's product in eliminating waste.

(f) That any percentage or number of persons are suffering from nutritional mineral-iron anemia unless such statement is based on authoritative and reliable medical statistics.

(g) That said preparation will restore health to all persons who may suffer from ill health.

(2) Disseminating or causing to be disseminated by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph (1) hereof.

It is further ordered, That the respondent, Nicholas Sage, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: June 14, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-7013; Filed, Aug. 10, 1950; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter D—Military Renegotiation Regulations

PART 423—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

GENERAL CLASSES OR TYPES OF EXEMPTED CONTRACTS AND SUBCONTRACTS

Amendment 4 to Appendix A to Subpart E of Part 423.

Section 423.354, Appendix A (15 F. R. 170, 2417, 4717, 4942) hereby is amended, by the amendment of the following item:

6. *Collateral items*—(a) *Exemption.* All subcontracts for:

(1) The sale, furnishing, or installation, of machinery, equipment or materials used in the processing of an end product or of an article incorporated therein; provided such machinery, equipment, or materials do not become a part of such end product or of an article incorporated therein.

(2) The sale, furnishing, or installation, of machinery used in the processing of other machinery to be used in the processing of an end product or of an article incorporated therein.

(3) The sale, furnishing, or installation of component parts of, or subassemblies for, machinery included in (2) above, and machinery, equipment and materials included in (1) above.

(4) The performance of services directly required for the performance of subcontracts included in (1), (2) and (3) above.

As used herein the phrase "used in processing" has the same meaning as that set forth in § 423.333-3 of the Military Renegotiation Regulations.

(b) *Limitations on exemptions.* This exemption does not apply to subcontracts subject to the Renegotiation Act of 1948, under contracts entered into on or after October 1, 1950.

This exemption does not apply to subcontracts where the purchaser of such machinery, equipment, or materials, has acquired them for the account of the Government. As used herein the phrase "acquired them for the accounts of the Government" means acquired pursuant to an arrangement between the Government and the purchaser of such machinery, equipment, or materials, whereby title to such machinery, equipment, or materials will, or may, at the option of the Government, vest in the Government.

(Sec. 3, 62 Stat. 259; 50 U. S. C. App. Sup. 1193)

Adopted by the Board: August 4, 1950.

FRANK L. ROBERTS, *Chairman, Military Renegotiation Policy and Review Board.*

[F. R. Doc. 50-7029; Filed, Aug. 10, 1950; 8:50 a. m.]

[Amdt. 8]

PART 428—STATUTES, ORDERS AND DIRECTIVES

MISCELLANEOUS AMENDMENTS

1. The following amendment is made to Subpart B of Part 428 of this subchapter by adding the following new section:

§ 428.824 *Executive Order 10076 by the President of the United States, September 1, 1949: Inspection of Income, Excess-Profits, and Declared Value Excess-Profits Tax Returns by the Military Renegotiation Policy and Review Board.* By virtue of the authority vested in me by sections 55 (a), 508, 603 and 729 (a) of the Internal Revenue Code (53 Stat. 29, 111, 54 Stat. 974, 989; 26 U. S. C. 55 (a), 503, 603, and 729 (a)), and in the interest of the internal management of the Government, it is hereby ordered that income, excess-profits, and declared value excess-profits tax returns made under the Internal Revenue Code for the year 1939 and subsequent years shall be open for inspection by the Military Renegotiation Policy and Review Board, subject to the conditions stated in the Treasury decision relating to the inspection of returns by such Board, approved by me this day.

Adopted by the Board: April 21, 1950.

2. The following amendment is made to Subpart D of Part 428 of this subchapter, designated as § 428.841 (heretofore reserved), as follows:

§ 428.841 *Raw materials exemption.* The Military Renegotiation Policy and Review Board has determined that contracts and subcontracts for any of the products on the following list are exempt from renegotiation pursuant to the provisions of subsection (i) (1) (B) of the Renegotiation Act of February 25, 1944, as amended, adopted by reference by section (d) of the 1948 Act. See § 423.-343-1.

NOTE: This list may be modified from time to time.

Aggregates; crushed stone; gravel; sand, including industrial sand.

Alumina; aluminum ingots and pigs.

Bauxite, crude; calcined or dried bauxite; bauxite abrasive grains.

Coal, prepared; run of mine coal.

Copper ore, crude; copper ore, concentrated; copper matte; blister copper; copper billets, cathodes, cakes, ingots, ingot bars, slabs and wire bars.

Gas, natural, not processed or treated further than the processing or treating customarily occurring at or near the well.

Iron ore, crude, pig iron.

Lead ore; refined lead bars, ingots and pigs; antimonial lead bars, ingots and pigs.

Monel ore; monel matte; monel ingots; pigs and shot produced from monel matte.

Natural gasoline; residue gas.

Nickel ore and concentrates; nickel matte; nickel oxide including nickel oxide sinter; nickel ingots, cathodes and shot.

Oil, crude.

(Sec. 3, 62 Stat. 259; 50 U. S. C. App. Sup., 1193)

Adopted by the Board: June 22, July 20, 1950.

FRANK L. ROBERTS, *Chairman; Military Renegotiation Policy and Review Board.*

Approved: August 2, 1950.

LOUIS JOHNSON, *Secretary of Defense.*

[F. R. Doc. 50-7030; Filed, Aug. 10, 1950; 8:50 a. m.]

Chapter VII—Department of the Air Force

PART 823—USE OF UNITED STATES AIR FORCE BASES OVERSEAS BY CIVIL AIRCRAFT (DOMESTIC OR FOREIGN)

PART 861—OFFICERS' RESERVE SALES; ELIGIBILITY

1. Paragraph (c) of § 823.13 is amended as follows:

§ 823.13 *Sales.* • • •

(c) *Advance deposits.* In lieu of cash payments as provided in paragraph (a) of this section, commanding generals of oversea air commands are authorized to contract with the civil air operators, after issuance of Air Force Form 33, for fees and charges under § 823.12. This contract may be entered into at the discretion of the oversea air commander and will provide for refundable advance deposits (the amount of which will be determined with the civil air operator, but in no event will it exceed the estimated requirements for fees and charges during the ensuing three-month period) to be held on deposit from the contracting officer by the local finance officer in special deposits.

• • • • •

[AFR 55-20A] (Sec. 5, 44, Stat. 570 as amended; 49 U. S. C. 175)

2. Paragraphs (a) (5) and (b) (2) of § 861.153 are amended as follows:

§ 861.153 *Eligibility*—(a) *Requirements common to all applicants.* An applicant submitting an application for Regular appointment in one of the corps of the Medical Service, United States Air Force, listed in § 861.151, must:

• • • • •

(5) Not be nor have been a conscientious objector.

• • • • •

(b) *Specific requirements.* • • •

(2) *Medical Service Corps.* Each applicant must: (i) Have reached his 21st birthday, but not have passed his 30th birthday on the date of his appointment in the Regular component, except that any person who served in the Armed Forces of the United States prior to September 2, 1945, and is qualified for three years additional service credit as provided in § 861.154 (b) (1) by possessing a doctor of philosophy or comparable degree acceptable to The Surgeon General, United States Air Force, in a science allied to medicine, may apply: *Provided*, That he does not exceed his 33d birthday on the date of his appointment in the Regular component. Further, an applicant's age may exceed 30 or 33 years whichever is appropriate on the date of appointment by the number of days, months, and years of active commissioned service performed in the Army or the Air Force of the United States, or any of their components, after December 31, 1947, but not to exceed five years.

(ii) Have completed a minimum of 60 semester hours (90 quarter hours) credit toward a baccalaureate degree from a college or university accredited by National or regional accrediting associations or have successfully completed the Educational Qualification Test 2CX as of date of application. (A transcript of all college and/or university credits or a certificate of satisfactory completion of the Educational Qualification Test 2CX will be attached to the application.)

• • • • •

[AFR 36-31A] (Sec. 107, 61 Stat. 736; 10 U. S. C. Sup. 156h. Interprets or applies secs. 103, 105, 61 Stat. 735; 10 U. S. C. Sup. 156e, 505c, d)

[SEAL] L. L. JUDGE, *Colonel, U. S. Air Force, Air Adjutant General.*

[F. R. Doc. 50-6998; Filed, Aug. 10, 1950; 8:45 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter III—Committee on Purchases of Blind-Made Products

PART 301—PURCHASES OF BLIND-MADE PRODUCTS

The regulations in this part are revised to read as follows:

Sec.
301.1 Definitions.
301.2 National Industries for the Blind designated.
301.3 Federal Supply Service to coordinate.
301.4 Schedule of Blind-Made Products.
301.5 Purchase procedure.
301.6 Clearances.
301.7 Agencies for the blind; restrictions.
301.8 Reports.

AUTHORITY: §§ 301.1 to 301.8 issued under sec. 2, 52 Stat. 1196; 41 U. S. C. 47.

§ 301.1 *Definitions.* As used in this part:

(a) "Blind" means a person having visual acuity not to exceed 20/200 in the better eye with correcting lenses; or visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(b) "Non-profit-making agency for the blind" (hereinafter referred to as "agency for the blind") means any organization operated in the interest of the blind, the net income of which does not inure in whole or in part to the benefit of any shareholder or individual, as established by affidavits filed with National Industries for the Blind.

(c) "Ordering office" means any Executive department, independent establishment, board, commission, bureau, service, or division of the United States, and any corporation, all the stock of which is beneficially owned by the United States.

§ 301.2 *National Industries for the Blind designated.* National Industries for the Blind (hereinafter referred to as "National Industries") is designated as the agency to facilitate the distribution of orders among the agencies for the blind. National Industries shall maintain a record of all non-profit-making agencies for the blind organized under the laws of the United States or of any State, and statistical data showing their respective quantity production of the commodities specified in the Schedule of Blind-Made Products available for

sale to ordering offices, so that the orders may be equitably allocated among such agencies for the blind.

§ 301.3 *Federal Supply Service to coordinate.* The Federal Supply Service of the General Services Administration is designated, to the extent agreed, to coordinate purchases by ordering offices of the blind-made commodities specified by the Committee on Purchases of Blind-made Products (hereinafter referred to as the "Committee").

§ 301.4 *Schedule of Blind-made products.* The Committee will issue to ordering offices, through the Federal Supply Service, a Schedule of Blind-made Products (hereinafter referred to as the "Schedule"), setting forth data concerning blind-made commodities to be purchased.

§ 301.5 *Purchase procedure.* Any ordering office requiring a commodity listed in the Schedule shall notify the Federal Supply Service, which will arrange to furnish the requirement from stock or otherwise under its usual procedure. National Industries shall determine whether any agency for the blind is in a position to produce the requirement and will allocate orders equitably among available agencies for the blind.

§ 301.6 *Clearances.* (a) The Federal Supply Service may grant clearance to any ordering office to purchase from commercial sources any item listed in the Schedule (1) when necessary to meet emergency requirements, or (2) no agency for the blind is in a position to furnish the requirement.

(b) Any ordering office may purchase from commercial sources any items listed in the Schedule to meet requirements (1) of military necessity which require delivery within two weeks, (2) that are less than a single unit, or (3) that are for use outside continental United States.

§ 301.7 *Agencies for the blind; restrictions.* (a) No commodity listed in the Schedule shall be delivered by an agency for the blind under this program unless (1) at least 75 percent of the direct labor of production of such commodity, including preparation of material, processing and packing, shall have been performed by the blind in producing the commodity, and (2) such commodity or one involving similar manufacturing processes shall have been produced and sold to any buyer by the particular agency for the blind for at least six months prior to delivery.

(b) Each agency for the blind shall keep on file an eye record card containing information that will establish whether a person employed in the production of commodities listed in the Schedule is blind as defined in § 301.1 (a). Copies of these cards shall also be filed with National Industries.

(c) As a prerequisite to participation in such Government orders, each agency for the blind shall file with National Industries copies of its certificate of incorporation, constitution and bylaws, or other instruments of similar import, showing its authority and permitted activities.

(d) Each agency for the blind participating in such Government orders shall maintain an accounting system, and not less often than once each year shall prepare a financial report and operating statement that accurately reflects its operations. Operating statements shall show as a separate item the amount of wages paid to blind employees. Books and records shall be made available for inspection at any time to representatives of National Industries or the Committee.

(e) No allocation of Government orders shall be made by National Industries to any agency for the blind not operating in accordance with this part.

§ 301.8 *Reports.* The Federal Supply Service shall submit quarterly to the Committee a report on the operation of the program. National Industries shall submit to the Federal Supply Service such reports on its activities as may be requested.

ROBT. LEFEVRE,
Secretary.

AUGUST 8, 1950.

[F. R. Doc. 50-7015; Filed, Aug. 10, 1950; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 917]

[Docket No. AO-218]

HANDLING OF IRISH POTATOES GROWN IN WYOMING AND WESTERN NEBRASKA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the Counties of Goshen, Laramie, Platte, Albany, Converse, Niobrara, Natrona, Johnson, Sheridan, Washakie, Big Horn, Park, Hot Springs, and Fremont in the State of Wyoming and in the counties of Sioux, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Dawes, Sheridan, Garden, Deuel, Keith, and Lincoln in the State of Nebraska, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), hereinafter called the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and the proposed marketing order (hereinafter called the "order") were formulated, was held at Torrington, Wyoming, on May 4–6, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 2141). Such notice set forth a proposed marketing agreement and order which was submitted to the Secretary of Agriculture by growers and shippers of Irish potatoes in Wyoming and Western Nebraska, as represented by the PMA Committees and the potato advisory committees of the respective States, with a petition for a hearing thereon.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need of the proposed regulatory program to accomplish the declared objectives of the act;

(3) The identity of the persons and transactions to be regulated;

(4) The definition of the commodity and determination of the smallest regional production area to be affected by the proposed regulatory program;

(5) The specific terms and provisions of the proposed marketing agreement and order necessary and incidental to attain the declared objectives of the act, including, among others, those applicable to:

(a) The establishment, maintenance, composition, powers, duties, and operation of the administrative agency;

(b) The method for limiting shipments of Irish potatoes grown in the production area;

(c) The establishment of minimum standards of quality and maturity;

(d) The handling under special regulations, under certain circumstances, and the procedure applicable thereto, of specified shipments of Irish potatoes grown in the production area;

(e) The relaxation of regulations in hardship cases and the procedure applicable thereto; and

(f) The requirement that all handling of Irish potatoes grown in the production area must be in accordance with the provisions of the marketing agreement and order, and that inspection and certification of shipments of such potatoes and the payment of assessments must be accomplished in connection therewith.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing on the record thereof, are as follows:

(1) A substantial percentage of the Irish potatoes grown in the Counties of Goshen, Laramie, Platte, Albany, Converse, Niobrara, Natrona, Johnson, Sheridan, Washakie, Big Horn, Park, Hot Springs, and Freemont in the State of Wyoming and the counties of Sioux, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Dawes, Sheridan, Garden, Deuel, Keith, and Lincoln in the State of Nebraska, hereinafter called the "production area", normally enters the current of interstate or foreign commerce, and virtually all of the remainder of such potatoes are consumed as table stock or seed potatoes within the production area, or the States of Nebraska and Wyoming, respectively, or are used for so-called diversionary purposes. The market for potatoes grown in the production area is regional in scope and prices for such potatoes at markets both within and outside the States of Nebraska and Wyoming are closely related to each other and to f. o. b. shipping point prices in the production area. Every movement and sale of such potatoes, whether to a market within or outside of the State of Nebraska or the State of Wyoming affects the price structure for all potatoes grown in the production area.

Such movements and sales of potatoes grown in the production area may be scheduled originally for delivery to markets within the production area, the State of Nebraska, or the State of Wyoming and then be diverted en route to markets outside of the production area, the State of Wyoming, or the State of Nebraska. Conversely, such potatoes, destined originally for market outside of the production area, the State of Wyoming, or the State of Nebraska, may be diverted en route to markets within the production area or the respective States. The movement and sale of such potatoes to markets within the production area, to markets within the States of Nebraska and Wyoming, and to markets outside of the States of Nebraska and Wyoming are, therefore, inextricably intermingled.

It is concluded, therefore, that (i) all transportation and sale (except retail sales) of Irish potatoes grown in the production area are either in the current of interstate or foreign commerce, or directly burden, obstruct, or affect such interstate or foreign commerce (hereinafter called "in commerce") and (ii) it is impractical to regulate effectively the transportation and sale of such potatoes without regulating all transportation and sale thereof, except to the extent hereinafter indicated.

(2) Effective January 1, 1950, parity prices for Irish potatoes are to be computed in accordance with the provisions of the Agricultural Act of 1948 and the Agricultural Act of 1949.

Seasonal average farm prices (potatoes grown in the proposed production area) have been below the applicable levels for 17 seasons and above such levels for 4 seasons since 1928. Two of the 4 seasons (1943, 1944) when such prices were above parity were war years. Such prices have been below parity during the 1945-48 seasons, inclusive. The 1949 seasonal average farm price for potatoes grown in the proposed production area is $1.31 per bushel, which is only 76 percent of the applicable parity price for such potatoes.

In view of the seasonal average farm prices for the commercial crops of potatoes in the production area having been below parity in most of the past 21 seasons, the seasonal average farm prices for the 1949 crop of such potatoes having been 26 percent below parity, the indicated 1950 acreage of potatoes in Wyoming and Nebraska being approximately the same as in 1949, and the current level of price support for potatoes, it is anticipated that the seasonal average farm price received by growers in the production area for potatoes produced in 1950 will not exceed the prescribed parity level.

The availability of supplies of Irish potatoes in excess of all market demand therefor tends to decrease the grower's average returns from all of such potatoes. Withholding the poorer grades and undesirable qualities and sizes of such potatoes from such markets tends to equalize market supply and the demand therefor, and tends to increase the growers' average returns for all Irish potatoes. Poor grades, undesirable qualities, and undesirable sizes of Irish potatoes available for sale in wholesale markets sell at appreciable discounts from the sale price of the better grades and desirable qualities and sizes of such potatoes, and the former not only displace the latter to a considerable extent, but the former give poor consumer satisfaction, resulting in an over-all decreased consumption of Irish potatoes. Grade, quality, and size discounts in wholesale prices of Irish potatoes are reflected in similar discounts in growers' returns therefor.

Therefore, it is concluded that a marketing agreement and order is necessary to regulate the transportation and sale of Irish potatoes grown in the production area, to establish and maintain such orderly marketing conditions therefor as will tend to establish parity prices for such potatoes. The marketing agreement and order should contain provisions for the establishment and maintenance of such minimum standards of quality and maturity and such grading and inspection requirements for Irish potatoes grown in the production area as will effectuate orderly marketing thereof in the public interest, because, even though prices received by farmers for such potatoes exceed parity, some potatoes of poor quality do not, under any circumstances, represent value to the consumers thereof, and the returns to the farmers therefrom are negligible.

(3) (a) The act authorizes the regulation of such handling of Irish potatoes grown in the production area as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce. The marketing agreement and order should regulate such handling solely to effectuate the declared policy of the act. It is essential, as a basis for such regulation, that the marketing agreement and order define a "handler" so that persons to be regulated thereunder will have notice thereof.

Common or contract carriers transporting Irish potatoes (grown in the production area and owned by another person) to market are performing a handling function in commerce but such handling should not be regulated under the marketing agreement and order for the reason that such carriers are not responsible for the grade, quality, and size of the commodity so transported, are not responsible for the introduction of such commodity in commerce, and their sole interest in such commodity is to transport it to destinations selected by others for a service charge. The responsibility for the grade, quality, and size of the commodity delivered to such common and contract carriers should be borne by the person or persons responsible for delivering such commodity to such carriers.

Other handling functions with respect to such potatoes, which should be regulated under the marketing agreement and order, are hereinafter considered in connection with a definition of "ship," and the definition of "handler" should be synonymous with "shipper" because regulation of the handler performing any of such functions is necessary under the marketing agreement and order to effectuate the declared policy of the act. Therefore, the term "handler" or "shipper" should be defined to mean any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

(b) Processing activities (such as storing, washing, grading, and packing) with respect to Irish potatoes are handling functions in commerce. However, it would be impracticable, if not impossible, to require persons engaged in such activities to meet grade, quality, and size requirements, under regulations issued pursuant to the marketing agreement and order, prior thereto except as hereinafter indicated. Therefore, such handling activities should be exempt from regulation under the marketing agreement and order. Such exemption should be limited to storing, washing, packing, grading, and other preparatory handling functions accomplished in the production area because such activities are customarily accomplished therein. After the grading has been accomplished in connection with such potatoes, the handling activity of transporting them to market should be subject to regulation, under the marketing agreement and order, because the grade, quality, and size of such potatoes are determined by the grading process accomplished prior to such transportation and such transportation in commerce can then be limited, on a practical basis, to such grades, qualities, and sizes of such potatoes as will tend to effectuate the declared policy of the act.

Sales of Irish potatoes, grown in the production area, in commerce are han-

dling transactions which should be subject to regulation under the marketing agreement and order because such sales are generally made on the basis of grades, qualities, and sizes, or combinations thereof; and because such sales introduce or continue such potatoes in commerce. Therefore, if such sellers fail to meet the requirements of regulations issued under the marketing agreement and order they should be responsible, except as hereinafter indicated, for such introduction or continuation of the potatoes in commerce. However, if any person sells potatoes to a recognized packer in the production area on a field run, cellar run, or grade-out basis, for storing, or market preparation, therein, such sale by the producer should not constitute a handling transaction in commerce, subject to regulation. Under such state of facts, the sale to the recognized packer does not place the potatoes in commerce and the customary contemplation of the parties is that, prior to their introduction in commerce, the potatoes will be prepared as aforesaid for market. Similarly, the transportation of ungraded potatoes within the production area for storing such commodity therein should not constitute a handling transaction in commerce subject to regulation. It is necessary to restrict the scope of this producer-packer sale to packers operating processing facilities in the production area because such restriction conforms to customary practice therein.

However, if a producer of Irish potatoes, grown in the production area, sells such potatoes grown by him to an itinerant trucker, or any other person, for transportation to market without prior processing, such potatoes are thereby placed in commerce at the time of such sale and the producer, under such circumstances, is the first handler of such potatoes. It may be assumed, under such circumstances, that the producer intended that the potatoes would be placed in commerce at the time of such sale and, therefore, he should be held responsible for any failure of the commodity so sold to meet such grade, quality, and size requirements as might be in effect under the marketing agreement and order at the time of such sale.

Irish potatoes grown in the production area and consigned or otherwise placed in commerce should be considered in the same category as potatoes sold in commerce because the former activities are merely different methods of selling potatoes. Such potatoes should also meet the minimum grade, quality, and size requirements in effect under the marketing agreement and order at the time they are so introduced into commerce to effectuate the declared policy of the act. The consignor or individual otherwise placing such potatoes in commerce should, therefore, be subject to regulation.

Irish potatoes grown in the production area are frequently transported, sold, or otherwise placed or continued in commerce by more than one person. Each of such persons is responsible for introducing or continuing such potatoes in commerce and, therefore, each of such persons should be required to conduct such handling activities in accordance with applicable grade, quality, and size regulations, under the marketing agreement and order to effectuate the declared policy of the act.

It is concluded, therefore, that "ship" should be defined in the marketing agreement and order to include and be applicable to all of the handling functions which must be subject to regulation to effectuate the declared policy of the act, that such definitions should be synonymous with "handle", and that "ship" should mean to transport, sell, or in any way to place potatoes in the current of commerce within the production area, or between the production area and any point outside thereof: *Provided*, That the definition of "ship" or "handle" shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area for storing therein, or the sale or transportation within the production area of potatoes to a recognized packer for the purpose of having such potatoes prepared therein for market.

(4) (a) It is necessary to define the commodity to be regulated by the marketing agreement and order, so that persons handling such commodity will know that their handling activities relevant thereto are subject to regulation thereunder. The act authorizes marketing agreements and orders applicable to potatoes, or to any regional or market classification thereof. Irish potatoes of all varieties grown in the production area is a regional classification of potatoes and regulation of the handling thereof will tend to effectuate the declared policy of the act. It is concluded, therefore, that "potatoes" should be defined to mean all varieties of Irish potatoes grown in the production area.

(b) A definition of "production area" is incorporated in the marketing agreement and order to specify and delineate the area in which potatoes must be grown before the handling thereof is subject to regulation. The proposed production area, set forth in the notice of hearing, included designated counties in the State of Nebraska and all of the State of Wyoming. Certain counties of Wyoming should, however, be excluded from the production area because no commercial potato production exists therein. These are the counties of Teton, Sublette, Lincoln, Uinta, Sweetwater, Carbon, Campbell, Weston, and Crook. The area comprising Yellowstone National Park in Wyoming should be excluded for the same reason. The remainder of the State of Wyoming, which should be designated as a part of the production area, comprises a contiguous area and one in which the conditions and methods of producing and marketing potatoes are reasonably similar. It would be impractical to exclude any of this Wyoming territory from the production area because the most important potato producing areas in Wyoming lie along the Wyoming-Nebraska border and adjacent to important potato producing areas in Nebraska. Also, the producing and marketing conditions and methods throughout the entire composite area are similar.

In addition, it is a customary practice whereby potatoes purchased in Wyoming are moved into Nebraska for processing. Such potatoes produced in Wyoming are of the same varieties as are produced in the Nebraska portion of the production area and it would be impossible to determine in a given case whether such potatoes were produced in Wyoming or in Nebraska. Therefore, if either the Wyoming portion, or the Nebraska portion, or any subdivision thereof, were excluded from the production area, enforcement and operation of a marketing agreement and order in the remaining portion would be unreasonably difficult and impractical.

Such differences in production and marketing conditions and methods as do exist within the production area as hereafter defined are not of such magnitude as should justify, on the basis of reasons stated herein, the exclusion of any portion of the production area from regulation under the marketing agreement and order. The same or similar varieties of potatoes are grown throughout the production area and potatoes from each part thereof compete in markets both within and outside the area during each season. Therefore, the production area, hereinafter defined, constitutes the smallest practicable regional production area.

(5) It is necessary to define the terms hereinafter set forth, so that their applicability and meaning may be established and to preclude the necessity for redefining them when they are later used in the marketing agreement and order. The definitions of Secretary, act, person, producer, and varieties, as set forth in the notice of hearing, were not in controversy at the hearing. These terms are generally understood by members of the potato industry in the production area and the use of such terms in the marketing agreement and order is essential as the basic framework thereof.

A definition of "fiscal year" is incorporated in the marketing agreement and order to establish the beginning and end of an operating period. The establishment of such period, which should comprise a full twelve months, is necessary for businesslike administration of the marketing agreement and order and is desirable as a basis for establishing the terms of office of committee members and alternates. The date marking the end of one fiscal year and the beginning of the next should fall at a time of relative inactivity in the marketing of the potato crop and should allow sufficient time for the committee to organize and to be prepared to function prior to the start of the new marketing season. Marketing of such crop extends from about September 15 of each year to about May 1 of the following year. June 1 is a time of minimum activity in the marketing of the potato crop grown in the production area and such date is approximately three months prior to the beginning of the harvest season. Such date is, therefore, an appropriate time for the conclusion of one fiscal year and the beginning of the next. Fiscal year should be defined, therefore, as hereinafter set forth.

Definitions of "Administrative Committee," and "marketing committee" are incorporated in the marketing agreement and order to identify the administrative bodies which are to act as the agencies of the Secretary. Such committees are authorized by the act, and the definition thereof, as hereinafter set forth, minimizes the use of words in the marketing agreement and order.

Definitions of "seed potatoes" and "table stock potatoes," are incorporated in the marketing agreement and order because regulation is provided, under certain circumstances, differently for each. Special regulation for seed potatoes is justified because such potatoes are produced for a specialized use and the requirements of the seed market differ, in some respects, from that of the table stock market. For example, potatoes of small size are ordinarily discounted in the table stock market but may bring a premium in the seed market. The term "seed potatoes" should be defined to include such potatoes as are certified, tagged or otherwise appropriately identified by the official seed certifying agency of the State of Nebraska or Wyoming, or such other seed certifying agency as the Secretary may recognize. Table stock potatoes should be defined as all potatoes other than seed potatoes. The sum total of the table stock and seed potatoes so defined will equal "potatoes," otherwise defined in the marketing agreement and order.

The definition of "pack" should include consumer packs which are prepared for ultimate sale by the retailer to the consumer in the original container. The definition also should include wholesale packs from which potatoes are normally dumped into bulk display bins at the retail store. In practice, the distinction between the two types of packs rests on the capacity of the container. While consumer packs for such potatoes are not commonly in use, nevertheless there is a growing interest in these types of packs. These usually consist of 5, 10, and 15 pound bags, while wholesale packs consist of 50 and 100 pound bags. The demarcation between consumer and wholesale packs should be drawn at a specified net weight content rather than by naming the individual container which should fall in the respective category. The possible introduction of containers differing in size from those now in use makes the latter approach impractical. This definition is intended to permit the administrative committee to describe various packs and to establish distinctions among packs upon the basis of weight, as aforesaid, so that different regulations may be established for such different packs. Pack should be defined, therefore, as hereinafter set forth.

Definitions of "grade" and "size" are incorporated in the marketing agreement and order to enable all persons affected thereby to determine the requirements thereof and to interpret specifically and intelligently regulations issued in such terms. Grade and size, the essential terms in which regulations may be issued, should be defined as comprehending the equivalents of the meanings assigned to these terms in the official standards for potatoes issued by the United States Department of Agriculture, or to amendment or modification or variation of such standards. Regulations under the marketing agreement and order can then use such terms (grade and size) with the constant meaning assigned thereto in such standards, or amendment of such terms as may be effected through amendment of such standards, or such modification or variation of such terms as may be required at the time of regulation and spelled out in the regulation. Official inspectors are qualified to certify to the grade and size of potatoes, grown in the proposed production area, in terms of any one of the aforesaid standards, or amendments, modifications, or variations thereof.

A definition of "export" is incorporated in the marketing agreement and order because different regulations thereunder are authorized for export shipments than for domestic shipments. Export markets have certain requirements which differ from the domestic market and special regulations are, therefore, justified. Export should be defined to include all shipments of potatoes outside of the continental United States.

Definitions of "district" and "subdistrict" are incorporated in the proposed marketing agreement and order to delineate the geographical divisions of the production area for the purpose of electing nominees for membership on the marketing committees and for apportioning representation on the Administrative Committee. The production and marketing problems within each of the districts and subdistricts hereinafter established are similar and selection of committee members on such basis will afford equitable representation to all producers and handlers in the production area.

District and subdistrict should be defined, therefore, as hereinafter set forth.

(a) The marketing agreement and order should provide for the selection by the Secretary of an administrative committee, called the Wyoming-Western Nebraska Potato Committee and of a marketing committee for each district of the production area. Establishment of these committees is desirable and necessary to aid the Secretary in carrying out the declared policy of the act and such committees are authorized by the act.

Marketing committees for specific portions of the production area, with authority to recommend grade, size, and quality regulations for the portion in which it operates, will provide a basis for representation on such committees whereby potato producers affected by such regulations can have fair and equitable representation. The selection and establishment of an administrative committee from among marketing committee membership provides a central agency to carry out service functions and to coordinate the activities of the marketing committees.

Provision should be made for an alternate for each member of the committees because circumstances may arise when it is impossible for a member or members, to attend particular meetings of the committees and where positions are vacant because of death, resignation, or for other reasons. In such situations it is necessary and desirable for the respective alternate to act in lieu of the member, so that there will be no interruption of committee operations and to assure that committee activities will be representative of producer and handler thinking in all districts and subdistricts of the production area. Such alternates should have the same qualifications as the members if the alternates are to represent the same industry interests as such members.

An administrative committee of six members, each of whom should be a member of a marketing committee, will be of sufficient size to permit it to operate in an efficient manner and to give all producers and handlers in the production area adequate representation in the conduct of administrative committee business.

Two 9-member marketing committees, each composed of 6 producers and 3 handlers, will provide potato growers and handlers in each district adequate and equitable representation on the marketing committees for such districts.

Producer members and alternates of a marketing committee selected to represent a subdistrict of the production area should be producers (or officers or employees thereof) in such subdistrict. Handler members and alternates of a marketing committee to represent handlers should be handlers (or officers or employees thereof) in such district. Persons with such qualifications will be intimately acquainted with the particular problems of producing and marketing potatoes grown in the subdistrict represented, in the case of producer members, and in the district represented, in the case of handler members, and for these reasons can be expected to present accurately the views, problems, and economic conditions of producers and handlers in such subdistricts and districts of the production area with respect to marketing committee actions.

A nomination procedure is provided in the marketing agreement and order to assure the Secretary that the names of appropriate prospective members and alternates of the committees will be brought to his attention. The nomination of prospective producer members and alternates of marketing committees by producers at meetings in the respective subdistricts and of prospective handler members and alternates by handlers at meetings in the respective districts is a practical method of providing the Secretary with names of such members and alternates. As soon as practical after a marketing committee organizes and begins operating during the term for which selected, such committee should meet for the purpose of nominating prospective successor producer members and handler members to serve on the administrative committee. Such nominees should be from among the members, including the respective alternates, of the marketing committee and reflect the aforesaid representation. The nomination by each marketing committee of prospective administrative committee members and alternates to represent each district is an appropriate means of providing the Secretary with the names of such members and alter-

nates. Such procedure will insure that the Secretary has available a list of nominees whose qualifications have been reviewed by and acted upon by members of the industry.

The Secretary may appropriately select initial marketing committee members and alternates from nominations made by producers, handlers or groups thereof. However, the administrative committee, the Wyoming-Western Nebraska Potato Committee, does not come into existence until selection by the Secretary of the initial members thereof; therefore, the marketing agreement and order should provide for the selection by the Secretary of said initial committees in the absence of nominations. Similarly, there should be authority for the Secretary to select the respective memberships of the marketing committees in the absence of nominations made in the aforesaid manner.

Nomination meetings for the purpose of nominating succeeding members of the marketing committees and their alternates should be held or caused to be held by the administrative committee prior to April 1 of each year. Such date is approximately sixty days prior to the end of the fiscal year. By holding, or causing to be held, nomination meetings prior to such date, the administrative committee would have adequate time to prepare and submit nominee lists to the Secretary in time for the Secretary to select the members and alternates of marketing committees to take office at the beginning of the new fiscal year, and, in the event a selectee declines to serve, for the Secretary to make another appointment.

At least two nominees should be designated for each position as member, and each position as alternate member, on the committees so that the Secretary will have a choice in making his selection and, in the event a selectee declines to serve, so that he will have the names of other prospective members or alternates from which to make another appointment.

Nominee lists should be supplied to the Secretary in the manner and form prescribed by him to establish administrative uniformity in the handling of such matters. Such nominations for positions on the marketing committees should be presented to the Secretary at least forty-five days prior to the end of the fiscal year so that the selection and qualification of marketing committee members and alternates for the new term of office which begins with the new fiscal year may be made prior to such date.

Except to the extent hereinafter indicated, each producer should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives, in designating nominees for producer members and alternates of marketing committees regardless of the number of subdistricts in which he produces potatoes. Voting on any other basis would not provide for equitable representation. If a producer could cast more than one vote by reason of operating in more than one subdistrict, such producer would have an advantage in selecting nominees over producers operating in only one subdistrict. The producer who operates in more than one subdistrict should be required to elect the subdistrict in which he will vote for nominees for producer committee members and alternates. The one-vote limitation applies to each producer position to be filled at a nomination meeting. Each producer is allowed one vote for each such producer position as a marketing committee member and each such producer position as a marketing committee alternate to be filled at a nomination meeting.

Similar voting limitations and requirements (on a district basis, rather than a subdistrict basis) should be applied to handler participation in nominating handler committee members and alternates on marketing committees, for reasons similar to the application of such limitations and requirements to producer nominations of producer committee members and alternates. However, to maintain the distinctive handler and producer representative viewpoints of marketing committee members, each person who is a handler and also a producer should be required to elect the capacity in which he will participate in program activities.

In order that there will be administrative agencies in existence at all times to administer the marketing agreement and order, the Secretary should be allowed to select administrative and marketing committee members and alternates without regard to nominations if the committees, for any reason, fail to carry out the nomination procedures prescribed herein. Such selection, however, should be on the basis of the representation provided in the marketing agreement and order to insure that the entire production area is fairly and adequately represented.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of willingness and intention to serve in such capacity, so that the Secretary will have a means of determining if he intends to serve. This is sound operating procedure and is necessary and desirable to avoid delays in the composition of the committee. For this same reason, each member and alternate should file his acceptance within a definite time period after receiving notice of his selection. The ten-day period prescribed is reasonable for qualification and will not unduly retard composition of the committee.

Provision is made for the Secretary to fill any committee vacancies in order to maintain the committees in continuous operation. The marketing agreement and order provides several alternative procedures which may be followed by the Secretary in making such selections. The administrative flexibility thus prescribed is desirable so that the Secretary will not be forestalled in making such selections and so that he may choose the most practical of the alternative means of obtaining the names of qualified persons to fill such vacancies.

The term of office of administrative and marketing committee members and alternates, except for initial members and alternates, should be for two years. A two-year term is desirable so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service in assisting the Secretary in carrying out the declared policy of the act. A term of two years is also the minimum term that can be established if provision is to be made for staggered terms of office. A term of more than two years should not be established since producers and handlers should have an opportunity to vote for a change in their representation at more frequent intervals.

Provision is made in the marketing agreement and order for staggered terms of office of administrative and marketing committee members and alternates. Under this provision, approximately one-half of the administrative committee and each marketing committee in office at the end of a fiscal year will continue in office through the next fiscal year. The establishment of such staggered terms will promote administration of the program in the most effective and efficient manner. By having staggered terms of office, the new members and alternates selected to serve during a fiscal year will benefit from the guidance of the experienced members who carry over. This provision for continuation in office of experienced members will help insure continuity in the policies and procedures relating to the administration of the marketing agreement and order. Such continuity is an essential ingredient in the successful administration of the marketing agreement and order.

To facilitate the establishment of staggered terms of office, the marketing agreement and order provide that the terms of office of a majority of the members and alternates of the initial administrative committee and marketing committees shall be for one year. Such provision is fair and equitable and will permit the establishment, on a practical basis, of committees with the members and alternates thereon holding office for staggered terms.

A quorum of the administrative committee should consist of four members and four concurring votes should be necessary for passing any motion or approving any action of the administrative committee. A quorum of a marketing committee should consist of five members and five concurring votes should be necessary for passing any motion or approving any action of such marketing committee. These requirements are reasonable and are necessary to insure that any action of the committees reflects a majority of the views presented.

Only members present at an assembled meeting of a committee, and alternate members acting for members, should be entitled to vote. This requirement will encourage greater attendance at meetings and will promote fuller discussion of committee actions. Provision is made for meetings of the committees by telephone, telegraph, or other means of communication, to meet practical situations where rapid decision with respect to committee actions is necessary. Such emergency situations occur quite frequently in the marketing of potatoes grown in the production area. Any votes cast at such meetings should be promptly confirmed in writing to provide a record of the action taken.

The apportionment and selection of producer members and alternate members of the marketing committee by subdistricts in the manner set forth in the marketing agreement and order will provide fair and equitable representation of all producers in the production area. The representation provided gives weight, on as fair and reasonable a basis as possible, to the various factors, such as acreage, number of producers, size of district and subdistrict, and variation in producing and marketing conditions, necessary to establish assurance of a fair and equitable representation of all portions of the production area on the committee.

Compensation at not to exceed the rate prescribed herein will offset, to some extent, the losses which such members and alternates will sustain through committee service.

Administrative and marketing committee members and alternates should be reimbursed for expenses necessarily incurred when acting on committee business and should be compensated at a rate of not to exceed $10.00 per day, or portion thereof, for such service. Since such members and alternates will be serving in the interest of the potato industry in the production area, they should not be required to bear such reasonable expenses as they incur in attending to committee business.

The powers of the committees, as set forth in the notice of hearing, should be granted to the committees because such powers are authorized by the act and are essential to the committees in order for them to discharge their responsibilities under the marketing agreement and order.

The administrative committee should perform each and all of the duties set forth in the notice of hearing because such duties are necessary and essential to the accomplishment of the declared policy of the act and for the administrative committee to discharge its obligations to the Secretary. These duties are similar to duties given to other administrative committees under other marketing agreement and order programs. The marketing committees should be assigned each and all of the duties set forth in the marketing agreement and order to assist the administrative committee and the Secretary in operating the program and in carrying out the declared policy of the act.

(b) The declared policy of the act is to establish and maintain such orderly marketing conditions for potatoes, among other commodities, as will tend to establish parity prices for such potatoes. The regulation of shipments of potatoes by grade, size, or quality, authorized in the marketing agreement and order, provides a means of carrying out such policy.

The procedures which are outlined in the marketing agreement and order for the development and institution of marketing policies relating to grade, size, or quality regulations provide a practical basis for the committees to obtain appropriate and adequate information regarding marketing problems. In turn, members of the industry are also provided an appropriate and adequate means of being informed regarding the policies and regulations the committees recommend and, if issued, the regulations that are effective. The factors which the committees should take into consideration in developing marketing policies are the ones commonly or usually taken into account by growers and handlers in marketing potatoes.

In order that the Secretary may most effectively carry out his responsibilities in connection with the marketing agreement and order, it is provided that each marketing committee should prepare and submit to the Secretary a report on its proposed policy, or amendments thereto, for the marketing of potatoes produced in the district served by such committee during each fiscal year. Further provision should be made for each marketing committee to make available the contents of such reports to producers and handlers in the production area, to the administrative committee, and to the Secretary.

In developing a proposed policy for the marketing of potatoes it is provided that the committees shall investigate enumerated relevant factors of supply and demand for potatoes. This requirement is necessary so that the marketing committees will be in the best position to adopt sound and practical recommendations for regulation and to advise the Secretary with respect to such supply and demand conditions. Each marketing committee will be well qualified to determine marketing conditions for potatoes produced in the district which it serves and to recommend specific regulations which will tend to effectuate the declared policy of the act.

The limitation of shipments of the poorer grades, qualities, and less desirable sizes of potatoes grown in the production area will tend to increase the prices of the more desirable grades, qualities, and sizes, and to increase the returns to producers therefrom. Less desirable sizes include not only small potatoes (other than seed potatoes) but also excessively large potatoes. Such limitation of shipments will also help to improve the long-run demand for and competitive position of potatoes grown in the production area.

It is a necessary and desirable exercise of the authority granted by the act for each marketing committee to recommend, and the Secretary to establish, grade, size, or quality regulations for any or all portions of the production area, and different grade, size, or quality regulations for different packs, for different time periods within the shipping season, for different varieties, or any combination of the foregoing, all with respect to potatoes grown in the district served by such committee. Such administrative flexability is needed in the marketing agreement and order to effectuate the declared policy of the act through the issuance of appropriate regulations adapted to different and changing circumstances encountered in the marketing of potatoes.

Authority to issue different regulations applicable to different portions of the production area is necessary because a particular portion or portions of such area may have adverse growing conditions which cause an abnormally high percentage of the potatoes grown therein to fall within restricted grades, sizes, or qualities. To meet the administrative problems that would arise from a situation of this kind and to provide fair and equitable regulation of all shipments of potatoes grown in the production area, it would be appropriate to establish a less restrictive regulation applicable to such affected portion or portions of the area.

Supply and demand conditions for potatoes are subject to frequent and substantial changes during the course of a particular marketing season. For this reason, it is absolutely essential that the marketing committees have authority to recommend different regulations at any time during the season in order to carry out the declared policy of the act.

Different regulations should be authorized for different varieties of potatoes because varieties differ in particular characteristics such as shape and in susceptibility to certain defects. For these reasons, an appropriate grade and size regulation for one variety may not be appropriate for another. Moreover, a new variety may be introduced in the area which should be regulated differently than the varieties now being grown.

It is necessary to provide for different regulations, under appropriate circumstances, for different packs of potatoes to improve and maintain consumer acceptance for potatoes grown in the production area. For example, it may be desirable to establish different regulations for consumer packs than for wholesale packs. Consumer packs of potatoes require different size composition than wholesale packs; authority should be provided, therefore, to establish regulations with respect to minimum or maximum sizes of potatoes, or both, differently for consumer packs than for wholesale packs. Consumer acceptance of potatoes is more adversely affected by inferior grades and undesirable sizes in consumer packs than in wholesale packs. In the case of consumer packs, the consumer accepts the package relatively "sight unseen" and does not have an adequate opportunity to make a selection of individual potatoes. The consumer, however, can make the desired selection from bulk displays made up by dumping the contents of wholesale packs into a bin. Consumers demand a better and more uniform grade, size, and quality of potatoes in consumer packs than in wholesale packs and failure to maintain such grade, size, and quality in consumer packs will disproportionately decrease the total returns of growers of potatoes in the production area.

The Secretary, upon the recommendation of a marketing committee, or other available information, should be authorized to modify, suspend, or terminate grade, size, or quality regulations with respect to shipments of potatoes, grown in the district served by such committee, outside of the normal commercial markets for table stock potatoes. Each marketing committee should be well qualified, because of the experience and knowledge of individual members, to recommend

such modifications, suspensions, or terminations as will be in the best interests of the potato industry in the district which it serves and which will tend to effectuate the declared policy of the act. Potatoes which otherwise could not be marketed under the regulations would tend to increase the total returns of potato growers in the production area if shipped to the noncompetitive outlets hereinafter set forth.

In the notice of hearing provision was made to treat shipments of potatoes for grading or storing within the production area as a special shipment to be subject to modified regulation; or with respect to which regulations could be suspended or terminated. Inasmuch as the sale or transportation of potatoes prior to storage or the grading thereof is excluded from the definition of ship there is no occasion or need to permit special treatment of such shipments.

The nature of the demand for seed potatoes differs from the demand for table stock in that small sizes are preferred for seed, whereas the same sizes are discounted in the table stock market. However, certain characteristics which constitute grade defects in table stock potatoes do not necessarily detract from the value of seed potatoes. It is desirable, in order to promote more orderly marketing conditions for potatoes, to authorize the committee to recommend, and the Secretary to modify, grade, size, or quality regulations with respect to seed potatoes, or to suspend or terminate regulations relating to such seed shipments.

Although export outlets are not now an important factor in the demand for potatoes grown in the production area, they may assume greater importance in the future. In the event any export markets offer premium prices for certain grades, sizes, or qualities of potatoes which usually sell at a discount in the domestic market, it would be desirable that authority be provided for each marketing committee to recommend, and the Secretary to establish, modifications, suspensions, or terminations of regulations applicable to export shipments. Such shipments to export would tend to increase returns to producers in the production area and result in added increment to the value of the crop, thereby tending to effectuate the declared policy of the act.

Substantial shipments of potatoes to the Federal Government have been made in recent years in carrying out price support obligations administered by the Secretary. It is necessary, therefore, to authorize the committee to recommend and the Secretary to modify, suspend, or terminate regulations to facilitate such shipments, which will increase grower returns from potatoes grown in the production area and thereby tend to effectuate the declared policy of the act.

The marketing committees should be authorized to recommend and the Secretary to modify, suspend, or terminate regulations with respect to potatoes shipped for manufacture or conversion into specified products because such shipments reduce the supply of such potatoes available for shipment to the table stock market and, therefore, such shipments would tend to increase the total value of the entire crop of potatoes. The marketing committees should be given authority to recommend which shipments should be classed as being for manufacture or for conversion into specified products because committee members are in an advantageous position to know whether and when such end products constitute outlets that are not competitive with table stock potatoes. It is concluded that the marketing committees should have authority to recommend and the Secretary to specify such products because some products compete on a basis virtually equal to table stock potatoes and, further, because new end products may be developed from time to time, some of which may, and some of which may not, be competitive with table stock potatoes. Shipments of potatoes to potato chip or french fry plants should not be included thereunder and made subject to modification, suspension, or termination of regulations because such products, i. e., potato chips and french fried potatoes, compete on a basis virtually equal to table stock potatoes.

The marketing committees should be authorized to recommend that shipments of potatoes for livestock feed, or for other specified purposes, should not be regulated, or to recommend modification or suspension of regulations governing such shipments. Livestock feed provides an outlet for potatoes that is not competitive with the table stock market. When such outlet is available it will tend to promote objectives sought under regulation to exempt shipments for this purpose from grade, size, and quality regulations. The marketing committees should be authorized to recommend that shipments of potatoes for a particular purpose or type of utilization should not be regulated, or to recommend modification or suspension of regulations with respect to such shipments, when it is found that such shipments are not competitive with table stock shipments in commerce. The Secretary, on the basis of such recommendations, or other available information, should be authorized to modify, suspend, or terminate regulations with respect thereto, when such action will tend to effectuate the declared policy of the act.

The aforesaid authorizations for the modification, suspension, or termination of regulations with respect to shipments of potatoes for each enumerated special purpose, should permit the modification, suspension, or termination of one or more regulatory provision and the simultaneous retention of other regulatory provisions, because such shipments may require expenditures of administrative funds to police and they may compete, to some extent, with shipments of potatoes for table stock purposes.

The administrative difficulties of regulating small shipments, under some circumstances, may make it uneconomical, undesirable, and impractical to attempt to do so under the marketing agreement and order. Under such circumstances, which can be readily determined by each marketing committee, regulation of such small shipments would not tend to effectuate the declared policy of the act. It is concluded that the marketing committees should be authorized to recommend, and the Secretary to establish, the minimum quantities which should not be subject to any or all regulations issued under the marketing agreement and order in any or all portions of the production area served by such committees. It is desirable to permit the maintenance of one or more regulatory requirements, while relieving such minimum quantities from other regulatory requirements. It may be desirable, for example, to waive the inspection requirement on small shipments but require that handlers pay assessments or comply with grade, size, and quality regulations with respect to such shipments. This provision provides authority to arrange flexible operation of the marketing agreement and order to meet the local situation in the most practical way.

Such authority will promote more orderly marketing and prevent the imposition of undue burdens upon handlers making such small shipments.

The requirement that the Secretary shall notify the marketing committees, and the administrative committee, of any regulations, or of any modifications, suspensions, or terminations of regulations, is appropriate and necessary to enable such committees to be informed of such actions. The administrative committee's obligation to give reasonable notice to growers and handlers, with the assistance of the marketing committees, of regulations issued by the secretary is appropriate and necessary for proper and efficient administration of the marketing agreement and order and to apprise persons subject thereto of the contents of such regulations so that they may govern themselves accordingly.

Authority should be provided for the administrative committee to recommend, and the Secretary to prescribe, adequate safeguards to prevent potatoes, which may be exempted as aforesaid, from being placed, or continuing, in commerce contrary to the provisions of this program. Such safeguards, among others, may require inspection to provide the committee with an accurate record of the grade, size, and quality of such shipments of potatoes. In order to maintain appropriate identification of such shipments of potatoes, the administrative committee should be authorized to issue Certificates of Privilege to handlers thereof and to require that such handlers obtain such certificates on all such shipments. Certificates of Privilege should be issued in accordance with rules and regulations established by the Secretary, on the basis of administrative committee recommendations, or other available information, so that the issuance of such certificates may be handled in an orderly and efficient manner.

The administrative committee also should be authorized to deny or rescind Certificates of Privilege when such action is necessary to prevent abuse of the privileges conferred thereby. The administrative committee should be authorized to take such rescinding or denial action upon evidence satisfactory to the committee that a handler to whom a Certificate of Privilege has been issued has handled potatoes contrary to the provisions thereof. Action by the committee denying a handler such certificates should be in terms of a specified time period. Handlers affected by the aforesaid rescinding or denial action should have the right of appeal to the committee for reconsideration.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or any Certificates of Privilege issued by the administrative committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith and the committee should currently notify all persons affected by the indicated action.

The adminstrative committee should maintain detailed records relevant to Certificates of Privilege and should submit, when requested to do so, reports thereon to the Secretary to supply pertinent information requisite for him to discharge his duties under the act and the marketing agreement and order.

(c) Each marketing committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity and such grading and inspection requirements during any and all periods of marketing when potato prices are above parity, as will be in the public interest. Some potatoes are of such defective quality that they do not give consumer satisfaction at any time because of the great waste and undue amount of time involved in their preparation. The cost of such potatoes to the consumer per edible unit is frequently greater than the cost per edible unit of potatoes of better quality. Limitation of shipment of such potatoes would be in the interest of both consumers and of the potato industry in the production area. Continued shipments of low quality ad immature potatoes may result in a permanent reduction in demand for potatoes grown in the production area.

(d) Provision is made in the marketing agreement and order for inspection by the Federal Inspection Service of all shipments of potatoes grown in the production area, except as hereinafter indicated. Inspection certificates issued by this service are a common and usual means of specifying the grade, size, and quality of potatoes and are generally used and recognized in the production area. Such certifioates constitute prima facie evidence of the grade, size, and quality of the commodity to which they apply and they are accepted in court as such evidence. It is necessary to provide the handler, the committees, or any other interested party with a means of determining whether a shipment, or shipments, of potatoes complies with the requirements of any particular grade, size, and quality regulation which may be in effect under the marketing agreement and order. Inspection certificates provide such a means.

The Federal Inspection Service can provide reasonably prompt inspection at all points within the production area at a reasonable fee if inspection is requested at a reasonable time prior to the anticipated sale or transportation of the commodity to be inspected. Effective regulation of the handling of potatoes grown in the production area requires that the grade, size, and quality of each shipment thereof be authoritatively established based upon an unrestricted inspection of each such shipment. Accordingly, the marketing agreement and order should provide that no handler shall ship potatoes unless, prior thereto, such shipment was inspected by the aforesaid Service. In the event the Federal Inspection Service is unable to provide the aforesaid inspection service, there should be authority for the Secretary to designate an inspection agency that is properly qualified to make the inspection. This is merely a precautionary measure to assure the availability of an inspection service at all times.

Although shipments of potatoes grown in the production area should meet the minimum grade, size, and quality requirements in effect at the time of such shipments, to tend to effectuate the declared policy of the act, the inspection and certification requirements are primarily an administrative device, essential and necessary for the administration of the marketing agreement and order, to enable the committees, and other interested parties, to ascertain the grade, size, and quality of the potatoes involved in such shipments.

Copies of inspection certificates issued pursuant to the requirements of the marketing agreement and order should be supplied to the administrative committee promptly, so that it may promptly discharge its administrative responsibilities thereunder. In instances where potatoes previously inspected are regraded, resorted, or in any other way subjected to further preparation for market in the production area, such potatoes should be and are required to be inspected and a copy of the inspection certificate should be furnished to the administrative committee because such further preparation for market destroys the validity of the original inspection certificate as evidence of the grade, size, and quality of the potatoes involved. All of the aforesaid requirements are necessary for proper administration and enforcement of the provisions of the marketing agreement and order.

(f) Certain hazards are incidental to the production of potatoes grown in the production area which are beyond the control or reasonable expectation of the producer of such potatoes. Because of these circumstances and to prevent undue hardship among producers with respect to any regulations which may be issued under the marketing agreement and order, the committee should be authorized to issue exemption certificates to producers to permit each producer to handle or cause to be handled his equitable proportion of all potatoes shipped from the production area if the grade, size, or quality of his potatoes have been adversely affected by conditions beyond reasonable expectation. In determining such equitable proportion, the committee should be authorized to estimate the average percentage of production which has been and will be shipped by all producers in the producer's immediate area of production under a given regulation (which will be such equitable proportion). For such purpose, the committee will need a representative sample of the grade, size, and quality composition of the total crop in such area, a part of which, at any given time during the shipping season, may have been harvested and marketed and another part unharvested.

Similar hazards are prevalent in the handling of potatoes grown in the production area and equitable treatment of each handler, under the marketing agreement and order, requires that he be permitted to handle as large a proportion of his storage holdings of ungraded potatoes (acquired during or immediately following the digging season) as the average proportion of ungraded storage holdings handled by all handlers in an applicant-handler's immediate shipping area, if the grade, size, or quality of such applicant's potatoes have been adversely affected by conditions beyond the applicant's control and by conditions beyond reasonable expectation. Restricting the aforesaid exemptions to cases involving conditions beyond the producer's and handler's control, respectively, and to conditions beyond reasonable expectation, is necessary to preclude the granting of such hardship exemptions where the producers and handlers could have avoided the condition responsible for their hardships.

The administrative committee, by reason of its knowledge of the conditions and problems applicable to the production and handling of potatoes grown in the production area and the information which it will have available in each case, will be well qualified to judge each producer's or handler's application in a fair and equitable manner and to fix the quantity of exempted potatoes which each such applicant may handle or cause to be handled.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in transferring such certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary, are necessary to the orderly and equitable operation of the marketing agreement and order and they should, therefore, be incorporated in the marketing agreement and order.

Provision should be made for the Secretary to modify, change, alter, or rescind the procedure established for granting of exemptions, and any exemptions granted pursuant to such procedure. This is necessary to guard against inequities in the granting of exemptions and to preclude the issuance of exemption certificates in unjustifiable cases.

(f) The operation of the committees and the marketing agreement and order require funds for the payment of necessary administrative expenses. The administrative committee is the logical agency to recommend what expenses are reasonable, necessary, and appropriate for operation of the program. It is also necessary that assessments be levied on

the handlers to meet such expenses since no other source of funds is authorized under the act for defraying such expenses. The administrative committee should be required, each year, to prepare and submit to the Secretary a budget showing estimated expenses of operating the program and a proposed rate of assessment. This is desirable in order that the Secretary may have the best possible information on probable expenses of the committees and the proper rate of assessment to be levied to meet such expenses.

Assessments should be levied against each handler who first ships potatoes, herein called the first handler, to establish an appropriate basis for each handler paying his pro rata share of necessary administrative expenses. Each first handler is required to pay assessments to the administrative committee, at its request, to preclude multiple assessments in connection with individual shipments of potatoes. Each first handler's pro rata share of such expenses should be to the percentage of such expenses equal to the percentage his total season's first handling of potatoes subject to regulation is of the total season's first handling of potatoes subject to regulation by all first handlers. The Secretary, upon the basis of the administrative committee's recommendation, or other available information, should fix a rate of assessment per given unit of shipment which first handlers must pay as an equitable share of the expenses of administering the program.

The Secretary should be authorized to increase the rate of assessment which first handlers should pay if he finds, during or after the fiscal year, that the then current rate of assessment is insufficient to cover expenses. Such increased rate should apply to all assessable potatoes handled during that fiscal year to preclude inequities among handlers.

Revenues collected through assessments in excess of expenses for any fiscal year should, at the end of such fiscal year, be credited pro rata to each contributing handler's account, or, upon demand, refunded to any handler.

The administrative committee should be authorized to maintain, with the approval of the Secretary, suits in its own name, or in the name of its members, against any handler for collection of such handler's pro rata share of the expenses. Such authority is contained in the act.

The administrative committee should be permitted to make such expenditures during a fiscal year as are authorized and are necessary for effective administration and proper functioning of the marketing agreement and order program, within the limitations of the budget submitted by the administrative committee and approved by the Secretary for such year.

Any member or alternate of the administrative committee or a marketing committee responsible for or having in his custody any of the property, funds, records, or any other possessions of any such committees, should be required to transfer it to his successor or to such person as may be designated by the Secretary, and to execute such instruments as may be necessary to effect such transfers. The committees, and such members and alternates, should be required to give an accounting for all receipts and disbursements and for all property of such committees whenever requested by the Secretary and whenever, in the case of members and alternates, they cease to be such members or alternates. These transfer and accounting requirements represent sound business procedure and are necessary in order that there will be an unbroken succession in committee possessions.

(g) For proper and efficient administration of the marketing agreement and order, the administrative committee and the marketing committees needs information on potatoes with respect to supplies, movement, prices, and sundry other relevant factors which are best obtainable from handlers. The administrative committee should be authorized to request, with the approval of the Secretary, and every handler should be required to furnish to the committee upon request, with the approval of the Secretary, such information as may be required for the committee to exercise its powers and perform its duties under the marketing agreement and order.

The Secretary should retain the right to modify, change, alter or rescind any requests by the administrative committee for information in order to protect handlers from unreasonable requests for reports.

(h) The provisions of §§ 917.8 through 917.20, as published in the FEDERAL REGISTER of April 15, 1950 (15 F. R. 2141) are common to marketing agreements and orders now operating. Each of such sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the marketing agreement and order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of the marketing agreement and order and to effectuate the declared policy of the act. The substance of such provisions, therefore, should be included in the marketing agreement and order. The requirement that termination of the program at the end of a fiscal year be announced at least 30 days prior to such time will afford producers and handlers sufficient time to plan for the next marketing season.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The order, as hereinafter set forth,, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) Such order regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the said area;

(5) All handling of potatoes, as defined in said order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Rulings on proposed findings and conclusions. Interested parties were allowed until June 7, 1950, to file briefs with respect to findings of facts and conclusions based on evidence introduced at the hearing. No brief was filed, hence, no ruling is necessary.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out.

DEFINITIONS

§ 917.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer, or employee of the United States Department of Agriculture, who is, or may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 917.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

§ 917.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 917.4 *Production area.* "Production area" means all territory included within the counties of Goshen, Laramie, Platte, Albany, Converse, Niobrara, Natrona, Johnson, Sheridan, Washakie, Big Horn, Park, Hot Springs, and Fremont in Wyoming and the counties of Sioux, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Dawes, Sheridan, Garden, Deuel, Keith, and Lincoln in Nebraska.

§ 917.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 917.6 *Handler; shipper.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 917.7 *Ship; handle.* "Ship" or "handle" means to transport, sell, or in any other way to place potatoes in the current of commerce within the production area, or between the production area and any point outside thereof: *Provided*, That the definition of "ship" or "handle" shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area for storing therein, or the sale or transportation within the production area of potatoes to a recognized packer for the purpose of having such potatoes prepared therein for market.

§ 917.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 917.9 *Fiscal year.* "Fiscal year" means the period beginning on June 1 of each year and ending on the last day of May following.

§ 917.10 *Administrative committee; marketing committee.* "Administrative committee" means the Wyoming-Western Nebraska Committee established pursuant to § 917.22 (a); and "marketing committee" means each of the district marketing committees established pursuant to § 917.22 (b).

§ 917.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 917.12 *Seed potatoes.* "Seed potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the respective State or such other seed certification agencies as the Secretary may designate.

§ 917.13 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 917.14 *Pack.* "Pack" means a unit of potatoes contained in a bag, crate, or other type of container and falling within specific weight limits recommended by the administrative committee and approved by the Secretary.

§ 917.15 *Grade.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon; or

(b) The United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon.

§ 917.16 *Export.* "Export" means shipments of potatoes beyond the boundaries of continental United States.

§ 917.17 *District, and subdistrict.* "District" means each of the districts of the production area established pursuant to § 917.26; and "subdistrict" means each of the subdistricts established pursuant to the same section.

§ 917.18 *Part and subpart.* "Part" means the order regulating the handling of Irish potatoes grown in the production area, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such "part".

COMMITTEE

§ 917.22 *Establishment*—(a) *Administrative Committee.* The Wyoming-Western Nebraska Potato Committee consisting of six members, four of whom shall be producers and two of whom shall be handlers, is hereby established. All of such members shall be members of a marketing committee under this subpart.

(b) *Marketing committees.* Marketing committees are hereby established as follows:

(1) *District No. 1 Potato Marketing Committee.* This committee shall consist of nine members, six of whom shall be producers and three of whom shall be handlers.

(2) *District No. 2 Potato Marketing Committee.* This committee shall consist of nine members, six of whom shall be producers and three of whom shall be handlers.

§ 917.23 *Committee members and alternates.* For each member of each committee there shall be an alternate who shall have the same qualifications as the member. Each person selected as a marketing committee member or alternate to represent producers in a subdistrict shall be an individual who is a producer or officer or employee of a producer in such subdistrict. Each person selected as a marketing committee member or alternate to represent handlers in a district shall be an individual who is a handler or officer or employee of a handler in such district.

§ 917.24 *Term of office.* (a) The respective terms of office of administrative committee members and alternates and marketing committee members and alternates shall be two fiscal years: *Provided*, That the term of office of a majority of the initial members and respective alternates of each committee shall be one fiscal year. Each member and alternate shall continue to serve until the respective successor is selected and has qualified.

(b) Administrative and marketing committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify.

§ 917.25 *Selection*—(a) *Administrative committee.* The Secretary shall select the members and alternates of the Wyoming-Western Nebraska Potato Committee as follows: Two producer members and alternates and one handler member and alternate from each marketing committee established under this subpart.

(b) *Marketing committee.* The Secretary shall select marketing committee members and alternates as follows: For District No. 1 Potato Marketing Committee, four producer members and alternates from subdistrict 1 A, two producer members and alternates from subdistrict 1 B, and three handler members from District No. 1; and for District No. 2 Potato Marketing Committee, four producer members and alternates from subdistrict 2 A, two producer members and alternates from subdistrict 2 B, and three handler members from District No. 2. The aforesaid districts and subdistricts are established pursuant to § 917.26.

§ 917.26 *Districts and subdistricts.* As a basis for selecting marketing committee members, the following districts and subdistricts of the production area are hereby established:

Districts	Subdistrict	State and counties
District No. 1	1A	Converse, Niobrara, Platte, Goshen and Laramie Counties in Wyoming.
	1B	All the remaining counties in Wyoming within the production area not included in subdistrict 1A.
District No. 2	2A, 2B	Scotts Bluff County in Nebraska. All the remaining counties in Nebraska within the production area not included in subdistrict 2A.

§ 917.27 *Nomination.* The Secretary may select the members of the administrative committee and the marketing committees and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for members of the administrative committee and their respective alternates to represent a district may be submitted by the marketing committee serving such district. At least two nominees from among the membership on such marketing committee shall be designated for each position to be filled on the administrative committee. Nominations for administrative committee members and their respective alternates shall be supplied to the Secretary in such manner and form as he may prescribe, as soon as practical after the respective marketing committee organizes and begins operating during the term for which selected.

(b) Nominations for initial producer members of each marketing committee and their respective alternates may be submitted by producers, or groups thereof, and such nominations may be by virtue of elections conducted by such producers. Nominations for initial handler members of each marketing committee and their respective alternates may be submitted by handlers, or groups thereof, and such nominations may be by virtue of elections conducted by such handlers.

(c) In order to provide nominations for successor members and alternate members on a marketing committee:

(1) The Wyoming-Western Nebraska Potato Committee shall hold or cause to be held 60 days prior to the end of each fiscal year, after the effective date of this subpart, a meeting or meetings of producers and handlers, respectively, in the district served by the committee;

(2) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the marketing committee which is vacant or which is to become vacant at the end of the then current fiscal year;

(3) Nominations for marketing committee members and alternate members

shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 45 days prior to the end of such fiscal year;

(4) Only producers may participate in designating nominees for producer members and their alternates and only handlers may participate in designating nominees for handler members and their alternates;

(5) Each person who is both a handler and a producer may vote either as a handler or as a producer and shall elect the group in which he votes; and

(6) Regardless of the number of subdistricts in which a person is a producer, such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for each producer member position and each producer alternate member position to be filled on such committee: *Provided*, That in the event a person is a producer in more than one subdistrict, such person shall elect the subdistrict within which he will participate as aforesaid in designating nominees.

§ 917.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 917.27, the Secretary may, without regard to nominations, select administrative committee, and marketing committee, members and alternates, which selection shall be on the basis of the representation provided in this subpart.

§ 917.29 *Acceptance.* Any person selected as a member or as an alternate member on any committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 917.30 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 917.27, or the Secretary may select such committee member or alternate from previously unselected nominees on the applicable current nominee list. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided in this subpart.

§ 917.31 *Alternate members.* An alternate member of any committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence, or inability to act. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 917.32 *Procedure.* (a) Four members of the Wyoming-Western Nebraska Potato Committee shall be necessary to constitute a quorum of the administrative committee and a like number of concurring votes shall be necessary to pass any motion or approve any committee action.

(b) Five members of a marketing committee shall be necessary to constitute a quorum of such committee and a like number of concurring votes shall be necessary to pass any motion or approve any action of such committee.

(c) Committee meetings may be conducted by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 917.33 *Expenses and compensation.* Committee members and alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part, and shall receive compensation at a rate to be determined by the administrative committee, which rate shall not exceed $10.00 for each day, or portion thereof, spent in attending to committee business.

§ 917.34 *Powers.* The Wyoming-Western Nebraska Potato Committee and each of the marketing committees shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 917.35 *Duties*—(a) *Administrative committee.* It shall be the duty of the Wyoming-Western Nebraska Potato Committee:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To select, from among its membership, a chairman and such other officers as may be necessary, and subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(3) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(4) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(5) To furnish to the Secretary such available information as he may request;

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the administrative committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses and assessments for such fiscal year, together with a report thereon;

(8) To recommend the rate of assessment to cover the expenses set forth in the budget;

(9) To cause the books of the administrative committee to be audited by a competent accountant at least once each fiscal year, and at such other time as such committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of such committee for inspection by producers and handlers; and

(10) To consult, cooperate and exchange information when deemed desirable by the administrative committee with other potato administrative committees and other individuals or agencies in connection with all proper activities and objectives of such committee under this part.

(b) *Marketing committees.* It shall be the duty of each marketing committee:

(1) To nominate members and alternates for the Wyoming-Western Nebraska Potato Committee;

(2) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes;

(3) To make recommendations pursuant to § 917.52 for the issuance of regulations to be applicable to shipments from the district served by the respective committee;

(4) To act as intermediary between the Secretary and any producer or handler;

(5) To select, from among its membership, a chairman and such other officers as may be necessary and to select subcommittees of committee members;

(6) To adopt such rules and regulations for the conduct of its business as it may deem advisable; and

(7) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative.

EXPENSES, ASSESSMENTS, AND BUDGETS

§ 917.40 *Budget.* The administrative committee shall prepare a budget for each fiscal year showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The administrative committee shall also transmit a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 917.41 *Expenses.* The administrative committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget, or on the basis of other available information, finds may be necessary and appropriate during each fiscal year.

§ 917.42 *Rate of assessment.* The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate fixed by the Secretary on the basis of the administrative committee's recommendation or other available information. Each handler who first ships potatoes shall pay assessments to the administrative committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by such committee during each fiscal year. Such handler's share of such expenses shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

§ 917.43 *Increasing rate of assessment.* Upon recommendation of the administrative committee or upon a later finding relative to such committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

§ 917.44 *Accounting.* All funds received by the administrative committee pursuant to any provision of this part shall be used solely for the purposes specified in this part and shall be accounted for in the following manner:

(a) The Secretary may at any time require the administrative committee and its members to account for all receipts and disbursements; and

(b) Whenever any person ceases to be an administrative or marketing committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 917.45 *Collection of funds.* The administrative committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of its expenses.

§ 917.46 *Refunds.* If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

REGULATION

§ 917.50 *Marketing policy preparation.* (a) At the beginning of each marketing season the administrative committee and the marketing committees shall hold a joint meeting to consider a proposed policy for the marketing of potatoes grown in the respective districts during such season. In developing such marketing policy the committees shall investigate relevant supply and demand conditions for potatoes and in such investigations shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality in different packs;

(2) Supply of potatoes, by grade, size, and quality in the production area and in other production areas;

(3) The trend and level of consumer income; and

(4) Other relevant factors.

(b) Following such joint consideration of marketing policy, each marketing committee shall adopt a proposed policy for the marketing of potatoes grown in its district and prepare a report thereon.

§ 917.51 *Marketing policy report.* (a) Each marketing committee shall submit to the Secretary a report setting forth the aforesaid marketing policy, and a copy of such report shall be made available to the administrative committee. Each committee with the assistance of the administrative committee also shall notify producers and handlers of the contents of such reports.

(b) In the event it becomes advisable for a marketing committee to deviate from its marketing policy, because of changed supply and demand conditions, the administrative committee and the marketing committees shall formulate a new marketing policy in accordance with the manner previously outlined. Such marketing committee also shall submit a report thereon to the Secretary, also to the administrative committee, and notify, with the assistance of the administrative committee, producers and handlers of such revised or amended marketing policy.

§ 917.52 *Recommendation for regulations; committee recommendations.* Each marketing committee shall recommend regulation, for the district which it serves, to the Secretary whenever it finds that such regulation, as provided in § 917.53, will tend to effectuate the declared policy of the act. Each marketing committee also may recommend modification, suspension, or termination of any regulation in order to facilitate shipments of potatoes, grown in such district, pursuant to § 917.54.

§ 917.53 *Issuance of regulations.* The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by any marketing committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes, or qualities of any or all varieties of potatoes during any period; or

(b) Regulate the shipment of particular grades, sizes, or qualities of potatoes differently, for different varieties, for different portions of the production area, for different packs, or any combination of the foregoing during any period; or

(c) Regulate the shipment of potatoes by establishing, and maintaining in effect in terms of grades, sizes, or both, minimum standards of quality or maturity, or both.

§ 917.54 *Modification, suspension, or termination.* The Secretary shall modify, suspend, or terminate regulations issued pursuant to §§ 917.42, 917.53, or 917.65, or any combination thereof, in order to facilitate shipments of potatoes for one or more of the following purposes, whenever he finds, upon the basis of the recommendations and information submitted by any marketing committee for the district served by such committee, or from other available information, that such action will tend to effectuate the declared policy of the act:

(a) For seed;

(b) For export;

(c) For distribution by the Federal Government;

(d) For manufacture or conversion into specified products;

(e) For livestock feed; and

(f) For other purposes which may be specified.

§ 917.55 *Minimum quantity regulation.* Each marketing committee, with the approval of the Secretary, may establish for any or all portions of the production area, served by such committee, minimum quantities below which shipments will be free from regulations issued or in effect pursuant to §§ 917.42, 917.43, 917.53, or 917.65 or any combinations thereof.

§ 917.56 *Notification of regulation.* The Secretary shall notify the administrative committee and marketing committees of each regulation issued, and modification, suspension, or termination thereof. The administrative committee with the assistance of the marketing committees shall give reasonable notice thereof to producers and handlers.

§ 917.57 *Safeguards.* (a) The administrative committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 917.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by such committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the administrative committee to ship potatoes pursuant to § 917.54;

(2) Handlers shall obtain inspection provided by § 917.65 or pay the aforesaid pro rata share of expenses, or both, in connection with potato shipments effected under the provisions of § 917.54; and

(3) Handlers shall obtain Certificates of Privilege from the administrative committee for shipments of potatoes

effected or to be effected under the provisions of § 917.54.

(b) The administrative committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in § 917.54 were handled contrary to the requirements applicable thereto.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the administrative committee pursuant to the provisions of this section.

(d) The administrative committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 917.65 *Inspection and certification.* During any period in which shipments of potatoes are regulated pursuant to the provisions of §§ 917.42, 917.43, or 917.53, no handler shall ship potatoes unless, prior thereto, such shipment was inspected by an authorized representative of the Federal Inspection Service or such other inspection service as the Secretary shall designate. Each handler procuring inspection pursuant to this section shall make arrangements with the inspecting agency to forward promptly to the administrative committee a copy of the inspection certificate: *Provided,* That the regrading, resorting, repacking, or other further preparation of inspected potatoes for market shall invalidate prior inspection thereon and subsequent shipment of such potatoes after regrading, resorting, repacking, or other preparation for market shall not be effected unless, prior thereto, such shipment is inspected as provided in this section.

EXEMPTIONS

§ 917.70 *Procedure.* The administrative committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers and to handlers.

§ 917.71 *Granting exemptions.* (a) Such committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 917.53, he will be prevented from handling, or causing to be handled, as large a proportion of his production as the average proportion of production handled, or caused to be handled, during the entire season (or such portion thereof as may be determined by the committee) by all producers in said applicant's immediate area of production and that the grade, size, and quality, or either thereof, of the applicant's potatoes, has been adversely affected by acts beyond the applicant's control and by acts beyond his reasonable expectation. Each such certificate shall permit the producer to handle, or cause to be handled, the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(b) Such committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 917.53, he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings (acquired as aforesaid) handled by all handlers in said applicant's immediate shipping area, and that the grade, size, and quality, or either thereof of the applicant's potatoes, has been adversely affected by acts beyond the applicant's control and by acts beyond his reasonable expectation. Each such certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(c) The committee shall be permitted, at any time, to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 917.72 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Each applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 917.73 *Records and reports of exemptions.* (a) The administrative committee shall maintain records of all applications submitted for exemption certificates, of all exemption certificates issued, of the respective quantity of potatoes covered by each such exemption certificates, of the amount of potatoes shipped under exemption certificates, and of appeals submitted for reconsideration of applications, and such additional information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the administrative committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to § 917.70, 917.71, or 917.72, or any combination thereof.

MISCELLANEOUS PROVISIONS

§ 917.80 *Reports.* Upon the request of the administrative committee, with approval of the Secretary, every handler shall furnish to such committee, in such manner and at such time as may be prescribed, such information as will enable the administrative committee and the marketing committees to exercise their powers and perform their duties under this part. The Secretary shall have the right to modify, change, or rescind any requests for reports made pursuant to this section.

§ 917.81 *Compliance.* Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this part, and no handler shall ship potatoes except in conformity to the provisions of this part.

§ 917.82 *Right of the Secretary.* The members of the administrative committee (including successors and alternates) and any agent or employee appointed or employed by such committee, and the members of the marketing committees (including successors and alternates) shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of each such committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 917.83 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart and shall continue in force until terminated in one of the ways hereinafter specified.

§ 917.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided,* That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(e) The Secretary shall terminate the provisions of this agreement at the end of any fiscal year, upon the written request of handlers signatory to this agreement who submit evidence satisfactory to the Secretary that they handled not less than sixty-seven percent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal year.[1]

§ 917.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the administrative committee shall continue as trustees, for the purpose of liquidating the affairs of such committee and the marketing committees, of all the funds and property then in the possession of or under control of such committees, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the aforesaid committees and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligations imposed in this part.

§ 917.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart, or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 917.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 917.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 917.89 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted, by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 917.90 *Personal liability.* No member or alternate of the administrative committee or any marketing committee, or any employee or agent of the administrative committee, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty.

§ 917.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 917.92 *Amendments.* Amendments to this subpart hereto may be proposed, from time to time, by the administrative committee, or by any marketing committee, or by the Secretary.

§ 917.93 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 917.94 *Additional parties.* After the effective date of this agreement, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting part at the time such counterpart is delivered to the Secretary, and benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 917.95 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Done at Washington, D. C., this 8th day of August 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50-7035; Filed, Aug. 10, 1950; 8:51 a. m.]

[1] Applicable only to the proposed marketing agreement.

[7 CFR, Part 978]

[Docket No. AO-184-A5]

HANDLING OF MILK IN THE NASHVILLE, TENN., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED AMENDMENT TO THE TENTATIVE MARKETING AGREEMENT, AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C. not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on a proposed amendment to the tentative marketing agreement and to the order, as amended, was conducted at Nashville, Tennessee, on April 6, 1950, pursuant to notice thereof which was issued on March 30, 1950 (15 F. R. 1875).

The material issue of record related to a change in the provisions with respect to the fall production incentive plan.

Findings and conclusions. Upon the basis of the evidence introduced at the hearing and the record thereof, it is hereby found and concluded that the provisions of the present order with respect to the fall production incentive plan should not be changed in the manner proposed.

Presently the order provides that in the computation of the uniform price a sum of money equal to 45 cents per hundredweight of milk received from producers during April, May, and June of each year will be retained in the producer-settlement fund. One-third of this fund is added to the money otherwise payable to producers for milk received from them during each of the following months of September, October, and November.

The purpose of the plan is to encourage a more even distribution seasonally of the annual deliveries of milk to the market. A more even seasonal pattern of milk production is desirable because sales of milk in fluid form do not vary greatly from season to season (although there are considerable daily fluctuations) while the production of milk for this market, on the other hand, has had a pronounced seasonal variation. The result has been that more than ample supplies have been available during the spring months while shortages have oc-

curred in the fall months. The plan tends to achieve its end by reducing prices to producers in the season of ample production and increasing prices in the season of shortages.

The fall production incentive plan was made effective in this market in 1948 and the first deductions and payments under it were made in 1949. Following the institution of the plan it appears that a greater tendency developed for farmers to enter the market just before and during the short production season of the year and to leave the market just before and during the flush production season of the year. Of the new producers coming on the market in 1948, 27 percent came on during the last six months while 78 percent came on during this period in 1949. Of those producers leaving the market in 1948, 15 percent left in April, May, and June, while 34 percent left during these months in 1949.

The plan was criticized on the grounds that farmers who came on the market just before and during the short season of the year shared in the proceeds of the fund which had been deducted in the previous flush season of the year. These criticisms do not take into account, however, the essential purpose of the level of production incentive plan which is to provide more milk for the market in the short season and somewhat less milk than would otherwise be the case in the flush season. Consequently, the acquisition of new producers before and during the short season aids in providing an adequate supply of milk during the season when it is most needed and the departure of producers before and during the flush season aids in reducing the unwieldy surpluses which occur at that time of the year.

The fall production incentive plan has been in operation for a comparatively short time. The market has not received from producers more milk during the three fall months than is needed to fulfill the requirements for Class I milk and Class II milk. Time is necessary upon which to determine whether the plan is obtaining the desired goal. If later results show that it is not, further study should be made of its weaknesses and of the possible use of some other plan which might accomplish better the end sought.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Nashville Milk Producers, Inc., and on behalf of the handlers in the market.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Filed at Washington, D. C., this 7th day of August 1950.

JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50-7033; Filed, Aug. 10, 1950; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

TELEVISION BROADCAST SERVICE

ORDER ACCEPTING PETITION AND ENGINEERING STATEMENT AS COMMENT AND INVITING OPPOSITIONS

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards concerning the Television Broadcast Service, Docket No. 9175; Utilization of Frequencies in the Band 470 to 890 Mcs. for Television Broadcasting, Docket No. 8976.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of August 1950:

The Commission having under consideration a petition filed on June 30, 1950 by The Peoples Broadcasting Company entitled "Amended Appearance" but which is, in effect, a request to file a comment in the above-entitled proceedings asking the Commission to allocate Channel 9 to Lancaster, Pennsylvania; and

It appearing that good and sufficient reason has been advanced in said petition for the delay in the timely filing thereof and that the hearing date for consideration of the proposed allocations herein has not been set;

It is ordered, That the petition of The Peoples Broadcasting Company and attached supporting engineering statement is accepted as a comment in the above-entitled proceedings and interested parties may file oppositions thereto within 10 days from the date of this order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7074; Filed, Aug. 10, 1950; 9:53 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of Industry and Commerce

[Case No. 89]

ARTHUR HARRIS ET AL.

ORDER SUSPENDING LICENSE PRIVILEGES

In the matter of: Arthur Harris, Southern International Corporation, Melvin Shipping Corporation, Melvin Kornbluth, 11 Broadway, New York, N. Y., respondents.

This proceeding was begun by the mailing of a charging letter to the above-named respondents by the Office of International Trade under date of October 31, 1949, wherein respondents were charged with having made twelve specified exportations of canned meats during the period of May through August 1949, in violation of the export control regulations and, except for respondent Kornbluth, also in violation of an outstanding order issued by the Office of International Trade suspending the export license privileges of respondent Harris and others on account of prior violations of such regulations, and thus with having violated the Export Control Act of 1949 (63 Stat. 7).

An oral hearing having been requested by respondents, such hearing was held in New York City on January 5 and 6, 1950, before the Compliance Commissioner. Respondents as well as the Office of International Trade were represented by counsel and presented both oral and documentary evidence. After such hearing, the administration of export controls was transferred by order of the Secretary of Commerce from the Office of International Trade to the Office of Industry and Commerce, with the consequence that this proceeding was similarly transferred. Thereafter, all evidentiary material presented at the hearing having been carefully reviewed by the Compliance Commissioner, he filed his report under date of July 17, 1950.

It appears from the record and the report of the Compliance Commissioner that on April 1, 1949, after findings of violation of the export control regulations on the part of respondent Harris and certain corporations which he owned and controlled, an order was issued by the Office of International Trade denying them the privilege of making exportations under validated licenses for a period of six months and the privilege of making exportations under general licenses for a period of two months; that such order was expressly made applicable not only to Harris personally but also to any other business organization with which he might be or become related by ownership or control or in which he might hold or secure a position of responsibility; that such order was thereafter, on April 8, 1949, modified so as to permit a newly-organized corporation, respondent Southern International Corporation, with Harris as its employee, to make exportations of the products of United Packers, Inc., a Chicago concern formerly represented by Harris, but that such modification was made dependent upon compliance with certain stated conditions among which were the independent ownership and control of Southern International Corporation by one Joseph Weinstein of Brooklyn, New York, and the personal signing of all of such corporation's export declarations by an official of United Packers, Inc.

It further appears from the record and the report of the Compliance Commissioner that ten of the twelve shipments involved in the charges were made to Canada, a country to which export controls do not apply, and consequently could not and did not constitute violations of either the outstanding suspension order or the export control regulations; that one of the two remaining shipments was a general license shipment made after said suspension order had expired insofar as it related to shipments under general license; that the other one of such two shipments was made in violation of the suspension order in that it was made pursuant to an export declaration not signed by an official of United Packers, Inc., but only by a representative of Southern International Corporation; and that both of such two shipments were made in violation of the export control regulations in that they were made by Southern International Corporation as forwarding agent for United Packers, Inc., without any power of attorney so authorizing having been filed with the Collector of Customs either as part of the declarations or as a separate document, but pursuant to export declarations containing purported powers of attorney falsely represented as having been executed by an official of United Packers, Inc., whereas in fact such official's name had been signed by respondent Kornbluth.

It further appears from the record and the report of the Compliance Commissioner that respondents had actual authority to execute such declarations and make such shipments as forwarding agents for United Packers, Inc., and consequently that the violations were not only limited in number but involved no intentional fraud; that such violations, nevertheless, were committed in negligent if not indifferent disregard for the regulations and the suspension order and thus represented irresponsible failure of Harris to control his employees so as to assure compliance with the restrictions imposed upon him; and that not only he, but also Kornbluth, Melvin Shipping Corporation (an inactive corporation owned and controlled by Harris and Kornbluth), and Southern International Corporation, must be held accountable for such violations.

The Compliance Commissioner has accordingly found that respondents have violated the laws and regulations relating to export control and has recommended that all outstanding export licenses issued to or held by them be revoked and ordered returned for cancellation; that their export license privileges insofar as concerns shipment of any Positive List commodities be suspended for six months; and that such suspension be made applicable also to any enterprise which they own or control or in which they hold a position of responsibility involving the preparation, filing or use of export control documents.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the record in this proceeding, and it appears that such findings are supported by the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) All outstanding export licenses issued to or held by respondents or any of them are hereby revoked and shall be forthwith returned to the Office of Industry and Commerce for cancellation.

(2) Respondents and each of them are hereby denied, for a period of six months from the date of this order, the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general as well as validated licenses, for shipment from the United States to any destination of any commodities included in the Positive List as promulgated by the Office of Industry and Commerce and as such Positive List may from time to time be constituted.

(3) Such denial of export license privileges shall extend not only to the named respondents but also to any person, trade name, firm, corporation or other business organization with which they or any of them may be now or hereafter related by ownership, control or otherwise or with which they may hold or obtain a position of responsibility involving the preparation, filing or use of any export control documents.

Issued this 7th day of August 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

Approved:

JOHN F. HAVENER,
Assistant Director.

[F. R. Doc. 50-7001; Filed, Aug. 10, 1950; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2931]

TRANS-TEXAS AIRWAYS

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Trans-Texas Airways over its entire system.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on August 16, 1950, at 10:00 a. m., e. d. s. t., in Room E-214 Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., August 8, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-7031; Filed, Aug. 10, 1950; 8:51 a. m.]

[Dockets Nos. 3289, 3299]

PIEDMONT AVIATION, INC., AND/OR EASTERN AIR LINES, INC.; SERVICE TO LUMBERTON, N. C.

NOTICE OF ORAL ARGUMENT

In the matter of the petition by the City of Lumberton, N. C., for air service by Piedmont Aviation, Inc., and/or Eastern Air Lines, Inc., under section 401 (h) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 11, 1950, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 7, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-6999; Filed, Aug. 10, 1950; 8:45 a. m.]

[Docket No. 4100]

METEOR AIR TRANSPORT, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the suspension and revocation of Letter of Registration No. 812 issued to Meteor Air Transport, Inc.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 14, 1950, at 10:00 a. m., e. d. s. t., in Room 5042 Commerce Building, Fourteenth Streeet and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 7, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-7000; Filed, Aug. 10, 1950; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1409]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

AUGUST 4, 1950.

On June 5, 1950, Texas Eastern Transmission Corporation (Applicant), a Dela-

ware corporation with its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the sale and delivery to its existing customers west of its Compressor Station No. 20, of additional volumes of natural gas, all as more fully described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for non-contested proceedings, and this proceeding appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance having been filed within the prescribed time subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on June 22, 1950 (15 F. R. 4034–4035).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on September 1, 1950, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 7, 1950.

By the Commission.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50–7017; Filed, Aug. 10, 1950; 8:47 a. m.]

[Docket No. G–1408]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

AUGUST 4, 1950.

On June 5, 1950, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed an application, and amendment thereto on June 13, 1950, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the installation and operation of certain natural gas facilities subject to the jurisdiction of the Commission, all as more fully described in such application, on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for non-contested proceedings, and this proceeding appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance having been filed within the prescribed time subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 23, 1950 (15 F. R. 4064).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on September 1, 1950, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 7, 1950.

By the Commission.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50–7016; Filed, Aug. 10, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25302]

CINDERS, CLAY OR SHALE, FROM WEST MINERAL, KANS., TO SOUTHWEST

APPLICATION FOR RELIEF

AUGUST 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3736.

Commodities involved: Cinders, clay or shale, ground or not ground, carloads.

From: West Mineral, Kans.

To: Stations in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

Grounds for relief: Competition with rail carriers and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3736, Supplement 140.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–7006; Filed, Aug. 10, 1950; 8:46 a. m.]

[4th Sec. Application 25303]

IRON OR STEEL PIPE FROM OKLAHOMA TO HOUSTON, TEX.

APPLICATION FOR RELIEF

AUGUST 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3881.

Commodities involved: Wrought iron or steel pipe and related articles, carloads.

From: Tulsa and Oklahoma City, Okla.

To: Houston, Tex.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3881, Supplement 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–7007; Filed, Aug. 10, 1950; 8:46 a. m.]

[4th Sec. Application 25304]

ASPHALT FROM MONTANA AND WYOMING TO MINNESOTA AND SOUTH DAKOTA

APPLICATION FOR RELIEF

AUGUST 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to CB&Q., tariff I. C. C. No. 20059.

Commodities involved: Asphalt, carloads.

From: Points in Montana and Wyoming.

To: Points in Minnesota and South Dakota.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: CB&Q., tariff I. C. C. No. 20059, Supplement 33.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–7008; Filed, Aug. 10, 1950; 8:46 a. m.]

[4th Sec. Application 25305]

PHOSPHATE ROCK FROM FLORIDA TO ILLINOIS

APPLICATION FOR RELIEF

AUGUST 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for and on behalf of the Elgin, Joilet and Eastern Railway Company and other carriers described in the application.

Commodities involved: Phosphate rock and related articles, carloads.

From: Points in Florida.

To: Chicago Heights and Joliet, Ill.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–7009; Filed, Aug. 10, 1950; 8:46 a. m.]

[4th Sec. Application 25306]

BRICK FROM AND TO POINTS IN SOUTH

APPLICATION FOR RELIEF

AUGUST 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1044.

Commodities involved: Brick and related articles, carloads.

Between: Points in the south and between points in the south, on the one hand, and points in Virginia in official territory, on the other.

Grounds for relief: Circuitous routes, to maintain grouping and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1044, Supplement 103.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–7010; Filed, Aug. 10, 1950; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–677]

AXE-HOUGHTON FUND, INC., ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of August A. D. 1950.

In the matter of Axe-Houghton Fund, Inc., Axe-Houghton Fund B, Inc., Republic Investors Fund, Inc., and Leffler Corporation; File No. 812–677.

Notice is hereby given that Axe-Houghton Fund, Inc., Axe-Houghton Fund B, Inc. and Republic Investors Fund, Inc. (hereinafter sometimes referred to as "Fund" or "Funds", as the case may be), registered investment companies, and Leffler Corporation, the principal underwriter for all three Funds, have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 22 (d) of the act, the offering of shares of the Funds at reduced public offering prices based on quantity purchases of shares of one or more of the three Funds, under the different circumstances hereinafter described.

Each of the Funds is an open-end investment company and E. W. Axe & Co., Inc. is the investment adviser and manager of all three.

The application states that Axe-Houghton Fund, Inc., and Axe-Houghton Fund B, Inc. are both normally classified as balanced funds, but their portfolio holdings are substantially different, and they differ in their investment objectives; the primary investment objective of Axe-Houghton Fund, Inc. is capital appreciation, whereas continuity of income is given greater emphasis in the case of Axe-Houghton Fund B, Inc.; Republic Investors Fund, Inc. is a leverage company with bank borrowings and preferred stock outstanding in addition to common stock; its primary investment objective is long-term capital appreciation, but the leverage of senior securities makes it a more speculative investment than would otherwise be the case.

The offering price of the shares of each of the three Funds is equal to the net asset value per share plus a percentage selling commission. Quantity discounts, resulting in decreased selling commissions, are presently available with respect to individual purchases of $25,000 or more of the shares of each of the individual Funds. In each case, the selling commission is reduced to 6 percent on purchases of $25,000 or more, 4 percent on purchases of $50,000 or more, 2 percent on purchases of $100,000 or more.

It is now proposed to extend these quantity discounts to purchases of shares of any one or more of the three Funds so that a quantity discount will be available for concurrent purchases of shares of one or more of the Funds for issue (1) in one name, (2) in the name of the same trustee or other fiduciary for one or more accounts, or (3) in the

Vesting Order 13908, dated October 4, 1949, as amended, is hereby further amended by the addition thereto of the following:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Ernst Ludwig Hermann Schmidt, Hamburg, Germany, Z 29,000, March 15, 1950, Vol. 15, No. 51, Page 1705: Any and all property.

All determinations contained in the aforesaid Vesting Order, as amended, are hereby ratified and confirmed.

Executed at Washington, D. C., on August 8, 1950.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7018; Filed, Aug. 10, 1950; 8:47 a. m.]

name of members of the same immediate family. The schedule of selling commissions in such cases will be as follows: 6 percent if the aggregate selling price is $25,000 or more, 4 percent if the aggregate selling price is $50,000 or more, 2 percent if the aggregate selling price is $100,000, and 1 percent if the aggregate selling price is $250,000 or more.

The application further states that it has been the experience of the Funds and Leffler Corporation that persons contemplating a sizeable purchase of investment company shares seek to diversify their holdings in several Funds with different portfolios and differing investment objectives and that the proposed schedule of quantity discounts will permit such an investor to obtain the diversification he seeks without sacrificing the advantage of the quantity discount presently available only for purchases of shares of a single Fund.

All interested persons are referred to said application which is on file in the Washington, D. C., office of the Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after August 17, 1950, unless a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than August 15, 1950, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing to be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7002; Filed, Aug. 10, 1950; 8:45 a. m.]

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

SUPPLEMENTAL ORDER APPROVING PLAN, AS AMENDED

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 4th day of August A. D. 1950.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having heretofore filed a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, designated as Plan II-B, in which Bond and Share proposed that no further payments be made to the holders of the certificates issued with respect to the $5 and $6 Preferred Stock of Bond and Share; and

The Commission, in its Order dated June 19, 1950, and its Findings and Opinion dated July 28, 1950 (Holding Company Act Release No. 9980), having held that the provisions of said Plan proposing no further payment to the holders of the certificates issued with respect to the $5 Preferred Stock are fair and equitable, and having held that the provisions of said plan proposing no further payment to the holders of the certificates issued with respect to the $6 Preferred Stock are unfair and inequitable, and that fairness requires that Bond and Share pay to the latter holders the sum of $10 per share of $6 Preferred Stock, together with compensation for the delay in receiving such payment at the rate of 5.45 percent per annum from March 6, 1947, to the date of payment of said $10 per share; and

Bond and Share and certain holders of the certificates issued with respect to the $5 Preferred Stock of Bond and Share having filed petitions for rehearing, and the Commission by order dated August 4, 1950, having denied said petitions; and

Bond and Share having thereafter on August 4, 1950, filed with the Commission an amendment to Plan II-B conforming said Plan to the determinations of the Commission as set forth in its Order dated June 19, 1950, and its Findings and Opinion dated July 28, 1950, Bond and Share reserving to itself the right to object to and seek review of that portion of said Findings and Opinion and Order requiring further payment to the holders of the certificates issued with respect to the $6 Preferred Stock; and

Said amendment further providing that upon the expiration of six years following the effective date of Plan II-B, any cash funds not claimed by the holders of the certificates issued with respect to the $6 Preferred Stock shall revert to Bond and Share free and clear of all claims of such holders; and

Bond and Share in said amendment having requested the Commission, pursuant to the applicable provisions of the Act, to apply to the United States District Court for the Southern District of New York to enforce and carry out the terms and provisions of Plan II-B, as amended; and

The Commission having considered the provisions of said amendment in the light of its Order of June 19, 1950, and its Findings and Opinion of July 28, 1950, and findings that Plan II-B, as amended, is fair and equitable to the persons affected thereby and necessary and appropriate to effectuate the provisions of section 11 (b) of the act;

It is ordered, That Plan II-B, as amended, be and hereby is approved;

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to the reasonableness, appropriate allocation, and payment of all fees, expenses, and other remuneration in connection with Plan II-B, as amended.

It is further ordered, That jurisdiction be, and it hereby is, reserved to entertain such further proceedings, to make such supplemental findings and orders, and to take such further action as the Commission may deem appropriate in connection with Plan II-B, as amended, the transactions incident thereto and the consummation thereof, and to take such further action as the Commission may deem necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7003; Filed, Aug. 10, 1950; 8:45 a. m.]

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER DENYING PETITIONS FOR REHEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 4th day of August A. D. 1950.

Electric Bond and Share Company ("Bond and Share"), having filed a petition requesting a rehearing with respect to the Commission's Order dated June 19, 1950, and Findings and Opinion dated July 28, 1950, issued in connection with Plan II-B, filed by Bond and Share pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 and requesting the Commission to vacate and set aside said order of June 19, 1950 insofar as it relates to the payment to the holders of the certificates issued to the $6 preferred stockholders of Bond and Share of an additional amount of $10 per share plus compensation for delay in payment thereof; and

Certain holders of the certificates issued with respect to the $5 Preferred Stock of Bond and Share having also filed a petition requesting rehearing; and

The Commission having duly considered the aforesaid petition and the grounds set forth therein, and it appearing that said petitions raise no matters of substance not previously considered by the Commission:

It is ordered, That said petitions be, and they hereby are, in all respects denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7004; Filed, Aug. 10, 1950; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13908, Amdt.]

ROBERT RELLING

In re: Safe deposit box lease and contents owned by Robert Relling. F-28-17647-F-1.

Vesting Order 13908, dated October 4, 1949, as amended, is hereby further amended as follows and not otherwise: By deleting subparagraph 2 (b) (2) of Vesting Order 13908, as amended, and substituting therefor the following subparagraph 2 (b) (2):

(2) Eighteen (18) shares of $10.00 par value capital stock of the F. W. Woolworth Company, Woolworth Building, New York 7, New York, a corporation organized under the laws of the State of New York, evidenced by certificate numbered WT/F 465883, registered in the name of Robert Relling, together with all declared and unpaid dividends thereon,

All other provisions of said Vesting Order 13908, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7018; Filed, Aug. 10, 1950; 8:47 a. m.]

[Vesting Order 14544 Amdt.]

HERMANN RAMING

In re: Stock owned by Hermann Raming. F-28-23982 D-1.

Vesting Order 14544, dated April 7, 1950, is hereby amended as follows and not otherwise:

By deleting subparagraph 2b of the aforesaid Vesting Order 14544, and substituting therefor the following: Sixteen and fifteen-twentieths ($16\frac{15}{20}$) shares of $1.00 par value common capital stock of Republic Investors Fund, Inc., 15 William Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by 12 certificates numbered N1365 for five (5) shares, N1490 for four (4) shares, N1730 for three (3) shares N3960 for thirteen (13) shares, N5225 for thirteen (13) shares, N5537 for five (5) shares, N6342 for six (6) shares, N7235 for one hundred six (106) shares, N8631 for four (4) shares, N10207 for thirty (30) shares, N10805 for fifty-one (51) shares, and N11282 for ninety-five (95) shares of five cent ($.05) par value common stock of the aforesaid corporation, registered in the name of Hermann Raming, together with all declared and unpaid dividends thereon, and any and all rights to exchange said certificates for a new certificate for $1.00 par value common capital stock of the aforesaid corporation.

All other provisions of said Vesting Order 14544, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7019; Filed, Aug. 10, 1950; 8:48 a. m.]

[Return Order 692]

ASKANIA REGULATOR CO.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Askania Regulator Co., Chicago, Ill.; Claim No. 823; June 30, 1950 (15 F. R. 4207); a one-third (⅓) interest in royalties accrued and to accrue under an agreement dated January 1, 1936, by and between Askania-Werke, A. G., and the Milwaukee Gas Specialty Company, relating, among other things, to United States Letters Patent No. 2,291,567; including, but not limited to, the sum of $79,901.90, representing ⅓ of the royalties paid to the Attorney General. All interest and rights (including all royalties and other monies payable or held with respect to such interest and rights) created in Askania-Werke, A. G., by virtue of the aforesaid agreement, were vested by Vesting Order No. 1519 (8 F. R. 10580, July 29, 1943).

This return shall not be deemed to include the rights of any licensees under the aforementioned agreement between Askania-Werke, A. G., and the Milwaukee Gas Specialty Company.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7020; Filed, Aug. 10, 1950; 8:48 a. m.]

[Return Order 704]

EDWARD V. KILLEEN AND DRAGOI BATZOUROFF

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Edward V. Killeen, executor under the last will and testament of Dragoi Batzouroff, deceased, New York, N. Y.; Claim No. 42689; June 23, 1950 (15 F. R. 4069); $25,000.00 in the Treasury of the United States.

The above property is being returned to claimant Executor for distribution to Germaine Buchman, Paris, France, a legatee under the Last Will and Testament of Dragoi Batzouroff, deceased, and for no other purpose.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7021; Filed, Aug. 10, 1950; 8:48 a. m.]

[Return Order 705]

SUSE FUERST POLATSCHEK

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Suse Fuerst Polatschek, Haifa, Israel; Claim No. 42169; June 22, 1950 (15 F. R. 4038); $2,520.55 in the Treasury of the United States. All right, title and interest of Bianka Fuerst in and to the Estate of Helen H. Taubler, also known as Helena Taubler and Helen H. Taeubler, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7022; Filed, Aug. 10, 1950; 8:48 a. m.]

[Return Order 706]

HENRY MARTIAL EMILE DU BOSCQ DE BEAUMONT

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate pro-

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vision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Henry Martial Emile du Boscq de Beaumont, Civray S/Cher (Indre et Loire), France; Claim No. 31748; June 27, 1950 (15 F. R. 4125); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,179,881. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7023; Filed, Aug. 10, 1950; 8:48 a. m.]

[Return Order 707]

JULES MARCEL CHEVALIER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Jules Marcel Chevalier, Commentry, France; Claim No. 33954; June 23, 1950 (15 F. R. 4069); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,086,293. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7024; Filed, Aug. 10, 1950; 8:48 a. m.]

[Return Order 669, Amdt.]

OSKAR GLUCK

Having issued a determination on June 20, 1950, allowing the claim of Oskar Gluck, Hamburg, Germany, and having issued an amendment of said determination, which amendment by reference is incorporated herein and filed herewith,

Return Order No. 669 (15 F. R. 4125) is hereby amended as follows and not otherwise:

By deleting the figures "$167.75" and substituting therefor the figures "$159.67".

All other provisions of said Return Order are hereby ratified and confirmed.

Executed at Washington, D. C., on August 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7025; Filed, Aug. 10, 1950; 8:49 a. m.]

RICHARD H. M. JOACHIM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Richard H. M. Joachim, 53 E. Genesee Street, Auburn, N. Y.; Claim No. 40755; $165.-591.52 in the Treasury of the United States.

Executed at Washington, D. C., on August 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7026; Filed, Aug. 10, 1950; 8:49 a. m.]

INTERNATIONALT FORBUND TIL BESKYTTELSE AF KOMPONISTRETTIGHERER I.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

International Forbund Til Beskyttelse Af Komponistrettigheder I. Danmark (KODA), Kromprinsessegade 26, Copenhagen; Claim No. 39984; property to the extent owned by the claimant immediately prior to the vesting thereof by Vesting Order No. 4010 (9 F. R. 13171, November 4, 1944), relating to musical compositions in the Wilhelm Hansen Musik-forlag catalogue, including royalties pertaining thereto in the amount of $1,105.03.

Executed at Washington, D. C., on August 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7027; Filed, Aug. 10, 1950; 8:49 a. m.]

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FEDERAL REGISTER

VOLUME 15 NUMBER 156

Washington, Saturday, August 12, 1950

TITLE 3—THE PRESIDENT

PROCLAMATION 2897

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1950

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the experience of an increasing number of employers has proved that physically handicapped workers, when placed in jobs suited to their abilities, can make a substantial contribution to the economic well-being of our country; and

WHEREAS the present need for maximum production requires the utilization of all our human resources; and

WHEREAS physically handicapped men and women should have an equal opportunity with others to earn a livelihood; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530), has designated the first week in October of each year as National Employ the Physically Handicapped Week and has requested the President to issue a suitable proclamation each year, with a view to enlisting national interest in the employment of these men and women;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 1, 1950, as National Employ the Physically Handicapped Week, and to cooperate with the President's Committee on National Employ the Physically Handicapped Week, and with the corresponding Governors' committees in the several States and Territories, in carrying out the purposes of the joint resolution of Congress. I also request the Governors of States, the mayors of cities, and other public officials, as well as employers and leaders of labor, agricultural, veterans', women's, civic, and religious organizations and all other interested groups representative of our national life, to observe the week by endeavoring to enlist the widest possible public interest in additional employment opportunities for the physically handicapped.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of August in the year of our Lord nineteen hundred and
[SEAL] fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 50-7094; Filed, Aug. 10, 1950; 2:42 p. m.]

EXECUTIVE ORDER 10150

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE ATLANTIC & EAST CAROLINA RAILWAY COMPANY AND OTHER CARRIERS, AND CERTAIN OF THEIR EMPLOYEES

WHEREAS disputes exist between the Atlantic & East Carolina Railway Company and certain other carriers designated in list A attached hereto and made a part hereof, and certain of their employees represented by the sixteen cooperating non-operating labor organizations designated in list B attached hereto and made a part hereof; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said disputes.

Each of the carriers involved shall be given independent consideration in such

(Continued on p. 5221)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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investigation, and the said labor organizations shall be permitted to function as a unit in proceedings before the board.

No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said disputes within thirty days from the date of this order. The board may, to the extent it deems necessary or desirable, make separate and independent findings with respect to each of the carriers involved.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by any of the carriers involved or their employees in the conditions out of which the said disputes arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 11, 1950.

LIST "A"

Atlantic & East Carolina Railway Company
Barre & Chelsea Railroad Company
Belfast & Moosehead Lake Railroad Company
Chicago, Aurora and Elgin Railway Company
Chicago, South Shore & South Bend Railroad
Columbus & Greenville Railway Company
Copper Range Railroad
Denver Union Stockyards Company
Des Moines & Central Iowa Railway Company
El Paso Union Passenger Depot Company
Escanaba & Lake Superior Railroad Company
Galveston Wharves
Huntington & Broad Top Mountain Railroad and Coal Company
Lancaster & Chester Railway Company
Meridian & Bigbee River Railway Company
New Orleans & Lower Coast R. R. Company
Ogden Union Stockyards Company
Old Point Comfort Joint Agency
Rio Grande Southern Railroad
St. Johnsbury & LaMoille County Railroad
Salt Lake Union Stockyards Company
Sioux City Terminal Railway Company
Stockyards District Agency of Chicago
Tennessee Railroad Company
Texas Pacific, Missouri Pacific Terminal Company of New Orleans
Winona Railroad Company

LIST "B"

International Association of Machinists
International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America
International Brotherhood of Blacksmiths, Drop Forgers and Helpers
Sheet Metal Workers' International Association
International Brotherhood of Electrical Workers
Brotherhood of Railway Carmen of America
International Brotherhood of Firemen, Oilers, Roundhouse and Railway Shop Laborers.
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes
Brotherhood of Maintenance of Way Employes
The Order of Railroad Telegraphers
Brotherhood of Railroad Signalmen of America
National Organization of Master, Mates & Pilots of America
National Marine Engineers' Beneficial Association
International Longshoremen's Association
Hotel and Restaurant Employes' International Alliance and Bartenders' Int. League of America
Railroad Yardmasters of America

[F. R. Doc. 50–7132; Filed, Aug. 11, 1950; 11:54 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL SECURITY AGENCY

Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Federal Security Agency, § 6.123 (c) is amended by the addition of subparagraph (2) as set out below. This amendment shall be effective upon publication in the FEDERAL REGISTER.

§ 6.123 *Federal Security Agency.* • • •

(c) *Children's Bureau.* • • •

(2) NC/PD. Five positions which are part of a joint project undertaken with an agency of a State or subdivision thereof or with a private organization provided that the agreement basic to the joint project specifies that the agency or organization is to participate in the establishment of recruitment standards and compensation rates for such positions and provided that at least one-half of the aggregate cost of such project (including salaries and the furnishing of quarters, materials equipment, and other facilities and services) will be borne by such agency or organization.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50–7038; Filed, Aug. 11, 1950; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; KANSAS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

KANSAS

County	Average value	Investment limit
Allen	$15,000	$12,000
Chautauqua	15,000	12,000
Cloud	16,000	12,000
Coffey	15,000	12,000
Elk	15,000	12,000
Geary	16,000	12,000
Labette	15,000	12,000
Marshall	16,000	12,000
Montgomery	15,000	12,000
Nemaha	16,000	12,000
Neosho	15,000	12,000
Pottawatomie	16,000	12,000
Republic	16,000	12,000
Riley	16,000	12,000
Washington	16,000	12,000
Wilson	15,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018.)

Issued this 8th day of August 1950.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50–7043; Filed, Aug. 11, 1950; 8:46 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; NEW YORK

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth; and § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), is amended by adding said county, average value, and investment limit to the tabulations appearing in said section under the State of New York.

NEW YORK

County	Average value	Investment limit
Putnam	$20,000	$12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 8th day of August 1950.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50–7044; Filed, Aug. 11, 1950; 8:46 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; WEST VIRGINIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

WEST VIRGINIA

County	Average value	Investment limit
Braxton	$8,500	$8,500
Cabell	9,000	9,000
Calhoun	8,500	8,500
Clay	8,500	8,500
Doddridge	8,500	8,500
Gilmar	8,500	8,500
Grant	12,000	12,000
Greenbrier	8,500	8,500
Hampshire	8,500	8,500
Hardy	10,000	10,000
Harrison	10,000	10,000
Jackson	9,000	9,000
Kanawha	9,000	9,000
Lewis	7,500	7,500
Lincoln	8,000	8,000
Marion	10,000	10,000
Marshall	10,000	10,000
Mason	7,500	7,500
Mercer	8,500	8,500
Mineral	11,000	11,000
Monroe	7,500	7,500
Morgan	8,500	8,500
Pendleton	8,500	8,500
Pleasants	9,000	9,000
Pocahontas	9,000	9,000
Preston	9,000	9,000
Putnam	10,000	10,000
Randolph	9,000	9,000
Ritchie	9,000	9,000
Roane	7,500	7,500
Summers	8,500	8,500
Taylor	8,500	8,500
Tyler	8,500	8,500
Upshur	9,000	9,000
Wayne	7,500	7,500
Wetzel	7,500	7,500
Wirt	9,000	9,000
Wood		

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 8th day of August 1950.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-7045; Filed, Aug. 11, 1950; 8:46 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

[Amdt. 2 to Subpart A]

PART 524—HONEY

SUBPART A—HONEY DIVERSION PROGRAM (MARKETING SEASON 1950)

MINIMUM GRADE AND INSPECTION

1. Paragraph 2 of § 524.107 is hereby amended to read as follows:

§ 524.107 *Minimum grade and inspection.* U. S. D. A. may, in its discretion, waive compliance on the part of the applicant with regard to the place of inspection specified above. To be effective such waiver must be in writing and signed by the Director.

Effective date. This amendment shall be effective at 12:01 a. m., e. s. t., July 14, 1950.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Dated this 9th day of August 1950.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 50-7066; Filed, Aug. 11, 1950; 8:50 a. m.]

[Amdt. 2 to Subpart B]

PART 524—HONEY

SUBPART B—HONEY EXPORT PROGRAM (MARKETING SEASON 1950)

RATE OF PAYMENT AND MINIMUM GRADE AND INSPECTION

1. Section 524.136 is hereby amended to read as follows:

§ 524.136 *Rate of payment.* The rate of payment applicable to U. S. Grade B honey exported in accordance with the terms and conditions contained herein shall be the lowest of the following: (a) 4.5 cents per pound, (b) 50 percent of the sales price (computed before deduction of such payment) as determined by the Director, basis free alongside ship United States ports of exportation except that if shipment from the nearest U. S. port from which honey is customarily shipped would result in a lower rate payable under this program, the honey shall be deemed to have been shipped from such nearest port, or (c) 50 percent of the domestic market price of the honey at the time of sale and place of delivery in the United States, as determined by the Director.

If the moisture content of the honey is in excess of 18.6 percent but not in excess of 20.0 percent, the specified rate of payment shall be reduced by one-hundredth (0.01) cent per pound for each one-tenth (0.10) of one percent by which the moisture content is in excess of 18.6 percent but not in excess of 20.0 percent.

2. Paragraph 2 of § 524.138 is hereby amended to read as follows:

§ 524.138 *Minimum grade and inspection.* United States Department of Agriculture may, in its discretion, waive compliance on the part of the applicant with regard to the place of inspection specified above. To be effective such waiver must be in writing and signed by the Director.

Effective date. This amendment shall be effective at 12:01 a. m., e. s. t., on the date of issuance as shown below, except that the amendment to paragraph 2 of § 524.138 shall be effective at 12:01 a. m., e. s. t., July 14, 1950.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Dated this 9th day of August 1950.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 50-7065; Filed, Aug. 11, 1950; 8:50 a. m.]

Subchapter C—Loans, Purchases, and Other Operations

PART 669—VEGETABLES, FRESH

SUBPART—GENERAL VEGETABLE PURCHASE PROGRAM (FISCAL YEAR 1951)

TOPPED BEETS

§ 669.5 *Topped beets (fiscal year 1951).* In order to encourage the domestic consumption of topped beets by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, topped beets will be purchased during the fiscal year ending June 30, 1951, in instances where surpluses exist or appear to be developing, and subject to limitations imposed by the capacity of available outlets to utilize supplies without waste and by the amount of funds available for such purchases. Generally, purchases will be made only in areas where acreage has not been unduly expanded without regard to available facilities and outlets. Grades and other specifications, and purchase prices will be contained in purchase announcements which will be issued to cover particular purchase operations. Information as to such purchase operations may be obtained by writing to the Fruit and Vegetable Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. 612c)

Done at Washington, D. C., this 9th day of August 1950.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50-7068; Filed, Aug. 11, 1950; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 343]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.450 *Lemon Regulation 343.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 9, 1950; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., Aug. 13, 1950, and ending at 12: 01 a..m., P. s. t., Aug. 20, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 250 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 10th day of August 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

Storage Date: August 6, 1950

[12:01 a. m. Aug. 13, 1950, to 12:01 a. m. Aug. 27, 1950]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	0.199
American Fruit Growers, Inc., Fullerton	.379
American Fruit Growers, Inc., Upland	.076
Hazeltine Packing Co	1.411
Ventura Coastal Lemon Co	1.982
Ventura Pacific Co	2.332
Glendora Lemon Growers Association	2.167
La Verne Lemon Association	.851
La Habra Citrus Association	1.198
Yorba Linda Citrus Association	1.072
Escondido Lemon Association	1.781
Alta Loma Heights Citrus Association	.526
Etiwanda Citrus Fruit Association	.313
Mountain View Fruit Association	.302
Old Baldy Citrus Association	.701
San Dimas Lemon Association	1.680
Upland Lemon Growers Association	6.208
Central Lemon Association	.758
Irvine Citrus Association	.389
Placentia Mutual Orange Association	.419
Corona Citrus Association	.389
Corona Foothill Lemon Co	2.088
Jameson Co	.781
Arlington Heights Citrus Co	.554
College Heights Orange & Lemon Association	4.130
Chula Vista Citrus Association	1.019
El Cajon Valley Citrus Association	.018
Escondido Cooperative Citrus Association	.145
Fallbrook Citrus Association	1.176
Lemon Grove Citrus Association	.396
Carpinteria Lemon Association	2.862
Carpinteria Mutual Citrus Association	3.080
Goleta Lemon Association	4.388
Johnston Fruit Co	5.631
North Whittier Heights Citrus Association	.913
San Fernando Heights Lemon Association	1.868
Sierra Madre-Lamanda Citrus Association	1.632
Briggs Lemon Association	2.351
Culbertson Lemon Association	1.552
Fillmore Lemon Association	1.140
Oxnard Citrus Association	5.887
Rancho Sespe	.660
Santa Clara Lemon Association	3.847
Santa Paula Citrus Fruit Association	3.536
Saticoy Lemon Association	3.541
Seaboard Lemon Association	3.560
Somis Lemon Association	3.075
Ventura Citrus Association	1.302
Limoneira Co	2.610
Teague-McKevett Association	.920
East Whittier Citrus Association	.644
Leffingwell Rancho Lemon Association	.726
Murphy Ranch Co	1.400
Whittier Citrus Association	0.364
Chula Vista Mutual Lemon Association	.566
Index Mutual Association	.396
La Verne Cooperative Citrus Association	2.586
Orange Belt Fruit Distributors	.997
Ventura County Orange & Lemon Association	2.316
Whittier Mutual Orange & Lemon Association	.188
Evans Bros. Packing Co	.000
Lorbeer, Carroll W. C	.000
San Antonio Orchard Co	.002
Sweet, L. G	.000

[F. R. Doc. 50-7111; Filed, Aug. 11, 1950; 9:38 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 3-3]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, ACROBATIC, AND RESTRICTED-PURPOSE CATEGORIES

RESTRICTED PURPOSE CATEGORY AIRPLANES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of August 1950.

Currently effective Part 3 establishes a restricted purpose category and authorizes the issuance of type and airworthiness certificates in such category for aircraft shown to comply with the airworthiness requirements of the normal, utility, or acrobatic categories of Part 3 which are not rendered inapplicable by the nature of the special purpose involved, and if the aircraft are operated in accordance with limitations which provide a level of safety equivalent to that contemplated for aircraft of the normal, utility, or acrobatic categories.

In view of the provisions of Part 8, adopted concurrently with this amendment,[1] which establish the standards with which compliance shall be demonstrated for the issuance of type and airworthiness certificates for aircraft intended to be operated for agricultural, industrial, or other special purposes and delineate operating limitations applicable to such aircraft, the Board considers it necessary to delete from Part 3 all reference to restricted purpose airplane certification. Thus, the type and airworthiness certification of airplanes intended to be used for special purposes shall be accomplished in accordance with the provisions of Part 8.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 3 as follows, effective October 11, 1950:

1. By deleting § 3.6 (a) (4).

2. By amending § 3.11 to read as follows:

[1] See F. R. Doc. 50-7069, *infra.*

§ 3.11 *Airworthiness certificates.* (a) In order to become eligible for an airworthiness certificate, an airplane must be shown to comply with the requirements contained in this part for at least one category.

(b) An airplane manufactured in accordance with a type certificate (see §§ 3.15 through 3.19) and conforming with the type design will become eligible for an airworthiness certificate when, upon inspection of the airplane, the Administrator determines that it so conforms and that the airplane is in a condition for safe operation. For each newly manufactured airplane this determination shall include a flight check by the applicant.

3. By adding a new § 3.12 to read as follows:

§ 3.12 *Experimental certificates.* An airplane shall become eligible for an experimental certificate when the applicant presents satisfactory evidence that the airplane is to be flown for experimental purposes and the Administrator finds it may, with appropriate restrictions, be operated for that purpose in a manner which does not endanger the general public. Airplanes used in racing and exhibition flying may be issued experimental certificates under the terms of this section. The applicant shall submit sufficient data, such as photographs, to identify the airplane satisfactorily and, upon inspection of the airplane, any pertinent information found necessary by the Administrator to safeguard the general public.

4. By amending the title of § 3.16 to read as follows: "§ 3.16 *Data required for type certification.*"

5. By amending the title of § 3.17 to read as follows: "§ 3.17 *Inspection and tests for type certification.*"

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 62 Stat. 1216, 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-7071; Filed, Aug. 11, 1950; 8:50 a. m.]

[Civil Air Regs., Amdt. 6-1]

PART 6—ROTORCRAFT AIRWORTHINESS

RESTRICTED PURPOSE CATEGORY ROTORCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of August 1950.

Currently effective Part 6 establishes standards for the type and airworthiness certification of rotorcraft in the restricted category. In view of the provisions of Part 8, Aircraft airworthiness; restricted category, adopted concurrently with this amendment,[1] which establish standards for the type and airworthiness certification of aircraft intended to be operated for agricultural, industrial, or other special purposes and which delineate the operating limitations applicable to such aircraft, the Board considers it necessary to delete from Part 6 all reference to certification in the restricted category. Thus, the type and airworthiness certification of rotorcraft intended to be used for a special purpose shall be accomplished in accordance with the provisions of Part 8.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 6 effective October 11, 1950:

1. By amending the titles of §§ 6.2 (a) and 6.2 (b) to read as follows:

§ 6.2 *Type certificate.* • • •

(a) *Data required for type certification.* • • •

(b) *Inspection and tests for type certification.* • • •

2. By amending § 6.3 to read as follows:

§ 6.3 *Airworthiness certificates.* (a) A rotorcraft manufactured in accordance with a type certificate (see § 6.2) and conforming to the type design shall become eligible for an airworthiness certificate when, upon inspection of the rotorcraft, the Administrator finds that it so conforms and that it is in a condition for safe operation. For each newly manufactured rotorcraft this finding shall include a flight check by the applicant.

(b) A rotorcraft shall become eligible for an experimental certificate when the applicant presents satisfactory evidence that the rotorcraft is to be flown for experimental purposes and the Administrator finds that it may, with appropriate restrictions, be operated for that purpose in a manner which does not endanger the general public. Rotorcraft used in racing and exhibition flying may be issued experimental certificates under the terms of this section. The applicant shall submit sufficient data, such as photographs, to identify the rotorcraft satisfactorily and, upon inspection of the rotorcraft, any pertinent information found necessary by the Administrator to safeguard the general public.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, 62 Stat. 1216, 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-7070; Filed, Aug. 11, 1950; 8:50 a. m.]

PART 8—AIRCRAFT AIRWORTHINESS; RESTRICTED CATEGORY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of August 1950.

Currently effective airworthiness parts and Part 43 of the Civil Air Regulations provide for the type and airworthiness certification of aircraft built or modified for special purposes, such as crop dusting, seeding, spraying, and other special purposes. In accordance with current requirements the Administrator may waive such of the basic airworthiness requirements as are rendered inappropriate by the special purposes involved, but he is required to prescribe operating limitations to insure that the operation will have "an equivalent level of safety" to that of an aircraft operating under an airworthiness certificate for an aircraft category other than restricted. The procedure by which compliance is shown with the restricted category is essentially the same as that required for certification in other airworthiness categories.

We have been advised that the existing requirements, which were designed primarily to establish an appropriate level of safety for passenger-carrying aircraft, have imposed an unnecessary economic burden and are unduly restrictive for the manufacture and operation of aircraft intended for use in rural, sparsely settled areas outside the usual lanes of air transportation and in which no passengers are to be carried for hire. For such restricted operations where public safety is not endangered it appears unreasonable to require the same level of safety as that required for passenger-carrying aircraft. Therefore, a basic change in Part 8 from current practice has been the elimination of the "equivalent level of safety" provision from the requirements for restricted category aircraft.

In addition, the part establishes new standards for the issuance of type certificates for the restricted category, for modifications of existing type certificates, and for issuance of airworthiness certificates for aircraft intended to be operated for special purposes and for operating limitations to be applicable to such aircraft. It also simplifies the procedure of showing compliance with the restricted category requirements and provides for the tailoring of the operating limitations to the particular purpose for which certification is sought. This part authorizes the Administrator to waive or modify any of the airworthiness requirements of the Civil Air Regulations, either for initial or continued airworthiness, for the standard (passenger-carrying) aircraft categories which he finds inappropriate for the special purpose for which the aircraft is to be used, including individual design requirements, requirements for flight testing, and submittal of engineering data and drawings. In the case of aircraft built for type certification in the restricted category, engineering data, reports and flight tests will be required but in a greatly simplified manner as compared to the requirements for the passenger-carrying categories. However, it should be noted that nothing in this part is intended to contravene the statutory requirement that the Administrator find that the aircraft is "of proper design, material, specification, construction, and performance for safe operation" before issuing a type certificate. (Sec. 603, 52 Stat. 1009, 49 U. S. C. 553)

A civil aircraft which has previously been type certificated and subsequently modified for a special purpose may be issued a modified type certificate, and a military aircraft which has been manufactured according to the requirements of, and accepted for use by, a military

[1] See F. R. Doc. 50-7069, *infra*.

service of the United States and subsequently modified for a special purpose may be issued a type certificate, when upon inspection the Administrator finds that the modification has been made in accordance with good aeronautical practice and that no feature or characteristic of the aircraft would render it unsafe when operated in accordance with the prescribed limitations. Engineering data, reports, or flight tests would not be required by the provisions of this part, except in cases where the inspection discloses a possible unsafe feature or characteristic.

Provision is further made whereby an aircraft may be issued an airworthiness certificate in the restricted category and in any one or more of the airworthiness categories prescribed by the Civil Air Regulations, if the applicant shows compliance with the requirements for each category when in the configuration for that category and if the aircraft can be converted from one category to another by the addition or removal of equipment by simple mechanical means. Under such circumstances the Administrator will specify appropriate operating limitations for each category and will specify the approved changes necessary to convert and reconvert the aircraft from one category to another.

This part is intended to provide the greatest possible flexibility of administration and to place the minimum possible burden consistent with public safety on the applicant for a certificate in the restricted category. While it is anticipated that it will be necessary to supplement this part with administrative policies and manual material, it is intended that such material be directly related to existing airworthiness standards and not take the form of independent administrative rules to be applied in lieu of the basic regulations.

It will be noted that the Board is currently considering a revision of Parts 1 and 2, and it is contemplated that some of the material contained in this part will be included in that revision.

Concurrently with the adoption of this part all reference to requirements for certification in the restricted category and to the operating limitations for aircraft so certificated, presently contained in Parts 3, 6, and 43 of the Civil Air Regulations, are being deleted from those parts.[1]

Interested persons have been afforded an opportunity to participate in the making of this new part, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a new Part 8 of the Civil Air Regulations to read as follows, effective October 11, 1950:

Sec.
8.0 Applicability of this part.
8.1 Definitions.
8.10 Eligibility for type certificate.
8.20 Eligibility for airworthiness certificate.
8.21 Multiple airworthiness certification.
8.30 Operating limitations; Administrator's authority to prescribe.

[1] See F. R. Docs. 50-7071, 50-7070, *supra*, and 50-7073, *infra*.

Sec.
8.31 Area operating limitations.
8.32 Economic operating limitations.
8.33 Passengers prohibited during special purpose operations.
8.34 Separate operating limitations for multiple airworthiness certification.

AUTHORITY: §§ 8.0 to 8.34 issued under sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, 62 Stat. 1216, 49 U. S. C. 551, 553.

§ 8.0 *Applicability of this part.* This part establishes standards for the issuance of type and airworthiness certificates for aircraft in the restricted category which are intended to be operated for agricultural, industrial, or other special purposes. This part also establishes operating limitations applicable to such aircraft.

§ 8.1 *Definitions.* (a) As used in this part, terms shall be defined as follows:

(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of an aircraft or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., shall mean approved by the Administrator.

(4) *Authorized representative of the Administartor.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties imposed upon him by the provisions of this part.

§ 8.10 *Eligibility for type certificate.* (a) Any aircraft of the following classifications shall be issued a type certificate in the restricted category, if the Administrator finds that no feature or characteristic of the aircraft renders it unsafe when operated in accordance with the limitations prescribed for its intended use:

(1) An aircraft type which has not previously been type certificated but which is shown by the applicant to comply with all of the airworthiness requirements of any other aircraft category prescribed by the Civil Air Regulations, except those requirements which the Administrator finds inappropriate for the special purpose for which the aircraft is to be used; or

(2) An aircraft type which has been manufactured in accordance with the requirements of, and accepted for use by, a United States military service and subsequently modified for a special purpose, whether or not such aircraft has been issued a type certificate under the provisions of Part 9 of the Civil Air Regulations.

(b) A modification of a type certificate may be issued to an applicant for an aircraft which has been previously type certificated in another category and then modified for a special purpose when, upon inspection, the Administrator finds that the modifications conform to a good aeronautical practice and that no feature or characteristic of the aircraft renders it unsafe when operated in accordance with the limitations prescribed for its intended use.

§ 8.20 *Eligibility for airworthiness certificate.* An aircraft shall be issued an airworthiness certificate in the restricted category if it complies with all of the following provisions:

(a) The aircraft is type certificated under the provisions of § 8.10 (a), or modified under the provisions of § 8.10 (b);

(b) The aircraft has been inspected by the Administrator and found by him to be in a good state of preservation and repair and in a condition for safe operation; and

(c) The Administrator has prescribed operating limitations for the aircraft in accordance with § 8.30.

§ 8.21 *Multiple airworthiness certification.* (a) An aircraft shall be issued an airworthiness certificate in the restricted category and in any one or more of the other airworthiness categories prescribed by the Civil Air Regulations, if the applicant shows compliance with the requirements for each category when the aircraft is in the configuration for that category and if the aircraft can be converted from one category to another by removal or addition of equipment by simple mechanical means.

(b) Any aircraft certificated in the restricted and any other category shall be inspected and approved by an authorized representative of the Administrator, or by a certificated mechanic with an appropriate airframe rating, to determine airworthiness each time the aircraft is converted from the restricted category to another category for the carriage of passengers for compensation or hire, unless the Administrator finds this unnecessary for safety in a particular case.

§ 8.30 *Operating limitations; Administrator's authority to prescribe.* In addition to the operating limitations set forth in §§ 8.31 through 8.34, the Administrator shall prescribe such operating limitations and restrictions as he finds necessary for safe operation of the aircraft and for the protection of the public.[1]

§ 8.31 *Area operating limitations.* Special purpose operations in restricted category aircraft shall not be conducted over densely populated areas, in congested air lanes, or in the vicinity of busy airports where passenger transport operations are being conducted, unless the Administrator finds it in the public interest to allow operations in such areas, in which case he shall prescribe specific operating limitations to provide the highest degree of public safety compatible with the type of operation involved.

§ 8.32 *Economic operating limitations.* Persons and cargo shall not be carried for compensation or hire in restricted category aircraft. For purposes of this section crop dusting, seeding, and other similar specialized operations, including the carriage of materials necessary for such operations, shall not be considered

[1] Where the special purpose operations require deviation from the Air Traffic Rules, a waiver of such rules must be obtained from the Administrator in accordance with the provisions of Part 60 of the Civil Air Regulations.

as the carriage of persons or cargo for compensation or hire.

§ 8.33 *Passengers prohibited during special purpose operations.* Persons, other than the minimum crew necessary for the purpose involved, shall not be carried during special purpose operations in restricted category aircraft.

§ 8.34 *Separate operating limitations for multiple airworthiness certification.* In case of multiple airworthiness certification under the provisions of § 8.21, the Administrator shall establish separate operating limitations for each category and shall specify the approved changes necessary to convert and reconvert the aircraft from one category to another.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-7069; Filed, Aug. 11, 1950; 8:50 a. m.]

[Civil Air Regs., Amdt. 43-3]

PART 43—GENERAL OPERATION RULES

PRIVATE PILOT PRIVILEGES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of August 1950.

Section 43.60 of the Civil Air Regulations currently states that a "private pilot shall not pilot aircraft for hire" and the explanatory note thereto states that the rule "permits sharing the expenses of a flight or piloting aircraft in furtherance of a business when the flight is made solely for the personal transportation of the pilot." We have been advised that this rule has been difficult to interpret, and in many instances it has unduly restricted the operations of private pilots.

This amendment, together with the illustrative interpretations discussed below, is considered to be appropriate to broaden the privileges of a private pilot.

The following interpretations are illustrative of the application of the amendment:

1. A private pilot may share the actual operating expenses incurred during a flight. The fact that one or more passengers contribute to the actual operating expenses of a flight is not considered the carriage of persons for compensation or hire.

2. A private pilot salesman may pilot an aircraft in the course of his employment. This would not be a violation of the regulation because the flight would be merely incidental to the pilot's business of selling. He may also carry samples of merchandise in the aircraft.

3. An airline official in New York, having a private pilot rating, wishes to use a company aircraft placed at his disposal to fly to Washingtoin in order to check the operations of the Washington office. He may do so, and also carry with him friends or other employees of the airline, provided no charge is made. Such a flight is considered merely incidental to the pilot's employment and does not involve the carriage of persons for compensation or hire.

4. The owner of a plantation or farm, holding a private pilot rating, may crop dust or seed his own land. This type of operation is incidental to the pilot's principal business of farming. He may also crop dust or seed the land of another, provided he does not do so for compensation or hire.

5. Private pilots may ferry aircraft, provided the flight is not for compensation or hire.

6. The holder of a private pilot rating engaged in selling real estate may pilot an aircraft carrying a prospective purchaser for the purpose of showing such purchaser land which is offered for sale. The flight in this instance is merely incidental to the pilot's business as a real estate operator.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations effective September 11, 1950:

By amending § 43.60 to read as follows:

§ 43.60 *Private pilot.* A private pilot shall not pilot aircraft for compensation or hire; except that he may pilot aircraft in connection with any business or employment, if the flight is merely incidental thereto and does not involve the carriage of persons or property for compensation or hire, and an aircraft salesman holding a private pilot rating may demonstrate aircraft in flight to a prospective purchaser if he has at least 200 hours of flight time credited in accordance with the provisions of Part 43.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-7072; Filed, Aug. 11, 1950; 8:50 a. m.]

[Civil Air Regs., Amdt. 43-4]

PART 43—GENERAL OPERATION RULES

AIRCRAFT IDENTIFICATION MARKS AND AIRCRAFT AIRWORTHINESS; RESTRICTED CATEGORY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of August 1950.

Currently effective Part 43 requires that aircraft registered for the first time after December 31, 1948, and all aircraft operated after December 31, 1950, shall display identification marks consisting of the Roman capital letter "N" denoting U. S. registration followed by the registration number. Thus, the Roman capital letter denoting the airworthiness classification, which presently may follow the Roman capital letter "N" on aircraft originally registered on or before December 31, 1948, must be removed after December 31, 1950.

The Board has recently been advised by several individual aircraft owners and industry associations that a considerable number of aircraft which currently display an identification mark containing an airworthiness symbol will not require recovering or refinishing prior to December 31, 1950, and these groups have requested that the established deadline date be postponed until it is necessary to recover or refinish such aircraft to the extent that the identification mark must be reapplied.

It will be noted that the adoption of the current requirement was necessitated by the fact that the increasing number of aircraft being registered required the assignment of identification marks employing at least six digits, and that sufficient space on the aircraft was not available if the letter denoting the airworthiness classification was also used as part of the number. Thus, it can be seen that the basic purpose of this amendment was to effect better administration of the registration of aircraft particularly with respect to newly registered aircraft. Therefore, we see no cogent reason why the deadline date for older aircraft may not be postponed until such aircraft are recovered or refinished to an extent requiring reapplication of the identification mark.

However, in view of the fact that aircraft operated in foreign or overseas air commerce with identification marks which do not comply with the current requirements would, after December 31, 1950, be in violation of the provisions of Annex 7 to the Convention on International Civil Aviation (Aircraft Nationality and Registration Marks), this amendment postpones the effective date of the current requirements only with respect to aircraft operated within the continental limits of the United States.

In addition, this amendment deletes from Part 43 current provisions establishing airworthiness requirements and operating limitations for restricted category aircraft. This action is necessary in view of the provisions of Part 8, Aircraft Airworthiness Restricted Category, which is being promulgated concurrently with this amendment,[1] and which establish the standards for the type and airworthiness certification for aircraft used for special purposes and delineate appropriate operating limitations for such aircraft.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 43 effective October 11, 1950:

By amending §§ 43.10 (c) (2) and 43.10 (c) (6) to read as follows:

§ 43.10 *Certificates and identification marks.* • • •

(c) *Identification marks.* • • •

(2) *NR.* Roman capital letters NR followed by the registration number shall be displayed on restricted category aircraft. The word "restricted" shall be prominently displayed near each entrance to the cockpit or cabin of a restricted category aircraft. • • •

• • • • • •

[1] See F. R. Doc. 50-7069, *supra.*

(6) *Alternate identification marks.* (i) Aircraft registered for the first time after December 31, 1948, shall display identification marks consisting of the Roman capital letter "N", denoting United States registration, followed by the registration number. Other aircraft which display identification marks containing an airworthiness symbol "O", "R", "X", or "L" and which are operated solely within the continental limits of the United States may display such identification marks until the first time such aircraft are recovered or refinished to an extent necessitating the reapplication of the identification mark. Thereafter, such aircraft, and after December 31, 1950, all aircraft of United States registry operated outside of the continental limits of the United States, shall display identification marks consisting of the Roman capital letter "N", denoting United States registration, followed by the registration number.

(ii) When an identification mark including only the Roman capital letter "N" and the registration number is utilized, those aircraft having other than a standard airworthiness certificate shall display the appropriate airworthiness classification as prescribed in Parts 3, 4a, 4b, 6, 8, and 9 on the aircraft in a manner and form prescribed by the Administrator. Those aircraft having a standard airworthiness certificate need not display the airworthiness classification designation.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1095, 62 Stat. 1216, 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-7073; Filed, Aug. 11, 1950; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 25—DRESSINGS FOR FOODS

MAYONNAISE, FRENCH DRESSING, AND SALAD DRESSING; DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of fixing and establishing definitions and standards of identity for mayonnaise, french dressing, and related salad dressings:

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), and upon the basis of substantial evidence received at the hearing duly held pursuant to the notice published in the FEDERAL REGISTER on October 15, 1947 (12 F. R. 6767), and upon consideration of the exceptions filed to the tentative order issued by the Federal Security Administrator on November 5, 1949 (14 F. R. 6720), which exceptions are allowed in part and rejected in part, as appears from notations on the exceptions which are on file with the Hearing Clerk, Federal Security Agency, Room 5109, Federal Security Building, Fourth Street and Independence Avenue, S. W., Washington, D. C., and as is apparent from the detailed findings below, the following order is promulgated:

Findings of fact.[1] 1. Dressings for salads constitute a class of foods the members of which characteristically contain a fat ingredient, an acidifying ingredient, and seasoning ingredients. Three members of this class of foods, commonly known as mayonnaise, french dressing, and salad dressing, are distributed commercially in large quantities as ready-prepared dressings. In cookbooks it is the conventional practice for the term "salad dressing" to be used as a generic designation for an entire class of foods which are to be made as dressings for salads, but in the commercial distribution of ready-prepared dressings it is the common and usual practice for the term "salad dressing" to be used as the specific name of the emulsified semisolid dressing similar to mayonnaise but differentiated therefrom by its content of other ingredients, particularly a cooked or partly cooked starchy paste. (R. 12–17, 26–27, 30, 38–39, 56, 59–60, 70–71, 73, 94, 111, 126–128, 133, 144–147, 158–159, 244, 366–371, 375, 425, 446–450, 550, 682, 735–737, 1304, 1863–1864, 1896–1897)

2. The fat in mayonnaise, french dressing, and salad dressing is one or a blend of two or more edible vegetable oils, such as the refined oils prepared from the seeds of cotton, corn, soya beans, peanuts, sesame, and sunflowers. In addition to the foregoing refined oils prepared from seeds, olive oil, which is not a refined oil, has been used in preparing dressings for salads in the home. Since it is not refined, olive oil is unsuitable for use in dressings the keeping quality of which is of importance, and its use in commercial dressings is relatively insignificant. The record does not show a need for any special requirements regulating its use. (R. 14, 17, 18, 34, 67, 110–111, 137, 140, 148–149, 426–430, 454, 478, 653, 666–667, 687–688, 695–696, 714–715, 725, 726, 1317–1318)

3. It was proposed that the definitions and standards of identity for mayonnaise, french dressing, and salad dressing should designate ascorbic acid as an optional ingredient because of its properties as a reducing agent. The evidence does not establish that ascorbic acid is effective to retard deterioration in the quality of the edible vegetable oils used in mayonnaise, french dressing, and salad dressing. (R. 457, 475–476, 683, 1381; Ex. 6)

4. There was testimony that the oils used in mayonnaise, french dressing, and salad dressing, particularly cottonseed oil, cause some consumers to suffer allergic reactions from the food, and that the interest of consumers would be promoted by having the definitions and standards of identity for these foods require label declaration of the oils used. In opposition to this, other allergists testified that allergic reactions to cottonseed oil and the other oils used in mayonnaise, french dressing, and salad dressing are extremely rare. Representatives of manufacturers testified that considerable difficulty would be encountered in complying with a requirement that the oils used be named on labels because the frequent changes in the oils used would necessitate frequent changes of labels and the use of separate storage tanks, feed lines, pumps, etc., to avoid unintentional blending. The evidence does not justify at this time a requirement for label declaration of the oils used. (R. 58–59, 66–67, 137–138, 150, 165–221, 247–312, 327–331, 429, 606–610, 675, 695, 699, 726–729, 979–1031, 1044–1141, 1146–1162, 1164–1211, 1212–1232, 1267–1301, 1313–1315, 1361–1362, 1402–1405; Ex. 17, 36, 37, 59)

5. Mineral oil is not a suitable ingredient for use in mayonnaise, french dressing, or salad dressing. (R. 45–47, 125–126, 133, 150, 159, 461).

6. The acidifying agents most widely used in dressings for salads are the various vinegars such as distilled vinegar, wine vinegar, cider vinegar, sugar vinegar, and malt vinegar. Blends of such vinegars are also used. The evidence does not establish a need for the definitions and standards of identity for mayonnaise, french dressing, and salad dressing to require acidyfying ingredients to be named on labels. The manufacturers of these dressings, in order to reduce their tartness, often dilute the vinegar or blend of vinegars with water. The evidence indicates that in the case of mayonnaise there is no necessity for diluting the vinegar or blend of vinegars to an acid content, calculated as ascetic acid, below 2½ percent by weight. The proportion of the aqueous phase in french dressing and salad dressing is, generally speaking, considerably greater than the proportion of the aqueous phase in mayonnaise, and for this reason a requirement that the dilution of the vinegar or blend be restricted to not less than 2½ percent as acetic acid by weight would in some cases result in objectionably tart french dressing or salad dressing. (R. 19–20, 35, 36, 40, 69, 84–85, 94, 119–124, 140–141, 175–177, 190, 254, 335–337, 396–398, 424, 426, 430–431, 434, 436–437, 440–443, 444–445, 450, 452, 457–459, 496, 549, 581–582, 658–661, 669–670, 675–676, 1037, 1305–1306, 1315–1316, 1320, 1322, 1325, 1327A, 1330–1331, 1334, 1344–1345, 1351, 1353–1354, 1433; Ex. 2, 3, 4)

7. Lemon juice has been used as an acidifying ingredient in dressings for salads. In commercial practice lemon juice is most often used together with a vinegar or a blend of vinegars. In addition to the fresh juice from lemons, frozen juice or such juice in canned, concentrated, or dried form is also satisfactory. In order that the tartness may be reduced, water is frequently used. In the case of mayonnaise there is no necessity for the dilution with water to exceed that which is permitted for vinegar or blends of vinegar used in mayonnaise (see finding 6). Lime juice may be used interchangeably with lemon juice. (R. 19–20, 69, 84–85, 94, 142–144, 176–177, 190, 435, 440–443, 661–662, 670, 673, 678–679, 750, 1305, 1306, 1316, 1340, 1363–1364, 1569, 1573; Ex. 38, 41)

8. Besides the vinegar or diluted vinegar which manufacturers use in the com-

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

mercial production of mayonnaise, french dressing, and salad dressing, some manufacturers use citric acid as an additional acidifying ingredient. Citric acid is not suitable for replacing all the vinegar. It is reasonable to specify in the definitions and standards of identity for mayonnaise, french dressing, and salad dressing that when citric acid is used it shall not exceed 25 percent by weight of the acids of the vinegar or diluted vinegar calculated as acetic acid. (R. 235, 435–437, 480–487, 683–685, 701–702, 717–718, 1348, 1376–1377, 1569, 1603)

9. Citric acid as such is rarely if ever used in the home in preparing dressings. In order for consumers to be informed of the presence in mayonnaise, french dressing, and salad dressing of this unexpected optional acidifying ingredient, the labels for such dressings should reveal that citric acid was added. A suitable and informative label statement for this purpose is "citric acid added" or "with added citric acid." (R. 235, 400, 436–437)

10. Other acidifying agents that were mentioned as having been used by some manufacturers are tartaric acid and lactic acid. These acids are not used in mayonnaise, french dressing, or salad dressing as prepared in the home. Tartaric acid is not digested. The evidence does not establish that tartaric acid and lactic acid should be designated as optional acidifying ingredients for mayonnaise, french dressing, and salad dressing. (R. 235–238, 398–402, 412–413, 435–437, 480–482, 485–487, 683–685, 701–702, 713, 717–718, 1348, 1376, 1377, 1569, 1603)

11. Optional ingredients commonly used in dressings for salads include salt, sweetening agents, spices, and other taste-imparting ingredients. Sweetening agents used are sugar, dextrose, corn sirup, invert sugar sirup, nondiastatic maltose sirup, glucose sirup, and honey. These ingredients are suitable for use in mayonnaise, french dressing, or salad dressing, either in sirup form or in dried form. Other ingredients used in dressings for salads to impart their characteristic tastes to the dressings are onions, garlic, horseradish, and celery. These tastes can be conveniently imparted to mayonnaise, french dressing, and salad dressing by using onions, garlic, horseradish, or celery in powdered form or in the form of expressed juice. Experimental use of monosodium glutamate demonstrated it to be a suitable taste-imparting ingredient. Worcestershire sauce and soy sauce are sometimes used as seasoning ingredients in mayonnaise, french dressing, and salad dressing. The record does not disclose the composition of these products. Other sauces of unknown composition are also used. (R. 16–17, 30, 31, 67, 69, 74, 77–80, 88–89, 124–125, 128, 131, 146, 201–202, 224, 226, 313–314, 389, 396–397, 449, 454–455, 459, 467, 519, 600–602, 609, 612, 644–645, 662–663, 673–674, 689–690, 710–711, 857–866, 1307, 1321, 1329, 1339, 1346, 1352–1353, 1358; Ex. 15, 16)

12. The large number of flavoring and seasoning substances suitable for use in mayonnaise, french dressing, and salad dressing makes it impracticable to list them by name as optional ingredients. Any suitable, harmless food seasoning or flavoring (other than imitations) is a reasonable class designation to describe seasoning and flavoring ingredients in addition to spices. (R. 31, 128, 146, 1321, 1359)

13. The spices mustard, paprika, and pepper are commonly used as seasoning ingredients in mayonnaise, french dressing, and salad dressing, and other spices and spice oils and spice extracts are also sometimes used. Formulas for mayonnaise and salad dressing call for the use of egg-yolk-containing ingredients (see finding 15) which impart their characteristic egg-yolk color to the dressing. In these dressings the use of turmeric or saffron is apt to deceive consumers because the yellow color imparted by these spices causes the dressing to appear to contain more egg yolk than it actually contains. For this reason no turmeric, saffron, or any spice oil or spice extract or other seasoning or flavoring ingredient which imparts to the dressing a color simulating the color imparted by egg yolk should be included in the optional ingredients for mayonnaise or salad dressing. (R. 16–17, 25–26, 31, 45, 107–108, 112, 128, 131, 146, 156, 230–233, 317–319, 371, 410, 437–439, 457, 471, 489, 567–572, 581, 585, 590, 663–664, 691–693, 702–705, 744, 1308, 1330)

14. To reduce the amount of oxygen in contact with dressings for salads, some manufacturers have performed the mixing and packing operations in an atmosphere in which a part or all of the air has been replaced by carbon dioxide or nitrogen. Carbon dioxide and nitrogen are relatively inert gases, and no harmful effect occurs from the mixing and packing of mayonnaise, french dressing, and salad dressing in an atmosphere in which air is replaced in whole or in part by these gases. (R. 426, 1383, 1457)

15. Mayonnaise is an emulsified, semisolid food. The only emulsifying agent used in producing the emulsion is an egg-yolk-containing ingredient. Egg-yolk-containing ingredients which are suitable are liquid egg yolks, frozen egg yolks, liquid whole eggs, frozen whole eggs, or any one or more of these with liquid egg white or frozen egg white. Egg yolks frozen with added salt or sugar or both are also suitable for use in mayonnaise, but it is unnecessary to specify these an optional egg-yolk-containing ingredients because salt and sugar are recognized optional seasoning ingredients for mayonnaise, and the identity of the finished food is the same, whether the salt or sugar is added directly in making the mayonnaise or indirectly as a constituent of the egg-yolk-containing ingredient used. There was testimony that the dried egg-yolk-containing products now available are not generally suitable, from the point of view of flavor, odor, and other characteristics, for use in mayonnaise. Although there was an expression of hope that more suitable dried forms of egg-yolk products may be developed in the future, the record does not furnish a basis for describing dried egg-yolk-containing products suitable for use in mayonnaise. (R. 16–19, 25–27, 73, 94, 108–109, 111, 112, 156–157, 369, 420–422, 425–426, 431–433, 443–444, 468–470, 479–480, 527, 579, 665, 680–681, 729–731, 742–749, 1309–1312, 1332; Ex. 2, 10)

16. Specifying in the definition and standard of identity for mayonnaise that the dressing is emulsified and that an egg-yolk-containing ingredient is the sole emulsifying agent used makes it unnecessary to specify a numerical minimum level for egg yolk. (R. 21–22, 112–116, 147, 233, 321–326, 414, 431–434, 468–469, 475, 493, 673, 694, 731, 739–742, 1310–1311; Ex. 2)

17. Mayonnaise is generally recognized by consumers as a salad dressing containing a relatively high proportion of vegetable oil, and it is reasonable to require that mayonnaise contain not less than 65 percent, by weight of edible vegetable oil. (R. 21–25, 60–61, 109–111, 126–127, 321–324, 422, 430–431, 671, 718, 1309; Ex. 2, 10)

18. Commercially prepared mayonnaise is usually distributed with labels bearing the name "mayonnaise," but sometimes it has been distributed with labels bearing the name "mayonnaise dressing" and to a lesser extent with labels bearing the name "mayonnaise salad dressing." The commercially prepared dressing which looks like mayonnaise but which contains a starchy paste (see findings 1 and 27) is distributed with labels bearing the name "salad dressing." The distribution of mayonnaise labeled "mayonnaise salad dressing" would tend to cause purchasers to confuse the dressing containing starchy paste with mayonnaise. Consequently, in specifying the name of the food in the definition and standard of identity for mayonnaise it will promote fair dealing to specify only the names "mayonnaise" and "mayonnaise dressing," and not the name "mayonnaise salad dressing." (R. 13–16, 26–27, 38, 56, 59–60, 70–73, 125, 144–146, 158, 372, 443, 446–450, 550, 1304–1305)

19. French dressing as prepared in the home has usually been in liquid form which, upon standing, separates into an oil layer and an aqueous layer. Commercial french dressing is prepared in two forms, a separable liquid form similar to home-made french dressing and a viscous fluid form in which the vegetable oil is so dispersed in the acidifying ingredient by the use of an emulsifying agent that the dressing does not separate into layers. (R. 29, 31, 128–130, 241–242, 346, 394, 457–459, 514, 608)

20. A number of emulsifying ingredients are suitable for use in french dressing and also in salad dressing. Among these ingredients are gum acacia, carob bean gum, guar gum, gum karaya, and gum tragacanth. Alternative names for gum acacia and carob bean gum are gum arabic and locust bean gum, respectively. The name "vegetable gum" is also applicable to gum acacia, carob bean gum, guar gum, gum karaya, and gum tragacanth. Ingredients other than these vegetable gums which are suitable for use in french dressing and salad dressing are extract of Irish moss, pectin, propylene glycol ester of alginic acid, and sodium carboxymethylcellulose. There

was testimony that in acid foods such as salad dressing algin (sodium alginate) does not give results as good as are given by propylene glycol ester of alginic acid. Sometimes mixtures of emulsifying ingredients are used. The quantity of emulsifying ingredient used in french dressing varies somewhat among different manufacturers, but in general the emulsifying ingredient constitutes from one-fourth of 1 percent to three-fourths of 1 percent of the weight of the french dressing. Proper emulsification of french dressing can be readily achieved when the emulsifying ingredients do not constitute more than 0.75 percent of the weight of the finished french dressing. (R. 31, 41, 130, 133–135, 136–137, 157, 316, 386, 387, 453, 457–459, 514, 675, 769–770, 792, 795–796, 805–811, 819–822, 826–830, 835–848, 854, 940–951; Ex. 7, 8, 9, 13)

21. To a limited extent, egg-yolk-containing ingredients (see finding 15) have been used for their emulsifying properties in french dressing. The proportion of the egg-yolk-containing ingredient has been so restricted that the finished french dressing is fluid and does not simulate mayonnaise in consistency. In order to avoid the consumer confusion that would result from french dressing emulsified with so much egg-yolk-containing ingredient that it would be liable to be mistaken for mayonnaise, such ingredient is restricted, so that the weight of its egg-yolk solids is not more than 0.75 percent of the weight of the finished french dressing. (R. 31, 83–84, 131, 133–135, 345, 385, 459, 514, 675, 1323; Ex. 4)

22. There was testimony recommending that, in addition to specifying the emulsifying ingredients named in finding 20, the definitions and standards of identity for french dressing and salad dressing should specify two classes of emulsifiers to be described as "partial esters of fat-forming fatty acids and mono- and dianhydrides of the hexitols, mannitol and sorbitol, and polyoxyethylene derivatives thereof" and "partial esters of fat-forming fatty acids and polyoxypropylene mannitol." It is not possible from the evidence of record to establish the bounds of the classes so described. No physical constants were suggested as proper limiting specifications. The record lists a score of trade-name articles cited as examples of products encompassed by the recommended class descriptions. Although chemical terms are associated with these trade names in the record, the chemical terms used are in a number of instances not specific designations but instead are designations which in turn are capable of encompassing a number of chemical entities. In addition to the trade-name products enumerated in the record, the recommended class descriptions would incorporate an incalculable number of inadequately investigated and even undiscovered chemicals to be included in the definitions and standards of identity for french dressing and salad dressing as optional emulsifying ingredients. Toxicological studies have been undertaken on some of the products encompassed by the recommended class descriptions. The scientists who presented the results of their toxicological investigations testified that they had not completed their two-year chronic-toxicity studies. Preliminary work in the manufacturer's laboratory indicated that members of the classes encompassed by the general descriptions had value in stabilizing emulsion-type french dressing and salad dressing. Samples were given to a manufacturer of salad dressing to work with in the laboratory. There was testimony that the work was insufficient to yield conclusive results, but was promising. The record does not show which particular members of the general classes were evaluated in either of these laboratories. It would not be in the interest of consumers for the definitions and standards of identity for french dressing and salad dressing to specify optional emulsifying ingredients by such general descriptions as to include broad classes of chemicals that have neither been used in the home nor used to any substantial extent in the commercial production of french dressing or salad dressing, and of which classes only a limited number of members have been investigated for their toxicological properties. The evidence does not furnish a basis for specifically designating which among the products encompassed by the recommended general descriptions are suitable emulsifying ingredients for french dressing and salad dressing. (R. 877–940, 1323–1324, 1332, 1348, 1356, 1622–1727, 1728–1761, 1761–1770, 1771–1778, 1785–1787; Ex. 18–35, 42–58)

23. Except for egg-yolk-containing ingredients, emulsifiers are not customarily used in making french dressing or salad dressing in the home. In order for consumers to be informed when such unexpected ingredients are contained in ready-prepared dressings which they purchase, the labels of such dressings should declare the presence of the emulsifying ingredient. A statement on the label which is reasonably informative to purchasers is "-------- added" or "with added --------," the blank being filled in with the common name of the emulsifying ingredient or mixture used; or, alternatively, with the words "algin derivative," if propylene glycol ester of alginic acid is used; or with the words "vegetable gum" if any one of the vegetable gums gum acacia, carob bean gum, guar gum, gum karaya, or gum tragacanth is used; or with the words "vegetable gums" if two or more such vegetable gums are used. If french dressing or salad dressing contains citric acid and an emulsifying ingredient as specified in finding 20, the consumer's interest in learning that these ingredients are contained in the dressing will be satisfactorily served if the label statements are combined, as for example, "with added citric acid and sodium carboxymethylcellulose." (R. 131, 133–137, 346, 385–386, 1342–1344)

24. Testimony was given to support recognition of the use in mayonnaise, french dressing, and salad dressing of a class of optional ingredients called "harmless suitable antioxidants," on the ground that such substances are needed to retard the development of rancidity in the oil ingredient. The number of substances, most of which are chemicals, that may be classified as antioxidants is very large. It is well known that many antioxidants are toxic. Evidence was not submitted to show which, if any, of the substances that are regarded as suitable for use have been demonstrated by adequate testing to be harmless. While a determination of the suitability of such substances from the standpoint of their effect in delaying rancidity and their lack of adverse effect on color, odor, and flavor is not unusually difficult and might properly be left to individual manufacturers of these dressings, a determination that any such substance is harmless involves highly complex, difficult, and time-consuming investigations, the adequacy of which requires evaluation by experts in pharmacology, medicine, and related sciences who are trained and experienced in making such investigations. An error in deciding that a substance is harmless is so likely to result in impairment of public health that the procedure whereby such decisions are reached should be surrounded by careful safeguards. It would not promote honesty and fair dealing in the interest of consumers to provide for the use of antioxidants as optional ingredients in mayonnaise, french dressing, and salad dressing in such general terms as "harmless suitable antioxidants." Before such use of any such substance is recognized, evidence should be included in the record showing that such substance has been adequately tested by experts qualified by scientific training and experience to evaluate the toxicity of the substance, and that such tests demonstrate that such substance is neither poisonous nor deleterious. (R. 435–436, 483, 487, 685, 696–699, 1361, 1377, 1381–1386, 1387–1391, 1431–1432, 1445–1466, 1477–1478, 1526–1533, 1540–1545, 1548–1553, 1557–1564)

25. Historically, french dressing was approximately half oil and half acidifying ingredient. Commercial french dressing has had a tendency to contain less than 50 percent vegetable oil, and the emulsified form has frequently been made to contain less vegetable oil than the separable form. Purchasers are unable to estimate by inspection the proportion of oil in emulsified french dressing. In order to prevent the reduction of the proportion of oil in commercial french dressing to unreasonably low levels it is necessary to establish a minimum limit for the percentage of oil in french dressing. A reasonable minimum limit for oil in french dressing is 35 percent. (R. 30, 32–35, 41–44, 128–130, 132–133, 241–244, 386, 458, 512, 608, 640–642, 674, 700–701, 1322, 1427–1472; Ex. 3, 10, 40)

26. In addition to the optional ingredients set forth in findings 11, 12, and 13, tomato paste, tomato puree, catsup, and sherry wine are sometimes used in the preparation of french dressing, and each of these is suitable for such use. (R. 31, 128, 131, 315–316, 457–459, 609, 674)

27. Salad dressing is an emulsified semisolid food which contains a cooked or partly cooked starchy paste in addi-

tion to edible vegetable oil, acidifying ingredient, and egg-yolk-containing ingredient. In preparing salad dressing, the starchy paste is made up separately by heating a food starch, such as properly prepared cornstarch, arrowroot starch, or potato starch, or a flour, such as wheat flour, rye flour, or tapico flour, with water or diluted vinegar. Sometimes mixtures of the starchy ingredients are used and sometimes other ingredients of the salad dressing being prepared, such as the acidifying ingredient, salt, and sweetening agents, are added to the starchy paste. (R. 38–41, 56, 69–71, 73, 82, 86, 101, 144–147, 158, 239–240, 366, 372, 376–379, 383, 405–409, 444–445, 450–452, 496–497, 512, 520–521, 544, 549, 564–567, 594, 676, 716, 1243–1261, 1262, 1327A, 1913; Ex. 10)

28. In the preparation of salad dressing an egg-yolk-containing ingredient (see finding 15) is used. One or any mixture of the emulsifying ingredients designated in finding 20 may be used to aid in stabilizing the emulsion. When such an ingredient or mixture is used for this purpose the quantity need not exceed 0.75 percent by weight of the finished dressing. (R. 38, 41, 56, 134, 154–158, 376, 381, 395–396, 450–453, 490–491, 494–497, 743, 820–822, 846, 949–951, 1332; Ex. 4, 5, 7, 8, 9, 13)

29. Egg-yolk-containing ingredients are not the sole emulsifying ingredients that may be used in salad dressing, and in order to guarantee that salad dressing contains sufficient egg-yolk-containing material to meet with consumer expectations, it is necessary to establish a minimum limit for the egg-yolk-containing ingredient. A minimum quantity of 4 percent by weight of liquid egg yolks or a quantity of other egg-yolk-containing ingredient equivalent in its egg-yolk-solids content to 4 percent by weight of liquid egg yolks is a reasonable minimum limit for the egg-yolk-containing ingredient of salad dressing. (R. 41–44, 113, 115–116, 154–157, 381–382, 414, 432, 455–456, 490–492, 557, 583, 591–597, 645, 1332; Ex. 4, 10)

30. Salad dressing as made by different manufacturers, and different brands of salad dressing as made by a single manufacturer, vary in the percentage of vegetable oil which they contain from about 50 percent down to as low as 20 percent, and in some instances even lower. Low-oil salad dressing is often differentiated in the trade by such terms as "cheap" or "second grade" or "competitive grade." As the percentage of vegetable oil in salad dressings is lowered, the characteristics of the starchy-paste ingredient in the dressing become more apparent. The line of demarcation between reasonably satisfactory salad dressing and salad dressing which is objectionable because of predominating starchy characteristics is not clearly fixed, but when salad dressing has less than about 30 percent vegetable oil it has a starchy flavor which is not characteristic of salad dressing. It is reasonable to fix the minimum level for vegetable oil in salad dressing at 30 percent by weight of the finished dressing. (R. 41–45, 54, 150–157, 243–244, 366–367, 372, 382, 393, 454–455, 505–508, 544–549, 560–561, 609, 644–645, 676, 705–711, 717–720, 731–735, 742, 1331, 1912; Ex. 4, 10)

31. In addition to mayonnaise, french dressing, and salad dressing, a number of other related dressings for salads are referred to in the record. There was testimony concerning a kind of sauce for use on sea food, meats, and similar dishes which has been labeled "Old Style Sauce." The evidence concerning this product indicates that it resembles salad dressing but is more fluid, and contains more mustard and horseradish than are generally used in salad dressing. There was testimony concerning foods made by mixing substantial portions of chili sauce or other tomato products, or chopped vegetables, or chopped pickles with a base consisting of mayonnaise or salad dressing. These mixtures are clearly distinguishable from mayonnaise or salad dressing both in appearance and taste, and have been labeled with names such as russian dressing, Thousand Island dressing, sandwich spread, and tartar sauce. The evidence in the record is not sufficient to establish definitions and standards of identity for any of these related dressings other than mayonnaise; french dressing, and salad dressing. (R. 73–74, 146, 152–154, 158–159, 377–384, 387–392, 459–460, 512, 563, 605, 610–614, 637–640, 646–652, 1346, 1827–1914; Ex. 11, 12, 40, 41)

32. There was no satisfactory evidence showing that it would promote honesty and fair dealing in the interest of consumers to permit milk, milk solids, nonfat dry milk solids, or cream as optional ingredients in salad dressing. These dairy ingredients are used frequently in the home preparation of the broad class of foods described by the generic term "salad dressing," but they are very unusual ingredients in the commercially prepared food commonly known as "salad dressing." Only one firm has added these ingredients to commercial "salad dressing." The additions are said to improve the flavor, physical appearance or texture, and nutritive value of salad dressing. No substantial evidence was presented to prove the 4 percent to 5 percent of table cream and the 1 percent of nonfat dry milk solids now in use by the firm have a noticeable effect on the flavor of the salad dressing. Evidence that a commercially prepared food of that kind, the composition of which has varied from time to time, has been successfully marketed does not prove that flavor is improved. On the contrary, cream and milk are mild and bland in flavor while some of the constituents of salad dressing, particularly vinegar and the condiments, are characterized by much stronger flavors. In the presence of the stronger flavored ingredients, small amounts of cream and milk will not affect the flavor of the salad dressing to any significant extent. The only evidence of record from taste panel testing reveals that cream in much greater amounts than used by the proponent of its optional use in salad dressing, even when used to the extent of 40 percent of the food, is not noticeable in the finished salad dressing. There was no substantial evidence that the small amounts of nonfat dry milk solids and table cream proposed would improve the texture and physical characteristics of the salad dressing, nor was there evidence as to what special precautions would have to be taken to prevent spoilage of the dairy ingredients during the normal shelf life of the food. It is claimed that the substitution of milk and cream for water in salad dressing would improve its nutritive properties. But the fact that milk and cream are more nutritious than water does not solve the problem. The small amounts of extra fat, protein, amino acids, minerals, and other nutrients that would be added to the daily diet through the use of 4 percent to 5 percent of cream and 1 percent of nonfat dry milk solids in replacement of like amounts of water in salad dressing are insignificant. The proponents of the use of these optional ingredients did not attempt to show that any significant nutritive improvement of the diet would be made through the optional use of nonfat dry milk solids and table cream in salad dressing in the amounts proposed. Adding milk and cream to salad dressing would provide a basis for labeling and advertising claims as to the virtues of these ingredients in the abstract. A truthful statement on a label that cream, milk, or nonfat dry milk solids had been added as an ingredient of salad dressing would be misleading when applied to salad dressing containing only 4 percent to 5 percent of table cream diluted by 1 percent of nonfat dry milk solids because it would not furnish the pertinent information that the small amounts added were insufficient to affect the taste and insignificant from a nutritional standpoint. Thus, to permit the dairy ingredients as optional for use in salad dressing would promote misleading labeling claims with no accompany consumer benefits in terms of product improvement. (R. 81–82, 152–154, 387–388, 575–579, 1567–1568, 1570, 1573, 1574–1581, 1584, 1592, 1601, 1604–1610, 1612, 1617, 1827, 1831–1844, 1863–1865, 1880–1888, 1892, 1896, 1899, 1901, 1903, 1905, 1908–1909, 1912)

33. The commercial salad dressing with table cream and nonfat dry milk solids added is sold as "Cream Wipt Salad Dressing." Only one such product is on the market. When cream is used in a salad dressing prepared in the home the food customarily is called cream salad dressing. Consumers have a right to expect a food designated as cream salad dressing to contain a very substantial amount of cream. Only rarely do cream salad dressings contain vegetable oil as well as cream. Cookbooks describe and give directions for preparing cream salad dressings, and the directions call for cream, or milk and cream, in such quantities that milk fat contributes at least 50 percent of the total fat in the cream salad dressing. No recipes were found or offered in evidence in which as little as 4 percent to 5 percent of table cream was used in home preparation of cream salad dressing. Each of the recipes referred to in the evidence requires a substantially greater amount of cream. This high milk fat content is one of the essential identity characteristics. Cream salad dressing is not now prepared commercially, the evidence does not show that it would have keeping qualities to make the preparation and sale commercially feasible, and there is no need for a standard of identity for it. (R. 387, 575, 1576, 1579, 1580–1581, 1584, 1587, 1599, 1608, 1617, 1831–1842, 1844, 1846, 1878, 1880–1884, 1903, 1905; Ex. 38–41)

Conclusion. Upon consideration of the entire record and the foregoing findings of fact it is concluded that the promulgation of the following definitions and standards of identity for mayonnaise, french dressing, and salad dressing will promote honesty and fair dealing in the interest of consumers.

Chapter I is amended by adding the following new part:

PART 25—DRESSINGS FOR FOODS

Sec.
25.1 Mayonnaise, mayonnaise dressing; identity; label statement of optional ingredients.
25.2 French dressing; identity; label statement of optional ingredients.
25.3 Salad dressing; identity; label statement of optional ingredients.

AUTHORITY: §§ 25.1 to 25.3 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046; 21 U. S. C. 341.

§ 25.1 *Mayonnaise, mayonnaise dressing; identity; label statement of optional ingredients.* (a) Mayonnaise, mayonnaise dressing, is the emulsified semisolid food prepared from edible vegetable oil, one or both of the acidifying ingredients specified in paragraph (b) of this section, and one or more of the egg-yolk-containing ingredients specified in paragraph (c) of this section. It may be seasoned or flavored with one or more of the following ingredients:

(1) Salt.

(2) Sugar, dextrose, corn sirup, invert sugar sirup, nondiastatic maltose sirup, glucose sirup, honey. The foregoing sweetening ingredients may be used in sirup or dried form.

(3) Mustard, paprika, other spice, or any spice oil or spice extract, except that no turmeric or saffron is used and no spice oil or spice extract is used which imparts to the mayonnaise a color simulating the color imparted by egg yolk.

(4) Monosodium glutamate.

(5) Any suitable, harmless food seasoning or flavoring (other than imitations), provided it does not impart to the mayonnaise a color simulating the color imparted by egg yolk.

Mayonnaise may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen. Mayonnaise contains not less than 65 percent by weight of vegetable oil.

(b) The acidifying ingredients referred to in paragraph (a) of this section are:

(1) Any vinegar or any vinegar diluted with water to an acidity, calculated as acetic acid, of not less than 2½ percent by weight, or any such vinegar or diluted vinegar mixed with the additional optional acidifying ingredient citric acid, but in any such mixture the weight of citric acid is not greater than 25 percent of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid. For the purpose of this paragraph, any blend of two or more vinegars is considered to be a vinegar.

(2) Lemon juice or lime juice or both or any such juice in frozen, canned, concentrated, or dried form, or any one or more of these diluted with water to an acidity, calculated as citric acid, of not less than 2½ percent by weight.

(c) The egg-yolk-containing ingredients referred to in paragraph (a) of this section are: liquid egg yolks, frozen egg yolks, liquid whole eggs, frozen whole eggs, or any one or more of the foregoing with liquid egg white or frozen egg white.

(d) (1) When the additional optional acidifying ingredient as provided in paragraph (b) (1) of this section is used, the label shall bear the statement "Citric acid added" or "With added citric acid."

(2) Wherever the name "Mayonnaise" or "Mayonnaise Dressing" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 25.2 *French dressing; identity; label statement of optional ingredients.* (a) French dressing is the separable liquid food or the emulsified viscous fluid food prepared from edible vegetable oil and one or both of the acidifying ingredients specified in paragraph (b) of this section. It may be seasoned or flavored with one or more of the following ingredients:

(1) Salt.

(2) Sugar, dextrose, corn sirup, invert sugar sirup, nondiastatic maltose sirup, glucose sirup, honey. The foregoing sweetening ingredients may be used in sirup or dried form.

(3) Mustard, paprika, other spice, or spice oil or spice extract.

(4) Monosodium glutamate.

(5) Any suitable, harmless food seasoning or flavoring (other than imitations).

(6) Tomato paste, tomato puree, catsup, sherry wine.

French dressing may be emulsified. Subject to the conditions hereinafter prescribed, one or both of the optional emulsifying ingredients specified in paragraph (c) (1) and (2) of this section may be added. French dressing may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen. French dressing contains not less than 35 percent by weight of vegetable oil.

(b) The acidifying ingredients referred to in paragraph (a) of this section are:

(1) Any vinegar or any vinegar diluted with water, or any such vinegar or diluted vinegar mixed with the additional optional acidifying ingredient citric acid, but in any such mixture the weight of citric acid is not greater than 25 percent of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid. For the purpose of this paragraph, any blend of two or more vinegars is considered to be a vinegar.

(2) Lemon juice or lime juice or both or any such juice in frozen, canned, concentrated, or dried form, or any one or more of these diluted with water.

(c) The optional emulsifying ingredients referred to in paragraph (a) of this section are:

(1) Gum acacia (also called gum arabic), carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol ester of alginic acid, sodium carboxymethylcellulose, or any mixture of two or more of these.

(2) Liquid egg yolks, frozen egg yolks, liquid whole eggs, frozen whole eggs, or any one or more of these with liquid egg white or frozen egg white. For the purpose of this paragraph, the quantity of egg-yolk-containing ingredient is calculated as the weight of the egg-yolk solids contained therein.

The quantity of any such emulsifying ingredient or mixture used amounts to not more than 0.75 percent by weight of the finished french dressing.

(d) (1) When the additional optional acidifying ingredient as provided in paragraph (b) (1) of this section is used, the label shall bear the statement "Citric acid added" or "With added citric acid." When an optional emulsifying ingredient as provided in paragraph (c) (1) of this section is used, the label shall bear the statement "---------- added" or "With added ----------," the blank being filled in with the common name or names of the emulsifying ingredient or mixture of emulsifying ingredients used, as specified in paragraph (c) (1) of this section; or, alternatively, with the words "algin derivative," if propylene glycol ester of alginic acid is used; or with the words "vegetable gum" if any one of the vegetable gums, gum acacia, carob bean gum, guar gum, gum karaya, or gum tragacanth, is used; or with the words "vegetable gums" if two or more such vegetable gums are used. Label statements specified in this paragraph for declaring the presence of optional ingredients may be combined, as for example, "With added citric acid and sodium carboxymethylcellulose."

(2) Wherever the name "French Dressing" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 25.3 *Salad dressing; identity; label statement of optional ingredients.* (a) Salad dressing is the emulsified semi-solid food prepared from edible vegetable oil, one or both of the acidifying ingredients specified in paragraph (b) of this section, one or more of the egg-yolk-containing ingredients specified in paragraph (c) of this section, and a cooked or partly cooked starchy paste prepared with a food starch, tapioca flour, wheat flour, rye flour, or any two or more of these. In the preparation of such starchy paste water may be added. Salad dressing may be seasoned or flavored with one or more of the following ingredients:

(1) Salt.

(2) Sugar, dextrose, corn sirup, invert sugar sirup, nondiastatic maltose sirup, glucose sirup, honey. The foregoing sweetening ingredients may be used in sirup or dried form.

(3) Mustard, paprika, other spice, or any spice oil or spice extract, except that no turmeric or saffron is used and no spice oil or spice extract is used which imparts to the salad dressing a color simulating the color imparted by egg yolk.

(4) Monosodium glutamate.

(5) Any suitable, harmless food seasoning or flavoring (other than imitations), provided it does not impart to the salad dressing a color simulating the color imparted by egg yolk.

Subject to the conditions hereinafter prescribed, one or more of the optional emulsifying ingredients specified in paragraph (d) of this section may be added. Salad dressing may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen. Salad dressing contains not less than 30 percent by weight of vegetable oil and not less egg-yolk-containing ingredient than is equivalent in egg-yolk solids content to 4 percent by weight of liquid egg yolks.

(b) The acidifying ingredients referred to in paragraph (a) of this section are:

(1) Any vinegar or any vinegar diluted with water, or any such vinegar or diluted vinegar mixed with the additional optional acidifying ingredient citric acid, but in any such mixture the weight of citric acid is not greater than 25 percent of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid. For the purpose of this paragraph, any blend of two or more vinegars is considered to be a vinegar.

(2) Lemon juice or lime juice or both or any such juice in frozen, canned, concentrated, or dried form, or any one or more of these diluted with water.

(c) The egg-yolk-containing ingredients referred to in paragraph (a) of this section are: liquid egg yolks, frozen egg yolks, liquid whole eggs, frozen whole eggs, or any one or more of the foregoing with liquid egg white or frozen egg white.

(d) The optional emulsifying ingredients referred to in paragraph (a) of this section are: gum acacia (also called gum arabic), carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol ester of alginic acid, sodium carboxymethylcellulose, or any mixture of two or more of these. The quantity used of any such emulsifying ingredient or mixture amounts to not more than 0.75 percent by weight of the finished salad dressing.

(e) (1) When the additional optional acidifying ingredient as provided in paragraph (b) (1) of this section is used, the label shall bear the statement "Citric acid added" or "With added citric acid." When an optional emulsifying ingredient as provided in paragraph (d) of this section is used, the label shall bear the statement "---------- added" or "With added ----------," the blank being filled in with the common name or names of the emulsifying ingredient or mixture of emulsifying ingredients used, as specified in paragraph (d) of this section; or, alternatively, with the words "algin derivative," if propylene glycol ester of alginic acid is used; or with the words "vegetable gum" if any one of the vegetable gums, gum acacia, carob bean gum, guar gum, gum karaya, or gum tragacanth, is used; or with the words "vegetable gums," if two or more such vegetable gums are used. Label statements specified in this paragraph for declaring the presence of optional ingredients may be combined, as for example, "with added citric acid and sodium carboxymethylcellulose."

(2) Wherever the name "Salad Dressing" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Effective date. The regulations hereby promulgated shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER.

Dated: August 8, 1950.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 50-7049; Filed, Aug. 11, 1950; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 34—SOUTHEASTERN REGION

SUBPART—BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE, GEORGIA

FISHING

Basis and purpose. On the basis of observation and reports of field representatives of the Fish and Wildlife Service, it has been determined that public fishing and the use of boats in certain waters of the Blackbeard Island National Wildlife Refuge, can be permitted in certain seasons without interfering with the primary purpose of the Refuge.

Inasmuch as the following regulations are relaxations of the present prohibition against fishing and the use of boats on the Refuge, the notice and public rule-making procedure required by the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.) are hereby found to be impracticable, and the effective date requirement of the Administrative Procedure Act does not apply.

Effective immediately upon publication in the FEDERAL REGISTER, §§ 34.17 to 34.20, inclusive, are added.

FISHING

Sec.
34.17 Fishing permitted.
34.18 State fishing laws.
34.19 Use of boats.
34.20 Special fishing restrictions.

AUTHORITY: §§ 34.17 to 34.20 issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 34.17 *Fishing permitted.* Non-commercial fishing is permitted during the daylight hours in all the waters of the Blackbeard Island National Wildlife Refuge, Georgia, during the period from April 1 to October 15, inclusive, of each year, in accordance with the provisions of the regulations in Parts 18 and 21 of this chapter, and subject to the conditions, restrictions, and requirements of §§ 34.18 to 34.20, inclusive.

§ 34.18 *State fishing laws.* All persons must comply with all of the State fishing laws and regulations, and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a Federal permit for non-commercial or sport fishing in the waters of the Refuge that are open to fishing.

§ 34.19 *Use of boats.* Persons may use boats (except motor boats), canoes, or floating devices for fishing only on the waters of the Refuge, and must place such boats, canoes, or floating devices on the waters only at such point or points as may be designated by posting by the officer in charge. The use of motor boats, either inboard or outboard, is prohibited on all waters of the Refuge except for official purposes.

§ 34.20 *Special fishing restrictions.* Fishing from dikes, dams, and water control structures, and the building of fires on such dikes or dams are prohibited. Fishing must be by hook, line, rod and reel only. The use of set lines, nets, seines, traps, or similar devices is prohibited. The use of live minnows for bait is prohibited.

Dated: August 8, 1950.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 50-7037; Filed, Aug. 11, 1950; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regulations 10]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

Preamble. 1. These regulations, Regulations 10, "Warehousing of Distilled Spirits" (26 CFR, Part 185), shall, on and after September 1, 1950, supersede Regulations 6, 1940 Edition (26 CFR, Part 188; 5 F. R. 3793), and Regulations 10, 1940 Edition (26 CFR, Part 185; 5 F. R. 1953), and Treasury Decisions 5006 (5 F. R. 3702); 5044 (6 F. R. 2276); 5072 (6 F. R. 5060); 5143 (7 F. R. 3302); 5275 (8 F. R. 8800); 5317 (9 F. R. 252); 5372 (9 F. R. 5367); 5464 (10 F. R. 8735); 5472 (10 F. R. 10277); 5527 (11 F. R. 8715); 5528 (11 F. R. 8716); 5581 (12 F. R. 7828); 5585 (12 F. R. 7860); 5603 (13 F. R. 595); 5624 (13 F. R. 3604); 5630 (13 F. R. 3604); 5636 (13 F. R. 3731); 5656 (13 F. R. 5570); 5668 (13 F. R. 6842); 5669 (13 F. R. 6840); 5702 (14 F. R. 3050); 5705 (14 F. R. 3374); 5713 (14 F. R. 3786); 5718 (14 F. R. 4901); 5729 (14 F. R. 4921); 5737 (14 F. R. 5524); 5768 (15 F. R. 59); 5782 (15 F. R. 1839); 5786 (15 F. R. 2415); and 5787 (15 F. R. 2410).

2. These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability or forfeiture incurred prior to such date.

LAWS OF MORE COMMON APPLICATION PERTAINING TO THE WAREHOUSING OF DISTILLED SPIRITS

Sec.
5 U. S. C. 22 Departmental Regulations.
26 U. S. C. 1650 War Tax Rates of Certain Miscellaneous Taxes.
26 U. S. C. 2800 Tax.
26 U. S. C. 2801 Rectified Spirits.
26 U. S. C. 2802 Stamps for Distilled Spirits.
26 U. S. C. 2804 Detention of Casks or Packages on Suspicion.
26 U. S. C. 2806 Penalties and Forfeitures.
26 U. S. C. 2808 Instruments to Prevent and Detect Fraud.
26 U. S. C. 2810 Registry of Stills.
26 U. S. C. 2829 Installation of Meters, Tanks, and Other Apparatus.
26 U. S. C. 2857 Books of Rectifiers and Wholesale Dealers.
26 U. S. C. 2866 Effacement of Stamps and Brands on Emptied Packages.
26 U. S. C. 2870 Prohibited Hours for Removal of Spirits.
26 U. S. C. 2871 Regulation of Traffic in Containers of Distilled Spirits.
26 U. S. C. 2872 Establishment and Control.
26 U. S. C. 2873 Regulations for Establishment, Maintenance, and Supervision.
26 U. S. C. 2874 Discontinuance of Warehouse and Transfer of Merchandise.
26 U. S. C. 2875 Exemption from Provisions of Law Distinguishing Between Classes of Warehouses.
26 U. S. C. 2876 Failure to Comply with Warehousing and Removal Requirements.
26 U. S. C. 2878 Drawing, Gauging, and Marking of Distilled Spirits.
26 U. S. C. 2879 Deposits of Spirits in Warehouse.
26 U. S. C. 2880 Withdrawal from Warehouse and Collection of Tax on Spirits Subject to Excessive Leakage.
26 U. S. C. 2881 Withdrawal of Spirits from Warehouse on Original Gauge.
26 U. S. C. 2882 Entry for Withdrawal from Warehouse.
26 U. S. C. 2883 Transfer of Spirits at Registered Distilleries.
26 U. S. C. 2884 Gauging, Stamping, and Branding Spirits Removed from Warehouse.
26 U. S. C. 2885 Exportation of Spirits Withdrawn from Warehouses.
26 U. S. C. 2886 Transportation Bond on Withdrawal of Spirits for Export.
26 U. S. C. 2888 Transfer of Spirits into Tank Cars for Export.
26 U. S. C. 2891 Withdrawal of Distilled Spirits to Manufacturing Bonded Warehouse.
26 U. S. C. 2900 Date of Withdrawal.
26 U. S. C. 2901 Loss Allowances.
26 U. S. C. 2903 Bottling of Distilled Spirits in Bond.
26 U. S. C. 2904 Regulations Governing Bottling in Bond.
26 U. S. C. 2905 Exportation of Spirits Bottled in Bond.
26 U. S. C. 2908 Reuse of Stamps or Bottles, Tampering, and Unlawful Removal.
26 U. S. C. 2909 Punishment for Counterfeiting Stamps.
26 U. S. C. 2910 Bottling Gin in Bond for Export.
26 U. S. C. 2912 Forfeiture of Spirits Unlawfully Removed from Distillery or Warehouse.
26 U. S. C. 2913 Penalty for Unlawful Removal or Concealment of Spirits.
26 U. S. C. 2914 Penalty on Officer in Charge of Warehouse for Unlawful Removal of Spirits.
26 U. S. C. 2915 Storekeeper-gauger's Warehouse Book.
26 U. S. C. 3031 Tax on Brandy or Spirits Used in Fortification.
26 U. S. C. 3033 Withdrawal of Wine Spirits.
26 U. S. C. 3170 Transfer and Delegation of Powers.
26 U. S. C. 3171 Records, Statements, and Returns.
26 U. S. C. 3172 Discretionary Method for Collecting Tax.
26 U. S. C. 3173 Penalties and Forfeitures.
26 U. S. C. 3175 Other Laws Applicable.
26 U. S. C. 3176 Rules and Regulations.
26 U. S. C. 3250 Tax.
26 U. S. C. 3254 Definitions.
26 U. S. C. 3300 Establishment and Alteration.
26 U. S. C. 3301 Attachment and Cancellation.
26 U. S. C. 3351 Shipments from the United States.
26 U. S. C. 3361 Shipments from the United States.
26 U. S. C. 3601 Entry of Premises for Examination of Taxable Objects.
26 U. S. C. 3640 Assessment Authority.
26 U. S. C. 3809 Verification of Returns; Penalties of Perjury.
26 U. S. C. 4041 Issue of Instructions, Regulations, and Forms.
19 U. S. C. 1309 Supplies for Certain Vessels and Aircraft (309 (a), Tariff Act of 1930, as amended (46 Stat. 690 as amended)).
19 U. S. C. 1311 Bonded Manufacturing Warehouses (Withdrawal Free of Tax) (311, Tariff Act of 1930, as amended (46 Stat. 691 as amended)).

REGULATIONS GOVERNING THE WAREHOUSING OF DISTILLED SPIRITS

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SUBPART B—DEFINITIONS

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185.74 Quick-aging room.
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Sec.
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185.700 Marking and construction of tank car.
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185.906 Bottling conducted under supervision.
185.907 No substance to be added or subtracted.
185.908 Permissible filtration.
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185.912 Bottling tank to be used.
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185.971 Delivery of stamps to storekeeper-gauger.
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185.979 Affixing stamp over cup or cap.
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185.982 Record, Form 1606.
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185.1060 General.
185.1061 Seal locks.
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SUBPART ZZ—SAFEGUARDING GOVERNMENT PROPERTY

185.1070 Storage in Government room, vault or cabinet.

AUTHORITY: §§ 185.1 to 185.1070, except §§ 185.151 and 185.1010, issued under 53 Stat. 375; 26 U. S. C. 3176. Citations of more specific authority and citations of statutory provisions interpreted or applied are included in parentheses at the end of particular sections.

LAWS OF MORE COMMON APPLICATION PERTAINING TO THE WAREHOUSING AND BOTTLING OF DISTILLED SPIRITS IN BOND[1]

5 U. S. C. 22 DEPARTMENTAL REGULATIONS. The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

26 U. S. C. 1650 WAR TAX RATES OF CERTAIN MISCELLANEOUS TAXES. In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following table, the rates applicable with respect to the period beginning with the effective date of Title III of the Revenue Act of 1943 shall be the rates set forth under the heading "War Tax Rate":

Section	Description of tax	Old rate	War tax rate
•	•	•	•
2800 (a) (1)	Distilled spirits	$6 per gallon.	$9 per gallon.
•	•	•	•

26 U. S. C. 2800 TAX—(a) *Rate*—(1) *Distilled spirits generally.* There shall be levied and collected on all distilled spirits in bond or produced in or imported into the United States an internal revenue tax at the rate of $6.00 on each proof gallon or wine gallon when below proof and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid by the distiller or importer when withdrawn from bond.

(A) *Payment of tax as to domestic spirits.* The tax on distilled spirits produced in the United States, to be paid upon withdrawal from bond, and the tax on rectified spirits produced in the United States, shall be paid by stamp, under such rules and regulations, permits, bonds, records, and returns, and with the use of such tax-stamp machines or other devices and apparatus, including but not limited to storage, gauging, and bottling tanks and pipe lines, as the Commissioner with the approval of the Secretary shall prescribe.

(B) *Penalties.* Whoever manufactures, procures, possesses, uses, or tampers with a tax-stamp machine which may be required under this section with intent to evade the internal-revenue tax imposed upon distilled spirits and rectified spirits, and whoever, with intent to defraud, makes, alters, simulates, or counterfeits any stamp of the character imprinted by such stamp machines, or who procures, possessed, uses, or sells any forged, altered, counterfeited, or simulated tax stamp, or any plate, die, or device intended for use in forging, altering, counterfeiting, or simulating any such stamps, or who otherwise violates the provisions of this section, or the regulations issued pursuant thereto, shall pay a penalty of $5,000 and shall be fined not more than $10,000 or be imprisoned not more than 5 years, or both, and any machine, device, equipment, or materials used in violation of this section shall be forfeited to the United States and after condemnation shall be destroyed. But this provision shall not exclude any other penalty or forfeiture provided by law.

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26 U. S. C. 2801. RECTIFIED SPIRITS. • • •

(e) *Rectifying.* • • •

(5) *Blending of beverage brandies.* Fruit brandies distilled from the same kind of fruit at not more than one hundred and seventy degrees proof may, for the sole purpose of perfecting such brandies according to commercial standards, be mixed or blended with each other, or with any such mixture or blend, by the distiller thereof in any internal revenue bonded warehouse operated by him exclusively for the storage of brandy or wine spirits, and the provisions of this section and of sections 2800 (a) (5) and 3254 (g) relating to rectification or other internal revenue laws of the United States shall not be held to apply to or prohibit such mixing or blending, and brandies so mixed or blended may be packaged, stored, transported, transferred in bond, withdrawn from bond tax-paid or tax-free, or be otherwise disposed of, in the same manner as such brandies not so mixed or blended: *Provided*, That, in addition to the tax imposed by this chapter on the production of distilled spirits, there shall be paid a tax of 30 cents as to each proof gallon (and a proportionate tax at a like rate on all fractional parts of such proof gallon) of brandy so mixed or blended (except when withdrawn tax-free and accounted for or when lost and allowance is made therefor), such tax to be paid by rectified spirits stamps affixed to the packages at the time of withdrawal. The Commissioner, under rules and regulations to be by him prescribed with the approval of the Secretary, upon the presentation of proof to his satisfaction of the loss by leakage, evaporation, theft, or otherwise of fruit brandies so blended or mixed, not occurring as the result of any negligence, connivance, collusion, or fraud on the part of the warehouseman or his agents, is hereby authorized to remit or refund the taxes assessed or paid upon such lost brandies: *Provided, however*, That such remission or refund shall be allowed only to the extent that the warehouseman is not indemnified or recompensed for such tax, and that losses of fruit brandies occurring prior to any such mixing or blending shall be allowable in accordance with section 2901. The term "distiller" as used herein shall include any one or more distillers associated as members of any farm cooperative, or any one or more distillers affiliated within the meaning of section 17 (a) (5) of the Federal Alcohol Administration Act, as amended, or any fruit distiller for whose account, recorded with the district supervisor at the time of production, the brandy to be blended was produced. The Commissioner may, with the approval of the Secretary, make such rules or regulations as he may deem necessary to carry these provisions into effect.

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26 U. S. C. 2802 STAMPS FOR DISTILLED SPIRITS. • • •

(b) *Accountability*—(1) *Other stamps.* All stamps relating to distilled spirits, other than the tax-paid stamps, shall be charged to collectors; and the books containing such stamps may be intrusted by any collector to the storekeeper-gauger of the district, who shall make a daily report to the collector of all such stamps used by him and for whom used; and when all the stamps contained in any such book have been issued, the storekeeper-gauger of the district shall return the book to the collector, with all the marginal stubs therein. Except as provided in section 2878 (b), all export stamps issued to collectors shall be charged to them as representing the value of 10 cents for each stamp and they shall collect the amount due for such stamps at the rate of 10 cents for each stamp issued in such manner and at such time as the Commissioner may prescribe, and the Commissioner may, in his discretion, make assessment therefor.

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26 U. S. C. 2804 DETENTION OF CASKS OR PACKAGES ON SUSPENSION—(a) *Power of Revenue Officer.* It shall be lawful for any internal revenue officer to detain any cask or package containing, or supposed to contain, distilled spirits, when he has reason to believe that the tax imposed by law upon the same has not been paid, or that the same is being removed in violation of law; and every such cask or package may be held by him at a safe place until it shall be determined whether the property so detained is liable by law to be proceeded against for forfeiture; but such summary detention shall not continue in any case longer than forty-eight hours without process of law or intervention of the officer to whom such detention is to be reported.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2806 PENALTIES AND FORFEITURES—(a) *Creation of fictitious proof*—(1) *Penalty.* Every person who adds or causes to be added any ingredient or substance to any distilled spirits before the tax is paid thereon, for the purpose of creating a fictitious proof, shall be fined not less than $100 nor more than $1,000 for each cask or package so adulterated, and imprisoned not less than three months nor more than two years; and

(2) *Forfeiture.* Every such cask or package, with its contents, shall be forfeited to the United States.

(b) *Unlawful affixing, canceling, or issue of stamps by officer*—(1) *Penalty.* Whenever any revenue officer affixes or cancels, or causes or permits to be affixed or canceled, any stamp relating to distilled spirits provided for by law, in any other manner or in any other place, or issues the same to any other person than as provided by law, or by regulation made in pursuance thereof, or knowingly affixes, or permits to be affixed, any such stamp to any cask or package of spirits of which the whole or any part has been distilled, rectified, compounded, removed, or sold, in violation of law, or which has in any manner escaped payment of tax due thereon, he shall, for every such offense, be fined not less than $500 nor more than $3,000, and be imprisoned for not less than six months nor more than three years.

(2) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

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(d) *Forfeiture of distilled spirits in unstamped casks or packages.* All distilled spirits found in any cask or package containing five gallons or more, without having thereon each mark and stamp required therefor by law, shall be forfeited to the United States.

(e) *Evasion of tax, penalty.*—Whenever any person evades, or attempts to evade, the payment of the tax on any distilled spirits, in any manner whatever, he shall forfeit and pay double the amount of the tax so evaded or attempted to be evaded.

26 U. S. C. 2808 INSTRUMENTS TO PREVENT AND DETECT FRAUD—(a) *Power of the Commissioner.* For the prevention and detection of frauds by distillers of spirits, the Commissioner may prescribe for use such hydrometers, saccharometers, weighing and gauging instruments, or other means for ascertaining the quantity, gravity, and producing capacity of any mash, wort, or beer used, or to be used, in the production of distilled spirits, and the strength and quantity of spirits subject to tax, as he may deem necessary; and he may prescribe rules and regulations to secure a uniform and correct system of inspection, weighing, marking, and gauging of spirits.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2810 REGISTRY OF STILLS—(a) *Requirement.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up, shall register the same with the collector of the district in which it is, by subscribing and filing with him duplicate statements, in writing, setting forth the particular place where such still or distilling apparatus is set up, the kind of still and its cubic contents, the owner thereof, his place of residence, and the purpose for which said still or distilling apparatus has been or is intended to be used; one of which statements shall be retained and preserved by the collector, and the other transmitted by him to the Commissioner. Stills and distilling apparatus shall be registered immediately upon their being set up.

Every still or distilling apparatus not so registered, together with all personal property in the possession or custody, of under the control of such person, and found in the building, or in any yard or inclosure connected with the building in which the same may be set up, shall be forfeited.

And every person having in his possession or custody, or under his control, any still or distilling apparatus set up which is not so registered, shall pay a penalty of $500, and shall be fined not less than $100, nor more than $1,000, and imprisoned for not less than one month, nor more than two years.

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(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2829 INSTALLATION OF METERS, TANKS, AND OTHER APPARATUS—(a) *Power of the Commissioner.* The Commissioner, with the approval of the Secretary, is authorized to require at distilleries, breweries, rectifying houses, and wherever else in his judgment such action may be deemed advisable, the installation of meters, tanks, pipes, or any other apparatus for the purpose of protecting the revenue, and such meters, tanks, and pipes and all necessary labor incident thereto shall be at the expense of the person on whose premises the installation is required. Any such person refusing or neglecting to install such apparatus when so required by the Commissioner shall not be permitted to conduct business on such premises.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2857 BOOKS OF RECTIFIERS AND WHOLESALE DEALERS—(a) *Requirements.* Every rectifier and every wholesale liquor dealer who sells, or offers for sale, distilled spirits in quantities of five wine-gallons or more to the same person at the same time shall keep daily, at his place of business covered by his special tax stamp, a record of distilled spirits received and disposed of by him, and shall render under oath correct transcripts and summaries of such records: *Provided*, That the Commissioner may in his discretion require such record to be kept at the place where the spirits are actually received and sent out. The records shall be kept and the transcripts shall be rendered in such form, and under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe.

The records required to be kept under the provisions of this section and regulations issued pusuant thereto, shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

Every rectifier and wholesale liquor dealer who refuses or neglects to keep such records in the form prescribed by the Commissioner, with the approval of the Secretary, or to make entries therein, or cancels, alters, or obliterates any entry therein (except for the purpose of correcting errors) or destroys any part of such records, or any entry therein, or makes any false entry therein, or hinders or obstructs any internal revenue officer from inspecting such records or taking any abstracts therefrom, or neglects or refuses to preserve or produce such records as required by this chapter or by regulations issued pursuant thereto, shall pay a penalty of $100 and, on conviction, shall be fined not less than $100 nor more than $5,000, and be imprisoned not less than three months nor more than three years.

Every rectifier and wholesale liquor dealer who refuses or neglects to render transcripts or summaries in the form required by the Commissioner, with the approval of the Secretary, shall, upon conviction, be fined not more than $100 for each such neglect or refusal.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2866 EFFACEMENT OF STAMPS AND BRANDS ON EMPTIED PACKAGES. Every person who empties or draws off, or causes to be emptied or drawn off, any distilled spirits from a cask or package, bearing any mark, brand, or stamp, required by law, shall at the time of emptying such cask or package, efface and obliterate said mark, stamp, or brand. Every such cask or package from which said mark, brand, or stamp is not effaced and obliterated as herein required, shall be forfeited to the United States, and may be seized by any officer of internal revenue, wherever found. And every railroad company or other transportation company, or person who receives or transports, or has in possession with intent to transport, or with intent to cause or procure to be transported, any such empty cask or package, or any part thereof, having thereon any brand, mark, or stamp, required by law to be placed on any cask or package containing distilled spirits, shall forfeit $300 for each such cask or package, or any part thereof, so received or transported, or had in possession with the intent aforesaid; and every boat, railroad car, cart, dray, wagon, or other vehicle, and all horses and other animals used in carrying or transporting the same, shall be forfeited to the United States. Every person who fails to efface and obliterate said mark, stamp, or brand, at the time of emptying such cask or package, or who receives any such cask or package, or any part thereof, with the intent aforesaid, or who transports the same, or knowingly aids or assists therein, or who removes any stamp provided by law from any cask or package containing, or which had contained, distilled spirits, without defacing and destroying the same at the time of such removal, or who aids or assists therein, or who has in his possession any such stamp so removed as aforesaid, or has in his possession any canceled stamp, or any stamp which has been used, or which purports to have been used, upon any cask or package of distilled spirits, shall be deemed guilty of a felony, and shall be fined not less than $500 nor more than $10,000, and imprisoned not less than one year nor more than five years.

26 U. S. C. 2870 PROHIBITED HOURS FOR REMOVAL OF SPIRITS. No person shall remove any distilled spirits at any other time than after sun-rising and before sun-setting in any cask or package containing more than ten gallons from any premises or building in which the same may have been distilled, redistilled, rectified, compounded, manufactured, or stored; and every person who violates this provision shall be liable to a penalty of $100 for each cask, barrel, or package of spirits so removed; and said spirits, together with any vessel containing the same, and any horse, cart, boat, or other conveyance used in the removal thereof, shall be forfeited to the United States.

26 U. S. C. 2871 REGULATION OF TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS. Whenever in his judgment such action is necessary to protect the revenue, the Secretary is authorized, by the regulations prescribed by him, and permits issued thereunder if required by him (1) to regulate the size, branding, marking, sale, resale, possession, use, and re-use of containers (of a capacity of less than five wine-gallons) designed or intended for use for the sale at retail of distilled spirits (within the meaning of such term as it is used in section 2803) for other than industrial use, and (2) to require, of persons manufacturing, dealing in, or using any such containers, the submission to such inspection, the keeping of such records, and the filing of such reports as may be deemed by him reasonably necessary in connection therewith. Whoever willfully violates the provisions of any regulation prescribed, or the terms or conditions of any permit issued, pursuant to the authorization contained in this section, and any officer, director, or agent of any corporation who knowingly participates in such violation, shall, upon conviction, be fined not more than $1,000 or be imprisoned for not more than two years, or both; and, notwithstanding any criminal conviction, the containers involved in such violation shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for forfeitures, seizures, and condemnations for violations of the internal-revenue laws, and any such containers so seized and condemned shall be destroyed and not sold. Any requirements imposed under this section shall be in addition to any other requirements imposed by, or pursuant to, law, and shall apply as well to persons not liable for tax under the internal-revenue laws as to persons so liable.

26 U. S. C. 2872 ESTABLISHMENT AND CONTROL. The Commissioner is authorized, in his discretion, and upon the execution of such bonds as he may prescribe, to establish warehouses, to be known and designated as internal revenue bonded warehouses, to be used exclusively for the storage of spirits distilled at a registered distillery, each of which warehouses shall be in charge of a storekeeper-gauger. Every such warehouse shall be under the control of the District Supervisor of the Alcohol Tax Unit district in which such warehouse is located, and shall be in the joint custody of the storekeeper-gauger and proprietor thereof, and kept securely locked, and shall at no time be unlocked or opened or remain open except in the presence of such storekeeper-gauger or other person who may be designated to act for him. No dwelling house shall be used for such a warehouse, and no door, window, or other opening shall be made or permitted in the walls of such warehouse leading into a distillery. Such warehouses shall be under such further regulations as the Commissioner, with the approval of the Secretary, may prescribe.

26 U. S. C. 2873 REGULATIONS FOR ESTABLISHMENT, MAINTENANCE, AND SUPERVISION. The establishment, construction, maintenance, and supervision of internal revenue bonded warehouses shall be under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe.

26 U. S. C. 2874 DISCONTINUANCE OF WAREHOUSE AND TRANSFER OF MERCHANDISE—(a) *Authorization.* Whenever, in the opinion of the Commissioner, any internal revenue bonded warehouse is unsafe or unfit for use, of the merchandise therein is liable to loss or great wastage, he may in either such case discontinue such warehouse and require the merchandise therein to be transferred to such other warehouse as he may designate, and within such time as he may prescribe. Such transfer shall be made under the supervision of the collector, or of such other officer as may be designated by the Commissioner, and the expense thereof shall be paid by the owner of the merchandise. Whenever the owner of such merchandise fails to make such transfer within the time prescribed, or to pay the just and proper expense of such transfer, as ascertained and determined by

[1] The sections of the United States Code are numbered identically with corresponding sections of the Internal Revenue Code.

the Commissioner, such merchandise may be seized and sold by the collector in the same manner as goods are sold upon distraint for taxes, and the proceeds of such sale shall be applied to the payment of the taxes due thereon and the cost and expenses of such sale and removal, and the balance paid over to the owner of such merchandise.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2875 EXEMPTION FROM PROVISIONS OF LAW DISTINGUISHING BETWEEN CLASSES OF WAREHOUSES. Internal revenue bonded warehouses established under authority of law shall be exempt from the provisions of those sections of law which, prior to June 26, 1936, have made distinctions between distillery bonded warehouses, general bonded warehouses, and special bonded warehouses, as to (1) kind of spirits to be stored therein; (2) ownership or production of distilled spirits to be stored therein; (3) ownership or proprietorship of such warehouses; (4) location and construction of such bonded warehouses; (5) entry of distilled spirits therein; (6) withdrawal of distilled spirits therefrom; (7) transfers of distilled spirits to or from one or more of such classes of bonded warehouses; or (8) any other matter; it being hereby declared to be the purpose to establish the internal revenue bonded warehouse as the sole type and kind of bonded warehouse under the internal revenue laws for the storage of spirits distilled at a registered distillery on which the tax has not been paid.

26 U. S. C. 2876. FAILURE TO COMPLY WITH WAREHOUSING AND REMOVAL REQUIREMENTS. In case any distilled spirits removed from an internal revenue bonded warehouse for deposit in another internal revenue bonded warehouse shall fail to be so deposited or if any distilled spirits deposited in any internal revenue bonded warehouse shall be taken therefrom, for export or otherwise, without full compliance with the provisions of this part, and with the requirements of any regulations made thereunder, and with the terms of any bond given on such removal, or if any distilled spirits which have been deposited in an internal revenue bonded warehouse shall be found elsewhere, not having been removed therefrom according to law, any person who shall be guilty of such failure, or any person who shall in any manner violate any provision of this part shall be subject, on conviction, to a fine of not less than $100 nor more than $5,000, or to imprisonment for not less than three months nor more than three years for every such failure or violation; and the spirits as to which such failure or violation, or unlawful removal shall take place shall be forfeited to the United States.

26 U. S. C. 2878. DRAWINGS, GAUGING, AND MARKING OF DISTILLED SPIRITS—(a) *General rule.* Except as provided in section 2883, all distilled spirits shall be drawn from receiving cisterns into casks or packages and thereupon shall be gauged, proved, and marked by a storekeeper-gauger, and immediately removed into an internal revenue bonded warehouse. The Commissioner, with the approval of the Secretary, is hereby empowered to prescribe all necessary regulations relating to the drawing off, gauging, and packaging of distilled spirits; the marking, branding, numbering, and stamping of such packages; and the transfer and transportation to, and the storage of such spirits in, internal revenue bonded warehouses.

(b) *In wooden packages containing metallic cans for export.* Under the application of the distiller and under such regulations as the Commissioner, with the approval of the Secretary, may prescribe, distilled spirits may be drawn into wooden packages, each containing two or more metallic cans, which cans shall each have a capacity of not less than five gallons, wine measure. Such packages shall be filled and used only for exportation from the United States. And there shall be charged for each of said packages or cases for the expense of providing and affixing stamps, 5 cents.

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(e) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2879 DEPOSITS OF SPIRITS IN WAREHOUSES—(a) *Entry for deposit.* The distillers of all spirits removed to an internal revenue bonded warehouse shall enter the same for deposit in such warehouse, under such regulations as the Commissioner may prescribe. Said entry shall be in such form as the Commissioner shall prescribe.

(b) *Time for payment of the tax.* The tax on all distilled spirits hereafter entered for deposit in internal revenue bonded warehouses shall be due and payable before and at the time the same are withdrawn therefrom and within eight years from the date of the original entry for deposit therein; and warehousing bonds hereafter taken under the provisions of the internal revenue laws shall be conditioned for the payment of the tax on the spirits as specified in the entry before withdrawal from the internal revenue bonded warehouse, and within eight years from the date of said entry.

(c) *Bond required.* The Commissioner shall prescribe the form and penal sums of bonds covering distilled spirits in internal revenue bonded warehouses and in transit to and between such warehouses: *Provided*, That the penal sums of such bonds covering distilled spirits shall not exceed in the aggregate $200,000 for each such warehouse.

(d) *Renewal of bond.* A new bond shall be required in case of the death, insolvency, or removal of the surety or sureties, and may be required in any other contingency affecting its validity or impairing its efficiency, at the discretion of the Commissioner. And in case the warehouseman fails or refuses to give the bond required, or to renew the same, or neglects to immediately withdraw the spirits and pay the tax thereon, or if he neglects to withdraw any bonded spirits and pay the tax thereon before the expiration of the time limited in the bond, the collector shall proceed to collect the tax by distraint, issuing his warrant of distraint for the amount of tax found to be due, as ascertained by him from the report of the storekeeper-gauger if no bond was given, or from the terms of the bond if a bond was given. But this provision shall not exclude any other remedy or proceeding provided by law.

(e) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2880 WITHDRAWAL FROM WAREHOUSE AND COLLECTION OF TAX ON SPIRITS SUBJECT TO EXCESSIVE LEAKAGE—(a) *Power of the Commissioner.* If it shall appear at any time that there has been a loss of distilled spirits from any cask or other package deposited in an internal revenue bonded warehouse, other than the loss provided for in section 2901 (b), which, in the opinion of the Commissioner, is excessive, he may instruct the district supervisor of the district in which the loss has occurred to require the withdrawal from warehouse of such distilled spirits, and direct the collector to collect the tax accrued upon the original quantity of distilled spirits entered into the warehouse in such cask or package, notwithstanding that the time specified in any bond given for the withdrawal of the spirits entered into warehouse in such cask or package has not expired. If the said tax is not paid on demand, the collector shall report the amount due upon his next monthly list, and it shall be assessed and collected as other taxes are assessed and collected.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2881 WITHDRAWAL OF SPIRITS FROM WAREHOUSE ON ORIGINAL GAUGE—(a) *Regulations.* Under such regulations as the Commissioner, with the approval of the Secretary, may prescribe, packages of distilled spirits drawn from receiving cisterns and deposited in internal revenue bonded warehouses may be withdrawn therefrom on the original gauge where the same have remained in such warehouse for a period not exceeding thirty days from the date of deposit.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2882 ENTRY FOR WITHDRAWAL FROM WAREHOUSE—(a) *Authorization.* Any distilled spirits may, on payment of the tax thereon, be withdrawn from warehouse on application to the collector of the district in charge of such warehouse, on making a withdrawal entry in duplicate and in the following form:

ENTRY FOR WITHDRAWAL OF DISTILLED SPIRITS FROM WAREHOUSE TAX PAID

Entry of distilled spirits to be withdrawn, on payment of the tax, from internal revenue bonded warehouse number ------, situated in the ------ district of --------, by -------, deposited on the ---- day of -------, anno Domini --------, by --------, in said warehouse.

And the entry shall specify the whole number of casks or packages, with the marks and serial numbers thereon, the number of proof gallons and taxable gallons, and the amount of the tax on the distilled spirits contained in them at the time they were deposited in the internal revenue bonded warehouse; and said entry shall also specify the number of proof gallons, and taxable gallons contained in said casks or packages at the time application shall be made for the withdrawal thereof; and on payment of the tax the collector shall issue his order to the storekeeper-gauger in charge of the warehouse for the delivery. One of said entries shall be filed in the office of the collector, and the other transmitted by him to the Commissioner.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2883 TRANSFER OF SPIRITS AT REGISTERED DISTILLERIES—(a) *Requirements.* Subject to the provisions of existing law, spirits of one hundred and sixty degrees of proof or more produced at registered distilleries, including registered fruit distilleries (such registered distilleries and registered fruit distilleries being referred to hereafter as "distillery" or "distilleries"), may be transferred by means of pipe lines from receiving cisterns in the distillery direct to storage tanks in the internal revenue bonded warehouse located on the bonded premises where produced or located contiguous thereto, and be warehoused in such storage tanks, or they may be withdrawn from the receiving cisterns, without, or after reduction in proof, into approved containers and transferred to any internal revenue bonded warehouse for storage therein, or they may be tax-paid in such approved containers in the cistern rooms of distilleries without being entered into an internal revenue bonded warehouse. Such spirits may be drawn into approved containers from storage tanks in an internal revenue bonded warehouse. Spirits of one hundred and sixty degrees of proof, or more, may be transferred in bond in tank cars from cistern rooms of distilleries or from storage tanks in an internal revenue bonded warehouse and be deposited in storage tanks in any internal revenue bonded warehouse. Such spirits in tanks in internal revenue bonded warehouses distilled at or above one hundred and ninety degrees of proof may be reduced to not less than one hundred and eleven degrees prior to being drawn into packages. Such spirits, upon tax payment, may be withdrawn in approved containers, including pipe lines to contiguous premises, for use for beverage purposes only. Except as provided in subsection (c) hereof and section 2916, such spirits may not be withdrawn for denaturation.

(b) *Transfer of fortifying spirits.* Fortifying spirits of one hundred and sixty degrees of proof or more may be transferred by pipe line from registered fruit distilleries and receiving cisterns in such distilleries to the fortification rooms of contiguous wineries or to storage tanks in the internal revenue bonded warehouse located on the distillery premises where the spirits were produced, or from such storage tanks to the fortification rooms of contiguous wineries.

(c) *Transfer of rum for denaturation.* Rum of not less than one hundred and fifty degrees of proof may be transferred by pipe line for denaturation from receiving cisterns in the cistern room of any distillery to a denaturing bonded warehouse on the distillery premises or to storage tanks situated in the internal revenue bonded warehouse located on the distillery premises, or from such storage tanks to a denaturing bonded warehouse on the distillery premises.

(d) *Transfer of gin.* Gin of any proof may be transferred in bond by means of pipe lines from receiving cisterns in distilleries direct to storage tanks in the internal revenue bonded warehouse located on the bonded premises where produced, or located contiguous thereto, and be warehoused in such storage tanks. Such gin may, upon tax payment, be transferred by pipe line to a contiguous tax-paid bottling house or rectifying plant.

(e) *Redistillation of spirits.* Distilled spirits of any proof may be transferred from a distillery or an internal revenue bonded warehouse to any distillery for redistillation upon a showing of the need therefor: *Provided*, That only spirits of one hundred and sixty degrees of proof or more may be transferred by pipe line to a distillery for redistillation from storage tanks in an internal revenue bonded warehouse located on such distillery premises or located contiguous thereto: *Provided further*, That spirits of any proof may be transferred by pipe line for redistillation from receiving tanks in a distillery to a contiguous distillery. Upon removal of distilled spirits to any distillery for redistillation, the consignee distiller shall assume the liability for the payment of the tax on the spirits from the time they leave the internal revenue bonded warehouse or distillery, and the tax liability on the producing distiller or the internal revenue bonded warehouseman, and the liens on the premises of the producing distiller shall cease, and the tax and liens shall become the liability of the consignee distiller: *Provided further*, That upon redistillation the redistilled spirits shall be treated the same as if the spirits had been originally produced by the redistiller and all prior obligations as to taxes and liens shall be superseded. Sections 2800 (a) (5) and 3250 (f) (1) shall not apply to the redistillation of spirits removed under the provisions of this section.

(f) *Regulations.* The Commissioner, with the approval of the Secretary, is hereby empowered to prescribe all necessary regulations relating to the drawing off, transferring, gaging, storing, redistillation, and transportation of the spirits; the records to be kept and returns to be made; the size and kind of containers to be used; the marking, branding, numbering, and stamping of such containers; and the kind of bond and the penal sum thereof.

(g) *Effect on other laws.* Nothing contained in this section shall be construed as restricting or limiting the provisions of other sections of the internal-revenue laws relating to internal revenue bonded warehouses, distilleries, and bonded wineries.

(h) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2884 GAUGING, STAMPING, AND BRANDING SPIRITS REMOVED FROM WAREHOUSE—(a) *Requirement.* Except as may otherwise be required under section 2800 (a) (1) (A), whenever an application is received for the removal from any internal revenue bonded warehouse of any cask or package of distilled spirits on which the tax has been paid, the storekeeper-gauger shall gauge and inspect the same, and shall, before such cask or package has left the warehouse, place upon such package such marks, brands, and stamps as the Commissioner, with the approval of the Secretary, shall by regulations prescribe, which marks, brands, and stamps shall be erased when such cask or package is emptied.

The Commissioner, with the approval of the Secretary, may, by regulations, from time to time, require any distiller, at his expense and under the immediate personal supervision of a storekeeper-gauger, to do such marking and branding and such mechanical labor pertaining to gauging required under this section as the Commissioner deems proper and determines may be done without danger to the revenue.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2885 EXPORTATION OF SPIRITS WITHDRAWN FROM WAREHOUSES—(a) *Entries, bonds, and bills of lading.* Distilled spirits may be withdrawn from internal revenue bonded warehouses, at the instance of the owner of the spirits, for exportation in the original casks or packages, without the payment of tax, under such regulations, and after making such entries and executing and filing with the collector of the district from which the removal is to be made such bonds and bills of lading, and giving such other additional security as may be prescribed by the Commissioner, with the approval of the Secretary, and bonds given under this section shall be canceled under such regulations as the Secretary shall prescribe. The bonds required to be given for the exportation of distilled spirits shall be canceled upon the presentation of satisfactory proof and certificates that said distilled spirits have been landed at the port of destination named in the bill of lading, or upon satisfactory proof that after shipment the same were lost at sea without fault or neglect of the owner or shipper hereof.

(b) *Marks, stamps, and permits.* All distilled spirits intended for export, as aforesaid, before being removed from the internal revenue bonded warehouse, shall be marked as the Commissioner may prescribe, and shall have affixed to each cask an engraved stamp indicative of such intention, to be provided and furnished by the several collectors as in the case of other stamps, and to be charged to them and accounted for in the same manner, and for the expense attending the providing and affixing such stamps 10 cents for each package so stamped shall be paid to the collector on making the entry for such transportation. When the owner of the spirits shall have made the proper entries, filed the bonds, and otherwise complied with all the requirements of the law and regulations as herein provided, the collector shall issue to him a permit for the removal and transportation of said spirits to the collector of the port from which the same are to be exported, accurately describing the spirits to be shipped, the amount of tax thereon, the State and district from which the same is to be shipped, the name of the distiller by whom distilled, the port to which the same are to be transported, the name of the collector of the port to whom the spirits are to be consigned, and the routes over which they are to be sent to the port of shipment. Such shipments shall be made over bonded routes whenever practicable. The collector of the port shall receive such spirits, and permit the exportation thereof, under the same rules and regulations as are prescribed for the exportation of spirits upon which the tax has been paid.

(c) *Metallic cans in wooden packages.* For authority of distiller to draw distilled spirits into wooden packages, each containing two or more metallic cans, for exportation only, see section 2878 (b).

(d) *Penalties and forfeitures*—(1) *Fraudulent claim for drawback.* And every person who fraudulently claims, or seeks, or obtains an allowance of drawback on any distilled spirits, or fraudulently claims any greater allowance or drawback than the tax actually paid thereon, shall forfeit and pay to the Government of the United States triple the amount wrongfully and fraudulently sought to be obtained, and shall be imprisoned not more than ten years; and every owner, agent or master of any vessel or other person who knowingly aids or abets in the fraudulent collection or fraudulent attempts to collect any drawback upon, or knowingly aids or permits any fraudulent change in the spirits so shipped, shall be fined not exceeding $5,000 and imprisoned not more than one year, and the ship or vessel on board of which such shipment was made, or pretended to be made shall be forfeited to the United States, whether a conviction of the master or owner be had or otherwise, and proceedings may be had in admiralty by libel for such forfeiture.

(2) *Unlawful relanding.* Every person who intentionally relands within the jurisdiction of the United States any distilled spirits which have been shipped for exportation under the provisions of this chapter, or who receives such relanded distilled spirits, and every person who aids or abets in such relanding or receiving of such spirits, shall be fined not exceeding $5,000 and imprisoned not more than three years; and all distilled spirits so relanded, together with the vessel from which the same were relanded within the jurisdiction of the United States, and all boats, vehicles, horses, or other animals used in relanding and removing such distilled spirits, shall be forfeited to the United States.

(e) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2886 TRANSPORTATION BOND ON WITHDRAWAL OF SPIRITS FOR EXPORT.—(a) *Requirements.* Whenever the owner or owners of distilled spirits shall desire to withdraw the same from any internal revenue bonded warehouse for exportation, such owner or owners may at their option, in lieu of executing an export bond as provided by law, give a transportation bond with sureties satisfactory to the collector of internal revenue and under such rules and regulations as the Secretary may prescribe, conditioned for the due delivery thereof on board ship at a port of exportation to be named therein, and for the due performance on the part of the exporter or owner at the port of export of all the requirements in regard to notice of export, entry, and the giving of bond hereinafter specified; and in such case, on arrival of the spirits at the port of export, the exporter or owner at that port shall immediately notify the collector of the port of the fact, setting forth his intention to export the same, and the name of the vessel upon which the same are to be laden, and the port to which they are intended to be exported. He shall, after the quantity of spirits has been determined by the gauger and inspector, file with the collector of the port an export-entry verified by his oath or affirmation. He shall also give bond to the United States, with at least two sureties, satisfactory to the collector of customs, conditioned that the principal named in said bond will export the spirits as specified in said entry port designated in said

entry, or to some other port without the jurisdiction of the United States.

And upon the lading of such spirits, the collector of the port, after proper bonds for the exportation of the same have been completed by the exporter or owner at the port of shipment thereof, shall transmit to the collector of internal revenue of the district from which the said spirits were withdrawn for exportation, a clearance certificate and a detailed report of the gauger, which report shall show the capacity of each cask in wine gallons, and the contents thereof in proof gallons, and taxable gallons. Upon receipt of the certificate and report, and upon payment of tax on deficiency, if any, the collector of internal revenue shall cancel the transportation bond. The bond required to be given for the landing at a foreign port of distilled spirits shall be canceled upon the presentation of satisfactory proof and certificates that said distilled spirits have been landed at the port of destination named in the bill of lading or any other port without the jurisdiction of the United States or upon satisfactory proof that after shipment the same were lost at sea without fault or neglect of the owner or shipper thereof. And whenever a distiller of spirits in bond shall desire to change the packages in which the same is contained, in order to export them, the Commissioner shall be authorized, under regulations to be prescribed by him, and upon the execution of proper bonds with sufficient sureties, to permit the withdrawal of so much spirits from bond and in new packages as the distiller shall desire to export as aforesaid.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2888 TRANSFER OF SPIRITS INTO TANK CARS FOR EXPORT—(a) *Requirement.* Under such regulations as the Commissioner, with the approval of the Secretary, may prescribe, alcohol or other distilled spirits of a proof strength of not less than one hundred and eighty degrees intended for export free of tax may be drawn from receiving cisterns at any distillery, or from storage tanks in any internal revenue bonded warehouse, for transfer to tanks or tank cars for export from the United States, and all provisions of law relating to the exportation of distilled spirits not inconsistent herewith shall apply to spirits removed for export under the provisions of this section.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2891 WITHDRAWAL OF DISTILLED SPIRITS TO MANUFACTURING BONDED WAREHOUSE.—(a) *Authorization.* Under such regulations and requirements as to stamps, bonds, and other security as shall be prescribed by the Commissioner, any manufacturer of medicines, preparations, compositions, perfumeries, cosmetics, cordials, and other liquors, for export, manufacturing the same in a duly constituted manufacturing warehouse, shall be authorized to withdraw, in original packages, from any internal revenue bonded warehouse, so much distilled spirits as he may require for the said purpose, without the payment of the internal revenue tax thereon.

* * * * *

(c) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2900 DATE OF WITHDRAWAL—(a) *General rule.* All distilled spirits entered prior to July 26, 1936, for deposit in a distillery, general, or special bonded warehouse, or after such date entered for deposit in an internal revenue bonded warehouse, shall be withdrawn therefrom within eight years from the date of original entry therein, except as provided in subsection (b) of this section.

(b) *Exception.* Distilled spirits which on July 26, 1936, are eight years of age, or older, and which are in bonded warehouses, may remain therein after such date; but no allowance for loss by leakage or evaporation shall be made in the case of such spirits with respect to any period after such date: *Provided,* That loss allowances for such spirits for the period prior to July 26, 1936, shall be made pursuant to the provisions of the Act of February 6, 1925, c. 143, 43 Stat. 808.

26 U. S. C. 2901 LOSS ALLOWANCES—(a) *Extent.* No tax shall be collected in respect of distilled spirits lost or destroyed while in bond, except that such tax shall be collected—

(1) *Theft.* In the case of loss by theft unless the Commissioner shall find that the theft occurred without connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them; and

(2) *Voluntary destruction.* In the case of voluntary destruction unless the distilled spirits were unfit for use for beverage purposes and the distiller, warehouseman, or other person responsible for the tax, obtained the written permission of the Commissioner for such destruction in each case.

(b) *Proof of loss.* In any case in which spirits are lost or destroyed, whether by theft or otherwise, the Commissioner may require the distiller or warehouseman or other person responsible for the tax to file a claim for relief from the tax and submit proof as to the cause of such loss. In every case where it appears that the loss was by theft, the burden shall be upon the distiller or warehouseman or other person responsible for the tax to establish to the satisfaction of the Commissioner that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them.

(c) *Refund of tax.* When, in any case where the tax would not be collectible by virtue of subsection (a), but such tax has been paid, the Commissioner shall refund such tax. Nothing in section 2901 as hereby amended, or as heretofore amended, shall be construed to authorize refund of the tax where the loss occurred after the tax was paid.

(d) *Insurance coverage.* The abatement or refund of taxes provided for by subsections (a) and (c) in the case of loss of distilled spirits by theft shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss.

(e) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2903 BOTTLING OF DISTILLED SPIRITS IN BOND—(a) *Requirements.* Whenever any distilled spirits deposited in the internal revenue bonded warehouse have been duly entered for withdrawal for bottling in bond before tax payment or for export in bond, such spirits shall be dumped, gaged, bottled, packed, and cased in the manner which the Commissioner, with the approval of the Secretary, shall by regulations prescribe. The bottling of distilled spirits in bond shall be conducted in a separate portion of such warehouse which shall be set apart and used exclusively for that purpose. For convenience in such process any number of packages of spirits of the same kind, differing only in proof, but produced at the same distillery by the same distiller, may be mingled together in a cistern provided for that purpose, but nothing herein shall authorize or permit any mingling of different products, or of the same products of different distilling seasons, or the addition or subtraction of any substance or material or the application of any method or process to alter or change in any way the original condition or character of the product except as herein authorized. The tax on the distilled spirits bottled in bond shall be paid upon the actual quantity of spirits withdrawn from bond except as otherwise provided in section 2901 of the Internal Revenue Code.

(b) *Stamps for bottles.* Every bottle when filled shall have affixed thereto and passing over the mouth of the same a stamp denoting the quantity of distilled spirits contained therein and evidencing the bottling in bond of such spirits under the provisions of this section and sections 2904 to 2909, inclusive, and of regulations prescribed hereunder.

(c) *Stamp regulations.* The Commissioner, with the approval of the Secretary, shall prescribe (a) regulations with respect to the time and manner of applying for, issuing, affixing, and destroying stamps required by this section, the form and denominations of such stamps, applications for purchase of the stamps, proof that applicants are entitled to such stamps, and the method of accounting for receipts from the sale of such stamps, and (b) such other regulations as the Commissioner shall deem necessary for the enforcement of this section and sections 2904 to 2909, inclusive.

(d) *Stamp supply.* Such stamps shall be issued by the Commissioner to each collector, upon his requisition in such numbers as may be necessary in his district, and, upon compliance with the provisions of this section and sections 2904 to 2909, inclusive, and regulations issued hereunder shall be sold by collectors to persons entitled thereto, at a price of 1 cent for each stamp, except that in the case of stamps for containers of less than one-half pint, the price shall be one-quarter of 1 cent for each stamp.

(e) *Unused stamps; exchange, refund, etc.* The Commissioner of Internal Revenue, under regulations prescribed by him and approved by the Secretary of the Treasury, may redeem or make allowance for any unused case stamp, with all coupon strip stamps attached thereto, issued under section 1 of the Act entitled "An Act to allow the bottling of distilled spirits in bond", approved March 3, 1897 (29 Stat. 626), or under said section 1, as variously amended, and may redeem or make allowance for unused strip stamps issued for bottles of distilled spirits bottled in bond under said section 1, as amended by the Act of July 9, 1937 (50 Stat. 487), or under subsection (d) of this section, by exchanging them for strip stamps for bottled-in-bond spirits, or by refunding moneys received therefor: *Provided,* That stamps may be exchanged or the value thereof refunded only in quantities of the value of $5 or more: *And provided further,* That no claim under this subsection for redemption or allowance in respect of case or strip stamps shall be allowed unless presented within two years after the date on which such case or strip stamps were lawfully issued. There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this provision.

(f) *Marks, brands, and stamps for cases.* And there shall be plainly burned, embossed, or printed on the side of each case, to be known as the Government side, such marks, brands, and stamps to denote the bottling in bond of the whisky packed therein as the Commissioner may by regulations prescribe.

(g) *Trade-marks.* And no trade-marks shall be put upon any bottle unless the real name of the actual bona fide distiller, or the name of the individual, firm, partnership, corporation, or association in whose name the spirits were produced and warehoused, shall also be placed conspicuously on said bottle.

(h) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2904 REGULATIONS GOVERNING BOTTLING IN BOND—(a) *Requirements.* The Commissioner, with the approval of the Secretary, may, by regulations, prescribe the mode of separating and securing the additional warehouse, or portion of the warehouse required in section 2903 to be set apart, the manner in which the business of bottling spirits in bond shall be carried on, the notices, bonds, and returns to be given and accounts and records to be kept by the persons conducting such business, the mode and time of inspection of such spirits, the accounts and records to be kept and returns made by the Government officers, and all such other matters and things, as in his discretion, he may deem requisite for a secure and orderly supervision of said business; and he may also, with the approval of the Secretary, prescribe and issue the stamps required.

The distiller may, in the presence of the storekeeper-gauger, remove by straining through cloth, felt, or other like material any charcoal, sediment, or other like substance found therein, and may whenever necessary reduce such spirits as are withdrawn for bottling purposes by the addition of pure water only to 100 per centum proof for spirits for domestic use, or to not less than 80 per centum proof for spirits for export purposes, under such rules and regulations as may be prescribed by the Commissioner with the approval of the Secretary; but no spirits (except gin for export) shall be bottled in bond until they have remained in bond in wooden containers for at least four years from the date of original gauge as to fruit brandy, or original entry as to all other spirits: *Provided,* That nothing in this subchapter shall authorize the labeling of spirits in bottles contrary to the provisions of regulations issued pursuant to the Federal Alcohol Administration Act, 49 Stat. 977 (U. S. C., Title 27, c. 8), or any amendment thereof.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2905 EXPORTATION OF SPIRITS BOTTLED IN BOND. All distilled spirits intended for export under the provisions of sections 2903 to 2909, inclusive, shall be inspected, bottled, cased, weighed, marked, labeled, stamped, or sealed in such manner and at such time as the Commissioner may prescribe; and the said Commissioner, with the approval of the Secretary, may provide such regulations for the transportation, entry, reinspection, and lading of such spirits for export as may from time to time be deemed necessary; and all provisions of law relating to the exportation of distilled spirits in bond, so far as applicable, and all penalties therein imposed, are extended and made applicable to distilled spirits bottled for export under the provisions of said sections, but no drawback shall be allowed or paid upon any spirits bottled under the provisions of said sections.

26 U. S. C. 2908 REUSE OF STAMPS OR BOTTLES, TAMPERING, AND UNLAWFUL REMOVAL. Any person who shall reuse any stamp provided under sections 2903 to 2909, inclusive, after the same shall have been once affixed to a bottle as provided therein, or who shall reuse a bottle for the purpose of containing distilled spirits which has once been filled and stamped under the provisions of said sections without removing and destroying the stamp so previously affixed to such bottle, or who shall, contrary to the provisions of said sections or of the regulations issued thereunder remove or cause to be removed from any bonded warehouse any distilled spirits inspected or bottled under the provisions of said sections or who shall bottle or case any such spirits in violation of said sections or of any regulation issued thereunder, or who shall, during the transportation and before the exportation of any such spirits, open or cause to be opened any case or bottle containing such spirits, or who shall willfully remove, change, or deface any stamp, brand, label, or seal affixed to any such case or to any bottle contained therein, shall for each such offense be fined not less than $100 nor more than $1,000, and be imprisoned not more than two years, in the discretion of the court, and such spirits shall be forfeited to the United States.

26 U. S. C. 2909 PUNISHMENT FOR COUNTERFEITING STAMPS. Every person who, with intent to defraud, falsely makes, forges, alters, or counterfeits any stamp made or used under any provision of sections 2903 to 2909, inclusive, or who uses, sells, or has in his possession any such forged, altered, or counterfeited stamp, or any plate or die used or which may be used in the manufacture thereof, or who shall make, use, sell, or have in his possession any paper in imitation of the paper used in the manufacture of any stamp required by said sections, shall on conviction be punished by a fine not exceeding $1,000 and by imprisonment at hard labor not exceeding five years.

26 U. S. C. 2910 BOTTLING GIN IN BOND FOR EXPORT—(a) *Requirement.* Distilled spirits known commercially as gin of not less than 80 per centum proof may at any time within eight years after entry in bond at any distillery be bottled in bond at such distillery for export without the payment of tax, under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2912 FORFEITURE OF SPIRITS UNLAWFULLY REMOVED FROM DISTILLERY OR WAREHOUSE. All distilled spirits found elsewhere than in a distillery or internal revenue bonded warehouse, not having been removed therefrom according to law, shall be forfeited to the United States.

26 U. S. C. 2913 PENALTY FOR UNLAWFUL REMOVAL OR CONCEALMENT OF SPIRITS. Whenever any person removes, or aids or abets in the removal of, any distilled spirits on which the tax has not been paid, to a place other than the internal revenue bonded warehouse provided by law, or conceals or aids in the concealment of any spirits so removed, or removes, or aids or abets in the removal of, any distilled spirits from any such warehouse authorized by law, in any manner other than is provided by law, or conceals or aids in the concealment of any spirits so removed, he shall be liable to a penalty of double the tax imposed on such distilled spirits so removed or concealed, and shall be fined not less than $200 nor more than $5,000, and imprisoned not less than three months nor more than three years.

26 U. S. C. 2914 PENALTY ON OFFICER IN CHARGE OF WAREHOUSE FOR UNLAWFUL REMOVAL OF SPIRITS—(a) *Offense.* Whenever any storekeeper-gauger or other person in the employment of the United States, having charge of a bonded warehouse, removes or allows to be removed therefrom any cask or other package, or removes or allows to be removed any part of the contents of any cask or package deposited therein, otherwise than as provided by law, he shall be immediately dismissed from office or employment, and be fined not less than $500 nor more than $2,000, and imprisoned not less than three months nor more than two years.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2915 STOREKEEPER-GAUGER'S WAREHOUSE BOOK—(a) *Requirements.* Every storekeeper-gauger shall keep a warehouse book, which shall at all times be opened to the examination of any revenue officer, and shall enter therein an account of all articles deposited in the warehouse to which he is assigned, indicating in each case the date of deposit, by whom manufactured or produced, the number and description of the packages and contents, the quantities therein, the marks and serial numbers thereon, and by whom gauged, inspected, or weighed, and if distilled spirits, the number of proof gallons, and of taxable gallons; and before delivering any article from the warehouse he shall enter in said book the date of the permit or order of the collector for the delivery of such articles, the number and description of the packages, the marks and serial numbers thereon, the date of delivery, to whom delivered, and for what purpose, which purpose shall be specified in the permit or order for delivery; and in case of delivery of any distilled spirits the number of proof gallons, and of taxable gallons, shall also be stated; and such further particulars shall be entered in the warehouse books as may be prescribed or found necessary for the identification of the packages, to insure the correct delivery thereof and proper accountability therefor.

And every storekeeper-gauger shall furnish daily to the collector of the district a return of all articles received in and delivered from the warehouse during the day preceding that on which the return is made, and mail at the same time a copy thereof to the Commissioner, and shall, on the first Monday of every month, make a report in duplicate of the number of packages of all articles, with the respective descriptions thereof, as above provided, which remained in the warehouse at the date of his last report, of all articles received therein and delivered therefrom during the preceding month, and of articles remaining therein at the end of said month. He shall deliver one of these reports to the collector having control of the warehouse, to be recorded and filed in his office, and transmit one to the Commissioner, to be recorded and filed in his office.

(b) TRANSFER OF DUTIES. For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3031 TAX ON BRANDY OR SPIRITS USED IN FORTIFICATION—(a) *Withdrawal of spirits for fortification.* Under such regulations and official supervision and upon the giving of such notices and entries as the Commissioner, with the approval of the Secretary, may prescribe, any producer of wines defined under the provisions of this subchapter may withdraw from any fruit distillery or internal revenue bonded warehouse grape brandy (hereafter in this section included in the term "brandy"), or wine spirits, for the fortification of such wines on the premises where actually made, and any producer of citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, prune wines, plum wines, pear wines, pawpaw wines, papaya wines, pinepple wines, cantaloup wines, or apple wines (hereafter in this section included in the term "wines") may similarly withdraw citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy (hereafter in this section included in the term "brandy") for the fortification of wines as set forth in section 3032, Internal Revenue Code, on the premises where actually made.

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26 U. S. C. 3033 WITHDRAWAL OF WINE SPIRITS—(a) *Regulations.* Under such regulations and official supervision, and upon the execution of such entries and the giving of such bonds, bills of lading, and other security as the Commissioner, with the approval of the Secretary, shall prescribe, any producer of pure sweet wines as defined by section 3036 (a) may withdraw wine spirits from any internal revenue bonded warehouse in original packages * * *.

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26 U. S. C. 3170 TRANSFER AND DELEGATION OF POWERS. The Secretary is authorized to confer and impose upon the Commis-

sioner and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, powers, duties, and protection conferred or imposed upon the Secretary, or any officer or employee of the Treasury Department, by any law now or hereafter in force relating to the taxation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol.

26 U. S. C. 3171 RECORDS, STATEMENTS, AND RETURNS—(a) *Requirements.* Every person liable to any tax imposed by this chapter, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3172 DISCRETIONARY METHOD FOR COLLECTING TAX—(a) *Power of Commissioner.* Whether or not the method of collecting any tax imposed by this chapter is specifically provided herein, any such tax may, under regulations prescribed by the Commissioner with the approval of the Secretary, be collected by stamp, coupon, serial-numbered ticket, or such other reasonable device or method as may be necessary or helpful in securing a complete and prompt collection of the tax. All administrative and penalty provisions of subchapters A, B, and C of chapter 11, in so far as applicable, shall apply to the collection of any tax which the Commissioner determines or prescribes shall be collected in such manner.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3173 PENALTIES AND FORFEITURES—(a) *Removal or transportation of liquors or wines under improper brands.* Whenever any person ships, transports, or removes any spiritous or fermented liquors or wines, under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing the same, or causes such act to be done, he shall forfeit said liquors or wines, and casks or packages, and be subject to pay a fine of $500.

(b) *Other violations.* (1) Any person required to pay, or to collect, account for and pay over any tax on distilled spirits, wines, or fermented malt liquors, or required by law or regulations made under authority thereof to make a return or supply any information for the purposes of the computation, assessment or collection of any such tax, who fails to pay, collect, or truly account for and pay over any such tax, make any such return or supply any such information at the time or times required by law or regulation shall in addition to other penalties provided by law be subject to a penalty of not more than $1,000.

(2) Any person who willfully refuses to pay, collect, or truly account for and pay over any such tax, make such return or supply such information at the time or times required by law or regulation, or who willfully attempts in any manner to evade such tax shall be guilty of a misdemeanor and in addition to other penalties provided by law shall be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

(3) Any person who willfully refuses to pay, collect, or truly account for any pay over any such tax shall in addition to other penalties provided by law be liable to a penalty of the amount of the tax evaded, or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected: *Provided, however,* That no penalty shall be assessed under this paragraph for any offense for which a penalty may be assessed under authority of section 3612, or of section 2801 (f) or 3043, or for any offense for which a penalty has been recovered under section 2806 (e).

(4) The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

* * * * *

26 U. S. C. 3175 OTHER LAWS APPLICABLE. All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, shall be extended to and made a part of this chapter.

26 U. S. C. 3176 RULES AND REGULATIONS—(a) *Power of Commissioner.* The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3250 TAX—(a) *Wholesale dealers in liquors*—(1) *In general.* Wholesale dealers in liquors shall pay a special tax of $110.

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(4) *Distillers selling at wholesale.* No distiller who has given the required bond and who sells only distilled spirits of his own production at the place of manufacture, or at the place of storage in bond, in the original packages to which the tax-paid stamps are affixed, shall be required to pay the special tax of a wholesale dealer in liquors on account of such sales.

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26 U. S. C. 3254 DEFINITIONS. * * *

(b) *Wholesale dealer in liquors.* Except as otherwise provided, every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors in quantities of five wine-gallons or more to the same person at the same time, shall be regarded as a wholesale dealer in liquors: *Provided,* That the Commissioner may, by regulations, with the approval of the Secretary, provide for the issuance of a stamp denoting payment of such special tax as a "wholesale dealer in wines" or a "wholesale dealer in wines and malt liquors" if, as the case may be, wines only, or wines and malt liquors only, are sold by a wholesale dealer in liquors.

* * * * *

26 U. S. C. 3300 ESTABLISHMENT AND ALTERATION—(a) *Authorization.* The Commissioner, with the approval of the Secretary, may establish and, from time to time, alter or change the form, style, character, material, and device of any stamp, mark, or label used under any provision of the laws relating to internal revenue.

(b) *Application of penalty and forfeiture provisions.* All pains, penalties, fines, and forfeitures provided by law relating to internal revenue stamps shall apply to and have full force and effect in relation to any and all stamps so established by the Commissioner.

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26 U. S. C. 3301 ATTACHMENT AND CANCELLATION—(a) *General authority to prescribe methods and instruments.* The stamps referred to in the preceding section shall be attached, protected, removed, canceled, obliterated, and destroyed, in such manner and by such instruments or other means as the Commissioner, with the approval of the Secretary, may prescribe; and he is authorized and empowered to make, with the approval of the Secretary, all needed regulations relating thereto.

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26 U. S. C. 3351 SHIPMENTS FROM THE UNITED STATES—(c) *Tax imposed in Virgin Islands.* There shall be levied, collected, and paid in the Virgin Islands upon articles imported from the United States, a tax equal to the internal revenue tax imposed in such islands upon like articles there manufactured.

(b) *Exemption from tax imposed in the United States.* Such articles going into such islands from the United States shall be exempt from payment of any tax imposed by the internal revenue laws of the United States.

* * * * *

26 U. S. C. 3361 SHIPMENTS FROM THE UNITED STATES—(a) *Tax imposed in Puerto Rico.* All articles of merchandise of United States manufacture coming into Puerto Rico shall be entered at the port of entry upon payment of a tax equal in rate and amount to the internal revenue tax imposed in Puerto Rico upon the like articles of Puerto Rican manufacture.

(b) *Exemption from tax imposed in the United States.* Articles, goods, wares, or merchandise going into Puerto Rico, Guam, and American Samoa from the United States shall be exempted from the payment of any tax imposed by the internal revenue laws of the United States.

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26 U. S. C. 3601 ENTRY OF PREMISES FOR EXAMINATION OF TAXABLE OBJECTS—(a) *Authority*—(1) *Entry during day.* Any collector, deputy collector, internal revenue agent, or inspector may enter, in the daytime, any building or place where any articles or objects subject to tax are made, produced, or kept, within his district, so far as it may be necessary for the purpose of examining said articles or objects.

(2) *Entry at night.* When such premises are open at night, such officers may enter them while so open, in the performance of their official duties.

(b) *Penalty for refusal to permit entry or examination.* Any owner of such building or place, or person having the agency or superintendence of the same, who refuses to admit such officer, or to suffer him to examine such article or articles, shall for every such refusal, forfeit $500.

(c) *Other penalties.* If any person shall—

(1) *Forcible obstruction or hindrance to officers.* Forcibly obstruct or hinder any collector, deputy collector, internal revenue agent, or inspector, in the execution of any power and authority vested in him by law, or

(2) *Forcible rescue of seized property.* Forcibly rescue or cause to be rescued any property, articles, or objects after the same shall have been seized by him, or shall attempt or endeavor so to do, the person so offending, excepting in cases otherwise provided for, shall, for every such offense, forfeit and pay the sum of $500, or double the value of the property so rescued, or be imprisoned for a term not exceeding two years, at the discretion of the court.

26 U. S. C. 3640 ASSESSMENT AUTHORITY. The Commissioner is authorized and required to make the inquiries, determinations, and assessments of all taxes and penalties imposed by this title, or accruing under any former internal revenue law, where such taxes have not been duly paid by stamp at the time and in the manner provided by law.

26 U. S. C. 3809 VERIFICATION OF RETURNS; PENALTIES OF PERJURY—(a) *Penalties.* Any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

(b) *Signature presumed correct.* The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

(c) *Verification in lieu of oath.* The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under any provision of the internal revenue laws shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required.

26 U. S. C. 4041 ISSUE OF INSTRUCTIONS, REGULATIONS, AND FORMS—(a) *In general.* The Secretary shall prescribe forms of entries, oaths, bonds, and other papers, and rules and regulations, not inconsistent with law, to be used under and in the execution and enforcement of the various provisions of the internal revenue laws; and he shall give such directions to collectors and prescribe such rules and forms to be observed by them as may be necessary for the proper execution of the law.

(b) *Receipt of United States securities.* For authority of the Secretary to issue instructions and regulations governing the receipt by collectors and others of United States securities, see R. S. 251 (U. S. C., title 31, sec. 427).

19 U. S. C. 1309; 46 Stat. 690 as amended. SUPPLIES FOR CERTAIN VESSELS AND AIRCRAFT (WITHDRAWAL FREE OF TAX) (Sec. 309 (a), Tariff Act of 1930, as amended). *Exemption from customs duties and internal-revenue tax.* Articles of foreign or domestic manufacture or production may, under such regulations as the Secretary of the Treasury may prescribe, be withdrawn from bonded warehouses, bonded manufacturing warehouses, or continuous customs custody elsewhere than in a bonded warehouse free of duty or internal-revenue tax, or from any internal revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal revenue tax for supplies (not including equipment) of vessels of war, in ports of the United States, of any nation which may reciprocate such privilege toward the vessels of war of the United States in its ports, or for supplies (not including equipment) of vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions, or for supplies (not including equipment) of aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions, or for supplies (including equipment), maintenance, or repair of aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign aircraft is permitted. (As amended by Sec. 3, Act of July 22, 1941 (Public Law 187, 77th Congress).)

* * * * *

(d) *Reciprocal privileges.* The privileges granted by this section and section 1317 of this title in respect of aircraft registered in a foreign country shall be allowed only if the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found that such foreign country allows, or will allow, substantially reciprocal privileges in respect of aircraft registered in the United States. If the Secretary of Commerce shall advise the Secretary of the Treasury that he has found that a foreign country has discontinued, or will discontinue, the allowance of such privileges, the privileges granted by this section and such section 1317 shall not apply thereafter in respect of aircraft registered in that foreign country.

(June 17, 1930, sec. 309, 46 Stat. 690; June 25, 1938, sec. 5 (a), 52 Stat. 1080)

19 U. S. C. 1311; 46 Stat. 691 as amended BONDED MANUFACTURING WAREHOUSES (WITHDRAWAL FREE OF TAX) (Sec. 311, Tariff Act of 1930, as amended. All articles manufactured in whole or in part of imported materials, or of materials subject to internal-revenue tax, and intended for exportation without being charged with duty, and without having an internal-revenue stamp affixed thereto, shall, under such regulations as the Secretary of the Treasury may prescribe, in order to be so manufactured and exported, be made and manufactured in bonded warehouses similar to those known and designated in Treasury Regulations as bonded warehouses, class six: *Provided,* That the manufacturer of such articles shall first give satisfactory bonds for the faithful observance of all the provisions of law and of such regulations as shall be prescribed by the Secretary of the Treasury: *Provided further,* That the manufacture of distilled spirits from grain, starch, molasses, or sugar, including all dilutions or mixture of them or either of them, shall not be permitted in such manufacturing warehouses.

* * * * *

Any materials used in the manufacture of such goods, and any packages, coverings, vessels, brands, and labels used in putting up the same may, under the regulations of the Secretary of the Treasury, be conveyed without the payment of revenue tax or duty into any bonded manufacturing warehouse, and imported goods may, under the aforesaid regulations, be transferred without the exaction of duty from any bonded warehouse into any bonded manufacturing warehouse; but this privilege shall not be held to apply to implements, machinery, or apparatus to be used in the construction or repair of any bonded manufacturing warehouse or for the prosecution of the business carried on therein.

* * * * *

Distilled spirits and wines which are rectified in bonded manufacturing warehouses, class six, and distilled spirits which are reduced in proof and bottled in such warehouses, shall be deemed to have been manufactured within the meaning of this section, and may be withdrawn as hereinbefore provided, and likewise for shipment in bond to Puerto Rico, subject to the provisions of this section, and under such regulations as the Secretary of the Treasury may prescribe, there to be withdrawn for consumption or be rewarehoused and subsequently withdrawn for consumption: *Provided,* That upon withdrawal in Puerto Rico for consumption, the duties imposed by the customs laws of the United States shall be collected on all imported merchandise (in its condition as imported) and imported containers used in the manufacture and putting up of such spirits and wines in such warehouses: *Provided further,* That no internal-revenue tax shall be imposed on distilled spirits and wines rectified in class six warehouses if such distilled spirits and wines are exported or shipped in accordance with the provisions of this section, and that no person rectifying distilled spirits or wines in such warehouses shall be subject by reason of such rectification to the payment of special tax as a rectifier.

SUBPART A—SCOPE OF REGULATIONS

§ 185.1 *Warehousing and withdrawal of spirits.* These regulations, "Regulations 10, Warehousing of Distilled Spirits" (26 CFR Part 185), contain the procedural and substantive requirements relative to the warehousing of distilled spirits (other than alcohol), and the bottling in bond, tax payment and withdrawal thereof from internal revenue bonded warehouses. The regulations cover the location, construction, equipment, qualifying documents; requirements governing changes in name, proprietorship, premises and equipment, and in the title to the warehouse property; action by the district supervisor and Commissioner; control, custody, and supervision of the warehouse; deposit of spirits in warehouse; losses of spirits in warehouse or in transit thereto; withdrawal of distilled spirits from warehouse for taxpaid or tax-free purposes; bottling of spirits in bond; alternate operations of bottling-in-bond department as taxpaid bottling house; transfers in bond between internal revenue bonded warehouses; exportation and shipment of distilled spirits; and records and reports of distilled spirits deposited, stored, bottled in bond, and withdrawn from internal revenue bonded warehouses.

SUBPART B—DEFINITIONS

§ 185.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 185.6 *Alcohol.* "Alcohol" shall mean spirits produced at industrial alcohol plants established and operated under sections 3100 to 3124 of the Internal Revenue Code (26 U. S. C.).

§ 185.7 *Approved containers.* "Approved containers" shall mean casks, barrels, or similar wooden packages, or drums or similar metal packages, having a capacity of not less than 10 gallons each: *Provided,* That for the withdrawal of samples for laboratory analysis, "approved containers" shall mean any container of less than 10 gallons capacity. The term "approved containers" shall also mean railroad tank cars, tank trucks and pipe lines when specifically stated in this part.

§ 185.8 *Bonded warehouse or warehouse.* "Bonded warehouse" or "warehouse" shall mean an internal revenue bonded warehouse as defined in this subpart.

§ 185.9 *Bottling-in-bond department.* "Bottling-in-bond department" shall mean that portion of an internal revenue bonded warehouse set aside for the purpose of bottling distilled spirits (other than alcohol) in bond in accordance with the provisions of this part, and may consist of one or more bottling rooms.

§ 185.10 *Brandy.* "Brandy," as used in the provisons of this part relating to the withdrawal of spirits for the fortification of wine, shall mean brandies, neutral brandies, neutral spirits—fruit, and spirits—fruit, eligible for such use.

§ 185.11 *Carrier.* "Carrier" shall mean any person, company, corporation, or organization, including a distiller, warehouseman, owner, consignor, consignee, or bailee, who transports distilled spirits in any manner for himself or others.

§ 185.12 *Collector.* "Collector" shall mean collector of internal revenue.

§ 185.13 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 185.14 *Distilled spirits.* "Distilled spirits" shall mean that substance produced by the distillation of fermented grain, molasses, fruit, or other materials, commonly known as spirits, whisky, brandy, rum, gin, etc., but shall not include alcohol.

§ 185.15 *Distiller.* "Distiller" shall mean the proprietor of a registered distillery or fruit distillery.

§ 185.16 *Distilling season and bottling season.* "Distilling season" and "bottling season" shall mean and be designated as spring or fall, and the spring season shall include the months from January to June, inclusive, and the fall season the months from July to December, inclusive.

§ 185.17 *District supervisor or supervisor.* "District supervisor" or "supervisor" shall mean the person having charge of a supervisory district of the Alcohol Tax Unit of the Bureau of Internal Revenue.

§ 185.18 *Domestic strip stamps.* "Domestic strip stamps" shall mean the bottle stamps prescribed under authority of section 2903, I. R. C., for spirits bottled in bond.

§ 185.19 *Export strip stamps.* "Export strip stamps" shall mean the bottle stamps prescribed under authority of section 2905, I. R. C., for spirits bottled in bond for export.

§ 185.20 *Fruit distillery.* "Fruit distillery" shall mean a distillery established and operated under the provisions of Regulations 5 (26 CFR Part 184).

§ 185.21 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 185.22 *In bond.* "In bond," as applied to distilled spirits shall mean untaxpaid distilled spirits possessed under bond on the premises of an internal revenue bonded warehouse, or in transit to such premises from another internal revenue bonded warehouse or from a registered distillery or fruit distillery, or while in transit in other circumstances prior to delivery of the spirits to an authorized consignee.

§ 185.23 *Including.* The word "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 185.24 *Inclusive language.* Words in the plural shall include the singular, and *vice versa*, and words in the masculine gender shall include females, associations, copartnerships, and corporations.

§ 185.25 *Internal revenue bonded warehouse.* "Internal revenue bonded warehouse" shall mean a bonded warehouse established or operated under the provisions of this part for the storage of distilled spirits (other than alcohol) on which the tax has not been paid.

§ 185.26 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 185.27 *Laboratory analysis.* "Laboratory analysis" shall mean the determination of the composition of distilled spirits by chemical, physical, or organoleptic examination.

§ 185.28 *Person, proprietor, or warehouseman.* "Person," "proprietor" or "warehouseman" shall include natural persons, associations, copartnerships, and corporations.

§ 185.29 *Proof.* "Proof" shall mean the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the per cent of ethyl alcohol by volume.

§ 185.30 *Proof gallon.* "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containng 50 per cent of ethyl alcohol by volume.

§ 185.31 *Proof spirits.* "Proof spirits" shall mean that alcoholic liquor which contains 50 per cent of ethyl alcohol by volume at 60 degrees Fahrenheit and which has a specific gravity of 0.93418 in air at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity.

(53 Stat. 307; 26 U. S. C. 2809)

§ 185.32 *Proprietor.* "Proprietor" shall mean the operator of the internal revenue bonded warehouse, unless otherwise indicated.

§ 185.33 *Registered distillery.* "Registered distillery" shall mean a distillery established and operated under the provisions of Regulations 4 (26 CFR Part 183).

§ 185.34 *Secretary.* "Secretary" shall mean the Secretary of the Treasury.

§ 185.35 *Spirits.* "Spirits" shall mean distilled spirits as defined in this subpart.

§ 185.36 *Tank car.* "Tank car" shall mean a railroad tank car conforming to the requirements of this part.

§ 185.37 *Tank truck.* "Tank truck" shall mean a tank truck conforming to the requirements of this part.

§ 185.38 *Tax gallon.* "Tax gallon" is the unit of distilled spirits upon which the rate of tax prescribed by law is imposed. When spirits are 100 degrees or more of proof, the tax rate is imposed on the proof gallon. When spirits are less than 100 degrees of proof, it is imposed on the wine gallon.

§ 185.39 *U. S. C.* "U. S. C." shall mean the United States Code.

Subpart C—Location and Construction

§ 185.50 *Location restrictions.* Internal revenue bonded warehouses may not be located in any dwelling house, and if under the same roof or in the same building in which is located a rectifying plant or taxpaid bottling house, the two premises must not have means of communication with each other within the building: *Provided*, That where an internal revenue bonded warehouse has heretofore been established in the same building with a rectifying plant or a taxpaid bottling house with interior communication between the two premises, it may continue to operate in such location if the revenue will not be jeopardized thereby: *Provided further*, That when the bottling-in-bond department is operated temporarily as a taxpaid bottling house, communication between the two premises within the building may continue. Internal revenue bonded warehouses other than those situated upon or contiguous to the premises of a distillery shall be located in important cities or at important shipping points or other places where need for the establishment of the warehouse is clearly shown, as provided in § 185.155. The location must be such that adequate transportation facilities will be available.

(53 Stat. 331, 332; 26 U. S. C. 2872, 2873)

§ 185.51 *Warehouse buildings.* The buildings or rooms constituting an internal revenue bonded warehouse must be securely constructed of brick, stone, wood, concrete, or other substantial material, and must be completely separated from contiguous buildings or rooms by solid, unbroken walls or partitions of substantial construction: *Provided*, That necessary openings may be permitted in such walls or partitions for the passage of approved pipe lines and conduits, as provided in § 185.71, and where a bottling-in-bond department is provided and adjoins the storage portion of the warehouse not more than two doors may be permitted in the wall or partition separating such bottling department from the storage portion of the warehouse, subject to the provisions of § 185.72, or where the warehouse is located on the premises of a fruit distillery and is contiguous to the distilling building or room and operated by the proprietor of the distillery, a door may be permitted in the wall or partition separating the warehouse from such building or room, as provided in the regulations governing the production of brandy (26 CFR Part 184). No door, window, or similar opening shall be made or permitted in the walls of a bonded warehouse leading into a distillery or into any other room or building, except as provided in this section. Where warehouse buildings are located on the premises of a registered distillery, the walls or partitions separating such warehouse buildings from contiguous buildings not located on the distillery premises must extend from the ground to the roof in a direct vertical line. The foundations, floors, walls, and roofs, and the doors, windows, and other openings of warehouse buildings shall be constructed and such doors, windows, and other openings shall be protected and secured as hereinafter provided. The design and construction of the warehouse must be such as to insure economical supervision by Government officers.

(53 Stat. 316 as amended, 331, 332; 26 U. S. C. 2825, 2872, 2873)

§ 185.52 *Capacity of warehouse.* Internal revenue bonded warehouses, other than those situated on or contiguous to distillery premises and operated by the distiller (not including lessee distillers), must have a capacity commensurate with the prospective needs of the area or locality in which they are situated and sufficient for not less than 5,000 barrels, including any equivalent thereof in tank or case storage capacity, or any combination of barrel, tank or case storage facilities. Where the distiller has a warehouse on or contiguous to the distillery premises, and desires to establish a second warehouse, the capacity of such second warehouse must likewise be not less than 5,000 barrels or the equivalent thereof in tank or case storage capacity, except that where the second warehouse is to be established on premises contiguous to, or near, the first warehouse and the necessity for the establishment thereof is due to lack of storage space in the first warehouse and it is impracticable to expand the same, such minimum storage requirements shall not be applicable: *Provided*, That where a second warehouse is to be established by a distiller on premises which are neither contiguous to nor near the first warehouse and it is impracticable to have a warehouse of 5,000 barrels or more capacity in the locality, and the necessity for the establishment thereof is shown, the Commissioner may authorize the establishment of such warehouse.

(53 Stat. 331, 332; 26 U. S. C. 2872, 2873)

§ 185.53 *Means of ingress and egress.* The doors of an internal revenue bonded warehouse must lead into a public street or into the yard connected with the warehouse, or into the distillery yard if the warehouse is located on or contiguous to a distillery premises: *Provided*, That where the warehouse consists of a room or floor of a building, the door thereof may open into an elevator shaft or common passageway partitioned off from other businesses and leading either directly or through another elevator shaft or similar passageway to the street or yard: *Provided further*, That where the warehouse is located on the premises of a fruit distillery and is contiguous to the distilling building or room and is operated by the proprietor of the distillery, a door may be permitted in the wall separating the warehouse from the distillery, as provided in Regulations 5 (26 CFR Part 184). Where the door of the warehouse opens into a common passageway, as provided in this section, the partitions forming the common passageway shall be substantially constructed of solid materials or expanded metal or woven wire of not less than 9 gauge nor more than 2-inch mesh, and shall extend from the floor to the ceiling or roof, but doors may be provided therein if they do not permit interior communication with a rectifying plant or taxpaid bottling house in the same building. Common passageways must be used exclusively as means of communication.

(53 Stat. 316 as amended, 331, 332; 26 U. S. C. 2825, 2872, 2873)

§ 185.54 *Foundations.* The foundations of warehouse buildings must be constructed of stone, brick, or concrete or other equally substantial material, extending into the ground. These provisions respecting the foundations shall not, however, be applicable where the warehouse consists of a room or rooms situated above the first floor of the building.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.55 *Floors.* The warehouse buildings must have suitable ground floors constructed of wood, concrete, brick, or other equally substantial material. If the warehouse consists of a room or floor situated above the ground or first floor of the building, the first warehouse floor must be so constructed.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.56 *Walls.* The walls of warehouse buildings or rooms must be securely and substantially constructed. If wood, corrugated iron, or tin is used, the same must be applied over solid sheathing for the first 12 feet of height. Where substantial sheet metal is used, and the sheets are welded together in such a manner as to constitute a solid wall, sheathing, if used, may be applied in any manner desired.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.57 *Roofs.* The roofs of warehouse buildings must be securely and substantially constructed. Where corrugated iron or tin is used, the same must be applied over sheathing spaced not greater than 12 inches from board to board. Where substantial sheet metal is used, and the sheets are welded together in such manner as to constitute a solid roof, sheathing, if used, may be applied in any manner desired.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.58 *Doors.* The warehouse must have no more doors than are necessary for the proper and convenient conduct of the business. The outside doors and any inside doors on which Government locks are required must be securely constructed of heavy timber or iron or other equally substantial material. The hinges of the doors must be secured by roundheaded or carriage bolts, nutted and riveted or battered on the inside. Hinges that cannot be thus secured must be inaccessible from the outside and so attached that they cannot be removed when the door is closed. The outside doors, and inside doors on which Government locks are required, must be equipped with hasp and staple securely fastened on the inside so that they may be secured with Government locks. The entrance door must be secured on the outside with a Government seal lock. The entrance door to the bottling-in-bond department must also be secured on the outside with a Government seal lock. All other doors required to be locked must be secured on the inside with a Government lock and a cross bar in the middle of the door. Where there are double doors, one of them at least must be provided with substantial bolts at both the top and the bottom. These bolts must be so arranged as to plunge into substantial fastenings or holes in the middle of the upper and lower ends of the frame when the door is closed. Folding doors of wood or metal, vertical or horizontal sliding doors of wood or metal, and metal doors of the roller blind type, must be provided with substantial cross bars, or bolts that plunge into the upper and lower ends or the sides of the door frame, so placed as to make the door rigid and secure, unless the doors operate in grooves or tracks that make them secure.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.59 *Windows.* The windows of the buildings or rooms constituting the warehouse must be constructed and secured as outlined in §§ 185.60 to 185.67.

§ 185.60 *Windows within 12 feet of ground, etc.* All windows located within 12 feet of the ground, or within 12 feet (a) above a fire escape (except as provided in § 185.61), (b) above a roof, set back, or balcony within 12 feet of the ground, (c) above a roof or balcony of an adjoining building, or (d) of a roof, window, or other opening of an opposite building, must conform to the following requirements:

(1) *Wood sash.* Windows consisting of plain or wire glass panes set in wood sash must be protected by iron bars and solid shutters;

(2) *Steel sash.* Windows consisting of wire glass panes not larger than 6 by 10 inches, set in metal sash must be protected by iron bars;

(3) *Detention type.* Windows may be of the detention type, consisting of solid steel frame, sash, and grille (over the ventilating portion), combined in one unit and erected in one piece, equipped with wire glass panes not larger than 6 by 10 inches.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.61 *Opening onto fire escape.* Windows opening onto a fire escape shall be protected by solid metal shutters, securely hinged and equipped with facilities for locking on the inside with a Government lock. Iron bars will not be required on such windows.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.62 *Extension of requirements.* The Commissioner or district supervisor may require any other windows to be protected by iron bars or shutters, or both, when deemed necessary to safeguard the spirits.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.63 *Windows more than 12 feet from ground.* All windows more than 12 feet from the ground and not subject to the provisions of §§ 185.60 and 185.61 must be securely constructed and so arranged and equipped that they may be securely fastened on the inside.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.64 *Set in casement.* All windows must be securely set into the window casement in such a manner as to prevent removal.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.65 *Sash locks.* All window sashes must be provided with sash locks or other suitable fasteners.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.66 *Shutters.* The shutters must be solid and substantially constructed of metal or wood, and must be fastened inside of the room or building and so secured that they cannot be opened from the outside.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.67 *Iron bars.* The iron bars must be not less than three-fourths of an inch in diameter, placed perpendicularly in the windows or walls, not more than 5 inches apart from center to cen-

ter, and reinforced by iron cross bars not more than 36 inches apart. All bars and cross bars must be securely fastened to the window frames or embedded in the walls in such a manner as to prevent their removal and to afford proper security.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.68 *Skylights, monitors, penthouses, etc.* Skylights, monitors, penthouses, and similar openings will be regarded as windows and treated as such, except that shutters will not be required.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.69 *Ventilators.* Small openings in outside walls of warehouse buildings and in the ground floors and the roofs thereof for ventilation or heating purposes will be permitted, provided they are protected by substantial metal gratings not lighter than No. 6 gauge and having openings not larger than one-half inch, securely attached to or embedded in the floor, wall, or roof. Where such openings are larger than 6 by 6 inches they shall be further protected by iron bars. Such openings will not be permitted in the walls or floors which separate the storage portion of the warehouse from contiguous rooms or buildings.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.70 *Drains.* Openings in floors (except floors separating the warehouse from other premises) will be permitted for drainage or sewage, provided they are permanently connected to the sewer system and protected in the same manner as ventilators.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.71 *Other openings.* Necessary openings may be permitted in the walls, partitions, ceilings, or floors of warehouse buildings or rooms for the passage of approved steam, water, electric, sewer, or similar lines and spirits lines.

(53 Stat. 298 as amended, 332; 26 U. S. C. 2800, 2873)

§ 185.72 *Bottling-in-bond department.* Where the proprietor of an internal revenue bonded warehouse desires to bottle distilled spirits in bond he must set apart a portion of the warehouse for such purpose. Such portion of the warehouse shall be known as the bottling-in-bond department and shall be used exclusively for the purpose of bottling distilled spirits (other than alcohol) in bond for domestic use or for exportation in accordance with this part. The building or room comprising the department must be so constructed and equipped as to be suitable for the bottling of distilled spirits in bond and to insure efficient and economical supervision by Government officers. No door, window, or other opening into another room or building will be permitted: *Provided*, That necessary openings may be permitted in the walls, floors, ceiling, or partitions separating the bottling-in-bond department from the storage portion of the warehouse for the passage of approved steam, water, electric, sewer, or similar lines and for the passage of approved pipe lines for the conveyance of spirits from gauging tanks located in the warehouse: *And provided further*, That not more than two doors may be permitted in the wall or partition separating the bottling-in-bond department from the storage portion of the warehouse, to be used exclusively for the purpose of transferring spirits to the bottling-in-bond department and return of the bottled product for storage. Communicating doors must be equipped for locking with Government locks on the storage side of the warehouse and must be kept locked except while actually being used for the transfer of spirits. If the bottling-in-bond department is temporarily eliminated from the premises, the communicating doors will be closed and kept locked on the storage side of the warehouse. If the bottling-in-bond department is permanently eliminated from the premises in order that it may be operated as a tax-paid bottling house, or for any other purpose, the doors in the wall separating such rooms or building from the warehouse must be eliminated and the openings permanently boarded or bricked up in such manner as to provide a solid unbroken wall.

(53 Stat. 332, 342 as amended, 343; 26 U. S. C. 2873, 2903, 2904)

§ 185.73 *Bottling-in-bond department having more than one bottling room.* Two or more contiguous bottling rooms with separate bottling equipment for each room may be provided, and each such bottling room may, in accordance with the limitations set out in § 185.904, be operated simultaneously with, and independent of, the other bottling rooms. A bottling-in-bond department having more than one bottling room, as herein provided, will be regarded as a single bottling-in-bond department. A "bottling room" shall consist of a complete set of bottling equipment separated from another such set by a partition constructed of expanded metal or woven wire of not less than 9 gauge nor more than 2-inch mesh, and which shall extend from the floor to the ceiling or roof or to a height of not less than 12 feet. A door or other necessary opening will be permitted in such partitions at such point as will permit adequate supervision of the spirits being bottled in the different rooms. Such rooms shall be designated alphabetically, such as "Bottling Room A," "Bottling Room B," etc.

(53 Stat. 332, 343; 26 U. S. C. 2873, 2904)

§ 185.74 *Quick-aging room.* Where spirits are to be quick-aged in an internal revenue bonded warehouse by the introduction of a steam pipe or other heating device into the package, a separate room or building to be used exclusively for such purpose should be provided, with separate means of ingress and egress conforming to § 185.53. If a separate building is provided, the construction thereof must conform to the requirements of §§ 185.51 to 185.71. Where spirits are to be quick-aged by the general application of heat within the warehouse, the proprietor must provide a suitable, separate room which shall not be exposed or subjected to excessive heat for the use of Government officers in performing their duties in connection with the receipt and withdrawal of spirits. A sign must be placed over the entrance door of the quick-aging room bearing the words "Quick-Aging Room."

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.75 *Gauging room.* A separate building, room, or section of the warehouse must be provided for gauging spirits, the construction of which must conform to the requirements of §§ 185.51–185.71. Each gauging room must be of sufficient dimensions to permit the work of gauging and related operations to be accomplished efficiently and expeditiously, and shall be provided with necessary office facilities for use of the Government officer in preparing gauge reports; scales for weighing individual packages; and facilities for marking, branding and stamping individual packages. Gauging rooms must be well heated, ventilated, and equipped with permanently installed lighting facilities, properly spaced throughout the room or building, and of sufficient intensity for the efficient performance of gauging duties and supervision of all activities in the gauging room without the aid of auxiliary or outside lights. A sign must be placed over the entrance door of the room or building bearing the words "Gauging Room." Where gauging tanks are provided the construction and installation thereof must conform to the requirements of § 185.112, and the number and capacity of such tanks shall be commensurate with the type and volume of operations conducted.

(53 Stat. 298 as amended, 332; 26 U. S. C. 2800, 2873)

§ 185.76 *Brandy-blending department*—(a) *Construction.* Where brandies are to be mixed or blended in an internal revenue bonded warehouse, under the provisions of section 2801 (e) (5), I. R. C., for the sole purpose of perfecting such brandies according to commercial standards, a separate room or building, constituting a part of the internal revenue bonded warehouse, must be provided for that purpose. Such room or building shall be known as the brandy-blending department and must be constructed in accordance with the provisions of §§ 185.51 to 185.71. The brandy-blending department must be completely separated from contiguous rooms or buildings by solid unbroken partitions and floors of substantial construction. Such partitions shall extend from the ground to the roof or from the floor to the ceiling, if a room is used, and if the brandy-blending department is under the same roof, or in the same building in which is located a rectifying plant, or taxpaid bottling house, the two premises must not have any means of communication with each other within the building. No door, window, or other opening into another room or building of the warehouse will be permitted: *Provided*, That not more than two doors may be permitted in the wall or partition separating the brandy-blending department from the storage portion of the warehouse to be used exclusively for the purpose of transferring brandy between the brandy-blending department and the storage portion of the warehouse. The communicating doors must be equipped for locking with Government locks on the storage side of the warehouse and must be kept locked except while brandy is being transferred between the brandy-blending department and the storage portion of the warehouse.

(b) *Equipment.* The brandy-blending department must be equipped with a requisite number of suitable tanks in which to blend brandies, scales for weighing packages, facilities for dumping packages, facilities for filling, marking and branding packages, and a desk and cabinet for use of the Government officer. The room or building must be well lighted, heated, and of sufficient dimensions to permit the work of dumping, filling, gauging, marking, and branding packages efficiently and expeditiously.

(c) *Lighting facilities.* Lighting facilities must be permanently installed and spaced throughout the room or building to permit supervision of the entire premises and must be of sufficient power to permit efficient performance of gauging duties without the aid of auxiliary lights or outside light.

(d) *Sign.* A sign, bearing the words "Brandy-Blending Department," shall be placed over the entrance door of the room or building.

(e) *Other uses of department.* Where brandy-blending operations have been discontinued and all brandies have been removed from the brandy-blending department the locks on the doors connecting the brandy-blending department with the storage portion of the warehouse may be removed and the brandy-blending department used for any other authorized warehouse purpose as provided in § 185.459.

(53 Stat. 300 as amended, 332; 26 U. S. C. 2801, 2873)

§ 185.77 *Other rooms.* Where a bottling-in-bond department is established, separate rooms may be provided therein for the dumping, reducing, and bottling of distilled spirits. Such rooms shall be appropriately designated, such as "Dumping Room," "Reducing Room," "Bottling Room," etc.

(53 Stat. 332, 343; 26 U. S. C. 2873, 2904)

§ 185.78 *Empty package storeroom.* If empty packages (barrels) are to be stored on the warehouse premises, a separate room or building must be provided for such purpose. If a separate room is provided within the warehouse and such room has interior doors communicating with the storage portion of the warehouse, such doors must be equipped for locking with Government locks on the warehouse side and be kept locked at all times except when in actual use and the construction of the walls must meet requirements of § 185.56. If the room has an outside entrance door, such door must be equipped for locking with a Government lock. The room or building provided for the storage of empty packages may be used for general cooperage purposes. A sign bearing the words "Empty Package Storeroom" must be placed over the entrance door of the empty package storeroom.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.79 *Empty container storeroom.* If empty cases, bottles, and other bottling supplies are kept or stored on the warehouse premises, a separate room or building may be provided for such purpose. Such room or building shall not have any means of interior communication with any other room or building comprising the storage portion of the bonded warehouse. If a separate room or building is not provided for the storage of such supplies, they must be stored in the bottling-in-bond department and kept completely segregated and so stored as not to interfere with proper supervision of the bottling-in-bond department.

(53 Stat. 332, 343; 26 U. S. C. 2873, 2904)

§ 185.80 *Government office.* The proprietor shall provide and maintain on the warehouse premises for the exclusive use of Government officers, a securely constructed, well-lighted, heated, and ventilated office of suitable dimensions: *Provided*, That where the proprietor operates a distillery on the same or contiguous premises or a bonded winery on contiguous premises, and a Government office conforming to the requirements specified herein is provided on the distillery or winery premises, and such office is so located as to be suitable for the use of Government officers assigned to the warehouse, a separate Government office need not be provided on the warehouse premises. The Government office shall be equipped with toilet and lavatory facilities, unless such facilities, suitably located, are provided elsewhere on the premises, and with desks, chairs, file cases, and such other furniture as may be necessary for the keeping of Government records and the preparation of reports. The door of the Government office shall be equipped with a cylinder type lock and a sufficient number of keys therefor shall be furnished the district supervisor for the use of Government officers. Where deemed necessary to afford adequate security to Government property, the district supervisor may require the windows of the Government office to be protected by shutters or iron bars and the door to be so equipped that it may be securely fastened with a Government lock. A sign must be placed over the entrance door bearing the words "Government Office." Unless the Government office is located immediately adjacent to the bottling-in-bond department, the proprietor must provide either a separate office or desks, chairs, file cases, and such other furniture as may be necessary for the keeping of Government records and the preparation of reports in a suitable and well-lighted space in the bottling-in-bond department. If the bottling-in-bond department is not properly heated during inclement weather, such office facilities must be located in a well-lighted, heated, and ventilated room. Such facilities shall be subject to approval by the district supervisor.

(53 Stat. 332, 343; 26 U. S. C. 2873, 2904)

§ 185.81 *Government room, vault or cabinet.* There shall be provided in the Government office a metal cabinet of adequate strength and size, or a securely constructed room or vault suitably equipped for locking with a Government seal lock, for use in safeguarding the keys to Government locks, seals, and other Government property and stamps in the custody of Government officers. Each such room, vault or cabinet shall be subject to approval by the district supervisor. Unless the Government office is located immediately adjacent to the bottling-in-bond department, similar facilities must also be provided in such department.

(53 Stat. 332, 343; 26 U. S. C. 2873, 2904)

§ 185.82 *Off-premises export storage room.* If the proprietor of an internal revenue bonded warehouse located at a port of exportation intends to store, pending release for direct exportation or use as supplies on vessels or aircraft, taxpaid distilled spirits or wines bottled or packaged especially for export with benefit of drawback under the provisions of Regulations 11 (26 CFR Part 189), Regulations 15 (26 CFR Part 190) and Regulations 28 (26 CFR Part 176), a separate room for the storage of such products exclusively must be provided off the bonded premises. The room must be contiguous to the bonded premises and be constructed of substantial, solid materials. All windows, doors or other openings must be so constructed that they may be securely locked or fastened from the inside, except the entrance door which must be so constructed that it may be securely locked from the outside of the room with a Government seal lock. A sign must be placed over the entrance door of the room bearing the words "Off-Premises Export Storage Room." The deposit of distilled spirits and wines in such room, and the withdrawal thereof, shall be effected in accordance with provisions of Regulations 28 (26 CFR Part 176).

(53 Stat. 377 as amended; 26 U. S. C. 3179)

Subpart D—Sign

§ 185.100 *Posting of sign.* The proprietor shall place and keep conspicuously on the outside and at the front of the warehouse where it can be plainly seen, a sign exhibiting in plain and legible letters painted in oil colors or gilded, not less than 3 inches in height, and of a proper and proportionate width, the name of the proprietor and the words "Internal Revenue Bonded Warehouse," followed by the registry number of the warehouse. If the warehouse consists of two or more buildings the required sign will be placed over the entrance of each building, and there shall also be shown on such sign the alphabetical designation of the building. If a bottling-in-bond department is maintained, the proprietor shall also place and keep conspicuously on the outside and at the front of the department, or over the front entrance thereto, where it can be plainly seen, a sign exhibiting in plain and legible letters, the words "Bottling-in-Bond Department."

(53 Stat. 332, 343; 26 U. S. C. 2873, 2904)

Subpart E—Fences or Walls and Gates

§ 185.105 *Construction.* The proprietor may erect around the warehouse premises a fence or wall, but a suitable number of gates or doors therein must

be provided; and if such fence or wall is to be solid and over five feet in height, specific approval for the erection or maintenance thereof must be obtained from the district supervisor.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.106 *Keys to gates.* The proprietor shall furnish the district supervisor as many keys to the gates or doors of the fence or wall around the warehouse as may be required from time to time, in order to render the warehouse readily accessible to Government officers.

(53 Stat. 332; 26 U. S. C. 2873)

SUBPART F—EQUIPMENT

§ 185.110 *Scales.* The proprietor of the warehouse must provide suitable and accurate scales for the weighing of packages of distilled spirits. The beams or dials of such scales must indicate weight in one-half pound graduations. The beams or dials of tank scales must be graduated to enable readings to be made as follows: to nearest one-half pound for scales having a capacity not to exceed 2,000 pounds; to the nearest 1 pound for scales having a capacity of over 2,000 pounds, but not exceeding 6,000 pounds; to the nearest 2 pounds for scales having a capacity over 6,000 pounds, but not exceeding 20,000 pounds; to the nearest 5 pounds for scales having a capacity over 20,000 pounds, but not exceeding 50,000 pounds; and to the nearest 10 pounds for scales having a capacity over 50,000 pounds. Except in the case of scales having a capacity of 2,000 pounds or less, where spirits are to be gauged for taxpayment, not less than twenty percent of the total capacity of the gauging tank scale may be entered into the tank for gauging for determination of the tax; *Provided*, That lots of spirits weighing 1,000 pounds or less must be weighed on scales having one-half pound graduations.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.111 *General requirements for tanks.* All tanks used as receptacles for spirits shall be constructed of metal or other suitable material, shall be stationary, and shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated, and will have plainly and legibly painted thereon an appropriate designation indicating the use thereof, followed by its serial number and capacity in gallons. Where such tanks are of irregular dimensions the warehouseman shall furnish to the district supervisor a table, in duplicate, showing the capacity of the tank for each inch of depth. The district supervisor will retain one copy of the table and forward the other to the storekeeper-gauger who will retain the same in the Government office. All tanks must be so constructed as to permit proper examination thereof, and so arranged as to leave an open space of not less than three feet between the top and the roof or floor above. Manheads, inlets, and outlets of the tanks and all openings whereby access may be had to the spirits must be provided with facilities for locking with Government locks or otherwise securely fastened and sealed. Where tanks are equipped with manholes or valves in the top which are required to be locked with Government locks, suitable walks or landings with steps or stairways leading thereto and providing ready access to such manholes or valves must be constructed. Valves must be provided in the pipe connections and be so arranged as to control completely the flow of spirits both into and out of such tanks and so constructed that they may be locked with Government locks. The pipe connections of such valves must be brazed, welded, or otherwise secured in such a manner that they cannot be detached or altered without showing evidence of tampering. Tanks used as receptacles for spirits may be permanently connected with pipe lines for the conveyance thereto of air and water, but the water pipe line must be affixed to the top of the tank and may not extend into the tank. Such air and water pipe lines must be equipped with a control valve which may be locked with a Government lock. Pipes used for the conveyance of air must also be equipped with a check valve located near the point of entry to the tank in order to effectively prevent any abstraction of spirits from the tank. Other pipe lines, except those used for the conveyance of spirits, may not be permanently connected with such tanks. Tanks used for gauging shall be mounted on accurate scales.

(53 Stat. 298 as amended, 318, 332, 335 as amended; 26 U. S. C. 2800, 2829, 2873, 2883)

§ 185.112 *Gauging tank.* The proprietor must provide in a warehouse building one or more gauging tanks, constructed in accordance with the provisions of § 185.111, where distilled spirits are to be received by pipe line or by tank car for deposit in storage tanks in the warehouse, or where distilled spirits deposited in storage tanks are to be withdrawn therefrom for removal by pipe line or in tank cars, or tank trucks where authorized by this part, or where distilled spirits stored in packages are to be dumped for bulk gauging: *Provided*, That no gauging tank need be installed on the warehouse premises for gauging (a) distilled spirits received by pipe line which have been gauged in the distillery cistern room (b) fortifying spirits which are to be transferred by pipe line from storage tanks direct to a gauging tank in the fortifying room of a contiguous winery and gauged therein under the provisions of § 185.864, (c) rum of 150 degrees of proof or more which is to be transferred by pipe line from storage tanks direct to a gauging tank in a denaturing bonded warehouse on the same premises and gauged therein under the provisions of § 185.883, or (d) spirits of 160 degrees of proof or more for redistillation which are to be transferred by pipe line from a storage tank direct to a gauging tank in a distillery on the same or contiguous premises under the provisions of § 185.725. Where a storage tank is mounted on scales, the entire contents of the tank may be removed at one time, and deposits may be made therein on the basis of the scale readings of such tank, without it being necessary to first run such spirits into a gauging tank. A suitable board shall be provided on each gauging tank for the attachment of the gauge report or certificate of taxpayment. If distilled spirits are to be dumped from packages for bulk gauging, the gauging tank must be located in the gauging room.

(53 Stat. 298 as amended, 318, 332, 335 as amended; 26 U. S. C. 2800, 2829, 2873, 2883)

§ 185.113 *Test weights.* The proprietor shall provide a set of ten 50-pound cast-iron test weights, which shall be certified by the National Bureau of Standards or State departments of weights and measures as conforming to class "C" requirements of the National Bureau of Standards. If the proprietor has provided such test weights at another plant operated by him on the same or contiguous premises, he need not provide a separate set of weights for the warehouse. All test weights shall be placed under the control and in the custody of the storekeeper-gauger in charge, who shall keep them under Government lock when not in use.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.114 *Testing gauging and storage tank scales*—(a) *Not over 500 gallons.* Scales used for weighing spirits in lots of not over 500 gallons will be tested from time to time under the supervision of the storekeeper-gauger by means of test weights provided in accordance with § 185.113. Such scales will be tested by placing the prescribed test weights on the scales and checking the weight registered on the beam of the scales. The test weights will then be removed without disturbing the beam and the gauging tank filled with spirits or water to the same weight, whereupon the test weights will again be placed upon the scales, the spirits or water being retained in the tank and the weight registered on the beam checked. This operation will then be continued until the scales have been checked in 500-pound ranges at all weights for which the scales are used.

(b) *Over 500 gallons.* Proprietors will have scales used for weighing spirits in larger lots tested and their accuracy certified by State, county, or city departments of weights and measures or by a responsible scale company at intervals of not more than six months. Officers will see that the proprietors have the scales of gauging tanks, used for weighing distilled spirits in lots of more than 500 gallons, tested and their accuracy certified by State, county, or city departments of weights and measures or by a responsible scale company at intervals of not more than 6 months. Officers will also check, at least once a month, the gallonage represented to be on the scale against the gallonage indicated by a volumetric determination of the contents of the tank. Such volumetric determination will be made by (1) accurately ascertaining the proof and the temperature of the distilled spirits and the depth of the liquid in the tank by means of a steel tape, (2) multiplying the depth in inches by the capacity of the tank for 1 inch of depth, and (3) correcting the volume to 60 degrees Fahrenheit in accordance with table No. 7 of the Gauging Manual (26 CFR Part 186). The corrected gallons thus determined will be compared with the gallons represented by the reading of the beam of the scale. Unless the volumetric check is within 0.5 percent of the quantity shown to be in the tank, the Government officer will take appropriate steps to have the accuracy of the scales verified. In addition to the volumetric check described, officers will, as frequently as conditions indicate the necessity therefor, test weighing tank scales of large capacity in the manner prescribed for smaller capacity gauging tank scales, except that such tests on large capacity gauging tank scales may be made when they contain considerable quantities of liquid. In this case the beam will be carefully balanced, and test weights will be added to the load, one at a time, until the range of 500 pounds is checked. At any time an officer finds a scale to be inaccurate, he will require the proprietor to have such scale adjusted and its accuracy certified.

(53 Stat. 307, 332; 26 U. S. C. 2808, 2873)

§ 185.115 *Accuracy of scales.* In addition to the volumetric check described, officers will, as frequently as conditions indicate the necessity therefor, test weighing tank scales of large capacity in the manner prescribed for smaller capacity weighing tank scales, except that such tests on large capacity weighing tank scales may be made when they contain considerable quantities of liquid. In this case the beam will be carefully balanced, and test weights will be added to the load, one at a time, until the range of 500 pounds is checked. At any time an officer finds a scale to be inaccurate, he will require the proprietor to have such scale adjusted and its accuracy certified by a State, county, or city department of weights and measures or by a responsible scale company.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.116 *Storage tanks.* A sufficient number of storage tanks constructed in accordance with the requirements of § 185.111 must be provided in the warehouse to permit the expeditious deposit of spirits within the limitations of section 185.372.

(53 Stat. 332, 335 as amended; 26 U. S. C. 2873, 2883)

§ 185.117 *Storage tanks outside warehouse building.* The district supervisor may approve permanent storage tanks not located within a room or building as an addition to an internal revenue bonded warehouse: *Provided*, That such tanks are constructed, equipped, and enclosed as required in this section. The tank, or tanks, shall be of substantial metal construction and shall be erected on a solid concrete base or foundation. Each storage tank shall have plainly and legibly painted thereon, or on a plate securely attached thereto, the words "Storage Tank," followed by its serial number and capacity in gallons. The inlet and outlet pipe connections of each storage tank must be fitted with valves so constructed that they can be secured with Government locks, and any other openings in such tanks must also be so constructed that they can be closed and locked. The tanks shall be completely enclosed by a brick, concrete, or stone wall, at least 12 inches thick and extending not less than 3 feet above, and 3 feet below, the ground. A fence at least 12 feet in height, constructed of not less than No. 6 gauge, nor more than 2-inch mesh, expanded metal or woven wire, with at least three rows of barbed wire superimposed on the top thereof, shall be permanently affixed on the wall. The fence posts shall be substantially constructed of iron or steel and shall be solidly embedded in the wall. A suitable gate in such fence shall be provided, which gate shall be of the same construction as the fence, and shall be equipped with hasp and staple for the reception of a Government seal lock. The storage tanks shall be connected with approved gauging tanks in the internal revenue bonded warehouse building by permanent and continuous pipe lines constructed in accordance with § 185.123, and so arranged as to be exposed to view throughout their entire lengths. All valves, unions, flanges, and other detachable connections in the pipe lines and openings in the tanks must be so secured, by brazing, welding, fastening and sealing, or locking with Government locks, as to effectually prevent disconnection and access to the spirits. The Commissioner or district supervisor may require, in any case in which he deems it necessary, either the installation of electric flood lights for lighting the tank enclosure, or the maintenance of watchman's services, or both, or other protective measures or devices.

(53 Stat. 318, 332, 335 as amended; 26 U. S. C. 2829, 2873, 2883)

§ 185.118 *Brandy-blending tanks.* Brandy-blending tanks shall be constructed, installed and equipped in the manner prescribed in § 185.111 for the construction, installation and equipment of storage tanks. Each such tank shall have plainly and legibly painted thereon, or on a plate securely attached thereto, the words "Brandy-Blending Tank," followed by its serial number and capacity in gallons.

(53 Stat. 300 as amended, 318, 332; 26 U. S. C. 2801, 2829, 2873)

§ 185.119 *Tanks in bottling-in-bond department.* Where a bottling-in-bond department is established, the proprietor must provide one or more bottling tanks. Spirits may be dumped and reduced in bottling tanks, or the proprietor may provide dumping tanks, reducing tanks, or combination dumping and reducing tanks. All tanks must be constructed, equipped and designated in accordance with the requirements of § 185.111. Each bottling, reducing, or dumping tank must also be equipped with a suitable board for the attachment of Form 1515. Such tanks may be mounted on scales.

(53 Stat. 318, 343; 26 U. S. C. 2829, 2904)

§ 185.120 *Gravity tanks.* The proprietor may, if necessary, install a small gravity tank between the bottling tanks and bottling machine, for the purpose of maintaining a constant head pressure or to afford a gravity flow to the bottling machine. Such tank must be so arranged that it can be filled only through the bottling tanks by a continuous, permanent, pipe line, and shall be permanently connected with the bottling machine by a permanent pipe line, equipped with a valve for locking with a Government lock: *Provided*, That where the bottling tanks are mounted on scales or the construction of the bottling machine is such that the connections therewith must be flexible, the respective pipe lines may be connected with the outlets of the bottling tanks, or with the bottling machine, as the case may be, by short, detachable hose connections. Where the pipe line is connected with the outlets of the bottling tanks or the bottling machine by such detachable hose connections, the ends of such pipe lines on which the hose connections are made must be equipped with valves for locking with Government locks, or secured and sealed in such a manner that the hose connections may not be detached without showing evidence of having been detached or tampered with. The capacity of the gravity tank shall be no larger than necessary, and the manhead shall be equipped for locking with a Government lock. Gravity tanks must be equipped with a suitable measuring device whereby the contents will be correctly indicated, and each such tank shall have plainly and legibly marked thereon the words "Gravity Tank," followed by its serial number and capacity in gallons.

(53 Stat. 318, 342 as amended, 343; 26 U. S. C. 2829, 2903, 2904)

§ 185.121 *Accumulation tanks.* Where the proprietor removes distilled spirits from the bottling line in the bottling-in-bond department which contain sediment or foreign matter, or which otherwise require refiltering or rebottling, he may install suitable accumulation tanks in the bottling-in-bond department for the accumulation of such spirits. Each such tank shall have plainly and legibly painted thereon the words "Accumulation tank," followed by its serial number and capacity in gallons. The distilled spirits so accumulated must be returned to the bottling system for refiltering and bottling with the same batch of spirits except as provided in § 185.917. The return of the spirits to the bottling system must be under the supervision of the storekeeper-gauger.

§ 185.122 *Distilled water tanks.* If the proprietor produces distilled water on the warehouse premises, or receives the same by pipe line from a distillery on the same or contiguous premises, distilled water tanks shall be provided and so located that their contents may be readily inspected by Government officers. Each such tank shall be equipped with a suitable measuring device whereby the actual contents will be indicated, and shall have plainly and legibly marked thereon the words "Distilled Water Tank," followed by its serial number and capacity in gallons.

(53 Stat. 318, 343; 26 U. S. C. 2829, 2904)

§ 185.123 *Water stills.* Water stills may be provided, and if so, there must be a clear space of not less than 1 foot around them. Every such still must have plainly and legibly painted thereon the words "Water Still," followed by its serial

number and capacity in gallons. Water stills shall be connected with distilled water tanks by continuous, permanent pipe lines.

(53 Stat. 318, 342 as amended, 343; 26 U. S. C. 2829, 2903, 2904)

§ 185.124 *Pipe lines.* Pipe lines for the conveyance of spirits in the warehouse, or to and from tank car loading areas, or other establishments on the same or contiguous premises, shall be of a fixed and permanent character, constructed of metal or other suitable material affording necessary protection, and so arranged as to be exposed to view in their entirety. All valves, unions, flanges, and other detachable connections in such pipe lines must be so secured by brazing, welding, fastening, and sealing, or locking with Government locks, as to effectually prevent disconnection and access to the spirits. The connections of such pipe lines with tanks, or dump troughs shall be secured in like manner: *Provided*, That pipe lines may be connected with tanks mounted on scales by means of flexible metal hose with the ends brazed or welded to the inlet or outlet of the tank and to the pipe line, or by means of short, detachable hose connections if the end of the pipe line is fitted with a valve so constructed that it may be secured with a Government lock. The pipe line may likewise be connected with tank cars by short detachable hose connections. Except as provided in § 185.579, a separate pipe line must be installed to each plant to which transfer of distilled spirits by pipe line is authorized, or for the loading or unloading of tank cars: *Provided*, That the Commissioner may approve a single pipe line where proper manifold connections, affording adequate control of the transfer of spirits to each establishment, are provided in the pipe line. Such pipe lines may be connected only to the tanks to or from which transfer of spirits is authorized except, where two or more tanks are used for the same purpose, manifold connections may be used. Manifold connections must be equipped with valves which may be secured with Government locks and so arranged as to permit complete control of spirits into or out of each tank. There shall be painted on each pipe line extending to and from a manifold a legend showing the kind and serial number of the tank or the type and registry number of the contiguous establishment with which the pipe line is connected. Where there are separate pipe lines leading directly from a tank to a tank car loading zone or an establishment on the same or contiguous premises, a legend indicating the use of such pipe line or the type and registry number of the contiguous establishment shall be painted thereon. Facilities for loading tank trucks with tax-paid distilled spirits must conform to the requirements of this section concerning facilities for loading tank cars. Pipe lines must be so arranged as to permit complete drainage or emptying thereof after each transfer of spirits. Pipe lines used for conveying the following substances shall be kept painted in the colors indicated, and other pipe lines may not be painted in these colors:

Distilled spirits	Black.
Water	White.
Steam	Aluminum.
Air	Orange.
Refrigerants	Purple.

(53 Stat. 298 as amended, 300 as amended, 318, 335 as amended; 26 U. S. C. 2800, 2801, 2829, 2883)

§ 185.125 *Preparation for sealing.* Where flanges, unions, valves and other detachable connections in the pipe lines are not secured by welding or brazing, and are not to be secured by Government locks, they must be prepared by the proprietor for sealing with "cap" seals. Flanges, unions, and valves will be prepared for sealing, in accordance with the following instructions:

(a) *Sealing flanges.* Flanges may be prepared for sealing by one of the following methods:

(1) By applying a "castle" nut with a hole drilled through the bolt, so the sealing wire may be passed through like a cotter pin, two such nuts being applied to each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three such nuts will be applied at approximately equal distances apart;

(2) By drilling a small hole through both nut and bolt, two such bolts and nuts being drilled for each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three such bolts and nuts applied at approximately equal distances apart must be drilled for sealing; or

(3) By drilling a hole through the corner of the head of the bolt and one through the corner of the nut so that the two will be sealed together, two such bolts and nuts being drilled for each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three such nuts will be applied at approximately equal distances apart.

(b) *Sealing unions.* Unions will be prepared for sealing by inclosing the same in a metal box with holes for the sealing wire.

(c) *Sealing valves.* Small gate and globe valves may be prepared for sealing by inclosing the packing nut and hood with a metal band or strap drawn tightly around the flange and fitted for reception of the sealing wire, or by drilling a hole in the packing nut so that sealing wire may be passed through and drawn around the pipe and sealed. Where valves have large flanges, such flanges may be sealed in the same manner as other flanges.

(53 Stat. 316; 26 U. S. C. 2823)

§ 185.126 *Securing pipe lines.* Pipe lines shall be so secured at points of entering or passing from the warehouse as to prevent any communication with the warehouse at such points, except by transit through the pipe line when the valve is open. The storage tank connections in the pipe line from the distillery shall be fitted at the inlet of each such tank with a valve which can be secured with a Government lock, and such connections must be so arranged as to control completely the flow of spirits separately into each tank. Each pipeline not directly connected with a storage tank shall be fitted at the end inside the warehouse with a valve so constructed that it may be locked. No pipeline may be used until it has been inspected and the district supervisor has approved the same.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.127 *Hydrometers.* Proprietors of internal revenue bonded warehouses will obtain hydrometer sets for their own use in determining the proof of spirits.

(53 Stat. 307; 26 U. S. C. 2808)

§ 185.128 *Details of construction and equipment.* Where details of construction and equipment are not covered by the provisions in this part, such construction and equipment must afford the same degree of security and protection to the spirits in the warehouse as is intended by the construction and equipment specifications prescribed in this part. The Commissioner may approve details of construction and equipment in lieu of those specified in this part where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford as much security and protection as the construction and equipment prescribed. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, or where any doubt prevails in regard to the security and protection which will be afforded by construction and equipment not covered by the provisions in this part, approval of the Commissioner should be first obtained.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.129 *Warehouses heretofore established.* Internal revenue bonded warehouses heretofore established may continue to operate if the present construction and equipment afford adequate security and protection to the revenue. The Commissioner or district supervisor may at any time require the proprietor to make changes in construction and equipment conforming to the provisions in this part, if deemed necessary to safeguard the revenue or to permit more economical and efficient supervision by Government officers. All warehouses hereafter established and changes in existing warehouses must be in conformance with the provisions in this part.

(53 Stat. 332; 26 U. S. C. 2873)

SUBPART G—QUALIFYING DOCUMENTS

§ 185.150 *Application, Form 27–D.* Every person desiring to establish an internal revenue bonded warehouse shall file application therefor on Form 27–D, in triplicate, with the district supervisor. Except as provided in § 185.156, in the case of amended and supplemental applications, all information indicated by the lines on the form and the instructions printed thereon, or issued in respect thereto, and in this part shall be furnished. Applications on Form 27–D must be signed in accordance with the instructions printed on the form and sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such application contains therein a provision for verification by a written declaration that such application is made under the penalties of perjury, such application shall be verified by the execution of such declaration, and such declaration shall be in lieu of any oath required herein for verification. Such applications must be numbered serially, commencing with number 1 and continuing in regular sequence for all applications thereafter filed, whether amended or supplemental. All data, written statements, affidavits, and other documents submitted in support of the application shall be deemed to be a part thereof.

(53 Stat. 332, 343; 26 U. S. C. 2873, 2904, 3809)

§ 185.151 *Permit required.* Under the Federal Alcohol Administration Act and the regulations issued pursuant thereto (27 CFR Part 1), any person, except an agency of a State or political subdivision thereto, or any officer or employee of any such agency, intending to engage in the business of bottling distilled spirits, is required to procure a permit therefor.

(Sec. 3, 49 Stat. 978, 27 U. S. C. 203)

§ 185.152 *Title to premises.* The applicant's title to, or interest in, the warehouse premises shall be shown on Form 27–D. If the applicant is the owner of the premises, the amounts of all mortgages or other encumbrances thereon, and the names of the holders thereof, shall be stated. If the warehouse is occupied under a lease, the name of the owner, the name of the lessor, the length of the term and the date of its expiration, shall be stated.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.153 *Description of premises.* The application shall contain a complete description of the building or room constituting the warehouse, including the height, width, and length, the materials of which constructed, the means of ingress and egress, and the manner of securing windows and doors and other openings. If the warehouse consists of an entire building, the number of stories and the height of each story shall be given. If the warehouse consists of a room or floor of a building, an exact description of the building in which the room or floor is situated and its precise location therein shall be given. If the warehouse consists of separate buildings, the same shall be designated alphabetically, as "Building A," "Building B," etc., and each shall be described separately and the capacity, in barrels, cases, or tanks of each given. Each floor of each building shall be described separately, unless the dimensions and construction of all floors are identical and are used for the same purpose. If a bottling-in-bond room or a brandy-blending department is provided, it will be separately described as to location, construction and security. The designated serial number and capacity of each tank and other apparatus, and the daily bottling capacity in gallons shall also be stated. A separate description of each quick-aging room or gauging room shall be given. The Government office shall be separately described in the application, the location, construction and equipment thereof being shown. Pipe lines for transfer of distilled spirits to or from other establishments on the same or contiguous premises shall be described and names of proprietors and registry numbers of contiguous establishments to or from which transfers of spirits will be made shall be given.

(53 Stat. 300 as amended, 332, 343; 26 U. S. C. 2801, 2873, 2904)

§ 185.154 *Capacity.* The total capacity in barrels, exclusive of storage tanks, of all buildings or units constituting the warehouse shall be stated on Form 27–D. The capacity of the warehouse must conform to the applicable requirements specified in § 185.52.

(53 Stat. 331, 332; 26 U. S. C. 2872, 2873)

§ 185.155 *Necessity for establishment.* A statement in detail respecting the necessity for the establishment of the warehouse must be furnished in the application, unless the warehouse is to be operated by the distiller (not including lessee distillers) on or contiguous to his distillery premises. This statement must show the approximate quantity of spirits that will be received, stored, and withdrawn annually, the probable number of depositors of spirits, the approximate number of dealers to be served with spirits withdrawn from the warehouse, whether spirits will be bottled, either in bond or commercially, together with any other data indicating the prospective volume of business at the warehouse. The applicant in such case shall submit with the application sworn statements from distillers respecting their intention to deposit spirits in the warehouse, and showing the initial deposit and the estimated quantity and frequency of subsequent deposits. Certified copies of contracts for the storage of spirits in the warehouse, in the event of its establishment, will be submitted in support of the application in such case. The transportation facilities available shall be completely described in the application, except where the warehouse is an original warehouse to be operated by the distiller on or contiguous to the distillery premises. If the warehouse is a second warehouse which the distiller desires to have established contiguous to, or near, such original warehouse on account of lack of storage space in the original warehouse and inability to expand the same, such fact must be established, but data respecting the number of depositors, dealers to be served, and transportation facilities, and statements and contracts of other depositing distillers, need not be submitted.

(53 Stat. 331, 332; 26 U. S. C. 2872, 2873)

§ 185.156 *Amended and supplemental application.* Amended and supplemental applications on Form 27–D may be executed in skeleton form, except as to the items amended or supplemented. All other items which are correctly set forth in prior applications, and in which there has been no change since the last preceding application, may be incorporated in the amended or supplemental application by reference to the respective application previously filed in which the item is fully and correctly set forth. Such incorporation by reference shall be made by entering for each such item in the space provided therefor the statement "No change since filing Form 27–D, Serial No. ——" (the number being inserted), followed by the date of the form. The Commissioner or the district supervisor, at any time in his discretion, may require the filing of a complete application on Form 27–D. Every proprietor of an internal revenue bonded warehouse located at a port of exportation and desiring to establish an off-premises export storage room, as authorized by § 185.82, shall file a supplemental application therefor on Form 27–D, giving the location and description of the room.

(53 Stat. 377 as amended; 26 U. S. C. 3179)

§ 185.157 *Corporate documents.* There must be submitted with, and made a part of, the original or initial application on Form 27–D, by a corporation desiring the establishment of an internal revenue bonded warehouse, properly certified copies, in triplicate, of the following documents:

(a) Articles of incorporation and any amended articles of incorporation.

(b) Certificate of incorporation.

(c) Certificate authorizing the corporation to operate in State where warehouse is located, if other than that in which incorporated.

(d) Extracts of minutes of meetings of stockholders, showing election of directors.

(e) By-laws.

(f) Extracts of the minutes of meetings of the Board of Directors, showing the election of officers.

(g) Extracts of the minutes of meetings of the Board of Directors, authorizing certain officers or other persons to sign for the corporation.

(h) List of the names and addresses of the officers and directors.

(i) List of stockholders, as provided in § 185.158.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.158 *List of stockholders.* In the case of corporations and similar legal entities, there must be submitted with Form 27–D at the commencement of business, and annually thereafter on May 1, a list of the names and addresses of all stockholders and other persons interested in the corporation or other legal entity, and the amount and nature of the stockholding or other interest of each, whether such interest appears in the name of the interested party or in the name of another for him: *Provided*, That where more than 100 persons are interested in the corporation or other legal entity as stockholders or otherwise, there need be furnished only the names and addresses and the amounts and nature of the stockholding or other interest of the 100 persons having the largest ownership or other interest of each of the respective classes of stock or other interest, except where more complete information shall be specifically required by the Commissioner or the district supervisor: *Provided further*, That where there has been no change in the list of stockholders and other persons interested in the corporation or other legal entity, the proprietor may furnish, in

lieu of the annual list, a certified statement, in triplicate, to that effect. Where a corporation operates two or more internal revenue bonded warehouses or other plants situated in the same supervisory district, or wholly owns one or more subsidiaries operating such warehouses or other plants so situated, and in connection with qualifying for the operation of one of such warehouses or plants, files a list of stockholders and other persons interested as prescribed in this section, the filing of an additional list for each warehouse will not be required, provided that in lieu of such additional list there is submitted a certificate, in triplicate, definitely identifying the corporation and plant with whose application or notice the list of stockholders and other persons interested is filed, and giving the date of filing thereof.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.159 *Affidavit.* In the case of a corporation there must be submitted with each list of stockholders an affidavit, in triplicate, executed by an officer of the corporation authorized so to do, showing the number of shares in each class of stock or other evidence of ownership, such as voting trust certificates authorized and outstanding, the par value thereof and the voting rights of the respective owners or holders, and certifying to the correctness of the list of stockholders, or the statement authorized to be furnished with the application in lieu of such list. In the case of an individual owner or copartnership, there must be submitted with Form 27–D at the commencement of business, and annually thereafter on May 1, an affidavit, in triplicate, giving the name of every person interested or to be interested in the warehouse, whether such interest appears in the name of the interested party or in the name of another for him.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.160 *Articles of copartnership or association.* In the case of a copartnership or association, a certified copy, in triplicate, of the articles of copartnership or association, if any, shall be submitted with, and constitute a part of, the application, Form 27–D.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.161 *Trade name certificate.* Where the applicant is to do business under a firm or trade name, there must be submitted with and made a part of the application, Form 27–D, certified copies, in triplicate, of the certificate or other document filed with or issued by State officials under the laws of the State to cover the transaction of business under such firm or trade name. If no such certificate or other document is required by the laws of the State to be filed with or issued by State officials to cover the transaction of business under a firm or trade name, the applicant shall furnish a statement, in triplicate, to that effect.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.162 *Power of attorney, Form 1534.* If the application or other qualifying documents are signed by an attorney in fact for an individual, copartnership, association, or corporation, or by one of the members for a copartnership or association, or in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 185.157, such application or other qualifying documents must be supported by a duly authenticated copy of the power of attorney conferring authority upon the person signing the document to execute the same. Such powers of attorney will be executed on Form 1534, in triplicate, and submitted to the district supervisor.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.163 *Execution of power of attorney.* Where the principal giving the power of attorney is an individual, it must be executed by him in person, and not by an agent. In the case of a copartnership or association, powers of attorney authorizing one or more of the members, or another person, to execute documents on behalf of the copartnership or association must be executed by all of the members constituting the copartnership or association. However, if one or more members less than the whole number constituting the copartnership or association have been delegated the authority to appoint agents or attorneys in fact, the power of attorney may be executed by such member or members, provided it is supported by a duly authenticated copy, in triplicate, of the document conferring authority upon the member or members to execute the same. Where, in the case of a corporation, powers of attorney are executed by an officer thereof, such documents must be supported by triplicate copies of the authorization of such officer so to do, certified by the secretary or assistant secretary of the corporation, under the corporate seal, if any, to be true copies.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.164 *Duration of power of attorney.* Powers of attorney authorizing the execution of documents on behalf of a person engaged, or intending to engage, in the business of an internal revenue bonded warehouseman shall continue in effect until written notice, in triplicate, of the revocation of such authority is received by the district supervisor, unless terminated by operation of law.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.165 *Transportation and warehousing bond, Form 1571.* Every person desiring to establish an internal revenue bonded warehouse shall, upon filing his application, Form 27–D, execute bond on Form 1571, in triplicate in conformity with the provisions of Subpart H of this part, and file the same with the district supervisor. The penal sum of such bond shall be not less than the amount of internal revenue tax at the rate prescribed by law on the quantity of distilled spirits that will be stored in such warehouse and in transit thereto at any one time, including distilled spirits bottled for export, plus the amount of additional tax at the rate of 30 cents a proof gallon attaching to brandy blended under the provisions of section 2801 (e) (5), I. R. C., that will be on hand or in transit to the warehouse at any one time: *Provided,* That the maximum penal sum of such bond shall not exceed $200,000 for each such warehouse. Proprietors of internal revenue bonded warehouses desiring to blend brandies under the provisions of section 2801 (e) (5), I. R. C., and having on file Form 1571, revised December 1941 or revised prior to such time, shall file consent of surety on Form 1533 to cover the blending of brandies and the additional tax liability.

(53 Stat. 300 as amended, 331, 333; 26 U. S. C. 2801, 2872, 2879)

§ 185.166 *Plat and plans.* Every person desiring to establish an internal revenue bonded warehouse must submit to the district supervisor with his application, Form 27–D, an accurate plat of the warehouse premises and accurate plans of the buildings, apparatus and equipment, in triplicate, conforming to the requirements of Subpart I of this part.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.167 *Additional information.* The Commissioner or the district supervisor may at any time, in his discretion, require the proprietor to furnish such additional information as he may deem necessary.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.168 *Instruments and papers.* The terms, conditions, and instructions contained in instruments and papers required to be furnished by law or regulations are hereby made a part of the provisions in this part as fully and to the same extent as if incorporated in this part.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.169 *Registry of stills, Form 26.* If a water still is set up in the bottling-in-bond department, the proprietor must register it with the district supervisor for the district in which the still is located, on Form 26, immediately it is set up. The Form 26 shall be executed, in triplicate, in accordance with the columns, lines, and instructions on the form.

(53 Stat. 308 as amended, 373 as amended; 26 U. S. C. 2810, 3170)

Subpart H—Bonds and Consents of Surety

§ 185.190 *General requirements.* Every person required to file a bond or consent of surety under the provisions in this part shall prepare and execute it on the prescribed form, in triplicate, in accordance with the provisions in this part and the instructions printed on the form, and shall submit it to the district supervisor. The bonds required by the provisions in this part shall be given with surety or collateral security.

(53 Stat. 331, 333, 336, 337, 340, 343, 373 as amended, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3170, 3331; 28 Stat. 279, 6 U. S. C. 6; 44 Stat. 122; 49 Stat. 22, 6 U. S. C. 15)

§ 185.191 *Corporate surety.* Bonds may be given with corporate surety authorized by the Secretary of the Treasury to become surety on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356, Commissioner of Accounts and Deposits, Section of Surety Bonds, which is issued semiannually, and subject to such amendatory circulars as may be issued from time to time.

(53 Stat. 331, 333, 336, 337, 340, 343, 373 as amended, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3170, 3331; 28 Stat. 279, 6 U. S. C. 6; 36 Stat. 241, 6 U. S. C. 8)

§ 185.192 *Two or more corporate sureties.* A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided,* That each corporate surety may limit its liability in terms upon the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

(53 Stat. 331, 333, 336, 337, 340, 343, 373 as amended, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3170, 3331; 28 Stat. 279, 6 U. S. C. 6; 36 Stat. 241, 6 U. S. C. 8)

§ 185.193 *Powers of attorney.* Powers of attorney and other evidence of appointment of agents and officers executing bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Commissioner of Accounts and Deposits, Section of Surety Bonds, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, district supervisors.

(53 Stat. 331, 333, 336, 337, 340, 343, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3331)

§ 185.194 *Individual sureties.* Bonds may be given with individual sureties, of which there must be not less than two, each of whom must qualify by executing Form 33, in triplicate. Individual sureties must be citizens of the United States and reside in the State in which the business of the principal is to be conducted. No person will be accepted as an individual surety in a State in which he is not authorized to become a surety.

(53 State. 331, 333, 336, 337, 340 as amended, 343, 403; 26 U. S. C. 2872, 2879, 2885, 2891, 2904, 3331)

§ 185.195 *Ownership of real property.* Each individual surety must own unencumbered real property, in fee simple, the appraised value of which, over and above any exemptions from execution allowed by the laws of the State, is equal to the penal sum of the bond. Such real property must be located within the State where the business of the principal is to be conducted.

(53 Stat. 331, 333, 336, 337, 340 as amended, 343, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3331)

§ 185.196 *Description of real property.* The real property must be described in the surety's affidavit, Form 33, with all of the formalities required in conveyances of real estate by the laws of the State in which it is situated.

(53 Stat. 331, 333, 336, 337, 340 as amended, 343, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3331)

§ 185.197 *Execution of Form 33.* The surety's affidavit on Form 33 shall contain all of the information required by this part and the instructions printed on the form. The form shall be subscribed and sworn to before an officer duly authorized to administer oaths, and one copy thereof shall be attached to each copy of the bond to which it relates.

(53 Stat. 331, 333, 336, 337, 340 as amended, 343, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3331)

§ 185.198 *Certificate of title.* There must be submitted with the surety's affidavit, Form 33, a certificate of title, in triplicate, showing that the surety has good title, free of encumbrances, to the realty described in the form.

(53 Stat. 331, 333, 336, 337, 340 as amended, 343, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3331)

§ 185.199 *Appraisal.* There will also be submitted with Form 33 an appraisal, in triplicate, by two or more competent persons designated by the district supervisor for the purpose, showing separately the value of the land and buildings, and a full and clear statement of the method employed by them in determining their valuation. The appraisal shall be at the expense of the principal on the bond, unless it is made by Government officers.

(53 Stat. 331, 333, 336, 337, 340 as amended, 343, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3331)

§ 185.200 *Investigation.* The district supervisor will cause an investigation to be made of all the facts stated in the surety's affidavit on Form 33 and supporting documents, and shall forward one copy of the report of such investigation to the Commissioner with the bond and accompanying Form 33.

(53 Stat. 331, 333, 336, 337, 340 as amended, 343, 373 as amended, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3170, 3331)

§ 185.201 *Requalification.* The Commissioner or district supervisor may at any time, in his discretion, require the requalification of individual sureties on Form 33.

(53 Stat. 331, 333, 336, 337, 340 as amended, 343, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3331)

§ 185.202 *Interest in business.* The surety, whether individual or corporate, must have no interest whatever in the business covered by the bond.

(53 Stat. 331, 333, 336, 337, 340 as amended, 343, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3331)

§ 185.203 *Deposit of collateral.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by principals as collateral security in lieu of individual or corporate sureties. District supervisors on receiving such bonds or notes, or other obligations, pledged and deposited by principals as collateral security in lieu of surety, shall deposit such securities in accordance with the requirements of Department Circular No. 154, revised (31 CFR Part 225).

(44 Stat. 1148 as amended, 49 Stat. 22; 6 U. S. C. 15)

§ 185.204 *Consents of surety.* Consents of surety to a change in the terms of a bond must be executed on Form 1533, in as many copies as are required of the bond which they affect, by the principal and all sureties with the same formality and proof of authority to execute as are required for the execution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bond affected thereby and state specifically and precisely what is covered by the extended terms thereof. If the surety is a corporation, the consent may be executed by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the appropriate district supervisor, or the consent may be executed by the home office officials of such corporate surety; except that, in cases where the saving of time is an element, the consent may be executed by an agent or attorney in fact where the home office officials, by specific direction, order its execution. A copy of such specific direction should be attached to each copy of such consent.

(53 Stat. 331, 333, 336, 337, 340 as amended, 343, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3331)

§ 185.205 *Approval required.* No individual, firm, partnership, corporation, or association intending to commence business as the proprietor of an internal revenue bonded warehouse shall commence such business until the required transportation and warehousing bond, Form 1571, has been approved.

(53 Stat. 331; 26 U. S. C. 2872)

§ 185.206 *Authority to approve.* District supervisors are authorized to approve all bonds and consents of surety required by this part.

(53 Stat. 331, 333, 336, 337, 340 as amended, 343, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3170, 3331)

§ 185.207 *Additional or strengthening bonds.* In all cases where the penal sum of the bond on file and in effect is not sufficient, computed as prescribed by law and this part, the principal may give an additional or strengthening bond in a sufficient penal sum, provided the surety thereon is the same as on the bond already on file and in effect; otherwise a new bond covering the entire liability will be required. As such additional or strengthening bonds are filed to increase the bond liability of the principal and the surety, they are in no sense substitute bonds, and the district supervisor will refuse to approve any additional or strengthening bond where any notation is made thereon intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full penal sum. Additional or strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Additional Bond," or "Strengthening Bond."

(53 Stat. 331, 333, 336, 337, 340 as amended, 343, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3331)

§ 185.208 *New bond.* A new bond may be required at any time in the discretion of the Commissioner or district supervisor. A new bond shall be required immediately in the case of the death or insolvency of an individual surety, or the insolvency of a corporate surety. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When, in the opinion of the Commissioner or the district supervisor, the interests of the Government demand it, or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. Where a bond is found to be not acceptable, the principal shall be required to file immediately a new and satisfactory bond, or discontinue business forthwith.

(53 Stat. 331, 333, 336, 337, 340 as amended, 343, 373 as amended, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3170, 3331)

§ 185.209 *Superseding bond.* Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, notice of termination of the superseded bond may be issued as provided in Subpart Q of this part. Superseding bonds must show the current date of execution and the date they are to be effective, and each such bond shall have marked thereon, by the obligors at the time of execution, "Superseding Bond."

(53 Stat. 331, 333, 336, 337, 340 as amended, 343, 403; 26 U. S. C. 2872, 2879, 2885, 2886, 2891, 2904, 3331)

SUBPART I—PLATS AND PLANS

§ 185.220 *Plat and plans required.* Every person intending to engage in business as the proprietor of an internal revenue bonded warehouse must, as provided in § 185.166, file an accurate plat and accurate plans of the warehouse premises, apparatus, and equipment, in triplicate, with the district supervisor.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.221 *Preparation.* Every plat and plan shall be drawn to scale, and each sheet thereof shall bear a distinctive title and the complete name and address of the proprietor, enabling ready identification. The cardinal points of the compass must appear on each sheet, except those of elevational plans. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth, or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.222 *Depiction of warehouse premises.* Plats must show the outer boundaries of the warehouse premises by courses and distances, in feet and inches, in a color contrasting with those used for other drawings on the plat, and the point of beginning with respect to its distance and bearings from some near and well-known landmark must be shown. The plat must also contain an accurate depiction of the building, or buildings, comprising the premises, and any driveways, public highway, or railroad right-of-way adjacent thereto, or connecting therewith. The depiction of the premises on the plat should agree with the description thereof in the application, Form 27–D. If the premises are separated by a public highway or railroad right-of-way, and the tracts of land comprising the premises, or parts thereof, abut on such highway or right-of-way opposite each other, the different tracts will be depicted separately by courses and distances, in feet and inches, and outlined in a color contrasting with those used for other drawings on the plat. If two or more buildings are to be used, they must be shown in their relative positions and the alphabetical designation of each indicated. If the warehouse consists of a room or floor of a building, an outline of the building, the precise location, and the dimensions of the room or floor, and the means of ingress from and egress to a public street or yard, shall be shown. All first floor exterior doors of each building will be shown on the plat. Except as provided in § 185.228, all pipelines leading to or from the premises, the purpose for which used, and the points of origin and termination, will be indicated on the plat.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.223 *Contiguous premises.* Where a distillery, or rectifying plant, or tax-paid bottling house, or other premises on which liquors are manufactured, stored, or sold, is contiguous to the warehouse premises the plat must show the relative location of the warehouse and such contiguous premises, and all pipelines, if any, and other connections between them. The outlines of such contiguous premises and the warehouse premises must be shown in contrasting colors.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.224 *Floor plans.* The plans shall include a floor plan of each floor of each building, or, where the warehouse consists of less than the entire building, each floor comprising the warehouse, showing the general dimensions of the rooms and floors, and the location of all doors, windows, and other openings, and how such openings are protected. If the construction of all floors in a single building is identical, a typical floor plan may be filed in lieu of a separate plan for each floor. All storage tanks, gauging tanks, and other tanks used in connection with the receipt, storage, gauging, withdrawal, or bottling of distilled spirits, must be shown in their exact location on the floor plans, and their designated use, serial numbers and capacity indicated. Other equipment of a permanent nature and all areas occupied by racks intended for storage of packages shall be shown. Pipe lines may also be shown, if desired.

(53 Stat. 332, 343; 26 U. S. C. 2873, 2904)

§ 185.225 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering the flow of spirits from the time of receipt on the premises, the deposit in storage tanks or gauging tanks, and the removal therefrom. Such diagrams shall clearly depict all equipment in its relative operating sequence, and elevation by floors, with all connecting pipe lines, valves, flanges, measuring devices, and attachments for Government locks. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All major equipment, such as storage tanks and gauging tanks, must be identified on these plans as to number and use. The elevational flow diagram must be so drawn that all fixed pipe lines, except those indicated by § 185.228, may be readily traced from beginning to end: *Provided*, That pipe lines leading to and from other buildings on the same or contiguous premises may be designated as to point of origin or termination. The direction of the flow of the spirits through the pipe lines must be indicated on the flow diagram by arrows. Where another business is to be conducted within the same buildings, the district supervisor may require elevational plans of such buildings.

(53 Stat. 332, 343; 26 U. S. C. 2873, 2904)

§ 185.226 *Colors for pipe lines.* Pipe lines must be shown on the plans in the colors in which they are required to be painted, as follows:

Black	Distilled spirits.
White	Water.
Aluminum	Steam.
Orange	Air.
Purple	Refrigerants.

(53 Stat. 332, 343; 26 U. S. C. 2873, 2904)

§ 185.227 *Location of valves, flanges, locks, etc.* All valves, flanges, and other connections in pipe lines must be properly indicated on the plans: *Provided*, That where flanges, unions, or other connections in pipe lines are brazed, welded, or otherwise permanently secured in such a manner as to constitute a continuous, single pipe line, the location of such flanges, unions, or other connections, and the manner of securing the same, need not be shown on the plans. The location of all Government locks required to secure the apparatus and equipment, and the doors of rooms and buildings, must be indicated on the plans by the symbol "GL" at the points where the locks are to be attached.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.228 *Pipelines exempted.* Approved public or private utility service lines, such as sewers, electric or gas conduits or pipes, and approved sprinkler, refrigeration, or heating systems which have no connection with equipment used for spirits, need not be shown on the plans: *Provided*, That the point of entry to the bonded premises shall be indicated on the plans.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.229 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet, signed by the proprietor, the draftsman, and the district supervisor, substantially in the following form:

(Name of warehouseman)

(Address)

Approved ---
(Date)

(District supervisor)

Accuracy certified by:

(Name and capacity—for the proprietor)

(Draftsman)

--- 19---. Sheet No.---

IRBW No. ---

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.230 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded, but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence.

(53 Stat. 332; 26 U. S. C. 2873)

SUBPART J—REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES AND EQUIPMENT, AND IN THE TITLE TO THE WAREHOUSE PROPERTY

§ 185.240 *Change in name.* Where there is a change in the individual, firm, or corporate name of the proprietor of an internal revenue bonded warehouse, he must comply with the following requirements:

(a) *Amended application, Form 27–D.* Submit to the district supervisor an amended application on Form 27–D, in triplicate, covering the new name, which application must be approved before operations may be commenced under the new name.

(b) *Amended permit.* If engaged in the business of warehousing and bottling distilled spirits, and if other than an agency of a State or political subdivision thereof, or an officer or employee of any such agency, procure from the district supervisor an amended basic permit under the Federal Alcohol Administration Act authorizing the warehousing and bottling of distilled spirits under the new name.

(c) *Amended articles of incorporation, etc.* In the case of a corporation, submit to the district supervisor certified copies, in triplicate, of the amended articles of incorporation and the amended certificate of incorporation issued under the laws of the State in which incorporated covering the change in the corporate name. If the operations are conducted in a State other than the State in which incorporated, there must also be submitted to the district supervisor certified copies, in triplicate, of the amended certificate issued under the laws of the State in which the operations are conducted, authorizing the corporation to operate under its new name in such State. If other documents than those specified are required under the laws of the State to effect a change in the name of the corporation, certified copies, in triplicate, of such documents must be submitted with the application, Form 27–D, in lieu of those specified.

(d) *Amended articles of copartnership or association.* If the proprietor of the warehouse is a copartnership or association, submit to the district supervisor certified copies, in triplicate, of the amended articles of copartnership or of association, if any.

(e) *Trade name certificate.* In the case of a change in the firm or trade name, submit to the district supervisor certified copies, in triplicate, of the certificate or other document filed with or issued by State officials under the laws of the State to cover the transaction of business under such firm or trade name. If no such certificate or other document is required by the laws of the State to be filed with or issued by any State official to cover the transaction of business under a firm or trade name, the proprietor shall furnish a statement, in triplicate, to that effect.

(f) *Sign.* Change the warehouse sign to conform to the provisions of § 185.100.

(g) *Records.* Upon approval of the documents covering the change in name, note on the records for the current month the change in name.

(53 Stat. 332, 343; 26 U. S. C. 2873, 2904)

CHANGE IN PROPRIETORSHIP

§ 185.241 *Discontinuance.* Where there is to be a change in the proprietorship of an internal revenue bonded warehouse the outgoing proprietor must comply with the requirements outlined in §§ 185.242 to 185.245.

(53 Stat. 331, 332, 333; 26 U. S. C. 2872, 2873, 2879)

§ 185.242 *Application, Form 27–D.* The outgoing proprietor of an internal revenue bonded warehouse must submit to the district supervisor Form 27–D, in triplicate, stating thereon the purpose to be "Transfer of business to ---," (Successor) and giving the date of the proposed transfer.

(53 Stat. 331, 332, 333; 26 U. S. C. 2872, 2873, 2879)

§ 185.243 *Transfer of spirits.* Upon qualification of the successor, the outgoing proprietor of an internal revenue bonded warehouse must transfer the spirits in the warehouse to him pursuant to application of the successor on Form 236.

(53 Stat. 331, 332, 333; 26 U. S. C. 2872, 2873, 2879)

§ 185.244 *Records.* Upon transfer of the business to the successor, the outgoing proprietor of an internal revenue bonded warehouse must complete Form 52C and file with the district supervisor a final report on such form in accordance with Subpart WW of this part. A notation of the transfer of the business to the successor will be made on such final report.

(53 Stat. 331, 332, 333; 26 U. S. C. 2872, 2873, 2879)

§ 185.245 *Disposition of stamps.* The outgoing proprietor may not transfer any domestic or export strip stamps to his successor. The stamps must be disposed of as provided in § 185.287.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.246 *Qualification of successor.* Where there is to be a change in the proprietorship of an internal revenue bonded warehouse, the successor must comply with the requirements outlined in §§ 185.247 to 185.253.

(53 Stat. 331, 332, 333; 26 U. S. C. 2872, 2873, 2879)

§ 185.247 *Nonfiduciary successor.* If the change in proprietorship is brought about otherwise than by operation of law, as by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the successor must qualify in the same manner as the proprietor of a new warehouse, except that he may adopt the plat and plans of his predecessor, as provided in § 185.250.

(53 Stat. 331, 332, 333; 26 U. S. C. 2872, 2873, 2879)

§ 185.248 *Fiduciary.* If the successor is an administrator, executor, receiver, trustee, assignee, or other fiduciary, and intends to receive spirits, or to possess or dispose of spirits on hand in the warehouse, he must comply with the provisions of Subpart G of this part to the extent that such provisions are applicable, except that in lieu of filing new transportation and warehousing bonds, and new plat and plans, the fiduciary may furnish consents of surety extending the terms of his predecessor's bonds and adopt the plat and plans of such predecessor. The fiduciary must also furnish certified copies, in triplicate, of the order of the court, or other pertinent documents, showing his qualification as such fiduciary. The effective date of the qualifying documents filed by a fiduciary should be the same as the date of the court order, or the date specified therein for him to assume control.

(53 Stat. 331, 332, 333; 26 U. S. C. 2872, 2873, 2879)

§ 185.249 *Consent of surety.* The consents of surety extending the terms of the predecessor's bonds to cover operation of the warehouse by a fiduciary, must conform to the requirements of § 185.204 and be executed by both the fiduciary and the surety.

(53 Stat. 331, 332, 333; 26 U. S. C. 2872, 2873, 2879)

§ 185.250 *Adoption of plat and plans.* The plat and plans of the warehouse may be adopted by a successor where they correctly describe and depict the warehouse premises and the buildings, apparatus and equipment thereon, to be taken over by the successor. The adoption by a successor of the plat and plans of his predecessor shall be in the form of a certificate, in triplicate, in which shall

be set forth the name of the predecessor, the address and registry number of the warehouse, a description of the warehouse premises or in lieu thereof reference to the successor's Form 27–D describing such premises, the number of each sheet comprising each plat and plan covered by such certificate, and a statement that the warehouse premises and the buildings, apparatus, and equipment thereon are clearly described and depicted on such plat and plans.

(53 Stat. 331, 332, 333; 26 U. S. C. 2872, 2873, 2879)

§ 185.251 *Sign.* The successor, if other than a fiduciary temporarily operating the warehouse, must change the warehouse sign to conform to the requirements of § 185.100.

(53 Stat. 331, 332, 333; 26 U. S. C. 2872, 2873, 2879)

§ 185.252 *Transfer application, Form 236.* The successor must submit to the district supervisor application on Form 236, in quadruplicate, for the transfer to him of the spirits in the warehouse on the effective date of the change in proprietorship.

(53 Stat. 331, 332, 333; 26 U. S. C. 2872, 2873, 2879)

§ 185.253 *Commencement of operations.* The successor may not commence operations until the required qualifying documents have been approved.

(53 Stat. 331, 332, 333; 26 U. S. C. 2872, 2873, 2879)

§ 185.254 *Completion of bottling-in-bond operations required.* When a succession or actual change takes place in the proprietorship of an internal revenue bonded warehouse in which a bottling-in-bond department is being operated, other than a change brought about by operation of law, as by the appointment of an administrator, executor, assignee, receiver, trustee, debtor in possession in bankruptcy proceedings, or other fiduciary, the bottling of spirits must, except as hereinafter provided, be completely finished by the person or persons who have been carrying on the business, and all spirits removed from the bottling-in-bond department before the business shall be undertaken or begun by the succeeding proprietor. Where a change of proprietorship has been brought about by operation of law, the administrator, executor, assignee, receiver, trustee, debtor in possession in bankruptcy proceedings, or other fiduciary, may not commence or complete operations until the required qualifying documents have been filed and approved.

(53 Stat. 343; 26 U. S. C. 2904)

§ 185.255 *Completion of operations by fiduciary.* If an administrator, executor, assignee, receiver, trustee, debtor in possession in bankruptcy proceedings, or other fiduciary, succeeds to the business while spirits are in the process of bottling, and he qualifies to conduct the business as required by this part, he shall make appropriate notation of his succession on each Form 1515, and upon completion of the bottling, he shall complete the execution of the forms and otherwise proceed as specified in this part. The storekeeper-gauger will make similar notation of such succession on Form 1513 and Form 1606.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.256 *Changes in partnership.* The withdrawal of one or more members of a partnership, or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship. Likewise, the bankruptcy or adjudicated insolvency of one or more of the copartners results in a dissolution of the copartnership and consequently a change in proprietorship. Where such a change in proprietorship of the warehouse occurs, the successor must qualify in the same manner as the proprietor of a new warehouse, except that the successor may adopt the plat and plans of his predecessor, in the manner prescribed by § 185.250.

(53 Stat. 332, 333; 26 U. S. C. 2873, 2879)

§ 185.257 *Changes in stockholders, officers, and directors of corporation.* The sale or transfer of the capital stock of a corporation operating an internal revenue bonded warehouse does not constitute a change in proprietorship of the warehouse. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is any change in the officers or directors, the proprietor must give notice thereof, in triplicate, to the district supervisor within 24 hours of such change. Mere changes in stockholders of the corporation not constituting a change in control need not be so reported. The district supervisor must, in the case of changes in officers or directors, be furnished extracts, in triplicate, of the minutes of the meetings showing such changes.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.258 *Reincorporation.* Where a corporation operating an internal revenue bonded warehouse is reorganized and a new charter or certificate of incorporation is secured, the new corporation must qualify in the same manner as the proprietor of the new warehouse, except that the new corporation may adopt the plat and plans of the predecessor, in the manner prescribed by § 185.250.

(53 Stat. 332, 333; 26 U. S. C. 2873, 2879)

§ 185.259 *Change in location.* Where there is to be a change in the location of the warehouse premises, the proprietor must comply with all applicable provisions of this part, except that in lieu of the filing of a new transportation and warehousing bond, Form 1571, the proprietor may furnish consent of surety, Form 1533, in accordance with § 185.204, extending the terms of such bond given for the former location to cover operation of the warehouse at the new location.

(53 Stat. 332, 333; 26 U. S. C. 2873, 2879)

§ 185.260 *Changes in premises.* Where the premises are to be extended or curtailed, the proprietor must file with the district supervisor an amended application, Form 27–D, and an amended plat of the premises as extended or curtailed, except as herein specifically authorized in the case of alternate operations of the bottling department. If the plans are affected by the extension or curtailment, they must also be amended. The additional premises covered by an extension may not be used for bonded warehouse purposes, and the portion of the warehouse premises to be excluded by curtailment may not be used for other than warehouse purposes prior to approval of the application, Form 27–D, plat, and plans, if required, filed in connection therewith. Where an internal revenue bonded warehouse contains a bottling-in-bond department, and the documents required by this part governing the alternate operation of a bottling house as a bottling-in-bond department and a taxpaid bottling house, are filed, and no change in proprietorship is involved, the filing of additional applications, Form 27–D, covering changes in the temporary status thereof from time to time, will not be required. Where a warehouse building on distillery premises, on which a lien for taxes has attached under section 2800 (e), I. R. C., is demolished or altered, the provisions of Regulations 4 and 5 (26 CFR Parts 183 and 184), relative to the filing of indemnity bonds, will be followed.

(53 Stat. 332, 343; 26 U. S. C. 2873, 2904)

§ 185.261 *Changes in construction and use.* Where a change is to be made in the construction of a room or building not involving an extension or curtailment of the warehouse premises, or where a change is to be made in the use of any portion of such premises, the proprietor shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes. Upon approval of the application, the changes will be made under the supervision of a Government officer. The completed changes will be reflected in the next amended application, Form 27–D, and amended plans filed by the warehouseman, unless the district supervisor requires the immediate filing of an amended application and amended plans.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.262 *Changes in equipment.* Where changes are to be made in the apparatus and equipment of the warehouse, the proprietor shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes: *Provided*, That emergency repairs may be made under the supervision of the Government officer without prior approval of the district supervisor. Where such emergency repairs are made the proprietor shall file immediately a report thereof, in triplicate, with the district supervisor. Changes covered by an approved application will also be made under the supervision of a Government officer. Upon completion of any changes made under his supervision, the Government officer will submit a report, in triplicate, of the changes to the district supervisor. Where changes in equipment are made in internal revenue bonded warehouses located on distillery premises and a lien for taxes has attached to such equipment under section 2800 (e), I. R. C., the provisions of Regulations 4 and 5 (26 CFR Parts 183 and 184) relative to the filing of indemnity bonds will be followed.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.263 *Amended application and plans covering changes in equipment.* Upon completion of changes in equipment which materially affect the accuracy of the Form 27–D or plans, the proprietor must file an amended application and amended plans. Where an amended application and amended plans are not filed immediately upon completion of minor changes in equipment (such as general repairs, changes in pipe lines, or the addition or removal of a tank), the proprietor must include such changes in the next amended application and plans filed by him: *Provided*, That the Commissioner or the district supervisor may, at any time in his discretion, require the immediate filing of an amended application and plans covering any change in equipment.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.264 *Change of title.* Whenever there is a change in the proprietor's title to, or interest in, the warehouse premises, or in the terms of his occupancy of such premises, he must file amended application, Form 27–D, covering such change.

(53 Stat. 332; 26 U. S. C. 2873)

SUBPART K—REQUIREMENTS GOVERNING ALTERNATE OPERATIONS OF BOTTLING-IN-BOND DEPARTMENT AS TAXPAID BOTTLING HOUSE

§ 185.270 *Basic qualifications required.* The bottling-in-bond department of an internal revenue bonded warehouse may be operated alternately for bottling distilled spirits in bond, and bottling distilled spirits after removal from bond in accordance with Regulations 11 (26 CFR Part 189): *Provided*, That such operation as a taxpaid bottling house does not involve the storage or retention of taxpaid spirits on distillery or warehouse premises. The basic qualifications for the establishment of a taxpaid bottling house shall be in accordance with Part 189 of this chapter, and where the bonded warehouse is located on the premises of a registered distillery or fruit distillery, it is also necessary to follow provisions of Regulations 4 (26 CFR Part 183) or Regulations 5 (26 CFR Part 184), respectively, relative to the filing of amended notice on Form 27–A or $27\frac{1}{2}$, plat and other documents. Where it is proposed to operate an established bottling-in-bond department temporarily as a taxpaid bottling house, it will be necessary to file (a) qualifying documents curtailing the bonded premises to exclude the bottling department, (b) qualifying documents establishing the taxpaid bottling house, and (c) a blanket consent of surety, Form 1533, by the principal and surety, extending the terms of bond, Form 1571, to cover the alternate use of the bottling-in-bond department as a taxpaid bottling house. Such blanket consent may be executed in the following form:

To continue in effect the said bond, notwithstanding the exclusion of the bottling-in-bond department from time to time for use temporarily as a taxpaid bottling house, in accordance with Notice, Form 404, filed by the principal.

The basic qualifying documents having once been filed by the proprietor and approved by the district supervisor, the operating status of the bottling department, that is, for bottling in bond or temporarily for taxpaid bottling, shall be approved by the district supervisor on Form 404, in accordance with § 185.272.

(53 Stat. 306, 331, 343, 373, 495; 26 U. S. C. 2806, 2871, 2904, 3170, 4041)

§ 185.271 *Approval required before resumption.* When it is desired to resume operations of the bottling-in-bond department following the suspension of operations as a taxpaid bottling house, authority therefor must be obtained from the district supervisor on Form 404 before actual resumption of operations.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

§ 185.272 *Suspension procedure.* Where the proprietor of an internal revenue bonded warehouse desires to suspend operations of his bottling-in-bond department in order that it may be operated temporarily as a taxpaid bottling house, he must complete the bottling of all spirits, and remove such bottled spirits from the bottling-in-bond department, and upon suspension of the bottling-in-bond department, comply with the following requirements:

(a) *Notice, Form 404.* File with the district supervisor, Form 404, in triplicate, for authority to suspend bottling-in-bond operations and to use the premises temporarily as a taxpaid bottling house. The form shall be executed in accordance with the instructions printed thereon, and disposed of in accordance with § 185.520.

(b) *Communicating doors to be closed.* Close and lock, and keep locked, the communicating doors (if any) between the bottling-in-bond department and the storage portion of the warehouse, in accordance with § 185.72.

(c) *Locking of outside doors.* During the period the bottling house is operated as a taxpaid bottling house, the outside doors of the bottling house shall be locked at night with a Government lock.

(53 Stat. 331, 343, 373 as amended, 495; 26 U. S. C. 2871, 2904, 3170, 4041)

§ 185.273 *Resumption procedure.* Where the premises have been operated temporarily as a taxpaid bottling house and the proprietor desires to resume operations thereof as a bottling-in-bond department of the internal revenue bonded warehouse, he must comply with the following requirements:

(a) *Notice, Form 404.* File with the district supervisor, Form 404, in triplicate, for authority to suspend taxpaid bottling house operations and resume bottling-in-bond operations. The form shall be executed in accordance with instructions printed thereon, and disposed of in accordance with § 185.317.

(b) *Completion of bottling.* Complete all bottling of spirits, and remove such spirits from the taxpaid bottling house prior to suspension of operations.

(53 Stat. 331, 343, 373 as amended, 495; 26 U. S. C. 2871, 2904, 3170, 4041)

SUBPART L—REQUIREMENTS GOVERNING THE BOTTLING OF DISTILLED SPIRITS UNDER A TRADE NAME

§ 185.280 *General.* The proprietor must bottle distilled spirits in bond under his real name or the trade name in which the warehouse is operated: *Provided*, That if the proprietor is also a distiller and has produced and warehoused spirits under a trade name, he may, under such trade name, bottle such spirits, and spirits produced by other distillers, upon compliance with the following requirements:

(a) *Application, Form 27–D.* Submit to the district supervisor an amended application on Form 27–D, in triplicate, reciting therein the trade name or names, which application must be approved before the spirits may be bottled under such trade name or names.

(b) *Permit.* The bottler must file an application for amendment of the Federal Alcohol Administration Act basic permit to authorize the bottling and labeling of distilled spirits under the trade name.

(c) *Notice, Form 404.* Upon approval of the application on Form 27–D, submit Form 404, in triplicate, to the district supervisor, as provided in § 185.936.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

SUBPART M—DISCONTINUANCE OF BOTTLING-IN-BOND DEPARTMENT

§ 185.285 *Disposition of spirits.* Upon permanent discontinuance of a bottling-in-bond department, and prior to the filing of notice thereof on Form 27–D, as prescribed in § 185.288, and Form 404, all spirits on hand must be lawfully removed from the department.

(53 Stat. 343; 26 U. S. C. 2904)

§ 185.286 *Disposition of indicia bottles.* If there are any indicia bottles on hand, the same will be inventoried by the storekeeper-gauger or other officer designated for the purpose by the district supervisor. The disposition of such bottles will be in accordance with the procedure prescribed in Regulations 13 (26 CFR, Part 175).

(53 Stat. 331, 343; 26 U. S. C. 2871, 2904)

§ 185.287 *Disposition of bottled in bond stamps.* All unused bottled in bond stamps, if any, belonging to the proprietor at the time of permanent discontinuance of business will be inventoried by denomination, serial number, and quantity, by the storekeeper-gauger or other officer designated by the district supervisor to perform such duty. The officer will deliver such stamps to the proprietor and take his receipt therefor, in duplicate. When delivering the stamps the officer will advise the proprietor that the value of the stamps, if in quantities of the value of $5 or more, may be refunded: *Provided*, That a claim for such refund on Form 843, establishing the lawful issuance and ownership of the stamps, is filed with the collector of internal revenue who issued the stamps within two years after the date on which such stamps were lawfully issued or that such unused stamps may be destroyed in the presence of a Government officer, and the proprietor thereby relieved from

further accountability for the stamps. If the stamps are not surrendered to the collector for refund of their value or are not destroyed, the proprietor must account for the stamps each month by rendering Form 96, properly modified, to the district supervisor. The officer shall make a notation on the receipt as to the disposition made or to be made of the stamps. One copy of the receipt will be delivered to the proprietor and the original will be delivered to the district supervisor. The storekeeper-gauger will make appropriate notation on Form 1606 of the disposition made of the bottled in bond stamps (if any) on hand at the time of permanent discontinuance of business by the proprietor.

(53 Stat. 342, as amended; 26 U. S. C. 2903)

§ 185.288 *Notice, Form 27–D.* When all spirits, indicia bottles, and strip stamps have been lawfully disposed of, the proprietor shall file Form 27–D, in triplicate, with the district supervisor, stating the purpose of the filing thereof to be "Permanent discontinuance of bottling-in-bond department." The district supervisor will forward the original of Form 27–D to the Commissioner, with a copy of the report of the Government officer, reflecting compliance with the provisions of this part.

(53 Stat. 343; 26 U. S. C. 2904)

§ 185.289 *Notice, Form 404.* The proprietor must submit with the Form 27–D required by § 185.288, notice on Form 404, in triplicate, stating the purpose of the filing thereof to be "Permanent discontinuance of bottling-in-bond department."

(53 Stat. 343; 26 U. S. C. 2904)

SUBPART N—DISCONTINUANCE OF WAREHOUSE

§ 185.295 *Discontinuance by Commissioner.* Whenever, in the opinion of the Commissioner, any internal revenue bonded warehouse is unsafe or unfit for use, or the spirits therein are liable to loss or great wastage, he may discontinue such warehouse and require the spirits therein to be transferred to such other warehouse as he may designate, and within such time as he may prescribe. Such transfer shall be made under the supervision of the district supervisor, or of such other officer as may be designated by the Commissioner, and the expense thereof shall be paid by the owner of the spirits. Whenever the owner of the spirits fails to make such transfer within the time prescribed, or pay the just and proper expense of such transfer, as ascertained and determined by the Commissioner, such spirits may be seized and sold by the collector in the same manner as goods are sold upon distraint for taxes, and the proceeds of such sale shall be applied to the payment of the taxes due thereon and the cost and expense of such sale and removal, and the balance paid over to the owner of the spirits.

(53 Stat. 332; 26 U. S. C. 2874)

§ 185.296 *Discontinuance by proprietor.* If the proprietor of an internal revenue bonded warehouse desires to discontinue the warehouse after all spirits deposited therein have been lawfully removed therefrom, he will file Form 27–D, in triplicate, with the district supervisor, stating therein the purpose of the form to be "Discontinuance of warehouse," and giving the date the discontinuance is to be effective. The proprietor will furnish in connection with such form a statement as to whether there are any spirits in transit to the warehouse and whether there are any outstanding approved applications, Form 236, for the transfer to the warehouse of spirits which have not yet been released from the distillery or bonded warehouse from which they were to be withdrawn, and will secure the return of all such applications to the district supervisor for cancellation.

SUBPART O—ACTION BY DISTRICT SUPERVISOR

ORIGINAL ESTABLISHMENT

§ 185.300 *Examination of qualifying documents.* Upon receipt of application, plat, plans, transportation and warehousing bond, and other documents required by this part of persons desiring to establish an internal revenue bonded warehouse, the district supervisor will examine the same to determine whether they have been properly executed and whether they reflect compliance with the requirements of the law and this part. Where any required document has not been filed, or where errors or discrepancies are found in those filed, or where the documents filed do not reflect compliance with this part, action thereon will be held in abeyance until the omission, or error or discrepancy, has been rectified, and there has been full compliance with all requirements.

§ 185.301 *Inspection of premises.* Where the required documents have been filed in proper form, the district supervisor will assign an inspector to examine the premises, buildings, apparatus, and equipment, to determine whether they conform to the description thereof in the application, plat, and plans, and whether the construction and measures of protection afforded meet the requirements of the law and regulations in this part. The inspector will observe particularly the manner in which the buildings or rooms constituting the warehouse are separated from each other and from other premises, means of communication, ingress and egress, adequacy of protection afforded windows, doors, and other openings, construction of apparatus and equipment, and the suitability of the gauging facilities and of the Government office. Where the inspection discloses minor irregularities in the qualifying documents or in the construction, the inspector will at the time of the discovery of such irregularities direct the attention of the proprietor to the same in order that the proprietor may correct the defects before completion of the inspection. Upon completion of the inspection, a report thereof will be submitted to the district supervisor.

§ 185.302 *Examination of tanks.* The district supervisor will, in every case, require an officer to examine carefully each tank to see that it is constructed in strict compliance with this part. The officer will test the accuracy of the scales or measuring devices required to be provided for the tanks, and if it is found that the same are not strictly accurate, or if any portion of the equipment does not conform to the requirements of this part, he will not recommend approval of the tanks until the proper changes are made.

§ 185.303 *Test of scales and measuring devices.* The test of the accuracy of the scales or measuring devices of storage tanks mounted on scales and of bottling tanks and gauging tanks must be an actual one. Where tanks are mounted on scales, the accuracy of the scales shall be determined in the manner provided by § 185.114. Where tanks are not mounted on scales the tests may be made by filling the tanks with water and drawing off several precise quantities, observing after each withdrawal that the quantity remaining is correctly indicated by the measuring devices and that the quantity withdrawn agrees with that indicated by the measuring devices. An accurate water meter, where available, may likewise be used to check the calibration of the tanks.

§ 185.304 *Approval of tanks.* When the officer who is required to examine the tanks is satisfied that the same and the attachments thereto are properly constructed, and that the scales or measuring devices are accurate, he will so report to the district supervisor, in writing, and will securely attach to each bottling tank a certificate on Form 244. No tank or attachment thereto shall be used until the same has been approved and, in the case of a bottling tank, a certificate has been attached.

§ 185.305 *Report of inspection.* The report of inspection shall describe separately all irregularities and discrepancies found during the course of inspection, and shall include a complete statement describing all unusual or special conditions. The construction of the ground or first floor of the warehouse, including the materials used, shall be described, and particularly whether the construction is such as would permit removal and replacement of portions of the floor without detection. Where irregularities are corrected during the inspection, the report will indicate the corrections so made. The report need not set out in detail each description as set forth in the application, plat and plans. The description of buildings and equipment in the report should be general and brief. However, construction, equipment, signs, etc., which are not in conformity with law and the regulations in this part will be completely described. If there are any pipe lines or other connections or openings between the warehouse premises and other premises, the same shall be described in detail. There shall also be included in the report information as to whether the methods of storage to be employed are such as will permit ready inspection and examination of packages and other containers of spirits, and where the warehouse is not situated on or contiguous to distillery premises, all pertinent facts respecting suitability of

location and adequacy of the capacity and transportation facilities will be set forth.

§ 185.306 *Inaccurate documents.* Where the district supervisor's examination, or the inspector's report, discloses discrepancies in the qualifying documents, the inaccurate or incomplete documents will be returned to the proprietor for correction. A record will be kept of all bonds so returned.

§ 185.307 *Defective construction.* Where it is found that the construction of the warehouse or its equipment does not conform to the requirements of the law and this part, the district supervisor will inform the proprietor concerning the defects, and further action will be held in abeyance pending correction thereof.

§ 185.308 *Law violation record.* Before approving any application for the establishment of an internal revenue bonded warehouse, the district supervisor will make such inquiry or investigation as may be deemed necessary to ascertain whether the individual, firm, partnership, corporation, or association submitting the same, or any person owning, controlling, or actively participating in the management of the business, has been convicted in a court of competent jurisdiction of (a) any fraudulent noncompliance with any provision of any law of the United States if such provision related to internal-revenue or customs taxation of distilled spirits, wines, or fermented malt liquors, or if such an offense shall have been compromised with the individual, firm, partnership, corporation, or association upon payment of penalties or otherwise, or (b) any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of distilled spirits, wine, fermented malt liquors or other intoxicating liquor. Where record is found of the conviction or compromise of such offense, the district supervisor may disapprove the application upon the basis of his findings: *Provided*, That if an application is disapproved the applicant may appeal to the Commissioner.

(53 Stat. 331; 26 U. S. C. 2872)

§ 185.309 *Other causes for disapproval.* The district supervisor will not approve any application for the establishment of an internal revenue bonded warehouse unless (a) the capacity of the warehouse is commensurate with the prospective needs of the area or locality in which it is situated and in any event not less than 5,000 barrels, less any equivalent thereof in tank or case storage, (b) the location is suitable, (c) the transportation facilities are adequate, (d) the design and construction of the warehouse are such as to insure economical supervision by Government officers, and (e) the prospective volume of spirits that will be received, stored, withdrawn, and bottled at the warehouse is sufficient to warrant the establishment of the warehouse and the expense of Government supervision: *Provided*, That these provisions shall not be applicable where the warehouse is an original warehouse to be operated by the distiller (not including lessee distillers) on or contiguous to the distillery premises, or is a second warehouse which the distiller desires to operate on premises contiguous to or near such original warehouse on account of lack of storage space in the original warehouse and the impracticability of expanding such warehouse. In any case where the warehouse has a bottling-in-bond department and the applicant is not entitled to a permit under the Federal Alcohol Administration Act, the district supervisor will, upon disapproval of the permit application, return all copies of the qualifying documents to the applicant without action thereon or reference to the Commissioner.

(53 Stat. 331; 26 U. S. C. 2872)

§ 185.310 *Approval of qualifying documents.* The district supervisor is authorized to approve all applications (except by the United States or governmental agency thereof), bonds, consents of surety, and other qualifying documents required by this part. If the district supervisor finds, upon examination of the inspection report and the qualifying documents, that the person seeking to establish an internal revenue bonded warehouse has complied in all respects with the requirements of the law and this part, and that the application and other qualifying documents may properly be approved under §§ 185.308 and 185.309, he will assign a registry number in accordance with § 185.311, note his approval on all copies of the application, the transportation and warehousing bond, and on all copies of the plat and plans, and shall dispose of the qualifying documents and inspectors' reports in accordance with § 185.313. If the warehouse has a bottling-in-bond department, the issuance of a permit under the Federal Alcohol Administration Act should be withheld pending approval of the application, bond, and other qualifying documents required by the internal revenue laws and this part.

§ 185.311 *Registry numbers.* Internal revenue bonded warehouses will be numbered serially in the order of their establishment. A separate series will be used for each State. Registry numbers heretofore assigned will be retained and new warehouses will be assigned numbers in sequence thereto. Registry numbers previously assigned to discontinued warehouses will not be reassigned to other warehouses. The same registry number will be continued whenever there is a change of proprietorship.

(53 Stat. 332; 26 U. S. C. 2873)

§ 185.312 *Disapproval of qualifying documents.* If the district supervisor finds that the applicant has not complied in all respects with the requirements of the law and this part, or that the application should be disapproved pursuant to § 185.308 or § 185.309, he will note his disapproval on the application, and will dispose of all qualifying documents in accordance with § 185.313.

§ 185.313 *Disposition of qualifying documents.* When the district supervisor approves the qualifying documents, he will forward to the applicant one copy of the documents with the original of the basic permit issued under the Federal Alcohol Administration Act, forward to the Commissioner the originals of the qualifying documents and a copy of the basic permit issued under the Federal Alcohol Administration Act, together with copies of inspection reports, and retain one copy of the qualifying documents for the file of the applicant. If the qualifying documents are disapproved, the district supervisor shall return to the applicant by registered mail one copy of the disapproved application, together with all copies of the qualifying documents, and all copies of the bond without action thereon. The district supervisor shall forward one copy of the disapproved application to the Commissioner and will advise him fully respecting the disapproval thereof. He shall retain the remaining papers in his file. If the applicant is not entitled to a basic permit, the district supervisor will, upon disapproval of the application therefor, return all copies of the qualifying documents to the applicant without action thereon.

(53 Stat. 373 as amended; 26 U. S. C. 3170)

§ 185.314 *Notice of penal sum of bond.* The district supervisor will inform the storekeeper-gauger in charge of each internal revenue bonded warehouse in his district of the penal sum of the approved transportation and warehousing bond. The district supervisor will advise the storekeeper-gauger currently of any change in the penal sum of such bond.

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

§ 185.315 *Procedure applicable.* The provisions of §§ 185.300 to 185.314 respecting the action required of district supervisors in connection with the original establishment of internal revenue bonded warehouses will be followed, to the extent applicable, where there is a change in the name of the proprietor, or in the proprietorship, location, premises, construction, apparatus, and equipment of the warehouse, or in the title to the warehouse property, or where consents of surety or superseding or additional bonds are submitted: *Provided*, That where the premises are extended or curtailed to provide for alternate operation of the bottling-in-bond department as a taxpaid bottling house, the procedure prescribed in §§ 185.270 to 185.272 will be followed.

§ 185.316 *Application covering changes.* Where an application covering changes in warehouse buildings or apparatus or equipment is approved by the district supervisor, he will retain one copy of the application and forward one copy to the proprietor and one copy to the Commissioner, and when reports covering changes in apparatus and equipment are received from Government officers in accordance with § 185.262, he will retain one copy and promptly forward one copy to the Commissioner. Similar disposition will be made of reports received from the proprietor covering emergency repairs of apparatus and equipment.

§ 185.317 *Inspection.* Upon receipt of Form 27–D for the discontinuance of an internal revenue bonded warehouse, accompanied by a statement of the proprietor showing that there are no spirits in transit to the warehouse and no outstanding approved applications, Form 236, for the transfer of spirits to the warehouse, the district supervisor will cause an inspection to be made of the warehouse and the storekeeper-gauger's records to determine whether all spirits deposited in the warehouse have been withdrawn and properly accounted for. Likewise, where the warehouse is to be discontinued by the Commissioner, as provided in § 185.295, and all spirits in transit to the warehouse have been received and all spirits deposited therein have been removed, the district supervisor will cause an inspection of the storekeeper-gauger's records to be made to determine whether all spirits deposited in the warehouse have been properly accounted for.

§ 185.318 *Removal of Government property.* When all spirits have been withdrawn from an internal revenue bonded warehouse which is to be discontinued, the district supervisor will cause the removal from the warehouse of all Government locks, keys, seals, gauging instruments, records, and other Government property. The property specified will be forwarded to the office of the district supervisor as surplus property, unless the district supervisor should deem the transfer of the property, or a part thereof, to some other plant under his jurisdiction to be advisable and proper, in which event he will direct such disposition to be made thereof. Entry Forms 1520, 1619, and 1620 covering the deposit of spirits in the warehouse will be so stored that they may be referred to when necessary.

§ 185.319 *Storekeeper-gauger's report.* Upon completion of the inspection of the warehouse and Government records and the removal of Government property, the storekeeper-gauger or other Government officer charged with such duty will submit a report to the district supervisor.

§ 185.320 *District supervisor's report.* If the district supervisor finds, upon receipt of the report from the storekeeper-gauger or other Government officer, that all spirits deposited in the warehouse have been withdrawn and properly accounted for, he will note his approval on all copies of Form 27–D and forward the original, together with a copy of the Government officer's report, to the Commissioner and return a copy to the warehouseman. Where discontinuance of the warehouse was ordered by the Commissioner, the district supervisor will forward to the Commissioner, a complete report of the removal of the spirits from the warehouse, together with a copy of the Government officer's report of the inspection of the warehouseman's and storekeeper-gauger's records and the removal of the Government property from the warehouse.

SUBPART P—ACTION BY COMMISSIONER

§ 185.330 *Review of documents.* The Commissioner will review the action of the district supervisor relating to the original establishment of an internal revenue bonded warehouse, or change in the name of the proprietor, or in the proprietorship, location, premises, construction, apparatus, and equipment of the warehouse. If it is found that the action is not in conformity with the requirements of law and the provisions in this part, the Commissioner will advise the district supervisor as to the necessary action to be taken.

(53 Stat. 331, 332, 333; 26 U. S. C. 2872, 2873, 2879)

§ 185.331 *Discontinuance of warehouse.* The Commissioner will review Form 27–D covering the discontinuance of an internal revenue bonded warehouse, and reports forwarded in connection therewith, to determine whether appropriate action has been taken concerning the discontinuance.

SUBPART Q—TERMINATION OF BONDS

§ 185.335 *Transportation and warehousing bonds.* Transportation and warehousing bonds, Form 1571, may be terminated as to liability (a) for spirits consigned to the internal revenue bonded warehouse after a specified future date, pursuant to application by the surety as provided in § 185.340, (b) for transactions subsequent to the effective date of an approved superseding bond, or (c) for future transactions upon discontinuance of business by the principal after withdrawal of all spirits from the warehouse.

(53 Stat. 331; 26 U. S. C. 2872)

§ 185.336 *Direct export bonds.* Bonds covering a specific lot of distilled spirits withdrawn for direct export, Form 547, will be terminated by the district supervisor by marking the bond "Canceled," followed by the date of cancellation, upon receipt of evidence of the landing of the spirits in a foreign country or satisfactory proof of loss at sea: *Provided*, That where there is a deficiency, the bond will not be canceled by the district supervisor until liability for the deficiency has been terminated. Continuing bonds covering spirits withdrawn from time to time for direct exportation, Form 657, will be similarly terminated by the district supervisor when no further withdrawals are to be made thereunder: *Provided*, That the account kept with the bond in accordance with § 185.793 shows that there are no outstanding charges.

(53 Stat. 336; 26 U. S. C. 2885)

§ 185.337 *Transportation for export bonds.* Bonds covering a specific lot of distilled spirits withdrawn for transportation for export, Form 548, will be terminated by the district supervisor by marking the bond "Canceled," followed by the date of cancellation, upon receipt of Form 206 from the collector of customs showing the clearance of the spirits: *Provided*, That where there is a loss in transit, the bond will not be canceled until the liability for the loss has been terminated. Continuing bonds for distilled spirits withdrawn from time to time for transportation for export, Form 658, will be similarly terminated by the district supervisor where no further withdrawals are to be made thereunder: *Provided*, That the account kept with the bond in accordance with § 185.793 shows that there are no outstanding charges.

(53 Stat. 337, 373 as amended; 26 U. S. C. 2886, 3170)

§ 185.338 *Bonds covering transportation to manufacturing warehouses.* Bonds covering a specific lot of distilled spirits withdrawn for transportation to a customs manufacturing bonded warehouse, Form 643, will be terminated by the district supervisor by marking the bond "Canceled," followed by the date of cancellation, upon receipt from the collector of customs of Form 3923 showing the deposit of the spirits in the customs manufacturing bonded warehouse: *Provided*, That where there is a loss in transit the bond will not be canceled until the liability for the loss has been terminated. Continuing bonds covering spirits withdrawn from time to time for transportation to customs manufacturing bonded warehouses, Form 1618, will be similarly terminated by the district supervisor where no further withdrawals are to be made thereunder: *Provided*, That the account kept with the bond in accordance with § 185.828 shows that there are no outstanding charges.

(53 Stat. 340; 26 U. S. C. 2891)

§ 185.339 *Bonds covering withdrawals for use of United States.* Bonds covering the withdrawal of distilled spirits for the use of the United States, Form 544, may be terminated by the district supervisor upon receipt of a properly executed certificate on Form 545, showing receipt of the spirits by the Government representative to whom the same were delivered: *Provided*, That where there is a deficiency the bond will not be released until the liability for the deficiency has been terminated.

(53 Stat. 403; 26 U. S. C. 3331)

§ 185.340 *Application of the surety for relief from bond.* A surety on any bond required by this part may at any time in writing notify the principal and the district supervisor in whose office the bond is on file that he desires, after a date named, which shall be at least 60 days after the date of notification, to be relieved of liability under said bond. The notice shall be executed in triplicate by the surety, who shall deliver one copy to the principal and the other two to the district supervisor, who will retain one copy and transmit the remaining copy to the Commissioner. This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney duly executed by the surety authorizing him to give such notice or by a verified statement that such power of attorney is on file with the Department. The surety must also file with the district supervisor an acknowledgment or other proof of service of such notice on the principal. If the notice is not thereafter in writing withdrawn the rights of the principal as supported by said bond shall be terminated, except as hereinafter provided, on the date named in the notice, and the surety shall be relieved (a) in the case of a transportation and warehousing bond, Form 1571, from liability for spirits transferred or consigned to the internal revenue bonded warehouse wholly subsequent to the date named in the notice, or (b) in the case of direct export bonds, Forms 547 and 657, transportation for export bonds, Forms 548 and 658, bonds covering transportation to customs manufacturing bonded warehouses, Forms 643 and 1618, or bonds for the withdrawal of spirits for the use of the United States, Form 544, from liability for distilled spirits withdrawn for direct exportation, transportation for export, transportation to customs manufacturing bonded warehouse, or for the use of the United States, as the case may be, wholly subsequent to the date named in the notice. If the principal files a valid superseding bond on Form 1571, prior to the date named in the surety's notice, the surety shall also be relieved from liability for spirits on hand or in transit to the internal revenue bonded warehouse on the effective date of the superseding bond. If the principal fails to file a superseding bond, the surety, notwithstanding his release from liability as specified in condition (a) above, shall continue to remain liable under the bond for all spirits on hand or in transit to the internal revenue bonded warehouse on said date, until such spirits have been lawfully disposed of or a new bond has been filed by the principal covering the same. Liability under bonds on Forms 544, 547, 548, 643, 657, 658, and 1618 for spirits removed thereunder prior to the date named in the surety's notice shall continue until such spirits are properly accounted for, regardless of whether the principal files a superseding bond. Where the principal fails to file such superseding bond, the district supervisor will, by letter, notify the surety of such fact and of his continued liability under the bond for spirits on hand or in transit to the internal revenue bonded warehouse on said date. The district supervisor will also at such time notify the principal that no more spirits may be transferred or consigned to the internal revenue bonded warehouse, until a valid bond is filed. The district supervisor will forward a copy of each such letter to the Commissioner.

§ 185.341 *Application for notice of termination.* Where the proprietor of an internal revenue bonded warehouse has filed a proper superseding bond in lieu of a previously filed transportation and warehousing bond, Form 1571, or has discontinued the business of warehousing distilled spirits after withdrawal of all spirits from the warehouse, or where, in the case of direct export bonds, transportation for export bonds, bonds covering transportation to customs manufacturing bonded warehouse, or bonds covering withdrawals of distilled spirits for use of the United States, there has been compliance with the provisions of § 185.336, 185.337, 185.338, or 185.339, as the case may be, and the principal or surety desires to secure notice of the termination of the bond for which the principal no longer has any use, application therefor in writing will be made to the district supervisor. The application will be made in duplicate where it is desired to secure the issuance of notices of the termination of transportation and warehousing bonds.

§ 185.342 *Action on application for notice of termination.* When an application for the issuance of notice of the termination of a transportation and warehousing bond, as to liability for future transactions, is filed with the district supervisor in accordance with the provisions of § 185.341, the district supervisor will make a complete examination of the records to determine whether there is any liability outstanding against the bond. He will also ascertain from the collector of internal revenue whether there are any outstanding, unpaid assessments or demands for taxes on spirits warehoused or transported, as the case may be, under the bond. If it is found that spirits warehoused or transported, under the bond have not been accounted for, or that outstanding assessments or demands for payment of taxes chargeable against the bond have not been paid or otherwise settled, the district supervisor will disapprove the application, unless the liability is settled. When an application for notice of the termination of a direct export bond, transportation for export bond, or bond covering the transportation of spirits to a customs manufacturing bonded warehouse, or bond covering withdrawals for use of the United States, is filed with the district supervisor, he will examine his records to determine whether the required evidence of foreign landing or loss at sea, or clearance, or deposit in the manufacturing warehouse, or delivery to the Government representative, as the case may be, of the spirits withdrawn under the bond has been filed, and if there were deficiencies, whether liability for the deficiencies has been terminated. Where a bond was previously marked "Canceled," in accordance with § 185.336, 185.337, or 185.338, no further examination of records will be necessary.

§ 185.343 *Notice of termination.* Upon cancellation of a transportation and warehousing bond, Form 1571, as to liability for future transactions, the district supervisor will execute a notice of termination on Form 1490 where a superseding bond has been approved, or a notice of release on Form 1491 where the principal has discontinued business and removed all the spirits from the warehouse, as the case may be, in quadruplicate (in quintuplicate if there are two sureties), and will forward the original together with one copy of the application to the Commissioner, one copy to each obligor on the bond, and retain one copy on file with the bond to which it relates. Where an application for the issuance of notice of the termination of a direct export bond, transportation for export bond, bond covering transportation to a customs manufacturing warehouse, or bond covering withdrawals for use of the United States, has been filed with the district supervisor, and he has found that there has been compliance with the provisions of § 185.336, 185.337, 185.338, or 185.339, as the case may be, he will issue Form 1491 as provided in this section.

§ 185.344 *Release of collateral.* The release of collateral pledged and deposited with the United States to support bonds required in this part will be in accordance with the provisions of Department Circular 154, revised (31 CFR Part 225), subject to the conditions governing the issuance of notices on Forms 1490 and 1491 of the termination of such bonds. Upon approval of an application for the issuance of notice of the termination of a transportation and warehousing bond supported by collateral security, the district supervisor will fix the date or dates on which a part or all of the security may be released. In fixing such date, which ordinarily will be not less than six months from the date of determination that there is no outstanding liability against the bond, the district supervisor will satisfy himself that the interests of the Government will not be jeopardized. Collateral pledged and deposited to support a transportation and warehousing bond, will not be released by the district supervisor until liability under the bond has been terminated. At any time prior to the release of such collateral security, the district supervisor may, in his discretion, and for proper cause, further extend the date of release of the security for such additional length of time as in his judgment may be appropriate. Collateral pledged and deposited to support a direct export bond, transportation for export bond, bond covering transportation to customs manufacturing warehouse, or bond covering withdrawals for use of the United States, will ordinarily be released by the district supervisor upon issuance of notice of release of the bond, Form 1491.

(44 Stat. 122; 6 U. S. C. 15)

SUBPART R—CONTROL, CUSTODY AND SUPERVISION

§ 185.350 *Control of warehouse.* The law provides that every internal revenue bonded warehouse shall be under the control of the district supervisor of the Alcohol Tax Unit district in which the warehouse is located.

(53 Stat. 331; 26 U. S. C. 2872)

§ 185.351 *Assignment of storekeeper-gaugers.* When an internal revenue bonded warehouse is established, the district supervisor will assign one or more storekeeper-gaugers to the warehouse. In determining the number of storekeeper-gaugers to be assigned to a bonded warehouse the district supervisor will consider the number and size of the rooms or building comprising the warehouse, the number of packages of spirits to be received and removed daily, whether spirits are to be bottled in bond at such warehouse, whether a taxpaid bottling house is to be operated in connection with the warehouse, and whether the warehouse is located on, or is contiguous or adjacent to, the premises of a distillery.

(53 Stat. 373 as amended, 492; 26 U. S. C. 3170, 4013)

§ 185.352 *Examination of warehouse.* Storekeeper-gaugers will, upon assignment to a bonded warehouse, examine the warehouse and its equipment and will determine that the doors, windows,

and other openings are properly protected and equipped for locking; that the inlets, outlets, and other necessary openings of all tanks for spirits and valves in pipe lines, if any, are properly equipped for locking; and that all pipe line connections conform to this part. The storekeeper-gauger will apply Government locks and seals wherever the same are required.

§ 185.353 *Custody of warehouse.* The law provides that each internal revenue bonded warehouse shall be in the charge of a storekeeper-gauger and that every such warehouse shall be in the joint custody of the storekeeper-gauger and the proprietor thereof, and kept securely locked, and shall at no time be unlocked or opened, or remain open, except in the presence of the storekeeper-gauger or other person who may be designated to act for him. The keys to all Government locks shall remain at all times in the custody of the storekeeper-gauger, except that where no storekeeper-gauger is regularly assigned to the warehouse such keys shall remain in the custody of the storekeeper-gauger at the distillery having charge of the warehouse, or in the custody of the district supervisor or other person designated by him. The storekeeper-gauger having custody of the keys will not at any time permit them to go into the possession of any other person, except the district supervisor or an officer authorized by the district supervisor or the Commissioner to receive them.

(53 Stat. 331, 332; 26 U. S. C. 2872, 2873)

§ 185.354 *Warehouse to be kept locked.* The outside doors of the warehouse shall be locked with Government locks and kept locked at all times except when spirits are being entered into or removed from the warehouse or where it is necessary for the proprietor to have access to the warehouse for the purpose of repairing cooperage or other legitimate purposes. The doors of the bottling-in-bond department shall be locked with Government locks and kept locked at all times except when spirits are being bottled or are being entered into or removed therefrom or where it is necessary for the proprietor to have access to the bottling-in-bond department for other legitimate purposes. The bottling-in-bond department must be locked at night in the usual way, regardless of whether spirits are stored therein. If the bottling-in-bond department is used exclusively for bottling distilled spirits in bond, the doors (if any) in the partition or wall separating the bottling-in-bond department from the storage portion of the warehouse must be kept locked on the storage side of the warehouse except while actually being used for the transfer of spirits as provided in § 185.72. All windows and shutters shall be closed and securely fastened by the proprietor when business is finished for the day. The storekeeper-gauger will open and close the Government locks on doors and on any shutters that may be equipped with Government locks. Neither the warehouse nor the bottling-in-bond department therein shall be open on Sunday or at night or at any time other than regular business hours except in cases of emergency and then only with the approval of the district supervisor: *Provided,* That where the spirits are in imminent danger of loss by fire, flood or other casualty, and it is impracticable to first obtain authorization from the district supervisor for the opening of the warehouse, the storekeeper-gauger may, upon the request of the proprietor, open the warehouse for the purpose of preventing loss of the spirits, but a report thereof must be made immediately, by telephone or telegraph where possible, to the district supervisor: *And provided further,* That where the spirits are in imminent danger of loss by fire, and it is impracticable to first communicate with the district supervisor or the storekeeper-gauger, city, county, and State fire officers may break open the warehouse for the purpose of preventing loss of the spirits, but a similar report thereof must be made immediately to the district supervisor.

(53 Stat. 331, 332; 26 U. S. C. 2872, 2873)

§ 185.355 *Admittance of proprietor.* The proprietor shall upon request at reasonable times have admittance, in the presence of the storekeeper-gauger, to the warehouse and the spirits deposited therein, and may, in conjunction with the storekeeper-gauger, refuse admittance to any person not a revenue officer. The proprietor may have access to the spirits in bond at any reasonable time in the presence of the storekeeper-gauger for the purpose of repairing cooperage, or to take any necessary measures to prevent waste by leakage or for other legitimate purposes.

(53 Stat. 331, 332; 26 U. S. C. 2672, 2873)

§ 185.356 *Operations requiring immediate supervision.* The immediate supervision of the storekeeper-gauger is required whenever (a) spirits are entered into or withdrawn from the warehouse; (b) spirits are transferred from one building to another; (c) spirits are bottled in bond; (d) spirits are drawn from tanks into packages or dumped from packages into gauge tanks; (e) a change of package is made for exportation, or to prevent loss by leakage, or for other authorized purposes; (f) samples of spirits are obtained; (g) spirits in distiller's original packages or in tanks are reduced in proof; (h) brandy-blending operations are being conducted; (i) packages of spirits on deposit in an internal revenue bonded warehouse are gauged preparatory to immediate sealing of the bungs and when the bungs of such packages are sealed; (j) otherwise required in this part; or (k) spirits in the warehouse are by reason of circumstances exposed to loss.

(53 Stat. 298 as amended, 300 as amended, 332; 26 U. S. C. 2800, 2801, 2873)

§ 185.357 *Commercial gauging.* Spirits shall not be gauged except as required for official purposes.

Subpart S—Deposit of Spirits in Warehouse

Deposit in Storage Tanks

§ 185.365 *In warehouse on distillery premises.* Distilled spirits of 160 degrees of proof or more may be received by pipe line or in tank cars from a registered distillery and brandy of any proof may be received by pipe line or in tank cars from a fruit distillery for deposit in storage tanks in the internal revenue bonded warehouse located on distillery premises where produced: *Provided,* That (a) rum of not less than 150 degrees of proof intended for denaturation may be received by pipe line from a registered distillery for deposit in storage tanks; and (b) gin of any proof may be received by pipe line from a registered distillery and deposited in storage tanks.

(53 Stat. 316 as amended, 333, 335 as amended, 339, 355; 26 U. S. C. 2825, 2879, 2883, 2883, 3070)

§ 185.366 *In warehouse contiguous to distillery premises.* Distilled spirits (other than spirits designated for fortification or rum designated for denaturation) of 160 degrees of proof or more may be received by pipe line or in tank cars from a registered distillery or a fruit distillery for deposit in storage tanks in an internal revenue bonded warehouse located contiguous to the distillery premises where produced: *Provided,* That gin of any proof may be received by pipe line from a registered distillery for deposit in storage tanks.

(53 Stat. 316 as amended, 333, 335 as amended, 339, 355; 26 U. S. C. 2825, 2879, 2883, 2888, 3070)

§ 185.367 *In any warehouse.* Distilled spirits of 160 degrees of proof or more received in tank cars from a registered distillery or a fruit distillery, or from storage tanks in an internal revenue bonded warehouse may be deposited in storage tanks in any internal revenue bonded warehouse.

(53 Stat. 316 as amended, 333, 335 as amended, 339, 355; 26 U. S. C. 2825, 2879, 2883, 2888, 3070)

§ 185.368 *Supervision of pipe line transfers.* The transfer of spirits by pipe line from the distillery receiving cisterns to storage tanks in a bonded warehouse will be under the immediate supervision of the storekeeper-gauger in charge of the distillery receiving cisterns and the storekeeper-gauger in charge of the warehouse, if one is assigned to the warehouse. The storekeeper-gauger supervising the deposit will see that the outlet and all other openings, except the inlet, are closed and locked when spirits are being deposited; that the inlet and all other openings, except the outlet, are closed and locked when spirits are being removed from such tanks; and that the valves in the pipe line are so adjusted by the proprietor as to properly control the flow of spirits. When the spirits have been deposited in the tanks in the bonded warehouse, the inlet will be immediately closed by the proprietor and locked by the storekeeper-gauger. The storekeeper-gauger will at such time note the number of the storage tank on the gauge report, Form 1520, covering the deposit of the spirits, and except where such spirits were gauged in the distillery immediately prior to transfer by pipe line, he will make an immediate gauge and prepare a gauge report on Form 1520 covering the deposit of the spirits. The openings of warehouse tanks containing spirits, and the valves in pipe lines leading to and from such tanks, shall be kept closed and locked at all times, except when it is necessary to open such tanks for inspection or gauging purposes, or for transfer of the spirits. Whenever spirits are transferred into or out of warehouse tanks, the storekeeper-gauger will open and close the locks, but it shall be the duty of the proprietor to manipulate the stopcocks or valves controlling the flow of the spirits.

(53 Stat. 298 as amended, 333, 335 as amended; 26 U. S. C. 2800, 2878, 2883)

§ 185.369 *Tank car transfers for deposit in storage tanks.* Where spirits received by tank car are to be deposited in storage tanks in a bonded warehouse, the storekeeper-gauger will carefully examine the tank car for evidence of loss and immediately upon transfer into the warehouse he will gauge the spirits and enter the details of gauge on the Form 1520 covering the transfer. The serial number of the storage tank and the quantity deposited therein will be entered on the form. If the spirits are deposited in more than one storage tank, a separate Form 1520 will be prepared covering the deposit in each additional tank. Where the gauge discloses a loss or shortage, he will proceed as required by § 185.486. The storekeeper-gauger will see that the openings of the tanks and valves of the pipe lines are controlled and adjusted as provided in § 185.368 relating to pipe line transfers.

(53 Stat. 333, 335 as amended, 492; 26 U. S. C. 2879, 2883, 4017)

§ 185.370 *Custody of keys.* The keys to all Government locks on valves in pipelines used for conveying spirits from the distillery receiving cisterns to warehouse storage tanks shall remain at all times in the custody of the storekeeper-gauger in charge of the distillery receiving cisterns, except that if a storekeeper-gauger is exclusively assigned to the bonded warehouse, such storekeeper-gauger shall have custody of the keys to locks within the warehouse.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.371 *Marking of tanks.* When spirits are deposited in warehouse storage tanks the storekeeper-gauger shall plainly and legibly mark on each tank the kind of spirits deposited therein, the date of the entry for deposit, and the proof at which the spirits were distilled ("Distilled 190 Proof or over," or "Distilled between 160 and 190 Proof," as the case may be). Such marks shall be completely erased by the storekeeper-gauger each time the tank is emptied. Where brandy or fruit spirits for the fortification of wine, or rum of not less than 150 degrees of proof for denaturation, or spirits of not less than 180 degrees of proof intended for exportation in tank cars, are transferred into warehouse storage tanks, the warehouseman shall plainly and legibly stencil upon such tanks the words "For Fortification of Wine," "For Denaturation," or "For Exportation," respectively, in addition to the other markings required by this part.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.372 *Prohibited mingling in storage tanks.* Spirits which were produced from different materials, or by two or more distillers, or at two or more distilleries, or during different distilling seasons and years, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may not be mingled in storage tanks.

(53 Stat. 335 as amended, 391; 26 U. S. C. 2883, 3254; sec. 205, 49 Stat. 981 as amended; 27 U. S. C. 205)

§ 185.373 *Limitation on deposits in same tank.* When the drawing of spirits from a warehouse gauging tank has begun, no further deposit of spirits therein will be permitted until the tank has been completely emptied. It will not be necessary to empty a warehouse storage tank before making additional deposits of spirits therein, provided the spirits so mingled meet the requirements of § 185.372. However, spirits must not be run into and drawn from the same tank simultaneously. If, in order to utilize a large storage tank, a proprietor desires to transfer the spirits remaining therein to a smaller tank, such transfer may be made upon application to the storekeeper-gauger in charge. The transfer from one storage tank to another must be made under the immediate supervision of a storekeeper-gauger who will note the number of the storage tank on the Form 1520 covering the deposit of the spirits in the warehouse.

(53 Stat. 298 as amended, 335 as amended, 391; 26 U. S. C. 2800, 2883, 3254)

Spirits Received in Casks or Other Approved Containers

§ 185.374 *From distillery on same or contiguous premises.* Where spirits are received in packages for deposit from a distillery on the same or contiguous premises, the packages will be transferred from the distillery cistern room or fruit distillery, as the case may be, to the warehouse under the supervision of the storekeeper-gauger in charge of the cistern room or fruit distillery and the storekeeper-gauger in charge of the warehouse.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 185.375 *From distillery not on the same or contiguous premises or from another warehouse.* When spirits are received from a distillery not on the same or contiguous premises or from another internal revenue bonded warehouse for deposit, the storekeeper-gauger will examine and weigh each package and enter the weight on Form 1520 or Form 1619. Where material discrepancies between shipping and receiving weights are found or where containers bear evidence of having sustained loss in transit the storekeeper-gauger will follow the procedure prescribed in § 185.376. The procedure prescribed in § 185.377 will be followed as to spirits received in tank cars.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.376 *Examination of packages.* Where packages of spirits are received bearing evidence of having sustained unusual losses in transit, or where material discrepancies are found by the comparison of shipping weight with the weight ascertained at the receiving warehouse, the storekeeper-gauger will observe the following procedure:

(a) Examine the condition of the cooperage of each such package.

(b) Make a gauge of each such package and enter in the "Receiving gauge" columns of the Form 1520 or 1619, as the case may be, the gross weight and proof of each package and in the loss column enter the difference in weight between the amount shipped and the amount received. The storekeeper-gauger will also note on the reverse of the Forms 1520 or 1619 the condition of the cooperage and whether in his opinion the loss was occasioned by theft, accident or other determinable cause. In the event the loss sustained from any package appears to have been the result of theft, such package will be detained and reported to the district supervisor in accordance with the procedure prescribed in § 185.486.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.377 *Examination of tank car.* The storekeeper-gauger will carefully examine each tank car of spirits upon its arrival at the warehouse for evidence of loss and will determine if the seals applied at the shipping premises are intact. Unless the spirits are to be immediately taxpaid on the filling gauge, the spirits will be gauged in a gauging tank or by volumetric measurement in the tank car and reported on Form 1520 covering the transfer. If the spirits are gauged in a gauging tank, they will be immediately returned to the tank car. After gauging, the car will be sealed pending taxpayment or transfer in bond. Where it is determined that the tank car bears evidence of unusual loss that cannot be satisfactorily explained, or of tampering, the tank car will be detained pending further investigation in accordance with the applicable provisions of §§ 185.480–185.496.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.378 *Examination and deposit of cases.* Where spirits bottled in bond are received from another bonded warehouse for deposit, the storekeeper-gauger will carefully examine the shipment upon its arrival and, where the cases bear evidence of having sustained losses, he will note the loss on Form 1620. In the event any of the cases in a shipment bear evidence of loss by theft, such cases will be detained and reported to the district supervisor in accordance with the procedure prescribed in § 185.486.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.379 *Disposition of deposit forms.* Where spirits are received from a distillery operated by the proprietor on the same or contiguous premises, the storekeeper-gauger in charge at the receiving warehouse will retain the copy of Form 1520 covering the deposit of the spirits. Upon the deposit of spirits received from a distillery not operated by the proprietor of the warehouse on the same or contiguous premises, or from another bonded warehouse, the storekeeper-

gauger at the receiving warehouse will follow the procedure prescribed by § 185.707 for transfers between warehouses in the same district and § 185.712 for transfers between warehouses in different districts.

SUFFICIENCY OF BOND

§ 185.380 *Storekeeper-gauger to be informed.* Where spirits are received for deposit from a distillery operated by the proprietor of the warehouse on the same or contiguous premises, and the penal sum of the transportation and warehousing bond is less than the maximum of $200,000, as shown by the record furnished by the district supervisor pursuant to § 185.314, the storekeeper-gauger in charge of the warehouse will see that the tax liability on the quantity of spirits deposited in the warehouse, plus the tax liability on the spirits represented by all outstanding approved Forms 236 (§§ 185.694 and 185.709) is within the limits of the penal sum of the bond. Such information shall also be furnished where brandies are blended under the provisions of § 2801 (e) (5), I. R. C. (when the penal sum of the bond is less than the maximum), and the storekeeper-gauger shall see that the penal sum of the bond is sufficient to cover the additional tax of 30 cents a proof gallon on all blended brandy on hand or in transit to the warehouse at any one time as well as the tax under § 2800 (a) (1), I. R. C., on all brandy on hand at any one time.

(53 Stat. 300 as amended, 333; 26 U. S. C. 2801, 2879)

RECORDS AND REPORTS

§ 185.381 *Storekeeper-gauger's copies of deposit forms.* All copies of Forms 236, 1520, 1619 and 1620, covering the deposit of spirits in internal revenue bonded warehouses, and all copies of Forms 1685 and 1520 covering the blending of brandy and the return thereof to the storage portion of the warehouse, shall be filed by the storekeeper-gauger as permanent records, in accordance with the procedure prescribed in Subpart UU of this part.

(53 Stat. 340 as amended, 335 as amended, 346; 26 U. S. C. 2801, 2883, 2915)

§ 185.382 *Forms 1513 and 1621.* The storekeeper-gauger in charge of an internal revenue bonded warehouse shall report all spirits deposited in the warehouse, including blended brandies returned from the brandy-blending department, on his monthly bonded warehouse report, Form 1513, and shall make appropriate entries in his summary of deposits and withdrawals, Form 1621, as provided in § 185.1020.

§ 185.383 *Date of receipt in warehouse to be shown on withdrawal applications or permit.* At the time of submitting to the storekeeper-gauger an application prepared pursuant to the provisions of §§ 185.460, 185.485, 185.486, 185.511, 185.536, 185.600, 185.650, 185.660, 185.670, 185.738, 185.761, 185.773, 185.778, 185.816, 185.826, 185.856, 185.863, 185.868, 185.881 and 185.891, for the gauge, regauge, or withdrawal of distilled spirits, the proprietor of the internal revenue bonded warehouse shall show on the form, in addition to the other information required by the form or by the provisions of this part, the date the spirits were received in the warehouse. When the warehouseman desires to make shipment of distilled spirits in bond and furnishes the storekeeper-gauger a copy of the Form 236 covering such transfer he shall show on the form the date the distilled spirits were received in the warehouse. When the warehouseman submits permit on Form 1508, covering the withdrawal of distilled spirits for the use of the United States, he shall show on the form the date the spirits were received in the warehouse.

(53 Stat. 300 as amended, 335 as amended, 336, 337, 340, 342 as amended, 343, 345, 346, 348 as amended, 351, 353, 355, 373; 26 U. S. C. 2801, 2882, 2883, 2885, 2886, 2891, 2903, 2904, 2910, 2915, 3031, 3033, 3037, 3070, 3171, and section 309 (a) of the Tariff Act of 1930)

SUBPART T—STORAGE OF DISTILLED SPIRITS IN WAREHOUSE

§ 185.390 *Kinds of containers.* Distilled spirits may be stored in an internal revenue bonded warehouse:

(a) In the distiller's original packages in which received, including, in the case of spirits intended for temporary storage pending exportation, wooden packages containing two or more metallic cans having a capacity of not less than 5 wine gallons each;

(b) In cases, where spirits are bottled in bond;

(c) In casks, barrels, or similar wooden packages, or in drums or similar metal packages, having a capacity of not less than 10 wine gallons each, filled from warehouse storage tanks or into which the contents of the distiller's original packages were transferred in accordance with §§ 185.397 to 185.402;

(d) In storage tanks (1) in any warehouse if the spirits are 160 degrees or more of proof; or (2) in a warehouse located on the premises of the distillery where the spirits were produced and such spirits are rum of not less than 150 degrees of proof received by pipeline and are intended for denaturation; or (3) in a warehouse located on the premises of a fruit distillery where the spirits were produced; or (4) in a warehouse located on or contiguous to the premises of the distillery where the spirits were produced and the spirits are gin of any proof received by pipeline;

(e) In tank cars.

(53 Stat. 316 as amended, 333, 342 as amended, 355; 26 U. S. C. 2825, 2878, 2883, 2903, 3070)

METHOD OF STORAGE

§ 185.391 *Containers to be accessible.* Packages of distilled spirits deposited in an internal revenue bonded warehouse must be stored therein in such a manner that they may be readily inspected and examined by Government officers. Aisles of sufficient width to permit passage for the purpose of inspecting and repairing the cooperage must be provided between rows of barrels. The barrels must not be so superimposed upon each other as to prevent inspection and repair of cooperage or to prevent or interfere with their removal from rows or tires for gauging, repairing cooperage, etc. Cases of spirits must be so stored that they may be readily inventoried. The cases may be stored in stacks or blocks if segregated according to distillers, kinds of spirits, and sizes of bottles, and kept arranged in serial order. Aisles and passageways must be kept open and not be permitted to become blocked by packages or other articles.

(53 Stat. 333; 26 U. S. C. 2878)

§ 185.392 *Storage in tank cars.* Where spirits are received in tank cars for storage in bond, the spirits may be transferred to warehouse storage tanks provided the spirits are 160 degrees of proof or more. If the spirits are less than 160 degrees of proof, such tank cars must be run within the warehouse and remain therein pending tax payment or further transfer in bond.

(53 Stat. 316 as amended, 333, 335 as amended; 26 U. S. C. 2825, 2878, 2883)

§ 185.393 *Failure to properly store spirits.* Where the proprietor so stores packages of spirits that they cannot be readily inspected, or removed with facility from rows or tiers for gauging, repairing of cooperage, or other proper purposes, or that unnecessary loss is likely to occur from superimposing packages upon each other, or from deterioration of the cooperage due to other causes or where spirits are stored in tanks and such tanks are not kept in good condition so as to preclude unnecessary loss of spirits therefrom, the storekeeper-gauger will make report thereof in writing to the district supervisor, who will require the proprietor to make the necessary correction. The proprietor must take whatever steps are necessary to avoid unnecessary loss or wastage of spirits in the warehouse.

(53 Stat. 333, 334, 335 as amended, 340 as amended; 26 U. S. C. 2878, 2880, 2883, 2901)

§ 185.394 *Facilities for examination.* The proprietor shall furnish all assistance, lights, ladders, and other facilities necessary to enable Government officers to examine warehouse premises and equipment and all containers of spirits stored therein.

(53 Stat. 331, 332; 26 U. S. C. 2872, 2873)

§ 185.395 *Facilities for gauging.* The proprietor of the warehouse must provide adequate assistance and facilities to enable the storekeeper-gauger to gauge any packages which, in the officer's opinion, have been tampered with or from which unnecessary loss has occurred.

(53 Stat. 331, 332, 340 as amended; 26 U. S. C. 2872, 2873, 2901)

§ 185.396 *Facilities for recoopering.* The proprietor must provide suitable facilities for the recoopering of spirits stored in the warehouse. Where a considerable amount of recoopering is done, a separate room to be used exclusively for the purpose should be provided. If a separate room is not provided, the facilities to be used for recoopering spirits must be arranged and the work performed in such a manner as to avoid unnecessary loss or wastage of spirits or impairing the safety of other spirits or rendering the required supervision by the storekeeper-gauger more difficult.

(53 Stat. 332, 333, 335 as amended; 26 U. S. C. 2873, 2878, 2883)

FILLING PACKAGES FROM STORAGE TANKS

§ 185.397 *Gauging.* Distilled spirits may be drawn into packages from storage tanks in accordance with this part. If the distilled spirits in the tank are found to be other than a whole degree of proof, adjustment to a whole degree must be made by the proprietor before withdrawal into packages. Each package must be gauged by the storekeeper-gauger. Before determining the original tare of packages, the storekeeper-gauger will examine them and will not permit the use of any package which contains or has on its exterior or interior any unauthorized substance which will prevent the correct ascertainment of the tare. The tare of the empty package will be determined and will be marked on the package and recorded on Form 1520. Weights shall be determined in pounds and one-half pounds.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 185.398 *Reduction in proof.* Spirits in warehouse storage tanks which were produced at 190 degrees of proof or more may be reduced in such storage tanks to not less than 111 degrees of proof prior to being drawn into packages. The spirits will be reduced by the proprietor of the bonded warehouse under the immediate supervision of the storekeeper-gauger. Spirits of less than 160 degrees of proof may not be withdrawn from storage tanks into tank cars for transfer in bond.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.399 *Marking and branding packages filled from storage tanks.* The proprietor shall plainly and durably burn, cut, imprint, or stencil on the head of each package filled from a warehouse storage tank, in letters and figures not less than three-fourths inch in height (not less than one-half inch in height for one-half barrels), the name of the distiller or the person in whose name the spirits were produced, the registry number of the distillery, the city or town and State in which the distillery is located, kind of cooperage (as charred, recharred, plain, etc.), serial number of the package, kind of spirits, the date of filling, and in letters and figures not less than one-half inch in height, the proof at which distilled, the original proof gallons, the original proof and tare determined at time of filling, the date of original entry of the spirits for deposit, and the warehouse number and State in which located. This head shall be designated the Government head. The ink used in applying marks and brands shall be of suitable quality to effect durability and legibility and the heads of the packages shall be sufficiently smooth and free from defects to permit the marks and brands to be clearly and distinctly applied. No marks other than those required by this part shall be placed upon the Government head of a package. All marking and branding shall be performed by the proprietor under the immediate supervision of the storekeeper-gauger. The State and registry number may be combined and abbreviated as "Calif–708." The kind of cooperage may be abbreviated "C" for charred, "REC" for recharred, "P" for plain, "PAR" for paraffined, "G" for glued, and "R" for reused (not recharred). In addition to these marks the letters "PS" (pre-soaked) will follow the letters indicating the kind of cooperage if the barrel has been steamed or water soaked prior to filling. Symbols may be used to designate the proof of distillation, e. g., "D190P" for "Distilled 190 proof or over," "D160–190P" for "Distilled between 160 and 190 proof" and "D160P" for "Distilled not over 160 proof," or in the case of spirits derived from fruit, "D170–190P" for "Distilled between 170 and 190 proof" and "D170P" for "Distilled not over 170 proof." The date of original entry of the spirits for deposit and the warehouse number and State in which located may be abbreviated as "Orig. Ent. 5–19–48" and "I. R. B. W.4–N. Y."

(53 Stat. 316 as amended, 333, 335 as amended; 26 U. S. C. 2825, 2878, 2883)

§ 185.400 *Report of gauge, Form 1520.* The storekeeper-gauger will enter the details of the gauge on Form 1520 and will note on each copy of the form the date of the original entry for deposit and the proof of distillation of the spirits. If the spirits are to be stored in the warehouse in which packaged, an original and two copies of Form 1520 will be prepared, one of which will be forwarded to the district supervisor, one to the warehouseman and the remaining copy retained for file. If the spirits are to be immediately transferred to another warehouse, an original and five copies of Form 1520 will be prepared. In case of packages filled for immediate transfer in bond the forms will be distributed as provided in § 185.706 or 185.711.

(53 Stat. 332, 373 as amended, 492; 26 U. S. C. 2875, 3170, 4017)

§ 185.401 *Numbering of packages.* All packages filled from warehouse storage or gauging tanks shall be serially numbered, separately from packages filled at the distillery, beginning with number 1, preceded by the letter "T", as T–1, T–2, etc.

(53 Stat. 316 as amended, 333, 335 as amended; 26 U. S. C. 2825, 2878, 2883)

§ 185.402 *Determining date of original entry.* Where distilled spirits are deposited in a warehouse storage tank on different dates, the date of entry for deposit of the spirits first deposited in such tank shall be considered the date of entry for the deposit of the entire contents of the tank, for the purpose of determining the period of storage in bond.

(53 Stat. 340; 26 U. S. C. 2900)

CHANGE OF PACKAGES

§ 185.403 *To prevent loss by leakage.* When it becomes necessary, in order to prevent loss by leakage or wastage, the contents of a package of spirits stored in a bonded warehouse may be transferred to another package, but such transfer must be made under the supervision of a storekeeper-gauger. The new package must be of the same kind of cooperage, unless the spirits are to be repackaged as provided in § 185.405, and must be given the same serial number, marks and brands (except the tare) as the original package. The storekeeper-gauger will take the tare of the new package and require it to be marked on the package before transfer of the spirits. When such change of package is made the storekeeper-gauger will note the change of package together with the tare of the new package on his copy of Form 1520 or Form 1619 covering deposit of the spirits in the warehouse.

§ 185.404 *For exportation.* For the purpose of exportation, the contents of an original package may be transferred to one or more new packages, or the contents of two or more original packages may be consolidated into one package, while stored in bond, but such changes of packages must be made under the immediate supervision of the storekeeper-gauger and within the limitations and in accordance with the procedure prescribed in Subpart HH of this part.

(53 Stat. 337; 26 U. S. C. 2886)

§ 185.405 *To change kind of cooperage.* Where it is desired to transfer the spirits from one kind of cooperage to another, as, for example, from a plain or reused package to a charred new package, request for such transfer must be made to the district supervisor by the proprietor of the warehouse in which the spirits are stored and if such request is approved the transfer must be made under the immediate supervision of the storekeeper-gauger and in accordance with the procedure prescribed in § 185.407.

§ 185.406 *Request to district supervisor.* The request to the district supervisor for permission to change the kind of cooperage must give the serial number of the package or packages, kind of original cooperage, kind of cooperage desired to be used, name of the distiller, registered number and location (city or town, and State) of the distillery at which the spirits were produced and the reason why the change is desired. If the district supervisor approves the request, he will so notify the proprietor and will direct the transfer to be made under the immediate supervision of the storekeeper-gauger.

§ 185.407 *Marking new packages.* Each new package will be given the same serial number, marks, and brands (except the tare and kind of cooperage) as the original package, and will contain only spirits from one package. The storekeeper-gauger will take the tare of the new package and require it to be marked on the new package before the transfer, and upon completion of the transfer will prepare and sign a label to be affixed by the proprietor to the head of each new package in the manner herein prescribed for the affixing of tax-

paid stamps. The label shall be in the following form:

The spirits contained in this package, serial No. ---------, were transferred to new ---------- barrel under date of ---------- (Kind of cooperage) ---------- by authority of letter dated ---------- The package from which the spirits herein were transferred was a ---------- barrel.
(Kind of cooperage)

---------- (Storekeeper-gauger)

District No. ---------

When such a change of package is made, the storekeeper-gauger will note the tare of the new package on Form 1520 or Form 1619 covering deposit of the spirits and advise the district supervisor that the change has been made. If the new package should be transferred in bond the storekeeper-gauger will make a notation on the transfer Form 1619 showing the date of the change of package and the tare of the new package.

TRADE MARKS AND CAUTION NOTICES

§ 185.408 *Must not resemble revenue stamp.* No person shall affix or cause to be affixed to or upon any cask or package containing or intended to contain distilled spirits any imitation stamp or other engraved, printed, stamped, or photographed label, device, or token, whether the same be designed as a trade mark, caution notice, caution, or otherwise, and which shall be in the similitude or likeness of or shall have the semblance or general appearance of any internal revenue stamp required by law to be affixed to or upon any cask or package containing distilled spirits.

(53 Stat. 330; 26 U. S. C. 2869)

§ 185.409 *Canceling of labels forbidden.* The storekeeper-gauger must not apply, or permit the application of, a canceling plate to any caution notice, trade mark, or similar device which may be attached to casks or packages of distilled spirits.

§ 185.410 *Placing on Government head forbidden.* No marks, brands, caution notices, or other devices whatsoever will be permitted on the Government head of any package, other than the stamps, labels, marks, or brands required or authorized to be affixed by Federal law or this part.

QUICK-AGING OF SPIRITS

§ 185.411 *Approval of apparatus and process required.* Distilled spirits may be quick-aged by heating during storage in an internal revenue bonded warehouse, provided the apparatus and process are approved by the Commissioner and suitable arrangements are made for operation of the process. The proprietor of a bonded warehouse desiring to quick-age spirits therein shall file application in duplicate with the district supervisor for approval of the process, and must set forth in such application a complete description of the apparatus and process and a brief description of the building, room, or space in which the quick-aging is to be conducted. The district supervisor will forward one copy of the application to the Commissioner with his recommendation. The applicant will be informed through the district supervisor of the Commissioner's action on the application.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 185.412 *Introducing heating device into package.* Where the spirits are to be quick-aged by the introduction of a steam pipe or other heating device into the package, a separate room or building to be used exclusively for the purpose should be provided. If a separate room or building is not provided, the process must be conducted in a separate, designated space in the warehouse suitable for the purpose, and the facilities must be so arranged as to not endanger the safety of other spirits or to require undue supervision by the storekeeper-gauger.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 185.413 *Heating warehouse.* Where spirits are to be quick-aged by the general application of heat within the warehouse the proprietor must provide a suitable, separate room, which shall not be exposed or subjected to excessive heat, for the convenience of Government officers in performing their duties in connection with the receipt and withdrawal of spirits.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

PERIOD OF STORAGE IN BOND

§ 185.414 *Eight years from date of original entry.* Distilled spirits may not remain in warehouse more than eight years from the date of original entry for deposit, except that distilled spirits which on July 26, 1936, were 8 years of age, or older, and which are in a bonded warehouse, may remain therein.

(53 Stat. 340, 340 as amended; 26 U. S. C. 2900, 2901)

§ 185.415 *Calculation of storage period.* The period of 1 month is held to run from the date of any month to the day before the same date of the next month, both days inclusive. The 8 years during which spirits may remain in warehouse are held to expire at the close of business on the eighth anniversary of the day next preceding that on which the original entry for deposit was made, or if such day falls on Sunday or a legal holiday, then on the next preceding business day.

(53 Stat. 333, 340; 26 U. S. C. 2879, 2900)

§ 185.416 *When tax is due and payable.* The tax on distilled spirits shall be due and payable before and at the time of withdrawal from the bonded warehouse and within 8 years from the date of original entry for deposit, except that such 8-year limitation shall not be applicable in the case of spirits which on July 26, 1936, were 8 years of age, or older, and which are in bonded warehouses.

(53 Stat. 298 as amended, 333, 340; 26 U. S. C. 2800, 2879, 2900)

§ 185.417 *Failure to give bond.* In case the proprietor of a bonded warehouse fails or refuses to give bond as required by law and provisions of this part or to renew the same, or neglects to withdraw the spirits or to transfer the same to another bonded warehouse immediately in accordance with law and this part, the spirits will be gauged and the tax thereon will be assessed and collected and the spirits removed from the warehouse in accordance with the procedure prescribed in §§ 185.420–185.422.

(53 Stat. 333; 26 U. S. C. 2679)

EXPIRATION OF 8-YEAR PERIOD

§ 185.418 *Examination of records.* During June and December of each year the storekeeper-gauger shall examine Forms 1621 to determine whether the 8-year period of storage in bond on any spirits still in the warehouse will expire during the ensuing 6-month period. Where the examination of Forms 1621 shows that there are such spirits still in the warehouse, the storekeeper-gauger will ascertain the date of the original entry for deposit thereof from Form 1520 or Form 1619 if the spirits are in packages or other bulk containers, or from Form 1620 if the spirits are in cases, and shall determine the date of the expiration of the 8-year bonded period of all such spirits. The storekeeper-gauger shall make a list of all such packages or cases, showing the date of the expiration of the bonded period of storage of each. Where spirits of different dates of production in the same distilling season are mingled at the time of bottling, or brandies of different dates of production are blended under the provisions of section 2801 (e) (5), I. R. C., the bonded period of storage for such spirits or brandies will begin to run from the date of the original entry for deposit of the oldest spirits or brandies so mingled.

§ 185.419 *Notice to proprietor.* Upon completion of his examination of the records, the storekeeper-gauger will furnish the proprietor of the warehouse with a copy of the list of containers of spirits on which the bonded period will expire during the 6 months then beginning, and will call his attention to the necessity of withdrawing the spirits before the expiration of the bonded period. The storekeeper-gauger will also submit a copy of the list to the district supervisor. This provision is intended only to protect the interest of the Government. It shall not in any way release the warehouseman of any obligation imposed upon him by law or this part, or assumed under his bond, to withdraw spirits from bond within the time required by law. Whenever the warehouseman fails to withdraw any spirits before the expiration of the 8-year bonded period of storage, the storekeeper-gauger will gauge such spirits and will make report thereof to the district supervisor, as provided in § 185.420.

FAILURE TO REMOVE SPIRITS WITHIN 8-YEAR PERIOD

§ 185.420 *Gauge.* Where the proprietor fails to file application for the taxpayment or other authorized withdrawal of distilled spirits in packages or tanks prior to expiration of the statutory 8-year period, the storekeeper-gauger will, at the expiration of such period, gauge the spirits, prepare Form 1520, in quintuplicate, and forward four copies thereof to the district supervisor with a letter of transmittal giving the facts. Likewise, where the proprietor fails to file application on Form 1519 for the taxpayment and withdrawal of distilled spirits in cases prior to expiration of the statutory 8-year period, the storekeeper-gauger will, at the expiration of such period, prepare report on Form 1519, in quintuplicate, and forward four copies thereof to the district supervisor with a letter of transmittal giving the facts. The storekeeper-gauger will furnish the proprietor of the warehouse with one copy each of Form 1520 or 1519 and the letter of transmittal, and will retain one copy of the transmittal letter for his files.

(53 Stat. 333, 340 as amended; 26 U. S. C. 2879, 2901)

§ 185.421 *Assessment and collection of tax.* The district supervisor will forward all copies of Form 1520 or Form 1519 to the collector with a transmittal letter recommending that an assessment be made. The collector will enter the tax for assessment on his current distilled spirits assessment list. If the proprietor upon receipt of notice and demand fails to pay the tax within the time required by law, the collector shall proceed to collect the same by distraint. Upon collection of the tax on spirits in packages the collector will certify the taxpayment on the four copies of Form 1520, issue taxpaid stamps, enter the serial numbers thereof in the appropriate columns on the four copies of Form 1520, retain one copy of the form, forward three copies of the form to the proprietor with the stamps, and advise the district supervisor that the tax has been paid. The collector will then file an office claim on Form 843 for abatement of the assessment remaining outstanding as the result of the transaction. Upon collection of the tax on spirits in cases the collector will certify the taxpayment on the four copies of Form 1519, retain one copy of the form, forward three copies of the form to the proprietor, and advise the district supervisor that the tax has been paid.

(53 Stat. 333; 26 U. S. C. 2879)

§ 185.422 *Removal of spirits.* The proprietor shall deliver the three copies of Form 1520 and accompanying tax paid stamps, or the three copies of Form 1519, to the storekeeper-gauger, whereupon the packages will be duly stamped and marked, or the cases duly marked, as the case may be, and removed from the warehouse. The storekeeper-gauger will note the date of removal on the three copies of Form 1520 or Form 1519, retain one copy of the form, deliver one copy to the proprietor, and forward one copy to the district supervisor.

(53 Stat. 333; 26 U. S. C. 2879)

STAMPING UNDERPROOF SPIRITS SOLD ON DISTRAINT

§ 185.423 *Issuance of taxpaid stamps.* Where distilled spirits offered for sale on distraint for taxes, where the taxes on such spirits have not been paid, will not, by reason of being below proof, bring a price equal to the tax thereon, but will bring a price equal to or greater than the tax on such spirits if computed only upon the proof gallons contained in the packages, then, and in such case, upon sale being so made, taxpaid stamps to the amount required to stamp such spirits as if the tax thereon were only on the proof gallons may be used by the collector making such sale, without making payment for such stamps so used.

(53 Stat. 305; 26 U. S. C. 2805)

§ 185.424 *Affixing stamps.* The collector making sale of the spirits must write across the face of each stamp the true number of wine and proof gallons in the package, the amount of tax paid, and the words "Affixed under provisions of Internal Revenue Code, section 2805 (b)," and must affix, or cause to be affixed, the stamp securely to the package.

(53 Stat. 305; 26 U. S. C. 2805)

§ 185.425 *Voucher.* When underproof spirits are sold pursuant to § 185.423, the collector will prepare an affidavit in duplicate, setting forth fully the facts respecting the sale of the spirits and the issuance and affixation of the stamps, and will forward the original of such affidavit to the Commissioner as a voucher for the allowance of credit for the stamps in his account.

(53 Stat. 305; 26 U. S. C. 2805)

TRANSFER OF SPIRITS BETWEEN BUILDINGS CONSTITUTING SAME WAREHOUSE

§ 185.426 *Procedure.* Where spirits are to be transferred between buildings of the same warehouse, the warehouseman shall notify the storekeeper-gauger of such intention and the spirits shall be transferred under the supervision of the storekeeper-gauger. If it is ascertained that any container has been tampered with, a report will be made to the district supervisor in accordance with the applicable provisions of § 185.486.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

INSTRUMENTS

§ 185.427 *To be removed or locked up when not in use.* All instruments, such as bung starters, thiefs, hose, pails, etc., used in a bonded warehouse in gauging spirits or in effecting a change of package or in the taking of authorized samples, which are susceptible of use for removing bungs or otherwise gaining access to or removing the contents of packages, except instruments and vessels kept in the warehouse for fire prevention purposes, shall be removed from the warehouse when not in use or delivered to the storekeeper-gauger to be locked up by him in some secure place.

SUBPART U—BLENDING OF BRANDIES

§ 185.450 *Limitations.* Fruit brandies distilled from the same kind of fruit at not more than 170 degrees proof may, for the sole purpose of perfecting such brandies according to commercial standards, be mixed or blended with each other, or with any such mixture or blend, by the distiller thereof in any internal revenue bonded warehouse operated by him exclusively for the storage of brandy or wine spirits. The blending must improve (perfect) the brandy according to the approved commercial standard of the blended product. Any blending of brandy of standard quality with brandy of inferior quality for the purpose of stretching or increasing the volume of the standard quality brandy and which results in the manufacture of a product inferior to the standard quality brandy before blending, constitutes rectification and may not be done on internal revenue bonded warehouse premises.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.451 *Distiller.* As used in this subpart, the term "distiller" includes any one or more distillers associated as members of any farm cooperative, or any one or more distillers affiliated within the meaning of section 17 (a) (5) of the Federal Alcohol Administration Act, or any fruit distiller for whose account, recorded with the district supervisor at the time of production, the brandy to be blended was produced.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.452 *Eligibility for blending.* For the purpose of determining eligibility for blending, brandy distilled from the same kind of fruit at not more than 170 degrees proof shall be considered distilled by the distiller operating the internal revenue bonded warehouse (a) where it was actually distilled by him, (b) where it was produced by a distiller associated with him as a member of a farm cooperative, (c) where it was produced by a distiller affiliated with him, that is, one of such distillers has control of the other or the distillers are subject to common control, actual or legal, directly or indirectly, whether by stock ownership or otherwise, or (d) where it was produced for his account, provided such production was recorded with the district supervisor at the time of production as required in § 185.453.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.453 *Copy of agreement to be filed with district supervisor.* When brandy to be blended is produced for the account of the distiller, the distiller at whose warehouse brandies are to be blended shall file with the district supervisor a certified copy of the agreement under which the brandy is to be produced for his account. The agreement shall set forth the name and registry number of the producing distiller, kind, the approximate amount of brandy to be produced, and the approximate time of production, and should clearly show that the producing distiller was engaged to produce brandy for the acccunt of the blending distiller.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.454 *Action by district supervisor.* Upon receipt of the agreement the district supervisor shall examine it closely. To conform to the law brandy to be blended must actually be produced for the account of the blending distiller. If it appears that the agreement is a contract to produce brandy for the account of the blending distiller and is not merely a contract to sell production, the district supervisor shall notify the storekeeper-gauger assigned to the premises of the producing distiller of the names of the distillers involved and the kind and quantity of brandy to be produced for blending. The storekeeper-gauger will

then take action in accordance with the procedure outlined in §§ 185.455 and 185.456.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.455 *Action by storekeeper-gauger.* Upon completion of the entry gauge and execution of the Distiller's Entry for Deposit, the storekeeper-gauger shall examine the packages involved and, where the distiller has affixed to a package a tag stating "Produced for the Account of (name of distiller for whom produced)" and the district supervisor has advised the storekeeper-gauger of the agreement to produce for the account of that blending distiller, he shall make a notation on the reverse side of all copies of the Form 1520 stating in effect "Produced for the Account of (name of distiller for whom produced)." If only a portion of the brandy covered by the Form 1520 was produced for the account of the fruit distiller who intends to blend brandy, the storekeeper-gauger shall show the serial numbers of the packages and aggregate proof gallons of brandy so produced. The statement shall be signed by the storekeeper-gauger. In the absence of tags on the containers denoting for whom the brandy was produced, or in the absence of a statement by the district supervisor relative to the agreement under which the brandy was produced, the storekeeper-gauger shall not assume that the brandies were produced for the account of another and shall make no statement relative thereto.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.456 *Transfers in bond.* Where brandy produced for the account of a fruit distiller is transferred in bond, a transcript of the storekeeper-gauger's statement as required by § 185.455 shall be made on each copy of Form 1619. The transcript shall be shown on the face of the Form 1619 or on the reverse. If shown on the reverse, proper reference thereto should be made in the space to the left of "Date Received in Warehouse."

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.457 *Record to be made by district supervisor.* Upon receipt of a copy of Form 1520 showing brandy produced for the account of a blending distiller, the district supervisor shall note on the agreement, or on a suitable index card, the date of production, the serial numbers of the packages, and the aggregate proof gallons covered by the Form 1520.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.458 *Notice of commencement.* After the brandy-blending department has been duly approved by the district supervisor, the proprietor of the warehouse shall, before beginning blending operations, give notice, in triplicate, to the district supervisor through the storekeeper-gauger in charge of the warehouse, of his intention to blend brandies. Upon approval of the notice by the district supervisor, two copies shall be forwarded to the storekeeper-gauger in charge and the original copy shall be retained in his office. The storekeeper-gauger shall deliver one copy to the proprietor, and retain the other copy in the Government office.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.459 *Notice of discontinuance.* In the event the proprietor desires to discontinue blending operations, either temporarily or permanently, and to use the space and facilities of the blending department for other duly authorized warehouse purposes, he shall give notice, in triplicate, of discontinuance to the district supervisor through the storekeeper-gauger in charge of the warehouse that all brandies have been removed from the brandy-blending department and shall state the purpose or purposes for which he proposes to use the department. The storekeeper-gauger shall inspect the brandy-blending department and if all brandies have been removed therefrom, he shall certify to such fact on each copy of the notice of discontinuance and forward the three copies to the district supervisor. The district supervisor shall examine the notice and if the proposed use stated by the warehouseman is in accordance with law and the provisions of this part he shall endorse his approval on each copy of the notice. Upon approval by the district supervisor, two copies of the notice shall be forwarded to the storekeeper-gauger in charge and the original copy shall be retained in his office. The storekeeper-gauger shall deliver one copy to the proprietor, and the other copy shall be retained by him in the Government office. The storekeeper-gauger shall then remove the locks from the doors to the brandy-blending department. Where brandy-blending tanks are to be used for other purposes, such as the storage of fortifying brandy, the tanks must be temporarily marked to show such use, but the permanent marks on the tanks should not be disturbed. After notice of discontinuance has been approved, and before resuming blending operations, a new notice of commencement must be filed and approved.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

APPLICATION TO BLEND

§ 185.460 *Brandies not previously blended.* When a distiller desires to blend brandies at his warehouse he shall file application on Form 1685, in triplicate, fully describing the brandies to be blended and giving all the information called for by the form. Each form shall be given a serial number beginning with "1" for the 1st day of January of each year and running consecutively thereafter to December 31st, inclusive. The application shall show, as to each kind of brandy not previously blended, the following:

(a) The number of packages;

(b) The serial numbers of the packages;

(c) The kind of brandy as marked on the packages;

(d) The date of original entry for deposit;

(e) Original tax gallons;

(f) Proof of distillation;

(g) The name of the producing distiller, registry number of the distillery and State in which the distillery is located.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.461 *Brandies previously blended.* When previously blended brandies are to be dumped for blending with other brandies, the distiller shall file application on Form 1685, in triplicate, showing (in respect to such previously blended brandies) the following:

(a) The number of packages;

(b) The serial numbers of the packages;

(c) The kind of brandy as marked on the packages;

(d) Date of original entry of oldest brandy in blend;

(e) Date of original entry of youngest brandy in blend;

(f) Proof gallons marked on the packages;

(g) The name of the blending distiller and registry number of the warehouse in which the blending was done and State in which the warehouse is located;

(h) Date and serial number of the Form 1685 covering each prior blend and the name of the blending distiller, registry number of the warehouse in which the blending was done and State in which the warehouse is located, as shown on each such Form 1685. Where a prior blending was effected in a warehouse in another district, a copy of the Form 1685 covering such blending shall be submitted with the application.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.462 *Blending of different types or productions.* Where two or more types of brandy produced from the same kind of fruit (such as grape lees brandy, grape pomace brandy, grape brandy) are to be blended together, the applicant shall state the percentage of each type of brandy to be contained in the resultant blend. Where any brandy to be blended was produced at a distillery operated under a name other than the name of the blending distiller, the application shall show whether such distillery was operated by an associate or by an affiliate, or whether the brandy was produced for the account of the blending distiller. The application shall show the proposed designation of kind for the brandy after blending.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.463 *Evidence of affiliation or association.* Where brandy produced by an associate or an affiliate of the blending distiller is to be blended, the blending distiller must file with the district supervisor—documentary evidence establishing such association or affiliation.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.464 *Bond coverage.* The blending distiller must state, as to the brandy produced by each distiller, whether the producer thereof has filed consent of surety on Form 1533 stipulating that his distiller's bond shall continue to be liable for the tax imposed by section 2800 (a) (1), I. R. C., on such brandy after it has been blended with other brandy. The consent of surety may be prepared to cover a specific lot or lots of brandy, or to cover all brandy produced by the distiller which is blended with other brandy.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.465 *Action by district supervisor.* All copies of Form 1685 shall be submitted to the district supervisor for his approval. Upon receipt of the application the district supervisor shall determine whether the proposed designation of kind for the blended brandy conforms to the provisions of section 21, class 4 of Regulations 5, relating to the labeling and advertising of distilled spirits under the provisions of the Federal Alcohol Administration Act and shall otherwise determine that the brandies described on the form are eligible for blending pursuant to the provisions of section 2801 (e) (5), I. R. C. The district supervisor shall determine whether, for each distiller of brandy to be blended, there is on file a consent of surety stipulating that the distiller's bond shall continue to be liable for the tax imposed by section 2800 (a) (1), I. R. C., after brandy produced by such distiller has been blended. The district supervisor shall also determine whether documentary evidence has been submitted to establish (a) that the brandy was produced by a distiller associated with the blending distiller as a member of a bona fide farm cooperative or (b) that the brandy was produced by a distiller affiliated (as defined in § 185.451) with the blending distiller or (c) that the brandy was produced by a distiller for the account of the blending distiller and such production was recorded (as required by § 185.453). Where the applicant has not established that the proposed blending will be in accordance with the provisions of this subpart, the district supervisor shall not approve the application and shall return it with a statement showing the reason therefor. If the district supervisor is doubtful whether the proposed designation of kind is correct, or if he is doubtful for other reasons that the application should be approved, the matter should be submitted to the Commissioner for advice. If the application is approved all copies of the Form 1685 should be forwarded by the district supervisor to the storekeeper-gauger in charge of the internal revenue bonded warehouse.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.466 *Action by the storekeeper-gauger.* Upon receipt of the approved application, Form 1685, the storekeeper-gauger shall inspect and gauge the packages and make detailed report of such gauge on Form 1520, in triplicate. Where brandies covered by the application, Form 1685, were produced by different distillers or at different distilleries, separate report of gauge, Form 1520, shall be prepared for the product of each distiller or distillery. The storekeeper-gauger shall, in every instance, note on Forms 1520 the serial number and date of the application, Form 1685. The provisions of §§ 185.480 to 185.496 will be followed as to any packages bearing evidence of tampering or unaccountable loss of contents.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.467 *Verification of Forms 1520.* Where the quantity of a type or lot of brandy to be blended with another type or lot of brandy is limited to a maximum percentage, the storekeeper-gauger and the distiller should examine the Forms 1520 covering the regauge of the brandy which is limited to a maximum percentage to determine (before the report of the storekeeper-gauger on Form 1685 is executed) that the quantity of such brandy (calculated on a proof gallon basis) is not in excess of the maximum percentage authorized by the approved application. Where the quantity of a type or lot of brandy regauged exceeds the maximum percentage authorized for blending, the storekeeper-gauger may, at the distiller's request, delete the packages containing such quantities (in no case less than a whole package) from the application and line out the entries on the regauge report and permit the return of the packages to the storage portion of the warehouse. The deletion in the application must be verified by the distiller and initialed by him. Where compliance with the statement of maximum percentage cannot be obtained in this manner, the blending operation should be suspended and the matter submitted to the district supervisor for advice.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.468 *Disposition of Forms 1685.* Upon completion of the report as to brandy dumped, blended, and returned to the storage portion of the warehouse, the storekeeper-gauger shall forward one copy of the form and one copy of Form 1520 to the district supervisor, deliver one copy of each form to the proprietor of the warehouse, and file one copy of each form in his office.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.469 *Audit by district supervisor.* At the time of auditing Forms 1520 and 1685 covering the blending of brandies, the district supervisor shall determine whether the quantities blended were in a proportion which would permit the designation of kind given to the resultant blend.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

BLENDING, GAUGING AND MARKING

§ 185.470 *Transfer of brandies to blending tank.* Before brandies are transferred to the brandy-blending tank, the storekeeper-gauger shall lock the outlet to the tank, and after all brandies have been transferred to the brandy-blending tank the storekeeper-gauger shall lock the inlet to the tank. The contents of the tank must be thoroughly agitated, the proof determined, and the contents of the tank gauged. The proof so determined shall be considered the proof of the brandy drawn into packages from the tank.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.471 *Disposition of empty packages.* Immediately upon being emptied, the packages from which brandies were dumped for blending shall be examined by the storekeeper-gauger for the purpose of determining that all brandies were removed therefrom; that all the marks and brands have been obliterated; and that such packages are removed from the warehouse: *Provided,* That in the event such packages are to be used as containers for the blended brandies, so many as are required to contain the blended brandies may be retained in the brandy-blending department for that purpose. Such empty packages shall be segregated from any filled packages in the brandy-blending department.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.472 *Drawing off brandies.* Brandies must be drawn from the brandy-blending tank into packages on or before the third day following the deposit of the same therein. When brandies are to be drawn from the tank the storekeeper-gauger shall see that all valves and openings other than the necessary outlet valve are closed and locked before the brandies are drawn from the tank. The storekeeper-gauger shall open and close the locks, but it shall be the duty of the warehouseman to manipulate the stop-cocks or valves controlling the flow of the spirits. The storekeeper-gauger assigned to the brandy-blending department is required to be present and personally supervise the drawing off of all brandy in the tank, the marking and branding of all packages filled therefrom. He shall also see that all mechanical duties connected with such operations are properly performed as provided in this part.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.473 *Gauging of blended brandy.* All brandies drawn from brandy-blending tanks shall be gauged by the storekeeper-gauger and reported on Form 1520. All information indicated by the headings of the various columns and lines and instructions printed on the form shall be furnished. The storekeeper-gauger shall, in every instance, note on Form 1520 the serial number of the application, Form 1685, under which the brandies were blended and the dates of original entry of (a) the oldest brandy and (b) the youngest brandy contained in the blend.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.474 *Numbering of packages.* All packages filled from brandy-blending tanks shall be serially numbered, separately from packages filled at the distillery or from storage tanks in the bonded warehouse, beginning with number "1," preceded by the letters "BL," as "BL–1, BL–2," etc. The symbol "BL" shall be considered a part of the serial number and must be shown as part of the serial number on all official forms or records.

(53 Stat. 300 as amended, 316 as amended, 333, 335 as amended; 26 U. S. C. 2801, 2825, 2876, 2863)

§ 185.475 *Marking of packages.* Immediately upon filling of the packages, or prior to filling, the blending distiller shall mark upon the head of the package by branding or stenciling the following information:

(a) The kind of brandy as shown on the Form 1685.

(b) The words "Blended By."

(c) The name of the blending distiller.

(d) The registered number of the warehouse, and the State in which the warehouse is located.

(e) The serial number of the package.
(f) The date of filling of the package.
(g) The date of original entry of the oldest brandy in the mixture.
(h) The date of original entry of the youngest brandy in the mixture.
(i) Proof of blended brandy.
(j) Tare of container.
(k) Proof gallon content.

The following is an illustration of the marking of packages:

GRAPE BRANDY
Blended by
JOHN DOE DISTILLING CO.
I. R. B. W. No. 217, Calif.

P. 127	S. N.—BL 10907
T. 101	Filled 7–29–47
P. G. 61.30	Orig. Ent. O. B. 6–19–45
	Orig. Ent. W. B. 6–19–46

[Space reserved for withdrawal marks and stamps]

Such marks and brands shall be placed upon the packages in letters and figures not less than three-fourths inch in height or one-half inch in the case of half-barrels. The head of the package bearing these marks shall be known as the "Government head." No marks other than those required by this part shall be placed upon the Government head of such package.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.476 *Losses of blended brandy.* Where a loss of blended brandy in bond is found, under the provisions of §§ 185.480 to 185.496, to be subject to the tax imposed on distilled spirits by section 2800 (a) (1), I. R. C., the blended brandy is also subject to the rectification tax of 30 cents a proof gallon under the provisions of section 2801 (e) (5), I. R. C.

(53 Stat. 300 as amended, 340 as amended; 26 U. S. C. 2801, 2901)

§ 185.477 *Withdrawal of blended brandies.* Brandies mixed or blended in accordance with the provisions of this Subpart may be stored, transported, transferred in bond, withdrawn from bond taxpaid or tax-free, or be otherwise disposed of, in the same manner as such brandies not so mixed or blended. The foregoing should not be construed as meaning that such blended brandies are eligible for bottling in bond.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

SUBPART V—LOSSES OF DISTILLED SPIRITS WHILE IN BOND

§ 135.480 *Taxable losses.* The law provides that no tax shall be collected in respect of distilled spirits lost or destroyed while in bond, except that such tax shall be collected:

(a) *Theft.* In the case of loss by theft unless the Commissioner shall find that the theft occurred without connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them; and

(b) *Voluntary destruction.* In the case of voluntary destruction unless the distilled spirits were unfit for use for beverage purposes and the warehouseman, or other person responsible for the tax, obtained the written permission of the district supervisor for such destruction in each case.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.481 *Insurance coverage.* The remission, abatement or refund of the tax on distilled spirits lost by theft while in bond may be allowed only to the extent that the claimant is not indemnified against or recompensed for such tax.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.482 *Proof of loss.* In the case of loss by theft a warehouseman or other person responsible for the tax desiring to be relieved of the tax liability must file a claim and establish to the satisfaction of the Commissioner that the theft occurred without connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them. In any case in which spirits are lost or destroyed, the warehouseman or other person responsible for the tax shall, upon receipt of a request from the district supervisor, file a claim for relief from the tax and submit proof as to the cause of loss. In any instance where a claim is required, allowance for tax on the loss may only be made pursuant to such claim.

(53 Stat. 234, 340 as amended, 343 as amended, 373 as amended; 26 U. S. C. 2880, 2901, 3031, 3170)

§ 185.483 *Losses by theft.* Where inspection of any package or container indicates that there may have been theft of distilled spirits therefrom, the storekeeper-gauger or other officer will follow the procedure outlined in § 185.486.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.484 *Unauthorized voluntary destruction.* The tax on distilled spirits voluntarily destroyed without authority may not be remitted or refunded. Where distilled spirits stored in bond are unfit for beverage purposes and the warehouseman desires to be relieved of the tax liability thereon, he should make application for authority to destroy the spirits as provided in § 185.511. Where spirits are lost as a result of negligence or failure to exercise due care and diligence on the part of persons having custody of the spirits, as provided in § 185.393, and it appears that the spirits may be subject to additional unnecessary loss, the district supervisor will forward a copy of the inspection gauge and copies of all reports and correspondence with his recommendation to the Commissioner. The Commissioner may require tax payment and removal of such spirits from the warehouse if there is evidence of such willful negligence on the part of the warehouseman to exercise due care and diligence as will constitute unauthorized voluntary destruction.

(53 Stat. 334, 340 as amended; 26 U. S. C. 2880, 2901)

§ 185.485 *Other losses.* If, upon gauge for removal, the loss of distilled spirits from any package or container is found to be in excess of what in the storekeeper-gauger's opinion is normal storage or transit loss, and there is evidence that such loss resulted from a cause or causes other than theft or unauthorized voluntary destruction, the condition of the container and the apparent cause of the loss shall be noted by the storekeeper-gauger on the gauge report. However, the container need not be detained. Where a damaged package which has sustained an unusual loss from obvious cause other than theft or unauthorized voluntary destruction is found either upon preparation for, or receipt after, transfer in bond the package will be weighed and proofed and the weight, proof, amount of loss, apparent cause and date will be noted on the Form 1619. Where a damaged package or other container which has sustained an unusual loss from obvious cause other than theft or unauthorized voluntary destruction is found upon warehouse inspection, the proprietor will prepare on Form 1698 an application for the examination and gauge of the package. A similar application will be prepared for any package which is to be recoopered. The details of the gauge, the date, and the apparent cause of the loss will be entered on the form by the storekeeper-gauger and a copy of the form will be securely attached to the container. The new gross weight, date, and the serial number of the Form 1698 will be noted by the storekeeper-gauger on the deposit form. Losses from containers such as tank cars, steel drums or warehouse storage tanks may be considered to be normal when such deficiency does not exceed 1 percent of the quantity entered therein and there are no circumstances indicating tampering or abstraction. A determination regarding the nature and extent of losses from storage tanks will be made each time such tanks are emptied. A separate determination regarding losses from storage tanks will be made on the basis of a physical inventory at the close of each month and losses, if any, noted on Form 1621 in accordance with § 185.1021. Normal losses from wood containers will vary depending upon the type and condition of the cooperage and method and period of storage in each particular case.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.486 *Report of losses.* Losses of distilled spirits in bond, other than those which may be attributed to normal storage or transit losses or to obvious defects in the cooperage must be reported to the district supervisor by the warehouseman immediately after the losses are discovered. Where such loss occurs or is ascertained while the storekeeper-gauger is on duty, the warehouseman will report the loss by making an application on Form 1698 for the examination and gauge of the package, and if in the storekeeper-gauger's opinion the loss resulted from theft or unauthorized voluntary destruction, the storekeeper-gauger will immediately make a full report of the loss to the district supervisor in sufficient detail to bring out all known facts and circumstances relating to such loss. The details of the gauge, the date, and the apparent cause of the loss will be entered on the form by the storekeeper-gauger and a copy of the form will be securely attached to the container. The new gross weight, date, and the serial number of the Form 1698 will be noted by the storekeeper-gauger on the deposit form. The storekeeper-gauger will also place a detainer on the package or container: *Provided*, That where the loss is discovered at the time of a gauge for removal, the warehouseman may elect to admit, on Form 1698, the taxable status of the loss, in which event it is not necessary to file a claim or withhold release of the package if the loss is taxpaid before removal.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.487 *Investigation by district supervisor.* The district supervisor will consider the nature and extent of any loss reported by the warehouseman or Government officer and will immediately make such investigation and require such evidence to be submitted as he may deem necessary. If, in the opinion of the district supervisor, the loss resulted from theft or unauthorized voluntary destruction, he will advise the warehouseman by letter (a) the identity of the container; (b) the amount of the loss; (c) the circumstances indicating loss by theft or unauthorized voluntary destruction; (d) that filing of proof of loss and claim for remission of the tax is required; and (e) that notification to the Commissioner of the facts in the case will be withheld for a period not exceeding 15 days to afford the warehouseman opportunity for examination of the container and to submit such statements as may be deemed necessary.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.488 *Filing of claims.* Claims for the remission of tax on spirits will be filed promptly with the supervisor of the district in which is located the bonded warehouse at which the loss occurred, or in case of loss in transit, the bonded warehouse to which the spirits were transferred. When loss of spirits in bond under other circumstances occurs, claim should be filed with the supervisor of the district where the bond covering exportation or removal for other purpose is filed.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.489 *Form of claims.* Claims for remission of tax on losses of distilled spirits in bond shall be made on letter-size paper, in duplicate, showing the name, address, and capacity of the claimant and setting forth, under oath, the following information:

(a) The name of the distiller who produced the spirits, and the registered number and location of the distillery;

(b) The serial numbers of the packages, cases, or tanks from which the spirits were lost. In the case of tank cars, the car numbers will be stated;

(c) The quantity of spirits lost from each package or other container, and the total quantity of spirits covered by the claim;

(d) The total amount of tax for which the claim is filed;

(e) The date of the loss, or, if such date is not known, the date on which the loss was discovered and the cause and nature thereof, together with all the facts surrounding the loss;

(f) The name of the carrier, if any;

(g) If lost by theft, the facts establishing whether the loss occurred as the result of any negligence, connivance, collusion, or fraud on the part of the distiller, owner, warehouseman, consignor, consignee, bailee, or carrier, or the employees of any of them;

(h) If lost by theft, whether the claimant is indemnified or recompensed for the loss, and, if so, the amount and nature of such indemnity or recompense. The actual value of the spirits, less the tax, must be stated explicitly and, where required, certified copies of all policies of insurance or other documents of indemnity covering the spirits must be furnished.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.490 *Supporting documents.* Claims for remission of tax on spirits lost while being transferred by carrier shall be supported whenever possible, by a copy of the bill of lading and statements of the agents of the carrier having personal knowledge of the loss. Claims covering losses in the bonded warehouse, or while in bond under other circumstances must be supported by affidavits of persons having personal knowledge of the loss.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.491 *Examination of claim.* When a claim for remission of tax is received by the district supervisor he will carefully examine the same to see that all the required information has been furnished and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon completion of his investigation, if any, the district supervisor will forward one copy of the claim and accompanying papers, together with any pertinent reports and documentary evidence to the Commissioner with his recommendation in respect to the allowance or disallowance of the claim.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.492 *Action on claim.* If the Commissioner finds that a loss of distilled spirits from a container resulted from unauthorized voluntary destruction, or from theft and the warehouseman or other person responsible for the tax fails to establish that the loss did not occur as a result of connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them, he may instruct the district supervisor to require the taxpayment and withdrawal of the distilled spirits upon the original quantity entered into the warehouse in such container, notwithstanding that the time specified in any bond given for the withdrawal of the spirits entered into the warehouse in such container has not expired. Upon receipt of notification that a claim has been rejected, and that the distilled spirits must be taxpaid, the warehouseman should file an application on Form 179, or Form 1519 if the distilled spirits are in cases, for the withdrawal of the distilled spirits upon payment of tax. If an application for the taxpayment and withdrawal of the distilled spirits is not made by the warehouseman, the district supervisor will furnish the collector of internal revenue with four copies of Form 1520 covering gauge of the distilled spirits, or Form 1519 if distilled spirits in cases are involved, showing the tax due, with a letter of transmittal requesting that the tax be assessed against the warehouseman. Upon payment of the tax, the procedure prescribed in §§ 185.421 and 185.422 will be followed in respect to the issuance of taxpaid stamps and removal of the spirits from the warehouse.

(53 Stat. 334, 340 as amended; 26 U. S. C. 2880, 2901)

§ 185.493 *Failure to file claim.* Where distilled spirits in bond are reported to have been lost and claim for remission of tax is required in accordance with § 185.487 and the required claim is not filed, the district supervisor will report the matter to the Commissioner.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.494 *Remission of tax.* If the entire contents of a container are lost and a claim for remission of the tax is allowed, the district supervisor will take credit therefor upon receipt of notice from the Commissioner of the allowance. If the tax is remitted on a portion of the contents of a container still in bond, or if the district supervisor determines that no claim is required, he will so advise the storekeeper-gauger who will remove the detainer from the package and note on the deposit records the date of letter of advice from the district supervisor.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.495 *Records.* The proprietor shall furnish the storekeeper-gauger with sufficient file cases for the filing and retention of Forms 1698. The storekeeper-gauger will file all such reports by serial number. The district supervisor will maintain a control account for losses in warehouses and in transit thereto on Form 1691.

(53 Stat. 340 as amended, 346, 373 as amended, 483; 26 U. S. C. 2901, 2915, 3170, 3953)

§ 185.496 *Credit upon withdrawal.* At the time of withdrawal of packages and tank cars upon which a claim for remission of tax on losses ascertained prior to September 1, 1950 has been allowed, the proprietor will note in an unused space on Form 1520 the amount of the loss and the date and symbols appearing on the letter in which the loss was allowed. Where cases of distilled spirits are withdrawn this information will be noted on the Form 1519 covering the withdrawal.

(53 Stat. 340 as amended, 373 as amended; 26 U. S. C. 2901, 3170)

§ 185.497 *Prior losses.* Any claims for remission or refund of the tax on any loss of spirits established prior to September 1, 1950, shall be subject to the provisions of section 2901 of the Internal Revenue Code and this part as they existed prior to that date.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.498 *Losses after taxpayment.* Nothing in section 2901 of the Internal Revenue Code, as amended by section

3 of the act of February 21, 1950, or as theretofore amended, or in this part, shall be construed to authorize refund of the tax where the loss occurred after the tax was paid.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

SUBPART W—VOLUNTARY DESTRUCTION OF SPIRITS

§ 185.510 *General.* Distilled spirits stored in an internal revenue bonded warehouse, which are found to be unfit for use for beverage purposes, may be voluntarily destroyed without payment of tax by the warehouseman in accordance with this subpart.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.511 *Application.* The warehouseman will make written application to the supervisor of the district in which the warehouse is located for permission to destroy such spirits. The application shall specify the kind and approximate quantity, proof, and proof gallons of such distilled spirits; the name, address, and registered distillery number of the distiller who produced the spirits; the date of production; the serial numbers of the barrels, tanks, or cases in which the spirits are stored, and a statement showing the condition of the spirits which renders them unfit for beverage purposes.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.512 *Inspection and analysis.* Upon receipt of such application, the district supervisor will require an inspection to be made of the spirits by the storekeeper-gauger to determine the correctness of the application and to procure a sample for submission to the district chemist for analysis to determine whether the spirits are unfit for beverage purposes. Each sample will consist of one pint, or if deemed advisable, one quart, in the case of barrels and tanks, and one or more bottles representative of each bottling lot. The bottle containing the sample will be labeled in such manner as will readily identify the spirits. The samples will be forwarded to the district chemist at the expense of the warehouseman. The district chemist will analyze the samples and furnish a report of such analysis to the district supervisor. The unused portion of the samples will be retained by the district chemist for further examination, if necessary.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 185.513 *Action by district supervisor*—(a) *Unfit for beverage purposes.* If the district supervisor finds that the spirits are unfit for beverage purposes, he will authorize such spirits to be destroyed by the warehouseman under the supervision of a storekeeper-gauger.

(b) *Fit for beverage purposes.* If the district supervisor finds that the spirits are fit for beverage purposes, he will disapprove the application and notify the warehouseman that the spirits have been determined to be fit for beverage purposes and that they may not be destroyed without payment of tax.

(53 Stat. 340 as amended, 373 as amended; 26 U. S. C. 2901, 3170)

§ 185.514 *Gauge and destruction.* Spirits authorized to be destroyed will be gauged by the storekeeper-gauger and reported for that purpose on Form 1520, in triplicate. Following such gauge the spirits may be destroyed under the immediate supervision of the storekeeper-gauger by running the same into a sewer or by other suitable means to preclude their recovery. The storekeeper-gauger will then certify to such destruction and the manner thereof on the Form 1520, return one copy of the form to the warehouseman, retain one copy for his file, and forward one copy to the district supervisor. The applicable provisions of §§ 185.480 to 185.496 will be followed in connection with any package bearing evidence of loss by theft or otherwise.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

SUBPART X—TRANSFER OF SPIRITS TO BOTTLING-IN-BOND DEPARTMENT

§ 185.520 *Notice of commencement, Form 404.* Where a bottling-in-bond department has been approved, the proprietor of the warehouse will, before engaging in the business of bottling spirits, give notice to the district supervisor through the storekeeper-gauger in charge of the warehouse on Form 404, in triplicate, of his intention to bottle distilled spirits in bond. All information indicated by the lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part, shall be furnished. Notices on Form 404 must be signed in accordance with the instructions printed on the form and sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such notice contains therein a provision for verification by a written declaration that the notice is made under the penalties of perjury, the notice shall be verified by the execution of such declaration, and the declaration so executed shall be in lieu of the oath required herein for verification. Upon approval of Form 404 by the district supervisor, two copies will be forwarded to the storekeeper-gauger in charge, and the original copy will be retained in his office. The storekeeper-gauger will deliver one copy to the proprietor, and the other copy will be retained by him in the Government office.

§ 185.521 *Restrictions.* No operations pertaining to (a) transferring of spirits from the storage portion of the warehouse to the bottling-in-bond department, (b) gauging and dumping of spirits for bottling, (c) bottling, or (d) removal or shipping from the bottling-in-bond department shall be carried on during other than regular business hours in which the internal revenue bonded warehouse is operated.

§ 185.522 *Procedure.* The transfer of distilled spirits to the bottling-in-bond department and the bottling thereof shall be pursuant to application made to the storekeeper-gauger in charge of the warehouse on Form 1515, in quadruplicate, and in accordance with the procedure prescribed in Subparts NN and RR of this part.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

§ 185.523 *Mingling in gauging tank of spirits intended for bottling in bond.* Only spirits which are eligible for mingling for bottling in bond under the provisions of § 185.901 may be mingled in a warehouse gauging tank for convenience in transfer to the bottling-in-bond department.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

SUBPART Y—WITHDRAWALS OF SAMPLES OF DISTILLED SPIRITS

SAMPLES OF BRANDY OR FRUIT SPIRITS

§ 185.530 *General.* The proprietor of an internal revenue bonded warehouse may withdraw from containers in the warehouse suitable samples of brandy or fruit spirits, which samples shall be tax-free if for laboratory analysis and taxpaid if for any other use.

(53 Stat. 353; 26 U. S. C. 3037)

TAX-FREE SAMPLES OF BRANDY OR FRUIT SPIRITS FOR LABORATORY ANALYSIS

§ 185,531 *Number and size.* Samples of brandy or fruit spirits for laboratory analysis (including organoleptic examination) must be taken from packages designated as sample packages or from storage tanks. Except upon authority of the district supervisor or the Commissioner, not more than one sample may be removed from any sample package or from the same lot of brandy or fruit spirits in a storage tank in a period of six months. The number of packages that may be designated as sample packages shall be limited, as to each kind of brandy or fruit spirits and each type of cooperage (as designated by the mandatory marks and brands on the packages), to not more than one in each twenty-five packages of any such lot of brandy or fruit spirits of the same entry gauge on storage in the warehouse: *Provided*, That where less than 25 packages of any such lot of brandy or fruit spirits are on storage, one package in the lot may be designated as a sample package. Samples for organoleptic examination only may not exceed one-half pint. Samples for laboratory analysis may not exceed one pint. Such samples may be withdrawn upon approval by the storekeeper-gauger in charge at the warehouse of a written application filed in accordance with the provisions of §§ 185.536 to 185.538. In any instance where a one-pint sample is found to be an insufficient quantity for laboratory analysis, the district supervisor, upon receipt of a statement showing the necessity for an additional quantity, may authorize the withdrawal of an additional sample, not to exceed one pint, from any designated sample package or storage tank. The withdrawal in excess of these limitations of tax-free samples of brandy or fruit spirits shall not be permitted, unless it is shown that such samples are insufficient for the purpose intended, and the Commissioner authorizes the withdrawal of additional samples.

(53 Stat. 353; 26 U. S. C. 3037)

§ 185.532 *Disposition of samples.* Tax-free samples must be used solely for laboratory analysis. Such samples may not be furnished to salesmen and dealers for advertising or soliciting purposes. Remnants or residues of tax-free samples taken from the warehouse, remaining after analysis and which are not desired to be retained as laboratory specimens or for further analysis, should be returned to vessels in the distilling system containing similar spirits where the warehouse is on or contiguous to the distillery premises, unless the condition of the remnants or residues is such as to render them unsuitable for such disposition. If such remnants or residues of samples are not returned to the distilling system, they should be destroyed.

(53 Stat. 353; 26 U. S. C. 3037)

TAXPAID SAMPLES OF BRANDY OR FRUIT SPIRITS FOR OTHER THAN LABORATORY ANALYSIS

§ 185.533 *Number, size, and use.* Samples of brandy or fruit spirits for other than laboratory analysis, subject to payment of tax thereon, must be taken from packages designated as sample packages. Such samples must be used strictly for sample purposes, and the number and size of the samples must be restricted to that necessary for bona fide sample purposes. The number of packages from which such samples are taken must be restricted to the minimum necessary to accomplish the desired purpose. As a rule, it should not be necessary to take samples from more than one or two packages of a given lot of brandy or fruit spirits of the same distillation, kind of cooperage, etc. When the warehouseman desires to procure samples from a given lot of brandy or fruit spirits in warehouse, he will limit the number of packages from which it is desired to take samples to the minimum necessary to procure representative samples of such spirits. Thereafter, if it is desired to procure additional samples from the same lot of spirits, the samples should be taken from the same packages.

(53 Stat. 353; 26 U. S. C. 3037)

SAMPLES OF DISTILLED SPIRITS OTHER THAN BRANDY OR FRUIT SPIRITS

§ 185.534 *Limitation on number, size, and use of samples of distilled spirits other than brandy or fruit spirits.* Samples of distilled spirits other than brandy or fruit spirits may be taken only for organoleptic examination or analytical purposes from packages designated as sample packages and from storage tanks. Except upon authority of the district supervisor or the Commissioner, not more than one sample may be removed from any sample package or from the same lot of spirits in a storage tank in a period of 6 months. The number of packages that may be designated as sample packages shall be limited, as to each kind of spirits and each type of cooperage (as designated by the mandatory marks and brands on the packages), to not more than one in each 25 packages of any lot of spirits of the same day's production on storage in the warehouse: *Provided*, That where less than 25 packages of any such lot of spirits are on storage, one package in the lot may be designated as a sample package. Samples for organoleptic examination may not exceed one-half pint from any package or storage tank. Samples for laboratory analysis may not exceed one pint from any package or storage tank. Such samples may be withdrawn upon approval by the storekeeper-gauger in charge at the warehouse of a written application filed in accordance with the provisions of §§ 185.536 to 185.538. In any instance where a one-pint sample is found to be an insufficient quantity for laboratory analysis, the district supervisor, upon receipt of a statement showing the necessity for an additional quantity, may authorize the withdrawal of an additional sample, not to exceed one pint, from any designated sample package or storage tank. The withdrawal of samples in excess of these limitations shall not be authorized unless it is shown that such samples are insufficient for the purpose intended, and the Commissioner authorizes the withdrawal of additional samples.

GENERAL PROVISIONS

§ 185.536 *Application for samples for organoleptic examination or laboratory analysis, and tax-paid samples of brandy for other purposes.* When the warehouseman desires to procure samples for organoleptic examination, samples not in excess of one pint for laboratory analysis, or tax-paid samples of brandy or fruit spirits for other purposes, he shall make application in triplicate to the storekeeper-gauger in charge at the warehouse. The application shall be given a serial number, beginning with "1" for the first application and running consecutively thereafter. The application shall show (a) the kind of spirits, (b) the name of the distiller, (c) the registered number of the distillery and the State in which located, (d) the serial numbers of the packages or storage tanks from which the samples are to be removed, (e) the dates of entry for deposit, (f) the type of cooperage, (g) if the samples are to be removed from sample packages, the dates the packages were received in the warehouse, (h) whether, in the case of brandy or fruit spirits, the samples are desired for organoleptic examination or laboratory analysis tax free, or for other purposes subject to payment of tax, (i) whether, in the case of spirits other than brandy or fruit spirits, the samples are required for organoleptic examination or for laboratory analysis, (j) the reasons why the samples are desired, and (k) the size of each sample to be taken.

(53 Stat. 353; 26 U. S. C. 3037)

§ 185.537 *Application for additional samples for laboratory analysis.* Where the warehouseman has found a pint sample to have been an insufficient quantity for analysis, and desires an additional one-pint sample, he shall make application in triplicate, through the storekeeper-gauger in charge at the warehouse, to the district supervisor. The application shall be given a serial number within the series prescribed in § 185.536 and show the information called for in items (a) through (k) of that section.

(53 Stat. 353; 26 U. S. C. 3037)

§ 185.538 *Application for other samples.* Where the warehouseman desires samples in excess of the number or quantities which may be authorized by the storekeeper-gauger or the district supervisor, he shall make application, in quadruplicate, through the storekeeper-gauger in charge at the warehouse, to the Commissioner. The application shall be given a serial number within the series prescribed in § 185.536 and show the information called for in items (a) through (k) of that section.

(53 Stat. 353; 26 U. S. C. 3037)

§ 185.539 *Approval of application by the storekeeper-gauger in charge at the warehouse.* Upon receipt of an application for the withdrawal of samples in quantities not to exceed one-half pint for organoleptic examination or in quantities not to exceed one pint for laboratory analysis, or for the withdrawal of tax-paid samples of brandy or fruit spirits from any package or storage tank, the storekeeper-gauger shall determine from his records whether, in the case of packages, the designated packages are eligible for sampling or, in the case of spirits in storage tanks, the lot of spirits contained in a tank is eligible for sampling. If he shall find the number and quantities of samples to be taken do not exceed the number and quantities permitted under §§ 185.531, 185.533, or 195.534, as the case may be, he may authorize the withdrawal of the samples. In the case of samples for laboratory analysis, the storekeeper-gauger should assure himself of the propriety of the request. If he finds upon examination of his records that the number or quantities desired are in excess of the number or quantities permitted, he shall write upon each copy of the application a statement disclosing the reasons why the samples may not be removed. The storekeeper-gauger, upon approval or disapproval of the application, shall return one copy to the warehouseman, forward one copy to the district supervisor, and retain the original copy in his office.

(53 Stat. 353; 26 U. S. C. 3037)

§ 185.540 *Approval of application by the district supervisor.* Upon receipt of an application for an additional sample for laboratory analysis, the storekeeper-

gauger shall determine from his records whether an additional sample may be authorized under the limitations of § 185.531 or 185.534, as the case may be. If he finds the additional sample may not be authorized under the limitations, he shall write upon each copy of the application, over his signature, a statement showing the reasons why the sample may not be withdrawn. In such case, he shall return one copy to the proprietor, forward one copy to the district supervisor, and retain the original in his office. If he finds the additional sample may be authorized, he shall note such fact upon the application, over his signature, and shall forward the application to the district supervisor with his recommendation. The district supervisor shall determine from the facts presented whether the additional sample is necessary for the proposed type of laboratory analysis and shall thereupon approve or disapprove the application. He shall retain a copy in his office and return the original and one copy to the storekeeper-gauger at the warehouse, who shall file the original and return the copy to the applicant.

(53 Stat. 353; 26 U. S. C. 3037)

§ 185.541 *Approval of application by the Commissioner.* Upon receipt of an application to the Commissioner for authorization to withdraw samples, the storekeeper-gauger shall note upon each copy of the application the number and quantities of samples which have been removed from each package and from each lot represented. The storekeeper-gauger shall thereupon forward all copies of the application to the district supervisor, who shall transmit all copies to the Commissioner with his recommendation. Upon approval or disapproval of the application, three copies shall be returned to the district supervisor, who shall retain a copy and return the original and one copy to the storekeeper-gauger at the warehouse. The storekeeper-gauger shall file the original and return the remaining copy to the applicant.

(53 Stat. 353; 26 U. S. C. 3037)

§ 185.542 *Removal under supervision.* All samples must be taken under the immediate supervision of the storekeeper-gauger.

(53 Stat. 353; 26 U. S. C. 3037)

§ 185.543 *Label.* At the time of the withdrawal of a sample the proprietor shall prepare a label and a copy thereof. The label and copy shall be prepared on paper having approximate dimensions of 3" x 5". The proprietor shall show on the label and on the copy, in the order listed and upon separate lines, the following information:

(a) The word "Sample;"

(b) The serial number of the approved application covering the withdrawal of the spirits;

(c) The kind of spirits;

(d) The serial number of the container from which removed;

(e) The name of the distiller, followed by the registered number of the distillery and the name of the State in which located;

(f) The purpose for which the sample is intended; and, if for laboratory analysis, the name and address of the laboratory or person making the analysis (unless the analysis is to be made by the warehouseman at the warehouse premises, or premises contiguous thereto);

(g) The size of the sample and, in regard to fruit spirits and brandy, the quantity in proof gallons extended to the 4th decimal place (the proof gallon content need not be shown on samples of other spirits);

(h) The name of the warehouseman, followed by the registered number of the warehouse and the name of the State in which located. Upon completion, the label and the copy shall be presented to the storekeeper-gauger, who shall verify the accuracy of the data thereon, date and sign both copies, and supervise the affixing of the label to the sample container. Where the sample is taken from a container of fruit spirits or brandy, the storekeeper-gauger shall write upon the copy of the label a statement showing whether the sample was procured tax-free or subject to payment of tax. The copy of the label shall be filed by the storekeeper-gauger in accordance with the provisions of § 185.544.

(53 Stat. 353; 26 U. S. C. 3037)

§ 185.544 *Office record.* The proprietor shall furnish sufficient file cases for the filing and retention of sample records. The copies of the labels shall be kept by the storekeeper-gauger as a record of samples removed and shall be filed numerically by package or tank serial number under the name and number of the producing distiller. The record shall be maintained as an active file for each sample package and for each storage tank from which samples are withdrawn, during the period such packages or spirits contained in such storage tanks are on storage in the warehouse. At the time of preparing Form 1520 or Form 1619 covering the removal of a sample package, or upon the emptying of a storage tank from which samples had been taken, the copies of labels covering samples removed from such package or storage tank shall be removed from the active file to an inactive file for storage.

(53 Stat. 353; 26 U. S. C. 3037)

§ 185.545 *Marking Form 1520 or 1619.* When the first sample is taken from any package the storekeeper-gauger will note the letters "S. P.," indicating sample package, in red on the entry Form 1520 or the transfer Form 1619 opposite the serial number of the package.

(53 Stat. 353; 26 U. S. C. 3037)

§ 185.546 *Marking package.* When the first sample is taken from any package the warehouseman will, under the supervision of the storekeeper-gauger, stencil upon the Government head of such package the letters "S. P."

(53 Stat. 353; 26 U. S. C. 3037)

§ 185.547 *Report of taxable samples.* Each day taxable samples of brandy or fruit spirits are withdrawn the storekeeper-gauger shall enter on Form 1615, in quadruplicate, a record of the taxable samples removed. All information called for by the form shall be furnished. At the end of each month the storekeeper-gauger shall complete the report, retain one copy of the form and deliver the remaining three copies to the warehouseman, who shall forward the three copies to the collector with remittance for the tax due. The collector shall execute his certificate of taxpayment on each copy of the form, retain one copy, and return the remaining two copies to the warehouseman, who will retain one copy and deliver the other copy to the storekeeper-gauger. The storekeeper-gauger shall note the taxpayment on his retained copy and forward the other copy to the district supervisor.

(53 Stat. 353; 26 U. S. C. 3037)

SAMPLES FOR INTERNAL REVENUE BUREAU

§ 185.548 *Record.* Where samples of distilled spirits are taken periodically from packages in internal revenue bonded warehouses for research purposes by the Bureau of Internal Revenue, the storekeeper-gauger will enter the date and quantity withdrawn on the Form 1520 or Form 1619 covering the deposit of such packages in the warehouse. If the packages are to be taxpaid under the provisions of § 185.492 credit will be allowed for the total quantity of all samples taken from any package for such purposes subsequent to the last official gauge.

SUBPART Z—TAX ON DISTILLED SPIRITS

§ 185.555 *Rate of tax.* The law imposes a tax on distilled spirits produced in, or imported into, the United States, at the rate prescribed therein, on each proof gallon, or wine gallon when below 100 degrees of proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid when withdrawn from bond.

(54 Stat. 522 as amended; 53 Stat. 298 as amended; 26 U. S. C. 1650, 2800)

§ 185.556 *Attachment of tax.* Under the law the tax attaches to distilled spirits as soon as such substance comes into existence as such, whether it be subsequently separated as pure or impure spirits, or be immediately, or at any subsequent time, transferred into any other substance, either in the process of original production or by any subsequent process.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

SUBPART AA—WITHDRAWAL OF DISTILLED SPIRITS FROM WAREHOUSE

§ 185.560 *Kinds of withdrawal.* Distilled spirits deposited in an internal revenue bonded warehouse may, as hereinafter provided, be withdrawn: (a) Upon taxpayment; (b) for exportation; (c) for use as supplies on vessels and aircraft; (d) for transfer in bond to another internal revenue bonded warehouse; (e) for transfer in bond to a customs manufacturing bonded warehouse; (f) for transfer to a distillery for redistillation upon a showing of the need therefor; (g) for use of the United States; (h) for denaturation (rum of not less than 150 degrees of proof only); or (i) for use in the fortification of wines (brandy only). Distilled spirits produced at 160 degrees or more of proof under section 2883, I. R. C., may be withdrawn, upon tax payment, for beverage purposes only.

(53 Stat. 332, 335, 335 as amended, 336, 340, 342 as amended, 348 as amended, 351, 355, 403; 26 U. S. C. 2875, 2882, 2883, 2885, 2891, 2903, 3031, 3033, 3070, 3331)

§ 185.561 *Kinds of containers.* Distilled spirits may be withdrawn from internal revenue bonded warehouses (a) in the distiller's original packages; (b) in packages to which the contents of original distiller's packages were transferred; (c) in cases where bottled in bond; (d) in packages having a capacity of not less than 10 gallons each, filled from warehouse tanks; (e) in tank cars filled prior to deposit in the warehouse or filled from the warehouse storage tanks; (f) by pipe line (1) from storage or gauging tanks to a denaturing bonded warehouse (only rum of not less than 150 degrees of proof and provided both warehouses are located on the distillery premises); (2) from storage or gauging tanks in a warehouse located on the distillery premises where the brandy was produced to the fortifying room of a contiguous winery (brandy of any proof); (3) from storage or gauging tanks to a distillery for redistillation (only spirits of 160 degrees of proof or more); or (4) from gauging tanks to a contiguous taxpaid bottling house or rectifying plant (only taxpaid spirits of any proof); or (g) in the case of taxpaid distilled spirits only, by tank car or tank truck to any premises authorized to receive distilled spirits in bulk. Distilled spirits may be withdrawn in tang cars only if the premises of the consignor and consignee are equipped with suitable railroad siding facilities. Where distilled spirits are to be warehoused in tank cars the siding facilities must extend into the receiving warehouse.

(53 Stat. 298 as amended, 316 as amended, 333, 335, 335 as amended, 337, 342 as amended, 346 as amended, 351, 355; 26 U. S. C. 2800, 2825, 2878, 2882, 2883, 2886, 2903, 3031, 3033, 3070)

§ 185.562 *Preparation of withdrawal reports by proprietor.* When distilled spirits are to be withdrawn from an internal revenue bonded warehouse for any of the purposes listed in § 185.560 the warehouseman shall prepare the required withdrawal report on Form 1520, 1619, or 1620, as the case may be, in accordance with the instructions in this part, except as provided in § 185.563. The storekeeper-gauger shall verify such forms.

(53 Stat. 307, 336; 26 U. S. C. 2808, 2884)

§ 185.563 *Preparation of withdrawal reports by storekeeper-gauger.* When spirits are to be withdrawn from a storage tank in an internal revenue bonded warehouse in packages filled therefrom at the time of withdrawal, by pipe line or in tank cars, the storekeeper-gauger will prepare and complete the Form 1520 in accordance with the instructions in this part.

(53 Stat. 307, 336; 26 U. S. C. 2808, 2884)

§ 185.564 *Withdrawal on original gauge.* Distilled spirits may be withdrawn from an internal revenue bonded warehouse on the original gauge where the same have remained in such warehouse for a period not exceeding 30 days from the date of original gauge.

(53 Stat. 334; 26 U. S. C. 2881)

MARKING, BRANDING AND STAMPING PACKAGES

§ 185.565 *Warehouseman to mark and brand packages.* The prescribed marks and brands peculiar to individual packages, whether the same are required to be cut, burned, imprinted, or stenciled, shall be placed upon the package by the warehouseman, under the supervision of the storekeeper-gauger.

(53 Stat. 307, 336; 26 U. S. C. 2808, 2884)

§ 185.566 *Rebranding spirits—grain, spirits—cane, spirits—fruit.* Spirits—grain, spirits—cane, spirits—fruit, etc., which were produced at 190 degrees of proof or more and which were entered into a warehouse prior to September 1, 1950, may, prior to withdrawal for tax payment, be rebranded by the warehouseman "Neutral spirits—grain," "Neutral spirits—cane," etc. The new designation must, in any event, be shown on Form 1520.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.567 *Quick-aging.* Where whisky is quick-aged, by any process, in packages at any time prior to tax payment, the letters "Q. A." will be burned, cut or stenciled upon the head of the package when such quick-aging is completed.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 185.568 *Mechanical labor.* All mechanical labor pertaining to the gauging of distilled spirits at an internal revenue bonded warehouse shall be performed by the warehouseman.

(53 Stat. 307, 336; 26 U. S. C. 2808, 2884)

§ 185.569 *Use of scales.* The officer will carefully examine the scale to ascertain that the same is in good condition. He shall balance the scales before weighing either empty or filled packages, and will frequently test, by means of test weights provided in accordance with § 185.113, the accuracy of such scales. Where a weighing beam is used the officer will see that during the process of weighing the beam is horizontal, is properly adjusted, and that it balances perfectly with the barrel hooks and counterpoise attached. In case a scale becomes inaccurate for any reason, the storekeeper-gauger will not permit it to be used while it is in such condition.

(53 Stat. 307, 336; 26 U. S. C. 2808, 2884)

§ 185.570 *Weighing packages.* During the process of weighing, the storekeeper-gauger shall personally verify the weight of each package and enter the same in the proper column of the applicable gauge report. Care will be taken at all times to note the correct reading of the scale to the half pound and in case of doubt as to which graduation shall be read, the package will be allowed to preponderate; that is, the graduation denoting the lesser weight will be read.

(53 Stat. 307; 26 U. S. C. 2808)

§ 185.571 *Proofing of spirits.* The storekeeper-gauger shall personally take the proof of all spirits gauged, and enter the same on the applicable gauge report. The storekeeper-gauger will follow strictly the instructions set forth in the Gauging Manual (26 CFR, Part 186) respecting the proofing of spirits, in order that the proof may be accurately determined. Hydrometers for determining the proof of distilled spirits are supplied by the Government for use of storekeeper-gaugers. The use of other than official hydrometers by storekeeper-gaugers is prohibited.

(53 Stat. 307, 336; 26 U. S. C. 2808, 2884)

§ 185.572 *Verification of marks and brands.* The storekeeper-gauger shall verify the marks and brands required to be placed on packages at the time of withdrawal, by comparison with the gauge sheet, and shall satisfy himself as to the accuracy and correctness of the marks and brands, and stamps (if any).

(53 Stat. 307, 336; 26 U. S. C. 2808, 2884)

§ 185.573 *Affixing and cancelling stamps.* When packages of spirits, including blended brandy, are removed taxpaid or for exportation, the taxpaid, export, or wholesale liquor dealer's stamp, and, in the case of taxpaid blended brandy, the Class B rectified spirits stamps required by section 2801 (e) (5), I. R. C., will be affixed and cancelled by the warehouseman, under the supervision of the storekeeper-gauger, in the manner prescribed by § 185.608, prior to removal of any such packages from the warehouse. Certificates of taxpayment covering spirits gauged in bulk in a gauging tank for removal in approved containers including pipelines will be cancelled and disposed of in the manner prescribed by §§ 185.625 and 185.626.

(53 Stat. 298 as amended, 300 as amended, 336; 26 U. S. C. 2800, 2801, 2884, 2885)

§ 185.574 *Stamps, marks, and brands not to be obscured.* The stamps, marks, and brands required by law and the provisions of this part to be placed upon casks and packages of distilled spirits are designed to evidence the legal status of the spirits contained therein, and they must not be obscured in any manner or covered by encasing the package bearing the same in another, but must at all times be in such condition as to admit of ready examination by revenue officers.

(53 Stat. 336; 26 U. S. C. 2884)

DRAWING-OFF SPIRITS FROM GAUGING OR STORAGE TANKS

§ 185.575 *Supervision.* The storekeeper-gauger is required to be present and personally supervise the drawing-off of all spirits from warehouse tanks either into approved containers, including tank cars, or for removal by pipe line. The spirits will be carefully gauged by the storekeeper-gauger and the details entered on report of gauge as hereinafter provided. The outlet of the storage or gauging tank will be immediately closed by the proprietor and locked by the storekeeper-gauger when the desired quantity of spirits has been drawn therefrom. It will be the duty of the storekeeper-gauger to determine that all

operations involved in the drawing-off of spirits from gauging or storage tanks, including the dumping of packages into the gauging tank for bulk gauging are properly performed.

(53 Stat. 298 as amended, 333, 335 as amended, 492; 26 U. S. C. 2800, 2878, 2883, 4017)

§ 185.576 *Adjusting proof.* The proof of distilled spirits in warehouse storage tanks shall be adjusted to a whole degree of proof prior to filling containers such as tank cars, barrels, or drums. Adjusting the proof to tenths of a degree either above or below the whole degree will not be permitted.

(53 Stat. 307; 26 U. S. C. 2808)

§ 185.577 *Use of tank scales.* When spirits are to be gauged in a gauging tank, either for deposit in or removal from the warehouse, the storekeeper-gauger will balance the scales on which the gauging tank is mounted before the spirits are run into such tank for gauging. The storekeeper-gauger will not permit the use of any scales not tested as required by § 185.114 or which upon testing are found to be inaccurate.

(53 Stat. 307, 335 as amended; 26 U. S. C. 2806, 2883)

§ 185.578 *Gauging tanks.* When spirits are to be removed by pipe line they will be run into a properly equipped gauging tank, except that where no gauging tank is provided in the internal revenue bonded warehouse, (a) brandy may be transferred by pipe line from storage tanks direct to a gauging tank in the fortifying room of a contiguous winery (only if warehouse is located on distillery premises where the brandy was produced); (b) rum of 150 degrees of proof or more may be transferred by pipe line from storage tanks direct to a gauging tank in a denaturing bonded warehouse (only if both warehouses are located on the distillery premises); or (c) spirits of 160 degrees of proof or more for redistillation may be transferred by pipe line from storage tanks direct to a gauging tank in a distillery on the same or contiguous premises.

(53 Stat. 298 as amended, 335 as amended, 492; 26 U. S. C.)

§ 185.579 *Pipe line removals.* Pipe lines used for the transfer of spirits to qualified establishments on the same or contiguous premises, or to tank cars or tank trucks for shipment, must conform to the requirements of § 185.124, except that the spirits may be transferred into or from a tank car or into a tank truck by means of a hose connection where the same is in full view of the Government officer throughout its entire length. The valves on such pipe lines shall be kept closed and locked at all times, except when necessary to be open for the transfer of spirits. The keys to all locks on the valves of such pipe lines shall remain at all times in the custody of the storekeeper-gauger. Spirits may be transferred by pipe line only under immediate supervision of the storekeeper-gauger.

(53 Stat. 298 as amended, 331, 335 as amended; 26 U. S. C. 2800, 2870, 2883)

TIME OF REMOVAL OF SPIRITS

§ 185.580 *Immediate removal upon tax payment.* When distilled spirits have been gauged or regauged for tax payment, the same must be promptly tax paid and removed from the warehouse. Likewise, where spirits are gauged or regauged for withdrawal for other purposes, they must be promptly removed from the warehouse upon approval of the withdrawal papers.

§ 185.581 *Restrictions on removal at night.* No person shall remove any distilled spirits from any internal revenue bonded warehouse at any other time than after sunrise and before sunset in any cask or package containing more than 10 gallons.

(53 Stat. 331; 26 U. S. C. 2870)

ADDITION OF BURNT SUGAR OR CARAMEL, OR OAK CHIPS, TO PACKAGES

§ 185.582 *Addition of oak chips.* Where distilled spirits are found to be unmerchantable owing to a deficiency in color, oak chips which have not been treated with any chemical may, under the conditions and limitations prescribed in the regulations governing the production of the distilled spirits, be added to the packages after the spirits have been regauged for tax payment and prior to the purchase and the affixing of the taxpaid stamps. Such packages shall, in addition to all other marks and brands required by this part, be branded with the words "Treated with oak chips."

§ 185.583 *Addition of burnt sugar or caramel.* Where brandy is found to be unmerchantable owing to a deficiency in color, a small quantity of burnt sugar or caramel may, under the conditions and limitations prescribed in the regulations governing the production of brandy, be added to the packages after the brandy has been regauged for tax payment and prior to the purchase and affixing of the taxpaid stamps. Burnt sugar or caramel may not be so added to any spirits other than brandy. Such packages, in addition to all other marks and brands required by this part, shall be branded with the letters "B. S. A."

(53 Stat. 307, 352; 26 U. S. C. 2808, 3036)

DESTRUCTION OF STAMPS, MARKS AND BRANDS

§ 185.584 *Upon emptying container.* When approved containers of distilled spirits, including tank cars and tank trucks are emptied, all stamps, marks and brands required to be placed thereon must be completely effaced and obliterated, except the portions of stamps and certificates of tax payment required to be submitted to the district supervisor. Labels affixed to tank cars of spirits shipped in bond must be destroyed when such cars are emptied. Certificates of tax payment affixed to tank cars and tank trucks of taxpaid spirits, must, when the tank cars or trucks are emptied, be scalped and the scalped portion of the certificate forwarded by the consignee to the district supervisor, as provided in this part. The remainder of such certificates will be destroyed. Certificates of tax payment covering transfers by pipe lines to contiguous establishments will be forwarded to the district supervisor by the consignor storekeeper-gauger in accordance with provisions of § 185.626.

(53 Stat. 330; 26 U. S. C. 2866)

RECORDS AND REPORTS

§ 185.585 *Proprietor's record and report, Form 52C.* The proprietor of every internal revenue bonded warehouse shall enter all spirits removed from the warehouse on Form 52C, as provided in Subpart WW of this part.

(53 Stat. 328; 26 U. S. C. 2859)

§ 185.586 *Storekeeper-gauger's records.* The storekeeper-gauger at an internal revenue bonded warehouse shall enter the date of withdrawal of all packages or other containers, and cases, of spirits removed from the warehouse in an appropriate column of Form 1520, Form 1619, or Form 1620, as the case may be, covering the deposit of the spirits, as provided in Subpart UU of this part. The storekeeper-gauger shall also report the withdrawal of all spirits from the warehouse in his monthly report, Form 1513, and in his summary of deposits and withdrawals, Form 1621, as provided in subparts UU and VV of this part. The storekeeper-gauger shall also enter on Form 1621 the details of the withdrawal of brandy for blending and the return of the blended brandy to the warehouse.

(53 Stat. 300 as amended, 346; 26 U. S. C. 2801, 2915)

§ 185.587 *Filing of withdrawal papers.* All copies of the withdrawal papers, Forms 179, 206, 236, 257, 573, 1515, 1519, 1520, 1619, and 1620, and of the permit Form 1508, retained by the storekeeper-gauger upon the withdrawal of distilled spirits from the warehouse and the copy of Form 1685 retained by him upon completion of brandy-blending operations shall be filed by him in the manner prescribed in §§ 185.1021 to 185.1026.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

DETERMINATION OF TARE

§ 185.588 *Method of determination.* When packages of spirits are to be individually gauged for withdrawal from the warehouse, the actual tare of the package will be determined: *Provided*, That until the close of business December 31, 1950, the average increase in tare may be determined and used to establish the tare at time of withdrawal. Where the average tare method is used, the proprietor will improvise a column on Form 1520, headed "Entry Tare," and will enter therein the tare on entry gauge of each package to be withdrawn.

§ 185.589 *Actual tare method.* The actual tare of a package to be withdrawn will be determined by weighing the package after the contents thereof have been temporarily removed to a separate container and, in the event the proprietor has elected to rinse the package, after the rinse water has been drained from the package. The storekeeper-gauger will supervise all operations incident to the determination of actual tare, examine each package to see that it is thoroughly drained (of spirits or rinse water) before determining its tare, and see that the spirits are returned to the proper package. The proprietor will furnish all labor necessary for the determination of actual tare.

§ 185.590 *Average tare method.* This method of determinirg tare may be used only for lots of spirits of the same kind and cooperage warehoused within a period of ten days of each other at proofs not differing more than 10 percent. The average increase in tare for such a lot of spirits will be established by finding the actual tare, as described in § 185.589, for not less than 20 percent of the packages to be gauged for withdrawal, and determining the actual increase in tare for such packages. Where the average tare method is used, however, no rinsing of packages will be permitted. The words "Average tare taken" will be entered conspicuously on Form 1520 by the proprietor and the number of packages to be used as a basis for the determination will be stated thereon as 20 percent, 25 percent, 33⅓ percent, or 50 percent, of those to be withdrawn. The packages to be used for the determination will be selected at random by the storekeeper-gauger. Where application of the percentage to the number of packages to be withdrawn results in a fraction, the fraction will be counted as an additional package. Not less than two packages may be weighed to determine the average increase in tare of any lot of five packages or less. The actual tare found will be entered by the storekeeper-gauger on Form 1520 for those packages for which it was determined, and an asterisk (*) will be placed to the left of the serial number of such packages. The actual increase in tare of each such package will be noted in the margin or other unused space of Form 1520 by the storekeeper-gauger, who will add these increases together and divide by the number of packages weighed to determine the average increase in tare to be applied to the other packages of the lot to be withdrawn. If the average increase so found contains a fraction of a pound less than twenty-five hundredths (0.25), it will be dropped; if twenty-five hundredths (0.25) or any intermediate fraction to and including seventy-five hundredths (0.75), it will be called one-half pound; if above seventy-five hundredths (0.75), it will be called 1 pound. The average increase in tare thus ascertained will be regarded as the increase of each of the remaining packages enumerated in the application for withdrawal and will be added to the entry tare of each such package to determine the withdrawal tare.

§ 185.591 *Limitations for reused packages.* When determining the increase in tare on reused packages selected for the purpose of ascertaining the average, if it is found that the increase in tare varies more than six pounds as between any two packages weighed, average increase in tare will not be allowed on the packages to be regauged, and actual tare must be taken on all such packages.

SUBPART BB—TAXPAID WITHDRAWALS IN PACKAGES

§ 185.600 *Application, Form 179.* Application for taxpayment and withdrawal of distilled spirits in packages from a bonded warehouse shall be made by the proprietor on Form 179, in quadruplicate. Unless the packages are to be withdrawn on the original gauge, the proprietor will indicate on the form the method of gauge desired, i. e., whether the contents of each package will be determined, or whether all packages of the lot will be dumped in a gauging tank for bulk gauge and subsequent removal by pipeline or in packages under the provisions of §§ 185.620–185.636. If the proprietor elects an individual gauge of each package, he shall also indicate on the Form 179 whether he desires the packages to be rinsed before the spirits are gauged or whether he desires to taxpay without rinsing. If the packages are not rinsed before gauging, recovery of spirits by rinsing of the packages at the time of dumping for bottling or rectification will be precluded. The proprietor's elections as to method of gauge and whether the packages will be rinsed may not be changed once gauging of the spirits has begun. Where the spirits are to be drawn into packages from a storage tank, the proprietor shall state, in addition to other applicable data on the form, the estimated quantity to be withdrawn. Separate applications shall be filed for the withdrawal of spirits from storage tanks. Likewise a separate application shall be filed for each lot of spirits in packages dumped for bulk gauge in a gauging tank in accordance with § 185.620. All copies of the application will be delivered to the storekeeper-gauger at the warehouse.

(53 Stat. 298 as amended, 335, 373 as amended; 26 U. S. C. 2800, 2882, 3170)

§ 185.601 *Preparation of Form 1520.* Except where spirits are to be withdrawn in packages filled from warehouse storage tanks at the time of withdrawal, the proprietor will prepare Form 1520, in quintuplicate, covering the packages shown in the application, Form 179. The proprietor will enter in the heading of the Form 1520 all the information called for and will show as to each package the necessary details of the entry gauge in the columns headed "Serial Nos. of Packages or Tank Cars," "Kind of Spirits," "Original Tax Gallons," "Last Gauge," "Date of Original Entry for Deposit" and if the packages are to be gauged by the average tare method, the entry tare will be shown as provided in § 185.590. If the "Last Gauge" was established by a Form 1698 the serial number of the form will be entered in columns 9 and 10. In the event a regauge is to be made upon withdrawal of packages which have remained in the warehouse for a period not exceeding 30 days from the date of the original gauge the proprietor will note on Form 1520 the reason for requesting a regauge. All copies of the Form 1520 will be delivered to the storekeeper-gauger with the Form 179.

(53 Stat. 335, 373 as amended; 26 U. S. C. 2882, 3170)

§ 185.602 *Gauge and taxpayment in packages.* If the spirits to be withdrawn are in packages, the storekeeper-gauger will examine them and where it is determined that any package bears evidence of unusual loss that cannot be satisfactorily explained, or of tampering, such package will be detained pending further investigation in accordance with the applicable provisions of §§ 185.480–185.496. Packages which do not bear evidence of unusual loss, or of tampering, will then be gauged, unless they are to be withdrawn on the original gauge. The storekeeper-gauger will enter on Form 1520 the details of gauge determined by him for each package: *Provided*, That if the proprietor has elected to rinse the packages and to add any or all of the rinse water to the spirits, the gross weight, tare and proof will be determined after the packages, including char or wood chips, have been rinsed and the rinse water thoroughly mixed with the spirits. As each package is dumped the loose char and wood chips, if any, shall be collected and after rinsing shall either be returned to the package or destroyed as provided in § 185.902. Water of any temperature may be used to rinse the packages. The temperature of the water must be marked on each package in accordance with § 185.609. Where the proprietor does not wish to add any or all of the rinse water to the spirits such rinse water must be poured on the ground or into a sewer in the presence of the storekeeper-gauger. The storekeeper-gauger will in all cases note on the Form 1520 "Rinsed" or "Not Rinsed," as the case may be and enter the remainder of the information required by the form prior to taxpayment. The storekeeper-gauger will execute his report on all copies of Form 179 and deliver them with four copies of Form 1520 to the proprietor who will forward all copies of both forms to the collector of internal revenue with proper remittance for the tax. If the spirits to be taxpaid are in storage tanks and it is intended to taxpay the packages immediately upon the filling gauge, the spirits will, upon receipt of Form 179 be drawn into the designated packages and gauged, marked, and branded in accordance with § 185.399 and serially numbered in accordance with § 185.401. The storekeeper-gauger will prepare Form 1520, in quintuplicate, and enter thereon the details of the gauge and proof of distillation. Four copies of Form 1520, accompanied by all copies of Form 179 with the storekeeper-gauger's report thereon duly executed will be delivered by the storekeeper-gauger to the proprietor of the warehouse, who will enter the details of the gauge in the space provided therefor on Form 179 and then forward all copies of both forms to the collector of internal revenue with proper remittance for the tax.

(53 Stat. 334, 335, 335 as amended, 336, 447 as amended; 26 U. S. C. 2881, 2882, 2883, 2884, 3656)

§ 185.603 *Gauge and taxpayment of blended brandy.* If the spirits to be withdrawn are brandies blended in accordance with the provisions of section 2801 (c) (5), I. R. C., the storekeeper-gauger shall compute the additional tax at 30 cents per proof gallon on the quan-

tity of spirits in each package at the time of regauge for withdrawal and shall enter in the appropriate column on Form 179 the total amount of tax due under section 2801 (e) (5), I. R. C., in addition to the amount of tax due on the brandy under section 2800 (a) (1), I. R. C.

(53 Stat. 300 as amended, 335, 336; 26 U. S. C. 2801, 2882, 2884)

§ 185.604 *Determining tare.* The tare of a package to be withdrawn will be determined in accordance with the provisions of §§ 185.588–185.591.

§ 185.605 *Issuance of taxpaid stamps.* The collector will issue the taxpaid stamps. Each taxpaid stamp shall bear the signature of the collector, who shall write or stamp thereon the date of payment of the tax, name of the proprietor (warehouseman), the number of gallons and tenths of gallons of proof spirits, and the serial number of the cask. Facsimile signatures of collectors may be affixed by the use of hand stamps to the taxpaid stamps, care being taken to use only such ink as will neither fade nor blur. The collector will enter the serial numbers of the stamps in the appropriate spaces on all copies of Form 1520, sign the certificate of taxpayment on all copies of Form 179, retain one copy each of Form 179 and Form 1520, and return the remaining three copies of Form 179 and three copies of Form 1520 to the warehouseman with the stamps.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 185.606 *Issuance of rectified spirits stamps.* Where the Form 179 covers blended brandies taxpaid at 30 cents per proof gallon in addition to the tax of $9.00 per proof gallon the collector shall issue a class B rectified spirits stamp, with proper coupons attached, for each package and shall enter the serial number of the stamps in the proper column of Form 1520.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.607 *Removal of spirits.* The warehouseman shall deliver all copies of Form 179 and Form 1520, with the taxpaid stamps, to the storekeeper-gauger who will verify the data thereon with his retained copy of Form 1520 and, if no discrepancies are found, he will note the serial numbers of the stamps on the retained copy of Form 1520, and, after affixing his signature or a facsimile thereof, to the stamps, will return them to the warehouseman. The warehouseman will stamp, mark and brand the packages, as provided in §§ 185.608 and 185.609, after which he will remove the spirits immediately. When the spirits have been removed, the storekeeper-gauger will execute his statement of the date of withdrawal on the three copies of Form 179, retain one copy of each Form 179 and Form 1520, deliver one copy of Form 179 and two copies of Form 1520 to the warehouseman, and forward one copy of each to the district supervisor. The warehouseman will send one copy of Form 1520 to the vendee.

(53 Stat. 306, 336, 373 as amended; 26 U. S. C. 2806, 2884, 3170)

§ 185.608 *Affixing and cancelling stamps.* When packages of distilled spirits are withdrawn from an internal revenue bonded warehouse upon payment of tax (or for exportation) the tax-paid (or export) stamps will be affixed and canceled by the proprietor under the supervision of the storekeeper-gauger before the packages are removed from the warehouse. The stamps must be securely affixed to the Government head of the package with a good adhesive to effectively prevent removal without mutilation. The stamp must be canceled immediately after it has been affixed to the package by imprinting five parallel waved lines across the stamp with a stencil, which will be provided by the proprietor. The stamp will be covered with a protective coating of shellac, lacquer varnish, or glue which is sufficiently transparent to permit legibility of the markings on the stamp, except where the packages are to be transferred to contiguous premises and the coating is not required for protecting the legibility of the stamp. Such stamps must remain upon the packages until the spirits therein are emptied or drawn off.

(53 Stat. 398; 26 U. S. C. 3301)

§ 185.609 *Marking and branding packages of distilled spirits.* Packages of spirits gauged for tax payment must be tax paid and removed from the warehouse promptly. If the spirits are to be removed in packages the stamp must be affixed to the Government head of the packages on the left side and there will be plainly marked in letters and figures of not less than one-half inch in height the serial number of the tax-paid stamp, and the date of tax payment, abbreviated as follows: T. P. S. No. ------; T. P. ------. In addition there will be stenciled on the Government head of each package the information "Rinsed" or "Not Rinsed," as the case may be. Where the package is rinsed, the temperature of the water used for rinsing will be marked on the package, as for example, "Rinsed—115F." The withdrawal markings, except those showing whether the package was rinsed, may be waived by the district supervisor when packages of spirits are to be removed to a tax paid bottling house or rectifying plant in the immediate vicinity of the warehouse for immediate bottling or dumping for rectification.

(53 Stat. 333, 335 as amended, 336; 26 U. S. C. 2878, 2883, 2884)

§ 185.610 *Marks and brands illustrated.* The following cut illustrates the order and manner in which the marks shall be applied to the head of each package upon filling and upon tax payment. When spirits are transferred to customs manufacturing bonded warehouse, withdrawn for export, for the use of United States, for the fortification of wine or other purposes, the required withdrawal information will be shown in lieu of the taxpayment data shown in the cut:



(53 Stat. 333, 335 as amended, 336; 26 U. S. C. 2878, 2883, 2884)

§ 185.611 *Proprietor to furnish required labor and material.* Proprietors of internal revenue bonded warehouses are required to furnish all the help needed to handle the cask or package; to furnish the glue, shellac, or other adhesive, tacks, stenciling material, brushes, stencils, branding or cutting equipment, vessels, and every necessary facility for the preparation of the cask or package to be put upon the market, except the instruments for proofing the spirits. The storekeeper-gauger is authorized to require such materials to be furnished and he will see that the cask or package is in every way complete for marketing when it leaves the warehouse.

(53 Stat. 333, 336; 26 U. S. C. 2878, 2884)

SUBPART CC—TAXPAID WITHDRAWALS BY GAUGE TANK

§ 185.620 *Application, Form 179.* Application for taxpayment of distilled spirits to be dumped from packages or removed from storage tanks or tank cars into a gauging tank for subsequent withdrawal by pipe line to contiguous establishments or in approved containers, including tank cars and tank trucks, shall be made by the proprietor of the warehouse on Form 179, in quadruplicate. Where the spirits to be withdrawn are in packages, the serial numbers and original tax gallons will be stated on Form 179, which will be accompanied by Form 1520, in quintuplicate, prepared by the proprietor in the manner provided in § 185.601. If the spirits are to be removed in a tank car or tank truck, the number thereof, and the name or symbols of the owner, shall also be stated on the Form 179. Where the capacity of a gauging tank is insufficient for the quantity of spirits to be shipped in a tank car or tank truck, the lot of spirits described on Form 179 may be dumped into more than one gauging tank, but a separate Form 1520 must be prepared for each such gauging tank listing the packages to be gauged therein, and the entire quantity to be removed must be taxpaid prior to the transfer of any portion thereof to the tank car or tank truck. If the spirits are to be repackaged after taxpayment and prior to removal from the warehouse, the proprietor will so indicate on

the application. Removals by tank car or tank truck of spirits withdrawn from warehouse storage tanks shall be made in accordance with the provisions of Subpart DD of this part. Where the spirits are to be withdrawn from a warehouse storage tank and removed through a gauging tank by pipe line or in packages, the proprietor shall state, in addition to other applicable data, the maximum quantity to be withdrawn. All copies of the application, for any of the types of removals described above, will be delivered to the storekeeper-gauger at the warehouse. Application on Form 179 should cover only homogeneous spirits such as may be mingled in a gauging tank as provided in § 185.621. Spirits may be withdrawn as provided in this section only where pipe lines, or facilities for drawing off spirits from gauging tanks into packages, tank cars, or tank trucks, have been provided and approved. When a warehouseman desires to transfer spirits to a gauging tank, and the inlet thereof is locked, he will request the Government officer to unlock the inlet to the tank to permit the transfer of the spirits thereto. At the time of unlocking the inlet of the gauging tank the Government officer will lock the outlet thereto, which must remain locked until the spirits and rinse water, if any, have been transferred to the gauging tank, the inlet locked and the spirits gauged and taxpaid in accordance with §§ 185.622–185.625.

(53 Stat. 298 as amended, 335 as amended, 373 as amended; 26 U. S. C. 2800, 2882, 2883, 3170)

§ 185.621 *Mingling in gauging tank of spirits for taxpayment.* Spirits of less than 190 degrees of proof which were produced from different materials, or by two or more distillers, or at two or more distilleries, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may not be mingled in a warehouse gauging tank for taxpayment. Examples of spirits which are otherwise heterogeneous are spirits which have been quick-aged and spirits which have not been quick-aged, and spirits which have been stored in different kinds of cooperage. Spirits of the same composition, produced at approximately the same proof by the same distiller at the same distillery, and differing in age (a) not more than 6 months in the case of spirits more than 2 years of age, (b) not more than 60 days in the case of spirits more than 1 year and not more than 2 years of age, or (c) not more than 30 days in the case of spirits 1 year of age or less, and packaged in the same kind of cooperage will be presumed to be homogeneous, and may be mingled in a warehouse gauging tank for convenience in taxpayment. Where it is desired to mingle for convenience in taxpayment spirits falling within more than one of the age categories specified, the difference in age allowable shall be determined according to the age of the youngest spirits. For example, if spirits not more than 1 year of age are mingled with spirits more than 1 year old, the spirits must not vary in age more than 30 days. Spirits of 190 degrees of proof or more distilled from the same class of materials (such as grain) will be presumed to be homogeneous and may be mingled in a gauging tank for convenience in taxpayment.

(53 Stat. 298 as amended, 335 as amended, 391; 26 U. S. C. 2800, 2883, 3254; sec. 205, 49 Stat. 981 as amended; 27 U. S. C. 205)

§ 185.622 *Gauge and taxpayment.* If the spirits to be withdrawn are in packages, the storekeeper-gauger, upon receipt of the Form 179 and Form 1520, will carefully examine and supervise the weighing of each package and enter the weights on Form 1520. Where it is determined that any package bears evidence of unusual loss that cannot be satisfactorily explained, or of tampering, such package will be detained pending further investigation in accordance with the applicable provisions of §§ 185.480–185.496. When the contents of the packages have been dumped into the gauging tank, the empty packages, including the char and wood chips, if any, will be thoroughly rinsed: *Provided*, That if the contents of the packages dumped for bulk gauging are to be drawn from the gauging tank for shipment in as many of the original packages as may be required, the packages to be used as shipping containers need not be rinsed if a declaration to that effect has been made by the proprietor prior to the dumping of the spirits, in which event recovery of spirits by rinsing at the time of dumping for bottling or rectification will be precluded. Water of any temperature may be used to rinse the packages. The rinsings will be added to the spirits dumped from the packages into the gauging tank prior to gauging: *Provided*, That where the proprietor does not wish to add any or all of the rinse water to the spirits in the gauging tank, such rinse water must be poured on the ground or into a sewer in the presence of the storekeeper-gauger. The temperature of water used for rinsing must be marked on the packages used as shipping containers in accordance with § 185.628. Loose char and wood chips, if any, collected from packages, the contents of which have been dumped into bulk gauging tanks after rinsing must be destroyed in accordance with § 185.902 unless added to the packages which are to be used as shipping containers. The tare of any shipping container must include the weight of loose char and wood chips which are placed therein. After the packages have been dumped and rinsed all marks and brands shall be obliterated, except where the packages are to be used for the shipping of spirits dumped therefrom for gauging, in which case only the kind of cooperage, serial number of the package, the word "Filled" and the date of filling need not be obliterated. The spirits in the gauging tank will be adjusted to a whole degree of proof, gauged with an official hydrometer, and the details of the gauge entered by the storekeeper-gauger on Form 1520. The storekeeper-gauger will also enter on the Form 1520 the number of the gauging tank. If the spirits to be withdrawn are contained in a storage tank or tank car, they will be drawn into the gauging tank, gauged and reported in the same manner as packages dumped for bulk gauging. Four copies of Form 179 with the storekeeper-gauger's report thereon, duly executed, and four copies of Form 1520 will be delivered by the storekeeper-gauger to the proprietor of the warehouse. One copy of Form 1520 will be retained by the storekeeper-gauger pending taxpayment of the spirits represented thereby.

(53 Stat. 298 as amended, 335 as amended; 26 U. S. C. 2800, 2882, 2883)

§ 185.623 *Application for certificate of taxpayment, Form 1594.* The proprietor will prepare Form 1594 in duplicate if the consignee is located in the same supervisory district, and in triplicate if located in another supervisory district. The form will be properly modified to show taxpayment of the spirits gauged in bulk, the number or numbers of the gauging tanks specified on Forms 1520 and covered by the Form 179, and the method of removal from the gauging tank, i. e., by pipe line, tank car, tank truck, or in packages. All copies of Forms 179, 1520, and 1594, accompanied by proper remittance for the tax, will be forwarded by the proprietor to the collector of internal revenue.

(53 Stat. 298 as amended, 335, 447 as amended; 26 U. S. C. 2800, 2882, 3656)

§ 185.624 *Certificate of taxpayment, Form 1595.* The collector will issue Form 1595, appropriately modified to cover the spirits gauged in bulk, including the number or numbers of the gauging tanks, and will execute his certificate of taxpayment on all copies of Form 179, enter the serial number of the Form 1595 on all copies of Form 1520, and shall fill in all the required data in the blank spaces on the Form 1595, except those provided in the lower left corner for the verification of the storekeeper-gauger, and will date and sign the certificate in the same manner as provided in § 185.605 for taxpaid stamps. The collector will enter on the original and the copy or copies of Form 1594, in the space provided, the serial number, date and amount of the certificate issued. The collector will retain one copy each of Forms 179 and 1520 and the original copy of Form 1594. He will mail or deliver the certificate, Form 1595, and the original and remaining copies of Forms 179 and 1520 to the proprietor or his designated agent in accordance with his request in Form 1594. The collector will send one copy of the application, Form 1594, to the district supervisor. Where the consignee is located in a different supervisory district, the collector will send the remaining copy of Form 1594 to the supervisor of the district in which the consignee is located.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 185.625 *Storekeeper-gauger's verification.* The proprietor shall deliver the certificate of taxpayment, Form 1595, and all copies of Forms 179 and 1520 to the storekeeper-gauger at the internal revenue bonded warehouse. The storekeeper-gauger will transcribe the serial number of the certificate, Form 1595, to his retained copy of Form 1520 and will verify the contents of the gauging tank or tanks and sign the certificate, Form 1595, in the space provided therefor,

The certificate must be attached to a board on the gauging tank and if the spirits are to be removed by pipe line or in packages it will be cancelled in the same manner as a taxpaid stamp attached to a package. The certificate, Form 1595, shall remain attached to the gauging tank until the spirits covered by the certificate have been removed. If the spirits are to be removed by tank car or tank truck, the subsequent procedure shall be in accordance with the applicable provisions of §§ 185.656–185.659.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 185.626 *Release of spirits from gauging tank.* When the certificate of taxpayment has been affixed to the gauging tank, and cancelled when required, the storekeeper-gauger will unlock the outlet valve to permit the removal of the spirits. The removal of spirits from the gauging tank must be under the immediate supervision of the storekeeper-gauger. If the spirits are transferred by pipe line, the storekeeper-gauger will forward one copy each of Forms 179 and 1520 and the cancelled Form 1595 to the district supervisor, retain one copy each of Forms 179 and 1520 and deliver one copy of Form 179 and two copies of Form 1520 to the warehouseman, who will immediately deliver one copy of Form 1520 to the vendee. If the spirits are to be drawn into packages from the gauging tank for transfer to bottling premises, the procedure prescribed in §§ 185.627–185.636 will be followed and when all spirits have been drawn into packages, the storekeeper-gauger will dispose of Forms 179, 1520, and 1595 in the manner provided in this section for removals by pipe line. If the spirits are to be removed by tank car or tank truck the procedure will be in accordance with the applicable provisions of §§ 185.656–185.659.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

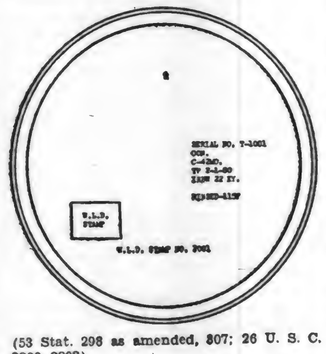
§ 185.627 *Procurement of wholesale liquor dealer's stamps.* Where the proprietor desires to transfer taxpaid spirits from a gauging tank into packages for removal to rectifying or bottling premises, application on Form 92, in quadruplicate, will be made to the storekeeper-gauger in charge of the warehouse for permission to draw the spirits into wholesale liquor dealer's packages. All information indicated by the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto, and as required by this part, shall be furnished. All copies of the Form 92 will be submitted to the storekeeper-gauger in charge of the warehouse, who, if he finds after inspection of the spirits and verification of the entries and statements in the application that the spirits are correctly described and have been properly taxpaid, will sign Parts 2 and 3 and return all copies of the form to the warehouseman.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 185.628 *Refilling, gauging, and marking packages of taxpaid spirits drawn from a gauging tank.* Upon receipt from the storekeeper-gauger of Form 92, properly certified and approved, the warehouseman will fill and mark the packages under the supervision of a Government officer. Packages into which the spirits are drawn must be marked and branded in letters and figures not less than one-half inch in height to show the name of the distiller or person in whose name the spirits were produced, the registry number of the distillery, the city or town and State in which the distillery is located, the proof at which distilled, and the kind of spirits, all as shown on the original packages and as illustrated in § 185.610. In addition to the above, the packages will be marked and branded in letters and figures not less than one-half inch in height to show that they are consolidated packages, the kind of cooperage into which the spirits were drawn, the serial number of the package (in accordance with § 185.401), the warehouse number and State in which located, the kind of cooperage in which the spirits were stored and the number of months the youngest spirits in the lot were in storage, the date the spirits were taxpaid, and the serial number of the wholesale liquor dealer stamp. Where spirits are drawn from the gauging tank for shipment in packages from which dumped, the refilled packages will be stenciled "Rinsed" or "Not Rinsed," as the case may be. Where the packages are rinsed, the temperature of the water used for rinsing will also be marked on each package, as for example, "Rinsed—115F." A similar notation will be made on Form 92. The additional information required by this section to be marked on the package may be abbreviated as illustrated in § 185.629. The warehouseman will enter the details of the gauge on each copy of Form 92.

(53 Stat. 298 as amended, 307; 26 U. S. C. 2800, 2808)

§ 185.629 *Marks and brands illustrated.* The following cut illustrates the order and manner in which the additional marks and brands required by § 185.628 shall be applied to the head of each package of spirits filled from a gauging tank after bulk gauge and taxpayment in such tank:



(53 Stat. 298 as amended, 307; 26 U. S. C. 2800, 2808)

§ 185.630 *Application for stamps.* When the spirits have been packaged and the details of the gauge thereof entered on Form 92 by the warehouseman, he will execute his application in Part 4 of the form for the issuance of wholesale liquor dealer's stamps. The warehouseman will address it to the storekeeper-gauger in charge of the warehouse and will deliver all copies of the form to that officer.

(53 Stat. 301, 329; 26 U. S. C. 2802, 2863)

§ 185.631 *Issuance of stamps.* Upon receipt of Form 92 with the application in Part 4 duly executed, the storekeeper-gauger in charge will issue a wholesale liquor dealer's stamp, with proper coupons attached, for each package listed on the form. When issuing the stamps, the storekeeper-gauger in charge will enter on each stamp all the information called for except the "Original Proof." The words "Gauge Tank" and the serial number thereof will be entered in the space provided for the serial number of the package from which the wholesale liquor dealer packages were filled. The storekeeper-gauger in charge will enter his signature and title, or a facsimile thereof, in the space provided for the signature of the collector. Where an appreciable number of wholesale liquor dealer's packages will be filled, the warehouseman must provide the storekeeper-gauger in charge with suitable rubber stamps for the insertion of information common to all wholesale liquor dealer stamps to be used by him. The total gallonage for which wholesale liquor dealer's stamps are issued shall in no case exceed that covered by Form 1595, unless due to normal variations in gauge.

(53 Stat. 301, 329; 26 U. S. C. 2802, 2863)

§ 185.632 *Stamp stub.* The storekeeper-gauger in charge shall enter on the stub connected with each stamp data similar to that entered on the stamp, to preserve a perfect record of the detached stamp.

(53 Stat. 301, 329; 26 U. S. C. 2802, 2863)

§ 185.633 *Wholesale liquor dealer's stamp books.* Wholesale liquor dealer's stamps in the required denominations will be furnished by collectors to district supervisors upon request. District supervisors will supply storekeeper-gaugers in charge of bonded warehouses where such stamps are used with sufficient quantities of such stamps as to permit expeditious removal of spirits in wholesale liquor dealer's packages. When all the stamps in a book have been issued, the storekeeper-gauger in charge will return the stub book to the district supervisor.

(53 Stat. 301, 329; 26 U. S. C. 2802, 2863)

§ 185.634 *Record and report of wholesale liquor dealer's stamps.* Storekeeper-gaugers having custody of wholesale liquor dealer's stamps at internal revenue bonded warehouses will keep a record of such stamps received and used on Part 1 of Form 118, properly modified for the purpose, and as required by instructions on the form or as issued in respect thereto. The record will be kept in bound form available for inspection by other Government officers. The storekeeper-gauger will prepare his monthly report on Part 2 of Form 118, properly modified and in duplicate, retain one copy and furnish one copy to the district supervisor.

§ 185.635 *Disposition of Form 92.* The storekeeper-gauger in charge will enter the serial numbers of the wholesale liquor dealer stamps in the proper column on each Form 92, opposite the description of the package for which the stamp is issued. He will then return two copies of Form 92 to the warehouseman with the stamps, forward one copy of the form to the district supervisor and retain one copy. The retained copy will be placed in a permanent file as authority for issuance of the stamps. The warehouseman will forward one copy of Form 92 to the vendee.

(53 Stat. 301, 329; 26 U. S. C. 2802, 2863)

§ 185.636 *Affixing and canceling stamps.* Upon receipt from the storekeeper-gauger in charge of the Form 92 and accompanying stamps, the warehouseman will affix the stamps to the packages and cancel the same under the supervision of a storekeeper-gauger. The stamps will be affixed, canceled and protected in the same manner as taxpaid spirits stamps are required in § 185.608 to be affixed and canceled, after which the packages must be immediately removed from the warehouse.

SUBPART DD—TAXPAID WITHDRAWALS IN TANK CARS AND TANK TRUCKS

§ 185.650 *Application, Form 179.* Application to withdraw spirits from storage tanks for taxpayment and removal in tank cars or tank trucks shall be made by the warehouseman on Form 179, in quadruplicate, as in the case of withdrawals from such tanks for tax payment in packages, except that the application will show that the transportation will be by tank car or tank truck.

(53 Stat. 298 as amended, 335 as amended; 26 U. S. C. 2800, 2883)

§ 185.651 *Report of gauge, Form 1520.* All copies of Form 179 shall be delivered to the storekeeper-gauger, whereupon the spirits will be run into a gauging tank and gauged for removal. The storekeeper-gauger shall enter the details of the gauge on Form 1520, in quintuplicate. The proof at which the spirits were distilled and the number and name or symbols of the owner of the tank car or tank truck shall, in every instance, be noted by the storekeeper-gauger on Form 1520. The storekeeper-gauger will execute his report on each copy of Form 179 and will return all copies thereof, with four copies of Form 1520 attached, to the proprietor, who will enter in the space provided therefor on each copy of Form 179 the description of the spirits gauged.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.652 *Application for certificate of tax payment; Form 1594.* The proprietor will forward all copies of Form 179 and Form 1520, with Form 1594, appropriately modified when necessary, in duplicate if the vendee is located in the same supervisory district and in triplicate if the vendee is located in a different supervisory district, accompanied by proper remittance for the tax, to the collector of internal revenue. The collector may, in his discretion, accept uncertified checks in payment of the tax on spirits contained in tank cars or tank trucks where certificates are issued in lieu of stamps.

(53 Stat. 335 as amended, 447 as amended; 26 U. S. C. 2883, 3656)

§ 185.653 *Certificate of tax payment, Form 1595.* The collector will issue Form 1595, appropriately modified when necessary, enter the serial number of the certificate in the column on all copies of Form 1520 provided for entering the serial numbers of taxpaid stamps, and execute his certificate of taxpayment on Form 179. The collector will fill in all the required data in the blank spaces on the certificate, except those provided in the lower left corner for the verification of the storekeeper-gauger, and date and sign the certificate in the same manner as a tax-paid stamp is required by § 185.605 to be filled in and dated and signed. This certificate is not negotiable and shall not be used on any tank car or tank truck other than the one described therein. The collector will enter on the original and the copy or copies of Form 1594, in the space provided, the serial number, date and amount of the certificate issued. The collector will retain one copy each of Form 179 and Form 1520, and the original copy of Form 1594. He will mail or deliver the certificate (Form 1595) and the original and remaining copies of Form 179 and Form 1520 to the proprietor or his designated agent, in accordance with the vendor's request in Form 1594. The collector will send one copy of the application (Form 1594) to the district supervisor. Where the vendee is located in a different supervisory district, the collector will send the remaining copy of Form 1594 to the supervisor of the district in which the vendee is located.

(53 Stat. 298 as amended, 335 as amended; 26 U. S. C. 2800, 2883)

§ 185.654 *Route board.* Tank cars and tank trucks used for the transportation of tax-paid distilled spirits must be equipped with a route board at least 10 by 12 inches in size, to which Form 1595 can be attached. Such board shall be of substantial material and shall be affixed permanently and securely to the tank car or tank truck by roundheaded or carriage bolts, nutted and riveted, battered, or welded.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.655 *Bill of lading.* The proprietor shall incorporate in the bill of lading a description of Form 1595 as follows:

Form 1595

COLLECTOR'S CERTIFICATE OF TAXPAYMENT OF DISTILLED SPIRITS FOR SHIPMENT IN TANK CARS

Serial No. ------ Owner and No. of car ----
Vendor ---------- Address ----------
Vendee ---------- Address ----------

Where no bill of lading is issued, as in the case of transfer of a tank car between plants by switching arrangment, the warehouseman shall incorporate in Form 1520 such description of Form 1595.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.656 *Storekeeper-gauger's verification.* The proprietor shall give the certificate of tax payment (Form 1595), the bill of lading (if any), and all copies of Form 179 and Form 1520, to the storekeeper-gauger. The storekeeper-gauger will transcribe the serial number of the certificate, Form 1595, to his retained copy of Form 1520 and will verify the contents of the tank car or tank truck and the description of Form 1595 in the bill of lading or Form 1520, as the case may be, and will determine the security of the route board, and date and sign the certificate in the space provided therefor. The proprietor shall then affix the certificate to the route board in the prcsence of the storekeeper-gauger. The certificate must be securely affixed to the route board with a good adhesive and with a tack in each corner, after which it will be canceled in the same manner as a tax-paid stamp after attachment to a package, and covered with a coating of transparent shellac, varnish, or lacquer, to prevent its easy removal or alteration.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.657 *Release of tank car or tank truck.* When the certificate of tax payment has been affixed to the route board and canceled, and the tank car or tank truck sealed by the proprietor, the storekeeper-gauger will return the bill of lading (if any) to the proprietor, release the tank car or tank truck for shipment, and note on all copies of Form 1520 the date of the release of the tank car or tank truck. The storekeeper-gauger will forward one copy of Form 179 and Form 1520 to the district supervisor, retain one copy of each form, and deliver one copy of Form 179 and two copies of Form 1520 to the proprietor, who will forward one copy of Form 1520 to the vendee.

(53 Stat. 335 as amended, 373 as amended; 26 U. S. C. 2883, 3170)

PROCEDURE WHEN TANK CAR OR TANK TRUCK IS EMPTIED

§ 185.658 *Scalping certificate.* When distilled spirits are received in a tank car or tank truck by the proprietor of a rectifying plant, a taxpaid bottling warehouse, or other vendee authorized to receive taxpaid distilled spirits in tank cars or tank trucks, the vendee shall at the time the car or truck is emptied, scalp the certificate of taxpayment, Form 1595, by cutting out all of that portion of the certificate within the border. The vendee shall then send the scalped portion of the certificate to the supervisor of the district in which the vendee is located, and shall obliterate the remainder of the certificate. If the tank car or tank truck is received without the certificate attached thereto, the vendee shall note such fact on the bill of lading or Form 1520 and immediately notify the district supervisor, who will cause such inquiry to be made respecting the shipment and receipt of the car or truck as he may deem appropriate. Where a tank car or tank truck with the certifi-

cate missing is received at a plant where a storekeeper-gauger is assigned, such storekeeper-gauger will furnish a complete report to the district supervisor.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.659 *Vendee's use of Form 1520.* The report of gauge, Form 1520, sent to the vendee by the vendor shall be attached to the storage tank in the rectifying plant, taxpaid bottling warehouse, or premises of other vendee authorized to receive the spirits. The proprietor shall enter the date and quantity of removals from the storage tank in the blank space on such Form 1520. The report of gauge shall be kept on the tank until such time as the quantity covered by such report has been withdrawn from the tank. The report shall then be filed by the proprietor, available for inspection by Government officers. If the spirits are transferred directly from the tank car or tank truck into a bottling tank, the vendee shall make a notation to that effect on the Form 1520 and file it. The requirements of this section shall not preclude use of the spirits prior to receipt of Form 1520.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

IN TANK CARS RECEIVED IN BOND

§ 185.660 *Procedure.* Where spirits are received in bond in tank cars at an internal revenue bonded warehouse and tax paid thereat, the procedure prescribed in §§ 185.650 to 185.657 for the tax payment of tank cars of spirits filled from warehouse storage tanks will be followed, except that the spirits in the tank car need not be regauged but may be tax paid on the filling gauge if tax paid within thirty days after filling.

(53 Stat. 298 as amended, 335 as amended, 340 as amended; 26 U. S. C. 2800, 2883, 2901)

§ 185.661 *Report of gauge, Form 1520.* Where the spirits in a tank car are tax paid according to the filling gauge the proprietor will make a copy of such gauge in quintuplicate, for use in tax payment.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

SUBPART EE—TAX-PAID WITHDRAWALS IN CASES

§ 185.670 *Application, Form 1519.* Application for tax payment and withdrawal of distilled spirits in cases bottled in bond shall be made by the warehouseman on Form 1519, in triplicate. Each withdrawal will be made on a separate Form 1519, except that two or more withdrawals on the same day of spirits produced by the same distiller at the same distillery may be made on one form. The storekeeper-gauger will inspect the cases to be removed, and if any case bears evidence of unusual loss that cannot be satisfactorily explained, or of tampering, such case will be detained by him pending further investigation in accordance with the applicable provisions of §§ 185.480–185.496. The warehouseman will cancel the necessary stamps in the exact amount of the tax due in the manner provided by § 185.675. He will then attach the stamps to Form 1519 and submit all copies to the Government officer. The Government officer will complete the cancellation of the stamps as provided by § 185.675 and will execute the certificate on Form 1519 evidencing the receipt and cancellation of stamps for the amount of taxes due.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 185.671 *Withdrawal of spirits.* The spirits will be promptly withdrawn from the warehouse. On the date of withdrawal there will be stenciled on each case the word "Taxpaid," the date when stamps were canceled and surrendered to the storekeeper-gauger in payment of such tax, followed by the name and title of the storekeeper-gauger. Immediately upon withdrawal the storekeeper-gauger will enter on each copy of Form 1519 the date of withdrawal, sign each copy, and forward the copy to which the canceled stamps are attached to the district supervisor, deliver one copy to the warehouseman, and file one copy in his office.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

STAMPS

§ 185.672 *Denominations; purchase and use.* Stamps for the taxpayment of distilled spirits bottled in bond may be purchased in various denominations. The denominations of such stamps are set forth on Form 427–D. Distilled spirits stamps for tax paying distilled spirits bottled in bond should be purchased by proprietors of internal revenue bonded warehouses where such bottled distilled spirits are stored (or bottled, if immediate removal after bottling is contemplated) from the collector of internal revenue of the district in which the warehouse is located. Stamps may not be purchased by one warehouseman from another, nor may they, except in cases of emergency, be purchased from collectors of other districts. Stamps may be sold only to proprietors of internal revenue bonded warehouses and only for the payment of tax on distilled spirits bottled in bond. Warehousemen shall not sell or transfer stamps except that they may (a) transfer such stamps to other internal revenue bonded warehouses operated by themselves as provided in § 185.676 pursuant to the prior approval of the district supervisor; or (b) return such stamps for redemption in accordance with § 185.677. Distilled spirits stamps (for distilled spirits bottled in bond) used or unused may not be purchased, sold, or possessed, except as specifically provided by law or regulations.

(53 Stat. 298 as amended, 374, 375, 398; 26 U. S. C. 2800, 3172, 3175, 3300)

§ 185.673 *Form 427–D.* With each purchase of stamps the warehouseman will submit to the collector Form 427–D, in triplicate, properly filled out. The collector will stamp the date of sale on all copies of Form 427–D, return one copy to the warehouseman with the stamps and send one copy to the appropriate district supervisor. The remaining copy of Form 427–D will be filed in the collector's office so that all purchases of stamps may be verified at any time. The collector will refuse to sell stamps when such form is not submitted.

(53 Stat. 298 as amended, 374; 26 U. S. C. 2800, 3172)

§ 185.674 *Remittance; delivery.* All orders for stamps must be accompanied by proper remittance in a sum equal to the value of the stamps. Unless the stamps are called for by the warehouseman or his agent in person, they will be sent to him by ordinary mail, registered mail, or express, at the expense of the warehouseman. When the stamps are not called for in person the warehouseman will specify on Form 427–D the means (ordinary mail, registered mail, or express) by which he desires the stamps sent to him. If the stamps are ordered sent by ordinary mail, the warehouseman shall enclose with his order sufficient postage stamps, or a separate remittance to cover the postage; if the stamps are ordered sent by registered mail, the warehouseman shall include the postage and registry fee and any required registry surcharge, as provided by the postal laws and regulations. If the remittance is other than cash the sum to cover the postage, registry fee, or surcharge must not be included in the remittance covering the cost of the stamps. The local postmaster should be consulted relative to the amount of the registry fee and surcharge required. Stamps forwarded by express will be sent "collect."

(53 Stat. 298 as amended, 374, 447 as amended; 26 U. S. C. 2800, 3172, 3656)

§ 185.675 *Manner of canceling stamps.* At the time of delivery of the stamps to the Government officer for payment of the distilled spirits tax on distilled spirits bottled in bond, the warehouseman shall cancel the stamps by legibly writing or stamping on each stamp with indelible (India) ink his name, registry number, and the serial number of Form 1519. The taxpaid stamps must be further canceled by being signed by the Government officer, followed by his title. Facsimile signatures of Government officers on stamps may be affixed by the use of hand stamps, provided that care is taken to use only such ink as will neither fade nor blur.

(53 Stat. 298 as amended, 374; 26 U. S. C. 2800, 3172)

§ 185.676 *Transfer to other premises.* When the internal revenue bonded warehouse is permanently discontinued, or the proprietor has no use for the stamps thereat and the proprietor operates other internal revenue bonded warehouses in which the stamps could be used, he may transfer the stamps to such other premises for use thereat. Permission to so transfer stamps to other premises must be first obtained from the district supervisor. If the warehouse to which the stamps are to be transferred is located in another supervisory district, the district supervisor granting authority to transfer the stamps will advise the district supervisor of the other district so that he may know that the receiving warehouse is entitled to receive the stamps. The latter district supervisor will also inform the Government officer assigned to the receiving warehouse of the authority to receive stamps from other internal revenue bonded warehouses. Record of such transfer of stamps must be made on Form 1697, as provided in § 185.679.

(53 Stat. 298 as amended, 374; 26 U. S. C. 2800, 3172)

§ 185.677 *Redemption of distilled spirits stamps (for distilled spirits bottled in bond.)* Distilled spirits stamps (for distilled spirits bottled in bond) may be redeemed pursuant to section 3304, Internal Revenue Code, which reads as follows:

Redemption of stamps—(a) *Authorization.* The Commissioner, subject to regulations prescribed by the Secretary, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner, or until satisfactory proof has been made showing the reason why the same cannot be returned; or, if so required by the said Commissioner, when the person presenting the same cannot satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid.

(c) *Time for filing claims.* No claim for the redemption of or allowance for stamps shall be allowed unless presented within four years after the purchase of such stamps from the Government.

(d) *Finality of Commissioner's decision.* The findings of facts in and the decision of the Commissioner upon the merits of any claim presented under or authorized by this section shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

§ 185.678 *Claim to collector.* Proprietors of internal revenue bonded warehouses desiring to have distilled spirits stamps (for distilled spirits bottled in bond) redeemed under the provisions of section 3304, I. R. C., must make claim on Form 843 to the collector of internal revenue. The stamps, for which redemption is claimed, must be attached to the claim, and the number and denominations thereof must be listed on the claim or on a sheet of paper attached thereto. Where the stamps have been destroyed, evidence satisfactory to the Commissioner establishing such destruction must accompany the claim.

(53 Stat. 298 as amended, 374, 399; 26 U. S. C. 2800, 3172, 3304)

§ 185.679 *Unredeemable stamps.* Distilled spirits stamps (for distilled spirits bottled in bond) may not be redeemed while distilled spirits bottled in bond, on which the stamps can be used in taxpayment, remain on hand and while the bottling-in-bond department of the internal revenue bonded warehouse remains in a qualified status. When an internal revenue bonded warehouse is discontinued and stamps remain on hand, such stamps are not redeemable if the proprietor operates other bonded warehouses at which the stamps could be used. In such cases the stamps will be transferred to the other premises for use thereat. Notation of the transfer must be made on Form 1697 of both premises.

(53 Stat. 298 as amended, 374, 399; 26 U. S. C. 2300, 3172, 3304)

§ 185.680 *Stamp record.* The proprietor of the internal revenue bonded warehouse shall keep a record on Form 1697 of all distilled spirits stamps (for distilled spirits bottled in bond) received and used at his warehouse. Entries will be made thereon and the report submitted in accordance with the headings of the various lines and columns on the form and the instructions printed thereon or issued in respect thereto and as required by this Part. When such distilled spirits stamps are surrendered for redemption, in accordance with §§ 185.677 and 185.678, or are transferred to, or received from, other internal revenue bonded warehouses operated by the proprietor, as authorized in § 185.676, record thereof must be made on Form 1697, giving the reason for such surrender, transfer, or receipt, the date thereof, and the denominations of the stamps surrendered, transferred, or received, and, in cases of transfer or receipt, the name, registry number, and location of the premises to which the stamps were transferred or from which they were received.

(53 Stat. 298 as amended, 374; 26 U. S. C. 2800, 3172)

SUBPART FF—TRANSFERS IN BOND BETWEEN INTERNAL REVENUE BONDED WAREHOUSES

§ 185.690 *Kinds of containers.* Distilled spirits may be transferred in bond from one internal revenue bonded warehouse to another such warehouse (a) in distiller's original packages; (b) in packages to which the contents of such original packages were transferred; (c) in cases where the spirits were bottled in bond; (d) in packages or tank cars filled from warehouse tanks; or (e) in tank cars filled at the distillery.

(53 Stat. 332; 26 U. S. C. 2875)

§ 185.691 *Mingling in gauging tank of spirits intended for transfer in bond.* Only spirits which are eligible for mingling in a warehouse storage tank (see § 185.372) may be mingled in a warehouse gauging tank preparatory to transfer in bond. Spirits in packages may not be dumped together into gauging tanks preparatory to repackaging for transfer in bond to another internal revenue bonded warehouse.

(53 Stat. 332, 335 as amended; 26 U. S. C. 2875, 2883)

§ 185.692 *Transfers in sealed conveyances.* Where a warehouseman desires to transfer packages of distilled spirits in a sealed conveyance, such as a railroad boxcar or a closed van, seals for sealing the conveyance will be furnished and applied by the shipper.

TRANSFERS BETWEEN WAREHOUSES IN SAME DISTRICT

§ 185.693 *Application, Form 236.* Where the transfer is to be made between warehouses in the same supervisory district, the proprietor of the receiving warehouse shall execute an application for the transfer of spirits on Form 236. The applicant shall enter all applicable data indicated by the form, including the maximum quantity in tax gallons to be transferred in any one truck, railroad car, or other vehicle and the type of conveyance. The name of the carrier shall not be specified on Form 236. The applicant shall prepare an original and five copies of the Form 236 and give them to the storekeeper-gauger in charge of the receiving warehouse.

(53 Stat. 332; 26 U. S. C. 2875)

§ 185.694 *Storekeeper-gauger's certificate of sufficiency of bond.* Upon receipt of Form 236 by the storekeeper-gauger in charge, he will compare the penal sum of the bond as stated in the application with his record furnished by the district supervisor pursuant to § 185.314. If the warehouse bond is given in the maximum penal sum of $200,000, he will certify to the sufficiency thereof on Form 236, and return all six copies of the form to the proprietor of the warehouse. If the warehouse bond is given in less than the maximum penal sum, the storekeeper-gauger in charge will determine from his records whether the tax liability on the quantity of distilled spirits represented by the Form 236, plus the quantity of distilled spirits stored in the warehouse, plus the quantity represented by all outstanding approved Forms 236, is within the limits of the penal sum of the transportation and warehousing bond. If so, he will certify to the sufficiency of the bond on Form 236, record such certification in his records, and return all six copies of the form to the proprietor. If the transportation and warehousing bond is not sufficient, he will certify to that fact on Form 236 and return all six copies to the proprietor. Such forms shall be invalid for the transfer of spirits. If the storekeeper-gauger certifies that the bond is sufficient, the proprietor will forward all six copies of the Form 236 to the proprietor of the consignor-warehouse. The proprietor of the consignee-warehouse will be responsible for all outstanding valid Forms 236. If, at any time, he decides not to use one, he will obtain all copies from the consignor and give them to the storekeeper-gauger in charge of the warehouse for cancellation and return to the proprietor of the consignee-warehouse.

(53 Stat. 332; 26 U. S. C. 2875)

§ 185.695 *Transfers in packages.* When the proprietor of the shipping warehouse desires to make shipment of spirits in original packages, or in packages previously filled from warehouse storage tanks, or of blended brandies in packages filled in the brandy-blending department, he will prepare an original and five copies of Form 1619 filling in the heading and giving details as to serial numbers of packages, date of original entry for deposit, original gauge and

last guage (if other than the original). In the case of packages transferred on or before December 31, 1950 the proprietor will enter in Column 8, the heading of which will be amended to read "Entry Tare," the entry tares of the packages. In the case of blended brandies the proprietor shall also show on Form 1619 the date and serial number of the Form 1685 covering the blending of the brandies, the date of the original entry of the oldest brandy in the blend and the date of the original entry of the youngest brandy in the blend. The proprietor shall execute on the six copies of Form 236 a description of the packages to be transferred and will give all copies of Forms 236 and 1619 to the storekeeper-gauger. Upon receipt of the Forms 236 and 1619 the storekeeper-gauger will weigh and examine the packages and where it is determined that any package bears evidence of unusual loss that cannot be satisfactorily explained, or of tampering, such package will be detained pending further investigation in accordance with the applicable provisions of §§ 185.480–185.496. The storekeeper-gauger will enter the shipping gross weights on Form 1619. The quantity to be transferred shall not exceed the maximum stated in the application. Upon withdrawal for transfer to noncontiguous premises, the word "Transferred" followed by the date of transfer, the number of the receiving warehouse, and the State in which such warehouse is located, will be plainly and durably stenciled on the Government head of the package in letters and figures not less than one-half inch in height. These marks may be abbreviated as follows:

TRANS. 8–1–50
I. R. B. W. 4–N. Y.

Forms 236 and 1619 will be disposed of in accordance with the provisions of § 185.706.

(53 Stat. 300 as amended, 332; 26 U. S. C. 2801, 2875.)

§ 185.696 *Transfers in cases.* When the proprietor desires to transfer cases of distilled spirits bottled in bond, he will prepare an original and five copies of Form 1620 showing thereon all information called for by the form. The proprietor shall execute on the six copies of Form 236 a description of the cases to be transferred and will give all copies of Forms 236 and 1620 to the storekeeper-gauger. Upon receipt of Forms 236 and 1620 the storekeeper-gauger will examine the cases to be transferred. If any case bears evidence of unusual loss that cannot be satisfactorily explained, or of tampering, such case will be detained by the storekeeper-gauger pending further investigation in accordance with the applicable provisions of §§ 185.480–185.496. Necessary remarks concerning the condition of any particular case at time of shipment should be made on all copies of the Form 1620. The quantity to be transferred shall not exceed the maximum stated in the application. Upon withdrawal for transfer to noncontiguous premises, the word "Transferred" followed by the date of transfer, the number of the receiving warehouse, and the State in which such warehouse is located, will be plainly and durably stenciled or stamped upon the Government side of each case in letters and figures not less than three-eighths inch in height. These marks may be abbreviated as follows:

Trans. 3–29–48
I. R. B. W. 25–N. Y.

Where there is insufficient space on the Government side of the case, these marks may be placed upon another side of the case. Forms 236 and 1620 will be disposed of in accordance with the provisions of § 185.706.

(53 Stat. 332; 26 U. S. C. 2875)

§ 185.697 *Transfers in tank cars.* When the proprietor desires to transfer spirits in a previously filled tank car, he will prepare an original and five copies of Form 1520, copying the details of the entry Form 1520, except that if the contents of the tank car were previously regauged owing to the evidence of loss of spirits therefrom, the transfer Form 1520 will show both the original contents and the contents shown by the regauge. The proprietor shall execute on the six copies of Form 236 a description of the tank car to be transferred and will deliver all copies of Forms 236 and 1520 to the storekeeper-gauger. Upon receipt of Forms 1520 and 236 the storekeeper-gauger will inspect the car and if it bears evidence of unusual loss that cannot be satisfactorily explained, or of tampering, such car will be detained pending further investigation in accordance with the applicable provisions of §§ 185.480–185.496. Forms 236 and 1520 will be disposed of in accordance with the provisions of § 185.706. The quantity to be transferred shall not exceed the maximum stated in the application.

(53 Stat. 332, 335 as amended; 26 U. S. C. 2875, 2883)

§ 185.698 *Transfers from storage tanks, in packages or tank cars.* When the proprietor desires to transfer spirits in packages or tank cars, to be filled from warehouse storage tanks, he will deliver a copy of Form 236 to the storekeeper-gauger in charge of the warehouse and furnish him with a complete description of the spirits. Upon receipt of the Form 236 the spirits designated to be transferred will be drawn into packages, gauged, marked, and branded, or run into a gauging tank, gauged, and conveyed by pipe line into a railroad tank car, constructed and marked as hereinafter provided. The storekeeper-gauger will prepare a report of the gauge on an original and five copies of Form 1520, and note on each copy of the form the proof at which the spirits were distilled. The quantity to be transferred shall not exceed the maximum stated in the application. The storekeeper-gauger in charge will give the copy of Form 236 and the six copies of Form 1520 to the proprietor, who shall, on the same date that the spirits are to be transferred, execute on the six copies of Form 236 the description of the packages or tank cars to be transferred. He shall immediately return all copies of the forms to the storekeeper-gauger in charge. Forms 236 and 1520 will be disposed of in accordance with § 185.706.

(53 Stat. 332, 335 as amended; 26 U. S. C. 2875, 2883)

§ 185.699 *Mixing of different spirits prohibited.* Spirits which were produced from different materials, or by two or more distillers, or at two or more distilleries or during different distilling seasons and years, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may not be mingled in filling packages or tank cars from storage tanks.

(53 Stat. 335 as amended, 391; 26 U. S. C. 2883, 3254; sec. 5, 49 Stat. 981 as amended; 27 U. S. C. 205)

§ 185.700 *Marking and construction of tank car.* Each tank car used to transport distilled spirits in bond must have permanently and legibly marked or painted thereon its number, capacity in gallons, and the name and symbols of the owner. The dome or manhole covers on the tank car shall be equipped with facilities for sealing with a cap seal when closed, and the outlet valves or other openings to or from the car shall be so constructed that they may be closed and securely fastened on the inside or sealed in like manner. If the car is not so constructed, the storekeeper-gauger will not permit it to be filled.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.701 *Seals.* Cap seals, to be furnished by the Government, will be used for sealing the tank car, and such seals will be attached as soon as the car is filled.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.702 *Inspection of tank car.* Upon receiving an application, Form 236, for the transfer of spirits in bond in a tank car, the storekeeper-gauger will inspect the tank car to see that the dome may be sealed with a cap seal when closed, and that all other openings to or from the car may be closed and securely fastened on the inside or sealed in like manner. If the car is not so constructed, the officer will not permit it to be filled.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.703 *Filling of tank car.* Tank cars must be filled in the immediate presence of the storekeeper-gauger. The pipe line or hose connection to the tank car must be in full view of the officer and must not be connected or used, except in his presence. The proprietor will prepare the car for sealing and the officer will seal the car as soon as it is filled. The officer will enter on Form 1520, covering the gauge of the spirits, the level of the spirits above or below the full mark, and the temperature of the spirits at filling, for example: "Filled two inches above full mark at 80° F."

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.704 *Route board.* Tank cars used for the transportation of distilled spirits in bond must be equipped with a route board at least 10 by 12 inches in size. Such board shall be of substantial material and shall be affixed permanently and securely to the tank car by roundheaded or carriage bolts, nutted and riveted, battered or welded.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.705 *Label to be attached.* When distilled spirits are shipped in bond in a tank car, to noncontiguous premises, a label, dated and signed by the storekeeper-gauger, showing that the spirits are shipped in bond and giving the name, registry number, and location (city or town and State) of both the shipping and receiving warehouses, shall be securely attached to the route board where it may be readily examined by Government officers. The label must be of good quality paper and be protected from damage by a coating of transparent shellac or similar transparent protective material. The label will be attached by the warehouseman under the supervision of the Government officer. The label, which will be furnished by the shipper, will be in substantially the following form:

Shipped in Bond by
JOHN DOE COMPANY
I. R. B. W. No. 55, Boston, Mass.
To
NEW YORK WAREHOUSE COMPANY
I. R. B. W. No. 81, Brooklyn, N. Y.

(Date) (Storekeeper-gauger)

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.706 *Storekeeper-gauger's certificate of removal.* Upon removal of the spirits, the storekeeper-gauger will execute his report of inspection or gauge and removal on the six copies of Form 236, and if the spirits are contained in a tank car, he will note on Form 236 the serial numbers of the cap seals used. The storekeeper-gauger will retain one copy of Forms 236 and 1520, 1619, or 1620, as the case may be, furnish one copy of each form to the proprietor of the shipping warehouse, forward one copy of each form to the supervisor and forward three copies of each form to the storekeeper-gauger of the receiving warehouse. Where shipment of packages or cases is made by truck, the three copies each of Forms 236 and 1520, 1619, or 1620, for the storekeeper-gauger at the receiving warehouse, will be sealed in an envelope addressed to such storekeeper-gauger and handed to the person in charge of the truck for delivery to him.

(53 Stat. 332, 373 as amended; 26 U. S. C. 2875, 3170)

§ 185.707 *Storekeeper-gauger's receipt of spirits at warehouse.* Upon receipt of the spirits at the receiving warehouse, the storekeeper-gauger will examine the shipment and will ascertain and note on Form 1520, 1619 or 1620, as the case may be, losses or discrepancies, as provided in §§ 185.376–185.378. The storekeeper-gauger will weigh (and proof) the spirits as provided in § 185.375. The storekeeper-gauger will execute his certificate of receipt on each copy of Form 236 and if the spirits are contained in a tank car indicate thereon whether the tank car was received with seals intact. He will retain one copy each of Forms 236 and 1520, 1619 or 1620, give one copy of each form to the proprietor of the warehouse and forward one copy of each form to the district supervisor. No withdrawal or transfer in bond of spirits received at the warehouse will be made until the three copies of Form 236 and the three copies of Form 1520, 1619 or 1620, as the case may be, have been received by the storekeeper-gauger. The storekeeper-gauger will include on Form 1513 the original tax gallons contained in all packages received regardless of any losses in transit. However, any package lost in transit will not be included on Form 1513 but will be entered by the district supervisor in his account of losses, Form 1691.

(53 Stat. 332, 340 as amended; 26 U. S. C. 2875, 2901)

TRANSFERS IN BOND BETWEEN INTERNAL REVENUE BONDED WAREHOUSES IN DIFFERENT DISTRICTS

§ 185.708 *Application, Form 236.* Where the transfer is to be made between bonded warehouses in different supervisory districts, the proprietor of the receiving warehouse shall execute an application for the transfer of the spirits on Form 236. The applicant shall enter all applicable data indicated by the form including the maximum quantity in tax gallons to be transferred in any one truck, railroad car or other vehicle, and the type of conveyance. The name of the carrier shall not be specified on Form 236. The applicant shall prepare an original and six copies of Form 236 and give them to the storekeeper-gauger in charge of the receiving warehouse.

(53 Stat. 332; 26 U. S. C. 2875)

§ 185.709 *Certificate of sufficiency of bond.* Upon receipt of Form 236 by the storekeeper-gauger in charge, he will compare the penal sum of the bond as stated in the application with his record furnished by the district supervisor pursuant to § 185.314. If the warehouse bond is given in the maximum penal sum of $200,000, he will certify to the sufficiency thereof on Form 236, and return all seven copies of the form to the proprietor of the warehouse. If the warehouse bond is given in less than the maximum penal sum, the storekeeper-gauger in charge will determine from his records whether the tax liability on the quantity of distilled spirits represented by the Form 236, plus the quantity of distilled spirits stored in the warehouse, plus the quantity represented by all outstanding approved Forms 236, is within the limits of the penal sum of the transportation and warehousing bond. If so, he will certify to the sufficiency of the bond on Form 236, record such certification in his records, and return all seven copies of the form to the proprietor. If the transportation and warehousing bond is not sufficient, he will certify to that fact on Form 236 and return all seven copies to the proprietor. The proprietor will forward all seven copies of the approved Form 236 to the proprietor of the consignor-warehouse. The proprietor of the consignee-warehouse will be responsible for all outstanding approved Forms 236. If, at any time, he decides not to use one, he will obtain all copies from the consignor-warehouseman and give them to the storekeeper-gauger in charge of the warehouse for cancellation and return to the proprietor of the consignee-warehouse.

(53 Stat. 332; 26 U. S. C. 2875)

§ 185.710 *Transfers in packages, casks, and tank car.* Spirits in original packages, or in packages filled from warehouse storage tanks, will be transferred in accordance with the provisions of § 185.635. Spirits in cases will be transferred in accordance with the provisions of § 185.696. Spirits in a previously filled tank car will be transferred in accordance with the provisions of § 185.697. If spirits to be transferred are in storage tanks, they will be drawn into packages or into a tank car and then transferred in accordance with the provisions of § 185.698. Forms 236 and 1520, 1619 or 1620 will be disposed of in accordance with § 185.711.

(53 Stat. 332; 26 U. S. C. 2875)

§ 185.711 *Storekeeper-gauger's certificate of removal.* Upon removal of the spirits, the storekeeper-gauger will execute his report of inspection or gauge and removal on the seven copies of Form 236, and if the spirits are contained in a tank car, he will note on Form 236 the serial numbers of the cap seals used. The storekeeper-gauger will retain one copy of Forms 236 and 1520, 1619, or 1620, as the case may be, furnish one copy each of such forms to the proprietor at the shipping warehouse, forward one copy of each form to the supervisor-consignor, and forward four copies of Form 236 and three copies of Form 1520, 1619, or 1620 to the storekeeper-gauger of the receiving warehouse. Where shipment of packages or cases is made by truck, four copies of Form 236 and three copies of Form 1520, 1619, or 1620 for the storekeeper-gauger at the receiving warehouse will be sealed in an envelope addressed to such storekeeper-gauger and handed to the person in charge of the truck for delivery to him.

(53 Stat. 332; 26 U. S. C. 2875)

§ 185.712 *Storekeeper-gauger's receipt of spirits at receiving warehouse.* Upon receipt of the spirits at the receiving warehouse, the storekeeper-gauger will examine the shipment and will ascertain and note on Form 1520, 1619, or 1620, as the case may be, any losses or discrepancies, as provided in §§ 185.376–185.378. The storekeeper-gauger will weigh (and proof) the spirits as provided in § 185.375. The storekeeper-gauger will execute his certificate of receipt on each copy of Form 236, and if the spirits are contained in a tank car indicate thereon whether the tank car was received with seals intact. He will retain one copy each of Forms 236 and 1520, 1619, or 1620, give one copy of each form to the proprietor of the warehouse, and forward two copies of Form 236, one copy of Form 1520, 1619, or 1620, as the case may be, to the supervisor of his district. The district supervisor will retain one copy of Form 236 and the copy of Form 1520, 1619, or 1620 and forward the remaining copy of Form 236 to the supervisor of the district from which the spirits were transferred. No withdrawal or transfer in bond of spirits

received at the warehouse will be made until the four copies of Form 236 and the three copies of Form 1520, 1619, or 1620, as the case may be, have been received by the storekeeper-gauger in charge. The storekeeper-gauger will include on Form 1513 the original tax gallons contained in all packages received regardless of any losses in transit. However, any package lost in transit will not be included on Form 1513 but will be entered by the supervisor-consignee in his account of losses, Form 1691.

(53 Stat. 332; 26 U. S. C. 2875)

SUBPART GG—TRANSFERS FOR REDISTILLATION

§ 185.725 *General.* Distilled spirits of any proof may be transferred in approved containers from an internal revenue bonded warehouse to any distillery for redistillation: *Provided*, That distilled spirits produced from material other than fruits or their residues may not be transferred to fruit distilleries for redistillation. Spirits of 160 degrees of proof or more may be transferred by pipeline from storage tanks in an internal revenue bonded warehouse to a distillery on the same or contiguous premises for redistillation or they may be transferred in tank cars to any distillery for redistillation. The pipeline used for conveyance of spirits for redistillation shall be constructed and protected in accordance with the requirements of § 185.124 and approved for that purpose. Spirits for redistillation may be removed only pursuant to an approved application filed by the distiller in accordance with Regulations 4 (26 CFR Part 183). Upon removal of spirits from an internal revenue bonded warehouse for redistillation, the consignee distiller shall assume the liability for all taxes and liens in respect of such spirits from the time they leave the warehouse premises; and, upon redistillation, the redistilled spirits shall be treated the same as if they were originally produced by the redistiller and all prior obligations as to taxes and liens thereon shall be superseded. The removal of spirits for redistillation shall be made in accordance with the provisions of this subpart.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.726 *Gauge of spirits to be removed for redistillation.* Upon receipt of application, Form 236, and the copy of the special application authorizing the removal, the warehouseman, when he desires to make shipment will give a copy of Form 236 to the storekeeper-gauger and furnish him with a complete description of the spirits to be shipped. The storekeeper-gauger will verify the information shown on Form 236 with the corresponding information shown on the application. He will make the inspection and gauge of containers or the bulk gauge for removal by pipeline or in tank cars, as the case may be. If the spirits to be removed for redistillation are in packages the proprietor will prepare Form 1520 in the manner provided in § 185.601. Otherwise the report of gauge will be prepared by the storekeeper-gauger. An original and five copies of Form 1520 will be prepared. Where the inspection or gauge discloses containers bearing evidence of unusual loss of contents that is not satisfactorily explained, or of tampering, the storekeeper-gauger shall immediately notify the district supervisor of all facts in the case and will detain the containers and contents thereof pending receipt of instructions from the district supervisor. The marking of containers and distribution of applications and gauge reports will be made, in accordance with the applicable provisions of §§ 185.690–185.712. A copy of the gauge report will be attached to each copy of Form 236. Containers of spirits removed from the warehouse for redistillation must have the required transfer-in-bond markings stenciled thereon, and, in addition, the words "For Redistillation." The storekeeper-gauger will note on all gauge reports covering removal of spirits for redistillation the proof at which the spirits were distilled and the words, "For Redistillation," followed by the serial number and date of approval of the special application authorizing such removal. Spirits may not be removed for redistillation until the proper authorization has been received at the consignor premises and exhibited to the storekeeper-gauger in charge.

(53 Stat. 335 as amended, 492; 26 U. S. C. 2883, 4017)

§ 185.727 *Records.* Spirits removed from an internal revenue bonded warehouse for redistillation shall be reported and accounted for by the proprietor in accordance with Subpart WW of this part and by the storekeeper-gauger in accordance with Subparts UU and VV of this part.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

SUBPART HH—EXPORTATION OF DISTILLED SPIRITS FREE OF TAX

§ 185.735 *General.* Distilled spirits may be withdrawn from an internal revenue bonded warehouse, free of tax, for exportation as provided in this subpart. Distilled spirits may be so withdrawn under a direct export bond, in which case the exporter must furnish to the district supervisor evidence of the actual landing of the spirits in a foreign country or proof of loss of the spirits at sea. Distilled spirits may also be withdrawn for exportation under a transportation bond covering the transfer of the spirits from the internal revenue bonded warehouse to the port of export, in which case the exporter must file with the collector of customs at the port of export bond, Form 693, in a penal sum equal to the internal revenue tax on the spirits to be exported, and proof of actual landing of the spirits at the foreign port in accordance with customs regulations. In both cases a certificate showing the actual clearance of the spirits from the port of export will be furnished to the district supervisor by the collector of customs.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.736 *Kinds of containers.* Distilled spirits may be removed in bond, free of tax, for export in (a) distiller's original packages, including those the contents of which have been reduced in proof to not less than 90 degrees; (b) new packages filled from distiller's original packages; (c) cases, when bottled in bond for export under the provisions of Subparts NN–QQ of this part; (d) wooden packages each containing two or more metallic cans of a capacity not less than 5 gallons each; (e) in tank cars, in the case of spirits of not less than 180 degrees of proof transferred from the distillery to warehouse storage tanks for that purpose; and (f) in packages containing brandies blended under this part.

(53 Stat. 300 as amended, 333, 336, 339, 342 as amended, 344, 345; 26 U. S. C. 2801, 2878, 2385, 2888, 2903, 2905, 2910)

§ 185.737 *Mingling in gauging tank of spirits intended for exportation.* Only spirits which conform to the limitations stated in § 185.765 may be mingled in a warehouse gauging tank preparatory to removal for exportation.

(53 Stat. 335 as amended, 339, 391 as amended; 26 U. S. C. 2883, 2888, 3254)

DISTILLER'S ORIGINAL PACKAGES

§ 185.738 *Application and entry.* Whenever an owner desires to remove distilled spirits from an internal revenue bonded warehouse, either for direct exportation or for transportation for export, in distiller's original packages without reducing the proof of the spirits, or after the spirits have been reduced to not less than 90 degrees of proof, he shall execute application on Form 206, in quintuplicate. All information required by the instructions printed on the form, or issued in respect thereto, and in this part, shall be furnished. Applications on Form 206 must be signed in accordance with the instructions printed on the form and sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such application contains therein a provision for verification by a written declaration that such application is made under the penalties of perjury, such application shall be verified by the execution of such declaration, and such declaration shall be in lieu of any oath required herein for verification.

(53 Stat. 336, 337, 63 Stat. 667; 26 U. S. C. 2885, 2886, 3809)

§ 185.739 *Method of conveyance.* The conveyance to be used in transporting the spirits from the bonded warehouse to the port of export and the name of the carrier or carriers shall be shown in the application whenever possible. If the spirits are shipped on a through bill of lading and all carriers handling the spirits while in transit are not known, the name of the carrier to whom the spirits are to be delivered at the shipping warehouse must be shown.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.740 *Request for regauge.* After the application, Form 206, has been fully executed, the owner will deliver all copies to the proprietor of the warehouse who will execute his request for regauge of the spirits. The proprietor will prepare Form 1520, in quintuplicate, in the manner provided in § 185.601 and deliver all copies of Forms 206 and 1520 to the storekeeper-gauger in charge of the warehouse.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.741 *Inspection and regauge.* Upon receipt of the Form 1520 and the application the storekeeper-gauger, by reference to his records, will verify the entries in the heading on Form 1520 and details of entry gauge transcribed thereto and shall examine the application and request for regauge. If no discrepancies are found in Form 1520 and Form 206 has been fully executed, the storekeeper-gauger will (unless the packages are to be withdrawn on the original gauge as authorized in § 185.564) inspect and regauge the packages. Any package bearing evidence of unusual loss that cannot be satisfactorily explained, or of tampering, will be detained pending further investigation in accordance with the applicable provisions of §§ 185.480–185.496. When the Form 1520 has been completed by the storekeeper-gauger, he will execute his report on each copy of Form 206, and attach a copy of Form 1520 to each copy thereof. He will retain one copy of each form and deliver the remaining four copies of each form to the proprietor of the warehouse, unless the spirits are to be reduced in proof, in which event the forms will be retained by the storekeeper-gauger until the packages have been regauged after reduction.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.742 *Reduction in proof.* Upon request of the owner, distilled spirits contained in distiller's original packages may be reduced in proof to not less than 90 degrees for exportation, by the addition of pure water only, after the packages have been regauged as provided in § 185.741. The spirits will be reduced by the proprietor of the bonded warehouse in the presence and under the supervision of the storekeeper-gauger. Only such addition of water may be made to the body of the spirits in any package as the natural wantage of the package at the time of withdrawal will allow, but in no case shall the spirits be reduced to less than 90 degrees of proof. No introduction of water will be permitted which would require the withdrawal of any portion of the contents of the packages either before or after reduction. Any transfer of spirits from one package to another for the purpose of reduction is forbidden.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.743 *Gauge after reduction.* After the spirits in the distiller's original packages have been reduced, the storekeeper-gauger will again gauge the packages and report the details thereof on Form 1520, in quintuplicate. Any unusual loss ascertained by the gauge after reduction must be satisfactorily explained by the proprietor and reported in accordance with the provisions of § 185.486. Each such report of gauge shall have noted thereon the statement "Gauge after reduction," and a copy thereof shall be attached to each copy of Form 206, in addition to the copy of Form 1520 covering the withdrawal gauge. After the spirits have been so reduced and gauged, the storekeeper-gauger will execute his report on all copies of Form 206, retain one copy with Forms 1520 attached, and deliver the four remaining copies to the proprietor of the warehouse. The packages, after reduction, shall be marked as provided in § 185.754.

(53 Stat. 336, 337, 340 as amended; 26 U. S. C. 2885, 2886, 2901)

§ 185.744 *Export stamps required.* Every package of distilled spirits intended for exportation must have an export stamp affixed thereto at the time of its removal from the bonded warehouse. Such stamps shall be purchased by the proprietor of the warehouse from the collector of internal revenue of the collection district in which the warehouse is located.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.745 *Remittance for export stamps.* The proprietor of the bonded warehouse will forward all copies of Form 206, with Form 1520 attached, to the collector, together with remittance in acceptable form for the necessary number of export stamps.

(53 Stat. 336, 340 as amended, 447 as amended; 26 U. S. C. 2885, 2901, 3656)

§ 185.746 *Action by collector.* If the remittance is sufficient to cover the cost of the export stamps, the collector will issue the necessary number of export stamps and note the serial numbers of the export stamps on Form 1520. The collector will retain one copy each of Form 206 and 1520 and send three copies thereof, with the export stamps, to the proprietor of the warehouse.

(53 Stat. 336, 337, 340 as amended; 26 U. S. C. 2885, 2886, 2901)

§ 185.747 *Application and bond to district supervisor.* The proprietor of the bonded warehouse shall forward to the district supervisor all copies of the receipted Form 206, with Forms 1520 attached, together with a proper bond, executed in accordance with §§ 185.190–185.209 and 185.748–185.752, except that when an approved continuing bond (Form 657 or 658), in a sufficient penal sum, is on file in district supervisor's office, applications covering exportations thereunder need not be accompanied by an export bond.

(53 Stat. 336, 337, 373 as amended; 26 U. S. C. 2885, 2886, 3170)

§ 185.748 *Export bonds.* Bonds covering the exportation of distilled spirits may be executed by the owner of the spirits in sufficient penal sums, on one of the forms described in § 185.749, § 185.750, § 185.751 or § 185.752, as the case may be.

(53 Stat. 336, 337, 373 as amended; 26 U. S. C. 2885, 2886, 3170)

§ 185.749 *Direct export, Form 547.* If the bond is intended to cover a specific lot of spirits withdrawn for direct exportation, it shall be executed on Form 547, in triplicate. The penal sum of such bond shall be not less than the tax at the distilled spirits rate on the quantity of spirits contained in the packages to be withdrawn for exportation, as shown by the report of regauge.

(53 Stat. 336, 337, 373 as amended; 26 U. S. C. 2885, 2886, 3170)

§ 185.750 *Continuing bond, direct export, Form 657.* If distilled spirits are to be withdrawn for direct exportation from time to time on one bond, a continuing bond, Form 657, in triplicate, shall be filed. The penal sum of such bond shall be sufficient to cover the tax at the distilled spirits rate on the maximum quantity of distilled spirits that may remain unaccounted for at any one time, but in no case shall the penal sum be less than $1,000. Distilled spirits withdrawn for exportation under direct export bonds shall remain unaccounted for until satisfactory proof of landing abroad is filed with the district supervisor in accordance with § 185.787 or § 185.791, or until satisfactory proof of loss at sea without fault or neglect of the owner or shipper has been submitted in accordance with § 185.796, and claim for remission of the tax on the spirits so lost has been allowed.

(53 Stat. 336, 337, 373 as amended; 26 U. S. C. 2885, 2886, 3170)

§ 185.751 *Transportation for export, Form 548.* If the spirits are to be withdrawn for transportation for export and a bond is to be given only for the spirits regauged for that purpose, it shall be executed on Form 548, in triplicate. The penal sum of such bond shall be not less than the tax at the distilled spirits rate on the quantity of spirits regauged for exportation.

(53 Stat. 336, 337, 373 as amended; 26 U. S. C. 2885, 2886, 3170)

§ 185.752 *Continuing bond, transportation for export, Form 658.* If spirits are to be withdrawn for transportation for export from time to time on one transportation for export bond, a continuing bond, Form 658, in triplicate, shall be executed. The bond will be executed in a penal sum sufficient to cover the tax at the distilled spirits rate on the maximum quantity of distilled spirits that may remain unaccounted for at any time, but in no case shall the penal sum be less than $1,000. Distilled spirits withdrawn for transportation for export shall remain unaccounted for until satisfactory proof of clearance of the spirits from the port of export is filed with the district supervisor in accordance with § 185.784 or § 185.785.

(53 Stat. 336, 337, 373 as amended; 26 U. S. C. 2885, 2886, 3170)

§ 185.753 *Approval of bond and application.* The district supervisor will examine the bond, and if it is properly executed as provided in Subpart H of this part, and in a sufficient penal sum, computed as prescribed in § 185.749, § 185.750, §185.751, or § 185.752, as the case may be, he shall note his approval thereon, retain one copy, forward one copy to the Commissioner and deliver one copy to the principal. If the owner and the proprietor of the warehouse have complied with the law and this part and the application is complete in all respects, the district supervisor shall execute his permit for removal and transportation of the spirits on all copies of Form 206 and forward them to the storekeeper-gauger in charge of the warehouse.

(53 Stat. 336, 337, 373 as amended; 26 U. S. C. 2885, 2886, 3170)

§ 185.754 *Marking, branding, and stamping casks.* Upon receipt by the storekeeper-gauger of Form 206 with the permit executed by the district supervisor, the proprietor shall deliver the export stamps to the storekeeper-gauger who shall verify the data thereon with his retained copy of Form 1520, and, if no discrepancies are found, he will affix his signature, or the facsimile thereof, to the stamps and return them to the proprietor who shall proceed to affix and cancel them in the manner provided for the affixing and canceling of taxpaid stamps. The proprietor will cut or brand into the Government head of each package withdrawn for export, in letters and figures not less than one-half inch in height, the date of withdrawal, the proof and tare ascertained at time of withdrawal, the number of the export stamp, and the proof gallon contents as then ascertained. When spirits are withdrawn from a warehouse other than that in which originally deposited, the number of the warehouse and the state in which located will be cut, burned, or stenciled on the head of the package in addition to the original marks placed on the package. The names of the ports from and to which the spirits are to be exported will be marked on the heads of the packages. Where metal packages are used, all of the foregoing marks will be plainly and durably stenciled on the Government head. Such cutting, marking, or branding of export marks on the head will be as follows:

EXPORT

Withdrawn Oct. 30, 1949
I. R. B. W. 4 N. Y.
P. ---------- T. ----------
P. G. ----------
Export Stamp No. 600
[STAMP]
From Brooklyn, N. Y.
To Shanghai, China

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.755 *Release of spirits.* After the packages have been properly stamped, marked, and branded, the storekeeper-gauger will release them for delivery to the exporter named in the application. Upon removal of the spirits, the storekeeper-gauger will execute his report of removal on Form 206.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.756 *Delivery to carrier.* If the spirits are withdrawn from a bonded warehouse located elsewhere than at the port of exportation, the exporter will deliver the shipment to a carrier for transportation to the port of exportation. He shall procure a copy of the bill of lading covering such transportation and deliver it to the storekeeper-gauger at the bonded warehouse. The spirits must be consigned to the collector of customs of the port of export, and must be properly described in the bill of lading by serial numbers, kind, and quantity.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.757 *Delivery directly for customs inspection.* Where the spirits are withdrawn from a bonded warehouse located at the port of exportation, the exporter will deliver the shipment directly for customs inspection and supervision of lading. A copy of the export bill of lading shall be procured and filed with the district supervisor for attachment to the copy of Form 206 retained by him.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.758 *Exportation through border port, etc.* In case of exportation through a border port to contiguous foreign territory, the bill of lading will cover the transportation of the spirits to their destination, and must show the routing, particularly as to the carrier which will deliver the shipment for customs inspection at the border. The shipment must be consigned in care of the collector of customs or deputy collector of customs at the border port. The exporter shall deliver one copy of the bill of lading to the storekeeper-gauger at the bonded warehouse. In case of transportation of the spirits from a bonded warehouse, located elsewhere than at the port of exportation, for shipment by vessel, the exporter shall furnish a copy of the transportation bill of lading and a copy of the export bill of lading to the district supervisor for attachment to the copy of Form 206 retained by him.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.759 *Disposition of forms.* When the packages have been delivered and the exporter has furnished a copy of the bill of lading, the storekeeper-gauger will forward immediately a complete set of the forms (206, 1520, and bill of lading) to the district supervisor, forward one copy each of Forms 206 and 1520 to the collector of customs at the port of exportation, and deliver one copy each of Forms 206 and 1520 to the proprietor for transmittal to the exporter. The exporter will execute his request for customs inspection on Form 206 and file such form with Form 1520 attached with the collector of customs at the port of exportation.

(53 Stat. 336, 337, 373 as amended; 26 U. S. C. 2885, 2886, 3170)

§ 185.760 *Records.* Packages removed from an internal revenue bonded warehouse for exportation shall be reported and accounted for by the proprietor in accordance with Subpart WW of this part and by the storekeeper-gauger in accordance with Subparts UU and VV of this part.

(53 Stat. 346; 26 U. S. C. 2915)

PACKAGES FILLED FROM DISTILLER'S ORIGINAL PACKAGES

§ 185.761 *Application and entry.* Whenever an owner desires to transfer distilled spirits from distiller's original packages to new packages for exportation, he shall execute application on Form 206, in quintuplicate, as provided in § 185.738. By the term "new packages" is meant any suitable packages into which the contents of original packages are transferred for exportation.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.762 *Request for regauge.* After the application has been fully executed on Form 206, the proprietor will follow the procedure in § 185.740 prescribed for the withdrawal for exportation in distiller's original packages.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.763 *Inspection.* The storekeeper-gauger will examine the application and inspect the packages. Packages which do not bear evidence of unusual loss that cannot be satisfactorily explained, or of tampering, will be released for consolidation or change of package. A gauge tank may be used in consolidating or changing packages for export. Where it is determined that any package bears evidence of unusual loss that cannot be explained, or of tampering, such package will be detained pending further investigation in accordance with the applicable provisions of §§ 185.480–185.496.

(53 Stat. 336, 337, 340 as amended; 26 U. S. C. 2885, 2886, 2901)

§ 185.764 *Change of package.* Distilled spirits in distiller's original packages may be transferred from one package to one or more new packages, or the contents, or portions of the contents, of two or more packages may be transferred to one new package. The proprietor of the warehouse must so arrange the contents of the new packages that no residue of spirits will be left in any of the distiller's original packages from which the contents are transferred. The transfer of the contents of the old packages to the new packages shall be made by the proprietor under the immediate supervision of the storekeeper-gauger.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.765 *Mixing of spirits.* The contents of two or more original packages may not be transferred to a new package unless the contents of the old packages are of the same kind and quality, and were produced at approximately the same proof by the same distiller at the same distillery on or about the same date and stored in the same kind of cooperage under the same conditions.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.766 *New packages to be gauged.* After the transfer of the spirits to new packages has been completed, the storekeeper-gauger will gauge such packages. The details of the gauge will be entered on Form 1520, in quintuplicate. The notation "Filled for export from Packages Nos. ----------" (the serial numbers of the original packages being inserted), shall be made on all copies of Form 1520 to distinguish such form from the Form 1520 prepared by the proprietor. A copy of Form 1520, covering the gauge of the new packages, will be attached to each copy of Form 206, in addition to the copy of Form 1520 prepared by the proprietor.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.767 *Rinsing of packages and obliteration of marks and brands.* When the old packages have been emptied, and are not to be used for new consolidated packages, they will be thoroughly rinsed and all marks and brands promptly obliterated. Rinse water not used for reducing the proof of the spirits must be immediately destroyed in the presence of the storekeeper-gauger. If an old package is to be used for a new consolidated package, the old marks and brands shall be obliterated even though the original contents or a portion thereof is allowed to remain in the package, such retention being regarded as constructive transfer of spirits from the old package to the new package.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.768 *Marks on new packages.* The new packages shall be marked and branded in accordance with § 185.399 and numbered in accordance with § 185.401.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.769 *Storekeeper-gauger's report.* When the packages have been so marked and branded, the storekeeper-gauger shall execute his report on Form 206, retain one copy of the form, with Forms 1520 attached, and deliver the remaining copies to the proprietor of the warehouse.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.770 *Remittance for export stamps.* The proprietor of the warehouse will forward all copies of Form 206, with Forms 1520 attached, to the collector, with remittance for the necessary number of export stamps.

(53 Stat. 336, 337, 340 as amended; 26 U. S. C. 2885, 2886, 2901)

§ 185.771 *Action by collector.* The collector will issue the necessary number of export stamps, and note the serial numbers of the export stamps on the Form 1520 covering the gauge of the new packages. The collector will retain one copy of each form (206 and 1520) and send three copies thereof, with the export stamps, to the proprietor of the warehouse, in accordance with § 185.746.

(53 Stat. 336, 337, 340 as amended; 26 U. S. C. 2885, 2886, 2901)

§ 185.772 *Subsequent procedure.* The procedure for filing bond, the stamping, marking, and branding, and removal of the packages, the disposition of the forms, and the recording of the removal, will be the same as that prescribed in §§ 185.747–185.760, for distilled spirits to be exported in distiller's original packages.

(53 Stat. 336, 337, 373 as amended; 26 U. S. C. 2885, 2886, 3170)

EXPORTATION OF BOTTLED DISTILLED SPIRITS

§ 185.773 *Application and bond.* Whenever it is desired to withdraw bottled distilled spirits from the storage portion of the bonded warehouse or from the bottling-in-bond department, either for direct exportation or for transportation for export, the owner shall execute application on Form 206, in quadruplicate, in accordance with § 185.738. The request for regauge will not be executed. The applicant shall forward all copies of Form 206 to the district supervisor, together with a properly executed export bond in a sufficient penal sum, computed as prescribed in §§ 185.749–185.752, except that the application need not be accompanied by a bond if the applicant has on file with the district supervisor an approved continuing bond (Form 657 or 658) in a sufficient penal sum.

(53 Stat. 344, 373 as amended; 26 U. S. C. 2905, 3170)

§ 185.774 *Approval of bond and application.* The district supervisor will examine the bond and if it is properly executed and in a sufficient penal sum to cover the tax on the spirits contained in the cases, he shall note his approval thereon, retain one copy, send one copy to the Commissioner and deliver one copy to the principal. In cases where the exporter has on file a continuing bond executed on a prior date, under which the exportation is to be made, the district supervisor will determine whether such bond is of sufficient penal sum to cover the tax on the spirits specified in the application as well as any spirits previously removed for export thereunder and unaccounted for. If the owner and the proprietor of the warehouse have complied with the law and this part, the district supervisor shall execute his permit for removal and transportation of the spirits on all copies of Form 206 and forward them to the storekeeper-gauger in charge of the warehouse.

(53 Stat. 344, 345, 373 as amended; 26 U. S. C. 2905, 2910, 3170)

§ 185.775 *Removal of cases for exportation.* Upon receipt of Form 206, approved by the district supervisor, the storekeeper-gauger shall inspect the cases, and if they bear no evidence of unusual loss that cannot be satisfactorily explained, or of tampering, release the cases for exportation. Any case bearing evidence of unusual loss that cannot be satisfactorily explained, or of tampering, will be detained pending further investigation in accordance with the applicable provisions of §§ 185.480–185.496. Upon removal thereof from the bottling-in-bond department or from the storage portion of the warehouse, the storekeeper-gauger shall execute his report of removal on Form 206. The spirits, when released for exportation, must be consigned to the collector of customs at the port of exportation, and must be properly described in the bill of lading by serial numbers, kind, and quantity. The exporter shall deliver two copies of the bill of lading to the storekeeper-gauger. One copy of Form 206 will be retained by the storekeeper-gauger, one copy thereof with a copy of the bill of lading will be forwarded to the district supervisor, one copy with a copy of the bill of lading will be forwarded to the collector of customs at the port of exportation and one copy will be delivered to the proprietor for transmittal to the exporter. The exporter will execute his request for customs inspection on Form 206 and file such form with the collector of customs at the port of exportation.

(53 Stat. 344, 345; 26 U. S. C. 2305, 2910)

§ 185.776 *Records.* Cases of distilled spirits removed from an internal revenue bonded warehouse for export shall be reported and accounted for by the proprietor in accordance with Subpart WW of this part and by the storekeeper-gauger in accordance with Subparts UU and VV of this part.

(53 Stat. 343; 26 U. S. C. 2904)

WOODEN PACKAGES CONTAINING METALLIC CANS

§ 185.777 *General.* Distilled spirits may be exported in wooden packages, each containing two or more metallic cans, which cans shall each have a capacity of not less than 5 gallons.

(53 Stat. 333; 26 U. S. C. 2878)

§ 185.778 *Exportation of packages containing metallic cans.* Application on Form 206 shall be made promptly by the owner of the spirits for the removal of the packages from the bonded warehouse for exportation. The procedure prescribed in this subpart covering the withdrawal of distiller's original packages shall be applicable to the withdrawal of packages containing metallic cans, except that no regauge will be made in the bonded warehouse prior to the removal of the packages for exportation, and for this reason the request for regauge on Form 206 need not be executed by the proprietor of the warehouse.

(53 Stat. 336, 337, 346; 26 U. S. C. 2885, 2886, 2915)

PROCEEDINGS AT PORTS OF EXPORT

§ 185.779 *Notice to collector of customs of arrival of spirits for exportation.* When distilled spirits withdrawn for direct exportation or transportation for exportation arrive at the port of exportation, the exporter or his agent shall execute his request for customs inspection on the Form 206 delivered to him by the proprietor of the warehouse and file such copy together with the attached Form 1520, if any, with the collector of customs. If Form 206 is properly completed and accompanied by Form 1520, when required, the collector of customs shall execute his order, both on the copy of Form 206 received from the exporter and on the copy received from the storekeeper-gauger, directing an inspector of customs or other customs officer to inspect the packages or cases described in Form 206 and Form 1520, if any, and to supervise the scalping and destruction of the export stamps on packages, as provided in § 185.781, and the lading of the spirits. Both copies of Form 206 and Form 1520, if any, shall be delivered to the inspector of customs or other customs officer. In the case of distilled spirits withdrawn for transportation for exportation the exporter shall file an export-entry on Form 691 with the collector of customs after the inspection and lading of the spirits.

(53 Stat. 336, 337, 344; 26 U. S. C. 2385, 2886, 2905)

§ 185.780 *Lighterage or drayage under supervision.* Immediately upon the arrival of the spirits at the port of exportation, the exporter or his agent shall notify the collector of the port in order that (a) lighterage and drayage may be done under the collector's supervision, (b) the spirits may be at once inspected and laden on board the vessel, and (c) they may be in continuous customs cus-

tody from the time they are delivered from the cars or other conveyances until they leave port on the foreign-bound vessel.

(53 Stat. 336, 337, 344; 26 U. S. C. 2885, 2886, 2905)

§ 185.781 *Bulk containers.* Distilled spirits in casks, or in cases containing metallic cans, shall be carefully gauged by a customs officer and a detailed report of such gauge shall be made on Form 696, in duplicate. In preparing the report, the customs officer shall make entries thereon as to each package in accordance with the column headings, and, if there is a material discrepancy as to any package, shall attach to the Form 696 a statement as to the nature and apparent cause of the loss. When the officer has completed his gauge and report as prescribed above, the entire shipment may be laden without detention of packages bearing evidence of loss, unless the circumstances indicate tampering, in which event such packages will be detained pending investigation by the district supervisor, to whom the detention should be immediately reported. A copy of the report of gauge will be attached to each copy of Form 206 and Form 1520, if any, and delivered to the collector of customs, as provided in § 185.783. There shall be cut out of each export stamp that portion upon which is shown the serial number of the stamp, the date of issue, the name of the collector issuing the same, the serial number of the cask or package, the contents in proof gallons, and the name of the internal revenue storekeeper-gauger. The cut-out portions of the export stamps shall then be attached to one copy of Form 206 for delivery to the collector of customs. After the export stamps have been scalped, the portions thereof remaining on each cask or package shall be obliterated.

(53 Stat. 336, 337; 26 U. S. C. 2885, 2886)

§ 185.782 *Bottled spirits.* A customs officer at the port of exportation will in every instance carefully inspect cases containing spirits for the purpose of ascertaining whether the cases bear evidence of tampering or have sustained losses in transit due to breakage. The officer will report on Form 206 any cases as to which a discrepancy is found, giving the serial numbers of the cases, their original contents in proof gallons, and the nature of the discrepancy as to each case. When the officer has completed his inspection and report as prescribed above, the entire shipment may be laden without detention of the deficient cases, unless the circumstances indicate fraud, in which event such cases will be detained pending investigation by the district supervisor, to whom the detention should be immediately reported.

(53 Stat. 344; 26 U. S. C. 2905)

§ 185.783 *Return of inspection and lading.* After the spirits have been duly laden on board the exporting vessel, car, or truck the customs officer shall execute his report on Form 206 and forward all copies to the collector of customs, together with Forms 1520 and Form 696 in the event the shipment was composed of bulk containers.

(53 Stat. 336, 337, 344; 26 U. S. C. 2885, 2886, 2905)

§ 185.784 *Disposition of forms by collectors of customs.* Upon receipt of the duly executed forms, the collector of customs will execute his certificate on Form 206 and will forward the copy of such form bearing the cut-out portions of the export stamps and one copy of Forms 1520 and Form 696, if any, to the district supervisor of the district in which is located the warehouse from which the spirits were removed for exportation.

(53 Stat. 336, 337, 344, 373 as amended; 26 U. S. C. 2885, 2886, 2905, 3170)

§ 185.785 *Exportation in railroad cars or trucks from port of entry through another port.* Where distilled spirits are to be exported by rail or in trucks through a frontier port and it is desired to avoid the delay of customs inspection and gauge at such port, the spirits may be entered for exportation at an interior customs port and inspected and gauged by a customs officer at that port. The inspecting customs officer will supervise the loading of the spirits and seal the car or truck with customs seals and note the car number or license number of the truck, as the case may be, and the serial numbers of the customs seals, if numbered seals are used, in his report on both copies of Form 206 and forward the forms with Forms 1520 attached together with a copy of the bill of lading to be furnished by the exporter to the collector of customs. The collector will forward both copies of Forms 206 and 1520 to the customs officer at the frontier port and retain the bill of lading and the cut-out portions of the export stamps, if any, pending return of Forms 206. If the customs officer at the frontier port finds upon arrival of the car or truck that the seals are intact and there is no evidence of tampering with the contents, he will execute his report on Form 206, and allow the car or truck to proceed to its destination without opening. The officer will then return both copies of the receipted Form 206 with Form 1520 attached to the collector of customs at the port of entry. If, however, the customs officer finds that the seals are not intact or there is evidence of tampering with the contents, he will open the car or truck, inspect and gauge the spirits, and make report of his gauge on Form 696, in duplicate. When the spirits are so inspected and gauged, the customs officer will append to each copy of Form 206 (with Form 1520 attached, if any) a copy of his gauge on Form 696 before forwarding the forms to the collector of customs at the port of entry. Upon receipt of Forms 206 and Forms 1520 and 696, if any, from the customs officer at the frontier port, the collector at the port of entry will execute his certificate on both copies of Form 206, properly modified, and forward one copy of each form and the cut-out portions of export stamps from package (if any) to the district supervisor of the district from which the spirits were withdrawn from the warehouse.

(53 Stat. 336, 337, 344, 373 as amended; 26 U. S. C. 2885, 2886, 2905, 3170)

§ 185.786 *Subsequent procedure.* Where distilled spirits are withdrawn and shipped under an export bond, the requirements of §§ 185.787–185.792, must be observed. Where the spirits are withdrawn under a transportation for export bond, the exporter must file with the collector of customs bond on Form 693 and proof of actual landing of the spirits at the foreign port, as provided in § 185.735.

(53 Stat. 336, 337, 344; 26 U. S. C. 2885, 2886, 2905)

§ 185.787 *Proof of landing.* Every owner exporting distilled spirits, free of tax, under an export bond shall file with the district supervisor, within six (6) months from the date of exportation, or such additional time as may be granted under § 185.792, evidence satisfactory to the district supervisor that the distilled spirits described in the application for export have been landed at some port outside the jurisdiction of the United States. The landing certificate must give such description as will readily identify the spirits to which it relates.

(53 Stat. 336, 344, 373 as amended; 26 U. S. C. 2885, 2905, 3170)

§ 185.788 *Form of landing certificate.* The landing certificate shall be in substantially the following form:

Port of ....., ..., 19.....

I, ..., of ....., do hereby certify that the merchandise hereinafter described, shipped by ..... at the port of ....., on board the ..... on or about the ..... day of ....., 19....., has been landed at this port from on board the ..... on or about the ..... day of ....., 19.....

Number and kind of containers	Serial numbers	Kind of spirits	Quantity (proof gallons)

[SEAL] .....

Subscribed and sworn to before me this ..... day of ....., 19.....

[SEAL] .....

(Name)

.....

(Title)

(53 Stat. 336, 344; 26 U. S. C. 2885, 2905)

§ 185.789 *Execution of landing certificate.* The landing certificate shall be signed by a revenue officer of the foreign country to which the spirits are exported, unless it is shown that such country has no customs administration, in which event the certificate shall be signed by the consignee or by the vessel's agent at the place of landing and sworn to before a notary public or other officer authorized to administer oaths and having an official seal. Where the certificate offered is in a foreign language, a sworn translation must accompany the certificate.

(53 Stat. 336, 344; 26 U. S. C. 2885, 2905)

§ 185.790 *Landing certificate may cover several consignments.* Where several consignments are made by the same shipper to the same consignee, or to a general agent, on the same date, by the same vessel or other conveyance, and to the same foreign port, such consignments may be covered by one landing certificate, provided each consignment is specifically and separately described in the certificate.

(53 Stat. 336, 344; 26 U. S. C. 2885, 2905)

§ 185.791 *Collateral evidence of landing.* Whenever an owner is unable to procure a landing certificate but is able to establish by collateral evidence the actual exportation of the spirits and their delivery to the foreign consignee, he may file application for relief with the district supervisor holding the export bond. Such application must be under oath and must recite the facts connected with the exportation, the date of withdrawal of the spirits from the internal revenue bonded warehouse for exportation, the name and registry number of the internal revenue bonded warehouse from which withdrawn, the name and registry number of the producing distiller, the serial numbers of the packages or cases, the kind and quantity of spirits, the name of the consignee, and the name of the vessel by and the port to which shipment was made. The application must set forth the reason why a landing certificate cannot be filed and must be supported by such collateral evidence of exportation and delivery to the foreign consignee as the exporter may be able to submit. The application must be submitted to the district supervisor before the expiration of the time specified in § 185.787 for furnishing evidence of landing.

(53 Stat. 336, 344; 26 U. S. C. 2885, 2905)

§ 185.792 *Extension of time for submitting proof of landing.* In case the owner, from causes beyond his control, is unable to furnish the required proof of landing within six months from the date of exportation, he may make application to the district supervisor for an extension of time for the production of such evidence. Such application must state specifically the cause of failure to produce the evidence and be verified under oath. An extension of three months may be granted by the district supervisor, and, if necessary, upon a second application an additional three months may be granted.

(53 Stat. 336, 344; 26 U. S. C. 2885, 2905)

§ 185.793 *Account with export bonds, Forms 657, 658, 547 and 548.* The district supervisor will keep an account on Form 1688, with each continuing export bond on Form 657 or Form 658 and with each specific export bond on Form 547 or Form 548. The account shall show all of the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

(53 Stat. 336, 337, 344, 373 as amended; 26 U. S. C. 2885, 2886, 2905, 3170)

LOSSES

§ 185.794 *Loss at sea.* Section 2885, I. R. C., provides that the bond required to be given for the exportation of distilled spirits shall be canceled upon presentation of satisfactory proof that, after shipment, the spirits were lost at sea without fault or neglect of the owner or shipper thereof.

§ 185.795 *Action by district supervisor.* If, upon examination of Forms 206, 696 and 1520 received from the collector of customs, a loss in transit is disclosed, the district supervisor will follow the procedure prescribed by §§ 185.480–185.496 insofar as applicable.

(53 Stat. 336, 337, 340 as amended; 26 U. S. C. 2885, 2886, 2901)

§ 185.796 *Proof of loss at sea.* When the exporter is unable to furnish proof of landing at a foreign port in consequence of loss at sea, he shall file with the district supervisor with whom he filed the export bond, an application for relief, setting forth fully the cause and extent of the loss, and all the facts and circumstances surrounding the same. Such application must be accompanied by the affidavits of two or more creditable and disinterested persons as to the loss. If the spirits were insured, the exporter shall also file certificates by officers of the insurance company, or board of underwriters, stating whether the insurance has been paid, and, whether to the best of their knowledge and belief the spirits were actually destroyed at sea. When obtainable, affidavits must be furnished by the master and mate of the vessel, detailing the cause and extent of the loss and all of the facts and circumstances surrounding the same. Such proof shall be furnished to the district supervisor within the time specified in § 185.787, for furnishing proof of landing of the spirits in a foreign country. The district supervisor will forward the application and supporting evidence to the Commissioner with his recommendation.

(53 Stat. 336, 344; 26 U. S. C. 2885, 2905)

§ 185.797 *Filing proof of loss at sea in case of exportation under bond on Form 693.* Where the spirits are exported under a bond furnished on Form 693 and the exporter is unable to furnish the required proof of landing at a foreign port in consequence of loss at sea, he will file application for relief and supporting evidence conforming to the provisions of the preceding section with the collector of customs with whom the bond was filed. The collector of customs will forward the application and supporting evidence to the Commissioner of Customs, with his recommendation thereon.

(53 Stat. 337; 26 U. S. C. 2886)

EXPORTATION IN TANK CARS

§ 185.798 *Kind of spirits.* Under the law, distilled spirits of a proof strength of not less than 180 degrees intended for exportation, free of tax, may be drawn from storage tanks in any internal revenue warehouses, for transfer to tank cars for exportation.

(53 Stat. 339; 26 U. S. C. 2888)

§ 185.799 *Procedure applicable.* Where it is desired to export distilled spirits in tank cars pursuant to the above provisions of law, the procedure relating to the exportation of distilled spirits in distiller's original packages, in so far as applicable, shall apply. The tank cars must be so constructed that all openings may be securely closed and sealed. An export stamp shall be procured and affixed to the route board of each tank car of spirits intended for exportation in the same manner as an export stamp is affixed to a package of spirits to be exported, and upon inspection of the tank car at the port of exportation such stamp shall be scalped and disposed of in accordance with § 185.781.

(53 Stat. 339; 26 U. S. C. 2888)

GENERAL PROVISIONS

§ 185.800 *Certificate of origin.* In view of the fact that entry of distilled spirits at ports in certain foreign countries is permitted only upon the filing by the importer of an official certificate showing the origin and age of such spirits, district supervisors with whom export withdrawal entries are filed may, in such cases, furnish the exporter with a certificate showing the origin and age of the spirits described in the entry for withdrawal, so far as may be determined from the marks and brands on the packages or cases containing the spirits. Such certificates shall be furnished in typewritten form on official letterheads.

§ 185.801 *Shipment to American possessions.* The provisions of this subpart relating to the exportation of distilled spirits, free of tax, to foreign countries and the forms prescribed for use in connection therewith, shall apply to like removals and shipments to Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Panama Canal Zone. Distilled spirits shipped to other possessions of the United States, and to Hawaii and Alaska, must be tax paid before withdrawal from bonded warehouses, unless transferred in bond to an internal revenue bonded warehouse located in one of these territories or possessions.

(53 Stat. 405, 406 as amended; 26 U. S. C. 3351, 3361)

§ 185.802 *Exportation of spirits after expiration of bonded period not permitted.* Except as to spirits which were 8 years of age, or older, on July 26, 1936, and remain in warehouse, district supervisors will decline to approve applications for the exportation of distilled spirits which have remained in warehouse after the expiration of the 8-year bonded period prescribed by law. In such cases, the district supervisor will indorse his disapproval across the face of the application and return the disapproved application, together with the bond, to the owner. At the same time the district supervisor will inform the proprietor of the warehouse in which the spirits are stored that the bonded period has expired and demand the immediate tax payment and withdrawal of the spirits.

(53 Stat. 333; 26 U. S. C. 2879)

§ 185.803 *Delay in lading at port.* If the exporting vessel is not prepared to receive distilled spirits withdrawn for export upon arrival at the port of exportation, the collector of customs may permit such spirits to remain in possession of the carrier for a period not

exceeding 15 days. Storage elsewhere for a like cause, and not exceeding the same period, may be approved by the collector of customs. In the event of further delay, the facts will be reported to the Commissioner of Internal Revenue, who will issue appropriate instructions concerning the disposition of the spirits.

(53 Stat. 336, 337, 344; 26 U. S. C. 2885, 2886, 2905)

SUBPART II—SUPPLIES FOR CERTAIN VESSELS AND AIRCRAFT

§ 185.815 *General.* Distilled spirits in packages and in cases which have been bottled in bond for exportation may be withdrawn from internal revenue bonded warehouses free of tax for use as supplies on the following vessels and aircraft:

(a) Vessels of war, in ports of the United States, of any nation which may reciprocate such privilege toward the vessels of war of the United States in its ports;

(b) Vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(c) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions; and

(d) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found that such foreign country allows, or will allow, substantially reciprocal privileges in respect of aircraft registered in the United States.

(46 Stat. 690 as amended (19 U. S. C. 1309))

§ 185.816 *Procedure.* Application to remove distilled spirits in packages and in cases bottled in bond for exportation from internal revenue bonded warehouses for use as supplies on vessels or aircraft will be made on Form 206. The procedure prescribed in §§ 185.738–185.772, as it relates to the withdrawal of packages from internal revenue bonded warehouses for exportation, is hereby made applicable to the withdrawal of packages for use as supplies on vessels or aircraft. The procedure prescribed in §§ 185.773–185.775 relating to the transfer and withdrawal of spirits bottled in bond for exportation, is hereby made applicable to the transfer and withdrawal of bottled spirits free of tax for use as supplies on vessels or aircraft.

(46 Stat. 690 as amended (19 U. S. C. 1309))

§ 185.817 *Bond.* Distilled spirits which are to be withdrawn from internal revenue bonded warehouses free of tax for use as supplies on vessels or aircraft must be covered by a bond on Form 547 or Form 657. Such bonds will be executed in the same manner as bonds for distilled spirits withdrawn free of tax for exportation, but must be accompanied by consent of surety, Form 1533, specifically stipulating that the terms thereof will cover distilled spirits withdrawn for use as supplies on vessels or aircraft. Exporters who have on file bonds on Form 657 covering the exportation of distilled spirits, and who desire to withdraw spirits free of tax from an internal revenue bonded warehouse for use as supplies on vessels or aircraft, may file a consent of surety containing a similar stipulation, provided such bonds are of sufficient penal sum.

(46 Stat. 690 as amended (19 U. S. C. 1309))

§ 185.818 *Export entry.* Before the spirits may be laden on the vessel or aircraft, the owner must file Form 206 with the collector of customs. The provisions of §§ 185.779, 185.780, and 185.782–185.784, will be observed insofar as applicable.

(46 Stat. 690 as amended (19 U. S. C. 1309))

§ 185.819 *Evidence of use as supplies on vessels and aircraft.* If the distilled spirits were laden on board a vessel or aircraft for use as ship's supplies or supplies for aircraft, there must be submitted to the district supervisor, within six months (or such additional extensions of time as may be granted by the district supervisor or the Commissioner), an affidavit of the master or other officer of the vessel or aircraft on which the spirits were laden, having knowledge of the facts, showing that the spirits have been used on board the vessel or aircraft, and that no portion thereof has been unladen in the United States or any of its possessions: *Provided,* That in the case of any shipment, no affidavit will be required if the amount of tax does not exceed $25.00. In the case of vessels of war, such affidavit will not be required.

(46 Stat. 690 as amended (19 U. S. C. 1309))

§ 185.820 *Account with bond, Form 547 or Form 657.* The district supervisor will keep an account with each bond, Form 547 or Form 657, similar to that kept for distilled spirits exported free of tax. In cases where exportations free of tax and withdrawals free of tax for use as supplies on vessels or aircraft are made under the same bond, only one account covering both transactions need be kept. Upon receipt of satisfactory evidence of the use of the spirits as supplies, the bond will be credited with the quantity so reported.

(46 Stat. 690 as amended (19 U. S. C. 1309))

§ 185.821 *Records.* Spirits withdrawn for use as supplies on vessels or aircraft shall be reported and accounted for by the proprietor in accordance with Subpart WW of this part and by the storekeeper-gauger in accordance with Subparts UU and VV of this part.

(46 Stat. 690 as amended (19 U. S. C. 1309))

SUBPART JJ—TRANSFER OF DISTILLED SPIRITS TO CUSTOMS MANUFACTURING BONDED WAREHOUSES

§ 185.825 *General.* Any manufacturer who manufactures medicines, preparations, compositions, perfumeries, cosmetics, and cordials and other liquors, for exportation, at a duly constituted manufacturing bonded warehouse established in accordance with law, may withdraw distilled spirits in distiller's original packages from any internal revenue bonded warehouse, free of tax, for use in the manufacture of such products. The law provides that distilled spirits may be removed from internal revenue bonded warehouses without payment of tax and transported to bonded manufacturing warehouses, class 6, to be rectified, or reduced in proof and bottled, and exported or shipped to Puerto Rico.

(53 Stat. 340, 375, 377; 26 U. S. C. 2891, 3177, 3178)

§ 185.826 *Withdrawal of packages.* When any manufacturer, who is the proprietor of a customs manufacturing bonded warehouse, desires to remove distiller's original packages of distilled spirits to such warehouse from an internal revenue bonded warehouse, free of tax, for use in the manufacture of medicines, preparations, compositions, perfumeries, cosmetics, and cordials and other liquors, for exportation, or, in the case of spirits rectified or reduced in proof and bottled, for exportation or shipment to Puerto Rico, he shall execute application, Form 206, in quintuplicate, in accordance with the applicable provisions of § 185.738, indicating thereon that the spirits are to be withdrawn for transfer to a customs manufacturing warehouse. The proprietor of the internal revenue bonded warehouse from which the spirits are to be removed shall execute request on Form 206 for regauge of the packages covered by the application. The provisions of § 185.741, relating to the gauging of distiller's original packages for exportation, shall so far as applicable apply to packages to be removed to customs manufacturing warehouses.

(53 Stat. 340, 340 as amended; 26 U. S. C. 2891, 2901)

§ 185.827 *Bond.* The manufacturer shall execute a bond to cover the transportation of the spirits from the internal revenue bonded warehouse from which withdrawn to the customs manufacturing bonded warehouse. If the bond is to cover a specific lot of spirits, it shall be executed on Form 643, in triplicate, and in a penal sum sufficient to cover the tax at the rate prescribed by law on the spirits to be so transported. If it is desired to furnish bond under which spirits may be withdrawn from time to time, it shall be executed on Form 1618, in triplicate, in a penal sum sufficient to cover the tax at the rate prescribed by law on the maximum quantity of spirits which may be outstanding against the bond at any one time. The bond and the application, Form 206, with report of gauge, Form 1520, attached, will be forwarded to the district supervisor who will, upon approval, dispose of the bond and application as provided in § 185.753, in the case of the withdrawal of distilled spirits in distiller's original packages for exportation.

(53 Stat. 340; 26 U. S. C. 2891)

§ 185.828 *Account with bonds, Form 1618 and Form 643.* The district supervisor will keep an account on Form 1687, with each continuing bond on Form 1618 and with each specific bond on Form 643. The account shall show all information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

(53 Stat. 340, 340 as amended; 26 U. S. C. 2891, 2901)

§ 185.829 *Stamps, marks and brands; disposition of forms.* The packages must be stamped, marked and branded in accordance with § 185.754 except that the name of the port to which the spirits are consigned for deposit in a manufacturing warehouse will be substituted for the names of the ports from and to which the spirits are to be exported. Forms will be disposed of in accordance with § 185.759.

(53 Stat. 307, 340; 26 U. S. C. 2808, 2891)

§ 185.830 *Consignment of spirits.* The spirits when withdrawn for shipment must in all cases be consigned to the proprietor of the manufacturing bonded warehouse, in care of the collector of customs of the district in which the warehouse is located.

(53 Stat. 340; 26 U. S. C. 2891)

§ 185.831 *Regauge and deposit in customs manufacturing warehouse.* Upon receipt of Forms 206 and 1520, the collector of customs will direct the proper officer to inspect and gauge the spirits upon their arrival at the warehouse, and to supervise their deposit therein. The officer will make a report of his gauge on Form 696, in duplicate, scalp the export stamps and attach them to one copy of the form, supervise the deposit of the spirits in the warehouse, execute his certificate on Customs Form 3923, in duplicate, and forward the forms to the collector of customs, who will execute his certificate on Form 3923 and forward one copy of each form with the scalped stamps and one copy each of Form 206 and Form 1520 to the district supervisor of the district from which the spirits were received. If there is a material discrepancy as to any package, the inspecting officer will attach to the Form 696 a statement as to the nature and cause of the loss. When the officer has completed his gauge and report as prescribed above, the entire shipment may be deposited without detention of packages bearing evidence of loss, unless the circumstances indicate tampering, in which event such packages will be detained pending investigation by the district supervisor, to whom the detention should be immediately reported.

(53 Stat. 340; 26 U. S. C. 2891)

§ 185.832 *Action by district supervisor.* Upon receipt of Forms 3923, 696, 206, and 1520 from the collector of customs, the district supervisor will ascertain whether there has been a loss of spirits from the packages in transit. If such a loss of spirits has occurred, the district supervisor will follow the procedure prescribed in §§ 185.480–185.496, insofar as applicable. If there has been no loss of spirits in transit, the district supervisor will, if the spirits were withdrawn on a continuing bond on Form 1618, make appropriate entries on Form 1687, or, if the withdrawal was made under bond on Form 643, cancel such bond in accordance with the provisions of § 185.338 and make appropriate entries on Form 1687.

(53 Stat. 340, 340 as amended; 26 U. S. C. 2891, 2901)

SUBPART KK—WITHDRAWAL OF DISTILLED SPIRITS FOR USE OF THE UNITED STATES

§ 185.840 *Persons entitled to make withdrawals.* Distilled spirits stored in internal revenue bonded warehouses and purchased for the use of the United States may be withdrawn, free of tax, by the head of the department, or the head of the bureau or establishment not under control of any department, for which the spirits are purchased.

(53 Stat. 403; 26 U. S. C. 3331)

§ 185.841 *Application, Form 543.* The head of the department or independent bureau or establishment, as the case may be, desiring to so withdraw such distilled spirits free of tax will file application on Form 543, signed by himself or another official duly authorized by him. Where the head of a department or independent bureau authorizes another officer to sign the application he will furnish the Commissioner of Internal Revenue with a copy of the order authorizing such officer to sign, or other evidence of the authority conferred upon the officer. The application will be forwarded to the Commissioner.

(53 Stat. 403; 26 U. S. C. 3331)

§ 185.842 *Permit, Form 1508.* Upon receipt of the application, permit on Form 1508, in quintuplicate, will be issued by the Commissioner and the original and three copies will be forwarded to the Government official by whom the application was signed, who in turn shall detach a copy and forward the original and the two remaining copies to the contractor or warehouseman to whom the spirits are to be delivered for shipment to the designated Government official. Upon approval of the bond, Form 544, pursuant to the provisions of § 185.843, the warehouseman shall furnish the original and the two copies of the Form 1508 to the storekeeper-gauger at the warehouse.

(53 Stat. 403; 26 U. S. C. 3331)

§ 185.843 *Bond, Form 544.* The contractor or the warehouseman will file with the district supervisor a bond on Form 544, in triplicate, in a penal sum not less than the tax on the spirits to be withdrawn. Upon approval of the bond, the district supervisor will forward one copy to the Commissioner and one copy to the principal, and will retain the remaining copy.

(53 Stat. 403; 26 U. S. C. 3331)

§ 185.844 *Form 1520.* If the spirits to be withdrawn are in packages, the warehouseman will prepare an original and four copies of Form 1520 in the manner prescribed in § 185.601. The storekeeper-gauger at the warehouse will, upon presentation of the Form 1520 and the original and two copies of the permit, Form 1508, examine the packages and where it is determined that any package bears evidence of unusual loss that cannot be satisfactorily explained, or of tampering, such package will be detained pending further investigation in accordance with the applicable provisions of §§ 185.480–185.496. Packages which do not bear evidence of unusual loss or tampering will then be gauged.

(53 Stat. 340 as amended, 403; 26 U. S. C. 2901, 3331)

§ 185.845 *Form 1519.* If the spirits to be withdrawn were previously bottled in bond, the warehouseman will present the original and two copies of the permit, Form 1508, to the storekeeper-gauger together with an application on Form 1519, in quintuplicate, modified to indicate the type of withdrawal, executed by the principal on the bond Form 544, for withdrawal of the spirits. The storekeeper-gauger will inspect the cases and follow the procedure, insofar as applicable, prescribed by § 185.844. If any cases appear to have sustained a loss, the contents shall be examined and the quantity ascertained to have been lost from each case shall be noted on each copy of Form 1519.

(53 Stat. 340 as amended, 403; 26 U. S. C. 2901, 3331)

§ 185.846 *Forwarding of forms.* Upon completion of the regauge or inspection, the storekeeper-gauger will forward the original and two copies of the permit, Form 1508, and one copy of Form 1520 or 1519, as the case may be, direct to the district supervisor.

(53 Stat. 403; 26 U. S. C. 3331)

§ 185.847 *Supervisor's order to deliver spirits.* If the bond has been approved, the district supervisor, upon receipt of the original and two copies of the permit, Form 1508, and the copy of Form 1520 or 1519 from the storekeeper-gauger, will execute his order on Form 1508 directing the storekeeper-gauger to deliver the spirits to the person named in the order, and will forward all copies of the Form 1508 and Form 1520 or Form 1519 to the storekeeper-gauger: *Provided,* That where inspection of any package or case discloses evidence of tampering or unusual loss as provided in §§ 185.844 or 185.845, the procedure prescribed in §§ 185.480–185.496 will be followed.

(53 Stat. 403; 26 U. S. C. 3331)

§185.848 *Delivery of spirits.* Upon receipt from the district supervisor of the original and two copies of the Form 1508 and Form 1520 or Form 1519 by the storekeeper-gauger, the spirits will be delivered as provided in the order of the district supervisor, after the containers have been properly marked. The proprietor will cut, brand, or stencil on the Government head of each package withdrawn for the use of the United States, in letters and figures not less than one-half inch in height, the proof and tare ascertained at the time of gauge for withdrawal, the date and purpose of withdrawal, the number of proof gallons as then ascertained, and the storekeeper-gauger's name, title, and district. Cases will have stenciled thereon the words "Use of U. S.," followed by the date of withdrawal. There will also be plainly marked on each package or case, by means of a stencil or securely affixed label, the name, title, and address of the

Government official to whom the spirits are to be consigned. When delivery of the spirits has been made, the storekeeper-gauger will note over his signature on Form 1508, in the space provided therefor, the name of the person to whom the spirits were delivered and the date of delivery, and will retain one copy of the Form 1508 and one copy of Form 1520 or Form 1519, deliver one copy of each to the warehouseman, forward one copy of the Form 1520 or Form 1519 to the Government official to whom the spirits are to be delivered at destination, and forward the original of the permit, Form 1508 with Form 1520 or Form 1519 attached, to the district supervisor. If the bond was given by a person other than the warehouseman, a copy of Form 1520 or Form 1519 may be furnished to such person.

(53 Stat. 403; 26 U. S. C. 3331)

§ 185.849 *Bill of lading.* Where the spirits are transported from the warehouse by a carrier, the person to whom the spirits are delivered for shipment shall furnish a copy of the bill of lading covering transportation of the spirits from the point of shipment to final destination, to the storekeeper-gauger, who will forward the same to the district supervisor with Form 1508 and Form 1520 or Form 1519.

(53 Stat. 403; 26 U. S. C. 3331)

§ 185.850 *Certificate, Form 545.* Receipts of shipments of spirits withdrawn for use of the United States under this subpart shall be promptly certified to on Form 545, in duplicate, by the official representative of the United States or Governmental agency thereof to whom deliveries of such shipments are made. Where inspection at destination discloses a loss in transit in excess of one proof gallon as to any package, such loss will be noted on each copy of Form 545 by the receiving officer who will also specify the serial number of each such package, the loss ascertained as to each, and whether the condition of the package when received indicated that the loss was due to theft, or to other cause. Similar notations will be made by the receiving official on Form 545 where inspection of shipments of spirits withdrawn in cases reveals any loss in transit.

(53 Stat. 403; 26 U. S. C. 3331)

§ 185.851 *Disposition of Form 545.* The certificate on Form 545, in duplicate, duly executed by the receiving officer to whom the spirits are delivered and countersigned by the head of the department or independent bureau or establishment in interest, shall be forwarded within 30 days from the date of the withdrawal of the spirits to the district supervisor from whose district the withdrawal was made. The district supervisor will note on Form 545 the quantity of spirits shown by the withdrawal papers to have been withdrawn for shipment. If Form 545 shows a loss of spirits in transit upon which a claim for remission of the tax is required to be filed in accordance with the provisions of § 185.482, the district supervisor will forward a copy of the Form 545 to the Commissioner with the claim and his recommendation, otherwise the district supervisor will forward a copy of the form to the Commissioner and will retain one copy of Form 545.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

SUBPART LL—WITHDRAWAL OF BRANDY FOR FORTIFICATION OF WINE

§ 185.855 *Kinds of spirits.* Brandies made exclusively from grapes, citrus fruits (except lemons and limes), peaches, cherries, berries, apricots, prunes, plums, pears, pawpaws, papayas, pineapples, cantaloups, or apples, or from the products or the residues of such fruits and berries, or from grape wine, citrus fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wine, papaya wine, pineapple wine, cantaloup wine, or apple wine in the manufacture of which artificial sweetening may have been used under the limitations prescribed in Regulations 7, "Wine" (26 CFR, Part 178), or the fruit pomace residuum of such grape wine, may be withdrawn from internal revenue bonded warehouses for the fortification of wine.

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

WITHDRAWAL IN PACKAGES

§ 185.856 *Application, Form 257.* Where it is desired to remove brandy in packages from an internal revenue bonded warehouse for the fortification of wine, application will be made by the winemaker on Form 257. The winemaker shall state in the application the penal sum of the bond, Form 700–A. The same application may not include brandy produced by different distillers, nor two or more lots to be removed from the same bonded warehouse at different times, except where the warehouse is contiguous to the winery as provided in § 185.861. The application shall be filed in triplicate where the winery and the bonded warehouse are in the same supervisory district, and in quadruplicate, where they are in different districts. Where the premises are located in the same supervisory district and the bond of the winemaker is given in the maximum penal sum of $50,000, Form 257, will be submitted to the storekeeper-gauger if one is located at the winery, or at a contiguous fruit distillery or internal revenue bonded warehouse, as the case may be. If no storekeeper-gauger is located at such premises, the application will be submitted at the discretion of the district supervisor, to a designated storekeeper-gauger in the vicinity of the bonded winery. The district supervisor will notify each storekeeper-gauger designated to approve Forms 257 and advise him that the winemaker's bond is given in the maximum penal sum of $50,000. He will notify each winemaker concerned where Forms 257 are to be submitted to a storekeeper-gauger. All other Forms 257, that is, (a) those covering intradistrict removals where the bond of the winemaker is in the maximum penal sum but no storekeeper-gauger has been designated to approve Forms 257, (b) those covering intradistrict removals where the bond of the winemaker is not in the maximum penal sum, and (c) those covering interdistrict removals, will be submitted direct to the supervisor of the district in which the winery is located.

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

§ 185.857 *Action on application, Form 257*—(a) *By district supervisor.* If the application is in order, the quantity of brandy to be withdrawn is not in excess of the applicant's current needs or of the storage capacity of the fortifying room and the bond of the winemaker is sufficient to cover the brandy to be procured, the district supervisor will (1) where the warehouse is in the same district, execute his certificate on the form and send all three copies to the proprietor of the internal revenue bonded warehouse; and (2) where the warehouse is located in another supervisory district, execute his certificate on the form and send all four copies to the supervisor of such district, who will send all four copies to the proprietor of the internal revenue bonded warehouse from which the brandy is to be removed. If a storekeeper-gauger is not located at the internal revenue bonded warehouse, the supervisor of the district in which the warehouse is located will designate a storekeeper-gauger to gauge the brandy. If the application is not in order, the supervisor of the district in which the bonded winery is located will return all copies to the winemaker.

(b) *By storekeeper-gauger.* Upon receipt of Form 257 by the storekeeper-gauger, he will compare the penal sum of the bond as stated in the application with the statement furnished by the district supervisor pursuant to § 185.856. If the bond of the winemaker is given in the maximum penal sum of $50,000, the application is in proper order, and the quantity of brandy to be withdrawn is not in excess of the applicant's current needs or of the storage capacity of the fortifying room, he will certify to the sufficiency thereof on Form 257. He will send all copies of Form 257 to the proprietor of the internal revenue bonded warehouse from which the brandy is to be removed. If the application is not in order he will return all copies to the winemaker.

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

§ 185.858 *Gauge of brandy.* The proprietor, upon receipt of Form 257, will execute his description of the brandy to be gauged on all copies of the form and will, if the brandy to be removed is in previously filled packages, prepare Form 1520 in the manner prescribed in § 185.601. The proprietor will prepare four copies of the report of gauge, Form 1520, where the brandy is to be removed at one time to the fortifying room of a contiguous winery, five copies in all other instances where brandy is to be removed to a winery located in the same supervisor district, and six copies where the winery is located in another district. He will refer the forms to the storekeeper-gauger assigned to the warehouse or to the storekeeper-gauger designated by the district supervisor pursuant to § 185.857, as the case may be. Where the certificate of sufficiency of the winemaker's bond was executed by a storekeeper-gauger and no storekeeper-gauger is assigned to the warehouse, the proprietor will request the district supervisor to designate one to gauge and release the brandy. The storekeeper-gauger will, by reference to his records, verify the entries in the heading of Form 1520 and the details of the entry gauge transcribed thereto. The storekeeper-gauger will examine the packages and where it is determined that any package bears evidence of unusual loss that cannot be satisfactorily explained, or of tampering, such package will be detained pending further investigation in accordance with the applicable provisions of §§ 185.480–185.496. If the packages were previously filled, they will be regauged unless withdrawn on the original gauge as provided in § 185.564. The proprietor will cut, brand or stencil on the Government head in letters and figures not less than one-half inch in height, the proof and tare ascertained at the time of withdrawal, the date of withdrawal, and where the winery is not contiguous, the words "For Fortification of Wine". He will attach one copy of Form 1520 to each copy of Form 257 and will note on the extra copies of Form 1520 the name, registry number, and address of the winery to which the brandy is to be shipped. No greater quantity of brandy may be gauged or withdrawn than stated in the application. If the brandy to be removed is contained in storage tanks, the designated packages, after they have been filled and gauged, will be marked and branded in accordance with § 185.399, serially numbered in accordance with § 185.401, and in addition will have placed thereon the markings required in this section. In such cases, Form 1520 will be prepared and completed by the storekeeper-gauger.

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

§ 185.859 *Warehouse and winery on contiguous premises.* Where the warehouse and winery are located on contiguous premises, and the storekeeper-gauger at the warehouse is charged with supervising the deposit of the brandy in the fortifying room, he will, upon deposit of the brandy, execute his certificates of gauge and removal and receipt on all copies of Form 257, retain one copy, with Form 1520 attached, at the warehouse and one copy at the winery, and forward one copy to the district supervisor. The extra copy of Form 1520 will be delivered to the warehouseman.

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

§ 185.860 *Warehouse and winery not on contiguous premises.* Where the warehouse and winery are not located on contiguous premises, and the storekeeper-gauger at the warehouse is not charged with supervising the deposit of the brandy in the fortifying room of the winery, he will, upon removal of the brandy, execute his certificate of gauge and removal on all copies of Form 257, retain one copy with a copy of Form 1520 attached, and immediately forward the remaining copies (two or three, as the case may be), with a copy of Form 1520 attached to each, to the winemaker. The storekeeper-gauger will forward one of the extra copies of Form 1520 to the district supervisor and will deliver one copy to the warehouseman. When the brandy is received at the winery the officer detailed to duty thereat will examine the packages, supervise their deposit in the fortifying room, and complete and dispose of the forms in accordance with the provisions of Regulations 7 (26 CFR, Part 178).

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

§ 185.861 *Gauging officer's certificate of monthly deposits in contiguous wineries.* If the warehouse and winery are located on contiguous premises and brandy is to be transferred to the winery from time to time during the month under the supervision of a storekeeper-gauger, the winemaker's application on Form 257 may cover all brandy to be transferred to the winery during the month. If the storekeeper-gauger gauging the brandy supervises its transfer to and deposit in the fortifying room, he will certify to the deposit on each copy of Form 1520 as the brandy is deposited, attach one copy thereof to each copy of Form 257, forward one of the extra copies of Form 1520 to the district supervisor, and deliver one copy to the warehouseman. At the close of the month the storekeeper-gauger will execute his certificate of gauge and removal and receipt on Form 257, retain one copy thereof, with a copy of each Form 1520 attached, at the warehouse as a permanent record, and one copy, similarly completed, at the winery for the same purpose, and forward the other copy to the district supervisor.

(53 Stat. 348 as amended, 351, 373 as amended; 26 U. S. C. 3031, 3033, 3170)

§ 185.862 *Winery officer's certificate of monthly deposits in contiguous winery.* Should a storekeeper-gauger be separately assigned to duty at the winery, the storekeeper-gauger at the warehouse will retain one copy of Form 257 and attach one copy of each Form 1520 thereto as the brandy is gauged, forward one of the extra copies of Form 1520 to the district supervisor, give one of such copies of Form 1520 to the warehouseman, and deliver the other two copies of Form 257 and Form 1520 to the storekeeper-gauger at the winery, who will certify to the deposit on Form 1520 as the brandy is received and deposited in the fortifying room, and attach a copy of Form 1520 to each copy of Form 257. At the close of the month the storekeeper-gauger at the warehouse will execute his certificate of gauge and removal on all three copies of Form 257, and the storekeeper-gauger at the winery will execute his certificate of receipt on all copies of the form. The forms will then be disposed of as provided in § 185.861.

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

WITHDRAWAL BY PIPE LINE

§ 185.863 *Application, Form 257.* Where it is desired to transfer brandy by pipeline from warehouse tanks to the fortifying rooms of wineries on contiguous premises, application will be made by the winemaker on Form 257, in triplicate, in the same manner as when brandy is to be transferred in packages, as prescribed in § 185.856. The district supervisor or the storekeeper-gauger, as the case may be, will execute his certificate on the form as prescribed in § 185.857, the warehouseman will indicate the brandy to be gauged, as prescribed in § 185.858, and the storekeeper-gauger designated to gauge the brandy will make his report of gauge and execute his certificate of gauge and removal and receipt and complete and dispose of Forms 257 and Forms 1520, as prescribed in the case of removal in packages. Notation of transfer by pipeline will be made by the storekeeper-gauger on each Form 1520.

(53 Stat. 335 as amended, 348 as amended, 492; 26 U. S. C. 2883, 3031, 4017)

§ 185.864 *Gauge of brandy.* The brandy will be gauged in gauging tanks in the warehouse and run directly from such tanks to fortifying tanks or brandy storage tanks in the fortifying room of the winery, except that where no gauging tank is provided in the warehouse, the brandy may be gauged in a gauging tank in the fortifying room, in which case the brandy will be run direct from the storage tanks in the warehouse to the gauging tank in the fortifying room.

(53 Stat. 335 as amended, 348 as amended; 26 U. S. C. 2883, 3031)

§ 185.865 *Fortifying room not having gauging tank.* Where a gauging tank is not provided in the fortifying room, the brandy may be transferred thereto by pipeline only for immediate use, and only in such quantities as are necessary to fortify a given lot of wine. In such cases the wine to be fortified will be run into the fortifying tank and the required quantity of brandy to fortify the wine will be gauged in the warehouse and run directly into the fortifying tank containing the wine.

(53 Stat. 335 as amended, 348 as amended; 26 U. S. C. 2883, 3031)

§ 185.866 *Deposit in locked tanks.* The pipeline must empty into a closed tank which will be locked with a Government lock while brandy is being discharged therein or remains therein. Where the brandy is run directly by pipeline into a fortifying tank such tank must be fitted with a locked cover. If, however, the gauging tank is located in the fortifying room, it is not necessary that the fortifying tank be fitted with a locked cover.

(53 Stat. 335 as amended, 348 as amended; 26 U. S. C. 2883, 3031)

§ 185.867 *Supervision.* The brandy will be transferred under the immediate supervision of the storekeeper-gauger. The officer supervising the deposit of brandy in the fortifying room of the winery will see that the pipeline is properly connected by the proprietor with the tank into which the brandy is to be transferred before the valve permitting the flow of brandy to such tank is opened. The storekeeper-gauger will also see that the valves controlling the

flow of brandy into or out of tanks are locked with Government locks at all times, except when necessary to be open for the transfer of brandy. The keys will remain in the custody of the storekeeper-gauger, or, if no storekeeper-gauger is assigned to the warehouse or distillery, in the custody of the district supervisor or other officer designated by him. The officer will also see that no pipeline is used for the transfer of brandy unless it has been inspected and has been approved by the district supervisor.

(53 Stat. 335 as amended, 348 as amended; 26 U. S. C. 2883, 3031)

WITHDRAWAL IN TANK CARS

§ 185.868 *Application, Form 257.* Where it is desired to withdraw brandy from warehouse tanks for removal in tank cars to the fortifying room of a winery, application will be made by the winemaker on Form 257, in the same manner as when brandy is removed in packages, as prescribed in § 185.856 for withdrawal of packages. The district supervisor or the storekeeper-gauger, as the case may be, will execute his certificate on the form as prescribed in § 185.857, the warehouseman will indicate the brandy to be gauged as prescribed in § 185.858, and the storekeeper-gauger designated to gauge the brandy will make his report of gauge and execute his certificate of gauge and removal and dispose of Forms 257 and Forms 1520 as prescribed in the case of removal in packages. The storekeeper-gauger must note the kind of brandy on Form 1520. The winemaker will state on his application that the brandy is to be transported by tank car.

(53 Stat. 348 as amended, 492; 26 U. S. C. 3031, 4017)

§ 185.869 *Tank car requirements.* Tank cars used to transport brandy for the fortification of wine must be constructed, marked, inspected, filled, and sealed in the same manner as tank cars used to transport distilled spirits in bond, as provided in § 185.700.

(53 Stat. 348 as amended; 26 U. S. C. 3031)

§ 185.870 *Notation on Form 1520.* When the tank car is shipped the storekeeper-gauger will enter on Form 1520 covering the gauge of brandy the name of the owner and the serial number of the car, the serial numbers of the cap seals, the destination, and the date of shipment; for example: "Withdrawn in U. P. tank car No. 1643, cap seal No. 36437, for transfer to Winery No. 46, Los Angeles, Calif., for fortification of wine. Billed out 3:30 p. m. September 10, 1938."

(53 Stat. 348 as amended; 26 U. S. C. 3031)

§ 185.871 *Label to be attached.* When brandy is shipped in a tank car to a winery for fortification of wine, a label, dated and signed by the storekeeper-gauger, showing that the brandy is shipped in bond for fortification, and giving the name, registry number, and location (city or town and State) of the warehouse from which shipped and the winery to which shipped, shall be securely attached to the route board of the car, where it may be readily examined by Government officers. The label must be of good quality paper and be protected from damage by a coating of transparent shellac or similar transparent protective material. The label will be attached by the warehouseman under the supervision of the Government officer. The label, which will be furnished by the warehouseman, will be in substantially the following form:

Shipped in bond by
CALIFORNIA GRAPE COMPANY
I. R. B. W. No. 80, St. Helena, Calif., 14th Dist.
to
WESTERN WINE COMPANY
B. W. No. 50, Santa Rosa, Calif., 14th Dist.
For fortification of wine

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(Date) (Storekeeper-gauger)

This label will be scraped and obliterated immediately the tank car is emptied.

(53 Stat. 348 as amended; 26 U. S. C. 3031)

§ 185.872 *Deposit of brandy in fortifying room.* The examination of the tank car upon arrival at the winery, the unloading thereof, the gauging of the brandy unloaded, the preparation of the report of gauge, Form 1520, and the completion and disposition of Form 257 and Form 1520 by the storekeeper-gauger supervising the deposit of brandy in the fortifying room, will be in accordance with the provisions of Regulations 7 (26 CFR, Part 178).

(53 Stat. 348 as amended; 26 U. S. C. 3031)

SUBPART MM—WITHDRAWAL OF RUM FOR DENATURATION

§ 185.880 *General.* Rum of not less than 150 degrees proof may be withdrawn from an internal revenue bonded warehouse located on the distillery premises, free of tax, for denaturation:

(a) By pipeline from warehouse storage tanks through gauging tanks to storage or mixing tanks in a denaturing bonded warehouse located on the distillery premises; or

(b) In original packages for transfer to a denaturing bonded warehouse located on the distillery premises where produced.

(53 Stat. 335 as amended, 355; 26 U. S. C. 2883, 3070)

§ 185.881 *Application, Form 573.* When the proprietor of a distillery denaturing bonded warehouse desires to withdraw from an internal revenue bonded warehouse located on the same distillery premises rum of not less than 150 degrees of proof for denaturation, he will file application therefor with the storekeeper-gauger in charge on Form 573, in triplicate. Where the rum to be transferred is in packages, such application will be accompanied by Form 1520, in triplicate, prepared in the manner prescribed in § 185.601. Where the rum is to be transferred from warehouse storage tanks to the denaturing bonded warehouse by pipe line, the applicant shall specify on Form 573 the maximum number of tax gallons to be so transferred.

(53 Stat. 335 as amended, 355; 26 U. S. C. 2883, 3070)

§ 185.882 *Sufficiency of bond.* Where the bond covering operation of a denaturing bonded warehouse is given in less than the maximum penal sum of $100,000, the district supervisor will inform the storekeeper-gauger in charge of the penal sum of the bond, and the storekeeper-gauger will see that the quantity of spirits transferred to the denaturing bonded warehouse is within the limits of the bond.

(53 Stat. 355; 26 U. S. C. 3070)

§ 185.883 *Report of gauge, Form 1520.* Upon receipt of the Form 1520 the storekeeper-gauger will verify by reference to his records, the entries in the heading thereof and the details of the entry gauge transcribed thereto. If the rum described in the application is in packages, a careful gauge thereof will be made, except that rum in original packages may be transferred to the denaturing bonded warehouse on the original gauge if such transfer is made within 30 days of the date of the original entry for deposit. Where packages of rum are transferred to the denaturing bonded warehouse on the original gauge the proprietor will copy the details of such gauge on Form 1520. When rum for denaturation is transferred in packages, a careful inspection of such packages will be made prior to transfer, and where evidence of tampering or unusual loss is found the provisions of §§ 185.480–185.496, relative to losses of distilled spirits in bond will be followed. If the rum described in the application, Form 573, is to be transferred from warehouse storage tanks, it will be run into a gauging tank and carefully gauged except that where no gauging tank is provided in the warehouse, the rum may be gauged in a gauging tank in the denaturing bonded warehouse, in which case the rum shall be run direct from the storage tanks in the warehouse to the gauging tanks in the denaturing bonded warehouse. The storekeeper-gauger will prepare Form 1520, in triplicate, and enter the details of the gauge thereon.

(53 Stat. 355; 26 U. S. C. 3070)

§ 185.884 *Transfer of rum.* Upon completion of gauge, the storekeeper-gauger will permit the rum to be transferred. The proprietor will, under the supervision of the storekeeper-gauger and before removal, stencil upon the head of each package, in letters large enough to be easily read, "For Denaturation," and the date of removal. Details of the gauge need not be cut or stenciled on the package.

(53 Stat. 355; 26 U. S. C. 3070)

§ 185.885 *Supervision of transfers.* All transfers of rum from the internal revenue bonded warehouse to the denaturing bonded warehouse will be made under the immediate supervision of the storekeeper-gauger. Where rum is so transferred by pipeline, the storekeeper-gauger supervising the deposit of the rum in a storage or mixing tank in the denaturing bonded warehouse will see that the outlet and all other openings of such tank, except the inlet, are closed and locked and that the valves in the pipeline are so adjusted by the proprietor as to control the flow of spirits into the tank, before the outlet of the warehouse storage tank from which the rum is to be transferred is unlocked. When the rum has been deposited in the tank in the denaturing bonded warehouse the inlet of such tank and the outlet of the storage tank in the internal revenue bonded warehouse will be immediately closed by the proprietor and locked by the storekeeper-gauger. The storekeeper-gauger will not permit the transfer of rum from the internal revenue bonded warehouse to the denaturing bonded warehouse by pipeline unless the use of such pipeline has been approved in accordance with the provisions of this part.

(53 Stat. 355; 26 U. S. C. 3070)

§ 185.886 *Disposition of Forms 573 and 1520.* Upon the transfer of the rum, the storekeeper-gauger will execute his certificate of gauge and transfer on each copy of Form 573, retain one copy of Form 573 with Form 1520 attached, deliver one copy of each to the warehouseman, and forward one copy of each to the district supervisor.

(53 Stat. 355; 26 U. S. C. 3070)

SUBPART NN—BOTTLING-IN-BOND DEPARTMENT

SPIRITS TO BE BOTTLED FOR DOMESTIC PURPOSES

§ 185.890 *Spirits which may be bottled for domestic purposes.* Distilled spirits which have remained in bond in wooden containers for at least four years from the date of original entry, or, in the case of fruit brandy, four years from the date of original gauge, may be bottled in bond before tax payment at a proof of 100 degrees for domestic use. Reduction to the necessary degree of proof may be effected by the addition of pure water only. In determining the eligibility of spirits for bottling in bond for domestic purposes, whisky, brandy, rum, and other distilled spirits (other than gin) must have been stored continuously for at least four years in charred, recharred, plain, used, or reused wooden cooperage so that the spirits have been in contact with the wood surface for the purpose of obtaining color or bringing about chemical changes which age and mature the spirits. Spirits (other than gin) which have been stored in wooden cooperage coated or lined with paraffin, or other substances, may not be bottled in bond. Gin to be bottled for domestic purposes must have been stored continuously for at least 4 years in wooden cooperage coated or lined with paraffin, or other substance, which will preclude contact of the spirits with the wood surface and prevent the absorption of wood color and flavor.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

§ 185.891 *Application.* Application for bottling distilled spirits in bond for domestic purposes will be made to the storekeeper-gauger in charge of the warehouse on Form 1515, in quadruplicate, which will be accompanied by Form 1520, in triplicate, prepared by the proprietor in the manner provided in § 185.601. Upon receipt of the application and the Form 1520 the storekeeper-gauger will satisfy himself that the spirits are eligible for bottling in bond and will inspect and weigh the packages. Where it is determined that any package bears evidence of unusual loss that cannot be satisfactorily explained, or of tampering, such package will be detained pending further investigation in accordance with the applicable provisions of §§ 185.480–185.496. The Form 1515 may be amended to show deletion of any such package. The packages may be inspected and weighed in either the storage portion or the bottling-in-bond department of the warehouse. Where inspection of a package in the bottling-in-bond department discloses evidence of unusual loss that cannot be satisfactorily explained, or of tampering, the package must be returned immediately to the storage portion of the warehouse. The storekeeper-gauger will enter the weight of each package on Form 1520.

(53 Stat. 298 as amended, 342 as amended, 343, 492; 26 U. S. C. 2800, 2903, 2904, 4017)

§ 185.892 *Gauge.* If the spirits are to be transferred to the bottling-in-bond department by pipe line, the packages will be dumped in the bulk gauge tank in the warehouse. The storekeeper-gauger will make his gauge of the spirits, report the details thereof on Form 1520 prepared by the proprietor, and complete his report on Form 1515. The storekeeper-gauger will also enter on Form 1520 the number of the gauging tank. If the spirits are to be removed in packages to the bottling-in-bond department, the storekeeper-gauger in the warehouse will complete his certificate of removal for bottling on Form 1515. When the spirits have been released for transfer to a bottling-in-bond department, all copies of the application and the Form 1520 will be furnished to the storekeeper-gauger assigned to the bottling-in-bond department in order that such officer may inspect the spirits prior to the bottling thereof. If the spirits are received in the bottling-in-bond department in packages, they will be dumped for bulk gauging in dumping and reducing or in bottling tanks. The storekeeper-gauger will make his gauge, either by weight or by volume, and will report the gauge on Forms 1520 and 1515 in the same manner as if the spirits had been gauged in the warehouse. He will at that time return the original of the Form 1520 to the storekeeper-gauger in charge of the warehouse. When the bottling is completed, the storekeeper-gauger will enter the details of the cases on Form 1515, forward one copy, with the Form 1520 attached, to the district supervisor, deliver one copy of each form to the proprietor, return one copy of Form 1515 to the storekeeper-gauger in charge of the warehouse, and file the remaining copy of Form 1515 in the bottling-in-bond department. Spirits taxpaid from the bottling department shall be considered as constructively returned to the storage portion of the warehouse. The storekeeper-gauger shall account for, as deposited, on Forms 1621 and 1513, all spirits bottled. Prior to the removal of cases of distilled spirits from the bottling-in-bond department, the storekeeper-gauger will prepare Form 1620, in triplicate. One copy of the form will be forwarded to the district supervisor, one copy will be given to the warehouseman, and the remaining copy will be filed as a permanent record as provided in § 185.1022.

(53 Stat. 298 as amended, 342 as amended, 343, 492; 26 U. S. C. 2800, 2903, 2904, 4017)

BOTTLING FOR EXPORTATION

§ 185.893 *Application and request for regauge.* Whenever an owner desires to remove distiller's original packages of distilled spirits from an internal revenue bonded warehouse for bottling in bond for exportation, he shall execute Form 1515, in quadruplicate. After the application on Form 1515 has been fully executed, the owner will deliver all copies thereof to the proprietor of the warehouse, who will execute his request for gauge of the spirits. The proprietor will prepare Form 1520, in triplicate, in the manner prescribed in § 185.601 and will deliver all copies of Forms 1515 and 1520 to the storekeeper-gauger in charge of the warehouse. The requirements as to eligibility of distilled spirits to be bottled in bond for export and the mingling of such spirits for convenience in bottling are the same as those prescribed in §§ 185.890 and 185.901 for spirits bottled for domestic purposes, except that such spirits may be reduced by the addition of pure water only to not less than 80 degrees of proof, and gin may at any time within eight years after entry in bond be bottled in bond for export.

(53 Stat. 342 as amended, 343, 345; 26 U. S. C. 2903, 2904, 2910)

§ 185.894 *Regauge of spirits.* Upon receipt of Forms 1515 and 1520 the storekeeper-gauger will, by reference to his records, verify the entries in the heading of Form 1520 and the details of the entry gauge transcribed thereto and will examine the application and request for gauge. If no discrepancies are found in the Form 1520 and the Form 1515 has been fully executed, and the spirits are eligible for bottling in bond for export, the procedure prescribed in §§ 185.891 and 185.892 will be followed.

(53 Stat. 340 as amended, 342 as amended, 343, 345; 26 U. S. C. 2901, 2903, 2904, 2910)

§ 185.895 *Bottling for exportation.* The spirits will be bottled, stamped, cased and marked in accordance with the provisions of subparts OO, PP and QQ of this part after which the spirits may be returned to the storage portion of the warehouse pending withdrawal for exportation or may be removed for immediate exportation after the filing and approval of Form 206 and proper bond, in accordance with the provisions of §§ 185.773 to 185.775. If the spirits are returned to the storage portion of the warehouse they need not be kept in a separate room or building, but shall be kept separate and apart from all other distilled spirits stored in the warehouse. Spirits removed from the bottling department for immediate exportation shall be considered as constructively returned to the storage portion of the warehouse. The storekeeper-gauger shall account for, as deposited, on Forms 1621 and 1513, all spirits bottled. Prior

to the removal of cases of spirits from the bottling-in-bond department, the storekeeper-gauger will prepare Form 1620, in triplicate. One copy of the form will be forwarded to the district supervisor, one copy will be given to the warehouseman, and the remaining copy will be filed as a permanent record as provided in § 185.1022.

(53 Stat. 342 as amended, 343, 344, 345, 346; 26 U. S. C. 2903, 2904, 2905, 2910, 2915)

SUBPART OO—DUMPING, REDUCING AND BOTTLING

§ 185.900 *Prompt dumping of spirits required.* Spirits which have been gauged in a warehouse gauging tank for bottling in bond must be immediately transferred by pipeline and deposited in proper tanks in the bottling-in-bond department of the warehouse. Packages of spirits removed from the storage portion of the warehouse for bottling in bond must be immediately transferred to the bottling-in-bond department and their contents promptly dumped and gauged.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

§ 185.901 *Mingling of spirits.* Under the law distilled spirits of the same kind, differing only in proof, produced at the same distillery by the same distiller under the same name or style and during the same distilling season and year, may be mingled together in the gauging, dumping, reducing, or bottling tank for convenience in bottling. Spirits which differ in kind may not be mingled together. Spirits which have been subjected to a quick-aging process may not be mingled with spirits which have not been quick-aged and are not homogeneous, nor may spirits which have been stored in different kinds of cooperage or under different conditions and are of different composition or character be mingled together. The law authorizes only the mingling together, for convenience in bottling, of spirits of the same kind, which differ only in proof, and prohibits the mingling of different products. Spirits mingled together in bottling must therefore be homogeneous: *Provided*, That spirits contained in packages if marked and branded as prescribed by the Gauging Manual (26 CFR, Part 186) (in effect at the time of production of the spirits) and which otherwise conform to the requirements set forth in this section will be considered to be homogeneous for mingling and bottling in bond.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

§ 185.902 *Rinsing of barrels.* When spirits are dumped for bottling in bond, either in the warehouse gauging room or the bottling-in-bond department, the barrels and any char or wood chips contained therein must be thoroughly rinsed. The rinse water should be used to make any necessary reduction in the proof of the spirits dumped from the barrels. Any rinse water remaining after such reduction should be poured upon the ground or into a sewer; it may not be mixed with spirits dumped from other packages.

(a) *Disposition of char and chips.* Char and wood chips dumped from packages must be burned on the warehouse premises, or, if such burning is not practicable due to fire regulations, or to other valid reason, the char or chips must be treated with kerosene before removal thereof from the premises. Where kerosene is used, it must be sprayed or sprinkled on the materials, using not less than 1 gallon of kerosene to each 100 pounds of materials, in such manner as to preclude the abstraction of potable spirits from any part of the materials after removal from the premises. This will be effected by stirring or agitating the materials while the kerosene is being applied. Such burning or treating of materials must be done under the supervision of the storekeeper-gauger. The district supervisor may authorize any other disposition of the materials that will effectively prevent recovery of spirits therefrom.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

§ 185.903 *Destruction of marks and brands.* When packages of spirits are dumped for bottling, all marks and brands which such packages are required by law to bear, must be completely effaced and obliterated. This should be done immediately upon the completion of the dumping, draining, and rinsing of the packages, and the packages must be immediately removed from the bottling-in-bond department or the gauging room.

(53 Stat. 330, 342 as amended, 343; 26 U. S. C. 2866, 2903, 2904)

§ 185.904 *Spirits in process of bottling.* The bottling of two or more lots of spirits at the same time in the same bottling room will not be permitted unless two or more complete bottling units are installed and bottling operations are so conducted as to prevent any commingling of different lots of spirits in process of bottling: *Provided*, That where one lot of spirits is in the process of bottling, another lot, or lots, may be dumped and reduced and held in locked tanks until the process of bottling of the first lot has been completed. The process of bottling will be regarded as complete for the purpose of this section when the bottled spirits have been placed in the cases and the cases closed: *Provided further*, That the proprietor shall not dump more spirits than can be bottled expeditiously.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

§ 185.905 *Storage of spirits.* The bottling-in-bond department may not be used for the storage of distilled spirits in tanks or otherwise.

§ 185.906 *Bottling conducted under supervision.* The entire operation of bottling spirits in bond will be performed by the proprietor of the warehouse under the immediate supervision of the storekeeper-gauger. The storekeeper-gauger shall determine the proof of the spirits in the tank after reduction and thorough mingling by the proprietor, and prior to release for bottling, and make appropriate entries on Form 1515. Before filling bottles, the proof of spirits for domestic use shall be adjusted to 100 degrees. The proof of spirits for export purposes may be reduced to not less than 80 degrees. Adjusting the proof to tenths of a degree, either above or below the whole or complete degree, will not be permitted: *Provided*, That when spirits are being prepared for bottling in bond for exportation and are to be bottled and labeled in tenths of a degree of proof, such as 86.8, the proof of the spirits shall be adjusted to such tenths of a degree of proof. The proof in each instance shall be verified as to accuracy by the Government officer. While the storekeeper-gauger is charged with the duty of requiring compliance with the provisions of the law and regulations by the persons engaged in the various operations of bottling the spirits, his failure in any instance will not relieve the proprietor of the warehouse from responsibility.

(53 Stat. 342 as amended, 343, 492; 26 U. S. C. 2903, 2904, 4017)

§ 185.907 *No substance to be added or subtracted.* No material or substance of any kind other than pure water may be added to distilled spirits during the process of bottling in bond, nor may any substance or material be subtracted from the spirits: *Provided*, That charcoal, sediment, or other like substances may be removed from the spirits by straining them through cloth, felt, or other like material. No method or process may be applied to alter or change in any way the original condition or character of the spirits, except as authorized by law.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

§ 185.908 *Permissible filtration.* Filtering which consists of merely removing foreign substances, such as particles of char, wood, dirt, or other extraneous, solid matter, that have got into the spirits since manufacture, and which does not change the original character of the spirits through removal of congeneric substances, or change the composition of the spirits, may be done in the bottling-in-bond department, since such filtering does not constitute rectification.

§ 185.909 *Use of filter aids.* Filter aids may be used only when they do not change the original character or composition of the spirits, either by the abstraction of any essential constituent or the addition of any substance. When filter aids are used, the district supervisor will cause samples of the spirits to be taken at infrequent intervals, before and after the use of the filter aids, for analysis to determine whether the use of such materials has resulted in a change in the original character or composition of the spirits.

§ 185.910 *Prohibited filtration.* Any filtering of distilled spirits which purifies or refines the same constitutes rectification and may be done only at a rectifying plant. The filtering out of cloudiness in whisky, gin, or other spirits, other than that due to the presence of finely pulverized or agglutinated charcoal or other extraneous, solid matter in suspension, which results in the removal of terpenes or congeneric substances

from the spirits and changes their original composition, constitutes rectification.

(53 Stat. 343, 391 as amended; 26 U. S. C. 2904, 3254)

§ 185.911 *Separate Form 1515 for each lot.* If the spirits are dumped from packages or received by pipeline in a dumping, reducing, or dumping and reducing tank, Form 1515 for each lot will be attached to such tank, and when the spirits are transferred therefrom to the bottling tank, this form will be attached to the bottling tank where it must remain until bottling of the spirits has been completed. If the spirits are removed directly into the bottling tank, this form will be attached to such tank and will remain thereon until the bottling of the spirits has been completed. The spirits must be bottled expeditiously.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

§ 185.912 *Bottling tank to be used.* All distilled spirits to be bottled in bond must be transferred to an approved bottling tank. Prior to the transfer of the spirits to the bottling tank, and the opening of the inlet to the bottling tank, the storekeeper-gauger will lock the outlet to the tank, which must remain locked until the spirits have been transferred to the bottling tank, at which time the inlet will be locked, the proof and quantity of spirits in the bottling tank verified, and appropriate entry made on Form 1515. The inlet of the bottling tank will remain locked until all spirits within the tank have been bottled and the outlet has been locked. Whenever spirits are to be drawn from bottling tanks or transferred into or out of other tanks secured with Government locks, the storekeeper-gauger will open and close the locks but it shall be the duty of the proprietor to manipulate the stopcocks or valves controlling the flow of the spirits.

(a) *Unauthorized bottling forbidden.* Spirits may not be bottled from any vessel, tank, or receptacle, other than a designated and approved bottling tank, nor may spirits be bottled except under the immediate supervision of the storekeeper-gauger as required herein.

(53 Stat. 343; 26 U. S. C. 2904)

§ 185.913 *Spirits remaining in tanks overnight.* Dumping, reducing, dumping and reducing, or bottling tanks, may not be used for the storage of spirits. If spirits are held in the bottling-in-bond department overnight, the tanks in which such spirits are contained must be locked by the storekeeper-gauger. At the conclusion of the process of drawing the spirits from the dumping, reducing, or dumping and reducing tank, to the bottling tank or tanks, the latter must be securely locked, as well as the inlets and outlets thereto, and so remain until the spirits are to be drawn off into bottles, which shall be done as promptly as possible.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

§ 185.914 *Removal of spirits bottled for domestic purposes.* Upon completion of bottling, the filled bottles, with labels and strip stamps properly affixed, must be placed in cases marked in accordance with Subpart PP of this part, and the filled cases then sealed, after which such cases must be immediately tax paid and removed, removed for any authorized tax-free purpose, or returned to the storage portion of the bonded warehouse: *Provided*, That the district supervisor may authorize the proprietor to remove to the storage portion of the warehouse, pending the receipt of orders involving affixing of brand labels or State stamps, cases temporarily secured by adhesive cloth tape or reinforced paper tape. The affixing of the bottled-in-bond strip stamps, the caution notices, and mandatory (Government) label information required by the regulations issued pursuant to the Federal Alcohol Administration Act (27 CFR, Part 5) will be performed at the time of bottling and before the goods are returned to the storage portion of the warehouse. However, if all of the mandatory information required by regulations issued pursuant to the Federal Alcohol Administration Act appears on the brand label in lieu of a separate label, the brand label must be affixed to the bottles before the goods are returned to the storage portion of the warehouse: *Provided further*, When orders are received for the spirits in cases temporarily sealed as provided herein, the cases must be returned to the bottling-in-bond department for affixing the brand label, or the State stamp, or both. Such returned spirits must be kept apart from other spirits in the bottling-in-bond department until the work of attaching the brand label, or State stamp, or both, and permanent sealing of the cases has been completed.

(53 Stat. 342 as amended, 343, 492; 26 U. S. C. 2903, 2904, 4017)

§ 185.915 *Losses or gains in bottling.* The loss or gain for each lot of distilled spirits bottled in bond (domestic or export) shall be entered by the storekeeper-gauger on Form 1515. Where the bottling of any particular lot of spirits results in a loss or gain of 2 percent or more of the quantity of spirits gauged in the bottling tank, or where there is evidence of theft, the storekeeper-gauger will initiate an immediate investigation to determine the cause of the discrepancy and prepare a letter report, in triplicate, setting forth in detail all facts and circumstances in each case and will forward two copies of the report to the district supervisor with the gauge and bottling reports covering the lot of spirits in question.

(53 Stat. 340 as amended, 342 as amended, 343, 492; 26 U. S. C. 2901, 2903, 2904, 4017)

REMNANT CASES

§ 185.916 *Remnant cases of domestic spirits.* Where there is less than a case of bottled spirits remaining from a lot of spirits bottled, the remnant will be placed in a case constructed in the same manner as the cases described in § 185.951. The remnant case will be given the serial number of the last full case containing spirits in the same lot, followed by the letter "R", thus: "100–R" or "161–R". If the next lot of spirits dumped for bottling is of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and distilling season, the remnant case may be held in the bottling-in-bond department and used for filling a complete case, or the contents may be dumped into the bottling tank and mingled with such other spirits for bottling in bond for domestic purposes. Otherwise, the remnant case will be removed with the other cases from the bottling-in-bond department and appropriate entry made in the record. Such remnant case may be taxpaid for domestic consumption, or returned to the bottling-in-bond department when the next lot of spirits of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and distilling season is dumped for bottling and (a) the bottles used for filling a complete case, or (b) the contents dumped into the bottling tank and mingled with such other spirits for bottling in bond for domestic purposes. In all cases when a remnant is disposed of as heretofore provided, notation will be made on Forms 1515 and 1620 showing the disposition of such remnant.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

§ 185.917 *Remnants of low-proof spirits.* Remnants of spirits resulting from overflow in filling bottles, and spirits which have deteriorated in proof by evaporation or repacking of filters, may be returned, under the immediate supervision of the storekeeper-gauger, to the dumping, reducing, dumping and reducing tank, or bottling tank, containing the same or another lot of spirits of the same kind, produced by the same distiller, under the same name, at the same distillery during the same distilling season and year. Distilled spirits so returned to the dumping, reducing, dumping and reducing, or bottling tank will be reported on Form 1515.

(53 Stat. 343; 26 U. S. C. 2904)

§ 185.918 *Remnants of distilled spirits bottled in bond for exportation.* Where there is less than a case of bottled spirits remaining from a lot of spirits bottled in bond for exportation, the remnant will be placed in a case which must be marked and branded as prescribed by this part for marking cases of spirits bottled in bond for exportation, except as to the date of withdrawal and the names of the ports. If the next lot of spirits dumped for bottling in bond for exportation, or for domestic purposes, is of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and distilling season, the remnant case may be held in the bottling-in-bond department and used for filling a complete case, or the contents, even though differing in proof, may be dumped into the bottling tank and mingled with such other spirits for bottling in bond for exportation, or for domestic purposes. Otherwise, the remnant case will be removed with the other cases from the bottling-in-bond department to the storage portion of the warehouse and appropriate entry made in the record. Such remnant case may be taxpaid for domestic consumption or may be returned from the storage portion of

the bonded warehouse to the bottling-in-bond department when the next lot of spirits of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and distilling season is dumped for bottling in bond for exportation or for domestic purposes and the bottles used for filling a complete case or the contents, even though differing in proof, dumped into the bottling tank and mingled with such other spirits for bottling in bond for export or for domestic purposes.

(53 Stat. 298 as amended, 303 as amended, 331, 342 as amended, 343; 26 U. S. C. 2800, 2803, 2871, 2903, 2904; 49 Stat. 1965, 27 U. S. C. 205)

§ 185.919 *Indicia bottles.* Liquor bottles conforming to § 185.924 must be used in the event the remnant is to be returned to the storage portion of the warehouse for taxpayment or for subsequent disposition as bottled-in-bond spirits for domestic consumption.

(53 Stat. 331; 26 U. S. C. 2871)

§ 185.920 *Labels, stamps, marks, and brands.* The bottles must be properly labeled. Where export remnants are used for filling a complete case of spirits bottled in bond for domestic consumption, the export strip stamps must be replaced by the domestic bottled-in-bond stamps. Where export remnants are taxpaid, the export stamps on the bottles must be replaced by red strip stamps, purchased pursuant to Form 428, unless the spirits are 100 degrees of proof and have remained in wooden containers as required by this part for at least four years from the date of original gauge as to fruit brandy, or original entry as to other spirits, in which event they may be stamped with domestic bottled-in-bond stamps. The removal of the export stamps and the affixing of the red strip stamps or the domestic bottled-in-bond stamps, as the case may be, will be under the immediate supervision of the storekeeper-gauger. Remnant cases must be marked and branded as required by Regulations 11 (26 CFR, Part 189) governing the bottling of tax-paid spirits or the provisions of this part governing the bottling of spirits in bond for domestic purposes, as the case may be.

(53 Stat. 303 as amended, 342 as amended, 343; 26 U. S. C. 2803, 2903, 2904)

§ 185.921 *Records.* In all cases where a remnant is disposed of as heretofore provided, notation will be made on Forms 1515 and 1620, showing the disposition made of such remnant.

§ 185.922 *Taxpayment of remnant cases bottled for exportation.* The tax will be paid on remnant cases removed for domestic consumption pursuant to application on Form 1519, properly modified for the purpose. Such remnants will be removed from the premises immediately upon taxpayment.

(53 Stat. 298 as amended, 342 as amended, 343; 26 U. S. C. 2800, 2903, 2904)

§ 185.923 *Remnant cases of spirits bottled in bond for exportation returned to bottling-in-bond department.* When remnant cases of spirits bottled in bond for exportation are to be returned to the bottling-in-bond department from the storage portion of the warehouse for use in filling a complete case, they will be included in the application, Form 1515, covering the withdrawal of bulk containers for bottling for exportation.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

BOTTLES AND LABELS

§ 185.924 *Liquor bottles.* The proprietor must comply with the provisions of Regulations 13 (26 CFR, Part 175), respecting the use of properly marked liquor bottles. Spirits may be bottled in bond for domestic purposes in the following-sized bottles and no others: 1 quart, ⅘ quart, 1 pint, ½ pint, ⅛ pint, 1/10 pint, and, in the case of brandy, 1/16 pint. Bottles must be filled as nearly as possible to conform to the amount stated on the stamp, label or bottle, to be contained therein, but in no event may the amount of spirits contained in any bottle, due to the lack of uniformity of the bottles, vary more than 2 percent from the amount stated to be contained therein and, further, in such case there shall be substantially as many bottles overfilled as there are bottles underfilled for each lot of spirits bottled as reported on Form 1515.

(53 Stat. 331; 26 U. S. C. 2871)

§ 185.925 *Bottles for exportation.* Distilled spirits may be bottled in bond for exportation in the following-sized bottles and no others: 1 quart, ⅘ quart, 1 pint, ½ pint, and less than ½ pint. Bottles of less than ½ pint capacity may be of the size desired. Liquor bottles as defined in Regulations 13 (26 CFR, Part 175) may be used but will not be required in bottling distilled spirits in bond for exportation.

(53 Stat. 331, 344; 26 U. S. C. 2871, 2905)

§ 185.926 *Labels for distilled spirits for domestic consumption.* The labels used on bottles of distilled spirits for domestic consumption must be covered by a "Certificate of Approval of Labels of Domestically Bottled Distilled Spirits," or a "Certificate of Exemption from Label Approval for Distilled Spirits," as required by regulations issued under the Federal Alcohol Administration Act (27 CFR, Part 5). Labels covered by a certificate of exemption from label approval affixed to bottles of a capacity of ½ pint or more but not exceeding 1 gallon, in which distilled spirits are packaged for sale at retail, must conform to the provisions of Regulations 13 (26 CFR, Part 175).

(53 Stat. 342 as amended; 26 U. S. C. 2903, 49 Stat. 1965, 27 U. S. C. 205)

§ 185.927 *Certificate to be exhibited.* All bottlers of distilled spirits are required to exhibit certificates of label approval, or certificates of exemption from label approval, upon demand to any internal revenue officer. Internal revenue officers will call upon the proprietor to exhibit the required certificates of label approval or certificates of exemption from label approval. The original certificate or duplicate original issued under the Federal Alcohol Administration Act must be exhibited to the officer. Photostatic copies are not acceptable for this purpose.

(53 Stat. 342 as amended: 26 U. S. C. 2903, 49 Stat. 1965, 27 U. S. C. 205)

§ 185.928 *Comparison of labels with contents of bottling tank.* Before releasing spirits from bottling tanks for bottling, the Government officer will require the proprietor to submit to him the label he proposes to use for the spirits in the bottling tank, together with the certificate of label approval or the certificate of label exemption, as the case may be, and he will compare such label with the label affixed to such certificate to see that they agree in every respect except for the differences allowed by the certificate. He will then compare such label with Form 1515 to determine whether the label to be used corresponds in every respect with the spirits in the bottling tank, including age, class and type, and proof. In making this determination he will take into consideration the kind of spirits, the proof of distillation, the kind of cooperage in which the spirits were stored, and whether the spirits were treated with oak chips, etc., as disclosed by the marks and brands on the packages and entered on Form 1515. If the label and spirits agree in every respect, the Government officer will attach the label securely to the copy of Form 1515 to be attached to the bottling tank and release the spirits for bottling. If the label and spirits do not agree in every respect, the Government officer will withhold the release of the spirits for bottling until the proprietor submits to him a label and a certificate of label approval or exemption, as the case may be, correctly describing the spirits to be bottled.

§ 185.929 *Additional label requirements.* Officers assigned to bottling-in-bond departments of internal revenue bonded warehouses will also see that all labels affixed to containers of distilled spirits subject to the provisions of Regulations 13 (26 CFR, Part 175) conform to the requirements of such regulations. The methods prescribed in § 185.928 will be followed in making such determinations.

§ 185.930 *Tests of bottled spirits.* Officers assigned to bottling-in-bond departments will, at frequent, irregular intervals during the process of bottling, test and examine the bottled spirits to determine (a) whether the label attached is identical with the label verified by the Government officer under § 185.928; (b) whether the bottled spirits agree in proof with the data on the label and stamp; and (c) whether the quantity agrees with the data on the label, stamp or bottle, subject to the limitation prescribed by §§ 185.924 and 185.925. The test as to quantity will be made (a) by the utilization of a glass graduate standardized at 60 degrees Fahrenheit to be provided by the proprietor or (b) by weighing a given number of empty bottles and reweighing the same bottles after filling. If the contents do not agree as to quantity (subject to the limitation of §§ 185.924 and 185.925) or as to proof (subject to a normal drop in proof occurring during bottling operations not to exceed three-tenths of a degree) with the respective data on the label, stamp or bottle, the Government officer will withhold release of the bottled spirits and require the proprietor to rebottle, recondition (where permissible), or relabel the spirits in such manner that the label will correctly describe the contents. However, the proof at the beginning of the bottling operations shall always be set exactly as provided in § 185.906.

§ 185.931 *Proprietor's responsibility.* Notwithstanding that Government officers assigned to bottling-in-bond departments of internal revenue bonded warehouses are required to verify labeling data, full responsibility rests upon the proprietor to see that the labeling of all spirits bottled at his plant is in conformity with the requirements of the Federal Alcohol Administration Act and regulations issued thereunder, and Regulations 13 (26 CFR, Part 175).

§ 185.932 *Labeling of distilled spirits bottled for exportation.* All bottles containing distilled spirits bottled in bond for exportation shall have securely affixed thereto a label showing the following information:

(a) Kind of spirits;

(b) Name of actual bona fide distiller, or the name of the individual, firm, partnership, corporation, or association in whose name the spirits were produced and warehoused;

(c) The registry number of the distillery and State in which produced;

(d) Proof of the spirits;

(e) The words "Bottled in Bond for Export;"

(f) The name or trade name of proprietor of the warehouse (if desired);

(g) The registry number of the internal revenue bonded warehouse and State in which bottled.

(53 Stat. 344; 26 U. S. C. 2905)

§ 185.933 *Caution notice.* Every person bottling distilled spirits in bond, except for export, shall attach to each bottle filled by him a caution notice reading as follows:

This bottle has been filled and stamped under the provisions of sections 2903–2909, inclusive, Internal Revenue Code. Any person who shall reuse the stamp affixed to this bottle or remove the contents of this bottle without so destroying the stamp affixed thereto as to prevent reuse, or who shall sell this bottle, or reuse it for distilled spirits, will be liable to the penalties prescribed by law.

This notice shall be of convenient size for attachment to the bottle, shall be printed in plain, legible characters, with a border in a color contrasting with the color of the label, and shall be securely attached to the bottle. The type used in printing caution labels shall not be less than 6 point when used on bottles of 1 pint or more. When spirits are bottled for exportation, the proprietor may attach the caution notice to the bottles if he so desires.

(53 Stat. 345; 26 U. S. C. 2908)

§ 185.934 *Trade marks and distiller's name.* The label which contains the trade-mark or special name which the owner may see fit to give to his spirits, or some additional label equally conspicuous, shall be affixed to such bottles of spirits for domestic purposes, and shall bear the real name of the actual bona fide distiller or the name of the individual, firm, partnership, corporation, or association in whose name the spirits were produced and warehoused, and the registry number of the distillery and State in which produced; the registry number of the warehouse and State in which bottled; and the name or trade-name of the proprietor of the warehouse (if desired). In addition thereto the labels must conform to the provisions of regulations issued under the Federal Alcohol Administration Act (27 CFR Part 5), and Regulations 13 (26 CFR Part 175) except when bottled for exportation.

(49 Stat. 1965, 27 U. S. C. 205)

BOTTLING OF DISTILLED SPIRITS UNDER AN APPROVED TRADE NAME

§ 185.935 *Qualification of proprietor.* Whenever the proprietor desires to bottle or label distilled spirits under a trade name, he must procure approval of such name in the manner prescribed by § 185.280 prior to bottling or labeling spirits under such name.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

§ 185.936 *Notice, Form 404.* Upon approval by the Commissioner of the names under which distilled spirits will be bottled, such names may be used by the proprietor, provided notice of intention to use such name or names is given to the district supervisor on Form 404, in triplicate. The storekeeper-gauger will not authorize the bottling of spirits under a name or names which have not been approved pursuant to the filing of Forms 27–D and 404.

§ 185.937 *Bottling.* Before bottling distilled spirits in bond under an approved trade name, the proprietor will execute Form 1515, in quintuplicate, in accordance with § 185.891, and show in the appropriate place on the form the name under which the spirits are to be bottled.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

§ 185.938 *Marking, branding, stamping, and labeling.* The spirits will be marked, branded, stamped, and labeled as prescribed by the provisions of Subparts PP and QQ of this part.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

SUBPART PP—MARKS AND BRANDS AND CONSTRUCTION OF CASES

§ 185.940 *Capacity of cases.* Spirits bottled in bond for domestic use shall be packed in cases as follows: 12 bottles or 16 bottles containing 1 quart each; 12 bottles, 15 bottles, or 16 bottles containing ⅘ quart each; 24 bottles containing 1 pint each; 48 bottles containing ½ pint each; 192 bottles containing ⅛ pint each; 240 bottles containing 1/10 pint each; and (brandy only) 384 bottles containing 1/16 pint each. Spirits bottled in bond for exportation shall be packed in cases to contain not less than 2.0 gallons nor more than 5.0 gallons each.

(53 Stat. 342 as amended, 343, 344, 26 U. S. C. 2903, 2904, 2905)

§ 185.941 *Serial numbers.* Each case of distilled spirits filled in the bottling-in-bond department must be numbered serially beginning with No. 1 for the first case filled: *Provided*, That the series in current use at existing bottling-in-bond departments will be continued. Where there is a change in the individual, firm, or corporate name, or in the trade name or style, of the proprietor, the series in use at the time of such change will be continued, but a new series will be commenced where there is a change of proprietorship of the warehouse. Where spirits are bottled in more than one bottling room at the same time, the spirits bottled and cased in each bottling room should not be numbered until near the close of the day, in order that the cases may be numbered in their proper consecutive order in the regular series in use at the warehouse. The series of numbers in use for numbering cases containing spirits bottled for domestic consumption will be continued in numbering cases containing spirits bottled in bond for exportation. Remnant cases will be given the serial number of the last full case containing spirits in the same bottling lot followed by the letter "R," thus: "100R," or "161R."

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.942 *New or separate series.* The serial numbers of the cases filled shall run consecutively and shall not be broken in any manner except that whenever the number 1,000,000 is reached, the proprietor may, if he so desires, begin a new series, commencing with No. 1 as originally. Cases may be serially numbered either before or after filling.

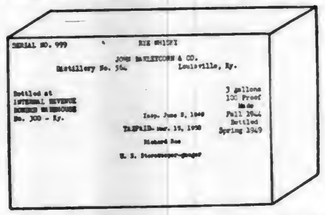
(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.943 *Marks and brands on cases for domestic spirits.* Each case of distilled spirits bottled in bond for domestic consumption shall have plainly burned, embossed, printed, or stenciled on the Government side thereof, in letters and figures not less than one-half of an inch in height, in addition to the serial number, the registry number and State in which the warehouse at which the spirits are bottled is located, and the quantity and proof of the spirits. There shall also be plainly burned, embossed, printed, or stenciled on the Government side of each case, in letters not less than one-half of an inch in height, the kind of spirits, such as "Rye Whisky," "Rum," "Gin," etc., the real name of the actual bona fide distiller or of the individual, firm, partnership, corporation, or association in whose name the spirits were produced and warehoused, the registry number and location (city or town and State) of the distillery at which the spirits were produced, and the season and year of production and bottling. The word "Inspected," followed by the date of inspection, shall also be marked on each case in letters and figures not less than one-fourth of an inch in height. Where the spirits are tax paid and removed directly from the bottling-in-bond department, the words "Tax paid," in letters not less than one-half inch in height, and the date the stamps were canceled and surrendered, and the name of the storekeeper-gauger supervising the removal of the spirits from the bottling-

in-bond department, and his title, in letters and figures not less than one-fourth inch in height, shall be marked on the Government side of the case. All marks on cases, which are embossed, printed, or stenciled, must be made with a permanent ink in a color distinctly in contrast to the color used as a background. No marks, brands, labels, caution notices, or other devices whatever, other than those required by law and this part will be permitted on the Government side of the case.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

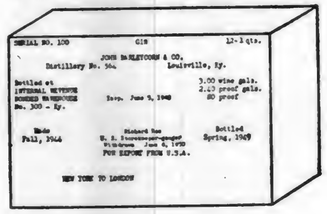
§ 185.944 *Illustration of marks.* The required marks will be placed on the cases containing spirits for domestic purposes in the following manner and order:



§ 185.945 *Marking cases for spirits bottled for exportation.* The Government side of cases used for packaging distilled spirits bottled in bond for exportation shall be marked (insofar as applicable) as provided in § 185.943 for distilled spirits bottled in bond for domestic consumption, and in addition thereto, the number and capacity of the bottles contained therein, the words "For Export from U. S. A.," the name of the domestic port from which, and the name of the foreign port to which, the spirits are to be shipped shall be plainly burned, embossed, printed, or stenciled thereon, in letters and figures of not less than one-half inch in height. The name and title of the storekeeper-gauger supervising the removal for exportation, and the word "Withdrawn," followed by the date of withdrawal for exportation, shall also be marked on each case in letters and figures not less than one-fourth of an inch in height. If the cases are embossed, printed, or stenciled, a permanent ink shall be used as prescribed in § 185.943.

(53 Stat. 342 as amended, 343, 344; 26 U. S. C. 2903, 2904, 2905)

§185.946 *Illustration of marks.* The marks and brands will be placed on the cases containing spirits for exportation in the following manner and order:



§ 185.947 *Verification of marks and brands.* The storekeeper-gauger will verify the marks and brands on cases with the reports, and shall satisfy himself of the accuracy and correctness of the marks and brands.

§ 185.948 *Preservation of marks and brands.* The marks, brands, and serial numbers required by this part to be placed on cases shall not be removed therefrom, or obscured or obliterated, before the contents thereof have been removed.

(53 Stat. 345; 26 U. S. C. 2908)

§ 185.949 *Obscurity of marks and brands.* The marks and brands required by law and regulations to be applied to cases of distilled spirits bottled in bond are designed to evidence the legal status of the spirits contained therein, and they must not be obscured in any manner or covered by incasing the package bearing the same in another, but must at all times be in such condition as to admit of ready examination by Government officers.

§ 185.950 *Imitation stamps, labels, trade marks, or caution notices.* Any person who affixes or causes to be affixed to any package containing distilled spirits any imitation stamp, or other label, device, or document, either designed as a trade mark, or caution notice, and which shall be in the similitude or likeness of or which has the semblance or general appearance of any internal revenue stamp required by law to be affixed to or upon any packages containing spirits, is liable to severe penalties, and, in addition, the package with its contents shall be forfeited to the United States.

(53 Stat. 330; 26 U. S. C. 2869)

§ 185.951 *Cases.* Distilled spirits bottled in bond may be placed in cases constructed of wood, fiberboard, or other material provided such cases are so constructed as to afford protection against breakage or theft during storage or transfer in bond. Cases constructed of wood shall have the outer surface of the Government side or end made of dressed lumber.

SUBPART QQ—BOTTLING IN BOND STRIP STAMPS

§ 185.960 *Strip stamps.* The proprietor must affix over the mouth of each bottle of distilled spirits a domestic strip stamp, or export strip stamp, as the case may be, in accordance with §§ 185.977–185.979.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.961 *Stamp denominations.* Domestic bottled in bond strip stamps will be provided in the following denominations and in no other: 1 quart, ⅘ quart, 1 pint, ½ pint, and less than ½ pint. Stamps of less than ½ pint denomination will be used on bottles of the following sizes: ⅛ pint, 1/10 pint, and 1/16 pint.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.962 *Number of stamps in a sheet.* Stamps of all denominations will be issued 50 in a sheet. Requisitions for stamps by proprietors of warehouses must be made for full sheets. Stamps less than a full sheet may not be sold by collectors to proprietors of internal revenue bonded warehouses.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.963 *Requisition, Form 403.* Proprietors of internal revenue bonded warehouses may purchase domestic bottled in bond strip stamps in anticipation of their reasonable and current needs. Requisition for such stamps will be made on Form 403, in triplicate.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.964 *Approval of requisition.* The proprietor will submit all copies of the requisition, Form 403, to the storekeeper-gauger in charge of the warehouse for approval, who will indicate his approval by signing each copy of the form. Before approving the requisition, the storekeeper-gauger will see that it is properly executed and will satisfy himself that the number of stamps for which requisition is made is necessary for the reasonable and anticipated current needs of the proprietor. Upon approval of the form, the approving officer will return all copies to the proprietor.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.965 *Purchase of stamps.* Strip stamps will be purchased by the proprietor from the collector of the district in which the warehouse is located. Stamps may not be purchased by one proprietor from another, nor may they, except in cases of emergency, be purchased from collectors of other districts. The proprietor will forward all copies of the approved Form 403 received from the approving officer to the collector with remittance for the stamps. The collector will sell to the proprietor of the warehouse strip stamps at a price of 1 cent for each stamp, except that in the case of stamps for containers of less than one-half pint, the price shall be one-quarter of 1 cent for each stamp. The collector will enter the serial numbers of the stamps issued and stamp the date of sale on all copies of Form 403. The collector will retain one copy and immediately forward the original copy to the district supervisor, and forward one copy (by mail) to the storekeeper-gauger in charge of the warehouse. The collector will, in every case, forward the stamps to the storekeeper-gauger in charge of the warehouse, in care of the proprietor. The proprietor will retain the package intact and deliver it unopened to the storekeeper-gauger who will immediately place the stamps in the Government room, vault, or cabinet.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

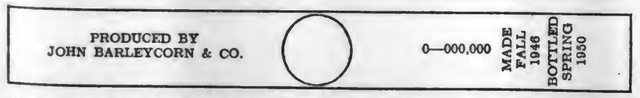
§ 185.966 *Remittance.* All orders for stamps must be accompanied by remittance in the proper form. If the order is to be sent by registered mail, there should be attached sufficient postage stamps, or a separate remittance, to pay postage and registry fee and any required registry surcharge as provided by the postal laws and regulations. Under no circumstances should the sum to cover postage, registry fee or surcharge, be included in the remittance covering the cost of stamps. The local postmaster should be consulted relative to the amount of registry fee and surcharge required. Stamps may also be forwarded by express at the expense of the proprietor in accordance with § 185.967.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.967 *Shipment of stamps.* Where the stamps are to be shipped, the collector will forward the stamps to the storekeeper-gauger named on the Form 403 by registered mail or express. The expense of forwarding the stamps will be borne by the proprietor. The collector may furnish the stamps directly to the proprietor for immediate delivery to the storekeeper-gauger in accordance with § 185.965. The storekeeper-gauger will enter on Form 1606 all bottled in bond stamps received from the collector. All stamps in the custody of the storekeeper-gauger will be kept by him in the Government room, vault, or cabinet.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.968 *Original overprinting of stamps.* Bottled in bond strip stamps must be overprinted, such overprinting to be in the blank spaces provided therefor. At such time as the proprietor of the warehouse desires to have stamps overprinted and cut, the storekeeper-gauger will deliver the stamps to him. The overprinting of stamps may be done by the proprietor, or by a designated commercial printer approved by the district supervisor. In overprinting strip stamps the proprietor should exercise the utmost care to see that the name of the producing distiller of the spirits is precisely the same as that shown in the notice filed by the distiller and is in agreement with the marks and brands on the packages of distilled spirits to be bottled in bond: *Provided*, That where the word "company," "corporation," or "incorporated," is a part of the name of the actual bona fide distiller of the spirits, or of the individual, firm, partnership, corporation, or association, in whose name the spirits were produced and warehoused, the abbreviation of such word may be used. Overprinting will be done in red ink with not less than 8-point type. The season and year when the spirits were produced, and the season and year when bottled, will be overprinted in the blank spaces on the end of the stamp bearing the serial number: *Provided*, That in the case of stamps of "Less than ½ pint" denomination, which do not have serial numbers, the season and year when produced, and the season and year when bottled, will be placed on the right-hand end of the stamp. In the blank space on the other end of the stamp will be placed the name of the actual bona fide distiller, or the name of the individual, firm, partnership, corporation, or association, in whose name the spirits were produced and warehoused. Overprinting of the stamp will be in the following form:



(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.969 *Second overprinting of stamps.* Strip stamps for distilled spirits bottled in bond, which the proprietor cannot use in the season or year for which they were overprinted, or on which an error was made in overprinting the season or year of production or bottling, may be again overprinted. The season or year when "produced" or when "bottled," or both, overprinted on the stamps may be obliterated and the desired seasons or years of production and bottling substituted. One overprinting only will be permitted after the original or first overprinting. The name of the distiller or any data other than the season and year of production or bottling, may not be changed after the original or first over-printing.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.970 *Cutting of stamps.* The storekeeper-gauger may, upon request, permit the proprietor to cut all, or any quantity, of stamps in advance of his needs. The stamps will be cut under the supervision of the storekeeper-gauger and returned to him in the same numerical sequence. Each separate package of cut bottled in bond strip stamps must be marked with the quantity of such stamps in the package and the first and last numbers.

§ 185.971 *Delivery of stamps to storekeeper-gauger.* When the stamps have been overprinted or cut, the proprietor will deliver them to the storekeeper-gauger, who will determine whether the correct number has been returned, and place them in the Government room, vault, or cabinet.

§ 185.972 *Exchange and redemption of stamps.* Unused bottled in bond strip stamps issued under section 2903 of the Internal Revenue Code, in quantities of the value of $5 or more, may be exchanged for bottled in bond strip stamps, of equal value and in any prescribed denomination, or the value thereof may be refunded, provided a claim for such exchange or refund, establishing the lawful issuance and ownership of the stamps, is filed with the collector of internal revenue who issued the stamps within two years after the date on which such stamps were lawfully issued: *Provided, however*, That the value of unused stamps which have been destroyed may be refunded upon the filing of a claim as provided herein with proof to the satisfaction of the Commissioner of the destruction of the stamps. Claims for exchange of stamps will be filed on Form 1579 and claims for refund of the value of stamps on Form 843, in accordance with procedure prescribed by the Commissioner. Appropriate notation will be made on Form 1606 by the storekeeper-gauger of bottled in bond stamps destroyed, exchanged, or surrendered for refund of the value thereof.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.973 *Record, Form 96.* Where the bottled in bond stamps are returned to the proprietor for filing a claim for exchange or redemption, the proprietor shall account for such stamps on Form 96 until the exchange or redemption has been effected. Appropriate modification of the form to specify bottled in bond stamps shall be made. The form will be prepared and disposed of in accordance with the applicable instructions thereon relating to "Other persons assigned custody of stamps."

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.974 *Proprietor's application, Form 1515.* All distilled spirits of each particular lot transferred to a bottling tank should be immediately drawn off into bottles of the decired size or sizes, as provided in this part. Application for domestic strip stamps will be made by the proprietor on Form 1515 at the time of execution of his application to bottle in bond pursuant to § 185.891. The applicant should request the estimated number of strip stamps necessary to bottle the quantity of spirits contained in the packages.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

§ 185.975 *Stamps issued in serial order.* All bottled in bond strip stamps will be issued by the storekeeper-gauger to the proprietor in proper serial order, starting with the lowest serial number of the stamps of the denominations desired on hand at the time of issuance. The proprietor will not, however, be required to affix bottled in bond strip stamps in serial order. If, after filling the cases, there remain bottles less than the number necessary to constitute a full case, such bottles must be stamped and placed in a case conforming to the requirements of this part.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.976 *Storekeeper-gauger's responsibility.* Storekeeper-gaugers who have custody of bottled in bond strip stamps will be held strictly responsible for the proper control and accounting of all stamps received, issued, used, and on hand. They shall determine whether the number of stamps requisitioned is needed; that those issued are properly affixed to bottles of spirits; that all stamps issued to the proprietor and not used are returned to them; and that a proper accounting is made of all stamps reported mutilated.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.977 *Manner of affixing stamps.* The stamps must be securely affixed to the bottles with the use of a good adhesive. The adhesive used must be in proper liquid condition, and care must be taken to cover the entire back of the stamp with the adhesive, and to press the whole surface of the stamp firmly against the surface of the bottle sufficiently long to cause the entire surface of the stamp to adhere securely to the bottle. The stamp must pass over the mouth of the bottle, extending an approximately equal distance on two sides of the bottle. The stamp must be affixed in such a manner that upon opening the bottle a portion of the stamp will be left attached thereto until emptied.

(53 Stat. 342 as amended; 23 U. S. C. 2903)

§ 185.978 *Concealing or obscuring stamps.* No part of the stamp shall be concealed or obscured by any label or other covering, except that a cup may be placed over the opening of the bottle, or the bottle may be placed in a carton, as hereinafter provided. Seals made of cellulose or other material which are shrunk or otherwise fitted over the necks of the bottles and cover the stamps must be sufficiently transparent to permit the stamps to be plainly seen and the data thereon easily read. No cup or cap may be placed over the opening of a bottle and cover the stamp, unless such cup or cap is transparent, or is so placed on the bottle that it may be readily removed at any time without injury to the stamp, and the arrangement is such that the ends of the stamp will be plainly visible when the cap or cup is in place. Cartons or other coverings of bottles of distilled spirits are permitted, if so made that they may be opened and closed without being torn or broken. Sealed cartons or other coverings may not be used unless transparent, or unless openings therein permit the data on the stamp and the indicia and penalty clause required by Regulations 13 (26 CFR, Part 175) on the bottle to be plainly seen and read.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.979 *Affixing stamp over cup or cap.* The stamp may be affixed over a cup or cap placed over the opening of the bottle, provided the arrangement is such that the stamp will be torn apart or destroyed when the cup or cap is unscrewed or removed or destroyed. Where it is desired to affix the stamp over a removable cup or cap, the cup or cap must be securely screwed or fastened over the opening of the bottle, and must be of such size and construction that the stamp will pass over the top and extend beyond the cup or cap for such length that each end of the stamp may be securely affixed to the surface of the bottle. The stamp must be securely affixed with a strong adhesive to both the cup or cap and the bottle. Where it is desired to affix the stamp over a cap or seal made of cellulose or other similar adhesive material which is so shrunk or otherwise fitted over the neck of the bottle as to be unremovable without being destroyed, and is of such size and construction that the stamp will not extend beyond such cap or seal to permit each end to be affixed to the surface of the bottle, it will not be necessary for the ends of the stamp to be affixed to the surface of the bottle, provided the cap or seal is affixed to the bottle in such manner that when the bottle is opened the stamp will be torn apart and a portion of the cap or seal and stamp will remain attached to the bottle. In any case where there is doubt as to the propriety of the use of any cup or cap, the bottle and cup or cap should be submitted to the district supervisor for a ruling thereon.

(53 Stat. 342 as amended; 26 U. S. C. 2903)

§ 185.980 *Requisitions for export stamps.* Export strip stamps will be provided in the following denominations and in no other: 1 quart, ⅘ quart, 1 pint, ½ pint, and less than ½ pint. The provisions of §§ 185.961 to 185.972, relative to requisitions for purchase, shipment, the overprinting of domestic strip stamps (except that in overprinting export strip stamps the proof at which the spirits are to be bottled will be printed on the stamps in addition to the other required data), and the exchange and redemption of stamps, will, insofar as applicable, apply to export strip stamps. Export strip stamps must be securely affixed to the bottles in the same manner as strip stamps are required to be affixed to spirits bottled in bond for domestic consumption. The provisions of §§ 185.977 to 185.979, respecting the affixing of strip stamps, and the use of cups, caps, and seals, and cartons, on bottles so stamped shall apply to spirits bottled for exportation.

(53 Stat. 342 as amended, 344; 26 U. S. C. 2903, 2905)

§ 185.981 *Application, Form 1515.* Application for export strip stamps will be made by the proprietor on Form 1515 at the time of execution of his application to bottle in bond pursuant to § 185.893. The applicant should request the estimated number of strip stamps necessary to bottle the quantity of spirits contained in the packages.

(53 Stat. 344; 26 U. S. C. 2905)

RECORD AND REPORT OF STRIP STAMPS

§ 185.982 *Record, Form 1606.* Storekeeper-gaugers assigned to supervise operations in the bottling-in-bond department will make a record and report of strip stamps received and used on Parts I and II of Form 1606, in accordance with the provisions of § 185.1033.

(53 Stat. 344; 26 U. S. C. 2905)

§ 185.983 *Removal prohibited.* Strip stamps which have been affixed to bottles of distilled spirits shall not be removed therefrom, except in the process of destruction when the bottles are opened; and such stamps, used or unused, may not be purchased, sold or possessed, except as specifically provided by law or regulations.

(53 Stat. 345; 26 U. S. C. 2908)

SUBPART RR—REBOTTLING, RELABELING, AND RESTAMPING OF BOTTLED SPIRITS

§ 185.990 *Permission must be obtained.* Warehousemen desiring to rebottle, relabel, or restamp spirits bottled in bond will make application to the supervisor of the district in which the work is to be performed. The application will state specifically the reasons why such is necessary, giving the serial numbers of the cases, the name of the distiller producing the spirits, the registry number of the distillery and State in which produced, season and year of production, the name of the original bottler, the registry number of the warehouse and State in which bottled, season and year of original bottling, and whether the spirits have been continuously in the possession of the applicant. If the spirits were originally bottled by a distiller or warehouseman other than the applicant, the application must be accompanied by a statement from the original bottler consenting to the reconditioning thereof by the applicant. Warehousemen and supervisors will bear in mind that the rebottling, relabeling, or restamping of bottled in bond spirits may be done only when necessary to render the spirits merchantable. The work must be done at such time and in such manner as will require no unnecessary supervision, or assignment of additional officers for that purpose.

(53 Stat. 343; 26 U. S. C. 2904)

§ 185.991 *Examination of spirits.* Upon receipt of such application, the district supervisor will have the storekeeper-gauger in charge at the warehouse, or an inspector, examine the condition of the spirits and verify the data contained in the application. The officer will make a full report of his inspection to the district supervisor.

§ 185.992 *Action on application.* If the district supervisor finds that the reconditioning, rebottling, relabeling, or restamping of the spirits is necessary, he will approve the application. Cases of tax-paid bottled in bond spirits, which have left the premises of the warehouseman, may be rebottled, restamped, or relabeled, provided the district supervisor is satisfied, upon investigation, that the spirits have not been tampered with in any manner, and are of the required proof for bottled in bond spirits. Where tax-paid bottled in bond spirits have left the premises of the warehouseman, and investigation discloses that the spirits have been tampered with, or where the district supervisor is doubtful as to the proper action to be taken, rebottling, relabeling, or restamping should not be authorized until the matter has been referred to the Commissioner for consideration and advice.

§ 185.993 *New strip stamps required.* Whenever bottled distilled spirits are dumped for rebottling, the strip stamps on the bottles must be destroyed at the time of dumping, and new strip stamps must be affixed to the bottles in which the spirits are rebottled. The new stamps will bear the same data as to seasons and years when produced and bottled, the name of the distiller or the name of the individual, firm, partnership, corporation, or association, in whose name the spirits were produced and warehoused. The registered distillery number, and the number and district of the warehouse at which originally bottled will not be printed on new stamps where stamps of prior issues bearing such data are affixed to the bottles.

(53 Stat. 342 as amended, 344; 26 U. S. C. 2903, 2905)

§ 185.994 *Indicia bottles.* The bottles must bear the indicia, and conform to the standards of fill, required by this Part and by Regulations 13 (26 CFR, Part 175). The reconditioned spirits may be rebottled in the same bottles from which removed if such bottles containing the spirits originally conform to the requirements of Regulations 13 and bear the proper indicia and have not been sold to the consumer or opened, and the use of such bottles is authorized by the district supervisor in accordance with the said regulations.

(53 Stat. 331; 26 U. S. C. 2871)

§ 185.995 *Relabeling.* If the spirits are to be relabeled, the new label to be used must be covered by an appropriate certificate of label approval or a certificate of exemption from label approval issued under the Federal Alcohol Administration Act. If the new label is covered by a certificate of exemption from label approval, it must conform to the requirements of Regulations 13 (26 CFR, Part 175). Authorization to relabel spirits which have left the possession of the original bottler must be obtained by the proprietor of the warehouse who is to do the relabeling from the district supervisor in accordance with § 185.990.

(53 Stat. 331; 26 U. S. C. 2871, 49 Stat. 1965, 27 U. S. C. 205)

§ 185.996 *Supervision required.* All rebottling, relabeling, and restamping of spirits must be conducted in a bottling-in-bond department under the supervision of a storekeeper-gauger: *Provided,* That the district supervisor may authorize the relabeling or restamping of spirits in an internal revenue bonded warehouse not having a bottling-in-bond department where space and facilities for such activities are available. Spirits of two or more distillers, or spirits produced at different distilleries, or produced under two or more trade names by the same distiller, or of different seasons' or years' production or bottling, may not be reconditioned at the same time, and rebottling operations may not be conducted at a time when other spirits are in the process of bottling except where two or more complete bottling units are installed as provided in § 185.904.

(53 Stat. 342 as amended, 344; 26 U. S. C. 2903, 2905)

§ 185.997 *Filtering.* Warehousemen may remove by straining through cloth, felt, or other like material, any charcoal, sediment, or other like substances found in the spirits. In the process of rebottling, the spirits may not be subjected to any treatment deemed to be rectification as defined in Regulations 15 (26 CFR, Part 190).

§ 185.998 *Records and reports.* Application will be made on Form 1515, properly modified, for the removal of bottled spirits from the storage portion of the internal revenue bonded warehouse for rebottling or restamping and for strip stamps to cover the quantity of spirits to be rebottled or restamped. Untaxpaid spirits which are rebottled will be acounted for in the same manner as spirits originally entered for bottling in bond. Untaxpaid spirits which are to be restamped or relabeled only will not be acounted for on Form 1621 or 1513 nor in the case of relabeling on Form 1515. Taxpaid spirits which are rebottled, relabeled or restamped will not be accounted for on the records except that application on Form 1515 will be made when such spirits are to be rebottled or restamped in accordance with this part, and the form will be properly modified to show that the spirits to be rebottled or restamped are taxpaid.

(53 Stat. 342 as amended, 343; 26 U. S. C. 2903, 2904)

SUBPART SS—SALES OF DISTILLED SPIRITS BY PROPRIETORS OF BONDED WAREHOUSES

§ 185.1010 *Bulk containers.* Under the regulations issued pursuant to the Federal Alcohol Administration Act (27 CFR, Part 3), proprietors of internal revenue bonded warehouses may sell or dispose of distilled spirits in bulk, i. e., in containers having a capacity in excess of 1 gallon, (a) to distillers and proprietors of internal revenue bonded warehouses, industrial alcohol plants and industrial alcohol bonded warehouses (holding a permit under the Federal Alcohol Administration Act), including those operating taxpaid bottling houses; (b) to proprietors of class 8 customs bonded warehouses (imported spirits only); (c) to rectifiers; (d) to winemakers (brandy or alcohol) for fortification of wine; (e) to any agency of the United States, or of any State or political subdivision thereof; (f) for export; (g) on warehouse receipts, conforming to the regulations issued under the Federal Alcohol Administration Act, for distilled spirits in internal revenue bonded warehouses; and (h) for industrial use in accordance with the regulations issued under the Federal Alcohol Administration Act (27 CFR, Part 2), as follows: For experimental purposes, and for use in the manufacture (1) of medicinal, pharmaceutical, or antiseptic products, including prescriptions compounded by retail druggists; (2) of toilet products; (3) of flavoring extracts, sirups, or food products; or (4) of scientific, chemical, mechanical, or industrial products, provided such products are unfit for beverage use. Distilled spirits distilled at 160 degrees of proof or more may, however, upon taxpayment be withdrawn for beverage purposes only. Under the regulations issued pursuant to the Federal Alcohol Administration Act (27 CFR, Part 3) warehousemen may not sell in bulk for industrial use other distilled spirits (except neutral spirits—fruit or alcohol) unless such spirits are shipped or delivered directly to the industrial user thereof.

(53 Stat. 335 as amended; 26 U. S. C. 2883, 49 Stat. 985; 27 U. S. C. 206)

§ 185.1011 *Retail containers.* Except as provided in § 185.1010, proprietors of bonded warehouses may sell or dispose of distilled spirits only in containers having a capacity of 1 gallon or less. All such containers having a capacity of ½ pint or more must conform to the requirements of Regulations 13 (26 CFR, Part 175).

(53 Stat. 331; 26 U. S. C. 2871, 49 Stat. 985, 27 U. S. C. 206)

SUBPART TT—SPECIAL (OCCUPATIONAL) TAXES

§ 185.1015 *Wholesale and retail liquor dealer.* Proprietors of bonded warehouses who sell distilled spirits must file returns on Form 11, and pay special (occupational) taxes as wholesale liquor dealer or retail liquor dealer, or both, in accordance with the law and regulations governing the payment of such special taxes unless they are qualified as distillers and sell only distilled spirits of their own production at the place of manufacture, or the place of storage in bond, in the original packages to which the tax-paid stamps are affixed, as provided in § 185.1017.

(53 Stat. 388 as amended, 394; 26 U. S. C. 3250, 3270, 3271, 3272)

§ 185.1016 *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every proprietor of an internal revenue bonded warehouse who sells, or offers for sale, warehouse receipts for distilled spirits stored in internal revenue bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where such warehouse receipts are sold or offered for sale, and must file return and pay occupational tax as provided in § 185.1015. Sellers of warehouse receipts must also possess a wholesaler's basic permit under the Federal Alcohol Administration Act.

(53 Stat. 388 as amended, 391 as amended, 394; 26 U. S. C. 3250, 3254, 3270, 3271, 3272; 49 Stat. 978 as amended, 27 U. S. C. 203)

§ 185.1017 *Exemption of distiller.* No distiller who has given the required bond and who sells only distilled spirits of his own production at the place of manufacture, or at the place of storage in bond, in the original packages, to which the tax-paid stamps are affixed, shall be required to pay the special tax of a wholesale dealer in liquors on account of such sales. This provision does not exempt distillers from the payment of special taxes for sales of distilled spirits of their own production in bond (by warehouse receipt or otherwise), or in cases or containers other than the original packages, or for exportation, fortification of wine, use of the United States, etc., without attachment of tax-paid stamps to the original packages, nor does it exempt them from liability for special taxes where distilled spirits produced by other distillers are sold by them. This exemption does not apply to the sale of brandies blended and packaged by a distiller in an internal revenue bonded warehouse.

(53 Stat. 300 as amended, 388 as amended; 26 U. S. C. 2801, 3250)

§ 185.1018 *Exemption from special tax as a rectifier.* Proprietors of internal revenue bonded warehouses who blend brandies under the provisions of section 2801 (e) (5) of the Internal Revenue Code shall not be required to pay special tax as rectifiers.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

SUBPART UU—STOREKEEPER-GAUGER'S FILES AND RECORDS

§ 185.1020 *Summary of deposits and withdrawals, Form 1621.* The storekeeper-gauger in charge of each internal revenue bonded warehouse shall keep a summary on Form 1621 of the spirits entered into, withdrawn from, and remaining in warehouse. Entries shall be made as indicated by the headings of

the columns and lines on the form and in accordance with instructions issued by the Commissioner. Daily entries need not be made in the column "Balance in Warehouse," but the account shall be balanced and posted monthly, or at the end of each page if transactions are sufficiently numerous to fill more than one page per month. In the case of packages of blended brandies, the registry number of the warehouse where such packages were filled shall be substituted for the registry number of the distillery. The records shall be arranged alphabetically by States (a) numerically by distilleries according to registry number within each State and (b) in case of blended brandies, numerically by internal revenue bonded warehouses according to registry number within each State. Separate sheets shall be used for each kind of spirits (including blended brandies) and for each season's production, and for packages, cases, storage tanks, tank cars, and packages of blended brandies. A summary account for each producer showing for packages, cases, storage tanks, and tank cars the total deposits and withdrawals by kind of spirits shall be maintained. Warehouse summary accounts showing for packages, cases, storage tanks, and tank cars the total deposits and withdrawals by kinds of spirits and the total deposits and withdrawals of all kinds of spirits should be maintained. This record shall also be used by storekeeper-gaugers in connection with the preparation of the monthly report on Form 1513.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.1021 *Storage tank account.* In addition to the accounts required by § 185.1020, the storekeeper-gauger shall maintain a separate account of each warehouse storage tank on Form 1621, and will report all deposits, withdrawals, and quantities of spirits remaining in such tanks in monthly report, Form 1513, as provided in § 185.1030. Stocks of spirits remaining on hand in storage tanks, by kind and season of production, will be determined by physical inventory at the close of each month. Losses from each storage tank will be determined at the time of monthly physical inventories or at such time during the month that a tank is emptied, and losses, if any, entered on Form 1621 and monthly report, Form 1513. Losses sustained from a storage tank which do not exceed 1 percent of the total quantity contained in such tank during the month, provided there are no circumstances indicating that any of the spirits were lost by theft or unauthorized voluntary destruction, may be considered as normal storage losses, otherwise such losses shall be investigated and reported in accordance with the procedure prescribed by §§ 185.480 to 185.496.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.1022 *Files and records covering deposits.* The storekeeper-gauger's copy of all Forms 1520, covering the deposit in warehouse of spirits received from distilleries; Forms 1619 and 1620, covering spirits received from other warehouses; Forms 1520, covering packages filled from storage tanks and retained in the warehouse; Forms 1520, covering packages filled from brandy-blending tanks; and Forms 1620, covering cases of bottled in bond spirits returned to the storage portion of the warehouse, shall be filed as permanent records, in the office of the storekeeper-gauger. Before filing such forms, the storekeeper-gauger shall make appropriate entries covering the receipt of the spirits in his summary of deposits and withdrawals, Form 1621. The storekeeper-gauger shall enter the date of deposit of the spirits in the warehouse at the bottom of each form. Forms 1520 and 1619 shall be filed under the name of the producing distiller (or warehouseman in the case of blended brandies) and arranged in chronological order according to date of deposit and in sequence by serial numbers of the packages where possible. Forms 1620 shall be filed similarly in a separate binder. Separate files shall be maintained for storage tanks and for packages filled from storage tanks and retained in the warehouse and for packages filled from brandy-blending tanks. Where two or more lots of spirits are deposited in the same storage tank, the Forms 1520 covering such deposits shall be kept together and identifying notations shall be made on each form showing that they collectively represent the spirits deposited in the tank within any one distilling season. The date of deposit of the spirits shall be entered at the bottom of each Form 236 covering spirits received in bond from other premises; at the bottom of each Form 1515 covering spirits bottled in bond and returned to the warehouse; and at the bottom of each Form 1685 covering brandy blended in brandy-blending tanks and returned to the warehouse, and such forms shall be filed separately by form number in chronological order.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.1023 *Files and records covering withdrawals.* When spirits are to be withdrawn, the storekeeper-gauger shall, upon presentation of the proper withdrawal form by the proprietor, secure from his file the Form 1520, 1619, or 1620, covering the deposit of the spirits, including blended brandy returned to the storage portion of the warehouse from the brandy-blending department, and shall verify the details of entry gauge transcribed to the withdrawal form. The storekeeper-gauger shall at that time enclose by red line blocking on the entry Form 1520, 1619, or 1620, the packages or cases to be withdrawn and shall, above a diagonal red line drawn through the block, enter the current date. Upon withdrawal of the spirits, the storekeeper-gauger shall indicate below the diagonal red line within the block on the entry Form 1520, 1619, or 1620, the number of packages withdrawn and the date and purpose of the withdrawal and in the margin of the form, immediately adjacent to the block, the total original tax gallons of the packages or cases withdrawn. He shall also make the necessary entries covering the withdrawal on Form 1621, and shall enter the date of withdrawal at the bottom of the retained copies of the withdrawal forms and applications. When, at the time of entering this information on the entry Form 1520, 1619, or 1620, examination of the form discloses that all the packages or cases covered by the form have been removed, the storekeeper-gauger shall compare the totals of the spirits entered for deposit with the totals of the spirits withdrawn for the purpose of determining the existence of any errors in transactions involving items covered by the particular form. When a storage tank is emptied the storekeeper-gauger shall note in red on the Forms 1520 covering the spirits deposited therein during any one distilling season, the date the tank was emptied and remove the Forms 1520 to an inactive file.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.1024 *Retention of records.* Each Form 1520, 1619, or 1620, covering the deposit of the spirits shall be retained in the active binder until all spirits covered by the form have been withdrawn, at which time such form shall be removed and filed in the same order in an inactive file. Each binder shall be appropriately marked to show the kind of forms it contains and the period covered thereby. The binders for packages received from the distillery on the same or contiguous premises, packages filled from storage tanks, packages of blended brandy filled in the brandy-blending department, and cases bottled at the warehouse shall also have shown thereon the serial numbers of the packages or cases. Where a change in proprietorship of the warehouse occurs, the files of all deposit and withdrawal forms shall be retained and continued in connection with the transactions of the successor.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 185.1025 *Withdrawals from storage tanks.* When spirits warehoused in storage tanks are withdrawn therefrom, either for immediate withdrawal from warehouse or for storage in packages in the warehouse, the storekeeper-gauger will note on Form 1621, covering the tank from which withdrawn, the date and the quantity withdrawn. Where the spirits are drawn into packages for storage in the warehouse, the storekeeper-gauger will enter the deposit of the packages on Form 1621 and note the date of deposit at the bottom of Form 1520, covering the gauge of the packages. Where the spirits are drawn into packages or tank cars for withdrawal from warehouse, the storekeeper-gauger will note the date of withdrawal at the bottom of the retained copies of the withdrawal forms and applications.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.1026 *Filing of withdrawal forms and applications.* The copies of the reports of the withdrawal gauge, Form 1520, the reports of removal for transfer in bond, Form 1619 or 1620, or the application for tax payment and withdrawal of bottled in bond spirits, Form 1519, as the case may be, retained by the storekeeper-gauger, shall be filed separately by form number in chronological order, according to the date of withdrawal noted on the bottom of the forms. The storekeeper-gauger's copies of withdrawal applications, Forms 179, 206, 236, 257, 573, 1515, and 1685, and of permit, Form 1508, will be filed separately by form number, in chronological order, in the same manner as the withdrawal forms. The withdrawal reports and applications for each month shall be separated in the file by proper markers and each file shall be appropriately marked to show the kind of forms contained therein and the period covered thereby.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

SUBPART VV—STOREKEEPER-GAUGER'S REPORTS

§ 185.1030 *Storekeeper-gauger's daily report.* The storekeeper-gauger will prepare a daily report, Form 1699, in duplicate. Entries will be made in accordance with the headings of the columns and lines on the form and in accordance with instructions issued in respect thereto. The original shall be submitted to the district supervisor with the forms covering the daily transactions at the warehouse. The storekeeper-gauger will retain the duplicate in the Government office.

§ 185.1031 *Preparation of monthly report.* The storekeeper-gauger in charge of every internal revenue bonded warehouse shall prepare a monthly report on Form 1513, in duplicate, of all distilled spirits deposited in, withdrawn from, and remaining in the warehouse. All information indicated by the headings of the columns and lines and the instructions printed on the form and required by this part or issued pursuant thereto shall be entered on the form. The report shall be kept in bound form available for inspection by Government officers.

(53 Stat. 300 as amended, 346; 26 U. S. C. 2801, 2915)

§ 185.1032 *Filing monthly report.* The storekeeper-gauger will forward the original of the monthly report to the district supervisor on or before the 5th day of the month succeeding that for which rendered.

(53 Stat. 346; 26 U. S. C. 2915)

§ 185.1033 *Record, Form 1606.* At the close of the month storekeeper-gaugers assigned to the bottling-in-bond department of an internal revenue bonded warehouse will make a record and report of strip stamps received and used on Parts I and II of Form 1606.

(a) *Part I.* One copy of Part I of the form will be prepared each month, using a separate page for each denomination of stamps. A separate record marked "Export" on Form 1606 (Part I) of the number of each denomination of export strip stamps received, turned over to the proprietor for overprinting and returned to him, the number used during the month, and the number on hand at the beginning and close of the month will be kept. Part I will be retained in the Government office in bound form available for inspection by succeeding storekeeper-gaugers or other Government officers.

(b) *Part II.* Storekeeper-gaugers will prepare Part II of Form 1606, in triplicate, each month. A separate report on Part II, in triplicate, marked "Export" will be rendered for export strip stamps. A complete summary of all stamps received and disposed of must be made in accordance with the headings of the columns and the titles of the lines. One copy of Part II will be retained on the premises in bound form available for inspection by succeeding storekeeper-gaugers or other Government officers. On or before the 5th day of the month succeeding that for which the report is rendered the storekeeper-gauger will furnish one copy to the proprietor of the warehouse and forward one copy to the district supervisor.

(c) *Transfer of storekeeper-gaugers.* In the event a storekeeper-gauger having custody of stamps is relieved of such custody of strip stamps at any time between the first and last day of the month because of transfer or for any other reason, he will sign Part I of Form 1606 for the period of the month during which the stamps were in his custody. The storekeeper-gauger having custody of the stamps at the close of the month will render a summary report to the district supervisor.

(d) *Inventory.* Whenever a storekeeper-gauger having custody of stamps is relieved of such custody, the succeeding storekeeper-gauger will inventory the stamps turned over to him by his predecessor. Any overage or shortage of stamps disclosed by the inventory will be reported in the respective accounts of the summary with an explanatory statement noted thereon.

(53 Stat. 343; 26 U. S. C. 2904)

SUBPART WW—RECORDS AND REPORTS OF PROPRIETOR

§ 185.1040 *Record of removals from warehouse, Form 52C.* Every proprietor of an internal revenue bonded warehouse shall keep a daily record on Form 52C, of all bulk and bottled in bond distilled spirits removed from the warehouse. Entries will be made as indicated by the headings of the columns and lines and as required by the instructions printed thereon or issued in respect thereto and by this part.

(53 Stat. 327 as amended, 328; 26 U. S. C. 2857, 2859)

§ 185.1041 *Record of sales at tax-paid premises, Form 52E.* Every proprietor of an internal revenue bonded warehouse, who maintains tax-paid premises at which tax-paid distilled spirits are received, stored, and sold in bulk, shall keep Form 52E, of all spirits, both bulk and bottled, received and disposed of at his tax-paid premises: *Provided*, That, if such proprietor so desires, he may keep Form 52E for bulk spirits only and Record 52, for bottled spirits only. Where only bottled distilled spirits are received, stored and sold at such tax-paid premises, the proprietor shall keep Record 52 of all such spirits received and disposed of at his tax-paid premises. By tax-paid premises is meant the "tax paid" or "free" warehouse or room maintained in conjunction with the internal revenue bonded warehouse, or premises maintained at other locations for the receipt, storage and disposition of tax-paid spirits. Separate records must be kept at each of such premises.

(53 Stat. 327 as amended; 26 U. S. C. 2857)

§ 185.1042 *Record of warehouse receipts to be kept by warehouseman.* Every proprietor of an internal revenue bonded warehouse who sells, or offers for sale, distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts on Form 52F. There need not be entered on Form 52F transactions in warehouse receipts not involving the purchase or sale of distilled spirits, such as the issuance by the warehouseman of warehouse receipts covering the deposit or bottling of spirits in his warehouse or the receipt of warehouse receipts surrendered for the bottling of the spirits in bond or their transfer in bond to another warehouse. Entries on Form 52F shall be made as indicated by the headings of the columns and lines of the form and in accordance with the instructions printed thereon or issued in respect thereto and as required by this subpart. The provisions of § 185.1044 with respect to the time of making entries, and of § 185.1049 with respect to forms to be provided by users, are hereby made applicable to Form 52F. The provisions of § 185.1045 with respect to a separate record of serial numbers of cases are hereby made applicable to Form 52F with respect to serial numbers of packages and cases purchased or sold by warehouse receipts. The monthly transcript on Form 52F shall be forwarded to the district supervisor on or before the 10th day of the succeeding month. The physical removal of distilled spirits from the internal revenue bonded warehouse shall continue to be reported on Form 52C in accordance with the provisions of § 185.1040. The physical receipt and disposition of distilled spirits at taxpaid premises shall continue to be reported on Form 52–E or Record 52, as the case may be, in accordance with the provisions of § 185.1041.

(53 Stat. 327 as amended, 328, 391 as amended; 26 U. S. C. 2857, 2859, 3254)

§ 185.1043 *Place where Form 52F shall be kept.* Every proprietor of an internal revenue bonded warehouse shall keep Form 52F at the place of business where warehouse receipts are sold or offered for sale.

(53 Stat. 327 as amended, 328, 391 as amended; 26 U. S. C. 2857, 2859, 3254)

§ 185.1044 *Time of making entries.* Daily entries shall be made on Record 52 and Forms 52C and 52E, as indicated by the headings of the various columns and in accordance with instructions printed on the forms before the close of the business day next succeeding the day on which the transactions occur. Where the proprietor of tax-paid premises defers the making of entries to the next business day, he shall maintain a separate record, such as invoices, of the removals of distilled spirits showing the removal data required to be entered on Record 52 or Form 52E, and appropriate memoranda of other transactions required to be entered on such records for the purpose of correctly making the entries. Where the making of the entries on Form 52C is deferred to the next business day, the proprietor of the internal revenue bonded warehouse shall main-

tain appropriate memoranda for the purpose of making the entries correctly.

(53 Stat. 327 as amended, 328; 26 U. S. C. 2857, 2859)

§ 185.1045 *Separate record of serial numbers of cases.* Serial numbers of cases of distilled spirits disposed of need not be entered on Record 52 or Form 52E, provided the proprietor keeps in his place of business a separate record, approved by the district supervisor, showing such serial numbers, with necessary identifying data, including the date of removal and the name and address of the consignee. Such separate record may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, and bills shall be preserved for a period of four years and in such a manner that the required information may be ascertained readily therefrom, and during such period, shall be available during business hours for inspection and the taking of abstracts therefrom by internal revenue officers. Entries shall be made on such separate approved record before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, appropriate memoranda shall be maintained for the purpose of making the entries correctly. The proprietor, whose separate record has been approved by the district supervisor, shall make a notation in the column for reporting serial numbers, as follows: "Serial numbers shown on commercial records per authority, dated ----------."

(53 Stat. 327 as amended; 26 U. S. C. 2857)

§ 185.1046 *Reports.* Except as otherwise provided in this section, the proprietor shall file, daily, full and complete transcripts of Record 52 and Forms 52C and 52E (Parts 1 and 2) on Forms 52A, 52B, 52C and 52E (Parts 1 and 2) with the district supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred or before the close of the business day next succeeding the day on which the transactions occurred: *Provided*, That in any case in which the district supervisor shall direct, the transcripts shall be so filed with the investigator in charge instead of with the district supervisor. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 338, 52C, or 52E:

I hereby certify that these transcripts, consisting of ------ pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the district supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Record 52, Form 52C and Form 52E in accordance with the provisions of § 185.1044. Monthly summary reports on Form 338 (where Record 52 is kept) and Form 52E (Part 3) shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the district supervisor on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. The proprietor shall also file a monthly report on Part 2 of Form 52C, in duplicate, with the district supervisor on or before the 10th day of the succeeding month. Records kept on Record 52 and Forms 52C and 52E shall be preserved for a period of 4 years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

(53 Stat. 327 as amended, 328; 26 U. S. C. 2857, 2859)

ADDITIONAL REQUIREMENTS

§ 185.1047 *Payment of tax, bottling charge, etc., by third party.* The proprietor of an internal revenue bonded warehouse shall report, on Form 52C, when Record 52 is kept, on Part 2 and on transcript, Form 52B, and when Form 52E is kept, on Part 2, the name and address of each consignee, in the column now designated "Name." In the column now designated "Address," there will be reported the name and address of the person, firm or corporation paying (by advancement or reimbursement) either tax, bottling charge, brokerage fee, handling charge, or clearance fee, indicating which are included. The heading of both columns will be amended accordingly.

(53 Stat. 327 as amended, 328; 26 U. S. C. 2857, 2859)

§ 185.1048 *Order by third party to ship or deliver distilled spirits.* Where the proprietor of an internal revenue bonded warehouse ships or delivers distilled spirits to a consignee on the order of another wholesale liquor dealer, detailed records of the transactions shall be kept (a) on Form 52C by the proprietor of the internal revenue bonded warehouse making the shipment or delivery, (b) on Record 52 by the wholesale liquor dealer giving the order, and (c) on Record 52 by the consignee if he is a wholesale liquor dealer. For example, assuming that the proprietor of internal revenue bonded warehouse (A) ships or delivers the distilled spirits to consignee (C) on the order of wholesale dealer (B), entries will be made on the prescribed forms as follows:

(1) The proprietor of the internal revenue bonded warehouse (A) will show in his Form 52C the name and address of wholesale dealer (B) who ordered the distilled spirits, as well as the name and address of consignee (C), the person to whom the distilled spirits are actually shipped or delivered;

(2) Wholesale dealer (B) will show in his Record 52 that the distilled spirits were purchased from warehouseman (A), giving both the name and address of (A), and will at the same time make an entry showing that the distilled spirits were shipped or delivered by (A) to consignee (C) giving the name and address of (C); and

(3) Consignee (C), if a wholesale liquor dealer, will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (B) and received by him from the proprietor of internal revenue bonded warehouse (A), giving name and address of both. A copy of Form 52C and transcripts of Record 52 on Forms 52A and 52B, required to be filed with the district supervisor, will similarly show the details of such transactions. Where the proprietor of an internal revenue bonded warehouse keeps Record 52, or Form 52E, and is a party to transactions similar to those described in this section, he shall make similar entries of such transactions in Record 52, or Form 52E, as the case may be; and the transcripts on Forms 52A and 52B, or Form 52E, respectively, required to be filed with the district supervisor, will likewise show the details of the transactions.

(53 Stat. 327 as amended, 328; 26 U. S. C. 2857, 2859)

§ 185.1049 *Forms to be provided by users.* Record 52, and Forms 52A, 52B, 52C, 52E, 52F, and 338, will be provided by users at their own expense, but must be in the form prescribed by the Commissioner: *Provided*, That with the approval of the Commissioner, they may be modified to adapt their use to tabulating or other mechanical equipment: *Provided further*, That where the form is printed in book form, including loose-leaf books, the instructions may be printed on the cover or the flyleaf of the book instead of on the individual form.

§ 185.1050 *Record and report of transactions at off-premises export storage room.* Every proprietor of an internal revenue bonded warehouse who maintains an off-premises export storage room at which tax-paid distilled spirits and wines bottled or packaged especially for export are held pending exportation or use as supplies on vessels or aircraft shall keep a record of all such products received and disposed of. The transactions shall be recorded on the date on which they occur and a summary made at the end of the month. A transcript of the record shall be prepared and forwarded to the district supervisor on or before the 10th day of the succeeding month. Form 52E shall be used, upon modification of the title of the form and headings of the columns to serve the purpose, in preparing such record and report.

(53 Stat. 377 as amended; 26 U. S. C. 3179)

SUBPART XX—DISTRICT SUPERVISOR'S ANNUAL REPORT OF SPIRITS IN WAREHOUSE

§ 185.1055 *Form 332.* Each district supervisor shall render an annual report on Form 332, by kind, seasons, and years of production, of distilled spirits in internal revenue bonded warehouses at the close of the fiscal year (June 30), for each State within his district. In the case of blended brandy the season and year of the oldest brandy in the blend shall be considered the season and year of the blended brandy. The entries shall be made as indicated by the headings of the columns and lines and in accordance with the instructions printed on the form. Form 332 shall be prepared in duplicate and one copy shall be forwarded to the Commissioner not later than July 31 of each year. The remaining copy shall be retained by the district supervisor.

SUBPART YY—CONCERNING LOCKS AND SEALS

§ 185.1060 *General.* Except as otherwise provided in this part, the Commissioner will furnish, at the expense of the United States, all Government locks and seals to be used at internal revenue bonded warehouses. District supervisors will see that internal revenue bonded warehouses in their respective districts are fully equipped with locks in good condition, and that the necessary seals are provided for seal locks. District supervisors will bear in mind that Government locks are required on all doors in the warehouse, including the bottling-in-bond department; on all shutters opening onto fire escapes; on all openings in storage, gauging and bottling tanks, and on the control valves of pipe lines which convey spirits to and from tanks; and on the ends of pipe lines used to convey spirits to and from the warehouse.

§ 185.1061 *Seal locks.* Seal locks will be used on the entrance door of the bonded warehouse; on the entrance doors of the bottling-in-bond rooms; on the door of the Government room, vault, or cabinet; and on such other places where the use of seal locks is required by this part or deemed necessary by the district supervisor.

§ 185.1062 *Plain locks.* Plain locks will be used at all other places in the bonded warehouse where locks are required by the provisions of this part.

§ 185.1063 *Custody of locks, keys, and seals.* Storekeeper-gaugers are strictly prohibited from entrusting locks, keys, or seals in their charge to any person other than an internal revenue officer entitled to receive them, and under no circumstances will they permit locks to remain open, whether hanging by the shackle or otherwise.

§ 185.1064 *Cap seals.* All unions, flanges, and other connections in pipelines installed for the entry of spirits into warehouse tanks and the withdrawal of spirits from such tanks, which connections are not welded or brazed or otherwise secured, must be securely connected and sealed with seals approved by the Commissioner. A special type of seal, serially numbered, has been approved for such use. This seal has, for the purpose of identification, been designated a "Cap" seal.

§ 185.1065 *Breaking of sealed connections prohibited.* Sealed connections must not be broken by the proprietor for any reason, except in cases of emergency and then only after notifying the storekeeper-gauger in charge or the district supervisor. Where the proprietor desires to make changes in the equipment involving the breaking of a sealed connection he will follow the procedure prescribed in § 185.262.

§ 185.1066 *Removal of cap seals.* Except as provided in § 185.1065, cap seals which have been affixed will be removed only by a storekeeper-gauger or some other officer designated for the purpose by the district supervisor. The officer will destroy all removed cap seals in a manner sufficient to prevent their reuse.

SUBPART ZZ—SAFEGUARDING GOVERNMENT PROPERTY

§ 185.1070 *Storage in Government room, vault, or cabinet.* Government seals, locks not in use, the Government officer's records, other Government property when not in use, and the proprietor's supply of strip stamps, shall be kept in a Government room, vault, or cabinet which shall be locked with a Government seal lock, the key to which at all times shall remain in the possession of the storekeeper-gauger. The storekeeper-gauger must not leave the room, vault, or cabinet open except in his immediate presence, nor give the key thereof to anyone except another Government officer authorized to receive it. Where it is necessary to open the room, vault, or cabinet at various times during the day, the lock will not be seal-locked until the close of business.

Effective date. These regulations shall be effective as of September 1, 1950.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: August 7, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-7005; Filed, Aug. 10, 1950; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 975]

[Docket No. AO 179-A6]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Cleveland, Ohio, on February 13-15, 1950, pursuant to notice thereof which was issued on January 25, 1950 (15 F. R. 489).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Assistant Administrator, Production and Marketing Administration, on June 15, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER (15 F. R. 3965).

Within the period reserved for filing exceptions, exceptions were submitted on behalf of the Milk Producers Federation of Cleveland, the Milk Market Survey Committee, the Northwestern Cooperative Sales Association of Toledo, Smith Dairy Products Company of Orrville, the Wayne Co-operative Milk Producers, Inc. of Fort Wayne, Indiana, Dorset Co-operative Milk Company of Dorset, the Central Ohio Co-operative Milk Producers, Inc., of Columbus and the Akron Milk Producers, Inc. of Akron. These exceptions have been considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled. The hearing record has been re-studied in connection with exceptions taken to the recommended decision to make no changes in producer location differentials. It is concluded that the record is inadequate to support such revision of the order as would tend to result in a correction of unsatisfactory competitive conditions testified to. Additional hearing testimony is considered necessary to provide a record of all facts pertinent to the issue before final conclusions on this subject may be reached.

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 50-5301, 15 F. R. 3965) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein.

Determination of representative period. The month of May 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended, and as proposed to be further amended.

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area," and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area," which have been decided upon

as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 8th day of August 1950.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

Order,[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area*

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AUTHORITY: §§ 975.0 to 975.97 issued under sec. 5, 49 Stat. 758 as amended; 7 U. S. C. and Sup. 608c.

§ 975.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cleveland, Ohio, on February 13–15, 1950, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 975.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 975.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 975.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 975.60.

§ 975.4 *Market administrator.* "Market administrator" means the agency described in § 975.20.

§ 975.5 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 975.6 *Cleveland, Ohio, marketing area.* "Cleveland, Ohio, marketing area" hereinafter called the "marketing area," means all territory, including but not being limited to all municipal corporations, within Cuyahoga County, the township of Willoughby in Lake County, and the townships of Liverpool, Brunswick, Hinckley, York, Granger, Medina, Lafayette and Montville in Medina County; all in the State of Ohio.

§ 975.7 *Handler.* "Handler" means any person who: (a) Operates a pool plant; or (b) operates a nonpool plant and either directly or indirectly disposes of milk, skim milk, buttermilk, flavored milk, or flavored milk drinks; (1) on a route extending into the marketing area; or (2) to a pool plant described under § 975.30 which receives less than 50 percent of such plant's total receipts of skim milk and butterfat from producers or from other pool plants.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 975.8 *Producer.* "Producer" means any person with respect to milk produced by him having the approval of the health authority of any community in the marketing area for consumption as fluid milk in such community which milk is moved directly from his farm to:

(a) A pool plant (1) out of which a route is operated in such community, or (2) furnishing milk to another pool plant out of which a route is operated in such community (but not including milk diverted from a nonpool plant for the account of such plant);

(b) A nonpool plant within April, May, June, or July for the account of a pool plant by diversion from a pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted; or

(c) A pool plant for the account of another pool plant by diversion from the latter pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted.

§ 975.9 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association;

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 975.10 *Nonhandler.* "Nonhandler" means any person not a handler who operates a nonpool plant.

§ 975.11 *Producer-handler.* "Producer-handler" means any person who:

(a) Produces milk but receives no milk from dairy farmers; and

(b) Operates a route extending into the marketing area.

§ 975.12 *Pool plant.* "Pool plant" means a plant designated pursuant to § 975.30.

§ 975.13 *Nonpool plant.* "Nonpool plant" means any milk manufacturing or processing plant not a pool plant.

§ 975.14 *Other source milk.* "Other source milk" means all skim milk and butterfat received at any pool plant other than from producers or other pool plants and all skim milk and butterfat received at a pool plant from any other pool plant in excess of the total amount received at the latter pool plant from producers.

§ 975.15 *Route.* "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including any eating place where such items are disposed of for consumption on or off the premises, other than a pool plant(s) or nonpool plant(s).

§ 975.16 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

MARKET ADMINISTRATOR

§ 975.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 975.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 975.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 975.86:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 975.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 975.40, or (2) payments pursuant to §§ 975.80, 975.84, 975.86, 975.87, or 975.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, supply on or before the 25th day after the end of each delivery period to each cooperative association not a handler with respect to producers whose membership in such cooperative association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or nonhandler upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 6th day of such delivery period the minimum prices for skim milk and butterfat in Class I milk and Class II milk computed pursuant to §§ 975.61 and 975.62;

(2) On or before the 6th day after the end of such delivery period the minimum prices for skim milk and butterfat in Class III milk computed pursuant to § 975.63; and

(3) On or before the 14th day after the end of such delivery period the uniform price computed pursuant to § 975.73 and the butterfat differential computed pursuant to § 975.82; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

POOL PLANT

§ 975.30 *Designation.* Subject to the conditions set forth in §§ 975.31 and 975.32, a pool plant means any of the following plants, except a bottling plant operated by a producer-handler:

(a) A bottling plant which is:

(1) Located inside the marketing area and out of which a route is operated; or

(2) Located outside the marketing area with 10 percent or more of the aggregate weight of the skim milk and butterfat contained in its total route disposition of milk, skim milk, buttermilk, flavored milk, and flavored milk drink in fluid form on routes operated wholly or partially within the marketing area.

(b) A plant having approval of the appropriate health authority in the marketing area to supply milk to a pool plant described in paragraph (a) of this section and appearing on a list prepared and publicly announced by the market administrator for each delivery period not later than the 14th day after the end of such delivery period by posting in a conspicuous place in his office. Such list shall include:

(1) The following plants:

Location of plant (Feb. 1, 1946)	*Operator of plant on Feb. 1, 1946*
Ashland, Ohio	Cleveland Dairy Products Co. (Echo Dairy).

Location of plant (Feb. 1, 1946)	*Operator of plant on Feb. 1, 1946*
Conneaut, Ohio	Conneaut Creamery Co.
Dorset, Ohio	Dorset Milk Co.
East Liberty, Ohio	Dutchland Farms, Inc.
Tiffin, Ohio	Do.
Akron, Ohio (route 7)	Mountrose Dairy Co.
Orrville, Ohio	Orrville Milk Condensing Co.
Trail, Ohio (P. O. Dundee, Ohio).	Do.
Woodville, Ohio	Soeder's Sons Co.
Attica, Ohio	Telling-Belle Vernon Co.
Beloit, Ohio	Do.
Jefferson, Ohio	Do.
Prospect, Ohio	Do.
Rome, Ohio	Do.
Wellington, Ohio	Do.
Lodi, Ohio	United Dairy Co.
Wooster, Ohio	Wooster Farm Dairies Co.
Cleveland, Ohio	Milk Producers Federation of Cleveland; and

(2) A plant which either was a pool plant on August 31, 1948, or has become a pool plant pursuant to paragraph (c) of this section.

(c) A plant having approval of the appropriate health authority in the marketing area to do so which has, within the delivery period of January, February, or March, and within each of the five consecutive preceding delivery periods, furnished milk to a pool plant described in paragraph (a) of this section in an amount equal to 50 percent or more of its entire receipts of milk from dairy farmers during each such delivery period.

§ 975.31 *Replacement.* A plant which replaces a pool plant shall acquire immediately the pool plant status of the replaced plant if the operator thereof shows to the satisfaction of the market administrator that 50 percent or more of the dairy farmers delivering milk to it previously had been producers at the pool plant so replaced.

§ 975.32 *Disqualification.* A plant shall be disqualified as a pool plant under either of the following circumstances:

(a) Upon prior written request for disqualification made by the plant operator; such disqualification to be effective at the beginning of the first delivery period (following the market administrator's receipt of such request) within which no milk was furnished by such plant to a pool plant described in § 975.30 (a); or

(b) If such plant furnished to a pool plant described in § 975.30 (a) less than 10 percent of its dairy farm supply of milk in any month except April, May, June, or July and less than 50 percent of such supply during more than one of the months of October, November, December, and January: *Provided*, That upon receipt by the market administrator prior to the delivery period of a written request made by the handler, all pool plants operated by such handler shall be considered, for such delivery period, as one plant for the purpose of meeting the minimum percentage requirements of this paragraph: *And provided further*, That this paragraph shall not apply to the plant of the Milk Producers Federation of Cleveland.

REPORTS, RECORDS, AND FACILITIES

§ 975.40 *Reports of receipts and utilization.* On or before the 8th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to milk received from producers, other source milk received at a pool plant, skim milk and butterfat received in any form at a pool plant or at a nonpool plant from a pool plant, skim milk and butterfat received in any form at a nonpool plant engaged in the manufacture of ice cream or ice cream mix which is operated by such handler and is located within the marketing area, and all skim milk and butterfat received in any form from all sources at a nonpool plant referred to in § 975.7 (b), in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 975.41 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such times and in such manner as the market administrator may request.

(b) On or before the 25th day after the end of each delivery period, each handler who received milk from producers shall submit to the market administrator his producer payroll for the delivery period, which shall show:

(1) The pounds of milk, and the percentage of butterfat contained therein, received from each producer;

(2) The amount and date of payment to each producer (or to a cooperative association not a handler which is authorized to collect payment for the milk of such producer); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 975.42 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations, including those of his nonpool plants in which any milk is received from a pool plant or of his nonpool plants located within the marketing area in which ice cream or ice cream mix is manufactured, and such facilities as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization of all skim milk and butterfat required to be reported pursuant to § 975.40 or § 975.41 (a);

(b) The pounds of skim milk and butter fat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period;

(c) The weights and tests for butterfat and for other contents of all milk and milk products handled; and

(d) Payments to producers and to cooperative associations.

§ 975.43 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1949, shall be retained until October 1, 1949: *Provided*, That if, within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are not longer necessary in connection therewith.

CLASSIFICATION

§ 975.50 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream, or used to produce milk products, received from all sources by each handler at his (a) pool plant(s) and (b) nonpool plant(s) engaged in the manufacture of ice cream or ice cream mix and located within the marketing area, shall be classified separately (as skim milk or butterfat) pursuant to the following provisions of this section.

§ 975.51 *Classes of utilization.* Subject to the conditions set forth in §§ 975.53 and 975.54, skim milk and butterfat described in § 975.50 shall be classified by the market administrator on the basis of the following classes of utilization:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in fluid form as milk; skim milk or buttermilk (except for livestock feed); flavored milk or flavored milk drinks; or eggnog;

(2) Transferred as any item included in subparagraph (1) of this paragraph from a pool plant to the plant of a producer-handler, or transferred as any such item to a nonpool plant located more than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator.

(3) Accounted for as any item not listed under subparagraph (1) of this paragraph or as Class II milk or Class III milk; or

(4) Such shrinkage on milk received from producers computed pursuant to paragraph (d) of § 975.52 which is in excess of 2 percent of such receipts.

(b) Class II milk shall be all skim milk and butterfat used to produce sweet or sour cream; any milk product not specified in Class I milk or Class III milk and containing 8 percent or more of butterfat; ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); or cottage cheese.

(c) Class III milk shall be all skim milk and butterfat:

(1) Used to produce butter; butter oil; cheese (except cottage cheese); bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; casein; nonfat dry milk solids, dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; and skim milk or buttermilk disposed of for livestock feed;

(2) In actual shrinkage of milk received from producers computed pursuant to paragraph (d) of § 975.52 but not in excess of 2 percent of such receipts; and

(3) In actual shrinkage of other source milk computed pursuant to paragraph (d) of § 975.52.

§ 975.52 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in milk received from producers and in other source milk received in the following manner: *Provided*, That milk of producers transferred by a handler to another handler and received at the latter's pool plant, or nonpool plant engaged in the manufacture of ice cream or ice cream mix and located within the marketing area, without first having been received for purposes of weighing and testing in the transferring handler's pool plant shall be included in the receipts at such plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts at the pool plant of the transferring handler in computing his plant shrinkage.

(a) Compute the total shrinkage of skim milk and butterfat, respectively, by (1) combining the shrinkage thereof for all pool plants operated by the handler, and (2) combining in a separate sum the shrinkage thereof for all nonpool plants operated by him to which any skim milk or butterfat has been transferred from any of his pool plants;

(b) Prorate the shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (2) of this section, in such nonpool plants between (1) skim milk or butterfat, respectively, transferred from any of his pool plants, and (2) skim milk or butterfat, respectively, received from all other sources;

(c) Add to the shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (1) of this section, the shrinkage on skim milk or butterfat, respectively, transferred from the handler's pool plant(s) to his nonpool plant(s) computed pursuant to paragraph (b) of this section; and

(d) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (c) of this section between that in milk received from producers and in other source milk at his pool plants, after deducting from the total receipts therein the receipts from pool plants other than his own.

§ 975.53 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified as follows:

(a) As Class I milk if transferred as any item listed in paragraph (a) (1) of § 975.51, and as Class II milk if transferred as cream, to the pool plant of another handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer was made: *Provided*, That if either or both pool plants have received other source milk, such transfers shall be classified by the market administrator at both plants so as to return the highest-valued class utilization to milk of producers: *Provided further*, That if transfers are made from a pool plant to more than one other pool plant any other source milk involved in such transfers shall be prorated by the market administrator among the transferee pool plants on the basis of the percentage which the other source milk transferred bears to the total quantity of transfers made pursuant to this subparagraph from the transferor plant.

(b) As Class I milk if transferred as any item listed in paragraph (a) (1) of § 975.51 and as Class II milk if transferred as cream, to a nonpool plant (except a plant described in paragraph (a) (2) of § 975.51), unless (1) other utilization is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 8th day after the end of the delivery period within which such transfer was made, (2) the receiver maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available to the market administrator for audit, and (3) such receiving plant had actually used not less than an equivalent amount of skim milk or butterfat in the use indicated in such statement: *Provided*, That if such nonpool plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining pounds shall be classified in the next lower-priced available class of utilization as if the classes of utilization set forth in § 975.51 were applicable to such nonpool plants; or

(c) As Class I milk if transferred as bulk milk and as Class II milk if transferred as bulk cream to (1) a manufacturer of soup, candy or bakery products for use in such manufacturing operations, or (2) any retail establishment which disposes of milk in fluid form.

§ 975.54 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that classified pursuant to paragraph (a) (2) of § 975.51) in one class shall be reclassified if used or reused by such handler or by another handler in another class: *Provided*, That skim milk and butterfat used to produce cream may be reclassified to Class III milk if such cream is disposed of to a nonhandler and used by such nonhandler in the manufacture of butter and the receiver complies with the requirements of paragraph (b) (2) and (3) (except the proviso) of § 975.53.

§ 975.55 *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 975.56 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class III milk (other than butterfat in butter), the pounds of butterfat shrinkage allowed pursuant to paragraph (c) (2) of § 975.51;

(b) For the delivery periods of October, November, December, and January, subtract from the pounds of butterfat in Class I milk, the smaller of the following:

(1) The pounds, if any, by which the butterfat in milk received from producers and pool plants is less than 110 percent of the pounds of butterfat in such handler's milk, skim milk, buttermilk, flavored milk and flavored milk drink classified as Class I milk (exclusive of any reconstituted skim milk) pursuant to paragraph (a) (1) of § 975.51, not including such Class I milk transferred to pool plants or to nonpool plants; or

(2) The pounds of butterfat in other source milk received.

(c) Subtract from the pounds of butterfat in other source milk, the pounds deducted pursuant to paragraph (b) of this section;

(d) Subtract from the pounds of butterfat remaining in each class, after making the deduction pursuant to paragraph (b) of this section, in series beginning with the lowest-priced utilization, the pounds of butterfat remaining in other source milk after making the deduction pursuant to paragraph (c) of this section;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from other handlers in such classes pursuant to § 975.53; and

(f) Add to the remaining pounds of butterfat in Class III milk (other than butterfat in butter), the pounds subtracted pursuant to paragraph (a) of this section; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

§ 975.57 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from pro-

ducers in a manner similar to that prescribed for butterfat in § 975.56.

MINIMUM PRICES

§ 975.60 *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I milk price for each delivery period, pursuant to § 975.61, shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

Company and Location
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight resulting from the following formula:

(1) Multiply by 6 the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the delivery period as reported by the Department of Agriculture for the Chicago market.

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wis., for the trading days that fall within the delivery period.

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5.

(c) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average price of butter as computed in paragraph (b) (1) of this section, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the delivery period by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 975.61 *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during the delivery period, which is classified as Class I milk, shall be as follows as computed by the market administrator:

(a) Add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.85
March, April, July, August	1.00
January, February, September, October, November, December	1.15

(b) The price of butterfat shall be the amount obtained in paragraph (a) of this section multiplied by 20: *Provided*, That in no event shall the price of butterfat pursuant to this subparagraph be less than the price of butterfat computed pursuant to paragraph (a) of § 975.62.

(c) The price of skim milk shall be computed by (1) multiplying the price of butterfat pursuant to paragraph (b) of this section by 0.035; (2) subtracting such amount from the amount obtained in paragraph (a) of this section; (3) dividing such net amount by 0.965; and (4) rounding off to the nearest full cent.

§ 975.62 *Class II milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during the delivery period, which is classified as Class II milk, shall be as follows as computed by the market administrator:

(a) The price of butterfat shall be the average price of butter as computed pursuant to paragraph (b) (1) of § 975.60 multiplied by 125: *Provided*, That the price per hundredweight of butterfat used to produce ice cream or ice cream mix shall be the Class III price for butterfat.

(b) The price of skim milk shall be the simple average (using the midpoint of any price range as one price) of the carlot prices per pound of spray process nonfat dry milk solids in barrels for human consumption at Chicago for the weeks ending within the delivery period as reported by the Department of Agriculture, less 5.5 cents, multiplied by 6.5.

§ 975.63 *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association during the delivery period, which is classified as Class III milk, shall be as follows, as computed by the market administrator:

(a) The price per hundredweight of butterfat shall be the average price of butter as computed pursuant to paragraph (b) (1) of § 975.60 multiplied by 120: *Provided*, That the price per hundredweight of butterfat used to produce butter or contained in shrinkage pursuant to paragraph (c) (2) of § 975.51 shall be such price less $5.00.

(b) The price per hundredweight of skim milk shall be the weighted average of the carlot prices per pound of roller process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for the delivery period by the Department of Agriculture less 5.5 cents, multiplied by 8.5: *Provided*, That the price of skim milk used to produce evaporated or condensed milk (or skim milk) in hermetically sealed cans shall be determined by (1) subtracting 8 cents from the price computed pursuant to paragraph (a) of § 975.60 and then subtracting an amount computed by multiplying by 0.035 the price of butterfat computed prior to the proviso in paragraph (a) of this section, and (2) dividing the result so obtained by 0.965.

DETERMINATION OF UNIFORM PRICE

§ 975.70 *Computation of pool value for each handler operating a pool plant.* Subject to the location adjustment provided by § 975.71, the pool value for each delivery period for each handler operating a pool plant shall be a sum of money computed by the market administrator by multiplying by the applicable prices for skim milk and butterfat in each class pursuant to §§ 975.61, 975.62 and 975.63 the skim milk and butterfat in milk received from producers according to their classification pursuant to §§ 975.56 and 975.57, and adding together the resulting amounts: *Provided*, That if such handler, after subtracting all receipts of skim milk and butterfat, respectively, other than in milk received from producers has a utilization of skim milk or butterfat greater than has been accounted for in milk received from producers, there shall be added a further amount equal to the quantity of such excess of skim milk or butterfat multiplied by the applicable prices: *And provided also*, That such handler shall be credited at the difference between the applicable class prices for skim milk and butterfat and the highest of the Class III prices for skim milk and butterfat, respectively, with respect to milk or cream disposed of in fluid form during April, May, June, or July, to a manufacturer of soup, candy, or bakery products for use in such manufacturing operations.

§ 975.71 *Location adjustments to handlers.* With respect to the actual weight of (a) milk, cream, or any other item named in Class I milk and Class II milk which is moved directly to the marketing area from a pool plant located outside the marketing area, and (b) Class I milk and Class II milk disposed of outside the marketing area from a pool plant so located, there shall be deducted, in the computation of the handler's pool value, the following amount per hundredweight thereof applicable for the location of such plant by shortest highway distance from the Public Square in Cleveland, Ohio, such distance to be determined by the market administrator:

Mileage zone	*Cents per hundredweight*
Not more than 30 miles	0
More than 30 miles but not more than 45 miles	15
More than 45 miles but not more than 60 miles	17
More than 60 miles but not more than 75 miles	19
More than 75 miles but not more than 90 miles	21
Within each 15-mile zone thereafter an additional 1 cent.	

Provided, That such adjustment shall be limited to an amount of milk, cream, or other item so moved which could be derived from the milk received from producers at such plant.

§ 975.72 *Obligation to the producer-settlement fund for certain handlers operating nonpool plants.* (a) For each delivery period the obligation to the producer-settlement fund for each handler (except a producer-handler) who operates a nonpool plant out of which a route is operated which extends into the marketing area, shall be computed by the market administrator by multiplying by the respective prices for skim milk and butterfat in Class I milk the total pounds of skim milk and butterfat disposed of as milk, skim milk, buttermilk, flavored milk, or flavored milk drink within such delivery period on each such route, and subtracting therefrom an amount computed by multiplying such volume of skim milk and butterfat by the higher of the prices for skim milk and butterfat, respectively, in Class III milk.

(b) For each delivery period, the obligation to the producer-settlement fund for each handler who operates a nonpool plant and supplies milk, skim milk, buttermilk, flavored milk, or flavored milk drink to a plant designated as a pool plant pursuant to paragraph (a) of §975.30, which latter plant received within such delivery period less than 50 percent of its total receipts of skim milk and butterfat from producers or from other pool plants, shall be computed by the market administrator by multiplying by the difference between the respective prices for skim milk and butterfat in Class I milk and Class III milk, the amount of such receipts from such nonpool plant which are Class I milk at the receiving pool plant.

§ 975.73 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content, f. o. b. the marketing area, received from producers by:

(a) Combining into one total the pool values computed under § 975.70 for all handlers who reported pursuant to § 975.40 for such delivery period, except those in default in payments required pursuant to § 975.84 for the preceding delivery period;

(b) Adding an amount representing the monies received in payment of obligations computed under § 975.72;

(c) Adding the aggregate of the values of all allowable location adjustments computed at the maximum rates for the appropriate zones as set forth in § 975.81;

(d) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Subtracting, if the weighted average butterfat test of all milk received from producers represented by the values included in paragraph (a) of this section is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total hundredweight of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 975.82 multiplied by 1,000;

(f) Dividing by the hundredweight of milk received from producers represented by the values included in paragraph (a) of this section; and

(g) Subtracting not less than 4 cents nor more than 5 cents.

§ 975.74 *Notification.* The market administrator shall notify:

(a) On or before the 14th day after the end of each delivery period, each handler who operates a pool plant of:

(1) The amounts and pool values of his skim milk and butterfat in each class and the totals of such amounts and values;

(2) The uniform price;

(3) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(4) The totals of the minimum amounts to be paid by such handler pursuant to §§ 975.80, 975.84, 975.86, 975.87, 975.88 and 975.89.

(b) On or before the 14th day after the end of each delivery period each handler described in § 975.7 (b) of:

(1) The pounds of his skim milk and butterfat in milk, skim milk, buttermilk, flavored milk, and flavored milk drink subject to the provisions of this section; and

(2) The amount due the producer-settlement fund from each such handler.

PAYMENTS

§ 975.80 *Time and method of payment.* (a) Except as provided by paragraph (b) of this section, on or before the 20th day after the end of each delivery period, each handler (except a cooperative association) shall pay each producer for milk received from him within such delivery period, not less than an amount of money computed by multiplying the total pounds of such milk by the uniform price, less the location adjustment pursuant to § 975.81 and adjusted by the butterfat differential pursuant to § 975.82: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 975.85 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 19th day after the end of each delivery period, each handler shall pay a cooperative association not a handler, with respect to milk of producers for which it has received written authorization to collect payment, a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to paragraph (a) of this section.

(c) On or before the 15th day after the end of each delivery period, each handler shall pay a cooperative association which is a handler, with respect to skim milk and butterfat received by him from a pool plant operated by such cooperative association, not less than an amount computed by multiplying the minimum prices for skim milk and butterfat, respectively, in each class, subject to the applicable location adjustment provided by § 975.71, by the hundredweight of skim milk and butterfat, respectively, in each class pursuant to §§ 975.56 and 975.57.

§ 975.81 *Location adjustments to producers.* In making payments pursuant to paragraphs (a) and (b) of § 975.80 a handler may deduct, with respect to all milk received from producers at a plant located outside the marketing area, not more than the following respective amount per hundredweight of milk applicable for the location of such plant by shortest highway distance from the Public Square in Cleveland, Ohio, such distance to be determined by the market administrator:

Mileage zone	*Cents per hundredweight*
Not more than 30 miles	0
More than 30 miles but not more than 45 miles	15
More than 45 miles but not more than 60 miles	17
More than 60 miles but not more than 75 miles	19
More than 75 miles but not more than 90 miles	21
Within each 15-mile zone thereafter an additional 1 cent.	

§ 975.82 *Butterfat differential.* In making payments pursuant to paragraphs (a) and (b) of § 975.80 there shall be added to or subtracted from, the uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat content in milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Multiply the hundredweight of butterfat in each class computed pursuant to § 975.56 by the applicable minimum price for butterfat in such class computed pursuant to §§ 975.61, 975.62 and 975.63;

(b) Add into one total the butterfat values obtained in paragraph (a) of this section and divide such total by the total hundredweight of butterfat in all classes computed pursuant to § 975.56 to determine a weighted average price for butterfat;

(c) Subtract from the weighted average price per hundredweight of butterfat computed in paragraph (b) of this section a weighted average price per hundredweight of skim milk computed as follows:

(1) Multiply the hundredweight of skim milk computed in each class pursuant to § 975.57 by the respective minimum price for skim milk in such class computed pursuant to §§ 975.61, 975.62 and 975.63; and

(2) Add into one total the skim milk values so obtained for all classes and divide such total by the total hundredweight of skim milk in all classes computed pursuant to § 975.57; and

(d) Divide by 1,000 the price of butterfat resulting pursuant to paragraph (c) of this section and round off to the nearest tenth of a cent.

§ 975.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund," into which he shall deposit all payments made pursuant to § 975.84 and out of which he shall make all payments pursuant to § 975.85.

§ 975.84 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period, each handler:

(a) Whose pool value is required to be computed pursuant to § 975.70, shall pay to the market administrator the amount by which such pool value for such delivery period is greater than the total minimum amount required to be paid by him pursuant to paragraphs (a) and (b) of § 975.80; and

(b) Whose obligation is required to be computed pursuant to § 975.72, shall pay to the market administrator such obligation for such delivery period.

§ 975.85 *Payments out of the producer-settlement fund.* On or before the 18th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which such handler's pool value pursuant to § 975.70 is less than the total minimum amount required to be paid by him pursuant to paragraphs (a) and (b) of § 975.80, less any unpaid obligations of such handler to the market administrator pursuant to §§ 975.84, 975.86, 975.87, or 975.89. *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 975.86 *Expense of administration.* As his prorata share of the expense incurred pursuant to paragraph (d) of § 975.22, each handler shall pay the market administrator on or before the 16th day after the end of each delivery period, three cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of such delivery period, with respect to all receipts within the delivery period, of milk from producers at pool plants (including such handler's own production), of other source milk at pool plants, except that used in the manufacture of ice cream or ice cream mix, and of other source milk on which payment is required pursuant to § 975.72: *Provided,* That such payment shall not be made with respect to any milk subject to a payment required under the provision for expense of administration of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area.

§ 975.87 *Marketing services.* Except as set forth in § 975.88 each handler in making payments to producers pursuant to paragraphs (a) and (b) of § 975.80, with respect to all milk received from each producer (except milk of such handler's own production) at a plant, not operated by a cooperative association of which such producer is a member, shall deduct four cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of each delivery period; and, on or before the 16th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him.

§ 975.88 *Cooperative association.* In the case of producers whose milk is received at a plant, not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in § 975.87, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in § 975.87, such deductions from payments required pursuant to paragraphs (a) and (b) of § 975.80 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of each delivery period to the cooperative association rendering such services of which such producers are members.

§ 975.89 *Adjustment of accounts*—(a) *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 975.84, 975.85, 975.86, 975.87, 975.88 or 975.89 (a) shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

MISCELLANEOUS PROVISIONS

§ 975.90 *Application of provisions*—(a) *Exempt milk.* Milk received at a plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

(b) *Milk caused to be delivered by cooperative associations.* Milk referred to herein as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association which is not a handler and which is authorized to collect payment for such milk.

§ 975.91 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 975.92 *Suspension or termination.* The Secretary shall, whenever he finds that this order, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision thereof.

§ 975.93 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 975.94 *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 975.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 975.96 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

§ 975.97 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers; the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

[F. R. Doc. 50-7046; Filed, Aug. 11, 1950; 8:47 a. m.]

[7 CFR, Part 979]

IRISH POTATOES GROWN IN EASTERN SOUTH DAKOTA PRODUCTION AREA

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget of expenses and rate of assessment which are hereinafter set forth and were recommended by the South Dakota Potato Committee, established pursuant to Marketing Agreement No. 103 and Order No. 79 (7 CFR 979.1 et seq.) regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 979.203 *Budget of expenses and rate of assessment.* (1) The expense necessary to be incurred by the South Dakota Potato Committee, established pursuant to Marketing Agreement No. 103 and Order No. 79, to enable such committee to carry out its functions pursuant to provisions of the aforesaid marketing agreement and order, during the fiscal year ending June 30, 1951, will amount to $2,500;

(2) The rate of assessment to be paid by each handler who first ships potatoes shall be one-half cent per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(3) Terms used herein shall have the same meaning as when used in Marketing Agreement No. 103 and Order No. 79.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 9th day of Aug. 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-7067; Filed, Aug. 11, 1950; 8:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

MILITARY PRIORITY FOR PUBLIC HOUSING

DELEGATION OF AUTHORITY TO SECRETARIES OF ARMY, NAVY AND AIR FORCE

Public Law 475 provides that, upon the transfer of certain temporary and permanent housing projects by the Housing and Home Finance Agency, military personnel and persons engaged in national defense or mobilization activities shall be afforded certain limited priority of assignment and occupancy.

Section 601 (d) (1) provides that "* * * if the transferee is a State political subdivision, local housing authority, or local public agency, it will, in filling vacancies in housing transferred under subsection 601 (b) hereof, give such preferences to military personnel and persons engaged in national defense or mobilization activities as the Secretary of Defense or his designee prescribes to such transferee."

Section 606 (c) (2) provides that military personnel "as designated by the Secretary of Defense or his designee," who are ineligible for continued occupancy under the provisions of the United States Housing Act of 1937, shall not be subject to removal from permanent type defense housing until 18 months after the date of the transfer of the project to a local housing authority.

Section 606 (c) (6) provides that "for one year after the date of conveyance of a project, the public housing agency shall, to the extent permitted by law, give such preferences, by allocation or otherwise, to military personnel as the Secretary of Defense or his designee prescribes to the public housing agency."

The authorities vested in the Secretary of Defense under the above provisions of Public Law 475 are hereby delegated to the Secretaries of the Army, Navy and the Air Force for exercise on behalf of their respective Departments.

LOUIS JOHNSON,
Secretary of Defense.

MAY 24, 1950.

[F. R. Doc. 50-7039; Filed, Aug. 11, 1950; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

WYOMING

DEFINITIONS OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

AUGUST 8, 1950.

Former paragraph (c) of sec. 227.0, Part 227, Title 30, Chapter II, Code of

Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following structure defined effective as of the date shown:

Name of Field, Effective Date, and Acreage

(9) WYOMING

Lake Creek Field (revision), May 15, 1949 ---------- 4,612

W. E. WRATHER,
Director.

[F. R. Doc. 50-7040; Filed, Aug. 11, 1950; 8:45 a. m.]

CALIFORNIA AND UTAH

DEFINITIONS OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Former paragraph (c) of sec. 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following:

Name of Field, Effective Date, and Acreage

(1) CALIFORNIA

Keating Field (revocation), August 1, 1950---------- 160

(8) UTAH

Cisco Dome Field (cancellation), August 1, 1950---------- 13,515

W. E. WRATHER,
Director.

[F. R. Doc. 50-7064; Filed, Aug. 11, 1950; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1949 CROP LOAN COTTON

NOTICE OF POOLING

Notice is hereby given that all 1949 crop upland and American-Egyptian cotton securing loans under Commodity Credit Corporation's 1949 cotton loan programs which are still outstanding on October 1, 1950, will be pooled for the borrowers' accounts on that date, as provided in the loan agreements under which the loans were made. Prior to October 1, 1950, producers may request that their notes be forwarded to local banks for repayment of the loans by using the Producer's Redemption Requests, or the producers may sell their equities in the cotton by using the Producer's Equity Transfers, on their copies of the Producer's Loan Statements.

After the cotton is pooled, borrowers will not be entitled to sell their equities in the cotton or to arrange to repay their loans. No payment will be made to borrowers at the time their cotton is pooled. On final liquidation of the cotton in each pool, the net proceeds, if any, after deduction of all advances, interest, and charges—including storage, insurance and handling charges—will be distributed among the borrowers whose cotton was placed in the pool, in proportion to the amounts of the loans made to the borrowers on such cotton.

Issued this 8th day of August 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 50-7042; Filed, Aug. 11, 1950; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN HAWAIIAN STEAMSHIP CO. ET AL.

NOTICE OF HEARING ON APPLICATIONS TO EXTEND BAREBOAT CHARTER AGREEMENTS

American Hawaiian Steamship Company, Luckenbach Steamship Co., Pacific Atlantic Steamship Co., and Pope & Talbot, Inc.

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4823, Commerce Building, Washington, D. C. on August 31, 1950, at 10 o'clock a. m., e. d. s. t., before Examiner C. W. Robinson, upon the applications of the above-named parties to extend their bareboat charter agreements with respect to Government-owned war-built dry-cargo vessels.

The purpose of the hearing is to receive evidence with respect to whether continuance of the services under which such vessels are now chartered is required in the public interest and such services will not be adequately served without such extension, and with respect to the availability of privately-owned American-flag vessels on reasonable conditions and at reasonable rates for such services.

All persons having an interest in such applications will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing in lieu of briefs, and the examiner will issue a recommended decision. Parties may have 15 days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted or whether briefs in connection therewith will be received.

Dated: August 10, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-7091; Filed, Aug. 11, 1950; 8:51 a. m.]

ACTIUM SHIPPING CORP. ET AL.

NOTICE OF HEARING ON APPLICATION FOR BAREBOAT CHARTER OF DRY-CARGO VESSELS

Actium Shipping Corp., Admanthos Ship Operating Co. Inc., Agwilines, Inc. (New York & Cuba Mail), Alaska Steamship Co., Albatross Steamship Co., Inc., American Foreign Steamship Corp., American Hawaiian Steamship Co., American Mail Line, Ltd., American Pacific Steamship Co., American President Lines, Ltd., Arnold Bernstein Line, Inc., Nick Bez, Blidberg Rothchild Co., Inc., A. H. Bull Steamship Co., A. L. Burbank & Co., Burns Steamship Co., W. R. Chamberlin & Co., Clifton Steamship Corp., Coastwise Line, Cosmopolitan Shipping Co., Inc., Cuba Mail Line, Dichmann, Wright & Pugh, Inc., Dolphin Steamship Corp., Eastern Steamship Lines, Eastport Steamship Corp., El Dia Steamship Corp., John S. Emery & Co., Inc., Fall River Navigation Co., Federal Motorship Corp., Firth Steamship Corp., Flomarcy Lines, Inc., Fribourg Steamship Co., Inc., James Griffiths & Sons, Gulf Range Steamship Corp., Isbrandtsen Co., Inc., W. P. Iverson & Co., Inc., A. Willard Ivers, Inc., J. Lasry & Sons, Inc., Luckenbach Steamship Co., Inc., Marine Navigation Co., Inc., Marine Transport Lines, Inc., Mariner Steamship Co., Inc., Mississippi Shipping Co., Inc., Ocean Tramp Carriers, Inc., American & Overseas Chartering Co., Moore-McCormack Lines, Inc., Wm. H. Muller Shipping Corp., Naess Mojlander & Co., Inc., Neptune Shipping, Inc., Newtex Steamship Corp., North American Shipping & Trad., North Atlantic & Gulf Steamship Co., Ocean Freighting & Brokerage Corp., Olympic Steamship Co., Inc., Omnium Freighting Corp., Orion Shipping & Trading Co., Inc., Pacific Transport Lines, Inc., Pacific Atlantic Steamship Co., Pacific Far East Line, Inc., Palmer Shipping Corp., Pittston Marine Corp., Polarus Steamship Co., Inc., Ponchelet Marine Corp., Pope & Talbot, Inc., Prudential Steamship Corp., Wm. J. Rountree Co., Inc., St. Lawrence Navigation Co., Inc., Senior Lines, Shepard Steamship Co., South Atlantic Steamship Line, Inc., Standard Fruit & Steamship Corp., T. J. Stevenson & Co., Inc., Stockard Steamship Corp., Sudden & Christenson, Inc., Sword Line, Tramer Shipping Co., Inc., Transportation, Inc., States Marine Corp. of Delaware, Union Sulphur Co., Inc., United States Lines, United States Navigation Co., Inc., Wessel Duval & Co., Inc., West Coast Trans-Oceanic Steamship Line, West India Steamship Co., White Range Steamship Co., Southern Seas Steamship Co., Inc., Daniel F. Young, Inc.

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4821, Commerce Building, Washington, D. C., on August 17, 1950, at 10:00 a. m., e. d. s. t. before the Federal Maritime Board, upon application of the above-named parties and all other parties filing application with the Secretary of the Maritime Administration, Room 4350, Department of Commerce Building, on or before 5:00 p. m., e. d. s. t., August 15, 1950, to bareboat-charter war-built dry-cargo vessels for use of the Military Sea Transportation Service of the Department of the Navy in the trans-Pacific area.

The purpose of the hearing is to receive evidence with respect to whether such service is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels on reasonable conditions and at reasonable rates for this service.

All persons having an interest in such application should arrange to be present.

Dated: August 10, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-7092; Filed, Aug. 11, 1950; 8:51 a. m.]

PACIFIC FAR EAST LINE, INC.

NOTICE OF HEARING ON APPLICATION FOR BAREBOAT CHARTER OF A DRY-CARGO VESSEL

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4821, Commerce Building, Washington, D. C., on August 16, 1950, at 10:00 a. m., e. d. s. t., before the Federal Maritime Board, upon application of the Pacific Far East Line, Inc., to bareboat-charter a war-built dry-cargo vessel for use between United States Pacific Coast ports and Straits Settlements, Indonesia, Thailand, India and the Persian Gulf.

The purpose of the hearing is to receive evidence with respect to whether such service is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels on reasonable conditions and at reasonable rates for this service.

All persons having an interest in such application should arrange to be present.

By order of the Federal Maritime Board.

Dated: August 10, 1950.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-7110; Filed, Aug. 11, 1950; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1419, G-1420, G-1423]

PRINCE GEORGE'S GAS CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS

AUGUST 9, 1950.

In the matters of Prince George's Gas Corporation, Docket No. G-1419; Hope Natural Gas Company, Docket No. G-1420; Natural Gas Pipeline Company of America, Docket No. G-1423.

Notice is hereby given that, on August 8, 1950, the Federal Power Commission issued its findings and orders entered August 8, 1950, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] J H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7047; Filed, Aug. 11, 1950; 8:47 a. m.]

[Docket Nos. G-1312, G-1339]

TEXAS GAS TRANSMISSION CORP. AND MAYFIELD GAS CO.

NOTICE OF FINAL DECISION

AUGUST 9, 1950.

Notice is hereby given that the initial decision issuing certificates of public convenience and necessity in the above-designated matters was issued and served upon all parties on June 29, 1950. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure said initial decision became effective on July 31, 1950, as the final decision and order of the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7048; Filed, Aug. 11, 1950; 8:47 a. m.]

[Project No. 2005]

OAKDALE IRRIGATION DISTRICT AND SOUTH SAN JOAQUIN IRRIGATION DISTRICT

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

AUGUST 7, 1950.

Public notice is hereby given that Oakdale Irrigation District and South San Joaquin Irrigation District, of Oakdale and Manteca, California, respectively, joint licensees for major Project No. 2005, have made application, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a-825r) for amendment of license to authorize the construction, operation, and maintenance of a second proposed hydroelectric development to be located on Middle Fork of Stanislaus River, California.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before September 25, 1950, to the Federal Power Commission at Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7055; Filed, Aug. 11, 1950; 8:48 a. m.]

[Docket No. E-6307]

FLORIDA POWER CORP.

NOTICE OF APPLICATION

AUGUST 7, 1950.

Take notice that on August 4, 1950, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Florida Power Corporation, a corporation organized under the laws of the State of Florida and doing business in said State, with its principal business office at St. Petersburg, Florida, seeking an order authorizing the issuance of additional promissory notes in the aggregate amount of $1,700,000 to the Guaranty Trust Company of New York, Central Hanover Bank and Trust Company, and The Florida National Bank, St. Petersburg, Florida, for the purpose of obtaining construction funds, said loans to be payable not to exceed 120 days from authorization thereof at an interest rate to be hereafter determined; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 25th of August 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7056; Filed, Aug. 11, 1950; 8:48 a. m.]

[Docket No. G-1452]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

AUGUST 7, 1950.

Take notice that on July 31, 1950, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described facilities:

1. A sales meter station on its main line system at a point in Ross Township, Butler County, Ohio, near the town of Venice, Ohio.

2. A sales meter station on its main line system in Clear Creek Township, Warren County, Ohio, near Station No. 16 of Texas Eastern Transmission Corporation, and at the same point a sales lateral line approximately 1,050 feet in length extending from the main 26" pipeline of Applicant to said sales meter station, thence connecting with the pipeline facilities of The Ohio Fuel Gas Company.

3. The sale of up to 5,000 Mcf per day of natural gas to The Ohio Fuel Gas Company.

Applicant calls attention to the fact that the design of the sales meter station and the 1,050-foot lateral requested to be installed in Clear Creek Township, Ohio, are of sufficient size to handle approximately 100,000 Mcf daily, whereas the sale to The Ohio Fuel Gas Company for which authority is here sought is for only 5,000 Mcf. It says that it contemplates using such excess capacity sometime in the near future to supply The Ohio Fuel Gas Company with some 94,000 Mcf of gas per day which that company has requested Applicant to deliver, beginning November 1, 1951; that, in the meantime such facilities will serve as Applicant's only direct connection with the pipeline facilities of The Ohio Fuel Gas Company, through which emergency deliveries could be made if required.

Deliveries of gas to The Ohio Fuel Gas Company in the full contract quantity of up to 5,000 Mcf per day through the proposed facilities are expected to begin on or about November 1, 1950.

The total estimated cost of the construction of the facilities for which application is made approximates $32,080.89, which Applicant will finance from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 25th day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-7058; Filed, Aug. 11, 1950; 8:48 a. m.]

[Docket No. G-1449]

GEORGIA NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 7, 1950.

Take notice that Georgia Natural Gas Company (Applicant), a Georgia corporation, P. O. Box 1203, Albany, Georgia, filed on July 27, 1950, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described, and for an order pursuant to section 7 (a) of the Natural Gas Act, directing Southern Natural Gas Company (Southern Natural) to provide and sell to Applicant an adequate supply of natural gas.

Applicant proposes to construct approximately 335 miles of 8⅝-inch, 6⅝-inch and 4½-inch pipeline and laterals extending southerly from a point of connection with the pipe line of Southern Natural near Phenix City, Alabama to Tallahassee, Florida, serving, among other communities, the Cities of Americus, Albany, Camilla, Pelham, Cordele, Moultrie, Bainbridge, Thomasville, Quitman, Valdosta, in Georgia, and the City of Tallahassee, Florida; with estimated maximum day sales of 30,000 Mcf.

The estimated cost of the proposed facilities is $5,100,000 to be financed by the issuance of first mortagage pipeline bonds and capital stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-7057; Filed, Aug. 11, 1950; 8:48 a. m.]

[Docket No. G-1453]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

AUGUST 7, 1950.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation, address, Houston, Texas, filed on July 31, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a sales meter station at a point on its main transmission pipeline in Chautauqua County, New York, for the sale of natural gas to the Republic Light, Heat and Power Company, Inc.

Applicant proposes, by means of the said facilities to sell natural gas to Republic Light, Heat and Power Company, Inc., under a contract providing for a contracted demand quantity of 600 Mcf per day, to be resold in the communities of Mayville, Westfield, and Chautauqua, New York, which are presently being served with natural gas by Republic Light, Heat and Power Company, Inc. It is expected that the gas to be delivered by means of the proposed facilities will be taken at an annual average load factor of 75 percent.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-7059; Filed, Aug. 11, 1950; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25307]

MALT LIQUORS TO THE SOUTHWEST

APPLICATION FOR RELIEF

AUGUST 9, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for an on behalf of carriers parties to his tariff I. C. C. No. 3897.

Commodities involved: Malt liquors, viz; ale, beer, tonic, porter or stout, carloads.

From: Gateways and western territories.

To: Points in the Southwest.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3897, Supplement 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7050; Filed, Aug. 11, 1950; 8:47 a. m.]

[4th Sec. Application 25308]

ALL FREIGHT FROM CINCINNATI, OHIO, TO GREENVILLE, S. C.

APPLICATION FOR RELIEF

AUGUST 9, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1073.

Commodities involved: Merchandise, mixed carloads.

From: Cincinnati, Ohio.

To: Greenville, S. C.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1073, Supplement 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7051; Filed, Aug. 11, 1950; 8:47 a. m.]

[4th Sec. Application 25309]

COTTON PIECE GOODS IN THE SOUTH

APPLICATION FOR RELIEF

AUGUST 9, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1190.

Commodities involved: Cotton piece goods and related articles, carloads.

From: Southern mill points.

To: Southern ports for export, coastwise and intercoastal movement.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1190.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7052; Filed, Aug. 11, 1950; 8:47 a. m.]

[4th Sec. Application 25310]

FARM DRAIN TILE IN THE SOUTH

APPLICATION FOR RELIEF

AUGUST 9, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1044.

Commodities involved: Farm drain tile, carloads.

Between: Points in the south and between points in the south, on the one hand, and points in Virginia in official territory, on the other.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1044, Supplement 103.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7053; Filed, Aug. 11, 1950; 8:48 a. m.]

[4th Sec. Application 25311]

PAPER ARTICLES FROM CROSSETT, ARK., TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

AUGUST 9, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3788.

Commodities involved: Paper and paper articles, carloads.

From: Crossett, Ark.

To: Cincinnati, Ohio.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3788, Supplement 56.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7054; Filed, Aug. 11, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2279]

COLUMBIA GAS SYSTEM, INC. AND OHIO FUEL GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of August A. D. 1950.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, The Ohio Fuel Gas Company ("Ohio Fuel"), having filed a joint declaration and an amendment thereto pursuant to the provisions of sections 7 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-45 promulgated thereunder, with respect to the following proposed transaction:

Columbia and its subsidiary, Ohio Fuel, propose to enter into a supplemental interest agreement whereby Columbia will agree to accept an amount as the interest on the 3¼ percent notes of Ohio Fuel which it presently holds or may hereafter hold, so that the average interest paid by Ohio Fuel on all its debt obligations, consisting of 6 percent and 3¼ percent notes, held by Columbia will not exceed 3¼ percent.

Said joint declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint declaration as amended that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint declaration as amended be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act that the said joint declaration as amended, be, and hereby is permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7041; Filed, Aug. 11, 1950; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 5567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13536, Amdt.]

ELISABETH SCHMIDT ET AL.

In re: Interest in real property, property insurance policies and a claim owned by Elisabeth Schmidt, also known as Elizabeth Schmidt and others.

Vesting Order 13536, dated July 13, 1949, is hereby amended as follows and not otherwise:

By deleting therefrom subparagraph 2 thereof and substituting therefor the following:

2. That Notar Salomon, Selma Ella Liebert Berger, Emma Klara Liebert Junghans, Anna Martha Liebert Ebert and Frau Selma Liebert, being the personal representatives, heirs, next of kin, legatees and distributees of Robert Milus Liebert, also known as Robert Liebert, deceased, whose last-known addresses are Germany, are residents of Germany and

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nationals of a designated enemy country (Germany; (.)

All other provisions of said Vesting Order 13536 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7060; Filed, Aug. 11, 1950; 8:49 a. m.]

[Return Order 621, Amdt.]

S. A. MELODI AND EDIZIONI MUSICALI ITALIANE

Having issued a determination on May 5, 1950, allowing the claims of S. A. Melodi and Edizioni Musicali Italiane, Milan, Italy, and having issued an amendment of said determination, which amendment by reference is incorporated herein and filed herewith,

Return Order No. 621 (15 F. R. 2864), is hereby amended as follows and not otherwise: The sum of $5,437.57 listed opposite the name of S. A. Melodi is hereby deleted and the sum of $4,577.10 substituted therefor; the sum of $3,285.40 listed opposite the name of Edizioni Musicali Italiane is hereby deleted and the sum of $4,986.51 substituted therefor.

All other provisions of said return order are hereby ratified and confirmed.

Executed at Washington, D. C., on August 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7061; Filed, Aug. 11, 1950; 8:49 a. m.]

JOSEPH JENNY ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Joseph Jenny, a/k/a Josef Jenny; Claim No. 38699; $350.41 in the Treasury of the United States.

Anne Rundel, a/k/a Anna Rundel; Claim No. 38700; $275.41 in the Treasury of the United States.

Fini Jenny, a/k/a Josefine Jenny; Claim No. 37222; $876.02 in the Treasury of the United States.

All of Vorarlberg, Austria.

Executed at Washington, D. C., on August 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7062; Filed, Aug. 11, 1950; 8:49 a. m.]

CHRISTINE TILL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Christine Till, Braybourne, Sasqua-Milla, East Norwalk, Conn.; Claim No. 6389; $1,748.67 in the Treasury of the United States.

Executed at Washington, D. C., on August 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7063; Filed, Aug. 11, 1950; 8:49 a. m.]

AUG 17 '50

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 15 NUMBER 157

Washington, Tuesday, August 15, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10151

EXEMPTION OF WILLIAM D. HASSETT FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS, William D. Hassett, Secretary to the President, will, during the month of September, 1950, reach the retirement age, applicable to him, prescribed for automatic separation from the service by the Civil Service Retirement Act of May 29, 1930, as amended; and

WHEREAS, in my judgment, the public interest requires that such person be exempted from compulsory retirement for age as provided below:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), I hereby exempt the said William D. Hassett from compulsory retirement for age for an indefinite period of time.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 11, 1950.

[F. R. Doc. 50-7169; Filed, Aug. 14, 1950; 11:58 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN THE COUNTIES OF ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA AND SAGUACHE IN COLORADO

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1951 FISCAL YEAR

On July 22, 1950, notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 4719) regarding the expenses and the fixing of the rate of assessment for the 1951 fiscal year under Marketing Agreement No. 67, as amended, and Order No. 10 as amended (7 CFR Part 910), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 910.204 *Expenses and rate of assessment for the 1951 fiscal year.* (a) The expenses necessary to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee during the fiscal year beginning June 1, 1950, and ending May 31, 1951, both dates inclusive, will amount to $2,355.00.

(b) The rate of assessment to be paid, in accordance with the aforesaid amended marketing agreement and order by each handler who first handles fresh peas or cauliflower shall be: (1) $1.50 per straight car of peas or cauliflower or per mixed car of peas and cauliflower, or the equivalent thereof, and (2) when less than a carload lot is shipped, one-half cent ($0.005) per bushel of peas or per crate of cauliflower or the respective equivalent quantities thereof, but in no event shall the assessment be in excess of $1.50 on a shipment of peas or cauliflower less than a carload lot, or mixed shipment thereof less than a carload lot; and the aforesaid rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

(c) It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that: (1) The aforesaid rate of assessment is applicable, pursuant to the amended marketing agreement and order, to all fresh peas and cauliflower handled during the fiscal year beginning June 1, 1950; (2) shipments of both peas and cauli-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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flower have already commenced and are subject to regulation (15 F. R. 4335 and 15 F. R. 4578); (3) in order for the regulatory assessments to be collected, it is essential that the specification of the assessment rate be issued immediately in order to enable the Administrative Committee to perform its duties and functions under the aforesaid amended marketing agreement and order; and (4) handlers will not be required to make any special preparation to comply with the provisions of this section.

As used in this section, the terms "handler," "shipped," "fiscal year," "shipment," "peas," and "cauliflower" shall have the same meaning as is given to the respective term when used in said amended marketing agreement and order.

The effective date of this determination is the date of publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued this 10th day of August 1950.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-7113; Filed, Aug. 14, 1950; 8:51 a. m.]

PART 973—MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

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973.0 Findings and determinations.

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973.102 Continuing power and duty of the of the market administrator.
973.103 Liquidation after suspension or termination.

AUTHORITY: §§ 973.0 to 973.103 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 973.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this part amending the order, as amended, effective not later than August 16, 1950. Any delay beyond August 16, 1950, in the effective date of this part, amending the said order, as amended, will seriously disrupt the orderly marketing of milk for the Minneapolis-St. Paul, Minnesota, marketing area. The changes effected by this part, amending the order, as amended, do not require of persons affected, substantial or extensive preparation prior to the effective date. In view of the foregoing it is hereby found that good cause exists for making this part effective August 16, 1950 (see sec. 4 (c) Administrative Procedure Act 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this part, amending the order as amended, which is marketed within the Minneapolis-St. Paul, Minnesota, marketing area) refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this part amending the order, as amended, is the only practicable means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the Minneapolis-St. Paul, Minnesota, marketing area:

(3) The issuance of this part amending the order, as amended, is approved or favored by at least three-fourths of the producers, who, during the determined representative period (May 1950) were engaged in the production of milk for sale in the Minneapolis-St. Paul, Minnesota, marketing area; and

(4) The provision of this part amending the order providing for the payment to all producers delivering milk to the same handler of uniform prices for all milk delivered by them is approved or favored by at least three-fourths of the producers, who, during the determined representative period (May 1950) were engaged in the production of milk for sale in the Minneapolis-St. Paul, Minnesota, marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 973.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 973.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 973.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 973.4 *Minneapolis-St. Paul, Minnesota, marketing area.* "Minneapolis-St. Paul, Minnesota, marketing area" hereinafter called the "marketing area" means the territory within the corporate limits of the cities of Minneapolis, Robbinsdale, and Wayzata in Hennepin County; Columbia Heights in Anoka County; St. Paul and White Bear in Ramsey County; West St. Paul and South St. Paul in Dakota County; together with the following townships and all villages therein: Brooklyn, Crystal, St. Anthony, Golden Valley, St. Louis Park, Orono, Excelsior, Minnetonka, Edina, Bloomington, and Richfield in Hennepin County; Fridley in Anoka County; Mounds View, Rose, White Bear, and New Canada in Ramsey County; Grant, Oakdale, Woodbury, Cottage Grove, and Newport in Washington County; and Mendota, West St. Paul, and Inver Grove in Dakota County; all in the State of Minnesota.

§ 973.5 *Pool plant.* "Pool plant" means any milk processing plant during any delivery period within which skim milk or butterfat (a) is disposed of as Class I milk from such plant on wholesale or retail routes (including plant stores) within the marketing area, (b) is transferred as Class I milk from such plant to a plant described in paragraph (a) of this section unless such transfer

is made only during the months of August to November, inclusive, or (c) is transferred as Class I milk from such plant to a plant described in paragraph (b) of this section unless such transfer is made only during the months of August to November, inclusive. Any such plant shall continue to be a "pool plant" during any delivery period in which skim milk or butterfat is transferred as Class I milk from such plant to another pool plant until August 1 of the year following that in which such transfer was last made.

§ 973.6 *Nonpool plant.* "Nonpool plant" means any milk processing plant during any delivery period when such plant does not meet the requirements set forth in § 973.5. Any such plant shall become a "pool plant" during any delivery period within which it meets the requirements set forth in § 973.5.

§ 973.7 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 973.8 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly from such person's farm at a pool plant.

§ 973.9 *Handler.* "Handler" means any person, irrespective of whether such person is also a producer, in his capacity as the operator of a pool plant.

§ 973.10 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 973.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

§ 973.12 *Market administrator.* "Market administrator" means the person designated pursuant to § 973.20 as the agency for the administration of this part.

§ 973.13 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this part is in effect.

MARKET ADMINISTRATOR

§ 973.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 973.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions of this part;

(b) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this part;

(c) Recommend to the Secretary amendments to this part; and

(d) Make rules and regulations to effectuate the terms and provisions of this part.

§ 973.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 973.90, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 973.91;

(c) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (1) made reports pursuant to § 973.30 or (2) made payments pursuant to §§ 973.80 and 973.83; and may at any time thereafter so disclose any such name if authorized by the Secretary;

(e) Verify each handler's records and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends; and

(f) Prepare and disseminate to the public such statistics and information concerning the operations under this part as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 973.30 *Delivery period of reports of receipts and utilization.* On or before the 8th day of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to all skim milk and butterfat, except that in nonfluid milk products, disposed of in the form in which received without further processing or packaging, received by him at each pool plant during the preceding delivery period in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and the quantities of butterfat contained in (or used in the production of) receipts from producers (including his own production), producer-handlers, pool plants and nonpool plants, and the sources thereof;

(b) The utilization of all skim milk or butterfat disposed of;

(c) The quantities of skim milk and butterfat on hand at the beginning and end of each delivery period; and

(d) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

§ 973.31 *Reports of producer-handlers.* Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 973.32 *Reports as to producers.* Each handler, upon the request of the market administrator, shall, on or before the 25th day of each delivery period, submit to the market administrator such handler's producer payroll for the preceding delivery period which shall show for each producer (a) the total pounds of milk delivered with the average butterfat test thereof, and (b) the net amount of such handler's payments to such producer or to a cooperative association together with the prices, deductions, and charges involved.

§ 973.33 *Records and facilities.* Each handler shall permit the market administrator to make such examinations of his operations, equipment, and facilities as the market administrator deems necessary and he shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights and tests for butterfat and for other content of all skim milk or butterfat handled, (c) payments to producers and cooperative associations, and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 973.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided*, That if, within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 973.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by a handler during each delivery period, shall be classified by the market administrator pursuant to the provisions of §§ 973.41 to 973.45.

§ 973.41 *Classes of utilization.* Subject to the conditions set forth in §§ 973.42 and 973.43, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (except flavored milk and flavored milk drinks in hermetically sealed containers), cream (sweet or sour including a mixture of cream and milk or skim milk containing less butterfat than the legal standard for cream), eggnog, aerated cream, ready whipped cream, and mixes for toppings and uses similar to those of whipped cream, and all skim milk and butterfat not specifically accounted for pursuant to paragraph (b) of this section.

(b) Class II milk shall be all skim milk disposed of as animal feed and all skim milk and butterfat used to produce a milk product other than those specified in paragraph (a) of this section.

§ 973.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat purchased or received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise.

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 973.43 *Transfers.* Skim milk or butterfat disposed of by a handler by transfer shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream to another handler (other than a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer occurred, but in no event shall the amount classified in either class exceed the total use in such class by the transferee handler: *Provided*, That, if either or both handlers have received skim milk or butterfat from a nonpool plant, the skim milk or butterfat transferred from a pool plant shall be classified at both plants so as to return the highest class utilization to milk of producers.

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred in the form of milk, skim milk, or cream to a nonpool plant located less than 100 miles from the marketing area unless (1) the handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and the person who received such milk, on or before the 8th day after the end of the delivery period within which such transfer occurred, (2) the nonpool plant maintains records showing the receipt and utilization of all skim milk and butterfat at such plant which are made available to the market administrator for the purpose of verification, and (3) such nonpool plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if verification of such records discloses that an equivalent amount of skim milk and butterfat had not been used in such indicated utilization, the remaining pounds shall be classified in the remaining class.

(d) As Class I milk if transferred in the form of milk or skim milk and as Class II milk if transferred in the form of cream to a nonpool plant located more than 100 miles from the marketing area.

§ 973.44 *Computation of milk in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler.

§ 973.45 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner: (1) Subtract from the pounds of skim milk in Class II the pounds of skim milk received from nonpool plants: *Provided*, That if the receipts from nonpool plants are greater than the pounds of skim milk remaining in Class II an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I; (2) subtract from the remaining pounds of skim milk in each class, respectively, the pounds of skim milk received from other pool plants in accordance with its classification as determined pursuant to § 973.43 (a); (3) if the total pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from Class II: *Provided*, That if the remaining pounds of skim milk in Class II are less than the amount to be subtracted, an amount equal to the difference shall be subtracted from Class I.

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine, respectively, the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 973.50 *Class prices.* Each handler shall, subject to the provisions of §§ 973.52 and 973.53, pay at the time and in the manner set forth in § 973.80 not less than the prices set forth in this paragraph per hundredweight of milk received during each delivery period at such handler's plant.

(a) *For Class I milk.* The price shall be the basic price determined pursuant to § 973.51 plus 50 cents during the delivery periods of January to June, inclusive; plus 70 cents during the delivery periods of July and December; plus 85 cents during the delivery periods of August to November, inclusive.

(b) *For Class II milk.* The price shall be that determined by the market administrator as follows: (1) Multiply by 4.24 the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period in which such milk was received; (2) multiply by 8.2 the average price of spray process nonfat dry milk solids for human consumption, in carlots f. o. b. manufacturing plants as reported for the Chicago area by the Department of Agriculture for the delivery period during which the milk was received; (3) add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph and (4) subtract 65 cents therefrom.

§ 973.51 *Basic prices.* The basic price to be used in determining the price per hundredweight of Class I milk shall be the price for Class II milk computed pursuant to § 973.50 (b) or that derived from either of the formulas set forth in paragraphs (a) and (b) of this section, whichever is the highest.

(a) The average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture;

Companies and Locations
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) (1) Multiply the average wholesale price per pound of 93-score butter at New York for said delivery period as reported by the Department of Agriculture by six (6); (2) add 2.4 times the weekly prevailing price of "Cheddars" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture; (3) divide the re-

sulting sum by seven (7); (4) add 30 percent thereof; and (5) multiply the resulting sum by 3.5.

§ 973.52 *Location differential to handlers.* With respect to milk purchased or received at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul and which is classified as Class I milk, the price per hundredweight computed pursuant to § 973.50 (a) shall be reduced one cent for each full mile that such plant is more than 15 miles distant from such viaduct. Such deduction shall be based on the shortest highway distance from such pool plant as determined by the market administrator.

For purposes of this section the milk which is classified as Class I milk during each delivery period shall be considered to have been first that which was received from producers at such handler's pool plants located within the marketing area, and then that milk which was received from producers at such handler's other pool plants located nearest to the marketing area.

§ 973.53 *Butterfat differentials to handlers.* (a) If the average butterfat content of the milk disposed of by any handler as Class I milk is more or less than 3.5 percent, there shall be added to the Class I price per hundredweight computed pursuant to § 973.50 (a) for each one-tenth of 1 percent that the average butterfat content of such Class I milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class I milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 25 percent and divide the sum obtained by 10.

(b) If the average butterfat content of the milk disposed of by any handler as Class II milk is more or less than 3.5 percent, there shall be added to the Class II price per hundredweight computed pursuant to § 973.50 (b) for each one-tenth of 1 percent that the average butterfat content of such Class II milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class II milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 21.14 percent and divide the sum obtained by 10.

§ 973.54 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or for any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk or product associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *And provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 973.60 *Application to producer-handlers.* Sections 973.40 to 973.46, 973.50 to 973.54, 973.70 to 973.78, 973.80 to 973.84, and 973.90 to 973.92 shall not apply to the handling of milk by producer-handlers.

§ 973.61 *Producer-handlers.* Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 973.10, as of the effective date of this part, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing milk that affect their qualifications as producer-handlers; such verification by the market administrator shall be made within 15 days of the receipt of the evidence and shall be retroactive to the effective date of this part in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

§ 973.62 *Sales of milk by a producer-handler.* A producer-handler who sells or disposes of skim milk or butterfat in bulk in the form of whole milk to another handler or producer-handler shall be considered a producer with respect to such skim milk or butterfat.

§ 973.63 *Handlers who receive milk from two groups of producers.* In the case of a handler who is required by any health authority in the marketing area to separate his producers into two groups and to receive and handle separately the milk received from each group, the market administrator shall compute a uniform price for each group of producers in the manner provided in § 973.71, if the handler files separate reports for each group, and the milk is handled in such a manner and the records of the handler are so kept that the market administrator can verify the utilization of the milk received from each group.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 973.70 *Computation of the value of milk received from producers.* The value of the milk received directly from producers' farms during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class price and adding together the resulting amounts: *Provided,* That if any skim milk has been subtracted pursuant to § 973.45 (a) (3), or if any butterfat has been similarly subtracted, there shall be added to the above value an amount computed by multiplying the pounds of skim milk and butterfat so subtracted by the applicable class prices.

§ 973.71 *Computation of the uniform price for each handler.* The market administrator shall compute the uniform price per hundredweight for milk purchased or received directly from producers' farms during the delivery period by each handler as follows:

(a) To the value computed pursuant to § 973.70 add an amount equal to the total value of the location differentials computed pursuant to § 973.82.

(b) From the sum obtained in paragraph (a) of this section subtract, if the average butterfat content of all milk received by such handler directly from producers' farms is more than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 973.81 and multiply the result by the total hundredweight of milk received directly from producers' farms.

(c) Adjust the resulting sum by an amount representing the fraction used in adjusting the uniform price for the previous delivery period to the nearest cent.

(d) Divide the result by the total hundredweight of milk received directly from producers' farms.

(e) Adjust the resulting figure to the nearest cent. This shall be known as the uniform price per hundredweight for each handler for milk of 3.5 percent butterfat content delivered to the marketing area.

§ 973.72 *Announcement of class prices.* On or before the 6th day after the end of the delivery period the market administrator shall mail to all handlers and make public announcement of the class prices computed pursuant to § 973.50 and the butterfat differentials computed pursuant to § 973.53 and § 973.81.

§ 973.73 *Announcement of uniform prices.* On or before the 15th day after the end of each delivery period the market administrator shall notify each handler and make public announcement of the uniform prices computed pursuant to § 973.71.

PAYMENTS FOR MILK

§ 973.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 20th day after the end of the delivery period in which the milk was received, to each producer for milk not caused to be delivered directly from such producers' farms to such handler by a cooperative association, at not less than the uniform price computed pursuant to § 973.71, subject to the differentials set forth in §§ 973.81 and 973.82.

(b) On or before the 15th day after the end of the delivery period in which the milk was received, to a cooperative association for milk which it caused to be delivered directly from producers' farms to such handler and for which such cooperative association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to paragraph (a) of this section, and less the amount of the payment made pursuant to paragraph (d) of this section.

(c) On or before the 10th day after the end of the delivery period in which the skim milk or butterfat was received, to a cooperative association for skim milk or butterfat purchased or received from such cooperative association at not less than the class prices computed pursuant to § 973.50, subject to the differentials set forth in §§ 973.52 and 973.53, and less the amount of the payment made pursuant to paragraph (d) of this section.

(d) On or before the 20th day of the delivery period in which such skim milk and butterfat was received, to a cooperative association, if it so requests, for skim milk and butterfat which was purchased or received from such cooperative association and for skim milk and butterfat which such cooperative association caused to be delivered directly from producers' farms to the plant of such handler during the first 15 days of such delivery period at the approximate value of such skim milk or butterfat.

§ 973.81 *Butterfat differential to producers.* If, during the delivery period, any handler has purchased or received from any producer, milk having an average butterfat content other than 3.5 percent, such handler in making the payment prescribed in § 973.80 (a) and (b) shall add to the uniform price per hundredweight payable to such producer for each one-tenth of 1 percent that the butterfat content in milk is above 3.5 percent not less than, or shall deduct from the uniform price per hundredweight for each one-tenth of 1 percent that the butterfat content in milk is below 3.5 percent not more than an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period, add 20 percent and divide the resulting sum by ten (10).

§ 973.82 *Location differential to producers.* In making payment pursuant to § 973.80 (a) and (b) for milk received from producers at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, each handler shall deduct from the uniform price payable to such producers an amount equal to one cent per hundredweight for each full mile that the plant where such milk was received is more than 15 miles distant from such viaduct.

§ 973.83 *Correction of errors in payments to producers.* Errors in making any of the payments prescribed in § 973.80 shall be corrected not later than the date for making payments next following the determination of such errors. Any correction affecting all producers delivering to any handler during the period in which such error occurred shall be corrected in such manner as the market administrator shall determine to be equitable, either by (a) adjustment of the account of each individual producer who delivered during such period on the basis of a recomputation of the price of such handler, or (b) by addition or subtraction of the amount of such correction to or from the value of all milk received by such handler in the delivery period during which such error was determined, computed as set forth in § 973.70.

§ 973.84 *Statement to producers.* In making the payments required by this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(a) The delivery period and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of the milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 973.80 and 973.83;

(d) The rate which is used in making the payment if such rate is other than the applicable minimum;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 973.91, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MISCELLANEOUS

§ 973.90 *Expense of administration.* As his prorata share of the expense of administration of this part each handler, with respect to all milk purchased or received directly from producers' farms (including such handler's own production) and which is disposed of as Class I milk during the delivery period, shall pay to the market administrator, on or before the 18th day after the end of such delivery period, 2 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe.

§ 973.91 *Marketing services.*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section each handler in making payments to producers (other than himself) pursuant to § 973.80 shall make a deduction of 2 cents per hundredweight or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk purchased or received directly from producers' farms during the delivery period and shall pay such deductions to the market administrator on or before the 18th day after the end of such delivery period. Such money shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk purchased or received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

§ 973.92 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information: (1) The amount of the obligation; (2) the month(s) during which the milk, with respect to which the obligation exists, was received or handled; and (3) if the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market adminstrator) was made by the handler if a refund on such payment is

claimed, unless such handler, within the applicable period of time, files, pursuant to section 9c (15) (A) of the act, a petition claiming such money.

§ 973.93 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

EFFECTIVE TIME, SUSPENSION, AND TERMINATION

§ 973.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 973.101.

§ 973.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 973.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate shall:

(a) Continue in such capacity until discharged by the Secretary;

(b) From time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(c) If so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 973.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Issued at Washington, D. C., this 10th day of August 1950 to be effective on and after the 16th day of August 1950.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-7112; Filed, Aug. 14, 1950; 8:51 a. m.]

PART 998—IRISH POTATOES GROWN IN NEW JERSEY

EXEMPTION CERTIFICATES AND SAFEGUARDS

A notice of proposed rule-making regarding rules and regulations for the issuance of exemption certificates and the establishment of safeguards, to be made effective under Marketing Agreement No. 116 and Order No. 98 (15 F. R. 1925, 2036) regulating the handling of Irish potatoes grown in New Jersey, was published in the FEDERAL REGISTER (15 F. R. 4521). This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the New Jersey Potato Marketing Committee, established pursuant to said market agreement and order, the following rules and regulations are hereby approved.

It is hereby found that it is impracticable and contrary to the public interest to give 30-day notice of the effective date of this subpart in that (a) shipments of potatoes from the production area are now being made and have been taking place since the beginning of harvest for the 1950 crop year; (b) more orderly marketing in the public interest than would otherwise prevail will be promoted by effectuating the rules and regulations hereinafter set forth on and after the effective date of this subpart; (c) compliance with the rules and regulations will require no preparation on the part of producers and handlers which cannot be completed by the effective date of this subpart; (d) notice has been given of the proposed rules and regulations by publication thereof as required by law (15 F. R. 4521); and (e) the rules and regulations should be approved upon publication of this subpart in order to effectuate the declared policy of the act.

Sec.
998.101 Definitions.
998.102 Area determinations.
998.103 Exemption certificates.
998.104 Safeguards for special purpose shipments.

AUTHORITY: §§ 998.101 to 998.104 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

§ 998.101 *Definitions.* For the purpose of §§ 998.101 to 998.104, inclusive, "agreement" means Marketing Agreement No. 116 and "order" means Order No. 98 (15 F. R. 1925, 2036), regulating the handling of Irish potatoes grown in New Jersey, and the terms used in such sections shall have the same meanings as set forth in said agreement and order.

§ 998.102 *Area determinations.* The committee determines, pursuant to § 998.68, that:

(a) "Immediate production area" means each one of the districts established pursuant to § 998.11; and

(b) "Immediate shipping area" means each one of the districts established pursuant to § 998.11.

§ 998.103 *Exemption certificates*—(a) *Application.* Any producer or handler applying for exemption from regulations issued pursuant to § 998.51, shall file such application with the committee, or its duly designated agent, for such purpose on forms to be furnished by the committee.

Each application shall state (i) the name and address of the applicant for exemption, (ii) the grade, size, and quality regulations from which exemption is requested, and (iii) facts demonstrating that the potatoes, for which exemption is requested, were adversely affected by acts beyond the applicant's reasonable expectation and control. In addition, applications shall set forth such additional information as the committee may find necessary in making determinations with respect thereto, including, without limitation thereto, the information required on producer applications by subparagraphs (1), (2), and (3) of this paragraph, and the information required on handler applications by subparagraphs (4) and (5) of this paragraph:

(1) The location of the farm or farms on which potatoes, for which exemption is requested, were produced, the location where such potatoes are to be processed, and the loading point from which such potatoes are to be shipped if the exemption is granted;

(2) The applicant's acreage of potatoes, by varieties, for the production season in which the application is filed, the total hundredweight of such potatoes harvested on the date of the application, and the total hundredweight of such harvested potatoes which have been disposed of;

(3) The acreage of potatoes which the applicant will harvest subsequent to the date of such application, the estimate total yield therefrom, the estimated percentage thereof which can be handled under regulations in effect at the time of such harvest, and the reasons why the remainder of such unharvested potatoes cannot be handled under such regulations;

(4) The quantity (by grade, size, and variety) of potatoes acquired by the applicant and stored during and immediately following the digging season, together with a statement as to the reasons why the specified quantity of such potatoes remaining in storage cannot be handled under regulations in effect on and subsequent to the date of the application;

(5) The quantity (by grade, size, and variety) of potatoes acquired by the applicant and stored during and immediately following the digging season, which were handled prior to the date of the application.

(b) *Issuance.* (1) The committee shall give prompt consideration to all statements and facts relating to each application for exemption and, pursuant to the applicable terms of the marketing agreement and order, a determination shall be made as to whether or not the application is approved. The determination, if approving the application, shall be evidenced by the issuance of a certificate of exemption pursuant to § 998.68: *Provided*, That subcertificates of exemption may be issued, at the request of an applicant, where the total quantity of potatoes authorized to be handled under exemption will be handled in more than one shipment. If the applicant's request for exemption is denied, he shall be so notified in writing.

(2) Each exemption certificate issued pursuant to this subpart shall be on a form duly approved by the committee and signed by an authorized representative of the committee. Each exemption certificate shall be issued in triplicate, with the original and one copy delivered to the person receiving the exemption, and one copy retained for the committee's records. Each such certificate shall contain the name and address of the recipient; the location and quantity of all potatoes authorized to be shipped under the exemption certificate; and the exceptions from the grade and size regulations which will be permitted in the exempted shipments.

(c) *Transfer of certificates.* Certificates or subcertificates of exemption shall be transferred with each lot of potatoes handled. The transferor of such certificates shall notify the committee within seven days following such transfer, stating the name and address of the person to whom the potatoes were sold or delivered, the quantity sold or delivered, date of the transaction, and such other information as may be requested by the committee.

(d) *Appeals.* If any applicant is dissatisfied with the determination of the committee regarding an application for an exemption certificate, or any duly issued exemption certificate, an appeal by such applicant may be taken to the committee pursuant to § 998.69.

§ 998.104 *Safeguards for special purpose shipments*—(a) *Application for Certificates of Privilege.* (1) Pursuant to the provisions of § 998.55 and when shipments of potatoes for the following purposes are subject to regulation pursuant to § 998.52, all handlers desiring to make shipments of potatoes for seed, for export, for manufacture or conversion into specified products, or for livestock feed, shall first apply to the committee for and obtain a Certificate or Certificates of Privilege permitting the proposed shipments.

(2) Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application shall contain the name and address of the handler, the quantity of potatoes to be shipped, the grades and sizes of potatoes to be shipped, name of consignee, destination, proof of contract, and such other information as the committee may require in safeguarding against the entry of such potatoes into trade channels other than those for which the Certificate or Certificates of Privilege were granted.

(b) *Shipments of seed potatoes.* Each handler of seed potatoes, when the handling of seed potatoes is subject to regulation pursuant to § 998.52, shall handle such potatoes only after procuring a Certificate of Privilege and supplying an official seed potato certification application to such seed potatoes, to the committee; such certification shall contain the name and address of the handler, car or truck number, quantity handled, variety, and destination.

(c) *Commercial shipments other than seed potatoes.* Each handler shipping potatoes for any purpose set forth in paragraph (a) of this section (other than seed) shall supply the committee with a report thereon showing the name and address of the shipper, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulation at time of such shipment), loading point, destination, and consignee.

(d) The committee may rescind a Certificate or Certificates of Privilege issued to a handler pursuant to this subpart, or deny a Certificate or Certificates of Privilege to a handler, upon proof satisfactory to the committee that such handler has handled potatoes contrary to the provisions of this section. Such committee action denying a Certificate or Certificates of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

Done at Washington, D. C., this 10th day of August 1950, to be effective upon the publication hereof in the FEDERAL REGISTER.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-7114; Filed, Aug. 14, 1950; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PENICILLIN TABLETS WITH SULFONAMIDES

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. and Sup., 357), the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp., as amended, 15 F. R. 1073, 4976) are amended as indicated below:

1. In § 146.27 *Penicillin tablets,* paragraph (a) *Standards of identity, etc.,* first sentence, is amended to read as follows: "Penicillin tablets are tablets composed of sodium penicillin, calcium penicillin, potassium penicillin, or procaine penicillin, with or without two or more suitable sulfonamides and with or without the addition of one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings."

2. In § 146.27, subparagraph (1) of paragraph (c) *Labeling* is amended by renumbering subdivisions (iii) and (iv) as (iv) and (v), respectively, and by inserting the following new subdivision (iii) between subdivision (ii) and renumbered subdivision (iv):

(iii) If the batch contains sulfonamides, the name and quantity of each such sulfonamide used in making the batch;

3. In § 146.27, paragraph (c) is amended by renumbering subparagraph (3) as (4) and by inserting the following new subparagraph (3) between subparagraph (2) and renumbered subparagraph (4):

(3) On the label and labeling, if sulfonamides are present, after the name "Penicillin tablets," wherever it appears, the words "with sulfonamides," in juxtaposition with such name.

4. In § 146.27, subparagraph (3) (iii) of paragraph (d) *Request for certification; samples,* is amended to read as follows:

(iii) In case of an initial request, each other substance used in making the batch; one package of each, containing approximately 5 gm., and if the batch or any part thereof is to be packaged in combination with an aqueous vehicle, or when any change is made in the composition of such vehicle, five packages of the vehicle included in the combination.

This order, which provides for the certification of penicillin tablets that contain two or more sulfonamides, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will be benefited by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay the effective date of the aforesaid amendments.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup., 357)

Dated: August 8, 1950.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-7003; Filed, Aug. 14, 1950; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regulations 4]

PART 183—PRODUCTION OF DISTILLED SPIRITS

Preamble. 1. These regulations shall, on and after September 1, 1950, supersede Regulations 4, 1940 Edition (26 CFR Part 183; 5 F. R. 827), and Treasury Decisions 5007 (5 F. R. 3740), 5077 (6 F. R. 5088), 5085 (6 F. R. 5214), 5144 (7 F. R. 3299), 5315 (9 F. R. 251), 5529 (11 F. R. 8713), 5601 (13 F. R. 591), 5622 (13 F. R. 3603), 5634 (13 F. R. 3730), 5663 (13 F. R. 6317), 5712 (14 F. R. 3782), 5715 (14 F. R. 4900), 5727 (14 F. R. 4920), 5743 (14 F. R. 5647), 5747 (14 F. R. 5761), 5752 (14 F. R. 6400), 5774 (15 F. R. 864), 5784 (15 F. R. 2409), and 5789 (15 F. R. 3185).

2. These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability or forfeiture incurred prior to such date.

LAWS OF MORE COMMON APPLICATION PERTAINING TO THE PRODUCTION OF DISTILLED SPIRITS

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5 U. S. C. 22 Departmental regulations.
26 U. S. C. 1650 War tax rates of certain miscellaneous taxes.
26 U. S. C. 2800 Tax.
26 U. S. C. 2802 Stamps for distilled spirits.
26 U. S. C. 2806 Penalties and forfeitures.
26 U. S. C. 2808 Instruments to prevent and detect fraud.
26 U. S. C. 2809 Definitions.
26 U. S. C. 2810 Registry of stills.
26 U. S. C. 2812 Notice of business of distiller or rectifier.
26 U. S. C. 2814 Distiller's bond.
26 U. S. C. 2815 Conditions of approval of distiller's bond.
26 U. S. C. 2816 Plan of distillery.
26 U. S. C. 2817 Survey of distillery.
26 U. S. C. 2818 Notice of manufacture of and permit to set up still.
26 U. S. C. 2819 Premises prohibited for distilling.
26 U. S. C. 2820 Receiving cisterns in distilleries.
26 U. S. C. 2821 Penalty for breaking locks or gaining access to cistern room or building.
26 U. S. C. 2822 Requirements as to furnaces, tubs, doublers, worm tanks, and fixed pipes.
26 U. S. C. 2823 Changes in apparatus and fastenings.
26 U. S. C. 2826 Keeping distillery accessible.
26 U. S. C. 2827 Entry and examination of distillery.
26 U. S. C. 2828 Distillers and rectifiers to furnish facilities and give assistance for examination of premises.
26 U. S. C. 2829 Installation of meters, tanks, and other apparatus.
26 U. S. C. 2830 Officer's authority to break up grounds or walls.
26 U. S. C. 2831 Signs of distillers, rectifiers, and wholesale liquor dealers.
26 U. S. C. 2832 Conditions precedent to carrying on business of distilling.
26 U. S. C. 2833 Distilling without giving bond.
26 U. S. C. 2834 Mash, wort, and vinegar; vinegar factories.
26 U. S. C. 2835 Vinegar factories operated prior to March 1, 1879.
26 U. S. C. 2836 Prohibited hours for distilling.
26 U. S. C. 2838 Penalty for using material or removing spirits in absence of storekeeper-gauger.
26 U. S. C. 2839 Drawing off water and cleansing worm tubs.
26 U. S. C. 2841 Distiller's books.
26 U. S. C. 2842 Penalty for using false weights and measures.
26 U. S. C. 2843 Penalty for using unregistered materials.
26 U. S. C. 2844 Monthly production return of distiller.
26 U. S. C. 2846 Assessment for deficiencies in production and excess of material used.
26 U. S. C. 2850 Suspension and resumption of distilling.
26 U. S. C. 2851 Reduction of producing capacity of distillery.
26 U. S. C. 2857 Books of rectifiers and wholesale dealers.
26 U. S. C. 2859 Books of distillers as wholesale dealers.
26 U. S. C. 2866 Effacement of stamps and brands on emptied packages.
26 U. S. C. 2870 Prohibited hours for removal of spirits.
26 U. S. C. 2877 Storekeeper-gauger's records.
26 U. S. C. 2878 Drawing, gauging, and marking of distilled spirits.
26 U. S. C. 2879 Deposits of spirits in warehouses.
26 U. S. C. 2883 Transfer of spirits at registered distilleries.
26 U. S. C. 2885 Exportation of spirits withdrawn from warehouses.
26 U. S. C. 2888 Transfer of spirits into tank cars for export.
26 U. S. C. 2916 Removal for denaturation or destruction of distillates containing aldehydes or fusel oil.
26 U. S. C. 3170 Transfer and delegation of powers.
26 U. S. C. 3171 Records, statements, and returns.
26 U. S. C. 3173 Penalties and forfeitures.
26 U. S. C. 3175 Other laws applicable.
26 U. S. C. 3176 Rules and regulations.
26 U. S. C. 3180 Distilleries erected prior to July 20, 1868.
26 U. S. C. 3250 Tax.
26 U. S. C. 3254 Definitions.
26 U. S. C. 3270 Registration.
26 U. S. C. 3271 Payment of tax.
26 U. S. C. 3272 Returns.
26 U. S. C. 3300 Establishment and alteration.
26 U. S. C. 3301 Attachment and cancellation.
26 U. S. C. 3656 Payment by check and money orders.
26 U. S. C. 3791 Rules and regulations.
26 U. S. C. 3809 Verification of returns; penalties of perjury.
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AUTHORITY: §§ 183.1 to 183.762 issued under 53 Stat. 375; 26 U. S. C. 3176. Statutory provisions interpreted or applied are cited to the text in parentheses.

LAWS OF MORE COMMON APPLICATION PERTAINING TO THE PRODUCTION OF DISTILLED SPIRITS (OTHER THAN ALCOHOL) AND THE REMOVAL THEREOF FROM THE DISTILLERY [1]

5 U. S. C. 22 DEPARTMENTAL REGULATIONS. The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

26 U. S. C. 1650 WAR TAX RATES OF CERTAIN MISCELLANEOUS TAXES. In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following table, the rates applicable with respect to the period beginning with the effective date of Title III of the Revenue Act of 1943 shall be the rates set forth under the heading "War Tax Rate":

Section	Description of tax	Old rate	War tax rate
•	• •	•	• •
2800(a) (1).	Distilled spirits.	$6 per gallon.	$9 per gallon.
•	• •	•	• •

26 U. S. C. 2800 TAX—(a) *Rate.*—(1) *Distilled spirits generally.* There shall be levied and collected on all distilled spirits in bond or produced in or imported into the United States an internal revenue tax at the rate of $6.00 on each proof gallon or wine gallon when below proof and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid by the distiller or importer when withdrawn from bond.

(A) *Payment of tax as to domestic spirits.* The tax on distilled spirits produced in the United States, to be paid upon withdrawal from bond, and the tax on rectified spirits produced in the United States, shall be paid by stamp, under such rules and regulations, permits, bonds, records, and returns, and with the use of such tax-stamp machines or other devices and apparatus, including but not limited to storage, gaging, and bottling tanks and pipe lines, as the Commissioner with the approval of the Secretary shall prescribe.

(B) *Penalties.* Whoever manufactures, procures, possesses, uses, or tampers with a tax-stamp machine which[1] may be required under this section with intent to evade the internal-revenue tax imposed upon distilled spirits and rectified spirits, and whoever, with intent to defraud, makes, alters, simulates, or counterfeits any stamp of the character imprinted by such stamp machines, or who procures, possesses, uses, or sells any forged, altered, counterfeited, or simulated tax stamp, or any plate, die, or device intended for use in forging, altering, counterfeiting, or simulating any such stamps, or who otherwise violates the provisions of this section, or the regulations issued pursuant thereto, shall pay a penalty of $5,000 and shall be fined not more than $10,000 or be imprisoned not more than five years, or both, and any machine, device, equipment, or materials used in violation of this section shall be forfeited to the United States and after condemnation shall be destroyed. But this provision shall not exclude any other penalty or forfeiture provided by law.

(2) *Products of distillation containing distilled spirits.* All products of distillation, by whatever name known, which contain distilled spirits or alcohol, on which the tax imposed by law has not been paid, shall be considered and taxed as distilled spirits.

• • • • • •

(c) *Time of attachment.* The tax shall attach to distilled spirits, spirits, alcohol or alcoholic spirit, within the meaning of subsection (b) of section 2809 as soon as this substance is in existence as such, whether it be subsequently separated as pure or impure spirit, or be immediately, or at any subsequent time, transferred into any other substance, either in the process of original production or by any subsequent process.

(d) *Persons liable.* Every proprietor or possessor of, and every person in any manner interested in the use of, any still, distillery, or distilling apparatus, shall be jointly and severally liable for the taxes imposed by law on the distilled spirits produced therefrom.

(e) *Lien*—(1) *Property subject to.* The tax shall be a first lien on the spirits distilled, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the lot or tract of land whereon the said distillery is situated, and on any building thereon from the time said spirits are in existence as such until (except as provided in paragraph (3)), the said tax is paid.

(2) *Exception during term of bonds.* No lien shall attach to any lot or tract of land, distillery, building, or distilling apparatus, under the provisions of this subsection, by reason of distilling done during any period included within the term of any bond taken under the provisions of section 2815 (b) (1) (C).

(3) *Extinguishment.* Any lien under paragraph (1) on any land or any building thereon shall be held to be extinguished, if (1) such land and building are no longer used for distillery purposes, and (2) there is no outstanding liability for taxes or penalties imposed by law on the distilled spirits produced therein, and (3) no litigation is pending in respect of any such tax or penalty.

(4) *Certificate of discharge.* Any person claiming any interest in any such land or building may apply to the collector for a duly acknowledged certificate to the effect that such lien is discharged and, if the Commissioner determines that any such lien is extinguished, the collector shall issue such certificate, and any such certificate may be recorded.

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26 U. S. C. 2802 STAMPS FOR DISTILLED SPIRITS—(a) *Issue for restamping.* The Commissioner may, under regulations prescribed by him with the approval of the Secretary, issue stamps for restamping packages of distilled spirits, which have been duly stamped but from which the stamps have been lost or destroyed by unavoidable accident.

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26 U. S. C. 2808 PENALTIES AND FORFEITURES—(a) *Creation of fictitious proof*—(1) *Penalty.* Every person who adds or causes to be added any ingredient or substance to any distilled spirits before the tax is paid thereon, for the purpose of creating a fictitious proof, shall be fined not less than $100 nor more than $1,000 for each cask or package so adulterated, and imprisoned not less than three months nor more than two years; and

(2) *Forfeiture.* Every such cask or package, with its contents, shall be forfeited to the United States.

(b) *Unlawful affixing, canceling, or issue of stamps by officer*—(1) *Penalty.* Whenever any revenue officer affixes or cancels, or causes or permits to be affixed or canceled, any stamp relating to distilled spirits provided for by law, in any other manner or in any other place, or issues the same to any other person than as provided by law, or by regulation made in pursuance thereof, or knowingly affixes, or permits to be affixed, any such stamp to any cask or package of spirits of which the whole or any part has been distilled, rectified, compounded, removed, or sold, in violation of law, or which has in any manner escaped payment of tax due thereon, he shall, for every such offense, be fined not less than $500 nor more than $3,000, and be imprisoned for not less than six months nor more than three years.

(2) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

(c) *Forfeiture of tax-paid distilled spirits remaining on distillery premises.* No distilled spirits on which the tax has been paid shall be stored or allowed to remain on any distillery premises under the penalty of a forfeiture of all spirits so found.

(d) *Forfeiture of distilled spirits in unstamped casks or packages.* All distilled spirits found in any cask or package containing five gallons or more, without having thereon each mark and stamp required therefor by law, shall be forfeited to the United States.

(e) *Evasion of tax, penalty.*—Whenever any person evades, or attempts to evade, the payment of the tax on any distilled spirits, in any manner whatever, he shall forfeit and pay double the amount of the tax so evaded or attempted to be evaded.

(f) *Tax fraud by distiller.* Whenever any person engaged in carrying on the business of a distiller defrauds or attempts to defraud the United States of the tax on the spirits distilled by him, or of any part thereof, he—

(1) *Forfeiture.* Shall forfeit the distillery and distilling apparatus used by him, and all distilled spirits and all raw materials for the production of distilled spirits found in the distillery and on the distillery premises, and—

(2) *Penalty.* Shall be fined not less than $500 nor more than $5,000, and be imprisoned not less than six months nor more than three years.

No discontinuance or nolle prosequi of any prosecution under this subsection shall be allowed without the permission in writing of the Attorney General.

(g) *Offenses not specifically covered.* If any distiller, rectifier, or wholesale liquor dealer, shall knowingly or wilfully omit, neglect or refuse to do or cause to be done any of the things required by law in the carrying on or conducting of his business, or shall do anything by this title prohibited, if there be no specific penalty or punishment imposed by any other section of this title for the neglecting, omitting or refusing to do, or for the doing or causing to be done the thing required or prohibited, he shall pay a penalty of $1,000; and all distilled spirits or liquors owned by him or in which he has any interest as owner, shall be forfeited to the United States.

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26 U. S. C. 2808 INSTRUMENTS TO PREVENT AND DETECT FRAUD—(a) *Power of the commissioner.* For the prevention and detection of frauds by distillers of spirits, the Commissioner may prescribe for use such hydrometers, saccharometers, weighing and gauging instruments, or other means for ascertaining the quantity, gravity, and producing capacity of any mash, wort, or beer used, or to be used, in the production of distilled spirits, and the strength and quantity of spirits subject to tax, as he may deem necessary; and he may prescribe rules and regulations to secure a uniform and correct system of inspection, weighing, marking, and gauging of spirits.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2809 DEFINITIONS—(a) *Distiller.* Every person who produces distilled spirits, or who brews or makes mash, wort, or wash, fit for distillation or for the production of spirits, or who, by any process of evaporization, separates alcoholic spirit from any fermented substance or who, making or keeping mash, wort, or wash, has also in his possession or use a still, shall be regarded as a distiller.

(b) *Distilled spirits*—(1) *General definition.* Distilled spirits, spirits, alcohol, and alcoholic spirits within the true intent and meaning of this chapter, is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance.

• • • • • •

(c) *Proof spirits.* Proof spirits shall be held to be that alcoholic liquor which contains one-half its volume of alcohol of a specific gravity of seven thousand nine hundred and thirty-nine ten-thousandths (0.7939) at sixty degrees Fahrenheit.

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26 U. S. C. 2810 REGISTRY OF STILLS—(a) *Requirement.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up, shall register the same with the collector of the district in which it is, by subscribing and filing with him duplicate statements, in writing, setting forth the particular place where such still or distilling apparatus is set up, the kind of still and its cubic contents, the owner thereof, his place of residence, and the purpose for which said still or distilling apparatus has been or is intended to be used; one of which statements shall be retained and preserved by the collector, and the other transmitted by him to the Commissioner. Stills and distilling apparatus shall be registered immediately upon their being set up.

Every still or distilling apparatus not so registered, together with all personal property in the possession or custody, or under the control of such person, and found in the building, or in any yard or inclosure connected with the building in which the same may be set up, shall be forfeited.

And every person having in his possession or custody, or under his control, any still or distilling apparatus set up which is not so registered, shall pay a penalty of $500, and shall be fined not less than $100, nor more than $1,000, and imprisoned for not less than one month, nor more than two years.

Stills and distilling apparatus set up at refineries for the refining of crude petroleum or the production of petroleum products and not used in the manufacture of distilled spirits are not required to be registered under this section.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2812 NOTICE OF BUSINESS OF DISTILLER OR RECTIFIER—(a) *Requirements.* Every person engaged in, or intending to be engaged in, the business of a distiller or rectifier, shall give notice in writing, subscribed by him, to the collector of the district wherein such business is to be carried on, stating his name and residence, and if a company or firm, the name and residence of each member thereof, the name and residence of every person interested or to be interested in the business, the precise place where said business is to be carried on, and whether of distilling or rectifying; and if such business is carried on in a city, the residence and place of business shall be indicated by the name of the street and number of the building. In case of a distiller, the notice shall also state the kind of stills and the cubic contents thereof, the number and kind of boilers, the number of mash tubs and fermenting tubs, the cubic contents of each tub, the number of receiving cisterns, the cubic contents of each cistern, • • • the estimated quantity of distilled spirits which the apparatus is capable of distilling every twenty-four hours, a particular description of the lot or tract of land on which the distillery is situated, and of the buildings thereon, including their size, material, and construction; and that said distillery premises are not within six hundred feet (or the distance permitted by the Secretary pursuant to law), in a direct line, of any premises authorized to be used for rectifying or refining distilled spirits by any process.

• • • • • •

In case of any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of such distillery or rectifying establishment, • • • notice thereof, in writing, shall be given to the said collector or proper deputy collector, of the district within twenty-four hours after such change; and any deputy collector receiving such notice shall immediately transmit the same to the collector of the district. Every notice required by this section shall be in such form, and shall contain such additional particulars, as the Commissioner may, from time to time, prescribe.

Every person who fails or refuses to give such notice shall pay a penalty of $1,000, and shall be fined not less than $100 nor more than $2,000; and every person who gives a false or fraudulent notice shall, in addition to such penalty or fine, be imprisoned not less than six months nor more than two years.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2814 DISTILLER'S BOND—(a) *Form and approval*—(1) *In general.* Every person intending to commence or to continue the business of a distiller shall, on filing with the collector his notice of such intention, and before proceeding with such business, and on the 1st day of May of each succeeding year, execute a bond in the form prescribed by the Commissioner, conditioned that he shall faithfully comply with all the provisions of law relating to the duties and business of distillers, and shall pay all penalties incurred or fines imposed on him for a violation of any of the said provisions; and that he shall not suffer the lot or tract of land on which the distillery stands, or any part thereof, or any of the distilling apparatus, to be incumbered by mortgage, judgment, or other lien, during the time in which he shall carry on said business. Said bond shall be with at least two sureties, approved by the collector of the district, and for a penal sum not less than the amount of tax on the spirits that can be distilled in his distillery during a period of fifteen days. But in no case shall the bond exceed the sum of $100,000.

The collector may refuse to approve said bond when, in his judgment, the situation of the distillery is such as would enable the distiller to defraud the United States; and in case of such refusal the distiller may appeal to the Commissioner, whose decision in the matter shall be final. A new bond shall be required in case of the death, insolvency, or removal of either of the sureties, and may be required in any other contingency at the discretion of the collector or Commissioner.

Every person who fails or refuses to give the bond hereinbefore required, or to renew the same, or who gives any false, forged, or fraudulent bond, shall forfeit the distillery, distilling apparatus, and all real estate and premises connected therewith, and shall be fined not less than $500 nor more than $5,000, and imprisoned not less than six months nor more than two years.

(2) *When exempt from survey requirements.* Whenever, under authority of law, the Secretary shall relieve a distiller from the survey requirements of section 2817, he may likewise by regulation fix the penal sum of the distiller's bond, but in no case shall the amount of the minimum bond be less than $5,000 nor the amount of the maximum bond greater than $100,000.

(b) *Cross references.* • • •

(2) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2815 CONDITIONS OF APPROVAL OF DISTILLER'S BOND—(a) *General.* No collector shall approve the bond of any distiller until all the requirements of the law and all regulations made by the Commissioner in relation to distilleries, in pursuance thereof, have been complied with.

Every collector who violates this provision shall forfeit and pay $2,000, and be dismissed from office.

(b) *Ownership of land or consent of owner*—(1) *Requirements.* No bond of a distiller shall be approved unless—

(A) The distiller is the owner in fee, unencumbered by any mortgage, judgment, or other lien, of the lot or tract of land on which the distillery is situated; or

(B) The distiller files with the officer designated for the purpose by the Commissioner, in connection with his notice, the written consent of the owner of the fee, and of any mortgagee, judgment-creditor, or other person having a lien thereon, duly acknowledged, that the premises may be used for the purpose of distilling spirits, subject to the provisions of law, and expressly stipulating that the lien of the United States for taxes and penalties shall have priority of such mortgage, judgment, or other encumbrance, and that in the case of the forfeiture of the distillery premises, or any part thereof, the title to the same shall vest in the United States, discharged from such mortgage, judgment, or other encumbrance; or, if consent as required under this paragraph cannot be obtained,

(C) The distiller, with the approval of the Commissioner, files with the officer designated by the Commissioner a bond, approved by the Commissioner, in the penal sum equal to the appraised value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus. Such value shall be determined, and such bond shall be executed, in such form and with such sureties, and filed with the officer designated by the Commissioner, under such regulations as the Secretary shall prescribe.

(D) In case of any distillery sold at judicial or other sale in favor of the United States, a bond may be taken at the discretion of the Commissioner, in lieu of the written consent required by this section, and the person giving such bond may be allowed to operate such distillery during the existence of the right of redemption from such sale on complying with all the other provisions of law.

(2) *Cross references*—(A) *Distilleries erected prior to July 20, 1868.* For distilleries erected prior to July 20, 1868, see section 3180.

(B) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

(c) *Approval as condition to commencing business.* No individual, firm, partnership, corporation, or association, intending to commence or to continue the business of a dis-

[1] The sections of the United States Code are numbered identically with corresponding sections of the Internal Revenue Code.

tiller, rectifier, brewer, or winemaker, shall commence or continue the business of a distiller, rectifier, brewer, or winemaker until all bonds in respect of such a business, required by any provision of law, have been approved by the Commissioner or such other officer of the Bureau of Internal Revenue as the Commissioner, with the approval of the Secretary, may designate.

(d) *Disapproval.* The Commissioner or the designated officer may disapprove any such bond or bonds if the individual, firm, partnership, corporation or association giving the same, or owning, controlling, or actively participating in the management of the business of the individual or firm, partnership, corporation, or association giving the same, shall have been previously convicted, in a court of competent jurisdiction, of (1) any fraudulent noncompliance with any provision of any law of the United States if such provision related to internal revenue or customs taxation of distilled spirits, wines, or fermented malt liquors, or if such an offense shall have been compromised with the individual, firm, partnership, corporation, or association upon payment of penalties or otherwise, or (2) any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of distilled spirits, wine, fermented malt liquor, or other intoxicating liquor.

(e) *Appeal from disapproval.* In case the disapproval is by any officer other than the Commissioner, the individual, firm, partnership, corporation, or association giving the bond may appeal from such disapproval to the Commissioner. The disapproval of the Commissioner in any matter under this section shall be final.

(f) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2816 PLAN OF DISTILLERY—(a) *Requirements.* Except as provided in section 2824 (a), every distiller and person intending to engage in the business of a distiller shall, previous to the approval of his bond, cause to be made, under the direction of the collector of the district, an accurate plan and description, in triplicate, of the distillery and distilling apparatus, distinctly showing the location of every still, boiler, doubler, worm tub, and receiving cistern, the course and construction of all fixed pipes used or to be used in the distillery, and of every branch and every cock or joint thereof, and of every valve therein, together with every place, vessel, tub, or utensil from and to which any such pipe leads, or with which it communicates; also the number and location and cubic contents of every still, mash tub, and fermenting tub, the cubic contents of every receiving cistern, and the color of each fixed pipe, as required in this chapter. One copy of said plan and description shall be kept displayed in some conspicuous place in the distillery, and two copies shall be furnished to the collector of the district, one of which shall be kept by him, and the other transmitted to the Commissioner. The accuracy of every such plan and description shall be verified by the collector, the draughtsman, and the distiller; and no alteration shall be made in such distillery without the consent, in writing, of the collector. Any alteration so made shall be shown on the original, or by a supplemental plan and description, and a reference thereto noted on the original, as the collector may direct; and any supplemental plan and description shall be executed and preserved in the same manner as the original.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2817 SURVEY OF DISTILLERY—(a) *Requirements.* • • •

(b) *Waiver of requirements.* The Secretary in the case of any distillery may, under regulations, waive such of the requirements of this section as he determines may be waived without danger to the revenue. Whenever the Secretary, by authority of this subsection, waives any or all of the requirements of this section, he may, by regulation, relieve the distiller from such requirements of sections 2840 (a), 2846 (a), 2847 (a), 2849, 2850 (a), and 2851 (a), and of such other provisions of law relating or incidental to survey requirements, as the Secretary determines may be waived without danger to the revenue.

(c) *Cross references.* • • •

(2) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2818 NOTICE OF MANUFACTURE OF AND PERMIT TO SET UP STILL—(a) *Requirement.* Any person who manufactures any still, boiler, or other vessel to be used for the purpose of distilling, shall, before the same is removed from the place of manufacture, notify in writing the collector of the district in which such still, boiler, or other vessel is to be used or set up, by whom it is to be used, its capacity, and the time when the same is to be removed from the place of manufacture; and no such still, boiler, or other vessel shall be set up without the permit in writing of the said collector for that purpose; and

(b) *Penalty for seting up still without permit.* Any person who sets up any such still, boiler, or other vessel, without first obtaining a permit from the said collector of the district in which such still, boiler, or other vessel is intended to be used, or who fails to give such notice, shall pay in either case the sum of $500, and shall forfeit the distilling apparatus thus removed or set up in violation of law.

(c) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2819 PREMISES PROHIBITED FOR DISTILLING. No person shall use any still, boiler, or other vessel, for the purpose of distilling, in any dwelling house, or in any shed, yard, or inclosure connected with any dwelling house, or on board of any vessel or boat, or in any building, or on any premises where beer, lager beer, ale, porter, or other fermented liquors, vinegar, or ether, are manufactured or produced, or where sugars or sirups are refined, or where liquors of any description are retailed, or where any other business is carried on; or within six hundred feet in a direct line of any premises authorized to be used for rectifying, except that the Secretary is authorized to permit such use for distilling on premises at such lesser distance than six hundred feet as he prescribes, in any case in which he deems that such permission may be granted without danger to the revenue; and every person who does any of the acts prohibited by this section, or aids or assists therein, or causes or procures the same to be done, shall be fined $1,000 and imprisoned for not less than six months nor more than two years, in the discretion of the court, for each such offense: *Provided*, That saleratus may be manufactured, or meal or flour ground from grain, in any building or on any premises where spirits are distilled; but such meal or flour shall be used only for distillation on the premises: *Provided further*, That any boiler used in generating steam or heating water to be used in any distillery, may be located in any other building or on any other premises to be connected with such still or boiling tubs, by suitable pipes or other apparatus, or the steam from such boiler in the distillery may be conveyed to other premises to be used for manufacturing or other purposes.

26 U. S. C. 2820 RECEIVING CISTERNS IN DISTILLERIES—(a) *Requirements.* Except as provided in section 2824, the owner, agent, or superintendent of any distillery established as hereinbefore provided, shall erect, in a room or building to be provided and used for that purpose, and for no other, and to be constructed in the manner to be prescribed by the Commissioner, two or more receiving cisterns, each to be at least of sufficient capacity to hold all the spirits distilled during the day of twenty-four hours, into which shall be conveyed all the spirits produced in said distillery; and each of said cisterns shall be so constructed as to leave an open space of at least three feet between the top thereof and the floor or roof above, and of not less than eighteen inches between the bottom thereof and the floor below, and shall be so situated that the officer can pass around the same, and shall be connected with the outlet of the worm or condenser by suitable pipes or other apparatus, so constructed as always to be exposed to the view of the officer, and so connected and constructed as to prevent the abstraction of spirits while passing from the outlet of the worm or condenser back to the still or doubler, or forward to the receiving cistern. Such cisterns and the room in which they are contained shall be in charge and under the lock and seal of the storekeeper-gauger designated for that duty; and all locks and seals required by law shall be provided by the Commissioner, at the expense of the United States; and the keys shall be in charge of the collector or such storekeeper-gauger as he may designate. On the third day after the spirits are conveyed into such cistern they shall be drawn off into casks, under the supervision of such storekeeper-gauger and be removed directly to the distillery warehouse; but on special application to the collector by the owner, agent, or superintendent of any distillery, the spirits may be drawn off from said cisterns, under the supervision of the storekeeper-gauger, at any time previous to the third day.

Whenever, under authority of law, the Secretary shall relieve a distiller from the survey requirements, he may, by regulation, require the distiller to provide such receiving cisterns, tanks, or such other equipment as the Secretary shall deem proper in order to protect the revenue.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2821 PENALTY FOR BREAKING LOCKS OR GAINING ACCESS TO CISTERN ROOM OR BUILDING. Every person who destroys, breaks, injures, or tampers with any lock or seal which may be placed on any cistern room or building by the duly authorized officers of the revenue, or opens said lock or seal, or the door to said cistern room or building, or in any manner gains access to the contents therein, in the absence of the proper officer, shall be fined not less than $500 nor more than $5,000, and imprisoned not less than one year nor more than three years.

26 U. S. C. 2822 REQUIREMENTS AS TO FURNACES, TUBS, DOUBLERS, WORM TANKS, AND FIXED PIPES—(a) *Requirements.* The door of the furnace of every still or boiler used in any distillery shall be so constructed that it may be securely fastened and locked. The fermenting tubs shall be so placed as to be easily accessible to any revenue officer, and each tub shall have distinctly painted thereon in oil colors its cubic contents in gallons and the number of the tub. There shall be a clear space of not less than one foot around every wood still, and not less than two feet around every doubler and worm tank. The doubler and worm tanks shall be elevated not less than one foot from the floor; and every fixed pipe to be used by the distiller, except for conveyance of water, or of spent mash or beer only, shall be so fixed and placed as to be capable of being examined by the officer for the whole of its length or course, and shall be painted, and kept painted, as follows, that is to say: every pipe for the conveyance of mash or beer shall be painted of a red color; every pipe for the conveyance of low-wines back into the still or doubler shall be painted blue; every pipe for the conveyance of spirits shall be painted black, and every pipe for the conveyance of water shall be painted white. Whenever any fixed pipe is used by any distiller which is not painted or kept painted as herein directed, or which is painted otherwise than as herein directed, he shall forfeit the sum of $1,000.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2823 CHANGES IN APPARATUS AND FASTENINGS—(a) *Power of Commissioner.* The Commissioner is authorized to order and require such changes of or additions to distilling apparatus, connecting pipes, pumps, or cisterns, or any machinery connected with or used in or on the distillery premises, or may require to be put on any of the stills, tubs, cisterns, pipes, or other vessels, such fastenings, locks, or seals as he may deem necessary.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2826 KEEPING DISTILLERY ACCESSIBLE—(a) *Requirements.* No fence or wall of a height greater than five feet shall be erected or maintained around the premises of any distillery, so as to prevent easy and immediate access to such distillery, but the Secretary may authorize the construction and maintenance of a fence or wall of such greater height than five feet as he shall prescribe in any case in which in his opinion such higher fence or wall is necessary to give adequate protection from trespassers. And every distiller shall furnish to the collector of the district as many keys of the gates and doors of the distillery as may be required by the collector, from time to time, for any revenue officer or other person who may be authorized to make survey or inspection of the premises, or of the contents thereof; and said distillery shall be kept always accessible to any officer or other person having any such key. Every person who violates any of the provisions of this subsection by negligence or refusal, or otherwise, shall pay a penalty of $500.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2827 ENTRY AND EXAMINATION OF DISTILLERY—(a) *Power of revenue officers.* It shall be lawful for any revenue officer at all times, as well by night as by day, to enter into any distillery or building or place used for the business of distilling, or used in connection therewith for storage or other purposes, and to examine, gauge, measure, and take an account of every still or other vessel or utensil of any kind, and of all low-wines, and of the quantity and gravity of all mash, wort, or beer, and of all yeast, or other compositions for exciting or producing fermentation in any mash or beer, of all spirits and of all materials for making or distilling spirits, which may be in any such distillery or premises, or in possession of the distiller.

And whenever any internal revenue officer, or any person called by him to his aid, is hindered, obstructed, or prevented by any distiller or by any workman, or other person acting for such distiller, or in his employ, from entering into any such distillery or building or place as aforesaid; or any such officer is by the distiller, or his workman, or any person in his employ, prevented or hindered from, or opposed, or obstructed, or molested in the performance of his duty under the internal revenue laws, in any respect, the distiller shall forfeit the sum of not exceeding $1,000.

And whenever any officer, having demanded admittance into a distillery or distillery premises, and having declared his name and office, is not admitted into such distillery, or premises by the distiller or other person having charge thereof, it shall be lawful for such officer at all times, as well by night as by day, to break open by force any of the doors or windows, or to break through any of the walls of such distillery or premises necessary to be broken open or through, to enable him to enter the said distillery or premises; and the distiller shall forfeit the sum of not exceeding $1,000.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2828 DISTILLERS AND RECTIFIERS TO FURNISH FACILITIES AND GIVE ASSISTANCE FOR EXAMINATION OF PREMISES—(a) *Power of revenue officers.* On the demand of any internal revenue officer or agent, every distiller or rectifier shall furnish strong, safe, and convenient ladders of sufficient length to enable the officer or agent to examine and gauge any vessel or utensil in such distillery or premises; and shall, at all times when required, supply all assistance, lights, ladders, tools, staging, or other things necessary for inspecting the premises, stock, tools, and apparatus belonging to such person, and shall open all doors, and open for examination all boxes, packages, and all casks, barrels, and other vessels not under the control of the revenue officer in charge, under a penalty of $500 for every refusal or neglect so to do.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2829 INSTALLATION OF METERS, TANKS, AND OTHER APPARATUS—(a) *Power of the Commissioner.* The Commissioner, with the approval of the Secretary, is authorized to require at distilleries, breweries, rectifying houses, and wherever else in his judgment such action may be deemed advisable, the installation of meters, tanks, pipes, or any other apparatus for the purpose of protecting the revenue, and such meters, tanks, and pipes and all necessary labor incident thereto shall be at the expense of the person on whose premises the installation is required. Any such person refusing or neglecting to install such apparatus when so required by the Commissioner shall not be permitted to conduct business on such premises.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2830 OFFICER'S AUTHORITY TO BREAK UP GROUNDS OR WALLS—(a) *Power of revenue agent.* It shall be lawful for any revenue officer, and any person acting in his aid, to break up the ground on any part of a distillery, or premises of a distiller or rectifier, or any ground adjoining or near to such distillery or premises, or any wall or partition thereof, or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil; and, upon finding any such pipe or conveyance leading therefrom or thereto, to break up any ground, house, wall, or other place through or into which such pipe or other conveyance leads, and to break or cut away such pipe or other conveyance, and turn any cock, or to examine whether such pipe or other conveyance conveys or conceals any mash, wort, or beer, or other liquor, which may be used for the distillation of low-wines or spirits, from the sight or view of the officer, so as to prevent or hinder him from taking a true account thereof.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2831 SIGNS OF DISTILLERS, RECTIFIERS, AND WHOLESALE LIQUOR DEALERS. Every person engaged in distilling or rectifying spirits, and every wholesale liquor dealer, shall place and keep conspicuously on the outside of the place of such business a sign, exhibiting in plain and legible letters, not less than three inches in length, painted in oil-colors or gilded, and of a proper and proportionate width, the name or firm of the distiller, rectifier, or wholesale dealer, with the words: "Registered distillery," "rectifier of spirits," or "wholesale liquor dealer," as the case may be. Every person who violates the foregoing provision by negligence or refusal, or otherwise, shall pay a penalty of $500.

And every person, other than a rectifier or wholesale liquor dealer who has paid the special tax, or a distiller who has given bond as required by law, who puts up or keeps up the sign required by this section, or any sign indicating that he may lawfully carry on the business of a distiller, rectifier, or wholesale liquor dealer, shall forfeit and pay $1,000, and shall be imprisoned not less than one month nor more than six months. And every person who works in any distillery, rectifying establishment, or wholesale liquor store, on which no sign is placed and kept, as hereinbefore provided; and every person who knowingly receives at, carries or conveys any distilled spirits to or from, any such distillery, rectifying establishment, warehouse, or store, or who knowingly carries and deliveries any grain, molasses, or other raw material to any distillery on which such sign is not placed and kept, shall forfeit all horses, carts, drays, wagons, or other vehicle or animal used in carrying or conveying such property aforesaid, and shall be fined not less than $100 nor more than $1,000, or be imprisoned not less than one month nor more than six months.

26 U. S. C. 2832 CONDITIONS PRECEDENT TO CARRYING ON BUSINESS OF DISTILLING. It shall not be lawful for any distiller to commence the business of distilling, until he has given the bond required by law, and complied with the provisions of law relating to the registration • • • of distilleries, and the arrangement and construction of distilleries and the premises connected therewith; nor shall it be lawful for any person to engage in the business of distilling on any premises distant less than six hundred feet in a direct line from any premises used for rectifying; nor shall the processes of distillation and rectification both be carried on within the distance of six hundred feet in a direct line; except that the Secretary is authorized to permit such business of distilling or process of distillation to be carried on at such lesser distance than six hundred feet as he prescribes, in any case in which he deems that such permission may be granted without danger to the revenue.

26 U. S. C. 2833 DISTILLING WITHOUT GIVING BOND—(a) *Penalty and forfeiture.* Any person who shall carry on the business of a distiller without having given bond as required by law, or who shall engage in or carry on the business of a distiller with intent to defraud the United States of the tax on the spirits distilled by him, or any part thereof, shall, for every such offense, be fined not less than $100 nor more than $5,000 and imprisoned for not less than thirty days nor more than two years. And all distilled spirits or wines, and all stills or other apparatus, fit or intended to be used for the distillation or rectification of spirits, or for the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the distillery or in any building, room, yard, or inclosure connected therewith, and used with or constituting a part of the premises, and all the right, title, and interest of such person in the lot or tract of land on which such distillery is situated, and all right, title, and interest therein of every person who knowingly has suffered or permitted the business of a distiller to be there carried on, or has connived at the same; and all personal property owned by or in possession of any person who has permitted or suffered any building, yard, or inclosure, or any part thereof, to be used for purposes of ingress or egress to or from such distillery, which shall be found in any such building, yard, or inclosure, and all the right, title, and interest of every person in any premises used for ingress or egress to or from such distillery, who has knowingly suffered or permitted such premises to be used for such

ingress or egress, shall be forfeited to the United States.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2834 MASH, WORT, AND VINEGAR; VINEGAR FACTORIES. No mash, wort, or wash, fit for distillation or for the production of spirits or alcohol, shall be made or fermented in any building or on any premises other than a distillery duly authorized according to law; and no mash, wort, or wash so made and fermented shall be sold or removed from any distillery before being distilled; and no person, other than an authorized distiller, shall, by distillation, or by any other process, separate the alcoholic spirits from any fermented mash, wort, or wash; and no person shall use spirits or alcohol in manufacturing vinegar or any other article, or in any process of manufacture whatever, unless the spirits or alcohol so used shall have been produced in an authorized distillery and (except in the case of vinegar) the tax thereon paid. Every person who violates any provision of this section shall be fined for each offense not less than $500 nor more than $5,000, and be imprisoned not less than six months nor more than two years. Nothing in this section shall be construed to apply to fermented liquors, or to fermented liquids used for the manufacture of vinegar exclusively. • • •

Nor shall any vinegar factory, for the manufacture of vinegar as aforesaid, be permitted, except as provided in section 2835, within six hundred feet of any distillery or rectifying house. But it shall be lawful for manufacturers of vinegar to separate, by a vaporizing process, the alcoholic property from the mash produced by them, and condense the same by introducing it into the water or other liquid used in making vinegar.

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26 U. S. C. 2835 VINEGAR FACTORIES OPERATED PRIOR TO MARCH 1, 1879—(a) *Regulations.* Any vinegar factory for the manufacture of vinegar, established and operated as a vinegar factory prior to March 1, 1879, may be operated for the manufacture of vinegar by the use of alcoholic vapor within such distance less than six hundred feet of any distillery or rectifying house under such regulations as the Commissioner may prescribe with the approval of the Secretary.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2836 PROHIBITED HOURS FOR DISTILLING. Except as provided in section 2837, no malt, corn, grain, or other material shall be mashed, nor any mash, wort, or beer brewed or made, nor any still used by a distiller, at any time between the hour of eleven in the afternoon of any Saturday and the hour of one in the forenoon of the next succeeding Monday; and every person who violates the provisions of this section shall be liable to a penalty of $1,000.

26 U. S. C. 2838 PENALTY FOR USING MATERIAL OR REMOVING SPIRITS IN ABSENCE OF STOREKEEPER-GAUGER. Every distiller or person employed in any distillery who, in the absence of the storekeeper-gauger, or person designated to act as storekeeper-gauger, uses, or causes or permits to be used, any material for the purpose of making mash, wort, or beer, or for the production of spirits, or removes any spirits, shall forfeit and pay double the amount of taxes on the spirits so produced, distilled, or removed, and in addition thereto be liable to a penalty of $1,000.

26 U. S. C. 2839 DRAWING OFF WATER AND CLEANSING WORM TUBS—(a) *Requirements.* Whenever any officer or internal revenue agent requires the water contained in any worm tub in a distillery, at any time when the still is not at work, to be drawn off, and the tub and worm cleansed, the water shall forthwith be drawn off and the tub and worm cleansed by the distiller, or his workmen, accordingly; and the water shall be kept and continued out of such worm tub for the period of two hours, or until the officer or agent has finished his examination thereof. For any refusal or neglect to comply with any provision of this section, the distiller shall forfeit the sum of not exceeding $1,000; and it shall be lawful for the officer or agent to draw off such water, or any portion of it, and to keep the same drawn off for so long a time as he shall think necessary.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2841 DISTILLER'S BOOKS—(a) *Entries*—(1) *Requirements.* Every person who makes or distills spirits, or owns any still, boiler, or other vessel used for the purpose of distilling spirits or who has such still, boiler, or other vessel so used under his superintendence, either as agent or owner, or who uses any such still, boiler, or other vessel, shall keep a record, in the form and manner prescribed by the Commissioner, of the receipt on the distillery premises, and the use thereon, of materials intended for use in the distillation of spirits, and of the number of gallons of spirits distilled, the number of gallons placed in the warehouse, and the proof thereof, the number of gallons sold or removed with the proof thereof, and the name, place of business and residence of the person to whom sold.

(2) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

(b) *Preservation and inspection.* The books of every distiller hereinbefore required shall always be kept at the distillery and be always open to the inspection of any revenue officer, and, when filled up, shall be preserved by the distiller for a period of not less than two years thereafter, and whenever required shall be produced for the inspection of any revenue officer.

(c) *Penalty and forfeiture*—(1) *Omitting entries or making false entries.* Whenever any false entry is made in, or any entry required to be made is omitted from, either of the said books mentioned in the two preceding subsections, with intent to defraud or to conceal from the revenue officers any fact or particular required to be stated and entered in either of said books, or to mislead in reference thereto; or any distiller as aforesaid omits or refuses to provide either of said books, or cancels, obliterates, or destroys any part of either of such books, or any entry therein, with intent to defraud, or permits the same to be done, or such books, or either of them, are not produced when required by any revenue officer, the distillery, distilling apparatus, and the lot or tract of land on which it stands, and all personal property on said premises used in the business there carried on, shall be forfeited to the United States. And every person who makes such false entry, or omits to make any entry hereinbefore required to be made, with intent aforesaid, or who causes or procures the same to be done, or fraudulently cancels, obliterates, or destroys any part of said books, or any entry therein, or willfully fails to produce such books, or either of them, shall be fined not less than $500, nor more than $5,000, and imprisoned not less than six months, nor more than two years.

(2) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2842 PENALTY FOR USING FALSE WEIGHTS AND MEASURES. Every person who knowingly uses any false weights or measures in ascertaining, weighing, or measuring the quantities of grain, meal, or vegetable materials, molasses, beer, or other substances to be used for distillation, shall be fined not less than $500 nor more than $5,000, and imprisoned not less than one year nor more than three years.

26 U. S. C. 2843 PENALTY FOR USING UNREGISTERED MATERIALS. Any person who uses any molasses, beer, or other substance, whether fermented on the premises or elsewhere, for the purpose of producing spirits, before an account of the same is registered in the proper book provided for that purpose, shall forfeit and pay the sum of $1,000 for each offense so committed.

26 U. S. C. 2844 MONTHLY PRODUCTION RETURN OF DISTILLER—(a) *Requirement.* On the 1st day of each month, or within five days thereafter, every distiller shall render to the collector of the district an account in duplicate, taken from his books, stating the quantity and kind of materials used for the production of spirits each day, and the number of proof gallons of spirits produced and placed in warehouse. And the distiller or the principal manager of the distillery shall make and subscribe the following oath, to be attached to said return:

"I, _____, distiller (or principal manager, as the case may be) of the distillery at _____, do solemnly swear that, since the date of the last return of the business of said distillery, dated _____ day of _____ to _____ day of _____, both inclusive, there was produced in said distillery, and withdrawn and placed in warehouse, the number of proof gallons of spirits; and there were actually mashed and used in said distillery, and consumed in the production of spirits therein, the several quantities of grain, sugar, molasses, and other materials respectively hereinbefore specified, and no more."

One of the said duplicate returns shall be transmitted by the collector to the Commissioner.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2846 ASSESSMENT FOR DEFICIENCIES IN PRODUCTION AND EXCESS OF MATERIAL USED—(a) *Power of Commissioner.* On the receipt of the distiller's return in each month, the Commissioner shall inquire and determine whether the distiller has accounted for all the grain or molasses used, and all the spirits produced by him in the preceding month. • • • If the Commissioner finds that the distiller has not accounted for all the spirits produced by him, he shall, from all the evidence he can obtain, determine what quantity of spirits was actually produced by such distiller, and an assessment shall be made for the difference between the quantity reported and the quantity shown to have been actually produced, at the rate of tax imposed by law for every proof gallon. • • • All assessments made under this section shall be a lien on all distilled spirits on the distillery premises, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the tract of land whereon the said distillery is located, and any building thereon from the time such assessment is made until the same shall have been paid.

(b) *Cross references*—• • •

(2) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2850 SUSPENSION AND RESUMPTION OF DISTILLING—(a) *Requirements.* Any distiller desiring to suspend work in his distillery may give notice in writing to the collector of the district, stating when he will suspend work; and on the day mentioned in said notice said collector or one of his deputies shall, at the expense of the distiller, proceed to fasten securely the door of every furnace of every still or boiler in said distillery, by locks and otherwise, and shall adopt such other means as the Commissioner may prescribe to prevent the lighting of any fire in such furnace or under such stills or boilers. The locks and seals, and other materials required for such purpose, shall be furnished to the collector by the Commissioner, to be duly accounted for by said collector. Such notice by any distiller, and the action taken by the collector in pursuance thereof, shall be immediately transmitted to the Commissioner. No distiller, after having given such notice, shall, after the time stated therein, carry on the business of a distiller on said premises until he gives another notice in writing to said collector, stating the time when he will resume work; and at the time so stated for resuming work the collector or one of his deputies shall attend at the distillery to remove said locks and other fastenings; and thereupon, and not before, work may be resumed in said distillery, which fact shall be immediately reported to the collector of the district, and by him transmitted to the Commissioner.

Every distiller who, after the time fixed in said notice declaring his intention to suspend work, carries on the business of a distiller on said premises, or has mash, wort, or beer in his distillery, or on any premises connected therewith or has in his possession or under his control any mash, wort, or beer, with intent to distill the same on said premises, shall incur the forfeitures and be subject to the same punishment as provided for persons who carry on the business of a distiller without having given the bonds required by law.

But nothing in this section shall be held to apply to suspensions caused by unavoidable accident; and the Commissioner shall prescribe regulations to govern such cases of involuntary suspension.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2851 REDUCTION OF PRODUCING CAPACITY OF DISTILLERY—(a) *Requirements.* Whenever any distiller desires to reduce the producing capacity of his distillery, he shall give notice of such intention, in writing, to the collector, stating the quantity of spirits which he desires thereafter to manufacture or produce every twenty-four hours • • •

And every person who breaks, injures, or in any manner tampers with any lock, seal, or other fastening applied to any furnace, still, • • • or other vessel, in pursuance of the provisions of law, or who opens or attempts to open any door, • • • or other vessel, which is locked or sealed, or otherwise closed or fastened as herein provided, or who uses any furnace, still • • • or other vessel, which is so locked, sealed, or fastened, shall be deemed guilty of a felony, and shall be fined not less than $1,000 nor more than $5,000, and be imprisoned not less than three months nor more than three years.

Every rectifier and wholesale liquor dealer who refuses or neglects to render transcripts or summaries in the form required by the Commissioner, with the approval of the Secretary, shall, upon conviction, be fined not more than $100 for each such neglect or refusal.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2857 BOOKS OF RECTIFIERS AND WHOLESALER DEALERS — (a) *Requirements.* Every rectifier and every wholesale liquor dealer who sells, or offers for sale, distilled spirits in quantities of five wine-gallons or more to the same person at the same time shall keep daily, at his place of business covered by his special tax stamp, a record of distilled spirits received and disposed of by him, and shall render under oath correct transcripts and summaries of such records: *Provided*, That the Commissioner may in his discretion require such record to be kept at the place where the spirits are actually received and sent out. The records shall be kept and the transcripts shall be rendered in such form, and under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe.

The records required to be kept under the provisions of this section and regulations issued pursuant thereto, shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

Every rectifier and wholesale liquor dealer who refuses or neglects to keep such records in the form prescribed by the Commissioner, with the approval of the Secretary, or to make entries therein, or cancels, alters, or obliterates any entry therein (except for the purpose of correcting errors) or destroys any part of such records, or any entry therein, or makes any false entry therein, or hinders or obstructs any internal revenue officer from inspecting such records or taking any abstracts therefrom, or neglects or refuses to preserve or produce such records as required by this chapter or by regulations issued pursuant thereto, shall pay a penalty of $100 and, on conviction, shall be fined not less than $100 nor more than $5,000, and be imprisoned not less than three months nor more than three years.

Every distiller who refuses or neglects to keep such records in the form prescribed by the Commissioner, with the approval of the Secretary, or to make entries therein, or cancels, alters, or obliterates any entry therein (except for the purpose of correcting errors) or destroys any part of such records, or any entry therein, or makes any false entry therein, or hinders or obstructs any internal revenue officer from inspecting such records or taking any abstracts therefrom, or neglects or refuses to preserve or produce such records as required by this chapter or by regulations issued pursuant thereto, shall pay a penalty of $100 and, on conviction, shall be fined not less than $100 nor more than $5,000, and be imprisoned not less than three months nor more than three years.

Every distiller who refuses or neglects to render the transcripts or summaries in the form as required by the Commissioner, with the approval of the Secretary, shall, upon conviction, be fined not more than $100 for each such neglect or refusal.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2859 BOOKS OF DISTILLERS AS WHOLESALE DEALERS—(a) *Requirement.* Every distiller shall keep daily a record of distilled spirits of his own production disposed of by him, and shall render under oath correct transcripts and summaries of such records. The records shall be kept and the transcripts shall be rendered in such form, and under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe.

The records required to be kept under the provisions of this section and regulations issued pursuant thereto, shall be preserved for a period of four years, and during such period shall at all times be available, during business hours, for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

Every distiller who refuses or neglects to keep such records in the form prescribed by the Commissioner, with the approval of the Secretary, or to make entries therein, or cancels, alters, or obliterates any entry therein (except for the purpose of correcting errors) or destroys any part of such records, or any entry therein, or makes any false entry therein, or hinders or obstructs any internal revenue officer from inspecting such records or taking any abstracts therefrom, or neglects or refuses to preserve or produce such records as required by this chapter or by regulations issued pursuant thereto, shall pay a penalty of $100 and, on conviction, shall be fined not less than $100 nor more than $5,000, and be imprisoned not less than three months nor more than three years.

Every distiller who refuses or neglects to render the transcripts or summaries in the form as required by the Commissioner, with the approval of the Secretary, shall, upon conviction, be fined not more than $100 for each such neglect or refusal.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2866 EFFACEMENT OF STAMPS AND BRANDS ON EMPTIED PACKAGES. Every person who empties or draws off, or causes to be emptied or drawn off, any distilled spirits from a cask or package bearing any mark, brand, or stamp, required by law, shall at the time of emptying such cask or package, efface and obliterate said mark, stamp, or brand. Every such cask or package from which said mark, brand, or stamp is not effaced and obliterated as herein required, shall be forfeited to the United States, and may be seized by any officer of internal revenue, wherever found. And every railroad company or other transportation company, or person who receives or transports, or has in possession with intent to transport, or with intent to cause or procure to be transported, any such empty cask or package, or any part thereof, having thereon any brand, mark, or stamp, required by law to be placed on any cask or package containing distilled spirits, shall forfeit $300 for each such cask or package, or any part thereof, so received or transported, or had in possession with the intent aforesaid; and every boat, railroad car, cart, dray, wagon, or other vehicle, and all horses and other animals used in carrying or transporting the same, shall be forfeited to the United States. Every person who fails to efface and obliterate said mark, stamp, or brand, at the time of emptying such cask or package, or who receives any such cask or package, or any part thereof, with the intent aforesaid, or who transports the same, or knowingly aids or assists therein, or who removes any stamp provided by law from any cask or package containing, or which had contained, distilled spirits, without defacing and destroying the same at the time of such removal, or who aids or assists therein, or who has in his possession any such stamp so removed as aforesaid, or has in his possession any canceled stamp, or any stamp which has been used, or which purports to have been used, upon any cask or package of distilled spirits, shall be deemed guilty of a felony, and shall be fined not less than $500 nor more than $10,000, and imprisoned not less than one year nor more than five years.

26 U. S. C. 2870 PROHIBITED HOURS FOR REMOVAL OF SPIRITS. No person shall remove any distilled spirits at any other time than after sun-rising and before sun-setting in any cask or package containing more than ten gallons from any premises or building in which the same may have been distilled, redistilled, rectified, compounded, manufactured, or stored; and every person who violates this provision shall be liable to a penalty of $100 for each cask, barrel, or package of spirits so removed; and said spirits, together with any vessel containing the same, and any horse, cart, boat, or other conveyance used in the removal thereof, shall be forfeited to the United States.

26 U. S. C. 2877 STOREKEEPER-GAUGER'S RECORDS—(a) *Requirement.* The storekeeper-gauger assigned to any distillery shall, in addition to all other duties required to be performed by him, keep such records and submit such reports as the Commissioner, with the approval of the Secretary, shall, by regulations, prescribe.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2878 DRAWING, GAUGING, AND MARKING OF DISTILLED SPIRITS—(a) *General rule.* Except as provided in section 2883, all distilled spirits shall be drawn from receiving cisterns into casks or packages and thereupon shall be gauged, proved, and marked by a storekeeper-gauger, and immediately removed into an internal revenue bonded warehouse. The Commissioner, with the approval of the Secretary, is hereby empowered to prescribe all necessary regulations relating to the drawing off, gauging, and packaging of distilled spirits; the marking, branding, numbering, and stamping of such packages; and the transfer and transportation to, and the storage of such spirits in, internal revenue bonded warehouses.

(b) *In wooden packages containing metallic cans for export.* Upon the application of the distiller and under such regulations as the Commissioner, with the approval of the Secretary, may prescribe, distilled spirits may be drawn into wooden packages, each containing two or more metallic cans, which cans shall each have a capacity of not less than five gallons, wine measure. Such packages shall be filled and used only for exportation from the United States. And there shall be charged for each of said packages or cases for the expense of providing and affixing stamps, 5 cents.

(c) *Standards of fill.* The Commissioner, with the approval of the Secretary, may, by regulations, prescribe the standards of fill of

casks or packages of distilled spirits at each distillery.

(d) *Marking and branding by distiller.* The Commissioner, with the approval of the Secretary, may, by regulations, from time to time, require a distiller, at his expense and under the immediate personal supervision of a storekeeper-gauger, to do such marking and branding and such mechanical labor pertaining to gauging required under this section as the Commissioner deems proper and determines may be done without danger to the revenue.

(e) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2879 DEPOSITS OF SPIRITS IN WAREHOUSES—(a) *Entry for deposit.* The distillers of all spirits removed to an internal revenue bonded warehouse shall enter the same for deposit in such warehouse, under such regulations as the Commissioner may prescribe. Said entry shall be in such form as the Commissioner shall prescribe.

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26 U. S. C. 2883 TRANSFER OF SPIRITS AT REGISTERED DISTILLERIES—(a) *Requirements.* Subject to the provisions of existing law, spirits of one hundred and sixty degrees of proof or more produced at registered distilleries, including registered fruit distilleries (such registered distilleries and registered fruit distilleries being referred to hereafter as "distillery" or "distilleries"), may be transferred by means of pipe lines from receiving cisterns in the distillery direct to storage tanks in the internal revenue bonded warehouse located on the bonded premises where produced or located contiguous thereto, and be warehoused in such storage tanks, or they may be withdrawn from the receiving cisterns, without, or after reduction in proof, into approved containers and transferred to any internal revenue bonded warehouse for storage therein, or they may be tax-paid in such approved containers in the cistern rooms of distilleries without being entered into an internal revenue bonded warehouse. Such spirits may be drawn into approved containers from storage tanks in an internal revenue bonded warehouse. Spirits of one hundred and sixty degrees of proof, or more, may be transferred in bond in tank cars from cistern rooms of distilleries or from storage tanks in an internal revenue bonded warehouse and be deposited in storage tanks in any internal revenue bonded warehouse. Such spirits in tanks in internal revenue bonded warehouses distilled at or above one hundred and ninety degrees of proof may be reduced to not less than one hundred and eleven degrees prior to being drawn into packages. Such spirits, upon tax payment, may be withdrawn in approved containers, including pipe lines to contiguous premises, for use for beverage purposes only. Except as provided in subsection (c) hereof and section 2916, such spirits may not be withdrawn for denaturation.

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(c) *Transfer of rum for denaturation.* Rum of not less than one hundred and fifty degrees of proof may be transferred by pipe line for denaturation from receiving cisterns in the cistern room of any distillery to a denaturing bonded warehouse on the distillery premises or to storage tanks situated in the internal revenue bonded warehouse located on the distillery premises, or from such storage tanks to a denaturing bonded warehouse on the distillery premises.

(d) *Transfer of gin.* Gin of any proof may be transferred in bond by means of pipe lines from receiving cisterns in distilleries direct to storage tanks in the internal revenue bonded warehouse located on the bonded premises where produced, or located contiguous thereto, and be warehoused in such storage tanks. Such gin may, upon tax payment, be transferred by pipe line to a contiguous tax-paid bottling house or rectifying plant.

(e) *Redistillation of spirits.* Distilled spirits of any proof may be transferred from a distillery or an internal revenue bonded warehouse to any distillery for redistillation upon a showing of the need therefor: *Provided*, That only spirits of one hundred and sixty degrees of proof or more may be transferred by pipe line to a distillery for redistillation from storage tanks in an internal revenue bonded warehouse located on such distillery premises or located contiguous thereto: *Provided further*, That spirits of any proof may be transferred by pipe line for redistillation from receiving tanks in a distillery to a contiguous distillery. Upon removal of distilled spirits to any distillery for redistillation, the consignee distiller shall assume the liability for the payment of the tax on the spirits from the time they leave the internal revenue bonded warehouse or distillery, and the tax liability on the producing distiller or the internal revenue bonded warehouseman, and the liens on the premises of the producing distiller shall cease, and the tax and liens shall become the liability of the consignee distiller: *Provided further*, That upon redistillation the redistilled spirits shall be treated the same as if the spirits had been originally produced by the redistiller and all prior obligations as to taxes and liens shall be superseded. Sections 2800 (a) (5) and 3250 (f) (1) shall not apply to the redistillation of spirits removed under the provisions of this section.

(f) *Regulations.* The Commissioner, with the approval of the Secretary, is hereby empowered to prescribe all necessary regulations relating to the drawing off, transferring, gauging, storing, redistillation, and transportation of the spirits; the records to be kept and returns to be made; the size and kind of containers to be used; the marking, branding, numbering, and stamping of such containers; and the kind of bond and the penal sum thereof.

(g) *Effect on other laws.* Nothing contained in this section shall be construed as restricting or limiting the provisions of other sections of the internal-revenue laws relating to internal revenue bonded warehouses, distilleries, and bonded wineries.

(h) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2885 EXPORTATION OF SPIRITS WITHDRAWN FROM WAREHOUSES—(a) *Entries, bonds, and bills of lading.* Distilled spirits may be withdrawn from internal revenue bonded warehouses, at the instance of the owner of the spirits, for exportation in the original casks or packages, without the payment of tax, under such regulations, and after making such entries and executing and filing with the collector of the district from which the removal is to be made such bonds and bills of lading, and giving such other additional security as may be prescribed by the Commissioner, with the approval of the Secretary, and bonds given under this section shall be canceled under such regulations as the Secretary shall prescribe. The bonds required to be given for the exportation of distilled spirits shall be canceled upon the presentation of satisfactory proof and certificates that said distilled spirits have been landed at the port of destination named in the bill of lading, or upon satisfactory proof that after shipment the same were lost at sea without fault or neglect of the owner or shipper hereof.

(b) *Marks, stamps, and permits.* All distilled spirits intended for export, as aforesaid, before being removed from the internal revenue bonded warehouse, shall be marked as the Commissioner may prescribe, and shall have affixed to each cask an engraved stamp indicative of such intention, to be provided and furnished by the several collectors as in the case of other stamps, and to be charged to them and accounted for in the same manner, and for the expense attending the providing and affixing such stamps 10 cents for each package so stamped shall be paid to the collector on making the entry for such transportation. When the owner of the spirits shall have made the proper entries, filed the bonds, and otherwise complied with all the requirements of the law and regulations as herein provided, the collector shall issue to him a permit for the removal and transportation of said spirits to the collector of the port from which the same are to be exported, accurately describing the spirits to be shipped, the amount of tax thereon, the State and district from which the same is to be shipped, the name of the distiller by whom distilled, the port to which the same are to be transported, the name of the collector of the port to whom the spirits are to be consigned, and the routes over which they are to be sent to the port of shipment. Such shipments shall be made over bonded routes whenever practicable. The collector of the port shall receive such spirits, and permit the exportation thereof, under the same rules and regulations as are prescribed for the exportation of spirits upon which the tax has been paid.

(c) *Metallic cans in wooden packages.* For authority of distiller to draw distilled spirits into wooden packages, each containing two or more metallic cans, for exportation only, see section 2878 (b).

(d) *Penalties and forfeitures.* • • •

(2) *Unlawful relanding.* Every person who intentionally relands within the jurisdiction of the United States any distilled spirits which have been shipped for exportation under the provisions of this chapter, or who receives such relanded distilled spirits, and every person who aids or abets in such relanding or receiving of such spirits, shall be fined not exceeding $5,000 and imprisoned not more than three years; and all distilled spirits so relanded, together with the vessel from which the same were relanded within the jurisdiction of the United States, and all boats, vehicles, horses, or other animals used in relanding and removing such distilled spirits, shall be forfeited to the United States.

(e) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2888 TRANSFER OF SPIRITS INTO TANK CARS FOR EXPORT—(a) *Requirement.* Under such regulations as the Commissioner, with the approval of the Secretary, may prescribe, alcohol or other distilled spirits of a proof strength of not less than one hundred and eighty degrees intended for export free of tax may be drawn from receiving cisterns at any distillery, or from storage tanks in any internal revenue bonded warehouse, for transfer to tanks or tank cars for export from the United States, and all provisions of law relating to the exportation of distilled spirits not inconsistent herewith shall apply to spirits removed for export under the provisions of this section.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2901 LOSS ALLOWANCES—(a) *Extent.* No tax shall be collected in respect of distilled spirits lost or destroyed while in bond, except that such tax shall be collected—

(1) *Theft.* In the case of loss by theft unless the Commissioner shall find that the theft occurred without connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them; and

(2) *Voluntary destruction.* In the case of voluntary destruction unless the distilled spirits were unfit for use for beverage purposes and the distiller, warehouseman, or other person responsible for the tax, obtained the written permission of the Commissioner for such destruction in each case.

(b) *Proof of loss.* In any case in which spirits are lost or destroyed, whether by theft or otherwise, the Commissioner may require the distiller or warehouseman or other person responsible for the tax to file a claim for relief from the tax and submit proof as to the cause of such loss. In every case where it appears that the loss was by theft, the burden shall be upon the distiller or warehouseman or other person responsible for the tax to establish to the satisfaction of the Commissioner that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them.

(c) *Refund of tax.* When, in any case where the tax would not be collectible by virtue of subsection (a), but such tax has been paid, the Commissioner shall refund such tax. Nothing in section 2901 as hereby amended, or as heretofore amended, shall be construed to authorize refund of the tax where the loss occurred after the tax was paid.

(d) *Insurance coverage.* The abatement or refund of taxes provided for by subsections (a) and (c) in the case of loss of distilled spirits by theft shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss.

(e) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

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26 U. S. C. 2916 REMOVAL FOR DENATURATION OR DESTRUCTION OF DISTILLATES CONTAINING ALDEHYDES OR FUSEL OIL—(a) *Power of Commissioner.* Under rules and regulations to be prescribed by the Commissioner, with the approval of the Secretary, distillers may collect, in locked tanks, distillates containing one-half of 1 per centum or more of aldehydes or 1 per centum or more of fusel oil (heads and tails) removed in the course of distillation. The distillates so collected may, under regulations prescribed by the Commissioner, with the approval of the Secretary, be removed from such distillery for denaturation or be destroyed in the manner prescribed by the Commissioner, under the supervision of an internal revenue officer to be designated by the Commissioner, and when so denatured or destroyed shall not be subject to the tax imposed by law upon distilled spirits. • • •

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3170 TRANSFER AND DELEGATION OF POWERS. The Secretary is authorized to confer and impose upon the Commissioner and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, powers, duties, and protection conferred or imposed upon the Secretary, or any officer or employee of the Treasury Department, by any law now or hereafter in force relating to the taxation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol.

26 U. S. C. 3171 RECORDS, STATEMENTS, AND RETURNS—(a) *Requirements.* Every person liable to any tax imposed by this chapter, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

(b) TRANSFER OF DUTIES. For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3173 PENALTIES AND FORFEITURES—(a) *Removal or transportation of liquors or wines under improper brands.* Whenever any person ships, transports or removes any spirituous or fermented liquors or wines, under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing the same, or causes such act to be done, he shall forfeit said liquors or wines, and casks or packages, and be subject to pay a fine of $500.

(b) *Other violations.* (1) Any person required to pay, or to collect, account for and pay over any tax on distilled spirits, wines, or fermented malt liquors, or required by law or regulations made under authority thereof to make a return or supply any information for the purposes of the computation, assessment or collection of any such tax, who fails to pay, collect, or truly account for and pay over any such tax, make any such return or supply any such information at the time or times required by law or regulation shall in addition to other penalties provided by law be subject to a penalty of not more than $1,000.

(2) Any person who willfully refuses to pay, collect, or truly account for and pay over any such tax, make such return or supply such information at the time or times required by law or regulation, or who willfully attempts in any manner to evade such tax shall be guilty of a misdemeanor and in addition to other penalties provided by law shall be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

(3) Any person who willfully refuses to pay, collect, or truly account for and pay over any such tax shall in addition to other penalties provided by law be liable to a penalty of the amount of the tax evaded, or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected: *Provided, however*, That no penalty shall be assessed under this paragraph for any offense for which a penalty may be assessed under authority of section 3612, or of section 2801 (f) or 3043, or for any offense for which a penalty has been recovered under section 2806 (e).

(4) The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

26 U. S. C. 3175 OTHER LAWS APPLICABLE. All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, shall be extended to and made a part of this chapter.

26 U. S. C. 3176 RULES AND REGULATIONS—(a) *Power of Commissioner.* The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3180 DISTILLERIES ERECTED PRIOR TO JULY 20 1868—(a) *Requirements.* In any case where the owner of a distillery or distilling apparatus, erected prior to July 20, 1868, has only an estate for a term of years or other estate less than fee-simple in the lot or tract of land on which the distillery is situated, the evidence of title to which shall have been duly recorded prior to that date; or in like case, where the lease or other evidence of title is held but was not required by the laws of the State to be recorded in order to be valid at the time of its execution; or in any case of such prior erection where the title was then, and has continued to be, in litigation; or in any case of such prior erection where such owner is possessed of the fee, but encumbered with a mortgage executed and duly recorded prior to July 20, 1868, and not due, or in any case of such prior erection where the fee is held by a femme-covert, minor, person of unsound mind, or other person incapable of giving consent, as required in section 2815 (b) (1) (B), the value of such lot or tract of land, together with the building and distilling apparatus, shall be appraised in the manner to be prescribed by the Commissioner pursuant to section 2815 (b) (1) (C); and the officer designated by the Commissioner may, at the discretion of the Commissioner, be authorized to accept, in lieu of the said written consent, the bond of such distiller, in such form as the Commissioner may prescribe, with not less than two personal sureties or one corporate surety, conditioned that in case the distillery, distilling apparatus, or any part thereof, shall by final judgment be forfeited for the violation of any of the provisions of law, the obligors shall pay the amount stated in said bond. Said sureties shall be residents of the collection district or county, or of an adjoining county in the same State in which the distillery is situated, and owners of unencumbered real estate in said district or county, or adjoining county, equal to such appraised value, and the penal sum of said bond shall be equal to the appraised value of said lot or tract of land together with the buildings and distilling apparatus.

(b) *Bond.* The officer designated by the Commissioner may at any time, at the discretion of the Commissioner, accept such bond as is authorized to be given by the distiller in lieu of the written consent of the owner of the fee in the case of a distillery erected prior to July 20, 1868, notwithstanding such distillery has since then been increased by the addition of land or buildings adjacent or contiguous thereto, not owned by the distiller himself in fee; such bond to be for and in respect of such addition only, if the distillery be one which the distiller owns in fee or in respect to which he has procured the written consent of the owner of the fee or other encumbrance, otherwise to be for and in respect of the entire distillery as increased by such addition.

(c) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3250 TAX—(a) *Wholesale dealers in liquors*—(1) *In general.* Wholesale dealers in liquors shall pay a special tax of $110.

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(4) *Distillers selling at wholesale.* No distiller who has given the required bond and who sells only distilled spirits of his own production at the place of manufacture, or at the place of storage in bond, in the original packages to which the taxpaid stamps are affixed, shall be required to pay the special tax of a wholesale dealer in liquors on account of such sales.

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26 U. S. C. 3254 DEFINITIONS—(a) *Distiller.* For definition of distiller, see section 2809 (a).

(b) *Wholesale dealer in liquors.* Except as otherwise provided, every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors in quantities of five wine-gallons or more to the same person at the same time, shall be regarded as a wholesale dealer in liquors: *Provided*, That the Commissioner may, by regulations, with the approval of the Secretary, provide for the issuance of a stamp denoting payment of such special tax as a "wholesale dealer in wines" or a "wholesale dealer in wines and malt liquors" if, as the case may be, wines only, or wines and malt liquors only, are sold by a wholesale dealer in liquors.

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(g) *Rectifier.* Every person who rectifies, purifies, or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort, or wash, through continuous closed vessels and pipes, until the manufacture thereof is com-

plete, and every wholesale or retail liquor dealer who has in his possession any still or leach tub, or who keeps any other apparatus for the purpose of refining in any manner distilled spirits, and every person who, without rectifying, purifying, or refining distilled spirits, shall, by mixing such spirits, wine, or other liquor with any material, manufacture any spurious, imitation, or compound liquors for sale, under the name of whisky, brandy, gin, rum, wine, spirits, cordials, or wine bitters, or any other name, shall be regarded as a rectifier, and as being engaged in the business of rectifying: *Provided*, That nothing in this subsection or section 3250 (f) (1) shall be held to prohibit the purifying or refining of spirits in the course of original and continuous distillation through any material which will not remain incorporated with such spirits when the manufacture thereof is complete.

(h) *Manufacturer of stills.* Any person who manufactures any still or worm to be used in distilling shall be deemed a manufacturer of stills.

26 U. S. C. 3270 REGISTRATION—(a) *Requirements.* Every person engaged in any trade or business on which a special tax is imposed by law shall register with the collector of the district his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and the places of residence, shall be so registered.

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26 U. S. C. 3271 PAYMENT OF TAX—(a) *Condition precedent to doing business.* No person shall be engaged in or carry on any trade or business mentioned in this chapter until he has paid a special tax therefor in the manner provided in this chapter.

(b) *Due date.* All special taxes shall become due on the 1st day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for one year, and in the latter case it shall be reckoned proportionately, from the 1st day of the month in which the liability to a special tax commenced, to and including the 30th day of June following.

(c) *How paid*—(1) *Stamp.* All special taxes imposed by law, including the tax on stills or worms, shall be paid by stamps denoting the tax.

(2) *Assessment.* For authority of Commissioner to make assessments where the special taxes have not been duly paid by stamp, at the time and in the manner provided by law, see section 3640.

26 U. S. C. 3272 RETURNS—(a) *Time for filing.* It shall be the duty of the special taxpayers to render their returns with remittances to the collector at such times within the calendar month in which the special tax liability commenced as shall enable him to receive such returns, duly signed and verified, together with the remittances, not later than the last day of the month, except in cases of sickness or absence, as provided for in section 3634.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents in case of narcotics and liquor, see subchapter D of chapter 23 and section 3170.

(c) *Penalties.* For penalties imposed for failure to file returns or for making false or fraudulent returns, see section 3612.

26 U. S. C. 3300 ESTABLISHMENT AND ALTERATION—(a) *Authorization.* The Commissioner, with the approval of the Secretary, may establish and, from time to time, alter or change the form, style, character, material, and device of any stamp, mark, or label used under any provision of the laws relating to internal revenue.

(b) *Application of penalty and forfeiture provisions.* All pains, penalties, fines, and forfeitures provided by law relating to internal revenue stamps shall apply to and have full force and effect in relation to any and all stamps so established by the Commissioner.

26 U. S. C. 3301 ATTACHMENT AND CANCELLATION—(a) *General authority to prescribe methods and instruments.* The stamps referred to in the preceding section shall be attached, protected, removed, canceled, obliterated, and destroyed, in such manner and by such instruments or other means as the Commissioner, with the approval of the Secretary may prescribe; and he is authorized and empowered to make, with the approval of the Secretary, all needful regulations relating thereto.

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26 U. S. C. 3656 PAYMENT BY CHECK AND MONEY ORDERS—(a) *Certified, cashiers', and treasurers' checks and money orders*—(1) *Authority to receive.* It shall be lawful for collectors to receive for internal revenue taxes or in payment of stamps to be used in payment of internal revenue taxes certified, cashiers', and treasurers' checks drawn on National and State banks and trust companies, and United States postal, bank, express, and telegraph money orders, during such time and under such regulations as the Commissioner, with the approval of the Secretary, may prescribe.

(2) *Discharge of liability*—(A) *Check duly paid.* No person who may be indebted to the United States on account of internal revenue taxes or stamps used or to be used in payment of internal revenue taxes who shall have tendered a certified, cashier's, or treasurer's check or money order as provisional payment therefor, in accordance with the terms of this subsection, shall be released from the obligation to make ultimate payment thereof until such certified, cashier's or treasurer's check or money order so received has been duly paid.

(B) *Check unpaid.* If any such check or money order so received is not duly paid, the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of the bank on which drawn or for the amount of such money order upon all the assets of the issuer thereof; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank or issuer except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank.

(b) *Other checks*—(1) *Authority to receive.* Collectors may receive checks in addition to those specified in subsection (a) in payment of taxes other than those payable by stamp during such time and under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe.

(2) *Ultimate liability.* If a check so received is not paid by the bank on which it is drawn the person by whom such check has been tendered shall remain liable for the payment of the tax and for all legal penalties and additions to the same extent as if such check had not been tendered.

26 U. S. C. 3791 RULES AND REGULATIONS—(a) *Authorization*—(1) *In general.* Except as provided in section 1928 (a), Cotton Futures, section 2599, Marihuana, section 2559, Narcotics, section 3176, Liquor, and section 1805, Silver, the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

26 U. S. C. 3809 VERIFICATION OF RETURNS; PENALTIES OF PERJURY—(a) *Penalties.* Any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

(b) *Signature presumed correct.* The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

(c) *Verification in lieu of oath.* The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under any provision of the internal revenue laws shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required.

26 U. S. C. 4017 DAILY GAUGING RETURN—(a) *Requirement.* Every storekeeper-gauger shall, under such regulations as may be prescribed by the Commissioner, make a daily return to the collector of his district giving a true account in detail of all articles gauged and proved or inspected by him, and for whom, and the number and kind of stamps used by him.

(b) *Transfer of powers and duties.* For transfer of powers and duties of Commissioner and his agents, in respect to liquor, see section 3170.

26 U. S. C. 4041 ISSUE OF INSTRUCTIONS, REGULATIONS, AND FORMS—(a) *In general.* The Secretary shall prescribe forms of entries, oaths, bonds, and other papers, and rules and regulations, not inconsistent with law, to be used under and in the execution and enforcement of the various provisions of the internal revenue laws; and he shall give such directions to collectors and prescribe such rules and forms to be observed by them as may be necessary for the proper execution of the law.

(b) *Receipt of United States securities.* For authority of the Secretary to issue instructions and regulations governing the receipt by collectors and others of United States securities, see R. S. 251 (U. S. C., Title 31, section 427).

SUBPART A—SCOPE OF REGULATIONS

§ 183.1 *Production and removal of distilled spirits.* These regulations "Regulations 4, Production of Distilled Spirits" (26 CFR Part 183), contain the procedural and substantive requirements relative to the production of distilled spirits and the removal thereof from the distillery. The regulations cover the location, construction, equipment, action by the district supervisor and Commissioner; control and supervision of the distillery, production and removal of distilled spirits; and concern the sale, shipment, losses, records and reports, of distilled spirits.

SUBPART B—DEFINITIONS

§ 183.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 183.6 *Approved containers.* "Approved containers" shall mean casks, barrels, or similar wooden packages or drums or similar metal packages having a capacity of not less than 10 gallons each, provided that for the withdrawal of samples for laboratory analysis, "approved containers" shall mean any container of less than 10 gallons capacity. The term "approved containers" shall also mean railroad tank cars, tank trucks, and pipe lines where specifically stated in this part.

§ 183.7 *Beer.* "Beer" shall mean the fermented mash of grain, molasses, or other materials produced for distillation.

§ 183.8 *Brandy.* "Brandy" shall mean the distillate obtained from the materials specified in section 2825, I. R. C., or from other fruits authorized by the Commissioner, and from the products and residues of such materials, and shall include neutral spirits—fruit and spirits—fruit, except where otherwise indicated, but shall not include distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil.

§ 183.9 *Collector.* "Collector" shall mean Collector of Internal Revenue.

§ 183.10 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 183.11 *Distilled spirits.* "Distilled spirits" shall mean that substance produced by the distillation of fermented grain, molasses, or other materials, commonly known as spirits, whisky, rum, gin, brandy, etc., but shall not include alcohol.

§ 183.12 *Distiller.* "Distiller" shall mean the proprietor of the distillery.

§ 183.13 *Distillery.* "Distillery" shall mean that part of the distillery premises described in the distiller's notice, Form 27–A, where the distilled spirits are produced.

§ 183.14 *Distillery premises.* "Distillery premises" shall mean the lot or tract of land described in the distiller's notice, Form 27–A, and the distillery and other buildings and fixtures situated on and constituting a part of such lot or tract of land.

§ 183.15 *District supervisor or supervisor.* "District supervisor" or "supervisor" shall mean the person having charge of a supervisory district of the Alcohol Tax Unit of the Bureau of Internal Revenue.

§ 183.16 *Fruit distillery.* "Fruit distillery" or "registered fruit distillery" shall mean a distillery established or operated under the regulations (26 CFR Part 184) governing the production of brandy under the exemptions from law provided pursuant to section 2825, I. R. C.

§ 183.17 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 183.18 *Heads and tails.* "Heads" and "tails" shall mean distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil.

§ 183.19 *Including.* The word "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 183.20 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include females, associations, copartnerships, and corporations.

§ 183.21 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 183.22 *Laboratory analysis.* "Laboratory analysis," shall mean the determination of the composition of distilled spirits by chemical, physical, or organoleptic examination.

§ 183.23 *Person, proprietor, or distiller.* "Person," "proprietor," or "distiller," shall include natural persons, associations, copartnerships, and corporations.

§ 183.24 *Proof.* "Proof," shall mean the ethyl alcohol content of a liquid at 60° Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

§ 183.25 *Proof of distillation.* "Proof of distillation," shall mean the composite proof of the spirits in the receiving cisterns prior to reduction, or, if the spirits are reduced before reaching the receiving cisterns, the proof prior to such reduction, unless the spirits are subsequently redistilled at a higher proof than the proof prior to reduction.

§ 183.26 *Proof gallon.* "Proof gallon," shall mean the alcoholic equivalent of a United States gallon at 60° Fahrenheit, containing 50 percent of ethyl alcohol by volume.

§ 183.27 *Proof spirits.* "Proof spirits," shall mean that alcoholic liquor which contains 50 percent of ethyl alcohol by volume at 60° Fahrenheit and which has a specific gravity of 0.93418 in air at 60° Fahrenheit referred to water at 60° Fahrenheit as unity.

§ 183.28 *Registered distillery.* "Registered distillery," shall mean a distillery established or operated under this part.

§ 183.29 *Secretary.* "Secretary," shall mean the Secretary of the Treasury.

§ 183.30 *Slop or spent beer.* "Slop," or "spent beer," shall mean the residue that is left after distillation of the beer or fermented mash.

§ 183.31 *Spirits.* "Spirits," shall mean distilled spirits as defined in this subpart.

§ 183.32 *Tank car:* "Tank car," shall mean a railroad tank car conforming to the requirements of this part.

§ 183.33 *Tax gallon.* "Tax gallon" is the unit of distilled spirits upon which the rate of tax prescribed by law is imposed. When spirits are 100 degrees of proof or more, the tax rate is imposed on the proof gallon. When spirits are less than 100 degrees of proof, it is imposed on the wine-gallon.

§ 183.34 *U. S. C.* "U. S. C." shall mean the United States Code.

SUBPART C—LOCATION

§ 183.40 *Restrictions.* Distilleries may not be located in any dwelling house or in any shed, yard, or enclosure connected with any dwelling house, or on board any vessel or boat, or in any building or on any premises where beer, lager beer, ale, porter, or other fermented liquors, vinegar, or ether is manufactured or produced, or where sugars or sirups are refined, or where liquors of any description are retailed, or where any other business is carried on, or within 600 feet in a direct line of a vinegar factory using the vaporizing process, or, except as provided by this part, within 600 feet in a direct line of any premises authorized to be used for rectifying: *Provided*, That saleratus may be manufactured, or meal or flour ground from grain on the distillery premises, but such meal or flour must be used only for distillation on such premises.

(53 Stat. 314; 26 U. S. C. 2819)

§ 183.41 *Within 600 feet of rectifying plant.* No distiller shall carry on the business of distilling spirits at a distance of less than 600 feet in a direct line from a rectifying plant, except when he has been so authorized by the district supervisor. The district supervisor may grant such authority when he is of the opinion that the revenue will not be endangered thereby.

(53 Stat. 314, 373, as amended; 26 U. S. C. 2819, 3170)

§ 183.42 *Special application.* A person desiring to operate a distillery within 600 feet of a rectifying plant shall file a special application, in triplicate, for such privilege, with the district supervisor. The application shall state the locations of the distillery and the rectifying plant, the distance between the premises, the name of the proprietor of the rectifying plant, a description of any connecting pipe lines, the reason for locating the distillery within 600 feet of the rectifying plant, and any additional information which the district supervisor may require. The district supervisor will take action on such application in accordance with the procedure prescribed in § 183.291.

(53 Stat. 314, 373, as amended; 26 U. S. C. 2819, 3170)

§ 183.43 *Changes requiring approval.* Where there is to be a change in the distance between a distillery and a rectifying plant located within 600 feet of each other as a result of the extension or curtailment, or other change of either premises, a new special application, in triplicate, must be filed with the district supervisor by the proprietor of the premises which is to be extended or curtailed. Where a change occurs in the proprietorship of a distillery or rectifying plant located within 600 feet of each other, the new proprietor shall file with the district supervisor a new special application, in triplicate. Unless the distillery premises are extended or curtailed as the result of such change, the change may be reflected in the next amended or annual notice, Form 27–A, and plat, filed by the distiller. Such new special application shall be considered and disposed of in

accordance with the procedure prescribed in § 183.291.

(53 Stat. 314, 373, as amended; 26 U. S. C. 2819, 3170)

SUBPART D—CONSTRUCTION

§ 183.50 *Distillery buildings.* The distillery buildings must be securely constructed of brick, stone, wood, concrete, or other substantial material and must be completely separated from contiguous buildings not on the distillery premises by unbroken partitions of substantial construction extending from the ground to the roof in a direct vertical line: *Provided*, That where the furnace or boiler used for generating steam or heating water for use in the distillery is located off the distillery premises, or where steam is to be conveyed from a boiler in the distillery to other premises for manufacturing or other purposes, or where distilling material or fuel is to be received by chute or pipe line, or where distilled spirits, distilled water, etc., is to be removed from the distillery by pipe line, in accordance with law and this part, necessary openings for the passage of the required pipe lines or chutes may be permitted in the walls or partitions separating the distillery from the adjoining premises: *And provided further*, That necessary openings for the passage of approved water, electric, sewer, or similar lines may likewise be permitted in such walls or partitions. The foundations, floors, walls, and roofs, and the doors, windows, and other openings of distillery buildings shall be constructed, and such doors, windows, and other openings shall be protected and secured, as provided in this subpart.

§ 183.51 *Foundations.* The foundations of the distillery buildings shall be constructed of stone, brick, or concrete, or other equally substantial material, extending into the ground.

§ 183.52 *Floors.* The distillery buildings must have suitable floors constructed of wood, concrete, brick, or other equally substantial material. If the floor of the cistern room or building is constructed of wood, the boards must be fitted together by tongue and groove, or laid double with the second layer crossing the first at an angle of more than 20 degrees, and securely nailed and fastened.

§ 183.53 *Walls.* The outside walls of distillery buildings must be securely and substantially constructed. The ceiling and walls inside of the cistern room must be cased with matched tongue and groove boards, unless the use of other material affording equal protection from access without detection is approved by the Commissioner.

§ 183.54 *Roofs.* The roofs of distillery buildings must be securely and substantially constructed.

§ 183.55 *Doors.* The outside doors of the distillery buildings must be securely and substantially constructed and equipped, so that they may be securely locked. In addition, the doors of cistern rooms, rectifying rooms, and other rooms required to be locked by § 183.737, must comply with the following requirements: The outside doors, and those on which Government locks are required, must be securely constructed of heavy timber or iron, or other equally substantial material. The hinges must be secured by roundheaded or carriage bolts, nutted, and riveted or battered on the inside. Hinges that cannot be thus secured must be inaccessible from the outside, and so attached that they cannot be removed when the doors are closed. The outside doors, and those on which Government locks are required, must be equipped with hasp and staple securely fastened on the inside, so that they may be securely locked. The doors secured from the inside must be provided with a cross bar in the middle of the door, and strong and suitable attachments for the reception of locks. Where there are double doors, one of them, at least, must be provided with substantial bolts at both the top and the bottom. These bolts must be so arranged as to plunge into substantial fastenings or holes in the middle of the upper and lower ends of the frame when the door is closed. Folding doors of wood or metal, vertical or horizontal sliding doors of wood or metal, and metal doors of the roller blind type, must be provided with substantial cross bars, or bolts that plunge into the upper and lower ends, or the sides of the door frame, so placed as to make the door rigid and secure, unless the doors operate in grooves or tracks that make them secure.

§ 183.56 *Windows in cistern and rectifying rooms.* The windows in the cistern room and redistilling or rectifying room must be constructed and secured as follows:

(a) *Within 12 feet of ground, etc.* All windows located within 12 feet of the ground, or within 12 feet (1) above a fire escape (except as provided in paragraph (b)), (2) above a roof, setback, or balcony within 12 feet of the ground, (3) above a roof or balcony of an adjoining building, or (4) of a roof, window, or other opening of an opposite building, must conform to the following requirements:

(i) *Wood sash.* Windows consisting of plain or wire glass panes set in wood sash must be protected by iron bars and solid shutters;

(ii) *Steel sash.* Windows consisting of wire glass panes not larger than 6 by 10 inches, set in metal sash must be protected by iron bars;

(iii) *Detention type.* Windows may be of the detention type, consisting of solid steel frame, sash, and grille (over the ventilating portion), combined in one unit and erected in one piece, equipped with wire glass panes not larger than 6 by 10 inches.

(b) *Opening onto fire escape.* Windows opening onto a fire escape shall be protected by solid metal shutters, securely hinged and equipped with facilities for locking on the inside with a Government lock. Iron bars will not be required on such windows.

(c) *Extension of requirements.* The Commissioner or district supervisor may require any other windows in the cistern and rectifying rooms to be protected by iron bars or shutters, or both, when deemed necessary to safeguard the spirits.

(d) *More than 12 feet from ground.* All windows more than 12 feet from the ground and not subject to the provisions of paragraphs (a) and (b) of this section must be securely constructed and so arranged and equipped that they may be securely fastened on the inside.

(e) *Set in casement.* All windows must be securely set into the window casement in such a manner as to prevent ready removal.

(f) *Sash locks.* All window sashes must be provided with sash locks or other suitable fasteners.

(g) *Shutters.* The shutters must be solid and substantially constructed of metal or wood, and must be fastened inside of the room or building and so secured that they cannot be opened from the outside.

(h) *Iron bars.* The iron bars must be not less than three-fourths of an inch in diameter, placed perpendicularly in the windows or walls, not more than 5 inches apart from center to center, and reinforced by iron cross bars not more than 36 inches apart. All bars and cross bars must be securely fastened to the window frames or embedded in the walls in such a manner as to prevent their removal and to afford proper security.

(53 Stat. 314; 26 U. S. C. 2820)

§ 183.57 *Other windows.* Other windows of distillery buildings must be securely constructed and so arranged and equipped that they may be securely locked and fastened on the inside.

§ 183.58 *Skylights, monitors, penthouses, etc.* Skylights; monitors, penthouses, and similar openings will be regarded as windows and treated as such, except that shutters will not be required.

§ 183.59 *Ventilators.* Small openings in outside walls of distillery buildings, and in the ground floors and the roofs thereof, for ventilation or heating purposes, will be permitted, provided they are protected by substantial metal gratings not lighter than No. 6 gauge and having openings not larger than one-half inch, securely attached to or embedded in the floor, wall, or roof. Where such openings in the walls, floors, and roofs of cistern rooms are larger than 6 by 6 inches, they shall be further protected by iron bars. Such openings will not be permitted in walls which separate the distillery from contiguous premises.

§ 183.60 *Drains.* Openings in floors will be permitted for drainage or sewage, provided they are permanently connected to the sewer system and protected in the same manner as ventilators.

§ 183.61 *Meal room.* If meal is to be stored on the distillery premises, the distiller must provide for the purpose a suitable room constructed in accordance with the applicable provisions of §§ 183.50–183.60, except that where substantially constructed bins of sufficient capacity, all openings of which may be closed and secured with Government locks, are installed for the storage of meal, a separate meal room need not be

provided. All doors of the meal room must be equipped for locking on the inside except the entrance door, which must be equipped for locking on the outside with a Government lock. Windows and similar openings, if any, must be so equipped that they may be closed and securely fastened on the inside. Hoppers, chutes, conveyors, pipes, or openings in the walls, floor, or ceiling of the meal room used for the conveyance of meal from the meal room to the mash tubs, must be so constructed that they may be closed within the meal room and locked with Government locks: *Provided*, That where a hopper extends through the floor of the meal room, the outlet thereof may be locked outside of the meal room, if the hopper is securely covered and the inlet thereof is locked within the meal room.

§ 183.62 *Granary.* If the granary is located on the distillery premises it must be so constructed that the doors and other openings thereof may be closed and securely fastened on the inside, except the entrance door, which will be equipped for locking on the outside with a Government lock. If the granary is not situated on the distillery premises, but adjoins the distillery, the granary must be separated from the distillery on a direct vertical line by a solid and unbroken wall of substantial construction, except that an opening sufficient for the passage of grain chutes or pipe lines will be permitted in such wall. Such chutes or pipe lines shall be equipped with facilities for locking with Government locks at a suitable place on the distillery premises.

§ 183.63 *Fermenting room or building.* The distiller must provide on the distillery premises a fermenting room or building in which shall be located the fermenting tubs or tanks: *Provided*, That where closed tanks are used they need not be located in a room or building. Where a fermenting room is provided, it may be located in the distilling building and have direct communication with other portions of such building. If carbon dioxide is recovered, the necessary purifiers, scrubbers, and wash-water receiving tanks should be located in the fermenting room or building or in an adjoining room or building.

§ 183.64 *Rectifying room.* Where distilled spirits are rectified, purified, or refined in the course of original and continuous distillation, and the apparatus or equipment used for the purpose is such that it cannot be securely locked, the distiller must provide a suitable rectifying room or building in which shall be located such apparatus and equipment. Suitable tanks must be provided therein for the reception of spirits to be so treated. The rectifying room or building shall be constructed in accordance with the applicable provisions of §§ 183.50–183.60. No door, window, or other opening (except necessary openings for approved pipe lines) leading from the rectifying room into any other building, except the distilling building, will be permitted. Each door must be equipped with a substantial hasp and staple for the reception of a Government lock. A sign will be placed over the door of the rectifying room bearing the words "Rectifying Room."

§ 183.65 *Cistern room.* The distiller must provide a cistern room or building, in which shall be located the receiving cisterns. The cistern room or building must be constructed in accordance with the applicable provisions of §§ 183.50–183.60. No door, window, or other opening (except necessary openings for approved pipe lines) leading into the distillery or into any other room or building will be permitted. The doors and other openings must lead into the yard connected with the distillery. All doors of the cistern room or building shall be equipped for locking on the inside with Government locks, except the entrance door, which shall be equipped for locking on the outside with a Government seal lock. The cistern room must be well lighted and of sufficient size to permit the weighing, marking, and branding of the spirits to be done conveniently, and to accommodate the necessary equipment, including a desk and chairs for the use of Government officers in preparing their reports. A sign must be placed over the entrance door of the cistern room bearing the words "Cistern Room." Where more than one cistern room is provided, each such room will be given an alphabetical designation as "A," "B," etc.

(53 Stat. 314; 26 U. S. C. 2820)

§ 183.66 *Temporary storage room.* Where spirits, after being drawn from the receiving cisterns into packages, are to be temporarily retained on the distillery premises pending tax-payment or removal for deposit in an internal revenue bonded warehouse off the distillery premises, as authorized by § 183.516, the distiller must provide a separate room in the cistern room for the temporary storage of such packages. The construction of such temporary storage room must conform to the provisions of this part governing the construction of the cistern room. The entrance door of the storage room shall open into the other part of the cistern room and be so constructed that it may be securely locked with a Government lock. Where another door is provided, it must lead into the yard connected with the distillery and be so constructed that it may be securely locked on the inside with a Government lock, and will be used for the removal of spirits temporarily stored in the room. If such other door is not provided, spirits may not be removed from the temporary storage room through the other portion of the cistern room while packages are being filled therein.

§ 183.67 *Empty container storeroom.* If empty packages are to be stored on the distillery premises a separate room or building must be provided for such purpose. Such room or building shall not have any means of interior communication with any other room or building used in connection with the production or storage of distilled spirits. This room or building may be used for general cooperage purposes.

§ 183.68 *Government office.* The distiller shall provide and maintain on the distillery premises, for the exclusive use of Government officers, a securely constructed, well-lighted, heated, and ventilated office of suitable dimensions. The Government office shall be equipped with toilet and lavatory facilities, and with a suitable number of desks, chairs, file cases, and such other furniture as may be necessary for the keeping of records and the preparation of reports. The Government office shall also be provided with running water, tables, and shelves for use in connection with the testing of beer and slop, unless suitable laboratory facilities are available to Government officers elsewhere on the premises. The door of the Government office shall be equipped with a cylinder type lock and a sufficient number of keys therefor shall be furnished the district supervisor for the use of Government officers. Where deemed necessary to afford adequate security to Government property, the district supervisor may require the windows of the Government office to be protected by shutters or iron bars, and the door to be so equipped that it may be securely fastened with a Government lock. A sign bearing the words "Government Office" must be placed over the entrance door.

§ 183.69 *Government cabinet.* There shall be provided in the Government office a metal cabinet of adequate strength and size, suitably equipped for locking with a Government seal lock, for use in safeguarding Government locks, keys, seals, and other Government property, and stamps in the custody of Government officers. Each such cabinet shall be subject to approval by the district supervisor.

SUBPART E—SIGN

§ 183.80 *Posting of sign.* The distiller shall place and keep conspicuously on the outside and at the front of the distillery where it can be plainly seen, a sign exhibiting in plain and legible letters, painted in oil colors or gilded, not less than three inches in height and of a proper and proportionate width, the name of the distiller and the words "Registered Distillery," followed by the registered number of the distillery.

(53 Stat. 318; 26 U. S. C. 2831)

SUBPART F—FENCES OR WALLS AND GATES

§ 183.85 *Construction.* No fence or wall of a height greater than 5 feet shall be erected or maintained around the premises of any distillery, except that the district supervisor may authorize the construction and maintenance of a fence or wall of a height greater than 5 feet around the distillery in any case in which, in his opinion, such higher fence or wall is necessary to give adequate protection from trespassers.

(53 Stat. 316, 373, as amended; 26 U. S. C. 2826, 3170)

§ 183.86 *Special application.* Where the distiller desires to construct or maintain a fence or wall of a greater height than 5 feet around the distillery, he shall file with the district supervisor a special application therefor, in triplicate, giving a complete description of the fence or wall, including information as to materials, construction, height, and number of gates, and stating the reasons for the construction or maintenance of such

fence or wall. The district supervisor will take action on such special application in accordance with the procedure prescribed in § 183.292.

(53 Stat. 316, 373, as amended; 26 U. S. C. 2826, 3170)

§ 183.87 *Keys to gates.* The distiller shall furnish the district supervisor as many keys to the gates or doors of the fence or wall around the distillery as may be required from time to time, in order to render the distillery readily accessible to Government officers.

(53 Stat. 316, 373, as amended; 26 U. S. C. 2826, 3170)

SUBPART G—EQUIPMENT

§ 183.90 *Laboratory apparatus.* The distiller shall provide for the use of the Government officers a Kjeldahl or other distilling unit of sufficient capacity to distill samples of beer and slop, a Juerst, Lefco, or other approved ebulliometer, and other laboratory apparatus and equipment necessary for determining the alcoholic content of the beer and slop. The distilling unit shall be installed in a suitable location approved by the district supervisor. Where the distiller maintains a laboratory which, in the opinion of the district supervisor, is properly equipped for making such tests, the distiller may make such facilities available to Government officers in lieu of providing additional apparatus and equipment.

(53 Stat. 307, 312; 26 U. S. C. 2808, 2817)

§ 183.91 *Scales.* The distiller must provide in the cistern room suitable and accurate scales for weighing packages of distilled spirits. The distiller must also provide on the distillery premises suitable and accurate scales for the weighing of grain and other non-liquid distilling materials received and used: *Provided,* That where the distiller receives shipments of materials by rail or motor carrier, the shipper's weights appearing on the bill of lading or invoice may be recorded as the amount received, and in such cases, track or truck scales for weighing materials received need not be furnished. Beams or dials of scales used to weigh packages must indicate weight in half-pound graduations.

(53 Stat. 307, 310; 26 U. S. C. 2808, 2841)

§ 183.92 *Weighing tanks.* Where distilled spirits are to be removed from the cistern room by pipe line for any authorized purpose as provided by this part, the distiller must provide in the cistern room one or more suitable weighing tanks constructed in accordance with the provisions of § 183.93 unless the receiving cisterns are mounted on scales, or unless such removals are limited to transfer of spirits to a weighing tank on the same or contiguous premises as provided by § 183.517. Where heads and tails are to be removed in tank cars for denaturation, the distiller must provide in the distilling building a suitable weighing tank of like construction; except that such weighing tank will not be necessary in the distillery building where suitable weighing tanks are provided in the cistern room and heads and tails are to be conveyed by fixed pipe lines, constructed in accordance with § 183.111, from the heads and tails tanks to the cistern room weighing tanks and gauged therein. The beams or dials of tank scales must be graduated to enable readings to be made as follows: to the nearest one-half pound for scales having a capacity not to exceed 2,000 pounds; to the nearest 1 pound for scales having a capacity of over 2,000 pounds, but not exceeding 6,000 pounds; to the nearest 2 pounds for scales having a capacity over 6,000 pounds, but not exceeding 20,000 pounds; to the nearest 5 pounds for scales having a capacity over 20,000 pounds, but not exceeding 50,000 pounds; and to the nearest 10 pounds for scales having a capacity over 50,000 pounds. Except in the case of scales having a capacity of 2,000 pounds or less where spirits are to be gauged for taxpayment not less than twenty percentum of the total capacity of the weighing tank scale may be entered into the tank for gauging for determination of the tax: *Provided,* That lots of spirits weighing 1,000 pounds or less must be weighed on scales having one-half pound graduations. If molasses or other liquids are used as distilling material, suitable weighing or measuring tanks must be provided for determining the quantity thereof.

(53 Stat. 298, as amended, 307; 26 U. S. C. 2800, 2808)

§ 183.93 *Construction of weighing tanks.* Weighing tanks for distilled spirits shall be constructed of metal and shall be stationary and each such tank shall be equipped with a suitable measuring device whereby the contents will be correctly indicated. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words, "Weighing Tank," followed by its serial number and capacity in gallons. The inlet and outlet pipe connections of each weighing tank must be fitted with valves so constructed that they can be secured with Government locks, and any other openings in such tanks must also be so constructed that they can be closed and similarly locked.

(53 Stat. 298, as amended, 307, 316; 26 U. S. C. 2800, 2808, 2823)

§ 183.94 *Test weights.* The distiller shall provide a set of ten 50-pound cast-iron test weights, which shall be certified by the National Bureau of Standards or State departments of weights and measures as conforming to Class "C" requirements of the National Bureau of Standards. If the distiller has provided such test weights at an internal revenue bonded warehouse operated by him on the same or contiguous premises, or at a rectifying plant on contiguous premises, he need not provide a separate set of weights for the distillery. All test weights shall be placed under the control and in the custody of the storekeeper-gauger in charge, who shall keep them under Government lock when not in use.

(53 Stat. 307; 26 U. S. C. 2808)

§ 183.95 *Furnace doors, steam and fuel lines.* The door of every furnace of every still or boiler located on the distillery premises must be so constructed that it may be closed and locked with a Government lock in such a manner as will effectually prevent it from being opened and a fire lighted in the furnace or under the boiler: *Provided,* That where the stills are heated with steam and it is necessary to use the boilers for the generation of steam for other purposes during periods when distilling operations are suspended, the doors of the furnaces of such boilers need not be equipped for locking if the pipe lines used to convey steam from the boilers to the stills are provided with valves equipped for locking with Government locks at the point where they enter each still. Where the boilers used for generating steam for the operation of the distillery are located off the distillery premises, the pipe line used to convey the steam to the distillery must be equipped with a valve so constructed that it may be locked with a Government lock, either at the point where it enters the distillery premises or at the point of entrance to the stills. If the stills are operated with fuel conveyed to them by pipe line, such pipe line must likewise be equipped for locking.

(53 Stat. 315; 26 U. S. C. 2822)

§ 183.96 *Distilling material storage tanks.* If molasses or other liquid distilling materials are to be stored on the distillery premises, the distiller must provide substantially constructed tanks for the purpose. The inlets, outlets, and other openings of such tanks must be equipped for locking with Government locks. Such tanks need not be located in a room or building: *Provided,* That where spirits are received for redistillation, tanks used for storage thereof and pipe lines used in connection therewith must be installed and equipped in accordance with requirements of §§ 183.102 and 183.111.

(53 Stat. 318; 26 U. S. C. 2829)

§ 183.97 *Off-premises material conveyors.* Where distilling materials are conveyed to the distillery by chute, conveyor, or pipe line from adjacent premises, such chute, conveyor, or pipe line shall be equipped at a suitable place for locking with Government locks.

(53 Stat. 316, 318; 26 U. S. C. 2823, 2829)

§ 183.98 *Cookers and mash tubs.* Cookers and mash tubs must be so placed as to be easily accessible and subject to ready examination by Government officers. Each such cooker or mash tub must have painted thereon its designated use, as "Cooker" or "Mash Tub," followed by its serial number and capacity in gallons.

(53 Stat. 315; 26 U. S. C. 2822)

§ 183.99 *Fermenters.* Each fermenter must be constructed of wood, metal, concrete, or other suitable material, and so arranged as to permit proper examination thereof. Each fermenter must have plainly and legibly painted thereon the word, "Fermenter," followed by its serial number, and capacity in gallons, depth in inches, and, if of uniform dimensions and standing on end, the capacity per inch of depth. Where such tanks are of irregular dimensions the distiller shall furnish to the district supervisor a table, in duplicate, showing the capacity of the tank for each inch of depth. The district supervisor will retain one copy of the table and forward the other to the storekeeper-gauger who will retain the same in the Government office. All tanks must be so constructed as to permit proper examination thereof, and so arranged as to leave an open space of not less than three feet between the top and the roof or floor above. Where tanks are equipped with manholes or valves in the top which are required to be locked with Government locks, suitable walks or landings with steps or stairways leading thereto and providing ready access to such manholes or valves must be constructed. All tanks, such as low-wine, high-wine, heads and tails, fusel oil and distilled water tanks, and similar equipment, shall each have plainly and legibly painted thereon its designated use, serial number, and capacity in gallons. Manheads, inlets, and outlets of the tanks and all openings in the distilling apparatus and equipment, except column stills, whereby access may be had to the spirits must be provided with facilities for locking with Government locks or otherwise securely fastened or sealed: *Provided,* That distilled water storage tanks need not be so equipped unless a pipe line is connected therewith for the conveyance of distilled water to contiguous establishments, as provided in § 183.106. Tanks used as receptacles for spirits may be permanently connected with pipe lines for the conveyance thereto of air and also distilled water, but the distilled water pipe line must be affixed to the top of the tank, and may not extend into the tank. Such pipe lines must be equipped with a control valve which may be locked with a Government lock. Pipe lines used for the conveyance of air must also be equipped with a check valve located near the point of entry to the tank in order to effectively prevent any abstraction of spirits from the tank. Other pipe lines, except those used for the conveyance of spirits, may not be permanently connected with such tanks.

(53 Stat. 316, 318; 26 U. S. C. 2823, 2829)

§ 183.103 *Heads and tails tanks.* Every distiller desiring to collect heads and tails for destruction or removal for denaturation must provide for the purpose one or more tanks, each of which must be constructed and equipped in accordance with the provisions of § 183.102, and have painted thereon the words, "Heads and Tails Tank," followed by its serial number and capacity in gallons. The tanks must be so arranged that the distillate to be collected therein will pass from the still into the tank through continuous and securely closed, fixed pipes and vessels. The pipe lines connecting the tanks with stills or other apparatus must be constructed in accordance with § 183.111. Valves must be provided in the pipe lines and so arranged as to control completely the flow of distillate both into and out of each tank. The construction of the valves must be such that they can be secured with Government locks.

(53 Stat. 316, 318, 346; 26 U. S. C. 2823, 2829, 2916)

§ 183.104 *Unfinished spirits tanks.* Whenever a distillery established or operated under the regulations in this part is to be operated alternately as such and as an industrial alcohol plant or fruit distillery in accordance with Subpart M of this part, and the distiller desires to retain unfinished spirits where the change in type of plant is to be temporary only, he must provide for the purpose one or more tanks, each of which must be constructed and equipped in accordance with the provisions of § 183.102 and have painted thereon the words, "Unfinished Spirits Tank," followed by its serial number and capacity in gallons. The tanks must be so arranged that the unfinished spirits to be collected therein will pass from the still into the tank through continuous and securely closed, fixed pipes and vessels. The pipe lines connecting the tanks with stills or other apparatus must be constructed in accordance with § 183.111. Valves must be provided in the pipe lines and so arranged as to control completely the flow of unfinished spirits both into and out of each tank. The construction of the valves must be such that they can be secured with Government locks.

(53 Stat. 316, 318; 26 U. S. C. 2823, 2829)

§ 183.105 *Fusel oil tanks.* Fusel oil tanks must be constructed and equipped in accordance with the provisions of § 183.102, and each such tank must have painted thereon the words, "Fusel Oil Tank," followed by its serial number and capacity in gallons. Tanks for the temporary storage of fusel oil, after the same has been tested, need not be inclosed in a room or building, but must be located on the distillery premises. Fusel oil tanks shall not be connected with any pipe line used for the conveyance of spirits. The pipe lines used in connection therewith must be constructed and arranged in accordance with the provisions of § 183.111. Pipe lines connected with fusel oil tanks must be provided with valves so arranged as to control the flow of fusel oil both into and out of the tanks, and so constructed that they may be secured with Government locks.

(53 Stat. 316, 318; 26 U. S. C. 2823, 2829)

§ 183.106 *Distilled water tanks.* Distilled water storage tanks shall be so located that their contents may be readily inspected by Government officers, and each such tank shall have painted thereon the words, "Distilled Water Storage Tank," followed by its serial number and capacity in gallons. Where distilled water is to be conveyed by pipe line to contiguous establishments operated under the internal revenue laws and regulations, the storage tanks from which the distilled water is to be so conveyed must be so constructed that any necessary openings therein may be closed and secured with a Government lock. The pipe line must be an independent one, without any connection with any other pipe, tank, vessel, or utensil on the distillery premises: *Provided,* That where distilled water is to be so conveyed from two or more distilled water storage tanks, the pipe line may be connected with such tanks by permanent manifold connections. The pipe line must be constructed of metal or other suitable material and exposed to view throughout its entire length. The valves, flanges, and other connections in

such pipe line on the distillery premises must be brazed, welded, or otherwise secured in such a manner that the pipe line and its connections cannot be detached or altered without showing evidence of tampering.

(53 Stat. 316, 318; 26 U. S. C. 2823, 2829)

§ 183.107 *Try boxes.* Try boxes must be provided and so constructed as to permit reading the proof of the spirits, as well as the temperature, without unlocking the same. Such boxes shall be substantially constructed, and shall be equipped for locking with a Government lock. Each try box must be provided with an overflow pipe to permit by-passing of the spirits around the valves controlling the flow from the try box to the receiving cisterns. The overflow pipe shall be brazed or welded to the pipe line leading to the low or high wine tanks or the receiving cisterns.

(53 Stat. 314, 318; 26 U. S. C. 2820, 2829)

§ 183.108 *Rectifying equipment.* Where spirits are rectified, purified, or refined, the pipes, percolators, vessels, tanks, and other apparatus used in purifying or refining spirits must be so constructed that the spirits will pass through the purifying process in their passage from the beer still to the receiving cisterns. Except as provided by § 183.64, the pipes, vessels, and other apparatus must be closed and continuous and all necessary openings must be so constructed that they may be closed and locked with Government locks. Except as provided by § 183.102, no permanent water pipe line shall be connected with the high-wine tanks, percolators, or other rectifying apparatus.

(53 Stat. 314, 318; 26 U. S. C. 2820, 2829)

§ 183.109 *Receiving cisterns.* The distiller must provide in the cistern room receiving cisterns having sufficient capacity to permit the efficient deposit, withdrawal and supervision of each type of distilled spirits produced daily in accordance with this part. The adequacy of the capacity of the receiving cisterns shall be determined by the district supervisor. Receiving cisterns must be constructed and arranged in conformity with the requirements of § 183.102, and, in addition thereto, such cisterns must be elevated not less than 18 inches from the floor, and so separated that Government officers may pass completely around each. Each receiving cistern must be equipped with a suitable measuring device whereby the actual contents will be correctly indicated, and shall have plainly and legibly painted thereon the words, "Receiving Cistern," followed by its serial number and capacity in gallons. The cisterns must not be connected with each other, except that a connecting pipe line will be permitted between them in order to prevent loss of spirits by overflow. Such connecting pipe line must be located as close to the top of each cistern as the construction thereof will permit, and it must be closed and all connections therein brazed or welded to prevent abstraction of spirits without showing evidence of tampering. A valve equipped for locking with a Government lock must be provided in such pipe line. Pipe lines connected with receiving cisterns must be brazed, welded, or otherwise secured and sealed, in such a manner that they cannot be detached or altered without showing evidence of tampering. Except as provided by § 183.102, pipe lines for the conveyance of water, air, or other substance than spirits, may not be permanently connected with receiving cisterns.

(53 Stat. 312, 314, 373, as amended; 26 U. S. C. 2317, 2820, 3170)

§ 183.110 *Stopcocks of receiving cisterns.* The stopcocks which control the flow of spirits into the receiving cisterns must be so arranged that the spirits may be run into any of the cisterns, and if the stopcocks are in the cistern room, they must be controlled by rods, the handles of which must extend into the distillery or through the wall to the outside of the cistern room and be under Government lock. If such stopcocks are outside of the cistern room, they must be securely boxed and the box locked with a Government lock. The storekeeper-gauger will keep the key to the Government locks which control the stopcocks of receiving cisterns in his possession. The flow of the spirits from one cistern to another will, however, be changed by the distiller under the immediate supervision of the storekeeper-gauger.

(53 Stat. 312, 314, 316, 373, as amended; 26 U. S. C. 2817, 2820, 2823, 3170)

§ 183.111 *Pipe lines.* The distilling apparatus and equipment must be closed and continuous, commencing with the first still in which the vapors rise and continuing with securely closed vessels and pipes to the receiving cisterns in which the finished product is deposited. All such pipe lines must be of a fixed and permanent character, constructed of metal, or other material affording necessary protection, and so arranged as to be exposed to view in their entirety. All valves, unions, flanges, and other detachable connections in the pipe lines of the distilling equipment from the point where the vapors rise in the beer still to the receiving tanks must be so secured by brazing, welding, fastening, and sealing, or locking with Government locks as to effectually prevent disconnection and access to the spirits. Pipe lines authorized by this part for use in the conveyance of spirits from the cistern room to establishments on the same or contiguous premises shall be constructed, secured, and exposed in like manner and shall be so arranged that each such pipe line can be completely emptied or drained after each transfer of spirits: *Provided*, That such pipe lines may be connected with weighing tanks by means of flexible metal hose with ends brazed or welded to the outlet of the tank and the pipe line, or by means of short, detachable, hose connections, if the end of the pipe line is fitted with a valve so constructed that it may be secured with a Government lock. Pipe lines may likewise be connected with railroad tank cars by means of short, detachable hose connections.

(53 Stat. 298, as amended, 312, 314, 318, 335, as amended; 26 U. S. C. 2600, 2820, 2823, 2829, 2883)

§ 183.112 *Additional requirements for pipe lines.* Where spirits are to be conveyed by pipe line to contiguous establishments as authorized by this part, a separate pipe line to each such establishment must be installed for the conveyance of the spirits: *Provided*, That the Commissioner may authorize the use of a single pipe line where proper manifold connections, affording adequate control of the spirits to each establishment, are provided in the pipe line. A pipe line must also be provided for loading or unloading tank cars, except as provided by §§ 183.435 and 183.520. Such pipe lines may be connected only to the tanks to or from which transfer of spirits is authorized, except, where two or more tanks are used for the same purpose, manifold connections may be used. Manifold connections must be equipped with valves which may be secured with Government locks and so arranged as to permit complete control of spirits into or out of each tank. There shall be painted on each pipe line extending to and from a manifold a legend showing the kind and serial number of the tank or the type and registry number of the contiguous establishment with which the pipe line is connected. Where there are separate pipe lines leading directly from a tank to a tank car loading zone or an establishment on the same or contiguous premises, a legend indicating the use of such pipe line or the type and registry number of the contiguous establishment shall be painted thereon. Pipe lines so used shall be kept painted in the colors required by § 183.116.

(53 Stat. 298, as amended, 312, 314, 318, 335, as amended; 26 U. S. C. 2800, 2820, 2823, 2829, 2883)

§ 183.113 *Preparation for sealing flanges.* Where flanges and other detachable connections in the pipe lines (other than unions or valves) are not secured by welding or brazing, and are not to be secured by Government locks, they must be prepared by the distiller for sealing with "cap" seals by one of the following methods:

(a) By applying a "castle" nut with a hole drilled through the bolt, so the sealing wire may be passed through like a cotter pin, two such nuts being applied to each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three such nuts will be applied at approximately equal distances apart;

(b) By drilling a small hole through both nut and bolt, two such bolts and nuts being drilled for each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three such nuts will be applied at approximately equal distances apart; or

(c) By drilling a hole through the corner of the head of the bolt and one through the corner of the nut so the two will be sealed together, two such bolts and nuts being drilled for each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three such nuts will be applied at approximately equal distances apart.

(53 Stat. 314, 316; 26 U. S. C. 2820, 2823)

§ 183.114 *Preparation for sealing unions.* Where unions in the pipe lines are not secured by welding or brazing, and are not to be secured by Government locks, they will be prepared for sealing by enclosing the same in a metal box with holes for the sealing wire.

(53 Stat. 314, 316; 26 U. S. C. 2820, 2823)

§ 183.115 *Preparation for sealing valves.* Where small gate and globe valves in the pipe lines are not secured by welding or brazing, and are not to be secured by Government locks, they may be prepared for sealing by inclosing the packing nut and hood with a metal band or strap drawn tightly around the flange and fitted for reception of the sealing wire, or by drilling a hole in the packing nut so that sealing wire may be passed through and drawn around the pipe and sealed. Where valves have large flanges, such flanges may be sealed in the same manner as other flanges.

(53 Stat. 314, 316; 26 U. S. C. 2820, 2823)

§ 183.116 *Colors for pipe lines.* The pipe lines in the distillery used for conveying the following substances shall be kept painted in the colors indicated:

Black	Whisky, gin, rum or other finished spirits.
Blue	Vapor, singlings, high-wines and low-wines, or other unfinished spirits.
Red	Fermented mash or beer.
Gray	Molasses or other unfermented material.
Brown	Spent beer or slop.
Yellow	Fusel oil.
White	Water.
Aluminum	Steam.
Orange	Air.
Olive green	Carbon dioxide.

These colors are intended for such pipe lines only, and are prescribed for the purpose of distinguishing such pipe lines from each other, and from all other pipe lines on the premises which are painted, but for which colors are not prescribed. The painting in one of the prescribed colors, or a color similar thereto, of a pipe line for which a color is not prescribed is prohibited. Pipe lines for which colors are not prescribed may be painted in sections of contrasting colors.

(53 Stat. 315; 26 U. S. C. 2822)

§ 183.117 *Sufficient equipment required.* Whenever a distiller desires to produce in his distillery two or more kinds of spirits simultaneously, he must provide sufficient mash tubs, fermenters, distilling apparatus, receiving cisterns, and other equipment to permit the production thereof without the commingling of dissimilar spirits.

(53 Stat. 318; 26 U. S. C. 2829)

§ 183.118 *Details of construction and equipment.* Where details of construction and equipment are not covered by this part, such construction and equipment must afford the same degree of security and protection to the spirits in the distillery as is intended by the construction and equipment specifications in this part prescribed. The Commissioner may approve details of construction and equipment in lieu of those specified in this part where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford as much security and protection as the construction and equipment prescribed. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, or where any doubt prevails in regard to the security and protection which will be afforded by construction and equipment not covered by this part, approval of the Commissioner should be first obtained.

§ 183.119 *Distilleries heretofore established.* Distilleries heretofore established may continue to operate if the present construction and equipment afford adequate security and protection to the revenue. The Commissioner or district supervisor may at any time require the distiller to make changes in construction and equipment conforming to the provisions of this part, if deemed necessary to safeguard the revenue or to permit more economical and efficient supervision by Government officers. All distilleries hereafter established, and changes in existing distilleries, must be in conformity with this part.

(53 Stat. 316, 373, as amended; 26 U. S. C. 2823, 3170)

SUBPART H—QUALIFYING DOCUMENTS

§ 183.125 *Notice, Form 27–A.* Every person engaged in the business of a distiller, or intending to engage therein, or who wishes to continue in such business on and after the 1st day of May in each year, must give notice of such intention on Form 27–A. This notice must be filed in triplicate with the district supervisor of the district in which the premises are located, before engaging in the business, and on May 1 of each year thereafter during continuance in such business. Except as provided in § 183.136 in the case of amended and supplemental notices all of the information indicated by the lines of the form and the instructions printed thereon or issued in respect thereto, and as required by the regulations in this part, shall be furnished. Notices on Form 27–A must be signed in accordance with the instructions printed on the form and sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such notice contains therein a provision for verification by a written declaration that such notice is made under penalties of perjury, such notice shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Such notices must be numbered serially, commencing with number 1 and continuing in regular sequence for all notices thereafter filed, whether annual, amended, or supplemental. All data, written statements, affidavits, and other documents submitted in support of the application shall be deemed to be a part thereof.

(53 Stat. 309, 373, as amended, 63 Stat. 667; 26 U. S. C. 2812, 3170, 3809)

§ 183.126 *Permit required.* Under the Federal Alcohol Administration Act and the regulations issued pursuant thereto (27 CFR, Part 1), any person, except an agency of a State or political sub-division thereof, or any officer or employee of any such agency, intending to engage in the business of producing distilled spirits, is required to procure a permit therefor. Application for such permit should be filed with the district supervisor, at the time of filing the original notice, Form 27–A.

(49 Stat. 978; 27 U. S. C. 203)

§ 183.127 *Description of premises.* The lot or tract of land on which the distillery is situated must be described on Form 27–A by courses and distances, in feet and inches, with the particularity required in conveyances of real estate. If the distillery premises consist of two or more lots or parcels, the condition of the title to which is not the same, the entire distillery premises shall be first described, followed by a separate description by courses and distances, in feet and inches, of each such lot or parcel. The continuity of the distillery premises must be unbroken, except that the premises may be divided by a public street or highway, if parts of the premises so divided abut on such street or highway opposite each other. The premises may be similarly divided by a railroad right-of-way, if the railroad is a common carrier. In such cases, each tract of land constituting the distillery premises shall be described separately on the form.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

§ 183.128 *Description of buildings and rooms.* All buildings and rooms on the distillery premises, including the cistern room, shall be accurately described on Form 27–A. The description shall include the designated name of the building or room, which shall be according to its use, such as distillery building, cistern room, etc., the materials of which constructed, the dimensions thereof, the location of doors, windows, and other openings, and the manner in which they are secured and protected. Each floor of each building shall be described separately. If more than one building or room is used for the same purpose, the name of each shall include an alphabetical designation to distinguish it as "Fermenting Room A," "Fermenting Room B," etc.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

§ 183.129 *Description of fence or wall.* If the distillery premises are surrounded by a fence or wall, such fence or wall shall be separately described on Form 27–A. The description shall include information as to materials, construction, height, and the number of gates. If the height exceeds 5 feet, the form shall also show whether authority to construct or maintain such fence or wall has been obtained from the district supervisor.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

§ 183.130 *Fermenting capacity.* The estimated maximum quantity of each kind of material it is proposed to use that can be mashed in a day of 24 hours must be stated in the space provided therefor on Form 27–A. The estimated quantity of the material that can be

mashed daily will be based upon the capacity of the fermenters, using a maximum strength beer and a minimum fermenting period.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

§ 183.131 *Distilling capacity.* The estimated maximum number of proof gallons of spirits that can be distilled in a day of 24 hours must also be stated in the space provided therefor on Form 27–A. The estimated quantity of spirits that can be distilled daily will be based on the capacity of the stills and the use of a maximum strength beer. The capacity of stills will be computed in accordance with the rules set forth in Subpart MM of this part.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

§ 183.132 *Daily production.* The estimated maximum quantity of each kind of material that the distiller intends to mash in a day of 24 hours, and the estimated maximum quantity in proof gallons of spirits that will be produced from such materials, including spirits produced by redistillation pursuant to Subpart T of this part, in a like period shall be stated on Form 27–A. Where the distiller intends to mash different kinds of materials than those covered by Form 27–A, or a larger quantity of the specified materials than the maximum indicated on such form, or to produce a larger quantity of spirits than the maximum indicated on the form, he must file with the district supervisor an amended notice, Form 27–A, in triplicate, and, if the tax on the quantity of spirits to be produced during a period of 15 days will exceed the penal sum of the distiller's bond (if such penal sum is less than the maximum of $100,000), a new or additional distiller's bond must be filed, as provided in § 183.159. Likewise, where the quantity of spirits actually produced during any period of 15 days exceeds the estimated maximum quantity to be produced during such period, the distiller must file an amended notice, on Form 27–A and, where required, a new or additional distiller's bond, in accordance with § 183.159.

(53 Stat. 309, 335, as amended, 373, as amended; 26 U. S. C. 2812, 2883, 3170)

§ 183.133 *Condition of title to premises.* The condition of the title to the distillery premises shall be shown on Form 27–A. If the distiller is not the owner in fee, unencumbered by any mortgage, judgment, or other lien, of the lot or tract of land on which the distillery is situated, the name and address of the owner of the fee and of any mortgagee, judgment-creditor, or other person having a lien thereon, shall be stated. Where the written consent of the owner of the fee and of mortgagees, judgment-creditors, or other lienors, is filed as provided in §§ 183.137–183.139, or where an indemnity bond is filed in lieu of such written consent, as provided in §§ 183.143, 183.147, 183.148 and 183.149, such fact, together with information as to the kind, date, and amount of the encumbrance and the balance due thereon, shall be shown on the notice in connection with the statement of the present condition of the title. In cases where an indemnity bond is filed, the date of the district supervisor's approval of the filing of such bond shall also be given.

(53 Stat. 298, as amended, 309, 311; 26 U. S. C. 2800, 2812, 2815)

§ 183.134 *Condition of title to apparatus and equipment.* The distiller's title to, or interest in, the distilling apparatus and equipment shall be shown on Form 27–A. If the distiller is not the owner of the distilling apparatus and equipment, unencumbered by any mortgage, judgment, or other lien, the name and address of the owner and of any mortgagee, judgment-creditor, conditional sales vendor, or other lienor shall be stated. Where the written consent of the owner and of the mortgagees, judgment-creditors, conditional sales vendors, or other lienors, is filed as provided in §§ 183.137–183.139, or where an indemnity bond is filed in lieu of such written consent, as provided in §§ 183.143, 183.147, 183.148 and 183.149, such fact, together with information as to the kind, date, and amount of the encumbrance and the balance due thereon, or, if the apparatus was purchased under a conditional sales contract, or other form of title retaining contract, the purchase price and the balance due, shall be shown in connection with the statement of the distiller's title to or interest in the property. In cases where an indemnity bond is filed, the date of the district supervisor's approval of the filing of such bond shall also be given.

(53 Stat. 298, as amended, 309; 26 U. S. C. 2800, 2812)

§ 183.135 *Distance from rectifying plant or vinegar factory.* If the distillery premises are situated more than 600 feet in a direct line from any premises authorized to be used for rectifying spirits, or from a vinegar factory using the vaporizing process, such fact shall be stated on Form 27–A. If the distance between the distillery premises and the premises of a rectifying plant is less than 600 feet in a direct line, there must be stated on Form 27–A, the name of the proprietor of the rectifying plant, the exact distance in feet and inches between the distillery and the rectifying plant, and whether the location of the distillery within such distance of the rectifying plant has been approved by the district supervisor. If such location of the distillery has been approved by the district supervisor, the date of such approval shall be given. If the distance between the distillery premises and a vinegar factory using the vaporizing process is less than 600 feet in a direct line, such fact, and the date of the establishment of the vinegar factory, shall be stated on the form.

(53 Stat. 300, 314, 319, 320, 373, as amended; 26 U. S. C. 2812, 2819, 2834, 2835, 3170)

§ 183.136 *Amended and supplemental notices.* Amended and supplemental notices on Form 27–A may be executed in skeleton form, except as to the items amended or supplemented. All other items which are correctly set forth in prior notices, and in which there has been no change since the last preceding notice, may be incorporated in the amended or supplemental notice by reference to the respective notice previously filed in which the item is fully and correctly set forth. Such incorporation by reference shall be made by entering for each such item in the space provided therefor the statement "No change since filing Form 27–A, Serial No. ——" (the number being inserted), and the date of such form.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

§ 183.137 *Consent, Form 1602.* Where the distiller is not the owner in fee of the lot or tract of land on which the distillery is situated, unencumbered by any mortgage, judgment, lien, or other encumbrance, or is not the owner of the distilling apparatus and equipment, unencumbered by any mortgage, judgment, lien, or other encumbrance, he must file (except as provided in § 183.140), the written consent, Form 1602, of the owner and of any mortgagee, judgment-creditor, lienor, or other encumbrancer, conditional sales vendor, or prior lessee, that the premises or property may be used for the purpose of distilling spirits, subject to the provisions of law, and expressly stipulating that the lien of the United States for taxes and penalties shall have priority over any right, title, or interest of the person giving the consent, and that, in the case of the forfeiture of the premises or property, or any part thereof, the title to the same shall vest in the United States, discharged from any such right, title or interest.

(53 Stat. 311, 373, as amended; 26 U. S. C. 2815, 3170)

§ 183.138 *Execution of consent.* The consent shall be executed on Form 1602, in triplicate, in accordance with the instructions printed thereon, duly acknowledged before an officer authorized to take acknowledgment of deeds, properly recorded, and submitted to the district supervisor with the notice, Form 27–A, and made a part thereof. The acknowledgment and certificate of recordation shall be executed on all three copies of the form.

(53 Stat. 311, 373, as amended; 26 U. S. C. 2815, 3170)

§ 183.139 *New consent when required.* A new consent will be required for each year beginning on the first day of May, unless the consent is given for a definite period of time exceeding one year, in which event the consent should be given in terms to expire at the beginning of an annual period, May 1. If, after such consent is filed, the premises are extended and the distiller is not the owner in fee, unencumbered of the additional premises, or additional apparatus and equipment are installed and the distiller is not the owner thereof unencumbered, a consent on Form 1602 must be filed for such additional premises or apparatus and equipment. A new consent will also be required whenever there is a change of proprietorship, including a succession for a temporary period by a lessee or fiduciary, unless the consent procured by the predecessor specifically

covers operation of the premises by his successor or assigns. In the event of failure of such consent, the distiller will be no longer qualified, unless an indemnity bond on Form 3–A is filed.

(53 Stat. 311, 373, as amended; 26 U. S. C. 2815, 3170)

§ 183.140 *Bond in lieu of consent.* Where consent on Form 1602 cannot be obtained or where the distillery was sold at a judicial or other sale in favor of the United States, and there exists a right of redemption from such sale, the distiller may file in lieu of such consent, an indemnity bond, Form 3–A, as provided in § 183.141.

(53 Stat. 311, 373, as amended; 26 U. S. C. 2815, 3170)

§ 183.141 *Permission required for filing bond, Form 3–A.* Where the distiller cannot obtain the written consent of the owner of the fee of the distillery premises, and of any mortgagee, judgment-creditor, or other person having a lien thereon, or where he cannot obtain such consent of the owner of the distilling apparatus and equipment, and of any mortgagee, judgment-creditor, conditional sales vendor, or other lienor, and desires to file an indemnity bond, Form 3–A, in lieu of such consent, he shall file application, in triplicate, with the district supervisor for permission so to do.

(53 Stat. 311, 373, as amended; 26 U. S. C. 2815, 3170)

§ 183.142 *Application.* The application shall contain (a) an accurate description of the lot or tract of land on which the distillery is situated and of the distillery, the buildings, and the distilling apparatus thereon; (b) a full and clear statement of the condition of the title to the distillery premises and apparatus and equipment, including the name and address of the owner and of all mortgagees, judgment-creditors, conditional sales vendors, prior lessees, and other persons having liens thereon, the kind, date, and amount of each encumbrance, and the balance due thereon, and, in the case of apparatus or equipment purchased under a conditional sales contract, or other form of title retaining contract, the purchase price and the balance due; and (c) a full and clear statement of the reasons why the applicant cannot obtain the prescribed written consent. The district supervisor will take action on such application in accordance with the procedure prescribed in § 183.293.

(53 Stat. 311, 373, as amended; 26 U. S. C. 2815, 3170)

§ 183.143 *Bond, Form 3–A.* If the application is approved, the distiller shall execute bond on Form 3–A, in triplicate, in conformity with the applicable provisions of Subpart I of this part, and file the same with the district supervisor. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus. If, after such bond is filed, the value of the distillery premises, buildings, or distilling apparatus is increased by additional land, buildings, or distilling apparatus, an additional bond on such form to cover the increase in value will be required: *Provided,* That if such increase in value is less than $1,000, no additional bond will be required. In the event of a failure of bond on Form 3–A, the distiller will be no longer qualified, unless a new and satisfactory bond is filed.

(53 Stat. 311, 373, as amended; 26 U. S. C. 2815, 3170)

§ 183.144 *Appraisal.* The appraisal to determine the penal sum of the bond on Form 3–A shall be made by two or more competent persons designated by the district supervisor. The appraisers shall render to the district supervisor a report, in duplicate, showing separately the value of the land and buildings and the distilling apparatus, and containing a full and clear statement of the methods employed by them in determining their valuations. The appraisal shall be at the expense of the distiller, unless it is made by Government officers.

(53 Stat. 311, 373, as amended; 26 U. S. C. 2815, 3170)

§ 183.145 *Permission required for filing bond, Form 3.* In any case (a) where the owner of a distillery or distilling apparatus erected prior to July 20, 1868, has only an estate for a term of years, or other estate less than fee simple in the lot or tract of land on which the distillery is situated, the evidence of title to which shall have been duly recorded prior to that date; or (b) in like case, where the lease or other evidence of title is held but was not required by the laws of the State to be recorded in order to be valid at the time of its execution; or (c) in any case of such prior erection where the title was then, and has continued to be, in litigation; or (d) in any case of such prior erection where such owner is possessed of the fee, but encumbered with a mortgage executed and duly recorded prior to July 20, 1868, and not due; or (e) in any case of such prior erection where the fee is held by a femme-covert, minor, person of unsound mind, or other person incapable of giving the prescribed consent, the distiller may, in lieu of such consent, give bond on Form 3, upon securing permission so to do.

(53 Stat. 377; 26 U. S. C. 3180)

§ 183.146 *Application.* Any distiller desiring to avail himself of the privilege of filing bond on Form 3, in lieu of the prescribed consent, must file application, in triplicate, with the district supervisor. The application must show that the distillery was erected prior to July 20, 1868, and contain a full and clear statement of the condition of the title or the nature of the incapacity of the holder of the fee, as the case may be. The district supervisor will take action on such application in accordance with the procedure prescribed in § 183.293.

(53 Stat. 377; 26 U. S. C. 3180)

§ 183.147 *Bond, Form 3.* If the application is approved, the distiller shall execute bond on Form 3, in triplicate, in conformity with the applicable provisions of Subpart I of this part, and file the same with the district supervisor. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the distillery is situated, together with the buildings and distilling apparatus. If, after such bond is filed, the value of the distillery premises, buildings, or distilling apparatus is increased by additional land, buildings, or distilling apparatus, an additional bond on such form to cover the increase in value will be required: *Provided,* That if such increase in value is less than $1,000, no additional bond will be required. The event of a failure of bond on Form 3, the distiller will be no longer qualified, unless a new and satisfactory bond is filed.

(53 Stat. 377; 26 U. S. C. 3180)

§ 183.148 *Bond in lieu of consent where premises of distillery erected prior to July 20, 1868, are increased.* The distiller may likewise give bond on Form 3 in lieu of the written consent of the owner of the fee, in the case of a distillery erected prior to July 20, 1868, where the premises have since such date been increased by the addition of land or buildings adjacent or contiguous thereto not owned by the distiller in fee. If the distillery is one which the distiller owns in fee, or in respect to which he has procured the written consent of the owner in fee and all encumbrancers, the penal sum of the bond shall be equal to the appraised value of the addition to the premises. If the distillery is one which the distiller is entitled to operate under bond on Form 3, then the penal sum of such bond shall be equal to the appraised value of the whole distillery as increased by such addition.

(53 Stat. 377; 26 U. S. C. 3180)

§ 183.149 *Bond in lieu of consent where distillery is sold for United States.* Where a distillery is sold at a judicial or other sale in favor of the United States, the distiller may give bond on Form 3–A, in lieu of the consent of the person possessing the right of redemption, and of any mortgagee, judgment-creditor, or other lienor, and be allowed, upon complying with all other provisions of law and this part, to operate such distillery during the existence of the right of redemption from such sale. A distiller desiring to give bond in such case shall file application, in triplicate, with the district supervisor for permission so to do. The application shall contain a full and clear statement of the condition of the title, including the name and address of the person having the right of redemption and of all encumbrances, the kind, date, and amount of each encumbrance, the date of the sale, and the date of expiration of the right of redemption. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the distillery is situated, together with the buildings and distillery apparatus. If, after such bond is filed, the value of the distillery premises, buildings, or distilling apparatus is increased by additional land, buildings, or distilling apparatus, an additional bond on such form to cover the increase in value will be required: *Provided,* That if such increase in value is less than $5,000, no additional bond will be required. The

appraisal shall be made in accordance with the provisions of § 183.144.

(53 Stat. 311, 373, as amended; 26 U. S. C. 2815, 3170)

§ 183.150 *Certificate of title.* The distiller shall submit a certificate and, when required, an abstract, in triplicate, of the title to the distillery premises, prepared by a person authorized by the laws of the State in which the distillery is located to prepare such documents. The document must contain an accurate description of the distillery premises corresponding to that set forth in the distiller's notice, and any liens or other encumbrances on the property must be fully described. Such certificate shall accompany the distiller's notice and be made a part thereof.

(53 Stat. 298, as amended, 311, 373, as amended; 26 U. S. C. 2800, 2815, 3170)

§ 183.151 *Corporate documents.* There must be submitted with, and made a part of the original or initial notice on Form 27–A, given by a corporation to engage in the business of a distiller, properly certified copies, in triplicate, of the following documents:

(a) Articles of incorporation and any amended articles of incorporation.

(b) Certificate of incorporation.

(c) Certificate authorizing corporation to operate in State where distillery is located, if other than that in which incorporated.

(d) Extracts of minutes of meetings of stockholders, showing election of directors.

(e) By-laws.

(f) Extracts of the minutes of meetings of the board of directors, showing the election of officers.

(g) Extracts of the minutes of meetings of the board of directors, authorizing certain officers or other persons to sign for the corporation.

(h) List of the names and addresses of the officers and directors.

(i) List of stockholders, as provided in § 183.152.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

§ 183.152 *List of stockholders.* In the case of corporations and similar legal entities, there must be submitted with Form 27–A, at the commencement of business and annually thereafter on May 1, a list of the names and addresses of all stockholders and other persons interested in the corporation or other legal entity and the amount and nature of the stockholding or other interest of each, whether such interest appears in the name of the interested party or in the name of another for him: *Provided*, That where more than 100 persons are interested in the corporation or other legal entity as stockholders or otherwise, there need be furnished only the names and addresses and the amounts and nature of the stockholding or other interest of the 100 persons having the largest ownership or other interest in each of the respective classes of stock or other interest, except where more complete information shall be specifically required by the Commissioner or the district supervisor: *And provided further*, That where there has been no change in the stockholders and other persons interested in the corporation or other legal entity, or in the extent of the stockholding or other interest of such persons, the distiller may furnish, in connection with the annual notice a certified statement, in triplicate, to that effect in lieu of the prescribed list. Where a corporation operates two or more distilleries or other plants situated in the same supervisory district, or wholly owns one or more subsidiaries operating distilleries or other plants so situated, and in connection with qualifying for the operation of one of such distilleries or plants files a list of stockholders and other persons interested, as prescribed herein, the filing of an additional list for each distillery will not be required, provided that in lieu of such additional list there is submitted with the distiller's notice, Form 27–A, a certificate, in triplicate, definitely identifying the corporation and plant with whose notice the list of stockholders and other persons interested is filed, and giving the date of the filing thereof.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

§ 183.153 *Affidavit.* In the case of a corporation, there must be submitted with each list of stockholders an affidavit, in triplicate, executed by an officer of the corporation authorized so to do, showing the number of shares of each class of stock or other evidence of ownership, such as voting trust certificates, authorized and outstanding, the par value thereof, and the voting rights of the respective owners or holders, and certifying to the correctness of the list of stockholders or the statement authorized to be furnished with the notice in lieu of such list. In the case of an individual owner, copartnership, or association, there must be submitted with Form 27–A, at the commencement of business and annually thereafter on May 1, an affidavit, in triplicate, giving the name of every person interested or to be interested in the distillery, whether such interest appears in the name of the interested party or in the name of another for him.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

§ 183.154 *Articles of copartnership or association.* In the case of a copartnership or association, a certified copy, in triplicate, of the articles of copartnership or association, if any, and, where the business is to be conducted under a firm or trade name, a trade name certificate or statement in lieu thereof, in accordance with § 183.228, shall be submitted with and constitute a part of the notice, Form 27–A.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

§ 183.155 *Power of attorney, Form 1534.* If the notice or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, or corporation, or by one of the members for a copartnership or association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 183.151, such notice or other qualifying documents must be supported by a duly authenticated copy of the power of attorney conferring authority upon the person signing the document to execute the same. Such powers of attorney will be executed on Form 1534, in triplicate, and submitted to the district supervisor.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

§ 183.156 *Execution of power of attorney.* Where the principal giving the power of attorney is an individual, it must be executed by him in person, and not by an agent. In the case of a copartnership or association, powers of attorney authorizing one or more of the members, or another person, to execute documents on behalf of the copartnership or association must be executed by all of the members constituting the copartnership or association. However, if one or more members less than the whole number constituting the copartnership or association have been delegated the authority to appoint agents or attorneys in fact, the power of attorney may be executed by such member or members, provided it is supported by a duly authenticated copy, in triplicate, of the document conferring authority upon the member or members to execute the same. Where, in the case of a corporation, powers of attorney are executed by an officer thereof, such documents must be supported by triplicate copies of the authorization of such officer so to do, certified by the secretary or assistant secretary of the corporation, under the corporate seal, if any, to be true copies.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

§ 183.157 *Duration of power of attorney.* Powers of attorney authorizing the execution of documents on behalf of a person engaged in, or intending to engage in, the business of a distiller shall continue in effect until written notice, in triplicate, of the revocation of such authority is received by the district supervisor, unless terminated by operation of law.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

§ 183.158 *Bond, Form 30.* Every person intending to commence or to continue the business of a distiller shall, upon filing his notice of such intention, Form 27–A, and before proceeding with such business, and on the 1st day of May of each succeeding year, execute bond on Form 30, in triplicate, in conformity with the provisions of Subpart I of this part and file the same with the district supervisor.

(53 Stat. 310, 373, as amended; 26 U. S. C. 2814, 3170)

§ 183.159 *Penal sum.* The penal sum of the distiller's bond, Form 30, shall be not less than the amount of the internal revenue tax at the rate prescribed by law on the maximum quantity of distilled spirits that will be distilled in the distillery during a period of 15 days of 24 hours each, but in no case shall the penal sum of the bond be less than $5,000 or greater than $100,000. Where the distiller has not furnished bond in the maximum penal sum of $100,000 and he intends to produce a larger quantity of spirits than that covered by his bond, he must file a new or additional bond in a sufficient penal sum to cover the tax on the increased quantity to be produced. Likewise, where the quantity of spirits actually produced during any period of 15 days exceeds the penal sum of the bond on file, if in less than the maximum penal sum, the distiller must furnish immediately a new or additional bond in a sufficient penal sum, effective as of the beginning of such period. If an additional bond is furnished in either case, it must be in accordance with § 183.189.

(53 Stat. 310, 373, as amended; 26 U. S. C. 2814, 3170)

§ 183.160 *Registry of stills, Form 26.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up must register the same with the district supervisor for the district in which it is located, on Form 26, immediately it is set up in accordance with the instructions on the form. Such registration shall be verified in the manner prescribed in § 183.125 with respect to notice on Form 27–A.

(53 Stat. 308, 373, as amended; 26 U. S. C. 2810,, 3170)

§ 183.161 *Plat and plans.* Every person intending to engage in the business of a distiller must submit to the district supervisor with his notice, Form 27–A, an accurate plat of the distillery premises and accurate plans of the buildings, apparatus, and equipment thereon, in triplicate, conforming to the requirements of Subpart J of this part.

(53 Stat. 312, 373, as amended; 26 U. S. C. 2816, 3170)

§ 183.162 *Statement of process.* There must be submitted to the district supervisor with the distiller's original notice, Form 27–A, a statement of process, in triplicate. Upon any change in the process, a new statement, in triplicate, must be filed with the district supervisor. Reference by date to the current statement of process must be incorporated in each annual notice, Form 27–A. The statement of process should present a step by step description of the mashing, fermenting, distilling, purifying, and refining processes used in the production of each type of distilled spirits. It must show specifically the kind and approximate quantity, or proportion of all nonalcohol producing materials or substances added to the yeast mash or beer for the purpose of providing yeast food, or for inhibiting the action of wild yeast, or for any other purpose, and all materials used for purifying, refining, or otherwise treating the spirits. Samples of any such material or substance will be prepared and furnished to the district supervisor, upon request, for analysis by Government chemists. Materials or chemicals which are volatile, and would remain incorporated with the finished spirits after final distillation, may not be used, except that juniper berries and other aromatics may be used in the production of gin.

(53 Stat. 373, as amended, 391; 26 U. S. C. 3170, 3254)

§ 183.163 *Additional information.* The Commissioner or the district supervisor may at any time, in his discretion, require the distiller to furnish such additional information as he may deem necessary.

§ 183.164 *Instruments and papers made part of regulations.* The terms, conditions, and instructions contained in instruments and papers required to be furnished by law or this part are hereby made a part of the regulations in this part as fully and to the same extent as if incorporated herein.

SUBPART I—BONDS AND CONSENTS OF SURETY

§ 183.170 *General requirements.* Every person required to file a bond or consent of surety under this part shall prepare and execute it on the prescribed form, in triplicate, in accordance with this part and the instructions printed on the form, and shall submit it to the district supervisor.

(53 Stat. 310, 311, 336, 337, 339, 373, as amended, 377; 26 U. S. C. 2814, 2815, 2885, 2886, 2888, 3170, 3180)

§ 183.171 *Surety or security.* Bonds required by this part shall be given with surety or collateral security: *Provided*, That in any case where the distiller operates an internal revenue bonded warehouse on the distiller premises, and the distiller's bond, Form 30, is in the maximum penal sum of $100,000, it may be accepted without surety if it is supported by the consent of the surety on the transportation and warehousing bond, Form 1571, which bond in such case shall be in the maximum penal sum of $200,000. If bonds on Forms 30 and 1571 in the maximum penal sums stated are not given, separate bonds on said forms, each with surety or security, must be given in sufficient penal sums.

(53 Stat. 310, 311, 336, 337, 339, 373, as amended, 377; 26 U. S. C. 2814, 2815, 2885, 2886, 2888, 3170, 3180; 28 Stat. 279; 6 U. S. C. 6; 44 Stat. 122; 49 Stat. 22; 6 U. S. C. 15)

§ 183.172 *Corporate surety.* Bonds may be given with corporate surety authorized by the Secretary of the Treasury to become surety on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356, Commissioner of Accounts, Section of Surety Bonds, which is issued semiannually, and subject to such amendatory circulars as may be issued from time to time.

(53 Stat. 310, 311, 336, 337, 339, 373, as amended, 377; 26 U. S. C. 2814, 2815, 2885, 2886, 2888, 3170, 3180; 28 Stat. 279; 6 U. S. C. 6; 36 Stat. 241; 6 U. S. C. 8)

§ 183.173 *Two or more corporate sureties.* A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided*, That each corporate surety may limit its liability in terms upon the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

(53 Stat. 310, 311, 336, 337, 339, 373, as amended, 377; 26 U. S. C. 2814, 2815, 2885, 2888, 3170, 3180; 28 Stat. 279; 6 U. S. C. 6; 36 Stat. 241; 6 U. S. C. 8)

§ 183.174 *Powers of attorney.* Powers of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Commissioner of Accounts, Section of Surety Bonds, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, district supervisors.

(53 Stat. 310, 311, 336, 337, 339, 373, as amended, 377; 26 U. S. C. 2814, 2815, 2885, 2886, 2888, 3170, 3180; 28 Stat. 279; 6 U. S. C. 6; 36 Stat. 241; 6 U. S. C. 8)

§ 183.175 *Individual sureties.* Bonds may be given with individual sureties, of which there must be not less than two, each of whom must qualify by executing Form 33, in triplicate. In the case of bonds given on Form 3 in accordance with the provisions of §§ 183.147 and 183.148, individual sureties are required by section 3180, I. R. C., to be residents of the collection district or county, or of an adjoining county, in the same State in which the distillery is located. In the case of other bonds required by the regulations in this part, individual sureties must be citizens of the United States and reside in the State in which the business of the principal is to be conducted. No person will be accepted as an individual surety in a State in which he is not authorized to become a surety.

(53 Stat. 310, 311, 336, 337, 339, 373, as amended, 377; 26 U. S. C. 2814, 2815, 2885, 2886, 2888, 3170, 3180)

§ 183.176 *Ownership of real property.* Each individual surety must own unencumbered real property, in fee simple, the appraised value of which, over and above any exemptions from execution allowed by the laws of the State, is equal to the penal sum of the bond. In the case of bonds given on Form 3, individual sureties must, under section 3180, I. R. C., not only be residents of the collection district or county, or of an adjoining county, in the same State in which the distillery is located, but the amount of unencumbered real property which they are required to own must also be situated in the said district or county, or adjoining county. In the case of other bonds required by this part, the amount of unencumbered real property which individual sureties are required to own must be located within the State where the business of the principal is to be conducted.

(53 Stat. 310, 311, 336, 337, 339, 377; 26 U. S. C. 2814, 2815, 2885, 2888, 2888, 3180)

§ 183.177 *Description of real property.* The real property must be described in the surety's affidavit, Form 33, with all of the formalities required in conveyances of real estate by the laws of the State in which it is situated.

(53 Stat. 310, 311, 336, 337, 339, 377; 26 U. S. C. 2814, 2815, 2885, 2886, 2888, 3180)

§ 183.178 *Execution of Form 33.* The surety's affidavit on Form 33 shall con-

tain all of the information required by this Part and the instructions printed on the form. The form shall be subscribed and sworn to before an officer duly authorized to administer oaths, and one copy thereof shall be attached to each copy of the bond to which it relates.

(53 Stat. 310, 311, 336, 337, 339, 377; 26 U. S. C. 2814, 2815, 2885, 2886, 2888, 3180)

§ 183.179 *Certificate of title.* There must be submitted with the surety's affidavit, Form 33, a certificate of title, in triplicate, showing that the surety has a fee simple title, free of encumbrances, to the realty described in the form.

(53 Stat. 310, 311, 336, 337, 339, 377; 26 U. S. C. 2814, 2815, 2885, 2886, 2888, 3180)

§ 183.180 *Appraisal.* There will also be submitted with Form 33 an appraisal, in triplicate, by two or more competent persons designated by the district supervisor for the purpose, showing separately the value of the land and buildings, and a full and clear statement of the method employed by them in determining their valuation. The appraisal shall be at the expense of the principal on the bond, unless it is made by Government officers.

(53 Stat. 310, 311, 336, 337, 339, 377; 26 U. S. C. 2814, 2815, 2885, 2886, 2888, 3180)

§ 183.181 *Investigation.* The district supervisor will cause an investigation to be made of all the facts stated in the surety's affidavit on Form 33 and supporting documents.

(53 Stat. 310, 311, 336, 337, 339, 377; 26 U. S. C. 2814, 2815, 2885, 2886, 2888, 3180)

§ 183.182 *Requalification.* The Commissioner or district supervisor may at any time, in his discretion, require the requalification of individual sureties on Form 33.

(53 Stat. 310, 311, 336, 337, 339, 377; 26 U. S. C. 2814, 2815, 2885, 2886, 2888, 3180)

§ 183.183 *Interest in business.* The surety, whether individual or corporate, must have no interest whatever in the business covered by the bond.

(53 Stat. 310, 311, 336, 337, 339, 377; 26 U. S. C. 2814, 2815, 2885, 2886, 2888, 3180)

§ 183.184 *Deposit of collateral.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by principals as collateral security in lieu of individual or corporate sureties. District supervisors on receiving such bonds or notes, or other obligations, pledged and deposited by principals as collateral security in lieu of surety, shall deposit such securities in accordance with the requirements of Department Circular No. 154, revised (31 CFR, Part 225).

(44 Stat. 122, as amended; 49 Stat. 22; 6 U. S. C. 15)

§ 183.185 *Consents of surety.* Consents of surety to a change in the terms of a bond must be executed on Form 1533, in as many copies as are required of the bond which they affect, by the principal and all sureties with the same formality and proof of authority to execute as are required for the execution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bond affected thereby and state specifically and precisely what is covered by the extended terms thereof. If the surety is a corporation, the consent may be executed by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the appropriate district supervisor, or the consent may be executed by the home office officials of such corporate surety; except that, in cases where the saving of time is an element, the consent may be executed by an agent or attorney in fact where the home office officials, by specific direction, order its execution. A copy of such specific direction should be attached to each copy of such consent.

(53 Stat. 310, 311, 336, 337, 339, 377; 26 U. S. C. 2814, 2815, 2885, 2886, 2888, 3180)

§ 183.186 *Approval required.* No individual, firm, partnership, corporation, or association, intending to commence or to continue the business of a distiller, shall commence or continue such business until all bonds in respect of such business required by any provision of law have been approved.

(53 Stat. 311, 373, as amended; 26 U. S. C. 2815, 3170)

§ 183.187 *Authority to approve.* District supervisors are authorized to approve all bonds and consents of surety required by this part.

(53 Stat. 298, as amended, 310, 311, 336, 337, 339, 373, as amended, 377; 26 U. S. C. 2800, 2814, 2815, 2885, 2886, 2888, 3170, 3180)

§ 183.188 *Cause for disapproval.* Bonds or consents of surety submitted by any individual, firm, partnership, corporation, or association, in respect to the business of a distiller may be disapproved if the individual, firm, partnership, corporation, or association giving the same, or owning, controlling, or actively participating in the management of such business of the individual, firm, partnership, corporation, or association giving the same, shall have been previously convicted in a court of competent jurisdiction of (a) any fraudulent noncompliance with any provision of any law of the United States, if such provision relates to internal revenue or customs taxation of distilled spirits, wines, or fermented malt liquors, or if such an offense shall have been compromised with the individual, firm, partnership, corporation, or association upon payment of penalties or otherwise; or (b) any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of distilled spirits, wine, fermented malt liquor, or other intoxicating liquor. The distiller's bond, Form 30, may also be disapproved if the situation of the distillery is such as would enable the distiller to defraud the United States.

(53 Stat. 310, 311; 26 U. S. C. 2814, 2815)

§ 183.189 *Additional or strengthening bonds.* In all cases where the penal sum of the bond on file and in effect is not sufficient, computed as prescribed by law and this part, the principal may give an additional or strengthening bond in a sufficient penal sum, provided the surety thereon is the same as on the bond already on file and in effect; otherwise a new bond covering the entire liability will be required. Such additional or strengthing bonds, being filed to increase the bond liability of the principal and the surety, are in no sense substitute bonds, and the district supervisor will refuse to approve any additional or strengthening bond where any notation is made thereon intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full penal sum. Additional or strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Additional Bond," or "Strengthening Bond."

(53 Stat. 310, 311, 336, 337, 399, 373, as amended, 377; 26 U. S. C. 2814, 2315, 2885, 2886, 2888, 3170, 3180)

§ 183.190 *New bond.* A new bond may be required at any time in the discretion of the Commissioner or district supervisor. A new bond shall be required immediately in the case of the death or insolvency of an individual surety, or the insolvency of a corporate surety. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When, in the opinion of the Commissioner or the district supervisor, the interests of the Government demand it, or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. Where a bond is found to be not acceptable, the principal shall be required to file immediately a new and satisfactory bond, or discontinue business forthwith.

(53 Stat. 310, 311, 336, 337, 339, 373, as amended, 377; 26 U. S. C. 2814, 2815, 2885, 2886, 2888, 3170, 3180)

§ 183.191 *Superseding bond.* Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, notice of termination of the superseded bond may be issued as provided in Subpart P of this part. Superseding bonds must show the current date of execution and the date they are to be effective, and each such bond shall have marked thereon, by the obligors at the time of execution, "Superseding Bond."

(53 Stat. 310, 311, 336, 337, 339, 373, as amended, 377; 26 U. S. C. 2814, 2815, 2885, 2886, 2888, 3170, 3180)

SUBPART J—PLATS AND PLANS

§ 183.200 *Plat and plans required.* Every person intending to engage in the business of a distiller must, as provided in § 183.161, file an accurate plat and accurate plans of the distillery premises, apparatus, and equipment, in triplicate, with the district supervisor.

(53 Stat. 312, 373, as amended; 26 U. S. C. 2816, 3170)

§ 183.201 *Preparation.* Every plat and plan shall be drawn to scale, and each sheet thereof shall bear a distinctive title, enabling ready identification. The cardinal points of the compass must appear on each sheet, except the elevational plans. The minimum scale of any plat will be not less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first being designated number 1, and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth, or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct.

(53 Stat. 312, 373, as amended; 26 U. S. C. 2816, 3170)

§ 183.202 *Depiction of distillery premises.* Plats must show the outer boundaries of the distillery premises by courses and distances, in feet and inches, in a color contrasting with those used for other drawings on the plat, and the point of beginning, with respect to its distance and bearings, from some near and well-known landmark, and must contain an accurate depiction of the building or buildings comprising the premises, and any driveway, public highway, or railroad right-of-way adjacent thereto, or connecting therewith. The depiction of the premises shall agree with the description in the notice, Form 27-A. If the distillery premises consists of two or more lots or parcels of land, the condition of the title to which is not the same, each such lot or tract shall be separately depicted by courses and distances, in feet and inches, and such lots or parcels shall be delineated or cross-hatched in contrasting colors. If two or more buildings are to be used, the designated name of each shall be indicated, and all pipe lines or other connections, if any, between the same, depicted. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A," and they shall be so shown on the plat. All first floor exterior doors of each building on the premises will be shown on the plat. Except as provided in § 183.208, all pipe lines leading to or from the premises, the purpose for which used, and the points of origin and termination will be indicated on the plat.

(53 Stat. 312, 373, as amended; 26 U. S. C. 2816, 3170)

§ 183.203 *Rectifying plant within 600 feet.* Where a distillery is to be established on premises at a distance of less than 600 feet in a direct line from a rectifying plant, the plat must show the relative location of such premises, all pipe lines and other connections, if any, between them, and the distance, in feet and inches, that they are from each other in a direct line. The outlines of the two premises must be shown in contrasting colors.

(53 Stat. 314; 26 U. S. C. 2819)

§ 183.204 *Contiguous premises.* Where an internal revenue bonded warehouse, rectifying plant, tax-paid bottling house, or other premises on which liquors are manufactured, stored, or sold, is contiguous to the distillery premises the plat must show the relative location of the distillery and such contiguous premises, and all pipe lines, if any, and other connections between them. The outlines of such contiguous premises and the distillery premises must also be shown in contrasting colors.

§ 183.205 *Floor plans.* The plans shall include a floor plan of each floor of each building, showing the general dimensions of the rooms and floors, and the location of all doors, windows, and other openings, and how such openings are protected. All fixed apparatus and equipment, except pipe lines, must be shown in their exact location on the floor plans, and their designated use indicated. Pipe lines may also be shown, if desired. In the case of stills, tanks, and similar equipment, the serial number and capacity shall also be shown.

(53 Stat. 312, 373, as amended; 26 U. S. C. 2816, 3170)

§ 183.206 *Pipe lines in colors.* The pipe lines must be shown on the plans in the colors in which they are required to be painted, as prescribed by § 183.116.

(53 Stat. 312, 373, as amended; 26 U. S. C. 2816, 3170)

§ 183.207 *Location of valves, flanges, locks, etc.* All valves, flanges, and other connections in pipe lines must be properly indicated on the plans: *Provided,* That where flanges, unions, or other connections in pipe lines are brazed, welded, or otherwise permanently secured in such a manner as to constitute a continuous, single pipe line, the location of such flanges, unions, or other connections, and the manner of securing the same, need not be shown on the plans. The location of all Government locks required to secure the apparatus and equipment, and the doors of rooms and buildings, must be indicated on the plans by the symbol "GL" at the points where the locks are to be attached.

(53 Stat. 312, 373, as amended; 26 U. S. C. 2816, 3170)

§ 183.208 *Pipe lines exempted.* Approved public or private utility service lines, such as sewers, electric or gas conduits or pipes, and approved sprinkler, refrigeration, or heating systems which have no connection with the distilling equipment or any apparatus or pipe line connected therewith, need not be shown on the plans, provided that the point of entry to the bonded premises shall be indicated on the plans.

(53 Stat. 312, 373, as amended; 26 U. S. C. 2816, 3170)

§ 183.209 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering: (a) Distilling material system, (b) mashing and fermenting systems, (c) distilling systems, and (d) the cistern room system. Such diagrams or plans shall clearly depict all equipment in its relative operating sequence, and elevation by floors with all connecting pipe lines, valves, flanges (except as provided in § 183.207), Government locks, measuring devices, etc. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All the flow diagrams as a unit must show the flow of the distilling material, and the resulting products, through the mills, mash tubs, fermenters, stills, doublers, try boxes, and other equipment, and the deposit and removal of the finished spirits from the cistern room. All major equipment, fermenters, stills, etc., must be identified on these plans as to number and use. The elevational flow diagrams must be properly identified, and so drawn that all fixed pipe lines, except those indicated by § 183.208 may be readily traced from beginning to end: *Provided,* That pipe lines leading to and from other buildings on the same or contiguous premises may be designated as to point of origin or termination. The direction of the flow of spirits through the pipe lines must be indicated on the flow diagram by arrows. Other types of plans that clearly depict the information required herein may be submitted in compliance with this section.

(53 Stat. 312, 373, as amended; 26 U. S. C. 2816, 3170)

§ 183.210 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right-hand corner of each sheet, signed by the distiller, the draftsman, and the district supervisor, substantially in the following form:

(Name of distiller)

(Address)

Approved ---
(Date)

(District Supervisor)

Accuracy certified by:

(Name and capacity—for the distiller)

(Draftsman)

Date ---, 19---

Sheet No. ---

(53 Stat. 312, 373, as amended; 26 U. S. C. 2816, 3170)

§ 183.211 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded, but will be given a new date. Any additional plats and plans will be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence.

(53 Stat. 312, 373, as amended; 26 U. S. C. 2816, 3170)

SUBPART K—REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES AND EQUIPMENT, AND IN THE TITLE TO THE DISTILLERY PROPERTY OR THE ENCUMBRANCE THEREOF

§ 183.220 *General requirement.* Under the law, notice in writing must be given, in the form prescribed by the Commissioner, to the district supervisor in case of any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of the distillery.

(53 Stat. 309, 373, as amended; 26 U. S. C. 3812, 3170)

CHANGE IN INDIVIDUAL, FIRM, OR CORPORATE NAME

§ 183.221 *Amended notice, Form 27–A and amended basic permit.* Where there is a change in the individual, firm, or corporate name of the distiller, the distiller must submit to the district supervisor an amended notice on Form 27–A, in triplicate, covering the new name, which notice must be approved before operations may be commenced under the new name. He must also procure from the district supervisor under the Federal Alcohol Administration Act an amended basic permit authorizing operation of the distillery under the new name.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170; 49 Stat. 978, as amended; 27 U. S. C. 203)

§ 183.222 *Amended articles of incorporation, etc.* Where there is a change in the corporate name of the distiller, he must submit to the district supervisor certified copies, in triplicate, of the amended articles of incorporation and the amended certificate of incorporation issued under the laws of the State in which incorporated, covering the change in the corporate name. If the operations are conducted in a State other than the State in which incorporated, there must also be submitted to the district supervisor certified copies, in triplicate, of the amended certificate issued under the laws of the State in which the operations are conducted authorizing the corporation to operate under its new name in such State. If other documents than those specified are required under the laws of the State to effect a change in the name of the corporation, certified copies, in triplicate, of such documents must be submitted with the notice, Form 27–A, in lieu of those specified.

(53 Stat. 309; 26 U. S. C. 2812)

§ 183.223 *Amended articles of copartnership or association.* Where there is a change in the name of the copartnership or association, the distiller will submit to the district supervisor certified copies, in triplicate, of the amended articles of copartnership or association, if any.

(53 Stat. 309; 26 U. S. C. 2812)

§ 183.224 *Sign.* Where there is a change in the individual, firm, or corporate name, the distiller will change the distillery sign to conform to the provisions of § 183.80.

(53 Stat. 318; 26 U. S. C. 2831)

§ 183.225 *Branding and warehousing.* Where there is a change in the individual, firm, or corporate name, the distiller will, upon receipt of the district supervisor's authorization, as provided in § 183.304, mark and brand and warehouse, or remove, under such new name the finished spirits produced thereunder.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.226 *Records.* Where there is a change in the individual, firm, or corporate name, the distiller will keep records and submit reports covering operations under the new name as provided in § 183.648 in the case of operations under different trade names and styles.

(53 Stat. 321, 322; 26 U. S. C. 2841, 2844)

TRADE NAMES

§ 183.227 *Basic qualification required.* Where the distillery is to be operated under a trade name or style, or under a number of trade names or styles, the distiller must file with the district supervisor a letterhead application for approval of such name or names. The district supervisor will forward such applications to the Bureau for action by the Commissioner. If the Commissioner finds that the name or names may be used he will so advise the district supervisor. The distiller will be advised accordingly. He may then file with the district supervisor an amended Form 27–A as provided in § 183.136 for permission to operate under the trade name (only one) specifying the date operations are to begin, and if the additional name or style has not previously been specified in the Federal Alcohol Administration Act Permit, he must also procure from the district supervisor an amended basic permit. The district supervisor's action will be in accordance with § 183.304.

(53 Stat. 309; 26 U. S. C. 2812; 49 Stat. 978, as amended; 27 U. S. C. 203)

§ 183.228 *Trade names certificate; amended articles of incorporation.* It will be the responsibility of the distiller to comply with all state laws by filing certified copies of trade names and amended articles of incorporation where required. If no such certificate, or amended articles of incorporation are required, the distiller will furnish a statement to that effect.

§ 183.229 *Sign.* The distillery sign must be changed to conform to the provisions of § 183.80, unless operation under the trade name is to be temporary, in which event it will not be necessary to change such sign.

(53 Stat. 318; 26 U. S. C. 2831)

§ 183.230 *Branding and warehousing.* The finished spirits must be branded and warehoused under each trade name in which produced as provided in § 183.647.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.231 *Records.* Appropriate entries must be made in the distillery records covering operations under each trade name, as provided in § 183.648.

(53 Stat. 321, 373; 26 U. S. C. 2841, 3171)

§ 183.232 *Period of operations.* Where the distillery is operated under more than one trade name or style, the operation under each must be in multiples of 24 hours.

§ 183.233 *Subsequent operations.* The basic qualifying documents having once been filed by the distiller and approved by the district supervisor, the distiller will qualify for subsequent operations, that is, changing from one trade name to another trade name, or from a trade name to the principal, or vice versa, in accordance with the procedure prescribed in § 183.273.

CHANGES IN PROPRIETORSHIP

§ 183.234 *Requirements of transfer.* Where there is to be a change in the proprietorship of the distillery, the outgoing distiller must, preparatory to transfer of the business to the successor, comply with the requirements of §§ 183.235–183.240.

§ 183.235 *Notice, Form 27–A.* If the outgoing distiller is to discontinue permanently the business of distilling spirits, he will file with the district supervisor Form 27–A, in triplicate, stating thereon the purpose to be "Discontinuance of business," and giving the date of the discontinuance. If the outgoing distiller is to temporarily discontinue the business of distilling during operation of the distillery by the successor, the statement of the purpose on the notice shall conform to the provisions of § 183.270 (a).

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

§ 183.236 *Registry of stills.* If the business is to be permanently discontinued, the distiller will file Form 26, in triplicate, in accordance with § 183.640.

§ 183.237 *Notice of suspension.* The distiller will file with the district supervisor Form 124, in duplicate, in accordance with Subpart Z of this part.

§ 183.238 *Finished spirits.* The distiller will draw off, brand and mark, and remove all finished spirits in the individual, firm, or corporate name, or trade name or style, under which they were produced.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.239 *Materials and unfinished spirits.* If distilling materials and unfinished spirits are to be transferred to the successor, the distiller will file with the district supervisor Form 1614, in quadruplicate, in accordance with Subpart DD of this part. If the unfinished spirits and distilling materials are not to be so transferred, he must completely finish operations in accordance with the provisions of said subpart.

§ 183.240 *Records.* The distiller will make appropriate entries in the distillery records and submit reports in accordance with the provisions of § 183.673.

(53 Stat. 321, 322, 373; 26 U. S. C. 2841, 2844, 3171)

§ 183.241 *Qualification of successor.* Where there is a change in proprietorship, and the successor intends to continue operation of the plant as a registered distillery, he must comply with the requirements of §§ 183.242–183.248.

§ 183.242 *Lessee.* If the successor is a lessee, he must qualify in the same manner as the proprietor of a new distillery, regardless of the temporary nature of the tenancy, except that he may adopt the plat and plans of his predecessor as provided in § 183.246. The lessee must also file with the district supervisor certified copies, in triplicate, of the lease.

§ 183.243 *Other nonfiduciary successor.* If the change in proprietorship is brought about by any other means, except by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the successor must likewise qualify in the same manner as the proprietor of a new distillery, except that he may adopt the plat and plans of his predecessor as provided in § 183.246.

§ 183.244 *Fiduciary.* If the successor is an administrator, executor, receiver, trustee, assignee, or other fiduciary, and intends to produce spirits, or to possess or dispose of spirits on hand in the distillery, he must comply with the provisions of Subparts C and H of this part, to the extent that such provisions are applicable, except that in lieu of filing a new bond and new plat and plans, the fiduciary may furnish a consent of surety extending the terms of his predecessor's bond and adopt the plat and plans of such predecessor in accordance with §§ 183.245–183.246. The fiduciary must also furnish certified copies, in triplicate, of the order of the court or other pertinent documents showing his qualification as such fiduciary. The effective date of the qualifying documents filed by a fiduciary should be the same as the date of the court order, or the date specified therein, for him to assume control.

§ 183.245 *Consent of surety.* The consent of surety extending the terms of the predecessor's bond to cover operation of the distillery by a fiduciary must conform to the requirements of § 183.185, and be executed by both the fiduciary and the surety.

§ 183.246 *Adoption of plat and plans.* The plat and plans of the distillery may be adopted by a successor where they correctly describe and depict the distillery premises and the buildings, apparatus, and equipment thereon, to be taken over by the successor. The adoption by a successor of the plat and plans of his predecessor shall be in the form of a certificate, in triplicate, in which shall be set forth the name of the predecessor, the address and registered number of the distillery, a description of the distillery premises, or in lieu thereof reference to the successor's Form 27–A describing such premises, the number of each sheet comprising each plat and plan covered by such certificate, and a statement that the distillery premises, and the buildings, apparatus, and equipment thereon, are correctly described and depicted on such plat and plans.

§ 183.247 *Sign.* The successor, if other than a fiduciary temporarily operating the distillery, must change the distillery sign to conform to the requirements of § 183.80.

§ 183.248 *Materials and unfinished spirits.* If distilling materials and unfinished spirits are received by transfer from the predecessor, the successor must comply with the requirements of Subpart DD of this part.

OTHER CHANGES IN PROPRIETORSHIP OR OF CONTROL

§ 183.249 *Changes in partnership.* The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship. Likewise, the bankruptcy or adjudicated insolvency of one or more of the copartners results in a dissolution of the partnership and, consequently, a change in proprietorship. Where such a change in proprietorship of the distillery occurs, the successor must qualify in the same manner as the proprietor of a new distillery, except that the successor may adopt the plat and plans of the predecessor as provided in § 183.246.

§ 183.250 *Changes in stockholders, officers, and directors of corporation.* The sale or transfer of the capital stock of a corporation operating a distillery does not constitute a change in the proprietorship of the distillery. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is any change in the officers or directors, the distiller must give notice thereof, in triplicate, to the district supervisor within 24 hours of such change. Mere changes in stockholders of corporations not constituting a change in control need not be so reported. The district supervisor must, in the case of changes in officers or directors, be furnished extracts, in triplicate, of the minutes of the meetings showing such changes.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

§ 183.251 *Reincorporation.* Where a corporation operating a distillery is reorganized and a new charter or certificate of incorporation is secured, the new corporation must qualify in the same manner as a new proprietor of the distillery, except that the new corporation may adopt the plat and plans of the predecessor as provided in § 183.246.

CHANGES IN LOCATION, PREMISES AND EQUIPMENT

§ 183.252 *Change in location.* Where there is a change in the location of the distillery premises, the distiller must comply with all applicable provisions of Subparts C to H, inclusive, except that in lieu of the filing of a new distiller's bond, Form 30, the distiller may furnish a consent of surety, Form 1533, in accordance with § 183.185, extending the terms of the distiller's bond given for the former location to cover operation of the distillery at the new location.

§ 183.253 *Changes in premises.* Where the distillery premises are to be extended or curtailed, the distiller must file with the district supervisor an amended notice, Form 27–A, and an amended plat of the premises as extended or curtailed, except as herein specifically authorized in the case of alternate operations of the bottling department. If the plans are affected by the extension or curtailment, they must also be amended. If the distillery is within 600 feet of a rectifying plant, the distiller must also file a special application in accordance with §§ 183.42 and 183.43. The additional premises covered by an extension may not be used for distillery purposes, and the portion of the distillery premises to be excluded by a curtailment may not be used for other than distillery purposes, prior to approval of the notice, Form 27–A. Where an internal revenue bonded warehouse containing a bottling-in-bond department is located on the distillery premises, and the documents required by Regulations 10 (26 CFR Part 185) governing the alternate operation of the bottling house as a bottling-in-bond department and a tax-paid bottling house, are filed, and no change in proprietorship is involved, the filing of additional notices, Form 27–A, covering changes in the temporary status thereof from time to time will not be required.

(53 Stat. 309, 312, 314, 332, 343, 373, as amended; 26 U. S. C. 2812, 2816, 2819, 2873, 2904, 3170)

§ 183.254 *Changes in construction and use.* Where a change is to be made in the construction of a room or building not involving an extension or curtailment of the distillery premises, or where a change is to be made in the use of any portion of such premises, the distiller shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes. If the changes involve buildings which are to be demolished or altered in such a manner as to decrease the value of the property the application shall include: (a) The date of original purchase; (b) the name and address of the vendor; (c) the original cost; and (d) the present book value and method used in determining such value. Upon approval of the application, the changes will be made under the supervision of a Government officer, unless in the opinion of the district supervisor, they do not require such supervision. The completed changes will be reflected in the next amended or annual notice, Form 27–A, and amended plans filed by the distiller, unless the district supervisor requires the immediate filing of an amended notice and amended plans. If the buildings to be demolished, or altered in such a manner as to decrease the value thereof, are on premises which have been eliminated from the distillery premises, a statement in writing, in triplicate, containing the data prescribed by items (a) through (d) shall be furnished the district supervisor.

(53 Stat. 309, 312, 373, as amended; 26 U. S. C. 2812, 2816, 3170)

§ 183.255 *Indemnity bond covering changes in buildings.* If buildings on the distillery premises, or on premises, which have been eliminated from the distillery premises, are to be demolished or altered in such a manner as to decrease the value of the property, and a lien for taxes

exists on such property under section 2800 (e), I. R. C., the distiller must file with the district supervisor an indemnity bond, Form 1617, in triplicate, in a penal sum equal to the decrease in the value of the property: *Provided*, That, if such decrease in value is less than $5,000, no indemnity bond will be required.

(53 Stat. 298, as amended; 26 U. S. C. 2800)

§ 183.256 *Appraisal.* The amount of the decrease in the value of the property subject to the Government's lien, which will be caused by the demolition or alteration of buildings, shall be determined by appraisal by two or more competent persons designated by the district supervisor. The appraisers shall render to the district supervisor a report, in duplicate, of their appraisal, which shall include information as to the methods employed by them in determining their valuations. The appraisal shall be at the expense of the distiller, unless made by Government officers. The district supervisor may dispense with the formal appraisal when he has reason to believe that the value of the property concerned is less than $5,000.

(53 Stat. 298, as amended; 26 U. S. C. 2800)

§ 183.257 *Changes in equipment.* Where changes are to be made in the distilling apparatus and equipment, the distiller shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes: *Provided*, That emergency repairs may be made under the supervision of a Government officer without prior approval of the district supervisor. If the distilling apparatus or equipment referred to in §183.258 is to be removed, the distiller's application shall include information showing: (a) The date of original purchase; (b) the name and address of the vendor; (c) a description of the article, including model and serial numbers, if any; (d) original cost; (e) present book value and method used in determining such value; and (f) proposed disposition of the article. Where emergency repairs are made, the distiller shall file immediately a report thereof, in triplicate, with the district supervisor. Changes covered by an approved application will also be made under the supervision of a Government officer. Upon completion of any change made under his supervision, the Government officer will authorize the removal of the dismantled equipment, and the use of the new or repaired equipment, and submit a report of the changes to the district supervisor.

(53 Stat. 312, 373, as amended; 26 U. S. C. 2816, 3170)

§ 183.258 *Indemnity bond covering removal of equipment.* If distilling apparatus or equipment on which a lien has attached under section 2800 (e), I. R. C., for taxes on spirits produced which have not been tax-paid or withdrawn for a tax-free purpose, is to be removed from the distillery premises without adding property that will become a fixture in law of an equal or greater value than the apparatus or equipment to be removed, the distiller must file with the district supervisor an indemnity bond on Form 1617, in triplicate. Such bond must be in a penal sum equal to the value of the apparatus or equipment to be removed, or equal to the excess in value of the apparatus or equipment to be removed over the value of the property to be substituted therefor: *Provided*, That if such value or difference in value, as the case may be, is less than $5,000 no indemnity bond will be required: *And provided further*, That no indemnity bond will be required to cover the removal of equipment from the distillery bonded premises to another bonded premises, if the two premises are controlled by the same interests. The distiller must include in his application sufficient evidence to support a request for any waiver of indemnity bond requirements. The value of the distilling apparatus or equipment to be removed, or the difference between the value of such old apparatus or equipment and the value of the new property to be added will be determined in the manner prescribed in § 183.256.

(53 Stat. 298, as amended; 26 U. S. C. 2800)

§ 183.259 *Amended notice and plans covering changes in equipment.* Upon completion of changes in equipment which materially affect the accuracy of the Form 27–A or plans, the distiller must file an amended notice and amended plans. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment, such as general repairs, changes in pipe lines, or the addition or removal of a tank, the distiller must include such changes in the next amended or annual notice, and amended plans to be filed by him. The Commissioner or the district supervisor may, at any time, in his discretion, require the immediate filing of an amended notice and plans covering any change in equipment.

(53 Stat. 309, 312, 373, as amended; 26 U. S. C. 2812, 2816, 3170)

CHANGE IN TITLE TO DISTILLERY PROPERTY OR THE ENCUMBRANCE THEREOF

§ 183.260 *Change of title.* Where the title to the lot or tract of land upon which the distillery is located is changed by a sale, judicial or otherwise, or where there is any change in the ownership of the premises or the distilling apparatus or equipment, subsequent to the approval of the distiller's bond, Form 30, the distiller is no longer qualified. If the distiller desires to qualify for further operation of the distillery when such a change occurs he must file an amended notice, Form 27–A, together with the necessary consent, Form 1602, or a proper indemnity bond in lieu of such consent. In addition to such amended notice and consent or indemnity bond the district supervisor may in his discretion require the distiller to file a new distiller's bond, Form 30.

(53 Stat. 309, 310, 311, 373, as amended; 26 U. S. C. 2812, 2814, 2815, 3170)

§ 183.261 *Encumbrance.* If subsequent to the approval of the distiller's bond the lot or tract of land upon which the distillery is situated, or any part thereof, or any of the distilling apparatus or equipment becomes subject to or encumbered by any mortgage, judgment, or other encumbrance, the distiller must immediately file (a) an amended notice, Form 27–A, (b) consent on Form 1602, or a proper indemnity bond in lieu of such consent, and (c) a consent of surety on his present distiller's bond, or a new distiller's bond in lieu of such consent.

(53 Stat. 309, 310, 311, 373, as amended; 26 U. S. C. 2812, 2814, 2815, 3170)

SUBPART L—REQUIREMENTS GOVERNING OPERATION OF DISTILLERY UNDER ALTERNATING PROPRIETORSHIPS

QUALIFICATIONS FOR INITIAL ALTERNATING PROPRIETORSHIPS

§ 183.270 *Where no bonded warehouse on premises.* A registered distillery may be operated under alternating proprietorships for the production of distilled spirits. Where it is desired to operate a registered distillery under alternating proprietorships and there is no internal revenue bonded warehouse on the distillery premises, the successor (lessee) distiller must qualify as proprietor of the distillery in accordance with the provisions of § 183.241. At the time a distiller first suspends operations preparatory to the operation of the registered distillery by an alternate proprietor, he must discontinue operations and comply with the following requirements:

(a) *Amended notice, Form 27–A.* File with the district supervisor an amended notice on Form 27–A, in triplicate, stating thereon the purpose of the notice to be "Temporary discontinuance in order that the registered distillery may be operated by an alternate proprietor" and give the date of discontinuance.

(b) *Consent of surety.* File a blanket consent of surety, Form 1533, in triplicate, to continue in effect bond, Form 30. Such blanket consent of surety may be filed to cover all such alternate operations and may be executed in the following form:

To continue in effect the said bond, whenever operation of the distillery is resumed from time to time, pursuant to application on Form 1696, filed by the principal following suspension of operations by an alternate proprietor.

(c) *Materials and unfinished spirits.* If distilling materials and unfinished spirits are to be transferred to the successor, comply with the requirements of §§ 183.670, 183.671, and 183.673. Whenever the proprietorship is to be alternated after the first suspension, the procedure prescribed in §§ 183.272 and 183.273 will be followed.

(53 Stat. 309, 310, 311, 324, 373, as amended; 26 U. S. C. 2812, 2814, 2815, 2850, 3170)

§ 183.271—*Where bonded warehouse on premises.* Where an internal revenue bonded warehouse is located on the distillery premises, the proprietorship of the distillery may be alternated in accordance with the requirements of § 183.270. In addition, the outgoing (lessor) distiller shall designate the plat on file which depicts the entire distillery premises, including the internal revenue bonded warehouse as "Plat A" and file a new plat which will be designated as "Plat B" depicting the internal revenue bonded warehouse and any other portion of the distillery premises not to be operated by the lessee as a portion of the registered distillery. He shall also describe in the amended notice, Form 27–A, the bonded warehouse and any portion of the distillery premises not to be operated as a part of the registered distillery. The description thereof must correspond with the depiction of the premises on Plat B.

Whenever the proprietorship is to be alternated after the first suspension, the procedure prescribed by §§ 183.272 and 183.273 will be followed.

(53 Stat. 309, 324, 373, as amended; 26 U. S. C. 2812, 2850, 3170)

SUSPENSION FOR SUBSEQUENT ALTERNATE PROPRIETORSHIPS

§ 183.272 *Requirements.* Where an alternate proprietor desires to suspend operations of the registered distillery preparatory to resumption by another alternate proprietor, he must comply with the following requirements:

(a) *Notice of alternate operations.* File Form 1696 through the storekeeper-gauger in charge, with the district supervisor, giving notice of intention to suspend operations. The form shall be executed and filed in accordance with the various lines on the form and the instructions printed thereon, or issued in respect thereto. Form 1696 shall contain or be verified by a written declaration that it is executed under the penalties of perjury. Operations will be suspended upon approval of the notice by the district supervisor in accordance with § 183.274.

(b) *Materials and unfinished spirits.* If distilling materials and unfinished spirits are to be transferred to the successor, the procedure prescribed by §§ 183.670, 183.671, and 183.673 must be followed.

(53 Stat. 309, 324, 373, as amended; 63 Stat. 667; 26 U. S. C. 2812, 2850, 3170, 3809)

RESUMPTION FOR SUBSEQUENT ALTERNATE PROPRIETORSHIPS

§ 183.273 *Requirements.* Where an alternate proprietor desires to resume operation of the registered distillery following suspension by another alternate proprietor, he must comply with the following requirements:

(a) *Notice of alternate operations.* File Form 1696, through the storekeeper-gauger in charge, with the district supervisor for authority to resume operations. The notice shall be executed in accordance with the instructions printed on the form, and otherwise completed as provided in § 183.272.

(b) *Materials and unfinished spirits.* If distilling materials and unfinished spirits are to be received from the predecessor, the procedure prescribed by §§ 183.670, 183.671, and 183.673 will be followed.

(53 Stat. 309, 324, 373, as amended; 63 Stat. 667; 26 U. S. C. 2812, 2850, 3170, 3809)

ACTION BY DISTRICT SUPERVISOR

§ 183.274 *Approval and disposition of Form 1696.* Upon receipt of Form 1696 the district supervisor will, if he finds that the notice may properly be approved, execute the certificate of approval on all copies and dispose of the copies in accordance with the instructions printed on the form, or issued in respect thereto.

(53 Stat. 309, 373 as amended; 26 U. S. C. 2812, 3170)

SUBPART M—REQUIREMENTS GOVERNING ALTERNATE OPERATIONS AS FRUIT DISTILLERY OR INDUSTRIAL ALCOHOL PLANT

QUALIFICATIONS FOR INITIAL ALTERNATING OPERATIONS

§ 183.280 *Where no bonded warehouse on premises.* A registered distillery may be operated alternately for the production of distilled spirits under this part, the production of brandy under Regulations 5 (26 CFR, Part 184), or the production of alcohol under Regulations 3 (26 CFR, Part 182). Where it is desired to conduct alternating operations at a registered distillery and there is no internal revenue bonded warehouse located on the distillery premises, the successor (incoming) proprietor must first qualify as proprietor of the premises. At the time of the first suspension for the purpose of conducting alternate operations, the outgoing distiller must discontinue operations and comply with the following requirements:

(a) *Amended notice, Form 27–A.* File with the district supervisor an amended notice on Form 27–A, in triplicate, stating thereon the purpose of the notice to be "Temporary discontinuance in order that the registered distillery may be operated as a fruit distillery" (or industrial alcohol plant, as the case may be), and give the date of discontinuance.

(b) *Consent of surety.* File with the district supervisor a blanket consent of surety, Form 1533, in triplicate, to continue in effect bond, Form 30. Such blanket consent of surety may be filed to cover all such alternate operations and may be executed in the following form:

To continue in effect the said bond, whenever operation of the distillery is resumed from time to time, pursuant to application on Form 1696, filed by the principal following suspension of operations as an industrial alcohol plant or fruit distillery.

(c) *Materials, heads and tails, and unfinished spirits.* If distilling materials are transferred to the successor or if heads and tails or unfinished spirits are to be retained on the premises pending the resumption of operations as a registered distillery, comply with the requirements of §§ 183.656–183.660. Whenever alternate operations are to be conducted after the first suspension, the procedure prescribed by §§ 183.282 and 183.283 will be followed.

(53 Stat. 309, 310, 311, 373, as amended; 26 U. S. C. 2812, 2814, 2815, 3170)

§ 183.281 *Where bonded warehouse on premises.* Where an internal revenue bonded warehouse is located on the distillery premises, the distillery may be operated alternately as a registered distillery, a fruit distillery, or an industrial alcohol plant upon compliance with the requirements of § 183.280. The distiller shall designate the plat on file which depicts the entire distillery premises, including the internal revenue bonded warehouse as "Plat A," and file a new plat which will be designated as "Plat B," depicting the internal revenue bonded warehouse and any other portion of the distillery premises not to be operated by the incoming alternate proprietor. The outgoing distiller shall also describe in the amended notice, Form 27–A, the bonded warehouse and any portion of the distillery premises not to be operated by the incoming proprietor. The description thereof must correspond with the depiction of the premises on Plat B.

Whenever alternate operations are to be conducted after the first suspension, the procedure prescribed by §§ 183.282 and 183.283 will be followed.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

SUSPENSION FOR SUBSEQUENT ALTERNATE OPERATIONS

§ 183.282 *Requirements.* Where a distiller desires to suspend operations of the registered distillery preparatory to resumption of operations as a fruit distillery or industrial alcohol plant, he must comply with the following requirements:

(a) *Notice of alternate operations.* File Form 1696, through the storekeeper-gauger in charge, with the district supervisor, giving notice of intention to suspend operations. The form shall be executed and filed in accordance with the various lines on the form and the instructions printed thereon, or issued in respect thereto. Form 1696 shall contain or be verified by a written declaration that it is executed under the penalties of perjury. Operations will be suspended upon approval of the notice by the district supervisor in accordance with § 183.284.

(b) *Materials, heads and tails, and unfinished spirits.* If distilling materials are transferred to the successor or if heads and tails or unfinished spirits are to be retained on the premises pending the resumption of operations as a registered distillery, comply with the requirements of §§ 183.656–183.660.

(53 Stat. 309, 324, 373, as amended; 63 Stat. 667; 26 U. S. C. 2812, 2850, 3170, 3809)

RESUMPTION FOR SUBSEQUENT ALTERNATE OPERATIONS

§ 183.283 *Requirements.* Where a distiller desires to resume operation of the registered distillery following suspension of operations as an industrial alcohol plant or fruit distillery, he must comply with the following requirements:

(a) *Notice of alternate operations.* File Form 1696, through the storekeeper-gauger in charge, with the district supervisor for authority to resume operations. The notice shall be executed in accordance with the instructions printed on the form, or issued in respect thereto, and otherwise completed as provided in § 183.282.

(b) *Materials.* If distilling materials are received by transfer from the predecessor, comply with the requirements of §§ 183.659 and 183.660.

(53 Stat. 309, 324, 373, as amended; 63 Stat. 667; 26 U. S. C. 2812, 2850, 3170, 3809)

ACTION BY DISTRICT SUPERVISOR

§ 183.284 *Approval and disposition of Form 1696.* Upon receipt of Form 1696, the district supervisor will, if he finds that the notice may be properly approved, execute the certificate of approval on all copies and dispose of the copies in accordance with the instructions printed on the form, or issued in respect thereto.

(53 Stat. 309, 373, as amended; 26 U. S. C. 2812, 3170)

SUBPART N—ACTION BY DISTRICT SUPERVISOR

ORIGINAL ESTABLISHMENT

§ 183.290 *Authority to approve.* District supervisors are authorized to approve all notices, bonds, consents of surety, and other qualifying documents required by this part.

(53 Stat. 309, 310, 311, 312, 373, as amended; 26 U. S. C. 2812, 2814, 2315, 2816, 3170)

§ 183.291 *Special application.* Where a special application for permission to operate a distillery within 600 feet of a rectifying plant is submitted by the distiller, and such special application conforms to the requirements of this part, the district supervisor will cause an inspection to be made to determine whether the proposed operation of the distillery within 600 feet of the rectifying plant may be permitted without jeopardy to the revenue. The inspector will ascertain whether the application accurately describes the relative location of the two premises and all pipe lines and other connections, if any, between such premises. The inspector will also observe the surroundings, including all streets, roads, and driveways connecting the two premises, and any condition which might endanger the revenue, and will describe the same in his report. If the district supervisor finds, upon consideration of the inspection report, that the distillery may be operated at the designated location without danger to the revenue, he will note his approval on all copies of the special application. He will then return one copy of the approved application to the applicant, retain one copy for his files, and forward the remaining copy, together with a copy of the inspection report, to the Commissioner. Approval of the special application pertains to the location of the distillery only, and does not authorize the operation thereof. The distillery may not be operated until the distiller's bond and other qualifying documents required by law and this part have been filed and approved. If the special application is disapproved, the district supervisor will note his disapproval thereon, retain one copy and return all remaining copies of such application to the applicant, with advice as to the reasons for disapproval.

(53 Stat. 314, 373, as amended; 26 U. S. C. 2819, 3170)

§ 183.292 *Distillery fence application.* Where a special application for permission to construct and maintain a fence or wall of a greater height than 5 feet around the distillery is submitted, and such application conforms to the requirements of this part, the district supervisor will, if he finds that the construction and maintenance of such fence or wall is necessary to give adequate protection from trespassers, and that the revenue would not be endangered, note his approval on all copies of the special application, return one copy to the applicant, retain one copy for his files, and forward one copy to the Commissioner with the distiller's notice, bond, and other qualifying documents. If the district supervisor finds that the construction and maintenance of such fence or wall is not necessary to afford protection from trespassers, or that the revenue would be endangered thereby, he will note his disapproval on the special application, retain one copy and return the remaining copies to the applicant with a statement of the reasons for disapproval.

(53 Stat. 316, 373, as amended; 26 U. S. C. 2826, 3170)

§ 183.293 *Indemnity bond application.* When an application for permission to file an indemnity bond in lieu of the written consent of the owner of the distillery premises or apparatus or equipment, or of any mortgagee, judgment-creditor, conditional sales vendor, or other person having a lien thereon, is submitted by the distiller and such application conforms to the requirements of this part, the district supervisor will cause an investigation to be made of the facts upon which the application is based, and will designate two or more competent persons to make an appraisal of the value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus. The appraisal shall be made as provided in § 183.144. If the district supervisor finds, upon consideration of the appraisal and reports of investigation, that under the law and this part an indemnity bond may properly be accepted in lieu of the consent of the owner or lienor, and if he is satisfied that the valuation placed upon the distillery property by the appraisers is fair, he will note the appraised value and his approval on all copies of the application. He will then return one copy of the approved application to the applicant and retain one copy for his files. He will forward the remaining copy of the application and copies of the reports of investigation and appraisal to the Commissioner at the time of forwarding the indemnity bond. If the application is disapproved, the district supervisor will note his disapproval thereon, retain one copy and return the remaining copies of such application to the applicant with a statement of the reasons for disapproval.

(53 Stat. 311, 373, as amended; 26 U. S. C. 2815, 3170)

§ 183.294 *Examination of other qualifying documents.* Upon receipt of notice, plat, plans, bond, consent (Form 1602), if any, or indemnity bond in lieu thereof, and other documents required by this part, of persons intending to qualify as distillers, the district supervisor will examine the same to determine whether they have been properly executed, and whether they reflect compliance with the requirements of the law and this part. Where any required document has not been filed, or where errors or discrepancies are found in those filed, or where the documents filed do not reflect compliance with this part, action thereon will be held in abeyance until the omission, or error, or discrepancy has been rectified, and there has been full compliance with all requirements.

§ 183.295 *Inspection of premises.* When the required documents have been filed in proper form, the district supervisor will assign an inspector to examine the premises, buildings, apparatus, and equipment, and determine whether they conform with the description thereof in the notice, plat and plans, and special applications, if any, and whether the construction and measures of protection afforded meet the requirements of the law and this part. The inspector will observe particularly the manner in which the rooms or buildings on the premises are separated from each other and from other premises, means of communication, ingress and egress, adequacy of protection afforded windows, doors, and other openings, construction of apparatus and equipment, and the suitability of the Government office and facilities. The inspector will also make careful inquiry respecting the applicant's title to, or interest in, the lot or tract of land, the distillery, and the apparatus and equipment, in order to determine whether proper consents on Form 1602 of the owner and of any mortgagees, judgment-creditors, lienors, other encumbrancers, conditional sales vendors, or prior lessees, have been procured and submitted by the applicant. The inspector will examine the records in the office of the recorder of deeds or other office where titles and matters affecting titles are filed to verify the statements of the applicant respecting his title to, or interest in, the property. The inspector should require the applicant to submit for examination invoices, bills of sale, conditional sales contracts, leases, or other commercial paper for verification of the statements made on Form 27–A respecting his title to, or interest in, the apparatus and equipment. Where the inspection discloses minor irregularities in the qualifying documents or in the construction, the inspector will, at the time of their discovery, direct the attention of the applicant to the same in order that the applicant may correct the defects before completion of the inspection. Upon completion of the inspection, a report thereof will be submitted to the district supervisor.

(53 Stat. 312, 317; 26 U. S. C. 2817, 2828)

§ 183.296 *Report of inspection.* The report of the inspection shall describe separately all irregularities and discrepancies found during the course of the inspection, and shall include a complete statement describing all unusual or special conditions. Where irregularities were corrected during the inspection, the report will indicate the corrections so made. The report need not set out in detail each description as set forth in the notice, plat, and plans. The description of buildings and equipment in the report should be general and brief. However, construction, equipment, signs, etc., which are not in conformity with the law and this part, will be completely described. If there are any pipe lines or other connections or openings between the bonded premises and other premises, the same shall be described in detail. There shall be further embodied in the report a statement as to whether or not another business is being conducted, or is intended to be conducted, on the bonded premises or in buildings thereon.

§ 183.297 *Inaccurate documents.* Where the district supervisor's examination, or the inspector's report, discloses discrepancies in the qualifying documents, the inaccurate or incomplete documents will be returned to the proprietor for correction. A record will be kept of all bonds so returned.

§ 183.298 *Defective construction.* Where it is found that the construction of the distillery or its equipment does not conform to the requirements of the law and this part, the district supervisor will inform the proprietor concerning the defects, and further action will be held in abeyance pending correction thereof.

§ 183.299 *Law violation record.* Before approving any bond or consent of surety given by any individual, firm, partnership, corporation or association in respect to the business of a distiller, the district supervisor will cause such inquiry or investigation as may be deemed necessary to ascertain whether such individual, firm, partnership, corporation, or association or any person owning, controlling or actively participating in the management of the business has been convicted of, or has compromised an offense, of the nature specified in § 183.188. Where record is found of the conviction or the compromise of such an offense, the district supervisor may disapprove the bond or consent upon the basis of his findings; provided that if the bond or consent is disapproved, the principal may appeal the district supervisor's action to the Commissioner. Where an appeal is taken to the Commissioner, the district supervisor will furnish the Commissioner with full information respecting the reasons for disapproval including the nature and place of the offense, the names of the offenders and the date of conviction or acceptance of an offer in compromise.

(53 Stat. 310, 311, 373, as amended; 26 U. S. C. 2814, 2815, 3170)

§ 183.300 *Approval of qualifying documents.* If the district supervisor finds, upon examination of the inspection report and the qualifying documents, that the person seeking to qualify as a distiller has complied in all respects with the requirements of law and this part, and if the distiller's bond (Form 30) and the consent (Form 1602), if any, or the indemnity bond filed in lieu thereof may properly be approved under § 183.299, and if the applicant is entitled to a permit, he will assign a registry number to the distillery in accordance with § 183.301, note his approval on all copies of the distiller's bond, consent or indemnity bond, notice and plat and plans, and dispose of the qualifying documents and inspectors' reports in accordance with § 183.303. The issuance of a permit under the Federal Alcohol Administration Act should be withheld pending approval of the notice, bond, and other qualifying documents required by the internal revenue laws and this part.

(53 Stat. 308, as amended, 309, 310, 311, 312, 373, as amended; 26 U. S. C. 2810, 2812, 2814, 2815, 2816, 3170)

§ 183.301 *Registry numbers.* Registered distilleries will be numbered serially in the order of their establishment. A separate series will be used for each State. Registry numbers heretofore assigned will be retained, and new distilleries will be assigned numbers in sequence thereto. Registry numbers previously assigned to discontinued distilleries will not be reassigned to other distilleries. The same registry number will be continued whenever there is a change of proprietorship.

§ 183.302 *Disapproval of qualifying documents.* If the district supervisor finds that the applicant has not complied in all respects with the requirements of the law and this part, or that the situation of the distillery is such as would enable the distiller to defraud the United States, or that the bond should be disapproved under § 183.299, he will note his disapproval on the notice, Form 27–A, and will dispose of the qualifying documents in accordance with § 183.303.

(53 Stat. 309, 310, 311, 373, as amended; 26 U. S. C. 2812, 2814, 2815, 3170)

§ 183.303 *Disposition of qualifying documents.* Where the district supervisor approves the qualifying documents, he will forward to the applicant one copy of the documents with the original of the basic permit issued under the Federal Alcohol Administration Act, forward to the Commissioner the originals of the qualifying documents and a copy of the basic permit issued under the Federal Alcohol Administration Act, together with copies of inspection reports, and retain one copy of the qualifying documents for the file of the applicant. If the qualifying documents are disapproved, the district supervisor shall return to the applicant by registered mail, one copy of the disapproved notice, together with all copies of the qualifying documents and all copies of the bond without action thereon. The district supervisor shall forward one copy of the disapproved notice to the Commissioner and will advise him fully respecting the disapproval thereof. He shall retain the remaining papers in his files. If the applicant is not entitled to a basic permit, the district supervisor will, upon disapproval of the application therefor, return all copies of the qualifying documents to the applicant without action thereon.

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

§ 183.304 *Procedure applicable.* The provisions of §§ 183.290–183.303 respecting the action required of district supervisors in connection with the original establishment of distilleries will be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name of the distiller, or in the trade name or style, or where the distillery is to be operated initially under a trade name or style, or where there is a change in the proprietorship, location, premises, construction, apparatus and equipment of the distillery, or in the type of plant, or in the title to the distillery property, or where such property becomes subject to a mortgage, judgment, or other encumbrance, or where operations are permanently discontinued.

§ 183.305 *Indemnity bond, Form 1617.* Where changes to be made in distillery buildings or former distillery buildings or distillery equipment are such as to require the filing of an indemnity bond on Form 1617, as provided in §§ 183.255 and 183.258, the district supervisor will, upon receipt of a satisfactory bond, note his approval thereon, and dispose of the bond as provided by § 183.303.

§ 183.306 *Applications and reports covering changes.* Where an application covering changes in the distilling apparatus or equipment, or in the construction or use of a room or building, is authorized by the district supervisor, he will, after completion of the change, retain one copy of the application and forward one copy to the distiller and one copy to the Commissioner. Similar disposition will be made of reports received from the distiller covering emergency repairs of distilling apparatus and equipment.

ANNUAL NOTICES, CONSENTS (FORM 1602) AND BONDS, CONSENTS OF SURETY AND ADDITIONAL AND SUPERSEDING BONDS

§ 183.307 *Procedure applicable.* The procedure prescribed in this subpart for the approval and disapproval of notices and bonds submitted in connection with the establishment of distilleries will, to the extent applicable, govern the approval and disapproval of annual notices, consents (Form 1602) and bonds, consents of surety and additional and superseding bonds.

SUBPART O—ACTION BY COMMISSIONER

ORIGINAL ESTABLISHMENT

§ 183.310 *Review of documents.* The Commissioner will review the action of the district supervisor relating to the establishment of registered distilleries and determine whether it is in conformity with the requirements of law and this part. If not, the Commissioner will advise the district supervisor as to the necessary action to be taken.

(53 Stat. 309, 310, 311, 312, 373, as amended; 26 U. S. C. 2812, 2814, 2815, 2816, 3170)

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

§ 183.311 *Procedure applicable.* The provisions of § 183.310 respecting the action of the Commissioner in connection with the establishment of distilleries will be followed to the extent applicable, where there is a change in the name or in the firm name, trade name or style or in the proprietorship, location, premises, construction, apparatus and equipment of the distillery or in the type of plant or in the title to the distillery

property or where such property becomes subject to a mortgage, judgment or other encumbrance.

SUBPART P—TERMINATION OF BONDS

§ 183.320 *Termination of distiller's bond.* The distiller's bond (Form 30) is an annual bond and, therefore, upon expiration of the period for which it is given automatically terminates as to spirits produced subsequent to such period. Such bonds may be terminated as to future production prior to expiration of the period for which given, (a) pursuant to application by the surety as provided in § 183.324, or (b) upon approval of a superseding bond or discontinuance of business by the principal. Application for notice of termination of a distiller's bond upon approval of a superseding bond or discontinuance of the business must be filed in duplicate with the district supervisor.

(53 Stat. 310, 373, as amended; 26 U. S. C. 2814, 3170)

§ 183.321 *Termination of indemnity bonds, Forms 3 and 3–A.* Indemnity bonds (Forms 3 and 3–A) given in lieu of the consent of the owner of the distillery premises or property, and of any mortgagee, judgment-creditor, lienor, encumbrancer, conditional sales vendor, etc., to priority of the Government's lien for taxes and penalties and other interests, run for an indefinite period. Such bonds may be terminated as to liability for future operations of the distillery, (a) pursuant to application by the surety as provided in § 183.324, (b) upon approval of a superseding bond or discontinuance of business by the principal, (c) if the distiller (1) becomes the owner in fee unencumbered of the property covered by the bond or (2) files the consent of the owner or encumbrancer to priority of the Government's lien for taxes and penalties and other interests as provided in § 183.137 or (d) if all spirits produced while such indemnity bond was in force are tax-paid or removed for lawful tax-free purposes. Application for notice of termination of such bonds upon approval of the superseding bond or discontinuance of the business or under conditions (c) and (d) of this section must be filed in duplicate with the district supervisor.

(53 Stat. 298, as amended, 311; 26 U. S. C. 2800, 2815)

§ 183.322 *Termination of indemnity bonds, Form 1617.* Indemnity bonds (Form 1617) given in connection with changes in buildings and equipment on which a lien had attached under section 2800 (e), I. R. C., may be terminated (a) upon approval of a superseding bond, or (b) upon tax-payment or removal for a lawful tax-free purpose of all spirits produced while the property covering which the indemnity bond was filed formed a part of the distillery premises and equipment. Application for notice of termination of such bonds must be filed in duplicate with the district supervisor.

(53 Stat. 298, as amended, 311; 26 U. S. C. 2800, 2815)

§ 183.323 *Termination of export bonds.* Bonds (Forms 547, 548, 657, and 658) given to cover the exportation, or the transportation for export, of spirits of not less than 180 degrees of proof, withdrawn from the distillery in tank cars for such purpose as provided in § 183.585, will be terminated in accordance with the provisions set forth in Regulations 10 (26 CFR Part 185) for the termination of such bonds when given to cover the exportation, or the transportation for export, of spirits withdrawn from internal revenue bonded warehouses.

(53 Stat. 336, 337, 339; 26 U. S. C. 2885, 2886, 2888)

§ 183.324 *Application of surety for relief from bond.* A surety on any bond required by this part may at any time in writing notify the principal and the district supervisor in whose office the bond is on file, that he desires after a date named, which shall be at least 60 days after the date of notification, to be relieved of liability under said bond. The notice shall be executed in triplicate by the surety, who shall deliver one copy to the principal and the other two copies to the district supervisor, who will retain one copy and transmit the remaining copy to the Commissioner. If such notice is not thereafter in writing withdrawn, the rights of the principal as supported by said bond shall be terminated on the date named in the notice, and the surety shall be relieved (a) in the case of a distiller's bond (Form 30) from liability for distilled spirits produced wholly subsequent to the date named in the notice, (b) in the case of indemnity bonds (Forms 3 and 3–A) from liability for operations of the distillery wholly subsequent to such date, and (c) in the case of export bonds (Forms 547, 548, 657, and 658) from liability for distilled spirits withdrawn for export wholly subsequent to such date: This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney, duly executed by the surety, authorizing him to give such notice, or by a verified statement that such power of attorney is on file with the Department. The surety must also file with the district supervisor an acknowledgement or other proof of service of such notice on the principal.

§ 183.325 *Action on application for notice of termination of distiller's bond.* When an application for notice of termination of a distiller's bond as to future production is filed with the district supervisor in a case where a superseding bond has been approved, or the principal has discontinued business, as provided in § 183.320, the district supervisor will make a complete examination of records to determine whether there is any liability then due and payable outstanding against the bond. He will also ascertain from the collector of internal revenue whether there are any outstanding, unpaid assessments or demands for taxes on spirits produced under the bond. If it is found that violations of law or regulations occurred during the period covered by the bond and that penalties incurred or fines imposed have not been paid, or that outstanding assessments, or demands for payment of taxes, chargeable against the bond have not been paid, or otherwise settled, the district supervisor will disapprove the application, unless the liability is settled. If the district supervisor finds that the distiller's bond may properly be terminated, he will issue notice of termination thereof in accordance with § 183.327.

(53 Stat. 373, as amended; 26 U. S. C. 3170)

§ 183.326 *Action on application for notice of termination of indemnity bond.* When an application for notice of termination of an indemnity bond (Form 3 or 3–A) as to future operations of the distillery is filed with the district supervisor in a case where a superseding bond has been approved, or the principal has discontinued business, as provided in § 183.321, the district supervisor will take action in accordance with the procedure prescribed in § 183.325, in the case of an application for the termination of a distiller's bond. When an application for notice of termination of an indemnity bond (Form 1617) covering changes in buildings or equipment is filed with the district supervisor, he will make a complete inquiry to determine whether all spirits, the tax on which constituted the lien in relation to which the bond was given, have been tax-paid or removed for a lawful tax-free purpose. If the district supervisor finds that the bond may properly be terminated, he will issue notice of termination thereof in accordance with § 183.327.

(53 Stat. 373, as amended; 26 U. S. C. 3170)

§ 183.327 *Notice of termination.* When the district supervisor has determined that an application for termination of a distiller's bond (Form 30) as to liability for future production, or of an indemnity bond (Form 3 or 3–A) as to liability for future operations of the distillery, or an indemnity bond (Form 1617) as to future liability, may properly be approved, he will execute Form 1490, where a superseding bond has been approved, or Form 1491, where the principal has discontinued business, in quadruplicate (in quintuplicate if there are two sureties) and will forward the original, together with one copy of the application, to the Commissioner, one copy to each obligor on the bond, and retain one copy on file with the bond to which it relates.

(53 Stat. 373, as amended; 26 U. S. C. 3170)

§ 183.328 *Release of collateral.* The release of collateral pledged and deposited with the United States to support bonds required by this part will be in accordance with the provisions of Department Circular No. 154 revised (31 CFR, Part 225), subject to the conditions governing the issuance of notices on Forms 1490 and 1491 of the termination of such bonds. Upon approval of an application for the issuance of notice of the termination of a distiller's bond, Form 30, or indemnity bond, Forms 3, 3–A, or 1617, supported by collateral security, the district supervisor will fix the date or dates on which a part or all of the security may be released. In fixing such date, which ordinarily will be not less than six months from the date of determination that there is no outstanding liability against the bond, the district supervisor will satisfy himself that the interests of the Government will not be jeopardized. Collateral pledged and deposited to support any such bond, will not be released by the district supervisor until liability under the bond has been terminated. At any time prior to the release of such collateral security, the district supervisor may, in his discretion, and for proper cause, further extend the date of release of the security for such additional length of time as in his judgment may be appropriate. Collateral pledged and deposited to support a distiller's bond (Form 30) or an indemnity bond (Form 3 or 3–A) will not be released by the district supervisor until all spirits produced while such bonds were in force and effect have been tax-paid or removed for a lawful tax-free purpose. Accordingly, collateral may not be released while spirits produced under such bonds remain in any internal revenue bonded warehouse. When an application for release of collateral deposited in support of a distiller's bond (Form 30) or an indemnity bond (Form 3 or 3–A) is received by the district supervisor, he will determine whether all spirits produced at the distillery while the bond was in effect have been withdrawn from warehouse and all outstanding liabilities settled, prior to taking action upon the application. Collateral pledged and deposited to support an indemnity bond (Form 1617) covering changes in buildings and equipment may be released by the district supervisor upon approval of a superseding bond or upon tax payment or removal for a lawful tax-free purpose of all spirits, the tax on which constituted the lien in relation to which the bond was given. Collateral pledged and deposited to support direct export bonds, or transportation for export bonds, will ordinarily be released by the district supervisor upon issuance of notice of the release of the bond, Form 1491.

(53 Stat. 373, as amended; 26 U. S. C. 3170; 44 Stat. 122 (6 U. S. C. 15))

SUBPART Q—WAIVER OF SURVEY REQUIREMENTS

§ 183.335 *Provisions of law from which exempt.* The survey requirements prescribed by section 2817 (a), I. R. C., are waived as to registered distilleries, and proprietors of such distilleries are relieved from the following provisions of law relating to the survey requirements:

(a) From so much of section 2812, I. R. C., as requires a distiller to state in his notice the number of hours in which the distiller will ferment each tub of mash or beer, and from the necessity of filing a notice of the change in the time of fermenting the mash or beer.

(b) From so much of section 2832, I. R. C., as requires the distiller to comply with the provisions of law relating to the survey of distilleries, as a condition precedent to carrying on the business of distilling.

(c) From the provisions of section 2840, I. R. C.

(d) From so much of the provisions of section 2846, I. R. C., as make a distiller liable to an assessment for a deficiency in producing less than 80 percent of the producing capacity of the distillery as estimated according to law; and as make him liable to an assessment for the tax upon the spirits that should have been produced from the materials found to have been used in excess of the capacity of the distillery for any month as estimated according to law.

(e) From so much of the provisions of section 2849, I. R. C., as prescribe the fermenting periods.

(f) From so much of section 2851, I. R. C., as requires the placing of close fitting covers upon fermenting tubs, for the purpose of reducing the producing capacity of the distillery.

(53 Stat. 312, 373, as amended; 26 U. S. C. 2817, 3170)

§ 183.336 *Exemption subject to changes.* The exemption from the foregoing provisions of law will be subject to such changes as may be necessary to protect the revenue.

(53 Stat. 312, 373, as amended; 26 U. S. C. 2817, 3170)

SUBPART R—MANUFACTURE OF DISTILLED SPIRITS

KINDS OF MATERIALS AND SPIRITS

§ 183.350 *General.* Distilled spirits may be produced at registered distilleries from any kind of suitable materials, and at any desired proof. The production, gauging, marking and branding, and removal of spirits shall be in accordance with this part.

(53 Stat. 298, as amended, 333, 335, as amended; 26 U. S. C. 2800, 2878, 2883)

§ 183.351 *Alcohol.* Where it is desired to produce alcohol, the registered distillery must be discontinued in accordance with Subpart M of this part and reestablished and operated as an alcohol plant in accordance with Regulations 3 (26 CFR, Part 182) governing the production of alcohol.

(53 Stat. 358; 26 U. S. C. 3105)

§ 183.352 *Brandy.* Brandy may be produced at registered distilleries, subject to all the requirements of this part. Where the distiller desires to produce brandy under Regulations 5 (26 CFR Part 184) governing the production of brandy at fruit distilleries under the exemptions from law afforded fruit distillers by virtue of section 2825, I. R. C., the registered distillery must be discontinued in accordance with Subpart M of this part and reestablished and operated as a fruit distillery in accordance with such regulations.

(53 Stat. 316, as amended; 26 U. S. C. 2825)

COMMENCEMENT OF OPERATIONS

§ 183.353 *Notice, Form 125.* Before commencing operations at the distillery, the distiller shall file with the district supervisor notice on Form 125, in duplicate, specifying the date on which he desires to commence operations. This notice must be filed in time to enable the district supervisor to assign one or more storekeeper-gaugers to the distillery. If the distiller's bond, Form 30, and the other qualifying documents required by this part have been filed and approved, and the required storekeeper-gaugers assigned to the distillery have found the plant and equipment in proper condition, the distiller may commence operations at the time specified in the notice. Form 125 will not be required when operations are resumed pursuant to the filing of Form 1696.

(53 Stat. 324, 373, as amended; 26 U. S. C. 2850, 3170)

§ 183.354 *Assignment of storekeeper-gaugers.* One or more storekeeper-gaugers must be assigned to, and on duty at, each distillery before the distiller can commence operations. In determining the number of storekeeper-gaugers to be assigned to each distillery, the district supervisor will take into account the distilling equipment and the process to be used, the quantity of spirits to be produced daily, and the number of hours the distillery will be operated each day. When notices of commencement of operations are received, the district supervisor will assign storekeeper-gaugers in time to prevent unnecessary delays to distillers.

(53 Stat. 320; 26 U. S. C. 2838)

§ 183.355 *Examination of distillery.* Upon assignment to a distillery intending to commence operations, storekeeper-gaugers will, prior to the actual commencement of operations, examine the distillery, the apparatus and equipment, the cistern room, etc., and determine that all valves, flanges, and other connections which would afford access to spirits are properly equipped for locking or are brazed, welded, or otherwise secured, and that all doors and other openings in the cistern room are protected in the manner prescribed by this part. The storekeeper-gauger will apply Government locks wherever the same are required, and will complete Form 125, in duplicate, deliver one copy to the distiller, and forward the original to the district supervisor.

(53 Stat. 317; 26 U. S. C. 2827, 2828)

§ 183.356 *Supervision of operations.* The storekeeper-gauger will have charge of the distillery to which he is assigned, under the direction of the district supervisor. The storekeeper-gauger will see that the operations of the distillery conform to the requirements of the law and this part, and will, in the course of his daily duties, carefully observe the character and condition of all connections, pipes, tanks, or vessels used for conveying spirits in the course of distillation to see if they are continuous and closed as required, and whether access can be gained to the spirits in the storekeeper-gauger's absence. The storekeeper-gauger will promptly report to the district supervisor any distillery operations or condition of apparatus and equipment not conforming to the law and this part.

(53 Stat. 320; 26 U. S. C. 2838)

DISTILLING MATERIALS

§ 183.357 *Weighing materials received.* Except as provided in § 183.91, the distiller will weigh, or in the case of liquids, weigh or measure all materials received on the distillery premises intended for use in the production of distilled spirits. He will prepare weight or quantity slips of all such materials received and furnish signed copies to the storekeeper-gauger. He will maintain a

commercial record of all such materials received, showing the date of receipt, the name of the concern or person from whom the materials were purchased, and the kind and quantity of each material, and will report on Form 1598, the total quantity of each kind of materials received during the month: *Provided, however*, That the Commissioner or district supervisor may, in his discretion, require that daily receipts of materials be reported on Form 1598.

(53 Stat. 321; 26 U. S. C. 2841)

§ 183.358 *Storage of materials.* All grain received on the distillery premises will be stored in the meal or material room, bins, or granary, unless it is to be immediately used. Molasses and other liquid distilling materials will be stored in proper tanks provided for the purpose, unless they are to be immediately used.

§ 183.359 *Supervision of material room.* No materials shall be received on the premises of any registered distillery, or used for the production of distilled spirits or for any other purpose, or removed from the premises, except when the storekeeper-gauger is present on the distillery premises. The storekeeper-gauger will unlock the material room, bins, or tanks, at such time after the commencement of operations each day as may be necessary for the distiller to have access thereto, and will lock them when access for the day is no longer required, thus giving employees of the distillery access for the removal or deposit of materials, or for other necessary purposes, under his general supervision. When materials are received by chute or pipe line from adjacent premises, such chute or pipe line must be kept locked at all times with Government locks, except when necessary to be open for the transfer of materials.

§ 183.360 *Storekeeper-gauger's record of materials received.* The storekeeper-gauger will record on Form 1686 the total quantity of each kind of material received on the distillery premises, during the month, intended for use in the production of distilled spirits. Entries will be made from the distiller's weight or quantity slips. The storekeeper-gauger will verify such slips by comparison with the distiller's commercial records and his Form 1598.

(53 Stat. 333; 26 U. S. C. 2877)

§ 183.361 *Weighing materials used.* Distillers will weigh or, in the case of liquids, weigh or measure all materials used in the production of distilled spirits. They will prepare weight or quantity slips of all such materials, and will furnish signed copies to the storekeeper-gauger. The materials used will be recorded by the distiller on Form 1598.

(53 Stat. 321, 333; 26 U. S. C. 2841, 2877)

§ 183.362 *Storekeeper-gauger's record of materials used.* The storekeeper-gauger will record on Form 1686 all materials used in the production of distilled spirits. Entries will be made from the distiller's weight or quantity slips. The storekeeper-gauger will verify such slips by comparison with the distiller's Form 1598 and commercial records, if any.

(53 Stat. 333; 26 U. S. C. 2877)

§ 183.363 *Distiller's material slips.* Each distiller will have prepared in uniform size material slips which show the name, number, and location of the distillery, and on which he will enter the date, kind and quantity of materials received and used, and the serial numbers of the fermenters filled, together with such other information as may be required. Where different types of mash are produced, separate entries shall be made showing the quantity of material, type of mash, and serial numbers of fermenters for each type. The term "type of mash" means the materials from which the mash is made, as molasses, wheat, corn in excess, rye in excess, etc. The information is necessary for the proper marking and branding of packages of distilled spirits. Material slips will be prepared in duplicate and will be filed chronologically, by months, by both the distiller and the storekeeper-gauger and will be retained for at least one year.

(53 Stat. 321, 373; 26 U. S. C. 2841, 3171)

§ 183.364 *Storekeeper-gauger's verification.* The storekeeper-gauger will, from time to time, personally verify the accuracy of the distiller's determination of the weight or quantity of materials received and used.

YEASTING

§ 183.365 *Materials for yeast mash.* Materials capable of producing spirits which are used in preparing yeast mash will be weighed or measured by the distiller, who will furnish weight or quantity slips to the storekeeper-gauger and will make proper record on Form 1598. If the materials used in the yeast mash have been included in the materials weighed or measured by the distiller for use in the production of the main mash, a notation should be made on the slip to that effect, and no separate entry will be made on Forms 1598 and 1686. Such weight or quantity slips will be filed by the storekeeper-gauger for record and reference purposes.

(53 Stat. 321, 373; 26 U. S. C. 2841, 3171)

§ 183.366 *Materials for yeast culture.* The distiller will not be required to furnish weight or quantity slips to the storekeeper-gauger of materials used in preparing pure yeast cultures or jug yeast which is added to the yeast mash, or to record the same on Form 1598. The pure yeast cultures or jug yeast may be prepared and held for use as needed.

§ 183.367 *Non-alcohol producing materials.* No non-alcohol producing materials may be added to the yeast mash for the purpose of furnishing yeast food, or for inhibiting the action of wild yeast or bacteria, or for any other purpose, unless such materials are included in the statement of process required by § 183.162.

(53 Stat. 391; 26 U. S. C. 3254)

MASHING OPERATIONS

§ 183.368 *Distiller's notice of change in materials and strength of beer.* The distiller may mash grain, molasses, or other fermentable materials covered by his notice, Form 27–A, in any quantity, proportion, or strength that he may desire, within the maximum specified in such notice, provided he shall give written notice to the storekeeper-gauger in charge of the distillery of the quantity of each kind of material which he proposes to mash, and the strength of the beer. When desiring to change the quantity or kind of materials or strength of the beer, he shall, before making such change, give written notice to the storekeeper-gauger in charge. Where the distiller intends to mash different kinds of materials than those covered by Form 27–A, or a larger quantity of the specified materials than the maximum indicated by such form, he must also comply with the requirements of § 183.132. If the proposed change in mashing is such that either a smaller or larger number of storekeeper-gaugers may be required to supervise operations, the distiller shall give notice thereof to the storekeeper-gauger in charge in sufficient time for the district supervisor to reassign the unneeded officers or to assign additional officers to the plant.

(53 Stat. 312; 26 U. S. C. 2817)

§ 183.369 *Non-fermentable materials.* No chemicals or other substances, such as essences, flavors, coloring matter, etc., which are volatile and would remain incorporated with the spirits when the manufacture thereof is complete may be added to the mash or to the spirits at any stage of production, except as otherwise provided in this part.

(53 Stat. 391; 26 U. S. C. 3254)

§ 183.370 *Presence of storekeeper-gauger required.* Any mashing or distilling in the absence of the storekeeper-gauger from the premises is prohibited. The special attention of distillers is directed to the penalties imposed by law for mashing, distilling, or removing spirits in the absence of the storekeeper-gauger.

(53 Stat. 320; 26 U. S. C. 2838)

FERMENTING

§ 183.371 *Restrictions removed.* The survey requirements being waived, as provided in § 183.335, proprietors of registered distilleries are not restricted as to the period of fermentation nor as to the frequency or extent of the filling of the fermenting tubs. The distiller must, however, give notice to the storekeeper-gauger in charge of the quantity of each kind of material which he proposes to mash and the strength of the beer, as provided in § 183.368, and when he intends to mash kinds of materials other than those covered by Form 27–A, or a larger quantity of the materials specified on the form than the maximum indicated thereon, he must file an amended notice on Form 27–A, as provided in § 183.132.

(53 Stat. 312; 26 U. S. C. 2817)

§ 183.372 *Quantity of mash and beer determined.* Storekeeper-gaugers assigned to distilleries will determine the number of gallons of mash in each fermenter at the time of filling and the quantity of beer in each fermenter after fermentation is complete, and will enter the same on Form 1686. They will not be required to determine the temperature and gravity of the mash or beer in the fermenting tubs, or to ascertain the number of dry inches.

§ 183.373 *Tests of beer and slop.* At the time of distillation, the distiller will thoroughly agitate the contents of each fermenter and the storekeeper-gauger will then take a sample of beer from each fermenter to determine the alcoholic content of the beer. He will also take, daily, several representative samples of slop or spent beer after the same has come from the still, and determine the alcoholic content of each sample. He will make the tests of beer and slop and compute the calculated yield, in accordance with the instructions on Form 1686.

(53 Stat. 312; 26 U. S. C. 2817)

DISTILLATION

§ 183.374 *Continuous process required.* The process of distillation employed must be such that the spirits will pass through continuous, closed stills, pipes, and vessels from the time the vapors rise in the first still until the finished spirits are deposited in the cistern room in locked receiving cisterns provided for that purpose. The distiller may, in the course of manufacture, carry his product through as many distilling operations as he may desire, provided the process is closed and continuous. Distilling processes are deemed to be continuous where the spirits are carried through the various steps from the beer still to the receiving tanks as expeditiously as normal, efficient plant operation will permit in the manufacture of a finished product of standard quality. The collection of high and low wines (heads and tails) for the purpose of redistillation is not deemed to be a break in the continuity of the distilling process, but such spirits, when so collected, should be redistilled promptly when a sufficient quantity has been accumulated to permit efficient redistillation. Where spirits are percolated through oak chips or otherwise treated before deposit in the receiving tanks, the retention of the spirits in tanks temporarily, pending such treatment, is permissible, but no larger quantities of spirits may be so held than are necessary for operation of the percolators. The distilling process is held to be completed when the spirits are deposited in the receiving tanks.

(53 Stat. 314, 391; 26 U. S. C. 2820, 3254)

§ 183.375 *Gauging of unfinished spirits.* At distilleries where spirits, in the course of distillation, are run into tanks in the distillery building for temporary deposit preparatory to completing the distillation thereof, and where twenty-four-hour supervision is maintained by the storekeeper-gauger, a daily gauge of such spirits will not be required. Where twenty-four-hour supervision is not maintained, the storekeeper-gauger, prior to leaving the premises, will gauge (measure and proof) the spirits retained in each tank, make an office record of the quantity and proof of the spirits therein, and attach locks in accordance with § 183.736: *Provided*, That where such tanks are enclosed in a room or building equipped for locking in accordance with § 183.64, such room or building will be locked in lieu of gauging the unfinished spirits. Upon his return to the premises the storekeeper-gauger will gauge the spirits in the tanks previously gauged and compare the quantity and proof with the office record. Any material discrepancy will be reported immediately to the district supervisor. Except as provided in §§ 183.655 to 183.665, unfinished spirits may not be stored in such tanks but may be deposited therein only temporarily in the course of distillation. At the close of the month the storekeeper-gauger will make an accurate gauge of all unfinished spirits on hand and report the total quantity on Form 1686. Distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil, collected for destruction or for removal for denaturation, in accordance with the provisions of §§ 183.390 to 183.412, will be included in the report of inventory of unfinished spirits on Form 1686 until such distillates are destroyed or removed for denaturation. Fusel oil held in fusel oil tanks or in storage tanks pending removal, will not be included in the report of inventory of unfinished spirits.

LOCKING OF DISTILLERY

§ 183.376 *When to be locked.* Whenever spirits are contained at any place in the distillery other than under Government lock in the cistern room, or the temporary storage room therein, or in the rectifying room, the distillery building or portion thereof in which such spirits are contained must be kept securely locked by the distiller in the absence of himself or his agents. The locks used by the distiller to secure doors, windows, or other openings of the distillery buildings or portions thereof in which spirits are so contained must be such as will, in the opinion of the district supervisor, safeguard the spirits against illegal removal during the absence of the distiller or his agents.

§ 183.377 *Keys of distillery locks.* The distiller shall furnish the district supervisor as many keys to the locks provided for securing the entrance door or doors of the distillery building, or portions thereof, which are required to be locked, as may be deemed necessary by the district supervisor from time to time, in order that the distillery or any portion thereof may be accessible at any time to Government officers authorized to enter and inspect the premises.

TREATMENT OF SPIRITS IN COURSE OF DISTILLATION

§ 183.378 *Rectification.* The law provides that every person shall be regarded as engaged in the business of rectifying who rectifies, purifies, or refines distilled spirits by any process other than by original and continuous distillation from mash, wort, or wash, through continuous, closed vessels and pipes, until the manufacture thereof is complete. Therefore, a distiller may carry his product through as many processes of distillation as he may desire without becoming liable as a rectifier, provided the process is continuous (as defined in § 183.374), commencing with the distillation of the mash, wort, or wash, and the product of distillation of the mash is carried through continuous closed vessels and pipes until the finished product is deposited in the receiving cistern: *Provided*, That the redistillation of spirits received in bond from an internal revenue bonded warehouse or another distillery pursuant to provisions of this part shall not constitute rectification.

(53 Stat. 335, as amended, 391; 26 U. S. C. 2883, 3254)

§ 183.379 *Purifying or refining spirits.* Under the law, distillers are allowed to purify or refine distilled spirits in the course of original and continuous distillation, including spirits received for redistillation, through any material which will not remain incorporated with such spirits when the manufacture thereof is complete. The apparatus to be used for purifying or refining spirits in a distillery must be arranged and constructed as required by this part.

(53 Stat. 335, as amended, 391; 26 U. S. C. 2883, 3254)

§ 183.380 *Percolation through oak chips.* Spirits may be percolated through or treated with oak chips which have not been treated with any chemical, upon approval of the process. The apparatus to be used for percolating spirits must be arranged and constructed as required by this part.

(53 Stat. 391; 26 U. S. C. 3254)

§ 183.381 *Samples before and after treating.* Where the distiller has been authorized to introduce materials or substances into spirits during the course of original and continuous distillation, for the purpose of purifying or refining the spirits, or where he has been authorized to introduce oak chips into the spirits, the storekeeper-gauger will procure samples of such spirits, both before and after processing, when the process is first used and thereafter from time to time as directed by the district supervisor. The samples will be submitted to the Government chemist for analysis. The chemist will furnish a report thereof, to the district supervisor.

(53 Stat. 391; 26 U. S. C. 3254)

§ 183.382 *Disposition of substances used for treating spirits.* Materials used for purifying or refining the spirits, and oak chips introduced into the spirits, will be thoroughly washed, steamed, or otherwise treated to extract the spirits therefrom before removal from the process. Upon removal, the materials must be burned in the distillery furnace or in the distillery yard. If such burning is not practicable, due to the type of furnace in use, fire regulations, or to other valid reason, such materials must be treated with kerosene before the removal thereof from the distillery premises. Where kerosene is used, it must be sprayed or sprinkled on the materials, using not less than 1 gallon of kerosene to each 100 pounds of materials, in such manner as to preclude the abstraction of potable spirits from any part of the entire mass after the materials are removed

from the distillery premises. This will be effected by stirring or agitating the materials while the kerosene is being applied. Such burning or treating of materials must be done under the supervision of the Government officer assigned to the plant. The district supervisor may authorize any other disposition of the materials as will effectively prevent recovery of spirits therefrom.

DEPOSIT OF SPIRITS IN RECEIVING CISTERNS

§ 183.383 *Immediate deposit required.* All finished spirits must be deposited immediately upon completion of manufacture in receiving cisterns in the cistern room. Finished spirits must be deposited in separate receiving cisterns according to (a) class (spirits, whisky, rum, gin, etc.); (b) type (neutral spirits-grain, bourbon whisky, rye whisky, etc.); and (c) proof of distillation (at or above 190 degrees, more than 160 degrees and less than 190 degrees, and not exceeding 160 degrees), as defined by § 183.25. The quantity of finished spirits produced will be determined and entered daily on Form 1686 and Form 1598.

(53 Stat. 314; 26 U. S. C. 2820)

COMPARISON OF ACTUAL YIELD WITH CALCULATED YIELD

§ 183.384 *Abnormal differences to be investigated.* The storekeeper-gauger will compare the quantity of spirits produced and deposited in the receiving cisterns with the calculated yield for the respective fermenters. The comparison will be made by single fermenters where it is possible so to do. Where, by reason of the mode of operation, it is not possible to make the comparison by single fermenters, it will be made by groups of fermenters distilled daily, if possible. If it is not possible to make the comparison either by single fermenters or by groups of fermenters distilled daily, the comparison will be made on a monthly basis or for such lesser periods as may be feasible. Where the difference between the calculated yield and the actual yield is more than that determined by experience to be the normal difference for the particular plant, the storekeeper-gauger assigned to supervise distilling operations and the storekeeper-gauger in charge will make a thorough inquiry to determine the reasons therefor, and will make a full report of their findings on Form 1686. Where the facts warrant, the officers will make a report by letter to the district supervisor and submit it with Form 1598 in accordance with § 183.701. If the findings of the officers do not fully explain the discrepancy, the district supervisor will cause such further investigation to be made as may be deemed advisable.

(53 Stat. 312; 26 U. S. C. 2817)

SUPERVISION OF CISTERN ROOM

§ 183.385 *In charge of storekeeper-gauger.* The receiving cisterns and the cistern room shall be in charge and under the lock and seal of the storekeeper-gauger designated for that duty. The doors and other openings of the cistern room will be locked with Government locks at all times when spirits are in such room, except when spirits are being drawn off or other necessary work is being done by the distiller in the presence of the storekeeper-gauger. The entrance door will be locked on the outside with a seal lock and other doors will be locked on the inside, as provided in § 183.65. The openings in receiving cisterns will also be kept locked at all times, except the inlets of cisterns being filled and the outlets of cisterns being emptied, and the manheads when spirits are being agitated and reduced preparatory to withdrawal. The cistern room must not be opened or allowed to remain open, nor may any person other than a Government officer be permitted in the cistern room, except when the designated storekeeper-gauger is present; nor will the keys to the Government locks be intrusted at any time to the distiller or any person in his employ, but will be retained at all times in the possession of the designated storekeeper-gauger. The storekeeper-gauger will promptly report any lack of security of the cistern room to the district supervisor.

(53 Stat. 314; 26 U. S. C. 2820)

SUBPART S—COLLECTION AND REMOVAL OF DISTILLATES, DISTILLED SPIRITS UNFIT FOR BEVERAGE PURPOSES, DISTILLED WATER, FUSEL OIL, AND CARBON DIOXIDE

COLLECTION, REMOVAL FOR DENATURATION AND/OR DESTRUCTION OF CERTAIN DISTILLATES AND VOLUNTARY DESTRUCTION OF SPIRITS UNFIT FOR BEVERAGE PURPOSES

§ 183.390 *General.* Distillers may collect in locked tanks provided in accordance with § 183.103 distillates containing one-half of one percent or more of aldehydes or one percent or more of fusel oil, commonly known as "heads and tails", removed in the course of distillation. Such distillates may be removed from the distillery for denaturation or destroyed on the distillery premises. In addition, spirits which, during the process of distillation or after deposit in the receiving cisterns, are found to be unfit for use for beverage purposes may be voluntarily destroyed as provided by this subpart. The removal or destruction in any such case will be under the immediate supervision of the storekeeper-gauger assigned to the distillery. When so denatured or destroyed with proper authorization such distillates or spirits shall not be subject to the tax imposed by law on distilled spirits.

(53 Stat. 340, as amended, 346, 373, as amended; 26 U. S. C. 2901, 2916, 3170)

§ 183.391 *Collection of distillates.* Distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil, collected in locked tanks at registered distilleries shall be removed for denaturation or destroyed within 30 days from the date of commencement of the collection thereof, unless the distillates are to be shipped for denaturation and the quantity collected during such period is insufficient for a carload shipment (but not over 10,000 gallons), in which event the distiller may continue to accumulate such distillates until a sufficient quantity for a carload shipment has been collected: *Provided,* That no such distillates shall be held at the distillery for a period exceeding 90 days.

(53 Stat. 346; 26 U. S. C. 2916)

§ 183.392 *Samples by distiller.* Distillers may procure a requisite number of samples for laboratory analysis of the distillates, and of any spirits that appear to be unfit for beverage purposes. Such samples will be procured in accordance with the procedure prescribed in §§ 183.467–183.474.

(53 Stat. 340, as amended, 346; 26 U. S. C. 2901, 2916)

§ 183.393 *Aldehydes and fusel oil not to be mixed with spirits.* Where aldehydes or fusel oil, as distinguished from heads and tails, are drawn from column stills and run into separate tanks, such aldehydes and fusel oil may not be mixed with spirits for the purpose of making such spirits eligible for destruction or denaturation free of tax.

(53 Stat. 346; 26 U. S. C. 2916)

§ 183.394 *Application.* Whenever the distiller desires to destroy distillates or to remove same to a denaturing plant for denaturation, he shall make application, in triplicate, to the district supervisor, for such permission. The application shall be made on Form 1577 if the distillate is to be destroyed, or on Form 1678 if the distillate is to be removed for denaturation. Where the distiller desires to destroy spirits which are purportedly unfit for beverage purposes, he will make application to the district supervisor on Form 1577, in triplicate, properly modified, specifying the kind of spirits; the proof; proof gallons; the name, address and registry number of the distillery; the date of distillation; serial numbers of the tanks or other receptacles in which such spirits are contained; and the condition of the spirits which renders them unfit for beverage purposes. The applications in each case will be submitted through the storekeeper-gauger assigned to the distillery.

(53 Stat. 340, as amended, 346; 26 U. S. C. 2901, 2916)

§ 183.395 *Action by storekeeper-gauger.* Upon receipt of the application, the storekeeper-gauger will inspect the distillate or spirits to determine the correctness of the distiller's statements, procure a one-pint sample, or if deemed advisable, a one-quart sample from each tank or other receptacle, label each sample for proper identification, note on each copy of the application the serial number of each sample, the serial number of the tank or other receptacle from which samples were removed and the date of removal. Where an application is filed for destruction of spirits unfit for beverage purposes, the storekeeper-gauger will prepare a report of his inspection of such spirits relating to the condition thereof. The inlet of each tank or receptacle must be closed and locked and the contents thoroughly agitated before a sample is taken. The inlet, outlet, and all other openings of the tank will be secured with Government locks pending analysis of the sample and action on the application. The storekeeper-gauger will submit the samples to the district chemist, at the distiller's expense, accompanied by a transmittal letter, in duplicate, and will submit all copies of the application and his report, if any, to the district supervisor.

(53 Stat. 340, as amended, 346, 373, as amended; 26 U. S. C. 2901, 2916, 3170)

§ 183.396 *Analysis of samples.* The district chemist will analyze each sample to determine the percentages of aldehydes or fusel oil and alcohol present in distillates, or the condition of spirits that would render them unfit for beverage purposes, and will submit a report of his analysis, in duplicate, to the district supervisor.

(53 Stat. 340, as amended, 346, 373, as amended; 26 U. S. C. 2901, 2916, 3170)

§ 183.397 *District supervisor's order to gauge.* If the chemist's report shows that the distillate contains one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil, or that the spirits are unfit for beverage purposes, the district supervisor will execute his order to the storekeeper-gauger on Form 1577 or 1578, as the case may be, directing him to gauge the distillate and supervise its destruction or removal to the denaturing plant named in the application upon presentation of proper permit as provided by § 183.402; or, in the case of spirits found to be unfit for beverage purposes, directing the storekeeper-gauger to gauge such spirits, and authorizing the destruction thereof by the distiller, under the supervision of the storekeeper-gauger. The district supervisor will forward all copies of the application, accompanied by one copy of the chemist's report, to the storekeeper-gauger at the distillery.

(53 Stat. 340, as amended, 346, 373, as amended; 26 U. S. C. 2901, 2916, 3170)

§ 183.398 *Disapproval of application.* If the report of the Government chemist shows that the distillate contains less than the required percentage of aldehydes or fusel oil, or that spirits proposed for destruction are fit for beverage purposes, the district supervisor will disapprove the application and return one copy to the distiller and one copy to the storekeeper-gauger at the distillery, accompanied by a statement of the reasons for disapproval.

(53 Stat. 340, as amended, 346, 373, as amended; 26 U. S. C. 2901, 2916, 3170)

§ 183.399 *Distillates or spirits not meeting requirements for denaturation or destruction.* Where distillates are of insufficient proof for denaturation, or contain less than the required percentage of aldehydes or fusel oil, or where spirits proposed for destruction are found to be fit for beverage purposes, they may, for the purpose of further distillation, be returned to the still through continuous closed pipe lines. Should the distiller still desire to remove or destroy the distillates after such redistillation, a new application and new samples must be submitted, in accordance with §§ 183.394 and 183.395.

(53 Stat. 340, as amended, 346, 373, as amended; 26 U. S. C. 2901, 2916, 3170)

§ 183.400 *Gauge of distillate or spirits.* The storekeeper-gauger will gauge the distillates authorized to be removed for denaturation or destruction or the spirits authorized to be destroyed, and will enter the details of such gauge on Form 1520. The form will be prepared in triplicate, if the distillate or spirits are to be destroyed, and in quintuplicate if the distillate is to be removed for denaturation. An extra copy of Form 1520 will be prepared when the distillate is to be shipped to a denaturing plant in another district.

(53 Stat. 340, as amended, 346, 373, as amended; 26 U. S. C. 2901, 2916, 3170)

§ 183.401 *Destruction of distillates or spirits.* The distillate or spirits authorized to be destroyed may be run into the sewer or destroyed by other suitable means. The destruction must be accomplished under the immediate supervision of the storekeeper-gauger. When the distillate or spirits have been destroyed, the storekeeper-gauger will execute his report on Part 3 of Form 1577, and will attach a copy of the gauge report to each copy of Form 1577, and deliver one set of the forms to the distiller, forward one set to the district supervisor and retain one set for his files. The storekeeper-gauger will report such destruction on Form 1686.

(53 Stat. 340, as amended, 346, 373, as amended; 26 U. S. C. 2901, 2916, 3170)

§ 183.402 *Release for denaturation.* The distillate may be removed for shipment to a denaturing plant for denaturation pursuant to a special permit issued by the appropriate district supervisor on Form 1464, authorizing the denaturer to procure the same. The storekeeper-gauger will not release the distillate for shipment until the distiller has presented to him such special permit for examination. The distillate must be drawn into packages and gauged and marked and branded, as provided in §§ 183.400 and 183.403, or gauged and run into railroad tank cars in accordance with the provisions of § 183.404 and immediately removed from the distillery premises under the personal supervision of the storekeeper-gauger. When such impure spirits are removed from the distillery for denaturation they must in each instance be shipped to a denaturing plant. Such spirits may not be shipped to an alcohol plant or an alcohol bonded warehouse, nor may they, after receipt at a denaturing plant, be redistilled or used for any purpose other than for denaturation.

(53 Stat. 346; 26 U. S. C. 2916)

§ 183.403 *Marking and branding of packages.* When the distillate is drawn into packages for removal for denaturation, such packages shall be marked and branded in the same manner as packages of other spirits are required to be marked and branded when removed from the distillery for deposit in a bonded warehouse, except that (a) the kind of spirits shall be designated by the words "Impure Spirits—For Denaturation," plainly and durably stenciled or marked on the head of the package in letters not less than three-fourths inch in height; (b) the phrase "Contains _____% of aldehydes," or "Contains _____% fusel oil," or "Contains _____% aldehydes and _____% fusel oil," shall also be plainly and durably stenciled or marked on the head of the package following the words "Impure Spirits—For Denaturation"; and (c) the proof at which the spirits were distilled need not be placed upon the package.

(53 Stat. 346; U. S. C. 29[illegible]6)

§ 183.404 *Removal in tank cars.* The removal of such distillate in railroad tank cars from the distillery to the denaturing plant for denaturation shall be in accordance with the procedure (insofar as applicable) and under the conditions governing the removal and transfer of other spirits in bond in such tank cars, as prescribed in this Part. The markings prescribed in § 183.403 respecting the kind of spirits and the percentage of aldehydes or fusel oil therein, shall be added to the label the storekeeper-gauger is required to affix to such tank cars of distillates before they are released.

(53 Stat. 346; 26 U. S. C. 2916)

§ 183.405 *Report of shipment to denaturing plant.* When such distillates are released from the distillery for transportation to the denaturing plant, the storekeeper-gauger will execute his report on Part 3 of Form 1578 and will attach to each copy of such form a copy of the report of gauge. The storekeeper-gauger will forward one copy of Form 1578, with Form 1520 attached, to the supervisor of the district from which the shipment is made, retain one copy of each form on file, deliver one copy of each form to the distiller, forward one copy of Form 1520 to the proprietor of the denaturing plant and one copy to the storekeeper-gauger at the denaturing plant. Where the denaturing plant is in another district the extra copy of Form 1520 provided for in § 183.400 will be forwarded to the supervisor of such district.

(53 Stat. 346; 26 U. S. C. 2916)

§ 183.406 *Inspection at denaturing plant.* The storekeeper-gauger at the receiving denaturing plant will examine each shipment of the distillate upon its arrival and will report any losses or discrepancies in accordance with the procedure prescribed by Regulations 3 (26 CFR, Part 182).

(53 Stat. 346; 26 U. S. C. 2916)

§ 183.407 *Regauge at denaturing plant.* Upon completion of the storekeeper-gauger's inspection, the distillate will be gauged by the proprietor of the denaturing plant in accordance with the procedure prescribed by Regulations 3 (26 CFR, Part 182).

(53 Stat. 346; 26 U. S. C. 2916)

§ 183.408 *Losses of distillates or spirits.* The procedure prescribed by §§ 183.595–183.604 will be followed in connection with losses of such distillates or spirits while on the premises of a registered distillery. The liability of the distiller to tax on such distillates removed for denaturation shall continue until they have been deposited in the denaturing plant.

(53 Stat. 340, as amended, 346; 26 U. S. C. 2901, 2916)

§ 183.409 *District supervisor's account.* An account of losses of distillates con-

taining one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil shall be kept on Form 1691. The account shall show all the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

(53 Stat. 346; 26 U. S. C. 2916)

§ 183.410 *Use for denaturation.* If the impure spirits (distillate) are of improper proof for denaturation, they may be mixed with other spirits of higher proof at the denaturing plant in order to obtain the required proof for denaturation.

(53 Stat. 346; 26 U. S. C. 2916)

§ 183.411 *Storekeeper-gauger's records.* Distillates collected for destruction or for removal for denaturation will be included by the storekeeper-gauger in the inventory of unfinished spirits reported on Form 1686 until gauged and destroyed or removed for denaturation.

(53 Stat. 346; 26 U. S. C. 2916)

§ 183.412 *Distiller's records.* Distillates collected for destruction or for removal for denaturation, or spirits held pending authorization for destruction, will be included in the inventory of unfinished spirits reported by the distiller on Form 1598 until gauged and removed for denaturation or destroyed, whereupon appropriate entries will be made on Form 1598 covering the disposition of such distillates or spirits.

(53 Stat. 340, as amended, 346, 373; 26 U. S. C. 2901, 2916, 3171)

COLLECTION AND REMOVAL OF DISTILLED WATER

§ 183.413 *Collection.* If distilled water is collected at the distillery, it must be run into storage tanks provided in accordance with § 183.106 and retained therein until drawn off and removed as provided by §§ 183.414–183.416.

§ 183.414 *Removal.* Distilled water must be drawn off into barrels or other containers prior to removal from the distillery premises: *Provided*, That such water may be transferred off the distillery premises to contiguous plants operated under internal revenue laws, including tax-paid bottling houses, by means of an independent pipe line constructed and installed in accordance with the provisions of § 183.106. Distilled water must under no circumstances be drawn off or removed through the cistern room or the bonded warehouse. Barrels or other wooden containers in which distilled spirits were previously packaged may not be used for the removal of distilled water.

§ 183.415 *Marking of packages.* If distilled water is drawn into packages for removal from the distillery premises, such packages must be marked by the distiller with his name, distillery number, location (city or town and State), the words, "Distilled Water," and the date of removal, in distinct and legible letters.

§ 183.416 *Supervision of removal.* All distilled water when drawn into packages for removal, or when removed by pipe line, must be inspected by the storekeeper-gauger and removed under his immediate supervision. The distiller will enter all removals of distilled water on Form 1598, as indicated by the columns and lines provided therefor and in accordance with the instructions on the form.

COLLECTION AND REMOVAL OF FUSEL OIL

§ 183.417 *Collection.* If fusel oil is collected at the distillery, it must be run into locked tanks provided for the purpose in accordance with § 183.105, and retained therein until tested and removed from the distillery premises or transferred to storage tanks. The test of fusel oil for the purpose of determining the presence of ethyl alcohol therein must be made in accordance with the requirements of §§ 183.419–183.422, or by such other method as may be prescribed by the Commissioner.

§ 183.418 *Storage.* Where fusel oil is transferred from the tanks in which it is collected in the course of distillation to storage tanks for temporary storage pending removal from the distillery premises, it must be tested as provided in § 183.421 immediately before being deposited in the storage tanks and immediately before being drawn therefrom into shipping containers.

§ 183.419 *Washing and purifying.* The oil must be thoroughly washed and purified, and before being removed from the tanks in which collected or stored it must be well mixed and a sample drawn from each tank into a test tube to be provided by the proprietor for use by the storekeeper-gauger in determining whether the oil is substantially free from alcohol.

§ 183.420 *Test tube.* The test tube must be of glass, bulb-shaped, and closed at one end, having a graduated scale marked upon the glass in degrees from 0 near the top to 100 near the swell of the bulb. The bulb shall contain three times as much liquid as that portion of the tube which is graduated from 0 to 100.

§ 183.421 *Test.* The tube having been filled with saturated salt solution up to the mark 100, oil shall be added until the tube is filled to the mark 0. The oil and saturated salt solution shall then be thoroughly mingled by violently agitating the contents of the tube. If, after sufficient time has been allowed for the oil to separate fully from the saturated salt solution and resume its position at the top of the tube, the scale shall show that not more than 10 degrees or 10 percent of the oil has disappeared or been dissolved in the saturated salt solution, the oil shall be passed as merchantable, that is to say, containing so small a quantity of alcohol as to remove all practical possibility of recovering the same, but if over 10 degrees of oil disappears the oil shall not be considered as sufficiently purified, and may not be removed in that condition.

§ 183.422 *Saturated salt solution.* The saturated salt solution to be used is a solution of common table salt in water, containing all the salt which the water is capable of dissolving. The solution is to be provided by the distiller.

§ 183.423 *Containers.* Fusel oil which meets the requirements of the prescribed test may be removed from the distillery in barrels, drums, or similar packages or tank cars. Packages containing such fusel oil shall be marked by the distiller with his name, distillery number, location (city or town and State), the words "Fusel Oil," and the date of removal, in distinct and legible letters. When removal is made in tank cars the distiller will affix to each car a label containing such data.

§ 183.424 *Supervision.* All fusel oil must be removed from the distillery under the immediate supervision of the storekeeper-gauger.

§ 183.425 *Record of removal.* The storekeeper-gauger will prepare Form 1520 in triplicate covering removals of fusel oil. Such removals will be entered on Forms 1598 and 1686. The storekeeper-gauger will give a copy of Form 1520 to the distiller, retain one copy and forward the remaining copy to the district supervisor.

§ 183.426 *Disposition of washwater.* The water used for washing or purifying the oil in the tanks may be conveyed directly to a still, or it may be run into a tank, beer well, or sewer, or it may be otherwise destroyed on the premises under the supervision of the storekeeper-gauger. If the washwater is run into a still, tank, or beer well, the quantity will not be entered on Form 1598 or 1686. If the washwater is run into a sewer or otherwise destroyed, the alcoholic content and quantity will be reported by the storekeeper-gauger on Form 1520. Entry of such disposition will be made on Forms 1598 and 1686.

RECOVERY AND REMOVAL OF CARBON DIOXIDE

§ 183.427 *Procedure.* Carbon dioxide may be recovered from fermenters and removed from distillery premises, provided it is first thoroughly washed or scrubbed and purified to remove the alcohol therefrom. Where carbon dioxide is recovered, the washwater may be collected in a receiving tank and transferred by pipe line to a fermenter or to a beer well. Where the washwater is transferred to a fermenter, the transfer must be made prior to the testing of the beer by the storekeeper-gauger at the time of distillation. Where the washwater is to be transferred to a beer well after the calculated yield has been determined, the alcoholic content, the number of gallons, and the calculated yield thereof, will be determined by the storekeeper-gauger and interlined in Part 1 of Form 1686. The alcoholic content of the washwater will be determined in accordance with an approved method. The number of gallons will also be interlined in Part 1 of Form 1598. If the washwater is not utilized in the manufacture of distilled spirits, it will be run into the sewer or otherwise destroyed on the premises under the supervision of the storekeeper-gauger. Entry of such disposition will not be made on Forms 1598 and 1686.

SUBPART T—DISTILLED SPIRITS FOR REDISTILLATION

RECEIPTS FOR REDISTILLATION

§ 183.435 *General.* Distilled spirits may be received at the distillery for redistillation, upon the showing of a need therefor, and pursuant to an approved application in accordance with §§ 183.436–183.437. Spirits of any proof may be received in approved containers, including tank cars, from the distillery cistern room of any other distillery, or by pipe line from the cistern room of a contiguous distillery; or in approved containers from any internal revenue bonded warehouse. Spirits of 160 degrees or more of proof may be received by pipe line from storage tanks in an internal revenue bonded warehouse located on the distillery premises or contiguous thereto, or in tank cars from any internal revenue bonded warehouse. Spirits received in tank cars may be transferred to tanks by means of a hose connection under the immediate supervision of a Government officer. Where spirits are received in packages, the packages, including char and chips, if any, contained therein, shall be thoroughly rinsed. The rinse water shall be added to the spirits for redistillation. The char and chips will be disposed of in the manner prescribed in § 183.382. The consignee distiller shall assume the liability for all taxes and liens on such spirits from the time they leave the premises of the consignor distillery or warehouse and, upon redistillation, the redistilled spirits shall be treated the same as if the spirits were originally produced by the redistiller and all prior obligations as to taxes and liens on such spirits shall be superseded.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 183.436 *Special application for permission to receive spirits for redistillation.* A distiller desiring to receive spirits for redistillation shall make written application to the district supervisor of the district in which the applicant's distillery is located for permission to receive and redistill such spirits. Each such application shall be prepared in quadruplicate, serially numbered, beginning with No. 1, and contain the following information:

(a) The kind of spirits and the approximate date of production;

(b) The name, registry number and location of the producing distiller;

(c) Approximate proof of original distillation;

(d) The approximate quantity, proof and proof gallons of the spirits to be redistilled;

(e) The name, registry number and location of the distillery or warehouse from which such spirits will be removed;

(f) The serial numbers of packages, tanks or other receptacles in which such spirits are contained, if known;

(g) The method of transportation by which the spirits will be conveyed to the redistiller's premises;

(h) Statement of the process by which redistillation of the spirits will be accomplished, including any special treatment or process to be used;

(i) The type of spirits to be produced by the redistillation and approximate proof at which such spirits will be redistilled;

(j) The approximate period of time necessary to complete redistillation of all spirits covered by the application;

(k) Statement of condition and necessity for redistillation of the spirits.

The application may cover several lots of spirits or may be of a continuing nature for a stated period of time.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 183.437 *Action by district supervisor.* Upon receipt of an application for permission to receive spirits for redistillation, the district supervisor will determine whether all required information has been furnished. If, in the opinion of the supervisor, the redistillation of the spirits is justified, he may authorize removal of the spirits subject to such conditions and restrictions as are deemed necessary for protection of the revenue. He will also determine whether the applicant distiller's bond, or consent of surety filed in support thereof, covers such removals, and that the penal sum of the bond thereof is sufficient, and will note the amount of the bond, if less than the maximum, and his approval on each copy of the application, retain one copy, forward one copy to the storekeeper-gauger assigned to the applicant's premises and forward the original and the remaining copy to the applicant. Where approval of an application is conditional or subject to restrictions, such conditions will be stipulated on the application at the time of approval by the supervisor. In case the application is disapproved, the supervisor will note his disapproval on each copy of the application with statements as to reason or reasons therefor, retain one copy of the application, and return the remaining copies to the applicant.

(53 Stat. 335, as amended, 373, as amended; 26 U. S. C. 2883, 3170)

§ 183.438 *Form 236.* Upon receipt of an approved special application for permission to receive spirits for redistillation, the consignee distiller shall prepare application on Form 236, properly modified for that purpose, for transfer of such spirits, and will enter thereon the serial number and date of the special application authorizing such removal. Where the special application covers removal of several lots of spirits for redistillation over an extended period of time, it will involve the use of multiple sets of Forms 236; however, in no case shall the total quantity represented by the Forms 236, singly or collectively, exceed the maximum quantity of spirits stated in the approved special application covering such removals. Where the consignor distillery or warehouse is located in the same supervisory district, the original and five copies of the Form 236 will be prepared and delivered to the storekeeper-gauger; the original and six copies if the consignor distillery or warehouse is located in a different district. The storekeeper-gauger will execute his certificate on all copies of the Form 236, indicating that the distiller's bond is sufficient to cover the redistillation of the spirits described, pursuant to the district supervisor's notation as to bond coverage on the special application and will return all copies to the distiller. The distiller will forward all copies of the approved Form 236 and one copy of the approved special application to the consignor distiller or warehouseman.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 183.439 *Quantity to be determined at time of receipt.* Where spirits for redistillation are received in approved containers, including tank cars, the actual quantity of spirits received will be ascertained by appropriate gauge and immediately transferred to tanks conforming to § 183.96, or introduced into the distilling system where the redistillation is to be accomplished simultaneously with primary distillation of other distilling materials. Where spirits for redistillation are introduced directly into the distilling system, the system must be locked and sealed in such a manner as to prevent access to its contents: *Provided*, That where small quantities of spirits for redistillation are to be mingled with beer in a fermenter or beer well, locking facilities will not be required where the volume of spirits is less than five percent of the volume of the beer. Such spirits received in tank cars may be conveyed directly into the weighing tank in the cistern room for gauging prior to deposit in the tanks or distilling system. Spirits received by pipe line for redistillation from a contiguous distillery or warehouse must be deposited directly into tanks on the redistiller's premises. Spirits produced from different type materials, such as grain, cane and fruit, must be deposited in separate tanks and redistilled separately or introduced into the distilling system with the same type of distilling material from which such spirits were originally produced. The storekeeper-gauger shall note the actual quantity received in proof gallons on each copy of the gauge report covering transfer of the spirits and use such information respecting the making or verification of entries in monthly records and reports, as to the quantity and type of distilling material thus received.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 183.440 *Losses in transit of spirits received for redistillation.* Where the gauge of spirits received for redistillation discloses deficiencies between the shipping and receiving gauges that cannot be attributed to normal transit losses or variation in gauge the applicable procedure prescribed by §§ 183.595–183.605 will be followed. In all cases the actual quantity of spirits received for redistillation and the quantity lost in transit, as indicated by comparison of the shipping and receiving gauges, will be entered by the storekeeper-gauger on the Form 236 and Form 1520 covering transfer of each lot of spirits received for redistillation. The storekeeper-gauger in charge will retain one copy each of Forms 236 and 1520, give one copy each of Forms 236 and 1520 to the distiller and forward one copy each of such forms to his district supervisor in the case of intradistrict transfers; two copies of Form 236 and one copy of Form 1520 in the case of interdistrict

transfers, in which case the district supervisor will forward the extra copy of Form 236 to the supervisor-consignor.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 183.441 *Redistillation of spirits.* Spirits received at a registered distillery for redistillation must be redistilled as expeditiously as normal distilling operations will permit. The spirits introduced into the distilling system shall be entered in proof gallons according to class and type by the proprietor and the storekeeper-gauger on their respective records as materials used. Where spirits received for redistillation are commingled with beer in a fermenter, the transfer must be made prior to the testing of the beer by the storekeeper-gauger at the time of distillation. Where such spirits are transferred to the beer well after the calculated yield has been determined, the actual quantity of spirits in proof gallons, thus introduced, will be reported separately as the calculated yield to be entered in Form 1686 by the storekeeper-gauger. Spirits received for redistillation may be treated in any manner during the course of redistillation provided such treatment is included in the statement of process filed pursuant to § 183.162. Different kinds of spirits received for redistillation must be redistilled separately, or with distilling material of the same type as that from which such spirits were originally produced, and, except where used in the manufacture of gin, such spirits may not be redistilled at a proof lower than that specified for the class and type at which such spirits were originally produced. Where spirits for redistillation are on hand at the time the distillery is qualified for alternate operations as an industrial alcohol plant or fruit distillery, such spirits will be gauged and held in closed, locked tanks until the distillery re-qualifies as a registered distillery as provided for in this part.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 183.442 *Deficiencies in redistillation.* Deficiencies which occur during the redistillation of spirits received for that purpose will be treated the same as those which occur during the process of original distillation. In any case where the deficiency in redistillation of any particular lot or lots of spirits exceeds that which may be attributed to normal redistillation deficiencies, the storekeeper-gauger will make proper inquiry and appropriate investigation to determine the cause thereof, and both the distiller and the storekeeper-gauger will make explanatory statements relative to such deficiencies in the proper records.

(53 Stat. 335, as amended; 340, as amended; 26 U. S. C. 2883, 2901)

§ 183.443 *Deposit in receiving cisterns.* Upon completion of redistillation of spirits received for that purpose, the redistilled spirits shall be treated the same as if such spirits were originally produced by the redistiller and deposited in the receiving cisterns in accordance with the requirements of § 183.383. Where such spirits were redistilled separately, the comparison of actual and calculated yields will be made in accordance with the provisions of § 183.384 insofar as applicable. Such spirits shall be withdrawn from the cistern room in the same manner as other spirits originally produced at the distillery and may be withdrawn for any of the purposes authorized by this part.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

REMOVALS FOR REDISTILLATION

§ 183.444 *Gauge of spirits.* Upon receipt of application, Form 236, and the copy of the special application authorizing removal, the distiller, when he desires to make shipment, will give a copy of Form 236 to the storekeeper-gauger, furnish a complete description of the spirits to be shipped and exhibit to him the approved special application. Where the spirits are removed to a contiguous distillery by pipe line, they may be gauged in weighing tanks either before removal or upon receipt. The storekeeper-gauger will verify the information shown on Form 236 with the corresponding information on the application. He will prepare his report of gauge on Form 1520. An original and 4 copies will be prepared for intradistrict shipments and an original and 5 copies for inter-district shipments. The marking of containers will be made in accordance with § 183.524 insofar as applicable, and, in addition to required transfer-in-bond markings for containers of spirits removed for redistillation, there will be stenciled thereon the words, "For Redistillation." The storekeeper-gauger will note on all gauge reports covering removal of spirits for redistillation the words, "For Redistillation," followed by the serial number and date of the special application authorizing such removal. Spirits may not be removed for redistillation until the proper authorization has been received at the consignor premises and exhibited to the storekeeper-gauger in charge who will determine that the quantity of spirits to be removed does not exceed the maximum stated in any particular application on Form 236 or the related special application, and, where previous removals have been made under the same special application, that the total of such removals are not in excess of the maximum quantity authorized by the special application. Forms 236 and 1520 will be disposed of in accordance with § 183.572 for intradistrict transfers and § 183.580 for interdistrict transfers.

(53 Stat. 335, as amended, 492; 26 U. S. C. 2883, 4017)

§ 183.445 *Records.* Spirits removed from a registered distillery to another distillery, for redistillation, shall be reported and accounted for by the proprietor on Form 1598. In addition, there shall be entered on the line where each such entry for withdrawal is shown, the notation, "For Redistillation," followed by the serial number and date of the special application authorizing the transfer of the spirits for redistillation.

(53 Stat. 335, as amended, 373; 26 U. S. C. 2883, 3171)

SUBPART U—THE TAX ON DISTILLED SPIRITS

§ 183.450 *Rate of tax.* The law imposes a tax on distilled spirits produced in, or imported into, the United States, at the rate prescribed therein, on each proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid when withdrawn from bond.

(54 Stat. 552, as amended; 53 Stat. 298, as amended; 26 U. S. C. 1650, 2800)

§ 183.451 *Attachment of tax.* Under the law, the tax attaches to distilled spirits as soon as such substance comes into existence as such, whether it be subsequently separated as pure or impure spirit, or be immediately, or at any subsequent time, transferred into any other substance, either in the process of original production or by any subsequent process.

(53 Stat. 298, as amended; 26 U. S. C. 2800)

§ 183.452 *Persons liable for tax.* The law provides that every proprietor or possessor of, and every person in any manner interested in the use of, any still, distillery, or distilling apparatus, shall be jointly and severally liable for the taxes imposed by law on the distilled spirits produced therefrom.

(53 Stat. 298, as amended; 26 U. S. C. 2800)

LIEN FOR TAX ON DISTILLED SPIRITS

§ 183.453 *Tax to be first lien.* Except as provided in § 183.455 the tax on distilled spirits becomes, under the law, a first lien on the spirits distilled, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the lot or tract of land whereon said distillery is situated, and on any building thereon, from the time said spirits are in existence as such until the tax is paid: *Provided*, That where spirits are removed for redistillation, the consignee distiller shall assume the liability for payment of the tax on such spirits from the time they leave the internal revenue bonded warehouse or distillery, and the tax liability on the producing distiller or the warehouseman, and the liens on the premises of the producing distiller shall cease, and the tax and liens shall become the liability of the consignee distiller. Upon redistillation of such spirits, the redistilled spirits shall be treated the same as if the spirits had been originally produced by the redistiller and all prior obligations as to taxes and liens shall be superseded.

(53 Stat. 298, as amended, 335, as amended; 26 U. S. C. 2800, 2883)

§ 183.454 *Assessments become lien.* Except as provided in section 183.455, all assessments made by the Commissioner upon examination of the distiller's monthly return, become a lien, from the time the assessment is made until the same shall have been paid, on all distilled spirits on the distillery premises, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the tract of land whereon the said distillery is located, and any building thereon.

(53 Stat. 323; 26 U. S. C. 2846)

§ 183.455 *Exemption from lien.* No lien attaches to any lot or tract of land, distillery, building, or distilling apparatus by reason of distilling done during any period included within the term of any bond taken on Form 3–A, pursuant to § 183.143.

(53 Stat. 298, as amended; 26 U. S. C. 2800)

§ 183.456 *Extinguishment of lien.* Any lien under section 2800 (e), I. R. C., on any land, or any building thereon, shall be held to be extinguished if (a) such land and building are no longer used for distillery purposes, and (b) there is no outstanding liability for taxes or penalties imposed by law on the distilled spirits produced therein, and (c) no litigation is pending in respect to any such tax or penalty.

(53 Stat. 298, as amended; 26 U. S. C. 2800)

§ 183.457 *Certificate of discharge of lien.* Any person claiming any interest in any such land or building may apply to the district supervisor for a duly acknowledged certificate to the effect that such lien is discharged, and, if the district supervisor determines that any such lien is extinguished, he shall issue such certificate, and any such certificate may be recorded.

(53 Stat. 298, as amended, 373, as amended; 26 U. S. C. 2800, 3170)

SUBPART V—SAMPLES OF DISTILLED SPIRITS

§ 183.465 *Unfinished spirits.* Upon approval by the storekeeper-gauger in charge at the distillery of an application submitted in accordance with the provisions of § 183.467, the distiller may remove for laboratory analysis samples of distilled spirits in the course of distillation and prior to their deposit in the cistern room, as follows:

(a) Samples, not exceeding three pints in the aggregate, of the product of each still in a distilling unit in each 24-hour period;

(b) Where a discontinuous or batch still, such as a gin still, is operated, samples, not exceeding three pints in the aggregate, of the product of each batch distilled;

(c) Where the distiller desires to obtain spot-samples from various plates of a still in the course of distilling a day's production, samples, not exceeding one quart in the aggregate, from each of the various plates;

(d) Where special conditions prevail, such as the necessity for determining the efficiency of a new still, or for other valid reasons, which require additional samples of unfinished spirits for analytical purposes during specified periods, the application required by § 183.467 shall be submitted by the storekeeper-gauger to the district supervisor for his approval prior to the withdrawal of the additional samples. The size of such samples shall not exceed one quart, and the number of samples must be restricted to the minimum necessary for analytical purposes;

(e) Where the distiller desires samples in excess of those provided for in (a), (b), (c), and (d), he may remove such samples: *Provided*, That, if in containers of less than one proof gallon, such removal shall be subject to payment of tax in accordance with the provisions of §§ 183.472–183.473, and, if in containers of one proof gallon or more, such removal shall be made pursuant to tax payment in accordance with the provisions of §§ 183.541–183.544. The size and number of samples taken must be restricted to the minimum necessary for the purposes for which intended. In authorizing the taking of samples, the storekeeper-gauger will exercise discretion with the view of allowing sufficient samples to enable the distiller to determine the quality of the product.

§ 183.466 *Finished spirits.* The distiller may take from the cistern room of the distillery samples of distilled spirits for laboratory analysis. Such samples shall not exceed one quart, in the aggregate, in each 24-hour period from any tank in the cistern room: *Provided*, That, when a tank is filled and emptied and filled again in the same 24-hour period, samples, not to exceed one quart in the aggregate, may be taken from each filling of the tank. Such samples may be withdrawn upon approval by the storekeeper-gauger in charge at the distillery of an application filed in accordance with the provisions of § 183.467. The taking of samples from the cistern room at more frequent intervals or in greater quantities shall not be authorized: *Provided*, That, where the distiller desires samples in number or quantities in excess of these limitations, he may remove samples in containers of less than one proof gallon subject to payment of tax in accordance with the provisions of §§ 183.472–183.473, and in containers of one proof gallon or more upon taxpayment in accordance with the provisions of §§ 183.541–183.544.

§ 183.467 *Application.* When the distiller desires to remove samples of unfinished spirits or finished spirits for laboratory analysis under the provisions of §§ 183.465 and 183.466, respectively, he shall make application, in triplicate, to the storekeeper-gauger in charge at the distillery. The application shall be given a serial number beginning with "1" for the first application and running consecutively thereafter. The application should specify the reasons why the samples are desired, the number and size of the samples to be taken, and the place or places of removal. Where it is desired to remove samples regularly for the purpose specified, except samples subject to taxpayment, the application may be made for that purpose. Where samples subject to taxpayment are desired, application shall be submitted each day such samples are to be procured. No sample may be taken until the application is approved.

§ 183.468 *Approval of application.* The storekeeper-gauger must satisfy himself as to the need for the number of samples desired and the legitimacy of the purpose for which they are to be used before approving the application. The storekeeper-gauger, upon approval or disapproval of the application, shall return one copy to the distiller, forward one copy to the district supervisor, and retain the original copy in his office.

§ 183.469 *Removal under supervision.* All samples of finished and unfinished spirits must be taken under the immediate supervision of the storekeeper-gauger.

§ 183.470 *Label.* At the time of the withdrawal of a sample, the proprietor shall prepare a label and a copy thereof. The label and copy shall be prepared on paper having approximate dimensions of 3" x 5". The proprietor shall show on the label and on the copy, in the order listed and upon separate lines, the following information:

(a) The word "Sample";

(b) The serial number of the approved application covering the withdrawal of the sample;

(c) The kind of spirits;

(d) The place from which the sample was removed;

(e) The name of the distiller followed by the registered number of the distillery and the name of the State in which located;

(f) The size of the samples and, in regard to samples in containers of less than one proof gallon taken subject to payment of tax, the quantity in proof gallons extended to the fourth decimal place (the proof gallon content of other samples need not be shown on the label);

(g) If the sample is to be analyzed at other than the immediate or contiguous premises of the proprietor, the name and address of the laboratory or purchaser to which the sample is to be sent.

Upon completion, the label and the copy shall be presented to the storekeeper-gauger, who shall verify the accuracy of the data thereon, date and sign both copies, and supervise the affixing of the label to the sample container. Where the label is to be placed upon a container of a sample taken subject to payment of the tax pursuant to the provisions of §§ 183.472–183.473, the storekeeper-gauger shall write upon the label and the copy the words "subject to tax payment." The copy of the label shall be filed by the storekeeper-gauger in accordance with the provisions of § 183.471. The distiller shall not be required to affix red strip stamps to containers of taxable samples of spirits. Containers of samples of spirits in quantities of one proof gallon or more taken subject to payment of tax, shall be marked, branded, and stamped, in accordance with the provisions of §§ 183.523–183.545: *Provided*, That where it is impracticable to so mark and brand a sample container, the mandatory marks and brands may be shown on an additional label affixed to the container.

§ 183.471 *Office record.* The proprietor shall furnish sufficient file cases for the filing and retention of sample records. The copies of labels shall be kept by the storekeeper-gauger as a record of samples removed and shall be filed numerically by application number and chronologically by date. If the distiller operates an internal revenue bonded warehouse on or contiguous to the distillery premises, the record of samples removed from the distillery shall be maintained separately from the record of samples removed from the warehouse.

§ 183.472 *Report of taxable samples.* Taxable samples shall be reported by the distiller on Form 1598 in accordance with the instructions on the form.

§ 183.473 *Report of taxable samples, containers of less than one gallon.* Each

day that samples in containers of less than one proof gallon are withdrawn subject to payment of tax, the storekeeper-gauger shall enter on Form 1615, in quadruplicate, a record of the taxable samples removed. All the information called for by the form shall be furnished. At the end of each month, the storekeeper-gauger shall complete the report, retain one copy of the form and deliver the remaining three copies to the distiller, who shall forward the three copies to the collector with remittance for the tax due. The collector shall execute his certificate of tax payment on each copy of the form, retain one copy, and return the remaining two copies to the distiller, who shall retain one copy and deliver the other copy to the storekeeper-gauger. The storekeeper-gauger shall note the taxpayment on his retained copy and forward the other copy to the district supervisor.

§ 183.474 *Disposition of samples.* The samples must be used solely for laboratory analysis. They may not be furnished to salesmen and dealers for advertising or soliciting purposes. Where spirits are sold subject to approval as to quality, a sample taken pursuant to the provisions of §§ 183.466–183.468 may be furnished the purchaser. Remnants or residues of samples taken from the distillery or cistern room not subject to taxpayment remaining after analysis or examination and which are not desired to be retained as laboratory specimens or for further analysis or examination should be returned to vessels in the distilling system, unless the condition of the remnants or residues is such as to render them unsuitable for such disposition. If such remnants or residues of samples are unsuitable for return to the distilling system, they should be destroyed.

SUBPART W—TAX-PAYMENT, REMOVAL, AND TRANSFER OF DISTILLED SPIRITS FROM CISTERN ROOM

AUTHORIZED REMOVALS OF WHISKY

§ 183.480 *Transfers to internal revenue bonded warehouses.* Whisky may be removed to internal revenue bonded warehouses as follows:

(a) In approved containers, for deposit in any internal revenue bonded warehouse for storage in such approved containers; and

(b) In wooden packages, each containing two or more metallic cans having a capacity of not less than 5 wine gallons each, for the purpose of exportation only.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.481 *Tax-payment.* Whisky produced at 160 degrees of proof or more, may be removed upon tax-payment for use for beverage purposes only, as follows:

(a) By pipeline to a contiguous tax-paid bottling house or rectifying plant; and

(b) In approved containers, including tank cars, and tank trucks, to any tax-paid bottling house or rectifying plant.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.482 *Redistillation.* Whisky may be removed for redistillation, upon the showing of the need therefor, in accordance with § 183.435. Such whisky may be removed as follows:

(a) By pipeline to a contiguous registered distillery; and

(b) In approved containers, including tank cars, to any registered distillery.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

AUTHORIZED REMOVALS OF BRANDY

§ 183.483 *Transfers to internal revenue bonded warehouses.* Brandy may be removed to internal revenue bonded warehouses as follows:

(a) At any proof:

(1) In approved containers for deposit in any internal revenue bonded warehouse for storage in such approved containers; and

(2) In wooden packages, each containing two or more metallic cans having a capacity of not less than 5 wine gallons each, for the purpose of exportation only.

(b) If produced at 160 degrees of proof or more and without or after reduction to not less than 160 degrees of proof:

(1) By pipeline direct to tanks in an internal revenue bonded warehouse located on the distillery premises or contiguous thereto;

(2) In tank cars, for deposit in any internal revenue bonded warehouse for storage in such containers; and

(3) In tank cars in bond to any internal revenue bonded warehouse for deposit in tanks therein.

(c) If produced at 160 degrees of proof or more and reduced to less than 160 degrees of proof:

(1) In tank cars for deposit in any internal revenue bonded warehouse for storage in such containers.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.484 *Tax-payment.* Brandy produced at 160 degrees of proof or more and without or after reduction to any proof may be removed, upon tax-payment, for use for beverage purposes only, as follows:

(a) By pipe line to a contiguous tax-paid bottling house or rectifying plant; and

(b) In approved containers, including tank cars and tank trucks, to any tax-paid bottling house or rectifying plant.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 183.485 *Exports.* Brandy of a proof of not less than 180 degrees may be removed in tank cars, free of tax, for exportation. Brandy of any proof may be removed to an internal revenue bonded warehouse in wooden packages, each containing two or more metallic cans having a capacity of not less than 5 wine gallons each, for exportation only.

(53 Stat. 333, 339; 26 U. S. C. 2878, 2888)

§ 183.486 *Redistillation.* Brandy of any proof may be removed for redistillation upon the showing of the need therefor in accordance with § 183.435. Such brandy may be removed as follows:

(a) By pipeline to a contiguous registered distillery or registered fruit distillery; and

(b) In approved containers, including tank cars, to any registered distillery or registered fruit distillery.

(53 Stat. 335, as amended; 26 U. S. C. 2863)

AUTHORIZED REMOVALS OF RUM

§ 183.487 *Transfers to internal revenue bonded warehouses.* Rum may be removed to internal revenue bonded warehouses as follows:

(a) At any proof:

(1) In approved containers, for deposit in any internal revenue bonded warehouse for storage in such approved containers; and

(2) In wooden packages, each containing two or more metallic cans having a capacity of not less than 5 wine gallons each, for the purpose of exportation.

(b) If produced for denaturation at 150 degrees of proof or more, and without or after reduction to not less than 150 degrees of proof:

(1) By pipeline direct to tanks in an internal revenue bonded warehouse located on the distillery premises where produced.

(c) If produced at 160 degrees of proof or more and without or after reduction to not less than 160 degrees of proof:

(1) By pipeline direct to tanks in an internal revenue bonded warehouse located on the distillery premises where produced or contiguous thereto;

(2) In tank cars, for deposit in any internal revenue bonded warehouse for storage in such approved containers; and

(3) In tank cars in bond to any internal revenue bonded warehouse for deposit in tanks therein.

(d) If produced at 160 degrees of proof or more and reduced to less than 160 degrees of proof:

(1) In tank cars for deposit in any internal revenue bonded warehouse for storage in such containers.

(53 Stat. 333, 335, as amended, 355; 26 U. S. C. 2878, 2883, 3070)

§ 183.488 *Transfers to distillery denaturing bonded warehouses.* Rum produced at 150 degrees of proof or more, and without or after reduction to not less than 150 degrees of proof, may be removed by pipeline for denaturation direct to a distillery denaturing bonded warehouse located on the premises of the distillery where produced.

(53 Stat. 335, as amended, 355; 26 U. S. C. 2683, 3070)

§ 183.489 *Tax-payment.* Rum produced at 160 degrees of proof or more, and without or after reduction to any proof may be removed, upon tax-payment, for use for beverage purposes only, as follows:

(a) By pipeline to a contiguous tax-paid bottling house or rectifying plant; and

(b) In approved containers, including tank cars and tank trucks, to any tax-paid bottling house or rectifying plant.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 183.490 *Exports.* Rum of a proof of not less than 180 degrees may be removed in tank cars, free of tax, for exportation. Rum of any proof may be removed to an internal revenue bonded warehouse in wooden packages, each containing two or more metallic cans having a capacity of not less than 5 wine gallons each, for exportation only.

(53 Stat. 333, 339; 26 U. S. C. 2878, 2888)

§ 183.491 *Redistillation.* Rum of any proof may be removed for redistillation upon the showing of the need therefor in accordance with § 183.435. Such rum may be removed, as follows:

(a) By pipeline to a contiguous registered distillery; and

(b) In approved containers, including tank cars, to any registered distillery.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

AUTHORIZED REMOVALS OF GIN

§ 183.492 *Transfers to internal revenue bonded warehouses.* Gin may be removed to internal revenue bonded warehouses as follows:

(a) At any proof:

(1) By pipe line direct to tanks in an internal revenue bonded warehouse located on the distillery premises or contiguous thereto;

(2) In approved containers for deposit in any internal revenue bonded warehouse for storage in such approved containers; and

(3) In wooden packages, each containing two or more metallic cans having a capacity of not less than 5 wine gallons each, for the purpose of exportation only.

(b) If produced at 160 degrees of proof or more and without or after reduction to not less than 160 degrees of proof:

(1) In tank cars for deposit in any internal revenue bonded warehouse for storage in such containers; and

(2) In tank cars in bond to any internal revenue bonded warehouse for deposit in tanks therein.

(c) If produced at 160 degrees of proof or more and reduced to less than 160 degrees of proof:

(1) In tank cars for deposit in any internal revenue bonded warehouse for storage in such containers.

(53 Stat. 333, 339; 26 U. S. C. 2878, 2888)

§ 183.493 *Tax-payment.* Gin may be removed, upon tax-payment, as follows:

(a) If produced at less than 160 degrees of proof and without or after reduction to any proof:

(1) By pipeline, to a contiguous tax-paid bottling house or rectifying plant.

(b) If produced at 160 degrees of proof or more and without or after reduction to any proof, for beverage purposes only:

(1) By pipeline to a contiguous tax-paid bottling house or rectifying plant; and

(2) In approved containers, including tank cars and tank trucks, to any tax-paid bottling house or rectifying plant.

(53 Stat. 298, as amended, 335, as amended; 26 U. S. C. 2800, 2883)

§ 183.494 *Exports.* Gin of a proof of not less than 180 degrees may be removed in tank cars, free of tax, for exportation. Gin of any proof may be removed to an internal revenue bonded warehouse in wooden packages, each containing two or more metallic cans having a capacity of not less than 5 wine gallons each, for exportation only.

(53 Stat. 333, 339; 26 U. S. C. 2878, 2888)

§ 183.495 *Redistillation.* Gin of any proof may be removed for redistillation, upon the showing of the need therefor in accordance with § 183.435. Such gin may be removed as follows:

(a) By pipeline to a contiguous registered distillery; and

(b) In approved containers, including tank cars, to any registered distillery.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

AUTHORIZED REMOVALS OF NEUTRAL SPIRITS

§ 183.496 *Transfers to internal revenue bonded warehouses.* Neutral spirits may be removed to internal revenue bonded warehouses as follows:

(a) Without reduction or if not reduced below 160 degrees of proof:

(1) By pipeline direct to tanks in an internal revenue bonded warehouse located on the distillery premises or contiguous thereto; and

(2) In tank cars in bond to any internal revenue bonded warehouse for deposit in tanks therein.

(b) Without or after reduction to any proof:

(1) Into approved containers, including tank cars, for transfer in bond to any internal revenue bonded warehouse for storage in such approved containers.

(2) In wooden packages, each containing two or more metallic cans having a capacity of not less than 5 wine gallons each, for the purpose of exportation.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.497 *Tax-payment.* Neutral spirits may be removed upon tax-payment, without or after reduction to any proof, for use for beverage purposes only, as follows:

(a) By pipeline to a contiguous tax-paid bottling house or rectifying plant; and

(b) In approved containers, including tank cars, to any tax-paid bottling house or rectifying plant.

(53 Stat. 298, as amended, 335, as amended; 26 U. S. C. 2800, 2883)

§ 183.498 *Exports.* Neutral spirits of a proof of not less than 180 degrees may be removed in tank cars free of tax for exportation. Neutral spirits of any proof may be removed to an internal revenue bonded warehouse in wooden packages, each containing two or more metallic cans having a capacity of not less than five wine gallons each for exportation only.

(53 Stat. 333, 339; 26 U. S. C. 2878, 2888)

§ 183.499 *Redistillation.* Neutral spirits of any proof may be removed for redistillation, upon the showing of the need therefor in accordance with § 183.435. Such neutral spirits may be removed as follows:

(a) By pipeline to a contiguous registered distillery; and

(b) In approved containers, including tank cars, to any registered distillery.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

AUTHORIZED REMOVALS OF SPIRITS-GRAIN, SPIRITS-CANE, SPIRITS-FRUIT, ETC.

§ 183.500 *Transfers to internal revenue bonded warehouses.* Spirits-grain, spirits-cane, spirits-fruit, etc., may be removed to internal revenue bonded warehouses as follows:

(a) At any proof:

(1) In approved containers for deposit in any internal revenue bonded warehouse for storage in such approved containers; and

(2) In wooden packages, each containing two or more metallic cans having a capacity of not less than 5 wine gallons each, for the purpose of exportation only.

(b) If produced at 160 degrees of proof or more and without or after reduction to not less than 160 degrees of proof:

(1) By pipeline direct to tanks in an internal revenue bonded warehouse located on the distillery premises where produced or contiguous thereto; and

(2) In tank cars, for deposit in any internal revenue bonded warehouse for storage in such containers; and

(3) In tank cars in bond to any internal revenue bonded warehouse for deposits in tanks therein.

(c) If produced at 160 degrees of proof or more and reduced to less than 160 degrees of proof:

(1) In tank cars for deposit in any internal revenue bonded warehouse for storage in such containers.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.501 *Tax-payment.* Spirits-grain, spirits-cane, spirits-fruit, etc., produced at 160 degrees of proof or more, without or after reduction to any proof, may be removed upon tax-payment for use for beverage purposes only, as follows:

(a) By pipeline to a contiguous tax-paid bottling house or rectifying plant; and

(b) In approved containers, including tank cars and tank trucks, to any tax-paid bottling house or rectifying plant.

(53 Stat. 298, as amended; 335, as amended; 26 U. S. C. 2800, 2883)

§ 183.502 *Exports.* Spirits-grain, spirits-cane, spirits-fruit, etc., of a proof of not less than 180 degrees may be removed in tank cars, free of tax, for exportation. Spirits-grain, spirits-cane, spirits-fruit, etc., of any proof may be removed to an internal revenue bonded warehouse in wooden packages, each containing two or more metallic cans having a capacity of not less than 5 wine gallons each, for exportation only.

(53 Stat. 333, 339; 26 U. S. C. 2878, 2888)

§ 183.503 *Redistillation.* Spirits-grain, spirits-cane, spirits-fruit, etc., of any proof may be removed for redistillation, upon the showing of the need therefor in accordance with § 183.435. Such spirits may be removed as follows:

(a) By pipeline to a contiguous registered distillery; and

(b) In approved containers, including tank cars, to any registered distillery.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

AUTHORIZED REMOVALS OF VODKA

§ 183.504 *Transfers to internal revenue bonded warehouses.* Vodka may be removed to internal revenue bonded warehouses as follows:

(a) In metal, porcelain, glass, or paraffin-lined containers for deposit in any internal revenue bonded warehouse for storage in such containers; and

(b) In wooden packages, each containing two or more metallic cans having a capacity of not less than 5 wine gallons each, for the purpose of exportation only.

(53 Stat. 333; 26 U. S. C. 2878)

§ 183.505 *Redistillation.* Vodka may be removed for redistillation, upon the showing of the need therefor in accordance with § 183.435. Such vodka may be removed as follows:

(a) By pipeline to a contiguous registered distillery; and

(b) In approved containers, including tank cars, to any registered distillery.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

CONTAINERS

§ 183.506 *Approved containers.* "Approved containers" shall mean only those containers specified in § 183.6. Spirits may be drawn into railroad tank cars only in case the premises of the distiller and the consignee are equipped with suitable railroad siding facilities. If the spirits are to be warehoused in the tank car, the railroad siding facilities of the receiving warehouse must extend into the warehouse. Distilled spirits authorized to be removed upon taxpayment in tank trucks, pursuant to §§ 183.481 (b), 183.484 (b), 183.489 (b), 183.493 (b) (2), 183.497 (b), and 183.501 (b), shall be gauged, taxpaid, removed, shipped, etc., in accordance with the procedure prescribed by this part for the removal of taxpaid spirits in tank cars.

(53 Stat. 314, 333, 335, as amended; 26 U. S. C. 2820, 2878, 2883)

WOODEN PACKAGES CONTAINING METALLIC CANS

§ 183.507 *General.* As provided by this subpart distilled spirits may be drawn into wooden packages each containing two or more metallic cans, which cans shall each have a capacity of not less than 5 wine gallons, for entry into an internal revenue bonded warehouse for exportation therefrom.

(53 Stat. 333; 26 U. S. C. 2878)

§ 183.508 *Kind and construction of packages.* Each such package shall be substantially and securely constructed of clear, dressed lumber, and one side of each such package, to be known as the Government side, must be reserved for the marks and brands prescribed by § 183.512 and the export stamp required by Regulations 10 (26 CFR Part 185). The Government side must present a smooth and unbroken surface, and may consist of two or more pieces fitted closely together. The wooden packages shall be secured by metal straps or heavy wires, in addition to being securely nailed.

(53 Stat. 333; 26 U. S. C. 2878)

§ 183.509 *Notice by distiller.* Whenever distilled spirits are to be exported in wooden packages, each containing two or more metallic cans, the distiller shall file with the storekeeper-gauger a written notice, stating the number of cans which he desires to have filled for this purpose.

(53 Stat. 333; 26 U. S. C. 2878)

§ 183.510 *Packages to be weighed before filling.* The empty packages shall be weighed immediately preceding the filling of same. In determining the weight (tare) of the package, the metallic cans contained therein as well as the wooden case shall be weighed. The combined weight of the metallic cans and the case shall be the tare or weight to be marked on the empty package.

(53 Stat. 333; 26 U. S. C. 2878)

§ 183.511 *Filling of cans.* Upon receipt of the notice from the distiller pursuant to § 183.509, the storekeeper-gauger will supervise the filling of the metallic cans from the receiving cistern. After the packages have been filled they will be reweighed and the details of the gauge reported on Form 1520.

(53 Stat. 333; 26 U. S. C. 2878)

§ 183.512 *Marks and brands.* The name of the distiller or the person in whose name the spirits were produced, the registry number of the distillery, the city, town and state in which the distillery is located, the kind of spirits, the serial number of the package, the date of filling, and the proof, proof gallons and tare determined at the time of filling, will be plainly and durably stenciled on the Government side of the package in letters and figures of not less than one-half inch in height. In addition, when the spirits are to be withdrawn for transfer in bond to an internal revenue bonded warehouse located on noncontiguous premises, there shall be marked on the Government side of the package data showing the transfer date and premises to which transferred as "Trans. Aug. 1, 1950 IRBW 4 N. Y." The marks will be shown in the following manner:

Serial No. 999
JOHN DOE DISTILLING CO.
No. 9, Rockland, Pa.
Filled Aug. 1, 1950
Whisky
T.—
P.—
P. G.—
(Trans. Aug. 1, 1950,
IRBW 4—N. Y.)

(53 Stat. 333; 26 U. S. C. 2878)

§ 183.513 *Deposit in warehouse.* After the packages have been filled, gauged, and marked as required by this subpart and recorded as required by § 183.586 they will be deposited in an internal revenue bonded warehouse for temporary storage pending their removal for exportation.

(53 Stat. 333; 26 U. S. C. 2878)

DRAWING OFF, GAUGING AND REMOVAL OF SPIRITS

§ 183.514 *Drawing off spirits.* Distilled spirits must be drawn from the receiving cisterns on or before the third day following deposit therein. When spirits are to be drawn from a receiving cistern, the storekeeper-gauger will see that the valve in the pipe line controlling the flow of spirits into the cistern and the valve in any connecting overflow pipe line are closed and locked before the spirits in the cistern are reduced and proofed, and that such valves remain closed and locked until all spirits have been drawn from the cistern. Whenever spirits are to be drawn from receiving cisterns or transferred into or out of other tanks secured with Government locks, the storekeeper-gauger will open and close the locks, but it shall be the duty of the distiller to manipulate the stop-cocks or valves controlling the flow of the spirits. The storekeeper-gauger assigned to the cistern room is required to be present and personally supervise all operations therein, and to see that all such operations are properly performed in accordance with this part.

(53 Stat. 314; 26 U. S. C. 2820)

§ 183.515 *Gauging of spirits.* All distilled spirits drawn from receiving cisterns will be carefully gauged by the storekeeper-gauger by weighing and proofing the spirits in accordance with this subpart and the Gauging Manual (26 CFR Part 186), and the details thereof entered on the report of gauge Form 1520. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form or issued in respect thereto and as required by this part. The storekeeper-gauger shall, in every instance, note on Form 1520 the proof of distillation of the spirits gauged. The proof of spirits shall be adjusted to a whole or complete degree before being removed from the receiving cisterns: *Provided*, That the proof of rum transferred by pipe line from the receiving cisterns to the distillery denaturing bonded warehouse on the distillery premises need not be so adjusted. The spirits in the cistern must be thoroughly agitated before taking the proof. The proof so ascertained will be regarded as the proof of spirits run into all packages filled from the cistern and all spirits removed by pipe line or in tank cars. However, the proof of the spirits in the cistern will be checked several times while spirits are being drawn off. Distilled spirits to be transferred by pipe line or in railroad tank cars for shipment will be gauged in a weighing tank as provided in §§ 183.517, 183.520, and 183.555.

(53 Stat. 298, as amended, 307, 333, 335, as amended, 355, 492; 26 U. S. C. 2800, 2808, 2878, 2883, 3070, 4017)

§ 183.516 *Time of removal from cistern room.* The spirits must be removed from the cistern room on the same day they are drawn from the receiving cisterns, except that where they are drawn into approved containers for tax-payment without being entered into a warehouse, or are drawn into such containers for deposit in an internal revenue bonded warehouse off the distillery premises, the same may be placed in a temporary storage room within the cistern room, provided in accordance with § 183.66, and permitted to remain therein for such period as may be reasonably necessary to accomplish tax-payment or removal for such deposit, but not more than three days, except in cases of emergency, and then only with the approval of the district supervisor. While spirits are stored in such temporary storage room it will be kept securely locked at all times, except when necessary to be open for the deposit or removal of spirits. The entrance door will be secured with a Government seal lock, the key to which will remain at all times in the custody of the storekeeper-gauger.

(53 Stat. 314; 26 U. S. C. 2820)

§ 183.517 *Weighing spirits removed by pipe line.* Spirits removed by pipe line must be weighed in weighing tanks before removal, except that where they are transferred by pipe line from the receiving cisterns to an internal revenue bonded warehouse or denaturing bonded warehouse operated by the distiller on contiguous premises, or to a contiguous distillery for redistillation, the spirits may be run into weighing tanks in the bonded warehouse or the receiving distillery and weighed therein. The spirits must, in any event, be weighed once in connection with their removal. Spirits transferred from the cistern room to tank cars must be gauged in weighing tanks prior to such transfer. The storekeeper-gauger will balance the weighing tank scales before the spirits are run into the weighing tank. The details of the gauge will be reported by the storekeeper-gauger in each instance in accordance with this subpart.

(53 Stat. 298, as amended, 335, as amended, 355, 492; 26 U. S. C. 2800, 2883, 3070, 4017)

§ 183.518 *Testing tank scales.* Scales used for weighing spirits in lots of not over 500 gallons will be tested from time to time under the supervision of the storekeeper-gauger by means of test weights provided in accordance with § 183.94. Such scales will be tested by placing the prescribed test weights on the scales and checking the weight registered on the beam of the scales. The test weights will then be removed without disturbing the beam and the weighing tank filled with spirits of water to the same weight, whereupon the test weights will again be placed upon the scales, the spirits or water being retained in the tank and the weight registered on the beam checked. This operation will then be continued until the scales have been checked in 500-pound notches at all weights for which the scales are used. Proprietors will have scales used for weighing spirits in larger lots tested and their accuracy certified by State, county, or city departments of weights and measures or by a responsible scale company at intervals of not more than six months. Officers will see that the proprietors have the scales of weighing tanks, used for weighing distilled spirits in lots of more than 500 gallons, tested and their accuracy certified by State, county, or city departments of weights and measures, or by a responsible scale company, at intervals of not more than six months. Officers will also check, at least once a month, the gallonage represented to be on the scale against the gallonage indicated by a volumetric determination of the contents of the tank. Such volumetric determination will be made by (a) accurately ascertaining the proof and the temperature of the distilled spirits and the depth of the liquid in the tank by means of a steel tape, (b) multiplying the depth in inches by the capacity of the tank for 1 inch of depth, and (c) correcting the volume to 60 degrees Fahrenheit in accordance with table No. 7 of the Gauging Manual. The corrected gallons thus determined will be compared with the gallons represented by the reading of the beam of the scale. Unless the volumetric check is within 0.5 percent of the quantity shown to be in the tank, the Government officer will take appropriate steps to have the accuracy of the scales verified. In addition to the volumetric check described, officers will, as frequently as conditions indicate the necessity therefor, test weighing tank scales of large capacity in the manner prescribed for smaller capacity weighing tank scales, except that such tests on large capacity weighing tank scales may be made when they contain considerable quantities of liquid. In this case the beam will be carefully balanced, and test weights will be added to the load, one at a time, until the range of 500 pounds is checked. At any time an officer finds a scale to be inaccurate, he will require the proprietor to have such scale adjusted and its accuracy certified.

(53 Stat. 307; 26 U. S. C. 2808)

§ 183.519 *Use of tank scales.* When spirits are to be gauged in a weighing tank, the storekeeper-gauger will balance the scales on which the weighing tank is mounted before the spirits are run into such tank for gauging. The storekeeper-gauger will not permit the use of any scales not tested as required by § 183.518 or which upon testing are found to be inaccurate.

(53 Stat. 307, 335, as amended; 26 U. S. C. 2808, 2883)

§ 183.520 *Pipe line removals.* Pipe lines used for the transfer of spirits from the cistern room must conform to the requirements of §§ 183.111–183.112, except that spirits may be transferred into a tank car by means of a hose connection. The valves on such pipe lines shall be kept closed and locked at all times, except when necessary to be open for the transfer of spirits. The keys to all locks on the valves of pipe lines shall remain at all times in the custody of the storekeeper-gauger. Spirits may be transferred by pipe line or hose only under the immediate supervision of the storekeeper-gauger.

(53 Stat. 298, as amended, 335, as amended, 355; 26 U. S. C. 2800, 2883, 3070)

ADDITION OF OAK CHIPS TO PACKAGES OF SPIRITS

§ 183.521 *Time of addition.* Distillers may add oak chips which have not been treated with any chemical to packages of distilled spirits. Except as provided in § 183.522, the oak chips must be put into the package before the package is filled. When the chips are so added, the tare of the package will be determined after the addition of the chips, and the storekeeper-gauger will make a notation on the entry Form 1520 to the effect that chips were added to the package and included in the tare.

§ 183.522 *Addition to packages in warehouse.* Oak chips which have not been treated with any chemical may, as provided by Regulations 10 (26 CFR Part 185), be added to packages of distilled spirits in warehouses only where the spirits are shown to be unmerchantable by reason of being deficient in color.

MARKING, BRANDING AND STAMPING OF PACKAGES

§ 183.523 *General.* Before weighing empty casks or packages, officers will examine them and will not permit the use of any cask or package which contains or has on its interior or exterior, any substance that will prevent the correct ascertainment of tare. The tare of the empty package will be determined immediately preceding the filling of the same in all cases: *Provided however*, The tare of a number of packages may be ascertained and marked thereon before any are filled but not exceeding the number which are to be filled the same day or the following day. If the barrels are not to be filled until the following day, they must be locked in the cistern room after being weighed and marked. The tare or weight of the empty package will be marked on the package as soon as ascertained. All packages of spirits, when filled, shall be further marked and branded as provided by this Subpart, and where such packages are taxpaid, the taxpaid stamps will be affixed thereto and canceled in the manner prescribed in § 183.545.

(53 Stat. 307, 333, 335, as amended; 26 U. S. C. 2808, 2878, 2883)

§ 183.524 *Marking of packages filled in cistern room.* All packages of distilled spirits filled in the cistern room shall be marked as follows:

(a) *Marks.* The name of the distiller or the person in whose name the spirits were produced, the registry number of the distillery, the city or town and state in which the distillery is located, the kind of cooperage, the serial number of the package, the kind of spirits, the date of filling, the proof at which distilled, the original proof gallons, the original proof and tare determined at the time of filling (and, if taxpaid in the cistern room, the date of taxpayment and serial number of the taxpaid stamp, as required by § 183.544) shall be marked upon the head of each package. In addition, when spirits are to be withdrawn fo transfer in bond to an internal revenue bonded warehouse located on noncontiguous premises there shall be marked upon the head of the package data showing the transfer date and premises to which transferred, as "Trans. Aug. 1, 1950, IRBW 4–N. Y." The head of the package bearing these marks will be known as the "Government head."

(b) *Abbreviation of marks.* The registry number and state may be combined and abbreviated as "Calif-708." The kind of cooperage may be abbreviated "C" for charred, "REC" for recharred, "P" for plain, "PAR" for parafinned, "G"

for glued, and "R" for reused (not recharred). In addition to these marks, the letters "PS" (pre-soaked) will follow the letters indicating the kind of cooperage if the barrel has been steamed or water soaked prior to filling.

(c) *Symbols for proof of distillation.* Symbols may be used to designate the the proof of distillation, e. g., "D190P" for "Distilled 190 proof or over," "D160–190P" for "Distilled between 160 and 190 proof," and "D160P" for "Distilled not over 160 proof," or in the case of spirits derived from fruit, "D170–190P" for "Distilled between 170 and 190 proof" and "D170P" for "Distilled not over 170 proof."

(d) *Method of marking.* All marks shall be plainly and durably burned, cut, imprinted, or stenciled on the head of each package. All marks, except the proof, proof gallons, tare and withdrawal data, shall be placed on the package in letters and figures of not less than three-fourths inch in height. The proof, proof gallons, tare and withdrawal data, and all marks in the case of half barrels, shall be in letters and figures of not less than one-half inch in height. The ink used in applying marks and brands shall be of suitable quality to effect durability and legibility and the heads of the packages shall be sufficiently smooth and free from defects to permit the marks and brands to be clearly and distinctly applied.

(e) *Kind of spirits.* The kind of spirits shall be stated as "bourbon whisky," etc., in accordance with §§ 183.527–183.534.

(f) *Other marks.* No marks other than those required by this part shall be placed upon the Government head of a package.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.525 *Marks and brands illustrated.* The following cut illustrates the order and manner in which the marks shall be applied to the head of each package upon filling and upon tax-payment. When spirits are transferred in bond or withdrawn free of tax, the required withdrawal information will be shown in lieu of the tax-payment data shown in the cut:



§ 183.526 *Numbering of packages.* Packages filled with distilled spirits at the distillery shall be serially numbered, beginning with number 1 for the first package filled and continuing in regular sequence: *Provided,* That the series in current use at existing distilleries will be continued. Where there is a change in the trade name or style, or in the proprietorship of the business, the series in use at the time of such change will be continued. A new series will be used where there is a change in the type of plant; but use of the prior series will be resumed when the plant is again operated as a registered distillery. When the serial numbers of packages filled at any distillery have reached the number 1,000,000, the distiller may, if he so desires, begin a new series, commencing with number 1 preceded or followed by a letter to distinguish it from the prior series, as 1A, 2A, etc., and when the number 1,000,000, so distinguished, is again reached the distiller may begin another series distinguished by the second letter of the alphabet, as 1B, 2B, etc., and subsequent series, distinguished by other letters of the alphabet in order, may likewise be commenced.

(53 Stat. 307, 333, 335, as amended; 26 U. S. C. 2608, 2878, 2683)

KIND OF SPIRITS

§ 183.527 *Whisky.* Spirits distilled from a fermented mash of grain at less than 190 degrees of proof in such manner that the distillate possesses the taste, aroma, and characteristics generally attributed to whisky and withdrawn from the cistern room of the distillery at not more than 110 degrees and not less than 80 degrees of proof, shall be branded "Whisky," except as follows:

(a) *Bourbon whisky, rye whisky, etc.* Whisky distilled at not exceeding 160 degrees of proof from a fermented mash of not less than 51 percent rye grain, corn grain, wheat grain, malted barley grain, or malted rye grain, and packaged in charred new oak containers, shall be branded "Rye Whisky," "Bourbon Whisky," "Wheat Whisky," "Malt Whisky," or "Rye Malt Whisky," respectively.

(b) *Bourbon mash, rye mash, etc.* Whisky distilled at not exceeding 160 degrees of proof from a fermented mash of not less than 51 percent rye grain, corn grain (except as provided in paragraph (c) of this section), wheat grain, malted barley grain, or malted rye grain, and packaged in reused cooperage, shall be branded "Whisky." Such whisky shall be further marked, either by branding or stenciling, with the words "Distilled from Rye (or Bourbon, Wheat, Malt, or Rye Malt) Mash," as the case may be.

(c) *Corn whisky.* Whisky distilled at not exceeding 160 degrees of proof from a fermented mash of not less than 80 percent of corn grain, and packaged in uncharred oak containers, or reused charred oak containers, and not subjected, in the process of distillation or otherwise, to treatment with charred wood, shall be branded "Corn Whisky."

(d) *Sour mash whisky.* Packages containing whisky produced by a sour mash method described on the distiller's statement of process may be so marked on the Government head at the time of filling.

(e) *Treated with oak chips.* Any whisky as defined in this section, which in whole or in part is treated with wood chips through percolation or otherwise, during distillation or storage, shall be further marked, either by branding or stenciling, with the words "Treated with oak chips."

(f) *Quick aging.* Where whisky is quick-aged, by any process, in packages at any time prior to tax-payment, the letters, "Q. A." will be burned, cut or stenciled upon the head of the package when such quick aging is completed.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.528 *Brandy.* Spirits distilled solely from the fermented juice, mash, or wine of fruit, or from the residue thereof, distilled at less than 190 degrees of proof in such manner that the distillate possesses the taste, aroma, and and characteristics generally attributed to brandy, shall be branded "Brandy," qualified as follows:

(a) *Brandy distilled at not exceeding 170 degrees of proof.* Brandy distilled at not exceeding 170 degrees of proof solely from the juice or mash of whole, sound, ripe fruit, or from standard grape, citrus, or other fruit wine, having a volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, not in excess of 0.20 gram per 100 cubic centimeters (20° C.), with or without the addition (to juice or wine only) of not more than 20 percent by weight of the pomace of such juice or wine, or 30 percent by volume of the lees of such wine, or both (calculated prior to the addition of water to facilitate fermentation or distillation), is classed as fruit brandy and shall be branded as follows:

(1) *Grape brandy.* Fruit brandy derived exclusively from grapes, shall be branded "Grape Brandy" or "Brandy";

(2) *Peach brandy, apple brandy, etc.* Fruit brandy, other than grape brandy, derived exclusively from one variety of fruit, shall be designated by the word "Brandy," qualified by the name of such fruit (e. g., "Peach Brandy," "Apple Brandy," "Orange Brandy"), except that apple brandy may be designated "Applejack."

(3) *Fruit brandy.* Fruit brandy distilled from more than one variety of fruit shall be branded "Fruit Brandy," qualified by a statement of composition (e. g., "Fruit Brandy ------% Grapes and ------% Blackberries").

(b) *Dried fruit brandy.* Brandy that conforms to the standard for fruit brandy, except that it has been derived from sound dried fruit, or from the standard wine of such fruit, shall be branded as follows:

(1) *Raisin brandy.* Brandy derived from raisins, or from raisin wine, shall be branded "Raisin Brandy."

(2) *Dried peach brandy, dried apple brandy, etc.* Other brandies derived from sound dried fruit, or from the standard wine of such fruit, shall be branded in the same manner as fruit brandy from the corresponding variety or varieties of fruit except that the name of the fruit shall be qualified by the word "Dried."

(c) *Lees brandy.* Brandy distilled from the lees of standard grape, citrus, or other fruit wine, which are run into the still, shall be branded "Lees Brandy," qualified by the name of the fruit from which such wine and lees are derived (e. g., "Grape Lees Brandy").

(d) *Pomace brandy.* Brandy distilled from the skin and pulp of sound, ripe grapes, citrus, or other fruit, which are run into the still, after the withdrawal of the juice or wine therefrom, shall be branded "Pomace Brandy," or "Marc Brandy," qualified by the name of the fruit from which derived (e. g., "Grape Pomace Brandy"). Grape pomace brandy may be designated as "Grappa" or "Grappa Brandy."

(e) *Residue brandy.* Brandy distilled wholly or in part (except as provided in paragraph (a)) from the residue of fruit or wine shall be branded "Residue Brandy," qualified by the name of the fruit from which derived (e. g., "Grape Residue Brandy").

(f) *Optional branding.* Brandy distilled wholly or in part from residue materials which conforms to any of the standards set forth in paragraphs (a), (b), (c), and (d) of this section, may, regardless of such fact, be branded "Residue Brandy," qualified by the name of the fruit from which derived; but such designation shall be conclusive, precluding any later change of designation.

(g) *Neutral brandy.* Brandy distilled at more than 170 degrees of proof and less than 190 degrees of proof, shall be branded in the same manner as if distilled at a lower proof, except that the designation shall be qualified by the word "Neutral," e. g., "Neutral Brandy," "Neutral Grape Lees Brandy," or "Neutral Grape Pomace Brandy," "Neutral Peach Brandy," "Neutral Peach Pomace Brandy," etc.

(h) *Substandard brandy.* Brandy distilled from juice, mash, or wine having a volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, in excess of 0.20 gram per 100 cubic centimeters (20° C.) (the volatile acidity shall be calculated exclusive of water added to facilitate distillation), and brandy which has been distilled from unsound, moldy, diseased, or decomposed juice, mash, wine, lees, pomace, or residue, or which shows in the finished product any taste, aroma, or characteristic associated with products distilled from such material, shall be branded "Substandard Brandy" qualified by the name of the material from which derived.

(i) *Treatment with wood chips.* Brandy as defined in this section which in whole or in part is treated with wood chips through percolation or otherwise, during distillation or storage, shall be further marked, either by branding or stenciling, with the words "Treated with oak chips."

(j) *Burnt sugar or caramel.* Where burnt sugar or caramel is added to brandy, the letters "B. S. A." will be marked on the head of the package.

(53 Stat. 333, 335, as amended, 352, as amended; 26 U. S. C. 2878, 2883, 3036)

§ 183.529 *Rum.* Spirits distilled from the fermented juice of sugarcane, sugarcane syrup, sugarcane molasses, or other sugarcane products, at less than 190 degrees of proof in such manner that the spirits possess the taste, aroma, and characteristics generally attributed to rum, shall be branded "Rum."

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.530 *Gin.* Spirits obtained by original distillation over or with juniper berries and other aromatics customarily used in the production of gin, and deriving their main characteristic flavor from juniper berries, shall be branded "Gin," and shall be marked to show the material from which produced, as "Distilled from grain," or "Distilled from cane products," or "Distilled from fruit."

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.531 *Neutral spirits.* All spirits distilled at or above 190 degrees of proof shall be branded "Neutral Spirits" followed by a word or phrase descriptive of the material from which distilled. Such branding shall be in the following form: "Neutral Spirits—Grain," "Neutral Spirits—Cane," or "Neutral Spirits—Fruit," etc. In the case of fruit neutral spirits produced for fortification, the words "Neutral Spirits—Fruit" branded on the package shall be followed by the name of the fruit from which produced. Such branding shall be in the following form: "Neutral Spirits—Fruit–Grape," etc.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.532 *"Spirits—Grain," "Spirits—Cane," "Spirits—Fruit," Etc.* Spirits distilled at less than 190 degrees of proof which are not to be branded in accordance with §§ 183.527–183.533 shall be branded "Spirits" followed by the word or phrase descriptive of the material from which distilled. Such branding shall be in the following form: "Spirits—Grain," "Spirits—Cane," "Spirits—Fruit," "Spirits—Vegetable," etc.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.533 *Vodka.* Neutral spirits which are reduced to not more than 110 degrees of proof and not less than 80 degrees of proof and, after such reduction in proof, are so treated by one of the following methods as to be without distinctive character, aroma, or taste, shall be branded "Vodka":

(a) By causing the distillate to flow continuously through a tank or a series of tanks containing at least 1½ pounds of charcoal for each gallon of distillate contained therein at any one time so that the distillate is in intimate contact with the charcoal for a period of not less than 8 hours, not less than 10 percent of the charcoal being replaced by new charcoal at the expiration of each 40 hours of operation, at a rate which will replace at least 6 pounds of charcoal for every 100 gallons of spirits treated;

(b) By keeping the distillate in constant movement by mechanical means in contact for not less than 8 hours with at least 6 pounds of new charcoal for every 100 gallons of distillate;

(c) By purifying or refining the distillate by any other method which the Deputy Commissioner finds will result in a product equally without distinctive character, aroma, or taste, and which has been approved by him.

Vodka may be withdrawn from the distillery and stored only in metal, porcelain, or glass containers or paraffin-lined containers, including tank cars.

(53 Stat. 333; 26 U. S. C. 2878)

§ 183.534 *Other spirits.* If a distiller proposes to produce spirits not included in any of the classes enumerated in this subpart, he must first apply to the Deputy Commissioner for a designation for such spirits and they will be branded accordingly. They will be removed in accordance with §§ 183.500–183.503 unless otherwise directed by the Deputy Commissioner.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

ADDITIONAL REQUIREMENTS RELATING TO MARKING

§ 183.535 *Distiller to mark and brand packages.* The prescribed marks and brands peculiar to individual packages shall be placed upon the package by the distiller, under the supervision of the storekeeper-gauger.

(53 Stat. 333; 26 U. S. C. 2878)

§ 183.536 *Mechanical labor and materials.* All mechanical labor pertaining to the gauging of packages of spirits at distillery cistern rooms shall be performed by the distiller. All materials and facilities required in connection with the application of marks and stamps shall be furnished by the distiller, except the instruments for proofing the spirits.

(53 Stat. 333, 336; 26 U. S. C. 2878, 2884)

§ 183.537 *Testing of scales.* The storekeeper-gauger shall balance the scales before weighing either empty or filled packages, and will frequently test, by means of test weights provided in accordance with § 183.94, the accuracy of such scales. During the process of weighing he shall personally verify the weight of each package and record it in the proper column of Form 1520. The storekeeper-gauger will not permit the use of any scales which upon testing are found to be inaccurate.

(53 Stat. 307; 26 U. S. C. 2808)

§ 183.538 *Proofing of spirits.* The storekeeper-gauger shall personally take the proof of all spirits gauged and enter the same on Form 1520. The storekeeper-gauger will follow strictly the instructions set forth in the Gauging Manual (26 CFR Part 186) respecting the proofing of spirits, in order that the proof may be accurately determined. Hydrometers for determining the proof of distilled spirits are supplied by the Government for use of storekeeper-gaugers. The use of other than official hydrometers by storekeeper-gaugers is prohibited.

(53 Stat. 307, 333, 335, as amended, 336; 26 U. S. C. 2808, 2878, 2883, 2884)

§ 183.539 *Verification of marks and brands.* The storekeeper-gauger shall verify the tare, proof and proof gallons marked on the packages, by comparison with his gauge report, Form 1520, and

shall satisfy himself of the accuracy and correctness of the marks and brands and stamps (if any).

§ 183.540 *Obliteration of stamps and marks and brands on empty packages.* When packages of distilled spirits are emptied, all stamps and marks and brands required to be placed thereon must be completely effaced and obliterated. Where a portion of a stamp is cut out for submission to the district supervisor, when packages are dumped for rectification or for bottling without rectification, the remnant remaining affixed to the package must be completely effaced and obliterated when the package is emptied.

(53 Stat. 330; 26 U. S. C. 2866)

TAX PAYMENT IN PACKAGES

§ 183.541 *Application, Form 179.* Whenever the distiller desires to tax-pay and remove spirits in packages direct from the cistern room as authorized by this part or when, pursuant to approved application, he desires to tax-pay and remove samples of spirits for laboratory analysis in containers of one proof gallon or more, he shall execute application therefor on Form 179, in quadruplicate, and deliver all copies to the storekeeper-gauger.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 183.542 *Gauge and tax payment.* The packages will be gauged and marked and branded in accordance with this part. The details of the gauge will be entered by the storekeeper-gauger on Form 1520, in quadruplicate. Three copies of Form 1520, accompanied by all copies of Form 179 with the storekeeper-gauger's report thereon duly executed, will be delivered by the storekeeper-gauger to the distiller. The distiller will then forward all copies of both forms to the collector of internal revenue with remittance in cash or by certified check or post office money order for the tax.

(53 Stat. 335, as amended, 447, as amended, 492; 26 U. S. C. 2883, 3656, 4017)

§ 183.543 *Issuance of tax-paid stamps.* The collector will issue the requisite tax-paid stamps. Each tax-paid stamp shall bear the signature of the collector, who shall write or stamp thereon the date of payment of the tax, by whom paid, the number of gallons and tenths of gallons of proof spirits, and the serial number of the cask. Facsimile signatures of collectors may be affixed by the use of hand stamps to the tax-paid stamps, care being taken to use only such ink as will neither fade nor blur. The collector will enter the serial numbers of the stamps in the appropriate spaces on all copies of Form 1520, sign the certificate of tax payment on each copy of Form 179, retain one copy of each Form 179 and Form 1520, and return the remaining three copies of Form 179 and two copies of Form 1520 to the distiller with the stamps.

(53 Stat. 298, as amended; 26 U. S. C. 2800)

§ 183.544 *Removal of spirits.* The distiller shall immediately deliver all copies of Form 179 and Form 1520, with the tax-paid stamps, to the storekeeper-gauger, who will verify the data thereon with his retained copy of Form 1520 and, if no discrepancies are found, he will note the serial numbers of the stamps on the retained copy of Form 1520 and, after affixing his signature to the stamps, which may be by the use of a facsimile stamp, will return them to the distiller. The distiller will mark, brand and stamp the packages as provided by § 183.524. The stamp must be affixed to the Government head of the package on the left side, and except as provided herein, on the right side opposite the stamp there will be marked the serial number of the tax-paid stamp and the date of tax-payment. These withdrawal marks may be waived by the district supervisor when packages of spirits are to be removed to a tax-paid bottling house or rectifying plant in the immediate vicinity of the distillery for prompt bottling or dumping for rectification where the establishments are owned by the proprietor of such distillery or a subsidiary or affiliate. When the packages have been marked and stamped, as required, they must be promptly removed from the distillery premises. After removal of the spirits, the storekeeper-gauger will execute his statement of the date of withdrawal on the three copies of Form 179, retain one copy each of Form 179 and Form 1520, deliver one copy of each to the distiller, and forward one copy of each to the district supervisor.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.545 *Affixing and canceling stamps.* The tax-paid stamps to be affixed by the proprietor as provided by § 183.544 will be securely affixed to the Government head of the package in such manner as to effectively prevent removal without mutilation. The stamp will be canceled immediately after it has been affixed to the barrel by imprinting with five parallel waved lines across the stamp, the stencil for which will be provided by the proprietor. The stamp will be covered with a protective coating of varnish, shellac, or lacquer which is sufficiently transparent to permit legibility of the markings on the stamp, except where the packages are to be transferred to contiguous premises and the coating is not required for protecting the legibility of the stamp. Such stamps must remain upon the packages until the spirits therein are emptied or drawn off.

(53 Stat. 398; 26 U. S. C. 3301)

TAX PAYMENT FOR REMOVAL BY PIPE LINE OR IN RAILROAD TANK CARS

§ 183.546 *Application, Form 179.* Whenever the distiller desires to tax-pay and remove distilled spirits direct from the cistern room by approved pipe lines to contiguous premises, or in railroad tank cars, he shall execute application therefor on Form 179, in quadruplicate. The distiller shall state, in addition to other applicable data on the form, the approximate quantity to be withdrawn and whether such removal will be by pipe line or by tank car. All copies of Form 179 shall be delivered to the storekeeper-gauger, whereupon such spirits will be run into a weighing tank and gauged for removal. The storekeeper-gauger shall enter the details of the gauge on Form 1520, in quintuplicate. The proof at which the spirits were distilled, and in the case of tank car shipments, the number and name or symbols of the owner of the tank car, shall be noted on Form 1520 by the storekeeper-gauger. The storekeeper-gauger will execute his report on each copy of Form 179 and will return all copies thereof, with four copies of Form 1520 attached, to the distiller, who will enter in the space provided therefor on each copy of Form 179, the description of the spirits gauged.

(53 Stat. 298, as amended, 335, as amended, 492; 26 U. S. C. 2800, 2883, 4017)

§ 183.547 *Application for certificate of tax payment, Form 1594.* The distiller will forward all copies of Form 179, and Form 1520, with Form 1594, in duplicate, if the vendee is located in the same supervisory district and in triplicate if the vendee is located in a different supervisory district, accompanied by proper remittance for the tax, to the collector of internal revenue. Form 1594 will be appropriately modified to cover the transfer by pipe line.

(53 Stat. 298, as amended, 335, as amended; 26 U. S. C. 2800, 2883)

§ 183.548 *Certificate of tax payment, Form 1595.* The collector will issue Form 1595, appropriately modified in the case of pipe line transfers, to show "For Removal by Pipe Line," note the serial number of the certificate, on all copies of Form 1520, and execute his certificate of tax payment on all copies of Form 179. The collector shall fill in all the required data in the blank spaces on the certificate, except those provided in the lower left corner for the verification of the storekeeper-gauger, and shall date and sign the certificate in the same manner as required for a tax-paid stamp by § 183.543. This certificate is not negotiable and shall not be used for any spirits other than those described therein. The collector will enter on the original and the copy or copies of Form 1594 in the space provided, the serial number, date and amount of the certificate issued. The collector will retain one copy each of Form 179 and Form 1520 and the original copy of Form 1594, and will mail or deliver the certificate, Form 1595, and the original and remaining copies of Form 179 and Form 1520 to the distiller or his designated agent, in accordance with the distiller's request on Form 1594. Where the certificate, Form 1595, covers a removal of spirits by pipe line or a tank car shipment to a consignee in the same supervisory district, the collector will send the copy of the application, Form 1594, to the district supervisor, and, in case the certificate, Form 1595, covers a tank car shipment of spirits to a consignee located in a different supervisory district, the collector will send the remaining copy of Form 1594 to the supervisor of the district in which the consignee is located.

(53 Stat. 298, as amended, 335, as amended, 398; 26 U. S. C. 2800, 2883, 3300)

§ 183.549 *Route board.* Railroad tank cars used for the transportation of tax-paid distilled spirits must be equipped with a route board at least 10 by 12 inches in size, to which Form 1595 can be attached. Such board shall be of substantial material and shall be affixed permanently and securely to the tank car by roundheaded or carriage bolts, nutted and riveted, battered or welded.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 183.550 *Bill of lading.* The distiller shall incorporate in the bill of lading a description of Form 1595, as follows:

Form 1595, "Collector's Certificate of Tax-payment of Distilled Spirits for Shipment in Tank Cars."

Serial No._____ Owner and No. of Car_____
Vendor_____ Address_____
Vendee_____ Address_____

Where no bill of lading is issued, as in the case of transfer of a tank car between plants by switching arrangements or a pipe line transfer, the distiller shall incorporate in Form 1520 such description of Form 1595.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 183.551 *Storekeeper-gauger's verification.* The distiller shall give the certificate of tax payment (Form 1595), the bill of lading (if any), and all copies of Form 179 and Form 1520 to the storekeeper-gauger at the distillery. The storekeeper-gauger will verify the contents of the weighing tank and the description of Form 1595 in the bill of lading or on Form 1520, as the case may be, and will date and sign the certificate, Form 1595, in the space provided therefor. The certificate must be attached to a board on the weighing tank.

(53 Stat. 298, as amended, 335, as amended; 26 U. S. C. 2800, 2883)

RELEASE OF SPIRITS FOR TRANSFER

§ 183.552 *By pipe line to contiguous premises.* When the certificate of tax-payment has been affixed to the weighing tank, in the case of pipe line transfers to contiguous premises, it will be cancelled in the same manner as the taxpaid stamp on a package. The storekeeper-gauger will unlock the outlet valve and permit the distiller to transfer the spirits by pipe line to the contiguous premises named in the certificate. The spirits shall be transferred only under the immediate supervision of the storekeeper-gauger who, after release of the spirits, will forward one copy each of Form 179 and Form 1520 and the cancelled Form 1595 to the district supervisor, retain one copy of Form 179 and Form 1520, and deliver one copy of Form 179 and two copies of Form 1520 to the distiller. The distiller will deliver immediately one copy of Form 1520 to the proprietor of the contiguous establishment.

(53 Stat. 298, as amended, 335, as amended; 26 U. S. C. 2800, 2883)

§ 183.553 *By tank car.* When spirits are to be removed to a tank car for shipment the certificate of taxpayment shall be placed upon the weighing tank by the distiller, whereupon the storekeeper-gauger will unlock the outlet valve and permit the spirits to be transferred to the tank car named in the certificate. The spirits shall be transferred only under the immediate supervision of the storekeeper-gauger. Upon deposit of the spirits in the tank car, the distiller will remove the certificate of taxpayment from the weighing tank and affix it securely to the route board on the tank car, whereupon it will be cancelled in the same manner as the taxpaid stamp on a package and then covered with a coating of transparent varnish, shellac or lacquer. The storekeeper-gauger will verify the contents of the tank car, release same for shipment and note on all copies of Form 1520 the date of the release. When the tank car is released, the storekeeper-gauger will forward one copy each of Form 179 and Form 1520 to the district supervisor, retain one copy of each form, and deliver one copy of Form 179 and two copies of Form 1520 together with the bill of lading (if any) to the distiller. The distiller will forward immediately one copy of Form 1520 to the vendee.

(53 Stat. 298, as amended, 335, as amended; 26 U. S. C. 2800, 2883)

PROCEDURE WHEN TANK CAR IS EMPTIED

§ 183.554 *Requirements.* When tax-paid distilled spirits are received in a tank car, the vendee authorized to receive such spirits shall, at the time the car is emptied, dispose of the certificate of tax-payment, Form 1595, in accordance with the procedure prescribed by Regulations 11 (26 CFR, Part 189) or Regulations 15 (26 CFR, Part 190). The district supervisor will investigate any discrepancy which may be found respecting the shipment in accordance with such regulations.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

DEPOSIT IN WAREHOUSE OPERATED ON DISTILLERY PREMISES BY THE DISTILLER

§ 183.555 *Gauge of spirits, Form 1520.* Where the distiller operates an internal revenue bonded warehouse on the distillery premises and spirits produced at the distillery are to be entered for deposit in such warehouse, the spirits shall, as authorized by §§ 183.480–183.505, be drawn into approved containers, gauged, marked, and branded, and then immediately deposited in such warehouse, or shall be run into a weighing tank, immediately gauged and transferred by pipe line into tanks in such warehouse: *Provided*, That where the cistern room is not equipped with a weighing tank, the spirits may be transferred by pipe line to a properly equipped weighing tank in such warehouse, gauged, and immediately deposited in storage tanks in the warehouse, or removed for authorized purposes. The spirits will be transferred to the warehouse and deposited therein under the immediate supervision of the storekeeper-gauger. The storekeeper-gauger will enter the details of the gauge on Form 1520, in triplicate, and will note on each copy of Form 1520 the proof at which the spirits were distilled and, if transferred to a warehouse tank, the serial number thereof. Upon completion of the form, the storekeeper-gauger will deliver all copies thereof to the distiller for the execution of his entry of the spirits for deposit.

(53 Stat. 298, as amended, 333, 335, as amended, 355, 492; 26 U. S. C. 2800, 2878, 2883, 3070, 4017)

§ 183.556 *Distiller's entry for deposit.* The distiller's entry for deposit shall be executed in the following form:

_____
(Date)

The distilled spirits described herein are hereby entered for deposit in Internal Revenue Bonded Warehouse No. _____, State of _____

_____
(Distiller)

The entry shall be executed on the same date that the spirits are removed from the distillery. After execution of the entry, the distiller shall return the three copies of Form 1520 to the storekeeper-gauger, who will retain one copy as a permanent record of the deposit of the spirits in the warehouse, forward one copy to the district supervisor, and deliver one copy to the distiller.

(53 Stat. 333; 26 U. S. C. 2879)

§ 183.557 *Mixing of different spirits prohibited.* Spirits transferred by pipe line to an internal revenue bonded warehouse may not be deposited with other spirits in weighing or storage tanks, except as authorized by Regulations 10 (26 CFR Part 185).

(53 Stat. 391; 26 U. S. C. 3254)

§ 183.558 *Sufficiency of warehouse bond.* Where the bond covering the operation of an internal revenue bonded warehouse on the distillery premises is given in less than the maximum penal sum of $200,000, as shown by the record furnished by the district supervisor pursuant to Regulations 10 (26 CFR Part 185), the storekeeper-gauger in charge of the warehouse will see that the tax liability on the quantity of spirits deposited in the warehouse, plus the tax liability on spirits represented by all outstanding approved Forms 236 (§§ 183.562 and 183.575) is within the limits of the penal sum of the bond.

DEPOSIT IN WAREHOUSE OPERATED BY DISTILLER ON CONTIGUOUS PREMISES

§ 183.559 *Procedure.* Where the distiller operates an internal revenue bonded warehouse on premises contiguous to the distillery premises, and the location of the warehouse is such that the storekeeper-gaugers assigned to the cistern room and the warehouse are able to maintain the same supervision of the deposit in such warehouse of spirits produced at the distillery as is required in the case of the deposit in a warehouse on the distillery premises of spirits produced at such distillery, the distiller may deposit spirits in such contiguous warehouse in accordance with the procedure prescribed in §§ 183.555–183.556 for the deposit of spirits in an internal revenue bonded warehouse operated by the distiller on the distillery premises, except that where separate Government offices are maintained for the distillery and the warehouse an extra copy of Form 1520 will be prepared and one copy of such form will be filed in each Government office. When spirits are so deposited, the storekeeper-gauger assigned to the cistern room will in each instance deliver directly to the storekeeper-gauger at the warehouse a copy of the Form 1520. The storekeeper-gauger supervising the ware-

house will personally verify the number of containers and the quantity received for deposit. Where the spirits cannot be deposited under such direct supervision, the procedure prescribed in §§ 183.561–183.573, inclusive, will be followed.

(53 Stat. 333, 335, as amended, 355; 26 U. S. C. 2878, 2883, 3070).

§ 183.560 *Sufficiency of warehouse bond.* Where the bond covering the operation of an internal revenue bonded warehouse on premises contiguous to the distillery premises is given in less than the maximum penal sum of $200,000, as shown by the record furnished by the district supervisor pursuant to Regulations 10 (26 CFR Part 185), and distilled spirits produced at the distillery are deposited in such warehouse in accordance with the procedure prescribed in § 183.559, the storekeeper-gauger in charge of the warehouse will see that the tax liability on the quantity of spirits deposited in the warehouse, plus the tax liability on spirits represented by all outstanding approved Forms 236 (§§ 183.562 and 183.575) is within the limits of the penal sum of the bond.

TRANSFER TO WAREHOUSE OFF DISTILLERY PREMISES IN SAME DISTRICT, EXCEPT WAREHOUSE OPERATED BY DISTILLER ON CONTIGUOUS PREMISES

§ 183.561 *Application, Form 236.* Where spirits are to be transferred to and entered for deposit in an internal revenue bonded warehouse located off the distillery premises in the same supervisory district, and such warehouse is not operated by the distiller on premises contiguous to the distillery premises, the proprietor of the receiving warehouse shall execute an application for the transfer of the spirits on Form 236. The applicant shall enter all applicable data indicated by the form including the maximum quantity in tax gallons to be transferred in any one truck, railroad car, or other vehicle, and the type of conveyance. The name of the carrier shall not be specified on Form 236. The applicant shall prepare an original and five copies of Form 236 and give them to the storekeeper-gauger in charge of the receiving warehouse.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.562 *Storekeeper-gauger's certificate of sufficiency of warehouse bond.* Upon receipt of Form 236 by the storekeeper-gauger in charge of the warehouse, he will compare the penal sum of the bond as stated in the application with his record furnished by the district supervisor pursuant to Regulations 10 (26 CFR Part 185). If the bond is given in the maximum penal sum of $200,000, he will certify to the sufficiency thereof on Form 236 and return all six copies of the form to the proprietor of the warehouse. If the bond is given in less than the maximum penal sum, the storekeeper-gauger in charge will determine from his records whether the tax liability on the quantity of distilled spirits represented by the Form 236, plus the quantity of distilled spirits stored in the warehouse, plus the quantity represented by all outstanding approved Forms 236, is within the limits of the penal sum of the transportation and warehousing bond. If so, he will certify to the sufficiency of the bond on Form 236, record such certification in his records, and return all six copies of the form to the proprietor. If the transportation and warehousing bond is not sufficient, he will certify to that fact on Form 236 and return all six copies to the proprietor. The proprietor will forward all six copies of the approved Form 236 to the proprietor of the consignor-distillery. The proprietor of the warehouse will be responsible for all outstanding approved Forms 236. If, at any time, he decides not to use one, he will obtain all copies from the consignor and give them to the storekeeper-gauger in charge of the warehouse for cancellation and return to the proprietor of the warehouse.

§ 183.563 *Spirits to be transferred.* When the distiller desires to make shipment, he will give a copy of Form 236 to the storekeeper-gauger in charge and furnish him a complete description of the spirits to be shipped.

§ 183.564 *Report of gauge.* Unless previously packaged, the spirits designated by the proprietor to be transferred will, as authorized by §§ 183.480–183.505, be drawn from the receiving cisterns into casks or packages, gauged, marked and branded, or into a weighing tank, gauged, and run by pipe line into a properly equipped railroad tank car, or into tanks located in a contiguous internal revenue bonded warehouse not operated by the distiller. The quantity transferred shall not exceed the maximum stated in the application. The details of the gauge will be entered by the storekeeper-gauger on five copies of Form 1520.

(53 Stat. 333, 335, as amended, 492; 2878, 2883, 4017)

§ 183.565 *Tank cars.* Each railroad tank car used to transport distilled spirits in bond must have permanently and legibly marked or painted thereon its number, capacity in gallons, and the name or symbols of the owner. The dome or manhole covers on all railroad tank cars used for shipping distilled spirits in bond shall be equipped with facilities for sealing with a cap seal when closed, and the outlet valves and all other openings to or from the tank cars shall be so constructed that they may be closed and securely fastened on the inside or sealed in like manner.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 183.566 *Seals.* Cap seals, to be furnished by the Government, will be used for sealing the tank car, and such seals will be attached as soon as the car is filled.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 183.567 *Inspection of tank car.* Upon receiving an order to gauge spirits to be transferred in bond in a railroad tank car, the storekeeper-gauger at the distillery will inspect the car to see that the dome may be sealed with a cap seal when closed, and that all other openings to or from the car may be closed and securely fastened on the inside or sealed in like manner. If the car is not so constructed, the officer will not permit it to be filled.

§ 183.568 *Filling of tank car.* The tank car must be filled in the immediate presence of the storekeeper-gauger. The pipe line from the distillery weighing tank to the tank car must be in full view of the officer and must not be connected or used except in his presence. The officer will seal the car as soon as it is filled. The officer will enter on Form 1520, covering the gauge of the spirits, the level of the spirits above or below the full mark and the temperature of the spirits at filling; for example: "Filled two inches above full mark at 80° F." The storekeeper-gauger will note on Form 236 the serial numbers of seals used on the tank car.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.569 *Route board.* Railroad tank cars used for the transportation of spirits in bond must be equipped with a route board conforming to the requirements of § 183.549.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 183.570 *Label to be attached.* When spirits are shipped in bond in a railroad tank car, a label dated and signed by the storekeeper-gauger showing that the spirits are shipped in bond and giving the name, registry number and location (city or town and State) of the distillery from which shipped, and the warehouse to which shipped, shall be securely attached to the route board, where it may be readily examined by Government officers. The label, which will be furnished by the distiller, will be in substantially the following form:

Shipped in Bond by
BOURBON DISTILLING COMPANY
D. No. 98, Frankfort, Ky.
To
COMMERCIAL WAREHOUSE COMPANY
I. R. B. W. No. 110, Louisville, Ky.

(Date) (Storekeeper-gauger)

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 183.571 *Distiller's entry for deposit.* When the spirits have been packaged, gauged for transfer by pipe line to tanks in a contiguous internal revenue bonded warehouse not operated by the distiller, or run into a railroad tank car and such tank car sealed, the storekeeper-gauger in charge will deliver the copy of Form 236 and the five copies of Form 1520 to the distiller. The distiller shall, on the same date that the spirits are to be removed from the distillery, execute on all six copies of Form 236, the description of the packages, tank car, or pipe line transfer, and on all five copies of Form 1520, the entry for deposit. He shall immediately return all copies of such forms to the storekeeper-gauger in charge who will release the spirits for shipment.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2879, 2883)

§ 183.572 *Storekeeper-gauger's certificate of removal.* Upon removal of the spirits, the storekeeper-gauger will execute his certificate of gauge and removal on Form 236. He will retain one copy each of Form 236 and 1520, furnish one copy of each to the distiller, forward one copy of Form 236 to the district supervisor, and forward three copies of Form 236 and three copies of Form 1520 to the storekeeper-gauger in charge at the receiving warehouse. When shipment is made by truck, the three copies each of Form 236 and 1520 for the storekeeper-gauger in charge at the receiving warehouse will be sealed in an envelope addressed to such storekeeper-gauger in charge and handed to the person in charge of the truck for delivery to him.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.573 *Storekeeper-gauger's receipt of spirits at warehouse.* The storekeeper-gauger at the receiving warehouse will examine each shipment upon its arrival and ascertain and report on Form 1520 any losses or discrepancies and will dispose of Forms 236 and 1520, in accordance with Regulations 10 (26 CFR Part 185).

(52 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

TRANSFER TO WAREHOUSE OFF DISTILLERY PREMISES, IN DIFFERENT DISTRICT

§ 183.574 *Application, Form 236.* Where spirits are to be transferred to and entered for deposit in an internal revenue bonded warehouse located in a different supervisory district than the distillery, the proprietor of the receiving warehouse shall execute an application for the transfer of the spirits on Form 236. The applicant shall enter all applicable data indicated by the form including the maximum quantity in tax gallons to be transferred in any one truck, railroad car, or other vehicle, and the type of conveyance. The name of the carrier shall not be specified on Form 236. The applicant shall prepare an original and six copies of Form 236 and give them to the storekeeper-gauger in charge of the receiving warehouse.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

§ 183.575 *Storekeeper-gauger's certificate of sufficiency of warehouse bond.* Upon receipt of Form 236 by the storekeeper-gauger in charge at the warehouse, he will compare the penal sum of the bond as stated in the application with his record furnished by the district supervisor pursuant to Regulations 10 (26 CFR Part 185). If the bond is given in the maximum penal sum of $200,000, he will certify to the sufficiency thereof on Form 236 and return all seven copies of the form to the proprietor of the warehouse. If the bond is given in less than the maximum penal sum, the storekeeper-gauger in charge will determine from his records whether the tax liability on the quantity of spirits represented by the Form 236, plus the quantity of spirits stored in the warehouse, plus the quantity represented by all outstanding approved Forms 236, is within the limits of the penal sum of the transportation and warehousing bond. If so, he will certify to the sufficiency of the bond on Form 236, record such certification in his records, and return all seven copies of the form to the proprietor. If the transportation and warehousing bond is not sufficient, he will certify to that fact on Form 236 and return all seven copies to the proprietor. The proprietor will forward all seven copies of the approved Form 236 to the proprietor of the consignor-distillery. The proprietor of the warehouse will be responsible for all outstanding approved Forms 236. If, at any time, he decides not to use one, he will obtain all copies from the consignor and give them to the storekeeper-gauger in charge of the warehouse for cancellation and return to the proprietor of the warehouse.

§ 183.576 *Spirits to be transferred.* When the distiller desires to make shipment, he will give a copy of Form 236 to the storekeeper-gauger in charge and furnish him a complete description of the spirits to be shipped.

§ 183.577 *Report of gauge.* Unless previously packaged, the spirits designated by the proprietor to be transferred will, as authorized by §§ 183.480–183.505, be drawn from the receiving cisterns into casks or packages, gauged, marked and branded, or into a weighing tank, gauged, and run by pipe line into a properly equipped railroad tank car. The quantity transferred shall not exceed the maximum stated in the application. The details of the gauge will be entered by the storekeeper-gauger on six copies of Form 1520.

(53 Stat. 333, 335, as amended, 492; 26 U. S. C. 2878, 2883, 4017)

§ 183.578 *Tank car requirements.* If the spirits are to be transported in a railroad tank car, such tank car must be constructed, marked, inspected, filled, sealed, and labeled, as provided in §§ 183.565–183.570.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

§ 183.579 *Distiller's entry for deposit.* When the spirits have been packaged, or run into a railroad tank car and such tank car sealed, the storekeeper-gauger in charge will deliver the copy of Form 236 and the six copies of Form 1520 to the distiller. The distiller shall, on the same date that the spirits are to be removed from the distillery, execute on all seven copies of Form 236 the description of the packages or tank car to be transferred and on all six copies of Form 1520 the entry for deposit. He shall immediately return all copies of such forms to the storekeeper-gauger in charge who will release the spirits for shipment.

(53 Stat. 333; 26 U. S. C. 2879)

§ 183.580 *Storekeeper-gauger's certificate of removal.* Upon removal of the spirits, the storekeeper-gauger will execute his certificate of gauge and removal on Form 236. He will retain one copy each of Form 236 and 1520, furnish one copy of each to the distiller, forward one copy of each to the supervisor-consignor, and forward four copies of Form 236 and three copies of Form 1520 to the storekeeper-gauger in charge at the receiving warehouse. When shipment is made by truck, the four copies of Form 236 and the three copies of Form 1520 for the storekeeper-gauger in charge at the receiving warehouse will be sealed in an envelope addressed to such storekeeper-gauger in charge and handed to the person in charge of the truck for delivery to him.

(53 Stat. 333, 335, as amended, 492; 26 U. S. C. 2878, 2883, 4017)

§ 183.581 *Storekeeper-gauger's receipt of spirits at warehouse.* The storekeeper-gauger at the receiving warehouse will examine each shipment upon its arrival and ascertain and report on Form 1520 any losses or discrepancies and will dispose of Forms 236 and 1520, in accordance with Regulations 10 (26 CFR Part 185).

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883)

TRANSFER OF RUM TO DISTILLERY DENATURING BONDED WAREHOUSE

§ 183.582 *Application, Form 573.* Where rum of not less than 150 degrees of proof is to be transferred to a denaturing bonded warehouse on the distillery premises for denaturation, the proprietor will file application on Form 573, in triplicate, with the storekeeper-gauger in charge, for the transfer of the spirits. The applicant shall specify the maximum quantity in tax gallons to be transferred.

(53 Stat. 335, as amended, 355; 26 U. S. C. 2883, 3070)

§ 183.583 *Sufficiency of bond.* Where the bond covering operation of a denaturing bonded warehouse is given in less than the maximum penal sum of $100,000, the district supervisor will inform the storekeeper-gauger in charge of the penal sum of the bond, and the storekeeper-gauger will see that the quantity of rum transferred to such warehouse is within the limits of the bond.

(53 Stat. 335, as amended, 355; 26 U. S. C. 2883, 3070)

§ 183.584 *Storekeeper-gauger's report of gauge and transfer.* The rum may be gauged by weight in the cistern room or in the denaturing bonded warehouse at the time of deposit therein. The details of the gauge of the spirits will be reported by the storekeeper-gauger on Form 1520, in triplicate. Upon transfer of the spirits, and completion of the gauge, the storekeeper-gauger will execute his certificate of gauge and transfer on Form 573 and attach one copy of Form 1520, covering the gauge of the rum, to each copy of Form 573. The storekeeper-gauger will then forward one copy of each form to the district supervisor, deliver one copy of each to the distiller, and retain one copy of each.

(53 Stat. 335, as amended, 355, 492; 26 U. S. C. 2883, 3070, 4017)

REMOVAL OF DISTILLED SPIRITS, FREE OF TAX FOR EXPORTATION

§ 183.585 *Procedure.* When the distiller desires to remove distilled spirits of not less than 180 degrees proof, free of tax, from the distillery receiving cisterns for exportation in tank cars, he will file application on Form 206, in quintuplicate, and bond on Form 547, 548, 657, or 658, as the case may be, in triplicate, with the district supervisor and otherwise comply with applicable requirements of Regulations 10 (26 CFR

Part 185), governing the withdrawal of distilled spirits from internal revenue bonded warehouses, free of tax, for exportation, which are hereby extended to cover the exportation, free of tax, of distilled spirits from the distillery. The tank cars must be so constructed that all openings may be securely closed and sealed.

(53 Stat. 336, 337, 339; 26 U. S. C. 2385, 2886, 2888)

RECORDS

§ 183.586 *Distiller's records.* The distiller shall enter on Form 1598 all removals of distilled spirits from the distillery, as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form.

(53 Stat. 321, 328, 373; 26 U. S. C. 2841, 2859, 3171)

SUBPART X—LOSSES OF DISTILLED SPIRITS ON PREMISES OF A REGISTERED DISTILLERY OR IN TRANSIT THERETO

§ 183.595 *Loss by theft.* The tax shall be collected on distilled spirits stolen while on the premises of a registered distillery or in transit thereto for redistillation, unless the distiller submits proof as to the cause of the loss and establishes to the satisfaction of the Commissioner that it did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, consignor, consignee, bailee, or carrier or the employees of any of them. Claim for remission of tax on distilled spirits lost by theft shall be filed as provided in this subpart. The tax on distilled spirits lost by theft may be remitted or refunded only to the extent that the claimant is not indemnified or recompensed for such tax.

(53 Stat. 335, as amended; 340, as amended; 26 U. S. C. 2683, 2901)

§ 183.596 *Unauthorized voluntary destruction.* The tax shall be collected on distilled spirits voluntarily destroyed while on the premises of a registered distillery, or in transit thereto for redistillation, unless such spirits were unfit for use for beverage purposes, and the distiller or other person responsible for the tax obtained authorization for such destruction in each case, as required by Subpart S of this part.

(53 Stat. 335, as amended, 340, as amended; 26 U. S. C. 2683, 2901)

§ 183.597 *Losses except by theft.* The tax on distilled spirits lost otherwise than by theft while on the premises of a registered distillery or in transit thereto, may be remitted. In the case of any such loss of distilled spirits prior to payment of the tax thereon, the district supervisor may require the distiller, owner, or other person responsible for the tax to submit proof as to the cause of such loss and, where deemed necessary, to file a claim for remission of the tax as provided by this subpart.

(53 Stat. 335, as amended, 340, as amended, 373, as amended; 26 U. S. C. 2683, 2901, 3170)

§ 183.598 *Report of losses.* Losses of distilled spirits on the premises of a registered distillery or in transit thereto must be reported to the district supervisor by the distiller immediately after the losses are discovered. Where losses of spirits in the distillery occur or are discovered while a Government officer is on duty, the officer will immediately make a full report of the loss to the district supervisor. The reports should set out the nature, cause, and extent of the loss in sufficient detail to bring out all the known material facts and circumstances surrounding the loss. The condition of each cistern or other container from which loss has been sustained, and the quantity lost therefrom, should be reported by the officer.

(53 Stat. 340, as amended; 26 U. S. C. 2901)

§ 183.599 *Investigation by district supervisor.* The district supervisor will consider the nature and extent of any loss reported by the distiller or Government officer and will immediately make such investigation and require such evidence to be submitted as he may deem necessary. Whenever so required the district supervisor will forward reports and data relating to losses to the Commissioner for review.

(53 Stat. 373, as amended; 26 U. S. C. 3170)

§ 183.600 *Filing of claims.* Claims for remission of tax on spirits lost on the premises of a registered distillery or in transit thereto, when required, will be filed promptly with the supervisor of the district in which the distillery is located. Where a required claim for remission of tax on such spirits is not filed as provided in §§ 183.595 and 183.597, the district supervisor will report the matter to the Commissioner.

(53 Stat. 335, as amended, 340, as amended; 26 U. S. C. 2683, 2901)

§ 183.601 *Form of claims.* Claims for remission of tax for losses occurring on distillery premises, or in transit thereto, shall be made on letter size paper, in duplicate, and shall set forth, under oath, the following information:

(a) The name of the distiller and the registry number and location of the distillery;

(b) The serial numbers of the receiving cisterns or other containers from which the spirits were lost;

(c) The quantity of spirits lost from each cistern or other container, and the total quantity of spirits covered by the claim;

(d) The total amount of tax for which the claim is filed;

(e) The date of the loss or, if such date is not known, the date on which the loss was discovered, and the cause and nature thereof, together with all the facts surrounding the loss;

(f) The name of the carrier, if any;

(g) If lost by theft, whether the loss occurred as the result of connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them;

(h) Whether the claimant is indemnified or recompensed for the tax, and, if so, the amount and nature of such indemnity or recompense. The actual value of the spirits, less the tax, must be stated explicitly, and where required, certified copies of all policies of insurance or other documents of indemnity covering the spirits must be furnished.

(53 Stat. 335, as amended, 340, as amended; 26 U. S. C. 2683, 2901)

§ 183.602 *Supporting statements.* Claims for remission of tax on spirits lost while on the premises of a registered distillery or in transit thereto, must be supported by affidavits of persons having personal knowledge of the loss.

(53 Stat. 340, as amended; 26 U. S. C. 2901)

§ 183.603 *Examination of claim.* When a claim for remission of tax is received by the district supervisor he will carefully examine the same to see that all the required information has been furnished, and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon completion of his investigation, if any, the district supervisor will forward the claim and accompanying papers, together with any pertinent reports and documentary evidence, to the Commissioner with his recommendation in respect to the allowance or disallowance of the claim.

(53 Stat. 373, as amended; 26 U. S. C. 3170)

§ 183.604 *Records.* Losses of spirits at the distillery will be reported by the storekeeper-gauger on Form 1686 and by the distiller on Form 1598.

(53 Stat. 321, 333, 373; 26 U. S. C. 2841, 2877, 3171)

§ 183.605 *District supervisor's account.* An account of losses of distilled spirits on the distillery premises shall be kept on Form 1691. The account shall show all the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

§ 183.606 *Prior losses.* Any claims for remission or refund of the tax on any loss of spirits established prior to September 1, 1950, shall be subject to the provisions of section 2901 of the Internal Revenue Code and this part as they existed prior to that date.

(Sec. 4, Public Law 448, 81st Cong. Approved Feb. 21, 1950)

§ 183.607 *Losses after taxpayment.* Nothing in section 2901 of the Internal Revenue Cade as amended by section 3 of the act of February 21, 1950, or as theretofore amended, or in this part, shall be construed to authorize refund of the tax where the loss occurred after the tax was paid.

SUBPART Y—SPIRITS PRODUCED AND NOT ACCOUNTED FOR

§ 183.610 *Commissioner to make assessments.* Under the law, it is the duty of the Commissioner to inquire and determine whether the distiller has accounted for all the spirits produced by him. If the Commissioner finds that the distiller has not accounted for all the spirits produced by him, he shall, from all the evidence he can obtain, determine what quantity of spirits was actually produced by such distiller and make an assessment for the difference between the quantity reported and the quantity shown to have been actually produced, at the rate imposed by law.

(53 Stat. 323; 26 U. S. C. 2846)

§ 183.611 *Storekeeper-gauger to report deficiencies.* The storekeeper-gauger, upon completion of his monthly record, Form 1686, will compare the calculated yield for that month with the actual production, and take appropriate action concerning any deficiencies, in accordance with § 183.384.

§ 183.612 *District supervisor's examination of returns.* Upon receipt of the distiller's monthly return, Form 1598, the district supervisor will examine it to determine whether the distiller has accounted for all the spirits produced by him during the month. If he finds that the distiller apparently has not accounted for all the spirits produced by him, he shall make such investigation as he may deem necessary and determine, from all the evidence he can obtain, the quantity of spirits actually produced by the distiller.

(53 Stat. 323, 373, as amended; 26 U. S. C. 2846, 3170)

§ 183.613 *Use of materials not reported.* If the district supervisor should find that the distiller has received on his premises materials which have not been accounted for, or has used materials which have not been reported as used, and has produced spirits which have not been reported, the quantity of spirits produced and not reported should be determined from all the evidence that can be obtained, including evidence of the normal actual yield of spirits from such materials at the particular plant.

(53 Stat. 323; 26 U. S. C. 2846)

§ 183.614 *Determining spirits produced.* If it is found that all materials received have been accounted for and all materials used have been reported, but that the distiller has not accounted for all the spirits produced, the quantity actually produced should be determined from all the evidence that can be obtained. The evidence that spirits have been produced from materials reported used and have not been accounted for by the distiller should be direct and positive.

(53 Stat. 323; 26 U. S. C. 2846)

§ 183.615 *Notice to distiller.* If it is determined that the distiller has not accounted for all the spirits produced by him, the district supervisor will, unless the interests of the Government require an immediate assessment, notify the distiller of the proposed assessment and afford him an opportunity to submit within 30 days, or such further time as the district supervisor may consider reasonable, evidence showing why the proposed assessment should not be made.

§ 183.616 *Nature of evidence.* The evidence submitted by the distiller should be in the form of affidavits and certified documents.

§ 183.617 *Consideration of distiller's response.* If the distiller responds to the notice and submits evidence bearing on the merits of the proposed assessment, the district supervisor will give due consideration thereto and make such further investigation as he may deem advisable. If, after consideration of all the facts, the district supervisor finds that tax is due, he will report the same to the Commissioner in accordance with the prescribed assessment procedure. If the district supervisor finds that tax should not be assessed, he will forward the affidavits and other documents submitted by the distiller, together with investigation reports, if any, to the Commissioner with his recommendation thereon.

§ 183.618 *Claim for remission.* Where the distiller claims, pursuant to notice of proposed assessment, that the spirits produced and not accounted for were actually lost on the distillery premises, the procedure prescribed by §§ 183.595–183.605 shall be applicable.

(53 Stat. 323, 340, as amended; 26 U. S. C. 2846, 2901)

§ 183.619 *Distiller's failure to respond.* If the distiller fails to respond to the notice of the proposed assessment within the time specified, the district supervisor will report to the Commissioner, in accordance with the prescribed assessment procedure, the amount found due for assessment.

SUBPART Z—SUSPENSION AND RESUMPTION OF OPERATIONS

SUSPENSION OF OPERATIONS

§ 183.625 *Notice, Form 124.* Any distiller desiring to suspend operations at his distillery shall give notice on Form 124, in duplicate, stating when he will suspend operations. The notice will be delivered to the storekeeper-gauger in charge at the distillery. Form 124 will not be required when operations are suspended pursuant to the filing of Form 1696.

(53 Stat. 324; 26 U. S. C. 2850)

§ 183.626 *Date of suspension.* The distiller will fix in the notice the time when all the beer on the distillery premises will be distilled and all spirits in the distillery run into the receiving cisterns in the cistern room, except unfinished spirits or distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil which are to be retained on the premises during a temporary change in the type of distillery, as provided in Subpart CC of this part.

(53 Stat. 324; 26 U. S. C. 2850)

§ 183.627 *Locking furnace doors, etc.* When notice of suspension is given by the distiller, the storekeeper-gauger will at the time fixed in the notice lock the furnace door of each still, or the control valve in the pipe line conveying steam or fuel to each still, and will supervise the disconnection of the distillery machinery and the removal to the bonded warehouse or the cistern room of some portion of such machinery necessary to distillation. The locks used for securing furnace doors, or the control valves in steam or fuel lines, will be taken from such other place in the distillery, where locks are not necessary while the distillery is suspended, as may be designated by the district supervisor. In lieu of removing a portion of the distilling apparatus to the warehouse or other secure place, the district supervisor may require two of the ports (manheads) of column stills to be locked open by passing a chain or two iron straps through the ports and around the outside of the still, and locking the chain or straps in place.

(53 Stat. 324; 26 U. S. C. 2850)

§ 183.628 *Officer's certificate of suspension.* The officer will certify on each copy of Form 124 to the action taken by him, and will furnish one copy of the form to the distiller and forward the remaining copy to the district supervisor. The district supervisor may relieve any officer assigned to the plant from duty thereat during the period of suspension.

(53 Stat. 324; 26 U. S. C. 2850)

§ 183.629 *Mash, wort, or beer at suspended distillery forbidden.* Except as provided in § 183.630, no distiller may, after the time fixed in his notice, Form 124, for suspension of work at the distillery, carry on the business of a distiller on the said premises, or have mash, wort, or beer in his distillery or on any premises connected therewith, or have in his possession or under his control any mash, wort, or beer with intent to distill the same on said premises.

(53 Stat. 324; 23 U. S. C. 2850)

§ 183.630 *Suspension caused by unavoidable accident.* In case of an accident necessitating a suspension of the distillery for a period of more than three days, the distiller should, if possible, distill all the beer and unfinished spirits on hand before filing notice of suspension in accordance with § 183.626. Should the accident be of such a nature as to render this impossible, the distiller will immediately give notice of suspension on Form 124, in duplicate, as provided in § 183.625. The storekeeper-gauger will then lock the furnace doors of the stills or the control valves in the steam or fuel lines leading to the stills, and supervise the disconnection and removal of distillery machinery, as provided in § 183.627. The officer will then certify on Form 124, in duplicate, to the action taken by him, and state the kind and quantity, if any, of mash, beer or unfinished spirits on hand at the time of such suspension, and will furnish one copy of the form to the distiller and forward the remaining copy to the district supervisor. The district supervisor may relieve any officer assigned to the plant from duty thereat during the period of suspension.

(53 Stat. 324; 26 U. S. C. 2850)

RESUMPTION OF OPERATIONS

§ 183.631 *Notice, Form 125.* No distiller may carry on the business of a distiller after the time stated in his notice of suspension, Form 124, until he shall have given another notice on Form 125, in duplicate, to the district supervisor, stating the time when he will resume operations. This notice should be forwarded to the district supervisor a sufficient time in advance of the date it is desired to resume operations, to enable the district supervisor to assign a storekeeper-gauger to remove the locks and supervise operations. The notice should ordinarily reach the district supervisor at least 48 hours in advance of the date the distiller desires to resume operations. The district supervisor will designate an officer

to remove the locks and other fastenings placed on the equipment at the time of suspension and to supervise the connection of the machinery on the date specified in the Form 125. Where the suspension was caused by accident, and beer or unfinished spirits remained on hand, the designated officer will determine whether the same kind and quantity of beer or unfinished spirits reported on Form 124 as on hand at the time of suspension are on hand at the time of resumption, less natural evaporation.

(53 Stat. 324; 26 U. S. C. 2850)

§ 183.632 *Officer's certificate of removal of locks and fastenings.* The officer will certify on Form 125, in duplicate, to the action taken by him, and to the kind and quantity, if any, of beer or unfinished spirits on hand at the time of such resumption, and will furnish one copy of Form 125 to the distiller and forward the remaining copy to the district supervisor.

(53 Stat. 324; 26 U. S. C. 2850)

§ 183.633 *Unauthorized removal of locks and fastenings.* No revenue officer or other person may remove Government locks and fastenings and permit connection of the machinery where a distillery has been suspended, except by direction of the district supervisor pursuant to notice of resumption.

(53 Stat. 324; 26 U. S. C. 2850)

SUBPART AA—REGISTRY OF STILLS

§ 183.640 *Registry on Form 26.* Every person having in his possession or custody, or under his control, any still or distilling apparatus that is set up, must register the same on Form 26, in triplicate, with the district supervisor for the district in which it is located. Stills to be used for the production of various types of distilled spirits may be registered for "distilled spirits," and the specific type need not be shown. Thereafter, when the plant is changed from the production of one type of spirits to another, reregistration by the same distiller will not be required. The temporary suspension of a distillery does not necessitate reregistration of the stills. The operation of a distillery by alternating proprietors, where no permanent change in ownership occurs, does not require reregistration of the stills by the proprietors. When there is a change in location or use, or a bona fide change in ownership of a still, the still must be registered to reflect the change. The district supervisor will, upon approving the registration of a still on Form 26, retain one copy, forward one copy to the Commissioner, and return the remaining copy to the distiller. The distiller will retain his copy at the distillery available for inspection by Government officers.

(53 Stat. 308, as amended; 26 U. S. C. 2810)

SUBPART BB—OPERATIONS BY DISTILLER UNDER DIFFERENT TRADE NAMES OR STYLES

§ 183.645 *Commencement of operations.* Whenever a distiller desires to operate his distillery under a trade name or style which has not been previously approved, he must comply with the provisions of §183.227 and secure approval thereof in the manner prescribed by Subpart N prior to commencement of operations thereunder. Thereafter, whenever he desires again to operate under such trade name or style, he must comply with the provisions of § 183.233 and secure approval thereof in the manner prescribed by Subpart N of this part prior to commencement of operations thereunder.

§ 183.646 *Disposition of materials in process.* Whenever the distiller desires to operate his distillery under a trade name or style other than the trade name or style under which he is then operating, and has complied with the provisions of § 183.645, he will not be required to complete the distillation of mash, beer, and unfinished spirits in the process of manufacture before commencing business under such other trade name or style.

§ 183.647 *Finished spirits.* All finished spirits remaining in the cistern room at the time the change in trade name or style becomes effective must be marked and removed in the trade name or style under which they were finished. All finished spirits produced from the mash, beer, and unfinished spirits remaining on hand at the time the change in trade name or style becomes effective must be marked and removed in the trade name or style under which they are finished. The distiller will report the removal of such finished spirits on his Form 1598, on the same line covering its manufacture. A similar entry will be made by the storekeeper-gauger on Form 1686.

§ 183.648 *Records.* Separate record on Form 1598 will not be required for operations under each trade name, but the distiller must note on such record the trade names or styles under which he operated during the month and the dates of operation under each. The storekeeper-gauger will make a similar notation on his record, Form 1686. Where spirits are produced under a trade name, the storekeeper-gauger's report of gauge, Form 1520, must show both the real name of the actual distiller and the trade name under which the spirits were produced.

(53 Stat. 322, 373; 26 U. S. C. 2844, 3171)

SUBPART CC—ALTERNATE OPERATION AS INDUSTRIAL ALCOHOL PLANT OR FRUIT DISTILLERY

§ 183.655 *Qualifying for alternate operation.* Whenever a distillery established or operated under this part is to be operated alternately as such and as an industrial alcohol plant or fruit distillery, the procedure prescribed in Subpart M of this part for effecting such change in the type of the distillery must be complied with.

§ 183.656 *Completion of operation required.* When a registered distillery is to be operated as an industrial alcohol plant or as a fruit distillery, the business of producing spirits, except as provided in this subpart, must be completely finished by the person or persons first carrying on the business, and the distillery duly suspended before it can be operated as an industrial alcohol plant or a fruit distillery. Except as provided in §§ 183.657 and 183.658, all unfinished spirits, including high wines and low wines, and distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil collected in accordance with the provisions of Subpart S of this part, must be redistilled and run back to the cistern room and warehoused by the outgoing distiller. Except as provided in §§ 183.657 and 183.658, all such distillates or unfinished spirits must be disposed of before the distillery can be operated as an industrial alcohol plant or fruit distillery.

(53 Stat. 324; 26 U. S. C. 2850)

§ 183.657 *Retention of distillates.* Where the change in the type of plant is to be temporary only, and the quantity of distillates on hand contains one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil is insufficient for a carload shipment (but not over 10,000 gallons), and is to be shipped for denaturation, the outgoing distiller may retain such distillates under Government lock in heads and tails tanks in the distillery until the plant is again operated by him as a registered distillery under this part (but for not more than 60 days), if such distiller furnishes a duly executed consent of surety, Form 1533, in triplicate, continuing liability on the distiller's bond, Form 30, for the tax on such distillates retained on the premises, notwithstanding the change in the type of plant. When such distillates are so retained on the distillery premises, the district supervisor will cause a sample of the contents of each container not previously tested to be taken and analyzed to determine whether the distillate contains the required percentage of aldehydes or fusel oil.

(53 Stat. 346; 26 U. S. C. 2916)

§ 183.658 *Retention of unfinished spirits.* Where the change in type of plant is to be temporary only, the outgoing distiller may retain unfinished spirits under Government lock in unfinished spirts tanks provided in accordance with § 183.104 in the distillery until the plant is again operated by him as a registered distillery under this part: *Provided*, That such distiller furnishes a duly executed consent of surety, Form 1533, in triplicate, continuing liability on the distiller's bond, Form 30, for the tax on such unfinished spirits retained on the premises, notwithstanding the change in the type of plant.

§ 183.659 *Transfer of materials, etc.* The outgoing distiller may transfer to his successor materials on hand, including mash and beer in process, at the time the change in type of plant takes place, but no spirits may be so transferred, except the residue of spirits in the stills which it is not practicable to completely boil out: *Provided*, That materials not usable and residue of spirits in stills not producible under the law at the succeeding type of plant may not be transferred to the successor. Where such materials and residue of spirits are not transferable, all mash and beer must be distilled, all basic materials must be removed from the premises, and the stills and other vessels must be completely cleared of spirits, and such spirits, if other than distillates or unfinished spirits intended for retention in accordance with the provisions of §§ 183.657 and 183.658 removed to the receiving cisterns in accordance with law before the change in type of plant becomes effective. When it is again desired to resume operations as a distiller under this part the business of producing alcohol or brandy, as the case may be, must be similarly finished and the industrial alcohol plant or fruit distillery suspended in accordance with Regulations 3 (26 CFR, Part 182) or Regulations 5 (26 CFR, Part 184), respectively.

§ 183.660 *Transfer agreement, Form 1614.* Where the outgoing distiller and his successor so arrange for the transfer of distilling materials, the outgoing distiller will file with the district supervisor four copies of Form 1614, duly executed by himself and the prospective successor. The form will be filed in sufficient time to permit consideration thereof in connection with the transferor's notice of suspension of operations and the transferee's qualifying documents. Spirits withdrawn for redistillation from other premises may not be transferred to a successor on Form 1614. The district supervisor will, upon approval, forward one copy to the transferor and one copy to the transferee. The district supervisor will retain two copies of the Form 1614, one for the file of the transferor and one for the file of the transferee. The provisions of § 183.125 concerning the verification of Form 27–A are hereby made applicable to Form 1614.

§ 183.661 *Locking of furnace door not required.* In cases of alternate operation of the registered distillery as such and as an industrial alcohol plant or fruit distillery without lapse of time, it will not be necessary for the storekeeper-gauger to lock the furnace doors of the stills or the control valves in pipe lines which convey steam or fuel to the stills, or to require disconnection of the distilling machinery.

§ 183.662 *Completion of records.* The outgoing distiller will complete his record, Form 1598, and the storekeeper-gauger his record, Form 1686, as to the removal of basic materials from the premises, or the transfer of basic materials and mash and beer in process to the successor, as the case may be, and the removal of all spirits produced by the outgoing distiller. If the distillates collected in accordance with §§ 183.390–183.412, or unfinished spirits are retained on the premises in locked tanks as provided in §§ 183.657 and 183.658, a notation will be made on Form 1598 that such distillates or unfinished spirits are temporarily retained on the premises pending resumption of operations as a registered distillery. The storekeeper-gauger will make a similar notation on his Form 1686 for such distiller. The distiller will continue to file monthly reports on Form 1598, and the storekeeper-gauger will continue to maintain a record on Form 1686 during the period such distillates or unfinished spirits are retained on the distillery premises. Where the plant is operated as a registered distillery in two or more periods during the same month by the same proprietor, the operations of such proprietor will be recorded on the same Form 1598 and the same Form 1686, but appropriate notations will be made on the separating lines on each form to show the dates the distillery was operated as a fruit distillery or an industrial alcohol plant and the names under which it was so operated.

(53 Stat. 321, 333, 373; 26 U. S. C. 2841, 2877, 3171)

§ 183.663 *Records of successor.* The succeeding proprietor will enter all materials, including those in process, received from his predecessor on Form 1442 if the distillery is to be operated as an industrial alcohol plant, or on Form 15 if the distillery is to be operated as a fruit distillery. The materials will also be entered on form 1686 by the storekeeper-gauger if the distillery is to be operated as an industrial alcohol plant. If materials are transferred when the plant is again operated as a registered distillery, appropriate entry thereof will be made on the records of the transferor and of the transferee, and the storekeeper-gauger.

(53 Stat. 321, 333, 358, 373; 26 U. S. C. 2841, 2877, 3105, 3171)

§ 183.664 *Disposition of spirits.* Where a change in the type of plant takes place, the storekeeper-gauger in charge of the distillery will see that all distillates collected in accordance with §§ 183.390–183.412 are disposed of, and that all other unfinished spirits, except the residue of spirits in stills where the same is to be transferred to the successor as provided in §183.659, are distilled and transferred to the cistern room, unless retained in locked tanks in accordance with §§ 183.657 and 183.658, respectively, before the plant is operated as another type of distillery. Upon disposition or retention in locked tanks of such distillates or unfinished spirits, and transfer of all other spirits to the cistern room, the distillery may be operated as another type of plant, but all spirits transferred to the cistern room must be branded and removed in accordance with law by the outgoing distiller in the name under which they were produced, before any spirits are deposited in the cistern room or withdrawn from the distillery by the successor, and in any event within three days of their deposit in the cistern room.

§ 183.665 *Alternate operations by same proprietor.* Where the plant is to be operated alternately as a registered distillery under this part and as an industrial alcohol plant or fruit distillery by the same proprietor, the procedure will be the same as in the case where the succeeding type of plant is to be operated under a different proprietorship, except that in lieu of the submission of a transfer agreement on Form 1614 the distiller will, where distilling materials are to be transferred to himself at the succeeding type of plant, request authority on Part 1 of the form to make such transfer.

SUBPART DD—CHANGE OF PERSONS INTERESTED IN BUSINESS

§ 183.670 *Completion of operations required.* When a succession, or actual change, in the person or persons operating the distillery shall take place, other than a change brought about by operation of law, as by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the business of producing spirits must be completely finished by the person or persons who have been carrying on the business, and the operations suspended before the business shall be undertaken or begun by the succeeding distiller, unless by an agreement between the outgoing distiller and the successor it shall be arranged to transfer from the former to the latter, at midnight of a certain day, all mash and beer on hand, and all unfinished spirits outside the cistern room at that hour; and provided that, in either case, the notice, bond, and other qualifying documents of the successor have been approved, to take effect on the day next succeeding that at the close of which the transfer is made. Such documents should, therefore, be submitted to the district supervisor in sufficient time to permit such approval for the date desired. Except in the case of alternate operations by two or more previously qualified distillers, as provided by Subpart M of this part, the successor of a distiller shall not commence operations until all documents required for his qualification as such distiller have been approved by the district supervisor. All finished spirits on hand in the cistern room at the time of the change must be branded and removed by the outgoing distiller in the name under which they were produced before any spirits are deposited in the cistern room or withdrawn from the distillery by the successor.

§ 183.671 *Transfer agreement, Form 1614.* Where the outgoing distiller and the successor so arrange for the transfer of all mash and beer, and all unfinished spirits on hand, the outgoing distiller will file with the district supervisor four copies of Form 1614, duly executed by himself and the prospective successor. The form will be filed in sufficient time to permit consideration thereof in connection with the transferor's notice of suspension or discontinuance of operations, and the transferee's qualifying documents. Spirits withdrawn for redistillation from other premises may not be transferred to a successor on Form 1614. The district supervisor will, upon approval, forward one copy to the transferor and one copy to the transferee. The district supervisor will retain two copies, one for the file of the transferor and one for the file of the transferee.

§ 183.672 *Locking of furnace doors not required.* In such cases of succession or change in the operations of a distillery without lapse of time, it will not be necessary for the Government officer to lock the furnace doors of the stills, or the control valves on pipe lines which convey steam or fuel to the stills, or to disconnect the distilling machinery.

§ 183.673 *Records.* The outgoing distiller shall enter on his record, Form 1598, all materials and all unfinished spirits outside the cistern room transferred to his successor, who shall in turn enter such items on his record, Form 1598, as received from his predecessor.

Where the change in proprietorship is of a permanent nature, the outgoing distiller shall complete Form 1598 and submit a final report on such form to the district supervisor. Appropriate notations will be made on such final report showing the change in proprietorship and the date thereof. Where the distillery is operated under alternating proprietorships, each proprietor shall keep a separate Form 1598. When operations are conducted by the same proprietor in two or more periods during the same month, the operations by such proprietor will be entered on the same Form 1598, appropriate notations being made on the separating lines to show the names of the alternating proprietors and the dates the distillery was operated by them. The storekeeper-gauger will keep similar records on Form 1686. At the end of the month, the distiller will submit his report on Form 1598 to the storekeeper-gauger in charge in accordance with § 183.701.

(53 Stat. 321, 333, 373; 26 U. S. C. 2811, 2877, 3171)

§ 183.674 *Succession by fiduciary.* Where a change in proprietorship is brought about by operation of law, the administrator, executor, receiver, trustee, assignee, or other fiduciary may not continue the business until the required qualifying documents have been filed and approved. In the case of such change, the fiduciary shall make appropriate notation on Form 1598 of his succession, and the date thereof, and the storekeeper-gauger will make a similar notation on Form 1686.

SUBPART EE—SALES OF DISTILLED SPIRITS BY DISTILLERS

§ 183.680 *Bulk containers.* Under the regulations issued pursuant to the Federal Alcohol Administration Act (27 CFR Part 3), distillers may sell or dispose of distilled spirits in bulk, that is, containers having a capacity in excess of 1 gallon, (a) to other distillers and proprietors of internal revenue bonded warehouses, industrial alcohol plants and industrial alcohol bonded warehouses (holding permits under the Federal Alcohol Administration Act), including those operating tax-paid bottling houses; (b) to proprietors of Class 8 customs bonded warehouses (imported spirits only); (c) to rectifiers; (d) to winemakers (brandy or alcohol) for fortification of wine; (e) to any agency of the United States, or of any State or political subdivision thereof; (f) for export; (g) on warehouse receipts, conforming to the regulations issued under the Federal Alcohol Administration Act, for distilled spirits in internal revenue bonded warehouses; and (h) for industrial use, as follows: For experimental purposes, and for use in the manufacture (1) of medicinal, pharmaceutical, or antiseptic products, including prescriptions compounded by retail druggists; (2) of toilet products; (3) of flavoring extracts, sirups, or food products; or (4) of scientific, chemical, mechanical, or industrial products; provided such products are unfit for beverage use. Distilled spirits produced at 160° of proof or more may, however, upon tax-payment, as provided in §§ 183.481, 183.484, 183.489, 183.493, 183.497 and 183.501, be withdrawn for beverage purposes only. Under the regulations issued pursuant to the Federal Alcohol Administration Act, distillers may not sell in bulk for industrial use other distilled spirits produced under this part, unless such spirits are shipped or delivered directly to the industrial user thereof.

(53 Stat. 333, 335, as amended; 26 U. S. C. 2878, 2883; 49 Stat. 985, as amended; 27 U. S. C. 206)

§ 183.681 *Retail containers.* Except as provided in § 183.680, distillers may sell or dispose of distilled spirits only in containers having a capacity of 1 gallon or less. All such containers having a capacity of one-half pint or more must conform to the requirements of Regulations 13 (26 CFR, Part 175).

(49 Stat. 985, as amended; 27 U. S. C. 206; 53 Stat. 331; 26 U. S. C. 2871)

SUBPART FF—SPECIAL (OCCUPATIONAL) TAXES

§ 183.685 *Wholesale and retail liquor dealer.* Except as provided in § 183.687, distillers must, in order to sell distilled spirits, file returns on Form 11, and pay special (occupational) taxes as wholesale liquor dealers or retail liquor dealers, or both, as the case may be, in accordance with the law and Regulations 20 (26 CFR, Part 194).

(53 Stat. 388, as amended, 394; 26 U. S. C. 3250, 3270, 3271, 3272)

§ 183.686 *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every proprietor of a registered distillery who sells, or offers for sale, warehouse receipts for distilled spirits held in registered distilleries or stored in internal revenue bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where such warehouse receipts are sold or offered for sale, and must file returns and pay occupational tax as provided in § 183.685.

(53 Stat. 388, as amended, 391, 394; 26 U. S. C. 3250, 3254, 3270, 3271, 3272)

§ 183.687 *Exemption of distiller.* No distiller who has given the required bond and who sells only distilled spirits of his own production at the place of manufacture, or at the place of storage in bond, in the original packages to which the tax-paid stamps are affixed, shall be required to pay the special tax of a wholesale dealer in liquors on account of such sales. This provision does not exempt distillers from the payment of special taxes for sales of distilled spirits of their own production in bond (by warehouse receipts or otherwise), or in cases or containers other than the original packages, or for exportation, fortification of wine, use of the United States, etc., without attachment of tax-paid stamps to the original packages, nor does it exempt them from liability for special taxes where distilled spirits produced by other distillers are sold by them.

(53 Stat. 388; 26 U. S. C. 3250)

SUBPART GG—STOREKEEPER-GAUGER'S RECORDS AND REPORTS

§ 183.690 *Form 1686.* The storekeeper-gauger shall keep a daily record of the distillery operations on Form 1686. Entries shall be made as indicated by the headings of the various columns and lines on the form and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part.

(53 Stat. 333; 26 U. S. C. 2877)

SYSTEM OF FILING

§ 183.691 *Monthly records.* The storekeeper-gauger's monthly records on Form 1686 will be filed in chronological order by months and in bound form as a permanent record in the storekeeper-gauger's office, and kept available for inspection by internal revenue officers.

§ 183.692 *Gauge reports and removal applications.* The storekeeper-gauger's copy of all gauge reports covering distilled spirits removed from the distillery cistern room will be filed in the Government office at the plant in separate files according to type of withdrawal, in chronological order and where spirits are withdrawn in packages, in sequence as to the serial numbers of packages removed. The applications for removal, including those on which the storekeeper-gauger prepares his report of gauge, will be filed separately according to form number, in chronological order. The Forms 1520 covering the entry gauge of spirits deposited in an internal revenue bonded warehouse operated by the distiller on or contiguous to the distillery premises will be filed separately as a permanent record in bound form.

§ 183.693 *Reports covering deposits in warehouse operated by distiller on or contiguous to distillery premises.* The Forms 1520 covering the entry gauge of spirits deposited in an internal revenue bonded warehouse operated by the distiller on or contiguous to the distillery premises will be filed as a permanent record, in bound form, in the storekeeper-gauger's office for the warehouse in a separate file, in chronological order and in sequence to the serial numbers of the packages deposited. Where separate Government offices are maintained for the distillery and the bonded warehouse, the extra copy of Form 1520, provided in accordance with § 183.559, will be filed in the Government office for the distillery in the manner prescribed in § 183.692 for the filing of such forms covering the removal for deposit in an internal revenue bonded warehouse not operated by the distiller on or contiguous to the distillery premises.

SUBPART HH—DISTILLER'S RECORDS AND REPORTS

§ 183.700 *Record of distillery operations, Form 1598.* The distiller shall keep a daily record of the distillery operations on Form 1598. Entries shall be made as indicated by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part. Entries shall be made

on the form before the close of the business day next succeeding the day on which the transactions occur, except that summary entries will be made at the close of the month. Where the making of the entries is deferred to the next business day, as authorized herein, appropriate memoranda shall be maintained for the purpose of making the entries correctly. Form 1598 must be verified under oath (or affirmation) by the distiller or his authorized agent at the distillery: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Form 1598 will be disposed of in accordance with § 183.701.

(53 Stat. 321, 322, 328, 373; 26 U. S. C. 2841, 2844, 2859, 3171); (53 Stat. 667; 26 U. S. C. 3809)

§ 183.701 *Monthly report.* The distiller will deliver Form 1598, in triplicate, to the storekeeper-gauger on or before the 5th day of the month succeeding that for which the report is rendered. The storekeeper-gauger will examine the report, execute the certificate of the Government officer on all three copies of the form, return one copy to the proprietor, and forward two copies to the district supervisor. The proprietor will file Form 1598 at the distillery in chronological order by months and in bound form as a permanent record subject to inspection by Government officers. The district supervisor will, after audit of the report, and not later than the last day of the month succeeding that for which the report is rendered, forward one copy to the Commissioner, and retain the remaining copy.

(53 Stat. 322, 373, as amended; 26 U. S. C. 2844, 3170)

§ 183.702 *Execution of report.* The report must be signed in the same manner as the distiller's notice, Form 27–A, except that in the case of a corporation the affixing of the corporate seal will not be required. Where the reports are signed by an agent, proper power of attorney authorizing the agent to execute the reports for the distiller must be filed, in duplicate, with the district supervisor, who will forward one copy to the Commissioner.

(53 Stat. 322; 26 U. S. C. 2844)

§ 183.703 *Record of removal of bulk spirits, Form 1598.* Every proprietor of a registered distillery shall keep a daily record on Form 1598 of all bulk distilled spirits shipped from the distillery, including impure distillates removed from the distillery premises for denaturation. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form.

(53 Stat. 328; 26 U. S. C. 2859)

§ 183.704 *Record of sales at tax-paid premises, Form 52E.* Every proprietor of a distillery who maintains tax-paid premises at which tax-paid distilled spirits are received, stored, and sold in bulk, shall keep form 52E, of all spirits, both bulk and bottled, received and disposed of at his tax-paid premises: *Provided*, That if such proprietor so desires, he may keep Form 52E for bulk spirits only, and Record 52, for bottled spirits only. Where only bottled spirits are received, stored, and sold at such tax-paid premises, the proprietor shall keep Record 52 of all such spirits received and disposed of at his tax-paid premises. By tax-paid premises is meant the "tax-paid" or "free" warehouse or room maintained in conjunction with the distillery or premises maintained at other locations for the receipt, storage, and disposition of tax-paid spirits. Separate records must be kept at each of such premises.

(53 Stat. 327, as amended; 26 U. S. C. 2857)

§ 183.705 *Record of warehouse receipts to be kept by distiller.* Every proprietor of a registered distillery who sells, or offers for sale, distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts, on Form 52F. There need not be entered on Form 52F transactions in warehouse receipts not involving the purchase or sale of distilled spirits, such as the receipt from a warehouseman of warehouse receipts covering the deposit or bottling of spirits in his warehouse or the surrender of warehouse receipts for the bottling of the spirits in bond or their transfer in bond to another warehouse. Entries on Form 52F shall be made as indicated by the headings of the columns and lines of the form and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part. The provisions of § 183.707 with respect to the time of making entries, and of § 183.712 with respect to forms to be provided by users, are hereby made applicable to Form 52F. The provisions of § 183.708 with respect to a separate record of serial numbers of cases are hereby made applicable to Form 52F with respect to serial numbers of packages and cases purchased or sold by warehouse receipts. The monthly transcript on Form 52F shall be forwarded to the district supervisor on or before the tenth day of the succeeding month. The physical removal of distilled spirits from the registered distillery shall continue to be reported on Form 1598 in accordance with the provisions of § 183.703. The physical receipt and disposition of distilled spirits at tax-paid premises shall continue to be reported on Form 52E or Record 52, as the case may be, in accordance with the provisions of § 183.704.

(53 Stat. 327, as amended, 328, 391; 26 U. S. C. 2857, 2859, 3254

§ 183.706 *Place where Forms 52F shall be kept.* Every distiller shall keep Form 52F at the place of business where warehouse receipts are sold or offered for sale.

(53 Stat. 327, as amended, 328, 391; 26 U. S. C. 2857, 2859, 3254

§ 183.707 *Time of making entries.* Daily entries shall be made on Record 52 and Form 52E, as indicated by the headings of the various columns and in accordance with the instructions on the forms before the close of the business day next succeeding the day on which the transactions occur. Where the proprietor of a taxpaid premises defers the making of the entries to the next business day, as authorized herein, he shall maintain a separate record, such as invoices, of the removals of distilled spirits, showing the removal data required to be entered on Record 52 or Form 52E, and appropriate memoranda of other transactions required to be entered on such records, for the purpose of making the entries correctly.

(53 Stat. 327, as amended; 26 U. S. C. 2857)

§ 183.708 *Separate record of serial numbers of cases.* Serial numbers of cases of distilled spirits disposed of need not be entered on Record 52 or Form 52E, provided the proprietor keeps in his place of business a separate record, approved by the district supervisor, showing such serial numbers, with necessary identifying data, including the date of removal and the name and address of the consignee. Such separate record may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, and bills shall be preserved for a period of four years and in such a manner that the required information may be ascertained readily therefrom, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by revenue officers. Entries shall be made on such separate approved record before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized herein, appropriate memoranda shall be maintained for the purpose of making the entries correctly. The proprietor whose separate record has been approved by the district supervisor shall make a notation in the column for reporting serial numbers, as follows: "Serial numbers shown on commercial records per authority dated _____."

(53 Stat. 327, as amended; 26 U. S. C. 2857)

§ 183.709 *Reports.* Except as otherwise provided in this section, the proprietor shall file, daily, full and complete transcripts of Record 52 and Form 52E (Parts 1 and 2) on Forms 52A, 52B, and 52E (Parts 1 and 2) with the district supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided*, That in any case in which the district supervisor shall direct, the transcripts shall be so filed with the investigator in charge instead of with the district supervisor. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 338 or 52E:

I hereby certify that these transcripts, consisting of_____pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the district supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the

month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Record 52 and Form 52E in accordance with the provisions of section 183.707. Monthly summary reports on Form 338 (where Record 52 is kept) and Form 52E (Part 3) shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the district supervisor on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. Records kept on Record 52 and Form 52E shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

(53 Stat. 327, as amended, 328; 26 U. S. C. 2857, 2859)

§ 183.710 *Payment of tax, bottling charge, etc., by third party.* The proprietor of a registered distillery shall report, on Form 1598, Part 2, when Record 52 is kept, on Part 2 and on transcript, Form 52 B, and when Form 52E is kept, on Part 2, the name and address of each consignee, in the column now designated "Name." In the column now designated "Address," there will be reported the name and address of the person, firm or corporation paying (by advancement or reimbursement) either tax, bottling charge, brokerage fee, handling charge, or clearance fee, indicating which are included. The heading of both columns will be amended accordingly.

(53 Stat. 328, 373; 26 U. S. C. 2859, 3171)

§ 183.711 *Order by third party to ship or deliver distilled spirits.* Where the proprietor of a registered distillery ships or delivers distilled spirits to a consignee on the order of another wholesale liquor dealer, detailed records of the transactions shall be kept (a) on Form 1598, Part 2 by the proprietor of the registered distillery making the shipment or delivery, (b) on Record 52 by the wholesale liquor dealer giving the order, and (c) on Record 52 by the consignee if he is a wholesale liquor dealer. For example, assuming that the proprietor of registered distillery (A) ships or delivers the distilled spirits to consignee (C) on the order of wholesale dealer (B), entries will be made on the prescribed forms as follows:

(a) The proprietor of the registered distillery (A) will show in his Form 1598, Part 2, the name and address of wholesale dealer (B) who ordered the distilled spirits, as well as the name and address of consignee (C), the person to whom the distilled spirits are actually shipped or delivered;

(b) Wholesale dealer (B) will show in his Record 52 that the distilled spirits were purchased from distiller (A), giving both the name and address of (A), and will at the same time make an entry showing that the distilled spirits were shipped or delivered by (A) to consignee (C) giving the name and address of (C); and

(c) Consignee (C), if a wholesale liquor dealer, will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (B) and received by him from the proprietor of registered distillery (A), giving name and address of both. A copy of Form 1598 and transcripts of Record 52 on Forms 52A and 52B, required to be filed with the district supervisor, will similarly show the details of such transactions.

Where the proprietor of a registered distillery keeps Record 52, or Form 52E, and is a party to third party transactions similar to those described herein, he shall make similar entries of such transactions in Record 52, on Form 52E, as the case may be; and the transcripts on Forms 52A and 52B, or 52E, respectively, required to be filed with the district supervisor, will likewise show the details of the transactions.

(53 Stat. 328, 373; 26 U. S. C. 2859, 3171)

§ 183.712 *Forms to be provided by users.* Record 52 and Forms 52A, 52B, 52E, 52F, and 338 will be provided by users at their own expense but must be in the form prescribed by the Commissioner: *Provided*, That with the approval of the Commissioner they may be modified to adapt their use to tabulating or other mechanical equipment: *Provided further*, That where the form is printed in book form, including loose-leaf books, the instructions may be printed on the cover or the flyleaf of the book, instead of on the individual form.

§ 183.713 *Verification of reports.* Reports on Forms 52E, 52F and 338 must be filed in accordance with the instructions printed on the forms and be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for any such report contains therein a provision for verification by a written declaration that the report is made under penalties of perjury, such report shall be verified by the execution of such declaration and such declaration as executed shall be in lieu of the oath required herein for verification.

(63 Stat. 667; 26 U. S. C. 3809)

Subpart II—General Provisions Relating to Distilleries

§ 183.720 *Production of mash, wort, or wash.* No mash, wort, or wash fit for distillation or for the production of spirits or alcohol shall be made or fermented in any building or on any premises other than a distillery or industrial alcohol plant duly authorized according to law, except for the manufacture of fermented liquors or for the manufacture of vinegar.

(53 Stat. 319; 26 U. S. C. 2834)

§ 183.721 *Sale or removal of mash, wort, or wash; distillation.* No mash, wort, or wash made and fermented in any distillery or industrial alcohol plant shall be sold or removed therefrom before being distilled; and no person other than an authorized distiller or proprietor of an industrial alcohol plant shall by distillation or by any other process separate the alcoholic spirits from any fermented mash, wort, or wash, except for the manufacture of vinegar.

(53 Stat. 319; 26 U. S. C. 2834)

§ 183.722 *Operations in officer's absence.* No distiller or person employed at any distillery shall use or cause or permit to be used any material for the purpose of making mash, wort, or beer, or for the production of spirits in the absence of the storekeeper-gauger, or person designated to act as storekeeper-gauger, nor shall any spirits be removed from the distillery in the absence of the storekeeper-gauger.

(53 Stat. 320; 26 U. S. C. 2838)

§ 183.723 *Operations on Sunday.* Under the law, no malt, grain, or other material may be mashed, nor may any mash, wort, or beer be brewed or made, nor may any still be used by a distiller, at any time between 11:00 p. m. of any Saturday and 1:00 a. m. of the next succeeding Monday.

(53 Stat. 320; 26 U. S. C. 2836)

§ 183.724 *Removal of spirits at night.* Under the law, no person may remove any distilled spirits at any other time than after sunrise and before sunset in any cask or package containing more than 10 gallons from any premises or building in which the same may have been distilled, redistilled, rectified, compounded, manufactured, or stored. This provision does not forbid the removal from the distillery, under the supervision of the storekeeper-gauger, of distilled spirits by pipe line after sunset to an internal revenue bonded warehouse, or denaturing bonded warehouse, located on the distillery premises.

(53 Stat. 331; 26 U. S. C. 2870)

§ 183.725 *Use of distillery premises.* Except as otherwise provided in this part, the distillery premises must be used exclusively for the purpose of distilling.

(53 Stat. 314; 26 U. S. C. 2619)

Subpart JJ—Manufacture, Tax-Payment, Removal and Registration of Stills and Worms

§ 183.730 *General.* Whenever distillers manufacture or reconstruct stills or worms, or set up, sell, or remove stills or distilling apparatus, they must comply with Regulations 23 (26 CFR Part 181), governing the payment of special and commodity taxes, the securing of permits before setting up or removing stills and distilling apparatus, and the registration of stills and distilling apparatus set up.

Subpart KK—Locks and Seals

§ 183.735 *Furnished by Government.* Except as otherwise provided in this part, the Commissioner will furnish at the expense of the United States all Government locks and seals required to be used at distilleries. District supervisors will see that the distilleries in their respective districts are fully equipped with locks in good condition and that the necessary seals are provided for seal locks.

(53 Stat. 314; 26 U. S. C. 2820)

§ 183.736 *Where locks are required.* Government locks are required upon all necessary openings in the distillery apparatus by which access may be had to spirits in the process of manufacture from the first still in which the vapors rise until the finished spirits are deposited in the receiving cisterns; upon all doors in the cistern room; upon the control valves in pipe lines which convey steam or fuel to the stills or which convey spirits to contiguous premises; and otherwise as specifically provided by this part or where deemed necessary by the district supervisor.

(53 Stat. 314; 26 U. S. C. 2820)

§ 183.737 *Seal locks.* Seal locks will be used on the entrance door of the cistern room and the entrance door of the temporary storage room therein (if any); on the door of the Government cabinet; and on such other places where the use of seal locks is required by this part or deemed necessary by the district supervisor. Where spirits are retained overnight in the still-house, and an officer is not assigned to night duty at the distillery, seal locks will be used on the manheads of the tanks in which the spirits are so retained, and on any outlets of such tanks leading to the stills, unless the spirits are retained in the wine room, rectifying room, or other room and the entrance door of such room is secured with a seal lock.

§ 183.738 *Plain locks.* Plain locks will be used at all other places in the distillery where locks are required by this part.

§ 183.739 *Cap seals.* All unions, flanges, and other pipe connections in the distillery equipment not secured by welding or brazing or similar methods, must be securely connected and sealed with seals approved by the Commissioner. A special type of seal, serially numbered, has been approved for use in sealing unions, flanges, and other detachable pipe connections. This seal has, for the purpose of identification, been designated a "Cap" seal.

§ 183.740 *Affixing cap seals.* Cap seals must be affixed in such a manner as to prevent disconnection of the equipment without detection. No. 16-gauge copper wire will be used in applying these seals, unless the use of a different gauge of such wire is authorized by the Commissioner. The seals must be used in serial order, beginning with the lowest number. When applied initially, they will follow in consecutive order the flow of the spirits.

§ 183.741 *Custody of keys, seals and locks.* The storekeeper-gauger will keep the keys to Government locks, in use under his charge, the seals for such locks and cap seals in his custody at all times and will not permit them at any time to go into the possession of the distiller or any other person except the district supervisor or another Government officer authorized to receive them. Seals for locks and cap seals furnished storekeeper-gaugers for use at distilleries must be kept by them in the Government cabinet. Under no circumstances will storekeeper-gaugers permit locks to remain open.

(53 Stat. 314, 373, as amended; 26 U. S. C. 2820, 3170)

§ 183.742 *Breaking of sealed connections forbidden.* Sealed connections must not be broken by the distiller for any reason, except in cases of emergency and then only after notifying the storekeeper-gauger in charge or the district supervisor. Where the distiller desires to make changes in the equipment involving the breaking of a sealed connection, he will follow the procedure prescribed in § 183.257.

(53 Stat. 315, 325; 26 U. S. C. 2821, 2822, 2851)

§ 183.743 *Removal of cap seals.* Except as provided in § 183.742, cap seals which have been affixed may be removed only by a storekeeper-gauger or some other officer designated for the purpose by the district supervisor. The officer will destroy all removed cap seals in a manner sufficient to prevent their reuse.

(53 Stat. 315, 325; 26 U. S. C. 2821, 2822, 2851)

Subpart LL—Officer's Right of Entry and Examination

§ 183.750 *Entry of distillery or premises used in connection therewith.* Under the law, any internal revenue officer may at all times, as well by night as by day, enter any distillery or building or place used for the business of distilling, or used in connection therewith for storage or other purposes, and, if not admitted upon demand, having declared his name and office, he may break open any doors or windows or break through any of the walls of such premises necessary to be broken to enable him to enter.

(53 Stat. 317; 26 U. S. C. 2827)

§ 183.751 *Authority to break up grounds or walls.* Under the law, any internal revenue officer, and any persons acting in his aid, may break up the ground on any part of the distillery or premises of a distiller, or any ground adjoining or near any such distillery or premises, or any wall or partition thereof, or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil, and upon finding any pipe or conveyance leading from or to the distillery premises to break up any ground, house, wall, or other place through or into which such pipe or conveyance leads, and to break or cut away such pipe or other conveyance.

(53 Stat. 318; 26 U. S. C. 2830)

§ 183.752 *Examination of worm tubs.* Under the law, any internal revenue officer may require the water in any worm tub to be drawn off and the tub and worm cleansed at any time when the still is not at work, and the water must be kept out of the worm tub for two hours or until the officer has finished his examination.

(53 Stat. 321; 26 U. S. C. 2839)

§ 183.753 *Distillers to furnish assistance.* Under the law, on demand of any internal revenue officer, every distiller shall furnish convenient ladders to enable the officer to examine any vessel or utensil in his distillery, and shall furnish all assistance, lights, tools, or other things necessary for inspecting the premises and apparatus, and shall open all doors, boxes, packages, and all casks, barrels, and other vessels not under the control of the Government officer in charge thereof.

(53 Stat. 317; 26 U. S. C. 2828)

Subpart MM—Rules for Computing Capacity of Stills

§ 183.760 *Pot or kettle stills.* The estimated maximum capacity in proof gallons of distilled spirits capable of being produced every 24 hours, which is required to be shown on the distiller's notice, will be computed as follows: The working capacity of pot or kettle stills will be determined by multiplying 80 percent of the cubic capacity of the still by the maximum number of boilings that can be made in 24 hours and then multiplying this result by the percent of alcohol by volume contained in the highest yielding material to be used in distillation. This result will represent the quantity of wine gallons of absolute alcohol that can be distilled in 24 hours. This quantity, when multiplied by 2, will represent the number of proof gallons. For example, if a pot still having a cubic capacity of 2,000 gallons is used, and such still can be charged three times in eight hours, and the highest percentage of alcohol by volume in the distilling material to be used is 8 percent, the spirit-producing capacity of the still will be computed as follows: $2{,}000 \times 0.8 \times 9 \times 0.08 \times 2 = 2{,}304$ proof gallons. (The quantity that can be distilled in 24 hours.)

(53 Stat. 309; 26 U. S. C. 2812)

§ 183.761 *Charge chamber stills.* The estimated maximum capacity in proof gallons of distilled spirits capable of being produced every 24 hours, which is required to be shown on the distiller's notice, will be computed as follows: Where a charge chamber still is used, the estimated maximum quantity of distilled spirits in proof gallons capable of being produced will be determined by multiplying 80 percent of the cubic capacity of the top or charge chamber of the still by the number of times the same can be filled and emptied in 24 hours. This result will represent the total number of gallons of distilling material that can be distilled in 24 hours, which quantity will be multiplied by the percent of alcohol by volume contained in the highest yielding material to be used. The result of such computation will represent the number of wine gallons of absolute alcohol that can be distilled in 24 hours. This quantity, when multiplied by 2, will represent the number of proof gallons. For example, if a charge still is used having a charge chamber of a cubic capacity of 600 gallons which can be charged three times in one hour, and the highest percentage of alcohol by volume in the distilling material to be used is 8 percent, the spirit-producing capacity will be computed as follows: $600 \times 0.8 \times 3 \times 24 \times 0.08 \times 2 = 5{,}529.6$ proof gallons. (The quantity that can be distilled in 24 hours.)

(53 Stat. 309; 26 U. S. C. 2812)

§ 183.762 *Continuous stills.* The estimated maximum capacity in proof gallons of distilled spirits capable of being produced every 24 hours, which is required to be shown on the distiller's

notice, will be computed as follows: If continuous stills are used, the maximum spirit-producing capacity in proof gallons of such stills will be computed on the area of the column in square feet. The first step will be to determine the inside diameter of the still at its base and the diameter will then be divided by 2 to ascertain the radius. The diameter may be determined (1) by accurately measuring the inside width of the still with a rod or tape, or (2) by measuring the outside circumference of the still and dividing the same by 3.1416 and deducting from the quotient twice the thickness of the sides of the still. The radius (in feet) will be squared and then multiplied by 3.1416 (Pi) to ascertain the area of the column in square feet. The area in square feet will be multiplied by the factor, 40 (the number of gallons of 100 proof spirits that can be distilled in 1 hour per square foot of plate area), and the result will represent the total number of gallons of 100 proof spirits that can be distilled in 1 hour. This quantity will be multiplied by 24 to determine the number of gallons of 100 proof spirits that can be distilled in 1 day. For example, if a continuous still having a diameter of 4 feet is used, the spirit-producing capacity will be computed as follows: $2\times2\times3.1416\times40\times24=12,063.74$ proof gallons. (The quantity that can be produced in 24 hours.)

(53 Stat. 309; 26 U. S. C. 2812)

3. The purposes of the regulations are as follows:

(a) To conform to Public Law 448—81st Congress (H. R. 5486);

(b) To delegate to district supervisors the authority to approve the establishment of registered distilleries;

(c) To incorporate the regulations relating to the gauging of distilled spirits at registered distilleries, now contained in the Gauging Manual (26 CFR Part 186) but which are being deleted from the current revision of such manual;

(d) To liberalize requirements pertaining to tanks now required to be of uniform dimensions;

(e) To provide for the weighing of spirits transferred by pipe line to a warehouse operated by the distiller on the distillery premises or on premises contiguous thereto, either in the cistern room or in the warehouse;

(f) To simplify the procedure relating to alternating proprietorships and types of plants;

(g) To prescribe in lieu of an oath a declaration, subject to the penalties of perjury, for the following forms;

Form 26, "Registry of Stills"
Forms 52E, "Monthly Record and Report of Importer or Proprietor of Tax-paid Premises"
Form 52F, "Wholesale Liquor Dealer's Monthly Record and Report of Purchases and Sale of Warehouse Receipts for Distilled Spirits"
Form 338, "Wholesale Liquor Dealer's Monthly Report";

(h) To effectuate other changes of a technical nature designed to clarify the present regulatory procedure;

(i) To rearrange the text to conform to the Federal Register Regulations (5 F. R. 1245).

Effective date. The provisions of this part shall be effective September 1, 1950.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: August 9, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-7036; Filed, Aug. 9, 1950; 4:30 p. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of Industry and Commerce

[5th General Revision of Export Regs., Amdt. 11]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

SHIPMENTS ORIGINATING IN JAPAN

1. Section 370.10 *Shipments entering foreign trade zones* is amended to read as follows:

§ 370.10 *Shipments entering foreign trade zones*—(a) *General provisions.* Except for the commodities listed in § 371.9 (c), commodities wholly of foreign origin and for which no customs entry has been made with a collector of customs may be exported from a foreign trade zone without a license from the Department of Commerce.

(b) *Shipments originating in Japan.* Shipments of Positive List commodities (§ 399.1) originating in Japan (excluding the commodities listed in § 371.9 (c)) and moving through the United States may be exported from a foreign trade zone without a license from the Department of Commerce only when exported to the country of ultimate destination named in the bill of lading covering the shipment from Japan or when exported to a country of ultimate destination to which the same commoditiy could be exported from the United States under general license GO. In every such case, United States collectors of customs shall require production of either an original or true copy of the bill of lading to establish that the shipment is exportable from the foreign trade zone without a license.

2. Section 371.9 *General in-transit license GIT* is amended in the following particulars:

Paragraph (b) *Special provisions for shipments originating in Canada* is amended in the following particulars:

a. The headnote is amended to read as follows: "(b) *Special provisions.*"

b. The first paragraph is designated as subparagraph (1) and a headnote is added to read as follows: "(1) *Shipments originating in Canada.*"

c. A new subparagraph (2) is added thereto to read as follows:

(2) *Shipments originating in Japan.* The provisions of this general license GIT are not applicable to shipments of Positive List commodities (§ 399.1) originating in Japan and moving in transit through the United States unless the exportation from the United States is to the country of ultimate destination named in the bill of lading covering the shipment from Japan. In every such case, United States collectors of customs shall require production of either an original or true copy of the bill of lading to establish that the shipment is exportable under the provisions of this general license.

NOTE: Shipments of Positive List commodities which originate in Japan require a validated license for export from the United States unless exportable under the provisions of this general license GIT or of general license GO (See § 373.14.) For exportations of such commodities from foreign trade zones, see § 370.10.

3. Part 373 *Licensing policies and related special provisions* is amended by adding thereto the following section:

§ 373.14 *Special provisions for certain commodities originating in Japan.* Shipments of Positive List commodities (§ 399.1) which originate in Japan and are not exportable from the United States under general in-transit license GIT, or general license GO, or under the provisions of § 370.10, relating to shipments from foreign trade zones, require a validated license for export. Applicants for licenses to export such commodities must disclose, in item 9 (b) of form IT-419, that the commodities originated in Japan; and the application must be accompanied by a true copy of the bill of lading covering the shipment of the commodities from Japan.

This amendment shall become effective as of August 10, 1950.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Issued this 10th day of August 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50-7083; Filed, Aug. 14, 1950; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Corrected S. O. 860, Amdt. 1]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS, TO TRANSPORT FRUIT AND VEGETABLE CONTAINERS AND BOX SHOOKS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of August A. D. 1950.

Upon further consideration of Corrected Service Order No. 860 (15 F. R. 5081), and good cause appearing therefor: It is ordered, that:

Section 95.860 *Substitution of refrigerator cars for box cars, to transport fruit and vegetable containers and box shooks,* of Service Order No. 860 be, and it is hereby further amended by substituting the following paragraph (a) (1) for paragraph (a) (1) thereof:

(a) (1) Except as provided in paragraph (a) (2), common carriers by railroad subject to the Interstate Commerce Act transporting fruit and vegetable containers, box shooks or other packaging or packing materials, in carloads, from origins located in the States of Washington, Oregon or California, to destinations in the State of California and between origin points and destination points wholly within the State of Washington may, at their option, furnish and transport not more than three (3) refrigerator cars of FGEX, WFEX, BREX, PFEX, SFRD or NP ownership, in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

Effective date. This amendment shall become effective at 11:59 p. m., August 10, 1950.

It is further ordered that a copy of this amendment and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7085; Filed, Aug. 14, 1950; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 920]

[Docket No. AO-221-R01]

HANDLING OF IRISH POTATOES GROWN IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW HAMPSHIRE, AND VERMONT

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), hereinafter called the "act". Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and the proposed marketing order (hereinafter called the "order") were formulated, opened at West Springfield, Massachusetts, April 17, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 1809). The hearing was recessed April 20, 1950, and reopened June 20, 1950, following notice of such reopening published in the FEDERAL REGISTER (15 F. R. 3191). The original notice set forth a proposed marketing agreement and order which was submitted to the Secretary of Agriculture by growers and shippers in the States of Massachusetts, Rhode Island, Connecticut, and New Hampshire, as represented by the Potato Advisory Committees of the respective States, with a petition for a hearing thereon. The Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture, proposed amendments to the aforesaid proposed marketing agreement and order to include the State of Vermont and to establish such State as a district within the proposed production area.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to accomplish the declared objectives of the act;

(3) The identity of the persons and transactions to be regulated;

(4) The definition of the commodity and determination of the smallest regional production area to be affected by the proposed regulatory program;

(5) The specific terms and provisions of the proposed marketing agreement and order necessary and incidental to attain the declared objectives of the act, including, among others, those applicable to:

(a) The establishment of, maintenance, composition, powers, duties, and operation of the administrative agency;

(b) The method for limiting shipments of Irish potatoes grown in the production area:

(c) The establishment of minimum standards of quality and maturity;

(d) The handling under special regulations, under certain circumstances, and the procedure applicable thereto, of specified shipments of Irish potatoes grown in the production area;

(e) The relaxation of regulations in hardship cases and the procedure applicable thereto; and

(f) The requirement that all handling of Irish potatoes grown in the production area must be in accordance with the provisions of the marketing agreement and order, and that inspection and certification of shipments of such potatoes and the payment of assessments must be accomplished in connection therewith.

Findings and conclusions. The findings and conclusions on the aforesaid material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) A substantial percentage of the Irish potatoes grown in the proposed production area normally enters the current of interstate or foreign commerce, and virtually all of the remainder of such potatoes are consumed as table stock potatoes within the State where produced, or are used for so-called diversionary purposes. The market for potatoes grown in the production area is regional in scope and prices for such potatoes at markets both within and outside each of the respective States and the production area are closely related to each other and to f. o. b. shipping point prices within the respective States and the production area. Every movement and sale of such potatoes, whether to a market within or outside the State of production, or the production area, affects the price structure for all potatoes grown in the production area. The mere availability of a surplus of such potatoes in the production area, which could move or be sold to satisfy market demands, tends to decrease the prices in all markets for all potatoes grown in the production area.

Shipments and sales of potatoes grown in any one of the States within the production area may be scheduled originally for delivery to markets within such State, or the production area, respectively, and then be diverted en route to markets outside of the State or the production area. Conversely, such potatoes, destined originally for out-of-State markets, within or outside of the production area, may be diverted en route to markets within the State of origin or to markets within the production

area. The movement and sale of such potatoes to markets within each of the respective States, to markets within and outside the production area are, therefore, inextricably intermingled.

It is concluded, therefore, that (i) all transportation and sale (except retail sales) of Irish potatoes grown in the production area are either in the current of interstate or foreign commerce, or directly burden, obstruct, or affect such interstate or foreign commerce, and (ii) it is impractical to regulate effectively the transportation and sale of such potatoes without regulating all transportation and sale thereof, except to the extent hereinafter indicated.

(2) Effective January 1, 1950, parity prices for Irish potatoes are to be computed in accordance with the provisions of the Agricultural Act of 1948 and the Agricultural Act of 1949.

Seasonal average farm prices in the production area have been below parity during the past four seasons. During the four seasons it has been necessary to make extensive Government purchases throughout the production area to carry out the price support commitment. Purchases representing 20 percent of the crop in the production area were made in supporting prices at 60 percent of parity during the 1949 crop marketing season. Therefore, it is anticipated that seasonal average farm prices received by growers in the production area for potatoes produced in 1950 will not exceed the prescribed parity level.

The availability of supplies of Irish potatoes in excess of all market demand therefor tends to decrease the grower's average returns from all of such potatoes. Withholding the poorer grades, and undesirable qualities and sizes of such potatoes from such markets tends to equalize market supply and the demand therefor, and tends to increase the grower's average returns for all Irish potatoes. Poor grades, undesirable qualities, and undesirable sizes of Irish potatoes available for sale in wholesale markets sell at appreciable discounts from the sale price of the better grades and desirable qualities and sizes of such potatoes, and the former not only displace the latter to a considerable extent, but the former give poor consumer satisfaction, resulting in an over-all decreased consumption of Irish potatoes. Grade, quality, and size discounts in wholesale prices of Irish potatoes are reflected in similar discounts in grower returns therefor. Similarly, decreased consumption of Irish potatoes of all grades, qualities, and sizes, decreases grower returns from such potatoes.

Poorer grades, undesirable qualities, and undesirable sizes of Irish potatoes are frequently marketed in a manner designed to indicate that such potatoes are of desirable grades, qualities, and sizes, which results in consumer dissatisfaction, confusion relevant to Irish potato values, and generally chaotic marketing conditions.

Therefore, it is concluded that a marketing agreement and order is necessary to regulate the transportation and sale of Irish potatoes grown in the production area, to establish and maintain such orderly marketing conditions therefor as will tend to establish parity prices for such potatoes. The marketing agreement and order should contain provisions for the establishment and maintenance of such minimum standards of quality and maturity and such grading and inspection requirements for Irish potatoes grown in the production area as will effectuate orderly marketing thereof in the public interest, because, even though prices received by farmers for such potatoes exceed parity, some potatoes of poor quality do not, under any circumstances, represent value to the consumers thereof, and the returns to the farmers therefrom are negligible.

(3) (a) The act authorizes the regulation of such handling of Irish potatoes grown in the production area as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce. (Such handling is hereinafter called "in commerce.") The marketing agreement and order should regulate such handling solely to effectuate the declared policy of the act. It is essential, as a basis for such regulation, that the marketing agreement and order define a "handler," so that persons to be regulated thereunder will have notice thereof.

Common or contract carriers transporting Irish potatoes (grown in the production area and owned by another person) to market are performing a normal handling function in commerce but such handling should not be regulated under the marketing agreement and order for the reason that such carriers are not responsible for the grade, quality, and size of the commodity so transported, are not responsible for the introduction of such commodity in commerce, and their sole interest in such commodity is to transport it to destinations selected by others for a service charge. The responsibility for the grade, quality, and size of the commodity delivered to such common and contract carriers should be borne by the person or persons responsible for delivering such commodity to such carriers.

Other handling functions with respect to such potatoes, which should be regulated under the marketing agreement and order are hereinafter considered in connection with a definition of "ship", and the definition of "handler" should be synonymous with "shipper" because regulation of the handler performing any of such functions is necessary under the marketing agreement and order to effectuate the declared policy of the act. Therefore, the term "handler" or "shipper" should be defined to mean any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

(b) Processing activities (such as storing, packing, washing and grading) with respect to Irish potatoes are handling functions in commerce. However, it would be impracticable, if not impossible, to require persons engaged in such activities to meet grade, quality, and size requirements, under regulations issued pursuant to the marketing agreement and order, prior thereto except as hereinafter indicated. Therefore, such handling activities should be exempt from regulation under the marketing agreement and order. Such exemption should be limited to storing, washing, packing, grading, and other preparatory handling functions accomplished in the production area because such activities are customarily accomplished therein. After the grading has been accomplished in connection with such potatoes, the handling activity of transporting them to market should be subject to regulation, under the marketing agreement and order, because the grade, quality, and size of such potatoes are determined by the grading process accomplished prior to such transportation and such transportation in commerce can then be limited, on a practical basis, to such grades, qualities, and sizes of such potatoes as will tend to effectuate the declared policy of the act.

Sales of Irish potatoes, grown in the production area, in commerce are handling transactions which should be subject to regulation under the marketing agreement and order because such sales are generally made on the basis of grades, qualities, and sizes or any combination thereof; and because such sales introduce or continue such potatoes in commerce. Therefore, if such sellers fail to meet the requirements of regulations issued under the marketing agreement and order they should be responsible, except as hereinafter indicated, for such introduction or continuation of the potatoes in commerce. However, if a producer of Irish potatoes, grown in the production area, sells such potatoes to a recognized packer in the production area on a field run or grade-out basis, such sale by the producer does not constitute a handling transaction in commerce. Under such state of facts, the sale from the producer to the recognized packer does not place the potatoes in commerce and the customary contemplation of the parties is that prior to their introduction in commerce. However, if a producer of Irish aforesaid for market. It is necessary to restrict the scope of this producer-packer sale to packers operating processing facilities in the production area because such restriction conforms to customary practice therein.

However, if a producer of Irish potatoes, grown in the production area, sells such potatoes grown by him to an itinerant trucker, or any other person, for transportation to market without prior processing, such potatoes are thereby placed in commerce at the time of such sale and the producer, under such circumstances, is the first handler of such potatoes. It may be assumed under such circumstances, that the producer intended that the potatoes would be placed in commerce at the time of such sale and, therefore, he should be held responsible for any failure of the commodity so sold to meet such grade, quality, and size requirements as may be in effect under the marketing agreement and order at the time of such sale.

Irish potatoes grown in the production area and consigned or otherwise placed in commerce should be considered in the same category as potatoes sold in commerce because the former activities are merely different methods of selling potatoes. Such potatoes should also meet the minimum grade, quality, and

size requirements in effect under the marketing agreement and order at the time they are so introduced into commerce to effectuate the declared policy of the act. The consignor or individual otherwise placing such potatoes in commerce should, therefore, be subject to regulation.

Irish potatoes grown in the production area are frequently transported, sold, or otherwise placed or continued in commerce by more than one person. Each of such persons is responsible for introducing or continuing such potatoes in commerce and, therefore, each of such persons should be required to conduct such handling activities in accordance with applicable grade, quality, and size regulations under the marketing agreement and order, to effectuate the declared policy of the act.

It is concluded, therefore, that "ship" should be defined in the marketing agreement and order to include and be applicable to all of the handling functions which must be subject to regulation to effectuate the declared policy of the act, that such definition should be synonymous with "handle," and that "ship" should mean to transport, sell, or in any other way to place potatoes in the current of commerce within the production area, or between the production area and any point outside thereof: *Provided*, That the definition of "ship" or "handle" shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area for storing, or the sale or transportation of potatoes to a recognized dealer or packer within the production area for the purpose of having such potatoes prepared for market.

(4) (a) It is necessary to define the commodity to be regulated by the marketing agreement and order so that persons handling such commodity will know that their handling activities relevant thereto are subject to regulation thereunder. The act authorizes marketing agreements and orders applicable to potatoes, or to any regional or market classification thereof. Irish potatoes of all varieties grown in the production area is a regional classification of potatoes and regulation of the handling thereof will tend to effectuate the declared policy of the act. It is concluded, therefore, that "potatoes" should be defined to mean all varieties of Irish potatoes grown in the production area.

(b) A definition of "production area" is incorporated in the marketing agreement and order to specify and delineate the area in which potatoes must be grown before the handling thereof is subject to regulation. Potatoes are grown commercially in practically all counties within the production area. Production tends to be concentrated, however, in particular counties or portions thereof where soil, climate, topography, type of farming, and other factors are most favorable for potato production. The outstanding example of such concentration to be found within the production area is the Connecticut Valley section traversing western Massachusetts and Connecticut. Other examples are the Washington County and Newport County sections in Rhode Island. There are, in addition, numerous other localities scattered throughout the production area where commercial potato production exists and where environmental factors are favorable for further development. These areas, although relatively small in comparison with the Connecticut Valley section, in the aggregate comprise an important segment of the potato industry in the production area.

Potatoes from the counties of lesser commercial importance compete, both directly and indirectly, in the markets and influence prices received for potatoes grown in the major producing counties of the production area. Buyers frequently discount the prices paid for "locally grown potatoes" from the production area, in comparison with prices for "shipped-in potatoes," because they cannot rely in many instances on the grades and sizes packed and offered for sale by the local producer. The presence in the markets of off-grade and undesirable sizes of potatoes from sources within the production area also discourages buyers from purchasing and paying premium prices for the better grades and more desirable sizes of potatoes, thus bringing about lower prices generally for potatoes produced in the production area. To correct such undesirable marketing conditions it is necessary to provide for regulation under the marketing agreement and order of all potatoes grown in the production area.

Exclusion of the early producing areas, such as New Haven and Fairfield Counties, Connecticut, and Newport County, Rhode Island, from the production area is not warranted because potatoes from these counties compete in the markets with potatoes from other portions thereof. The combination of an early season and an early maturing variety, Irish Cobbler, enables growers in these counties to begin marketing ahead of growers in most of the other counties within the production area. The Irish Cobbler, however, is grown extensively in other portions of the production area such as Hartford and Tolland Counties, Connecticut, and Hampden, Hampshire, and Franklin Counties, Massachusetts. Later on in the season, Irish Cobblers from these latter counties enter into direct competition with such potatoes from New Haven and Fairfield Counties.

Production, harvesting, and marketing conditions and methods are essentially the same throughout the production area. Such differences in these factors as do exist, for example, in such counties as New Haven and Fairfield in Connecticut, and Newport in Rhode Island, are not of such magnitude as to justify, on the basis of reasons stated herein, the exclusion of any portion of the production area from regulation under the marketing agreement and order.

The marketing agreement and order makes ample provision for meeting the particular problems of administering the program in such areas in an equitable manner. The same or similar varieties of potatoes are grown throughout the production area and potatoes from each part thereof compete in markets both within and outside the area during each season. Exclusion of any portion of the production area from regulation under the marketing agreement and order would make the operation of such program unreasonably difficult and impractical. Therefore, the production area, hereinafter defined, constitutes the smallest practicable regional production area.

(5) It is necessary to define the terms hereinafter set forth, so that their applicability and meaning may be established and to preclude the necessity for redefining them when they are later used in the marketing agreement and order. The definitions of Secretary, act, person, producer, and varieties, as set forth in the notice of hearing, were not in controversy at the hearing. These terms are generally understood by members of the potato industry in the production area and the use of such terms in the marketing agreement and order is essential as the basic framework thereof.

A definition of "fiscal year" is incorporated in the marketing agreement and order to establish the beginning and end of an operating period. The establishment of such period, which should comprise a full twelve months, is necessary for businesslike administration of the marketing agreement and order and is desirable as a basis for establishing the terms of office of committee members and alternates. The date marking the end of one fiscal year and the beginning of the new should fall at a time of relative inactivity in the marketing of the potato crop and should allow sufficient time for the committee to organize and be prepared to function prior to the start of the new marketing season. Marketing of the potato crop grown in the production area begins about July 1 of each year and is completed prior to June 1 of the following year. June 1 of each year is, therefore, an appropriate date for establishing the end of one fiscal year and the beginning of the new. Fiscal year should be defined, therefore, as hereinafter set forth.

A definition of "committee" is incorporated in the marketing agreement and order to identify the administrative body which acts as agent of the Secretary. Such committee is authorized by the act and the definition thereof, as hereinafter set forth, minimizes the use of words in the marketing agreement and order.

Definitions of "seed potatoes," "table stock potatoes," "consumer pack" and "wholesale pack" are incorporated in the marketing agreement and order because regulation is provided, under certain circumstances, differently for each. Special regulation for seed potatoes is justified because such potatoes are produced for a specialized use and the requirements of the seed market differ, in some respects, from that of the table stock market. For example, potatoes of small size are ordinarily discounted in the table stock market but may bring a premium in the seed market. The term "seed potatoes" should be defined to include such potatoes as are certified, tagged, or otherwise appropriately identified by the official seed certifying agency of the States of Massachusetts, Connecticut, New Hampshire, Rhode

Island and Vermont, or such other seed certifying agency as the Secretary may recognize. Table stock potatoes should be defined as all potatoes other than seed potatoes. The sum total of the table stock and seed potatoes so defined will equal "potatoes," otherwise defined in the marketing agreement and order. Definitions of "wholesale pack" and "consumer pack" are incorporated in the marketing agreement and order because regulation is provided, under certain circumstances, differently for each. The definition of "consumer pack" should include all potato packs which are prepared for ultimate sale by the retailer to the consumer in the original container. The definition of "wholesale pack" should include all potatoes which are normally dumped into bins at the retail store. In practice, the distinction between the two types of packs rests on the capacity of the container. Consumer packs commonly in use in the production area consist of 5, 10, and 15 pound bags, while wholesale packs consist of 50 and 100 pound bags. The demarcation between consumer and wholesale packs should be drawn at a specified weight rather than by naming the individual container which should fall in each category. The possible introduction of containers differing in size from those now in use makes the latter approach impractical. A net weight of 50 pounds of potatoes appears to be an appropriate dividing line between the two types of packs. Consumer pack and wholesale pack should be defined, therefore, as hereinafter set forth.

Definitions of "grade" and "size" are incorporated in the marketing agreement and order to enable all persons affected thereby to determine the requirements thereof and to interpret specifically and intelligently regulations issued in such terms. Grade and size, the essential terms in which regulations may be issued, should be defined as comprehending the equivalents of the meanings assigned to these terms in the official standards for potatoes issued by the United States Department of Agriculture or modification or amendment of such standards. Regulations under the marketing agreement and order can then use such terms (grade and size) with the constant meaning assigned thereto in such standards, or such modification or amendment of such terms as may be effected through amendment of such standards, or such variation of such terms as may be required at the time of regulation and spelled out in the regulation. Official inspectors are qualified to certify to the grade and size of potatoes, grown in the proposed production area, in terms of any one of the aforesaid standards, or modification, amendment, or variation thereof. The provision set forth in the notice of hearing for defining grade and size in terms of standards for potatoes issued by the State from which the potatoes are shipped is unnecessary and is, therefore, not included in the marketing agreement and order.

A definition of "export" is incorporated in the marketing agreement and order because different regulations thereunder are authorized for export shipments than for domestic shipments. Export markets have certain requirements which differ from the domestic market and special regulations are, therefore, justified. Export should be defined to include all shipments of potatoes outside of the continental United States.

A definition of "district" is incorporated in the marketing agreement and order to delineate the geographical divisions of the production area for the purpose of electing nominees for membership on the committee. The production and marketing problems within each of the established districts are similar and election of committee nominees on such basis will afford equitable representation to all producers in the production area. District should be defined, therefore, as hereinafter set forth.

(a) The marketing agreement and order should provide for the selection by the Secretary of an administrative committee, called the New England Potato Committee, composed of fifteen producer members. Establishment of this committee is desirable and necessary to aid the Secretary in carrying out the declared policy of the act and such committee is authorized by the act. The notice of hearing provided for a committee of 20 members, of whom at least 15 members should be producers and not more than five members should be handlers. Inasmuch as most producers within the proposed production area also perform handler functions and are familiar with marketing conditions for potatoes, no useful purpose would be served by providing for handler representation, as distinct from producer representation, on the committe. Provision should be made for an alternate for each member of the committee because circumstances may arise when it is impossible for a member, or members, to attend particular meetings of the committee and where positions are vacant because of death, resignation, or for other reasons. In such situations it is necessary and desirable for the respective alternate to act in lieu of the member, so that there will be no interruption of committee operations and to assure that committee activities will be representative of the thinking of all segments of the potato industry in all districts of the production area. Such alternates should have the same qualifications as the members if the alternates are to represent the same industry interests as such members. A committee of fifteen members will be sufficiently small to permit it to operate in an efficient manner and at the same time, on the basis of the division of the production area into districts and representation therefrom, will be of sufficient size to give adequate representation to all producers and handlers in the production area.

Members, and their respective alternates, selected to represent a district should be producers (or officers or employees of corporate producers), in such district, and residents therein. Persons with such qualifications will be intimately acquainted with the particular problems of producing and marketing potatoes grown in such district and for that reason can be expected to present accurately the views, problems, and economic conditions of producers and handlers in such districts with respect to committee actions.

A nomination procedure is provided in the marketing agreement and order to assure the Secretary that the names of appropriate prospective members and alternates will be brought to his attention. The nomination of prospective members and alternates by producers at meetings in the respective districts is a practical method of providing the Secretary with names of such members and alternates. Such procedure will insure that the Secretary has available a list of nominees whose qualifications have been reviewed by and acted upon by members of the industry.

The Secretary may appropriately select initial committee members and alternates from nominations which may be made by producers, or groups thereof. However, the New England Potato Committee, hereinafter called the "committee", does not come into existence until selection by the Secretary of the initial committee; therefore, the marketing agreement and order should provide for the selection of said initial committee in the absence of nominations.

Nomination meetings for the purpose of nominating succeeding members of the committee and their alternates should be held or caused to be held by the committee sixty days prior to the end of each fiscal year. By holding, or causing to be held, nomination meetings 60 days prior to the end of each fiscal year, the committee would have adequate time to prepare and submit nominee lists to the Secretary in time for the Secretary to select the members and alternates to take office at the beginning of the new fiscal year, and, in the event a selectee declines to serve, for the Secretary to make another appointment.

At least two nominees should be designated for each position as member, and each position as alternate member, so that the Secretary will have a choice in making his selection and, in the event a selectee declines to serve, so that he will have the names of other prospective members or alternates from which to make another appointment.

Nominee lists should be supplied to the Secretary in the manner and form prescribed by him to establish administrative uniformity in the handling of such matters. Such nominations should be presented to the Secretary at least 30 days prior to the end of the fiscal year so that the selection and qualification of the members and alternates for the new term of office which begins with the new fiscal year may be made prior to such date.

Each producer should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives, in designating nominees for producer committee members and alternates regardless of the number of districts in which he produces potatoes. Voting on any other basis would not provide for equitable representation. If a producer could cast more than one vote by reason of operating in more than one district, such producer would have an advantage in selecting nominees over producers operating in only one district. Likewise, if more than one vote was permitted, a few large producers could dominate the elections and nominate producers not favored by a majority of producers. The producer who operates in more than one district should be permitted to elect, from among the districts in which he produces potatoes, the district in which he shall vote in order that he may cast his ballot for nominees for producer committee members and alternates where he believes his main interest lies. The one-vote limitation applies to any one producer position to be filled at a nomination meeting. Each producer is allowed one vote for each such producer position as a committee member and each such producer position as a committee alternate to be filled at a nomination meeting.

In order that there will be an administrative agency in existence at all times to administer the marketing agreement and order, the Secretary should be allowed to select committee members and alternates without regard to nominations if the committee, for any reason, fails to carry out the nomination procedure prescribed. Such selection, however, should be on the basis of the representation provided in the marketing agreement and order to insure that the entire production area is fairly and adequately represented.

Any person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of willingness and intention to serve in such capacity. Each person selected as a committee member or alternate should qualify, so that the Secretary will have a means of determining if he intends to serve. This is sound operating procedure and is necessary and desirable to avoid delays in the composition of the committee. For this same reason, each member and alternate should file his acceptance within a definite time period after receiving notice of his selection. The ten-day period prescribed is reasonable for qualification and will not unduly retard composition of the committee.

Provision is made for the Secretary to fill any committee vacancies in order to maintain continuity of committee operation. The marketing agreement and order provide several alternative procedures which may be followed by the Secretary in making such selections. The administrative flexibility thus prescribed is desirable so that the Secretary will not be forestalled in making such selections and so that he may choose the most practical of the alternative means of obtaining the names of qualified persons to fill such vacancies. The Secretary should have authority to select persons to fill committee vacancies from nominations made at producer meetings. Practical considerations, however, may preclude the holding of special nomination meetings for this purpose. For example, a vacancy might occur during the height of the potato planting or harvesting season when it would be difficult for the committee to secure an adequate and representative attendance at meetings. It is therefore, appropriate that the Secretary should be authorized to make selections to fill vacancies from the nominee list last submitted by the committee prior to the occurrence of the vacancy.

It is also desirable and necessary that the Secretary should be authorized to fill committee vacancies without regard to nominations if the names of nominees to fill any such vacancy are not made available to the Secretary within thirty days after such vacancy occurs. The Secretary should have recourse to such means of filling vacancies in order to maintain continuity of committee operation and to insure that all portions of the production area are adequately represented in the conduct of committee business.

The term of office of committee members and alternates, except for initial members and alternates, should be for two years. A two-year term is desirable so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service in assisting the Secretary in carrying out the declared policy of the act. A term of two years gives producers adequate opportunity to vote for a change in their representation, while providing for efficient operation of the committee.

Provision is made in the marketing agreement and order for staggered terms of office of committee members and alternates. Under this provision, about one-half of the committee in office at the end of a fiscal year will continue in office through the next fiscal year. The establishment of such staggered terms will promote administration of the program in the most effective and efficient manner. By having staggered terms of office, the new members and alternates constituting about one-half of the committee membership selected to serve at the beginning of each fiscal year will benefit from the guidance of the experienced members who carry over. This provision for the carry over of experienced members will help insure continuity in the policies and procedures relating to the administration of the marketing agreement and order. Such continuity is an essential ingredient in the successful administration of the marketing agreement and order.

To facilitate the establishment of staggered terms of office, the marketing agreement and order provide that the term of office of a majority of the members and alternates of the initial committee shall be one year, and the term of office for the remaining members and alternates shall be two years. Such provision is fair and equitable and will permit the establishment, on a practical basis, of a committee with the members and alternates thereon holding office for staggered terms.

A quorum of the committee should consist of a majority of the committee members, and the same number of concurring votes should be necessary for passing any motion or approving any action of the committee. These requirements are reasonable and are necessary to insure that any action of the committee will be representative of a majority of the committee and that the interests of both producers and handlers will be reflected in committee actions.

Only members present at an assembled meeting of the committee, or alternate members acting for members, should be entitled to vote. This requirement will encourage greater attendance at meetings and will promote fuller discussion of committee actions. Provision is made, however, for meetings of the committee by telephone, telegraph, or other means of communication, to meet practical situations where rapid decision with respect to committee actions is necessary. Such emergency situations occur quite frequently in the marketing of potatoes grown in the production area. Any votes cast at such meetings should be promptly confirmed in writing to provide a record of the action taken.

The apportionment and selection of producer members and alternate members of the committee by districts in the manner set forth in the marketing agreement and order will provide fair and equitable representation of all producers in the production area. The representation provided gives weight, on as fair and reasonable a basis as possible, to the various factors, such as acreage, number of producers, size of district, and variation in producing and marketing conditions, necessary to establish assurance of a fair and equitable representation of all portions of the production area on the committee. Therefore, selection of the members and alternates should be as follows:

Four committee members and alternates from each of Districts Nos. 1 and 3; three members and alternates from District No. 2; and two members and alternates from each of Districts Nos. 4 and 5.

Committee members and alternates should be compensated at a rate not to exceed $5.00 per day, or portion thereof, and should be reimbursed for expenses necessarily incurred when acting on committee business. Since such members and alternates will be serving in the interest of the potato industry in the production area, they should not be required to bear such expenses as they incur in attending to committee business. Compensation at not to exceed the rate prescribed herein will offset, to some extent, the losses which such members and alternates will sustain through committee service.

The powers of the committee, as set forth in the notice of hearing, should be granted to the committee because such powers are authorized by the act and are essential to the committee in order for it to discharge its responsibilities under the marketing agreement and order.

Each and all of the duties set forth in the notice of hearing should be given to the committee because such duties are necessary and essential to the accomplishment of the declared policy of the act and for the committee to discharge its obligations to the Secretary and for the committee to discharge its obligations to the Secretary. These duties are similar to duties given to other administrative committees under other marketing agreement and order programs.

(b) The declared policy of the act is to establish and maintain such orderly marketing conditions for potatoes, among other commodities, as will tend

to establish parity prices for such potatoes. The regulation of shipments of potatoes by grade, size, or quality, authorized in the marketing agreement and order, provides a means of carrying out such policy.

The procedures which are outlined in the marketing agreement and order for the development and institution of marketing policies relating to grade, size, or quality regulations provide a practical basis for the committee to obtain appropriate and adequate information regarding marketing problems. In turn, members of the industry are also provided an appropriate and adequate means of being informed regarding the policies and regulations the committee recommends and, if issued, the regulations that are effective. The factors which the committee should take into consideration in developing its marketing policy are the ones commonly or usually taken into account by growers and handlers in marketing potatoes.

In order that the Secretary may most effectively carry out his responsibilities in connection with the marketing agreement and order, it is provided that the committee should prepare and submit to the Secretary a report on its proposed policy, or amendments thereto, for the marketing of potatoes during each fiscal year. The initial marketing policy in each fiscal year should be prepared and submitted to the Secretary at the beginning of the fiscal year, to give all interested parties the maximum notice of regulatory possibilities, consistent with affording the committee sufficient time to prepare sound policies. Further provision should be made for the committee to make available the contents of such reports to producers and handlers in the production area.

In making recommendations for regulation, it is provided that the committee shall investigate enumerated relevant factors of supply and demand for potatoes. This requirement is necessary so that the committee will be in the best position to develop sound and practical recommendations for regulation and to advise the Secretary with respect to such supply and demand conditions. The committee will be well qualified to evaluate marketing conditions for potatoes produced in the production area and to recommend specific regulations which will tend to effectuate the declared policy of the act.

The limitation of shipments of the poorer grades, qualities, and less desirable sizes of potatoes grown in the production area will tend to increase the prices of the more desirable grades, qualities, and sizes, and to increase the returns to producers therefrom. Less desirable sizes include not only small potatoes other than seed potatoes but also excessively large potatoes. Such limitation of shipments will also help to improve the long-run demand for and competitive position of potatoes grown in the production area.

It is a necessary and desirable exercise of the authority granted by the act for the committee to recommend and the Secretary to establish grade, size, or quality regulations for any or all portions of the production area, and different grade, size, or quality regulations for different packs, for different time periods within the shipping season, for different varieties, or any combination of the foregoing. Such administrative flexibility is needed in the marketing agreement and order to effectuate the declared policy of the act through the issuance of appropriate regulations adapted to different and changing circumstances encountered in the marketing of potatoes.

Authority to issue different regulations applicable to different portions of the production area is necessary because a particular portion or portions of such area may have adverse growing conditions which cause an abnormally high percentage of the potatoes grown therein to fall within restricted grades, sizes, or qualities. To meet the administrative problems that would arise from a situation of this kind and to provide fair and equitable regulation of all shipments of potatoes grown in the production area, it would be appropriate to establish a less restrictive regulation applicable to such affected portion or portions of the area.

Supply and demand conditions for potatoes are subject to frequent and substantial changes during the course of a particular marketing season. For this reason, it is absolutely essential that the committee have authority to recommend such different regulations at any time during the season in order to carry out the declared policy of the act.

Different regulations should be authorized for different varieties of potatoes because varieties differ in particular characteristics such as shape and in susceptibility to certain defects. For these reasons, an appropriate grade and size regulation for one variety might not be appropriate for another. Moreover, a new variety may be introduced in the area which should be regulated differently than the varieties now being grown.

It is necessary to provide for different regulations, under appropriate circumstances, for different packs to improve and maintain consumer acceptance for potatoes grown in the production area. Consumer packs of potatoes require different size composition than wholesale packs; authority should be provided, therefore, to establish regulations with respect to minimum or maximum sizes of potatoes, or both, differently for consumer packs than for wholesale packs. Consumer acceptance of potatoes is more adversely affected by inferior grades and undesirable sizes in consumer packs than in wholesale packs. In the case of consumer packs, the consumer accepts the package relatively "sight unseen" and does not have an adequate opportunity to make a selection of individual potatoes. The consumer, however, can make the desired selection from bulk displays made up by dumping the contents of wholesale packs into a bin, as is standard procedure in the retail grocery business. Consumers demand a better and more uniform grade, size, and quality of potatoes in consumer packs than in wholesale packs and failure to maintain such grade, size, and quality in consumer packs will disproportionately decrease the total returns of growers of potatoes in the production area.

The Secretary, upon the recommendation of the committee, or other available information, should be authorized to modify, suspend, or terminate grade, size, or quality regulations with respect to shipments outside of the normal commercial markets for table stock potatoes. The committee should be well qualified, because of the experience and knowledge of individual members, to recommend such modifications, suspensions, or terminations as will be in the best interests of the potato industry in the production area and which will tend to effectuate the declared policy of the act. Shipments of potatoes to the noncompetitive outlets, hereinafter set forth, which otherwise could not be marketed under the regulations, would tend to increase the total returns of potato growers in the production area.

The nature of the demand for seed potatoes differs from the demand for table stock in that small sizes are preferred for seed, whereas the same sizes are discounted in the table stock market. However, certain characteristics which constitute grade defects in table stock potatoes do not necessarily detract from the value of seed potatoes. It is desirable therefore, in order to promote more orderly marketing conditions for potatoes, to authorize the committee to recommend, and the Secretary to modify, grade, size, or quality regulations with respect to seed potatoes, or to suspend or terminate regulations relating to such seed shipments.

Export outlets, while relatively small, are an important factor in the demand for potatoes grown in the production area. Since certain export markets offer premium prices for certain grades, sizes, or qualities of potatoes which usually sell at a discount in the domestic market, it is desirable that the committee be authorized to recommend, and the Secretary to establish, modifications, suspensions, or terminations of regulations applicable to export shipments. Such shipments to export would tend to increase returns to producers in the production area and result in added increment to the value of the crop, thereby tending to effectuate the declared policy of the act.

Substantial shipments of potatoes to the Federal government have been made in recent years in carrying out price support obligations administered by the Secretary. It is necessary, therefore, to authorize the committee to recommend and the Secretary to modify, suspend, or terminate regulations to facilitate such shipments, which will increase grower returns from potatoes grown in the production area and thereby tend to effectuate the declared policy of the act.

The committee should be authorized to recommend and the Secretary to modify, suspend, or terminate regulations with respect to potatoes shipped for manufacture or conversion into specified products because such shipments, such as glucose, alcohol, etc., reduce the supply of such potatoes available for shipment to the table stock market and, therefore, such shipments tend to increase the total value of the entire crop of potatoes. The committee should be given authority to recommend which shipments should be classed as being for manufacture or for conversion into specified products because committee members are in an advantageous position to know whether and when such end products constitute outlets that are not competitive with table stock potatoes. It is concluded that the committee should have authority to recommend and the Secretary to specify such products because some products compete on a basis virtually equal to table stock potatoes, and, further, because new end products may be developed from time to time, some of which may, and some of which may not be competitive with table stock potatoes.

The committee should be authorized to recommend that shipments of potatoes for livestock feed, or for other specified purposes, should not be regulated, or to recommend modification or suspension of regulations governing such shipments. Livestock feed provides an outlet for potatoes that is not competitive with the table stock market. When such outlets are available it will tend to promote objectives sought under regulation to exempt shipments for this purpose, from grade, size, and quality regulations. The committee should be authorized to recommend that shipments of potatoes for a particular purpose or type of utilization should not be regulated, or to recommend modification or suspension of regulations with respect to such shipments, when it is found that such shipments are not competitive with table stock shipments in commerce. The Secretary, on the basis of such recommendations, or other available information, should be authorized to modify, suspend, or terminate regulations with respect thereto, when such action will tend to effectuate the declared policy of the act.

The aforesaid authorizations, for the modification, suspension, or termination of regulations with respect to shipments of potatoes for each enumerated special purpose, should permit the modification, suspension, or termination of one or more regulatory provision and the simultaneous retention of others regulatory provisions, because such shipments may require expenditures of administrative funds to police and they may compete, to some extent, with shipments of potatoes for table stock purposes.

The administrative difficulties of regulating small shipments, under some circumstances, may make it uneconomical, undesirable, and impractical to attempt to do so under the marketing agreement and order. Under such circumstances, which can be readily determined by the committee, regulation of such small shipments would not tend to effectuate the declared policy of the act. It is concluded that the committee should be authorized to recommend, and the Secretary to establish, the minimum quantities which should not be subject to any or all regulations issued under the marketing agreement and order. It is necessary to permit the maintenance of one or more regulatory requirements, while relieving such minimum quantities from other regulatory requirements. It may be desirable, for example, for the inspection requirement to be waived on small shipments but that handlers be required to pay assessments or comply with grade, size, and quality regulations with respect to such shipments. This provision provides authority to arrange flexible operation of the marketing agreement and order to meet such situations in a practical way. Such authority will promote more orderly marketing and prevent the imposition of undue burdens upon handlers making such small shipments.

The requirement that the Secretary shall notify the committee of any regulations, or of any modifications, suspensions, or terminations of regulations, is appropriate and necessary to enable the committee to be informed of such actions. The committee's obligation to give reasonable notice (which shall be given through newspapers, radio, mail or such combinations thereof as may be deemed desirable by the committee) of orders issued by the Secretary, is appropriate and necessary for proper and efficient administration of the marketing agreement and order.

Authority should be provided for the committee to recommend, and the Secretary to prescribe, adequate safeguards to prevent potatoes, including seed potatoes, which may be exempted as aforesaid, from regulation, from being placed, or continuing, in commerce contrary to the provisions of this program. Such safeguards, among others, may require inspection to provide the committee with an accurate record of the grade, size, and quality of such shipments of potatoes. In order to maintain appropriate identification of such shipments of potatoes, the committee should be authorized to issue Certificates of Privilege to handlers thereof and to require that such handlers obtain such certificates on all such shipments. Certificates of Privilege should be issued in accordance with rules and regulations established by the Secretary, on the basis of committee recommendations, or other available information, so that the issuance of such certificates may be handled in an orderly and efficient manner.

The committee also should be authorized to deny or rescind Certificates of Privilege when such action is necessary to prevent abuse of the privileges conferred thereby. The committee should be authorized to take such rescinding or denial action upon evidence satisfactory to the committee that a handler to whom a Certificate of Privilege has been issued has handled potatoes contrary to the provisions thereof. Action by the committee denying a handler such certificates should be in terms of a specified time period. Handlers affected by the aforesaid rescinding or denial action should have the right of appeal to the committee for reconsideration.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or any Certificates of Privilege issued by the committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith and the committee should currently notify all persons affected by the indicated action.

The committee should maintain detailed records relevant to Certificates of Privilege and should submit, when requested to do so, reports thereon to the Secretary to supply pertinent information requisite for him to discharge his duties under the act and the marketing agreement and order.

(c) The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity and such grading and inspection requirements during any and all periods of marketing, when potato prices are above parity, as will be in the public interest. Some potatoes are of such defective quality that they do not give consumer satisfaction at any time because of the great waste and undue amount of time involved in their preparation. The cost of such potatoes to the consumer per edible unit is frequently greater than the cost per edible unit of potatoes of better quality.

The shipment of immature potatoes causes an adverse consumer reaction to potatoes from the production area and tends to demoralize the market for later shipments of mature potatoes. There is a tendency for immature potatoes to deteriorate in transit and to develop undesirable cooking properties. Limitation of shipment of such potatoes would be in the interests of both consumers and of the potato industry in the production area. Continued shipments of low quality and immature potatoes may result in a permanent reduction in demand for potatoes grown in the production area.

(d) Provision is made in the marketing agreement and order for inspection by the Federal-State Inspection Service or such other Inspection Service as the Secretary may designate of all shipments of potatoes grown in the production area, except as hereinafter indicated. In some portions of the production area Federal-State Inspection Service may not be available at all times. Therefore, it is necessary that the Secretary have the power to designate other inspection service in order to efficiently operate the program. Inspection certificates issued by this service are a common and usual means of specifying the grade, size, and quality of potatoes and are generally used and recognized in the production area. Such certificates constitute prima facie evidence of the grade, size, and quality of the commodity to which they apply and they are accepted in court as such evidence. It is necessary to provide the handler, the committee, or any other interested party with a means of determining whether a shipment, or shipments of potatoes complies with the requirements of any particular grade, size, and quality regulation which may be in effect under the marketing agreement and order. Inspection certificates provide such a means. The Inspection Service can provide reasonably prompt inspection at all points for most potato shipments at a reasonable fee, if inspection is requested at a reasonable time prior to the anticipated shipment. Effective regulation of the handling of potatoes grown in the production area requires that the grade, size, and quality of each shipment thereof be authoritatively established. Accordingly, the marketing agreement and order should provide, except as hereinafter indicated,

that no handler shall ship potatoes unless, prior thereto, such shipment was inspected by the aforesaid Service.

A sizeable portion of the potato crop grown in the production area is graded and marketed by the producer in relatively small lot shipments made at infrequent intervals. Some of these small lot shipments may contain other vegetables in so-called mixed load shipments. Most of these small growers own their own grading equipment either power or hand operated. Nearly all of these growers ran their potatoes over the grader before shipment. Some of these small lot shipments are made at regular intervals to supply regular customers while others depend upon the shipper's evaluation of market requirements on the day of shipment. The handler of such small lot shipments is almost always the producer of the potatoes involved. Where the quantity of potatoes involved in such small lot shipments is relatively small, modification, suspension, or termination of the Federal-State inspection requirements with respect thereto should be effected, in appropriate circumstances, on the basis of and for the reasons hereinbefore indicated for so-called minimum quantity or "small shipments."

When the quantity of potatoes contained in a shipment exceeds the aforesaid minimum quantity, the handler of such shipment in nearly all instances can obtain reasonably prompt inspection at a reasonable fee. However, in some instances and under some circumstances, it would require a large inspection force to promptly inspect all loads, thereby greatly increasing the costs to cover a relatively small portion of the shipments. In some instances these conditions could be caused by unusual weather such as snowstorms or blizzards. Immediately after these storms, shipments are above normal at a time when it is difficult for the inspector to travel to outlying points and make all inspections promptly upon request. Also in some instances while one inspector can inspect nearly all of the shipments in a given locality, two inspectors would be required to cover all of the shipments and thereby materially increase the cost of the service. Therefore, it is imperative to provide procedures whereby a waiver of inspection under the aforesaid conditions can be provided.

If a handler-applicant for inspection requests such service at a reasonable time prior to shipment, the inspection service should either perform the inspection within a reasonable time or notify the applicant and the committee that inspection could not be performed within this time limit. The time limits both on application and performance should not be specified in the agreement and order, as it is not possible in all instances and under all conditions to determine the most appropriate time limits. It may be necessary and desirable to specify different time limits for different portions of the marketing season such as early and late potatoes and from season to season. Therefore, the authority in the agreement and order should be sufficiently flexible to permit the committee to recommend reasonable and practical procedures for handling the inspection waivers. Also, provisions are made to specify adequate safeguards to prevent abuse of this privilege. The committee should be authorized to refuse the issuance of additional waivers when such action is necessary to prevent abuse of the waivers conferred thereby. Action by the committee in denying an inspection waiver should be in terms of a specified time period. Handlers affected by such aforesaid action should have the right of appeal to the committee for reconsideration.

There is substantial evidence in the hearing record that such waiver procedures are necessary and incidental to operation of the agreement for the granting of such waivers will provide methods for minimizing problems in connection with inspection on small lots. The elimination of such nuisances will benefit growers, the committee, and the Secretary in the operation of the agreement and order and promote orderly marketing to a greater extent than would the compulsory inspection of the small lots that may be relieved of this burden. In addition, recommendations with respect to the extent to which such lots will be relieved will be subject to the continuing test of practical operation, so that discretion regarding the extent to which methods should be used will remain in the hands of the committee and of the Secretary.

Copies of inspection certificates issued pursuant to the requirements of the marketing agreement and order should be supplied to the committee promptly, so that it may promptly discharge its administrative responsibilities thereunder. In instances where potatoes previously inspected are regraded, resorted, or in any other way subjected to further preparation for market in the production area, such potatoes should be and are required to be inspected and a copy of the inspection certificate should be furnished to the committee because such further preparation for market destroys the validity of the original inspection certificate as evidence of the grade, size, and quality of the potatoes involved. All of the aforesaid requirements are necessary for proper administration and enforcement of the provisions of the marketing agreement and order.

(e) Certain hazards are incidental to the production of potatoes grown in the production area which are beyond the control or reasonable expectation of the producer of such potatoes. Because of these circumstances and to prevent undue hardship among producers with respect to any regulations which may be issued under the marketing agreement and order, the committee should be authorized to issue exemption certificates to producers to permit each producer to handle or cause to be handled his equitable proportion of all potatoes shipped from the production area if the grade, size, or quality of his potatoes have been adversely affected by conditions beyond his control and by conditions beyond reasonable expectation. In determining such equitable proportion, the committee should be authorized to estimate the average percentage of production which has been and will be shipped by all producers in the producer's immediate area of production under a given regulation (which will be such equitable proportion). For such purpose, the committee will need a representative sample of the grade, size, and quality composition of the total crop in such area, a part of which, at any given time during the shipping season, may have been harvested and marketed and another part unharvested.

Similar hazards are prevalent in the handling of potatoes grown in the production area and equitable treatment of each handler, under the marketing agreement and order, requires that he be permitted to handle as large a proportion of his storage holdings of ungraded potatoes (acquired during or immediately following the digging season) as the average proportion of ungraded storage holdings handled by all handlers in an applicant-handler's immediate shipping area, if the grade, size, or quality of such applicant's potatoes have been adversely affected by conditions beyond the applicant's control and by conditions beyond reasonable expectation. Restricting the aforesaid exemptions to cases involving conditions beyond the producer's and handler's control, respectively, and to conditions beyond reasonable expectation, is necessary to preclude the granting of such hardship exemptions where the producers and handlers could have avoided the condition responsible for their hardships.

The committee, by reason of its knowledge of the conditions and problems applicable to the production and handling of potatoes grown in the production area and the information which it will have available in each case, will be well qualified to judge each producer's and handler's application in a fair and equitable manner and to fix the quantity of exempted potatoes which each such applicant may handle or cause to be handled.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in transferring such certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary, are necessary to the orderly and equitable operation of the marketing agreement and order and they should, therefore, be incorporated in the marketing agreement and order.

Provision should be made for the Secretary to modify, change, alter, or rescind the procedure established for granting of exemptions, and any exemptions granted pursuant to such procedure. This is necessary to guard against inequities in the granting of exemptions and to preclude the issuance of exemption certificates in unjustifiable cases.

(f) The operation of the committee and the marketing agreement and order require funds for the payment of necessary administrative expenses. The committee is the logical agency to recommend what expenses are necessary and appropriate for operation of the program. It is also necessary that assessments be levied on the handlers

to meet such expenses since no other source of funds is authorized under the act for defraying such expenses. The committee should be required, each year, to prepare and submit to the Secretary a budget showing its estimated expenses and a proposed rate of assessment. This is desirable in order that the Secretary will have the best possible information on probable expenses of the committee and the proper rate of assessment to be levied to meet such expenses.

Assessments should be levied against each handler who first ships potatoes, herein called the first handler, to establish an appropriate basis for each handler paying his pro rata share of necessary administrative expenses. Each first handler should pay assessments to the committee, at its request, to preclude multiple assessments in connection with individual shipments of potatoes. Each first handler's pro rata share of such expenses shall be a percentage of such expenses equal to the percentage his total season's first handling of potatoes subject to regulation is of the total season's first handling of potatoes subject to regulation by all first handlers. The Secretary, upon the basis of the committee's recommendation, or other available information, should fix a rate of assessment per given unit of shipment which first handlers must pay as an equitable share of the expenses of administering the program.

The Secretary shall be authorized to increase the rate of assessment which first handlers should pay if he finds, during or after the fiscal year, that the then applicable rate of assessment is insufficient to cover expenses. Such increased rate should apply to all assessable potatoes handled during that fiscal year to preclude inequities among handlers.

Revenues collected through assessments in excess of expenses for any fiscal year should, at the end of such fiscal year, be credited pro rata to each contributing handler's account, or, upon demand, refunded to any handler.

The committee should be authorized to maintain, with the approval of the Secretary, suits in its own name, or in the name of its members, against any handler for collection of such handler's pro rata share of the committee's expenses. Such authority is contained in the act.

The committee should be permitted to make such expenditures during a fiscal year as are authorized and are necessary for effective administration and proper functioning of the marketing agreement and order program, within the limitations of the budget submitted by the committee and approved by the Secretary for such year.

Any committee member or alternate responsible for or having in his custody any of the property, funds, records, or any other possessions of the committee, should be required to transfer it to his successor or to such person as may be designated by the Secretary, and to execute such instruments as may be necessary to effect such transfers. The committee, and such members and alternates, should be required to give an accounting for all committee receipts and disbursements and for all committee property whenever requested by the Secretary and whenever, in the case of members and alternates, they cease to be such members or alternates. These transfer and accounting requirements represent sound business procedure and are necessary in order that there will be an unbroken succession in committee possessions.

(g) For proper and efficient administration of the marketing agreement and order, the committee needs information on potatoes with respect to supplies, movement, prices, and sundry other relevant factors which are best obtainable from handlers. The committee should be authorized to request, with the approval of the Secretary, and every handler should be required to maintain records of such facts and furnish to the committee upon request, with the approval of the Secretary, such information therefrom as may be required for the committee to exercise its powers and perform its duties under the marketing agreement and order. The committee should be authorized to audit such records to verify reports submitted as aforesaid. The Secretary should retain the right to modify, change, alter, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports.

(h) The provisions of §§ 920.8 through 920.20, as published in the FEDERAL REGISTER of March 30, 1950 (15 F. R. 1809), are common to marketing agreements and orders now operating. Each of such sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the marketing agreement and order. These provisions are incidental to, and not inconsistent with section 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of the marketing agreement and order and to effectuate the declared policy of the act. The substance of such provisions, therefore, should be included in the marketing agreement and order. With respect to the announcement prior to January 1 that the program will be terminated at the end of the fiscal year, growers and handlers will be afforded sufficient time to plan accordingly for the next production and marketing season.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The order, as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) Such order regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the said area;

(5) All handling of potatoes, as defined in said order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Rulings on proposed findings and conclusions. Interested parties were allowed until July 5, 1950, to file briefs with respect to findings of facts and conclusions based on evidence introduced at the hearing.

Briefs were filed on behalf of the Connecticut State Farm Bureau Federation and Potato Committees of Fairfield and New Haven Counties in Connecticut. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing, with particular reference to the proposed area of production to be included under the marketing agreement and order. The findings and conclusions suggested and contained in the brief filed on behalf of the aforesaid potato committees of Fairfield and New Haven Counties would exclude these two counties from the proposed area of production. It is argued that the evidence at the hearing discloses that potatoes grown in these two counties do not compete in any serious form or manner with potatoes grown in any other portion or portions of the proposed production area, that marketing conditions for potatoes grown in the two counties are free from the chaotic conditions prevailing in other portions of the production area, and that the operation of a marketing agreement and order in such counties would be administratively impractical and uneconomical.

Potatoes grown in New Haven and Fairfield Counties do compete, directly or indirectly, in the markets with potatoes grown in other portions of the production area. The marketing season for potatoes grown in these counties is normally from July 15 to November 1 of each year and overlaps, for example, with the marketing season for early varieties, such as the Irish Cobbler, grown in the Connecticut Valley area of Massachusetts and Connecticut which is approximately from August 1 to November 1. Even though most of the potatoes grown in the aforesaid counties are sold locally, they displace potatoes that otherwise might be shipped in to supply local needs from other portions of the production area or from areas outside thereof. The sale of off grade and undesirable sizes of potatoes by growers in New Haven and Fairfield Counties depresses prices and creates disorderly marketing in the same manner as does the sale of such potatoes from any other portion or portions of the production area.

Potato production in New Haven and Fairfield Counties is not as highly commercialized as in certain other counties within the production area. The acreage of potatoes per farm is relatively small and marketings are mostly in compara-

tively small lots. A considerable number of producers in these counties, however, carry on large-scale potato farming. These conditions of producing and marketing potatoes in New Haven and Fairfield Counties are similar to those in a number of counties scattered throughout the production area. Inspection in all such counties would be more of a problem than under more highly commercialized operations, particularly if all lots of potatoes shipped therefrom were required to be inspected. Under the flexible provisions of the marketing agreement and order, however, such administrative problems can be met in a practical and equitable manner.

In the brief filed on behalf of the Connecticut State Farm Bureau Federation it is concluded that a finding should be made, on the basis of the evidence in the hearing record, which would limit the production area to the Connecticut Valley area comprising Hartford and Tolland Counties, Connecticut, and Hampden, Franklin, and Hampshire Counties, Massachusetts. The five-county area described does include the most important single potato section within the production area. It represents, however, less than half of the total potato acreage and production in the production area. Also, the individual potato goals and assigned potato acreages in these counties account for less than half of such assignments made under the price support program in the entire production area. Regulation of shipments of the Connecticut Valley fraction of the production area's potato crop without regulation of the remainder of such potatoes would be impractical and would not carry out the declared policy of the act.

To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out.

DEFINITIONS

§ 920.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 920.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

§ 920.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 920.4 *Production area.* "Production area" means all territory included within the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont.

§ 920.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the aforesaid production area.

§ 920.6 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 920.7 *Ship.* "Ship" or "handle" means to transport, sell, or in any other way to place potatoes in the current of commerce within the production area or between the production area and any point outside thereof; *Provided*, That the definition of "ship" or "handle" shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area for storing, or to the sale or transportation of potatoes to a recognized dealer or packer within the production area for the purpose of having such potatoes prepared for market.

§ 920.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 920.9 *Fiscal year.* "Fiscal year" means the period beginning on June 1 of each year and ending May 31 following.

§ 920.10 *Committee.* "Committee" means the administrative committee, called the New England Potato Committee, established pursuant to § 920.22.

§ 920.11 *District.* "District" means, describes, and refers to each of the geographic divisions of the production area established pursuant to § 920.24.

§ 920.12 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 920.13 *Seed potatoes.* "Seed potatoes" or "seed" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under supervision of the official seed potato certifying agency of the State where grown, or other seed certification agencies which the Secretary may recognize.

§ 920.14 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 920.15 *Wholesale pack.* "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

§ 920.16 *Consumer pack.* "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

§ 920.17 *Grade.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon.

§ 920.18 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 920.19 *Part and subpart.* "Part" means the order regulating the handling of Irish potatoes grown in the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such "part."

COMMITTEE

§ 920.22 *Establishment and membership.* (a) The New England Potato Committee consisting of 15 producer members is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate shall be an individual who is a producer (or an officer or an employee of a corporate producer) in and a resident of the district for which selected.

§ 920.23 *Term of office.* The term of office of committee members and alternates shall be for two fiscal years, and until their successors are selected and have qualified: *Provided, however*, That the terms of office of the initial committee shall be determined by the Secretary so that the terms of office of a majority of the initial members and alternates shall be for one fiscal year. Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the term of office.

§ 920.24 *Districts.* For the purpose of determining the basis for selecting committee members, the following districts of the production area are hereby established:

District No. 1: The State of Massachusetts;
District No. 2: The State of Rhode Island;
District No. 3: The State of Connecticut;
District No. 4: The State of New Hampshire; and
District No. 5: The State of Vermont.

§ 920.25 *Selection.* The Secretary shall select four members of the committee, with their respective alternates, from each of Districts Nos. 1 and 3, three members with their respective alternates from District No. 2, and two members with their respective alternates from each of Districts Nos. 4 and 5, which

members and alternates shall represent the respective District from which they are selected.

§ 920.26 *Nomination.* The Secretary may select the members of the New England Potato Committee, with their respective alternates, from nominations which may be made in the following manner:

(a) Nominations for initial members of the committee and their respective alternates may be submitted by producers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers.

(b) In order to provide nominations for succeeding committee members and alternates:

(1) The New England Potato Committee shall hold or cause to be held prior to April 1 of each year, after the effective date hereof, a meeting or meetings of producers in each of the Districts designated in § 920.24;

(2) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(3) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(5) Only producers may participate in designating nominees for committee members and their alternates; and

(6) Regardless of the number of districts in which a person produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 920.27 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 920.26, the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for in § 920.25.

§ 920.28 *Acceptance.* Any person selected as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 920.29 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected from nominations made in the manner specified in § 920.26, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in § 920.25.

§ 920.30 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 920.31 *Procedure.* (a) A majority of the committee members shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be promptly confirmed in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 920.32 *Expenses and compensation.* Committee members and their respective alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in exercise of their powers under this part, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $5.00 for each day, or portion thereof, spent in attending to committee business.

§ 920.33 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 920.34 *Duties.* It shall be the duty of the committee:

(a) At the beginning of each fiscal year, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and, upon approval of the Secretary, to engage in such research and service activities which may be necessary and incidental to the operation of the marketing agreement and order;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal year, to prepare a budget of its expenses for such fiscal year, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES, ASSESSMENTS, AND BUDGETS

§ 920.40 *Budget.* The committee shall prepare a budget for each fiscal year showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall also transmit to the Secretary a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 920.41 *Expenses.* The committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget and other available information, finds may be necessary during each fiscal year to perform its functions under this part and for such other purposes as may be appropriate pursuant to the provisions of this part.

§ 920.42 *Rate of assessment.* The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate recommended by the committee and fixed by the Secretary on the basis of such recommendations or other available information. Each handler who first ships potatoes shall pay assessments to the committee upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the com-

mittee during each fiscal year. Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

§ 920.43 *Increasing rate of assessment.* Upon recommendation of the committee and upon a later finding relative to the committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

§ 920.44 *Accounting.* All funds received by the committee pursuant to any provision of this part shall be used solely for the purposes specified in this part and shall be accounted for in the following manner:

(a) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(b) Whenever any person ceases to be a committee member or alternate he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 920.45 *Refunds.* (1) If at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 920.46 *Collection of funds.* (a) The committee may, with the approval of the Secretary maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(b) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

REGULATION

§ 920.50 *Marketing policy preparation.* At the beginning of each fiscal year the committee shall consider and prepare a proposed policy for the marketing of potatoes during such fiscal year. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(a) Market prices for potatoes, including prices by grade, size, and quality in wholesale or in consumer packs, or any other shipping unit;

(b) Supply of potatoes, by grade, size, and quality, in the production area and in other production areas;

(c) The trend and level of consumer income; and

(d) Other relevant factors.

§ 920.51 *Marketing policy reports.* (a) The committee shall submit to the Secretary a report setting forth the aforesaid marketing policy. The committee also shall notify producers and handlers of the contents of such reports.

(b) In the event it becomes advisable to deviate from such marketing policy, because of changed supply and demand conditions, the committee shall formulate a new marketing policy in accordance with the manner previously outlined. The committee also shall submit a report thereon to the Secretary and notify producers and handlers of such revised or amended marketing policy.

§ 920.52 *Committee recommendations.* The committee shall recommend regulation to the Secretary whenever it finds that such regulation, as provided in § 920.53 will tend to effectuate the declared policy of the act. The committee also may recommend modification, suspension, or termination of any regulation in order to facilitate shipments of potatoes for the specified purposes set forth in § 920.54.

§ 920.53 *Issuance of regulations.* The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes, or qualities of any or all varieties of potatoes during any period; or

(b) Regulate the shipment of particular grades, sizes, or qualities of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs, or any combination of the foregoing during any period; or

(c) Regulate the shipment of potatoes by establishing in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 920.54 *Modification, suspension, or termination.* Upon the basis of the recommendation and information submitted by the committee, the Secretary shall modify, suspend, or terminate regulations issued pursuant to §§ 920.42, 920.43, 920.53, 920.54, or 920.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes whenever he finds that it will tend to effectuate the declared policy of the act:

(a) For seed;

(b) For export;

(c) For distribution by the Federal Government;

(d) For manufacture or conversion into specified products;

(e) For livestock feed; and

(f) For other purposes which may be specified.

§ 920.55 *Minimum quantity regulation.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 920.42, 920.43, 920.53, 920.54, or 920.65, or any combination thereof.

§ 920.56 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 920.57 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 920.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Safeguards, as prescribed in this section, may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to § 920.54;

(2) Handlers shall obtain inspection provided by § 920.65 or pay the pro rata share of expenses provided by § 920.42 or both, in connection with potato shipments effected under the provisions of § 920.54: *Provided*, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under the provisions of § 920.54.

(b) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in § 920.54 were handled contrary to the requirements applicable thereto.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 920.65 *Inspection and certification.* During any period in which shipments of potatoes are regulated, pursuant to the provisions of §§ 920.42, or 920.53, or both, no handler shall ship potatoes unless, prior thereto, such shipment was inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate. Each handler procuring inspections pursuant to this section, shall make arrangements with the inspecting agency to forward promptly to the committee a copy of the inspection certificate: *Provided*, That the regrading, resorting, repacking, or other further preparation of inspected potatoes for market shall invalidate prior inspection thereon and subsequent shipment of such potatoes after regrading, resorting, repacking, or other preparation for market shall not be effected unless, prior thereto, such shipment is inspected as provided in this section: *Provided further*, That the committee may adopt, subject to the approval of the Secretary, procedures permitting the shipment of potatoes without the required prior inspection thereon; such procedures shall include a requirement that each handler-applicant for a waiver show that he requested shipping point inspection and that the appropriate inspection agency stated that it could not supply reasonably prompt service in connection with such request; and such procedures may require that each applicant agrees, as a condition for the issuance of a waiver, to one or more of the following:

(a) That the potatoes to be shipped under such waiver will be inspected and certified at destination if an inspector is available for such purpose;

(b) That, where inspection indicates that potatoes shipped under a waiver fail to meet minimum grade, size, and quality requirements in effect at the time of such inspection, the potatoes will be removed from all normal domestic commercial channels, except for disposition pursuant to § 920.54; and

(c) That additional waivers will not be granted to an applicant, for the remainder of the fiscal year, if the potatoes shipped under a waiver and failing to meet minimum grade, size, and quality requirements, are not removed from all normal domestic market channels, except for disposition pursuant to § 920.54.

EXEMPTIONS

§ 920.70 *Procedure.* The committee may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 920.71 *Granting exemptions.* (a) The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee, that by reason of a regulation issued pursuant to § 920.53 he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped during the entire season, or such portion thereof as may be determined by the committee, by all producers in said applicant's immediate production area and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(b) The committee shall issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 920.53, he will be prevented from shipping, as large a proportion of his storage holdings of potatoes, acquired during or immediately following the digging season, as the average proportion of storage holdings shipped by all handlers in said applicant's immediate shipping area, and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(c) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 920.72 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 920.73 *Records, reports, and review of exemptions.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 920.70, 920.71, 920.72 or any combination thereof.

MISCELLANEOUS PROVISIONS

§ 920.80 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this part. Handlers shall maintain records from which such reported information can be verified by the committee. The Secretary shall have the right to modify, change, or rescind any request for reports pursuant to this section.

§ 920.81 *Compliance.* Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this part, and no handler shall ship potatoes except in conformity to the provisions of this part.

§ 920,82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 920.83 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 920.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers, who during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before January 1 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(e) The Secretary shall terminate the provisions of this agreement at the end of any fiscal year, upon the written request of handlers signatory to this agreement who submit evidence satisfactory to the Secretary that they handled not less than sixty-seven percent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year; but such termination shall be effective only if announced on or before January 1 of the then current fiscal year.[1]

§ 920.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then func-

[1] Applicable only to the proposed marketing agreement.

tioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 920.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 920.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 920.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 920.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 920.90 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 920.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 920.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 920.93 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 920.94 *Additional parties.* After the effective date of this agreement, any handler who has not previously executed this agreement may become a party to this agreement if a counterpart of this agreement is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 920.95 *Order for marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Done at Washington, D. C., this 9th day of August 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50-7082; Filed, Aug. 14, 1950; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 13138]

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 8, 1950.

In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C., sec. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 5 S., R. 2 W.,
Sec. 24, SE¼SE¼;
Sec. 25, E½NE¼, NE¼SE¼, SW¼SE¼,
T. 6 S., R. 1 W.,
Sec. 22, SE¼NW¼, W½SE¼, SE¼SE¼;
Sec. 26, NW¼NW¼;
Sec. 27, NE¼NE¼,
T. 6 S., R. 7 W.,
Sec. 5,
T. 7 S., R. 3 W.,
Sec. 7, S½SE¼;
Sec. 8, SW¼SW¼, E½SW¼;
Sec. 18, N½NE¼, SE¼NE¼,
T. 7 S., R. 4 W.,
Sec. 1, S½NW¼, SW¼, W½SE¼,
T. 8 S., R. 5 W.,
Sec. 33, NW¼SW¼, NE¼SW¼, SE¼,
T. 8 S., R. 7 W.,
Sec. 4, S½,
T. 11 N., R. 18 W.,
Sec. 32, W½, W½E½,
T. 12 N., R. 6 E.,
Sec. 20, SW¼SW¼, NE¼SE¼;
Sec. 21, NE¼SW¼, E½SE¼;
Sec. 28, NE¼NW¼, SW¼NW¼;
Sec. 29, W½NW¼,
T. 12 N., R. 17 W.,
Sec. 4, SW¼, SW¼NW¼, W½SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, N½NW¼, W½NE¼,
T. 13 N., R. 10 W.,
Sec. 33, SW¼, W½SE¼,
T. 13 N., R. 17 W.,
Sec. 17, SW¼SW¼;
Sec. 18, SE¼;
Sec. 19, lot 3, E½NE¼, SW¼NE¼, N½SE¼;
Sec. 20, NW¼NW¼, N½SW¼, S½NW¼,
T. 13 N., R. 18 W.,
Sec. 21, W½SE¼, SE¼SE¼;
Sec. 28, NW¼NW¼;
Sec. 28, NE¼NE¼,
T. 14 S., R. 11 E.,
Sec. 20, SE¼SE¼,
T. 15 S., R. 2 W.,
Sec. 28, SW¼NE¼, SE¼SW¼, NW¼SE¼, S½SE¼,
T. 18 S., R. 8 W.,
Sec. 22, NE¼NE¼,
T. 18 S., R. 9 W.,
Sec. 33,
T. 19 S., R. 8 W.,
Sec. 31, W½SE¼,
T. 20 S., R. 8 W.,
Sec. 4, SE¼NW¼,
T. 24 S., R. 9 W.,
Sec. 32,
T. 25 S., R. 11 W.,
Sec. 10, E½SE¼,
Sec. 11, NW¼NW¼,
T. 33 S., R. 12 W.,
Sec. 8, N½,
T. 38 S., R. 22 E.,
Sec. 10, SE¼NE¼, NE¼SE¼.

The areas described aggregate 6,876.24 acres.

[1] Applicable only to the proposed marketing agreement.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other non-mineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-7084; Filed, Aug. 14, 1950; 8:47 a. m.]

ARIZONA

CLASSIFICATION ORDER

AUGUST 8, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described lands in the Phoenix, Arizona, Land District, embracing 1108.84 acres,

ARIZONA SMALL TRACT CLASSIFICATION NO. 19

For lease and sale for all purposes authorized by the act except business sites:

T. 4 N., R. 3 E., G. & S. R. B. & M., Arizona
Sec. 6, All
Sec. 7, N½
Sec. 25, NW¼SW¼
Sec. 28, E½NE¼
Sec. 31, W½NE¼
Sec. 33, SE¼NE¼

2. These lands are situated north of Phoenix, Arizona, at distances varying from 12 to 20 miles, depending upon the location of the subdivision in the township and upon the route traveled. Sections 6 and 7 lie farthest north of Phoenix and the north line of Section 6 may be reached by traveling northwest out of Phoenix 2 miles via Grand Avenue to Mission Drive, thence north on Mission Drive and the new Black Canyon Highway 17 miles, thence east 1 mile to the northwest corner of Section 6. Nineteenth Avenue, when extended due north, will form the west line of sections 6 and 7. The distance to the extreme north edge of the area via Nineteenth Avenue would be 19 miles.

Section 25: The NW¼SW¼ may be reached by traveling North 7th Street from its intersection with McDowell Road 7 miles north to Sunnyslope, thence 6 to 6.5 miles northeast via Cave Creek Road, thence 1 to 1.5 miles east and northeast to the land.

Section 28: The E½NE¼ may be reached by traveling north and northwest via North 7th Street and the Cave Creek Road a distance of approximately 13 miles, thence west along the south line of section 27, 1 mile, thence north 0.5 of a mile, a total distance of 14.5 miles. The last mile and one-half is over rough, sandy desert trails.

Section 33: The SE¼NE¼ may be reached by traveling North 7th Street and Cave Creek Road 13 miles north and northwest from Phoenix, thence 1 mile west along the south line of section 27, thence ¼ mile south from section line to land.

Section 31: The W½NE¼ may be reached by traveling Grand Avenue northwest 1 mile from Phoenix to Nineteenth Avenue, thence north on Nineteenth Avenue 12 miles to Bell Road, thence northeast 0.5 of a mile over desert terrian to the land.

Electric power transmission lines traverse the west and south sides of the township and another electric power transmission line parallels Cave Creek Road. Thus, electric power is obtainable for all the lands classified. There are no other public utilities available and lessees must provide their own water, fuel and sanitary facilities. Business facilities such as stores, service stations and garages, and some educational, religious and recreational facilities are available at the town of Sunnyslope lying from 6 to 12 miles south of the various subdivisions and all such facilities common to a city of 200,000 population are available in Phoenix. The elevation of these lands above sea level ranges from 1,500 to 1,600 feet. The topography is level to rolling. The soil is an admixture of clay, silt, sand and gravel and very fertile. Potable water in considerable quantity is found at depths ranging from 300 to 600 feet. The mean annual precipitation is approximately 8 inches and temperatures range from a rare below freezing point to as high as 120° F.

3. As to applications regularly filed prior to 1:00 p. m. mountain standard time on May 7, 1946, and which are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

4. As to the land not covered by applications of the class referred to in section 3, this order shall not become effective to permit leasing under the Small Tract Act of June 1, 1938, as amended, until 10:00 a. m. mountain standard time on October 10, 1950. At that time such lands shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-one day preference period for qualified veterans of World War II from 10:00 a. m. on October 10, 1950, to close of business on January 8, 1951.

(b) Advance period for veterans' simultaneous filings from 1:00 p. m. on May 7, 1946, to 10:00 a. m. October 10, 1950.

5. Any of the land remaining unappropriated shall become subject to appli-

cation under the Small Tract Act by the public generally, commencing at 10:00 a. m. on January 9, 1951.

(a) Advance period for simultaneous nonpreference right filings from 1:00 p. m. on May 7, 1946, to 10:00 a. m. on January 9, 1951.

6. Applications filed within the periods mentioned in sections 4 (b) and 5 (a) above will be treated as simultaneously filed.

7. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

8. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 feet by 660 feet; and the longer dimensions of the tracts may extend either north and south or east and west, provided the tract conforms to or is made to conform to the area and dimensions specified above, and, provided the tract is not described in such a manner as to break up a ten-acre rectangular subdivision. This proviso applies to all leases issued, preference and nonpreference alike. The longitudinal directions of tracts described in applications filed prior to the date of this order shall not be disturbed unless they have been filed in such a manner as to violate the rectangular subdivision rule.

9. Leases will be for a period of 5 years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. Leases will contain an option to purchase clause at appraised values as follows:

Section 6: For those tracts lying in the W½ of Lots 4, 5, 6 and 7 (equivalent to the W½W½W½), $250.00 per tract.

For tracts lying in the E½ of Lots 4, 5, 6 and 7 (equivalent to the E½W½W½), $175.00 per tract.

For tracts lying in the E½W½ and E½ of the section, $125.00 each.

Section 7: For tracts lying in the W½ of Lots 1 and 2, $250.00 each.

For tracts lying in the E½ of Lots 1 and 2, $175.00 each.

For tracts lying in the E½NW¼ and NE¼ of the section, $125.00 each.

Section 25: NW¼SW¼, per 5-acre tract, $100.00.

Section 28: E½NE¼, per 5-acre tract, $100.00.

Section 31: W½NE¼, per 5-acre tract, $150.00.

Section 33: SE¼NE¼, per 5-acre tract, $100.00.

(a) Applications for purchase may be filed at or after the expiration of one year from the date the lease issued, provided that improvements, appropriate to the purpose for which the lease is issued and which meet with the approval of the Regional Administrator shall have been constructed upon the lands prior to filing of the application for purchase.

(b) Leases issued under the terms of this order shall not be subject to assignment unless and until improvements as mentioned above in (a) shall have been completed.

(c) Leases for lands upon which the improvements above mentioned shall not have been constructed at or before the expiration thereof shall not be renewed.

11. Lessees and/or their successors in interest shall comply with all Federal, State, county and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

12. Rights-of-way for road and street purposes 33 feet in width are reserved from each tract and said 33-foot strip may be taken for street, road or alley from any edge of any of said tracts, but not more than one such strip for right-of-way shall be taken from any tract without the consent of the lessee first had and obtained, or unless such right-of-way shall be condemned by proper eminent domain proceedings in a court of competent jurisdiction. The said rights-of-way, may in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to issuance of patent. If not so located, they may be subject to location after patent is issued. All rights-of-way herein mentioned and reserved may be utilized by the Federal Government, or the State, county, or municipality in which the tract is situated, or by any agency thereof.

13. All structures with the exception of fences and like movable installations shall be set back from the exterior boundaries of the tract not less than 33 feet, and if there is a road or street in existence, or an identified and definitely established right-of-way for such road or street, then and in that event, all permanent structures will be set back not less than 33 feet from the outside line of the said established road, street, or definitely identified right-of-way.

14. Survey of individual tracts shall be at the expense of the applicant.

15. All leases and patents issued shall contain a reservation to the United States of all fissionable material sources, and all minerals, together with the right to prospect for, mine and remove the same under applicable laws and regulations.

16. All inquiries regarding these lands shall be addressed to the Manager, United States Land and Survey Office, 100 U. S. Courthouse, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 50-7075; Filed, Aug. 14, 1950; 8:45 a. m.]

ARIZONA

CLASSIFICATION ORDER

AUGUST 8, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Phoenix, Arizona, Land District, embracing 110 acres.

ARIZONA SMALL TRACT CLASSIFICATION NO. 20

For lease and sale for home, and cabin site purposes:

T. 10 N., R. 6 W., G. & S. R. B. & M., Arizona
Sec. 26, NW¼SW¼, N½SW¼SW¼, S½S½SW¼SW¼
Sec. 25, NW¼NW¼

The N½S½SW¼SW¼ of Section 26 is excluded and reserved from classification for small site purposes and is hereby designated and classified as an administrative driveway for livestock.

2. These lands are situated about 1 mile north of the village of Congress Junction which is on U. S. Highway 89, 16 miles northwest of Wickenburg and 50 miles southwest of Prescott, Arizona. The village is also the junction point for U. S. 89 and State Highway 71 which latter is a short-cut between Congress Junction and Aguila, Arizona at which latter point State Highway 71 intersects U. S. 60–70 to California. Congress Junction is also a shipping point on a branch line of the Atchison, Topeka & Santa Fe Railway which connects Ashfork via Prescott with Phoenix, Arizona. The village has the business, educational, religious and recreational facilities usually found in villages of its size. The town secures its water supply from the railroad company, there being no water wells or other source of such supply. The city of Phoenix lies 60 miles south. The lands are accessible by a maintained dirt road paralleling the railroad on the west side of the tracks.

The elevation of the lands above sea level ranges from 2,200 to 2,300 feet. Winters are short and mild and summers are long and hot. Precipitation of moisture averages about 10 inches per annum. The topography of the lands is level to slightly rolling, and the soil is a mixture of clay, sand and gravel. There is no timber or brush. The appearance of the land is that of a prairie and the predominating vegetative cover is grama grass, weeds and various species of cacti. Water must be hauled from the railroad station at Congress Junction or a supply caught from roof runoff into cisterns during the infrequent rains. Electricity is obtainable from a power transmission line paralleling the railroad and highway. Settlers on the lands must furnish their own fuel, water and sanitary facilities.

3. As to applications regularly filed prior to 9:30 a. m. mountain standard time on August 5, 1948, and which are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

4. As to the land not covered by applications referred to in paragraph 3, this order shall not become effective to permit leasing under the Small Tract Act of June 1, 1938, as amended, until 10:00 a. m. mountain standard time on October 10, 1950. At that time such land shall, subject to valid existing rights and the provisions existing withdrawals, become subject to application as follows:

(a) Ninety-one day preference period for qualified veterans of World War II from 10:00 a. m. on October 10, 1950, to close of business on January 8, 1951.

(b) Advance period for veterans' simultaneous filings from 9:30 a. m. on August 5, 1948, to 10:00 a. m. on October 10, 1950.

5. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m. on January 9, 1951.

(a) Advance period for simultaneous nonpreference right filings from 9:30 a. m. on August 5, 1948, to 10:00 a. m. on January 8, 1951.

6. Applications filed within the periods mentioned in paragraphs 4 (b) and 5 (a) above will be treated as simultaneously filed.

7. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corrobated statements in support thereof, setting forth in detail all facts relevant to their claims.

8. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 feet by 660 feet, and the longer dimensions of the tracts may extend either north and south or east and west, provided the tract conforms to or is made to conform to the area and dimensions specified above, and, provided the tract is not described in such a manner as to break up a ten-acre rectangular subdivision. This proviso applies to all leases issued, preference and nonpreference alike. The longitudinal directions of tracts described in applications filed prior to the date of this order shall not be disturbed unless they have been filed in such a manner as to violate the rectangular subdivision rule.

(a) Application for a five-acre tract filed under Phoenix serial number 082290 by James E. Austin will be rejected in its present position and the applicant will be granted a reasonable period of time in which to amend his application to describe the S½NE¼SW¼SW¼ of Section 26. This application will not then invade the lands heretofore reserved as an administrative driveway for livestock.

9. Leases will be for a period of 5 years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. Leases will contain an option to purchase clause at the appraised value of $50.00 per tract.

(a) Applications for purchase may be filed at or after the expiration of one year from the date the lease issued, provided that improvements, appropriate to the purpose for which the lease is issued and which meet with the approval of the Regional Administrator shall have been constructed upon the lands prior to filing of the application for purchase.

(b) Leases issued under the terms of this order shall not be subject to assignment unless and until improvements as mentioned above in (a) shall have been completed.

(c) Leases for lands upon which the improvements above mentioned shall not have been constructed at or before the expiration thereof shall not be renewed.

11. Lessees and/or their successors in interest shall comply with all Federal, State, County and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

12. Rights-of-way for road and street purposes 33 feet in width are reserved from each tract and said 33-foot strip may be taken for street, road or alley from any edge of any of said tracts, but not more than one such strip for right-of-way shall be taken from any tract without the consent of the lessee first had and obtained, or unless such right-of-way shall be condemned by proper eminent domain proceedings in a court of competent jurisdiction. The said rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to issuance of patent. If not so located, they may be subject to location after patent is issued. All rights-of-way herein mentioned and reserved may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof.

13. All structures with the exception of fences and like movable installations shall be set back from the exterior boundaries of the tract not less than 33 feet and if there is a road or street either in existence, or an identified and definitely established right-of-way for such road or street, then and in that event, all permanent structures will be set back not less than 33 feet from the outside line of the said established road, street, or definitely identified right-of-way.

14. Survey of individual tracts shall be at the expense of the applicant.

15. All leases and patents issued shall contain a reservation to the United States of all fissionable material sources and all minerals, together with the right to prospect for, mine and remove the same under applicable laws and regulations.

16. All inquiries regarding these lands shall be addressed to the Manager, United States Land and Survey Office, 100 U. S. Courthouse, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 50-7076; Filed, Aug. 14, 1950; 8:45 a. m.]

ARIZONA

CLASSIFICATION ORDER

AUGUST 8, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Phoenix, Arizona, Land District, embracing 1,840 acres.

ARIZONA SMALL TRACT CLASSIFICATION NO. 21

For lease and sale for all purposes authorized by the act except business sites:

T. 1 N., R. 8 E., G. & S. R. B. & M., Arizona,
Sec. 12, All.
Sec. 15, E½, SW¼.
Sec. 27, N½NW¼, SE¼NW¼, N½SE¼, SW¼SW¼.

For lease and sale for combination home and business sites, homesites, and/or cabin sites:

T. 1 N., R. 8 E., G. & S. R. B. & M., Arizona,
Sec. 15, NW¼.
Sec. 27, SW¼NW¼, N½SW¼, SE¼SW¼, S½SE¼.

2. These lands are located at distances ranging from 33 miles to 37 miles east of Phoenix, Arizona, and from 17 miles to 21 miles east of Mesa, Arizona depending upon the section to be reached. The lands in Sections 21 and 27 are traversed diagonally in a northwesterly and southeasterly direction by U. S. Highway 60–70; and U. S. Highway 88, the famed Apache Trail, crosses the NW¼ of Section 15 in a northeasterly and southwesterly direction. The junction of these two roads is located at Apache Junction in the SW¼NE¼ of Section 20, T. 1 N., R. 8 E., G. & S. R. B. & M. Both Phoenix and Mesa have all business, educational, religious and recreational facilities common to large American cities and there are stores, gasoline service stations, garages, restaurants, grade schools and churches at or near Apache Junction and all along U. S. 60–70 between the latter point and Mesa. An electric power transmission line extends from Mesa parallel to U. S. 60–70 and ends in Apache Junction. This line presently supplies lights and power to Apache Junction and communities west to Mesa. The line would have to be extended in order to furnish current to installations on these lands. A high voltage electric power transmission line extends from Roosevelt Dam to Mesa and Florence, but due to its high voltage, power from the line is not available in this area. Other utilities are not available and water supply, fuel and sanitary facilities are problems to be solved by the settlers. Potable water adequate for domestic use may be found at depths up to 450 feet. The

elevation of the lands above sea level varies from 1,700 feet in Sections 21 and 27 to 2,100 feet in the east side of Section 12. The whole area slopes gently from northeast to southwest on a gradient of about 1½ per cent. The soil is sand and silt with an admixture of gravel. Vegetation consists of bur-sage, creosote brush, palo verde, saguaro, ocotillo, scattered cacti, and annual grasses and weeds. There is no timber, no springs or flowing streams. The area is typically southwestern desert. The winters are short and mild, summers long and hot. Mean annual precipitation is approximately 8 inches.

3. As to applications regularly filed prior to 10:00 a. m. mountain standard time on June 30, 1948, and which are for the type of site for which the land is classified, this order shall become effective as of the date it is signed.

4. As to the land not covered by applications referred to in paragraph 3, this order shall not become effective to permit leasing under the Small Tract Act of June 1, 1938, as amended, until 10:00 a. m. mountain standard time on October 10, 1950. At that time such lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application as follows:

(a) Ninety-one day preference period for qualified veterans of World War II from 10:00 a. m. October 10, 1950, to close of business on January 8, 1951.

(b) Advance period for veterans' simultaneous filings from 10:00 a. m. on June 30, 1948, to 10:00 a. m. on October 10, 1950.

5. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m. on January 9, 1951.

(a) Advance period for simultaneous nonpreference right filings from 10:00 a. m. on June 30, 1948, to 10:00 a. m. on January 8, 1951.

6. Applications filed within the periods mentioned in sections 4 (b) and 5 (a) above will be treated as simultaneously filed.

7. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

8. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 feet by 660 feet and the longer dimensions of the tracts may extend either north and south or east and west, provided the tract conforms to or is made to conform to the area and dimensions specified above, and, provided the tract is not described in such a manner as to break up a ten-acre rectangular subdivision. This proviso applies to all leases issued, preference and non-preference alike. The longitudinal directions of tracts described in applications filed prior to the date of this order shall not be disturbed unless they have been filed in such a manner as to violate the rectangular subdivision rule.

9. Leases on all tracts which are taken for purposes other than combination home and business sites will be for a period of 5 years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

(a) Leases for tracts for combination home and business sites will be for a period of 5 years at the minimum annual rental of $20.00 payable for the first year in advance of the issuance of the lease and for each succeeding year thereafter on a date not less than 30 days prior to the beginning of the lease year, or the lessee may, at his option, pay the minimum rental of $20.00 per annum for the entire lease period in advance of issuance of the lease. Rentals on combination home and business sites will be graduated upward in accordance with the schedule of rentals for business sites in effect as of the date this order is signed.

(b) Leases for combination home and business sites shall contain a provision requiring an annual report from each lessee who has taken a tract for such purposes as to whether or not he has conducted a business thereon and if so, an accounting of the gross income derived therefrom. Such lease will also contain a clause reserving to the duly appointed, qualified and acting representative of the Bureau of Land Management the right to enter upon and inspect the premises and to examine the books and accounts pertaining to any business conducted thereon at any time during regular business hours.

10. Leases will contain an option to purchase clause at appraised values as follows:

	Per tract
Section 12:	
NW¼	$100.00
NE¼	75.00
S½	50.00
Section 15:	
NW¼	125.00
NE¼	100.00
S½	75.00
Section 21: SW¼	175.00
Section 27:	
N½NW¼	100.00
S½NW¼	125.00
N½SE¼	100.00
S½SE¼	150.00
S½SW¼	100.00
N½SW¼	150.00

(a) Applications for purchase may be filed at or after the expiration of one year from the date the lease issued, provided that improvements, appropriate to the purpose for which the lease is issued and which meet with the approval of the Regional Administrator shall have been constructed upon the lands prior to filing of the application for purchase.

(b) Leases issued under the terms of this order shall not be subject to assignment unless and until improvements as mentioned above in (a) shall have been completed.

(c) Leases for lands upon which the improvements above mentioned shall not have been constructed at or before the expiration thereof shall not be renewed.

11. Lessees and/or their successors in interest shall comply with all Federal, State, county and municipal laws and ordinances, especially those governing health and sanitation and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

12. Rights-of-way for road and street purposes 33 feet in width are reserved from each tract and said 33-foot strip may be taken for street, road or alley from any edge of any of said tracts, but not more than one such strip for right-of-way shall be taken from any track without the consent of the lessee first had and obtained, or unless such right-of-way shall be condemned by proper eminent domain proceedings in a court of competent jurisdiction. The said rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to issuance of patent. If not so located, they may be subject to location after patent is issued. All rights-of-way herein mentioned and reserved may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof.

13. All structures with the exception of fences and like movable installations shall be set back from the exterior boundaries of the tract not less than 33 feet and if there is a road or street in existence, or an identified and definitely established right-of-way for such road or street, then and in that event, all permanent structures will be set back not less than 33 feet from the outside line of the said established road, street, or definitely identified right-of-way.

14. Survey of individual tracts shall be at the expense of the applicant.

15. All leases and patents issued shall contain a reservation to the United States of all fissionable material sources, and all minerals, together with the right to prospect for, mine and remove the same under applicable laws and regulations.

16. All inquiries regarding these lands shall be addressed to the Manager, United States Land and Survey Office, 100 U. S. Courthouse, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 50-7077; Filed, Aug. 14, 1950; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN HAWAIIAN STEAMSHIP CO. ET AL.

NOTICE OF HEARING ON APPLICATIONS TO EXTEND BAREBOAT CHARTER AGREEMENTS

Correction

In Federal Register Document 50-7091, published on page 5320 of the issue for Saturday, August 12, 1950, the date

of the hearing, appearing in the second paragraph, should read "August 28, 1950."

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8305, 8637]

ON THE AIR, INC. (WGBF), AND WMRO, INC. (WMRO)

ORDER ENLARGING ISSUES

In re applications of On the Air, Inc. (WGBF), Evansville, Indiana, for construction permit, Docket No. 8305, File No. BP-3844; WMRO, Incorporated (WMRO), Aurora, Illinois, for modification of license, Docket No. 8637, File No. BML-1276.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of August 1950;

The Commission having under consideration the initial decision in the above-entitled proceeding; the exceptions thereto, requests for oral argument and reply to exceptions, filed by the participants; a motion to strike certain portions of the exceptions of the applicant WMRO, Inc., filed May 25, 1950, by Minnesota Broadcasting Corporation (WTCN), respondent; and an opposition thereto filed June 5, 1950, by WMRO, Inc., requesting that the motion to strike be denied, or in the alternative that it be considered together with the oral argument on the exceptions; and

It appearing that it will be most conducive to the orderly dispatch of business to accord the interested parties an opportunity to be heard on the aforesaid motion to strike and opposition thereto in connection with the oral argument on the exceptions to the initial decision;

It is ordered, That at the oral argument herein the parties are afforded an opportunity to address themselves not only to the exceptions filed to the initial decision, but also to the aforesaid motion to strike and opposition thereto.

Released: August 4, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7097; Filed, Aug. 14, 1950; 8:49 a. m.]

[Docket Nos. 9622, 9623]

SUNLAND BROADCASTING CO. AND RIO GRANDE BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Sunland Broadcasting Company, El Paso, Texas, File No. BR-1879, Docket No. 9622; for renewal of license of Station KSET, El Paso, Texas, Sunland Broadcasting Company (assignor), File No. BAL-946, Docket No. 9623; Rio Grande Broadcasting Company (assignee), for consent to assignment of the license of Station KSET, El Paso, Texas.

The Commission having under consideration a joint petition filed July 27, 1950, by Sunland Broadcasting Company and Rio Grande Broadcasting Company, applicants in the above-entitled proceeding, requesting a continuance to August 29, 1950, of the hearing presently scheduled for August 14, 1950, in El Paso, Texas; and

It appearing, that one of the principal witnesses in the proceeding finds it necessary to be out of the city of El Paso during the week of August 14th; and

It further appearing, that there are no other parties to the proceeding and no objection to the grant of the petition has been filed by the General Counsel;

It is ordered, This 4th day of August 1950, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled applications now scheduled for August 14, 1950, be, and it is hereby, continued to August 29, 1950, at 10 o'clock a. m., in El Paso, Texas.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7101; Filed, Aug. 14, 1950; 8:50 a. m.]

[Docket No. 9637]

RADIO ATHENS, INC. (WRFC)

ORDER AMENDING ISSUES

In re application of Radio Athens, Inc. (WRFC), Athens, Georgia, for construction permit; Docket No. 9637, File No. BP-7415.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of August 1950;

The Commission having under consideration a petition filed July 26, 1950, by May Broadcasting Company (KMA), requesting a modification or clarification of Issue No. 4 specified in the Commission's order of April 21, 1950, designating the above-entitled application for hearing; and an opposition thereto filed by Radio Athens, Inc. (WRFC); and

It appearing, that Radio Athens, Inc., has no objection to amending the issue concerned so as to read the same as that issue specified in the Commission's memorandum opinion and order of July 26, 1950, in re Platte Valley Broadcasting Corporation (KNEB) (Docket No. 9596); and that the instant petitioner also desires that the said issue be reworded so as to be similar to the issue specified in that memorandum opinion and order; and

It further appearing, that for the reasons set forth in the Commission's memorandum opinion and order, in re Platte Valley Broadcasting Corporation (KNEB), the instant petition should be granted and Issue No. 4 accordingly amended;

It is ordered, That the petition of May Broadcasting Company (KMA), is granted; and that the Commission's order of April 21, 1950, designating the above-entitled application of Radio Athens, Inc. (WRFC), for hearing is amended to delete Issue No. 4 therefrom and to include therein the following as Issue No. 4:

4. To determine whether Station KMA, Shenandoah, Iowa, renders primary service beyond its normally protected contour in any area or areas within which the operation of Station WRFC as proposed may involve interference and, if so, whether 90 percent of the population (population served with an adequate signal) in those areas are supplied with primary service by any other station or stations which carry the same general program service as Station KMA.

Released: August 3, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7096; Filed, Aug. 14, 1950; 8:49 a. m.]

[Docket Nos. 8305, 8637, 9444, 9445, 9497]

KOKOMO PIONEER BROADCASTERS ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m., on Monday, September 18, 1950, the Commission will hear oral argument in Room 6121, on the following matters in the order indicated:

ARGUMENT No. 1

Docket No.				
9444 BP-7261	New	Donald A. Burton, William F. Craig & Ralph J. Whitinger, a partnership d/b as Kokomo Pioneer Broadcasters, Kokomo, Ind.	CP	1400 kc, 250 w. night, 250 w. day unlimited.
9445 BP-7305	New	Chronicle Publishing Co., Inc., Marion, Ind.	CP	1400 kc, 250 w. night, 250 w. day unlimited.
9497 BP-7380	WBAT	Marion Radio Corp., Marion, Ind.	CP to change frequency, decrease power, etc.	1400 kc, 250 w. night, 250 w. day unlimited.

ARGUMENT No. 2

8305 BH-P-3844	WGBF	On the Air, Inc., Evansville, Ind.	CP to increase power, etc.	1280 kc, 5 kw. DA night, 5 kw. day unlimited.
8637 BML-1276	WMRO	WMRO, Inc., Aurora, Ill.	Modification of license.	1280 kc, 100 w. night, 250 w. day unlimited.

Dated: August 1, 1950.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7098; Filed, Aug. 14, 1950; 8:49 a. m.]

[Docket Nos. 8380, 9205, 9206, 9253, 9254, 9263]

OZARKS BROADCASTING CO. ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m., on Friday, September 15, 1950, the Commission will hear oral argument in Room 6121, on the following matters in the order indicated:

ARGUMENT No. 1

Docket No.				
8380 B4-P-5259	KWTO	Ozarks Broadcasting Company, Springfield, Mo.	CP to increase power, etc.	560 kc. 5 kw. DA night, 5 kw. day unlimited.

ARGUMENT No. 2

9253 BP-6845	WTNJ	WOAX, Inc., Trenton, N. J.	CP to change frequency, increase power, etc.	1,260 kc. 500 w. day, daytime only.
9254 BP-6967	WBUD	Morrisville Broadcasting Co., Trenton, N. J.	CP to change frequency, increase power, etc.	1,260 kc. 1 kw. night, 1 kw. day DA-1 unlimited.

ARGUMENT No. 3

9205 BR-1697	KPMO	Myron E. Kluge and Dean H. Wiekstrom, a partnership d/b as Valley Broadcasting Co., Pomona, Calif.		Renewal of license.
9206 BAL-655	KPMO	Myron E. Kluge and Dean H. Wiekstrom (assignor), d/b as Valley Broadcasting Co., Dean H. Wiekstrom and Warner H. J. Sorenson, a partnership d/b as (assignee), Valley Broadcasting Co., Pomona, Calif.		Voluntary assignment of license.

ARGUMENT No. 4

9263 BL-3062	WMAW	Midwest Broadcasting Co., Milwaukee, Wis.	License to cover CP.	1,250 kc. 5 kw. night, 5 kw. day DA unlimited.

Dated: August 1, 1950.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7100; Filed, Aug. 14, 1950; 8:50 a. m.]

[Docket Nos. 8996, 9066, 9067, 9086]

KENYON BROWN ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m., on Friday, September 22, 1950, the Commission will hear oral argument in Room 6121, on the following matters in the order indicated:

ARGUMENT No. 1

Docket No.				
9066 BP-6693	New	Kenyon Brown, Tulsa, Okla.	CP	1340 kc. 250 w. night, 250 w. day unlimited.
9067 BP-6752	New	George E. Cameron, Jr., Tulsa, Okla.	CP	134 kc. 250w. night, 250 w. day unlimited.

ARGUMENT No. 2

8996 BP-5856	New	Belvedere Broadcasting Corp., Baltimore, Md.	CP	1400 kc. 250 w. night, 250 w. day unlimited.

ARGUMENT No. 3

9086 BP-P-5631	New	W. L. Pennington and V. H. Gage, a partnership d/b as Falls County Public Service, Marlin, Tex.	CP	1010 kc. 250 w. day, daytime.

Dated: August 1, 1950.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7099; Filed, Aug. 14, 1950; 8:50 a. m.]

[Docket No. 9543]

STATION KPAB

ORDER REOPENING RECORD FOR FURTHER HEARING

In the matter of revocation of license of Station KPAB, Laredo, Texas; Docket No. 9543.

The Commission having under consideration a petition filed by its General Counsel on May 8, 1950, requesting that the record in the above-entitled proceeding be reopened to receive additional evidence relating to the present employment of Mark Perkins and to such other matters as may be deemed relevant; and

It appearing, that the aforesaid Mark Perkins and Allen K. Tish, at the hearings herein, the record of which was closed on March 22, 1950 (subject only to the filing of one document which has since been filed), testified that Mark Perkins would continue his connection with Station KPAB; and

It further appearing, that in the aforesaid petition to reopen the record, the General Counsel alleges that subsequent to the closing of the record herein he was informed that Mark Perkins had left Laredo, Texas, and assumed full-time employment with Station KXYZ, Houston, Texas; that pursuant to inquiry, the Executive Vice-President of the licensee of Station KXYZ, by letter dated April 11, 1950, stated that Mark Perkins, on March 27, 1950, was employed by Station KXYZ as commercial salesman on a full-time basis; that the action of Mark Perkins subsequent to the closing of the record is not in accord with the representations made in the above-mentioned testimony of Perkins and Tish and casts substantial doubt on the truthfulness of that testimony; that therefore the record should be reopened; and that such evidence as may be presented, if the instant petition is granted, is newly discovered and could not with due diligence have been known or discovered at the time of the hearing; and

It further appearing, that the time for filing an opposition to the aforesaid petition has expired and no opposition has been filed thereto; and that the said petition sets forth facts which call for relief in accordance with the prayer thereof; and

It further appearing, that the above-entitled matter was heard in a consolidated proceeding with Docket No. 9604, In the Matter of Application for Consent to Transfer of Control of Laredo Broadcasting Company, licensee of Station KPAB, Laredo, Texas; and that the aforesaid petition of the General Counsel requested a reopening of the records in both proceedings for the purpose stated; but that an order dismissing the application in Docket No. 9604 at the instance of the proposed transferee, Allen K. Tish, has been entered this day;

It is ordered, This 4th day of August 1950, that the aforesaid petition to reopen record, filed by the General Counsel of the Commission on May 8, 1950, is granted, insofar as it applies to Docket No. 9543, to the extent herein set forth; that the record in the said proceeding is reopened to permit the taking of additional evidence relating to the present employment of Mark Perkins, his present connection with Station KPAB, and to such other matters as may be relevant thereto; and that the further hearing herein shall be held at the offices of the Commission in Washington, D. C., on a date to be specified in a subsequent order.

Released: August 4, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7102; Filed, Aug. 14, 1950; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2055]

IDAHO POWER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

AUGUST 9, 1950.

Public notice is hereby given that Idaho Power Company of Boise, Idaho, has filed application for preliminary permit under the Federal Power Act (16 U. S. C. 791a–825r) for a proposed hydroelectric development, designated as Project No. 2055, to be located on Snake River, Idaho, affecting public lands of the United States.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before September 18, 1950, to the Federal Power Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7095; Filed, Aug. 14, 1950; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25312]

CONCRETE PIPE IN THE SOUTH

APPLICATION FOR RELIEF

AUGUST 10, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1044.

Commodities involved: Concrete pipe, reinforced, carloads.

Between: Points in southern territory and between said points, on the one hand, and points in Virginia in official territory, on the other.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1044, Supplement 103.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7086; Filed, Aug. 14, 1950; 8:47 a. m.]

[4th Sec. Application 25313]

LUMBER FROM TEXAS TO OKLAHOMA

APPLICATION FOR RELIEF

AUGUST 10, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atchison, Topeka and Santa Fe Railway Company for itself and on behalf of the Panhandle and Santa Fe Railway Company and other carriers named in the application.

Commodities involved: Lumber and related articles, carloads.

From: Presidio and El Paso, Tex.

To: Miami and Picker, Okla.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: AT&SF, tariff I. C. C. No. 14165, Supplement 68.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7087; Filed, Aug. 14, 1950; 8:47 a. m.]

[4th Sec. Application 25314]

CRUDE RUBBER FROM NORTH ATLANTIC PORTS TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

AUGUST 10, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Crude rubber, carloads.

From: North Atlantic ports.

To: Points in official territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A–823, Supp. 212. I. N. Doe's tariff I. C. C. No. 591, Supp. 8. P. W. Phillips' tariff I. C. C. No. 240, Supp. 134.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7088; Filed, Aug. 14, 1950; 8:47 a. m.]

[4th Sec. Application 25315]

CEMENT IN WESTERN TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

AUGUST 10, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to his tariffs I. C. C. Nos. A–2958 and A–3815.

Commodities involved: Cement and related articles, carloads.

From: Points in western trunk line territory, also Ada and Dewey, Okla.

To: Points in western trunk line territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No.

A–2958, Supp. 172. L. E. Kipp's tariff I. C. C. No. A–3815.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50–7089; Filed, Aug. 14, 1950; 8:47 a. m.]

[4th Sec. Application 25316]

PIG IRON FROM TEXAS TO WASHINGTON, D. C.

APPLICATION FOR RELIEF

AUGUST 10, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Pig iron, carloads.

From: Daingerfield and Lone Star, Tex.

To: Washington, D. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supplement 468.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50–7090; Filed, Aug. 14, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59–15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

ORDER DENYING PETITIONS FOR REHEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of August A. D. 1950.

The Commission, acting pursuant to an Amended Plan filed by New England Public Service Company ("NEPSCO") under section 11 (e) of the Public Utility Holding Company Act of 1935, approved by the Commission by its Findings and Opinion and Order dated June 27, 1947, and approved and enforced by Order of the United States District Court for the District of Maine, dated August 6, 1947, and pursuant to the reservation of jurisdiction contained in said Order of the Commission dated June 27, 1947, having by its Supplemental Order dated June 19, 1950, and Supplemental Findings and Opinion dated July 28, 1950 (Holding Company Act Release No. 9982), entered its determinations as to the amounts to be paid to holders of the Certificates of Contingent Interest with respect to the Prior Lien Preferred Stock of NEPSCO;

Petitions for rehearing with respect to said Supplemental Order dated June 19, 1950, and said Supplemental Findings and Opinion dated July 28, 1950, having been filed by David J. Greene, et al., Committee for Common Stockholders of NEPSCO and Shareholders of Northern New England Company, and by State Street Investment Corporation, R. V. Engstrom, et al., holders of said Certificates of Contingent Interest, the latter petition being joined in by Russell B. Stearns; and

The Commission having duly considered said petitions and the grounds set forth therein and it appearing that said petitions raise no matters of substance not previously considered by the Commission:

It is ordered, That said petitions be, and they hereby are, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–7078; Filed, Aug. 14, 1950; 8:46 a. m.]

[File No. 59–15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

SUPPLEMENTAL ORDER APPROVING PLAN, AS AMENDED

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of August A. D. 1950.

New England Public Service Company ("Nepsco"), a registered holding company and a subsidiary company of Northern New England Company, also a registered holding company, having heretofore filed an Amended Plan ("Plan") under section 11 (e) of the Public Utility Holding Company Act of 1935, approved by the Commission by its Findings and Opinion and Order dated June 27, 1947, and approved and enforced by Order of the United States District Court for the District of Maine dated August 6, 1947; said Plan having provided, among other things, for the retirement of Nepsco's then outstanding Prior Lien Preferred Stock, $7 Series, and $6 Series, by the payment to the holders thereof on account of their rights and claims of $100 per share and an amount equal to accrued dividends, and the issuance to such holders of Certificates of Contingent Interest evidencing their right to receive such additional amount, if any (not exceeding $20 for the $7 Series and $10 for the $6 Series), and such compensation for delay in payment, as shall be finally determined; and Nepsco having deposited in escrow the sum of $4,000,000 to secure payment of such amounts, if any, as may be finally determined to be due and payable in accordance with the terms of said Certificates of Contingent Interest;

Nepsco having proposed in the Plan that the amount payable to holders of said Certificates of Contingent Interest shall be $20 per share of Prior Lien Preferred Stock of the $7 Series and $10 per share of the Prior Lien Preferred Stock of the $6 Series, plus, in the case of each series, such compensation for delay in the payment of such amounts as shall be determined by final order in the proceedings;

The Commission, by its Supplemental Order dated June 19, 1950, and Supplemental Findings and Opinion dated July 28, 1950 (Holding Company Act Release No. 9982) entered pursuant to the reservation of jurisdiction contained in the Commission's order of June 27, 1947, having directed that holders of said Certificates of Contingent Interest be paid $12.25 per share of Prior Lien Preferred Stock of the $7 Series and $2.25 per share of the Prior Lien Preferred Stock of the $6 Series plus, in the case of each series, compensation for the delay in payment of said amounts at the rate of 5.5 percent per annum from October 10, 1947, to the date of payment.

Petitions for rehearing with respect to said Supplemental Order dated June 19, 1950, and said Supplemental Findings and Opinion dated July 28, 1950 having been filed and the Commission by order dated August 9, 1950 having denied said petitions;

Nepsco having thereafter on August 9, 1950, filed with the Commission an amendment to the Plan to conform the Plan to said Supplemental Order dated June 19, 1950, and said Supplemental Findings and Opinion dated July 28, 1950, by substituting for its previous proposal, summarized above, with respect to the amounts to be paid to holders of said Certificates of Contingent Interest, the amounts specified in said Supplemental Order dated June 19, 1950;

Nepsco having requested the Commission to approve the Plan as thus amended and apply to the District Court of the United States for the District of Maine, pursuant to the applicable provisions of the act for an appropriate order enforcing and carrying out the Plan, as amended;

The Commission finding on the basis of such Supplemental Order dated June 19, 1950 and said Supplemental Findings and Opinion dated July 28, 1950 that the Plan, as amended, is fair and equitable to the persons affected thereby and necessary and appropriate to effectuate the provisions of section 11 (b) of the act;

It is ordered, Pursuant to section 11 (e) of the act that the Plan, as amended, be and it hereby is approved.

It is further ordered, That jurisdiction be and it hereby is reserved to determine the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred or to be incurred in connection with the Plan, as amended, and the transactions incident thereto.

It is further ordered, That jurisdiction be and it hereby is reserved to entertain such further proceedings, to make such supplemental findings and orders, and to take such further action as the Commission may deem appropriate in connection with the Plan, as amended, the transactions incident thereto and the consummation thereof, and to take such further action as the Commission may deem necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–7079; Filed, Aug. 14, 1950; 8:46 a. m.]

[File No. 70–2325]

CONSOLIDATED NATURAL GAS CO. ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of August A. D. 1950.

In the matter of Consolidated Natural Gas Company, the Peoples Natural Gas Company, New York State Natural Gas Corporation, Hope Natural Gas Company. File No. 70–2325.

Notice is hereby given that an amendment to the joint application-declaration herein has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiaries, The Peoples Natural Gas Company ("Peoples"), New York State Natural Gas Corporation ("New York State"), and Hope Natural Gas Company ("Hope"). Applicants-declarants have designated sections 6 (b), 7, 9 (a), 10 and 12 (f) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than August 31, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said joint application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time after August 31, 1950, such application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said amendment which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized below:

The amendment requests the entry of a supplemental order modifying the Commission's order dated March 10, 1950, herein, permitting Consolidated, pursuant to the terms of a loan agreement entered into with four commercial banks, to issue and sell, from time to time, during 1950, an aggregate of $14,000,000 principal amount of its 2 percent promissory notes due March 15, 1951, subject to renewal each year for four additional years at the option of Consolidated, and subject to Consolidated obtaining an order of the Commission authorizing each such renewal. The requested supplemental order would permit the issuance and sale of an additional $6,000,000 of such notes resulting in an aggregate of $20,000,000, subject to the same terms and conditions as heretofore permitted.

Our order of March 10, 1950, also permitted the issuance and sale by Peoples and New York State, to Consolidated, during the year 1950, of $6,000,000 and $8,000,000 principal amounts, respectively, of their 2 percent promissory notes maturing March 1, 1951, subject to renewals on the same terms as the notes to be sold by Consolidated. The requested supplemental order would permit the issuance and sale (i) of an additional $2,000,000 principal amount of such notes by Peoples resulting in an aggregate of $8,000,000; and (ii) of an additional $2,500,000 principal amount of such notes by New York State, resulting in an aggregate of $10,500,000; and (iii) of $2,000,000 principal of like notes by Hope. The proceeds from the sale of such notes will be used to finance, in part, the construction and gas storage programs of the subsidiaries.

It is stated that the necessity for the present proposal arises in most part from increases over original estimates of the cost of the construction and gas storage programs of the several subsidiaries herein. It is also stated that the issuance and sale of notes by Consolidated and its subsidiaries are part of a general financial plan adopted by Consolidated and its subsidiaries for the purpose of securing needed capital funds on an interim basis for a period not to exceed five years. It is indicated that during the five year period the notes herein proposed together with such further notes as shall be issued and sold by Consolidated, will be refinanced by the issuance and sale of debentures or capital stock, or both. Any renewal of notes or issuance of further notes or other securities will be subject to further order of this Commission.

The proposed issuance and sale of notes by Peoples and Hope have been submitted to the Pennsylvania Public Utility Commission and the West Virginia Public Service Commission, respectively, for their approval. The proposed issuance and sale of notes by New York State is not subject to the jurisdiction of any state regulatory commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–7080; Filed, Aug. 14, 1950; 8:46 a. m.]

[File No. 70–2408]

REPUBLIC SERVICE CORP. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 8th day of August A. D. 1950.

In the matter of Republic Service Corporation, Greencastle Light, Heat, Fuel and Power Company, Mercersburg, Lehmasters and Markes Electric Company, Fulton Electric Light, Heat & Power Company. File No. 70–2408.

Republic Service Corporation ("Republic"), a registered holding company, and three of its wholly owned public utility subsidiary companies, Greencastle Light, Heat, Fuel and Power Company ("Greencastle"), Mercersburg, Lehmasters and Markes Electric Company ("Mercersburg"), and Fulton Electric Light, Heat & Power Company ("Fulton"), having filed a joint application-declaration and amendments thereto with the Commission pursuant to the provisions of sections 6, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, and U-45 promulgated thereunder regarding the following transactions:

Republic proposes to make capital contributions to Mercersburg and Fulton, of amounts due Republic on open account, in the sum of $236,300 and $138,626, respectively, subject to certain adjustments. Republic further proposes to sell and Greencastle proposes to acquire all the capital stocks of Mercersburg and Fulton, presently owned by Republic, for the cash amounts of $593,027.64 and $258,192.89, respectively, subject to certain adjustments.

Upon acquisition of such capital stocks by Greencastle, a merger will be effected whereby Greencastle will acquire the assets and assume the liabilities of Mercersburg and Fulton. The capital stocks of Mercersburg and Fulton will thereupon be canceled and the two companies will be dissolved.

In connection with the foregoing transactions Greencastle and Republic propose to take the following additional steps:

1. Greencastle will change its name to Cumberland Valley Electric Company (Greencastle will hereinafter be referred to as "Cumberland").

2. Cumberland will issue and sell $600,000 principal amount of 3¼ percent First Mortgage Bonds, due 1970,

and $100,000 principal amount of 3½ percent Serial Notes—due $10,000 each year 1951 to 1960, inclusive—to John Hancock Mutal Life Insurance Company, at the principal amount thereof.

3. Cumberland will increase its authorized capital stock from 10,000 shares of common stock, par value $10 per share, to 50,000 shares of common stock, par value $10 per share; and will issue and sell, and Republic will purchase, 27,500 additional shares of such common stock for $275,000.

4. Of the aggregate of $975,000 to be received by it from the sales of securities referred to above, Cumberland will (a) deposit $100,000 with the Trustee under its new bonds, to be subsequently withdrawn against new construction, (b) pay Republic the adjusted price of $850,000 (see par. 5 below) for the stocks of Mercersburg and Fulton, and (c) use the balance of $25,000 for expenses of the proposed transactions and for working capital.

5. After giving effect to the amounts payable to Republic by Cumberland in respect of the latter's purchase of the stocks of Mercersburg and Fulton, Republic will contribute to Cumberland all sums owed it by Cumberland in excess of $850,000.

6. Of the $850,000 to be received by it from Cumberland, Republic will use $575,000 to pay and discharge its presently outstanding $425,000 principal amount of secured notes, and $150,000 principal amount unsecured note due August 31, 1950; and will use the balance of $275,000 to purchase 27,500 shares of Cumberland's common stock, as described in paragraph 3 above.

Said application-declaration having been filed on May 26, 1950, and amendments thereto having been filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Pennsylvania Public Utility Commission, the only State commission having jurisdiction over the proposed transactions, having duly authorized the proposed transactions insofar as they affect Cumberland, Mercersburg and Fulton; and

Applicants-declarants having requested that the Commission's order herein with respect to said joint application-declaration, as amended, become effective upon issuance; and

The Commission finding with respect to the joint application-declaration, as amended, that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective, subject to the terms and conditions specified below; and the Commission further deeming it appropriate to grant the request of the joint applicants-declarants that the order herein become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7081; Filed, Aug. 14, 1950; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14912]

RICHARD AND GRETA LEVIEN

In re: Real property owned by Richard Levien, also known as Richard Levine and as Richard Lewien, and Greta Levien, his wife, also known as Grete Heuer Levien.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Levien, also known as Richard Levine and as Richard Lewien, and his wife, Greta Levien, also known as Grete Heuer Levien, each of whose last known address is Nussberg Str. 49, Braunschweig, Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in New Berlin Township, County of Waukesha, State of Wisconsin, particularly described as all of Lot Number Thirty-one (31) and the contiguous part of Lot Thirty-two (32) having a frontage of twenty-four (24) feet and a depth of three hundred thirty-eight (338) feet in the Linnie Lac Subdivision, being that certain real property conveyed by Malinda Blott, administratrix and survivor of the estate and lands of John C. Blott, deceased, to Richard Levien and Greta Levien, his wife, by warranty deed, dated March 14, 1939 and recorded in the Office of the Register of Deeds of Waukesha County, Wisconsin, on April 6, 1939, in volume 282 of Deeds on page 115, said lots being described in the plat of the Linnie Lac Subdivision on record in the Office of said Register of Deeds, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7103; Filed, Aug. 14, 1950; 8:50 a. m.]

[Vesting Order 14913]

ELIZABETH AND MARTHA SCHWARZENBERG

In re: Real property owned by Elizabeth Schwarzenberg and Martha Schwarzenberg.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Schwarzenberg and Martha Schwarzenberg, whose last known address is Ostseebad, Prerow-Darsz, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the Town of Wauwatosa, County of Milwaukee, State of Wisconsin, particularly described as lots numbered Thirty (30) and Thirty-one (31) in Block numbered Thirteen (13), in Hampton Park, being a subdivision of a part of the Northwest Quarter (NW¼) of Section numbered Three (3), in Township numbered Seven (7) North, Range numbered Twenty-one (21) East, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7104; Filed, Aug. 14, 1950; 8:50 a. m.]

NICHOLAS P. PERENTESIS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Nicholas P. Perentesis, $28.49 in the Treasury of the United States.

Stavros P. Perentesis, $28.49 in the Treasury of the United States.

Catherine N. Dousmanis, $28.49 in the Treasury of the United States.

Voula G. Perentesis, $14.25 in the Treasury of the United States.

Panagiotis G. Perentesis, $14.25 in the Treasury of the United States.

Stavroula C. Perentesis, $7.13 in the Treasury of the United States.

George C. Perentesis, $3.56 in the Treasury of the United States.

Panagiotis C. Perentesis, $3.56 in the Treasury of the United States.

Anastasios C. Perentesis, $3.56 in the Treasury of the United States.

Demitra C. Perentesis, $3.56 in the Treasury of the United States.

Nicholas C. Perentesis, $3.56 in the Treasury of the United States.

Fotios C. Perentesis, $3.56 in the Treasury of the United States.

All of Paleopanaya, Laconia, Greece; Claim No. 28592.

Executed at Washington, D. C., on August 9, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7106; Filed, Aug. 14, 1950; 8:50 a. m.]

ROSARIA RUMORE MUSTACCHIO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rosaria Rumore Mustacchio, a/k/a Rosarie Rumore Mustacchio, Palermo, Italy; Claim No. 41785; $5,481.38 in the Treasury of the United States.

Executed at Washington, D. C., on August 9, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7109; Filed, Aug. 14, 1950; 8:50 a. m.]

IDA NELLI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ida Nelli and Iginia Marini, Chicago, Ill.; Claims Nos. 5377 and 5378; $174.73 in the Treasury of the United States to each Ida Nelli and Iginia Marini.

Fulvio Marini and Flora Marini, Pescia, Italy; Claim No. 38733; $349.45 in the Treasury of the United States to each Fulvio Marini and Flora Marini.

Executed at Washington, D. C., on August 10, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7107; Filed, Aug. 14, 1950; 8:50 a. m.]

EDWARD V. COONAN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Edward V. Conan as Executor of the will of Helen Brauns Coonan, deceased, Baltimore, Maryland, Claim No. 12096; $1,025.90 in the Treasury of the United States.

Adolph William Engler as Executor of the will of Edna Grace Engler, deceased, Pitman, N. J.; Claim No. 12097; $1,025.90 in the Treasury of the United States.

William A. Grimes as Administrator of the estate of George C. Keidel, deceased, Baltimore, Md.; Claim No. 12098; $1,025.90 in the Treasury of the United States.

Executed at Washington, D. C., on August 10, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7108; Filed, Aug. 14, 1950; 8:50 a. m.]

[Vesting Order 14914]

JOHN U. YOKOTAKE

In re: Interest in real property, property insurance policy and a claim owned by John U. Yokotake.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John U. Yokotake, whose last known address is 249 Danbara Nakamachi, Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. An undivided one-half (½) interest in real property situated in the County of Minidoka, State of Idaho, particularly described as the West-half of the Southwest quarter (W½SW¼) of Section Thirty-five (35), Township Nine (9) south of Range Twenty-three (23) east of the Boise Meridian, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of the person named in subparagraph 1 hereof, in and to Fire Insurance Policy, No. 13406, in the amount of $1,500.00, expiring May 5, 1950, issued by the American Insurance Company, 15 Washington Street, Newark, New Jersey to E. M. Tanaka, and insuring the improvements on the real property described in subparagraph 2–a hereof, together with any and

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all extensions or renewals thereof, and

c. That certain debt or other obligation owing to the person named in subparagraph 1 hereof, by E. M. Tanaka, also known as Eddie M. Tanaka, Box 2, Shoshone, Idaho, arising out of his share of the rents collected from the real property described in subparagraph 2–a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–b and 2–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7105; Filed, Aug. 14, 1950; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.109]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Section 325.11, *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following February 18, 1950, paragraph (a) is amended by the addition of the following:

Kenya, back country only.

2. Effective as of the beginning of the first pay period following May 13, 1950, paragraph (a) is amended by the addition of the following:

Nigeria and Cameroons (British mandate).

3. Effective as of the beginning of the first pay period following August 5, 1950, paragraph (a) is amended by the addition of the following:

Brazil, north of latitude 20° south, except Belem, Fortaleza, Natal, Recife, Salvador, and Bello Horizonte; and back country south of latitude 20° south.
British Guiana.
Gold Coast.
Greenland, except Narsarssuak.
Liberia, except Harbel.
Northern Rhodesia, except Lusaka.
Nyasaland, except Blantyre and Zomba.
Phnom Penh, Cambodia.
Sierra Leone.
Vientiane, Laos.

4. Effective as of the beginning of the first pay period following June 10, 1950, paragraph (b) is amended by the addition of the following:—

Tanganyika, except Dar-es-Salaam.

5. Effective as of the beginning of the first pay period following August 5, 1950, paragraph (b) is amended by the addition of the following:

Harbel, Liberia.
Uganda.

6. Effective as of the beginning of the first pay period following July 8, 1950, paragraph (c) is amended by the addition of the following:

Blantyre, Nyasaland.

7. Effective as of the beginning of the first pay period following September 19, 1948, paragraph (d) is amended by the addition of the following:

Natal, Brazil.

8. Effective as of the beginning of the first pay period following May 13, 1950, paragraph (a) is amended by the deletion of the following post:

Lagos, Nigeria.

9. Effective as of the beginning of the first pay period following August 5, 1950, paragraph (a) is amended by the deletion of the following posts:

Accra, Gold Coast.
Georgetown, British Guiana.
Godthaab, Greenland.
Monrovia, Liberia.

10. Effective as of the beginning of the first pay period following August 5, 1950, paragraph (b) is amended by the deletion of the following posts:

Freetown, Sierra Leone.
Saltpond, Gold Coast.

11. Effective as of the beginning of the first pay period following June 10, 1950, paragraph (c) is amended by the deletion of the following post:

Dodoma, Tanganyika.

12. Effective as of the beginning of the first pay period following August 5, 1950, paragraph (c) is amended by the deletion of the following post:

Entebbe, Uganda.

13. Effective as of the beginning of the first pay period following August 5, 1950, paragraph (d) is amended by the deletion of the following post:

Belterra, Brazil.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

JOHN E. PEURIFOY,
Deputy Under Secretary.

AUGUST 8, 1950.

[F. R. Doc. 50-7144; Filed, Aug. 15, 1950; 8:49 a. m.]

AUG 22 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 158

Washington, Wednesday, August 16, 1950

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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[Amdt. 3]

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

SUBPART—FRESH AND PROCESSED ORANGE EXPORT PROGRAM

Section 518.188 *Eligibility for payment* is hereby amended by deleting paragraph (a) and inserting in lieu thereof the following:

§ 518.188 *Eligibility for payment.* (a) No payment will be made hereunder, unless the exporter executes and files Form FV-430, "Notice of Intention to File Claim under Orange Export Program QMX 7a" with the designated representative of the Secretary for the area of origin of the products to be exported as indicated in § 518.185 and unless such Form FV-430, "Notice of Intention," is approved in writing by the representative of the Secretary. A separate form must be filed for each anticipated claim by mail, postmarked not later than September 17, 1950. No payment will be made if such form is mailed after such date, and no payment will be made in excess of the sum to be billed the Secretary as shown in the approved Form FV-430, unles the Secretary or his representative, upon written request by the exporter, stating his reasons therefor, waives such delay in filing or approves such greater amount.

The representative of the Secretary will notify the exporter of the approval or disapproval as promptly as possible after receipt of any executed Form FV-430. Approval will be granted in the order in which "Notices of Intention" are received and such approval or disapproval will be based on the availability of funds under this program.

Effective date. This amendment shall become effective at 12:01 a. m., e. s. t. August 16, 1950.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. and Sup. 612c)

Dated this 11th day of August 1950.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 50-7150; Filed, Aug. 15, 1950; 8:51 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 502—RULES OF PROCEDURE FOR CLAIMS

PHILIPPINE DEBT CLAIMS

Part 502 is hereby amended by the addition of § 502.209, as set out below.

§ 502.209 *Philippine debt claims*—(a) *Applicability.* This section is applicable solely to the processing, determination and payment of debt claims asserted in respect of debtors whose vested property is located both in the Philippines and in the United States. All Notices of Claim for payment of debts heretofore filed with this Office in respect of debtors whose vested property is located solely in the Philippines have been transferred to the Philippine Alien Property Administration. Any person who desires to assert a claim with respect to vested property located solely in the Philippines should communicate with the Philippine Alien Property Administration, Dewey Boulevard and Cortaditarto Street, Manila, P. I.

(b) *Claims filed with the Philippine Alien Property Administration are deemed filed with this Office.* Any Notice to Claim heretofore or hereafter filed with the Philippine Alien Property Administration for payment of a debt in respect of a debtor any of whose vested property is located in the United States shall be deemed filed with this Office at the time of its filing with the Philippine Alien Property Administration.

(c) *Claims with respect to property of a debtor located both in the Philippines and in the United States.* Except as otherwise agreed to between this Office and the Philippine Alien Property Administration, where the vested property of a debtor is located both in the Philippines and in the United States, this Office will process claims asserted by residents of the United States or by corporations organized under the laws of the United States or any nation, territory, or possession thereof, and the Philippine Alien Property Administration will process claims asserted by residents of the Philippines or corporations organized under the laws of the Philippine Islands.

(d) *Availability of debtor's estate in the United States and the Philippines for payment of allowed claims.* The money available in this Office and the Philippine Alien Property Administration for the payment of claims in respect of a particular debtor's estate shall be made available for the payment of all allowed claims in respect to such debtor's estate, whether filed with this Office or the Philippine Alien Property Administration, subject to the joint approval of this Office and the Philippine Alien Property Administration. The amount of money disbursed in payment of claims in respect of a debtor's solvent estate shall be prorated and divided between this Office and the Philippine Alien Property Administration on the basis of the ratio that the amount of money originally available for payment in this Office bears to the amount of money originally available for payment in the Philippine Alien Property Administration.

(e) *Hearings in the Philippine Alien Property Administration are deemed hearings before this Office.* A hearing in the Philippine Alien Property Administration in respect of a Notice of Claim processed pursuant to the provisions of this section shall be deemed a hearing in this Office where the Notice of Claim is based upon the same debt asserted in respect of the same debtor, and the claimant shall not be entitled to further hearing on the same debt claim in this Office. In such cases, the Philippine Alien Property Administration shall transmit to this Office a transcript of the record of the proceedings before it in respect of the claim. Upon receipt of the transcript, the Director of this Office may render his determination upon the basis of the record of the proceedings in the Philippine Alien Property Administration or take such other action as he may deem appropriate.

(Sec. 301, 55 Stat. 839; 50 U. S. C. App., 616. E. O. 9142, Apr. 21, 1942, 7 F. R. 2985; 3 CFR 1943 Cum. Supp.; E. O 9725, May 16, 1946, 11 F. R. 5381; 3 CFR 1946 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981, 12123, 3 CFR 1946 Supp.)

Executed at Washington, D. C., this 9th day of August 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 50-7148; Filed, Aug. 15, 1950; 8:50 a. m.]

Chapter III—Office of Philippine Alien Property Administration

PART 601—GENERAL RULES OF PROCEDURE

PART 602—RULES OF PROCEDURE FOR CLAIMS

MISCELLANEOUS AMENDMENTS

1. The headnote for Part 601 is amended to read as set forth above.

2. Sections 601.1 *Receipt and disposition of claims* and 601.2 *Rules of Vested Property Claims Committee* are designated Part 602 and revised as set forth below. New §§ 601.1 and 601.2 are added as set forth below.

Executed at Manila, this 8th day of August 1950.

[SEAL] JAMES McI. HENDERSON,
Philippine Alien Property Administrator of the United States of America.

§ 601.1 *Time for filing claims*—(a) *Definitions.* (1) The term "vested property" as used in this section, means any property or interest seized by, vested in, or transferred to the Philippine Alien Property Administrator. The term "vested property" also includes any property or interest seized by, vested in, or transferred to the Alien Property Custodian under the act, which property or interest was transferred on October 15, 1946, under the act, to the Attorney General of the United States, and which property or interest the Attorney General transferred under the act to the Philippine Alien Property Administrator on January 9, 1947 (12 F. R. 215).

(2) The term "title claim" means a notice of claim under the act for the return of any vested property or the proceeds thereof.

(3) The term "debt claim" means a claim for payment of debt under section 34 of the act.

(4) The term "bar order" means the first order and notice under section 34

(b) of the act in respect of the debtor involved, published in the FEDERAL REGISTER, which first fixes a date after which the filing of debt claims in respect of the debtor shall be barred.

(5) The term "act" means the Trading With the Enemy Act, as amended.

(b) *Title claims.* (1) Title claims shall be filed with the Philippine Alien Property Administration by April 30, 1949, or within two (2) years from the date the property claimed became vested property, whichever, is later, computed in accordance with section 33 of the act.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, if no title claim is filed, with respect to vested property covered by a bar order, within one hundred and twenty (120) days after publication of the bar order, the Philippine Alien Property Administrator is authorized under section 34 of the act to pay debts owed by the person who owned such property or interest immediately prior to such vesting or transfer, out of money included in, or received as net proceeds from the sale, use, or other disposition of such property or interest, after deduction for expenses and taxes pursuant to section 34 (g) of the act.

(c) Debt claims shall be filed with the Philippine Alien Property Administration within the time fixed by the Philippine Alien Property Administrator in accordance with section 34 of the act. Under section 34 (a) of the act, the time fixed for the filing of debt claims may, subject to certain stated limitations, be extended by the Philippine Alien Property Administrator.

§ 601.2 *Filing of claim as condition precedent of suit.* The definitions contained in § 601.1 are applicable to this section. The filing, heretofore or hereafter, of a title claim under section 32 of the act shall constitute the filing of a notice required by section 9 of the statute as a condition precedent to the filing of a suit in equity under section 9.

(Sec. 5, 40 Stat. 415, sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179, sec. 301, 55 Stat. 839, sec. 3, 60 Stat. 418; 50 U. S. C. App. and Sup., 5, 616, 22 U. S. C. and Sup., 1382; sec. 2, E. O. 9818, Jan. 7, 1947, 12 F. R. 133, 3 CFR, 1947 Supp.)

PART 602—RULES OF PROCEDURE FOR CLAIMS

SUBPART A—GENERAL RULES

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602.1 Scope of part.
602.2 Definitions.
602.3 Appearance.
602.4 Leave to be heard.
602.5 Forms.
602.6 Addition and Substitution of parties.
602.7 Amendment and withdrawal of claim.
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SUBPART D—GENERAL CLAIMS

602.300 General claims.

AUTHORITY: §§ 602.1 to 602.300 issued under sec. 5, 40 Stat. 415, sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179, sec. 301, 55 Stat. 839, sec. 3, 60 Stat. 418; 50 U. S. C. App. and Sup., 5, 616, 22 U. S. C. and Sup., 1382; sec. 2, E. O. 9818, Jan. 7, 1947, 12 F. R. 133; 3 CFR, 1947 Supp.

SUBPART A—GENERAL RULES

§ 602.1 *Scope of part.* (a) Sections in Subpart A shall be applicable solely to title and debt claims.

(b) Sections in Subpart B shall be applicable solely to title claims.

(c) Sections in Subpart C shall be applicable to debt claims.

(d) Sections in Subpart D shall be applicable to all claims other than title and debt claims as defined in § 602.2 (e) and (f).

§ 602.2 *Definitions.* As used in this part, unless the context otherwise requires,

(a) The term "act" means the Trading With the Enemy Act, as amended. The term "section" refers to a section of the act.

(b) The term "Administration" means the Philippine Alien Property Administration of the United States of America.

(c) The term "rules" means the rules of the Administration.

(d) The term "Administrator" means the Philippine Alien Property Administrator, or other person duly authorized to perform his functions.

(e) The term "title claim" means a notice of claim under section 32.

(f) The term "debt claim" means a claim under section 34.

(g) The term "claim" refers to a title claim or a debt claim.

(h) The term "claimant" means the person in whose behalf a claim is filed.

(i) The term "claim proceeding" means the administrative processing of a claim and includes the claim.

(j) The term "parties" includes the claimant and the General Counsel and, in debt claim proceedings, includes all related claimants as defined in § 602.200 (h).

(k) The term "vested property" means any property or interest vested in or transferred to the Administrator (other than any property or interest acquired by the United States prior to December 18, 1941) or the net proceeds thereof.

(l) The term "filing" means receipt by the Administration or appropriate officer or employee thereof.

(m) The term "Hearing Examiner" means the Chief of the Claims Adjudication Division of the Administration or any person designated to perform his functions by the Administrator.

§ 602.3 *Appearance.* (a) An individual may appear in a claim proceeding in his own behalf; a member of a partnership may represent the partnership; a bona fide officer of a corporation, trust or association may represent the corporation, trust or association, and an officer or employee of a federal, state or territorial agency, office or department may represent the agency, office or department.

(b) A person may be represented in a claim proceeding by an attorney at law admitted to practice before the Supreme Court of the United States or the highest court of any state or territory of the United States, or the Court of Appeals, or the District Court of the United States for the District of Columbia, or the Supreme Court of the Philippines.

(c) Any person appearing in a claim proceeding may be required to file a power of attorney showing his authority to act in such capacity.

(d) Limitations on representative activities by former employees: See § 611.10 of the substantive rules of the Administration.

§ 602.4 *Leave to be heard.* (a) Unless waived by the Hearing Examiner, requests for leave to be heard shall be in writing, shall set forth the nature and extent of the applicant's interest in the proceeding and shall be filed with the Hearing Examiner not later than two (2) days prior to the date fixed for the commencement of the hearing.

(b) Leave to be heard may include a leave to call and examine witnesses, to offer documentary evidence, to cross-examine witnesses, to file briefs, to submit proposed findings and conclusions and to make oral argument. The Hearing Examiner or the Administrator shall determine the time and extent of such participation.

(c) The Republic of the Philippines shall be given leave to be heard in a claim proceeding which leave shall include leave to call and examine witnesses, to offer documentary and other evidence, to cross-examine witnesses, to file briefs, to submit proposed findings and conclusions and to make oral argument.

§ 602.5 *Forms.* (a) Title claims shall be filed on Form PAPA–1.

(b) Debt claims shall be filed on Form PAPA–2.

(c) Unless waived by the Administrator, only claims filed on the prescribed forms shall be considered as claims or notices of claim filed with this Administration.

§ 602.6 *Addition and substitution of parties.* Motions to add or substitute parties claimant may be granted by the Hearing Examiner in his discretion: *Provided, however,* That if the time has expired for the filing of a separate or independent claim by the party claimant to be added or substituted, no motion for addition or substitution of parties may be granted when giving effect to the party added or substituted would be tantamount to allowing the filing of a new cause of action. The Hearing Examiner in determining whether a new cause of action is involved shall take into consideration the evidence to be adduced, the relief to be granted, the legal basis of the claim, the defenses and counterclaims available to the Administration, and any other factor which under sound administrative procedure would be relevant and material on the question as to whether the cause of action or cause of claim remains the same.

§ 602.7 *Amendment and withdrawal of claim.* (a) The claimant may amend his claim prior to hearing. After the opening of a hearing in a claim proceeding, amendment of the claim may be made with the consent of all parties or as allowed by the Hearing Examiner or the Administrator.

(b) The claimant may at any time withdraw his claim by notice in writing to that effect.

§ 602.8 *Order for hearing.* The Administrator or the Hearing Examiner may issue an order for hearing in a claim proceeding. In fixing the time for hearing, due regard shall be given to the status of the claim proceeding and the convenience of the parties. The order shall specify the time, place, and nature of hearing. The order shall be served by the Hearing Examiner on all parties within a reasonable time, but not less than ten (10) days in advance of the hearing, unless the parties shall agree to a shorter time.

§ 602.9 *Removal of a claim proceeding and hearing by the Administrator.* (a) The Administrator may personally conduct a hearing and may exercise the other functions appropriate to the Hearing Examiner. The Administrator, at any stage of a claim proceeding before the Hearing Examiner, may remove the claim proceeding from the Hearing Examiner, and in his discretion may set aside all or part of the previous proceedings had in the claim. Determinations of the Administrator under this section shall first be issued in tentative form.

§ 602.10 *Pre-hearing conferences.* (a) At any time prior to hearing, the Hearing Examiner may arrange for the parties to appear before it for a conference at a designated time and place to consider, among other things, simplification of the issues and any other matter which would tend to expedite the disposition of the proceeding.

(b) The action taken at the conference may be recorded in a summary form or otherwise, for use at the hearing. Such record, when agreed to by the parties and approved by the Hearing Examiner, shall be conclusive as to the action embodied therein. Stipulations and admissions of fact and amendments shall be made a part of the record of the claim proceeding.

§ 602.11 *Consolidation of claims.* The Administrator or the Hearing Examiner, upon his own motion or upon motion of any party, may, where such action shall expedite the disposition of claims and further the ends of justice, consolidate claim proceedings.

§ 602.12 *Hearings.* (a) All hearings, except hearings before the Administrator, shall be conducted by the Hearing Examiner. In case of death, illness, disqualification or unavailability of the Hearing Examiner, a substitute Hearing Examiner may be designated by the Administrator.

(b) The Hearing Examiner may withdraw from a case when he deems himself disqualified or he may be withdrawn by the Administrator after affidavits alleging personal bias or other disqualifications have been filed with the Administrator and the matter has been considered by the Administrator.

(c) Hearings shall be held as ordered by the Administrator or the Hearing Examiner and shall be open to the public unless otherwise ordered by the Administrator or the Hearing Examiner.

(d) Subject to the rules of the Administration, the Hearing Examiner shall have the hearing powers set forth in section 7 (b) of the Administrative Procedure Act (60 Stat. 241; 5 U. S. C. 1006).

(e) The Hearing Examiner shall act independently in the performance of his duties and perform no duties inconsistent with his duties and responsibilities. Save to the extent required for the disposition of ex parte matters, the Hearing Examiner shall not consult any person or party as to any fact in issue unless upon notice and opportunity for all parties to participate.

(f) The claimant shall be the moving party and shall have the burden of proof on all the issues involved in the claim proceeding. The claimant shall proceed first at the hearing in title claim proceedings. In debt claim proceedings the Hearing Examiner shall determine the order of proceeding.

(g) A presumption of the accuracy and the validity of the findings in a vesting order as to ownership of the property immediately prior to vesting shall be operative in all claims. Such findings shall be deemed accurate and valid unless contested or put in issue by a party, in which event such party shall have the burden of proving his allegations as to ownership of the property involved immediately prior to vesting.

(h) Any party and the Hearing Examiner shall have the right and power to call, examine and cross-examine witnesses, and to offer documentary or other evidence.

(i) In a claim proceeding, the rules of evidence prevailing in courts of law and equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial or unduly repetitious evidence. The scope of cross-examination may, in the discretion of the Hearing Examiner, extend to matters not covered in direct examination.

(j) Any record, document, or other writing, or any portion thereof, from the files of any foreign industrial, business or commercial enterprise, or from the official files of a foreign government, or any subdivision or agency thereof, shall, if otherwise relevant, be admissible in evidence in a claim proceeding as competent evidence of the matters therein contained, when authenticated by a certificate of a duly designated representative of the allied military or civilian authority of occupation, stating that such record, document or other writing came from the files of such enterprise, or from the official files of such foreign government and is in the custody of such allied authority of occupation. All circumstances in the making of such record, document or writing, as well as the lack of opportunity for cross examination, shall be considered by the Administrator or the Hearing Examiner in determining its weight, but shall not affect its admissibility. A copy of such record, document or writing shall be equally admissible as the original, when accompanied by a certificate of the allied authority of occupation having custody thereof, stating that it conforms with the original.

(k) In the discretion of the Hearing Examiner, the hearing may be adjourned from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing by the Hearing Examiner or by appropriate notice.

(l) Contemptuous conduct at any hearing shall be ground for exclusion from the hearing. Failure or refusal of a witness to appear at any such hearing or to answer any question which has been ruled to be proper may be ground for the striking out of all testimony which may have been previously given by such witness on related matters.

(m) Hearings shall be stenographically reported by a reporter designated by the Administrator or Hearing Examiner and a transcript of such report shall be a part of the record and the sole official transcript of the proceeding. Such transcript shall include a verbatim report of the hearings. Nothing shall be omitted therefrom except as directed on the record by the Administrator or the Hearing Examiner. Corrections in the official transcript may be made with the consent of the Hearing Examiner to make the transcript conform to the evidence presented at the hearing. The

transcript may be examined without charge by the parties at the offices of the Administration during regular office hours. Parties desiring copies of the transcript may obtain such copies from the official reporter upon payment of the fees fixed therefor.

(n) Hearing may be waived by the parties and the claim submitted on briefs to the Hearing Examiner, or to the Administrator with his consent.

(o) The General Counsel shall be a necessary party in all claim proceedings.

§ 602.13 *Witnesses.* (a) Witnesses shall be examined orally under oath, except that, for good cause shown, testimony may be taken by deposition.

(b) Witnesses summoned before the Hearing Examiner shall be paid the same fees and mileage which are paid witnesses in the Courts of First Instance of the Philippines. Witness fees and mileage shall be paid by the party at whose instance the witness appears.

§ 602.14 *Subpoenas.* (a) The Administrator or the Hearing Examiner shall, upon application by any party, and upon a showing of general relevance and reasonable scope of the evidence sought, issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence under oath, including books, records, correspondence or documents. Application for the issuance of subpoenas duces tecum shall specify the books, records, correspondence or other documents sought.

(b) The Administrator or the Hearing Examiner, before issuing any subpoena, may require a deposit of an amount adequate to cover the fees and mileage involved.

§ 602.15 *Depositions.* (a) Any party desiring to take a deposition shall make application therefor in writing, setting forth the reasons why such deposition should be taken, the name and residence of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition. Thereupon, the Administrator or the Hearing Examiner may, in his discretion, issue an order which will name the witness whose deposition is to be taken, state the scope of the testimony to be taken, and specify the time when, the place where, and the officer before whom the witness is to testify. Such order shall be served upon all parties by the Hearing Examiner within a reasonable time in advance of the time fixed for taking testimony.

(b) The testimony shall be reduced to writing by the Officer or under his direction, after which the deposition shall be subscribed by the witness and certified by the Officer. Any part of a deposition not received in evidence shall not constitute a part of the record in such proceeding unless the parties so agree, or the Administrator or the Hearing Examiner so orders.

(c) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter and the officer, shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

(d) Where the deposition is taken in a foreign country, it may be taken before a secretary of an embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or before such person or officer as may be designated in the authorization or agreed upon by the parties by stipulation in writing filed with and approved by the Administrator or the Hearing Examiner.

(e) A witness whose deposition is taken pursuant to these rules and the officer taking the deposition, unless he be employed by the Administration, shall be entitled to the same fee and mileage paid for like service in the Courts of First Instance in the Philippines, which fee shall be paid by the party at whose instance the deposition is taken, who may be required to deposit in advance an amount adequate to cover the fees and mileage involved.

§ 602.16 *Documents in a foreign language.* Every document, exhibit or paper written in a language other than English, which is filed in any claim proceeding, shall be accompanied by an English translation thereof duly verified under oath to be a true and accurate translation. Each copy of every such document, exhibit or paper filed shall be accompanied by a separate copy of the translation.

§ 602.17 *Motions.* (a) All motions and requests for rulings addressed to the Administrator or the Hearing Examiner shall state the purpose of and the relief sought, together with the reasons in support thereof.

(b) All motions and requests for rulings made during a hearing in a claim proceeding may be stated orally and shall be made a part of the transcript.

(c) Motions and requests which relate to the introduction or striking of evidence, or which relate to procedure during the course of the hearings may be stated orally and shall be ruled on by the Hearing Examiner. No exception need be taken to any ruling in order to entitle a party to urge an objection thereafter in the claim proceeding.

§ 602.18 *Withdrawal of papers.* The granting of a request to dismiss or withdraw a paper, document or pleading shall not authorize the removal of the paper, document, or pleading from the records of the Administration. No paper, document or pleading officially filed shall be returned unless the Administrator shall, for good cause, allow such return.

§ 602.19 *Oral argument and closing of hearing.* Any party shall be entitled, upon request, at the close of the hearing to a reasonable period for oral argument before the Hearing Examiner which oral argument may, with the consent or the request of the Hearing Examiner, be included in the stenographic report of the hearing.

§ 602.20 *Proposed findings and conclusions.* (a) At the close of the reception of evidence before the Hearing Examiner or within a reasonable time thereafter, to be fixed by the Hearing Examiner, any party may submit to the Hearing Examiner proposed findings and conclusions, together with a brief in support thereof. Such proposals shall be in writing and shall contain appropriate references to the records. Copies thereof shall be furnished to all parties. Reply briefs may be filed within a reasonable time, to be fixed by the Hearing Examiner. As far as practicable, procedure shall be followed of having claimant's brief filed first, followed by the brief of the General Counsel, with any reply briefs filed in the same order. Opportunity to submit further or rebuttal briefs may be granted in the discretion of the Hearing Examiner.

(b) The Hearing Examiner or the Administrator may, in a claim proceeding, request briefs, memoranda, or oral argument of any of the parties with respect to any matter in issue.

§ 602.21 *Determinations.* (a) The Hearing Examiner, as soon as practicable after receipt of the complete transcript and all exhibits, shall make a determination which shall become a part of the record and include a statement of: (1) findings of fact and conclusions of law, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; (2) disposition of the claim proceeding.

(b) At any time prior to the filing of a determination, the Hearing Examiner may, for good cause, reopen the case for the reception of further evidence.

(c) A copy of the Hearing Examiner's determination shall be served upon each party.

(d) Unless review has been undertaken in accordance with § 602.22, the determination of the Hearing Examiner shall be final and shall be the determination of the Administration.

§ 602.22 *Review of the Hearing Examiner's determination*—(a) *In title claims proceedings.* Within twenty (20) days after receipt of a copy of the Hearing Examiner's determination or such further time as the Hearing Examiner or the Administrator may allow, any party seeking review thereof may petition the Administrator to review such determination. Such petition shall state the objections to the determination of the Hearing Examiner and the reasons in support of such objections. Within twenty (20) days after the filing of such petition, any party opposing the petition for review may file a memorandum to such effect. If the petition for review is granted, the Administrator shall fix a time for the filing of briefs and may provide for oral argument pursuant to § 602.24.

(b) *In debt claims proceedings and in proceedings concerning attorney's fees under section 20.* Within twenty (20) days after receipt of a copy of the Hearing Examiner's determination or such further time as the Hearing Examiner or the Administrator may allow, any party seeking appeal thereof may file such appeal with the Administrator. The Administrator shall fix a time for the filing of briefs and may provide for oral argument pursuant to § 602.24.

§ 602.23 *Briefs before the Administrator.* Briefs shall be confined to the particular matters at issue. Reply briefs shall be confined to matters in original briefs of opposing parties.

§ 602.24 *Oral argument before the Administrator.* Oral argument may, in the discretion of the Administrator, be heard upon request of any party. The Administrator will determine in each instance the time to be allowed for argument and the allocation thereof to the parties interested.

§ 602.25 *Waiver by the Administrator.* The Administrator may, with the consent of the parties, waive any of the requirements of this part when, in his opinion, the ends of justice would thereby be served.

§ 602.26 *Motion to dismiss.* (a) Motion to dismiss may be made by the General Counsel prior to the commencement of the hearing. Such motion shall be in writing, shall state the reasons in support thereof and shall be filed with the Hearing Examiner. A copy of the motion shall be served upon all parties by the General Counsel.

(b) Hearing on the motion shall be held at a time and place as ordered by the Hearing Examiner or the Administrator.

(c) Briefs may be submitted before the hearing, at the hearing, or if the Hearing Examiner has reserved ruling on the motion, within a time fixed by the Hearing Examiner after the close of hearing.

(d) Hearing before the Hearing Examiner may be waived by the parties and the matter submitted on briefs to the Hearing Examiner or to the Administrator with his consent.

(e) Motion to dismiss a claim proceeding shall be granted by the Hearing Examiner when the claim on its face is not allowable or when it appears that the claim has been abandoned or for want of prosecution by the claimant.

(f) Unless review is undertaken by the Administrator, the determination of the Hearing Examiner upon the motion shall be final and shall be the determination of the Administration. The review and appeal provisions of § 602.22 shall apply to determinations of the Hearing Examiner upon such motions.

§ 602.27 *Service*—(a) *By the Hearing Examiner.* Orders, notices, rulings, determinations, and any other action taken by the Hearing Examiner requiring service shall be served by the Hearing Examiner by registering and mailing a copy thereof to the parties, addressed to the person or persons designated in the notice of claim. When notice is not accomplished by registered mail, it may be effected by the Hearing Examiner or by anyone duly authorized by the Administrator by delivering a copy of the document at the principal office or place of business of the party to be served. The return post office receipt for said document or other paper registered and mailed or the verified return of the person accomplishing service, shall be proof of such service.

(b) *By the Administrator.* Any action taken by the Administrator in a claim proceeding shall be served by the Administrator in the manner provided in paragraph (a) of this section.

(c) *By parties.* Motions, briefs, proposed findings and conclusions, notices and all other papers filed in a claim proceeding, when filed with the Hearing Examiner or the Administrator, shall show service thereof upon the parties to the claim proceeding. Such service shall be made by delivering in person or by mailing.

(d) *Service upon attorneys.* When any party has appeared by attorney, service upon the attorney shall be deemed service upon the party.

(e) *Date of service.* The date of service shall be the day when the matter is received or delivered.

§ 602.28 *Continuances and extensions.* Continuance with respect to any claim proceeding or hearing and extension of time for filing, or performing any act required or allowed to be done within a specified time, may be granted by the Administrator or the Hearing Examiner upon motion, for good cause shown, except where time for performance or filing is limited by the act.

§ 602.29 *Rehearing, reargument.* Any party seeking rehearing, reargument or any desired relief not specifically covered by this part, may petition the Administrator therefor, stating the relief sought and the reasons in support thereof. The Administrator may allow the petition in whole or in part and upon such conditions as he deems proper.

§ 620.30 *Fees.* (a) Prior to the return of vested property and prior to the payment of any debt claim, and after completion of the services in connection with such return or payment rendered by claimant's agents, attorneys at law or in fact or representatives, the Administrator or the Hearing Examiner may, upon his motion or upon motion of any party, direct that any such agent, attorney at law or in fact or representative furnish a schedule of the fees to be paid.

(b) Unless hearing has been waived by all the parties and the attorneys involved, the determination required under section 20 shall be made by the Administrator or the Hearing Examiner, after notice of and opportunity for hearing. At such hearing the parties and their counsel shall have the right to offer evidence and oral and written argument. The review provisions of § 602.22 (b) shall be applicable to the determination of the Hearing Examiner with respect to fees.

§ 602.31 *Effective date.* This part shall become effective upon publication in the FEDERAL REGISTER.

SUBPART B—TITLE CLAIMS

§ 602.100 *Definitions.* As used in the sections applicable solely to title claims, unless the context otherwise requires:

(a) The term "taxes" refers to taxes as defined under section 36 (d).

(b) The term "national interest" means the interest of the United States under section 32 (a) (5).

(c) The term "conservatory expenses" means expenses expended or incurred in the conservation, preservation or maintenance of vested property.

§ 602.101 *Order of processing.* Except in cases where hardship or other special circumstances exist, claims shall be processed, as nearly as practicable, in the order of their filing.

§ 602.102 *Procedure for allowance without hearing.* (a) The General Counsel may initiate a proceeding for allowance of a claim, or a separable part thereof, which he deems entitled to allowance without the necessity of a hearing thereon, by submitting to the Administrator or the Hearing Examiner, a recommendation for allowance, together with proposed findings and conclusions.

(b) The record in a claim proceeding under this procedure shall include the notice of claim and the evidence submitted by the claimant with respect thereto, the recommendation for allowance and the proposed findings and conclusions.

(c) The Administrator or the Hearing Examiner, as the case may be, shall consider the record and may allow the claim.

(d) If the Administrator or the Hearing Examiner, as the case may be, shall not concur with the recommendation of the General Counsel, the claim proceeding shall be remanded by the Administrator or the Hearing Examiner and restored to its former status.

(e) A claim under this procedure may be allowed notwithstanding the fact that the General Counsel makes no recommendation with respect to taxes, conservatory expenses or attorneys' fees. However, no return will be made prior to a determination of such matters and adequate provision made therefor.

§ 602.103 *Requirement for hearing.* No claim shall be allowed or disallowed except after hearing, unless the claim has been determined pursuant to § 602.102 or § 602.105.

§ 602.104 *Hearing calendar.* The Hearing Examiner shall maintain a hearing calendar of all claim proceedings set for hearing.

§ 602.105 *National interest.* (a) Anything in this part to the contrary notwithstanding, the Administrator may (1) by order disallow a claim by citation of this rule or (2) by order suspend for a fixed or indefinite time, further action by the Administration or the Hearing Examiner in a claim proceeding by citation or this section, whenever it appears that return of property claimed is not in the national interest for reasons of national security of foreign affairs or other matters falling within the scope of section 32 (a) (5).

(b) The Administrator may, upon his own motion or upon the motion of any party, direct, with respect to any question of fact relating to national interest, that hearing be held before the Hearing

Examiner or the Administrator. The Hearing Examiner in such a hearing shall prepare recommended findings of fact only which shall be submitted to the Administrator with the transcript of the hearing.

§ 602.106 *Service and availability of determinations.* Copies of the determination of the Administration shall be served on the parties. Copies of such determination will be available for public examination at the office of the Administration.

§ 602.107 *Publication of notice of intention to return vested property.* At least thirty (30) days before making any return of vested property to any person other than a resident of the United States, a resident of the Republic of the Philippines, or a corporation organized under the laws of the Republic of the Philippines or the United States, or any State, Territory, or possession of the United States or the District of Columbia, the Administrator shall issue and file for publication with the FEDERAL REGISTER and in a newspaper of general circulation in the City of Manila, P. I., a notice of intention to make such return specifying therein the person to whom such return is to be made and the place where the property, interest or proceeds to be returned are located.

§ 602.108 *Revocation of notice of intention to return vested property.* (a) The notice of intention to return vested property may be revoked by the Administrator, upon his own motion or the motion of any party, at any time prior to return.

(b) Notice of such revocation shall be served on the parties and filed for publication with the FEDERAL REGISTER.

§ 602.109 *Objections during publication period.* (a) Within thirty (30) days after publication of notice of intention to return vested property, objectors to the return of property set forth in the notice may file with the Administrator a written statement of the objections.

(b) Any objection so filed shall be considered by the Administrator prior to return of the property. The Administrator may reopen the claim proceeding as a result of such objections.

§ 602.110 *Return order.* As soon as practicable after final administrative allowance of a claim, an order of the Administrator will issue directing return of the property concerned: *Provided*, That in a claim proceeding where notice of intention to return vested property has been published in accordance with § 602.107, the order directing return will issue as soon as practicable after the expiration of thirty (30) days following the publication of the notice. In claims proceedings where a notice of intention to return vested property has been filed for publication the return order shall be filed for publication with the FEDERAL REGISTER.

§ 602.111 *Final audit.* Prior to making full and final return of property pursuant to a return order, a final audit with respect to the property involved will be made. Any transactions occurring in the administration of such property shall be given effect in determining the actual amount of cash and other property to be returned pursuant to the return order.

§ 602.112 *Return of vested property.* After publication of the return order, completion of the final audit and final administrative determination with respect to taxes, fees, and conservatory expenses, appropriate instruments and papers will issue returning the property claimed. The claimant receiving such property shall execute papers in such form as the Administrator shall determine, acknowledging receipt of the property returned.

SUBPART C—DEBT CLAIMS

§ 602.200 *Definitions.* As used in the sections applicable solely to debt claims, unless the context otherwise requires:

(a) The term "vested property" means any property or interest vested in or transferred to the Administrator (other than any property or interest acquired by the United States prior to December 18, 1941) or the net proceeds thereof.

(b) The term "vested property of a debtor" means property of a debtor which he owned immediately prior to its becoming vested property.

(c) The term "money available for payment of claims" means such money included in, or received as net proceeds from the sale, use, or other disposition of vested property of a debtor as shall remain after deduction of expenses and taxes, as the latter two terms are hereafter defined.

(d) The term "expenses" means (1) the amount of expenses of this Administration and its predecessor, the Office of Alien Property (including (a) expenses directly allocable to the vested property involved and (b) such portion as the Administrator shall fix of general administrative expenses of the agency and any residue of the expenses directly allocable to other vested property which may be uncollectible or unrealizable from the particular vested account to which such direct expenses relate), and (2) such amount, if any, as the Administrator may establish as a cash reserve for the future payment of such expenses.

(e) The term "taxes" means taxes as defined in section 36, and includes taxes paid by the Alien Property Custodian or Attorney General of the United States in respect of vested property of the debtor involved and such amount, if any, as the Administrator may establish as a cash reserve for the future payment of such taxes.

(f) The term "debtor's solvent estate" means money available for payment of claims which money at the time of computation exceeds the aggregate of claims filed against a particular debtor.

(g) The term "debtor's insolvent estate" means money available for payment of claims which money at the time of computation is less than the aggregate of claims filed against a particular debtor.

(h) The term "related claimants" refers to all claimants with respect to a particular debtor's insolvent estate.

(i) The term "proposed payment" refers to payment proposed to be made to claimants whose claims against a debtor's insolvent estate have been allowed in whole or in part.

§ 602.201 *Procedure for allowance and payment without hearing of claims against debtor's solvent estates.* (a) With respect to claims against debtors' solvent estates, the General Counsel may initiate a proceeding for allowance of a claim, or a separable part thereof, which he deems entitled to allowance, by submitting to the Administrator or the Hearing Examiner a recommendation for allowance, together with proposed findings and conclusions.

(b) The record in a claim proceeding under this procedure shall include the notice of claim and any evidence submitted by the claimant with respect thereto, the recommendation for allowance and the proposed findings and conclusions.

(c) The Administrator or Hearing Examiner, as the case may be, shall consider the record and may allow the claim without hearing.

(d) If the Administrator or the Hearing Examiner, as the case may be, shall not concur with the recommendation of the General Counsel, the claim proceeding shall be remanded by the Administrator and restored to its former status.

(e) A claim under this procedure may be allowed notwithstanding the fact that the General Counsel makes no recommendation with respect to attorneys' fees. However, no payment will be made prior to a determination covering attorneys' fees pursuant to section 20.

§ 602.202 *Requirement for hearing.* No claim shall be allowed or disallowed except after hearing, unless hearing has been waived by the parties or unless the claim has been allowed pursuant to § 602.201.

§ 602.203 *Hearing docket.* (a) A separate hearing docket of claims set for hearing will be maintained by the Hearing Examiner for debt claims against debtors' solvent estates and debt claims against debtors' insolvent estates.

(b) The Hearing Examiner shall transfer a debt claim from the debtors' insolvent estates docket to the debtors' solvent estates docket, or vice versa, as the need for change appears. A claim transferred at any time prior to the payment thereof from the debtors' solvent estate docket to the debtors' insolvent estate docket, irrespective of the stage of the administrative process at the time of the transfer, shall be processed as a claim against a debtor's insolvent estate.

§ 602.204 *Claims against debtors' insolvent estates.* (a) With respect to claims against a particular debtor's insolvent estate, the General Counsel may prepare a list of the claims filed and a schedule of the claims he will move for allowance at the hearing and the claims he will contest together with the priorities and payments proposed by him. Such schedule shall be made available to all related claimants by the General Counsel a reasonable time prior to hearing.

(b) All related claimants shall be given opportunity to oppose the allowance, priority or payment of the claim of any related claimant.

(c) At the close of the hearing and after opportunity for oral argument, proposed findings and conclusions and briefs, pursuant to § 602.19 and § 602.20, the Hearing Examiner, as soon as practicable, after receipt of the complete transcript and all exhibits, shall issue its determination which shall include a determination as to allowance or disallowance, and a schedule of the claims allowed with priorities assigned thereto and the payment to be made to each claimant. The Hearing Examiner may issue such schedule either in tentative or final form. If issued in tentative form it shall thereafter be issued in final form with any modifications the Hearing Examiner may see fit to make after having afforded an opportunity for hearing on such tentative schedule.

(d) Unless appealed, the determination, including the schedule, of the Hearing Examiner shall be the determination of the Administration. The determination of the Hearing Examiner is subject to appeal in accordance with the provisions of § 602.22.

§ 602.205 *Cases of no vested property of debtor.* Where there does not exist any vested property of a debtor with respect to which debt claims have been filed, the claimant shall be notified thereof and the claim, after opportunity for hearing before the Hearing Examiner shall be ordered dismissed.

§ 602.206 *Determination of the aggregate of claims filed against a debtor.* In determining the aggregate of claims filed against a debtor, there shall be excluded claims which have been withdrawn and claims which have been dismissed pursuant to § 602.26 or § 602.205 as to which no complaint for review pursuant to section 34 (f) has been filed within sixty (60) days after the date of service of the dismissal.

§ 602.207 *Payment of allowed claims—*(a) *Claims against a debtor's solvent estate.* As soon as practicable after the allowance of a claim, in whole or in part, against a debtor's solvent estate, the claim will be paid to the extent allowed.

(b) *Claims against a debtor's insolvent estate.* To the extent that the proposed payment of a claim against a debtor's insolvent estate has not been made the subject of a complaint for review under section 34 (f), the Administrator may order payment thereof, after the time for the filing of such complaint for review has expired. To the extent that the allowance and disallowance of claims and proposed payments with respect thereto have been made the subject of a complaint for review under section 34 (f), payment will be made in accordance with the final adjudication thereof.

§ 602.208 *Future payments.* (a) If additional moneys become available for the payment of claims after the first payment on allowed claims against a debtor's insolvent estate, the General Counsel shall submit to the Hearing Examiner notice thereof and the suggested payments to be made. Copies thereof shall be served on each claimant whose claim was allowed and has not been discharged in full.

(b) At the request of any such claimant, a hearing shall be held before the Hearing Examiner with respect to the suggested payments, at which hearing all such claimants shall be entitled to be heard.

(c) The Hearing Examiner shall prepare a determination setting forth the payments to be made to claimants in accordance with the priorities previously assigned. Unless appealed, such decision shall be final and shall be the decision of the Administration. The appeal provisions of § 602.22 apply to the determination of the Hearing Examiner.

§ 602.209 *United States debt claims—*(a) *Applicability.* This section is applicable solely to the processing, determination and payment of debt claims asserted in respect of debtors whose vested property is located both in the United States and in the Philippines. All Notices of Claim for payment of debts heretofore filed with this Administration in respect of debtors whose vested property is located solely in the United States have been transferred to the Office of Alien Property, United States Department of Justice. Any person who desires to assert a claim with respect to vested property located solely in the United States should communicate with the Office of Alien Property, United Staes Department of Justice, Washington, D. C.

(b) *Claims filed with the Office of Alien Property, United States Department of Justice are deemed filed with this Administration.* Any Notice of Claim heretofore or hereafter filed with the Office of Alien Property, United States Department of Justice for payment of a debt in respect of a debtor any of whose vested property is located in the Philippines shall be deemed filed with this Administration at the time of its filing with the Office of Alien Property, United States Department of Justice.

(c) *Claims with respect to property of a debtor located both in the United States and in the Philippines.* Except as otherwise agreed to between this Administration and the Office of Alien Property, United States Department of Justice, where the vested property of a debtor is located both in the United States and in the Philippines, this Administration will process claims asserted by residents of the Philippines or by corporations organized under the laws of the Philippines, and the Office of Alien Property, United States Department of Justice will process claims asserted by residents of the United States, or by corporations organized under the laws of the United States, or any nation, territory, or possession thereof.

(d) *Availability of debtor's estate in the Philippines and the United States for the payment of allowed claims.* The money available in this Administration and the Office of Alien Property, United States Department of Justice for the payment of claims in respect of a particular debtor's estate shall be made available for the payment of all allowed claims in respect of such debtor's estate, whether filed with this Administration or the Office of Alien Property, United States Department of Justice, subject to the joint approval of this Administration and the Office of Alien Property, United States Department of Justice. The amount of money disbursed in payment of claims in respect of a debtor's solvent estate shall be pro-rated and divided between this Administration and the Office of Alien Property, United States Department of Justice on the basis of the ratio that the amount of money originally available for payment in this Administration bears to the amount of money originally available for payment in the Office of Alien Property, United States Department of Justice.

(e) *Hearings in the Office of Alien Property, United States Department of Justice are deemed hearings before this Administration.* A hearing in the Office of Alien Property, United States Department of Justice in respect of a Notice of Claim processed pursuant to the provisions of this section shall be deemed a hearing in this Administration where the Notice of Claim is based upon the same debt asserted in respect of the same debtor, and the claimant shall not be entitled to further hearing on the same debt claim in this Administration. In such cases, the Office of Alien Property, United States Department of Justice shall transmit to this Administration a transcript of the record of the proceedings before it in respect of the claim. Upon receipt of the transcript, the Administrator may render his determination upon the basis of the record of the proceedings in the Office of Alien Property, United States Department of Justice or take such other action as he may deem appropriate.

SUBPART D—GENERAL CLAIMS

§ 602.300 *General claims.* All claims against the Administration other than title and debt claims as defined in § 602.22 (e) and (f), shall be known as "general claims" under this part. Unless forms have been prescribed or authorized for the filing or assertion thereof, general claims may be filed or asserted by letter addressed to the Administrator containing a statement of the nature and details of the claim. The Administrator may designate the Hearing Examiner to hear and determine such claims on behalf of the Administrator, under such terms and conditions as the Administrator, in his discretion, may deem appropriate.

[F. R. Doc. 50-7149; Filed, Aug. 15, 1950; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 46]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when

indicated in order to promote safety of the flying public. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

1. The Camp Le Jeune, North Carolina, area, published on April 21, 1949, in 14 F. R. 1913, and on July 16, 1949, in 14 F. R. 4287, is deleted.

2. The Cherry Point, North Carolina, area, published on April 21, 1949, in 14 F. R. 1913, and on July 16, 1949, in 14 F. R. 4287, is amended to read:

Name and location (chart)	Description by geographical coordinates	Designated altitude	Time of designation	Using agency
CHERRY POINT (Norfolk Chart).	(1) Beginning at a point 3 nautical miles from the U. S. shoreline at approximate lat. 35°06′00″ N, long. 75°50′40″ W; southwesterly, 3 nautical miles from and parallel to the shoreline to lat. 34°54′30″ N, long. 76°08′45″ W; due W to a point on the shoreline of the No. Carolina mainland at long. 76°18′30″ W; southwesterly and westerly along the shoreline of the No. Carolina mainland to lat. 34°42′00″ N, long. 76°59′00″ W; due W to long. 77°23′40″ W; SW to lat. 34°21′30″ N, long. 77°41′40″ W; clockwise along the arc of a circle with a radius of 60 miles, centered at lat. 34°54′30″ N, long. 76°53′00″ W, to lat. 35°06′00″ N, long. 75°50′40″ W, point of beginning.	10,000 feet to 18,000 feet.	Sunset to sunrise, daily.	Marine Corps Air Station, Cherry Point, N. C.
	(2) Beginning at a point 3 nautical miles from the U. S. shoreline at lat. 34°54′30″ N, long. 76°08′45″ W; southwesterly, 3 nautical miles from and parallel to the shoreline to a point 2 nautical miles NE of the NE boundary of ICAO Control Area No. 1151 at approximately lat. 34°17′30″ N, long. 77°37′50″ W; NW to lat. 34°20′45″ N, long. 77°42′15″ W; NE to lat. 34°42′00″ N, long. 77°23′40″ W; due E to a point on the shoreline of the North Carolina mainland at long. 76°59′00″ W; easterly and northeasterly along the shoreline of the North Carolina mainland to lat. 34°54′30″ N, long. 76°18′30″ W; due E to lat. 34°54′30″ N, long. 76°08′45″ W, point of beginning.	Surface to unlimited.	Continuous...	Do.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 15, 1950.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50–7154; Filed, Aug. 14, 1950; 3:50 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5350]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GAY TIME FROCK CO. OF SCRANTON ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition; Wool Products Labeling Act.* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition; Composition—Wool Products Labeling Act.* I. In connection with the offering for sale, sale, and distribution of women's wearing apparel and other articles in commerce, and on the part of respondents Gay Time Frock Company of Scranton, a Pennsylvania corporation, Gay Time Frock Company, an Illinois corporation, and their officers, etc., and on the part of respondents Simon & Rosner, and their respective agents, etc., advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content; and, II, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, of wearing apparel or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, and on the part of respondents Seldin and Lieberman trading as Gil Sportwear Company, or trading under any other name, and their respective agents, etc., misbranding such apparel or other products by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Gay Time Frock Company of Scranton et al., Docket 5350, June 22, 1950]

In the Matter of Gay Time Frock Company of Scranton, a Pennsylvania Corporation; Gay Time Frock Company, an Illinois Corporation; Leo Simon, Adolph Rosner, and Benjamin F. Rosner, Individually and as Officers and Directors of the Aforesaid Corporations; Harold A. Fein, Individually and as an Officer of the Aforesaid Corporations; Herman Seldin and Nathan Lieberman, Individuals Doing Business as Gil Sportwear Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents Herman Seldin and Nathan Lieberman admitting the material allegations of fact in the complaint insofar as it related to them and waiving all intervening procedure and further hearing as to said facts, the answer of the other respondents admitting certain allegations and denying others, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner, with exceptions thereto, and briefs and oral argument of counsel; and the Commission having made its findings as to the facts and conclusion that respondents Herman Seldin and Nathan Lieberman have violated the provisions of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder and that all of the respondents, except Adolph Rosner and Harold A. Fein, have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents Gay Time Frock Company of Scranton, a Pennsylvania corporation, Gay Time Frock Company, an Illinois corporation, their officers, agents, representatives, and employees, and Leo Simon and Benjamin F. Rosner individually, and their respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of women's wearing apparel and other articles in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content.

It is further ordered, That the respondents Herman Seldin and Nathan Lieberman, copartners trading as Gil Sportwear Company, or trading under any other name, and their respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, of wearing apparel or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, do forthwith cease and desist from misbranding such apparel or other products by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter.

(c) The name of the registered identification number of the manufacturer of such wool product or of one more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939: *Provided*, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the complaint herein as to Adolph Rosner and Harold A. Fein be, and the same hereby is, dismissed.

It is further ordered, That the respondents against whom this order is directed shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 22, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50–7120; Filed, Aug. 15, 1950; 8:46 a. m.]

[Docket 5651]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PHILIP BARR & CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages or connections—Authorized distributor; connections or arrangements with others; identity; location; organization and operation; unique or special status or advantages.* Subpart—*Discriminating in price under Sec. 2, Clayton Act as amended—Payment or acceptance of commission, brokerage or other compensation under 2 (c):* § 3.820 *Direct buyers.* I. In connection with the purchase of food products or other merchandise in commerce, and on the part of respondent corporation, and its officers, and on the part of respondents Philip Francis Barr and Sylvia Barr, individually and as officers of said corporation, and trading as Associated Food Factors and as S. Richter Company, or under any other name, etc., and their respective agents, etc., receiving or accepting from any seller, directly or indirectly, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase made for any of said respondents' own accounts; and, II, in connection with the offering to purchase, purchasing, offering for sale, sale or distribution in commerce, of food products or other merchandise, and on the part of said individual respondents, etc., (1) representing directly or by implication, that said respondents' individual firm is an organization composed of a group of wholesalers and chain grocers, super markets, hotel, restaurant, and bakery supply houses, or any other concerns; or that such firm operates through one buying or distributing source for any group of business establishments; (2) representing, directly or by implication, that said respondents' individual firm offers to packers or processors of food products or of any other commodities, any distributional advantages which may result from sales to buying groups; or, (3) using in advertising, on stationery, or elsewhere any false address or feigned signature, or otherwise misrepresenting the address, status or identity of said respondents' business, for the purpose or with the effect of deceiving packers or processors of food products or others with whom such respondents deal; prohibited.

(Sec 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Philip Barr & Co, Inc. et al., Docket 5651, June 22, 1950]

In the Matter of Philip Barr & Co., Inc., a Corporation; Philip Francis Barr and Sylvia Barr, Individually and as Officers of Said Corporation; Philip Francis Barr and Sylvia Barr, Individually and Trading as Associated Food Factors, and as S. Richter Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' substitute answer thereto, in which answer the respondents, for the purposes of the proceeding, admitted all of the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearings as to said facts, and certain testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, and the trial examiner's recommended decision and exceptions thereto; and the Commission, having disposed of the exceptions to the trial examiner's recommended decision and having made its findings as to the facts and its conclusion that the respondents, Philip Barr & Co., Inc., a corporation, and Philip Francis Barr and Sylvia Barr, individually and as officers of said corporation, have violated the provisions of subsection (c) of section 2 of an act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, (the Clayton Act), as amended by the Robinson-Patman Act, approved June 19, 1936, (15 U. S. C. 13), and its conclusion that the respondents Philip Francis Barr and Sylvia Barr have, in addition, violated the provisions of section 5 of the Federal Trade Commission act:

It is ordered, That the respondents, Philip Barr & Co., Inc., a corporation, and its officers, and Philip Francis Barr and Sylvia Barr, individually and as officers of said corporation and trading as Associated Food Factors and as S. Richter Company, or trading under any other name or trade designation, and said respondents' respective agents, representatives and employees, directly or through any corporate of other device, in connection with the purchase of food products or other merchandise in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Receiving or accepting from any seller, directly or indirectly, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase made for any of said respondents' own accounts.

It is further ordered, That the respondents, Philip Francis Barr and Sylvia Barr, individually and trading as Associated Food Factors, or trading under any other name or trade designation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering to purchase, purchase, offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of food products or other merchandise, do forthwith cease and desist from:

(1) Representing, directly or by implication, that said respondents' individual firm is an organization composed of a group of wholesalers and chain grocers, super markets, hotel, restaurant, and bakery supply houses, or any other concerns; or that such firm operates through one buying or distributing source for any group of business establishments.

(2) Representing, directly or by implication, that said respondents' individual firm offers to packers or processors of

food products, or of any other commodities, any distributional advantages which may result from sales to buying groups.

(3) Using in advertising, on stationery, or elsewhere, any false address or feigned signature, or otherwise misrepresenting the address, status or identity of said respondents' business, for the purpose or with the effect of deceiving packers or processors of food products or others with whom such respondents deal.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 22, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-7119; Filed, Aug. 15, 1950; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regulations 23]

PART 181—STILLS AND DISTILLING APPARATUS

Correction

In Federal Register Document 50-5420 appearing in the issue for Friday, June 23, 1950, at page 4051, the original has been corrected so that § 181.38 (d) reads as follows:

(d) A separator or dephlegmator, used solely for separating vapors of lower boiling points from vapors of higher boiling points, allowing the latter to condense and reflux to the still, and the former to pass forward to a worm or condenser, is not subject to the $22 tax.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 699—TEXTILE AND TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER on July 21, 1950 (15 F. R. 4694) of my decision to approve the minimum wage recommendation of Special Industry Committee No. 6 for Puerto Rico for the Textile and Textile Products Industry in Puerto Rico, and the proposed wage order to carry such recommendation into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days of the date of publication of the notice. No exceptions have been filed, and the time for filing has expired.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the said decision is hereby affirmed and made final, and the said wage order is hereby issued, to become effective September 18, 1950.

Sec.
699.1 Approval of recommendations of Industry Committee.
699.2 Wage rates.
699.3 Notices of order.
699.4 Definitions of the Textile and Textile Products Industry in Puerto Rico and its divisions.

AUTHORITY: §§ 699.1 to 699.4 issued under 52 Stat. 1060, as amended; 29 U. S. C. 201.

§ 699.1 *Approval of recommendations of Industry Committee.* The Committee's recommendations are hereby approved.

§ 699.2 *Wage rates.* (a) Wages at a rate of not less than 25 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Hand-Loomed Textile Division of the Textile and Textile Products Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Cotton Ginning and Compressing Division of the Textile and Textile Products Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Mattress, Quilt and Pillow Division of the Textile and Textile Products Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 32½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Hard-Fiber Products Division of the Textile and Textile Products Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(e) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the General Division of the Textile and Textile Products Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 699.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Textile and Textile Products Industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 699.4 *Definitions of the Textile and Textile Products Industry in Puerto Rico and its divisions.* (a) The Textile and Textile Products Industry in Puerto Rico, to which this order shall apply, is hereby defined as follows:

The preparation of textile fibers, including the ginning and compressing of cotton; the manufacture of batting, wadding, and filling; the manufacture of yarn, cordage, twine, felt, woven and knitted fabrics, and lace-machine products, from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool or other vegetable, animal, or synthetic fibers, or from mixtures of these fibers; and the manufacture of blankets, textile bags, oil cloth and artificial leather, woven carpets and rugs, mattresses, quilts and pillows: *Provided however*, That the definition shall not include the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this order and its several provisions shall apply, are hereby defined as follows:

(1) *General division.* This division consists of all products and activities included in the Textile and Textile Products Industry, as defined in this section, except those included in the Cotton Ginning and Compressing Division, the Mattress, Quilt, and Pillow Division, the Hand-Loomed Textile Division, and the Hard-Fiber Products Division, as defined in this section.

(2) *Cotton ginning and compressing division.* This division consists of the ginning and compressing of cotton.

(3) *Mattress, quilt and pillow division.* This division consists of the manufacture of mattresses, quilts and pillows.

(4) *Hand-loomed textile division.* This division consists of the manufacture from any fiber of hand-loomed fabrics, blankets, rugs and similar textiles.

(5) *Hard-fiber products division.* This division consists of the manufacture from kenaf, coir, sisal, jute or other hard or coarse textile fiber or mixtures of these fibers of yarn, bagging, bags, rope, matting and similar textiles and textile products.

Signed at Washington, D. C., this 10th day of August 1950.

WM. R. MCCOMB, *Administrator.*

[F. R. Doc. 50-7182; Filed, Aug. 15, 1950; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1761]

PART 108—PATENTS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 50-6862, appearing in the issue for Saturday, August 5, 1950, on page 5049, the authority citation for § 108.2 should read "(R. S. 2478; 43 U. S. C. 1201)."

Appendix—Public Land Orders

[Public Land Order 655]

OREGON

POWER SITE RESTORATION NO. 509 AND POWER SITE CANCELLATION NO. 98; PARTIAL REVOCATION OF WATER POWER DESIGNATION NO. 10 AND THE EXECUTIVE ORDER CREATING POWER SITE RESERVE NO. 619

By virtue of the authority contained in section 1 of the act of June 25, 1910 (36 Stat. 847, 43 U. S. C. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, and the act of June 9, 1916 (39 Stat. 219), it is ordered as follows:

Water Power Designation No. 10, established April 27, 1917, by the Secretary of the Interior pursuant to the provisions of the said act of June 9, 1916, and the Executive order of April 30, 1917, creating Power Site Reserve No. 619, are hereby revoked as to the following-described lands:

WILLAMETTE MERIDIAN

T. 35 S., R. 3 E.,
Sec. 17, W½SW¼ and SE¼;
Sec. 21, W½NE¼, E½NW¼ and N½SE¼;
Sec. 28, SW¼;
Sec. 25, W½NW¼.

The areas described aggregate 720 acres.

The lands are within the Rogue River National Forest.

OSCAR L. CHAPMAN, *Secretary of the Interior.*

AUGUST 10, 1950.

[F. R. Doc. 50-7116; Filed, Aug. 15, 1950; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Subchapter B—Personal Property Management

PART 50—BIDS AND AWARDS

EQUAL BIDS AND MAKING OF AWARDS

Sec.
50.1 Purpose.
50.2 Determination.
50.3 Definitions.
50.4 Award when equal bids are received.

AUTHORITY: §§ 50.1 to 50.4 issued under sec. 205, 63 Stat. 389; 41 U. S. C. Sup., 235. Interpret or apply sec. 302, 63 Stat. 393; 41 U. S. C. Sup., 252.

§ 50.1 *Purpose.* Section 302 (b) of the Federal Property and Administrative Services Act of 1949 (Pub. Law 152, 81st Cong.) provides that it is the declared policy of the Congress that a fair proportion of the total purchases and contracts for supplies and services for the Government shall be placed with small business concerns. Sections 50.3 and 50.4 have been designed cooperatively and agreed upon by the Military Departments and the General Services Administration to carry out the said policy in cases where equal bids are received.

§ 50.2 *Determination.* In furtherance of the policy set out in § 50.1, and with due regard to the placement of contracts in distressed employment areas, it is hereby determined that the making of awards as set forth in §§ 50.3 and 50.4 will further the expressed Congressional policy with respect to small business.

§ 50.3 *Definitions.* As used in §§ 50.3 and 50.4, the terms:

(a) "Small business concerns" means any concern whose aggregate number of employees, including its affiliates, is less than 500;

(b) "Equal bids" means two or more bids which are equal in all respects, taking into consideration costs of transportation, cash discounts, and other factors properly to be considered;

(c) "Distressed employment area" means a territory in which 12 percent or more of the total labor force is unemployed, as determined by the Bureau of Employment Security, Department of Labor, on the basis of data furnished by State authorities.

§ 50.4 *Award when equal bids are received.* When two or more equal bids are received by executive agencies, award shall be made in accordance with the following principles:

(a) Subject to paragraphs (b), (c), and (d) of this section, in the case of equal bids, one of which is submitted by a small business concern, award shall be made to the small business concern, and in the case of equal bids, two or more of which are submitted by small business concerns, award shall be made by a drawing by lot limited to the small business concerns.

(b) Where two or more equal bids are received from small business concerns, one of which is submitted by a bidder who will perform the contract in a distressed employment area, award shall be made to the small business concern which will perform the contract in the distressed employment area.

(c) In the case of equal bids, two or more of which are submitted by small business concerns which will perform the contract in distressed employment areas, award shall be made by drawing by lot limited to the small business concerns in the distressed employment areas.

(d) Where two or more equal bids are received, one bid being from a small business concern not in a distressed employment area and the other being from a bidder who, although not a small business concern, will perform the contract in a distressed employment area, award shall be made to the latter.

JESS LARSON, *Administrator.*

AUGUST 10, 1950.

[F. R. Doc. 50-7141; Filed, Aug. 15, 1950; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 857, Amdt. 1]

PART 95—CAR SERVICE

REFRIGERATCR CARS FOR FRUIT AND VEGETABLE CONTAINERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of August A. D. 1950.

Upon further consideration of Service Order No. 857 (15 F. R. 4916), and good cause appearing therefor: It is ordered, that:

Section 95.857 *Refrigerator cars for fruit and vegetable containers*, of Service Order No. 857 be, and it is hereby further amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) Common carriers by railroad subject to the Interstate Commerce Act transporting fruit and vegetable containers, in carloads, from origins in the States of Pennsylvania, Delaware, Maryland and New Jersey, to destinations in the States of Pennsylvania, Delaware, Maryland and New Jersey also between origin points and destination points wholly within the State of Illinois may, at their option, furnish and transport not more than two (2) refrigerator cars of BREX, WFEX, and FGEX ownership in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

Effective date. This amendment shall become effective at 12:01 a. m., August 12, 1950.

It is further ordered, that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7143; Filed, Aug. 15, 1950; 8:49 a. m.]

[S. O. 858, Amdt. 1]

PART 95—CAR SERVICE

LUMBER; RESTRICTIONS ON RECONSIGNING

At a sesison of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of August A. D. 1950.

Upon further consideration of Service Order No. 858 (15 F. R. 5050), and good cause appearing therefor: It is ordered, that:

Section 95.858 *Lumber; restrictions on reconsigning*, of Service Order No. 858 be, and it is hereby further amended by vacating and setting aside paragraph (g) thereof:

Effective date. This amendment shall become effective at 12:01 a. m., August 11, 1950.

It is further ordered, that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7131; Filed, Aug. 15, 1950; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 960]

IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA AND NORTH DAKOTA

BUDGET OF EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the North Central Potato Committee, established pursuant to Marketing Order No. 60, regulating the handling of Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota and North Dakota, issued under the Agricultural Marketing Agreement Act of 1937, as amended; (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 960.204 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the North Central Potato Committee, established pursuant to Marketing Order No. 60, to enable such committee to carry out its functions pursuant to provisions of the aforesaid marketing agreement and order, during the fiscal year ending June 30, 1951, will amount to $62,441.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes during the current fiscal year shall be $1.00 per railroad car or per truckload of more than 20,000 pounds of such potatoes, and fifty cents per truckload of 20,000 pounds or less of such potatoes, and one-quarter cent per hundredweight for other units, whether by floor lot, bin, or warehouse: *Provided*, That no assessment shall be levied for less than fifty cents: *Provided*, That no assessment shall be paid for a shipment or shipments of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies; and

(c) Terms used in this section shall have the same meaning as when used in Marketing Order No. 60.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 11th day of August 1950.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 50-7151; Filed, Aug. 15, 1950; 8:51 a. m.]

[7 CFR, Part 960]

[Docket No. AO-159A-1]

HANDLING OF IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, NORTH DAKOTA, AND IN CERTAIN COUNTIES OF IOWA AND INDIANA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER NO. 60

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentatively approved marketing agreement and to Order No. 60, regulating the handling of Irish potatoes grown in Michigan, Wisconsin, Minnesota, North Dakota (hereinafter jointly called "Order No. 60"), to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et. seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat 1051), hereinafter called the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendments to Order No. 60 were formulated, was held at Minneapolis, Minnesota, April 24–28, 1950, and at Lansing, Michigan, May 1–3, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 1994). Such notice set forth proposed amendments which were submitted to the Secretary of Agriculture (hereinafter called the "Secretary") by the North Central Potato Committee with a petition for a hearing thereon and amendments proposed by the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C. Such amendments involve a revision of the entire agreement and order and such amendments are, therefore, hereinafter referred to as the "amended order."

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for amending the existing regulatory program to accomplish the declared objectives of the act;

(3) The identity of the persons and transactions to be regulated;

(4) The definition of the commodity and determination of the production area to be affected by the amended order;

(5) The specific terms and provisions of the amended order, including definitions of terms used therein, necessary and incidental to attain the declared objectives of the act, and including, among others, those applicable to:

(a) The establishment, maintenance, composition, powers, duties, and operation of the administrative agencies;

(b) The method for limiting shipments of Irish potatoes grown in the production area;

(c) The establishment of minimum standards of quality and maturity;

(d) The handling under special regulations, under certain circumstances, and the procedure applicable thereto, of

specified shipments of Irish potatoes grown in the production area;

(e) The relaxation of regulations in hardship cases and the procedure applicable thereto; and

(f) The requirement that all handling of Irish potatoes grown in the production area must be in accordance with the provisions of the amended order, and that inspection and certification of shipments of such potatoes and the payment of assessments must be accomplished in connection therewith.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) A substantial percentage of the Irish potatoes (hereinafter called "potatoes") grown in the States of Michigan, Wisconsin, Minnesota, North Dakota, the counties of Clay, Emmet, Palo Alto, Pocahontas, Kossuth, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, and Mitchell, in the State of Iowa, and Warren, Benton, White, Carroll, Cass, Miami, Wabash, Huntington, Wells, Adams, and all counties lying north thereof, in the State of Indiana, hereinafter called the "production area," enters the current of interstate and foreign commerce. Potatoes grown in the Red River Valley of North Dakota and Minnesota are shipped to such cities as Chicago, Kansas City, St. Louis, Milwaukee, Detroit, Indianapolis, Cincinnati, and other midwest cities and towns where they are sold for local distribution or for redistribution in surrounding towns and rural areas. Similarly, shipments of potatoes grown in other parts of the production area are made to midwest cities and towns both within and outside the production area. Potatoes grown in the production area and marketed outside such area constitute a substantial percentage of all potatoes grown in such area. The potatoes grown in the production area, which are not marketed outside thereof, are largely marketed within such area for human consumption; another sizable segment thereof being used for seed; and the balance thereof, except waste, is used for such purposes as livestock feed, starch, canning, etc. Potatoes grown outside the production area also are distributed within the production area. For example, Idaho potatoes are shipped into each State within the production area. Also, potatoes from Colorado, Nebraska, Maine, California, Washington, and other States compete, both within and outside of the production area, with potatoes grown in the production area.

The market for potatoes grown in the production area is regional in scope and prices for such potatoes at terminals or receiving points, both within and outside the States where such potatoes are grown, are closely related to each other and to f. o. b. shipping point prices in the production area. The movement and sale of potatoes grown in the production area, whether to a market within or outside the State where grown, or to any market outside of the production area, affects the price structure for all potatoes grown in the production area. Persons selling potatoes, whether growers or handlers, try to keep currently informed on market conditions, especially prices. Public agencies supply daily information relevant to terminal potato markets, such as Chicago, Kansas City, Minneapolis, Milwaukee, Detroit, etc., and, during the shipping season, similar information relevant to potato shipping points, such as Stevens Point and Benton Harbor. Individual potato traders use telephone and telegraph for trading and for keeping directly informed on potato supply and market conditions at both shipping points and terminals. Chicago is an important potato market, both for potatoes grown in the production area and for those grown in other areas. Changes in the potato price in Chicago are closely followed by handlers in the production area. The relationship between shipping point prices in the production area and the terminal market price, such as Chicago, is direct and related.

Changes in the supply of potatoes being marketed at any particular time and changes in estimates of potato supplies available for market, affect the price of potatoes. Such changes in the supply of potatoes grown in any State, or part thereof, within the production area have a direct effect upon both terminal market and shipping point prices for all potatoes. Potatoes grown in any segment of the production area and marketed in any given period compete with other potatoes marketed during such period whether such other potatoes are grown in other portions of or outside of such production area.

Potatoes grown within the production area may be shipped from the point of origin to a market or markets within the State where grown or the production area and then be diverted en route to markets outside such State or the production area. For example, shipments from the Red River Valley section of Minnesota frequently are shipped to the Twin Cities and then diverted to Milwaukee, Chicago, St. Louis, or other markets outside of Minnesota. Similarly, shipments to Detroit from the Upper Peninsula of Michigan, or from the upper half of lower Michigan, frequently are diverted to Indiana, Ohio, Kentucky, or other markets outside of Michigan. In much the same manner, truckers acquiring potatoes in the Iowa or Indiana counties of the production area usually sell such potatoes where the trucker judges he will get his best price. Although shipping point and terminal market prices are directly related, fluctuations in such prices from one period to another and deviations in such prices from the general average around which they tend to concentrate provide possibilities for such truckers disposing of their potatoes at numerous points. It is impossible at the time of acquiring such potatoes to determine in many cases whether such potatoes will be marketed by the trucker in the county or State of acquisition or at a point or points outside thereof. Similar situations often occur on truck shipments of potatoes grown in Michigan, Wisconsin, Minnesota, and North Dakota. Potatoes grown within the production area and shipped from the point of origin to markets outside the State where grown, may be diverted en route to markets within such State. The movement and sale of potatoes grown in the production area to markets within the States where grown, to markets within the production area, and to markets outside the States where grown are, therefore, inextricably intermingled.

It is concluded, therefore, that (1) all transportation and sale (except retail sales) of potatoes grown in the production area are either in the current of interstate or foreign commerce, or directly burden, obstruct, or affect such interstate or foreign commerce (hereinafter called "in commerce"), and (2) it is impractical to regulate effectively the transportation and sale of such potatoes without regulating all transportation and sale thereof, except to the extent hereinafter indicated.

(2) Effective January 1, 1950, parity prices for potatoes are to be computed in accordance with the provisions of the Agricultural Act of 1948 and the Agricultural Act of 1949. The base period (1919–28) price per bushel for potatoes is $1.12. The March 15, 1950, average price received by farmers for potatoes was 79 percent of parity price. It is estimated that the average price received by farmers for potatoes grown in the production area will be below parity for the rest of the 1950 calendar year and for the 1950 potato season.

The production area is one of the well recognized potato producing regions of the United States. Potato acreage and production within the production area has tended to fluctuate to some extent from year to year. Potato production and acreage within the production area (except North Dakota) has gradually decreased since 1919. Although such production and acreage has decreased during such period, average production per acre has tended to increase since 1946. For example, the Wisconsin potato crop in 1919 was 26,550,000 bushels which were harvested from 295,000 acres. In 1949, Wisconsin harvested 13,600,000 bushels from 80,000 acres. During the period 1919–28, Wisconsin potato growers harvested an annual average of 27,763,000 bushels of potatoes from 270,000 acres, while for the 1940–49 period they annually harvested an average of 12,708,000 bushels from 132,000 acres, and for the 1945–49 period comparable annual averages are 12,151,000 bushels from 101,000 acres. A significant factor affecting the above averages is the change in yield per acre. The annual average yield per acre in Wisconsin during the 1919–28 period was 104 bushels per acre, which declined to 84 bushels per acre for the 1929–38 period and increased to 103 bushels per acre for the 1940–49 period. The upward trend in yield has been most pronounced since the war, however, with annual average yields per acre for Wisconsin being as follows: 1945—95 bushels; 1946—105 bushels; 1947—105 bushels; 1948—150 bushels, and 1949—170 bushels.

Michigan potato production averaged 28,373,000 bushels annually during the 1919–28 period, from 277,000 acres. These annual averages declined to 17,755,000, from an annual average of 160,-

000 acres, during the 1940–49 period. Michigan potato production from 104,000 acres totaled 17,160,000 bushels in 1949. Minnesota produced an annual average of 34,002,000 bushels of potatoes, from an annual average of 359,000 acres, during the 1919–28 period. For the 1940–49 period, harvested potato acreage had declined to 170,000 acres annually in Minnesota, with annual average production of 18,047,000 bushels. Minnesota potato production in 1949 totaled 16,000,000 bushels from 100,000 acres.

Production and harvested acreage in Iowa and in Indiana have followed a similar trend. Iowa potato production averaged 7,222,000 bushels annually from an average of 84,000 acres during the 1919–28 base period; production dropped to an annual average of 3,232,000 bushels, from an average of 32,000 acres, during the 1940–49 period. In 1949, Iowa produced 1,100,000 bushels of potatoes from 11,000 acres. Indiana produced an annual average of 4,264,000 bushels of potatoes from an annual average of 53,000 acres during the 1919–28 period. During the 1940–49 period, annual average production in Indiana was 4,502,000 bushels of potatoes, or slightly higher than the annual average in 1919–28, although such production was harvested from an annual average of 35,000 acres during the later period (1940–49), or from about one-third less acres than during the base period. Indiana potato acreage continued to drop since the war averaging 25,000 acres annually for the 1945–49 period. Yields per acre in Indiana, as in other States, increased rapidly during the late 1940's, climbing from 135 bushels per acre in 1945 to 195 bushels per acre in 1949. The production area, as defined in the amended order, includes only certain counties in northern Indiana and in northern Iowa. However, the foregoing data for each of these States are representative of trends in acreage and production within the portions of each State included within the production area and they represent the marketing conditions prevailing in such portions of each State. The counties in each of such States which are included within the production area represent 95 percent or more of the commercial potato acreage in each of such States. Prices which farmers received for potatoes in the counties in each of such States closely approximated prices received by all farmers in each of such States. Production and marketing conditions for potatoes grown in the counties of Iowa and of Indiana included in the production area are similar to such conditions in the four State area included under Order No. 60.

Potato production in North Dakota has increased from an annual average of 9,390,000 bushels during the 1919–28 period, to an annual average of 19,277,000 bushels during the 1940–49 period. Annual average acreage during the earlier post-World War I period was 112,000 acres, which may be compared with the 1940–49 average of 147,000 acres annually, and with the 1949 harvested acreage of 109,000 from which 18,350,000 bushels of potatoes were harvested.

The decreasing trend during the three-decade period following 1919 in acreage and production in each State of the production area (except North Dakota), hereinbefore referred to, was arrested and reversed by the abnormal World War II demand for potatoes, but a resumption of such trend reappeared after such war. Supplies of potatoes in excess of what the market could absorb at prices satisfactory to potato growers reflected disorderly marketing conditions during the pre-World War II period and such unsatisfactory prices influenced the decreasing trend referred to above. The aforesaid decreases in potato acreage did not bring about sufficient adjustment of potato production and supplies available for market to return parity prices to producers for such potatoes subsequent to World War II. In addition, the potato market is influenced, not only by the volume of potatoes available for such market, but also by the grade, size, and quality of such potatoes. The aforementioned conditions and factors were and are representative of and contribute to the disorderly marketing of such potatoes.

Similar situations and influences which occurred prior to World War II reoccurred after the demand for potatoes lost its wartime stimulus. Instead of bare markets and high prices, such as during the war, excessive potato supplies even at lower prices became common. Price supports established by Congress for various commodities, including potatoes, were available to potato growers and handlers to remove from the market that portion of the potato supply which the market would not absorb at or above such support price levels. During the 1946 season, the Federal government purchased under such program 15.0 percent of Michigan's potato crop, 5.0 percent of Wisconsin's, 23.3 percent of Minnesota's, 35.1 percent of North Dakota's, 6.2 percent of Iowa's, and 1.4 percent of Indiana's potato crop. Potatoes were supported during the 1946 season at 90 percent of parity.

Notwithstanding the effect upon the potato market of the aforesaid price support program, leaders of the potato industry in the midwest became concerned with the disorderly conditions accompanying the marketing of the unusually large 1946 midwest potato crop and they sought additional aids for establishing and maintaining orderly marketing conditions for the 1947 and future crops. At the behest of some Wisconsin and Michigan handlers, attention was directed to activating Order No. 60, which had been developed and issued prior to World War II. Additional interest was developed among other potato growers and handlers in support of Order No. 60 and the reestablishment of the North Central Potato Committee, with the objective of promoting more orderly marketing of the 1947 and subsequent crops of potatoes grown in Michigan, Wisconsin, Minnesota, and North Dakota. Regulation of the handling of potatoes grown in such States began on September 22, 1947, by prohibiting shipments of culls. This regulation, except as subsequently modified for Wisconsin and the Red River Valley, continued in effect throughout the remainder of the 1947 season. The regulation helped to promote orderly marketing of the 1947 crop by relieving the market of some price depressing influences of off-grade potatoes and by limiting, to some extent, the volume of potatoes available for market. Even with the additional aid of regulation under Order No. 60, the 1947 potato crop in such States and in adjoining States, although considerably smaller than in 1946, was in excess of what the market would absorb at or above support prices. Under the price support program the Federal government purchased 3.5 percent of Michigan's 1947 potato crop, 7.5 percent of Minnesota's, 2.5 percent of North Dakota's, 0.3 percent of Wisconsin's, and 1.3 percent of Iowa's potato crop for that year.

For the 1948 potato crop, grade and size regulation under Order No. 60 was in effect during the entire marketing season. Such regulation promoted orderly marketing of the 1948 potato crop in the four-State area by keeping some culls off the market and by withholding U. S. No. 2 and U. S. No. 1 size B potatoes from the market. Such withholding of potatoes from the market removed the price depressing influences of such grades and sizes. Even with such marketing aids, however, the supply of potatoes grown in the States of Michigan, Wisconsin, Minnesota, and North Dakota, from the 1948 crop was of such size that the market would not absorb all such supplies at or above support price levels. Under the price support program for that season the Federal government purchased 15.9 percent of Michigan's 1948 potato crop, 25.3 percent of Minnesota's, 34.9 percent of North Dakota's, and 15.7 percent of Wisconsin's 1948 potato crop. During the same season, price support purchases by the Federal government were 11.0 percent of Iowa's potato crop and 3.8 percent of Indiana's potato crop.

For the 1949 crop, regulation under Order No. 60 began with the General Cull Regulation at the beginning of the season. Additional grade and size regulation was made effective for the period beginning October 31, 1949, and ending June 30, 1950, limiting shipments of potatoes grown in the four State area to U. S. Commercial or better grade. The operations of Order No. 60 during the 1949 season, tended to promote orderly marketing of the potato crop grown in the aforesaid States by eliminating some price depressing influences which otherwise would have affected the market. However, even with such aids marketing conditions for potatoes grown in such area were such that, despite a lowered price support of 60 percent of parity, the market would not absorb all such potatoes at or above support price levels. For example, as of April 17, 1950, purchases by the Federal government under the price support program for the 1949 crop were as follows: 6.8 percent of Michigan's 1949 crop, 4.1 percent of Wisconsin's, 13.8 percent of Minnesota's, and 13.8 percent of North Dakota's 1949 crop. Similarly, Federal price support purchases, as of the same date, were 9.4 percent of Iowa's 1949 potato crop and 2.4 percent of Indiana's 1949 potato crop.

The production and marketing problems applicable to potatoes grown in the States of Michigan, Wisconsin, Minnesota, North Dakota, and in certain counties in Iowa and in Indiana (enumerated in the definition of production area), are substantially identical and the same means should be used to assist all growers of potatoes in such area to help them solve their potato marketing problems. Disorderly marketing conditions for potatoes grown in the aforesaid counties in Iowa and in Indiana have closely paralleled similar marketing conditions for potatoes grown in the aforesaid four-State area.

Prior to World War II potato growers and handlers in Minnesota, North Dakota, and Wisconsin were allowed to, and many did, market virtually all grades, sizes, and qualities of potatoes grown in such States. Similar situations existed in Michigan, except that the State prohibited shipments of culls. Some parts of the four-State area were notorious for shipping low grade and quality potatoes to market. The wide variation in grades and qualities which were marketed from such States resulted in wide variations in the price received therefor and forced a lower average price level for all such potatoes than would otherwise have been the case if low grades and qualities were not marketed. Such conditions prevailed, not only throughout the aforesaid four-State area, but also in the Iowa and Indiana counties of the production area. Order No. 60 was developed and issued prior to World War II to help promote orderly marketing conditions by authorizing the limitation of the grades, sizes, and qualities of potatoes grown in such four-State area which could be shipped to market. To insure that the potato market would not be subject to the price depressing influences of extremely low quality potatoes, the General Cull Regulation, which prohibited the handling of potatoes that failed to meet the requirements of the U. S. No. 2 or better grade (commonly known as "culls"), was incorporated in Order No. 60. Such General Cull Regulation was made effective on September 22, 1947. Such regulation continues in effect under Order No. 60 from year to year, unless suspended or terminated for a specific period of time. Such regulation has prohibited the shipment of culls grown in the production area continuously since such regulation first became effective, except for those parts of the area, such as Wisconsin and the Red River Valley, where it was suspended for specific periods. Potato growers and handlers in the four-State area have eliminated some of the price depressing factors formerly influencing the market for potatoes grown in such area by eliminating culls and, in addition, some other potatoes of low grades and small sizes. While potatoes of low grades and small sizes were being eliminated from shipments of potatoes grown in the aforesaid four-State area, potato growers and handlers in the Iowa and Indiana counties of the production area could and did ship any and all grades, sizes, and qualities of potatoes (including culls) grown in such counties, which tended to depress prices for their own potatoes as well as prices for potatoes grown in the aforesaid four-State area.

The demand for potatoes during World War II directly affected marketing of potatoes grown in the aforesaid counties, as well as in the four State area. Similarly, when the war stimulated demand contracted after cessation of hostilities, marketing conditions for potatoes grown in such counties, as well as for potatoes grown in the four State area, became disorderly. Although the price support program was designed to relieve some of the downward pressure upon the price potato farmers receive for their crop, additional measures, such as marketing agreements and orders, are necessary to assist in eliminating some factors which contribute directly to disorderly marketing conditions for potatoes. The potato industry in the four State area used Order No. 60 to help eliminate some grades, sizes, and qualities of potatoes which tended to depress prices farmers secured for potatoes grown in such States and to promote the orderly marketing of such potatoes. Potato growers in the aforesaid adjoining counties in Iowa and in Indiana marketed off-grades and off-sizes of potatoes grown in such counties, thereby directly contributing to disorderly marketing conditions for their own crop of potatoes and, at the same time, for the potatoes grown in the four State area. Without a price support program, disorderly marketing conditions for potatoes grown in the aforesaid counties of Iowa and of Indiana will be aggravated if the handling of such potatoes are not subject to the terms and provisions of the amended order.

The supply of potatoes grown in the production area has been such, and indications are that it will continue to be such, that disorderly marketing conditions for such potatoes will continue if all potatoes grown in the production area, as defined in the amended order, are available for marketing on the table stock market. Given supplies of potatoes grown in the production area will return particular prices per bushel or hundredweight to farmers, under any given set of demand conditions. Whenever supplies of potatoes increase beyond the level which can be moved at a given price, either the price must be lowered or supplies available for market must be adjusted to meet the amount which can be marketed at the desired price level. Means for helping to adjust such supplies by removal from market channels of certain grades, sizes, or qualities, or combinations thereof, and especially of such off-grades or off-sizes which unduly depress prices returned to farmers, are available through the amended order. It is concluded that there is a need for a marketing order to regulate the handling of potatoes grown in the four-State area—Michigan, Wisconsin, Minnesota, and North Dakota—and in the aforesaid counties of Iowa and of Indiana. The amended order, as hereinafter set forth, will tend to effectuate the declared policies of the act.

(3) (a) The act authorizes the regulation of such handling of potatoes grown in the production area as is in commerce. The amended order should regulate such handling solely to effectuate the declared policy of the act. It is essential, as a basis for such regulation, that such amended order define a "handler," so that persons to be regulated thereunder will have notice thereof.

Common or contract carriers transporting potatoes (grown in the production area and owned by another person) to market are performing a handling function in commerce but such handling should not be regulated under the amended order for the reason that such carriers are not responsible for the grade, quality, and size of the commodity so transported, are not responsible for the introduction of such commodity in commerce, and their sole interest in such commodity is to transport it to destination selected by others for a service charge. The responsibility for the grade, quality, and size of the commodity delivered to such common and contract carriers should be borne solely by the person or persons responsible for delivering such commodity to such carriers.

Handling functions in commerce with respect to such potatoes, which should be regulated under the amended order, are hereinafter considered in connection with a definition of "ship," and the definition of "handler" should be synonymous with "shipper" because regulation of the handler performing each of such functions is necessary under the amended order to effectuate the declared policy of the act. Therefore, the term "handler" or "shipper" should be defined to mean any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

(b) The handling of potatoes in commerce includes all activities placing or continuing such potatoes in commerce subsequent to the harvesting thereof, to and including the delivery and sale of such potatoes to the retailer thereof or the ultimate outlet therefor. It is necessary to regulate all of such handling under the amended order, except as herein otherwise indicated, to effectuate the declared policy of the act, because the handlers performing each of such activities are responsible for the effects such activities have on the prices farmers receive for potatoes grown in the production area and on the marketing conditions applicable to or prevailing for such potatoes. The facts and reasons justifying such findings and conclusions are inherent in the customary practices employed in the production area to move and sell the potatoes grown in such area in commerce to the retailers thereof or the ultimate outlet therefor, as hereinafter set forth in the technical terminology used by persons engaged in the potato business.

Common or usual activities in the harvesting and preparing of potatoes grown in the production area for market include, among others, the activities of digging, picking, loading, hauling, storing, washing, grading, and sacking. The digging of potatoes is a harvesting activity performed as a grower function, even though it is an esential prelude to the marketing thereof. Until potatoes are dug from the ground, their spe-

cific identity, kind, and quantity are unknown.

The picking, loading, and hauling of potatoes are handler activities performed in connection with all of such potatoes because such activities actually move such potatoes in commerce. Additional handling activities performed in connection with such potatoes—storing, hauling, washing, grading, and sacking—are optional. However, the bulk of the potato crop grown in the production area is stored; the same is true of grading to an even greater extent, while virtually all potatoes that go into the table stock or seed market are sacked. Potatoes which are sold or disposed of for livestock feed and to other non-table stock outlets, such as starch, flour, waste, etc., may not be and usually are not sacked. Such variations from common practice, however, except for storage, apply only to a small portion of the potato crop grown in the production area.

Potatoes grown in the production area and dug in July and August rarely, if ever, are stored, while in some parts of the production area most of the potatoes dug in September are not stored either. However, the great bulk of potatoes dug in the latter part of September and in October are stored and disposed of during the ensuing seven to nine months' period. The storage of such potatoes is a handling activity because, among other reasons, stored potatoes are thereby held and continued in commerce, regardless of the location of the storage, to take advantage of market price differentials resulting, in part, from such activity.

Initial marketing (handling) activities begin with the picking, loading, and hauling to storage, grading facility, or market, of potatoes grown in the production area because such operations, regardless of whether performed by the grower of such potatoes or by others, makes such potatoes a visible and direct part of the supply of such potatoes available for market and actually moving in market channels. Such potatoes can, and sometimes do, continue moving in market channels to the retailer or other ultimate outlet therefor without further preparation for market. Such practice was quite usual and common in former years, especially in the Red River Valley (although such practice was not and is not limited to that part of the production area) where terminal market operators and others bought such potatoes, especially during peak harvest periods, on a field-run basis at any and all times after such potatoes had been dug. Such practice could be revived. It continues to be a common practice to haul potatoes in field sacks (sacks in which pickers drop the potatoes) from one part of the production area to another part of such area, sometimes several hundred miles distant, for the purpose of storing, or for the purpose of grading and washing such potatoes. It is concluded, therefore, that the picking, loading, hauling, or any other movement of such potatoes from the spot where grown places them in commerce by virtue of such movement and, in addition, such activities cause the potatoes involved to become a part of the visible supply of potatoes available for market, which directly burdens, obstructs, and affects such commerce. The sale or consignment of such potatoes at any time during these initial marketing (handling) activities continues such potatoes in commerce because such sale or consignment constructively moves the potatoes in commerce from the seller to the buyer or consignee and actual movement of such potatoes in commerce, pursuant to the instructions of the buyer or consignee, is thereafter consummated.

All potatoes grown in the production area and marketed are made ready or prepared for market. Such processing activities are handler activities in the marketing of potatoes grown in the production area. The extent to which potatoes are affected by such activities vary, depending upon the judgment and objectives of the handlers responsible therefor. However, the concept of "ready for market" is clearly indicated by readily determinable facts in each case. The working over, manipulation, or grading of potatoes at a point or points, between the time they are dug and the time when they are sold and delivered to the retailer or to other ultimate outlet therefor, in such manner as to segregate the potatoes as dug into those which are to be so sold and delivered to specified market outlets and those which are not, constitute the making of such potatoes ready or prepared for market. Such processing may also include brushing, washing, or washing and waxing, and sacking, any or all of which usually are a part of a continuous, integrated process of segregating potatoes that are intended for one type of market from those intended for other outlets, and, at the same time, improving the appearance and other factors affecting the price at which such potatoes can be sold. Growers and handlers of such potatoes, in trade vernacular, usually refer to all such processing activities simply as grading.

The great bulk of such potatoes are run over a grader, i. e., a mechanical grader, for such purpose. This method of preparing such potatoes for market (grading) is usually done by a combination of mechanical processes and labor. In such cases, the sizing operation is largely mechanical, resulting in segregating lots on the basis of the size of the potatoes in such lots; the grading operation involves segregating such potatoes into various lots on the basis of picking out or removing by hand from the main flow of such potatoes the individual tubers showing visible grade defects, i. e., potatoes failing to meet specified quality requirements established by standard grades. Where the volume of potatoes to be processed is small, the preparatory activities may be done with a minimum of mechanical aids and a relatively greater amount of hand labor. In other comparatively rare instances, such preparation for market is entirely by hand, such as field grading, where the picking crew determines the portion of an individual potato crop which will be prepared for specified market outlets and the portion which shall be segregated and left behind in the field. Thus, preparing such potatoes for market, or making them ready for market, may be accomplished at various points from the field where grown at picking time, to terminal markets where they are graded or regraded for distribution to retailers or other ultimate outlets therefor, and the extent to which such potatoes are segregated may vary in accordance with the objective of the person performing such function.

The person or persons proprietarily responsible for directing the aforesaid grading segregation actually determine the grade, size, and quality of the potatoes which are thereafter continued in commerce to the various market outlets therefor. Such grading segregation or processing activity usually is done at packing or grading sheds or at storage cellars or storage houses located on the farm where such potatoes are grown, or in facilities located in nearby towns or at nearby railroad sidings or on nearby truck routes. Such grading facilities, if they are processing potatoes which are harvested in late September or in October, usually have storage facilities because much of the potatoes harvested at that time are placed in local storage. However, some potatoes are moved in field sacks, second hand sacks, or in bulk from the field where grown to distant points for storage. The most common examples of this practice occur in the Red River Valley where some potatoes are moved at harvest time to points in Minnesota or in Wisconsin for storage. Similar movement occurs in other parts of the production area for the same reason. Whenever storage capacity is limited, such movement may occur at harvest time during years of heavy production. There are processing facilities available to such distant storage points. Therefore, while all activities placing or continuing potatoes in commerce subsequent to the harvesting thereof, to and including the delivery and sale of such potatoes to the retailer thereof or other market outlet therefor, include all of the activities hereinbefore mentioned, which activities must be regulated to effectuate the declared policy of the act, the regulation of each of such activities need not be identical for the reasons hereinafter indicated.

The storage and grading of potatoes grown in the production area places, continues, or places and continues such potatoes in commerce. However, only such regulation of such activities as will maintain the continuing control and identification of the potatoes subject thereto is necessary to assure that the subsequent handling thereof will be in accordance with regulatory requirements (grade, size, and quality requirements) issued under the amended order.

Potatoes which are loaded and hauled from the field where grown to local or nearby grading facilities or to local or nearby storage are usually ungraded. They so move as field-run stock, i. e., potatoes just as they come from the field. A portion of such potatoes usually will be segregated from or graded out of the stream of potatoes going through the grading process for sale or disposition to or in outlets other than the table stock market. It is possible that a given lot of such potatoes moving to a nearby grading facility or to nearby storage may have sufficient potatoes with serious defects to make such entire lot unmerchantable, or to make the entire lot fail to make any established grade, until they have been graded. Although the movement of such potatoes to storage and grading facilities is in commerce, only such regulation of such movement is necessary, to effectuate the declared policy of the act, as will prevent the handling of such potatoes subsequent to the storage and grading thereof contrary to the grade, size, and quality requirements issued under the amended order. Such preventive regulation may require, as hereinafter indicated, such movements to comply with grade, size, quality, inspection, assessment, and safeguard requirements, or any one or more of such requirements, all of which will be, during the effective period of such preventive regulation, applied to graded potatoes moving to market outlets. Such local movement of ungraded potatoes, however, should be allowed the greatest possible freedom from regulation, consistent with attaining the aforesaid objectives.

As hereinbefore indicated, potatoes grown in the production area are loaded and hauled from the field where grown to distant storage points in the production area. Whenever storage capacity is limited, such movement may occur at harvest time during years of heavy production. There are processing facilities available to such distant storage points. As the need for storage at havest time is acute in some portions of the production area, it is necessary to permit the continued movement of potatoes out of the local or immediate area of production of such potatoes, such as from one county to another, or from the Upper Peninsula to the Lower Peninsula in Michigan for interim storage prior to processing for final disposition, regardless of whether the movement is effected by the producer of such potatoes or by a handler who purchases the potatoes from the producer thereof. Such movement is on an in-transit freight rate, so that it is an established method of handling such potatoes which will be moved out of storage later for grading and disposition in one or more market outlets. There are no reasons requiring modification of the custom of moving potatoes from the field where grown to distant points in the production area for storage and grading. However, the handling of such potatoes should be subject to such regulatory controls as will prevent the handling of such potatoes subsequent to the storage and grading thereof, contrary to regulatory requirements applicable to the handling of graded potatoes in commerce. The objective of such preventive regulation is similar to the preventive regulation objective involved in regulating the local movement of potatoes from the field where grown to nearby storage and grading facilities but, because of the distances involved in the former operations, different regulations should be applied thereto, on a permissive basis, i. e., if attaining the desired objective requires a greater degree of regulation for the distant movements of potatoes for storage and grading purposes, such degree of regulation should be permissible under the amended order.

As hereinbefore indicated, all potatoes grown in the production area are prepared for market to separate such potatoes into grades, sizes, and qualities for various outlets or, in trade vernacular, to separate the merchantable from the unmerchantable stock. The merchantable stock includes those potatoes which continue in commerce to ultimate sale or disposition in the aforesaid outlets. The unmerchantable stock includes potatoes with varying defects or damage—such as soft rot, growth cracks, misshapen, scab, etc.—and sizes, which have been separated by the grading activities. The lots containing potatoes of the better grades and qualities and more desirable sizes are usually disposed of in the premium markets—the table stock or seed markets. (Better grades, qualities, and desirable sizes are not, as hereinafter indicated, necessarily identical for table stock and seed.) Lots containing potatoes of poorer grades, qualities, and less desirable sizes usually find outlets other than the conventional table stock or seed markets, such as starch, livestock feed, or export. It is not uncommon, however, for the poorer grades to be dumped with the unmerchantable potatoes and culls, i. e., disposed of in the most expedient and least expensive manner as near as possible to the point where such potatoes are stored or graded.

The separation of such potatoes into various lots, each of which meets specified grade, size, and quality standards or, in brief, the grading of such potatoes, is the handler function of primary importance, under the amended order, in effectuating the declared policy of the act, in separating such merchantable potatoes from so-called unmerchantable potatoes. The aforesaid merchantable stock of potatoes becomes part of the available market supply immediately upon completion of the grading activity. Persons handling such graded potatoes customarily request inspection at the conclusion of the grading operation and prior to continuing the graded potatoes in commerce. As compliance with grade, size, and quality regulations can be best determined by authoritative inspections, as hereinafter indicated, the procurement of inspection of all graded potatoes which are handled after completion of the grading activity should be mandatory, under the amended order, to permit effective administration of such regulations. The person or persons who has authority to and actually sells, transports, or in any other way places potatoes in commerce, which have been made ready or prepared for market, is a handler thereof. Such handler is the person who is primarily responsible for the grade, size, and quality of such potatoes which are so placed in commerce and disposed of in or to market outlets therefor. Such handler and each succeeding handler continuing such potatoes in commerce should be held responsible, under the amended order, for the grade, size, and quality thereof. Therefore, each of such responsible persons should be required to limit their handling activities to those potatoes which can be proved, by an appropriate inspection certificate, to meet the grade, size, and quality requirements in effect at the time of such handling under regulations issued pursuant to the amended order.

The handler who first sells, transports, or in any other way places potatoes in commerce after they have been graded, i. e., prepared for market, is the person who should pay assessments thereon. Imposing such assessment requirement on handlers of ungraded potatoes would be inequitable because such handlers do not know what portion of such potatoes will produce revenue to them; imposing the requirement on handlers subsequent to the aforesaid first handler would be inequitable because there may not be subsequent handlers. With respect to potatoes which are not mechanically graded but which instead are separated, if at all, into grades and sizes by hand operations or by the picking crew, the person or persons who sells, transports, or otherwise places such potatoes in commerce after such segregation should be the first handler thereof for assessment purposes. If field-run potatoes are not subjected to any ostensible grading, either the usual mechanical grading or hand grading, the person or persons who sells, transports, or otherwise places such potatoes in commerce should be the first handler thereof for assessment purposes.

Some shipments of potatoes grown in the production area which were graded at point of origin are reprocessed at graders, or at graders and washers, en route to or at terminal markets. Such potatoes lose their grade, size, and quality identification and their identification with respect to inspection certificates applicable thereto, when they are dumped from their original containers to which such inspection certificates applied. Such reprocessing or regrading usually results in additional shrinkage, i. e., some potatoes are picked out because of grade defects, so that the total amount of merchantable stock left at the end of the grading process is less than the total amount reprocessed. The purpose of the regrading is to take out potatoes which the operator of the grader determines should not be allowed in the particular packs he intends to offer for market. Such potatoes which are picked out because of grade defects or off-size are separated from the potatoes which the operator intends to offer for sale as table stock. As such reprocessed potatoes are not necessarily identical, on a grade, size, and quality basis, with the graded potatoes from which they were separated, the only manner of assuring that the subsequent handling of such reprocessed potatoes complies with regulatory requirements effective at the time of such handling is for the reprocessed potatoes to be inspected at the conclusion of the reprocessing; also, the first handler of such reprocessed potatoes should pay assessments in connection therewith to help defray the administrative expenses incurred in connection with the handling of such reprocessed potatoes.

The amended order establishes a method for the issuance of regulations

which will promote orderly marketing of potatoes grown in the production area and tend to return parity prices to the producers of such potatoes. These objectives will tend to be accomplished, under such regulations, by the limitation of the supply of such potatoes placed on the various market outlets therefor, to those grades, sizes, and qualities preferred by such markets, and by withholding from market the surplus portion of such potatoes. Just as the grade, size, and quality preferences of the table stock potato market change or are modified by the total national supply of potatoes, the trend and level of consumer income, and other relevant factors, so the degree of regulation must change to accomplish such objectives, i. e., grade, size, and quality requirements should be higher in years when large potato surpluses and high consumer income prevail, than in years of short supply and low consumer income.

The adjustment of potato supply to demand is predicated, under the aforesaid method, primarily on the retention of the premium potato market (the table stock market) for the better grades and qualities of potatoes and potatoes of the most desirable sizes, and encouraging the diversion of potatoes which are surplus to the table stock market to market outlets which will not compete directly with and depress the price level in the table stock market. The aforesaid method also permits the limitation (on a grade, size, and quality basis) of the supply of potatoes available for such diversionary outlets, as hereinafter indicated, because some of such outlets constitute varying degrees of competition for the table stock market at various times, because some of such outlets have special grade, size and quality preferences, etc.

Therefore, effective regulation under the aforesaid method requires (i) that each and every lot of potatoes, grown in the production area and placed in commerce on the potato market, should meet the grade, size, and quality requirements established therefor by regulations issued under the amended order to effectuate the declared policy of the act, and (ii) each person responsible for placing potatoes in commerce on such market after the harvest thereof and each person responsible for continuing such potatoes in commerce to the retail market outlet therefor should comply with the aforesaid requirements, except as hereinafter indicated. Such persons are performing handling functions in commerce in connection with such activities.

Therefore, the definition of "ship" and "handle," as hereinafter set forth in the amended order, includes all the activities and transactions with respect to marketing potatoes grown in the production area herein found and concluded to be in commerce.

(4) (a) The commodity to be regulated by the amended order is the same commodity which has been regulated under Order No. 60 and it is defined so that persons handling such commodity will know that their handling activities relevant thereto are subject to regulation thereunder. The act authorizes marketing agreements and orders applicable to potatoes, or to any regional classification thereof. Irish potatoes of all varieties grown in the production area is a regional classification of potatoes and regulation of the handling thereof will tend to effectuate the declared policy of the act. It is concluded, therefore, that "potatoes" should be defined to mean all varieties of Irish potatoes grown in the production area.

(b) A definition of "production area" is incorporated in the amended order to specify and delineate the area in which potatoes must be grown before the handling thereof is subject to regulation under the amended order. "Production area" is defined to mean all the territory included within the boundaries of the States of Michigan, Wisconsin, Minnesota, North Dakota, the counties of Clay, Emmet, Palo Alto, Pocahontas, Kossuth, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, and Mitchell, in the State of Iowa, and Warren, Benton, White, Carroll, Cass, Miami, Wabash, Huntington, Wells, Adams, and all counties lying north thereof, in the State of Indiana. Potatoes are produced in each State and in each county included within the production area. Potato production for market tends to concentrate in such portions of the production area where soil, moisture, climate, alternative land uses, and other factors are favorable to commercial potato production. Such tendency to concentrate and intensify production has resulted in certain parts of the production area becoming well known potato growing centers. The Red River Valley, the Hollandale section of Minnesota and Iowa, the Antigo and Stevens Point sections of Wisconsin, the Upper Peninsula of Michigan, also the Traverse, Bay City, and the Montcalm sections of Michigan are some outstanding examples. In addition, the Hennepin County section around the Twin Cities, the Milwaukee county market garden area, the Racine-Kenosha section of Wisconsin, the Jackson section of Michigan, and the South Bend and the North Judson sections of Indiana, are somewhat less well known but none the less appropriate examples of such concentration. These are centers of intensive potato production within the production area around which the marketing of potatoes concentrates during particular portions of the season. Additional but less intensive potato production spreads out from these centers through other counties within the production area.

Production and marketing conditions are essentially the same throughout the production area. Some parts of the production area market during different portions of the season. For example, the Bay City, Michigan, the Stevens Point, Wisconsin, and the Hennepin County, Minnesota, areas market their potatoes early in the season. Their early potatoes are sold in the same markets as the bulk of potatoes grown in the production area, which latter potatoes are harvested later and are stored for a period before marketing. Each season's marketings of potatoes grown in the production area generally begin in July with the areas mentioned above and continue into the following June. Minnesota and Wisconsin growers follow similar production practices. They also market their potatoes in much the same manner; so also does North Dakota. Michigan potato producers and handlers also have production and marketing problems which are essentially the same as Minnesota, Wisconsin, and North Dakota. The Iowa counties included within the production area are productionwise and marketwise a part of the Hollandale, Minnesota, area. Marketing of potatoes from these Iowa counties have been classed with the Hollandale deal; they compete directly with Hollandale potatoes. Although the State line cuts through this natural geographic, production, and market groupings of counties in southern Minnesota and northern Iowa, the Iowa counties, incorporated within the production area, are an integral, natural part of the production area insofar as operation of the amended order is concerned. Similarly, potato producers in the counties of northern Indiana, incorporated within the production area, have virtually the same production and marketing problems as their neighbors and competitors across the line in Michigan. They produce the same varieties of potatoes, sell in the same markets and at the same time as potato producers in the rest of the production area. Their similar market problems have forced Indiana potato growers, as well as those in Iowa, to use the same aids, such as sales of their surplus potatoes to the Federal Government, to avoid disorderly and disastrous market conditions, as potato growers in the other parts of the production area.

The general market level for potatoes grown in the Indiana counties of the production area is related directly to potato prices in important terminal markets, such as Chicago, Detroit, and Indianapolis, and prices growers received for such Indiana potatoes move in direct relationship with the market for potatoes grown in the four States included under Order No. 60. The size of the potato crop in the aforesaid four States directly affects the prices which growers of such Indiana potatoes receive and, in turn, the total quantity, also the grade, size and quality, of such Indiana potatoes which are marketed directly affects the market for potatoes grown in Michigan as well as the other States included under Order No. 60. The effect upon prices of marketing such Indiana-grown potatoes, regardless of their grade, size, and quality has a depressing effect not only upon the prices which growers of such potatoes receive but also of potatoes grown in the aforesaid four-State area. Some such Indiana potatoes are marketed with no particular designation with respect to their grade or size. Such marketing practices allow any or all grades, even culls and small sizes, to compete with potatoes that are appropriately marked as to the grades and sizes in the containers in which they are shipped. Such practices contribute to disorderly marketing conditions in the production area. The competition from such off-grades and off-sizes of such Indiana potatoes has a price depressing effect upon the returns which such Indiana growers receive and, in addition, the supply of such Indiana potatoes, even though

in relatively marginal quantities, tends to depress the price for potatoes grown in the four-State area disproportionately to its volume because of such low grades and non-preferred sizes.

The varieties of potatoes grown in the production area are numerous, although the commercially important varieties produced for market either as table stock or seed generally fall into a few categories such as round whites, reds, russets, and long whites, with round whites and reds predominating. Production of these types is well scattered over the production area, so that all types compete in the same general market area and all types directly affect the market as a whole. Potatoes from each part of the production area compete in markets both within and outside the production area each season.

Potatoes are produced in each State and county in the production area. Even though commercial potato production for market tends to concentrate in particular parts of the production area where potatoes assume major importance as a farm crop, as a source of farm income, and as a source of supply during certain parts of the year, none of the counties or portions thereof of lesser importance should be left out of the production area for it would be undesirable and impractical to do so. Even though some parts of the production area produces only marginal segments of the supply going to market at particular times of the year, the marginal effect of such additions often is sufficient to disturb the whole market for the production area and create disorderly marketing conditions for the main part of the supply. Market conditions vary from time to time and from one year to another. Acreage planted to potatoes changes from period to period within different parts of the production area, even within relatively small or immediately local parts of the production area. The supply of potatoes going to market from specific parts of the production area varies from one season to another as producers and handlers shift their marketing to meet a variety of conditions. Also, in some years producers or handlers may judge that it is better to market their potatoes during harvest while in other years they store them for marketing later. Farmers also may shift from early to late production in some parts of the production area in order to take greater advantage of the market as they judge it, or to take advantage of more favorable production and management situations. The shifting, or the ebb and flow, of production and marketing conditions within the production area makes it essential that all its parts should be subject to the terms and provisions of the amended order and if any part thereof should be relieved of obligations or responsibilities at any time, such relief or exception should be upon consideration of conditions and factors at that particular time, in accordance with the provisions of the amended order.

Therefore, the production area, as hereinafter defined in the amended order, should include all territory in the States of Michigan, Wisconsin, Minnesota, North Dakota, in the counties of Clay, Emmet, Palo Alto, Pocahontas, Kossuth, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, and Mitchell, in the State of Iowa, and Warren, Benton, White, Carroll, Cass, Miami, Wabash, Huntington, Wells, Adams, and all counties lying north thereof, in the State of Indiana, and such regional production area constitutes the smallest regional production area practicable, consistent with carrying out the declared policy of the act.

(5) It is necessary to define the terms hereinafter set forth, so that their applicability and meaning may be established and to preclude the necessity for redefining them when they are later used in the amended order. The definitions of Secretary, act, person, producer, and varieties, as set forth in the notice of hearing, were not in controversy at the hearing. These terms are generally understood by members of the potato industry in the production area and the use of such terms in the amended order is essential as the basic framework thereof.

A definition of "fiscal year" is incorporated in the amended order to establish the beginning and end of an operating period. The establishment of such period, which should comprise a full twelve months, is necessary for business-like administration of the amended order and is desirable as a basis for establishing the terms of office of committee members and alternates. The date marking the end of one fiscal year and the beginning of the new should fall at a time of relative inactivity in the marketing of the potato crop and should allow sufficient time for the committee to organize and be prepared to function prior to the start of the new marketing season. Marketing of the potato crop grown in the production area begins about mid-July of each year and is usually completed by the middle of June of the following year. July 1 of each year is, therefore, an appropriate date for establishing the end of one fiscal year and the beginning of the new. Fiscal year should be defined, therefore, as hereinafter set forth.

Definitions of "committee" and "area committee" are incorporated in the amended order to identify the North Central Potato Committee (the administrative agency representing the Secretary) and the subcommittees thereof. The North Central Potato Committee and the subcommittees thereof (all selected on an area basis) have operated actively for the past three seasons. They are established, going concerns which have carried out their assigned functions. Such committees are authorized by the act and the definition thereof, as hereinafter set forth, minimizes the use of words in the amended order.

Definitions of "seed potatoes" and "table stock potatoes" are incorporated in the amended order because regulation is provided, under certain circumstances, differently for each. Special regulation for seed potatoes is justified because such potatoes are produced for a specialized use and the requirements of the seed market differ, in some respects, from that of the table stock market. For example, potatoes of small size are ordinarily discounted in the table stock market but may bring a premium in the seed market. Freedom from disease and other general sanitary aspects of the tubers are primary concerns of seed purchasers.

The aforesaid considerations have been forceful in promoting measures for protecting seed production from contamination and in prompting identification of potatoes which qualify under various State regulations as being free from disease and other unsanitary conditions and, therefore, more appropriate for planting than seed which has not been raised under such sanitary precautions. Such State regulations require that persons producing potatoes which they wish to qualify as seed shall abide by certain precautions in the production, storage, and handling of such potatoes, under inspection by plant pathologists or other technically qualified personnel. Growers whose potatoes qualify as seed under State seed requirements are allowed to identify, under the supervision of the State, their seed potatoes after certification by the appropriate seed certifying agency in the State where grown. Such certification generally allows the use of tags or "certified tags" which the grower or handler may attach to each bag of potatoes identifying such potatoes as certified seed. Such identification allows the industry and the committee to set potatoes so tagged apart from table stock potatoes. However, although all States in the production area except Indiana now provide for seed potato certification on the foregoing basis, the amended order should permit the Secretary to approve such certification by any other agencies, recognized as competent by the committee, to perform the certification function if a State agency is unavailable or if such additional agencies will make such certification more readily available to the applicants for certification. Therefore, the term "seed potatoes" should be defined to include such potatoes as are certified, tagged, or otherwise appropriately identified by the official seed certifying agency of the State where grown, or such other seed certifying agency as the committee may recognize and the Secretary approve.

Some growers who raise potatoes that could be certified as seed under applicable laws of the State where grown do not have their potatoes certified. Some of such growers are unwilling to pay the additional costs of certification. Some potatoes, although of relatively good seed stock, are unable at times to qualify for certification by slight deviations from the standards requisite therefor. In many cases covered by the above situations, other growers know of the relatively good, although uncertified, seed stock and they buy such stock for planting when they know, either on the basis of the reputation of the grower or by direct information, that such potatoes are well suited for planting. The planting of uncertified seed potatoes is limited mostly to the local communities in which such seed is grown, although some moves out of such local communities and even out of the production area. The

standards applicable to and the use of uncertified seed potatoes are substantially the same as hereinbefore set forth for certified seed potatoes. Therefore, uncertified seed should be regulated on the same basis as certified seed insofar as such uncertified seed potatoes can be identifiably segregated and excluded from table stock marketing channels. Therefore, the definition of "seed potatoes" should also include uncertified potatoes that are planted if the handling thereof is in accordance with applicable rules and regulations prescribed pursuant to § 960.56. Table stock potatoes should be defined as all potatoes other than seed potatoes. The sum total of the table stock and seed potatoes so defined will equal "potatoes," otherwise defined in the amended order.

"Pack" is defined as a basis for describing and distinguishing among various units in which potatoes are shipped. The term has a distinct meaning in the potato trade in that it refers to the particular size and type of bag in which the potatoes are placed. For example, most potatoes grown within the production area are placed in 100-pound sacks. This is the currently common type of pack used throughout the area. Some handlers ship in 50-pound sacks; others ship some table stock potatoes in 5-, 10-, 15-, or 25-pound sacks, commonly referred to as consumer packs. The 50-pound and the 100-pound packs frequently are referred to as wholesale packs. In common practice the difference between packs rests primarily on the weight of the container. Such demarcation between any two packs can be drawn on a practical basis upon the basis of weights. For example, the committee could distinguish between consumer packs and wholesale packs by recommending that consumer packs should include potatoes packed in individual containers of less than 50 pounds each. Such distinguishing feature should apply to the final or ultimate unit rather than a master container, such as a 100-pound master bag containing 10 consumer size packs of 10 pounds each. The possible introduction of additional size packages makes it impractical to establish set weight limits for particular packs which should fall within each category. The evolution of size packs in the production area has moved from the usual 150-pound sack of several decades ago to the 120-pound bag, and currently to the customary 100-pound bag. The 50-pound sack is coming into more common usage; so also are the consumer packs. The definition should permit recognition of current distinctions among packs on the basis of weight and type of containers, so that different regulations may be established for such different packs. Pack should be defined, therefore, as hereinafter set forth.

Definitions of "grade" and "size" are incorporated in the amended order to enable all persons affected thereby to determine the requirements thereof and to interpret specifically and intelligently regulations issued in such terms. Grade and size, the essential terms in which regulations are issued, should be defined as comprehending the equivalents of the meanings assigned to these terms in (i) the official standards for potatoes issued by the United States Department of Agriculture, (ii) the State standards issued by the appropriate authority within the States of the production area, and (iii) to modifications or amendments of such standards, and to variations of such standards by regulations under the amended order. Regulations under the amended order can then use such terms (grade and size) with the constant meaning assigned thereto in such standards, or in such modified or amended standards, or such regulation can vary such terms by prescribing, for example, a percentage of a grade, as may be required at the time of issuing such regulation. Official inspectors are qualified to certify to the grade and size of potatoes, grown in the proposed production area, in terms of any one of the aforesaid standards, or modification, amendment, or variation thereof.

A definition of "export" is incorporated in the amended order because different regulations thereunder are authorized for export shipments than for domestic shipments of potatoes. Export markets have certain requirements which differ from the domestic market and special regulations are, therefore, justified. Export should be defined to include all shipments of potatoes outside of the continental United States.

A definition of "district" is incorporated in the amended order to delineate the geographical divisions of the production area for the purpose of electing nominees for membership on the committee. The production and marketing probelms within each of the established districts are similar and election of committee nominees on such basis will afford equitable representation to all producers in the production area. As potato production and marketing in the production area are dynamic, however, the amended order should provide procedure for changing the area covered by each district and the representation from each district. District should be defined, therefore, as hereinafter set forth.

"Area" is defined in the amended order to establish a basis for grouping committee members and alternates into sub-committees of the North Central Potato Committee, so that such sub-committees can meet on local problems arising in connection with the operation of the program. Such sub-committees will allow more frequent and less expensive meetings of committee members on local marketing situations than could be arranged by calling meetings of the entire membership of the North Central Potato Committee. Sub-committees can be prepared, through such local meetings, to present their particular problems to the meeting of the entire membership of the whole committee. Changes in the boundaries of and representation from such areas should be authorized for the same reasons justifying similar changes in districts. Area should be defined, therefore, as hereinafter set forth.

"Washed potatoes" is defined in the amended order to establish a basis and method for distinguishing potatoes which have been cleansed by water from those which have not been so cleansed, because the amended order permits and authorizes different regulations, under appropriate circumstances, for washed potatoes than for unwashed potatoes. Many terminal markets maintain price distinctions between washed and unwashed potatoes. Washed potatoes generally return price premiums over unwashed potatoes of the same grade. Such market distinctions are commonly accepted both by handlers and growers. More and more of the potatoes grown within the production area are being washed each year. The washing of potatoes is considered to be desirable by many growers and handlers within the production area and they also consider it desirable and necessary that different regulation should be authorized for washed potatoes than for unwashed potatoes.

The main factor in distinguishing between washed and unwashed potatoes is the degree of cleanliness which is obtained by the application of water to such potatoes. Committee members, as experienced potato men, are able to determine practical limits to the standard of cleanness which such potatoes should meet and such standard should be approved by the Secretary whenever he finds that the recommended standard will tend to effectuate the declared policy of the act. Determinations as to the degree of potato cleanliness can be made under the U. S. Standards of Potatoes, and Federal-State Inspectors have for years inspected potatoes for cleanness in the production area and throughout the United States. Such inspection service can inspect potatoes grown in the production area to determine if such potatoes meet the degree of cleanliness which may be required by the aforesaid regulations. Hence, the committee and the Federal-State Inspection Service can work out practical limits to requirements for cleanness which washed potatoes should meet. Washed potatoes should be defined, therefore, to mean potatoes which have been cleansed by water and certified by the Federal-State Inspection Service as meeting the degree of cleanness recommended by the committee and approved by the Secretary.

(a) The administrative agency selected by the Secretary to administer Order No. 60 is the North Central Potato Committee. The committee under the amended order should be composed of 18 members, with a like number of alternates, instead of 16 members as in the past. The two additional members should be added to the committee, so that Iowa and Indiana potato growers will be represented on the committee. The membership for the four original States under Order No. 60, consisting of three producers and one handler from each State, provides a satisfactory and equitable method of representation based upon the number of producers and potato production within each of such States. One producer member from Iowa and one producer member from Indiana provides equitable representation for such areas on the committee based upon the relationship of the number of growers and of production in each such State to the potato growers and production in

each of the other States in the production area. Establishment of this committee is desirable and necessary to aid the Secretary in carrying out the declared policy of the act and such committee is authorized by the act.

Provision should be made in the amended order, similar to Order No. 60, for an alternate for each committee member. Circumstances may arise when it is impossible for a member, or members, to attend to committee business, or to attend particular committee meetings, and, in addition, committee vacancies may arise because of death, resignation, or for other reasons. Under such circumstances, alternates should be authorized to act for committee members on committee matters. In such situations it is necessary and desirable for the respective alternate to act in lieu of the member, so that there will be on interruption to committee operations and to assure that committee activities will be representative of producer and handler thinking in all districts of the production area. Such alternates should have the same qualifications as the members so that the alternates shall be as representative of their respective group as the members. A committee of 18 members will provide adequate representation to producers and handlers throughout the production area. At the same time, it is of such size that it can operate effectively and efficiently. On the basis of the division of the production area into districts and representation therefrom, the committee should give adequate representation to all producers and handlers in the production area.

Producer members and alternates selected to represent districts of the production area should be producers of potatoes (or officers or employees of a corporate producer) in the district they represent and residents therein. Persons with such qualifications will be intimately acquainted with the particular problems of producing and marketing potatoes grown in such district and for that reason can be expected to present accurately the views, problems, and economic conditions of producers and handlers in such districts to the committee.

Handler members and alternates selected to represent handlers in the area for which such persons are selected should be individual handlers (or officers or employees of a corporate handler) operating within the area for which such persons are selected. Handler members should represent the group interest of the area for which they are selected and, in order to assure that such persons who are selected as handler members shall do so, such selectees should be handlers in the area which they represent.

The term of office of committee members and alternates should be for two fiscal years, rather than for one fiscal year as provided in Order No. 60. The terms of office of committee members and alternates should be so arranged that the terms of office of one-half of the committee members and alternates shall terminate at the end of each fiscal year. Such provision will retain members and alternates with experience on the committee to counsel on policies and to assist with recurrent administrative matters. Committee members and alternates should serve until their successors have been selected and qualified so that the Committee shall be assured of continuity.

The selection of one producer member and alternate from each district in the States of Michigan, Wisconsin, Minnesota, Iowa, Indiana, and from North Dakota district No. 2, and two producer members from North Dakota District No. 1 provides an adequate and equitable basis for selection of committee members and alternates under the amended order. One handler member should be selected from each of the States of Michigan, Wisconsin, Minnesota, and North Dakota. Such representation, except for the addition of Iowa and Indiana representation, is the same as the representation provided by Order No. 60. Experience has shown that such basis for selection and the representation resulting therefrom has been reasonable and appropriate and that such basis should continue in effect unless and until the committee recommends that the Secretary, pursuant to such recommendation, approves a different basis for selection.

The districts as initially set forth in the amended order follow generally accepted lines of demarcation used by the potato industry in the production area and the operating experience under Order No. 60 indicates that such districting is reasonable and practical.

The areas, as initially established in the amended order, provide a basis for organizing area committees which are sub-committees of the North Central Potato Committee and comparable to the State committees set up under Order No. 60. Such initial areas are identical, except for the addition of Iowa and Indiana, with areas for the State committees established pursuant to Order No. 60. The addition of Iowa to the Minnesota grouping and Indiana to the Michigan grouping provides a practical and reasonable basis for initially establishing such area committees.

The basis for initially establishing districts and areas, as hereinbefore set forth, is adequate and equitable for the effective operations of the North Central Potato Committee and of the area committees in administering the provisions of the amended order. However, if operation and experience should show that some rearrangement of districts and areas, and representation therefrom, is desirable and reasonable, the committee should be authorized to recommend such rearrangement to the Secretary. Whenever any consideration is being given to such rearrangement, primary consideration with respect to the boundary lines of a district or area will lie with the producers and handlers, as represented by the area committee involved, who are directly affected by such changes. If proposed changes affect producers and handlers in more than one area, consideration should be given to such changes by all area committees which are involved. The objectives of effective and efficient committee operation will be attained better if the committee, through its component area committees, is authorized to recommend practical solutions to problems of appropriate district boundaries, practical groupings of districts for organization of area committees, and appropriate and reasonable reapportionment of committee membership, which may thereafter be effected through appropriate action of the Secretary. The guides which area committees and the committee should follow are those set forth in the provisions for reestablishment as hereinafter set forth. Such guides should take into consideration new production, shifts in existing production, possible inequities as demonstrated by experience, and other factors which are relevant.

Area committees are desirable and necessary as a means of providing more frequent meetings of committee members within the areas they represent. Area committee members and alternates should be able to get together on local problems and offer recommended solutions with respect thereto to the committee. The business of the North Central Potato Committee should be expedited by reason of area committees getting together regularly and considering not only the marketing problems affecting their own area but also the relationship of their marketing problems to the whole production area. Area committees should organize each fiscal year, select officers, and function as organized groups within or subcommittees of the North Central Potato Committee. A majority of the members of the area committee should constitute a quorum thereof. The producer member or members of the North Central Potato Committee from each district within an area shall be members of the area committee in which such district is located. Likewise, the appropriate handler members for each area shall be the handler members on the area committees. Similarly, alternates of producer and handler members of the North Central Potato Committee shall be alternates to such members on the area committees. Alternates should serve in the place and stead of members. Area committees should cooperate with the North Central Potato Committee in assisting with administration of the amended order in the areas represented by such area committees. The powers and duties of area committees shall be determined by the North Central Potato Committee but they shall in no way exceed the powers and duties granted to the committee.

Nomination meetings for the purpose of nominating members of the committee and their alternates should be held or caused to be held by the committee prior to May 1 of each year. Such date is approximately sixty days prior to the end of the fiscal year. By holding, or causing to be held, nomination meetings prior to such date, the committee would have adequate time to prepare and submit nominee lists to the Secretary in time for the Secretary to select the members and alternates to take office at the beginning of the new fiscal year, and, in the event a selectee declines to serve, for the Secretary to make another appointment.

At least two nominees should be designated for each position as member, and each position as alternate member, so that the Secretary will have a choice

in making his selection and, in the event a selectee declines to serve, so that he will have the names of other prospective members or alternates from which to make another appointment.

Nominee lists should be supplied to the Secretary in the manner and form prescribed by him to establish administrative uniformity in the handling of such matters. Such nominations should be presented to the Secretary at least thirty days prior to the end of the fiscal year so that the selection and qualificaion of the members and alternates for the new term of office which begins with the new fiscal year may be made prior to such date.

Only producers may participate in nominating producer committee members and alternates, and only handlers may participate in nominating handler committee members and alternates. This is necessary to maintain the distinctive producer and handler representative viewpoint. However, if a person is both a handler and a producer, at least 90 percent of the potatoes handled by him must be of his own production to qualify as a producer for such purposes. He may elect the group in which he wishes to participate subject to this percentage requirement. Such percentage requirement will restrict participation in committee activities to the capacity of primary interest of the participants.

The committee should be authorized to utilize the services and facilities of existing organizations and agencies in conducting nomination meetings for committee members and alternates to facilitate the expeditious, inexpensive, and orderly consummation of this committee function.

Each producer should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives, in designating nominees for producer committee members and alternates, regardless of the number of districts in which he produces potatoes. Voting on any other basis would not provide for equitable representation. If a producer could cast more than one vote by reason of operating in more than one district, such producer would have an advantage in selecting nominees over producers operating in only one district. Likewise, if more than one vote was permitted a few large producers could dominate the elections and nominate producers not favored by a majority of producers. The producer who operates in more than one district should be permitted to elect from among the districts in which he produces potatoes, the district in which he shall vote in order that he may cast his ballot for nominees for producer committee members and alternates where he believes his main interest lies. The one-vote limitation applies to any one producer position to be filled at a nomination meeting. Each producer is allowed one vote for each such producer position as a committee member and each such producer position as a committee alternate to be filled at a nomination meeting.

Identical limitations and requirements, except for the percentage and residence requirements, should be applied to handler participation in nominating handler committee members and alternates, for reasons similar to the application of such limitations and requirements to producer nominations of producer committee members and alternates. While the residence requirement is desirable for producer nominees, for reasons hereinbefore indicated, such requirement is not desirable in the case of handler nominees, because handlers in the production area frequently operate across State lines. For example, in the Red River Valley some handlers operate on both the North Dakota and Minnesota sides of the Red River which establishes the boundary between the two States. Also, some handlers whose headquarters are in terminal markets, such as Chicago, operate offices at shipping points in various parts of the production area. Handlers should nominate their best talent to represent their interests on the committee; because of their extensive operations, a residence requirement could, in many cases, prevent them from nominating such men.

In order that there will be an administration agency in existence at all times to administer the amended order, the Secretary should be allowed to select committee members and alternates without regard to nominations if the committee, for any reason, fails to carry out the nomination procedure prescribed herein. Such selection, however, should be on the basis of the geographical representation provided in the amended order to insure that the entire production area is fairly and adequately represented.

Any person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of willingness and intention to serve in such capacity. Each person selected as a committee member or alternate should qualify, so that the Secretary will have a means of determining if he intends to serve. This is sound operating procedure and is necessary and desirable to avoid delays in the composition of the committee. For this same reason, each member and alternate should file his acceptance within a definite time period after receiving notice of his selection. The ten-day period prescribed is reasonable for qualification and will not unduly retard composition of the committee.

Provision is made for the Secretary to fill any committee vacancies in order to maintain continuity of committee operation. The amended order provides three alternative procedures which may be followed by the Secretary in making such selections. The administrative flexibility thus prescribed is desirable so that the Secretary will not be forestalled in making such selections and so that he may choose the most practical of the alternative means in filling such vacancies. The Secretary should have authority to select persons to fill committee vacancies from nominations made at producer or handler meetings. Practical considerations, however, may preclude the holding of special nomination meetings for this purpose. For example, a vacancy might occur during the height of the potato planting or harvesting season when it would be difficult for the committee to secure an adequate and representative attendance at meetings. It is, therefore, appropriate that the Secretary should be authorized to make selections to fill vacancies from the nominee list last submitted by the committee prior to the occurrence of the vacancy.

It is also desirable and necessary that the Secretary should be authorized to fill committee vacancies without regard to nominations if the names of nominees to fill any such vacancy are not made available to the Secretary within thirty days after such vacancy occurs. The Secretary should have recourse to such means of filling vacancies in order to maintain continuity of committee operation and to insure that all portions of the production area are adequately represented in the conduct of committee business.

An alternate member should be authorized to act in the place and stead of the member for whom he is alternate during such member's temporary absence. Continuity of operation of the amended order on a representative basis is better assured by such authorization. Similarly, an alternate should be authorized to act in a member's absence when such absence is due to death, removal, resignation, or disqualification of the member. Such authorization should provide that the alternate can act in the place and stead of the member for whom he was alternate until a successor for the member has been selected and has qualified.

A majority of the members of the committee shall be necessary to constitute a quorum, and a majority of concurring votes of all the members shall be necessary for passing any motion or approving any action of the committee. These requirements are reasonable and are necessary to insure that any action of the committee will be representative of a majority of the committee. Requiring a larger quorum and concurring vote would unnecessarily impede committee actions and permit a small minority to thwart effective and prompt actions by the committee.

Only members present at an assembled meeting of the committee, or alternate members acting for members, should be entitled to vote. This requirement will encourage greater attendance at meetings and will promote fuller discussion of and exchange of information on proposed committee actions. Provision is made, however, for meetings of the committee by telephone, telegraph, or other means of communications, to meet practical situations where rapid decision with respect to committee actions is necessary. Such emergency situations occur quite frequently in the marketing of potatoes grown in the production area. Any votes cast at such meetings should be promptly confirmed in writing to provide a record of the action taken.

The apportionment and selection of producer members and alternate members of the committee by districts, in the manner set forth in the amended order, will provide fair and equitable representation of all producers in the production area. The representation provided gives weight, on as fair and reasonable a basis as possible, to the various factors, such as acreage, number of producers, sizes of

district, and variation in producing and marketing conditions, necessary to establish assurance of a fair and equitable representation of all portions of the production area on the committee.

Selection of one committee producer member and alternate from each district in the production area, except North Dakota District No. 1, and two committee producer members and alternates from North Dakota District No. 1, which districts are hereinafter defined, will afford fair and equitable representation on the committee for all producers in the production area, giving appropriate weight to the acreage, production, and the different methods of producing potatoes in the entire production area. To provide a fair and equitable representation of all handlers in the production area, the handler representation on the committee should consist of one handler member from each of the States of Michigan, Wisconsin, Minnesota, and North Dakota. This representation gives appropriate weight, on a fair and reasonable basis, to the acreage, production, and the different methods of handling potatoes in the production area, necessary to establish assurance of a fair and equitable representation on the committee for all handlers in the production area.

Committee members and alternates will serve without compensation but shall be reimbursed for expenses necessarily incurred when acting on committee business. Since such members and alternates will be serving in the interest of the potato industry in the production area, they should not be required to bear such expenses as they incur in attending to committee business. Committee members are compensated under Order No. 60 in an amount not in excess of $5.00 per day for attendance at each committee meeting. Such rate of compensation is inadequate to give either producer or handler members enough to offset their loss of time from their regular business. Such a rate is in effect only an honorarium. No person could be induced to serve merely to receive a compensation of $5.00 per day. Unless persons have enough interest in the potato industry in the production area to serve without compensation they should not be nominated or selected. Therefore, rather than give members an inadequate compensation, it is determined to be desirable to have producers and handlers serve without any per diem compensation, although they should receive reimbursement for expenses necessarily incurred in the performance of official duties for the committee. Similarly, alternate members should not receive a per diem compensation, but they should receive expenses whenever they are performing duties for the committee.

The powers of the committee, as set forth in the notice of hearing, should be granted to the committee because such powers are authorized by the act and are essential to the committee in order for it to discharge its responsibilities under the amended order.

Each and all of the duties set forth in the notice of hearing should be given to the committee because such duties are necessary and essential to the accomplishment of the declared policy of the act and for the committee to discharge its obligations to the Secretary. These duties are similar to duties given to the North Central Potato Committee under Order No. 60, and to other administrative committees under other marketing agreement and order programs.

(b) The declared policy of the act is to establish and maintain such orderly marketing conditions for potatoes, among other commodities, as will tend to establish parity prices for such potatoes. The regulation of shipments of potatoes by grade, size, or quality, authorized in the amended order, provides a means of carrying out such policy.

The procedures which are outlined in the amended order for the development and institution of marketing policies relating to grade, size, or quality regulations provide a practical basis for the committee and the area committees to obtain appropriate and adequate information regarding marketing problems. In turn, members of the industry are also provided an appropriate and adequate means of being informed regarding the policies and regulations such committees recommend. The factors which the committees should take into consideration in developing their marketing policies are the ones commonly or usually taken into account by growers and handlers in marketing potatoes.

In order that the Secretary may most effectively carry out his responsibilities in connection with the amended order, it is provided that the Area Committee in each of the areas in the production area, and the committee, severally, should prepare and submit to the Secretary a report on their proposed policy, or amendments thereto, for the marketing of potatoes during each fiscal year. The initial marketing policy of each committee in each fiscal year should be prepared and submitted to the Secretary prior to or simultaneously with recommendations for regulation to give all interested parties the maximum notice of regulatory possibilities, consistent with affording such committee sufficient time to prepare sound policies. Any recommendation for regulations applicable to the handling of potatoes in a portion of the production area or during a portion of the marketing season, or both, should be predicated on the prior or simultaneous submission of a marketing policy report with respect thereto. Subsequent recommendations for regulation applicable to a portion of the production area or during a portion of the marketing season, or both, should be predicated on a marketing policy report submitted subsequent to the aforesaid report and prior to or simultaneously with such latter recommendations. Further provision should be made for the committees to make available the contents of such reports to producers and handlers in the areas served by such committees.

In making recommendations for regulation, it is provided that the committee shall investigate relevant factors of supply and demand for potatoes. This requirement is necessary so that the committee will be in the best position to develop sound and practical recommendations for regulation and to advise the Secretary with respect to such supply and demand conditions. The committee will be well qualified to determine marketing conditions for potatoes produced in the production area and to recommend specific regulations which will tend to effectuate the declared policy of the act.

The limitation of shipments of the poorer grades, qualities, and less desirable sizes of potatoes grown in the production area will tend to increase the prices of the more desirable grades, qualities, and sizes, and to increase the returns to producers therefrom. Less desirable sizes include not only small potatoes but also excessively large potatoes. Such limitation of shipments will also help to improve the long-run demand for and competitive position of potatoes grown in the production area.

It is a necessary and desirable exercise of the authority granted by the act for the committee to recommend regulations, as hereinafter indicated, and for the Secretary to establish, on the basis of such recommendations, or other available information, grade, size, or quality regulations for any or all portions of the production area, and different grade, size, or quality regulations for different packs, for washed and unwashed potatoes, for different time periods within the shipping season, for different varieties, or any combination of the foregoing. Such administrative flexibility is needed in the amended order to effectuate the declared policy of the act through the issuance of appropriate regulations adapted to different and changing circumstances encountered in the marketing of potatoes.

Authority to issue different regulations applicable to different portions of the production area is necessary because a particular portion or portions of such area may have adverse growing conditions which cause an abnormally high percentage of the potatoes grown therein to fall within restricted grades, sizes, or qualities. To meet the administrative problems that would arise from a situation of this kind and to provide fair and equitable regulation of all shipments of potatoes grown in the production area, it would be appropriate to establish a less restrictive regulation applicable to such affected portion or portions of the area. Different regulations applicable to potatoes grown in different portions of the production area are also necessary so that each such regulation will allow growers in the respective portions of the production area affected by such different regulations to ship their equitable portion of the potato crop grown in the production area. For example, if one portion of the production area, such as a major part of one State, should have low yields and poor quality, whereas the remainder of the production area would have good quality and desirable sizes, a regulation requiring that all potato growers in the production area should ship potatoes under the same grade and size regulation would result in potato growers in the portion of the production area with a poor crop being forced to hold back a larger percentage of their crop than growers in the portions of the production area with a good crop.

Therefore, different regulations for different portions of the production area should be authorized so that, so far as practical, consideration can be given to equating the percentage of farmers' crops which will be withheld from market throughout the entire production area. Different regulations should also be authorized for different portions of the season for similar reasons and, in addition, to give consideration to differences in the total supply of all potatoes available for marketing during different portions of the season, as well as to give consideration to intra-seasonal differences in demand.

Supply and demand conditions for potatoes are subject to frequent and substantial changes during the course of a particular season. The main supply of potatoes in the production area is dug in the late fall and stored for later disposal. Some of the crop is dug during mid-summer and later, also during early fall, and marketed without being held in storage. This portion of production within the production area is relatively small when compared with total production which is marketed out of storage, but it assumes major importance to farmers producing it. Also, it is an important contribution to the supply of potatoes when such potatoes are being marketed. These potatoes are commonly referred to as early as compared with the late or storage deal. For example, the Bay City, Michigan, and the Stevens Point, Wisconsin, deals begin in mid-summer, long before potatoes are dug for storage. The same may be said for early crop potatoes around the Twin Cities in Hennepin county. Many southern Michigan growers, also some Indiana, Iowa, and southern Wisconsin growers dig their potatoes and market them without going into storage. The same practice is followed to a limited extent both by Minnesota and North Dakota farmers in some parts of the Red River Valley, although the great bulk of their potatoes are stored for a time before final disposition. Many of these situations deserve different treatment in order to promote orderly marketing conditions for such potatoes. Although production and marketing conditions affecting potatoes are much the same throughout the entire production area, minor differences occur which make it essential that the committee should have authority to recommend different regulations at any time during the season in order to carry out the declared policy of the act.

Different regulations should be authorized for different varieties of potatoes because varieties differ in particular characteristics such as shape and in susceptibility to certain defects. Also, the demand for some varieties is sufficiently distinct to result in appreciable price differentials from other varieties.

For these reasons, an appropriate grade and size regulation for one variety might not be appropriate for another. Moreover, a new variety may be introduced in the area which should be regulated differently than the varieties now being grown.

Authority should be and is established in the amended order, hereinafter set forth, for applying grade, size, or quality regulations to any variety or varieties of potatoes, for applying different regulations for different varieties during any period, for applying different regulations to different packs, and for applying different regulations to different portions of the production area. It is desirable in the interest of promoting orderly marketing that the committee should be authorized to recommend, and the Secretary to issue, regulations limiting the grade, size, or quality which may be shipped in one type of pack, for example, the common and usual hundredweight bag, and, on the other hand, regulate differently for the common and usual 50-pound pack, or, again, regulate differently for the so-called consumer packs, the 5-, 10-, and 15-pound packs. Such authority should also provide that the committee may recommend, and the Secretary may issue, regulations that will limit the range of grades or particularly the range of sizes which may be shipped in various packs, such as, for example limiting sizes in a specified pack or packs containing potatoes of 4½ inches diameter to sizes not smaller than 3½ inches diameter, or, again for example, limiting sizes in a specified pack containing sizes 2 inches in diameter to sizes not larger than 3½ inches. Ranges by weight could be used as size measurements in the same manner.

The committee should be authorized to help promote and protect the reputation of certain specific packs, such as the so-called consumer packs, by recommending that only certain grades, sizes, or qualities may be shipped therein. Such regulations should apply to handlers whether they are operating at shipping points in the production area or at terminal markets. The effect upon the potato market of any given grades, sizes, or qualities is the same regardless of whether they were segregated or graded into such grades, sizes, or qualities at shipping point or in terminal markets, or at any point between shipping point and terminal market. Therefore, the grading and regrading of potatoes at terminal market is a determining factor as to the grade, size, and quality of the potatoes which will be marketed. The authority to regulate the grade, size, and quality which terminal handlers may put into any or all types of packs, the same as authority to regulate handlers at shipping point in the same manner, is essential to effectuating the declared purposes of the act through the terms and provisions of the amended order.

Handlers should be allowed to promote favorable reputations for premium quality in specific packs and, if they succeed in doing so, the committee should be allowed to assist such handlers to protect the reputation of specific packs of such potatoes from low quality, shoddy merchandising which will not improve prices or promote orderly marketing for such potatoes. Prospects are that the production area will increase the use of the 5-, 10-, 15-, and 25-pound packs, commonly referred to as consumer packs. It is desirable, therefore, that a method should be provided in the amended order for the committee to recommend and the Secretary to issue regulations establishing different grade, size, and quality requirements for the handling of potatoes in specific packs. Such distinction in regulations would allow the committee to consider improving returns to producers of such potatoes by limiting the grade, size, or quality of such potatoes which may be shipped in specific packs, so that the preferred demand for favorable grades and sizes could be met by specific packs. No discrimination or hardship would follow from such distinction in regulations because any handler can pack his potatoes in any size of container and thereafter dispose of them on the market if they meet the grade, size, and quality requirements applicable to containers of the size chosen by him.

Terminal market prices and shipping point prices for potatoes grown in the production area normally show price differentials between the same grades, sizes, and qualities of washed and unwashed stock. Such price differentials usually return sufficient premium for washed stock so that it has been profitable to increase washing capacity and the number of washers operating throughout the production area. Consequently, the percentage of the potato crop grown in the production area which has been washed has increased each year since the end of World War II. The application of water in the washing process helps to improve the appearance of such potatoes by removing not only heavy, obvious dirt but also fine dust, resulting in potatoes with surface appearance distinguishable from unwashed stock. Such difference in appearance results in a difference in demand, with consequent price differentials, for washed and unwashed stock of the same grades, sizes, and qualities. The difference in demand is due to the difference in appearance which, in turn, is in direct correlation to the degree of cleanliness of such potatoes. The degree of cleanliness of potatoes is measurable and determinable in accordance with methods followed by Federal-State inspectors in their routine duties of inspecting and certifying such potatoes pursuant to the U. S. Standards for Potatoes. Such inspectors can determine if potatoes have been cleansed by water and the degree of cleanliness resulting therefrom. Growers and handlers at shipping point, terminal market receivers, the wholesale potato trade, and buyers for retail potato outlets recognize the difference between washed and unwashed table stock potatoes. Such recognition becomes a reality in daily trade through the medium of price differentials between washed and unwashed stock, which usually means premiums for washed stock or discounts for unwashed stock. Prices received by producers of potatoes grown in the production area are improved by washing table stock potatoes and a recognition of differences between the demand for washed and unwashed stock, as reflected in price differentials, should help to effectuate the purposes of the amended order and the act. Therefore, different regulations should be authorized for washed and for unwashed potatoes so that appropriate recognition of price differentials between such washed and unwashed potatoes can be given by the committee and by the Secretary in considering, recommending, and issuing regulations tending to promote orderly marketing conditions in the interest of potato growers in the production area. It is a proper function of the committee to recommend and the Secretary to approve the degree of cleanliness which should be applicable during any period, or periods, to be used as a part of regulations issued under the amended order.

The Secretary, upon the basis of recommendations and information submitted by the committee, or other available information, should be authorized to modify, suspend, or terminate grade, size, or quality regulations with respect to shipments of potatoes for purposes other than disposition in normal commercial markets for table stock potatoes. The committee should be well qualified, because of the experience and knowledge of individual members, to recommend such modifications, suspensions, or terminations as will be in the best interests of the potato industry in the production area and which will tend to effectuate the declared policy of the act. Shipments of potatoes for such purposes, which constitute market outlets that are not directly competitive with the table stock market, as hereinafter set forth, which otherwise could not be marketed under the regulations, will tend to increase the total returns of potato growers in the production area.

In addition to the findings, conclusions, and reasons hereinbefore set forth for authorizing, in the amended order, the modification, suspension, or termination of regulations of potato shipments for grading or storage in the production area, it is necessary that such shipments should be accomplished with the greatest possible freedom from grade, size, and quality limitations consistent with carrying out the objectives of the amended order and the declared purposes of the act. As previously found, the shipment of potatoes grown in the production area from the field where grown to grading shed or storage, either local or distant, is almost without exception on a field run basis. The purpose of shipping such field run potatoes to grading shed or to storage is, among other reasons, to have them prepared or made ready for market. It would serve no useful purpose, and, in addition, it would impose an unnecessary burden upon such shipments for grading or storage within the production area, to require such shipments to comply with the same grade, size, and quality requirements applicable to potatoes which have been prepared or made ready for market. The movement of such potatoes, or transactions in such potatoes, prior to their grading or preparation for market need not be subject to such grade, size, and quality regulations, or to other rules and procedures applicable to the handling of potatoes which have been prepared or made ready for market, except insofar as such regulations, rules, procedures, and, in addition, safeguards, are necessary to prevent such shipments from entering channels of trade other than for grading and storage. The extent to which such potatoes should be allowed to move free of all regulation or other obligations, including safeguards, under the amended order, is a matter on which committee members and alternates, as men engaged in the potato business, should be well informed. Likewise, the extent to which shipments of such potatoes to any point, especially distant points within the production area, for grading or storage, should accord with rules, procedures, or safeguards, to prevent such potatoes from entering channels of trade other than for grading or storage, is also a matter on which such committee members and alternates should be well informed and qualified to offer reasonable, sound, and practical recommendations. Authority for issuing appropriate regulations, rules, procedures, or safeguards relating to shipments of such potatoes for grading or storage, therefore, should be provided as set forth in the amended order.

With respect to shipment of such potatoes for local grading or storage, the committee members and alternates serving particular areas or districts of the production area will be well acquainted with the customary manner in which, and packing or grading sheds and storage to which, growers in such local or immediate area deliver or haul their potatoes for storage or preparation for market. It would be appropriate for such committee, therefore, to make recommendations with respect to the determination of local or immediate areas of production for the purpose of determining the portion of the production area within which local hauling of the potato crop can be accomplished with a minimum of interference and control. In order for the committee to fulfill its function in this respect in an appropriate manner, the committee should be authorized to determine the local or immediate area of production upon the basis of certain definite lines, such as county lines, or movement within a given radius, for the purpose of limiting the area for such local movement while at the same time providing the maximum of freedom from regulation to local growers. It is necessary also that the committee should be authorized to determine different local areas or immediate areas of production for different parts of the production area, such as, for example, in sparsely settled portions of the production area such local or immediate areas of production could be of larger radius than in congested or urban areas. County lines, or township lines, may serve as useful and practical boundaries for such local areas. In addition, the committee should be authorized to establish rules and regulations necessary to provide appropriate administrative controls in connection with either, or both, local or distant movement of potatoes grown in the production area to packing sheds or to storage prior to their final preparation for market. Committee members should know the extent to which such controls are necessary and the extent to which such potatoes may move freely in order to assure that such potatoes will not end up in other than packing sheds or storage where they will be prepared for market. The minor differences which occur in methods of handling in different parts of the production area make it essential that the committee should have authority to recommend appropriate administrative controls applicable to such shipments in such various parts. The committee should be allowed sufficient latitude in recommending such rules and regulations, governing such shipments to grading sheds or to storage, so that the committee can adequately and effectively meet varying local methods of handling in different parts of the production area. In no case should such authority to recommend rules and regulations with respect to shipments of ungraded potatoes be interpreted to mean that such potatoes be allowed to move outside the production area for processing. Such sale, consignment, or transportation of such potatoes outside the production area for processing would create undue supervisory problems in connection with operation of the amended order.

As hereinbefore indicated, seed potatoes which have been certified as having been produced and handled in accordance with specific precautionary measures required by either public or private seed certifying agencies to protect potatoes from disease, and uncertified seed potatoes of relative disease-free characteristics known to potato growers, as well as small sized potatoes, ordinarily command premiums in the seed potato market over prices returned to growers therefor in the table stock market. In addition, certain characteristics which constitute grade defects in table stock potatoes do not necessarily detract from the value of seed potatoes. Some potatoes which have been grown and qualify as seed are sold in the table stock market. The table stock market is a common, usual, and practical outlet for excess quantities of seed potatoes. Such sales of seed potatoes are in direct competition with table stock potatoes. Prices farmers receive for potatoes grown in the production area are directly affected by such sales of seed potatoes. Such farm prices for such potatoes could be, as they have been in the past, adversely affected by some shipments of certified seed potatoes which do not meet any grade or which are only low grade, as such grades are established in the U. S. Standards for Potatoes. In other words, some shipments of certified seed potatoes, when inspected according to U. S. Standards for Potatoes, are culls; others are only U. S. Number 2 grade. Some certified seed grades, as established by appropriate State authorities, require that such seed potatoes must meet the equivalent of U. S. Number 1 or better grade. The amended order is solely concerned with the handling in commerce of potatoes grown in the production area, and it is not concerned with the establishment of standards, qualifications, of procedures for certified seed. No regulation, rule, or procedure authorized under the amended order establishes or authorizes the establishment of standards, regulations, or procedures for determining the qualifications for certified seed potatoes. The establishment of such standards, qualifications, or procedures are the responsibility of the

State where such potatoes are grown or other appropriate seed certifying agencies. However, the certified seed tag or identification should not be used as a license to dump grades, sizes, and qualities of potatoes on the table stock market which are otherwise prohibited from sale as table stock potatoes. If either certified or uncertified seed potatoes are actually planted, their possible effect upon the table stock market is reduced to relatively minor importance. If, however, such potatoes are sold or otherwise shipped ostensibly for planting but, instead of being planted, they end up in the table stock market, the effect upon the table stock market often would be to create disorder and to depress prices to potato growers selling other table stock potatoes. Therefore, the committee should be authorized to recommend, and the Secretary to issue, regulations protecting the table stock market from such dumping. Such authorization should allow modification, suspension, or termination of regulations applicable to potatoes grown in the production area, so that shipments of seed potatoes, whether certified or uncertified, can be required to meet grade, size, and quality requirements deemed essential to protect the table stock market from price depressing effects resulting from the sale of otherwise prohibited grades, sizes, and qualities of such potatoes. Such authorization is necessary because the regulation of the handling of seed potatoes, whether certified or uncertified, is essential, under some circumstances, to protect the premium table stock potato market and effectuate the declared policy of the act. Regulations and safeguards applicable to shipments of seed protatoes which have been certified need not necessarily be identical with safeguards applicable to shipments of uncertified seed potatoes because of the different potential for such shipments to be diverted to the table stock market. Regulations and safeguards for uncertified seed potatoes should be authorized to provide practical limitations upon such shipments to insure that they are planted. Types of such limitation which may be considered, among others, are, for example, limitation on the time when shipments of such uncertified seed may be made to other regional potato producing areas; assurances satisfactory to reasonably experienced potato producers and handlers, such as committee members, that such uncertified seed potatoes are planted; and such other safeguards as may be necessary to prevent shipment of such uncertified seed from entering other than seed potato channels.

Export outlets, while relatively small, are an important factor in the demand for potatoes grown in the production area. Since certain export markets offer premium prices for certain grades, sizes, or qualities of potatoes which usually sell at a discount in the domestic market, it is desirable that the committee be authorized to recommend, and the Secretary to establish, modifications, suspensions, or terminations of regulations applicable to export shipments. Such shipments to export would tend to increase returns to producers in the production area and result in added increment to the value of the crop, thereby tending to effectuate the declared policy of the act.

Substantial shipments of potatoes to the Federal Government have been made in recent years in carrying out price support obligations administered by the Secretary. It is necessary, therefore, to authorize the committee to recommend and the Secretary to modify, suspend, or terminate regulations to facilitate such shipments, which will increase grower returns from potatoes grown in the production area and thereby tend to effectuate the declared policy of the act.

The committee should be authorized to recommend and the Secretary to modify, suspend, or terminate regulations with respect to potatoes shipped for manufacture or conversion into specified products, such as potato chips, glucose, alcohol, etc., because such shipments reduce the supply of potatoes available for shipment to the table stock market and, therefore, such shipments tend to increase the total value of the entire crop of potatoes. The committee should be given authority to recommend which shipments should be classed as being for manufacture or for conversion into specified products because committee members are in an advantageous position to know whether and when such end products constitute outlets that are not competitive with table stock potatoes; the Secretary on the basis of such recommendations or other available information should be authorized to make appropriate determinations as to which of such specified products should be subject to modified, suspended, or terminated regulation otherwise applicable to table stock potatoes, to effectuate the declared policy of the act. The committee should have authority to recommend and the Secretary to specify, on the basis of such recommendations or other available information, modification, suspension, or termination of regulations applicable to shipments of potatoes to the table stock market, to shipment for such specified manufacturing or conversion purposes because some of such outlets compete on a basis virtually equal to and have identical requirements with the table stock potato market.

For example, the committee should have authority to recommend, and the Secretary to specify, whether potato chips should be classed as a special manufactured product. The volume of potatoes going into commercial potato chips has expanded rapidly during the past decade and chip manufacturers now constitute an important outlet for such potatoes. It has been and continues to be common practice for potato chip manufacturers to buy potatoes in the regular table stock potato market. Potato shipments from any particular loading point in the production area may go direct to the table stock market or, either direct or indirect, to chip manufacturers. The handler often is unable to determine, when he is loading or billing a car, if the potatoes will end up in the table stock market or if they will go to a chipping plant. Therefore, no special consideration can be given to the handling or shipping of potatoes merely because they happen to end up in a chipping plant; if potatoes on the table stock market satisfy the requirements of chip manufacturers and there is an adequate supply of such potatoes for table stock and for chip use, identical regulation should be applicable to the shipments of potatoes for both uses, except as hereinafter indicated. Of course, if the grade, size, and quality requirements of such outlets differ, as they sometimes do, different regulations should be authorized under the amended order for such outlets. In any event, modified, suspended, or terminated regulations for shipments of potatoes for manufacture or conversion into potato chips should not permit the diversion of any portion of such potatoes to the table stock market unless the diverted potatoes meet the table stock grade, size, and quality requirements.

Some potato chip manufacturers, however, grow some of their own raw stock and, in addition, they buy some additional stock through special arrangements to protect their interests from the standpoint of price, quality, and other factors affecting their chip operations. If shipments of potatoes for manufacture or conversion into potato chips are subject to modified, suspended, or terminated regulations, regardless of whether such potatoes are grown by a chip manufacturer or acquired through the aforesaid special arrangements, the handling of such potatoes should be subject to such regulations and safeguards as will prevent the aforesaid diversion. Therefore, the committee should be authorized to recommend and the Secretary to issue, on the basis of such recommendations or other available information, safeguards, modifications, suspensions, or terminations of regulations applicable to handling of potatoes for table stock purposes, for potatoes shipped for manufacturing, including potato chips, or for conversion into byproducts or specified products.

The committee should be authorized to recommend that shipments of potatoes for livestock feed, or for other specified purposes, should not be regulated, or to recommend modification or suspension of regulations governing such shipments. Livestock feed provides an outlet for potatoes that is not competitive with the table stock market. Potatoes which may be discarded for use as table stock potatoes because of regulations issued pursuant to the amended order may find an outlet as livestock feed. Livestock feed provides a salvage outlet for off-grade and off-size potatoes which should be eliminated from other market outlets. When such livestock feed outlet is available, it will tend to promote objectives sought under regulation to exempt shipments for this purpose from grade, size, and quality regulations. The committee should be authorized to recommend that shipments of potatoes for a particular purpose or type of utilization should not be regulated, or to recommend modification or suspension of regulations with respect to such shipments, when it is found that such shipments are not competitive with the table stock market. The Secretary, on the basis of such recommendations, or other available information, should be authorized to modify, suspend, or terminate regulations with respect thereto, when such action will tend to effectuate the declared policy of the act.

The aforesaid authorizations for the modificaton, suspension, or termination of regulations with respect to shipments of potatoes for each enumerated special purpose, should permit the modification, suspension, or termination of one or more regulatory provision and the simultaneous retention of other regulatory provisions, because such shipments may require expenditures of administrative funds to police and they may compete, to some extent, with shipments of potatoes for table stock purposes.

Administrative difficulties may arise in attempting to regulate small shipments as compared with large or common commercial movement. Such difficulties may arise in any or all parts of the production area during any or all parts of any season. For example, average sales by potato growers in Milwaukee county, Wisconsin, in Hennepin county, Minnesota, in Wayne county, Michigan, in Lake county, Indiana, or by market gardeners in other parts of the production area frequently are in relatively small quantities when compared with customary commercial sales in carlots or large truck lots in the heavy producing, commercial counties. Problems of inspecting such small lots, or other problems in complying with regulations on such lots, may make it uneconomical, undesirable, and impractical to require that such small shipments comply with any or all regulations required of large shipments. Under such circumstances, which can be readily determined by the committee, regulation of such small shipments would not tend to effectuate the declared policy of the act. It is concluded that the committee should be authorized to recommend, and the Secretary to establish, minimum quantities in any or all parts of the production area during any or all portions of the season which should not be subject to any or all regulations issued under the amended order. It is necessary to permit the maintenance of one or more regulatory requirements, while relieving such minimum quantities from other regulatory requirements; for example, the inspection requirements could be waived on small shipments but the handlers thereof would be required to pay assessments and comply with grade, size, and quality regulations with respect thereto. This provision provides authority to arrange flexible operation of the amended order to meet unusual situations in a practical way. Such authority will promote more orderly marketing and prevent the imposition of undue burdens upon handlers.

The requirement that the Secretary shall notify the committee of any regulations, or of any modifications, suspensions, or terminations of regulations, is appropriate and necessary to enable the committee to be informed of such actions. The committee's obligation to give reasonable notice (which shall be given through newspapers, radio, mail, or such combinations thereof as may be deemed desirable by the committee) or regulatory orders issued by the Secretary is appropriate and necessary for proper and efficient administration of the amended order.

Authority should be provided for the committee to recommend, and the Secretary to prescribe, adequate safeguards to prevent any potatoes, including seed potatoes, which may be subject to special modified, suspended, or terminated regulation, from entering the current of commerce contrary to the provisions hereof. Such safeguards, among others, may include inspection to provide the committee with an accurate record of the grade, size, and quality of such shipments of potatoes, applications to effect such shipments, and requirements for the payment of assessments in connection with such shipments. In order to maintain appropriate identification of such shipments of potatoes, the committee should be authorized to issue Certificates of Privilege to handlers thereof and to require that such handlers obtain such certificates on all such shipments. Certificates of Privilege should be issued in accordance with rules and regulations established by the Secretary, on the basis of committee recommendations, or other available information, so that the issuance of such certificates may be handled in an orderly and efficient manner.

The committee also should be authorized to deny or rescind Certificates of Privilege when such action is necessary to prevent abuse of the privileges conferred thereby. The committee should be authorized to take such rescinding or denial action upon evidence satisfactory to the committee that a handler to whom a Certificate of Privilege has been issued has handled potatoes contrary to the provisions thereof. Action by the committee denying a handler such certificates should be in terms of a specified time period. Handlers affected by the aforesaid rescinding or denial action should have the right of appeal to the committee for reconsideration.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or any Certificates of Privilege issued by the committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith and the committee should currently notify all persons affected by the indicated action.

The committee should maintain detailed records relevant to Certificates of Privilege and should submit, when requested to do so, reports thereon to the Secretary to supply pertinent information requisite for him to discharge his duties under the act and the amended order.

(c) The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity and such grading and inspection requirements during any and all periods of marketing, when potato prices are above parity, as will be in the public interest. Some potatoes are of such defective quality that they do not give consumer satisfaction at any time because of the great waste and time involved in their preparation. The cost of such potatoes to the consumer per edible unit is frequently greater than the cost per edible unit of potatoes of better quality.

The shipment of immature potatoes causes an adverse consumer reaction to potatoes from the production area and tends to demoralize the market for later shipments of mature potatoes. There is a tendency for immature potatoes to deteriorate in transit and to develop undesirable cooking properties. Limitation of shipment of such potatoes would be in the interests of both consumers and of the potato industry in the production area. Continued shipments of low quality and immature potatoes may result in a permanent reduction in demand for potatoes grown in the production area. If minimum standards of quality and maturity are established, it is necessary that grading and inspection requirements be simultaneously established to permit effective administration of such minimum standards.

(d) Provision is made in the amended order for inspection by the Federal-State Inspection Service of shipments of potatoes grown in the production area. Inspection certificates issued by this service are a common and usual means of specifying the grade, size, and quality of potatoes and are generally used and recognized in the production area. Such certificates constitute prima facie evidence of the grade, size, and quality of the commodity to which they apply and they are accepted in court as such evidence. It is necessary to provide the handler, the committee, and any other interested party with a means of determining whether a shipment or shipments of potatoes complies with the requirements of any particular grade, size, and quality regulation which may be in effect under the amended order. Inspection certificates provide such a means. The Federal-State Inspection Service can provide reasonably prompt inspection at all points within the production area at a reasonable fee if inspection is requested at a reasonable time prior to the anticipated sale or transportation of the commodity to be inspected. Effective regulation of the handling of potatoes grown in the production area requires that the grade, size, and quality of each shipment thereof be authoritatively established. Accordingly, the amended order should provide, except as hereinafter indicated, that no handler shall ship potatoes unless, prior thereto, such shipment was inspected by the aforesaid Service.

Provision should be made in the amended order for authority to inspect potatoes not only by personnel of the Federal-State Inspection Service but also by personnel of such inspection service as the Secretary may designate so that sufficient flexibility for successful operation can be provided through appropriate inspection if, perchance, the Federal-State Inspection Service could not properly perform its duties. Federal-State inspection and certification is primarily an administrative device, essential and necessary for the administration of the amended order, to permit the committee, and other interested parties, to definitely ascertain the grade,

size, and quality of the potatoes involved in such shipments.

No handler should handle any potatoes grown in the production area unless they are inspected, except for such minimum quantities, or special shipments, which may be relieved of such responsibility upon recommendation of the committee and approval of the Secretary. The responsibility for obtaining inspection falls primarily on the handler who first ships such potatoes after they have been prepared for market because each shipment of such potatoes must be identified and certified with respect to its grade and size in order to determine if it accords with grade, size, and quality regulations issued under the amended order. The handler who so first ships such potatoes is required to obtain inspection and subsequent handlers may not handle potatoes unless they have an applicable inspection certificate. Such handlers must bear responsibility for seeing that each of their shipments is inspected. Such requirement is necessary so that the committee can obtain evidence in the form of inspection certificates which it needs to carry out its appropriate functions in determining if specific shipments have been inspected and if they otherwise meet requirements of the amended order and regulations issued pursuant thereto.

Where the quantity of potatoes involved in small-lot shipments is relatively small, modification, suspension, or termination of the Federal-State inspection requirements with respect thereto should be effected, in appropriate circumstances, on the basis of and for the reasons hereinbefore indicated for so-called minimum quantity or "small shipments."

Whenever any given lot of potatoes subject to the terms and provisions of the amended order have been inspected and are thereafter dumped from the containers in which they were inspected, such potatoes lose their identity in so far as the original inspection certificate issued for them is concerned. If any such lot of potatoes is thereafter repacked, the repacked potatoes have a new identity and, as hereinbefore indicated, the subsequent handling thereof must comply with regulations issued under the amended order to effectuate the declared policy of the act because the effect upon the market of off-grade or under-size potatoes is the same whether such grades and sizes of potatoes are packed for the market at original shipping point or at some subsequent point of shipment. Therefore the amended order should also provide that no person should handle potatoes after they have been repacked, resorted, or regraded unless such potatoes have been inspected, which will permit all parties interested therein to determine whether such potatoes meet the requirements of regulations issued under the amended order.

Copies of inspection certificates issued pursuant to the requirements of the amended order should be supplied to the committee promptly, so that it may properly discharge its administrative responsibilities thereunder. All of the aforesaid requirements are necessary for proper administration and enforcement of the provisions of the amended order.

(e) The grade, size, and quality of individual potato crops vary from grower to grower, although there is a decided tendency for the great bulk of grower's potato crops to fall close to the average grade and size of potato crops in the production area. Variations in grade, size, and quality of a potato crop are not always controllable by the grower. However, the use of normal, approved cultural practices, good seed, and good soil usually result in a potato crop of grade, size, and quality within the standard deviation from average of the entire crop produced within the same immediate area and under similar conditions. Inso-much as regulations under the amended order of necessity seek an effect with average application, the incidence of regulation may fall differently upon different growers.

In order to provide equity among growers and shippers, insofar as the effects of any given regulation or set of regulations are concerned, it is necessary to permit under appropriate circumstances, some producers and handlers to ship some potatoes which are prohibited from shipment by such regulation or regulations. Such provision should be evidenced by certificates of exemption, for the convenience of all persons interested therein, and the certificates should be issued pursuant to rules and regulations adopted by the committee and approved by the Secretary, so that the rules and regulations will satisfy the requirements of practicality and equity. Such rules and regulations should provide the methods by which exemption certificates will be issued to producers and handlers who qualify therefor. Such rules and regulations should prescribe the procedures to be followed in applying for exemptions, and the procedures to be followed in issuing exemption certificates pursuant to the principles set forth for such exemptions in the amended order.

An essential prerequisite to the consideration of a producer exemption application is a determination by the committee of the average proportion of production which can be shipped by all producers in the immediate area of production of the applicant for the season, or a specific portion thereof, under regulations in effect for such period. The requirement for predicating the determination of the average on the "season or a specific portion thereof" is necessary because it would be inequitable, for example, to establish the same average to the total "early" potato crop and the total "late" or "storage" potato crop for the entire marketing season. Similarly, it would be inequitable to establish a "seasonal average" for all potatoes grown in the production area when regulation of the handling of such potatoes is effected differently for portions of such season and differently for different subdivisions of such area. Such determination provides a basis from which calculations may be made of the extent to which any producer's crop deviates from the average grade, size, and quality in his immediate area of production. The committee should also be required to determine the portion or portions of the production area which should constitute an "immediate area of production" to serve as a geographic basis for establishing an average or base line to which the quality, grade and size of the aforesaid applicant's crops may be compared. Such immediate area of production for exemption purposes may include the entire portion of the production area to which a regulation applies, a county or group of counties, etc., and production conditions within the area so determined should be similar and relatively uniform. The committee, therefore, should endeavor to establish immediate areas of production coinciding with portions of the production area having the same regulation for identical periods of time.

The committee should issue a certificate of exemption to a producer-applicant therefor when, due to conditions beyond his control or acts beyond reasonable expectation, he will be prevented, because of regulation, from shipping during the season, or a specified portion thereof, as large a portion of his potato crop, as the average of all producers in such applicant's immediate area of production under regulation in effect during such period.

Producers who want exemptions should apply to the committee therefor and furnish satisfactory evidence to substantiate representations contained in their applications. Applications are required to show all facts pertinent to their situation, including the aforesaid acts beyond their control and acts beyond their reasonable expectations in the normal conduct of their business. Acts beyond the control of the applicant fall within the category of acts of God, for example, damage from frost injury, or damage by hail during the growing season. Acts of God can not be controlled and, therefore, the producer suffering therefrom should be entitled to the equitable relief of exemption. Acts beyond the applicant's reasonable expectation in the normal conduct of his business fall in the category of production phenomena and storage factors that can not be reasonably anticipated and avoided. Certain grade and quality characteristics, or grade and quality changes, can be expected and avoided, even though they cannot always be controlled. For example, a grower may have a field, or a piece of land on which potatoes with a high percentage or scab are grown, which condition, in the judgment of the committee, might afford justification for an exemption for that season. However, if a grower continues to plant on land which historically produces potatoes of poor quality, or if the grower is advised by competent authorities that such land will probably produce poor quality potatoes in succeeding seasons, the committee should be authorized to refuse to grant exemptions to such grower for potatoes produced in subsequent seasons if the grower does not adopt reasonably adequate precautionary measures to eliminate the cause of such poor quality production. Continued use of poor quality seed can also be expected to produce poor quality potatoes.

Similar hazards are prevalent in the handling of potatoes grown and stored

in the production area and equitable treatment of the handlers thereof, under the amended order, require each of such handlers be permitted to handle as large a proportion of his storage holdings of ungraded potatoes (acquired during or immediately following the digging season) as the average proportion of ungraded storage holdings handled by all handlers in his immediate shipping area, if the grade, size, or quality of such handler's potatoes have been adversely affected by conditions beyond his control or conditions beyond his reasonable expectation. The reasons for affording such equitable treatment to such handlers are similar to the reasons hereinbefore set forth for granting exemptions to producers, so that handler exemptions should be granted generally on the same basis as producer exemptions. However, a handler exemption should be predicated on his "immediate shipping area," which should be comparable to the "immediate production area" basis used in granting producer exemptions, because handlers in each area so determined will have largely grown or acquired potatoes produced under similar conditions, stored such potatoes in similar facilities, and will market such potatoes during the same general period. As such marketing period will be the same for the entire production area, it will be unnecessary to determine special averages of handlers for portions of such period. It is necessary to limit handler exemptions to ungraded holdings of storage potatoes because, if a handler acquires graded potatoes, he can limit such acquisition to those potatoes which can be handled under regulations issued under the amended order. Also, if storage holdings are acquired, for example, late in the marketing season, appropriate provision can be made to acquire only such potatoes as can be handled under such regulations.

The committee members and alternates, due to their experience, will be well acquainted with normal business risks that are incurred in growing and handling potatoes. Also, these men will know the common practices which are currently in use in the potato industry in their respective communities and the particular practices and considerations necessary to minimize or eliminate such risks. The committee should be well qualified, therefore, to give each exemption application a thorough comprehensive, and equitable consideration. Therefore, the committee is authorized to thoroughly investigate each application for exemption and to use its discretion and judgment in evaluating the merit thereof. Where exemption certificates are issued, such certificates should describe the potatoes which can be handled thereunder and evidence of such certificates should accompany such potatoes through all subsequent handling thereof.

If any applicant is dissatisfied with the action of the committee in handling his application for exemption, he should have the right of appeal to the committee for a reevaluation of his application. The committee should be empowered to ask the applicant for additional information for its consideration in connection with such appeal. The committee should reevaluate such application in conjunction with such additional information, make a final determination with respect thereto, notify the appellant thereof, and report thereon to the Secretary. Such appeal procedure is necessary to assure the equitable operation of the exemption provisions of the amended order.

The committee should be required, as a matter of proper administrative procedure and in order to provide the Secretary with information for accomplishing effectively the declared policy of the act, to maintain current records with respect to applications submitted for exemptions, exemptions issued and denied, the quantity of potatoes covered by exemption certificates, amount of potatoes shipped under such exemptions, exemption appeals, and related matters. The committee should be required to furnish the Secretary, upon request, with periodic reports showing pertinent facts compiled from such records.

(f) The operation of the committee and the amended order require funds for the payment of necessary administrative expenses. The committee is the logical agency to recommend what expenses are necessary and appropriate for such operation. It is also necessary that assessments be levied on the handlers to meet such expenses since no other source of funds is authorized under the act for defraying such expenses. The committee should be required to prepare and submit to the Secretary a budget, together with a report thereon, showing its estimated expenses and a proposed rate of assessment for each fiscal year. This is desirable in order that the Secretary will have the best possible information on probable expenses of the committee and the proper rate of assessment to be levied to meet such expenses.

Assessments should be levied against each handler who first ships potatoes which are ready for market (except where relieved therefrom pursuant to §§ 960.53 and 960.54), hereinafter called the "first handler," which will result in each handler paying his pro rata share of the necessary expenses of administering the amended order. Each such first handler is required to pay assessments to the committee, at its request, to conform with normal business procedures and to preclude multiple assessments in connection with individual shipments of potatoes as hereinbefore indicated. Each such first handler's pro rata share of such expenses shall be a percentage of such expenses equal to the percentage his total season's first handling of potatoes is of the total season's handling of potatoes by all such first handlers. The Secretary, upon the basis of the committee's recommendation, or other available information, should fix a rate of assessment per given unit of potatoes which first handlers must pay as an equitable and pro rata share of the expenses of administering the amended order.

The committee should be permitted to make such expenditures during a fiscal year as are authorized and necessary for effective administration and proper functioning of the amended order, within the limitations of the budget or amended budget recommended by the committee and approved by the Secretary for such year.

At any time during or subsequent to a given fiscal year, the committee should be authorized to recommend the approval of an amended budget and the fixing of an increased assessment rate to balance necessary administrative expenses and revenue.

The Secretary should be authorized, upon the basis of such recommendations, or other available information, to increase the rate of assessment and approve amended budgets if he finds that the then current rate of assessment and budget are insufficient to cover expenses and permit proper administration of the amended order. Such increased rate should apply on a retroactive basis to all potatoes previously shipped by first handlers, during that season, except as hereinbefore indicated, to preclude inequities among handlers.

Revenues collected through assessments in excess of expenses for any fiscal year should, at the end of such fiscal year, be credited pro rata to each contributing handler's account, or, upon demand, refunded to any handler. Such requirement will balance expenses and assessments, and minimize unnecessary expenses which might result from refunding operations where handlers do not want such refunds.

The committee should be authorized to maintain, with the approval of the Secretary, suits in its own name, or in the name of its members, against any handler for collection of such handler's pro rata share of the committee's expenses. Such authority is contained in the act and is essential to prevent inequities. To provide funds to defray administrative expenses incurred prior to the actual receipt of assessments, the committee should be authorized to accept advance assessment payments from handlers.

Any committee member or alternate responsible for or having in his custody any of the property, funds, records, or any other possessions of the committee, should be required to transfer such possessions to his successor or to such person as may be designated by the Secretary, and to execute such instruments as may be necessary to effect such transfers. The committee, and such members and alternates, should be required to give an accounting for all committee receipts and disbursements and for all committee property whenever requested by the Secretary and whenever, in the case of members and alternates, they cease to be such members or alternates. These transfer and accounting requirements represent sound business procedure and are necessary in order that there will be an unbroken succession in committee possessions.

Therefore, the assessment provisions of the amended order should be as hereinafter set forth in order to provide necessary funds to defray the costs of administering the amended order, to distribute equitably the operating costs of the program among handlers, and to prevent possible abuses of the right to levy assessments.

(g) For proper and efficient administration of the amended order, the committee needs information on potatoes with respect to supplies, movement, prices, and sundry other relevant factors which are best obtainable from handlers. The committee should be authorized to request, with the approval of the Secretary, and every handler should be required to maintain records of such facts and furnish to the committee upon request, with the approval of the Secretary, such information therefrom as may be required for the committee to exercise its powers and perform its duties under the amended order. The Secretary should retain the right to modify, change, alter, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports.

(h) The miscellaneous provisions of the amended order, hereinafter set forth in § 960.81 through § 960.95, are substantially the same as the provisions of § 960.9 through § 960.21 of the notice of the amendment hearing published in the FEDERAL REGISTER on April 4, 1950 (15 F. R. 1894).

Section 960.86 (b) provides that the committee which is in office at the time the amended order becomes effective, pursuant to appropriate procedures and conditions, shall continue in office until the end of the fiscal year established therein, and until their successors have been selected and qualified. It also provides that any and all regulations, and all procedural rules, such as rules for the issuance of exemption certificates, and the rate of assessment upon handlers, shall continue in effect until terminated in accordance with their present terms, or until modified, suspended, or terminated by the Secretary pursuant to the terms of the amended order. It is necessary and appropriate that this provision should be made a part of the amended order so that the present organization functioning under Order No. 60 and the program which they are administering should continue in operation without any hitch or disruption because of unnecessary technical difficulties in bridging the gap between such order and the amended order. This provision will allow transition of operation from the order to the amended order with the minimum amount of administrative difficulties.

Each of the provisions contained in § 960.81 through § 960.95, with the addition noted immediately above, sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the amended order. These provisions are incidental to, and not inconsistent with section 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of the amended order and to effectuate the declared policy of the act. The substance of such provisions, therefore, should be included in the amended order.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The amended order, as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) Such amended order regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) The said amended order is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said amended order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the said area.

(5) All handling of potatoes, as defined in said amended order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Rulings on proposed findings and conclusions. Interested parties were allowed until June 1, 1950, to file briefs with respect to findings of facts and conclusions based on evidence introduced at the hearing. No such brief was filed; hence, no ruling is necessary.

Recommended marketing agreement and order. The following amended order is recommended as the detailed means by which the aforesaid conclusions may be carried out.

DEFINITIONS

§ 960.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or employee of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 960.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

§ 960.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 960.4 *Production area.* "Production area" means all territory included within the boundaries of the States of Michigan, Wisconsin, Minnesota, North Dakota, the counties of Clay, Emmet, Palo Alto, Pocahontas, Kossuth, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, and Mitchell, in the State of Iowa, and Warren, Benton, White, Carroll, Cass, Miami, Wabash, Huntington, Wells, Adams, and all counties lying north thereof, in the State of Indiana.

§ 960.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 960.6 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 960.7 *Ship or handle.* "Ship" or "handle" means to sell, transport, or in any other way to place potatoes in the current of commerce within the production area or between the production area and any point outside thereof.

§ 960.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 960.9 *Fiscal year.* "Fiscal year" means the period beginning on July 1 of each year and ending June 30 following.

§ 960.10 *Committee and area committee.* "Committee" means the administrative committee, called the North Central Potato Committee, established pursuant to § 960.22, and "area committee" means each of the subcommittees of the committee established pursuant to § 960.37.

§ 960.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 960.12 *Seed potatoes.* "Seed potatoes" or "seed" means and includes (a) all potatoes officially certified and tagged, marked, or otherwise appropriately identified, under the supervision of an official seed potato certifying agency of the State in which the potatoes are grown, or other agency recognized by the committee and approved by the Secretary, and (b) potatoes which, although uncertified as seed, are shipped as seed in accordance with the rules and regulations prescribed therefor pursuant to § 960.56.

§ 960.13 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 960.14 *Pack.* "Pack" means a unit of potatoes contained in a bag, crate, or other type of container and which falls within specific weight limits recommended by the administrative committee and approved by the Secretary.

§ 960.15 *Grade and size.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon;

(c) Standards for potatoes issued by appropriate authorities of any State within the production area, or amendments thereto, or modifications thereof, or variations based thereon.

§ 960.16 *Export.* "Export" means shipment of potatoes beyond the boundaries of Continental United States.

§ 960.17 *District.* "District" means each one of the geographical divisions of the production area initially established pursuant to § 960.25 and as reestablished pursuant to § 960.27.

§ 960.18 *Area.* "Area" means each of the geographical subdivisions of the production area initially established pursuant to § 960.26 and as reestablished pursuant to § 960.27.

§ 960.19 *Washed potatoes.* "Washed potatoes" means potatoes which have been cleaned by water and certified by the Federal-State Inspection Service as meeting the degree of cleanliness recommended by the committee and approved by the Secretary.

§ 960.20 *Part and subpart.* "Part" means the order regulating the handling of Irish potatoes grown in the production area, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such "part."

COMMITTEE

§ 960.22 *Establishment and membership.* (a) The North Central Potato Committee consisting of eighteen members, of whom fourteen shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected.

(c) Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the respective State for which selected, or officers or employees of a corporate handler.

§ 960.23 *Term of office.* The term of office of committee members and alternates shall be for two fiscal years, and until their successors are selected and have qualified: *Provided, however,* That the terms of office of members and alternates shall be so determined that one-half of the total committee membership shall terminate at the end of each fiscal year. Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 960.24 *Selection.* The Secretary shall select one producer member of the committee from each district in the States of Michigan, Wisconsin, Minnesota, Iowa, Indiana, and from North Dakota District No. 2; two producer members from North Dakota District No. 1; and one handler member from each of the States of Michigan, Wisconsin, Minnesota, and North Dakota: *Provided,* That no changes in districts, or areas, or both, or representation, have been made pursuant to § 960.27. If any such changes have been made pursuant to recommendations of any one or more area committees and the committee, and approved by the Secretary, selection of committee members shall be in accordance with the districts, areas, and membership as so re-established. An alternate shall be selected for each member and such alternate shall have the same qualifications as the member. Producer members and alternates shall represent the respective district from which they are selected.

§ 960.25 *Districts.* (a) The following districts of the production area are hereby initially established:

North Dakota District No. 1. The counties of Rolette, Pierce, Wells, Kidder, Logan, McIntosh, and all counties lying east thereof in North Dakota;

North Dakota District No. 2. The remaining counties in North Dakota not included in North Dakota District No. 1;

Minnesota District No. 1. The counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Mahnomen, Clay, and Wilkin;

Minnesota District No. 2. The counties of Big Stone, Swift, Kandiyohi, Meeker, Wright, Hennepin, Ramsey, Washington, and all counties lying south thereof in Minnesota;

Minnesota District No. 3. The remaining counties in Minnesota not included in Minnesota District No. 1 and Minnesota District No. 2;

Wisconsin District No. 1. The counties of Trempealeau, Eau Claire, Chippewa, Rusk, Sawyer, Bayfield, and all counties lying west thereof in Wisconsin;

Wisconsin District No. 2. The counties of Clark, Marathon, Shawano, Oconto, and all counties lying north thereof in Wisconsin;

Wisconsin District No. 3. The remaining counties in Wisconsin not included in Wisconsin District No. 1, and Wisconsin District No. 2;

Michigan District No. 1. All the counties in the Upper Peninsula of Michigan;

Michigan District No. 2. The counties of Oceano, Newaygo, Mecosta, Isabella, Midland, Bay, and all counties lying north thereof in Michigan, but not including the Upper Peninsula;

Michigan District No. 3. The remaining counties in Michigan not included in Michigan District No. 1, and Michigan District No. 2;

Iowa District No. 1. The counties of Clay, Emmet, Palo Alto, Pocahontas, Kossuth, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, and Mitchell in Iowa; and

Indiana District No. 1. The counties of Warren, Benton, White, Carroll, Cass, Miami, Wabash, Huntington, Wells, Adams, and all counties north thereof in Indiana.

§ 960.26 *Areas.* The following subdivisions of the production area are hereby initially established:

Area No. 1. North Dakota Districts No. 1 and No. 2;

Area No. 2. Minnesota Districts No. 1, No. 2, and No. 3, and Iowa District No. 1;

Area No. 3. Wisconsin Districts No. 1, No. 2, and No. 3;

Area No. 4. Michigan Districts No. 1, No. 2, and No. 3, and Indiana District No. 1.

§ 960.27 *Reestablishment.* (a) Upon the recommendation of the committee, the Secretary may reestablish districts or areas, or both, within the production area, and may reapportion committee membership among such districts or areas, or both.

(b) An area committee may recommend to the committee reestablishment of districts or the reapportionment of committee membership, or both, within the area represented by such area committee. Any two or more area committees may make similar recommendations to the committee regarding reestablishment of districts or areas of the production area, or both, or the reapportionment of committee membership among such districts or areas of the production area, or both: *Provided,* That in recommending any such changes in districts or areas, or both, or representation, such committees shall give consideration to: (1) The relative importance of new production; (2) changes in the relative position, with respect to production, of existing districts; (3) the geographic location of production as it would affect the efficiency of administering this program; and (4) other relevant factors.

§ 960.28 *Nomination.* The Secretary may select the members of the committee, with their respective alternates, from nominations which may be made in the following manner:

(a) The committee shall hold or cause to be held prior to May 1 of each fiscal year, after the effective date of this subpart, a meeting or meetings of producers in each district and a meeting or meetings of handlers in the States of Michigan, Wisconsin, Minnesota, and North Dakota;

(b) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(c) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee.

(d) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(e) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates. If a person is both a producer and a handler, at least 90 percent of the potatoes handled by such person must be of his own production in order to qualify as a producer member or alternate of the committee and for designating producer nominees for the committee; each person who is both a producer and a handler may vote either as a producer or a handler and may elect, subject to such 90 percent limitation, the group in which he votes; and

(f) Regardless of the number of districts in which a person produces pota-

toes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in producing potatoes in more than one district such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privileges of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 960.29 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 960.28, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in § 906.24.

§ 960.30 *Acceptance.* Any person selected as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 960.31 *Vacancies.* To fill committee vacancies, the Secretary may select committee members and alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 960.28. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §-960.24.

§960.32 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 960.33 *Procedure.* (a) A majority of the members of the committee shall be necessary to constitute a quorum and a majority of concurring votes of the entire membership of such committee will be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 960.34 *Expenses and compensation.* Committee members and alternates shall serve as such members and alternates without compensation, but they shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part.

§ 960.35 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 960.36 *Duties.* It shall be the duty of the committee:

(a) At the beginning of each fiscal year, to meet and organize, select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal year to prepare a budget of its expenses for such fiscal year, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

§ 960.37 *Area Committees.* The producer members representing Area No. 1 on the committee and the handler representing North Dakota on the committee shall constitute the Area Committee for Area No. 1. Likewise, the producer members representing each of the other areas on the committee, together with the appropriate handler representative, shall constitute the area committees for such areas. Each Area Committee may, upon the selection and qualification of a majority of its members, organize and commence to function; and a majority of all members of the respective Area Committee shall be necessary to constitute a quorum of the respective committee. Each Area Committee shall select a chairman and a secretary. The alternate for each member of an Area Committee shall be the person who serves as alternate for such member on the committee. The alternate for a member of an Area Committee shall, in the event of the respective member's absence, act in the place of said member; and in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected, act in the place of said member. Each Area Committee shall function in accordance with the provisions of this subpart, and each Area Committee shall submit to the committee such reports and recommendations as the Area Committee deems to be proper, pursuant to the provisions of this subpart, with respect to the administration of the provisions of this part, in the respective area for which such committee is organized. Except as herein otherwise specifically provided, the powers and duties of Area Committees, as subcommittees of the committee, shall be determined by the committee.

BUDGET, EXPENSES, AND ASSESSMENTS

§ 960.40 *Budget.* The committee shall prepare a budget for each fiscal year showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall also transmit to the Secretary a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 960.41 *Expenses.* The committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget or other available information, finds may be necessary during each fiscal year to perform its functions under this part and for such other purposes as may be appropriate pursuant to the provisions of this part.

§ 960.42 *Rate of assessment.* The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate recommended by the committee and, on the basis of such recommendation, or other available information, fixed by the Secretary. Each handler who first ships potatoes which are ready for market shall pay assessments, except where relieved therefrom pursuant to §§ 960.53 and 960.54, to the committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year. Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

§ 960.43 *Amended budgets and increased assessment rates.* At any time during or subsequent to a given fiscal year, the committee may recommend the approval of an amended budget and the fixing of an increased rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment to cover expenses which shall be incurred pursuant to an approved budget or amended budget. Such increase shall be applicable to all potatoes handled during such given fiscal year.

§ 960.44 *Refunds.* If at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 960.45 *Accounting.* All funds received by the committee pursuant to any provision of this part shall be used solely for the purposes specified in this part and shall be accounted for in the following manner:

The Secretary may at any time require the committee and its members to account for all receipts and disbursements, and whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 960.46 *Collection of funds.* (a) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(b) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

REGULATION

§ 960.50 *Marketing policy.* The Area Committee for each of the areas included in the production area and the committee, severally, shall, prior to or simultaneously with the making of any recommendation pursuant to § 960.51, submit to the Secretary a detailed report setting forth the marketing policy with respect to the shipment of potatoes which the respective committee deems advisable for the ensuing shipping season. Additional reports shall be submitted, from time to time, in the event that it is deemed advisable by the respective Area Committee or the committee to adopt a new marketing policy in view of changed demand and supply conditions with respect to potatoes. The committee shall publicly announce the submission of each such marketing policy report, and copies thereof shall be made available at the office of the respective Area Committee and the committee for inspection by any producer or handler. In determining each such marketing policy the respective Area Committee and the committee shall give due consideration to the following factors relating to potatoes produced in the area and in other States:

(a) Market prices of potatoes, including prices by grade, size, and quality in different packs, or any other shipping unit;

(b) Supply of potatoes, by grade, size, quality, in the production area, and in other production areas;

(c) Trend and level of consumer income; and

(d) Other relevant factors.

§ 960.51 *Recommendation for regulations.* The committee, pursuant to investigations and analysis of factors enumerated in § 960.50, shall recommend regulations to the Secretary whenever it finds that such regulation, as provided in § 960.52, will tend to effectuate the declared policy of the act. The committee also may recommend modification, suspension, or termination of any regulation in order to facilitate shipments of potatoes for the specified purposes set forth in § 960.53.

§ 960.52 *Issuance of regulations.* The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes, or qualities of any or all varieties of potatoes during any period; or

(b) Regulate the shipment of particular grades, sizes, or qualities of potatoes differently, for different varieties, for different portions of the production area, for different packs, for washed and unwashed potatoes, or any combination of the foregoing during any period; or

(c) Regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 960.53 *Modification, suspension or termination.* Upon the basis of recommendations and information submitted by the committees, or other available information, the Secretary shall modify, suspend, or terminate regulations issued pursuant to §§ 960.42, 960.43, 960.52, 960.53, 960.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes whenever he finds that it will tend to effectuate the declared policy of the act:

(a) For grading or storage within the production area;

(b) For seed;

(c) For export;

(d) For distribution by the Federal government;

(e) For manufacture or conversion into specified products;

(f) For livestock feed; and

(g) For other purposes which may be specified.

§ 960.54 *Minimum quantity regulation.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 960.42, 960.43, 960.52, 960.53, 960.65, or any combination thereof.

§ 960.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 960.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to §§ 960.53 and 960.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to §§ 960.53 and 960.54;

(2) Handlers shall obtain inspection provided by § 960.65 or pay the pro rata share of expenses provided by § 960.42, or both, in connection with potato shipments effected under the provisions of § 960.53: *Provided*, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under the provisions of §§ 960.53 and 960.54.

(b) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in §§ 960.53 and 960.54, were handled contrary to the provisions of this subpart.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 960.65 *Inspection and certification.* During any period in which shipments of potatoes are regulated pursuant to

the provisions of §§ 960.42, 960.43, or 960.52, 960.53, or any combination thereof, no handler shall ship potatoes unless each such shipment is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirement pursuant to §§ 960.53 and 960.54. Each handler procuring such inspection shall make arrangements with the inspecting agency to forward promptly to the committee a copy of the inspection certificate: *Provided, however,* That no handler shall ship potatoes after such potatoes are regraded, resorted, repacked, or in any other way further prepared for market unless each shipment of such potatoes is inspected as provided in this section.

EXEMPTIONS

§ 960.70 *Policy.* (a) Any producer whose potatoes have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 960.52, is prevented from shipping during the season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

(b) Any handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season that have been adversely affected by acts beyond the handler's control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 960.52, is prevented from shipping as large a proportion of his storage holdings of ungraded potatoes as the average proportion of ungraded storage holdings shipped by all handlers in said handler's immediate shipping area, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 960.71 *Rules and procedures.* The committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions. Such rules and procedures should provide for handling applications for exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages (as required by § 960.70), and for such other procedures as may be necessary to accomplish policies with respect to exemptions.

§ 960.72 *Applications and issuance.* The committee shall issue certificates of exemption to any qualified applicant who furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation;

(b) That by reason of regulations issued pursuant to § 960.52, in case of an applicant who is a producer, he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof;

(c) That by reason of regulations issued pursuant to § 960.52, in case of an applicant who is a handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season, he will be prevented from shipping as large a proportion of such storage holdings as the average proportion of similar storage holdings shipped by all handlers in said applicant's immediate shipping area during the season;

(d) Each certificate shall permit the recipient thereof to ship the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 960.73 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 960.74 *Appeals.* If any applicant for exemption certificates is dissatisfied with the determination with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to such committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 960.75 *Records.* The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the administrative committee upon request of the Secretary.

MISCELLANEOUS PROVISIONS

§ 960.80 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 960.81 *Compliance.* Except as provided in this subpart, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

§ 960.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 960.83 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 960.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers, who during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided,* That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(e) The Secretary shall terminate the provisions of this agreement at the end of any fiscal year, upon the written request of handlers signatory to this agreement who submit evidence satisfactory to the Secretary that they handled not less than sixty-seven percent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal year.[1]

§ 960.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together will all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 960.86 *Effect of termination or amendment.* (a) Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (2) release or extinguish any violation of this subpart or of any regulations issued under this subpart or (3) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

(b) The persons who are members and alternates of the committee established pursuant to Order No. 60, on the effective date of this subpart, shall continue in office under this subpart until the end of the then current fiscal year, and until their successors have been selected and have qualified; and all rules and regulations issued pursuant to Order No. 60, shall continue in effect until terminated in accordance with their present terms, or until modified, suspended, or terminated by the Secretary in accordance with the provisions of this subpart.

§ 960.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 960.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 960.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 960.90 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 960.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 960.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 960.93 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counter parts shall constitute when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 960.94 *Additional parties.* After the effective date of this agreement, any handler who has not previously executed this agreement may become a party to this agreement if a counterpart of this agreement is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 960.95 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Done at Washington, D. C., this 11th day of August 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50-7153; Filed, Aug. 15, 1950; 8:52 a. m.]

[1] Applicable only to the proposed marketing agreement.

[7 CFR, Part 986]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO SALABLE QUANTITY OF 1950 CROP HOPS

Notice is hereby given, pursuant to the provisions of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237), approved June 11, 1946, that the administrative rule herein set forth is proposed in accordance with the provisions of Marketing Agreement No. 107 and Order No. 86 regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States.

Prior to the final issuance of such administrative rule, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the 10th day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if said 10th day after publication should fall on a holiday or Sunday, such submission may be received by the Director not later than the close of business on the next following workday.

The Hop Control Board, established pursuant to the provisions of the aforesaid marketing agreement and order, has transmitted to the Secretary of Agriculture its estimates relating to production, foreign trade, and usage of hops, and has recommended by a vote of 10 to 7 that the salable quantity of 1950 crop hops be fixed at 49,000,000 pounds.

This material and other information available to the Secretary was considered and it is proposed to accept the board's estimates with the exception of its estimate of exports for the 1950–51 marketing season. The board's estimate of 11,800,000 pounds for export is approximately 1,000,000 pounds less than the quantity which will apparently be exported during the 12 months ending August 31, 1950. According to information furnished by the board approximately 10,700,000 pounds of 1950 crop hops were contracted for export by dealers as of July 1, 1950. There appears to be no sound basis for expecting exports to be less during the 1950–51 marketing season than during the preceding season. It is therefore proposed to raise the board's estimate of exports for the 1950–51 marketing season by 1,000,000 pounds and to increase the salable quantity to 50,000,000 pounds.

In arriving at the proposed salable quantity, hop requirements for the 12 months beginning September 1, 1950, are estimated as 77,000,000 pounds, comprised of usage for brewing 39,100,000 pounds, other usage 600,000 pounds, exports 12,800,000 pounds, and carryover as

of September 1, 1951, 24,500,000 pounds. It is estimated that the September 1, 1950, carryover will be 23,000,000 pounds and imports during the 1950–51 season will be 4,000,000 pounds. This total of 27,000,000 pounds has been subtracted from the 77,000,000 pounds requirements above-mentioned in arriving at the proposed quantity of 50,000,000 pounds.

Therefore, such proposed administrative rule is as follows:

§ 986.202 *Salable quantity of 1950 crop hops.* The maximum quantity of hops produced during 1950 which may be handled in the form of hops and in the form of any hop product shall be 50,000,000 pounds (net dry weight).

Issued at Washington, D. C., this 11th day of August 1950.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50–7152; Filed, Aug. 15, 1950; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 63]

[Docket No. 9750]

EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 63 of the Commission's rules and regulations, as set forth below, effective immediately. One of the proposed amendments provides that service, temporarily expanded on an experimental basis, may be restored to its original status without obtaining authorization to discontinue, reduce, or impair service under Part 63, but provides for notice to the Commission in such cases. The second amendment propose to delete § 63.64 (a) (3) of the Commission's rules relating to reduction of hours at branch, agency, or jointly operated offices, in view of the facts that the reduction of hours of service at branch offices through informal procedures is adequately covered in § 63.68 of the rules and the provisions of § 63.64 (a) (3) are not being used for reduction of hours at agencies or jointly operated offices. The third amendment proposes to require information in applications to reduce hours to be shown with respect to the number of messages "filed" during the hours to be deleted rather than the number "sent" during such hours. This information will be more informative of actual public use.

3. The proposed amendments are issued under the authority of sections 4 (i), 214 and 218 of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the manner set forth herein, may file with the Commission on or before September 15, 1950, a statement or brief setting forth his comments. At the same time persons favoring the amendments as proposed may file statements in support thereof. Before taking action in the matter, the Commission will consider all such comments that are presented, and, if any comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed with respect to this matter shall be furnished the Commission.

Adopted: August 2, 1950.

Released: August 3, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 63.61 by changing the period at the end of the sentence to a colon and adding the following:

Provided, however, Where service is expanded on an experimental basis for a temporary period of not more than three months, no application shall be required to reduce service to its status prior to such expansion. In such cases, however, a written notice shall be filed with the Commission within 10 days of the reduction showing (a) date on which, places at which, and extent to which service was expanded and (b) date on which, places at which, and extent to which such expansion of service was discontinued.

2. Delete present § 63.64 (a) (3) and renumber present § 63.64 (a) (4) as 63.64 (a) (3).

3. Amend §§ 63.502 (n) (2) and 63.503 (o) (2) by changing the word "sent", appearing twice in each section, to read "filed".

[F. R. Doc. 50–7142; Filed, Aug. 15, 1950; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 262, ESTABLISHED

AUGUST 9, 1950.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and in accordance with Departmental Order No. 2468 (80) (iii) of August 30, 1948 (13 F. R. 5182), it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 262:

TRACT NO. 1

Beginning at the southwest corner of U. S. Survey No. 838 (canceled), approximate latitude 60°11'15" N., longitude 144°33' W., thence by metes and bounds:

East 1,190 feet to point on mean high tide line of Pacific Ocean;

Southwesterly, 8,000 feet, approximately, along mean high tide line of Pacific Ocean to a point S. 13° W., 1,615 feet, approximately, from southwest corner U. S. S. 885 (canceled) on north shore of Lake Kahuntla;

North, 300 feet, approximately, to a point on mean high water line of Lake Kahuntla;

Easterly, northerly and westerly, 3,000 feet, approximately, along high water line to southwest corner U. S. S. 885 (canceled);

North, 1,500 feet to northwest corner U. S. S. 882 (canceled);

East, 1,600 feet to southwest corner U. S. S. 884 (canceled);

North, 1,980 feet to northwest corner U. S. S. 884;

East, 1,900 feet to northeast corner U. S. S. 884;

South, 1,980 feet to point of beginning.

The tract described contains 292 acres.

TRACT NO. 2

A right-of-way 100 feet wide for an oil pipe line, the center line of which is described as follows:

Beginning at a point on the boundary of Tract No. 1 810 feet east of the point of beginning of said Tract No. 1, thence by metes and bounds:

N. 60° E., 730 feet;
N. 82° E., 1,570 feet;
N. 41° E., 1,550 feet;

East, 520 feet to a point on the high tide line of Katalla Bay.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50–7115; Filed, Aug. 15, 1950; 8:45 a. m.]

[Misc. 13141]

NEW MEXICO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 8, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934, (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 S., R. 2 W.,
Sec. 17, lots 1, 2, 3, 4, 5, S½SW¼;
Sec. 19, lots 1, 2, 3, 4, 5, N½NE¼, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 27, W½E½, W½;
Secs. 29, 31 and 33,
T. 1 S., R. 3 W.,
Sec. 13, lots 1, 2, 3, 4, S½S½;
Sec. 15, lots 1, 2, 3, 4, S½S½;
Sec. 17, lots 1, 2, 3, 4, S½S½;
Sec. 35, lots 7, 8, 9, E½SE¼, SW¼SE¼,
T. 2 S., R. 3 W.,
Sec. 3, lots 10, 11, 12, 13, 14, SE¼, SE¼SW¼;
Sec. 5, lots 3, 4, S½NW¼;
Sec. 9, S½NE¼, SE¼NW¼, S½,
T. 25 S., R. 9 E.,
Sec. 22, NE¼, S½;
Sec. 27, NW¼,
T. 2 S., R. 18 E.,
Sec. 21, N½;
Sec. 22, E½
Sec. 23;
Sec. 33, E½, SE¼NW¼, SW¼,
Sec. 34, SW¼, SW¼SE¼,
T. 3 S., R. 18 E.,
Sec. 3, lots 2, 3, 4, SW¼NE¼, S½NW¼, S½;
Sec. 11, E½SW¼, SE¼, E½NE¼,
T. 9 S., R. 21 E.,
Sec. 21,
T. 7 S., R. 25 E.,
Sec. 20, NE¼, N½SE¼;
Sec. 21, NW¼, N½SW¼;
Sec. 29, E½, E½SW¼;
Sec. 33, NW¼NE¼, NE¼NW¼, S½NW¼, N½SW¼,
T. 25 S., R. 34 E.,
Sec. 3, S½;
Sec. 4, S½.

The areas described aggregate 11,050.86 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a .m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Santa Fe, New Mexico.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50–7134; Filed, Aug. 15, 1950; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

UNITED STATES LINES CO.

NOTICE OF HEARING

United States Lines Company; application for operating-differential subsidy (Trade Route No. 8, Service 2) under Title VI, Merchant Marine Act, 1936.

Notice is hereby given that a public hearing will be held at Washington, D. C., beginning at 10 o'clock a. m., e. s. t., October 30, 1950, in Room 4823, Department of Commerce Building, before an examiner of the Trial Examiners' Office, upon an application dated May 31, 1950, of United States Lines Company, under Title VI of the Merchant Marine Act, 1936, as amended, for financial aid in the operation of freight vessels in the foreign commerce of the United States on Service 2 of Trade Route No. 8 (between Atlantic coast ports of the United States north of Cape Hatteras and Antwerp, Rotterdam, and Amsterdam), as described in the United States Maritime Commission's report of Essential Foreign Trade Routes of the American Merchant Marine, issued May 1949.

The purpose of the hearing is to receive evidence relevant to determinations which the Board is required, after hearing, to make pursuant to the provisions of section 605 (c) of the Merchant Marine Act, 1936, as amended.

The hearing will be conducted pursuant to the Board's rules of procedure (12 F. R. 6076).

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to participate in the hearing are requested to notify the Board accordingly on or before October 2, 1950.

Dated: August 10, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50–7133; Filed, Aug. 15, 1950; 8:47 a. m.]

PACIFIC TRANSPORT LINES, INC., ET AL.

NOTICE OF APPROVAL OF AGREEMENTS BY THE BOARD

Notice is hereby given that the Board by order dated August 8, 1950, approved the following described agreements pursuant to section 15 of the Shipping Act, 1916, as amended:

Agreement No. 7776, between Pacific Transport Lines, Inc. and Hilo Navigation Company, covers transportation of cargo under through bills of lading in the trade between U. S. Pacific Coast ports and ports in the Hawaiian Islands, with transhipment at Honolulu, T. H.

Agreement No. 7781, between Pacific Transport Lines, Inc., and Young Brothers, Limited, covers transportation of cargo under through bills of lading in the trade between U. S. Pacific Coast ports and ports in the Hawaiian Islands, with transhipment at Honolulu, T. H.

Interested parties may obtain copies of these agreements at the Regulation Office, Federal Maritime Board, Washington, D. C.

Dated: August 11, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50–7137; Filed, Aug. 15, 1950; 8:48 a. m.]

PACIFIC FAR EAST LINE

NOTICE OF HEARING ON APPLICATION TO EXTEND BAREBOAT CHARTER AGREEMENT

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4823, Commerce Building, Washington, D. C., on September 1, 1950, at 2 o'clock p. m., e. d. s. t., before Examiner A. L. Jordan, upon the application of Pacific Far East Line to extend its bareboat charter agreement with respect to Government-owned war-built dry-cargo refrigerated vessels.

The purpose of the hearing is to receive evidence with respect to whether continuance of the service under which such vessels are now chartered is required in the public interest and such service will not be adequately served without such extension, and with respect to the availability of privately owned American-flag vessels on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the closing of the hearing in lieu of briefs, and the examiner will issue a recommended decision. Parties may have 15 days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted or whether briefs in connection therewith will be received.

Dated: August 11, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 50-7138; Filed, Aug. 15, 1950; 8:48 a. m.]

GRACE LINE, INC.

NOTICE OF HEARING ON APPLICATION TO EXTEND BAREBOAT CHARTER AGREEMENT

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4823, Commerce Building, Washington, D. C., on September 1, 1950, at 10 o'clock a. m., e. d. s. t., before Examiner A. L. Jordan, upon the application of Grace Line, Inc., to extend its bareboat charter agreement with respect to Government-owned war-built dry-cargo vessels.

The purpose of the hearing is to receive evidence with respect to whether continuance of the service under which such vessels are now chartered is required in the public interest and such service will not be adequately served without such extension, and with respect to the availability of privately owned American-flag vessels on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing in lieu of briefs, and the examiner will issue a recommended decision. Parties may have 15 days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted or whether briefs in connection therewith will be received.

Dated: August 11, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 50-7139; Filed, Aug. 15, 1950; 8:48 a. m.]

MEMBER LINES OF THE TRANS PACIFIC FREIGHT CONFERENCE (HONG KONG) ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 14-11, between the member lines of the Trans Pacific Freight Conference (Hong Kong), modifies the basic agreement of said Conference (No. 14-1) to include Formosa within its territorial scope and to clarify certain other provisions. Agreement 14-1 presently covers the trade from Hong Kong, Canton, Amoy, Foochow, Swatow, and all other ports in China south of and including Foochow, Indo-China, Siam, Java, and Ceylon to U. S. and Canadian Pacific Coast ports and Honolulu, Hawaii.

Agreement No. 85-5, between the member lines of the Trans-Pacific Freight Conference of North China (Shanghai), modifies the basic agreement of said Conference (No. 85) to remove Formosa from its territorial scope and to clarify certain other provisions. Agreement 85 presently covers the trade from Shanghai, Yangtze River ports, ports in China north of Shanghai, and Formosa to U. S. and Canadian Pacific Coast ports and Honolulu and Hilo, Hawaii.

Agreement No. 7840-14, between the member lines of the Atlantic (Passenger) Conference, modifies the basic agreement of said Conference (No. 7840) to provide that commission not to exceed the General Agents' scale of commission may be paid on a reciprocal basis to steamship lines which are initiating carriers in connection with through transportation originating outside the United States and Canada on the portion of the through transportation provided by the member line concerned.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: August 11, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 50-7140; Filed, Aug. 15, 1950; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 401]

SPECIAL INDUSTRY COMMITTEE NO. 8 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATIONS AND APPOINTMENT OF NEW MEMBERS

Pursuant to authority vested in me under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, hereby accept the resignations of Louis Rubin, as an employer member and Tomas Mendez Mejias, as an employee member of Special Industry Committee No. 8 for Puerto Rico, and appoint to serve on said Committee in their stead as employer and employee members respectively, Wilfred Bradshaw of Indianapolis, Indiana, and Alberto E. Sanchez of San Juan, Puerto Rico.

Signed at Washington, D. C., this 3d day of August 1950.

WM. R. MCCOMB, *Administrator.*

[F. R. Doc. 50-7159; Filed, Aug. 15, 1950; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2832 et al.]

MICHIGAN-WISCONSIN SERVICE CASE

NOTICE OF ORAL ARGUMENT

In the matter of applications under section 401 of the Civil Aeronautics Act of 1938, as amended, for certificates of public convenience and necessity authorizing scheduled air transportation of persons, property, and mail, and under section 408 for approval of certain control relationships.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 408, and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on September 18, 1950, at 10:00 a. m., e. d. s. t., in room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 10, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-7124; Filed, Aug. 15, 1950; 8:46 a. m.]

[Docket No. 4000]

PIONEER AIR LINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Pioneer Air Lines, Inc., over its entire system.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on August 18, 1950, at 10:00 a. m., e. d. s. t., in Room 1011 Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., August 10, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-7125; Filed, Aug. 15, 1950; 8:46 a. m.]

[Docket No. 3797]

CAMPBELL-PIONEER, INTERLOCKING RELATIONSHIPS

NOTICE OF HEARING

In the matter of the joint application of Price Campbell and Pioneer Air Lines, Inc., for approval, under section 409 (a) of the Civil Aeronautics Act of 1938, as amended, of certain interlocking relationships.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on August 28, 1950, at 10:00 a. m., in room 1011, Temporary Building No. 5, south of Constitution Avenue between Sixteenth and Seventeenth Streets NW., Washington, D. C., before Examiner R. Vernon Radcliffe.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

Whether the public interest will be adversely affected by the simultaneous holding of the position of director of the Wichita Valley Railway Company and the position of director of Pioneer Air Lines, Inc., by Price Campbell, within the meaning of section 409 (a) of the act.

Notice is further given that any person, other than parties of record, desiring to controvert in fact or law any of the issues raised in this proceeding must file with the Board on or before August 28, 1950, a statement of said issues.

Dated at Washington, D. C., August 10, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-7123; Filed, Aug. 15, 1950; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1427]

NORTH CENTRAL GAS CO.

ORDER FIXING DATE OF HEARING

AUGUST 10, 1950.

On June 27, 1950, North Central Gas Company (Applicant), a Wyoming corporation having its principal office in Casper, Wyoming, filed an application, supplemented on July 19 and 28, 1950, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission, as are fully described in the application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided for by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure; no request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 13, 1950 (15 F. R. 4457-58).

The Commission finds this proceeding is a proper one for disposition under the provisions of §§ 1.32 (a) and 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 25, 1950, at 9:30 a. m., e. d s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application and supplements: *Provided, however,* That the commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 11, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-7135; Filed, Aug. 15, 1950; 8:48 a. m.]

[Docket No. G-1447]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

On July 24, 1950, United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas transmission pipe line facilities, subject to the jurisdiction of the Commission, as fully described in said application on file with the Commission and open to public inspection. Public notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on August 4, 1950 (15 F. R. 5030).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on September 11, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 10, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-7136; Filed, Aug. 15, 1950; 8:48 a. m.]

[Project No. 349]

ALABAMA POWER CO.

NOTICE OF SUPPLEMENTAL APPLICATION FOR LICENSE

AUGUST 10, 1950.

Public notice is hereby given that Alabama Power Company of Birmingham, Alabama, has filed supplemental application under the Federal Power Act (16 U. S. C. 791a-825r) to increase the capacity of Project No. 349 on Tallapoosa River, Alabama.

Any protest against the approval of this supplemental application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before September 18, 1950, to the Federal Power Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-7117; Filed, Aug. 15, 1950; 8:45 a. m.]

[Project No. 1494]

GRAND RIVER DAM AUTHORITY

NOTICE OF ORDER

AUGUST 10, 1950.

Notice is hereby given that, on August 9, 1950, the Federal Power Commission

issued its order entered August 8, 1950, denying application for further exemption from payment of annual charges in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7118; Filed, Aug. 15, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25317]

VARIOUS COMMODITIES FROM OFFICIAL TERRITORY TO THE SOUTH

APPLICATION FOR RELIEF

AUGUST 11, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. A-838 and other tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities.

From: Points in trunk line territory.

To: Points in southern territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7126; Filed, Aug. 15, 1950; 8:47 a. m.]

[4th Sec. Application 25318]

AUTOMOBILES FROM EVANSVILLE, IND., TO THE SOUTHWEST

APPLICATION FOR RELIEF

AUGUST 11, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago & Eastern Illinois Railroad Company.

Commodities involved: Automobiles and automobile parts, carloads.

From: Evansville, Ind.

To: The southwest.

Grounds for relief: Circuitous routes and competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7127; Filed, Aug. 15, 1950; 8:47 a. m.]

[4th Sec. Application 25319]

LIME FROM THE SOUTH TO WAKULLA, FLA.

APPLICATION FOR RELIEF

AUGUST 11, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 861.

Commodities involved: Lime, carloads.

From: Points in the south.

To: Wakulla, Fla.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 861, Supplement 105.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7128; Filed, Aug. 15, 1950; 8:47 a. m.]

[4th Sec. Application 25320]

PETROLEUM FROM RANKIN, TEX., TO INTERSTATE POINTS

APPLICATION FOR RELIEF

AUGUST 11, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3585.

Commodities involved: Petroleum, petroleum products and related articles, carloads.

From: Rankin, Tex.

To: Points in Kansas and the southwest.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3585, Supplement 421.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7129; Filed, Aug. 15, 1950; 8:47 a. m.]

[4th Sec. Application 25321]

FRESH MEATS AND PACKING HOUSE PRODUCTS FROM LAKE CHARLES, LA., TO EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

AUGUST 11, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3588.

Commodities involved: Fresh meats and packing house products, carloads.

From: Lake Charles, La.

To: East St. Louis, Ill.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3588, Supplement 118.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7130; Filed, Aug. 15, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-678]

AMERICAN RESEARCH AND DEVELOPMENT CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of August, A. D. 1950.

Notice is hereby given that American Research and Development Corporation (Research), a registered closed-end management investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting it from the provisions of section 17 (a) (1) of said act to the extent that it may be permitted to sell not in excess of 5,385 shares of its common stock to Massachusetts Investors Trust (MIT), a registered open-end management investment company, at a price of $25 per share.

The application discloses that Research and MIT are affiliated persons of each other and that the shares Research proposes to sell to MIT are part of an issue registered under the Securities Act of 1933 which is the subject of a public offering and that such offering is not confined to a general offering to the holders of a class of the stock of Research. By reason of such facts Research is prohibited from selling the stock to MIT under the provisions of section 17 (a) (1) of the act unless the Commission issues an order granting the application pursuant to section 17 (b).

Research was organized in 1946. Its principal business consists of investigation and research with respect to new or existing enterprises, processes and products, advancing capital to or purchasing securities of companies engaged in the conduct or development of new or existing enterprises, processes and products. Research has but one class of capital stock and is currently engaged in making a public offering of the unsold portion of a block of 166,500 shares of its stock registered under the Securities Act of 1933 at a public offering price of $25 per share. In the last few months Research has sold 3,215 shares of its stock at the public offering price. All such sales were made by brokers who received commissions aggregating $4,018.75.

The stock of Research is not listed on an exchange and the application indicates that the over-the-counter market in the stock is not very active. Quotations for the stock in the period from June 1 to July 17, 1950, show a range of 23-24½ on Bid and a range of 23¾-24¾ on Asked, the quotations on July 17 were Bid 23¼-23¾ and Asked 24¼-24½. Research is informed that an institutional investor sought to purchase 2,000 shares of Research at a price of 24⅞ net after brokerage through a Boston broker. This bid was maintained from June 28 to July 7, 1950, and the investor was able to purchase a total of 200 shares at approximately $24 per share. Subsequently, this investor purchased the balance of its requirements from Research.

The net asset value per share of the capital stock of Research was $24.98 as of March 31, 1950, and $24.13 as of June 30, 1950. The foregoing net asset values per share are based upon the valuation of the assets of Research as determined by its board of directors pursuant to section 2 (a) (39) of the act.

Research states that the terms of the proposed sale described above, including the consideration to be paid and received, are fair and reasonable and do not involve overreaching on the part of any person concerned. The sale and purchase are consistent with the policies of Research and MIT as recited in their respective registration statements and reports filed under the act and with the general purposes of the act.

All interested persons are referred to said application, which is on file in the office of the Commission at Washington, D. C., for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after August 21, 1950, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may not later than August 18, 1950, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon or request in writing that the Commission order a hearing on the application. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-7121; Filed, Aug. 15, 1950; 8:46 a. m.]

[File No. 54-184]

UNITED CORP.

ORDER REGARDING OPTION WARRANTS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of August A. D. 1950.

The United Corporation ("United"), a registered holding company, having filed an amended application for approval of an amended plan under section 11 (e) of the Public Utility Holding Company Act of 1935; and

Gordon L. Becker, Harold C. Bladel, and Charles Tatham, Jr., as a general protective committee for holders of option warrants of United, having filed a declaration pursuant to Rule U-62 in connection with the aforesaid amended plan, and said declaration having become effective on August 10, 1950; and

Said committee having further filed a petition requesting the Commission to direct United, at the request of the committee and upon delivery to it of envelopes for that purpose, to cause such envelopes to be addressed to all holders of record of said option warrants as of the most recent convenient date, and to stuff and mail or return such envelopes to the committee so addressed; and

The Commission having considered said request and deeming it necessary and appropriate in the public interest and for the protection of investors to grant said request:

It is ordered, Pursuant to the provisions of sections 15 (g) and 20 (a) of the act that, upon payment by the committee of the actual cost thereof to United, United shall with all reasonable dispatch upon delivery to it of envelopes for that purpose, cause such envelopes to be addressed to all holders of record of option warrants as of the most recent convenient date, and to stuff and mail or return such envelopes to the committee so addressed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-7122; Filed, Aug. 15, 1950; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 688]

BANCA COMMERCIALE ITALIANA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith.

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Banca Commerciale Italiana, Milan, Italy; Claim No. 36099; June 27, 1950 (15 F. R. 4125); the excess proceeds of the business and property in the State of New York of Banca Commerciale Italiana in the possession of the Superintendent of Banks of the State of New York, or which may hereafter come into his possession under and by virtue of the Banking Law of the State of New York, including but not limited to the excess proceeds of all assets of any nature whatsoever, owned or controlled by or payable or deliverable to or held on behalf of or on account of or owing to the New York agency of said Banca Commerciale Italiana, remaining after the payment of the claims of creditors, accepted or established in accordance with the Banking Law of the State of New York, arising out of transactions had by them with the New York agency of said Banca Commerciale Italiana or whose names appear as creditors on the books of such agency, together with interest on such claims and the expenses of liquidation.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C. on August 9, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7145; Filed, Aug. 15, 1950; 8:50 a. m.]

[Return Order 698]

CORRADO MEZZINA ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Corrado Mezzina, Antonio Mezzina Sasso, Maria Antonia Mezzina Tattoli, all of Molfetta, Italy; Claim No. 40216; June 27, 1950 (15 F. R. 4125); One-Third of the following described property to each of the three claimants: $44,999.22 cash in the Treasury of the United States.

The following securities presently in custody of Safekeeping Department of the Federal Reserve Bank of New York: 420 shares Bank of America National Trust and Savings Association, $6.25 P. V. Common Stock, Certificates Nos. 89031-2 for 100 shares each; 65527 for 10 shares; and N 6869 for 210 shares; 11 shares Blair Holdings Corporation, $1 P. V. Capital Stock, Certificate No. 1682; $3,000 face value Republic of Chile External Sinking Fund Dollar Bonds of 1948, due December 31, 1993, Bond Nos. M-13295-7, incl., $1,000 each; 600 shares National Distillers Products Corporation, N. P. V. Common Stock, Certificate Nos. 237327-32 for 100 shares each; 40 shares The National Radiator Company, $4 P. V. Common Stock, Certificate No. 530; 250 shares Pacific Power & Light Company, 5% $100 P. V. Preferred Stock, Certificates Nos. 214-5 for 100 shares each; Certificate No. 7285 for 50 shares; 97 shares Richfield Oil Corporation, N. P. V. Common Stock, Certificate No. 47716; 15 shares Standard Oil Company of California, N. P. V. Capital Stock, Certificate No. 540062; 75/100 share Standard Oil Company of California, N. P. V. Capital Stock, Scrip Certificate No. 2406; 525 shares Transamerica Corporation, $2 P. V. Capital Stock, Certificate Nos. 79230-4 for 100 shares each; Certificate No. 80379 for 25 shares; 20 shares 208 South LaSalle Street Corporation, N. P. V. Common Stock, Certificate No. 14713; $2,000 face value Republic of Uruguay External Readjustment Sinking Fund Dollar Bonds of 1937, due May 1, 1979, Bond Nos. 1265-6, $1,000 each; $1,200 face value United States Savings Bonds, Series E, Bond No. 244918 for $1,000, due Aug. 1, 1951; Bond No. 33936641 for $100, due Apr. 1, 1953; and Bond No. 67391536 for $100, due Jun. 1, 1954 (these are registered in name of Joe Mezzina).

Twenty-two (22) miscellaneous pieces of jewelry held by Office of Alien Property, 120 Broadway, New York, New York.

All right, title and interest of the claimants, both legal and equitable, in and to the following described real property: Lots 1 and 2, in Block 101, Stephen's Addition to the City of Portland, Multnomah County, Oregon, as shown by the duly recorded map and plat thereof on file with the County Clerk of said Multnomah County, Oregon, being 1510 S. E. 9th Avenue; lots 1, 2, 3 and East 20 feet of Lot 4, Block 9, Errol Heights, Multnomah County, State of Oregon, being 4720 S. E. Ogden Street. Crypt No. 301-C in Corridor 8, in the cemetery grounds of The River View Cemetery Association of Portland, evidenced by Deed No. 7133, dated April 26, 1946, from the River View Cemetery Association of Portland to the Estate of Joe Mezzina; the Deed being with Collection and Custody Section, Office of Alien Property, Washington, D. C.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 9, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7146; Filed, Aug. 15, 1950; 8:50 a. m.]

[Return Order 708]

LAJOS GYORGY ET AL.

Having considered the claims set forth below and having issued a determination allowing the claims, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

All right, title, interest and claim of any kind or character whatsoever of Marianne Kis Biro, Janos Gero, Paul Gero, Mrs. Lajos Gyorgy, Laszlo Oliver Kis, Irma Oppenheimer Nagel, Risa Rosa Oppenheimer Rosenthal, Helen Katcher Steindoerfer, Lajos Szequessi, Anna Gyorgy Schrecker and Lajos Gyorgy, and each of them, in and to the trusts established under a Trust Agreement dated July 12, 1933, as amended, between Julius Janowitz and the President and Directors of the Manhattan Company, as Trustees.

Lajos Gyorgy, Budapest, Hungary, Claim No. 39499; $5,181.76 in the Treasury of the United States to Lajos Gyorgy.

Mrs. Lajos Gyorgy, a/k/a Margit Szeppessi Gyorgy, Budapest, Hungary; Claim No. 39500; $3,272.62 in the Treasury of the United States to Mrs. Lajos Gyorgy.

Helen Katcher Steinsdorfer, a/k/a Mrs. Victor Kofalusi and Ilona Katcher Kofalusi, a/k/a Helen Katcher, Steindoerfer, Putnok, Hungary; Claim No. 39501; $654.52 in the Treasury of the United States to Helen Katcher Steinsdorfer.

Irma Oppenheimer Nagel, London, England; Claim No. 39502; $2,945.35 in the Treasury of the United States to Irma Oppenheimer Nagel.

Risa Rosa Oppenheimer Rosenthal, a/k/a Mrs. Geza Rosenthal, Budapest, Hungary; Claim No. 39503; $1,963.57 in the Treasury of the United States to Risa Rosa Oppenheimer Rosenthal.

Anna Gyorgy Schrecker, a/k/a Anny Gyorgy, Budapest, Hungary; Claim No. 39504; $3,590.46 in the Treasury of the United States to Anna Gyorgy Schrecker.

Lajos Szepessi, a/k/a Lajos Szepesi, a/k/a Lajos Szeqessi, Budapest, Hungary; Claim No. 39505; $6,545.24 in the Treasury of the United States to Lajos Szepessi.

Laszlo Oliver Kiss, a/k/a Laszlo Oliver Kis, Budapest, Hungary; Claim No. 38668; $3,272.61 in the Treasury of the United States to Laszlo Oliver Kis.

Marianne Biro Kiss, a/k/a Marianne Kis Biro, Ujpest, Hungary; Claim No. 38669; $3,272.62 in the Treasury of the United States to Marianne Kis Biro.

Janos Gero, Budapest, Hungary; Claim No. 38670; $1,090.87 in the Treasury of the United States to Janos Gero.

Paul Gero, Ujpest, Hungary; Claim No. 38671; $11,183.52 in the Treasury of the United States to Paul Gero.

Notice of intention to return published: July 4, 1950 (15 F. R. 4252).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 9, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7147; Filed, Aug. 15, 1950; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 15 NUMBER 159

Washington, Thursday, August 17, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1948 C. C. C. Corn Bulletin 1, Supp. 3, Amdt. 1]

PART 606—CORN

SUBPART—1948 CORN EXTENDED RESEAL LOAN PROGRAM

COMMINGLING OF CORN IN STORAGE

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration, published in 15 F. R. 3411, governing the extension of reseal loans on 1948-crop corn in farm storage are amended with the addition of a new section as follows:

§ 606.80 *Commingling of corn in storage.* With prior approval of the county committee, 1948-crop shelled corn, containing not more than 13.5 percent moisture, under 1948-crop extended reseal loan may be commingled in storage with 1949-crop shelled corn, containing not more than 13.5 percent moisture, under 1949-crop reseal loan.

The producer may redeem all of the commingled corn by paying the holder of the note the principal amount of both loans plus interest and any storage payments advanced, or he may redeem a portion of the corn by indicating which loan he desires to repay and paying the holder of the note the loan rate plus interest and any storage payments advanced with respect to such loan on the quantity of corn redeemed.

Delivery of commingled corn will be prorated between the loans on a percentage basis determined by dividing the number of bushels resealed under each loan, minus any redeemed bushels, by the total number of bushels of commingled corn remaining under loan.

(Sec. 4, 62 Stat. 1070; 15 U. S. C. Sup., 714b. Interprets or applies secs. 4, 5, 62 Stat. 1070, 1072, sec. 1, Pub. Law 987, 80th Cong.; 15 U. S. C. Sup., 714b, 714c)

Issued this 14th day of August 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-7202; Filed, Aug. 16, 1950; 8:52 a. m.]

[1949 C. C. C. Corn Bulletin 1, Supp. 2, Amdt. 2]

PART 606—CORN

SUBPART—1949 CORN RESEAL LOAN PROGRAM

COMMINGLING OF CORN IN STORAGE

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration, published in 15 F. R. 2775, governing the 1949-Crop Corn Reseal Loan Program, are amended with the addition of a new section as follows:

§ 606.149 *Commingling of corn in storage.* With prior approval of the county committee, 1948-crop shelled corn, containing not more than 13.5 percent moisture, under 1948-crop extended reseal loan may be commingled in storage with 1949-crop shelled corn, containing not more than 13.5 percent moisture, under 1949-crop reseal loan.

The producer may redeem all of the commingled corn by paying the holder of the note the principal amount of both loans plus interest and any storage payments advanced, or he may redeem a portion of the corn by indicating which loan he desires to repay and paying the holder of the note the loan rate plus interest and any storage payments advanced with respect to such loan on the quantity of corn redeemed.

Delivery of commingled corn will be prorated between the loans on a percentage basis determined by dividing the number of bushels resealed under

(Continued on p. 5467)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1950–51 Edition

(Revised through July 1)

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

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each loan, minus any redeemed bushels, by the total number of bushels of commingled corn remaining under loan.

(Sec. 4, 62 Stat. 1070, 15 U. S. C. 714b. Interprets or applies secs. 4, 5, 62 Stat. 1070, 1072; 15 U. S. C. 714b, 714c)

Issued this 14th day of August 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-7201; Filed, Aug. 16, 1950; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 4933]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AUTOMATIC CANTEEN CO. OF AMERICA

Subpart—*Dealing on exclusive and tying basis:* § 3.670 *Dealing on exclusive and tying basis.* Subpart—*Discriminating in price under section 2, Clayton Act as amended; knowingly inducing or receiving discriminating price under 2 (f);* § 3.850 *Inducing and receiving discriminations.* I. In connection with the leasing, licensing, operation, or sale of any automatic vending machine or parts thereof, or in connection with the offering for sale, sale, or distribution of candy, gum, nuts, or any other confectionery product purchased for resale by or through the use of automatic vending machines, in commerce, entering into, enforcing, continuing in operation or effect, or carrying out any contract, agreement, or understanding for the lease or sale of automatic vending machines or parts therefor, or for the sale of candy, gum, nuts, or other confectionery products for use or resale in such machines on the condition, agreement, or understanding that any lessee, licensee, operator, or purchaser thereof, (1) shall not acquire, manufacture, own, hold, locate, use, operate, lease, or otherwise deal with any automatic vending machine which is not licensed, leased, purchased, or otherwise acquired from respondent or from some source authorized by it; (2) shall not offer to sell, sell, or cause or permit to be sold any candy, gum, nuts, or other confectionery products purchased from respondent other than by means of automatic vending machines leased or purchased from it; (3) shall not buy for resale, deal with, use, or permit to be used, in automatic vending machines leased or purchased from respondent, the confectionery products of any seller or supplier other than respondent; and (4) shall order and purchase exclusively from respondent all confectionery products offered for resale by means of automatic vending machines leased or purchased from respondent; prohibited, subject to the provision, however, that nothing contained in the foregoing prohibitions numbered 1 through 4 shall be construed as prohibiting respondent from entering into any contract, agreement, or understanding with any lessee, licensee, purchaser, or distributor of its automatic vending machines which provides for payment to the respondent of such compensation as it may desire for the use of its automatic vending machines, for services rendered, for protection of quality and salability of products sold through its said vending machines, or provides for protection of respondent's franchise territories and distribution, of its good will and trade name, of its rental and additional income, of the development and retention of its business in its distributors' territory, and of the public, when none of such provisions are in conflict with the prohibitions set forth herein; and, II, in connection with the offering to purchase or purchase of any candy, gum, nuts, or other confectionery products of any nature in commerce, knowingly inducing or knowingly receiving or accepting any discrimination in the price of such products, by directly or indirectly inducing, receiving, or accepting a net price from any seller known by respondent or its representatives to be below the net price at which said products of like grade and quality are being sold by such seller to other customers, where the seller is competing with any other seller for respondent's business, or where respondent is competing with other customers of the seller; prohibited, subject to the provision, however, that the foregoing shall not be construed to preclude the respondent from defending any alleged violation of the order by showing that a lower net price received or accepted from any seller makes only due allowances for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are by such seller sold or delivered to respondent.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Automatic Canteen Company of America, Docket 4933, June 6, 1950]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, a stipulation entered into between counsel in support of the complaint and the respondent and its counsel, and approved and accepted by the Commission, and recommended decision of the trial examiner and exceptions thereto (no briefs having been filed and oral argument not having been requested according to the terms of the stipulation); and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of section 3 of an act of Congress entitled, "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), and subsection (f) of section 2 of said act, as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act):

I. *It is ordered,* That the respondent, Automatic Canteen Company of America, a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the leasing, licensing, operation, or sale of any automatic vending machine or parts thereof, or in connection with the offering for sale, sale, or distribution of candy, gum, nuts, or any other confectionery product purchased for resale by or through the use of automatic vending machines, in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

A. Entering into, enforcing, continuing in operation or effect, or carrying out any contract, agreement, or understanding for the lease or sale of automatic vending machines or parts therefor, or for the sale of candy, gum, nuts, or other confectionery products for use or resale in such machines on the condition, agreement, or understanding that any lessee, licensee, operator, or purchaser thereof

1. Shall not acquire, manufacture, own, hold, locate, use, operate, lease, or otherwise deal with any automatic vending machine which is not licensed, leased, purchased, or otherwise acquired from respondent or from some source authorized by it.

2. Shall not offer to sell, sell, or cause or permit to be sold any candy, gum, nuts, or other confectionery products purchased from respondent other than by means of automatic vending machines leased or purchased from it.

3. Shall not buy for resale, deal with, use, or permit to be used, in automatic vending machines leased or purchased from respondent, the confectionery products of any seller or supplier other than respondent.

4. Shall order and purchase exclusively from respondent all confectionery products offered for resale by means of automatic vending machines leased or purchased from respondent.

Provided however, That nothing contained in the preceding paragraphs

numbered 1 through 4 shall be construed as prohibiting respondent from entering into any contract, agreement, or understanding with any lessee, licensee, purchaser, or distributor of its automatic vending machines which provides for payment to the respondent of such compensation as it may desire for the use of its automatic vending machines, for services rendered, for protection of quality and salability of products sold through its said vending machines, or provides for protection of respondent's franchise territories and distribution, of its good will and trade name, of its rental and additional income, of the development and retention of its business in its distributors' territory, and of the public, when none of such provisions are in conflict with the prohibitions set forth herein.

II. *It is further ordered,* That respondent, Automatic Canteen Company of America, a corporation, its officers, agents, representatives, and employees, in connection with the offering to purchase or purchase of any candy, gum, nuts, or other confectionary products of any nature in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

A. Knowingly inducing or knowingly receiving or accepting any discrimination in the price of such products, by directly or indirectly inducing, receiving, or accepting a net price from any seller known by respondent or its representatives to be below the net price at which said products of like grade and quality are being sold by such seller to other customers, where the seller is competing with any other seller for respondent's business, or where respondent is competing with other customers of the seller: *Provided however,* That the foregoing shall not be construed to preclude the respondent from defending any alleged violation of this order by showing that a lower net price received or accepted from any seller makes only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are by such seller sold or delivered to respondent.

For the purpose of determining "net price" under the terms of this order, there shall be taken into account discounts, rebates, allowances, deductions, or other terms and conditions of sale by which net prices are affected.

III. *It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: June 6, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-7161; Filed, Aug. 16, 1950; 8:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

ADVERTISING AND SUPPLEMENTAL SALES LITERATURE USED IN SALE OF INVESTMENT COMPANY SHARES

§ 231.3385 *Statement of policy of the Commission relating to advertising and supplemental sales literature used in the sale of investment company shares.* The Securities and Exchange Commission with the assistance of the National Association of Securities Dealers, Inc., has reviewed samples of advertising and supplemental sales literature used in the sale of investment company shares, much of which was not filed with this Commission. This review has revealed the existence of many practices in connection with the use, form and content of certain advertising and sales literature which, in the opinion of the Commission, may violate the Securities Act of 1933 and the Investment Company Act of 1940. The Commission, therefore, deems it necessary and appropriate to set forth a statement of policy so that issuers, underwriters and dealers may understand certain of the types of advertising and sales literature which the Commission considers may be violative of the statutory standards. It should be emphasized that the following statement of policy does not attempt to cover all possible abuses, and that literature which complies with this Statement may not be used if it is in fact misleading. Conversely, nothing in this statement of policy is intended to prevent the use of factual statements, fairly presented, concerning fundamental investment policies and objectives, investment restrictions or other characteristics of a particular investment company.

"Sales literature" as used hereafter shall be deemed to include any communciation (whether in writing, by radio or by television) used by an issuer, underwriter, or dealer to induce the purchase of shares of an investment company. Reports of issuers to the extent they are transmitted to shareholders and do not contain an express offer are not deemed to be "sales literature" within the meaning of this definition but shall conform to this statement of policy. Communications between issuers, underwriters and dealers are included in this definition of "sales literature" only if such communications are passed on either orally or in writing or are shown to prospective investors or are designed to be employed in either written or oral form in the sale of securities.

For the purpose of interpreting this statement of policy a piece of sales literature shall be deemed materially misleading by reason of an implication, as contemplated herein, if such sales literature includes (1) an untrue statement of a material fact or (2) omits to state a material fact necessary in order to make a statement made, in the light of the circumstances of its use, not misleading.

It will be considered materially misleading hereafter for sales literature:

(a) *Return.* To represent or imply a percentage return on investment in the shares of investment companies, except in accordance with the following principles:

Rates of return shall be expressed only as a ratio of dividends paid from net investment income and net accrued undivided earnings included in the price of capital shares issued and repurchased, in each case as required to be shown in the issuer's prospectus (for one or more immediately preceding full fiscal years separately stated) to both (1) a stated price determined by computing an average of offering prices, taken at monthly intervals, for the same period or periods, and (2) a stated and dated offering price, current at the date of publication, and shall be accompanied by a statement to the effect that such return is based upon dividends paid in the period covered and is not a representation of future results. Either in the same text, or by reference in the same text to an historical table elsewhere in the same piece of literature, there must be shown the per-share asset value at the beginning and end of the period, or the increase or decrease (stated in percentage) in asset value.

(b) *Distributions.* (1) To combine into any one amount distributions from net investment income and distributions from any other source.

(2) To represent or imply an assurance that an investor will receive a stable, continuous, dependable, or liberal return or that he will receive any specified rate or rates of return.

(c) *Safety of capital.* To represent or imply an assurance that an investor's capital will increase or that purchase of investment company shares involves a preservation of original capital and a protection against loss in value. To discuss accumulation of capital, preservation of capital, accumulation of an estate, protection against loss of purchasing power, diversification of investments, financial independence or profit possibilities without pointing out or explaining the market risks inherently involved in the investment.

(d) *Government regulation.* To make any reference to registration or regulation of any investment company under Federal or state authority without explaining that this does not involve supervision of management or investment practices or policies.

(e) *Protection of investors.* To represent or imply that services of banking institutions as custodian of securities, transfer agent, or dividend disbursing agent, provide protection for investors against possible depreciation of assets or that such institutions maintain any supervisory function over management in such matters as purchase and sale of portfolio securities or payment of dividends or provide any trusteeship protection, or to fail to state the extent of the limited role of the custodian whenever the advantages of custodial services are discussed.

(f) *Redemption.* To state or discuss the redemption features of investment company shares without explaining in such statement that the value of the shares on redemption may be more or less than the investor's cost, depending upon the market value of the portfolio securities at the time of redemption.

(g) *Comparisons generally.* (1) To represent or imply that shares of an investment company are similar to or as safe as government bonds, insurance annuities, savings accounts or life insurance, or have the fixed income, principal, or any other features of a debt security.

(2) To represent or imply that the management of an investment company is under the same type of investment restrictions or is operated under limitations similar to or has fiduciary obligations such as those imposed by governmental authorities on savings banks and insurance companies, except to the extent that it is so restricted or limited by its statement of policy on file with this Commission.

(h) *Comparisons with market index on other security.* To use any comparison of an investment company security with any other security or medium of investment or any security index or average without pointing out:

(1) That the particular security or index or average and period were selected; and

(2) That the results disclosed should be considered in the light of the company's investment policy and objectives, the characteristics and quality of the company's investments, and the period selected; and

(3) Any factor necessary to make the comparison fair.

(i) *Source.* To represent or imply that investment companies in general are direct sources of new capital to industry or that a particular investment company is such a source unless the extent to which such investments are made is disclosed.

(j) *Performance charts.* To use any chart designed to depict the record of an investment company over a specific period of time which is contrary to the principles set forth in the Commission's announcement of April 2, 1948 in Investment Company Act Release No. 1160 and Securities Act Release No. 3281, as modified by a letter dated October 25, 1948 from the N. A. S. D. to the S. E. C. and a letter dated November 4, 1948 from the S. E. C. to the N. A. S. D.

(k) *Management claims.* To make any extravagant claims regarding management ability or competency.

(l) *Co-operatives.* To represent or imply that investment companies are operated as, or are similar to, "co-operatives".

(m) *Selection by fiduciaries.* To represent or imply that investment company shares generally have been selected by fiduciaries.

(n) *Continuous investment programs.* (1) To use the phrase "dollar averaging" or "averaging the dollar" (although the phrases "dollar cost averaging" or "cost averaging" are not objectionable) in referring to any plan of continuous investment in the shares of an investment company at stated intervals regardless of the price level of the shares;

(2) To discuss such a plan of continuous investment in the shares of investment companies, without making clear:

(i) That the investor will incur a loss under such a plan if he discontinues the plan when the market value of his accumulated shares is less than his cost; and

(ii) That the investor is investing his funds primarily in securities subject to market fluctuations and that the method involves continuous investment in such shares at regular intervals regardless of price levels; and

(iii) That the investor must take into account his financial ability to continue such a plan through periods of low price levels; and

(iv) That such plans do not and cannot protect against loss in value in declining markets.

(3) To use any table depicting the operation of a plan of continuous investment unless such table is based on the actual offering prices of the shares of the investment company and includes the total cost and liquidating value of the investment at the end of each year or any shorter period shown in the table.

(o) *Sales charges.* To fail to include in any sales literature which does not state the amount or rate of the sales charge (excepting letters to shareholders, and business letters to persons which have been preceded or accompanied by an effective prospectus, and communications between issuers, underwriters and dealers which deal only with routine business matters and which do not purport to describe the characteristics of an investment company) the following statement in a separate paragraph in type as large as that used generally in the body of the piece: "There is a sales charge to the investor included in the offering price of the shares of this company (or name of company). For details thereof and other material information, see the prospectus."

(p) *Switching from securities of one investment company to another.* To fail to include in any sales literature which is designed to encourage investors to switch from one investment company to another, or from one class of security of an investment company to another class, the substance of the following statement in a separate paragraph in type as large as that used generally in the body of the piece: "Switching from the securities of one investment company to another, or from one class of security of an investment company to another, involves a sales charge on each such transaction, for details of which see the prospectus. The prospective purchaser should measure these costs against the claimed advantage of the switch".

(q) *Industry performance against company performance.* To represent or imply that the performance of any particular company may be measured by or compared with or related to the performance of a particular industry unless the extent and scope of the portfolio of the particular company is such that its performance will generally approximate that of the industry.

(r) *Reprints.* To employ material in whole or in part from published articles or documents descriptive of or relating to investment companies unless such material, or the literature including such material, complies with this statement of policy and in addition such material is not taken out of context in a manner which alters its intended meaning.

NOTE: The text of § 271.1503 is identical with that appearing in § 231.3385.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 11, 1950.

[F. R. Doc. 50-7167; Filed, Aug. 16, 1950; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 25—DRESSINGS FOR FOODS

MAYONNAISE, FRENCH DRESSING, AND SALAD DRESSING; DEFINITIONS AND STANDARDS OF IDENTITY

Correction

In Federal Register Document 50-7049 appearing in the issue for Saturday, August 12, 1950, at page 5227, the thirteenth line of item 15 under *Findings of fact,* should read as follows: "these as optional egg-yolk-containing".

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. and Sup., 357) the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.; 15 F. R. 1073) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.; 15 F. R. 584, 1073, 1690, 4976) are amended as indicated below:

1. In § 141.5 *Sodium penicillin, calcium penicillin, potassium penicillin:*

a. The headnote of § 141.5 (d) is amended to read as follows: (d) *Heat stability.*

b. In § 141.5 (d), following the headnote, the paragraph beginning "Store a weighed sample * * *" is num-

bered subparagraph (1), and captioned: (1) *Crystalline penicillin, crystalline penicillin G.*

c. Section 141.5 (d) is further amended by adding a new subparagraph reading as follows:

(2) *Crystalline penicillin O.* Store a weighed sample (approximately 30 mg.) of crystalline penicillin O in an unstoppered 50-ml. Erlenmeyer flask for 4 days in an electric oven at 100° C.,±1°. At the end of this period it does not show a loss of more than 10% of its original potency when determined by the method described in § 141.1.

d. Section 141.5 is further amended by adding the following new paragraphs:

(g) *Penicillin G content of crystalline penicillin O*—(1) *Reagents.* (i) Concentrated sulfuric acid (sp. gr. 1.84).

(ii) Fuming nitric acid (sp. gr. 1.5).

(iii) Ammonium hydroxide (sp. gr. 0.90).

(iv) Solution of hydroxylamine hydrochloride. (Prepare by dissolving 15 gm. of reagent grade hydroxylamine hydrochloride in sufficient water to make 100 ml. of solution. Prepare a fresh solution once a week.)

(2) *Procedure.* Accurately weigh 75–85 mg. of penicillin O into a 50-ml. Erlenmeyer flask and add 2.0 ml. of concentrated sulfuric acid. When the sample is completely dissolved, add 0.4 ml. of fuming nitric acid and quickly swirl the flask to mix the contents thoroughly. Heat the flask on a steam bath for 40 minutes; cool for several minutes in an ice bath and add 10.0 ml. of cold water rapidly. When the solution has reached room temperature, pipette 5.0-ml. aliquots into each of two 50-ml. Erlenmeyer flasks. To one of the flasks add 2.0 ml. water (the blank). To the other flask add 2.0 ml. of the hydroxylamine hydrochloride solution. Cool both flasks in an ice bath, and while still in the ice bath make alkaline by adding 5.0 ml. of ammonium hydroxide, dropwise from a burette. Allow to stand for 45 minutes at room temperature and obtain a density reading of the color in a suitable photoelectric colorimeter, using a 550 $m\mu$ filter and a 1-cm. cell. Use the blank determination to set the instrument at the zero point. Determine the percent penicillin G from a standard curve prepared as follows: Add known increments of the penicillin G working standard (0.1 mg. to 1.5 mg.) to 75.0-mg. portions of the penicillin O working standard (obtained from the Food and Drug Administration). Determine the density readings by the method described above, except that in lieu of the water blank use the color developed with a 75.0-mg. portion of the penicillin O working standard to set the instrument at the zero point. This automatically corrects for any penicillin G present in the penicillin O working standard. Plot the density readings obtained against the penicillin G concentrations and use as the standard curve.

(h) *Penicillin O content.* Determine by means of a suitable infrared spectrometer, using the following procedure: Grind the sample to a uniform powder using a mortar and pestle. Weigh by difference, 100–150 mg. of liquid petrolatum into an agate mortar. Divide the actual weight of the liquid petrolatum by three, and add exactly this amount of the powdered penicillin O to the liquid petrolatum in the mortar. Mix with a small spatula and then mull thoroughly with the pestle until a uniform consistency is obtained. Use two circular rock-salt plates, each 2 inches in diameter as the absorption cell. Place a small drop of the mull in the center of one of the rock-salt plates. Place a brass spacer, 0.0036 inch thick, on the plate. (This spacer is cut in the shape of a circular gasket with a 1-inch center hole and a slit to permit the escape of air when the two plates are pressed together.) Put on the top salt plate gently and slowly squeeze together to spread the mull uniformly. Clamp the two plates firmly together in a metal cell holder. (The cell holder consists of two metal plates, one containing a rectangular center slit ¼ inch wide x ⅝ inch long, the other with a center hole 1 inch in diameter. The two plates are clamped together by means of threaded studs and nuts.) Examine the assembled cell by holding it up to the light. It should appear smooth, free of any air bubbles, and not in contact with the spacer. Adjust the amplification of the spectrometer to full-scale deflection for one microvolt, set the slit opening to about 0.300 and run the spectrum from 9.4 to 10.7 microns, using an automatic slit-control mechanism and taking a zero reading (shutter closed) at the beginning and at the end of the run. Draw a base line between two points, one on each side of the analytical band (10.1 microns) and calculate the base-line optical density, using the following formula:

$$D_B = \log 10 \frac{I_B}{I_p}$$

where:

D_B = base-line optical density.
I_p = distance from the zero line to the maximum absorption of the band.
I_B = distance from the zero line to the base line, measured at the same wave length as I_p.

Using known mixtures of penicillin G working standard and penicillin O working standard, prepare a standard curve by plotting the base-line optical densities obtained against the percent penicillin O. Obtain the percent penicillin O in the sample under test from this standard curve.

2. Section 141.107 *Streptomycin ointment* is amended as follows:

a. The headnote is changed to read: § 141.107 *Streptomycin ointment, dihydrostreptomycin ointment.*

b. Section 141.107, paragraph (a) *Potency* is amended by numbering the paragraph beginning with the sentence "Proceed as directed * * *" as subparagraph (1), captioned as follows: (1) *Streptomycin content.*

c. Section 141.107 (a) is further amended by adding the following new subparagraph:

(2) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (1) of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85% of the number of micrograms of dihydrostreptomycin base per gram it is represented to contain.

3. Section 146.24 *Sodium penicillin* * * * is amended as follows:

a. The headnote is changed to read: § 146. 24 *Sodium penicillin (penicillin sodium, penicillin sodium salt), calcium penicillin (penicillin calcium, penicillin calcium salt), crystalline penicillin (crystalline penicillin sodium, crystalline penicillin sodium salt, crystalline penicillin potassium, crystalline penicillin potassium salt, crystalline penicillin G sodium, crystalline penicillin G sodium salt, crystalline penicillin G potassium, crystalline penicillin G potassium salt, crystalline penicillin O sodium, crystalline penicillin O sodium salt, crystalline penicillin O potassium, crystalline penicillin O potassium salt).*

b. In § 146.24, paragraph (a) *Standards of identity, etc.*, is amended by changing the period at the end of the first sentence to a semicolon and adding the following words: "crystalline penicillin O is crystalline penicillin which contains not less than 85% by weight of the sodium salt or potassium salt of penicillin O and it contains not more than 0.5% by weight of the sodium salt or potassium salt of penicillin G."

c. In § 146.24, subparagraph (1) of paragraph (d) *Request for certification, etc.*, second sentence, is amended to read as follows: "Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, penicillin K content (unless it is crystalline penicillin G or crystalline penicillin O), crystallinity and heat stability if it is crystalline penicillin, the penicillin G content if it is crystalline penicillin G or crystalline penicillin O, and the penicillin O content if it is crystalline penicillin O."

d. In § 146.24, paragraph (d) (2) (ii) is amended to read as follows:

(ii) If it is crystalline penicillin G or crystalline penicillin O, then not less than 10 and not more than 17 immediate containers.

4. Section 146.36 *Penicillin vaginal suppositories* * * * is amended as follows:

a. The headnote is changed to read: § 146.36 *Penicillin vaginal suppositories.*

b. Paragraph (a) of § 146.36 is amended to read as follows:

(a) *Standards of identity, strength, quality, and purity.* Penicillin vaginal suppositories are suppositories composed of sodium penicillin, calcium penicillin, potassium penicillin, or procaine penicillin in a base of spermaceti and cocoa butter. The potency of each suppository is not less than 100,000 units; its moisture content is not more than 1.0%. The sodium penicillin, calcium penicillin, and potassium penicillin used conform to the requirements of § 146.24 (a), except subparagraphs (1), (2), and (4) of that paragraph, but its potency is not less than 300 units per milligram. The procaine penicillin used conforms to the requirements of § 146.44 (a), except subparagraphs (2) and (3) of that paragraph. The spermaceti and cocoa butter used conform to the standards prescribed therefor by the U. S. P.

c. In § 146.36, subparagraph (2) (ii) of paragraph (d) *Request for certification; samples* is amended to read as follows:

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline sodium, potassium, or procaine penicillin G), crystallinity if it is crystalline penicillin, heat stability if it is crystalline sodium or potassium penicillin, the penicillin G content if it is crystalline sodium or potassium penicillin G, and the procaine penicillin G content if it is procaine penicillin G.

d. Section 146.36 (d) (3) (ii) is amended to read as follows:

(ii) The penicillin used in making the batch; 6 packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 60 mg., if it is not procaine penicillin, and not less than 300 mg., if it is procaine penicillin, packaged in accordance with the requirements of § 146.24 (b) or § 146.44 (b).

5. In § 146.49 *Ephedrine penicillin tablets*, subparagraph (1) (vi) of paragraph (c) *Labeling* is amended to read as follows:

(vi) The statement "Warning—Not for injection or oral use."

6. Section 146.102 is amended as follows:

a. The headnote is changed to read: § 146.102 *Streptomycin ointment, dihydrostreptomycin ointment.*

b. In § 146.102, paragraph (a) is amended to read as follows:

(a) *Standards of identity, strength, quality, and purity.* Streptomycin ointment and dihydrostreptomycin ointment is streptomycin or dihydrostreptomycin in a suitable and harmless ointment base, with or without suitable and harmless dispersing and suspending agents. Its potency is not less than 5,000 micrograms per gram of ointment. The streptomycin used conforms to the requirements of § 146.101 (a), except subparagraphs (2), (4), (5), and (6) of that paragraph. The dihydrostreptomycin used conforms to the requirements of § 146.103, except the standards for sterility, pyrogens, histamine, and moisture. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

c. In § 146.102, paragraph (b) *Packaging*, first sentence, is amended by inserting the words "and dihydrostreptomycin ointment" immediately after the words "Streptomycin ointment".

d. In § 146.102, subparagraph (1) of paragraph (d) *Request for certification; samples*, first sentence, is amended by inserting the words "or dihydrostreptomycin ointment" immediately after the words "streptomycin ointment".

e. In § 146.102, paragraph (d) (2) (ii) is amended to read as follows:

(ii) The streptomycin or dihydrostreptomycin used in making the batch; potency, toxicity, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

f. In § 146.102 paragraph (d) (3) (ii) is amended to read as follows:

(ii) The streptomycin or dihydrostreptomycin used in making the batch; * * *

g. In § 146.102, paragraph (e) *Fees*, first sentence, is amended by inserting the words "or dihydrostreptomycin ointment" immediately after the words "streptomycin ointment".

This order, which provides for certification of procaine penicillin vaginal suppositories, dihydrostreptomycin ointment, and crystalline penicillin O (sodium and potassium), and for revocation of the requirement that the labels of ephedrine penicillin tablets shall bear a statement that the drug should be administered only by a physician, dentist, or veterinarian, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay marketing procaine penicillin vaginal suppositories, dihydrostreptomycin ointment, and crystalline penicillin O (sodium and potassium) and revocation of the requirement that the labels of ephedrine penicillin tablets shall bear a statement that the drug should be administered only by a physician, dentist, or veterinarian.

(Sec. 701, 52 Stat. 1055, 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup., 357)

Dated: August 11, 1950.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 50–7180; Filed, Aug. 16, 1950; 8:48 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.110]

PART 77—EXPORTATION OF TIN-PLATE SCRAP

REVOCATION

Pursuant to the provisions of section 10 of the Export Control Act of 1949 (Pub. Law 11, 81st Cong.), regulations issued for the carrying out of the act of February 15, 1936 (49 Stat. 1140), as contained in Part 77 of Title 22 of the Code of Federal Regulations, are hereby revoked.

Regulations governing exportation of tin-plate scrap are found in the Code of Federal Regulations, Title 15, Parts 370 to 399, inclusive.

(Sec. 12, 54 Stat. 10, as amended; 22 U. S. C. 452)

For the Secretary of State.

SAMUEL D. BOYKIN,
Director, Office of Consular Affairs.

AUGUST 10, 1950.

[F. R. Doc. 50–7179; Filed, Aug. 16, 1950; 8:48 a. m.]

Chapter II—Economic Cooperation Administration

[ECA Reg. 1, Admt. 4, Effective Sept. 1, 1950]

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO PARTICIPATING COUNTRIES

MISCELLANEOUS AMENDMENTS

ECA Regulation 1 is amended in the following respects:

1. The second paragraph in § 201.5 (b) (3) is deleted.

2. Section 201.6 (l) is renumbered § 201.6 (m) and a new § 201.6 (l) is added to read as follows:

(l) *Ineligible shipments.* Unless otherwise provided in the procurement authorization, if a commodity shall have been originally shipped from a country wholly or partly in Europe in the form, or substantially in the form, in which received by the participating country, the Administrator will not make reimbursement directly to the participating country for the purchase of the commodity; in cases of other types of reimbursement, the Administrator will request repayment from the participating country of the entire amount so reimbursed.

3. Section 201.19 (a) (4) is amended by adding the following unnumbered paragraph:

Unless the procurement authorization specifies as source a country wholly or partly in Europe, or requires as an additional document for reimbursement a certificate of growth or origin, the following signed certificate shall be endorsed on, or attached to, the copy (or photostat) of Supplier's invoice:

The undersigned certifies that the commodity involved was not originally shipped from a country wholly or partly in Europe, in the form, or substantially in the form, supplied by the undersigned.

4. The last sentence in § 201.23 (i) is amended to read as follows: "In this category are the provisions of § 201.6 (f) (2); § 201.6 (g); § 201.6 (h); § 201.6 (i); § 201.6 (j); § 201.6 (k) and § 201.6 (l)."

This amendment to ECA Regulation 1 will be effective as to all procurement authorizations originally issued on and after September 1, 1950.

(Sec. 104, 62 Stat. 138; 22 U. S. C. Sup., 1503. Interpret or apply secs. 111, 403, 62 Stat. 143, 159; 22 U. S. C. Sup., 1509, 1574)

WILLIAM FOSTER,
Acting Administrator for Economic Cooperation.

[F. R. Doc. 50–7181; Filed, Aug. 16, 1950; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 268]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 265]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MISCELLANEOUS AMENDMENTS

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Paragraph (a) of § 825.1 is amended to read as follows:

(a) *Housing and defense-rental areas to which §§ 825.1 to 825.12 apply.* Sections 825.1 to 825.12 (except the provisions contained in Schedule B) apply to all housing accommodations within each of the defense-rental areas and each of the portions of a defense-rental area (each of which is referred to hereinafter in §§ 825.1 to 825.12 as the "defense-rental area"), which are listed in Schedule A except as provided in paragraph (b) of this section: *Provided however*, That after December 31, 1950, said §§ 825.1 to 825.12 will apply only to housing accommodations in those defense-rental areas which are listed in Schedule C.

In Schedule A, the "maximum rent date" and the "effective date of regulation," as established under the rent regulation, issued pursuant to the Emergency price Control Act of 1942, as amended, are given for each defense-rental area listed. These apply to defense-rental areas listed in Schdule C, as well as to those listed in Schedule A. More than one effective date is given for different portions of a defense-rental area where the same effective date is not applicable to the entire defense-rental area.

In Schedule B are set forth provisions which modify or supplement §§ 825.1 to 825.12 insofar as they are applicable to certain individual defense-rental areas, or portions thereof.

In Schedule C are listed those localities, and the defense-rental areas in which they are located, which by reason of declarations made in accordance with section 204 (f) (1) of the act, will continue to be subject to §§ 825.1 to 825.12 after December 31, 1950.

2. The heading "Schedule C—Localities (and Defense-Rental Areas in which (Located) Affected by Declarations for Continuance of Rent Control after December 31, 1950" is added at the end of Schedule B.

3. The following items are incorporated in Schedule C, as follows:

Name of defense-rental area	State	Localities affected by declarations for continuance of rent control after Dec. 31, 1950
(371) Puerto Rico	Puerto Rico	In Puerto Rico, the municipalities of Isabella, Loiza, Cidra, Naranjito, San Lorenza and Cayey.
(83) Chicago	Illinois	In Cook County, the municipalities of Chicago and Evanston; and all unincorporated localities in the Counties of Cook, Kane, DuPage and Lake.
(88b) Peoria	do	In Tazewell County, the municipality of Pekin.
(142) Eastern Massachusetts	Massachusetts	In Suffolk County, the municipalities of Boston and Chelsea.
(147) Worcester	do	In Worcester County, the municipality of Auburn.
(190) Northeastern New Jersey	New Jersey	In Bergen County, the municipalities of East Rutherford and North Arlington; in Hudson County, the municipalities of Hoboken, Jersey City, and Union City.
(354b) Bluefield	West Virginia	In Raleigh County, the municipalty of Sophia.

This addition to Schedule C is based upon (1) declarations made on July 5, 1950, by the local governing bodies of Loiza and Isabella, Puerto Rico, (2) a declaration made on July 7, 1950, by the local governing body of Cidra, Puerto Rico, (3) a declaration made on July 8, 1950, by the local governing body of Naranjito, Puerto Rico, (4) a declaration made on July 11, 1950, by the local governing body of San Lorenza, Puerto Rico, (5) a declaration made on July 14, 1950, by the local governing body of Cayey, Puerto Rico, (6) a declaration made on July 12, 1950, by the local governing body of Chicago, Illinois, said City of Chicago being the major portion of the Chicago, Illinois, Defense-Rental Area, (7) declarations made on July 31, 1950, by the local governing bodies of Evanston, Illinois, Pekin, Illinois, and Auburn, Massachusetts, (8) declarations made on July 17, 1950, by the local governing bodies of Boston, Massachusetts, and East Rutherford, New Jersey, (9) a declaration made on July 20, 1950, by the local governing body of Chelsea, Massachusetts, (10) a declaration made on July 18, 1950, by the local governing body of Hoboken, New Jersey, (11) declarations made on August 1, 1950, by the local governing bodies of Jersey City and North Arlington, New Jersey, (12) a declaration made on July 25, 1950, by the local governing body of Sophia, West Virginia, and (13) a declaration made on August 3, 1950, by the local governing body of Union City, New Jersey, all in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective August 14, 1950.

Issued this 14th day of August 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-7197; Filed, Aug. 16, 1950; 8:51 a. m.]

[Controlled Housing Rent Reg., Amdt. 269]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 266]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA, FLORIDA, MICHIGAN AND OHIO

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 30, is amended to describe the counties in the Defense-Rental Area as follows:

Orange County, except (1) the Cities of Fullerton, Huntington Beach, Laguna Beach, Newport Beach and Orange (2) that portion of Orange County lying south of the south line of Township Six south, Range Eight West, San Bernardino Base and Meridian, and the easterly and westerly prolongation of said south line, and (3) that portion of Orange County beginning at the intersection of the north line of Section 12, Township 5 South, Range 12 West, San Bernardino Base and Meridian with the westerly line of said Orange County; running thence from said point of beginning easterly along Section lines to the northeast corner of Section 9, Township 5 South, Range 11 West, San Bernardino Base and Meridian; thence southerly along section lines to the northerly boundary line of the City of Huntington Beach, thence westerly and southerly along said boundary line of the City of Huntington Beach to the ordinary high tide line of the Pacific Ocean; thence northwesterly along said high tide line to the westerly boundary line of Orange County; thence northeasterly along said boundary line to the point of beginning; including the incorporated City of Seal Beach, and the unincorporated communities of Sunset Beach and Surfside.

Los Angeles County, except Catalina Township and the Cities of Arcadia, Alhambra, Bell, Beverly Hills, Burbank, Claremont, Compton, Covina, El Monte, El Segundo, Glendale, Hermosa Beach, Huntington Park, Inglewood, La Verne, Long Beach, Lynwood, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Pasadena, Pomona, Redondo Beach, Santa Monica, Sierra Madre, Signal Hill, South Gate and South Pasadena.

This decontrols the City of Burbank in Los Angeles County, California, a portion of the Los Angeles, California, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 65, is amended to read as follows:

(65) [Revoked and decontrolled.]

This decontrols (1) the City of Tallahassee in Leon County, Florida, a portion of the Tallahassee, Florida, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, based on a resolution submitted with respect to said City of Tallahassee in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Tallahassee being the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

3. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except the Townships of Addison, Brandon, Groveland, Highland, Holly, Independence, Milford, Oakland, Orion, Oxford, Rose and Springfield, and except the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville and Oxford, and except the City of Birmingham; Wayne County; and Macomb County, except the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Townships of Ann Arbor and the City of Ann Arbor.

This decontrols the City of Birmingham in Oakland County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

4. Schedule A, Item 224, is amended to describe the counties in the Defense-Rental Area as follows:

Summit County, except the Villages of Hudson, Silver Lake, and Tallmadge, and except the City of Cuyahoga Falls.

This decontrols the City of Cuyahoga Falls in Summit County, Ohio, a portion of the Akron, Ohio, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

5. Schedule A, Item 229, is amended to describe the counties in the Defense-Rental Area as follows:

Franklin County, except the City of Upper Arlington.

In Licking County, the City of Newark and the Townships of Madison and Newark.

This decontrols the City of Upper Arlington in Franklin County, Ohio, a portion of the Columbus, Ohio, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective August 15, 1950.

Issued this 14th day of August 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-7198; Filed, Aug. 16, 1950; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5800]

PART 171—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

PARTIAL REVOCATION

1. Pursuant to section 2883, I. R. C. (26 U. S. C. 2883), as amended by Public Law 448, 81st Congress, effective September 1, 1950, Treasury Decision 5111 (approved January 24, 1942) concerning production, withdrawal, etc., of distilled spirits of 160 degrees or more of proof at registered distilleries, fruit distilleries, and internal revenue bonded warehouses (26 CFR, §§ 171.20–171.30) and Treasury Decision 5132 (approved April 1, 1942) and Treasury Decision 5184 (approved November 27, 1942) concerning production, removal, etc., of unfinished spirits for redistillation (26 CFR, §§ 171.50–171.84), are revoked effective September 1, 1950.

2. The revocation of these regulations shall not affect or limit any act done or any liability incurred thereunder, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause or proceeding prior to the effective date of such revocation, nor shall such revocation release, acquit, affect, or limit any offense committed in violation of the regulations, or any penalty, liability or forfeiture incurred prior to such date.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

[SEAL] GEORGE J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: August 11, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-7176; Filed, Aug. 16, 1950; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.30 *Matter entitled to admission in the international mails free of postage* (39 CFR 127.30) amend paragraph (f) to read as follows:

(f) Articles mailed in Bolivia, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras (Republic of), Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador (El), Uruguay, and Venezuela which are entitled to pass in the domestic mails of any of those countries free of postage are likewise entitled to transmission free of postage to the United States. Also, articles entitled to pass free of postage in the domestic mails of the United States are likewise entitled to pass free of postage to any of the countries mentioned in this paragraph. Such articles must not exceed the weight limits shown in § 127.1, Table No. 2.

b. In § 127.56 *General list of prohibited articles* (39 CFR 127.56) amend paragraph (j) to read as follows:

(j) Explosive and inflammable articles and articles which, in any way, may damage or destroy the mails or injure the persons handling them. This includes inflammable liquids having a flash point by the Tagliabue open tester of 80 degrees F. or lower; inflammable solids which are liable, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, or through spontaneous chemical changes; oxidizing materials such as chlorates, permanganates, peroxides or nitrates, which yield oxygen readily to stimulate the combustion of organic matter; and poisonous articles or substances.

c. Amend § 127.60 *Combustible liquids* (39 CFR 127.60) to read as follows:

§ 127.60 *Combustible liquids.* (a) Combustible liquids having a flash point of 150 degrees F. or lower but above 80 degrees F. (Tagliabue open tester) may be sent to foreign countries generally in quantities not exceeding 1 quart in any one parcel, except that paints, varnishes, turpentine, and similar substances may be sent in quantities of less than 1 gallon in any one parcel.

(b) Before accepting any parcel containing a combustible liquid for a foreign country, postmasters shall exercise particular care to see that it is packed as prescribed in § 127.70, and that the country of destination does not prohibit liquids of the flash point mentioned.

(c) The wrapper of any parcel containing a combustible liquid must be endorsed by the mailer to indicate that the flash point is above 80 degrees F.

d. In § 127.105 *Indemnity for Postal Union registered articles* (39 CFR 127.105) amend paragraph (a) (3) to read as follows:

(3) For actual value not exceeding $25 for total loss of such articles exchanged with Canada.

e. In § 127.210 *Austria* (39 CFR 127.210; 15 F. R. 4499) make the following changes:

1. Amend subdivision (v) of paragraph (b) (4) to read as follows:

(b) *Parcel post.* • • •
(4) *Observations.* • • •
(v) Gift parcels, in order to be admitted without import license, must not contain more than 200 cigarettes, 50 cigars, or 15 grams (5¼ oz.) of tobacco, the maximum amount permitted per month for each addressee.

2. Amend subdivision (iii) of paragraph (c) (2) to read as follows:

(c) *U. S. A. gift parcels.* • • •
(2) *Observations.* • • •
(iii) When a relief parcel is presented for mailing under these regulations the words "U. S. A. Gift Parcel" shall be conspicuously endorsed by the mailer on the address side of the parcel and on the customs declaration. The use of the words "U. S. A. Gift Parcel" will be a certification by the mailer that the provisions of the ECA regulations have been met. If the parcels prove to be undeliverable as addressed and the senders have not specified an alternate addressee or requested return in case of nondelivery by means of an appropriate endorsement on the customs declaration and dispatch note, the parcels will be turned over to the Austrian Red Cross.

f. In § 127.225 *Bulgaria* (39 CFR 127.225; 15 F. R. 1842, 4499) make the following changes:

1. Redesignate subparagraph (a) (8) as (a) (9).

2. Insert a new subparagraph (a) (8) to read as follows:

(8) *Observations.* See "Observations" under Parcel post concerning Bulgarian import quotas, which also apply to merchandise in the regular mails.

3. Redesignate subparagraph (b) (4) as (b) (5).

4. Insert a new subparagraph (b) (4) to read as follows:

(4) *Observations.* Many varieties of merchandise are subject to import quotas in Bulgaria, and persons in that country are not permitted to receive more than the prescribed quantities by mail, even as gifts. Therefore, senders should be cautioned to assure themselves in advance of mailing whether the addressees will be permitted to receive the articles which they desire to send.

g. In § 127.231 *China (including Taiwan (Formosa) and the leased territory of Kwangchowman (Fort Bayard))* (39 CFR 127.231; 15 F. R. 1345, 2181) make the following changes:

1. Amend subparagraph (a) (2) to read as follows:

(a) *Regular mails.* • • •

(2) *Registration.* Fee, 25 cents. Registry service is available only to the island of Taiwan (Formosa). (See §§ 127.15 and 127.101.)

2. Amend subparagraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air-letter sheets, 10 cents each. (See § 127.20.) Air mail articles addressed to the island of Taiwan (Formosa) are forwarded to destination by air, while those for the remainder of China are transported by air to Hong Kong for onward transmission by surface means.

h. In § 127.264 *Germany* (39 CFR 127.264; 15 F. R. 4500) amend subdivision (xii) (*f*) of paragraph (a) (8) to read as follows:

(*f*) Seeds and other plant material must be inspected and certified as free of disease, pests, or weeds. However, vegetable seeds up to $5 in value in gift parcels are admitted without inspection certificates.

i. In § 127.368 *Tristan da Cunha* (39 CFR 127.368) amend paragraph (b) to read as follows:

(b) *Parcel post* (Tristan da Cunha).

(1) *Table of rates.* (i) Surface parcels.

[Rates include transit charges]

Pounds	Rate	Pounds	Rate
1	$0.26	7	$1.82
2	.52	8	2.08
3	.78	9	2.34
4	1.04	10	2.60
5	1.30	11	2.86
6	1.55		

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* The parcels are forwarded to the Union of South Africa and thence to Tristan da Cunha as opportunity offers.

(5) *Prohibitions.* No list.

j. In § 127.381 *Zanzibar and Pemba* (39 CFR 127.381; 15 FR 297) amend the table of rates in subdivision (i) of paragraph (b) (1) to read as follows:

(b) *Parcel post.* • • •

(1) *Table of rates.* • • •

[Rates include transit charges and surcharges]

Pounds:	Rate	Pounds:	Rate
1	$0.70	7	$1.96
2	.84	8	2.43
3	1.05	9	2.57
4	1.54	10	2.71
5	1.68	11	2.85
6	1.82		

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-7162; Filed, Aug. 16, 1950; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce [1]

Subchapter F—Merchant Ship Sales Act of 1946

[Gen. Order 60, Supp. 2, Amdt. 6]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

SUBPART A—GENERAL PROVISIONS

PREOPERATING AND OPERATING EXPENSES

Paragraph (p) *Preoperating and operating expenses* of § 299.1 *Definitions* is amended by adding at the bottom thereof the following:

Type of vessel:	
"Atenas" (reefer)	$90,000
"Carrillo" (reefer)	90,000
"Zacapa" (reefer)	95,000
"Z-EC2-S-C5" (steam reciprocating)	120,000

(Sec. 204, 49 Stat. 1987, as amended, sec. 12, 60 Stat. 49; 46 U. S. C. 1114, 50 U. S. C. App., 1745)

Effective from August 2, 1946, with respect to the types of vessels described herein.

E. L. COCHRANE,
Maritime Administrator.

AUGUST 7, 1950.

[F. R. Doc. 50-7199; Filed, Aug. 16, 1950; 8:52 a. m.]

[1] The new chapter head note is an interim designation designed to reflect Reorganization Plan No. 21 of 1950 (15 F. R. 3178)

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

DEER HUNTING IN CERTAIN NATIONAL WILDLIFE REFUGES IN NORTH DAKOTA

Basis and purpose: On the basis of observation and reports of field representatives of the Fish and Wildlife Service and of Conservation Agents of the North Dakota Game and Fish Department, it has been determined that there is a general surplus of deer in most parts of North Dakota and that a reduction of the population can be facilitated by opening certain national wildlife refuges to the public hunting of deer without interfering with primary purposes of such refuges.

Inasmuch as the following regulations are relaxations of the existing prohibition against hunting on the refuges, the notice and public rule-making procedure required by the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.) are hereby found to be impracticable and the effective date requirement of the Administrative Procedure Act does not apply.

Effective immediately upon publication in the FEDERAL REGISTER, §§ 33.9 to 33.11; §§ 33.78 to 33.80; §§ 33.95 to 33.97; §§ 33.108 to 33.110; §§ 33.201 to 33.203; §§ 33.331 to 33.333, are added.

SUBPART—ARROWWOOD NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

DEER HUNTING

§ 33.9 *Deer hunting permitted.* Deer may be taken in the daylight hours during the 1950 season on all of the lands of the United States within the Arrowwood National Wildlife Refuge, except within one-half mile of residences, as may be designated by suitable posting by the officer in charge, subject to the provisions, conditions, restrictions, and requirements of §§ 33.10 and 33.11.

§ 33.10 *Entry.* Entry on and use of the Refuge are governed by the regulation in Parts 18 and 21 of this chapter and strict compliance therewith is required. Hunters, when entering and leaving the public hunting area, must report to representatives of the Service or of the State at such checking stations as may be established for the purpose of regulating the hunt.

§ 33.11 *State hunting laws.* Strict compliance with all State laws and regulations is required and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer, a valid State hunting license for the taking of deer, if such is required by the State laws and regulations, which license shall serve as a Federal permit for the hunting of deer on the Refuge.

SUBPART—DES LACS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

DEER HUNTING

§ 33.78 *Deer hunting permitted.* Deer may be taken in the daylight hours during the 1950 season on all of the lands of the United States within the Des Lacs National Wildlife Refuge, except within one-half mile of residences, as may be designated by suitable posting by the officer in charge, subject to the provisions, conditions, restrictions, and requirements of §§ 33.79 and 33.80.

§ 33.79 *Entry.* Entry on and use of the Refuge are governed by the regulations in Parts 18 and 21 of this chapter and strict compliance therewith is required. Hunters, when entering and leaving the public hunting area, must report to representatives of the Service or of the State at such checking stations as may be established for the purpose of regulating the hunt.

§ 33.80 *State hunting laws.* Strict compliance with all State laws and regulations is required and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer, a valid State hunting license for the taking of deer, if such is required by the State laws and regulations, which license shall serve as a Federal permit for the hunting of deer on the Refuge.

SUBPART—LOSTWOOD NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

DEER HUNTING

§ 33.95 *Deer hunting permitted.* Deer may be taken in the daylight hours during the 1950 season on all of the lands of the United States within the Lostwood National Wildlife Refuge, except within one-half mile of residences, as may be designated by suitable posting by the officer in charge, subject to the provisions, conditions, restrictions, and requirements of §§ 33.96 and 33.97.

§ 33.96 *Entry.* Entry on and use of the Refuge are governed by the regulations in Parts 18 and 21 of this chapter and strict compliance therewith is required. Hunters, when entering and leaving the public hunting area, must report to representatives of the Service or of the State at such checking stations as may be established for the purpose of regulating the hunt.

§ 33.97 *State hunting laws.* Strict compliance with all State laws and regulations is required and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer, a valid State hunting license for the taking of deer, if such is required by the State laws and regulations, which license shall serve as a Federal permit for the hunting of deer on the Refuge.

SUBPART—LOWER SOURIS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

DEER HUNTING

§ 33.108 *Deer hunting permitted.* Deer may be taken in the daylight hours during the 1950 season on all of the lands of the United States within the Lower Souris National Wildlife Refuge, except within one-half mile of residences, as may be designated by suitable posting by the officer in charge, subject to the provisions, conditions, restrictions, and requirements of §§ 33.109 and 33.110.

§ 33.109 *Entry.* Entry on and use of the Refuge are governed by the regulation in Parts 18 and 21 of this chapter and strict compliance therewith is required. Hunters, when entering and leaving the public hunting area, must report to representatives of the Service or of the State at such checking stations as may be established for the purpose of regulating the hunt.

§ 33.110 *State hunting laws.* Strict compliance with all State laws and regulations is required and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer, a valid State hunting license for the taking of deer, if such is required by the State laws and regulations, which license shall serve as a Federal permit for the hunting of deer on the Refuge.

SUBPART—SLADE NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

DEER HUNTING

§ 33.201 *Deer hunting permitted.* Deer may be taken in the daylight hours during the 1950 season on all of the lands of the United States within the Slade National Wildlife Refuge, except within one-half mile of residences, as may be designated by suitable posting by the officer in charge, subject to the provisions, conditions, restrictions, and requirements of §§ 33.202 and 33.203.

§ 33.202 *Entry.* Entry on and use of the Refuge are governed by the regulation in Parts 18 and 21 of this chapter and strict compliance therewith is required. Hunters, when entering and leaving the public hunting area, must report to representatives of the Service or of the State at such checking stations as may be established for the purpose of regulating the hunt.

§ 33.203 *State hunting laws.* Strict compliance with all State laws and regulations is required and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer, a valid State hunting license for the taking of deer, if such is required by the State laws and regulations, which license shall serve as a Federal permit for the hunting of deer on the Refuge.

SUBPART—UPPER SOURIS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

DEER HUNTING

§ 33.331 *Deer hunting permitted.* Deer may be taken in the daylight hours during the 1950 season on all of the lands of the United States within the Upper Souris National Wildlife Refuge, except within one-half mile of residences, as may be designated by suitable posting by the officer in charge, subject to the provisions, conditions, restrictions, and requirements of §§ 33.332 to 33.333.

§ 33.332 *Entry.* Entry on and use of the Refuge are governed by the regulation in Parts 18 and 21 of this chapter and strict compliance therewith is required. Hunters, when entering and leaving the public hunting area, must report to representatives of the Service or of the State at such checking stations as may be established for the purpose of regulating the hunt.

§ 33.333 *State hunting laws.* Strict compliance with all State laws and regulations is required and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer, a valid State hunting license for the taking of deer, if such is required by the State laws and regulations, which license shall serve as a Federal permit for the hunting of deer on the Refuge.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715 i)

Dated: August 11, 1950.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 50-7156; Filed, Aug. 16, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 35]

U. S. STANDARDS FOR GRADES OF MILK FOR USE IN MANUFACTURE OF DAIRY PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of United States Standards for Grades of Milk for Use in the Manufacture of Dairy Products pursuant to the authority contained in Pub. Law 585, 81st Cong., approved June 29, 1950, and Pub. Law 627, 81st Cong., approved July 31, 1950.

All persons who desire to submit written data, views, or arguments, for consideration in connection with the proposed standards should file the same, in duplicate, with the Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

DEFINITIONS

§ 35.1 *Milk.* Milk is the fresh whole lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows.

EXPLANATION OF TERMS

§ 35.2 *Explanation of terms.* (a) *With respect to flavor and odor of milk.* (1) *Slight.* Barely noticeable or detectable and unlikely to result in an unnatural flavor or odor of the manufactured dairy product.

(2) *Moderate.* Definitely noticeable or detectable and present to such degree that it may result in unnatural flavor or odor of the manufactured dairy product.

(3) *Strong.* Pronounced and practically certain to result in an unnatural flavor or odor of the manufactured dairy product.

(4) *Offensive.* (i) Extreme, in the case of feed flavors or odors or weed flavors or odors.

(ii) So strong, in the case of any other unnatural flavor or odor as to be repulsive or reflect contamination by filth, kerosene, gasoline, fly spray, or by substances comparable to any of the foregoing.

(5) *Natural.* Characteristic of fresh, cool milk when examined within one hour after being obtained from healthy cows, and free from unnatural flavors and odors.

(6) *Unnatural.* Attributable to any one or more of the following: feeds (such as silage, green alfalfa, green rye, or turnips) or weeds (such as peppergrass, french weed, skunk cabbage, wild onion, or garlic); any contamination (including, but not being limited to udder infection, unclean equipment, or other contamination with bacteria, molds, or sediment) or presence of odors in the vicinity.

(b) *With respect to the flavor and odor of the manufactured dairy product.*—(1) *Natural.* Characteristic of a manufactured dairy product that was processed from milk having a natural flavor and odor.

(2) *Unnatural.* Attributable to any one or more of the following: Unnatural milk flavor and odor, manner of processing the manufactured dairy product; any contamination (including, but not being limited to, that due to bacteria or mold); or exposure to odors.

(c) *With respect to physical character of milk.*—(1) *Extraneous matter.* Substances (such as filth, hair, insects and parts thereof, and rodents and parts thereof); and materials (such as metal, wood, glass, and leather particles or objects).

(2) *Ropy or ropiness.* Thick appearance; strings from a rod or stirrer.

(3) *Flakes or clots.* Flakes, clots, or hard lumps.

(4) *Curdling.* Jellied appearance.

(d) *With respect to acidity.* The natural acidity of milk (generally equivalent to titratable acidity of not over 0.18 percent) [1] may vary with breed and locality.

(1) *Developed acidity.* Any increase in the natural acidity attributable to bacterial action.

(2) *Slight.* Barely detectable by smell (generally equivalent to titratable acidity of not over 0.20 percent).[1]

(3) *High.* Definitely detectable by smell (generally equivalent to titratable acidity of over 0.20 percent).[1]

U. S. GRADES

§ 35.3 *Nomenclature of U. S. Grades.*—(a) *General.* No U. S. Grade designation is applicable to milk that decolorizes methylene blue or resazurin in less than 1 hour; or has a standard plate count or direct microscopic (clump) count of more than 10,000,000 bacteria per ml.; or possesses any of the following:

(1) Putrid, kerosene, gasoline, fishy, fly spray, oil, paint, rancid, or other offensive flavors or odors.

(2) Acidity that is high.

(3) Blood, flakes or clots, curdling, or extraneous matter, or is ropy.

(4) Sediment content in excess of 2.50 mg. when tested by comparison of a properly prepared sediment disc with the United States Sediment Standards for Milk and Milk Products (14 F. R. 6658; 7 CFR 43.101) sediment disc representing 2.50 mg. of sediment.

(b) *Nomenclature.* The nomenclature of U. S. Grades is as follows: U. S. No. 1; U. S. No. 2; and U. S. No. 3.

§ 35.4 *Basis for determination of U. S. Grade.* The respective U. S. Grades of milk for use in the manufacture of dairy products are determined on the basis of flavor and odor, acidity, physical character, sediment, and bacterial content ascertained as follows:

(a) *Flavor, odor, and acidity.* The milk is examined for odor and developed acidity immediately after the lid is removed from the milk container. The flavor of the milk may be determined by tasting a laboratory pasteurized sample thereof.

(b) *Physical character.* The milk is examined to determine whether it is free from blood, ropiness, flakes or clots, curdling, and extraneous matter.

(c) *Sediment.* The milk is examined for sediment by using the "off-bottom" method of sediment testing as set forth in paragraph 9.06 of the publication "Standard Methods for the Examination of Dairy Products," Ninth Edition, 1948, published by the American Public Health Association, 1790 Broadway, New York, New York. Quantity of sediment is determined on the basis of the aforesaid United States Sediment Standards for Milk and Milk Products.

(d) *Bacterial content.* The milk is examined for bacterial content by the methylene blue test, the resazurin test, the standard plate count, or the direct microscopic (clump) count. The methods and procedures set forth in paragraphs 2.57 through 2.63, paragraphs 2.67 through 2.72, paragraphs 1.18 through 1.22, and paragraphs 1.31 through 1.34 of the aforesaid publication are followed.

§ 35.5 *U. S. Grades.*—(a) *U. S. No. 1.* U. S. No. 1 milk for use in the manufacture of dairy products conforms to the following requirements:

(1) *Flavor and odor.* Has not more than slight feed flavors and odors.

(2) *Acidity.* Has no developed acidity.

(3) *Physical character.* Is free from blood, ropiness, flakes or clots, curdling, and extraneous matter.

(4) *Sediment.* Contains not more than 0.30 mg. of sediment when tested by comparison of a properly prepared sediment disc with the aforesaid United States Sediment Standards for Milk and Milk Products sediment disc representing 0.30 mg. of sediment. When visual comparison of these discs shows a sediment content in excess of 0.30 mg. of sediment but not so much as to be nearer the 0.50 mg. of sediment disc of the aforesaid United States Sediment Standards, the sediment content shall be deemed to be not more than 0.30 mg.

(5) *Bacteria.* If the standard plate count or the direct microscopic (clump) count is used, does not contain more than 500,000 per ml.; if the methylene blue test is used, does not decolorize methylene blue in 4½ hours; or if the resazurin test is used, does not change the color of resazurin in 1 hour.

(b) *U. S. No. 2.* U. S. No. 2 milk for use in the manufacture of dairy products conforms to the following requirements:

(1) *Flavor and odor.* Has not more than moderate feed flavors and odors, and other unnatural flavors and odors to more than a slight degree.

(2) *Acidity.* Has no developed acidity.

(3) *Physical character.* Is free from blood, ropiness, flakes or clots, curdling, and extraneous matter.

(4) *Sediment.* Contains not more than 0.50 mg. of sediment when tested by comparison of a properly prepared sediment disc with the aforesaid United States Sediment Standards for Milk and Milk Products sediment disc representing 0.50 mg. of sediment. When visual comparison of these discs shows a sediment content in excess of 0.50 mg. of sediment but not so much as to be nearer the 2.50 mg. of sediment disc of the aforesaid United States Sediment Standards, the sediment content shall be deemed to be not more than 0.50 mg.

(5) *Bacteria.* If the standard plate count or the direct miscroscopic (clump) count is used, does not contain more than 3,000,000 per ml.; if the methylene blue test is used, does not decolorize methylene blue in 3 hours; or if the resazurin test is used, does not change the color of resazurin more than to a purplish pink color in 1 hour.

(c) *U. S. No. 3.* U. S. No. 3 milk for use in the manufacture of dairy products conforms to the following requirements:

(1) *Flavor and odor.* Has not more than strong feed flavors and odors, and other unnatural flavors and odors to more than a moderate degree.

(2) *Acidity.* Has slight developed acidity.

(3) *Physical character.* Is free from blood, ropiness, flakes or clots, curdling, and extraneous matter.

(4) *Sediment.* Contains not more than 2.50 mg. of sediment when tested by comparison of a properly prepared sediment disc with the aforesaid United States Sediment Standards for Milk and Milk Products sediment disc representing 2.50 mg. of sediment.

(5) *Bacteria.* If the standard plate count or the direct microscopic (clump) count is used, does not contain more than 10,000,000 per ml.; if the methylene blue test is used, does not decolorize methylene blue in 1 hour; or if the resazurin test is used, does not change the color of resazurin more than to a pink color in 1 hour.

Done at Washington, D. C., this 11th day of August 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-7204; Filed, Aug. 16, 1950; 8:53 a. m.]

[7 CFR, Part 958]

IRISH POTATOES GROWN IN COLORADO

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget of expenses and rate of assessment hereinafter set forth, which were recommended by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR 958.1 et seq.) regulating the handling of Irish potatoes grown in the State of Colorado, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.205 *Budget of expenses and rate of assessment, Area No. 2.* The expenses necessary to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions, pursuant to provisions of the aforesaid marketing agreement and order and regulations duly issued thereunder, during the fiscal period ending May 31, 1951, will amount to $5,880.00.

The rate of assessment to be paid by each handler who first ships potatoes from Area No. 2 shall be one-sixth of one cent per hundredweight of potatoes shipped by him therefrom as the first shipper thereof during such fiscal period: *Provided,* That, no assessment shall be paid for a shipment or shipments of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies.

Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 11th day of August 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch.

[F. R. Doc. 50-7205; Filed, Aug. 16, 1950; 8:53 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Part 78]

[File No. 21-192]

FEATHER AND DOWN PRODUCTS INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties (including consumers), affected by or having an interest in the proposed revision and extension of the trade practice rules for the Feather and Down Products Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than September 27, 1950. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., September 27, 1950, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, partnerships, corporations, organizations, or other parties (including consumers) who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

Issued: August 14, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-7170; Filed, Aug. 16, 1950; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

SMALL TRACT CLASSIFICATION ORDER NO. 21; CORRECTION

AUGUST 11, 1950.

Arizona Small Tract Classification Order No. 21, dated August 8, 1950 is hereby corrected to include and classify the SW¼ of Section 21, T. 1 N., R. 8 E., G. & S. R. B. & M., Arizona for lease and sale for combination home and business sites, homesites, and/or cabin sites. The appraisal thereof shown on Page 5 of the original order of August 8, 1950, shall remain in full force and effect, and all other terms and conditions of the original order shall be effecve as to the said SW¼ of Section 21.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 50-7200; Filed, Aug. 16, 1950; 8:52 a. m.]

ALASKA

SHORE SPACE RESTORATION NO. 445

AUGUST 10, 1950.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in acordance with 43 CFR, § 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands;

FAIRBANKS MERIDIAN

T. 1 S., R. 2 E.
Section 7: Lots 3 and 4, containing approximately 91 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

[1] Titratable acidity is determined as set forth in paragraph 12.04 of the publication "Standard Methods for the Examination of Dairy Products," Ninth Edition, 1948, published by the American Public Health Assn., 1790 Broadway, New York, New York.

At 10:00 a. m. on August 30, 1950, the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from August 30, 1950, to November 28, 1950, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homesite laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 10, 1950, to August 29, 1950, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on August 30, 1950, shall be treated as simultaneously filed.

(c) *Date for nonpreference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on November 29, 1950, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous nonpreference-right filings.* Applications by the general public may be presented during the 20-day period from November 9, 1950, to November 28, 1950, inclusive, and all such applications, together with those presented at 10:00 a. m. on November 29, 1950, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 66, of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Land Office at Fairbanks, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50–7157; Filed, Aug. 16, 1950; 8:45 a. m.]

ALASKA

SHORE SPACE RESTORATION NO. 444 AND SMALL TRACT CLASSIFICATION NO. 30

AUGUST 10, 1950.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and Departmental Order No. 2325, of May 24, 1947 (43 CFR § 4.275 (56), 12 F. R. 3566), and pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, of July 19, 1948 (43 CFR § 50.451 (a) (56), (b) (3), 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the public lands designated as U. S. Surveys Nos. 2402, 2403 and 2801, and the lands hereinafter described in the Anchorage, Alaska, land district, are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, for home and cabin sites:

KETCHIKAN AREA

MOUNTAIN POINT—HERRING BAY

U. S. Survey No. 2402: Lots A, B, C, D, E, F, G, H, I, L, N, O, P, Q, R, S, T, U, W, AA, BB, DD, GG, HH, II, MM, OO, QQ, RR, TT, UU, VV, WW, XX, ZZ, 18, 19, 28, 29, 30, 32, 36, 37, 44, 49, 50, 52, 53, 54, 55, 56, 60, 62, 64, 66, 67.

U. S. Survey No. 2403: Lots 77, 81, 83, 84, 86, 94.

U. S. Survey No. 2801: Lots 97, 98, 99, 100, 101, 102, 103, 104, 105.

Aggregating approximately 99.49 acres.

The land lies within an elimination from the Tongass National Forest and is located approximately 5 to 8 miles southeast of the city of Ketchikan. All-weather roads run through the area, thus permitting access by automobile at all times of the year. The terrain is generally rocky, covered in most places with a thin mantle of soil. The climate is typical of the southeastern coastal type, cool summers and mild winters, with very heavy precipitation supporting a dense growth of vegetation. The area is presently served with public utilities. Commercial, school and church facilities are available in the nearby city of Ketchikan. Adequate water supply for domestic use is obtained from water systems supplied by nearby streams.

This order shall not become effective to change the status of such lands or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on August 30, 1950. At that time the lands shall, subject to valid existing rights, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from 10:00 a. m. on August 30, 1950, to close of business on November 27, 1950, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282), as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on August 10, 1950, or thereafter, up to and including 10:00 a. m. on August 30, 1950, shall be treated as simultaneously filed.

(c) *Date for nonpreference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on November 28, 1950, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous nonpreference-right filings.* Applications under the Small Tract Act by the general public filed on November 8, 1950, or thereafter, up to and including 10:00 a. m. on November 28, 1950, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having suitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

All applications for the land, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than five years, at an annual rental of $5.00 for home and cabin sites, payable in advance for the entire lease period. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

All of the land will be leased in tracts varying in size from approximately 0.31 to 3.34 acres, in compact units, as shown on the official plat of survey on file in the Land Office, Anchorage, Alaska.

A number of the above described lots are currently covered by pending homesite applications under the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461), as amended. While such tracts have been classified under the Small Tract Act, such applicants will be accorded a preference right to perfect their claim under the Homesite Law or the Small Tract Act.

All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50–7158; Filed, Aug. 16, 1950; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 8415, 8870]

KANSAS CITY BROADCASTING CO., INC., AND REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

ORDER REOPENING RECORD FOR FURTHER EVIDENCE

In re applications of Kansas City Broadcasting Company, Inc., Kansas City, Missouri, Docket No. 8415, File No. BP–5829; Reorganized Church of Jesus Christ of Latter Day Saints, Independence, Missouri, Docket No. 8870, File No. BP–6630; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1950;

The Commission having under consideration (1) a petition filed January 30, 1950, by the Reorganized Church of Jesus Christ of Latter Day Saints, requesting that the Commission remand the Initial Decision in this proceeding to the Hearing Examiner, (2) a statement, filed February 13, 1950, by the Commission's General Counsel, in support of this petition, and (3) an opposition to the above petition, filed February 6, 1950, by the Kansas City Broadcasting Company, Inc.; and

It appearing, that the Examiner in the Initial Decision denied the application of the Reorganized Church of Jesus Christ of Latter Day Saints without prejudice because of the pendency of an overall policy proceeding before this Commission in Docket No. 9470; and that such a denial without prejudice did not flow from dispositive conclusions; and

It further appearing, that there are other material omissions in the findings of fact and conclusions of the Initial Decision with respect to the legal qualifications of the Reorganized Church of Jesus Christ of Latter Day Saints which could have been disposed of under the designated issues in this proceeding, and that such material omissions relate to the following questions:

(1) Whether the Reorganized Church of Jesus Christ of Latter Day Saints is a person or entity within the meaning of section 3 (1) of the Communications Act and legally qualified to assume the duties and responsibilities of a broadcast licensee, since there is an absence of articles of association or other organic acts identifying the unincorporated membership association, showing how the affairs of the organization are conducted, and vesting authority and specified duties and responsibilities in governing boards and various offices;

(2) Whether the Reorganized Church of Jesus Christ of Latter Day Saints as an unincorporated membership association, has made an appropriate and sufficient showing with respect to the citizenship of its membership in accordance with section 310 of the Communications Act, and in view thereof whether the applicant is qualified to be a licensee;

(3) Whether the Reorganized Church of Jesus Christ of Latter Day Saints, in accordance with section 310 of the Communications Act, is legally qualified to be a licensee since one member of its governing board is an alien;

(4) Whether the program proposals of the Reorganized Church of Jesus Christ of Latter Day Saints constitute a diversified program structure which would meet the needs of the areas and populations proposed to be served and which would be in the public interest; and

It further appearing, that the orderly dispatch and administration of the Commission's formal hearings requires dispositive findings and conclusions to be reached in Initial Decisions;

It is ordered, That (1) the Initial Decision herein is vacated and set aside: and (2) that the proceeding is remanded to the Examiner previously appointed for further proceedings consistent with this order.

Released: June 26, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–7183; Filed, Aug. 16, 1950; 8:49 a. m.]

[Dockets Nos. 9561, 9754]

LOUIS WASMER AND YAKIMA BROADCASTING CORP. (KALE)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Louis Wasmer, Pasco, Washington, Docket No. 9561, File No. BP–7337; Yakima Broadcasting Corporation (KALE), Richland, Washington, Docket No. 9754, File No. BP–7728; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 2d day of August 1950;

The Commission having under consideration the above-entitled applications of Louis Wasmer for a new standard broadcast station to operate on 960 kc., with 1 kw. power, utilizing different directional antennas for day and night, at Pasco, Washington, and Yakima Broadcasting Corporation, licensee of Station KALE, Richland, Washington, for a change of facilities from 900 kc., 1 kw., day time only, to 960 kc., 1 kw., unlimited time, with directional antenna at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on January 25, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and the technical, financial and other qualifications of the corporate applicant, its officers, directors and stockholders, to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applica-

tions in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7184; Filed, Aug. 16, 1950; 8:50 a. m.]

[Docket Nos. 9755, 9756]

LAWTON-FT. SILL BROADCASTING CO. AND CADDO BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Byrne Ross, Lila G. Ross, Robert R. Harrison and Dorothy V. Harrison, d/b as Lawton-Ft. Sill Broadcasting Company, Lawton, Oklahoma, Docket No. 9755, File No. BP-7665; J. D. Allen tr/as Caddo Broadcasting Company, Anadarko, Oklahoma, Docket No. 9756, File No. BP-7737; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of August 1950;

The Commission having under consideration the above-entitled applications of Byrne Ross, et al. d/b as Ft. Sill Broadcasting Company for a new standard broadcast station to operate on 1250 kc. with 500 watts power, 1 kw. until local sunset, utilizing separate directional antennas for day and night operation at Lawton, Oklahoma; and of J. D. Allen tr/as Caddo Broadcasting Company for a new standard broadcast station to operate on 1250 kc., with 500 watts power, daytime only at Anadarko, Oklahoma;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on January 26, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and its partners and of the individual applicant to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station at Anadarko, Oklahoma would involve objectionable interference with Station KASA, Elk City, Oklahoma and with Station KSMI, Seminole, Oklahoma, and whether the operation of both of the proposed stations would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station at Lawton, Oklahoma, and of Station KLPR, Oklahoma City, Oklahoma, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either of the applications in this consolidated proceeding, should be granted.

It is further ordered, That the Southwest Broadcasting Company, licensee of Station KASA, Elk City, Oklahoma; and KADA Broadcasting, Inc., licensee of Station KSMI, Seminole, Oklahoma, be made parties to this proceeding with respect to the Anadarko, Oklahoma, application.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7185; Filed, Aug. 16, 1950; 8:50 a. m.]

[Docket No. 9758]

APPLICATION OF COASTWISE LINE FOR RELIEF FROM FORFEITURES IMPOSED IN CONNECTION WITH SAILING OF "SS WILLIAM BLACK YATES"

ORDER DESIGNATING PETITION FOR HEARING UPON STATED ISSUES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of August 1950;

The Commission having under consideration the petition of Coastwise Line requesting (1) that the Commission reconsider its denial of the application of Coastwise Line for relief from forfeitures imposed in connection with the sailing of the "SS William Black Yates" in violation of sections 351 and 353 of the Communications Act of 1934, as amended, and either remit the said forfeitures on the "basis of the papers or documents on file in the proceeding" or "place the matter on the calendar of the Commission for hearing and argument", and (2) that the period in which Coastwise Line was required to make payment of the forfeitures imposed by the Commission be extended until the conclusion of proceedings on this petition; and

It appearing, that the Commission is unable to find on the basis of the "papers and documents on file" in this matter that remission of the said forfeitures is warranted; and

It further appearing, that it is appropriate in this case to afford petitioner an opportunity to adduce testimony and evidence in a hearing in support of its request for remission of the said forfeitures; and

It further appearing, that it is unnecessary to take action on the petitioner's request for oral argument at this time, since the petitioner is entitled under the provisions of § 1.854 of the Commission's rules to make a further request therefor upon the issuance of an initial decision in the hearing herein ordered; and

It further appearing, that it is appropriate to extend the period in which the Coastwise Line was required to make payments of the forfeitures imposed by the Commission until the issuance of a final decision in the hearing herein ordered:

It is ordered, That the above-captioned petition of Coastwise Line for reconsideration by the Commission of its denial of the application of Coastwise Line for relief from forfeitures is granted; and

It is further ordered, That the above-described request of Coastwise Line for immediate remission of forfeitures imposed by the Commission is denied; and

It is further ordered, That the period in which the Coastwise Line was required to make payment of the forfeitures imposed by the Commission is extended until the issuance of a final decision in the hearing herein ordered; and

It is further ordered, That the matter of the mitigation or remission of forfeitures heretofore imposed in connection with the sailing of the "SS William Black Yates" in violation of sections 351 and 353 of the Communications Act of 1934, as amended, is designated for hearing before a Commission Examiner at 10:00 a. m., on the 26th day of September 1950, at the offices of the Commission in Washington, D. C., upon the following issues:

(1) To ascertain the facts and circumstances relating to the voyage of the "SS William Black Yates" in the open sea from St. Johns, Newfoundland, to Bremen, Germany, during the approximate period July 22, 1948, through August 2, 1948, without a qualified radio operator aboard contrary to the provisions of sections 351 and 353 of the Communications Act of 1934, as amended.

(2) To determine whether any additional facts or circumstances exist which would have a bearing on the question of mitigation or remission of the forfeitures imposed by the Commission and particularly,

(a) To determine in view of the route and conditions of such voyage the degree of hazard to the "SS William Black Yates" involved therein.

(b) To determine in view of the route and conditions of such voyage the degree of hazard to other ocean-going vessels engendered by reason of the failure to have a qualified operator on board.

(c) To determine the benefits, financial or otherwise, if any, to Coastwise Line derived by reason of the failure to delay the said voyage until a qualified radio operator became available for such a voyage.

It is further ordered, That a copy of this order be mailed to Coastwise Line, 150 Sansome Street, San Francisco, California, and to its attorneys, Radner, Zito and Donoghue, Tower Building, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7186; Filed, Aug. 16, 1950; 8:50 a. m.]

[Docket No. 9601]

DOOR COUNTY RADIO CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Door County Radio Company, Sturgeon Bay, Wisconsin, Docket No. 9601, File No. BP-7353; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of August 1950;

The Commission having under consideration the above-entitled application of Door County Radio Company requesting a construction permit for a new standard broadcast station to operate unlimited hours on frequency 1490 kc with 100 watts power at Sturgeon Bay, Wisconsin; and

It appearing, that, on March 6, 1950, the Commission designated for hearing the application of Door County Radio Company requesting a construction permit for a new station to operate unlimited hours on 1490 kc with 250 watts power at Sturgeon Bay, Wisconsin, to determine, among other things, whether the operation of the proposed station would involve objectionable interference with Station WOSH, Oshkosh, Wisconsin, and whether the proposed installation would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations; and

It further appearing, that, on June 13, 1950, the Door County Radio Company filed a petition for leave to amend its application to specify operation with 100 watts power and that, on June 23, 1950, the applicant's petition to amend to specify reduced operating power was granted and that the application, as amended, was removed from the hearing calendar; and

It further appearing, that, upon the basis of information contained in the Door County Radio Company application, as amended, the applicant is legally, technically, financially, and otherwise qualified to construct and operate the proposed station and that the type and character of program service proposed to be rendered would meet the requirements of the populations and areas to be served, but that on the basis of the aforementioned petition and information as submitted in the application, as amended, it appears that the proposed operation may involve objectionable interference with one or more existing stations or otherwise not comply with the Commission's rules and standards;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application of Door County Radio Company is designated for hearing to commence the 29th day of January 1951 at Washington, D. C. upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WOSH, Oshkosh, Wisconsin or with any other existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Oshkosh Broadcasting Company, licensee of Station WOSH, Oshkosh, Wisconsin is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7187; Filed, Aug. 16, 1950; 8:50 a. m.]

[Docket No. 9390]

IDAHO RADIO CORP. (KID)

ORDER REOPENING RECORD FOR EVIDENCE

In re application of Idaho Radio Corporation (KID), Idaho Falls, Idaho; Docket No. 9390, File No. BMP-3308; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th of August 1950;

The Commission having under consideration (1) the record in the above proceeding, (2) the Examiner's Initial Decision herein, dated February 1, 1950 (released on February 6, 1950), (3) petitions to reopen the record filed by the General Counsel of the Commission and Radio Station WOW, Inc., a respondent, on March 28, 1950, and April 20, 1950, respectively, and (4) an opposition thereto filed by the applicant, Idaho Radio Corporation (KID), on May 1, 1950; and

It appearing, that in the Initial Decision looking toward a grant of the application the Examiner based the findings and conclusions as to the interference expected to be caused to Station WOW from the proposed operation of Station KID upon the radiation values which were specified in the construction permit on 590 kc. of Station KSUB, Cedar City, Utah, and which were described in such permit as the values not to be exceeded; and the Examiner based the findings and conclusions as to the interference to be suffered by Station KSUB from the KID proposal upon an assumed antenna site of Station KSUB to the southeast of Cedar City; and

It further appearing, that on February 28, 1950, Station KSUB filed a proof of performance which indicates that the fields radiated by Station KSUB in the direction of Station WOW are less than those values upon which the findings and conclusions are based, thus affecting the interference which Station WOW would expect to receive from the proposed Station KID operation; and that an examination of the files of Station KSUB shows that the actual location of the antenna site of Station KSUB is northwest of Cedar City, whereas the site on which the evidence of record is based is southest of Cedar City, some 11.5 miles to the southeast of the actual site, thereby rendering the showing of interference which Station KSUB would receive from the Station KID proposal inaccurate; and

It further appearing, that in the aforesaid petitions the General Counsel and Radio Station WOW, Inc., request that the record be reopened for the purpose of receiving new evidence relating to interference to WOW from the KID proposal; that the General Counsel also requests that the record be reopened for the purpose of receiving new evidence relating to interference to KSUB from the KID proposal; and that it is alleged said evidence has a material bearing upon the issues in this proceeding; and

It further appearing, that in its opposition to the said petitions Idaho Radio Corporation (KID), among other things, asserts, that if the Station WOW population which would receive interference by reason of the operation of KID is properly counted, the increase in such population which would result from a calculation of the interference upon the basis of the evidence above-described as against that used by the Examiner would be "infinitosimal" and does not justify reopening the record; and

It further appearing, that in view of the foregoing circumstances, appropriate new evidence should be considered in the determination of the issues in this proceeding, and the parties given an opportunity to establish their respective contentions in connection therewith;

It is ordered, That the above-mentioned petitions of the General Counsel of the Commission and Radio Station WOW, Inc. (WOW), are granted; the Initial Decision herein, released February 6, 1950, is vacated and set aside; the record is reopened; and the proceeding is remanded to the Examiner previously appointed, for the purpose of receiving appropriate evidence as to the populations and areas now receiving service

from Stations KSUB and WOW which would receive interference from the operation of Station KID, in the light of the factors described above, and the other services available thereto.

Released: August 10, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7188; Filed, Aug. 16, 1950; 8:50 a. m.]

[Docket No. 9627]

ALL-OKLAHOMA BROADCASTING CO. (KRMG)

ORDER SCHEDULING HEARING

In re application of All-Oklahoma Broadcasting Company (KRMG), Tulsa, Oklahoma, Docket No. 9627, File No. BP-7420; for construction permit.

The Commission having under consideration two petitions filed by the All-Oklahoma Broadcasting Company (KRMG), Tulsa, Oklahoma, the first filed July 28, 1950, requesting leave to amend its above-entitled application to change the type number of the transmitter proposed to be used; and the second, filed on August 1, 1950, requesting leave to amend its above-entitled application to make changes in its nighttime directional pattern, thereby reducing its radiation in the direction of Canada and slightly increasing the radiation in the direction of KACE, Dallas, Texas, so as to increase the population interfered with from a total of 1,639 to 1,919 persons, and also requesting a further hearing be held on the application, as amended, and that § 1.745 of the Commission's rules be waived so that immediate action may be taken on the petition for further hearing; and

It appearing that the hearing on the application herein was held on July 21, 1950, in Washington, D. C. and the record left open until August 4, 1950; and

It further appearing that no opposition to the first petition, which has been on file since July 28, 1950, has been filed by Station KACE or the General Counsel, that both counsel for Station KACE and the Commission's General Counsel have consented to immediate action upon the second petition, that counsel for Station KACE, has, in addition, consented to a grant of the second petition, that there are no other parties to this proceeding, and that the requirements of § 1.745 of the Commission's rules have therefore been met;

It is therefore ordered, This 4th day of August 1950, that the petition for leave to amend to change the type number of the transmitter be and it is hereby granted and the amendment is accepted; the petition for leave to amend to make changes in the nighttime directional pattern and for further hearing herein is granted, the amendment is accepted, the further hearing for the presentation of evidence in support of the proposal shall commence on August 23, 1950, at 10:00 a. m., in Washington, D. C., and the record shall remain open until the completion of this further hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7189; Filed, Aug. 16, 1950; 8:50 a. m.]

[Docket No. 9642]

PULITZER PUBLISHING CO. (KSD)

ORDER CONTINUING HEARING

In re application of The Pulitzer Publishing Company (KSD), St. Louis, Missouri, Docket No. 9642, File No. BP-7486; for construction permit.

The Commission having under consideration a petition filed July 28, 1950, by the Pulitzer Publishing Company (KSD), St. Louis, Missouri, requesting that the hearing on its application, scheduled for August 16, 1950, be continued indefinitely, in order to afford the applicant time to complete certain engineering data which applicant hopes to present to the Commission together with a petition to reconsider and grant; and

It appearing that no opposition has been filed to this petition by Station WKRC or the Commission Counsel and there are no other parties to this proceeding;

It is therefore ordered, This 4th day of August 1950, that the petition for an indefinite continuance be and it is hereby granted and the hearing herein is hereby continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7190; Filed, Aug. 16, 1950; 8:50 a. m.]

[Docket Nos. 8716, 9503, 9504]

GREENWICH BROADCASTING CORP. ET AL.

ORDER CONTINUING HEARING

In the matter of The Greenwich Broadcasting Corp., Greenwich, Connecticut, Docket No. 8716, File No. BP-6315; applicant for construction permit for a new standard broadcasting station, World Wide Broadcasting Corp. (WRUX), Hatherly Beach, Scituate, Boston, Mass., Docket No. 9503, File No. BRIB-26; applicant for renewal of license. World Wide Broadcasting Corp. (WRUW), Scituate, Boston, Mass., Docket No. 9504, File No. BPIB-63; applicant for construction permit to increase power and to change call letters to WRUL upon completing construction.

The Commission having under consideration a petition for indefinite continuance of the hearing now scheduled for August 15, 1950, which was filed on July 14, 1950, on behalf of World Wide Broadcasting Corporation; and

It appearing from the petition and from the Commission's records that the petitioner has filed, on August 2, 1950 a Petition for Reconsideration and Grant which requires consideration by the Commission en banc; and

It further appearing, that no opposition to the granting of the petition for continuance has been filed on behalf of the other applicant, or the respondents, or the Commission, and that a grant of the petition will conduce to the proper dispatch of the Commission's business and to the ends of justice; now therefore

It is ordered, This 4th day of August 1950, that the petition for continuance be, and it is hereby, granted, and the hearing in this proceeding, now scheduled to commence at Boston, Massachusetts, on Tuesday, August 15, 1950, is continued without date to await such further action as may be deemed appropriate by the Commission in view of the pending petition for reconsideration and grant.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7191; Filed, Aug. 16, 1950; 8:50 a. m.]

[Docket No. 9628]

KSOK BROADCASTING CO., INC. (KSOK)

ORDER CONTINUING HEARING

In re application of The KSOK Broadcasting Company, Inc. (KSOK), Arkansas City, Kansas, Docket No. 9628, File No. BP-7192; for construction permit.

The Commission having under consideration a Petition filed August 3, 1950, by the applicant, The KSOK Broadcasting Company, Inc., requesting a continuance for thirty days of the hearing which is now scheduled for Monday, August 7, 1950, at Washington, D. C.; and

It appearing, that the applicant and petitioner desires the continuance in order to afford it an opportunity to seek by appropriate pleadings to the Commission a clarification of the issues upon which this matter was designated to be heard; and

It further appearing, that there are no other parties to this proceeding and that counsel for the Commission has informally consented: to a waiver of the notice and time of filing requirements of the Commission's rules; to a consideration of the instant petition upon this date; and to a grant of the petition to the extent hereinafter ordered; and

It further appearing, that it would be conducive to the orderly administration and dispatch of the Commission's business to permit to the applicant an opportunity to plead to the Commission for clarification of the issues, for which reason the continuance herein requested will tend to serve the ends of justice; now therefore

It is ordered, This 4th day of August 1950, that the Petition be, and it is hereby, granted, and the hearing upon this application now scheduled to commence at Washington, D. C., on Monday, August 7, 1950, is continued without date to await such action as may be deemed appropriate by the Commission after consideration of the proposed pleadings seeking clarification of the issues herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7193; Filed, Aug. 16, 1950; 8:51 a. m.]

[Docket Nos. 9334, 9574]

COASTAL BROADCASTING CO. (WHIT) AND COMMONWEALTH BROADCASTING CORP. (WELS)

ORDER CONTINUING HEARING

In re applications of Coastal Broadcasting Company (WHIT), New Bern, North Carolina, Docket No. 9334, File No. BP-7208; Commonwealth Broadcasting Corporation (WELS), Kinston, North Carolina, Docket No. 9574, File No. BMP-4917; for construction permit and modification of CP.

The Commission having under consideration a petition for continuance for a period of 30 days of the hearing now scheduled for August 9, 1950, which was filed on the 28th day of July 1950, on behalf of Commonwealth Broadcasting Corporation; and

It appearing from the petition and from the Commission's records that the applicant Coastal Broadcasting Company has heretofore filed a petition to dismiss its application; that another applicant, on July 17, 1950, filed application for a construction permit for use at Kinston, North Carolina, of the same frequency requested by the applicants herein; and that the latter application may be designated for hearing in this proceeding; and

It further appearing, that no opposition to the instant petition for continuance has been filed and the granting thereof to the extent hereinafter indicated will conduce to the proper dispatch of the Commission's business and to the ends of justice; now therefore

It is ordered, This 4th day of August 1950, that the petition for continuance be and it is hereby granted and the hearing in this proceeding is continued from August 9, 1950 until 10 o'clock a. m. on Tuesday, September 19, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7192; Filed, Aug. 16, 1950; 8:51 a. m.]

[Docket No. 9637]

RADIO ATHENS, INC. (WRFC)

ORDER CONTINUING HEARING

In re applications of Radio Athens, Inc. (WRFC), Athens, Georgia, Docket No. 9637, File No. BP-7415; for construction permit.

The Commission having under consideration a petition filed July 26, 1950, by May Broadcasting Company (KMA), respondent herein, requesting a continuance for 60 days of the above-entitled hearing now scheduled to begin on August 9, 1950; and a pleading filed July 28, 1950, by Radio Athens, Inc. (WRFC) opposing said petition for continuance and argument having been heard on said petitions; and

It appearing that the Commission on August 2, 1950, amended one of the issues to be developed at the hearing, and the applicant and other parties having consented to a 30-day continuance;

It is ordered, This the 4th day of August 1950, that the hearing in the above-entitled proceeding now scheduled to begin August 9, 1950, is continued to September 12, 1950, at 10:00 a. m., in the offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7194; Filed, Aug. 16, 1950; 8:51 a. m.]

[Docket Nos. 9227, 9228, 9515]

MATHESON RADIO CO., INC. (WHDH), ET AL.

ORDER SCHEDULING FURTHER HEARING

In re petitions of Matheson Radio Company, Inc. (WHDH), Boston, Massachusetts, Docket No. 9227; National Broadcasting Company, Inc. (KOA), Denver, Colorado, Docket No. 9228. In re application of Champlain Valley Broadcasting Corporation (WXKW), Albany, New York, Docket No. 9515, File No. BMP-4580; for modification of construction permit.

The Commission having under consideration the matter of scheduling for further hearing the above-entitled proceeding; and

It appearing, that the hearing in the said proceeding was adjourned without date pending action by the Commission upon the petition for review filed jointly on April 3, 1950 by the National Broadcasting Company, Inc. (KOA) and Matheson Radio Company, Inc. (WHDH) of the Examiner's order of March 28, 1950 granting the petition and supplemental petition of Champlain Valley Broadcasting Corporation (WXKW) for leave to amend its application for modification of construction permit; and

It appearing further, that on August 3, 1950, the Commission by memorandum opinion and order denied the joint petition of National Broadcasting Company, Inc. (KOA) and Matheson Radio Company, Inc. (WHDH) and affirmed the Examiner's action accepting the WXKW amendment; and that accordingly, there is now no reason why the above-entitled proceeding should not be scheduled for further hearing;

It is ordered, This 7th day of August 1950, that the further hearing in the above-entitled proceeding be, and it is hereby scheduled in Washington, D. C. for 10:00 o'clock a. m. on Tuesday, September 5, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7195; Filed, Aug. 16, 1950; 8:51 a. m.]

[Docket Nos. 8001, 8685, 8830, 9130, 9222]

UNITY CORP., INC. (WTOD), ET AL.

ORDER SCHEDULING FURTHER HEARING

In re applications of Unity Corporation, Inc. (WTOD), Toledo, Ohio, Docket No. 8001, File No. BP-5071; The Midwestern Broadcasting Company, Toledo, Ohio, Docket No. 8685, File No. BP-6421; The Toledo Blade Company, Toledo, Ohio, Docket No. 8830, File No. BP-6534; The Rural Broadcasting Company of Ohio, Oak Harbor, Ohio, Docket No. 9130, File No. BP-6758; Radio Corporation of Toledo, Toledo, Ohio, Docket No. 9222, File No. BP-7057; for construction permits.

The Commission having under consideration the matter of scheduling for further hearing the above-entitled proceeding; and

It appearing, that the hearing on the above-entitled applications was continued indefinitely by the Commission on March 15, 1950, pending action by it upon certain petitions for rehearing which had been filed by a number of the above-entitled applicants against Commission action granting an application of Station WMBD, Peoria, Illinois, for modification of construction permit (BMP-4739), since it appeared that said grant materially affected the engineering testimony to be presented by the said applicants in this proceeding, and also pending decision of said applicants as to whether or not they desired to amend site and antenna specifications; and

It further appearing, that the WMBD application for modification of construction permit (BMP-4739), which had theretofore been granted by the Commission and against which said petitions for rehearing were pending by a number of the above-entitled applicants, was subsequently amended by WMBD (BMP-5165); that the Commission on July 26, 1950, by Memorandum Opinion detefmined that if said WMBD application were granted the RSS at Toledo would be lower than that resulting from the presently licensed operation of WMBD; that the operation proposed in BMP-5165 would not result in any increase of limitation to existing or proposed stations, and otherwise would be in compliance with the Standards of Good Engineering Practice; granted said WMBD application, as amended, for construction permit (BMP-5165) subject to certain conditions (not here material), and dismissed as moot the petitions for rehearing filed by the above-entitled applicants, which were directed against the WMBD grant of application for construction permit, file No. BMP-4739; and

It further appearing, that in view of said action there now is no reason why the further hearing on the above-entitled matters should not be scheduled;

It is ordered, This 7th day of August 1950, that the further hearing in the above-entitled matters be, and it is hereby, scheduled in Washington, D. C., at 10:00 o'clock a. m. on Monday, September 25, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7196; Filed, Aug. 16, 1950; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign and Domestic Commerce

[Case No. 84]

ROLF G. GROTE

DECISION OF APPEALS BOARD

In the matter of Rolf G. Grote, 1482 York Avenue, New York, New York; on appeal—Docket FC-6; Case No. 84.

Upon reading the transcript of the hearing held in Washington, D. C., December 21, 1949, by Milton M. Thompson, Compliance Commissioner, together with the exhibits introduced in evidence at said hearing, the report and recommendations dated April 28, 1950, of said Commissioner to John F. Havener, Assistant Director, Office of Industry and Commerce, the order suspending license privileges, dated July 3, 1950, issued by said John F. Havener thereon, and upon oral arguments of counsel for Office of Industry and Commerce and appellant before the Appeals Board in Washington, D. C., August 8, 1950, upon appeal from said order suspending license privileges,

The Appeals Board finds as follows:

(1) That the findings and recommendations contained in the Report of the Compliance Commissioner, dated April 28, 1950, are justified by the evidence; and

(2) That the provisions of the order suspending license privileges, dated July 3, 1950, are appropriate in view of the nature of the violations disclosed.

Now, therefore, it is ordered, That: The appeal of Rolf G. Grote, be, and it hereby is, denied; and the order suspending license privileges is in all respects sustained.

[SEAL] FREDERIC W. OLMSTEAD,
Chairman, Appeals Board.

AUGUST 10, 1950.

[F. R. Doc. 50-7155; Filed, Aug. 16, 1950; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

AUGUST DOMESTIC PRICE LIST

Commodity (1)	Approximate quantities available (subject to prior sale) (2)	Domestic sales price (3)
Nonfat dry milk solids, in carload lots only:		
Spray process	190 million lbs.[1]	13¢ per lb. f. o. b. location of stock in any State.
Roller process	110 million lbs.[1]	11¢ per lb. f. o. b. location of stock in any State.
American cheese (cheddar and twin styles, domestic pack, standard moisture basis), in carload lots only.	65 million lbs.	U. S. grade A and higher: All States except those listed below—33¢ per lb. f. o. b. location of stock; New England States, New York, New Jersey, Pennsylvania, other States bordering the Atlantic Ocean and Gulf of Mexico, and California, Oregon, and Washington—34¢ per lb. f. o. b. location of stock. U. S. grade B: 1¢ per lb. less than grade A prices; all prices are subject to usual adjustment for moisture content.
Salted creamery butter in carload lots only.	115 million lbs.	U. S. grade A and higher: All States except those listed below—63¢ per lb. f. o. b. location of stock; New England States, New York, New Jersey, Pennsylvania, other States bordering the Atlantic Ocean and Gulf of Mexico—64¢ per lb. f. o. b. location of stock; California, Oregon, and Washington—64½¢ per lb. f. o. b. location of stock. U. S. grade B: 2¢ per lb. less than grade A. prices.
Linseed oil, raw	55 million lbs. 500 million lbs.[1]	F. o. b tankers at storage locations, as follows: 16.75¢ per lb. Minneapolis & Chicago; 17.05¢ per lb., Buffalo, San Francisco, Los Angeles, and Cleveland; 17.35¢ per lb., New York, Philadelphia, Baltimore, and Portland, Oreg.; 17.45¢ per lb., Houston, Tex., Kenedy, Tex., and Good Hope, La.
Flaxseed, bulk	12,500,000 bu.[1]	Basis in store, the market price on date of sale at place of delivery but not less than the following: No. 1, $4 per net bu., bulk, basis in store Minneapolis. For other markets and other grades, adjust by market differentials.
Dry edible beans:		For No 1 grade, 1948 crop [1] and 1949 crop:
Pinto, bagged	1,370,000 bags	$8.10 per 100 lbs., basis f. o. b. Denver rate area and California area: $7.70 per 100 lbs., basis f. o. b. Idaho rate area. For other areas, adjust price upward or downward by amount equal to price support program differential between areas.
Pea, bagged	2,660,000 bags	$7.85 per 100 lbs., basis f. o. b. Michigan and New York areas; $7.35 per 100 lbs., basis f. o. b., Spokane area.
Red kidney, bagged	992,000 bags	$9.30 per 100 lbs., basis f. o. b. New York, Michigan and California areas.
Great Northern, bagged	2,558,000 bags	$7.15 per 100 lbs., basis f. o. b. Twin Falls, Idaho, rate areas; $7.55 per 100 lbs., basis f. o. b. Morrill, Nebr., rate area. For other areas, adjust price upward or downward by amount equal to price support program differential between areas.
Small white, bagged	336,000 bags	$7.90 per 100 lbs., basis f. o. b. California area.
Baby lima, bagged	883,000 bags	$7.95 per 100 lbs., basis f. o. b. California area.
Standard lima, bagged	260,000 bags	$9.65 per 100 lbs., basis f. o. b. California area (1949 crop only).
Pink, bagged	260,000 bags	$8 per 100 lbs., basis f. o. b. California area.
Cranberry beans, bagged	100,000 bags	$8.60 per 100 lbs., basis f. o. b., California and Michigan areas (1949 crop only).
		For other grades of all beans, adjust by market differentials. Above prices on all beans are at point of production. Amount of any paid-in freight to be added.
Dry edible peas, bagged	875,000 cwt.[1]	No. 1 grade, 1949 crop, $4.28 per 100 lbs. Spokane area, f. o. b. point of production. Amount of any paid-in freight to be added.
Austrian winter pea seed, bagged	65,000 cwt.	$4.98 per 100 lbs. f. o. b. point of production. Amount of any paid-in freight to be added.
Blue Lupine seed, bagged	315 cwt.	$4.98 per 100 lbs. f. o. b. point of production. Amount of any paid-in freight to be added.
Lespedeza, Kobe, bagged	35,000 cwt.	$12.83 per 100 lbs. f. o. b. point of production. Amount of any paid-in freight to be added.
Weeping Lovegrass seed, bagged	500 cwt.	$53.03 per 100 lbs. f. o. b. point of production. Amount of any paid-in freight to be added.
Wheat, bulk	100 million bu.[1]	Basis in store, the market price but not less than the applicable 1950 loan rate for the class, grade, quality and location plus 21¢ per bu. *Examples of minimum prices, per bu.*: Minneapolis, No. 1 DNS, $2.48; Kansas City, No. 1 HW, $2.47; Chicago, No. 1 RW, $2.52; Portland, Oreg., No. 1 NW, $2.42.
Oats, bulk	11 million bu.[1]	At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate plus 9¢ per bu.; at other points, the foregoing plus average paid-in freight. *Examples of minimum prices, per bu.*: Chicago, No. 3 or better, 92¢; Minneapolis, No. 3 or better, 86¢.
Barley, bulk	32 million bu.[1]	At points of production, basis in store, the market price but not less than the applicable 1950 loan rate for the class, grade, quality, and location plus 15¢ per bu. *Examples of minimum prices, per bu.*: Minneapolis, No. 1 barley, $1.54; San Francisco, No. 1 Western barley, $1.54.
Corn, bulk	100 million bu.[1]	At points of production, basis in store, the market price but not less than the applicable 1949 county loan settlement rate plus 21¢ per bu.; at other points, the foregoing plus average paid-in freight. *Examples of minimum prices, per bu.*: Chicago, No. 3, $1.75; St. Louis, No. 3, $1.74; Minneapolis, No. 3, $1.68; Omaha, No. 3, $1.67; Kansas City, No. 3, $1.70.
Rice, rough bulk	350,000 cwt.	At points of production, in store in approved warehouses, the market price on date of sale but not less than the 1950 loan rate plus 39¢ per cwt.; at other locations, the market price on date of sale but not less than the 1950 loan rate at point of production plus 39¢ plus paid-in freight from original location of loan.
Grain sorghums, bulk	20 million cwt.[1]	Basis in store, the market price but not less than the applicable 1950 loan rate for the class, grade, quality and location plus 29¢ per cwt. *Example of minimum price per cwt.*: Kansas City, No. 2 or better $2.64.
Gum rosin, in metal drums averaging 517 lbs., net each.	240,000 drums[1]	$6.25 per 100 lbs., net, grades N through G; $6.35 grade WG, and $6.50 grades X and WW, "as is", on storage yards at locations in Georgia, Florida, and Alabama.

[1] These same lots also are available at export sales prices announced on July 31, 1950.

AUGUST DOMESTIC PRICE LIST—Continued

Commodity (1)	Approximate quantities available (subject to prior sale) (2)	Domestic sales price (3)
Potato starch, in carload lots only:		
Pearl type, packed in 200 lb. burlap bags with paper innerliners.	600,000 lbs.[1]	$4.50 per cwt., basis f. o. b. Maine shipping points.
Powdered type, packed in 100 lb. and 200 lb. burlap bags with paper innerliners.	7,850,000 lbs.[1]	Do.

[1] These same lots also are available at export sales prices announced on July 31, 1950.

AUGUST EXPORT PRICE LIST

Commodity (1)	Approximate quantities available (subject to prior sale) (2)	Export sales price (3)
Mexican canned meat and gravy (packed 24 and 48 cans of 20 oz. each per export case).	31,500,000 lbs.	10¢ per net pound, f. a. s. vessel, U. S. Gulf of Mexico ports.
Mexican canned beef and gravy (packed 24 and 48 cans of 20 oz. each per export case).	34 million lbs.	20¢ per net pound, f. a. s. vessel, U. S. Gulf of Mexico ports.
Dried whole eggs (packed in barrels, drums, and 14-lb. cartons), in carload lots only.	32,067,000 lbs.	30¢ per lb., f. a. s. vessel at U. S. Gulf or east coast ports; or, 30¢ per lb., f. o. b. cars or trucks at warehouse locations, less the net export freight rate to New York or New Orleans, whichever is lower; or, 1948 dried eggs, 20¢ per lb., f. o. b. cars or trucks at warehouse locations provided the egg powder is redried and repackaged by the buyer under the supervision and according to the requirements of USDA.
Nonfat dry milk solids, in carload lots only:		
Spray process	190 million lbs.[1]	12½¢ per lb., f. o. b. location of stock in any State.
Roller process	110 million lbs.[1]	10½¢ per lb., f. o. b. location of stock in any State.
Linseed oil, raw	500 million lbs.[1]	14¢ per lb., f. o. b. tankcars at storage locations (Minneapolis, Chicago, Buffalo, San Francisco, Los Angeles, Cleveland, New York, Philadelphia, Baltimore, Portland, Oreg., Houston, Tex., Kenedy, Tex., and Good Hope, La.).
Flaxseed, bulk	12,500,000 bu.[1]	No. 1, $3.55 per net bushel (56 lbs. pure flaxseed), bulk, basis in store New York. For other markets, and other grades, market differentials will apply.
Dry edible beans:		No. 1 grade 1948 crop, f. a. s. at locations shown below:
Pinto, bagged	850,000 bags [1]	$5.90 per 100 lbs. San Francisco and Portland, Oreg.; $6 per 100 lbs., U. S. Gulf ports.
Pea, bagged	660,000 bags [1]	$5.50 per 100 lbs., east coast and north Pacific ports.
Red kidney, bagged	692,000 bags [1]	$6 per 100 lbs., New York; $5.90 per 100 lbs., San Francisco.
Great Northern, bagged	1,458,000 bags [1]	$5 per 100 lbs., Portland, Oreg.; $5.10 per 100 lbs., U. S. Gulf ports.
Small white, bagged	236,000 bags [1]	$5.75 per 100 lbs., San Francisco.
Baby lima, bagged	383,000 bags [1]	$5.50 per 100 lbs., San Francisco.
Pink, bagged	160,000 bags [1]	$5.25 per 100 lbs., San Francisco.
Red kidney, bagged	300,000 bags [1]	No. 1 grade 1949 crop: $6.50 per 100 lbs., f. a. s. New York and San Francisco. Discounts for grades on all beans: No. 2, 25¢ less than No. 1; No. 3, 50¢ less than No. 1.
Dry edible peas, bagged	875,000 cwt [1]	No. 1 grade, 1949 crop $3.75 per 100 lbs. f. a. s. north Pacific ports. If sold at point of production, deduct cost of transportation and cost of processing if sold on basis of thresher run.
Wheat, bulk	100 million bu.[1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Wheat may be used for milling export flour provided the entire quantity of flour produced therefrom is exported.
Oats, bulk	11 million bu.[1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Barley, bulk	32 million bu.[1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Barley may be exported as malt or pearled barley when all of the malt or pearled content is exported.
Corn, bulk	100 million bu.[1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Corn may be used for the manufacture of starch, provided the entire quantity of starch produced therefrom is exported.
Grains sorghums, bulk	20 million cwt [1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Grain sorghums may be used for the manufacture of starch, provided the entire quantity of starch produced therefrom is exported.
Gum rosin, in metal drum averaging 517 lbs. net each.	240,000 drums [1]	$6.25 per hundred pounds, net, grades N through G, $6.35 grade WG, and $6.50 grades X and WW "as is," on storage yards at locations in Georgia, Florida, and Alabama.
Potato starch, in carload lots only:		
Pearl type, packed in 200 lb. burlap bags with paper innerliners.	600,000 lbs.[1]	$5.10 per cwt. f. a. s. vessel, Boston, Mass.
Powdered type, packed in 100 lb. and 200 lb. burlap bags with paper innerliners.	7,850,000 lbs.[1]	Do.

[1] These same lots also are available at domestic sales prices announced on July 31, 1950.

Issued: August 11, 1950.

[SEAL] RALPH S. TRIGG,
President, Commodity Credit Corporation.

[F. R. Doc. 50-7203; Filed, Aug. 16, 1950; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1458]

INDEPENDENT NATURAL GAS CO. AND NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 11, 1950.

Take notice that Independent Natural Gas Company, a Delaware corporation, address, Pampa, Texas, and Northern Natural Gas Company, a Delaware corporation, address, Aquila Court Building, Omaha, Nebraska, filed on August 7, 1950, a joint application, pursuant to section 7 of the Natural Gas Act, wherein Independent Natural Gas Company requests permission and approval to abandon and sell certain of its facilities subject to the jurisdiction of the Commission, and Northern Natural Gas Company requests a certificate of public convenience and necessity to acquire and operate the same facilities which Independent Natural Gas Company proposes to abandon and sell, described as follows:

(1) Grayco Compressor Station, consisting of 16 Worthington Units of 700 h. p. twin double-acting gas engine driven two stage compressors, together with buildings, cooling towers, water tanks and other appurtenances, located approximately 6 miles southeast of Pampa, in Section 32, Block B-2, H. & G. N. R. R. Co. Survey, Gray County, Texas.

(2) Approximately 21 miles of 20-inch steel pipe line extending from Grayco Compressor Station, as described in (1) above, to the point of connection with the pipe line facilities of Northern, one mile north of Skellytown, in Section 107, Block 4, I. & G. N. R. R. Co. Survey, Carson County, Texas.

The foregoing facilities are now being and have been used exclusively for the purpose of supplying natural gas to Northern Natural Gas Company. The proposal to abandon and sell by Independent Natural Gas Company and the acquisition and operation by Northern Natural Gas Company of such facilities will not result in any termination of service rendered.

Independent Natural Gas Company proposes to sell and Northern Natural Gas Company proposes to buy the above described facilities for the sum of $229,200.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7160; Filed, Aug. 16, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25322]

CEMENT FROM COLORADO TO MONTANA

APPLICATION FOR RELIEF

AUGUST 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 1530.

Commodities involved: Cement and related articles, carloads.

From: Boettcher and Portland, Colo.

To: Points in Montana.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. 1530, Supplement 100.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7171; Filed, Aug. 16, 1950; 8:47 a. m.]

[4th Sec. Application 25323]

SODA FROM TRUNK LINE TERRITORY TO THE WEST

APPLICATION FOR RELIEF

AUGUST 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. A-850.

Commodities involved: Tri-sodium phosphate, di-sodium phosphate and phosphate of sodium, carloads.

From: Points in Delaware, New Jersey and Pennsylvania.

To: Points in Minnesota and Wisconsin.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-850, Supplement 74.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7172; Filed, Aug. 16, 1950; 8:47 a. m.]

[4th Sec. Application 25324]

CEMENT FROM PENNSYLVANIA TO MINNESOTA

APPLICATION FOR RELIEF

AUGUST 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for and on behalf of carriers parties to fourth-section application No. 22013.

Commodities involved: Cement and related articles, carloads.

From: Navarro, Northampton and York, Pa.

To: Edina and Richfield, Minn.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7173; Filed, Aug. 16, 1950; 8:47 a. m.]

[4th Sec. Application 25325]

MOTOR-RAIL, MOTOR RATES; CHICAGO GREAT WESTERN RAILWAY

APPLICATION FOR RELIEF

AUGUST 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for and on behalf of the Chicago Great Western Railway Company and Knaus Truck Lines, Inc.

Commodities involved: All freight, less truckload and truckload quantities.

Between: Chicago, Ill., on the one hand, and Des Moines, Iowa, on the other, and between Des Moines, Iowa, on the one hand, and Kansas City, Mo., on the other.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, Agent, tariff I. C. C. No. 22, Supplement 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7174; Filed, Aug. 16, 1950; 8:48 a. m.]

[4th Sec. Application 25326]

FIBREBOARD FROM FLORIDA TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

AUGUST 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1018.

Commodities involved: Pulpboard and fibreboard, carloads.

From: Fernandina and Jacksonville, Fla.

To: Kansas City, Mo.-Kans.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1018, Supplement 104.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7175; Filed, Aug. 16, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-562]

INDIANA GAS & CHEMICAL CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 11th day of August A. D. 1950.

Indiana Gas & Chemical Corporation ("Indiana Gas") having filed an application and amendments thereto pursuant to section 3 (a) (1) of the Public Utility Holding Company Act of 1935 requesting an exemption from the provisions of the act to which it would otherwise be subject as a holding company by reason of the ownership of all of the outstanding voting securities of Terre Haute Gas Corporation ("Terre Haute"), a public utility company; and

A notice of filing having been issued with respect to said application, said notice having stated that any interested person may request the Commission in writing that a hearing be held on such matter, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Indiana Gas and Terre Haute, its sole public utility subsidiary, are predominantly intrastate in character and carry on their business substantially within the State of Indiana, in which state each company is organized; and further finding that the granting of the exemption requested would not be detrimental to the public interest or the interests of investors or consumers:

It is ordered, That the application, as amended, of Indiana Gas for exemption of itself as a holding company, and of its subsidiary as such, from the provisions of the act pursuant to section 3 (a) (1) thereof be, and it hereby is, granted, said company and its subsidiary remaining subject, however, to section 9 (a) (2) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7166; Filed, Aug. 16, 1950; 8:47 a. m.]

[File No. 31-573]

MINNESOTA AND ONTARIO PAPER CO.

ORDER GRANTING APPLICATION AND ORDER DISMISSING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 11th day of August A. D. 1950.

Minnesota and Ontario Paper Company ("Minnesota and Ontario") having filed an application pursuant to sections 3 (a) (3) and 3 (a) (5) of the Public Utility Holding Company Act of 1935 requesting an exemption from the provisions of the act to which it would otherwise be subject as a holding company by reason of the ownership of all the outstanding securities, other than directors' qualifying shares, of Rainy River Improvement Company and The Ontario-Minnesota Pulp and Paper Company Limited, both of which are public utility companies as defined by section 2 (a) (5) of the act.

A notice of filing with respect to said application having been issued which stated that any interested person may request, in writing, that the Commission hold a hearing on such matter, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission having examined the application and the statements contained therein and finding, on the basis thereof, that Minnesota and Ontario is only incidentally a holding company being primarily engaged in a business other than that of a public utility company and not deriving a material part of its income from one or more companies the principal business of which is that of a public utility company; and further finding that the granting of the exemption requested pursuant to the provisions of paragraph (A) of section 3 (a) (3) would not be detrimental to the public interest and the interest of investors and consumers; and further finding that the application, insofar as it requests exemption for Minnesota and Ontario and its subsidiaries pursuant to section 3 (a) (5) of the act is hereby rendered moot;

It is ordered, That the application of Minnesota and Ontario for exemption of itself as a holding company, and of its subsidiaries as such pursuant to the provisions of section 3 (a) (3) of the act be, and the same hereby is, granted, said company and its subsidiaries remaining subject, however, to section 9 (a) (2) of the act; and

It is further ordered, That the application of Minnesota and Ontario for exemption of itself as a holding company, and its subsidiaries as such, pursuant to the provisions of section 3 (a) (5) be, and the same hereby is, dismissed without prejudice, however, to the right of Minnesota and Ontario to reinstate said aplication at such time in the future as it deems it appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7163; Filed, Aug. 16, 1950; 8:46 a. m.]

[File Nos. 50-34, 70-2340-2343]

PHILADELPHIA CO. ET AL

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of August 1950.

In the matter of Philadelphia Company, Equitable Gas Company, Pittsburgh and West Virginia Gas Company, Kentucky West Virginia Gas Company, File No. 70-2343; Philadelphia Company, File No. 70-2342; Philadelphia Company, File No. 50-34; Standard Gas and Electric Company, File No. 70-2341; Standard Gas and Electric Company, Philadelphia Company, File No. 70-2340.

The Commission by order dated March 14, 1950, having granted and permitted to become effective certain applications-declarations, as amended, with respect to various transactions, pursuant to sections 6, 7, 9 (a), 10, 11 (b), 12 (b), 12 (c), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, U-44, U-45 and U-46 promulgated thereunder, involving the reorganization of the natural gas and oil properties in the holding company system of Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company ("Standard"), also a registered holding company; the recapitalization of Philadelphia's subsidiaries, Equitable Gas Company ("Equitable") and Kentucky West Virginia Gas Company ("Kentucky"); the amendment of the charters of Equitable and Kentucky; the issuance of securities by Equitable and Kentucky; the sale by Philadelphia of all the outstanding Common Stock of Equitable, as reorganized; the retirement by Philadelphia of its outstanding debt; and certain other transactions; and said order having reserved jurisdiction over all fees and expenses proposed to be paid in connection with such transactions;

Applicants-declarants having filed a further amendment with respect to the fees and expenses proposed to be paid and statements having been filed in sup-

port of the fees and expenses listed below:

	Fees	Expenses
Reed, Smith, Shaw & McClay (counsel for Philadelphia and Equitable)	$39,000	$3,134
Mudge, Stern, Williams & Tucker (counsel for Standard and Philadelphia)	11,000	1,130
Flynn, Clerkin & Hansen (counsel for Standard)	2,000	50
Miller, Mack & Fairchild (counsel for Standard)	750	11
Haskins & Sells (accountants)	7,999	118
Sullivan, Donovan, Heenehan & Hanrahan (counsel for the underwriters—fee to be paid by the underwriters)	17,500	1,357

It having been proposed that the fees and expenses of Reed, Smith, Shaw & McClay and Mudge, Stern, Williams & Tucker be borne equally by Philadelphia and Equitable; that the fees and expenses of Flynn, Clerkin & Hansen and Miller, Mack & Fairchild be paid by Standard; and that the fees and expenses of Haskins & Sells and of Ralph E. Davis, who has requested a fee of $5,000 for engineering services, be paid by Philadelphia; such proposed allocations resulting in total estimated fees and expenses of $121,017 to be paid by Philadelphia, $122,882 to be paid by Equitable, and $2,811 to be paid by Standard;

The Commission having considered such statements and finding that all the fees and expenses proposed to be paid herein are not unreasonable and that the proposed allocation thereof is appropriate, and deeming it appropriate that jurisdiction with respect thereto be released:

It is ordered, That the jurisdiction heretofore reserved over fees and expenses herein be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7165; Filed, Aug. 16, 1950; 8:46 a. m.]

[File No. 70-2439]

NEW HAMPSHIRE ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of August A. D. 1950.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New Hampshire Electric Company ("New Hampshire"), a public utility subsidiary of New England Gas and Electric Association, a registered holding company. Applicant has designated section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 31, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 24, 1950, said application, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, and which are summarized as follows:

New Hampshire proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $3,600,000 principal amount of First Mortgage Sinking Fund ____ Percent Bonds, Series A, due 1975. The interest rate and the price to the company for the bonds will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount. The proceeds of the sale of the bonds will be used to retire $1,880,000 aggregate principal amount of outstanding First Mortgage Bonds and $1,250,000 principal amount of notes due banks, the balance will be set aside for the purpose of financing additions, extensions and improvements to the company's plant and property.

The proposed issuance and sale of bonds has been approved by the Public Service Commission of New Hampshire.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7164; Filed, Aug. 16, 1950; 8:46 a. m.]

AUG 22 '50

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 15 NUMBER 160

Washington, Friday, August 18, 1950

TITLE 3—THE PRESIDENT

PROCLAMATION 2898

FIRST UNITED STATES INTERNATIONAL TRADE FAIR

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a joint resolution of the Congress approved on August 12, 1950, provides as follows:

That the President of the United States is authorized to invite by proclamation or otherwise, or in such manner as he may deem proper, the States of the Union and foreign nations to participate in the First United States International Trade Fair, to be held at Chicago, Illinois, from August 7 to 20, 1950, inclusive, for the purpose of exhibiting industrial products; machinery, equipment, supplies, and engineering; and the exhibiting of the newest developments in metals, plastics, chemicals, oils, textiles, and other manufactured products; and bringing together buyers and sellers for promotion of foreign and domestic trade and commerce in such products.

AND WHEREAS invitations from the Governor of Illinois to foreign nations to participate in the First United States International Trade Fair to be held at Chicago, Illinois, from August 7 to 20, 1950, inclusive, have been extended through the Department of State and the United States Missions abroad:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby invite and urge the States of the Union and foreign nations to participate to the fullest practicable extent in the said First United States International Trade Fair.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 14th day of August in the year of our Lord nineteen hundred and fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 50-7269; Filed, Aug. 17, 1950; 9:18 a. m.]

EXECUTIVE ORDER 10152

REGULATIONS RELATING TO THE RIGHT OF MEMBERS OF THE UNIFORMED SERVICES TO INCENTIVE PAY FOR THE PERFORMANCE OF HAZARDOUS DUTY REQUIRED BY COMPETENT ORDERS

By virtue of and pursuant to the authority vested in me by sections 204 and 501 (d) of the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351, 81st Congress), and as President of the United States and Commander in Chief of the armed forces of the United States, I hereby prescribe the following regulations relating to the right of members of the uniformed services to receive incentive pay for the performance of hazardous duty required by competent orders:

SECTION 1. For the purposes of these regulations:

(a) The terms defined in section 102 of the said Career Compensation Act of 1949 shall have the meanings prescribed therein.

(b) The term "aerial flight" shall be construed to mean flight in an aircraft or glider; and a flight shall be deemed to begin when the aircraft or glider takes off from rest at any point of support and to terminate when it next comes to a complete stop at a point of support.

(c) The term "aviation accident" shall be construed to mean an accident in which a member who is required to participate frequently and regularly in aerial flight is injured or otherwise incapacitated as the result, as attested by the appropriate medical authority of the uniformed service concerned, of (1) jumping from, being thrown from, or being struck by, an aircraft or any part or auxiliary thereof, or (2) participation in any duly authorized aerial flight or other aircraft or glider operations.

SEC. 2. Under such regulations as the Secretary concerned may prescribe, any member of the uniformed services, including members assigned to special, administrative, or school duties, may be required by competent orders to perform hazardous duty.

SEC. 3. (a) Each member who is required by competent orders to participate frequently and regularly in aerial flights, other than glider flights, shall make the flights required as a crew

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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1950–51 Edition

(Revised through July 1)

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

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member or as a non-crew member as directed by competent authority.

(b) Determinations as to what constitutes duty as a crew member and duty as a non-crew member shall be made in accordance with regulations prescribed by the Secretary concerned: *Provided*, that such determinations shall be uniform for all the services to the fullest extent practicable.

SEC. 4. Under such regulations as the Secretary concerned may prescribe, members who are required by competent orders to participate frequently and regularly in aerial flights, other than glider flights, shall be required to meet the following minimum flight requirements, except as otherwise provided in section 10 hereof, in order to be entitled to receive incentive pay for the performance of hazardous duty.

(a) Minimum flight requirements for members on active duty who may qualify for incentive pay under the provisions of section 204 of the Career Compensation Act of 1949:

(1) During one calendar month: 4 hours of aerial flight.

(2) During any two consecutive calendar months when the requirements of subdivision (1) above have not been met: 8 hours of aerial flight.

(3) During any three consecutive calendar months when the requirements of subdivision (2) above have not been met: 12 hours of aerial flight.

(4) For fractions of a calendar month, the time of aerial flight required shall bear the same ratio to the time required for a full calendar month as the period in question bears to a full calendar month.

(5) For fractions of two consecutive calendar months, the period in question shall be considered as a unit and the time of aerial flight required shall bear the same ratio to the time required for a full calendar month as the period in question bears to a full calendar month.

(6) Whenever, under authority conferred by the Secretary concerned, the commanding officer of any member who has been required by competent orders to participate frequently and regularly in aerial flights, other than glider flights, certifies that on account of military operations of the particular command or on account of the unavailability of aircraft such member was unable to perform the aerial flights required by this section, such member may comply with the minimum flight requirements by performing at least 24 hours of aerial flight over a period of six consecutive calendar months, and such requirements may be met at any time during such period.

(b) Minimum flight requirements for members of reserve components of the uniformed services on inactive-duty training who may qualify for incentive pay under the provisions of section 501 (d) of the Career Compensation Act of 1949:

(1) During one calendar month: 2 hours of aerial flight.

(2) During any two consecutive calendar months, when the requirements of subdivision (1) above have not been met: 4 hours of aerial flight.

(3) During any three consecutive calendar months when the requirements of subdivision (2) above have not been met: 6 hours of aerial flight.

(4) For fractions of a calendar month, the time of aerial flight required shall bear the same ratio to the time required for a full calendar month as the period in question bears to a full calendar month.

(5) For fractions of two consecutive calendar months, the period in question shall be considered as a unit and the time of aerial flight required shall bear the same ratio to the time required for a full calendar month as the period in question bears to a full calendar month.

SEC. 5. Members shall not be entitled to receive incentive pay for participation in aerial flights for any period while suspended from such participation, unless such suspension is subsequently removed and the minimum flight requirements prescribed in section 4 hereof have been complied with, except as otherwise provided in section 10 hereof.

SEC. 6. Members who, pursuant to competent orders, are attached to a submarine which is in an active status, including a submarine under construction from the time builders' trials commence, shall be entitled to receive incentive pay for the performance of submarine duty. The term "builders' trials" shall be construed to mean trials conducted underway or in free route.

SEC. 7. (a) Members who are qualified as glider personnel under such regulations as the Secretary concerned may prescribe, or who are undergoing training for such qualification, and who are required by competent orders to participate frequently and regularly in glider flights shall be required to perform one or more glider flights, without regard to duration thereof, during any three consecutive calendar months in order to be entitled to receive incentive pay for such period.

(b) Whenever, under authority conferred by the Secretary concerned, the commanding officer of any member who has been required by competent orders to participate frequently and regularly in glider flights certifies that on account of the absence or inadequacy of glider equipment or towing aircraft or other means of propulsion, or on account of military operations of the particular command, such member was unable to perform the glider flights required by this section, such member may comply with the minimum flight requirements by performing four or more glider flights, without regard to duration thereof, during a period of twelve consecutive calendar months, and such requirements may be met at any time during such period.

(c) Members of reserve components of the uniformed services who have complied with the requirement prescribed in this section shall be entitled to receive incentive pay for both active-duty and inactive-duty training performed during such period.

SEC. 8. (a) As used in section 204 (a) of the Career Compensation Act of 1949, the term "duty involving parachute jumping as an essential part of military duty" shall be construed to mean duty performed by members who are not in a flying-pay status and who, under such regulations as the Secretary concerned may prescribe, have received a rating as a parachutist or parachute rigger, or are undergoing training for such a rating, and who are required by competent orders to engage in parachute jumping from an aircraft in aerial flight.

(b) Members required by competent orders to engage in parachute jumping shall be required to perform one or more parachute jumps from an airplane in flight during any three consecutive calendar months in order to be entitled to receive incentive pay for such period.

(c) Whenever, under authority conferred by the Secretary concerned, the commanding officer of any member who has been required by competent orders to participate in parachute jumping certifies that on account of the absence of jump equipment or aircraft or on account of military operations of the particular command such member was unable to make the jumps required by this paragraph, such member may comply with the minimum requirements by performing four jumps during a period of twelve consecutive calendar months, and such requirements may be met at any time during such period.

(d) Members of reserve components of the uniformed services who have complied with the requirements prescribed in this section shall be entitled to receive incentive pay for both active-duty and inactive-duty training performed during such period.

SEC. 9. As used in section 204 (a) of the Career Compensation Act of 1949—

(a) The term "duty involving intimate contact with persons afflicted with leprosy" shall be construed to mean duty performed by any member who is assigned by competent orders to a leprosarium for the performance of duty for a period of thirty days or more or for a period of instruction, whether or not such leprosarium is under the jurisdiction of one of the uniformed services.

(b) The term "duty involving the demolition of explosives" shall be construed to mean duty performed by members, including members in training for such duties, who, pursuant to competent orders and as a primary duty, demolish by the use of explosives under-water objects, obstacles, or explosives, or recover and render harmless, by disarming or demolition, explosives which, having been projected, launched, dropped, or laid in a normal manner, have failed to explode as intended.

(c) The term "duty at a submarine escape training tank, when such duty involves participation in the training" shall be construed to mean duty performed by members who are regularly assigned to duty involving diving at a submarine escape training tank when such duty is primarily for the purpose of training personnel in the methods of escape from a submerged submarine.

(d) The term "duty at the Navy Deep Sea Diving School or the Navy Experimental Diving Unit, when such duty involves participation in training" shall be construed to mean duty performed by members who are regularly assigned to duty involving diving at the Navy Deep Sea Diving School or the Navy Experimental Diving Unit when such diving is primarily for the purpose of training divers.

SEC. 10. Any member who is required by competent orders to perform hazardous duty and who becomes injured or otherwise incapacitated as a result of the performance of such duty, by aviation accident or otherwise, shall be deemed to have fulfilled all of the requirements for the performance of hazardous duty during such incapacity for a period not to exceed three months following the date as of which such incapacity is determined by the appropriate medical authority.

SEC. 11. Members required by competent orders to perform hazardous duty shall, upon compliance with the requirements of these regulations, be entitled to receive incentive pay during authorized leaves of absence.

SEC. 12. The Secretaries concerned are hereby authorized to prescribe such supplementary regulations not inconsistent herewith as they may deem necessary or desirable for carrying out these regulations, and such supplementary regulations shall be uniform for all the services to the fullest extent practicable.

SEC. 13. This order shall become effective on September 1, 1950, except that so much thereof as may be necessary to authorize the payment of incentive pay for hazardous duty under sections 9 and 10 of the order shall be effective as of October 1, 1949.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 17, 1950.

[F. R. Doc. 50-7301; Filed, Aug. 17, 1950; 12:19 p. m.]

EXECUTIVE ORDER 10153

REGULATIONS RELATING TO CERTAIN TRAVEL TIME OF MEMBERS OF THE UNIFORMED SERVICES CALLED TO ACTIVE DUTY IN EXCESS OF THIRTY DAYS

By virtue of and pursuant to the authority vested in me by section 201 (e) of the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351, 81st Congress), and as President of the United States and Commander in Chief of the armed forces of the United States, I hereby prescribe the following regulations relating to the inclusion as active duty of time required for travel from home to first duty station and from last duty station to home by members of the uniformed services called or ordered to active duty in excess of thirty days:

SECTION 1. In case travel by public transportation is authorized, the travel time included as active duty shall be based upon actual and necessary schedules which most nearly coincide with the possible time of departure and arrival by the mode of transportation actually used, or by public surface transportation if the travel is actually performed by private conveyance without having been specifically authorized.

SEC. 2. In case travel by private conveyance is specifically authorized and the travel is so performed, the travel time included as active duty shall be computed on the basis of one day for each three hundred miles traveled, and one day of travel time shall also be allowed for each fraction of three hundred miles in excess of one hundred and fifty miles. The distance traveled shall be computed on the basis of distances established by the official mileage tables in use by the uniformed services. Travel by private conveyance shall not be specifically authorized in any case in which the call to active duty is for a period of less than ninety consecutive days.

SEC. 3. The Secretaries concerned (within the meaning of section 102 (f) of the said Career Compensation Act of 1949) may prescribe with respect to personnel of the uniformed services within their respective departments or agency such supplementary regulations not inconsistent herewith as they may deem necessary or desirable for carrying out these regulations, and such supplementary regulations shall be uniform for all the services to the fullest extent practicable.

SEC. 4. This order shall become effective on September 1, 1950.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 17, 1950.

[F. R. Doc. 50-7302; Filed, Aug. 17, 1950; 12:19 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

COMPETITION RESTRICTED TO VETERANS

Subparagraph (2) of § 2.102 (c) is amended as set out below, effective June 19, 1950. As amended, paragraph (c) reads as follows:

§ 2.102 *Competition restricted to veterans* • • •

(c) (1) A position, examination for which has been restricted to veterans under paragraph (a) or (b) of this section, may not be filled by appointment, reappointment, reinstatement, promotion, demotion, transfer, or reassignment of a nonveteran from outside the organizational entity in which the position exists, if there is a veteran in the employ of such entity in the local area who is qualified and available for promotion or reassignment to the position, or if there is a total of three or more veterans elsewhere who are qualified and available for an appointment of equal tenure.

(2) The restriction in subparagraph (1) of this paragraph shall not be applicable to the promotion, demotion, transfer, or reassignment of an employee (i) within the organizational entity or (ii) from one restricted position to another when both positions are covered by the same generic title, nor to the reinstatement (i) under the provisions of § 20.11 of this chapter of former employees of the agency to the positions from which separated by reduction in force or to positions covered by the same generic title and (ii) of former employees of the agency last separated by disability retirement. An organizational entity for this purpose shall be that part of an agency from which selections for promotion, transfer, or reassignment to the position are normally made.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. Interprets or applies sec. 3, 58 Stat. 388; 5 U. S. C. 852)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 50-7223; Filed, Aug. 17, 1950; 8:48 a. m.]

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

SUBPART C—OVERTIME, NIGHT, AND HOLIDAY PAY REGULATIONS

Subparts D and E are revoked. The regulations formerly appearing in these subparts, with minor amendments, have been revised and consolidated with the regulations formerly appearing in Subpart C and are hereby reissued as a new Subpart C, effective upon publication in the FEDERAL REGISTER.

SUBPART C—OVERTIME, NIGHT, AND HOLIDAY PAY REGULATIONS

Sec.
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AUTHORITY: §§ 25.201 to 25.243 issued under sec. 605, 59 Stat. 304, 5 U. S. C. 945. Interpret or apply secs. 201, 202, 203, 59 Stat. 295, 297, as amended; 5 U. S. C. 911-913. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 25.201 *Employees to whom this subpart applies.* This subpart applies to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 25.202.

(Sec. 101, 59 Stat. 295; 5 U. S. C. 901)

§ 25.202 *Employees to whom this subpart does not apply.* (a) This subpart does not apply to:

(1) Elected officials;

(2) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations; i. e., heads of governmental establishments in the executive branch which are not component parts of any other such establishment;

(3) Officers and employees in the field service of the Post Office Department;

(4) Employees whose basis compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose, except that § 25.223 (f) shall be applicable to such employees whose rate of basic compensation is fixed on an annual or monthly basis;

(5) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(6) Officers and employees of the Inland Waterways Corporation;

(7) Officers and employees of the Tennessee Valley Authority;

(8) Officers and employees of the Central Intelligence Agency;

(9) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes," approved March 24, 1943 (57 Stat. 45, 50 U. S. C. App. 1291) are applicable;

(10) Officers and members of the United States Park Police and the White House Police;

(11) Officers and members of crews of vessels, whose compensation shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry;

(12) Civilian keepers of lighthouses and civilian employees on lightships and other vessels of the Coast Guard;

(13) Physicians, dentists, nurses, and other employees in the Department of Medicine and Surgery in the Veterans' Administration, whose compensation is fixed under Public Law 293, Seventy-ninth Congress, approved January 3, 1946, as amended;

(14) Student nurses, medical or dental interns, residents-in-training, student dietitians, student physical therapists, and student occupational therapists, assigned or attached to a hospital, clinic, or medical or dental laboratory operated by any department, agency, or instrumentality of the Federal Government and any other student-employees, assigned or attached to any such hospital, clinic or laboratory primarily for training purposes, who may be designated by the head of such department, agency, or instrumentality with the approval of the Civil Service Commission;

(15) Employees of the Weather Bureau, Department of Commerce, engaged in the conduct of meteorological investigations in the Arctic region.

NOTE: The list above does not contain positions which are excluded on a year-to-year basis by appropriation acts.

(b) In addition to the exclusions listed in § 25.202 (a), the extra pay provisions of this subpart shall not apply to overtime, night, and holiday services for which additional compensation is provided by the following statutes: Act of February 13, 1911, as amended (19 U. S. C. 261, 267) involving inspectors, storekeepers, weighers, and other customs officers and employees; act of July 24, 1919 (41 Stat. 241; 7 U. S. C. 394) involving employees engaged in enforcement of Meat Inspection Act; act of June 17, 1930, as amended (19 U. S. C. 1450, 1451, 1452) involving customs officers and employees; act of March 2, 1931 (46 Stat. 1467; 8 U. S. C. 109a and 109b) involving inspectors and employees, Immigration and Naturalization Service; act of May 27, 1936, as amended (52 Stat. 345; 46 U. S. C. 382b) involving local inspectors of steam vessels and assistants, U. S. shipping commissioners, deputies and assistants, and customs officers and employees; act of March 23, 1941 (55 Stat. 46; 47 U. S. C. 154 (f) (2)) involving certain inspectors of the Federal Communications Commission; act of June 3, 1944 (58 Stat. 269; 19 U. S. C. 1451) involving customs officers and employees; act of August 4, 1949 (63 Stat. 495; 7 U. S. C. Supp. III, 394a) involving employees of the Bureau of Animal Industry who work at establishments which prepare virus, serum, toxin and analogous products for use in the treatment of domestic animals.

(Sec. 102, 59 Stat. 296; 5 U. S. C. 902)

§ 25.203 *Definitions.* For the purposes of this subpart, definitions are given for words, terms, and phrases as follows:

(a) (1) "Administrative workweek" means a period of seven consecutive calendar days.

(2) "Regularly scheduled administrative workweek" for full-time officers and employees means the period within an administrative workweek, established pursuant to § 25.211, when such officers and employees are required to be on duty regularly. For part-time employees, it means the officially prescribed days and hours within an administrative workweek during which such employees are required to be on duty regularly.

(b) "Basic workweek" for full-time officers and employees means the forty-hour workweek established pursuant to § 25.211.

(c) "Department" means any department, independent establishment or agency in the executive branch of the Federal Government, including Government-owned or controlled corporations.

(d) "Irregular or occasional overtime duty" means hours of employment not scheduled in the regularly scheduled administrative workweek.

(e) "Night pay differential" means the ten percent increase over the officer's or employee's rate of basic compensation, authorized by section 301 of the Federal Employees Pay Act of 1945, as amended.

(f) "Night work" means that part of a regularly scheduled tour of duty which falls between 6 o'clock p. m. and 6 o'clock a. m.

(g) "Rate of basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an officer or employee before any deductions and exclusive of additional compensation of any kind. It is exclusive of such additional compensation as overtime pay, extra pay for night or holiday work, or allowances or post differentials payable to officers or employees stationed outside the States, but inclusive of the value of quarters, subsistence, and other maintenance allowances under section 3 of the act of March 5, 1928 (45 Stat. 193; 5 U. S. C. 75a).

(Sec. 604 (a, b, d, e), 59 Stat. 303; 5 U. S. C. 944)

§ 25.204 *General pay computation method.* (a) Hereafter for all pay computation purposes per annum rates of basic compensation established by or pursuant to law shall be regarded as payment for employment during fifty-two basic workweeks of forty hours.

(b) Whenever, for the purposes of computing overtime, holiday, or night pay under this subpart, it is necessary to convert a monthly or annual basic rate to a biweekly, weekly, daily, or hourly basic rate, the following rules shall govern:

(1) A monthly rate shall be multiplied by twelve to derive an annual rate;

(2) An annual rate shall be divided by fifty-two or twenty-six, as the case may be, to derive a weekly or biweekly rate;

(3) A weekly or biweekly rate shall be divided by forty or eighty, as the case may be, to derive an hourly rate; and

(4) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

(5) All rates shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

(Sec. 604 (a, b, d, e), 59 Stat. 303, as amended by sec. 1203, 63 Stat. 971; 5 U. S. C. 944)

§ 25.205 *Maximum limitation.* Notwithstanding any other provision of this subpart, the overtime, night, and holiday compensation payable to any officer or employee to whom this subpart applies shall, with respect to any pay period, be limited to such rate as will not cause his aggregate compensation for such pay period to exceed a rate of $10,330 per annum: *Provided, however,* That any such officer or employee who was receiving overtime compensation on June 30, 1945, and whose aggregate rate of compensation on such date was in excess of $10,000 per annum may receive overtime compensation at such rate as will not cause his aggregate rate of compensation for any pay period to exceed the aggregate rate of compensation he was receiving on June 30, 1945, until he ceases to occupy the office or position he occupied on such date or until the overtime hours of works in his administrative workweek are reduced by action of the head of his department. When such overtime hours are reduced such rate of

overtime compensation shall be reduced proportionately.

(Sec. 603, 59 Stat. 302, as amended by sec. 7, 60 Stat. 218 and sec. 303, 62 Stat. 1268; 5 U. S. C. 943)

REGULATIONS TO BE PRESCRIBED BY HEADS OF DEPARTMENTS

§ 25.211 *Establishment of basic workweek and regularly scheduled administrative workweek.* (a) Heads of departments shall, with respect to each group of full-time employees to whom this subpart applies, establish by regulation:

(1) A basic workweek of forty hours in length which shall not extend over more than six of any seven consecutive days. Except as provided in paragraph (b) of this section, such regulation shall specify the calendar days constituting the basic workweek and the number of hours of employment for each of such calendar days included within the basic workweek.

(2) A regularly scheduled administrative workweek which shall consist of the forty-hour basic workweek established in accordance with subparagraph (1) of this paragraph, plus such period of overtime work as will be regularly required of each group of employees. Except as provided in paragraph (b) of this section, the periods of time included in such regularly scheduled administrative workweek which do not constitute a part of the basic workweek shall be identified by calendar days and by number of hours per day for purposes of leave and overtime pay administration.

(b) Whenever it is impracticable to prescribe a regular schedule of definite hours of duty for each workday of a regularly scheduled administrative workweek, the first forty hours of duty performed within a period of not more than six days of the administrative workweek may be established as the basic workweek and all additional hours of officially ordered or approved duty within the administrative workweek shall be treated as overtime.

(c) In the case of employees whose work includes periods during which they are required to remain on duty and render "stand-by service" at or within the confines of their stations, the length of the regularly scheduled administrative workweek, for the purpose of this subpart, shall be the total number of regularly scheduled hours of duty per week, including all such "stand-by" time except that allowed for sleep and meals by regulations of the department.

(Sec. 604 (a, b, d, e), 59 Stat. 303, as amended by sec. 1203, 63 Stat. 971; 5 U. S. C. 944)

§ 25.212 *Compensatory time off for irregular or occasional overtime duty.* Heads of departments may, with respect to officers and employees to whom this subpart applies, prescribe regulations for the granting of compensatory time off from duty, in lieu of overtime compensation, for irregular or occasional duty in excess of forty hours in any administrative workweek, to those per annum employees requesting such compensatory time off from duty.

OVERTIME PAY

§ 25.221 *Authorization of overtime compensation.* (a) Officers and employees to whom this subpart applies shall be paid overtime compensation computed as provided in § 25.223, for all hours of employment officially ordered or approved in excess of forty hours in any administrative workweek, including irregular or occasional overtime duty.

(b) In accordance with administrative regulations which may be issued pursuant to § 25.212, any per annum employee may request compensatory time off, in lieu of overtime pay, for irregular or occasional duty in excess of forty hours in any administrative workweek. In case no such regulations are issued, or if under such regulations compensatory time off for such irregular or occasional overtime duty is not specifically requested by the employee, it shall be paid for in money when due.

(c) Heads of departments may delegate to any officer or employee authority to order or approve overtime in excess of any that may be included in the regularly scheduled administrative workweek. No such excess overtime shall be ordered or approved except in writing by an officer or employee to whom such authority has been specifically delegated by the head of the department.

§ 25.222 *Computation of overtime employment.* The computation of the amount of overtime employment of an officer or employee shall be subject to the following conditions:

(a) *Leave with pay.* Absence from duty on authorized leave with pay under the annual and sick leave acts of March 14, 1936, as amended, during the time when an employee would otherwise have been required to be on duty during the basic workweek (including authorized absence on legal holidays, non-work days established by Executive or administrative order, and days of compensatory time off provided for in §§ 25.212 and 25.221 (b)) shall be considered to be employment and shall not have the effect of reducing the amount of overtime compensation to which the employee may be entitled during an administrative workweek. Leave of absence with pay under the acts cited shall not be charged for any absence which does not occur during the forty hours prescribed as the basic workweek.

(b) *Leave without pay.* For any period of leave-without-pay within an employee's basic forty-hour workweek, an equal period of service performed outside the basic workweek, but during the same administrative workweek, must be substituted and paid for at the rate applicable to his basic workweek, before any remaining periods of service can be paid for at the overtime rate.

(c) *Absence during overtime periods.* Except as expressly authorized by law, as in the case of jury duty under the act of June 29, 1940 (54 Stat. 689), and except to the extent authorized while the employee is in official travel status, no overtime period shall be counted in computing overtime compensation unless the employee performs actual duty during such period or is taking compensatory time off as provided for in §§ 25.212 and 25.221 (b). For employees in official travel status but not performing actual duty, no overtime period shall be paid for at overtime rates unless it falls within the regularly scheduled administrative workweek.

(d) *Night or holiday duty.* Hours of night or holiday duty shall be included in determining for overtime pay purposes the total number of hours of employment within the same administrative workweek.

§ 25.223 *Computation of overtime compensation.* (a) For employees whose basic compensation is at a rate less than $2,980 per annum, the overtime hourly rate shall be one and one-half times the hourly rate of basic compensation: *Provided*, That in computing such overtime compensation for per annum employees, the hourly rate of basic compensation shall be determined by dividing the basic per annum rate by two thousand and eighty (2080), and adjusting the quotient to the nearest whole cent, counting one-half cent and over as a whole cent.

(b) For employees whose rate of basic compensation is $2,980 per annum, the overtime rate of compensation per 416 overtime hours shall be $894.

(c) For employees whose rate of basic compensation is in excess of $2,980 per annum and less than $6,440 per annum, the overtime rate of compensation per 416 overtime hours is computed by subtracting from $894, 7.6782 percent of the amount by which such basic rate is in excess of $2,980 per annum.

(d) For employees whose rate of basic compensation is $6,440 and over per annum, the overtime rate for 416 overtime hours shall be $628.334.

(e) Hourly overtime rates for employees under paragraphs (b), (c), and (d) of this section shall be computed by dividing the overtime rate for 416 overtime hours by 416 and adjusting the quotient to the nearest whole cent, counting one-half cent and over as a whole cent.

(f) Employees whose rate of basic compensation is fixed on an annual or monthly basis and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose shall be entitled to overtime pay in accordance with the provisions of section 23 of the act of March 28, 1934 (48 Stat. 522; 5 U. S. C. 673c). The rate of compensation for each hour of overtime employment of any such employee shall be computed as follows:

(1) If the rate of basic compensation of the employee is fixed on an annual basis, divide such rate of basic compensation by two thousand and eighty (2080) and multiply the quotient by one and one-half; and

(2) If the rate of basic compensation of the employee is fixed on a monthly basis, multiply such rate of basic compensation by twelve to derive an annual rate of basic compensation, divide such annual rate of basic compensation by two thousand and eighty (2080) and multiply the quotient by one and one-half.

(3) All rates shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

NIGHT PAY

§ 25.231 *Authorization of night pay differential.* Any officer or employee to whom this subpart applies shall be entitled to a night pay differential amounting to ten percent of his rate of basic compensation as additional compensation for all hours of night work, computed in accordance with § 25.232.

§ 25.232 *Computation of night pay differential*—(a) *Absence on leave or holidays, or in travel status.* Payment of a night pay differential is not authorized during any period when the officer or employee is in a leave status or is excused from duty on a holiday or other non-workday; but it is authorized in cases where compensatory time off "earned" by night overtime work is taken during the hours of the employee's regularly scheduled tour of duty, and for all night hours of the employee's regularly scheduled tour of duty while he is in official travel status, whether performing actual duty or not.

(b) *Relation to overtime and holiday pay.* Payment of a night pay differential shall be in addition to any extra overtime or holiday compensation paid in accordance with this subpart. The night pay differential shall not be included in the rate of basic compensation in computing any overtime or holiday compensation to which the officer or employee may be entitled.

(c) *Temporary assignment to different tour of duty.* The payment of the night pay differential is authorized for night work performed when an employee is assigned temporarily to a regularly scheduled tour of duty other than his own regular tour of duty.

HOLIDAY PAY

§ 25.241 *Identification of holidays.* The following days shall be holidays:

(a) Subject to the provisions of paragraph (b) of this section, the 1st day of January; the 22d day of February; the 30th day of May; the 4th day of July; the first Monday in September; the 11th day of November; the fourth Thursday in November; and the 25th day of December.

(b) When any such day falls on a Sunday, Executive Order No. 9636 of October 3, 1945, requires that the following Monday shall be observed as a holiday in lieu thereof subject to the following exceptions:

(1) In the case of employees whose regularly scheduled basic workweek includes both the Sunday and the Monday involved, either day, as determined by the head of the department, but not both days, shall be treated as a holiday.

(2) In the case of employees whose regularly scheduled basic workweek includes the Sunday but not the Monday involved, only the Sunday shall be treated as a holiday.

(c) Any day designated as a holiday by Federal statute or Executive order.

§ 25.242 *Rate of holiday pay.* (a) Any officer or employee who is assigned to duty on a holiday shall be compensated for such duty at the rate of twice his regular rate of basic compensation: *Provided*,

(1) That such hours of holiday duty fall within his basic workweek of forty hours.

(2) That such doubled rate of compensation shall be paid for not to exceed eight hours of duty on a holiday.

(3) That such doubled rate of compensation shall be in lieu of his regular rate of basic compensation.

(4) That such doubled rate of compensation shall be in addition to any extra compensation for night duty payable under this subpart but the night pay differential shall not be included in the rate of basic compensation in computing pay for holiday duty.

(b) Any officer or employee who is excused from duty because of a holiday falling within his basic forty-hour workweek shall be entitled to only his rate of basic compensation for that day.

(c) Any officer or employee who is assigned to duty on a holiday falling outside his forty-hour basic workweek (an overtime day) shall be entitled only to the overtime compensation payable in accordance with this subpart for such duty, plus any extra compensation for night duty payable under this subpart or other authority.

(d) Any officer or employee who is excused from duty because of a holiday falling outside his forty-hour basic workweek shall not be entitled to any compensation for that day.

§ 25.243 *Overtime.* (a) The extra pay for holidays authorized by § 25.242 shall not be included in the rate of basic compensation in computing any overtime compensation to which the officer or employee may be entitled.

(b) Such extra pay shall not serve to reduce the amount of overtime compensation to which the officer or employee may be entitled during the administrative workweek in which the holiday occurs, and notwithstanding such extra pay, the number of hours of duty on a holiday shall be included in determining for overtime pay purposes the total number of hours of employment performed in the same administrative workweek.

(c) The number of regularly scheduled hours of duty on a holiday falling within the employee's forty-hour basic workweek on which the employee is excused from duty shall be included as a part of the forty-hour basic workweek for overtime pay computation purposes.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 50-7168; Filed, Aug. 17, 1950; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

UNITED STATES STANDARDS[1] FOR GRADES OF CANNED APPLESAUCE; REVISION

On May 27, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 3234) regarding a proposed revision of the United States Standards for Grades of Canned Applesauce. After consideration of all relevant matters including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Canned Applesauce are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.), and Pub. Law 585, 81st Cong., approved June 29, 1950, and Pub. Law 627, 81st Cong., 2d sess., approved July 31, 1950.

§ 52.116 *Canned applesauce.* "Canned applesauce" is prepared from sound, fresh, apples (Pyrus malus) of proper ripeness, which fruit has been washed, peeled, cored, trimmed, sorted, chopped, and pulped; is packed with or without the addition of sweetening ingredients, water, salt, and spices; and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

(a) *Grades of canned applesauce.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned applesauce that possesses a good color and a good flavor; and that is of such quality with respect to consistency, finish, and absence of defects, as to score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned applesauce that possesses a fairly good color, a fairly good flavor, a fairly good consistency, and a fairly good finish; that is fairly free from defects; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of canned applesauce that fails to meet the requirements of U. S. Grade C or U. S. Standard.

(b) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned applesauce be filled as full as practicable without impairment of quality and that the product occupy not less than 90 percent of the volume of the container.

(c) *Ascertaining the grade.* The grade of canned applesauce is ascertained by considering, in conjunction with the other requirements of the respective grade, the respective ratings for the factors of color, consistency, finish, absence of defects, and flavor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors is:

Factors:	Points
(i) Color	20
(ii) Consistency	20
(iii) Finish	20
(iv) Absence of defects	20
(v) Flavor	20
Total score	100

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(d) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned applesauce that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the canned applesauce possesses a practically uniform, bright, typical color; is free from tinges of pink color, and is free from discoloration due to scorching, oxidation, or other causes.

(ii) Canned applesauce that possesses a fairly good color may be given a score of 14 to 16 points. Canned applesauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned applesauce possesses a fairly uniform, typical color that may be dull, slightly brown, slightly gray, or slightly pink, but is not off color.

(iii) Canned applesauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard regardless of the total score for the product (this is a limiting rule).

(2) *Consistency.* The factor of consistency refers to the viscosity of the product and to the degree of separation of free liquor.

(i) Canned applesauce that possesses a good consistency may be given a score of 17 to 20 points. "Good consistency" means that the canned applesauce, after stirring and emptying from the container to a dry flat surface, forms a moderately mounded mass, and that at the end of two minutes there is not more than a slight separation of free liquor.

(ii) Canned applesauce that possesses a fairly good consistency may be given a score of 14 to 16 points. Canned applesauce that scores 15 points or less in this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a partial limiting rule). "Fairly good consistency" means that the canned applesauce, after stirring and emptying from the container to a dry flat surface, may be more than moderately mounded, may be moderately stiff but not excessively stiff, or may be slightly thin so that it levels itself and that at the end of two minutes there may be moderate but not excessive separation of free liquor.

(iii) Canned applesauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard regardless of the total score for the product (this is a limiting rule).

(3) *Finish.* The factor of finish refers to the texture of the product and eveness of the apple particles.

(i) Canned applesauce that possesses a good finish may be given a score of 17 to 20 points. "Good finish" means that the apple particles are evenly divided; that the product is granular but not lumpy; is not pasty or "salvy"; and the apple particles are not hard.

(ii) Canned applesauce that possesses a fairly good finish may be given a score of 14 to 16 points. Canned applesauce that scores 15 points or less in this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a partial limiting rule). "Fairly good finish" means that the apple particles are evenly divided; the product may lack granular characteristics; may be slighly pasty or slightly "salvy" but not decidedly pasty or decidedly "salvy"; and the apple particles are not hard.

(iii) Canned applesauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard regardless of the total score for the product (this is a limiting rule).

(4) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from particles of seeds, flecks of bruised apple particles, peel, carpel tissue, dark particles from the blossom end of apples, and from other objectionable particles.

(i) Canned applesauce that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that the number, size, and color of the aforesaid defects present do not materially affect the appearance or eating quality of the product.

(ii) Canned applesauce that is fairly free from defects may be given a score of 14 to 16 points. Canned applesauce that scores 14 points in this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a partial limiting rule). "Fairly free from defects" means that the number, size and color of the aforesaid defects present do not seriously affect the appearance or eating quality of the product.

(iii) Canned applesauce which fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard regardless of the total score for the product (this is a limiting rule).

(5) *Flavor.* (i) Consideration is given under the factor of flavor to the natural flavor and aroma of the apple ingredient and the apparent relationship of acidity to sweetness.

(ii) Canned applesauce that possesses a good flavor may be given a score of 17 to 20 points. "Good flavor" means that the product has a distinct, desirable, characteristic, normal flavor and odor, and is free from objectionable flavors and objectionable odors of any kind (including but not being limited to those caused by oxidation, fermentation, and caramelization). The canned applesauce shall test not less than 16.5 degrees Brix.

(iii) Canned applesauce that possesses a fairly good flavor may be given a score of 14 to 16 points. Canned applesauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the product may be lacking in good flavor and odor; is practically free from the flavor of overripe fruit; and is free from objectionable flavors and objectionable odors (including but not being limited to those caused by oxidation, fermentation and serious caramelization).

(iv) Canned applesauce which fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard regardless of the total score for the product (this is a limiting rule).

(e) *Definition of term used in these standards.* (i) "Degrees Brix" in canned applesauce is the refractometric sucrose value of the filtrate determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions without correction for insoluble solids or acids.

(f) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned applesauce, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(g) *Score sheet for canned applesauce.*

Size and kind of container.....
Container mark or identification.....
Label.....
Net weight (ounces).....
Degrees Brix (by refractometer).....
Vacuum.....

Factors	Score points	
I. Color	20	(A) 17–20 (C) [1] 14–16 (D) [1] 0–13
II. Consistency	20	(A) 17–20 (C) [2] 14–16 (D) [2] 0–13
III. Finish	20	(A) 17–20 (C) [2] 14–16 (D) [2] 0–13
IV. Absence of defects	20	(A) 17–20 (C) [2] 14–16 (D) 0–13
V. Flavor	20	(A) 17–20 (C) [1] 14–16 (D) [1] 0–13
Total score	100	

Grade.....

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

(h) *Effective time and supersedure.* The foregoing revised United States Standards for Grades of Canned Applesauce (which are the third issue) will become effective thirty days after the date of publication of these Standards in the FEDERAL REGISTER and shall thereupon supersede the standards for grades of canned applesauce which have been in effect since January 25, 1934.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies sec. 203, 60 Stat. 1087; 7 U. S. C. 1622)

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Adminstration.

AUGUST 14, 1950.

[F. R. Doc. 50-7237; Filed, Aug. 17, 1950; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

AMENDMENT OF PACK SPECIFICATIONS AND MINIMUM STANDARDS

On July 22, 1950, notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 4719) regarding amendment of the pack specifications and minimum standards heretofore prescribed by the Walnut Control Board, in accordance with § 984.3 of the marketing agreement and order regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR 984.1 et seq.), which marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

In said notice, opportunity was afforded interested persons to submit to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C., written data, views, or arguments for consideration prior to the final approval by the Secretary of the proposed amendment of the pack specifications and minimum standards. No such written data, views, or arguments were submitted, and the time for filing same has now expired.

After further consideration of all relevant data it is concluded that the proposed rule as set forth in the aforesaid notice should be approved. Therefore, it is hereby ordered, that subparagraph (3) of paragraph (a) of § 984.101 be changed to read as follows:

(3) *Large size.* Walnuts of which not over 12 percent by count pass through a round opening $^{79}/_{64}$ inches in diameter, except that, for walnuts of the Eureka variety and type, such limiting dimension as to diameter shall be $^{78}/_{64}$ inches.

It is hereby found that it is necessary to make this order effective not later than the 15th day after the date of publication of this document in the FEDERAL REGISTER. The beginning of walnut harvest will be about the first of September, which is less than 30 days distant, and all handlers desiring to take advantage of the less rigid requirement will have a reasonable time for adjustment of their machinery. Information regarding the Board's recommendation has been made available to handlers in the production area.

Approved at Washington, D. C., this 15th day of August 1950, to be effective on and after 12:01 a. m., P. s. t., on the 15th day after the date of publication of this document in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50-7239; Filed, Aug. 17, 1950; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 47]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

1. The Peason Ridge, Louisiana, area, published on February 9, 1950, in 15 F. R. 705, is deleted.

2. The Albany, New York, area, published on June 23, 1949, in 14 F. R. 3393, and on July 16, 1949, in 14 F. R. 4287, is deleted.

3. The Oswego County, New York, area, published on April 11, 1950, in 15 F. R. 2036, is amended by changing the "Time of Designation" column to read: "Continuous, April 11, 1950 through March 15, 1951".

4. The Albemarle Sound, North Carolina, area, published on April 21, 1949, in 14 F. R. 1913, and on July 16, 1949, in 14 F. R. 4287, is amended by deleting areas (4) and (5).

5. The Kitty Hawk, North Carolina, area, published on April 21, 1949, in 14 F. R. 1913, and on July 16, 1949, in 14 F. R. 4287, is deleted.

6. The North Carolina Coastal, North Carolina, area, published on April 21, 1949, in 14 F. R. 1913, and on July 16, 1949, in 14 F. R. 4287, is deleted.

7. The Wanchese, North Carolina, area, published on April 21, 1949, in 14 F. R. 1913, and on July 16, 1949, in 14 F. R. 4287, is deleted.

8. A Muskogee (Camp Gruber), Oklahoma, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
MUSKOGEE (Camp Gruber) (Little Rock Chart).	A circular area having a radius of 2½ miles, centered at lat. 35°42'00" N, long. 95°05'00"	Surface to 10,000 feet.	Sunrise to sunset, 7 days a week.	125th Fighter Squadron, Oklahoma Air National Guard, Tulsa, Oklahoma.

9. The Haven, Wisconsin, area, published on March 30, 1950, in 15 F. R. 1783, is amended by changing the "Time of Designation" column to read: "0600 to 2000, daily".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 18, 1950.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-7241; Filed, Aug. 17, 1950; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regulations 3, Admt.]

PART 182—INDUSTRIAL ALCOHOL

MISCELLANEOUS AMENDMENTS

1. Regulations 3, approved March 6, 1942 (26 CFR, Part 182) as amended, are hereby amended as follows:

a. Sections 182.1, 182.6 (a–1), 182.8, 182.10 (d), 182.15 (a), 182.21 (c), 182.44, 182.49 (b), 182.63, 182.64, 182.65, 182.71, 182.72, 182.74, 182.82, 182.82a, 182.83, 182.85, 182.119, 182.126, 182.195, 182.199, 182.203, 182.271, 182.272, 182.274, 182.282, 182.290, 182.291, 182.292, 182.293, 182.295, 182.296, 182.297, 182.302, 182.304, 182.305, 182.308, 182.312, 182.313, 182.314, 182.317, 182.318, 182.319, 182.320, 182.321, 182.327, 182.328, 182.400 (c), 182.404, 182.405, 182.407, 182.408, 182.4081, 182.408m, 182.423, 182.447, 182.483, 182.495, 182.498, 182.500, 182.511a, 182.513, 182.515, 182.524, 182.565 – 182.572, 182.574a, 182.574e, 182.611, 182.625, 182.648a, 182.719, 182.749, 182.759, 182.785, 182.813, 182.847, 182.877, 182.879, and 182.997 are amended;

b. Sections 182.6 (a–4)–(a–9), 182.74a, 182.82b, 182.82c, 182.119a, 182.119b, 182.119c, 182.271a, 182.281a, 182.282a, 182.303a, and 182.407a are added; and

c. Sections 182.201, 182.288, 182.289, 182.294, 182.307, 182.309, 182.326, 182.499, 182.574f, 182.643 (c) and 182.718 are revoked.

REGULATIONS SUPERSEDED

§ 182.1 *Premises and equipment heretofore approved.* All establishments covered by the regulations in this part and the equipment therein, heretofore estab-

lished and approved, may continue to operate if constructed and equipped so as to afford adequate security and protection to the revenue. The district supervisor may, at any time, require the proprietor to make changes therein conforming to the provisions of the regulations in this part, if deemed necessary to safeguard the revenue or to permit more economical and efficient supervision by Government officers. All establishments hereafter constructed and all changes in existing establishments or equipment heretofore approved must be in conformance with the regulations in this part.

(Interprets or applies 53 Stat. 316, 318, 358, 364, 373, as amended; 26 U. S. C. 2823, 2829, 3105, 3124, 3170)

DEFINITIONS

§ 182.6 *Definitions.* As used in this part, the following words and phrases shall have the meanings as herein defined:

* * * * *

(a–1) "Tank car" shall mean a railroad tank car conforming to the requirements of this part. "Tank truck" shall mean a motor driven tank truck, including tank truck trailer, conforming to the requirements of this part: *Provided*, That any tank truck used for the conveyance of untax-paid alcohol, specially denatured alcohol, or completely denatured alcohol shall be of a capacity of not less than 1,000 gallons.

* * * * *

(a–4) "Gallon" or "Wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

(a–5) "I. R. C." shall mean the Internal Revenue Code.

(a–6) "Proof" shall mean the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

(a–7) "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 per cent of ethyl alcohol by volume.

(a–8) "Proof spirits" shall mean that alcoholic liquor which contains 50 per cent of ethyl alcohol by volume at 60 degrees Fahrenheit and which has a specific gravity of 0.93418 in air at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity.

(a–9) "U. S. C." shall mean the United States Code.

ESTABLISHMENT, LOCATION, AND USE

§ 182.8 *Experimental industrial alcohol plants.* Experimental industrial alcohol plants may, in the discretion of the Commissioner, be established for a specific and limited period of time for the purpose of experimentation in, or development of processes and sources of materials from which alcohol may be produced, or in manufacturing processes in which alcohol is produced. The Commissioner may exempt the proprietor, in so far as consistent with the law, from any of the provisions of the regulations in this part, and the Commissioner may authorize the district supervisor to issue permit to operate under such conditions and restrictions as the Commissioner may deem proper: *Provided*, That application Form 1431, and bond, Form 1432–A, shall be filed.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

§ 182.10 *Industrial alcohol bonded warehouses.* * * *

(d) *Discretion of district supervisor.* The district supervisor may disapprove any application for the establishment of a bonded warehouse not to be located on the premises of an industrial alcohol plant, or in any locality where the safety of the alcohol and the revenue would be endangered, or where satisfactory evidence as to the need for the warehouse is not submitted, or where the prospective volume of business is insufficient to warrant the expense of supervision of the warehouse by Government officers.

(Interprets or applies 53 Stat. 357, 358, 364; 26 U. S. C. 3101, 3105, 3124)

CONSTRUCTION

INDUSTRIAL ALCOHOL PLANTS

§ 182.15a *Equipment not in buildings.* Notwithstanding other provisions of the regulations in this part, the district supervisor may, in his discretion, approve industrial alcohol plants consisting, in whole or in part, of equipment and apparatus not located in a room or building, if, in his opinion, the location and construction are such that the safety of the alcohol and the revenue are not endangered. High-wine tanks, receiving tanks, and other tanks used for the receipt and storage of alcohol must be enclosed and protected in the manner required by § 182.44. An adequate number of electric floodlights shall be installed for properly lighting the premises at night. Any other protective measures deemed essential by the district supervisor or Commissioner may be required.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

§ 182.21 *Windows in receiving and wine rooms.* * * *

(c) *Extension of requirements.* The district supervisor may require any other windows in the receiving and wine rooms to be protected by iron bars or shutters, or both, when deemed necessary to safeguard the alcohol.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

* * * * *

BONDED WAREHOUSES

§ 182.44 *Storage tanks as warehouses.* The district supervisor may approve permanent storage tanks not located within a room or building as a bonded warehouse or a part thereof: *Provided*, That such tanks are constructed, equipped, and enclosed in conformity with the following requirements:

* * * * *

(f) *Additional requirements.* The district supervisor may require, in any case in which he deems it necessary, either the installation of electric floodlights for lighting the tank enclosure or the maintenance of watchman services or both or other protective measures or devices.

(Interprets or applies 53 Stat. 316, 357, 358, 364, 373, as amended; 26 U. S. C. 2823, 3101, 3105, 3124, 3170)

DENATURING PLANTS

§ 182.49 *Construction.* * * *

(b) *If not located on industrial alcohol plant or bonded warehouse premises.* If the denaturing plant is not to be located on the premises of an industrial alcohol plant or bonded warehouse, pursuant to authority granted by the district supervisor, it may consist of a building or a room or floor of a building, in which case it must be completely separated from all other buildings, rooms and floors, which are not a part of the denaturing plant, by solid unbroken floors and walls of substantial construction, extending from the ground or floor to the roof or ceiling. The doors and other openings must open into a public street or into the yard connected with the denaturing plant, or into an elevator shaft or common passageway partitioned off from all other businesses, and leading either directly or through another elevator shaft or similar passageway to the street or yard in accordance with the provisions of § 182.41.

(Interprets or applies 53 Stat. 358, 364, 373, as amended; 26 U. S. C. 3105, 3124, 3170)

EQUIPMENT

INDUSTRIAL ALCOHOL PLANTS

§ 182.63 *Scales for weighing packages.* Where packages are to be filled in the receiving room, suitable and accurate scales for weighing such packages of alcohol must be provided by the proprietor. The beams or dials of such scales must indicate weight in one-half pound graduations: *Provided*, That if packages are to be filled with exactly 1, 2, 5 and 10 wine gallons, which would require weighing in terms of pounds and ounces, scales indicating weight in one-ounce graduations must be provided.

(Interprets or applies 53 Stat. 358, 364, 26 U. S. C. 3105, 3124)

§ 182.64 *Weighing tanks for alcohol.* Where alcohol is to be removed from the receiving room by pipeline the proprietor must provide in the receiving room one or more suitable weighing tanks, unless such removals are limited to transfer of alcohol to a weighing tank in a bonded warehouse or denaturing plant operated by the proprietor on the same or contiguous premises as provided by § 182.407. Weighing tanks for alcohol shall be constructed of metal and shall be stationary and each such tank shall be calibrated and equipped with a suitable measuring device whereby the contents will be correctly indicated. The district supervisor will have the calibration of each weighing tank verified by a Government officer. The inlet and outlet pipe connections of each weighing tank must be fitted with valves so constructed that they can be secured with Government locks, and any other openings in such tanks must be so constructed that they can be closed and similarly locked. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words "Weighing Tank," followed by its serial number and capacity in gallons. Beams or dials of tank scales must be graduated to enable readings to be made as follows: To the nearest ½ pound for scales having a capacity not to exceed 2,000 pounds; to the nearest 1 pound for scales having a capacity of over 2,000 pounds, but not exceeding 6,000 pounds; to the nearest 2 pounds for scales having a capacity over 6,000 pounds, but not exceeding 20,000 pounds; to the nearest 5 pounds for scales having a capacity over 20,000 pounds, but not exceeding 50,000 pounds; and to the nearest 10 pounds for scales having a capacity over 50,000 pounds. Except in the case of scales having a capacity of 2,000 pounds or less, where alcohol is to be gauged for taxpayment not less than twenty per centum of the total capacity of the weighing tank scale may be entered into the tank for gauging for determination of tax: *Provided*, That lots of spirits weighing 1,000 pounds or less must be weighed on scales having ½ pound graduations.

(Interprets or applies 53 Stat. 307, 358, 359, 360, 364; 26 U. S. C. 2808, 3105, 3107, 3112, 3124)

§ 182.65 *Scales or measuring tanks for distilling materials.* The proprietor must provide on the industrial alcohol plant premises suitable and accurate scales for the weighing of grain and other nonliquid distilling materials received and used: *Provided*, That where the proprietor receives shipments of materials by rail or motor carrier, the shipper's weights appearing on the bill of lading or invoice may be recorded as the amount received; and, in such cases, track or truck scales for weighing the materials received need not be furnished. If the industrial alcohol plant is equipped with meal hoppers mounted on scales the meal may be weighed therein. If molasses or other liquids are used as distilling materials, a suitable weighing or measuring tank must be provided for determining the quantity thereof.

(Interprets or applies 53 Stat. 307, 358, 359, 364; 26 U. S. C. 2808, 3105, 3107, 3124)

§ 182.71 *Fermenters.* Each fermenter must be constructed of wood, metal, concrete, or other suitable material, and so arranged as to permit proper examination thereof. Each fermenter must have plainly and legibly painted thereon the word "Fermenter," followed by its serial number and capacity in gallons, depth in inches, and, if of uniform dimensions and standing on end, the capacity per inch of depth. Where such tanks are of irregular dimensions the proprietor shall furnish the district supervisor a table, in duplicate, showing the capacity of the tank for each inch of depth. The district supervisor will retain one copy of the table and forward the other to the storekeeper-gauger, who will retain the same in the Government office. The proprietor shall provide an accurate measuring rod marked in inches, or a steel tape, suitable for use in determining the contents of such tanks. When deemed necessary, the accuracy of the proprietor's calibration of fermenters will be verified by Government officers.

(Interprets or applies 53 Stat. 357, 358, 364; 26 U. S. C. 3103, 3105, 3124)

§ 182.72 *Washwater receiving tanks.* If carbon dioxide is recovered and the washwater is to be utilized in the manufacture of alcohol, there must be provided a sufficient number of washwater receiving tanks, which shall be constructed of metal. Each such tank shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. There must be painted on each tank the words "Washwater Receiving Tank," followed by its serial number and capacity in gallons. The outlet valve must be equipped for locking with a Government lock. Such tanks, if connected with low-wine tanks, stills, or other distilling apparatus, shall be connected by means of fixed metal pipelines for the purpose of transferring the washwater. If the washwater is not used in the manufacture of alcohol as provided by § 182.391, washwater receiving tanks need not be provided.

(Interprets or applies 53 Stat. 316, 318, 358, 364; 26 U. S. C. 2823, 2829, 3105, 3124)

§ 182.74 *General requirements for tanks.* All tanks used as receptacles for spirits between the outlet of the first condenser or worm and the receiving tanks shall be constructed of metal, and shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. Where such tanks are of irregular dimensions the proprietor shall furnish to the district supervisor a table, in duplicate, showing the capacity of the tank for each inch of depth. The district supervisor will retain one copy of the table and forward the other to the storekeeper-gauger who will retain the same in the Government office. All tanks must be so constructed as to permit proper examination thereof, and so arranged as to leave an open space of not less than three feet between the top and the roof or floor above. Where tanks are equipped with manholes or valves in the top, which are required to be locked with Government locks, suitable walks or landings with steps or stairways leading thereto, must be provided near the top of such tanks in order that ready access may be had by Government officers to the manholes. District supervisors may require such walks or landings, with steps or stairways leading thereto to be installed at plants now operating, where the tanks have manholes or valves in the top, which are required to be locked with Government locks, and the present method of gaining access to the top of the tanks is hazardous or unsafe to Government officers who are required to open and close the locks on such manholes or valves or to inspect the contents of the tanks from time to time. All tanks, such as low-wine tanks, high-wine tanks, heads and tails tanks, fusel oil tanks, distilled water tanks, and similar equipment, shall each have plainly and legibly painted thereon its designated use, serial number, and capacity in gallons. Manheads, inlets, and outlets of the tanks and all openings in the distilling apparatus and equipment, except column stills, whereby access may be had to the alcohol must be provided with facilities for locking with Government locks or otherwise securely fastened or sealed: *Provided*, That distilled water storage tanks need not be so equipped unless a pipeline is connected therewith for the conveyance of distilled water to contiguous establishments, as provided in § 182.76. Tanks used as receptacles for alcohol may be permanently connected with pipelines for the conveyance thereto of air and distilled water, but the distilled water pipeline must be affixed to the top of the tanks, and may not extend into the tank. Such pipelines must be equipped with a control valve which may be locked with a Government lock. Pipelines used for the conveyance of air must also be equipped with a check valve located near the point of entry to the tank in order to effectively prevent abstraction of alcohol from the tank. Other pipelines, except those used for the conveyance of alcohol, may not be permanently connected with such tanks.

(Interprets or applies 53 Stat. 316, 318, 358, 364; 26 U. S. C. 2823, 2829, 3105, 3124)

§ 182.74a *Measuring devices for alcohol tanks.* All tanks used as receptacles for alcohol shall be equipped with floats and counterweights and a proper scale whereby the actual contents will be correctly indicated, except that tanks located in a locked room may be equipped with suitable and accurate glass gauges: *Provided*, That the use of other suitable and accurate measuring devices may be authorized by the Commissioner upon application of the proprietor. The openings in the tanks for cords or wires for floats and counterweights must be no larger than are absolutely necessary to accommodate the cords or wires. Where tanks equipped with floats and counterweights are in a locked room, the scale should be extended to the outside of the room to permit ascertainment of the contents of the tank and thus guard against overflow without the necessity of opening the door of the room. Where tanks in a locked room are equipped with glass gauges, a properly barred and secured window must be provided in the wall or door to permit reading the gauge.

(Interprets or applies 53 Stat. 316, 318, 358, 364; 26 U. S. C. 2823, 2829, 3105, 3124)

§ 182.82 *Pipelines.* The distilling apparatus and equipment must be closed and continuous, commencing with the first still in which the vapors rise and continuing with securely closed vessels and pipes to the receiving tanks in which the finished product is deposited. All such pipelines must be of a fixed and permanent character, constructed of metal, or other material affording necessary protection, and so arranged as to be exposed to view in their entirety. All valves, unions, flanges, and other detachable connections in the pipelines of the distilling equipment from the point where the vapors rise in the first still to the receiving tanks must be so secured by brazing, welding, fastening and sealing, or locking with Government locks as to effectually prevent disconnection and access to the alcohol. Pipelines used for conveying alcohol from the receiving room to establishments on the same or contiguous premises shall be constructed, secured and exposed in like manner and shall be so arranged that each such pipeline can be completely drained or emptied after each transfer of alcohol: *Provided*, That such pipelines may be connected with weighing tanks by means of flexible metal hose with ends brazed

or welded to the outlet of the tank and to the pipeline, or by means of short, detachable hose connections, if the end of the pipeline is fitted with a valve so constructed that it may be secured with a Government lock. Pipelines likewise may be connected with tank cars and tank trucks by short, detachable hose connections. A separate pipeline must be installed to each plant to which transfer of alcohol by pipeline is authorized, or for the loading or unloading of tank cars, except as provided in § 182.513. Such pipelines may be connected only to the tanks to or from which transfer of alcohol is authorized, except, where two or more tanks are used for the same purpose, manifold connections may be used. Manifold connections must be equipped with valves which may be secured with Government locks and so arranged as to permit complete control of alcohol into or out of each tank. There shall be painted on each pipeline extending to and from a manifold a legend showing the kind and serial number of the tank or the type and registry number of the contiguous establishment with which the pipeline is connected. Where there are separate pipelines leading directly from a tank to a tank car loading zone or an establishment on the same or contiguous premises, a legend indicating the use of such pipeline or the type and registry number of the contiguous establishment shall be painted thereon. Pipelines shall be kept painted in the colors required by § 182.83.

(Interprets or applies 53 Stat. 314, 316, 318, 335, as amended, 358, 364; 26 U. S. C. 2820, 2823, 2829, 2883, 3105, 3124)

§ 182.82a *Preparation for sealing flanges.* Where flanges and other detachable connections in the pipelines (other than unions or valves) are not secured by welding or brazing, and are not to be secured by Government locks, they must be prepared by the proprietor for sealing with "cap" seals by one of the following methods:

(a) By applying a "castle" nut with a hole drilled through the bolt, so the sealing wire may be passed through like a cotter pin, two such nuts being applied to each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three such nuts will be applied at approximately equal distances apart;

(b) By drilling a small hole through both nut and bolt, two such bolts and nuts being drilled for each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three such nuts will be applied at approximately equal distances apart; or

(c) By drilling a hole through the corner of the head of the bolt and one through the corner of the nut so the two will be sealed together, two such bolts and nuts being drilled for each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three such nuts will be applied at approximately equal distances apart.

(Interprets or applies 53 Stat. 316, 318, 357, 358, 364; 26 U. S. C. 2823, 2829, 3101, 3105, 3124)

§ 182.82b *Preparation for sealing unions.* Where unions in the pipelines are not secured by welding or brazing, and are not to be secured by Government locks, they will be prepared for sealing by enclosing the same in a metal box with holes for the sealing wire.

(Interprets or applies 53 Stat. 316, 318, 357, 358, 364; 26 U. S. C. 2823, 2829, 3101, 3105, 3124)

§ 182.82c *Preparation for sealing valves.* Where small gate and globe valves in the pipelines are secured by welding or brazing, and are not to be secured by Government locks, they may be prepared for sealing by inclosing the packing nut and hood with a metal band or strap drawn tightly around the flange and fitted for reception of the sealing wire, or by drilling a hole in the packing nut so that sealing wire may be passed through and drawn around the pipe and sealed. Where valves have large flanges, such flanges may be sealed in the same manner as other flanges.

(Interprets or applies 53 Stat. 316, 318, 357, 358, 364; 26 U. S. C. 2823, 2829, 3101, 3105, 3124)

§ 182.83 *Colors for pipelines.* The pipelines in the industrial alcohol plant used for conveying the following substances shall be kept painted in the colors indicated:

Black	Alcohol.
Blue	Vapor, low wines, high wines or other unfinished spirits.
Red	Fermented mash or beer, or other distilling material.
Gray	Molasses or other unfermented material.
Brown	Spent beer or slop.
Yellow	Fusel oil.
Yellow with red stripe	Ether.
Yellow with green stripe	Butyl alcohol.
Yellow with purple stripe	Acetone.
White	Water.
Aluminum	Steam.
Orange	Air.
Olive green	Carbon dioxide.
Purple	Refrigerants.

These colors are intended for such pipelines only, and are prescribed for the purpose of distinguishing such pipelines from each other and from all other pipelines on the premises which are painted but for which colors are not prescribed. The painting in one of the prescribed colors, or a color similar thereto, of a pipeline for which a color is not prescribed is prohibited. Pipelines for ether, butyl alcohol, and acetone shall be "striped" conspicuously in the prescribed colors. Pipelines for which colors are not prescribed may be painted in sections of not more than 3 feet in contrasting colors.

(Interprets or applies 53 Stat. 357, 358, 264; 26 U. S. C. 3101, 3105, 3124)

BONDED WAREHOUSES

§ 182.85 *Weighing tanks.* Where alcohol is to be removed by pipeline to tank cars for shipment or to a denaturing plant on the same premises, or to a rectifying plant or tax-paid bottling house on contiguous premises, or to a tank truck for transfer in bond to another bonded warehouse (as authorized by § 182.550) or to a denaturing plant (as authorized by § 182.560), or where alcohol is to be received in tank cars, or received in tank trucks from an industrial alcohol plant (as authorized by § 182.400) or from another bonded warehouse (as authorized by § 182.550), the proprietor of the warehouse must provide for use in weighing such alcohol one or more suitable weighing tanks, constructed and secured in accordance with the provisions of § 182.65.

(Interprets or applies 53 Stat. 307, 358, 359, 364; 26 U. S. C. 2808, 3105, 3107, 3124)

QUALIFYING DOCUMENTS

INDUSTRIAL ALCOHOL PLANTS, BONDED WAREHOUSES, AND DENATURING PLANTS

§ 182.119 *Consent, Form 1602.* Where the proprietor is not the owner in fee of the lot or tract of land on which the industrial alcohol plant or bonded warehouse is situated, unencumbered by any mortgage, judgment, lien, or other encumbrance, or is not the owner of the distilling apparatus and equipment, unencumbered by any mortgage, judgment, lien, or other encumbrance, he must file the written consent, Form 1602, of the owner and of any mortgagee, judgment-creditor, lienor, or other encumbrancer, conditional sales vendor, or prior lessee, that the premises or property may be used for the purpose of distilling alcohol or the storage of alcohol subject to the provisions of law, and expressly stipulating that the lien of the United States for taxes and penalties shall have priority over any title, right, or interest of the person giving the consent, and that, in the case of the forfeiture of the premises or property, or any part thereof the title to the same shall vest in the United States, discharged from any such right, title, or interest.

(Interprets or applies 53 Stat. 311, 358, 364; 26 U. S. C. 2815, 3105, 3124)

§ 182.119a *Execution of consent.* The consent shall be executed on Form 1602, in triplicate, in accordance with the instructions printed thereon, duly acknowledged before an officer authorized to take acknowledgment of deeds, properly recorded and submitted to the district supervisor with the application, Form 1431, and made a part thereof. The acknowledgment and certificate of recordation shall be executed on all three copies of the Form.

(Interprets or applies 53 Stat. 311, 358, 364; 26 U. S. C. 2815, 3105, 3124)

§ 182.119b *New consent required.* A new consent will be required for each year beginning on the first day of January, unless the consent is given for a definite period of time exceeding 1 year, in which event the consent should be given in terms to expire at the beginning of an annual period, January 1. If, after such consent is filed, the premises are extended and the proprietor is not the owner in fee, unencumbered, of the additional premises, or additional apparatus and equipment are installed, and the proprietor, or the party who executed the consent then in effect is not the owner thereof, unencumbered, consent on Form 1602 must be filed for such additional premises or apparatus and equipment. A new consent will also be required whenever there is a change in proprietorship, including succession for a temporary period by a lessee or fiduciary, unless the consent procured by the predecessor specifically covers operation of the premises by his successor or assigns. In the event of failure of such consent the proprietor will be no longer qualified, unless an indemnity bond on Form 1604 is filed.

(Interprets or applies 53 Stat. 311, 358, 364; 26 U. S. C. 2815, 3105, 3124)

§ 182.119c *Bond in lieu of consent.* Where consent on Form 1602 cannot be obtained or where the industrial alcohol plant or bonded warehouse was sold at a judicial or other sale in favor of the United States, and there exists a right of redemption from such sale, the proprietor may file in lieu of such consent, an indemnity bond, Form 1604, as provided in §§ 182.122 to 182.124.

(Interprets or applies 53 Stat. 311, 358, 364; 26 U. S. C. 2815, 3105, 3124)

§ 182.126 *List of stockholders.* In the case of corporations and similar legal entities, there must be submitted with Form 1431 at the commencement of business and annually thereafter on May 1 a list of the names and addresses of all stockholders and other persons interested in the corporation or other legal entity and the amount and nature of the stockholding or other interests of each, whether such interest appears in the name of the interested party or in the name of another for him: *Provided,* That where more than 100 persons are interested in the corporation or other legal entity as stockholders or otherwise there need be furnished only the names and addresses and the amounts and nature of the stock holding or other interest of the 100 persons having the largest ownership or other interest in each of the respective classes of stock or other interests, except where more complete information shall be specifically required by the Commissioner or district supervisor: *Provided further,* That where there has been no change in the stockholders and other persons interested in the corporation or other legal entity, or in the extent of the stock holding or other interest of such persons, the proprietor may furnish on May 1 of each year a certified statement, in triplicate, to that effect in lieu of the prescribed list. Where a corporation operates two or more industrial alcohol plants, bonded warehouses or denaturing plants or other plants situated in the same supervisory district, or wholly owns one or more subsidiaries operating plants under the internal revenue laws and regulations so situated, and in connection with qualifying for the operation of one of such plants files a list of stockholders and other persons interested, as prescribed herein, the filing of an additional list for each plant will not be required, provided that in lieu of such additional list there is submitted with the application, Form 1431, a certificate, in triplicate, definitely identifying the corporation and plant with whose application the list of stockholders and other persons interested in filed, and giving the date of the filing thereof.

(Interprets or applies 53 Stat. 357, 358, 364; 26 U. S. C. 3103, 3105, 3124)

BONDS AND CONSENTS OF SURETY

§ 182.195 *Investigation.* The district supervisor will cause an investigation to be made of all the facts stated in the surety's affidavit on Form 33 and supporting documents.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

§ 182.199 *Consents of surety.* Consents of surety to a change in the terms of a bond must be executed on Form 1533, in as many copies as are required of the bond which they affect, by the principal and all sureties with the same formality and proof of authority to execute as are required for the execution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bond affected thereby and state specifically and precisely what is covered by the extended terms thereof. If the surety is a corporation, the consent may be executed by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the appropriate district supervisor, or the consent may be executed by the home office officials of such corporate surety; except that, in cases where the saving of time is an element, the consent may be executed by an agent or attorney in fact where the home office officials, by specific direction, order its execution. A copy of such specific direction should be attached to each copy of such consent.

(Interprets or applies 53 Stat. 355, 358, 360, 364; 26 U. S. C. 3070, 3105, 3114, 3124)

§ 182.203 *Additional or strengthening bonds.* In all cases where the penal sum of a bond on file and in effect is not sufficient, computed as prescribed by law and regulations, the principal may give an additional or strengthening bond in a sufficient penal sum, provided the surety thereon is the same as on the bond already on file and in effect; otherwise a new bond covering the entire liability will be required. Such additional or strengthening bonds being filed to increase the bond liability of the principal and the surety, they are in no sense substitute bonds, and the district supervisor will refuse to approve any additional or strengthening bond where any notation is made thereon, intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full penal sum. Additional or strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Additional Bond" or "Strengthening Bond."

(Interprets or applies 53 Stat. 355, 358, 360, 364; 26 U. S. C. 3070, 3105, 3114, 3124)

REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES AND EQUIPMENT; AND IN THE TITLE TO INDUSTRIAL ALCOHOL PLANT OR BONDED WAREHOUSE PROPERTY OR THE ENCUMBRANCE THEREOF

CHANGE IN LOCATION, PREMISES, CONSTRUCTION, APPARATUS, ETC.

§ 182.271 *Changes in equipment.* Where changes are to be made in the apparatus and equipment of an industrial alcohol plant, bonded warehouse, or denaturing plant, or in the denatured alcohol recovery system at a denatured alcohol user's premises, the permittee shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes: *Provided,* That emergency repairs may be made under the supervision of the Government officer, where one is assigned to the premises, without prior approval of the district supervisor. Where such emergency repairs are made, the permittee shall file immediately a report thereof, in triplicate, with the district supervisor. If the apparatus or equipment referred to in § 182.272 is to be removed the application shall include information showing: (a) The date of original purchase; (b) the name and address of the vendor; (c) a description of the article including model and serial numbers, if any; (d) original cost; (e) present book value and method used in determining such value; and (f) proposed disposition of the article. Changes covered by an approved application will be made under the supervision of the Government officer, where one is assigned to the premises. Upon completion of any change made under his supervision, the Government officer will authorize the removal of the dismantled equipment, and the use of the new or repaired equipment, and submit a report, in triplicate, of the changes to the district supervisor.

(Interprets or applies 53 Stat. 357, 358, 360, 364; 26 U. S. C. 3103, 3105, 3112, 3124)

§ 182.271a *Installation of additional equipment.* Where the proprietor of the industrial alcohol plant or bonded warehouse is the owner in fee unencumbered, or has procured the consent of the owner or of any encumbrancer, of the premises, apparatus and equipment thereon, and additional apparatus and equipment are installed, the proprietor, if he is not the owner in fee unencumbered of the additional apparatus and equipment, must procure the consent of the owner or any encumbrancer, in accordance with § 182.119, or in lieu thereof file an indem-

nity bond, Form 1604, equal to the appraised value of the entire premises, including the additional apparatus and equipment, in accordance with § 182.122. If such proprietor has filed an indemnity bond, Form 1604, in lieu of the consent of the owner or any encumbrancer, in accordance with the provisions of § 182.122, and the value of the premises is increased by the installation of additional apparatus or equipment, an additional or new bond on such form to cover the increase in value will be required, in accordance with provisions of § 182.122.

(Interprets or applies 53 Stat. 357, 358, 360, 364; 26 U. S. C. 3103, 3105, 3112, 3124)

§ 182.272 *Indemnity bond covering removal of equipment.* If apparatus or equipment on industrial alcohol plant or bonded warehouse premises on which a lien has attached, under section 3112, I. R. C., for taxes on alcohol produced or stored, which has not been tax-paid or withdrawn for a tax-free purpose, is to be removed from the premises without replacement thereof with apparatus or equipment that will become a real fixture in law of an equal or greater value than the apparatus or equipment to be removed, (a) where the proprietor is the owner of the premises in fee unencumbered, whether the property is realty or personalty; (b) where consents, in accordance with § 182.119, are necessary and have been obtained, whether the property is realty or personalty; and (c) where an indemnity bond, Form 1604, is on file and the property is personalty; the permittee must file with the district supervisor an indemnity bond on Form 1617, in triplicate, in a penal sum equal to the value of the apparatus or equipment to be removed, or equal to the excess in value of the old apparatus or equipment to be removed over the value of the new apparatus or equipment to be substituted therefor: *Provided*, That if such value, or difference in value, as the case may be, is less than $5,000, no indemnity bond will be required: *Provided further*, That no indemnity bond will be required to cover the removal of equipment from the industrial alcohol plant or bonded warehouse premises to another bonded premises if the two premises are controlled by the same interests. The value of the apparatus of equipment to be removed, or the difference between the value of such apparatus or equipment and the value of the apparatus or equipment to be substituted therefor, will be determined by appraisal in the manner prescribed in § 182.270 (a).

(Interprets or applies 53 Stat. 357, 358, 360, 364; 26 U. S. C. 3103, 3105, 3112, 3124)

CHANGE IN TITLE TO INDUSTRIAL ALCOHOL PLANT OR BONDED WAREHOUSE PROPERTY OR THE ENCUMBRANCE THEREOF

§ 182.274 *Change of title.* Where the title to the lot or tract of land upon which an industrial alcohol plant or bonded warehouse is located is changed by sale, judicial or otherwise, or where there is any change in the ownership of the premises or the apparatus or equipment, subsequent to the approval of bond, Form 1432–A, the permittee is no longer qualified. If the permittee desires to qualify for further operation when such a change occurs, he must file an amended application, Form 1431, together with the necessary consent, Form 1602, or, in lieu of such consent, an indemnity bond, Form 1604. In addition to such amended application and consent, Form 1602, or indemnity bond, Form 1604, the district supervisor may, in his discretion require the permittee to file a new bond, Form 1432–A.

(Interprets or applies 53 Stat. 357, 358, 360, 364; 26 U. S. C. 3103, 3105, 3112, 3124)

ACTION BY DISTRICT SUPERVISOR

ORIGINAL ESTABLISHMENT

§ 182.281a *Authority to approve.* District supervisors are authorized to approve all applications, bonds, consents of surety, and other qualifying documents required by this part and to issue required permits in connection therewith, except applications for use of specially denatured alcohol or tax-free alcohol by the United States or governmental agency thereof, and applications, bonds, and qualifying documents required in connection with establishment and operation of an experimental industrial alcohol plant.

(Interprets or applies 53 Stat. 358, 360, 364, 373, as amended; 26 U. S. C. 3105, 3114, 3124, 3170)

§ 182.282 *Investigation of applicant.* Before approving any application filed by any individual, firm, partnership, corporation, or association, the district supervisor will cause such inquiry or investigation to be made as may be deemed necessary to ascertain whether such individual, firm, partnership, corporation, or association, or any person owning, controlling, or actively participating in the management of the business, has been convicted of, or has compromised, an offense of the nature specified in § 182.106 (b), or is precluded by the provisions of § 182.106 (a) from receiving a permit, and shall make a thorough investigation to determine the applicant's qualifications to hold a permit and whether he is entitled to the confidence of the Department. The district supervisor's inquiry and investigation in connection with an application on Form 1431 for permit to operate an industrial alcohol plant or bonded warehouse, in conjunction with which an application was filed for permit under the Federal Alcohol Administration Act, shall include the procurement of sufficient information to pass upon the application for such permit.

(Interprets or applies 53 Stat. 357, 358, 360, 364, 373, as amended; 26 U. S. C. 3103, 3105, 3114, 3124, 3170)

§ 182.282a *Disapproval of application.* Where, after hearing or opportunity for hearing, as provided in §§ 182.220 to 182.224, the district supervisor finds that the applicant is not entitled to the confidence of the Department, or is precluded by section 3114 (a), Internal Revenue Code, and § 182.106 (a) from receiving a permit, he shall note his disapproval on all copies of the application with brief statements of his reasons therefor and dispose of the application, bond, and supporting documents in accordance with the provisions of § 182.293.

(Interprets or applies 53 Stat. 357, 358, 360, 364, 373, as amended; 26 U. S. C. 3103, 3105, 3114, 3124, 3170)

§ 182.290 *Approval of qualifying documents.* If the district supervisor finds, upon examination of the inspection report and the qualifying documents, that the applicant has complied in all respects with requirements of law and this part, and if the bond and consent, if any, or the indemnity bond filed in lieu thereof, properly may be approved, and if the applicant is entitled to a permit, he will note his approval on all copies of the application, plat and plans, bonds and consent or indemnity bond, and shall dispose of the qualifying documents and inspector's report in accordance with § 182.293. In the case of experimental industrial alcohol plants, applications, bonds, and one set of other qualifying documents will be forwarded to the Commissioner, together with a copy of the inspection report, for approval or disapproval in accordance with § 182.8. The district supervisor will refer trade names to the Commissioner for approval before approving applications for basic permits involving use of trade names and will refer to the Commissioner all formulae and labels for denatured alcohol, articles, or other products manufactured therefrom, except rubbing alcohol compound manufactured in accordance with § 182.147 (a). Issuance of basic permits on Form 1433 covering original establishment of industrial alcohol plants, bonded warehouses or denaturing plants will be withheld pending assignment of basic permit and registry number by the Commissioner in accordance with §§ 182.291 and 182.305. The district supervisor will advise the Commissioner in advance of final action on such permits insofar as possible, in order that basic permit and registry numbers may be assigned to prevent undue delay in the proposed operations. Symbols and numbers for other basic permits will be assigned by the district supervisor in accordance with the provisions of § 182.291.

(Interprets or applies 53 Stat. 358, 360, 364, 373, as amended; 26 U. S. C. 3105, 3114, 3124, 3170)

§ 182.291 *Symbols and numbers for basic permits.* All basic permits, except those issued on Forms 1433, 1444, and 1486, shall bear a symbol indicating the class of permit, the recognized abbreviation of the State in which the business is to be conducted, and a serial number; the symbol, State abbreviation, and the serial number being separated by dashes, as "TF–NY–123." The serial number of permits to deal in specially denatured alcohol will be followed by the capital letter "D" in parentheses. All basic permits shall be numbered serially according to the class of permit in the order of issuance. Amended and renewal permits shall be given the same number as the original permit. A separate series of numbers will be used for each State in the case of permits, Form 145, Form 1447, Form 1476, and Form 1481. Serial numbers of basic permits heretofore issued will be retained and new permits will be assigned numbers in sequence thereto. Basic permit numbers previously assigned to permittees will not be reassigned to other permittees. In the case of basic permits, Form 1433, the district supervisor shall insert the permit and registry numbers assigned by the Commissioner on the form. The prescribed symbols are as follows:

IAP—Industrial alcohol plant.
BW—Bonded Warehouse.
DP—Denaturing plant.
TF—User of tax-free alcohol (other than the United States or governmental agency thereof).
SDA—Dealer in specially denatured alcohol (The letter "D" being inserted in parentheses after the serial number, as "SDA–NY–3(D)").
SDA—User of specially denatured alcohol (including the recovery of specially denatured alcohol, or recovery of articles in the form of denatured alcohol).
SDR—Dealer in specially denatured rum (the letter "D" being inserted in parentheses after the serial number, as "SDR–NY–4(D)").
SDR—User of specially denatured rum.
CDAR—Recovery of completely denatured alcohol.
C—Carrier transporting tax-free or specially denatured alcohol.
US–TF—Use of tax-free alcohol by the United States or governmental agency thereof.
US–SDA—Use of specially denatured alcohol by the United States or governmental agency thereof.

(Interprets or applies 53 Stat. 358, 360, 364, 373, as amended; 26 U. S. C. 3105, 3114, 3124, 3170)

§ 182.292 *Disapproval of qualifying documents.* If the district supervisor finds, after hearing or opportunity for hearing, as provided in §§ 182.220 to 182.224, that the applicant has not complied in all respects with the requirements of the law and this part, or that the situation of the premises is such as would enable the applicant to defraud the United States, or that the bond should be disapproved, he will note his disapproval on the application, and will dispose of the qualifying documents in accordance with § 182.293. Where an application or bond or consent of surety is disapproved by the district supervisor and an appeal is taken to the Commissioner, the district supervisor will furnish the Commissioner with full information respecting the reasons for disapproval, including (a) in the case of a violation of the nature specified in § 182.106 (b), the nature of the offense, the names of the offenders, the date of conviction or acceptance of an offer in compromise, and (b) in the case of an offense which precludes the issuance of a permit under § 182.106(a), the nature, date and place of the offense. The Commissioner will grant a hearing in the matter if the parties so request at the time appeal is taken upon the action of the district supervisor.

(Interprets or applies 53 Stat. 358, 360, 364, 373, as amended; 26 U. S. C. 3105, 3114, 3124, 3170)

§ 182.293 *Disposition of qualifying documents.* If the district supervisor approves the qualifying documents, he will forward to the applicant one copy of the documents with the original of the basic permit, and original of the permit issued under the Federal Alcohol Administration Act (if any), forward to the Commissioner the originals of the qualifying documents and a copy of the basic permit, and permit issued under the Federal Alcohol Administration Act (if any), together with copies of inspection reports, and retain one copy of such qualifying documents and permits for the file of the applicant. If the qualifying documents are disapproved, the district supervisor shall return to the applicant by registered mail one copy of the disapproved application, together with all copies of the qualifying documents and all copies of the bond without action thereon. The district supervisor shall forward one copy of the disapproved application to the Commissioner and will advise him fully respecting the disapproval thereof. He shall retain the remaining papers in his files. If the applicant is not entitled to a basic permit, the district supervisor will, upon disapproval of the application therefor, return all copies of the qualifying documents to the applicant without action thereon.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

§ 182.295 *Procedure applicable.* The provisions of §§ 182.281a to 182.293 respecting the action required of district supervisors in connection with applications for original basic permits will be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name, or in the trade name or style, or where the premises are to be operated initially under a trade name or style or where there is a change in the proprietorship, location, premises, construction, apparatus and equipment, or in the type of premises, or in the title to the property in the case of an industrial alcohol plant or bonded warehouse, or where such property becomes subject to a mortgage, judgment, or other encumbrance, or where operations are permanently discontinued.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

§ 182.296 *Indemnity bond, Form 1617.* Where changes to be made in industrial alcohol plant or bonded warehouse premises, buildings, or former industrial alcohol plant or bonded warehouse premises, buildings, or equipment or apparatus, are such as to require the filing of an indemnity bond on Form 1617, as provided in §§ 182.270 and 182.272, the district supervisor will, upon receipt of a satisfactory bond, note his approval thereon, forward the original to the Commissioner, forward one copy to the permittee, and retain one copy.

(Interprets or applies 53 Stat. 358, 364, 373, as amended; 26 U. S. C. 3105, 3124, 3170)

§ 182.297 *Applications and reports covering changes.* Where an application covering changes in apparatus or equipment, or in construction or use of a room or building is approved by the district supervisor, he will retain one copy of the application and forward one copy to the permittee and one copy to the Commissioner; and, when reports covering changes in apparatus, and equipment are received from Government officers in accordance with § 182.271, he will retain one copy and promptly forward one copy to the Commissioner. Similar disposition will be made of reports received from the permittee covering emergency repairs of apparatus and equipment.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

DISCONTINUANCE OF INDUSTRIAL ALCOHOL PLANT, BONDED WAREHOUSE, OR DENATURING PLANT

§ 182.302 *District supervisor's action.* If the district supervisor finds, upon receipt of the report from the storekeeper-gauger or other Government officer, that all alcohol or denatured alcohol produced or deposited has been withdrawn, and properly accounted for, he will note his approval on all copies of Form 1431, forward the original thereof, together with a copy of the Government officer's report, to the Commissioner and return a copy to the proprietor. Where discontinuance of a bonded warehouse or denaturing plant was ordered by the Commissioner, the district supervisor will forward to the Commissioner a complete report of the removal of the alcohol or specially denatured alcohol from the premises, together with a copy of the Government officer's report of the inspection of the proprietor's and storekeeper-gauger's records and the removal of the Government property from the premises.

(Interprets or applies 53 Stat. 358, 364, 373, as amended; 26 U. S. C. 3105, 3124, 3170)

ACTION BY COMMISSIONER

ORIGINAL ESTABLISHMENT

§ 182.303a *Authority to approve.* The Commissioner will approve or disapprove applications for use of trade names as provided in § 182.290, formulas and labels for denatured alcohol, articles, or other products manufactured therefrom as provided in § 182.151, applications, bonds and qualifying documents required in connection with establishment and operation of experimental industrial alcohol plants in accordance with provisions of § 182.8, and applications for the use of tax-free and specially denatured alcohol by the United States or governmental agencies thereof, and will issue necessary permits or certificates in connection with such applications.

(Interprets or applies 53 Stat. 358, 360, 364, 373, as amended; 26 U. S. C. 3105, 3114, 3124, 3170)

§ 182.304 *Review of documents.* The Commissioner will review the action of the district supervisor relating to the establishment of industrial alcohol plants, bonded warehouses and denaturing plants, and will determine whether such action is in conformity with the requirements of law and this part. If not, the Commissioner will advise the district supervisor as to the necessary action to be taken.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

§ 182.305 *Registry and permit numbers.* Upon request therefor by district supervisors the Commissioner will assign registry and permit numbers to industrial alcohol plants, bonded warehouses and denaturing plants. Such plants will be numbered serially, irrespective of states or districts. Symbols and num-

bers for basic permits will be assigned as provided in § 182.291. Registry and permit numbers previously assigned to discontinued alcohol plants, bonded warehouses, and denaturing plants will not be reassigned to other such plants. The same registry number will be continued whenever there is an immediate change of proprietorship. A new basic permit number will be assigned when there is a change of proprietorship. The same registry and permit number will be assigned to an industrial alcohol plant, bonded warehouse, and denaturing plant, or any combination of such plants on the same premises.

(Interprets or applies 53 Stat. 358, 360, 364, 373, as amended; 26 U. S. C. 3105, 3114, 3124, 3170)

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

§ 182.308 *Procedure applicable.* The provisions of § 182.304 respecting the action of the Commissioner in connection with the applications for original basic permits will be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name, or in the trade name or style, or in the proprietorship, location, premises, construction, apparatus and equipment, or in the type of premises or operations, or in the title to industrial alcohol plant or bonded warehouse property or where such property becomes subject to a mortgage, judgment, or other encumbrance.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

TERMINATION OF BONDS

§ 182.312 *Direct export bonds.* Bonds covering a specific lot of alcohol withdrawn for direct export, Form 1497, will be terminated by the district supervisor by marking the bond "Canceled," followed by the date of cancellation, upon receipt of evidence of the landing of the alcohol in a foreign country or satisfactory proof of loss at sea: *Provided*, That where there is a deficiency, the bond will not be canceled by the district supervisor until the liability for the deficiency has been terminated. Continuing bonds covering alcohol withdrawn from time to time for direct export, Form 1495, will be similarly terminated by the district supervisor where no further withdrawals are to be made thereunder: *Provided*, That the account kept with the bond in accordance with § 182.611 shows that there are no outstanding charges.

(Interprets or applies 53 Stat. 336, 358, 364, 373, as amended; 26 U. S. C. 2885, 3105, 3124, 3170)

§ 182.313 *Transportation for export bonds.* Bonds covering a specific lot of alcohol withdrawn for transportation for export, Form 1498, will be terminated by the district supervisor by marking the bond "Canceled," followed by the date of cancellation, upon receipt of Form 691 from the collector of customs showing the clearance of the alcohol: *Provided*, That where there is a loss in transit, the bond will not be canceled until the liability for the loss has been terminated. Continuing bonds for alcohol withdrawn from time to time for transportation for export, Form 1496, will be similarly terminated by the district supervisor where no further withdrawals are to be made thereunder: *Provided*, That the account kept with the bond in accordance with § 182.611 shows that there are no outstanding charges.

(Interprets or applies 53 Stat. 337, 358, 364, 373, as amended; 26 U. S. C. 2886, 3105, 3124, 3170)

§ 182.314 *Bonds covering transportation to customs manufacturing bonded warehouse.* Bonds covering a specific lot of alcohol withdrawn for transportation to a customs manufacturing warehouse, Form 1459, will be terminated by the district supervisor by marking the bond "Canceled," followed by the date of cancellation, upon receipt from the collector of customs of Form 3923 showing the deposit of the alcohol in the customs manufacturing bonded warehouse: *Provided*, That were there is a loss in transit the bond will not be canceled by the district supervisor until liability for the loss has been terminated. Continuing bonds covering alcohol withdrawn from time to time for transportation to customs manufacturing bonded warehouse, Form 1460, will be similarly terminated by the district supervisor where no further withdrawals are to be made thereunder, provided that the account kept with the bond in accordance with § 182.625 shows that there are no outstanding charges.

(Interprets or applies 53 Stat. 340, 358, 364, 373, as amended; 26 U. S. C. 2891, 3105, 3124, 3170)

§ 182.317 *Action on application for notice of termination of bond supporting a basic permit.* When an application for notice of termination, as to future operations, of a bond supporting a basic permit is filed with the district supervisor in a case where a superseding bond has been approved, or the principal has discontinued business, as provided in § 182.310 the district supervisor will make a complete examination of records to determine whether there is any liability then due and payable outstanding against the bond. He will also ascertain from the collector of internal revenue whether there are any outstanding unpaid assessments or demands for taxes, penalties and interest on alcohol or denatured alcohol under the bond. If it is found that violations of law or regulations occurred during the period covered by the bond, and that penalties incurred or fines imposed have not been paid, or that outstanding assessments, or demands for payment of taxes, chargeable against the bond have not been paid, or otherwise settled, the district supervisor will disapprove the application, unless the liability is settled. If the district supervisor finds that the bond properly may be terminated he will issue notice of termination in accordance with provisions of § 182.320.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

§ 182.318 *Action on application for notice of termination of indemnity bonds.* When an application for notice of termination of an indemnity bond, Form 1604, as to future operations of an industrial alcohol plant or bonded warehouse is filed with the district supervisor in a case where a superseding bond has been approved, or the principal has discontinued business, as provided in § 182.311, the district supervisor will take action in accordance with the procedure prescribed in § 182.317, in the case of an application for termination of the bond supporting a basic permit. When an application for notice of termination of an indemnity bond, Form 1617, covering changes in buildings or equipment is filed with the district supervisor, he will make a complete inquiry to determine whether all alcohol, the tax on which constituted the lien in relation to which the bond was given, has been tax-paid or removed for a lawful tax-free purpose. If the district supervisor finds that the bond properly may be terminated, he will issue notice of termination thereof in accordance with § 182.320.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

§ 182.319 *Action on application for notice of termination of other bonds.* When an application for notice of the termination of export bonds (Forms 1495 and 1497), transportation for export bonds (Forms 1496 and 1498), bonds covering transportation of alcohol to the customs manufacturing bonded warehouse (Forms 1459 and 1460), and bonds covering withdrawals for use on vessels and aircraft (Forms 1660 and 1661) is filed with the district supervisor, he will examine his records to determine whether the required evidence of foreign landing or loss at sea, or clearance, or deposit in the customs manufacturing bonded warehouse, or use, as the case may be, of the alcohol withdrawn under the bond has been filed, and if there were deficiencies, whether liability therefor has been terminated. If the district supervisor finds that the bond properly may be terminated, he will issue notice of termination thereof in accordance with § 182.320.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

§ 182.320 *Notice of termination.* Upon cancellation as to liability for future transactions, of a bond supporting a basic permit, or an indemnity bond, Form 1604, as to liability for future operations of an industrial alcohol plant or bonded warehouse, the district supervisor will execute notice of bond termination on Form 1490 where a superseding bond has been approved, or notification of release of bond on Form 1491 where the principal has discontinued business, as the case may be, in quadruplicate (in quintuplicate if there are two sureties), and will forward the original together with one copy of the application for notice of termination to the Commissioner, one copy to each obligor on the bond, and retain one copy on file with the bond to which it relates. Similar action will be taken by the district supervisor on approval of an application for notice of termination of an indemnity bond on Form 1617. Where an application for the issuance of notice of the termination of a direct export bond, transportation for export bond covering transportation to a customs manufacturing bonded warehouse, or bond covering withdrawal for use on vessels and aircraft, has been filed with the district supervisor, and he has found that there has been compliance with the provisions of §§ 182.312, 182.313, 182.314, or 182.314a, as the case may be, he will issue Form 1490 or Form 1491, as provided above.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

§ 182.321 *Release of collateral.* The release of collateral pledged and deposited with the United States to support bonds required in this part will be in accordance with the provisions of Department Circular 154, revised (31 CFR, Part 225), subject to the conditions governing the issuance of notices on Forms 1490 and 1491 of the termination of such bonds. Unless a superseding bond has been approved, the release of the security in the case of such bonds will not be authorized until all alcohol or denatured alcohol or articles produced or withdrawn, while such bonds were in force and effect, have been lawfully disposed of. Accordingly, collateral may not be released while any alcohol or denatured alcohol or articles remain an outstanding charge against a bond supporting a basic permit or indemnity bond, Form 1604. When an application for release of collateral deposited in support of a bond supporting a basic permit on Form 1433, or an indemnity bond, Form 1604, is received by the district supervisor, he will determine whether all outstanding liabilities have been settled, and unless a superseding bond has been approved whether all alcohol or denatured alcohol produced, withdrawn, used, etc., while the bond was in effect has been lawfully disposed. Collateral pledged and deposited to support an indemnity bond, Form 1617, covering changes in industrial alcohol plant or bonded warehouse buildings or equipment may be released upon approval of a superseding bond or upon lawful removal of all alcohol the tax on which constituted the lien in relation to which the bond was given. Upon approval of an application for the issuance of notice of termination of a bond supporting basic permit on Form 1433, or indemnity bonds (Form 1604 or 1617) supported by collateral security, the district supervisor will fix the date or dates on which a part or all of the security may be released. In fixing such date, the district supervisor will satisfy himself that the interest of the Government will not be jeopardized. The date of release for collateral supporting a bond on Form 1432–A will ordinarily be fixed at not less than 6 months from the date of determination that there is no outstanding liability against the bond, and collateral pledged for other bonds will ordinarily be released upon issuance of notice on Form 1490 or Form 1491. Collateral pledged and deposited to support a bond supporting a basic permit on Form 1433, or indemnity bond (Form 1604 or 1617), will not be released by the district supervisor unless all liability thereunder has been terminated. At any time prior to the release of collateral security, the district supervisor may, in his discretion and for proper cause, further extend the date of the release of such security for such additional period of time as, in his judgment, may be appropriate.

(Interprets or applies sec. 1126, 44 Stat. 122; 6 U. S. C. 15; 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

OPERATION OF INDUSTRIAL ALCOHOL PLANTS

§ 182.327 *Brandy.* Where it is desired to produce brandy under Regulations 5 (26 CFR, Part 184) governing the production of brandy at fruit distilleries under the exemptions from law afforded fruit distillers by virtue of section 2825, I. R. C., the industrial alcohol plant must be discontinued in accordance with §§ 182.276 to 182.279 and reestablished and operated as a fruit distillery in accordance with Regulations 5.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

§ 182.328 *Experimental operations.* Persons authorized, pursuant to provisions of § 182.8, to conduct experimental operations for a temporary period of time in connection with the production of alcohol are required to submit such reports and maintain such records as the Commissioner shall, in each case, prescribe. The alcohol produced in an experimental industrial alcohol plant shall be disposed of or denatured with such denaturing materials and quantities thereof as may be authorized by the Commissioner, under such conditions and restrictions as he may impose. Alcohol so denatured shall be used or disposed of in the manner prescribed by the Commissioner in each case.

(Interprets or applies 53 Stat. 357, 358, 364, 26 U. S. C. 3103, 3105, 3124)

TAX-PAYMENT, REMOVAL, AND TRANSFER OF ALCOHOL FROM RECEIVING ROOM

§ 182.400 *Authorized removals.*

* * *

(c) Withdrawn in packages, tank cars or tank trucks, upon payment of tax as authorized by § 182.408i to § 182.408l or taxpaid and transferred by pipeline to a rectifying plant or a taxpaid bottling house on contiguous premises as authorized by §§ 182.408m, and 182.574a to 182.574e.

* * * * *

DRAWING OFF, GAUGING, AND REMOVAL OF ALCOHOL

§ 182.404 *Drawing off alcohol.* When alcohol is to be drawn from a receiving tank, the storekeeper-gauger will see that the valve in the pipeline controlling the flow of alcohol into the tank is closed and locked before the alcohol in the tank is reduced and proofed and that such valve remains closed and locked until the alcohol has been removed. Whenever alcohol is to be drawn from receiving tanks or transferred into or out of other tanks secured with Government locks, the storekeeper-gauger will open and close the locks, but it shall be the duty of the proprietor to manipulate the stopcocks or valves controlling the flow of the alcohol. The storekeeper-gauger assigned to the receiving room is required to be present and personally supervise the drawing off of all alcohol in the receiving tanks, the marking and branding of all packages of alcohol filled therefrom, and the stamping of all packages tax-paid or exported directly from the receiving room. All mechanical duties connected with such operation shall be performed by the proprietor.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

§ 182.405 *Gauging of alcohol.* All alcohol drawn from receiving tanks will be carefully gauged by the proprietor by weighing and proofing the spirits in accordance with this part and the Gauging Manual (26 CFR, Part 186), and the details thereof shall be entered by the proprietor on Form 1440. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form or issued in respect thereto and as required by this part. Packages shall be marked in accordance with this part. The storekeeper-gauger will verify the proof, weight, and gallonage of all alcohol withdrawn and will see that the instructions in the Gauging Manual (26 CFR, Part 186) respecting the proofing of alcohol are strictly followed in order that the proof may be accurately determined. The proof of the alcohol shall be adjusted to a whole or complete degree of proof before being removed from the receiving tanks: *Provided*, That the proof of alcohol transferred by pipeline, tank truck, tank car, tank ship or tank barge, to industrial alcohol bonded warehouses or denaturing plants need not be so adjusted. The alcohol in the receiving tank must be thoroughly agitated before taking the proof. The proof so ascertained will be regarded as the proof of alcohol run into all packages filled from the receiving tank and all alcohol removed from such tank by pipeline or in tank cars or tank trucks. However, the proof of the alcohol in the receiving tank will be checked several times while the alcohol is being drawn off. The proprietor shall provide, at his own expense, accurate hydrometers, hydrometer cups and thermometers for the purpose of gauging alcohol. Alcohol to be transferred by pipeline or in railroad tank cars or tank trucks for shipment shall be gauged in a weighing tank as provided in § 182.407.

(Interprets or applies 53 Stat. 307, 357, 358, 364; 26 U. S. C. 2808, 3103, 3105, 3124)

§ 182.407 *Weighing alcohol removed by pipeline.* Where alcohol is to be removed by pipeline, it will be weighed in a weighing tank before removal from the receiving room, except that where alcohol is transferred by pipeline from the receiving tanks to a bonded warehouse or denaturing plant on industrial alcohol plant premises, and no weighing tank is provided in the receiving room, the alcohol may be run into weighing tanks at the bonded warehouse or denaturing plant, respectively, and weighed therein. The alcohol must, in any event, be weighed once in connection with its transfer to the bonded warehouse or the denaturing plant. Where alcohol is transferred from receiving tanks to tank cars or tank trucks one or more weighing tanks must be provided in the receiving room and all alcohol removed by pipeline must be weighed in such weighing tanks,

and the correct weight will be recorded by the proprietor on the appropriate form. The storekeeper-gauger will balance the scales upon which the weighing tank is mounted before the alcohol is run into such tank.

(Interprets or applies 53 Stat. 307, 358, 359, 364; 26 U. S. C. 2808, 3105, 3107, 3124)

§ 182.407a *Testing tank scales.* Scales used for weighing alcohol in lots of not over 500 gallons will be tested from time to time under the supervision of the storekeeper-gauger by means of test weights provided in accordance with § 182.66. Such scales will be tested by placing the prescribed test weights on the scales and checking the weight registered on the beam of the scales. The test weights will then be removed without disturbing the beam and the tank filled with alcohol or water to the same weight, whereupon the test weights will again be placed upon the scales, the alcohol or water being retained in the tank and the weight registered on the beam checked. This operation will then be continued until the scales have been checked in 500-pound notches at all weights for which the scales are used. Proprietors will have scales used for weighing alcohol in larger lots tested and their accuracy certified by State, county, or city departments of weights and measures or by a responsible scale company at intervals of not more than 6 months. Government officers will see that tank scales are so tested. Government officers will also check, at least once a month, the gallonage represented to be on the scale against the gallonage indicated by a volumetric determination of the contents of the tank. Such volumetric determination will be made by (a) accurately ascertaining the proof and the temperature of the alcohol and the depth of the liquid in the tank by means of a steel tape, (b) multiplying the depth in inches by the capacity of the tank for 1 inch of depth, and (c) correcting the volume to 60 degrees Fahrenheit in accordance with table 7 of the Gauging Manual. The corrected gallons thus determined will be compared with the gallons represented by the reading of the beam of the scale. Unless the volumetric check is within 0.5 percent of the quantity shown to be in the tank, the Government officer will take appropriate steps to have the accuracy of the scale verified. In addition to the volumetric check described, Government officers will, as frequently as conditions indicate the necessity therefor, test tank scales of large capacity in the manner prescribed for smaller capacity tank scales, except that such tests on large capacity tank scales may be made when they contain considerable quantities of liquid. In this case the beam will be carefully balanced, and test weights will be added to the load, one at a time, until the range of 500 pounds is checked. At any time an officer finds a scale to be inaccurate, he will require the proprietor to have such scale adjusted and its accuracy certified.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

§ 182.408 *Pipeline removals.* Pipelines used for the transfer of alcohol from the receiving room must conform to the requirements of § 182.82, except that alcohol may be transferred into a tank car or tank truck by means of a hose connection where the connecting hose is in full view of the Government officer throughout its entire length. The valves on such pipelines shall be kept closed and locked at all times, except when necessary to be opened for the transfer of alcohol. The keys to all locks on the valves of pipelines shall remain at all times in the custody of the storekeeper-gauger. Alcohol may be transferred by pipeline only under the immediate supervision of the storekeeper-gauger.

(Interprets or applies 53 Stat. 358, 359, 364; 26 U. S. C. 3105, 3107, 3124)

TAX-PAID WITHDRAWALS IN TANK CARS OR TANK TRUCKS

§ 182.4081 *Procedure.* Whenever the proprietor desires to withdraw alcohol from receiving tanks for taxpayment and removal in tank cars or tank trucks, the procedure prescribed by §§ 182.566 to 182.574 will be followed.

(Interprets or applies 53 Stat. 357, 358, 358, 360, 364, 447, as amended; 26 U. S. C. 3103, 3105, 3106, 3112, 3124, 3656)

TAX-PAID WITHDRAWALS BY PIPELINE TO RECTIFYING PLANT OR TAX-PAID BOTTLING HOUSE

§ 182.408m *Procedure.* Where a pipeline has been installed and approved for the transfer of alcohol, after tax payment, direct from the weighing tank in the industrial alcohol plant to a contiguous rectifying plant or tax-paid bottling house and the proprietor desires to so transfer alcohol the procedure prescribed by §§ 182.574a to 182.574e and 182.574g will be followed.

(Interprets or applies 53 Stat. 357, 358, 358, 364; 26 U. S. C. 3103, 3105, 3106, 3124)

SUSPENSION OF OPERATIONS

§ 182.423 *Notice, Form 124.* Any proprietor desiring to suspend operations for an indefinite period or for a definite period of seven days or more at his industrial alcohol plant shall give notice on Form 124, in duplicate, stating when he will suspend operations. The notice will be delivered to the storekeeper-gauger in charge at the plant.

* * * * *

(Interprets or applies 53 Stat. 357, 358, 364; 26 U. S. C. 3103, 3105, 3124)

CHANGE IN PROPRIETORSHIP

§ 182.447 *Completion of operations required.* When a succession, or actual change, in the person or persons operating the industrial alcohol plant shall take place, other than a change brought about by operation of law, as by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the business of producing alcohol must be completely finished by the person or persons who have been carrying on the business, and the operations suspended before the business shall be undertaken, or begun by the succeeding proprietor, unless by an agreement between the outgoing proprietor and the successor it shall be arranged to transfer from the former to the latter, at midnight of a certain day, all mash and beer, or other distilling material, on hand, and all unfinished alcohol outside the receiving room at that hour: *And provided,* That, in either case, the application, bond and other qualifying documents of the successor have been approved and a basic permit issued to take effect on the day next succeeding that at the close of which the transfer is made. Such documents should, therefore, be submitted to the district supervisor in sufficient time to permit such approval and issuance of basic permit for the date desired. The successor shall not commence operations until all documents required for his qualification as proprietor of an industrial alcohol plant have been approved and a basic permit has been issued. All finished alcohol on hand in the receiving room at the time of the change must be drawn off, gauged, marked, and removed by the outgoing proprietor in the name under which it was produced before any alcohol is deposited in the receiving room or withdrawn from the industrial alcohol plant by the successor.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

OPERATION OF INDUSTRIAL ALCOHOL BONDED WAREHOUSES

LIEN FOR TAX ON ALCOHOL

§ 182.483 *Certificate of discharge of lien.* Any person claiming any interest in any such land or building may apply to the district supervisor for a duly acknowledged certificate to the effect that such lien is discharged, and, if the district supervisor determines that any such lien is extinguished, he shall issue such certificate, and any such certificate may be recorded.

(Interprets or applies 53 Stat. 357, 358, 364; 26 U. S. C. 3103, 3105, 3124)

RECEIPT OF ALCOHOL FROM INDUSTRIAL ALCOHOL PLANT NOT ON WAREHOUSE PREMISES AND FROM ANOTHER BONDED WAREHOUSE IN SAME SUPERVISORY DISTRICT

§ 182.495 *Method of deposit*—(a) *Alcohol received in packages.* Alcohol received in packages may be deposited in the warehouse in the packages in which it is received, or the contents of the packages may be dumped into storage tanks if report is made thereof on Forms 1440, 1443–A, and 1443–B, as provided in §§ 182.643, 182.645, and 182.646. If packages of alcohol containing exactly 1, 2, 5, and 10 wine gallons are received, the warehouse must be equipped with scales capable of weighing in terms of ounces, from which the weight, to hundredths of a pound, can be calculated in accordance with § 182.509 (a).

(b) *Alcohol received in tank cars.* Alcohol received in tank cars must be deposited, after gauging, in warehouse storage tanks. If it is desired to receive alcohol in bond in railroad tank cars, proper railroad siding facilities must be provided at the bonded warehouse. When alcohol is received in tank cars, the seals must not be broken, or any alcohol removed, except in the presence of the storekeeper-gauger assigned to the bonded warehouse.

(c) *Alcohol received in tank trucks.* Undenatured ethyl alcohol received in tank trucks shall be gauged and transferred immediately to storage tanks. The seals must be broken by the storekeeper-gauger assigned to the bonded warehouse and no undenatured ethyl alcohol may be removed from the tank truck, except in the presence of such officer.

(Interprets or applies 53 Stat. 357, 358, 359, 360, 364; 26 U. S. C. 3101, 3105, 3107, 3113, 3124)

REMOVAL OF ALCOHOL FROM STORAGE OR WEIGHING TANKS

§ 182.498 *Gauge on withdrawal.* Alcohol withdrawn from storage or weighing tanks in the warehouse will be gauged in accordance with the provisions of § 182.405.

(Interprets or applies 53 Stat. 307, 357, 357, 358, 364; 26 U. S. C. 2808, 3101, 3103, 3105, 3124)

§ 182.500 *Testing of scales.* The storekeeper-gauger shall balance the scales before either empty or filled packages are weighed, and will frequently test by means of test weights provided in accordance with § 182.66, the accuracy of such scales. Weighing tank scales will be tested in accordance with provisions of § 182.407a. In case the scale is found inaccurate for any reason the storekeeper-gauger will not permit it to be used while it is in such condition.

(Interprets or applies 53 Stat. 307, 358, 364; 26 U. S. C. 2808, 3105, 3124)

APPROVED CONTAINERS

§ 182.511a *Tank trucks.* Undenatured ethyl alcohol may be transported in bond by tank trucks only where suitable storage tanks are provided on the receiving bonded warehouse premises. The manhole covers, outlet valves, and all other openings on tank trucks used for shipping undenatured alcohol in bond shall be equipped with facilities for sealing so that the contents cannot be removed without showing evidence of tampering. Serially numbered cap seals for use on such tank trucks shall be furnished by the Government and affixed by the storekeeper-gauger. Immediately after filling, such tank trucks shall be sealed in such a manner as will secure all openings affording access to the contents of the tank. Tax-paid alcohol may be transported by tank trucks equipped with a route board similar to that prescribed for railroad tank cars in § 182.511.

(Interprets or applies 53 Stat. 357, 358, 359, 359, 360, 364; 26 U. S. C. 3101, 3105, 3107, 3108, 3112, 3124)

§ 182.513 *Pipeline removals.* Pipelines used for removal of alcohol from the bonded warehouse, in accordance with the provisions of this part must conform to the requirements of § 182.82, except that alcohol may be transferred into a tank car or tank truck by means of a hose connection where the connecting hose is in full view of the Government officer throughout its entire length. The locking of valves and the supervision of removals shall be in accordance with § 182.489.

(Interprets or applies 53 Stat. 357, 358, 359, 359, 364; 26 U. S. C. 3101, 3105, 3107, 3108, 3124)

MARKS, BRANDS, AND STAMPS

§ 182.515 *General.* Before weighing empty casks or packages, officers will examine them and will not permit the use of any cask or package which contains or has on its interior or exterior, any substance that will prevent the correct ascertainment of tare. The tare of the empty package will be determined immediately preceding the filling of the same in all cases: *Provided,* That, the tare of a number of packages may be ascertained and marked thereon before any are filled but not exceeding the number which are to be filled the same day or the following day. If the packages are not to be filled until the following day, they must be locked in the receiving room or bonded warehouse after being weighed and marked. The tare or weight of the empty package will be marked on the package as soon as ascertained and recorded on the entry form. All packages of spirits, when filled, shall be further marked and branded as provided by this part, and where such packages are taxpaid, the taxpaid stamps will be affixed thereto and canceled in the manner prescribed in § 182.527.

(Interprets or applies 53 Stat. 357, 358, 364; 26 U. S. C. 3101, 3105, 3124)

§ 182.524 *Other marks.* The marks required by this part to be on packages must be placed on the Government head of a package or side of a case, and no other marks may be shown, with the exception of those required or authorized to be affixed by Federal law and regulations. All marks required by this part on Government heads of packages or sides of cases must be in color distinctly in contrast with the color of the background on which they are placed. The proprietor may show on the Government head, or end of packages, the brand or trade name, provided the brand or trade name will not interfere with or detract from the required Government markings. Caution notices, etc., required by Federal law and regulations, may be placed on the Government head of packages, or side of cases, but such notices must be so placed as to not obscure the markings prescribed by this part.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

TAX-PAYMENT OF ALCOHOL IN PACKAGES

§ 182.565 *Removal of alcohol.* The proprietor shall deliver all copies of Form 1440 with the tax-paid stamps to the storekeeper-gauger, who will verify the data thereon, and, if no discrepancies are found, he will note the serial numbers of the stamps on the retained copy of Form 1440, and affix his signature to each stamp. Facsimiles of signatures of storekeeper-gaugers may be affixed by the use of hand stamps, care being taken to use only such ink as will neither fade nor blur. The storekeeper-gauger will then return the stamps to the proprietor, who will stamp and mark the packages or cases, as provided in §§ 182.525, 182.527 and 182.528 after which the proprietor will immediately remove the alcohol from the premises or to his tax-paid storeroom, if one has been provided. When the alcohol has been removed, the storekeeper-gauger will forward one copy of Form 1440 to the district supervisor, and return two copies to the proprietor, who will retain one copy as a permanent record, as provided in §182.643(h) and if he so desires, furnish the remaining copy to the vendee.

(Interprets or applies 53 Stat. 357, 358, 364; 26 U. S. C. 3103, 3105, 3124)

TAX-PAID WITHDRAWALS IN TANK CARS OR TANK TRUCKS

§ 182.566 *Gauging of alcohol.* Whenever the proprietor desires to withdraw alcohol from receiving or storage tanks for taxpayment and removal in tank cars or tank trucks, the alcohol will be run into a weighing tank, where it will be gauged and then run into such conveyances. The proprietor shall prepare Form 1440, in quadruplicate, giving the details of the gauge and submit all copies to the storekeeper-gauger for examination. If the forms are in proper order, the storekeeper-gauger will retain one copy and return three copies to the proprietor.

(Interprets or applies 53 Stat. 357, 358, 360, 364; 26 U. S. C. 3101, 3103, 3105, 3112, 3124)

§ 182.567 *Application for certificate of taxpayment, Form 1594.* The proprietor will execute Form 1594 (appropriately modified, if shipment is to be made in a tank truck), in duplicate, if the vendee is located in the same supervisory district, and in triplicate if the vendee is located in a different supervisory district. He will then forward all copies of Form 1594 with all copies of Form 1440 accompanied by proper remittance for the tax to the collector of internal revenue. The collector may, in his discretion, accept uncertified checks in payment of the tax on alcohol contained in tank cars or tank trucks where certificates are issued in lieu of stamps.

(Interprets or applies 53 Stat. 357, 358, 360, 364, 447, as amended; 26 U. S. C. 3101, 3105, 3112, 3124, 3656)

§ 182.568 *Certificate of taxpayment, Form 1595.* The collector will issue Form 1595 (appropriately modified, if shipment is in tank trucks), execute his certificate of taxpayment and enter the serial number of the certificate (in the column provided for entering the serial numbers of tax-paid stamps) on all copies of Form 1440. The collector will fill in all the required data in the blank spaces on the certificate except those provided in the lower left corner for the verification of the storekeeper-gauger, and date and sign the certificate in the same manner as a tax-paid stamp is required by § 182.564 to be filled in, dated, and signed. This certificate is not negotiable and shall not be used on any tank car or tank truck other than the one specified therein. The collector will enter on the original and the copy, or copies, of Form 1594, in the space provided, the serial number, date, and amount of the certificate issued. The collector will retain one copy of Form 1440 and the original copy of Form 1594. He will mail or deliver the certificate (Form 1595) and the original and remaining copies of Form 1440 to the vendor or his designated agent, in accordance with the vendor's request in Form 1594. The collector will send one copy of the application (Form 1594) to the district supervisor. Where the vendee is located in a different supervisory district, the collector will send the remaining copy of Form 1594 to the supervisor of the district in which the vendee is located.

(Interprets or applies 53 Stat. 357, 358, 360, 364; 26 U. S. C. 3101, 3105, 3112, 3124)

§ 182.569 *Bill of lading.* The proprietor shall incorporate in the bill of lading a description of Form 1595 as follows:

Form 1595, Serial No. ----------
Owner and No. of car (or truck) ----------
Vendor ----------
Address ----------
Vendee ----------
Address ----------

(Interprets or applies 53 Stat. 357, 358, 364; 26 U. S. C. 3101, 3105, 3124)

§ 182.570 *Verification and affixing of certificate.* The proprietor shall give the certificate of tax-payment (Form 1595), the bill of lading, and all copies of Form 1440 to the storekeeper-gauger. The storekeeper-gauger will verify the contents of the tank car or tank truck and the description of Form 1595 in the bill of lading, determine the security of the route board, and, if no discrepancies are found, he will note the serial number of the certificate on Form 1440, and date and sign the certificate in the space provided therefor. The proprietor shall then affix the certificate to the route board in the presence of the storekeeper-gauger. The certificate must be securely affixed to the route board with good adhesive and with a tack in each corner, whereupon it will be canceled in the same manner as a tax-paid stamp after attachment to a package. The certificate will then be covered with a coating of transparent shellac, varnish, or lacquer to prevent its easy removal or alteration.

(Interprets or applies 53 Stat. 357, 358, 364; 26 U. S. C. 3101, 3105, 3124)

§ 182.571 *Release of tank car or tank truck.* When the certificate of tax-payment has been affixed to the route board and canceled, and the conveyance sealed by the proprietor (who shall furnish the necessary locks or seals), the storekeeper-gauger will return the bill of lading to the proprietor and release the tank car or tank truck for shipment. The storekeeper-gauger will forward one copy of Form 1440 to the district supervisor and deliver two copies to the proprietor, who will forward one copy to the vendee, and retain the remaining copy as a permanent record in accordance with § 182.643.

(Interprets or applies 53 Stat. 357, 358, 360, 364; 26 U. S. C. 3101, 3105, 3112, 3124)

§ 182.572 *Procedure when tank car or tank truck is empty; scalping certificate.* When alcohol is received in a tank car or tank truck by the proprietor of a rectifying plant, tax-paid bottling house, or other vendee authorized to receive tax-paid alcohol, the vendee shall, at the time the car is emptied, scalp the certificate of tax-payment on Form 1595 by cutting out all of that portion of the certificate within the border. The vendee shall then send the scalped portion of the certificate to the supervisor of the district in which the vendee is located and shall obliterate the remainder of the certificate. If the tank car or tank truck is received without the certificate attached thereto, the vendee shall note such fact on the bill of lading and immediately notify the district supervisor who will cause such inquiry to be made respecting the shipment and receipt of the conveyance as he may deem appropriate. Where a conveyance with the certificate missing is received by a plant where a storekeeper-gauger is assigned, such storekeeper-gauger will furnish a complete report to the district supervisor.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

TAXPAID WITHDRAWALS BY PIPELINE TO RECTIFYING PLANT OR TAXPAID BOTTLING HOUSE

§ 182.574a *Gauging of alcohol.* Where a pipeline has been installed and approved for the transfer of alcohol, after tax payment, direct from the weighing tank in the industrial alcohol plant or bonded warehouse to a contiguous rectifying plant or taxpaid bottling house as provided in § 182.82 and the proprietor desires to so transfer alcohol, the alcohol will be run into a weighing tank where it will be gauged in accordance with § 182.405. The proprietor shall prepare Form 1440, in quadruplicate, giving the details of the gauge and submit all copies to the storekeeper-gauger for examination. If the forms are in proper order, the storekeeper-gauger will retain one copy and return three copies to the proprietor. The outlet of the weighing tank will be closed and locked before the alcohol to be tax-paid is transferred to the tank, and the inlet of the tank will be closed and locked after the alcohol has been run into the tank. Both the outlet and inlet will be kept locked, pending payment of tax and receipt of the collector's certificate of tax payment, Form 1595, as hereinafter provided.

(Interprets or applies 53 Stat. 357, 357, 358, 364; 26 U. S. C. 3101, 3103, 3105, 3124)

§ 182.574e *Transfer of alcohol.* When a certificate of tax payment has been affixed to the weighing tank and cancelled, the storekeeper-gauger will unlock the outlet valve and permit the proprietor to transfer the alcohol by pipeline to the rectifying plant or taxpaid bottling house specified in the certificate. The alcohol shall be transferred only under the immediate supervision of the storekeeper-gauger at the industrial alcohol plant or bonded warehouse and the storekeeper-gauger at the rectifying plant or tax-paid bottling house who shall verify by weight or measure the quantity received. After the alcohol has been transferred, the storekeeper-gauger will forward one copy of Form 1440 and the cancelled Form 1595 to the district supervisor and deliver two copies of Form 1440 to the proprietor who will deliver one copy of such form to the rectifier or bottler.

(Interprets or applies 53 Stat. 357, 358, 364; 26 U. S. C. 3101, 3105, 3124)

EXPORTATION OF ALCOHOL FREE OF TAX

§ 182.611 *Account with continuing export bonds.* The district supervisor will keep an account with each continuing direct export bond, Form 1495, and each continuing transportation for export bond, Form 1496. In the account with each continuing direct export bond, the principal will be charged with the internal revenue tax on each lot of alcohol withdrawn thereunder for exportation and will receive credit for each lot concerning which satisfactory evidence of landing in a foreign country has been received. In the account of each continuing bond for transportation for export, the principal will be charged with the internal revenue tax on each lot of alcohol withdrawn under the bond for transportation for export and will receive credit for each lot concerning which evidence of clearance from the port of export is received from the collector of customs. In case a shortage in any shipment is reported, credit will be entered for the actual quantity exported or cleared for exportation, as the case may be, but no credit will be entered for the loss until liability therefor has been terminated.

(Interprets or applies 53 Stat. 336, 337, 358, 364; 26 U. S. C. 2885, 2886, 3105, 3124)

TRANSFER OF ALCOHOL TO CUSTOMS MANUFACTURING BONDED WAREHOUSES

§ 182.625 *Account with continuing bond, Form 1460.* The district supervisor will keep an account with each bond on Form 1460, in which account the principal will be charged with the tax on each lot of alcohol removed for transportation to a customs manufacturing bonded warehouse and will receive credit for the tax on each lot concerning which satisfactory proof of the deposit in such warehouse is received. If there has been a loss of alcohol in transit, the account may be credited with the quantity of alcohol deposited in the manufacturing warehouse upon receipt from the collector of customs on Form 3923 (Bureau of Customs) covering the deposit. However, the loss shall not be credited until liability for tax due thereon has been terminated. When no further withdrawals are to be made under the bond, the district supervisor will, if there are no outstanding charges, cancel the bond in accordance with the provisions of § 182.314.

(Interprets or applies 53 Stat. 340, 358, 360, 364; 26 U. S. C. 2891, 3105, 3113, 3124)

RECORDS AND REPORTS OF PROPRIETOR

§ 182.648a *Record of warehouse receipts to be kept by proprietor.* Every proprietor of an industrial alcohol plant or bonded warehouse who sells, or offers for sale, alcohol or other distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts on Form 52–F. There need not be reported on Form 52–F transactions in warehouse receipts not involving the purchase or sale of alcohol or other distilled spirits, such as the receipt from a warehouseman of warehouse receipts covering the deposit of alcohol or other distilled spirits in his warehouse or the surrender of warehouse receipts for the transfer, in bond, of alcohol or other distilled spirits, to another warehouse. Entries on Form 52–F shall be made as indicated by the headings of the columns and lines of the form and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part. The provisions of § 182.648 (a) with respect to the time of making entries, and of § 182.648 (e) with respect to forms to be provided by users, are hereby made applicable to Form 52–F. The provisions of § 182.648 (b) with respect to a separate record of serial numbers of cases are hereby made applicable to Form 52–F with respect to serial numbers of packages and cases purchased or sold by warehouse receipts. The monthly transcript on Form 52–F shall be forwarded to the district supervisor on or before the tenth day of the succeeding month. The physical removal of alcohol from an industrial alcohol plant shall be reported as prescribed in § 182.456. The physical removal of alcohol from an industrial alcohol bonded warehouse shall be reported on Forms 1443–A and 1443–B in accordance with the provisions of §§ 182.645 and 182.646, respectively. The physical receipt and disposition of alcohol at tax-paid premises shall be reported on Form 52–E or Record 52, as the case may be, in accordance with the provisions of § 182.648.

(Interprets or applies 53 Stat. 327, as amended, 328, 358, 364, 391; 26 U. S. C. 2857, 2859, 3105, 3124, 3254)

OPERATION OF INDUSTRIAL ALCOHOL DENATURING PLANTS

DENATURING OF ALCOHOL

§ 182.719 *Adding denaturants.* All alcohol shall be denatured in approved mixing tanks, except that, (a) by special permission of the district supervisor, denaturing in packages will be permitted to the extent of preparing special formulas that are occasionally produced at the plant and in no case exceeding 10 packages (not exceeding 600 gallons in the aggregate) of any one formula on the same day: *Provided*, That specially denatured alcohol formulas 18, 24, 25, and 25 alternative, may, upon notice to the district supervisor, be mixed in packages in any quantity; (b) a limited quantity of completely denatured alcohol may be prepared in packages, provided special permission of the district supervisor has first been obtained; (c) in cases of emergency only denaturing may be done in tank cars if permission is first obtained from the district supervisor; and (d) the Commissioner may approve other methods of adding denaturants.

(Interprets or applies 53 Stat. 355, 357, 358, 364; 26 U. S. C. 3070, 3102, 3105, 3124)

TRANSFER IN PACKAGES AND TANK CARS OF DENATURED ALCOHOL BETWEEN DENATURING PLANTS

§ 182.749 *Intradistrict transfers.* When denatured alcohol is shipped to another denaturing plant in the same supervisory district, in packages and tank cars, the proprietor will prepare two copies of Form 1467 (in addition to the copies prepared at the time the packages were filled pursuant to § 182.783) and four copies of Form 1473 reporting the shipment. When completely denatured alcohol is so shipped, the Forms 1473 will be modified to read "Completely," instead of "Specially," denatured alcohol. The proprietor will deliver all copies of the forms to the storekeeper-gauger in charge who shall at the time of shipment forward one copy each of Forms 1467 and 1473 to the supervisor of the district and two copies of Form 1473 and one copy of Form 1467 to the storekeeper-gauger in charge of the receiving denaturing plant, and return the remaining copy of Form 1473 to the proprietor for filing in accordance with § 182.788. After receipt of the denatured alcohol at the denaturing plant, forms will be disposed of in accordance with § 182.749a.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

EXPORTATION OF SPECIALLY DENATURED ALCOHOL

§ 182.759 *Approval of consent of surety and issuance of permit.* The district supervisor will examine the consent of surety and if it is properly executed as provided in §§ 182.184 to 182.190 and § 182.758, he will approve the consent, forward the original thereof to the Commissioner, retain a copy and return a copy to the permittee together with the permit. If there is nothing indicating that the specially denatured alcohol will not be exported in the manner stated in the application, and proper certificates of clearance and landing have been filed in accordance with § 182.767, for previous shipments for export, the district supervisor will issue the permit on Part II of Form 1545, and will return all copies thereof to the applicant.

(Interprets or applies 53 Stat. 358, 359, 364; 26 U. S. C. 3105, 3109, 3124)

RECORDS AND REPORTS OF PROPRIETOR

§ 182.785 *Form 1453–A.* When specially denatured alcohol is shipped to the United States or a governmental agency thereof, the proprietor of the denaturing plant will prepare Form 1453–A in triplicate. Where shipment is made in a tank truck the data required by § 182.754b or § 182.754c, as the case may be, to be entered on Form 1473 will be entered on Form 1453–A for such transaction. The proprietor will give all copies of Form 1453–A to the storekeeper-gauger who will check them with the records and permit and if found to agree therewith he will initial all copies. He will mail one copy of Form 1453–A to the consignee. In the case of tank truck shipments, he will enclose one copy in a sealed envelope addressed to the government officer to whom the specially denatured alcohol is consigned and give the same to the driver of the tank truck for delivery to such officer. He will forward a copy of Form 1453–A to the supervisor of the district in which the consignor's premises are located. He will return the remaining copy to the proprietor for filing in accordance with § 182.788. Upon receipt of the specially denatured alcohol, the receiving government officer will execute the certificate of receipt on Form 1453–A, after noting thereon any loss or deficiency in the shipment, and will forward it to the district supervisor specified at the bottom of the form. When specially denatured alcohol is not received within a reasonable time after shipment, or where any material or unexplained difference exists between the kind and quantity shipped and that received, the district supervisor shall investigate each case and take appropriate action in respect thereto. In addition, the district supervisor will check daily, on receipt, the Form 1453–A covering tank truck shipments, and make any inquiry which he deems necessary with respect to any discrepancy. In the event of failure to receive a form from the consignee within the time normally required for the truck to make the shipment and the form to be received by mail, the district supervisor will make appropriate investigation.

(Interprets or applies 53 Stat. 355, 358, 364; 26 U. S. C. 3070, 3105, 3124)

OPERATIONS BY DEALERS IN SPECIALLY DENATURED ALCOHOL

DISPOSITION OF SPECIALLY DENATURED ALCOHOL

§ 182.813 *Sale.* Specially denatured alcohol may be sold by bonded dealers holding basic permit, Form 1476, to manufacturers using specially denatured alcohol, and to other bonded dealers in specially denatured alcohol, pursuant to withdrawal permit, Form 1485, or Form 1477, as the case may be. Bonded dealers may also furnish samples of specially denatured alcohol to manufacturers, other bonded dealers, and to prospective permittees pursuant to sample permit, Form 1512: *Provided*, That in the case of samples, where the quantity involved in any case does not exceed 8 fluid ounces, permit, Form 1512, will not be required. Sales of specially denatured alcohol may also be made to the United States or governmental agencies thereof pursuant to permit, Form 1486. The provisions of §§ 182.754 to 182.754e, respecting sales of specially denatured alcohol by denaturers, are hereby made applicable to sales of specially denatured alcohol by bonded dealers. Specially denatured alcohol sold by bonded dealers must be transported in accordance with § 182.677. Record and report of such transactions shall be reported on Form 1478, as provided in § 182.822. Tank trucks used for the transportation of specially denatured alcohol by bonded dealers, after filling, shall be sealed by appropriate seals, serially numbered, furnished and affixed by the shipper. The seal shall be dissimilar in marking from the cap seals used by the Bureau of Internal Revenue. The serial numbers of seals used and the data with respect to the carrier set forth in § 182.754b or § 182.754c will be recorded by the dealer on Form 1473 or Form 1453–A, as the case may be.

(Interprets or applies 53 Stat. 355, 358, 359, 360, 364; 26 U. S. C. 3070, 3105, 3109, 3114, 3124)

OPERATIONS BY USERS OF SPECIALLY DENATURED ALCOHOL

PROPRIETARY SOLVENTS AND LACQUER THINNERS

§ 182.847 *Containers.* • • •

(b) *Labels.* Where proprietary solvents and lacquer thinners are packaged by producers for their agents in containers of ½ gallon or more and not more than 5 wine gallons, such containers must be labeled to show the producer's name, address, and permit number: *Provided*, That where the product is packaged for the dealer, the name and address of the dealer may be shown in

lieu of the name and address of the producer, but the basic permit number of the producer must be placed on the labels. Where dealers repackage proprietary solvents in containers of ½ gallon or more but not more than 5 wine gallons, as authorized in paragraph (d) of this section, the name, address, and basic permit number of the producer or the name and address of the dealer and the basic permit number of the producer, shall likewise be placed on the labels of such containers. When proprietary solvents and lacquer thinners are shipped in tank cars, or tank trucks, a label will be affixed to the route board of each such vehicle, giving the name of the product, the quantity, and the producer's name, address, and permit number. Where such shipments are made by the producer's bona fide agent, the name and address of the agent may be shown in lieu of the name and address of the producer, but the basic permit number of the producer must be placed on the label.

* * * * *

CHANGE IN PROPRIETORSHIP, NAME, ETC.; DISCONTINUANCE OF USE

§ 182.877 *Procedure*—(a) *Change in proprietorship, name, etc.* Where there is a change in proprietorship, or in the persons interested in the business, or in the individual, firm, or corporate name, trade name or style, or in the location of the premises, etc., procedure similar to that prescribed in §§ 182.650 to 182.652 will be followed insofar as applicable.

(b) *Discontinuance of use.* When the use of specially denatured alcohol is discontinued, the permittee shall give notice thereof in writing, in triplicate, to the district supervisor, and shall surrender to the district supervisor his basic and withdrawal permits. Any specially denatured alcohol remaining on hand at the time of such discontinuance may be disposed of in accordance with §§ 182.867 and 182.868, or when authorized by the district supervisor, the specially denatured alcohol may be disposed of to another person holding permit to use specially denatured alcohol of the same formula, upon the filing of a consent of surety, Form 1533, on the bond (if any), of the purchaser extending the terms of his bond to cover the transportation to, and use by, him of the specially denatured alcohol. Recovered denatured alcohol and articles remaining on hand shall be disposed of only as authorized by the district supervisor, after full advice respecting their condition and the disposition which it is desired to make of the recovered products has been submitted. When all specially denatured alcohol, recovered denatured alcohol, and articles, remaining on hand at the time of discontinuance of the use of specially denatured alcohol, have been properly disposed of, as herein provided, the district supervisor will approve the notice of discontinuance, noting thereon the disposition made of such specially denatured alcohol, recovered denatured alcohol, and articles, retain one copy of the notice for his files, and forward one copy to the Commissioner and one copy to the permittee.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

DENATURED RUM

SALE AND USE OF DENATURED RUM

§ 182.879 *Dealers in and users of specially denatured rum.* The provisions of this part relating to specially denatured alcohol will apply, insofar as applicable, to the procurement and sale by bonded dealers, and the procurement and use by manufacturers, of specially denatured rum, except that dealers shall make deliveries in accordance with Regulations 16 (26 CFR Part 187).

(Interprets or applies 53 Stat. 355, 358, 364; 26 U. S. C. 3070, 3105, 3124)

IMPORTATION OF ALCOHOL FOR INDUSTRIAL PURPOSES

§ 182.997 *Gauging.* Upon receipt of the alcohol at the industrial alcohol plant, bonded warehouse, or denaturing plant from customs custody, it will be gauged in accordance with the provisions of this part and the Gauging Manual (26 CFR, Part 186): *Provided*, That where the bonded premises consist of storage tanks only, the spirits may be gauged upon receipt at such premises by any of the following three methods, preference to be given in the order named:

(a) Weighed in scale tanks.

(b) Gauged by volume in accurately calibrated storage tanks.

(c) Weighed on railroad car scales located on bonded premises by weighing tank cars before and after filling or emptying, as the case may be.

(Interprets or applies 53 Stat. 358, 364; 26 U. S. C. 3105, 3124)

2. The purposes of these amendments are as follows:

(a) To authorize the transfer of alcohol, by pipeline, after tax payment, to tax-paid bottling houses.

(b) To delegate to district supervisors the authority to approve the establishment of industrial alcohol plants, bonded warehouses, and denaturing plants.

(c) To incorporate, in this part, regulations applicable to the gauging of alcohol at industrial alcohol plants, bonded warehouses, and denaturing plants, now contained in the Gauging Manual (26 CFR, Part 186), but which are being deleted from the current revision of such manual.

(d) To modify requirements for construction of alcohol tanks.

(e) To modify the specifications concerning colors for pipelines in industrial alcohol plants, bonded warehouses and denaturing plants.

(f) To require testing and certification by State, county, or city departments of weights and measures, or by responsible scale companies, of scales used for weighing alcohol in large quantities, and to amend specifications for graduations of beams or dials of tank scales used for weighing alcohol.

(g) To provide for the removal, in tank trucks, of tax-paid alcohol from an industrial alcohol plant or bonded warehouse.

(h) To liberalize the requirements with respect to filing an indemnity bond to cover the removal of equipment from an industrial alcohol plant or bonded warehouse premises to another bonded premises where the two premises are controlled by the same interests.

(i) To provide for the approval of alternate methods of adding denaturants to ethyl alcohol under unusual circumstances.

(53 Stat. 375; 26 U. S. C. 3176)

Effective date. This Treasury Decision shall be effective as of September 1, 1950.

[SEAL] GEORGE J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: August 11, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-7177; Filed, Aug. 17, 1950; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of Industry and Commerce

[5th Gen. Rev. of Export Regs., Amdt. P. L. 11[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Chemical specialties:				
	Chemical specialty compounds, n. e. s.:				
829990	Polytrifluorochloroethylene (Kel-F) grease, oil or wax		COTA	1	RO
	Industrial chemicals (exclusive of medicinal chemicals (U. S. P. and N. F.):				
	Organic chemicals not of coal-tar origin, n. e. s.:				
832990	Paraformaldehyde, solid	Lb.	ORGN	100	R
	Sodium compounds:				
837990	Sodium bismuthate	Lb.	SALT	500	RO
	Other industrial chemicals:				
839900	Cobalt copounds, all		SALT	100	RO
	Pigments, paints, and varnishes:				
	Chemical pigments, n. e. s.:				
842900	Cobalt-containing pigments	Lb.	PLAT	100	RO
843600	Chemical-containing paint and varnish driers	Lb.	PLAT	100	RO

[1] This amendment was published in Current Export Bulletin No. 581, dated August 10, 1950.

2. The following commodities are changed from R to RO commodities. Accordingly, the entries therefor on the Positive List are amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Ferro-alloys:				
622087	Ferrovanadium	Lb.	NONF	500	RO
	Other nonferrous ores, metals, and alloys, except precious:				
663700	Vanadium ore and concentrates, vanadic oxide (pentoxide V_2O_5) content.	C. lb.	NONF	100	RO
	Metals and alloys in primary forms, n. e. s. (except ferro-alloys):				
664990	Vanadium metal, alloys and scrap	Lb.	NONF	100	RO
	Metal and metal composition manufactures:				
669198	Flue dust, vanadium [1]		NONF	100	RO

[1] Formerly included in the entry "other metal and metal composition manufactures, n. e. s., validated license required R."

3. The entries on the Positive List for coa-tar coke, Schedule B No. 500400; petroleum coke, Schedule B No. 504600; and certain carbon and graphite products, Schedule B Nos. 547300 and 547400 are changed as set forth below. In addition, the two entries under Schedule B No. 548098 "carbon products, n. e. s." and "artificial graphite products, n. e. s." are deleted from the Positive List and certain of the commodities formerly covered by these two entries are included in amended entries for Schedule B No. 548-098 as set forth below. Accordingly, the entries therefor on the Positive List are amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Coal and related fuels:				
500400	Coal-tar coke, including coal-tar coke flour (report petroleum coke, including petroleum coke flour, in 504800).[1]	S. ton	COAL	100	RO
	Petroleum and products:				
504800	Petroleum coke, including petroleum coke flour [1]	L. ton	PETR	100	RO
	Other nonmetallic minerals (precious included):				
	Carbon or graphite products (natural and artificial):				
547300	Carbon or artificial graphite electrodes for furnace or electrolytic work, 2 inches in cross-sectional dimension and over.[2]	Lb.	NONF	None	RO
547300	Carbon or artificial graphite electrodes for furnace or electrolytic work, ¾ inch up to, but not including, 2 inches in cross-sectional dimension.[3]	Lb.	NONF 35	25	R
547400	Brushes and brush stock in the form of blocks, plates, and rods, carbon and artificial graphite.[4]		ELME 2	None	RO
548098	Artificial graphite powder [5]		NONF	None	RO
548098	Carbon or artificial graphite blocks, bricks, or plates—all sizes (report brush stock in 547400).[6]		NONF	25	RO
548098	Carbon or artificial graphite electrodes other than for furnace, or electrolytic work, and rods, 2 inches cross-sectional dimension and over.[7]		NONF	None	RO
548098	Carbon or artificial graphite electrodes other than for furnace or electrolytic work, and rods, ¾ inch up to, but not including, 2 inches in cross-sectional domension.[8]		NONF 35	25	R
548098	Carbon or artificial graphite scrap [9]		NONF	None	RO

[1] This amendment clarifies the commodity description without making substantive change.

[2] By this amended entry carbon electrodes for furnace or electrolytic work, 2 inches in cross-sectional dimension and over, formerly included in the entry "Other electrodes for furnace or electrolytic work," are changed from R to RO commodities.

[3] The effect of this amended entry is to delete all electrodes for furnace or electrolytic work, under ¾ inch in cross-sectional dimension, from the Positive List.

[4] The effect of this amended entry is to add to the Positive List carbon brushes and brush stock in the form of blocks, plates and rods.

[5] This amendment does not change the license requirements. The commodity was formerly included in the entry "Artificial graphite products, n. e. s.," Schedule B No. 548098.

[6] The commodities in this amended entry were formerly included in the two entries under Schedule B No. 548098, "Carbon products, n. e. s.," validated license required R; and "Artificial graphite products, n. e. s.," validated license required RO. The effect of this amended entry is to change the carbon blocks, bricks or plates—all sizes, from R to RO commodities.

[7] The commodities in this amended entry were formerly included in the two entries under Schedule B No. 548098, "Carbon products, n. e. s.," validated license required R, and "Artificial graphite products, n. e. s.," validated license required RO. The effect of this amended entry is to change the carbon electrodes other than for furnace or electrolytic work, and rods, 2 inches cross-sectional dimension and over, from R to RO commodities.

[8] The commodities in this amended entry were formerly included in the two entries under Schedule B No. 548098, "Carbon products, n. e. s.," validated license required R, and "Artificial graphite products, n. e. s.," validated license required RO. The effect of this amended entry is to delete all electrodes other than for furnace or electrolytic work and rods under ¾ inch in cross-sectional dimension from the Positive List. Also, all artificial graphite electrodes ¾ inch up to, but not including, 2 inches cross-sectional dimension are changed from RO to R commodities.

[9] By this amended entry carbon scrap, formerly included in the entry "Carbon products, n. e. s.," is changed from an R to an RO commodity.

Except for polytrifluorochloroethylene (Kel-F) grease, oil or wax, Schedule B No. 829990, shipments of the commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 1 and 2 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exist pursuant to actual orders for export prior to the effective date of this amendment, may be exported under the previous general license provisions.

This amendment shall become effective as of August 10, 1950.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Issued this 14th day of August 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50-7224; Filed, Aug. 17, 1950; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

FILING OF CLAIMS FOR UNAUTHORIZED BURIAL, FUNERAL AND TRANSPORTATION EXPENSES

In § 4.200, paragraph (a) is amended to read as follows:

§ 4.200 *Filing of claim for unauthorized burial, funeral, and transportation expenses*—(a) *Execution of claim.* Claims for burial, funeral, and transportation expenses must be submitted on VA Form 8–530, Application for Burial Allowance, and should be executed by:

(1) The undertaker where bill is unpaid.

(2) The individual who used personal funds to pay burial, funeral, and transportation expenses.

(3) The executor or administrator of the estate of the veteran or of the estate of the person who paid the expense of the veteran's burial. If no administrator or executor is appointed, then by some person acting for such estate who will make distribution of the burial allowance to the person or persons entitled under the laws governing the distribution of intestate estates in the State of the decedent's personal domicile.

In addition to the VA Form 8–530, claims for burial, funeral, and transportation expenses should be supported by a statement of account (preferably on the billhead of the undertaker), showing the cost of the service rendered and the name of the deceased veteran. Where charges for items not ordinarily carried in an undertaker's stock or for services performed by persons other than the undertaker or his regular employees are listed on an unpaid bill supporting a claim for burial allowance, receipts therefor will not be required in any claim adjudicated on or after August 18, 1950. All statements of account, where paid, must show by whom payment was made and be receipted in the name of the undertaking firm or individual owner who received payment.

* * * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 17, 48 Stat. 11, E. O. 6158, as amended; June 6, 1933, 38 U. S. C. 717, ch. 12 note)

This regulation effective August 18, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-7213; Filed, Aug. 17, 1950; 8:49 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—TRAINING FACILITIES

1. Section 21.415 is hereby canceled:

§ 21.415 *Review.* [Canceled.]

2. In § 21.530 (c), a new subparagraph (4) is added as follows:

§ 21.530 *Determination of fair and reasonable compensation.* • • •

(c) *VA Form 7–1969 and VA Form 7–1968.* • • •

(4) *Number of copies and distribution.* VA Form 7–1969 or VA Form 7–1968 will be prepared in triplicate by the educational institution. Upon completion of negotiations and the establishment of an agreed contract rate, distribution will be made as follows: The original to the regional office concerned, duplicate to the educational institution, and triplicate to the special assistant to the director, training facilities service, for the area concerned.

• • • • •

3. In § 21.532 (d) (3), subdivision (vi) is amended as follows:

§ 21.532 *Basis of payment for consumable instructional supplies under Parts VII and VIII, Veterans Regulation 1 (a) as amended (38 U. S. C. ch. 12).* • • •

(d) *Basis of payment.* • • •

(3) *When payment will not be made.* • • •

(vi) When a third party provides the articles or equipment for repair or improvement and for which he would otherwise pay a commercial price. For example, repairs made to an automobile belonging to a third party (or a student) in which the instructional supplies are not expended and are not salvaged for re-use.

• • • • •

4. Section 21.637 is amended to read as follows:

§ 21.637 *Termination of contracts under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).* Under Part VII the Veterans' Administration has complete responsibility for the veteran-trainee. When the regional office considers that fraud has been committed against the Government or that the contractor is not furnishing the courses of instruction as required by the terms of the contract and the contractor has refused to correct the condition or that the best interests of the Government or trainees will be served by termination to be effected by the withdrawal of trainees from the establishment or institution, the full particulars pertaining to the desired termination, together with the recommendations of the regional office, will be forwarded to central office for the authority to terminate the contract.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note.)

This regulation effective August 18, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50–7214; Filed, Aug. 17, 1950; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 36—ALASKA REGION

HUNTING IN ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Basis and purpose: On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that waterfowl and ptarmigan hunting can be permitted on a part of Adak Island in the Aleutian Islands National Wildlife Refuge, without interfering with the primary purpose of the Refuge.

Inasmuch as the following regulations are relaxations of the existing prohibition against hunting on the Refuge, the notice and public rule-making procedure required by the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.) are hereby found to be impracticable and the effective date requirement of the Administrative Procedure Act does not apply.

Effective immediately upon publication in the FEDERAL REGISTER, §§ 36.11 to 36.13 are added.

HUNTING

§ 36.11 *Waterfowl and ptarmigan hunting permitted.* Waterfowl and ptarmigan may be taken in the daylight hours during the period from September 1, 1950, to February 28, 1951, inclusive, on all of Adak Island of the Aleutian Islands National Wildlife Refuge, except that part south and west of a line extending from the head of the South Arm of Three Arm Bay to the head of the Bay of Waterfalls, as designated by posting by the officer in charge of the Refuge, subject to the provisions, restrictions, and requirements of §§ 36.12 to 36.13, inclusive.

§ 36.12 *Entry.* Entry on and use of the Refuge for any purpose are governed by the regulations in Parts 18 and 21 of this chapter and by §§ 36.2 to 36.5, inclusive, of this subpart, and strict compliance therewith is required.

§ 36.13 *Territory hunting laws.* All hunters must comply with the provisions of the Alaska Game Law and regulations issued pursuant thereto, and must have on their person and exhibit at the request of any authorized Federal officer, whatever license may be required by such law and regulations, which license shall serve as a Federal permit for hunting on the Refuge.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 50–7225; Filed, Aug. 17, 1950; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

ITALIAN SPROUTING BROCCOLI

U. S. CONSUMER STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Consumer Standards for Italian Sprouting Broccoli under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Assistant Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 30th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.146 *Consumer standards for Italian sprouting broccoli*—(a) *Grades*—(1) *U. S. Grade A.* U. S. Grade A consists of stalks, or parts of stalks of Italian sprouting broccoli which are well trimmed, and have good characteristic color, and fairly compact bud clusters; and which are fresh, tender, and clean, and are free from decay and from damage caused by discoloration, freezing, hollow stem or pithiness, scars, disease, insects, or mechanical or other means. Broccoli stalks on the shown face shall be reasonably representative in size and quality of the contents of the container.

(i) The length of the stalks or parts thereof shall be not more than 6 inches nor less than 3 inches, and the diameter of the stem shall be not less than ¼ inch.

(ii) Incident to proper grading and handling, not more than 5 percent, by weight, of the broccoli stalks or parts thereof in any lot may fail to meet the size requirements and, in addition, not more than 5 percent, by weight, may fail to meet the remaining requirements of the grade, including not more than 1 percent for decay.

(2) *U. S. Grade B.* U. S. Grade B consists of stalks or parts of stalks of Italian sprouting broccoli which meet the requirements of U. S. Grade A except as to compactness of bud clusters and except for the increased tolerances specified below.

(i) Stalks or parts of stalks of broccoli of this grade shall have reasonably compact bud clusters.

(ii) Incident to proper grading and handling, not more than 10 percent, by weight, of the broccoli stalks or parts thereof in any lot may fail to meet the size requirements and in addition, not more than 10 percent, by weight, may fail to meet the remaining requirements of the grade, including not more than 1 percent for decay.

(b) *Off-Grade Italian sprouting broccoli.* Italian sprouting broccoli which fails to meet the requirements of either of the foregoing grades shall be Off-Grade Italian sprouting broccoli.

(c) *Definitions.* (1) "Stalk" means a portion of the broccoli plant including the stem, bud clusters and leaves.

(2) "Well trimmed" means that all coarse, damaged, and discolored leaves and leaves extending more than 1½ inches above the top of the head have been removed, and that cross cuts on butts and lengthwise cuts on split stalks are smooth.

(3) "Good characteristic color" means that the stem and external portion of the head or part thereof has a light green or darker shade of green color except that purplish color shall be allowed on the external portion of the head or part thereof.

(4) "Fairly compact bud clusters" means that the individual florets of bud clusters are relatively small and fairly tightly crowded together, and that the bud clusters on the stalk or part of a stalk are generally close together.

(5) "Fresh" means that the broccoli is not flabby or more than slightly wilted.

(6) "Tender" means that the broccoli is succulent, and that the stems are not fibrous, tough or stringy.

(7) "Clean" means that the broccoli is practically free from sand, dirt, silt, muck, and other water-insoluble inorganic material.

(8) "Damage" means any defect which more than slightly affects the appearance, or the edible, shipping, or keeping quality of the individual stalks or parts thereof, or the lot as a whole. The following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(i) Discoloration, when more than very slight.

(ii) Freezing, when causing more than slight discoloration of the individual unit.

(iii) Hollow stem or pithiness, when discolored, or when more than slightly affecting the appearance of the individual unit.

(iv) Scars, when discolored, or when more than slight or superficial.

(v) Disease, when showing discoloration, or when more than slightly affecting the appearance of the individual unit.

(vi) Insects, when worms or worm frass are present or when there is more than slight infestation by other insects.

(9) "Diameter" means the greatest thickness of the stem measured at the base.

(10) "Reasonably compact bud clusters" means that the individual florets of bud clusters are not on the verge of opening, but that pedicels on florets may be moderately elongated and bud clusters may be moderately open and spreading.

Done at Washington, D. C. this 14th day of August 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50–7238; Filed, Aug. 17, 1950; 8:50 a. m.]

[7 CFR, Part 961]

[Docket No. AO 160–A 12]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a hearing to be held at the John Bartram Hotel, Locust and Broad Streets, Philadelphia, Pennsylvania, beginning at 10:00 a. m., e. d. s. t., August 29, 1950, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

This hearing is called and will be conducted concurrently with a hearing by the Pennsylvania Milk Control Commission.

The following proposals have been submitted for consideration at the hearing:

The Inter-State Milk Producers' Cooperative proposed that:

1. The Class I price for milk shall be $5.84 per hundredweight for the months of October, November and December, 1950.

The Dairy Branch proposes:

1. That evidence be received concerning the establishment of a Class I price for milk in Philadelphia during the months of January, February and March, 1951, that is 40 cents less than the Class I price that is determined for the previous quarter.

Copies of this notice of hearing, the said order, as amended, and the said tentative marketing agreement may be procured from the Market Administrator, 1612 Market Street, Philadelphia, Pennsylvania, or from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: August 15, 1950.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 50–7240; Filed, Aug. 17, 1950; 8:50 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF LEARNERS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportwear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 399)).

Alabama Textile Products Corp., Panama City, Fla., effective 7–26–50 to 3–31–51; 10 percent normal labor turn-over (shirts).

Alabama Textile Products Corp., Andalusia, Ala., effective 7–26–50 to 3–31–51; 10 percent normal labor turn-over (shirts and pants).

The Andala Co., Coffee Street, Andalusia, Ala., effective 7–26–50 to 3–31–51; 10 percent normal labor turn-over (shirts).

The Avenue Shop, Inc., 2501 East Eager Street, Baltimore, Md., effective 7–26–50 to 3–31–51; 7 percent of the number of productive factory workers (coats).

Bellak Brothers, 1416 South Mole Street, Philadelphia 46, Pa., effective 8-4-50 to 3-31-51; 10 percent normal labor turn-over (men's sportswear).

Bestform Foundations of Pennsylvania, Inc., Cherry and Baumer Streets., Johnstown, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (girdles, brassieres, etc.).

Cap-Eck Dress Co., 1144 Butler Street., Easton, Pa., effective 8-4-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Carroll Manufacturing Co., Westminster, Md., effective 7-26-50 to 3-31-51; 7 percent of productive factory force (men's clothing).

Choctaw Manufacturing Co., Inc., Silas, Ala., effective 8-1-50 to 3-31-51; 85 learners for expansion purposes (work clothing).

Dickson-Jenkins Manufacturing Co., 202-208 St. Louis Avenue, Fort Worth, Tex., effective 8-4-50 to 3-31-51; 10 percent normal labor turn-over (pants, shirts, jackets and shorts).

Diehl Sewing Co., Rear 135 South George Street, York, Pa., effective 8-4-50 to 3-31-51; 7 percent of the total number of factory workers (not including office and sales personnel (boys' wash suits).

Dixie Hat & Uniform Cap Co., Inc., 85 South Second Street, Memphis 3, Tenn., effective 8-4-50 to 3-31-51; two learners (men's and boys' hats and caps).

Elder Manufacturing Co., McLeansboro, Ill., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dress shirts).

Bob Ellen Sportswear Co., Inc., 104-8 East Main Street, Wilkes-Barre, Pa., effective 8-4-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Enterprise Manufacturing Co., Enterprise, Ala., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dress shirts).

Esther Dress Co., Inc., 177 Cherry Street, Waterbury, Conn., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dresses and suits).

Freedman-Roedelheim Co., Quaker Shirt Division, Apple Street, Quakertown, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (shirts).

H. L. Friedlen & Co., 278 West Thirteenth Street, Holland, Mich., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (jackets, mackinaws, etc.).

G. & H. Manufacturing Corp., Fredericksburg, Va., effective 7-26-50 to 3-31-51; 7 percent of total number of productive factory workers, not including office and sales personnel (men's suits, coats, slacks, etc.).

Hickey-Freeman Co., 1155 North Clinton Avenue, Rochester 21, N. Y., effective 7-26-50 to 3-31-51; 7 percent of total number of productive factory workers, not including office and sales personnel (men's clothing).

Hickey-Freeman Co., 13 East Center Street, Medina, N. Y., effective 7-26-50 to 3-31-51; 7 percent of total number of productive factory workers, not including office and sales personnel (men's clothing).

Hickey-Freeman Co., 106 Main Street, Mount Morris, N. Y., effective 7-26-50 to 3-31-51; 7 percent of total number of productive factory workers, not including office and sales personnel (men's clothing).

Hickey-Freeman Co., 11 Lehigh Avenue, Batavia, N. Y., effective 7-26-50 to 3-31-51; 7 percent of total number of productive factory workers, not including office and sales personnel (men's clothing).

Hickey-Freeman Co., 109 East Bank Street, Albion, N. Y., effective 7-26-50 to 3-31-51; 7 percent of total number of productive factory workers, not including office and sales personnel (men's clothing).

Hickey-Freeman Co., 43 Lake Street, LeRoy, N. Y., effective 7-26-50 to 3-31-51; 7 percent of total number of productive factory workers, not including office and sales personnel (men's clothing).

Lineville Manufacturing Co., Lineville, Ala., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (men's and boys' pants).

Lion Manufacturing Co., Everett, Pa., effective 7-26-50 to 3-31-51; 7 percent of total number of productive factory workers, not including office and sales personnel (men's coats).

M. & S. Co., Inc., 2607 DeSaird Street, Monroe, La., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (slacks and dress pants).

MacLaren Sportswear Corp., Buckannon, W. Va., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (men's slacks).

Mode Manufacturing Corp., Wind Gap, Pa., effective 8-4-50 to 3-31-51; 10 percent normal labor turn-over (blouses).

The More Manufacturing Co., 162 West Monroe Street, Chicago 3, Ill., effective 8-4-50 to 3-31-51; five learners (housecoats, lounging pajamas, and sportswear).

The More Manufacturing Co., Marissa, Ill., effective 8-4-50 to 3-31-51; five learners (housecoats, sportswear and lounging pajamas).

Mount Union Manufacturing Co., Mount Union., Pa., effective 7-26-50 to 3-31-51; seven percent of total number of productive factory workers, not including office and sales personnel (men's coats).

National Dress Co., Barclay and Stacy Streets, Burlington, N. J., effective 8-4-50 to 3-31-51; five learners (blouses).

New England Pants Co., Inc., 131 Ash Street., Willimantic, Conn., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (slacks).

Nu-Maid Manufacturing Co., Inc., 120 Sawyer Street, New Bedford, Mass., effective 8-2-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Onyx Blouse Co., Inc., Long Avenue, Orwigsburg, Pa., effective 8-4-50 to 3-31-51; 10 percent normal labor turn-over (sport shirts).

Onyx Blouse Co., Inc., Valley Street, New Philadelphia, Pa., effective 8-4-50 to 3-31-51; 10 percent normal labor turn-over (sport shirts).

Onyx Blouse Co., Inc., 474 North Center Street., Pottsville, Pa., effective 8-4-50 to 3-31-51; 10 percent normal labor turn-over (sport shirts).

Plastex Protective Products, Inc., 145-151 Cotty Avenue, Clifton, N. J., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (plastic raincoats).

Prairie Manufacturing Co., 106 South Washington Avenue., East Prairie, Mo., effective 7-26-50 to 3-31-51; 5 percent of productive factory force (work and dress pants).

Primo Pants Co., Versailles, Mo., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (men's and boys' pants).

R-S Underwear Co., Coopersburg, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (briefs, polo shirts and shorts).

Salemi and Son, 45 North Division, Buffalo, N. Y., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (pants).

Schaefferstown Garment Co., Schaefferstown, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (cotton nightwear).

Schwob Manufacturing Co., Chipley, Ga., effective 7-26-50 to 3-31-51; 7 percent of total number of productive factory workers, not including office and sales personnel (men's dress pants).

Scranton Belt Co., Inc., 786 East Drinker Street, Dunmore, Pa., effective 7-26-50 to 3-31-51; two learners (women's belts).

Selden Sportswear, Horse Block Road and Greenlawn Place, Farmingdale, Long Island, N. Y., effective 8-2-50 to 3-31-51; 10 percent normal labor turn-over (blouses).

Seven Valley Shirt Co., Seven Valley, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (sport shirts).

Shelburne Shirt Co., Inc., 69 Alden St., Fall River, Mass., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (men's dress and sport shirts).

The Shirtcraft Co., Inc., 633 McKinley Street, Hazleton, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (shirts, pajamas, etc.).

Sipkin Corp., 6 West Market Street, Hellam, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (children's cotton dresses).

A. Solomon, 427 Camp Street, New Orleans, La., effective 7-26-50 to 3-31-51; 7 percent of total number of productive factory workers, not including office and sales personnel (suits, coats, and trousers).

The Solomon Co., Inc., Leeds, Ala., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (trousers, jackets, and pants).

Stadium Manufacturing Co., Inc., 1501 Guilford Avenue, Baltimore 2, Md., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (men's pajamas and nightwear).

The Standard Garment Co., 2283 Fulton Street, Toledo 10, Ohio, effective 8-4-50 to 3-31-51; 10 percent normal labor turn-over (washable service).

States Niteware Manufacturing Co., Inc., 90 Hatch Street, New Bedford, Mass., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (ladies' cotton underwear).

Staunton Manufacturing Co., Staunton, Va., effective 7-26-50 to 3-31-51; 7 percent of total number of productive factory workers (not including office and sales personnel) (men's clothing).

Steward Manufacturing Co., Inc., 63 Central Avenue, Ossining, N. Y., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Stewartstown Manufacturing Co., Stewartstown, Pa., effective 7-26-50 to 3-31-51; 7 percent of total number of productive factory workers, not including office and sales personnel (sackcoats, topcoats, etc.).

Su-Ann Togs, South Main Street, Box 209, Barnegat, N. J., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (dresses).

Superior Coat Shop, 642 North Broad Street, Philadelphia, Pa., effective 7-26-50 to 3-31-51; 7 percent of the number of productive factory workers (men's sack coats).

Trenton Shirt Manufacturing Co., Mercersburg Plant, Mercersburg, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (work shirts).

Troutman Shirt Co., Inc., Troutman, N. C., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (work shirts).

United Pants Co., Inc., Swoyerville Branch, Swoyerville, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (sport shirts, pants etc.).

Wilson Brothers, 216 Spring Street East, LaGrange, Ind., effective 7-25-50 to 3-31-51; 4 learners (men's neckties).

Womelsdorf Manufacturing Co., Third and Mulberry Streets, Womelsdorf, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turn-over (slips and gowns).

Glove Learner Regulations (29 CFR 522.220 to 522.222; as amended January 25, 1950 (15 F. R. 400).)

Boss Manufacturing Co., Green Island, Nebr., effective 7-25-50 to 10-25-50; 10 percent of productive employees or a minimum of 10 learners (work gloves).

Boss Manufacturing Co., Toledo, Ohio, effective 7-25-50 to 10-25-50; 10 percent of productive employees or a minimum of 10 learners (work gloves).

Livermore Falls Glove Co., Livermore, Maine, effective 7-25-50 to 3-31-51; three learners (work gloves).

The National Glove Co., 924 East Main Street, Columbus, Ohio, effective 7-25-50 to 3-31-51; five learners (work gloves).

Pen Argyl Glove Co., Inc., Mount Bethel, Pa., effective 7-25-50 to 3-31-51; 10 percent of total number of workers (knit fabric gloves).

Reinhart Mitten Co., 451 North Fourth Street, Milwaukee, Wis., effective 7-25-50 to 3-31-51; three learners (leather dress and work gloves).

Knitted Wear Learner Regulations (29 CFR 522.68 to 522.79; as amended January 25, 1950 (15 F. R. 398)).

J. E. Morgan Manufacturing Co., Tamaqua, Pa., effective 7-25-50 to 3-31-51; 5 percent of the number of productive factory workers, not including office and sales personnel (knit underwear).

Norwich Knitting Co., Norwich, N. Y., effective 7-26-50 to 3-31-51; 5 percent of the number of productive factory workers, not including office and sales personnel (T shirts).

Van Raalte Co., Inc., Middlebury, Vt., effective 7-26-50 to 3-31-51; 5 percent of the number of productive factory workers (not including office and sales personnel) (knit underwear).

Van Raalte Co., Inc., Randolph, Vt., 5 percent of the number of productive factory workers, not including office and sales personnel; effective 7-24-50 to 3-31-51 (panties, slips, and gowns).

Varsity Mills Division, Beaunit Mills, Inc., Franklin, Ind., effective 7-25-50 to 3-31-51; 5 percent of the number of productive factory workers, not including office and sales personnel (knit underwear).

Regulations Applicable to the Employment of Learners (29 CFR, 522.1 to 522.14).

Flower Products Co., Inc., 536 East Thirty-fifth Street, Chicago, Ill., effective 8-9-50 to 2-8-51; five learners; flower maker, including slipping-up, heading, tying, pasting, rose-making, branching, and stemming, 160 hours, 60 cents.

Globe Manufacturing Corp., 2012 East Federal Street, Baltimore, Md., effective 8-1-50 to 1-31-51; 10 learners; venetian blind assemblers, 160 hours, 65 cents (venetian blinds).

Hartlaub Furniture Co., 15 Main Street, McSherrystown, Pa., effective 8-4-50 to 2-3-51; two learners; machine operators, 480 hours, assemblers, 480 hours, 60 cents for the first 320 hours and not less than 65 cents for the remaining 160 hours (furniture manufacturing and cabinet making).

James Heddon's Sons, West Dowagiac, Mich., effective 8-1-50 to 1-31-51; 10 learners; fly tiers, 480 hours, rod winders, 480 hours, 60 cents for the first 320 hours and 65 cents for the remaining 160 hours (fishing rods and fish lines).

Midwest Burlap & Bag Co., Des Moines, Iowa, effective 8-2-50 to 1-1-51; three learners; burlap bag patcher, 160 hours, 60 cents (burlap bags).

Royal River Packing Corp., Yarmouth, Maine, effective 8-4-50 to 12-15-50; 10 percent of total productive factory workers, not including office, maintenance, sales or other personnel; sardine packing, 160 hours, 60 cents (sardine packers).

The following special learner certificates were issued in the Shoe Industry. These certificates authorize the employment of learners in any occupations except custodial, maintenance, supervisory, and office and clerical occupations. The learning period is 480 hours at not less than 65 cents an hour for the first 240 hours and not less than 70 cents an hour for the next 240 hours, except as otherwise indicated in parentheses.

Quaker Shoe Corporation, 913 Greenleaf Street, Allentown, Pa., effective 8-3-50 to 8-25-50; 10 percent learners (shoes).

The following special learner certificates were issued to the school-operated industries listed below:

Spanish-American Seminary, Sandoval, N. Mex.; reissued certificate; effective 1-25-50 to 9-15-50; broom factory, sorting, winding brooms, broom corn stitching, brooms and buching and leveling brooms; 24 learners; 250 hours at 45 cents, 250 hours at 50 cents, 250 hours at 60 cents.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available except that employers of student-workers employed in school-operated industries were not required to certify to the non-availability of experienced workers. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 10th day of August 1950.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 50-7206; Filed, Aug. 17, 1950; 8:45 a. m.]

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

TRADE-AGREEMENT NEGOTIATIONS WITH CUBA

I. Trade-agreement negotiations with Cuba, which is a contracting party to the General Agreement on Tariffs and Trade;

II. Supplementary notice as to trade-agreement negotiations with the countries named in the notices of April 11, 1950, published April 14, 1950 and May 15, 1950;

III. Possible adjustment in preferential rates on Cuban products.

Pursuant to section 4 of the Trade Agreements Act, approved June 12, 1934, as amended (48 Stat. 945, ch. 474, Public Law 307, 81st Cong.) and to paragraph 4 of Executive Order 10082 of October 5, 1949 (14 F. R. 6105), notice is hereby given by the Interdepartmental Committee on Trade Agreements of intention to conduct trade-agreement negotiations with the Republic of Cuba. This notice is the second notice supplementary to the notice by the Committee dated April 11, 1950, published April 14, 1950 (15 F. R. 2114).

There is annexed hereto a list of articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in proposed trade-agreement negotiations with the Republic of Cuba and with any of the countries with which trade-agreement negotiations were proposed in the notice of April 11, 1950, published April 14, 1950, viz, Australia, Austria, Belgium, Brazil, Canada, France, the Federal Republic of Germany, Guatemala, Korea, Luxemburg, New Zealand, the Netherlands, Norway, Peru, Turkey, the Union of South Africa, and the United Kingdom, and in the supplementary notice of May 15, 1950, viz, Denmark, the Dominican Republic, India, Indonesia, Italy, and Sweden. Articles included in the list annexed to the Committee's notice of April 11, 1950, published April 14, 1950, and in the supplementary notice of May 15, 1950, may be considered also in negotiations with Cuba.

In the case of each article in the list annexed to this notice with respect to which the corresponding product of Cuba is subject to preferential treatment, the negotiations with any country other than Cuba will involve the elimination, reduction, or continuation of the preference, perhaps with an adjustment or specification of the rate applicable to the product of Cuba.

No article will be considered in the negotiations for possible modification of duties or other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment unless it is included, specifically or by reference, in the list annexed to the notice by the Committee of April 11, 1950, published April 14, 1950, in the list annexed to the supplementary notice of May 15, 1950, or in the annexed list, or unless it is subsequently included in a supplementary public list. No duty or import tax imposed under a paragraph or section of the Tariff Act or Internal Revenue Code other than the paragraph or section listed with respect to such article will be considered for a possible decrease, although an additional or separate duty on an article included in the annexed list which is imposed under a paragraph or section other than that listed may be bound against increase as an assurance that the concession under the listed paragraph will not be nullified.

Persons interested in export items may present their views regarding any tariff (including preferential tariff) or other concessions that might be requested of the Republic of Cuba.

Pursuant to section 4 of the Trade Agreements Act, as amended, and Paragraph 5 of Executive Order 10082 of October 5, 1949, information and views as to any aspect of the proposals announced in this notice may be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee.[1]

The United States Tariff Commission has issued a notice (15 F. R. 2114) stating the location and availability of tariff and commodity information pertinent to the pending negotiations.

By direction of the Interdepartmental Committee on Trade Agreements this 17th day of August 1950.

CARL D. CORSE,
Chairman, Interdepartmental Committee on Trade Agreements.

[1] See F. R. Doc. 50-7206, *infra*.

LIST OF ARTICLES IMPORTED INTO THE UNITED STATES WHICH IT IS PROPOSED SHOULD BE CONSIDERED IN TRADE-AGREEMENT NEGOTIATIONS WITH THE COUNTRIES SPECIFIED IN FOREGOING PUBLIC NOTICE

The following list contains descriptions of articles imported into the United States which it is proposed should be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in the trade-agreement negotiations which are proposed with the countries specified in the foregoing public notice.

For the purpose of facilitating identification of the articles listed, reference is made in the list to the paragraph numbers of the tariff schedules in the Tariff Act of 1930. The descriptive phraseology is frequently limited to a narrower scope than that covered by the cited paragraph. In such cases only the articles covered by the descriptive phraseology of the list will come under consideration for negotiation.

In the event that an article which as of January 1, 1950 was regarded as classifiable under a description included in the list is excluded therefrom by judicial decision or otherwise prior to the inclusion of such description in a trade agreement, the list will nevertheless be considered as including such article.

The United States Tariff Commission has issued a notice (15 F. R. 2114) stating the location and availability of tariff and commodity information pertinent to the pending negotiations announced herein.

SCHEDULE 1—CHEMICALS, OILS, AND PAINTS

17. Mercurial preparations (other than calomel, corrosive sublimate, and red mercuric oxide).

24. Flavoring extracts, natural or synthetic fruit flavors, fruit esters, oils and essences, all the foregoing and their combinations, when containing alcohol.

28. (b) Synthetic indigo, "Colour Index No. 1177", and sulphur black, "Colour Index No. 978".

54. Soy-bean oil.

66. Enamel paints, consisting of pigments or colors ground in or mixed with varnish, not specifically provided for.

67. Barytes ore, whether crude or unmanufactured or ground or otherwise manufactured.

92. Tonka beans.

SCHEDULE 2—EARTH, EARTHENWARE, AND GLASSWARE

205. (e) Manufactures of which plaster of Paris is the component material of chief value, not specially provided for.

211. Earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semi-porcelain earthernware, and cream-colored ware, tera cotta, and stoneware, including clock cases with or without movements, pill tiles, plaques, ornaments, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware, however provided for in paragraph 211, Tariff Act of 1930, and manufactures in chief value of such ware, not specially provided for (except any of the foregoing which are tableware, kitchenware, or table or kitchen utensils, and except any of the foregoing having a body not composed wholly of clay and valued at less than $10 per dozen).

218. (d) All glassware commercially known as plated or cased glass, composed of two or more layers of clear, opaque, colored, or semitranslucent glass, or combinations of the same.

232. (a) Onyx, sawed or dressed, over 2 inches in thickness.

234. (a) Granite suitable for use as monumental, paving, or building stone, not specially provided for, hewn, dressed, pointed, pitched, lined, or polished, or otherwise manufactured.

SCHEDULE 3—METALS AND MANUFACTURES OF

302. (i) Silicon metal.

(m) Ferrophosphorus, ferroaluminum vanadium, ferromanganese vanadium, ferrosilicon vanadium, and ferrosilicon aluminum vanadium.

(r) Ductile tantalum metal, ductile columbium or niobium metal, and ductile nonferrous alloys of tantalum metal, or of columbium or niobium metal.

327. Cast-iron pipe of every description, and cast-iron fittings for cast-iron pipe.

366. Parts of and fittings for automatic, single-shot, magazine, or revolving pistols and revolvers.

372. Machines, finished or unfinished, not specially provided for, and parts, not specially provided for, wholly or in chief value of metal or porcelain: Food preparing or manufacturing machines (not including food grinding or cutting machines, bakery machines, and machines for manufacturing chocolate or confectionery).

374. Aluminum, and alloys (except those provided for in paragraph 302, Tariff Act of 1930) in which aluminum is the component material of chief value, in crude form (not including aluminum scrap).

397. Articles or wares not specially provided for, composed wholly or in chief value of iron, steel, lead, copper, brass, nickel, pewter, zinc, aluminum, or other base metal, but not plated with platinum, gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured: Typewriter spools not wholly or in chief value of lead.

SCHEDULE 4—WOOD AND MANUFACTURES OF

408. Boxes, barrels, and other articles containing oranges, lemons, limes, grapefruit, shaddocks or pomelos; and the thin wood, so-called, comprising the sides, tops, and bottoms of fruit boxes of the growth or manufacture of the United States, exported as fruit-box shooks and reimported in completed form, filled with fruit.

SCHEDULE 7—AGRICULTURAL PRODUCTS AND PROVISIONS

710. Cheese and substitutes therefor (except Roquefort cheese in original loaves, blue-mold cheese in original loaves, cheddar cheese not processed otherwise than by division into pieces, Edam and Gouda cheeses containing 40 per centum or more of butterfat, and Camembert, Brie, Coulommiers, Pont-l'Eveque cheeses).

720. (a) (2) Fish, smoked or kippered (except fish packed in oil or in oil and other substances and except fish packed in airtight containers weighing with their contents not more than 15 pounds each): Herring (except hard dry-smoked), whole or beheaded, but not further advanced.

721. (d) Caviar and other fish roe for food purposes (except sturgeon), not boiled or not packed in air-tight containers.

722. Patent barley and barley flour.

724. Seed corn or maize.

726. Oatmeal, rolled oats, oat grits, and similar oat products.

730. Vegetable oil cake and oil-cake meal, not specially provided for: Linseed.

734. Apples, green or ripe.

736. Berries, edible (except blueberries), prepared or preserved, or frozen, but not in brine and not dried, desiccated, or evaporated, and not specially provided for.

756. Almonds, bitter, shelled.

763. Grass seeds and other forage crop seeds: Rye grass.

765. Beans, not specially provided for, green or unripe: Lima beans, when entered for consumption during the period from June 1 to October 31, inclusive, in any year.

772. Tomatoes in their natural state.

774. Vegetables in their natural state: Eggplant, when entered for consumption during the period from April 1 to November 30, inclusive, in any year. Cucumbers, when entered for consumption during the period from March 1 to June 30, inclusive, or during the period from September 1 to November 30, inclusive, in any year.

775. Pimientos, packed in brine or in oil, or prepared or preserved in any manner.

781. Spices and spice seeds, not specially provided for:

Onion powder.

SCHEDULE 8—SPIRITS, WINES, AND OTHER BEVERAGES

806. (a) Cherry juice, prune juice, or prune wine, and all other fruit juices and fruit sirups, not specially provided for (except citrus-fruit juices), containing less than one half of 1 per centum of alcohol.

SCHEDULE 9—COTTON MANUFACTURES

912. Candle wicking, wholly or in chief value of cotton or other vegetable fiber.

SCHEDULE 10—FLAX, HEMP, JUTE, AND MANUFACTURES OF

1003. Jute sliver.

1005. (a) (1) Cordage, including cables, tarred or untarred, composed of three or more strands, each strand composed of two or more yarns, wholly or in chief value of sisal or henequen.

SCHEDULE 11—WOOL AND MANUFACTURES OF

1117. (c) All other floor coverings, including mats and druggets, wholly or in chief value of wool (except those wholly or in chief value of hair of the Angora goat, alpaca, llama, quanaco, haurizo, suri, misti, or a combination of the hair of two or more of these species), not specially provided for, all the foregoing valued at more than 40 cents per square foot.

SCHEDULE 12—SILK MANUFACTURES

1205. Plain woven fabrics, in the piece the fibers of which are wholly of silk, dyed or colored, whether or not exceeding 30 inches in width, and whether woven with fast or split edges; any of the foregoing suitable for stenciling purposes in screen-process printing and valued at more than $5.50 per pound.

SCHEDULE 13—MANUFACTURES OF RAYON OR OTHER SYNTHETIC TEXTILE

1305. Rayon or other synthetic textile in bands or strips not exceeding one inch in width, suitable for the manufacture of textiles.

SCHEDULE 14—PAPERS AND BOOKS

1406. Cigar bands, composed wholly or in chief value of paper lithographically printed in whole or in part from stone, gelatin, metal, or other material, not specially provided for, printed in less than eight colors (bronze printing to be counted as two colors), but not printed in whole or in part in metal leaf.

SCHEDULE 15—SUNDRIES

1513. All other toys, and parts of toys, not specially provided for: Stuffed animal figures not having a spring mechanism, not over six inches in height and valued at 35 cents or more each, or over six inches but not over eleven inches in height and valued at $1 or more each, or over eleven inches but not over fourteen inches in height and valued at $2 or more each, or over fourteen inches in height and valued at $3.50 or more each; building blocks or bricks, valued at 8 cents or more per pound; and all parts of toys (except parts wholly or in chief value of china, porcelain, parian, bisque, earthenware, or stoneware, of toys which are not in the forms of musical instruments and capable of emitting sound).

1527. (c) (2) Articles valued over 20 cents per dozen pieces, designed to be worn on apparel or carried on or about or attached to the person, and parts thereof, finished or unfinished, composed wholly or in chief value of metal other than gold or platinum (whether or not enameled, washed, covered, or plated, including rolled gold plate), or (if not composed in chief value of metal and if not dutiable under clause 1 of paragraph 1527 (c), Tariff Act of 1930) set with and in chief value of precious or semiprecious stones, pearls, cameos, coral, amber, imitation precious or semiprecious stones, or imitation pearls: Parts of cigar and cigarette lighters valued at 20 cents or more but not above $5 per dozen parts; powder cases, vanity cases, and compacts, valued at not above $5 per dozen pieces; and parts of powder cases, vanity cases, and compacts, valued at 20 cents or more but not above $5 per dozen parts.

1529. (a) Laces, lace fabrics, and lace articles, made wholly by hand without the use of any machine-made material or article provided for in paragraph 1529 (a), Tariff Act of 1930 (except laces, fabrics, and articles, if exceeding 2 inches in width and valued at more than $50 per pound); all the foregoing if wholly or in chief value of tinsel wire, lame, bullions, or metal threads, however provided for in said paragraph 1529 (a).

Articles (except wearing apparel and lace window curtains) in part of machine-made laces, lace fabrics, or lace articles, however provided for in paragraph 1529 (a), Tariff Act of 1930, but not including any article of a class or kind with respect to which United States import duties are reduced or bound against increase pursuant to any trade agreement heretofore concluded under section 350 of the Tariff Act of 1930, as amended.

Articles of wearing apparel wholly or in part of net or netting, however provided for in paragraph 1529 (a), Tariff Act of 1930, not including any article which is embroidered (whether or not the embroidery is on a scalloped edge), tamboured, appliqued, ornamented with beads, bugles, or spangles, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including one row of straight hemstitching adjoining the hem.

Sweaters, knit or crocheted, wholly or in chief value of wool, embroidered (whether or not the embroidery is on a scalloped edge), tamboured, appliqued, ornamented with beads, bugles, or spangles, or from which threads have been omitted, drawn, punched, or cut.

1529. (b) Handkerchiefs, wholly or in part of lace, and handkerchiefs embroidered (whether with a plain or fancy initial, monogram, or otherwise, and whether or not the embroidery is on a scalloped edge), tamboured, appliqued, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including one row of straight hemstitching adjoining the hem; all the foregoing, finished or unfinished, composed wholly or in chief value of silk, and whether or not made with hand rolled or hand made hems.

1530. (e) Men's, youths', and boys' boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for (except turn or turned, or sewed or stitched by the process or method known as McKay, or made by the process or method known as welt, or having molded soles laced to uppers, and except huaraches, slippers for house wear, and moccasins of the Indian handicraft type having no line of demarcation between the soles and the uppers).

1541. (a) Musical instruments and parts thereof, not specially provided for: Stringed instruments (not including pianos, violins, violas, violoncellos, and double basses), and parts thereof.

1558. All raw or unmanufactured articles not enumerated or provided for: Frog legs.

All articles manufactured, in whole or in part, not specially provided for: Preparations for flavoring or seasoning food, in chief value of yeast extract, containing no alcohol, and not including sauces; ice cream; and incense.

FREE LIST

1674. Palm leaf in its natural state not colored, dyed, or otherwise advanced or manufactured.

1810. Stained or painted window glass or stained or painted glass windows which are works of art when imported to be used in houses of worship, valued at $15 or more per square foot.

[F. R. Doc. 50-7270; Filed, Aug. 17, 1950; 9:30 a. m.]

COMMITTEE FOR RECIPROCITY INFORMATION

TRADE-AGREEMENT NEGOTIATIONS WITH CUBA

I. Trade-agreement negotiations with Cuba, which is a contracting party to the General Agreement on Tariffs and Trade;

II. Supplementary notice as to trade-agreement negotiations with the countries named in the notices of April 11, 1950, published April 14, 1950, and May 15, 1950;

III. Possible adjustment in preferential rates on Cuban products.

Submission of information to the Committee for Reciprocity Information. Closing date for application to be heard, September 7, 1950. Closing date for submission of briefs, September 14, 1950. Public hearings open, September 25, 1950.

The Interdepartmental Committee on Trade Agreements has issued on this day a notice of intention [1] to conduct trade-agreement negotiations with the Republic of Cuba.

Annexed to the notice by the Interdepartmental Committee on Trade Agreements is a list of articles imported into the United States to be considered for possible trade-agreement negotiations which is the second notice supplementary to the list annexed to the notice by that Committee of April 11, 1950, published April 14, 1950 (15 F. R. 2114). Articles in both these lists, and in the list annexed to the supplementary notice by that Committee of May 15, 1950, may be considered for negotiation with the Republic of Cuba and with the countries named in the notice of April 11, 1950, published April 14, 1950, and in the notice of May 15, 1950.

The Interdepartmental Committee on Trade Agreements has also announced in such notice that, in the case of each article in the list with respect to which the corresponding product of Cuba is subject to preferential treatment, the negotiations referred to with any country other than Cuba will involve the elimination, reduction, or continuation of the preference, perhaps with an ad-

[1] See F. R. Doc. 50-7270, *supra*.

justment or specification of the rate applicable to the product of Cuba.

The Committee for Reciprocity Information hereby gives notice that all applications for oral presentation of views in regard to the foregoing proposals, which must indicate the product or products on which the individuals or groups desire to be heard, shall be submitted to the Committee for Reciprocity Information not later than 12:00 noon, September 7, 1950, and all information and views in writing in regard to the foregoing proposals shall be submitted to the Committee for Reciprocity Information not later than 12:00 noon, September 14, 1950.

Such communications shall be addressed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C.". Ten copies of written statements, either typed, printed, or duplicated shall be submitted, of which one copy shall be sworn to.

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard. The first hearing will be at 10:00 a. m. on September 25, 1950, in the Hearing Room in the Tariff Commission Building, Seventh and E Streets NW., Washington 25, D. C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

Persons or groups interested in import products may present to the Committee their views concerning possible tariff concessions by the United States in negotiations with the Republic of Cuba on any product, whether or not included in the list annexed to the notice of intention to negotiate. However, as indicated in the notice of intention to negotiate, no tariff reduction will be considered on any product which is not included in the list annexed to the public notice by the Interdepartmental Committee on Trade Agreements of April 11, 1950, published April 14, 1950 (15 F. R. 2114), in the list annexed to the notice of May 15, 1950, the list annexed to the notice issued by said Committee on this date, or in a supplementary public list.

Persons interested in export items may present their views regarding any tariff (including preferential tariff) or other concessions that might be requested of the Republic of Cuba.

Copies of the list attached to the notice of intention to negotiate may be obtained from the Committee for Reciprocity Information at the address designated above and may be inspected at the field offices of the Department of Congress. The United States Tariff Commission has issued a notice (15 F. R. 2114) stating the location and availability of tariff and commodity information pertinent to the pending negotiations announced herein.

By direction of the Committee for Reciprocity Information this 17th day of August 1950.

EDWARD YARDLEY,
Secretary, Committee for Reciprocity Information.

[F. R. Doc. 50-7266; Filed, Aug. 17, 1950; 9:27 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1454]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATION

AUGUST 11, 1950.

Take notice that on August 2, 1950, Mississippi River Fuel Corporation (Applicant) a Delaware corporation with its principal place of business in St. Louis, Missouri, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described facilities:

An additional delivery point to Illinois Power Company by the installation of a tap on Applicant's Line No. 2 at a point on U. S. Survey No. 416, Township 1 South, Range 10 West, Monroe County, Illinois, near where said Line No. 2 crosses Monroe County Highway No. 8A 6, and the construction adjacent thereto of a regulating and metering station for the purpose of measuring the gas delivered.

Applicant says that the proposed service to be rendered is to meet the requirements of Illinois Power Company in connection with the proposed distribution of natural gas in the town of Columbia, Illinois, a suburban community 13 miles from St. Louis, Missouri, with a population of some 1,871. It says that its gas supply will continue to be obtained as indicated in Docket No. G-1281.

The estimated cost of the proposed installation and construction is $6,360, which Applicant expects to finance out of cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 31st day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7215; Filed, Aug. 17, 1950; 8:47 a. m.]

[Docket No. G-1455]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 11, 1950.

Take notice that on August 3, 1950, Hope Natural Gas Company (Applicant), a West Virginia corporation, with its principal place of business in Clarksburg, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described facilities:

An 18-inch natural gas transmission pipeline approximately 19½ miles in length, extending in a southeasterly direction from its present L. L. Tonkin Compressor Station in Doddridge County, West Virginia, to a point in the present Pink Storage Area, located in Lewis County, West Virginia.

Applicant states that the proposed facilities will not be used to serve any new markets or areas, but will be integrated with its presently existing transmission system to render more adequate service to its present customers, through greater utilization of its Pink Storage Area.

Applicant alleges that the proposed facilities will provide an increased pipe line capacity into this storage area of some 100,000 Mcf per day, and will permit Applicant to increase its ultimate volume of gas in this storage area by approximately 25,000,000 Mcf.

The estimated cost of the proposed facilities is $790,000, which Applicant intends to finance from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 31st day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7216; Filed, Aug. 17, 1950; 8:47 a. m.]

[Docket No. G-1456]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION

AUGUST 11, 1950.

Take notice that on August 3, 1950, Arkansas Louisiana Gas Company (Applicant), a Delaware corporation with its principal place of business in Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described facilities:

1. (Section A) Approximately 4.9 miles of 8⅝ inch O. D. welded pipeline, extending from a point in Section 21, Township 23 North, Range 7 West, in the East Haynesville Field of Claiborne Parish, Louisiana in a westerly direction to a dehydrator installation located at a point in Section 22, Township 23 North, Range 8 West in the Haynesville Field of Claiborne Parish, Louisiana.

2. (Section B) Approximately 16.4 miles of 8⅝ inch O. D. welded pipeline, extending from the dehydrator installation described under Section A, in a northwesterly direction to the Columbia Gas Treating Plant, owned and operated by Arkansas Fuel Oil Company and located in Section 9, Township 18 South, Range 21 West, Columbia County, Arkansas, including a telephone line to parallel the pipeline and metering, regulating and appurtenant facilities.

Applicant alleges that natural gas produced in the East Haynesville Field and to be transported through the proposed facilities will be used to supplement the gas supply available to its pipeline system in the State of Arkansas; that it has entered into a 20-year contract with Hunt Oil Company, et al., for the purchase of gas produced from various leases in the East Haynesville Field; and that negotiations are under way for similar contracts with other owners of producing property in this East Haynesville Field.

Under the contemplated operating pressure conditions, Applicant states that the capacity of the proposed facilities will be about 31,000 Mcf per day. Some 24,000 Mcf of gas per day to be obtained in the East Haynesville Field are expected to flow through these facilities, and Applicant estimates that this will result in a reduction of its curtailment estimate to about 40,000 Mcf per day, and will replace gas heretofore available from the Dorcheat-Macedonia Field of Southern Arkansas, which is now declining rapidly.

Applicant asserts that construction of the proposed facilities will not result in increased rates to domestic, commercial or small industrial consumers, that service to new or additional consumers, other than those anticipated through normal growth of the area, is not involved, and that no additional revenue is expected to arise out of the proposed construction.

The estimated cost of Section A of the proposed construction is $83,669, and of Section B, $284,078. Applicant proposes to finance the construction out of its cash reserves and the proceeds of additional bank loans bearing interest at 2¾ percent per annum.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 31st day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7217; Filed, Aug. 17, 1950; 8:47 a. m.]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

AUGUST 11, 1950.

Public notice hereby is given that South Carolina Public Service Authority has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of its license for Project No. 199 on the Santee River, to authorize operation of its reservoir with normal high-water level at elevation 76.8 feet above mean sea level at a specified point, and operation of all other project waters at such levels as may result therefrom.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before September 20, 1950, to the Federal Power Commission, Washington 25, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7218; Filed, Aug. 17, 1950; 8:47 a. m.]

[Project No. 1927]

CALIFORNIA OREGON POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

AUGUST 14, 1950.

Public notice hereby is given that The California Oregon Power Company has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of its license for Project No. 1927 to authorize the construction, operation and maintenance of an additional hydroelectric development and an access road.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before September 29, 1950, to the Federal Power Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7219; Filed, Aug. 17, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25327]

SUPERPHOSPHATE FROM FLORIDA TO WESTERN TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

AUGUST 15, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1180.

Commodities involved: Superphosphate, carloads.

From: Points in Florida.

To: Points in Western Trunk Line Territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1180, Supplement 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7220; Filed, Aug. 17, 1950; 8:48 a. m.]

[4th Sec. Application 25328]

LIQUEFIED CHLORINE GAS FROM BATON ROUGE AND NORTH BATON ROUGE, LA.

APPLICATION FOR RELIEF

AUGUST 15, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 378.

Commodities involved: Liquefied chlorine gas, tank-carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Decatur, Ill., Louisville, Ky., and Terre Haute, Ind.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 378, Supplement 95.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7221; Filed, Aug. 17, 1950; 8:48 a. m.]

[4th Sec. Application 25329]

IRON AND STEEL ARTICLES IN THE SOUTH

APPLICATION FOR RELIEF

AUGUST 15, 1950.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 920.

Commodities involved: Iron and steel articles, tin and terne plate and tin mill black plate, carloads.

Between: Stations on the Apalachicola Northern Railroad, on the one hand, and points in southern territory, Illinois and Indiana, also St. Louis, Mo., on the other.

Grounds for relief: Competition with rail carriers, circuitous routes and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 920, Supplement 182.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7222; Filed, Aug. 17, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2380]

COLUMBIA GAS SYSTEM, INC., AND COLUMBIA ENGINEERING CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of August A. D. 1950.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Columbia Engineering Corporation ("Engineering"), having filed a joint application-declaration, pursuant to the provisions of sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, with respect to the following proposed transaction:

Engineering is a service company rendering services to associate companies in the Columbia holding company system. The capital stock, consisting of 2,500 shares of common stock, $100 per share, is entirely held by Columbia.

Engineering now proposes to increase its capital from $250,000 to $500,000, by issuing and selling to Columbia 2,500 shares of common stock, $100 par value. In addition to its present common stock capital, Engineering has obtained, as a temporary measure, $150,000 of non-interest bearing advances from Columbia. Engineering proposes to repay the temporary advances to Columbia out of the proceeds from the sale of the additional common stock to Columbia. Approximately $45,000 of such proceeds will be invested by Engineering in additional office equipment and the remainder of such proceeds will be added to the working capital of Engineering.

Said joint application-declaration having been filed on April 28, 1950, and an amendment thereto having been filed on July 25, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7210; Filed, Aug. 17, 1950; 8:45 a. m.]

[File No. 70-2447]

LONG ISLAND LIGHTING CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of August A. D. 1950.

Long Island Lighting Company, a registered holding company, having filed a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transactions:

Declarant proposes to issue and sell for cash at principal amount to three commercial banks an aggregate of $6,000,000 principal amount of unsecured notes which will bear interest at the rate of 2¼ percent per annum and will mature on December 15, 1950. The proceeds of the sale of the notes are to be used for construction requirements of the company.

Such declaration having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the declaration, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective, and deeming it appropriate to grant a request of declarant that the order become effective at the earliest date possible.

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7207; Filed, Aug. 17, 1950; 8:45 a. m.]

[File No. 70-2449]

APPALACHIAN ELECTRIC POWER CO. AND CENTRAL APPALACHIAN COAL CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 14th day of August A. D. 1950.

Notice is hereby given that Appalachian Electric Power Company ("Appalachian"), an electric utility subsidiary of American Gas & Electric Company, a registered holding company, and Appalachian's non-utility subsidiary, Central Appalachian Coal Company ("Coal Company"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (b), 9 (a) and 10 of the act and Rule U-43 thereunder as applicable to the transactions proposed in said joint application-declaration, which proposed transcations may be summarized as follows:

Coal Company proposes to issue and sell and Appalachian proposes to acquire not to exceed 20,000 shares of the authorized and unissued $100 par value common stock of Coal Company at $100 per share for aggregate gross proceeds to Coal Company of $2,000,000. It is proposed that the sales and acquisitions will be made from time to time prior to December 31, 1951 as funds are needed by Coal Company. It is stated that the proceeds to Coal Company will be used to provide funds to complete the initial development of Coal Company and to provide working capital. Pursuant to authorization of this Commission (File No. 70-1841), Appalachian has heretofore acquired from Coal Company 40,000 shares of Coal Company's common stock having a par value of $100 per share for $4,000,000 which represents all of

Coal Company's presently outstanding capital stock.

It is stated that Appalachian and Coal Company propose to file a joint application with the State Corporation Commission of Virginia requesting that Commission to authorize the proposed transactions.

Applicants-declarants request that any order of this Commission authorizing the proposed transactions issue as soon as may be practicable and become effective upon issuance.

Notice is further given that any interested person may, not later than August 24, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 24, 1950, said application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to the joint application-declaration which is on file in the offices of the Commission for a full statement of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7208; Filed, Aug. 17, 1950; 8:45 a. m.]

[File No. 70-2450]

OHIO POWER CO. AND CENTRAL OHIO COAL CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 14th day of August A. D. 1950.

Notice is hereby given that The Ohio Power Company ("Ohio"), an electric utility subsidiary of American Gas & Electric Company, a registered holding company, and Ohio's non-utility subsidiary, Central Ohio Coal Company ("Coal Company"), have filed a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated Rules U-42 and U-43 promulgated under the act as applicable to the transactions proposed in said joint declaration which proposed transactions may be summarized as follows:

From time to time prior to December 31, 1951 Coal Company proposes to acquire not to exceed 10,000 shares of its capital stock from Ohio at $100 per share and to promptly retire all shares so acquired. The authorized capital of Coal Company consists of 40,000 shares of $100 par value common stock of which 28,000 shares are outstanding and all of which are owned by Ohio having been acquired by that company at $100 per share for a total aggregate amount of $2,800,000.

In the declaration it is stated that Coal Company at the present time has some $300,000 cash on hand in excess of its required working capital, which funds have been accumulated as a result of depreciation charges on its equipment. Coal Company expects that such depreciation accruals will continue to accumulate excess cash as it is not now contemplated that the Coal Company will have to make any substantial purchases of additional equipment. Coal Company desires to reacquire shares of its capital stock from Ohio with such excess funds.

Declarants request that any order of this Commission authorizing the proposed transactions issue as soon as may be practicable and become effective upon issuance.

Notice is further given that any interested person may, not later than August 25, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 24, 1950, said declaration may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to the joint declaration which is on file in the offices of the Commission for a full statement of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7209; Filed, Aug. 17, 1950; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14921]

WERNER LIMPERT

In re: Rights of Werner Limpert under insurance installment certificate. File No. F-28-26651-H-6.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Werner Limpert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under Continuous Installment Certificate No. D-92,520-I, issued by The Mutual Benefit Life Insurance Company, Newark, N. J. to Werner Limpert, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7226; Filed, Aug. 17, 1950; 8:49 a. m.]

[Vesting Order 14937]

YOSHIE NUMOTO

In re: Debt owing to Yoshie Numoto. F-39-6541-C-1, F-39-5816-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshie Numoto, whose last known address is Okayama Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Cano Numoto, Route 2, Box 342, Bellevue, Washington, in the amount of $631.87, representing the residue of the Estate of Tsuruichi S. Numoto, deceased, set aside to Yoshie Numoto per Order Discharging and Exonerating Ad-

ministrator, executed December 2, 1947, by J. T. Ronald, Judge, in the Superior Court of the State of Washington for King County, in Probate No. 99827, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Yoshie Numoto, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7227; Filed, Aug. 17, 1950; 8:49 a. m.]

[Vesting Order 14940]

JULIUS SPRINGER

In re: Debt owing to Julius Springer. F-28-8530-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius Springer, whose last known address is Linkstrasse 22/24, Berlin W9, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Julius Springer, by The University of Chicago, 5750 Ellis Avenue, Chicago, Illinois, in the amount of $215.29, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7228; Filed, Aug. 17, 1950; 8:49 a. m.]

[Vesting Order 14941]

AUGUSTE F. STENDER

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Auguste F. Stender, deceased. F-28-25928-E-1/2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Auguste F. Stender, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the South Bergen Savings and Loan Association, 271 Valley Boulevard, Wood-Ridge, New Jersey, arising out of a savings account, account number 22630, entitled "Estate Auguste F. Stender", maintained at the aforesaid Association, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Auguste F. Stender, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Auguste F. Stender, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7229; Filed, Aug. 17, 1950; 8:49 a. m.]

[Vesting Order 14944]

YOSHIKO WATANABE ET AL.

In re: Bank accounts owned by Yoshiko Watanabe, Toshiyasu Watanabe, Masako Watanabe, Kiyoko Inouye and Tsukasa Inouye. D-39-14215.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshiko Watanabe, Toshiyasu Watanabe, Masako Watanabe, Kiyoko Inouye and Tsukasa Inouye, whose last known addresses are Hiroshima, Japan, are residents of Japan and are nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yoshiko Watanabe, by the Old National Bank of Spokane, Spokane, Washington, arising out of a savings account, account numbered 15535, entitled Yoshiko Watanabe, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownersip or control by Yoshiko Watanabe, the aforesaid national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation owing to Toshiyasu Watanabe, by the Old National Bank of Spokane, Spokane, Washington, arising out of a savings account, account numbered 15537, entitled Toshiyasu Watanabe, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Toshiyasu Watanabe, the aforesaid national of a designated enemy country (Japan);

4. That the property described as follows: That certain debt or other obligation owing to Masako Watanabe, by the Old National Bank of Spokane, Spokane, Washington, arising out of a savings account, account numbered 15539, entitled Masako Watanabe, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Masako Watanabe, the aforesaid national of a designated enemy country (Japan);

5. That the property described as follows: That certain debt or other obligation owing to Kiyoko Inouye, by the Old National Bank of Spokane, Spokane, Washington, arising out of a savings account, account numbered 15543, entitled Kiyoko Inouye, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kiyoko Inouye, the aforesaid national of a designated enemy country (Japan);

6. That the property described as follows: That certain debt or other obligation owing to Tsukasa Inouye, by the Old National Bank of Spokane, Spokane, Washington, arising out of a savings account, account numbered 15547, entitled Tsukasa Inouye, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Tsukasa Inouye, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

7. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7230; Filed, Aug. 17, 1950; 8:49 a. m.]

MRS. JOSEPHINE CASALI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Josephine Casali, Florence, Italy; Claim No. 33756; $5,943.44 in the Treasury of the United States.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7232; Filed, Aug. 17, 1950; 8:49 a. m.]

ANNA FERRANTINO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anna Ferrantino, Porto D'Ischia, Naples, Italy; Claim No. 8868; $11,440.38 in the Treasury of the United States. All right, title and interest of the Attorney General, as successor to the Alien Property Custodian, in and to Guaranteed First Mortgage Participation Certificate Number 53 of Series 101,529 issued by Lawyers Mortgage Company, New York, presently in liquidation by the State of New York Insurance Department, Liquidation Bureau, 160 Broadway, New York 7, N. Y.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7233; Filed, Aug. 17, 1950; 8:49 a. m.]

EMILIE FRISCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emilie Frisch, Vienna, Austria; Claim No. 35578; $8,529.22 in the Treasury of the United States. All right, title and interest of Mrs. Emilie Frisch, nee Kottnig, in and to the Estate of Louis Gaugler, deceased.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7234; Filed, Aug. 17, 1950; 8:49 a. m.]

EMMA HAASE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emma Haase or Holms, Greenock, Scotland; Claim No. 5666; $2,885.47 in the Treasury of the United States.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7235; Filed, Aug. 17, 1950; 8:50 a. m.]

HERTA HOLLAND AND ANNA STEIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Property, and Location

Herta Holland, nee Latz and Anna Stein, nee Latz, London, England; Claims Nos. 10257

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and 36328, (consolidated); $1,784.63 in the Treasury of the United States, returnable to the claimants in equal shares.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7236; Filed, Aug. 17, 1950; 8:50 a. m.]

[Vesting Order 15004]

GERMANY

In re: Real property and safes owned by Germany.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows:

a. Real property situated in the City of Washington, District of Columbia, particularly described in Exhibits A and B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All those certain safes located in the premises described in subparagraph 1-a hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 1-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 1-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 14, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

All of lots Seventeen (17) and Eighteen (18) of Andrew Wylie's Subdivision of a part of Square Two Hundred and Twelve (212) as per plat recorded in Liber R. W., folio 95 of the Records of the Office of the Surveyor of the District of Columbia.

EXHIBIT B

All of Lots Eight Hundred and Seven (807), Eight Hundred and Eight (808) and Eight Hundred and Nine (809) of Square Two Hundred and Twelve (212), formerly known and desribed as Lots One Hundred and Two (102), One Hundred and Three (103), One Hundred and Four (104), One Hundred and Five (105), One Hundred and Ten (110) and One Hundred and Eleven (111), in Thomas B. Ferguson's Subdivision of lots in Square Two Hundred and Twelve (212), as per plat recorded in Liber Eleven (11), folio 125 of the Records of the Office of the Surveyor of the District of Columbia.

[F. R. Doc. 50-7231; Filed, Aug. 17, 1950; 8:49 a. m.]

AUG 22 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 161

Washington, Saturday, August 19, 1950

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[MQ-71—Cotton (1950), Amdt. 2]

PART 722—COTTON

ACREAGE ALLOTMENTS AND MARKETING QUOTAS FOR 1950 CROP

Basis and purpose. Section 375 (b) of the Agricultural Adjustment Act of 1938, as amended, provides that the Secretary of Agriculture shall provide by regulations for the identification, wherever necessary, of cotton so as to afford aid in discovering and identifying such amounts as are subject to and such amounts as are not subject to marketing restrictions in effect under the act. Under the authority of this provision, § 722.159 of the Regulations Pertaining to Acreage Allotments and Marketing Quotas for the 1950 Crop of Cotton, issued June 26, 1950 (15 F. R. 4162) provides that any cotton purchased by a buyer from a producer shall be taken as subject to the marketing penalty of 15.5 cents a pound unless the producer identifies the cotton as being not subject to the penalty by presenting to the buyer a marketing card or marketing certificate issued to the producer by the appropriate Production and Marketing Administration county committee. Many producers are now selling their equities in 1949 crop cotton which is pledged to the Commodity Credit Corporation as collateral security for loans under the Agricultural Act of 1948, and the regulations require these sales to be identified with marketing certificates. It has been found that this requirement imposes an unreasonable burden on the producers and purchasers involved. The amendment to the regulations set out herein eliminates under certain conditions the use of marketing certificates for such sales and provides that certain loan documents covering the cotton shall be taken by the purchaser as satisfactory evidence that the cotton was produced in 1949 and that it is not subject to the penalty. It is in the interest of producers and the persons engaged in the purchase of producers' equities in 1949 loan cotton that the amendment become effective at the earliest possible date in order that sales of such equities may be made without the delay and inconvenience incident to the issuance and use of marketing certificates. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of Federal Register.

The Regulations Pertaining to Acreage Allotments and Marketing Quotas for the 1950 Crop of Cotton (15 F. R. 4162) are hereby amended by the addition of the following new section:

§ 722.176 *Purchases of 1949 CCC loan equities.* Notwithstanding any other provision of the regulations in this part any producer who desires to sell his equity in cotton pledged as collateral security for a 1949 Commodity Credit Corporation loan may identify such cotton as being penalty free by presenting to the buyer of such equity a 1949 form entitled "Producer's Loan Statement—A, Commodity Credit Corporation" or a form entitled "Producer's Warranty and Agreement (1949 C. C. C. Cotton Form G-2)" covering such loan cotton and the buyer of such equity shall accept such identification as evidence to him that the cotton described on such forms is not subject to the penalty or the lien for penalty. With respect to each such purchase, the buyer shall keep a record and make a report to the treasurer of the county committee for the county in which such cotton was produced of the following information: (a) The name and address of the producer from whom the equity was purchased; (b) the date on which the equity was purchased; (c) the form used to identify the cotton pledged as collateral security for a 1949 Commodity Credt Corporation loan; (d) the date of the note covering such cotton; (e) the warehouse receipt number for such cotton; (f) the name of the warehouse where such cotton is stored; and (g) the gross weight of each bale securing such loan. The report covering

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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all such purchases for the preceding calendar month shall be filed by the buyer with the treasurer of the appropriate county committee not later than ten calendar days after the end of each such calendar month.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. and Sup. 1375. Interprets or applies sec. 346, 52 Stat. 57, as amended, 63 Stat. 670; sec. 3, 63 Stat. 670; 7 U. S. C. and Sup. 1346)

Done at Washington, D. C., this 16th day of August 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7303; Filed, Aug. 17, 1950; 2:12 p. m.]

PART 723—VIRGINIA SUN-CURED TOBACCO

EDITORIAL NOTE: The material appearing under Part 723 will hereafter be contained in Part 726 and §§ 723.102 to 723.128 are redesignated §§ 726.130 to 726.147.

[MQ–71—Tobacco (1950)]

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1950–51 MARKETING YEAR

Part 726 is hereby amended by changing the headnote to read as set forth above and by adding §§ 726.150 to 726.180 as follows:

GENERAL

Sec.
726.150 Basis and purpose.
726.151 Definitions.
726.152 Instructions and forms.
726.153 Extent of calculations and rule of fractions.

FARM MARKETING QUOTAS AND MARKETING CARDS

726.154 Amount of farm marketing quota.
726.155 No transfers.
726.156 Issuance of marketing cards.
726.157 Person authorized to issue marketing cards.
726.158 Rights of producers in marketing cards.
726.159 Successors in interest.
726.160 Invalid cards.
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MARKETINGS OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

726.162 Extent to which marketings from a farm are subject to penalty.
726.163 Disposition of excess tobacco.
726.164 Identification of marketings.
726.165 Rate of penalty.
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726.168 Payment of penalty.
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RECORDS AND REPORTS

726.170 Producer's records and reports.
726.171 Warehouseman's records and reports.
726.172 Dealer's records and reports.
726.173 Dealers exempt from regular records and reports.
726.174 Records and reports of truckers and persons redrying, prizing, or stemming tobacco.
726.175 Separate records and reports from persons engaged in more than one business.
726.176 Failure to keep records or make reports.
726.177 Examination of records and reports.
726.178 Length of time records and reports to be kept.
726.179 Information confidential.
726.180 Redelegation of authority.

AUTHORITY: §§ 726.150 to 726.180 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply 52 Stat. 38, 47, 48, 65, 66, as amended; 7 U. S. C. and Sup. 1301, 1313, 1314, 1372, 1373, 1374, 1375.

GENERAL

§ 726.150. *Basis and purpose.* Sections 726.150 to 726.180 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of fire-cured, dark air-cured, and Virginia sun-cured tobacco during the 1950–51 marketing year. Prior to preparing §§ 726.150 to 726.180, public notice (15 F. R. 2109) of their formulation was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations pertaining to §§ 726.150 to 726.180 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 726.151 *Definitions.* As used in §§ 726.150 to 726.180, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1950, which has not been marketed or which has not been disposed of under § 726.163.

(c) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(d) "Dealer or buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(e) "Director" means Director or Acting Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture.

(f) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with work stock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is on dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(g) "Field assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of a county committee whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(h) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehousemen for sale. Floor sweepings shall not include tobacco defined as "pick-ups."

(i) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports required to be made under §§ 726.150 to 726.180 relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(j) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(k) "Nonwarehouse sale" means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(l) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(m) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(n) "Pick-ups" means (1) any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course of business, or (2) any tobacco previously marketed at auction but not delivered to the buyer because of rejection by the buyer, lost ticket, or any other reason, and which is not turned back to a dealer other than this warehouse and shall include tobacco delivered to the buyer but returned by the buyer to the warehouseman, and which is not turned back to a dealer other than this warehouse.

(o) "Producer" means a person who, as owner, landlord, tenant, share cropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(p) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(q) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(r) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(s) "Secretary" means the Secretary or Acting Secretary of Agriculture of the United States.

(t) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the

responsibility of administering Production and Marketing Administration programs within the State.

(u) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(v) "Tobacco" means: (1) Type 21, known as Virginia fire-cured tobacco, (2) types 22, 23, and 24, collectively known as fire-cured tobacco, (3) types 35 and 36, collectively known as dark air-cured tobacco, and (4) type 37, known as Virginia sun-cured tobacco, as classified in Service and Regulatory Announcements No. 118 (7 CFR 30.4 and 30.5) of the Bureau of Agricultural Economics of the United States Department of Agriculture.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either fire-cured, dark air-cured, or Virginia sun-cured tobacco shall be considered fire-cured, dark air-cured, or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(w) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1950 plus any carry-over tobacco, less any tobacco disposed of in accordance with § 726.163.

(x) "Tobacco subject to marketing quotas" means: Any fire-cured, dark air-cured, or Virginia sun-cured tobacco marketed during the period October 1, 1950, to September 30, 1951, inclusive, and any fire-cured, dark air-cured, or Virginia sun-cured tobacco produced in the calendar year 1950 and marketed prior to October 1, 1950.

(y) "Trucker" means a person who engages to any extent in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(z) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse.

(aa) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets of tobacco marketed in sequence at a given time.

§ 726.152 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions as are necessary for carrying out the provisions of §§ 726.150 to 726.180. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 726.153 *Extent of calculations and rule of fractions.* (a) The acreage of tobacco harvested on a farm in 1950 shall be expressed in tenths and fractions of less than one-tenth acre shall be dropped. For example, 4.56 acres would be 4.5 acres.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents and 0.068 cent per pound would be 0.06 cent.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 726.154 *Amount of farm marketing quota.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment as established for the farm in accordance with §§ 726.111 to 726.128, MQ–21—Tobacco (1950), Fire-cured and Dark Air-cured Tobacco Marketing Quota Regulations, 1950–51 Marketing Year, as amended (14 F. R. 5919, 15 F. R. 1220), and §§ 726.131 to 726.147 (formerly §§ 723.111 to 723.128), MQ–21—Tobacco (1950), Virginia Sun-cured Tobacco Marketing Quota Regulations, 1950–51 Marketing Year (14 F. R. 7327). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1950 times the farm acreage allotment.

The excess tobacco on any farm shall be (a) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1950 times the number of acres harvested in excess of the farm acreage allotment, plus (b) any excess carry-over tobacco. The acreage of tobacco determined for a farm for the purpose of issuing the correct marketing card for the farm as provided in § 726.156 shall be considered the harvested acreage for the farm unless the farm operator furnishes proof satisfactory to the county committee that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage harvested will be disposed of as provided in § 726.163 (b).

§ 726.155 *No transfers.* There shall be no transfer of farm marketing quotas.

§ 726.156 *Issuance of marketing cards.* A marketing card shall be issued for each farm having tobacco available for marketing. Subject to the approval of the county committee, two or more marketing cards may be issued for any farm. All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon the return to the office of the county committee of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county committee to have been lost, destroyed, or stolen.

(a) *Within Quota Marketing Card (MQ–76—Tobacco).* A Within Quota Marketing Card authorizing the marketing without penalty of the tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1950 is not in excess of the farm acreage allotment and any excess carry-over tobacco from any prior marketing year can be marketed without penalty under the provisions of § 726.162 (b).

(2) If all excess tobacco produced on the farm is disposed of in accordance with § 726.163 (b), or

(3) If the tobacco was grown for experimental purposes on land owned or leased by a publicly owned agricultural experiment station and is produced at public expense by employees of the experiment station, or if the tobacco was produced by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the costs and risks incident to the production of the tobacco and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm.

(b) *Excess Marketing Card (MQ–77—Tobacco).* An Excess Marketing Card showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota card is required to be issued for the farm under paragraph (a) of this section, except that if the farm operator fails to disclose or otherwise furnish, or prevents the county committee from obtaining any information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the farm is subject to the rate of penalty set forth in § 726.165.

§ 726.157 *Person authorized to issue marketing cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

§ 726.158 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

§ 726.159 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 726.160 *Invalid cards.* A marketing card shall be invalid if:

(a) It is not issued or delivered in the form and manner prescribed;

(b) Entries are omitted or incorrect;

(c) It is lost, destroyed, stolen, or becomes illegible; or

(d) Any erasure or alteration has been made and not properly initialed.

In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration, or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the office of the county committee at which it was issued.

If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 726.161 *Report of misuse of marketing card.* Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of a State or county committee, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the county or State committee.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 726.162 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 726.163 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over" acres by dividing the number of pounds of "carry-over" tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over" acres by multiplying the "carry-over" acres (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the "percent excess") for the year in which the "carry-over" tobacco was produced, except that if the excess portion of the carry-over tobacco is disposed of under § 726.163 the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carry-over" acres (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1950 allotment and the "within quota carry-over" acres (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carry-over tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 726.163 *Disposition of excess tobacco.* The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by either of the following methods:

(a) By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1950 crop produced on the farm, and posting of a bond approved by the county committee and the State committee in the penal sum of twice the rate of penalty per pound set forth in § 726.165. Penalty at the applicable full rate per pound on marketings of excess tobacco shall become due upon the removal from storage of the excess tobacco, except that an amount of such tobacco in storage equal to the normal production of the acreage by which the 1951 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 726.162 (b) is less than the 1951 allotment may be removed from storage and marketed penalty free.

If the 1950 harvested acreage is less than the 1950 allotment an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1950 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 726.162 (b) is less than the 1950 allotment may be marketed penalty free.

(b) By furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

§ 726.164 *Identification of markettings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1950 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced. In addition, in the case of nonwarehouse sales, each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale).

(a) *Identification of Virginia sun-cured tobacco.* Any warehouseman upon whose floor both Virginia fire-cured tobacco and Virginia sun-cured tobacco are offered for sale at public auction shall display the Virginia fire-cured tobacco separately and shall make and keep records that will insure a separate accounting of each of these kinds of tobacco sold at auction over the warehouse floor.

(b) *Memorandum of sale.* If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed within four weeks after such sale day, the marketing shall be identified by MQ–82—Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or MQ–82—Tobacco shall be executed only by a field assistant or other representative of the State committee with the following exceptions:

(1) A warehouseman, or his representative, who has been authorized on MQ–78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(2) A dealer, or his authorized representative, operating a regular receiving point for tobacco who keeps records showing the information specified in § 726.172 and who has been authorized on MQ–78—Tobacco, may issue memoranda of sale covering tobacco delivered directly to such receiving point and marketed to such dealer.

The authorization on MQ–78—Tobacco to issue memoranda of sale may be withdrawn by the State committee from any warehouseman or dealer if such action is determined to be necessary in order to properly enforce the provisions of §§ 726.150 to 726.180. The authorization shall terminate upon receipt of written notice setting forth the State committee's reason therefor.

Each excess memorandum of sale issued by a field assistant shall be verified by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(c) *Bill of nonwarehouse sale.* Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator.

Each bill of nonwarehouse sale covering any marketing shall be presented to a field assistant for the issuance of a

memorandum of sale and for recording in MQ–79—Tobacco.

§ 726.165 *Rate of penalty.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas shall be twelve (12) cents per pound in the case of fire-cured tobacco (types 21, 22, 23, and 24), eleven (11) cents per pound in the case of dark air-cured tobacco (types 35 and 36), and thirteen (13) cents per pound in the case of Virginia sun-cured tobacco (type 37).

With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm quota is of the total amount of tobacco available for marketing from the farm.

§ 726.166 *Persons to pay penalty.* The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than at public auction through a warehouse shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 726.167 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Warehouse sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale within four weeks following the date of marketing shall be identified by a MQ–82—Tobacco and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the amount due the producer.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which (1) is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale) and (2) is not also identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the date of purchase, or if purchased prior to the opening of the local auction markets but is not identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale, but which when added to prior leaf account resales, as reported under §§ 726.150 to 726.180, is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the Director or State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on MQ–79—Tobacco shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the Director or State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resale of tobacco which under §§ 726.150 to 726.180 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 726.150 to 726.180 shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the Director or State committee. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Producer marketings.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1950 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. The penalty thereon shall be paid by the producer.

§ 726.168 *Payment of penalty.* Penalties shall become due at the time the tobacco is marketed, except in the case of tobacco removed from storage as provided in § 726.163 (a), and shall be paid by remitting the amount thereof to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 726.150 to 726.180 is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (a) advances to producers, (b) charges for hauling, or (c) any other charges not usually incurred by producers in marketing tobacco through an auction warehouse.

§ 726.169 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm, and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 726.150 to 726.180 to be paid. Such request shall be filed with the county committee within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 726.170 *Producer's records and reports.*—(a) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1950 shall return to the office of the county committee each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within the time specified (after formal notification) shall constitute failure to account for disposition of tobacco marketed from the farm and in the event that a satisfactory account of such disposition is not furnished otherwise, the allotment next established for such farm shall be reduced as provided in the fire-cured, dark air-cured, and Virginia sun-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1951–52 marketing year.

(b) *Additional reports by producers.* In addition to any other reports which may be required under §§ 726.150 to 726.180, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by registered mail from the State committee and within 10 days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary a written report of the disposition made of all tobacco produced on the farm by sending the same to the State committee showing, as to the farm at the time of filing said report, (1) the number of acres of tobacco harvested, (2) the total production of tobacco, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced as provided in the fire-cured, dark air-cured, and Virginia sun-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1951–52 marketing year.

§ 726.171 *Warehouseman's records and reports.*—(a) *Record of marketing.* Each warehouseman shall keep such records as will enable him to furnish the Director or the State committee with respect to each warehouse sale of tobacco made at his warehouse the following information:

(1) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and in the case of a resale the name of the seller.

(2) Date of sale.

(3) Number of pounds sold.

(4) Gross sale price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and in addition with respect to each individual basket or lot of tobacco constituting the warehouse sale the following information:

(6) Name of purchaser.

(7) Number of pounds sold.

(8) Gross sale price.

(9) Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales for the warehouse leaf account.

(iii) Resales of floor sweepings.

(iv) Resales of pick-ups, with respect to both subparagraphs (1) and (2) as defined in § 726.151 (n).

Any warehouseman who grades tobacco for farmers shall maintain a separate account showing the approximate amount of tobacco obtained from the grading of tobacco from each farm.

In the case of resales for dealers, the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each warehouse sale by a producer or the number of the warehouse bill(s) covering each such sale shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a sale without marketing card shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman who obtains possession of any tobacco in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such tobacco.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended," write thereon the serial number of the suspended sale, and record the bills on MQ–83—Tobacco, Field Assistant's Report: *Provided*, That if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman shall record on MQ–79—Tobacco the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse, and enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1950 the entry on MQ–79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales).

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

(g) *Season report of warehouse business.* Each warehouseman shall furnish the State committee not later than thirty (30) days following the last sale day of the marketing season a report on MQ–80—Tobacco, Auction Warehouse Report, showing (1) for each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased and resold on the warehouse floor; (2) the total pounds and gross amount of "loan tobacco" billed to any association; (3) the total pounds and gross amount of all leaf account tobacco purchased and resold and of all pick-ups (§ 726.151 (n) (1) and (2)) and floor sweepings sold by the warehouseman at public auction over his own warehouse floor; (4) the pounds and estimated value of all tobacco on hand at the time of filing the report and whether such tobacco represents leaf account tobacco, pick-ups (§ 726.151 (n) (1) or (2)), or floor sweepings; (5) the total pounds and gross amount of all tobacco purchased directly from farmers other than at public auction through a warehouse; and (6) the total pounds and gross amount of all purchases over other warehouse floors or from dealers other than warehousemen and all resales over other warehpuse floors or to dealers other than warehousemen.

(h) *Report of penalties.* Each warehouseman shall make reports on MQ–81—Tobacco, Report of Penalties, showing for each sale of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the number of pounds sold; (5) the applicable converted rate of penalty; and (6) the amount of penalty due on each such sale. MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman shall make reports on MQ–86—Tobacco, Report of Resales, showing for each resale of tobacco at auction on the warehouse floor (1) the warehouse bill number; (2) the name on the warehouse bill; (3) the name of the seller, or in the case of a resale for the warehouse, whether such resale represents leaf account tobacco, pick-ups, or floor sweepings; (4) the registration number and State of the person making the resale; (5) the number of pounds sold; and (6) the gross amount for the sale. MQ–86—Tobacco shall be prepared for each sale day and forwarded to the State committee not later than the end of the calendar week following the week in which the tobacco was resold.

(j) *Additional records and reports by warehousemen.* Each warehouseman shall keep such records and furnish such reports to the State committee, in addition to the foregoing, as the Director may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 726.150 to 726.180.

§ 726.172 *Dealer's records and reports.* Each dealer, except as provided in § 726.173, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address, and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the State committee "Receipt for Dealer's Record" contained in MQ–79—Tobacco which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1950, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1950.

(c) *Report of penalties.* Each dealer shall make a report on MQ–81—Tobacco, Report of Penalties, showing for each purchase of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the number of pounds purchased; (5) the applicable converted rate of penalty; and (6) the amount of penalty due on each such purchase. MQ–81—Tobacco shall be prepared for each week and forwarded

together with remittance of the penalty due as shown thereon to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(d) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale from the 1950 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse. No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale, on the reverse side of the memorandum of sale, has been executed.

(e) *Additional records.* Each dealer shall keep such records in addition to the foregoing as will enable him to furnish the Director or the State committee with respect to each lot of tobacco purchased by him the following information:

(1) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale; and the name of the seller in the case of purchases directly from warehousemen or other dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Gross purchase price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and with respect to each lot of tobacco sold by him the following information:

(6) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.

(7) Date of sale.

(8) Number of pounds sold.

(9) Gross sale price.

(10) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1950 the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the State committee not later than the end of the week following the calendar week covered by the reports.

§ 726.173 *Dealers exempt from regular records and reports.* Any dealer or buyer who does not purchase or otherwise acquire tobacco except at (a) warehouse sales, or (b) directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 726.172 but each such dealer shall make such reports to the Director as he may find necessary to enforce §§ 726.150 to 726.180.

§ 726.174 *Records and reports of truckers and persons redrying, prizing, or stemming tobacco.* (a) Every person engaged to any extent in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Director or State committee a report with respect to each lot of tobacco received by him showing (1) the name and address of the farm operator, (2) the date of receipt of the tobacco, (3) the number of pounds received, and (4) the place to which it was delivered.

(b) Every person engaged to any extent in the business of redrying, prizing, or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing (1) the information required above for truckers, and in addition, (2) the purpose for which the tobacco was received, (3) the amount of advance made by him on the tobacco, and (4) the disposition of the tobacco.

Each such person shall make such reports to the Director as he may find necessary to enforce §§ 726.150 to 726.180.

§ 726.175 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any records or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 726.176 *Failure to keep records or make reports.* Any warehouseman, dealer, processor, or common carrier of tobacco, or person engaged in the business of redrying, prizing, or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 726.150 to 726.180, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Director.

§ 726.177 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, dealer, processor, common carrier, or person engaged in the business of redrying, prizing, or stemming tobacco for producers shall make available for examination upon written request by the State committee or Director, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the State committee or Director has reason to believe are relevant and are within the control of such person.

§ 726.178 *Length of time records and reports to be kept.* Records required to be kept and copies of reports required to be made by any person under §§ 726.150 to 726.180 for the 1950–51 marketing year, shall be kept by him until September 30, 1953. Records shall be kept for such longer period of time as may be requested in writing by the Director or State committee.

§ 726.179 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 726.150 to 726.180 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members and employees of county committees and only such data so reported or acquired as the Assistant Administrator for Production, Production and Marketing Administration, deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

§ 726.180 *Redelegation of authority.* Any authority delegated to the State committee by §§ 726.150 to 726.180 may be redelegated by the State committee.

NOTE: The record keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 16th day of August 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7255; Filed, Aug. 18, 1950 8:47 a. m.]

[MQ-71—Peanuts (1950), Amdt. 1]

PART 729—PEANUTS

MARKETING QUOTA FOR 1950 CROP

Basis and purpose. Section 359 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that the marketing of any peanuts in excess of the marketing quota for the farm on which such peanuts are produced, or the marketing of peanuts from any farm for which no acreage allotment was determined, shall be subject to a penalty at a rate equal to 50 per centum of the basic rate of the loan (calculated to the nearest tenth of a cent) for farm marketing quota peanuts for the marketing year August 1–July 31. When the Marketing Quota Regulations for 1950 Crop of Peanuts were issued by the Secretary of Agriculture on July 20, 1950, the basic loan rate per pound of peanuts was not available and the exact rate of penalty could not be included in such regulations. Such basic loan rate is now available and the purpose of the amendment contained herein is to establish and include in the regulations the exact rate of the penalty per pound of peanuts for the 1950 crop.

Peanuts are presently being harvested in the southwesterly areas of the United States and it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the exact rate of penalty may be made known to producers, who desire to market peanuts, and to buyers, who are charged in the regulations with the duty of collecting the penalty on peanuts marketed subject to the penalty. Accordingly, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impractical and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 729.155 of the Marketing Quota Regulations for the 1950 Crop of Peanuts (15 F. R. 4739), is hereby changed to read as follows:

§ 729.155 *Rate of penalty.* The penalty per pound upon marketings of excess peanuts subject to penalty shall be 5.4 cents per pound.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. and Sup. 1375. Interprets or applies sec. 359, 55 Stat. 90, as amended, Pub. Law 471, 81st Cong.; 7 U. S. C. and Sup. 1359)

Done at Washington, D. C., this 16th day of August 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7254; Filed, Aug. 18, 1950; 8:46 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Tokay Grape Order 1]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 951.311 *Tokay Grape Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Part 951; 14 F. R. 440), regulating the handling of Tokay grapes grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237, 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 20, 1950. A reasonable determination as to the supply of, and the demand for, Tokay grapes must await the development of the crop and adequate information thereon was not available to the Industry Committee until August 10, 1950; recommendation as to the need for, and the extent of, grade and size regulation was made at the meeting of said committee on August 10, 1950, after consideration of all available information relative to the supply and demand conditions for such grapes, at which time the recommendations and information were transmitted to the Department; shipments of the current crop of such grapes are expected to begin on or about August 20, 1950, and this section should be applicable to all such shipments of such grapes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., August 20, 1950, and ending at 12:01 a. m., P. s. t., January 1, 1951, no shipper shall ship:

(i) Any Tokay grapes produced in the Lodi District which do not meet the grade and size requirements of U. S. No. 1 Table Grapes: *Provided*, That, in lieu of the tolerance of ten (10) percent for variations incident to proper grading and handling provided for U. S. No. 1 Table Grapes, not more than a total of eight (8) percent, by weight, of the Tokay grapes contained in any container may be below the requirements of U. S. No. 1 Table Grapes; or

(ii) Any Tokay grapes produced in the Florin District which do not meet the grade and size requirements of U. S. No. 1 Table Grapes: *Provided*, That, in addition to the tolerances provided for U. S. No. 1 Table Grapes, there shall be allowed, for each container of Tokay grapes, an aggregate tolerance of six (6) percent, by weight, for defects not considered serious damage and for bunches smaller than the minimum size specified for U. S. No. 1 Table Grapes.

(2) *Definitions.* As used in this section, "handler," "shipper," "ship," "Lodi District," "Florin Disrtict," "bunches," and "size" shall have the same meaning as when used in the amended marketing agreement and order; and "U. S. No. 1 Table Grapes," "defects," and "serious damage" shall have the same meaning as when used in the United States Standards for Table Grapes (7 CFR 51.232).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 17th day of August 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-7319; Filed, Aug. 18, 1950; 9:10 a. m.]

[Lemon Reg. 244]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.451 *Lemon Regulation 244*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 16, 1950. Such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective

during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 20, 1950, and ending at 12:01 a. m., P. s. t., August 27, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 343 (15 F. R. 5222), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 17th day of August 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-7315; Filed, Aug. 18, 1950; 9:10 a. m.]

PART 993—HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

SALABLE PERCENTAGE AND SURPLUS PERCENTAGE FOR 1950–51 CROP YEAR

§ 993.201 *Dried prune salable tonnage and surplus tonnage regulation for the 1950–51 crop year*—(a) *Findings.* (1) Pursuant to the marketing agreement and order (7 CFR 993.1 et seq.), regulating the handling of dried prunes produced in California, hereinafter referred to as the "order", effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and upon the basis of information supplied by the Prune Administative Committee established under the said order, and other available information, it is hereby found by me on behalf of the Secretary of Agriculture that to establish a salable percentage and a surplus percentage as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section for a longer period than three days after publication thereof in the FEDERAL REGISTER because deliveries of dried prunes to handlers by producers and dehydrators during the 1950–51 crop year will begin within the next few days, and it is necessary to have regulations of this nature in effect as promptly as practicable in order to regulate such receipts effectively. No preparation for this section is required which cannot be completed prior to such effective date. Therefore, good cause exists for not giving preliminary notice, engaging in public rule making procedure, and delaying the effective date of this section beyond three days after the publication of this document in the FEDERAL REGISTER (See section 4 (c) of the Administrative Procedure Act; 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(b) *Order.* The salable percentage of dried prunes produced in California for the crop year beginning August 1, 1950, and ending July 31, 1951, shall be 100 percent, and the surplus percentage of such dried prunes for said crop year shall be 0 percent.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 1, 608c)

Issued at Washington, D. C., this 16th day of August 1950, to become effective at 12:01 a. m., P. d. s. t., August 22, 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch.

[F. R. Doc. 50-7268; Filed, Aug. 18, 1950; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 533—GRATUITY UPON DEATH

SPECIAL DETERMINATIONS

Rescind paragraph (a) of § 533.8 and substitute the following in lieu thereof:

§ 533.8 *Special determinations*—(a) *Absent without leave.* (1) During periods of absence without leave service members shall continue in a pay status, but shall forfeit all pay allowances during such absence unless such absence is excused as unavoidable. The 6 months' death gratuity is not a part of a member's "pay and allowances," therefore, if a member dies during an absence without leave, whether such absence is excused as unavoidable, payment of the 6 months' death gratuity at the rate of pay accruing to such member at the date of death is authorized if otherwise payable. This determination applies to all cases where absence without leave and death occurred subsequent to August 31, 1946.

(2) When absence without leave does not exceed 3 months, payment of the 6 months' gratuity pay will be made by the Military Pay Division, Army Finance Center, St. Louis, Missouri. When absence is in excess of 3 months, cases will be referred to the Chief of Finance, Department of the Army.

* * * * * *

[C2, AR 35-1370, Aug. 2, 1950] (R. S. 161, 5 U. S. C. 22; interprets or applies secs. 1, 2, 41 Stat. 367, as amended, sec. 5, 53 Stat. 557, as amended, sec. 4 (b) 60 Stat. 964, as amended; 10 U. S. C. 456, 903; 37 U. S. C. 33)

[SEAL] EDWARD F. WITSELL,
Major General, USA, The Adjutant General.

[F. R. Doc. 50-7257; Filed, Aug. 18, 1950; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 656]

NEW MEXICO

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH A SOLAR OBSERVATORY

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. 473), and otherwise and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights the public lands within the following-described areas in the Lincoln National Forest are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force in connection with a solar observatory:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 10 E. (unsurveyed),
Sec. 1, SE¼SE¼;
Sec. 11, SE¼SE¼;
Sec. 12, E½, SE¼NW¼, and SW¼;
Sec. 13;
Sec. 14, E½ and E½SW¼;
Sec. 22, SE¼SE¼;
Secs. 23, 24, 25, and 26;
Sec. 27, E½E½;
Sec. 34, E½E½;
Secs. 35 and 36.

T. 18 S., R. 10 E. (unsurveyed),
Secs. 1 and 2;
Sec. 3, E½NE¼;
Sec. 11, E½, E½NW¼ and NW¼NW¼;
Sec. 12;
Sec. 13, N½, N½SW¼, SE¼SW¼ and SE¼;
Sec. 14, E½NE¼;
Sec. 24, N½NE¼.

T. 17 S., R. 11 E. (partly unsurveyed),
Sec. 1, lots 7, 8, 9, 10, W½SE¼ and SW¼;
Sec. 2, lot 4, S½N½ and S½;
Secs. 3 and 4;
Sec. 5, lots 1, 2, S½NE¼, S½NW¼ and S½;
Sec. 6, NE¼NE¼, NE¼SW¼, S½SW¼ and SE¼;
Secs. 7 to 36, incl.

T. 18 S., R. 11 E.,
Secs. 1 to 18, incl.;
Sec. 19, N½ and N½SE¼;
Secs. 20, 21 and 22;
Sec. 23, N½, N½S½, S½SW¼ and SW¼SE¼;
Sec. 24, N½NE¼, SW¼NE¼, NW¼ and NW¼SW¼;
Sec. 27, NW¼NE¼ and N½NW¼;
Sec. 28, N½N½.

T. 17 S., R. 12 E.,
Sec. 7, lots 1, 2, 3, 4, SE¼NW¼, E½SW¼, W½SE¼ and SE¼SE¼;
Sec. 17, SW¼NW¼ and SW¼;
Secs. 18 and 19;
Sec. 20, W½NE¼, W½, W½SE¼ and SE¼SE¼;
Secs. 29, 30, 31 and 32.

T. 18 S., R. 12 E.,
Sec. 5, lots, 1, 2, 3, 4, W½SE¼ and SW¼;
Secs. 6 and 7;
Sec. 8, NW¼ and W½SW¼;
Sec. 18, lots 1 to 11, inclusive, NE¼NE¼ and W½NE¼.

The areas described, including both public and non-public lands, aggregate approximately 54,294 acres.

This order shall take precedence over but not otherwise affect, (1) Executive Order No. 2633 of June 6, 1917, transferring the lands of the Alamo National Forest to the Lincoln National Forest and (2) the order of the Secretary of the Interior of December 9, 1918, withdrawing certain lands for stock driveway purposes, so far as such orders affect any of the above-described lands.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 15, 1950.

[F. R. Doc. 50-7242; Filed, Aug. 18, 1950; 8:45 a. m.]

[Public Land Order 657]

ALASKA

RESERVING A CERTAIN AREA FOR USE OF THE DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described area in front of United States Survey No. 7, Townsite of Juneau, approved March 29, 1893, lying below the line of ordinary high tide of Gasteneau Channel is hereby reserved for the use of the Department of the Army for military purposes:

Beginning at a point from which Corner No. 11 of United States Survey No. 7, Townsite of Juneau, bears N. 21° 54' E., 152.49 feet, thence by metes and bounds:
S. 9° 15' W., 225.0 feet;
S. 23° 20' E., 140.0 feet;
S. 66° 40' W., 847.0 feet;
N. 23° 20' W., 689.0 feet;
N. 57° 45' E., 347.0 feet;
N. 25° 22' W., 444.0 feet;
N. 64° 38' E., 10.0 feet;
N. 25° 22' W., 77.0 feet;
W. 64° 38' E., 40.0 feet;
S. 25° 22' E., 517.59 feet;
N. 57° 45' E., 267.0 feet;
S. 32° 15' E., 80.0 feet;
S. 46° 35' W., 77.0 feet;
S. 49° 00' E., 425.0 feet;
N. 48° 00' E., 198.0 feet;
S. 23° 27' E., 34.50 feet; to the point of beginning.

The tract described contains 10.95 acres.

This order shall be subject to the provisions of Executive Order No. 9173 of May 23, 1942, transferring the control and jurisdiction over the Government Dock and approach thereto at Juneau, Alaska, from the Secretary of the Interior to the Secretary of the Navy for use of the United States Coast Guard, so far as such order affects any of the land described above.

It is intended that the land above described shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 15, 1950.

[F. R. Doc. 50-7244; Filed, Aug. 18, 1950; 8:45 a. m.]

[Public Land Order 658]

WASHINGTON

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 7510 OF DECEMBER 11, 1936, ESTABLISHING THE LENORE LAKE MIGRATORY BIRD REFUGE

By virtue of the authority vested in the President by the act of June 25, 1910 (35 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 7510 of December 11, 1936, establishing the Lenore Lake Migratory Bird Refuge, Washington, the name of which was changed to Lenore Lake National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940, is hereby revoked as to the following-described lands:

WILLAMETTE MERIDIAN

T. 24 N., R. 27 E.,
Sec. 21, lot 4 and NW¼NE¼SW¼.

The area described contains 13.90 acres.

The lands released by this revocation have been selected for exchange under section 303 of the act of June 15, 1935 (49 Stat. 382), as modified by section 4 (f) of Reorganization Plan No. II (53 Stat. 1433; 16 U. S. C. 715d–2).

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 15, 1950.

[F. R. Doc. 50-7245; Filed, Aug. 18, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

[41 CFR, Part 202]

PREVAILING MINIMUM WAGE FOR PAINT AND VARNISH INDUSTRY

NOTICE OF HEARING ON PROPOSED AMENDMENT

The Secretary of Labor, in an amended minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. 35–45) and effective January 25, 1950 (15 F. R. 382), determined that the minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the act for the manufacture or furnishing of the products of the Paint and Varnish Industry shall be not less than 75 cents an hour. This amended determination was based upon information indicating that substantially all employees in the Paint and Varnish Industry are engaged in commerce or in the production of goods for commerce, as defined in the Fair Labor Standards Act, and that as a consequence the Fair Labor Standards Amendments of 1949 require payment of a wage rate of not less than 75 cents per hour to substantially all employees in the industry. This amended determination also provides that learners and handicapped workers may be employed at subminimum rates in accordance with regulations of the Administrator of the Wage and Hour Division of the Department of Labor under section 14 of the Fair Labor Standards Act (29 CFR Parts 522, 524 and 525).

A wage survey of selected paint and varnish manufacturing establishments made by the Bureau of Labor Statistics as of April 1950 shows clearly that the 75-cent rate now in effect does not reflect the prevailing minimum wages in the industry; and it is proposed, therefore, to hold a hearing for the purpose of consideration by the Secretary of Labor of an amendment of the current determination.

The Paint and Varnish Industry, for the purpose of this hearing, is defined as that industry which manufactures or furnishes any of the following products:

Pigments and colors either in dry or paste form; paints mixed ready for use or in dry or paste form; varnishes; lacquers and enamels; fillers, putty and top dressings; paint and varnish removers; furniture and floor wax; lacquer thinners; waterproofing compounds; and artists' oil and water colors.

Now, therefore, notice is hereby given: That a public hearing will be held on September 14, 1950, at 10:00 a. m., in Room 1214, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions, or a representative designated to preside in his place, at which hearing all interested persons may appear and submit data, views and argument: (1) As to what are the prevailing minimum wages in the Paint and Varnish Industry; (2) as to whether there should be included in any amended determination for this industry provision for employment of learners and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (3) as to the adequacy of the proposed definition.

Persons intending to appear are requested to notify the Administrator of their intention in advance of the hearing.

Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Copies of the above-mentioned survey by the Bureau of Labor Statistics (Paint and Varnish Industry, April 1950), as well as supplementary tables prepared at the request of the Wage and Hour and Public Contracts Divisions, will be made available to interested persons upon request to the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C. Interested persons are invited to submit wage data, including data as to changes which may have taken place in the wage structure of the industry since the time of the survey.

In the discretion of the presiding officer, a period of not to exceed 30 days from the close of the hearing may be allowed for the filing of comment on the evidence and statements introduced into the record of the hearing. In the event such supplemental statements are received an original and four copies of each such statement should be filed.

Signed at Washington, D. C., this 15th day of August 1950.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 50-7246; Filed, Aug. 18, 1950; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 917]

[Docket No. AO-218]

HANDLING OF IRISH POTATOES GROWN IN WYOMING AND WESTERN NEBRASKA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In F. R. Doc. 50-7035, appearing in the issue for Friday, August 11, 1950, at page 5198 make the following changes:

1. In § 917.10, the reference to "Wyoming-Western Nebraska Committee," should read "Wyoming-Western Nebraska Potato Committee".

2. In § 917.26 the table should be changed to read as follows:

Districts	Subdistricts	State and counties
District No. 1.....	1A	Converse, Niobrara, Platte, Goshen and Laramie Counties in Wyoming.
	1B	All the remaining counties in Wyoming within the production area not included in subdistrict 1A.
District No. 2.....	2A	Scotts Bluff County in Nebraska.
	2B	All the remaining counties in Nebraska within the production area not included in subdistrict 2A.

[7 CFR, Part 951]

HANDLING OF TOKAY GRAPES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Department is considering the approval of a proposed amendment, hereinafter set forth, of the rules and regulations (7 CFR 951.100 et seq.) that are currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951) regulating the handling of Tokay grapes grown in the State of California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The proposals have been submitted by the Industry Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposed amendment is as follows:

1. In § 951.100 *General*, delete the address "1910 Eye Street, Sacramento 14, California" and substitute therefor the following: "P. O. Box 877, Lodi, California."

2. Revise § 951.101 *Definitions* in the following respects: a. Revise the provisions of paragraph (a) to read as follows:

(a) "Standard package" means the standard grape lug No. 37G specified in section 828.53 of the Agricultural Code of California.

b. Revise the provisions of paragraph (f) by deleting "§ 951.5 (f) and section 5 of the marketing agreement" and substituting therefor the following: "§ 951.7 (f) of the order, as amended, and section 7 (f) of the marketing agreement, as amended."

c. Delete the last sentence in paragraph (g) and substitute therefor the following: "Grapes placed in cold storage shall not be shipped therefrom except as provided by §§ 951.7 and 951.8 of the order, as amended, and sections 7 and 8 of the marketing agreement, as amended."

3. Revise the heading of § 951.104 *Regulation by grades and sizes* together with the provisions in paragraphs (a) and (b) of such section to read as follows:

§ 951.104 *Notice of recommendations and regulations; exemption certificates*—(a) *Notice of recommendation.* Notice of each recommendation, made by the Industry Committee to the Secretary, with respect to regulation by grades and sizes, by minimum standards of quality and maturity, or of daily shipments, and of each such recommendation to modify, suspend, or terminate a regulation, shall be given by the Industry Committee by having a general statement of the contents of the recommendation published once as a news item in a newspaper of general circulation in the City of Lodi, California, and once in a newspaper of general circulation in the City of Sacramento, California.

(b) *Notice of regulation.* Notice of each regulation by grades and sizes, by minimum standards of quality, and maturity, or of daily shipments, and of each modification, suspension, or termination of a regulation, shall be given by the Industry Committee by having a general statement of the contents of the regulation, or modification, suspension, or termination of a regulation, as the case may be, mailed to each handler whose name appears on the records of the Industry Committee for the current year, and by having a general statement of the contents of the regulation, or modification, suspension, or termination, published once as a news item in a newspaper of general circulation in the City of Lodi, California, and once in a newspaper of general circulation in the City of Sacramento, California.

4. In § 951.105 *Regulation of daily shipments*, redesignate paragraph (a) (2) as (a) (3) and add the following as a new paragraph (a) (2):

(2) The time a car of grapes is held at a railroad assembly point is computed as hereinafter prescribed. A car of grapes at a railroad assembly point will be considered to have been held: (i) 24 hours if such car was not released by the Industry Committee in time to depart from said assembly point the first day following the billing date of said car; (ii) 48 hours if such car is not released by the Industry Committee in time to depart from said assembly point the second day following the billing date of said car; and (iii) 72 hours if such car is not released by the Industry Committee in time to depart from said assembly point the third day following the billing date of said car. In no event shall a car of grapes eligible for release be held at a railroad assembly point longer than 72 hours.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment may submit the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the 15th day after publication of this notice in the FEDERAL REGISTER.

Issued this 16th day of August 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-7267; Filed, Aug. 18, 1950; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

NOTICE FOR FILING OBJECTION TO ORDER WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH A SOLAR OBSERVATORY [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 15, 1950.

[F. R. Doc. 50-7243; Filed, Aug. 18, 1950; 8:45 a. m.]

[1] See F. R. Doc. 50-7242, Title 43, Chapter I, Appendix, *infra*.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9759]

MT. AIRY BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Mt. Airy Broadcasters, Inc., Mount Airy, North Carolina, for construction permit; Docket No. 9759, File No. BP-7653.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of August 1950;

The Commission having under consideration the above-entitled application for a construction permit to construct a new standard broadcast station to operate unlimited time on 1240 kc with 250 watts of power at Mount Airy, North Carolina;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on January 30, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WKOY, Bluefield, West Virginia; and with Station WROV, Roanoke, Virginia, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That WKOY, Incorporated, licensee of Station WKOY, Bluefield, West Virginia, and that Radio Roanoke, Inc., licensee of Station WROV, Roanoke, Virginia, are made parties to this proceeding.

Released: August 10, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7260; Filed, Aug. 18, 1950; 8:47 a. m.]

[Docket No. 9760]

PAUL A. BRANDT (WCEN)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Paul A. Brandt (WCEN), Mount Pleasant, Michigan, for modification of construction permit, Docket No. 9760, File No. BMP-5188.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of August 1950;

The Commission having under consideration the above-entitled application requesting modification of construction permit (File No. BP-7494 which authorized increase in power of Station WCEN, Mount Pleasant, Michigan, from 500 watts to 1 kilowatt) to change hours of operation from daytime only to unlimited time and to install a directional antenna for night use only;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to construct and operate Station WCEN as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at 10:00 a. m., on January 31, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WCEN as proposed, and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station WCEN as proposed would involve objectionable interference with any other existing United States broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station WCEN as proposed would involve objectionable interference with Station CKX, Brandon, Manitoba, or with any other existing foreign broadcast stations and, if so, whether such interference would be in contravention of any international agreement or the Commission's rules and standards.

4. To determine whether the operation of Station WCEN as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of Station WCEN as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the assignment of stations where objectionable interference would be received to a field intensity contour greater than that specified for a station of its class and to the population residing within the 250 mv/m nighttime blanket contour.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7261; Filed, Aug. 18, 1950; 8:47 a. m.]

[Docket Nos. 9752, 9753]

H. C. YOUNG, JR., AND SOUTHERN BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of H. C. Young, Jr., Nashville, Tennessee, Docket No. 9752, File No. BP-7624; Southern Broadcasting Co., Inc., Nashville, Tennessee,

Docket No. 9753, File No. BP-7732; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of August 1950;

The Commission having under consideration the above-entitled applications, each requesting a new standard broadcasting station on frequency 1470 kilocycles, 1 kilowatt, daytime only, at Nashville, Tennessee;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m., on January 23, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the corporate applicant, its officers, directors and stockholders to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the Southern Broadcasting Co., Inc., proposal and of Station WCOR, Lebanon, Tennessee, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7259; Filed, Aug. 18, 1950; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-962, G-1070]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF ORDER

AUGUST 15, 1950.

Notice is hereby given that, on August 11, 1950, the Federal Power Commission issued its order entered August 11, 1950, amending order of July 29, 1949, published in the FEDERAL REGISTER on August 5, 1949 (14 F. R. 4866), issuing certificate of public convenience and necessity in the above-designated matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7249; Filed, Aug. 18, 1950; 8:46 a. m.]

[Project No. 2053]

FALL RIVER POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

AUGUST 15, 1950.

Public notice is hereby given that The Fall River Power Company, of Idaho Springs, Colorado, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for water-power Project No. 2053 located on Fall River in the State of Colorado.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before September 22, 1950, to the Federal Power Commission, Washington 25, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7256; Filed, Aug. 18, 1950; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO PURCHASES AND CONTRACTS FOR SUPPLIES AND SERVICES IN CONNECTION WITH CONSTRUCTION AND MAINTENANCE OF ROADS AND TRAILS OF NATIONAL PARK SERVICE

1. Pursuant to the authority vested in me by provisions of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, and having determined that such action is advantageous to the Government in terms of economy and efficiency, I hereby delegate to the Secretary of the Interior authority to make purchases and contracts for supplies and services with States, political subdivisions, local Governmental units, or agencies of the foregoing for the performance of road construction or maintenance work of the National Park Service or for the furnishing of materials, supplies, equipment, or services of any kind in connection therewith, pursuant to the provisions of Title III of the aforesaid act: *Provided, however*, That such purchases and contracts may be negotiated only pursuant to the authority contained in subsection 302 (c) (9) of the aforesaid act.

2. The authority contained herein shall be inoperative to the extent that any authority heretofore permitting purchases or contracts for supplies and services for the foregoing purposes, without regard to advertising requirements of law, may be continued in effect.

3. This delegation of authority shall be effective August 2, 1950.

Dated: August 15, 1950.

JESS LARSON,
Administrator.

[F. R. Doc. 50-7258; Filed, Aug. 18, 1950; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II, d (15 F. R. 184, dated January 12, 1950) is amended to read as follows:

d. *Field Operations Division.* Each of the three Field Operations Divisions is headed by an Assistant Commissioner for Field Operations, responsible to the Commissioner for the administration of activities in his area. There are several field offices under the supervision of each Assistant Commissioner for Field Operations. The headquarters and jurisdiction of each field office are as follows:

AREA A

Boston: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Public Housing Administration, Oliver Building, 141 Milk Street, Boston 9, Massachusetts.

Detroit: Michigan and Ohio. Public Housing Administration, 1800 Cadillac Tower, Detroit 26, Michigan.

New York: New Jersey and New York. Public Housing Administration, Empire State Building, 350 Fifth Avenue, New York 1, New York.

Philadelphia: District of Columbia, including PBS Dormitories in Arlington, Virginia, Delaware, Maryland, and Pennsylvania. Public Housing Administration, Beury Building, 3701 North Broad Street, Philadelphia 40, Pennsylvania.

Puerto Rico: Puerto Rico and the Virgin Islands. P. O. Box 1546, San Juan, Puerto Rico.

AREA B

Atlanta: Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee. Public Housing Administration, Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Georgia.

Fort Worth: Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, and Texas. Public Housing Administration, 805 Texas and Pacific Passenger Building, Fort Worth 2, Texas.

Richmond: Kentucky, North Carolina, Virginia, except PBS Dormitories in Arlington, Virginia, and West Virginia. Public Housing Administration, 900 North Lombardy Street, Richmond 20, Virginia.

AREA C

Chicago: Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Public Housing Administration, 201 North Wells Street, Chicago 6, Illinois.

Los Angeles: Arizona, and that part of the State of California comprised of the Counties of Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Mariposa, Merced, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Tulare, and Ventura. Public Housing Administration, Room 401, Rives-Strong Building, 112 West 9th Street, Los Angeles 15, California.

San Francisco: That part of the State of California, comprised of the Counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Mono, Napa, Nevada, Placer, Plumas, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba; the States of Nevada and Utah, and the Territory of Hawaii. Public Housing Administration, 1360 Mission Street, San Francisco 3, California.

Seattle: Idaho, Montana, Oregon, Washington, Wyoming, and the Territory of Alaska. Public Housing Administration, 607 Third Avenue, Seattle 4, Washington.

Date approved: August 11, 1950.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 50-7247; Filed, Aug. 18, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25330]

TRICHLOROETHANE FROM ARKANSAS TO TEXAS AND FLORIDA

APPLICATION FOR RELIEF

AUGUST 16, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariffs I. C. C. Nos 3648 and 3638.

Commodities involved: Dichlorodiphenyl-trichloroethane, carloads.

From: Baldwin and Pine Bluff, Ark.

To: Jacksonville, Fla., McGregor and Harlingen, Tex.

Grounds for relief: Competition with rail carriers, circuitous routes and competition with motor carriers.

Schedules filed containing proposed rates; D. Q. Marsh's tariffs I. C. C. Nos 3648, 3912 and 3903, Supplements 326, 1 and 5, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7250; Filed, Aug. 18, 1950; 8:46 a. m.]

[4th Sec. Application 25331]

SULPHUR FROM LOUISIANA AND TEXAS TO BENTONVILLE, VA.

APPLICATION FOR RELIEF

AUGUST 16, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3862.

Commodities involved: Crude sulphur, carloads.

From: Points in Louisiana and Texas.

To: Bentonville, Va.

Grounds for relief: Competition with water-rail carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3862, Supplement 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7251; Filed, Aug. 18, 1950; 8:46 a. m.]

[4th Sec. Application 25332]

REFRIGERATORS FROM GLENCLIFF, TENN., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

AUGUST 16, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1013, pursuant to fourth-section order No. 16101.

Commodities involved: Cooling boxes, refrigerators, etc., carloads.

From: Glencliff, Tenn.

To: New Orleans, La.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7252; Filed, Aug. 18, 1950; 8:46 a. m.]

[4th Sec. Application 25333]

HEXAMETHYLENE DIAMMONIUM ADIPATE SOLUTION FROM ORANGE, TEX., TO SEAFORD, DEL.

APPLICATION FOR RELIEF

AUGUST 16, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Hexamethylene diammonium adipate solution and adipic acid, carloads.

From: Orange, Tex.

To: Seaford, Del.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supplement 474.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed

within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7253; Filed, Aug. 18, 1950; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59-96]

WISCONSIN ELECTRIC POWER CO. ET AL.

NOTICE OF AND ORDER INSTITUTING PROCEEDINGS AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its offices in the city of Washington, D. C., on the 15th day of August 1950.

In the matter of Wisconsin Electric Power Company and its subsidiary companies, respondents, File No. 59-96.

The Commission having examined, pursuant to sections 11 (a), 18 (a) and 18 (b) of the Public Utility Holding Company Act of 1935 ("act"), the corporate structure of Wisconsin Electric Power Company ("Wisconsin Electric"), a registered holding company, the corporate structure of its subsidiary companies, the relationship among the companies in the holding company system of Wisconsin Electric, the character of the interests thereof and the properties owned or controlled thereby to determine the extent to which the property and business of such system may be confined to those necessary or appropriate to the operations of an integrated public-utility system or systems meeting the applicable standards of section 11 (b) (1) of the act; and said examination having disclosed data establishing or tending to establish the following:

I. 1. Wisconsin Electric, a registered holding company and an operating public utility company, is a corporation organized under and by virtue of the laws of the State of Wisconsin. It maintains its principal offices in the City of Milwaukee, Wisconsin. Wisconsin Electric has three direct subsidiaries, two of which, Wisconsin Natural Gas Company ("Wisconsin Gas"), and Wisconsin Michigan Power Company ("Wisconsin Michigan"), are public utility companies within the meaning of section 2 (a) (5) of the act, the third, the Milwaukee Electric Railway & Transport Company ("Transport Company"), being a non-utility subsidiary. The latter named company, in turn, has a wholly owned non-utility subsidiary, Badger Auto Service Company. The Commission, in its findings and opinion dated April 14, 1942, found that the electric properties of Wisconsin Electric, Wisconsin Gas,[1] and Wisconsin Michigan constitute a single integrated public utility system within the meaning of section 2 (a) 29 (A) of the act. The electric service areas of the Wisconsin Electric holding company system are shown on the annexed map marked Exhibit "1" [2] which is made a part hereof as if set out herein in full.

2. The corporate relationship of the system companies to each other, and the nature of their business, are shown in the following table:

Name of company	Percent of voting control	Nature of business
Wisconsin Electric Power Co.		Holding company and electric utility.
Wisconsin Natural Gas Co.	100	Gas utility and steam.
Wisconsin Michigan Power Co.	99.91	Gas and electric utility.
The Milwaukee Electric Railway & Transport Co.	100	Local transit and terminal freight.
Badger Auto Service Co.	100	Parking, auto service and gasoline.

3. The managements of Wisconsin Electric, Wisconsin Gas, Wisconsin Michigan, Transport Company and Badger Auto Service Company are interlocked through the medium of common officers and directors.

4. Wisconsin Electric, in addition to being a holding company, is engaged in the generation, transmission, distribution and sale of electricity in Milwaukee and neighboring communities and in the sale of steam in downtown Milwaukee. In 1949 its gross revenues from the sale of electricity were approximately 97 percent of its total gross operating revenues. Over 99 percent of electric energy sold was generated at the company's own steam generating plants. Wisconsin Electric serves an area having a population of over one million persons.

5. A condensed pro-forma corporate balance sheet of Wisconsin Electric, as of February 28, 1950, reflecting the acquisition of the electric properties of Wisconsin Gas, the sale by Wisconsin Electric of $15,000,000 of bonds, and of 585,405 shares of its common stock, shows the following:

Assets:	*Pro forma*
Property and plant	$183,000,771
Investments:	
Reacquired securities (at (at par)	49,200
Common stock of Wisconsin Gas	4,456,481
Common stock of Wisconsin Michigan	8,851,158
Securities of Transport Company	8,675,486
Other investments	38,656
Cash and U. S. Government securities	19,960,945
Other current assets	10,044,287
Deferred charges	2,526,381
Total assets	237,603,365

Liabilities:	*Pro forma*
Current and accrued liabilities	$11,278,654
Contributions in aid of construction	735,317
Reserve for depreciation	61,524,239
Reserve for casualties and insurance	865,451
Premium on capital stocks	5,981,032
Funded debt	77,100,000
Six percent preferred capital stock ($100 par)	4,500,000
Serial preferred stock ($100 par)	26,000,000
Common stock ($10 par)	35,124,260
Surplus:	
Paid-in	6,416,289
Earned	8,078,163
Total liabilities	237,603,365

6. A condensed pro-forma corporate income statement of Wisconsin Electric for the twelve months ending February 28, 1950, giving effect to the acquisition of the electric properties of Wisconsin Gas and the issuance of new securities, shows the following:

	Pro forma
Operating revenues	$50,245,106
Operating expenses and taxes	41,857,466
Net operating revenues	8,387,640
Nonoperating revenues	1,266,270
Gross income	9,653,910
Income deductions (net)	2,707,352
Net income	6,946,558
Preferred stock dividend requirements	1,203,048
Balance for common and surplus	5,743,510

7. In 1949 the amounts of electric energy sold and the prices received therefor by Wisconsin Electric under various contracts with subsidiaries were as follows:

Name	KWH sold	Price received
Wisconsin Michigan	204,879,000	$1,779,572
Transport Co.	91,338,921	688,150
Wisconsin Gas	502,791,236	5,050,191

The above amounts constituted substantially all of the electric energy required by Wisconsin Gas and the Transport Company and approximately 38 percent of that required by Wisconsin-Michigan.

II. 8. The operations of Wisconsin Gas have heretofore consisted of supplying services as an electric utility, a manufactured gas utility, and, to a minor extent, a steam heating company. Since the transfer of its electric properties to Wisconsin Electric, Wisconsin Gas is engaged principally in the purchase, distribution, and sale of natural gas and to a small extent in the generation and sale of steam. Natural gas, which has been distributed in its entire gas service area only since February 1950, is purchased at rates regulated by the Federal Power Commission from Michigan-Wisconsin Pipe Line Company, a non-affiliated company, under a twenty-five year contract entered into on June 1, 1949. In 1949 the gross operating revenues of Wisconsin Gas were derived approximately 71 percent from sales of electric energy, 28 percent from gas sales, and 1 percent from steam sales.

[1] At the time of the issuance of the Commission's findings and opinion, Wisconsin Gas was known as Wisconsin Gas and Electric Company and was engaged in the operation of both gas and electric utility businesses. In May 1950 the name of the company was was changed to Wisconsin Natural Gas Company and on June 9, 1950, the electric properties of Wisconsin Gas were acquired by Wisconsin Electric pursuant to authorization granted by the Commission in its order of May 26, 1950 (Holding Company Act Release No. 9891). By this same order the Commission authorized the redemption of Wisconsin Gas' Preferred Stock.

[2] Filed as part of the original document.

9. The gas utility operations of Wisconsin Gas include the distribution at retail of natural gas in the cities of Racine, Kenosha, Waukesha, South Milwaukee, Cudahy, Watertown, Fort Atkinson, Oconomowoc, Whitewater, and 46 other communities in southeastern Wisconsin. The estimated population of the territory served with gas by Wisconsin Gas at December 31, 1949, was approximately 311,000. The gas service area of Wisconsin Gas is largely west and south of Milwaukee and is located for the most part in the area served by the electric properties transferred to Wisconsin Electric. The service area of Wisconsin Gas, as of December 31, 1949, is shown on the annexed map, marked Exhibit "2",[3] which is made a part hereof as if set out herein in full.

10. Wisconsin Gas also operates a small steam heating business supplying approximately 220 customers in a limited area in the City of Waukesha, Wisconsin. In 1949, gross operating revenues from steam heating sales were $80,833. In 1949, in conjunction with an application before the Public Service Commission of Wisconsin for an increase in steam heating rates, Wisconsin Gas petitioned for permission to abandon its steam heating service by June 1950. The order issued by the Commission in that case increased the rates for steam heating service but disapproved the proposal to abandon such service.

11. A condensed pro forma corporate balance sheet of Wisconsin Gas, as of February 28, 1950, reflecting the sale of its electric properties and the redemption of $10,500,000 of debt and the sale of $3,500,000 of bonds for the redemption of its preferred stock, shows the following:

Assets:	*Pro forma*
Property and plant	$11,060,227
Investments in Waukesha Gas & Electric Co. bonds	231,000
Cash and U. S. Government securities	898,015
Other current assets	1,010,423
Deferred charges	2,029,860
Total assets	15,229,525
Liabilities:	
Current and accrued liabilities	2,089,574
Contributions in aid of construction	47,895
Reserve for depreciation	3,348,036
Reserve for casualties and insurance	632,932
Funded debt	4,000,000
Preferred stock ($100 par)	----------
Common stock ($20 par)	4,000,000
Earned surplus	1,111,088
Total liabilities	15,229,525

12. A condensed pro forma corporate income statement of Wisconsin Gas for the twelve months ending February 28, 1950, giving effect to the sale of its electric properties and the financing transactions involved, shows the following:

	Pro forma
Operating revenues:	
Gas	$3,959,181
Heating	77,384
Total operating revenues	4,036,565
Operating expenses and taxes	3,478,126
Net operating revenues	558,439
Nonoperating revenues	3,000
Gross income	561,439
Income deductions	125,150
Net income	436,289

It appears that the change-over by Wisconsin Gas from manufactured gas to natural gas was completed February 28, 1950, and hence the above income statement does not reflect fully the savings due to the discontinuance of its high cost manufactured gas production. The company has stated that it expects to be able to satisfy its gas service requirements at a substantially lower cost as a result of the change-over to natural gas.

III. 13. Wisconsin Michigan conducts its business in the State of Wisconsin and in the northern peninsula of the State of Michigan, where it is engaged in the generation, distribution and sale of electricity. It is also engaged in the manufacture, transmission and sale of gas in the City of Appleton, Wisconsin, and vicinity. Wisconsin Michigan produces about 52 percent of its electric energy requirements and all of its gas requirements. Of its total electric generation, approximately 76 percent was supplied by its hydro plants, 23 percent by its steam plants, and 1 percent by internal combustion facilities. In March 1950, Wisconsin Michigan contracted with Michigan-Wisconsin Pipe Line Company, a non-affiliate and the same supplier which has a contractual relationship with Wisconsin Gas, for the supply of its requirements of straight natural gas commencing late in 1950.

14. The electric service areas of Wisconsin Michigan are located in the northern peninsula of Michigan, where the principal hydroelectric plants of the company are located, and in the Fox River Valley of Wisconsin. These areas include 160 communities, 97 of which are in Wisconsin and provide the bulk of the company's revenues, and 63 of which are in the mining regions of Michigan. The principal communities served in Wisconsin by Wisconsin Michigan are Appleton, Neenah, Kimberly, and Niagara, the principal Michigan communities are Iron Mountain and Kingsford. The electric operations account for 95 percent of the company's revenues. Gas is sold at retail in the Wisconsin communities of Appleton, Neenah and Menasha which area is approximately sixty miles from the nearest point served by Wisconsin Gas. The electric service areas embrace 8,476 square miles of which 5,943 are in Michigan. The population served approximates 192,000 persons, 64,000 of whom reside in Michigan.

a. A condensed corporate balance sheet of Wisconsin Michigan as of February 28, 1950, shows the following.

Assets:	*Per books*
Property and plant:	
Electric—at original cost	$33,546,456
Gas—at original cost	1,813,558
Plant acquisition adjustments	306,983
Other physical property	988,721
Total property and plant	36,655,723
Investments	23,700
Cash	1,634,062
Other current assets	1,147,238
Deferred charges	250,056
Total Assets	39,710,779
Liabilities:	
Current and accrued liabilities	2,260,603
Contributions in aid of construction	182,517
Reserve for depreciation	7,419,840
Reserve for casualties and insurance	466,901
Funded debt	15,600,000
Preferred stock	4,000,000
Common stock	9,000,000
Surplus:	
Capital surplus	42,942
Earned surplus	737,976
Total liabilities	39,710,779

15. The operating revenues of Wisconsin Michigan from the sale of gas for the twelve months ending February 28, 1950, aggregated $427,565. A condensed corporate income statement of Wisconsin Michigan for the twelve months ending February 28, 1950, shows the following:

	Per books
Operating revenues:	
Electric sales	$7,977,776
Gas	427,565
Total operating revenues	8,425,341
Operating expenses and taxes	6,905,787
Net operating revenues	1,519,554
Nonoperating revenues	14,756
Gross income	1,534,310
Income deductions	425,007
Net income	1,109,303
Preferred stock dividend requirements	180,029
Balance for common and surplus	929,274

IV. 16. Transport Company operates substantially all local transit service in Milwaukee and its adjoining suburbs. A minor part of its gross revenues, 2.5 percent in 1949, is derived from the operation of a terminal freight line. Transport Company, in addition to its own facilities, operates a small amount of transportation properties leased by it from Wisconsin Electric. The transportation system of Transport Company, as of December 31, 1949, included approximately 56 miles of double track and 30 miles of single track, trackless trolley overhead, and an overhead and underground feeder system supplying power to the railway lines and trackless trolley cars, 276 street railway cars, 26 utility and special rail vehicles, 7 electric locomotives, 400 trackless trolley cars, 432 gasoline motor buses, passenger stations, stations for housing rolling stock and buses, and a shop for constructing and repairing such equipment. Transport

[3] Filed as part of the original document.

Company also manufactures small electric furnaces for Hevi Duty Electric Company, a direct subsidiary of The North American Company, the former parent of Wisconsin Electric.

17. A condensed corporate balance sheet of Transport Company, as of February 28, 1950, shows the following:

Assets:	Per books
Property and plant	$33,426,299
Investments:	
Contracts for sale of certain property	354,501
Badger Auto Service Co. common stock	30,000
Funds set aside:	
For modernization of properties	23,524
For retirement of capital liabilities	444,209
Cash	2,147,661
Other current assets	1,100,773
Deferred charges	309,677
Total assets	37,836,644
Liabilities:	
Current and accrued liabilities	1,648,321
Reserve for depreciation	12,259,235
Reserve for casualties and insurance	1,119,812
Funded debt	4,000,000
Common stock	15,250,000
Earned surplus	3,459,306
Total liabilities	37,836,644

18. A condensed corporate income statement of Transport Company for the twelve months ending February 28, 1950, shows the following:

	Per books
Operating revenues	$17,518,744
Operating expenses and taxes	17,098,450
Net operating revenues	420,294
Nonoperating revenues (net)	29,843
Gross income	450,137
Income deductions	169,462
Net income	280,675

19. Transport Company has a wholly owned subsidiary, Badger Auto Service Company, which operates several parking, auto service and gasoline stations in Milwaukee.

20. A condensed corporate balance sheet of Badger Auto Service Company, as of February 28, 1950, shows:

Assets:	Per books
Property and plant	$27,393
Cash	39,255
Other current assets	71,482
Deferred charges	1,549
Total assets	139,679
Liabilities:	
Current and accrued liabilities	23,157
Reserve for depreciation	14,967
Reserve for casualties and insurance	3,446
Common stock	30,000
Earned surplus	68,109
Total liabilities	139,679

21. A condensed corporate income statement of Badger Auto Service Company for the twelve months ending February 28, 1950, shows the following:

	Per books
Revenues from operations (net)	$18,690
Gross income	18,690
Net income	18,690

A dividend of $12,000 was paid in this period to Transport Company by Badger Auto Service Company on its common stock.

V. Recapitulating certain pertinent facts from the foregoing, it appears that Wisconsin Electric directly or indirectly owns, controls, or holds with power to vote, various assets, or securities representing assets, including the following:

(a) Electric utility assets, serving electricity in the States of Wisconsin and Michigan, which electric properties have previously been found by the Commission to constitute a single integrated electric utility system (The North American Company, 11 S. E. C. 194);

(b) Gas utility assets in the State of Wisconsin, concerning which gas utility assets no finding has been made by the Commission with respect to how many integrated gas utility systems are included therein, nor as to the extent, if any, to which such gas utility properties may be retained, together with each order or with any other properties;

(c) Assets used in businesses other than electricity and gas, including local transportation, steam heat, railway, freight and terminal facilities, servicing of automotive equipment, operation of parking lots and gasoline stations, and the manufacture of electric furnaces, all located in Wisconsin and operated through various subsidiaries, concerning which no findings have been made by the Commission as to their retainability together with other properties.

VI. 23. The foregoing allegations, and the facts otherwise disclosed to the Commission in the course of its investigation hereinbefore referred to, indicate or tend to indicate that:

(a) The holding company system of Wisconsin Electric is not confined in its operations to those of a single integrated public utility system and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public utility system;

(b) The various gas utility properties and the electric system owned or controlled by Wisconsin Electric and other respondents cannot continue to be controlled by Wisconsin Electric under the standards of section 11 (b) (1), particularly Clauses (A) and (C) thereof; and

(c) The various businesses, hereinbefore referred to, other than electric and gas, cannot be retained as reasonably incidental or economically necessary or appropriate to the operations of either the electric or gas utility systems.

VII. It appearing to the Commission, on the basis of the allegations hereinbefore set forth, that proceedings should be instituted under section 11 (b) (1) of the act with respect to the holding company system of Wisconsin Electric and its subsidiaries:

Wherefore it is ordered, That proceedings be and the same hereby are instituted under section 11 (b) (1) of the act with respect to Wisconsin Electric Power Company and each of its subsidiary companies hereinbefore named, all of which are made respondents herein. Such respondents shall file with the Secretary of the Commission on or before October 1, 1950, their joint or several answers in the form prescribed by Rule U-25 under the act admitting, denying, or otherwise explaining their respective positions as to each of the allegations of Parts I to VI hereof, inclusive. Any such answer may include a statement of the claim of the respondents, or any of them, as to (a) the action, if any, which is necessary and should be required to be taken by any of the respondents (including the divestment of control, securities or other assets), to limit the operations of Wisconsin Electric, the registered holding company hereinbefore named, to a single integrated public utility system and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public utility system; (b) the extent to which Wisconsin Electric should be permitted to continue to control one or more additional integrated public-utility systems as may meet the requirements of Clauses (A), (B) and (C) of section 11 (b) (1) of the act; and (c) the extent to which any of said respondents should be permitted to retain an interest in any business (other than the business of a public-utility company as such) as provided by section 11 (b) (1) of the act. The answer of Wisconsin Electric should state which of its integrated public utility systems it designates as its principal system, and may, if such respondent so desires, state that such respondent proposes and is prepared to take such action as will cause it to cease to be a holding company within the meaning of the act, together with a description of such action and the time within which it proposes to take such action.

It is further ordered, Pursuant to the applicable provisions of the act, that a hearing be held at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on November 7, 1950, at 10:00 o'clock, a. m., e. s. t. On such day the hearing room clerk in Room 193 will advise as to the room where such hearing will be held. At such time respondents and any other interested persons will be heard with respect to the matters and questions hereinafter set forth. The Division of Public Utilities has requested that the hearing officer, in accordance with the last paragraph of Rule III of the Commission's rule of practice, as soon as possible after the opening of said hearing, call a conference of the parties for the purpose of specifying and agreeing on the procedural steps to be followed in said proceeding as specified in Rule III (e) of such rules, including therein the recommended disposition of any issues that appear to be without substantial basis of controversy, the simplification of other issues, and the order of presentation of evidence deemed most conducive to an orderly and expeditious proceeding. The hearing for the taking of evidence in such proceedings shall, unless otherwise directed by the hearing officer, be convened at 2:00 o'clock, p. m., on the aforesaid day.

It is further ordered, That the specific matters of fact and law to be considered and determined at said hearing (subject to such amendment or amendments as may hereafter be made and subject to the consideration and determination of such other issues as may be raised by interested parties), are the following:

(a) Whether the gas utility assets owned or controlled by Wisconsin Electric (directly or through subsidiaries) constitute an integrated gas utility system or systems;

(b) Whether more than one of the electric and gas utility systems owned or controlled by Wisconsin Electric (directly or through subsidiaries) may be retained under common control by Wisconsin Electric under the provisions of section 11 (b) (1) of the act, specifically Clauses (A) and (C) thereof;

(c) Whether the non-utility businesses conducted by Wisconsin Electric and by its subsidiaries are reasonably incidental or economically necessary or appropriate to the operations of any integrated public utility system or systems retainable under the control of Wisconsin Electric;

(d) What action is necessary to be taken by Wisconsin Electric and by each of its subsidiaries to limit the operations of the system to those of a single integrated public utility system, together with such additional utility systems, and other businesses, if any, as are retainable under the standards of section 11 (b) (1) of the act;

(e) Whether there would be a loss of substantial economies within the meaning of Clause (A) of section 11 (b) (1) of the act if the gas business of Wisconsin Gas and Wisconsin Michigan were not conducted under common control with the electric business of the Wisconsin Electric system;

And, in particular, as pertinent and relevant to a determination of this issue, the respondents herein shall produce such evidence as they may have bearing on:

(1) A comparison of the amounts devoted to repairs, maintenance, replacements and improvements of plant and other service facilities as between the electric utility operations of the Wisconsin Electric system and the gas utility operations of such system;

(2) A similar comparison with respect to the amounts devoted to and types of promotional activities;

(3) Methods of allocation of costs, expenses, and other accounts as between the said operations;

(4) The feasibility of increasing the extent of natural gas distribution by Wisconsin Gas and Wisconsin Michigan and the effect, if any, which control of such gas operations by Wisconsin Electric may have on the amount of gas distributed, the extension of service areas, and the cost of gas service to consumers;

(5) The effect of independent operation of the gas businesses conducted by Wisconsin Gas and Wisconsin Michigan and free and unrestrained competition between the gas and electric businesses in the areas served with respect to adequacy of service, rates, proper maintenance and the revenues and income of such gas and electric businesses; and

(f) Whether the continued combination of the gas and electric systems under common control of Wisconsin Electric is so large (considering the state of the art and the area or region affected) as to impair the advantages of localized management, efficient operation, or the effectiveness of regulation.

It is further ordered, That Richard Townsend or any other hearing officer or hearing officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The hearing officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, not later than ten days prior to the date hereinbefore fixed as the date for said hearing, his request or application therefor, as prescribed by Rule XVII of the rules of practice of the Commission. Such request shall set forth the nature of the applicant's interest in the proceedings, his reasons for requesting to be heard or to intervene, which of the allegations and issues, as hereinbefore set forth, applicant proposes to controvert, together with a statement of any additional issues which the applicant proposes to raise with respect to the proceedings herein instituted.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this notice of and order for hearing by registered mail to Wisconsin Electric Power Company, to Wisconsin Natural Gas Company, to Wisconsin Michigan Power Company, to the Milwaukee Electric Railway & Transport Company, to Badger Auto Service Company, to the Public Service Commission of Wisconsin, to the Public Service Commission of Michigan, to the Federal Power Commission, to the Interstate Commerce Commission, and to the mayors of the following cities in the State of Wisconsin: Milwaukee, Appleton, Racine, Kenosha, Waukesha, South Milwaukee, Cudahy, Oconomowoc, Neenah, Menasha, Whitewater, and Watertown, not less than sixty days prior to the date hereinbefore fixed as the date of hearing; and that notice of said hearing is hereby given to Wisconsin Electric Power Company and its subsidiaries, to their security holders, and to all consumers of Wisconsin Electric Power Company and its subsidiaries, to all states, municipalities and political subdivisions of states within which are located any of the physical assets of said companies or under the laws of which any of said companies are incorporated, to all state commissions, state security commissions, and all agencies, authorities and instrumentalities of any state, municipality, or other political subdivision having jurisdiction over Wisconsin Electric Power Company or its subsidiaries or any of the businesses, affairs or operations of any of them and to all other interested persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and by publication of this notice and order in the FEDERAL REGISTER not later than sixty days prior to the date hereinbefore fixed as the date of hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7248; Filed, Aug. 18, 1950; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14909]

FUHRMEISTER & CO.

In re: Debts owing to Fuhrmeister & Co., Shanghai, China. F-28-5479-A-1, F-28-5479-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Fuhrmeister, Sr., also known as Friedrich Heinrich Carl Fuhrmeister, whose last known address is 29 Oldenfelderstrasse, Hamburg-Rahlstedt, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Fuhrmeister & Co., whose last known address is Shanghai, China, is a partnership organized under the laws of China, and whose principal place of business is located at Shanghai, China, which is, or on or since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act, directly or indirectly for the benefit of or on behalf of the aforesaid Friedrich Fuhrmeister, Sr., also known as Friedrich Heinrich Carl Fuhrmeister, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, representing a portion of an account entitled "The National City Bank of New York, Shanghai Branch," maintained with the aforesaid The National City Bank of New York, arising out of the proceeds of sale of certain securities held in an account, Account Number B-4012, for Fuhrmeister & Co., Shanghai, China, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, representing a portion of an account entitled "Fuhrmeister & Co., Shanghai, China," maintained with the aforesaid bank, arising out of the proceeds of redemption of certain bonds held in an account, Account Number B-4012, for Fuhrmeister & Co., Shanghai, China, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fuhrmeister & Co., Shanghai, China, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That Fuhrmeister & Co., Shanghai, China, is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany); and

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-7262; Filed, Aug. 18, 1950; 8:51 a. m.]

[Vesting Order 14978]

HERMANN COUNT SEHERR-THOSS ET AL.

In re: Trust under deed dated February 29, 1932 between Margaret Muriel Seherr-Thoss, Grantor, and Louis Spencer Morris and Charles S. McVeigh, Trustees. File No. F-28-5028; E. T. sec. 8419.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9183, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Count Seherr-Thoss, who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to and arising out of or under that certain Deed of Trust dated February 29, 1932 between Margaret Muriel Seherr-Thoss, Grantor, and Louis Spencer Morris and Charles S. McVeigh, Trustees, and presently being administered by Edgar M. Church, Jr., 20 Exchange Place, New York 5, New York, Successor Trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designed enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Hermann Count Seherr-Thoss be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7263; Filed, Aug. 18, 1950; 8:51 a. m.]

[Return Order 709]

BLANDINA D'AMBROSIO ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Blandina d'Ambrosio a/k/a Valentina d'Ambrosio, and Nicolina d'Ambrosio, Fontanarosa, Italy; Claim No. 28902; June 1, 1950 (15 F. R. 3442); $1,240.14 in the Treasury of the United States, in two equal shares, one each to Blandina d'Ambrosio a/k/a Valentina d'Ambrosio, and to Nicolina d'Ambrosio.

Seven (7) United States of America Treasury Bonds to Blandina d'Ambrosio a/k/a Valentina d'Ambrosio and to Nicolina d'Ambrosio, equally, in custody of the Federal Reserve Bank of New York, New York, described as follows:

Four (4) United States of America Treasury Bonds of 1964-69, 2½%, dated April 15, 1943, due June 15, 1969, with coupon dated June 15, 1950, and S. C. A. serial numbers and face amounts as indicated:

Bond No.:	*Amount*
62165	$500
183460	1,000
183461	1,000
183462	1,000

Three (3) United States of America Treasury Bonds of 1964-69, 2½%, dated April 15, 1943, due June 15, 1969, interest payable June and December 15th registered in the name of the Office of Alien Property Custodian, Washington, D. C., serial numbers and face amounts as indicated:

Bond No.:	*Amount*
15783	$500
32150	1,000
32151	1,000

An undivided one-half (½) interest each to Blandina d'Ambrosio a/k/a Valentina d'Ambrosio and to Nicolina d'Ambrosio in and to four (4) Passbooks, Regno d'Italia Casse Di Risparmio Postali, in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York, passbook numbers and amounts recorded therein, indicated as follows:

Number:	*Amount (lire)*
07991	44,544.30
07992	47,855.10
03572	55,492.60
08573	38,511.80

All right, title, interest and claim of any kind or character whatsoever of Valentina d'Ambrosio and Nicolina d'Ambrosio, and each of them, in and to the Estate of Salvatore d'Ambrosio, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7264; Filed, Aug. 18, 1950; 8:51 a. m.]

[Return Order 710]

MARCEL MARIE GAETAN HAWADIER AND MICHEL GRAVINA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Marcel Marie Gaetan Hawadier and Michel Gravina, Paris, France; Claim No. 4322; June 23, 1950 (15 F. R. 4009); Property described in Vesting Order No. 720 (8 F. R. 2163, February 18, 1943) relating to United States Patent Application Serial No. 467,662, an undivided one-half interest therein to each claimant. This return shall not be deemed to include the rights of any licensees under the above patent application.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7265; Filed, Aug. 18, 1950; 8:51 a. m.]

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FEDERAL REGISTER

VOLUME 15 NUMBER 162

Washington, Tuesday, August 22, 1950

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

NATIONAL SECURITY RESOURCES BOARD

Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the National Security Resources Board, § 6.115 is amended by the addition of paragraph (b) as set out below, effective upon publication in the FEDERAL REGISTER.

§ 6.115 *National Security Resources Board.* • • •

(b) Not to exceed 150 positions (this authority applies to all types of positions, whether of a confidential or policy-determining character or otherwise).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp., E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 50-7279; Filed, Aug. 21, 1950; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; ALABAMA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

ALABAMA

County	Average value	Investment limit
Lauderdale	$11,000	$11,000
Lawrence	11,000	11,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 16th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7283; Filed, Aug. 21, 1950; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; LOUISIANA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the parishes identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said parishes, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said parishes.

LOUISIANA

Parish	Average value	Investment limit
Beauregard	$8,500	$8,500
Bienville	8,000	8,000
Caldwell	10,000	10,000
Catahoula	8,500	8,500
Claiborne	9,000	9,000
Concordia	10,000	10,000
East Feliciana	8,000	8,000
Franklin	10,000	10,000
Jackson	8,000	8,000
Sabine	8,000	8,000
Saint Helena	8,000	8,000
Union	9,000	9,000
Washington	8,500	8,500
Webster	8,500	8,500
Winn	8,500	8,500

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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(Revised through July 1)

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(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 16th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7284; Filed, Aug. 21, 1950; 8:48 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; MICHIGAN

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average value and the investment limit set forth below for said county.

MICHIGAN

County	Average value	Investment limit
Antrim	$10,500	$10,500

(Sec. 41, 60 Stat. 1066; 7 U. S. C., 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C., 1003, 1018)

Issued this 16th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7280; Filed, Aug. 21, 1950; 8:47 a. m.]

Subchapter F—Miscellaneous Regulations

PART 381—DISASTER LOAN PROGRAM

RELEASE OF SECURITY PROPERTY OTHER THAN REAL ESTATE

Section 381.11 in Title 6, Code of Federal Regulations (14 F. R. 4897), is revised to read as follows:

§ 381.11 *Servicing disaster loans*—(a) *General.* FHA regulations, except those contained in Part 364 and § 371.5 (b) of this chapter, containing the policies and procedures for the servicing of other operating loans under the Production and Subsistence Loan Program will be followed in the servicing of disaster loans. Officials of the Farmers Home Administration who have been vested with authority and assigned responsibility under the Production and Subsistence Loan Program to accept and receipt for collections; accept and record security instruments; and perform other servicing functions in connection with production and subsistence loans are vested with the same authority and assigned the same responsibility with respect to disaster loans.

(b) *Release of security property other than real estate.* (1) County Supervisors are authorized to release mortgaged property, and proceeds derived from the sale thereof, when the security property has been sold for its fair market value, provided the proceeds are used for one or more of the following purposes:

(i) To make payments on debts due the Farmers Home Administration.

(ii) To pay necessary harvesting and marketing expenses, not otherwise provided for, in connection with crops, livestock, and similar items mortgaged to the Farmers Home Administration which are sold in the usual course of operating the farm business. The amount released for this purpose, however, will be limited to a fixed amount per unit of sale (bushel, crate, ton, bale, cwt., and so forth) as agreed upon between the County Supervisor and the borrower at the time the loan was made or prior to the harvest season, and the borrower should be required to account for the proceeds of each sale before a further release for harvesting and marketing expenses is approved.

(iii) To make payments on debts owed to other creditors, to make capital purchases, as agreed upon when the loan was made, and to meet farm and home operating expenses for the succeeding crop year: *Provided* (*a*) Amounts due the Farmers Home Administration and creditors with liens superior to those in favor of the Farmers Home Administration have been paid the amounts due for the year, and (*b*) the income released for these purposes is normal farm income.

(iv) To purchase, or to acquire through exchange, property more suitable to the borrower's needs, subject to the following conditions:

(*a*) The new property must be made subject to a lien in favor of the Farmers Home Administration by the execution of a new security instrument (or by operation of the "replacement" or "after-acquired property" clauses). The new property, together with any additional proceeds that may be applied on the indebtedness, will have security value to the Farmers Home Administration at least equal to that of the lien formerly held by the Farmers Home Administration on the old property. However, when the newly acquired property is not valued at more than twenty-five dollars ($25), a new security instrument covering such property will not be required.

(*b*) When a new security instrument is necessary, it will be taken at the time of acquisition of the new property. In individual cases, however, the County Supervisor may delay taking a new security instrument for a period not to exceed one year or until a new mortgage is necessary for other reasons, whichever is earlier, when: (*1*) Adequate security will continue to exist, and (2) the borrower's account due the Farmers Home Administration is current during such period of delay.

(v) To make payments to other creditors having liens on the property sold which are superior to the liens of the Farmers Home Administration, provided the property is sold for its fair market value and any amount remaining after payments are made to the other creditors is applied on the borrower's indebtedness with the Farmers Home Administration, or is released under the conditions and for one or more of the purposes specified herein.

(2) State Directors are authorized to release mortgaged property and proceeds derived from the sale thereof for one or more of the following purposes:

(i) To pay from normal farm income necessary farm and home operating expenses which must be met before the due date of the next unpaid installment on the loan and prior to receipt of the primary income for the year's operations, provided such expenses were included in the budget developed in connection with the loan, and the loan was made with the understanding that funds would be released for this purpose.

(ii) To pay costs (not normally recurring) that are directly necessary for the preservation of the remaining security property.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2, 63 Stat. 44; 12 U. S. C. (Sup.) 1148a–2)

DERIVATION: § 381.11 contained in FHA Instruction 445.1.

Dated: August 7, 1950.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: August 16, 1950.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7282; Filed, Aug. 21, 1950; 8:47 a. m.]

PART 382—FUR LOAN PROGRAM

RELEASE OF SECURITY PROPERTY OTHER THAN REAL ESTATE

Section 382.10 in Title 6, Code of Federal Regulations (14 F. R. 4775), is revised to read as follows:

§ 382.10 *Servicing fur loans*—(a) *General.* FHA regulations, except those contained in Part 364 and § 371.5 (b) of this chapter, containing the policies and procedures for the servicing of other operating loans under the Production and Subsistence Loan Program will be followed in the servicing of fur loans. Officials of the Farmers Home Administration who have been vested with authority and assigned responsibility under the Production and Subsistence Loan Program to accept and receipt for collections; accept and record security instruments; and perform other servicing functions in connection with production and subsistence loans are vested with the same authority and assigned the same responsibility with respect to fur loans.

(b) *Release of security property other than real estate.* (1) County Supervisors are authorized to release mortgaged property, and proceeds derived from the sale thereof, when the security

property has been sold for its fair market value, provided the proceeds are used for one or more of the following purposes:

(i) To make payments on debts due the Farmers Home Administration.

(ii) To pay necessary harvesting, pelting, and marketing expenses, not otherwise provided for, in connection with crops, livestock, pelts and similar items mortgaged to the Farmers Home Administration which are sold in the usual course of operating the farm or ranch business. The amount released for this purpose, however, will be limited to a fixed amount per unit of sale as agreed upon between the County Supervisor and the borrower at the time the loan was made or prior to the harvest or pelting season, and the borrower should be required to account for the proceeds of each sale before a further release for harvesting, pelting, and marketing expenses is approved.

(iii) To make payments on debts owed to other creditors, to make capital purchases, as agreed upon when the loan was made, and to meet farm and home operating expenses for the succeeding crop year: *Provided*, (*a*) Amounts due the Farmers Home Administration and creditors with liens superior to those in favor of the Farmers Home Administration have been paid the amounts due for the year, and (*b*) the income released for these purposes is normal farm income.

(iv) To purchase, or to acquire through exchange, property more suitable to the borrower's needs, subject to the following conditions:

(*a*) The new property must be made subject to a lien in favor of the Farmers Home Administration by the execution of a new security instrument (or by operation of the "replacement" or "after-acquired property" clauses). The new property, together with any additional proceeds that may be applied on the indebtedness, will have security value to the Farmers Home Administration at least equal to that of the lien formerly held by the Farmers Home Administration on the old property. However, when the newly acquired property is not valued at more than twenty-five dollars ($25), a new security instrument covering such property will not be required.

(*b*) When a new security instrument is necessary, it will be taken at the time of acquisition of the new property. In individual cases, however, the County Supervisor may delay taking of a new security instrument for a period not to exceed one year or until a new mortgage is necessary for other reasons, whichever is earlier, when: (*1*) Adequate security will continue to exist, and (2) the borrower's account due the Farmers Home Administration is current during such period of delay.

(v) To make payments to other creditors having liens on the property sold which are superior to the liens of the Farmers Home Administration, provided the property is sold for its fair market value and any amount remaining after payments are made to the other creditors is applied on the borrower's indebtedness with the Farmers Home Administration, or is released under the conditions and for one or more of the purposes specified herein.

(2) State Directors are authorized to release mortgaged property and proceeds derived from the sale thereof for one or more of the following purposes:

(i) To pay from normal farm income necessary farm and home operating expenses which must be met before the due date of the next unpaid installment on the loan and prior to receipt of the primary income for the year's operations, provided such expenses were included in the budget developed in connection with the loan, and the loan was made with the understanding that funds would be released for this purpose.

(ii) To pay costs (not normally recurring) that are directly necessary for the preservation of the remaining security property.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 1, 63 Stat. 43; 12 U. S. C. Sup. 1148a–1)

DERIVATION: § 362.10 contained in FHA Instruction 446.1.

Dated: August 7, 1950.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: August 16, 1950.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–7281; Filed, Aug. 21, 1950; 8:47 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 Honey Bulletin 1, Amdt. 1]

PART 624—HONEY

SUBPART—1950 HONEY PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 15 F. R. 4367, containing the requirements with respect to the 1950 Honey Price Support Program are hereby amended as follows:

Section 624.102 *Availability* is amended to read as follows:

§ 624.102 *Availability* — (a) *Area.* Purchases under this program will be made from eligible packers located in the continental United States.

(b) *Time.* Contracts relative to this program must be executed by packers not later than September 1, 1950. Purchases under such contracts will be made by CCC on the basis of Intentions to Deliver, which may be filed by packers within the 10 days preceding each of the following dates: September 15, 1950, December 1, 1950, and March 1, 1951. Notice of Acceptance will be issued as soon as practicable after each of the above dates.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714 b. Interprets or applies sec. 5, 62 Stat. 1070, as amended; Title II, IV 63 Stat. 1051; 5 U. S. C. Sup., 714 b, 7 U. S. C. Sup., 1446)

Issued this 15th day of August, 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50–7285; Filed, Aug. 21, 1950; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 600—FUNCTION AND PROCEDURE

REMOVAL AND DISPOSITION OF TRESPASSING LIVESTOCK

By virtue of the authority vested in the Secretary of Agriculture by section 32 (f) of the act of July 22, 1937 (50 Stat. 525, 526; 7 U. S. C. § 1011(f)), I, Charles F. Brannan, Secretary of Agriculture, do hereby issue the following regulation to govern the removal and disposition of trespassing livestock from lands acquired under or transferred for administration under Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525; 7 U. S. C. 1010 et seq.).

§ 600.8 *Impounding of livestock.* Livestock trespassing on lands acquired under or transferred for administration under Title III of the Bankhead-Jones Farm Tenant Act and under the jurisdiction of the Soil Conservation Service which is not removed therefrom within the prescribed period after giving or publishing a warning notice as provided in this section may be impounded by a Soil Conservation Service officer. Whenever such officer has definite knowledge of the kind of livestock that is in trespass and knows the name and address of the owner, such impoundment may be effected at any time 15 days after the date that written notice of the trespass is mailed or delivered to such owner, unless in the meantime the trespass has been abated. In the event that local Soil Conservation Service officers do not have complete knowledge of the kind of livestock in trespass or if the names and addresses of the owners thereof are unknown, impoundment may be effected at any time 15 days after the date a notice requiring the removal of trespassing livestock is first published in a local newspaper and posted at the county court house. No sale of impounded livestock shall be made until at least 5 days have elapsed after the date of impoundment. The owner may redeem the livestock within the 5-day period by submitting proof of ownership and paying all expenses incurred by the United States in advertising, gathering, impounding, and feeding or pasturing it. If the livestock is not redeemed on or before the date fixed for its sale, it shall be sold at public sale to the highest bidder. If no bid is received, the livestock may, in the discretion of the responsible Soil Conservation Service officer, be sold at private sale or be condemned and destroyed or otherwise disposed of in the most humane manner practicable. When livestock is sold pursuant to this section, the Soil Conservation Service officer making the sale shall furnish the purchaser a bill of sale or other written instrument evidencing the sale.

(Sec. 4, 49 Stat. 164, sec. 32, 50 Stat. 525, 56 Stat. 725; 7 U. S. C. 1011, 16 U. S. C. 590d)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, D. C., this 16th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–7286; Filed, Aug. 21, 1950; 8:48 a. m.]

PART 600—FUNCTION AND PROCEDURE

EXERCISE OF MINERAL RIGHTS RESERVED IN CONVEYANCES TO U. S.

By virtue of the authority vested in the Secretary of Agriculture by section 32 (f) of the act of July 22, 1937 (50 Stat. 526; 7 U. S. C. § 1011 (f)), I, Charles F. Brannan, Secretary of Agriculture, do hereby issue the following regulations to govern the exercise of mineral rights reserved in conveyances to the United States under Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525; 7 U. S. C. §§ 1010, et seq.), hereby superseding and revoking all such regulations heretofore issued as to mineral rights reserved in all acquisitions of land hereafter initiated under said title, but the regulations heretofore issued shall continue to be effective as to mineral rights reserved in land acquisitions heretofore initiated or consummated under said title.

§ 600.9 *Conditions relating to removal of minerals reserved in lands conveyed to the United States under Title III of the Bankhead-Jones Farm Tenant Act.* (a) Whoever undertakes to exercise the reserved rights shall give prior notice to the local officer in charge of the lands and shall submit to him satisfactory evidence of authority to exercise such rights. No permit, as provided for in paragraph (b) of this section, will be required for preliminary examination or exploration to determine the existence of the reserved minerals, oil, gas, or other inorganic substances which will involve only transient and nonexclusive occupancy and only small excavations, test pits or borings, but such activities shall be subject to the general rules and regulations applicable to the land involved.

(b) None of the lands in which minerals are reserved shall be so used, occupied, or disturbed as to preclude their full use for the purposes for which they are being administered until the record owner of the reserved rights, or the successors, assigns, or lessees thereof, shall have applied for and received from the local officer in charge having jurisdiction a permit authorizing such use, occupancy, or disturbance of those specifically described parts of the lands as may reasonably be necessary to exercise the reserved rights. Said permit shall be issued by the local officer in charge upon agreement as to the lands to be covered thereby and conditions necessary to protect the interests of the Government and upon initial payment of the annual fee, which shall be at the rate of $2 per acre, or fraction of acre included in the permit. Failure to comply with the terms and conditions of the aforesaid permit shall terminate all rights to use, occupy, or disturb the surface of the lands covered thereby, but in event of such termination a new permit shall be issued upon application when the causes for termination of the preceding permit have been satisfactorily remedied and the United States reimbursed for any resultant damage to it.

(c) Only so much of the surface of the lands shall be occupied, used or disturbed as is necessary in bona fide prospecting for, drilling, mining (including the milling or concentration of ores), and removal of the reserved minerals, oil, gas, or other inorganic substances.

(d) All structures, other improvements, and materials shall be removed from the lands within 1 year after date of termination of the aforementioned permit, or of an alternative permit, if any, issued under regulations applicable to the lands, and all such structures, improvements, or materials not so removed shall become the property of the United States.

(e) Timber or young growth necessarily removed or utilized in connection with exercise of reserved rights shall be paid for (1) if merchantable at the prevailing price in the locality for comparable timber or (2) otherwise at the appraised value. Other timber shall be cut or removed only pursuant to sale agreements or permits issued in accordance with the applicable rules and regulations. All slash resulting from cutting or destruction of timber or young growth shall be disposed of as required by the local officer in charge.

(f) If exercise of the reserved rights results in stripping, collapse, or other damage to the land or to improvements thereon, the record owner of the reserved rights, or the successors, assigns, or lessees thereof, shall repair or replace the improvements damaged or destroyed, and/or restore the land to a condition safe and reasonably serviceable, and prior to commencement of the work which will cause such result shall so notify the local officer in charge and provide such bond as will in the opinion of that officer guarantee such repair, replacement, or restoration. Where reserved minerals will be extracted by means of shafts, tunnels, pits, or wells, provisions for fencing, covering, filling, or plugging thereof upon termination of the mining activities may be required by the local officer in charge, together with delivery of acceptable bond.

(g) In the prospecting for, mining, and removal of reserved minerals, oil, gas, or other inorganic substances all reasonable provisions shall be made for the disposal of tailings, dumpage, and other deleterious materials or substances in such manner as to prevent obstruction, pollution, or deterioration of springs, streams, ponds, or lakes.

(h) Nothing herein contained shall be construed to exempt operators or the mining operations from any requirements of applicable State laws nor from compliance with or conformity to any requirements of any law which later may be enacted and which otherwise would be applicable.

(i) While any activities and/or operations incident to the exercise of the reserved rights are in progress the operators, contractors, subcontractors, and any employees thereof who work on the property shall use due diligence in the prevention and suppression of fires, shall comply with all applicable rules and regulations, and shall be available for service in the suppression of fires within a reasonable distance of said operations: *Provided*, That if such fires do not originate from the operations incident to exercise of the reserved rights, and do not threaten structures, improvements, or property employed in or related to such operations, services in fire suppression so rendered shall be paid for at the current rates of fire fighters employed by the United States.

(Sec. 4, 49 Stat. 164, sec. 32, 50 Stat. 525, 56 Stat. 725; 7 U. S. C. 1011, 16 U. S. C. 590d)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, D. C., this 16th day of August 1950

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–7287; Filed, Aug. 21, 1950; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 992—IRISH POTATOES GROWN IN WASHINGTON

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington was published in the FEDERAL REGISTER (15 F. R. 4771). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the State of Washington Potato Committee (established pursuant to said agreement and order), the following

rules and regulations are hereby approved.

§ 992.202 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions, pursuant to the provisions of the aforesaid marketing agreement and order and regulations duly issued thereunder, during the fiscal period ending May 31, 1951, will amount to $24,060.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-half of one cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during such fiscal period; and

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 17th day of August 1950, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7316; Filed, Aug. 21, 1950; 8:52 a. m.]

PART 998—IRISH POTATOES GROWN IN NEW JERSEY

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 116 and Order No. 98 (7 CFR 998.1 et seq.), regulating the handling of Irish potatoes grown in New Jersey was published in the FEDERAL REGISTER (15 F. R. 4316). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the New Jersey Potato Marketing Committee (established pursuant to said agreement and order), the following rules and regulations are hereby approved.

§ 998.201 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the New Jersey Potato Marketing Committee, established pursuant to Marketing Agreement No. 116 and Order No. 98, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending April 30, 1951, will amount to $26,250.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be three quarters of one cent per hundredweight of potatoes shipped by him as the first shipper thereof during such fiscal year; and

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 116 and Order No. 98.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 17th day of August 1950, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7317; Filed, Aug. 21, 1950; 8:52 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 124—ALIEN CONTRACT LABORERS

APPLICATIONS FOR IMPORTATION OF SKILLED LABORERS

AUGUST 10, 1950.

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of May 13, 1950 (15 F. R. 2878), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), and in which there were stated in full the terms of proposed amendments to the regulations relating to applications for the importation of skilled alien contract laborers. No representations have been received concerning the proposed amendment. The amendatory regulations, as stated below, are hereby adopted. The provisions of the adopted regulations are the same as those stated in the notice of proposed rule making except that § 124.4 (b) has been amended to provide that in the event a prospective importer of skilled laborers fails, in response to his request, to receive a statement from an appropriate labor organization showing whether such organization is in a position to furnish like labor and whether there is any objection to the proposed importation, he shall furnish a copy of the letter sent to the labor organization and the return receipt from the Post Office Department showing that the registered letter was delivered. Section 124.4 (b), as published in the notice of proposed rule making, would make compulsory a requirement which the prospective importer might in some cases be unable to meet through failure to receive a response to a request for a statement. The amended paragraph provides for the submission of proof that an effort was made to obtain such a statement.

Sections 124.4, 124.5, and 124.6 of Chapter I of Title 8 of the Code of Federal Regulations are hereby amended to read as follows:

§ 124.4 *Applications for importation of skilled laborers.* An application for permission to import otherwise admissible skilled laborers in accordance with § 124.2 (i) shall be submitted by the prospective importer on Form I-129, in triplicate, to the officer in charge of the district in which the importer intends to employ such skilled laborers. The following-described documents shall be attached to, and made a part of, the application:

(a) Three copies of a clearance order bearing a statement, over the signature of the Director of the United States Employment Service, that (1) qualified workers of the kind proposed to be imported are not available within the United States, and (2) Employment Service policies have been observed;

(b) The original or a certified copy of a statement by the appropriate representative of any labor organization that may be active in the field of skilled labor in which the contract laborers are to be employed, showing (1) whether the labor organization is in a position to supply like skilled labor to the importer, and (2) whether the labor organization has any objection to the proposed importation of contract laborers, and if so, the nature of such objection or in the event the prospective importer fails to receive a reply to a request submitted to such labor organization for such statement, a copy of the letter sent to the labor organization by registered mail and the receipt returned by the Post Office Department showing that the letter was delivered; and

(c) The original or a certified copy of such other evidence as the importer may have showing his efforts to procure like skilled labor in the United States.

§ 124.5 *Action in field office on application.* (a) Upon receipt of an executed application, the officer in charge of the district shall examine it for completeness. If he considers it necessary, the officer in charge shall have an investigation conducted to determine whether the facts alleged in the application are true. The applicant may be represented by counsel in such cases before the officer in charge of the district, or the Commissioner, or both, but all evidence shall be submitted to the officer in charge of the district.

(b) The officer in charge of the district shall forward the original and one copy of the application, two copies of the clearance order, the other attachments specified in § 124.4, and any related report of investigation, together with his report and recommendation, to the Commissioner for his consideration in determining whether the application should be approved or disapproved.

§ 124.6 *Action in Central Office on application.* Before making a decision upon the application, the Commissioner shall have received, in addition to the statement contained in the clearance order required by § 124.4 (a), a certification from the Director of the United States Employment Service concerning the availability of qualified workers within the United States of the kind proposed to be imported. When he has reached a decision upon the application, the Commissioner shall notify the appropriate officer in charge of the district with respect thereto; and such officer shall, in turn, similarly notify the importer. If the application is approved, the importer shall be instructed to furnish all personal data called for by application Form I-129, unless previously furnished, directly to the Visa Division, Department of State, Washington, D. C., and to furnish the officer in charge of the district two copies of each of such communications as he may send in this connection to the Visa Division. The officer in charge of the district shall forward one copy of each of such communications to the Commissioner. The importer shall inform the appropriate officer in charge of the district as to the means by which the contract laborers are being transported to this country, approximate date of their arrival, and the port of arrival as soon as such information is received by the importer. The officer in charge of the district shall arrange for the importer to furnish bond, if required, and shall notify the immigration official in charge at the port of arrival with respect to the decision of the Commissioner, the date of the expected arrival of the contract laborers, and the bond, if any, furnished by the importer. The official in charge of the port shall admit such contract laborers if they are found admissible under all other applicable provisions of the immigration laws and regulations.

The regulations stated above shall become effective on the thirty-first day following the date of their publication with this order in the FEDERAL REGISTER.

The basis and purpose of the regulations prescribed above are to provide a specific and detailed procedure to be observed by prospective importers of skilled laborers in applying for permission to import skilled laborers into the United States.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

Approved: August 16, 1950.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 50-7300; Filed, Aug. 21, 1950; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 270]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 267]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MISCELLANEOUS AMENDMENTS

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. In Amendment 268 to §§ 825.1 to 825.12 and Amendment 265 to §§ 825.81 to 825.92, Item 1 of said amendments, as well as the remaining items thereof, apply to both §§ 825.1 to 825.12 and §§ 825.81 to 825.92. The amended text of § 825.81 (a) shall be the same as that set forth in said amendments for § 825.1 (a), except that wherever the term "§§ 825.1 to 825.12" or "§§ 825.1–825.12" appears therein, it shall read "§§ 825.81 to 825.92" or "§§ 825.81–825.92".

2. A sentence is added to the last paragraph of § 825.1 (a), so that said last paragraph will read as follows:

In Schedule C are listed those localities and the defense-rental areas in which they are located, which by reason of declarations made in accordance with section 204 (f) (1) of the act, will continue to be subject to §§ 825.1 to 825.12 after December 31, 1950. The name and number of each defense-rental area listed in Schedule C are the same as those which appear for the same defense-rental area in Schedule A.

The last paragraph of § 825.81 (a) is amended in the same manner, except that the term "§§ 825.1 to 825.12" shall read "§§ 825.81 to 825.92".

3. A sentence is added to the heading for Schedule C, so that said heading will read as follows:

Schedule C—Localities (and Defense-Rental Areas in which located Affected by Declarations for Continuance of Rent Control after December 31, 1950.

NOTE: The name and number of each defense-rental area listed in Schedule C are the same as those which appear for the same defense-rental area in Schedule A.

4. The following new items are incorporated in Schedule C:

Name of defense-rental area	State	Localities affected by declarations for continuance of rent control after Dec. 31, 1950
(68) La Salle County	Illinois	In La Salle County, the municipality of Streator.
(91) Champaign-Vermilion	do	In Champaign County, the municipality of Champaign.
(229) Columbus	Ohio	In Licking County, the municipality of Newark.
(267) Pittsburgh	Pennsylvania	In Allegheny County, the municipality of McKee's Rocks.
(355) Charleston	West Virginia	In Kanawha County, the municipality of Nitro.

This addition to Schedule C is based upon (1) a declaration made on August 1, 1950, by the local governing body of Champaign, Illinois, (2) a declaration made on August 2, 1950, by the local governing body of Nitro, West Virginia, (3) declarations made on August 7, 1950, by the local governing bodies of Streator, Illinois, and Newark, Ohio, and (4) a declaration made on August 8, 1950 by the local governing body of McKee's Rocks, Pennsylvania, all in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective August 18, 1950.

Issued this 17th day of August 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-7307; Filed, Aug. 21, 1950; 8:50 a. m.]

[Controlled Housing Rent Reg., Amdt. 271]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 268]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

INDIANA, PENNSYLVANIA, AND WEST VIRGINIA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 103, is amended to describe the counties in the defense-rental area as follows:

Marion County, except the Town of Woodruff Place.

This decontrols the Town of Woodruff Place in Marion County, Indiana, a portion of the Indianapolis, Indiana, Defense-Rental Area.

2. Schedule A, Item 266, is amended to describe the counties in the defense-rental area as follows:

Bucks; Chester; Delaware County, except the Borough of Swarthmore; Montgomery; and Philadelphia.

This decontrols the Borough of Swarthmore in Delaware County, Pennsylvania, a portion of the Philadelphia, Pennsylvania, Defense-Rental Area.

3. Schedule A, Item 356, is amended to describe the counties in the Defense-Rental Area as follows:

Wayne County; and Cabell County, except the Districts of Grant, McComas and Union, and except the Village of Barboursville.

In Lawrence County, the Townships of Upper, Perry, Fayette, Union, and Hamilton. Boyd and Greenup.

This decontrols the Village of Barboursville in Cabell County, West Virginia, a portion of the Huntington, West Virginia, Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective August 18, 1950.

Issued this 17th day of August 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-7308; Filed, Aug. 21, 1950; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regulations 5]

PART 184—PRODUCTION OF BRANDY

Preamble. 1. These regulations, Regulations 5, "Production of Brandy" (26 CFR Part 184), shall, on and after September 1, 1950, supersede Regulations 5, 1940 Edition (26 CFR Part 184; 5 F. R. 889), as amended, and Treasury decisions 5012 (5 F. R. 3981); 5100 (6 F. R. 6127); 5142 (7 F. R. 3301); 5145 (7 F. R. 3442); 5316 (9 F. R. 251); 5540 (11 F. R. 10269); 5543 (11 F. R. 10270); 5602 (13 F. R. 593); 5623 (13 F. R. 3603); 5635 (13 F. R. 3731); 5664 (13 F. R. 6323); 5710 (14 F. R. 3784); 5716 (14 F. R. 4900); 5728 (14 F. R. 4921); 5735 (14 F. R. 5393); 5729 (14 F. R. 5522); 5744 (14 F. R. 5648); 5745 (14 F. R. 5689); 5753 (14 F. R. 6400); 5775 (15 F. R. 866); 5785 (15 F. R. 2409); and 5790 (15 F. R. 3188).

2. These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability or forfeiture incurred prior to such date.

LAWS OF MORE COMMON APPLICATION PERTAINING TO THE PRODUCTION OF BRANDY

5 U. S. C. 22	Departmental Regulations.
26 U. S. C. 1650	War Tax Rates of Certain Miscellaneous Taxes.
26 U. S. C. 2800	Tax.
26 U. S. C. 2802	Stamps for Distilled Spirits.
26 U. S. C. 2808	Instruments to Prevent and Detect Fraud.
26 U. S. C. 2806	Penalties and Forfeitures.
26 U. S. C. 2809	Definitions.
26 U. S. C. 2810	Registry of Stills.
26 U. S. C. 2812	Notice of Business of Distiller or Rectifier.
26 U. S. C. 2814	Distiller's Bond.
26 U. S. C. 2815	Conditions of Approval of Distiller's Bond.
26 U. S. C. 2816	Plan of Distillery.
26 U. S. C. 2818	Notice of Manufacture of and Permit to Set Up Still.
26 U. S. C. 2819	Premises Prohibited for Distilling.
26 U. S. C. 2822	Requirements as to Furnaces, Tubs, Doublers, Worm Tanks, and Fixed Pipes.
26 U. S. C. 2823	Changes in Apparatus and Fastenings.
26 U. S. C. 2825	Exemption of Distillers of Fruit Brandy From Certain Requirements.
26 U. S. C. 2826	Keeping Distillery Accessible
26 U. S. C. 2827	Entry and Examination of Distillery.
26 U. S. C. 2828	Distillers and Rectifiers to Furnish Facilities and Give Assistance for Examination of Premises.
26 U. S. C. 2829	Installation of Meters, Tanks and Other Apparatus.
26 U. S. C. 2830	Officer's Authority to Break Up Grounds or Walls.
26 U. S. C. 2831	Signs of Distillers, Rectifiers, and Wholesale Liquor Dealers.
26 U. S. C. 2832	Conditions Precedent to Carrying on Business of Distilling.
26 U. S. C. 2833	Distilling Without Giving Bond.
26 U. S. C. 2836	Prohibited Hours for Distilling.
26 U. S. C. 2839	Drawing Off Water and Cleansing Worm Tubs.
26 U. S. C. 2841	Distiller's Books.
26 U. S. C. 2842	Penalty for Using False Weights and Measures.
26 U. S. C. 2843	Penalty for Using Unregistered Materials.
26 U. S. C. 2846	Assessment for Deficiencies in Production and Excess of Material Used.
26 U. S. C. 2850	Suspension and Resumption of Distilling.
26 U. S. C. 2857	Books of Rectifiers and Wholesale Dealers.
26 U. S. C. 2859	Bocks of Distillers as Wholesale Dealers.
26 U. S. C. 2866	Effacement of Stamps and Brands on Emptied Packages.
26 U. S. C. 2870	Prohibited Hours for Removal of Spirits.
26 U. S. C. 2877	Storekeeper - Gauger's Records.
26 U. S. C. 2878	Drawing, Gauging, and Marking of Distilled Spirits.
26 U. S. C. 2879	Deposits of Spirits in Warehouses.
26 U. S. C. 2883	Transfer of Spirits at Registered Distilleries.
26 U. S. C. 2885	Exportation of Spirits Withdrawn from Warehouses.
26 U. S. C. 2868	Transfer of Spirits Into Tank Cars for Export.
26 U. S. C. 2901	Loss Allowances.
26 U. S. C. 2916	Removal for Denaturation or Destruction of Distillates Containing Aldehydes or Fusel Oil.
26 U. S. C. 3031	Tax on Brandy or Spirits Used in Fortification.
26 U. S. C. 3033	Withdrawal of Wine Spirits.
26 U. S. C. 3036	Wine Spirits and Pure Sweet Wine.
26 U. S. C. 3037	Removal of Domestic Wines Free of Tax.
26 U. S. C. 3038	Grape and Like Wines for Industrial Use.
26 U. S. C. 3041	Spirit Meters, Locks, and Seals.
26 U. S. C. 3042	Assignment of Storekeeper-Gaugers to Fruit Distilleries and Wineries.
26 U. S. C. 3170	Transfer and Delegation of Powers.
26 U. S. C. 3171	Records, Statements, and Returns.
26 U. S. C. 3173	Penalties and Forfeitures.
26 U. S. C. 3175	Other Laws Applicable.
26 U. S. C. 3176	Rules and Regulations.
26 U. S. C. 3250	Tax.
26 U. S. C. 3254	Definitions.
26 U. S. C. 3270	Registration.
26 U. S. C. 3271	Payment of Tax.
26 U. S. C. 3272	Returns.
26 U. S. C. 3300	Establishment and Alteration.
26 U. S. C. 3301	Attachment and Cancellation.
26 U. S. C. 3656	Payment by Check and Money Orders.
26 U. S. C. 3791	Rules and Regulations.
26 U. S. C. 3809	Verification of Returns; Penalties of Perjury.
26 U. S. C. 4041	Issue of Instructions, Regulations, and Forms.
Section 2, Act of March 3, 1877.	Distiller to pay tax on rendering monthly return or may remove brandy to bonded warehouse.

SUBPART A—SCOPE OF REGULATIONS

Sec.	
184.1	Production and removal of brandy.

SUBPART B—DEFINITIONS

184.5	Meaning of terms.
184.6	Approved containers.
184.7	Brandy or brandies.
184.8	Collector.
184.9	Commissioner.
184.10	Distiller.
184.11	Distillery.
184.12	Distillery premises.
184.13	District supervisor or supervisor.
184.14	Fruit distillery.
184.15	Gallon.
184.16	Heads and tails.
184.17	Including.
184.18	Inclusive language.
184.19	I. R. C.
184.20	Laboratory analysis.
184.21	Person, proprietor, or distiller.
184.22	Prior lessee.
184.23	Proof.
184.24	Proof of distillation.
184.25	Proof gallon.
184.26	Proof spirits.
184.27	Registered distillery.
184.28	Secretary.
184.29	Tank car.
184.30	Tank truck.
184.31	Tax gallon.
184.32	U. S. C.

SUBPART C—EXEMPTION OF FRUIT DISTILLERS FROM CERTAIN PROVISIONS OF LAW

EXEMPTIONS

184.35	General.
184.36	Section 2812, I. R. C.
184.37	Section 2817, I. R. C.
184.38	Section 2819, I. R. C.
184.39	Section 2820, I. R. C.
184.40	Section 2822, I. R. C.
184.41	Section 2826, I. R. C.
184.42	Section 2836, I. R. C.
184.43	Section 2838, I. R. C.
184.44	Section 2840, I. R. C.
184.45	Section 2844, I. R. C.
184.46	Section 2849, I. R. C.
184.47	Section 2850, I. R. C.
184.48	Section 2851, I. R. C.
184.49	Section 2872, I. R. C.
184.50	Section 2877, I. R. C.
184.51	Sections 2878 (a) and 2883, I. R. C.
184.52	Exemptions subject to change.

SUBPART D—LOCATION

184.60	Restrictions.
184.61	Within 600 feet of rectifying plant.
184.62	Special application.
184.63	Changes requiring approval.

SUBPART E—CONSTRUCTION

184.70	Distillery buildings.
184.71	Foundations.
184.72	Floors.
184.73	Walls.
184.74	Roofs.
184.75	Doors.

WINDOWS IN RECEIVING AND BRANDY DEPOSIT ROOMS

184.76	General.
184.77	Windows within 12 feet of ground, etc.
184.78	Opening onto fire escape.
184.79	Extension of requirements.
184.80	Windows more than 12 feet from ground.
184.81	Set in casement.
184.82	Sash locks.
184.83	Shutters.
184.84	Iron bars.
184.85	Other windows.
184.86	Skylights, monitors, penthouses, etc.
184.87	Ventilators.
184.88	Drains.
184.89	Receiving room.
184.90	Brandy deposit room.
184.91	Filled package storeroom.

Sec.	
184.92	Fermenting room or building.
184.93	Empty container storeroom.
184.94	Government office.
184.95	Government cabinet.

SUBPART F—SIGN

184.105	Posting of sign.

SUBPART G—FENCES OR WALLS AND GATES

184.110	Construction.
184.111	Special application.
184.112	Keys to gates.

SUBPART H—EQUIPMENT

184.120	Scales for packages.
184.121	Weighing tanks.
184.122	Construction of weighing tanks.
184.123	Test weights.
184.124	Furnace doors, steam and fuel lines.
184.125	Distilling material measuring and storage tanks.
184.126	Fermenters.
184.127	Washwater receiving tanks.
184.128	Stills.
184.129	General requirements for tanks.
184.130	Measuring devices.
184.131	Heads and tails tanks.
184.132	Unfinished brandy tanks.
184.133	Distilled water tanks.
184.134	Dry boxes.
184.135	Singlings tanks.
184.136	Sumps and chargers.
184.137	Receiving tanks.
184.138	Stopcocks of receiving tanks.
184.139	Brandy storage tanks.
184.140	Pipelines.
184.141	Additional requirements for pipelines.
184.142	Preparation for sealing flanges.
184.143	Preparation for sealing unions.
184.144	Preparation for sealing valves.
184.145	Colors for pipelines.
184.146	Sufficient equipment required.
184.147	Hydrometers.
184.148	Details of construction and equipment.
184.149	Distilleries heretofore established.

SUBPART I—QUALIFYING DOCUMENTS

184.160	Notice, Form 27½.
184.161	Permit required.
184.162	Description of premises.
184.163	Description of buildings and rooms.
184.164	Distilling capacity.
184.165	Daily production.
184.166	Condition of title to premises.
184.167	Condition of title to apparatus and equipment.
184.168	Distance from rectifying plant or vinegar factory.
184.169	Amended and supplemental notices.
184.170	Consent, Form 1602.
184.171	Execution of consent.
184.172	New consent when required.
184.173	Bond in lieu of consent.
184.174	Permission required for filing bond, Form 3–A.
184.175	Application.
184.176	Bond, Form 3–A.
184.177	Bond in lieu of consent where distillery is sold for United States.
184.178	Appraisal.
184.179	Certificate of title.
184.180	Corporate documents.
184.181	List of stockholders.
184.182	Affidavit.
184.183	Articles of copartnership or association.
184.184	Power of attorney, Form 1534.
184.185	Execution of power of attorney.
184.186	Duration of power of attorney.
184.187	Bond, Form 30½.
184.188	Penal sum.
184.189	Registry of stills, Form 26.
184.190	Plat and plans.
184.191	Statement of process.
184.192	Additional information.
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SUBPART J—BONDS AND CONSENTS OF SURETY

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184.201	Surety or security.
184.202	Corporate surety.
184.203	Two or more corporate sureties.
184.204	Powers of attorney.
184.205	Individual sureties.
184.206	Ownership of real property.
184.207	Description of real property.
184.208	Execution of Form 33.
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184.211	Investigation.
184.212	Requalification.
184.213	Interest in business.
184.214	Deposit of collateral.
184.215	Consents of surety.
184.216	Approval required.
184.217	Authority to approve.
184.218	Cause for disapproval.
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SUBPART K—PLATS AND PLANS

184.230	Plat and plans required.
184.231	Preparation.
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184.233	Rectifying plant within 600 feet.
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184.235	Floor plans.
184.236	Elevational flow diagrams.
184.237	Pipelines in colors.
184.238	Location of valves, flanges, locks, etc.
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184.240	Certificate of accuracy.
184.241	Revised plats and plans.

SUBPART L—REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES, AND EQUIPMENT, AND IN THE TITLE TO THE DISTILLERY PROPERTY OR THE ENCUMBRANCE THEREOF

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CHANGE IN INDIVIDUAL, FIRM, OR CORPORATE NAME

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184.254	Sign.
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184.257	Basic qualification required.
184.258	Trade names certificate.
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184.260	Branding and warehousing.
184.261	Records.
184.262	Period of operations.
184.263	Subsequent operations.

CHANGES IN PROPRIETORSHIP

184.264	Requirements for transfer.
184.265	Notice, Form 27½.
184.266	Registry of stills.
184.267	Notice of suspension.
184.268	Finished brandy.
184.269	Materials and unfinished brandy.
184.270	Records.
184.271	Qualification of successor.
184.272	Lessee.
184.273	Other nonfiduciary successor.
184.274	Fiduciary.
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184.279	Changes in partnership.
184.280	Changes in stockholders, officers, and directors of corporation.
184.281	Reincorporation.

CHANGES IN LOCATION, PREMISES AND EQUIPMENT

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184.283	Changes in premises.
184.284	Changes in construction and use.
184.285	Indemnity bond covering changes in buildings.
184.286	Appraisal.
184.287	Changes in equipment.
184.288	Indemnity bond covering removal of equipment.
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CHANGE IN TITLE TO DISTILLERY PROPERTY OR THE ENCUMBRANCE THEREOF

184.290	Change of title.
184.291	Encumbrance.

SUBPART M—REQUIREMENTS GOVERNING OPERATION OF DISTILLERY UNDER ALTERNATING PROPRIETORSHIPS

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SUSPENSION FOR SUBSEQUENT ALTERNATE PROPRIETORSHIPS

184.307	Requirements.

RESUMPTION FOR SUBSEQUENT ALTERNATE PROPRIETORSHIPS

184.308	Requirements.

ACTION BY DISTRICT SUPERVISOR

184.309	Approval and disposition of Form 1696.

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SUSPENSION FOR SUBSEQUENT ALTERNATE OPERATIONS

184.317	Requirements

RESUMPTION FOR SUBSEQUENT ALTERNATE OPERATIONS

184.318	Requirements.

ACTION BY DISTRICT SUPERVISOR

184.319	Approval and disposition of Form 1696.

SUBPART O—ACTION BY DISTRICT SUPERVISOR

ORIGINAL ESTABLISHMENT

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184.327	Distillery fence application.
184.328	Indemnity bond application.
184.329	Examination of other qualifying documents.
184.330	Inspection of premises.
184.331	Report of inspection.
184.332	Law violation record.
184.333	Approval of qualifying documents.
184.334	Registry numbers.
184.335	Disapproval of qualifying documents.
184.336	Disposition of qualifying documents.

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

184.337	Procedure applicable.
184.338	Indemnity bond, Form 1617.
184.339	Applications and reports covering changes.

ANNUAL NOTICES AND BONDS, CONSENTS OF SURETY, AND ADDITIONAL AND SUPERSEDING BONDS

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184.350 Review of documents.

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

184.351 Procedure applicable.

SUBPART Q—TERMINATION OF BONDS

184.355 Termination of distiller's bond.
184.356 Termination of indemnity bond, Form 3–A.
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184.358 Termination of export bonds.
184.359 Application of surety for relief from bond.
184.360 Action on application for notice of termination of distiller's bond.
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SUBPART R—MANUFACTURE OF BRANDY

KINDS OF MATERIALS AND BRANDIES

184.370 Kinds of materials.
184.371 Kinds of brandies for fortification of wine.
184.372 Artificial coloring.

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184.373 Notice, Form 125.
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184.376 Weighing materials received.
184.377 Remeasurement of wine.
184.378 Record of materials received.
184.379 Addition of water.
184.380 Non-fermentable materials.
184.381 Materials crushed for fermenting.
184.382 Sweetened grape cheese.
184.383 Verification of quantity of alcoholic content of materials received.
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184.385 Verification of distiller's tests.
184.386 Qualification prerequisite to operation.

DISTILLATION

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184.388 Continuous distillation.
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184.390 Gauging of singlings.
184.391 Redistillation of singlings.
184.392 Record of singlings.
184.393 Distillation requiring supervision.
184.394 Request for assignment of officer.
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184.396 Heads and tails.

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184.397 When to be locked.
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TREATMENT OF BRANDY IN COURSE OF DISTILLATION

184.399 Rectification.
184.400 Purifying or refining brandy.
184.401 Percolation through oak chips.
184.402 Samples before and after treating.
184.403 Disposition of substances used for treating brandy.

DEPOSIT OF BRANDY IN RECEIVING TANKS

184.404 Immediate deposit required.

COMPARISON OF ACTUAL YIELD WITH CALCULATED YIELD

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184.406 Distiller's responsibility.

DISPOSITION OF RESIDUE OF DISTILLING MATERIAL

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DESTRUCTION OF DISTILLING MATERIAL UNFIT FOR DISTILLATION

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184.410 Report of destruction.
184.411 Destruction of wine.

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184.421 Collection of distillates.
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184.424 Application.
184.425 Samples by storekeeper-gauger.
184.426 Analysis of samples.
184.427 District supervisor's order to gauge.
184.428 Disapproval of application.
184.429 Distillates or brandy not meeting requirements for denaturation or destruction.
184.430 Gauge of distillate or brandy.
184.431 Marking and branding of packages.
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184.434 Period of storage in brandy deposit room.
184.435 Removal of previously filled packages
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184.437 Release for denaturation.
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AUTHORITY: §§ 184.1 to 184.862 issued under 53 Stat. 375; 26 U. S. C. 3176. Other statutory provisions interpreted or applied are cited to the text in parentheses.

LAWS OF MORE COMMON APPLICATION PERTAINING TO THE PRODUCTION OF BRANDY AND ITS REMOVAL FROM THE DISTILLERY [1]

5 U. S. C. 22 DEPARTMENTAL REGULATIONS. The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

26 U. S. C. 1650 WAR TAX RATES OF CERTAIN MISCELLANEOUS TAXES. In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following table, the rates applicable with respect to the period beginning with the effective date of Title III of the Revenue Act of 1943 shall be the rates set forth under the heading "War Tax Rate":

Section	Description of tax	Old rate	War tax rate
•	•	•	•
2800 (a) (1)	Distilled spirits	$6 per gallon.	$9 per gallon.
•	•	•	•

26 U. S. C. 2800 TAX—(a) *Rate*—(1) *Distilled spirits generally.* There shall be levied and collected on all distilled spirits in bond or produced in or imported into the United States an internal revenue tax at the rate of $6.00 on each proof gallon or wine gallon when below proof and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid by the distiller or importer when withdrawn from bond.

(A) *Payment of tax as to domestic spirits.* The tax on distilled spirits produced in the United States, to be paid upon withdrawal from bond, and the tax on rectified spirits produced in the United States, shall be paid by stamp, under such rules and regulations, permits, bonds, records, and returns, and with the use of such tax-stamp machines or other devices and apparatus, including but not limited to storage, gauging, and bottling tanks and pipelines, as the Commissioner with the approval of the Secretary shall prescribe.

(B) *Penalties.* Whoever manufactures, procures, possesses, uses, or tampers with a tax-stamp machine which may be required under this section with intent to evade the internal revenue tax imposed upon distilled spirits and rectified spirits, and whoever, with intent to defraud, makes, alters, simulates, or counterfeits any stamp of the character imprinted by such stamp machines, or who procures, possesses, uses, or sells any forged, altered, counterfeited, or simulated tax stamp, or any plate, die, or device intended for use in forging, altering, counterfeiting, or simulating any such stamps, or who otherwise violates the provisions of this section, or the regulations issued pursuant thereto, shall pay a penalty of $5,000 and shall be fined not more than $10,000 or be imprisoned not more than 5 years, or both, and any machine, device, equipment, or materials used in violation of this section shall be forfeited to the United States and after condemnation shall be destroyed. But this provision shall not exclude any other penalty or forfeiture provided by law.

(2) *Products of distillation containing distilled spirits.* All products of distillation, by whatever name known, which contain distilled spirits or alcohol, on which the tax imposed by law has not been paid, shall be considered and taxed as distilled spirits.

• • • • •

(c) *Time of attachment.* The tax shall attach to distilled spirits, spirits, alcohol or alcoholic spirit, within the meaning of subsection (b) of section 2809 as soon as this substance is in existence as such, whether it be subsequently separated as pure or impure spirit, or be immediately, or at any subsequent time, transferred into any other substance, either in the process of original production or by any subsequent process.

(d) *Persons liable.* Every proprietor or possessor of, and every person in any manner interested in the use of, any still, distillery, or distilling apparatus, shall be jointly and severally liable for the taxes imposed by law on the distilled spirits produced therefrom.

(e) *Lien*—(1) *Property subject to.* The tax shall be a first lien on the spirits distilled, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the lot or tract of land whereon the said distillery is situated, and on any building thereon from the time said spirits are in existence as such until (except as provided in paragraph (3)), the said tax is paid.

(2) *Exception during term of bonds.* No lien shall attach to any lot or tract of land, distillery, building, or distilling apparatus, under the provisions of this subsection, by reason of distilling done during any period included within the term of any bond taken under the provisions of section 2815 (b) (1) (C).

(3) *Extinguishment.* Any lien under paragraph (1) on any land or any building thereon shall be held to be extinguished, if (1) such land and building are no longer used for distillery purposes, and (2) there is no outstanding liability for taxes or penalties imposed by law on the distilled spirits produced therein, and (3) no litigation is pending in respect of any such tax or penalty.

(4) *Certificate of discharge.* Any person claiming any interest in any such land or building may apply to the collector for a duly acknowledged certificate to the effect that such lien is discharged and, if the Commissioner determines that any such lien is extinguished, the collector shall issue such certificate, and any such certificate may be recorded.

• • • • •

26 U. S. C. 2802 STAMPS FOR DISTILLED SPIRITS—(a) *Issue for restamping.* The Commissioner may, under regulations prescribed by him with the approval of the Secretary, issue stamps for restamping packages of distilled spirits, which have been duly stamped but from which the stamps have been lost or destroyed by unavoidable accident.

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26 U. S. C. 2806 PENALTIES AND FORFEITURES—(a) *Creation of fictitious proof*—(1) *Penalty.* Every person who adds or causes to be added any ingredient or substance to any distilled spirits before the tax is paid thereon, for the purpose of creating a fictitious proof, shall be fined not less than $100 nor more than $1,000 for each cask or package so adulterated, and imprisoned not less than three months nor more than two years; and

(2) *Forfeiture.* Every such cask or package, with its contents, shall be forfeited to the United States.

(b) *Unlawful affixing, canceling, or issue of stamps by officer*—(1) *Penalty.* Whenever any revenue officer affixes or cancels, or causes or permits to be affixed or canceled, any stamp relating to distilled spirits provided for by law, in any other manner or in any other place, or issues the same to any other person than as provided by law, or by regulation made in pursuance thereof, or knowingly affixes, or permits to be affixed, any such stamp to any cask or package of spirits of which the whole or any part has been distilled, rectified, compounded, removed, or

[1] The sections of the United States Code are numbered identically with the corresponding sections of the Internal Revenue Code.

sold, in violation of law, or which has in any manner escaped payment of tax due thereon, he shall, for every such offense, be fined not less than $500 nor more than $3,000, and be imprisoned for not less than six months nor more than three years.

(2) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

(c) *Forfeiture of tax-paid distilled spirits remaining on distillery premises.* No distilled spirits on which the tax has been paid shall be stored or allowed to remain on any distillery premises, under the penalty of a forfeiture of all spirits so found.

(d) *Forfeiture of distilled spirits in unstamped casks or packages.* All distilled spirits found in any cask or package containing five gallons or more, without having thereon each mark and stamp required therefor by law, shall be forfeited to the United States.

(e) *Evasion of Tax, Penalty.* Whenever any person evades, or attempts to evade, the payment of the tax on any distilled spirits, in any manner whatever, he shall forfeit and pay double the amount of the tax so evaded or attempted to be evaded.

(f) *Tax Fraud by Distiller.* Whenever any person engaged in carrying on the business of a distiller defrauds or attempts to defraud the United States of the tax on the spirits distilled by him, or of any part thereof, he—

(1) *Forfeiture.* Shall forfeit the distillery and distilling apparatus used by him, and all distilled spirits and all raw materials for the production of distilled spirits found in the distillery and on the distillery premises, and—

(2) *Penalty.* Shall be fined not less than $500 nor more than $5,000, and be imprisoned not less than six months nor more than three years.

No discontinuance or nolle prosequi of any prosecution under this subsection shall be allowed without the permission in writing of the Attorney General.

(g) *Offenses not specifically covered.* If any distiller, rectifier, or wholesale liquor dealer, shall knowingly or willfully omit, neglect or refuse to do or cause to be done any of the things required by law in the carrying on or conducting of his business, or shall do anything by this title prohibited, if there be no specific penalty or punishment imposed by any other section of this title for the neglecting, omitting or refusing to do, or for the doing or causing to be done the thing required or prohibited, he shall pay a penalty of $1,000; and all distilled spirits or liquors owned by him or in which he has any interest as owner, shall be forfeited to the United States.

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26 U. S. C. 2808 INSTRUMENTS TO PREVENT AND DETECT FRAUD—(a) *Power of the Commissioner.* For the prevention and detection of frauds by distillers of spirits, the Commissioner may prescribe for use such hydrometers, saccharometers, weighing and gauging instruments, or other means for ascertaining the quantity, gravity, and producing capacity of any mash, wort, or beer used, or to be used, in the production of distilled spirits, and the strength and quantity of spirits subject to tax, as he may deem necessary; and he may prescribe rules and regulations to secure a uniform and correct system of inspection, weighing, marking, and gauging of spirits.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2809 DEFINITIONS—(a) *Distiller.* Every person who produces distilled spirits, or who brews or makes mash, wort, or wash, fit for distillation or for the production of spirits, or who, by any process of evaporization, separates alcoholic spirit from any fermented substance, or who, making or keeping mash, wort, or wash, has also in his possession or use a still, shall be regarded as a distiller.

(b) *Distilled spirits*—(1) *General definition.* Distilled spirits, spirits, alcohol, and alcoholic spirits within the true intent and meaning of this chapter, is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance.

• • • • •

(c) *Proof spirits.* Proof spirits shall be held to be that alcoholic liquor which contains one-half its volume of alcohol of a specific gravity of seven thousand nine hundred and thirty-nine ten-thousands (0.7939) at sixty degrees Fahrenheit.

• • • • •

26 U. S. C. 2810 REGISTRY OF STILLS—(a) *Requirement.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up, shall register the same with the collector of the district in which it is, by subscribing and filing with him duplicate statements, in writing, setting forth the particular place where such still or distilling apparatus is set up, the kind of still and its cubic contents, the owner thereof, his place of residence, and the purpose for which said still or distilling apparatus has been or is intended to be used; one of which statements shall be retained and preserved by the collector, and the other transmitted by him to the Commissioner. Stills and distilling apparatus shall be registered immediately upon their being set up.

Every still or distilling apparatus not so registered, together with all personal property in the possession or custody, or under the control of such person, and found in the building, or in any yard or inclosure connected with the building in which the same may be set up, shall be forfeited.

And every person having in his possession or custody, or under his control, any still or distilling apparatus set up which is not so registered, shall pay a penalty of $500, and shall be fined not less than $100, nor more than $1,000, and imprisoned for not less than one month, nor more than two years.

Stills and distilling apparatus set up at refineries for the refining of crude petroleum or the production of petroleum products and not used in the manufacture of distilled spirits are not required to be registered under this section.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2812 NOTICE OF BUSINESS OF DISTILLER OR RECTIFIER—(a) *Requirements.* Every person engaged in, or intending to be engaged in, the business of a distiller or rectifier, shall give notice in writing, subscribed by him, to the collector of the district wherein such business is to be carried on, stating his name and residence, and if a company or firm, the name and residence of each member thereof, the name and residence of every person interested or to be interested in the business, the precise place where said business is to be carried on, and whether of distilling or rectifying; and if such business is carried on in a city, the residence and place of business shall be indicated by the name of the street and number of the building. In case of a distiller, the notice shall also state the kind of stills and the cubic contents thereof, the number and kind of boilers, the number of mash tubs and fermenting tubs, the cubic contents of each tub, the number of receiving cisterns, the cubic contents of each cistern, • • • the estimated quantity of distilled spirits which the apparatus is capable of distilling every twenty-four hours, a particular description of the lot or tract of land on which the distillery is situated, and of the buildings thereon, including their size, material, and construction; and that said distillery premises are not within six hundred feet (or the distance permitted by the Secretary pursuant to law), in a direct line, of any premises authorized to be used for rectifying or refining distilled spirits by any process.

• • • • • •

In case of any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of such distillery or rectifying establishment, • • • notice thereof, in writing, shall be given to the said collector or proper deputy collector, of the district within twenty-four hours after such change; and any deputy collector receiving such notice shall immediately transmit the same to the collector of the district. Every notice required by this section shall be in such form, and shall contain such additional particulars, as the Commissioner may, from time to time, prescribe.

Every person who fails or refuses to give such notice shall pay a penalty of $1,000, and shall be fined not less than $100 nor more than $2,000; and every person who gives a false or fraudulent notice shall, in addition to such penalty or fine, be imprisoned not less than six months nor more than two years.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2814 DISTILLER'S BOND—(a) *Form and approval*—(1) *In general.* Every person intending to commence or to continue the business of a distiller shall, on filing with the collector his notice of such intention, and before proceeding with such business, and on the 1st day of May of each succeeding year, execute a bond in the form prescribed by the Commissioner, conditioned that he shall faithfully comply with all the provisions of law relating to the duties and business of distillers, and shall pay all penalties incurred or fines imposed on him for a violation of any of the said provisions; and that he shall not suffer the lot or tract of land on which the distillery stands, or any part thereof, or any of the distilling apparatus, to be incumbered by mortgage, judgment, or other lien, during the time in which he shall carry on said business. Said bond shall be with at least two sureties, approved by the collector of the district, and for a penal sum not less than the amount of tax on the spirits that can be distilled in his distillery during a period of fifteen days. But in no case shall the bond exceed the sum of $100,000.

The collector may refuse to approve said bond when, in his judgment, the situation of the distillery is such as would enable the distiller to defraud the United States; and in case of such refusal the distiller may appeal to the Commissioner, whose decision in the matter shall be final. A new bond shall be required in case of the death, insolvency, or removal of either of the sureties, and may be required in any other contingency at the discretion of the collector or Commissioner.

Every person who fails or refuses to give the bond hereinbefore required, or to renew the same, or who gives any false, forged, or fraudulent bond, shall forfeit the distillery, distilling apparatus, and all real estate and premises connected therewith, and shall be fined not less than $500 nor more than $5,000, and imprisoned not less than six months nor more than two years.

(2) *When exempt from survey requirements.* Whenever, under authority of law, the Secretary shall relieve a distiller from the survey requirements of section 2817, he may likewise by regulation fix the penal sum of the distiller's bond, but in no case shall the amount of the minimum bond be less than $5,000 nor the amount of the maximum bond greater than $100,000.

(b) *Cross references.* • • •

(2) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2815 CONDITIONS OF APPROVAL OF DISTILLER'S BOND—(a) *General.* No collector shall approve the bond of any distiller until all the requirements of the law and all regulations made by the Commissioner in relation to distilleries, in pursuance thereof, have been complied with.

Every collector who violates this provision shall forfeit and pay $2,000, and be dismissed from office.

(b) *Ownership of land or consent of owner*—(1) *Requirements.* No bond of a distiller shall be approved unless—

(A) The distiller is the owner in fee, unencumbered by any mortgage, judgment, or other lien, of the lot or tract of land on which the distillery is situated; or

(B) The distiller files with the officer designated for the purpose by the Commissioner, in connection with his notice, the written consent of the owner of the fee, and of any mortgagee, judgment-creditor, or other person having a lien thereon, duly acknowledged, that the premises may be used for the purpose of distilling spirits, subject to the provisions of law, and expressly stipulating that the lien of the United States for taxes and penalties shall have priority of such mortgage, judgment, or other encumbrance, and that in the case of the forfeiture of the distillery premises, or any part thereof, the title to the same shall vest in the United States, discharged from such mortgage, judgment, or other encumbrance; or, if consent as required under this paragraph cannot be obtained,

(C) The distiller, with the approval of the Commissioner, files with the officer designated by the Commissioner a bond, approved by the Commissioner, in the penal sum equal to the appraised value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus. Such value shall be determined, and such bond shall be executed, in such form and with such sureties, and filed with the officer designated by the Commissioner, under such regulations as the Secretary shall prescribe.

(D) In case of any distillery sold at judicial or other sale in favor of the United States, a bond may be taken at the discretion of the Commissioner, in lieu of the written consent required by this section, and the person giving such bond may be allowed to operate such distillery during the existence of the right of redemption from such sale on complying with all the other provisions of law.

(2) *Cross references*—(A) *Distilleries erected prior to July 20, 1868.* For distilleries erected prior to July 20, 1868, see section 3180.

(B) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

(c) *Approval as condition to commencing business.* No individual, firm, partnership, corporation, or association, intending to commence or to continue the business of a distiller, rectifier, brewer, or winemaker, shall commence or continue the business of a distiller, rectifier, brewer, or winemaker until all bonds in respect of such a business, required by any provision of law, have been approved by the Commissioner or such other officer of the Bureau of Internal Revenue as the Commissioner, with the approval of the Secretary, may designate.

(d) *Disapproval.* The Commissioner or the designated officer may disapprove any such bond or bonds if the individual, firm, partnership, corporation or association giving the same, or owning, controlling, or actively participating in the management of the business of the individual or firm, partnership, corporation, or association giving the same, shall have been previously convicted, in a court of competent jurisdiction, of (1) any fraudulent noncompliance with any provision of any law of the United States if such provision related to internal-revenue or customs taxation of distilled spirits, wines, or fermented malt liquors, or if such an offense shall have been compromised with the individual, firm, partnership, corporation, or association upon payment of penalties or otherwise, or (2) any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of distilled spirits, wine, fermented malt liquor, or other intoxicating liquor.

(e) *Appeal from disapproval.* In case the disapproval is by any officer other than the Commissioner, the individual, firm, partnership, corporation, or association giving the bond may appeal from such disapproval to the Commissioner.

The disapproval of the Commissioner in any matter under this section shall be final.

(f) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2816 PLAN OF DISTILLERY—(a) *Requirements.* Except as provided in section 2824 (a), every distiller and person intending to engage in the business of a distiller shall, previous to the approval of his bond, cause to be made, under the direction of the collector of the district, an accurate plan and description, in triplicate, of the distillery and distilling apparatus, distinctly showing the location of every still, boiler, doubler, worm tub, and receiving cistern, the course and construction of all fixed pipes used or to be used in the distillery, and of every branch and every cock or joint thereof, and of every valve therein, together with every place, vessel, tub, or utensil from and to which any such pipe leads, or with which it communicates; also the number and location and cubic contents of every still, mash tub, and fermenting tub, the cubic contents of every receiving cistern, and the color of each fixed pipe, as required in this chapter. One copy of said plan and description shall be kept displayed in some conspicuous place in the distillery, and two copies shall be furnished to the collector of the district, one of which shall be kept by him, and the other transmitted to the Commissioner. The accuracy of every such plan and description shall be verified by the collector, the draughtsman, and the distiller; and no alteration shall be made in such distillery without the consent, in writing, of the collector. Any alteration so made shall be shown on the original, or by a supplemental plan and description, and a reference thereto noted on the original, as the collector may direct; and any supplemental plan and description shall be executed and preserved in the same manner as the original.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2818 NOTICE OF MANUFACTURE OF AND PERMIT TO SET UP STILL.—(a) *Requirement.* Any person who manufactures any still, boiler, or other vessel to be used for the purpose of distilling, shall, before the same is removed from the place of manufacture, notify in writing the collector of the district in which such still, boiler, or other vessel is to be used or set up, by whom it is to be used, its capacity, and the time when the same is to be removed from the place of manufacture; and no such still, boiler, or other vessel shall be set up without the permit in writing of the said collector for that purpose; and

(b) *Penalty for setting up still without permit.* Any person who sets up any such still, boiler, or other vessel, without first obtaining a permit from the said collector of the district in which such still, boiler, or other vessel is intended to be used, or who fails to give such notice, shall pay in either case the sum of $500, and shall forfeit the distilling apparatus thus removed or set up in violation of law.

(c) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2819 PREMISES PROHIBITED FOR DISTILLING. No person shall use any still, boiler, or other vessel, for the purpose of distilling, in any dwelling house, or in any shed, yard, or inclosure connected with any dwelling house, or on board of any vessel or boat, or in any building, or on any premises where beer, lager beer, ale, porter, or other fermented liquors, vinegar, or ether, are manufactured or produced, or where sugars or sirups are refined, or where liquors of any description are retailed, or where any other business is carried on; or within six hundred feet in a direct line of any premises authorized to be used for rectifying, except that the Secretary is authorized to permit such use for distilling on premises at such lesser distance than six hundred feet as he prescribes, in any case in which he deems that such permission may be granted without danger to the revenue; and every person who does any of the acts prohibited by this section, or aids or assists therein, or causes or procures the same to be done, shall be fined $1,000 and imprisoned for not less than six months nor more than two years, in the discretion of the court, for each such offense: *Provided*, That saleratus may be manufactured, or meal or flour ground from grain, in any building or on any premises where spirits are distilled; but such meal or flour shall be used only for distillation on the premises: *Provided further*, That any boiler used in generating steam or heating water to be used in any distillery, may be located in any other building or on any other premises to be connected with such still or boiling tubs, by suitable pipes or other apparatus, or the steam from such boiler in the distillery may be conveyed to other premises to be used for manufacturing or other purposes.

26 U. S. C. 2822 REQUIREMENTS AS TO FURNACES, TUBS, DOUBLERS, WORM TANKS, AND FIXED PIPES—(a) *Requirements.* The door of the furnace of every still or boiler used in any distillery shall be so constructed that it may be securely fastened and locked. The fermenting tubs shall be so placed as to be easily accessible to any revenue officer, and each tub shall have distinctly painted thereon in oil colors its cubic contents in gallons and the number of the tub. There shall be a clear space of not less than one foot around every wood still, and not less than two feet around every doubler and worm tank. The doubler and worm tanks shall be elevated not less than one foot from the floor; and every fixed pipe to be used by the distiller, except for conveyance of water, or of spent mash or beer only, shall be so fixed and placed as to be capable of being examined by the officer for the whole of its length or course, and shall be painted, and kept painted, as follows, that is to say: Every pipe for the conveyance of mash or beer shall be painted of a red color; every pipe for the conveyance of low-wines back into the still or doubler shall be painted blue; every pipe for the conveyance of spirits shall be painted black, and every pipe for the conveyance of water shall be painted white. Whenever any fixed pipe is used by any distiller which is not painted or kept painted as herein directed, or which is painted otherwise than as herein directed, he shall forfeit the sum of $1,000.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2823 CHANGES IN APPARATUS AND FASTENINGS—(a) *Power of Commissioner.* The Commissioner is authorized to order and require such changes of or additions to distilling apparatus, connecting pipes, pumps, or cisterns, or any machinery connected with or used in or on the distillery premises, or may require to be put on any of the stills, tubs, cisterns, pipes, or other vessels, such fastenings, locks, or seals, as he may deem necessary.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2825 EXEMPTION OF DISTILLERS OF FRUIT BRANDY FROM CERTAIN REQUIREMENTS. The Commissioner, with the approval of the Secretary, may exempt distillers of brandy made exclusively from apples, peaches, grapes, oranges, pears, pineapples, apricots, berries, plums, pawpaws, papayas, cantaloups, persimmons, prunes, figs, cherries, dates, or citrus fruits (except lemons and limes) from any provision of the internal-revenue laws relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so: *Provided*, That where, in the manufacture of wine or citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wine, papaya wine, pineapple wine, cantaloup wine, or apple wine, artificial sweetening has been used, the wine, or the fruit pomace residuum thereof, or the citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wine, papaya wine, pineapple wine, cantaloup wine, or apple wine, may be used in the distillation of brandy or citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy, as the case may be, and such use shall not prevent the Commissioner, with the approval of the Secretary, from exempting such distiller from any provision of the internal-revenue laws relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so: *And provided further*, That the distillers mentioned in this section may add to not less than five hundred gallons (ten barrels) of grape cheese not more than five hundred gallons of a sugar solution made from cane, beet, starch, or corn sugar, 95 per centum pure, such solution to have a saccharine strength of not to exceed 10 per centum, and may ferment the resultant mixture on a winery or distillery premises, and such fermented product shall be regarded as distilling material.

26 U. S. C. 2826 KEEPING DISTILLERY ACCESSIBLE—(a) *Requirements.* No fence or wall of a height greater than five feet shall be erected or maintained around the premises of any distillery, so as to prevent easy and immediate access to such distillery, but the Secretary may authorize the construction and maintenance of a fence or wall of such greater height than five feet as he shall prescribe in any case in which in his opinion such higher fence or wall is necessary to give adequate protection from trespassers. And every distiller shall furnish to the collector of the district as many keys of the gates and doors of the distillery as may be required by the collector, from time to time, for any revenue officer or other person who may be authorized to make survey or inspection of the premises, or of the contents thereof; and said distillery shall be kept always accessible to any officer or other person having any such key. Every person who violates any of the provisions of this subsection by negligence or refusal, or otherwise, shall pay a penalty of $500.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2827 ENTRY AND EXAMINATION OF DISTILLERY—(a) *Power of revenue officers.* It shall be lawful for any revenue officer at all times, as well by night as by day, to enter into any distillery or building or place used for the business of distilling, or used in connection therewith for storage or other purposes, and to examine, gauge, measure, and take an account of every still or other vessel or utensil of any kind, and of all low-wines, and of the quantity and gravity of all mash, wort, or beer, and of all yeast, or other compositions for exciting or producing fermentation in any mash or beer, of all spirits and of all materials for making or distilling spirits, which may be in any such distillery or premises, or in possession of the distiller.

And whenever any internal revenue officer, or any person called by him to his aid, is hindered, obstructed, or prevented by any distiller or by any workman, or other person acting for such distiller, or in his employ, from entering into any such distillery or building or place as aforesaid; or any such officer is by the distiller, or his workman, or any person in his employ, prevented or hindered from, or opposed, or obstructed, or molested in the performance of his duty under the internal revenue laws, in any respect, the distiller shall forfeit the sum of not exceeding $1,000.

And whenever any officer, having demanded admittance into a distillery or distillery premises, and having declared his name and office, is not admitted into such distillery or premises by the distiller or other person having charge thereof, it shall be lawful for such officer at all times, as well by night as by day, to break open by force any of the doors or windows, or to break through any of the walls of such distillery or premises necessary to be broken open or through, to enable him to enter the said distillery or premises; and the distiller shall forfeit the sum of not exceeding $1,000.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2828 DISTILLERS AND RECTIFIERS TO FURNISH FACILITIES AND GIVE ASSISTANCE FOR EXAMINATION OF PREMISES—(a) *Power of revenue officers.* On the demand of any internal revenue officer or agent, every distiller or rectifier shall furnish strong, safe, and convenient ladders of sufficient length to enable the officer or agent to examine and gauge any vessel or utensil in such distillery or premises; and shall, at all times when required, supply all assistance, lights, ladders, tools, staging, or other things necessary for inspecting the premises, stock, tools, and apparatus belonging to such person, and shall open all doors, and open for examination all boxes, packages, and all casks, barrels, and other vessels not under the control of the revenue officer in charge, under a penalty of $500 for every refusal or neglect so to do.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2829 INSTALLATION OF METERS, TANKS, AND OTHER APPARATUS—(a) *Power of the Commissioner.* The Commissioner, with the approval of the Secretary, is authorized to require at distilleries, breweries, rectifying houses, and wherever else in his judgment such action may be deemed advisable, the installation of meters, tanks, pipes, or any other apparatus for the purpose of protecting the revenue, and such meters, tanks, and pipes and all necessary labor incident thereto shall be at the expense of the person on whose premises the installation is required. Any such person refusing or neglecting to install such apparatus when so required by the Commissioner shall not be permitted to conduct business on such premises.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2830 OFFICER'S AUTHORITY TO BREAK UP GROUNDS OR WALLS—(a) *Power of revenue agent.* It shall be lawful for any revenue officer, and any person acting in his aid, to break up the ground on any part of a distillery, or premises of a distiller or rectifier, or any ground adjoining or near to such distillery or premises, or any wall or partition thereof, or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil; and, upon finding any such pipe or conveyance leading therefrom or thereto, to break up any ground, house, wall, or other place through or into which such pipe or other conveyance leads, and to break or cut away such pipe or other conveyance, and turn any cock, or to examine whether such pipe or other conveyance conveys or conceals any mash, wort, or beer, or other liquor, which may be used for the distillation of low-wines or spirits, from the sight or view of the officer, so as to prevent or hinder him from taking a true account thereof.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2831 SIGNS OF DISTILLERS, RECTIFIERS, AND WHOLESALE LIQUOR DEALERS. Every person engaged in distilling or rectifying spirits, and every wholesale liquor dealer, shall place and keep conspicuously on the outside of the place of such business a sign, exhibiting in plain and legible letters, not less than three inches in length, painted in oil-colors or gilded, and of a proper and proportionate width, the name or firm of the distiller, rectifier, or wholesale dealer, with the words: "Registered distillery," "rectifier of spirits," or "wholesale liquor dealer," as the case may be. Every person who violates the foregoing provision by negligence or refusal, or otherwise, shall pay a penalty of $500.

And every person, other than a rectifier or wholesale liquor dealer who has paid the special tax, or a distiller who has given bond as required by law, who puts up or keeps up the sign required by this section, or any sign indicating that he may lawfully carry on the business of a distiller, rectifier, or wholesale liquor dealer, shall forfeit and pay $1,000, and shall be imprisoned not less than one month nor more than six months. And every person who works in any distillery, rectifying establishment, or wholesale liquor store, on which no sign is placed and kept, as hereinbefore provided; and every person who knowingly receives at, carries or conveys any distilled spirits to or from, any such distillery, rectifying establishment, warehouse, or store, or who knowingly carries and delivers any grain, molasses, or other raw material to any distillery on which such sign is not placed and kept, shall forfeit all horses, carts, drays, wagons, or other vehicle or animal used in carrying or conveying such property aforesaid, and shall be fined not less than $100 no more than $1,000, or be imprisoned not less than one month nor more than six months.

26 U. S. C. 2832 CONDITIONS PRECEDENT TO CARRYING ON BUSINESS OF DISTILLING. It shall not be lawful for any distiller to commence the business of distilling, until he has given the bond required by law, and complied with the provisions of law relating to the registration • • • of distilleries, and the arrangement and construction of distilleries and the premises connected therewith; nor shall it be lawful for any person to engage in the business of distilling on any premises distant less than six hundred feet in a direct line from any premises used for rectifying; nor shall the processes of distillation and rectification both be carried on within the distance of six hundred feet in a direct line; except that the Secretary is authorized to permit such business of distilling or process of distillation to be carried on at such lesser distance than six hundred feet as he prescribes, in any case in which he deems that such permission may be granted without danger to the revenue.

26 U. S. C. 2833 DISTILLING WITHOUT GIVING BOND—(a) *Penalty and forfeiture.* Any person who shall carry on the business of a distiller without having given bond as required by law, or who shall engage in or carry on the business of a distiller with intent to defraud the United States of the tax on the spirits distilled by him, or any part thereof, shall, for every such offense, be fined

not less than $100 nor more than $5,000 and imprisoned for not less than thirty days nor more than two years. And all distilled spirits or wines, and all stills or other apparatus, fit or intended to be used for the distillation or rectification of spirits, or for the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the distillery or in any building, room, yard, or inclosure connected therewith, and used with or constituting a part of the premises, and all the right, title, and interest of such person in the lot or tract of land on which such distillery is situated, and all right, title, and interest therein of every person who knowingly has suffered or permitted the business of a distiller to be there carried on, or has connived at the same; and all personal property owned by or in possession of any person who has permitted or suffered any building, yard, or inclosure, or any part thereof, to be used for purposes of ingress or egress to or from such distillery, which shall be found in any such building, yard, or inclosure, and all the right, title, and interest of every person in any premises used for ingress or egress to or from such distillery, who has knowingly suffered or permitted such premises to be used for such ingress or egress, shall be forfeited to the United States.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2838 PROHIBITED HOURS FOR DISTILLING. Except as provided in section 2837, no malt, corn, grain, or other material shall be mashed, nor any mash, wort, or beer brewed or made, nor any still used by a distiller, at any time between the hour of eleven in the afternoon of any Saturday and the hour of one in the forenoon of the next succeeding Monday; and every person who violates the provisions of this section shall be liable to a penalty of $1,000.

26 U. S. C. 2839 DRAWING OFF WATER AND CLEANSING WORM TUBS—(a) *Requirements.* Whenever any officer or internal revenue agent requires the water contained in any worm tub in a distillery, at any time when the still is not at work, to be drawn off, and the tub and worm cleansed, the water shall forthwith be drawn off, and the tub and worm cleansed by the distiller, or his workmen, accordingly; and the water shall be kept and continued out of such worm tub for the period of two hours, or until the officer or agent has finished his examination thereof. For any refusal or neglect to comply with any provision of this section, the distiller shall forfeit the sum of not exceeding $1,000; and it shall be lawful for the officer or agent to draw off such water, or any portion of it, and to keep the same drawn off for so long a time as he shall think necessary.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2841 DISTILLER'S BOOKS—(a) *Entries*—(1) *Requirements.* Every person who makes or distills spirits, or owns any still, boiler, or other vessel used for the purpose of distilling spirits or who has such still, boiler, or other vessel so used under his superintendence, either as agent or owner, or who uses any such still, boiler, or other vessel, shall keep a record, in the form and manner prescribed by the Commissioner, of the receipt on the distillery premises, and the use thereon, of materials intended for use in the distillation of spirits, and of the number of gallons of spirits distilled, the number of gallons placed in the warehouse, and the proof thereof, the number of gallons sold or removed with the proof thereof, and the name, place of business and residence of the person to whom sold.

(2) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

(b) *Preservation and inspection.* The books of every distiller hereinbefore required shall always be kept at the distillery and be always open to the inspection of any revenue officer, and, when filled up, shall be preserved by the distiller for a period of not less than two years thereafter, and whenever required shall be produced for the inspection of any revenue officer.

(c) *Penalty and forfeiture*—(1) *Omitting entries or making false entries.* Whenever any false entry is made in, or any entry required to be made is omitted from, either of the said books mentioned in the two preceding subsections, with intent to defraud or to conceal from the revenue officers any fact or particular required to be stated and entered in either of said books, or to mislead in reference thereto; or any distiller as aforesaid omits or refuses to provide either of said books, or cancels, obliterates, or destroys any part of either of such books, or any entry therein, with intent to defraud, or permits the same to be done, or such books, or either of them, are not produced when required by any revenue officer, the distillery, distilling apparatus, and the lot or tract of land on which it stands, and all personal property on said premises used in the business there carried on, shall be forfeited to the United States. And every person who makes such false entry, or omits to make any entry hereinbefore required to be made, with intent aforesaid, or who causes or procures the same to be done, or fraudulently cancels, obliterates, or destroys any part of said books, or any entry therein, or willfully fails to produce such books, or either of them, shall be fined not less than $500, nor more than $5,000, and imprisoned not less than six months, nor more than two years.

(2) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2842 PENALTY FOR USING FALSE WEIGHTS AND MEASURES. Every person who knowingly uses any false weights or measures in ascertaining, weighing, or measuring the quantities of grain, meal, or vegetable materials, molasses, beer, or other substances to be used for distillation, shall be fined not less than $500 nor more than $5,000, and imprisoned not less than one year nor more than three years.

26 U. S. C. 2843 PENALTY FOR USING UNREGISTERED MATERIALS. Any person who uses any molasses, beer, or other substance, whether fermented on the premises or elsewhere, for the purpose of producing spirits, before an account of the same is registered in the proper book provided for that purpose, shall forfeit and pay the sum of $1,000 for each offense so committed.

26 U. S. C. 2846 ASSESSMENT AND DEFICIENCIES IN PRODUCTION AND EXCESS OF MATERIAL USED—(a) *Power of Commissioner.* On the receipt of the distiller's return in each month, the Commissioner shall inquire and determine whether the distiller has accounted for all the grain or molasses used, and all the spirits produced by him in the preceding month. • • • If the Commissioner finds that the distiller has not accounted for all the spirits produced by him, he shall, from all the evidence he can obtain, determine what quantity of spirits was actually produced by such distiller, and an assessment shall be made for the difference between the quantity reported and the quantity shown to have been actually produced, at the rate of tax imposed by law for every proof gallon • • •. All assessments made under this section shall be a lien on all distilled spirits on the distillery premises, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the tract of land whereon the said distillery is located, and any building thereon, from the time such assessment is made until the same shall have been paid.

(b) *Cross references*—(1) *Exemption of ethyl alcohol distillers.* • • •

(2) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2850 SUSPENSION AND RESUMPTION OF DISTILLING—(a) *Requirements.* Any distiller desiring to suspend work in his distillery may give notice in writing to the collector of the district, stating when he will suspend work; and on the day mentioned in said notice said collector or one of his deputies shall, at the expense of the distiller, proceed to fasten securely the door of every furnace of every still or boiler in said distillery, by locks and otherwise, and shall adopt such other means as the Commissioner may prescribe to prevent the lighting of any fire in such furnace or under such stills or boilers. The locks and seals, and other materials required for such purpose, shall be furnished to the collector by the Commissioner, to be duly accounted for by said collector. Such notice by any distiller, and the action taken by the collector in pursuance thereof, shall be immediately transmitted to the Commissioner. No distiller, after having given such notice, shall, after the time stated therein, carry on the business of a distiller on said premises until he gives another notice in writing to said collector, stating the time when he will resume work; and at the time so stated for resuming work the collector or one of his deputies shall attend at the distillery to remove said locks and other fastenings; and thereupon, and not before, work may be resumed in said distillery, which fact shall be immediately reported to the collector of the district, and by him transmitted to the Commissioner.

Every distiller who, after the time fixed in said notice declaring his intention to suspend work, carries on the business of a distiller on said premises, or has mash, wort, or beer in his distillery, or on any premises connected therewith or has in his possession or under his control any mash, wort, or beer, with intent to distill the same on said premises, shall incur the forfeitures and be subject to the same punishment as provided for persons who carry on the business of a distiller without having given the bonds required by law.

But nothing in this section shall be held to apply to suspensions caused by unavoidable accident; and the Commissioner shall prescribe regulations to govern such cases of involuntary suspension.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2857 BOOKS OF RECTIFIERS AND WHOLESALE DEALERS—(a) *Requirements.* Every rectifier and every wholesale liquor dealer who sells, or offers for sale, distilled spirits in quantities of five wine-gallons or more to the same person at the same time shall keep daily, at his place of business covered by his special tax stamp, a record of distilled spirits received and disposed of by him, and shall render under oath correct transcripts and summaries of such records: *Provided*, That the Commissioner may in his discretion require such record to be kept at the place where the spirits are actually received and sent out. The records shall be kept and the transcripts shall be rendered in such form, and under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe.

The records required to be kept under the provisions of this section and regulations issued pursuant thereto, shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

Every rectifier and wholesale liquor dealer who refuses or neglects to keep such records in the form prescribed by the Commissioner, with the approval of the Secretary, or to make entries therein, or cancels, alters, or obliterates any entry therein (except for the purpose of correcting errors) or destroys any part of such records, or any entry therein, or makes any false entry therein, or hinders or obstructs any internal revenue officer from inspecting such records or taking any abstracts therefrom, or neglects or refuses to preserve or produce such records as required by this chapter or by regulations issued pursuant thereto, shall pay a penalty of $100 and, on conviction, shall be fined not less than $5,000, and be imprisoned not less than three months nor more than three years.

Every rectifier and wholesale liquor dealer who refuses or neglects to render the transcripts or summaries in the form as required by the Commissioner, with the approval of the Secretary, shall, upon conviction, be fined not more than $100 for each such neglect or refusal.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2859 BOOKS OF DISTILLERS AS WHOLESALE DEALERS—(a) *Requirement.* Every distiller shall keep daily a record of distilled spirits of his own production disposed of by him, and shall render under oath correct transcripts and summaries of such records. The records shall be kept and the transcripts shall be rendered in such form, and under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe.

The records required to be kept under the provisions of this section and regulations issued pursuant thereto, shall be preserved for a period of four years, and during such period shall at all times be available, during business hours, for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

Every distiller who refuses or neglects to keep such records in the form prescribed by the Commissioner, with the approval of the Secretary, or to make entries therein, or cancels, alters, or obliterates any entry therein (except for the purpose of correcting errors) or destroys any part of such records, or any entry therein, or makes any false entry therein, or hinders or obstructs any internal revenue officer from inspecting such records or taking any abstracts therefrom, or neglects or refuses to preserve or produce such records as required by this chapter or by regulations issued pursuant thereto, shall pay a penalty of $100 and, on conviction, shall be fined not less than $5,000, and be imprisoned not less than three months nor more than three years.

Every distiller who refuses or neglects to keep such records in the form required by the Commissioner, with the approval of the Secretary, shall, upon conviction, be fined not more than $100 for each such neglect or refusal.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2866 EFFACEMENT OF STAMPS AND BRANDS ON EMPTIED PACKAGES. Every person who empties or draws off, or causes to be emptied or drawn off, any distilled spirits from a cask or package bearing any mark, brand, or stamp, required by law, shall at the time of emptying such cask or package, efface and obliterate said mark, stamp, or brand. Every such cask or package from which said mark, brand, or stamp is not effaced and obliterated as herein required, shall be forfeited to the United States, and may be seized by any officer of internal revenue, wherever found. And every railroad company or other transportation company, or person who receives or transports, or has in possession with intent to transport, or with intent to cause or procure to be transported, any such empty cask or package, or any part thereof, having thereon any brand, mark, or stamp, required by law to be placed

on any cask or package containing distilled spirits, shall forfeit $300 for each such cask or package, or any part thereof, so received or transported, or had in possession with the intent aforesaid; and every boat, railroad car, cart, dray, wagon, or other vehicle, and all horses and other animals used in carrying or transporting the same, shall be forfeited to the United States. Every person who fails to efface and obliterate said mark, stamp, or brand, at the time of emptying such cask or package, or who receives any such cask or package, or any part thereof, with the intent aforesaid, or who transports the same, or knowingly aids or assists therein, or who removes any stamp provided by law from any cask or package containing, or which had contained, distilled spirits, without defacing and destroying the same at the time of such removal, or who aids or assists therein, or who has in his possession any such stamp so removed as aforesaid, or has in his possession any canceled stamp, or any stamp which has been used, or which purports to have been used, upon any cask or package of distilled spirits, shall be deemed guilty of a felony, and shall be fined not less than $500 nor more than $10,000, and imprisoned not less than one year nor more than five years.

26 U. S. C. 2870 PROHIBITED HOURS FOR REMOVAL OF SPIRITS. No person shall remove any distilled spirits at any other time than after sun-rising and before sun-setting in any cask or package containing more than ten gallons from any premises or building in which the same may have been distilled, redistilled, rectified, compounded, manufactured, or stored; and every person who violates this provision shall be liable to a penalty of $100 for each cask, barrel, or package of spirits so removed; and said spirits, together with any vessel containing the same, and any horse, cart, boat, or other conveyance used in the removal thereof, shall be forfeited to the United States.

26 U. S. C. 2877 STOREKEEPER-GAUGER'S RECORDS—(a) *Requirement.* The storekeeper-gauger assigned to any distillery shall, in addition to all other duties required to be performed by him, keep such records and submit such reports as the Commissioner, with the approval of the Secretary, shall, by regulations, prescribe.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2878 DRAWING, GAUGING, AND MARKING OF DISTILLED SPIRITS—(a) *General rule.* Except as provided in section 2883, all distilled spirits shall be drawn from receiving cisterns into casks or packages and thereupon shall be gauged, proved, and marked by a storekeeper-gauger, and immediately removed into an internal revenue bonded warehouse. The Commissioner, with the approval of the Secretary, is hereby empowered to prescribe all necessary regulations relating to the drawing off, gauging, and packaging of distilled spirits; the marking, branding, numbering, and stamping of such packages; and the transfer and transportation to, and the storage of such spirits in, internal revenue bonded warehouses.

(b) *In wooden packages containing metallic cans for export.* Upon the application of the distiller and under such regulations as the Commissioner, with the approval of the Secretary, may prescribe, distilled spirits may be drawn into wooden packages, each containing two or more metallic cans, which cans shall each have a capacity of not less than five gallons, wine measure. Such packages shall be filled and used only for exportation from the United States. And there shall be charged for each of said packages or cases for the expense of providing and affixing stamps, 5 cents.

(c) *Standards of fill.* The Commissioner, with the approval of the Secretary, may, by regulations, prescribe the standards of fill of casks or packages of distilled spirits at each distillery.

(d) *Marking and branding by distiller.* The Commissioner, with the approval of the Secretary, may, by regulations, from time to time, require a distiller, at his expense and under the immediate personal supervision of a storekeeper-gauger, to do such marking and branding and such mechanical labor pertaining to gauging required under this section as the Commissioner deems proper and determines may be done without danger to the revenue.

(e) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2879 DEPOSITS OF SPIRITS IN WAREHOUSES—(a) *Entry for deposit.* The distillers of all spirits removed to an internal revenue bonded warehouse shall enter the same for deposit in such warehouse, under such regulations as the Commissioner may prescribe. Said entry shall be in such form as the Commissioner shall prescribe.

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26 U. S. C. 2883 TRANSFER OF SPIRITS AT REGISTERED DISTILLERIES—(a) *Requirements.* Subject to the provisions of existing law, spirits of one hundred and sixty degrees of proof or more produced at registered distilleries, including registered fruit distilleries (such registered distilleries and registered fruit distilleries being referred to hereafter as "distillery" or "distilleries"), may be transferred by means of pipelines from receiving cisterns in the distillery direct to storage tanks in the internal revenue bonded warehouse located on the bonded premises where produced or located contiguous thereto, and be warehoused in such storage tanks, or they may be withdrawn from the receiving cisterns, without, or after reduction in proof, into approved containers and transferred to any internal revenue bonded warehouse for storage therein, or they may be tax-paid in such approved containers in the cistern rooms of distilleries without being entered into an internal revenue bonded warehouse. Such spirits may be drawn into approved containers from storage tanks in an internal revenue bonded warehouse. Spirits of one hundred and sixty degrees of proof, or more, may be transferred in bond in tank cars from cistern rooms of distilleries or from storage tanks in an internal revenue bonded warehouse and be deposited in storage tanks in any internal revenue bonded warehouse. Such spirits in tanks in internal revenue bonded warehouses distilled at or above one hundred and ninety degrees of proof may be reduced to not less than one hundred and eleven degrees prior to being drawn into packages. Such spirits, upon tax payment, may be withdrawn in approved containers, including pipelines to contiguous premises, for use for beverage purposes only. Except as provided in subsection (c) hereof and section 2916, such spirits may not be withdrawn for denaturation.

(b) *Transfer of fortifying spirits.* Fortifying spirits of one hundred and sixty degrees of proof or more may be transferred by pipeline from registered fruit distilleries and receiving cisterns in such distilleries to the fortification rooms of contiguous wineries or to storage tanks in the internal revenue bonded warehouse located on the distillery premises where the spirits were produced, or from such storage tanks to the fortification rooms of contiguous wineries.

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(e) *Redistillation of spirits.* Distilled spirits of any proof may be transferred from a distillery or an internal revenue bonded warehouse to any distillery for redistillation upon a showing of the need therefor: *Provided*, That only spirits of one hundred and sixty degrees of proof or more may be transferred by pipeline to a distillery for redistillation from storage tanks in an internal revenue bonded warehouse located on such distillery premises or located contiguous thereto: *Provided further*, That spirits of any

proof may be transferred by pipeline for redistillation from receiving tanks in a distillery to a contiguous distillery. Upon removal of distilled spirits to any distillery for redistillation, the consignee distiller shall assume the liability for the payment of the tax on the spirits from the time they leave the internal revenue bonded warehouse or distillery, and the tax liability on the producing distiller or the internal revenue bonded warehouseman, and the liens on the premises of the producing distiller shall cease; and the tax and liens shall become the liability of the consignee distiller: *Provided further*, That upon redistillation the redistilled spirits shall be treated the same as if the spirits had been originally produced by the redistiller and all prior obligations as to taxes and liens shall be superseded. Sections 2800 (a) (5) and 3250 (f) (1) shall not apply to the redistillation of spirits removed under the provisions of this section.

(f) *Regulations.* The Commissioner, with the approval of the Secretary, is hereby empowered to prescribe all necessary regulations relating to the drawing off, transferring, gaging, storing, redistillation, and transportation of the spirits; the records to be kept and returns to be made; the size and kind of containers to be used; the marking, branding, numbering, and stamping of such containers; and the kind of bond and the penal sum thereof.

(g) *Effect on other laws.* Nothing contained in this section shall be construed as restricting or limiting the provisions of other sections of the internal-revenue laws relating to internal revenue bonded warehouses, distilleries, and bonded wineries.

(h) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2885 EXPORTATION OF SPIRITS WITHDRAWN FROM WAREHOUSES—(a) *Entries, bonds, and bills of lading.* Distilled spirits may be withdrawn from internal revenue bonded warehouses, at the instance of the owner of the spirits, for exportation in the original casks or packages, without the payment of tax, under such regulations, and after making such entries and executing and filing with the collector of the district from which the removal is to be made such bonds and bills of lading, and giving such other additional security as may be prescribed by the Commissioner, with the approval of the Secretary, and bonds given under this section shall be canceled under such regulations as the Secretary shall prescribe. The bonds required to be given for the exportation of distilled spirits shall be canceled upon the presentation of satisfactory proof and certificates that said distilled spirits have been landed at the port of destination named in the bill of lading, or upon satisfactory proof that after shipment the same were lost at sea without fault or neglect of the owner or shipper thereof.

(b) *Marks, stamps, and permits.* All distilled spirits intended for export, as aforesaid, before being removed from the internal revenue bonded warehouse, shall be marked as the Commissioner may prescribe, and shall have affixed to each cask an engraved stamp indicative of such intention, to be provided and furnished by the several collectors as in the case of other stamps, and to be charged to them and accounted for in the same manner, and for the expense attending the providing and affixing such stamps 10 cents for each package so stamped shall be paid to the collector on making the entry for such transportation. When the owner of the spirits shall have made the proper entries, filed the bonds, and otherwise complied with all the requirements of the law and regulations as herein provided, the collector shall issue to him a permit for the removal and transportation of said spirits to the collector of the port from which the same are to be exported, accurately describing the spirits to be shipped, the amount of tax thereon, the State and district from which the same is to be shipped, the name of the distiller by whom distilled, the port to which the same are to be transported, the name of the collector of the port to whom the spirits are to be consigned, and the routes over which they are to be sent to the port of shipment. Such shipments shall be made over bonded routes whenever practicable. The collector of the port shall receive such spirits, and permit the exportation thereof, under the same rules and regulations as are prescribed for the exportation of spirits upon which the tax has been paid.

(c) *Metallic cans in wooden packages.* For authority of distiller to draw distilled spirits into wooden packages, each containing two or more metallic cans, for exportation only, see section 2878 (b).

(d) *Penalties and forfeitures.* • • •

(2) *Unlawful relanding.* Every person who intentionally relands within the jurisdiction of the United States any distilled spirits which have been shipped for exportation under the provisions of this chapter, or who receives such relanded distilled spirits, and every person who aids or abets in such relanding or receiving of such spirits, shall be fined not exceeding $5,000 and imprisoned not more than three years; and all distilled spirits so relanded, together with the vessel from which the same were relanded within the jurisdiction of the United States, and all boats, vehicles, horses, or other animals used in relanding and removing such distilled spirits, shall be forfeited to the United States.

(e) *Transfer of Duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2888 TRANSFER OF SPIRITS INTO TANK CARS FOR EXPORT—(a) *Requirement.* Under such regulations as the Commissioner, with the approval of the Secretary, may prescribe, alcohol or other distilled spirits of a proof strength of not less than one hundred and eighty degrees intended for export free of tax may be drawn from receiving cisterns at any distillery, or from storage tanks in any internal revenue bonded warehouse for transfer to tanks or tank cars for export from the United States, and all provisions of law relating to the exportation of distilled spirits not inconsistent herewith shall apply to spirits removed for export under the provisions of this section.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2901 LOSS ALLOWANCES—(a) *Extent.* No tax shall be collected in respect of distilled spirits lost or destroyed while in bond, except that such tax shall be collected—

(1) *Theft.* In the case of loss by theft unless the Commissioner shall find that the theft occurred without connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them; and

(2) *Voluntary destruction.* In the case of voluntary destruction unless the distilled spirits were unfit for use for beverage purposes and the distiller, warehouseman, or other person responsible for the tax, obtained the written permission of the Commissioner for such destruction in each case.

(b) *Proof of loss.* In any case in which spirits are lost or destroyed, whether by theft or otherwise, the Commissioner may require the distiller or warehouseman or other person responsible for the tax to file a claim for relief from the tax and submit proof as to the cause of such loss. In every case where it appears that the loss was by theft, the burden shall be upon the distiller or warehouseman or other person responsible for the tax to establish to the satisfaction of the Commissioner that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them.

(c) *Refund of tax.* When, in any case where the tax would not be collectible by virtue of subsection (a), but such tax has been paid, the Commissioner shall refund such tax. Nothing in section 2901 as hereby amended, or as heretofore amended, shall be construed to authorize refund of the tax where the loss occurred after the tax was paid.

(d) *Insurance coverage.* The abatement or refund of taxes provided for by subsections (a) and (c) in the case of loss of distilled spirits by theft shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss.

(e) *Transfer of Duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

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26 U. S. C. 2916 REMOVAL FOR DENATURATION OR DESTRUCTION OF DISTILLATES CONTAINING ALDEHYDES OR FUSEL OIL—(a) *Power of Commissioner.* Under rules and regulations to be prescribed by the Commissioner, with the approval of the Secretary, distillers may collect, in locked tanks, distillates containing one-half of 1 per centum or more of aldehydes or 1 per centum or more of fusel oil (heads and tails) removed in the course of distillation. The distillates so collected may, under regulations prescribed by the Commissioner, with the approval of the Secretary, be removed from such distillery for denaturation or be destroyed in the manner prescribed by the Commissioner, under the supervision of an internal revenue officer to be designated by the Commissioner, and when so denatured or destroyed shall not be subject to the tax imposed by law upon distilled spirits. • • •

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3031 TAX ON BRANDY OR SPIRITS USED IN FORTIFICATION—(a) *Withdrawal of spirits for fortification.* Under such regulations and official supervision and upon the giving of such notices and entries as the Commissioner, with the approval of the Secretary, may prescribe, any producer of wines defined under the provisions of this subchapter may withdraw from any fruit distillery or internal revenue bonded warehouse grape brandy (hereafter in this section included in the term "brandy"), or wine spirits, for the fortification of such wines on the premises where actually made, and any producer of citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, prune wines, plum wines, pear wines, pawpaw wines, papaya wines, pineapple wines, cantaloup wines, or apple wines (hereafter in this section included in the term "wines") may similarly withdraw citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy (hereafter in this section included in the term "brandy") for the fortification of wines as set forth in section 3032, Internal Revenue Code, on the premises where actually made.

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Any such wines, may under such regulations as the Commissioner may prescribe, with the approval of the Secretary, be sold or removed tax free for the • • • production of dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume.

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26 U. S. C. 3033 WITHDRAWAL OF WINE SPIRITS—(a) *Regulations.* Under such regulations and official supervision, and upon the execution of such entries and the giving of such bonds, bills of lading, and other security as the Commissioner, with the approval of the Secretary, shall prescribe, any producer of pure sweet wines as defined by section 3035 (a) may withdraw wine spirits from any internal revenue bonded warehouse in original packages or from any registered distillery in any quantity not less than eighty wine gallons • • •.

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26 U. S. C. 3036 WINE SPIRITS AND PURE SWEET WINE—(a) *Definitions.* The wine spirits mentioned in section 3032 (a) is the product resulting from the distillation of fermented grape juice, to which water may have been added prior to, during, or after fermentation, for the sole purpose of facilitating the fermentation and economical distillation thereof, and shall be held to include the product from grapes or their residues commonly known as grape brandy, and shall include commercial grape brandy which may have been colored with burnt sugar or caramel; • • •

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26 U. S. C. 3037 REMOVAL OF DOMESTIC WINES FREE OF TAX—(a) *Regulations.* Under such regulations and upon the execution of such notices, entries, bonds, and other security as the Commissioner, with the approval of the Secretary, may prescribe, domestic wines subject to the taxes imposed by section 3030 (a), may be removed from the winery where produced, free of tax, • • • for use as distilling material at any regularly registered distillery or industrial alcohol plant: *Provided, however*, That the distiller using any such wine as distilling material shall, subject to the provisions of section 2846, be held to pay the tax on the product of such wines as will include both the alcoholic strength therein produced by fermentation and that obtained from the brandy or wine spirits added to such wines at the time of fortification: *Provided further*, That suitable samples of brandy or fruit spirits may be withdrawn under rules and regulations to be prescribed by the Commissioner, subject to the approval of the Secretary, which samples shall be tax-free if for laboratory analysis and tax-paid if for any other use: *Provided further*, That the Commissioner, under rules and regulations to be by him prescribed subject to the approval of the Secretary, shall remit or refund all fortification taxes assessed or paid upon the quantity of fortifying spirits contained in wines • • • which have become unfit for use as wine and are used as distilling material.

(b) *Transfer of Duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3038 GRAPE AND LIKE WINES FOR INDUSTRIAL USE—(a) *Regulations.* Under regulations prescribed by the Commissioner, with the approval of the Secretary, it shall be lawful to produce grape wines, citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, prune wines, plum wines, pear wines, pawpaw wines, papaya wines, pineapple wines, cantaloup wines, and apple wines on bonded winery premises by the usual method, and to transport and use the same, and like wines heretofore produced and now stored on bonded winery premises, as distilling material in any fruit-brandy distillery or industrial-alcohol plant.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3041 SPIRIT METERS, LOCKS, AND SEALS—(a) *Regulations.* The Commissioner, by regulations to be approved by the Secretary, may require the use at each fruit distillery of such spirit meters, and such locks and seals to be affixed to fermenters, tanks, or other vessels and to such pipe connections as may in his judgment be necessary or expedient.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3042 ASSIGNMENT OF STOREKEEPER-GAUGERS TO FRUIT DISTILLERIES AND WINERIES—(a) *Power of Commissioner.* The Commissioner is authorized to assign to any fruit distillery and to each winery where wines are to be fortified such number of storekeeper-gaugers as may be necessary for the proper supervision of the manufacture of brandy or the making or fortifying of wines subject to tax imposed by this chapter.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3170 TRANSFER AND DELEGATION OF POWERS. The Secretary is authorized to confer and impose upon the Commissioner and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, powers, duties, and protection conferred or imposed upon the Secretary, or any officer or employee of the Treasury Department, by any law now or hereafter in force relating to the taxation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol.

26 U. S. C. 3171 RECORDS, STATEMENTS, AND RETURNS—(a) *Requirements.* Every person liable to any tax imposed by this chapter, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3173 PENALTIES AND FORFEITURES—(a) *Removal or transportation of liquors or wines under improper brands.* Whenever any person ships, transports or removes any spiritous or fermented liquors or wines, under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing the same, or causes such act to be done, he shall forfeit said liquors or wines, and casks or packages, and be subject to pay a fine of $500.

(b) *Other violations.* (1) Any person required to pay, or to collect, account for and pay over any tax on distilled spirits, wines, or fermented malt liquors, or required by law or regulations made under authority thereof to make a return or supply any information for the purposes of the computation, assessment or collection of any such tax, who fails to pay, collect, or truly account for and pay over any such tax, make any such return or supply any such information at the time or times required by law or regulation shall in addition to other penalties provided by law be subject to a penalty of not more than $1,000.

(2) Any person who willfully refuses to pay, collect, or truly account for and pay over any such tax, make such return or supply such information at the time or times required by law or regulation, or who willfully attempts in any manner to evade such tax shall be guilty of a misdemeanor and in addition to other penalties provided by law shall be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

(3) Any person who willfully refuses to pay, collect, or truly account for and pay over any such tax shall in addition to other penalties provided by law be liable to a penalty of the amount of the tax evaded, or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected: *Provided, however*, That no penalty shall be assessed under this paragraph for any offense for which a penalty may be assessed under authority of section 3612, or of section 2801 (f) or 3043, or for any offense for which a penalty has been recovered under section 2806 (e).

(4) The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

26 U. S. C. 3175 OTHER LAWS APPLICABLE. All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, shall be extended to and made a part of this chapter.

26 U. S. C. 3176 RULES AND REGULATIONS—(a) *Power of Commissioner.* The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3250 TAX—(a) *Wholesale dealers in liquors*—(1) *In general.* Wholesale dealers in liquors shall pay a special tax of $110.

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(4) *Distillers selling at wholesale.* No distiller who has given the required bond and who sells only distilled spirits of his own production at the place of manufacture, or at the place of storage in bond, in the original packages to which the tax-paid stamps are affixed, shall be required to pay the special tax of a wholesale dealer in liquors on account of such sales.

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26 U. S. C. 3254 DEFINITIONS—(a) *Distiller.* For definition of distiller, see section 2809 (a).

(b) *Wholesale dealer in liquors.* Except as otherwise provided, every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors in quantities of five wine-gallons or more to the same person at the same time, shall be regarded as a wholesale dealer in liquors: *Provided*, That the Commissioner may, by regulations, with the approval of the Secretary, provide for the issuance of a stamp denoting payment of such special tax as a "wholesale dealer in wines" or a "wholesale dealer in wines and malt liquors" if, as the case may be, wines only, or wines and malt liquors only, are sold by a wholesale dealer in liquors.

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(g) *Rectifier.* Every person who rectifies, purifies, or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort, or wash, through continuous closed vessels and pipes, until the manufacture thereof is complete, and every wholesale or retail liquor dealer who has in his possession any still or leach tub, or who keeps any other apparatus for the purpose of refining in any manner distilled spirits, and every person who, without rectifying, purifying, or refining distilled spirits, shall, by mixing such spirits, wine, or other liquor with any material, manufacture any spurious, imitation, or compound liquors for sale, under the name of whisky, brandy, gin, rum, wine, spirits, cordials, or wine bitters, or any other name, shall be regarded as a rectifier, and as being engaged in the business of rectifying: *Provided*, That nothing in this subsection or section 3250 (f) (1) shall be held to prohibit the purifying or refining of spirits in the course of original and continuous distillation through any material which will not remain incorporated with such spirits when the manufacture thereof is complete.

(h) *Manufacturer of stills.* Any person who manufactures any still or worm to be used in distilling shall be deemed a manufacturer of stills.

26 U. S. C. 3270 REGISTRATION—(a) *Requirements.* Every person engaged in any trade or business on which a special tax is imposed by law shall register with the collector of the district his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and the places of residence, shall be so registered.

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26 U. S. C. 3271 PAYMENT OF TAX—(a) *Condition precedent to doing business.* No person shall be engaged in or carry on any trade or business mentioned in this chapter until he has paid a special tax therefor in the manner provided in this chapter.

(b) *Due date.* All special taxes shall become due on the 1st day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for one year, and in the latter case it shall be reckoned proportionately, from the 1st day of the month in which the liability to a special tax commenced, to and including the 30th day of June following.

(c) *How paid*—(1) *Stamp.* All special taxes imposed by law, including the tax on stills or worms, shall be paid by stamps denoting the tax.

(2) *Assessment.* For authority of Commissioner to make assessments where the special taxes have not been duly paid by stamp, at the time and in the manner provided by law, see section 3640.

26 U. S. C. 3272 RETURNS—(a) *Time for filing.* It shall be the duty of the special taxpayers to render their returns with remittances to the collector at such times within the calendar month in which the special tax liability commenced as shall enable him to receive such returns, duly signed and verified, together with the remittances, not later than the last day of the month, except in cases of sickness or absence, as provided for in section 3634.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents in case of narcotics and liquor, see subchapter D of chapter 23 and section 3170.

(c) *Penalties.* For penalties imposed for failure to file returns or for making false or fraudulent returns, see section 3612.

26 U. S. C. 3300 ESTABLISHMENT AND ALTERATION—(a) *Authorization.* The Commissioner, with the approval of the Secretary, may establish and, from time to time, alter or change the form, style, character, material, and device of any stamp, mark, or label used under any provision of the laws relating to internal revenue.

(b) *Application of penalty and forfeiture provisions.* All pains, penalties, fines, and forfeitures provided by law relating to internal revenue stamps shall apply to and have full force and effect in relation to any and all stamps so established by the Commissioner.

26 U. S. C. 3301 ATTACHMENT AND CANCELLATION—(a) *General authority to prescribe methods and instruments.* The stamps referred to in the preceding section shall be attached, protected, removed, canceled, obliterated, and destroyed, in such manner and by such instruments or other means as the Commissioner, with the approval of the Secretary may prescribe; and he is authorized and empowered to make, with the approval of the Secretary, all needful regulations relating thereto.

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26 U. S. C. 3656 PAYMENT BY CHECK AND MONEY ORDERS—(a) *Certified, cashiers', and treasurers' checks and money orders*—(1) *Authority to receive.* It shall be lawful for collectors to receive for internal revenue taxes or in payment of stamps to be used in payment of internal revenue taxes certified, cashiers', and treasurers' checks drawn on National and State banks and trust companies, and United States postal, bank, express, and telegraph money orders, during such time and under such regulations as the Commissioner, with the approval of the Secretary, may prescribe.

(2) *Discharge of liability*—(A) *Check duly paid.* No person who may be indebted to the United States on account of internal revenue taxes or stamps used or to be used in payment of internal revenue taxes who shall have tendered a certified, cashier's, or treasurer's check or money order as provisional payment therefor, in accordance with the terms of this subsection, shall be released from the obligation to make ultimate payment thereof until such certified, cashier's or treasurer's check or money order so received has been duly paid.

(B) *Check unpaid.* If any such check or money order so received is not duly paid, the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of the bank on which drawn or for the amount of such money order upon all the assets of the issuer thereof; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank or issuer except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank.

(b) *Other checks*—(1) *Authority to receive.* Collectors may receive checks in addition to those specified in subsection (a) in payment of taxes other than those payable by stamp during such time and under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe.

(2) *Ultimate Liability.* If a check so received is not paid by the bank on which it is drawn the person by whom such check has been tendered shall remain liable for the payment of the tax and for all legal penalties and addditions to the same extent as if such check had not been tendered.

26 U. S. C. 3791 RULES AND REGULATIONS—(a) *Authorization*—(1) *In general.* Except as provided in section 1926 (a), Cotton Futures, section 2599, Marihuana, section 2559, Narcotics, section 3176, Liquor, and section 1805, Silver, the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

26 U. S. C. 3809 VERIFICATION OF RETURNS; PENALTIES OF PERJURY—(a) *Penalties.* Any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

(b) *Signature presumed correct.* The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

(c) *Verification in lieu of oath.* The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under any provision of the internal revenue laws shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required.

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26 U. S. C. 4041 ISSUE OF INSTRUCTIONS, REGULATIONS, AND FORMS—(a) *In general.* The Secretary shall prescribe forms of entries, oaths, bonds, and other papers, and rules and regulations, not inconsistent with law, to be used under and in the execution and enforcement of the various provisions of the internal revenue laws; and he shall give such directions to collectors and prescribe such rules and forms to be observed by them as may be necessary for the proper execution of the law.

(b) *Receipt of United States securities.* For authority of the Secretary to issue instructions and regulations governing the receipt by collectors and others of United States securities, see R. S. 251 (U. S. C., title 31, sec. 427).

DISTILLER TO PAY TAX ON RENDERING MONTHLY RETURN, OR MAY REMOVE BRANDY TO BONDED WAREHOUSE

SEC. 2, Act of March 3, 1877. That every distiller of brandy from grapes[1] upon rendering his monthly return of materials used and spirits produced by him, shall immediately pay the tax upon such spirits, or may, after they have been properly gauged, marked, and branded, under regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, • • • cause them to be removed in bond from the place of manufacture to a special bonded warehouse, under such regulations, and after making such entries, and executing and filing with the collector of the district in which such spirits were manufactured such bonds and bills of lading, and giving such other additional security as may be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury.

SUBPART A—SCOPE OF REGULATIONS

§ 184.1 *Production and removal of brandy.* These regulations, "Regulations 5, Production of Brandy" (26 CFR, Part 184), contain the procedural and substantive requirements relative to the production of brandy and the removal thereof from the distillery under the exemptions from law provided herein pursuant to section 2825, I. R. C. The regulations cover the location, construction, equipment, action by the district supervisor and Commissioner; control and supervision of the distillery, production and removal of brandy; and concern the sale, shipment, losses, records and reports, of brandy.

SUBPART B—DEFINITIONS

§ 184.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 184.6 *Approved containers.* "Approved containers" shall mean casks, barrels or similar wooden packages, or drums or similar metal packages, having a capacity of not less than ten gallons each: *Provided,* That for the withdrawal of samples for laboratory analysis "approved containers" shall mean any container of less than ten gallon capacity. The term "approved containers" shall

[1] Scope of act extended to other fruits by Act of October 18, 1888.

also mean railroad tank cars, tank trucks and pipe lines where specifically stated in this part.

§ 184.7 *Brandy or brandies.* "Brandy" or "brandies" shall mean distilled spirits produced in accordance with this part from the materials specified in section 2825, I. R. C., and from the products or the residues of such materials, and shall include wine spirits, fortifying spirits, spirits—fruit, and neutral spirits—fruit, except where otherwise indicated but shall not include distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil.

§ 184.8 *Collector.* "Collector" shall mean collector of internal revenue.

§ 184.9 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 184.10 *Distiller.* "Distiller" shall mean the proprietor of a distillery.

§ 184.11 *Distillery.* "Distillery" shall mean that part of the distillery premises described in the distiller's notice, Form 27½, where the distilled spirits are produced.

§ 184.12 *Distillery premises.* "Distillery premises" shall mean the lot or tract of land described in the distiller's notice, Form 27½, and the distillery and other buildings and fixtures situated on and constituting a part of such lot or tract of land.

§ 184.13 *District supervisor or supervisor.* "District supervisor" or "supervisor" shall mean the person having charge of a supervisory district of the Alcohol Tax Unit of the Bureau of Internal Revenue.

§ 184.14 *Fruit distillery.* "Fruit distillery" shall mean a distillery established or operated under the provisions of this part.

§ 184.15 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 184.16 *Heads and tails.* "Heads and tails" shall mean distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil.

§ 184.17 *Including.* The word "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 184.18 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include females, associations, copartnerships, and corporations.

§ 184.19 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 184.20 *Laboratory analysis.* "Laboratory analysis" shall mean the determination of the composition of brandy by chemical, physical, or organoleptic examination.

§ 184.21 *Person, proprietor or distiller.* "Person," "proprietor," or "distiller" shall include natural persons, associations, copartnerships, and corporations.

§ 184.22 *Prior lessee.* "Prior lessee" shall mean a lessee whose lease has not terminated.

§ 184.23 *Proof.* "Proof" shall mean the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

§ 184.24 *Proof of distillation.* "Proof of distillation" shall mean the composite proof of the brandy in the receiving tanks prior to reduction, or, if the brandy is reduced before reaching the receiving tanks, the proof prior to such reduction, unless the brandy is subsequently redistilled at a higher proof than the proof prior to reduction.

§ 184.25 *Proof gallon.* "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 percent of ethyl alcohol by volume.

§ 184.26 *Proof spirits.* "Proof spirits" shall mean that alcoholic liquor which contains 50 percent of ethyl alcohol by volume at 60 degrees Fahrenheit and which has a specific gravity of 0.93418 in air at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity.

§ 184.27 *Registered distillery.* "Registered distillery" shall mean a distillery established and operated under the regulations governing the production of distilled spirits other than alcohol, and brandy produced pursuant to the provisions of this part.

§ 184.28 *Secretary.* "Secretary" shall mean the Secretary of the Treasury.

§ 184.29 *Tank car.* "Tank car" shall mean a railroad tank car conforming to the requirements of this part.

§ 184.30 *Tank truck.* "Tank truck" shall mean a tank truck conforming with the requirements of this part.

§ 184.31 *Tax gallon.* "Tax gallon" is the unit of distilled spirits upon which the rate of tax prescribed by law is imposed. When spirits are 100 degrees of proof or more, the tax rate is imposed on the proof gallon. When spirits are less than 100 degrees of proof, it is imposed on the wine gallon.

§ 184.32 *U. S. C.* "U. S. C." shall mean the United States Code.

SUBPART C—EXEMPTION OF FRUIT DISTILLERS FROM CERTAIN PROVISIONS OF LAW

EXEMPTIONS

§ 184.35 *General.* Section 2825, I. R. C., authorizes the Commissioner, with the approval of the Secretary, to exempt distillers of brandy made exclusively from apples, peaches, grapes, oranges, pears, pineapples, apricots, berries, plums, pawpaws, papayas, cantaloups, persimmons, prunes, figs, cherries dates, or citrus fruits (except lemons and limes), or from grape wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wine, papaya wine, pineapple wine, cantaloup wine, or apple wine, in the manufacture of which artificial sweetening may have been used, or from the fruit pomace residuum of such grape wine, or from grape cheese where not more than 500 gallons of a sugar solution made from cane, beet, starch, or corn sugar, 95 per centum pure, and having a saccharine strength of not to exceed 10 per centum, is added to not less than 500 gallons (10 barrels) of such cheese, from any provision of the internal revenue laws relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so. Pursuant to this authority, distillers producing brandy from such materials are hereby exempted from the following provisions of law to the extent indicated in this subpart.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.36 *Section 2812, I. R. C.* Fruit distillers are exempted from so much of section 2812, I. R. C., as requires the distiller to state in his notice the time of fermenting each tub.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.37 *Section 2817, I. R. C.* Fruit distillers are exempted from all the provisions of section 2817, I. R. C.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.38 *Section 2819, I. R. C.* Fruit distillers are exempted from so much of section 2819, I. R. C., as provides that no person shall use any still, boiler, or other vessel for the purpose of distilling in any yard or inclosure connected with any dwelling house: *Provided,* That where the distillery and dwelling adjoin, the two must be separated by an unbroken partition of substantial construction; and from so much of said section as prohibits the carrying on of any other business on the distillery premises, to the extent necessary to permit the manufacture of dealcoholized wines on such premises as provided in this part.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.39 *Section 2820, I. R. C.* Fruit distillers are exempted from all the provisions of section 2820, I. R. C.: *Provided,* That locked receiving tanks are installed by the distiller and all brandy produced is deposited therein, in accordance with the provisions of this part.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.40 *Section 2822, I. R. C.* Fruit distillers, as to distilleries heretofore established, are exempted from the provisions of section 2822, I. R. C., which require that there shall be a clear space of not less than 1 foot around every wooden still and not less than 2 feet around every doubler and worm tank, and that the doubler and worm tanks shall be elevated not less than 1 foot from the floor.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.41 *Section 2826, I. R. C.* Fruit distillers are exempted from all the provisions of section 2826, I. R. C., to the extent that a fence or wall over 5 feet in height may be erected or maintained around the distillery premises: *Provided,* That a suitable number of gates or doors is installed, and, if such gates or doors are locked, the district supervisor is furnished as many keys to the gates or doors of fences or walls as may be required

from time to time, and the distillery is kept accessible to Government officers: *And provided further*, That if such wall or fence be solid and over 5 feet in height, specific approval therefor is obtained from the district supervisor.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.42 *Section 2836, I. R. C.* Fruit distillers are exempted from all the provisions of section 2836, I. R. C., where the district supervisor finds that an emergency exists requiring operation of the distillery between 11:00 p. m. Saturday and 1:00 a. m. Monday for the purpose of preventing the loss, and effecting the salvaging, of crop or other materials.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.43 *Section 2838, I. R. C.* Fruit distillers are exempted from all the provisions of section 2838, I. R. C., except as to the removal of spirits and the penalty therefor: *Provided*, That such exemption shall not apply when an officer is assigned to supervise operations.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.44 *Section 2840, I. R. C.* Fruit distillers are exempted from all the provisions of section 2840, I. R. C.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.45 *Section 2844, I. R. C.* Fruit distillers are exempted from all the provisions of section 2844, I. R. C.: *Provided*, That the distiller renders a true and correct report of the operations and transactions at the distillery on Form 15, in duplicate, to the district supervisor immediately after the close of the month and the gauging of all brandy produced during the month, but not later than the 10th day of the succeeding month, in accordance with the requirements of the regulations in this part.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.46 *Section 2849, I. R. C.* Fruit distillers are exempted from all the provisions of section 2849, I. R. C.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.47 *Section 2850, I. R. C.* Fruit distillers are exempted from all the provisions of section 2850, I. R. C.: *Provided*, That the distiller shall file notice when desiring to suspend operations and another notice before resuming operations, in accordance with the requirements of this part, and shall not carry on the business of a distiller during such period of suspension.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.48 *Section 2851, I. R. C.* Fruit distillers are exempted from so much of section 2851, I. R. C., as requires the placing of close-fitting covers upon fermenting tubs for the purpose of reducing the producing capacity of the distillery.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.49 *Section 2872, I. R. C.* Fruit distillers are exempted from so much of section 2872, I. R. C., as provides that no door of the internal revenue bonded warehouse shall open into the distillery.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.50 *Section 2877, I. R. C.* Fruit distillers are exempted from all the provisions of section 2877, I. R. C.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.51 *Sections 2878 (a) and 2883, I. R. C.* Fruit distillers are exempted from the provisions of sections 2878 (a) and 2883, I. R. C., to the extent that brandy of any desired proof may be drawn from receiving tanks and (a) removed from the distillery in packages or by pipeline or in tank cars in the manner prescribed in this part, or (b) stored in the brandy deposit room of the distillery temporarily as provided in this part.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.52 *Exemptions subject to change.* The exemptions from the above-mentioned provisions of law shall be subject to such further changes by regulations as may be deemed necessary to insure lawful manufacture and disposition of all brandy produced.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

SUBPART D—LOCATION

§ 184.60 *Restrictions.* Fruit distilleries may not be located in a dwelling house, or on board of any vessel or boat, or on any premises where beer, lager beer, ale, porter, or other fermented liquors, vinegar, or ether is manufactured or produced, or where sugars or sirups are refined, or where liquors of any description are retailed, or within 600 feet in a direct line of a vinegar factory using the vaporizing process, or, except as provided in § 184.61, within 600 feet in a direct line of any premises authorized to be used for rectifying, or where any other business is carried on: *Provided*, That saleratus, and dealcoholized wines containing less than one-half of 1 percent of alcohol by volume, may be manufactured on fruit distillery premises.

(53 Stat. 314; 26 U. S. C. 2819)

§ 184.61 *Within 600 feet of rectifying plant.* No fruit distiller shall carry on the business of distilling brandy at a distance of less than 600 feet in a direct line from a rectifying plant, except when he has been so authorized by the district supervisor. The district supervisor may grant such authority when he is of the opinion that the revenue will not be endangered thereby.

(53 Stat. 314, 373 as amended; 26 U. S. C. 2819, 3170)

§ 184.62 *Special application.* A person desiring to operate a fruit distillery within 600 feet of a rectifying plant shall file a special application, in triplicate, for such privilege with the district supervisor. The application shall state the location of the fruit distillery and the rectifying plant, the distance between the premises, the name of the proprietor of the rectifying plant, a description of any connecting pipelines, the reason for locating the distillery within 600 feet of the rectifying plant and any additional information which the district supervisor may require. The district supervisor will take action on such application in accordance with the procedure prescribed in § 184.326.

(53 Stat. 314, 373 as amended; 26 U. S. C. 2819, 3170)

§ 184.63 *Changes requiring approval.* Where there is to be a change in the distance between a fruit distillery and a rectifying plant located within 600 feet of each other, as a result of the extension or curtailment, or other change of either premises, a new special application, in triplicate, must be filed with the district supervisor by the proprietor of the premises which are to be extended or curtailed. Where a change occurs in the proprietorship of a fruit distillery or rectifying plant located within 600 feet of each other, the new proprietor shall file with the district supervisor a new special application, in triplicate. Unless the fruit distillery premises are extended or curtailed as the result of such change, the change may be reflected in the next amended or annual notice, Form 27½, and plat, filed by the distiller. Such new special application shall be considered and disposed of in accordance with the procedure prescribed in § 184.325.

(53 Stat. 314, 373 as amended; 26 U. S. C. 2819, 3170)

SUBPART E—CONSTRUCTION

§ 184.70 *Distillery buildings.* The distillery buildings must be securely constructed of brick, stone, wood, concrete, or other substantial material and must be completely separated from contiguous buildings not on the distillery premises by unbroken partitions of substantial construction: *Provided*, That where the furnace or boiler used for generating steam or heating water for use in the distillery is located off the distillery premises, or where steam is to be conveyed from a boiler in the distillery to other premises for manufacturing or other purposes, or where distilling material or fuel is to be received by chute or pipeline, or where distilled spirits, distilled water, etc., is to be removed from the distillery by pipeline, in accordance with the law and this part, necessary openings for the passage of the required pipelines or chutes may be permitted in the walls or partitions separating the distillery from the adjoining premises: *And provided further*, That necessary openings for the passage of approved water, electric, sewer, or similar lines may likewise be permitted in such walls or partitions. With the approval of the district supervisor, doors may be placed in the partition separating the fruit distillery from a contiguous bonded winery or bonded field warehouse, and provision made for the transfer of distilling material between such premises in containers or by fixed pipeline or by hose. Where an internal revenue bonded warehouse is operated by the distiller on the distillery premises and adjoins the distilling building or room, a door may be permitted in the wall separating the warehouse and such building or room. The foundations, floors, walls, and roofs, and the doors, windows, and other openings of distillery buildings shall be constructed, and such doors, windows, and other openings shall be protected and secured, as provided in this subpart.

§ 184.71 *Foundations.* The foundations of distillery buildings shall be constructed of stone, brick, concrete, or other equally substantial material, extending into the ground.

§ 184.72 *Floors.* The distillery buildings must have suitable floors constructed of wood, concrete, brick, or other equally substantial material. If a receiving room or brandy deposit room is provided, and the floors are constructed of wood, the boards must be fitted together by tongue and groove, or laid double with the second layer crossing the first at an angle of more than 20 degrees, and securely nailed and fastened.

§ 184.73 *Walls.* The outside walls of distillery buildings must be securely and substantially constructed. The ceiling and walls inside of the receiving room and brandy deposit room must be cased with matched tongue and groove boards, unless the use of other material affording equal protection from access without detection is approved by the Commissioner.

§ 184.74 *Roofs.* The roofs of distillery buildings must be securely and substantially constructed.

§ 184.75 *Doors.* The outside doors of the distillery buildings must be securely and substantially constructed and equipped, so that they may be securely locked. In addition, the doors of receiving rooms, brandy deposit rooms, and other rooms required to be locked by § 184.812 must comply with the following requirements: The outside doors, and those on which Government locks are required, must be securely constructed of heavy timber or iron, or other equally substantial material. The hinges must be secured by roundheaded or carriage bolts, nutted, and riveted or battered on the inside. Hinges that cannot be thus secured must be inaccessible from the outside, and so attached that they cannot be removed when the doors are closed. The outside doors, and those on which Government locks are required, must be equipped with hasp and staple securely fastened on the inside, so that they may be securely locked. The doors secured from the inside must be provided with a cross bar in the middle of the door, and strong and suitable attachments for the reception of locks. Where there are double doors, one of them, at least, must be provided with substantial bolts at both the top and the bottom. These bolts must be so arranged as to plunge into substantial fastenings or holes in the middle of the upper and lower ends of the frame when the door is closed. Folding doors of wood or metal, vertical or horizontal sliding doors of wood or metal, and metal doors of the roller blind type, must be provided with substantial cross bars, or bolts that plunge into the upper and lower ends, of the sides of the door frame, so placed as to make the door rigid and secure, unless the doors operate in grooves or tracks that make them secure.

WINDOWS IN RECEIVING AND BRANDY DEPOSIT ROOMS

§ 184.76 *General.* The windows in the receiving room and brandy deposit room must be constructed and secured as outlined in §§ 184.77–184.84.

§ 184.77 *Windows within 12 feet of ground, etc.* Windows located within 12 feet of the ground, or within 12 feet (a) above a fire escape (except as provided in § 184.78), (b) above a roof, setback, or balcony within 12 feet of the ground, (c) above a roof or balcony of an adjoining building, or (d) of a roof, window, or other opening of an opposite building, must conform to the following requirements:

(1) *Wood sash.* Windows consisting of plain or wire glass panes set in wood sash must be protected by iron bars and solid shutters;

(2) *Steel sash.* Windows consisting of wire glass panes not larger than 6 by 10 inches, set in metal sash must be protected by iron bars;

(3) *Detention type.* Windows may be of the detention type, consisting of solid steel frame, sash, and grille (over the ventilating portion), combined in one unit and erected in one piece, equipped with wire glass panes not larger than 6 by 10 inches.

(53 Stat. 332; 26 U. S. C. 2873)

§ 184.78 *Opening onto fire escape.* Windows opening onto a fire escape shall be protected by solid metal shutters, securely hinged and equipped with facilities for locking on the inside with a Government lock. Iron bars will not be required on such windows.

(53 Stat. 332; 26 U. S. C. 2873)

§ 184.79 *Extension of requirements.* The Commissioner or district supervisor may require any other windows in the receiving and brandy deposit rooms to be protected by iron bars or shutters, or both, when deemed necessary to safeguard the spirits.

(53 Stat. 332; 26 U. S. C. 2873)

§ 184.80 *Windows more than 12 feet from ground.* Windows more than 12 feet from the ground and not subject to the provisions of §§ 184.77 and 184.78 must be securely constructed and so arranged and equipped that they may be securely fastened on the inside.

(53 Stat. 332; 26 U. S. C. 2873)

§ 184.81 *Set in casement.* Windows must be securely set into the window casement in such a manner as to prevent ready removal.

(53 Stat. 332; 26 U. S. C. 2873)

§ 184.82 *Sash locks.* Window sashes must be provided with sash locks or other suitable fasteners.

(53 Stat. 332; 26 U. S. C. 2873)

§ 184.83 *Shutters.* The shutters must be solid and substantially constructed of metal or wood, and must be fastened inside of the room or building and so secured that they cannot be opened from the outside.

(53 Stat. 332; 26 U. S. C. 2873)

§ 184.84 *Iron bars.* The iron bars must be not less than three-fourths of an inch in diameter, placed perpendicularly in the windows or walls, not more than 5 inches apart from center to center, and reinforced by iron cross bars not more than 36 inches apart. All bars and cross bars must be securely fastened to the window frames or embedded in the walls in such a manner as to prevent their removal and to afford proper security.

(53 Stat. 332; 26 U. S. C. 2873)

§ 184.85 *Other windows.* All other windows of distillery buildings must be securely constructed and so arranged and equipped that they may be securely locked and fastened on the inside.

§ 184.86 *Skylights, monitors, penthouses, etc.* Skylights, monitors, penthouses, and similar openings will be regarded as windows and treated as such, except that shutters will not be required.

§ 184.87 *Ventilators.* Small openings in outside walls of distillery buildings, and in the ground floors and the roofs thereof, for ventilation or heating purposes, will be permitted, provided they are protected by substantial metal gratings, not lighter than No. 6 gauge and having openings not larger than one-half inch, securely attached to or embedded in the floor, wall, or roof. Where such openings in the walls, floors, and roofs of receiving and brandy deposit rooms are larger than 6 by 6 inches, they shall be further protected by iron bars. Such openings will not be permitted in walls or floors which separate the distillery from contiguous premises.

§ 184.88 *Drains.* Openings in floors (except floors separating the distillery from other premises) will be permitted for drainage or sewage, provided they are permanently connected to the sewer system and protected in the same manner as ventilators.

§ 184.89 *Receiving room.* The proprietor may provide a receiving room in which to locate the receiving tanks. If such a room is provided, it shall be constructed in accordance with the applicable provisions of §§ 184.70–184.88. No door, window, or other opening leading from the receiving room into any other building or room, except the distilling building or room, will be permitted: *Provided*, That where the receiving room and brandy deposit room adjoin each other there may be a communicating door between them. All doors of the receiving room shall be locked on the inside with Government locks, except the entrance door and the communicating door, if any, between the receiving room and the brandy deposit room. The entrance door shall be locked on the outside of the receiving room with a Government seal lock and the communicating door between the receiving room and the brandy deposit room shall be locked on the brandy deposit room side. The receiving room must be well lighted, and of sufficient size and so equipped as to permit prompt and convenient conduct of operations required therein. A sign must be placed over the entrance door bearing the words "Receiving Room."

§ 184.90 *Brandy deposit room.* Unless all brandy is removed from the distillery in accordance with §§ 184.535–184.540, during the regular working hours of the same day on which it is drawn from the receiving tanks, there must be provided a room (or building) to be known as the brandy deposit room (or building) for the temporary storage of brandy pend-

ing removal thereof from the distillery premises. The brandy deposit room shall be constructed in accordance with the applicable provisions of §§ 184.70–184.88. No door, window, or other opening leading from the brandy deposit room into any other building or room, except the distilling building or room, will be permitted: *Provided*, That where the brandy deposit room and the receiving room adjoin each other there may, as provided in § 184.89, be a communicating door between them. All doors of the brandy deposit room shall be locked on the inside with Government locks, except the entrance door, which shall be locked on the outside of the room with a Government seal lock. The brandy deposit room must be well lighted and of sufficient size and so equipped as to permit of prompt and convenient conduct of operations required therein. A sign must be placed over the entrance of the room bearing the words "Brandy Deposit Room."

§ 184.91 *Filled package storeroom.* Where packages are filled from tanks in the brandy deposit room and it is desired to store such filled packages temporarily pending removal from the distillery, a separate compartment or room must be provided within the brandy deposit room for the storage thereof. The construction of such filled package storeroom must conform to the applicable provisions of §§ 184.70–184.88. All doors of this compartment or room shall be equipped for locking on the inside with Government locks, except the entrance door which shall be equipped for locking on the outside. The entrance door of the filled package storeroom shall open into the other part of the brandy deposit room.

§ 184.92 *Fermenting room or building.* Where distilling material is produced on the distillery premises, a room or building must be provided in which shall be located the fermenting tanks, distilling material storage tanks, and distilling material measuring tanks: *Provided*, That where closed tanks are used they need not be located in a room or building. If a fermenting room is provided, it may be located in the distilling building and have direct communication with other portions of such building. Where all distilling material used is produced on other premises, a fermenting room or building need not be provided. The distilling material measuring tank shall in such case be located in the distillery, but not necessarily in a separate room: *Provided*, That where all distilling material used is received from a bonded winery operated by the distiller on contiguous premises, the distilling material measuring tank may be located on the winery premises. Where the distilling material measuring tank is located on a contiguous winery premises and the transfer of distilling material is not made by hose as authorized by § 184.70, a fixed pipeline must be installed for conveying the distilling material from the measuring tank to the distillery, where it shall be conveyed direct to the chargers of the stills or to sumps for immediate transfer to the chargers. If carbon dioxide gas is recovered, the necessary purifiers, scrubbers, and wash-water receiving tanks should be located in the fermenting room or building or in an adjoining room or building.

§ 184.93 *Empty container storeroom.* If empty packages are to be stored on the distillery premises, a separate room or building must be provided for such purpose. Such room or building shall not have any means of interior communication with any other room or building used in connection with the production or storage of brandy. This room or building may be used for general cooperage purposes.

§ 184.94 *Government office.* The proprietor shall provide and maintain on the distillery premises for the exclusive use of Government officers a securely constructed, well-lighted, heated, and ventilated office of suitable dimensions: *Provided*, That where the proprietor operates an internal revenue bonded warehouse on or contiguous to the distillery premises, or a bonded winery contiguous to such premises, and a Government office conforming to the requirements specified in this section is provided on the warehouse or winery premises, and such office is so located as to be suitable for the use of Government officers assigned to the distillery, a separate Government office need not be provided on the distillery premises. The Government office shall be equipped with toilet and lavatory facilities and with a suitable number of desks, chairs, file cases, and such other furniture as may be necessary for the keeping of Government records and the preparation of reports. Where distilling materials, etc., are tested by Government officers, the Government office shall also be provided with running water, and such tables and shelves as may be required, unless suitable laboratory facilities are available to Government officers elsewhere on the premises. The door of the Government office shall be equipped with a cylinder type lock, and a sufficient number of keys therefor shall be furnished the district supervisor for the use of Government officers. Where deemed necessary to afford adequate security to Government property, the district supervisor may require the windows of the Government office to be protected by shutters or iron bars, and the door to be so equipped that it may be securely fastened with a Government lock. A sign must be placed over the entrance door bearing the words, "Government Office". Where brandy is drawn into packages from receiving or brandy storage tanks the distiller must provide beside the scales on which the packages are weighed a desk or table and chair for the use of the storekeeper-gauger in preparing his reports of gauge.

§ 184.95 *Government cabinet.* There shall be provided in the Government office a metal cabinet of adequate strength and size, suitably equipped for locking with a Government seal lock, for use in safeguarding Government locks, keys, seals, and other Government property, and stamps in the custody of Government officers. Each such cabinet shall be subject to approval by the district supervisor.

SUBPART F—SIGN

§ 184.105 *Posting of sign.* The proprietor shall place and keep conspicuously on the outside and at the front of the distillery where it can be plainly seen, a sign exhibiting in plain and legible letters, painted in oil colors or gilded, not less than 3 inches in height and of a proper and proportionate width, the name of the distiller and the words "Fruit Distillery," followed by the registered number of the distillery.

(53 Stat. 318; 26 U. S. C. 2831)

SUBPART G—FENCES OR WALLS AND GATES

§ 184.110 *Construction.* The distiller may erect around the distillery premises a fence or wall, but a suitable number of gates or doors therein must be provided; and if such fence or wall is to be solid and over 5 feet in height, specific approval for the erection or maintenance thereof must be obtained from the district supervisor.

(53 Stat. 316 as amended, 316, 373 as amended; 26 U. S. C. 2825, 2826, 3170)

§ 184.111 *Special application.* Where the distiller desires to construct or maintain a solid fence or wall of a greater height than 5 feet around the distillery, he shall file with the district supervisor a special application therefor, in triplicate, giving a complete description of the fence or wall, including information as to materials, construction, height, and number of gates, and stating the reasons for the construction or maintenance of such fence or wall. The district supervisor will take action on such special application in accordance with the procedure prescribed in § 184.327.

(53 Stat. 316 as amended, 316, 373 as amended; 26 U. S. C. 2825, 2826, 3170)

§ 184.112 *Keys to gates.* The distiller shall furnish the district supervisor as many keys to the gates or doors of the fence or wall around the distillery as may be required from time to time, in order to render the distillery readily accessible to Government officers.

(53 Stat. 316 as amended, 316, 373 as amended; 26 U. S. C. 2825, 2826, 3170)

SUBPART H—EQUIPMENT

§ 184.120 *Scales for packages.* Where brandy or heads and tails are drawn into packages at the distillery, the distiller must provide suitable and accurate scales, graduated in half pounds, on the distillery premises for weighing the same.

(53 Stat. 307; 26 U. S. C. 2808)

§ 184.121 *Weighing tanks.* Where brandy is to be removed from a distillery by pipeline for any authorized purpose as provided by this part, the distiller must provide on the distillery premises one or more suitable weighing tanks constructed in accordance with the provisions of § 184.122 unless the receiving tanks or brandy deposit tanks are mounted on scales, or unless such removals are limited to transfer of brandy to a weighing tank in a warehouse on the same or contiguous premises, or to a weighing tank in the fortifying room of a contiguous winery, or to a weighing tank in a contiguous distillery, and gauged therein. Where heads and tails are to be removed in tank cars for denaturation, the distiller must provide in the distillery building a suitable weighing tank of like construction; except that such weighing tanks will not be necessary in the distillery building where suitable weighing tanks are provided in the receiving room or the brandy deposit room and heads and tails are to be conveyed by fixed pipelines, constructed in accordance with § 184.140 from the heads and tails tanks to the receiving room or brandy deposit room weighing tanks and gauged therein. The beams or dials of scales must be graduated to enable readings to be made as follows: To the nearest ½ pound for scales having a capacity not to exceed 2,000 pounds; to the nearest 1 pound for scales having a capacity of over 2,000 pounds, but not exceeding 6,000 pounds; to the nearest 2 pounds for scales having a capacity over 6,000 pounds, but not exceeding 20,000 pounds; to the nearest 5 pounds for scales having a capacity over 20,000 pounds, but not exceeding 50,000 pounds; and to the nearest 10 pounds for scales having a capacity over 50,000 pounds. Except in the case of scales having a capacity of 2,000 pounds or less, where spirits are to be gauged for taxpayment not less than twenty percentum of the total capacity of the weighing tank scale may be entered into the tank for gauging for determination of the tax: *Provided*, That lots of spirits weighing 1,000 pounds or less must be weighed on scales having one-half pounds graduations. If molasses or other liquids are used as distilling material, suitable weighing or measuring tanks must be provided for determining the quantity thereof.

(53 Stat. 298 as amended, 307; 26 U. S. C. 2800, 2808)

§ 184.122 *Construction of weighing tanks.* Weighing tanks shall be constructed of metal and shall be stationary and each such tank shall be equipped with a suitable measuring device whereby the contents will be correctly indicated. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words "Weighing Tank," followed by its serial number and the capacity in gallons. The inlet and outlet pipe connections of each weighing tank must be fitted with valves so constructed that they can be secured with Government locks, and any other openings in such tanks must also be so constructed that they can be closed and similarly locked.

§ 184.123 *Test weights.* The distiller shall provide a set of ten 50-pound cast-iron test weights, which shall be certified by the National Bureau of Standards or State departments of weights and measures as conforming to class "C" requirements of the National Bureau of Standards: *Provided*, That test weights need not be furnished where all brandy produced is transferred directly from the distillery to the fortifying rooms of wineries for the fortification of wine and the distiller has the scales used for weighing brandy, including those upon which weighing tanks are mounted, checked and their accuracy certified to by State, county, or city departments of weights and measures or by responsible scale companies at intervals of not more than 6 months. If the distiller has provided such test weights at an internal revenue bonded warehouse operated by him on the same or contiguous premises, or at a bonded winery or rectifying plant on contiguous premises, he need not provide a separate set of weights for the distillery. All test weights shall be placed under the control and in the custody of the storekeeper-gauger in charge, who shall keep them under Government lock when not in use.

(53 Stat. 307; 26 U. S. C. 2808)

§ 184.124 *Furnace doors, steam and fuel lines.* The door of every furnace of every still or boiler located on the distillery premises must be so constructed that it may be closed and locked with a Government lock in such a manner as will effectually prevent it from being opened and a fire lighted in the furnace or under the boiler: *Provided*, That where the stills are heated with steam and it is necessary to use the boilers for the generation of steam for other purposes during periods when distilling operations are suspended, the doors of the furnaces of such boilers need not be equipped for locking if the pipelines used to convey steam from the boilers to the stills are provided with valves equipped for locking with Government locks at the point where they enter each still. Where the boilers used for generating steam for the operation of the distillery are located off the distillery premises, the pipeline used to convey the steam to the distillery must be equipped with a valve so constructed that it may be locked with a Government lock, either at the point where it enters the distillery premises or at the point of entrance to the stills. If the stills are operated with fuel conveyed to them by pipeline, such pipeline must likewise be equipped for locking.

(53 Stat. 315; 26 U. S. C. 2822)

§ 184.125 *Distilling material measuring and storage tanks.* There must be provided at each fruit distillery one or more distilling material measuring tanks for measuring the distilling material received, and, if distilling material is to be stored on the premises, a requisite number of distilling material storage tanks: *Provided*, That where all distilling material used is received from a bonded winery operated by the distiller on contiguous premises, and such distilling material is conveyed direct from measuring tanks on the winery premises to the chargers of the stills or to sumps for immediate transfer to the chargers, as authorized by § 184.92, such tanks need not be installed in the distillery. Where brandy is received for redistillation the tanks used for storage thereof must have the inlets, outlets, and other openings thereof equipped for locking with Government locks and the tanks and pipelines used in connection therewith must be installed and equipped in accordance with §§ 184.129 and 184.140. Distilling material measuring tanks may be used as storage tanks when not needed for measuring distilling material received or used. Each distilling material measuring tank or storage tank must be constructed of wood, metal, concrete, or other suitable material, and so arranged as to permit proper examination thereof. Each such tank must have plainly and legibly painted thereon its designated use, as "Distilling Material Measuring Tank" or "Distilling Material Storage Tank," followed by its serial number, capacity in gallons, depth in inches, and, if of uniform dimensions and standing on end, the capacity per inch of depth. Where such tanks are of irregular dimensions or are lying on side, the distiller shall furnish to the district supervisor a table, in duplicate, showing the capacity of the tank for each inch of depth. The district supervisor will retain one copy of the table and forward the other to the storekeeper-gauger, who will retain the same in the Government office. The distiller shall provide an accurate measuring rod, marked in inches, or a steel tape, suitable for use in determining the contents of such tanks. Where such tanks are equipped with an accurate measuring device whereby the contents are correctly shown, the capacity per inch of depth need not be marked on the tank and a measuring rod or tape need not be provided.

(53 Stat. 316; 26 U. S. C. 2829)

§ 184.126 *Fermenters.* Where distilling material is to be produced on the distillery premises there must be provided appropriate fermenting tanks. Such tanks shall be located in the fermenting room or building, except that where closed fermenters are used they need not be enclosed in a room or building. The fermenters shall be constructed and marked in the same manner as distilling material measuring and storage tanks are required by § 184.125 to be constructed and marked, except that the designated use of such tanks will be represented by the words "Fermenting Tank," and the markings shall be painted on the tanks. Where fermenters are of irregular dimensions or are lying on side, the same provisions shall be made for determining their contents as are required by § 184.125 in the case of distilling material measuring and storage tanks.

(53 Stat. 315; 26 U. S. C. 2822)

§ 184.127 *Washwater receiving tanks.* If carbon dioxide is recovered, and the washwater is to be utilized in the manufacture of brandy, there must be provided a sufficient number of washwater receiving tanks, which shall be constructed of metal. Each such tank shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. There must be painted on each tank the words, "Washwater Receiving Tank," followed by its serial number and the capacity in gallons. The outlet valve must be equipped for locking with a Government lock. If the washwater is not used in the manufacture of brandy, as provided by § 184.460, washwater receiving tanks need not be provided.

(53 Stat. 318; 26 U. S. C. 2829)

§ 184.128 *Stills.* The stills must be of substantial construction and must have a clear space of not less than 1 foot around them. The steam or fuel line

to each still shall be equipped with a valve so constructed that it may be locked with a Government lock when the distillery is suspended, as required by § 184.698. The drain and washout pipes of stills must also, whenever practicable, be equipped with valves so constructed that they may be locked with Government locks. If there is a furnance under the stills or doublers, the door thereto must, as provided in § 184.698, be so constructed that it may be secured with a Government lock. There must be a clear space of not less than 2 feet around every doubler and condenser or worm tank. The doubler and worm tanks must be elevated not less than 1 foot from the floor. Every still must be numbered, commencing with number 1, and have painted thereon its designated use, such as "Beerstill," "Doubler," etc., and its number and spirit producing capacity in proof gallons in 24 hours, computed in accordance with the rules set forth in Subpart PP of this part. Where the still is insulated or the manufacturer's serial number is otherwise obscured, such number will likewise be painted on the covering of the still.

(53 Stat. 315; 26 U. S. C. 2822)

§ 184.129 *General requirements for tanks.* All tanks used as receptacles for brandy between the outlet of the first condenser or worm and the receiving tanks shall be constructed of metal, unless enclosed within a securely constructed room equipped for locking with a Government lock, in which case the tanks may be constructed of wood or concrete. All tanks shall be equipped with a suitable measuring device, conforming to the requirements of § 184.130, whereby the actual contents will be correctly indicated. Where such tanks are of irregular dimensions, the distiller shall furnish to the district supervisor, a table, in duplicate, showing the capacity of the tank for each inch of depth. The district supervisor will retain one copy of the table and forward the other to the storekeeper-gauger who will retain the same in the Government office. All tanks must be so constructed as to permit proper examination thereof, and so arranged as to leave an open space of not less than 3 feet between the top and the roof or floor above. Where tanks are equipped with manholes or valves in the top which are required to be locked with Government locks, suitable walks or landings with steps or stairways leading thereto and providing ready access to such manholes or valves must be constructed. All tanks, such as low-wine, singlings, heads and tails, fusel oil and distilled water tanks, and similar equipment shall each have plainly and legibly painted thereon its designated use, serial number, and capacity in gallons. Manheads, inlets, and outlets of the tanks and all openings in the distilling apparatus and equipment, except column stills, whereby access may be had to the brandy must be provided with facilities for locking with Government locks or otherwise securely fastened and sealed: *Provided*, That distilled water storage tanks need not be so equipped unless a pipeline is connected therewith for the conveyance of distilled water to contiguous establishments, as provided in § 184.133. Tanks used as receptacles for brandy may be permanently connected with pipelines, for the conveyance thereto of air, and also distilled water, but the distilled water pipeline must be affixed to the top of the tank, and may not extend into the tank. Each such pipeline must be equipped with a control valve which may be locked with a Government lock. Pipelines used for the conveyance of air must also be equipped with a check valve located near the point of entry to the tank in order to effectively prevent any abstraction of spirits from the tank. Other pipelines, except those used for the conveyance of brandy, may not be permanently connected with such tanks.

(53 Stat. 316, 318, 354, 373 as amended; 26 U. S. C. 2923, 2829, 3041, 3170)

§ 184.130 *Measuring devices.* All tanks used as receptacles for brandy shall be equipped with floats and counterweights and a proper scale, whereby the actual contents will be correctly indicated, except that tanks located in a locked room may be equipped with suitable and accurate glass gauges. The openings in the tanks for cords or wires for floats and counterweights must be no larger than are absolutely necessary to accommodate the cords or wires. Where tanks equipped with floats and counterweights are in a locked room the scale should be extended to the outside of the room to permit ascertainment of the contents of the tank and thus guard against overflow without the necessity of opening the door of the room. Where tanks in a locked room are equipped with glass gauges, a properly barred and secured window must be provided in the wall or door to permit reading the gauge.

(53 Stat. 318; 26 U. S. C. 2829)

§ 184.131 *Heads and tails tanks.* Every fruit distiller desiring to collect heads and tails for destruction or removal for denaturation must provide for the purpose one or more tanks, each of which must be constructed and equipped in accordance with the provisions of § 184.129, and have painted thereon the words "Heads and Tails Tank," followed by its serial number and capacity in gallons. The tanks must be so arranged that the distillate to be collected therein will pass from the still into the tank through continuous and securely closed fixed pipes and vessels. The pipelines connecting the tanks with the stills or other apparatus must be constructed in accordance with § 184.140. Valves must be provided in the pipelines and so arranged as to control completely the flow of distillate both into and out of each tank. The construction of the valves must be such that they can be secured with Government locks.

(53 Stat. 316, 318, 346; 26 U. S. C. 2823, 2829, 2916)

§ 184.132 *Unfinished brandy tanks.* Whenever a fruit distillery established or operated under this part is to be operated alternately as such and as an industrial alcohol plant or as a registered distillery in accordance with Subpart N of this part, and the fruit distiller desires to retain unfinished brandy where the change in type of plant is to be temporary only, he must provide for the purpose one or more tanks, each of which must be constructed and equipped in accordance with the provisions of § 184.129 and have painted thereon the words "Unfinished Brandy Tank," followed by its serial number and capacity in gallons. The tanks must be so arranged that the unfinished brandy to be collected therein will pass from the still into the tank through continuous and securely closed, fixed pipes and vessels. The pipelines connecting the tanks with stills or other apparatus must be constructed in accordance with § 184.140. Valves must be provided in the pipelines and so arranged as to control completely the flow of unfinished brandy both into and out of each tank. The construction of the valves must be such that they can be secured with Government locks.

(53 Stat. 316, 318; 26 U. S. C. 2823, 2829)

§ 184.133 *Distilled water tanks.* Distilled water storage tanks shall be so located that their contents may be readily inspected by Goverment officers, and each such tank shall have painted thereon the words "Distilled Water Storage Tank," followed by its serial number and capacity in gallons. Where distilled water is to be conveyed by pipeline to contiguous establishments operated under the internal revenue laws and regulations, the storage tanks from which the distilled water is to be conveyed must be so constructed that any necessary openings therein may be closed and secured with a Government lock. The pipeline must be an independent one, without any connection with any other pipe, tank, vessel, or utensil on the distillery premises: *Provided*, That where distilled water is to be so conveyed from two or more distilled water storage tanks, the pipeline may be connected with such tanks by permanent manifold connections. The pipeline must be constructed of metal, or other suitable material, and exposed to view throughout its entire length. The valves, flanges, and other connections in such pipeline on the distillery premises must be brazed, welded, or otherwise secured in such a manner that the pipeline and its connections cannot be detached or altered without showing evidence of tampering.

(53 Stat. 316, 318; 26 U. S. C. 2823, 2829)

§ 184.134 *Try boxes.* Try boxes must be provided and so constructed as to permit reading the proof of the brandy, as well as the temperature, without unlocking the same. Such boxes shall be substantially constructed, and shall be equipped for locking with a Government lock. Each try box must be provided with an overflow pipe to permit by-passing of the spirits around the valves controlling the flow from the try box to the receiving tank. The overflow pipe shall be brazed or welded to the pipeline leading to the low-wine, singlings, or receiving tanks.

(53 Stat. 318; 26 U. S. C. 2829)

§ 184.135 *Singlings tanks.* Where singlings are produced the distiller shall provide singlings tanks for the reception thereof. Singlings tanks shall be constructed and arranged in accordance

with § 184.129, and equipped with a suitable measuring device conforming to the requirements of § 184.130, whereby the actual contents will be correctly indicated. Each singlings tank shall have plainly and legibly painted thereon the words "Singlings Tank," followed by its serial number and capacity in gallons. The singlings tank shall be connected by means of fixed pipelines with the stills in which the singlings are to be redistilled, or, if it is desired to mingle singlings with distilling material about to be distilled, the singlings tanks may be connected by means of fixed pipelines with the distilling material sump or the chargers of the still, or the distilling material pipeline leading to the still, in accordance with § 184.136. The pipelines connected with the singlings tanks shall be provided with valves to control the flow of singlings into and out of the tanks, and such valves shall be so constructed that they may be closed and secured with Government locks. Where the tanks are connected with a closed, locked still in which the singlings are redistilled, the valves controlling the flow of the singlings into and out of the tanks need not be equipped for locking with a Government lock. By the term "closed, locked still" is meant a still having all openings by which access may be had to the brandy or singlings closed and secured with Government locks or sealed.

(53 Stat. 318, 354; 26 U. S. C. 2829, 3041)

§ 184.136 *Sumps and chargers.* Where singlings are to be run into the sump or the chargers of the still and mixed with the distilling material for distillation, the sump and chargers, or the chargers, as the case may be, must be so constructed that the inlets, outlets, and other openings thereof may be closed and secured with Government locks. The pipeline between the sump and chargers and the still shall be constructed and secured as provided in § 184.140.

(53 Stat. 318, 354; 26 U. S. C. 2829, 3041)

§ 184.137 *Receiving tanks.* The distiller shall provide a sufficient number of receiving tanks of adequate capacity, into which shall be conveyed all the brandy produced in the distillery. Such tanks will be located in the receiving room where such a room is provided. If no receiving room is provided, the distiller may, if he so desires, place receiving tanks in the brandy deposit room, or, if the tanks are constructed of metal, they may be located at some place in the distillery convenient for drawing off brandy. At distilleries where operations are not such as to require the daily attendance of a storekeeper-gauger, the receiving and singlings tanks shall be of such capacity as will necessitate the visit by a Government officer not more than twice a month to gauge the brandy: *Provided*, That the district supervisor may approve tanks of less capacity where, by reason of the location of the distillery, he can assign a storekeeper-gauger to visit the distillery more often than twice a month to gauge the brandy, or where the quantity of brandy produced is such as to make the retention of 15 days' production in the receiving tanks inadvisable. Receiving tanks must be constructed and arranged in conformity with the requirements of § 184.129, and, in addition thereto, such tanks must be elevated not less than 18 inches from the floor and so separated that the Government officer may pass completely around each. Each receiving tank shall be equipped with a suitable measuring device conforming to the requirements of § 184.130 whereby the actual contents will be correctly indicated. Each such tank shall have plainly and legibly painted thereon the words "Receiving Tank," followed by its serial number and the capacity in gallons. The receiving tanks must not be connected with each other, except that a connecting pipeline will be permitted between them in order to prevent loss of spirits by overflow. Such connecting pipeline must be located as close to the top of each receiving tank as the construction thereof will permit. It must be closed and all connections therein brazed or welded to prevent abstraction of brandy without showing evidence of tampering. A valve equipped for locking with a Government lock must be provided in such pipeline. Pipelines connected with receiving tanks must be brazed, welded, or otherwise secured and sealed to the tanks in such a manner that they cannot be detached or altered without showing evidence of tampering. Pipelines for the conveyance of distilled water, air, or other substances than brandy may not be permanently connected with receiving tanks, except as provided by § 184.129.

(53 Stat. 316, 318, 354, 373 as amended; 26 U. S. C. 2823, 2829, 3041, 3170)

§ 184.138 *Stopcocks of receiving tanks.* The stopcocks which control the flow of brandy into the receiving tanks must be so arranged that the brandy may be run into any of the tanks, and if the stopcocks are in the receiving room or brandy deposit room they must be controlled by rods, the handles of which must extend into the distillery or through the wall to the outside of the receiving room or brandy deposit room. The stopcocks controlling the flow of brandy out of receiving tanks must be so constructed that they may be securely locked with Government locks.

(53 Stat. 316, 354; 26 U. S. C. 2823, 3041)

§ 184.139 *Brandy storage tanks.* Where brandy is to be temporarily stored in tanks pending removal from the distillery, such tanks shall be located in the brandy deposit room. The construction of brandy storage tanks shall conform to the requirements of § 184.129. Each brandy storage tank shall have plainly and legibly painted thereon the words "Brandy Storage Tank," followed by its serial number and the capacity in gallons.

(53 Stat. 316, 318, 354; 26 U. S. C. 2823, 2829, 3041)

§ 184.140 *Pipelines.* The distillery apparatus and equipment must be closed and continuous, commencing with the first still in which the vapors rise and continuing with securely closed vessels and pipes to the receiving tanks in which the finished product is deposited. All such pipelines must be of a fixed and permanent character, constructed of metal, or other material affording necessary protection, and so arranged as to be exposed to view in their entirety. All valves, unions, flanges, and other detachable connections in the pipelines of the distilling equipment, from the point where the vapors rise in the first still to the receiving tanks, must be so secured by brazing, welding, fastening, and sealing, or locking with Government locks as to effectually prevent disconnection and access to the brandy. Pipelines authorized by this part for use in the conveyance of brandy from receiving tanks to storage tanks in the brandy deposit room and from the distilery to establishments on the same or contiguous premises shall be constructed, secured and exposed in like manner and shall be so arranged that each such pipeline can be completely emptied or drained after each transfer of brandy: *Provided*, That such pipelines may be connected with weighing tanks by means of flexible metal hose with the ends brazed or welded to the outlet of the tank and the pipeline, or by means of short detachable hose connections, if the end of the pipeline is fitted with a valve so constructed that it may be secured with a Government lock. Pipelines may likewise be connected with tank cars by short detachable hose connections.

(53 Stat. 316, 318, 354; 26 U. S. C. C. 2823, 2829, 3041)

§ 184.141 *Additional requirements for pipelines.* Where brandy is to be conveyed by pipeline to contiguous establishments as authorized by this part, a separate pipeline to each such establishment must be installed for the conveyance of the brandy: *Provided*, That the Commissioner may authorize the use of a single pipeline where proper manifold connections, affording adequate control of the brandy to each establishment, are provided in the pipeline. A pipeline must also be provided for loading or unloading tank cars, except as provided by § 184.568. Such pipelines may be connected only to the tanks to or from which transfer of brandy is authorized, except, where two or more tanks are used for the same purpose, manifold connections may be used. Manifold connections must be equipped with valves which may be secured with Government locks and so arranged as to permit complete control of brandy into or out of each tank. There shall be painted on each pipeline extending to and from a manifold a legend showing the kind and serial number of the tank or the type and registry number of the contiguous establishment with which the pipeline is connected. Where there are separate pipelines leading directly from a tank to a tank car loading zone or an establishment on the same or contiguous premises, a legend indicating the use of such pipeline or the type and registry number of the contiguous establishment shall be painted thereon. Pipelines so used shall be kept painted in the colors required by § 184.145.

(53 Stat 298 as amended, 314, 316, 318, 335; 26 U. S. C. 2800, 2820, 2823, 2829, 2883)

§ 184.142 *Preparation for sealing flanges.* Where flanges and other detachable connections in the pipelines

(other than unions or valves) are not secured by welding or brazing, and are not to be secured by Government locks, they must be prepared by the distiller for sealing with "cap" seals by one of the following methods:

(a) By applying a "castle" nut with a hole drilled through the bolt, so the sealing wire may be passed through like a cotter pin, two such nuts being applied to each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three such nuts will be applied at approximately equal distances apart;

(b) By drilling a small hole through both nut and bolt, two such bolts and nuts being drilled for each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three such nuts will be applied at approximately equal distances apart; or

(c) By drilling a hole through the corner of the head of the bolt and one through the corner of the nut so the two will be sealed together, two such bolts and nuts being drilled for each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three such nuts will be applied at approximately equal distances apart.

(53 Stat. 316, 354; 26 U. S. C. 2823, 3041)

§ 184.143 *Preparation for sealing unions.* Where unions in the pipelines are not secured by welding or brazing, and are not to be secured by Government locks, they will be prepared for sealing by enclosing the same in a metal box with holes for the sealing wire.

(53 Stat. 316, 354; 26 U. S. C. 2823, 3041)

§ 184.144 *Preparation for sealing valves.* Where small gate and globe valves in the pipelines are not secured by welding or brazing, and are not to be secured by Government locks, they may be prepared for sealing by inclosing the packing nut and hood with a metal band or strap drawn tightly around the flange and fitted for reception of the sealing wire, or by drilling a hole in the packing nut so that sealing wire may be passed through and drawn around the pipe and sealed. Where valves have large flanges, such flanges may be sealed in the same manner as other flanges.

(53 Stat. 316, 354; 26 U. S. C. 2823, 3041)

§ 184.145 *Colors for pipelines.* The pipelines in the fruit distillery used for conveying the following substances shall be kept painted in the colors indicated:

Black	Brandy or other finished spirits.
Blue	Vapor, singlings, high wines and low wines, or other unfinished spirits.
Red	Fermented mash, wine, or other distilling material.
Gray	Must or other unfermented material.
Brown	Slop.
Yellow	Fusel oil.
White	Water.
Aluminum	Steam.
Orange	Air.
Olive green	Carbon dioxide gas.

These colors are intended for such pipelines only and are prescribed for the purpose of distinguishing such pipelines from each other and from all other pipelines on the premises which are painted but for which colors are not prescribed. The painting in one of the prescribed colors, or a color similar thereto, of a pipeline for which a color is not prescribed is prohibited. Pipelines for which colors are not prescribed may be painted in sections of contrasting colors.

(53 Stat. 315; 26 U. S. C. 2822)

§ 184.146 *Sufficient equipment required.* Whenever a fruit distiller desires to produce in his fruit distillery two or more kinds of brandy simultaneously, he must provide sufficient fermenters, distilling apparatus, receiving tanks, and other equipment to permit the production thereof without the commingling of dissimilar brandy.

(53 Stat. 318; 26 U. S. C. 2829)

§ 184.147 *Hydrometers.* Proprietors of distilleries will provide hydrometer sets for their own use in determining the proof of brandy.

§ 184.148 *Details of construction and equipment.* The Commissioner may approve details of construction and equipment in lieu of those prescribed where it is impracticable to conform to prescribed specifications and as much security will be afforded. Details not covered in this part must afford as much security as those prescribed. The Commissioner's approval should be first obtained where substitution is proposed or where the security of proposed construction and equipment not covered in this part is doubtful.

§ 184.149 *Distilleries heretofore established.* Fruit distilleries heretofore established may continue to operate if the present construction and equipment afford adequate security and protection to the revenue. The Commissioner or district supervisor may at any time require the distiller to make changes in construction and equipment conforming to the provisions of this part, if deemed necessary to safeguard the revenue or to permit more economical and efficient supervision by Government officers. All fruit distilleries hereafter established, and changes in existing fruit distilleries, must be in conformity with this part.

(53 Stat. 316, 373 as amended; 26 U. S. C. 2823, 3170)

Subpart I—Qualifying Documents

§ 184.160 *Notice, Form 27½.* Every person engaged in the business of a fruit distiller, or intending to engage therein, or who wishes to continue in such business on and after the first day of May in each year, must give notice of such intention on Form 27½. This notice must be filed in triplicate with the district supervisor of the district in which the premises are located, before engaging in the business, and on May 1 of each year thereafter during continuance in such business. Except as provided in § 184.169, in the case of amended or supplemental notices, all of the information indicated by the lines of the form and the instructions printed thereon or issued in respect thereto, and as required by the regulations in this part, shall be furnished. Notices on Form 27½ must be signed in accordance with the instructions printed on the form and sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such notice contains therein a provision for verification by a written declaration that such notice is made under penalties of perjury, such notice shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Such notices must be numbered serially, commencing with number 1 and continuing in regular sequence for all notices thereafter filed, whether annual, amended, or supplemental. All data, written statements, affidavits, and other documents submitted in support of the application shall be deemed to be a part thereof.

(53 Stat. 309, 373 as amended, 63 Stat. 667; 26 U. S. C. 2812, 3170, 3809)

§ 184.161 *Permit required.* Under the Federal Alcohol Administration Act and the regulations issued pursuant thereto (27 CFR, Part 1) any person except an agency of a State or political subdivision thereof, or any officer or employee of any such agency intending to engage in the business of producing brandy is required to procure a permit therefor. Application for such permit should be filed with the district supervisor, at the time of filing the original notice, Form 27½.

(49 Stat. 978; 27 U. S. C. 203)

§ 184.162 *Description of premises.* The lot or tract of land on which the distillery is situated must be described on Form 27½ by courses and distances, in feet and inches, with the particularity required in conveyances of real estate. If the distillery premises consists of two or more lots or parcels, the condition of the title to which is not the same, the entire distillery premises shall be first described, followed by a separate description by courses and distances, in feet and inches, of each such lot or parcel. The continuity of the distillery premises must be unbroken, except that the premises may be divided by a public street or highway, if parts of the premises so divided abut on such street or highway opposite each other. The premises may be similarly divided by a railroad right of way, if the railroad is a common carrier. In such cases, each tract of land constituting the distillery premises shall be described separately on the form.

(53 Stat. 309; 26 U. S. C. 2812)

§ 184.163 *Description of buildings and rooms.* All buildings and rooms on the distillery premises shall be accurately described on Form 27½. The description shall include the designated name of the building or room, which shall be according to its use, such as distillery building, brandy deposit room, etc., the materials of which constructed, the dimensions thereof, the location of doors, windows, and other openings, and the manner in which they are secured and protected. Each floor of each building shall be described separately. If more than one building or room is used for the same purpose, the name shall include an alphabetical designation to distinguish them.

(53 Stat. 309; 26 U. S. C. 2812)

§ 184.164 *Distilling capacity.* The estimated maximum number of proof gallons of brandy that can be distilled in a day of 24 hours must also be stated in the space provided therefor on Form 27½. The estimated quantity of brandy that can be distilled daily will be based on the capacity of the stills and the use of a maximum strength distilling material. The capacity of the stills will be computed in accordance with the rules set forth in Subpart PP of this part.

(53 Stat. 309; 26 U. S. C. 2812)

§ 184.165 *Daily production.* The estimated maximum quantity of each kind of material that the distiller intends to distill in a day of 24 hours, and the estimated maximum quantity in proof gallons of brandy that will be produced from such materials, including spirits produced by redistillation pursuant to Subpart U of this part, in a like period, shall be stated on Form 27½. Where the distiller intends to distill different kinds of materials than those covered by Form 27½, or to distill a larger quantity of the specified materials than the maximum indicated on such form, or to produce a larger quantity of brandy than the maximum indicated on the form, he must file with the district supervisor an amended notice, Form 27½, in triplicate, and, if the tax on the quantity of brandy to be produced during a period of 15 days will exceed the penal sum of the distiller's bond (if such penal sum is less than the maximum of $100,000), a new or additional distiller's bond must be filed, as provided in § 184.219. Likewise where the quantity of brandy actually produced during any period of 15 days exceeds the estimated maximum quantity to be produced during such period, the distiller must file an amended notice, on Form 27½ and where required, a new or additional distiller's bond, in accordance with § 184.188.

(53 Stat. 309, 373 as amended; 26 U. S. C. 2812, 3170)

§ 184.166 *Condition of title to premises.* The condition of the title to the distillery premises shall be shown on Form 27½. If the distiller is not the owner in fee, unencumbered by any mortgage, judgment, or other lien, of the lot or tract of land on which the distillery is situated, the name and address of the owner of the fee and of any mortgagee, judgment-creditor, or other person having a lien thereon, shall be stated. Where the written consent of the owner of the fee and of mortgagees, judgment-creditors, or other lienors, is filed as provided in §§ 184.170–184.172, or where an indemnity bond is filed in lieu of such written consent, as provided in §§ 184.176 and 184.177, such fact, together with information as to the kind, date, and amount of the encumbrance and the balance due thereon shall be shown on the notice in connection with the statement of the present condition of the title. In cases where an indemnity bond is filed, the date of the district supervisor's approval of the filing of such bond shall also be given.

(53 Stat. 298 as amended, 309, 311; 26 U. S. C. 2800, 2812, 2815)

§ 184.167 *Condition of title to apparatus and equipment.* The distiller's title to, or interest in, the distilling apparatus and equipment shall be shown on Form 27½. If the distiller is not the owner of the distilling apparatus and equipment, unencumbered by any mortgage, judgment, or other lien, the name and address of the owner and of any mortgagee, judgment-creditor, conditional sales vendor, or other lienor shall be stated. Where the written consent of the owner and of the mortgagees, judgment-creditors, conditional sales vendors, or other lienors, is filed as provided in § 184.170, or where an indemnity bond is filed in lieu of such written consent, as provided in §§ 184.176 and 184.177, such fact, together with information as to the kind, date, and amount of the encumbrance and the balance due thereon, or if the apparatus was purchased under a conditional sales contract, or other form of title retaining contract, the purchase price and the balance due, shall be shown in connection with the statement of the distiller's title to or interest in the property. In cases where an indemnity bond is filed, the date of the district supervisor's approval of the filing of such bond shall also be given.

(53 Stat. 298 as amended, 309, 311; 26 U. S. C. 2800, 2812, 2815)

§ 184.168 *Distance from rectifying plant or vinegar factory.* If the distillery premises are situated more than 600 feet in a direct line from any premises authorized to be used for rectifying spirits, or from a vinegar factory using the vaporizing process, such fact shall be stated on Form 27½. If the distance between the distillery premises and the premises of a rectifying plant is less than 600 feet in a direct line, there must be stated in the notice, Form 27½, the name of the proprietor of the rectifying plant, the exact distance in feet and inches between the distillery and the rectifying plant, and whether the location of the distillery within such distance of the rectifying plant has been approved by the district supervisor. If such location of the distillery has been approved by the district supervisor, the date of such approval shall be given. If the distance between the distillery premises and a vinegar factory using the vaporizing process is less than 600 feet in a direct line, such fact, and the date of the establishment of the vinegar factory shall be stated on the form.

(53 Stat. 309, 314, 319, 320, 373 as amended; 26 U. S. C. 2812, 2819, 2834, 2835, 3170)

§ 184.169 *Amended and supplemental notices.* Amended and supplemental notices on Form 27½ may be executed in skeleton form, except as to the items amended or supplemented. All other items which are correctly set forth in prior notices, and in which there has been no change since the last preceding notice, may be incorporated in the amended or supplemental notice by reference to the respective notice previously filed in which the item is fully and correctly set forth. Such incorporation by reference shall be made by entering for each such item in the space provided therefor the statement "No change since filing Form 27½, Serial No. ----------" (the number being inserted), and the date of such form.

(53 Stat. 309; 26 U. S. C. 2812)

§ 184.170 *Consent, Form 1602.* Where the distiller is not the owner in fee of the lot or tract of land on which the distillery is situated, unencumbered by any mortgage, judgment, lien, or other encumbrance, or is not the owner of the distilling apparatus and equipment, unencumbered by any mortgage, judgment, lien, or other encumbrance, he must file (except as provided in § 184.173) the written consent, Form 1602, of the owner and of any mortgagee, judgment-creditor, lienor, or other encumbrancer, conditional sales vendor, or prior lessee, that the premises or property may be used for the purpose of distilling spirits, subject to the provisions of law, and expressly stipulating that the lien of the United States for taxes and penalties shall have priority over any right, title, or interest of the person giving the consent, and that, in the case of the forfeiture of the premises or property, or any part thereof, the title to the same shall vest in the United States, discharged from any such right, title or interest.

(53 Stat. 311; 26 U. S. C. 2815)

§ 184.171 *Execution of consent.* The consent shall be executed on Form 1602, in triplicate, in accordance with the instructions printed thereon, duly acknowledged before an officer authorized to take acknowledgement of deeds, properly recorded, and submitted to the district supervisor with the notice, Form 27½, and made a part thereof. The acknowledgment and certificate of recordation shall be executed on all three copies of the form.

(53 Stat. 311; 26 U. S. C. 2815)

§ 184.172 *New consent when required.* A new consent will be required for each year beginning on the first day of May, unless the consent is given for a definite period of time exceeding one year, in which event the consent should be given in terms to expire at the beginning of an annual period, May 1. If, after such consent is filed, the premises are extended and the distiller is not the owner in fee unencumbered of the additional premises, or additional apparatus and equipment are installed and the distiller is not the owner thereof unencumbered, a consent on Form 1602 must be filed for such additional premises or apparatus and equipment. A new consent will also be required whenever there is a change of proprietorship, including a succession for a temporary period by a lessee or fiduciary, unless the consent procured by the predecessor specifically covers operation of the premises by his successor or assigns. In the event of failure of such consent, the distiller will be no longer qualified, unless an indemnity bond on Form 3–A is filed.

(53 Stat. 311; 26 U. S. C. 2815)

§ 184.173 *Bond in lieu of consent.* Where consent on Form 1602 cannot be obtained or where the distillery was sold at a judicial or other sale in favor of the United States, and there exists a right of redemption from such sale, the distiller may file in lieu of such consent, an indemnity bond, Form 3–A, as provided in § 184.174.

(53 Stat. 311; 26 U. S. C. 2815)

§ 184.174 *Permission required for filing bond, Form 3–A.* Where the distiller cannot obtain the written consent of the owner of the fee of the distillery premises, and of any mortgagee, judgment-creditor, lienor, prior lessee, or other person having an encumbrance thereon, or where he cannot obtain such consent of the owner of the apparatus and equipment, and of any mortgagee, judgment-creditor, conditional sales vendor, lienor, prior lessee, or other encumbrancer, and desires to file an indemnity bond, Form 3–A, in lieu of such consent, he shall file application, in triplicate, with the district supervisor for permission so to do.

(53 Stat. 311; 26 U. S. C. 2815)

§ 184.175 *Application.* The application shall contain (a) an accurate description of the lot or tract of land on which the distillery is situated, and of the distillery, the buildings, and the distilling apparatus and equipment thereon; (b) a full and clear statement of the condition of the title to the distillery premises and apparatus and equipment, including the name and address of the owner and of all mortgagees, judgment-creditors, conditional sales vendors, prior lessees, and other persons having liens or encumbrances thereon, the kind, date, and amount of each encumbrance and the balance due thereon, and, in the case of apparatus and equipment purchased under a conditional sales contract, or other form of title retaining contract, the purchase price and the balance due; and (c) a full and clear statement of the reasons why the applicant cannot obtain the prescribed written consent. The district supervisor will take action on such application in accordance with the procedure prescribed in § 184 328.

(53 Stat. 311, 373 as amended; 26 U. S. C. 2815, 3170)

§ 184.176 *Bond, Form 3–A.* If the application is approved, the distiller shall execute bond on Form 3–A, in triplicate, in conformity with the applicable provisions of §§ 184.200–184.220, and file the same with the district supervisor. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus. If, after such bond is filed, the value of the distillery premises, buildings or distilling apparatus is increased by additional land, buildings, or distilling apparatus, an additional bond on such form to cover the increase in value will be required: *Provided*, That if such increase in value is less than $5,000, no additional bond will be required. In the event of a failure of bond on Form 3–A the distiller will be no longer qualified, unless a new and satisfactory bond is filed.

(53 Stat. 311; 26 U. S. C. 2815)

§ 184.177 *Bond in lieu of consent where distillery is sold for United States.* Where a distillery is sold at a judicial or other sale in favor of the United States, the distiller may give bond on Form 3–A in lieu of the consent of the person possessing the right of redemption and of any mortgagee, judgment-creditor, lienor, prior lessee, or other encumbrancer, and be allowed, upon complying with all other provisions of law and this part, to operate the distillery during the existence of the right of redemption from such sale. A distiller desiring to give bond in such case shall file application, in triplicate, with the district supervisor for permission so to do. The application shall contain a full and clear statement of the condition of the title, including the name and address of the person having the right of redemption and of all encumbrancers, the kind, date, and amount of each encumbrance, the date of the sale and the date of expiration of the right of redemption. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the distillery is situated, together with the buildings and distillery apparatus. If, after such bond is filed, the value of the distillery premises, buildings or distilling apparatus is increased by additional land, buildings or distilling apparatus, an additional bond on such form to cover the increase in value will be required: *Provided*, That if such increase in value is less than $5,000, no additional bond will be required.

(53 Stat. 311; 26 U. S. C. 2815)

§ 184.178 *Appraisal.* The appraisal to determine the penal sum of the bond on Form 3–A shall be made by two or more competent persons designated by the district supervisor. The appraisers shall render to the district supervisor a report, in duplicate, showing separately the value of the land and buildings and the distilling apparatus, and containing a full and clear statement of the methods employed by them in determining their valuations. The appraisal shall be at the expense of the distiller, unless it is made by Government officers.

(53 Stat. 311; 26 U. S. C. 2815)

§ 184.179 *Certificate of title.* The distiller shall submit a certificate and, when required, an abstract, in triplicate, of the title to the distillery premises, prepared by a person authorized by the laws of the State in which the distillery is located to prepare such documents. The document must contain an accurate description of the distillery premises corresponding to that set forth in the distiller's notice, and any liens or other encumbrances on the property must be fully described. Such certificates shall accompany the distiller's notice and be made a part thereof.

(53 Stat. 298 as amended, 311; 26 U. S. C. 2800, 2815)

§ 184.180 *Corporate documents.* There must be submitted with, and made a part of, the original or initial notice on Form 27½, given by a corporation to engage in the business of a fruit distiller, properly certified copies, in triplicate, of the following documents:

(a) Articles of incorporation and any amended articles of incorporation.

(b) Certificate of incorporation.

(c) Certificate authorizing corporation to operate in State where distillery is located, if other than that in which incorporated.

(d) Extracts of minutes of meetings of stockholders, showing election of directors.

(e) By-laws.

(f) Extracts of the minutes of meetings of the board of directors, showing the election of officers.

(g) Extracts of the minutes of meetings of the board of directors, authorizing certain officers or other persons to sign for the corporation.

(h) List of the names and addresses of the officers and directors.

(i) List of stockholders, as provided in § 184.181.

(53 Stat. 309; 26 U. S. C. 2812)

§ 184.181 *List of stockholders.* In the case of corporations and similar legal entities, there must be submitted with Form 27½, at the commencement of business and annually thereafter on May 1, a list of the names and addresses of all stockholders and other persons interested in the corporation or other legal entity and the amount and nature of the stock-holding or other interest of each, whether such interest appears in the name of the interested party or in the name of another for him: *Provided*, That where more than 100 persons are interested in the corporation or other legal entity as stockholders or otherwise, there need be furnished only the names and addresses and the amounts and nature of the stock-holding or other interest of the 100 persons having the largest ownership or other interest in each of the respective classes of stock or other interest, except where more complete information shall be specifically required by the Commissioner or the district supervisor: *And provided further*, That where there has been no change in the stockholders and other persons interested in the corporation or other legal entity, the distiller may furnish, in connection with the annual notice, a certified statement, in triplicate, to that effect in lieu of the prescribed list. Where a corporation operates two or more distilleries or other plants situated in the same supervisory district, or wholly owns one or more subsidiaries operating distilleries or other plants so situated, and in connection with qualifying for the operation of one of such distilleries or plants files a list of stockholders and other persons interested, as prescribed herein, the filing of an additional list for each distillery will not be required, provided that in lieu of such additional list there is submitted with the distiller's notice, Form 27½, a certificate, in triplicate, definitely identifying the corporation and plant with whose notice the list of stockholders and other persons interested is filed, and giving the date of the filing thereof.

(53 Stat. 309; 26 U. S. C. 2812)

§ 184.182 *Affidavit.* In the case of a corporation, there must be submitted with each list of stockholders an affidavit, in triplicate, executed by an officer of the corporation authorized so to do, showing the number of shares of each class of stock or other evidence of ownership, such as voting trust certificates, authorized and outstanding, the par value thereof, and the voting rights of the respective owners or holders, and certifying to the correctness of the list of stockholders or the statement authorized to be furnished with the notice in lieu of such list. In the case of an individual owner, copartnership, or association, there must be submitted with Form 27½, at the commencement of business and annually thereafter on May 1, an affidavit, in triplicate, giving the name of every person interested or to be interested in the distillery, whether such interest appears in the name of the interested party or in the name of another for him.

(53 Stat. 309; 26 U. S. C. 2812)

§ 184.183 *Articles of copartnership or association.* In the case of a copartnership or association, a certified copy, in triplicate, of the articles of copartnership or association, if any, and, where the business is to be conducted under a firm or trade name, a trade name certificate or statement in lieu thereof conforming to provisions of § 184.258, shall be submitted with and constitute a part of the notice, Form 27½.

(53 Stat. 309; 26 U. S. C. 2812)

§ 184.184 *Power of attorney, Form 1534.* If the notice or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, or corporation, or by one of the members for a copartnership or association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 184.180, such notice or other qualifying documents must be supported by a duly authenticated copy of the power of attorney conferring authority upon the person signing the document to execute the same. Such powers of attorney will be executed on Form 1534, in triplicate, and submitted to the district supervisor.

(53 Stat. 309; 26 U. S. C. 2812)

§ 184.185 *Execution of power of attorney.* Where the principal giving the power of attorney is an individual, it must be executed by him in person, and not by an agent. In the case of a copartnership or association, powers of attorney authorizing one or more of the members, or another person, to execute documents on behalf of the copartnership or association must be executed by all of the members constituting the copartnership or association. However, if one or more members less than the whole number constituting the copartnership or association have been delegated the authority to appoint agents or attorneys in fact, the power of attorney may be executed by such member or members, provided it is supported by a duly authenticated copy, in triplicate, of the document conferring authority upon the member or members to execute the same. Where, in the case of a corporation, powers of attorney are executed by an officer thereof, such documents must be supported by triplicate copies of the authorization of such officer so to do, certified by the secretary or assistant secretary of the corporation, under the corporate seal, if any, to be true copies.

(53 Stat. 309; 26 U. S. C. 2812)

§ 184.186 *Duration of power of attorney.* Powers of attorney authorizing the execution of documents on behalf of a person engaged in, or intending to engage in, the business of a fruit distiller shall continue in effect until written notice, in triplicate, of the revocation of such authority is received by the district supervisor, unless terminated by operation of law.

(53 Stat. 309; 26 U. S. C. 2812)

§ 184.187 *Bond, Form 30½.* Every person intending to commence or to continue the business of a fruit distiller shall, upon filing his notice of such intention, Form 27½, and before proceeding with such business, and on the 1st day of May of each succeeding year, execute bond on Form 30½, in triplicate, in conformity with the provisions of Subpart J of this part, and file the same with the district supervisor.

(53 Stat. 310, 373 as amended; 26 U. S. C. 2814, 3170)

§ 184.188 *Penal sum.* The penal sum of the distiller's bond, Form 30½, shall be not less than the amount of the internal revenue tax at the rate prescribed by law on the maximum quantity of brandy that will be distilled in the distillery during a period of 15 days of 24 hours each, but in no case shall the penal sum of the bond be less than $5,000 or greater than $100,000. Where the distiller has not furnished bond in the maximum penal sum of $100,000 and he intends to produce a larger quantity of brandy than that covered by his bond, he must file a new or additional bond in a sufficient penal sum to cover the tax on the increased quantity to be produced. Likewise, where the quantity of brandy actually produced during any period of 15 days exceeds the penal sum of the bond on file, if in less than the maximum penal sum, the distiller must furnish immediately a new or additional bond in a sufficient penal sum, effective as of the beginning of such period. If an additional bond is furnished in either case, it must be in accordance with § 184.219.

(53 Stat. 310; 26 U. S. C. 2814)

§ 184.189 *Registry of stills, Form 26.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up must register the same with the district supervisor for the district in which it is located, on Form 26, immediately it is set up, in accordance with the instructions on the form. Such registration shall be verified in the manner prescribed in § 184.160 with respect to notice on Form 27½.

(53 Stat. 308 as amended, 373 as amended; 26 U. S. C. 2810, 3170)

§ 184.190 *Plat and plans.* Every person intending to engage in the business of a fruit distiller must submit to the district supervisor with his notice, Form 27½, an accurate plat of the distillery premises and accurate plans of the buildings, apparatus, and equipment thereon, in triplicate, conforming to the requirements of Subpart K of this part.

(53 Stat. 312, 373 as amended; 26 U. S. C. 2816, 3170)

§ 184.191 *Statement of process.* There must be submitted to the district supervisor with the fruit distiller's original notice, Form 27½, a statement of process, in triplicate. Upon any change in the process, a new statement, in triplicate, must be filed with the district supervisor. Reference by date to the current statement of process must be incorporated in each annual notice, Form 27½. The statement of process should present a step by step description of the mashing, fermenting, distilling, purifying and refining processes used in the production of each type of brandy. It must show specifically the kind and approximate quantity or proportion of all nonalcohol producing materials or substances added to the distilling material for the purpose of providing yeast food or for inhibiting the action of wild yeast, or for any other purpose, and all materials used for purifying, refining or otherwise treating the spirits. Samples of any such material or substance will be prepared and furnished to the district supervisor, upon request, for analysis by Government chemists. Materials or chemicals which are volatile and would remain incorporated with the finished brandy after final distillation may not be used.

(53 Stat. 373 as amended, 391 as amended; 26 U. S. C. 3170, 3254)

§ 184.192 *Additional information.* The Commissioner or the district supervisor may at any time, in his discretion, require the proprietor of a fruit distillery to furnish such additional information as he may deem necessary.

§ 184.193 *Instruments and papers made part of regulations.* The terms, conditions, and instructions contained in instruments and papers required to be furnished by law or regulations are hereby made a part of this part as fully and to the same extent as if incorporated herein.

Subpart J—Bonds and Consents of Surety

§ 184.200 *General requirements.* Every person required to file a bond or consent of surety under this part shall prepare and execute it on the prescribed form, in triplicate, in accordance with this part and the instructions printed on the form, and shall submit it to the district supervisor.

(53 Stat. 310, 336, 337, 339, 373 as amended; 26 U. S. C. 2814, 2885, 2886, 2888, 3170)

§ 184.201 *Surety or security.* Bonds required by this part shall be given with surety or collateral security: *Provided*, That in any case where the distiller operates an internal revenue bonded warehouse on the distillery premises, and the

distiller's bond, Form 30½, is in the maximum penal sum of $100,000, it may be accepted without surety if it is supported by the consent of the surety on the transportation and warehousing bond, Form 1571, which bond in such case shall be in the maximum penal sum of $200,000. If bonds on Forms 30½ and 1571 in the maximum penal sums stated are not given, separate bonds on said forms, each with surety or security, must be given in sufficient penal sums.

(53 Stat. 310, 336, 337, 339, 373 as amended; 26 U. S. C. 2814, 2885, 2886, 2888, 3170; 44 Stat. 122 as amended (6 U. S. C. 15))

§ 184.202 *Corporate surety.* Bonds may be given with corporate surety authorized by the Secretary of the Treasury to become surety on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356, Commissioner of Accounts, Section of Surety Bonds, which is issued semiannually, and subject to such amendatory circulars as may be issued from time to time.

(53 Stat. 310, 336, 337, 339, 373 as amended; 26 U. S. C. 2814, 2885, 2886, 2888, 3170; 28 Stat. 279 (6 U. S. C. 6); 36 Stat. 241 (6 U. S. C. 8))

§ 184.203 *Two or more corporate surcties.* A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided,* That each corporate surety may limit its liability in terms upon the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

(53 Stat. 310, 336, 337, 339, 373 as amended; 26 U. S. C. 2814, 2885, 2886, 2888, 3170; 28 Stat. 279 (6 U. S. C. 6); 36 Stat. 241 (6 U. S. C. 8))

§ 184.204 *Powers of attorney.* Powers of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Commissioner of Accounts, Section of Surety Bonds, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, district supervisors.

(53 Stat. 310, 336, 337, 339, 373 as amended; 26 U. S. C. 2814, 2885, 2886, 2888, 3170; 28 Stat. 279 (6 U. S. C. 6); 36 Stat. 241 (6 U. S. C. 8))

§ 184.205 *Individual sureties.* Bonds may be given with individual sureties, of which there must be not less than two, each of whom must qualify by executing Form 33, in triplicate. Individual sureties must be citizens of the United States and reside in the State in which the business of the principal is to be conducted. No person will be accepted as an individual surety in a State in which he is not authorized to become a surety.

(53 Stat. 310, 336, 337, 339; 26 U. S. C. 2814, 2885, 2886, 2888)

§ 184.206 *Ownership of real property.* Each individual surety must own unencumbered real property, in fee simple, the appraised value of which, over and above any exemptions from execution allowed by the laws of the State, is equal to the penal sum of the bond. Such real property must be located within the State where the business of the principal is to be conducted.

(53 Stat. 310, 336, 337, 339; 26 U. S. C. 2814, 2885, 2886, 2888)

§ 184.207 *Description of real property.* The real property must be described in the surety's affidavit, Form 33, with all of the formalties required in conveyances of real estate by the laws of the State in which it is situated.

(53 Stat. 310, 336, 337, 339; 26 U. S. C. 2814, 2885, 2886, 2888)

§ 184.208 *Execution of Form 33.* The surety's affidavit on Form 33 shall contain all of the information required by this part and the instructions printed on the form. The form shall be subscribed and sworn to before an officer duly authorized to administer oaths, and one copy thereof shall be attached to each copy of the bond to which it relates.

(53 Stat. 310, 336, 337, 339; 26 U. S. C. 2814, 2885, 2886, 2888)

§ 184.209 *Certificate of title.* There must be submitted with the surety's affidavit, Form 33, a certificate of title, in triplicate, showing that the surety has a fee simple title, free of encumbrances, to the realty described in the form.

(53 Stat. 310, 336, 337, 339; 26 U. S. C. 2814, 2885, 2886, 2888)

§ 184.210 *Appraisal.* There will also be submitted with Form 33 an appraisal, in triplicate, by two or more competent persons designated by the district supervisor for the purpose, showing separately the value of the land and buildings, and a full and clear statement of the method employed by them in determining their valuation. The appraisal shall be at the expense of the principal on the bond, unless it is made by Government officers.

(53 Stat. 310, 336, 337, 339; 26 U. S. C. 2814, 2885, 2886, 2888)

§ 184.211 *Investigation.* The district supervisor will cause an investigation to be made of all the facts stated in the surety's affidavit on Form 33 and supporting documents.

(53 Stat. 310, 336, 337, 339; 26 U. S. C. 2814, 2885, 2886, 2888)

§ 184.212 *Requalification.* The Commissioner or district supervisor may at any time, in his discretion, require the requalification of individual sureties on Form 33.

(53 Stat. 310, 336, 337, 339; 26 U. S. C. 2814, 2885, 2886, 2888)

§ 184.213 *Interest in business.* The surety, whether individual or corporate, must have no interest whatever in the business covered by the bond.

(53 Stat. 310, 336, 337, 339; 26 U. S. C. 2814, 2885, 2886, 2888)

§ 184.214 *Deposit of collateral.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by principals as collateral security in lieu of individual or corporate sureties. District supervisors on receiving such bonds or notes, or other obligations, pledged and deposited by principals as collateral security in lieu of surety, shall deposit such securities, in accordance with the requirements of Department Circular No. 154, revised (31 CFR, Part 225).

(44 Stat. 122 as amended; 6 U. S. C., 15)

§ 184.215 *Consents of surety.* Consents of surety to a change in the terms of a bond must be executed on Form 1533, in as many copies as are required of the bond which they affect, by the principal and all sureties with the same formality and proof of authority to execute as are required for the execution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bond affected thereby and state specifically and precisely what is covered by the extended terms thereof. If the surety is a corporation, the consent may be executed by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the appropriate district supervisor; or the consent may be executed by the home office officials of such corporate surety; except that, in cases where the saving of time is an element, the consent may be executed by an agent or attorney in fact where the home office officials, by specific direction, order its execution. A copy of such specific direction should be attached to each copy of such consent.

(53 Stat. 310, 336, 337, 339; 26 U. S. C. 2814, 2885, 2886, 2888)

§ 184.216 *Approval required.* No individual, firm, partnership, corporation, or association, intending to commence or to continue the business of a fruit distiller, shall commence or continue such business until all bonds in respect of such business required by any provision of law have been approved.

(53 Stat. 311; 26 U. S. C. 2815)

§ 184.217 *Authority to approve.* District supervisors are authorized to approve all bonds and consents of surety required by this part.

(53 Stat. 310, 311, 373 as amended; 26 U. S. C. 2814, 2815, 3170)

§ 184.218 *Cause for disapproval.* Bonds or consents of surety submitted by any individual, firm, partnership, corporation, or association, in respect to the business of a fruit distiller may be disapproved if the individual, firm, partnership, corporation, or association giving the same, or owning, controlling, or actively participating in the management of such business of the individual, firm, partnership, corporation, or association giving the same, shall have been previously convicted in a court of competent jurisdiction of (a) any fraudulent noncompliance with any provision of any law of the United States, if such provision relates to internal revenue or customs taxation of distilled spirits, wines, or fermented malt liquors, or if such an offense shall have been compromised with the individual, firm, partnership, corporation, or association upon payment of penalties or otherwise; or (b) any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of distilled spirits, wine, fermented malt liquor, or other intoxicating liquor. The fruit distiller's bond, Form 30½, may also be disapproved if the situation of the distillery is such as would enable the distiller to defraud the United States.

(53 Stat. 310, 311; 26 U. S. C. 2814, 2815)

§ 184.219 *Additional or strengthening bonds.* In all cases where the penal sum of the bond on file and in effect is not sufficient, computed as prescribed by law and this part, the principal may give an additional or strengthening bond in a sufficient penal sum, provided the surety thereon is the same as on the bond already on file and in effect; otherwise a new bond covering the entire liability will be required. Such additional or strengthening bonds, being filed to increase the bond liability of the principal and the surety, are in no sense substitute bonds, and the district supervisor will refuse to approve any additional or strengthening bond where any notation is made thereon intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full penal sum. Additional or strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Additional Bond," or "Strengthening Bond."

(53 Stat. 310, 336, 337, 339; 26 U. S. C. 2814, 2885, 2886, 2888)

§ 184.220 *New bond.* A new bond may be required at any time in the discretion of the Commissioner or district supervisor. A new bond shall be required immediately in the case of the death, or insolvency of an individual surety, or the insolvency of a corporate surety. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When, in the opinion of the Commissioner or the district supervisor, the interests of the Government demand it, or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. Where a bond is found to be not acceptable, the principal shall be required to file immediately a new and satisfactory bond, or discontinue business forthwith.

(53 Stat. 310, 336, 337, 339; 26 U. S. C. 2814, 2885, 2886, 2888)

§ 184.221 *Superseding bond.* Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, notice of termination of the superseded bond may be issued as provided in Subpart Q of this part. Superseding bonds must show the current date of execution and the date they are to be effective and each such bond shall have marked thereon, by the obligors at the time of execution, "Superseding Bond."

(53 Stat. 310, 336, 337, 339; 26 U. S. C. 2814, 2885, 2886, 2888)

Subpart K—Plats and Plans

§ 184.230 *Plat and plans required.* Every person intending to engage in the business of a fruit distiller must, as provided in § 184.190, file an accurate plat and accurate plans of the distillery premises, apparatus, and equipment, in triplicate, with the district supervisor.

(53 Stat. 312, 373 as amended; 26 U. S. C. 2816, 3170)

§ 184.231 *Preparation.* Every plat and plan shall be drawn to scale and each sheet thereof shall bear a distinctive title, enabling ready identification. The cardinal points of the compass must appear on each sheet, except the elevational plans. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth, or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering or writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct.

(53 Stat. 312; 26 U. S. C. 2816)

§ 184.232 *Depiction of distillery premises.* Plats must show the outer boundaries of the distillery premises by courses and distances, in feet and inches, in a color contrasting with those used for other drawings on the plat, and the point of beginning, with respect to its distance and bearings, from some near and well-known landmark, and must contain an accurate depiction of the building or buildings comprising the premises, and any driveway, public highway, or railroad right-of-way adjacent thereto, or connecting therewith. The depiction of the premises shall agree with the description in the notice, Form 27½. If the distillery premises consists of two or more lots or parcels of land, the condition of the title to which is not the same, each such lot or tract shall be separately depicted by courses and distances, in feet and inches, and such lots or parcels shall be delineated or crosshatched in contrasting colors. If two or more buildings are to be used, the designated name of each shall be indicated, and all pipelines or other connections, if any, between the same, depicted. Where two or more buildings are used for the same purpose, the name of each building shall include an alphabetical designation, beginning with "A", and they shall be so shown on the plat. All first floor exterior doors of each building on the premises will be shown on the plat. Except as provided in § 184.239, all pipelines leading to or from the premises, the purpose for which used, and the points of origin and termination will be indicated on the plat.

(53 Stat. 312; 26 U. S. C. 2816)

§ 184.233 *Rectifying plant within 600 feet.* Where a fruit distillery is to be established on premises at a distance of less than 600 feet in a direct line from a rectifying plant, the plat must show the relative location of such premises, all pipelines and other connections, if any, between them, and the distance, in feet and inches, that they are from each other in a direct line. The outlines of the two premises must be shown in contrasting colors.

(53 Stat. 314; 26 U. S. C. 2819)

§ 184.234 *Contiguous premises.* Where an internal revenue bonded warehouse, bonded winery, rectifying plant, or tax-paid bottling house, or other premises on which liquors are manufactured, stored, or sold, is contiguous to the distillery premises the plat must show the relative location of the distillery and such contiguous premises, and all pipelines, if any, and other connections between them. The outlines of such contiguous premises and the distillery premises must also be shown in contrasting colors.

§ 184.235 *Floor plans.* The plans shall include a floor plan of each floor of each building, showing the general dimensions of the rooms and floors, and the location of all doors, windows, and other openings, and how such openings are protected. All fixed apparatus and equipment, except pipelines, must be shown in their exact location on the floor plans, and their designated use indicated. Pipelines may also be shown, if desired. In the case of stills, tanks, and similar equipment, the serial number and capacity shall also be shown.

(53 Stat. 312; 26 U. S. C. 2816)

§ 184.236 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering: (a) Distilling material system, (b) mashing and fermenting systems, (c) distilling system, and (d) the receiving tank and brandy deposit room system. Such diagrams or plans shall clearly depict all equipment in its relative operating sequence, and elevation by floors with all connecting pipelines, valves, flanges (except as provided in § 184.238), Government locks, measuring devices, etc. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All the flow diagrams as a unit must show the flow of the distilling material and the resulting products, through the distilling material tanks, fermenters, sumps, stills, doublers, try boxes, and other equipment, and the deposit and removal of the finished brandy from the receiving tanks and the brandy deposit room, if any. All major equipment, fermenters, stills, etc., must be identified on these plans as to number and use. The elevational flow diagrams

must be properly identified, and so drawn that all fixed pipelines, except those indicated by § 184.239 may be readily traced from beginning to end: *Provided*, That pipelines leading to and from other buildings on the same or contiguous premises may be designated as to point of origin or termination. The direction of the flow of the brandy through the pipelines must be indicated on the flow diagram by arrows. Other types of plans that clearly depict the information required herein may be submitted in compliance with this section.

(53 Stat. 312; 26 U. S. C. 2816)

§ 184.237 *Pipelines in colors.* The pipelines must be shown on the plans in the colors in which they are required to be painted, as prescribed by § 184.145.

§ 184.238 *Location of valves, flanges, locks, etc.* All valves, flanges, and other connections in pipelines must be properly indicated on the plans: *Provided*, That where flanges, unions, or other connections in pipelines are brazed, welded, or otherwise permanently secured in such a manner as to constitute a continuous, single pipeline, the location of such flanges, unions, or other connections, and the manner of securing the same, need not be shown on the plans. The location of all Government locks required to secure the apparatus and equipment, and the doors of rooms and buildings, must be indicated on the plans by the symbol "GL" at the points where the locks are to be attached.

(53 Stat. 312; 26 U. S. C. 2816)

§ 184.239 *Pipelines exempted.* Approved public or private utility service lines, such as sewers, electric or gas conduits or pipes, and approved sprinkler, refrigeration, or heating systems which have no connection with the distilling equipment or any apparatus or pipe line connected therewith, need not be shown on the plans, provided that the point of entry to the bonded premises shall be indicated on the plans.

(53 Stat. 312; 26 U. S. C. 2816)

§ 184.240 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower righthand corner of each sheet, signed by the distiller, the draftsman, and the district supervisor, substantially in the following form.

(Name of distiller)

(Address)

Approved ---
(Date)

(District supervisor)

Accuracy certified by:

(Name and capacity—for the distiller)

(Draftsman)

---- 19---- Sheet No. ----
(Date)

(53 Stat. 312; 26 U. S. C. 2816)

§ 184.241 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded, but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence.

(53 Stat. 312; 26 U. S. C. 2816)

SUBPART L—REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES AND EQUIPMENT, AND IN THE TITLE TO THE DISTILLERY PROPERTY OR THE ENCUMBRANCE THEREOF

§ 184.250 *General requirement.* Under the law, notice in writing must be given, in the form prescribed by the Commissioner, to the district supervisor in case of any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of the distillery.

(53 Stat. 309, 373 as amended; 26 U. S. C. 2812, 3170)

CHANGE IN INDIVIDUAL, FIRM, OR CORPORATE NAME

§ 184.251 *Amended notice, Form 27½, and amended basic permit.* Where there is a change in the individual, firm, or corporate name of the distiller, the distiller must submit to the district supervisor an amended notice on Form 27½, in triplicate, covering the new name, which notice must be approved before operations may be commenced under the new name. He must also procure from the district supervisor under the Federal Alcohol Administration Act an amended basic permit authorizing operation of the distillery under the new name.

(53 Stat. 309, 373 as amended; 26 U. S. C. 2812, 3170)

§ 184.252 *Amended articles of incorporation, etc.* Where there is a change in the corporate name of the distiller, he must submit to the district supervisor certified copies, in triplicate, of the amended articles of incorporation and the amended certificate of incorporation issued under the laws of the State in which incorporated, covering the change in the corporate name. If the operations are conducted in a State other than the State in which incorporated, there must also be submitted to the district supervisor certified copies, in triplicate, of the amended certificate issued under the laws of the State in which the operations are conducted authorizing the corporation to operate under its new name in such State. If other documents than those specified are required under the laws of the State to effect a change in the name of the corporation, certified copies, in triplicate, of such documents must be submitted with the notice, Form 27½, in lieu of those specified.

(53 Stat. 309, 373 as amended; 26 U. S. C. 2812, 3170)

§ 184.253 *Amended articles of copartnership or association.* Where there is a change in the name of the copartnership or association, the distiller will submit to the district supervisor certified copies, in triplicate, of the amended articles of copartnership or association, if any.

(53 Stat. 309, 373 as amended; 26 U. S. C. 2812, 3170)

§ 184.254 *Sign.* Where there is a change in the individual, firm, or corporate name, the distiller will change the distillery sign to conform to the provisions of § 184.105.

(53 Stat. 318; 26 U. S. C. 2831)

§ 184.255 *Branding and warehousing.* Where there is a change in the individual, firm, or corporate name, the distiller will, upon receipt of the district supervisor's authorization, as provided in § 184.337, mark and brand and warehouse under such new name the finished brandy produced thereunder.

(53 Stat. 333, 373 as amended; 26 U. S. C. 2878, 3170)

§ 184.256 *Records.* Where there is a change in the individual, firm, or corporate name, the distiller will keep records and submit reports covering operations under the new name, as provided in § 184.718, in the case of operations under different trade names and styles.

(53 Stat. 321, 373 as amended; 26 U. S. C. 2841, 3170)

TRADE NAMES

§ 184.257 *Basic qualification required.* Where the distillery is to be operated under a trade name or style or under a number of trade names or styles, the distiller must file with the district supervisor, a letterhead application for approval of such name or names. The district supervisor will forward such application to the Bureau for action by the Commissioner. If the Commissioner finds that the name or names may be used, he will so advise the district supervisor. The distiller will be advised accordingly. He may then file with the district supervisor an amended Form 27½ as provided in § 184.169 for permission to operate under the trade name (only one) specifying the date operations are to begin, and if the additional name or style has not previously been specified in the Federal Alcohol Administration Act Permit, he must also procure from the district supervisor an amended basic permit. The district supervisor's action will be in accordance with § 184.337.

(53 Stat. 309, 373 as amended; 26 U. S. C. 2812, 3170)

§ 184.258 *Trade names certificate; amended articles of incorporation.* It will be the responsibility of the distiller to comply with all state laws by filing certified copies of trade names and amended articles of incorporation where required. If no such certificate, or amended articles of incorporation are required, the distiller will furnish a statement to that effect.

(53 Stat. 309, 373 as amended; 26 U. S. C. 2812, 3170)

§ 184.259 *Sign.* The distillery sign must be changed to conform to the provisions of § 184.105, unless operation under the trade name is to be temporary, in which event, it will not be necessary to change such sign.

(53 Stat. 318; 26 U. S. C. 2831)

§ 184.260 *Branding and warehousing.* The finished brandy must be branded and warehoused under each trade name in which produced as provided in § 184.717.

(53 Stat. 333, 373 as amended; 26 U. S. C. 2878, 3170)

§ 184.261 *Records.* Appropriate entries must be made in the distillery records covering operations under each trade name as provided in § 184.718.

(53 Stat. 321, 373 as amended; 26 U. S. C. 2841, 3170)

§ 184.262 *Period of operations.* Where the distillery is operated under more than one trade name or style, the operation under each must be in multiples of 24 hours.

§ 184.263 *Subsequent operations.* The basic qualifying documents having once been filed by the distiller and approved by the district supervisor, the distiller will qualify for subsequent operations, that is, changing from one trade name to another trade name, or from a trade name to the principal, or vice versa, in accordance with the procedure prescribed in § 184.308.

CHANGES IN PROPRIETORSHIP

§ 184.264 *Requirements for transfer.* Where there is to be a change in the proprietorship of the distillery, the outgoing distiller must, preparatory to transfer of the business to the successor, comply with the requirements of §§ 184.265 to 184.270.

§ 184.265 *Notice, Form 27½.* If the outgoing distiller is to discontinue permanently the business of distilling brandy, he will file with the district supervisor Form 27½, in triplicate, stating thereon the purpose to be "Discontinuance of business," and giving the date of the discontinuance. If the outgoing distiller is to temporarily discontinue the business of distilling during operation of the distillery by the successor, the statement of the purpose on the notice shall conform to the provisions of § 184.305 (a).

(53 Stat. 309, 324, 373 as amended; 26 U. S. C. 2812, 2850, 3170)

§ 184.266 *Registry of stills.* If the business is to be permanently discontinued, the distiller will file Form 26, in triplicate, in accordance with § 184.710.

(53 Stat. 308 as amended, 373 as amended; 26 U. S. C. 2810, 3170)

§ 184.267 *Notice of suspension.* The distiller will file with the district supervisor Form 124, in duplicate, in accordance with § 184.695.

(53 Stat. 324, 373 as amended; 26 U. S. C. 2850, 3170)

§ 184.268 *Finished brandy.* The distiller will draw off, brand and mark, and remove all finished brandy in the individual, firm, or corporate name, or trade name or style, under which they were produced.

(53 Stat. 333, 373 as amended; 26 U. S. C. 2878, 3170)

§ 184.269 *Materials and unfinished brandy.* If distilling materials and unfinished brandy are to be transferred to the successor, the distiller will file with the district supervisor Form 1614, in quadruplicate, in accordance with §§ 184.745 and 184.746. If the unfinished brandy and distilling materials are not to be so transferred, the distiller will completely finish operations in accordance with the provisions of said sections.

(53 Stat. 324, 333, 373 as amended; 26 U. S. C. 2850, 2878, 3170)

§ 184.270 *Records.* The distiller will make appropriate entries in the distillery records and submit reports in accordance with the provisions of § 184.748.

(53 Stat. 321, 373 as amended; 26 U. S. C. 2841, 3170)

§ 184.271 *Qualification of successor.* Where there is a change in proprietorship, and the successor intends to continue operation of the plant as a fruit distillery, he must comply with the requirements of §§ 184.272 to 184.278.

184.272 *Lessee.* If the successor is a lessee, he must qualify in the same manner as the proprietor of a new distillery, regardless of the temporary nature of the tenancy, except that he may adopt the plat and plans of his predecessor as provided in § 184.276. The lessee must also file with the district supervisor certified copies in triplicate of the lease.

184.273 *Other non-fiduciary successor.* If the change in proprietorship is brought about by any other means, except by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the successor must likewise qualify in the same manner as the proprietor of a new distillery except that he may adopt the plat and plans of his predecessor as provided in § 184.276.

§ 184.274 *Fiduciary.* If the successor is an administrator, executor, receiver, trustee, assignee, or other fiduciary, and intends to produce brandy, or to possess or dispose of brandy on hand in the distillery, he must comply with the provisions of Subparts D and I of this part to the extent that such provisions are applicable, except that in lieu of filing a new bond and new plat and plans, the fiduciary may furnish a consent of surety extending the terms of his predecessor's bond and adopt the plat and plans of such predecessor in accordance with §§ 184.275 and 184.276. The fiduciary must also furnish certified copies, in triplicate, of the order of the court or other pertinent documents showing his qualifications as such fiduciary. The effective date of the qualifying documents filed by a fiduciary should be the same as the date of the court order; or the date specified therein for him to assume control.

§ 184.275 *Consent of surety.* The consent of surety extending the terms of the predecessor's bond to cover operation of the distillery by a fiduciary must conform to the requirements of § 184.215, and be executed by both the fiduciary and surety.

§ 184.276 *Adoption of plat and plans.* The plat and plans of the distillery may be adopted by a successor where they correctly describe and depict the distillery premises and the buildings, apparatus, and equipment thereon, to be taken over by the successor. The adoption by a successor of the plat and plans of his predecessor shall be in the form of a certificate, in triplicate, in which shall be set forth the name of the predecessor, the address and registered number of the distillery, a description of the distillery premises, or in lieu thereof reference to the successor's Form 27½ describing such premises, the number of each sheet comprising each plat and plan covered by such certificate, and a statement that the distillery premises, and the buildings, apparatus, and equipment thereon, are correctly described and depicted on such plat and plans.

(53 Stat. 312, 373 as amended; 26 U. S. C. 2816, 3170)

§ 184.277 *Sign.* The successor, if other than a fiduciary temporarily operating the distillery, must change the distillery sign to conform to the requirements of § 184.105.

(53 Stat. 318, 373 as amended; 26 U. S. C. 2831, 3170)

§ 184.278 *Materials and unfinished brandy.* If distilling materials and unfinished brandy are received by transfer from the predecessor, the successor must comply with the requirements of Subpart FF of this part.

(53 Stat. 324, 373 as amended; 26 U. S. C. 2850, 3170)

OTHER CHANGES IN PROPRIETORSHIP OR OF CONTROL

§ 184.279 *Changes in partnership.* The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship. Likewise, the bankruptcy or adjudicated insolvency of one or more of the copartners results in a dissolution of the partnership and, consequently, a change in proprietorship. Where such a change in proprietorship of the distillery occurs, the successor must qualify in the same manner as the proprietor of a new distillery, except that the successor may adopt the plat and plans of the predecessor as provided in § 184.276.

§ 184.280 *Changes in stockholders, officers, and directors of corporation.* The sale or transfer of the capital stock of a corporation operating a distillery does not constitute a change in the proprietorship of the distillery. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is any change in the officers or directors, the distiller must give notice thereof, in triplicate, to the district supervisor within 24 hours of such change. Mere changes in stockholders of corporations not constituting a change in control need not be so reported. The district supervisor must, in the case of changes in officers or directors, be furnished extracts, in triplicate, of the minutes of the meetings showing such changes.

(53 Stat. 309; 26 U. S. C. 2812)

§ 184.281 *Reincorporation.* Where a corporation operating a distillery is reorganized and a new charter or certificate of incorporation is secured, the new cor-

poration must qualify in the same manner as a new proprietor of the distillery, except that the new corporation may adopt the plat and plans of the predecessor as provided in § 184.276.

CHANGES IN LOCATION, PREMISES AND EQUIPMENT

§ 184.282 *Change in location.* Where there is a change in the location of the distillery premises, the distiller must comply with all applicable provisions of Subparts D to I of this part, inclusive, except that in lieu of the filing of a new distiller's bond, Form 30½, the distiller may furnish a consent of surety, Form 1533, in accordance with § 184.215, extending the terms of the distiller's bond given for the former location to cover operation of the distillery at the new location.

(53 Stat. 309; 26 U. S. C. 2812)

§ 184.283 *Changes in premises.* Where the distillery premises are to be extended or curtailed, the distiller must file with the district supervisor an amended notice, Form 27½, and an amended plat of the premises as extended or curtailed, except as herein specifically authorized in the case of alternate operations of the bottling department. If the plans are affected by the extension or curtailment, they must also be amended. If the distillery is within 600 feet of a rectifying plant, the distiller must also file a special application in accordance with §§ 184.62 and 184.63. The additional premises covered by an extension may not be used for distillery purposes, and the portion of the distillery premises to be excluded by a curtailment may not be used for other than distillery purposes, prior to approval of the notice, Form 27½. Where an internal revenue bonded warehouse containing a bottling-in-bond department is located on the distillery premises, and the documents required by Regulations 10 (26 CFR, Part 185), governing the alternate operation of the bottling house as a bottling-in-bond department and a tax-paid bottling house, are filed, and no change in proprietorship is involved, the filing of additional notices, Form 27½, covering changes in the temporary status thereof from time to time will not be required.

(53 Stat. 309, 311, 312, 314, 332, 343, 373 as amended, 495; 26 U. S. C. 2812, 2815, 2816, 2819, 2873, 2904, 3170, 4041)

§ 184.284 *Changes in construction and use.* Where a change is to be made in the construction of a room or building not involving an extension or curtailment of the distillery premises, or where a change is to be made in the use of any portion of such premises, the distiller shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes. If the changes involve buildings which are to be demolished or altered in such a manner as to decrease the value of the property, the application shall include: (a) The date of original purchase; (b) the name and address of the vendor; (c) the original cost; and (d) the present book value and method used in determining such value. Upon approval of the application, the changes will be made under the supervision of a Government officer, unless they are of such a nature as, in the opinion of the district supervisor, do not require such supervision. The completed changes will be reflected in the next amended or annual notice, Form 27½, and amended plans filed by the distiller, unless the district supervisor requires the immediate filing of an amended notice and amended plans. If the buildings to be demolished, or altered in such a manner as to decrease the value thereof, are on premises which have been eliminated from the distillery premises, a statement in writing, in triplicate, containing the data prescribed by items (a) through (d) for such buildings shall be furnished the district supervisor.

(53 Stat. 309, 312, 373 as amended; 26 U. S. C. 2812, 2816, 3170)

§ 184.285 *Indemnity bond covering changes in buildings.* If buildings on the distillery premises, or on premises which have been eliminated from the distillery premises, are to be demolished or altered in such manner as to decrease the value of the property, and a lien for taxes exists on such property under section 2800 (e), I. R. C., the distiller must file with the district supervisor an indemnity bond, Form 1617, in triplicate, in a penal sum equal to the decrease in the value of the property: *Provided*, That, if such decrease in value is less than $5,000, no indemnity bond will be required.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 184.286 *Appraisal.* The amount of the decrease in the value of the property subject to the Government's lien which will be caused by the demolition or alteration of buildings shall be determined by appraisal by two or more competent persons designated by the district supervisor. The appraisers shall render to the district supervisor a report, in duplicate, of their appraisal, which shall include information as to the methods employed by them in determining their valuations. The appraisal shall be at the expense of the distiller, unless made by Government officers. The district supervisor may dispense with the formal appraisal when he has reason to believe that the value of the property concerned is less than $5,000.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 184.287 *Changes in equipment.* Where changes are to be made in the distilling apparatus and equipment, the distiller shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes: *Provided*, That, emergency repairs may be made under the supervision of the Government officer without prior approval of the district supervisor. If the distilling apparatus or equipment referred to in § 184.288 is to be removed, the distiller's application shall include information showing: (a) The date of original purchase; (b) the name and address of the vendor; (c) a description of the article, including model and serial numbers, if any; (d) original cost; (e) present book value and method used in determining such value; and (f) proposed disposition of the article. Where emergency repairs are made, the distiller shall file immediately a report thereof, in triplicate, with the district supervisor. Changes covered by an approved application will also be made under the supervision of the Government officer. Upon completion of any change made under his supervision, the Government officer will authorize the removal of the dismantled equipment, and the use of the new or repaired equipment, and submit a report, in triplicate, of the changes to the district supervisor.

(53 Stat. 312, 373 as amended; 26 U. S. C. 2816, 3170)

§ 184.288 *Indemnity bond covering removal of equipment.* If distilling apparatus or equipment on which a lien has attached under section 2800 (e), I. R. C., for taxes on brandy produced which has not ben taxpaid or withdrawn for a tax-free purpose, is to be removed from the distillery premises without adding property that will become a fixture in law of an equal or greater value than the apparatus or equipment to be removed, the distiller must file with the district supervisor an indemnity bond on Form 1617, in triplicate. Such bond must be in a penal sum equal to the value of the apparatus or equipment to be removed, or equal to the excess in value of the apparatus or equipment to be removed over the value of the property to be substituted therefor: *Provided*, That, if such value or difference in value, as the case may be, is less than $5,000, no indemnity bond will be required: *And provided further*, That no indemnity bond will be required to cover the removal of equipment from the distillery bonded premises to another bonded premises, if the two premises are controlled by the same interests. The distiller must include in his application sufficient evidence to support a request for any waiver of indemnity bond requirements. The value of the distilling apparatus or equipment to be removed, or the difference between the value of such old apparatus or equipment and the value of the new property to be added will be determined in the manner prescribed in § 184.286.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 184.289 *Amended notice and plans covering changes in equipment.* Upon completion of changes in equipment which materially affect the accuracy of the Form 27½ or plans, the distiller must file an amended notice and amended plans. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment, such as general repairs, changes in pipelines, or the addition or removal of a tank, the distiller must include such changes in the next amended or annual notice, and amended plans to be filed by him. The Commissioner or the district supervisor may, at any time, in his discretion, require the immediate filing of an amended notice and plans covering any change in equipment.

(53 Stat. 309, 312, 373 as amended; 26 U. S. C. 2812, 2816, 3170)

CHANGE IN TITLE TO DISTILLERY PROPERTY OR THE ENCUMBRANCE THEREOF

§ 184.290 *Change of title.* Where the title to the lot or tract of land upon which the fruit distillery is located is changed by a sale, judicial or otherwise, or where there is any change in the ownership of the premises or the distilling apparatus or equipment, subsequent to approval of distiller's bond, Form 30½, the distiller is no longer qualified. If the distiller desires to qualify for further operation of the distillery when such a change occurs, he must file an amended notice, Form 27½, together with the necessary consent, Form 1602, or, in lieu of such consent, an indemnity bond, Form 3–A. In addition to such amended notice and consent, Form 1602, or indemnity bond, Form 3–A, the district supervisor may, in his discretion, require the distiller to file a new distiller's bond, Form 30½.

(53 Stat. 309, 310, 311; 26 U. S. C. 2812, 2814, 2815)

§ 184.291 *Encumbrance.* If, subsequent to the approval of the distiller's bond, the lot or tract of land upon which the distillery is situated, or any part thereof, or any of the distilling apparatus or equipment becomes subject to, or encumbered by any mortgage, judgment, lien, or other encumbrance, the distiller must immediately file (a) an amended notice, Form 27½, (b) consent on Form 1602, or a proper indemnity bond, in lieu of such consent, and (c) a consent of surety on his present distiller's bond, or a new distiller's bond, in lieu of such consent.

(53 Stat. 309, 310, 311; 26 U. S. C. 2812, 2814, 2815)

SUBPART M—REQUIREMENTS GOVERNING OPERATION OF DISTILLERY UNDER ALTERNATING PROPRIETORSHIPS

QUALIFICATIONS FOR INITIAL ALTERNATING PROPRIETORSHIPS

§ 184.305 *Where no bonded warehouse on premises.* A fruit distillery may be operated under alternating proprietorships. Where it is desired to operate a fruit distillery under alternating proprietorships and there is no internal revenue bonded warehouse on the distillery premises, the successor (lessee) distiller must qualify as proprietor of the distillery in accordance with the provisions of §§ 184.272–184.278. At the time a distiller first suspends operations preparatory to the operation of the fruit distillery by an alternate proprietor, he must discontinue operations and comply with the following requirements:

(a) *Amended notice, Form 27½.* File with the district supervisor an amended notice on Form 27½, in triplicate, stating thereon the purpose of the notice to be "Temporary discontinuance in order that the fruit distillery may be operated by an alternate proprietor" and give the date of discontinuance.

(b) *Consent of surety.* File a blanket consent of surety, Form 1533, in triplicate, to continue in effect bond, Form 30½. Such blanket consent of surety may be filed to cover all such alternate operations and may be executed in the following form:

To continue in effect the said bond whenever operation of the fruit distillery is resumed from time to time, pursuant to application on Form 1696, filed by the principal following suspension of operations by an alternate proprietor.

(c) *Materials and unfinished brandy.* If distilling materials and unfinished brandy are to be transferred to the successor, comply with the requirements of §§ 184.745, 184.746 and 184.748. Whenever the proprietorship is to be alternated after the first suspension, the procedure prescribed in §§ 184.307 and 184.308 will be followed.

(53 Stat. 309, 310, 333, 373 as amended; 26 U. S. C. 2812, 2814, 2878, 3170)

§ 184.306 *Where bonded warehouse on premises.* Where an internal revenue bonded warehouse is located on the fruit distillery premises, the proprietorship of the distillery may be alternated in accordance with the requirements of § 184.305. In addition, the outgoing (lessor) distiller shall designate the plat on file which depicts the entire distillery premises, including the internal revenue bonded warehouse, as "Plat A" and file a new plat which will be designated "Plat B" depicting the internal revenue bonded warehouse and any other portion of the distillery premises not to be operated by the lessee as a portion of the distillery. He shall also describe in the amended notice, Form 27½, the bonded warehouse and any portion of the distillery premises not to be operated as a part of the fruit distillery. The description thereof must correspond with the depiction of the premises on Plat B. Whenever the proprietorship is to be alternated after the first suspension, the procedure prescribed by §§ 184.307 and 184.308 will be followed.

(53 Stat. 309, 310, 312, 333, 373 as amended; 26 U. S. C. 2812, 2814, 2816, 2878, 3170)

SUSPENSION FOR SUBSEQUENT ALTERNATE PROPRIETORSHIPS

§ 184.307 *Requirements.* Where an alternate proprietor desires to suspend operations of the fruit distillery preparatory to resumption by another alternate proprietor, he must comply with the following requirements:

(a) *Notice of alternate operations.* File Form 1696, through the storekeeper-gauger in charge with the district supervisor giving notice of intention to suspend operations. The form shall be executed and filed in accordance with the various lines on the form and the instructions printed thereon or issued in respect thereto. Form 1696 shall contain or be verified by a written declaration that it is executed under the penalties of perjury. Operations will be suspended upon approval of the notice by the district supervisor in accordance with § 184.309.

(b) *Materials and unfinished brandy.* If distilling materials and unfinished brandy are to be transferred to the successor, the procedure prescribed by §§ 184.745, 184.746, and 184.748 must be followed.

(63 Stat. 667; 26 U. S. C. 3809)

RESUMPTION FOR SUBSEQUENT ALTERNATE PROPRIETORSHIPS

§ 184.308 *Requirements.* Where an alternate proprietor desires to resume operation of the fruit distillery following suspension by another alternate proprietor, he must comply with the following requirements:

(a) *Notice of alternate operations.* File Form 1696, through the storekeeper-gauger in charge with the district supervisor for authority to resume operations. The notice shall be executed in accordance with the instructions printed on the form, and otherwise completed as provided in § 184.307.

(b) *Materials and unfinished brandy.* If distilling materials and unfinished brandy are to be received from the predecessor, the procedure prescribed by §§ 184.745, 184.746, and 184.748 will be followed.

(63 Stat. 667; 26 U. S. C. 3809)

ACTION BY DISTRICT SUPERVISOR

§ 184.309 *Approval and disposition of Form 1696.* Upon receipt of Form 1696, the district supervisor will, if he finds that the notice may properly be approval on all copies, and dispose of the copies in accordance with the instructions printed on the form or issued in respect thereto.

(53 Stat. 373 as amended; 26 U. S. C. 3170)

SUBPART N—REQUIREMENTS GOVERNING ALTERNATE OPERATIONS AS REGISTERED DISTILLERY OR INDUSTRIAL ALCOHOL PLANT

QUALIFICATION FOR INITIAL ALTERNATING OPERATIONS

§ 184.315 *Where no bonded warehouse on premises.* A fruit distillery may be operated alternately for the production of brandy under this part, the production of spirits under Regulations 4 (26 CFR Part 183) or the production of alcohol under Regulations 3 (26 CFR Part 182). Where it is desired to conduct alternating operations at a fruit distillery and there is no internal revenue bonded warehouse located on the distillery premises, the successor (incoming) proprietor must first qualify as proprietor of the premises. At the time of the first suspension for the purpose of conducting alternate operations, the outgoing distiller must discontinue operations and comply with the following requirements:

(a) *Amended notice, Form 27½.* File with the district supervisor an amended notice on Form 27½, in triplicate, stating thereon the purpose of the notice to be "Temporary discontinuance in order that the fruit distillery may be operated as a registered distillery" (or industrial alcohol plant), and give the date of discontinuance.

(b) *Consent of surety.* File with the district supervisor a blanket consent of surety, Form 1533, in triplicate, to continue in effect bond, Form 30½. Such blanket consent of surety may be filed to cover all such alternate operations and may be executed in the following form: To continue in effect the said bond whenever operation of the distillery is resumed from time to time, pursuant to

application on Form 1696, filed by the principal following suspension of operations as an industrial alcohol plant or registered distillery.

(c) *Materials, heads and tails and unfinished brandy.* If distilling materials are transferred to the successor or if heads and tails or unfinished brandy are to be retained on the premises pending the resumption of operations as a fruit distillery, comply with the requirements of §§ 184.727–184.730. Whenever alternate operations are to be conducted after the first suspension, the procedure prescribed by §§ 184.317 and 184.318 will be followed.

(53 Stat. 309, 310, 312, 324, 333, 373 as amended; 26 U. S. C. 2812, 2814, 2816, 2850, 2878, 3170)

§ 184.316 *Where bonded warehouse on premises.* Where an internal revenue bonded warehouse is located on the fruit distillery premises, the distillery may be operated alternately as a fruit distillery, a registered distillery or an industrial alcohol plant upon compliance with the requirements of § 184.315. The distiller shall designate the plat on file which depicts the entire distillery premises, including the internal revenue bonded warehouse, as "Plat A," and file a new plat which will be designated as "Plat B," depicting the internal revenue bonded warehouse and any other portion of the distillery premises not to be operated by the incoming alternate proprietor. The outgoing distiller shall also describe in the amended notice, Form 27½, the bonded warehouse and any portion of the distillery premises not to be operated by the incoming proprietor. The description thereof must correspond with the depiction of the premises on Plat B. Whenever alternate operations are to be conducted after the first suspension, the procedure prescribed by §§ 184.317 and 184.318 will be followed.

(53 Stat. 309, 310, 312, 324, 333, 373 as amended; 26 U. S. C. 2812, 2814, 2816, 2850, 2878, 3170)

SUSPENSION FOR SUBSEQUENT ALTERNATE OPERATIONS

§ 184.317 *Requirements.* Where a distiller desires to suspend operations of the fruit distillery preparatory to resumption of operations as a registered distillery or industrial alcohol plant, he must comply with the following requirements:

(a) *Notice of alternate operations.* File Form 1696 through the storekeeper-gauger in charge with the district supervisor giving notice of intention to suspend operations. The form shall be executed and filed in accordance with the various lines on the form and the instructions printed thereon or issued in respect thereto. Form 1696 shall contain or be verified by a written declaration that it is executed under the penalties of perjury. Operations will be suspended upon approval of the notice by the district supervisor in accordance with § 184.319.

(b) *Materials, heads and tails, and unfinished brandy.* If distilling materials are transferred to the successor or if heads and tails or unfinished brandy are to be retained on the premises pending the resumption of operations as a fruit distillery, comply with the requirements of §§ 184.727–184.730.

(53 Stat. 309, 333, 373 as amended; 26 U. S. C. 2812, 2878, 3170)

RESUMPTION FOR SUBSEQUENT ALTERNATE OPERATIONS

§ 184.318 *Requirements.* Where a distiller desires to resume operation of the fruit distillery following suspension of operations as an industrial alcohol plant or registered distillery, he must comply with the following requirements:

(a) *Notice of alternate operations.* File Form 1696 through the storekeeper-gauger in charge, with the district supervisor for authority to resume operations. The notice shall be executed in accordance with the instructions printed on the form or issued in respect thereto and otherwise completed as provided in § 184.317.

(b) *Materials.* If distilling materials are received by transfer from the predecessor, comply with the requirements of §§ 184.729 and 184.730.

(53 Stat. 309, 373 as amended; 26 U. S. C. 2812, 3170)

ACTION BY DISTRICT SUPERVISOR

§ 184.319 *Approval and disposition of Form 1696.* Upon receipt of Form 1696, the district supervisor will, if he finds that the notice may be properly approved, execute the certificate of approval on all copies, and dispose of the copies in accordance with the instructions printed on the form or issued in respect thereto.

(53 Stat. 373 as amended; 26 U. S. C. 3170)

SUBPART O—ACTION BY DISTRICT SUPERVISOR

ORIGINAL ESTABLISHMENT

§ 184.325 *Authority to approve.* District supervisors are authorized to approve all notices, bonds, consents of surety, and other qualifying documents required by this part.

(53 Stat. 373 as amended; 26 U. S. C. 3170)

§ 184.326 *Special application.* Where a special application for permission to operate a fruit distillery within 600 feet of a rectifying plant is submitted by the distiller, and such special application conforms to the requirements of this part, the district supervisor will cause an inspection to be made to determine whether the proposed operation of the distillery within 600 feet of the rectifying plant may be permitted without jeopardy to the revenue. The inspector will ascertain whether the application accurately describes the relative location of the two premises and all pipelines and other connections, if any, between such premises. The inspector will also observe the surroundings, including all streets, roads and driveways connecting the two premises, and any condition which might endanger the revenue, and will describe the same in his report. If the district supervisor finds, upon consideration of the inspection report, that the distillery may be operated at the designated location without danger to the revenue, he will note his approval on all copies of the special application. He will then return one copy of the approved application to the applicant, retain one copy for his files, and forward the remaining copy, together with a copy of the inspection report, to the Commissioner. Approval of the special application pertains to the location of the distillery only, and does not authorize the operation thereof. The distillery may not be operated until the distiller's bond and other qualifying documents required by law and this part have been filed and approved. If the special application is disapproved, the district supervisor will note his disapproval thereon, retain one copy and return all remaining copies of such application to the applicant, with advice as to the reasons for disapproval.

(53 Stat. 314, 373 as amended; 26 U. S. C. 2819, 3170)

§ 184.327 *Distillery fence application.* Where a special application for permission to construct and maintain a fence or wall of a greater height than 5 feet around the distillery is submitted, and such application conforms to the requirements of this part, the district supervisor will, if he finds that the construction and maintenance of such fence or wall is necessary to give adequate protection from trespassers, and that the revenue would not be endangered, note his approval on all copies of the special application, return one copy to the applicant, retain one copy for his files, and forward one copy to the Commissioner with the distiller's notice, bond, and other qualifying documents. If the district supervisor finds that the construction and maintenance of such fence or wall is not necessary to afford protection from trespassers or that the revenue would be endangered thereby, he will note his disapproval on the special application, retain one copy and return the remaining copies to the applicant with a statement of the reasons for disapproval.

(53 Stat. 316, 373 as amended; 26 U. S. C. 2825, 2826, 3170)

§ 184.328 *Indemnity bond application.* Where an application for permission to file an indemnity bond in lieu of the written consent of the owner of the distillery premises or apparatus or equipment, or of any mortgagee, judgment-creditor, conditional sales vendor, or other person having a lien thereon, is submitted by the distiller and such application conforms to the requirements of this part, the district supervisor will cause an investigation to be made of the facts upon which the application is based, and will designate two or more competent persons to make an appraisal of the value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus. The appraisal shall be made as provided in § 184.178. If the district supervisor finds, upon consideration of the appraisal and reports of investigation, that under the law and this part an indemnity bond may properly be accepted in lieu of the consent of the owner or lienor, and if he is satisfied that the valuation placed upon the distillery property by the appraisers is fair, he will note his approval on all copies of the application. He will then return one copy of the approved application to the applicant, retain one copy for his files, and forward the remaining copy of the application and copies of the reports of investigation and appraisal to the Commissioner at the time of forwarding the indemnity bond. If the application is disapproved, the district supervisor will note his disapproval thereon and will return all copies of such application to the applicant with a statement of the reasons for disapproval.

(53 Stat. 311, 373 as amended; 26 U. S. C. 2815, 3170)

§ 184.329 *Examination of other qualifying documents.* Upon receipt of notice, plat, plans, bond, consent (Form 1602), if any, or indemnity bond in lieu thereof, and other documents required by this part of persons intending to qualify as distillers, the district supervisor will examine the same to determine whether they have been properly executed, and whether they reflect compliance with the requirements of the law and this part. Where any required document has not been filed, or where errors or discrepancies are found in those filed, or where the documents filed do not reflect compliance with this part, action thereon will be held in abeyance until the omission, or error, or discrepancy has been rectified, and there has been full compliance with all requirements.

§ 184.330 *Inspection of premises.* When the required documents have been filed in proper form, the district supervisor will assign an inspector to examine the premises, buildings, apparatus, and equipment, and determine whether they conform with the description thereof in the notice, plat and plans, and special applications, if any, and whether the construction and measures of protection afforded meet the requirements of the law and this part. The inspector will observe particularly the manner in which the rooms or buildings on the premises are separated from each other and from other premises, means of communication, ingress and egress, adequacy of protection afforded windows, doors, and other openings, construction of apparatus and equipment, and the suitability of the Government office and facilities. The inspector will also make careful inquiry respecting the applicant's title to, or interest in, the lot or tract of land, the distillery, and the apparatus and equipment, in order to determine whether proper consents on Form 1602 of the owner and of any mortgagees, judgment-creditors, lienors, other encumbrancers, conditional sales vendors, or prior lessees, have been procured and submitted by the applicant. The inspector will examine the records in the office of the recorder of deeds or other office where titles and matters affecting titles are filed to verify the statements of the applicant respecting his title to, or interest in, the property. The inspector should require the applicant to submit for examination invoices, bills of sale, conditional sales contracts, leases, or other commercial papers for verification of the statements made on Form 27½ respecting his title to, or interest in, the apparatus and equipment. Where the inspection discloses minor irregularities in the qualifying documents or in the construction, the inspector will, at the time of their discovery, direct the attention of the applicant to the same in order that the applicant may correct the defects before completion of the inspection. Upon completion of the inspection, a report thereof will be submitted to the district supervisor.

§ 184.331 *Report of inspection.* The report of the inspection shall describe separately all irregularities and discrepancies found during the course of the inspection, and shall include a complete statement describing all unusual or special conditions. Where irregularities were corrected during the inspection, the report will indicate the corrections so made. The report need not set out in detail each description as set forth in the notice, plat, and plans. The description of buildings and equipment in the report should be general and brief. However, construction, equipment, signs, etc., which are not in conformity with law and this part, will be completely described. If there are any pipelines or other connections or openings between the bonded premises and other premises, the same shall be described in detail. There shall be further embodied in the report a statement as to whether or not another business is being conducted, or is intended to be conducted, on the bonded premises or in buildings thereon.

§ 184.332 *Law violation record.* Before approving any bond or consent of surety given by any individual, firm, partnership, corporation, or association, in respect to the business of a fruit distiller, the district supervisor will cause such inquiry or investigation as may be deemed necessary to ascertain whether such individual, firm, partnership, corporation, or association, or any person owning, controlling, or actively participating in the management of the business, has been convicted of, or has compromised, an offense of the nature specified in § 184.218. Where record is found of the conviction or the compromise of such an offense, the district supervisor may disapprove the bond or consent upon the basis of his findings: *Provided*, That if the bond or consent is disapproved, the principal may appeal the district supervisor's action to the Commissioner. Where an appeal is taken to the Commissioner, the district supervisor will furnish the Commissioner with full information respecting the reasons for disapproval including the nature and place of the offense, and the names of the offenders and the date of conviction or acceptance of an offer in compromise.

(53 Stat. 311, 373 as amended; 26 U. S. C. 2815, 3170)

§ 184.333 *Approval of qualifying documents.* If the district supervisor finds, upon examination of the inspection report and the qualifying documents, that the person seeking to qualify as a fruit distiller has complied in all respects with the requirements of law and this part, and if the distiller's bond (Form 30½) and the consent (Form 1602), if any, or the indemnity bond filed in lieu thereof may properly be approved under § 184.332, and if the applicant is entitled to a permit, he will assign a registry number to the fruit distillery in accordance with § 184.334, note his approval on all copies of the distiller's bond, consent or indemnity bond, notice, and plat and plans, and shall dispose of the qualifying documents and inspectors' reports in accordance with § 184.336. The issuance of a permit under the Federal Alcohol Administration Act should be withheld pending approval of the notice, bond, and other qualifying documents required by the internal revenue laws and this part.

(53 Stat. 373 as amended; 26 U. S. C. 3170)

§ 184.334 *Registry numbers.* Fruit distilleries will be numbered serially in the order of their establishment. A separate series will be used for each State. Registry numbers heretofore assigned will be retained, and new distilleries will be assigned numbers in sequence thereto. Registry numbers previously assigned to discontinued distilleries will not be reassigned to other distilleries. The same registry number will be continued whenever there is a change of proprietorship.

§ 184.335 *Disapproval of qualifying documents.* If the district supervisor finds that the applicant has not complied in all respects with the requirements of the law and this part, or that the situation of the distillery is such as would enable the applicant to defraud the United States or that the bond should be disapproved under § 184.332, he will note his disapproval on the notice, Form 27½, and will dispose of the qualifying documents in accordance with § 184.336.

(53 Stat. 373 as amended; 26 U. S. C. 3170)

§ 184.336 *Disposition of qualifying documents.* Where the district supervisor approves the qualifying documents, he will forward to the applicant one copy of the documents with the original of the basic permit issued under the Federal Alcohol Administration Act, forward to the Commissioner the originals of the qualifying documents and a copy of the basic permit issued under the Federal Alcohol Administration Act, together with copies of inspection reports, and retain one copy of the qualifying documents for the file of the applicant. If the qualifying documents are disapproved, the district supervisor shall return to the applicant by registered mail one copy of the disapproved notice together with all copies of the qualifying documents, and all copies of the bond without action thereon. The district supervisor shall forward one copy of the disapproved notice to the Commissioner and will advise him fully respecting the disapproval thereof. He shall retain the remaining papers in his files. If the applicant is not entitled to a basic permit, the district supervisor will, upon disapproval of the application therefor, return all copies of the qualifying documents to the applicant without action thereon.

(53 Stat. 373 as amended; 26 U. S. C. 3170)

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

§ 184.337 *Procedure applicable.* The provisions of §§ 184.326–184.336 respecting the action required of district supervisors in connection with the original establishment of distilleries will be followed to the extent applicable, where there is a change in the individual, firm, or corporate name of the distiller, or in the trade name or style or where the distillery is to be operated initially under a trade name or style or where there is a change in the proprietorship, location, premises, construction, apparatus and equipment of the distillery, or in the type of plant, or in the title to the distillery property, or where such property becomes subject to a mortgage, judgment, lien, or other encumbrance or where operations are permanently discontinued.

§ 184.338 *Indemnity Bond, Form 1617.* Where changes to be made in distillery buildings or former distillery buildings or distillery equipment are such as to require the filing of an indemnity bond on Form 1617, as provided in §§ 184.285 and 184.288, the district supervisor will, upon receipt of a satisfactory bond, note his approval thereon, retain one copy and forward the original to the Commissioner and one copy to the distiller.

§ 184.339 *Applications and reports covering changes.* Where an application covering changes in the distilling apparatus or equipment, or in the construction or use of a room or building, is authorized by the district supervisor, he will after completion of the change retain one copy of the application and forward one copy to the distiller and one copy to the Commissioner. Similar disposition will be made of reports received from the distiller covering emergency repairs of distilling apparatus and equipment.

ANNUAL NOTICES AND BONDS, CONSENTS OF SURETY, AND ADDITIONAL AND SUPERSEDING BONDS

§ 184.340 *Procedure applicable.* The procedure prescribed in this subpart for the approval and disapproval of notices and bonds submitted in connection with the establishment of fruit distilleries will, to the extent applicable, govern the approval and disapproval of annual notices, consents (Form 1602) and bonds, consents of surety, and additional and superseding bonds.

SUBPART P—ACTION BY COMMISSIONER

ORIGINAL ESTABLISHMENT

§ 184.350 *Review of documents.* The Commissioner will review the action of the district supervisor relating to the establishment of fruit distilleries and determine whether it is in conformity with the requirements of law and this part. If not, the Commissioner will advise the district supervisor as to the necessary action to be taken.

(53 Stat. 310, 311, 373 as amended; 26 U. S. C. 2814, 2815, 3170)

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

184.351 *Procedure applicable.* The provisions of § 184.350 respecting the action of the Commissioner in connection with the establishment of fruit distilleries will be followed to the extent applicable, where there is a change in name, or in the firm name, trade name or style or in the proprietorship, location, premises, construction, apparatus and equipment of the distillery or in the type of plant or in the title to the distillery property or where such property becomes subject to a mortgage, judgment, lien, or other encumbrance.

SUBPART Q—TERMINATION OF BONDS

§ 184.355 *Termination of distiller's bond.* The fruit distiller's bond (Form 30½) is an annual bond and, therefore, upon expiration of the period for which it is given automatically terminates as to spirits produced subsequent to such period. Such bonds may be terminated as to future production prior to expiration of the period for which given, (a) pursuant to application by the surety as provided in § 184.359, or (b) upon approval of a superseding bond or discontinuance of business by the principal. Application for notice of termination of a fruit distiller's bond upon approval of a superseding bond or discontinuance of the business must be filed in duplicate with the district supervisor.

(53 Stat. 310; 26 U. S. C. 2814)

§ 184.356 *Termination of indemnity bond, Form 3–A.* Indemnity bonds (Form 3–A) given in lieu of the consent of the owner of the distillery premises or property and of any mortgagee, judgment-creditor, lienor, encumbrancer, conditional sales vendor, etc., to priority of the Government's lien for taxes and penalties and other interests, run for an indefinite period. Such bonds may be terminated as to liability for future operations of the distillery, (a) pursuant to application by the surety as provided in § 184.359, (b) upon approval of a superseding bond or discontinuance of business by the principal, (c) if the distiller (1) becomes the owner in fee unencumbered of the property covered by the bond or (2) files the consent of the owner or encumbrancer to priority of the Government's lien for taxes and penalties and other interests (as provided in § 184.170), or (d) if all spirits produced while such indemnity bond was in force are taxpaid or removed for lawful tax-free purposes. Application for notice of termination of such bonds upon approval of the superseding bond or discontinuance of the business or under conditions (c) and (d) of this section must be filed in duplicate with the district supervisor.

(53 Stat. 298 as amended, 311; 26 U. S. C. 2800, 2815)

§ 184.357 *Termination of indemnity bonds, Form 1617.* Indemnity bonds (Form 1617) given in connection with changes in buildings and equipment on which a lien had attached under section 2800 (e), I. R. C., may be terminated (a) upon approval of a superseding bond, or (b) upon taxpayment or removal for a lawful tax-free purpose of all spirits produced while the property covering which the indemnity bond was filed formed a part of the distillery premises and equipment. Application for notice of termination of such bonds must be filed in duplicate with the district supervisor.

(53 Stat. 298 as amended, 311; 26 U. S. C. 2800, 2815)

§ 184.358 *Termination of export bonds.* Bonds (Forms 547, 548, 657, and 658) given to cover the exportation, or the transportation for export, of brandy of not less than 180 degrees of proof, withdrawn from the distillery in tank cars for such purpose as provided in Subpart X of this part, will be terminated in accordance with the provisions set forth in Regulations 10 (26 CFR, Part 185) for the termination of such bonds when given to cover the exportation, or the transportation for export, of spirits withdrawn from internal revenue bonded warehouses.

(53 Stat. 336, 337, 339, 373 as amended; 26 U. S. C. 2885, 2886, 2888, 3170)

§ 184.359 *Application of surety for relief from bond.* A surety on any bond required by this part may at any time in writing notify the principal and the district supervisor in whose office the bond is on file, that he desires after a date named, which shall be at least 60 days after the date of notification, to be relieved of liability under said bond. The notice shall be executed in triplicate by the surety, who shall deliver one copy to the principal and the other two copies to the district supervisor, who will retain one copy and transmit the remaining copy to the Commissioner. If such notice is not thereafter in writing withdrawn, the rights of the principal as supported by said bond shall be terminated on the date named in the notice, and the surety shall be relieved (a) in the case of a distiller's bond (Form 30½) from liability for brandy produced wholly subsequent to the date named in the notice, (b) in the case of indemnity bonds (Form 3–A) from liability for operations of the distillery wholly subsequent to such date, and (c) in the case of export bonds (Forms 547, 548, 657, and 658) from liability for brandy withdrawn for export wholly subsequent to such date. This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney, duly executed by the surety, authorizing him to give such notice, or by a verified statement that such power of attorney is on file with the Department. The surety must also file with the district supervisor an acknowledgement or other proof of service of such notice on the principal.

§ 184.360 *Action on application for notice of termination of distiller's bond.* When an application for notice of termination of a fruit distiller's bond as to future production is filed with the district supervisor in a case where a superseding bond has been approved, or the principal has discontinued business, as provided in § 184.355, the district supervisor will make a complete examination of records to determine whether there is any liability then due and payable outstanding against the bond. He will also ascertain from the collector of internal revenue whether there are any outstanding, unpaid assessments or demands for taxes on spirits produced under the bond. If it is found that violations of law or regulations occurred during the period covered by the bond and that penalties incurred or fines imposed have not been paid, or that outstanding assessments, or demands for payment of taxes, chargeable against the bond, have not been paid or otherwise settled, the district supervisor will disapprove the application, unless the liability is settled. If the district supervisor finds that the fruit distiller's bond may properly be terminated, he will issue notice of termination thereof in accordance with § 184.362.

(53 Stat. 373 as amended; 26 U. S. C. 3170)

§ 184.361 *Action on application for notice of termination of indemnity bond.* When an application for notice of termination of an indemnity bond (Form 3–A), as to future operations of a fruit distillery, is filed with the district supervisor in a case where a superseding bond has been approved, or the principal has discontinued business as provided in §§ 184.356–184.357, the district supervisor will take action in accordance with the procedure prescribed in § 184.360, in the case of an application for the termination of a fruit distiller's bond. When an application for notice of termination of an indemnity bond (Form 1617) covering changes in buildings or equipment is filed with the district supervisor, he will make a complete inquiry to determine whether all spirits the tax on which constituted the lien in relation to which the bond was given, have been tax-paid or removed for a lawful tax-free purpose. If the district supervisor finds that the bond may properly be terminated, he will issue notice of termination thereof, in accordance with § 184.362.

(53 Stat. 373 as amended; 26 U. S. C. 3170)

§ 184.362 *Notice of termination.* When the district supervisor has determined that an application for the termination of a fruit distiller's bond (Form 30½) as to liability for future production, or of an indemnity bond (Form 3–A) as to liability for future operations of the fruit distillery, or an indemnity bond (Form 1617) as to future liability, may properly be approved, he will execute Form 1490, where a superseding bond has been approved, or Form 1491, where the principal has discontinued business, in quadruplicate (in quintuplicate if there are two sureties), and will forward the original together with one copy of the application to the Commissioner, one copy to each obligor on the bond, and retain one copy on file with the bond to which it relates.

(53 Stat. 373 as amended; 26 U. S. C. 3170)

§ 184.363 *Release of collateral.* The release of collateral pledged and deposited with the United States to support bonds required by this part will be in accordance with the provisions of Department Circular No. 154, revised (31 CFR, Part 225), subject to the conditions governing the issuance of notices on Forms 1490 and 1491 of the termination of such bonds. Upon approval of an application for the issuance of notice of the termination of a distiller's bond, Form 30½, or indemnity bond, Form 3–A, or 1617, supported by collateral security, the district supervisor will fix the date or dates on which a part or all of the security may be released. In fixing such date, which ordinarily will be not less than six months from the date of determination that there is no outstanding liability against the bond, the district supervisor will satisfy himself that the interest of the Government will not be jeopardized. Collateral pledged and deposited to support any such bond will not be released by the district supervisor until liability under the bond has been terminated. At any time prior to the release of such collateral security, the district supervisor may, in his discretion, and for proper cause, further extend the date of release of the security for such additional length of time as in his judgment may be appropriate. Collateral pledged and deposited to support a fruit distiller's bond (Form 30½) or an indemnity bond (Form 3–A) will not be released by the district supervisor until all spirits produced while such bonds were in force and effect have been tax-paid or removed for a lawful tax-free purpose. Accordingly, collateral may not be released while spirits produced under such bonds remain in any internal revenue bonded warehouse. When an application for release of collateral deposited in support of a fruit distiller's bond (Form 30½) or an indemnity bond (Form 3–A) is received by the district supervisor, he will determine whether all spirits produced at the distillery while the bond was in effect have been withdrawn from warehouse and all outstanding liabilities settled, prior to taking action upon the application. Collateral pledged and deposited to support an indemnity bond (Form 1617) covering changes in buildings and equipment may be released by the district supervisor upon approval of a superseding bond or upon tax payment or removal for a lawful tax-free purpose of all spirits the tax on which constituted the lien in relation to which the bond was given. Collateral pledged and deposited to support direct export bonds, or transportation for export bonds will ordinarily be released by the district supervisor upon issuance of notice of release of the bond, Form 1491.

(53 Stat. 373 as amended; 26 U. S. C. 3170; 44 Stat. 122; 49 Stat. 22 (6 U. S. C. 15))

SUBPART R—MANUFACTURE OF BRANDY

KINDS OF MATERIALS AND BRANDIES

§ 184.370 *Kinds of materials.* Distillers operating under the provisions of this part must manufacture brandy exclusively from apples, peaches, grapes, oranges, pears, pineapples, apricots, berries, plums, pawpaws, papayas, cantaloups, persimmons, prunes, figs, cherries, dates, or citrus fruits (except lemons and limes), or from residues or products of such fruits and berries, or from grape wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, plum wine, prune wine, pear wine, pawpaw wine, papaya wine, pineapple wine, cantaloup wine, or apple wine, in the manufacture of which artificial sweetening may have been used, or from the fruit pomace residuum of such grape wine, or from grape cheese where not more than 500 gallons of a sugar solution made from cane, beet, starch, or corn sugar, 95 percent pure, and having a saccharine strength of not to exceed 10 percent, is added to not less than 500 gallons (10 barrels) of such cheese.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.371 *Kinds of brandies for fortification of wine.* The kinds of brandies that may be produced for the fortification of wine are those made exclusively from grapes, citrus fruits (except lemons and limes), peaches, cherries, berries, apricots, pawpaws, papayas, cantaloups, pineapples, prunes, plums, pears, or apples, or from the products or the residues of such fruits and berries, or from grape wine, cantaloup wine, citrus-fruit wine, peach wine, pawpaw wine, papaya wine, pineapple wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, or apple wine, in the manufacture of which artificial sweetening may have been used under the limitations prescribed in Regulations 7 (26 CFR, Part 178), or the fruit pomace residuum of such grape wine. Brandy may not be produced from grape cheese and a sugar solution for the fortification of wine.

(53 Stat. 316 as amended, 350 as amended; 26 U. S. C. 2825, 3032)

§ 184.372 *Artificial coloring.* Brandies produced in accordance with the provisions of § 184.371 may be used for the fortification of wine, notwithstanding that they may have been artificially colored with burnt sugar or caramel under the limitations prescribed in Subpart T of this part.

(53 Stat. 352 as amended; 26 U. S. C. 3036)

COMMENCEMENT OF OPERATIONS

§ 184.373 *Notice, Form 125.* Before commencing operations at the distillery, the distiller shall file with the district supervisor notice on Form 125, in duplicate, specifying the date on which he desires to commence operations. This notice must be filed in time to enable the district supervisor to assign a storekeeper-gauger to apply the required locks and seals, or, in the case of a previously operated distillery, to remove Government locks from the furnace doors of the stills or from valves controlling the flow of steam or fuel to the stills, and to connect the machinery, and, if deemed necessary, to supervise operations. If the distiller's bond, Form 30½, has been approved and the storekeeper-gauger has found the plant and equipment in proper condition, the distiller may commence operations at the time specified in the notice. Form 125 will not be required when operations are resumed pursuant to the filing of Form 1606.

(53 Stat. 324, 373 as amended; 26 U. S. C. 2850, 3170)

§ 184.374 *Assignment of storekeeper-gaugers.* Except as provided in § 184.393 the constant presence of storekeeper-gaugers at fruit distilleries will not be required. The district supervisor may, however, where the extent of operations or other circumstances warrant, assign

one or more storekeeper-gaugers to constant duty at such distilleries. Where new distilleries are established, storekeeper-gaugers should be assigned to constant duty thereat for a limited period. Ordinarily, storekeeper-gaugers will be assigned to visit fruit distilleries at intervals for the purpose of gauging and supervising the withdrawal of brandy. At distilleries where operations are not such as to require the daily attendance of a storekeeper-gauger, the district supervisor will assign an officer to visit the distillery not more often than twice a month to gauge the brandy and supervise the redistillation of singlings: *Provided*, That the district supervisor may assign an officer to visit the distillery at more frequent intervals for such purposes where the location of the distillery is such that he can do so without undue expense to the Government, or where the quantity of brandy produced is such as to make the retention of 15 days' production in the receiving and singlings tanks inadvisable. As provided in § 184.137, the receiving and singlings tanks shall be of sufficient capacity to permit storekeeper-gaugers to be so assigned. When notices of comencement of operations are received, the district supervisor will assign storekeeper-gaugers in time to prevent unnecessary delays to distillers.

(53 Stat. 316 as amended, 354, 373 as amended; 26 U. S. C. 2825, 3042, 3170)

§ 184.375 *Examination of distillery.* Upon arrival at a distillery intending to commence operations, storekeeper-gaugers will, prior to the actual commencement of operations, examine the distillery, the apparatus and equipment, the receiving tanks, etc., and determine that all valves, flanges, and other connections which would afford access to spirits are properly equipped for locking or are brazed, welded, or otherwise secured, and that all doors and other openings in the receiving and brandy deposit rooms, if any, are protected in the manner prescribed by this part. The storekeeper-gauger will apply Government locks wherever the same are required, and will complete Form 125, in duplicate, deliver one copy to the distiller, and forward the original to the district supervisor.

DISTILLING MATERIALS

§ 184.376 *Weighing materials received.* Distillers will weigh, or, in the case of liquids, weigh or measure, all materials received on the distillery premises for use in the production of brandy. Where wine is received by pipeline, or in tanks, tank trucks, or tank cars, the material must be run into a measuring tank, measured as to quantity and tested as to alcoholic content, except that where the wine used as distilling material is received from a winery operated by the distiller on contiguous premises, and such wine is measured and tested in distilling material measuring tanks installed on the winery premises, it need not be again measured and tested on the distillery premises if it is to be immediately distilled. In such case, the wine must be conveyed by pipeline direct from the measuring tanks on the winery premises to the chargers of the stills, or to sumps from which it will be immediately pumped into the chargers. The distilling material measuring tanks may, as provided in § 184.92, be located on such contiguous winery premises where all distilling material used is procured therefrom. Any properly calibrated tank on the winery premises may be used as a distilling material measuring tank.

(53 Stat. 321; 26 U. S. C. 2641)

§ 184.377 *Remeasurement of wine.* Where wine is not to be distilled immediately upon receipt, it may be transferred to distilling material storage tanks, but when used it must be again tested as to alcoholic content and, unless the quantity used is accurately measured by the chargers of the stills, it must be transferred to a measuring tank and the quantity correctly determined.

(53 Stat. 321; 26 U. S. C. 2841)

§ 184.378 *Record of materials received.* The distiller shall enter all materials received on the distillery premises for the production of brandy on Form 15. Where wine, or brandy for redistillation, is received the alcoholic content thereof will also be entered on the form. If champagne or other sparkling wine, or artificially carbonated wine, is received for use as distilling material, the entry of receipt will include information as to the kind of wine.

(53 Stat. 321, 335 as amended; 26 U. S. C. 2841, 2863)

§ 184.379 *Addition of water.* The distiller may add as much water as he may desire to wine for the purpose of economical distillation. Water must not be added to wine received, prior to determination of the alcoholic content. Where water is added to wine intended for use as distilling material after it is transferred to distillery measuring tanks located on contiguous winery premises operated by the distiller, the quantity and alcoholic content of such wine will be determined by the distiller after the addition of the water and so entered on Form 15. Unless the attenuated material is immediately distilled, it must be again tested as to alcoholic strength before distillation, as provided in § 184.384.

(53 Stat. 321; 26 U. S. C. 2841)

§ 184.380 *Non-fermentable materials.* No non-fermentable materials may be added to the wine or other distilling material for the purpose of providing yeast food, or for inhibiting the action of wild yeast or bacteria, or for any other purpose, unless the use of such materials is covered by the statement of process, as provided in § 184.191. No chemicals or other materials, such as essences, flavors, coloring matter, etc., which are volatile and would remain incorporated in the brandy when the manufacture thereof is complete may be added to the wine or other distilling material, or to the spirits at any stage of production, except as otherwise provided in this part.

(53 Stat. 391 as amended; 26 U. S. C. 3254)

§ 184.381 *Materials crushed for fermenting.* The distiller will weigh all materials crushed for fermenting, and will enter the same on Form 15. The quantity of fermented material produced will also be determined and entered on the form.

(53 Stat. 321; 26 U. S. C. 2841)

§ 184.382 *Sweetened grape cheese.* Where grape cheese is sweetened for fermentation as distilling material the limitations set forth in § 184.370 must be observed. If it is desired to add water as well as sugar solution to the grape cheese, the sugar solution must be added first, as the quantity of sugar solution which may be used is limited in proportion to the quantity of cheese and not the quantity of cheese and water. The grape cheese may be sweetened once only. The quantity of sugar received, and the quantity of sugar and sugar solution used, will be reported on Form 15.

(53 Stat. 316 as amended, 321; 26 U. S. C. 2825, 2841)

§ 184.383 *Verification of quantity and alcoholic content of materials received.* Where a storekeeper-gauger is assigned to the distillery, he will from time to time personally verify the accuracy of the distiller's determination of the quantity and alcoholic content of wine received for use as distilling material and of brandy received for redistillation, and the weight or quantity of other materials received and used for producing distilling material. Where no officer is in daily attendance at the distillery, the district supervisor will cause the accuracy of the distiller's entries on Form 15 to be verified by Government officers from time to time.

(53 Stat. 335 as amended, 373 as amended; 26 U. S. C. 2883, 3170)

§ 184.384 *Distilling material tested and measured before use.* The distiller will provide an approved ebulliometer, small still, or other suitable instrument for determining the alcoholic content of distilling material. The following ebulliometers have been approved by the Commissioner for such use: Arnaldo-Sala (with shield), Braun, Juerst, L'Ebulliometer Levesque (with shield), Lefco, Malligand Type (with shield), Salleron-Dujardin, "TAG" (with shield), and E. B. Torino (with shield). The Arnaldo-Sala, L'Ebulliometer Levesque, Malligand Type, "TAG," and E. B. Torino have been approved subject to the condition that they will be used in connection with a shield to protect them from drafts or air currents. The Commissioner may authorize the use of other equally accurate instruments for determining the alcoholic content of distilling material. Such instruments shall be made available for use by Government officers for verifying the distiller's tests, as hereinafter required. District supervisors will cause the accuracy of such instruments in use at distilleries to be checked from time to time. When using such instruments distillers and Government officers must follow closely the instructions furnished therewith, in order that accurate determinations may be made. The distiller shall determine the alcoholic content of each lot of distilling material by means of such an approved ebulliometer or other instrument, immediately prior to distillation, and shall at such time also determine accurately, by means of the distilling material measuring tanks, the number of gallons of distilling material to be distilled. The kind, quantity, and alcoholic content of the material distilled will be entered by the distiller on Form 15. The distiller will also compute and enter on Form 15 the calculated yield for each lot of material distilled.

(53 Stat. 307, 321, 373 as amended; 26 U. S. C. 2808, 2841, 3170)

§ 184.385 *Verification of distiller's tests.* Where a storekeeper-gauger is on duty at the distillery, he will verify the distiller's tests of the distilling material and will see that the proper quantity of such material and the correct percentage of alcohol contained therein are entered on Form 15. Where no officer is in daily attendance at the distillery, the district supervisor will cause such tests of the distilling material to be made from time to time by Government officers as may be necessary to insure accurate reporting of the item.

184.386 *Qualification prerequisite to operation.* No wine, or brandy for redistillation, may be received or materials fermented or brandy produced on the distillery premises until proper bond and other required qualifying documents have been filed and approved.

(53 Stat. 319; 26 U. S. C. 2832)

DISTILLATION

§ 184.387 *Continuous process required.* The process of distillation employed must be such that the brandy will pass through continuous, closed stills, pipes, and vessels from the time the vapors rise in the first still until the finished brandy is deposited in locked receiving tanks provided for that purpose. The distiller may, in the course of manufacture, carry his product through as many distilling operations as he may desire, provided the process is closed and continuous. Distilling processes are deemed to be continuous where the brandy is carried through the various steps from the beer still to the receiving tanks as expeditiously as normal, efficient plant operation will permit in the manufacture of a finished product of standard quality. The collection of high and low wines (heads and tails) for the purpose of redistillation is not deemed to be a break in the continuity of the distilling process, but such brandy, when so collected, should be redistilled promptly when a sufficient quantity has been accumulated to permit efficient redistillation. Where brandy is percolated through oak chips or otherwise treated before deposit in the receiving tanks, the retention of the brandy in tanks temporarily, pending such treatment, is permissible, but no larger quantities of brandy may be so held than is necessary for operation of the percolators. The distilling process is held to be completed when the brandy is deposited in the receiving tanks.

(53 Stat. 335 as amended, 391 as amended; 26 U. S. C. 2883, 3254)

§ 184.388 *Continuous distillation.* Where singlings are redistilled in a closed, locked still, as defined in § 184.135, they may be conveyed directly through closed pipes from the first still to the redistilling unit or they may be run into singlings tanks and thence to the redistilling unit. When so handled, all openings in the redistilling unit through which access may be had to the spirits must be securely locked. Singlings thus conveyed into a closed, locked still may be redistilled without supervision of a storekeeper-gauger and without gauging and recording on Form 15 prior to redistillation, but they must be redistilled during the month in which they are produced, unless the quantity remaining on hand at the end of the month is ascertained and recorded on Form 15.

§ 184.389 *Collection of singlings for redistillation.* Where, under the process of distillation employed, singlings are separated and collected for redistillation otherwise than as provided in § 184.388, such singlings shall be run through closed pipes from the still into locked singlings tanks, in which they shall remain until released by the storekeeper-gauger for redistillation under his supervision.

§ 184.390 *Gauging of singlings.* Where singlings are collected for redistillation otherwise than in a closed, locked still as provided in § 184.388, they need not be gauged (measured and proofed) by the storekeeper-gauger before being released from the singlings tanks for redistillation. Singlings produced each month must be redistilled as expeditiously as possible. They may not be accumulated from month to month, but singlings produced during one month may be mixed with the production for the succeeding month for redistillation if the quantity on hand at the close of the month is first ascertained.

§ 184.391 *Redistillation of singlings.* When the singlings have been released by the storekeeper-gauger, they shall be run, by means of closed pipelines, direct from the singlings tank into the still, or the distilling material sump, or the chargers of the still, or the distilling material pipeline leading to the still. Where the singlings are run into the distilling material sump, or the chargers of the still, or the distilling material pipeline leading to the still, such sump or charger or pipeline must be closed and the operations must take place at the time the distilling material is being run into the still and the singlings thus mixed with the distilling material and distilled with the same. The singlings will be run into the still, or distilling material sump, or chargers of the still, or distilling material pipeline, and redistilled, under the immediate supervision of the storekeeper-gauger.

§ 184.392 *Record of singlings.* The quantity of singlings on hand at the close of the month will be gauged by the storekeeper-gauger before the tenth day of the month following the month of production. Such quantity will be entered by the distiller on Form 15 rendered for the month of production.

(53 Stat. 321; 26 U. S. C. 2841)

§ 184.393 *Distillation requiring supervision.* Fortified wines received for the production of dealcoholized wine containing less than one-half of 1 percent of alcohol by volume, and fortified wine which became unfit for use as wine prior to the removal from the winery premises, champagne, or other sparkling wine, and artificially carbonated wine, received for use as distilling material, must be distilled under the supervision of a Government officer. Where brandy is received for redistillation, the distillation thereof must also be under the supervision of a Government officer.

(53 Stat. 335 as amended, 348 as amended, 353; 26 U. S. C. 2883, 3031, 3037)

§ 184.394 *Request for assignment of officer.* When it is desired to distill such wines or to redistill brandy, and there is no officer on duty at the distillery, the distiller will request the district supervisor to assign an officer to supervise the distillation. This request must set forth the time it is desired to begin distillation, the kind and approximate quantity of wine to be distilled or brandy to be redistilled, and the time that will be required for distillation. The request must be filed with the district supervisor in ample time for an officer to be detailed to such duty. If an officer is on duty at the distillery, the request to supervise the distillation will be filed with such officer.

(53 Stat. 335 as amended, 348 as amended, 353; 26 U. S. C. 2883, 3031, 3037)

§ 184.395 *Duty of officer.* The officer supervising the distillation of such wine, or brandy for redistillation, will, before distillation is commenced, determine the kind, quantity, and alcoholic content of the material to be distilled and will see that such data are properly entered on Form 15. The officer will then supervise the distillation, and upon completion thereof will submit a report to the district supervisor showing the kind, quantity, and alcoholic content of the wine or brandy distilled.

(53 Stat. 348 as amended, 353; 26 U. S. C. 3031, 3037)

§ 184.396 *Heads and tails.* Distillates containing one-half of 1 percent or more of aldehydes, or 1 percent or more of fusel oil, known as "heads" and "tails," separated in the course of distillation, will be run into locked tanks, as provided in § 184.420.

(53 Stat. 346; 26 U. S. C. 2916)

LOCKING OF DISTILLERY

§ 184.397 *When to be locked.* Whenever brandy is contained in any place in the distillery other than under Government lock in the receiving room or brandy deposit room, or package storeroom within the brandy deposit room, the distillery building or portion thereof in which such brandy is contained must be kept securely locked by the distiller in the absence of himself or his agents. The locks used by the distiller to secure doors, windows, or other openings of the distillery building, or portions thereof, in which brandy is so contained, must be such as will, in the opinion of the district supervisor, safeguard the brandy against illegal removal.

§ 184.398 *Keys of distillery locks.* The distiller shall furnish the district supervisor as many keys to the locks provided for securing the entrance door or doors of the distillery building, or portions thereof, which are required to be locked, as may be deemed necessary by the district supervisor from time to time, in order that the distillery or any portion thereof may be accessible at any time to Government officers authorized to enter and inspect the premises.

TREATMENT OF BRANDY IN COURSE OF DISTILLATION

§ 184.399 *Rectification.* The law provides that every person shall be regarded as engaged in the business of rectifying who rectifies, purifies, or refines distilled spirits by any process other than by original and continuous distillation from mash, wort, or wash through continuous, closed vessels and pipes until the manufacture thereof is complete. A distiller may, therefore, carry his product through as many processes of distillation as he may desire without becoming liable as a rectifier, provided the process is continuous (as defined in § 184.387), commencing with the distillation of the fermented material, and the product of distillation is carried through continuous, closed vessels and pipes until the finished product is deposited in the receiving tanks: *Provided*, That the redistillation of brandy received in bond from an internal revenue bonded warehouse or another distillery pursuant to provisions of this part shall not constitute rectification.

(53 Stat. 335 as amended, 391 as amended; 26 U. S. C. 2883, 3254)

§ 184.400 *Purifying or refining brandy.* Under the law, distillers are allowed to purify or refine brandy in the course of original and continuous distillation, through any material which will not remain incorporated with such brandy when the manufacture thereof is complete. The apparatus to be used for purifying or refining in a distillery must be arranged and constructed as required by this part.

(53 Stat. 391 as amended; 26 U. S. C. 3254)

§ 184.401 *Percolation through oak chips.* Brandy may be percolated through or treated with oak chips which have not been treated with any chemical, upon approval of the process. The apparatus to be used for percolating brandy must be arranged and constructed as required by this part.

(53 Stat. 391 as amended; 26 U. S. C. 3254)

§ 184.402 *Samples before and after treating.* Where the distiller has been authorized to introduce materials or substances into brandy during the course of original and continuous distillation for the purpose of purifying or refining the brandy, or where he has been authorized to introduce oak chips into the brandy, the district supervisor will cause storekeeper-gaugers to procure samples of such brandy, both before and after processing, when the process is first used and thereafter from time to time. The samples will be forwarded to the Government chemist for analysis. The chemist will furnish a report thereof to the district supervisor.

(53 Stat. 391 as amended; 26 U. S. C. 3254)

§ 184.403 *Disposition of substances used for treating brandy.* Materials used for purifying or refining brandy, and oak chips introduced into the brandy, will be thoroughly washed, steamed, or otherwise treated to extract the brandy therefrom before removal from the process. Upon removal, the materials must be burned in the distillery furnace or in the distillery yard. If such burning is not practicable, due to the type of furnace in use, fire regulations, or to other valid reason, such materials must be treated with kerosene before the removal thereof from the distillery premises. Where kerosene is used, it must be sprayed or sprinkled on the materials, using not less than 1 gallon of kerosene to each 100 pounds of materials, in such manner as to preclude the abstraction of potable brandy from any part of the entire mass after the materials are removed from the distillery premises. This will be effected by stirring or agitating the materials while the kerosene is being applied. Such burning or treating of materials must be done under the supervision of the Government officer. The district supervisor may authorize any other disposition of the materials as will effectually prevent recovery of spirits therefrom.

DEPOSIT OF BRANDY IN RECEIVING TANKS

§ 184.404 *Immediate deposit required.* All brandy produced must be deposited immediately upon completion of manufacture in securely locked receiving tanks. Brandy produced and conveyed into receiving tanks each month must be kept separate in such tanks until gauged by the storekeeper-gauger and removed on or before the 10th day of the succeeding month. The brandy must be deposited in separate receiving tanks according to class (brandy, spirits—fruit) and type (grape brandy, apple brandy, peach brandy, etc.).

COMPARISON OF ACTUAL YIELD WITH CALCULATED YIELD

§ 184.405 *Abnormal differences to be investigated.* The storekeeper-gauger will verify the distiller's computation of the calculated yield from the materials distilled and will compare the same with the quantity of brandy produced therefrom. Where the difference between the calculated yield and the actual yield is more than that determined by experience to be the normal difference for the particular plant, the storekeeper-gauger will make a thorough inquiry to determine the reason or reasons therefor, and will make a full report of his findings to the district supervisor. If the findings of the officer do not fully explain the discrepancy, the district supervisor will cause such further investigation to be made as may be deemed advisable.

§ 184.406 *Distiller's responsibility.* Distillers will be held responsible for producing a quantity of brandy equal to that contained in the material distilled, less the actual deficiency resulting in distillation. District supervisors will carefully check the returns of distillers as to production and, where the difference between the calculated yield and the actual yield is more than that determined by experience to be the normal difference for the particular plant, they will investigate any excessive deficiency in production thus disclosed, unless such deficiency is satisfactorily explained in reports submitted by Government officers on duty at or detailed to visit the plant. Where, in any case, the facts indicate that brandy has been produced and not accounted for, the district supervisor will proceed in accordance with Subpart Z of this part.

DISPOSITION OF RESIDUE OF DISTILLING MATERIAL

§ 184.407 *Authorized use of such residue.* The undistilled residue of distilling material (wine lees and cheese) may be removed from distilleries for use as fertilizer or other byproduct, providing the liquid is expressed from the material before removal and it is not received on any winery or other distillery premises.

§ 184.408 *Removal.* Where a storekeeper-gauger is assigned to the distillery the material will be removed in his presence. The distiller will make appropriate entry on Form 15 of the removal of such material. If disposed of to other persons, the names and addresses of such persons should be reported on Form 15.

(53 Stat. 321; 26 U. S. C. 2841)

DESTRUCTION OF DISTILLING MATERIAL UNFIT FOR DISTILLATION

§ 184.409 *Inspection.* When the distiller reports that he has on hand any distilling material which has become unfit for distillation and which he desires to destroy, the storekeeper-gauger will inspect such material for the purpose of determining whether it is actually unfit for distillation. Where no officer is assigned to the distillery, the distiller will request the district supervisor, in writing, to detail an officer to supervise destruction of the material, stating the kind, quantity, alcoholic content, and condition of the material. The district supervisor will detail an officer to inspect the material and, if found unfit for distillation, to supervise its destruction, unless the quantity involved is, in the judgment of the district supervisor, insufficient to justify the visit of an officer, in which event the district supervisor may, in writing, authorize the distiller to destroy the material without supervision.

§ 184.410 *Report of destruction.* The material must not be destroyed until it is inspected by a Government officer, unless destruction without supervision is authorized by the district supervisor. When the material is found by an inspecting Government officer to be useless for distillation, he will supervise destruction thereof and submit a report of his action to the district supervisor. The destruction of the material will be entered by the distiller on Form 15.

(53 Stat. 321; 26 U. S. C. 2841)

§ 184.411 *Destruction of wine.* Wine removed from a bonded winery free of tax for use as distilling material may not be destroyed at a distillery unless the wine tax is first paid thereon by the distiller, or it is determined by chemical analysis that the wine is unfit for use.

(53 Stat. 347 as amended, 353; 26 U. S. C. 3030, 3037)

SUBPART S—COLLECTION AND REMOVAL OF DISTILLATES, BRANDY UNFIT FOR BEVERAGE PURPOSES, DISTILLED WATER, FUSEL OIL, AND CARBON DIOXIDE GAS

COLLECTION, REMOVAL FOR DENATURATION OR DESTRUCTION OF CERTAIN DISTILLATES, AND VOLUNTARY DESTRUCTION OF BRANDY UNFIT FOR BEVERAGE PURPOSES

§ 184.420 *General.* Fruit distillers may collect in locked tanks provided in accordance with § 184.131, distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil, commonly known as "heads" and "tails," removed in the course of distillation. Such distillates may be removed from the distillery for denaturation or destroyed on the distillery premises, under the immediate supervision of the storekeeper-gauger assigned to the distillery or another Government officer designated by the district supervisor for the purpose. When so denatured or destroyed, such distillates shall not be subject to the tax imposed by law upon distilled spirits. Such distillates so collected in fruit distilleries may be drawn into casks, barrels, or other containers and stored in the brandy deposit room of the distillery where produced, pending removal for denaturation or destruction. Brandy which, during the process of distillation or after deposit in the receiving tanks, is found to be unfit for use for beverage purposes may be voluntarily destroyed as provided by this subpart; and when such brandy is so destroyed no tax is collectible thereon.

(53 Stat. 340 as amended; 346, 373 as amended; 26 U. S. C. 2901, 2916, 3170)

§ 184.421 *Collection of distillates.* Distillates containing one-half of 1 percent or more of aldehydes, or 1 percent or more of fusel oil, collected in locked tanks at fruit distilleries shall be removed from such tanks for denaturation or destroyed or transferred to the brandy deposit room within 30 days from the date of the commencement of the collection thereof, unless the distillates are to be shipped for denaturation and the quantity collected in such tanks during such period is insufficient for a carload shipment (but not over 10,000 wine gallons), in which event the distiller may continue to accumulate such distillates in such tanks until a sufficient quantity for a carload shipment has been so collected: *Provided*, That no such distillates shall be held at the distillery for a period exceeding 90 days, unless the distillates are transferred to the brandy deposit room.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.422 *Samples by distiller.* Distillers may procure, in accordance with the procedure prescribed in Subpart W, a requisite number of samples of such distillates and brandy that appears to be unfit for beverage purposes for laboratory analysis to determine that they contain the required percentage of aldehydes or fusel oil, or are unfit for beverage purposes.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.423 *Aldehydes and fusel oil not to be mixed with brandy.* Where aldehydes or fusel oil, as distinguished from heads and tails, are drawn from column stills and run into separate tanks, such aldehydes and fusel oil may not be mixed with brandy for the purpose of making such brandy eligible for destruction or denaturation free of tax.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.424 *Application.* Whenever the distiller desires to remove any distillate containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil to a denaturing plant for denaturation or to destroy it or to draw it into packages and store it in the brandy deposit room of the distillery pending removal for denaturation or destruction, he shall make application, in triplicate, to the district supervisor for permission so to do. The application will be made on Form 1577 if the distillate is to be destroyed immediately upon being drawn from the tanks in which collected, Form 1578 if the distillate is to be removed to a denaturing plant for denaturation immediately upon being drawn from the tanks in which collected, Form 1578–A if the distillate is to be drawn into packages and stored in the brandy deposit room pending removal for denaturation or destruction, or Form 1578–B if previously filled packages of the distillate are to be removed from the brandy deposit room for denaturation or destruction. Where the distiller desires to destroy brandy which is purportedly unfit for beverage purposes, he will make application to the district supervisor on Form 1577, in triplicate, properly modified, and shall specify the kind of brandy; the proof; the proof gallons; the name, address and registry number of the distillery; the date of distillation; serial numbers of the tanks or other receptacles in which such brandy is contained; and the condition of the brandy which renders it unfit for beverage purposes. Where a storekeeper-gauger is assigned to the distillery, application on Form 1577, 1578, or 1578–A will be submitted through such officer. Application on Form 1578–B will, in all cases, be filed direct with the district supervisor.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.425 *Samples by storekeeper-gauger.* Where application on Form 1577, 1578, or 1578–A is submitted through the storekeeper-gauger assigned to the distillery, the storekeeper-gauger will, upon receipt of the application, inspect the distillate or brandy to determine the correctness of the distiller's statements. The officer will obtain a 1-pint sample or, if deemed necessary, a 1-quart sample, from each tank or other receptacle, label each sample for proper identification, note on each copy of the application the serial number of the sample, the serial number of the tank or other receptacle from which the samples were removed, and the date of removal. The samples will be forwarded, with a letter of transmittal, in duplicate, to the district chemist at the expense of the distiller. Where an application is filed for destruction of brandy unfit for beverage purposes, the storekeeper-gauger will prepare and forward to the district supervisor a report of the condition of the brandy as disclosed by his inspection. The inlet of each tank or receptacle must be closed and locked and the contents thoroughly agitated before a sample is taken. The inlet, outlet, and all other openings of the tank will be secured with Government locks pending analysis of the sample and action on the application.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.426 *Analysis of samples.* The district chemist will analyze each sample to determine the percentages of aldehydes or fusel oil and alcohol present in the distillates, or the condition of the brandy that would render it unfit for beverage purposes, and will submit to the district supervisor a report of his analysis, in duplicate.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.427 *District supervisor's order to gauge.* If the chemist's report shows that the distillate contains one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil, or that the brandy is unfit for beverage purposes, the district supervisor will execute his order to the storekeeper-gauger on Form 1577, 1578, or 1578–A, directing him to gauge the distillate and supervise destruction thereof, or the removal thereof for shipment to the denaturing plant named in the application upon presentation of proper permit, or the storage thereof in packages in the brandy deposit room pending removal for denaturation or destruction, as the case may be; or, in the case of brandy found to be unfit for beverage purposes, directing the storekeeper-gauger to gauge such brandy and authorizing the destruction thereof by the distiller under the supervision of the storekeeper-gauger. The district supervisor will forward all copies of the application, with one copy of the chemist's report, to the storekeeper-gauger assigned to the distillery or detailed to visit the distillery for such purpose.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.428 *Disapproval of application.* If the report of the Government chemist shows that the distillate contains less than the required percentage of aldehydes or fusel oil, or that the brandy proposed for destruction is fit for beverage purposes, the district supervisor will disapprove the application and return one copy to the distiller and one copy to the storekeeper-gauger, if any, at the distillery, accompanied by a statement of the reasons for disapproval.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.429 *Distillates or brandy not meeting requirements for denaturation or destruction.* Where distillates are of insufficient proof for denaturation, or contain less than the required percentage of aldehydes or fusel oil, or where brandy proposed for destruction is found to be fit for beverage purposes, they may, for the purpose of further distillation, be returned to the still through pipelines

constructed as provided in § 184.140. Should the distiller still desire to remove or destroy the distillates after such redistillation, a new application and new samples must be submitted in accordance with §§ 184.424 and 184.425.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.430 *Gauge of distillate or brandy.* The storekeeper-gauger will gauge the distillates authorized to be removed for denaturation or destruction, or the brandy authorized to be destroyed. The details of gauge will be entered on Form 1520 which will be prepared in triplicate if the brandy or the distillate is to be immediately destroyed or if the distillate is to be drawn into packages for storage in the brandy deposit room, and in quintuplicate if the distillate is to be immediately removed for denaturation. An extra copy of Form 1520 will be prepared when the distillate is to be shipped to a denaturing plant in another district.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.431 *Marking and branding of packages.* When the distillate is drawn into packages either for immediate removal for denaturation or for storage in the brandy deposit room pending removal for denaturation or destruction, such packages shall be marked and branded in the same manner as packages of other brandy are required to be marked and branded when removed from the distillery for deposit in a bonded warehouse, except that (a) the kind of brandy shall be designated by the words "Impure Spirits—For Denaturation," plainly and durably stenciled or marked on the head of the package in letters not less than three-fourths inch in height; (b) the phrase "Contains ------% Aldehydes," or "Contains ------% Fusel Oil," or "Contains ------% Aldehydes and ------% Fusel Oil," shall also be plainly and durably stenciled or marked on the head of the package following the words "Impure Spirits—For Denaturation"; and (c) the proof at which the brandy was distilled need not be placed upon the package. Where the distillate is to be stored in the brandy deposit room the words "For Denaturation" need not be placed upon the packages unless and until they are removed for shipment to a denaturing plant.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.432 *Storage in packages.* Such distillates drawn into packages for storage in the brandy deposit room will be immediately placed in such room. The storekeeper-gauger will then execute his report on Part 3 of all copies of Form 1578–A and will forward one copy of the form, with a copy of Form 1520 attached, to the district supervisor, retain one copy of each form on file, and deliver one copy of each to the distiller.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.433 *Transfer to storage tanks.* Distillates containing one-half of 1 percent or more of aldehydes, or 1 percent or more of fusel oil, may be transferred by pipe line from the heads and tails tanks in which originally collected to heads and tails storage tanks in the brandy deposit room and stored therein pending removal for denaturation or destruction. Heads (aldehyde distillate) and tails (fusel oil distillate) may not be transferred to the same storage tank. The distillate may be transferred to storage tanks only after laboratory analysis, made by or for the distiller, of a representative sample of the contents of each tank to be transferred has shown that the distillate contains the required percentage of aldehydes or fusel oil. Reports of laboratory analyses shall be available for inspection by Government officers, and the distillates shall be transferred under the immediate supervision of the storekeeper-gauger. Such distillates stored in tanks in the brandy deposit room shall be removed for destruction or denaturation pursuant to application on Form 1577 or Form 1578, in accordance with the procedure for the removal of such distillates from the tanks in which originally collected.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.434 *Period of storage in brandy deposit room.* Distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil stored in the brandy deposit room of the fruit distillery must be removed therefrom and shipped to a denaturating plant for denaturation or destroyed within 30 days after the suspension of distilling operations for the season or for a period of 30 days or more: *Provided*, That where the distillery is not so suspended the Commissioner may require removal of the distillate at such times as he may deem proper.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.435 *Removal of previously filled packages.* When the distiller desires to remove previously filled packages of such distillate from the brandy deposit room for destruction or for shipment to a denaturing plant for denaturation, he will file application therefor with the district supervisor on Form 1578–B, in triplicate as provided in § 184.424. If the application is approved, the district supervisor will execute his order on Part 2 thereof, and will forward or deliver all copies to the storekeeper-gauger or other Government officer designated to supervise the removal of the distillate for denaturation or destruction, as the case may be. Packages will not be regauged upon removal from the brandy deposit room for denaturation or destruction, unless they bear evidence of loss. Where the packages are removed on the filling gauge for denaturation, the storekeeper-gauger will prepare two copies of Form 1520 if the denaturing plant to which they are to be shipped is located in the same district, and three copies if it is located in another district. The necessary details will be copied from the report of the filling gauge. If any package is regauged upon removal from the brandy deposit room, the number of copies of Form 1520 specified in § 184.430 will be prepared.

(53 Stat. 346, 372, as amended; 26 U. S. C. 2916, 3170)

§ 184.436 *Destruction of distillate or brandy.* The distillate or brandy authorized to be destroyed may be run into the sewer or destroyed by other suitable means. The destruction must be accomplished under the immediate supervision of the storekeeper-gauger, who will then execute his report on Part 3 of Form 1577 or Part 3 of Form 1578–B, as the case may be, and will attach to each copy of Form 1577 a copy of the report of gauge. No copies of Form 1520 will be attached to Form 1578–B, except where packages bearing evidence of loss are regauged. The storekeeper-gauger will forward one copy of Form 1577, with Form 1520 attached, or Form 1578–B, to the district supervisor, retain one copy of each form on file and deliver one copy of each to the distiller.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.437 *Release for denaturation.* The distillate may be removed for shipment to a denaturing plant for denaturation pursuant to a special permit issued by the district supervisor on Form 1464, authorizing the denaturer to procure the same. The storekeeper-gauger will not release the distillate for shipment until the distiller has presented to him such special permit for examination. The distillate must be drawn into packages and gauged, marked, and branded as provided in §§ 184.430 and 184.431, unless previously so packaged for storage in the brandy deposit room, or gauged and run into railroad tank cars in accordance with the provisions of § 184.438, and immediately removed from the distillery premises, under the personal supervision of the storekeeper-gauger. When such impure brandy is removed from the distillery for denaturation it must, in each instance, be shipped to a denaturing plant. Such brandy may not be shipped to an alcohol plant or an alcohol bonded warehouse, nor may it after receipt at a denaturing plant be redistilled or used for any purpose other than for denaturation.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.438 *Removal in tank cars.* The removal of such distillate in railroad tank cars from the distillery to the denaturing plant for denaturation shall be in accordance with the procedure (insofar as applicable) and under the conditions governing the removal and transfer of other brandy in bond in such tank cars, as prescribed in this part. The markings prescribed in § 184.431, respecting the kind of brandy and the percentage of aldehydes or fusel oil therein, shall be added to the label the storekeeper-gauger is required to affix to such tank cars of brandy before they are released.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.439 *Report of shipment to denaturing plant.* When such distillates are released from the distillery for transportation to the denaturing plant, the storekeeper-gauger will execute his report on Part 3 of Form 1578 or Part 3 of Form 1578–B, as the case may be, and will attach to each copy of Form 1578 a copy of the report of gauge. No copies of Form 1520 will be attached to Form 1578–B, except where packages bearing evidence of loss are regauged. The storekeeper-gauger will forward one copy of Form 1578, with Form 1520 attached, or Form 1578–B, to the supervisor of the district from which the shipment is made, retain one copy of each form on file, deliver one copy of each form to the distiller, forward one copy of Form 1520 to the proprietor of the denaturing plant and one copy to the storekeeper-gauger at the denaturing plant. Where the denaturing plant is in another district the extra copy of Form 1520 provided for in §§ 184.430 and 184.435 will be forwarded to the supervisor of such district.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.440 *Action at denaturing plant.* Upon receipt at the denaturing plant the distillate will be inspected and gauged and the loss, if any, reported, in accordance with the provisions of Regulations 3 (26 CFR, Part 182).

§ 184.441 *Losses of distillates or brandy.* The procedure prescribed by §§ 184.650–184.660 will be followed in connection with losses of such distillates or brandy while on the premises of a registered fruit distillery. The liability of the distiller to tax on such distillates removed for denaturation shall continue until they have been deposited in the denaturing plant.

(53 Stat. 340 as amended, 346; 26 U. S. C. 2901, 2916)

§ 184.442 *Use for denaturation.* If the impure spirits are of improper proof for denaturation, they may be mixed with other spirits of higher proof at the denaturing plant in order to obtain the required proof for denaturation.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.443 *Distiller's records.* Distillates collected for destruction or for removal for denaturation, will be included by the distiller in the inventory of singlings reported on Form 15 until gauged and destroyed or removed for denaturation, whereupon appropriate entries will be made on such form covering the disposition of such distillates. After actual destruction the distiller will take appropriate credit at a special line on Form 15 for brandy authorized to be destroyed as unfit for beverage purposes. Distillates produced during one month may not be mixed with those produced in the succeeding month without prior ascertainment of the quantity on hand at the close of the month.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.444 *District Supervisor's Account.* An account of losses of distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil shall be kept on Form 1691. The account shall show all the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

(53 Stat. 346; 26 U. S. C. 2916)

COLLECTION AND REMOVAL OF DISTILLED WATER

§ 184.445 *Collection.* If distilled water is collected at the distillery, it must be run into storage tanks provided in accordance with § 184.133, and retained therein until drawn off and removed as provided in §§ 184.446–184.448.

§ 184.446 *Removal.* Distilled water must be drawn off into barrels or other containers prior to removal from the distillery premises: *Provided*, That such water may be transferred off the distillery premises to contiguous plants operated under internal revenue laws, including tax-paid bottling houses, by means of an independent pipeline constructed and installed in accordance with the provisions of § 184.133. Distilled water must under no circumstances be drawn off or removed through the receiving room or brandy deposit room or bonded warehouse. Barrels or other wooden containers in which distilled spirits were previously packaged may not be used for the removal of distilled water.

§ 184.447 *Marking of packages.* If distilled water is drawn into packages for removal from the distillery premises, such packages must be marked by the distiller with his name, distillery number, location (city or town and State), the words "Distilled Water," and the date of removal, in distinct and legible letters.

§ 184.448 *Supervision of removal.* All distilled water when drawn into packages for removal or when removed by pipeline must be inspected by the storekeeper-gauger and removed under his immediate supervision. The distiller will note on Form 15 all removals of distilled water, including the name and address of the consignee.

COLLECTION TEST AND REMOVAL OF FUSEL OIL

§ 184.449 *Collection.* If fusel oil is collected at the distillery, it must be run into locked storage tanks provided for the purpose in accordance with § 184.129, and retained therein until tested and removed from the distillery premises or transferred to storage tanks. The test of fusel oil for the purpose of determining the presence of ethyl alcohol therein must be made in accordance with the requirements of §§ 184.452–184.455, or by such other method as may be prescribed by the Commissioner.

§ 184.450 *Storage.* Where fusel oil is transferred from the tanks in which it is collected in the course of distillation to storage tanks for temporary storage pending removal from the distillery premises, it must be tested as provided by § 184.449 immediately before being deposited in the storage tanks and immediately before being drawn therefrom into shipping containers.

§ 184.451 *Removal.* The removal of fusel oil from the distillery will be permitted upon compliance with the requirements of §§ 184.452 to 184.459.

§ 184.452 *Washing and purifying.* Where fusel oil is to be removed, it must first be thoroughly washed and purified and before being removed from the storage tank must be well mixed and a sample drawn from each tank into a test tube to be provided by the proprietor for use by the storekeeper-gauger in determining whether the oil is substantially free from alcohol.

§ 184.453 *Test tube.* The tube used in testing fusel oil prior to removal must be of glass, bulb-shaped, and closed at one end, having a graduated scale marked upon the glass in degrees from 0 near the top to 100 near the swell of the bulb. The bulb shall contain three times as much liquid as that portion of the tube which is graduated from 0 to 100.

§ 184.454 *Test.* In the testing of fusel oil prior to removal, after the tube has been filled with saturated salt solution up to the mark 100, oil shall be added until the tube is filled to the mark 0. The oil and saturated salt solution shall then be thoroughly mingled by violently agitating the contents of the tube. If, after sufficient time has been allowed for the oil to separate fully from the saturated salt solution and resume its position at the top of the tube, the scale shall show that not more than 10 degrees or 10 percent of the oil has disappeared or been dissolved in the saturated salt solution, the oil shall be passed as merchantable, that it to say, containing so small a quantity of alcohol as to remove all practical possibility of recovering the same, but if over 10 degrees of oil disappears, the oil shall not be considered as sufficiently purified, and may not be removed in that condition.

§ 184.455 *Saturated salt solution.* The saturated salt solution to be used in the testing of fusel oil must be a solution of common table salt in water, containing all the salt which the water is capable of dissolving. The solution is to be provided by the distiller.

§ 184.456 *Containers.* Fusel oil which meets the requirements of the prescribed test may be removed from the distillery in barrels, drums, or similar packages or tank cars. Packages containing such fusel oil shall be marked by the distiller with his name, distillery number, location (city or town and State), the words "Fusel Oil," and the date of removal, in distinct and legible letters. When removal is made in tank cars the distiller will affix to each car a label containing such data.

§ 184.457 *Supervision.* All fusel oil must be removed from the distillery under the immediate supervision of the storekeeper-gauger.

§ 184.458 *Record of removal.* The distiller will enter on his monthly return, Form 15, all removals of fusel oil, including the name and address of the consignee, and the percentage of loss shown upon the test of such oil. The storekeeper-gauger will prepare Form 1520 in triplicate covering removals of fusel oil. The storekeeper-gauger will give one copy of Form 1520 to the distiller, retain one copy and forward the remaining copy to the district supervisor.

§ 184.459 *Disposition of water used for washing fusel oil.* The water used for washing or purifying the oil in the tanks may be conveyed directly to the still, or it may be run into a tank or into the sewer, or it may be otherwise destroyed on the premises under the supervision of the storekeeper-gauger. If the wash water is run into the still or tank,

the quantity will not be entered on Form 15. If the wash water is run into the sewer or otherwise destroyed, the alcoholic content and quantity will be reported on Form 1520 and included in the report of production on Form 15.

RECOVERY AND REMOVAL OF CARBON DIOXIDE

§ 184.460 *Procedure.* Carbon dioxide may be recovered from fermenters and removed from the distillery premises, provided it is first thoroughly washed or scrubbed and purified to remove the alcohol therefrom. Where carbon dioxide is recovered, the wash water may be collected in a tank and transferred by pipeline to a fermenter or to the distilling material sump, or measuring tank. Where the wash water is to be transferred to the distilling material sump after the calculated yield has been determined, the alcoholic content, the number of gallons, and the calculated yield thereof, will be determined and interlined in Part 1 of Form 15. An approved ebulliometer shall be used in determining the alcoholic content of the wash water. If the wash water is not utilized in the manufacture of brandy, it will be run into the sewer or otherwise destroyed on the premises under the supervision of the storekeeper-gauger. Entry of such disposition will not be made on Form 15.

SUBPART T—ADDITION OF BURNT SUGAR OR CARAMEL TO BRANDY

§ 184.470 *Time of addition.* Except as provided in § 184.474, fruit distillers desiring to add burnt sugar or caramel to brandy must do so prior to the time the brandy is gauged for removal from the distillery. The burnt sugar or caramel must be added in the presence of the storekeeper-gauger.

(53 Stat. 352 as amended; 26 U. S. C. 3036)

§ 184.471 *Sweetening properties.* The burnt sugar or caramel added to brandy shall not contain any substantial quantity of sugar which has not been caramelized, or possess any material sweetening properties.

(53 Stat. 352 as amended; 26 U. S. C. 3036)

§ 184.472 *Method of adding burnt sugar or caramel.* The burnt sugar or caramel may be added to the brandy while it is in the receiving tanks or in storage tanks in the brandy deposit room, or the brandy may be transferred to special tanks or vats and the burnt sugar or caramel added to the same therein. Where the brandy is transferred to special tanks or vats for the addition of burnt sugar or caramel thereto, such tanks or vats must be fitted with covers equipped for locking with Government locks, and such covers and other openings of the tanks or vats must be so locked unless the brandy is drawn into packages or removed by pipeline immediately in the presence of the storekeeper-gauger. The burnt sugar or caramel may be dissolved in a small quantity of hot water, or in a small quantity of brandy removed from the tank or vat for the purpose, before it is added to the bulk of the brandy in the tank or vat.

§ 184.473 *Determination of proof of brandy.* After the burnt sugar or caramel is added, the brandy in the tank will be thoroughly plunged and agitated and its proof then determined. The proof of the brandy will, however, be checked several times while the brandy is being drawn off. The proof so ascertained will be regarded as the proof of the brandy run into all the packages filled from the tank.

(53 Stat. 333; 26 U. S. C. 2878)

§ 184.474 *Addition to packages in warehouse.* Burnt sugar or caramel may be added to packages of brandy in warehouse only where the brandy is unmerchantable by reason of being deficient in color and it is shown that the failure to properly color the brandy prior to the filling of the packages was due to no negligence or fault of the distiller. In such cases, application must be filed with the district supervisor by the distiller or warehouseman, showing the serial numbers of the barrels, the name of the producing distiller, and the necessity for the addition of the burnt sugar or caramel to the brandy. The district supervisor may permit the addition, under the immediate supervision of the storekeeper-gauger, of burnt sugar or caramel, conforming with § 184.471, to each of the barrels, after the brandy has been regauged for tax payment and prior to the purchase and affixing of the taxpaid stamps to the barrels.

(53 Stat. 352 as amended; 26 U. S. C. 3036)

SUBPART U—BRANDY FOR REDISTILLATION

RECEIPTS FOR REDISTILLATION

§ 184.480 *General.* Brandy may be received at the distillery for redistillation, upon the showing of a need therefor, and pursuant to an approved application in accordance with §§ 184.481 and 184.482. Brandy of any proof may be received in approved containers, including tank cars, from the distillery cistern room of any other distillery; or by pipeline from the cistern room of a contiguous distillery; or in approved containers from any internal revenue bonded warehouse. Brandy of 160 degrees or more of proof may be received by pipeline from storage tanks in an internal revenue bonded warehouse located on the distillery premises or contiguous thereto, or in tank cars from any internal revenue bonded warehouse. Brandy received in tank cars may be transferred to tanks by means of a hose connection under the immediate supervision of a Government officer. The consignee distiller shall assume the liability for all taxes and liens on such brandy from the time it leaves the premises of the consignor's distillery or warehouse and, upon redistillation, the redistilled brandy shall be treated the same as if the brandy was originally produced by the redistiller and all prior obligations as to taxes and liens on such brandy shall be superseded.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 184.481 *Special application for permission to receive brandy for redistillation.* A distiller desiring to receive brandy for redistillation shall make written application to the district supervisor of the district in which the applicant's distillery is located for permission to receive and redistill such brandy. Each such application shall be prepared in quadruplicate, serially numbered, beginning with No. 1, and contain the following information:

(a) The kind of brandy and the approximate date of production;

(b) The name, registry number and location of the producing distiller;

(c) Approximate proof of original distillation;

(d) The approximate quantity, proof and proof gallons of the brandy to be redistilled;

(e) The name, registry number and location of the distillery or warehouse from which such brandy will be removed;

(f) The serial numbers of packages, tanks or other receptacles in which such brandy is contained, if known;

(g) The method of transportation by which the brandy will be conveyed to the redistiller's premises;

(h) Statement of the process by which redistillation of the brandy will be accomplished, including any special treatment or process to be used;

(i) The type of brandy to be produced by the redistillation and approximate proof at which such brandy will be redistilled;

(j) The approximate period of time necessary to complete redistillation of all brandy covered by the application;

(k) Statement of condition and necessity for redistillation of the brandy:

The application may cover several lots of brandy or may be of a continuing nature for a stated period of time.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 184.482 *Action by district supervisor.* Upon receipt of an application for permission to receive brandy for redistillation, the district supervisor will determine whether all required information has been furnished. If, in the opinion of the supervisor, the redistillation of the brandy is justified, he may authorize removal of the brandy subject to such conditions and restrictions as are deemed necessary for protection of the revenue. He will also determine whether the applicant distiller's bond, or consent of surety filed in support thereof, covers such removals, and that the penal sum of the bond thereof is sufficient, and will note the amount of the bond, if less than the maximum, and his approval on each copy of the application, retain one copy of the application, forward one copy to the storekeeper-gauger assigned to the applicant's premises, and forward the original and the remaining copy to the applicant. Where approval of an application is conditional or subject to restrictions, such conditions will be stipulated on the application at the time of approval by the supervisor. In case the application is disapproved, the supervisor will note his disapproval on each copy of the application with statements as to reason or reasons therefor, retain one copy of the application and return the remaining copies to the applicant.

(53 Stat. 335 as amended, 373 as amended; 26 U. S. C. 2883, 3170)

§ 184.483 *Form 236.* Upon receipt of an approved special application for permission to receive brandy for redistillation, the consignee distiller shall prepare application on Form 236, properly modified for that purpose, for transfer of such brandy, and will enter thereon the serial number and date of the special application authorizing such removal. Where the special application covers removal of several lots of brandy for redistillation over an extended period of time, it will involve the use of multiple sets of Form 236; however, in no case shall the total quantity represented by the Forms 236, singly or collectively, exceed the maximum quantity of brandy stated in the approved special application covering such removals. Where the consignor distillery or warehouse is located in the same supervisory district, the original and five copies of the Form 236 will be prepared and delivered to the storekeeper-gauger; the original and six copies if the consignor distillery or warehouse is located in a different district. The storekeeper-gauger will execute his certificate on all copies of the Form 236, indicating that the distiller's bond is sufficient to cover the redistillation of the brandy described, pursuant to the district supervisor's notation as to bond coverage on the special application and will return all copies to the distiller. The distiller will forward all copies of the approved Form 236 and one copy of the approved special application to the consignor distiller or warehouseman.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 184.484 *Quantity to be determined at time of receipt.* Where brandy for redistillation is received in approved containers, including tank cars, the actual quantity received will be ascertained by appropriate gauge. Where brandy for redistillation is received in packages, such packages, including char and chips if any, shall be thoroughly rinsed and the rinse water added to the brandy before gauging. Such char and chips will be disposed of in accordance with § 184.403. Immediately upon ascertaining the quantity received the brandy will be transferred to tanks conforming to § 184.125, or introduced into the distilling system where the redistillation is to be accomplished simultaneously with primary distillation of other distilling materials. Where brandy for redistillation is introduced directly into the distilling system, the system must be locked and sealed in such a manner as to prevent access to its contents: *Provided*, That where small quantities of brandy for redistillation are to be mingled with fermented material in a fermenter, charger or sump, locking facilities will not be required where the volume of brandy is less than five percent of the volume of fermented material. Such brandy received in tank cars may be conveyed directly into the weighing tank in the distillery for gauging prior to deposit in the tanks or distilling system. Brandy received by pipeline for redistillation from a contiguous distillery or warehouse must be deposited directly into tanks on the redistiller's premises. Brandy produced from different type materials, such as grapes, apples, or peaches, must be deposited in separate tanks and redistilled separately or introduced into the distilling system with the same type of distilling material from which such brandy was originally produced: *Provided*, That such restrictions shall not apply to brandy which is to be redistilled and branded as "Neutral Spirits-Fruit" or "Spirits-Fruit" and which is not to be used (and may not under any circumstances be used) for the fortification of wine. The storekeeper-gauger shall note the quantity received in proof gallons on each copy of the gauge report covering transfer of the brandy and use such information in the verification of entries in monthly records and reports, as to the quantity and type of distilling material thus received.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 184.485 *Losses in transit of brandy received for redistillation.* Where the gauge of brandy received for redistillation discloses deficiencies between the shipping and receiving gauges that cannot be attributed to normal transit losses or variation in gauge the applicable procedure prescribed by §§ 184.650–184.660 will be followed. In all cases the actual quantity of brandy received for redistillation and the quantity lost in transit, as indicated by comparison of the shipping and receiving gauges, will be entered by the storekeeper-gauger on the Form 236 and Form 1520 covering transfer of each lot of brandy received for redistillation. The storekeeper-gauger will retain one copy each of Forms 236 and 1520, give one copy each of Forms 236 and 1520 to the distiller and forward one copy each of such forms to his district supervisor in the case of intradistrict transfers, two copies of Form 236 and one copy of Form 1520 in the case of interdistrict transfers, in which case the district supervisor will forward the extra copy of Form 236 to the supervisor-consignor.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 184.486 *Redistillation of brandy.* Brandy received at a fruit distillery for redistillation must be redistilled as expeditiously as normal distilling operations will permit. The brandy introduced into the distilling system shall be entered in proof gallons according to type (as defined in §§ 184.573–184.575) by the distiller on his record of materials used. Where brandy received for redistillation is mingled with wine or fermented material prior to introduction into the distilling system, such mingling must be made prior to the testing of the material for alcoholic strength. Where such brandy is transferred to the charger or sump after the calculated yield has been determined, the actual quantity of brandy in proof gallons so transferred will be reported separately as calculated yield. Brandy received for redistillation may be treated in any manner during the course of redistillation, provided such treatment is included in the statement of process filed pursuant to § 184.191. Different types of brandy received for redistillation must be redistilled separately or with distilling material of, or produced from, the same type as that from which the brandy was originally produced: *Provided*, That such restrictions shall not apply to brandy which is to be redistilled and branded as "Neutral Spirits-Fruit" or "Spirits-Fruit" and which is not to be used (and may not under any circumstances be used) for the fortification of wine. Such brandy may not be redistilled at a proof lower than that specified for the class and type at which originally produced. Where brandy for redistillation is on hand at the time the distillery is qualified for alternate operations as an industrial alcohol plant or registered distillery, such brandy will be gauged and held in closed locked tanks until the distillery requalifies as a fruit distillery, as provided for in this part.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 184.487 *Deficiencies in redistillation.* Deficiencies which occur during the redistillation of brandy received for that purpose will be treated the same as those which occur during the process of original distillation. In any case where the deficiency in redistillation of any particular lot or lots of brandy exceeds that which may be attributed to normal redistillation deficiencies, the distiller will submit explanatory statements relative to such deficiencies with Form 15. The storekeeper-gauger will make proper inquiry and appropriate investigation to determine the cause thereof.

(53 Stat. 335 as amended, 340 as amended; 26 U. S. C. 2883, 2901)

§ 184.488 *Deposit in receiving tanks.* Upon completion of redistillation of brandy received for that purpose, the redistilled brandy shall be treated the same as if such brandy was originally produced by the redistiller and deposited in the receiving tanks in accordance with the requirements of § 184.404. Where such brandy was redistilled separately, a comparison of actual and calculated yield will be made in accordance with the provisions of § 184.405. Such brandy shall be withdrawn from the receiving tanks in the same manner as other brandy originally produced at the distillery and may be withdrawn for any of the purposes authorized by this part.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

REMOVALS FOR REDISTILLATION

§ 184.489 *Gauge of brandy.* Upon receipt of application, Form 236, and the copy of the special application authorizing removal, the distiller, when he desires to make shipment, will give a copy of Form 236, furnish a complete description of the brandy to be shipped and exhibit the approved application to the storekeeper-gauger. Where the brandy is removed to a contiguous distillery by pipeline, it may be gauged in weighing tanks either before removal or upon receipt. The storekeeper-gauger will verify the information shown on Form 236 with the corresponding information on the application. He will prepare his report of gauge on Form 1520. An orginal and four copies will be prepared for intradistrict shipments and an original and five copies for interdistrict shipments. The marking of containers will be made in accordance with §§ 184.569–184.576 insofar as applicable, and in addition to required transfer-

in-bond markings for containers of brandy removed for redistillation, there will be stenciled thereon the words, "For Redistillation." The storekeeper-gauger will note on all gauge reports covering removal of brandy for redistillation the words, "For Redistillation," followed by the serial number and date of the special application authorizing such removal. Brandy may not be removed for redistillation until the proper authorization has been received at the consignor premises and exhibited to the storekeeper-gauger in charge who will determine that the quantity of brandy to be removed does not exceed the maximum stated in any particular application on Form 236 or the related special application, and, where previous removals have been made under the same special application, that the total of such removals are not in excess of the maximum quantity authorized by the special application. Forms 236 and 1520 will be disposed of in accordance with § 184.612 for intradistrict transfers and § 184.620 for interdistrict transfers.

(53 Stat. 335 as amended, 492; 26 U. S. C. 2883, 4017)

§ 184.490 *Records.* Brandy removed from a fruit distillery to another distillery for redistillation shall be reported and accounted for by the proprietor on Form 15. In addition, there shall be entered on the line where each such entry for withdrawal is shown, the notation, "For Redistillation," followed by the serial number and date of the special application authorizing the transfer of the brandy for redistillation.

(53 Stat. 335, as amended, 373; 26 U. S. C. 2883, 3171)

SUBPART V—THE TAX ON BRANDY AND OTHER DISTILLED SPIRITS

§ 184.495 *Rate of tax.* The law imposes a tax on distilled spirits produced in or imported into the United States at the rate prescribed therein on each proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid when withdrawn from bond.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 184.496 *Attachment of tax.* Under the law, the tax attaches to distilled spirits as soon as such substance comes into existence as such, whether it be subsequently separated as pure or impure spirit, or be immediately, or at any subsequent time, transferred into any other substance, either in the process of original production or by any subsequent process.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 184.497 *Persons liable for tax.* The law provides that every proprietor or possessor of, and every person in any manner interested in the use of, any still, distillery, or distilling apparatus, shall be jointly and severally liable for the taxes imposed by law on the distilled spirits produced therefrom.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

LIEN FOR TAX ON DISTILLED SPIRITS

§ 184.498 *Tax to be first lien.* Except as provided in § 184.500, the tax on distilled spirits becomes, under the law, a first lien on the spirits distilled, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the lot or tract of land whereon said distillery is situated, an on any building thereon, from the time said spirits are in existence as such until the tax is paid: *Provided*, That where spirits are removed for redistillation, the consignee distiller shall assume the liability for payment of the tax as to such spirits from the time they leave the internal revenue bonded warehouse or distillery, and the tax liability on the producing distiller or the warehouseman, and the liens on the premises of the producing distiller shall cease, and the tax and liens shall become the liabiilty of the consignee distiller. Upon redistillation of such spirits, the redistilled spirits shall be treated the same as if the spirits had been originally produced by the redistiller and all prior obligations as to taxes and liens shall be superseded.

(53 Stat. 298 as amended, 335 as amended; 26 U. S. C. 2800, 2883)

§ 184.499 *Assessments become lien.* Except as provided in § 184.500, all assessments made by the Commissioner, upon examination of the distiller's monthly return, become a lien from the time the assessment is made until the same shall have been paid, on all distilled spirits on the distillery premises, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the tract of land whereon the said distillery is located, and any building thereon.

(53 Stat. 323; 26 U. S. C. 2846)

§ 184.500 *Exemption from lien.* No lien attaches to any lot or tract of land, distillery, building, or distilling apparatus by reason of distilling done during any period included within the term of any bond taken on Form 3–A, pursuant to § 184.176.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 184.501 *Extinguishment of lien.* Any lien under section 2800 (e) (1), I. R. C., on any land, or any building thereon, shall be held to be extinguished if (a) such land and building are no longer used for distillery purposes, and (b) there is no outstanding liability for taxes or penalties imposed by law on the distilled spirits produced therein, and (c) no litigation is pending in respect to any such tax or penalty.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 184.502 *Certificate of discharge of lien.* Any person claiming any interest in any such land or building may apply to the district supervisor for a duly acknowledged certificate to the effect that such lien is discharged and, if the district supervisor determines that any such lien is extinguished, he shall issue such certificate, and any such certificate may be recorded.

(53 Stat. 298 as amended, 373 as amended; 26 U. S. C. 2800, 3170)

SUBPART W—WITHDRAWAL OF SAMPLES OF BRANDY

§ 184.510 *Authority.* The law makes provision for the withdrawal, under the provisions of this part, of suitable samples of brandy or fruit spirits, tax-free if for laboratory analysis, and taxpaid if for any other use.

(53 Stat. 353; 26 U. S. C. 3037)

TAX-FREE SAMPLES FOR LABORATORY ANALYSIS

§ 184.511 *Unfinished brandy.* Upon approval by the storekeeper-gauger in charge at the distillery, or by the district supervisor when no storekeeper-gauger is assigned to the distillery, of an application submitted in accordance with the provisions of §§ 184.516, 184.517, or 184.518, the distiller may remove for laboratory analysis samples of brandy in the course of distillation and prior to the deposit in receiving tanks as shown in paragraphs (a), (b), and (c) of this section:

(a) Samples, not exceeding three pints in the aggregate, of the product of each still in a distilling unit in each 24-hour period;

(b) Where a discontinuous or batch still is operated, samples not exceeding three pints in the aggregate, of the product of each batch distilled;

(c) Where the distiller desires to obtain spot-samples from various plates of a still in the course of distilling a day's production, samples, not exceeding one quart in the aggregate, from each of the various plates.

(53 Stat. 353; 26 U. S. C. 3037)

§ 184.512 *Finished brandy.* Upon approval by the storekeeper-gauger in charge at the distillery, or by the district supervisor when no storekeeper-gauger is assigned to the distillery, of a written application filed in accordance with the provisions of §§ 184.516, 184.517, or 184.518, the distiller may remove for laboratory analysis samples of brandy from receiving tanks and tanks or packages in the brandy deposit room. Such samples shall not exceed:

(a) One quart in the aggregate, in any 24-hour period from any receiving tank;

(b) One quart from any filling of a tank in the brandy deposit room; and

(c) One pint from any package stored in the brandy deposit room.

Provided, That, when a receiving tank is filled and emptied and filled again in the same 24-hour period, samples, not to exceed 1 quart in the aggregate, may be taken from each filling of such receiving tank.

(53 Stat. 353; 26 U. S. C. 3037)

§ 184.513 *Size and number.* The size and number of samples of unfinished brandy, must be restricted to the minimum necessary for the purpose for which intended. The withdrawal of tax-free samples in excess of these limitations for labortory analysis shall not be permitted unless it is shown that such samples are insufficient for the purpose intended and the Commissioner, upon receipt of a written application filed in accordance with the provisions of § 184.518, authorizes the taking of additional samples.

(53 Stat. 353; 26 U. S. C. 3037)

§ 184.514 *Disposition of samples.* Tax-free samples must be used solely for laboratory analysis. Such samples may not be furnished to salesmen and dealers for advertising or soliciting purposes. Where brandy is sold subject to approval as to quality, a sample taken pursuant to the provisions of §§ 184.512, 184.513, and 184.516–184.523 may be furnished the purchaser. Remnants or residues of tax-free samples remaining after analysis and which are not desired to be retained as laboratory specimens or fer further analysis or examination should be returned to the vessels in the distilling system, unless the condition of the remnants or residues is such as to render them unsuitable for such disposition. If such remnants or residues of samples are unsuitable for return to the distilling system, they should be destroyed.

(53 Stat. 353; 26 U. S. C. 3037)

TAX-PAID SAMPLES FOR OTHER THAN LABORATORY ANALYSIS

§ 184.515 *Unfinished and finished brandy.* Upon approval by the storekeeper-gauger in charge at the distillery of an application submitted in accordance with the provisions of § 184.516, the distiller may take samples of brandy in the course of distillation in the distillery, or from the receiving tanks, or from tanks or packages in the brandy deposit room, for other than laboratory analysis, subject to payment of tax on the quantity so removed. Such samples must be used strictly for sample purposes, and the number and size of the samples must be restricted to that necessary for bona fide sample purposes.

(53 Stat. 353; 26 U. S. C. 3037)

GENERAL REQUIREMENTS

§ 184.516 *Application to the storekeeper-gauger in charge.* When the distiller desires samples of brandy which, under the provisions of §§ 184.511, 184.512, and 184.515, may be authorized by a storekeeper-gauger and one is assigned to the premises, application, in triplicate shall be submitted to that officer. The application shall be given a serial number beginning with "1" for the first application and running consecutively thereafter. The application should specify whether the samples are desired for laboratory analysis tax-free or for other purposes subject to payment of tax, the reasons why the samples are desired, the number and size of the samples to be taken, and the place or places of removal. Where it is desired to take samples from the distillery regularly for laboratory analysis, except spot-samples from the plates of a still, the application may be made for that purpose. Where spot-samples from the plates of a still or samples subject to payment of tax are desired, the application shall be submitted each day such samples are to be procured. No samples may be taken until the application is approved.

(53 Stat. 353; 26 U. S. C. 3037)

§ 184.517 *Application to the district supervisor.* When samples similar to those described in § 184.516 are desired and no storekeeper-gauger is assigned to the premises the distiller shall make application, in triplicate, to the district supervisor. The application shall be given a serial number within the series prescribed in § 184.516 and shall show the information required by such section. No samples may be taken until the application is approved.

(53 Stat. 353; 26 U. S. C. 3037)

§ 184.518 *Application to the Commissioner.* When the distiller desires samples other than those which, under the provisions of §§ 184.511, 184.512, and 184.515, may be authorized by the storekeeper-gauger he shall make application, in quadruplicate, through the district supervisor to the Commissioner. The application shall be given a serial number within the series prescribed in § 184.516 and shall show the information required by such section. The application must show the necessity for samples in number or quantities in excess of those which may be authorized by the storekeeper-gauger. The district supervisor shall satisfy himself as to the need for samples, note his recommendations on each copy of the application and forward all copies to the Commissioner. No sample may be taken until the application is approved.

(53 Stat. 353; 26 U. S. C. 3037)

§ 184.519 *Approval of application by the storekeeper-gauger in charge at the distillery.* Upon receipt of an application submitted in accordance with the provisions of § 184.516, the storekeeper-gauger must satisfy himself as to the need for the number of samples desired and the legitimacy of the purpose for which they are to be used before approving the application. The storekeeper-gauger upon approval or disapproval of an application, shall return one copy to the distiller, forward one copy to the district supervisor, and retain the original copy in his office.

(53 Stat. 353; 26 U. S. C. 3037)

§ 184.520 *Approval of application by the district supervisor.* Upon receipt of an application submitted in accordance with the provisions of § 184.517, the district supervisor must satisfy himself as to the need for the number of samples desired and the legitimacy of the purpose for which they are to be used before approving the application, and shall note upon each copy his approval or disapproval. If the application is approved he shall file a copy and furnish the original and remaining copy to the Government officer assigned to supervise the withdrawal of the samples. At the time samples are withdrawn the Government officer shall file the original copy of the application at the distillery and furnish the distiller the remaining copy. If the application is disapproved, the district supervisor shall file the original copy and return the remaining copies to the distiller.

(53 Stat. 353; 26 U. S. C. 3037)

§ 184.521 *Approval of application by the Commissioner.* Upon approval or disapproval of an application by the Commissioner, the original and two copies shall be returned to the district supervisor. If the application is approved, the district supervisor shall file a copy and furnish the original and remaining copy to the Government officer assigned to supervise the withdrawal of the samples. At the time samples are withdrawn, the Government officer shall file the original copy of the application at the distillery and furnish the distiller the remaining copy. If the application is disapproved, the district supervisor shall file the original copy and return the remaining copies to the distiller.

(53 Stat. 353; 26 U. S. C. 3037)

§ 184.522 *Removal under supervision.* All samples must be taken under the immediate supervision of the storekeeper-gauger assigned to the distillery or a Government officer assigned to supervise the removal of such samples. When there is no Government officer assigned to the distillery and the application is transmitted to the district supervisor pursuant to the provisions of § 184.517, the district supervisor shall authorize the taking of the samples at such time as officers visit the distillery to gauge brandy, make inspections, etc., unless in his opinion, the circumstances are such as to warrant the detailing of an officer especially to permit the distiller to obtain samples.

(53 Stat. 353; 26 U. S. C. 3037)

§ 184.523 *Label.* At the time of the withdrawal of a sample the proprietor shall prepare a label and a copy thereof. The label and the copy shall be prepared on paper having approximate dimensions of 3" x 5". The proprietor shall show on the label and on the copy, in the order listed and upon separate lines, the information required in paragraphs (a) to (h) of this section:

(a) The word "Sample";

(b) The serial number of the approved application covering the withdrawal of the sample;

(c) The kind of brandy;

(d) The place from which the sample was removed;

(e) The name of the distiller followed by the registered number of the distillery and the name of the State in which located;

(f) A statement showing the purpose for which the sample is intended;

(g) The size of the sample and the quantity in proof gallons extended to the fourth decimal place; and

(h) If the sample is to be analyzed or used at other than the immediate or contiguous premises of the proprietor, the name and address of the laboratory or purchaser to which the sample is to be sent.

Upon completion, the label and the copy shall be presented to the storekeeper-gauger, who shall verify the accuracy of the data thereon, date and sign both copies, and supervise the affixing of the label to the sample container. Where the label is to be placed upon a container of a sample taken subject to payment of tax for other than laboratory purposes, the storekeeper-gauger shall write upon the copy of the label the words "subject to tax payment." The copy of the label shall be filed by the storekeeper-gauger in accordance with the provisions of § 184.524. The distiller shall not be re-

quired to affix red strip stamps to containers of taxable samples of brandy.

(53 Stat. 353; 26 U. S. C. 3037)

§ 184.524 *Office record.* The proprietor shall furnish sufficient file cases for the filing and retention of sample records. The copies of labels shall be kept by the storekeeper-gauger as a record of samples removed, and shall be filed numerically by application number and chronologically by date. If the distiller operates an internal revenue bonded warehouse on or contiguous to the distillery premises, the record of samples removed from the distillery shall be maintained separately from the record of samples removed from the warehouse.

(53 Stat. 353; 26 U. S. C. 3037)

§ 184.525 *Report of taxable samples.* Each day taxable samples of brandy are withdrawn, the storekeeper-gauger shall enter on Form 1615, in quadruplicate, a record of the taxable samples removed. All the information called for by the form shall be furnished. At the end of each month, the storekeeper-gauger shall complete the report, retain one copy of the form, and deliver the remaining three copies to the distiller, who shall forward the three copies to the collector with remittance for the tax due. The collector shall execute his certificate of taxpayment on each copy of the form, retain one copy, and return the remaining two copies to the distiller, who will retain one copy and deliver the other copy to the storekeeper-gauger. The storekeeper-gauger shall note the tax payment on his retained copy and forward the other copy to the district supervisor.

(53 Stat. 353; 26 U. S. C. 3037)

SUBPART X—TAX-PAYMENT, REMOVAL, AND TRANSFER OF BRANDY FROM DISTILLERY

REMOVALS FROM RECEIVING TANKS

§ 184.535 *For transfer to internal revenue bonded warehouses.* Brandy may be removed to internal revenue bonded warehouses as follows:

(a) At any proof:

(1) By pipeline direct to tanks in the internal revenue bonded warehouse located on the distillery premises;

(2) In approved containers for deposit in any internal revenue bonded warehouse for storage in such approved containers;

(3) In tank cars for deposit in any internal revenue bonded warehouse for storage in such containers; and

(4) In wooden packages, each containing two or more metallic cans having a capacity of not less than 5 wine gallons each, for the purpose of exportation only.

(b) At 160 degrees or more of proof (without or subsequent to reduction to not less than 160 degrees of proof):

(1) By pipeline direct to tanks in an internal revenue bonded warehouse contiguous to the distillery premises; and

(2) In tank cars to any internal revenue bonded warehouse for deposit in tanks therein.

(53 Stat. 316 as amended, 333, 335 as amended; 26 U. S. C. 2825, 2878, 2883)

§ 184.536 *For temporary storage in brandy deposit room.* Brandy may be placed in the brandy deposit room for temporary storage, pending removal from the distillery, as follows:

(a) In approved containers; and

(b) In storage tanks.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.537 *For transfer to bonded wineries.* Brandy for fortifying wine may be removed as follows:

(a) By pipeline to tanks in the fortifying room of a bonded winery on contiguous premises;

(b) In tank cars to any bonded winery; and

(c) In approved containers to any bonded winery.

(53 Stat. 316 as amended, 335 as amended, 351; 26 U. S. C. 2825, 2883, 3033)

§ 184.538 *For exportation.* Brandy of a proof of not less than 180 degrees may be removed in tank cars free of tax for exportation. Brandy of any proof may be removed to an internal revenue bonded warehouse in wooden packages, each containing two or more metallic cans having a capacity of not less than 5 wine gallons each, for exportation only.

(53 Stat. 323, 339; 26 U. S. C. 2878, 2888)

§ 184.539 *For redistillation.* Brandy of any proof may be removed for redistillation upon the showing of the need therefor in accordance with § 184.480. Such brandy may be removed as follows:

(a) By pipeline to a contiguous registered distillery or registered fruit distillery; and

(b) In approved containers, including tank cars, to any registered distillery or registered fruit distillery.

(53 Stat. 316 as amended, 335 as amended; 26 U. S. C. 2825, 2883)

§ 184.540 *Upon taxpayment.* Brandy, upon taxpayment, may be removed as follows:

(a) By pipeline to a contiguous tax-paid bottling house or rectifying plant; and

(b) In approved containers, including tank cars and tank trucks.

(53 Stat. 316 as amended, 335 as amended; 26 U. S. C. 2825, 2883)

§ 184.541 *Proof of brandy.* Brandy, as defined in these regulations, may be produced, warehoused, and withdrawn at any desired proof: *Provided*, That brandy transferred into tank cars for exportation, free of tax, must be not less than 180 degrees proof. All packages of brandy must be marked and branded as to kinds (class and type) in accordance with §§ 184.573 to 184.575.

(53 Stat. 333, 339; 26 U. S. C. 2878, 2888)

§ 184.542 *Prompt removal required.* Brandy must be removed from receiving tanks at frequent intervals when a storekeeper-gauger is present to gauge the same. Receiving tanks are not intended to be used for storage purposes and the retention of brandy in such tanks for an indefinite period will not be permitted. Since the brandy produced is not gauged until it is drawn from the receiving tanks, it is necessary that prompt action in this respect be taken to determine the liability of the distiller for taxes which, under the law, immediately attach to all brandy produced.

STORAGE IN AND REMOVAL FROM BRANDY DEPOSIT ROOM

§ 184.543 *Storage.* Unless the brandy produced is tax-paid or transferred to a fruit or registered distillery or internal revenue bonded warehouse or winery immediately upon being drawn from the receiving tanks and gauged, it must be temporarily stored in the brandy deposit room pending such disposition. However, where brandy is drawn into packages from receiving or storage tanks in the brandy deposit room, the packages must be removed from such room on the same day they are filled, or before other packages are filled therein, unless a separate room is provided in the brandy deposit room in accordance with the provisions of § 184.91, and all packages retained for temporary storage are placed in such room.

§ 184.544 *Other use.* When no brandy is stored in the brandy deposit room, the distiller may be permitted to use the room for other authorized purposes.

§ 184.545 *Rooms to be locked.* The brandy deposit room and the filled package storeroom, if any, must be kept securely locked at all times while brandy is stored in such rooms, except when necessary to be open for the receipt or removal of brandy. The entrance door of the brandy deposit room and of the filled package storeroom, if any, must each be secured with a seal lock, the key to which will at all times be retained in the custody of the storekeeper-gauger, if any, assigned to the distillery, or the district supervisor or other Government officer designated by him. All manheads, inlets, outlets, or other openings of receiving and storage tanks in the brandy deposit room must likewise be secured with Government locks while brandy is contained therein.

§ 184.546 *Removal.* Brandy placed in the brandy deposit room or in the filled package storeroom, if any, must be tax-paid or removed to a fruit or registered distillery or to an internal revenue bonded warehouse or to a winery on or before the 10th day of the month following that in which it was produced, as provided in § 184.548. Removals of brandy from the brandy deposit room will be in accordance with the provisions of § 184.535 (except par. (a) (4)) and §§ 184.537, 184.539, and 184.540.

(Sec. 2, Act of March 3, 1877)

§ 184.547 *Use of brandy deposit room.* The brandy deposit room must be used exclusively for the deposit and temporary storage of brandy, or distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil to be removed for denaturation or destruction, or both brandy and such distillates, except that when the room is not devoted to such use, or when all brandy therein is in a separate locked room as provided in § 184.543, the Government locks may be removed from the doors and other openings thereof and the distiller permitted to use the room for other authorized purposes. When the brandy deposit room is used for other purposes, the door, if any, connecting such room with the receiving room must

be kept closed and locked, unless the distillery operations have been suspended pursuant to notice on Form 124, as provided in Subpart CC of this part, and all spirits have been removed from the receiving room.

TIME OF REMOVAL FROM DISTILLERY

§ 184.548 *Date tax is due.* The tax on all brandy produced is due and payable on the 10th day of the month following the month of production, unless removed for deposit in an internal revenue bonded warehouse, or for transfer to a winery, or for transfer to a distillery for redistillation, or, if not less than 180 degrees of proof, removed for exportation on or before such date.

(Sec. 2, Act of March 3, 1877)

§ 184.549 *Request for assignment of officer.* Where a storekeeper-gauger is not assigned regularly to a distillery, the distiller shall request the district supervisor to assign an officer to gauge the brandy produced in ample time to permit removal on or before the 10th day of the following month. Upon receipt of such request the district supervisor will promptly assign an officer to gauge the brandy.

§ 184.550 *Assessment of tax.* The removal to a bonded warehouse or winery of brandy on which the tax is overdue will not be permitted, unless the failure to gauge and remove the brandy on or before the 10th day of the month following the month of production is due to no fault of the distiller. Where the distiller fails to provide proper facilities for gauging, or to make a timely request as provided in § 184.549 for the assignment of a storekeeper-gauger to gauge the brandy, the tax will be reported by the district supervisor to the Commissioner for assessment, unless it is immediately paid to the collector by the distiller.

(53 Stat. 442; 26 U. S. C. 3640)

CONTAINERS

§ 184.551 *Packages.* Brandy may be drawn from receiving tanks, or from storage tanks in the brandy deposit room, into casks, barrels, or similar wooden packages, or into drums or similar metal packages, having a capacity of not less than 10 wine gallons each. The construction of wooden packages for exportation as provided by § 184.535 (a) (4), and the filling, marking, and branding thereof, must conform to the requirements of §§ 184.554–184.558.

(53 Stat. 333; 26 U. S. C. 2873)

§ 184.552 *Tank cars.* Brandy may, as provided in §§ 184.535 and 184.537–184.540, be drawn into tank cars for removal, but only in case the premises of the distiller and of the consignee are equipped with suitable railroad siding facilities. Where brandy is to be warehoused in tank cars, a railroad siding must extend into the receiving warehouse.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 184.553 *Tank wagons and tank trucks.* Except as authorized by § 184.540, the transportation of brandy in tank wagons or tank trucks will not be permitted. Brandy authorized to be removed upon taxpayment in tank trucks, pursuant to § 184.540, shall be gauged, taxpaid, removed, shipped, etc., in accordance with the procedure prescribed by this part for the removal of taxpaid brandy in tank cars.

(53 Stat. 316 as amended, 333, 335 as amended; 26 U. S. C. 2825, 2878, 2883)

WOODEN PACKAGES CONTAINING METALLIC CANS

§ 184.554 *Kind and construction of packages.* The wooden packages for exportation provided for by § 184.535 (a) (4) shall be substantially and securely constructed of clear, dressed lumber, and one side of each such package, to be known as the Government side, must be reserved for the marks and brands prescribed by § 184.558 and the export stamp required by Regulations 10 (26 CFR, Part 185). The Government side must present a smooth and unbroken surface, and may consist of two or more pieces fitted closely together. The wooden packages shall be secured by metal straps or heavy wires, in addition to being securely nailed.

(53 Stat. 333; 26 U. S. C. 2878)

§ 184.555 *Notice by distiller.* Whenever brandy is to be exported in wooden packages, each containing two or more metallic cans, the distiller shall file with the storekeeper-gauger a written notice, stating the number of cans which he desires to have filled for this purpose.

(53 Stat. 333; 26 U. S. C. 2878)

§ 184.556 *Packages to be weighed before filling.* The empty packages shall be weighed immediately preceding the filling of same. In determining the weight (tare) of the package, the metallic cans contained therein as well as the wooden case shall be weighed. The combined weight of the metallic cans and the case shall be the tare or weight to be marked on the empty package.

(53 Stat. 333; 26 U. S. C. 2878)

§ 184.557 *Filling of cans.* Upon receipt of the notice from the distiller pursuant to § 184.555 the storekeeper-gauger will supervise the filling of the metallic cans from the receiving cistern. After the packages have been filled they will be reweighed and the details of the gauge reported on Form 1520.

§ 184.558 *Marks and brands.* The name of the distiller or the person in whose name the brandy was produced, the registry number of the distillery, the city or town, and state in which the distillery is located, the kind of brandy the serial number of the package, the date of filling, and the proof, proof gallons and tare determined at the time of filling will be plainly and durably stenciled on the Government side of the package in letters not less than one-half inch in height. In addition, when the brandy is to be withdrawn for transfer in bond to an internal revenue bonded warehouse located on a noncontiguous premise, there shall be marked on the Government side of the package data showing the transfer date and premises to which transferred as "Trans. Sept. 1, 1950—IRBW 4 N. Y." The marks will be shown in the following manner:

Serial No. 999
JOHN DOE DISTILLING CO.
No. 9, Rockland, Penna.
Filled Sept. 1, 1950
Brandy
T. ------
P. ------
P. G. ----
Trans. 9-1-50
IRBW 4—N. Y.

§ 184.559 *Deposit in warehouse.* After the packages have been filled, gauged, and marked as required by this subpart and recorded as required by § 184.775 they will be deposited in an internal revenue bonded warehouse for temporary storage pending their removal for exportation.

(53 Stat. 333; 26 U. S. C. 2878)

DRAWING OFF, GAUGING AND REMOVAL OF BRANDY

§ 184.560 *Drawing off brandy.* When brandy is to be drawn from a receiving tank, the storekeeper-gauger will see that the valve in the pipeline controlling the flow of brandy into the tank and the valve in any connecting overflow pipeline are closed and locked before the brandy in the tank is reduced and proofed, and that such valves remain closed and locked until all brandy has been drawn from the tank. Whenever brandy is to be drawn from receiving tanks or transferred into or out of other tanks secured with Government locks, the storekeeper-gauger will open and close the locks, but it shall be the duty of the distiller to manipulate the stopcocks or valves controlling the flow of brandy. The storekeeper-gauger is required to be present and personally supervise all such operations and to see that all such operations are properly performed in accordance with this part.

§ 184.561 *Gauging of brandy.* All brandy drawn from receiving tanks will be carefully gauged by the storekeeper-gauger by weighing and proofing the brandy in accordance with this subpart and the Gauging Manual (26 CFR, Part 186), and the details thereof entered on the report of gauge, Form 1520. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form or issued in respect thereto and as required by this part. The storekeeper-gauger shall, in every instance, note on Form 1520 the proof of distillation of the brandy gauged. The proof of brandy shall be adjusted to a whole or complete degree before being removed from the receiving tanks: *Provided*, That where brandy is to be removed by pipeline or tank car directly to a bonded winery for the fortification of wine, such adjustment to a whole or complete degree of proof will not be required. The brandy in the receiving tank must be thoroughly agitated before taking the proof. The proof so ascertained will be regarded as the proof of brandy run into all packages filled from the receiving tank and all brandy removed by pipeline or in tank cars. However, the proof of the brandy in the receiving tank will be checked

several times while brandy is being drawn off. Brandy to be transferred by pipeline or in tank cars for shipment will be gauged in a weighing tank as provided in § 184.562.

(53 Stat. 307, 333, 335 as amended, 492; 26 U. S. C. 2808, 2878, 2883, 4017)

§ 184.562 *Weighing brandy removed by pipeline.* Brandy removed by pipeline must be weighed in weighing tanks before removal, except that where it is transferred by pipeline from the receiving tanks to a bonded warehouse on the distillery premises, or to the fortifying room of a winery on contiguous premises, or to a contiguous distillery for redistillation, and no weighing tank is provided in the producing distillery, the brandy may be run into weighing tanks in the bonded warehouse or the fortifying room or the receiving distillery and weighed therein. The brandy must, in any event, be weighed once in connection with its removal. Brandy transferred from distillery receiving tanks to storage tanks in the brandy deposit room, or from such receiving or storage tanks to tank cars, must be gauged in weighing tanks prior to such transfer. The storekeeper-gauger will balance the weighing tank scales before the brandy is run into the weighing tank.

(53 Stat. 316 as amended, 333, 335 as amended; 26 U. S. C. 2825, 2878, 2883)

§ 184.563 *Testing tank scales.*—(a) *Not over 500 gallons.* Scales used for weighing brandy in lots of not over 500 gallons (where test weights have been provided in accordance with § 184.123) will be tested from time to time under the supervision of the storekeeper-gauger by means of such test weights. Such scales will be tested by placing the prescribed test weights on the scales and checking the weight registered on the beam of the scales. The test weights will then be removed without disturbing the beam and the weighing tank filled with brandy or water to the same weight, whereupon the test weights will again be placed upon the scales, the brandy or water being retained in the tank and the weight registered on the beam checked. This operation will then be continued until the scales have been checked in 500-pound ranges at all weights for which the scales are used.

(b) *Over 500 gallons.* Proprietors will have scales used for weighing brandy in larger lots tested and their accuracy certified by State, county, or city departments of weights and measures or by a responsible scale company at intervals of not more than 6 months. Officers will see that the proprietors have the scales of weighing tanks, used for weighing brandy in lots of more than 500 gallons, tested and their accuracy certified by State, county, or city departments of weights and measures or by a responsible scale company, at intervals of not more than 6 months. Officers will also check, at least once a month, the gallonage represented to be on the scale against the gallonage indicated by a volumetric determination of the contents of the tank. Such volumetric determination will be made by (1) accurately ascertaining the proof and the temperature of the brandy and the depth of the liquid in the tank by means of a steel tape, (2) multiplying the depth in inches by the capacity of the tank for 1 inch of depth, and (3) correcting the volume to 60 degrees Fahrenheit in accordance with Table No. 7 of the Gauging Manual (26 CFR, Part 186). The corrected gallons thus determined will be compared with the gallons represented by the reading of the beam of the scale. Unless the volumetric check is within 0.5 percent of the quantity shown to be in the tank, the Government officer will take appropriate steps to have the accuracy of the scales verified. In addition to the volumetric check described, officers will, as frequently as conditions indicate the necessity therefor, test weighing tank scales of large capacity in the manner prescribed for smaller capacity weighing tank scales, except that such tests on large capacity weighing tank scales may be made when they contain considerable quantities of liquid. In this case the beam will be carefully balanced, and test weights will be added to the load, one at a time, until the range of 500 pounds is checked. At any time an officer finds a scale to be inaccurate, he will require the proprietor to have such scale adjusted and its accuracy certified.

(53 Stat. 307, 373 as amended; 26 U. S. C. 2808, 3170)

§ 184.564 *For storage in brandy deposit room.* When brandy to be temporarily stored in the brandy deposit room is gauged, the storekeeper-gauger will prepare a report thereof on Form 1520, in triplicate, one copy of which will be forwarded to the district supervisor on the same day the brandy is gauged, one copy delivered to the distiller, and the remaining copy retained as a permanent record in the office of the storekeeper-gauger.

(53 Stat. 373 as amended, 492; 26 U. S. C. 3170, 4017)

§ 184.565 *Upon withdrawal from storage tanks.* When brandy is transferred to storage tanks in the brandy deposit room after it has been gauged, as provided in § 184.536, it will be regauged by weighing tank upon removal, unless it is drawn into packages and gauged.

(53 Stat. 333, 335 as amended; 26 U. S. A. 2878, 2883)

§ 184.566 *Removal of packages from brandy deposit room.* When the brandy is drawn from the receiving tanks into packages and temporarily stored in the brandy deposit room, as authorized in § 184.536, the packages need not be regauged upon removal, unless the storekeeper-gauger notes circumstances indicating that a package (or packages) has been tampered with, or has reason to believe that any package contains more spirits than shown by the original gauge, or materially less spirits, in which event a careful regauge will be made.

§ 184.567 *Report of gauge.* When brandy is gauged for removal to a bonded warehouse or winery, or upon tax payment, the storekeeper-gauger will prepare and dispose of the reports of gauge, Form 1520, as provided in this subpart.

(53 Stat. 492; 26 U. S. C. 4017)

§ 184.568 *Pipeline removals.* Pipelines used for the transfer of brandy from the receiving tanks to storage tanks in the brandy deposit room or bonded warehouse or to a winery or to a railroad tank car for shipment, or from storage tanks in the brandy deposit room to a bonded warehouse or winery or to a tank car for shipment, must conform to the requirements of § 184.140, except that brandy may be transferred into a tank car by means of a hose connection. The valves on such pipelines shall be kept closed and locked at all times, except when necessary to be open for the transfer of spirits. The keys to all locks on the valves of pipelines shall remain at all times in the custody of the storekeeper-gauger or the district supervisor. Brandy may be transferred by pipeline or hose only under the immediate supervision of the storekeeper-gauger.

(53 Stat. 316 as amended, 333, 335 as amended; 26 U. S. C. 2825, 2878, 2883)

MARKING, BRANDING AND STAMPING OF PACKAGES

§ 184.569 *General.* Before weighing empty casks or packages, officers will examine them and will not permit the use of any cask or package which contains or has on its interior or exterior, any substance that will prevent the correct ascertainment of tare. The tare of the empty package will be determined immediately preceding the filling of the same in all cases: *Provided, however,* The tare of a number of packages may be ascertained and marked thereon before any are filled but not exceeding the number which are to be filled the same day or the following day. If the barrels are not to be filled until the following day, they must be locked in the receiving or brandy deposit room after being weighed and marked. The tare or weight of the empty package will be marked on the package as soon as ascertained. All packages of brandy, when filled, shall be further marked and branded as provided by this subpart, and where such packages are tax paid, the tax-paid stamps will be affixed thereto and cancelled in the manner prescribed in § 184.586.

(53 Stat. 307, 333, 335 as amended; 26 U. S. C. 2808, 2878, 2883)

§ 184.570 *Marking of packages filled in distillery.* All packages of brandy filled in the distillery shall be marked as follows:

(a) *Marks.* The name of the distiller or the person in whose name the brandy was produced, the registry number of the distillery, the city or town and State in which the distillery is located, the kind of cooperage, the serial number of the package, the kind of brandy, the date of filling, the proof at which distilled, the original proof gallons, the original proof and tare determined at the time of filling (and, if tax-paid in the distillery, the date of tax payment and serial number of the tax-paid stamp, as required by § 184.585) shall be marked upon the head of each package. In addition, when brandy is to be withdrawn for transfer in bond to an internal revenue bonded warehouse located on noncontiguous premises there shall be marked upon the head of the package data showing the transfer date and premises to which transferred as "Trans. Sept. 1, 1950—IRBW 4–N. Y." When brandy is removed to a noncontiguous winery for fortification of wine, the head of each package shall be marked to show the date and purpose of the withdrawal, as "Withdrawn Sept. 1, 1950—For Fortification of Wine." The head of the package bearing these marks will be known as the "Government head."

(b) *Abbreviation of marks.* The registry number and State may be combined and abbreviated as "Calif–708." The kind of cooperage may be abbreviated "C" for charred, "REC" for recharred, "P" for plain, "PAR" for paraffined, "G" for glued, and "R" for reused (not recharred). In addition to these marks, the letters "PS" (pre-soaked) will follow the letters indicating the kind of cooperage if the barrel has been steamed or water soaked prior to filling.

(c) *Symbols for proof of distillation.* Symbols may be used to designate the proof of distillation, e. g., "D190P" for "Distilled 190 proof or over," "D170–190P" for "Distilled between 170 and 190 proof" and "D170P" for "Distilled not over 170 proof."

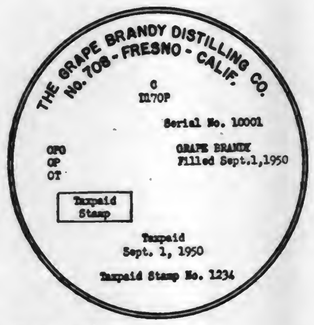
(d) *Method of marking.* All marks shall be plainly and durably burned, cut, imprinted, or stenciled on the head of each package. All marks, except the proof, proof gallons, tare and withdrawal data, shall be placed on the package in letters and figures of not less than ¾ inch in height. The proof, proof gallons, tare and withdrawal data, and all marks in the case of half barrels, shall be in letters and figures of not less than ½ inch in height. The ink used in applying marks and brands shall be of suitable quality to effect durability and legibility and the heads of the packages shall be sufficiently smooth and free from defects to permit the marks and brands to be clearly and distinctly applied.

(e) *Kind of brandy.* The kind of brandy shall be stated as "apple brandy, etc.," in accordance with §§ 184.573–184.575.

(f) *Other marks.* No marks other than those required by this part shall be placed upon the Government head of a package.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 184.571 *Illustration of marks and brands.* The following cut illustrates the order and manner in which the marks shall be applied to the head of each package upon filling and upon tax-payment. When brandy is transferred in bond or withdrawn free of tax, the required withdrawal information will be shown in lieu of the taxpayment data shown in the cut.



(53 Stat. 333; 26 U. S. C. 2878)

§ 184.572 *Numbering of packages.* Packages filled with brandy at the distillery shall be serially numbered, beginning with number 1 for the first package filled and continuing in regular sequence: *Provided,* That the series in current use at existing distilleries will be continued. Where packages are filled from storage tanks in the brandy deposit room they will be numbered in sequence to the packages filled from the receiving tanks. Where there is a change in the trade name or style, or in the proprietorship of the business, the series in use at the time of such change will be continued. A new series will be used where there is a change in the type of plant; but use of the prior series will be resumed when the plant is again operated as a fruit distillery. When the serial numbers of packages filled at any distillery have reached the number 1,000,000, the distiller may, if he so desires, begin a new series, commencing with number 1 preceded or followed by a letter to distinguish it from the prior series, as 1A, 2A, etc., when the number 1,000,000, so distinguished, is again reached the distiller may begin another series distinguished by the second letter of the alphabet, as 1B, 2B, etc., and subsequent series, distinguished by other letters of the alphabet in order, may likewise be commenced.

(53 Stat. 307, 333; 26 U. S. C. 2808, 2878)

KINDS OF BRANDY

§ 184.573 *Brandy.* Spirits distilled solely from the fermented juice, mash, or wine of fruit, or from the residue thereof, distilled at less than 190 degrees of proof in such manner that the distillate possesses the taste, aroma, and characteristics generally attributed to brandy, shall be branded "Brandy," qualified as follows:

(a) *Brandy distilled at not exceeding 170 degrees of proof.* Brandy distilled at not exceeding 170 degrees of proof solely from the juice or mash of whole, sound, ripe fruit, or from standard grape, citrus, or other fruit wine, having a volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, not in excess of 0.20 gram per 100 cubic centimeters (20° C.), with or without the addition (to juice or wine only) of not more than 20 percent by weight of the pomace of such juice or wine, or 30 percent by volume of the lees of such wine, or both (calculated prior to the addition of water to facilitate fermentation or distillation), is classed as fruit brandy and shall be branded as follows:

(1) *Grape brandy.* Fruit brandy derived exclusively from grapes, shall be branded "Grape Brandy" or "Brandy";

(2) *Peach brandy, apple brandy, etc.* Fruit brandy, other than grape brandy, derived exclusively from one variety of fruit, shall be designated by the word "Brandy," qualified by the name of such fruit (e. g., "Peach Brandy," "Apple Brandy," "Orange Brandy"), except that apple brandy may be designated "Applejack."

(3) *Fruit brandy.* Fruit brandy distilled from more than one variety of fruit shall be branded "Fruit Brandy," qualified by a statement of composition (e. g., "Fruit Brandy --% Grapes and --% Blackberries").

(b) *Dried fruit brandy.* Brandy that conforms to the standard for fruit brandy, except that it has been derived from sound dried fruit, or from the standard wine of such fruit, shall be branded as follows:

(1) *Raisin brandy.* Brandy derived from raisins, or from raisin wine, shall be branded "Raisin Brandy."

(2) *Dried peach brandy, dried apple brandy, etc.* Other brandies derived from sound dried fruit, or from the standard wine of such fruit, shall be branded in the same manner as fruit brandy from the corresponding variety or varieties of fruit except that the name of the fruit shall be qualified by the word "Dried."

(c) *Lees brandy.* Brandy distilled from the lees of standard grape, citrus, or other fruit wine, which are run into the still, shall be branded "Lees Brandy," qualified by the name of the fruit from which such wine and lees are derived (e. g., "Grape Lees Brandy").

(d) *Pomace brandy.* Brandy distilled from the skin and pulp of sound, ripe grapes, citrus, or other fruit which are run into the still, after the withdrawal of the juice or wine therefrom, shall be branded "Pomace Brandy," or "Marc Brandy," qualified by the name of the fruit from which derived (e. g., "Grape Pomace Brandy"). Grape pomace brandy may be designated as "Grappa" or "Grappa Brandy."

(e) *Residue brandy.* Brandy distilled wholly or in part (except as provided in paragraph (a) of this section) from the residue of fruit or wine shall be branded "Residue Brandy," qualified by the name of the fruit from which derived (e. g., "Grape Residue Brandy").

(1) *Optional branding.* Brandy distilled wholly or in part from residue materials which conforms to any of the standards set forth in paragraphs (a), (b), (c), and (d) of this section, may, regardless of such fact, be branded "Residue Brandy," qualified by the name of the fruit from which derived; but such designation shall be conclusive, precluding any later change of designation.

(f) *Neutral brandy.* Brandy distilled at more than 170 degrees of proof and less than 190 degrees of proof, shall be branded in the same manner as if distilled at a lower proof, except that the designation shall be qualified by the word "Neutral," e. g., "Neutral Brandy," "Neutral Grape Lees Brandy," or "Neutral Grape Pomace Brandy," "Neutral Peach Brandy," "Neutral Peach Pomace Brandy," etc.

(g) *Substandard brandy.* Brandy distilled from juice, mash, or wine having a volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, in excess of 0.20 gram per 100 cubic centimeters (20° C.), (the volatile acidity shall be calculated exclusive of water added to facilitate distillation), and brandy which has been distilled from unsound, moldy, diseased, or decomposed juice, mash, wine, lees, pomace or residue, or which shows in the finished product any taste, aroma, or characteristic associated with products distilled from such material, shall be branded "Substandard Brandy" qualified by the name of the material from which derived.

(h) *Treatment with wood chips.* Brandy as defined in this section which in whole or in part is treated with wood chips through percolation or otherwise, during distillation or storage, shall be further marked, either by branding or stenciling, with the words "Treated with oak chips."

(i) *Burnt sugar or caramel.* Where burnt sugar or caramel is added to brandy, the letters "B. S. A." will be marked on the head of the package.

(53 Stat. 333, 335 as amended, 352 as amended; 26 U. S. C. 2878, 2883, 3036)

§ 184.574 *Neutral spirits—fruit.* All spirits distilled from fruit at or above 190 degrees of proof shall be branded "Neutral Spirits—Fruit." In the case of fruit neutral spirits produced for fortification, the words "Neutral Spirits—Fruit" branded on the package shall be followed by the name of the fruit from which produced. Such branding shall be in the following form: "Neutral Spirits—Fruit—Grape."

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 184.575 *Spirits—fruit.* Spirits distilled from fruit at less than 190 degrees of proof which are not to be branded in accordance with § 184.573 shall be branded "Spirits—Fruit."

(53 Stat. 333, 335 as amended, 26 U. S. C. 2878, 2883)

ADDITIONAL REQUIREMENTS RELATING TO MARKING

§ 184.576 *Distiller to mark and brand packages.* The prescribed marks and brands peculiar to individual packages shall be placed upon the package by the distiller, under the supervision of the storekeeper-gauger.

(53 Stat. 333; 26 U. S. C. 2878)

§ 184.577 *Mechanical labor and materials.* All mechanical labor pertaining to the gauging of packages of brandy at the distillery shall be performed by the distiller. All materials and facilities required in connection with the application of marks and stamps shall be furnished by the distiller, except the instruments for proofing the brandy.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 184.578 *Testing of scales.* The storekeeper-gauger shall balance the scales before weighing either empty or filled packages, and will frequently test, by means of test weights provided in accordance with § 184.123, the accuracy of such scales. During the process of weighing he shall personally verify the weight of each package and record it in the proper column of Form 1520. The storekeeper-gauger will not permit the use of any scales which upon testing are found to be inaccurate.

(53 Stat. 307; 26 U. S. C. 2808)

§ 184.579 *Proofing of brandy.* The storekeeper-gauger shall personally take the proof of all brandy gauged and enter the same on Form 1520. The storekeeper-gauger will follow strictly the instructions set forth in the Gauging Manual (26 CFR, Part 186) respecting the proofing of spirits, in order that the proof may be accurately determined. Official hydrometers for determining the proof of brandy are furnished storekeeper-gaugers by the Government. The use of other than official hydrometers by storekeeper-gaugers is prohibited.

(53 Stat. 307, 336; 26 U. S. C. 2808, 2884)

§ 184.580 *Verification of marks and brands.* The storekeeper-gauger shall verify the tare, proof and proof gallons marked on the packages by comparison with his gauge report, Form 1520, and shall satisfy himself of the accuracy and correctness of the marks and brands and stamps (if any).

§ 184.581 *Obliteration of stamps, marks, and brands on empty packages.* When packages of brandy are emptied, all stamps, marks, and brands required to be placed thereon must be completely effaced and obliterated. Where a portion of a stamp is cut out for submission to the district supervisor, when packages are dumped for rectification or for bottling without rectification, the remnant remaining affixed to the package must be completely effaced and obliterated when the package is emptied.

(53 Stat. 330; 26 U. S. C. 2866)

TAX PAYMENT IN PACKAGES

§ 184.582 *Application, Form 179.* Whenever the distiller desires to taxpay and remove brandy in packages from the distillery, he shall execute application therefor on Form 179, in quadruplicate. Where the brandy is to be removed from receiving or storage tanks the distiller shall state, in addition to other applicable data on the form, the maximum quantity to be removed. Separate applications shall be filed for the removal of brandy from receiving or storage tanks. All copies of the application will be delivered to the storekeeper-gauger, if one is regularly assigned to the distillery; otherwise, it will be forwarded to the district supervisor, who will assign an officer to supervise the removal.

§ 184.583 *Gauge and taxpayment.* If the brandy to be removed is in previously filled packages the storekeeper-gauger will, upon receipt of the application, inspect the packages but will not regauge the same unless the circumstances are such as to make it advisable, as provided in § 184.566. If the brandy is contained in receiving storage tanks, it will be drawn into packages and gauged, marked, and branded. The details of the gauge or regauge, as the case may be, will be entered by the storekeeper-gauger on Form 1520, in quadruplicate. Where the brandy is removed on the original gauge the storekeeper-gauger will copy the necessary details of such gauge on Form 1520, in quadruplicate. Three copies of Form 1520, accompanied by all copies of Form 179 with the storekeeper-gauger's report thereon duly executed, will be delivered by the storekeeper-gauger to the distiller. The distiller will enter the description of the packages in the space provided therefor on Form 179, if the application covers packages not filled at the time the application was executed, and will then forward all copies of both forms to the collector of internal revenue with remittance in cash or by certified check or post office money order for the tax.

(53 Stat. 492; 26 U. S. C. 4017)

§ 184.584 *Issuance of tax-paid stamps.* The collector will issue the requisite tax-paid stamps. Each tax-paid stamp shall bear the signature of the collector, who shall write or stamp thereon the date of payment of the tax, by whom paid, the number of gallons and tenths of gallons of proof spirits, and serial number of cask. Facsimile signatures of collectors may be affixed by the use of hand stamps to the tax-paid stamps, care being taken to use only such ink as will neither fade nor blur. The collector will enter the serial numbers of the stamps in the appropriate spaces on all copies of Form 1520, sign the certificate of tax payment on each copy of Form 179, retain one copy each of Form 179 and Form 1520, and return the remaining three copies of Form 179 and two copies of Form 1520 to the distiller with the stamps.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 184.585 *Removal of brandy.* The distiller shall immediately deliver all copies of Form 179 and Form 1520, with the tax-paid stamps, to the storekeeper-gauger, who will verify the data thereon with his retained copy of Form 1520 and, if no discrepancies are found, he will note the serial numbers of the stamps on the retained copy of Form 1520 and, after affixing his signature to the stamps, which may be by the use of a facsimile stamp, will return them to the distiller. The distiller will mark and brand the packages as provided by § 184.570 and affix the stamp as provided in § 184.586. The stamp must be affixed to the Government head of the package on the left side, and except as provided herein, on the right side opposite the stamp there will be marked the serial number of the tax-paid stamp and the date of tax payment. These withdrawal marks may be waived by the district supervisor when packages of brandy are to be removed to a tax-paid bottling house or rectifying plant in the immediate vicinity of the distillery for prompt bottling or dumping for rectification where the establishments are owned by the proprietor of such distillery or a subsidiary or affiliate. When the packages have been marked and stamped, as required, they must be promptly removed from the distillery premises. After removal of the brandy, the storekeeper-gauger will execute his statement of the date of withdrawal on the three copies of Form 179, retain one copy each of Form 179 and Form 1520, deliver one copy of each to the distiller, and forward one copy of each to the district supervisor.

(53 Stat. 333, 335 as amended, 373 as amended; 26 U. S. C. 2878, 2883, 3170)

§ 184.586 *Affixing and canceling stamps.* The tax-paid stamps required by § 184.585 to be affixed by the proprietor will be securely affixed to the Government head of the package in such manner as to effectively prevent removal without mutilation. The stamp will be canceled immediately after it has been affixed to the barrel by imprinting with five parallel waved lines across the stamp, the stencil for which shall be provided by the proprietor. The stamp will be covered with a protective coating of varnish, shellac, or lacquer which is sufficiently transparent to permit legibility of the markings on the stamp, except where the packages are to be transferred to contiguous premises and the coating is not required for protecting the legibility of the stamp. Such stamps must remain upon the packages until the brandy therein is emptied or drawn off.

(53 Stat. 333; 26 U. S. C. 2878)

TAX PAYMENT FOR REMOVAL BY PIPELINE OR IN TANK CARS OR TANK TRUCKS

§ 184.587 *Application, Form 179.* Whenever the distiller desires to taxpay and remove brandy from the distillery by approved pipelines to contiguous premises, or in tank cars or tank trucks, he shall execute application therefor on Form 179, in quadruplicate. The distiller shall state, in addition to other applicable data on the form, the approximate quantity to be withdrawn and whether such removal will be by pipeline, tank car or tank truck. All copies of Form 179 shall be delivered to the storekeeper-gauger, whereupon such brandy will be run into a weighing tank and gauged for removal. The storekeeper-gauger shall enter the details of the gauge on Form 1520, in quintuplicate. The proof at which the brandy was distilled, and in the case of tank car or tank truck shipments, the number and name or symbols of the owner of the tank car or tank truck, shall be noted on Form 1520 by the storekeeper-gauger. The storekeeper-gauger will execute his report on each copy of Form 179 and will return all copies thereof, with four copies of Form 1520 attached, to the distiller, who will enter in the space provided therefor on each copy of Form 179, the description of the brandy gauged.

(53 Stat. 298 as amended, 333, 335 as amended, 492; 26 U. S. C. 2800, 2878, 2883, 4017)

§ 184.588 *Application for certificate of tax payment, Form 1594.* The distiller will forward all copies of Form 179, and Form 1520, with Form 1594, in duplicate, if the vendee is located in the same supervisory district and in triplicate if the vendee is located in a different supervisory district, accompanied by proper remittance for the tax, to the collector of internal revenue. Form 1594 will be appropriately modified to cover the transfer by pipeline or tank truck.

(53 Stat. 298 as amended, 335 as amended; 26 U. S. C. 2800, 2883)

§ 184.589 *Certificate of tax payment, Form 1595.* The collector will issue Form 1595, appropriately modified to show "For Removal by Pipeline", or "For Removal by Tank Truck" where necessary, note the tax payment, including the serial number of the certificate, on all copies of Form 1520, and execute his certificate of tax payment on all copies of Form 179. The collector shall fill in all the required data in the blank spaces on the certificate, except those provided in the lower left corner for the verification of the storekeeper-gauger, and shall date and sign the certificate in the same manner as required for a tax-paid stamp by § 184.584. This certificate is not negotiable and shall not be used for any spirits other than those described therein. The collector will enter on the original and the copy or copies of Form 1594 in the space provided, the serial number, date and amount of the certificate issued. The collector will retain one copy each of Form 179 and Form 1520 and the original copy of Form 1594, and will mail or deliver the certificate, Form 1595, and the original and remaining copies of Form 179 and Form 1520 to the distiller or his designated agent, in accordance with the distiller's request on Form 1594. Where the certificate, Form 1595, covers a removal of brandy to a consignee in the same supervisory district, the collector will send the copy of the application, Form 1594, to the district supervisor, and, in case the certificate, Form 1595, covers a shipment of brandy to a consignee located in a different supervisory district, the collector will send the remaining copy of Form 1594 to the supervisor of the district in which the consignee is located.

(53 Stat. 298 as amended, 335 as amended; 26 U. S. C. 2800, 2883)

§ 184.590 *Route board.* Tank cars and tank trucks used for transportation of tax-paid brandy must be equipped with a route board at least 10 by 12 inches in size, to which Form 1595 can be attached. Such board shall be of substantial material and shall be affixed permanently and securely to the tank car or tank truck by roundheaded or carriage bolts, nutted and riveted, battered, or welded.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 184.591 *Bill of lading.* The distiller shall incorporate in the bill of lading a description of Form 1595, as follows:

Form 1595, "Collector's Certificate of Tax Payment of Distilled Spirits for Shipment in Tank Cars."

Serial No. ----- Owner and No. of car -----
Vendor ------- Address -----
Vendee ------- Address -----

Where no bill of lading is issued, the distiller shall incorporate in Form 1520 such description of Form 1595.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 184.592 *Storekeeper-gauger's verification.* The distiller shall give the certificate of tax payment (Form 1595), the bill of lading (if any), and all copies of Form 179 and Form 1520 to the storekeeper-gauger at the distillery. The storekeeper-gauger will verify the contents of the weighing tank and the description of Form 1595 in the bill of lading or on Form 1520, as the case may be, and will date and sign the certificate, Form 1595, in the space provided therefor. The certificate must be attached to a board on the weighing tank.

(53 Stat. 298 as amended, 335 as amended; 26 U. S. C. 2800, 2883)

RELEASE OF BRANDY FOR TRANSFER

§ 184.593 *By pipeline to contiguous premises.* When the certificate of tax payment has been affixed to the weighing tank, in the case of pipeline transfers to contiguous premises, it will be canceled in the same manner as the tax-paid stamp on a package. The storekeeper-gauger will unlock the outlet valve and permit the distiller to transfer the brandy by pipeline to the contiguous premises named in the certificate. The spirits shall be transferred only under the immediate supervision of the storekeeper-gauger who, after release of the brandy, will forward one copy each of Form 179 and Form 1520 and the canceled Form 1595 to the district supervisor, retain one copy of Form 179 and Form 1520, and deliver one copy of Form 179 and two copies of Form 1520 to the distiller. The distiller will immediately deliver one copy of Form 1520 to the proprietor of the contiguous establishment.

(53 Stat. 298 as amended, 335 as amended; 26 U. S. C. 2800, 2883)

§ 184.594 *By tank car or tank truck.* When brandy is to be removed to a tank car or tank truck for shipment the certificate of tax-payment shall be placed upon the weighing tank by the distiller, whereupon the storekeeper-gauger will unlock the outlet valve and permit the brandy to be transferred to the tank car or tank truck named in the certificate. The brandy shall be transferred only under the immediate supervision of the storekeeper-gauger. Upon deposit of the brandy in the tank car or tank truck, the distiller will remove the certificate of tax-payment from the weighing tank and affix it securely to the route board on the tank car or tank truck, whereupon it will be canceled in the same manner as the tax-paid stamp on a package and then covered with a coating of transparent varnish, shellac or lacquer. The storekeeper-gauger will verify the contents of the tank car or tank truck, release same for shipment and note on all copies of Form 1520 the date of the release. When the tank car or tank truck is released, the storekeeper-gauger will forward one copy each of Form 179 and Form 1520 to the district supervisor, retain one copy of each form, and deliver one copy of Form 179 and two copies of

Form 1520 with the bill of lading (if any) to the distiller. The distiller will immediately forward one copy of Form 1520 to the vendee.

(53 Stat. 298 as amended, 335 as amended; 26 U. S. C. 2800, 2883)

DEPOSIT IN WAREHOUSE OPERATED BY THE DISTILLER ON THE SAME PREMISES

§ 184.595 *Gauge of brandy, Form 1520.* Where the distiller operates an internal revenue bonded warehouse on the distillery premises and brandy produced at the distillery is to be entered for deposit in such warehouse, the brandy shall, as authorized by §§ 184.535–184.540, be drawn into approved containers, gauged, marked, and branded, and then immediately deposited in such warehouse, or shall be run into a weighing tank, immediately gauged and transferred by pipeline into tanks in such warehouse: *Provided*, That where the distillery is not equipped with a weighing tank, the brandy may be transferred by pipeline to a properly equipped weighing tank in such warehouse, gauged, and immediately deposited in storage tanks in the warehouse, or removed for authorized purposes. The brandy will be transferred to the warehouse and deposited therein under the immediate supervision of the storekeeper-gauger. Where brandy intended for the fortification of wine is transferred into warehouse storage tanks, the words "For Fortification of Wine" must be plainly and legibly stenciled upon such tanks. The storekeeper-gauger will enter the details of the gauge on Form 1520, in triplicate, and will note on each copy of Form 1520 the proof at which the brandy was distilled and, if transferred to a warehouse tank, the serial number thereof. Upon completion of the form, the storekeeper-gauger will deliver all copies thereof to the distiller for the execution of his entry of the brandy for deposit.

(53 Stat. 298 as amended, 333, 335 as amended, 355, 492; 26 U. S. C. 2800, 2878, 2883, 3070, 4017)

§ 184.596 *Distiller's entry for deposit.* The distiller's entry for deposit shall be executed in the following form:

_____
(Date)

The distilled spirits described herein are hereby entered for deposit in Internal Revenue Bonded Warehouse No. ------, State of _____.

_____
(Distiller)

The entry shall be executed on the same date that the brandy is removed from the distillery. If brandy intended for the fortification of wine is transferred to storage tanks, the distiller shall make notation to that effect in connection with the entry for deposit. After execution of the entry the distiller shall return the three copies of Form 1520 to the storekeeper-gauger, who will retain one copy as a permanent record of the deposit of the spirits in the warehouse, forward one copy to the district supervisor, and deliver one copy to the distiller.

(53 Stat. 333, 373 as amended; 26 U. S. C. 2879, 3170)

§ 184.597 *Mixing of different brandies prohibited.* Brandy transferred by pipeline to an internal revenue bonded warehouse may not be deposited with other brandy in weighing or storage tanks except as authorized by Regulations 10 (26 CFR, Part 185).

(53 Stat. 391; 26 U. S. C. 3254)

§ 184.598 *Sufficiency of warehouse-bond.* Where the bond covering the operation of an internal revenue bonded warehouse on the distillery premises is given in less than the maximum penal sum of $200,000, as shown by the record furnished by the district supervisor pursuant to Regulations 10 (26 CFR, Part 185), the storekeeper-gauger in charge of the warehouse will see that the tax liability on the quantity of distilled spirits deposited in the warehouse, plus the tax liability on distilled spirits represented by all outstanding approved Forms 236 (§§ 184.602 and 184.615) is within the limits of the penal sum of the bond.

DEPOSIT IN WAREHOUSE OPERATED BY THE DISTILLER ON CONTIGUOUS PREMISES

§ 184.599 *Procedure.* Where the distiller operates an internal revenue bonded warehouse on premises contiguous to the distillery premises, and the location of the warehouse is such that the storekeeper-gaugers assigned to the distillery and the warehouse are able to maintain the same supervision of the deposit in such warehouse of brandy produced at the distillery as is required in the case of the deposit in a warehouse on the distillery premises of brandy produced at such distillery, the distiller, may deposit brandy in such contiguous warehouse in accordance with the procedure prescribed in § 184.595 for the deposit of brandy in an internal revenue bonded warehouse operated by the distiller on the distillery premises, except that where separate Government offices are maintained for the distillery and the warehouse an extra copy of Form 1520 will be prepared and one copy of such form will be filed in each Government office. When brandy is so deposited, the storekeeper-gauger assigned to the distillery will in each instance deliver directly to the storekeeper-gauger at the warehouse a copy of the Form 1520. The storekeeper-gauger supervising the warehouse will personally verify the number of containers and the quantity of brandy received for deposit. Where the brandy cannot be deposited under such direct supervision, the procedure prescribed in §§ 184.601–184.613 will be followed.

(53 Stat. 333, 335 as amended, 355; 26 U. S. C. 2878, 2883, 3070)

§ 184.600 *Sufficiency of warehouse bond.* Where the bond covering the operation of an internal revenue bonded warehouse on premises contiguous to the distillery premises is given in less than the maximum penal sum of $200,000, as shown by the record furnished by the district supervisor pursuant to Regulations 10 (26 CFR, Part 185), and brandy produced at the distillery is deposited in such warehouse in accordance with the procedure prescribed in § 184.599, the storekeeper-gauger in charge of the warehouse will see that the tax liability on the quantity of distilled spirits deposited in the warehouse, plus the tax liability on distilled spirits represented by all outstanding approved Forms 236 (§§ 184.602 and 184.615) is within the limits of the penal sum of the bond.

TRANSFER TO WAREHOUSE OFF DISTILLERY PREMISES IN SAME DISTRICT, EXCEPT WAREHOUSE OPERATED BY DISTILLER ON CONTIGUOUS PREMISES

§ 184.601 *Application, Form 236.* Where brandy is to be transferred to and entered for deposit in an internal revenue bonded warehouse located off the distillery premises in the same supervisory district, and such warehouse is not operated by the distiller on premises contiguous to the distillery premises, the proprietor of the receiving warehouse shall execute an application for the transfer of the brandy on Form 236. The applicant shall enter all applicable data indicated by the form including the maximum quantity in tax gallons to be transferred in any one truck, railroad car, or other vehicle, and the type of conveyance. The name of the carrier shall not be specified on Form 236. The applicant shall prepare an original and five copies of Form 236 and give them to the storekeeper-gauger in charge of the receiving warehouse.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 184.602 *Storekeeper-gauger's certificate of sufficiency of warehouse bond.* Upon receipt of Form 236 by the storekeeper-gauger in charge of the warehouse, he will compare the penal sum of the bond as stated in the application with his record furnished by the district supervisor pursuant to Regulations 10 (26 CFR, Part 185). If the bond is given in the maximum penal sum of $200,000, he will certify to the sufficiency thereof on Form 236 and return all six copies of the form to the proprietor of the warehouse. If the bond is given in less than the maximum penal sum, the storekeeper-gauger in charge will determine from his records whether the tax liability on the quantity of brandy represented by the Form 236, plus the quantity of distilled spirits stored in the warehouse, plus the quantity represented by all outstanding approved Forms 236, is within the limits of the penal sum of the transportation and warehousing bond. If so, he will certify to the sufficiency of the bond on Form 236, record such certification in his records, and return all six copies of the form to the proprietor. If the transportation and warehousing bond is not sufficient, he will certify to that fact on Form 236 and return all six copies to the proprietor. The proprietor will forward all six copies of the approved Form 236 to the proprietor of the consignor-distillery. The proprietor of the warehouse will be responsible for all outstanding approved Forms 236. If, at any time, he decides not to use one, he will obtain all copies from the consignor and give them to the storekeeper-gauger in charge of the warehouse for cancellation and return to the proprietor of the warehouse.

§ 184.603 *Brandy to be transferred.* When the distiller desires to make shipment, he will give a copy of Form 236 to the storekeeper-gauger in charge and furnish him a complete description of the brandy to be shipped.

§ 184.604 *Report of gauge.* Unless previously packaged, the brandy designated by the proprietor to be transferred will, as authorized by §§ 184.535 to 184.540, be drawn from the receiving or storage tanks into casks or packages, gauged, marked and branded, or into a weighing tank, gauged, and run by pipeline into a properly equipped tank car, or into tanks located in a contiguous internal revenue bonded warehouse not operated by the distiller. The quantity transferred shall not exceed the maximum stated in the application. The details of the gauge will be entered by the storekeeper-gauger on five copies of Form 1520. If the packages to be transferred were previously filled the storekeeper-gauger will inspect them but will not regauge the same, unless the circumstances are such as to make a regauge advisable. Where packages previously filled are removed on the filling gauge, the storekeeper-gauger will prepare five copies of Form 1520, copying the details from the report of the filling gauge.

(53 Stat. 333, 335 as amended, 492; 26 U. S. C. 2878, 2883, 4017)

§ 184.605 *Tank cars.* Each tank car used to transport brandy in bond must have permanently and legibly marked or painted thereon its number, capacity in gallons, and the name or symbols of the owner. The dome or manhole covers on all tank cars used for shipping brandy in bond shall be equipped with facilities for sealing with a cap seal when closed and the outlet valves and all other openings to or from the car shall be so constructed that they may be closed and securely fastened on the inside or sealed in a like manner.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 184.606 *Seals.* Cap seals, to be furnished by the Government, will be used for sealing the tank car, and such seals will be attached as soon as the car is filled.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 184.607 *Inspection of tank car.* Upon receiving an order to gauge brandy to be transferred in bond in a tank car, the storekeeper-gauger at the distillery will inspect the car to see that the dome may be sealed with a cap seal when closed, and that all other openings to or from the car may be closed and securely fastened on the inside or sealed in like manner. If the car is not so constructed, the officer will not permit it to be filled.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 184.608 *Filling of tank car.* The tank car must be filled in the immediate presence of the storekeeper-gauger. The pipeline from the distillery weighing tank to the tank car must be in full view of the officer and must not be connected or used except in his presence. The officer will seal the car as soon as it is filled. The officer will enter on Form 1520, covering the gauge of the brandy, the level of the brandy above or below the full mark, and the temperature of the brandy at filling; for example: "Filled 2 inches above full mark at 80 degrees F." The storekeeper-gauger will note on Form 236 the serial numbers of seals used on the tank car.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 184.609 *Route board.* Tank cars used for the transportation of brandy in bond must be equipped with a route board conforming to the requirements of § 184.590.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 184.610 *Label to be attached.* When brandy is shipped in bond in a tank car, a label dated and signed by the storekeeper-gauger showing that the brandy is shipped in bond and giving the name, registered number and location (city or town and State) of the distillery from which shipped, and the warehouse to which shipped, shall be securely attached to the route board, where it may be readily examined by Government officers. The label, which will be furnished by the distiller, will be in substantially the following form:

Shipped in bond by
CALIFORNIA GRAPE COMPANY
F. D. No. 80, Fresno, Calif.
to
FRISCO WAREHOUSE COMPANY
I. R. B. W. No. 50, San Francisco, Calif.

_____ _____
(Date) (Storekeeper-gauger)

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 184.611 *Distiller's entry for deposit.* When the brandy has been packaged, gauged for transfer by pipeline to tanks in a contiguous internal revenue bonded warehouse not operated by the distiller, or run into a tank car and such tank car sealed, the storekeeper-gauger will deliver the copy of Form 236 and the five copies of Form 1520 to the distiller. The distiller shall, on the same date that the brandy is to be removed from the distillery, execute on all six copies of Form 236, the description of the packages, tank car, or pipeline transfer, and on all five copies of Form 1520, the entry for deposit. He shall immediately return all copies of such forms to the storekeeper-gauger who will release the brandy for shipment.

(53 Stat. 298 as amended, 333, 335 as amended; 26 U. S. C. 2800, 2879, 2883)

§ 184.612 *Storekeeper-gauger's certificate of removal.* Upon removal of the brandy the storekeeper-gauger will execute his certificate of gauge and removal on Form 236. He will retain one copy each of Form 236 and Form 1520, furnish one copy of each form to the distiller, forward one copy of Form 236 to the supervisor, and forward three copies of each form to the consignee storekeeper-gauger. When shipment is made by truck, the three copies of each form for the storekeeper-gauger in charge of the receiving warehouse will be sealed in an envelope addressed to such storekeeper-gauger and handed to the person in charge of the truck for delivery to him.

(53 Stat. 333 as amended, 335 as amended, 378 as amended; 26 U. S. C. 2878, 2883, 3170)

§ 184.613 *Storekeeper-gauger's receipt of brandy at warehouse.* The storekeeper-gauger at the receiving warehouse will examine each shipment upon its arrival and ascertain and report on Form 1520 any losses or discrepancies and will dispose of Forms 236 and 1520, in accordance with Regulations 10 (26 CFR, Part 185).

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

TRANSFER TO WAREHOUSE OFF DISTILLERY PREMISES IN DIFFERENT DISTRICT

§ 184.614 *Application, Form 236.* Where brandy is to be entered for deposit in an internal revenue bonded warehouse located in a different supervisory district than the distillery, the proprietor of the receiving warehouse shall execute an application for the transfer of the brandy on Form 236. The applicant shall enter all applicable data indicated by the form including the maximum quantity in tax gallons to be transferred in any one truck, railroad car, or other vehicle, and the type of conveyance. The name of the carrier shall not be specified on Form 236. The applicant shall prepare an original and six copies of Form 236 and give them to the storekeeper-gauger in charge of the receiving warehouse.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 184.615 *Storekeeper-gauger's certificate of sufficiency of warehouse bond.* Upon receipt of Form 236 by the storekeeper-gauger in charge of the warehouse, he will compare the penal sum of the bond as stated in the application with his record furnished by the district supervisor pursuant to Regulations 10 (26 CFR, Part 185). If the bond is given in the maximum penal sum of $200,000, he will certify to the sufficiency thereof on Form 236 and return all seven copies of the form to the proprietor of the warehouse. If the bond is given in less than the maximum penal sum, the storekeeper-gauger in charge will determine from his records whether the tax liability on the quantity of brandy represented by the Form 236, plus the quantity of spirits stored in the warehouse, plus the quantity represented by all outstanding approved Forms 236, is within the limits of the penal sum of the transportation and warehousing bond. If so, he will certify to the sufficiency of the bond on Form 236, record such certification in his records, and return all seven copies of the form direct to the proprietor. If the transportation and warehousing bond is not sufficient, he will certify to that fact on Form 236 and return all seven copies to the proprietor. The proprietor will forward all seven copies of the approved Form 236 to the proprietor of the consignor-distillery. The proprietor of the warehouse will be responsible for all outstanding approved Forms 236. If, at any time, he decides not to use one, he will obtain all copies

from the consignor and give them to the storekeeper-gauger in charge of the warehouse for cancellation and return to the proprietor of the warehouse.

§ 184.616 *Brandy to be transferred.* When the distiller desires to make shipment, he will give a copy of Form 236 to the storekeeper-gauger in charge and furnish him a complete description of the brandy to be shipped.

§ 184.617 *Report of gauge.* Unless previously packaged, the brandy designated by the proprietor to be transferred will, as authorized by § 184.535, be drawn from the receiving or storage tanks into casks or packages, gauged, marked and branded, or into a weighing tank, gauged and run by pipeline into a properly equipped tank car. The quantity transferred shall not exceed the maximum stated in the application. The details of the gauge will be entered by the storekeeper-gauger on six copies of Form 1520. If the packages to be transferred were previously filled the storekeeper-gauger will inspect them but will not regauge the same, unless the circumstances are such as to make a regauge advisable. Where packages previously filled are removed on the filling gauge, the storekeeper-gauger will prepare six copies of Form 1520, copying the details from the report of the filling gauge.

(53 Stat. 333, 335 as amended, 492; 26 U. S. C. 2878, 2883, 4017)

§ 184.618 *Tank car requirements.* If the brandy is to be transported in a tank car, such tank car must be constructed, marked, inspected, filled, sealed, and labeled as provided in §§ 184.605–184.610.

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

§ 184.619 *Distiller's entry for deposit.* When the brandy has been packaged, or run into a tank car and such tank car sealed, the storekeeper-gauger in charge will deliver the copy of Form 236 and the six copies of Form 1520 to the distiller. The distiller shall, on the same date that the brandy is to be removed from the distillery, execute on all seven copies of Form 236 the description of the packages or tank car to be transferred and on all six copies of Form 1520 the entry for deposit. He shall immediately return all copies of such forms to the storekeeper-gauger in charge who will release the brandy for shipment.

(53 Stat. 333; 26 U. S. C. 2879)

§ 184.620 *Storekeeper-gauger's certificate of removal.* Upon removal of the brandy the storekeeper-gauger will execute his certificate of gauge and removal on Form 236. He will retain one copy each of Form 236 and Form 1520, furnish one copy of each form to the distiller, forward one copy of each to the supervisor-consignor and forward four copies of Form 236 and three copies of Form 1520 to the consignee storekeeper-gauger. When shipment is made by truck, the four copies of Form 236 and the three copies of Form 1520 for the consignee storekeeper-gauger will be sealed in an envelope addressed to that officer and handed to the person in charge of the truck for delivery to him.

(53 Stat. 333, 335 as amended, 373 as amended; 26 U. S. C. 2878, 2883, 3170)

§ 184.621 *Storekeeper-gauger's receipt of brandy at warehouse.* The storekeeper-gauger at the receiving warehouse will examine each shipment upon its arrival and ascertain and report on Form 1520 any losses or discrepancies and will dispose of Forms 236 and 1520, in accordance with Regulations 10 (26 CFR, Part 185).

(53 Stat. 333, 335 as amended; 26 U. S. C. 2878, 2883)

KINDS OF BRANDIES THAT MAY BE REMOVED FOR FORTIFICATION OF WINE

§ 184.622 *Kinds.* The kinds of brandies that may be removed for the fortification of wine are grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, and apple brandy, produced in accordance with the provisions of § 184.371. No brandy produced otherwise than as specified in such section may be removed for fortification. Brandy produced from grape cheese and a sugar solution may not be removed for the fortification of wine.

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

REMOVAL OF BRANDY IN PACKAGES FOR FORTIFICATION OF WINE

§ 184.623 *Application, Form 257.* Where it is desired to remove brandy in packages from a fruit distillery for the fortification of wine, application will be made by the winemaker on Form 257. The winemaker shall state in the application the penal sum of the bond, Form 700–A. The same application may not include brandy from more than one distillery, nor two or more lots to be removed from the same distillery at different times, except where the distillery is contiguous to the winery, as provided in § 184.628. The application shall be filed in triplicate where the winery and the distillery are in the same supervisory district, and in quadruplicate where they are in different districts. Where the premises are located in the same supervisory district and the bond of the winemaker is given in the maximum penal sum of $50,000, Form 257 will be submitted to the storekeeper-gauger if one is located at the winery, or at a contiguous fruit distillery or internal revenue bonded warehouse, as the case may be. If no storekeeper-gauger is located at such premises, the application will be submitted, at the discretion of the district supervisor, to a designated storekeeper-gauger in the vicinity of the bonded winery. The district supervisor will notify each storekeeper-gauger designated to approve Forms 257 and advise him that the winemaker's bond is given in the maximum penal sum of $50,000. He will notify each winemaker concerned where Forms 257 are to be submitted to a storekeeper-gauger. All other Forms 257, that is, (a) those covering intradistrict removals where the bond of the winemaker is in the maximum penal sum but no storekeeper-gauger has been designated to approve Forms 257, (b) those covering intradistrict removals where the bond of the winemaker is not in the maximum penal sum, and (c) those covering interdistrict removals, will be submitted direct to the supervisor of the district in which the winery is located.

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

§ 184.624 *Action on application, Form 257*—(a) *By district supervisor.* If the application is in proper order, the quantity of brandy to be withdrawn is not in excess of the applicant's current needs or of the storage capacity of the fortifying room (see Regulations 7 (26 CFR, Part 178)), and the bond of the winemaker is sufficient to cover the brandy to be procured, the district supervisor will (1) where the distillery is in the same district, execute his certificate on the form and send all three copies to the proprietor of the fruit distillery; and (2) where the distillery is located in another supervisory district, execute his certificate on the form and send all four copies to the supervisor of such district, who will deliver all four copies to the proprietor of the fruit distillery. If a storekeeper-gauger is not located at the fruit distillery, the supervisor of the district in which the fruit distillery is located will designate a storekeeper-gauger to gauge the brandy. If the application is not in order, the supervisor of the district in which the bonded winery is located will return all copies to the winemaker.

(b) *By storekeeper-gauger.* Upon receipt of Form 257 by the storekeeper-gauger, he will compare the penal sum of the bond as stated in the application with the statement furnished by the district supervisor pursuant to § 184.623. If the bond of the winemaker is given in the maximum penal sum of $50,000, the application is in proper order, and the quantity of brandy to be withdrawn is not in excess of the applicant's current needs or of the storage capacity of the fortifying room (see Regulations 7 (26 CFR, Part 178)), he will certify to the sufficiency thereof on Form 257. He will send all copies of Form 257 to the proprietor of the fruit distillery. If the application is not in order, he will return all copies to the winemaker.

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

§ 184.625 *Gauge of brandy.* The proprietor, upon receipt of Form 257, will execute his description of the brandy to be gauged, on all copies of the form. He will refer them to the storekeeper-gauger assigned to the distillery, or to the storekeeper-gauger designated by the district supervisor pursuant to § 184.624 (a), as the case may be. Where the certificate of sufficiency of the winemaker's bond was executed by a storekeeper-gauger pursuant to § 184.624 (b) and no storekeeper-gauger is assigned to the fruit distillery, the proprietor will request the district supervisor to designate one to gauge and release the brandy. If the brandy to be removed is contained in tanks, the designated packages will be filled, gauged, and marked and branded in accordance with § 184.570. If the packages were previously filled, they will be marked as required, and removed on the original gauge, unless a regauge is deemed advisable. The storekeeper-gauger will prepare four copies of the report of gauge, Form 1520, where the brandy is to be removed at one time to the fortifying room of a contiguous winery, five copies in all other instances where brandy is removed to a winery located in the same supervisory district, and six copies where the winery is located in another district. The storekeeper-gauger will attach one copy of Form 1520 to each copy of Form 257 and will note on the extra copies of Form 1520 the name, registered number, and address of the winery to which the brandy is to be shipped. No greater quantity of brandy may be gauged or withdrawn than stated in the application.

(53 Stat. 333, 348 as amended, 351; 26 U. S. C. 2878, 3031, 3033)

§ 184.626 *Distillery and winery on contiguous premises.* Where the distillery and winery are located on contiguous premises, and the storekeeper-gauger at the distillery is charged with supervising the deposit of the brandy in the fortifying room, he will, upon deposit of the brandy, execute his certificates on all copies of Form 257, retain one copy, with Form 1520 attached, at the distillery and one copy at the winery, and forward one copy to the district supervisor. The extra copy of Form 1520 will be delivered to the distiller.

(53 Stat. 348 as amended, 351, 373 as amended, 492; 26 U. S. C. 3031, 3033, 3170, 4017)

§ 184.627 *Distillery and winery not on contiguous premises.* Where the distillery and winery are not located on contiguous premises and the storekeeper-gauger at the distillery is not charged with supervising the deposit of the brandy in the fortifying room of the winery, he will, upon removal of the brandy execute his certificate of gauge and removal on all copies of Form 257, retain one copy with a copy of Form 1520 attached, and immediately forward the remaining copies (two or three, as the case may be), with a copy of Form 1520 attached to each, to the winemaker. When shipment is to be made by truck, all copies of the forms to be forwarded to the winemaker will be sealed in an envelope by the storekeeper-gauger, addressed to the winemaker and handed to the person in charge of the truck for delivery to the winemaker. The storekeeper-gauger will forward one of the extra copies of Form 1520 to the district supervisor and will deliver one copy to the distiller. When the brandy is received at the winery, the officer detailed to duty thereat will examine the packages, supervise their deposit in the fortifying room, and complete and dispose of the forms in accordance with the provisions of Regulations No. 7 (26 CFR, Part 178).

(53 Stat. 348 as amended, 351, 373 as amended, 492; 26 U. S. C. 3031, 3033, 3170, 4017)

§ 184.628 *Gauging officer's certificate of monthly deposits in contiguous winery.* If the distillery and winery are located on contiguous premises and brandy is to be transferred to the winery from time to time during the month under the supervision of a storekeeper-gauger, the winemaker's application on Form 257 may cover all brandy to be transferred to the winery during the month. If the storekeeper-gauger gauging the brandy supervises its transfer to and deposit in the fortifying room, he will certify to the deposit on each copy of Form 1520 as the brandy is deposited, attach one copy thereof to each copy of Form 257, forward one of the extra copies of Form 1520 to the district supervisor, and deliver one copy to the distiller. At the close of the month the storekeeper-gauger will execute his certificates of gauge and removal and receipt on Form 257, retain one copy thereof, with a copy of each Form 1520 attached, at the distillery as a permanent record, and one copy, similarly completed, at the winery for the same purpose, and forward the other copy to the district supervisor.

(53 Stat. 348 as amended, 351, 373 as amended, 492; 26 U. S. C. 3031, 3033, 3170, 4017)

§ 184.629 *Winery officer's certificate of monthly deposits in contiguous winery.* When brandy is transferred in accordance with § 184.628 and a storekeeper-gauger is separately assigned to duty at the winery, the storekeeper-gauger at the distillery will retain one copy of Form 257 and attach one copy of each Form 1520 thereto as the brandy is gauged, forward one of the extra copies of Form 1520 to the district supervisor, give one of such copies of Form 1520 to the distiller, and deliver the other two copies of Form 257 and Form 1520 to the storekeeper-gauger at the winery, who will certify to the deposit on Form 1520 as the brandy is received and deposited in the fortifying room, and attach a copy of Form 1520 to each copy of Form 257. At the close of the month the storekeeper-gauger at the distillery will execute his certificate of gauge and removal on all three copies of Form 257 and the storekeeper-gauger at the winery will execute his certificate of receipt on all copies of the form. The forms will then be disposed of as provided in § 184.628.

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

REMOVAL OF BRANDY BY PIPELINE FOR THE FORTIFICATION OF WINE

§ 184.630 *Application, Form 257.* Where it is desired to transfer brandy from the receiving tanks or from storage tanks in the brandy deposit room by pipeline to the fortifying rooms of wineries on contiguous premises, application will be made by the winemaker on Form 257, in triplicate, in the same manner as when brandy is to be transferred in packages, as prescribed in § 184.623. The district supervisor, or the storekeeper-gauger, as the case may be, will execute his certificate on the form as prescribed in § 184.624, the distiller will indicate the brandy to be gauged, as prescribed in § 184.625, and the storekeeper-gauger designated to gauge the brandy will make his report of gauge and execute his certificates of gauge and removal and receipt, and complete and dispose of Forms 257 and Forms 1520, as prescribed in §§ 184.626–184.628, in the case of removal in packages. Notation of transfer by pipeline will be made by the storekeeper-gauger on each Form 1520.

(53 Stat. 348 as amended, 351, 373 as amended, 492; 26 U. S. C. 3031, 3033, 3170, 4017)

§ 184.631 *Gauge of brandy.* The brandy will be gauged in weighing tanks in the distillery and run directly from such tanks to fortifying tanks or brandy storage tanks in the fortifying room of the winery, except that where no weighing tank is provided in the distillery, the brandy may be gauged in a weighing tank in the fortifying room, in which case the brandy will be run direct from the receiving tanks in the distillery to the weighing tank in the fortifying room.

(53 Stat. 333, 348 as amended, 351; 26 U. S. C. 2878, 3031, 3033)

§ 184.632 *Fortifying room not having weighing tank.* Where a weighing tank is not provided in the fortifying room, the brandy may be transferred thereto by pipeline only for immediate use, and only in such quantities as are necessary to fortify a given lot of wine. In such cases the wine to be fortified will be run into the fortifying tank and the required quantity of brandy to fortify the wine will be gauged in the distillery and run directly into the fortifying tank containing the wine.

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

§ 184.633 *Deposit in locked tanks.* The pipeline must empty into a closed tank, which will be locked with a Government lock while brandy is being discharged therein, or remains therein. Where the brandy is run directly by pipeline into the fortifying tank, such tank must be fitted with a locked cover. If, however, the weighing tank is located in the fortifying room, it is not necessary that the fortifying tanks be fitted with locked covers.

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

§ 184.634 *Supervision.* The brandy will be transferred under the immediate supervision of the storekeeper-gauger. The officer supervising the deposit of the brandy in the fortifying room of the winery will see that the pipeline is properly connected with the tank into which the brandy is to be transferred before the valve permitting the flow of brandy to such tank is opened. The storekeeper-gauger will also see that the valves controlling the flow of brandy into or out of tanks are locked with Government locks at all times, except when necessary to be open for the transfer of brandy. The keys will remain in the custody of the storekeeper-gauger or, if no storekeeper-gauger is assigned to the distillery, in the custody of the district supervisor or other officer designated by him. The officer will also see

that no pipeline is used for the transfer of brandy unless it has been inspected, and has been approved by the district supervisor.

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

REMOVAL OF BRANDY IN TANK CARS FOR FORTIFICATION OF WINE

§ 184.635 *Application, Form 257.* Where it is desired to remove brandy in tank cars to the fortifying room of a winery, application will be made by the winemaker on Form 257 in the same manner as when brandy is removed in packages, as prescribed in § 184.623. The district supervisor, or the storekeeper-gauger, as the case may be, will execute his certificate on the form as prescribed in § 184.624, the distiller will indicate the brandy to be gauged, as prescribed in § 184.625, and the storekeeper-gauger designated to gauge the brandy will make his report of gauge and execute his certificate of gauge and removal and dispose of Forms 257 and Forms 1520, as prescribed in §§ 184.626–184.629, in the case of removal in packages. The winemaker will state on his application that the brandy is to be transported by tank car.

(53 Stat. 348 as amended, 351, 373 as amended, 492; 26 U. S. C. 3031, 3033, 3170, 4017)

§ 184.636 *Tank car requirements.* Tank cars used to transport brandy for the fortification of wine must be constructed, marked, inspected, filled, and sealed in the same manner as tank cars used to transport brandy to an internal revenue bonded warehouse. (See §§ 184.605–184.609.)

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

§ 184.637 *Notations on Forms 257 and 1520.* When the tank car is shipped, the storekeeper-gauger will enter on Form 257 the serial numbers of the seals used on the tank car and will enter on Form 1520, covering the gauge of the brandy, the level of the brandy above or below the full mark and the temperature of the brandy after filling, for example: "Filled two inches above full mark at 80° F."

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

§ 184.638 *Label to be attached.* When brandy is shipped in bond in a tank car to a winery for fortification of wine, a label, dated and signed by the storekeeper-gauger, showing that the brandy is shipped in bond for fortification and giving the name, registered number, and location (city or town and State) of the distillery from which shipped, and the winery to which shipped, shall be securely attached to the route board of the car, where it may be readily examined by Government officers. The label, which will be furnished by the distiller, will be in substantially the following form:

Shipped in bond by
CALIFORNIA GRAPE COMPANY
F. D. No. 80, St. Helena, Calif., 14th Dist.,
to
WESTERN WINE CAMPANY
B. W. No. 50, Santa Rosa, Calif., 14th Dist.
For fortification of wine

(Date) (Storekeeper-gauger)

This label will be scraped and obliterated immediately the tank car is emptied.

(53 Stat. 348 as amended, 351; 26 U. S. C. 3031, 3033)

REMOVAL OF BRANDY, FREE OF TAX, FOR EXPORTATION

§ 184.639 *Procedure.* Where the distiller desires to remove brandy of not less than 180 degrees proof, free of tax, from the distillery receiving tanks for exportation in tank cars, he will file application on Form 206, in quintuplicate, and bond on Form 547, 548, 657, or 658, as the case may be, in triplicate, with the district supervisor and otherwise comply with all applicable requirements of the regulations governing the withdrawal of distilled spirits from internal revenue bonded warehouses, free of tax, for exportation (26 CFR, Part 185), which regulations are hereby extended to cover the exportation, free of tax, of brandy from the distillery. The tank cars must be so constructed that all openings may be securely closed and sealed.

(53 Stat. 336, 337, 339; 26 U. S. C. 2885, 2886, 2888)

SUBPART Y—LOSSES OF BRANDY ON PREMISES OF A FRUIT DISTILLERY OR IN TRANSIT THERETO

§ 184.650 *Loss by theft.* The tax shall be collected on brandy stolen while on the premises of a fruit distillery or in transit thereto for redistillation, unless the distiller submits proof as to the cause of the loss and establishes to the satisfaction of the Commissioner that it did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, consignor, consignee, bailee, or carrier or the employees of any of them. Claim for remission of tax on brandy lost by theft shall be filed as provided in this subpart. The tax on brandy lost by theft may be remitted or refunded only to the extent that the claimant is not indemnified or recompensed for such tax.

(53 Stat. 335 as amended, 340 as amended; 26 U. S. C. 2883, 2901)

§ 184.651 *Unauthorized voluntary destruction.* The tax shall be collected on brandy voluntarily destroyed while on the premises of a fruit distillery or in transit thereto for redistillation, unless such brandy was unfit for use for beverage purposes, and the distiller or other person responsible for the tax obtained authorization for such destruction in each case, as required by this part.

(53 Stat. 335 as amended, 340 as amended; 26 U. S. C. 2883, 2901)

§ 184.652 *Losses except by theft.* The tax on brandy lost otherwise than by theft while on the premises of a fruit distillery or in transit thereto, may be remitted. In the case of any such loss of brandy prior to payment of the tax thereon, the district supervisor may require the distiller, owner, or other person responsible for the tax to submit proof as to the cause of such loss and, where deemed necessary, to file a claim for remission of the tax as provided by this subpart.

(53 Stat. 335 as amended, 340 as amended, 373 as amended; 26 U. S. C. 2883, 2901, 3170)

§ 184.653 *Report of losses.* Losses of brandy on the premises of a fruit distillery or in transit thereto must be reported to the district supervisor by the distiller immediately after the losses are discovered. Where losses of brandy in the fruit distillery occur or are discovered while a Government officer is on duty, the officer will immediately make a full report of the loss to the district supervisor. The report should set out the nature, cause, and extent of the loss in sufficient detail to bring out all the known material facts and circumstances surrounding the loss. The condition of each receiving tank or other container from which loss has been sustained, and the quantity lost therefrom, should be reported by the officer.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 184.654 *Investigation by district supervisor.* The district supervisor will consider the nature and extent of any loss reported by the distiller or Government officer and will immediately make such investigation and require such evidence to be submitted as he may deem necessary. Whenever so required the district supervisor will forward reports and data relating to losses to the Commissioner for review.

(53 Stat. 373 as amended; 26 U. S. C. 3170)

§ 184.655 *Filing of claims.* Claims for remission of tax on brandy lost on the premises of a fruit distillery or in transit thereto, when required, will be filed promptly with the supervisor of the district in which the distillery is located. Where a required claim for remission of tax on such brandy is not filed as provided in §§ 184.650 and 184.652, the district supervisor will report the matter to the Commissioner.

(53 Stat. 335 as amended, 340 as amended; 26 U. S. C. 2883, 2901)

§ 184.656 *Form of claims.* Claims for remission of tax for losses occurring on fruit distillery premises, or in transit thereto, shall be made on letter size paper, in duplicate, and shall set forth, under oath, the following information:

(a) The name of the distiller and the registry number and location of the distillery;

(b) The serial numbers of the receiving tanks or other containers from which the brandy was lost;

(c) The quantity of brandy lost from each receiving tank or other container, and the total quantity of brandy covered by the claim;

(d) The total amount of tax for which the claim is filed;

(e) The date of the loss, or, if such date is not known, the date on which the loss was discovered, and the cause and nature thereof, together with all the facts surrounding the loss;

(f) The name of the carrier, if any;

(g) If lost by theft, whether the loss occurred as the result of connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee or carrier, or the employees of any of them;

(h) Whether the claimant is indemnified or recompensed for the tax, and, if so, the amount and nature of such indemnity or recompense. The actual value of the brandy, less the tax, must be stated explicitly, and where required, certified copies of all policies of insurance or other documents of indemnity covering the brandy must be furnished.

(53 Stat. 335 as amended, 340 as amended; 26 U. S. C. 2883, 2901)

§ 184.657 *Supporting statements.* Claims for remission of tax on brandy lost while on the premises of a fruit distillery or in transit thereto, must be supported by affidavits of persons having personal knowledge of the loss.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 184.658 *Examination of claim.* When a claim for remission of tax is received by the district supervisor he will carefully examine the same to see that all the required information has been furnished, and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon completion of his investigation, if any, the district supervisor will forward the claim and accompanying papers, together with any pertinent reports and documentary evidence, to the Commissioner with his recommendation in respect to the allowance or disallowance of the claim.

§ 184.659 *Records.* Where brandy is lost or destroyed after it has been gauged for removal, or for deposit in the brandy deposit room, appropriate entry will be made by the distiller in the summary, on Form 15, of brandy produced, disposed of, and on hand. In case of loss or destruction of brandy before it is gauged, the distiller will make a notation thereof on Form 15, and attach to each copy of such form an explanatory statement of the loss.

(53 Stat. 321; 26 U. S. C. 2841)

§ 184.660 *District supervisor's account.* An account of losses of brandy on the distillery premises shall be kept on Form 1691. The account shall show all the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

§ 184.661 *Prior losses.* Any claims for the remission or refund of the tax on any loss of brandy established prior to September 1, 1950, shall be subject to the provisions of section 2901 of the Internal Revenue Code and this part as they existed prior to that date.

(53 Stat. 340 as amended; 26 U. S. C. 2901)

§ 184.662 *Losses after tax payment.* Nothing in section 2901 of the Internal Revenue Code, as amended by section 3 of the act of February 21, 1950, or as theretofore amended, or in this part, shall be construed to authorize refund of the tax where the loss occurred after the tax was paid.

SUBPART Z—BRANDY PRODUCED AND NOT ACCOUNTED FOR

§ 184.670 *Commissioner to make assessments.* Under the law, it is the duty of the Commissioner to inquire and determine whether the distiller has accounted for all the brandy produced by him. If the Commissioner finds that the distiller has not accounted for all the brandy produced by him, he shall, from all the evidence he can obtain, determine what quantity of brandy was actually produced by such distiller and make an assessment for the difference between the quantity reported and the quantity shown to have been actually produced, at the rate imposed by law.

(53 Stat. 323; 26 U. S. C. 2846)

§ 184.671 *Prompt filing of returns required.* In order that there may be no unnecessary delay in making assessments, district supervisors will take such steps as may be necessary to secure the filing of fruit distillers' returns on Form 15 and storekeeper-gaugers' reports on Form 1520 within the time prescribed by law.

§ 184.672 *District supervisor's examination of returns.* Upon receipt of the distiller's return, Form 15, the district supervisor will examine it to determine whether the distiller has accounted for all the brandy produced by him during the month. If he finds that the distiller apparently has not accounted for all the brandy produced by him, he shall make such investigation as he may deem necessary and determine, from all the evidence he can obtain, the quantity of brandy actually produced by the distiller.

(53 Stat. 323, 373 as amended; 26 U. S. C. 2846, 3170)

§ 184.673 *Use of materials not reported.* If the district supervisor should find that the distiller has received on his premises materials which have not been accounted for, or has used materials which have not been reported as used, and has produced brandy which has not been reported, the quantity of brandy produced and not reported should be determined from all the evidence that can be obtained, including evidence of the normal actual yield of brandy from such materials at the particular plant.

(53 Stat. 323, 373 as amended; 26 U. S. C. 2846, 3170)

§ 184.674 *Determining brandy produced.* If it is found that all materials received have been accounted for and all materials used have been reported, but that the distiller has not accounted for all the brandy produced, the quantity actually produced should be determined from all the evidence that can be obtained. The evidence that brandy has been produced from materials reported used and has not been accounted for by the distiller should be direct and positive.

(53 Stat. 323; 26 U. S. C. 2846)

§ 184.675 *Notice to distiller.* If it is determined that the distiller has not accounted for all the brandy produced by him, the district supervisor will, unless the interests of the Government require an immediate assessment, notify the distiller of the proposed assessment and afford him an opportunity to submit within 30 days, or such further time as the district supervisor may consider reasonable, evidence showing why the proposed assessment should not be made.

§ 184.676 *Nature of evidence.* The evidence submitted by the distiller should be in the form of affidavits and certified documents.

§ 184.677 *Consideration of distiller's response.* If the distiller responds to the notice and submits evidence bearing on the merits of the proposed assessment, the district supervisor will give due consideration thereto and make such further investigation as he may deem advisable. If, after consideration of all the facts, the district supervisor finds that tax is due, he will report the same to the Commissioner in accordance with the prescribed assessment procedure. If the district supervisor finds that tax should not be assessed, he will forward the affidavits and other documents submitted by the distiller, together with investigation reports, if any, to the Commissioner with his recommendation thereon.

§ 184.678 *Claim for remission.* Where the distiller claims, pursuant to notice of proposed assessment, that the brandy produced and not accounted for was actually lost on the distillery premises, the procedure prescribed by Subpart Y of this part shall be applicable.

(53 Stat. 323, 340 as amended; 26 U. S. C. 2847, 2901)

§ 184.679 *Distiller's failure to respond.* If the distiller fails to respond to the notice of proposed assessment within the time specified, the district supervisor will report to the Commissioner, in accordance with the prescribed assessment procedure, the amount found due for assessment.

SUBPART AA—OPERATIONS ON SUNDAY

§ 184.685 *Emergencies only.* No distilling operations may be conducted at a fruit distillery at any time between the hours of 11:00 p. m. of any Saturday and 1:00 a. m. of the next succeeding Monday, unless the district supervisor shall find that an emergency exists requiring operation of the distillery between such hours for the purpose of preventing the loss, and effecting the salvaging, of crop or other materials.

(53 Stat. 316 as amended, 320; 26 U. S. C. 2825, 2836)

§ 184.686 *Application.* Any fruit distiller desiring to operate his distillery between 11:00 p. m Saturday and 1:00 a. m. Monday shall file application, in duplicate, with the district supervisor, setting forth specifically the dates on which he desires to so operate and describing fully the necessity therefor. The application shall be filed a sufficient time in advance of the earliest date named therein for such emergency operation to enable the district supervisor to determine whether such an emergency exists, and, if he approves the application to assign an officer to supervise the operations where deemed necessary.

(53 Stat. 316 as amended, 320; 26 U. S. C. 2825, 2836)

§ 184.687 *Approval of application.* If the application is approved, the district supervisor will note his approval on both

copies thereof, with the date of approval, and will return one copy to the applicant and retain the other copy on file.

(53 Stat. 316 as amended, 320; 26 U. S. C. 2825, 2836)

§ 184.688 *Penalty for unauthorized operation.* Any operation of the distillery between 11:00 p. m. Saturday and 1:00 a. m. Monday, without first receiving authorization therefor from the district supervisor, as provided in this subpart, will render the distiller liable to the penalty prescribed by law.

(53 Stat. 316 as amended, 320; 26 U. S. C. 2825, 2836)

SUBPART BB—SUSPENSION AND RESUMPTION OF OPERATION

SUSPENSION OF OPERATIONS

§ 184.695 *Notice, Form 124.* Any fruit distiller desiring to suspend operations at his distillery for the season or for a period of 30 days or more shall give notice on Form 124, in duplicate, stating when he will suspend operations. Where a storekeeper-gauger is assigned to the distillery the notice will be delivered to such officer. The giving of such notice will not be required where operations are temporarily suspended for less than 30 days due to accident, the necessity for making repairs, seasonal conditions, or other causes. Form 124 will not be required when operations are suspended pursuant to the filing of Form 1696.

(53 Stat. 316 as amended, 324; 26 U. S. C. 2825, 2850)

§ 184.696 *Completion of operations required.* Before the distillery may be suspended for a period of 30 days or more, except in the case of unavoidable accident as provided in § 184.701, all distilling materials, fermented or in the process of fermentation, and all unfinished brandy, except distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil, must be distilled and all brandy produced must be run into the receiving tanks, drawn therefrom, gauged, and removed from the distillery. Distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil may, as provided in § 184.434, be stored in the brandy deposit room for a period of not more than 30 days after suspension of operations, pending removal for denaturation or destruction, or, in the case of change of type of distillery, retained in locked heads and tails tanks or in the brandy deposit room for a period of not more than 60 days, as provided in § 184.727. Such distillates not so stored in the brandy deposit room must be destroyed or removed for denaturation before suspension of the distillery, except that where the suspension is due to change of type of distillery they may be retained in locked heads and tails tanks for not more than 60 days, as provided in this section.

(53 Stat. 316 as amended, 324; 26 U. S. C. 2825, 2850)

§ 184.697 *Date of suspension.* The distilller will fix in the notice the time when all distilling material on the distillery premises will be distilled and all brandy in the distillery run into the receiving tanks, except unfinished brandy or distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil which are to be retained on the premises during a temporary change in the type of distillery, as provided in Subpart EE of this part. Where no storekeeper-gauger is assigned to the distillery the distiller will forward the notice to the district supervisor in sufficient time to reach him at least 48 hours before the date the distiller intends to suspend operations, in order that the district supervisor may detail an officer to lock the furnace door of each still or the control valve in the pipeline conveying steam or fuel to each still, as the case may be, at the time operations are suspended.

(53 Stat. 316 as amended, 324; 26 U. S. C. 2825, 2850)

§ 184.698 *Locking furnace doors, etc.* When notice of suspension is given by the distiller the storekeeper-gauger on duty at the distillery, or the officer detailed to visit the distillery by the district supervisor, will see that operations are completed as provided in § 184.696 and will then lock the furnace door of each still or the control valve in the pipeline conveying steam or fuel to each still and will supervise the disconnection of the distillery machinery and the removal to the bonded warehouse or the receiving room or brandy deposit room, or other secure place, of some portion of such machinery necessary for distillation. The locks used for securing furnace doors, or the control valves in steam or fuel lines, will be taken from such other places in the distillery, where locks are not necessary while the distillery is suspended, as may be designated by the district supervisor. In lieu of removing a portion of the distilling apparatus to the warehouse or other secure place, the district supervisor may require two of the ports (manheads) of column stills to be locked open by passing a chain or two iron straps through the ports and around the outside of the still, and locking the chain or straps in place.

(53 Stat. 316 as amended, 324, 373 as amended; 26 U. S. C. 2825, 2850, 3170)

§ 184.699 *Officer's certificate of suspension.* The officer will certify on each copy of Form 124 to the action taken by him, and will furnish one copy of the form to the distiller and forward the remaining copy to the district supervisor. The district supervisor may relieve any officer assigned to the plant from duty thereat during the period of suspension.

(53 Stat. 316 as amended, 324, 373 as amended; 26 U. S. C. 2825, 2850, 3170)

§ 184.700 *Distilling material at suspended distillery forbidden.* Except as provided in § 184.701, no distiller may, after the time fixed in his notice, Form 124, for suspension of work at the distillery, carry on the business of a distiller on the said premises, or have any distilling material, fermented or in the process of fermentation, in his distillery or on any premises connected therewith, or have in his possession or under his control any such distilling material, with intent to distill the same on said premises.

(53 Stat. 316 as amended, 324; 26 U. S. C. 2825, 2850)

§ 184.701 *Suspension caused by unavoidable accident.* In case of an accident necessitating a suspension for a period of 30 days or more, the distiller should, if possible, distill all distilling material, fermented or in the process of fermentation, and all unfinished brandy on hand. Should the accident be of such a nature as to render this impossible, the distiller will immediately give notice of suspension on Form 124, in duplicate, as provided in § 184.695. The storekeeper-gauger will then lock the furnace doors of the stills, or the control valves in the steam or fuel lines leading to the stills, and supervise the disconnection and removal of distillery machinery, as provided in section 184.698. The officer will then certify on Form 124, in duplicate, to the action taken by him and state the kind and quantity, if any, of distilling material or unfinished brandy on hand at the time of such suspension, and will furnish one copy of the form to the distiller and forward the remaining copy to the district supervisor. The district supervisor may relieve any officer assigned to the plant from duty thereat during the period of suspension.

(53 Stat. 316 as amended, 324, 373 as amended; 26 U. S. C. 2825, 2850, 3170)

RESUMPTION OF OPERATIONS

§ 184.702 *Notice, Form 125.* No distiller may carry on the business of a distiller after the time stated in his notice of suspension, Form 124, until he shall have given another notice to the district supervisor on Form 125, in duplicate, stating the time when he will resume operations. This notice should be forwarded to the district supervisor a sufficient time in advance of the date it is desired to resume operations to enable the district supervisor to assign a storekeeper-gauger to remove the locks. The notice should ordinarily reach the district supervisor at least 48 hours in advance of the date the distiller desires to resume operations. The district supervisor will designate an officer to remove the locks and other fastenings placed on the equipment at the time of suspension and to supervise the connection of the machinery on the date specified in the Form 125. Where the suspension was caused by accident, and distilling material or unfinished brandy remained on hand, the designated officer will determine whether the same kind and quantity of distilling material or unfinished spirits reported on Form 124 as on hand at the time of suspension are on hand at the time of resumption, less natural evaporation.

(53 Stat. 316 as amended, 324, 373 as amended; 26 U. S. C. 2825, 2850, 3170)

§ 184.703 *Officer's certificate of removal of locks and fastenings.* The officer will certify on Form 125, in duplicate, to the action taken by him and to the kind and quantity, if any, of distilling material or unfinished brandy on hand at the time of such resumption, and will furnish one copy of Form 125 to the distiller and forward the remaining copy to the district supervisor.

(53 Stat. 316 as amended, 324, 373 as amended; 26 U. S. C. 2825, 2850, 3170)

§ 184.704 *Unauthorized removal of locks and fastenings.* No revenue officer or other person may remove Government locks and fastenings and permit connection of the machinery where a distillery has been suspended, except by direction of the district supervisor pursuant to notice of resumption.

(53 Stat. 316 as amended, 324; 26 U. S. C. 2825, 2850)

SUBPART CC—REGISTRY OF STILLS "FOR USE" AND "NOT FOR USE"

§ 184.710 *Registry on Form 26.* Every person having in his possession or custody or under his control any still or distilling apparatus that is set up, must register the same on Form 26, in triplicate, with the district supervisor for the district in which it is located. Stills to be used for the production of various types of distilled spirits may be registered for "distilled spirits" and the specific type need not be shown. Thereafter, when the plant is changed from the production of one type of spirits to another, reregistration by the same distiller will not be required. The temporary suspension of a distillery does not necessitate reregistration of the stills. The operation of a distillery by alternating proprietors, where no permanent change in ownership occurs, does not require reregistration of the stills by the proprietors. When there is a change in location or use or a bona fide change in ownership of a still, the still must be registered to reflect the change. The district supervisor will, upon approving the registration of a still on Form 26, retain one copy, forward one copy to the Commissioner and return the remaining copy to the distiller. The distiller will retain his copy at the distillery available for inspection by Government officers.

(53 Stat. 308 as amended, 373 as amended; 26 U. S. C. 2810, 3170)

SUBPART DD—OPERATIONS BY DISTILLER UNDER DIFFERENT TRADE NAMES OR STYLES

§ 184.715 *Commencement of operations.* Whenever a fruit distiller desires to operate his distillery under a trade name or style which has not been previously approved, he must comply with §§ 184.257–184.262 and secure approval thereof in the manner prescribed by Subpart O of this part prior to commencement of operations thereunder. Thereafter, whenever he desires again to operate under such trade name or style, he must comply with § 184.308 and secure approval as prescribed by Subpart O, prior to commencement of operations thereunder.

§ 184.716 *Disposition of materials in process.* Whenever the distiller desires to operate his distillery under a trade name or style other than the trade name or style under which he is then operating, and has complied with the provisions of § 184.715, he will not be required to complete the distillation of materials and unfinished brandy in the process of manufacture before commencing business under such other trade name or style.

§ 184.717 *Finished brandy.* All finished brandy remaining in the receiving tanks or in storage tanks in the brandy deposit room, if any, at the time the change in trade name or style becomes effective must be marked and removed in the trade name or style under which they were finished. All finished brandy produced from the materials in process and unfinished brandy remaining on hand at the time the change in trade name or style becomes effective must be marked and removed in the trade name or style under which they are finished. Brandy in properly marked and branded packages may, if desired, be retained in the brandy deposit room, notwithstanding a change in the trade name of the distiller.

§ 184.718 *Records.* Separate records on Form 15 will not be required for operations under each trade name, but the distiller must note on such record the trade names or styles under which he operated during the month and the dates of operation under each. Where brandy is produced under a trade name, the storekeeper-gauger's report of gauge, Form 1520, must show both the real name of the actual distiller and the trade name under which the brandy was produced.

SUBPART EE—ALTERNATE OPERATION AS INDUSTRIAL ALCOHOL PLANT OR REGISTERED DISTILLERY

§ 184.725 *Qualifying for alternate operation.* Whenever a distillery established or operated under this part is to be operated alternately as such and as an industrial alcohol plant or registered distillery, the procedure prescribed in Subpart N of this part for effecting such change in the type of the distillery must be complied with.

§ 184.726 *Completion of operations required.* When a fruit distillery is to be operated as an industrial alcohol plant or as a registered distillery, the business of producing brandy, except as provided in this subpart, must be completely finished by the person or persons first carrying on the business, and the distillery duly suspended before it can be operated as an industrial alcohol plant or a registered distillery. Except as provided in §§ 184.727 and 184.728 all unfinished brandy, including singlings and low wines, and distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil collected in accordance with the provisions of Subpart S of this part, must be redistilled and run into receiving tanks, drawn off, gauged, and removed by the outgoing distiller before the distillery can be operated as an industrial alcohol plant or registered distillery.

(53 Stat. 316 as amended, 324; 26 U. S. C. 2825, 2850)

§ 184.727 *Retention of distillates.* Where the change in the type of plant is to be temporary only, and the quantity of distillates on hand containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil is insufficient for a carload shipment (but not over 10,000 gallons) and is to be shipped for denaturation, the outgoing distiller may retain such distillates under Government lock in heads and tails tanks or in the brandy deposit room in the distillery until the plant is again operated by him as a fruit distillery under the provisions of this part (but for not more than 60 days), if such distiller furnishes a duly executed consent of surety, Form 1533, in triplicate, continuing liability on the fruit distiller's bond, Form 30½, for the tax on such distillates retained on the premises notwithstanding the change in the type of plant. When such distillates are so retained on the distillery premises, the district supervisor will cause a sample of the contents of each container not previously tested to be taken and analyzed to determine whether the distillate contains the required percentage of aldehydes or fusel oil.

(53 Stat. 346; 26 U. S. C. 2916)

§ 184.728 *Retention of unfinished brandy.* Where the change in type of plant is to be temporary only, the outgoing distiller may retain unfinished brandy under Government lock in unfinished brandy tanks, provided in accordance with § 184.132 in the fruit distillery, until the plant is again operated by him as a fruit distillery under the provisions of this part: *Provided*, That such distiller furnishes a duly executed consent of surety, Form 1533, in triplicate, continuing liability on the fruit distiller's bond, Form 30½, for the tax on such unfinished brandy retained on the premises, notwithstanding the change in the type of plant.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.729 *Transfer of materials, etc.* The outgoing distiller may transfer to his successor materials on hand, including those in process, at the time the change in type of plant takes place, but no brandy may be so transferred, except the residue of brandy in the stills which it is not practicable to completely boil out: *Provided*, That materials not usable and residue of brandy in stills not producible under the law at the succeeding type of plant may not be transferred to the successor. Where such materials and residue of brandy are not transferable, all materials in process must be distilled, all basic materials must be removed from the premises, and the stills and other vessels must be completely cleared of brandy and such brandy, if other than unfinished brandy or distillates intended for retention in accordance with the provisions of §§ 184.727 and 184.728, removed from the distillery in accordance with law before the change in type of plant becomes effective. When it is again desired to resume operations as a distiller under the provisions of this part, the business of producing alcohol or whiskey, rum, et cetera, as the case may be, must be similarly finished and the industrial alcohol plant or registered distillery suspended in accordance with governing regulations.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.730 *Transfer agreement, Form 1614.* Where the outgoing distiller and his successor so arrange for the transfer of distilling materials, the outgoing distiller will file with the district supervisor four copies of Form 1614, duly executed by himself and the prospective successor. Brandy which has been withdrawn for redistillation from other premises may not be transferred on Form 1614 by the distiller to a successor. The form will be filed in sufficient time to permit consideration thereof in connection with the transferor's notice of suspension of operations and the transferee's qualifying documents. The district supervisor will, upon approval, forward one copy to the transferor and one copy to the transferee. The district supervisor will retain two copies, one for the file of the transferor and one for the file of the transferee. The provisions of § 184.160 concerning the verification of Form 27½ are hereby made applicable to Form 1614.

(63 Stat. 667; 26 U. S. C. 3809)

§ 184.731 *Locking of furnace doors not required.* In cases of alternate operation of the fruit distillery as such and as an industrial alcohol plant or registered distillery without lapse of time, it will not be necessary for the storekeeper-gauger to lock the furnace doors of the stills or the control valves in pipelines which convey steam or fuel to the stills, or to require disconnection of the distillery machinery.

§ 184.732 *Completion of records.* The outgoing distiller will complete his record, Form 15, as to the removal of basic materials from the premises, or the transfer of basic materials and materials in process to the successor, as the case may be, and as to production and removal from the distillery of all brandy produced by him. If distillates collected in accordance with Subpart S of this part are retained on the premises under lock in tanks or in the brandy deposit room, as provided in § 184.727, or unfinished brandy is retained on the premises in locked tanks, as provided in § 184.728, a notation will be made on Form 15 showing that such unfinished brandy or distillates are temporarily retained on the premises pending resumption of operations as a fruit distillery. The distiller will continue to file monthly reports on Form 15 during the period such unfinished brandy or distillates are retained on the distillery premises. Where the plant is operated as a fruit distillery in two or more periods during the same month by the same proprietor, the operations of such proprietor will be recorded on the same Form 15, but appropriate notations will be made on the separating lines to show the dates the distillery was operated as a registered distillery or an industrial alcohol plant and the names under which it was so operated.

(53 Stat. 316 as amended, 321; 26 U. S. C. 2825, 2841)

§ 184.733 *Records of successor.* The succeeding proprietor will enter all materials, including those in process, received from his predecessor on Form 1442 if the distillery is to be operated as an industrial alcohol plant, or on Form 1598 if the distillery is to be operated as a registered distillery. The materials received will also be entered on Form 1686 by the storekeeper-gauger if the fruit distillery is to be operated as an industrial alcohol plant or as a registered distillery. If materials are transferred when the plant is again operated as a fruit distillery, appropriate entry thereof will be made on the records of the transferor and of the transferee.

(53 Stat. 321, 333, 358; 26 U. S. C. 2841, 2877, 3105)

§ 184.734 *Disposition of brandy.* Where a change in the type of plant takes place, the storekeeper-gauger assigned or detailed to the distillery will see that all distillates collected in accordance with Subpart S of this part are disposed of, and that all other unfinished brandy, except the residue of brandy in stills where the same is to be transferred to the successor as provided in § 184.729, are distilled and run into receiving tanks, drawn off, gauged, and removed by the outgoing distiller in the name under which they were produced, unless retained in the distillery in accordance with §§ 184.727 and 184.728, respectively, before the plant is operated as another type of distillery. Upon disposition or retention in the distillery of such unfinished brandy or distillates, and transfer of all other brandy to the receiving tanks, the distillery may be operated as another type of plant, but all brandy transferred to the receiving tanks must be marked and removed in accordance with law by the outgoing distiller in the name under which they were produced, before any spirits are deposited in the receiving tanks or withdrawn from the distillery by the successor.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

§ 184.735 *Alternate operation by same proprietor.* Where the plant is to be operated alternately as a fruit distillery and as an industrial alcohol plant or registered distillery by the same proprietor, the procedure will be the same as in the case where the succeeding type of plant is to be operated under different proprietorship, except that in lieu of the submission of a transfer agreement on Form 1614 the distiller will, when distilling materials or the residue of brandy in stills is to be transferred to himself at the succeeding type of plant, request authority on Part 1 of the form to make such transfer.

Subpart FF—Change of Persons Interested in Business

§ 184.745 *Completion of operations required.* When a succession, or actual change, in the person or persons operating the distillery shall take place, other than a change brought about by operation of law, as by the appointment of an administrator, executor, receiver, trustee, assignee or other fiduciary, the business of producing brandy must be completely finished by the person or persons who have been carrying on the business, and the operations suspended before the business shall be undertaken or begun by the succeeding distiller, unless by an agreement between the outgoing distiller and the successor it shall be arranged to transfer from the former to the latter at midnight of a certain day all materials in process, and all unfinished brandy in the distillery at that hour: *And provided,* That, in either case, the notice, bond and other qualifying documents of the successor have been approved to take effect on the day next succeeding that at the close of which the transfer is made. Such documents should, therefore, be submitted to the district supervisor in sufficient time to permit such approval for the date desired. Except in the case of alternate operations by two or more previously qualified distillers, as provided by § 184.337 the successor of a distiller shall not commence operations until all documents required for his qualification as such distiller have been approved by the district supervisor. All finished brandy must be marked and removed by the outgoing distiller in the name under which it was produced before any brandy is deposited in the receiving tanks or withdrawn from the distillery by the successor.

§ 184.746 *Transfer agreement, Form 1614.* Where the outgoing distiller and the successor so arrange for the transfer of all distilling materials in process, and all unfinished brandy on hand, the outgoing distiller will file with the district supervisor four copies of Form 1614, duly executed by himself and the prospective successor. Brandy which has been withdrawn for redistillation from other premises may not be transferred on Form 1614 by the distiller to a successor. The form will be filed in sufficient time to permit consideration thereof in connection with the transferor's notice of suspension or discontinuance of operations, and the transferee's qualifying documents. The district supervisor will, upon approval, forward one copy to the transferor and one copy to the transferee. The district supervisor will retain two copies, one for the file of the transferor and one for the file of the transferee.

§ 184.747 *Locking of furnace doors not required.* In such cases of succession or change in the operations of the distillery without lapse of time, it will not be necessary for the Government officer to lock the furnace doors of the stills or the control valves on pipe lines which convey steam or fuel to the stills, or to disconnect the distilling machinery.

§ 184.748 *Records.* The outgoing distiller shall enter on his Form 15 all materials and all unfinished brandy transferred to his successor, who shall in turn enter such items on his Form 15 as received from his predecessor. Where the change in proprietorship is of a permanent nature, the outgoing distiller shall complete Form 15 and submit a final report on such form to the district supervisor. Appropriate notations will be made on such final report showing the change in proprietorship and the date thereof. Where the distillery is operated under alternating proprietorships, each proprietor shall keep a separate Form 15. When operations are conducted by the same proprietor in two or more periods during the same month, the operations by such proprietor will be entered on the same Form 15, appropriate notations being made on the separating lines to show the names of the alternating proprietors and the dates the distillery was operated by them. At the end of the month, report will be submitted to the district supervisor on such form in accordance with Subpart JJ of this part.

(53 Stat. 321; 26 U. S. C. 2841)

§ 184.749 *Succession by fiduciary.* Where a change in proprietorship is brought about by operation of law, the administrator, executor, receiver, trustee, assignee, or other fiduciary may not continue the business until the required qualifying documents have been filed and approved. In the case of such change, the fiduciary shall make appropriate notation on Form 15 of his succession, and the date thereof.

Subpart GG—Sales of Brandy by Fruit Distillers

§ 184.755 *Bulk containers.* Under the regulations issued pursuant to the Federal Alcohol Administration Act (27 CFR, Part 3), distillers may sell or dispose of brandy in bulk, that is, containers having a capacity in excess of 1 gallon, (a) to other distillers and proprietors of internal revenue bonded warehouses, industrial alcohol plants and industrial alcohol bonded warehouses (holding permits under the Federal Alcohol Administration Act), including those operating tax-paid bottling houses; (b) to proprietors of Class 8 customs bonded warehouses (imported spirits only); (c) to rectifiers; (d) to winemakers for fortification of wine; (e) to any agency of the United States, or of any State or political subdivision thereof; (f) for export; (g) on warehouse receipts, conforming to the regulations issued under the Federal Alcohol Administration Act, for distilled spirits in internal revenue bonded warehouses; and (h) for industrial use, as follows: For experimental purposes, and for use in the manufacture (1) of medicinal, pharmaceutical, or antiseptic products, including prescriptions compounded by retail druggists; (2) of toilet products; (3) of flavoring extracts, sirups, or food products; or (4) of scientific, chemical, mechanical, or industrial products; provided such products are unfit for beverage use. Fruit distillers may not, under the regulations issued pursuant to the Federal Alcohol Administration Act (27 CFR, Part 3), sell or dispose of brandy (not including neutral spirits—fruit) in bulk for industrial use unless such brandy is shipped or delivered directly to the industrial user thereof.

(53 Stat. 333, 335 as amended; 26 U. S.C. 2878, 2883; 49 Stat. 985 (27 U. S. C. 206))

§ 184.756 *Retail containers.* Except as provided in § 184.755, fruit distillers may sell or dispose of brandy only in containers having a capacity of 1 gallon or less. All such containers having a capacity of one-half pint or more must conform to the requirements of Regulations 13 (26 CFR, Part 175.)

(53 Stat. 331; 26 U. S. C. 2871, 49 Stat. 985 (27 U. S. C. 206))

Subpart HH—Special (Occupational) Taxes

§ 184.760 *Wholesale and retail liquor dealer.* Except as provided in § 184.762, distillers must, in order to sell distilled spirits, file returns on Form 11, and pay special (occupational) taxes as wholesale liquor dealers or retail liquor dealers, or both, as the case may be, in accordance with the law and regulations governing the payment of such special taxes.

(53 Stat. 388 as amended, 394; 26 U. S. C. 3250, 3270, 3271, 3272)

§ 184.761 *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every proprietor of a fruit distillery who sells, or offers for sale, warehouse receipts for distilled spirits held in fruit distilleries or stored in internal revenue bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where such warehouse receipts are sold or offered for sale, and must file return and pay occupational tax as provided in § 184.760.

(53 Stat. 388 as amended, 391 as amended, 394; 26 U. S. C. 3250, 3254, 3270, 3271, 3272)

§ 184.762 *Exemption of distiller.* No distiller who has given the required bond and who sells only distilled spirits of his own production at the place of manufacture, or at the place of storage in bond, in the original packages to which the tax-paid stamps are affixed, shall be required to pay the special tax of a wholesale dealer in liquors on account of such sales. This provision does not exempt distillers from the payment of special taxes for sales of distilled spirits of their own production in bond (by warehouse receipts or otherwise), or in cases or containers other than the original packages, or for exportation, fortification of wine, use of the United States, etc., without attachment of tax-paid stamps to the original packages, nor does it exempt them from liability for special taxes where distilled spirits produced by other distillers are sold by them.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

Subpart II—Storekeeper-Gauger's Files

System of Filing

§ 184.770 *Gauge reports and removal applications.* The storekeeper-gauger's copy of all gauge reports covering brandy removed from the fruit distillery will be filed in the Government office at the plant in separate files according to type of withdrawal, in chronological order, and where brandy is withdrawn in packages, in sequence as to the serial numbers of packages removed. The applications for removal, including those on which the storekeper-gauger prepares his report of gauge, will be filed separately according to form number, in chronological order. The Forms 1520 covering the entry gauge of brandy deposited in an internal revenue bonded warehouse operated by the distiller on or contiguous to the distillery premises will be filed separately as a permanent record in bound form.

§ 184.771 *Reports covering deposits in warehouse operated by distiller on or contiguous to distillery premises.* The Forms 1520 covering the entry gauge of brandy deposited in an internal revenue bonded warehouse operated by the distiller on or contiguous to the distillery premises will be filed as a permanent record, in bound form, in the storekeeper-gauger's office for the warehouse in a separate file, in chronological order and in sequence to the serial numbers of the packages deposited. Where separate Government offices are maintained for the distillery and the bonded warehouse, the extra copy of Form 1520 provided in accordance with § 184.599 will be filed in the Government office for the distillery in the manner prescribed in § 184.770 for the filing of such forms covering the removal for deposit in an internal revenue bonded warehouse not operated by the distiller on or contiguous to the distillery premises.

Subpart JJ—Distiller's Records and Reports

§ 184.775 *Record of distillery operations, Form 15.* The distiller shall keep a record of the distillery operations on Form 15. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form, and as set forth in this part. Except as provided in § 184.776 the entries shall be made before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized in this section, appropriate memoranda shall be maintained for the purpose of making the entries correctly. Form 15 will be kept at the distillery as a permanent record, in bound form, subject to inspection by Government officers at any reasonable hour.

(53 Stat. 321, 373 as amended; 26 U. S. C. 2841, 3171)

§ 184.776 *Entry of brandy produced.* The quantity of brandy reported produced in all cases will be taken from the storekeeper-gauger's reports on Form 1520 and entered as of the date of gauge.

(53 Stat. 321; 26 U. S. C. 2841)

§ 184.777 *Monthly report.* Immediately after the close of the month and the gauging of all brandy produced during the month, but in no case later than the 10th day of the succeeding month, the distiller shall render two copies of Form 15 to the district supervisor. The district supervisor will, after audit and not later than the last day of the month succeeding that for which rendered, forward one copy of the report to the Commissioner and will retain the remaining copy.

(53 Stat. 322, 373 as amended; 26 U. S. C. 2844, 3170)

§ 184.778 *Execution of report.* The report must be signed in the same manner as the distiller's notice, Form 27½, except that in the case of a corporation the affixing of the corporate seal will not be required. Each report must be verified under oath (or affirmation) by the

distiller or his authorized agent at the distillery: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury such report shall be verified by the execution of such declaration, and such declaration shall be in lieu of the oath required herein for verification. Where the reports are signed by an agent, proper power of attorney, authorizing the agent to execute the reports for the distiller, must be filed in duplicate with the district supervisor, who will forward one copy to the Commissioner.

(63 Stat. 667; 26 U. S. C. 3809)

§ 184.779 *Record of sales at tax-paid premises, Form 52–E.* Every proprietor of a fruit distillery who maintains tax-paid premises at which tax-paid distilled spirits are received, stored, and sold in bulk, shall keep Form 52–E, of all spirits, both bulk and bottled, received and disposed of at his tax-paid premises: *Provided*, That if such proprietor so desires he may keep Form 52–E for bulk spirits only and Record 52, for bottled spirits only. Where only bottled spirits are received, stored, and sold at such tax-paid premises, the proprietor shall keep Record 52 of all such spirits received and disposed of at his tax-paid premises. By tax-paid premises is meant the "tax-paid" or "free" warehouse or room maintained in conjunction with the distillery, or premises maintained at other locations for the receipt, storage, and disposition of tax-paid spirits. Separate records must be kept at each of such premises.

(53 Stat. 327; 26 U. S. C. 2857)

§ 184.780 *Record of warehouse receipts to be kept by distiller.* Every proprietor of a fruit distillery who sells, or offers for sale, distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts on Form 52–F. There need not be entered on Form 52–F transactions in warehouse receipts not involving the purchase or sale of distilled spirits, such as the receipt from a warehouseman of warehouse receipts covering the deposit or bottling of spirits in his warehouse or the surrender of warehouse receipts for the bottling of the spirits in bond or their transfer in bond to another warehouse. Entries on Form 52–F shall be made as indicated by the headings of the columns and lines of the form and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part. The provisions of § 184.782 with respect to the time of making entries and of § 184.787 with respect to forms to be provided by users, are hereby made applicable to Form 52–F. The provisions of § 184.733 with respect to a separate record of serial numbers of cases are hereby made applicable to Form 52–F with respect to serial numbers of packages and cases purchased or sold by warehouse receipts. The monthly transcript on Form 52–F shall be forwarded to the district supervisor on or before the tenth day of the succeeding month. The physical removal of brandy from the fruit distillery shall continue to be reported on Form 15 in accordance with the provisions of § 184.775. The physical receipt and disposition of distilled spirits at tax-paid premises shall continue to be reported on Form 52–E or Record 52, as the case may be, in accordance with the provisions of § 184.779.

(53 Stat. 327 as amended, 328, 391 as amended; 26 U. S. C. 2857, 2859, 3254)

§ 184.781 *Place where Form 52–F shall be kept.* Every distiller shall keep Form 52–F at the place of business where warehouse receipts are sold or offered for sale.

(53 Stat. 327 as amended, 328, 391 as amended; 26 U. S. C. 2857, 2859, 3254)

§ 184.782 *Time of making entries.* Daily entries shall be made on Record 52 and Form 52–E, as indicated by the headings of the various columns and in accordance with instructions printed thereon before the close of business of the day next succeeding the day on which the transactions occur. Where the proprietor of a tax-paid premises defers the making of entries to the next business day, as authorized in this section, he shall maintain a separate record, such as invoices, of the removals of brandy showing the removal data required to be entered on Record 52 or Form 52–E and appropriate memoranda of other transactions required to be entered on such records, for the purpose of making the entries correctly.

(53 Stat. 327 as amended; 26 U. S. C. 2857)

§ 184.783 *Separate record of serial numbers of cases.* Serial numbers of cases of distilled spirits disposed of need not be entered on Record 52 or Form 52–E, provided the proprietor keeps in his place of business a separate record, approved by the district supervisor, showing such serial numbers, with necessary identifying data, including the date of removal and the name and address of the consignee. Such separate record may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, and bills shall be preserved for a period of four years and in such a manner that the required information may be ascertained readily therefrom, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by revenue officers. Entries shall be made on such separate record before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized in this section, appropriate memoranda shall be maintained for the purpose of making the entries correctly. The proprietor whose separate record has been approved by the district supervisor shall make a notation in the column for reporting serial numbers, as follows: "Serial numbers shown on commercial records per authority dated ----------"

(53 Stat. 327 as amended, 495; 26 U. S. C. 2857, 4041)

§ 184.784 *Reports.* Except as otherwise provided in this section the proprietor shall file, daily, full and complete transcripts of Record 52 and Form 52–E (Parts 1 and 2) on Forms 52–A, 52–B, and 52–E (Parts 1 and 2) with the district supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided*, That in any case in which the district supervisor shall direct, the transcripts shall be so filed with the investigator in charge instead of with the district supervisor. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 338 or 52–E:

I hereby certify that these transcripts, consisting of ------ pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the District Supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Record 52 and Form 52–E in accordance with the provisions of § 184.782. Monthly summary reports on Form 338 (where Record 52 is kept) and Form 52–E (Part 3) shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the District Supervisor on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. Records kept on Record 52 and Form 52–E shall be preserved for a period of 4 years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

(53 Stat. 327 as amended; 26 U. S. C. 2857)

§ 184.785 *Payment of tax, bottling charge, etc. by third party.* The proprietor of a fruit distillery shall report, on Form 15, Part 2, when Record 52 is kept, on Part 2 and on transcript, Form 52–B, and when Form 52–E is kept, on Part 2, the name and address of each consignee, in the column now designated "Name". In the column now designated "Address," there will be reported the name and address of the person, firm or corporation paying (by advancement or reimbursement) either tax, bottling charge, brokerage fee, handling charge, or clearance fee, indicating which are included. The heading of both columns will be amended accordingly.

(53 Stat. 327 as amended; 26 U. S. C. 2857)

§ 184.786 *Order by third party to ship or deliver brandy.* (a) Where the proprietor of a fruit distillery ships or delivers brandy to a consignee on the order of another wholesale liquor dealer, detailed records of the transactions shall be kept on Form 15, Part 2 by the proprietor of the fruit distillery making the shipment or delivery, on Record 52 by the wholesale liquor dealer giving the order, and on Record 52 by the consignee if he is a wholesale liquor dealer. For example, assuming that the proprietor of

fruit distillery (A) ships or delivers the brandy to consignee (C) on the order of wholesale dealer (B), entries will be made on the prescribed forms as follows:

(1) The proprietor of the fruit distillery (A) will show on his Form 15, Part 2, the name and address of wholesale dealer (B) who ordered the brandy, as well as the name and address of consignee (C), the person to whom the brandy is actually shipped or delivered;

(2) Wholesale dealer (B) will show in his Record 52 that the brandy was purchased from distiller (A), giving both the name and address of (A), and will at the same time make an entry showing that the brandy was shipped or delivered by (A) to consignee (C) giving the name and address of (C); and

(3) Consignee (C), if a wholesale liquor dealer, will show in his Record 52 that the brandy was purchased from wholesale dealer (B) and received by him from the proprietor of fruit distillery (A), giving name and address of both. A copy of Form 15 and transcripts of Record 52 on Forms 52–A and 52–B, required to be filed with the district supervisor, will similarly show the details of such transactions.

(b) Where the proprietor of a fruit distillery keeps Record 52, or Form 52–E, and is a party to transactions similar to those described in this section, he shall make similar entries of such transactions in Record 52, or Form 52–E, as the case may be; and the transcripts on Forms 52–A and 52–B, or 52–E, respectively, required to be filed with the district supervisor, will likewise show the details of the transactions.

(53 Stat. 327 as amended; 26 U. S. C. 2857)

§ 184.787 *Forms to be provided by users.* Record 52 and Forms 52–A, 52–B, 52–E, 52–F, and 338 will be provided by users at their own expense but must be in the form prescribed by the Commissioner: *Provided*, That with the approval of the Commissioner they may be modified to adapt their use to tabulating or other mechanical equipment: *Provided further*, That where the form is printed in book form, including loose-leaf books, the instructions may be printed on the cover or the fly-leaf of the book, instead of on the individual form.

§ 184.788 *Verification of reports.* Reports on Forms 52–E, 52–F and 338 must be filed in accordance with the instructions printed on the forms and be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for any such report contains therein a provision for verification by a written declaration that the report is made under penalties of perjury, such report shall be verified by the execution of such declaration and such declaration so executed shall be in lieu of the oath required in this section for verification.

(63 Stat. 667; 26 U. S. C. 3809)

Subpart KK—General Provisions Relating to Distilleries

§ 184.795 *Production of mash, wort, or wash.* No mash, wort, or wash fit for distillation or for the production of spirits or alcohol shall be made or fermented in any building or on any premises other than a distillery or industrial alcohol plant duly authorized according to law, except for the manufacture of fermented liquors or for the manufacture of vinegar.

(53 Stat. 319; 26 U. S. C. 2834)

§ 184.796 *Sale or removal of mash, wort, or wash; distillation.* No mash, wort, or wash made and fermented in any distillery or industrial alcohol plant shall be sold or removed therefrom before being distilled; and no person other than an authorized distiller or proprietor of an industrial alcohol plant shall by distillation or by any other process separate the alcoholic spirits from any fermented mash, wort, or wash, except for the manufacture of vinegar.

(53 Stat. 319; 26 U. S. C. 2834)

§ 184.797 *Removal of spirits at night.* Under the law, no person may remove any distilled spirits at any other time than after sunrise and before sunset in any cask or package containing more that 10 gallons from any premises or building in which the same may have been distilled, redistilled, rectified, compounded, manufactured, or stored. This provision does not forbid the removal from the distillery, under the supervision of the storekeeper-gauger, of brandy by pipeline after sunset to the fortifying room of a contiguous winery or to an internal revenue bonded warehouse located on the distillery premises.

(53 Stat. 316 as amended, 331; 26 U. S. C. 2825, 2870)

§ 184.798 *Use of distillery premises.* Except as otherwise provided in this part, the distillery premises must be used exclusively for the purpose of distilling.

(53 Stat. 314, 316 as amended; 26 U. S. C. 2819, 2825)

Subpart LL—Manufacture, Tax Payment, Removal, and Registration of Stills and Worms

§ 184.805 *General.* Whenever fruit distillers manufacture or reconstruct stills or worms, or set up, sell, or remove stills or distilling apparatus, they must comply with Regulations 23 (26 CFR, Part 181) governing the payment of special and commodity taxes, the securing of permits before setting up or removing stills and distilling apparatus, and the registration of stills and distilling apparatus set up.

Subpart MM—Locks and Seals

§ 184.810 *General.* Except as otherwise provided in this part, the Commissioner will furnish, at the expense of the United States, all Government locks and seals required to be used at fruit distilleries. District supervisors will see that distilleries in their respective districts are fully equipped with locks in good condition, and that the necessary seals are provided for seal locks. Government locks are required upon all necessary openings in the distillery apparatus by which access may be had to brandy in the process of manufacture from the first still in which the vapors rise until the finished brandy is deposited in the receiving tanks; upon all doors in the receiving and brandy deposit rooms, if any; and upon the control valves in pipelines which convey steam or fuel to the stills or which convey brandy to warehouse storage tanks or to tanks in the fortifying rooms of contiguous wineries or to tank cars; and otherwise as specifically provided by this part or where deemed necessary by the district supervisor.

(53 Stat. 314; 26 U. S. C. 2820)

§ 184.811 *Seal locks.* Seal locks will be used on the entrance doors of the receiving and brandy deposit rooms; on the door of the Government cabinet; on the manheads, inlets, outlets, and other openings of receiving tanks and singlings tanks, except that plain locks will be used on receiving tanks located in a securely constructed receiving or brandy deposit room; and on such other places where the use of seal locks is required by this part or deemed necessary by the district supervisor.

§ 184.812 *Plain locks.* Plain locks will be used at all other places in the distillery where locks are required by this part.

§ 184.813 *Custody of locks, keys, and seals.* Storekeeper-gaugers are strictly prohibited from entrusting locks, keys, or seals in their charge to any person other than an internal revenue officer entitled to receive them, and under no circumstances will they permit locks to remain open, whether hanging by the shackle or otherwise.

(53 Stat. 314, 373 as amended; 26 U. S. C. 2820, 3170)

§ 184.814 *Cap seals.* All unions, flanges, and other pipe connections in the distillery equipment not secured by welding or brazing or similar methods must be securely connected and sealed with seals approved by the Commissioner. A special type of seal, serially numbered, has been approved for use in sealing unions, flanges, and other detachable pipe connections. This seal has, for the purpose of identification, been designated a "Cap" seal.

§ 184.815 *Breaking of sealed connections forbidden.* Sealed connections must not be broken by the distiller for any reason, except in cases of emergency and then only after notifying the storekeeper-gauger, if any, assigned to the distillery, or the district supervisor. Where the distiller desires to make changes in the equipment involving the breaking of a sealed connection he will follow the procedure prescribed in § 184.287.

(53 Stat. 325; 26 U. S. C. 2851)

§ 184.816 *Removal of cap seals.* Except as provided in § 184.815, cap seals which have been affixed will be removed only by a storekeeper-gauger or some other officer designated for the purpose by the district supervisor. The officer will destroy all removed cap seals in a manner sufficient to prevent their reuse.

(53 Stat. 325; 26 U. S. C. 2851)

SUBPART NN—MANUFACTURE OF DEALCOHOLIZED WINES

§ 184.835 *General.* Dealcoholized wines containing less than one-half of 1 percent of alcohol by volume may be manufactured on the premises of a fruit distillery.

(53 Stat. 347 as amended, 348 as amended; 26 U. S. C. 3030, 3031)

§ 184.836 *Materials.* Wines containing one-half of 1 percent or more of alcohol by volume may be procured from bonded wineries or bonded storerooms for use in the manufacture of dealcoholized wines containing less than one-half of 1 percent of alcohol by volume. All wines received for use in the manufacture of such dealcoholized wines will, at the time of receipt, be measured and tested by the distiller and entered on Form 15 and Form 1493, with the date of receipt and the name, registry number, and location of the bonded premises from which received. When the wine is distilled, appropriate entry will be made on Form 15 in the same manner as when other distilling material is distilled.

(53 Stat. 347 as amended, 348 as amended; 26 U. S. C. 3030, 3031)

§ 184.837 *Production.* The wine must be distilled and the spirits extracted therefrom must be saved and duly accounted for on Form 15. The residue, or dealcoholized wine containing less than one-half of 1 percent of alcohol by volume, may be further treated before removal from the distillery premises to render the same marketable, but the treatment must be such as will not cause the alcoholic content of the dealcoholized wine to increase to as much as one-half of 1 percent by volume after its removal from the distillery premises. Where such wines are found on the market containing alcohol in excess of the limit specified, the distiller will be liable for the tax thereon and to the penalties prescribed by law, and the packages and their contents will be subject to seizure and forfeiture. When the manufacture of the dealcoholized wine is complete, it must be placed in barrels, casks, or tanks, plainly and legibly marked with the words "Dealcoholized Wine," and kept separate from containers of brandy pending removal from the premises.

(53 Stat. 347 as amended, 348 as amended; 26 U. S. C. 3030, 3031)

§ 184.838 *Removal.* Dealcoholized wine must be drawn into barrels or similar containers prior to removal from the distillery premises: *Provided,* That such dealcoholized wines may be transferred by pipeline to a bottling plant on contiguous premises for bottling, where in the judgment of the district supervisor such may be done without jeopardy to the revenue. Dealcoholized wine must not be drawn off or removed through the receiving room or brandy deposit room or bonded warehouse.

(53 Stat. 347 as amended, 348 as amended; 26 U. S. C. 3030, 3031)

§ 184.839 *Marking of packages.* If dealcoholized wine is drawn into packages for shipment, such packages must be marked by the distiller with his name, distillery number, location (city or town and State), the words "Dealcoholized Wine" and "Less than One-Half of 1 Percent of Alcohol by Volume" or "Contains No Alcohol," as the case may be, and the date of removal, in distinct and legible letters.

(53 Stat. 347 as amended, 348 as amended; 26 U. S. C. 3030, 3031)

§ 184.840 *Supervision of removal.* All dealcoholized wine must be removed from the distillery premises under the immediate supervision of the storekeeper-gauger. Prior to removal, the storekeeper-gauger will inspect the dealcoholized wine and determine the alcoholic content thereof by ebulliometer test.

(53 Stat. 347 as amended, 348 as amended; 26 U. S. C. 3030, 3031)

§ 184.841 *Bottles to be labeled.* When dealcoholized wines are bottled after removal from the distillery premises, there shall be affixed to each bottle a label setting forth the name of the distiller and the location of the distillery, together with the words "Dealcoholized Wine" and "Less than One-Half of 1 Percent of Alcohol by Volume," or "Contains No Alcohol," as the case may be: *Provided,* That where the dealcoholized wine is bottled by or for a dealer there may be substituted for the name of the distiller and the location of the distillery, the registered number and State of the distillery, preceded by the letters "F. D.," as "F. D No. 150—Cal.," and the name and address of the person by or for whom the dealcoholized wine is bottled, preceded by the words "Bottled by" or "Bottled for," as the case may be.

(53 Stat. 347 as amended, 348 as amended; 26 U. S. C. 3030, 3031)

§ 184.842 *Record and report, Form 1493.* Every fruit distiller manufacturing dealcoholized wine shall keep a record on Form 1493 for each month that dealcoholized wine is produced, or dealcoholized wine or wine containing one-half of 1 percent or more of alcohol by volume procured for the manufacture of dealcoholized wine, remains on the premises. Entries shall be made on the form as indicated by the headings of the various columns and lines thereof. The form will be retained at the distillery as a permanent record, subject to inspection by Government officers. The distiller shall prepare and forward two copies of Form 1493 to the district supervisor not later than the 10th day of the month succeeding that for which the report is rendered. The district supervisor will retain one copy in his office and will, after audit and not later than the last day of the month succeeding that for which the report is rendered, transmit the other copy to the Commissioner.

(53 Stat. 347 as amended, 348 as amended; 26 U. S. C. 3030, 3031)

SUBPART OO—OFFICER'S RIGHT OF ENTRY AND EXAMINATION

§ 184.850 *Entry of distillery or premises used in connection therewith.* Under the law, any internal revenue officer may at all times, as well by night as by day, enter any distillery or building or place used for the business of distilling, or used in connection therewith for storage or other purposes, and, if not admitted upon demand, having declared his name and office, he may break open any doors or windows or break through any of the walls of such premises necessary to be broken to enable him to enter.

(53 Stat. 317; 26 U. S. C. 2827)

§ 184.851 *Authority to break up grounds or walls.* Under the law, any internal revenue officer and any persons acting in his aid may break up the ground on any part of the distillery or premises of a distiller, or any ground adjoining or near any such distillery or premises, or any wall or partition thereof or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil, and upon finding any pipe or conveyance leading from or to the distillery premises to break up any ground, house, wall or other place through or into which such pipe or conveyance leads, and to break or cut away such pipe or other conveyance.

(53 Stat. 318; 26 U. S. C. 2830)

§ 184.852 *Examination of worm tubs.* Under the law, any internal revenue officer may require the water in any worm tub to be drawn off and the tub and worm cleansed at any time when the still is not at work, and the water must be kept out of the worm tub for 2 hours or until the officer has finished his examination.

(53 Stat. 321; 26 U. S. C. 2839)

§ 184.853 *Distillers to furnish assistance.* Under the law, on demand of any internal revenue officer, every distiller shall furnish convenient ladders to enable the officer to examine any vessel or utensil in his distillery, and shall furnish all assistance, lights, tools, or other things necessary for inspecting the premises and apparatus, and shall open all doors, boxes, packages, and all casks, barrels, and other vessels not under the control of the Government officer in charge thereof.

(53 Stat. 317; 26 U. S. C. 2828)

SUBPART PP—RULES FOR COMPUTING CAPACITY OF STILLS

§ 184.860 *Pot or kettle stills.* The estimated maximum capacity in proof gallons of brandy capable of being produced every 24 hours, which is required to be shown on the distiller's notice, will be computed as follows: The working capacity of pot or kettle stills will be determined by multiplying 80 percent of the cubic capacity of the still by the maximum number of boilings that can be made in 24 hours and then multiplying this result by the percent of alcohol by volume contained in the highest yielding material to be used in distillation. This result will represent the quantity of wine gallons of absolute alcohol that can be distilled in 24 hours. This quantity, when multiplied by 2, will represent the number of proof gallons. For example, if a pot still having a cubic capacity of 2,000 gallons is used, and such still can be charged three times in 8 hours and the highest percentage of alcohol by volume in the distilling material to be used is 8 percent, the brandy-producing capacity of the still will be computed as follows: $2{,}000\times0.8\times9\times0.08\times2=2{,}304$ proof gallons. (The quantity that can be distilled in 24 hours.)

§ 184.861 *Charge chamber stills.* The estimated maximum capacity in proof gallons of brandy capable of being produced every 24 hours, which is required to be shown on the distiller's notice, will be computed as follows: Where a charge chamber still is used, the estimated maximum quantity of brandy in proof gallons capable of being produced will be determined by multiplying 80 percent of the cubic capacity of the still by the number of times the same can be filled and emptied in 24 hours. This result will represent the total number of gallons of distilling material that can be distilled in 24 hours, which quantity will be multiplied by the percent of alcohol by volume contained in the highest yielding material to be used. The result of such computation will represent the number of wine gallons of absolute alcohol that can be distilled in 24 hours. This quantity, when multiplied by 2, will represent the number of proof gallons. For example, if a charge still is used having a charge chamber of a cubic capacity of 600 gallons which can be charged three times in one hour, and the highest percentage of alcohol by volume in the distilling material to be used is 8 percent, the brandy-producing capacity will be computed as follows: $600\times0.8\times3\times24\times0.08\times2=5{,}529.6$ proof gallons. (The quantity that can be distilled in 24 hours.)

§ 184.862 *Continuous stills.* The estimated maximum capacity in proof gallons of brandy capable of being produced every 24 hours, which is required to be shown on the distiller's notice, will be computed as follows: If continuous stills are used, the maximum brandy-producing capacity in proof gallons of such stills will be computed on the area of the column in square feet. The first step will be to determine the inside diameter of the still at its base and the diameter will then be divided by 2 to ascertain the radius. The diameter may be determined (a) by accurately measuring the inside width of the still with a rod or tape, or (b) by measuring the outside circumference of the still and dividing the same by 3.1416 and deducting from the quotient twice the thickness of the sides of the still. The radius (in feet) will be squared and then multiplied by 3.1416 (Pi) to ascertain the area of the column in square feet. The area in square feet will be multiplied by the factor 40 (the number of gallons of 100 proof spirits that can be distilled in one hour per square foot of plate area) and the result will represent the total number of gallons of 100 proof spirits that can be distilled in one hour. This quantity will be multiplied by 24 to determine the number of gallons of 100 proof spirits that can be distilled in one day. For example, if a continuous still having a diameter of 4 feet is used, the brandy-producing capacity will be computed as follows: $2\times2\times3.1416\times40\times24=12{,}063.74$ proof gallons. (The quantity that can be produced in 24 hours.)

3. The purposes of the regulations are as follows:

(a) To conform to Public Law 448—81st Congress (H. R. 5486);

(b) To delegate to district supervisors the authority to approve the establishment of registered fruit distilleries;

(c) To incorporate in the regulations provisions relating to the gauging of distilled spirits at registered distilleries, now contained in the Gauging Manual (26 CFR, Part 186) but which are being deleted from the current revision of such manual;

(d) To liberalize requirements pertaining to tanks now required to be of uniform dimensions;

(e) To provide for the weighing of spirits transferred by pipe line to a warehouse operated by the distiller on the distillery premises or on premises contiguous thereto, either in the distillery or in the warehouse;

(f) To simplify the procedure relating to alternating proprietorships and types of plants;

(g) To prescribe in lieu of an oath a declaration, subject to the penalties of perjury, for the following forms:

Form 28, "Registry of Stills"
Form 52–E, "Monthly Record and Report of Importer or Proprietor of Tax-paid Premises"
Form 52–F, "Wholesale Liquor Dealer's Monthly Record and Report of Purchases and Sale of Warehouse Receipts for Distilled Spirits"
Form 338, "Wholesale Liquor Dealer's Monthly Report";

(h) To effectuate other changes of a technical nature designed to clarify the present regulatory procedure;

(i) To rearrange the text to conform to the Federal Register Regulations (5 F. R. 1245).

Effective date. These regulations shall be effective as of September 1, 1950.

[SEAL] GEORGE J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: August 11, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50–7178; Filed, Aug. 21, 1950; 8:45 a. m.]

[T. D. 5802]

PART 315—LICENSING UNDER THE FEDERAL FIREARMS ACT OF MANUFACTURERS OF, AND DEALERS IN, FIREARMS OR AMMUNITION

SEIZURES AND FORFEITURES

In order to conform to the provisions of the act approved February 7, 1950 (Pub. Law 442, 81st Cong., 2d Sess.), amending the Federal Firearms Act approved June 30, 1938, as amended (52 Stat. 1250, 53 Stat. 1222, 61 Stat. 11; 15 U. S. C. 901–909), Treasury Decision 5646 approved July 26, 1948, as amended by Treasury Decision 5763 approved December 2, 1949 (26 CFR Part 315), is further amended as follows:

PARAGRAPH 1. The second of the paragraphs preceding the table of contents is amended by striking out the word "and" immediately following the semicolon; by striking out the parenthetical matter "Public Law 15, 80th Congress" and inserting in lieu thereof "61 Stat. 11"; and by striking out the period at the end thereof and inserting in lieu of such period a semicolon and the following: "and section 5 of such act as so quoted reflects the amendment made by the act approved February 7, 1950 (Pub. Law 442, 81st Cong.)."

PAR. 2. Section 315.0 is amended by striking from the quotation of the act "Sec. 5", and inserting in lieu thereof "Sec. 5. (a)" and adding to the quotation of section 5 of the act a new subsection designated (b) as follows:

(b) Any firearm or ammunition involved in any violation of the provisions of this act or any rules or regulations promulgated thereunder shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code relating to the seizure, forfeiture, and disposition of firearms as defined in section 2733 of such code shall, so far as applicable, extend to seizures and forfeitures incurred under the provisions of this act.

PAR. 3. Section 315.13 is amended by striking out § 315.13 *Penalties.*", and inserting in lieu thereof § 315.13 (a) *General.*"; by striking out "Section 5" in the first sentence thereof and inserting in lieu thereof "Section 5 (a)"; and by adding a new paragraph designated (b) as follows:

(b) *Forfeitures.* (1) Pursuant to section 5 (b) of the act any firearm or ammunition involved in any violation of the act or of the regulations in this part is subject to seizure and forfeiture, and all provisions of the Internal Revenue Code relating to the seizure, forfeiture, and disposition of firearms as defined in section 2733 of the Code, so far as applicable, extend to seizures and forfeitures incurred under the provisions of the act.

(2) Pursuant to Treasury Decision 5791, approved by the Secretary on May 22, 1950, and the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, 1st session, approved June 30, 1949, any firearm or ammunition forfeited by reason of a violation of the Federal Firearms Act or any rules or regulations promulgated thereunder, the forfeiture of which firearm or ammunition has not been remitted or mitigated, shall be delivered to the Administrator of General Services for use or disposition as provided by law.

(Sec. 7, 52 Stat. 1252; 15 U. S. C. 907)

Because of the technical nature of the amendments made herein it is found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50–7304; Filed, Aug. 21, 1950; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-353]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 61—SCHEDULED AIR CARRIER RULES

ISSUANCE OF AIR CARRIER OPERATING CERTIFICATES TO PERSONS HOLDING TEMPORARY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of August 1950.

Special Civil Air Regulation SR-335 authorizes the Administrator to issue an air carrier operating certificate or amendments thereto, under conditions which do not fully meet requirements of Parts 40 and 61, to an air carrier holding a temporary certificate of public convenience and necessity issued by the Board. Such regulation will terminate August 31, 1950.

At the time Special Civil Air Regulation SR-335 was promulgated it was anticipated that prior to August 31, 1950, appropriate revisions of Parts 40 and 61 would be promulgated to govern operations covered by that regulation. However, while the Board's Bureau of Safety Regulation had been actively engaged in that project, final determination has not been made with respect to the provisions of such revisions. It should be noted, however, that the Board anticipates that these revisions will be adopted at an early date. Therefore, it is considered necessary to continue for a period of one year the authorization for the issuance or amendment of air carrier operating certificates, under conditions specified herein, to air carriers holding temporary certificates of public convenience and necessity.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since the regulation imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective September 1, 1950:

An air carrier operating certificate, or amendments thereto, may be issued by the Administrator to an air carrier holding a temporary certificate of public convenience and necessity, issued by the Board, authorizing such carrier to engage in scheduled air carrier operations which do not fully meet the certification and operation requirements of Parts 40 and 61 of the Civil Air Regulations, if the Administrator finds that any of such requirements can be omitted or modified without adversely affecting safety. Such omissions or modifications, when approved by the Administrator, shall be listed in the air carrier operating certificate, and the Administrator shall promptly notify the Board of the omissions or modifications approved by him and the reasons therefor.

This regulation supersedes Special Civil Air Regulation SR-335 and shall terminate August 31, 1951, unless sooner terminated or rescinded by the Board.

(Secs. 205, 601, 604; 52 Stat. 984, 1007, 1010; 62 Stat. 1216; 49 U. S. C. 425, 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLICAN, *Secretary.*

[F. R. Doc. 50-7306; Filed, Aug. 21, 1950; 8:50 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

Appendix—Canal Zone Orders

[Canal Zone Order 21]

VITAL STATISTICS IN THE CANAL ZONE

By virtue of the authority vested in the President by section 371 of title 2 of the Canal Zone Code and delegated to the Secretary of the Army by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, it is ordered as follows:

SECTION 1. *Definitions.* As used in this order:

(a) "Dead body" means a lifeless human body or such parts of the human body or the bones thereof from the state of which it may reasonably be concluded that death recently occurred.

(b) "Health Bureau" means the Health Bureau of The Panama Canal.

(c) "Live birth" means the birth of a child who shows evidence of life after the child is entirely outside the mother.

(d) "Physician" means a person legally authorized to practice medicine in the Canal Zone.

(e) "Regulations" means the regulations made pursuant to section 15 of this order.

(f) "Stillbirth" means a birth after twenty weeks of gestation which is not a live birth.

(g) "Vital statistics" includes the registration, preparation, transcription, collection, compilation and preservation of data pertaining to births, adoptions, legitimations, deaths, stillbirths, and data incidental thereto.

(h) "Vital Statistics Unit" means the organizational unit of The Panama Canal charged with the function of vital statistics.

SEC. 2. *Administration.* The provisions of this order and of the regulations shall be administered by the Vital Statistics Unit, under the supervision of the Governor of The Panama Canal or such officer as he may designate.

SEC. 3. *Filing certificate of live birth.* Within the time prescribed by the regulations, a certificate of every live birth in the Canal Zone shall be filed with the Vital Statistics Unit by the physician, midwife, or other legally authorized person in attendance at the birth or, if not so attended, by one of the parents.

SEC. 4. *Filing of birth certificate by Vital Statistics Unit where parents unable.* If neither parent of a newborn child whose birth is unattended as hereinbefore provided is able to prepare a birth certificate, the Vital Statistics Unit shall secure the necessary information from any person having knowledge of the birth and prepare and file the certificate. The regulations shall prescribe the time within which a supplementary report, furnishing information omitted from any original certificate filed under this section, may be returned for the purpose of completing the certificate. Certificates of birth completed by such supplementary report shall not be considered "delayed" or "altered."

SEC. 5. *Report and birth certificate of foundling.* (a) Whoever assumes the custody of a child of unknown parentage shall immediately report to the Vital Statistics Unit in writing: (1) The date and place of finding or assumption of custody; (2) the sex, color or race, and approximate age of the child; (3) the name and address of the person or institution with whom the child has been placed for care; and (4) the name given to the child by the finder or custodian.

(b) The report shall constitute the certificate of birth.

(c) If the child is identified and a regular certificate of birth is found or obtained, either in the Canal Zone, the Republic of Panama, or elsewhere, the report shall be sealed and filed and may be opened only upon the demand of the subject of the report if of legal age or by an order of court.

SEC. 6. *Supplementary certificate upon adoption.* Upon receipt of a certified copy of an order or decree of adoption the Vital Statistics Unit shall prepare a supplementary certificate in the new name of the adopted person, and seal and file the original certificate of birth with said certified copy attached thereto. Such sealed documents may be opened only upon the demand of the adopted person if of legal age or by an order of court. Upon receipt of a certified copy of a court order of annulment of adoption the original certificate shall be restored to its original place in the file.

SEC. 7. *New birth certificate upon legitimation.* In cases of legitimation the Vital Statistics Unit, upon receipt of proof thereof, shall prepare a new certificate of birth in the new name of the legitimated child. The evidence upon which the new certificate is made and the original certificate shall be sealed and filed and may be opened only upon the demand of the person involved if of legal age or by an order of court.

CROSS REFERENCE: Legitimation of child, see Canal Zone Code title 3, sections 165 and 196; see also title 3, section 634.

SEC. 8. *Filing of certificates of death and stillbirth.* (a) When a death or stillbirth occurs, or a dead body is found, in the Canal Zone, and within such time after the occurrence is known as shall be prescribed by the regulations, the Health Bureau shall cause a certificate of death or stillbirth to be filed with the Vital Statistics Unit in all cases except in the event no physician was in attendance and no autopsy was performed, in which case the Coroner shall certify the cause of death or stillbirth to his best knowledge and belief and cause the certificate to be filed.

(b) In preparing a certificate of death or stillbirth the Health Bureau or Coroner, as the case may be, shall obtain and enter on the certificate the personal data required by the regulations from the persons best qualified to supply them. The Health Bureau shall present the certificate of death to the physician last in attendance upon the deceased or, in the event there was no physician in attendance but an autopsy was performed, to the appropriate officer of the Health Bureau, who shall thereupon certify the cause of death to his best knowledge and belief. The Health Bureau shall present the certificate of stillbirth to the physician, midwife, or other person in attendance at the stillbirth, who shall certify the stillbirth and such medical data pertaining thereto as he can furnish. If the circumstances suggest that the death or stillbirth was caused by other than natural causes, the Health Bureau shall refer the case to the Coroner for investigation.

(c) If the cause of death cannot be determined within the time prescribed for the filing of the certificate, the certification of its cause may be filed after the prescribed period, but the attending physician, or appropriate officer of the Health Bureau, or the Coroner, shall give the Health Bureau written notice of the reason for the delay, in order that a permit for the disposition of the body may be issued.

SEC. 9. *Disposition of body or its removal from Canal Zone.* When a death or stillbirth occurs, or a dead body is found, in the Canal Zone, the body shall not be interred, or otherwise disposed of, or removed from the Canal Zone, except under, and in accordance with the terms of, the regulations and a permit theretofore issued by the Health Bureau; but no such permit shall be issued until a certificate of death or stillbirth, so far as the same can be completed under the circumstances of the case, has been filed. After interment a dead body shall not be disinterred except under, and in accordance with the terms of, the regulations and a permit theretofore issued by the Health Bureau.

CROSS-REFERENCE: Offenses respecting interment, disinterment and removal of dead bodies, see sections 481 to 483 of title 5, Canal Zone Code.

SEC. 10. *Transportation and disposition of body upon death outside of Canal Zone.* When death or stillbirth occurs outside of the Canal Zone and the body is accompanied by a permit for interment, removal, or other disposition issued in accordance with the law or regulations in force where the death or stillbirth occurs, the permit shall authorize the transportation of the body into or through the Canal Zone, but before the interment, cremation, or other disposal of the body in the Canal Zone, the permit shall be endorsed by the Health Bureau which shall keep a record thereof.

CROSS-REFERENCE: Restrictions on bringing into Canal Zone port body of person dead of quarantinable disease, see Navigation Rule 119ss.

SEC. 11. *Forms of the several certificates.* The forms of the several certificates provided for in this order shall include as a minimum the items required by the respective standard certificates as recommended by the Federal Security Administrator or by his authority, subject to modification by the regulations.

SEC. 12. *Filing or alteration of certificates after prescribed time.* A certificate may be filed or altered after the time prescribed in this order, or in the regulations, upon the submission to the Vital Statistics Unit of such proof as may be required by the regulations. Certificates accepted subsequent to six months after the time prescribed for filing, and certificates which have been altered after being filed, shall contain the date of the delayed filing and the date of the alteration and be marked "delayed" or "altered." A summary statement of the evidence submitted in support of the acceptance for delayed filing or alteration shall be endorsed on the certificate. Such evidence shall be kept in a special permanent file.

SEC. 13. *Certified copies.* Subject to the restrictions contained in section 14 of this order, a certified copy of any certificate or any part thereof shall be furnished to any applicant upon request. Such certified copy may be furnished without fee or upon payment of a reasonable fee, as may be prescribed in the regulations. A copy of the contents of any certificate on file, or any part thereof, certified by the officer or employee designated in the regulations shall be considered for all purposes the same as the original.

SEC. 14. *Disclosure of records.* Inspection of the vital-statistics records shall not be permitted, and a certified copy of a certificate or part thereof shall not be issued, unless the Vital Statistics Unit is satisfied that the applicant has a direct and legitimate interest in the matter recorded or that the information therein contained is necessary for the determination of personal or property rights.

SEC. 15. *Supplementary regulations.* The Governor of The Panama Canal is granted continuing authority to make the necessary regulations to effectuate the provisions of this order.

SEC. 16. *Violation of regulations; punishment.* Any person who willfully makes or alters any certificate or certified copy thereof provided for in this order, except in accordance with the provisions of this order, or who violates any of the provisions of this order or neglects or refuses to perform any of the duties imposed upon him by this order, shall be punishable, as provided in section 373 of title 2 of the Canal Zone Code, by a fine of not more than $25, or by imprisonment in jail for not more than thirty days, or by both.

SEC. 17. *Effective date.* This order shall take effect September 1, 1950.

FRANK PACE, Jr.
Secretary of the Army.

AUGUST 7, 1950.

[F. R. Doc. 50-7278; Filed, Aug. 21, 1950; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS' CLAIMS

EFFECTIVE DATES OF EVALUATION AND AWARDS FOR PRESUMPTION OF SERVICE-CONNECTION FOR ACTIVE PULMONARY TUBERCULOSIS

A new § 3.1510 is added to read as follows:

§ 3.1510 *Effective dates of evaluation and awards for presumption of service-connection for active pulmonary tuberculosis under Public Law 573, 81st Congress.* The effective dates of evaluations and awards, in both original claims and the claims reviewed, will be in accordance with the provisions of controlling regulations: *Provided*, That in no event will benefits under Public Law 573, 81st Congress, be awarded prior to the date of enactment thereof. In the case of a claim wherein service-connection was previously denied for pulmonary tuberculosis on the date of the passage of Public Law 573, 81st Congress, reviewed under Public Law 573 either on motion of the Veterans' Administration, or upon receipt of request from the veteran or his representative, or where a claim is in a pending or appellate status on the date mentioned, and entitlement to benefits is shown, the effective date of the evaluation and award will be the date of Public Law 573, 81st Congress, June 23, 1950. (Veterans' Administration Instruction 1, Public Law 573, 81st Congress.) (For effective dates of death compensation and pension awards for presumption of service-connection for pulmonary tuberculosis under Public Law 573, 81st Congress, see § 4.451 of this chapter.)[1]

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective July 19, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-7212; Filed, Aug. 21, 1950; 8:45 a. m.]

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

EFFECTIVE DATES OF DEATH COMPENSATION AND PENSION AWARDS FOR PRESUMPTION OF SERVICE-CONNECTION FOR PULMONARY TUBERCULOSIS

A new § 4.451 is added to read as follows:

§ 4.451 *Effective dates of death compensation and pension awards for pre-*

[1] See F. R. Doc. 50-7211, *infra*.

sumption of service-connection for pulmonary tuberculosis under Public Law 573, 81st Congress. Where entitlement arises solely by virtue of the provisions of Public Law 573, 81st Congress, the effective date of awards will be the day following the date of the veteran's death or June 23, 1950, whichever is the later, if claim was filed within 1 year after the date of the veteran's death, otherwise the date of filing claim: *Provided however*, That as to claims reviewed under Public Law 573 either on motion of the Veterans' Administration or upon receipt of a request from the claimant or his representative, the effective date of the award will be June 23, 1950, provided the claim is received within 1 year from the date of the notification of entitlement to benefits under this act. A claim pending on June 23, 1950, or in which an appeal was pending on that date, will be considered a claim under this act. This includes claims which were disallowed on or after June 23, 1950, without reference to the liberalizing provisions of this act. In those cases in which death pension is being paid to a widow, child or children, the provisions of § 4.52 are not controlling. The change from the payment of death pension to the payment of death compensation will be effective June 23, 1950.

(Veterans' Administration Instruction 2, Public Law 573, 81st Congress.)

(For effective dates of evaluation and awards for presumption of service-connection for active pulmonary tuberculosis under Public Law 573, 81st Congress, see § 3.1510 of this chapter.) [1]

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective August 22, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-7211; Filed, Aug. 21, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 27]

COTTON CLASSIFICATION UNDER THE UNITED STATES COTTON FUTURES ACT

ADDITION AND DELETION FROM LISTS OF SPOT MARKETS

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture is considering the following amendments to the regulations under the act of August 11, 1916, as amended (39 Stat. 476, 40 Stat. 1351, 41 Stat. 725, 44 Stat. 1248; 26 U. S. C. 1920-1935):

1. Remove Savannah, Georgia, from the list of bona fide spot markets appearing in § 27.93, as amended, of such regulations (7 C. F. R. 27.93, 14 F. R. 3611).

2. Remove Savannah, Georgia, from and add Atlanta, Georgia, to the list of spot markets for certain determinations only, appearing in § 27.94 of such regulations (7 C. F. R. 27.94).

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing the same with the Director of the Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., within fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Issued this 16th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7289; Filed, Aug. 21, 1950; 8:48 a. m.]

[7 CFR, Part 51]

UNITED STATES CONSUMER STANDARDS FOR APPLES

INSECT DAMAGE

On August 2, 1950, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 50-6760; 15 F. R. 4953) regarding proposed United States Consumer Standards for Apples. Said notice is hereby amended by adding the following two paragraphs at the end of § 51.105:

(e) Insects: Any sting or stings which affect a total area of more than one-eighth inch in diameter excluding any encircling discolored rings; or worm holes.[2]

(f) "Serious damage by insects" means stings which affect a total area of more than one-fourth inch in diameter including any encircling discolored rings; or worm holes.[2]

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards and the amendment should file the same with M. W. Baker, Assistant Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5: 30 p. m., e. s. t. on September 2, 1950, which is the expiration date for filing comments under the original notice.

Done at Washington, D. C. this 16th day of August 1950.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-7318; Filed, Aug. 21, 1950; 8:52 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF THE TRANS-PACIFIC PASSENGER CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 131-214, between the member lines of the Trans-Pacific Passenger Conference, amends the By-Laws which form a part of the basic agreement of said conference (No. 131) to permit member lines to pay commission to established steamship lines regularly engaged in the transportation of passengers on a reciprocal basis on their tickets or orders drawn on or transferred to a member company on traffic originating outside the North American Continent and Hawaii.

Agreement No. 7779, between Anchor Line Ltd. and Alcoa Steamship Company, Inc., covers transportation of general cargo under through bills of lading in the trade from Glasgow, United Kingdom, to the Virgin Islands, with transhipment at New York.

Agreement No. 7782, between the carriers comprising the Independence Line joint service and Panama Railroad Company (Panama Line), covers transportation of cargo under through bills of lading in the trade from Central American Pacific Coast ports to New York, with transshipment at Cristobal, C. Z. Agreement No. 7782 was filed to supersede and cancel approved Agreement No. 7741.

Agreement No. 7783, between the carriers comprising the Independence Line joint service and Flota Mercante Grancolombiana, S. A., covers transportation of cargo under through bills of lading from Central American Pacific Coast ports to New Orleans, Houston, Galveston, and New York, with transhipment at Cristobal, C. Z.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: August 16, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-7290; Filed, Aug. 21, 1950; 8:48 a. m.]

[1] See F. R. Doc. 50-7212, *supra*.

[2] The area refers to that of a circle of the specified diameter.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DELEGATION OF AUTHORITY TO FOREST SERVICE

Pursuant to the authority contained in R. S. 161, 5 U. S. C. 22; sec. 1, 30 Stat. 35, sec. 1, 33 Stat. 628, 16 U. S. C. 551, the authorities, powers, functions, and duties vested in the Secretary of Agriculture by sections 5, 6, 8, 11, 13, and 14 of Public Law 478, 81st Congress, are hereby delegated to the Forest Service, to be exercised by the Chief thereof and such officers or employees as he may designate.

The exercise of authorities delegated herein shall be subject to the applicable limitations and requirements of regulations of the Department of Agriculture.

Done at Washington, D. C., this 16th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7288; Filed, Aug. 21, 1950; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1102 et al.]

BRANIFF AIRWAYS, INC., ET AL.; SOUTHERN SERVICE TO THE WEST

NOTICE OF ORAL ARGUMENT

In the matter of (a) the application of Braniff Airways, Inc., and other applicants for certificates of public convenience and necessity or amendments thereof under section 401 of the Civil Aeronautics Act of 1938, as amended; (b) the investigation instituted by the Civil Aeronautics Board to determine whether the public convenience and necessity require the establishment of through air transportation service by means of interchange arrangements or otherwise between certain carriers; and (c) the joint application of Delta Air Lines, Inc., and American Airlines, Inc., for approval under sections 412 and 408 of the Civil Aeronautics Act of an agreement relating to the interchange of equipment.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 10, 1950, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 17, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-7305; Filed, Aug. 21, 1950; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6308]

FLORIDA POWER CORP.

NOTICE OF APPLICATION

AUGUST 16, 1950.

Notice is hereby given that on August 14, 1950, Florida Power Corporation, a corporation organized and existing under the laws of the State of Florida, with its principal business office at St. Petersburg, Florida, filed an application, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance and sale at competitive bidding of 40,000 shares of a new series of Cumulative Preferred Stock -- Percent series, par value $100 per share, with dividends cumulative from the quarterly dividend payment date which next precedes the date of issuance thereof; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 5th day of September 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7277; Filed, Aug. 21, 1950; 8:45 a. m.]

[Docket Nos. G-1019, G-1392, G-1398]

JERSEY CENTRAL POWER & LIGHT CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

AUGUST 17, 1950.

In the matters of Jersey Central Power & Light Company, Docket No. G-1392; Northern Natural Gas Company, Docket No. G-1398; El Paso Natural Gas Company, Docket No. G-1019.

Notice is hereby given that, on August 16, 1950, the Federal Power Commission issued its findings and orders entered August 15, 1950, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7299; Filed, Aug. 21, 1950; 8:49 a. m.]

[Docket No. G-1339]

MAYFIELD GAS CO.

NOTICE OF ORDER

AUGUST 17, 1950.

Notice is hereby given that, on August 15, 1950, the Federal Power Commission issued its order entered August 15, 1950, in the above-designated matter, modifying and adopting Initial Decision of Presiding Examiner of June 28, 1950, notice of which was published in the FEDERAL REGISTER on August 12, 1950 (15 F. R. 5321), issuing certificate of public convenience and necessity.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7295; Filed, Aug. 21, 1950; 8:48 a. m.]

[Docket Nos. IT-6015, IT-6022]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF ORDER

AUGUST 17, 1950.

Notice is hereby given that, on August 15, 1950, the Federal Power Commission issued its order entered August 14, 1950, in the above-designated matters, supplementing and amending orders of January 22, 1947 (12 F. R. 454), and June 17, 1949 (14 F. R. 3295), approving connections for emergency use only.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7298; Filed, Aug. 21, 1950; 8:48 a. m.]

[Project No. 329]

SOUTHERN CALIFORNIA WATER CO.

NOTICE OF ORDER

AUGUST 17, 1950.

Notice is hereby given that, on August 16, 1950, the Federal Power Commission issued its order entered August 15, 1950, accepting surrender of license (transmission line) in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7297; Filed, Aug. 21, 1950; 8:48 a. m.]

[Project No. 1957]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF ORDER

AUGUST 17, 1950.

Notice is hereby given that, on August 16, 1950, the Federal Power Commission issued its order entered August 15, 1950, approving Exhibit J and K as part of license, in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7296; Filed, Aug. 21, 1950; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25334]

PETROLEUM FROM ALWINN, OKLA., TO TEXAS

APPLICATION FOR RELIEF

AUGUST 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3821.

Commodities involved: Petroleum and its products, carloads.

From: Alwinn, Okla.

To: Points in Texas.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3821, Supplement 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7291; Filed, Aug. 21, 1950; 8:48 a. m.]

[4th Sec. Application 25335]

AUTOMOBILE PARTS FROM MILWAUKEE, WIS., TO CENTRAL TERRITORY

APPLICATION FOR RELIEF

AUGUST 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Alternate Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3716, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile parts, carloads.

From: Milwaukee, Wis.

To: Marysville, Mich., South Bend, Ind., and Toledo, Ohio.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7292; Filed, Aug. 21, 1950; 8:48 a. m.]

[4th Sec. Application 25336]

LUBRICATING OIL FROM PENNSYLVANIA TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

AUGUST 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Alternate Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3479.

Commodities involved: Petroleum lubricating oil, tank carloads.

From: Points in Pennsylvania.

To: St. Louis, Mo.

Grounds for relief: Competition with motor-water carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7293; Filed, Aug. 21, 1950; 8:48 a. m.]

[4th Sec. Application 25337]

GROUND RICE HULLS IN THE SOUTHWEST

APPLICATION FOR RELIEF

AUGUST 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Ground rice hulls, carloads.

Between: Points in the southwest, and between said points, on the one hand, and Mississippi River crossings, on the other.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3872, Supplement 9. Ira D. Dodge's tariff I. C. C. No. 762, Supplement 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7294; Filed, Aug. 21, 1950; 8:48 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5774]

HERNARD MFG. CO., INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Hernard Manufacturing Company, Inc., a corporation, and Herbert Zipkin, Harry Zipkin and Bernard Zipkin, individually and as officers of Hernard Manufacturing Company, Inc.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John W. Addison, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, September 11, 1950, at ten o'clock in the forenoon of that day (e. d. s. t.), in Room 505, 45 Broadway, New York, New York.

Issued: August 14, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-7271; Filed, Aug. 21, 1950; 8:45 a. m.]

[Docket No. 5778]

PRUVO PHARMACAL CO. ET AL.

ORDER APPOINTING TRIAL EXAMINER

In the matter of Pruvo Pharmacal Company, a corporation, and Harry L. Williams, and Neal Williams, individually and as officers of, and M. Seibert, individually and as a Director of, Pruvo Pharmacal Company.

This matter being at issue and ready for the taking of testimony and receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Abner E. Lipscomb, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding beginning at a time and place to be later designated by him, and to perform all other duties authorized by law.

Issued: August 14, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F R. Doc. 50-7272; Filed, Aug. 21, 1950; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2452]

UTAH POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of August A. D. 1950.

Notice is hereby given that Utah Power & Light Company ("Utah"), a registered holding company and a utility operating company has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated sections 6 (a) and 7 of the act and Rule U-50 thereunder as applicable to the transactions proposed in said declaration, which proposed transactions may be summarized as follows:

Utah proposes to issue and sell to the public, pursuant to the competitive bidding requirements of Rule U-50, $8,000,000 principal amount of First Mortgage Bonds, __ Percent Series, due 1980. Said bonds would be issued under the terms of a Sixth Supplemental Indenture to be dated as of October 1, 1950, between Utah and Guaranty Trust Company of New York and Arthur E. Burke, as trustees. The interest rate on the bonds and the price to be paid Utah for the bonds would be fixed at competitive bidding.

Utah also proposes to issue and sell to its stockholders and/or the public 166,604 additional shares of the company's common stock, without par or face value. The additional shares of common stock would, pursuant to the preemptive rights provision of Utah's certificate of organization, first be offered to its stockholders on a pro rata basis. There would be an underwriting as to the unsubscribed shares for which Utah proposes to invite bids, also pursuant to the competitive bidding requirements of Rule U-50. Both the price to be paid to Utah and the subscription price to be paid pursuant to the preemptive rights offering would be fixed by such competitive bidding. In connection with the sale of its common stock Utah requests permission to acquire not more than 5,000 shares of such stock on the morning of the day on which the bids for the purchase of the unsubscribed shares are to be opened. Such acquisitions would be made for the stated purpose of facilitating the distribution and offering of said 166,604 shares of common stock. Any shares acquired pursuant to the proposed stabilizing operation would be purchased from Utah by the underwriters in connection with the offering and sale of unsubscribed shares of Utah's common stock by said underwriters.

After bids have been opened for the bonds and common stock, and prior to the sale thereof, Utah would file an appropriate amendment herein setting forth the results of competitive bidding and would furnish appropriate information as to all fees and expenses to be incurred in connection with the proposed transactions.

The proceeds from the sale of the $8,000,000 principal amount of bonds and from the sale of common stock would be used to pay bank loans of $8,000,000 and to finance a part of the company's current construction program. The presently outstanding bank loans were obtained under a Credit Agreement dated February 27, 1950 between Utah and fifteen lending banks as authorized by this Commission (Fire No. 70-2327). It is stated in the declaration that no additional loans will be made under the aforesaid Credit Agreement.

Fees and expenses in connection with the issuance and sale of the bonds and additional common stock are estimated at $104,000 of which $44,000 is stated to be applicable to the issuance and sale of the bonds and $60,000 is stated to be applicable to the issuance and sale of the common stock.

Utah requests that any order of this Commission authorizing the proposed transactions issue as soon as may be practicable and become effective upon issuance.

Notice is further given that any interested person may, not later than August 29, 1950, at 12:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 12:30 p. m., e. d. s. t., on August 29, 1950, said declaration may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a)- and U-100 thereof.

All interested persons are referred to the declaration which is on file in the offices of the Commission for a full statement of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7273; Filed, Aug. 21, 1950; 8:45 a. m.]

[File No. 70-2451]

SOUTHWESTERN DEVELOPMENT CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of August A. D. 1950.

In the matter of Southwestern Development Company, Amarillo Gas Company, Amarillo Oil Company, West Texas Gas Company; File No. 70-2451.

Notice is hereby given that Southwestern Development Company ("Southwestern"), a registered holding company, and three of its wholly-owned subsidiary companies, namely, Amarillo Gas Company ("Amarillo Gas"), Amarillo Oil Company ("Amarillo Oil"), and West Texas Gas Company ("West Texas"), have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935. Sections 7, 10, and 12 of the act have been designated as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 30, 1950, at 5: 30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said joint application-declaration, as filed or as amended, which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 30, 1950 said joint application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application-declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed which may be summarized as follows:

Amarillo Gas, Amarillo Oil, and West Texas are presently indebted to Southwestern in the amounts of $300,000, $648,030, and $2,500,000, respectively, under their separate unsecured five year 3 percent promissory notes issued in May 1949. Southwestern has no long-term debt outstanding.

Southwestern proposes to borrow from Guaranty Trust Company of New York the principal amount of $2,750,000 and to issue and sell to Guaranty Trust Company of New York, as evidence of said loan, its five year 2½ percent promissory note due in yearly instalments to and including July 1, 1955, in the same principal amount.

Southwestern proposes to advance the total proceeds of said loan ($2,750,000) to Amarillo Gas, Amarillo Oil, and West Texas in the principal amounts of $400,000, $650,000 and $1,700,000, respectively. The said three subsidiary companies propose to issue and sell to Southwestern their five year 2½ percent unsecured promissory notes in the above respective amounts and Southwestern proposes to acquire said notes. The notes will provide for repayment by yearly instalments to and including July 1, 1955, and in addition, will provide for repayment in whole or in part prior to maturity of any of the principal instalments without premium.

The joint applicants-declarants state that proceeds of the proposed loans will be used by said subsidiary companies to provide necessary additional funds for enlargements and extensions of their natural gas facilities, to provide working capital, and for other corporate purposes. It is represented in the filing that no state commission approval is required with respect to any of the proposed transactions. The expenses in connection with the proposed transactions are estimated by the joint applicants-declarants not to exceed $1,000.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-7274; Filed, Aug. 21, 1950; 8:45 a. m.]

[File No. 70-2196]

WEST PENN ELECTRIC CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND OTHER REMUNERATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of August A. D. 1950.

The West Penn Electric Company ("Electric"), a registered holding company, having filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935, regarding the issuance and sale of $31,000,000 principal amount of Collateral Trust Sinking Fund Bonds, the issuance on subscription rights to the then present holders of its common stock of 468,621 shares of new common stock, the issuance on exchange offers to the then present holders of its preferred and Class A stocks of 388,274 shares of new common stock, and the issuance and sale to underwriters of the balance of the above aggregate of 856,895 shares of new common stock not taken on subscription rights or on exchange offers;

The Commission, by orders dated August 31, 1949, September 14, 1949, and September 21, 1949, having permitted the declaration to become effective but having at all times reserved jurisdiction over the payment of all fees and other remunerations incurred in connection with the transactions embraced in the declaration, as amended, which reservation has continued in full force and effect; the record having been completed with respect to the amounts of such fees and remunerations and the functions performed by the various proposed recipients, and it now appearing that fees and remunerations aggregating $318,660 are sought which include the following: (a) Printing and engraving expenses, $91,700; (b) trustee, subscription agents, exchange agents, transfer agents and registrar fees, $76,500; (c) Dillon, Read & Co., New York, New York, as special financial advisors to Electric, $35,000; (d) Sullivan and Cromwell, New York, New York, as counsel to Electric, $31,500; and (e) Cravath, Swaine & Moore, New York, New York, as counsel for the purchasers of the new securities, $25,000; which latter fee is to be paid by Lehman Brothers and Goldman Sachs & Company, the other fees to be borne by Electric; the Commission having considered these fees and remunerations and the amounts thereof in the light of all the circumstances of this case, including the standards of the act, and having concluded that they are not unreasonable;

It is hereby ordered, That the reservation of jurisdiction in this matter with respect to fees and other remunerations, to the extent that the aggregate thereof and the amounts above specified are not exceeded, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-7275; Filed, Aug. 21, 1950; 8:45 a. m.]

[File No. 70-2457]

COLUMBIA GAS SYSTEM, INC., AND OHIO FUEL GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of August A. D. 1950.

Notice is hereby given that a joint application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Ohio Fuel Gas Company ("Ohio Fuel"). Applicants have designated sections 6 (b), 9 and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 28, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 28, 1950, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Ohio Fuel proposes to issue and sell to Columbia $11,500,000 principal amount of 3¼ percent installment promissory notes. Such notes are to be paid in equal annual installments on February 15th of each of the years 1952 to 1976, inclusive. The applicant states that the proceeds to be obtained through the issue and sale of said notes will be utilized by Ohio Fuel to finance its 1950 construction program.

The issue and sale of the proposed notes by Ohio Fuel has been approved by the Public Utilities Commission of Ohio by order dated July 7, 1950.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-7276; Filed, Aug. 21, 1950; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14948]

CHRISTINA FINDEISS ET AL.

In re: Interest in real property and property insurance policies, and a claim owned by Christina Findeiss, also known as Christine Findeiss, and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christina Findeiss, also known as Christine Findeiss, whose last known address is Naila, near Hof, Bavaria, Germany, and Karl Frank and Christina Frank, each of whose last known address is Schwedheim, near Wurzberg, Bavaria, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half (½) interest in real property situated in the City of Zanesville, County of Muskingum, State of Ohio, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of the persons named in subparagraph 1 hereof in and to the fire insurance and extended coverage policies, particularly described in Exhibit B, attached hereto and by reference made a part hereof, which policies insure the improvements on the real property described in subparagraph 2-a hereof, and any and all extensions and renewals of said policies, and

c. That certain debt or other obligation, owing to the persons named in subparagraph 1 hereof by Virgil E. Johnson, First National Bank Building, Zanesville, Ohio, arising out of their share of the net income by reason of the collection of rents from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that real property situated in the City of Zanesville, County of Muskingum, State of Ohio, and more particularly described as follows: The East half of Lot Sixteen (16) in Square Sixteen (16) in the City of Zanesville, excepting therefrom Thirteen (13) feet, Six (6) inches off of the West end of said half lot, and being the same premises conveyed to Richard H. Findeiss by Tileston F. Spangler and Mary H. B. G. Spangler, his wife, by warranty deed dated May 1, 1925, and recorded in Deed Record Book 211, page 377, of the Land Records of said County.

EXHIBIT B

Insurer	Type	Amount	No.	Expiration date
Hartford Fire Insurance Co., 690 Asylum Ave., Hartford, Conn.	Fire and extended coverage.	$10,000	01226	July 23, 1950
New Hampshire Fire Insurance Co., 156 Hanover St., Manchester, N. H.	....do....	15,000	191077	Mar. 30, 1951

[F. R. Doc. 50-7311; Filed, Aug. 21, 1950; 8:51 a. m.]

[Vesting Order 14950]

WERNER F. NELLE

In re: Interest in oil, gas and other minerals in and under certain real property, and claim owned by Werner F. Nelle.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Werner F. Nelle, whose last known address is c/o Commerz-Und Privatbank, Filiale, Kassel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-eightieth (1/80th) interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Pottawatomie County, State of Oklahoma, to-wit: The Southwest Quarter (SW¼) of Section Twenty (20), Township Seven North (7N), Range Five East (5E), together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest, and

b. That certain debt or other obligation owing to Werner F. Nelle by Magnolia Petroleum Company, Magnolia Building, Dallas 1, Texas, arising from royalties accrued with respect to the above-described mineral interest owned by said Werner F. Nelle, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and it is hereby determined:

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7313; Filed, Aug. 21, 1950; 8:51 a. m.]

[Vesting Order 14951]

PAUL RUDOLPH

In re: Real property and interests in oil, gas and other minerals in and under certain real property owned by Paul Rudolph, also known as Paul Otto Rudolph and as Paul O. Rudolph.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Rudolph, also known as Paul Otto Rudolph and as Paul O. Rudolph, whose last known address is Germany, is a resident of Germany and a

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national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the City of Houston, County of Harris, State of Texas, particularly described as all those certain lands and premises known and designated as lots five (5) and six (6) in block two hundred and sixty-three (263) of Magnolia Park Subdivision of the City of Houston, Harris County, Texas, according to the plat thereof recorded in volume 4, pages 69 to 73, Record of Maps and Plats of Harris County, Texas, together will all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. Real property situated in the S. C. Hiroms League in Harris County, State of Texas, described by metes and bounds as follows: Beginning at the northeast corner of a 70 acre tract of land heretofore conveyed by Henry Singleton to George Hammon; Thence east along the north line of the Singleton 220 acre tract 318.9 vrs. to stake for corner; Thence at right angles south 177 vrs. to stake for corner; Thence at right angles west and parallel to the north line of said tract 318.9 vrs. to the southeast corner of said George Hammon 70 acre tract; Thence at right angles north following the east line of said Hammon tract 177 vrs. to the place of beginning, containing ten (10) acres of land, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

c. An undivided one sixty-fourth (1/64th) interest in and to all of the oil, gas and other minerals in and under and that may be produced from certain real property situated in the County of Blanco, State of Texas, to wit: An undivided One Hundred (100) acre interest in Five Hundred Twenty-two (522) acres described as

Abstract	Survey	Grantee	Acres
644	594	D. W. Donsley	80
1402	132	do	160
1403	133	do	160
68	68	H. Bryant	122

together with the right of ingress and egress at all times for the purpose of mining, drilling, and exploring said lands for oil, gas and other minerals, and removing the same therefrom, and any and all claims for rents, refunds, royalties, benefits or other payments, arising from the ownership of such interest,

d. An undivided one-eighth (1/8th) of the one-eighth (1/8th) of all royalties upon any oil, gas and other minerals in and under and that may be produced from certain real property situated in the County of Pecos, State of Texas, described as an undivided Forty (40) acre interest in Four Thousand, Six Hundred Five (4605) acres described in the section of land which was patented to Thos. J. Hall, et al., September 22, 1883, by patent No. 100, Volume 24, Cert. 252, Abst. 2006, together with the right of ingress and egress at all times for the purpose of mining, drilling, and exploring said lands for oil, gas and other minerals, and removing the same therefrom, and any and all claims for rents, refunds, royalties, benefits or other payments, arising from the ownership of such interest,

e. An undivided one sixty-fourth (1/64th) interest in and to all of the oil, gas and other minerals in and under and that may be produced from certain real property situated in the County of Presidio, State of Texas, described as an undivided Forty (40) acre interest in Six Hundred Forty (640) acres described as Abst. 2700, Cert. 473, patent 204, D & P Ry. Co. Grantee Survey 117, Block 1, together with the right of ingress and egress at all times for the purpose of mining, drilling, and exploring said lands for oil, gas and other minerals, and removing the same therefrom, and any and all claims for rents, refunds, royalties, benefits or other payments, arising from the ownership of such interest,

f. An undivided one sixty-fourth (1/64th) interest in and to all of the oil, gas and other minerals in and under and that may be produced from certain real property situated in the County of Presidio, State of Texas, described as an undivided One Hundred (100) acre interest in Six Hundred Forty (640) acres described as Section 272 Block 8, Cert. 1/522 G. H. & S. A. Ry. Grantee, together with the right of ingress and egress at all times for the purpose of mining, drilling and exploring said lands for oil, gas and other minerals, and removing the same therefrom, and any and all claims for rents, refunds, royalties, benefits or other payments, arising from the ownership of such interest,

g. An undivided one sixty-fourth (1/64th) of the landowner's one-eighth (1/8th) royalty interest in and to all of the oil, gas and other minerals except potash, in and under and that may be produced from certain real property situated in the County of Winkler, State of Texas, described as an undivided Forty (40) acre interest in Six Hundred Forty (640) acres further described as Survey 10, Block B–10 Public School land, together with the right of ingress and egress at all times for the purpose of mining, drilling and exploring said lands for oil, gas and other minerals, and removing the same therefrom, and any and all claims for rents, refunds, royalties, benefits or other payments, arising from the ownership of such interest,

h. An undivided one sixty-fourth interest in and to all of the oil, gas and other minerals in and under and that may be produced from certain real property situated in the County of Zapata, State of Texas, described as an undivided Eighty (80) acre interest in 949.548 acres of land known as Share No. 5–A, set aside to Avelino Guerra by Partition in the District Court of Zapata County, Texas, said Partition and Plat showing this award is of record in Volume 18, of the Deed records of the County of Zapata, Texas, together with the right of ingress and egress at all times for the purpose of mining, drilling and exploring said lands for oil, gas and other minerals, and removing the same therefrom, and any and all claims for rents, refunds, royalties, benefits or other payments, arising from the ownership of such interest, and

i. An undivided one-sixteenth (1/16th) of the landowner's one-eighth (1/8th) royalty interest in and to all of the oil, gas and other minerals in and under and that may be produced from certain real property situated in the County of Zapata, State of Texas, and described as an undivided One Hundred (100) acre interest in the following described land: Share No. 1–A Containing, 3,259,231 acres of land out of Porciones Nos. 16 and 17, Zapata County, Texas, as per partition of District Court of Zapata County, Texas, known as cause No. 145, Partition of Porciones Nos. 14, 15, 16, and 17, Recorded in Volume 16, Pages 507, Deed Records of Zapata County, Texas, together with the right of ingress and egress at all times for the purpose of mining, drilling and exploring said lands for oil, gas and other minerals, and removing the same therefrom, and any and all claims for rents, refunds, royalties, benefits or other payments, arising from the ownership of such interest,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7314; Filed, Aug. 21, 1950; 8:51 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 15 NUMBER 163

Washington, Wednesday, August 23, 1950

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS[1]

FROZEN CONCENTRATED ORANGE JUICE[2]

On June 30, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 4198) regarding the proposed revision of United States Standards for Grades of Frozen Concentrated Orange Juice (7 CFR 52.492). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Frozen Concentrated Orange Juice are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.), Pub. Law 585, 81st Cong., approved June 29, 1950, and Pub. Law 627, 81st Cong., 2d Sess., approved July 31, 1950.

§ 52.492 *Frozen concentrated orange juice.* Frozen concentrated orange juice is the frozen product of concentrated, unfermented juice obtained from sound, mature fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines. The fruit is prepared by sorting and by washing prior to extraction of the juice to assure a clean product. Upon extraction of such juice, it is concentrated; and fresh orange juice extracted from sorted and washed fruit, as aforesaid, is admixed to the concentrate. The concentrated orange juice is packed in accordance with good commercial practice and is frozen and maintained at temperatures necessary for the preservation of the product.

(a) *Styles of frozen concentrated orange juice*—(1) *Style I, without sweetening ingredients added.* The Brix value of the finished concentrate shall be not less than 41.5 degrees nor more than 44.0 degrees.

(2) *Style II, with sweetening ingredient added.* The finished concentrate, exclusive of added sweetening ingredient, has a Brix value of not less than 40 degrees; and the finished concentrate, including added sweetening ingredient, shall have a Brix value of not less than 42 degrees but not more than 49 degrees.

(b) *Grades of frozen concentrated orange juice.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses the appearance of fresh orange juice; possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of frozen concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a good color; is reasonably free from defects; possesses a good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of frozen concentrated orange juice that fails to meet the requirements of U. S. Grade B or U. S. Choice.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container be filled with frozen concentrated orange juice as full as practicable without impairment of quality.

(d) *Ascertaining the grade.* The grade of frozen concentrated orange juice is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

(Continued on next page)

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The requirements of these standards shall not excuse failure to comply with applicable State laws and regulations.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

THE FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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1950–51 Edition

(Revised through July 1)

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

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Factors:	Points
(1) Color	20
(2) Absence of defects	40
(3) Flavor	40
Total score	100

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen concentrated orange juice of which the reconstituted juice possesses a very good color may be given a score of 17 to 20 points. "Very good color" means that the color is the bright yellow to yellow-orange color typical of fresh orange juice.

(ii) If the reconstituted juice possesses a "good color," a score of 14 to 16 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice, which may be dull but is not off color for any reason.

(iii) If the reconstituted juice fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 13 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from pulp, from recoverable oil, and from other defects.

(i) "Pulp" means particles of membrane, core, and peel.

(ii) Frozen concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present: (*a*) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding 1/8 inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice; (*b*) juice cells and pulp that do not materially affect the appearance or drinking quality of the juice; and (*c*) other defects that are not more than slightly objectionable. To score in this classification the frozen concentrated orange juice may contain not more than 0.100 milliliter of recoverable oil per 100 grams of the concentrated product.

(iii) If the reconstituted juice is reasonably free from defects, a score of 28 to 33 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present: (*a*) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding 1/8 inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice; (*b*) juice cells and pulp that do not seriously affect the appearance or drinking quality of the juice; and (*c*) other defects that are not materially objectionable. To score in this classification the frozen concentrated orange juice may contain not more than 0.120 milliliter of recoverable oil per 100 grams of the concentrated product.

(iv) Frozen concentrated orange juice that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Flavor.* (i) Frozen concentrated orange juice of which the reconstituted juice possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of orange juice extracted from fresh mature sweet oranges. To score not less than 34 points frozen concentrated orange juice shall meet the following requirements for the respective style:

Style I, without sweetening ingredient added. The ratio of Brix value to acid is not less than 11.5 to 1 nor more than 18 to 1 (see Table I).

Style II, with sweetening ingredient added. The ratio of Brix value to acid is not less than 12 to 1 nor more than 14 to 1 (see Table II).

(ii) If the reconstituted juice possesses a good flavor, a score of 28 to 33 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is fairly typical of fresh orange juice extracted from fresh mature sweet oranges and is free from abnormal flavors and off flavors of any kind. To score not less than 28 points frozen concentrated orange juice shall meet the following requirements for the respective style:

Style I, without sweetening ingredient added. The ratio of Brix value to acid is not less than 10 to 1 nor more than 19 to 1 (see Table I).

Style II, with sweetening ingredient added. The ratio of Brix value to acid is not less than 10 to 1 nor more than 15 to 1 (see Table II).

(iii) If the frozen concentrated orange juice fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 27 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED ORANGE JUICE

STYLE I, WITHOUT SWEETENING INGREDIENT ADDED

Brix value of the concentrate in degrees Brix	U. S. Grade A or U. S. Fancy		U. S. Grade B or U. S. Choice	
	Ratio 11.5:1	Ratio 18:1	Ratio 10:1	Ratio 19:1
	Acid (percent by weight)		Acid (percent by weight)	
	Maximum	Minimum	Maximum	Minimum
41.5°	3.61	2.31	4.15	2.18
41.6°	3.62	2.31	4.16	2.19
41.7°	3.63	2.32	4.17	2.19
41.8°	3.63	2.32	4.18	2.20
41.9°	3.64	2.33	4.19	2.21
42.0°	3.65	2.33	4.20	2.21
42.1°	3.66	2.34	4.21	2.22
42.2°	3.67	2.34	4.22	2.22
42.3°	3.68	2.35	4.23	2.23
42.4°	3.69	2.36	4.24	2.23
42.5°	3.70	2.36	4.25	2.24
42.6°	3.70	2.37	4.26	2.24
42.7°	3.71	2.37	4.27	2.25
42.8°	3.72	2.38	4.28	2.25
42.9°	3.73	2.38	4.29	2.26
43.0°	3.74	2.39	4.30	2.26
43.1°	3.75	2.39	4.31	2.27
43.2°	3.76	2.40	4.32	2.27
43.3°	3.77	2.41	4.33	2.28
43.4°	3.77	2.41	4.34	2.28
43.5°	3.78	2.42	4.35	2.29
43.6°	3.79	2.42	4.36	2.29
43.7°	3.80	2.43	4.37	2.30
43.8°	3.81	2.43	4.38	2.31
43.9°	3.82	2.44	4.39	2.31
44.0°	3.83	2.44	4.40	2.32

Style II, with sweetening ingredient added. The ratio of Brix value to acid is not less than 12 to 1 nor more than 14 to 1 (see Table II).

TABLE II—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED ORANGE JUICE

STYLE II, WITH SWEETENING INGREDIENT ADDED

Brix value of the concentrate in degrees Brix	U. S. Grade A or U. S. Fancy		U. S. Grade B or U. S. Choice	
	Ratio 12:1	Ratio 14:1	Ratio 10:1	Ratio 15:1
	Acid (percent by weight)		Acid (percent by weight)	
	Maximum	Minimum	Maximum	Minimum
42.0°	3.50	3.00	4.20	2.80
42.1°	3.51	3.01	4.21	2.81
42.2°	3.52	3.01	4.22	2.81
42.3°	3.53	3.02	4.23	2.82
42.4°	3.53	3.03	4.24	2.83
42.5°	3.54	3.04	4.25	2.83
42.6°	3.55	3.04	4.26	2.84
42.7°	3.56	3.05	4.27	2.85
42.8°	3.57	3.06	4.28	2.85
42.9°	3.58	3.06	4.29	2.86
43.0°	3.58	3.07	4.30	2.87
43.1°	3.59	3.08	4.31	2.87
43.2°	3.60	3.09	4.32	2.88
43.3°	3.61	3.09	4.33	2.89
43.4°	3.62	3.10	4.34	2.89
43.5°	3.63	3.11	4.35	2.90
43.6°	3.63	3.11	4.36	2.91
43.7°	3.64	3.12	4.37	2.91
43.8°	3.65	3.13	4.38	2.92
43.9°	3.66	3.14	4.39	2.93
44.0°	3.67	3.14	4.40	2.93
44.1°	3.68	3.15	4.41	2.94
44.2°	3.68	3.16	4.42	2.95
44.3°	3.69	3.16	4.43	2.95
44.4°	3.70	3.17	4.44	2.96
44.5°	3.71	3.18	4.45	2.97
44.6°	3.72	3.19	4.46	2.97
44.7°	3.73	3.19	4.47	2.98
44.8°	3.73	3.20	4.48	2.99
44.9°	3.74	3.21	4.49	2.99
45.0°	3.75	3.21	4.50	3.00
45.1°	3.76	3.22	4.51	3.01
45.2°	3.77	3.23	4.52	3.01
45.3°	3.78	3.24	4.53	3.02
45.4°	3.78	3.24	4.54	3.03
45.5°	3.79	3.25	4.55	3.03
45.6°	3.80	3.26	4.56	3.04
45.7°	3.81	3.26	4.57	3.05
45.8°	3.82	3.27	4.58	3.05
45.9°	3.83	3.28	4.59	3.06
46.0°	3.83	3.29	4.60	3.07
46.1°	3.84	3.29	4.61	3.07
46.2°	3.85	3.30	4.62	3.08
46.3°	3.86	3.31	4.63	3.09
46.4°	3.87	3.31	4.64	3.09
46.5°	3.88	3.32	4.65	3.10
46.6°	3.88	3.33	4.66	3.11
46.7°	3.89	3.34	4.67	3.11
46.8°	3.90	3.34	4.68	3.12
46.9°	3.91	3.35	4.69	3.13
47.0°	3.92	3.36	4.70	3.13
47.1°	2.93	3.36	4.71	3.14
47.2°	3.93	3.37	4.72	3.15
47.3°	3.94	3.38	4.73	3.15
47.4°	3.95	3.39	4.74	3.16
47.5°	3.96	3.39	4.75	3.17
47.6°	3.97	3.40	4.76	3.17
47.7°	3.98	3.41	4.77	3.18
47.8°	3.98	3.41	4.78	3.19
47.9°	3.99	3.42	4.79	3.19
48.0°	4.00	3.43	4.80	3.20
48.1°	4.01	3.44	4.81	3.21
48.2°	4.02	3.44	4.82	3.21
48.3°	4.03	3.45	4.83	3.22
48.4°	4.03	3.46	4.84	3.23
48.5°	4.04	3.46	4.85	3.23
48.6°	4.05	3.47	4.86	3.24
48.7°	4.06	3.48	4.87	3.25
48.8°	4.07	3.49	4.88	3.25
48.9°	4.08	3.49	4.89	3.26
49.0°	4.08	3.50	4.90	3.27

(f) *Definitions of terms as used in these standards.* (1) "Oranges" means oranges of the sweet orange group (Citrus sinensis) and the Mandarin group (Citrus reticulata), except tangerines.

(2) "Reconstituted juice" means the product obtained by mixing thoroughly 3 parts by volume of distilled water and one part by volume of frozen concentrated orange juice.

(3) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter, leaving a zone of definitely clear liquid without any turbidity, after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder (such as a 50 ml. graduated cylinder).

(4) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in frozen concentrated orange juice.

(5) "Brix value" in frozen concentrated orange juice is the refractometric sucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable correction for acid is added. (See Table III for corrections).

TABLE III—CORRECTIONS FOR OBTAINING BRIX VALUES [1]

Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value	Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value
2.0	0.39	3.6	0.70
2.2	.43	3.8	.74
2.4	.47	4.0	.78
2.6	.51	4.2	.81
2.8	.54	4.4	.85
3.0	.58	4.6	.89
3.2	.62	4.8	.93
3.4	.66	5.0	.97

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, vol. 11, p. 447, Aug. 15, 1939.

(g) *Explanation of analyses.* (1) The measurement of Brix value is determined on the thawed concentrate in accordance with the refractometric method for sugars and sugar products, outlined in the Official and Tentative Methods of the Association of Official Agricultural Chemists.

(2) "Acid," calculated as anhydrous citric acid, is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(3) "Recoverable oil" is determined by the following method:

(i) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 [1] and Figure 2: [1]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(ii) *Procedure.* Exactly 400 grams of the thawed concentrate mixed with water to approximately two liters are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and bring the solution to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

The number of milliliters of oil recovered divided by 4 equals the volume of recoverable oil per 100 grams of concentrate.

(h) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen concentrated orange juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(i) *Score sheet for frozen concentrated orange juice.*

Size and kind of container	.....
Container mark or identification	.....
Label	.....
Liquid measure (fl. ounces)	.....
Brix value of concentrate (corrected for acid)	.....
Anhydrous citric acid (% by weight)	.....
Brix value to acid ratio	.....
Recoverable oil (ml./100 grams)	.....
Reconstitutes properly (yes) (no)	.....
Appearance of fresh juice (yes) (no)	.....

Factors		Score points
I. Color	20	(A) 17-20 (B) [1]14-16 (D) [1]0-13
II. Absence of defects	40	(A) 34-40 (B) [1]28-33 (D) [1]0-27
III. Flavor	40	(A) 34-40 (B) [1]28-33 (D) [1]0-27
Total score	100	
Grade		

[1] Indicates limiting rule.

(j) *Effective time and supersedure.* The revised United States Standards for Grades of Frozen Concentrated Orange Juice (which are the second issue) contained in this section shall become effective 30 days after publication in the FEDERAL REGISTER and thereupon supersede the United States Standards for Frozen Concentrated Orange Juice which have been in effect since July 25, 1949.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies sec. 203, 60 Stat. 1087; 7 U. S. C. 1622)

Issued at Washington, D. C., this 18th day of August 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-7345; Filed, Aug. 22, 1950; 8:50 a. m.]

[1] Filed as part of the original document.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 43-4]

PART 43—GENERAL OPERATION RULES

AIRCRAFT IDENTIFICATION MARKS AND AIRCRAFT AIRWORTHINESS; RESTRICTED CATEGORY

Correction

In Federal Register Document 50-7073, published at page 5226 in the issue for Saturday, August 12, 1950, in the ninth line of § 43.10 (c) (6) the symbol "O" should read "C".

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of Industry and Commerce

[5th Gen. Rev. of Export Regs., Amdt. 13]

PART 371—GENERAL LICENSES

COUNTRY GROUPS; SHIPMENTS OF LIMITED VALUE

1. Section 371.3 *General license country groups* is amended in the following particulars:

Paragraph (a) *Grouping of countries* is amended to read as follows:

(a) *Grouping of countries.* Two general license country groups are hereby designated: Group R and Group O.

(1) Country Group O consists of the following countries and other destinations:

NORTH AMERICA

Northern area:
Greenland.
Miquelon and St. Pierre Islands.
Southern area:
Mexico (including Cozumel and Revilla Gigedo Islands).
Central America:
Guatemala.
British Honduras.
El Salvador.
Honduras (including the Bay Islands).
Nicaragua.
Costa Rica.
Panama, Republic of.
Bermuda and Caribbean:
Bermuda.
Bahamas.
Cuba (including Isle of Pines).
Jamaica.
Haiti (including Gonave and Tortue Islands).
Dominican Republic.
Leeward and Windward Islands.
Barbados.
Trinidad and Tobago.
Curacao (Netherlands West Indies).
French West Indies.

SOUTH AMERICA

Northern area:
Colombia.
Venezuela.
British Guiana.
Surinam (Netherlands Guiana).
French Guiana (including Inini).
Western area:
Ecuador (including the Galapagos Islands).
Peru.
Bolivia.
Chile (including the islands Sala-y-Comes, Juan Fernandes, San Felix, San Ambrosia, and Easter Island).

Eastern area:
Brazil (including the islands St. Paul, Fernando Noronha, and Trinidad (in South Atlantic).
Uruguay.
Paraguay.
Argentina.
Falkland Islands.

(2) Country Group R includes and consists of all countries and other destinations not included in Country Group O, except Canada (including Newfoundland and Labrador). Within Country Group R there is established Sub-group A, which includes and consists of the following countries and other destinations:

Albania.
Bulgaria.
China, including the provinces of Suiyuan, Chahar, Ningsia, and Jehol (sometimes referred to as Inner Mongolia); the provinces of Chinghai (Tsinghai) and Sikang; Sinkiang; Tibet; and Outer Mongolia; but excluding Manchuria, and excluding Taiwan (Formosa).
Czechoslovakia.
Estonia.
Germany (Russian Occupied Zone only).
Hungary.
Latvia.
Lithuania.
Manchuria, including the former Kwantung Leased Territory. (The present Port Arthur Naval Base Area and the Liaoning Province).
North Korea.
Poland and Danzig.
Rumania.
Union of Soviet Socialist Republics.

2. Section 371.10 *Shipments of limited value GLV* is amended in the following particulars:

Paragraph (c) *General provisions* is amended in the following particulars:

Subparagraph (1) *Positive List* is amended to read as follows:

(1) *Positive List.* Subject to the special provisions as designated and set forth in this section, commodities included on the Positive List of Commodities (§ 399.1 of this chapter) which have a dollar value specified may be exported under this general license to all destinations, except those in Sub-Group A (see § 371.3 (a)), as follows: R commodities may be exported to Group R destinations, and RO commodities may be exported to Group R or Group O destinations, where, in a single shipment, the net value of the commodities classified in a single entry on the Positive List does not exceed the specified dollar value limit in the column headed "GLV Dollar Value Limits."

NOTE: Positive List commodities may not be exported in any quantity under general license GLV to destinations in Sub-group A (§ 371.3 (a)).

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective August 17, 1950.

Issued this 18th day of August 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50-7342; Filed, Aug. 22, 1950; 8:50 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. 12 [1]]

PART 371—GENERAL LICENSES

IN-TRANSIT LICENSE; EXCEPTED COMMODITY LIST

Section 371.9 *General in-transit license GIT* is amended in the following particulars:

Paragraph (c) *Excepted commodity list* is amended by revising the entries for Schedule B Nos. 504800, 547300, and 548098; and by adding certain other graphite products, Schedule B No. 547400 to read as follows:

Commodity	Schedule B No.	Schedule S No. [1]
Petroleum coke, including petroleum coke flour	504800	517
Carbon or artificial graphite electrodes for furnace or electrolytic work, 2 inches in cross-sectional dimension and over	547300	555
Brushes and brush stock in the form of blocks, plates, and rods, carbon and artificial graphite	547400	555
Artificial graphite powder	548098	555
Carbon or artificial graphite scrap	548098	555
Carbon or artificial graphite blocks, bricks, or plates—all sizes (report brush stock in 547400)	548098	555
Carbon or artificial graphite electrodes other than for furnace or electrolytic work, and rods, 2 inches cross-sectional dimension and over	548098	555

[1] The Department of Commerce Schedule S number is shown for each commodity. All shipments of merchandise for which the shipper's export declaration for in-transit goods is required must be reported in terms of Schedule S, as well as Schedule B.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of August 10, 1950.

Issued this 18th day of August 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50-7341; Filed, Aug. 22, 1950; 8:50 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. 14]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

ISSUANCE AND USE OF EXPORT LICENSES; IRON AND STEEL PRODUCTS

1. Section 372.11 *Issuance and use of export licenses* is amended in the following particulars:

Paragraph (e) *Validity of licenses* and paragraph (f) *Shipments against expiring licenses* are amended to read as follows:

(e) *Validity of licenses.* (1) Outstanding licenses may be revised, suspended, or revoked, or the validity periods thereof may be extended or reduced, by appropriate orders or regulations.

(2) Individual export licenses will be issued for a validity period of six months from the date of validation, unless otherwise stated on the face of the license.

NOTE: Refer to Part 373 to determine if the special provisions for a commodity include any particular terms regarding the validity period of the individual export license.

(f) *Shipments against expiring licenses*—(1) *Commodities ready for loading or laden.* Commodities which are (i) laden aboard the exporting carrier or (ii) ready for lading and located on a pier for the purpose of lading prior to midnight of the expiration date of a license, and not for the purpose of storage, may clear with the vessel even though the vessel does not clear until after the expiration date of the license. Furthermore, where the vessel is expected to be available at the pier for loading in advance of the expiration of the license, but exceptional and unforeseen circumstances delay it, the commodities may be cleared for export without an extension of the validity period of the license, if in the judgment of the collector of customs undue hardship would otherwise result.

(2) *Other shipments.* Licensed shipments not coming within one of the foregoing provisions may not be cleared for export except by extension of the validity period of the license by the Department of Commerce.

2. Section 373.2 *Special provisions for iron and steel products* is amended in the following particulars:

Subparagraph (a) (3) *Validity period* is hereby deleted.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Issued this 18th day of August 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50-7343; Filed, Aug. 22, 1950; 8:50 a. m.]

[1] This amendment was published in Current Export Bulletin No. 581, dated August 10, 1950.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat 409; 21 U. S. C. and Sup., 357) the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.) are amended as indicated below:

1. In § 141.5 *Sodium penicillin* • • •, paragraph (f) *Penicillin K content*, eighth sentence, is amended by changing "(e)" to "(d)."

2. Part 141 is amended by adding the following new section:

§ 141.39 *Penicillin and streptomycin, penicillin and dihydrostreptomycin*—(a) *Potency*—(1) *Total penicillin content.* Proceed as directed in § 141.1.

(2) *Procaine penicillin and sodium or potassium penicillin*—(i) *Procaine penicillin content.* Proceed as directed in § 141.32 (b) (3), except prepare the sample as follows: Add the indicated amount of distilled water to the contents of a vial of the sample and shake well. Withdraw one dose of the suspension or solution with a hypodermic syringe, place in a 250-ml. volumetric flask and make to 250 ml. with 1% phosphate buffer pH 6.0. Dilute a 5.0 ml. aliquot of this solution to 100 ml. with distilled water. The procaine penicillin found in a 2-ml. aliquot of this solution X 2500 gives the procaine penicillin content of one dose of the preparation under test. The content of procaine penicillin in the batch is satisfactory when determined by the method described in this subdivision if it is not less than 85% of that which it is represented to contain.

(ii) *Sodium or potassium penicillin content.* Determine the total penicillin content as directed under subparagraph (1) of this paragraph. Obtain the sodium or potassium penicillin content by subtracting the procaine penicillin content obtained under subdivision (i) of this subparagraph from the total penicillin content. The sodium or potassium penicillin content of the batch is satisfactory if it is not less than 85% of that which it is represented to contain.

(3) *Streptomycin content.* Proceed as directed in § 141.101 (j) and (k).

(4) *Dihydrostreptomycin content.* Proceed as directed in § 141.108 (a).

(b) *Sterility.* If the sample contains streptomycin, proceed as directed in § 141.102, except that M. pyogenes var. aureus (PCI 1214) is used as the control-test organism. If the sample contains dihydrostreptomycin add sufficient sterile penicillinase to completely inactivate the penicillin and proceed as directed in § 141.108 (c).

(c) *Toxicity.* Proceed as directed in § 141.103.

(d) *Pyrogens.* Proceed as directed in § 141.104.

(e) *Moisture.* Proceed as directed in § 141.26 (e).

(f) *pH.* Proceed as directed in § 141.5 (b), using the solution or suspension resulting when the amount of diluent recommended in the labeling is added.

3. Part 146 is amended by adding the following new section:

§ 146.58 *Penicillin and streptomycin, penicillin and dihydrostreptomycin*—(a) *Standards of identity, strength, quality, and purity.* Penicillin and streptomycin is procaine penicillin or crystalline sodium penicillin or potassium penicillin or a mixture of procaine penicillin and crystalline sodium penicillin or potassium penicillin and dihydrostreptomycin sulfate. Penicillin and dihydrostreptomycin is procaine penicillin or crystalline sodium penicillin or potassium penicillin or a mixture of procaine penicillin and crystalline sodium penicillin or potassium penicillin and dihydrostreptomycin sulfate. Each such drug may contain suitable and harmless buffer substances, suspending or dispersing agents. It is so purified and dried that:

(1) It is sterile;

(2) It is nontoxic;

(3) It is nonpyrogenic;

(4) Its moisture content is not more than 3.5%;

(5) When prepared for injection as directed in its labeling its pH is not less than 5.0 and not more than 7.5.

The procaine penicillin used conforms to the requirements prescribed by § 146.44 (a). The crystalline penicillin used conforms to the requirements prescribed for crystalline penicillin by § 146.24 (a). The streptomycin sulfate used conforms to the requirements prescribed by § 146.101 (a). The dihydrostreptomycin sulfate used conforms to the requirements prescribed by § 146.106 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases, the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless, transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,500,000 units or 3,000,000 units of procaine penicillin or crystalline sodium penicillin or potassium penicillin and 1 gm. of streptomycin or dihydrostreptomycin for each 300,000 units of penicillin, except if it is a mixture of two salts of penicillin it shall contain not less than 100,000 units of crystalline sodium penicillin or potassium penicillin for each 300,000 units of procaine penicillin. Each such container may be packaged in combination with a container of a solvent, water for injection U. S. P., dextrose injection U. S. P., or physiological salt solution U. S. P.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated the following:

(1) On the outside wrapper or container:

(i) The batch mark;

(ii) The number of units of each salt of penicillin in the immediate container;

(iii) The number of grams of streptomycin or dihydrostreptomycin in the immediate container;

(iv) The statement "Expiration date -----," the blank being filled in with the date which is 18 months after the month in which batch was certified;

(v) The statement "For intramuscular use only"; and

(vi) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions for use and warning as required by section 502 (f) of the act, including:

(i) Clinical indications;

(ii) Dosage and administration including method of preparing the drug for injection;

(iii) The conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept in refrigerator for one week without significant loss of potency";

(iv) Contraindications; and

(v) Untoward effects that may accompany administration, including sensitization.

If two or more immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of penicillin and streptomycin or penicillin and dihydrostreptomycin shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the number of units of each salt of penicillin, and the number of grams of streptomycin or dihydrostreptomycin in each package, the batch marks, and (unless they were previously submitted) the dates on which the latest assays of the penicillin and streptomycin or dihydrostreptomycin used in making such batch were completed, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch and a statement that each such ingredient conforms to the requirements prescribed therefor by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: potency, sterility, toxicity, pyrogens, moisture, pH.

(ii) The procaine penicillin used in making the batch; potency, crystallinity, penicillin K content (unless it is procaine penicillin G), and the penicillin G content if it is procaine penicillin G.

(iii) The crystalline sodium or potassium penicillin used in making the batch; potency, crystallinity, heat stability, penicillin K content (unless it is crystalline penicillin G), and the penicillin G content if it is crystalline penicillin G.

(iv) The streptomycin or dihydrostreptomycin used in making the batch; potency, histamine content, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request in the quantities hereinafter indicated accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 12 or more than 19 immediate containers collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The procaine penicillin used in making the batch; 3 packages containing approximately equal portions of not less than 0.5 gm. each packaged in accordance with the requirements of § 146.44 (b).

(iii) The crystalline penicillin used in making the batch, 3 packages containing approximately equal portions of not less than 250 mg. each packaged in accordance with the requirements of § 146.24 (b).

(iv) The streptomycin or dihydrostreptomycin used in making the batch; 3 packages containing approximately equal portions of not less than 0.5 gm. each packaged in accordance with the requirement of § 146.101 (b).

(v) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 gm.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample containing twelve approximately equal portions of at least 2 gm. each taken from different parts of such batch, each such portion shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii), (iii), and (iv) of this paragraph, and no sample referred to in subparagraph (3) (ii), (iii), and (iv) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) and (4) of this section; and

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations. The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

This order, which provides for tests and methods of assay and certification of two new antibiotic products, penicillin and streptomycin, and penicillin and dihydrostreptomycin, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will be benefited by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay the marketing of penicillin and streptomycin, and penicillin and dihydrostreptomycin.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup., 357)

Dated: August 16, 1950.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-7333; Filed, Aug. 22, 1950; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 862—AIR RESERVE OFFICERS' TRAINING CORPS

RELATION OF SELECTIVE SERVICE ACT TO AIR FORCE RESERVE OFFICERS' TRAINING CORPS

Part 862 is hereby amended by adding §§ 862.76 to 862.88 as follows:

Sec.
862.76 Purpose.
862.77 Definitions.
862.78 Students enrolled in advanced course before June 24, 1948.
862.79 Other students.
862.80 Selection of students for deferment.
862.81 Deferment.
862.82 Enrollment.
862.83 Veterans.
862.84 Concurrent membership in Reserve components.
862.85 Appointment of graduates—special cases.
862.86 Postponed camp attendance.
862.87 Students previously deferred.
862.88 Students granted advanced standing.

AUTHORITY: §§ 862.76 to 862.88 issued under sec. 6, 62 Stat. 609; 50 U. S. C. App., Sup., 456. Interpret or apply secs. 3, 7, 62 Stat. 605, 614; sec 21, Pub. Law 599, 81st Cong.; 50 U. S. C. App., Sup., 453, 457.

DERIVATION: AFR 45-52.

§ 862.76 *Purpose.* The regulations contained in §§ 862.76 to 862.88 outline instructions regarding the effect of the Selective Service Act of 1948 (62 Stat. 604; 50 U. S. C. App., Sup., 451-470) and the Selective Service Extension Act of 1950 (Pub. Law 599, 81st Cong.) on the enrollment and continuance of students in the Air Force Reserve Officers' Training Corps.

§ 862.77 *Definitions.* Except where specifically stated otherwise, the following terms as used in §§ 862.76 to 862.88 are defined as follows:

(a) Act means Title I of the Selective Service Act of 1948 (62 Stat. 604; 50 U. S. C. App., Sup., 451-470), as extended by the Selective Service Extension Act of 1950 (Pub. Law 599, 81st Cong.).

(b) Advanced course includes the summer camp prescribed by law.

(c) Begun the work of the advanced course (or the basic course or a specific year of either) means attendance had actually begun at classroom or other instruction periods conducted in compliance with the appropriate program of instruction prescribed by the Department of the Air Force.

(d) Completion of the course of instruction means completion of the unfinished portion of both the Air Force Reserve Officers' Training Corps course and the nonmilitary educational course required under current regulations for commissioned appointment.

(e) In good standing means the maintenance of a level of scholarship and deportment which, if continued, would insure the graduation of the student at the normal time.

(f) Authorized periods of nonattendance means:

(1) Regularly scheduled vacation periods.

(2) Periods of sick leave authorized by the Professor of Air Science and Tactics.

(3) Periods of leave from the military course of instruction, when authorized by air force commanders.

(g) Air force commander includes the commanders of numbered Continental Air Command air forces and the Commander, Pacific Division, Military Air Transport Service.

(h) Between the ages of 18 and 26 refers to men who have attained the eighteenth anniversary of the day of their birth and who have not attained the twenty-sixth anniversary of the day of their birth. Other terms designating different age groups will be similarly construed.

(i) Deferment means a deferment from induction under Selective Service and does not imply a deferment from orders or call to active military service as a member of a component of the Air Force of the United States (Air National Guard of the United States or United States Air Force Reserve). Enrollment in the Air Force Reserve Officers' Training Corps or deferment from induction under the provisions of the regulations contained in §§ 862.76 to 862.88 do not in themselves establish status of a member of a component of the Air Force of the United States.

§ 862.78 *Students enrolled in advanced course before June 24, 1948*—(a) *Students affected.* Students affected are those students who were formerly enrolled under written contract in the advanced course, Air Force Reserve Officers' Training Corps, and who had

actually begun the work of the advanced course prior to June 24, 1948.

(b) *Deferment from induction.* Students affected are and will continue to be deferred from induction for service or training as follows:

(1) Until completion of the course of instruction: *Provided*, That they respectively remain in good standing and their attendance is continuous except for authorized periods of nonattendance. (See also § 862.85.) The deferment granted any student under section 6 (d) (1) of the act will be terminated immediately, and then he will become subject to induction unless otherwise deferred or exempted, if he:

(i) Fails to remain in good standing in either his academic or military course.

(ii) Has failed to demonstrate proper and sufficient aptitude to indicate that further instruction will qualify him for a commissioned appointment.

(iii) Fails to pursue the Air Force Reserve Officers' Training Corps course throughout any semester or term in which he normally would be expected to be in attendance, or fails to attend camp when ordered thereto by competent authority.

(iv) Declines or fails to accept a commissioned appointment in a component of the Air Force when and if tendered him.

(2) As long after completion of the course of instruction as they respectively remain in Regular or Reserve status as commissioned officers. (See also § 862.85.)

(c) *Registration.* Students affected will be required to register under the provisions of section 3 of the act, if between the ages of 18 and 26, on the day or days proclaimed for registration by the President, regardless of deferment or exemption from induction to which entitled.

(d) *Obligation for active military service.* (1) While satisfactorily pursuing the course of instruction, students affected will not be subject to induction under Selective Service. However, students enrolled in the Air Force Reserve Officers' Training Corps and deferred from induction under the provisions of §§ 862.76 to 862.88, who are also members of a Reserve component of any of the Armed Forces, are subject to active military service under the provisions of section 21 of the act.

(2) Subsequent to acceptance of commissioned appointments in a component of the Air Force, students affected who have had:

(i) Ninety days or more continuous active service in the Armed Forces (exclusive of periods of active training duty) are not subject to induction under Selective Service. However, under the provisions of section 21 of the act, or in the event of a declaration of war or National emergency by Congress subsequent to July 9, 1950, they will be subject to active military service as commissioned officers.

(ii) Less than 90 days' continuous active service in the Armed Forces (exclusive of periods of active training duty) are subject to 21 months' active service as officers in the Air Force, when and if ordered by direction of the President.

(e) *Notification of local boards.* Every student who is entitled to deferment under the provisions of section 6 (d) (1) of the act will be responsible for:

(1) Promptly notifying his local board in writing that he has been certified for deferment from induction by the provisions of section 6 (d) (1) of the act, and of any subsequent change in status which terminates such deferment.

(2) Promptly notifying his Professor of Air Science and Tactics of the number and address of his local board, and requesting the Professor of Air Science and Tactics to furnish the local board with official notification of his certification for deferment.

§ 862.79 *Other students*—(a) *Students who may be affected.* Students who may be affected are:

(1) Eligible students who have been or may be selected for enrollment in the advanced course, Air Force Reserve Officers' Training Corps, but who had not actually entered upon the work of the advanced course on June 30, 1950.

(2) Eligible students, who have completed the first-year basic course or the prescribed equivalent amount of military service or training and desire to continue in or enter the second-year basic course.

(3) Eligible students who desire to enter or continue in the first-year basic course.

(b) *Deferment from induction.* Under the conditions and limitations set forth in paragraph (c) of this section, selected students in the categories defined in paragraphs (a) (1), (2), and (3) of this section, will be deferred from induction for training and service under Selective Service as follows:

(1) Until completion of the course of instruction, provided that they respectively remain in good standing and their attendance is continuous except for authorized periods of nonattendance. (See §§ 862.77 and 862.85.) The deferment granted any student under section 6 (d) (2) of the act will be terminated and he will immediately become subject to induction unless otherwise exempted or deferred, if any of the conditions set forth in § 862.78 (c) (1) exist. Deferment from Selective Service induction under the provisions of this paragraph does not imply exemption or deferment from order or call to active duty of members of the Air Force Reserve Officers' Training Corps who are also members of a component of any of the Armed Forces.

(2) As long after completion of the course of instruction as they respectively remain in Regular or Reserve status as commissioned officers. Deferment from Selective Service induction under the provisions of this paragraph does not imply deferment or exemption from call or order to active duty as commissioned officers of a component of any of the Armed Forces.

(c) *Conditions for deferment.* To be deferred from induction under the provisions of section 6 (d) (2) of the act, the student must:

(1) Be selected for deferment by the Professor of Air Science and Tactics within the limitations of the deferment quota allotted to the unit concerned. (See §§ 862.80 and 862.81.)

(2) Be selected for admission to the advanced course when eligible therefor, and at that time sign a contract which provides that in consideration of commutation of subsistence furnished him in accordance with law, the student agrees to complete the advanced course at the institution in which he is enrolled or any other institution where such course is given, to devote 5 hours per week during such period to the military training prescribed and to pursue the prescribed course of camp training.

(3) Sign a deferment agreement which requires him to:

(i) Accept appointment as a commissioned officer in a component of the Air Force, if and when tendered.

(ii) Serve not less than two years of active duty as an officer with the Air Force, subject to call by the Secretary of the Air Force.

(d) *Registration.* Students affected will be required to register under the provisions of section 3 of the act, if between the ages of 18 and 26, on the day or days proclaimed for registration by the President, regardless of deferment or exemption from induction to which entitled.

(e) *Obligation for active military service.* (1) While satisfactorily pursuing the course of instruction, students granted deferment under the provisions of section (6) (d) (2) of the act will not be subject to induction under Selective Service. However, students enrolled in the Air Force Reserve Officers' Training Corps and deferred from induction under the provisions of §§ 862.76 to 862.88, who are also members of a Reserve component of any of the Armed Forces are subject to active military service under the provisions of section 21 of the act.

(2) Subsequent to acceptance of commissioned appointments in a component of the Air Force, students who will have been deferred under section (6) (d) (2) of the act will be subject to active military service as officers for not less than two years, with the Air Force, subject to call by the Secretary of the Air Force. (See also § 862.83.)

(f) *Notification of local boards.* Every student who is certified for deferment under the provisions of section 6 (d) (2) of the act will be responsible for:

(1) Promptly notifying his local board in writing that he has been certified for deferment from induction under the provisions of section 6 (d) (2) of the act. Every student who is granted such deferment in advance of his actual registration will notify his local board at the time of registration.

(2) Promptly notifying his local board in writing of any subsequent change in status which terminates such deferment.

(3) Promptly notifying his Professor of Air Science and Tactics of the number and address of his local board when determined, and requesting the Professor of Air Science and Tactics to furnish the local board with official certification for deferment.

§ 862.80 *Selection of students for deferment.* (a) The Professor of Air Science and Tactics will in conjunction with the institution authorities establish a board or boards which will recommend students for deferment to the Professor of Air Science and Tactics. Each such board will be composed of not less than three members and will include representatives of the military and academic faculties. In no case, however, will a board have a majority representation of the academic faculty.

(b) A period of one semester (or two quarters) will intervene between the beginning of the academic year and the final selection of first-year basic course students for deferment. During this period each applicant will be closely observed by members of the military faculty to determine leadership ability. Any applicant judged deficient in leadership qualities may, at the discretion of the board, be eliminated.

§ 862.81 *Deferment.* (a) Deferment under the provisions of section 6 (d) (2) of the will not be granted prior to the beginning of the 1950–51 academic year, except in the following cases:

(1) Students who executed a deferment agreement prior to June 30, 1950.

(2) Students formally enrolled in the advanced course who are not entitled to deferment or exemption from induction under any provision of the act other than section 6 (d) (1) or 6 (d) (2).

(3) Students who have been selected for admisison to the advanced course within enrollment quotas, who have signed the provisional agreement (contract) (see § 862.79 (c) (2)) for admission to the advanced course at the beginning of the 1950–51 school year, and who are not entitled to deferment or exemption from induction under any provision of the act other than section 6 (d) (1) or 6 (d) (2).

(b) During the first semester or term of the 1950–51 academic year, deferment quotas will be disbursed in part in the following priorities:

(1) To all enrolled members of the second-year advanced course who satisfy the conditions set forth in § 862.79 (c) and who are not entitled to deferment or exemption from induction under any provision of the act other than section 6 (d) (2) or 6 (i) (2).

(2) To all enrolled members of the first-year advanced course who satisfy the conditions set forth in § 862.79 (c) and who are not entitled to deferment or exemption under any provision of the act other than section 6 (d) (2) or 6 (i) (2).

(c) During the final semester or term of the 1950–51 academic year, Professors of Air Science and Tactics will disburse such portion of the unexpended deferment quota as they see fit, in the following priorities, to:

(1) Students who have been enrolled in the advanced course under contract, subsequent to the beginning of the 1950–51 academic year, who satisfy the conditions set forth in § 862.79 (c) and who are not entitled to deferment or exemption under any provision of the act other than section 6 (d) (2) or 6 (i) (2).

(2) Enrolled members of the second-year basic course who are regarded as suitable for admission to the advanced course and for eventual commissioning, who satisfy the conditions set forth in § 862.79 (c) and who are not entitled to deferment or exemption under any provision of the act other than section 6 (d) (2) or 6 (i) (2).

(3) Enrolled members of the first-year basic course who are regarded as suitable for eventual admission to the advanced course and subsequent commissioning, who satisfy the conditions set forth in § 862.79 (c) and who are not entitled to deferment or exemption under any provision of the act other than section 6 (d) (2) or 6 (i) (2).

(4) Enrolled members of the first-year advanced course, second-year basic course, and first-year basic course, in the order stated, who are regarded as suitable for eventual commissioning, who satisfy the conditions set forth in § 862.79 (c), and who are entitled to deferment or exemption on the basis of prior active military service or concurrent membership in a Reserve component of the Air Force or of some provision of the act other than section 6 (d) (2).

(d) Enrollment in either the basic course or advanced course does not in itself exempt or defer the student from induction.

§ 862.82 *Enrollment* — (a) *General.* Any qualified student may be enrolled in the Air Force Reserve Officers' Training Corps within quota limitations regardless of his desire for deferment. However, selection for admission to the advanced course will be determined with full regard for the qualifications of individual applicants and preference will be given to those who execute a deferment agreement and who have no conflicting obligation of service, such as membership in a Reserve component of the Air Force.

(b) *Limitations.* (1) Contractual enrollment in the advanced course will be limited by advanced course quotas issued to each unit for the school year 1950–51. However, when desired by institutional authorities (and approved by the Professor of Air Science and Tactics) students who are not eligible for enrollment in the Air Force Reserve Officers' Training Corps may be permitted to pursue the advanced course without expense to the Government. Such students cannot be issued Government uniforms or commutation therefor, but may use the arms and equipment issued to the institution. These students are limited to the number that can be accommodated and may not be granted deferment while in this status.

(2) Students may be enrolled in the basic course up to the number that can be accommodated by instructor personnel now assigned to or under orders to join the units concerned and by available uniforms and equipment.

§ 862.83 *Veterans.* Veterans who were not enrolled in the basic course or the advanced course on or before June 30, 1950, and who are exempt from induction by virtue of previous honorable active service in the Armed Forces, may, if otherwise eligible, be enrolled in the basic course or the advanced course, as appropriate, and may apply for and be granted deferment under the provisions of section 6 (d) (2) of the act. (See §§ 862.79 and 862.81.) The exemption granted by virtue of previous military service remains valid only in the absence of a declaration of war or National emergency by Congress subsequent to July 9, 1950, and of the execution of the provisions of section 21 of the act in the case of veterans who are members of a component of any of the Armed Services.

§ 862.84 *Concurrent membership in Reserve components.* (a) Enlisted and warrant officer personnel of the Air National Guard of the United States and the Air Force Reserve who are concurrently enrolled in the basic course or the advanced course, Air Force Reserve Officers' Training Corps, may if otherwise eligible and if selected be granted deferment under the conditions stated in §§ 862.79 and 862.81, regardless of deferment or exemption by virtue of previous active military service or membership in a Reserve component of the Air Force. Applicants in this category will be advised that deferment under the provisions of §§ 862.76 to 862.88 does not exempt or defer them from call or order to active military service as members of a Reserve component under the provisions of section 21 of the act.

(b) Enlisted and warrant officer personnel of any of the Reserve components of the Army, Navy, Marine Corps, or Coast Guard are not eligible for formal enrollment in the advanced course, Air Force Reserve Officers' Training Corps, and will not be granted deferment under the provisions of §§ 862.76 to 862.88 but may be formally enrolled in the basic course, or permitted to pursue the advanced course under the conditions set forth in § 862.82 (b) (1), at the discretion of the Professor of Air Science and Tactics. The provisions of this paragraph will not be interpreted as requiring the cancellation or termination of a deferment previously granted a person in this category, but each such person will be advised of his liability for call or order to active military service under the provisions of section 21 of the act.

§ 862.85 *Appointment of graduates—special cases.* (a) Students who are less than 21 years of age at the time of completing the course of instruction may be appointed as commissioned officers of a Reserve component of the Air Force if otherwise qualified.

(b) Students who complete the advanced course (including camp) prior to completion of the educational course will continue to be deferred from induction pending completion of the educational course, provided that they remain in good standing and that their attendance at regularly scheduled academic classes is not interrupted except for authorized periods of nonattendance. They may be appointed as commissioned officers of a Reserve component of the Air Force upon successful completion of the educational requirement, if otherwise qualified, regardless of whether they have attained the age of 21 years. If a student is permitted to transfer to a new academic course, and when such transfer will result in an extension of the period of the course of instruction beyond the normal date of completion of the original course, his deferment may be extended for not more than one year beyond the normal date of completion of the original course,

at the discretion of the Air Force commander.

(c) The provisions of paragraphs (a) and (b) of this section will apply to students who will have completed the advanced course, with camp, prior to the beginning of the 1950–51 academic year.

(d) The requirement for active military service specified in § 862.78 (d) or § 862.79 (e) will apply, as appropriate, as well as the provisions of section 21 of the act.

§ 862.86 *Postponed camp attendance.* Students who have been authorized by the air force commander to postpone attendance at Air Force Reserve Officers' Training Corps summer camp will be deferred from induction pending completion of camp training. However, postponement of camp attendance beyond the summer following completion of academic work will be authorized only by the Department of the Air Force and only in exceptional cases.

§ 862.87 *Students previously deferred.* (a) The enactment of the Selective Service Extension Act of 1950 does not affect deferments granted under the provisions of the Selective Service Act of 1948, prior to June 30, 1950, which were in effect on that date. Such deferments automatically continue in force until the student completes the course of instruction and as long thereafter as he remains in Regular or Reserve status as a commissioned officer, unless sooner terminated or cancelled for cause, as outlined in § 862.79 (b) (1) and (2).

(b) Students who, prior to June 30, 1950, were deferred, and whose deferments were subsequently cancelled or became subject to cancellation because of their failure to comply faithfully with all conditions under which deferments were originally granted, are not eligible for re-deferment under the provisions of the regulations contained in §§ 862.76 to 862.88 without the approval of the Chief of Staff, United States Air Force, in each individual case. The provisions of this paragraph apply particularly to persons who withdrew or were discharged from the basic course or the advanced course for their own convenience, after having been granted deferment as members thereof, prior to satisfactory completion of the course in which enrolled.

§ 862.88 *Students granted advanced standing.* Students who are granted advanced standing in the Air Force Reserve Officers' Training Corps by virtue of previous military service or training and who are selected for admission to the advanced course and execute the advanced course contract may begin the work of the advanced course in the freshman year, if permitted to do so by the institutional authorities. Otherwise, they may be granted an authorized period of nonattendance at Air Force Reserve Officers' Training Corps classes until the time they are permitted to begin the work of the advanced course. Students in this category will not receive commutation of subsistence, commutation of uniform, or uniforms in kind during authorized periods of nonattendance. The provisions of this paragraph apply both to students who have had active military service in the Army, Navy, Air Force, Marine Corps, or Coast Guard, and to those who have had previous training in the Army, Naval, or Air Force Reserve Officers' Training Corps.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 50–7320; Filed, Aug. 22, 1950; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 861]

PART 95—CAR SERVICE

DEMURRAGE ON CARS HELD UNDER LOAD AT GREAT LAKES PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of August A. D. 1950.

It appearing, that as the result of strikes on certain railroads serving Great Lakes ports and strike of certain dock workers at Great Lakes ports, a large number of cars of distressed coal, remnants of transshipment consignments, has accumulated which contributes to the present shortage of open top railroad cars; in the opinion of the Commission an emergency exists requiring immediate action at Great Lakes ports: It is ordered, that:

§ 95.861 *Demurrage on cars held under load at Great Lakes ports.* (a) Rule 6 of B. T. Jones' Tariff I. C. C. 4137, supplements thereto or reissues thereof, providing car demurrage rules and charges on coal and other carload freight as described therein, applying at ports, sidings or storage yards named therein, held for lake shipment or delivery to vessels, be, and it is hereby, suspended to the extent provided in paragraph (b) of this section.

(b) On all loaded cars, constituting remnants of transshipment consignments, held at points described in the above tariff, over eight (8) days except as follows:

Lake coal, vessel fuel coal, coke, crushed stone, gravel, sand or other carload freight, when loaded in open top equipment reconsigned at the ports and storage yards named herein, for rail delivery, will be subject to the provisions of Rule 2 and Rule 3 from the first 7:00 a. m., after date on which notice of arrival was sent or given, as provided in Rule 3 (b) of this tariff to date and time reconsignment orders are received by this railroad.

(d) Application: The provisions of this section shall apply to intrastate, interstate and foreign commerce.

(e) Regulations suspended; announcement required: The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k)) of this chapter, announcing such suspension.

(f) Effective date: This section shall become effective at 7:00 a. m., August 18, 1950.

(g) Expiration date: This section shall expire at 7:00 a. m., September 18, 1950, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 49 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–7330; Filed, Aug. 22, 1950; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

BUNCHED BEETS

UNITED STATES STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Bunched Beets under the authority contained in Pub. Law 585, 81st Cong., approved June 29, 1950, and Pub. Law 627, 81st Cong., 2nd Sess., approved July 31, 1950, to supersede United States Standards for Bunched Beets issued August 9, 1927, and reissued September 3, 1946. The standards are proposed to become effective during October 1950.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Assistant Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 30th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.138 *Standards for bunched beets*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of beets of similar varietal characteristics which are firm, fairly smooth, fairly well shaped, fairly clean, free from soft rot, and from damage caused by growth cracks, disease, rodents, insects or mechanical or other means.

(i) Bunches shall have tops which are fresh, and free from damage by any cause. The tops shall be either full size or cut back to not less than 6 inches.

(ii) Unless otherwise specified, the minimum diameter of the beets shall be 1½ inches and the maximum diameter shall be 3 inches.

(iii) In order to allow for variations incident to proper grading and handling, not more than 5 percent, by count, of the beets in any lot may be smaller than the specified minimum diameter and not more than 10 percent may be larger than the specified maximum diameter. In addition, when the tops are cut back, not more than 15 percent of the bunches may have tops less than 6 inches. In addition, not more than a total of 10 percent of the beet roots may fail to meet the remaining requirements of this grade, but not to exceed 5 percent shall be allowed for defects causing serious damage, including not more than 1 percent for beet roots affected by soft rot. (See Application of Tolerances.)

(b) *Unclassified.* Unclassified consists of bunched beets which have not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances.* (1) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(2) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in a container.

(3) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in a container.

(d) *Size terms.* (1) The following terms are provided for describing the diameters of beets in any lot: Small means less than 2 inches; Medium means 2 to 3 inches inclusive; Large means over 3 inches.

(e) *Bunching.* (1) Bunches shall be fairly uniform size.

(f) *Definitions.* (1) "Firm" means that the beet is not soft, flabby, or shriveled.

(2) "Fairly smooth" means that the appearance of the beet is not more than slightly injured by roughness or by the presence of secondary rootlets. Very slight roughness over the crown or very slight pitting caused by the shedding of dead leaves shall not be considered as injury to the appearance.

(3) "Fairly well shaped" means that the beet is not misshapen to such an extent as to materially injure its appearance.

(4) "Fairly clean" means that individual beets are reasonably free from dirt, stain and other foreign matter and that the general appearance of the beets in the lot is not more than slightly affected by these causes.

(5) "Soft rot" means any soft, mushy or leaky condition of the tissue.

(6) "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality of the individual beet, bunch or lot; or which cannot be removed without a loss of more than 5 percent of the total weight of the beet. Growth cracks which are not healed, and healed growth cracks which are not shallow and not smooth or which materially affect the appearance of the beet shall be considered as damage.

(7) "Tops which are fresh and free from damage by any cause" means that the tops are not badly wilted and that not more than 10 percent, by count, of the bunches in any lot may have any injury which materially affects the appearance of the tops. The appearance of individual bunches shall be considered materially affected when the tops are trimmed to the extent that only a few leaves or leafstems remain. The appearance of bunches with tops having a few slightly discolored leaves shall not be considered materially affected if the tops as a whole show a predominately normal color.

(8) "Full size" means that the tops have not been cut back, but dried or damaged leaves or leafstems may have been removed.

(9) "Diameter" means the greatest dimension taken at right angles to a straight line from the center of the crown to the base of the root.

(10) "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality of the individual beet, bunch, or lot; or which cannot be removed without a loss of more than 20 percent of the total weight of the beet.

Done at Washington, D. C. this 18th day of August 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50–7344; Filed, Aug. 22, 1950; 8:50 a. m.]

[7 CFR, Part 920]

[Docket No. AO–221–RO1]

HANDLING OF IRISH POTATOES GROWN IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW HAMPSHIRE, AND VERMONT

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 50–7082, published at page 5395 in the issue for Tuesday, August 15, 1950, the following corrections should be made:

1. In the second paragraph of paragraph 3 (b) of the "Findings" (page 5396, third column, second paragraph), the 28th line should read, "merce the potatoes will be prepared as".

2. In the last paragraph of paragraph 5 (a) of the "Findings" (page 5399, third column) delete "and for the committee to discharge its obligations to the Secretary" the second time it appears in the first sentence.

3. In the second paragraph of paragraph 5 (d) of the "Findings" (page 5402, first column) in the eleventh line the word "ran" should be "run".

4. In § 920.95 of the order the headnote should read *"Order with marketing agreement."*

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Ch. V, Part 676]

METAL, PLASTICS, MACHINERY, INSTRUMENT, TRANSPORTATION EQUIPMENT, AND ALLIED INDUSTRIES; AND SUGAR MANUFACTURING INDUSTRY

NOTICE OF HEARING ON THE MINIMUM WAGE RECOMMENDATIONS OF SPECIAL INDUSTRY COMMITTEE NO. 7 FOR PUERTO RICO

The Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to the Fair Labor Standards Act, as amended (52 Stat. 1060; 63 Stat. 910; 29 U. S. C. 201), on March 16, 1950, by Administrative Order No. 395, appointed Special Industry Committee No. 7 for Puerto Rico, composed of residents of Puerto Rico and of the United States outside of Puerto Rico, to investigate conditions in and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in a number of industries in Puerto Rico specified in the order, including the Metal, Plastics, Machinery, Instrument, Transportation Equipment, and Allied Industries, and Sugar Manufacturing Industry.

The Committee included disinterested persons representing the public, a like number of persons representing employees in these industries, and a like number representing employers in these industries.

Special Industry Committee No. 7 for Puerto Rico has made separate minimum wage recommendations and has duly filed with the Administrator reports containing such recommendations, pursuant to section 8 (d) of the act and § 511.19 of the regulations issued under the act, for each of the aforementioned industries.

The Administrator is required under section 8 (d) of the act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order each of the recommendations of Special Industry Committee No. 7 for Puerto Rico if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the hearing and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendations.

Now, therefore, notice is hereby given that:

A. The separate minimum wage recommendations of Special Industry Committee No. 7 for employees engaged in commerce or in the production of goods for commerce in the above-named industries in Puerto Rico are as follows:

Industry	Recommended minimum (cents an hour)
1. Metals, Plastics, Machinery, Instrument, Transportation Equipment, and Allied Industries:	
(a) General Division	45
(b) Heavy Products and Industrial Equipment Division	53
(c) Decorations Division	40
2. Sugar Manufacturing Industry	55

B. The definitions of the above-named industries in Puerto Rico (as set forth in Administrative Order No. 395) and of the separable divisions thereof, for which Special Industry Committee No. 7 for Puerto Rico has made the foregoing separate minimum wage recommendations are as follows:

Metal, Plastics, Machinery, Instrument, Transportation Equipment, and Allied Industries. The mining or other extraction of metal ore and the further processing of such ore into metal; the manufacture (including repair) of any product or part made wholly or chiefly of metal or plastics; and the manufacture (including repair) from any material of machinery, instruments, ophthalmic goods, tools, electrical goods, transportation equipment, and ordnance. *"Provided, however,* That the definition shall not include (1) the production of any basic material other than metal, (2) the further processing of any basic material other than metal or plastics except when done by an establishment producing from such materials a product of this industry or subassembly of such product, (3) the manufacture from plastic materials of fibers, yarns, and fabrics and the fabrication of products therefrom, (4) any sewing or similar fabricating operations performed upon pliable plastics in sheet or film form or any other operations incidental thereto, (5) the manufacture from pliable plastics in sheet or film form of articles also commonly produced from paper, such as bags, containers, cards, drinking straws, and similar articles, or (6) any activity included within the Button, Buckle, and Jewelry Industry, as defined in Administrative Order No. 389, or the Shoe Manufacturing and Allied Industries, as defined in the wage order for that industry.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

The Committee recommended that the Metal, Plastics, Machinery, Instrument, Transportation Equipment and Allied Industries in Puerto Rico as defined in Administrative Order No. 395, be divided into separable divisions for the purpose of fixing minimum wage rates, and that these separable divisions be defined as follows:

General Division. This division consists of all products and activities included in the Metal, Plastics, Machinery, Instrument, Transportation Equipment, and Allied Industries in Puerto Rico, as defined in Administrative Order No. 395, except those included in the Heavy Products and Industrial Equipment Division and the Decorations Division, as hereinafter defined.

Heavy Products and Industrial Equipment Division. This division consists of the mining or other extraction of metal ore and the further processing of such ore into metal; the production of pigs, ingots, plates, sheets, bars, rods, tubing, wire and other primary metal products; the galvanizing, coating, electroplating and plating of metal products; the fabrication of structural metal products; and the manufacture (including repair) of foundry and machine-shop products, industrial, agricultural and commercial (except office) machinery and equipment, transportation equipment (except children's vehicles), and ordnance.

Decorations Division. This division consists of the manufacture of ornaments and decorations for Christmas and other holidays made wholly or chiefly of tinsel, metallic chenille, metallic foil, or other metal or plastic materials.

Sugar Manufacturing Industry. The production of raw sugar, cane juice, molasses and refined sugar, and incidental by-products and all railroad transportation activities carried on by a producer of any of these products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer), where the railroad transportation activities are in whole or in part used for the production or shipment of the products of the industry, and any transportation activities by truck or other vehicle performed by a producer of the products of the industry in connection with the production or shipment of such products; provided, however, that the industry shall not include any activity covered by the wage orders for the Shipping Industry or the Railroad, Railway Express and Property Motor Transport Industry.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

C. The full texts of the reports and recommendations of Special Industry Committee No. 7 for Puerto Rico for each of the above industries will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour and Public Contracts Divisions:

Old South Building, 294 Washington Street, Boston 8, Mass.

1216 Widener Building, Chestnut and Juniper Streets, Philadelphia 7, Pa.

4237 Main Post Office, West Third and Prospect Avenue, Cleveland 13, Ohio.

Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.

144 Federal Office Building, Fulton and Leavenworth Streets, San Francisco 2, Calif.

Fourteenth Street and Constitution Avenue., Washington 25, D. C.

Old Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.

1007 Comer Building, 2026 Second Avenue, North, Birmingham 3, Ala.

1200 Merchandise Mart Building, 222 West North Bank Drive, Chicago 54, Ill.

Room 222, 1114 Commerce Street, Dallas 2, Tex.

Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, P. R.

Copies of the Committee's Reports and recommendations may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico.

D. Public hearings will be held in Room 5406, United States Department of Labor Building, Washington 25, D. C., at 10:00 a. m., on the dates set forth below before the Administrator of the Wage and Hour Division, or a representative designated to preside in his place, for the purpose of taking evidence on the question of whether the separate recommendations of Special Industry Committee No. 7 for Puerto Rico set forth above shall be approved or disapproved.

September 19, 1950: Metals, Plastics, Machinery, Instrument, Transportation Equipment and Allied Industries.

September 20, 1950: Sugar Manufacturing Industry.

E. Any interested person supporting or opposing any of the recommendations of Special Industry Committee No. 7 for Puerto Rico which are set forth above may appear at any of the aforesaid hearings to offer evidence, either on his own behalf or on behalf of any other person; provided that not later than seven days preceding any hearing at which he intends to appear, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or at the office of the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, notice of his intention to appear which shall contain the following information:

1. The name and address of the person appearing;

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing;

3. The recommendation or recommendations of Special Industry Committee No. 7 for Puerto Rico in which he is interested and whether he proposes to appear for or against such recommendation or recommendations;

4. The approximate length of time requested for his presentation. Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, or to the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, and shall be deemed filed upon receipt.

F. Any person interested in supporting or opposing any of the above recommendations of Special Industry Committee No. 7 for Puerto Rico may secure further information concerning the aforesaid hearings by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, or to the Territorial Representative, Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, or by consulting with attorneys representing the Administrator who will be available at the Office of the Solicitor, United States Department of Labor, in Washington, D. C.

G. The records made at the public hearings on conditions in the above-named industries in Puerto Rico held before Special Industry Committee No. 7 in San Juan, Puerto Rico on April 28 and May 1–5, 1950, inclusive, may be examined by any interested person at the offices of the Wage and Hour Division, United States Department of Labor, at Fourteenth and Constitution Avenue, Washington 25, D. C., and Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico. The records of the public hearing before the Industry Committee with respect to each of the above-named industries in Puerto Rico will be offered in evidence at the appropriate public hearing before the Administrator or his representative on such industry.

H. The hearings will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Presiding Officer (the Administrator or his authorized representative, as the case may be) as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, Fourteenth and Constitution Avenue, N. W., Washington 25, D. C.

2. At the discretion of the Presiding Officer, the hearing may be continued from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing or by other appropriate notice.

3. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

4. All evidence must be presented under oath or affirmation.

5. Except as otherwise permitted by the Presiding Officer, written documents or exhibits submitted personally at the hearing must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof. Written, sworn statements may be filed any time prior to the date of the hearing by persons who cannot appear personally.

6. Written documents and exhibits shall be tendered in quadruplicate. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

7. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing shall be issued by the Administrator upon request and upon a timely showing, in writing, of the general relevance and reasonable scope of the evidence sought. Any person appearing in the proceeding may apply for the issuance by the Administrator of the subpoena. Such application shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

8. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear and the Administrator, before issuing a subpoena, may require a deposit of an amount adequate to cover the fees and mileage involved.

9. The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

10. The Presiding Officer shall, upon request, permit any person appearing in the proceeding to conduct such cross-examination of any witness offered by another person as may be required for a full and true disclosure of the facts, and to object to the admission or exclusion of evidence. Objections to the admission or exclusion of evidence shall be stated briefly with the reasons relied on. Such objections shall become a part of the records, but this record shall not include argument thereon except as ordered by the Presiding Officer.

11. Before the close of the hearing, written requests shall be received from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matters in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing shall be given opportunity to present oral argument.

12. Briefs (4 copies) on particular questions may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

13. (a) Where the hearing is held before the Administrator, within fifteen (15) days after the close of the hearing, any interested person appearing at the hearing may submit for the consideration of the Administrator an original and four copies of a statement in writing containing proposed findings and conclusions, together with supporting reasons therefor.

(b) Where the hearing is held before a representative of the Administrator des-

ignated to preside in his place, a complete record of the proceedings shall be certified to the Administrator upon the close of the hearing. The Administrator shall thereupon issue a tentative decision in the matter, which shall become a part of the record and include a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and the appropriate order. Notice of the Administrator's tentative decision shall be published in the FEDERAL REGISTER.

(c) Within fifteen (15) days after such notice of the Administrator's tentative decision is published in the FEDERAL REGISTER, any interested person appearing at the hearing may file with the Administrator a statement in writing (original and four copies) setting forth any exceptions he may have to such decision, together with supporting reasons for such exceptions.

(d) After the expiration of the fifteen day periods referred to in paragraphs 13 (a) and (c) above, and after consideration of all relevant matter presented as provided in such paragraphs, the Administrator shall make his final decision in the matter, and shall issue an order approving or disapproving the recommendations of the industry committee. Such order shall be published in the FEDERAL REGISTER.

14. Any wage order issued as a result of hearings held hereunder shall take effect 30 days after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith.

Signed at Washington, D. C., this 18th day of August 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50-7349; Filed, Aug. 22, 1950; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 13146]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 14, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN

T. 8 N., R. 3 E.,
Sec. 14, S½SE¼, SE¼SW¼, N½SW¼, SW¼NW¼, NW¼SE¼;
Sec. 22, NE¼, E½SE¼, SW¼SE¼;
Sec. 23, W½NW¼, SE¼NW¼, SW¼NE¼, N½SW¼, NW¼NE¼, NE¼NW¼;
Sec. 25;
Sec. 27, NW¼NE¼.
T. 5 S., R. 12 E.,
Sec. 29, SE¼NE¼.
T. 10 S., R. 13 E.,
Sec. 9, W½SW¼.
T. 7 S., R. 14 E.,
Sec. 1, SE¼SE¼;
Sec. 14, N½SE¼.
T. 7 S., R. 17 E.,
Sec. 10, S½NW¼.
T. 13 S., R. 17 E.,
Sec. 29, SW¼NE¼.
T. 1 N., R. 18 E.,
Sec. 20, NW¼SE¼.
T. 3 S., R. 18 E.,
Sec. 9, SE¼SW¼, S½SE¼.
T. 4 S., R. 19 E.,
Sec. 19, E½SW¼;
Sec. 32, SW¼NW¼.
T. 7 S., R. 21 E.,
Sec. 6, SW¼SE¼.
T. 11 S., R. 21 E.,
Sec. 3, S½SW¼.
T. 7 S., R. 22 E.,
Sec. 24, NE¼.
T. 6 S., R. 23 E.,
Sec. 29, NE¼, SE¼NW¼.
T. 7 S., R. 23 E.,
Sec. 19, lots 3 and 4;
Sec. 33, NE¼NW¼, N½SW¼.
T. 6 S., R. 24 E.,
Sec. 33, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 34, W½SW¼, SE¼SW¼, SW¼SE¼.
T. 7 S., R. 24 E.,
Sec. 29, S½NW¼, SW¼;
Sec. 30, N½SE¼.
T. 11 S., R. 26 E.,
Sec. 4, lot 1, SE¼NE¼, E½SE¼.
T. 3 N., R. 27 E.,
Sec. 29, N½S½.
T. 2 N., R. 28 E.,
Sec. 11, SE¼SE¼;
Sec. 12, SW¼SW¼.
T. 2 N., R. 29 E.,
Sec. 13, SE¼;
Sec. 24, NE¼;
Sec. 25, E½;
Sec. 35, E½.
T. 2 S., R. 33 E.,
Sec. 8, NW¼.
T. 8 N., R. 35 E.,
Sec. 1, lot 4;
Sec. 2, lots 1, 2, 3, 4, S½N½.
T. 2 N., R. 3 W.,
Sec. 27, W½NW¼.

The areas described aggregate 5,441.88 acres.

The lands are primarily suitable for grazing.

The NE¼NW¼, N½SW¼ sec. 33, T. 7 S., R. 23 E., and the S½NW¼, E½SW¼ sec. 29, T. 7 S., R. 24 E., are included in a first form reclamation withdrawal. No application under the public-land laws may be allowed without the approval of the Commissioner of the Bureau of Reclamation.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other non-mineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50-7331; Filed, Aug. 22, 1950; 8:47 a. m.]

[Misc. 52910]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 16, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 15 S., R. 13 E.,
Sec. 36, NE¼SW¼.
T. 17 S., R. 13 E.,
Sec. 36, NE¼NE¼, N½NW¼.
T. 19 S., R. 14 E.,
Sec. 2, SE¼SE¼.
T. 16 S., R. 15 E.,
Sec. 10, SE¼SE¼.
T. 18 S., R. 15 E.,
Sec. 2, SW¼;
Sec. 11, NW¼NE¼, N½NW¼, SE¼NW¼;
Sec. 36, N½.
T. 18 S., R. 17 E.,
Sec. 16, E½, W½NW¼, NW¼SW¼.
T. 22 S., R. 19 E.,
Sec. 16, SE¼.
T. 20 S., R. 22 E.,
Sec. 16, SE¼;
Sec. 21, N½.
T. 21 S., R. 23 E.,
Sec. 28, S½S½;
Sec. 30, SE¼;
Sec. 33, E½;
Sec. 34, S½.
T. 33 S., R. 32 E.,
Sec. 6, S½NE¼, SE¼;
Sec. 7, N½NE¼.

The areas described aggregate 3,240 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Portland, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Portland, Oregon.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50-7332; Filed, Aug. 22, 1950; 8:47 a. m.]

[Order No. 427]

REGIONAL ADMINISTRATORS

DELEGATIONS OF AUTHORITY

AUGUST 16, 1950.

Delegations of authority to the regional administrators.

PART 1—AUTHORITY IN GENERAL

Sec.
1.1 Functions of the regional administrators and the acting regional administrators.
1.2 Limitations.
1.4 Authority to designate employees to perform the functions of acting managers.
1.5 Redelegation.

PART 2—AUTHORITY IN SPECIFIED MATTERS

GENERAL

2.2 Bonds.
2.3 Cancellations or surrenders of contracts, leases, and permits.
2.4 Contributions and refunds.
2.5 Copies of records.
2.7 Fire-protection contracts.
2.8 Gifts.
2.9 Government contests.
2.11 Repayment.
2.13 Roads.
2.14 Surveys.
2.15 Trespass.

CLASSIFICATIONS, WITHDRAWALS, AND RESTORATIONS

2.21 Classification of lands.
2.22 Orders of withdrawal and restoration.

MINERAL

2.31 Oil and gas leases.
2.32 Coal permits and licenses, and coal leases based on discoveries under permits.
2.45 Mining claims.

NONMINERAL MATTERS, EXCEPT RANGE MANAGEMENT AND TIMBER

2.51 Airports.
2.52 Alaska, fur farms.
2.53 Alaska, homesites or headquarters.
2.54 Alaska Housing Authority.
2.55 Alaska, Matanuska Valley.
2.56 Alaska public works.

Sec.
2.57 Alaska, trade and manufacturing sites.
2.61 Cemetery sites.
2.62 Color-of-title and riparian claims.
2.63 Exchanges.
2.64 Homesteads.
2.65 Indian allotments.
2.66 Material other than timber.
2.67 Mineral or medicinal springs.
2.68 Motion or sound pictures.
2.70 Public sales.
2.71 Reclamation and irrigation.
2.72 Rights-of-way.
2.73 Small tracts.
2.74 Special land-use permits.
2.77 Surface rights.
2.78 Town sites.
2.79 Water wells.

RANGE MANAGEMENT

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PART 1—AUTHORITY IN GENERAL

SECTION 1.1 *Functions of the regional administrators and the acting regional administrators.* (a) Pursuant to the authority contained in Order No. 2583 of August 16, 1950, of the Secretary of the Interior, the regional administrators are hereby authorized to perform, in accordance with the existing policies of this Department, the functions of the Director, Bureau of Land Management, in their respective regions, as provided in Part 2 of this order. This shall include all types of actions in the matters listed, unless otherwise provided. No action shall be taken by any regional administrator affecting the lands or activities of any other agency in this Department, or other Federal agency, until the matter has been cleared with that agency.

(b) The regional administrators may act for the Director in accordance with the applicable regulations and procedures in the classes of matters enumerated in this order, with respect to lands in their respective regions in any state in which there is no land office. Matters which are required by law or regulation to be filed only in a land office shall, with respect to such lands, be filed in the Bureau of Land Management, Washington 25, D. C. which will furnish the appropriate regional administrator with the current tract book status.

(c) Any regional administrator may, by written order, authorize any chief of division in his region, or the regional counsel for that region, to perform the functions of the regional administrator, in case of the death, resignation, absence, or sickness, of the regional administrator. A copy of each such order shall be sent to the Director. No other employee may be designated by the regional administrator to serve as acting regional administrator, except with the prior approval of the Director.

(d) In the absence of an order of the regional administrator, the chief of division in the region or the regional counsel, who is the senior officer in his grade in point of time of service in that grade will perform the functions of the regional administrator in case of the death, resignation, absence, or sickness, of the regional administrator; and in the event the employee who is the senior officer in the grade, as indicated, is not available, the functions of the regional administrator, under the conditions mentioned will be performed by the employee who is the next senior officer in the grade.

(e) Any officer serving as acting regional administrator under the authority granted by an order of the regional administrator, or paragraph (d) of this section, shall notify the Director of the beginning and the termination of the period of the service.

SEC. 1.2 *Limitations.* In addition to limitations on authority in specified matters, set forth in particular sections, the authority delegated by this order shall not include:

(a) The issuance of regulations.

(b) Any function which has been or may be delegated to the head, or other official, of any other agency of this Department.

(c) The issuance of public-land orders.

(d) The exercise of the supervisory powers of the Secretary, whether by way of appeal to the Secretary or otherwise; or

(e) Any action to be taken with the approval or concurrence of the President, or the head of any department or independent agency of the Government.

(f) The issuance of patents.

SEC. 1.4 *Authority to designate employees to perform the functions of acting managers.* (c) The regional administrator of any region may authorize any qualified employee of the Bureau of Land Management in his region to perform the functions of the manager of a district land and survey office in his region in case of the death, resignation, absence, or sickness of the manager. However, such employee shall not decide or dispose of a contest or protest. He may not perform the functions of a manager until he has filed a bond in such penal sum as the regional administrator may fix and the bond has been accepted by the regional administrator. Each employee authorized to act under this section shall sign all documents and other papers under his pay roll title and act as manager.

(d) An employee who is authorized to perform the functions of the manager shall sign documents and other papers as "Acting Manager." No employee, however, shall perform such functions until he has filed a bond in such penal sum as may be fixed and the bond has been accepted. Each employee who serves in this capacity shall by memorandum advise the regional administrator of the beginning and termination of the period of the service. Copies of such memorandum shall be sent to the Director.

SEC. 1.5 *Redelegation.* (a) Each regional administrator may redelegate or authorize the redelegation of any authority vested in him by this order to any qualified employee in his region, except as to the authority to appoint acting regional administrators.

(b) Any order of redelegation or authorization pursuant to this section must be approved by the Secretary of the Interior and published in the FEDERAL REGISTER.

PART 2—AUTHORITY IN SPECIFIED MATTERS

The regional administrators, subject to the provisions of Part 1 of this order, are hereby authorized to take all actions, except as otherwise hereinafter provided, with respect to the following matters:

GENERAL

SEC. 2.2 *Bonds.* Bonds filed in connection with matters pertaining to the public lands or the resources thereof, or other lands or resources under the jurisdiction of the Bureau of Land Management where the regional administrator has authority under any section of this order to act in such matters.

SEC. 2.3 *Cancellations or surrenders of contracts, leases, and permits.* Partial or complete cancellations or surrenders of contracts, leases, and permits of the classes which may be acted upon by the regional administrators.

SEC. 2.4 *Contributions and refunds.* Accept contributions toward the administration, protection, and improvement of lands within or without grazing districts, and refund any unexpended balances of such contributions, pursuant to section 9 of the Taylor Grazing Act (43 U. S. C. 315h).

SEC. 2.5 *Copies of records.* Copies of official records, pursuant to 43 CFR, Parts 2 and 240.

SEC. 2.7 *Fire-protection contracts.* Contracts with State, county, municipal, and private fire-control organizations for the protection from fire (prevention, presuppression, and suppression) of the public domain, including the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands, in Oregon.

SEC. 2.8 *Gifts.* Accept on behalf of the United States any lands within or without a grazing district as a gift, where such action will promote the purpose of the district or facilitate the administration of the public lands, pursuant to section 8a of the Taylor Grazing Act, as amended (43 U. S. C. 315g).

SEC. 2.9 *Government contests.* The initiation of Government contests against claims asserted to public lands, and all necessary actions involving the prosecution of such contests.

SEC. 2.11 *Repayment.* Applications for repayment under 43 CFR Part 217.

SEC. 2.13 *Roads.* Matters involving the acquisition of rights-of-way for access roads on the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in

Oregon, and of existing connecting roads adjacent to such lands, including purchases after clearance with the Department of Justice but not including recommendations to the Attorney General for condemnation proceedings.

SEC. 2.14 *Surveys.* (a) Appointment of mineral surveyors pursuant to section 2334 of the Revised Statutes (30 U. S. C. 39) with authority to execute mineral surveys within all states of the region in which appointed, and in adjoining states, appointments of deputy surveyors for special surveys in Alaska pursuant to 43 CFR 61.14, 64.5, 65.21, and 81.8, and the approval and acceptance of their bonds; preparation of supplemental plats for acceptance by the Director; initiation of action in all classes of survey and resurvey of the public lands by submission to the Director of the technical special instructions providing for the execution of such surveys and resurveys, accompanied by a copy of the application or request therefor, or a full showing of the administrative needs of the Bureau of Land Management in the matter. Approval by the Director of the technical special instructions for the execution of the work shall constitute formal authorization for the survey or resurvey, but field work in connection therewith shall not be undertaken until such special instructions have been approved.

(b) The preparation and publication in the FEDERAL REGISTER of notices of the official filing of approved plats of survey and resurvey.

SEC. 2.15 *Trespass.* Determination of liability and acceptance of payment of damages for trespass on the public lands, and the disposal of resources recovered in trespass cases for not less than the appraised value thereof; also recommendations to the United States Attorney for (a) the institution of suits arising out of trespasses, where the money judgment sought is not in excess of $1,000, and (b) the compromise of such suits where the amount is not in excess of $500.

CLASSIFICATIONS, WITHDRAWALS, AND RESTORATIONS

SEC. 2.21 *Classification of lands.* The classification of public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U. S. C. 315f), or pursuant to other laws, as being suitable for any type of use or disposition which the regional administrators are empowered to authorize.

SEC. 2.22 *Orders of withdrawal and restoration.* (a) Issue orders of the classes listed below withdrawing or reserving public lands, or restoring such lands from withdrawal or reservation, based on the following statutory powers of the Secretary:

(1) Stock-driveways, authorized by section 10 of the act of December 29, 1916, as amended (43 U. S. C. 300);

(2) Air-navigation facilities, under section 4 of the act of May 24, 1928 (49 U. S. C. 214);

(3) Waiver of the restrictions as to length of claims and restoration of reserved shore spaces in Alaska, under the act of June 5, 1920 (48 U. S. C. 372);

(4) Restorations under section 24 of the Federal Power Act, as amended (16 U. S. C. 818); and

(5) Opening reclamation lands to location and entry under the general mining laws, in accordance with the act of April 23, 1932 (43 U. S. C. 154).

(b) All orders issued pursuant to the authority contained in this section shall conform to such procedures as have been or may be prescribed by law, or by the Secretary of the Interior, with respect to public notice, and shall be submitted to the Division of the Federal Register, National Archives and Records Service, General Services Administration for filing and publication.

MINERAL

SEC. 2.31 *Oil and gas leases.* (a) Oil and gas leases under sections 17 and 20 of the act of February 25, 1920 (30 U. S. C. 226), as amended and supplemented, except those issued competitively under section 17, and those on which a discovery has been made or which are committed to a unit agreement under which a discovery has been made.

(b) Oil and gas leases under the act of August 7, 1947 (30 U. S. C. Supp. III, 351–359), after such leases have been issued by the Washington office, with the exceptions specified in paragraph (a) of this section.

(c) The authority delegated by this section shall not include any function pertaining to oil and gas deposits that involve approval or execution of unit or cooperative agreements, communtization agreements, subsurface storage agreements, operating, drilling, or development contracts without regard to acreage limitations, or the sale of royalty oil taken in amount of production. Neither shall it include any function relating to the grant, approval, or termination of the waiver, suspension, or reduction of rental or minimum royalty, the reduction of royalty, or the suspension of operations or production.

SEC. 2.32 *Coal permits and licenses, and coal leases based on discoveries under permits.* (a) Coal prospecting permits and licenses under the act of February 25, 1920 (30 U. S. C. 201, 202–208) and coal prospecting permits and coal free-use permits, in Alaska, under the act of October 20, 1914, as amended (48 U. S. C. 432–445, 446–452).

(b) Coal leases, based upon discoveries under such coal prospecting permits.

(c) The authority delegated by this section shall not include any function relating to the grant, approval or termination of the waiver, suspension, or reduction of rental or minimum royalty the reduction of royalty, or the suspension of operations and production under a lease.

SEC. 2.45 *Mining claims.* Mining claim matters under 43 CFR Parts 185 and 69, except the approval of entries for patenting.

NONMINERAL MATTERS, EXCEPT RANGE MANAGEMENT AND TIMBER

SEC. 2.51 *Airports.* (a) Leases of public lands for public airports, under the act of May 24, 1928 (49 U. S. C. 211–214).

(b) All actions under the Federal Airport Act (49 U. S. C. 1101), up to the issuance of patents.

SEC. 2.52 *Alaska, fur farms.* Leases of public lands in Alaska for fur farms, under the act of July 3, 1926 (48 U. S. C. 360, 361).

SEC. 2.53 *Alaska, homesites or headquarters.* Homesites or headquarters in Alaska, pursuant to 43 CFR Part 64.

SEC. 2.54 *Alaska Housing Authority.* Transfer to the Alaska Housing Authority of lands above high water mark and under the jurisdiction of the Department of the Interior, pursuant to section 6 of the Alaska Housing Act of April 23, 1949 (48 U. S. C. 484c).

SEC. 2.55 *Alaska, Matanuska Valley.* Disposal of lands in the Matanuska Valley, Alaska, under the act of October 17, 1940 (48 U. S. C. 353 note).

SEC. 2.57 *Alaska, trade and manufacturing sites.* Trade and manufacturing sites in Alaska, pursuant to 43 CFR Part 81.

SEC. 2.61 *Cemetery sites.* Cemetery sites, including such sites in Alaska, pursuant to 43 CFR Parts 72 and 253.

SEC. 2.62 *Color-of-title and riparian claims.* Color of title and riparian claims, under 43 CFR Parts 140 and 141.

SEC. 2.63 *Exchanges.* Exchanges under 43 CFR Part 146 and §§ 149.35 to 149.43, inclusive, and under Part 115, where the value of the selected lands does not exceed $50,000; also exchanges under section 2 of the act of August 13, 1949 (63 Stat. 604).

SEC. 2.64 *Homesteads.* Homesteads, including homesteads in Alaska; pursuant to 43 CFR Parts 166 to 170, inclusive, and 65 and 66.

SEC. 2.65 *Indian allotments.* Indian allotments, including such allotments in Alaska, pursuant to 43 CFR Parts 176 and 67.

SEC. 2.66 *Material other than timber.* Sale of materials other than timber of an appraised value not to exceed $20,000, and the free use of materials other than timber, under 43 CFR Part 259.

SEC. 2.67 *Mineral or medicinal springs.* Leases of lands adjacent to mineral or medicinal springs, under the act of March 3, 1925 (43 U. S. C. 971).

SEC. 2.68 *Motion or sound pictures.* Permission to film motion or sound pictures with respect to areas under the jurisdiction of the Bureau of Land Management, in accordance with 43 CFR Part 5.

SEC. 2.70 *Public sales.* Public sales pursuant to 43 CFR Part 250, and other sales of land by competitive bidding, when authorized by law.

SEC. 2.71 *Reclamation and irrigation.* Reclamation and desert land entries, State irrigation districts and Nevada underground-water permits and entries, pursuant to 43 CFR Parts 230 to 234, inclusive.

SEC. 2.72 *Rights-of-way.* (a) Rights-of-way permits and easements over public and acquired lands, including revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon, and over reservations other than Indian reservations, when authorized by law.

(b) Approval of construction in advance of the issuance of a permit or the granting of an easement.

(c) Actions involving lands within national parks, or any reservation of the United States, made for the use of or administered by the National Park Service, the Fish and Wildlife Service, the Bureau of Reclamation, or any agency outside of the Department of the Interior, may be taken only after the consent of the head of the Bureau or agency administering the reservation has been obtained.

SEC. 2.73 *Small tracts.* Small tracts, under the act of June 1, 1938 (43 U. S. C. 682a), as amended.

SEC. 2.74 *Special land-use permits.* (a) Special land-use permits for public lands, pursuant to 43 CFR Part 258.

(b) Special land-use permits for revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon pursuant to 43 CFR 115.150.

(d) Permits to use areas below the high-water mark of navigable waters in Alaska for occupancy purposes, under the principles embodied in 43 CFR Part 258, subject to rules, regulations, and requirements of the Department of the Army respecting the navigation of such streams.

(e) Landing and wharf permits on reserved shore space in Alaska, pursuant to 43 CFR Part 68.

(f) Every such permit issued to a Federal agency or to a State agency or political subdivision shall be restricted to the smallest area needed for the proposed use. Not more than 50,000 acres may be included in such a permit, and no such permit may be issued under this authority where a withdrawal of a class which the regional administrators are not authorized to make is requested.

SEC. 2.77 *Surface rights.* Nonmineral applications for lands embraced in mineral permits or leases, or in applications for such permits or leases, or classified, withdrawn, or reported as valuable for any leasable mineral, or lying within the geological structure of a field, in accordance with 43 CFR Parts 102 and 66.

SEC. 2.78 *Town sites.* Lots in Government town sites, and other town-site matters when authorized by law (reclamation town-site matters to be handled jointly with the Director, Bureau of Reclamation, pursuant to 43 CFR 255.42 to 255.45, inclusive, and 255.47), except the issuance of orders withdrawing public lands for town-site purposes, and Oklahoma town-site matters under 43 CFR 255.49 to 255.51, inclusive.

SEC. 2.79 *Water wells.* Water-well leases, pursuant to section 40 of the Mineral Leasing Act (30 U. S. C. 299a), and 30 CFR 241.6.

RANGE MANAGEMENT

SEC. 2.91 *Grazing district administration.* Range management matters pertaining to the administration of grazing districts pursuant to the act of June 28, 1934, as amended and supplemented (43 U. S. C. 315 et seq., 16 U. S. C. 715i) and 43 CFR Parts 161, 163, and 165, as follows:

(a) Licenses or permits to graze or trail livestock in grazing districts.

(b) Cooperative agreements under:

(1) Section 2 of the act (43 U. S. C. 315a) with respect to erosion and flood control, and range studies and experiments;

(2) Section 9 of the act (43 U. S. C. 315k) with associations, State agencies, or Federal agencies for the conservation or propagation of wildlife; and

(3) Section 12 of the act (43 U. S. C. 315k) with any department of the Government to coordinate range administration.

(c) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(d) The expenditure of funds appropriated by the Congress, or contributed by individuals, associations, advisory boards, or others, for the construction, purchase or maintenance of range improvements.

(e) Leases under the Pierce Act (43 U. S. C. 315m–1 to 315m–4 inclusive).

(f) Require field employees to furnish horses and miscellaneous equipment necessary for the performance of their official duties, pursuant to the act of December 18, 1942 (43 U. S. C. 315o–2), and make payments in connection therewith as authorized by that act.

SEC. 2.92 *Grazing leases, etc.* (a) Grazing leases of public lands, under section 15 of the act of June 28, 1934, as amended (43 U. S. C. 315m) and permits or cooperative agreements to construct and maintain improvements on lands so leased, and to determine the value of such improvements.

(b) Grazing leases of the revested Oregon and California railroad and the reconveyed Coos Bay wagon road grant lands in Oregon, and crossing permits for such lands, in accordance with 43 CFR Part 115.

(c) Grazing leases of public lands in Alaska, under the act of March 4, 1927 (43 U. S. C. 471, 471a–471c).

SEC. 2.93 *Appropriation of water under State laws.* Execution and filing in the name of the United States of applications to appropriate water under State laws, where required in connection with stock-watering projects, and procurement of easements or rights-of-way upon or over private lands, where improvements are erected.

SEC. 2.94 *Soil and moisture conservation.* Soil and moisture conservation on the public lands, pursuant to the Soil Conservation Act of April 27, 1935 (16 U. S. C. 590a et seq.), and subject to the coordination and general supervision of the Office of the Secretary.

SEC. 2.95 *Controlled brush burning.* Issuance of permits for the controlled burning of brush, as a means of improving the range by the replacement of the brush with grass and other desirable species, in accordance with plans and specifications approved by the Director.

TIMBER

SEC. 2.121 *Disposition of timber.* (a) Sale of timber of an estimated stumpage volume of not to exceed 15,000,000 feet, board measure, and the free use of timber on lands under the jurisdiction of the Bureau of Land Management, including the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands, in Oregon.

(b) Sales of timber on lands under the jurisdiction of the Bureau of Reclamation, in accordance with Order No. 2533 of September 7, 1949.

SEC. 2.122 *Hearing in connection with sustained-yield forest units.* Scheduling and holding of public hearings on master forest units and their appurtenant marketing areas, and on sustained-yield forest units and cooperative agreements for sustained-yield forest units comprising revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon, and lands in private ownership, or controlled by other public agencies under authority of the act of August 28, 1937 (50 Stat. 874), and 16 U. S. C. 563, 583a-583i. The notice may designate any qualified employee in the region to hold the hearing.

SEC. 2.123 *Cutting of timber on certain mining claims in Oregon.* Applications from owners of mining claims located since August 28, 1937, on the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon, to cut and use so much of the timber on the mining claims as is necessary in the development and operation of the mines, until such time as the timber is otherwise disposed of by the United States, pursuant to the act of April 8, 1948 (62 Stat. 162).

SEC. 2.124 *Timber patents.* Extension of time in which to cut timber under timber patents on the revested and reconveyed land in Oregon, under the act of May 19, 1930 (46 Stat. 369) and the termination of rights under timber patents under the act of June 9, 1916 (39 Stat. 218).

PART 3—APPEALS

SECTION 3.1 *Right of appeal.* Any person aggrieved by the action of any regional administrator may appeal to the Director, Bureau of Land Management, and from his decision to the Secretary of the Interior, pursuant to the rules of practice (43 CFR Part 221).

PART 4—EFFECT ON PRIOR ORDERS

SECTION 4.1 *Revocations.* Orders Nos. 274, 295, 301, 319, 331, 336, 337, 345, 346, 348, 355, 363, 370, 411, and 417 are hereby revoked, to the extent that those orders authorized the regional administrators to perform certain functions relating to the public lands.

SEC. 4.2 *Saving clause.* Subdelegations of authority to the managers of the district land offices, and to any employees other than the regional administrators which have heretofore been made, and which are in force on the effective date of this order, shall remain in force until revoked or superseded by delegations made under this order.

MARION CLAWSON,
Director.

Approved: August 16, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 50–7321; Filed, Aug. 22, 1950; 8:45 a. m.]

[Order No. 428]

DIVISION OF ADJUDICATION

DELEGATIONS OF AUTHORITY TO CHIEF, AND CHIEFS OF SUBDIVISIONS OF THAT DIVISION

AUGUST 16, 1950.

Delegations of authority to the Chief, Division of Adjudication and Chiefs of the Divisions.

AUTHORITY IN GENERAL

Sec.
1. Functions of the Chief, Division of Adjudication, and chiefs of subdivisions of that Division.
2. Limitations.

NONMINERAL MATTERS

5. Applications for patented or reserved lands.
6. Cash and credit system entries.
7. Closing of cases.
8. Confined private land claims.
9. Copies of records.
10. Decisions in specified cases.
11. Erroneously included lands in leases and permits.
12. Extensions of time.
13. Patents.

MINERALS

20. Oil and gas noncompetitive leases.
21. Sodium permits.
22. Sulphur permits.
23. Potassium permits.

APPEALS

31. Appeals.

EFFECT ON PRIOR ORDERS

36. Revocations.

AUTHORITY IN GENERAL

SECTION 1. *Functions of the Chief, Division of Adjudication, and chiefs of subdivisions of that Division.* The Chief, Division of Adjudication, and chiefs of subdivisions of that Division, are authorized to perform, in accordance with the existing policies of this Department, the functions of the Director, as provided in this order. This shall include all types of actions in the matters listed, unless otherwise provided. No action shall be taken by any such chief affecting the lands or activities of any other agency in this Department, or other Federal agency, until the matter has been cleared with that agency.

SEC. 2. *Limitations.* The authority delegated by this order does not include any authority reserved to the Secretary of the Interior by Order No. 2583 of August 16, 1950 of the Secretary. No action shall be taken involving a new or novel question of law or a commitment not previously authorized.

NONMINERAL MATTERS

SEC. 5. *Applications for patented or reserved lands.* Applications for patented or reserved lands, not subject to disposal under the applications.

SEC. 6. *Cash and credit system entries.* Old cash and credit entries, where full payment has been made.

SEC. 7. *Closing of cases.* Closing of cases, where proper, pursuant to Bureau or departmental decisions.

SEC. 8. *Confirmed private land claims.* Issue orders for patents, in proper cases, for confirmed private land claims, based on application therefor.

SEC. 9. *Copies of records.* Copies and exemplifications of patents, plats and other records of the Bureau.

SEC. 10. *Decisions in specified cases.* Decisions rejecting applications or requiring additional evidence, in the following classes of cases:

(a) Amendment of patents
(b) Drainage cases
(c) Forest exchanges, other than title matters
(d) Forest lieu selections
(e) Quitclaim deeds
(f) Scrip
(g) Small holding claims
(h) Soldiers' additional entries; and
(i) Timber and stone entries

SEC. 11. *Erroneously-included lands in leases and permits.* Eliminate from leases and permits of all types lands which, having been previously disposed of, or having been subject to a withdrawal or reservation, were erroneously included.

SEC. 12. *Extensions of time.* Applications for extensions of time within which to meet requirements made by decisions of the Bureau, except in timber, material and grazing district appeal cases.

SEC. 13. *Patents.* (a) Patents for grants of land under authority of the Government, to be issued in the name of the United States, other than patents or other conveyances which require the approval of signature of the President. Patents may be signed for the Director by the Chief of the Patents Section of the Bureau, and, in his absence, by the Acting Chief of the Section.

(b) Orders for new and perfect patents, in lieu of patents imperfect as to signature.

SEC. 20. *Oil and gas noncompetitive leases.* Noncompetitive leases for oil and gas in acquired lands, pursuant to 43 CFR Part 200. All decisions signed by the Chief, Branch of Minerals, prior to the date of this order, involving any permits or leases under 43 CFR Part 200, are hereby confirmed.

SEC. 21. *Sodium permits.* Sodium permits under section 23 of the act of February 25, 1920 (30 U. S. C. 261), as amended, and sodium permits in acquired lands, pursuant to 43 CFR Part 200.

SEC. 22. *Sulphur permits.* Sulphur permits under the act of April 17, 1926 (30 U. S. C. 271), as amended, and sulphur permits in acquired lands, pursuant to 43 CFR Part 200.

SEC. 23. *Potassium permits.* Potassium permits under the act of February 7, 1927 (30 U. S. C. 281–285), as amended, and potassium permits in acquired lands, pursuant to 43 CFR Part 200, except recommendations to the Secretary of the Interior for the approval of such permits.

APPEALS

SEC. 31. *Appeals.* All actions taken pursuant to this order will be subject to appeal to the Secretary of the Interior, pursuant to the Rules of Practice (43 CFR Part 221).

EFFECT ON PRIOR ORDERS

SEC. 36. *Revocations.* This order supersedes delegations of authority made by the following orders, which are hereby revoked: Order No. 307, May 6, 1948, Order No. 314, June 24, 1948, Order No. 318, July 16, 1948, Order No. 340, September 24, 1948, and Order No. 379, March 31, 1949.

MARION CLAWSON,
Director.

Approved: August 16, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 50–7322; Filed, Aug. 22, 1950; 8:45 a. m.]

Office of the Secretary

[Order No. 2583]

BUREAU OF LAND MANAGEMENT

DELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES

AUGUST 16, 1950.

Delegation of authority in connection with lands and resources; Bureau of Land Management:

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1.2 Limitations.
1.3 Functions of the regional administrators and acting regional administrators.
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PART 2—AUTHORITY IN SPECIFIED MATTERS

GENERAL

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2.2 Bonds.
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2.6 Enforcement and other actions in connection with certain public parks and other areas.
2.7 Fire protection contracts.
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2.13 Roads.
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CLASSIFICATIONS, WITHDRAWALS, AND RESTORATIONS

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2.21 Classification of lands.
2.22 Orders of withdrawal and restoration.
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MINERALS

2.31 Oil and gas leases.
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2.33 Oil shale leases.
2.34 Sodium permits and leases.
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2.41 Mineral leasing; relief and suspensions.
2.42 Agreements to compensate for drainage of oil and gas.
2.43 Gold, silver, and quicksilver leases.
2.44 Minerals subject to lease under special laws.
2.45 Mining claims.

NONMINERAL MATTERS, EXCEPT RANGE MANAGEMENT AND TIMBER

2.51 Airports.
2.52 Alaska, fur farms.
2.53 Alaska, homesites or headquarters.
2.54 Alaska Housing Authority.
2.55 Alaska, Matanuska Valley.
2.56 Alaska public works.
2.57 Alaska, Trade and manufacturing sites.
2.61 Cemetery sites.
2.62 Color-of-title and riparian claims.
2.63 Exchanges.
2.64 Homesteads.
2.65 Indian allotments.
2.66 Material other than timber.
2.67 Mineral or medicinal springs.
2.68 Motion or sound pictures.
2.69 Parks and recreational sites.
2.70 Public sales.
2.71 Reclamation and irrigation.
2.72 Rights-of-way.
2.73 Small tracts.
2.74 Special land-use permits.
2.75 Specified tracts of land.
2.76 State grants, and grants to Territory of Alaska.
2.77 Surface rights.
2.78 Town sites.
2.79 Water wells.

RANGE MANAGEMENT

2.91 Grazing district administration.
2.92 Grazing leases, etc.
2.93 Appropriation of water under State laws.
2.94 Soil and moisture conservation.
2.95 Controlled brush burning.

TIMBER

2.121 Disposition of timber.
2.122 Hearings in connection with sustained-yield forest units.
2.123 Cutting of timber on certain mining claims in Oregon.
2.124 Timber patents.

PART 3—APPEALS

3.1 Right of appeal.

PART 4—EFFECT ON PRIOR ORDERS

4.1 Revocations.
4.2 Saving clause.

PART 1—AUTHORITY IN GENERAL

SECTION 1.1 *Functions of the Director, Associate Director, and Assistant Director.* (a) The Director, Bureau of Land Management, shall perform through such officers or organizational units of the Bureau as he may designate, all functions which, prior to July 16, 1946, were performed by officers or employees of the former General Land Office or Grazing Service.

(b) The Director shall also perform, in accordance with the existing regulations and procedures, the functions specified in Part 2 of this order. This shall include all types of actions in the matters listed, unless otherwise provided. No action shall be taken by the Director affecting the lands or activities of any other agency in this Department, or other Federal agency, until the matter has been cleared with that agency.

(c) The Associate and Assistant Directors of the Bureau under the supervision of the Director may exercise all of the powers and authority of the Director.

SEC. 1.2 *Limitations.* In addition to limitations on authority in specified matters, set forth in particular sections, the authority delegated by this order shall not include:

(a) The issuance of regulations.

(b) Any function which has been or may be delegated to the head, or other official, of any other agency of this Department.

(c) The issuance of public-land orders.

(d) The exercise of the supervisory powers of the Secretary, whether by way of appeal to the Secretary or otherwise; or

(e) Any action to be taken with the approval or concurrence of the President, or the head of any department or independent agency of the Government.

SEC. 1.3 *Functions of the regional administrators, and acting regional administrators.* (a) The regional administrators of the Bureau of Land Management shall have immediate supervision over the work of the land offices, land and survey offices, and all other field offices in their respective regions.

(b) All authority which, prior to July 16, 1946, was vested in the regional field examiners and the regional cadastral engineers of the former General Land Office and the regional graziers of the former Grazing Service shall be exercised by the regional administrators.

(c) The Director may authorize any qualified employee of the Bureau to perform the functions of a regional administrator, in case of a vacancy in that office or in case of the absence or sickness of a regional administrator.

SEC. 1.4 *Functions of the managers, assistant managers, and acting managers.* (a) Each of the land offices or the land and survey offices shall be administered by a manager who shall, under the general supervision of the Director and the immediate supervision of the regional administrator, perform the functions which, prior to July 16, 1946, were performed by the register, and such additional functions as may be delegated to him.

(b) An assistant manager may be appointed, when needed, to perform, under the supervision of the manager, such functions as may be specified by the Director, and to perform the functions of the manager in case of a vacancy in that office or in case of the absence or sickness of the manager.

(c) The Director may authorize any qualified employee of the Bureau to perform the functions of the manager, in case of a vacancy in that office or in case of the absence or sickness of the manager or assistant manager.

(d) An employee who is authorized to perform the functions of the manager shall sign documents and other papers as "Acting Manager." No employee, however, shall perform such functions until he has filed a bond in such penal sum as may be fixed and the bond has been accepted. Each employee who serves in this capacity shall by memorandum advise the regional administrator of the beginning and termination of the period of the service. Copies of such memorandum shall be sent to the Director.

SEC. 1.5 *Redelegations.* (a) The Director may, by an order to be published in the FEDERAL REGISTER, redelegate or authorize the delegation of any authority vested in him by this order to any qualified officer or employee of his bureau in Washington or in the field.

(b) Any order of redelegation or authorization pursuant to this section must be approved by the Secretary of the Interior and published in the FEDERAL REGISTER.

PART 2—AUTHORITY IN SPECIFIED MATTERS

The Director, subject to the provisions of Part 1 of this order, is hereby authorized to take all actions, except as otherwise hereinafter provided, with respect to the following matters:

GENERAL

SEC. 2.1 *Amendment and confirmation of entries.* Amendment and confirmation of entries, pursuant to 43 CFR Parts 104 and 107.

SEC. 2.2 *Bonds.* Bonds required in connection with matters pertaining to the public lands or the resources thereof, or other lands or resources under the jurisdiction of the Bureau of Land Management.

SEC. 2.3 *Cancellations or surrenders of contracts, leases, and permits.* Partial or complete cancellations or surrenders of contracts, leases, and permits of all types administered by the Bureau of Land Management.

SEC. 2.4 *Contributions and refunds.* Accept contributions toward the administration, protection, and improvement of lands within or without grazing districts, and remit or refund any unexpended balances of such contributions, pursuant to section 9 of the Taylor Grazing Act (43 U. S. C. 315h).

SEC. 2.5 *Copies of records.* Copies and exemplifications of patents, plats, and other records of the Bureau.

SEC. 2.6 *Enforcement and other actions in connection with certain public parks and other areas.* (a) Determine and enforce compliance with the provisions of any instrument of transfer and take other actions necessary, pursuant to the provisions of section 203 (k) (2) of the Federal Property and Administrative Services Act of 1949 with respect to property transferred pursuant to the Surplus Property Act of 1944, as amended and extended (50 U. S. C., Sup. III, App.

1622 (h)) to states, political subdivisions and instrumentalities thereof, and municipalities, for use as a public park, public recreational area, or historic monument for the benefit of the public.

(b) The Bureau of Land Management will make formal determinations and issue the instruments necessary to accomplish the desired results, but such actions will be based upon reports to be obtained from the National Park Service which will furnish that bureau technical advice concerning compliance and other matters requiring action under the provisions mentioned.

SEC. 2.7 *Fire-protection contracts.* Contracts with Federal, State, county, municipal, and private fire-control organizations for the protection from fire (prevention, presuppression, and suppression) of the public domain, including the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands, in Oregon.

SEC. 2.8 *Gifts.* Accept on behalf of the United States any lands within or without a grazing district as a gift, where such action will promote the purposes of the district or facilitate the administration of the public lands, pursuant to section 8a of the Taylor Grazing Act, as amended (43 U. S. C. 315g).

SEC. 2.9 *Government contests.* The initiation of Government contests against claims asserted to public lands, and all necessary actions involving the prosecution of such contests.

SEC. 2.10 *Patents.* Patents for grants of land under authority of the Government, to be issued in the name of the United States, other than patents or other conveyances which require the approval or signature of the President.

SEC. 2.11 *Repayment.* Applications for repayment under 43 CFR Part 217.

SEC. 2.12 *Reports and certifications in connection with Federal land highway projects.* Reports and certifications as to public lands, in connection with Federal land highway projects, required by the act of June 24, 1930 (23 U. S. C. 3).

SEC. 2.13 *Roads.* Matters involving the acquisition of rights-of-way for access roads on the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon, and of existing connecting roads adjacent to such lands, including purchases after clearance with the Department of Justice but not including recommendations to the Attorney General for condemnation proceedings.

SEC. 2.14 *Surveys.* All functions pertaining to the survey and resurvey of the public lands pursuant to section 453 of the Revised Statutes (43 U. S. C. 2), including the appointment of mineral surveyors and the approval and acceptance of their bonds, pursuant to section 2334 of the Revised Statutes (30 U. S. C. 39).

SEC. 2.15 *Trespass.* Determination of liability and acceptance of payment of damages for trespass on the public lands, and the disposal of resources recovered in trespass cases for not less than the appraised value thereof; also recommendations to the United States Attorney for (a) the institution of suits arising out of trespasses where the money judgment sought is not in excess of $1,000, and (b) the compromise of such suits where the amount is not in excess of $500.

CLASSIFICATIONS, WITHDRAWALS, AND RESTORATIONS

SEC. 2.21 *Classification of lands.* The classification of public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U. S. C. 315f), or pursuant to other laws, as being suitable for any type of use or disposition which the Director is empowered to authorize.

SEC. 2.22 *Orders of withdrawal and restoration.* (a) Except as otherwise provided in this section, issue orders of withdrawal or reservation under the statutory powers of the Secretary of the Interior, to the same extent that the lands might be withdrawn or reserved by the Secretary, and to the same extent, modify or revoke withdrawals or reservations of such lands.

(b) No order affecting lands under the administrative jurisdiction of any department or agency other than the Bureau of Land Management shall be issued by the Director without the prior concurrence of the head of the department or agency concerned.

(c) Withdrawals for reclamation and other purposes for administration by the Bureau of Reclamation, and the modification or revocation of such withdrawals shall be made in accordance with Order No. 2515 of April 17, 1949.

(d) The authority granted by this section shall extend to the waiver of the 160-rod restriction as to the length of claims along the shores of navigable waters in Alaska, as well as the restoration to entry and disposition of the reserved shore spaces, in Alaska.

(e) All orders issued pursuant to the authority contained in this section shall conform to such procedures as have been or may be prescribed by law, or by the Secretary of the Interior, with respect to public notice, and shall be submitted to the Division of the Federal Register, National Archives and Records Service, General Services Administration, for filing and publication.

SEC. 2.23 *Correspondence concerning the revocation of public-land withdrawals.* The signing of correspondence, including letters to the Director, Bureau of the Budget and to the Attorney General concerning the revocation of public-land withdrawals.

MINERALS

SEC. 2.31 *Oil and gas leases.* (a) Oil and gas leases pursuant to the act of February 25, 1920 (30 U. S. C. 221 et seq.), as amended and supplemented, the act of August 7, 1947 (30 U. S. C., Supp. III, 351–359), and the act of May 21, 1930 (30 U. S. C. 301–305).

(b) Leases of oil and gas deposits transferred to this Department for measures to protect the deposits from drainage.

(c) The authority delegated by this section shall not include any function pertaining to oil and gas deposits that involve approval or execution of unit or cooperative agreements, communitization agreements, subsurface storage agreements, operating, drilling, or development contracts without regard to acreage limitations, or the sale of royalty oil taken in amount of production.

SEC. 2.32 *Coal permits, leases, and licenses; asphalt leases.* (a) Coal permits, leases, and licenses under sections 2 to 8 inclusive of the act of February 25, 1920 (30 U. S. C. 201–208), as amended and supplemented, including coal permits and leases under the act of August 7, 1947 (30 U. S. C., Supp. III, 351–359), and coal permits and leases and asphalt leases under the acts of June 28, 1944 (58 Stat. 483–485), June 24, 1948 (62 Stat. 596), and May 24, 1949 (63 Stat. 76).

(b) In Alaska, coal permits under the act of March 4, 1921 (48 U. S. C. 444), and coal leases and permits for the free use of coal under the act of October 20, 1914 (48 U. S. C. 432–445 and 446–452).

SEC. 2.33 *Oil shale leases.* Oil shale leases under section 21 of the act of February 25, 1920 (30 U. S. C. 241) and under the act of August 7, 1947 (30 U. S. C., Supp. III, 351–359).

SEC. 2.34 *Sodium permits and leases.* Sodium permits, leases, and use permits under sections 23 to 25 inclusive of the act of February 25, 1920, as amended (30 U. S. C. 261–263), and under the act of August 7, 1947 (30 U. S. C., Supp. III, 351–359).

SEC. 2.35 *Sulphur permits and leases.* Sulphur permits and leases under the act of April 17, 1926, as amended (30 U. S. C. 271), and under the act of August 7, 1947 (30 U. S. C. Sup. III, 351–359).

SEC. 2.41 *Mineral leasing; relief and suspensions.* With the concurrence of the Director, Geological Survey, (a) the waiver, suspension or reduction of the rental or minimum royalty or the reduction of the royalty on an entire leasehold, or on any deposit, tract, or portion thereof segregated for royalty purposes, and (b) the granting of suspensions of operations or production or both, and the final approval, modification, or revocation of temporary suspensions of this kind which have been or may be granted. This shall not affect the authority granted the regional oil and gas supervisors and the regional mining supervisors of the Geological Survey by Order No. 2530 of August 16, 1949.

SEC. 2.42 *Agreements to compensate for drainage of oil or gas.* Execution of agreements for payment of compensatory royalties because of drainage of oil or gas.

SEC. 2.43 *Gold, silver, and quicksilver leases.* Leases of gold, silver, and quicksilver to the owners of confirmed private land claims, pursuant to 43 CFR Part 187.

SEC. 2.44 *Minerals subject to lease under special laws.* Leases of sand, gravel, and other minerals under special laws, pursuant to 43 CFR Part 199; also leases of certain mineral deposits in acquired lands, pursuant to 43 CFR 200.31 to 200.36 inclusive.

SEC. 2.45 *Mining claims.* Mining claims, pursuant to the general mining

laws and laws supplemental thereto, and 43 CFR Parts 185 and 69.

NONMINERAL MATTERS, EXCEPT RANGE MANAGEMENT AND TIMBER

SEC. 2.51 *Airports.* (a) Leases of public lands for public airports, under the act of May 24, 1928 (49 U. S. C. 211–214).

(b) All actions under the Federal Airport Act (49 U. S. C. 1101), up to the issuance of patents.

SEC. 2.52 *Alaska, fur farms.* Lease of public lands in Alaska for fur farms, under the act of July 3, 1926 (48 U. S. C. 360 and 361).

SEC. 2.53 *Alaska, homesites or headquarters.* Homesites or headquarters in Alaska, pursuant to 43 CFR Part 64.

SEC. 2.54 *Alaska Housing Authority.* Transfer to the Alaska Housing Authority of lands above high water mark and under the jurisdiction of the Department of the Interior, pursuant to section 6 of the Alaska Housing Act of April 23, 1949 (48 U. S. C. 484c).

SEC. 2.55 *Alaska, Matanuska Valley.* Disposal of land in the Matanuska Valley, Alaska, under the act of October 17, 1940 (48 U. S. C. 353 note).

SEC. 2.56 *Alaska public works.* Transfers in accordance with section 7 of the act of August 24, 1949 (48 U. S. C. 486e) of any interest in public lands in Alaska for any public works project which has been approved under section 4 of the act.

SEC. 2.57 *Alaska, Trade and manufacturing sites.* Trade and manufacturing sites in Alaska, pursuant to 43 CFR Part 81.

SEC. 2.61 *Cemetery sites.* Cemetery sites, including such sites in Alaska, pursuant to 43 CFR Parts 72 and 253.

SEC. 2.62 *Color-of-title and riparian claims.* Color-of-title and riparian claims; under 43 CFR Parts 140 and 141.

SEC. 2.63 *Exchanges.* (a) Exchanges of lands, and, in national forests of timber for lands, under 43 CFR Parts 146 to 152, inclusive.

(b) Exchanges of reclamation lands under the act of March 4, 1915 (43 U. S. C. 447) and under section 44 of the act of May 25, 1926 (43 U. S. C. 423c).

(c) Exchanges of revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands, in Oregon, under 43 CFR Part 115.

(d) Exchanges under Title III of the Bankhead-Jones Farm Tenant Act approved July 22, 1937 (7 U. S. C. 1011), and the related provisions of Title IV thereof, so far as the exchanges involve public lands subject thereto, after the exchanges have been approved by an authorized officer of the Department of Agriculture.

(e) Exchanges for the Pueblo and certain other Indians in New Mexico, under section 2 of the act of August 13, 1949 (63 Stat. 604).

(f) The authority delegated by this section shall not include the approval of any exchange where the value of the selected lands exceeds $250,000.

SEC. 2.64 *Homesteads.* Homesteads, including homesteads in Alaska, pursuant to 43 CFR Parts 166 to 170, inclusive, and Parts 65 and 66.

SEC. 2.65 *Indian allotments.* Indian allotments, including such allotments in Alaska, with the concurrence of the Commissioner of Indian Affairs, pursuant to 43 CFR Parts 176 and 67.

SEC. 2.66 *Material other than timber.* Any sale or contract for the sale of material other than timber, or the free use of materials other than timber, under 43 CFR Part 259.

SEC. 2.67 *Mineral or medicinal springs.* Leases of lands adjacent to mineral or medicinal springs, under the act of March 3, 1925 (43 U. S. C. 971).

SEC. 2.68 *Motion or sound pictures.* Permits to film motion or sound pictures on areas under the jurisdiction of the Bureau of Land Management, pursuant to 43 CFR Part 5.

SEC. 2.69 *Parks and recreational sites.* Parks and recreational sites, when authorized by law.

SEC. 2.70 *Public sales.* Public sales pursuant to 43 CFR Part 250, and other sales of land by competitive bidding, when authorized by law.

SEC. 2.71 *Reclamation and irrigation.* Reclamation and desert-land entries, State irrigation districts, and Nevada underground-water permits and entries, pursuant to 43 CFR Parts 230 to 234 inclusive.

SEC. 2.72 *Rights-of-way.* (a) Right-of-way permits and easements over public and acquired lands, including revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon, and over reservations other than Indian reservations, when authorized by law.

(b) Approval of construction in advance of the issuance of a permit or the granting of an easement.

(c) Actions involving lands within national parks, or any reservation of the United States, made for the use of or administered by the National Park Service, the Fish and Wildlife Service, the Bureau of Reclamation, or any agency outside of the Department of the Interior, may be taken only after the consent of the head of the bureau or agency administering the reservation has been obtained.

SEC. 2.73 *Small tracts.* Small tracts, under the act of June 1, 1938 (43 U. S. C. 682a), as amended.

SEC. 2.74 *Special land-use permits.* (a) Special land-use permits for public lands, pursuant to 43 CFR Part 258.

(b) Special land-use permits for revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon pursuant to 43 CFR 115.150.

(c) Special land-use permits for acquired lands under the administration of the Bureau of Land Management, under the principles embodied in 43 CFR Part 258.

(d) Permits to use areas below the high-water mark of navigable waters in Alaska for occupancy purposes under the principles embodied in 43 CFR Part 258, subject to rules, regulations, and requirements of the Department of the Army respecting the navigation of such streams.

(e) Landing and wharf permits on reserved shore space in Alaska pursuant to 43 CFR Part 68.

(f) Every such permit issued to a Federal agency or to a State agency or political subdivision shall be restricted to the smallest area needed for the proposed use. Not more than 50,000 acres may be included in such a permit, and no such permit may be issued under this authority where a withdrawal of a class which the Director is not authorized to make is requested.

SEC. 2.75 *Specified tracts of land.* Disposal of specified tracts of land when authorized by law, pursuant to the conditions specified in the statute.

SEC. 2.76 *State grants, and grants to Territory of Alaska.* State grants and selections, and grants to and selections by the Territory of Alaska, when authorized by law, including the approval of clear lists pursuant to section 2449 of the Revised Statutes (43 U. S. C. 859).

SEC. 2.77 *Surface rights.* Nonmineral applications for lands embraced in mineral permits or leases, or in applications for such permits or leases, or classified, withdrawn, or reported as valuable for any leasable mineral, or lying within the geologic structure of a field, in accordance with 43 CFR Parts 102 and 66.

SEC. 2.78 *Town sites.* All town-site matters: *Provided,* That reclamation town-site matters shall be handled jointly with the Director, Bureau of Reclamation, pursuant to 43 CFR 255.42 to 255.45 inclusive, and 255.47.

SEC. 2.79 *Water wells.* Water-well leases, pursuant to section 40 of the Mineral Leasing Act (30 U. S. C. 229a) and 30 CFR 241.6.

RANGE MANAGEMENT

SEC. 2.91 *Grazing district administration.* All matters pertaining to the administration of grazing districts, pursuant to the act of June 28, 1934, as amended and supplemented (43 U. S. C. 315 et seq., 16 U. S. C. 715l), and 43 CFR Parts 161, 163, and 165.

SEC. 2.92 *Grazing leases, etc.* (a) Grazing leases of public lands, under section 15 of the act of June 28, 1934, as amended (43 U. S. C. 315m) and permits or cooperative agreements to construct and maintain improvements on lands so leased, and to determine the value of such improvements.

(b) Grazing leases of the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon, and crossing permits for such lands, in accordance with 43 CFR Part 115.

(c) Grazing leases of public lands in Alaska, under the act of March 4, 1927 (43 U. S. C. 471, 471a–471c).

SEC. 2.93 *Appropriation of water under State laws.* Execution and filing in the name of the United States of applications to appropriate water under State laws, where required in connection with stock-watering projects, and procurement of easements or rights-of-way upon or over private lands, where improvements are erected.

SEC. 2.94 *Soil and moisture conservation.* Soil and moisture conservation on the public lands, pursuant to the Soil Conservation Act of April 27, 1935 (16 U. S. C. 590a et seq.), and subject to the coordination and general supervision of the Office of the Secretary.

SEC. 2.95 *Controlled brush burning.* Issuance of permits for the controlled burning of brush, as a means of improving the range by the replacement of the brush with grass and other desirable species, in accordance with approved plans and specifications.

TIMBER

SEC. 2.121 *Disposition of timber.* (a) The disposition or free use of timber when authorized by law on lands under the jurisdiction of the Bureau of Land Management, including the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands, in Oregon. This authority shall not authorize the approval of sustained-yield timber units, or the approval of any sale of timber in excess of 40,000,000 board feet.

(b) Sales of timber on lands under the jurisdiction of the Bureau of Reclamation, in accordance with Order No. 2533 of September 7, 1949.

SEC. 2.122 *Hearings in connection with sustained-yield forest units.* Scheduling and holding of public hearings on master forest units and their appurtenant marketing areas, and on sustained-yield forest units and cooperative agreements for sustained-yield forest units, comprising revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon, and lands in private ownership or controlled by other public agencies, under authority of the act of August 28, 1937 (50 Stat. 874) and 16 U. S. C. 583, 583a–583i. The notice of hearing may designate any qualified employee in the region to hold the hearing.

SEC. 2.123 *Cutting of timber on certain mining claims in Oregon.* Applications from owners of mining claims located since August 28, 1937, on revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon, to cut and use so much of the timber on the mining claims as is necessary in the development and operation of the mines until such time as the timber is otherwise disposed of by the United States, pursuant to the act of April 8, 1948 (62 Stat. 162).

SEC. 2.124 *Timber patents.* Extension of time in which to cut timber under timber patents on the revested and reconveyed land in Oregon, under the act of May 19, 1930 (46 Stat. 369) and the termination of rights under timber patents under the act of June 9, 1916 (39 Stat. 218).

PART 3—APPEALS

SECTION 3.1 *Right of appeal.* Any person aggrieved by any action of the Director may appeal to the Secretary of the Interior, pursuant to the rules of practice (43 CFR Part 221).

PART 4—EFFECT ON PRIOR ORDERS

SECTION 4.1 *Revocations.* Orders Nos. 2225, 2226, 2238, 2267, 2277, 2307, 2319, 2325, 2359, 2367, 2407, 2414, 2415, 2425, 2430, 2441, 2451, 2467, 2468, 2471, 2472, 2477, 2478, 2494, 2495, 2559, 2560, and Order of December 15, 1947, 12 F. R. 8677 are hereby revoked to the extent that those orders relate to the Bureau of Land Management.

SEC. 4.2 *Saving clause.* Subdelegations of authority which have been made pursuant to the orders listed in section 4.1 and which are in force on the effective date of this order, shall remain in force until revoked or superseded by subdelegations made under this order.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 50–7323; Filed, Aug. 22, 1950; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938, as amended.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportwear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, (29 CFR 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 399).

Abbottstown Garment Co., Box 48, Abbottstown, Pa., effective 8–14–50 to 3–31–51; 10 percent normal labor turnover (men's and boys' sport jackets).

Albert Sportswear Co., 786 Communipaw Avenue, Jersey City, N. J., effective 8–9–50 to 3–31–51; 10 percent normal labor turnover (women's blouses and sportswear).

Allene Sportswear Manufacturing Co., Inc., 234½ Trinity Avenue SW., Atlanta, Ga., effective 8–7–50 to 3–31–51; 10 percent normal labor turnover (dresses and blouses).

Athco Inc., Athens, Ala., effective 7–26–50 to 3–31–51; 53 learners for expansion purposes (undergarments and sleeping wear).

Barbizon of Utah, Inc., 149 North First West, Provo, Utah, effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (ladies' lingerie).

Blue Belle Dress Co., Inc., Blue Bell and Virginia Avenues, Williamstown, N. J., effective 8–7–50 to 3–31–51; 10 percent normal labor turnover (dresses, housecoats, etc.).

Cross Country Clothes, Inc., 39 West Twenty-first Street, Northampton, Pa., effective 7–26–50 to 3–31–51; 7 percent of productive factory force (men's suits and sport coats).

East Jewett Dress Co., East Jewett, N. Y., effective 8–11–50 to 3–31–51; five learners (women's dresses).

Edgefield Shirt Co., Inc., Swainsboro, Ga., effective 8–11–50 to 3–31–51; 10 percent normal labor turnover (men's shirts).

Frederick Tailoring Co., 241 East Fourth Street, Frederick, Md., effective 7–31–50 to 3–31–51; 7 percent of productive factory force (men's suits).

Frederick Tailoring Co., Mount Airy Plant, Mount Airy, Md., effective 7–31–50 to 3–31–51; 7 percent of productive factory force (men's coats).

Garver Manufacturing Corp., Wilmington, N. C., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (sport shirts).

Great Lakes Garment Manufacturing Co., Onaway, Mich., effective 8–11–50 to 3–31–51; 10 percent normal labor turnover (work trousers).

Industrial Garment Manufacturing Co., 201 East Oak Street, Palestine, Tex., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (men's cotton work pants).

J. & B. Sportswear Co., Box 1, Flicksville, Pa., effective 8–11–50 to 3–31–51; four learners (ladies' blouses).

Johnstown Pajama Co., Inc., 1346 Franklin Street, Johnstown, Pa., effective 8–11–50 to 3–31–51; 10 learners (ladies' cotton pajamas).

Keystone Mills, Inc., 325 South Lancaster Street, Annville, Pa., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (cotton polo shirts, ladies' cotton underwear).

Harry Lang Manufacturing Co., Des Moines, Iowa, effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (children's cotton play clothing).

Lincoln Tailoring Association, West All Saints Street, Frederick, Md., effective 7–31–50 to 3–31–51; 10 percent normal labor turnover (men's trousers).

Logan Manufacturing Co., Russellville, Ky., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (work pants).

Manford Sportswear, 237 South Market Street, Chicago, Ill., effective 8–11–50 to 3–31–51; 10 percent normal labor turnover (dresses).

Pacific Undergarment Co., Inc., 288 Plymouth Avenue, Fall River, Mass., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (ladies' cotton night gowns, petticoats and pajamas).

Pearce Manufacturing Co., Howard, Pa., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (men's woolen dress shirts and jackets).

Puritan Raincoat Co., Inc., Walnut and Linden Streets, Lansdale, Pa., effective 8–11–50 to 3–31–51; 10 percent normal labor turnover (men's raincoats and outerwear).

Smith Brothers Manufacturing Co., 204 North Fourth Street, St. Joseph, Mo., effective 8–10–50 to 3–31–51; 2½ percent of the number of productive factory workers for expansion purposes (overalls, pants, etc.).

South Pine Nightwear Co., Inc., York, Pa., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (pajamas and night shirts).

Standard Garments, Inc., Chase City, Va., effective 8–10–50 to 3–31–51; 10 percent normal labor turnover (men's shirts).

Levi Strauss and Co., 220 North Houston Avenue, Denison, Tex., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (denim waist band overalls).

Levi Strauss and Co., 220 North Houston Avenue, Denison, Tex., effective 7–26–50 to 3–31–51; 43 learners for expansion purposes (denim waist band overalls).

Sturgis Clothing, Inc., Sixth and Main Street, Sturgis, Ky., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (single pants).

Taney Sewing Co., Taneytown, Md., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (men's pajamas).

Taunton Garment Co., 42 Adams Street, Taunton, Mass., effective 8–10–50 to 3–31–51; 10 percent normal labor turnover (dresses).

Troutman Shirt Co., Inc., Mooresville, N. C., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (work shirts).

I. Unterberg & Co., Inc., York, Pa., effective 8–11–50 to 3–31–51; 10 percent normal labor turnover (men's shirts).

Victory Dress Co., 520 North George Street, York, Pa., effective 8–11–50 to 3–31–51; 10 percent normal labor turnover (children's dresses).

Meyer Weiss, Fourteenth and Market Streets, Pottsville, Pa., effective 8–11–50 to 3–31–51; 10 percent normal labor turnover (blouses).

Well Made Novelty Co., South Murray Street, Bangor, Pa., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (blouses).

Westchester, Inc., 77 Bedford Street, Boston, Mass., effective 8–11–50 to 3–31–51; 10 percent normal labor turnover (blouses).

Wind Gap Manufacturing Co., Borough of Wind Gap, Northampton County, Pa., effective 8–14–50 to 3–31–51; 10 percent normal labor turnover (women's and children's nightwear).

Hosiery Learner Regulations (29 CFR 522.40 to 522.51; as revised January 25, 1950 (15 F. R. 283)).

Slatedale Knitting Mills, Inc., Slatedale, Pa., effective 8–25–50 to 8–24–51; 5 percent of the total productive factory workers, not including office and sales personnel.

Cigar Learner Regulations (29 CFR 522.201 to 522.211; as amended January 25, 1950 (15 F. R. 400)).

Lewis Cigar Manufacturing Co., Selma, Ala., 10 percent learners; effective 8–11–50 to 3–31–51, cigar machine operating, 320 hours, 60 cents per hour; packing (cigars retailing for 6 cents or less), 160 hours, 60 cents per hour; packing (cigars retailing for more than 6 cents), 320 hours, 60 cents per hour; machine stripping, 160 hours, 60 cents per hour.

Paredi Cigar Co. of New York, 1015 North Main Street, Scranton, Pa., 10 percent learners; effective 7–25–50 to 3–31–51, making Italian stogies, 640 hours, 60 cents per hour for the first 320 hours, 65 cents per hour for remaining 320 hours; hand stripping, 160 hours, 60 cents per hour; packing (cigars retailing at 6 cents or less each), 160 hours, 60 cents per hour.

Glove Learner Regulations (29 CFR, 522.220 to 522.222; as amended January 25, 1950 (15 F. R. 400)).

Boreal Manufacturing Co., 1523 Main Street, Marinette, Wis., effective 7–25–50 to 10–25–50; 10 percent of the total number of employees engaged (gloves).

The Boss Manufacturing Co., 327 North Main Street, Bluffton, Ohio, effective 7–25–50 to 10–25–50; 10 percent of the total number of employees engaged (gloves).

The Boss Manufacturing Co., 319 West Main Street, Findlay, Ohio, effective 7–25–50 to 10–25–50; 10 percent of the total number of employees engaged (work gloves).

Indianapolis Glove Co., Inc., Coshocton, Ohio, effective 7–25–50 to 10–25–50; 10 percent of the total number of employees engaged (gloves).

Seattle Glove Co, 519 Twelfth Avenue South, Seattle, Wash., effective 7–25–50 to 10–25–50; 10 percent of the total number of employees engaged (gloves).

Warlong Glove Manufacturing Co., Conover, N. C., effective 7–25–50 to 10–25–50; 10 percent of the total number of employees engaged (gloves).

Knitted Wear Learner Regulations (29 CFR 522.68 to 522.79, as amended January 25, 1950 (15 F. R. 398)).

The Bernhard Altmann Texas Corp., 2805 South Flores Street, San Antonio, Texas, effective 7–26–50 to 3–31–51; 5 percent of the number of productive factory workers (ladies sweaters).

The Bernhard Altmann Texas Corp., 2805 South Flores Street, San Antonio, Texas, effective 7–26–50 to 3–31–51; five learners for expansion purposes (ladies sweaters).

Ashland Knitting Mills, Front and Chestnut Streets, Ashland, Pa., effective 7–26–50 to 3–31–51; 5 percent of the number of productive factory workers (cotton knit underwear).

Ashland Knitting Mills, Front and Chestnut Streets, Ashland, Pa., effective 7–26–50 to 3–31–51; 20 learners for expansion purposes (cotton knit underwear).

Dutchess Underwear Corp., Old Forge, Pa., effective 7–25–50 to 3–31–51; 5 percent of the productive factory force engaged (ladies knit underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Colonial Products Co., Inc., Geneva, Ala., effective 7–25–50 to 1–24–51; 10 percent of total productive factory workers, not including sales or office personnel; machine operating, 320 hours, punch work operators, 640 hours; machine operating: 55 cents for the first 160 hours and 65 cents for the remaining 160 hours. Punch work operators: 55 cents for the first 320 hours and 65 cents for the remaining 320 hours. (Manufacturing tufted bedspreads and bath sets.)

De Haan and Co., Chester, Pa., effective 7–26–50 to 1–25–51; four learners; hand sewers only, 320 hours, 60 cents (manufacturing silk lamp shades).

Kendrick & Davis Co., Lebanon, N. H.; replacement certificates; effective 7–12–50 to 1–11–51; five learners; machine operators and electric motor assemblers, 480 hours, 60 cents for the first 320 hours and not less than 65 cents for the remaining 160 hours (manufacturing watchmaker's tools).

Leominster Plastics Co., Fitchburg, Mass., effective 8–14–50 to 2–13–51; 10 percent of the total productive factory force, not including sales or office personnel; assemblers, including such productive factory jobs as cementing, swedging, spraying, packing, assembling, stenciling, painting, blocking, breaking, tickling, ribboning, boxing, card, dress, and insert shot, 160 hours, 65 cents per hour, except for such jobs for which higher wage rates have been established in collective bargaining agreements (manufacturing plastic toys).

Jos. Lieberman & Sons, Inc., Philadelphia, Pa., effective 8–11–50 to 2–10–51; three learners; brush makers, 120 hours, 60 cents (manufacturing brushes).

Nashua Plastics Co., Inc., Nashua, N. H., effective 8–14–50 to 2–13–51; 10 percent of the total productive factory force, not including sales or office personnel; assemblers, including such productive factory jobs as cementing, swedging, spraying, packing, assembling, stenciling, painting, blocking, breaking, tickling, ribboning, boxing, card, dress, and insert shot, 160 hours, 65 cents per hour, except for such jobs for which higher wage rates have been established in collective bargaining agreements (manufacturing of toy metal motors and plastic toys).

Polly Prentiss Originals, Inc., 724 North Main Street, Sumter, S. C., effective 8–14–50 to 2–13–51; 50 learners; tufting and punch work operators, 640 hours, sewing machine operator, hand sewing and workers in finishing operations involving hand sewing, 320 hours, 640 hour period—55 cents for the first 320 hours and 65 cents for the remaining 320 hours—320 hours period—55 cents for the first 160 hours and 65 cents for the remaining 160 hours (chenille robes).

Tamale-ette Corp., 1316 North Grand Avenue, Gainesville, Tex., effective 7–25–50 to 1–25–51; 15 learners; chili and tamale makers, 240 hours, 65 cents for the first 160 hours and 70 cents for the remaining 80 hours (cannery, manfuacturing chili and tamales).

The following special learner certificates were issued in the Shoe Industry. These certificates authorize the employment of learners in any occupations except custodial, maintenance, supervisory, and office and clerical occupations. The learning period is 480 hours at not less than 65 cents an hour for the first 240 hours and not less than 70 cents an hour for the next 240 hours, except as otherwise indicated in parentheses.

Day Wood Heel Co., 1930 Westwood Avenue, Cincinnati, Ohio, effective 8–8–50 to 8–25–50; two learners (coverer, 240 hours, not less than 65 cents an hour for 240 hours).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 17th day of August 1950.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 50–7327; Filed, Aug. 22, 1950; 8:46 a. m.]

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR, Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

The New Haven Goodwill Industries, Inc., 238 State Street, New Haven 10, Conn.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950 and expires July 31, 1951.

The Morgan Memorial Co-Operative Industries and Stores, Inc., 89 Shawmut Avenue, Boston 16, Mass.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950, and expires July 31, 1951.

Veterans of Foreign Wars of the United States, 406 West Thirty-fourth Street, Kansas City 2, Mo.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective September 1, 1950 and expires August 31, 1951.

Davis Memorial Goodwill Industries, 1216 New Hampshire Avenue NW., Washington, D. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950, and expires July 31, 1951.

Evansville Association for the blind, 500 Second Avenue, Evansville, Ind.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 30 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 28, 1950, and expires February 28, 1951.

Training Center for Adult Blind, 3601 Telegraph Avenue, Oakland 9, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 31, 1950, and expires January 31, 1951.

Goodwill Industries of San Francisco, Santa Cruz Branch, 204 Union Street, Santa Cruz, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 58 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1950, and expires January 24, 1951.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 11th day of August 1950.

RAYMOND G. GARCEAU,
Assistant Administrator.

[F. R. Doc. 50–7324; Filed, Aug. 22, 1950; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, *Field organization and final delegations of authority*, is amended as follows:

1. Subparagraph (j) is added to paragraph b 8, as follows:

(j) To approve the disbursement by Local Housing Authorities of preliminary loan funds, including disbursements to make payments for materials or services purchased or contracted for by Local Housing Authorities prior to the date of the Preliminary Loan Contract to the same extent that such materials or services may properly be purchased or contracted for by Local Housing Authorities subsequent to the date of the Preliminary Loan Contract.

2. Subparagraph (3) is added to section III b 6 (i) as follows:

(3) To execute Administration Fund Agreements on behalf of the PHA.

Approved: August 16, 1950.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 50–7325; Filed, Aug. 22, 1950; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25338]

RESIDUAL FUEL OIL FROM CHARLESTON, S. C., TO NORTH CAROLINA

APPLICATION FOR RELIEF

AUGUST 18, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of the Southern Railway Company and Yadkin Railroad Company.

Commodities involved: Petroleum residual fuel oil, tank carloads.

From: Charleston, S. C.

To: Albermarle and Badin, N. C.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supplement 166.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–7328; Filed, Aug. 22, 1950; 8:46 a. m.]

[4th Sec. Application 25339]

COAL CINDERS FROM SHEFFIELD, ALA., TO SHREVEPORT, LA.

APPLICATION FOR RELIEF

AUGUST 18, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3647.

Commodities involved: Coal cinders, carloads.

From: Sheffield, Ala.

To: Shreveport, La.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3647, Supplement 265.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7329; Filed, Aug. 22, 1950; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2456]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 16th day of August, A. D. 1950.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the Act") by Public Service Company of New Hampshire ("the Company"), an operating utility company and a direct subsidiary of New England Public Service Company, a registered holding company which in turn is a subsidiary of Northern New England Company, also a registered holding company. Applicant designates section 6 (b) of the act and Rules U-23 and U-24 thereunder as applicable to the proposed transaction.

All interested parties are referred to said application on file in the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

The Company seeks authorization to issue or renew, from time to time, up to December 31, 1950, notes having a maturity of nine months or less up to a maximum amount of $6,500,000 at any time outstanding (including notes outstanding as of July 31, 1950, in the amount of $2,600,000).

The Company estimates that its net cash requirements for new construction will be $3,062,800 for the six months ending December 31, 1950, and that it will be necessary to increase its short-term borrowings to $6,500,000 by the end of the year in order to carry out its construction program and to meet its other cash needs. The aggregate amount of the short-term notes to be issued will exceed 5 per cent of the principal amount and par value of the other securities of the Company then outstanding.

The Company anticipates that it will be able to borrow the required funds at an interest rate not over 2 percent per annum. It states that if the interest rate should exceed 2 percent per annum on any of the notes, it will file an appropriate amendment to its application at least five days before the execution and delivery of any such note, and asks that such amendment shall become effective without further order of the Commission at the end of the five-day period unless the Commission shall have notified the Company to the contrary.

The Company expresses the desire to refund the short-term notes principally through the issue and sale of common stock. However, the Company states that under abnormal conditions it may be necessary to refinance with other types of securities.

It is further stated that the proposed transaction is not within the jurisdiction of the State commission, and that there will be no expenses to the Company in connection with the transaction except legal and other incidental expenses, estimated at not more than $300.

The Company requests that the order of the Commission herein be made effective upon issuance.

Notice is further given that any interested person may, not later than August 28, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7326; Filed, Aug. 22, 1950; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14949]

ELSE HUHS

In re: Interest in oil, gas and other minerals in and under certain real property, and claim owned by Else Huhs, nee Luders, also known as Elsie Weiberg.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Huhs, nee Luders, also known as Elsie Weiberg, whose last known address is Volkmarshausen bie Hahn, Munden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-fourth (¼) interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Oklahoma County, State of Oklahoma, to-wit: Lot Forty-eight (48), Block Eighteen (18), Walnut Grove Addition to Oklahoma City, Oklahoma, as shown by the recorded plat thereof, being the same interest conveyed to Christina Heuler, now deceased, by General Industries Corporation, Ltd. (a California corporation), Los Angeles, California, by mineral deed dated November 1, 1933 and recorded November 24, 1933 in Book 257, Page 301 of the Records of the County Clerk of Oklahoma County, State of Oklahoma, together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest, and

b. That certain debt or other obligation of Phillips Petroleum Company, Bartlesville, Oklahoma, arising from royalties accrued with respect to the above described mineral interest and represented on the books and records of said Phillips Petroleum Company by an account in the name of Christina Heuler, deceased, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Else Huhs, nee Luders, also known as Elsie Weiberg, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7312; Filed, Aug. 21, 1950; 8:51 a. m.]

[Vesting Order 14911]

BRUNO MAHLKE AND NORMAN C. GROSS

In re: Interests of Bruno Mahlke in an agreement dated November 26, 1943, by and between Bruno Mahlke and Norman C. Gross.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Bruno Mahlke, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a foreign country (Germany);

2. That the property described as follows: All interests and rights (including all accrued royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Bruno Mahlke by virtue of an agreement between Bruno Mahlke and Norman C. Gross dated November 26, 1943, (including all modifications thereof and supplements thereto, if any) which agreement relates, among other things, to United States Letters Patents Nos. 2,210,765 and 2,339,791,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7337; Filed, Aug. 22, 1950; 8:49 a. m.]

[Vesting Order 14915]

ARNOLD CARL CORNILS

In re: Estate of Arnold Carl Cornils, deceased; File No. D-28-9550; E. T. sec. 13080.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Drucker, Rosa Liebscher, Clara Siemen and Emilie Hahn, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of The Toy National Bank and The Farmers Loan and Trust Company, Sioux City, Iowa, arising by reason of accounts maintained with the aforesaid bank for Emma Drucker, Rosa Liebscher, Clara Siemen, and Emilie Hahn, and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7338; Filed, Aug. 22, 1950; 8:49 a. m.]

[Vesting Order 14919]

JOHN HOERNER

In re: Estate of John Hoerner, deceased. File No. F-28-28491; E. T. sec. 17031.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Hoerner and Frederick Hoerner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the sum of $2,397.98 deposited with the County Treasurer of Madison County, Illinois, pursuant to an order of the Probate Court of Madison County, Illinois, dated May 19, 1941, in the matter of the Estate of John Hoerner, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Madison County, Illinois, acting under the judicial supervision of the Probate Court of Madison County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General. Director, Office of Alien Property.*

[F. R. Doc. 50-7339; Filed, Aug. 22, 1950; 8:49 a. m.]

SEP 13 '50

[Vesting Order 14923]

CORD MEYER

In re: Estate of Cord Meyer, deceased; File No. D-28-12776; E. T. sec. 16947.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bernhart Weking, whose last known adress is Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, and interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Cord Meyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Herbert Buhring, Administrator C. T. A. acting under the judicial supervision of the Surrogate's Court, Delaware County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7340; Filed, Aug. 22, 1950; 8:49 a. m.]

[Vesting Order 14917]

SOPHIA HEIDORN

In re: Trust under the Will of Sophia Heidorn, deceased. File No. D-28-12832; E. T. sec. No. 17030.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hilda Kruse, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust created under the will of Sophia Heidorn, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Richard Kruse, as trustee, acting under the judicial supervision of the Surrogate's Court of Westchester County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7310; Filed, Aug. 21, 1950; 8:51 a. m.]

SEP 13 '50

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 15 NUMBER 164

Washington, Thursday, August 24, 1950

TITLE 3—THE PRESIDENT

PROCLAMATION 2899

FIRE PREVENTION WEEK, 1950

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, in this critical period, it is imperative that our country keep itself strong in manpower, productive facilities, and material resources; and

WHEREAS preventable fires took a frightful toll last year, resulting in loss of life for some 10,000 of our fellow Americans and permanent disability for countless others; and

WHEREAS the destruction of materials and facilities by fire impairs the production of supplies essential to the defense of our country and to the physical welfare of our people; and

WHEREAS needless fires also destroy each year an untold amount of irreplaceable natural resources and of private and public property, including forests and farms, schools and churches, hospitals, homes, and factories:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate the week beginning October 8, 1950, as Fire Prevention Week.

I suggest that, bearing in mind the present emergency, all of us rededicate ourselves to a year-round campaign against destructive fires in our homes, in our industrial plants, and in our communities generally. I request that State and local Governments, the American National Red Cross, the National Fire Waste Council, the Chamber of Commerce of the United States, business, labor, and farm organizations, churches, schools, civic groups, and the agencies of public information, including newspapers, magazines, and the radio, television, and motion-picture industries, cooperate fully in the observance of Fire Prevention Week. I also direct the appropriate agencies of the Federal Government to assist in this crusade against the toll of life and property resulting from fires.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of August in the year of our Lord nineteen hundred and fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

[SEAL] HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 50-7417; Filed, Aug. 23, 1950; 10:51 a. m.]

EXECUTIVE ORDER 10154

DESIGNATION OF CERTAIN OFFICERS OF THE POST OFFICE DEPARTMENT TO ACT AS POSTMASTER GENERAL

By virtue of the authority vested in me by section 179 of the Revised Statutes of the United States (5 U. S. C. 6), and as President of the United States, it is hereby ordered as follows:

In case of the death, resignation, absence, or sickness of both the Postmaster General and the Deputy Postmaster General the officer holding the position highest on the following list who is not absent or under disability to perform the duties of the office of Postmaster General shall perform the duties of that office:

1. Assistant Postmaster General in charge of the Bureau of Post Office Operations.

2. Assistant Postmaster General in charge of the Bureau of Transportation.

3. Assistant Postmaster General in charge of the Bureau of Finance.

4. Assistant Postmaster General in charge of the Bureau of Facilities.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 22, 1950.

[F. R. Doc. 50-7416; Filed, Aug. 23, 1950; 10:32 a. m.]

TITLE 7—AGRICULTURE

Chapter X—Administrator, Research and Marketing Act, Department of Agriculture

PART 1001—CONTRACT WORK PAYMENTS AND BONDS

Section 1001.6 is amended to read as follows:

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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§ 1001.6 *Payments and bonds.* Advance, progress or other payments may be made where in the judgment of the contracting officer such payments are necessary. However, in cases of advance or progress payments, the execution of an acceptable bond by the private organization will be required, in such amount as may be deemed necessary by the contracting officer to protect the interest of the Government, except where requirement for bond is waived by the Administrator or his designated representative. Bonds may be required in other cases where deemed necessary by the contracting officer to protect the interest of the Government.

(Sec. 7, 49 Stat. 438, sec. 205, 60 Stat. 1090; 7 U. S. C. 427f, 1624. Interprets or applies secs. 101, 205, 60 Stat. 1085, 1090; 7 U. S. C. 4271, 1624)

Done at Washington, D. C., this 18th day of August 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 50-7358; Filed, Aug. 23, 1950; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 4879]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HARLICH MFG. CO. ET AL.

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling;* § 3.2480 *In merchandising.* I. Selling or distributing in commerce, punch boards, push cards, or other lottery devices, which are to be used, or may be used, in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; and, II. in connection with the offering for sale, sale or distribution in commerce, of cigarette chests or boxes, or other articles of merchandise, (1) supplying to or placing in the hands of others punch boards, push cards, or other lottery devices, either with assortments of cigarette chests or boxes or other merchandise, or separately, which said punch boards, push cards, or other lottery devices, are to be used, or may be used, in selling or distributing such cigarette chests or boxes or other merchandise to the public; (2) selling or distributing cigarette chests or boxes, or other articles of merchandise, so packed or assembled that sales thereof to the public are to be made or, due to the manner in which such merchandise is packed or assembled at the time it is sold by the respondents, may be made by means of a game of chance, gift enterprise, or lottery scheme; or, (3) selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Leo Lichtenstein et al., trading as Harlich Manufacturing Company, etc., Docket 4879, June 30, 1950]

In the Matter of Leo Lichtenstein, Libbie Lichtenstein, and Byron J. Lichtenstein, Individually and Trading as Harlich Manufacturing Company, and Loomis Manufacturing Company

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, the respondents' answer thereto, testimony and other evidence in support of and in opposition to the allegations of the amended complaint introduced before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision, and briefs and oral argument of counsel, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Leo Lichtenstein, Libbie Lichtenstein, and Byron J. Lichtenstein, individually and trading as Harlich Manufacturing Company and as Loomis Manufacturing Company, or trading under any other name or trade designation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, punch boards, push cards, or other lottery devices, which are to be used, or may be used, in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That said respondents and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of cigarette chests or boxes, or other articles of merchandise, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others punch boards, push cards, or other lottery devices, either with assortments of cigarette chests or boxes or other merchandise, or separately, which said punch boards, push cards, or other lottery devices, are to be used, or may be used, in selling or distributing such cigarette chests or boxes or other merchandise to the public.

2. Selling or distributing cigarette chests or boxes, or other articles of merchandise, so packed or assembled that sales thereof to the public are to be made or, due to the manner in which such merchandise is packed or assembled at the time it is sold by the respondents, may be made by means of a game of chance, gift enterprise, or lottery scheme.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission, Commissioner Mason concurring in the findings as to the facts and conclusion, but not concurring in the form of order to cease and desist, for the reasons stated in his opinion concurring in part and dissenting in part in Docket 5203—Worthmore Sales Company.

Issued: June 30, 1950.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-7368; Filed, Aug. 23, 1950; 8:49 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

EXEMPTION OF CERTAIN SECURITY TRANSACTIONS MADE BY INSIDERS

The Securities and Exchange Commission, acting pursuant to authority vesting in it by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 16 (c) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby adopts the following rule:

§ 240.16c–3 *Exemption of sales of securities to be acquired.* Whenever any person is entitled, as an incident to his ownership of an issued security and without the payment of consideration, to receive another security "when issued" or "when distributed," the security to be acquired shall be exempt from the operation of section 16 (c): *Provided,* That:

(a) The sale is made subject to the same conditions as those attaching to the right of acquisition, and

(b) Such person exercises reasonable diligence to deliver such security to the purchaser promptly after his right of acquisition matures, and

(c) Such person reports the sale on the appropriate form for reporting transactions by persons subject to section 16 (a).

This section shall not be construed as exempting transactions involving both a sale of a security "when issued" or "when distributed" and a sale of the security by virtue of which the seller expects to receive the "when-issued" or "when-distributed" security, if the two transactions combined result in a sale of more units than the aggregate of those owned by the seller plus those to be received by him pursuant to his right of acquisition.

The Commission finds that the foregoing rule grants or recognizes an exemption and, therefore, may be made effective immediately upon publication. Accordingly, the rule shall be effective August 14, 1950.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w, sec. 16, 48 Stat. 896, as amended; 15 U. S. C. 78p)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 11, 1950.

[F. R. Doc. 50-7357; Filed, Aug. 23, 1950; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 1—ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

LABELING REQUIREMENTS OF CHEESES THE CURING OF WHICH HAS NOT BEEN COMPLETED

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sections 405, 701 (a), 52 Stat. 1049, 1055; 21 U. S. C. 345, 371 (a)) § 1.13 *Food; exemptions from labeling* is amended by adding the following new paragraph:

(f) The word "processed" shall include the holding of cheese in a suitable warehouse at a temperature of not less than 35° F. for the purpose of aging or curing to bring the cheese into compliance with requirements of an applicable

definition and standard of identity. The exemptions provided for in paragraph (b) of this section shall apply to cheese which is, in accordance with the practice of the trade, shipped to a warehouse for aging or curing, on condition that the cheese is identified in the manner set forth in one of the applicable following subparagraphs, and in such case paragraphs (c), (d), and (e) of this section shall also apply:

(1) In the case of varieties of cheeses for which definitions and standards of identity require a period of aging, whether or not they are made from pasteurized milk, each such cheese shall bear on the cheese a legible mark showing the date at which the preliminary manufacturing process has been completed and at which date curing commences, and to each cheese, on its wrapper or immediate container, shall be affixed a removable tag bearing the statement "Uncured ---------- cheese for completion of curing and proper labeling," the blank being filled in with the applicable name of the variety of cheese. In the case of swiss cheese, the date at which the preliminary manufacturing process had been completed and at which date curing commences is the date on which the shaped curd is removed from immersion in saturated salt solution as provided in the definition and standard of identity for swiss cheese, and such cheese shall bear a removable tag reading, "To be cured and labeled as 'swiss cheese', but if eyes do not form to be labeled as 'swiss cheese for manufacturing.'"

(2) In the case of varieties of cheeses which when made from unpasteurized milk are required to be aged for not less than 60 days, each such cheese shall bear a legible mark on the cheese showing the date at which the preliminary manufacturing process has been completed and at which date curing commences, and to each such cheese or its wrapper or immediate container shall be affixed a removable tag reading, "---------- cheese made from unpasteurized milk. For completion of curing and proper labeling," the blank being filled in with the applicable name of the variety of cheese.

(3) In the case of cheddar cheese, washed curd cheese, colby cheese, granular cheese, and brick cheese made from unpasteurized milk, each such cheese shall bear a legible mark on the cheese showing the date at which the preliminary manufacturing process has been completed and at which date curing commences, and to each such cheese or its wrapper or immediate container shall be affixed a removable tag reading "---------- cheese made from unpasteurized milk. For completion of curing and proper labeling, or for labeling as ----------cheese for manufacturing," the blank being filled in with the applicable name of the variety of cheese.

Notice and public proceedings are not necessary in the promulgation of this order, and I so find, for the reasons that the manner of dealing with interstate shipments of cheese less than 60 days old for the purpose of aging or curing, and labeling of such cheese, were considered at the public hearing in the matter of amending the definitions and standards of identity for certain cheeses and to establish definitions and standards of identity for other cheeses, processed cheeses, cheese foods, cheese spreads, and related foods, Docket No. FDC-46, and interested parties had an opportunity to and did express their views on these subjects in briefs, and exceptions to the proposed order in said matter.

This order shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies 405, 52 Stat. 1049; 21 U. S. C. 345)

Dated: August 16, 1950.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 50-7336; Filed, Aug. 23, 1950; 8:47 a. m.]

[Docket No. FDC-46]

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS: DEFINITIONS AND STANDARDS OF IDENTITY

FINAL ORDER

In the matter of amending the definitions and standards of identity for cheddar cheese, washed curd cheese, and colby cheese, and establishing definitions and standards of identity for other cheeses, processed cheeses, cheese foods, cheese spreads, and related foods:

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sections 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), and upon the basis of substantial evidence received at the hearing duly held pursuant to the notice published in the FEDERAL REGISTER on February 21, 1947 (12 F. R. 1192), and upon consideration of the exceptions filed to the tentative order which was issued by the Federal Security Administrator on April 15, 1949 (14 F. R. 1960), which exceptions are allowed in part and rejected in part, as appears from notations on the exceptions which are on file with the Hearing Clerk, Federal Security Agency, Room 5109, Federal Security Building, Fourth Street and Independence Avenue SW., Washington 25, D. C., and as is apparent from the detailed findings made below, the following order is promulgated:

Findings of fact.[1] 1. Definitions and standards of identity have heretofore been adopted for a number of varieties of cheese. There are in addition to these a large number of other varieties sold in the United States. Some varieties of cheese manufactured in the United States are also made in other parts of the world and imported into the United States. There are a few varieties of cheese obtained only by importation. Many varieties of cheese now manufactured in the United States originated in foreign countries and the methods of manufacture after introduction here were modified to suit domestic conditions. A particular variety of cheese, whether of domestic or foreign manufacture, is generally sold under the same designation. In many instances these designations are the names of the geographic areas where the variety of cheese originated. The significance of the geographic designation differs, and it may be that in some instances such significance has not been completely lost. (R. 322, 557, 709, 1365, 1475, 1499, 2994, 3411, 3414–3415, 3995, 3999–4000, 4258–4264, 4305, 4550, 4598, 5005, 5062, 5255, 5258, 5264, 5315; Ex. 25, 26, 94; 21 CFR, Part 19)

2. Many varieties of cheese are well known and widely distributed and used. Others have limited distribution and are known to relatively small numbers of consumers. It is impracticable to adopt a definition and standard of identity for every known variety of cheese, but it is practicable to adopt definitions and standards of identity for important varieties and to adopt class standards which will include most of the varieties for which no specific standards are adopted. (R. 322, 699–701, 719–720, 1292–1296, 1423, 2994, 4258; Ex. 26, 75B 94)

3. The basis for classifying cheeses differs according to the purpose of the classification. A reasonable and practical method of classifying cheeses for standardization purposes which is informative to consumers is one based on differences in the consistency of the finished cheese. Under such a classification there are five main classes:

a. Hard grating cheese.
b. Hard cheese.
c. Semisoft cheese.
d. Soft uncured cheese.
e. Soft cured cheese.

(R. 719–720, 1292–1296, 1315–1428, 2983, 2987, 2989, 3395, 3514–3515, 3517–3518, 3966)

4. Cheeses in each class may be made from whole milk or partly skimmed milk. Generally speaking, hard grating cheeses are made from partly skimmed milk, while cheeses in the other classes are generally made from whole milk. However, there are a number of varieties of cheese in the semisoft class which have been made from partly skimmed milk for many years. It is impracticable to adopt separate standards for all these, but it is reasonable to subdivide the semisoft cheeses into two classes, semisoft cheeses and semisoft part-skim cheeses. (R. 731, 1316, 1366, 1375–1376, 1460, 2917, 2973, 3421, 3529, 3901–3902, 3966–3967, 4134, 4155; Ex. 95)

5. There are a number of varieties of cheese which are rendered distinctive by spices added to them rather than by their consistency. Some varieties of spiced cheeses are made from whole milk, and other well-known varieties are made from partly skimmed milk. It is impracticable to adopt separate standards for all varieties of spiced cheeses, but it is reasonable to subdivide spiced cheeses into two classes, spiced cheeses and part-skim spiced cheeses. (R. 1087, 1094–1096, 1130–1131, 1139–1140, 1162, 1169–1170, 1683, 1687, 1705–1706, 3832, 4904–4905, 5014–5015, 5247, 5281)

6. In addition to foods that may be accurately classified as cheeses, there are a number of foods made largely from cheese whey that do not belong to any of the classes named in finding 3, although their names indicate that they are some kind of cheese. These foods may be classed as whey cheeses and are discussed in other findings. (R. 5243, 5249–5250, 5254, 5256, 5277, 5312, 5319)

7. In each class there are a number of varieties of cheese having different names. It is impracticable from the evidence of record to adopt definitions and standards of identity for each of these cheeses. It will be of advantage to consumers to adopt definitions and standards of identity for the more important varieties, leaving the varieties of lesser importance subject to regulation by the provisions of the definitions and standards of identity for the class. (R. 311, 1018–1019, 1102, 1111, 1292–1294, 1310–1311, 1322, 1374–1376, 3428–3429, 4512; Ex. 26)

8. If a variety of cheese which falls into one of the classes for which standards are adopted has a common or usual name that has become generally recognized, it is proper to use such name in addition to the class name in designating that variety of cheese. As new cheeses are developed which fall into the class standards there will be no common name generally recognized for such cheeses, and in such case a brand or fanciful name may be used (in addition to the class name) if it is not false or misleading. In order to insure that the purchaser will know that the cheese is a member of a class for which there is a standard, the class name should immediately precede or follow the brand or fanciful name. (R. 731, 1111, 1133–1134, 1322–1323, 1374, 1459, 1638, 3414, 3428–3429, 3440, 5006)

9. Definitions and standards of identity have heretofore been adopted for all the most important varieties of soft uncured cheeses, and no class standard is needed at the present time. (21 CFR 19.515–19.530)

10. The basic constituents of all varieties of cheese, except the so-called whey cheeses, are the coagulated proteins of milk, with more or less milk fat and water. The water holds in solution some of the soluble constituents present in milk, particularly milk sugar and mineral matter. In making most varieties a curd is prepared, drained, salted, and shaped. Usually the curd is aged or cured; some varieties are further treated to impart to the cheese the characteristics of the particular variety. The animal origin of the milk, its fat and moisture content, variations in the methods of preparing the curd, and the different treatments to which the curd is subjected are some of the factors which result in different physical and chemical properties in the cheese and give rise to the large number of varieties of cheese known to consumers. (R. 147, 1060, 1112, 1114, 1296–1297, 1366, 2915, 3288, 3370, 3395, 3583, 3924, 3961, 3963, 3981, 3983, 5351–5352; Ex. 26)

11. Basically, the starting point for all varieties of cheese is milk. Most varieties are made from cow's milk, but some are made from sheep's milk, some from goat's milk, and some from a mixture of one or both of these milks with cow's milk. The animal origin of the milk has some effect on the characteristics of the cheese, and when sheep's milk or goat's milk is used alone or in combination with cow's milk consumers are interested and should be informed of this fact. (R. 1320, 1324, 1552, 1611, 1661–1662, 1702, 2913, 2970, 2974, 3369–3370, 3583, 3961, 3963, 3981, 3983, 4015, 5063, 5334; Ex. 26)

12. In preparing milk for use in cheese making, it is customary to adjust the milk so that the ratio of milk fat to the nonfat milk solids will be at a desired and predetermined level. Such adjustment may be made by adding or removing part of the milk fat in the form of cream or by adding fresh skim milk. A few varieties of cheese are made from milk from which practically all the fat has been separated. In areas of the United States where no fresh skim milk is readily available, milk is adjusted for cheese making by adding nonfat dry milk solids and water, or concentrated skim milk and water. Milk so adjusted is suitable for cheese making, except that it is not suitable for making swiss cheese, swiss cheese for manufacturing, and gruyere cheese. (R. 329, 393, 448–450, 549, 612, 858–859, 881–882, 2658–2660, 2882–2883, 2887, .2896, 3102, 3507, 4345–4346, 5054; Ex. 64, 65, 67)

13. In preparing milk for cheese making, a process known as "clarification" is sometimes used. In the process the milk is centrifuged for the primary purpose of removing small particles naturally present in the milk and which might later have an adverse effect on the cheese. Clarification is widely used in preparing milk for making swiss cheese. Clarified milk is also suitable for making other cheeses. (R. 439–440, 447–448, 674–675, 952–953, 955)

14. In the manufacture of all types of cheese for which standards are now being considered, it is the general custom to bring about a coagulation of the casein of the milk with an enzyme known as rennin, which is obtained from the stomach of the calf. Commercially prepared preparations of this enzyme are commonly known as rennet. In the manufacture of a few varieties of cheese coagulation of the casein is accomplished by the use of rennet paste or an extract of rennet paste. Rennet paste is the ground stomach of a calf or kid. Extract of rennet paste is the water extract of either such material. In addition to the enzymes that coagulate the milk, commercial rennet and rennet paste also contain other enzymes which aid in curing some types of cheese. At times some milk is deficient in calcium content. This condition retards its coagulation with rennet. The addition of small amounts of calcium chloride often aids coagulation in such instances. If, through the use of calcium chloride, the amount of rennet is substantially reduced the curing of some types of cheeses may be retarded. In manufacturing cheeses from milk which is deficient in calcium, the advantages gained from using calcium chloride outweigh the possibility of undesirable results from reduced amounts of rennet. It is reasonable to require that when calcium chloride is used it be purified, and that no more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk be used. (R. 216, 225, 228, 332–333, 374–375, 742–743, 756, 1352, 1408, 1721–1723, 1746–1747, 1753, 1757, 3068–3071, 3759–3760, 4106, 4992, 5299; Ex. 14, 26)

15. One of the factors which serves, in part, to differentiate one variety of cheese from another is the moisture content of the cheese. The moisture comes from the water content of the milk, or adjusted milk, used, and sometimes from the water used in treating the curd. The amount of water in the finished cheese can be regulated to a great extent by the method of manufacture. Often a cheese otherwise similar to a normal cheese of a given variety is produced with excessive moisture. This excess moisture is worthless and as a makeweight tends to defraud the consumer. Wherever reasonably possible it is in the interest of the consumer to set a maximum limit on the moisture content of each variety or class of cheese. (R. 719, 1059–1060, 1114, 1293–1294, 1313, 1344, 1463, 1485, 1509)

16. Among the factors which determine the fat content of a cheese are the fat content of the milk used, the method of manufacture, and the moisture content of the cheese. It has become the custom to measure the fat content of most cheeses in terms of the percent of fat in the solids of the cheese. This is usually an accurate index of the fat content of the milk used. In the United States most cheeses are made from what is generally referred to as whole milk to distinguish it from skimmed milk or partly skimmed milk. The term "whole milk cheese" has come to mean in the United States a cheese of not less than 50 percent milk fat in the dry matter of the cheese. In other countries the milk used for cheese making is in general of the same composition as milk used in the United States, but it is customary in many countries to remove some cream before making cheese, and in some European countries a cheese is considered to have been made from whole milk if it contains not less than 45 percent of milk fat in the dry matter. Certain varieties of cheese have long been made only from skimmed milk or partly skimmed milk, and in adopting standards for such cheeses it is customary to prescribe a minimum of less than 50 percent fat in the dry matter. The actual minimum limit varies, depending on the variety. (R. 709, 828, 1028–1029, 1296–1297, 1317, 1333, 1344, 1428, 1460, 1485, 1493–1494, 1497, 1699, 3402, 3409, 3507, 3525, 4345–4346, 4374, 5004–5005, 5054, 5247, 5303–5304; Ex. 242)

17. The properties and characteristics which differentiate one variety of cheese from another are often difficult to define and measure objectively. They result from variations in raw materials and in methods of preparation. By prescribing the raw materials to be used and the method of manufacture which produces cheese of the variety desired, together with limits for the fat and moisture content of the finished cheese, a practicable and reasonable definition and standard of identity can be formulated. The critical points in the method of manufacture should be sufficiently definite for an experienced cheese maker to follow and, under normal conditions, to obtain a cheese of the variety defined. Variations from the prescribed method of manufac-

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

ture should be permitted provided the physical and chemical properties of the finished cheese are the same as when the prescribed method of manufacture is used. (R. 27, 34–35, 144, 149, 562–563, 669–670, 692, 758, 850, 855, 1025, 1402, 1428, 1456–1457, 1497, 3395–3398, 3517, 3520; Ex. 26)

18. The characteristics of a particular variety of cheese depend to a great extent on the method of manufacture and conditions of curing and the length of curing time. Certain enzymes present in the milk or in the coagulating agent or developed by microorganisms during manufacture contribute to the development of flavor and texture. In addition, enzymes from other animal or plant sources may be useful. The use of such enzymes may facilitate and accelerate the curing and flavor development of some varieties of cheese and reduce the cost of manufacture. Although added enzymes are now known to be used only in a few varieties of cheese, they may prove to be useful in other varieties, and there appears to be no reason to refuse to permit the use of harmless enzymes in the manufacture of all types of cheese. It is impracticable at the present time to name the individual enzymes that may be useful. It is reasonable to permit harmless enzymes of animal or plant origin. The amount of enzymes that may be used should be limited, and it is reasonable to require that the solids content of the enzymes preparation should not exceed 0.1 percent of the weight of the milk used. (R. 211, 218, 225, 227–228, 235, 240, 242, 246A, 564, 743–744, 756, 759, 1070, 1308, 1352, 1353, 1408, 1720, 1737, 3071–3072, 3395–3398, 3761, 4106)

19. Milk obtained from infected animals may and often does contain microorganisms capable of causing disease in humans. At present it is practically impossible to insure the use in cheese making of milk free from such microorganisms. Milk may also become contaminated with pathogenic microorganisms from persons handling it. Pasteurization of the milk destroys such microorganisms. Milk is pasteurized if it is held at a temperature of 143° F. for not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Sufficiently high temperatures to destroy pathogenic microorganisms are not reached in cheese manufacturing, and any present in the milk are usually carried over into the cheese. Such cheese may transmit infections to consumers. Investigations in recent years have disclosed that cheese freshly made from unpasteurized milk was the source of infection in several outbreaks of disease. No outbreak has been reported from cheese held 60 days or more. (R. 171–172, 178, 180, 190, 196, 1312, 1349, 1408, 2035, 2111, 2116, 3352–3353; Ex. 51, 52, 53, 54, 55, 56)

20. Viable pathogenic microorganisms in cheese, even when present to such an extent as to be capable of causing disease in humans, tend to die when the cheese is held for some time at temperatures above 35° F. It is not known with certainty how long cheeses must be held before they become safe. Under certain conditions pathogenic organisms remain viable in cheese for several months, although they may not be present in sufficient numbers or be of such virulence as to cause disease. It would be unreasonable under the present state of knowledge to require that all cheeses be held for a period necessary to give absolute assurance that all pathogenic organisms would expire. If cheese made from unpasteurized milk is held for 60 days after its manufacture at temperatures of 35° F. or above, it is reasonable to expect that the cheese will be safe for human consumption. When cheese is made from pasteurized milk no holding period is considered necessary to insure its safety with respect to organisms derived from the milk. However, a holding period may be necessary to develop identity characteristics which result from curing the cheese. (R. 141, 143–146, 165, 180–181, 270–271, 275, 281–282, 292, 317, 372, 690, 1073–1074, 1103–1104, 1203, 1213, 1308–1309, 1408, 1409, 1413–1414, 1424, 2991, 3065, 3415–3416, 4550, 4991, 5023; Ex. 51, 52, 53, 54, 55, 56)

21. Consumers expect, and have a right to expect, that manufacturers of cheese shall take reasonable precautions to render the finished cheese safe for human consumption. Under present conditions reasonable caution on the part of manufacturers of cheese intended for human consumption without further processing requires that the milk used be pasteurized, or in the alternative that such cheese, after manufacturing, be held for a period whereby it can be reasonably expected that it will be safe for human consumption. It will promote honesty and fair dealing in the interest of consumers to include in the definitions and standards of identity of the different varieties and classes of cheese requirements that the milk used be pasteurized or that the cheese be held for a period whereby it may be reasonably expected that the cheese will be rendered safe. Based on the best evidence available now, it is reasonable to require that when the milk used in manufacturing cheese is not pasteurized the cheese be held after it is manufactured for not less than 60 days at temperatures of not less than 35° F. (R. 140–146, 159, 165–166, 180, 198, 270–271, 275, 1038, 1072A, 1167, 3521, 3415)

22. Milk contains an enzyme known as phosphatase which is destroyed when the milk is sufficiently heated. The extent of the destruction of phosphatase depends on the time and temperature of heating. When milk is pasteurized the destruction of phosphatase is practically complete. Cheeses made from properly pasteurized milk contain practically no phosphatase. Chemical tests for determining the amount of phosphatase in milk and in products made from milk have been devised. The method most suitable for testing for the presence of phosphatase in different classes and varieties of cheese is that devised by Sanders and Sager, and is as follows:

I. *Reagents*—1. *Buffers:* a. *Barium borate-hydroxide buffer.* Dissolve 25.0 gm. of C. P. barium hydroxide ($Ba(OH)_2 \cdot 8H_2O$, fresh, not deteriorated) in distilled water and dilute to 500 ml. Dissolve, in another flask or cylinder, 11.0 gm. of C. P. boric acid (H_3BO_3) and dilute to 500 ml. Warm each to 50° C. (122° F.), mix the two together, stir, cool to approximately 20° C. (68° F.), filter, and stopper the filtrate tightly (pH approximately 10.6). The buffer prepared thus is designated as the 25–11 buffer, the figures indicating the grams per liter of each of the respective reagents.

b. *Color-development buffer.* Dissolve 6.0 gm. of sodium metaborate ($NaBO_2$) and 20 gm. of sodium chloride in water and dilute to a liter with water (pH 9.8).

c. *Color-dilution buffer.* Dilute 100 ml. of color-development buffer 1–b to a liter with water.

d. *Standard borax buffer, 0.01-molar, for checking pH meter, pH 9.18 at 25° C.*[1] Dissolve 0.9544 gm. of pure borax (Bureau of Standards Sample 187) in distilled water (distilled recently or freshly boiled and cooled) and dilute to 250 ml. Keep stoppered tightly.

2. *Buffer substrates:* Specify phenol-free crystalline disodium phenyl phosphate.

a. *For evaluating pasteurization.* Dissolve 0.10 gm. of the phenyl phosphate in 100 ml. of the appropriate (table 1) barium borate-hydroxide buffer 1–a.

b. *For quantitative results with raw-milk cheese.* Dissolve 0.20 gm. of the phenyl phosphate in 100 ml. of the appropriate (table 1) barium borate-hydroxide buffer 1–a.

3. *Protein precipitants:* a. *Zinc-copper precipitant for unripened cheese.* Dissolve 6.0 gm. of zinc sulfate ($ZnSO_4 \cdot 7H_2O$) and 0.1 gm. of copper sulfate ($CuSO_4 \cdot 5H_2O$) in water and dilute to 100 ml. with water. The precipitant prepared thus is designated as the 6.0–0.1 precipitant.

b. *Zinc precipitant for ripened cheese.* Dissolve 6.0 gm. of zinc sulfate in water and dilute to 100 ml. with water. This precipitant is designated as the 6.0 precipitant.

4. *BQC (2,6-dibromoquinone-chloroimine solution) (Gibbs' reagent):* Dissolve 40 mg. of BQC powder in 10 ml. of absolute methyl alcohol and transfer to a dark-colored dropper bottle. This reagent remains stable for at least a month if kept in the ice tray of a refrigerator. Do not use it after it begins to turn brown.

5. *Other reagents:* a. *Copper sulfate, 0.05 percent, for standards.* Dissolve 0.05 gm. of copper sulfate in water and dilute to 100 ml.

b. *Butyl alcohol.* Specify *n*-butyl alcohol, boiling point 116°–118° C. To adjust the pH, mix 50 ml. of the color-development buffer 1–b with a liter of the butyl alcohol.

6. *Phenol standards:* a. *Stock solution.* Weigh accurately 1.0 gm of pure phenol, transfer to a liter volumetric flask, dilute to a liter with water, and mix. One ml. contains 1 mg. (0.001 gm.) of phenol. Use this stock solution to prepare standard solutions. It is stable for several months in the refrigerator.

b. *Preparation of standards.* Dilute 10.0 ml. of the stock solution 6–a to a liter with water, and mix. One ml. contains 10 micrograms (0.00001 gm., 10 gammas, or 10 units) of phenol. Use this standard solution to prepare more dilute standard solutions; e. g., dilute 5, 10, 30, and 50 ml. to 100 ml. with water to prepare standard solutions containing 0.5, 1.0, 3.0, and 5.0 gammas or units of phenol per milliliter, respectively. Keep standard solutions in the refrigerator.

In a similar manner, prepare from the stock solution such more concentrated standard solutions as may be needed, containing, for example, 20, 30, and 40 units per milliliter.

Measure appropriate quantities of the phenol standard solution into a series of tubes (preferably graduated at 5.0 and 10.0 ml.) to provide a suitable range of standards as needed, containing 0 (control, blank), 0.5, 1.0, 3.0, 5.0, 10.0, etc., to 30 or 40 units. To increase the brightness of the blue color and improve the stability of the standards, add 1.0 ml. of 0.05 percent copper sulfate solution 5–a to each.

Add 5.0 ml. of color dilution buffer 1–c and add water to bring the volume to 10.0 ml. Add 4 drops (0.08 ml.) of BQC 4, mix, and allow to develop for 30 minutes at room temperature. If the butyl alcohol extraction method is to be used in the test, extract the standards as described under III Conducting the Test.

Read the color intensities with a photometer, subtract the value of the blank from the value of each phenol standard, and prepare a standard curve (straight line). When the standards are to be used for visual comparisons, they should be stored in a refrigerator.

II. *Sampling*—1. *Hard cheese:* Take a sample from the interior with a clean Roquefort trier, place in a small tube, stopper the tube, and keep it in a refrigerator.

2. *Soft and semisoft ripened cheese:* Harden the cheese by chilling it in the freezing chamber of a refrigerator. Taking special precautions to avoid contaminating the sample with phosphatase that may be present on the surface, use either of the following methods for sampling:

a. Cut a portion from the end of the loaf or from the side of the cheese, extending in at least 2 inches if possible or to a point somewhat beyond the center in the case of a small cheese. Cut a slit ¼ to ½ inch deep at least halfway around the portion and midway between the top and bottom. Break the portion into two parts, pulling it apart so that it breaks on a line with the slit, being careful not to contaminate the freshly exposed, broken surface. Remove the sample from the freshly exposed surface at or near the center of the cheese.

b. Remove the surface of the area to be sampled—e. g., the end and the adjacent sides—with a clean knife or spatula, to a depth of ¼ inch. Clean the instrument and hands with hot water and phenol-free soap and wipe them dry. Remove the freshly exposed surface to a similar or greater depth, and repeat the cleaning. Then take the sample from the center of the freshly exposed area, preferably at or near the center of the cheese in the case of a small cheese.

3. *Process cheese, spreads, etc.:* Take the sample from beneath the surface with a clean knife or spatula.

Avoid the use of samples contaminated with mold.

4. *Preservation:* If a preservation is necessary, put 1 to 3 ml. of chloroform in the container, cover with a plug of cotton, insert sample and stopper container tightly. Label preserved samples, "Poison—Preservative added."

III. *Conducting the test.* 1. Weigh, on a clean balance pan or watch glass, a 0.50-gm. sample (preferably two samples in duplicate) and place in a culture tube 16 or 18 x 150 mm. Similarly, weigh another sample and place in a tube as a control or blank. If the cheese is sticky, weigh the sample on a piece of wax paper about 1 x 1 inch and insert the paper with the sample into the tube. Macerate the blank and the test with a glass rod about 8 x 180 mm.

2. Add to the blank 1.0 ml. of the appropriate (table 1) barium buffer 1–a (without substrate added), macerate with the rod, leave the rod in the tube, heat for about a minute to at least 85° C. (185° F.) in a beaker of boiling water with the beaker covered so that the entire tube becomes heated to approximately 85° C., cool to room temperature, and macerate again with the rod.

3. Add to the test 1.0 ml. of the appropriate (table 1) barium buffer substrate 2–a or 2–b, and macerate.

From this point, treat the blank and the test in a similar manner.

Add 9.0 ml. of the appropriate barium buffer substrate 2–a or 2–b (total, 10.0 ml. added), and mix. The rod may be left in the tube during incubation; or, if removing it at this point, cut a piece of filter paper approximately 1 x 1 inch, wrap and hold it tightly around the rod, rotate the rod while withdrawing it from within the tube so as to wipe the rod clean, insert the paper with the adhering fat into the tube, and stopper the tube.

4. Incubate in a water bath at 37°–38° C. (99°–100° F.) for 1 hour, mixing or shaking the contents occasionally.

5. Place in a beaker of boiling water for nearly a minute, heating to 85° C. (185° F.), and cool to room temperature.

6. Pipet in 1.0 ml. of the zinc precipitant 3–b for ripened cheese, or the zinc-copper precipitant 3–a for unripened cheese, and mix thoroughly (pH of mixture, 9.0–9.1).

7. Filter (5-cm. funnel, 9-cm. Whatman No. 42 or No. 2 paper recommended), and collect 5.0 ml. of filtrate in a tube, preferably graduated at 5.0 and 10.0 ml.

8. Add 5.0 ml. of color-development buffer 1–b (pH of mixture, 9.3–9.4).

9. Add 4 drops[2] of BQC 4, mix, and allow the color to develop for 30 minutes at room temperature.

10. Determine the amount of blue color by either of two methods:

a. *With a photometer.* Read the color intensity of the blank and that of the test, subtract the reading of the blank from that of the test, and convert the result into phenol equivalents by reference to the standard curve described under "Phenol standards." The butyl alcohol extraction method is ordinarily unnecessary when using a photometer.

b. *With visual standards.* For quantitative results in borderline instances, e. g., tests yielding 0.5 to 5 units of color, extract with butyl alcohol 5–b. Add 5.0 ml. of the alcohol and invert the tube slowly several times. Centrifuge if necessary to increase the clearness of the alcohol layer. Compare the blue color with the colors of standards in the alcohol.

With samples yielding more than 5 units, compare the colors in aqueous tests with those of aqueous standards.

11. Dilution method for quantitative results: In tests that are observed during color development to be strongly positive, e. g., 20 units or more, in which four drops of BQC may be much less than sufficient to combine with all of the phenol, pipet an appropriate proportion of the contents into another tube, make up to 10.0 ml. with color-dilution buffer 1–c, and add two drops more of BQC in the case of unripened cheese or four drops in the case of ripened cheese. With each test, dilute and treat the blank in the corresponding manner. Dilute each strongly positive test thus until the final color is within the range of the standards or photometer. Allow 30 minutes for color development after the last addition of BQC, and make the reading at the end of the 30-minute period. Multiply, for example, by 2 for a 5+5 dilution, 10 for a 1+9 dilution, and 50 for a 1+9 followed by a 2+8 dilution.

Alternatively, to reduce the amount of yellow off color, add two instead of four drops of BQC after each dilution, and allow the color to develop. Then test the completeness of color development by adding a third drop; repeat the dilution procedure until the addition of an extra drop does not cause any further increase in the amount of blue color.

12. Calculation and evaluation of results: When using 0.5 gm. of sample and adding a total of 11.0 ml. of liquid, multiply the value of the reading by 1.1 to convert it to units of color or phenol equivalents per 0.25 gm. of cheese. The result may, if desired, be converted to phenol equivalents per 1 gm. by multiplying by 4.4.

IV. *Photometric determination.* To read the color in aqueous solution, use a filter with maximum light transmission in the region of 610 $m\mu$ wave length.

To read the color in butyl alcohol, extract the color as described above. If necessary, centrifuge the sample for 5 minutes to break the emulsion and to remove the moisture suspended in the alcohol layer. A Babcock centrifuge can be adapted for this purpose by making special tube holders as follows: Slice a section ¼-inch thick from a rubber stopper of suitable diameter to fit in the bottom of the centrifuge cup. Glue together two cork stoppers of appropriate diameter, bore through the center a hole of proper size to hold the tube snugly, and insert the double-cork section into the cup. After centrifuging, remove nearly all of the butyl alcohol by means of a pipet with a rubber bulb on the top end. Filter the alcohol into the photometer cell and read with a filter with maximum light transmission in the region of 650 $m\mu$ wave length.

If more than approximately 4 ml. of butyl alcohol is required for the photometer used, conduct the test in a larger tube and extract the color, in both the test and the standards, with the necessary quantity of butyl alcohol rather than with 5 ml. specified above.

V. *Precautions.* The length of time that the crystalline disodium phenyl phosphate and the BQC powder will remain stable can be increased greatly by keeping them in the freezing chamber of a refrigerator, and by keeping them dry.

The glassware, stoppers, and sampling tools should be scrupulously clean and it is desirable to soak them in hot, running water after cleaning.

The solid barium hydroxide and the barium buffer must be kept stoppered tightly to prevent absorption of carbon dioxide.

Phenolic contamination from plastic closures on reagent bottles has been encountered, and therefore the use of plastic closures should be avoided. Rubber stoppers should not be used in flasks in which butyl alcohol is stored. Glass or cork stoppers should be used.

VI. *Modifications for different cheeses.* Different kinds of cheese and cheeses of different ages have different buffering capacities, and therefore some of them require modification of concentrations of the reagents. The modifications of the barium buffer needed to produce optimal pH conditions during incubation (9.85–10.20), and of the precipitant to yield uniformly clear filtrates and to minimize interference during color development under optimal pH conditions (9.3–9.4), are specified in table 1.

With some samples, especially those of unknown history, slight deviations from the optimal pH range may occur, but such deviations do not very materially affect the results. For example, pH values as low as 9.6 or as high as 10.35 during incubation have been found to result in an average decrease of not more than 20 percent below the maximum in the quantity of phenol liberated. The use of the 25–11 buffer substrate with samples for which the 27–11 buffer substrate is specified yields pH values not lower than 9.8.

In testing cheese of unknown history or age, information as to the percentage of solids, especially the nonfat solids, is useful as an indication of the correct buffer to use; cheese with a relatively high percentage of nonfat solids generally requires the use of a relatively concentrated buffer to adjust the pH of the mixture correctly.

For precise quantitative results on unknown samples, adjust the pH to 10.0–10.05 for the incubation.

Cottage cheese curd is heated in the presence of considerable acid during manufacture, and therefore its phosphatase values are comparatively low. Alternatively, to increase the sensitivity of the test on cottage cheese, apply the following modifications: Use a 1.0-gm. sample, 27–11 buffer substrate, 2-hour incubation, and 6.0–0.1 precipitant.

[1] All pH values reported herein were determined at 25° C. or corrected to that temperature.

[2] For merely detecting underpasteurization, in testing unripened cheese, two drops is sufficient, provided the visual standards are prepared likewise with two drops.

TABLE 1—PHOSPHATASE TEST MODIFICATIONS FOR DIFFERENT KINDS OF CHEESE AND CHEESE OF DIFFERENT AGES

Kind of cheese	Age or extent of curing; other details	Buffer for optimal pH (9.85–10.20)	Precipitant
Cheddar, granular, stirred curd, hard cheese	1 week	[1] 25–11	[2] 6.0–0.1
	1 week–one and one-half months	25–11	[2] 6.0
	1½–4 months	26–11	6.0
	4 months	27–11	6.0
Washed curd, soaked curd, colby	1 week	25–11	6.0–0.1
	1 week–2 months	25–11	6.0
	2 months	26–11	6.0
Swiss, gruyere	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–3 months	26–11	6.0
	3 months	27–11	6.0
Brick, muenster	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–2 months	25–11	6.0
	2 months	26–11	6.0
Edam, gouda	1 week	25–11	6.0–0.1
	1 week–2 months	25–11	6.0
	2–4 months	26–11	6.0
	4 months	27–11	6.0
Blue mold, blue	1 week	25–11	6.0–0.1
	1 week–1 month	26–11	6.0
	1–4½ months	27–11	6.0
	4½ months	28–11	6.0
Camembert, limburger	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–2 months	26–11	6.0
	2 months	27–11	6.0
Monterey	1 week	25–11	6.0–0.1
	1 week–2 months	25–11	6.0
	2 months	26–11	6.0
High-moisture jack	1 week	25–11	6.0–0.1
	1 week–2½ months	25–11	6.0
	2½ months	26–11	6.0
Provolone, pasta filata	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–3 months	26–11	6.0
	3 months	27–11	6.0
Parmesan, reggiano, monte, modena, romano, asiago old.	1 week	25–11	6.0–0.1
	1 week–2 months	26–11	6.0
	2–6 months	27–11	6.0
	6 months–1 year	28–11	6.0
	1 year	29–11	6.0
Asiago fresh	Same as cheddar		
Asiago medium	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–3 months	26–11	6.0
	3 months	27–11	6.0
Gorgonzola	Same as blue		
Cottage, cook cheese, koch kaese	Dry	25–11	6.0–0.1
	Moist	[3] 25–11 (8+2)	4.5–0.1
		25–11 (7+3)	4.5–0.1
Cream cheese		25–11	6.0–0.1
Semisoft cheese	1 week	25–11	6.0
	1 week–1 month	25–11	6.0
	1 month	26–11	6.0
Soft ripened cheese	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1 month	26–11	6.0
Nokkelost, kuminost, sage cheese	1 week	25–11	6.0–0.1
	1 week–1½ months	25–11	6.0
	1½–4 months	26–11	6.0
	4 months	27–11	6.0
Pasteurized process, pasteurized process pimiento, pasteurized process with fruits, meats, etc.	Soft, mild	25–11	6.0
	Medium, firm	26–11	6.0
	Firm, sharp (including swiss, gruyere)	27–11	6.0
Pasteurized process cheese foods; pasteurized process cheese foods with fruits, meats, etc.	Same as pasteurized process		
Pasteurized process cheese spreads; pasteurized process cheese spreads with fruits, meats, etc.	Soft, high moisture, including cream spreads.	25–11	6.0
	Less soft, including blue	26–11	6.0
	Mild to medium flavored, soft	26–11	6.0
	Sharp, firm	27–11	6.0
Cold-pack, club; cold-pack cheese foods; cold pack cheese foods with fruits, meats, etc.			

[1] Grams $Ba(OH)_2.8H_2O$ and H_3BO_3 per liter, respectively.
[2] Grams $ZnSO_4.7H_2O$ and $CuSO_4.5H_2O$ per 100 ml., respectively.
[3] Grams $ZnSO_4.7H_2O$ per 100 ml.
[4] 8 parts of 25–11 buffer plus 2 parts of water.

(R. 62–71; Ex. 10, 11, 12, 13, 58, 59, 60, 62, 252)

23. When cheese is examined by the method described in finding 22 and the phosphatase found is more than the amount equivalent to 3 micrograms of phenol per 0.25-gm. portion of cheese it can be definitely concluded, except with some ripened cheeses, that the heat treatment of the milk used was not sufficient for proper pasteurization. Some varieties of cheese are subjected to curing agents which produce phosphatase. In such cases it is necessary to make provision for distinguishing between the phosphatase derived from unpasteurized milk and the phosphatase produced by the curing agents. This is accomplished in most cases by the method of taking and preparing the sample of cheese to be tested, as described in the method outlined in finding 22. In some varieties of cheese the extent of the development of phosphatase during curing has not been established, and the standards for such cheeses do not provide for the use of the phosphatase test. (R. 95–111, 127, 129, 131–132, 133, 945, 1237, 2175–2207; Ex. 10, 11, 12, 13)

24. The amount of moisture and the amount of milk fat in each variety of cheese for which standards are now being considered can be accurately determined by the methods of analysis for cheese described in the publication entitled "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 6th edition, 1945. The method for the determination of moisture content appears under the heading "Moisture—Official," page 336, section 22.124, and the method for the determination of milk-fat content under the heading "Fat—Official," page 337, section 22.130. Such methods are accurate and widely used and are recognized by food chemists as reliable. The publication referred to is well known and readily available to food chemists. (R. 563, 1408)

25. Proposals were made concerning the enrichment of cheeses by the addition of vitamin A, thiamine, riboflavin, and niacin. In the manufacture of cheese some of the water-soluble vitamins present in milk are carried off in the whey. Thiamine, riboflavin, and niacin are such water-soluble vitamins. It was proposed that standards be established for enriched cheese, to which a sufficient amount of these vitamins would be added to give the finished cheese approximately the same amount of these vitamins as the milk from which it was made. The annual per capita consumption of cheese in the United States is relatively small. The evidence does not establish that those whose diets are deficient in the above vitamins consume cheese regularly or in such quantities that the consumption of enriched cheese would constitute any material contribution toward the correction of dietary deficiencies. The public generally is not informed as to the specific functions of the various vitamins. Advertising and labeling claims for a food which stress the presence of particular vitamins, even though such claims are literally true, may readily cause the public to attach an exaggerated importance to such food, and would be likely to confuse and mislead consumers. It would not promote honesty and fair dealing in the interest of consumers to establish a separate definition and standard of identity for enriched cheese of any of the varieties or classes for which standards are already in existence or which are now being considered. (R. 808–814, 1807, 3621–3628, 3635, 5430–5431, 5453, 5479, 5431, 5487, 5535, 5538; Ex. 82, 246, 247)

26. Based on other findings, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for cheddar cheese (§ 19.500), washed curd cheese (§ 19.505), and colby cheese (§ 19.510), to include provisions that the procedures now specified for their preparation may be varied, provided that the chemical and physical properties of the finished cheeses are the same as when the methods now prescribed in these standards are used, and to further amend to provide for the use of calcium chloride under the conditions described in finding 14 and to provide for the optional use of enzymes as described in finding 18. It will also promote honesty and fair dealing in the interest of the consumer to require that where these cheeses are not made from pasteurized milk they be held for not less than 60 days at a temperature of not less than 35° F. and to provide for the use of the phosphatase test, under the conditions described in finding 22, as a means of determining when these cheeses have not been made from pasteurized milk.

27. A type of cheese known as granular cheese or stirred curd cheese is manufactured in substantial quantities in the United States. This cheese is similar in many respects to cheddar cheese and to colby cheese, but differs in some ways from each. The method of manufacturing granular cheese is essentially the same as that of cheddar cheese through the time that the coagulated mass is cut, stirred, and heated. After this, in the case of granular cheese, a part of the whey is drained off and the curd is alternately stirred and drained to prevent matting and to remove the whey from the curd. The curd is then salted, drained, and pressed into forms. Granular cheese differs from colby cheese in that the curd is not cooled by adding water. The moisture content of granular cheese is not more than 39 percent, and its solids contain not less than 50 percent of milk fat. (R. 54–58, 339–341, 355, 369–370)

28. A considerable proportion of the cheddar, washed curd, colby, granular, swiss, and brick cheeses made in the United States are used for manufacturing into pasteurized process cheeses, pasteurized process cheese foods, and other foods in which the method of manufacture employed results in the application of heat to such cheeses for a time and at a temperature sufficient for the destruction of any pathogenic microorganisms which may be present in the original cheese ingredients used. To require that cheeses for manufacturing be made from pasteurized milk or be held 60 days before shipment is unnecessary to insure safety of the foods into which they are manufactured. It was proposed that all cheeses for manufacturing be coated with green-colored paraffin, to distinguish them from cheeses of the same variety suitable for all purposes for which such cheeses are used. Until experience shows that such a covering is needed, in addition to proper labeling, to identify cheeses for manufacturing, it appears unnecessary to require that they be coated with a green-colored paraffin or similar coating. (R. 270, 379, 402–403, 943–944, 1166–1168)

29. Cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, and brick cheese for manufacturing comply with requirements for cheeses of those names, but are made from unpasteurized milk and are not cured for 60 days. (See finding 28.)

30. A variety of cheese commonly known as swiss cheese is manufactured in large quantities in the United States and in many foreign countries. In Switzerland where this variety of cheese originated, and where it is now extensively made, it is known as "emmentaler" cheese, and that designation has been used extensively in the United States. The name emmentaler cheese is a synonym for swiss cheese. This variety of cheese is characterized by holes, which are called "eyes," that develop throughout the body of the cheese during the curing. (R. 458, 532, 535–536, 541, 610, 681, 2139, 3372, 4129, 4262, 4274, 4508, 4589, 4976, 5050; Ex. 14)

31. Swiss cheese is made from cow's milk from which a small amount of cream usually is removed, and the fat content of the solids usually ranges from 43 to 47 percent. The moisture content of swiss cheese ranges from 39 to 43 percent and is usually not more than 41 percent. It is reasonable to require that the minimum fat content of the solids of swiss cheese be not less than 43 percent, and that the maximum moisture content be not more than 41 percent. (R. 342–343, 360–365, 459, 462, 465, 468, 475–476, 479, 486–531, 572, 575, 595–596, 598–599, 609, 612, 620–621, 631, 711, 750, 754, 831–832, 839, 857–858, 874–875, 881–883, 916–917, 920, 926, 2731, 5029; Ex. 14, 16, 17)

32. Wherever swiss cheese is made, the basic manufacturing process is essentially the same. A few variations in procedure have been noted, some of which are designed to take advantage of labor-saving devices. The basic procedure is as follows: Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto; harmless propionic-acid-producing bacteria may also be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into particles similar in size to wheat kernels. For about 30 minutes the particles are alternately stirred and allowed to settle. The temperature is raised to about 126° F. Stirring is continued until the curd becomes firm. The acidity of the whey at this point, calculated as lactic acid, does not exceed 0.13 percent. The curd is transferred to hoops or forms and pressed until the desired shape and firmness are obtained. The pressed curd is then salted by immersing it in a saturated salt solution for about 3 days. It is then held at a temperature of about 50° F. to 60° F. for a period of 5 to 10 days, after which it is held at a temperature of about 75° F. until it is approximately 30 days old or until the so-called eyes form. Salt, or a solution of salt in water, is added to the surface of the cheese at some time during the curing process. The cheese is then stored at a lower temperature for further curing. (R. 439–453, 537, 611–612, 623, 667–668, 670–671, 674–675, 849, 852, 855–856, 863, 868, 887–889, 951–955, 4275–4278, 4301–4303, 4312–4315, 4977–4981; Ex. 14)

33. Swiss cheese is generally cured for not less than 6 to 8 weeks and more often for as long as 10 or 12 weeks. It is reasonable to require that swiss cheese be held under proper curing conditions for not less than 60 days. Such a holding period will bring about sufficient curing; and it can be reasonably expected that the cheese will be safe for consumption. (R. 672, 681, 682, 693, 863)

34. At times the so-called eyes do not form in swiss cheese, and the resulting cheese is known as blind swiss. Such a cheese, if cured for 60 days, will have the flavor of swiss cheese, and it is suitable for manufacturing purposes but not for distribution for consumer consumption. The adoption of a definition and standard of identity for swiss cheese for manufacturing which requires that such cheese conform to the definition and standard of identity for swiss cheese, except that the eyes have not formed, will reasonably assure use of blind swiss for manufacturing purposes only. Since the lack of eyes will effectively distinguish swiss cheese for manufacturing from swiss cheese, no special colored coating is necessary for swiss cheese for manufacturing. (R. 613, 625, 629, 751–752, 859–861, 906)

35. The process of curing swiss cheese is best effected in warehouses having facilities for regulating the temperature and humidity. Many small swiss-cheese factories do not have such facilities and ordinarily ship partly cured swiss cheeses to especially equipped warehouses, for completion of the process. Often, interstate shipments of such partly cured swiss cheeses are made. Other varieties of cheese are often shipped from one State to another before curing is completed. Regulations under section 405, clause (2), of the Federal Food, Drug, and Cosmetic Act regulate such traffic. (R. 537, 903–904, 906; finding 31)

36. A type of cheese known as gruyere cheese is manufactured extensively in Switzerland and in France. It is not known to be made in the United States at the present time. Gruyere cheese is similar to swiss cheese, but there are some differences in flavor and texture. Gruyere cheese is characterized by a flavor resembling that of a very mild limburger cheese. This flavor comes from the growth of curing agents on the surface of the cheese. Gruyere cheese has a smoother and more buttery texture than swiss cheese and the eyes that develop are not as large as those that develop in swiss cheese. Gruyere cheese is used to some extent in Switzerland as a natural cheese, and it is widely used as an ingredient, together with swiss cheese, for making a process cheese commonly known as process gruyere cheese. The fat content of the solids of gruyere cheese is not less than 45 percent, and its moisture content does not exceed 39 percent. It is cured for not less than 90 days. (R. 536, 549, 552–557, 632, 683–685, 698, 2150, 2153–2154, 2275, 4263, 4277–4279, 4289, 4301, 4315, 4341–4342, 4360, 4372–4373; Ex. 45A)

37. Gruyere cheese is made from whole milk or partly skimmed milk. The usual method of manufacture is as follows: Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto; harmless propionic-acid-producing bacteria may also be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into particles similar in size to wheat kernels. For about 30 minutes the particles are alternately stirred and allowed to settle. The temperature is raised to about 126° F. Stirring is continued until the curd becomes firm. The curd is transferred to hoops or forms and pressed until the desired shape and firmness are obtained. The pressed curd is surface-salted while held at a temperature of 43° to 54° F. for a few days. It is soaked

for 1 day in a saturated salt solution. It is then held for 3 weeks in a salting cellar and wiped every 2 days with "brine cloth" to insure growth of biological curing agents on the rind. It is then removed to a heating room and held at progressively higher temperatures, finally reaching 65° F., with a relative humidity of 85 to 90 percent, for several weeks, during which time small holes or so-called eyes form. The cheese is then stored at a lower temperature for further curing. (R. 549, 554, 558–560, 4263, 4274–4277, 4304–4305, 4315)

38. Brick cheese is the common or usual name of a type of cheese manufactured and sold in considerable quantities in the United States. It has a characteristic flavor somewhat similar to that of limburger cheese, but less pronounced. The flavor is due to the action of surface-curing organisms and the intensity of the flavor depends on the length of time the cheese is held under conditions favorable to the growth of these organisms. (R. 942–943, 948, 970, 1007–1008)

39. Brick cheese is manufactured from whole milk. The usual procedure for manufacturing it is as follows: Milk, which may be pasteurized or clarified or both, is brought to about 88° F. and subjected to the action of one or more harmless lactic-acid-producing bacteria present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into cubes with sides approximately ⅜ inch long and stirred and heated so that the temperature slowly rises to about 96° F. The stirring is continued until the curd is sufficiently firm. Part of the whey is then removed and the mixture diluted with water or salt brine to control the acidity. The curd is transferred to forms and drained. During drainage, it is pressed and turned. After drainage the curd is salted and the biological curing agents characteristic of brick cheese applied to the surface. The cheese is then cured to develop the characteristics of brick cheese. (R. 289, 306, 307, 931–937, 942, 945–946, 971, 1004–1006, 1008, 1010–1011, 1014–1015, 1057; Ex. 14)

40. Brick cheese is usually made in rectangular or loaf form and of such size that each cheese weighs between 4 and 6 pounds. Recent developments in the making of this cheese, however, have led to its successful manufacture in smaller units, and there is no reason to restrict brick cheese to specific sizes or shapes. (R. 936A; Ex. 14)

41. Due to the growth of surface-curing organisms, the phosphatase test to determine whether the milk used has been pasteurized must be applied to a portion of the cheese taken from beneath the surface and so as not to include any surface portion. It is reasonable to specify 5 micrograms instead of 3 as the limiting phenol equivalent in the case of brick cheese. (R. 942, 945, 1008)

42. The moisture content and the fat content of the solids of brick cheese are important factors in maintaining its identity. A reasonable maximum limit on moisture is 44 percent, and a reasonable limit on the percent of milk fat in its solids is 50 percent. (R. 937–938, 941, 948, 1058; Ex. 14)

43. Muenster cheese is the common or usual name of a type of cheese made from whole milk and sold in substantial quantities in the United States. This type of cheese is made by the same procedure as that used for brick cheese, but it is not treated so as to promote the growth on the surface of organisms which aid in the curing process and development of flavor. The surface of the cheese may be rubbed with vegetable oil. Muenster cheese is normally handled quickly after manufacture, and for this reason it is impracticable to store it 60 days to render it safe against the presence of pathogenic microorganisms. Most muenster cheese now made in the United States is made from pasteurized milk, and it is reasonable to require that muenster cheese be made from pasteurized milk. (R. 289, 306–307, 970, 3045–3046, 3051–3053, 3056, 3058, 3060; Ex. 14)

44. Muenster cheese is usually made in cylindrical forms weighing between 4 and 6 pounds. It is not necessary, however, to restrict this cheese solely to such size and shape. The moisture content of muenster cheese and the fat content of the solids are important factors in maintaining its identity. A reasonable maximum limit on moisture is 46 percent, and a reasonable minimum limit on the fat content of the solids is 50 percent. (R. 902, 1024, 2911, 3044, 3047, 3050)

45. A variety of cheese commonly known as edam cheese is manufactured in considerable quantities in the United States, and is also imported in substantial quantities from the Netherlands, where it originated, and from other countries. In some foreign countries this cheese is known by other names in addition to the name "edam." The common name of this variety of cheese in the United States is edam cheese, and to recognize other names as synonyms might lead to confusion. (R. 1397, 1500, 2912, 4130, 4890–4891, 4989, 4993–4995, 5030; Ex. 22)

46. Edam cheese is made in the United States from cow's milk from which a portion of the cream has been removed, and the minimum fat content of its solids is about 40 percent. The fat content of edam cheese made in foreign countries varies somewhat but is usually more than 40 percent of the solids. The moisture content of edam cheese varies to some extent in various countries. In the United States this cheese has not more than 45 percent moisture, and it is reasonable to require that edam cheese contain not more than 45 percent moisture. Edam cheese has for many years been coated with a red-colored paraffin or similar red coating. The red coating has come to be a characterizing factor used by consumers in selecting this type of cheese. It is made in ball or loaf shape. (R. 701, 1077–1080, 1092, 1098, 1101, 1118, 1129, 2612, 3003, 4897, 5283; Ex. 22)

47. The method by which edam cheese is manufactured is basically the same in whatever country made. The procedure is as follows: Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Harmless artificial coloring may be added. Purified calcium chloride may be added in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Sufficient rennet is added to set the milk to a semisolid mass. After coagulation, the mass is divided into smaller portions (3/8-inch cubes). The mass is stirred and heated to about 90° F. and so handled by stirring, heating, dilution with water or salt brine, and salting, as to promote and regulate the separation of whey and curd. When the desired curd is produced it is transferred to forms permitting drainage of the whey. During drainage the curd may be pressed and turned. After drainage the curd is removed from the forms and is usually salted, although salt may be applied at any time in the making or curing process. It is then cured under suitable conditions until ready for marketing. Curing for not less than 60 days is a reasonable precautionary measure for edam cheese made from raw milk. (R. 289, 306–307, 1081–1083, 1086–1087, 1090, 1103–1105, 1121–1122, 1127, 3520, 4894, 4898, 4912)

48. Gouda cheese, like edam cheese, originated in the Netherlands, and is now also made in other countries, considerable quantities being produced in the United States. Gouda cheese is similar to edam cheese in that the ingredients used in its manufacture, and the manufacturing procedure are the same, and when made from raw milk it should be aged not less than 60 days. Its fat content is higher than that of edam cheese, being not less than 46 percent of the dry matter. Its moisture content is not more than 45 percent. Gouda cheese is made in modified ellipsoidal shape, having two opposite flat sides, and in this respect differs from edam cheese. Gouda cheese is at times coated with yellow or red paraffin, but this is not an identifying characteristic as in the case of edam cheese. Gouda cheese is known in some parts of the world by other names, but its common name in the United States is gouda cheese, and the use of other names might be confusing. (R. 701, 1077–1080, 1086–1087, 1038, 1117–1120, 2913, 4900–4901, 5029; Ex. 23)

49. Limburger cheese is the common and usual name of a variety of semisoft cheese of characteristic aroma and taste. Limburger cheese was first made in Europe but now is manufactured in large quantities in the United States, particularly in Wisconsin. It is made from whole milk. This may be raw or pasteurized. When made from raw milk the usual procedure is as follows: Milk is brought to about 92° F. and subjected to the action of one or more types of harmless lactic-acid-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Sufficient rennet is added to set the milk to a semisolid mass. The mass is cut into cubes with sides approximately ½-inch long. After a few minutes the mass is stirred and heated, gradually raising the temperature to 96° F. to 98° F. The curd is then allowed to settle, most of the whey is drawn off, and the remaining curd and whey dipped into molds. During drainage the curd may be pressed. It is turned at regular intervals. After drainage is completed, the curd is cut into pieces of desired size and dry-salted at intervals for 24 to 48 hours. The cheese is then cured with frequent applications of a weak brine solution to the surface until the proper growth of surface-curing organisms is obtained. It is then wrapped and held in storage for development of as much additional flavor as is desired. When made from pasteurized milk slight changes are made in the procedure, as follows: The milk is adjusted to 89° F. to 90° F. after pasteurization and a culture of harmless lactic-acid-producing bacteria added. Calcium chloride may be added as to raw milk. The procedure then is the same as with raw milk, except that heating is to 94° F. and brine at a temperature of 66° F. to 70° F. is added so that the pH of the curd will be 4.8. The mixed curd, whey, and brine is dipped into molds and the same procedure followed as when raw milk is used. (R. 958–962, 972–977, 1009, 1014–1015, 1069; Ex. 14, 26)

50. The characteristic aroma and flavor of limburger cheese are due to the action of surface-curing organisms. The intensity of flavor depends on the extent to which surface curing has developed. It is possible to cure limburger cheese for 60 days and have a strong-flavored though still desirable cheese. Curing for not less than 60 days is a reasonable precautionary measure where limburger cheese is made from raw milk. (R. 289, 295, 973, 980–981, 985–986, 993, 995–996, 1009–1012)

51. Due to the extensive development of surface-curing organisms on some limburger cheese, there is production of phosphatase which may penetrate the cheese to such an extent that the phosphatase test may not be a reliable method for determining whether limburger cheese is made from pasteurized milk. (R. 104, 111, 128–130, 135, 1016–1017)

52. The moisture content and the fat content of the solids of limburger cheese are important factors in maintaining its identity. A reasonable maximum limit on moisture is 50 percent, and a reasonable minimum limit on the percent of milk fat in the solids is 50 percent. (R. 963–967, 980, 989, 1019; Ex. 21)

53. There are a number of different varieties of cheese made in the United States and in other countries of the world that are characterized by the growth throughout the cheese of blue or bluish-green molds of the penicillium group. Such cheeses are of the class generally known as blue-mold cheese. These cheeses may be made from the milk of cows, goats, or sheep. All such cheeses have a distinctive appearance, odor, and flavor. The growth of the mold throughout the cheese imparts the principal distinguishing characteristics to the cheeses in this class. The usual penicillium molds in such cheeses are Penicillium roqueforti and Penicillium glaucum. Most of the distinguishing flavor of this class of cheese results from enzymatic action on the fat of the cheese. (R. 1552–1556, 1560–1561, 1617, 1653–1654, 1658–1659, 1663, 1672, 1702, 1714, 1736, 1758, 1768, 1773, 1792, 2913–2914, 3368, 3400–3402, 3415, 3438–3439, 3527, 4660, 4709; Ex. 26, 138–152, 160–165)

54. The best known of the blue-mold cheeses is that made from sheep's milk in France and known as roquefort cheese, being named after a village near which are natural caves in which the cheese is cured. Other varieties of blue-mold cheese are made in foreign countries from cow's milk. Some of these varieties have common names in the country of origin but all are sold in the United States under the name of blue-mold cheese, except in the case of gorgonzola cheese. A blue-mold cheese made in France from cow's milk in accordance with French law is known as fromage bleu. This variety of cheese has been imported into the United States and sold under the name of blue cheese. (R. 1552–1553, 1560–1561, 1611, 1629, 1702, 1731, 1758, 1773, 2913–2914, 3253, 3266–3269, 3402, 3449, 3517, 3526, 3712, 4711, 4725, 4733, 4999, 5037, 5040–5041, 5044–5045, 5202; Ex. 80, 85, 86, 153, 155–157, 159, 164)

55. The principal variety of blue-mold cheese made in the United States is prepared from cow's milk and is known as blue cheese. At times it was called American roquefort cheese and roquefort-type cheese. Another important variety made from cow's milk, manufactured in the United States and imported from Italy and other countries, is known as gorgonzola cheese. Gorgonzola cheese differs from blue cheese in that it has a lower moisture content, is made in larger sizes, and is characterized by the growth of the mold known as Penicillium glaucum rather than the mold Penicillium roqueforti. Gorgonzola cheese may be made from cow's milk or goat's milk or mixtures of these. It is made in loaves weighing between 14 and 17 pounds, and is cured for not less than 90 days. (R. 1552–1533, 1560–1561, 1614, 1661, 1714, 1716, 1773, 1782, 1786, 1793, 3517, 3534, 3551–3552, 3556–3557, 3970, 4059–4062, 4660, 4710, 5175; Ex. 84, 88–93, 130–137, 199–214, 233–239)

56. The basic procedure for manufacturing blue-mold cheese is as follows: Cow's milk or sheep's milk, which may be pasteurized, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Sufficient rennet is added to set the milk to a semisolid mass. Small amounts of calcium chloride may be added. Harmless artificial coloring may be added. The mass is cut into small portions and held in the whey for a time, then the mixed curd and whey is removed and placed in forms and further drained. At some time during preparation of the curd mold spores of Penicillium roqueforti or Penicillium glaucum are thoroughly mixed into it. The curd is salted by dipping in brine or dry-salting or both. The shaped curd is perforated in many places to facilitate the growth of mold, and is held at a temperature and humidity which favor the growth of the mold throughout the cheese. A temperature near 50° F. and a humidity of about 95 percent are commonly used. The curing is continued to develop flavor. In no case is it held less than 60 days. Due to the length of curing time it can reasonably be expected that blue-mold cheeses are safe for consumption when made from raw milk. (R. 1582, 1585–1586, 1624, 1650–1656, 1720, 1760, 1768–1773, 1780, 1782, 1786, 3254, 3268, 3273, 3281, 3459–3460, 3677–3684, 4999, 5046; Ex. 69)

57. When a blue-mold cheese is made from cow's milk in spring and summer, the carotene content of the milk, which is usually relatively higher than at other times, is carried over to the cheese and tends to give the curd a yellowish color. It is generally considered by dealers that blue-mold cheese with a white curd is of better appearance than a blue-mold cheese with a yellowish curd, and many consumers prefer blue-mold cheeses that have a white curd. In some European countries chlorophyll, a green color of plant origin, is added to the milk in small amounts for the purpose of obscuring the yellow color of the carotene. Chlorophyll is harmless and has no adverse effect on the nutritional properties of the cheese, and such use is not objectionable. In the United States some manufacturers have adopted the practice of separating the cream from the milk and treating the cream with benzoyl peroxide, an oxidizing agent, which is used in bleaching flour. The amount of benzoyl peroxide used does not exceed 0.002 percent by weight of the milk. As normally sold for bleaching flour, benzoyl peroxide is mixed with harmless carriers, magnesium carbonate, potassium alum, and calcium sulfate. The weight of which may be six times the weight of benzoyl peroxide. Oxygen released from the benzoyl peroxide oxidizes the carotene in the cream to colorless compounds. The bleached cream and skim milk are recombined and used in preparing blue-mold cheese. (R. 1582–1584, 1626–1628, 1719–1720, 1737–1738, 1757–1759, 1761–1764, 1789–1790, 3537–3540, 3600–3601, 3605, 3607–3609, 3611, 3669–3671, 4997, 4999, 5002, 5043)

58. Carotene is a precursor of vitamin A and is responsible for about one-half of the vitamin A potency of milk and of the cheese made therefrom. To the extent that the carotene is destroyed by oxidation in bleaching with benzoyl peroxide, the nutritional quality of cheese made with milk so bleached is lowered. The vitamin A potency can be restored to the cheese by the addition of colorless vitamin A from other sources. This is not now done, but a requirement that the vitamin A potency of blue-mold cheese made from bleached milk be restored by the addition of vitamin A would impose no unreasonable difficulty on cheese makers and would promote honesty and fair dealing in the interest of consumers of blue-mold cheese. Sheep's milk is naturally white and no color nor bleach is used in such milk when it is manufactured into a blue-mold cheese. (R. 1626, 1742–1743, 1758, 1763, 1765, 3612–3615)

59. Blue cheese contains not less than 50 percent fat in the solids and not more than 46 percent moisture. Gorgonzola

cheese contains not less than 50 percent fat in the solids and not more than 42 percent moisture. (R. 1578–1579, 1718, 1756, 1774–1776, 1786, 5038, 5062)

60. For many years a variety of blue-mold cheese made of sheep's milk has been cured in natural caves in the area of Roquefort, France, and has been shipped extensively to all parts of the world. Such cheese has long been known as roquefort cheese. The use of sheep's milk is the most important factor that imparts the distinctive characteristics to this variety of blue-mold cheese. Storage in the caves is only for the purpose of obtaining proper temperature, humidity, and ventilation. A blue-mold cheese made in a similar manner of sheep's milk, which is cured elsewhere than in the caves near Roquefort, under properly controlled curing conditions, would undoubtedly result in a cheese indistinguishable from the blue-mold cheese made near Roquefort. No finding is made as to whether the name roquefort cheese has acquired and retains a secondary meaning so that its use should be restricted to designate the blue-mold cheese cured in the area of Roquefort. Accurate descriptive names for such cheeses are sheep's milk blue-mold cheese and blue-mold cheese from sheep's milk. This variety of cheese contains not less than 50 percent fat in the dry matter, and its moisture content is not more than 45 percent. It is cured for not less than 60 days. (R. 3336, 3370, 3398, 3406, 3445, 3447–3449, 3461–3462, 3467–3468, 3472, 3501–3502, 3568, 3582–3583, 3675–3676, 3686–3695, 3714–3716, 4708, 4858, 4862–4863; Ex. 71, 80, 166, 167, 169, 170, 171, 173, 174, 176, 185, 186)

61. Camembert cheese is a type of soft cured cheese made from cow's milk, which is characterized by the growth of a typical white mold on the surface. This type of cheese originated in France, and in the years before the second world war substantial amounts were shipped to the United States. In France a cheese known as carre de l'est is quite similar to camembert cheese, but is made by a process which differs in some respects from the traditional process for making camembert. In the United States a cheese has been made for many years by a process almost identical with that used in France for making carre de l'est and sold under the name of camembert cheese. The cheese known as camembert in France may be cured longer than camembert made in the United States. The former is characterized by the growth of surface microorganisms in addition to the white mold. These are in part yeasts which give the surface of the cheese a pink color. Camembert and similar cheeses are now made in many countries, but at present practically all cheese sold as camembert in the United States is of domestic manufacture. Under favorable conditions, cheese manufacturers in France and other foreign countries may wish to ship camembert cheese to the United States. (R. 316, 1184–1187, 1189–1193, 1196–1197, 1207, 1220–1227, 1229, 1233–1235, 3287, 3375–3378, 3381–3383, 3386–3388, 3394, 3422–3423, 3471, 3474, 3509, 3695; Ex. 72, 75)

62. In France a small amount of cream is removed from the milk to be used for making camembert cheese or carre de l'est, and the fat content in the solids is usually between 45 and 50 percent. In the United States camembert is made from whole milk, and the fat in the solids is not less than 50 percent. (R. 1189, 1193, 1396–1397, 1422, 3384–3388, 3421)

63. Camembert cheese is quite perishable, and when held for 60 days may not be acceptable to consumers. In France camembert cheese is usually made from raw milk and was so made in the United States until a few years ago. In recent years, due to regulations of some States requiring that cheese be made from pasteurized milk or aged for not less than 60 days, camembert cheese in the United States is now made from pasteurized milk. The manufacture of camembert cheese in France from pasteurized milk has not been thoroughly tried. There are some points of difference in the manufacturing procedure, depending on whether raw or pasteurized milk is used. (R. 282–283, 383, 1190–1192, 1202, 1233–1234, 3386–3387, 3417)

64. The differences in the finished products between camembert cheese and carre de l'est, as made in France, are not extensively treated in the record. Carre de l'est was said to be softer than camembert and to sell at a lower price. Insofar as consumers in the United States are concerned at the present time, there is no need for specific standards to distinguish between these cheeses and the camembert cheese made in the United States. Sufficient protection to consumers for the present will be afforded by the class standard for soft cured cheese. (R. 3386–3388, 3394, 3474, 3480, 3510–3512)

65. Monterey cheese is the common or usual name of a variety of semisoft cheese that originated in Monterey County, California, and is now made in a few areas of the United States, principally in California and adjoining States. It is made by the granular or stirred-curd process, similar to that described in finding 27. Monterey cheese differs from granular cheese, however, in that it has a higher moisture content and the body of the cheese is not as firm. It is uncolored and is molded under pressure into characteristic forms and shapes of less than 12 pounds in weight. Monterey cheese for table use is made from whole milk, and has not less than 50 percent fat in the solids. The moisture content does not exceed 44 percent. Some monterey cheese is made from partly skimmed milk, and is dried for grating purposes. Such cheese made for grating will be covered by the definition and standard of identity for the class known as grating cheese, and no separate standard is needed for it. (R. 1247–1253, 1265, 1269–1271, 1273–1274, 1277–1279, 1281, 2764, 2770, 2771; Ex. 25)

66. The method commonly used for manufacturing monterey cheese is as follows: Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Sufficient rennet is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. Part of the whey is drained off, and water or salt brine may be added. The curd is then placed in muslin or sheeting cloths and formed into a ball, and pressed. It may be placed in a cheese hoop and pressed. The cloths are removed the following day, and the cheese is placed on trucks or racks and turned frequently to prevent checking and to form a rind. The cheese may then be paraffined, or it may be dipped in vegetable oil and sprinkled with rice flour. (R. 1247–1248, 1284, 1286, 2765; Ex. 25)

67. Monterey cheese is usually made from pasteurized milk, and after its manufacture it is ordinarily sold as a fresh cheese. It is rarely held for more than 30 days, and if held for as long as 60 days it develops a flavor that would render it unacceptable to consumers. Since this cheese cannot, under normal conditions, be held for as long as 60 days, it is reasonable to require that it be made from pasteurized milk. (R. 1249, 1271–1972, 1284, 2767–2768; Ex. 25)

68. High-moisture jack cheese is a variety of semisoft cheese made by the same method from pasteurized milk as monterey cheese, and has similar physical and chemical properties, except that the moisture content is more than 44 percent, but less than 50 percent. (R. 1249–1250, 1273, 1290–1291; Ex. 25)

69. There are several varieties of cheese, now made in the United States by procedures which originated in Italy, that are commonly known by their Italian names. One of these varieties is provolone cheese, also known as pasta filata cheese. This variety of cheese has a stringy curd texture, and it is made in a number of different shapes and sizes which are customarily designated by words of Italian origin. The common size and shape designations used in this country are provoletti, provoloncini, provolontini, salamini, salami, boccini, mandarini, orancini, caciacavallo, monteche, scamorze, gravanese. Some shapes are encased in rope or twine before drying. (R. 3756–3757, 3758, 3780, 3783–3785, 3790)

70. The procedure for manufacturing provolone cheese is similar to that of cheddar cheese until the curd is matted and cut. In making provolone cheese, after the curd is matted and cut it is immersed in hot water and kneaded and stretched until it is smooth and free from lumps. This treatment results in a curd of stringy appearance which is characteristic of provolone cheese. The curd is then cut and molded into shapes of varying sizes. During this molding the curd is kept sufficiently warm so that it sticks together and forms a smooth surface. The molded curd is then firmed by immersing in cold water. The units are salted in brine, are often encased in twine, and are dried. Provolone cheese is usually smoked by the smoke from burning hardwood. Consumers expect it to be smoked, and should be informed when it is not smoked. The cheese is coated with paraffin or other similar wax and cured for varying lengths of time. (R. 3758, 3763, 3798–3799, 3824, 3951)

71. Provolone cheese may be made from either raw milk or pasteurized milk. Rennet paste or an extract of rennet paste is ordinarily used to coagulate the milk. However, rennet has been found to be satisfactory for this purpose when used together with certain enzymes. (R. 701, 3760–3762, 3765, 3845, 3900)

72. In the manufacture of provolone cheese considerable fat is lost in the whey, and some is also lost in the manipulation and handling of the curd. Provolone cheese contains not less than 45 percent milk fat in the solids, and the moisture content is not more than 45 percent. (R. 3758, 3793)

73. Some manufacturers of provolone cheese expressed a desire to bleach the milk from which it is made, using the method described in finding 57. Purchasers of provolone cheese have not been accustomed to purchasing such cheese having a uniformly white curd. No reasons for consumer preference for a white cheese are disclosed by the evidence nor does there appear in the evidence any basis for a finding that bleaching the milk used in making provolone cheese would promote honesty and fair dealing in the interest of consumers. (R. 3762, 3793, 3898)

74. A variety of cheese somewhat similar to provolone cheese is made in the United States and sold under the name caciocavallo siciliano. This variety of cheese has a somewhat lower fat content than provolone, and also has a lower moisture content. It is cured for not less than 90 days, and is not smoked. It contains not more than 40 percent moisture, and its solids contain not less than 42 percent milk fat. The method of manufacture is similar to that for provolone, except that the curd is soaked in hot whey, this whey is withdrawn, and the curd is allowed to mat, then it is cut into blocks and again treated with hot whey to obtain a certain amount of elasticity. The curd is then drained, pressed into oblong forms, dried, and salted with brine. This variety of cheese is sometimes made from sheep's milk or goat's milk or mixtures of two or all of these. When so made it is in the interest of consumers to have the label of the cheese show this fact. (R. 3773–3778, 3803–3804, 5208–5209, 5212, 5324)

75. A variety of hard cheese which originated in Italy is now manufactured in the United States, and is known as parmesan cheese or reggiano cheese. Whatever differences that may have existed between cheeses of these two names have disappeared. This variety of cheese has a hard and brittle rind, a granular texture, and a mellow and somewhat nutty flavor; it grates readily. It is made from cow's milk, from which part of the cream has been removed. The procedure for the manufacture of parmesan cheese is as follows: Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Harmless artificial coloring may be added. Rennet is added in sufficient quantity to set the milk to a semisolid mass. The mass is cut into pieces no larger than wheat kernels, heated, and stirred until the temperature reaches between 115° F. to 125° F. The curd is allowed to settle, and is then removed from the kettle or vat, drained for a short time, placed in hoops, and pressed. The pressed curd is removed and salted in brine or dry-salted. The cheese is cured in a cool, ventilated room. The rind of the cheese may be coated or colored. (R. 702, 3901–3904, 3723, 3728, 3739, 3757–3758, 3972, 3978, 5344–5345)

76. In order to obtain a cheese having the characteristics associated with parmesan cheese, it is necessary to cure the cheese for a long period of time. It is cured generally for at least 14 months and often for as long as two years. Testimony was introduced concerning a method of manufacturing parmesan cheese whereby the curing period could be reduced to 5 or 6 months. In this method the cream separated from the milk is homogenized and then recombined with the skim milk. An enzyme preparation containing a lipase is also added during the manufacturing process. Cheeses that have not been cured for 14 months do not have all the characteristics associated with parmesan cheese. It would not promote honesty and fair dealing in the interest of consumers to permit hard grating cheese cured for less than 14 months to be included in the definition and standard of identity for parmesan cheese. Such a cheese should be given a new name. It would then come under the class standard for hard grating cheese. (R. 3718–3722, 3905–3906, 3919, 3939–3940, 4120–4121)

77. Parmesan cheese sold in the United States is principally of domestic and Italian manufacture. Italian regulation requires that parmesan cheese contain not less than 32 percent milk fat in the solids. The record does not show the range of fat content of such imported cheese. Some parmesan cheese manufactured in this country has an average fat content of 36 or 37 percent, but the range of the fat content was not shown. It is reasonable to require that parmesan cheese contain not less than 32 percent of milk fat in the solids. During the curing period the moisture content of the cheese is reduced, and the cheese when 14 months old contains not more than 32 percent of moisture. (R. 3724, 3902, 3926, 3940, 3954–3956, 3958–3960)

78. Romano cheese is the common or usual name of another variety of hard cheese which originated in Italy. In the past considerable quantities have been shipped from Italy to the United States. In recent years this type of cheese has also been manufactured in the United States. In Italy cheeses of this variety are also known by other names. Such names are usually descriptive of the locality of manufacture. In the United States this variety of cheese has been known to a limited extent as toscano cheese, sardo cheese, and incanestrato cheese. These names are not the common or usual names of this cheese, and to permit their use as synonyms for romano cheese might result in consumer confusion. (R. 2915–2916, 3769, 3802, 3961, 3965)

79. In Italy this variety of cheese was originally made from sheep's milk, and was called pecorino (from the Italian word pecora, meaning sheep) romano. Subsequently, the same type of cheese was also made from cow's milk, and was called vaccino (or vacchino) (from the Italian word vacca, meaning cow) romano. This variety of cheese is also sometimes made from goat's milk, and is called caprino (from the Italian word capra, meaning goat) romano. In the United States practically all this variety of cheese has been made from cow's milk and sold and distributed under the name romano cheese. No cheese of this variety is known to be made in the United States from sheep's milk, although it has been made to a limited extent in some western States from either goat's milk or a mixture of goat's milk and cow's milk. Romano cheese is the common name of the variety, whether made from cow's milk, sheep's milk, goats' milk, or mixtures of these. Consumers should be informed of the animal origin of the milk. (R. 1320, 1325–1326, 2915, 2971, 3961–3964, 3981–3983, 3990, 4012–4015, 5345–5346)

80. The procedure for making romano cheese, wherever made, is basically as follows: Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Harmless artificial coloring may be added. Rennet, rennet paste, or extract of rennet paste is added in sufficient quantity to set the milk to a semisolid mass. The mass is cut into pieces no larger than corn kernels, heated, and stirred until the temperature reaches about 120° F. The curd is allowed to settle, then removed from the kettle or vat, drained for a short time, placed in hoops, and pressed. The pressed curd is removed and salted by immersing in brine for about 24 hours and is then removed from the brine and the surface is allowed to dry. It is then alternately rubbed with salt and washed. It may be perforated with needles. It is dry-cured. During the curing it is turned and scraped. The surface may be rubbed with vegetable oil. (R. 3771, 3908, 3909)

81. Romano cheese is used principally as a grating cheese, but it is also used to some extent as a table cheese. It has a granular texture, a rather piquant flavor, and a hard, brittle rind. It is usually cured for 6 months or more, but some of the smaller sizes are cured for about 5 months. When made from cow's milk, some of the fat is removed. If too much fat is removed, however, there is not enough left for proper flavor development. A reasonable minimum limit for

fat in the solids is 38 percent. During curing the moisture content of the cheese is reduced and a reasonable maximum limit for moisture content is 34 percent. (R. 703, 3769–3771, 3803, 5345)

82. Three related varieties of cheese are made in the United States from cow's milk, and are known as asiago fresh cheese (or asiago soft cheese), asiago medium cheese, and asiago old cheese, respectively. Asiago fresh cheese is used as a table cheese; asiago medium cheese is used both as a grating cheese and as a table cheese; and asiago old cheese is used as a grating cheese. The procedure for manufacturing these three varieties of cheese, which is basically the same except for the fat content of the milk and length of curing time, is as follows: Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Rennet is added in sufficient quantity to set the milk to a semisolid mass. The mass is cut, stirred, and heated to promote lactic-acid development and regulate separation of the whey from the curd. The whey is drained. When the curd is sufficiently firm it is removed from the kettle or vat, further drained for a short time, packed into hoops, and pressed. The pressed curd is salted in brine, then cured in a well-ventilated room. During curing the surface of the cheese is occasionally rubbed with a vegetable oil. (R. 3819, 3821–3825, 3829, 3838)

83. Asiago fresh cheese is made from whole milk and has not less than 50 percent of fat in its solids. Consumers of this type of cheese desire a cheese that is relatively soft, and the moisture content is usually above 40 percent but not over 45 percent. This cheese is cured for not less than 60 days. (R. 3818–3821, 3826, 3909–3910)

84. Asiago medium cheese is usually made from milk from which some cream has been removed, and contains not less than 45 percent fat in the solids. This cheese is cured for not less than 6 months, and due to this long curing period the moisture content is not more than 35 percent. (R. 703, 3821–3823, 3829–3830)

85. Asiago old cheese is made from partly skimmed milk and is cured for not less than 12 months. Due to the longer curing period, there is a reduction in moisture content. This cheese contains not more than 32 percent moisture, and its solids contain not less than 42 percent milk fat. (R. 703, 3823–3825, 3831–3832, 3910–3911)

86. A type of hard cheese made from skim milk, to which is added a species of clover which has been dried and ground, is made in Switzerland and other parts of the world. It is made in the shape of a truncated cone and has a pale-green color, and is commonly known as sap sago cheese. The method of manufacturing sap sago cheese is essentially as follows: Soured skimmed cow's milk is heated to boiling temperature, with stirring. Cold buttermilk may be added. Sufficient sour whey is added to give the curd the desired consistency. The curd is spread out in boxes and is allowed to drain and ferment while being pressed. It is allowed to ripen and dry for not less than 5 weeks. The dried and ripened curd is ground, and salt and dried aromatic clover of the species Melilotus coerulea are added. The mixture is formed into the characteristic shape by forcing it into molds. It is cured for not less than 5 months. Due to the heating of the milk prior to precipitation of the curd and to the length of curing time of sap sago cheese, it can reasonably be expected that pathogenic organisms are destroyed and that it is safe for consumption. The moisture content of sap sago cheese is not more than 38 percent. The fat content is low, and there is no need to set a minimum requirement for fat. (R. 1298, 2283–2284, 2389–2390, 4258, 4637–4643, 4598–4599; Ex. 26, 63)

87. Cook cheese, sometimes called koch kaese, is a variety of soft cheese made from cottage cheese curd. This is cured, often with the addition of a white mold, then heated so that it melts, and is then poured into containers. To the melted cheese may be added cream, salt, caraway seed, or a mixture of two or more of these. The method of manufacturing cook cheese is essentially as follows: Skim milk is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. A culture of a harmless white mold may be added. Sufficient rennet, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk, may be added to aid in setting the skim milk to a semisolid mass. The mass is cut and heated with continued stirring so as to promote and regulate the separation of the curd and whey. The whey is drained, and the curd is cured for 2 or 3 days. It is then heated to a temperature of not less than 180° F. until the hot curd drops from a ladle with a consistency similar to that of honey. Pasteurized cream, salt, or caraway seed or any mixture of two or more of these may be added. The hot cheese is filled into packages and cooled. (R. 3072–3074, 3081)

88. In place of all or part of the skim milk used in making cook cheese, a satisfactory product can be made by using concentrated skim milk, that is, skim milk from which a portion of the water has been removed by evaporation, or non-fat dry milk solids, or both, with water in a quantity not in excess of that sufficient to reconstitute such concentrated skim milk or nonfat dry milk solids which may be used. (R. 2658, 2660, 2666)

89. Due to the heating of the curd for the purpose of melting it, in the manufacture of cook cheese, it can reasonably be expected that pathogenic organisms and the enzyme phosphatase are destroyed. The moisture content of cook cheese is not more than 80 percent. The fat content is low, and there is no need to set a minimum requirement. (R. 3073, 3081)

90. A type of cheese prepared from the skim milk of cows is made in Norway and known as gammelost. This type of cheese is sometimes shipped to the United States and may be made at times in the United States. The procedure used is as follows: A starter, consisting of a culture of harmless lactic-acid-producing bacteria, is added to skim milk, and the mix is allowed to stand until it has become quite acid. The mixture is heated to about 145° F. and maintained at this temperature for not less than ½ hour. During heating the curd is occasionally stirred. The whey is drained off, and the curd is filled into forms and pressed; the shaped curd is then placed in the whey and heated for 3 or 4 hours. It is removed and may again be pressed. It is then stored until sufficiently cured. Gammelost is a hard cheese and usually contains about 52 percent water. The fat content is low, and there is no need in a standard to set a limit on fat. (R. 5296–5299; Ex. 26)

91. Because of the many varieties of cheese that will be included in the different class standards, some of which may be made from sheep's milk or goat's milk, it is reasonable to provide that cheeses falling within the class standards may be made from the milk of cows, sheep, or goats, or mixtures of these (finding 11). It is reasonable to permit the adjustment of the milk by separating part of the fat therefrom or by adding thereto one or more of the following: cream, skim milk, concentrated skim milk or nonfat dry milk solids, or the corresponding products prepared from sheep's milk or goat's milk. It is reasonable to permit the use of calcium chloride, as described in finding 14, harmless enzymes, as described in finding 18, harmless flavor-producing microorganisms, and to permit curing under suitable conditions for the development of biological curing agents. For the reasons set forth in findings 19, 20, and 21, it is reasonable to require that such cheeses be made from pasteurized milk, or in the alternative, that they be held for not less than 60 days at a temperature of not less than 35° F. (R. 699–670, 709, 719–720, 731, 733–734, 1231, 1292–1295, 1313, 5062)

92. In order to prevent the substitution of skimmed milk or partly skimmed milk cheeses, for cheeses made in the United States from whole milk (finding 16), it is reasonable to require that cheeses known as hard, semisoft, and soft ripened, for which there is no specific definition and standard of identity, contain not less than 50 percent fat in the dry matter. Manufacturers of cheeses outside the United States can readily modify their manufacturing processes so that their cheeses will comply with standards based on American methods of manufacture, or in unusual cases may apply for a specially applicable standard. It would not promote honesty and fair dealing in the interest of consumers in the United States to lower the class standards to permit the general use of partly skimmed milk for making these cheeses. (R. 1019–1020, 1028–1029, 1103, 1340–1341, 1344, 1347, 1351–1352, 1359, 1447–1443, 1476, 1638–1642, 1646, 1700)

93. The amount of moisture in a cheese is one of the factors which determines into which class it falls. In the United States hard cheeses produced in the greatest quantity have not more than 39 percent moisture, and it is reasonable to set this limit for moisture in hard cheeses for which there is no specified definition and standard of identity. The moisture content of semisoft cheeses is necessarily higher, and a reasonable range of moisture for such cheese for which there is no specific definition and standard of identity is from 39 to 50 percent. In the case of soft ripened cheeses for which there is no specific definition and standard of identity, there are wide variations of moisture content, and it is impracticable to set a moisture limit for this class of cheese. (R. 302, 1016, 1019, 1056, 1060, 1111, 1292, 1294–1295, 1302–1304, 1322–1323, 1338, 1360, 1376, 1638, 1645, 4512–4513; Ex. 26)

94. The procedure for manufacturing all hard cheeses cannot be described in great detail owing to the variations practiced but it is essentially as follows: Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, with or without other harmless flavor-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Harmless artificial coloring may be added. Rennet, or rennet paste, or extract of rennet paste, is added in sufficient quantity to set the milk to a semisolid mass. The mass is cut into small particles, stirred, and heated. The curd is separated from the whey, drained, shaped into forms, and may be pressed. The curd is salted at some stage of the manufacturing process. The shaped curd may be cured to develop flavor. The rind may be coated with paraffin, or rubbed with vegetable oil, or both. (R. 1294–1295, 1338, 1428; Ex. 26)

95. As is the case in hard cheeses, there are many variations practiced in the manufacture of semisoft cheeses, and it is impossible to describe in detail the manufacturing procedure for semisoft cheese. In general, the manufacturing procedure is similar to that used for making hard cheeses, except that the curd is not necessarily cut or heated. Semisoft cheeses may be cured under suitable conditions for the development of biological curing agents. Finding 41 is also applicable to semisoft cheeses. (R. 1016–1019, 1088, 1102, 1338, 1352–1359, 1428, 1638–1642)

96. The procedure for manufacturing soft ripened cheeses is similar to that used in making semisoft cheeses, except that heat may not be used, and the curd, after the whey has been separated from it, is cured under suitable conditions for the development of the biological curing agents that impart to the particular variety of cheese their distinctive characteristics. This is usually effected by the development of such curing agent on the surface of the cheese and conducting the process so that the cheese cures from the surface toward the center. Sufficient data on the phosphatase content of soft ripened cheeses are not available for use as a basis for incorporating a test for phosphatase in the definition and standard of identity for this class of cheese. (R. 318, 1230–1231, 1330–1331, 1428)

97. Definitions and standards of identity were proposed for some of the more important varieties of cheese intended primarily for grating purposes. In addition to such cheese there are other varieties of lesser importance made in the United States and elsewhere which are also intended primarily for grating purposes. It is impracticable to adopt specific definitions and standards of identity for each of such cheeses. (R. 685, 2917, 4050, 4155, 4260; findings 74, 80, 81; Ex. 26)

98. Hard grating cheeses are usually made from cow's milk, but at times they may be made from sheep's milk or goat's milk, or mixtures of these with cow's milk. In making such cheeses, a portion of the fat is generally removed from the milk. A minimum amount of fat is necessary for development of desirable flavor. In order to prevent the use of milk from which more fat has been removed than is customary in such cheeses, and to make sure that there is sufficient fat for proper flavor development, it is reasonable to require that hard grating cheeses contain at least 32 percent of milk fat in the solids. Hard grating cheeses are relatively low in moisture content. The maximum moisture content compatible with the characteristics of hard grating cheese is 34 percent. (R. 1316, 2917, 2973, 2987–2990, 3996–3997, 4134, 4156; Ex. 26, 94–96, 220)

99. Hard grating cheeses are cured for relatively longer periods of time than other cheeses, in order to develop sharp flavor. The minimum curing time compatible with the development of the characteristic sharp flavor is 6 months. Due to the long curing period, such cheese may reasonably be expected to be safe for consumption even when made from unpasteurized milk. (R. 2987, 3908, 4545, 5215–5216; finding 20; Ex. 26)

100. It is impossible to describe with great particularity the manufacturing procedure for hard grating cheese, but in general it is similar to that used in manufacturing hard cheese. Rennet, rennet paste, or extract of rennet paste may be used. The rind may be colored or rubbed with vegetable oil or both. The use of partly skimmed milk; the amount of cutting, stirring, and draining; the heating temperature, and the long curing period are some of the factors that give hard grating cheese its characteristics. (R. 3727, 3731–3732, 3843–3845, 3904, 3907, 5215–5216; Ex. 26, 94, 96)

101. Separate specific definitions and standards of identity were proposed for hard grating cheeses under the names of monte cheese and modena cheese. The distribution of these cheeses is limited. A definition and standard of identity for monte cheese or modena cheese, or the inclusion of products of such composition in the class standard for hard grating cheeses, would in effect provide for manufacturing a hard grating cheese deficient in fat and would not promote honesty and fair dealing in the interest of consumers. (R. 521, 2974, 3888, 3906, 3941–3942, 3944, 5216; finding 97)

102. Several varieties of cheeses are made in various parts of the world which resemble members of the class for which a standard is proposed under the class name semisoft cheeses. They differ, however, from the cheeses for which this standard is applicable in that they are made from partly skimmed milk, and the fat content of their solids ranges from 45 to 50 percent. Many of these cheeses have obtained popularity under specific names, and cheeses of this class vary from each other due to the conditions under which they are made and stored, although the basic procedure used for their preparation is essentially the same. This procedure is the same as that described for preparing semisoft cheeses, except that partly skimmed milk is used. (R. 1028, 1102, 1374–1376, 3425, 3529, 4512–4513, 5003–5004, 5006; Ex. 26, 29–33)

103. There are a number of varieties of cheese, some made in the United States and others shipped into the United States, which are characterized by the presence of certain spices. Such cheeses fall into one of the general classes of spiced cheeses, rather than a class based on the texture of the cheese. Cheeses of this class are particularly popular in the Scandinavian countries and with consumers in this country who are familiar with cheeses as made in such countries. Spiced cheeses are usually made from partially skimmed cow's milk, although a few varieties are also made from whole milk. The spices added may be pepper, caraway seed, cloves, cumin seed, anise seed, sage, or other spices. In some varieties of cheese more than one spice is used. The oils extracted from such spices are sometimes used in addition. Some of the cheeses of this class are known as noekkelost, kuminost, leyden, frisian clove, Christian IX, caraway, pepato and sage. The use of certain spices and combinations of them by long-continued practice has become associated with the name of a particular variety of spiced cheese. It would be deceptive to consumers to permit the use of spice or spice oil which simulates the flavor of aged cheese. (R. 1087–1088, 1093–1094, 1096, 1130–1131, 1139, 1141, 1162–1164, 1683–1689, 1697–1699, 2919, 3332–3355, 3840–3841, 4904–4906, 5014, 5058, 5280; Ex. 198)

104. It is impracticable to adopt a specific definition and standard of identity for each of the varieties of spiced cheese. The flavor of such cheeses is due primarily to the spices used, and satisfactory spiced cheeses can be made from partly skimmed milk. In order to differentiate spiced cheeses made from partly skimmed milk from those made from whole milk, two separate class standards should be established, one for spiced cheese and one for part-skim spiced cheese. Spiced cheese has not less than 50 percent milk fat in its solids, and part-skim spiced cheese has less than 50 percent but not less than 20 percent fat in its solids. The record does not furnish a basis for setting moisture limits for spiced cheeses. (R. 1141–1142, 1169–1170, 1683, 1705–1706, 4904–4907,

5015, 5058, 5246–5248, 5231, 5298–5299; Ex. 26, 156, 160)

105. The method of manufacturing spiced cheese is similar to that used in manufacturing hard cheese, except that during the procedure spices are added. In general, not less than 1½ ounces of spices are added for each 100 pounds of cheese, and this is a reasonable minimum requirement for the total amount of spices to be used in these cheeses. (R. 1087–1088, 1095, 1128, 1142, 1163, 1169, 5016–5018, 5297)

106. A number of foods which resemble cheese in some respects are made in whole or in part from cheese whey. Milk or cream or both are sometimes added. Such foods, although not cheese as that word is commonly understood, are generally referred to as whey cheeses. Such foods may be made from the whey of cow's milk or goat's milk or mixtures of these, to which may be added cow's milk or goat's milk or cream or mixtures of these. Some of the names under which whey cheeses are known are mysost, flotost, primost, ricotta, and gjetost. Due to the extremely variable composition of these foods it is impracticable to adopt a class standard which will be of value in promoting honesty and fair dealing in the interest of consumers, and the record does not give a basis for establishing the multiplicity of standards that would be required to cover the many varieties of whey cheese made. By designating a food of this kind as "whey cheese," the possibility of consumers' confusing it with a cheese made from milk will be minimized. (R. 5249–5251, 5254–5255, 5261, 5295, 5310, 5312, 5319; Ex. 26, 242, 243, 244)

107. A variety of cheese which resembles cheddar cheese and some other varieties of hard cheese is made in the United States from separated milk. Such skim milk normally contains only about one-tenth of 1 percent of fat, and cheese made therefrom may contain about 1 percent, or slightly more milk fat. This cheese can also be made in whole or in part from a reconstituted skim milk, prepared from nonfat dry milk solids or concentrated skim milk and water. This variety of cheese is suitable for use as an ingredient in preparing certain other foods, particularly bakery products. It has also been used as an ingredient of cheese foods and cheese spreads, although its use for these purposes is not to be recommended. (R. 2902–2904, 2906–2911, 2976, 2998–2999, 5369–5370)

108. Skim-milk cheese for manufacturing is entirely unsuitable for general cheese use. Due to its resemblance to other cheeses, which are more costly and generally more desirable, it could, to some extent, be substituted for them. It will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for this variety of cheese containing provisions designed to lessen the possibility of deception to consumers. The name "skim milk cheese for manufacturing" accurately describes the product. Such a cheese should be identified in such a way as to prevent its being substituted for, or confused with, varieties of hard cheese which it resembles. This can be accomplished by requiring that skim-milk cheese for manufacturing be coated with blue-colored paraffin or other firmly adhering material, colored blue. (R. 2902, 2904, 2909, 2930–2931, 2969, 2999, 5364)

109. The procedure used for preparing skim-milk cheese for manufacturing is similar to that used in preparing hard cheeses. There is some evidence as to the advantage of incorporating other nonfat ingredients of milk in this type of cheese, but the evidence is insufficient to permit the blanket use of all such ingredients. From evidence on other cheeses it appears that there will be some advantage in the incorporation in this cheese of the proteins usually lost in the whey. The incorporation of lactose or minerals in excess of amounts normally present would apparently serve no useful purpose. The moisture content of such a cheese is not more than 50 percent. Since this variety of cheese is suitable only for manufacturing, it is not necessary that its standard require that the skim milk used be pasteurized or that the skim-milk cheese for manufacturing made therefrom be held for not less than 60 days. (R. 2905–2906, 2908–2909, 3115, 5365)

110. There was testimony relative to abuses in the sale of foods purporting to be grated cheeses. It was recommended that a standard which would curtail or prevent these abuses be adopted. It is clear that there are abuses in this regard and that it would be desirable to adopt regulations which would curtail or prevent them. However, the evidence does not establish sufficient basis for adopting definitions and standards of identity for such foods which would promote honesty and fair dealing in the interest of consumers. (R. 3855–3856, 3874–3875, 3882–3883, 4017–4020, 4022–4027, 4109–4112, 4599–4600)

111. There was testimony proposing a standard for a cheese made from milk and buttermilk. The testimony showed that this type of cheese had so far been made only in small quantities on an experimental basis. The evidence does not warrant the adoption of a standard for such a cheese. (R. 3074–3116)

112. A number of foods now being marketed are made by grinding and mixing cheeses of the same or more than one variety, with the addition of emulsifying agents, salt, water, and coloring, and heating the mix to make a pasteurized product of uniform texture and composition. These foods are commonly known as pasteurized process cheese. A similar food is occasionally made in the same way, except that no emulsifying agent is employed. Such a food is commonly known as pasteurized blended cheese. (R. 1806, 1858–1859, 1989–1991, 1993–1994, 2013–2014, 2016, 2023, 2030, 2553–2554, 2573–2574, 2604–2606; Ex. 14, 46)

113. The heat treatment necessary to melt the cheese and to give a consistency suitable for packaging requires a temperature of 150° F. for about 30 seconds, or longer. This heat treatment is sufficient to destroy dangerous microorganisms which may have been present in the ingredients used, and also to destroy any phosphatase in cheese made from unpasteurized milk. The phosphatase test for a properly made pasteurized process cheese may be entirely negative, and in no case does a pasteurized process cheese, when tested by the method described in finding 22, show a phenol equivalent of more than 3 micrograms per 0.25-gram portion. The heat treatment stops further curing of the cheese, and the finished foods retain the characteristics present at the time of manufacture. (R. 1808–1809, 2284–2291, 2297–2301, 2185–2191, 3063–3067, 4039–4042; Ex. 13, 61)

114. Since pasteurization is effected during manufacture, cheddar cheese for manufacturing, washed curd cheese for manfacturing, colby cheese for manufacturing, granular cheese for manufacturing, swiss cheese for manufacturing, and brick cheese for manufacturing are suitable ingredients for pasteurized process cheese. (R. 401, 411, 1995–1996, 2024, 2724, 2727, 4038–4039)

115. Processing or blending operations may increase the moisture content of the mix because of condensation of steam used for heating the mass and through the addition of ingredients in aqueous solution. The water so added ordinarily increases the moisture content by less than 1 percent, and an allowance of 1 percent moisture above the maximum permitted in the cheese ingredient is reasonable. (R. 1964, 1996, 2002, 2025, 3913)

116. Pasteurized process cheese may be made from different varieties of cheese which do not have the same moisture and fat contents. With certain exceptions, it is reasonable in such cases that the moisture content be the arithmetical average of the maximum moisture contents prescribed for the varieties of cheeses used, plus the allowance of 1 percent necessary for the reasons given in finding 114. (R. 1993, 2002, 2025, 2605, 2758)

117. Establishment of a general maximum limit on moisture in pasteurized process cheese will promote honesty and fair dealing in the interest of consumers, since varieties of natural cheese of very high moisture content may be used in mixtures and would introduce excessive amounts of water. A reasonable maximum limit on moisture is 43 percent, except as noted in other findings. (R. 1964, 2002, 2025)

118. A type of pasteurized process cheese made from cheddar cheese, washed curd cheese, colby cheese, or granular cheese or mixtures of two or more of these varieties is commonly known as pasteurized process American cheese. Consumers expect a pasteurized process cheese so designated to possess characteristics commonly associated with pasteurized process cheddar cheese. It is reasonable that the maximum moisture content of pasteurized process American cheese be 40 percent. (R. 2002–2004, 2026)

119. Pasteurized process gruyere cheese is sometimes packaged in separate units weighing less than 2 ounces. The packaging of such small sizes requires a higher degree of fluidity than packaging larger sizes, and this fluidity can at the present time be obtained only by increasing the moisture content of these products to not over 44 percent. (R. 548–561, 698–699, 2025, 2127, 2129, 2135, 4338, 4347; Ex. 76, 79)

120. It is not possible to manufacture a generally acceptable pasteurized process limburger cheese with a moisture content not exceeding 43 percent, since consumers expect pasteurized process limburger cheese to resemble the natural limburger cheese, which has a high moisture content and is somewhat soft. A reasonable maximum moisture content of pasteurized process limburger cheese is 51 percent. (R. 2002, 2025)

121. The fat content of the solids of pasteurized process cheese made of one variety of cheese, in practice, has been equal to that of the variety of cheese used, and it is reasonable to require that this practice be continued. It is reasonable to require that the fat content of the solids of a pasteurized process cheese made from two or more varieties of cheese be not less than the arithmetical average of the prescribed minimum fat contents of the solids of the varieties used, and in no case less than 47 percent, except in case of pasteurized process gruyere cheese made from a mixture of gruyere cheese and swiss cheese, the solids of which should contain not less than 45 percent fat. (R. 2002, 2025)

122. The addition of salt and emulsifying agents during processing reduces the fat content of the solids of the finished product. It is customary to compensate, when necessary for this reduction in fat, by the addition of cream. Since the addition of large amounts of cream would alter the characteristics of the product, it is reasonable to limit the addition of cream to a quantity the fat content of which will not increase the weight of the finished product by more than 5 percent. (R. 1872, 1880, 1934–1936, 1980–1981, 1997, 2024)

123. Cheeses of unusually low moisture content are sometimes used in making pasteurized process cheese. To avoid undue hardness in the resulting product, water may be added to the mix. The use of water in such amounts that the moisture content of the finished pasteurized process cheese does not exceed the limits prescribed is reasonable. (R. 1964, 1996, 2002)

124. Abuses may arise when pasteurized process cheese is made from two or more varieties and named after all varieties, if any variety is present in only a very small amount. In case a pasteurized process cheese is made from two varieties, it is reasonable to require that the weight of no variety be less than 25 percent of the total weight of cheese used; and in case three or more varieties are used, it is reasonable that the weight of no variety be less than 15 percent of the total cheese weight, except when certain highly flavored varieties are used. Limburger cheese, blue cheese, roquefort cheese, and gorgonzola cheese possess very definite flavors which are imparted to pasteurized process cheese by use of lesser amounts. Desirable characteristics from blue, roquefort, and gorgonzola cheeses are imparted by use of 10 percent or more of one of these varieties in a cheese mix containing two varieties, and by use of 5 percent of any of these varieties in a cheese mix made of three or more varieties. The desired flavor from limburger cheese may be imparted if it constitutes 5 percent of the cheese weight when two varieties are used, and if it constitutes 3 percent of the cheese weight when three or more varieties are used. (R. 2002–2003, 2025, 2732–2733)

125. A type of pasteurized process cheese made from a mixture of gruyere cheese and swiss cheese was introduced into the United States from Switzerland, under the name "petit gruyere cheese." It was later designated "process gruyere cheese." Some such cheese was made from swiss cheese alone. Later, some of the processed swiss cheese made in the United States from swiss cheese was labeled at times as process gruyere cheese. It was believed by many in the United States that swiss cheese and gruyere cheese were the same cheese, but made in different areas. The evidence showed (finding 36) that gruyere cheese is a different variety of cheese from swiss cheese. It will not promote honesty and fair dealing in the interest of consumers to permit pasteurized process swiss cheese to be labeled pasteurized process gruyere cheese. Processed mixtures of gruyere cheese and swiss cheese having not less than 25 percent gruyere cheese are sufficiently characterized by the presence of gruyere cheese to be known as pasteurized process gruyere cheese, provided that the fat content of the solids of the finished process cheese is not less than 45 percent. (R. 536, 2002–2003, 2127, 2271, 4319, 4327–4328, 4331, 4342–4344, 4354, 4358, 4368, 4621, 5162; Ex. 26, 76, 79, 112–121, 124–127, 223–224)

126. With few exceptions, cheeses the solids of which contain less than 50 percent milk fat have not been used in pasteurized process cheese or pasteurized blended cheese, pasteurized cheese foods, pasteurized cheese spreads, cold-pack cheese or cold-pack cheese food. The use of members of the classes of cheeses made from part-skim milk (namely, hard grating cheese, semisoft part-skim cheese, and part-skim spiced cheese) in such foods might result in producing foods not of the expected identity and in practices not in the interest of consumers, through the substitution of part-skim cheeses for whole milk cheeses. (R. 1880, 1934, 2002–2004; finding 92)

127. Salt and harmless artificial coloring are used in making pasteurized process cheese, to produce uniformity in seasoning and color. (R. 1996)

128. Spices and flavorings are sometimes used to produce characteristic flavors desired by certain consumers. The simulation of the flavor of a cheese or an aged cheese through addition of spices or flavorings would be deceptive, and is not in the consumer's interest. Consumers are interested in having the presence of spices or flavorings declared on the label. (R. 1872–1873, 1875, 1936, 1942, 1958, 1969, 2001, 2024, 2245)

129. Smoked cheeses may be used in making pasteurized process cheeses, or the pasteurized process cheeses may be smoked. Substances obtained by condensing and precipitating wood smoke are sometimes added to impart characteristics similar to those of smoked cheese. Appropriate label designation of such added substance is the statement "with added ----------," the blank being filled in with the name of the added ingredient. (R. 1984–1985, 2004, 2026, 2876)

130. It is necessary for the fat of pasteurized process cheese to be uniformly dispersed and held in suspension. The casein of aged cheese is in suitable form to hold the fat, after processing. The casein of many cheeses used does not possess this property, but it may be rendered suitable by the action of certain emulsifying agents. Chemicals which have been found suitable for this purpose are monosodium phosphate, disodium phosphate, trisodium phosphate, dipotassium phosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium metaphosphate (sodium hexametaphosphate), and sodium potassium tartrate. The emulsifying agents named are used singly and as mixtures, but the total weight of emulsifying agents required does not exceed 3 percent of the weight of the pasteurized process cheese. Since emulsifying agents may contain combined water, or be used in aqueous solution, it is reasonable that the amount of such agent used be calculated on the basis of its solids. Sufficient evidence was not adduced during the hearing to determine the suitability of ammonium salts as emulsifying agents. A provision in a definition and standard of identity for use of any suitable harmless emulsifying agent would not be in the interest of consumers, since it would not insure adequate prior testing of chemicals that might be useful as emulsifying agents, and so might result in long-continued use of harmful agents before their unsuitability became known. (R. 147, 183, 206, 1859–1863, 1879, 1901, 1910–1911, 1923, 1963, 1998–1999, 2024, 2157, 2161, 2234, 2243, 2276, 2329–2330, 2378–2379, 2531, 2533, 2638–2639; Ex. 46–50)

131. The action of emulsifying agents may be incomplete if the pH of the mix being processed is excessively high. The pH can be adjusted by the addition of acids. Vinegars, lactic acid, citric acid, acetic acid, and phosphoric acid have been found suitable for pH adjustment. Reduction of the pH below 5.3 does not improve emulsifying-agent action, and may alter the characteristic flavor of the product. It is reasonable that the use of acids be limited to such amounts that the pH of the finished product is not below 5.3. The proposed acidifying agent, hydroxy-acetic acid is unsuitable for use in foods. (R. 1914–1915, 1941, 1947, 1965, 2024, 2873, 4242)

132. The common name of a pasteurized process cheese made from one variety of cheese is the name of the variety of cheese used, qualified by the words "pasteurized process." (R. 2004, 2026, 2273, 2573–2574, 2612)

133. In the case of pasteurized process cheese made from two or more varieties, the common or usual name is "pasteurized process," followed by the names of

the varieties of cheese used, in the order of their predominance by weight; or the name may be "pasteurized process," followed by the name of the principal cheese used, this followed by the words "blended with" and the name of the varieties present in lesser amount. (R. 2004, 2021, 2026, 2758)

134. The cheeses ordinarily used for processing are hard cheeses, although sometimes the semisoft cheeses are used. Cream cheese and neufchatel cheese are often packed by what is called the hot-pack process, in the course of which the curd of these cheeses is melted and mixed, and gum used. It is unnecessary to use any chemical to soften the casein of these cheeses. When so made, the finished cheese is not known as a process cheese. Cream cheese and neufchatel cheese are not therefore proper starting cheeses for the manufacture of pasteurized process cheeses, but may be used in pasteurized blended cheeses. (R. 1820, 1992)

135. The methods for determining moisture content and fat content described in finding 24, and for determining phosphatase described in finding 22, are suitable for analysis of pasteurized process cheese and pasteurized blended cheese. (R. 2003, 2026)

136. There are a few blended cheeses made by comminuting and mixing cheese of the same or two or more varieties, with the aid of heat sufficient to pasteurize the mix where no emulsifying agent is used. The names of pasteurized blended cheeses correspond to those of pasteurized process cheeses, except that the word "blended" replaces the word "process" in the name. They are commonly known as pasteurized blended cheese, and are identical with pasteurized process cheese, except that no emulsifying agents or acidifying agents are used. With the exception of findings relative to emulsifying agents and acids and the over-all limits on moisture, the findings with respect to pasteurized process cheese are applicable to pasteurized blended cheese. (R. 2604–2607)

137. A number of foods closely resembling pasteurized process cheese, but differing from them in that they contain varying amounts of fruits, vegetables, or meats or mixtures of these, are now being marketed. The number of such foods is increasing. The addition of fruits, vegetables, or meats is for the purpose of altering the flavor and eating characteristics or the pasteurized process cheese to varying degrees. The amounts of the fruits, vegetables, or meats added vary, and, except in the case of pimentos and canned and cooked meats, there is insufficient evidence in the record to use as a basis for establishing limits on the amounts which may be added. The minimum percent of a meat product necessary to bring about a change in flavor and eating quality is not definitely shown by the record. Although it is desirable to establish a minimum limit for such an expensive ingredient as meat, the evidence does not furnish sufficient basis for fixing a numerical limit. Sufficient meat should be added to impart its distinctive characteristics. (R. 1936, 1956–1957, 1970–1971, 2006, 2326)

138. The fruits or vegetables added must be properly prepared, and either cooked, canned, or dried before addition to the pasteurized process cheese. Meats must be properly prepared and cooked or canned. (R. 1972, 1974–1975, 2006)

139. The moisture content of pasteurized process cheese may be increased and the percent of milk fat in the solids decreased by the addition of fruits, vegetables, or meats. An increase of 1 percent over the maximum percent of moisture permitted in the pasteurized process cheese and a decrease of 1 percent of the milk fat content of the solids are sufficient to allow for the changes due to the addition of the fruits, vegetables, or meats. (R. 1961, 1964, 1968, 2007–2008, 2023)

140. Such foods are commonly designated by the name of the pasteurized process cheese, followed by the common or usual names of the added fruits, vegetables, or meats. In order to provide a uniform system of designating these foods, it is reasonable that the name specified be the name provided in the definition and standard of identity for pasteurized process cheese for the cheese portion of the food, to which is added the statement "with ----------," the blank being filled in with the name or names of the added fruits, vegetables, or meats. In order to properly inform consumers of the optional ingredients used, the requirement for label statement of optional ingredients prescribed for pasteurized process cheese should also be prescribed in the definition and standard of identity for pasteurized process cheese with fruits, vegetables, or meats. (R. 1956–1957, 2006)

141. Where fat, other than milk fat, is introduced into the pasteurized process cheese with fruits, vegetables, or meats by the addition of vegetables or meats, a special method of analysis for the determination of the milk fat must be used instead of that named in finding 135 for pasteurized process cheese. A competent chemist can make the determination with reasonable accuracy. The same situation exists with respect to pasteurized process cheese foods with fruits, vegetables, or meats, and with respect to pasteurized process cheese spreads with fruits, vegetables, or meats. (R. 2323–2324)

142. A particular type of pasteurized process cheese is made with pimentos, sometimes spelled pimientos. The preferred spelling appears to be pimento. This food is commonly known as pasteurized process pimento cheese. The cheese ingredient is that commonly known as pasteurized process American cheese. To this are added properly prepared pimentos in such quantity that the weight of the solids of the pimentos is not less than 0.2 percent of the weight of the finished food. The moisture content of pasteurized process pimento cheese is slightly increased over that of the pasteurized process American cheese, but is not more than 41 percent. The fat content of the solids is reduced somewhat by the addition of the pimentos, but is not less than 49 percent. No other fruit, vegetable, or meat is used, and flavors and spices are not used. (R. 1936–1937, 1941, 1948, 2007, 2028, 2325)

143. In making pasteurized blended cheese with fruits, vegetables, or meats, pasteurized blended cheese is used instead of pasteurized process cheese. Findings 137–141, with respect to pasteurized process cheese with fruits, vegetables, or meats, are applicable to pasteurized blended cheese with fruits, vegetables, or meats.

144. A class of foods similar in appearance and taste to pasteurized process cheese was developed many years ago and has been sold in large quantities over a period of years under the name "pasteurized process cheese food." The foods of this class are essentially pasteurized process cheeses to which have been added milk or certain milk products. The reason for this addition in the beginning was to create a softer product of somewhat milder taste than pasteurized process cheese, and to return to the cheese some of the nutrients of milk normally eliminated in the manufacture of cheese. The flavor of these foods has been further modified at times by the addition of salt; and their appearance has been standardized by the addition of artificial coloring. (R. 1813–1815, 1836, 2294–2295, 2313, 2500, 2536–2537, 2555, 2709, 4164; Ex. 14, 97–108)

145. The addition of milk products in liquid form tends to increase the moisture content of a pasteurized process cheese and render it softer. When milk products are added in the dry form, additional water is also usually added. Generally, the additional water serves to make a pasteurized process cheese food softer than the corresponding pasteurized process cheese. (R. 2587–2588, 2591)

146. Due to the similarity of pasteurized process cheese foods to pasteurized process cheeses, findings 113, 114, 124, 130, 131, 134, and 135 (see also finding 150), having to do with pasteurized process cheeses, are applicable to pasteurized process cheese foods. (R. 147, 183, 206, 401, 411, 1808–1809, 1820, 1859–1863, 1879, 1901, 1910–1911, 1914–1915, 1923, 1941, 1947, 1963, 1965, 1992, 1995–1996, 1998–1999, 2002–2003, 2024, 2025, 2026, 2157, 2161, 2185–2191, 2234, 2243, 2276, 2297–2301, 2309, 2318, 2319–2320, 2329–2330, 2378–2379, 2531–2533, 2638–2639, 2724, 2727, 2732–2733, 2843, 2844, 2873, 3063–3067, 4032–4034, 4036–4042, 4242; Ex. 13, 46, 50, 61)

147. The characteristics of pasteurized process cheese foods depend upon the quantity of the cheese ingredients used, and the total weight of these cheese ingredients should be not less than 51 percent of the weight of the finished food. In general, the proportion of the varieties of cheese in mixtures should be the same as in pasteurized process cheese, except that the minimum for limburger cheese should be the same as for blue cheese and gorgonzola cheese. (R. 2266, 2312–2313, 2319–2321)

148. Increasing the moisture content of a pasteurized process cheese food over that of the corresponding pasteurized process cheese might result in consumers' purchasing water instead of the more expensive food. A maximum limit on moisture which will permit sufficient softness but prevent the use of excessive water is 44 percent. (R. 2321, 2485, 2566)

149. The addition of such milk products as skim milk, concentrated skim milk, nonfat dry milk solids, and cheese whey lowers the fat content. In order to maintain the character of these foods it is necessary that they contain substantial amounts of milk fat. A reasonable minimum limit for milk fat is 23 percent. (R. 2321, 2483, 2485, 2566)

150. Milk products added to pasteurized process cheese in preparing pasteurized process cheese foods vary, and various mixtures of these ingredients are used. Those in common use are cream, milk, skim milk, or cheese whey or such products from which part or most of the water has been removed. The lactose in whey is affected by long drying. Since a pasteurized process cheese food usually contains some form of whey, the method for determining moisture prescribed for pasteurized process cheese is not suitable for a pasteurized process cheese food so far as it requires drying to a constant weight. The method will be suitable for a pasteurized process cheese food if drying is restricted to 5 hours. (R. 2281, 2294–2295, 2486, 2525, 2601, 4034, 4037, 4043–4045)

151. Proposals were made to permit the addition to process cheese foods of a product prepared from cheese whey known as albumin. This is a normal constituent of milk, has significant nutritive value, and appears to be suitable for such use. It was also proposed to permit the addition of lactose. No showing was made as to how this would be of any advantage to the consumer. (R. 2315, 2483, 2521–2522, 3173)

152. It was proposed that a cheese made wholly of skim milk and designated as skim-milk cheese for manufacturing be permitted to be used as an optional dairy ingredient in the manufacture of pasteurized process cheese foods. The use of such a product, consisting largely of casein and water, in a pasteurized process cheese food could result in the production of a food that would have essentially the same composition as a pasteurized process cheese food made entirely from a part-skim milk cheese. Such a food would differ from the normal pasteurized process cheese food which is prepared by adding to the cheese ingredient other constituents of milk than the casein. (R. 2902, 2910, 2999, 5223, 5225, 5392)

153. In addition to the milk products primarily used for their nutritive properties, certain sweetening agents were proposed as optional ingredients of pasteurized process cheese foods. There is no evidence that such sweetening agents have ever been used in pasteurized process cheese foods or that their use would serve any useful purpose. The inclusion of such sweetening agents would be likely to change the identity of pasteurized process cheese food. (R. 2315, 2483, 2485, 2523, 2587, 2596–2597, 2828–2829)

154. The ingredients used in addition to the natural cheese in manufacturing pasteurized process cheese foods are less expensive than cheese, and a pasteurized process cheese food on a pound basis ordinarily sells for less than a corresponding pasteurized process cheese. Because pasteurized process cheese foods are similar in appearance and taste to pasteurized process cheese, the less expensive product at times has been intentionally substituted for the more expensive product in sales to consumers. This type of substitution is a form of unfair competition and a fraud on consumers. Proposals were made to include in the definition and standard of identity for pasteurized process cheese foods specifications for regulating the shape and size of pasteurized process cheese foods so as to lessen the possibility of substitution. It is recognized that the abuse complained of does exist to some extent. If effective measures could be adopted to curb this deceptive practice, it would be in the interest of consumers. However, the evidence does not show that shape or size specifications for pasteurized process cheese foods would be more likely to accomplish the desired purpose than proper labeling requirements. (R. 2264–2265, 2321, 2339, 2360, 2434, 2500–2501, 2585–2586, 3187–3188, 3195, 3199–3200, 3238–3239, 5230)

155. The differentiation of pasteurized process cheese foods from pasteurized process cheese has not always been satisfactory. Several years ago by statute Wisconsin set up certain labeling requirements which have been generally observed by manufacturers of pasteurized process cheese foods. Among other things these regulations required the names of the different ingredients used to be stated on labels. This type of labeling has been helpful in enabling consumers to differentiate between pasteurized process cheese foods and pasteurized process cheese. It will promote honesty and fair dealing in the interest of consumers for the definition and standard of identity for pasteurized process cheese foods to provide those labeling requirements as to optional ingredients which are provided in the definition and standard of identity for pasteurized process cheese and in addition thereto to provide that the labels for pasteurized process cheese foods show the names of the cheese ingredients, the milk ingredients, the emulsifying agents, and the acidifying agents, if any, which are used. (R. 2264–2265, 2340, 2360, 2492, 2506, 2562; Ex. 14)

156. The amount of acidifying agent added is commonly calculated upon the basis of its effect on the pH of the finished food. The quantity added may be somewhat greater than in pasteurized process cheese but should not exceed the amount necessary to reduce the pH to 5.0. (R. 2313–2314, 2483)

157. By adding fruits, vegetables, or meats or mixtures of these to pasteurized process cheese foods, other foods of different flavor and eating characteristics are prepared. The amounts of added ingredients vary, and there is insufficient evidence in the record to use as a basis for prescribing limits on the amounts of fruits or vegetables added, except in the case of pimento cheese. Finding 137, with respect to the meat content of pasteurized process cheese with meats, is applicable. When pimento is the only vegetable ingredient, and no fruit or meat ingredient is used, the weight of the solids of pimento is not less than 0.2 percent of the weight of the finished food. The name of this particular food is "pimento pasteurized process cheese food" or "pasteurized process pimento cheese food." (R. 1936, 1957, 1970–1975, 2006, 2325, 2326)

158. The addition of these ingredients may affect the moisture content of a pasteurized process cheese food. The effect of such addition on the moisture content, however, is easily compensated by altering the proportions of other noncheese ingredients, and an allowance for additional moisture is not necessary, and would not be in the interest of consumers. It is reasonable to require that the maximum moisture content of a pasteurized process cheese food with fruits, vegetables, or meats be 44 percent. The percent of milk fat is decreased by the addition of such ingredients, and a decrease of 1 percent in the milk-fat content is sufficient to allow for the effect of the addition of fruits, vegetables, or meats, giving a minimum milk-fat content of 22 percent. (R. 2323–2324)

159. The name of this class of food is "pasteurized processed cheese food with ------," the blank being filled in with the name or names of the added fruits, vegetables, or meats. (R. 1956–1957, 1975, 2006)

160. Finding 155 with respect to label declaration of optional ingredients in pasteurized process cheese foods is applicable to pasteurized process cheese foods with fruits, vegetables, or meats. (R. 2264–2265, 2340, 2360, 2492, 2506, 2562; Ex. 14)

161. A class of food similar to pasteurized process cheese food, but somewhat softer and easier to spread (largely by reason of a higher moisture content) has been manufactured and sold for several years. The common name for such a food is pasteurized process cheese spread. (R. 1817–1818, 2234–2236, 2240, 2246–2247, 2249, 2327, 2557–2558)

162. Pasteurized process cheese spreads can be made so that they resemble pasteurized process cheese or pasteurized process cheese foods; however, the texture of the pasteurized cheese spreads and the form of package are in general sufficient to distinguish them from such other foods. Since pasteurized process cheese spreads contain a larger proportion of water, it is desirable that they be readily distinguishable from pasteurized process cheeses and pasteurized process cheese foods, to prevent deception of consumers and unfair competitive practices. Proposals were made to have the definition and standard of identity for pasteurized process cheese spreads specify distinctive sizes and shapes, which would tend to lessen or make impossible the substitution of pasteurized process cheese spreads for other foods containing cheese. Although it is very desirable to lessen the likelihood of deception in connection with the sale of similar foods, the evidence does not show that prescribing any of the forms and shapes recommended for pasteurized process cheese spreads would be more likely to accomplish the desired purpose than proper labeling. Proposals were also

made to specify that pasteurized process cheese spreads be spreadable. Although the record does not furnish a basis for prescribing a method for measuring spreadability, it is reasonable to require that a pasteurized process cheese be spreadable at 70° F. (a reasonable figure for room temperature). (R. 2237–2257, 2262–2263, 2327, 2333–2339, 2371, 2644–2645, 2847, 2877)

163. The findings dealing with pasteurization, use of cream, use of cheese for manufacturing, phosphatase test, fat and moisture tests, amount and character of cheese ingredients, emulsifiers, and optional dairy ingredients in connection with pasteurized process cheese and pasteurized process cheese foods are also applicable to pasteurized process cheese spreads. (R. 270, 379, 402–403, 943–944, 1166–1168, 2246, 2255, 2262, 2263, 2266, 2337, 2475, 2603, 2616, 2644, 2781, 2801)

164. The softer texture characteristic of pasteurized process cheese spreads is largely due to the addition of water. Unlimited use of water would not be in the interest of consumers. A limit on moisture which will permit sufficient softness is a maximum of 60 percent. (R. 1818, 2235, 2240, 2248–2249, 2273)

165. In order to prevent leakage of water from cheese spreads, gums or similar water-retaining substances may be used. The following substances, or mixtures of two or more of these substances, are suitable for such use: carob bean gum, gum karaya, gum tragacanth, guar gum, gelatin, carboxy-methylcellulose, carrageen, oat gum, algin (sodium alginate), and propylene glycol ester of alginic acid. The last-named substance is the chemical name for the derivative of algin which was proposed to be used as an optional ingredient for this purpose. The use of generic terms is not generally approved in describing optional ingredients. However, since this is the only such derivative which is permitted, on the evidence it is found that "algin derivative" adequately describes the substance. The total amount of water-retaining substances used should not exceed 0.8 percent. (R. 2210, 2214, 2222, 2224–2225, 2250, 2333–2338, 2618, 2639, 3123–3132)

166. Instead of, or in addition to, changes in flavor brought about by use of one or more optional dairy ingredients, a sweetening agent may be added, in small amounts. Suitable for such use are: Sugar, dextrose, corn sugar, corn sirup, corn sirup solids, maltose, malt sirup, and hydrolyzed lactose. (R. 2223–2224, 2315, 2597–2598, 2645–2646, 2829, 2839–2840, 3154)

167. Since the moisture content of pasteurized process cheese spreads is higher than that of pasteurized process cheese foods, the fat content is reduced. In order to prevent abuses, it is necessary to prescribe a minimum limit for milk fat. It is reasonable to require that it be not less than 20 percent. (R. 2234, 2248, 2783)

168. If pasteurized process cheese spread were made by adding emulsifying agents, water, and additional milk products to cream cheese, it would be essentially a diluted cream cheese which failed to comply with the standard for cream cheese, since by definition several milk products containing water may be added to cream-cheese curd to make the so-called hot-pack cream cheese, provided the finished food contains not more than 55 percent moisture and not less than 33 percent milk fat. There is no need for an emulsifying agent in this type of cheese. The situation with respect to neufchatel cheese is similar. It is therefore reasonable to provide that neither cream cheese alone nor neufchatel cheese alone nor combinations of these two cheeses without other cheeses be used in preparing pasteurized process cheese spreads. (R. 1820–1822, 1827–1828, 2230–2231, 2248, 2327–2330, 2475, 2615)

169. Acidifying ingredients used in pasteurized process cheese spreads impart a flavor, at times enhance the action of emulsifiers, and also act as a preservative to inhibit the growth of certain bacteria in the product. They may be added in such amount that the pH of the product is not below 4.0. The acids named in finding 131 are suitable. No significant preservative action is obtained unless the pH is reduced below 5.0. Vinegar has such flavoring qualities that it may be used instead of the other acids in order to obtain the desired flavor. When vinegar alone is used to reduce the pH below 5.0, its preserving effect due to its content of acetic acid is more important than any desirable flavoring effect. (R. 2225, 2234, 2246, 2248, 2255, 2331–2332, 2616)

170. It is necessary that the consumer be informed regarding the optional ingredients of pasteurized process cheese spreads, to avoid confusion with other similar foods. Label declaration of the cheese ingredient; the dairy ingredient; any emulsifying agent, water, and water-retaining substance; acidifying agent, and sweetening agent by their common or usual names will adequately inform the consumer in this respect. When an acidifying agent is used as a preservative, a statement that it is a chemical preservative is required by section 403 (k) of the Federal Food, Drug, and Cosmetic Act. (R. 2231, 2255)

171. A number of foods closely resembling pasteurized process cheese spreads, but differing from them in that they contain varying amounts of fruits, vegetables, or meats, are now being marketed. These foods form a large proportion of the spreadable foods made in part from cheese. (R. 2225, 2246, 2331–2332, 2616)

172. The addition of fruits, vegetables, or meats is for the purpose of altering, in varying degrees, the appearance, flavor, and eating characteristics of the pasteurized process cheese spreads. Otherwise, they are similar in all respects to pasteurized process cheese spread. The amounts of fruits, vegetables, or meats added vary, and there is not sufficient evidence in the record to use as a basis for establishing limits on the amounts of fruits or vegetables added. Finding 137, with respect to the meat content of pasteurized process cheese with meats, is applicable to the meat content of pasteurized process cheese spreads with meats. (R. 1936, 1956–1957, 1970–1971, 2373)

173. The addition of fruits, vegetables, or meats to a pasteurized process cheese spread affects the moisture and fat contents of the finished food. Any increase in moisture or decrease in fat content due to addition of these ingredients can readily be offset by varying the proportions of other ingredients, without altering the identity of the food, and no allowance for changes of moisture content or fat content is necessary. (R. 2225–2226, 2246, 2263, 2620, 2643)

174. The common name of a food of this type is the name of the pasteurized process cheese spread, combined with the common name of the added fruits, vegetables, or meats. In order to provide a uniform system of designating these foods, it is reasonable that the name specified be the name provided in the definition and standard of identity for pasteurized process cheese spreads, to which is added the statement "with ----------," the blank being filled in with the name or names of the added fruits, vegetables, or meats. In order to properly inform consumers, the requirements for label statement of optional ingredients provided for pasteurized process cheese spreads should also be made applicable to pasteurized process cheese spreads with fruits, vegetables, or meats. (R. 2373, 2617)

175. A food prepared by comminuting and mixing cheese of one or more varieties, without the aid of heat, is commonly known as cold-pack cheese, club cheese, or comminuted cheese. The soft cheeses, such as cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, and skim-milk cheese for manufacturing, are not used. A primary purpose of the manufacturer of cold-pack cheese is to make a product which can be readily packaged, possessing uniform flavor and texture, and easily handled by users. The curing of the cheeses continues after mixing. (R. 1819–1820, 2227–2228)

176. The manufacture of cold-pack cheese does not include pasteurization of the food. Cheeses which have not been made from pasteurized milk, or which have not been stored for at least 60 days at a temperature of not less than 35° F., are not suitable for use as ingredients. (R. 1819; finding 21)

177. If cold-pack cheese is made from one variety of cheese, it is reasonable to require that the fat and moisture limits be the same as those of the variety from which it is made. If cold-pack cheese is made from two or more varieties of cheese, it is reasonable to require that the moisture content of the finished food not exceed the arithmetical average of the maximum moisture contents prescribed by definitions and standards of identity, if any there be, for the varieties of cheese used, and that the fat content of the solids be not less than the arithmetical average of the minimum fat contents prescribed for the varieties of cheese used. Moisture and fat can be accurately determined by the method prescribed with respect to cheddar cheese (§ 19.500 (d)). (R. 2227, 2374–2375)

178. Finding 124, with respect to the use of various proportions of cheese of different varieties in pasteurized process cheese, is applicable to cold-pack cheese. (R. 2374)

179. Water is sometimes used in preparing cold-pack cheese, to give uniform composition and texture in the finished food. Salt is sometimes used for seasoning, and color is sometimes used to give uniformity in appearance to the finished food. Cold-pack cheese is subject to spoilage, even when refrigerated. Its keeping qualities are improved by adjusting the acidity to a pH of not less than 4.5 by use of the acidifying agents used in pasteurized process cheese spreads. Acidifying agents are used in cold-pack cheese only for this preservative effect. (R. 1942–1944, 1949–1951, 2227–2228, 2374; finding 131)

180. Cold-pack cheese may be smoked, or contain substances prepared by condensing or precipitating wood smoke. Finding 129, with respect to the use of cheese ingredients which have been smoked or to which have been added substances prepared by condensing or precipating wood smoke and to label declaration of these ingredients in pasteurized process cheeses, are applicable to cold-pack cheese. (R. 1965)

181. The common name of this food is "cold-pack ---------- cheese" or "---------- club cheese" or "comminuted ---------- cheese," the blanks being filled in with the name of the variety or varities, in order of predominance by weight, of cheese used. (R. 1819, 1949, 2227–2228, 2691, 2847)

182. A food which bears the same relationship to cold-pack cheese as pasteurized process cheese food bears to pasteurized process cheese is manufactured and sold under the common class name of "cold-pack cheese food." The dairy ingredients other than cheese used in preparing a cold-pack cheese food should be pasteurized or made from pasteurized milk. Emulsifying agents serve no useful purpose in cold-pack cheese food. Sweetening ingredients such as are used in pasteurized process cheese spread (see finding 166) are suitable for use in cold-pack cheese food. The keeping qualities of cold-pack cheese food are improved by adjusting the acidity to a pH of not less than 4.5 by the use of acidifying agents used in pasteurized process cheese spreads. Acidifying agents are used in cold-pack cheese food only for this preservative effect. (R. 1821, 1933–1934, 2376–2378, 2832–2833, 2847, 3136–3138)

183. Cold-pack cheese food with fruit, vegetables, or meats bears the same relationship to cold-pack cheese food as does pasteurized process cheese food with fruits, vegetables, or meats to pasteurized process cheese food. (R. 1821, 2382, 2859)

Conclusions. Upon consideration of the whole record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for cheddar cheese, washed curd cheese, and colby cheese and to establish definitions and standards of identity for the other foods as hereinafter set forth.

§ 19.500 *Cheddar cheese, cheese; identity.* (a) Cheddar cheese, cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 39 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of this section. If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off, and the curd is matted into a cohesive mass. The mass is cut into slabs, which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, which may be rinsed by sprinkling or pouring water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of cheddar cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) Determine moisture by the method prescribed on page 336 (22.124), under "Moisture—Official," and milk fat by the method prescribed on page 337 (22.130) under "Fat—Official," of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Sixth Edition, 1945. Subtract the percent of moisture found from 100; divide the remainder into the percent milk fat found. The quotient, multiplied by 100, shall be considered to be the percent of milk fat contained in the solids.

(d) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Cheddar cheese shall be deemed not to have been made from pasteurized milk if 0.25 mg. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in paragraph (e) of this section.

(e) The method referred to in paragraph (d) (2) of this section is as follows:

1. *Reagents*—1. *Buffers*—a. *Barium borate-hydroxide buffer.* Dissolve 25.0 gm. of CP. barium hydroxide ($Ba(OH)_2 \cdot 8H_2O$, fresh, not deteriorated) in distilled water and dilute to 500 ml. Dissolve, in another flask or cylinder, 11.0 gm. of CP. boric acid (H_3BO_3) and dilute to 500 ml. Warm each to 50° C. (122° F.), mix the two together, stir, cool to approximately 20° C. (68° F.), filter, and stopper the filtrate tightly (pH approximately 10.6). The buffer prepared thus is designated as the 25–11 buffer, the figures indicating the grams per liter of each of the respective reagents.

b. *Color-development buffer.* Dissolve 6.0 gm. of sodium metaborate ($NaBO_2$) and 20 gm. of sodium chloride in water and dilute to a liter with water (pH 9.8).

c. *Color-dilution buffer.* Dilute 100 ml. of color-development buffer 1–b to a liter with water.

d. *Standard borax buffer, 0.01-molar, for checking pH meter, pH 9.18 at 25° C.*[1] Dissolve 0.9544 gm. of pure borax (Bureau of Standards Sample 187) in distilled water (distilled recently or freshly boiled and cooled) and dilute to 250 ml. Keep stoppered tightly.

2. *Buffer substrates.* Specify phenol-free crystalline disodium phenyl phosphate.

a. *For evaluating pasteurization.* Dissolve 0.10 gm. of the phenyl phosphate in 100 ml. of the appropriate (table 1) barium borate-hydroxide buffer 1–a.

b. *For quantitative results with raw-milk cheese.* Dissolve 0.20 gm. of the phenyl phosphate in 100 ml. of the appropriate (table 1) barium borate-hydroxide buffer 1–a.

3. *Protein precipitants*—a. *Zinc-copper precipitant for unripened cheese.* Dissolve 6.0 gm. of zinc sulfate ($ZnSO_4 \cdot 7H_2O$) and 0.1 gm. of copper sulfate ($CuSO_4 \cdot 5H_2O$) in water and dilute to 100 ml. with water. The precipitant prepared thus is designated as the 6.0–0.1 precipitant.

b. *Zinc precipitant for ripened cheese.* Dissolve 6.0 gm. of zinc sulfate in water and dilute to 100 ml. with water. This precipitant is designated as the 6.0 precipitant.

4. *BQC (2,6-dibromoquinone-chloroimine solution) (Gibbs' reagent):* Dissolve 40 mg. of BQC powder in 10 ml. of absolute methyl alcohol and transfer to a dark-colored dropper bottle. This reagent remains stable for at least a month if kept in the ice tray of a refrigerator. Do not use it after it begins to turn brown.

5. *Other reagents*—a. *Copper sulfate, 0.05 percent, for standards.* Dissolve 0.05 gm. of copper sulfate in water and dilute to 100 ml.

b. *Butyl alcohol.* Specify *n*-butyl alcohol, boiling point 116°–118° C. To adjust the pH, mix 50 ml. of the color-development buffer 1–b with a liter of the butyl alcohol.

6. *Phenol standards*—a. *Stock solution.* Weigh accurately 1.0 gm. of pure phenol, transfer to a liter volumetric flask, dilute to a liter with water, and mix. One ml. contains 1 mg. (0.001 gm.) of phenol. Use this stock solution to prepare standard solutions. It is stable for several months in the refrigerator.

b. *Preparation of standards.* Dilute 10.0 ml. of the stock solution 6–a to a liter with water, and mix. One ml. contains 10 micro-

[1] All pH values reported herein were determined at 25° C. or corrected to that temperature.

grams (0.00001 gm., 10 gammas, or 10 units) of phenol. Use this standard solution to prepare more dilute standard solutions; e. g., dilute 5, 10, 30, and 50 ml. to 100 ml. with water to prepare standard solutions containing 0.5, 1.0, 3.0, and 5.0 gammas or units of phenol per milliliter, respectively. Keep standard solutions in the refrigerator.

In a similar manner, prepare from the stock solution such more concentrated standard solutions as may be needed, containing, for example, 20, 30, and 40 units per milliliter.

Measure appropriate quantities of the phenol standard solution into a series of tubes (preferably graduated at 5.0 and 10.0 ml.) to provide a suitable range of standards as needed, containing 0 (control blank), 0.5, 1.0, 3.0, 5.0, 10.0, etc., to 30 or 40 units. To increase the brightness of the blue color and improve the stability of the standards, add 1.0 ml. of 0.05 percent copper sulfate solution 5–a to each.

Add 5.0 ml. of color dilution buffer 1–c and add water to bring the volume to 10.0 ml. Add 4 drops (0.08 ml.) of BQC 4, mix, and allow to develop for 30 minutes at room temperature. If the butyl alcohol extraction method is to be used in the test, extract the standards as described under III Conducting the Test.

Read the color intensities with a photometer, subtract the value of the blank from the value of each phenol standard, and prepare a standard curve (straight line). When the standards are to be used for visual comparisons they should be stored in a refrigerator.

II. *Sampling*—1. *Hard cheese.* Take a sample from the interior with a *clean* Roquefort trier, place in a small tube, stopper the tube, and keep it in a refrigerator.

2. *Soft and semisoft ripened cheese.* Harden the cheese by chilling it in the freezing chamber of a refrigerator. Taking special precaution to avoid contaminating the sample with phosphatase that may be present on the surface, use either of the following methods for sampling:

a. Cut a portion from the end of the loaf or from the side of the cheese, extending in at least 2 inches if possible or to a point somewhat beyond the center in the case of a small cheese. Cut a slit ¼ to ½ inch deep at least halfway around the portion and midway between the top and bottom. Break the portion into two parts, pulling it apart so that it breaks on a line with the slit, being careful not to contaminate the freshly exposed, broken surface. Remove the sample from the freshly exposed surface at or near the center of the cheese.

b. Remove the surface of the area to be sampled—e. g., the end and the adjacent sides—with a clean knife or spatula, to a depth of ¼ inch. Clean the instrument and hands with hot water and phenol-free soap and wipe them dry. Remove the freshly exposed surface to a similar or greater depth and repeat the cleaning. Then take the sample from the center of the freshly exposed area, preferably at or near the center of the cheese in the case of a small cheese.

3. *Process cheese, spreads, etc.* Take the sample from beneath the surface with a clean knife or spatula.

Avoid the use of samples contaminated with mold.

4. *Preservation.* If a preservative is necessary, put 1 to 3 ml. of chloroform in the container, cover with a plug of cotton, insert sample and stopper container tightly. Label preserved samples, *"Poison*—Preservative added."

III. *Conducting the test.* 1. Weigh, on a clean balance pan or watch glass, a 0.50-gm. sample (preferably two samples in duplicate) and place in a culture tube 16 or 18 x 150 mm. Similarly, weigh another sample and place in a tube as a control or blank. If the cheese is sticky, weigh the sample on a piece of wax paper about 1 x 1 inch and insert the paper with the sample into the tube. Macerate the blank and the test with a glass rod about 8 x 180 mm.

2. Add to the blank 1.0 ml. of the appropriate (Table 1) barium buffer 1-a (without substrate added), macerate with the rod, leave the rod in the tube, heat for about a minute to at least 85° C. (185° F.) in a beaker of boiling water with the beaker covered so that the entire tube becomes heated to approximately 85° C., cool to room temperature, and macerate again with the rod.

3. Add to the test 1.0 ml. of the appropriate (Table 1) barium buffer substrate 2-a or 2-b, and macerate.

From this point, treat the blank and the test in a similar manner.

Add 9.0 ml. of the appropriate barium buffer substrate 2–a or 2–b (total, 10.0 ml. added), and mix. The rod may be left in the tube during incubation; or, if removing it at this point, cut a piece of filter paper approximately 1 x 1 inch, wrap and hold it tightly around the rod, rotate the rod while withdrawing it from within the tube so as to wipe the rod clean, insert the paper with the adhering fat into the tube, and stopper the tube.

4. Incubate in a water bath at 37°–38° C. (99°–100° F.) for 1 hour, mixing or shaking the contents occasionally.

5. Place in a beaker of boiling water for nearly a minute, heating to 85° C. (185° F.), and cool to room temperature.

6. Pipet in 1.0 ml. of the zinc precipitant 3–b for ripened cheese or the zinc-copper precipitant 3–a for unripened cheese, and mix thoroughly (pH of mixture, 9.0–9.1).

7. Filter (5-cm funnel, 9-cm. Whatman No. 42 or No. 2 paper recommended), and collect 5.0 ml. of filtrate in a tube, preferably graduated at 5.0 and 10.0 ml.

8. Add 5.0 ml. of color-development buffer 1–b (pH of mixture, 9.3–9.4).

9. Add four drops[1] of BQC 4, mix, and allow the color to develop for 30 minutes at room temperature.

10. Determine the amount of blue color by either of two methods:

a. *With a photometer.* Read the color intensity of the blank and that of the test, subtract the reading of the blank from that of the test, and convert the result into phenol equivalents by reference to the standard curve described under "Phenol standards." The butyl alcohol extraction method is ordinarily unnecessary when using a photometer.

b. *With visual standards.* For quantitative results in borderline instances, e. g., tests yielding 0.5 to 5 units of color, extract with butyl alcohol 5–b. Add 5.0 ml. of the alcohol and invert the tube slowly several times. Centrifuge if necessary to increase the clearness of the alcohol layer. Compare the blue color with the colors of standards in the alcohol.

With samples yielding more than 5 units, compare the colors in aqueous tests with those of aqueous standards.

11. *Dilution method for quantitative results.* In tests that are observed during color development to be strongly positive, e. g., 20 units or more, in which four drops of BQC may be much less than sufficient to combine with all of the phenol, pipet an appropriate proportion of the contents into another tube, make up to 10.0 ml. with color-dilution buffer 1–c, and add two drops more of BQC in the case of unripened cheese or four drops in the case of ripened cheese. With each test, dilute and treat the blank in the corresponding manner. Dilute each strongly positive test thus until the final color is within the range of the standards or photometer. Allow 30 minutes for color development after the last addition of BQC, and make the reading at the end of the 30-minute period. Multiply, for example, by 2 for a 5+5 dilution, 10 for a 1+9 dilution, and 50 for a 1+9 followed by a 2+8 dilution.

Alternatively, to reduce the amount of yellow off color, add two instead of four drops of BQC after each dilution, and allow the color to develop. Then test the completeness of color development by adding a third drop; repeat the dilution procedure until the addition of an extra drop does not cause any further increase in the amount of blue color.

12. *Calculation and evaluation of results.* When using 0.5 gm. of sample and adding a total of 11.0 ml. of liquid, multiply the value of the reading by 1.1 to convert it to units of color or phenol equivalents per 0.25 gm. of cheese. The result may, if desired, be converted to phenol equivalents per 1 gm. by multiplying by 4.4

IV. *Photometric determination.* To read the color in aqueous solution, use a filter with maximum light transmission in the region of 610 $m\mu$ wave length.

To read the color in butyl alcohol, extract the color as described above. If necessary, centrifuge the sample for 5 minutes to break the emulsion and to remove the moisture suspended in the alcohol layer. A Babcock centrifuge can be adapted for this purpose by making special tube holders as follows: Slice a section ¼ inch thick from a rubber stopper of suitable diameter to fit in the bottom of the centrifuge cup. Glue together two cork stoppers of appropriate diameter, bore through the center a hole of proper size to hold the tube snugly, and insert the double-cork section into the cup. After centrifuging, remove nearly all of the butyl alcohol by means of a pipet with a rubber bulb on the top end. Filter the alcohol into the photometer cell and read with a filter with maximum light transmission in the region of 650 $m\mu$ wave length.

If more than approximately 4 ml. of butyl alcohol is required for the photometer used, conduct the test in a larger tube and extract the color, in both the test and the standards, with the necessary quantity of butyl alcohol rather than with 5 ml. specified above.

V. *Precautions.* The length of time that the crystalline disodium phenyl phosphate and the BQC powder will remain stable can be increased greatly by keeping them in the freezing chamber of a refrigerator, and by keeping them dry.

The glassware, stoppers, and sampling tools should be scrupulously clean, and it is desirable to soak them in hot, running water after cleaning.

The solid barium hydroxide and the barium buffer must be kept stoppered tightly to prevent absorption of carbon dioxide. Phenolic contamination from plastic closures on reagent bottles has been encountered, and therefore the use of plastic closures should be avoided. Rubber stoppers should not be used in flasks in which butyl alcohol is stored. Glass or cork stoppers should be used.

VI. *Modifications for different cheeses.* Different kinds of cheese and cheeses of different ages have different buffering capacities, and therefore some of them require modification of concentrations of the reagents. The modifications of the barium buffer needed to produce optimal pH conditions during incubation (9.85–10.20), and of the precipitant to yield uniformly clear filtrates and to minimize interference during color development under optimal pH conditions (9.3–9.4), are specified in Table 1.

With some samples, especially those of unknown history, slight deviations from the optimal pH range may occur, but such deviations do not very materially affect the results. For example, pH values as low as 9.6 or as high as 10.35 during incubation have been found to result in an average decrease of not more than 20 percent below the maximum in the quantity of phenol liberated. The use of the 25–11 buffer substrate with samples for which the 27–11 buffer substrate is specified yields pH values not lower than 9.8.

In testing cheese of unknown history or age, information as to the percentage of solids, especially the nonfat solids, is useful as an indication of the correct buffer to use; cheese with a relatively high percentage of nonfat solids generally requires the use of a relatively concentrated buffer to adjust the pH of the mixture correctly.

For precise quantitative results on unknown samples, adjust the pH to 10.0–10.05 for the incubation.

Cottage cheese curd is heated in the presence of considerable acid during manufacture, and therefore its phosphatase values are comparatively low. Alternatively, to increase the sensitivity of the test on cottage cheese, apply the following modifications: Use a 1.0-gm. sample, 27–11 buffer substrate, 2-hour incubation, and 6.0–0.1 precipitant.

Table 1—Phosphatase Test Modifications for Different Kinds of Cheese and Cheese of Different Ages

Kind of cheese	Age or extent of curing; other details	Buffer for optimal pH (9.85–10.20)	Precipitant
Cheddar, granular, stirred curd, hard cheese	1 week	[1] 25–11	[2] 6.0–0.1
	1 week–1½ months	25–11	[2] 6.0
	1½–4 months	26–11	6.0
	4 months	27–11	6.0
Washed curd, soaked curd, colby	1 week	25–11	6.0–0.1
	1 week–2 months	25–11	6.0
	2 months	26–11	6.0
Swiss, gruyere	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–3 months	26–11	6.0
	3 months	27–11	6.0
Brick, muenster	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–2 months	25–11	6.0
	2 months	26–11	6.0
Edam, gouda	1 week	25–11	6.0–0.1
	1 week–2 months	25–11	6.0–0.1
	2–4 months	26–11	6.0
	4 months	27–11	6.0
Blue mold, blue	1 week	25–11	6.0–0.1
	1 week–1 month	26–11	6.0
	1–4½ months	27–11	6.0
	4½ months	28–11	6.0
Camembert, limburger	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–2 months	26–11	6.0
	2 months	27–11	6.0
Monterey	1 week	25–11	6.0–0.1
	1 week–2 months	25–11	6.0
	2 months	26–11	6.0
High-moisture jack	1 week	25–11	6.0–0.1
	1 week–2½ months	25–11	6.0
	2½ months	26–11	6.0
Provolone, pasta filata	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–3 months	26–11	6.0
	3 months	27–11	6.0
Parmesan, reggiano, monte, modena, romano, asiago old	1 week	25–11	6.0–0.1
	1 week–2 months	26–11	6.0
	2–6 months	27–11	6.0
	6 months–1 year	28–11	6.0
	1 year	29–11	6.0
Asiago fresh	Same as cheddar		
Asiago medium	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–3 months	26–11	6.0
	3 months	27–11	6.0
Gorgonzola	Same as blue		
Cottage, cook cheese, koch kaese	Dry	25–11	6.0–0.1
	Moist	[4] 25–11 (8+2)	4.5–0.1
Cream cheese		25–11 (7+3)	6.0–0.1
Semisoft cheese	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1 month	26–11	6.0
Soft ripened cheese	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1 month	26–11	6.0
Nokkelost, kuminost, sage cheese	1 week	25–11	6.0–0.1
	1 week–1½ months	25–11	6.0
	1½–4 months	26–11	6.0
	4 months	27–11	6.0
Pasteurized process, pasteurized process pimiento, pasteurized process with fruits, meats, etc.	Soft, mild	25–11	6.0
	Medium, firm	26–11	6.0
	Firm, sharp (including swiss, gruyere)	27–11	6.0
Pasteurized process cheese foods; pasteurized process cheese foods with fruits, meats, etc.	Same as pasteurized process		
Pasteurized process cheese spreads; pasteurized process cheese spreads with fruits, meats, etc.	Soft, high moisture, including cream spreads	25–11	6.0
	Less soft, including blue	26–11	6.0
Cold-pack, club; cold-pack cheese foods; cold pack cheese foods with fruits, meats, etc.	Mild to medium flavored, soft	26–11	6.0
	Sharp, firm	27–11	6.0

[1] Grams $Ba(OH)_2.8H_2O$ and H_3BO_3 per liter, respectively.
[2] Grams $ZnSO_4.7H_2O$ and $CuSO_4.5H_2O$ per 100 ml., respectively.
[3] Grams $ZnSO_4.7H_2O$ per 100 ml.
[4] 8 parts of 25–11 buffer plus 2 parts of water.

(R. 62–71; Ex. 10, 11, 12, 13, 58, 59, 60, 62, 252)

§ 19.502 *Cheddar cheese for manufacturing identity.* Cheddar cheese for manufacturing conforms to the definition and standard of identity prescribed for cheddar cheese by § 19.500, except that the milk is not pasteurized, and curing is not required.

§ 19.505 *Washed curd cheese, soaked curd cheese; identity.* (a) Washed curd cheese, soaked curd cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 42 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500. (c) If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off, and the curd is matted into a cohesive mass. The mass is cut into slabs, which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, cooled in water, and soaked therein until the whey is partly extracted and water is absorbed. The curd is drained, salted, stirred, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of washed curd cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes or for a time and at a temperature equivalent thereto in phosphatase destruction. Washed curd cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500 (e).

§ 19.507 *Washed curd cheese for manufacturing; identity.* Washed curd cheese for manufacturing conforms to the definition and standard of identity prescribed for washed curd cheese by § 19.505, except that the milk is not pasteurized, and curing is not required.

§ 19.510 *Colby cheese; identity.* (a) Colby cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by

[1] For merely detecting underpasteurization, in testing unripened cheese, two drops is sufficient, provided the visual standards are prepared likewise with two drops.

another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 40 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. A part of the whey is drained off, and the curd is cooled by adding water, the stirring being continued so as to prevent the pieces of curd from matting. The curd is drained, salted, stirred, further drained, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of colby cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes or for a time and at a temperature equivalent thereto in phosphatase destruction. Colby cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500 (e).

§ 19.512 *Colby cheese for manufacturing; identity.* Colby cheese for manufacturing conforms to the definition and standard of identity prescribed for colby cheese by § 19.510, except that the milk is not pasteurized, and curing is not required.

§ 19.535 *Granular cheese, stirred curd cheese; identity.* (a) Granular cheese, stirred curd cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 39 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. A part of the whey is drained off. The curd is then alternately stirred and drained to prevent matting and to remove whey from curd. The curd is then salted, stirred, drained, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of granular cheese, may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes or for a time and at a temperature equivalent thereto in phosphatase destruction. Granular cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500 (e).

§ 19.537 *Granular cheese for manufacturing; identity.* Granular cheese for manufacturing conforms to the definition and standard of identity prescribed for granular cheese by § 19.535, except that the milk is not pasteurized, and curing is not required.

§ 19.540 *Swiss cheese, emmentaler cheese; identity.* (a) Swiss cheese, emmentaler cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 39 percent of moisture, and its solids contain not less than 43 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is not less than 60 days old.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto; harmless propionic-acid-producing bacteria may also be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into particles similar in size to wheat kernels. For about 30 minutes the particles are alternately stirred and allowed to settle. The temperature is raised to about 126° F. Stirring is continued until the curd becomes firm. The curd is transferred to hoops or forms, and pressed until the desired shape and firmness are obtained. The cheese is then salted by immersing it in a saturated salt solution for about 3 days. It is then held at a temperature of about 50° F. to 60° F. for a period of 5 to 10 days, after which it is held at a temperature of about 75° F. until it is approximately 30 days old, or until the so-called eyes form. Salt, or a solution of salt in water, is added to the surface of the cheese at some time during the curing process. The cheese is then stored at a lower temperature for further curing. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of swiss cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto cream or skim milk.

§ 19.542 *Swiss cheese for manufacturing; identity.* Swiss cheese for manufacturing conforms to the definition and standard of identity prescribed for swiss cheese by § 19.540, except that the holes, or eyes, have not developed throughout the entire cheese.

§ 19.543 *Gruyere cheese; identity.* (a) Gruyere cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 39 percent of moisture, and its solids contain not less than 45 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It contains small holes, or eyes. It has a mild flavor, due in part to the growth of surface-curing agents. It is not less than 90 days old.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto; harmless propionic-acid-producing bacteria may also be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into particles similar in size to wheat kernels. For about 30 minutes the particles are alternately stirred and allowed to settle. The temperature is raised to about 126° F. Stirring is continued until the curd becomes firm. The curd is transferred to hoops or forms, and pressed until the desired shape and firmness are obtained. The cheese is surface-salted while held at a temperature of 48° F. to 54° F. for a few days. It is soaked for 1 day in a saturated salt solution. It is then held for 3 weeks in a salting cellar and wiped every 2 days with brine cloth to insure growth of biological curing agents on the rind. It is then removed to a heating room and held at progressively higher temperatures, finally reaching 65° F., with a relative humidity of 85 to 90 percent, for several weeks, during which time small holes, or so-called eyes, form. The cheese is then stored at a lower temperature for further curing. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of gruyere cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto cream or skim milk.

§ 19.545 *Brick cheese; identity.* (a) Brick cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 44 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, is brought to a temperature of about 88° F. and subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into cubes with sides approximately ⅜-inch long, and stirred and heated so that the temperature rises slowly to about 96° F. The stirring is continued until the curd is sufficiently firm. Part of the whey is then removed, and the mixture diluted with water or salt brine to control the acidity. The curd is transferred to forms, and drained. During drainage it is pressed and turned. After drainage the curd is salted, and the biological curing agents characteristic of brick cheese are applied to the surface. The cheese is then cured to develop the characteristics of brick cheese. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of brick cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Brick cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 5 micrograms when tested by the method prescribed in § 19.500 (e).

§ 19.547 *Brick cheese for manufacturing; identity.* Brick cheese for manufacturing conforms to the definition and standard of identity prescribed for brick cheese by § 19.545, except that the milk is not pasteurized, and curing is not required.

§ 19.550 *Muenster cheese, munster cheese; identity.* (a) Muenster cheese, munster cheese, is the food prepared from pasteurized milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 46 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c).

(b) Milk, which is pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. After coagulation the mass is cut into small cube-shaped pieces with sides approximately ⅜-inch long. The mass is stirred and heated to about 90° F., and so handled by further stirring, heating, dilution with water or salt brine, and salting as to promote and regulate the separation of curd and whey. When the curd is transferred to forms permitting drainage of the whey. During drainage the curd may be pressed and turned. After drainage the curd is removed from the forms and is salted. The surface of the cheese may be rubbed with vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of muenster cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Muenster cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500 (e).

§ 19.555 *Edam cheese; identity.* (a) Edam cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 45 percent of moisture, and its solids contain not less than 40 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days. Edam cheese is made in ball or loaf shapes, and the surface is covered with a red-colored paraffin or other tightly adhering coating, colored red.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. After coagulation the mass is cut into small cube-shaped pieces with sides approximately ⅜-inch long. The mass is stirred and heated to about 90° F., and so handled by further stirring, heating, dilution with water or salt brine, and salting as to promote and regulate the separation of curd and whey. When the de-

sired curd is obtained, it is transferred to forms permitting drainage of whey. During drainage the curd is pressed and turned. After drainage the curd is removed from the forms and is salted and cured. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of edam cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes or for a time and at a temperature equivalent thereto in phosphatase destruction. Edam cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms, when tested by the method prescribed in § 19.500 (e).

§ 19.560 *Gouda cheese; identity.* Gouda cheese conforms to the definition and standard of identity prescribed for edam cheese by § 19.555, except that the fat content of its solids is not less than 46 percent. It is made in the shape of a compressed sphere, in which the compressed sides are parallel and flat. The surface may or may not be covered with red-colored paraffin or similar tightly adhering coating.

§ 19.565 *Blue cheese; identity.* (a) Blue cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by the presence of bluish-green mold throughout the cheese. It contains not more than 46 percent moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is not less than 60 days old.

(b) Milk, which may be pasteurized or clarified or both, which may be warmed, and which may be homogenized, is subjected to the action of harmless lactic-acid producing bacteria, present in such milk or added thereto. Harmless artificial green or blue coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed in forms permitting further drainage. While being placed in forms, spores of the mold Penicillium roquefortii are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the forms and salted with dry salt or brine. Perforations are then made in the shaped curd, and it is held at a temperature of approximately 50° F., at 90 to 95 percent relative humidity, until the characteristic mold growth has developed. During storage the surface of the cheese may be scraped to remove surface growth of undesirable microorganisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of blue cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 percent of the weight of the milk being bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If milk is bleached in this manner, vitamin A is added to the curd in such quantity as to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

(3) Such milk may be adjusted by separating part of the fat therefrom or by adding one or more of the following: cream, cream which has been treated in the manner provided in subparagraph (2) of this paragraph, concentrated skim milk, nonfat dry milk solids, water sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

§ 19.567 *Gorgonzola cheese; identity.* (a) Gorgonzola cheese is the food prepared from cow's milk or goat's milk or mixtures of these, and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by the presence of bluish-green mold throughout the cheese. It is made in loaves weighing between 14 and 17 pounds. It contains not more than 42 percent moisture, and its solids contain not less than 50 percent milk fat, as determined by the methods prescribed in § 19.500 (c). It is not less than 90 days old.

(b) Milk, which may be pasteurized or clarified or both, which may be warmed, and which may be homogenized, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial green or blue coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed into forms permitting further drainage. While being placed in forms, spores of the mold Penicillium glaucum are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the forms and salted with dry salt or brine. Perforations are then made in the shaped curd and it is held at a temperature of approximately 50° F., at 90 to 95 percent relative humidity, until the characteristic mold growth has developed. During storage the surface of the cheese is scraped, if necessary, to remove surface growth of undesirable microorganisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of gorgonzola cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or mixtures of these.

(2) Such milk may be bleached by the use of benzoyl peroxide or mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate, but the weight of the benzoyl peroxide is not more than 0.002 percent of the weight of the milk being bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If milk is bleached in this manner, vitamin A is added to the curd in such quantity as to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

(3) Such milk may be adjusted by separating part of the fat therefrom or by adding one or more of the following: (In the case of cow's milk) cream, cream which has been treated in the manner provided in subparagraph (2) of this paragraph, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products obtained from goat's milk; water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

§ 19.570 *Roquefort cheese, sheep's milk blue-mold cheese, blue-mold cheese from sheep's milk; identity.* (a) Roquefort cheese, sheep's milk blue-mold cheese, blue-mold cheese from sheep's milk, is the food prepared from sheep's milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by the presence of bluish-green mold throughout the cheese. It contains not more than 45 percent moisture, and its solids contain not less than 50 percent milk fat, as determined by the methods prescribed in § 19.500 (c). It is not less than 60 days old.

(b) Milk, which may be pasteurized, and which may be warmed is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed in forms permitting further drainage of whey. Spores of the mold Penicillium roquefortii are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the forms and salted with dry salt or brine. Perforations are then made in the shaped curd, and it is held at a temperature of approximately 50° F., with relative humidity of 90 to 95 percent, until the characteristic mold growth has developed. During storage the surface of the cheese is scraped, if necesary, to remove surface growth of undesirable microorganisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of roquefort cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means sheep's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto sheep's milk cream or skimmed sheep's milk.

§ 19.575 *Limburger cheese; identity.* (a) Limburger cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 50 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, limburger cheese is held at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, is brought to a temperature of about 92° F. and subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into cubes with sides approximately ½-inch long. After a few minutes the mass is stirred and heated, gradually raising the temperature to 96° F. to 98° F. The curd is then allowed to settle, most of the whey is drained off, and the remaining curd and whey dipped into molds. During drainage the curd may be pressed. It is turned at regular intervals. After drainage the curd is cut into pieces of desired size and dry-salted at intervals for 24 to 48 hours. The cheese is then cured with frequent applications of a weak brine solution to the surface, until the proper growth of surface-curing organisms is obtained. It is then wrapped and held in storage for development of as much additional flavor as is desired. When made from pasteurized milk, the milk is brought to a temperature of 89° F. to 90° F. after pasteurization. A culture of harmless lactic-acid-producing bacteria is added. Calcium chloride may be added, as to raw milk. The procedure then is the same as with raw milk, except that heating is to 94° F. After most of the whey is drained off, salt brine at a temperature of 66° F. to 70° F. is added, so that the pH of the curd is about 4.8. The mixed curd, whey, and brine is dipped into molds and the same procedure followed as when raw milk is used. Whether pasteurized or unpasteurized milk is used, a harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of limburger cheese, may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction.

§ 19.580 *Monterey cheese; identity.* (a) Monterey cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. Monterey cheese is made in sizes not exceeding 12 pounds in weight. It contains not more than 44 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c).

(b) Milk, which is pasteurized, and which may be clarified, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. Part of the whey is drained off, and water or salt brine may be added. The curd is drained and placed in a muslin or sheeting cloth, formed into a ball, and pressed; or it is placed in a cheese hoop and pressed. Later, the cloth bandage is removed, and the cheese is covered with paraffin or dipped in vegetable oil, and rice flour sprinkled on the surface. A harmless preparation of enzymes of animal or plant origin, capable of aiding in the curing or development of flavor of monterey cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Monterey cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500 (e).

§ 19.585 *High-moisture jack cheese; identity.* High-moisture jack cheese conforms to the definition and standard of identity prescribed for monterey cheese by § 19.580, except that its moisture content is not less than 44 percent, but less than 50 percent.

§ 19.590 *Provolone cheese, pasta filata cheese; identity.* (a) Provolone cheese, pasta filata cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It has a stringy texture, and may be made in several shapes. It contains not more than 45 percent of moisture, and its solids contain not less than 45 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is held at a temperature of not less than 35° F for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of

the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut, stirred, and heated so as to promote and regulate the separation of whey from the curd. The whey is drained off, and the curd is matted and cut, immersed in hot water, and kneaded and stretched until it is smooth and free from lumps. Then it is cut and molded. During the molding the curd is kept sufficiently warm to cause proper sealing of the surface. The molded curd is then firmed by immersion in cold water, salted in brine, and dried. Some shapes may be encased in ropes or twine before drying. Provolone cheese may be smoked. It is given some additional curing and covered with paraffin or similar wax. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of provolone cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section: (1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Provolone cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500 (e).

(d) The name "Provolone cheese" ("Pasta filata cheese"), may include the common name of the shape of the cheese, such as "Salami provolone." If provolone cheese is not smoked, the name includes the words "Not smoked."

§ 19.591 *Caciocavallo siciliano cheese; identity.* (a) Caciocavallo siciliano cheese is the food prepared from cow's milk or sheep's milk or goat's milk or mixtures of two or all of these and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It has a stringy texture, and is made in oblong shapes. It contains not more than 40 percent of moisture, and its solids contain not less than 42 percent milk fat, as determined by the methods prescribed in § 19.500 (c). It is cured for not less than 90 days at a temperature of not less than 35° F.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. The mass is cut, stirred, and heated so as to promote and regulate the separation of whey from the curd. The whey is drained off, and the curd is removed to another vat containing hot whey, in which it is soaked for several hours. This whey is withdrawn, the curd is allowed to mat, and is cut into blocks. These are washed in hot whey until the desired elasticity is obtained. The curd is removed from the vat, drained, pressed into oblong forms, dried, and salted in brine, and cured. It may be paraffined. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of caciocavallo siciliano cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(d) When caciocavallo siciliano cheese is made solely from cow's milk, the name of such cheese is "Caciocavallo siciliano cheese." When made from sheep's milk or goat's milk or mixtures of these, or one or both of these with cow's milk, the name is followed by the words "made from ------," the blank being filled in with the name or names of the milks used, in order of predominance by weight.

§ 19.595 *Parmesan cheese, reggiano cheese; identity.* (a) Parmesan cheese, reggiano cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by a granular texture and a hard and brittle rind. It grates readily. It contains not more than 32 percent of moisture, and its solids contain not less than 32 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is cured for not less than 14 months.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. The mass is cut into pieces no larger than wheat kernels, heated, and stirred until the temperature reaches between 115° F. and 125° F. The curd is allowed to settle and is then removed from the kettle or vat, drained for a short time, placed in hoops, and pressed. The pressed curd is removed and salted in brine, or dry-salted. The cheese is cured in a cool, ventilated room. The rind of the cheese may be coated or colored. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of parmesan cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

§ 19.610 *Romano cheese; identity.* (a) Romano cheese is the food prepared from cow's milk or sheep's milk or goat's milk or mixtures of two or all of these and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It grates readily, and has a granular texture and a hard and brittle rind. It contains not more than 34 percent of moisture, and its solids contain not less than 38 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is cured for not less than 5 months.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Rennet, rennet paste or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into particles no larger than corn kerneis, stirred, and heated to a temperature of about 120° F. The curd is allowed to settle to the bottom of the kettle or vat, and is then removed and drained for a short time, packed in forms or hoops, and pressed. The pressed curd is salted by immersing in brine for about 24 hours and is then removed from the brine and the surface allowed to dry. It is then alternately rubbed with salt and washed at intervals. It may be perforated with needles. It is finally dry-cured. During curing it is turned and scraped. The surface may be rubbed with vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of romano cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(d) When romano cheese is made solely from cow's milk the name of such cheese is "Romano cheese made from cow's milk" and may be preceded by the word "Vaccino" (or "Vacchino"); when made solely from sheep's milk, the name is "Romano cheese made from sheep's milk," and may be preceded by the word "Pecorino"; when made solely from goat's milk, the name is "Romano cheese made from goat's milk" and may be preceded by the word "Caprino"; and when a mixture of two or all of the milks specified in this section is used, the name of the cheese is "Romano cheese made from ------," the blank being filled in with the names of the milks used, in order of predominance by weight.

§ 19.615 *Asiago fresh cheese, asiago soft cheese; identity.* (a) Asiago fresh cheese, asiago soft cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 45 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is cured for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut, stirred, and heated to promote and regulate separation of the whey from the curd. The whey is drained off. When the curd is sufficiently firm, it is removed from the kettle or vat, further drained for a short time, packed into hoops, and pressed. The pressed curd is salted in brine and cured in a well-ventilated room. During curing the surface of the cheese is occasionally rubbed with a vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of asiago fresh cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

§ 19.620 *Asiago medium cheese; identity.* Asiago medium cheese conforms to the definition and standard of identity prescribed by § 19.615 for asiago fresh cheese, except that it contains not more than 35 percent moisture, its solids contain not less than 45 percent of milk fat, and it is cured for not less than 6 months.

§ 19.625 *Asiago old cheese; identity.* Asiago old cheese conforms to the definition and standard of identity prescribed by § 19.615 for asiago fresh cheese, except that it contains not more than 32 percent moisture, its solids contain not less than 42 percent of milk fat, and it is cured for not less than 1 year.

§ 19.635 *Cook cheese, koch kaese; identity.* (a) Cook cheese, koch kaese, is the food prepared from skim milk and other ingredients specified in this section by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 80 percent moisture as determined by the method therefor prescribed in § 19.500 (c). When tested for phosphatase by the method prescribed in § 19.500 (e), 0.25 gm. of cook cheese shows a phenol equivalent of not more than 3 micrograms.

(b) Skim milk, or the optional dairy ingredients specified in paragraph (c) of this section, which may be pasteurized, and which may be warmed, are subjected to the action of harmless lactic-acid-producing bacteria, present in such dairy ingredients or added thereto. A culture of a harmless white mold may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of milk) may be added to aid in setting the mix to a semisolid mass. The mass is cut, stirred, and heated, with continued stirring, so as to separate the curd and whey. The whey is drained from the curd, and the curd is cured for 2 or 3 days. It is then heated to a temperature of not less than 180° F. until the hot curd will drop from a ladle with a consistency like that of honey. The hot cheese is filled into packages and cooled. Pasteurized cream, salt, or caraway seed, or any mixture of two or more of these may be added.

(c) The optional dairy ingredients referred to in paragraph (b) of this section are: Skim milk or concentrated skim milk or nonfat dry milk solids or a mixture of any two or more of these, with water in a quantity not in excess of that sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(d) For the purposes of this section, "skim milk" means cow's milk from which the milk fat has been separated.

§ 19.637 *Sap sago cheese; identity.* (a) Sap sago cheese is the food prepared from the skim milk of cows and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. It has a pale-green color, and is made in the shape of a truncated cone. It contains not more than 38 percent of moisture, as determined by the method prescribed in § 19.500 (c).

(b) Skim milk is allowed to become sour, and is heated to boiling temperature, with stirring. Cold buttermilk may be added. Sufficient sour whey is added to precipitate the casein. The curd is removed, spread out in boxes, and pressed, and while under pressure is allowed to drain and ferment. It is ripened for not less than 5 weeks. The ripened curd is dried and ground, salt and dried clover of the species Melilotus coerulea are added. The mixture is shaped into truncated cones. It is then cured for not less than 5 months.

§ 19.639 *Gammelost cheese; identity.* (a) Gammelost cheese is the food prepared from the skim milk of cows and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. It contains not more than 52 percent of moisture, as determined by the method prescribed in § 19.500 (c).

(b) Skim milk, which may be pasteurized, is subjected to the action of harmless lactic-acid-producing bacteria, present in such skim milk or added thereto. The development of acidity is continued until the skim milk coagulates to a semisolid mass. The mass is stirred and heated until a temperature of about 145° F. is reached, and is held at that temperature for not less than ½ hour. The whey is drained off and the curd removed and placed in forms and pressed. The shaped curd is placed in whey and heated for 3 or 4 hours. It is then removed from the whey and may again be pressed. It is then stored under conditions suitable for curing.

§ 19.650 *Hard cheeses; identity.* (a) The cheeses for which definitions and standards of identity are prescribed by this section are hard cheeses for which

specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. They contain not more than 39 percent of moisture, and their solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pesteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, with or without other harmless flavor-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet, rennet paste or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into small particles, stirred, and heated. The curd is separated from the whey, drained, and shaped into forms, and may be pressed. The curd is salted at some stage of the manufacturing process. The shaped curd may be cured. The rind may be coated with paraffin or rubbed with vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of hard cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used. Harmless flavor-producing microorganisms may be added, and curing may be conducted under suitable conditions for the development of biological curing agents.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom, or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water, in a quantity sufficient to reconstitute any concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. A hard cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms, when tested by the method prescribed in § 19.500 (e).

(d) The name of each hard cheese for which a definition and standard of identity is prescribed by this section is "Hard cheese," preceded or followed by:

(1) The specific common or usual name of such hard cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from ----------," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.655 *Semisoft cheeses; identity; label statement of optional ingredients.* (a) The cheeses for which definitions and standards of identity are prescribed by this section are semisoft cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. They contain more than 39 percent, but not more than 50 percent, of moisture, and their solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. After coagulation the mass is so treated as to promote and regulate the sepaartion of whey and curd. Such treatment may include one or more of the following: cutting, stirring, heating, dilution with water or brine. The whey, or part of it, is drained off, and the curd is collected and shaped. It may be placed in forms, and may be pressed. Harmless flavor-producing microorganisms may be added. It may be cured in a manner to promote the growth of biological curing agents. Salt may be added during the procedure. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of semisoft cheese may be added, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom, or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water, in a quantity sufficient to reconstitute any concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. A semisoft cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 5 micrograms when tested by the method prescribed in § 19.500 (e).

(d) The name of each semisoft cheese for which a definition and standard of identity is prescribed by this section is "Semisoft cheese," preceded or followed by:

(1) The specific common or usual name of such semisoft cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from ----------," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.660 *Semisoft part-skim cheeses; identity; label statement of optional ingredients.* (a) The cheeses for which definitions and standards of identity are prescribed by this section are semisoft part-skim cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from partly skimmed milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. They contain not more than 50 percent of moisture, and their solids contain not less than 45 percent, but less than 50 percent, of milk fat, as determined by the methods set forth in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F., for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride, in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. After coagulation the mass is so treated as to promote and regulate the separation of whey and curd. Such treatment may include one or more of the following: cutting, stirring, heating, dilution with [salt] water or brine. The whey, or part of it, is drained off, and the curd is collected and shaped. It may be placed

in forms, and it may be pressed. Harmless flavor-producing microorganisms may be added. It may be cured in a manner to promote the growth of biological curing agents. Salt may be added during the procedure. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of semisoft part-skim cheese may be added in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water, in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. A semisoft part-skim cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 5 micrograms when tested by the method prescribed in § 19.500 (e).

(d) The name of each semisoft part-skim cheese for which a definition and standard of identity is prescribed by this section is "Semisoft part-skim cheese," preceded or followed by:

(1) The specific common or usual name of such semisoft cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from ----------," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.665 *Soft ripened cheeses; identity; label statement of optional ingredients.* (a) The cheeses for which definitions and standards of identity are prescribed by this section are soft ripened cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. Their solids contain not less than 50 percent of milk fat, as determined by the method prescribed therefor in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is divided into smaller portions, and so handled by stirring, heating, and diluting with water or salt brine as to promote and regulate the separation of whey and curd. The whey is drained off. The curd is removed, and may be further drained. The curd is then shaped into forms, and may be pressed. At some time during the procedure, spices are added so as to be evenly distributed through the finished cheese. Spice oils may be added. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of spiced cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used. Harmless flavor-producing microorganisms may be added, and curing may be conducted under suitable conditions for the development of biological curing agents.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water, in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction.

(d) The name of each soft ripened cheese for which a definition and standard of identity is prescribed by this section is "Soft ripened cheese," preceded or followed by:

(1) The specific common or usual name of such soft ripened cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from ----------," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.670 *Spiced cheeses; identity; label statement of optional ingredients.* (a) The cheeses for which definitions and standards of identity are prescribed by this section are spiced cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. Their solids contain not less than 50 percent of milk fat as determined by the method therefor prescribed in § 19.500 (c). They contain one or a mixture of two or more spices, except any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety, in an amount not less than 0.015 ounce per pound of cheese, and may contain spice oils. If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet, rennet paste, or extract or rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is divided into smaller portions, and so handled by stirring, heating, and diluting with water or salt brine as to promote and regulate the separation of whey and curd. The whey is drained off. The curd is removed, and may be further drained. The curd is then shaped into forms, and may be pressed. At some time during the procedure, spices are added so as to be evenly distributed through the finished cheese. Spice oils may be added. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of spiced cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used. Harmless flavor-producing microorganisms may be added, and curing may be conducted under suitable conditions for the development of biological curing agents.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water, in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Spiced cheeses shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms, when tested by the method prescribed in § 19.500 (e).

(d) The name of each spiced cheese for which a definition and standard of identity is prescribed by this section is "Spiced cheese," preceded or followed by:

(1) The specific common or usual name of such spiced cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from ----------," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.675 *Part-skim spiced cheeses; identity; label statement of optional ingredients.* Part-skim spiced cheeses conform to the definition and standard of identity, and are subject to the requirements for label statement of optional ingredients, prescribed for spiced cheeses by § 19.670, except that their solids contain less than 50 percent, but not less than 20 percent, of milk fat.

§ 19.680 *Hard grating cheeses; identity; label statement of optional ingredients.* (a) The cheeses for which definitions and standards of identity are prescribed by this section are hard grating cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. They contain not more than 34 percent of moisture, and their solids contain not less than 32 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). Hard grating cheeses are cured for not less than 6 months.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. The mass is cut into small particles, stirred, and heated. The curd is separated from the whey, drained, shaped into forms, pressed, salted, and cured. The rind may be colored or rubbed with vegetable oil or both. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of hard grating cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water, in a quantity sufficient to reconstitute any such concentrated or dried products used.

(d) The name of each hard grating cheese for which a definition and standard of identity is prescribed by this section is "Hard grating cheese," preceded or followed by:

(1) The specific common or usual name of such hard grating cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from ----------," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.685 *Skim-milk cheese for manufacturing; identity.* (a) Skim-milk cheese for manufacturing is the food prepared from skim milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 50 percent of moisture, as determined by the method therefor prescribed in § 19.500 (c). It is coated with blue-colored paraffin or other tightly adhering coating, colored blue.

(b) Skim milk or the optional dairy ingredients specified in paragraph (c) of this section, which may be pasteurized, and which may be warmed, are subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off, and the curd is matted into a cohesive mass. Proteins from the whey may be incorporated. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, which may be rinsed by pouring or sprinkling water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of skim-milk cheese for manufacturing may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) The optional dairy ingredients referred to in paragraph (b) of this section are: Skim milk or concentrated skim milk or nonfat dry milk solids or a mixture of any two or more of these, with water in a quantity not in excess of that sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(d) For the purposes of this section, "skim milk" means cow's milk from which the milk fat has been separated.

§ 19.750 *Pasteurized process cheese; identity; label statement of optional ingredients.* (a) (1) Pasteurized process cheese is the food prepared by comminuting and mixing, with the aid of heat, one or more cheeses of the same or two or more varieties, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, hard grating cheese, semisoft part-skim cheese, part-skim spiced cheese, and skim-milk cheese for manufacturing, with an emulsifying agent prescribed by paragraph (c) of this section, into a homogeneous plastic mass. One or more of the optional ingredients designated in paragraph (d) (1), (2), (3), (4), (5), and (6) of this section may be used.

(2) During its preparation, pasteurized process cheese is heated for not less than 30 seconds at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in § 19.500 (e), the phenol equivalent of 0.25 gm. of pasteurized process cheese is not more than 3 micrograms.

(3) (i) The moisture content of a pasteurized process cheese made from a single variety of cheese is not more than 1 percent greater than the maximum moisture content prescribed by the definition and standard of identity, if any there be, for the variety of cheese used; but in no case is more than 43 percent, except that the moisture content of pasteurized process washed curd cheese or pasteurized process colby cheese is not more than 40 percent; the moisture content of pasteurized process swiss cheese or pasteurized process gruyere cheese is not more than 44 percent; and the moisture content of pasteurized process limburger cheese is not more than 51 percent.

(ii) The fat content of the solids of a pasteurized process cheese made from a single variety of cheese is not less than the minimum prescribed by the definition and standard of identity, if any there be, for the variety of cheese used, but in no case is less than 47 percent; except that the fat content of the solids of pasteurized process swiss cheese is not less than 43 percent, and the fat content of the solids of pasteurized process gruyere cheese is not less than 45 percent.

(4) (i) The moisture content of a pasteurized process cheese made from two or more varieties of cheese is not more than 1 percent greater than the arithmetical average of the maximum moisture contents prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used; but in no case is the moisture content more than 43 percent, except that the moisture content of a pasteurized process cheese made from two or more of the varieties cheddar cheese, washed curd cheese, colby cheese, and granular cheese is not more than 40 percent, and the moisture content of a mixture of swiss cheese and gruyere cheese is not more than 44 percent.

(ii) The fat content of the solids of a pasteurized process cheese made from two or more varieties of cheese is not less than the arithmetical average of the minimum fat contents prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used, but in no case is less than 47 percent, except that the fat content of the solids of a pasteurized process gruyere cheese made from a mixture of swiss cheese and gruyere cheese is not less than 45 percent.

(5) Moisture and fat are determined by the methods prescribed in § 19.500 (c).

(6) The weight of each variety of cheese in a pasteurized process cheese made from two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, roquefort cheese, or gorgonzola cheese is not less than 10 percent of the total weight of both, and the weight of limburger cheese is not less than 5 percent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese made from three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, roquefort cheese, or gorgonzola cheese is not less than 5 percent of the total weight of all, and the weight of limburger cheese is not less than 3 percent of the total weight of all. These limits do not apply to the quality of cheddar cheese, washed curd cheese, colby cheese and granular cheese in mixtures which are designated as American cheese as prescribed in paragraph (e) (2) (ii) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

(7) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, and swiss cheese, respectively.

(b) Pasteurized process cheese may be smoked, or the cheese or cheeses from which it is made may be smoked before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The emulsifying agent referred to in paragraph (a) of this section is one or any mixture of two or more of the following: Monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agents is not more than 3 percent of the weight of the pasteurized process cheese.

(d) The optional ingredients referred to in paragraph (a) of this section are:

(1) An acidifying agent consisting of one or any mixture of two or more of the following: a vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the pasteurized process cheese is not below 5.3.

(2) Cream, in such quantity that the weight of the fat derived therefrom is less than 5 percent of the weight of the pasteurized process cheese.

(3) Water.

(4) Salt.

(5) Harmless artificial coloring.

(6) Spices or flavorings, other than any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.

(e) The name of a pasteurized process cheese for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case it is made from a single variety of cheese, its name is "Pasteurized process ---------- cheese," the blank being filled in with the name of the variety of cheese used.

(2) In case it is made from two or more varieties of cheese, its name is "Pasteurized process ---------- and ---------- cheese," or "Pasteurized process -------- blended with -------- cheese," or "Pasteurized process blend of ---------- and ---------- cheese," the blanks being filled in with the names of the varieties of cheeses used, in order of predominance by weight; except that:

(i) In case it is made from gruyere cheese and swiss cheese, and the weight of gruyere cheese is not less than 25 percent of the weight of both, it may be designated "Pasteurized process gruyere cheese"; and

(ii) In case it is made of cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these, it may be designated "Pasteurized process American cheese"; or when cheddar cheese, washed curd cheese, colby cheese or granular cheese or any mixture of two or more of these is combined with other varieties of cheese in the cheese ingredient any of such cheeses or such mixture may be designated as "American cheese."

(f) (1) If the pasteurized process cheese is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the pasteurized process cheese or name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the term "with added ----------," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the term "spiced" or "spice added" or "with added spice," or in lieu of the word "spice" the common or usual name of the spice.

(4) If it contains added flavoring, the label shall bear the term "flavoring added," "with added flavoring," or "flavored with ----------," the blank being filled in with the common or usual name of the flavoring; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring," or the word "artificially" shall precede the term "flavored with ----------."

(5) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter.

§ 19.751 *Pasteurized blended cheese; identity; label statement of optional ingredients.* (a) Pasteurized blended cheese conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese by § 19.750, except that:

(1) In mixtures of two or more cheeses, cream cheese or neufchatel cheese may be used.

(2) None of the ingredients prescribed or permitted for pasteurized process cheese by § 19.750 (c) and (d) (1) is used.

(3) In case of mixtures of two or more cheeses containing cream cheese or neufchatel cheese, the moisture content is not more than the arithmetical average of the maximum moisture contents prescribed by the definitions and standards of identity for the varieties of cheeses blended, for which such limits have been prescribed.

(4) The word "process" is replaced by the word "blended" in the name prescribed by § 19.750 (e).

§ 19.755 *Pasteurized process cheese with fruits, vegetables, or meats; identity; label statement of optional ingredients.* (a) Unless a definition and standard of identity specifically applicable is established by another section of this part, a pasteurized process cheese with fruits, vegetables, or meats or mixture of these is a food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese by § 19.750, except that:

(1) Its moisture content may be 1 percent more, and the milk fat content of its solids may be 1 percent less, than the limits prescribed by § 19.750 for moisture and fat in the corresponding pasteurized process cheese.

(2) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized process cheese with fruits, vegetables, or meats is the name prescribed by § 19.750 for the applicable pasteurized process cheese, followed by the term "with _____," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.760 *Pasteurized process pimento cheese; identity.* (a) Pasteurized process pimento cheese is the food which conforms to the definition and standard of identity for pasteurized process cheese with fruits, vegetables, or meats, except that:

(1) Its moisture content is not more than 41 percent, and the fat content of its solids is not less than 49 percent.

(2) The cheese ingredient is cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two or more of these in any proportion.

(3) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, and granular cheese for manufacturing shall be considered as cheddar cheese, washed curd cheese, colby cheese, and granular cheese, respectively.

(4) The only fruit, vegetable, or meat ingredient is pimentos in such quantity that the weight of the solids thereof is not less than 0.2 percent of the weight of the finished pasteurized process pimento cheese.

(5) The optional ingredients designated in § 19.750 (b) and (d) (6) are not used.

§ 19.763 *Pasteurized blended cheese with fruits, vegetables, or meats; identity; label statement of optional ingredients.* (a) Pasteurized blended cheese with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized blended cheese by § 19.751, except that:

(1) Its moisture content may be 1 percent more, and the milk fat content of its solids may be 1 percent less, than the limits prescribed by § 19.751 for moisture and milk fat in the corresponding pasteurized blended cheese.

(2) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized blended cheese with fruits, vegetables, or meats is the name prescribed by § 19.751 for the applicable pasteurized blended cheese, followed by the term "with _____," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.765 *Pasteurized process cheese food; identity; label statement of optional ingredients.* (a) (1) A pasteurized process cheese food is the food prepared by comminuting and mixing, with the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (c) of this section, with one or more of the optional dairy ingredients prescribed in paragraph (d) of this section, into a homogeneous plastic mass. One or more of the optional ingredients specified in paragraph (e) of this section may be used.

(2) During its preparation, a pasteurized process cheese food is heated for not less than 30 seconds, at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in § 19.500 (e), the phenol equivalent of 0.25 gm. of pasteurized process cheese food is not more than 3 micrograms.

(3) The moisture content of a pasteurized process cheese food is not more than 44 percent, and the fat content is not less than 23 percent.

(4) Moisture and fat are determined by the methods prescribed in § 19.500 (c), except that in determining moisture the loss in weight which occurs in drying for 5 hours, under the conditions prescribed in such method, is taken as the weight of moisture.

(5) The weight of the cheese ingredient prescribed by subparagraph (1) of this paragraph constitutes not less than 51 percent of the weight of the finished pasteurized process cheese food.

(6) The weight of each variety of cheese in a pasteurized process cheese food made with two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 10 percent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese food made with three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 5 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as American cheese as prescribed in paragraph (f) (6) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

(7) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, and swiss cheese, respectively.

(b) Pasteurized process cheese food may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional cheese ingredients referred to in paragraph (a) of this section are one or more cheeses of the same or two or more varieties, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, and skim-milk cheese for manufacturing, and except that hard grating cheese, semisoft part skim cheese, and part-skim spiced cheese are not used, alone or in combination with each other, as the cheese ingredient.

(d) The optional dairy ingredients referred to in paragraph (a) of this section are cream, milk, skim milk, cheese whey, or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, and albumin from cheese whey.

(e) The other optional ingredients referred to in paragraph (a) of this section are:

(1) An emulsifying agent consisting of one or any mixture of two or more of the following: Monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agent is not more than 3 percent of the weight of the pasteurized process cheese food.

(2) An acidifying agent consisting of one or any mixture of two or more of the following: a vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the pasteurized process cheese food is not below 5.0.

(3) Water.

(4) Salt.

(5) Harmless artificial coloring.

(6) Spices or flavorings other than any which singly or in combination with other ingredients simulate the flavor of cheese of any age or variety.

(f) The label of a pasteurized process cheese food shall bear the common or usual names of the optional ingredients used, as specified in paragraphs (c), (d), and (e) (1), (2), (3), and (4) of this section, and:

(1) If the pasteurized process cheese food is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the pasteurized process cheese food or the name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice," or in lieu of the word "spice" the common or usual name of the spice used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added," "with added flavoring," or "flavored with _____," the blank being filled in with the common or usual name of the flavoring used; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with _____."

(5) If it contains added artificial coloring, the label shall bear the statement "artificially colored" or "contains artificial color."

(6) If the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two or more of these, such cheese or such mixture may be designated as "American cheese."

(g) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.770 *Pasteurized process cheese food with fruits, vegetables, or meats; identity; label statement of optional ingredients.* (a) Pasteurized process cheese food with fruits, vegetables, or meats, or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese food by § 19.765, except that:

(1) Its milk fat content is not less than 22 percent.

(2) It contains one or any mixture of two or more of the following: any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized process cheese food with fruits, vegetables, or meats is "Pasteurized process cheese food with _____," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

(c) If the only vegetable ingredient is pimento, and no meat or fruit ingredient is used, the weight of the solids of such pimentos is not less than 0.2 percent of the weight of the finished food. The name of this food is "Pimento pasteurized process cheese food" or "Pasteurized process pimento cheese food."

§ 19.775 *Pasteurized process cheese spread; identity; label statement of optional ingredients.* (a) (1) Pasteurized process cheese spread is the food prepared by comminuting and mixing, with the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (c) of this section, with or without one or more of the optional dairy ingredients prescribed in paragraph (d) of this section, with one or more of the emulsifying agents prescribed in paragraph (e) of this section, and with or without one or more of the optional ingredients prescribed by paragraph (f) of this section, into a homogeneous plastic mass, which is spreadable at 70° F.

(2) During its preparation, a pasteurized process cheese spread is heated for not less than 30 seconds at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in § 19.500 (e) the phenol equivalent of 0.25 gm. of pasteurized process cheese spread is not more than 3 micrograms.

(3) The moisture content of a pasteurized process cheese spread is more than 44 percent but not more than 60 percent, and the milk fat content is not less than 20 percent.

(4) Moisture and fat are determined by the methods described in § 19.500 (c), except that in determining moisture the loss in weight which occurs in drying for 5 hours under the conditions prescribed in such method, is taken as the weight of the moisture.

(5) The weight of the cheese ingredient referred to in subparagraph (1) of this paragraph constitutes not less than 51 percent of the weight of the pasteurized process cheese spread.

(6) The weight of each variety of cheese in a pasteurized process cheese spread made with two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 10 percent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese spread made with three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 5 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as American cheese as prescribed in paragraph (g) (6) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

(7) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, and swiss cheese, respectively.

(b) Pasteurized process cheese spread may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional cheese ingredients referred to in paragraph (a) of this section are one or more cheeses of the same or two or more varieties, except that skim-milk cheese for manufacturing may not be used, and except that cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, hard grating cheese, semisoft part-skim cheese, and part-skim spiced cheese are not used, alone or in combination with each other, as the cheese ingredient.

(d) The optional dairy ingredients referred to in paragraph (a) of this section are cream, milk, skim milk, cheese whey, or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, and albumin from cheese whey.

(e) The emulsifying agents prescribed in paragraph (a) of this section are one or any mixture of two or more of the following: monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agent is not more than 3 percent of the weight of the pasteurized process cheese spread.

(f) The other optional ingredients referred to in paragraph (a) of this section are:

(1) One or any mixture of two or more of the following: Carob bean gum, gum karaya, gum tragacanth, guar gum, gelatin, carboxy-methylcellulose, carragean, oatgum, algin (sodium alginate), and algin derivative (propylene glycol ester of alginic acid). The total weight of such substances is not more than 0.8 percent of the weight of the finished food.

(2) An acidifying agent consisting of one or any mixture of two or more of the following: a vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the pasteurized process cheese spread is not below 4.0.

(3) A sweetening agent consisting of one or any mixture of two or more of the following: sugar, dextrose, corn sugar, corn sirup, corn sirup solids, maltose, malt sirup, and hydrolyzed lactose, in a quantity necessary for seasoning.

(4) Water.

(5) Salt.

(6) Harmless artificial coloring.

(7) Spices or flavorings other than any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.

(g) The label of a pasteurized process cheese spread shall bear the common or usual names of the optional ingredients used, as specified in paragraphs (c), (d), (e), and (f) (1), (2), (3), (4), and (5) of this section, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum may be designated as "vegetable gum," and:

(1) If the pasteurized process cheese spread is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice," or in lieu of the word "spice" the common or usual name of the spice used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added," "with added flavoring," or "flavored with _____," the blank being filled in with the common or usual name of the flavoring used; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with _____."

(5) If it contains added artificial coloring, the label shall bear the statement "artificially colored" or "contains artificial color."

(6) If the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two or more of these, such cheese or such mixture may be designated as "American cheese."

(g) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.780 *Pasteurized process cheese spread with fruits, vegetables, or meats; identity; label statement of optional ingredients.* (a) Pasteurized process cheese spread with fruits, vegetables, or meats, or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese spread by § 19.775, except that:

(1) Its milk fat content is not less than 22 percent.

(2) It contains one or any mixture of two or more of the following: any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized process cheese spread with fruits, vegetables, or meats is "Pasteurized process cheese spread with _____," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

(c) If the only vegetable ingredient is pimento, and no meat or fruit ingredient is used, the weight of the solids of such pimentos is not less than 0.2 percent of the weight of the finished food. The name of this food is "Pimento pasteurized process cheese spread" or "Pasteurized process pimento cheese spread."

§ 19.785 *Pasteurized blended cheese spread with fruits, vegetables, or meats; identity; label statement of optional ingredients.* (a) Pasteurized blended cheese spread with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized blended cheese by § 19.751, except that:

(1) Its moisture content may be 1 percent more, and the milk fat content of its solids may be 1 percent less, than the limits prescribed by § 19.751 for moisture and milk fat in the corresponding pasteurized blended cheese.

(2) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized blended cheese spread with fruits, vegetables, or meats is the name prescribed by § 19.751 for the applicable pasteurized blended cheese, followed by the term "with _____," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.790 *Pasteurized process pimento cheese spread; identity.* (a) Pasteurized process pimento cheese spread is the food which conforms to the definition and standard of identity for pasteurized process cheese spread with fruits, vegetables, or meats, except that:

(1) Its moisture content is not more than 41 percent, and the fat content of its solids is not less than 49 percent.

(2) The cheese ingredient is cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two or more of these in any proportion.

(3) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, and granular cheese for manufacturing shall be considered as cheddar cheese, washed curd cheese, colby cheese, and granular cheese, respectively.

(4) The only fruit, vegetable, or meat ingredient is pimentos in such quantity that the weight of the solids thereof is not less than 0.2 percent of the weight of the finished pasteurized process pimento cheese spread.

(5) The optional ingredients designated in § 19.750 (b) and (d) (6) are not used.

(c) The optional cheese ingredients referred to in paragraph (a) of this section are one or more cheeses of the same or two or more varieties, except that skim-milk cheese for manufacturing may not be used, and except that cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, hard grating cheese, semisoft part-skim cheese, and part-skim spiced cheese are not used, alone or in combination with each other, as the cheese ingredient.

(d) The optional dairy ingredients referred to in paragraph (a) of this section are cream, milk, skim milk, cheese whey, or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, and albumin from cheese whey.

(e) The emulsifying agents prescribed in paragraph (a) of this section are one or any mixture of two or more of the following: monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agent is not more than 3 percent of the weight of the pasteurized process cheese spread.

(f) The other optional ingredients referred to in paragraph (a) of this section are:

(1) One or any mixture of two or more of the following: Carob bean gum, gum karaya, gum tragacanth, guar gum, gelatin, carboxy-methylcellulose, carragean, oatgum, algin (sodium alginate), and algin derivative (propylene glycol ester of alginic acid). The total weight of such substances is not more than 0.8 percent of the weight of the finished food.

(2) An acidifying agent consisting of one or any mixture of two or more of the following: a vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the pasteurized process cheese spread is not below 4.0.

(3) A sweetening agent consisting of one or any mixture of two or more of the following: sugar, dextrose, corn sugar, corn sirup, corn sirup solids, maltose, malt sirup, and hydrolyzed lactose, in a quantity necessary for seasoning.

(4) Water.

(5) Salt.

(6) Harmless artificial coloring.

(7) Spices or flavorings other than any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.

(g) The label of a pasteurized process cheese spread shall bear the common or usual names of the optional ingredients used, as specified in paragraphs (c), (d), (e), and (f) (1), (2), (3), (4), and (5) of this section, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum may be designated as "vegetable gum," and:

(1) If the pasteurized process cheese spread is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the

name of the pasteurized process cheese spread or name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice" or in lieu of the word "spice" the common or usual name of the spice used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added," "with added flavoring," or "flavored with _____," the blank being filled in with the common or usual name of the flavoring used; and if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with _____."

(5) If it contains added artificial coloring, the label shall bear the statement "artificially colored" or "contains artificial color."

(6) If the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two or more of these, such cheese or such mixture may be designated as "American cheese."

(7) If an optional acidifying agent is used so that the pH of the finished food is less than 5.0, there shall appear after its name the words "a chemical preservative." In case vinegar is the only acidifying agent added it shall be considered to be acetic acid when the pH of the finished food is less than 5.0. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 5.0, the name of the acidifying agents other than vinegar shall be followed by the statement "a chemical preservative."

(h) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.776 *Pasteurized cheese spread; identity; label statement of optional ingredients.* Pasteurized cheese spread is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese spread by § 19.775, except that no emulsifying agent as prescribed by § 19.775 (e) is used.

§ 19.780 *Pasteurized process cheese spread with fruits, vegetables, or meats; identity; label statement of optional ingredients.* (a) Pasteurized process cheese spread with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese spread by § 19.775, except that:

(1) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(2) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized process cheese spread with fruits, vegetables, or meats is "Pasteurized process cheese spread with _____," the blank being filled in with the name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.781 *Pasteurized cheese spread with fruits, vegetables, or meats; identity; label statement of optional ingredients.* (a) Pasteurized cheese spread with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized cheese spread by § 19.776, except that:

(1) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(2) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized cheese spread with fruits, vegetables, or meats is "Pasteurized cheese spread with _____," the blank being filled in with the name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.785 *Cold-pack cheese, club cheese, comminuted cheese; identity; label statement of optional ingredients.* (a) (1) Cold-pack cheese, club cheese, comminuted cheese, is the food prepared by comminuting, without the aid of heat, one or more cheeses of the same or two or more varieties, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, hard grating cheese, semisoft part-skim cheese, part-skim spiced cheese, and skim-milk cheese for manufacturing, into a homogeneous plastic mass. One or more of the optional ingredients designated in paragraph (c) of this section may be used.

(2) All cheeses used in a cold-pack cheese are made from pasteurized milk or are held for not less than 60 days at a temperature of not less than 35° F. before being comminuted.

(3) (i) The moisture content of a cold-pack cheese made from a single variety of cheese is not more than the maximum moisture content prescribed by the definition and standard of identity, if any there be, for the variety of cheese used. If there is no applicable definition and standard of identity, or if such standard contains no provision as to maximum moisture content, no water is used in the preparation of the cold-pack cheese.

(ii) The fat content of the solids of a cold-pack cheese made from a single variety of cheese is not less than the minimum prescribed by the definition and standard of identity, if any there be, for the variety of cheese used, but in no case is less than 47 percent, except that the fat content of the solids of cold-pack swiss cheese is not less than 43 percent, and the fat content of the solids of cold-pack gruyere cheese is not less than 45 percent.

(4) (i) The moisture content of a cold-pack cheese made from two or more varieties of cheese is not more than the arithmetical average of the maximum moisture contents prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used, but in no case is the moisture content more than 42 percent, except that the moisture content of a cold-pack cheese made from two or more of the varieties cheddar cheese, washed curd cheese, colby cheese, and granular cheese, is not more than 39 percent.

(ii) The fat content of the solids of a cold-pack cheese made from two or more varieties of cheese is not less than the arithmetical average of the minimum percent of fat prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used, but in no case is less than 47 percent, except that the fat content of the solids of a cold-pack cheese made from swiss cheese and gruyere cheese is not less than 45 percent.

(5) Moisture and fat are determined by the methods prescribed in § 19.500 (c).

(6) The weight of each variety of cheese in a cold-pack cheese made from two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, roquefort cheese, or gorgonzola cheese is not less than 10 percent of the total weight of both, and the weight of limburger cheese is not less than 5 percent of the total weight of both. The weight of each variety of cheese in a cold-pack cheese made from three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, roquefort cheese, or gorgonzola cheese is not less than 5 percent of the total weight of all, and the weight of limburger cheese is not less than 3 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as American cheese as prescribed in paragraph (d) (2) of this section. Such mixtures are considered as one variety of cheese for the purpose of this subparagraph.

(b) Cold-pack cheese may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional ingredients referred to in paragraph (a) of this section are:

(1) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the finished cold-pack cheese is not below 4.5. For the purposes of this section vinegar is considered to be acetic acid.

(2) Water.

(3) Salt.

(4) Harmless artificial coloring.

(5) Spices or flavorings, other than any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.

(d) (1) The name of a cold-pack cheese for which a definition and standard of identity is prescribed by this section is "Cold-pack _____ cheese" or "_____ club cheese" or "Comminuted _____ cheese," the blanks being filled in with the name or names of the varieties of cheese used, in order of predominance by weight.

(2) If the cold-pack cheese is made of cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these, it may be designated "Cold-pack American cheese"; or when cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these is combined with other varieties of cheese in the cheese ingredient any of such cheeses or such mixture may be designated as "American cheese."

(e) (1) If cold-pack cheese is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the cold-pack cheese or the name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice," or in lieu of the word "spice" the common or usual name of the spice or spices used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added" or "with added flavoring" or "flavored with _____," the blank being filled in with the common or usual name of the flavoring used; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with _____."

(5) If it contains an added acidifying agent as prescribed in paragraph (c) (1) of this section, the label shall bear the statement "_____ added as a chemical preservative," the blank being filled in with the name or names of the acidifying agents used.

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.787 *Cold-pack cheese food; identity; label statement of optional ingredients.* (a) (1) Cold-pack cheese food is the food prepared by comminuting and mixing, without the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (c) of this section with one or more of the optional dairy ingredients prescribed in paragraph (d) of this section, into a homogeneous plastic mass. One or more of the optional ingredients specified in paragraph (e) of this section may be used.

(2) All cheeses used in a cold-pack cheese food are made from pasteurized milk, or are held for not less than 60 days at a temperature of not less than 35° F. before being comminuted.

(3) The moisture content of a cold-pack cheese food is not more than 44 percent, and the fat content is not less than 23 percent.

(4) Moisture and fat are determined by the methods prescribed in § 19.500 (c), except that in determining moisture the loss in weight which occurs in drying for 5 hours, under the conditions prescribed in such method, is taken as the weight of moisture.

(5) The weight of the cheese ingredient prescribed by subparagraph (1) of this paragraph constitutes not less than 51 percent of the weight of the finished cold-pack cheese food.

(6) The weight of each variety of cheese in the cold-pack cheese food made with two varieties of cheese is not less than 25% of the total weight of both, except that the weight of blue cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 10 percent of the total weight of both. The weight of each variety of cheese in the cold-pack cheese food made with three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 5 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as American cheese as prescribed in paragraph (f) (6) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

(b) Cold-pack cheese food may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional cheese ingredients referred to in paragraph (a) of this section are: One or more cheeses of the same or two or more varieties, except that cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, and skim-milk cheese for manufacturing are not used, and except that semisoft part-skim cheese, part-skim spiced cheese, and hard grating cheese may not be used, alone or in combination with each other, as the cheese ingredient.

(d) The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, milk, skim milk, cheese whey, or any mixture of two or more of these or any of the foregoing from which part of the water has been removed, and albumin from cheese whey. All optional dairy ingredients used in cold-pack cheese food are pasteurized or made from products which have been pasteurized.

(e) The other optional ingredients referred to in paragraph (a) of this section are:

(1) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the finished cold-pack cheese food is not below 4.5.

(2) Water.

(3) Salt.

(4) Harmless artificial coloring.

(5) Spices or flavorings, other than any which singly or in combination with other ingredients simulate the flavor of cheese of any age or variety.

(6) A sweetening agent consisting of one or any mixture of two or more of the following: Sugar, dextrose, corn sugar, corn sirup, corn sirup solids, maltose, malt sirup, and hydrolyzed lactose, in a quantity necessary for seasoning.

(f) The label of a cold-pack cheese food shall bear the common or usual names of the optional ingredients used, as specified in paragraphs (c), (d), and (e) (1), (2), (3) and (6) of this section, and:

(1) If it is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the cold-pack cheese food or the name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced," or "spice added," or "with added spice" or in lieu of the word "spice" the common or usual name of the spice used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added," "with added flavoring," or "flavored with _____," the blank being filled in with the common or usual name of the flavoring used. If the flavoring is artificial, the word "artificial" shall precede the word "flavoring," or the word "artificial" shall precede the word "flavoring," or the word "artificially" shall precede the statement "flavored with _____."

(5) If it contains added artificial coloring the label shall bear the statement "artificially colored" or "contains artificial color."

(6) If the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these, such cheese or such mixture may be designated as "American cheese."

(7) If an optional acidifying agent is used so that the pH of the finished food is less than 5.0, there shall appear after its name the words "a chemical preservative." In case vinegar is the only acidifying agent added it shall be considered to be acetic acid when the pH of the finished food is less than 5.0. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 5.0, the name of the acidifying agents other than vinegar shall be followed by the statement "a chemical preservative."

(g) Wherever the name of the food appears on the label so conspicuously as

to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.788 *Cold-pack cheese food with fruits, vegetables, or meats; identity; label statement of optional ingredients.* (a) Cold-pack cheese food with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for cold-pack cheese food by § 19.787, except that:

(1) Its milk fat content is not less than 22 percent.

(2) It contains one or any mixture of two or more of the following: any properly prepared fresh, cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a cold-pack cheese food with fruits, vegetables or meats is "Cold-pack cheese food with _____," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

Effective dates. The regulations of this order amending the definitions and standards of identity for cheddar cheese, washed curd cheese, and colby cheese and establishing definitions and standards of identity for various cheeses, classes of cheese, processed cheeses, etc., shall become effective 6 months after the date of publication of this order in the FEDERAL REGISTER, except that §§ 19.610, 19.637, and 19.680, establishing definitions and standards of identity for asiago medium cheese, sap sago cheese, and hard grating cheeses, respectively, shall become effective 9 months after publication of this order in the FEDERAL REGISTER; and §§ 19.595 and 19.625, establishing definitions and standards of identity for parmesan cheese and asiago old cheese, respectively, shall become effective one year after publication of this order in the FEDERAL REGISTER.

Dated: August 16, 1950.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 50-7334; Filed, Aug. 23, 1950; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52540]

PART 22—DRAWBACK

MERCHANDISE SOLD TO U. S. GOVERNMENT

In order to place in the suppliers of merchandise sold to the United States the responsibility of reserving the right to drawback with the knowledge and consent of the particular department, branch, or agency of the United States Government concerned, the second sentence of § 22.41, Customs Regulations of 1943 (19 CFR 22.41), as amended, is further amended to read as follows: "If the merchandise was so sold, drawback, if claimed by a person other than a Government agency, shall be allowed only when the entry is supported by a certificate signed by a proper officer of the department, branch, or agency concerned stating that the right to drawback was reserved by the supplier with the knowledge and consent of the said department, branch, or agency of the United States Government."

Notice of the proposed further amendment of the regulation was published in the FEDERAL REGISTER of May 9, 1950 (15 F. R. 2756), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). All relevant matter presented has been duly considered.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 313, 46 Stat. 693, as amended; 19 U. S. C. 1315)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: AUGUST 17, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-7370; Filed, Aug. 23, 1950; 8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—Economic Cooperation Administration

[ECA Reg. 1, Amdt. 5, Effective Sept. 15, 1950]

PART 201—PROCEDURE FOR FURNISHING ASSISTANCE TO PARTICIPATING COUNTRIES

PETROLEUM PRODUCTS

ECA Regulation 1 is amended in the following respect:

Section 201.22 (d) (4) is amended by adding the following:

(i) *Petroleum products—(a) Purchases from any source.* A price for a purchase of a petroleum product from any source will not be approved for reimbursement if it results in a delivered cost to the participating country which is in excess of the lowest prevailing delivered cost, on the date the ocean carrier tenders to load, for a comparable export sale of the same or similar commodity to such participating country from any alternative source of supply from which the commodity is available for export in sufficient quantity.

(b) *Purchases from sources other than the United States.* A price for a purchase of a petroleum product from sources other than the United States will be approved for reimbursement if it complies with the requirements of paragraph (e) (2), and does not exceed the lowest competitive market price in the United States for a comparable export sale of the same or a similar commodity on the date the ocean carrier tenders to load.

Provided, That a price for a purchase of a petroleum product from the Middle East may not exceed the United States price referred to above less $3.50 per long ton for loadings from Arabian ports or from Bahrein Island; $4.00 per long ton for loadings from Kuwait ports; or $4.20 per long ton for loadings from Iranian ports; *Provided further,* That the price shall be further reduced in the amounts specified below for shipments to the following destinations:

Group	Ports of destination	Additional reductions per long ton
1	Including and between Bordeaux, Hamburg, and the United Kingdom	$0.85
2	Sweden	1.15
3	Denmark	1.25
4	Norway	1.35

(c) For the purposes of this subdivision, a sale for export from the Middle East to any port of destination described in subdivision (b) of this subparagraph shall not be deemed a "comparable sale" within the meaning of paragraph (b) (2) to (1) a sale for export from the Middle East to any other port of destination in any other group described in subdivision (b) of this subparagraph, or (2) any other destination other than the United States.

(d) For purposes of this subdivision "price" shall mean the realized f. o. b. price or realized netback.

(Sec. 104, 62 Stat. 138, as amended; 22 U. S. C. Su., 1509. Interprets or applies secs. 111, 403, 62 Stat. 143, 159; 22 U. S. C. Sup., 1509, 1542)

WILLIAM FOSTER,
Acting Administrator for Economic Cooperation.

[F. R. Doc. 50-7387; Filed, Aug. 23, 1950; 8:52 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 272]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 269]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. In Schedule C, Item 143, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Suffolk County, the Municipalities of Boston and Chelsea; and in Norfolk County, the Town of Westwood.

This adds to Schedule C the Town of Westwood in Norfolk County, Massachusetts, a portion of the Eastern Massachusetts Defense-Rental Area, based upon a declaration made on July 26, 1950, by the local governing body of said Town of Westwood in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

2. In Schedule C, Item 190, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Bergen County, the Municipalities of East Rutherford and North Arlington; in Hudson County, the Cities of Hoboken, Jersey City and Union City; in Union County, the Borough of Roselle; in Essex County, the City of Newark; in Morris County, the Township of Hanover; and in Monmouth County, the City of Long Branch.

This adds to Schedule C the following municipalities in the Northeastern New Jersey Defense-Rental Area: (1) The Borough of Roselle in Union County, New Jersey, based upon a declaration made on August 10, 1950, (2) the City of Newark in Essex County, New Jersey, and the City of Long Branch in Monmouth County, New Jersey, based upon declarations made on August 9, 1950, and (3) Hanover Township in Morris County, New Jersey, based upon a declaration made on August 7, 1950. All of said declarations were made by the local governing bodies of the respective municipalities in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

3. In Schedule C, Item 371, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Puerto Rico, the Municipalities of Isabella, Loiza, Cidra, Naranjito, San Lorenza, Cayey and San Sebastian

This adds to Schedule C the Municipality of San Sebastian, Puerto Rico, in the Puerto Rico Defense-Rental Area, based upon a declaration made on June 29, 1950, by the local governing body of said Municipality of San Sebastian in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

4. The following new items are incorporated in Schedule C:

Name of defense-rental area and State	Localities affected by declarations for continuance of rent control after Dec. 31, 1950
(94) Springfield-Decatur, Ill.	In Macon County, the city of Decatur.
(160) Minneapolis-St. Paul, Minn.	In Washington County, the village of Forest Lake.
(188a) Southern New Jersey, N. J.	In Camden County, the borough of Lindenwold.
(241b) Zanesville, Ohio	In Muskingum County, the city of Zanesville and all unincorporated localities in Springfield Township.
(269b) State College, Pa.	In Centre County, the municipality of Port Matilda.

This addition to Schedule C is based upon (1) declarations made on August 10, 1950, by the local governing bodies of Decatur, Illinois, and Lindenwold, New Jersey, (2) a declaration made on August 7, 1950, by the local governing body of Port Matilda, Pennsylvania, (3) a declaration made on July 31, 1950, by the local governing body of Zanesville, Ohio, said City of Zanesville being the major portion of the Zanesville, Ohio, Defense-Rental Area, and (4) a declaration made on or before August 4, 1950, by the local governing body of Forest Lake, Minnesota, all in accordance with Section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective August 22, 1950.

Issued this 21st day of August 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-7364; Filed, Aug. 23, 1950; 8:48 a. m.]

[Controlled Housing Rent Reg., Amdt. 273]

[Controlled Rooms in Rooming Houses and Other Establishments, Rent Reg., Amdt. 270]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 30, is amended to describe the counties in the Defense-Rental Area as follows:

Orange County, except (1) the Cities of Anaheim, Fullerton, Huntington Beach, Laguna Beach, Newport Beach and Orange (2) that portion of Orange County lying south of the south line of Township Six South, Range Eight West, San Bernardino Base and Meridian, and the easterly and westerly prolongation of said south line, and (3) that portion of Orange County beginning at the intersection of the north line of Section 12, Township 5 South, Range 12 West, San Bernardino Base and Meridian with the westerly line of said Orange County; running thence from said point of beginning easterly along Section lines to the northeast corner of Section 9, Township 5 South, Range 11 West, San Bernardino Base and Meridian; thence southerly along section lines to the northerly boundary line of the City of Huntington Beach; thence westerly and southerly along said boundary line to the City of Huntington Beach to the ordinary high tide line of the Pacific Ocean; thence northwesterly along said high tide line to the westerly boundary line of Orange County; thence northeasterly along said boundary line to the point of beginning; including the incorporated City of Seal Beach, and the unincorporated communities of Sunset Beach and Surfside.

Los Angeles County, except Catalina Township and the Cities of Arcadia, Alhambra, Bell, Beverly Hills, Burbank, Claremont, Compton, Covina, Culver City, El Monte, El Segundo, Glendale, Hermosa Beach, Huntington Park, Inglewood, La Verne, Long Beach, Lynwood, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Pasadena, Pomona, Redondo Beach, Santa Monica, Sierra Madre, Signal Hill, South Gate, South Pasadena and Whittier.

This decontrols the City of Anaheim in Orange County, California, and the Cities of Culver City and Whittier in Los Angeles County, California, portions of the Los Angeles, California, Defense-Rental Area.

2. Schedule A, Item 36, is amended to describe the counties in the Defense-Rental Area as follows:

San Bernardino County, except (1) the Judicial Townships of Amboy, Kelso, Ludlow and Vanderbilt, (11) that portion of the Judicial Township of Yermo lying north of the Third Standard Line north of San Bernardino Base Line (111) the Cities of Colton, Ontario and San Bernardino.

This decontrols the City of Colton in San Bernardino County, California, a portion of the San Bernardino, California, Defense-Rental Area.

3. Schedule A, Item 42, is amended to read as follows:

(42) [Revoked and decontrolled.]

This decontrols the entire Colorado Springs, Colorado, Defense-Rental Area, consisting of the City of Colorado Springs, Colorado.

4. Schedule A, Item 70, is amended to describe the counties in the Defense-Rental Area as follows:

DeKalb County, except the Cities of Decatur and Pine Lake; Clayton and Fulton Counties, except the Cities of College Park, Fairburn, Forest Park, Eastpoint and Hapeville and the Town of Union City; and Cobb County, except the Cities of Austell, Marietta and Powder Springs.

This decontrols the City of Austell in Cobb County, Georgia, a portion of the Atlanta, Georgia, Defense-Rental Area.

5. Schedule A, Item 169, is amended to read as follows:

(169) [Revoked and decontrolled.]

This decontrols the entire Joplin-Neosho, Missouri, Defense-Rental Area, consisting of the City of Joplin, Missouri.

6. Schedule A, Item 253c, is amended to describe the counties in the Defense-Rental Area as follows:

Douglas County, except that portion lying East of the West Boundary of Range 3, West, and except the City of Roseburg.

This decontrols the City of Roseburg in Douglas County, Oregon, a portion of the Douglas, Oregon, Defense-Rental Area.

7. Schedule A, Item 347, is amended to describe the counties in the Defense-Rental Area as follows:

Whatcom County, except the City of Bellingham.

Skagit County, except the City of Mount Vernon.

This decontrols the City of Bellingham in Whatcon County, Washington, a portion of the Bellingham, Washington, Defense-Rental Area.

8. Schedule A, Item 350a, is amended to read as follows:

(350a) [Revoked and decontrolled.]

This decontrols (1) the City of Olympia in Thurston County, Washington, a portion of the Olympia, Washington, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, based upon a resolution submitted with respect to said City of Olympia in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as

amended, said City of Olympia being the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area, on the Housing Expediters' own initiative in accordance with section 204 (c) of said act.

Items 1 through 7 of this amendment are based upon resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective August 22, 1950.

Issued this 21st day of August 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-7365; Filed, Aug. 23, 1950; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 3—MISCELLANEOUS PROVISIONS RELATING TO THE DEPARTMENT AND THE POSTAL SERVICE

PART 42—TREATMENT OF DOMESTIC MAIL MATTER AT POST OFFICES OF MAILING AND AT POST OFFICES IN TRANSIT

PART 43—TREATMENT OF DOMESTIC MAIL MATTER AT RECEIVING POST OFFICES

MISCELLANEOUS AMENDMENTS

a. In § 3.4 *Loss of or damage to Government property by employee* (39 CFR 3.4) amend paragraph (a) to read as follows:

§ 3.4 *Loss of or damage to Government property by employee*—(a) *Determination of responsibility.* Whenever Government property of any kind is lost or damaged through the carelessness, negligence, willfulness, or malice of a postal employee, the facts shall be reported by the postmaster or district superintendent, Postal Transportation Service, to the proper bureau of the Post Office Department for determination as to whether such postal employee shall be held personally responsible for the value of the property so lost, damaged, or destroyed.

b. In § 3.5 *Damage to person or property by postal operations* (39 CFR 3.5) make the following changes in paragraph (n).

1. Amend subparagraph (1) to read as follows:

(n) *Investigations and reports of accidents*—(1) *Report to Bureau concerned.* The postmaster, or district superintendent, Postal Transportation Service, shall investigate and report to the Bureau of the Department concerned all the facts concerning accidents of any kind involving instrumentalities of the Post Office Department, with a recommendation as to the action which should be taken, including his opinion as to the negligence of the employee involved. Such report should be submitted in triplicate. If Government property was damaged through the fault of a private party, the postmaster, or district superintendent, Postal Transportation Service, shall collect the amount of such damage, if possible.

2. Amend subparagraph (4) to read as follows:

(4) *Card record regarding possible claims.* Postmasters and district superintendents, Postal Transportation Service, shall maintain on cards furnished them for that purpose an office record of written communications received by them from persons or concerns sustaining injuries or damage expressing a desire or an intent to file claim for such injuries or damage, which record shall include the name and address of the complainant, the date the communication is received by the postmaster or district superintendent, Postal Transportation Service, the name of counsel (if any) and such other data required by the record form as may be secured by the postmaster or district superintendent, Postal Transportation Service.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

c. In § 42.23 *Recall of mail by sender after dispatch* (39 CFR 42.23) amend paragraph (a) to read as follows:

§ 42.23 *Recall of mail by sender after dispatch*—(a) *Application for.* When the sender of any article of unregistered matter desires its return after it has been dispatched from the mailing office, application therefor shall be made on Form 1509 to the postmaster at the office of mailing. (See § 108.31 of this chapter as to return of matter by postal transportation clerks; § 115.1 of this chapter as to recall of foreign matter; § 59.68 of this chapter as to recall of registered matter.) The requirement that the application for the recall of mail matter shall be made through the mailing office will not apply to official mail, but postmasters at offices of destination receiving requests by telegraph, telephone, or mail from executive departments at Washington, D. C., or their regional disbursing officers shall comply promptly therewith and take special care to prevent delivery of Government checks subject to recall.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

d. Section 43.15 *Letters under cover to postmasters* is amended to read as follows:

§ 43.15 *Letters under cover to postmasters.* Postmasters shall forward all matter of the first class on which one full rate of postage is prepaid which may be received under cover from any other post office with or without request to mail the same. Before forwarding they shall cancel the stamps and indorse in writing or stamp on such matter the following:

Received at ----------, under cover from the post office at ----------.

When the name of the mailing office does not appear, the indorsement shall be made as indicated, leaving the last two spaces blank. The foregoing indorsement shall not apply to matter received for mailing under the provisions of § 91.1 (b) of this chapter, or to philatelic covers submitted by collectors or others.

e. In § 43.29 *Mail addressed to minors* (39 CFR 43.29) amend paragraph (d) to read as follows:

(d) *At educational institutions.* At colleges and similar institutions, where students have been placed under the charge of the principal by their parents or guardians, and where the rules of the institution provide that the principal shall have control of mail matter addressed to such students as are minors, such mail shall be delivered in accordance with the order of the principal. If, however, the principal has no authority from the parent or guardian to control the mail of the children placed under his care (which authority is understood by an acceptance of the rules, that being one), such mail shall not be delivered to the principal against the wishes of the scholar.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-7350; Filed, Aug. 23, 1950; 8:45 a. m.]

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

PART 63—INDEMNITY FOR LOSSES

PART 64—DOMESTIC INSURANCE AND COLLECT-ON-DELIVERY SERVICES: INDEMNITY

MISCELLANEOUS AMENDMENTS

In § 35.14 *Inflammable substances* (39 CFR 35.14) make the following changes in paragraph (f):

1. Amend subparagraphs (1) and (2) to read as follows:

(f) *Matches.* (1) Safety matches (strike-only-on box or book variety) in quantities not exceeding 100 regular size books or boxes shall be accepted for transmission in the domestic mails when packed in tightly closed metal containers, or in strong containers of other nonfragile material having a securely glued inside lining consisting of either aluminum foil 0.0004 inch thick, or long fiber asbestos paper 0.006 inch thick, or securely coated with other equivalent fire retardant material approved by the Postmaster General. The containers other than metal must be completely filled with safety matches and the flaps reinforced with strong gummed tape unless an exceptionally strong container is used with locking flaps approved by the Postmaster General in which case gummed tape is not required. Safety matches shall have an ignition temperature as determined in the oven test of not less than 170° C. (338° F.) to be acceptable in the mails.

(2) Pull-and-light types of safety matches (each match head individually embedded in the striking panels) approved by the Postmaster General, shall be accepted for transmission in the domestic mails when packed in completely filled tightly closed strong containers.

2. Redesignate subparagraph (3) as subparagraph (4) and insert a new subparagraph (3) to read as follows:

(3) Safety matches of the giant or jumbo book type are acceptable in single books holding not more than 12 matches in a single row enclosed in envelopes approximately 4⅝ by 3¾ inches, lined with not less than 0.006-inch-thick long fiber asbestos paper or not less than 0.00035-inch-thick aluminum foil or other approved fire retardant material, with a bursting strength of not less than 50 points (Mullen or Cady tester). The envelopes shall not crack at the folds; and if the end flap is not closed by a metal clasp or fiberboard buttons with strong twine, it must fold inside the envelope at least 1½ inches. Other type books of safety matches are not mailable in envelopes.

(R. S. 161, 396, sec. 24, 20 Stat. 361, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 250)

In § 63.6 *When no indemnity will be paid* add a new paragraph (l) to read as follows:

(l) For the loss or rifling of, or damage to, an article before acceptance or after proper delivery.

(R. S. 161, 396, 3926, as amended, sec. 8, 37 Stat. 558, as amended, secs. 304, 309, 42 Stat. 24, 25, sec. 3, 45 Stat. 469, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 244, 381, 381a)

In Part 64 (39 CFR 64) make the following changes:

1. Redesignate § 64.41 as § 64.41a.
2. Redesignate § 64.40 as § 64.41.
3. Redesignate § 64.39 as § 64.40.
4. Redesignate § 64.38 as § 64.39.
5. Redesignate § 64.37 as § 64.38.
6. Delete paragraph (d) of § 64.36 *Demurrage charge.*
7. Insert a new § 64.37 to read as follows:

§ 64.37 *Notification of nondelivery; additional fee for.* (a) The fee for notifying the sender or his representative of inability to deliver a collect-on-delivery article shall be 5 cents.

(Sec. 211, 62 Stat. 1266; 39 U. S. C. 245b)

(b) The sender or his representative shall be notified of nondelivery only when collect-on-delivery mail is endorsed to show that notice is desired. Notice is to be sent as soon as it is definitely known that a collect-on-delivery article is undelivered, but, in any event, within 5 days after the date of receipt of the article at the office of address. The fee for this service shall be collected by the postmaster at the office where the sender or his representative is located by means of postage-due stamps affixed to the notice. The date on which notice is sent to the sender or his representative of undelivered collect-on-delivery mail shall be entered in the space provided for that purpose on the C. O. D. tag. No other record shall be made of the issuance of such notice nor shall the mail be so endorsed.

8. Amend § 64.40 *When indemnity to be paid and when not* as follows:

a. Delete paragraph (c).

b. Redesignate paragraph (d) as paragraph (c).

c. Redesignate paragraph (e) as paragraph (d).

d. Add new paragraphs (e) to (g) to read as follows:

(e) For the spoiling or deterioration of perishable matter because of delays beyond the control of the Postal Service.

(f) For the freezing, melting, spoiling or deterioration of matter directly due to the temperature (natural or artificial) to which such matter may have been subjected while in the custody of the Postal Service, except that indemnity may be paid where such damage was directly due to the fault of the Postal Service.

(g) For spoiling of matter of a perishable nature, when the parcel could not possibly have reached the addressee in good condition in the ordinary course of the mails.

(R. S. 161, 396, sec. 8, 37 Stat. 558, as amended, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 244)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-7351; Filed, Aug. 23, 1950; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Corrected S. O. 851, Amdt. 2]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of August A. D. 1950.

Upon further consideration of Service Order No. 851 (15 F. R. 3486), and good cause appearing therefor: It is ordered, that:

Section 95.851 *Substitution of refrigerator cars for box cars,* of Service Order No. 851 be, and it is hereby further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p. m., October 31, 1950, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., August 31, 1950.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7363; Filed, Aug. 23, 1950; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 151]

RECOGNITION OF BREEDS AND PUREBRED ANIMALS

CATTLE

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by sec. 201, par. 1606 of the Tariff Act of 1930 (19 U. S. C., sec. 1201, par. 1606), proposes to recognize the book of record of purebred cattle entitled "Lincoln Red Herd Book," published by the Lincoln Red Shorthorn Society, 17, West Parada, Lincoln, England (W. Dunnaway, Secretary), and to amend the regulations governing the recognition of breeds and books of record of purebred animals by adding the name of the herd book to the list of books of record named in 9 CFR 151.10 (a), as amended, under the sub-heading "Cattle."

Any person who wishes to submit written data or arguments concerning the proposed amendment may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within ten days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 18th day of August 1950. Witness my hand and the seal of the United States Department of Agriculture.

(Sec. 201, Par. 1606, 46 Stat. 673; 19 U. S. C. 1201, Par. 1606)

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7359; Filed, Aug. 23, 1950; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 526]

EXEMPTION OF THE DRYING AND STORING, INCLUDING RECEIVING, OF ROUGH SOUTHERN RICE AS AN INDUSTRY OF A SEASONAL NATURE

PRELIMINARY DETERMINATION

An application has been filed by the Texas Rice Dryers Association, the American Rice Growers Cooperative Association of Louisiana, and the Arkansas Rice Growers Cooperative Association for amendment of the determination (5 F. R. 2758) that the movement to storage and the receiving into storage of rough southern rice is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063; 29 U. S. C. 207 (b) (3), and Part 526 issued thereunder (29 CFR Part 526) to include the artificial drying of rice prior to placing it in storage.

It appears from the application that:

1. At the time the original determination was issued (August 1, 1940) rice was dried in shocks in the field and normally not threshed until the moisture content was low enough to permit safe storage. Since that time the binder and stationary thresher used in that process have been almost entirely supplanted by the direct-combine-drier method of harvesting. At the present time, combine rice is harvested with a relatively high moisture content and must be dried artificially before storage. The use of the combine has necessitated the addition of drying equipment in the movement of rough southern rice to storage.

2. The industry in Texas, Arkansas, Louisiana and other southern states which engages in the movement to storage and the receiving into storage of rough southern rice, heretofore determined to be of a seasonal nature, now also engages in the drying of rough southern rice prior to storage.

3. Rough southern rice is harvested in Louisiana, Texas, Arkansas and other southern states commencing about August 1 each year and continuing until about December 15. The bulk of the rice crop produced in these states moves to rice-driers and warehouses immediately after harvesting.

4. As received from the farm, rice is a perishable commodity which must be dried to a moisture content of approximately 13.5 percent and such drying must be performed within the period of approximately 24 hours from the time the rice is cut.

5. The industry engages in the handling, extracting, or processing of materials during a season occurring in a regularly annually recurring part of the year and ceases production apart from work such as maintenance, repair, clerical, and sales work in the remainder of the year because of the fact that the rice is not available.

Accordingly, upon consideration of the facts stated in said application, the Administrator hereby determines, pursuant to § 526.5 (b) (2) relating to industries of a seasonal nature (29 CFR 526.5 (b) (2)), that a prima facie case has been shown for finding that the industry engaged in drying or storing or drying and storing, including receiving, of rough southern rice in the States of Texas, Arkansas, Louisiana, and other southern states constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and § 526.3 (a) of Part 526 issued thereunder (29 CFR 526.3 (a)).

The term "drying or storing or drying and storing, including receiving, of rough southern rice" includes the unloading, weighing, marking for identification, artificial drying, sacking, placing into storage and storing of rough rice in the States of Texas, Arkansas, Louisiana and other southern states, and any operations or services necessary or incident to the foregoing during the period or periods when rice is received for drying or storing or drying and storing.

If no objection and request for hearing is received within 15 days following the publication of this preliminary determination, the Administrator pursuant to § 526.5 (b) (2), will make a finding upon the prima facie case. Such finding will supersede the original determination issued August 1, 1940, mentioned above. Objections and request for hearing from any interested person should be submitted in writing to the Wage and Hour and Public Contracts Divisions, Department of Labor Building, Fourteenth Streeet and Constitution Avenue NW., Washington 25, D. C. The application for exemption may be examined in Room 5118 at this address.

Signed at Washington, D. C., this 21st day of August 1950.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 50-7369; Filed, Aug. 23, 1950; 8:49 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 19]

[Docket No. FDC-46]

CREAM CHEESE WITH (AND) OTHER FOODS; NEUFCHATEL CHEESE SPREAD WITH (AND) OTHER FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSED RULE MAKING

In the matter of amending the definitions and standards of identity for cheddar cheese, washed curd cheese, and colby cheese, and establishing definitions and standards of identity for other cheeses, processed cheeses, cheese foods, cheese spreads, and related foods:

There was published in the FEDERAL REGISTER on April 22, 1949 (14 F. R. 1960), a proposed order by the Acting Federal Security Administrator, which contained findings of fact and regulations amending the existing definitions and standards of identity for cheddar cheese, washed curd cheese and colby cheese, and fixing and establishing definitions and standards of identity for a number of other cheeses, cheese foods, cheese spreads, and related foods. Among other things said order contained proposed findings of fact with respect to pasteurized cream cheese spread and pasteurized neufchatel cheese spread with fruits, vegetables, and meats, and also proposed regulations fixing and establishing definitions and standards of identity for these foods. As appears from a comparison of the said proposed order with the final order in the above-entitled matter, dated this day and published in this issue of the FEDERAL REGISTER,[1] the proposed findings of fact and regulations concerning pasteurized cream cheese spread and pasteurized neufchatel cheese spread with fruits, vegetables, and meats have not been finally promulgated. On consideration of the entire record to date, including the exceptions filed to the proposed order and the findings of fact in the said final order, and on the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on February 21, 1947 (12 F. R. 1192), it is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sections 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), the following order relating to cream cheese with (and) other foods, and neufchatel cheese spread with (and) other foods, be made:

Findings of fact.[2] 1. There are on the market a number of foods prepared by adding other suitable foods, such as fruits, vegetables, relish, or meats, to cream cheese or neufchatel cheese. At the present time there are no definitions and standards of identity for such foods. In the case of those foods made in part from cream cheese, they may be designated on their labels as "cream cheese," with the name of the added food; for example, "cream cheese and pineapple"; or they may be designated as some type of cream cheese spread. If cream cheese is not permitted to be used in foods designated as pasteurized process cheese spreads with other foods, the status of these foods is uncertain. To leave them without standards might result in abuses. To provide, however, that a cheese spread prepared from cream cheese and other foods with only an overall limit of 60 percent moisture and a minimum of 20 percent milk fat would make it possible to dilute a cream cheese into a range of neufchatel cheese, which is not in the interest of consumers, since it would break down the distinction between cream cheese and neufchatel cheese. It is reasonable, therefore, to provide two definitions and standards of identity for soft uncured cheeses with other suitable foods, one in which cream cheese is the cheese ingredient and the other in which neufchatel cheese is the cheese ingredient. (R. 1822, 1827–1828, 2252, 2273, 2309, 2327–2328, 2330, 2332–2333, 2338, 2475, 2615, 2617, 2644, 2650, 2782, 2783, 2963, 3012, 3116–3121)

2. Cream cheese with (and) other foods is the class of foods prepared by mixing, with or without the aid of heat, cream cheese with one or a mixture of two or more properly prepared foods such as fresh, cooked, canned, or dried fruits or vegetables; cooked or canned meats; relishes, pickles, or other foods suitable for blending with cream cheese. The food is basically a cream cheese product, and cream cheese should constitute not less than 80 percent by weight of the mixture. No water other than that contained in the ingredients used is needed. The water contained in the food added to the cream cheese may increase the moisture content above that of cream cheese, but in no case should the moisture exceed 60 percent. The percent of milk fat is not less than 33 percent of the percent of the cream cheese in the mixture, but in no case should it be less than 27 percent by weight of the finished food. It may be necessary to add water-retaining agents in addition to those contained in the cream cheese, but it is not necessary to add such agents, including that already in the cream cheese, in excess of 0.8 percent of the weight of the finished food. The following substances, or mixtures of two or more of these substances, are suitable for such use: carob bean gum, gum karaya, gum tragacanth, guar gum, gelatin, carboxymethylcellulose, carrageen, oat gum, algin (sodium alginate), and algin derivative (propylene glycol ester of alginic acid). Artificial coloring may be added if it does not conceal damage or inferiority or make the cream cheese, the added food, or the mixture appear better or of greater value than it is. The name of the food is "cream cheese with (and) ----------," the blank being filled in with the name or names of the added food or foods in order of predominance by weight. (R. 1822, 1827–1828, 2273, 2327–2328, 2475, 2782, 2962–2963)

3. It is reasonable and in the interest of consumers to provide a definition and standard of identity for a pasteurized cheese spread having a soft uncured cheese as the base, to which are added other suitable foods. Neufchatel cheese is the cheese ingredient suitable for this purpose and should constitute not less than 80 percent of the finished food. No water other than that contained in the ingredients used is needed. The water contained in the foods added to the neufchatel cheese may increase the moisture content above that of neufchatel cheese, but the moisture should not exceed 68 percent. The percent of milk fat is not less than 20 percent of the percent of the neufchatel cheese in the mixture, but in no case should it be less than 16 percent by weight of the finished food. Finding 2 with respect to the foods which are added, the addition of water-retaining agents, and the addition of artificial coloring, is applicable to this class of food. Small amounts of sweetening agents may be added for flavor. The following substances are suitable for such use: sugar, dextrose, corn sugar, corn sirup, corn sirup solids, maltose, malt sirup, and hydrolized lactose. An acidifying agent may be added in such amount that the pH of the finished food is not less than 4.0. The following acidifying agents are suitable: a vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid. When the pH of the finished food is below 5.0 the acidifying agent has a preservative effect, and the label should so indicate (as required by section 403 (k) of the Federal Food, Drug, and Cosmetic Act). When vinegar alone is used to reduce the pH below 5.0 it is a preservative rather than a flavor and should be considered to be acetic acid. During the preparation of this food the mixture is heated for not less than 30 seconds at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in paragraph (e) of § 19.500[1] a 0.25-gram portion shows a phenol equivalent of not more than 3 micrograms. The name of this food is "Neufchatel cheese spread with (and) ---------," the blank being filled in with the name or names of the foods added, in order of predominance by weight. (R. 1818, 1822, 2225–2227, 2233–2235, 2273, 2327–2333, 2373, 2616–2617, 2643, 3116–3121, 4040–4042)

Conclusions. Upon consideration of the whole record and the foregoing findings of fact, it is concluded that the adoption of the following definitions and standards of identity for cream cheese with (and) other foods and neufchatel cheese spread with (and) other foods will promote honesty and fair dealing in the interest of consumers:

§ 19.782 *Cream cheese with (and) other foods; identity; label statement of optional ingredients.* (a) Cream cheese with other foods is the class of foods each of which is prepared by mixing, with or without the aid of heat, cream cheese with one or a mixture of two or more properly prepared foods (except other cheeses), such as fresh, cooked, canned, or dried fruits or vegetables; cooked or canned meat; relishes, pickles, or other foods suitable for blending with cream cheese. In any such food the weight of the cream cheese constitutes not less than 80 percent by weight of the mixture. It may also contain:

(1) One or any mixture of two or more of the following optional ingredients: gum karaya, gum tragacanth, carob bean gum, gelatin, guar gum, carboxymethylcellulose, carrageen, oat gum, algin (sodium alginate), algin derivative (propylene glycol ester of alginic acid). The total quantity of any such substances, including those contained in the cream cheese, is not more than 0.8 percent by weight of the finished food.

(2) Artificial coloring, unless such addition conceals damage or inferiority or makes the cream cheese or added food appear better or of greater value than it is.

(b) No water other than that contained in the ingredients is added, but the moisture content in no case is more than 60 percent. The percent of milk fat is not less than 33 percent by the percent by weight of the cream cheese used, but in no case is it less than 27 percent of the finished food. Moisture and fat are determined by the methods prescribed in paragraph (c) of § 19.500, except that when the added food contains fat the method prescribed for the determination of fat is not applicable.

(c) The name of the food is "Cream cheese with ----------," the blank being filled in with the common name or names of the fruits, vegetables, or meats or other foods added, in order of predominance by weight.

(d) The label shall bear the name of any of the optional water-retaining ingredients used, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum, or mixtures of these may be named as "vegetable gum" or "vegetable gums," as the case may be.

(e) If artificial coloring is used, the label shall bear the statement "artificially colored," except that if the food added to the cream cheese is the only portion artificially colored the label shall bear the statement "---------- artificially colored," the blank being filled in with the name or names of the foods so colored.

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.783 *Pasteurized neufchatel cheese spread with (and) other foods; identity; label statement of optional ingredients.* (a) (1) Pasteurized neufchatel cheese spread with other foods is the class of foods each of which is prepared by mixing, with the aid of heat, neufchatel cheese with one or a mixture of two or more properly prepared foods (except other cheeses), such as fresh, cooked, canned, or dried fruits or vegetables; cooked or canned meats; relishes, pickles, or other foods suitable for blending with neufchatel cheese. It may contain one or any mixture of two or more of the optional ingredients named in paragraph (b) of this section. In any such food the weight of the neufchatel cheese constitutes not less than 80 percent of the weight of the finished food.

(2) During its preparation the mixture is heated for not less than 30 seconds at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in paragraph (e) of § 19.500 the phenol equivalent of 0.25 gm. of such food is not more than 3 micrograms.

(3) No water other than that contained in the ingredients used is added to this food, but the moisture content in no case is more than 68 percent. The percent of milk fat is not less than 20 percent of the percent of neufchatel cheese in the mixture, but in no case is it less than 16 percent by weight of the finished food.

(b) The optional ingredients referred to in paragraph (a) of this section are:

[1] See F. R. Doc. 50-7334, Title 21, Chapter I, *supra*.

[2] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

[1] See F. R. Doc. 50-7334, Title 21, Chapter I, *supra*.

(1) One or any mixture of two or more of the following: gum karaya, gum tragacanth, carob bean gum, gelatin, algin (sodium alginate), algin derivative (propylene glycol ester of alginic acid), guar gum carboxy-methylcellulose, carrageen, oat gum. The total quantity of any such substances, including that contained in the neufchatel cheese, is not more than 0.8 percent by weight of the finished food.

(2) Artificial coloring, unless such addition conceals damage or inferiority or makes the neufchatel cheese or added food appear better or of greater value than it is.

(3) An acidifying agent consisting of one or a mixture of two or more of the following, in such quantity that the pH of the food is not less than 4.0: a vinegar, acetic acid, lactic acid, citric acid, phosphoric acid.

(4) A sweetening agent consisting of one or a mixture of two or more of the following: sugar dextrose, corn sirup, corn sirup solids, maltose sirup, hydrolized lactose.

(c) The name of the food is "neufchatel cheese spread with _____," the blank being filled in with the common name or names of the foods added, in order of predominance by weight.

(d) The label shall bear the names of any of the optional ingredients used designated in paragraph (b) (1), (3), and (4) of this section, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and not gum or mixtures of these may be named as "vegetable gum" or "vegetable gums," as the case may be.

(e) (1) If artificial coloring is used, the label shall bear the statement "artificially colored," except that if the food added to the neufchatel cheese is the only portion artificially colored, the label shall bear the statement "_____ artificialy colored," the blank being filled in with the name or names of the foods so colored.

(2) If an optional acidifying agent is used so that the pH of the finished food is less than 5.0, there shall appear after its name the words "a chemical preservative." In case vinegar is the only acidifying agent added it shall be considered to be acetic acid when the pH of the finished food is less than 5.0. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 5.0, only the name of the acidifying agents other than vinegar shall be followed by the statement "a chemical preservative."

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Any interested person whose appearance was filed at the hearing may, within 60 days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Federal Security Agency, Room 5109, Federal Security Building, Fourth Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in this tentative order and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which such exceptions are based. Such exceptions may be accompanied by a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs shall be submitted in quintuplicate.

Dated: August 16, 1950.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 50-7335; Filed, Aug. 23, 1950; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2581]

ADMINISTRATIVE ASSISTANT SECRETARY

DELEGATION OF AUTHORITY

SECTION 1. *Delegation.* The Administrative Assistant Secretary may exercise all the authority of the Secretary of the Interior with respect to all matters in the field of administrative management. This field includes matters relating to budget, finance, personnel, management research, property management, and administrative services.

SEC. 2. *Redelegation.* The Administrative Assistant Secretary may, by issuing supplements to this order, redelegate to other officers or employees of the Department such portions of the authority granted in section 1 of this order as he may deem appropriate.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 15, 1950.

[F. R. Doc. 50-7346; Filed, Aug. 23, 1950; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4265]

AIR TRANSPORT ASSOCIATES, INC., ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of the Revocation of Letter of Registration No. 1896 issued to Air Transport Associates, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, and particularly sections 205 (a), 401 (a), 1001, 1002 (b) and 1002 (c) thereof, that a hearing in the above-entitled proceeding is assigned to be held on August 28, 1950, at 10:00 a. m., P. d. s. t., in the Chamber of Commerce Building, 215 Columbia Street, Seattle, Washington, before Examiner Warren E. Baker.

For further details, interested parties are referred to Board Order Serial No. E-3762 adopted December 28, 1949, and other papers on file in this proceeding in the Docket Section of the Board.

Without limiting the scope of the issues involved in this proceeding, particular attention is directed to the following matters and questions:

1. Has Respondent violated or is Respondent violating section 401 (a) of the Civil Aeronautics Act of 1938, as amended, and/or Part 291 (formerly § 292.1) of the Board's Economic Regulations?

2. If any such violations are established, were and are they knowing and willful?

3. If any such violations are established, whether knowing and willful or otherwise, should the Board issue an order to cease and desist or other order to compel compliance with the applicable provisions of the act and Part 291 of the Board's Economic Regulations?

4. If any such knowing and willful violations are established, should the Letter of Registration heretofore issued to the Respondent by the Board be revoked?

Notice is further given that any person other than the parties and interveners of record as of August 17, 1950 desiring to be heard in this proceeding may file with the Board on or before August 28, 1950, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert and such person may appear and participate in the hearing in accordance with § 302.6 (a) of the Procedural Regulations under Title IV of the Civil Aeronautics Act, as amended.

Dated at Washington, D. C., August 18, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-7366; Filed, Aug. 23, 1950; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1460]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATION

AUGUST 17, 1950.

Take notice that on August 9, 1950, Mississippi River Fuel Corporation (Applicant), a Delaware corporation with its principal place of business in St. Louis, Missouri, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, seeking the following authority:

To utilize certain compression facilities of Southern Natural Gas Company at Perryville, Louisiana pursuant to the terms of a contract entered into between Applicant and Southern Natural, and to install and operate related facilities.

Applicant alleges that there is presently available to it from the Monroe Field at a delivery pressure of 50 p. s. i., volumes of gas in excess of the compressing capacity of its Perryville Station No. 1, that to take these excess volumes, compress them to 425 p. s. i. and substantially comply with the provisions of its gas purchase contracts, Applicant will require additional compressing facilities. The proposed method of using such of Southern Natural's compressing facilities as may be available for compressing up to a maximum of 27,000 Mcf per day and the installation of related facilities will permit Applicant to receive the additional volumes which are available under the contracts with its Monroe producers at a fraction of the cost of installing similar facilities at its Perryville Station No. 1.

The estimated cost of the proposed installation is $12,817.08, which Applicant proposes to finance out of cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 6th day of September, 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7347; Filed, Aug. 23, 1950; 8:47 a. m.]

[Docket No. G-1276]

EGYPTIAN NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 18, 1950.

Notice is hereby given that on September 8, 1949, an application was filed by the Egyptian Natural Gas Company (Applicant), an Illinois corporation having its principal place of business at Salem, Illinois, pursuant to section 7 (a) of the Natural Gas Act, for an order of the Commission directing Texas Eastern Transmission Corporation (Texas Eastern), to permit Applicant to establish a physical connection with the transportation facilities of Texas Eastern and to require Texas Eastern to deliver to Egyptian Natural Gas Company an adequate supply of natural gas.

Applicant proposes to supply natural gas to existing and proposed gas utilities and municipalities in Illinois, which municipalities include Mt. Vernon, Centralia, Salem, Norris City, Dix, McLeansboro and Dalgren.

It is estimated that the requirements for the proposed service will approximate 5,000,000 cubic feet per day for the first year, which, it is expected, will increase to 20,000,000 cubic feet per day at the end of the first five years.

The Applicant previously filed on July 12, 1948, an application for a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act, at Docket No. G-1077, requesting authorization to construct pipeline facilities consisting principally of 80 miles of 8-inch and 6-inch seamless steel pipe and metering and regulating stations.[1] In such application, the Applicant also seeks authorization to render the service herein referred to.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 6th day of September 1950. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7348; Filed, Aug. 23, 1950; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

COMMISSIONER OF PUBLIC BUILDINGS SERVICE

AMENDMENT TO DELEGATION OF AUTHORITY

Pursuant to the authority vested in me by sections 205 (d) and 307 of the Federal Property and Administrative Services Act of 1949 (Pub. Law 152, 81st Cong.), section 2 of Delegation of Authority, dated May 18, 1950 (15 F. R. 3166, F. R. Doc. 50-4436), is hereby amended to read as follows:

2. The authority delegated by paragraph 1 hereof may be redelegated by the Commissioner of Public Buildings Service, in part, as follows: To the Deputy Commissioner and to the Administrative Officer, the authority delegated in paragraph 1 a., b., d., e., f., g., h., and i.; to any Division Engineer, any Division Director, the Chief, Supply Section, Buildings Management Division, Assistant Chief, Supply Section, Buildings Management Division, and Executive Officer, Buildings Management Division, the authority delegated by paragraph 1 a., d., g., h., and by paragraph 1 b., when the aggregate amount involved does not exceed $500.

This amendment shall be effective as of July 1, 1950.

Dated: August 16, 1950.

JESS LARSON,
Administrator.

[F. R. Doc. 50-7367; Filed, Aug. 23, 1950; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25341]

IRON OR STEEL STAMPINGS FROM DETROIT, MICH., TO CHATTANOOGA, TENN.

APPLICATION FOR RELIEF

AUGUST 21, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Alternate Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3772, pursuant to fourth-section order No. 9800.

Commodities involved: Blanks, stampings or unfinished shapes, iron or steel, carloads.

From: Detroit, Mich.

To: Chattanooga, Tenn.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7361; Filed, Aug. 23, 1950; 8:47 a. m.]

[4th Sec. Application 25340]

SALT CAKE FROM BATON ROUGE, LA., TO SOUTH ATLANTIC PORTS

APPLICATION FOR RELIEF

AUGUST 21, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1167.

Commodities involved: Salt cake, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: South Atlantic ports.

Grounds for relief: Market competition.

Schedules filed containing proposed rates:

C. A. Spaninger's tariff I. C. C. No. 1167, Supplement 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters

[1] Notice of such application was published in the FEDERAL REGISTER on July 29, 1948 (13 F. R. 4365).

involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7360; Filed, Aug. 23, 1950; 8:47 a. m.]

[4th Sec. Application 25342]

ALUMINA FROM BAUXITE, ARK., TO PHOENIX, N. J.

APPLICATION FOR RELIEF

AUGUST 21, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3908.

Commodities involved: Alumina, calcined or hydrated, carloads.

From: Bauxite, Ark.

To: Phoenix, N. J.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3908, Supplement 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7362; Filed, Aug. 23, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3111]

KNICKERBOCKER SHARES, INC.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of August A. D. 1950.

In the matter of The Knickerbocker Fund for the Diversification, Supervision and Safe-Keeping of Investments; File No. 1-3111.

Knickerbocker Shares, Inc., a corporation of the State of New Jersey (hereinafter referred to as the Applicant) as Sponsor of The Knickerbocker Fund for the Diversification, Supervision and Safe-keeping of Investments, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw from registration and listing on the Board of Trade in the City of Chicago the Shares of Beneficial Interest in The Knickerbocker Fund for the Diversification, Supervision and Safe-keeping of Investments.

The application alleges as the reason for withdrawing this security from registration and listing on the Chicago Board of Trade:

(1) The Knickerbocker Fund for the Diversification, Supervision and Safe-keeping of Investments (hereinafter referred to as the Fund) is an investment trust which was organized in 1938 in accordance with the provisions of a trust agreement, dated as of August 17, 1938, executed between the Applicant and Manufacturers Trust Company, as Trustee.

(2) The Fund is registered under the Investment Company Act of 1940 as a diversified, management, open-end investment company.

(3) The presently outstanding shares of beneficial interest in the Fund are now registered under the Securities Exchange Act of 1934 and listed on the Board of Trade of the City of Chicago.

(4) Pursuant to the provisions of the Securities Act of 1933 a registration statement on form S-5 has been filed with the Securities and Exchange Commission as of July 27, 1950, for an additional 1,000,000 shares of beneficial interest in the Fund.

(5) Such additional shares will be indistinguishable from those now registered and listed on the Chicago Board of Trade, with the result that the additional shares must be registered and listed on that exchange, or the shares presently registered and listed must be withdrawn from such registration and listing.

(6) An adequate market for the shares exists independent of the exchange market for the reason that under the trust agreement, the Trustee is obligated to pay the current liquidating price for shares surrendered to it for liquidation, and also for the reason that the Applicant as Sponsor although not obligated to do so, ordinarily maintains a bid for the shares at approximately the current liquidating price thereof.

(7) For the past five years, no instance of trading in the said shares on the Chicago Board of Trade has come to the notice of the Applicant; and to the best of its knowledge, information and belief no shares of beneficial interest in the Fund have been bought or sold on said exchange during that period.

Upon receipt of a request prior to September 12, 1950, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7352; Filed, Aug. 23, 1950; 8:45 a. m.]

[File No. 812-673]

COMPOSITE BOND AND PREFERRED STOCK FUND, INC., ET AL

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of August A. D. 1950.

In the matter of Compcsite Bond and Preferred Stock Fund, Inc., Composite Stock Fund, Inc., Murphey Favre, Inc., and Bond Research Corporation; File No. 812-673.

Notice is hereby given that Composite Bond and Preferred Stock Fund, Inc. ("Bond") and Composite Stock Fund, Inc. ("Stock"), open-end diversified management companies registered under the Investment Company Act of 1940, Murphey Favre, Inc. ("Murphey-Favre"), the principal underwriter of Bond and of Stock, and Bond Research Corporation ("Research"), the investment adviser of Bond and of Stock, have filed an application pursuant to section 6 (c) of the act for an order exempting from the provisions of section 11 (a) of the act certain proposed transactions by which the holders of shares of capital stock of each of the above named investment companies shall be offered the right to convert all or part of such shares into shares of capital stock of the other of such investment companies at such price below the public offering price but in excess of the net asset value of the shares of such other investment company as Murphey-Favre, the principal underwriter, from time to time shall determine. The proposed transactions would involve the making by each of the above-named registered open-end investment companies and Murphey-Favre, their principal underwriter, of offers to the holders of capital stock of each of such investment companies to exchange their shares of stock in one of such companies for shares of stock in the other of such companies on a basis other than the relative net asset values of the respective securities to be exchanged and would be prohibited by section 11 (a) of the act, unless the terms of the offers have been approved by the Commission or are in accordance with such rules or regulations as the Commission may have prescribed in respect of such offers, or unless an exemption therefrom is granted pursuant to section 6 (c) of the act. The proposed transactions would also involve an offering of redeemable securities by the above-mentioned registered investment companies otherwise than "at a current public offering price described in the prospectus" within the meaning of section 22 (d) of the act, and such offering not being within any of the exceptions set forth in said section 22 (d) would be thereby prohibited unless an exemption therefrom is granted pursuant to section 6 (c) of the act.

It appears from the application that Bond and Stock are each fully-managed investment companies; that each has outstanding only a single class of capital stock; that Bond holds bonds and preferred stocks in proportions which are changeable from time to time in accordance with the management's appraisal of economic and market conditions; and that, while Stock's articles of incorporation permit investment in bonds, Preferred stocks, and Common stocks, it is Stock's policy to invest at least 90 percent of its assets (other than cash and government securities) in common and preferred stocks.

It further appears that as of December 31, 1949, Bond had net assets of $2,732,798.06, and that as of April 1, 1950, Stock had net assets of $513,550.76. Bond and Stock have identical officers and directors and the same investment adviser and the same principal underwriter. The investment adviser (Research) and the principal underwriter (Murphey-Favre) are owned and controlled by a group of six individuals of whom three are officers and directors and two are officers of Bond and of Stock. The sales load in the case of both of the above-named investment companies is 8.7 percent of net asset value except on single purchases in excess of $10,000. It is the present intention of the Applicants that upon shares issued in such conversions a sales load of approximately 3.1 percent of net asset value will be charged.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may see fit to impose, may be issued by the Commission at any time on or after September 1, 1950, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than August 31, 1950, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commisison.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7353; Filed, Aug. 23, 1950; 8:45 a. m.]

[File Nos. 54-188, 70-2405]

EASTERN UTILITIES ASSN. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER APPROVING STEP ONE OF PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of August A. D. 1950.

Eastern Utilities Associates ("EUA"), a registered holding company, having filed, pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935, an application for approval of a plan of reorganization for EUA and its subsidiary companies, Brockton Edison Company ("Brockton"), Blackstone Valley Gas & Electric Company ("Blackstone"), Fall River Electric Light Company ("Fall River") and Montaup Electric Company ("Montaup"), which plan is comprised of two parts, designated as Step One and Step Two;

New England Electric System ("NEES"), a registered holding company, having filed a declaration, pursuant to sections 12 (d) and 12 (f) of the act;

Step One of said plan providing that EUA will (a) purchase from NEES 118,161 shares of Fall River capital stock held by NEES for a cash consideration of $7,680,465, subject to an adjustment for the difference between earnings and dividends declared from January 1, 1950 to the consummation date of said purchase, or approximately $65 per share and (b) purchase, on the same basis, from the public holders of Fall River capital stock such additional shares of the 14,383 shares of such stock held by them as they will sell to EUA; and that for such purposes EUA will borrow on one-year 2¼% notes up to $9,375,000;

The Commission having consolidated the proceeding regarding the declaration of NEES with the foregoing proceeding under section 11 (e), having issued its notice of filing and notice of and order for hearing in said consolidated proceeding, hearings on Step One of said plan having been held, the record having been completed with respect to Step One of said plan and the declaration of NEES, and oral argument having been heard by the Commission;

The Commission being duly advised in the premises, having considered the record herein, and deeming it appropriate to grant the request of EUA that Step One of said plan be separately considered and disposed of, and having this day issued its findings and opnion herein, finding that Step One of said plan is necessary and appropriate to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby, and that the proposed sale by NEES meets the applicable standards of the Act:

It is ordered, Pursuant to the applicable provisions of the act, that Step One of said plan, be, and the same hereby is approved, and that the declaration filed by NEES, pursuant to section 12 of the act, be, and the same hereby is permitted to become effective, this order to be effective forthwith upon issuance and subject to the conditions specified in Rule U-24 promulgated under the act.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all remaining aspects of the plan, and to entertain such further proceedings, to make such further findings and to take such further action as it may deem necessary to effectuate the provisions of section 11 (b).

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7354, Filed, Aug. 23, 1950; 8:45 a. m.]

[File No. 70-2443]

NEW ENGLAND GAS AND ELECTRIC ASSN. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of August A. D. 1950.

In the matter of New England Gas and Electric Association, Plymouth County Electric Company, and Cape & Vineyard Electric Company; File No. 70-2443.

New England Gas and Electric Association ("Negea"), a registered holding company, and its wholly owned utility subsidiaries, Plymouth County Electric Company ("Plymouth"), and Cape & Vineyard Electric Company ("Cape"), having filed a joint application-declaration pursuant to the provisions of sections 6 (b), 9 and 10 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, with respect to the following proposed transaction:

Cape proposes to issue and sell to Negea 8,000 additional shares of its common capital stock of a par value of $25 per share at a price of $50 per share. Plymouth proposes to issue and sell to Negea 10,000 additional shares of its common capital stock of a par value of $25 per share at a price of $35 per share. The proceeds from the sale of the stock are to be used to reimburse the Plant Replacement Fund Assets accounts of Cape and Plymouth for amounts borrowed therefrom for the purpose of financing extensions, additions and improvements to their respective properties.

SEP 13 '50

Said joint application-declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7355; Filed, Aug. 23, 1950; 8:45 a. m.]

[File No. 70-2454]

NATIONAL FUEL GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of August A. D. 1950.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by National Fuel Gas Company ("National"), a registered holding company. Declarant has designated sections 9 (a) and 10 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 5, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 5, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, and which are summarized as follows:

National as the holder of 52.53 percent of the outstanding common capital stock of its utility subsidiary, Pennsylvania Gas Company, proposes to purchase 24,000 shares of such stock from the Executors of the Estate of Mary C. Jefferson, deceased, at a net cost to National of $16.50 per share. National also proposes to offer to purchase any other shares of such stock at the above price as may be tendered to it by any other stockholder of Pennsylvania Gas Company at any time within 20 days after the mailing of notice of such offer to said stockholders.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7356; Filed, Aug. 23, 1950; 8:46 a. m.]

SEP 13 '50

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES — 1934

VOLUME 15 NUMBER 165

Washington, Friday, August 25, 1950

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 612—AERONAUTICAL FIXED COMMUNICATIONS

Sec.
612.1 Explanation of terms.
612.2 Rate to be charged.
612.3 Time, means, and agent for payment.
612.4 Priority of transmission.

AUTHORITY: § 612.1 through 612.4 issued under sec. 10, 62 Stat. 453; 49 U. S. C. 1159.

§ 612.1 *Explanation of terms.* (a) "RES" message shall mean "reservation" message. It shall consist of a message originated by an airline operating agency to secure space required in a public transport aircraft that is scheduled to depart within 72 hours after the message has been filed.

(b) "GEN" message shall mean "general airline operating agency" message. It shall consist of a message originated by an airline operating agency or other civil aircraft operator and be essential to the economic operations of the originator. It shall not include a reservation message or a message relating fundamentally to safety of operations.

(c) "Regional Administrator" shall mean the Regional Administrator, Civil Aeronautics Administration, P. O. Box 4009, Honolulu 12, T. H.

(d) "CAA" shall mean the Civil Aeronautics Administration.

§ 612.2 *Rate to be charged.* A charge of six cents a word shall be made for each RES or GEN message transmitted by CAA between Canton Island and Honolulu, and between Honolulu and Wake Island, plus thirty-five cents per message in cases where local delivery in Honolulu cannot be effected over regular CAA communications circuits. The charge shall be applied only once in the case of a message relayed between Canton Island and Wake Island via Honolulu.

§ 612.3 *Time, means, and agent for payment.* Fees shall be paid before the message enters the Canton Island-Honolulu or Honolulu-Wake Island communications circuit, in United States dollars, to the CAA official in charge of the communications station transmitting the message. Scheduled air carriers and other aircraft operators may make other arrangements regarding payment with the written approval of the Regional Administrator.

§ 612.4 *Priority of transmission.* All aeronautical messages relating fundamentally to the safe flight of aircraft shall have priority over RES and GEN messages.

This part shall become effective on September 1, 1950.

[SEAL] D. W. RENTZEL, *Administrator of Civil Aeronautics.*

[F. R. Doc. 50-7385; Filed, Aug. 24, 1950; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

EMPLOYMENT OF LEARNERS IN THE SINGLE PANTS, SHIRTS AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR AND OTHER ODD OUTERWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Pursuant to section 14 of the Fair Labor Standards Act, as amended, the Administrator of the Wage and Hour Division, heretofore issued regulations governing the employment of learners in the single pants, shirts, and allied garments, women's apparel, sportswear and other odd outerwear, rainwear, robes and leather and sheep-lined garments divisions of the apparel industry (29 CFR 522.160 to 522.165).

By notice of hearing and proposed rule making dated January 12, 1950, and published in the FEDERAL REGISTER on January 14, 1950 (15 F. R. 264) I adopted an interim amendment of § 522.162 of said regulations and announced that, as so amended, said regulations and any certificates which might be issued thereunder would remain in effect until revoked or amended or superseded by regulations issued on the basis of the record of the hearings to be held beginning on February 1, 1950, and referred to below.

In accordance with the aforesaid notice, hearings were held, beginning on February 1 and continued on February

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1950–51 Edition

(Revised through July 1)

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

657 pages—$1.00 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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2 and 3, 1950, before Isabel Ferguson who was designated by me as Presiding Officer to receive evidence, hear argument and make findings and recommendations on the following questions:

1. Is it necessary, in order to prevent curtailment of opportunities for employment, to issue amended regulations providing for the employment of learners in the single pants, shirts and allied garments, women's apparel, sportswear and other odd outerwear, rainwear, robes, and leather and sheeplined garments divisions of the apparel industry, after January 25, 1950, at wages below the minimum wage provided in section 6 of the Fair Labor Standards Act of 1938, as amended; and if such necessity be found to exist,

2. What are the terms and conditions under which learners should be employed in such industries, including, what subminimum wage rates should be provided for learners in such industries, what number or proportion of learners should be permitted in a plant, in what occupations should learners be permitted, and what should be the length or duration of the learning period?

Following the hearing, the Presiding Officer, on the basis of the record, found and recommended that in order to prevent curtailment of opportunities for employment in the above enumerated divisions of the apparel industry, it was necessary to revise the existing regulations in the manner hereinafter set forth. The findings and recommendations of the Presiding Officer were filed with me together with the complete record of the proceedings. Copies of the findings and recommendations may be examined by interested persons at the regional as well as the National Office of the Wage and Hour Division, United States Department of Labor, Washington, D. C. Copies thereof will be furnished to interested persons, upon request, as long as they are available.

I have reviewed and considered the record and, on the basis thereof, I find that the findings and recommendations of the Presiding Officer are proper and supported by the evidence and do hereby adopt them as my own.

Now, therefore, pursuant to the authority vested in me under section 14 of the Fair Labor Standards Act, as amended, notice is hereby given that, effective September 25, 1950, regulations governing the employment of learners in the single pants, shirts and allied garments, women's apparel, sportswear and other odd outerwear, rainwear, robes and leather and sheep-lined garments divisions of the apparel industry, now contained in §§ 522.160 to 522.165, are hereby amended to read as follows:

Sec.
522.160 Conditions upon which special learner certificates may be granted.
522.161 Apparel industry or divisions thereof to which §§ 522.160 to 522.166 apply.
522.162 Terms of special certificates.
522.163 Definition of terms.
522.164 Removal of plant or transfer of production.
522.165 Status of certificates issued under previous regulations.
522.166 Applicability of general learner regulations.

AUTHORITY: §§ 522.160 to 522.166 issued under sec. 14, 52 Stat. 1068 as amended; 29 U. S. C. and Sup., 214.

§ 522.160 *Conditions upon which special learner certificates may be granted.* (a) Upon application to the Administrator of the Wage and Hour Division, special certificates authorizing the employment of learners in the divisions of the apparel industry, as hereinafter defined, may be issued by the Administrator or his authorized representative to the extent necessary to prevent curtailment of opportunities for employment under the terms hereinafter set forth, when it appears that experienced workers are not available to an employer making application for a special certificate and that the issuance of a special certificate will not create unfair competitive labor cost advantages or impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.

(b) All applications must be made upon official forms furnished by the Wage and Hour Division and must contain all information required by such forms. Such forms require to be set forth, among other things, a list of occupations in which learners are requested, the number of learners requested, the number of learners hired during the preceding 12 months, a list of occupations in which experienced workers are employed, the number employed, their average straight-time hourly earnings in cents per hour, and information concerning the type of machine to be used by learners.

§ 522.161 *Apparel industry or divisions thereof to which §§ 522.160 to 522.166 apply.* (a) Sections 522.160 to 522.166 relate to the employment of learners, at subminimum rates, in the production of apparel of the following kinds:

(1) Women's apparel, defined as follows: The production of women's, misses' and juniors' dresses, washable service garments, blouses; women's, misses', children's and infants' underwear, nightwear and negligees from woven fabrics; corsets and other body supporting garments from any material; other garments similar to the foregoing; and infants' and children's outerwear.

(2) Single pants, shirts and allied garments, defined as follows: The production of men's and boys' single pants, washable service garments, work shirts, overalls, overall jackets and coveralls from any material; dress and sport shirts from woven fabric or purchased knit fabric; and collars and sleeping wear from woven fabric.

(3) Sportswear and other odd outerwear, defined as follows: The manufacture of men's, women's and children's sportswear and other odd outerwear, including windbreakers, lumber jackets, mackinaws and mackinaw coats, melton jackets, blanket-lined and similar coats, leatherette coats and jackets, hunting coats and vests, riding clothing, ski-suits and snow-suits (except children's ski-suits and snow-suits), and similar garments from any woven materials or from purchased knitted materials.

(4) Rainwear, defined as follows: The manufacture of waterproofed garments and raincoats from oiled cloth or other materials, whether vulcanized, rubberized, cravenetted, or otherwise processed.

(5) Robes, defined as follows: The manufacture of robes from any woven material or from purchased knitted materials, including, without limitation, men's, women's and children's bath, lounging and beach robes and dressing gowns.

(6) Leather and sheep-lined clothing, defined as follows: The manufacture of leather, leather-trimmed and sheep-lined garments for men, women or children.

(b) Employment of learners in any division of the apparel industry other than those specified in paragraph (a) of this section may be authorized only in accordance with the general regulations applicable to the employment of learners contained in §§ 522.1 through 522.14.

(c) Sections 522.160 to 522.166 do not apply to Puerto Rico or the Virgin Islands.

§ 522.162 *Terms of special certificates.* (a) Special learner certificates may be issued authorizing the employment of learners in the divisions of the apparel industry specified in § 522.161 (a) (1), subject to the following limitations as to occupation, duration of learning period, minimum rates of pay, and number or proportion:

A. Occupations for which certificates may be issued	B. Duration of learning period	C. Minimum rates of pay for learners	D. Number or proportion of learners
(1) Machine operating (except cutting): Pressing. Handsewing. Finishing operations involving handsewing.	Maximum learning [1] period of 480 hours for any occupation listed in column A (1), but not more than a 320 hour learning period in such occupation if, within the previous two years, the worker had 160 hours or more of experience in another occupation listed.	A learner employed under the 480 hour authorized learning period shall be paid not less than 60 cents per hour for the first 320 hours, not less than 65 cents per hour for the next 160 hours.[2] An experienced worker in any one of the occupations shown in column A (1) who is being retrained in any other of the occupations listed in column A (1), shall be paid during such restraining not less than 60 cents per hour for the first 160 hours and not less than 65 cents per hour for the next 160 hours.[2]	For normal labor turnover: not more than 10 percent of the productive factory workers. If total factory employment is less tahn 100 the certificate may authorize as many as 10 learners. For new and expanding plant: to the extent of the needs of the plant.
(2) Final inspection of assembled garments.	Maximum learning period of 160 hours.	A learner employed under the 160 hour authorized learning period, shall be paid not less than 65 cents per hour.	

[1] If, within the previous two years, the worker has been employed for less than 480 hours in the same occupation for which he is being trained as a learner, the number of hours of previous employment should be deducted from the maximum learning period.

[2] In establishments where experienced workers are paid on a piece rate basis, learners shall be paid the same piece rates that experienced workers engaged in the same occupations are paid and earnings shall be based on those piece rates if in excess of the subminimum rates established.

(b) Special learner certificates may be issued authorizing the employment of learners in the divisions of the apparel industry specified in § 522.161 (a) (2), (3), (4), (5), (6), subject to the following limitations as to occupation, duration of learning period, minimum rates of pay, and number or proportion:

A. Occupations for which certificates may be issued	B. Duration of learning period	C. Minimum rates of pay for learners	D. Number or proportion of learners
(1) Machine operating (except cutting): Pressing. Handsewing. Finishing operations involving handsewing.	Maximum learning period of 480 hours [1] in any occupation listed in column A (1), but not more than a 320 hour learning period in such occupation if, within the previous 2 years, the worker had 160 hours or more of experience in another occupation listed: *Provided, however,* That the maximum learning period prescribed in this column in any occupation listed in column A (1), except pressing, is extended by 160 additional hours for learners hired prior to Jan. 1, 1951.	A learner employed under the 480 hour authorized learning period, shall be paid not less than 57 cents per hour for the first 320 hours, not less than 65 cents per hour for the next 160 hours and, when applicable, not less than 70 cents per hour for the 160 additional hours referred to in column B (1).[2] An experienced worker in any one of the occupations shown in column A (1) who is being retrained in any other of the occupations listed in column A (1) shall be paid during such retraining not less than 57 cents per hour for the first 160 hours and not less than 65 cents per hour for the next 160 hours.[2]	For normal labor turn-over: not more than 10 percent of the productive factory workers. If total factory employment is less than 100 the certificate may authorize as many as 10 learners. For new and expanding plant: to the extent of the needs of the plant.
(2) Final inspection of assembled garments.	Maximum learning period of 160 hours.	A learner employed under the 160 hour authorized learning period, shall be paid not less than 65 cents per hour.	

[1] If, within the previous two years, the worker has been employed for less than 480 hours in the same occupation for which he is being trained as a learner, the number of hours of previous employment should be deducted from the maximum learning period.

[2] In establishments where experienced workers are paid on a piece rate basis, learners shall be paid the same piece rates that experienced workers engaged in the same occupations are paid and earnings shall be based on those piece rates if in excess of the subminimum rates established.

(c) No experienced worker shall be employed under the terms of a special learner certificate, except as provided in Column C of paragraphs (a) or (b) of this section.

(d) No learner shall be hired under a special learner certificate if an experienced worker who is capable of equaling the performance of a worker of ordinary or minimum skill is available for employment.

(e) A special learner certificate authorizing the employment of learners for normal labor turnover may be issued for a period of one year. A special learner certificate authorizing the employment of learners by new or expanding plants shall be issued for a period not longer than necessary to complete the training of the total number of additional learners.

§ 522.163 *Definitions of terms.* (a) "New plant" means a plant which is newly established and is being operated for the first time, or which has not been operated more than eight months by the present or any preceding owner, and in which a substantial number of workers must be trained for the manufacture of the products of the plant.

(b) "Expanding plant" means a plant which is being expanded by the installation of additional mechanical equipment or other production facilities, by again placing into operation machinery which has been idle for an appreciable period or by adding an additional shift.

(c) "Experienced worker" means a person who has been employed in any occupation listed in Column A of paragraphs (a) and (b) of § 522.162 for the respective learner periods authorized for those occupations listed in Column B of said paragraphs. Previous employment will be considered experience under §§ 522.160 to 522.166 only if it has been had within the past two years in any division or branch of the apparel industry or in manufacturing of men's and boys' underwear from any woven fabric in establishments in the knitted wear industry.

(d) "Experienced worker available for employment" means an experienced worker residing within the area from which the employer customarily draws his labor supply or an experienced worker who has in fact made himself available to an employer at his plant or place of employment and has signified readiness to accept employment.

§ 522.164 *Removal of plant or transfer of production.* (a) An applicant for a special learner certificate for a new or expanding plant, who is moving from a plant in another location or is transferring production from such plant, or who has recently so moved or transferred production, shall attach to his application a signed statement giving the following information for the purpose of enabling the Wage and Hour Division to determine whether there is satisfaction of the conditions prescribed by § 522.160:

(1) Name, location and products of the plant from which applicant is moving or is transferring production.

(2) Average and minimum wage rates paid at such plant.

(3) Reasons for removal or transfer of production.

§ 522.165 *Status of certificates issued under previous regulations.* (a) Certificates presently in effect shall be amended in accordance with the provisions of these regulations to the extent applicable.

§ 522.166 *Applicability of general learner regulations.* (a) The employment of learners pursuant to the provisions of §§ 522.160 through 522.165, shall be subject to all provisions of the general regulations governing the employment of learners (29 CFR 522.1 through 522.14), except to the extent to which any provision of such general regulations is inconsistent with any provisions of §§ 522.160 through 522.165.

Signed at Washington, D. C., this 18th day of August 1950.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Division.

[F. R. Doc. 50-7375; Filed, Aug. 24, 1950; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

LEBANON

In § 127.291 *Lebanon* (39 CFR 127.291) amend paragraph (b) (1) by the addition of subdivision (ii) to read as follows:

(ii) Air parcels.

Lb.	Oz.	Rate	Lb.	Oz.	Rate
0	4	$1.22	19	8	$50.50
0	8	1.86	19	12	51.14
0	12	2.50	20	0	51.78
1	0	3.14	20	4	52.42
1	4	3.78	20	8	53.06
1	8	4.42	20	12	53.70
1	12	5.06	21	0	54.34
2	0	5.70	21	4	54.98
2	4	6.34	21	8	55.62
2	8	6.98	21	12	56.26
2	12	7.62	22	0	56.90
3	0	8.26	22	4	57.54
3	4	8.90	22	8	58.18
3	8	9.54	22	12	58.82
3	12	10.18	23	0	59.46
4	0	10.82	23	4	60.10
4	4	11.46	23	8	60.74
4	8	12.10	23	12	61.38
4	12	12.74	24	0	62.02
5	0	13.38	24	4	62.66
5	4	14.02	24	8	63.30
5	8	14.66	24	12	63.94
5	12	15.30	25	0	64.58
6	0	15.94	25	4	65.22
6	4	16.58	25	8	65.86
6	8	17.22	25	12	66.50
6	12	17.86	26	0	67.14
7	0	18.50	26	4	67.78
7	4	19.14	26	8	68.42
7	8	19.78	26	12	69.06
7	12	20.42	27	0	69.70
8	0	21.06	27	4	70.34
8	4	21.70	27	8	70.98
8	8	22.34	27	12	71.62
8	12	22.98	28	0	72.26
9	0	23.62	28	4	72.90
9	4	24.26	28	8	73.54
9	8	24.90	28	12	74.18
9	12	25.54	29	0	74.82
10	0	26.18	29	4	75.46
10	4	26.82	29	8	76.10
10	8	27.46	29	12	76.74
10	12	28.10	30	0	77.38
11	0	28.74	30	4	78.02
11	4	29.38	30	8	78.66
11	8	30.02	30	12	79.30
11	12	30.66	31	0	79.94
12	0	31.30	31	4	80.58
12	4	31.94	31	8	81.22
12	8	32.58	31	12	81.86
12	12	33.22	32	0	82.50
13	0	33.86	32	4	83.14
13	4	34.50	32	8	83.78
13	8	35.14	32	12	84.42
13	12	35.78	33	0	85.06
14	0	36.42	33	4	85.70
14	4	37.06	33	8	86.34
14	8	37.70	33	12	86.98
14	12	38.34	34	0	87.62
15	0	38.98	34	4	88.26
15	4	39.62	34	8	88.90
15	8	40.26	34	12	89.54
15	12	40.90	35	0	90.18
16	0	41.54	35	4	90.82
16	4	42.18	35	8	91.46
16	8	42.82	35	12	92.10
16	12	43.46	36	0	92.74
17	0	44.10	36	4	93.38
17	4	44.74	36	8	94.02
17	8	45.38	36	12	94.66
17	12	46.02	37	0	95.30
18	0	46.66	37	4	95.94
18	4	47.30	37	8	96.58
18	8	47.94	37	12	97.22
18	12	48.58	38	0	97.86
19	0	49.22	38	4	98.50
19	4	49.86	38	8	99.14

Lb.	Oz.	Rate	Lb.	Oz.	Rate
38	12	$99.78	41	8	$106.82
39	0	100.42	41	12	107.46
39	4	101.06	42	0	108.10
39	8	101.70	42	4	108.74
39	12	102.34	42	8	109.38
40	0	102.98	42	12	110.02
40	4	103.62	43	0	110.66
40	8	104.26	43	4	111.30
40	12	104.90	43	8	111.94
41	0	105.54	43	12	112.59
41	4	106.18	44	0	113.22

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-7376; Filed, Aug. 24, 1950; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

EXTENSION OF TEMPORARY ALLOCATION OF FREQUENCIES TO RADIOLOCATION SERVICE

In the matter of a petition filed with the Commission by the Seismograph Service Corporation of Tulsa, Oklahoma, requesting extension of temporary allocation of frequencies to the radiolocation service in the band 1750–1800 kc.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of August 1950;

The Commission having under consideration footnote (2) to § 2.104 (a) of its rules which, subject to certain conditions, temporarily allocates the band 1750–1800 kc. until not later than August 17, 1950, to a radiolocation service for the location of petroleum deposits in the Gulf of Mexico, and having under consideration a petition filed by the Seismograph Service Corporation requesting an extension of this temporary allocation for an additional period after August 17, 1950, on the general grounds that such extension is needed in connection with the proceedings to be held in the Commission's general radiolocation hearing in Docket 9233 and on the further grounds that the petitioner intends to file applications for renewal of its existing Class 2 Experimental licenses authorizing the use of this band for certain radiolocation purposes; and

It appearing, that the Commission's general radiolocation hearing in Docket 9233 has been postponed to an indefinite future date to be announced by the Commission and that an extension of the temporary allocation may serve to permit the accumulation of further data concerning radiolocation operations which may be utilized in connection with Docket 9233; and

It further appearing, that the Commission has heretofore found that establishment on a temporary basis of a radiolocation system as described above would be in the public interest and a further temporary extension as herein ordered would continue to be in the public interest; and

It further appearing, that steps are now being taken by the Commission which when completed are expected to result in the activation of the Disaster Communications Service in the band 1750–1800 kc., and that such service when activated should be free from harmful interference such as might be caused by the operation of the radiolocation service in this band; and

It further appearing, that the legal authority for a temporary extension of the existing temporary allocation of the band 1750–1800 kc. is vested in the Commission under sections 4 (i) and 303 (a), (b), (c), (d), (f), (g), (h), and (r) of the Communications Act of 1934, as amended; Article 7 of the Cairo (1938) General Radio Regulations, and Article 3 of the Atlantic City (1947) Radio Regulations;

It is ordered, That the petition of the Seismograph Service Corporation is granted to the extent that the temporary allocation is extended in accordance with the terms hereinafter set forth.

It is further ordered, That footnote (2) to § 2.104 (a) of the Commission's rules governing frequency allocations and other matters is amended to read as follows:

[2] On the condition that harmful interference shall not be caused to the Disaster Communications Service in this band, this band is temporarily allocated to the radiolocation service until not later than February 17, 1951, subject to possible temporary continuance beyond that time for such additional period or periods as the Commission may find necessary: *Provided, however,* That this temporary allocation, or any temporary continuation thereof, shall be subject to the use-in-derogation provisions of Article 7 of the Cairo General Radio Regulations and Chapter III of the Atlantic City Radio Regulations: *And provided further,* That this temporary allocation, or any temporary continuation thereof, shall automatically terminate, without the necessity of any further action by the Commission, not later than the date on which that part of the Table of Frequency Allocations of the Inter-American Radio Agreement (Washington, 1949) covering the band 1750–1800 kc. becomes effective, or the date on which that part of the Atlantic City Table of Frequency Allocations covering all of the bands below 27,500 kc. becomes effective (as provided by Article 47 of the Atlantic City Radio Regulations), whichever date is earlier: *And provided still further,* That this temporary allocation, or any temporary continuation thereof, shall be subject to earlier cancellation or modification by the Commission, without the necessity of a hearing, if during any period when such allocation is in effect the Commission shall, in the course of any action by the United States Government directed toward bringing into force any part of the Inter-American Radio Agreement (Washington, 1949) or toward making effective all or any portion of that part of the Atlantic City Table of Frequency Allocations covering the bands below 27,500 kc. or in the course of proceedings undertaken by the Commission to determine whether a radiolocation service should be provided on a permanent basis, or in the course of activating the Disaster Communications Service or any other fixed or mobile service in this band, reach conclusions which, in the opinion of the Commission, require such cancellation or modification. This temporary allocation, or any temporary continuation thereof, is strictly limited to a radiolocation service for the location of petroleum deposits in the Gulf of Mexico. Stations in this service shall be located within 150 miles of the shoreline of the Gulf of Mexico.

It is further ordered, That any application in proper form that has been or may hereafter be filed for renewal of an authorization in force on the date of filing for radiolocation operations in the band 1750–1800 kc. shall be granted on terms consistent with the extension of allocation herein ordered.

It is further ordered, That this order, and the amendment of Part 2 of the rules herein ordered, shall be effective August 17, 1950.

It is further ordered, That the petition of the Seismograph Service Corporation except as herein granted is denied.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Dated: August 17, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7389; Filed, Aug. 24, 1950; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 861, Corrected]

PART 95—CAR SERVICE

DEMURRAGE ON CARS HELD UNDER LOAD AT GREAT LAKES PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of August, A. D. 1950.

It appearing, that as the result of strikes on certain railroads serving Great Lakes ports and strike of certain dock workers at Great Lakes ports, a large number of cars of distressed coal, remnants of transshipment consignments, has accumulated which contributes to the present shortage of open top railroad cars; in the opinion of the Commission an emergency exists requiring immediate action at Great Lakes ports: It is ordered, that:

§ 95.861 *Demurrage on cars held under load at Great Lakes ports.* (a) Rule 6 of B. T. Jones' Tariff I. C. C. 4137, supplements thereto or reissues thereof, providing car demurrage rules and charges on coal and other carload freight as described therein, applying at ports, sidings or storage yards named therein, held for lake shipment or delivery to vessels, be, and it is hereby, suspended to the extent provided in paragraph (b) of this section.

(b) On all loaded cars, constituting remnants of transshipment consignments, on hand the effective date of this section and held at points described in the above tariff, over eight (8) days as follows: Lake coal, vessel fuel coal, coke,

crushed stone, gravel, sand or other carload freight, when loaded in open top equipment reconsigned at the ports and storage yards named herein, for rail delivery, will be subject to the provisions of Rule 2 and Rule 3 from the first 7:00 a. m., after date on which notice of arrival was sent or given, as provided in Rule 3 (b) of this tariff to date and time reconsignment orders are received by this railroad.

(c) Application: The provisions of this section shall apply to intrastate, interstate and foreign commerce.

(d) Regulations suspended; announcement required: The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k)) of this chapter, announcing such suspension.

(e) Effective date: This section shall become effective at 7:00 a. m., August 18, 1950.

(f) Expiration date: This section shall expire at 7:00 a. m., September 18, 1950, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7410; Filed, Aug. 24, 1950; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[33 CFR, Parts 80, 100]

[46 CFR, Parts 10, 12, 25–27, 30–35, 37–39, 46, 51, 52, 54–57, 59, 60, 62, 76, 78, 80, 94, 96, 98, 113–115, 117, 146, 160, 163]

[CGFR 50-24]

INSPECTION AND NAVIGATION REGULATIONS

MERCHANT MARINE COUNCIL PUBLIC HEARING ON PROPOSED CHANGES

1. The Merchant Marine Council will hold a public hearing on September 20, 1950, commencing at 9:30 a. m., in Room 4120, Coast Guard Headquarters, Thirteenth and E Streets NW., Washington, D. C., to consider proposed changes in the navigation and vessel inspection regulations.

2. The proposed changes in the regulations, together with the statutory authorities for making such changes, are generally described by subjects in paragraphs 4 to 51, inclusive. Copies of the proposed changes in the regulations have been mailed to persons and organizations who have expressed an active interest in the subjects under discussion. Copies of any of the proposed regulations may be obtained from the Commandant (MMC), Coast Guard Headquarters, Washington 25, D. C., so long as they are available. After all extra copies available for distribution are exhausted, copies will be available for reading purposes only in Room 4104, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

3. Comments on the proposed regulations are invited. All persons who desire to submit written comments, data, and views prior to the hearing for consideration in connection with the proposed changes may submit them in writing for receipt prior to September 20 by the Commandant (MMC), Coast Guard Headquarters, Washington 25, D. C., or comments, data, and views may be presented orally or in writing at the hearing. In order to insure consideration and to facilitate the checking and recording of comments, it is requested that each suggested rewording of a proposed regulation be submitted on a separate sheet of letter size paper showing the section number (if possible) and the subject with item number; the proposed change; the reason or basis (if any); and the name, business firm (if any), and address of the submitter. The written comments, data, and views should be submitted as soon as possible so they will be received prior to September 20 in order to insure consideration at the hearing and before recommendations are made concerning the proposed regulations.

ITEM I—SAFETY OF LIFE ON NAVIGABLE WATERS DURING MARINE REGATTAS OR MARINE PARADES

4. It is proposed to rescind the present regulations in 33 CFR Part 100 and substitute in lieu thereof new regulations. The proposed regulations will define a marine regatta or marine parade, as well as require in certain instances the submission in advance of detailed plans of the proposed marine regatta or marine parade to the Commander of the Coast Guard district in which it is proposed to be held. The purpose of the revised regulations is to provide a means whereby special regulations may be issued, if necessary, to assure safety of life on the navigable waters immediately prior to, during, and immediately after the marine regatta or marine parade.

5. The authority for prescribing regulations to promote the safety of life on navigable waters during marine regattas or marine parades is in section 1, 35 Stat. 69, as amended; 46 U. S. C. 454.

ITEM II—VISION REQUIREMENTS FOR APPLICANTS TO OBTAIN ENGINEER LICENSES OR CERTIFICATES OF SERVICE AS QUALIFIED MEMBER OF ENGINE DEPARTMENT

6. It is proposed to amend 46 CFR 10.02–5 (e) (5) by canceling the exception granted to applicants with monocular vision because it is felt that other regulations in effect will permit the granting of exceptions to the vision and other physical requirements in justifiable cases. It is also proposed to amend 46 CFR 12.15–5 (b) by canceling the reference to monocular vision for applicants desiring certificates of service as qualified member of engine department.

7. The authority to amend 46 CFR 10.02–5 is in R. S. 4405, 4417a, 4438, 4441, 49 Stat. 1544, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 224, 229, 367, 375, 391a, and 50 U. S. C. 1275. The authority for amending 46 CFR 12.15–5 (b) is in R. S. 4405, 4417a, sec. 13, 38 Stat. 1169, 49 Stat. 1544, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 672, and 50 U. S. C. 1275.

ITEM III—LIFE PRESERVERS FOR CHILDREN ON MOTORBOATS OR MOTOR VESSELS CARRYING PASSENGERS FOR HIRE

8. It is proposed to amend 46 CFR 25.4–1 (a), 26.2–1, 27.2–1, and 113.45 (a) to require that motorboats or motor vessels carrying passengers for hire shall be equipped with an additional number of approved life preservers suitable for children equal to at least ten percent of the total number of persons carried. On these vessels the only type of lifesaving equipment normally required is life preservers and adequate protection is not afforded to small children where adult life preservers only are carried.

9. The authority for prescribing children's life preservers is in R. S. 4405, 4426, 4488, 49 Stat. 1544, 54 Stat. 163-167, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 404, 481, 526–526t, and 50 U. S. C. 1275.

ITEM IV—BULK TRANSPORTATION OF INFLAMMABLE OR COMBUSTIBLE LIQUIDS HAVING LETHAL CHARACTERISTICS

10. After the public hearing held May 26, 1949, to consider a complete revision of the "Tank Vessel Regulations," it was decided that the proposed regulations regarding inflammable or combustible liquids having lethal characteristics be referred to an Advisory Panel of the Merchant Marine Council for further study and recommendation. This Advisory Panel has recommended that new regulations be adopted as a new Part 39 entitled "Inflammable or Combustible Liquids Having Lethal Characteristics" to be added to 46 CFR Chapter I. These regulations have been prepared specifically to facilitate the handling of acetone cyanhydrin in bulk but will be applied to the transportation of all inflammable or combustible liquids having lethal characteristics and defined as class "B" or class "C" poison. 46 CFR 35.4–1 will be amended by adding a new requirement regarding appropriate signs at the gangway indicating the transfer of poison.

11. The authority for "Tank Vessel Regulations" is in R. S. 4405, 4417a, sec. 2, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 463a, and 50 U. S. C. 1275.

ITEM V—VENTING OF CARGO TANKS ON TANK VESSELS CONSTRUCTED ON OR AFTER JULY 1, 1951

12. In accordance with recommendations received from the industry, it is proposed to add two new §§ 32.55–20 and 32.55–25 to 46 CFR Part 32. The proposed regulations will require closed venting on tank ships constructed on or after July 1, 1951. For tank barges constructed on or after July 1, 1951, flame arresters will no longer be permitted in the venting system. It is proposed to add a new § 32.20–20 to 46 CFR Part 32, which will require liquid level gaging devices on tank ships required to have closed venting. It is proposed to amend 46 CFR 35.5–5 by adding two requirements to be checked by the senior deck officer on duty when making the inspection prior to transfer of grade A liquid cargo.

13. The authority for "Tank Vessel Regulations" is in R. S. 4405, 4417a, sec. 2, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 463a, and 50 U. S. C. 1275.

ITEM VI—FIRE EXTINGUISHING SYSTEMS FOR DRY CARGO SPACES, LAMP AND PAINT ROOMS, PUMP ROOMS, ETC., ON TANK SHIPS CONSTRUCTED ON OR AFTER JULY 1, 1951

14. The American Bureau of Shipping has proposed to require a deck operated fixed smothering system mandatory in the case of cargo pump rooms on tank vessels. It is, therefore, proposed to add a new § 34.15–40 to 46 CFR Part 34 which will require fire extinguishing systems for dry cargo spaces, lamp and paint rooms, pump rooms, etc., on tank ships constructed on or after July 1, 1951.

15. The authority for "Tank Vessel Regulations" is in R. S. 4405, 4417a, sec. 2, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 463a, and 50 U. S. C. 1275.

ITEM VII—REVISION OF TANK VESSEL REGULATIONS

16. It is proposed to publish a complete revision of the "Tank Vessel Regulations" in 46 CFR Parts 30 to 35, inclusive, 37, and 38. This revision will also include the additional items described in this Agenda. The major changes required will apply to tank vessels built or constructed on or after July 1, 1951, and will include the final changes considered at public hearings held May 26, 1949, and March 28, 1950. It is not possible to furnish copies of the proposed revised "Tank Vessel Regulations." However, one copy is available for reading purposes only in Room 4104, Coast Guard Headquarters. It is proposed to have the revised "Tank Vessel Regulations" made effective on and after July 1, 1951, in order to provide adequate opportunity to all persons concerned to learn what the new requirements are.

17. The authority for "Tank Vessel Regulations" is in R. S. 4405, 4417a, sec. 2, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 463a, and 50 U. S. C. 1275.

ITEM VIII—SOLIDIFIED CARBON DIOXIDE (DRY ICE); USE AND TRANSPORTATION OF

18. Due to the occurrence of several accidents resulting in loss of life from the use of solid carbon dioxide on board vessels, a Navigation and Vessel Inspection Circular No. 2–50, describing the hazards involved and containing recommendations for using and transporting this material, was issued pending the promulgation of appropriate regulations. It is, therefore, proposed to amend 46 CFR 146.04–5, 146.07–7, 146.08–6, and 146.27–100 to include requirements covering carbon dioxide.

19. The authority for regulations covering dangerous cargo is in R. S. 4405 and 4472, as amended; 46 U. S. C. 170 and 375.

ITEM IX—STOWAGE OF INFLAMMABLE LIQUIDS ON PASSENGER VESSELS

20. It is proposed to amend 46 CFR 146.21–6 (c) so that the dangerous cargo regulations will agree with the regulations for construction or material alteration of passenger vessels regarding the construction of the overdeck above holds or compartments used for the stowage of inflammable liquids.

21. The authority for regulations covering dangerous cargo is in R. S. 4405 and 4472, as amended; 46 U. S. C. 170 and 375.

ITEM X—SODIUM HYDROSULFITE; CONTAINERS FOR

22. In order that Coast Guard regulations will conform to Interstate Commerce Commission requirements, it is proposed to amend 46 CFR 146.22–100 by changing the requirements covering the transportation of sodium hydrosulfite. The change in container specifications is made to reduce the fire hazard due to spontaneous heating of sodium hydrosulfite when in contact with moisture.

23. The authority for regulations covering dangerous cargo is in R. S. 4405 and 4472, as amended; 46 U. S. C. 170 and 375.

ITEM XI—SODIUM SULFIDE; PACKAGING AND LABELING REQUIREMENTS

24. Petitions have been received from a manufacturer and a shipper of sodium sulfide requesting that Coast Guard regulations be revised to agree with the Interstate Commerce Commission regulations covering the transportation of sodium sulfide containing 35 percent or more combined water by weight fused or concentrated but not ground (may be chipped, flaked, or broken) when the material is packed in steel barrels or drums equipped with moisture-tight closures. This change is desired in order to eliminate repacking and relabeling of sodium sulfide when transportation by vessel is involved. It is proposed to amend 46 CFR 146.22–100 by adding new requirements covering the transportation of sodium sulfide.

25. The authority for regulations covering dangerous cargo is in R. S. 4405 and 4472, as amended; 46 U. S. C. 170 and 375.

ITEM XII—PORTABLE TANK CONTAINERS FOR CERTAIN CORROSIVE LIQUIDS; I. C. C. SPECIFICATIONS

26. The Interstate Commerce Commission has established specifications for portable tank containers for certain corrosive liquids. It is proposed to amend 46 CFR 146.23–100 by adding new requirements for portable tank containers which may be used in the carriage of acetyl chloride; alkaline corrosive battery fluid and alkaline corrosive liquids, N. O. S.; antimony pentachloride; benzoyl chloride and benzyl chloride; caustic potash, liquid, and caustic soda, liquid; electrolyte (acid) battery fluid; formic acid; hydrochloric acid and hydrochloric acid mixtures; mixed acid and nitrating acid; phosphorus oxychloride; phosphorus trichloride; pyrosulfuryl chloride and silicon chloride (tetrachloride); sulfur chloride (mono and di); tin tetrachloride, anhydrous; and titanium tetrachloride.

27. The authority for regulations covering dangerous cargo is in R. S. 4405 and 4472, as amended; 46 U. S. C. 170 and 375.

ITEM XIII—ANHYDROUS AMMONIA IN BULK; SAFETY RELIEF VALVES ON BULK CARGO TANKS

28. It is proposed to amend 46 CFR 146.24–16 (i) so that the requirements for safety relief valves on bulk cargo tanks used in transporting anhydrous ammonia will be comparable to the proposed requirements for safety relief valves on bulk cargo tanks used in transporting liquefied petroleum gas. The minimum discharge capacity of safety relief valves for various tank sizes will be described in terms of cubic feet per minute of gas.

29. The authority for regulations covering dangerous cargo is in R. S. 4405 and 4472, as amended; 46 U. S. C. 170 and 375.

ITEM XIV—PORTABLE TANK CONTAINERS FOR CERTAIN LIQUEFIED GASES; I. C. C. SPECIFICATIONS

30. It is proposed to amend 46 CFR 146.24–100 by adding new Interstate Commerce Commission's specifications and requirements under "containers" for anhydrous ammonia, liquefied carbon dioxide, nitrous oxide, and sulfur dioxide.

31. The authority for regulations covering dangerous cargo is in R. S. 4405 and 4472, as amended; 46 U. S. C. 170 and 375.

ITEM XV—LIQUEFIED PETROLEUM GAS; TRANSPORTATION OF

32. In order that the Coast Guard regulations for the transportation of liquefied petroleum gas at a pressure not exceeding 250 pounds per square inch at

115° F. will conform to the Interstate Commerce Commission's requirements, it is proposed to further amend 46 CFR 146.24–100 by adding new requirements covering the transportation of liquefied petroleum gas and by deleting present requirements covering liquefied petroleum gas at a pressure not exceeding 200 pounds per square inch at 100° F.

33. The authority for regulations covering dangerous cargo is in R. S. 4405 and 4472, as amended; 46 U. S. C. 170 and 375.

ITEM XVI—MARINE ENGINEERING REGULATIONS AND MATERIAL SPECIFICATIONS

34. Several manufacturers of marine equipment and shippers have requested that the marine engineering regulations be revised to agree with the recommendations of the American Society of Mechanical Engineers, the American Standards Association, and the American Bureau of Shipping, as contained in the latest revisions of their codes. It is also desired to make certain other changes based on current practices followed by industry. To accomplish this, it is proposed to amend 46 CFR 51.52–60, 52.45–15, 52.55–15, 52.65–15, 54.01–40, 55.07–5, 55.07–10, 55.07–20, 55.07–25, 55.07–30, 55.10–55, 56.05–10, 57.10–15, 57.10–20, 57.15–1, 57.15–25, and add 46 CFR 55.07–6. These changes cover threads for all sizes of carbon steel bolting and flanges, methods for determining minimum inner radius of flanged plates, use of arc or gas butt welding for safe ending of boiler or superheater tubes, safety valves, hydrostatic test pressures for pressure vessels of welded or brazed construction, piping designs, pumping arrangements and piping systems, hydrostatic and hammer tests of welding, tests and inspections of boilers in service, welding repairs, and inspection of boiler mountings and attachments.

35. The authority for regulations on marine engineering is in R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275.

ITEM XVII—BULKHEADS, SUBDIVISIONS, AND WATERTIGHT INTEGRITY OF PASSENGER VESSELS

36. In order to improve the standard of safety for passenger vessels and to eliminate inconsistencies between the various regulations, it is proposed to amend 46 CFR 46.30 46.32, 46.38, 46.42, 59.64, 60.57, 76.57, 80.2, 94.56, 98.2, 113.50 and 117.2 so that the requirements concerning bulkheads, subdivisions, permeability, margin lines, damaged stability, port lights, and openings in watertight bulkheads will be adequate to provide a better than one-compartment standard of subdivision for vessels carrying large numbers of passengers. In addition, ferry vessels will have corresponding requirements. The proposed regulations will be consistent with the requirements contained in the Safety of Life at Sea Convention of 1948 insofar as they apply to vessels engaged in foreign trade.

37. The authority to prescribe regulations covering bulkheads, subdivisions, and watertight integrity of passenger vessels is in R. S. 4405, 4417, 4426, 4490, 24 Stat. 129, 46 Stat. 888, 49 Stat. 1384, 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 88a, 367, 369, 375, 391, 404, 482, 483, 1333, and 50 U. S. C. 1275; and E. O. 7548, 2 F. R. 257.

ITEM XVIII—SPRAY NOZZLE HYDRANTS IN BOILER AND MACHINERY SPACES OF OCEAN AND COASTWISE CARGO AND PASSENGER VESSELS

38. It is proposed to amend 46 CFR 61.14 (c) (2) to require spray nozzle hydrants in boiler and machinery spaces on all oceangoing passenger vessels and on all new cargo vessels of more than 1,000 gross tons.

39. The authority to prescribe fire-fighting requirements is in R. S. 4405, 4470, 49 Stat. 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 463, 463a, 1333, and 50 U. S. C. 1275.

ITEM XIX—FIRE-FIGHTING EQUIPMENT ON VESSELS USING OIL AS FUEL

40. Since several river passenger steamers carry very large numbers of passengers, it is felt necessary in the interests of safety that the fire-fighting equipment in fire rooms on vessels using oil as fuel should be sufficient to take care of any emergency that may arise. It is, therefore, proposed to amend 46 CFR 114.14b so that passenger vessels will be fitted with an approved carbon dioxide or foam type system for extinguishing fire in the bilges of each fire room in addition to the present equipment consisting of portable fire extinguishers and sand.

41. The authority to prescribe fire-fighting requirements is in R. S. 4405, 4470, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 463, 463a, and 50 U. S. C. 1275.

ITEM XX—LIGHTS FOR NONDESCRIPT VESSELS ON CERTAIN INLAND WATERS

42. A request was received concerning the proper lights to be displayed on nondescript vessels, such as pontoons, being towed or pushed in the harbors, rivers, or other inland waters of the United States. Because the requirements for lights on nondescript vessels not otherwise provided for are not adequately described, it is proposed to amend 33 CFR 80.16 by adding a new paragraph (i) which will require the lights for nondescript vessels not otherwise provided for to be the same as for scows.

43. The authority to prescribe lights for nondescript vessels is in 30 Stat. 102, as amended; 33 U. S. C. 157.

ITEM XXI—EMERGENCY SQUAD AND EMERGENCY SQUAD SIGNALS FOR PASSENGER VESSELS

44. In view of the experiences gained from past casualties, it is felt that the organization of an emergency squad composed of crew members should be mandatory on passenger vessels where it is possible to have one. It is proposed to amend 46 CFR 62.18, 78.18, 96.18, and 115.18 to require on passenger vessels, when the size of the crew will permit, the organization of an emergency squad and to permit special emergency squad signals to be used.

45. The authority to prescribe such regulations is in R. S. 4405, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 404, 481, 463a, 1333, and 50 U. S. C. 1275.

ITEM XXII—CARE OF LIFEBOATS ON OCEANGOING CARGO VESSELS

46. A ship operator has requested that the regulations be revised to permit lifeboats on cargo vessels to be overhauled and painted during the voyage. It is proposed to amend 46 CFR 59.10a to permit the overhauling and painting of lifeboats while the cargo vessel is at sea.

47. The authority to prescribe regulations covering lifeboats is in R. S. 4405, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 481, 489, 1333, and 50 U. S. C. 1275.

ITEM XXIII—GRAB RAILS FOR LIFEBOATS

48. The present specifications for lifeboats for merchant vessels requires that grab rails shall extend approximately two-thirds the length of the lifeboat. Since lifeboats so equipped with grab rails cannot be properly stowed under mechanical davits, it is proposed to amend 46 CFR 160.035–3 (w) (1) by changing the required length of grab rails from approximately two-thirds to approximately one-half the length of the lifeboat.

49. The authority to prescribe regulations covering construction of lifeboats is in R. S. 4405, 4417a, 4481, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 474, 481, 489, 1333, and 50 U. S. C. 1275.

ITEM XXIV—SPECIFICATIONS FOR LIFEBOAT BILGE PUMPS, FIBROUS GLASS LIFE PRESERVERS, AND WATERTIGHT SLIDING DOORS

50. It is proposed to add a new specification covering lifeboat bilge pumps as a new subpart 160.044 in 46 CFR Part 160. This specification will describe the oscillating wing type bilge pump, but other types will be permitted as alternates, and is intended to provide a uniform standard for bilge pumps. It is proposed to add a new specification covering life preservers using fibrous glass as buoyant material as a new § 160.005 in 46 CFR Part 160. This specification will provide an alternate type of life preserver for use on inspected vessels. It is proposed to add a new specification covering watertight sliding doors as a new § 163.001 in a new Part 163, entitled "Construction," to be in 46 CFR Chapter I, Subchapter Q.

51. The authority for the specification covering lifeboat bilge pumps is in R. S. 4405, 4417a, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 481, 489, 1333, and 50 U. S. C. 1275. The authority for the specification covering fibrous glass life preservers is in R. S. 4405, 4417a, 4426, 4482, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 163–167, 346 and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 490, 526–526t, 1333, and 50 U. S. C. 1275. The authority for the specification covering watertight sliding doors is in R. S. 4405, 4417, 4426, 4490, 24 Stat. 129, 46 Stat. 888, 49 Stat. 1384, 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 88a, 367, 369, 375, 391, 404, 482, 483, 1333, and 50 U. S. C. 1275.

Dated: August 18, 1950.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 50–7396; Filed, Aug. 24, 1950; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 961]

[Docket No. AO 160–A 12]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of an additional proposal to be considered at the hearing to be held at the John Bartram Hotel, Locust and Broad Streets, Philadelphia, Pennsylvania, beginning at 10:00 a. m., e. d. s. t., August 29, 1950, pursuant to notice issued August 15, 1950 (15 F. R. 5513) by the Acting Assistant Administrator of the Production and Marketing Administration, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area. This proposed amendment has not received the approval of the Secretary of Agriculture.

The following additional proposal has been submitted by the Dairy Branch for consideration at the hearing:

2. In § 961.4 (b) (1), add: *"Provided,* That Class I products containing less than 3.0 percent or more than 6.0 percent butterfat shall be subject to a butterfat differential for each one-tenth of 1 percent variation above or below 4.0 percent calculated as follows: divide the average of the cream quotation used in calculating the Class II price by 334.8 and subtract 0.67 cents," or in § 961.3 (b) (1) change the definition of Class I milk by deleting the words "containing less than 18 percent butterfat" and substitute therefore the words "containing less than 6 percent butterfat."

Copies of this notice of hearing, the said order, as amended, and the said tentative marketing agreement may be procured from the Market Administrator, 1612 Market Street, Philadelphia, Pennsylvania, or from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: August 22, 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50–7411; Filed, Aug. 24, 1950; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 11]

[Docket No. 9703]

SPECIAL INDUSTRIAL RADIO SERVICE

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of Revision of Subpart K of Part 11, rules governing the special industrial radio service.

The Commission having under consideration several requests for an extension of time within which to file comments in the above entitled matter;

It is ordered, That the time within which to file such comments is extended from August 15, 1950, to September 1, 1950.

Adopted: August 10, 1950.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50—7397; Filed, Aug. 24, 1950; 8:48 a. m.]

NOTICES

EXECUTIVE OFFICE OF THE PRESIDENT

NATIONAL SECURITY RESOURCES BOARD

STATEMENT OF ORGANIZATION

SEC. VI. *The National Security Resources Board*—(a) *Organization.* The National Security Resources Board was established by the National Security Act of 1947 (61 Stat. 495, 499) as an independent agency responsible to the President. It was transferred to the Executive Office of the President by Reorganization Plan No. 4 of 1949, effective August 20, 1949 (14 F. R. 5227). The function of the Resources Board, pursuant to section 103 (c) of the act, is to advise the President concerning the coordination of military, industrial and civilian mobilization. In performing its functions, the Board is directed by section 103 (d) of the act to utilize to the maximum extent the facilities and resources of the departments and agencies of the Government. Reorganization Plan No. 25 of 1950, effective July 10, 1950 (15 F. R. 4366) transferred the functions of the Board to the Board Chairman and provided that the Board should thereafter advise and consult with the Chairman with respect to such matters within his jurisdiction as he might request. Reorganization Plan No. 25 of 1950 also established the Office of Vice Chairman of the National Security Resources Board and stipulated that the Vice Chairman should be a Board Member. The membership of the Board consists of The Chairman and Vice Chairman, both of whom are appointed from civilian life by the President, by and with the advice and consent of the Senate, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. The Resources Board staff, in addition to an Executive Assistant and Special Assistants, consists of four staff services and eight resources mobilization planning offices. The staff services are the General Counsel's Office, the Administrative Office, the Program Coordination Office, and the Resources and Requirements Office. The resources mobilization planning offices are the Production Office, the Materials Office, the Transportation Office, the Energy and Utilities Office, the Manpower Office, the Foreign Activities Office, the Economic Management Office, and the Civil Defense Office.

The above statement supersedes section VI of the notice published in the FEDERAL REGISTER under date of December 30, 1949 (14 F. R. 7857).

WILLIAM J. HOPKINS,
Executive Clerk.

[F. R. Doc. 50–7415; Filed, Aug. 24, 1950; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[13507]

ALABAMA

NOTICE OF FILING OF PLAT OF SURVEY

AUGUST 18, 1950.

Notice is given that the plat of survey of an island in the Coosa River embrac-

ing the following described lands, accepted October 14, 1948, will be officially filed in this Bureau effective at 10:00 a. m. on the 35th day after the date of this notice:

COOSA COUNTY

ST. STEPHENS MERIDIAN

T. 23 N., R. 16 E.,
Sec. 30, lots 1, 2,
Sec. 31, lot 1.

The area described aggregates 58.07 acres.

Available data indicate that the above described land is an island in the Coosa River consisting of level to rolling land reaching an altitude of about 35 feet above the water level. The soil is a sandy loam with some stone and similar in character to that found on the mainland.

Upon the official filing of this plat the lands shown thereon will become subject to disposition under the general public land laws.

No applications for these lands may be allowed under the homestead, small tract, or any other non-mineral public land laws unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall acompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in acordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50–7371; Filed, Aug. 24, 1950; 8:45 a. m.]

[52663]

LOUISIANA

NOTICE OF FILING OF PLAT OF SURVEY

Notice is given that the Plat of Survey of that portion of Brush Island in sections 22 and 27 which was omitted from the original survey, and the survey of other islands in sections 10, 14, 21, 22, 27, and 28, T. 23 S., R. 20 E., La. Mer., Louisiana, which were not included in the original survey of the township and not shown upon the plat approved December 8, 1842, will be officially filed in this Bureau at 10:00 a. m. on the 35th day after the date of this notice:

TERREBONNE PARISH

LOUISIANA MERIDIAN

T. 23 S., R. 20 E.,
Sec. 10, lots 1, 2,
Sec. 14, lots 1, 2,
Sec. 21, lot 1,
Sec. 22, lots 1, 2, 3, 4, 5, 6, 7,
Sec. 27, lots 4, 5,
Sec. 28, lot 3.

The area described aggregates 107.63 acres.

Available data indicates that the above-described lands are small swampy islands.

It appears from the plat and field notes of the survey that all the lands are swamp and overflowed in character within the meaning of the act of March 2, 1849 (9 Stat. 352).

This survey was made to accommodate the application B. L. M. 017075 of the State of Louisiana for selection of the lands under the Swamp Land Grant Act of March 2, 1849 (9 Stat. 352). Therefore, if it should be finally determined that the lands are swamp and overflowed in character, they must be held to be subject to the claim by the State under the preference right provided for by the act.

Applications, if any, adverse to the State shall be filed in this office within 90 days following the date of the official filing of the plat. Any application based on a right or claim initiated subsequent to March 2, 1849, must be accompanied by a showing in accordance with 43 CFR 271.2 that the land applied for is non-swamp in character.

MARION CLAWSON,
Director.

[F. R. Doc. 50–7372; Filed, Aug. 24, 1950; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[Notice No. 1]

ENTRY OF SUGAR INTO CONTINENTAL UNITED STATES FROM CUBA

REQUIREMENT OF CERTIFICATION; 1950

Pursuant to § 817.2 (13 F. R. 127; 14 F. R. 1169), notice is hereby given that the quantity of sugar which may be entered for direct-consumption within the 1950 sugar quota for Cuba, amounting to 375,000 short tons of sugar, raw value, has been filled to the extent of 80 per centum or more. Accordingly, pursuant to § 817.2 for the remainder of the calendar year 1950, Collectors of Customs shall not permit the entry into the continental United States from Cuba of any sugar for direct consumption unless and until the certification described in § 817.2 (a) is issued.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Supp. 1153, 13 F. R. 127, 14 F. R. 1169)

Issued this 21st day of August 1950.

[SEAL] LAWRENCE MYERS,
Director, Sugar Branch, Production and Marketing Administration.

[F. R. Doc. 50–7386; Filed, Aug. 24, 1950; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry and Commerce; Bureau of Foreign and Domestic Commerce

[Case No. 80]

ALEX PRUZAN CO.

ORDER MODIFYING SUSPENSION OF LICENSE PRIVILEGES

In the matter of Alex Pruzan, dba Alex Pruzan Co., 105 West 30th Street, New York 1, N. Y., respondent; Case No. 80.

The above-named respondent was charged on November 30, 1949, with having violated the laws and regulations relating to export control by exporting from the United States to Spain considerable quantities of furs without required validated export licenses pursuant to shipper's export declarations falsely describing such furs as used clothing exportable under general license. Respondent having defaulted in answering such charges, the evidence was informally presented by the Enforcement Section to the Compliance Commissioner, and on the basis thereof he found that the charges were true. An order was accordingly issued on March 24, 1950, suspending indefinitely respondent's export license privileges but giving him the right to apply after the expiration of three months for reinstatement of such privileges. Under date of June 26, 1950, respondent applied for such reinstatement.

It appears that, while respondent did knowingly falsify export declarations and make unlicensed shipments as above described, export licenses for furs were readily obtainable at the time; that respondent's objective was primarily to facilitate avoidance of Spanish customs duties rather than to evade or defeat the purposes of the export control regulations; and consequently that, although such objective is to be strongly condemned and such violations properly warrant some suspension of export license privileges, they do not justify a permanent exclusion of respondent from all export trade.

It further appears that, whereas the suspension order of March 24, 1950, would thus ordinarily have been issued for a limited period, it was made indefinite in duration by reason of respondent's absence from the country and his resulting default; that respondent's business is limited in volume and consists mainly of the export of furs, a non-strategic commodity not on the Positive List; and that some relaxation of the suspension order may therefore be permitted without danger to the export control program.

Now, therefore, it is ordered, That the indefinite suspension of respondent's export license privileges, as imposed by said order of March 24, 1950, be and is hereby modified and amended to the following effect:

(1) Such suspension shall remain in full force and effect until September 24, 1950, upon which date it shall terminate insofar as concerns the exportation of any commodity not included at the time of proposed exportation on the Positive List established by the Office of Industry and Commerce.

(2) Such suspension shall continue in effect until March 24, 1951, insofar as concerns the exportation of any commodity included on said Positive List at the time of proposed exportation, upon which date it shall terminate in all respects.

Issued this 21st day of August 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

Approved:

JOHN F. HAVENER,
Assistant Director.

[F. R. Doc. 50–7377; Filed, Aug. 24, 1950; 8:45 a. m.]

Office of the Secretary

TEMPORARY DELEGATIONS OF AUTHORITY UNDER REORGANIZATION PLAN NO. 5 OF 1950

The temporary delegations of authority under Reorganization Plan No. 21 of 1950 printed in the FEDERAL REGISTER of May 25, 1950 (15 F. R. 3195) shall remain in full force and effect until such time as superseded, amended, or revoked by the Secretary of Commerce.

This amendment supersedes the second sentence of section 5 of the temporary delegations of authority appearing at 15 F. R. 3195 which read "This delegation terminates August 24, 1950, unless superseded, amended, or revoked by the Secretary of Commerce."

(R. S. 161; 5 U. S. C. 22; and Reorg. Plan No. 21 of 1950)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 50–7465; Filed, Aug. 24, 1950; 10:42 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9639]

LAMESA BROADCASTING CO. (KPET)

ORDER CONTINUING HEARING

In re application of R. O. Parker, R. A. Woodson and K. S. Asby d/b as Lamesa Broadcasting Company (KPET), Lamesa, Texas, Docket No. 9639, File No. BML–1266; for modification of license.

The Commission having under consideration a petition filed on August 7, 1950, by Lamesa Broadcasting Company (KPET), Lamesa, Texas, requesting that the hearing in the above-entitled proceeding, now scheduled for August 11, 1950, at Washington, D. C., be continued for a period of not less than 30 days; and

It appearing, that the General Counsel of this Commission has consented to a grant of said petition and to a waiver of the four-day requirement of § 1.745 of the Commission's rules and regulations, so as to permit immediate consideration of said petition, and good cause having been shown for the granting of the same;

It is ordered, This 9th day of August 1950, that the petition of Lamesa Broadcasting Company (KPET), for a continuance of the hearing herein, is hereby granted, and the hearing is hereby continued, to September 20, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–7390; Filed, Aug. 24, 1950; 8:47 a. m.]

[Docket Nos. 9179, 9575]

SPA BROADCASTERS, INC. AND SARATOGA BROADCASTING CO.

MEMORANDUM OPINION AND ORDER REOPENING RECORD FOR FURTHER EVIDENCE

In re applications of Spa Broadcasters, Inc., Saratoga Springs, New York, Docket No. 9179, File No. BP–6808; Saratoga Broadcasting Company, a partnership composed of John Nazak and Joanne May Levko, Saratoga Springs, New York, Docket No. 9575, File No. BP–7459; for construction permits.

1. By order dated July 10, 1950, the Examiner in this proceeding denied the petition of Saratoga Broadcasting Company, a partnership composed of John Nazak and Joanne May Levko, filed on June 19, 1950, requesting a "rehearing" in the above-entitled proceeding. The hearing had been originally scheduled for April 12, 1950, but was postponed to June 5, 1950, pursuant to a motion filed by the competing applicant, Spa Broadcasters, Inc., to which counsel for Saratoga Broadcasting Company consented. At the hearing of June 5, 1950, Saratoga Broadcasting Company did not appear but Spa Broadcasters, Inc., appeared and presented evidence in support of its application, whereupon the record was closed. In its petition of June 19, 1950, Saratoga alleged in support of its request for "rehearing" that it had failed to appear at the June 5 hearing because of the erroneous advice of its attorney that the scheduled hearing date was June 25, 1950. In his order denying Saratoga's petition, the Examiner stated that the petitioner had set forth no meritorious reasons why the record should be reopened for further hearing, as the carelessness of petitioner's counsel in erroneously advising petitioner as to the date of the hearing cannot be accepted as a legitimate excuse for the petitioner's failure to appear on the date scheduled; and that a grant of the petition would not be in the interests of administrative finality and would be prejudicial to the rights of the competing applicant.

2. On July 21, 1950, Saratoga filed a "Petition for Stay of Commission's order of July 10, 1950, and Application for Reconsideration of Original Petition to Reopen Record," which we shall treat as a petition for review of the Examiner's ruling of July 10, 1950.[1] In this petition

[1] Section 1.750 of the Commission's rules requires a petition for review to be filed within two days of the adverse ruling. The instant petition was not filed until 11 days thereafter, but under the circumstances we shall waive the two-day provision of the rules (see § 1.701) and proceed to consider the petition on its merits.

Saratoga points out that it was prepared to appear at the originally scheduled hearing on April 12, 1950, but consented to Spa's request for a continuance of that hearing "in the spirit of cooperation." It alleges that the wrong date of June 25, 1950, instead of the actual date of June 5, 1950, to which the hearing was continued, was erroneously inserted in the papers in the office of the personal attorney of one of Saratoga's partners, "due to substitution of personnel in office", and so sent over to Saratoga's radio counsel, whence apparently arose the petitioner's failure to attend the hearing of June 5, 1950. Petitioner asserts that as it "has been courteous enough to cooperate with the Spa Broadcasters, Inc., and consent to a later hearing, and then, because of a mix-up in office personnel fails to be there when [it] could have been, it is felt that in all fairness * * * [it] should be afforded an opportunity to present [its] side to the Commission."

3. On July 28, 1950, Spa Broadcasters, Inc., filed its opposition to Saratoga's petition, and requested a denial thereof. Spa contends that it has "spent much time and money in prosecuting its application"; that its witnesses appeared and presented evidence at the scheduled hearing; and that Saratoga's failure to appear was no fault of Spa but due to its own "negligence or carelessness." Spa states that "if the request of Saratoga Broadcasting Company were granted, obviously it would be necessary to recall all of the witnesses of Spa Broadcasters, Inc., for cross-examination and it would require the presence of counsel and engineering witnesses of Spa Broadcasters, Inc., to cross-examine witnesses for Saratoga Broadcasting Company."

4. We are of the opinion that the Examiner's ruling should be set aside and the record reopened to permit Saratoga to present evidence in support of its application. Not to do so under the circumstances of this case would be to visit too harsh a penalty upon the applicant because of what appears to be an error originating in the office of the attorney for one of the members of the applicant partnership. There is no suggestion here that there was any lack of good faith or a conscious attempt to ignore the Commission's schedule for the convenience of the applicant.

5. *Accordingly, it is ordered,* This 17th day of August 1950, That the above-described "petition for review" of the Examiner's order of July 10, 1950, filed by Saratoga Broadcasting Company on July 21, 1950, is granted; the said order of the Examiner of July 10, 1950 is set aside; and the record in this proceeding is reopened to permit Saratoga Broadcasting Company to present evidence in support of its application.

Released: August 18, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7391; Filed, Aug. 24, 1950; 8:47 a. m.]

[Docket Nos. 9566, 9626]

WINTER GARDEN BROADCASTING CO. AND COMMUNITY BROADCASTING CO. (KUNO)

ORDER CONTINUING HEARING

John H. Mayberry tr/as Winter Garden Broadcasting Company, Crystal City, Texas, Docket No. 9566, File No. BP-7255; Leslie C. Smith, B. G. Moffett and J. H. Mayberry, a partnership d/b as Community Broadcasting Company (KUNO), Corpus Christi, Texas, Docket No. 9626, File No. BMP-5034; for construction permits and modifications of construction permit.

The Commission having under consideration (1) a petition filed July 12, 1950, by John H. Mayberry tr/as Winter Garden Broadcasting Company, applicant in Docket No. 9566, requesting the Commission to reconsider its order designating the application for hearing and to grant said application without a hearing; (2) a petition filed July 12, 1950, by John H. Mayberry requesting the Commission to withdraw its application from the Hearing Docket; (3) a petition filed July 12, 1950, by Leslie C. Smith, B. G. Moffett and J. H. Mayberry, a partnership doing business as Community Broadcasting Company (KUNO), applicant in Docket No. 9626, requesting the Commission to reconsider its action in designating said application for hearing and to grant said application without a hearing; and

The undersigned Examiner acting under the authority contained in section 0.102 (b) of the Commission's rules and regulations, has on its own motion reconsidered his order dated August 4, 1950, in the above-entitled proceeding removing said applications from the Hearing Docket; and

It appearing that pending action by the Commission on the above-mentioned petitions wherein the applicants request the Commission to reconsider and grant their respective applications without a hearing, said applications should be retained on the Hearing Docket;

It is ordered, This the 10th day of August 1950, that the Commission's order of August 4, 1950, removing the above-entitled applications from the Hearing Docket be, and the same is set aside and revoked, and the applications are continued on the Hearing Docket; and the hearing on said applications now scheduled to begin September 5, 1950, is continued to a date to be announced by the Commission after action has been taken on the petitions to reconsider and grant said applications without a hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7392; Filed, Aug. 24, 1950; 8:47 a. m.]

[Docket Nos. 9393, 9714]

KWHK BROADCASTING CO., INC. (KWHK) AND KADA BROADCASTING, INC. (KSMI)

ORDER CONTINUING HEARING

In re applications of KWHK Broadcasting Company, Inc. (KWHK), Hutchinson, Kansas, Docket No. 9393, File No. BP-6831; KADA Broadcasting, Incorporated (KSMI), Wewoka, Oklahoma, Docket No. 9714, File No. BP-7502; for construction permits.

The Commission having under consideration a petition filed August 9, 1950, by KADA Broadcasting, Incorporated, licensee of Station KSMI at Wewoka, Oklahoma, requesting continuance for a period of sixty days of the hearing in the above-entitled proceeding, now scheduled to commence August 22, 1950, at Hutchinson, Kansas; and

It appearing, that on August 2, 1950, a petition for leave to amend its application for construction permit was filed with the Commission by KWHK Broadcasting Company, Inc., which indicated that objectionable interference to the proposed operation of Station KSMI near Wewoka, Oklahoma, would be eliminated; and

It further appearing, that an engineering study now being made by KADA Broadcasting, Incorporated, in preparation of an amendment to its application, for the purpose of eliminating or minimizing to a substantial degree the interference problems raised by the proposed operation of Station KSMI, will not be completed until on or about August 22, 1950; and

It further appearing, that all parties and intervenors in this proceeding and the General Counsel have consented to a waiver of the requirements of § 1.745 of the Commission's rules and regulations and have agreed to an immediate consideration and grant of this petition;

It is ordered, This 14th day of August 1950, that the petition be, and it is hereby granted; and that the hearing in the proceeding upon the above-entitled application now scheduled to commence August 22, 1950, at Hutchinson, Kansas, be, and it is hereby continued to October 23, 1950, at 10 o'clock a. m., in Hutchinson, Kansas, and October 26, 1950, in Wewoka, Oklahoma.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7393; Filed, Aug. 24, 1950; 8:47 a. m.]

[Docket No. 9390]

IDAHO RADIO CORP. (KID)

ORDER SCHEDULING FURTHER HEARING

In re application of Idaho Radio Corporation (KID), Idaho Falls, Idaho, Docket No. 9390, File No. BMP 3308; for modification of construction permit.

The Commission on August 9, 1950, having vacated and set aside the Initial Decision released February 6, 1950, granting the above-entitled application of Idaho Radio Corporation (KID), Idaho Falls, Idaho (subject to certain conditions), and ordered the record reopened, the proceeding remanded to the Examiner previously appointed, and a further hearing "for the purpose of receiving appropriate evidence as to the populations and areas now receiving service from Stations KSUB and WOW which would receive interference from the operation of Station KID" in the light of the factors described in the Commission's order of August 9, 1950, and the other services available thereto;

It is ordered, This 14th day of August 1950, that the further hearing in said matter shall commence at 10:00 o'clock a. m., Monday, October 16, 1950, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7394; Filed, Aug. 24, 1950; 8:47 a. m.]

[Docket Nos. 8001, 8685, 8830, 9130, 9222]

UNITY CORP., INC. (WTOD), ET AL.

ORDER CONTINUING HEARING

In re applications of Unity Corporation, Inc. (WTOD), Toledo, Ohio, Docket No. 8001, File No. BP-5071; The Midwestern Broadcasting Company, Toledo, Ohio, Docket No. 8685, File No. BP-6421; The Toledo Blade Company, Toledo, Ohio, Docket No. 8830, File No. BP-6534; The Rural Broadcasting Company of Ohio, Oak Harbor, Ohio, Docket No. 9130, File No. BP-6758; Radio Corporation of Toledo, Toledo, Ohio, Docket No. 9222, File No. BP-7057; for construction permits.

The Commission having under consideration a petition filed August 14, 1950, by Midwestern Broadcasting Company, Toledo, Ohio, requesting a continuance "for some date in the latter part of October 1950" of the further hearing now scheduled for September 25, 1950, in Washington, D. C., upon the above-entitled applications; and

It appearing, that all parties to the above proceeding and Commission Counsel have consented to a waiver of § 1.745 of the Commission's rules and regulations to permit early consideration of this petition and have indicated orally that they have no objection to a grant of the said petition; and

It appearing further, that good cause for the requested continuance is shown in the petition;

It is ordered, This 15th day of August 1950, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 o'clock a. m., Monday, October 23, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7395; Filed, Aug. 24, 1950; 8:47 a. m.]

[Docket No. 69596]

PLATTE VALLEY BROADCASTING CORP. (KNEB)

ORDER CONTINUING HEARING

In re application of Platte Valley Broadcasting Corporation (KNEB), Scottsbluff, Nebraska, Docket No. 9596, File No. BP-7035; for construction permit.

The Commission having under consideration a petition filed August 15, 1950, by Platte Valley Broadcasting Corporation, Scottsbluff, Nebraska, requesting that the hearing in the above-entitled proceeding presently scheduled for August 29, 1950, in Washington, D. C., be continued for approximately thirty days; and

It appearing, that all parties to the proceeding and Commission Counsel have indicated that they have no objection to the requested continuance; that compliance with § 1.745 of the Commission's rules is therefore unnecessary; and that good and sufficient cause has been shown in the petition for said continuance;

It is ordered, This 17th day of August 1950, that the petition be, and it is hereby granted; and the hearing in the above-entitled matter be, and it is hereby, continued to 10:00 o'clock a. m. Thursday, September 28, 1950, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7396; Filed, Aug. 24, 1950; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25343]

SODA ASH AND CAUSTIC SODA FROM BATON ROUGE, LA.

APPLICATION FOR RELIEF

AUGUST 22, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 378.

Commodities involved: Soda ash and caustic soda, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Memphis, Tenn., St. Louis, Mo., and points in Illinois.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 378, Supplement 96.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7378; Filed, Aug. 24, 1950; 8:46 a. m.]

[4th Sec. Application 25344]

ROASTED COFFEE FROM NEW ORLEANS, LA., TO WESTERN TRUNK LINE

APPLICATION FOR RELIEF

AUGUST 22, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to W. P. Emerson, Jr.'s tariff I. C. C. No. 348.

Commodities involved: Roasted coffee, carloads, minimum weight 50,000 pounds.

From: New Orleans, La.

To: Points in Illinois, Iowa, Minnesota, Nebraska and Wisconsin.

Grounds for relief: Circuitous routes and port relationship.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 348, Supplement 134.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7379; Filed, Aug. 24, 1950; 8:46 a. m.]

[4th Sec. Application 25345]

IMPORT NEWSPRINT PAPER TO THE SOUTH

APPLICATION FOR RELIEF

AUGUST 22, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1166.

Commodities involved: Newsprint paper, imported, carloads.

From: Virginia, south Atlantic and Gulf ports.

To: Points in southern territory.

Grounds for relief: Port equalization.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1166, Supplement 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7380; Filed, Aug. 24, 1950; 8:46 a. m.]

[Rev. S. O. 562, Rev. King's I. C. C. Order 28]

CANADIAN NATIONAL RAILWAYS (LINES IN CANADA) ET AL.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Homer C. King, Agent, the Canadian National Railways (Lines in Canada), Canadian Pacific Railway Company, The Toronto, Hamilton and Buffalo Railway Company and the Napierville Junction Railway Company, because of work stoppage are unable to transport traffic routed over and to points on their lines. It is ordered, that:

(a) *Rerouting traffic.* The Canadian National Railways (Lines in Canada), Canadian Pacific Railway Company, The Toronto, Hamilton and Buffalo Railway Company and the Napierville Junction Railway Company and their connections, are authorized and directed to reroute or divert traffic routed over and to points on their lines, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroads named or their connections, desiring to divert or reroute traffic over the line or lines of another carrier under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 6:00 a. m., August 22, 1950.

(g) *Expiration date.* This order shall expire at 11:59 p. m., September 21, 1950, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 18, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-7381; Filed, Aug. 24, 1950; 8:46 a. m.]

[Rev. S. O. 562, Rev. King's I. C. C. Order 29]

KENTUCKY AND INDIANA TERMINAL RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Homer C. King, Agent, the Kentucky and Indiana Terminal Railway Company, because of work stoppage are unable to transport traffic routed over and to points on its lines: It is ordered, that:

(a) *Rerouting traffic.* The Kentucky and Indiana Terminal Railway Company and its connections, is authorized and directed to reroute or divert traffic routed over and to points on its line, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroads named or their connections, desiring to divert or reroute traffic over the line or lines of another carrier under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 6:00 a. m., August 20, 1950.

(g) *Expiration date.* This order shall expire at 11:59 p. m., September 20, 1950, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 18, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-7382; Filed, Aug. 24, 1950; 8:46 a. m.]

[Rev. S. O. 562, Rev. King's I. C. C. Order 30]

ELGIN, JOLIET AND EASTERN RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Homer C. King, Agent, the Elgin, Joliet and Eastern Railway Company, because of work stoppage is unable to transport traffic routed over and to points on its line: It is ordered, that:

(a) *Rerouting traffic.* The Elgin, Joliet and Eastern Railway Company and its connections, is authorized and directed to reroute or divert traffic routed over and to points on its line, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroads named or their connections, desiring to divert or reroute traffic over the line or lines of another carrier under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 6:00 a. m., August 21, 1950.

(g) *Expiration date.* This order shall expire at 11:59 p. m., September 20, 1950, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 18, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-7383; Filed, Aug. 24, 1950; 8:46 a. m.]

[Rev. S. O. 562, Rev. King's I. C. C. Order 31]

WABASH RAILROAD CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Homer C. King, Agent, the Wabash Railroad Company, because of work stoppage is unable to transport traffic routed over and to points on its Buffalo division. It is ordered, that:

(a) *Rerouting traffic.* The Wabash Railroad Company is authorized and directed to reroute or divert traffic routed over and to points on its Buffalo division, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroads named or their connections, desiring to divert or reroute traffic over the line or lines of another carrier under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 10:00 a. m., August 21, 1950.

(g) *Expiration date.* This order shall expire at 11:59 p. m., September 20, 1950, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 21, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-7384; Filed, Aug. 24, 1950; 8:46 a. m.]

[Rev. S. O. 562, Rev. King's I. C. C. Order 32]

PITTSBURGH AND LAKE ERIE RAILROAD CO. AND LAKE ERIE AND EASTERN RAILROAD CO.

DIVERSION OR REROUTING TRAFFIC

In the opinion of Homer C. King, Agent, The Pittsburgh and Lake Erie Railroad Company, and The Lake Erie and Eastern Railroad Company, because of work stoppage are unable to transport traffic routed over and to points on their lines, it is ordered, that:

(a) *Rerouting traffic.* The Pittsburgh and Lake Erie Railroad Company, and The Lake Erie and Eastern Railroad Company and their connections, are authorized and directed to reroute or divert traffic routed over and to points on their lines, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroads named or their connections, desiring to divert or reroute traffic over the line or lines of another carrier under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 6:00 a. m., August 22, 1950.

(g) *Expiration date.* This order shall expire at 11:59 p. m., September 20, 1950, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 21, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-7408; Filed, Aug. 24, 1950; 8:49 a. m.]

[Rev. S. O. 562, Rev. King's I. C. C. Order 33]

PITTSBURGH & WEST VIRGINIA RAILWAY CO.

DIVERSION OR REROUTING TRAFFIC

In the opinion of Homer C. King, Agent, The Pittsburgh & West Virginia Railway Company, because of work stoppage is unable to transport traffic routed over and to points on its line: It is ordered, that:

(a) *Rerouting traffic.* The Pittsburgh & West Virginia Railway Company is authorized and directed to reroute or divert traffic routed over and to points on its line, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad named, desiring to divert or reroute traffic over the line or lines of another carrier under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 7:00 a. m., August 22, 1950.

(g) *Expiration date.* This order shall expire at 11:59 p. m., September 20, 1950, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 21, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-7409; Filed, Aug. 24, 1950; 8:49 a. m.]

FEDERAL POWER COMMISSION

MONTAUP ELECTRIC CO.

NOTICE OF ORDER

AUGUST 21, 1950.

Notice is hereby given that, on August 21, 1950, the Federal Power Commission issued its order entered August 18, 1950, approving and directing disposition of amounts classified in Account 107, Electric Plant Adjustments, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7373; Filed, Aug. 24, 1950; 8:45 a. m.]

[Docket No. E-6305]

EL PASO ELECTRIC CO.

NOTICE OF ORDER

AUGUST 21, 1950.

Notice is hereby given that, on August 21, 1950, the Federal Power Commission issued its order entered August 18, 1950, authorizing and approving issuance of short-term promissory notes in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7374; Filed, Aug. 24, 1950; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-170, 54-172]

NIAGARA HUDSON POWER CORP.

NOTICE OF FILING OF APPLICATION FOR SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of August A. D. 1950.

Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, having filed applications for approval of plans under section 11 (e) of the Public Utility Holding Company Act providing for the consolidation into a single new operating company of the three principal subsidiaries of Niagara Hudson, and for the dissolution of Niagara Hudson; and the Commission by order dated August 24, 1949, having approved said plans and the United States District Court for the Northern District of New York having entered on November 4, 1949, its order enforcing such plans; and the said order enforcing such plans having been reversed by the Court of Appeals by orders dated February 1, 1950, and amended February 14, 1950, but only with respect to that part of said order which enforced the provisions of the Dissolution Plan relating to the Class B Option Warrants of Niagara Hudson, the order in all other respects having been affirmed;

Notice is hereby given that Niagara Hudson has filed an application for a supplemental order approving further detailed steps, pursuant to the Dissolution Plan, to consummate the disposition of its remaining assets, and its eventual dissolution, and in connection therewith to make provision for its liabilities.

Notice is further given that any interested person may, not later than September 6, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 6, 1950, the Commission may take such action as may be deemed appropriate with respect to Niagara Hudson's application.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the transactions proposed in the said application which are summarized as follows:

The Dissolution Plan of Niagara Hudson provided that when the indebtedness of Niagara Hudson should have been paid, Niagara Hudson would distribute its remaining holdings of common stock of the new operating company, Niagara Mohawk Power Corporation ("Niagara Mohawk"), pro rata to the remaining holders of Niagara Hudson's common stock and would thereafter dissolve; and that whatever cash or other assets were held by Niagara Hudson at the time of dissolution would be paid over to Niagara Mohawk, after all expenses in connection with the dissolution has been paid or provision had been made for such payment. The indebtedness of Niagara Hudson presently consists principally of a bank loan, the upaid balance of which is $1,500,000. This indebtedness matures November 1, 1950 and Niagara Hudson proposes to pay off its indebtedness at maturity.

To the extent that its liability can now be estimated, Niagara Hudson states that as at December 31, 1950, its liabilities will amount to approximately $525,000 and that the amount of cash which it will have on hand on December 31, 1950, will be approximately $920,000. It is proposed that as soon as possible after January 31, 1951, and concurrently with or immediately subsequent to the distribution of its holdings of Niagara Mohawk common stock to its remaining common stockholders, Niagara Hudson will transfer all of its remaining assets to Niagara Mohawk and that Niagara Mohawk will assume all of the obligations and liabilities, if any, of Niagara Hudson outstanding at such time, including the liability for the payment of fees and expenses incident to the Consolidation Plan and Dissolution Plan, the payment of any tax liabilities not then finally determined and any payment which may be required to be made to holders of the Class B Option Warrants of Niagara Hudson in the event of the conclusion of pending litigation with respect to such Option Warrants in favor of the holders thereof.

With respect to the distribution to the remaining holders of Niagara Hudson common stock of the shares of Niagara Mohawk common stock presently held by Niagara Hudson, in the ratio of 0.78 share of Niagara Mohawk common stock for each share of Niagara Hudson common stock, it is proposed that such distribution shall be commenced as soon as possible after the record date fixed by the Board of Directors of Niagara Mohawk for the dividend upon Niagara Mohawk common stock to be made payable on December 31, 1950, which date is presently anticipated by Niagara Hudson to be on or about December 2, 1950.

It is further proposed by Niagara Hudson that any holders of nine (9) or less than nine shares of Niagara Hudson common stock may elect (a) to receive the equivalent number of shares of Niagara Mohawk common stock (plus Niagara Mohawk common stock script for any resulting fraction of less than one full share), on the basis of the 0.78 for 1 ratio, or (b) on or before February 1, 1951, to receive an amount of cash equal to the proceeds of the sale of such equivalent number of shares of Niagara Mohawk common stock (including fractions of shares) at the market price for such shares on the New York Stock Exchange at the closing of the market on the business day last preceding the day of presentation of his Niagara Hudson common stock for surrender.

There are presently outstanding bearer script certificates of Niagara Hudson representing rights in respect of fractions of shares of its common stock, which were issued incident to the consolidation forming Niagara Hudson on February 1, 1937. Such bearer script certificates are presently outstanding in the aggregate amount of 1,996-2/6 shares of Niagara Hudson common stock, and a like number of full shares of Niagara Hudson common stock has been reserved by Niagara Hudson for issue upon the presentation and surrender of such bearer script certificates when presented in amounts aggregating one or more full shares in accordance with their terms. In order to make appropriate provision for the holders of such script certificates outstanding at the time of dissolution of Niagara Hudson, Niagara Hudson proposes to reserve in lieu of the shares of Niagara Hudson common stock reserved against such outstanding script certificates the equivalent number (on the basis of the ratio of 0.78 for 1) of shares of Niagara Mohawk common stock. Niagara Hudson further proposes to provide that from the time of the distribution to the remaining holders of Niagara Hudson common stock of shares of Niagara Mohawk common stock, such outstanding script certificates will be deemed to represent rights in respect of fractions of full shares of Niagara Mohawk common stock, subject to the same terms, provisions and conditions as are provided to the holders of bearer script certificates representing rights in respect of fractions of shares of Niagara Mohawk common stock which have been issued or are issuable under the provisions of the Dissolution Plan.

Niagara Hudson has requested that the Commission issue such supplemental order as is necessary and appropriate to final consummation of the Dissolution Plan of Niagara Hudson and that the Commission apply to the United States District Court for the Northern District of New York for a supplemental order to enforce and carry out the terms and provisions of said order of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-7388; Filed, Aug. 24, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14943]

ELSIE VOIGT

In re: Stock and debenture owned by Elsie Voigt. F-28-30755-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsie Voigt, whose last known address is Hinter der Kirche 101, Osterholz-Scharmbeck bei Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Thirty one (31) and seven twentieths (7/20ths) shares of no par value common capital stock of 7814 Rockaway Boulevard Realty Corporation, 32 Court Street, Brooklyn, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 10 for 31 and 7/20ths shares of stock of the aforesaid corporation and debenture number 10 attached thereto in the amount of $3,135.00, said certificate registered in the name of Elsie Voigt and presently in the custody of the 7814 Rockaway Boulevard Realty Corporation, 32 Court Street, Brooklyn, New York, together with all declared and unpaid dividends on the aforesaid shares of stock and any and all rights in, to and under the aforesaid debenture,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7400; Filed, Aug. 24, 1950; 8:48 a. m.]

[Vesting Order 12936, Amdt.]

WILLIAM FRED STENZEL

In re: Estate of William Fred Stenzel, also known as William Stenzel, deceased; File No. D-28-10261; E. T. sec. 14649.

Vesting Order 12936, dated March 11, 1949, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Guettler Exner, Emma Guettler, Karl Guenther Guettler and Heinz Georg Guettler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of William Fred Stenzel, also known as William Stenzel, deceased,

b. Any and all property of any kind or character whatsoever, other than real property and rentals and income therefrom, in the possession or custody of or under the control of Margaret Seifert, as administratrix of the estate of William Fred Stenzel, also known as William Stenzel, deceased, and,

c. That certain debt or obligation of Margaret Seifert as administratrix of the estate of William Fred Stenzel, also

known as William Stenzel, deceased, arising by reason of the collection of rentals and other income on account of a one-fourth (¼) interest in the real property described in subparagraph 4 hereof, together with all rights to demand, collect and enforce the same,

is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Margaret Seifert, as administratrix of the estate of William Fred Stenzel, also known as William Stenzel, deceased, acting under the judicial supervision of the Probate Court, Leavenworth County, Kansas;

4. That the property described as follows: An undivided one-fourth (¼) interest in real property particularly described as Lots Seventeen (17), Eighteen (18) and Nineteen (19) all in Block One (1), Fenn's Fairground Subdivision of Leavenworth City, Leavenworth County, Kansas, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a, 2-b and 2-c, hereof, subject to the payment therefrom of any or all lawful fees and disbursements of Margaret Seifert, as administratrix, of the estate of William Fred Stenzel, also known as William Stenzel, deceased, arising out of the administration of such property, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 4 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7401; Filed, Aug. 24, 1950; 8:48 a. m.]

[Vesting Order 14910]

CARLOS FRANK

In re: Coupons owned by Carlos Frank also known as Carlos Lothario Frank. F-28-25523-C-1/A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carlos Frank, also known as Carlos Lothario Frank, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) United States Customs House Receipt, bearing No. 3351, dated October 4, 1940, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, said receipt covering coupons described as follows:

Number of coupons	Type of bond detached from—	Serial number of bond	Due dates of coupons	Face value of coupons (each)
4	The city of Copenhagen 4½ percent 25 year gold bonds.	570; 163	2 due 11/1/39 2 due 5/1/40	$11.25.
8	Imperial Japanese Government 5½ percent conversion loan of 1930.	33261; 19602; 19603; 9849	3 due 7/1/40 3 due 1/1/40 1 due 7/1/40 1 due 1/1/40	£2 15s. £2 15s. £0 11s. £0 11s.
8	State of San Paulo 7 percent secured S/F G/B coffee realization loan of 1930.	2626	1 due 4/1/38 1 due 10/1/38 1 due 4/1/39 1 due 10/1/39 1 due 4/1/40	$17.50.
10	State of San Paulo 7 percent coffee realization loan of 1930.	39039; 56167	2 due 4/1/38 2 due 10/1/38 2 due 4/1/39 2 due 10/1/39 2 due 4/1/40	£3 10s.

said coupons presently in the custody of the Federal Reserve Bank of New York—Foreign Funds Control Department, 33 Liberty Street, New York, New York, in a General Ruling No. 5 account entitled "Secretary of the Treasury under Executive Order No. 8389, as amended," and any and all rights in, to and under the aforesaid receipt, including particularly, but not limited to the rights to possession and presentation for collection of the aforesaid coupons,

b. Two (2) coupons detached from City of Copenhagen 4½ percent 25 year Gold Bonds numbered 570 and 163, each coupon in the amount of $11.25, having become due November 1, 1940, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in a General Ruling No. 6 account, together with all rights thereunder and thereto,

c. Three (3) coupons detached from Imperial Japanese Government 5½ percent Conversion Loan of 1930 bonds numbered 19602, 19603 and 33261, each coupon in the amount of £2.15/pounds sterling, having become due January 1, 1941, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in a General Ruling No. 6 account, together with all rights thereunder and thereto,

d. One (1) coupon detached from Imperial Japanese Government 5½ percent Conversion Loan of 1930 bond numbered 9849, in the amount of £0.11/sterling, having become due January 1, 1941, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in a General Ruling No. 6 account, together with all rights thereunder and thereto,

e. Two (2) coupons detached from State of San Paulo 7 percent Coffee Realization Loan of 1930 bonds numbered 39039 and 56167, each coupon in the amount of £3.10/ pounds sterling, having become due October 1, 1940, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in a General Ruling No. 6 account, together with all rights thereunder and thereto, and

f. One (1) coupon detached from State of San Paulo 7 percent Secured S/F G/B Coffee Realization Loan of 1930 bond numbered 2626, in the amount of $17.50, having become due October 1, 1940, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in a General Ruling No. 6 account, together with all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-7399; Filed, Aug. 24, 1950; 8:48 a. m.]

[Return Order 715]

GUENTHER BENNO NATHAN ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Guenther Benno Nathan, Sol Scheps, a/k/a Solo Scheps, David Wronker, Ellen Ruth Scheps, Horst Dietrich Nathan, a/k/a Horst Dieter Nathan, all of New York, New York, Claim No. 42921; May 23, 1950 (15 F. R. 3144); $32,362.69 in the Treasury of the United States 20/60 thereof returnable to Guenther Benno Nathan; 15/60 to Sol Scheps; 9/60 to David Wronker; 8/60 to Ellen Ruth Scheps, and 8/60 to Horst Dietrich Nathan.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7402; Filed, Aug. 24, 1950; 8:48 a. m.]

[Return Order 716]

REGINALD ARTHUR VILLIERS FORBES

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Reginald Arthur Villiers Forbes, Paris, France, Claim No. 4974; July 14, 1950 (15 F. R. 4479); $36,901.99 cash in the Treasury of the United States. All right, title and interest of Reginald Arthur Villiers Forbes in and to the trust created under the will of Lucretia A. Brydon, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 21, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7403; Filed, Aug. 24, 1950; 8:48 a. m.]

MARINA COLUSSI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marina Colussi, 836 Fryer Street, Bridgeville, Pennsylvania, Claim No. 41960; $2,310.78 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Girolamo Colussi and Marina Colussi, in and to the estate of Pacifico Colussi, deceased.

Executed at Washington, D. C., on August 21, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7404; Filed, Aug. 24, 1950; 8:48 a. m.]

HENRI GEORGES MARIE EUGENE DE FRANCE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Henri Georges Marie Eugene de France, Paris, France; Claim No. 12101; Property described in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943) relating to United States Patent Application Serial Nos. 428,971; 428,972; 428,973; 429,583; 429,584 (now Patent No. 2,356,568); 455,909 (now Patent No. 2,414,453) and 464,750 (now Patent No. 2,420,303).

Executed at Washington, D. C., on August 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7405; Filed, Aug. 24, 1950; 8:48 a. m.]

MARIUS PIOT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Marius Piot, Roanne, France; Claim No. 18399; Property described in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943) relating to United States Patent Application Serial No. 415,056 (now Patent No. 2,390,168).

Executed at Washington, D. C., on August 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7406; Filed, Aug. 24, 1950; 8:48 a. m.]

ANTOINETTE GIANOTTI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Antoinette Gianotti, a/k/a Antoinetta Grannatti, Turin, Italy, Claim No. 5557; $6,965.74 in the Treasury of the United States.

Executed at Washington, D. C., on August 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7407; Filed, Aug. 24, 1950; 8:48 a. m.]

SEP 13 '50

SEP 13 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 166

Washington, Saturday, August 26, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 CCC Cotton Bulletin 1, Amdt. 1]

PART 607—COTTON

SUBPART—1950 COTTON LOAN PROGRAM

SCHEDULE OF BASE LOAN RATES FOR WAREHOUSE-STORED COTTON

The 1950 Cotton Loan Bulletin (1950 CCC Cotton Bulletin 1) is hereby amended by adding § 607.131 to read as follows:

§ 607.131 *Basic loan rates by warehouse locations.* The base loan rates applicable to Middling White and Extra White 15/16-inch upland cotton, under Commodity Credit Corporation's 1950 Cotton Loan Program, are as follows:

ALABAMA

City and county	Basis Middling White and Extra White 15/16-inch loan rate
Abbeville, Henry	29.73
Akron, Hale	29.63
Albertville, Marshall	29.83
Alexander City, Tallapoosa	29.93
Aliceville, Pickens	29.53
Altoona, Etowah	29.93
Andalusia, Covington	29.63
Anniston, Calhoun	29.93
Arab, Marshall	29.83
Ardmore, Limestone	29.63
Ashford, Houston	29.73
Ashland, Clay	29.93
Athens, Limestone	29.63
Atmore, Escambia	29.53
Attalla, Etowah	29.93
Auburn, Lee	29.93
Banks, Pike	29.73
Bankston, Fayette	29.63
Belk, Fayette	29.63
Berry, Fayette	29.63
Birmingham, Jefferson	29.73
Blountsville, Blount	29.83
Boaz, Marshall	29.83
Boligee, Greene	29.53
Brantley, Crenshaw	29.63
Brantley, Dallas	29.63
Brent, Bibb	29.73
Brewton, Escambia	29.53
Bridgeport, Jackson	29.73
Browntown (P. O. Henagar), Jackson	29.73
Brundidge, Pike	29.73
Butler, Choctaw	29.53
Camden, Wilcox	29.53
Camp Hill, Tallapoosa	29.93
Carbon Hill, Walker	29.63
Carrollton, Pickens	29.53
Centerville, Bibb	29.73
Centre, Cherokee	29.93
Chavies, De Kalb	29.83
Childersburg, Talladega	29.93
Clanton, Chilton	29.73
Clayton, Barbour	29.83
Clio, Barbour	29.83
Collinsville, DeKalb	29.83
Columbia, Houston	29.73
Columbiana, Shelby	29.83
Cooper, Chilton	29.73
Cordova, Walker	29.63
Courtland, Lawrence	29.63
Cullman, Cullman	29.73
Dadeville, Tallapoosa	29.93
Dancy, Pickens	29.53
Decatur, Morgan	29.73
Demopolis, Marengo	29.53
Detroit, Lamar	29.53
Dothan, Houston	29.73
Dozier, Crenshaw	29.63
Dutton, Jackson	29.73
Elba, Coffee	29.73
Elkmont, Limestone	29.63
Enterprise, Coffee	29.73
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Fort Payne, DeKalb	29.83
Fyffe, DeKalb	29.83
Gadsden, Etowah	29.93
Gantt, Covington	29.63
Geneva, Geneva	29.73
Georgiana, Butler	29.63
Glen Allen, Fayette	29.63
Good Water, Coosa	29.83
Gordo, Pickens	29.53
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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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(Revised through July 1)

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Portland, Ashley	29.31
Prescott, Nevada	29.31
Russellville, Pope	29.31
Searcy, White	29.34
Sparkman, Dallas	29.31
Truman, Poinsett	29.36
Waldo, Columbia	29.31
Walnut Ridge, Lawrence	29.34
Warren, Bradley	29.31
West Memphis, Crittenden	29.40
Wilson, Mississippi	29.36
Wynne, Cross	29.36

CALIFORNIA

City and county	Basis Middling White and Extra White 15/16-inch loan rate
Bakersfield, Kern	28.68
Caruthers, Fresno	28.68
Chowchilla, Madera	28.68
Coalinga, Fresno	28.68
Firebaugh, Fresno	28.68
Five Points, Fresno	28.68
Fresno, Fresno	28.68
Hanford, Kings	28.68
Helm, Fresno	28.68
Huron, Fresno	28.68
Kerman, Fresno	28.68
Kingsburg, Fresno	28.68
Lamoore, Kings	28.68
McFarland, Kern	28.68
Madera, Madera	28.68
Pinedale, Fresno	28.68
Reedley, Fresno	28.68
Richmond, Contra Costa	28.68
San Francisco, San Francisco	28.68
San Joaquin, Fresno	28.68
San Pedro, Los Angeles	28.68
Stockton, San Joaquin	28.68
Stratford, Kings	28.68
Tranquillity, Fresno	28.68
Tulare, Tulare	28.68

FLORIDA

City and county	Basis Middling White and Extra White 15/16-inch loan rate
Pensacola, Escambia	29.43

GEORGIA

City and county	Basis Middling White and Extra White 15/16-inch loan rate
Abbeville, Wilcox	29.93
Adairsville, Bartow	30.03
Adrian, Emanuel	30.03
Albany, Dougherty	29.93
Allentown, Wilkinson	30.03
Alma, Bacon	29.93
Alvaton, Meriwether	30.03
Americus, Sumter	29.93
Arlington, Calhoun	29.83
Athens, Clarke	30.13
Atlanta, Fulton	30.03
Augusta, Richmond	30.13
Bainbridge, Decatur	29.83
Barnesville, Lamar	30.03
Bartow, Jefferson	30.03
Baxley, Appling	29.93
Bishop, Oconee	30.13
Blackshear, Pierce	29.83
Blakely, Early	29.83
Braselton, Jackson	30.13
Bronwood, Terrell	29.93
Brooklet, Bulloch	30.03
Buchanan, Haralson	30.03
Buena Vista, Marion	30.03
Buford, Gwinnett	30.03
Butler, Taylor	30.03
Byronville, Dooly	29.93
Cadwell, Laurens	30.03
Calhoun, Gordon	30.03
Camilla, Mitchell	29.83
Canon, Franklin	30.13
Carrollton, Carroll	30.03
Cartersville, Bartow	30.03
Cedartown, Polk	30.03
Chauncey, Dodge	30.03
Chester, Dodge	30.03
Claxton, Evans	29.93
Cochran, Bleckley	30.03
Colquitt, Miller	29.83
Columbus, Muscogee	30.03
Comer, Madison	30.13
Commerce, Jackson	30.13
Conyers, Rockdale	30.03
Cordele, Crisp	29.93
Covington, Newton	30.03
Culloden, Monroe	30.03
Cuthbert, Randolph	29.83
Dallas, Paulding	30.03
Dalton, Whitfield	30.03
Davisboro, Washington	30.03
Dawson, Terrell	29.93
Dexter, Laurens	30.03
Doerun, Colquitt	29.83
Donalsonville, Seminole	29.83
Douglas, Coffee	29.93
Dublin, Laurens	30.03
Dudley, Laurens	30.03
Eastman, Dodge	30.03
East Point, Fulton	30.03
Eatonton, Putnam	30.03
Edison, Calhoun	29.83
Elberton, Elbert	30.13
Ellaville, Schley	30.03
Fairburn, Fulton	30.03
Farrar, Jasper	30.03
Fayetteville, Fayette	30.03
Fitzgerald, Ben Hill	29.93
Forsyth, Monroe	30.03
Fort Gaines, Clay	29.83
Fort Valley, Peach	30.03
Gainesville, Hall	30.13
Garfield, Emanuel	30.03
Gay, Meriwether	30.03
Glennville, Tattnall	29.93
Grantville, Coweta	30.03
Graymont, Emanuel	30.03
Greensboro, Greene	30.13
Greenville, Meriwether	30.03
Gresston, Dodge	30.03
Griffin, Spalding	30.03
Haralson, Coweta	30.03
Harrison, Washington	30.03
Hartsfield, Colquitt	29.83
Hartwell, Hart	30.13
Hawkinsville, Pulaski	30.03
Hogansville, Troup	30.03
Ideal, Macon	30.03
Jackson, Butts	30.03
Jefferson, Jackson	30.13
Jeffersonville, Twiggs	30.03
Jesup, Wayne	29.93
Jonesboro, Clayton	30.03
Kelly, Jasper	30.03
Kingston, Bartow	30.03
Kite, Johnson	30.03
La Fayette, Walker	30.03
La Grange, Troup	30.03
Lavonia, Franklin	30.13
Lawrenceville, Gwinnett	30.03

GEORGIA—Continued

City and county	Basis Middling White and Extra White 15/16-inch loan rate
Leary, Calhoun	29.83
Leslie, Sumter	29.93
Lilly, Dooly	29.93
Lincolnton, Lincoln	30.13
Locust Grove, Henry	30.03
Loganville, Walton	30.03
Louisville, Jefferson	30.03
Lumpkin, Stewart	29.93
Luthersville, Meriwether	30.03
Macon, Bibb	30.03
Madison, Morgan	30.03
Manchester, Meriwether	30.03
Mansfield, Newton	30.03
Marietta, Cobb	30.03
Marshallville, Macon	30.03
McDonough, Henry	30.03
McRae, Telfair	29.93
Meansville, Pike	30.03
Meigs, Thomas	29.83
Metter, Candler	30.03
Midville, Burke	30.03
Milan, Dodge	30.03
Milledgeville, Baldwin	30.03
Millen, Jenkins	30.03
Monroe, Walton	30.03
Montezuma, Macon	30.03
Monticello, Jasper	30.03
Montrose, Laurens	30.03
Moreland, Coweta	30.03
Moultrie, Colquitt	29.83
Newnan, Coweta	30.03
Ochlocknee, Thomas	29.83
Ocilla, Irwin	29.93
Oglethorpe, Macon	30.03
Omega, Tift	29.93
Orchard Hill, Spalding	30.03
Parrott, Terrell	29.93
Pelham, Mitchell	29.83
Perry, Houston	30.03
Pinehurst, Dooly	29.93
Pitts, Wilcox	29.93
Plains, Sumter	29.93
Portal, Bulloch	30.03
Pulaski, Candler	30.03
Rebecca, Turner	29.93
Rentz, Laurens	30.03
Reynolds, Taylor	30.03
Rhine, Dodge	30.03
Richland, Stewart	29.93
Roberta, Crawford	30.03
Rochelle, Wilcox	29.93
Rockmart, Polk	30.03
Rocky Ford, Screven	30.03
Rome, Floyd	30.03
Royston, Franklin	30.13
Rutledge, Morgan	30.03
Sandersville, Washington	30.03
Savannah, Chatham	30.03
Scotland, Telfair	29.93
Senoia, Coweta	30.03
Shady Dale, Jasper	30.03
Sharpsburg, Coweta	30.03
Shellman, Bartow	30.03
Shellman, Randolph	29.83
Social Circle, Walton	30.03
Soperton, Treutlen	30.03
Sparta, Hancock	30.03
Statesboro, Bulloch	30.03
Summit, Emanuel	30.03
Swainsboro, Emanuel	30.03
Sycamore, Turner	29.93
Sylvania, Screven	30.03
Sylvester, Worth	29.93
Tallapoosa, Haralson	30.03
Taylorsville, Bartow	30.03
Temple, Carroll	30.03
Tennille, Washington	30.03
Thomaston, Upson	30.03
Thomson, McDuffie	30.13
Tifton, Tift	29.93
Tignall, Wilkes	30.13
Toccoa, Stephens	30.13
Turin, Coweta	30.03
Tyrone, Fayette	30.03
Unadilla, Dooly	29.93
Valdosta, Lowndes	29.83
Vidalia, Toombs	29.93

GEORGIA—Continued

City and county	Basis Middling White and Extra White 15/16-inch loan rate
Vienna, Dooly	29.93
Villa Rica, Carroll	30.03
Wadley, Jefferson	30.03
Warrenton, Warren	30.13
Washington, Wilkes	30.13
Watkinsville, Oconee	30.13
Waynesboro, Burke	30.03
West Point, Troup	30.03
Williamson, Pike	30.03
Winder, Barrow	30.13
Woodbury, Meriwether	30.03
Woodland, Talbot	30.03
Wrightsville, Johnson	30.03
Zebulon, Pike	30.03

ILLINOIS

Cairo, Alexander	29.38

LOUISIANA

Alexandria, Rapides	29.31
Arcadia, Bienville	29.31
Bernice, Union	29.31
Bryceland, Bienville	29.31
Bunkie, Avoyelles	29.31
Chatham, Jackson	29.31
Choudrant, Lincoln	29.31
Coushatta, Red River	29.31
Delhi, Richland	29.32
Dubach, Lincoln	29.31
Farmerville, Union	29.31
Ferriday, Concordia	29.33
Franklinton, Washington	29.38
Gibsland, Bienville	29.31
Haynesville, Claiborne	29.31
Homer, Claiborne	29.31
Jonesboro, Jackson	29.31
Lake Charles, Calcasieu	29.31
Lake Providence, East Carroll	29.33
Logansport, De Soto	29.31
Mansfield, De Soto	29.31
Marion, Union	29.31
Minden, Webster	29.31
Monroe, Ouachita	29.31
Natchitoches, Natchitoches	29.31
Newellton, Tensas	29.33
New Orleans, Orleans	29.38
Oak Grove, West Carroll	29.32
Opelousas, Saint Landry	29.31
Plain Dealing, Bossier	29.31
Rayville, Richland	29.31
Ringgold, Bienville	29.31
Ruston, Lincoln	29.31
Shreveport, Caddo	29.31
Springhill, Webster	29.31
Tallulah, Madison	29.33
Winnsboro, Franklin	29.31

MISSISSIPPI

Aberdeen, Monroe	29.43
Amory, Monroe	29.43
Batesville, Panola	29.43
Belmont, Tishomingo	29.43
Belzoni, Humphreys	29.38
Booneville, Prentiss	29.43
Brookhaven, Lincoln	29.40
Canton, Madison	29.43
Carthage, Leake	29.43
Clarksdale, Coahoma	29.38
Cleveland, Bolivar	29.38
Coffeeville, Yalobusha	29.43
Columbia, Marion	29.40
Columbus, Lowndes	29.43
Como, Panola	29.43
Corinth, Alcorn	29.43
Drew, Sunflower	29.38
Durant, Holmes	29.43
Forest, Scott	29.40
Gloster, Amite	29.38
Goodman, Holmes	29.43
Greenville, Washington	29.38
Greenwood, Leflore	29.38
Grenada, Grenada	29.43
Gulfport, Harrison	29.38
Hattiesburg, Forrest	29.40
Hollandale, Washington	29.38
Holly Springs, Marshall	29.43
Houston, Chickasaw	29.43

MISSISSIPPI—Continued

City and county	Basis Middling White and Extra White 15/16-inch loan rate
Indianola, Sunflower	29.38
Inverness, Sunflower	29.38
Itta Bena, Leflore	29.38
Jackson, Hinds	29.40
Kosciusko, Attala	29.43
Laurel, Jones	29.40
Leland, Washington	29.38
Lexington, Holmes	29.38
Liberty, Amite	29.40
Louisville, Winston	29.43
Macon, Noxubee	29.43
Magee, Simpson	29.40
Magnolia, Pike	29.40
Marks, Quitman	29.38
McComb, Pike	29.40
Meridian, Lauderdale	29.43
Mount Olive, Covington	29.40
Natchez, Adams	29.38
New Albany, Union	29.43
Newton, Newton	29.40
Okolona, Chickasaw	29.43
Oxford, Lafayette	29.43
Philadelphia, Neshoba	29.43
Pontotoc, Pontotoc	29.43
Port Gibson, Claiborne	29.38
Quitman, Clarke	29.40
Ripley, Tippah	29.43
Rolling Fork, Sharkey	29.38
Rosedale, Bolivar	29.38
Ruleville, Sunflower	29.38
Shaw, Bolivar	29.38
Shelby, Bolivar	29.38
Shuqualak, Noxubee	29.43
Sledge, Quitman	29.38
Summit, Pike	29.40
Tupelo, Lee	29.43
Tutwiler, Tallahatchie	29.38
Tylertown, Walthall	29.40
Union, Newton	29.43
Vicksburg, Warren	29.38
Water Valley, Yalobusha	29.43
Wesson, Copiah	29.40
West Point, Clay	29.43
Yazoo City, Yazoo	29.38

MISSOURI

Arbyrd, Dunklin	29.38
Caruthersville, Pemiscot	29.36
Charleston, Mississippi	29.34
Gideon, New Madrid	29.34
Hayti, Pemiscot	29.36
Kennett, Dunklin	29.34
Lilbourn, New Madrid	29.34
Malden, Dunklin	29.34
Portageville, New Madrid	29.36
Sikeston, Scott	29.34

NEW MEXICO

Artesia, Eddy	29.08
Carlsbad, Eddy	29.08
Hobbs, Lea	29.14
Las Cruces, Dona Ana	29.07
Roswell, Chaves	29.08

NORTH CAROLINA

Avondale, Rutherford	30.23
Battlesboro, Nash	30.15
Benson, Johnston	30.16
Bethel, Pitt	30.16
Bladenboro, Bladen	30.16
Bostic, Rutherford	30.23
Candor, Montgomery	30.23
Carthage, Moore	30.23
Charlotte, Mecklenburg	30.23
Cherryville, Gaston	30.23
Clayton, Johnston	30.16
Clinton, Sampson	30.15
Columbus, Polk	30.23
Concord, Cabarrus	30.23
Dunn, Harnett	30.16
Durham, Durham	30.23
Edenton, Chowan	30.16
Elizabeth City, Pasquotank	30.16
Enfield, Halifax	30.16
Farmville, Pitt	30.16
Fayetteville, Cumberland	30.16
Forest City, Rutherford	30.23

NORTH CAROLINA—Continued

City and county	Basis Middling White and Extra White 15/16-inch loan rate
Franklinton, Franklin	30.16
Gastonia, Gaston	30.23
Goldsboro, Wayne	30.16
Greensboro, Guilford	30.23
Gumberry, Northampton	30.16
Harris, Rutherford	30.23
Henderson, Vance	30.16
Hickory, Catawba	30.23
Hope Mills, Cumberland	30.16
Jackson, Northampton	30.16
Kings Mountain, Cleveland	30.23
Kingston, Lenoir	30.16
LaGrange, Lenoir	30.16
Laurel Hill, Scotland	30.16
Laurinburg, Scotland	30.16
Lewiston, Bertie	30.16
Lilesville, Anson	30.23
Lincolnton, Lincoln	30.23
Littleton, Halifax	30.16
Louisburg, Franklin	30.16
Lumberton, Robeson	30.16
Marshville, Union	30.23
Matthews, Mecklenburg	30.23
Maxton, Robeson	30.16
Monroe, Union	30.23
Mooresville, Iredell	30.23
Morven, Anson	30.23
Mount Gilead, Montgomery	30.23
Mount Olive, Wayne	30.16
Murfreesboro, Hertford	30.16
Nashville, Nash	30.16
Newton, Catawba	30.23
Norlina, Warren	30.16
Parkton, Robeson	30.16
Pates, Robeson	30.16
Pembroke, Robeson	30.16
Pikeville, Wayne	30.16
Pinetops, Edgecombe	30.16
Raeford, Hoke	30.16
Raleigh, Wake	30.16
Ranlo, Gaston	30.23
Red Springs, Robeson	30.16
Reidsville, Rockingham	30.23
Rich Square, Northampton	30.16
Roanoke Rapids, Halifax	30.16
Rockingham, Richmond	30.23
Rocky Mount, Edgecombe	30.16
Rowland, Robeson	30.16
Rutherfordton, Rutherford	30.23
Saint Pauls, Robeson	30.16
Salisbury, Rowan	30.23
Sanford, Lee	30.23
Scotland Neck, Halifax	30.16
Seaboard, Northampton	30.16
Shelby, Cleveland	30.23
Smithfield, Johnston	30.16
Spring Hope, Nash	30.16
Stantonsburg, Wilson	30.16
Statesville, Iredell	30.23
Tarboro, Edgecombe	30.16
Wadesboro, Anson	30.23
Wagram, Scotland	30.16
Wake Forest, Wake	30.16
Warrenton, Warren	30.16
Washington, Beaufort	30.16
Weldon, Halifax	30.16
Wilmington, New Hanover	30.16
Wilson, Wilson	30.16
Woodland, Northampton	30.16

OKLAHOMA

Ada, Pontotoc	29.31
Altus, Jackson	29.24
Anadarko, Caddo	29.24
Ardmore, Carter	29.24
Carter, Beckham	29.24
Chandler, Lincoln	29.24
Chickasha, Grady	29.24
Clinton, Custer	29.24
Cushing, Payne	29.31
Durant, Bryan	29.31
Elk City, Beckham	29.24
Erick, Beckham	29.24
Foss, Washita	29.24
Frederick, Tillman	29.24
Guthrie, Logan	29.24

OKLAHOMA—Continued

City and county	Basis Middling White and Extra White 15/16-inch loan rate
Hobart, Kiowa	29.24
Hugo, Choctaw	29.31
Lawton, Comanche	29.24
Mangum, Greer	29.24
Marlow, Stephens	29.24
McAlester, Pittsburg	29.31
Mountain View, Kiowa	29.24
Muskogee, Muskogee	29.31
Oklahoma City, Oklahoma	29.24
Pauls Valley, Garvin	29.24
Purcell, McClain	29.24
Ryan, Jefferson	29.24
Sentinel, Washita	29.24
Shawnee, Pottawatomie	29.31
Snyder, Kiowa	29.24
Stroud, Lincoln	29.31
Tipton, Tillman	29.24
Waurika, Jefferson	29.24
Weleetka, Okfuskee	29.31
Wynnewood, Garvin	29.24

SOUTH CAROLINA

Abbeville, Abbeville	30.23
Aiken, Aiken	30.23
Allendale, Allendale	30.16
Anderson, Anderson	30.23
Andrews, Georgetown	30.16
Angelus, Chesterfield	30.23
Ashwood, Lee	30.16
Atkins, Lee	30.16
Bamberg, Bamberg	30.16
Barnwell, Barnwell	30.16
Batesburg, Lexington	30.23
Belton, Anderson	30.23
Bennettsville, Marlboro	30.16
Bethune, Kershaw	30.23
Bishopville, Lee	30.16
Blacksburg, Cherokee	30.23
Blackstock, Fairfield	30.23
Blackville, Barnwell	30.16
Blairs, Fairfield	30.23
Blaney, Kershaw	30.23
Blenheim, Marlboro	30.16
Bowman, Orangeburg	30.16
Boykin, Kershaw	30.23
Brunson, Hampton	30.16
Calhoun Falls, Abbeville	30.23
Camden, Kershaw	30.23
Cameron, Calhoun	30.16
Campobello, Spartanburg	30.23
Carlisle, Union	30.23
Catawba, York	30.23
Cateechee, Pickens	30.23
Centenary, Marion	30.16
Central, Pickens	30.23
Charleston, Charleston	30.16
Chappells, Newberry	30.23
Cheraw, Chesterfield	30.23
Chesnee, Spartanburg	30.23
Chester, Chester	30.23
Chesterfield, Chesterfield	30.23
Clinton, Laurens	30.23
Clio, Marlboro	30.16
Clover, York	30.23
Columbia, Richland	30.23
Conestee, Greenville	30.23
Cope, Orangeburg	30.16
Cordova, Orangeburg	30.16
Cowpens, Spartanburg	30.23
Crockettville, Hampton	30.16
Cross Anchor, Spartanburg	30.23
Cross Hill, Laurens	30.23
Darlington, Darlington	30.16
Davis Station, Clarendon	30.16
Dillon, Dillon	30.16
Drake, Marlboro	30.16
Due West, Abbeville	30.23
Dunbar, Marlboro	30.16
Dunbarton, Barnwell	30.16
Duncan, Spartanburg	30.23
Easley, Pickens	30.23
Edgefield, Edgefield	30.23
Ehrhardt, Bamberg	30.16
Elko, Barnwell	30.16
Ellenton, Aiken	30.23
Elliot, Lee	30.16

SOUTH CAROLINA—Continued

City and county	Basis Middling White and Extra White 15/16-inch loan rate
Elloree, Orangeburg	30.16
Enoree, Spartanburg	30.23
Estill, Hampton	30.16
Eureka, Aiken	30.23
Eutawville, Orangeburg	30.16
Fairfax, Allendale	30.16
Fair Forest, Spartanburg	30.23
Fairmont, Spartanburg	30.23
Filbert, York	30.23
Fingerville, Spartanburg	30.23
Florence, Florence	30.16
Fountain Inn, Greenville	30.23
Gaffney, Cherokee	30.23
Gray Court, Laurens	30.23
Greenville, Greenville	30.23
Greenwood, Greenwood	30.23
Greer, Greenville	30.23
Hamer, Dillon	30.16
Hampton, Hampton	30.16
Hartsville, Darlington	30.16
Heath Springs, Lancaster	30.23
Hickory Grove, York	30.23
Holly Hill, Orangeburg	30.16
Honea Path, Anderson	30.23
Inman, Spartanburg	30.23
Iva, Anderson	30.23
Jefferson, Chesterfield	30.23
Jenkinsville, Fairfield	30.23
Johnsonville, Florence	30.16
Johnston, Edgefield	30.23
Jonesville, Union	30.23
Kershaw, Kershaw	30.23
Kings Creek, Cherokee	30.23
Kingstree, Williamsburg	30.16
Kline, Barnwell	30.16
Kollock, Marlboro	30.16
Lake City, Florence	30.16
Lamar, Darlington	30.16
Lancaster, Lancaster	30.23
Landrum, Spartanburg	30.23
Lanford, Laurens	30.23
Latta, Dillon	30.16
Laurens, Laurens	30.23
Leesville, Lexington	30.23
Lester, Marlboro	30.16
Liberty, Pickens	30.23
Little Rock, Dillon	30.16
Lowrys, Chester	30.23
Lugoff, Kershaw	30.23
Luray, Hampton	30.16
Lynchburg, Lee	30.16
Manning, Clarendon	30.16
Marion, Marion	30.16
Mauldin, Greenville	30.23
Mayesville, Sumter	30.16
McColl, Marlboro	30.16
McCormick, McCormick	30.23
Mount Carmel, McCormick	30.23
Mount Croghan, Chesterfield	30.23
Mullins, Marion	30.16
Neeses, Orangeburg	30.16
Newberry, Newberry	30.23
Newry, Oconee	30.23
New Zion, Clarendon	30.16
Ninety Six, Greenwood	30.23
Norris, Pickens	30.23
North, Orangeburg	30.16
Norway, Orangeburg	30.16
Olanta, Florence	30.16
Olar, Bamberg	30.16
Orangeburg, Orangeburg	30.16
Oswego, Sumter	30.16
Owings, Laurens	30.23
Pageland, Chesterfield	30.23
Pamplico, Florence	30.16
Parksville, McCormick	30.23
Pelzer, Anderson	30.23
Pendleton, Anderson	30.23
Pickens, Pickens	30.23
Piedmont, Greenville	30.23
Plum Branch, McCormick	30.23
Pomaria, Newberry	30.23
Princeton, Laurens	30.23
Remini, Clarendon	30.16
Richburg, Chester	30.23
Ridge Spring, Saluda	30.23

SOUTH CAROLINA—Continued

City and county	Basis Middling White and Extra White 15/16-inch loan rate
Ridgeway, Fairfield	30.23
Rock Hill, York	30.23
Roebuck, Spartanburg	30.23
Rowesville, Orangeburg	30.16
Salley, Aiken	30.23
Saluda, Saluda	30.23
Sandy Springs, Anderson	30.23
Scotia, Hampton	30.16
Seigling, Allendale	30.16
Sellers, Marion	30.16
Seneca, Oconee	30.23
Sharon, York	30.23
Silver, Clarendon	30.16
Simpsonville, Greenville	30.23
Six Mile, Pickens	30.23
Smoaks, Colleton	30.16
Spartanburg, Spartanburg	30.23
Springfield, Orangeburg	30.16
Starr, Anderson	30.23
St. Matthews, Calhoun	30.16
Summerton, Clarendon	30.16
Sumter, Sumter	30.16
Swansea, Lexington	30.23
Syracuse, Darlington	30.16
Tatum, Marlboro	30.16
Timmonsville, Florence	30.16
Trenton, Edgefield	30.23
Union, Union	30.23
Vance, Orangeburg	30.16
Van Wyck, Lancaster	30.23
Wagener, Aiken	30.23
Walhalla, Oconee	30.23
Walterboro, Colleton	30.16
Waterloo, Laurens	30.23
Wedgefield, Sumter	30.16
Westminster, Oconee	30.23
West Union, Oconee	30.23
Whitmire, Newberry	30.23
Whitney, Spartanburg	30.23
Williamston, Anderson	30.23
Williston, Barnwell	30.16
Windsor, Aiken	30.23
Winnsboro, Fairfield	30.23
Wisacky, Lee	30.16
Wolfton, Orangeburg	30.16
Woodruff, Spartanburg	30.23
York, York	30.23

TENNESSEE

Appleton, Lawrence	29.53
Brownsville, Hayward	29.42
Chattanooga, Hamilton	29.93
Covington, Tipton	29.42
Decherd, Franklin	29.73
Dyersburg, Dyer	29.42
Elora, Lincoln	29.63
Fayetteville, Lincoln	29.63
Five Points, Lawrence	29.53
Halls, Lauderdale	29.42
Henderson, Chester	29.43
Jackson, Madison	29.43
Knoxville, Knox	29.93
Lawrenceburg, Lawrence	29.53
Loretto, Lawrence	29.53
Memphis, Shelby	29.43
Milan, Gibson	29.42
Murfreesboro, Rutherford	29.63
Ripley, Lauderdale	29.42
South Pittsburg, Marion	29.83
Tiptonville, Lake	29.42
Winchester, Franklin	29.73

TEXAS

Abernathy, Hale	29.16
Abilene, Taylor	29.22
Ackerly, Dawson	29.16
Afton, Dickens	29.22
Aiken, Floyd	29.16
Alba, Wood	29.31
Alvarado, Johnson	29.24
Amherst, Lamb	29.16
Anson, Jones	29.22
Anton, Hockley	29.16
Aspermont, Stonewall	29.22
Athens, Henderson	29.31
Atlanta, Cass	29.31
Austin, Travis	29.24

TEXAS—Continued

City and county	Basis Middling White and Extra White 15/16-inch loan rate
Austonic, Houston	29.24
Avery, Red River	29.31
Baileyboro, Bailey	29.16
Ballinger, Runnels	29.22
Barry, Navarro	29.24
Bartlett, Bell	29.24
Beaumont, Jefferson	29.31
Beckville, Panola	29.31
Belton, Bell	29.24
Bertram, Burnett	29.24
Big Spring, Howard	29.16
Bledsoe, Cochran	29.16
Bloomburg, Cass	29.31
Bogata, Red River	29.31
Bonham, Fannin	29.31
Bovina, Parmer	29.16
Brady, McCulloch	29.22
Brenham, Washington	29.24
Broadview, Lubbock	29.16
Brownfield, Terry	29.16
Brownsville, Cameron	29.16
Brownwood, Brown	29.24
Bryan, Brazos	29.24
Bula, Bailey	29.16
Bynum, Hill	29.24
Caldwell, Burleson	29.24
Calvert, Robertson	29.24
Cameron, Milam	29.24
Carthage, Panola	29.31
Celina, Collin	29.24
Center, Shelby	29.31
Childress, Childress	29.22
Chillicotha, Hardeman	29.24
Clarksville, Red River	29.31
Cleburne, Johnson	29.24
Coble, Hockley	29.16
Coleman, Coleman	29.22
Colorado City, Mitchell	29.22
Commerce, Hunt	29.31
Cooper, Delta	29.31
Corpus Christi, Nueces	29.20
Corsicana, Navarro	29.24
Crockett,, Houston	29.24
Crosbyton, Crosby	29.16
Cuero, DeWitt	29.24
Daingerfield, Morris	29.31
Dallas, Dallas	29.24
Dean, Hockley	29.16
Dean, Clay	29.24
Dean, Leon	29.24
Decatur, Wise	29.24
Denison, Grayson	29.31
Denton, Denton	29.24
Deport, Lamar	29.31
Dublin, Erath	29.24
Eden, Concho	29.22
Edgewood, Van Zandt	29.31
El Campo, Wharton	29.24
Elgin, Bastrop	29.24
Elkhart, Anderson	29.24
El Paso, El Paso	29.07
Elysian Fields, Harrison	29.31
Emhouse, Navarro	29.24
Enloe, Delta	29.31
Ennis, Ellis	29.24
Enochs, Bailey	29.16
Fabens, El Paso	29.07
Fairfield, Freestone	29.24
Farwell, Parmer	29.16
Floydada, Floyd	29.22
Forney, Kaufman	29.24
Fort Stockton, Pecos	29.14
Fort Worth, Tarrant	29.24
Frisco, Collin	29.24
Gainesville, Cooke	29.31
Galveston, Galveston	29.31
Ganado, Jackson	29.24
Garland, Dallas	29.31
Gary, Panola	29.31
Gatesville, Coryell	29.24
Gilmer, Upshur	29.31
Gonzales, Gonzales	29.24
Grand Saline, Van Zandt	29.31
Grandview, Johnson	29.24
Granger, Williamson	29.24
Grapeland, Houston	29.24
Grassland, Lynn	29.16

TEXAS—Continued

City and county	Basis Middling White and Extra White 15/16-inch loan rate
Greenville, Hunt	29.31
Hale Center, Hale	29.16
Hamilton, Hamilton	29.24
Hamlin, Jones	29.22
Harlingen, Cameron	29.16
Haskell, Haskell	29.22
Hearne, Robertson	29.24
Hebron, Denton	29.24
Hedley, Donley	29.22
Henderson, Rusk	29.31
Hillsboro, Hill	29.24
Honey Grove, Fannin	29.31
Houston, Harris	29.31
Hubbard, Hill	29.24
Hughes Spring, Cass	29.31
Huntsville, Walker	29.24
Irene, Hill	29.24
Itasca, Hill	29.24
Jacksonville, Cherokee	29.31
Jarrell, Williamson	29.24
Jayton, Kent	29.22
Jefferson, Marion	29.31
Jewett, Leon	29.24
Kaufman, Kaufman	29.31
Kenedy, Karnes	29.20
Kerens, Navarro	29.24
Killeen, Bell	29.24
Knox City, Knox	29.22
Krum, Denton	29.24
Ladonia, Fannin	29.31
La Grange, Fayette	29.24
Lamesa, Dawson	29.16
Levelland, Hockley	29.16
Lindale, Smith	29.31
Littlefield, Lamb	29.16
Lockhart, Caldwell	29.24
Lockney, Floyd	29.16
Longview, Gregg	29.31
Loraine, Mitchell	29.22
Lorenzo, Crosby	29.16
Lovelady, Houston	29.24
Lubbock, Lubbock	29.16
Lueders, Jones	29.22
Madisonville, Madison	29.24
Marfa, Presidio	29.08
Marlin, Falls	29.24
Marshall, Harrison	29.31
Mart, McLennan	29.24
Maypearl, Ellis	29.24
McAdoo, Dickens	29.22
McGregor, McLennan	29.24
McKinney, Collin	29.31
McLean, Gray	29.22
Meadow, Terry	29.16
Memphis, Hall	29.22
Mereta, Tom Green	29.22
Merkel, Taylor	29.22
Mexia, Limestone	29.24
Midland, Midland	29.16
Midlothian, Ellis	29.24
Mineola, Wood	29.31
Monahans, Ward	29.14
Morton, Cochran	29.16
Mount Pleasant, Titus	29.31
Muleshoe, Bailey	29.16
Munday, Knox	29.22
Nacogdoches, Nacogdoches	29.31
Naples, Morris	29.31
Navasota, Grimes	29.24
Needmore, Bailey	29.16
Needmore, Delta	29.31
New Boston, Bowie	29.31
New Braunfels, Comal	29.24
Nocona, Montague	29.24
Norton, Runnels	29.22
O'Donnell, Lynn	29.16
Old Glory, Stonewall	29.22
Olton, Lamb	29.16
Omaha, Morris	29.31
Paducah, Cottle	29.22
Palestine, Anderson	29.24
Paris, Lamar	29.31
Patricia, Dawson	29.16
Peacock, Stonewall	29.22
Pecos, Reeves	29.14
Petersburg, Hale	29.16
Pettit, Hockley	29.16

TEXAS—Continued

City and county	Basis Middling White and Extra White 15/16-inch loan rate
Pilot Point, Denton	29.24
Pittsburg, Camp	29.31
Plainview, Hale	29.16
Plano, Collin	29.31
Post, Garza	29.16
Presidio, Presidio	29.08
Princeton, Collin	29.31
Quanah, Hardeman	29.24
Quitaque, Briscoe	29.16
Quitman, Wood	29.31
Ralls, Crosby	29.16
Raymondville, Willacy	29.16
Rice, Navarro	29.24
Roans Prairie, Grimes	29.24
Roaring Springs, Motley	29.22
Robstown, Nueces	29.20
Roby, Fisher	29.22
Rochelle, McCulloch	29.22
Rochester, Haskell	29.22
Rockwall, Rockwall	29.31
Roscoe, Nolan	29.22
Rosebud, Falls	29.24
Rotan, Fisher	29.22
Rowlett, Dallas	29.31
Royse City, Rockwall	29.31
Rule, Haskell	29.22
Salado, Bell	29.24
San Angelo, Tom Green	29.22
San Augustine, San Augustine	29.31
San Marcos, Hays	29.24
Schulenburg, Fayette	29.24
Seagraves, Gaines	29.16
Seguin, Guadalupe	29.24
Seymour, Baylor	29.24
Shallowater, Lubbock	29.16
Shamrock, Wheeler	29.22
Sherman, Grayson	29.31
Shiner, Lavaca	29.24
Shiro, Grimes	29.24
Silverton, Briscoe	29.16
Slaton, Lubbock	29.16
Snyder, Scurry	29.22
Spade, Mitchell	29.22
Spade, Lamb	29.16
Spur, Dickens	29.22
Stamford, Jones	29.22
Stanton, Martin	29.16
Streetman, Freestone	29.24
Sudan, Lamb	29.16
Sugar Land, Fort Bend	29.31
Sulphur Springs, Hopkins	29.31
Sweetwater, Nolan	29.22
Swenson, Stonewall	29.22
Taft, San Patricio	29.20
Tahoka, Lynn	29.16
Tatum, Rusk	29.31
Taylor, Williamson	29.24
Teague, Freestone	29.24
Temple, Bell	29.24
Tenaha, Shelby	29.31
Terrell, Kaufman	29.31
Texarkana, Bowie	29.31
Texas City, Galveston	29.31
Timpson, Shelby	29.31
Troup, Smith	29.31
Turkey, Hall	29.16
Twitty, Wheeler	29.22
Tyler, Smith	29.31
Valley Mills, Bosque	29.24
Venus, Johnson	29.24
Vernon, Wilbarger	29.24
Victoria, Victoria	29.24
Waco, McLennan	29.24
Wall, Tom Green	29.22
Waxahachie, Ellis	29.24
Wellington, Collingsworth	29.22
Weslaco, Hidalgo	29.16
West, McLennan	29.24
Whitewright, Grayson	29.31
Wichita Falls, Wichita	29.24
Wills Point, Van Zandt	29.31
Wilson, Lynn	29.16
Winnsboro, Wood	29.31
Winters, Runnels	29.22
Wolfe City, Hunt	29.31
Wolfforth, Lubbock	29.16

TEXAS—Continued

City and county	Basis Middling White and Extra White 15/16-inch loan rate
Yoakum, Lavaca	29.24
Yorktown, De Witt	29.24

VIRGINIA

Brodnax, Brunswick	30.16
Kenbridge, Lunenburg	30.16
Norfolk, Norfolk	30.16

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 15 U. S. C. Sup., 714c, 7 U. S. C. Sup, 1441, 1421)

Issued this 23d day of August 1950.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-7461; Filed, Aug. 25, 1950; 8:53 a. m.]

[1950 CCC Cotton Bulletin 1, Amdt. 2]

PART 607—COTTON

SUBPART—1950 COTTON LOAN PROGRAM

SCHEDULE OF BASE LOAN RATES BY COUNTIES FOR FARM-STORED COTTON

The 1950 Cotton Loan Bulletin (1950 CCC Cotton Bulletin 1) is hereby amended by adding § 607.132 to read as follows:

§ 607.132 *Basic loan rates for farm-stored cotton.* The base loan rates applicable to Middling White and extra white 15/16-inch upland cotton, under Commodity Credit Corporation's 1950 Cotton Loan Program, are as follows:

[All rates expressed in cents per pound, gross weight, basis Middling, White and Extra White, 15/16-inch cotton]

ALABAMA

29.93	In all counties east of De Kalb, Marshall, Blount, St. Clair, Shelby, Coosa, Elmore, Macon, Bullock, and Barbour.
29.83	In the counties of De Kalb, Marshall, Blount, St. Clair, Shelby, Coosa, Elmore, Macon, Bullock, and Barbour.
29.73	In the counties of Madison, Jackson, Morgan, Cullman, Jefferson, Bibb, Chilton, Autauga, Montgomery, Pike, Coffee, Dale, Henry, Geneva, and Houston.
29.63	In the counties of Limestone, Lawrence, Winston, Walker, Fayette, Tuscaloosa, Hale, Perry, Dallas, Lowndes, Butler, Crenshaw, and Covington.
29.53	In the counties of Lauderdale, Colbert, Franklin, Marion, Lamar, Pickens, Greene, Sumter, Marengo, Choctaw, Wilcox, Monroe, Clarke, Washington, Escambia, and Conecuh.
29.43	In the counties of Mobile and Baldwin.

ARIZONA

28.68	In all counties.

[All rates expressed in cents per pound, gross weight, basis Middling, White and Extra White, 15/16-inch cotton]

ARKANSAS

29.36	In the counties of Craighead, Crittenden, Cross, Greene, Lee, Mississippi, Monroe, Phillips, Poinsett, St. Francis, and Woodruff.
29.34	In the counties of Arkansas, Clay, Cleveland, Desha, Jackson, Jefferson, Lawrence, Lincoln, Lonoke, Prairie, Pulaski, and White.
29.33	In the county of Chicot.
29.31	In all counties not listed above.

CALIFORNIA

28.68	In all counties.

FLORIDA

29.83	In all counties east of Jackson, Liberty, and Franklin.
29.73	In the counties of Bay, Calhoun, Franklin, Gulf, Holmes, Jackson, Liberty, and Washington.
29.63	In the county of Walton.
29.53	In the county of Okaloosa.
29.43	In the counties of Santa Rosa and Escambia.

GEORGIA

30.13	In all counties east of Union, Lumpkin, Dawson, Forsyth, Gwinnett, Walton, Morgan, Putnam, Hancock, Jefferson, Glascock, and Burke.
30.03	In all counties, except Dade and counties having a rate of 30.13, north of Stewart, Webster, Sumter, Dooly, Wilcox, Telfair, Wheeler, Montgomery, Toombs, Tattnall, Evans, and Bryan.
29.93	In county of Dade and all counties south of Chattahoochee, Marion, Schley, Macon, Houston, Pulaski, Dodge, Laurens, Treutlen, Emanuel, Candler, Bullock, Effingham, and Chatham, and north of Quitman, Randolph, Calhoun, Baker, Mitchell, Colquitt, Cook, Berrien, Atkinson, Ware, Pierce, Brantley, and Glynn.
29.83	In all counties south of Stewart, Webster, Terrell, Dougherty, Worth, Tift, Irwin, Coffee, Bacon, Appling, Wayne, and McIntosh.

ILLINOIS

29.38	In all counties.

KENTUCKY

29.42	In all counties.

LOUISIANA

29.38	In the Parishes of East Baton Rouge, East Feliciana, Livingston, Orleans, St. Helena, St. Tammany, Tangipohoa, Washington, and West Feliciana.
29.33	In the Parishes of Concordia, East Carroll, Madison, and Tensas.
29.32	In the Parish of West Carroll.
29.31	In all Parishes not listed above.

MISSISSIPPI

29.43	In the counties of Alcorn, Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Clay, De Soto, Grenada, Itawamba, Kemper, Lafayette, Lauderdale, Leake, Lee, Lowndes, Madison, Marshall, Monroe, Montgomery, Neshoba, Nuxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha.
29.40	In the counties of Clarke, Copiah, Covington, Forrest, George, Greene, Hinds, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Newton, Perry, Pike, Rankin, Scott, Simpson, Smith, Stone, Walthall, and Wayne.

[All rates expressed in cents per pound, gross weight, basis Middling, White and Extra White, 15/16-inch cotton]

MISSISSIPPI—Continued

29.38 In the counties of Adams, Amite, Bolivar, Claiborne, Coahoma, Franklin, Hancock, Harrison, Holmes, Humphreys, Issaquena, Jefferson, Leflore, Pearl River, Quitman, Sharkey, Sunflower, Tallahatchie, Tunica, Warren, Washington, Wilkinson, and Yazoo.

MISSOURI

29.36 In the counties of Dunklin, New Madrid, and Pemiscot.

29.34 In the counties of Butler, Mississippi, Scott, and Stoddard.

29.31 In all counties not listed above.

NEW MEXICO

29.14 In the county of Lea.

29.08 In the counties of Chaves, Curry, De Baca, Eddy, Quay, and Roosevelt.

29.07 In the counties of Colfax, Don Ana, Guadalupe, Harding, Lincoln, Mora, Otero, San Miguel, Sierra, Socorro, Torrance, and Union.

28.68 In all counties not listed above.

NORTH CAROLINA

30.23 In all counties west of Granville, Wake, Harnett, Hoke, and Scotland.

30.16 In all counties east of Person, Durham, Chatham, Lee, Moore, and Richmond.

OKLAHOMA

29.31 In all counties east of Kay, Noble, Logan, Oklahoma, Cleveland, McClain, Garvin, Murray, Carter, and Love.

29.24 In all counties west of Osage, Pawnee, Payne, Lincoln, Pottawatomie, Pontotoc, Johnston, and Marshall; and east of Woods, Woodward, and Ellis.

29.21 In all counties west of Alfalfa, Major, Dewey, and Roger Mills.

SOUTH CAROLINA

30.23 In all counties west of Marlboro, Darlington, Lee, Sumter, Calhoun, Orangeburg, and Barnwell.

30.16 In all counties east of Chesterfield, Kershaw, Richland, Lexington, and Aiken.

TENNESSEE

29.93 In all counties east of Marion, Sequatchie, Bledsoe, Cumberland, Morgan, and Scott.

29.83 In the counties of Marion, Sequatchie, Grundy, Bledsoe, and Cumberland.

29.73 In the counties of Franklin, Coffee, Warren, Van Buren, White, and Overton.

29.63 In the counties of Lincoln, Giles, Moore, Bedford, Marshall, Rutherford, Cannon, DeKalb, and Wilson.

29.53 In the counties of Lawrence, Wayne, Lewis, Perry, Hickman, Humphreys, Dickson, Davidson, Williamson, and Maury.

29.43 In the counties of Hardin, Decatur, Chester, Fayette, Hardeman, Henderson, McNairy, Madison, and Shelby.

29.42 In the counties of Benton, Stewart, Carroll, Crockett, Dyer, Gibson, Haywood, Henry, Lake, Lauderdale, Obion, Tipton, and Weakley.

TEXAS

29.31 In all counties east of Montague, Denton, Dallas, Ellis, Navarro, Anderson, Houston, Trinity, Walker, Grimes, Waller, Wharton, and Matagorda.

[All rates expressed in cents per pound, gross weight, basis Middling, White and Extra White, 15/16-inch cotton]

TEXAS—Continued

29.24 In all counties west of Cooke, Collin, Rockwall, Kaufman, Henderson, Cherokee, Angelina, Polk, San Jacinto, Montgomery, Harris, Fort Bend, and Brazoria; and east of Childress, Cottle, Knox, Haskell, Jones, Taylor, Coleman, San Saba, Llano, Gillespie, Kendall, Bexar, Wilson, Karnes, Goliad, Bee, and San Patricio.

29.22 In the counties of Childress, Coke, Coleman, Collingsworth, Concho, Cottle, Dickens, Donley, Fisher, Gillespie, Gray, Hall, Haskell, Jones, Kendall, Kent, Llano, Knox, King, McCulloch, Mason, Mitchell, Motley, Nolan, Runnels, San Saba, Scurry, Stonewall, Taylor, Tom Green, and Wheeler.

29.20 In the counties of Bee, Bexar, Goliad, Karnes, Nueces, San Patricio, and Wilson.

29.16 In all counties west of Gray, Donley, Hall, Motley, Dickens, Kent, Scurry, Mitchell, Coke, Tom Green, Mason, Gillespie, Kendall, Bexar, Wilson, Karnes, Bee, San Patricio, and Nueces; and east of Winkler, Ward, Pecos, Terrell, and Val Verde.

29.14 In the counties of Loving, Pecos, Reeves, Terrell, Ward, Winkler, and Val Verde.

29.08 In the counties of Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio.

29.07 In the county of El Paso.

VIRGINIA

30.16 In all counties.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Supp., 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Supp., 714c, 7 U. S. C. Supp., 1441, 1421)

Issued this 23d day of August 1950.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-7462; Filed, Aug. 25, 1950; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 25]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION OF SHIPMENTS; TERMINATION OF PLUM ORDERS 5 THROUGH 24

§ 936.395 *Plum Order 25*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found:

(i) That the limitation of shipments of plums in accordance with the provisions of the plum orders specified in paragraph (b) (1) of this section will not, after the effective time hereof, tend to effectuate the declared policy of the act; and

(ii) That the limitation of shipments, of Giant, President, Kelsey, and Late Duarte varieties of plums, as set forth in paragraph (b) (2) of this section pursuant to the provisions of § 936.4 (b) of the amended marketing agreement and order will tend to effectuate such orderly marketing of such plums as will be in the public interest, and the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that: The level of prices of late varieties of plums is such that regulation of the shipment of such plums, in accordance with the provisions of the plum orders specified in paragraph (b) (1) of this section, may not be continued after the effective time hereof; the termination of such plum orders would permit the unrestricted shipment of late varieties of plums, and such unrestricted shipment would not be conducive to the orderly marketing of such plums in the public interest and would not tend to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) The following plum orders shall be terminated at the effective time of subparagraph (2) of this paragraph:

Plum Order 5 (7 CFR 936.374–a; 15 F. R. 4044, 4112); Plum Order 6, as amended (7 CFR 936.375; 15 F. R. 4073, 4436); Plum Order 7, as amended (7 CFR 936.376; 15 F. R. 4073, 4437); Plum Order 8 (7 CFR 936.377; 15 F. R. 4074); Plum Order 9, as amended (7 CFR 936.378; 15 F. R. 4075, 4437, 4708); Plum Order 10, as amended (7 CFR 936.379; 15 F. R. 4076, 4708); Plum Order 11 (7 CFR 936.380; 15 F. R. 4077); Plum Order 12, as amended (7 CFR 936.381; 15 F. R. 4077, 4708); Plum Order 13 (7 CFR 936.383; 15 F. R. 4438); Plum Order 14 (7 CFR 936.384; 15 F. R. 4439); Plum Order 15 (7 CFR 936.385; 15 F. R. 4439); Plum Order 16 (7 CFR 936.386; 15 F. R. 4481); Plum Order 17 (7 CFR 936.387; 15 F. R. 4483); Plum Order 18 (7 CFR 936.388; 15 F. R. 4484); Plum Order 19 (7 CFR 936.389; 15 F. R. 4485); Plum Order 20 (7 CFR 936.390; 15 F. R. 4676); Plum Order 21 (7 CFR 936.391; 15 F. R. 4677); Plum Order 22 (7 CFR 936.392; 15 F. R. 4709); Plum Order 23 (7 CFR 936.393; 15 F. R. 4709); Plum Order 24 (7 CFR 936.394; 15 F. R. 4710).

(2) During the period beginning at 12:01 a. m., P. s. t., August 27, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship any package or container of the Giant, President, Late Duarte, or Kelsey variety of plums unless the plums meet the following minimum standards of quality and maturity applicable to the respective variety:

(i) With respect to the Giant, President, and Late Duarte varieties of plums, the plums (*a*) grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade, and (*b*) are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket (such 5 x 5 standard pack being more specifically defined in subparagraph (4) of this paragraph.

(ii) With respect to the Kelsey variety of plums, the plums (*a*) grade at least U. S. No. 1 with a total tolerance of twenty-five (25) percent for defects not considered serious damage in addition to the tolerances permitted for such grade, and (*b*) are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket (such 4 x 5 standard pack being more specifically defined in subparagraph (5) of this paragraph.

(3) During the period set forth in subparagraph (2) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided,* That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time; the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 9/16 inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1 7/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 5/16 inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 11/16 inches in diameter; (ii) At least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1 9/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 7/16 inches in diameter.

(6) Nothing contained in this section shall be construed (i) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of the said plum orders hereby terminated, or (ii) as releasing or extinguishing any violation of any provision of the said plum orders hereby terminated which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 23d day of August 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-7464; Filed, Aug. 25, 1950; 8:54 a. m.]

[Lemon Reg. 345]

PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.452 *Lemon Regulation 345*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 23, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 27, 1950, and ending at 12:01 a. m., P. s. t., September 3, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 24th day of August 1950.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

Storage Date: August 20, 1950

[12:01 a. m. Aug. 27, 1950, to 12:01 a. m. Sept. 10, 1950]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.168
American Fruit Growers, Inc., Fullerton	.270
American Fruit Growers, Inc., Upland	.068
Hazeltine Packing Co	1.278
Ventura Coastal Lemon Co	1.873
Ventura Pacific Co	2.376
Glendora Lemon Growers Association	2.084
La Verne Lemon Association	.851
La Habra Citrus Association	1.165
Yorba Linda Citrus Association	.964
Escondido Lemon Association	1.639
Alta Loma Heights Citrus Association	.446
Etiwanda Citrus Fruit Association	.297
Mountain View Fruit Association	.303
Old Baldy Citrus Association	.725
San Dimas Lemon Association	1.664
Upland Lemon Growers Association	6.251
Central Lemon Association	.638
Irvine Citrus Association	.339
Placentia Mutual Orange Association	.353
Corona Citrus Association	.305
Corona Foothill Lemon Co	1.969
Jameson Co	.756
Arlington Heights Citrus Co	.479
College Heights Orange & Lemon Association	4.412
Chula Vista Citrus Association	1.086
El Cajon Valley Citrus Association	.013
Escondido Cooperative Citrus Association	.147
Fallbrook Citrus Association	1.024
Lemon Grove Citrus Association	.363
Carpinteria Lemon Association	2.939
Carpinteria Mutual Citrus Association	3.397
Goleta Lemon Association	4.661
Johnston Fruit Co	6.298
North Whittier Heights Citrus Association	.785
San Fernando Heights Lemon Association	1.763
Sierra Madre-Lamanda Citrus Association	1.595
Briggs Lemon Association	2.309
Culbertson Lemon Association	1.597
Fillmore Lemon Association	1.069
Oxnard Citrus Association	5.950
Rancho Sespe	.571
Santa Clara Lemon Association	3.856
Santa Paula Citrus Fruit Association	3.326
Saticoy Lemon Association	4.005
Seaboard Lemon Association	3.997
Somis Lemon Association	3.168
Ventura Citrus Association	1.341
Limoneira Co	2.465
Teague-McKevett Association	.917
East Whittier Citrus Association	.565
Leffingwell Rancho Lemon Association	.675
Murphy Ranch Co	1.241
Whittier Citrus Association	.326
Chula Vista Mutual Lemon Association	.562
Index Mutual Association	.327
La Verne Cooperative Citrus Association	2.508
Orange Belt Fruit Distributors	.870
Ventura County Orange & Lemon Association	2.422
Whittier Mutual Orange & Lemon Association	.188
Evans Bros. Packing Co	.000
Lorbeer, Carroll W. C	.000

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
San Antonio Orchard Co	0.000
Sweet, L. G	.001

[F. R. Doc. 50-7510; Filed, Aug. 25, 1950; 9:09 a. m.]

[Orange Reg. 337]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.483 *Orange Regulations 337*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended, (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on August 24, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 27, 1950, and ending at 12:01 a. m., P. s. t., September 3, 1950, is hereby fixed as follows:

(i) *Valencia oranges.*

(*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,000 carloads;

(*c*) Prorate District No. 3: Unlimited movement.

(ii) *Oranges other than Valencia oranges.*

(*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 966.107 of the current rules and regulations (14 F. R. 6588) contained in this part.

Orange Regulation 332 (7 CFR 966.478 15 F. R. 3863) fixes the sizes of designated oranges which may be handled during the aforesaid period.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 25th day of August 1950.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Aug. 27, 1950, to 12:01 a. m., P. s. t., Sept. 3, 1950]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.1559
A. F. G. Corona	.0467
A. F. G. Fullerton	.8233
A. F. G. Orange	.4343
A. F. G. Riverside	.2138
A. F. G. San Juan Capistrano	.9330
A. F. G. Santa Paula	.5099
Eadington Fruit Co., Inc	5.0104
Hazeltine Packing Co	.4494
Placentia Pioneer Valencia Growers Association	.6193
Signal Fruit Association	.1230
Azusa Citrus Association	.5218
Damerel-Allison Co	.8444
Glendora Mutual Citrus Association	.4389

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Puente Mutual Citrus Association	0.1758
Valencia Heights Orchard Association	.4698
Covina Citrus Association	1.0153
Covina Orange Growers Association	.6206
Glendora Citrus Association	.4657
Gold Buckle Association	.8589
La Verne Orange Association	.7331
Anaheim Citrus Fruit Association	.8212
Anaheim Valencia Orange Association	.8304
Fullerton Mutual Orange Association	1.3316
La Habra Citrus Association	1.1870
Orange County Valencia Association	.2165
Yorba Linda Citrus Association	.8421
Escondido Orange Association	2.7228
Alta Loma Heights Citrus Association	.0679
Citrus Fruit Growers	.2132
Cucamonga Citrus Association	.0845
Etiwanda Citrus Fruit Association	.0427
Old Baldy Citrus Association	.1569
Rialto Heights Orange Association	.0725
Upland Citrus Association	.4623
Upland Heights Orange Association	.2002
Consolidated Orange Growers	1.6604
Frances Citrus Association	1.0966
Garden Grove Citrus Association	1.1042
Goldenwest Citrus Association, The	1.4715
Irvine Valencia Growers	2.9509
Olive Heights Citrus Association	1.9570
Santa Ana-Tustin Mutual Citrus Association	.8153
Santiago Orange Growers Association	3.6170
Tustin Hills Citrus Association	1.8909
Villa Park Orchards Association	1.6816
Bradford Bros., Inc	.7347
Placentia Cooperative Orange Association	.6499
Placentia Mutual Orange Association	2.2766
Placentia Orange Growers Association	1.3858
Yorba Orange Growers Association	.6644
Call Ranch	.0875
Corona Citrus Association	.6517
Jameson Co	.0985
Orange Heights Orange Association	.6111
Crafton Orange Orange Association	.5424
East Highlands Citrus Association	.1029
Fontana Citrus Association	.1094
Redlands Heights Groves	.3019
Redlands Orangedale Association	.2849
Break & Son, Allen	.0847
Bryn Mawr Fruit Growers Association	.2327
Mission Citrus Association	.2228
Redlands Cooperative Fruit Association	.4700
Redlands Orange Growers Association	.2666
Redlands Select Groves	.2855
Rialto Citrus Association	.1832
Rialto Orange Co	.1913
Southern Citrus Association	.2032
United Citrus Growers	.1812
Zilen Citrus Co	.0480
Arlington Heights Citrus Co	.1482
Brown Estate, L. V. W	.1427
Gavilan Citrus Association	.1728
Highgrove Fruit Association	.0765

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Krinard Packing Co	0.2975
McDermont Fruit Co	.2085
Monte Vista Citrus Association	.3046
National Orange Co	.0473
Riverside Heights Orange Growers Association	.0876
Sierra Vista Packing Association	.0756
Victoria Avenue Citrus Association	.2400
Claremont Citrus Association	.1325
College Heights Orange and Lemon Association	.3731
Indian Hill Citrus Association	.2457
Pomona Fruit Growers Exchange	.3798
Walnut Fruit Growers Association	.5640
West Ontario Citrus Association	.3101
El Cajon Valley Citrus Association	.2910
Escondido Coop. Citrus Association	.3406
San Dimas Orange Growers Association	.3512
Canoga Citrus Association	.9293
Covina Valley Orange Co	.0394
North Whittier Heights Citrus Association	.9375
San Fernando Fruit Growers Association	.7838
San Fernando Heights Orange Association	1.2132
Sierra Madre-Lamanda Citrus Association	.4916
Camarrillo Citrus Association	1.3395
Fillmore Citrus Association	3.6564
Mupu Citrus Association	2.1258
Ojai Orange Association	.9460
Piru Citrus Association	1.8618
Rancho Sespe	.8651
Santa Paula Orange Association	1.0898
Tapo Citrus Association	1.0882
Ventura County Citrus Association	.2964
Limoneira Co	.5011
East Whittier Citrus Association	.5571
Whittier Citrus Association	1.3424
Anaheim Cooperative Orange Association	1.3008
Bryn Mawr Mutual Orange Association	.1373
Chula Vista Mutual Lemon Association	.0559
Euclid Avenue Orange Association	.7653
Foothill Citrus Union, Inc	.0774
Fullerton Cooperative Orange Association	.3153
Garden Grove Orange Cooperative Inc	.6816
Golden Orange Groves, Inc	.2720
Highland Mutual Groves, Inc	.0202
Index Mutual Association	.4571
La Verne Cooperative Citrus Association	1.7688
Mentone Heights Association	.0398
Olive Hillside Groves, Inc	.5626
Orange Cooperative Citrus Association	1.6597
Redlands Foothill Groves	.8522
Redlands Mutual Orange Association	.2392
Ventura County Orange & Lemon Association	1.3466
Whittier Mutual Orange & Lemon Association	.1703
Agricultural Laboratory	.0000
Babijuice Corp. of California	.5463
Banks, L. M	.5144
Bennett Fruit Co., Inc	.0331
Borden Fruit Co	.6355
Cherokee Citrus Co., Inc	.1418
Chess Co., Meyer W	.5853
Dunning Ranch	.0815
Evans Brothers Packing Co	.6157
Gold Banner Association	.2514
Granada Hills Packing Co	.0357
Granada Packing House	.8120
Hill Packing House, Fred A	.1076

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Knapp Packing Co., John C	0.3425
L Bar S Ranch	.0000
Lawson, William J	.0093
Orange Belt Fruit Distributors	1.8726
Otte, Arnold	.0278
Pacific Citrus Distributors	.0039
Panno Fruit Co., Carlo	.0294
Paramount Citrus Association	1.2498
Patitucci, Frank L	.0099
Placentia Orchard Co	.4355
Riverside Citrus Association	.0350
Ronneberg, Jerry L	.0012
San Antonio Orchards Co	.4071
Stephens, T. F	.2180
Summit Citrus Packers	.0066
Wall, E. T., Grower-Shipper	.1500
Western Fruit Growers, Inc	.7044

[F. R. Doc. 50-7530; Filed, Aug. 25, 1950; 11:28 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 160—IMPOSITION AND COLLECTION OF FINES

BLANKET BONDS TO SECURE PAYMENT OF IMMIGRATION FINES

AUGUST 14, 1950.

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of April 25, 1950 (15 F. R. 2289), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there were stated in full the details of a proposed amendment to the regulations relating to immigration bonds. No representations have been received concerning the proposed amendment. The regulation as stated below is hereby adopted. The provisions of the adopted regulation are the same as those stated in the notice of proposed rule making.

Section 160.15, *Notice of intention to fine in cases other than under §§ 160.6, 160.13, 160.14; time for opposition; clearance of vessel*, of Chapter I, Title 8 of the Code of Federal Regulations, is amended by adding at the end thereof the following sentence: "The bond referred to in this section shall be prepared on Form I–310 and shall be subject to approval by the collector of customs at a port at which the transportation line concerned operates, and the approval may be made to apply to other ports at which such transportation line operates."

The regulation stated above shall become effective on the thirty-first day following its publication with this order in the FEDERAL REGISTER.

The general basis and purpose of this regulation is the facilitation of clearance of vessels involved in fine proceedings by extending the applicability of bonds filed by transportation companies to ports

other than the ones at which such bonds are filed.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

Approved: August 21, 1950.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 50-7435; Filed, Aug. 25, 1950; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 4972]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNITED STATES RUBBER CO.

Subpart—*Discriminating in price under sec. 2, Clayton Act, as amended—Price discrimination under 2 (a)*: § 3.715 *Charges and price differentials.* In the sale of waterproof rubber footwear or canvas footwear in commerce, discriminating directly or indirectly in the price thereof by charging or receiving from different purchasers of such products of like grade and quality net prices which differ as much as, or more than, two per cent of the highest of such net prices; prohibited, subject to the provision, however, that the foregoing shall not be construed to prevent the respondent from defending any alleged violation of the order by showing that the different prices make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which the products were sold or delivered.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, United States Rubber Company, Docket 4972, June 30, 1950]

In the Matter of United States Rubber Company, a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission; answer of the respondent; stipulation as to the facts entered into by and between W. T. Kelley, Chief Counsel for the Federal Trade Commission, and respondent, in which stipulation it was provided, among other things, that, subject to the approval of the Commission, the statement of facts contained therein may be taken as the facts in this proceeding and in lieu of all testimony in support of and in opposition to the charges stated in the complaint and that the Commission may proceed upon such statement of facts to make its findings as to the facts (including inferences which it may draw from said stipulated facts) and its conclusion based thereon and enter its order disposing of this proceeding without the presentation of argument or the filing of briefs; supplemental stipulations as to the facts entered into by and between Everette MacIntyre, Assistant Chief Trial Counsel for the Federal Trade Commission, and respondent; and briefs of counsel, request having been made by respondent for permission to file same; and the Commission having approved said stipulations as to the facts and having made its findings as to the facts and its conclusion that the respondent has violated the provisions of subsection (a) of section 2 of an act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act):

It is ordered, That respondent, United States Rubber Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in the sale of waterproof rubber footwear or canvas footwear in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from directly or indirectly discriminating in the price of waterproof or canvas footwear by charging or receiving from different purchasers of such products of like grade and quality net prices which differ as much as, or more than, 2 percent of the highest of such net prices: *Provided, however*, That the foregoing shall not be construed to prevent the respondent from defending any alleged violation of this order by showing that the different prices make only due allowance for differences in the cost of manufacture, sales, or delivery resulting from differing methods or quantities in which the products were sold or delivered.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: June 30, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-7438; Filed, Aug. 25, 1950; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. and Sup., 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq. and 1949 Supp.) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq. and 1949 Supp.) are amended as indicated below:

1. Part 141 is amended by adding the following new sections:

§ 141.40 *Penicillin tooth powder*—(a) *Potency.* Proceed as directed in § 141.1.

(b) *Moisture.* Proceed as directed in § 141.7 (c), but in lieu of the directions for preparing the sample in subparagraph (3) thereof prepare the sample and calculate as follows: Accurately weigh about 1 gm. of the sample into a dry titrating vessel. Add an excess of the Karl Fischer reagent and back titrate immediately with water-methanol solution until the end point is reached. (The entire operation from the addition of the Karl Fischer reagent until the end point is reached should not exceed 1 minute.)

$$\text{Percent moisture} = \frac{(V_1 - V_2 f) \times e \times 100}{W_s},$$

where W_s=weight of sample in milligrams.

§ 141.209 *Aureomycin dental cones*—(a) *Potency.* Proceed as directed in § 141.203 (a), using 500 ml. of distilled water to prepare the sample. The average potency of the cone is satisfactory if it contains not less than 85% of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a).

§ 141.210 *Aureomycin dental paste*—(a) *Potency.* Proceed as directed in § 141.201 (a), except subparagraph (9) thereof, and in lieu of the directions in subparagraph (4) of § 141.201 (a) prepare the samples as follows: Accurately weigh approximately 2 gm. of the paste into a separatory funnel containing 20 ml. of carbon tetrachloride. Warm gently until the paste liquefies; shake until carbon tetrachloride and the paste are homogeneous. Add 30 ml. of distilled water to which 1 ml. of 1N HCl has been added, and shake. Remove the aqueous layer and repeat the extraction with three 30-ml. quantities of the same aqueous solvent. Combine the aqueous extracts and make the proper estimated dilutions in 0.1 M monopotassium phosphate buffer. The potency of aureomycin dental paste is satisfactory if it contains not less than 85% of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.8 (b).

2. Part 146 is amended by adding the following new section:

§ 146.59 *Penicillin tooth powder (tooth powder with penicillin)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin tooth powder is a mixture of crystalline penicillin and one or more suitable cleansing and polishing substances, with or without suitable and harmless diluents, colorings, and flavorings. Its potency is 500 units per gram. Its moisture content is not more than 2.0%. The crystalline penicillin used conforms to the requirements of § 146.24 (a) for crystalline penicillin, except the limitation of penicillin K content and except subparagraphs (2) and (4) of that paragraph. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not more than 3 ounces.

(c) *Labeling.* Each package of penicillin tooth powder shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units per gram of the batch; and

(iii) The statement "Expiration date ------," the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "Caution: To be dispensed only by or on the prescription of a ----------," the blank being filled in with the word "physician" or "dentist" or both, as the case may be; and

(ii) A reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such penicillin tooth powder; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent to physicians and dentists on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of penicillin tooth powder shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request, results of tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, crystallinity, heat stability, and the penicillin G content if it is crystalline sodium or potassium penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 mg., packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 gm.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin tooth powder under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

3. In § 146.204 *Aureomycin capsules* • • •, subparagraphs (2) and (3) of paragraph (c) *Labeling* are amended to read as follows:

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a ----------," the blank being filled in with the words "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be; and

(ii) Unless it is intended solely for veterinary use and is so labeled a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such aureomycin capsules; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if it is intended solely for veterinary use, directions and precautions adequate for the use of such aureomycin capsules, including:

• • • • • •

4. In § 146.205 *Aureomycin powder* • • •, subparagraphs (2) and (3) of paragraph (c) *Labeling* are amended to read as follows:

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a ----------," the blank being filled in with the words "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be; and

(ii) Unless it is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such aureomycin powder; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if it is intended solely for veterinary use, directions and precautions adequate for the use of such aureomycin powder, including:

• • • • • •

5. Section 146.207 is amended to read as follows:

§ 146.207 *Aureomycin tablets (aureomycin hydrochloride tablets).* Aureomycin tablets conform to all requirements prescribed by § 146.204 for aureomycin capsules, and are subject to all procedures prescribed by § 146.204 for aureomycin capsules, but if such tablets are represented for vaginal use the potency of each such tablet shall not be less than 250 mg.

6. Part 146 is amended by adding the following new sections:

§ 146.209 *Aureomycin dental cones (aureomycin hydrochloride dental cones).* Aureomycin dental cones conform to all requirements prescribed by § 146.203 for aureomycin troches, and are subject to all procedures prescribed by § 146.203 for aureomycin troches, except that they may contain a suitable local anesthetic.

§ 146.210 *Aureomycin dental paste (aureomycin hydrochloride dental paste).* Aureomycin dental paste conforms to all requirements prescribed by § 146.202 for aureomycin ointment, and is subject to all procedures prescribed by § 146.202 for aureomycin ointment, except that:

(a) Its potency is not less than 30 mg. per gram.

(b) Its moisture content is not more than 3%.

(c) It contains one or more suitable and harmless binders, and it may contain one or more suitable and harmless colorings and flavorings.

(d) It is packaged in immediate containers of glass which meet the tests for tight containers as defined by the U. S. P.

7. In § 146.302 *Chloramphenicol capsules*, subparagraphs (2) and (3) of paragraph (c) *Labeling* are amended to read as follows:

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a _____," the blank being filled in with the words "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be; and

(ii) Unless it is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such chloramphenicol capsules; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if it is intended solely for veterinary use, directions and precautions, adequate for the use of such chloramphenicol capsules, including:

* * * * *

8. In § 146.403 *Bacitracin tablets*, subparagraphs (2) and (3) of paragraph (c) *Labeling* are amended to read as follows:

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a _____," the blank being filled in with the words "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be; and

(ii) Unless it is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such bacitracin tablets; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if it is intended solely for veterinary use, directions and precautions adequate for the use of such bacitracin tablets, including:

* * * * *

Those parts of this order which provide for certification of penicillin tooth powder, certification of aureomycin tablets intended for vaginal use, aureomycin dental cones, and aureomycin dental paste shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Those parts of this order which provide for deletion of the requirements that a circular containing directions for use be packaged with aureomycin capsules, aureomycin powder, aureomycin tablets, chloramphenicol capsules, and bacitracin tablets shall become effective 120 days after publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay the marketing of penicillin tooth powder, aureomycin tablets intended for vaginal use, aureomycin dental cones, aureomycin dental paste, and to delete the requirement that circulars containing directions for use be packaged with aureomycin capsules, aureomycin powder, aureomycin tablets, chloramphenicol capsules, and bacitracin tablets.

Dated: August 22, 1950.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup.; 357)

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-7440; Filed, Aug. 25, 1950; 8:50 a. m.]

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 50-7333, published at page 5629 in the issue for Wednesday, August 23, 1950, the following change should be made: In the third sentence of § 141.39 (a), (2), (i), the figure "X" should be "×".

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9176]

PART 42—PRESERVATION OF RECORDS

PART 45—PRESERVATION OF RECORDS OF TELEPHONE CARRIERS

PART 46—PRESERVATION OF RECORDS OF WIRE-TELEGRAPH, OCEAN-CABLE, AND RADIO-TELEGRAPH CARRIERS

REVISION OF REGULATIONS

In the matter of rescission of Part 42 (Preservation of Records) of the Commission's rules and regulations and the promulgation of Parts 45 and 46 of the Commission's rules and regulations.

Memorandum opinion. On September 28, 1949, the Commission issued a notice of proposed rule-making[1] in which it was proposed to rescind Part 42 (Preservation of Records) of the Commission's rules and regulations and to adopt new Parts 45 (Preservation of Records of Telephone Carriers) and 46 (Preservation of Records of Wire-telegraph Ocean-cable, and Radiotelegraph Carriers), as set forth in the appendices attached to such notice. The notice provided that any interested person who is of the opinion that the proposed rules should not be adopted, or should not be adopted in the form set forth, could file with the Commission, on or before December 31, 1949, a written statement or brief setting forth his comments. Persons favoring the rules were also invited to file statements in support thereof. On December 27, 1949, the time for filing comments was extended to January 16, 1950. The notice provided also that, if any comments were submitted which appeared to warrant the holding of an oral argument before final action is taken, notice of the time and place of such oral argument would be given interested parties.

Within the time above provided, the Commission received comments from American Telephone and Telegraph Company, United States Independent Telephone Association, the Western Union Telegraph Company, and Press Wireless, Inc. The last named company, which would be subject only to Part 46, stated that it has no objections to these rules. None of the parties submitting comments have requested oral argument thereon and such comments do not appear to warrant oral argument.

In addition to the foregoing comments filed within the time provided, there was filed with the Commission on May 26, 1950, by the Public Counsellor of the State of Indiana, comments and suggestions relating to those portions of the proposed rules in Part 45 that affect records of telephone companies with respect to employees' pensions. These comments were accompanied by a request for consideration thereof despite the late filing. Copies of the document were served upon the National Association of Railroad and Utilities Commissioners, the American Telephone and Telegraph Company, Indiana Bell Telephone Company, and United States Indepent Telephone Association, which constitute all the interested parties herein, and no adverse comments thereon have been received by the Commission. (See comments on § 45.8, Items 21-d, j, k, and l.)

Of the modifications suggested by these respondents, the following are the more significant ones which have been found acceptable to the Commission and are reflected in the rules attached hereto.

Sections 45.01 and 46.01. A. T. & T. suggests that the word "primarily" be inserted in § 45.01 preceding the phrase "engaged in furnishing telephone service" and in § 46.01 preceding the phrase "engaged in furnishing wire-telegraph, ocean-cable, or radiotelegraph service." The purpose of these changes is to make certain that, under the conditions stated, only Part 45 or Part 46, but not both, will apply to all the records of a given carrier. The word "primarily" has been inserted in both §§ 45.01 and 46.01.

[1] 14 F. R. 6188.

Sections 45.1 (e) and 46.1 (e). As § 46.9 is applicable to existing records and conditions, Western Union believes that this situation should be recognized by adding the following language to this paragraph: "*And, provided further,* That retention of records pertaining to added services, functions, plant, etc., the establishment of which cannot be presently foreseen, shall conform with the principles promulgated in § 46.9."

This revision has been made in both Parts 45 and 46.

Sections 45.8 and 46.9—Item 3. A. T. & T. and Western Union suggest the addition of the following subdivision to Item 3:

c. Meetings of employees' benefit committee. Permanently. (M-10).

The proposed item is similar to Item 83-m under § 46.9. This item has been added in Part 45 and Item 83-m under § 46.9 has been redesignated Item 3-c.

Sections 45.8 and 46.9—Item 4-j. A. T. & T. suggests that the word "registered" should be omitted from the description because bond ledgers are also maintained for convertible debentures and bond issues subject to serial or other partial retirement. The carrier also states that the related summary or controlling records are essential parts of the records covered by this item and should be covered by adding the phrase "and summary or controlling records thereof" at the end of the description. These revisions have been made in both Parts 45 and 46.

Section 46.9—Item 6-d. Western Union states that this item is not sufficiently descriptive of telegraph communication carriers' records in this respect. Accordingly, the item has been revised to read as follows:

d. Contracts with other telegraph communication carriers for interchange of business and division of revenues and associated costs; with telephone communication carriers for services and interchange of facilities; with transportation carriers for maintenance of plant, interchange of facilities, and division of revenues and expenses, etc.; and with individuals or corporations in their capacity as agents. (See items 72 and 73.)

Sections 45.8 and 46.9—Item 12. Insurance Records. Western Union suggests that group insurance be added as a separate subdivision of this item in view of the fact that this form of insurance is entirely dissimilar in all respects from other forms of insurance for which provision is made in this item. However, it is believed that provision for group insurance can be made by additions to paragraphs a and e of this item as indicated by the italicized portions of the following paragraphs:

a. Insurance policies (including fidelity, surety, and similar bonds) together with supporting schedules, endorsements, riders, and other amendments or modifications, and *renewal and cancellation notices; also policy contracts with underwriters for group insurance.*

e. Reports of losses covered by insurance (both commercial and self-carried), copies of claims against insurance companies and record of recoveries therefrom; *records, reports, and summaries of employee coverage, case records, and death claims with respect to group insurance.*

Both parts have been revised as indicated.

Section 45.8—Items 21-d, j, k, and l. The Public Counsellor of the State of Indiana requested that the period of retention with respect to payroll records, used or potentially useful in computing the proper pension accruals, be revised as follows:

1. Part 45.8, Item 21d, should be deleted and the following item substituted (or added):

Item No.	Description of records	Period to be retained
21d (1)	Employees' service records, as compiled in the annual censuses, and consisting of names, sex, salary and wage rates, occupational classifications, and similar data, and all changes therein.	Permanently.

2. The following item should be added:

Item No.	Description of records	Period to be retained
21d (2)	All mortality data hitherto collected and either used or useful in the computation of annual pension accrual rates, including mortality of active employees and pensioners.	Permanently.

3. The following item should be added:

Item No.	Description of records	Period to be retained
21d (3)	All service retirement data hitherto collected and either used or useful in the computation of annual pension accrual rates.	Permanently.

4. The following item should be added:

Item No.	Description of records	Period to be retained
21d (4)	All other statistical data used in the calculation of the annual pension accruals, as charged to Account 672, and necessary to the verification of the charges contained thereunder in Form M, Schedule 320, Operating Expense Accounts: 1935 to date.	Permanently.

Items j, k, and l should be amended by deleting, under the "period to be retained," the temporary periods of time there set down. The word "Permanently" should be substituted, in all cases. Cross references to Item 21d (1), (2), (3), and (4) should be made under each heading, namely, j, k, and l.

The comments accompanying the foregoing recommendation raise doubts as to the adequacy of either the presently effective or the proposed retention periods for pension data. The Commission desires to give this matter further consideration as it is believed that the inadequacies pointed out by the Public Counsellor of the State of Indiana apply primarily to current pension determinations which, when settled, may remove the need for permanent retention of all of these data. Since copies of the document were served on the interested parties and no adverse comments thereon have been received by the Commission, it is assumed that the permanent retention of these data is not objectionable at this time. Therefore, the foregoing recommendations have been adopted with minor modifications. At such time hereafter as it may appear that the permanent retention of these records is no longer necessary, we will entertain a proposal to shorten such retention period accordingly.

Sections 45.8 and 46.9—Item 22-f. This item pertains to contracts with labor unions or other organizations of employees relative to wage rates, hours, working conidtions, and similar matters. The period of retention is "6 years after expiration or cancellation." A. T. & T., U. S. I. T. A., and Western Union recommend that the period of retention be changed to read "3 years after expiration or cancellation." This is the period proposed for Item 6-g which pertains to the same records. Three years is the period prescribed by the regulations issued under the Federal Fair Labor Standards Act. Consequently, the retention period for this item in both parts has been so revised.

Sections 45.8 and 46.9—Item 25-a. This item pertains to general letters and other correspondence and memoranda related to services furnished under license agreements, general service contracts, or other arrangements for general accounting, engineering, financial, legal, patent, and other general services. The period of retention is "For the period prescribed for the record to which it relates." Item 128 (a) of § 42.91 prescribes the same retention period for correspondence. A. T. & T. states that experience has proven that such a rule is impracticable since it is impossible of application to most correspondence, memoranda and related attachments; that is, correspondence, etc., generally is not and cannot be definitely or practicably related to any particular other record. For example, studies and advice regarding work planning, methods, results, the training of employees, and many other matters can very seldom be associated with any particular record. The practical effect of such a rule has been generally to require the retention, at substantial expense, of quite extensive and constantly growing amounts of old, useless files of correspondence, etc. For this reason and the further important facts that (1) correspondence has usually only a short period of usefulness, even when it can be related to some other record, (2) any resulting action is recorded on other appropriate records, and (3) appropriate provision for retention of particular classes of correspondence, etc., has been made throughout the "List of Records"

in proposed Part 45 under more than sixty items, the provisions of Item 25–b in proposed Part 45 are more properly applicable to general correspondence files. The carrier states further that the records covered by Item 25–a are those in the files of telephone carriers which furnish general services to other carriers. This item covers particularly such correspondence and memoranda in the files of the General Department of the A. T. & T. These records constitute, of course, part of the records of services furnished and, as such, should be retained for such period as may be required to permit consideration in the establishment of rates for telephone services. It is the carrier's opinion that a required period of retention for ten years should be ample for this purpose and that any other reasonable but definite term of years would be much more practicable and less burdensome than the rule provided for Item 25–a in proposed Part 45. The period of retention for this item in both Parts 45 and 46 has been changed to "10 years."

Sections 45.8 and 46.9—Item 27–d—Reports of premature destruction. The period of retention proposed for this item is "6 years." A. T. & T. and U. S. I. T. A. suggest that this period be changed to "Optional after expiration of period prescribed for records destroyed." Western Union suggests a similar revision. A. T. & T. and U. S. I. T. A. support their suggestion by stating that under their proposal when records required to be retained permanently are prematurely destroyed, the record of destruction would be retained permanently, instead of only six years; also, there is no reason for retaining reports of premature destruction after the expiration of the retention period for the related records. The retention period for this item in both parts has been changed to "Optional after expiration of period prescribed for records destroyed."

Sections 45.8 and 46.9—Item 46–b. This item pertains to contracts or agreements for joint ownership or joint use of communication plant. In Part 45 the retention period for subdivision "(1) Poles and minor items" under this item is "6 years after retirement" and for subdivision "(2) Major items" the period is "6 years after expiration of agreement." A. T. & T. and U. S. I. T. A. suggest a retention period of "6 years after expiration or cancellation of agreement" for both subdivisions. A. T. & T. states that if the contracts are terminated, their further usefulness, if any, is not related to the life of the property, that if not terminated, the contract remains effective whether or not the plant is retired (by replacement or otherwise), and that Item 46–b (1) would be wholly impracticable to administer and would thus result in retention of large numbers of useless expired agreements. The subdivisions of this item in Part 45 have been deleted and the retention period revised to "6 years after expiration or cancellation." The retention period for Item 46–b in Part 46 has also been revised in the same manner.

Section 45.8—Items 48–l and 106–n; § 46.9—Items 48–k and 106–n. These items pertain to directives, authorizations, and orders from governmental authorities and related records not provided for elsewhere in the list of records. A. T. & T. and U. S. I. T. A. suggest that the period of retention for these items should be the period prescribed by the related governmental requirements or, if there are no such requirements, retention should be optional. A. T. & T. states that these items cover primarily special records of the types that were maintained under the regulations prescribed by various war-time agencies of the Federal Government. (The records maintained to comply with requirements by regulatory commissions are covered elsewhere under Items 4, 10, 103, and 104.) A. T. & T. further states that the minimum retention period of 6 years provided for Items 48–l and 106–n is much longer than was required by the war-time governmental agencies for most of the voluminous special records maintained to comply with their requirements during and following the recent World War, and that the lengthy retention of voluminous records with only temporary usefulness is, of course, undesirable and expensive.

The retention period for these two items in Parts 45 and 46 has been revised to read: "Such period as may be prescribed by related governmental requirements; otherwise, optional." Consequently, the note following Item 106–n has been eliminated and its provisions included in the column "Period to be Retained" for Items 106–m and 106–n.

Sections 45.8 and 46.9—Item 55–h. A. T. & T. states that the shipping or delivery receipts covered by this item are not used as a basis for entries to accounts or other records, that they show only quantities and descriptions of material, and that they do not show prices or amounts. They are nearly always copies of the requisitions and are fully within the description of duplicate records contained in Item 26, except for the signature acknowledging receipt of material. They are matched and checked with the invoices, almost entirely within two months, after which they are seldom referred to. The carrier further states that they are as voluminous as the invoices and should not be retained longer than 1 year, which is the present requirement. U. S. I. T. A. also suggests a retention period of 1 year for this item. The retention period in both parts has been reduced from 6 years to 1 year.

Section 45.8—Items 84–a and 84–b; § 46.9—Items 81–a and 81–b. In Part 45, Item 84–a pertains to copies of advertisements or other records of advertising in newspapers, etc., and Item 84–b to other public information material. The corresponding items in Part 46 are Items 81–a and 81–b. U. S. I. T. A. suggests optional retention for both items since the invoices and payments thereof will be available from an analysis of the advertising accounts. A. T. & T. suggests that the retention period for Item 84–a be changed from 6 years to 3 years and that the period for Item 84–b be reduced from 6 years to optional or, at the most, 1 year. A. T. & T. states that these items include a substantial volume of routine and miscellaneous material, such as "help wanted" advertisements, notices of closing dates of directories, and announcements of organization changes, that records of amounts paid to publications and others for advertising and information services are contained in vouchers, and that a shorter required retention period for both of these items would permit the earlier destruction of useless material without any loss of significant data relative to advertising and informational activities. The retention period for Item 84–a in Part 45 and Item 81–a in Part 46 has been reduced from 6 years to 3 years and the retention period for Item 84–b in Part 45 and Item 81–b in Part 46 has been changed from 6 years to 1 year.

Section 46.9—Item 63–b (4). Western Union suggests the inclusion of the words "and to transportation carriers in support of settlements under contract" in the note following this item. This addition has been made and the note now reads:

NOTE: The furnishing of original filed messages to the United States Government in support of bills and to transportation carriers in support of settlements under contract shall not be considered a violation of these rules and regulations.

Section 46.9—Item 67. Western Union suggests that this item be revised as the provisions as proposed do not appropriately describe current records. Items 67–a and 67–b have been revised as suggested and now read as follows:

67. Transportation carrier passes:
a. Record of or copy of requests for transportation issued free or subject to reciprocal arrangements: 3 years.
b. Record of passes received: 3 years.

While this carrier suggests deletion of Items 67–c and 67–d, stating that it has no such records, these items are retained because of possible application to other carriers' records. In this connection attention is directed to § 46.1 (b).

Section 46.9—Item 68. This item has been revised in accordance with Western Union's suggestion to read as follows:

68. Receipt and delivery of telegraphic communications:
a. Register of messages filed, picked up and delivered, and charge slip memoranda: 6 months.
b. Messenger delivery sheets and delivery route lists: 6 months.
c. Call box directories and record of individualized after-hour and special delivery instructions, including unpack of coded addresses: Optional.

Western Union states that the above wording is a better description of the item and that the matter deleted is properly covered in proposed Item 63–a (4) and new Item 83–m.

Section 46.9—Item 70–c. Western Union states that since this item is substantially identical to Item 76–e of § 45.8, the period of retention should harmonize therewith, i. e., "1 year after payment or other disposition of account or accounts covered by each stub or other individual record. (M)." Both the description and the retention period for Item 70–c has been revised to read the same as Item 76–e in Part 45.

Section 46.9—Item 76–d. Summary settlements with clock manufacturer pertaining to division of collections and expense. Western Union suggests that the retention period for this item should be "6 years (M–3)" instead of "6 years after termination (M–E)" as these settlements are compiled monthly and differ not at all in principle with those in Item 75–f (Summary statements covering settlements with news sources) for which the retention period is "6 years (M–3)." The retention period for Item 76–d has been so revised.

"*Section 46.9—Item 77–b.* Western Union suggests that retention beyond three years should be optional with the carrier. Money order drafts and payees' receipts are of a volume running to ten million a year. If they are to have any value as payment proofs they must be filed with the applications which are subject to retention for only three years. Centralization of auditing in 1947 has accumulated over 20 million of these items and further annual accumulations for the six-year period as proposed will overwhelm available or procurable facilities. The limited need for evidence in support of money order payments beyond three years but within the governing statutory period could more economically be met by self-carried or commercial indemnity insurance. Western Union further states in this connection that in 25% of the States it has for years past carried self-insurance against claims for the period beyond six years but within their statutory limitations and has paid no claims of this character so far as there is record. The retention period for this item has been reduced from "6 years (M)" to "3 years (M)" and the cross-reference to Item 18–c omitted. Item 18 pertains to paid or cancelled checks and drafts and receipts for cash payments. Item 18–c reads "Other payments." The last-mentioned item for which the retention period is "6 years (M)" has been revised by adding the words "except as otherwise provided in this List of Records."

Section 46.9—Item 77–g. Item 77 pertains to telegraphic money orders. Item 77–g relates to summaries and detailed records incident to and resulting from authentication of payment of individual transactions. Item 77–a pertains to applications for transfer. Western Union contends that the period of retention for Item 77–g should conform with that for Item 77–a since the records described in Item 77–g have no reference or other value after applications are destroyed. The retention period for Item 77–g has been reduced to "3 years (M)" which is the retention period for Item 77–a.

Section 46.9—Item 78. Western Union suggests a revision of this item in substance as follows:

78. Remittance orders:
a. Record of orders sold and of drafts or checks issued in exchange for funds deposited, and summaries or other detailed records incident to accounting analysis and controls: Optional.
b. Drafts or checks sold or exchanged: 3 years.

In support of its suggestion the carrier states that:

While this service is suspended and may not be restored, it is nevertheless undesirable to inhibit its restoration with unnecessary precautions as prescribed in the drafted regulations. Item 78–a is a check against reporting of sales without value after drafts listed have cleared through banking channels usually within 15 days. Item 78–b is in the same category as money order drafts. Both Items 78–c and 78–d specified in the draft have no value following completion of the succeeding month's processing and controls and are included in 78–a as revised herein.

In view of the carrier's statement, and subsequent determination that the records described in foregoing Item 78–a relate to a collection service, the revision has been made as suggested.

Section 46.9—Item 83–m. Proposed Item 83–m has been redesignated Item 3–c and a new item suggested by Western Union, reading as follows, has been substituted: "Number sequence records of messages transmitted or otherwise handled."

The following modifications suggested by the foregoing respondents have not been adopted, or have been further modified, for the reasons stated:

Section 46.1 (d). This proposed paragraph reads as follows: "Unless otherwise specified in § 46.9, duplicate copies of records may be destroyed at any time: *Provided, however,* That such duplicate copies contain no significant information not shown on the originals and that precautions have been taken to assure the continued retention of the originals (or one true copy) for the full period required under these regulations. (See Item 26–a of § 46.9.)"

Western Union suggests that since the regulations are with regard to preservation rather than destruction of records and the term "copy" is susceptible of misconstruction, this paragraph should read as follows: "Unless otherwise specified in § 46.9 retention of duplicates of records, correspondence, reports, etc., is optional: *Provided, however,* That such duplicates contain no significant information not shown on the originals passing from the hands of the carrier."

It is not believed that the wording "duplicate copies" would be misconstrued or that any useful purpose would be served by referring to retention of records rather than destruction of records. The carrier's suggested revision also omits part of the proposed wording and substitutes "passing from the hands of the carrier." Presumably, Western Union had in mind instances in which records of plant which has been sold are transferred to the purchaser or the note following item 63–b (4) in § 46.9 which now states that "The furnishing of original filed messages to the United States Government in support of bills and to transportation carriers in support of settlements under contracts shall not be considered a violation of these rules and regulations." The phrase "passing from the hands of the carrier" should not be used in the general instructions as, in the case of sales of plant, the proposed regulations do not require the carriers to retain records of plant which has been sold and the note in the aforementioned item provides the necessary permission for furnishing the original filed messages to the United States Government and to transportation carriers; also, the aforementioned records constitute only a small portion of the carrier's records.

Section 45.4. It is recommended by A. T. & T. and U. S. I. T. A. that the words "physical location of records" be omitted from this section with respect to the index of records. The carriers state that records are frequently moved from working quarters to storage space and that the requirement for showing the physical location of records would necessitate changing the index each time that records are moved. The carriers contend that the maintenance, in a carrier's offices, of a current record of the location and title of the immediate custodians of records, as a part of the prescribed index, would most effectively facilitate the inspection of the records by representatives of the Commission.

It is believed that the index should be maintained showing the physical location of records, in order that such records could be made easily available in the absence of the immediate custodian. Experience has shown that, unless the physical location of records is shown on the index, field investigations may be delayed.

Sections 45.8 and 46.9—Item 4–q—Retired securities and evidences of debt. The proposed period for paragraphs (1) and (2) of this item, covering cancelled stock certificates, bonds, notes, paid interest coupons, trust deeds, mortgages, or other evidences of debt, and deeds of release, is "Permanently when issued in exchange for property; otherwise, optional. (M)" A. T. & T. and U. S. I. T. A. contend that, since all securities are issued for property either in the form of cash or other assets, as well as telephone plant, they would be required to retain permanently all retired securities. A. T. & T. has suggested that the word "property" be replaced by "telephone plant." A. T. & T. and U. S. I. T. A. have suggested optional retention.

Pursuant to the above suggestions the retention period has been changed to read: "Permanently when issued in exchange for plant; otherwise, optional." It is believed that this change meets the chief objections of the carriers and at the same time requires permanent retention of those retired securities and evidences of debt that relate to plant and which are frequently needed to verify original cost and book cost.

Section 45.8—Item 6–a. This item reads as follows:

a. General service contracts and license agreements, such as for accounting, financial, engineering, legal, patent, and other general services.

A. T. & T. states that it is their understanding that the contracts and agreements covered by this item, which are to be retained permanently, are intended to include only those referred to in § 31.674 of the Commission's rules, and that in order to indicate clearly the nature of this item, the description should be changed to read:

a. General service contracts and license agreements for the furnishing of general services, as covered by § 31.674 of the F. C. C.'s rules.

The carrier contends that if this change is not made, the application of Item 6–a would be uncertain and might require permanent retention of various expired contracts that were considered to have been of a "general" nature.

Reference to other parts of the Commission's rules and regulations are avoided, so as to preclude revision of the preservation of records regulations when other parts are revised. Section 31.674 refers to the same types of general service contracts and license agreements as are listed in Item 6–a as it now reads. Therefore, it would seem that no useful purpose would be served by referring to the above-mentioned section. Furthermore, the carriers may request the Commission to grant relief in specific instances of unduly burdensome requirements. No revision has been made in the item.

Sections 45.8 and 46.9—Items 6–h and 46–a. In Part 45 both these items read as follows:

> Contracts or agreements relating to construction, purchase or other acquisition or sale, removal or other disposal of telephone plant.

A. T. & T. and U. S. I. T. A. recommend revision of these items. A. T. & T. states that the retention period, "Same periods as prescribed for the records of property to which they relate," is indefinite. The carrier lists Items 36, 37, 39, 43, and 45 as the items pertaining to the records of property to which these contracts and agreements relate. It is suggested by the carrier that the retention period might be clarified by inserting the phrase "under items 36 and 37" after the word "prescribed" but that it would be difficult and often impracticable to determine when all the plant covered by a particular agreement has been retired or when the records of such plant have been superseded. Therefore, such a rule would require either the permanent retention of a substantial volume of useless expired agreements and related correspondence and memoranda (Item 6–m), or considerable work and expense to apply such a rule. A. T. & T. states further that Items 6–h and 46–a include contracts or agreements involved in several classes of transactions and it would be desirable to prescribe more definite retention periods related to the usefulness of the contracts or agreements rather than to other records. It is A. T. & T.'s understanding that all possible usefulness of these contracts or agreements would be adequately covered by providing the following subdivisions and related retention periods for Items 6–h and 46–a:

> (1) Contracts with predecessors for acquisition of telephone plant covered by paragraphs (a) and (b) of § 31.2–21 of F. C. C.'s rules: Permanently.
>
> (2) Other contracts or agreements: 6 years after expiration or cancellation.

U. S. I. T. A. recommends the following subdivisions:

> (1) Contracts for the acquisition of substantially complete operating systems: Permanently.
>
> (2) Other contracts and agreements: 6 years after expiration or cancellation.

Since many of the amounts involved in determination of original cost have not been verified by Commission representatives, complete plant records should be retained, whether or not such contracts expire or are canceled, for a reasonable period after plant is retired. Therefore, these items in both parts have been revised to read as follows:

> Contracts or agreements relating to construction, purchase or other acquisition, or sale, removal or other disposal of communication plant:
>
> (1) Contracts for the acquisition from predecessors of substantially complete operating systems: Permanently.
>
> (2) Other contracts and agreements: 6 years after retirement of property to which they relate.

Sections 45.8 and 46.9—Items 6–i, 14–e, and 19–e. These items consist of book or card records of (1) contracts, leases or agreements, (2) tax assessments, payments or accruals, and (3) trust fund transactions. A. T. & T. and U. S. I. T. A. recommend that the retention period for these items be changed to "Optional." A. T. & T. states that the records covered by these items are not original records nor are they used as a basis for entries to accounts or other records, that they are informal memoranda or administrative aids of various design and usefulness provided to facilitate operations or reference to other records, and that the retention of these items should be "optional" so that superseded or discontinued cards, etc., may be destroyed when no longer useful.

It is not believed desirable to provide optional retention for these items unless the information is shown on other records. Therefore, the retention period has been revised to read: "6 years if data not included in other records; otherwise, optional."

Section 45.8—Item 12–a. A. T. & T. states that this item includes a substantial quantity of insurance policies and related records that cannot possibly have any usefulness after the expiration of the policies, except when claims have been filed thereunder. It is also stated that this lack of further usefulness applies particularly to policies covering automobiles, fire and other casualties, and burglary, and that since any company would, in any event, preserve any insurance policy and supporting papers as long as they might have any value or usefulness, all carriers should be permitted to destroy any such records when they determine that the records are no longer useful.

For the purpose of facilitating audits, investigations, and cost studies, these insurance policies provide a direct and valuable source of information. It should be noted that Western Union suggested additions to this item as set forth under the caption "Sections 45.8 and 46.9—Item 12. Insurance Records" (*supra*) which are found to be acceptable. Therefore, the retention period of "6 years after expiration of policies" has not been revised.

Section 46.9—Item 14–f—Records pertaining to collection or withholding of taxes from customers, employees, and others. The retention period for this item reads "As provided for Item 80." Western Union states that the reference in the period to be retained should be "Item 80–c." This revision has not been made as entire Item 80 pertains to taxes collected from customers and others.

Sections 45.8 and 46.9—Items 16–c and 16–d. A. T. & T. suggests that the retention period for Item 16–c with respect to check and draft registers, check stubs, copies of checks, and similar records and for Item 16–d with respect to statements from depositaries listing receipts, disbursements, and balances on deposit be changed to "1 year after preparation of record of related outstanding checks or drafts." Western Union recommends optional retention for Item 16–c. A. T. & T. states that the records listed in Items 16–c and 16–d have become quite voluminous, particularly those related to payrolls, that experience has shown that these records are used only for a few months, and that all information shown thereon is also available on other records, for example, on payrolls, payroll and voucher registers, employees' earnings records, the paid or cancelled checks or drafts, records of outstanding checks or drafts, and bank registers. The carrier also states that none of the records covered by Items 16–c and 16–d are required after the payment of the related checks or drafts (covered by Item 18); preparation of records of outstanding checks or drafts (Item 16–f), and the reconciliation of related bank accounts (Item 16–e). In further support of its contention, Western Union refers to Item 17–b (1) which pertains to transmittal forms or lists of items for payment. The period of retention proposed for Item 17–b (1) is "Optional after preparation of record of unpaid items or of outstanding checks or drafts." Western Union states that the aforementioned items can be, and essentially are amplifications of check and draft registers covered by Item 16–c and that the conditionally optional retention in this instance is in keeping with the need for the preservation of the items listed in Item 16–c.

The retention period of "6 years" has been modified to read "6 years if data not included in other records; otherwise, optional." It is believed that this modification will relieve those carriers that maintain other records (such as referred to by A. T. & T. and Western Union) of the burden of maintaining such voluminous records while retaining the six-year provision with respect to carriers that do not maintain other records.

Section 45.8—Item 18–a. A. T. & T. and U. S. I. T. A. believe that the period of 6 years for paid or cancelled checks and drafts covering payment of salaries and wages should be reduced to not more than 4 years. A. T. & T. states that the additional 2 years' retention would serve no useful purpose and would require the preservation of paid checks and drafts for 104 additional weeks which would substantially increase their volume since salaries and wages of the majority of employees are paid weekly. A. T. & T. further states that the 6 years' retention

period would require the storage of approximately fifty million more checks and drafts in Bell System telephone companies at the present time than would be required under a 4 years' retention period.

It is believed that, for the purpose of facilitating audits, investigations, and cost studies, a six-year period of retention would be more desirable inasmuch as at least a five-year coverage is generally required. Accordingly, the period of retention has not been reduced.

Section 46.9—Item 18–b. This item pertains to paid or cancelled checks and drafts and receipts for cash payments covering commissions. Western Union states that the term "commission" employed herein may be quite restricted as applied to telephone operations but as used by Western Union it comprehends payment for services of other carriers, individuals, and in a limited degree its employees, and that a clear definition would be desirable.

It does not seem necessary to define herein the word "commissions" which is appropriately defined in § 35.03–20 of the Commission's rules and regulations.

Section 45.8—Items 19–g, 21–b, and 21–l. A. T. & T. suggests that, in order to make Items 19–g, 21–b, and 21–l consistent, the phrase, "reports of changes therein and related authorizations," contained in Item 21–l, which relates to pension and annuity payrolls, be transferred to Item 21–b, which relates to payroll change reports. In view of the changes made pursuant to suggestions of the Public Counsellor of the State of Indiana (Items 21–d, j, k, and l) and in view of the further consideration that the Commission desires to give to the retention periods for pension data, the change has not been made.

Section 46.9 — Item 20 — Vouchers. Western Union states that excepting to an extremely limited extent it does not employ a voucher system, as such. Field office disbursements are made both in cash and by check and the receipt taken is a statutory safeguard rather than an account-detail. As a general practice these receipts are merely sorted into classification groups following which the total for each group is recorded on a monthly classification summary. These summaries prepared by offices are further summarized into State, district and division totals, the division summary being the medium for posting to the general ledger. No plant expenditures are included in these disbursements. Retention of "receipts," for six years as provided in paragraph 60–b of Section 91 of present Part 42 has governed this carrier's practice heretofore with respect to these receipts. This carrier believes that recognition should be given here, or in Item 18, to this condition, thus avoiding the restrictions which would otherwise follow through application of Item 20–b (6) which the carrier feels would require retention of "receipts" for 10 years.

It appears that receipts for cash payments have been confused with vouchers. Item 18–c of these regulations provides for the retention of the receipts mentioned by the carrier for 6 years. As the provisions of Item 20–b (6) would not apply to such receipts, no revision of that item seems necessary.

Section 45.8—Item 21–a. This item pertains to payroll sheets, registers, lists, ledges, etc. A. T. & T. and U. S. I. T. A. suggest that the retention period for this item be changed from 10 years to 6 years as presently required by Item 63 (a) of § 42.91. A. T. & T. states that the proposed retention period of 10 years is a substantial increase from the present requirement of 6 years, considering the large and growing volume of such payroll records, that the Bell System companies generally have found that these records are never referred to after 4 or 5 years, and that all significant data of long-term value are shown on the employees' service records (Item 21–d) and the employees' earnings records (Item 21–j).

It is believed that the establishment of a six-year period would leave a narrow margin of precaution for records that the companies state are referred to after four or five years; furthermore, a retention period of 10 years is viewed as desirable in order to provide a source of information for employee turnover and other studies. Accordingly, the period of retention has not been changed.

Sections 45.8 and 46.9—Items 22–d and 22–e. Item 22–d pertains to studies, correspondence, and administrative reports covering wage practices and Item 22–e to studies, analyses, reports, summaries, memoranda, and correspondence relating to force requirements, employment, training, and other administration of employees and working conditions. The period of retention for these items is "6 years after supersedure or cancellation." A. T. & T. and U. S. I. T. A. contend that the phrase "after supersedure or cancellation" is not applicable to the records described since they are seldom actually superseded or cancelled. A. T. & T. states that, since the retention period for the administrative reports referred to in these two items is covered by Items 100 and 101 and since the other records described are used only for administrative purposes, the retention period should be changed to read: "Reports, as provided for Items 100 and 101; correspondence, as provided for Item 25–b; other records, optional." U. S. I. T. A. recommends that the retention period be changed to optional since administrative reports in connection with personnel records will be retained by the company as long as they serve any useful purpose.

A. T. & T.'s recommendation has been adopted in full with respect to Item 22–e, and in part with respect to Item 22–d. The retention period for Item 22–d has been modified to read "6 years, except as provided in Item 25–b," thereby relieving the companies from retaining unnecessary correspondence. It appears desirable to retain the records relating to wage practices for a period sufficient to determine the validity of statements submitted to the Commission in connection with acquisitions of property with traffic. U. S. I. T. A.'s recommendation for optional retention has been met to the extent that the correspondence described in Item 22–d may be destroyed at the option of the company when it is not necessary for a proper or complete understanding of the other records, and items in paragraph 22–e may be destroyed at the option of the carrier unless prohibited by the provisions of Item 25–b (1) or Item 100.

Section 46.9—Item 24–b. Item 24–a pertains to certificates and reports of annual examinations and audits by public accountants and Item 24–b pertains to other reports of audits, examinations, and verifications. Western Union states that it is assumed that Item 24–b pertains to balance sheet and earnings audits of a subsidiary rather than so called field audits reports which are essentially inspections and verifications.

No change appears necessary as it is intended that Item 24–b include all reports with respect to audits, examinations, and verifications not listed in Item 24–a.

Section 45.8—Item 27–c—Index of records. The period of retention proposed is "6 years after expiration or supersedure." A. T. & T. and U. S. I. T. A. suggest that the period be changed to "Optional after expiration or supersedure." A. T. & T. states that they know of no reason for retaining an index of records after it has been superseded, that it cannot possibly assist in locating records that have been reclassified, relocated, or destroyed, and that only the currently active indexes have any usefulness.

The omission of an item from a current index would require reference to the superseded index. Since these indexes are not voluminous, it appears that the proposed period of "6 years after expiration or supersedure" will not be unduly burdensome. Consequently, the retention period has not been changed.

Section 46.9—Item 29—Summaries and property or other records maintained on tabulating cards or other machine-processed media. Western Union states that apparently the second word in the first line should be "of" instead of "and".

No change is desirable as it is intended that this item be applicable to all summaries maintained on tabulating cards and that the summaries not be limited to property.

Section 45.8—Item 70–g (2). This item pertains to contracts or agreements, with customers or others for extension of lines or other construction of plant, involving contributions or cost reimbursements. The period of retention is "Same periods as prescribed for the property to which they relate." A. T. & T. points to the same difficulties in attempting to apply such an indefinite rule as those discussed with respect to Items 6–h and 46–a. A. T. & T. states that, since this item covers contracts and related papers, the same retention period should be prescribed as suggested for Items 6–h and 46–a. Under that suggestion, if the contract should establish a long-term or continuing contractual relationship, the contract would be retained until 6 years after the expiration or cancellation of such relationship.

Since many of the amounts involved in determination of original cost have not been verified by Commission representatives, complete plant records should be retained, whether or not such contracts expire or are cancelled, for a reasonable period after plant is retired. Therefore, the retention period for this item has been changed to read: "6 years after retirement of the property to which they relate."

Section 46.9—Item 74—Messenger department delivery and pick-up records. Western Union calls attention to the fact that the provisions in this item are contained in Item 68 as proposed by the carrier and in Items 64–a and 82 of the notice of proposed rule-making.

As proposed Item 74 covered both message and errand service and Item 68 as revised covers only message service, there has been substituted for proposed Item 74 a new item reading as follows:

> 74. Errand service records: For the same periods prescribed under Item 68 for comparable records pertaining to messages.

Section 46.9—Item 76–e. Western Union recommends optional retention for this item following the principle provided for "schedules" in Item 69–c. Item 76 pertains to time services and 76–e thereof pertains to "Reporting schedules and other detail if summarized as provided in Item 76–d." Item 69 pertains to telegraph and cable office reports and 69–c to "Schedules supporting reports showing details essential to accounting analysis and for administrative purposes."

The respondent's recommendation has called attention to the inadvertent use of the word "Optional" in connection with Item 69–c, whereas the similarity between Items 69–c and 76–e appears to make a similar retention period desirable for these two items. As indicated in Item 69–c these records are "essential to accounting analysis." It is deemed desirable to retain them for three years. Accordingly, the correction has been made in Item 69–c rather than reducing the period proposed for Item 76–e.

In addition to the foregoing the Commission has made the following changes:

Sections 45.2 and 46.2—Designation of supervisory official. In order to make it permissible for a carrier to designate more than one supervisory official should such be deemed desirable, in both sections the words "an official" have been changed to "one or more officials."

Sections 45.4 and 46.4—Index of records. In order to clarify the original intent of this instruction, it has been revised in both Parts 45 and 46 to read as follows:

> *Index of records.* At each office of the carrier where records are kept or stored, such records as are herein required to be preserved shall be so arranged, filed, and currently indexed that they may be readily identified and made available to representatives of the Commission. In the general offices of the carrier a master index shall be available showing the physical location of the various classes of records, the periods to which such classes of records relate, and the locations, names, and titles of the custodians.

Minor changes, principally editorial in character, have been made in § 45.8 (Items 4–q, 6–c, 10–d, 44–l, 73–g, and 81–b (1)) and 46.9 (Items 3–b, 4–q, 6–c, 6–j, 10–d, 13–a, 44–a, 44–g, 69–b, 70–l, 75, 77, 83–a, and 83–d). These changes do not affect the substance of the rules as proposed.

These rule changes have been coordinated with the Committee on Accounts and Statistics of the National Association of Railroad and Utilities Commissioners.

An appropriate order in conformity with this opinion will issue.

Order. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of August 1950;

The Commission, having under consideration the matter of rescission of Part 42 (Preservation of Records) and the promulgation of Part 45 (Preservation of Records of Telephone Carriers) and Part 46 (Preservation of Records of Wire-telegraph, Ocean-cable, and Radiotelegraph Carriers) of its rules and regulations, the notice of proposed rule making adopted herein on September 28, 1949,[1] and the memorandum opinion with respect thereto adopted this day and herein incorporated by reference; and

It appearing, that authority for the issuance of these rules and regulations is contained in sections 4 (i) and 220 (e) of the Communication Act of 1934 as amended;

It is ordered, That Part 45 (Preservation of Records of Telephone Carriers), as set forth below, is hereby prescribed and promulgated as the regulations governing the preservation of records of communication common carriers subject to the jurisdiction of the Commission and engaged primarily in furnishing telephone service, effective October 1, 1950: *Provided, however*, That any such carrier may sooner adopt these rules if it so desires; and

It is further ordered, That Part 46 (Preservation of Records of Wire-telegraph, Ocean-cable, and Radiotelegraph Carriers), as set out below, is hereby prescribed and promulgated as the regulations governing the preservation of records of communication common carriers subject to the jurisdiction of the Commission and engaged primarily in furnishing wire-telegraph, ocean-cable, or radiotelegraph service, effective October 1, 1950: *Provided, however*, That any such carrier may sooner adopt these rules if it so desires; and

It is further ordered, That effective October 1, 1950, Part 42 (Preservation of Records) of the Commission's rules and regulations is rescinded.

(Sec. 4, 48 Stat. 1066; 47 U. S. C. 154. Interprets or applies sec. 220, 48 Stat. 1078; 47 U. S. C. 220)

Adopted: August 16, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[1] 14 F. R. 6198.

PARALLEL REFERENCE TABLE
PRESERVATION OF RECORDS REGULATIONS

Old Part 42, Section No.	New Parts 45 and 46, Section Nos.
42.1	45.8, 46.9.
42.2 (a)	45.8-13, 46.9-13.
42.2 (b)	—, 46.8.
42.2 (c)	45.1(c), 46.1(c).
42.3	45.1(a), 46.1(a).
42.4	45.1(b), 46.1(b).
42.5(a), (b)	45.4, 46.4.
42.5 (c)	45.1(a) and 45.4, 46.1(a) and 46.4.
42.5 (d)	45.4, 46.4.
42.11	45.2, 46.2.
42.12	45.2, 46.2.
42.13	45.2, 46.2.
42.14	
42.15	
42.31	
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42.41	
42.42	
42.43	45.8-4-q, 46.9-4-q.
42.44	
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42.71	
42.72	
42.81	45.6, 46.6.
42.82	45.7, 46.7.
42.83	45.1(d), 46.1(d);
45.01	

New Part 45, Section No.	Old Part 42, Section Nos.
45.1 (a)	42.3; 42.5 (c).
45.1 (b)	42.4.
45.1 (c)	42.2 (c).
45.1 (d)	42.83.
45.1 (e)	
45.2	42.11; 42.12; 42.13.
45.3	
45.4	42.5 (a), (b), (c), (d).
45.5	
45.6	42.81.
45.7	42.82.
45.8	42.1.

New Part 46, Section No.	Old Part 42, Section Nos.
46.01	
46.1 (a)	42.3; 42.5 (c).
46.1 (b)	42.4.
46.1 (c)	42.2 (c).
46.1 (d)	42.83.
46.1 (e)	
46.2	42.11; 42.12; 42.13.
46.3	
46.4	42.5 (a), (b), (c), (d).
46.5	
46.6	42.81.
46.7	42.82.
46.8	42.2 (b).
46.9	42.1.

PART 45—PRESERVATION OF RECORDS OF TELEPHONE CARRIERS

APPLICABILITY

Sec.
45.01 Applicability.

GENERAL INSTRUCTIONS

45.1 Scope of the regulations in this part.
45.2 Designation of supervisory official.
45.3 Protection and storage of records.
45.4 Index of records.
45.5 Preservation of records on microfilm.
45.6 Destruction of records.
45.7 Premature destruction.

LIST OF RECORDS

45.8 List of records.

AUTHORITY: §§ 45.0 to 45.8 issued under sec. 4, 48 Stat. 1066; 47 U. S. C. 154. Interpret or apply sec. 220, 48 Stat. 1078; 47 U. S. C. 220.

APPLICABILITY

§ 45.01 *Applicability.* This part is prescribed and promulgated as the regulations governing the preservation of records of communication common carriers, subject to the jurisdiction of the Commission, primarily engaged in furnishing telephone service.

GENERAL INSTRUCTIONS

§ 45.1 *Scope of the regulations in this part.* (a) The regulations in this part apply to all accounts, records, memoranda, documents, papers, and correspondence prepared by or on behalf of the carrier as well as those which come into its possession in connection with the acquisition of property, such as by purchase, consolidation, merger, etc.

(b) The regulations in this part shall not be construed as requiring the preparation of accounts, records, or memoranda not required to be prepared by other regulations, such as the uniform systems of accounts, of the Commission.

(c) The regulations in this part shall not be construed as excusing compliance with any other lawful requirement for the preservation of records for periods longer than those prescribed in this part.

(d) Unless otherwise specified in § 45.8, duplicate copies of records may be destroyed at any time; *Provided, however*, That such duplicate copies contain no significant information not shown on the originals and that precautions have been taken to assure the continued retention of the originals (or one true copy) for the full period required under the regulations in this part. (See Item 26–a of § 45.8.)

(e) Records other than those listed in § 45.8 may be destroyed at the option of the carrier: *Provided, however*, That records which are used in lieu of those listed shall be preserved for the periods prescribed for records used for substantially similar purposes: *And provided further*, That retention of records pertaining to added services, functions, plant, etc., the establishment of which cannot be presently foreseen, shall conform with the principles promulgated in § 45.8.

§ 45.2 *Designation of supervisory official.* Each carrier subject to the regulations in this part shall designate one or more officials to supervise the preservation and the authorized destruction of its records.

§ 45.3 *Protection and storage of records.* The carrier shall protect records subject to the regulations in this part from damage from fires, floods, and other hazards and, in the selection of storage spaces, safeguard the records from unnecessary exposure to deterioration from excessive humidity, dryness, or lack of proper ventilation.

§ 45.4 *Index of records.* At each office of the carrier where records are kept or stored, such records as are herein required to be preserved shall be so arranged, filed, and currently indexed that they may be readily identified and made available to representatives of the Commission. In the general offices of the carrier a master index shall be available showing the physical location of the various classes of records, the periods to which such classes of records relate, and the locations, names, and titles of the custodians.

§ 45.5 *Preservation of records on microfilm.* (a) As indicated in § 45.8, certain records may be microfilmed and the film retained in lieu of the original records, provided the procedures prescribed in paragraphs (b) to (f) of this section are followed.

(b) Prior to photographing, the records shall be so prepared, arranged, classified, and identified as readily to permit the subsequent location, examination, and reproduction of the photographs thereof. Any significant characteristic, feature, or other attribute of the original records which photography would not reflect clearly (e. g., that the record is a copy or that certain figures thereon are red) shall be so indicated on the records at the time of such arrangement, classification, and identification. When a number of the records to be microfilmed have in common such a characteristic or attribute, an appropriate notation identifying the characteristic or attribute may be indicated in a statement at the beginning of the roll of film instead of on each individual record.

(c) Each roll of film shall include a microfilm of a certificate or certificates stating that the photographs are direct and facsimile reproductions of the original records and that they have been made in accordance with prescribed instructions. Such certificate or certificates shall be executed by a person or persons having personal knowledge of the facts covered thereby.

(d) The photographic matter on each roll shall commence and end with a statement as to the nature and arrangement of the records reproduced, the name of the photographer, and the date. Rolls of film shall not be cut. Supplemental or retaken film, whether of misplaced or omitted documents or of portions of a film found to be spoiled or illegible or of other matter, shall be attached to the beginning of the roll, and in such event the aforementioned certificate or certificates shall cover also such supplemental or retaken film and shall state the reasons for taking such film.

(e) All film stock shall be of approved permanent-record microcopying type of 16 mm. or 35 mm. size, either perforated or unperforated, such as meets the minimum specifications of the National Bureau of Standards. (Such film stock may be identified by a manufacturers' mark, a solid triangle after the word "safety" in the edge marking of the film.) The photographing and processing shall be such that reproductions on photographic paper can be made, similar in size without significant loss of clarity of detail, during the period prescribed in this part for the retention of the records concerned. The carrier shall be prepared to furnish, at its own expense, appropriate standard facilities for reading the microfilm. If the Commission so directs the carrier shall furnish photographic reproductions of records, the originals of which have been destroyed under the provisions of this instruction.

(f) The microfilms shall be indexed and retained in such manner as will render them readily accessible and identifiable. They shall be stored in such manner as to provide reasonable protection from hazards such as fire, flood, theft, etc. The films should be cared for in such a manner as to prevent cracking, breaking, splitting, etc.

§ 45.6 *Destruction of records.* The destruction of the records permitted to be destroyed under the provisions of the regulations in this part may be performed in any manner elected by the carrier concerned. Precautions should be taken, however, to macerate, or otherwise destroy the legibility of, records the content of which is forbidden by law to be divulged to unauthorized persons.

§ 45.7 *Premature destruction.* When any records are destroyed before the expiration of the prescribed period of retention, a certified statement listing, as far as may be determined, the records destroyed and describing the circumstances of accidental or other premature destruction shall be filed with the Commission within ninety (90) days from the date of discovery of such destruction. Discovery of loss of records is to be treated in the same manner as in the case of premature destruction.

LIST OF RECORDS

§ 45.8 *List of records.* The following list of records shows the periods of time that designated records shall be preserved and, by the indicator (M), the records that may be preserved on microfilm in lieu of the original records. When the indicator (M) is followed by a numeral, the original record may be destroyed only after the number of years indicated by the numeral. When the indicator (M–E) is used, a microfilm copy may be substituted for the original record for the period subsequent to the expiration, cancellation, supersedure, or other condition shown in the column headed "Period to be retained."

Item No.	Description of records	Period to be retained
	Corporate and general	
1	Corporate organization:	
	a. Charter or certificate of incorporation and amendments thereto	Permanently.
	b. Legal documents in connection with mergers, consolidations, reorganizations, receiverships, and similar actions which affect the identity or organization of the company.	Do.
	c. By-laws	Permanently (M–10).
2	Corporate elections and stockholders' votes:	
	a. Notices of meetings, proxy statements, and proxy solicitation material.	10 years (M).
	b. Voting lists	3 years (M).
	c. Proxies	Do.
	d. Ballots and tabulations of votes	Do.
	e. Judges' or inspectors' reports of results	Do.
3	Minutes of meetings:	
	a. Meetings of stockholders and directors	Permanently.
	b. Meetings of executive committee and other directors' committees	Permanently (M–10).
	c. Meetings of employees' benefit committee	Do.

Item No.	Description of records	Period to be retained
	Corporate and general—Continued	
4	Securities issued or assumed:	
	a. Applications to governmental bodies and authorizations therefrom to issue securities or assume debt issued by others.	Permanently (M-10).
	b. Registration statements and amendments thereto	Do.
	c. Bids and contracts for sale of securities, including underwriting agreements, except as provided in item 4-1-(4).	Do.
	d. Agreements with trustees of security issues	Do.
	e. Applications and authorizations for listings with securities exchanges. (See item 106-a.)	Permanently, except options after securities are redeemed, canceled, or otherwise retired (M-10).
	f. Prospectuses and amendments thereto and sale offers to stockholders, employees, and others.	Do.
	g. Legal, accounting, or other formal opinions in connection with registration statements and prospectuses.	Do.
	h. Reports filed with governmental bodies in compliance with rules or laws governing issuance or sale of securities (reports of sales of securities, application of proceeds, etc.).	Do.
	i. Reports, summaries, or memoranda of subscriptions, sales, exchanges, conversions, or retirements of securities used as the basis of entries to accounts.	Permanently, except that separate records of a particular class of securities may be destroyed 10 years after all securities of that class are redeemed or otherwise retired (M-E).
	j. Capital stock and bond ledgers and stubs or copies of securities issued, and summary or controlling records thereof.	Do.
	k. Security subscription registers; security transfer, correction, and exchange sheets or registers; and related records.	3 years after subscription or sale is completed (M-E).
	l. Supplemental records of subscriptions to securities:	
	(1) Temporary or interim certificates or receipts and related transfer records.	Do.
	(2) Warrants, warrant assignments, transfer sheets, summaries, and agreements of indemnity; and cross-reference sheets in connection therewith.	Do.
	(3) Installment subscription ledgers	Do.
	(4) Contracts with employees for their purchase of securities	As provided under item 25-b.
	(5) Subscription notices and requests for allotment	Optional (M).
	(6) Correspondence relating to issue of securities	
	(7) Other supplemental records of subscriptions to securities	
	m. Miscellaneous memoranda and other papers related to sale, transfer, or exchange of securities:	6 years after sale, transfer, or exchange is completed (M-E).
	(1) Documents supporting fiduciary transactions, such as copies of powers of attorney, wills, certificates of appointment, deeds of trust, resolutions by corporations, affidavits, and waivers by taxing authorities not returned to security holders.	Do.
	(2) Receipts for securities. (See item 106-i-(1).)	Optional after withdrawal of instructions (M).
	(3) Reference file of instructions to withhold transfer of certain securities.	Optional (M.)
	(4) Recapitulations of daily postings to security accounts of individuals and brokers.	6 years after sale, transfer, or exchange is completed (M-E).
	(5) Correspondence relating to transfer, exchange or delivery of securities.	Optional (M).
	(6) Other miscellaneous papers related to sale, transfer, or exchange of securities.	
	n. Security holders' instructions and correspondence covering:	3 years (M).
	(1) Payment of dividends to an individual other than the stockholder.	Do.
	(2) Other correspondence regarding dividend and interest payments.	Optional after entered on records (M).
	(3) Change of address notices	6 years (M).
	o. Dividend notices and related circular letters to stockholders (1 copy of each in connection with each dividend declaration).	
	p. Bond interest payments:	3 years after maturity or redemption of related securities or after record becomes inactive (M-E).
	(1) Controlling records of interest payments	3 years (M).
	(2) Daily and other periodic summaries and lists of bond interest payments.	Until record is superseded or coupons are paid.
	(3) Records of unpaid interest coupons	Permanently when issued in exchange for plant; otherwise, optional (M).
	q. Retired securities and evidences of debt:	Do.
	(1) Canceled stock certificates and fully registered bonds	Until record is superseded or securities are presented.
	(2) Other canceled bonds, canceled notes, paid interest coupons, and canceled trust deeds, mortgages, or other evidences of debt, and deeds of release.	
	(3) Records of unpresented retired securities	
5	Franchises and titles:	Permanently.
	a. Franchises, certificates, or other legal papers authorizing operations as communications common carrier.	6 years after property is disposed of unless surrendered to transferee.
	b. Deeds and other title papers	
6	Contracts and agreements:	Permanently (M-10).
	a. General service contracts and license agreements, such as for accounting, financial, engineering, legal, patent, and other general services.	
	b. General contracts for the purchase, sale, or repair of material and supplies:	25 years after expiration or cancellation (M-10).
	(1) With affiliated companies	6 years after expiration or cancellation (M-E).
	(2) With others	Permanently, except optional after securities are redeemed, canceled or otherwise retired.
	c. Agreements in connection with security issues. (See items 4-c and 4-d).	6 years after supersedure, expiration or cancellation (M-E).
	d. Contracts with other companies for the interchange of business, divisions of revenues, and interchange of employees' benefit obligations. (See item 80-a).	Permanently.
	e. Pension trust fund agreements	6 years after expiration or cancellation.
	f. Leases and other agreements relating to rentals of property to or from others.	3 years after expiration or cancellation (M-E).
	g. Contracts with labor unions or other organizations of employees, relative to wage rates, hours, working conditions, and similar matters.	
	h. Contracts or agreements relating to construction, purchase, or other acquisition, or sale, removal, or other disposal of communication plant.	Permanently.
	(1) Contracts for the acquisition from predecessors of substantially complete operating systems.	6 years after retirement of property to which they relate.
	(2) Other contracts and agreements	6 years after expiration or cancellation (M-E).
	i. Contracts or agreements relating to maintenance of telephone plant. (See item 46-c.)	Do.
	j. Other contracts and agreements except as provided for elsewhere in this List of Records. (See items 46 70, 77-i, and 83.)	Optional (M).
	k. Summaries and abstracts of contracts, leases, or agreements	6 years if data not included in other records; otherwise optional.
	l. Book or card records of contracts, leases or agreements, showing dates of expirations, renewals, and memoranda of payments or receipts thereunder.	
	m. Correspondence and memoranda which clarify or explain provisions of contracts or agreements and are necessary to a proper or complete understanding thereof.	Same periods as the contracts or agreements to which they relate.
	n. Other correspondence and memoranda relating to contracts and agreements. (See item 25-b.)	Optional (M).
	NOTE: For contracts with customers, see item 70.	
7	Ledgers:	
	a. General and subsidiary ledgers of accounts (exclusive of ledgers provided for elsewhere in this List of Records, such as for securities, customers, and material and supplies) and indexes thereto.	Permanently.
	b. Trial balance sheets of general and subsidiary ledgers of accounts	10 years.
	c. Detailed statements, analyses or memoranda concerning ledger accounts, maintained for auditing, informational or other administrative uses and not necessary to support ledgers or journal entries.	Optional (M).
8	Journal entries (including journals and journal vouchers):	Permanently.
	a. (general, departmental, divisional and other forms of journal entries (including journals and journal vouchers) or other records from which entries are made to the ledgers of accounts.	
	b. Summarization and distribution records supporting journal entries:	Do.
	(1) Affecting plant accounts	10 years, except as separately provided for in this List of Records. (See items 21-m, 45-b, 81-a and 83-l.)
	(2) Affecting maintenance, operating or other accounts	Permanently.
	c. Memoranda, correspondence, or other papers which serve as the basis for journal entries and are necessary to support or explain journal entries, except as separately provided for in this List of Records.	
9	Securities owned:	6 years after the related securities are sold, redeemed or otherwise disposed of or are written out of accounts as worthless.
	Book, card, or other detailed records of securities owned, in treasury, or held by custodians.	

Item No.	Description of records	Period to be retained
	Corporate and general—Continued	
10	Law department, litigation, and regulation:	
	a. Legal opinions and advice furnished to officers or employees	Until superseded or obsolete (M).
	b. Copy of pleadings, briefs, transcripts, orders, judgments and other court papers relating to judicial proceedings.	10 years after completion of proceedings (M-E).
	c. Copy of information furnished from company's records pursuant to subpoena or other legal requirement.	Optional (M).
	d. Copy of applications, complaints, protests, briefs, transcripts of testimony and hearings, reports, rulings, settlements and other legal papers in proceedings before regulatory taxing, and other governmental authorities, except as separately provided for in this List of Records. (See items 1-b, 4-a, 4-b, 4-h, 10-b, 11-a, 11-c, and 14-b.)	10 years after completion of proceedings (M-E).
	e. Formal orders of regulatory commissions and similar authorities served on the company.	
	(1) Orders of continuing effect	Permanently (M).
	(2) Other orders	25 years (M).
	f. Reports to regulatory authorities	As provided for item 103.
11	Patents and copyrights:	
	a. Copy of patent applications, invention descriptions, memoranda and other data relating thereto.	Optional after expiration of patent (M).
	b. Agreements with employees for assignment of inventions	6 years after termination of agreement.
	c. Copy of copyright applications, with specimen copies	Optional after expiration of copyright (M).
	d. Letters patent and copyright certificates	6 years after expiration of patent or copyright (M-E).
	e. Licensing and royalty agreements, assignments, or grants	Do.
12	Insurance records:	
	a. Insurance policies (including fidelity, surety, and similar bonds) together with supporting schedules, endorsements, riders, and other amendments or modifications, and renewal and cancellation notices; also policy contracts with underwriters for group insurance.	6 years after expiration of policies or policy contracts (M-E).
	b. Schedules, lists, or other detailed statements of property or risks covered by insurance, when not included in or attached to insurance policies.	Do.
	c. Schedules of risks covered by self-carried insurance reserves, giving description of property or character of risks covered.	6 years after supersedure (M-E).
	d. Detailed spread sheets or other summary or distribution records of insurance costs or accruals.	Affecting maintenance and operations only, 10 years; affecting plant, permanently (M-10).
	e. Reports of losses covered by insurance (both commercial and self-carried), copies of claims against insurance companies and record of recoveries therefrom, records, reports, and summaries of employee coverage, case records, and death claims with respect to group insurance.	6 years (M).
	f. Reports of minor losses due to insurable risks (e. g., from fires, thefts, and defalcations) not covered by insurance (either commercial or self-carried) and other reports of losses and damages sustained, not used as the basis for claims against others (see item 48-k-(1)) or for retirement of plant (see item 45-a (4)).	3 years (M).
	g. Inspectors' reports, recommendations, correspondence and memoranda regarding hazardous condition of property.	Do.
	h. Card or other memorandum records of insurance showing dates of expiration of policies, abstracts of coverage, premiums paid, recoveries, etc., and studies of insurance requirements.	Optional (M)
13	Accidents, damages, and related claims against the company:	
	a. Reports of accidents, investigations, statements of employees or witnesses, claims, releases and similar papers relating to accident and damage claims or possible claims against the company on account of employees or other persons killed or injured, property of others damaged, errors in directory listings and directory advertising, traffic service errors, and other damage claims (exclusive of claims for overcharges provided for in item 86-a-(2)):	
	(1) When such papers are necessary to the determination of the company's liability, if any, in such cases, or to substantiate payments to others, whether attached to vouchers or filed separately. (See item 21-k.)	6 years after settlement or rejection of related claims, or after date of papers if no claim is presented (M-E).
	(2) When such papers are not so necessary	Optional (M).
	b. Book or card records, indexes or other memoranda of accident and damage claims or cases.	6 years after settlement or rejection of related claims (M-E).
	NOTE: For records of detective service and investigation of damage to or loss of the company's property, see item 48-k.	
14	Tax records:	
	a. Copies of returns, schedules, statements, claims, reports and similar documents filed with taxing authorities, with supporting work papers and correspondence.	Such period as may be prescribed by related governmental requirements; otherwise, 6 years after settlement of tax liability (M-E).
	b. Legal papers related to taxes. (See items 10-b and 10-d.)	10 years after completion of proceedings (M-E).
	c. Tax bills and receipts from taxing authorities, filed separately from vouchers.	10 years after settlement of tax liability (M-E).
	Tax records—Continued	
	d. Detailed spread sheets or other summary or distribution records of tax payments or accruals.	Affecting maintenance and operations only, 10 years; affecting plant, permanently (M-10).
	e. Book, card, or other memorandum records of tax assessments, payments or accruals and related data, by classes of taxes, accounting periods, location of property, etc.	6 years if data not included in other records; otherwise optional (M).
	f. Records pertaining to collection or withholding of taxes from customers, employees, and others.	As provided for item 79.
15	Cash books:	
	General, division, and subsidiary cash books used as general records of receipts, disbursements, and balances includible in ledger cash accounts. (See item 77-k.)	Permanently.
16	Records of deposits in banks and other depositaries of cash and working funds:	
	a. Bank deposit books, duplicate deposit slips, notices of deposits and of items charged back, and other advices or notices from depositaries of individual credits and charges.	1 year.
	b. Advices of individual deposits or remittances of funds from collection or other offices, when information on such advices is shown on other records.	Optional (M).
	c. Check and draft registers, check stubs, copies of checks, and similar records of checks or drafts drawn on depositaries.	6 years if data not included in other records; otherwise optional.
	d. Statements from depositaries listing receipts, disbursements, and balances on deposit.	6 years if data not included in other records; otherwise optional (M).
	e. Bank reconciliation registers and reconciliation summaries or papers.	1 year (M).
	f. Lists and other records of outstanding checks and drafts, issued and not presented.	Optional after checks or drafts are presented or record is superseded (M).
	g. Correspondence with depositaries relating to the opening of a bank account, general responsibilities of the depositary and the company.	6 years after bank account is closed (M-E).
	h. Records and correspondence covering authorized signatures	6 years after authorization is cancelled (M-E).
	i. Records and correspondence relating to stop payment orders:	
	(1) If order is withdrawn	Optional (M).
	(2) If order is not withdrawn	6 years (M).
	j. Correspondence relating to the actual issuance of duplicate checks or drafts.	As provided for related check or drafts; see item 18 (M).
	k. Administrative records, reports or summaries of bank deposits, charges or balances, not used as a basis for entries to accounts or for reconciling accounts with depositaries.	Optional (M).
	l. Bank registers showing deposits, withdrawals, and balances with depositaries.	6 years.
17	Other records of receipts, disbursements and balances of cash and working funds:	
	a. Daily or other periodic lists, summaries, or reports of receipts, transfers, or disbursements of cash.	3 years (M).
	NOTE: Commercial and accounting records of collections of customers' and other accounts receivable are covered by item 77.	
	b. Transmittal forms or lists of items for payment:	
	(1) Showing auditing approvals or other authorities for payment	Optional after preparation of record of unpaid items or of outstanding checks or drafts (M).
	(2) Used only to identify or receipt for items transmitted	Optional (M).
	c. Memoranda, statements, estimates, and reports of cash receipts, disbursements, or balances, used only for administrative purposes and not as a basis for entries to the accounts, cash books, or records subsidiary thereto.	Do.
	d. Records of working funds:	
	(1) Ledgers, cards or other general records of advances to holders of working funds, showing charges, credits, and balances.	3 years (M).
	(2) Requisitions, requests, or receipts for working fund advances	Optional after funds have been returned or accounted for (M).
	(3) Reports of expenditures from working funds or statements of working fund transactions from holders of working funds.	
	(a) When used as the basis for vouchers or entries to accounts	As provided for item 20-b.
	(b) When not so used	Optional (M).
18	Paid or cancelled checks and drafts (including voucher checks and drafts) and receipts for cash payments covering:	
	a. Salaries and wages	6 years (M).
	b. Public telephone commissions	3 years (M).
	c. Other payments	6 years (M).
19	Pension trust funds:	
	a. Trust agreements, with all amendments and correspondence with trustee interpreting or clarifying provisions thereof.	Permanently.
	b. Trustee's annual or other periodic general report covering receipts, disbursements, investments and income of trust fund.	25 years.
	c. Reports of verification or audit of trustee's report	6 years (M).
	d. Trustee's notices of individual trust fund receipts, disbursements and other transactions and summaries thereof, when the results of such transactions are reflected in Trustee's periodic general reports.	Do.

Item No.	Description of records	Period to be retained
	Corporate and general—Continued	
	Pension trust funds—Continued	
	e. Book, card, or other memorandum records of trust fund transactions maintained for informational and verification purposes, not used as basis for entries to accounts.	6 years if data not included in other records, otherwise optional (M).
	f. Annual analysis of investments and operations of trust fund, prepared by or for the company.	10 years.
	g. Copy of report to Trustee covering changes in pension rolls	3 years (M).
	h. Report to Trustee of pension disbursements made by company	Do.
	i. Miscellaneous correspondence with Trustee and memoranda and studies of pension trust fund activities for administrative purposes.	Optional (M).
	j. Actuarial computations or studies determining pension accruals and reports of results thereof.	Permanently.
20	Vouchers:	
	a. Registers of audited vouchers, voucher distribution registers and summaries of entries to accounts from vouchers:	
	(1) Distribution summaries of miscellaneous minor departmental vouchers.	25 years.
	(2) Voucher registers and general voucher distribution summaries	Permanently.
	b. All vouchers including (a) bills, statements of account, reports of expenditures, requests for voucher, memoranda, or other papers serving as the basis for vouchers; (b) voucher lists and analysis sheets showing detailed accounting distribution of charges on individual vouchers; (c) copies of authorizations for payment or credit issued by audit office, including copies of vouchers and voucher checks; and (d) other supporting papers not separately provided for in this List of Records; related to:	
	(1) Retirement of stock and long-term debt issued or assumed by the company.	Permanently (M-25).
	(2) Acquisition of stock or evidences of debt and other investments (including advances) in other telephone companies.	Do.
	(3) Purchase or other acquisition of plant of other telephone companies.	Permanently.
	(4) Purchase of real estate	6 years after plant is retired (M-E).
	(5) Other charges and credits affecting the plant accounts:	
	(a) If required for determination of cost of plant retired	Do.
	(b) If not so required and if all basic data shown on the vouchers and supporting papers affecting the plant accounts and property records have been transcribed to or summarized on the related summarization and distribution records (items 20–a, 45–b, and 57), actual cost and price records (items 36, 36–b, and 58–d), or other records (see items 37, 38, and 39) retained in accordance with this List of Records.	10 years.
	(c) If not so transcribed or summarized	Permanently (M-25).
	(6) Other transactions	10 years.
	c. Adjustment vouchers used to correct or adjust accounting classifications or other details of vouchers previously issued.	As provided for related voucher previously issued.
	NOTE: Adjustment and uncollectible vouchers used to adjust accounts receivable are covered by items 76–g and 76–h.	
	d. Index records of vouchers approved and payments made	10 years.
	e. Indexes or other memoranda of vouchers to be made and transmittal lists of vouchers.	Optional (M).
	f. Lists of unaudited bills and memoranda or correspondence regarding changes in unaudited bills, not used as a basis for journal entries.	Do.
	g. Authorities for payment of specific vouchers or lists of vouchers	Optional after preparation of record of unpaid items and of outstanding checks or drafts (M).
	h. Journal vouchers used in lieu of journal entries for entries to ledgers of accounts referred to in item 7–a.	Permanently.
21	Pay-roll records:	
	a. Pay-roll sheets, registers, lists, ledgers, and other basic records of salaries and wages earned by and payments to individual employees for each payroll period.	10 years (M).
	b. Pay-roll change reports or other approved applications or authorities for establishing and changing salary and wage rates of individual employees and for making other changes in employees' service records.	3 years (M).
	c. Applications for pay-roll changes not authorized	Optional (M).
	d–1. Employees' service records, as compiled in the annual censuses, and consisting of names, sex, salary and wage rates, occupational classifications, and similar data, and all changes therein.	Permanently (M).
	d–2. All mortality data hitherto collected and either used or useful in the computation of annual pension accrual rates, including mortality of active employees and pensioners.	Do.
	d–3. All service retirement data hitherto collected and either used or useful in the computation of annual pension accrual rates.	Do.
	d–4. All other statistical data used in the calculation of the annual pension accruals and necessary to the verification of the charges as reported in Annual Report Form M, including all such available past supporting records and those which will subsequently come into existence.	Do.

Item No.	Description of records	Period to be retained
	Corporate and general—Continued	
	Pay-roll records—Continued	
	e. Basic detailed reports or records of time or work paid for and of accounting classifications thereof, such as employees' time and work reports, time books, time cards, force assignment lists, daily force memoranda, and attendance reports:	
	(1) Used to determine time paid for or salaries and wages earned	3 years (M).
	(2) If the basic information has been transcribed to other records and such other records are retained in accordance with periods specified herein for basic summaries and distributions.	Optional (M).
	(3) If the basic information has not been transcribed to other records:	
	(a) Affecting plant	Permanently (M-25).
	(b) Affecting operations, maintenance, and other accounts	10 years (M).
	f. Pay-roll deduction authorizations, deduction cards, and other records of withholdings or deductions from pay:	
	(1) For income, social security, or other taxes	Such period as may be prescribed by related governmental requirements; otherwise, optional (M).
	(2) For other allotments or deductions	Optional (M).
	g. Records of assignments, attachments, and garnishments of employees' salaries and wages, including notices of suits and releases and related correspondence. (See item 10–b.)	3 years (M).
	h. Addressograph plates, tabulating cards, or similar media used in preparing and summarizing pay-roll records, when the data thereon are also shown on pay-roll sheets, pay-roll change reports, employees' service records, pay-roll summaries, or other records listed herein.	Optional (M).
	i. Paid checks and drafts, receipts for wages paid in cash, and other evidences of payments for salaries and wages.	6 years (M).
	j. Cards, lists, or other records of earnings for individual employees (see item 21–d):	
	(1) Used in computing pensions or annuities	Permanently (M).
	(2) Used for current pay-roll record purposes	Do.
	k. Authorizations, case records, special pay rolls, or other records of sickness and accident disability and other benefits to employees and their beneficiaries. (See items 13–a, 21–d, and 22–j.)	Do.
	l. Pension or annuity pay rolls, reports of changes therein and related authorizations (see item 21–D).	
	m. Control and recapitulation forms, summaries, and distribution records.	
	(1) Used to determine pay-roll amounts and deductions	6 years.
	(2) Used to summarize or distribute time or pay-roll amounts to accounts, estimates, jobs, accounting areas, etc.	Affecting maintenance and operations only, 10 years; affecting plant, permanently.
	(3) Summaries and statements of pay-roll costs and related work sheets used in developing costs by labor groups or classes and rates for distributing cost of labor.	Do.
	n. Records of authorized occupational titles or positions and related authorized pay schedules or rates and wage and salary guides.	6 years after supersedure or cancellation.
	o. Memoranda, studies, statements, summaries and reports of pay-roll data used for administrative purposes only.	Optional (M).
2	Personnel records:	
	a. Applications for employment, reports of medical examinations, photographs, reports of employment office activities, and other miscellaneous records pertaining to hiring and transfer of employees.	Do.
	b. Personnel records of individual employees, not used as the basis for pay-roll or other payments, such as departmental copies of service records (see item 21–d), records of previous employment, education, and training; proficiency, aptitude and merit rating records and reports; records and reports of attendance or absence, medical and health history, authorized leaves of absence and other treatment under health, hospital, welfare, benefit and pension plans. (See items 21–k and 21–l.)	Do.
	c. Studies, reports, and correspondence relating to administration of plans or practices for employees' pensions, disability benefits, death benefits and other employees' welfare activities. (See items 19–l, 21–k, and 21–l.)	6 years, except as provided in item 25–b.
	d. Studies, correspondence, and administrative reports covering wage practices. (See item 21–n.)	Reports, as provided for items 100 and 104; correspondence, as provided for item 25–b; other records, optional.
	e. Studies, analyses, reports, summaries, memoranda, and correspondence relating to force requirements, employment, training, and other administration of employees and working conditions, including accident prevention, attendance, health, educational and recreational activities, and thrift plans.	3 years after expiration or cancellation (M–E).
	f. Contracts with labor unions or other organizations of employees relative to wage rates, hours, working conditions, and similar matters.	Optional (M).
	g. Organization charts, records, and notices of changes	Do.
	h. Employees' identification cards and photographs, building passes, and records thereof.	As provided for item 13–a.
	i. Reports of accidents, investigations, claims, releases, and similar papers relating to claims or possible claims against the carrier on account of injuries to or death of employees.	

Item No.	Description of records	Period to be retained
	Corporate and general—Continued	
23	Circulars, handbooks, training material, films, and other instructions (including amendments and supplements thereto) to employees and agents pertaining to:	
	a. Accounting classifications.	
	(1) Basic or general instructions, rulings, and interpretations	Permanently for major broad changes in accounting practices; others, 6 years after expiration or supersedure (M–E).
	(2) Detailed instructions to employees	6 years after expiration or supersedure (M–E).
	(3) Establishment or discontinuance of subaccounts and clearing or temporary accounts established at the option of the company.	Do.
	b. Other general instructions, including those pertaining to accounting, statistical, engineering, construction, maintenance, operating, management, and other methods and practices.	Optional after expiration or supersedure except as provided for item 27–a (M).
	c. Transmittal and check lists of current instructions	Optional (M).
	d. Drafts and memoranda relating to preparation and issuance of instructions, except as provided in item 25–b–(1).	Do.
	e. Training programs, schedules, and material	Do.
	f. Instructions covering performance of specific work operations	Do.
24	Accountants' and auditors' reports and verifications of records:	
	a. Certificates and reports of annual examinations and audits by public accountants.	Permanently.
	b. Other reports of audits, examinations, and verifications	3 years (M).
	c. Adding machine lists, proofs of balance, check sheets, verification notices, interdepartmental memoranda, and other papers used solely to verify the accuracy or consistency of accounts, reports, or other records.	Optional (M).
25	Correspondence and memoranda:	
	a. General letters and other correspondence and memoranda related to services furnished under license agreements, general service contracts, or other arrangements for general accounting, engineering, financial, legal, patent, and other general services. This includes copies of circulars, practices, handbooks, reports, etc., furnished in connection with such services.	10 years.
	b. Other correspondence and memoranda and indexes thereto:	
	(1) When necessary for a proper or complete understanding of another record.	For the period prescribed for the record to which it relates.
	(2) When not so necessary and when not otherwise specifically provided for herein.	Optional (M).
	c. Drafts, stenographers' notebooks, and dictaphone or other records used in preparing or producing correspondence and memoranda.	Do.
	d. Transmittal lists or forms used to indicate records forwarded from one location to another, when such lists or forms do not contain data used as a basis for entries to accounts or other records. (See items 17–b and 77–b.)	Do.
26	Duplicate records:	
	a. Duplicates, either in whole or in part, of accounts, forms, reports, correspondence and other records listed herein, when all significant information on the duplicate is shown on the original or other copy or on other records retained for the period prescribed in this List of Records and if such duplicate is not otherwise specifically provided for herein.	Do.
	b. Extra copies of correspondence used for tracing or following up correspondence, or for informational or other purposes, if the original or other copy is retained as provided herein under item 25.	Do.
	c. Stencils, negatives, and other records used in producing copies or duplicates of records.	Do.
27	Records relating to preservation and destruction of records:	
	a. General bulletins, circulars, lists of forms and other records, and other instructions to employees pertaining to preservation and destruction of records.	6 years after expiration or supersedure (M–E).
	b. Historical record of designation of supervisory official. (See § 45.2.)	Permanently.
	c. Index of records. (See § 45.4.)	6 years after expiration or supersedure (M–E).
	d. Reports of premature destruction. (See § 45.7.)	Optional after expiration of period prescribed for records destroyed.
28	Tabulating cards, unit tickets, pegboard summary strips, and similar media used in assembling data and obtaining totals thereof, when the source records from which the data are obtained and the resulting summary records (including printed sheets, total tickets, final pegboard summaries, distribution spread sheets, etc.) are retained as provided in this List of Records.	Optional (M).
29	Summaries and property or other records maintained on tabulating cards or other machine-processed media:	
	a. When all significant data have been transcribed therefrom to printed or other records preserved in accordance with this List of Records.	Do.

Item No.	Description of records	Period to be retained
	Corporate and general—Continued	
	Summaries and property or other records maintained on tabulating cards or other machine-processed media—Continued	
	b. When not so transcribed	For the period prescribed herein for the related summary, property or other record.
	Telephone plant	
35	Plant ledger or other record of cost of plant by primary plant accounts, subaccounts, and plant or accounting areas. (See item 7–a.)	Permanently.
	NOTE: Administrative and statistical reports and analyses are covered by items 100 and 101.	
36	Book, card, or other records of individual property-record units (or items) of plant, such as for land, buildings, central offices, furniture, motor vehicles, etc., showing description, location, cost, and other data.	6 years after record is superseded or plant is retired, provided mortality data are retained (M–E).
37	Book, card, or other records of quantities of property-record units (or items) by plant or accounting areas, sizes, types, or other details.	6 years after record is superseded, provided mortality data are retained (M–E).
38	Monthly or other summaries of quantities or costs of property-record units (or items) which are the source of entries to property records covered by items 35, 36, and 37.	Permanently.
39	Maps, diagrams, tabular record sheets, plans, specifications, wiring lists, and other engineering records and related indexes and memoranda showing location and physical characteristics of plant owned or leased for use by the company. (See items 43–g and 86–j.)	Until record is superseded or 6 years after plant is retired, provided mortality data are retained (M–E).
40	Superseded maps, diagrams, tabular record sheets, and similar engineering records that have been redrawn, rewritten, or otherwise replaced by records covered by item 39.	Optional, provided mortality data are retained (M).
41	Records of periodic reconciliations of continuing property records and mortality summaries with detailed engineering or location records or physical inventories, including related summaries of units (or items) shown on the detailed records or inventories and supporting work papers prepared for the purpose of such reconciliations.	Permanently (M–25).
42	Engineering studies, plans, and related records in connection with advance planning of plant construction, maintenance, and retirements, not related to specific projects or proposed undertakings. This item includes such records as budgetary studies, annual or other provisional estimates and related construction programs, commercial surveys, forecasts of growth, exchange and toll fundamental plans, loop and trunk studies, general toll switching plans, general electrolysis studies, and other preliminary or advance studies and plans, with related work papers and memoranda, prior to the development of specific projects or proposed undertakings.	Until study or plan is superseded or obsolete (M).
43	Authorizations (or orders) and related records:	
	a. Authorizations by and applications and reports to governmental authorities in connection with plant extensions, construction programs, purchases, sales, or other plant changes, exclusive of permits covered by item 46–d.	10 years or such further period as may be required by the governmental authority involved.
	b. Engineering studies, plans, and work authorizations (including both original and supplemental) or orders, including estimates, routine orders, and other authorizations except service orders (see item 44) with related maps, diagrams, specifications, contract proposals, and estimates of costs or quantities prepared in connection therewith, pertaining to:	
	(1) Specific projects or undertakings that result in charges or credits to the plant accounts.	When required for determination of cost of plant retired, 6 years after plant is retired; otherwise, 10 years after completion of accounting for related project or undertaking (M–E).
	(2) Specific projects or undertakings that do not result in entries to plant accounts, including such records related to (a) projects which were abandoned before any part of the project was completed and (b) plant maintenance or other work not involving entries to the plant accounts.	6 years after completion of accounting for project or undertaking (M–E).
	c. Detailed memoranda or studies and related records prepared for the purpose of developing supporting details of projects or undertakings covered by item 43–b.	When required for determination of cost of plant retired, 6 years after plant is retired; otherwise, optional after approval of completion reports referred to in item 43–b (M–E).
	d. Summaries, recapitulations, or lists of work authorizations or completion reports, used as the basis for approval thereof but not used as a basis for entries to accounts. (See item 45–b.)	10 years (M).
	e. Administrative records and reports pertaining to the progress of work, the order in which jobs are to be completed, and similar records not used as a basis for entries to accounts.	Optional (M).

Item No.	Description of records	Period to be retained
	Telephone plant—Continued	
	Authorization (or orders) and related records—Continued	
	f. Monthly reports of plant under construction which has been completed ready for service and other reports or advices used as the basis for classifying plant costs as plant under construction, plant available for service, or property held for future telephone use.	When required for determination of cost of plant retired, 6 years after plant is retired; otherwise, 10 years after completion of accounting for related project or undertaking (M–E).
	g. Completed work prints or other records used as the basis for entries to the detailed location and engineering records covered by item 39.	Do.
	h. Completion reports for estimates or other authorizations showing comparisons between the estimated and actual costs or quantities of plant constructed or retired and explanations of substantial variations and changes in plans.	Do.
	i. Estimate or other cost ledger sheets or similar records on which are recorded, in summary form or in detail, the entries for labor, material, transfers to plant in service, plant retired, and other charges and credits to plant accounts.	Do.
	j. Estimate or other cost ledger sheets or similar records used to record entries to expense or other accounts except plant accounts.	10 years.
44	Service orders (including contract, line or other orders used to establish, change, or discontinue service to customers), plant assignment, repair service, trouble, inspection, and testing records:	Optional (M).
	a. Copies of service orders, lists, tickets, or other memoranda based on service orders and supporting forms such as wiring plan work sheets and assignment memoranda, used as instructions for performance of plant work involved in completing service orders.	Do.
	b. Copies of service orders used to check accuracy of work and material reports.	As provided for items 21–e, 56–a, and 45–a–(4).
	c. Copies of service orders used as a basis for entries to:	3 years (M).
	(1) Plant and expense accounts, that is, when used in lieu of, or when similar to, basic work or material reports.	Optional (M).
	(2) Revenue and receivable accounts and related accounting records.	Do.
	(3) Statistical records of telephones, etc.	Do.
	(4) Customers' service records in business offices	Do.
	(5) Directory records	Until service is furnished or application or order is canceled (M).
	(6) Traffic information or other central office records	Optional after reconnection or retirement of left-in equipment (M).
	d. Cards or other forms used as records of uncompleted or held service applications or orders.	Until record is superseded or is retired from active file (M).
	e. Card or other individual record of telephones or other equipment "left-in" on premises of former customers.	Optional (M).
	f. Lists, cards, or other records of subscriber plant facilities, trunks, circuits, or other plant available for assignment or assigned, including records of working interoffice trunks, miscellaneous circuits, toll circuit layouts, and equipment associated with particular lines or circuits.	1 year after record is superseded or is retired from active file (M–E).
	g. Lists or orders to connect, transfer, or disconnect trunks, circuits or subscriber plant facilities, not used as the basis for entries to accounts.	Optional (M).
	h. Tickets, log sheets, subscriber line cards, toll circuit trouble records or other forms used to record individual trouble reports and conditions found:	Do.
	(1) Historical records, such as subscriber line cards and toll circuit trouble history records.	Optional after record is superseded or work is completed (M).
	(2) Other records	Until list is superseded or equipment is retired (M).
	i. Test and inspection schedules, instructions, check lists and other working papers, and reports or records of results, exclusive of records of troubles covered by item 44–h and records of defects, etc., covered by item 44–j.	1 year or such further period as is required by the rules for radio operations (M).
	j. Lists or other records of plant defects, potential defects or unsatisfactory plant conditions, maintained as a basis for remedial work.	
	k. Lists or other records of equipment maintenance or servicing requirements, e. g., required relay adjustments.	
	l. Radio transmitting and receiving station log sheet or other station record showing when energized, changes in frequency, reports of trouble, results of routine tests, etc.	
45	Records of accounting for plant construction, maintenance, retirement, purchases, and sales. (See also items 7, 8, 20, 21–e, 21–m, 56–a, and 57):	
	a. Detailed basic or underlying reports and other records from which all data affecting the accounts or property records have been transcribed to, or summarized on other records retained in accordance with this List of Records. (See item 45–b):	As provided for item 21–e (M).
	(1) Employees' work reports	Optional (M).
	(2) Memoranda of work done and time spent thereon, made by employees preliminary to and for use in preparing daily or other periodic work and material reports.	
	(3) Reports of material used and recovered	When required for determination of cost of plant retired, 6 years after plant is retired; otherwise, 3 years (M–E).

Item No.	Description of records	Period to be retained
	Telephone plant—Continued	
	Records of accounting for plant construction, maintenance, retirement, purchases, and sales—Continued.	
	a. Detailed basic or underlying reports and other records from which all data affecting the accounts or property records have been transcribed to, or summarized on other records retained in accordance with this List of Records.—Continued	
	(4) Reports of plant retired	3 years (M).
	(5) Vouchers and supporting papers, including bills for construction or other services performed by others.	As provided for item 20–b.
	(6) Service orders	As provided for items 21–e, 56–a, and 45–a (4).
	(7) Reports of use of motor vehicles and other work equipment	3 years (M).
	(8) Reports of floor space occupancy, for distribution of house service expense.	3 years after report is superseded (M–E).
	(9) Copies of bills to others or billing authorizations, with supporting work papers.	6 years (M).
	(10) Reports of transfers of plant items or costs between locations or accounts.	Do.
	(11) Other detailed underlying records, not otherwise provided for in this list of records. (See items 43–f, 50–a, 50–b (2), 55–i, 55–j, 55–n, and 55–q.	3 years (M).
	b. Summary and distribution sheets, control and recapitulation forms and similar records (including printed tabulating sheets, total tickets, and pegboard summaries) used to summarize or distribute costs or quantities of labor, material and supplies, units (or items) of plant installed or retired, expenses of house service, motor vehicles, tools, plant supervision, engineering, sundry disbursements and other details of the entries to plant and expense accounts, continuing property records, or cost records of estimates or other work authorizations:	
	(1) Voucher distribution registers and summaries	As provided for item 20–a.
	(2) Other summaries and distributions:	
	(a) Affecting maintenance and operations only	10 years.
	(b) Affecting plant	Permanently.
	c. Tabulating cards and similar media (see item 28) used in assembling or computing data and obtaining totals thereof.	Optional (M).
	d. Work sheets or other records showing development of average hourly labor costs or other distribution or clearance rates used in distributions shown on records covered by item 45–b.	Same period as related summary or distribution record.
	e. Lists of retirement unit costs, work sheets used in developing such costs, and work papers or engineering studies used in developing (a) preliminary units costs underlying retirement unit costs or (b) estimated costs of plant retired.	Permanently.
	f. Work sheets for determining wiring gain or loss and central office cross-connection adjustments.	Do.
	g. Summaries or similar records of plant quantities or costs and related data, not used as a basis for entries to accounts or continuing property records, prepared for:	
	(1) Entries to tax district records or reports	6 years (M).
	(2) Entries to estimate or other cost records for work authorizations or orders.	6 years.
	(3) Statistical, informational or other administrative reports	Same period as the reports to which they related.
	h. Original cost and reserve studies, work sheets, correspondence, and memoranda related to accounting for purchases or other acquisitions of plant from predecessors, not provided for elsewhere in this list of records. (See items 8–c, 35 to 39, 43–a, 43–b, 46–a, and 50–a.)	Permanently (M–25).
	i. Original cost and reserve studies, work sheets, correspondence, and memoranda related to accounting for sales of plant.	10 years.
	j. Records pertaining to reclassifications of plant accounts, to conform with prescribed systems of accounts or for other purposes, including supporting papers showing the bases for such reclassifications.	Permanently.
46	Contracts, agreements, permits, licenses, and rights:	
	a. Contracts or agreements relating to construction, purchase, or other acquisition, or sale, removal, or other disposal of communication plant:	
	(1) Contracts for the acquisition from predecessors of substantially complete operating systems.	Permanently.
	(2) Other contracts and agreements	6 years after retirement of property to which they relate.
	b. Contracts or agreements for joint ownership or joint use of telephone plant.	6 years after expiration or cancellation.
	c. Contracts or agreements relating to maintenance of telephone plant, house service, delivery of material and supplies, and servicing or hire of motor vehicles or other work equipment.	6 years after termination of contract or agreement.
	d. Permits, privileges, or rights:	
	(1) Permits, privileges, licenses (other than as provided for item 48–c) or rights of a temporary nature from municipal or other governmental authorities of others, copies of related applications and correspondence.	1 year after expiration or cancellation of permit, etc. (M–E).

Item No.	Description of records	Period to be retained
	Telephone plant—Continued	
	Contracts, agreements, permits, licenses, and rights—Continued	
	d. Permits, privileges, or rights—Continued	
	(2) Continuing and limited-term permits or other authorizations from governmental authorities or others.	3 years after expiration, cancellation, or abandonment (M–E).
	(3) Copies of permits or granted applications for the use of facilities by others, together with notices of cancellation.	1 year after expiration or cancellation (M–E).
	(4) Applications to others for the use of facilities not granted and copies of applications to others for such use not granted.	Optional (M).
	e. Leases or other agreements covering rentals of property to or from others.	6 years after expiration or cancellation (M–E).
	f. Bids, offers, correspondence, and memoranda relating to contracts or agreements or to contract proposals:	
	(1) When necessary for a proper or complete understanding of a resulting contact or agreement. (See item 6–m.)	Same period as for the related contract or agreement.
	(2) When not so necessary	Optional (M).
47	Summaries, reports, studies, and analyses of plant results, performance, personnel, working practices, or plant conditions, etc., prepared for administrative purposes only, together with related supporting and working papers not separately provided for in this List of Records. This includes such records related to (a) plant troubles, by major classes of plant or particular plant items or kinds of trouble, (b) force requirements and results, (c) quality or promptness of work performed, (d) accident prevention, (e) types or ages of motor vehicles or other equipment, (f) cable or party line fill, (g) performance of various types or items of equipment or other plant, (h) wages and other costs, and (i) other matters or conditions affecting plant work operations or results. (See items 22, 23, 101, 104, and 106–b.)	Do.
	NOTE: This item does not include engineering studies covered by items 42, 43–b, and 43–c nor any records used as a basis for entries to accounts or other records required to be retained for a period specified herein.	
48	Miscellaneous records related to plant administration:	
	a. Departmental personnel records and reports of employment office activities (see items 22–a and 22–h), including employees' identification cards, building passes and records thereof. (See item 22–h.)	Do.
	b. Receipts or records pertaining to delivery to employees of articles to be returned or accounted for. (See item 106–f.)	Optional after articles have been returned or accounted for (M).
	c. Licenses for operation of motor vehicles and records thereof	Optional (M).
	d. Training programs, schedules, and material. (See item 23–e.)	Do.
	e. Administrative routines, circulars, handbooks or other general instructions to employees.	As provided for item 23.
	f. Instructions covering performance of specific work operations. (See item 23–f.)	Optional (M).
	g. Lists, tickets, or similar records used for dispatching or routing employees or otherwise assigning specific jobs or work operations.	Do.
	h. Work programs, progress reports, etc., prepared solely for informational or supervisory purposes. (See item 106–h.)	Do.
	i. Organization charts, conference programs and related material. (See item 106–k.)	Do.
	j. Reports of insurance inspections and related recommendations. (See item 12–g.)	3 years (M).
	k. Reports and other records of investigation of damage to or loss of property of the carrier or of others and records of watch, guard, and detective services:	
	(1) Used as a basis for claims against others	6 years after settlement or abandonment of claim (M–E).
	(2) Related to claims or possible claims against the carrier	6 years after settlement or rejection of related claims, or after date of papers if no claim is presented (M–E).
	(3) Other records	Optional (M).
	l. Records related to compliance with governmental directives, authorizations, and orders, not elsewhere provided for. (See item 106–n.)	Such period as may be prescribed by related governmental requirements; otherwise, optional (M).
	m. Studies of methods and new or improved items of plant	Optional (M).
	n. Miscellaneous records, studies, or reports not otherwise provided for and used for administrative purposes only.	Do.
49	Depreciation and amortization:	
	a. Schedules or lists of authorized depreciation or amortization rates	Permanently (M–25).
	b. Studies, memoranda, and work sheets supporting computations of depreciation and amortization rates or expenses, including development of estimated service lives and salvage values.	Do.
	c. Mortality records:	
	(1) Continuing record of age distribution of mortality items in service and retired.	Permanently.
	(2) Underlying summaries of mortality items added and retired	10 years.
	d. Analyses, ledgers, or other historical records of the depreciation and amortization reserve accounts, including segregations of the reserves according to classes of plant or other subdivisions and segregations of charges and credits according to source or nature of entry.	Permanently.

Item No.	Description of records	Period to be retained
	Telephone plant—Continued	
	Depreciation and amortization—Continued	
	e. Reserve studies in connection with accounting for:	
	(1) Purchases	Permanently (M–25).
	(2) Sales	10 years.
	f. Theoretical reserve studies, not covered by item 49–e, including any related work sheets or other records prepared in connection therewith.	Until superseded or obsolete (M).
	g. Records prepared to support depreciation expense claimed in income tax returns.	Such period as may be prescribed by related governmental requirements; otherwise, 6 years after settlement of tax liability.
50	Inventories, appraisals, and separations:	
	a. Inventories and appraisals, or work papers, showing development of purchase or sale price of plant, or used as a basis for accounting therefor:	
	(1) Purchases	Permanently (M–25).
	(2) Sales	10 years.
	b. Other inventories, appraisals, or valuations of the company's plant, including all work papers, reports, studies, memoranda, and other underlying records prepared in connection therewith:	
	(1) When results have been furnished to regulatory or other governmental authorities, but not used as a basis for entries to accounts or property records.	10 years after completion of any formal proceedings; otherwise, 10 years (M–E).
	(2) When results have been used as a basis for entries to plant accounts or property records, except as provided for item 50–b–(3).	Permanently.
	(3) Annual or other periodic inventories of furniture and other office or work equipment and of material and supplies, used as a basis for adjustments of accounts.	Until results of second following inventory have been entered in the accounts.
	(4) Used for other purposes	Until superseded or obsolete (M).
	c. Separation studies of property, revenues, or expenses, including underlying summaries, reports, or work papers prepared therefor:	
	(1) Used for divisions of revenues or other settlements among carriers.	Until completion of second following study.
	(2) Used for other purposes	Until superseded or obsolete (M).
	Material and supplies	
55	Purchases, sales, and repairs (including conversion or remanufacture):	
	a. General contracts with affiliated companies for the purchase, sale, or repair of material and supplies.	25 years after expiration or cancellation (M–10).
	b. Other contracts or agreements for purchase, sale, or repair of material and supplies. (See item 46–c.)	6 years after expiration or cancellation (M–E).
	c. Bids, offers, copies of acceptances, correspondence, and memoranda relating to contracts, agreements or proposals for purchase, sale, or repair of material and supplies:	
	(1) When necessary for a proper or complete understanding of a resulting contract or agreement.	Same period as for the related contract or agreement.
	(2) When not so necessary	Optional (M).
	d. Studies, forecasts, and advices of probable future requirements for material and supplies.	Until superseded or obsolete (M).
	e. Advices, requisitions or memoranda from storekeepers or others used as basis for preparing purchase orders, requisitions on suppliers, or orders for sale or other disposition of material and supplies.	Optional (M).
	f. Copies of purchase orders or requisitions on suppliers used as record of unfilled orders or for other administrative purposes.	Do.
	g. Acknowledgements of receipt of orders, notices of shipments, packing slips, copies of shipping instructions and bills of lading, lists or reports of unfilled orders or requisitions and records used in tracing orders or shipments.	Do.
	h. Shipping or delivery receipts or acknowledgments, including copies of purchase orders or requisitions used therefor, or other records of receipt of material and supplies shown on invoices or bills.	1 year (M).
	i. Detailed invoices or bills for material and supplies purchased and credit memoranda covering scrap or material and supplies sold or returned for credit together with any related lists, indexes, registers and records of claims or adjustments, when all basic data thereon affecting the accounts or property records are transcribed to or summarized on other records retained in accordance with this List of Records. (See items 55–j and 57.)	6 years, except as provided for item 55–j (M).
	j. Detailed invoices and credits and supporting records (or a true copy thereof) for material and supplies purchased or sold:	
	(1) If required for determination of cost of plant retired	6 years after plant is retired (M–E).
	(2) If the basic data thereon affecting the accounts or property records have not been transcribed to or summarized on other records retained in accordance with this List of Records. (See items 45–b, 56–b, 57, and 58–d.)	Permanently.
	k. Suppliers' price catalogs or price lists, lists of standard items or specifications of material and supplies, and price lists for repairs (one file copy):	
	(1) Pertaining to principal supplier	Do.
	(2) Others	6 years after superseded or obsolete (M–E).

Item No.	Description of records	Period to be retained
	Material and supplies—Continued	
	Purchases, sales, and repairs (including conversion or remanufacture)—Continued	
	l. Price records or memoranda and indexes of purchases exclusive of records covered by item 56–b.	Optional (M).
	m. Freight and express bills covering charges on material and supplies.	As provided for item 20–b
	n. Copies of shipment or returned material notices or lists of material and supplies delivered to suppliers or others for inspection, repair, conversion, storage, or other disposition, and requisitions or other records of such material and supplies returned therefrom:	
	(1) Used as a basis for entries to accounts or property records, when all basic data on these detailed records are transcribed to or summarized on other records retained in accordance with this List of Records. (See item 57.)	6 years, except as provided for item 55–n–(2) (M).
	(2) When required for determination of cost of plant retired	6 years after plant is retired (M–E).
	o. Copies of shipment or returned material notices or lists used in tracing for credit or acknowledgment of receipt or for other auditing or administrative purposes.	Optional (M).
	p. Authorizations for sale of scrap, surplus or other material and supplies, and reports of disposition thereof.	As provided for item 56–a.
	q. Invoices or bills and related salvage credits for repairs of material and supplies.	6 years (M).
	r. Records of inspections and tests of material and supplies received	Optional (M).
	s. Studies related to development, standardization, and nomenclature of new or improved items of material and supplies.	Do.
56	Material and supplies issued (or disbursed) and recovered:	
	a. Detailed basic or underlying reports or records of material and supplies issued, used, junked, lost, stolen or otherwise disbursed, recovered, returned to stock, or transferred between locations or accounts, showing quantities or costs and used as the basis for entries to accounting summaries or property records:	
	(1) When all basic data thereon affecting the accounts or property records have been transcribed to or summarized on other records retained in accordance with this List of Records. (See item 57.)	3 years, except as provided for item 56–a–(2) (M).
	(2) When required for determination of cost of plant retired	6 years after plant is retired (M–E).
	b. Lists or other records of unit prices or unit costs for material and supplies issued or recovered, including studies, memoranda, special summaries or other records prepared in connection with the development of such unit prices or unit costs:	
	(1) Affecting maintenance and operations only	10 years (M).
	(2) Affecting plant	Permanently.
	c. Reports, summaries, studies or other records used for administrative purposes only and not as a basis for entries to accounts or other records required to be retained for a period specified herein, including lists of articles required by field forces, records of forms used and on hand, receipts for or other records of material loaned from supply stocks, and delivery instructions or reports.	Optional (M).
57	Summary and distribution sheets, etc. (see item 45–b), used to summarize or distribute quantities or costs involved in accounting for purchases, issues or disbursements, recoveries, returns, repairs, sales, transfers, or other transactions related to material and supplies.	As provided for item 45–b.
58	Inventories and stock records:	
	a. Annual or other periodic inventories of material and supplies used as a basis for adjustments of accounts, with record of related adjustments.	Until results of second following inventory have been entered in the accounts (M).
	b. Stock cards, inventory cards, and other detailed records pertaining to the taking of inventories, summarized in records covered by item 58–a.	Until results of first following inventory have been entered in accounts (M).
	c. Minor or special inventories of particular items and related detailed records, reports, or memoranda, not used as a basis for adjustments of accounts.	Optional (M).
	d. Material ledgers or continuing inventory records showing quantities or costs involved in transactions affecting the balance in the account for material and supplies, when such records are used:	
	(1) As a basis for developing unit prices for material issued or recovered.	Records affecting maintenance and operations only, 10 years; records affecting plant, permanently.
	(2) As a basis for adjustments of accounts resulting from inventories	Do.
	e. Stock cards, ledger sheets, or other records of material and supplies in custody of suppliers or agents.	6 years after record is superseded or custodianship is terminated (M–E).
	f. Stock or inventory records of stock on hand at particular locations, not used as a basis for entries to accounts.	Optional (M).
	Operations	
70	Contracts, applications, correspondence, and memoranda relative to establishing, changing, or discontinuing service to customers:	
	a. Contracts or agreements (with any related maps or diagrams) with customers covering specially engineered or assembled facilities and equipment or other special service arrangements for which the special charges involved are not specifically stated in tariffs, rate schedules, or other rate authorities.	1 year after completion, expiration or cancellation of contract or agreement.

Item No.	Description of records	Period to be retained
	Operations—Continued	
	Contracts, applications, correspondence, and memoranda relative to establishing, changing, or discontinuing service to customers—Con.	
	b. Contracts or agreements covering arrangements with service line companies, public telephone and toll station agents, hotel private branch exchanges, and similar contracts related to service to customers.	1 year after completion, expiration or cancellation of contract or agreement.
	c. Contracts or agreements with customers covering standard or regular service arrangements for which charges or rates are specifically stated in tariffs or other rate authorities.	1 year after completion of resulting service order or other service authorization.
	d. Correspondence with customers and memoranda covering customers' service requests, used as basis for service orders or other service authorizations.	Optional after significant data have been transcribed to service orders or other records (M).
	e. Contracts, applications, correspondence and memoranda covering customers' service requests that have been canceled, withdrawn, or abandoned.	Optional (M).
	f. Contracts or agreements covering customers' deposits	1 year after deposit is refunded, applied to customer's account or otherwise disposed of (M–E).
	g. Contracts or agreements with customers or others for extension of lines or other construction of plant involving refundable deposits, guarantees of revenue, contributions, cost reimbursements, or special termination charges:	
	(1) Refundable deposits, guarantees of revenue, or special termination charges (not specifically stated in tariffs).	1 year after completion or termination of contract or agreement (M–E).
	(2) Contributions or cost reimbursements	6 years after retirement of the property to which they relate.
71	Records of customers and memoranda of contacts:	
	a. Records of uncompleted or held service applications or service orders. (See item 44–d.)	Until service is furnished or application or order is canceled (M).
	b. Service records of customers, including application cards, or other records showing name, address, telephone number, and details of service, maintained for general reference in handling contacts with customers. (See item 76–a for customers' service and equipment records used for billing.)	Optional after record is superseded or service is discontinued (M).
	c. Records used for central office information purposes and other records of customers or former customers.	Optional (M).
	d. Correspondence and memoranda relative to changes in telephone numbers.	Do.
	e. Memoranda of contacts relative to collections	As provided for item 25–b.
	f. Correspondence and memoranda of contacts relative to customers' service requests or inquiries and miscellaneous matters.	Optional after significant data have been transcribed to service orders or other records (M).
72	Service orders and other billing authorizations:	
	a. Completed service orders and similar records or copies thereof (see item 44–c–(2)), notices of completion of service orders, restoral of service notices, and other authorizations used as basis for billing to customers and miscellaneous debtors or for entries to records used in such billing. (See items 76–a, 76–b, and 76–f.)	3 years (M).
	b. Other copies of service orders and similar records	As provided for items 44–a, 44–b, and 44–c.
73	Tickets and other detailed message records:	
	a. Tickets, lists, or other detailed records of individual toll calls or messages, telegrams and similar messages, and messenger service charges, used as basis for billing to customers.	6 months (M).
	b. Tickets or other detailed records of local message or measured service usage, including photographs or lists of message register readings:	
	(1) When summarized on other records used for billing covered by item 76–b.	Optional (M).
	(2) If used for billing without preparation of summary records	6 months (M).
	c. Tickets, lists, or other detailed records used as basis of accounting for receipts from public or semipublic telephones, covering:	
	(1) Toll calls or messages, telegrams, and similar messages	6 months (M).
	(2) Local calls or messages	Optional (M).
	d. Unbillable (including unidentifiable) tickets used in accounting for operating revenues.	3 months (M).
	e. Tickets for uncompleted calls and memorandum or other tickets or detailed message records used only for operating or administrative purposes, not as a basis for billing or accounting, including such records used in handling calls, service observation, testing, checking, and the transmission of the carrier's own messages (official business).	Optional (M).
	f. Tickets covering free or concession service	As provided for item 78–d.
	g. Automatic message accounting tapes, tabulating cards, and similar records:	
	(1) Central office tapes or other automatically produced basic detailed records of messages handled.	Optional after data have been transferred to the printed or other written record used as basis for billing and accounting (M).

Item No.	Description of records	Period to be retained
	Operations—Continued	
	Collection reports and records—Continued	
	b. Remittance or transmittal lists or forms (including adding machine tapes) covering records included under Item 77–a–(1), used as a basis for entries to accounting records or summaries. (See items 24–c and 25–d.)	3 years (M).
	c. Coin telephone collection route sheets, records of coin telephone keys, locks, and seals, and other records and reports relative to coin telephone collections used for administrative purposes only.	Optional (M).
	d. Records of individual accounts used only in administration of collections, including records of credit ratings, classifications or investigations. (See item 76–c.)	Do.
	e. Records of toll credit cards issued	1 year after expiration or cancellation (M–E).
	f. Statements or reports of age or status of uncollected accounts	1 year (M).
	g. Authorizations for payment of customer's account by customer's bank.	Optional after expiration or cancellation (M).
	h. Correspondence and memoranda relative to collection of revenues or accounts receivable, including requests for explanation of items on bills or status of account and memoranda of investigations thereof, correspondence covering routine or special collection treatment, forwarding addresses for bills, and similar matters:	
	(1) When necessary for a proper or complete understanding of another record.	For the period prescribed for the record to which it relates.
	(2) When not so necessary	Optional (M).
	i. Agreements covering payments of uncollected final accounts	Optional after account is paid or, if uncollectible, 3 years after account is written off (M).
	j. Interdepartmental notices of bank deposits. (See item 16–a for notices from depositaries.)	Optional (M).
	k. Subsidiary cash records or cash books covering collections of revenues and accounts receivable from customers and others:	
	(1) Used to summarize reports of cash receipts (see items 17–a, 77–b, and 81–a) for preparation of journal entries.	6 years (M).
	(2) Used as detailed records of collections from customers or others	As provided for item 77–a.
	l. Receipts and other records covering handling and transportation of funds collected; collection office memoranda of collections, deposits, and remittances; and miscellaneous administrative records pertaining to collection of revenues, accounts receivable and miscellaneous cash receipts; not used as a basis for entries to accounting records. (See items 16–a, 17–a, 76–a, and 77–a–(1).)	Optional (M).
78	Free or partially free service:	
	a. Records of individual authorizations, such as franks, issued for free or partially free service.	Until the end of the calendar year following that in which issued (M).
	b. Franks or other individual authorizations used, collected, or honored for furnishing of free or partially free service:	
	(1) Authorizations of a continuing nature, e. g., related to monthly service rates.	3 years after expiration or cancellation (M–E).
	(2) Authorizations covering only specified messages or other specific charges.	Until the end of the calendar year following that in which used, collected, or honored (M).
	c. Requests for franks and void, unused, or unissued franks, and records thereof.	Optional (M).
	d. Tickets covering messages handled free or at reduced rates:	
	(1) When significant data (see part 41 of F. C. C.'s Rules) thereon are shown on other records.	As provided for items 73–a, 73–b, and 73–c.
	(2) Otherwise	Until the end of the calendar year following that in which prepared.
	e. Adjustment vouchers or other authorizations used to adjust accounts with individuals in accordance with authorizations covered by items 78–a and 78–b.	1 year.
	f. Summaries or reports of free or partially free service:	
	(1) Used for entries to accounts	6 years.
	(2) Used for administrative purposes only	Optional (M).
79	Taxes collected from customers and others:	
	a. Copies of tax returns and supporting statements filed with taxing authorities.	Such period as may be prescribed by related governmental requirements; otherwise, 6 years after settlement of tax liability (M–E).
	b. Special summaries of taxes and related data, used in compiling data for tax returns.	Do.
	c. Lists or other separate detailed reports of taxes billed to or collected from individual customers or others.	Such period as may be prescribed by related governmental requirements; otherwise, optional (M).
	NOTE: This item does not include message tickets, individual account records, or other records separately provided for in this List of Records.	
	d. Certificates or other special records of tax exemptions	Do.

Item No.	Description of records	Period to be retained
	Operations—Continued	
80	Division of revenues or other traffic settlements with communications common carriers:	
	a. Contracts or agreements with other carriers for the interchange or joint handling of business and other traffic arrangements and settlements related thereto, together with associated memoranda, case files, or other records identifying business or property subject to such contracts or agreements.	6 years after expiration, cancellation, or supersedure.
	b. Copy of each concurrence in tariffs or other rate authorities filed with regulatory bodies. (See item 74–e.)	6 years after cancellation or supersedure (M–E).
	c. Separation studies of property, revenues, or expenses, including underlying summaries, reports, or work papers prepared therefor, used for divisions of revenues or other settlements.	Until completion of second following study.
	d. General instructions or outlines of procedures used in divisions of revenues or other settlements.	6 years after cancellation or supersedure (M–E).
	e. Division or other settlement statements, including copies of summaries, studies or reports used therefor, covering settlements with other communications common carriers.	6 years (M–3).
	f. Summaries or memoranda used in computation of settlements, when results are summarized in records covered by item 80–c.	6 months (M).
81	Revenue accounting controlling records and summaries:	
	a. Controlling records and summaries used in preparing journal entries to revenue, accounts receivable, and other accounts, including revenue, cash, transfer and other controls, proof of billing, and other summaries of data for journal entries.	6 years.
	b. Statistical summaries or reports of revenues by accounts or classes of service, geographical subdivisions, etc., used for:	
	(1) Reports to Federal and State regulatory commissions and other governmental authorities.	As provided for item 103.
	(2) Used for administrative or informational purposes and not as a basis for entries to accounts or other records required to be retained for a period specified herein.	Optional (M).
82	Sales and servicing administration:	
	a. Market cards and other basic records of customers or prospects involved in sales and commercial servicing activity.	Do.
	b. Memoranda used in interviews, sales, investigations of customers' service needs and other negotiations with customers, including diagrams, review forms, busy reports, recommendations, etc.	Do.
	c. Prospect lists or slips and other material used in determining prospects for sales or servicing effort.	Do.
	d. Reports, surveys, maps and other records pertaining to studies of markets, sales possibilities, new services, sales and servicing techniques, and similar matters.	Do.
83	Directories:	
	a. One file copy of each directory issued by the company for use by customers.	3 years after supersedure or discontinuance (M–E).
	b. Special directories or lists used by traffic operating forces or other employees, not issued to customers.	Optional (M).
	c. Copies of service orders (see item 44–c–(5)), memoranda, and other papers used as the basis for compilation of directories.	Do.
	d. Authorizations for directory listings or special treatment thereof	Until superseded or canceled (M).
	e. Agreements with customers or others for leasing of directories	3 months after termination (M).
	f. Contracts or agreements covering printing of directories, procurement of paper and other materials, sale by others of advertising in directories, delivery of directories, and sale or disposal of obsolete directories.	3 years after expiration or cancellation (M–E).
	g. Contracts or agreements with customers or other advertisers for sale of advertising in directories.	1 year after expiration or cancellation (M).
	h. Directory price lists, delivery records, administrative records and reports relating to lease, sale or purchase of directories and supplies therefor, and miscellaneous records incident to preparation and issuance of directories, not used as the basis for entries to accounts.	Optional (M).
	i. Prospect lists, memoranda, schedules of advertising rates, and other administrative records and reports pertaining to canvassing for and sale of directory advertising, not used as the basis for entries to accounts.	Do.
	j. Billing authorizations for directory advertising or directories sold	3 years (M).
	k. Billing and account records of charges for directory advertising	1 year after payment or other disposition of accounts (M).
	l. Records of prepaid directory expenses and accounting distributions of directory expenses.	6 years (M).
	m. Memoranda of individual directory errors	As provided for item 13–a.
84	Advertising and information:	
	a. Copies of advertisements or other records of advertising in newspapers, magazines, and other publications, showing name of publication, nature of advertisement, etc.	3 years (M).
	b. Other public information material, including press releases, booklets, radio programs, films, etc.	1 year.
	c. Correspondence and memoranda related to requests from public for information material, historical and scientific data, and explanations of company's policies or practices. (See item 74–d.)	Optional (M).
	Advertising and information—Continued	
	d. File copies and circulation records of publications issued by the company and other distribution lists for release of information material.	Optional (M).
	e. Administrative studies or other records of material and services or advertising media used in operation of advertising and information services.	Do.
	f. Studies, surveys, analyses, correspondence and memoranda used in developing material for advertising and information purposes.	Do.
	g. File copies of publications, films, and other information material issued to employees.	Do.
	h. Contracts and agreements in connection with advertising and information services.	6 years after expiration or cancellation (M–E).
	i. Copyright applications and certificates	As provided for items 11–c and 11–d.
85	Administrative summaries, reports (exclusive of those covered by item 100), studies, analyses, plans, work programs, estimates, charts and similar records of results, performance, personnel, and working practices or conditions, etc., used for administrative purposes only and not as a basis for entries to accounts or other records required to be retained for a period specified in this List of Records, together with related supporting and working papers not separately provided for herein. This includes such records related to volume of business, operating loads and other work volumes, production, and quality; force requirements and adjustment, work schedules and assignments, service observation and results, employment, training, organization, working conditions, salary and wage schedules, accident prevention, and other administration of personnel and work performance; studies of new or improved methods; and departmental administrative expense reports, analyses, budgetary studies and estimates. (See items 22, 25, 47, 48, 86–k, 100 to 104, and 106–b.)	Optional (M).
86	Miscellaneous operating records:	
	a. Traffic peg counts:	
	(1) Summaries showing totals by offices, areas, etc	1 year (M).
	(2) Detailed records of peg counts for which totals of significant data are shown on summaries covered by item 86–a–(1).	Optional (M).
	b. Records used for traffic information, intercepting, routing, or other handling of calls.	Do.
	c. Maps, drawings, reports, and other records of subscriber plant facilities, trunks, circuits, or other plant available for assignment or assigned. (See item 44–f.)	Until record is superseded or is retired from active file (M).
	d. Traffic and commercial engineering records	As provided for items 42, 43, 85, 106–b, 106–h or other item applicable to particular record.
	e. Tickets, correspondence, memoranda of directory errors, or other records of complaints or criticisms from customers or directory advertisers, together with records of investigation and disposition thereof, related to:	
	(1) Claims of damages due to service fault	As provided for item 13–a.
	(2) Claims of overcharges, whether or not resulting in refunds or adjustments of accounts receivable. (See item 76–g.)	1 year (M).
	(3) Not involving claims of damages or overcharges	Optional (M).
	f. Copies of purchase orders, requisitions, transfer reports, returned material notices, sale or junk orders, or other records of furniture and other office or work equipment, material and supplies, stationery, or office supplies used only in administration of such property or activities, not as a basis for entries to accounts or property records. (See items 55, 56, and 58.)	Do.
	g. Work programs, schedules, and assignments	Optional, except as covered by item 21–e (M).
	h. Basic detailed reports or records of time or work paid for	As provided for item 21–e.
	i. Memoranda of work done and time spent thereon, made by employees preliminary to and for use in preparing detailed reports or other records used as the basis for entries to accounts. (See item 45–a–(2).)	Optional (M).
	j. Photographs, drawings, maps, or similar records of buildings or other plant or equipment, floor plans or office layouts, used for informational or administrative purposes only and not as property records covered by item 39.	Do.
	k. Underlying statistical records of messages, telephones, and other data relative to volume of business or work performed, used as the basis for preparation of administrative summaries, reports, studies, etc., covered by items 85 or 101.	Do.
	l. Watch, guard, and detective services	As provided for item 48–k.
	m. Accidents and damages	As provided for item 13.
	n. Records of operations other than communications common carrier operations.	For the same periods as provided herein for similar records.

Item No.	Description of records	Period to be retained
	Reports, statistics and miscellaneous	
100	Monthly, annual, and other periodic administrative, financial, and statistical reports or statements regularly prepared to show the results of operations for the period and the financial condition of the company, for the information of officials. This includes the regular balance sheet and income statements, reports of operating revenues, expenses, and changes in plant, depreciation reserve, and surplus accounts, and general statistical reports of (a) quantities of plant owned or operated, (b) business handled, and (c) employees and wages:	
	a. Annual reports	25 years.
	b. Monthly and other periodic reports	6 years.
101	Miscellaneous statistical, narrative, and descriptive reports, statements, analyses, studies, charts, summaries, or estimates, not provided for elsewhere in this List of Records, prepared for use by the company's officials or other employees for administrative or informational purposes and not used as a basis for entries to accounts. (See items 85, 86–k, and 104.)	Optional (M).
102	Reports to stockholders:	
	a. Annual reports or statements	Permanently.
	b. Quarterly and other statements of earnings, etc. (See item 4–o)	6 years (M).
	c. Stockholders' acknowledgments of receipt of reports and requests for copies of reports.	Optional (M).
	d. Other correspondence with stockholders relative to reports and statements furnished stockholders.	As provided for items 4–o and 25–b.
103	Reports to Federal and state regulatory commissions and other governmental authorities. (See notes A and B below.)	
	a. Annual report to regulatory commissions presenting general financial, operating, and statistical data.	Permanently.
	b. Other regular financial, operating and statistical reports to regulatory commissions.	3 years after current year (M).
	c. Special, occasional, and other reports:	
	(1) Reports of sales of securities and application of proceeds	Permanently, except optional after securities are redeemed, canceled, or otherwise retired (M–10).
	(2) Other reports filed in compliance with rules or laws regulating issuance or sale of securities.	Do.
	(3) Reports of plant extensions, purchases, sales, and other plant changes. (See item 43–a.)	10 years.
	(4) Reports to taxing authorities	Such period as may be prescribed by related governmental requirements; otherwise, 6 years after settlement of tax liability (M–E).
	(5) Other reports to governmental authorities not otherwise provided for. (See item 10–d.)	3 years (M).
	NOTE A: Item 103 does not include administrative, financial, and statistical reports prepared for use by the company's officials, when copies are furnished to governmental authorities. Such reports are covered by items 100 to 102, inclusive.	
	NOTE B: These reports shall be retained for any further period required by related statutes or regulations issued by the governmental authorities to which the reports are made.	
104	Supporting and working papers for reports:	
	a. Supporting and working papers, exclusive of records provided for elsewhere in this List of Records. This item includes such statements, summaries, work sheets, cross-references to sources, instructions for preparation of reports and other papers prepared in connection with the compilation of reports covered by items 100 to 103 as are necessary to trace or verify such compilation.	Same period as the reports to which they relate.
	b. Preliminary drafts, proofs, memoranda and other papers prepared in connection with compilation of reports which are not necessary to trace or verify such compilation.	Optional (M).
105	Tabulating cards and similar media (see item 28) used in compiling or assembling data for reports when the source records from which the data are obtained and the resulting printed sheets or other summary records are retained as provided in this List of Records. (See also item 29.)	Do.
106	Other records:	
	a. Reports to securities exchanges, filed in accordance with regulations of such exchanges.	Permanently (M–10).
	b. Departmental records and reports prepared for administrative purposes only (including such records of quantities and quality of work performed), not used as a basis for entries to accounts or other records required to be retained for a period specified herein.	Optional (M)
	c. Delegations of authority by officers or other employees, signature cards, and records thereof except as provided for item 16–h.	1 year after authorization is superseded or canceled (M).
	d. Memoranda of and receipts for records temporarily removed from files.	Optional after records have been returned (M).
	e. Receipts and other records pertaining to registered, insured, and other mail, express, postage, stationery, and other office supplies; not used as a basis for entries to accounts.	Optional (M).
	Reports, statistics and miscellaneous—Continued	
	Other records—Continued	
	f. Receipts and records pertaining to delivery to employees of articles to be returned or accounted for, such as badges, keys, tool kits, uniforms, instructions, safety paper, signature plates, etc.	Optional after articles have been returned or accounted for (M).
	g. Indexes of records not otherwise provided for herein	Until superseded or discontinued (M).
	h. Work programs, work and progress reports, or other statements of work planned or performed, prepared solely for informational or supervisory purposes and not used as a basis for entries to accounts or other records required to be retained for a period specified herein.	Optional (M).
	i. Records of securities held for employees:	
	(1) Receipts for securities delivered to employees, except as covered by item 106–m–(1).	6 years (M).
	(2) Other records	Optional (M).
	j. Records related to employees' contributions to welfare, charity and civic organizations, not provided for elsewhere.	Do.
	k. Programs, papers, notes and related material pertaining to meetings or conferences of administrative officials and other employees.	Do.
	l. Tickler or reminder cards or notes	Do.
	m. Records as issuing agent for United States Savings bonds:	
	(1) Duplicate bond stubs or other record maintained in lieu thereof (including receipts for bonds delivered).	Such period as may be prescribed by related governmental requirements; otherwise 1 year (M).
	(2) Applications and pay roll deduction authorization records	Such period as may be prescribed by related governmental requirements; otherwise optional (M).
	(3) Other records	Do.
	n. Directives, authorizations, and orders from governmental authorities and related records resulting therefrom, not otherwise provided for in this List of Records. (Note particularly items 4–a, 4–h, 8–a, 10–b, 10–d, 10–e, 11–d, 103, 104, and 105.)	Do.

PART 46—PRESERVATION OF RECORDS OF WIRE-TELEGRAPH, OCEAN-CABLE, AND RADIOTELEGRAPH CARRIERS

APPLICABILITY

Sec.
46.01 Applicability.

GENERAL INSTRUCTIONS

46.1 Scope of the regulations in this part.
46.2 Designation of supervisory official.
46.3 Protection and storage of records.
46.4 Index of records.
46.5 Preservation of records on microfilm.
46.6 Destruction of records.
46.7 Premature destruction.
46.8 Extension of period of retention of telegraph messages.

LIST OF RECORDS

46.9 List of records.

AUTHORITY: §§ 46.01 to 46.9 issued under sec. 4, 48 Stat. 1066; 47 U. S. C. 154. Interpret or apply sec. 220, 48 Stat. 1078; 47 U. S. C. 220.

APPLICABILITY

§ 46.01 *Applicability.* This part is prescribed and promulgated as the regulations governing the preservation of records of communication common carriers, subject to the jurisdiction of the Commission, primarily engaged in furnishing wire-telegraph, ocean-cable, or radiotelegraph service.

GENERAL INSTRUCTIONS

§ 46.1 *Scope of the regulations in this part.* (a) The regulations in this part apply to all accounts, records, memoranda, documents, papers, and correspondence prepared by or on behalf of the carrier as well as those which come into its possession in connection with the acquisition of property, such as by purchase, consolidation, merger, etc.

(b) The regulations in this part shall not be construed as requiring the preparation of accounts, records, or memoranda not required to be prepared by other regulations, such as the uniform systems of accounts, of the Commission.

(c) The regulations in this part shall not be construed as excusing compliance with any other lawful requirement for the preservation of records for periods longer than those prescribed in this part.

(d) Unless otherwise specified in § 46.9, duplicate copies of records may be destroyed at any time: *Provided, however,* That such duplicate copies contain no significant information not shown on the originals and that precautions have been taken to assure the continued retention of the originals (or one true copy) for the full period required under the regulations in this part. (See Item 26–a of § 46.9.)

(e) Records other than those listed in § 46.9 may be destroyed at the option of the carrier: *Provided, however,* That records which are used in lieu of those listed shall be preserved for the periods prescribed for records used for substantially similar purposes; *And provided, further,* That retention of records pertaining to added services, functions, plant, etc., the establishment of which cannot be presently foreseen, shall conform with the principles promulgated in § 46.9.

§ 46.2 *Designation of supervisory official.* Each carrier subject to the regulations in this part shall designate one or more officials to supervise the preservation and the authorized destruction of its records.

§ 46.3 *Protection and storage of records.* The carrier shall protect records subject to the regulations in this part from damage from fires, floods, and other hazards and, in the selection of storage spaces, safeguard the records from unnecessary exposure to deterioration from excessive humidity, dryness, or lack of proper ventilation.

§ 46.4 *Index of records.* At each office of the carrier where records are kept or stored, such records as are herein required to be preserved shall be so arranged, filed, and currently indexed that they may be readily identified and made available to representatives of the Commission. In the general offices of the carrier a master index shall be available showing the physical location of the various classes of records, the periods to which such classes of records relate, and the locations, names, and titles of the custodians.

§ 46.5 *Preservation of records on microfilm.* (a) As indicated in § 46.9, certain records may be microfilmed and the film retained in lieu of the original records, provided the procedures prescribed in paragraphs (b) to (f) of this section are followed.

(b) Prior to photographing, the records shall be so prepared, arranged, classified, and identified as readily to permit the subsequent location, examination, and reproduction of the photographs thereof. Any significant characteristic, feature, or other attribute of the original records which photography would not reflect clearly (e. g., that the record is a copy or that certain figures thereon are red) shall be so indicated on the records at the time of such arrangement, classification, and identification. When a number of the records to be microfilmed have in common such a characteristic or attribute, an appropriate notation identifying the characteristic or attribute may be indicated in a statement at the beginning of the roll of film instead of on each individual record.

(c) Each roll of film shall include a microfilm of a certificate or certificates stating that the photographs are direct and facsimile reproductions of the original records and that they have been made in accordance with prescribed instructions. Such certificate or certificates shall be executed by a person or persons having personal knowledge of the facts covered thereby.

(d) The photographic matter on each roll shall commence and end with a statement as to the nature and arrangement of the records reproduced, the name of the photographer, and the date. Rolls of film shall not be cut. Supplemental or retaken film, whether of misplaced or omitted documents or of portions of a film found to be spoiled or illegible or of other matter, shall be attached to the beginning of the roll, and in such event the aforementioned certificate or certificates shall cover also such supplemental or retaken film and shall state the reasons for taking such film.

(e) All film stock shall be of approved permanent-record microcopying type of 16 mm. or 35 mm. size, either perforated or unperforated, such as meets the minimum specifications of the National Bureau of Standards. (Such film stock may be identified by a manufacturers' mark, a solid triangle after the word "safety" in the edge marking of the film.) The photographing and processing shall be such that reproductions on photographic paper can be made, similar in size without significant loss of clarity of detail, during the period prescribed in these rules for the retention of the records concerned. The carrier shall be prepared to furnish, at its own expense, appropriate standard facilities for reading the microfilm. If the Commission so directs the carrier shall furnish photographic reproductions of records the originals of which have been destroyed under the provisions of this instruction.

(f) The microfilms shall be indexed and retained in such manner as will render them readily accessible and identifiable. They shall be stored in such manner as to provide reasonable protection from hazards such as fire, flood, theft, etc. The films should be cared for in such a manner as to prevent cracking, breaking, splitting, etc.

§ 46.6 *Destruction of records.* The destruction of the records permitted to be destroyed under the provisions of the regulations in this part may be performed in any manner elected by the carrier concerned. Precautions should be taken, however, to macerate, or otherwise destroy the legibility of, records the content of which is forbidden by law to be divulged to unauthorized persons.

§ 46.7 *Premature destruction.* When any records are destroyed before the expiration of the prescribed period of retention, a certified statement listing, as far as may be determined, the records destroyed and describing the circumstances of accidental or other premature destruction shall be filed with the Commission within ninety (90) days from the date of discovery of such destruction. Discovery of loss of records is to be treated in the same manner as in the case of premature destruction.

§ 46.8 *Extension of period of retention of telegraph messages.* Whenever a person having a bona fide interest in the retention of original messages enumerated in Item 63 of § 46.9 shall communicate in writing with the carrier having custody of the same, prior to the date of actual destruction of such messages, identifying the messages to be retained with sufficient particularity as to make segregation thereof feasible (e. g., the date of the message, the point of origin, the point of destination, the names of sender and addressee) the carrier so notified shall retain such messages for a period of six months in addition to the time prescribed with respect thereto in this part of the Commission's rules and regulations: *Provided, however,* That such period of retention shall not be required to be extended more than once under this section.

LIST OF RECORDS

§ 46.9 *List of records.* The following list of records shows the periods of time that designated records shall be preserved and, by the indicator (M), the records that may be preserved on microfilm in lieu of the original records. When the indicator (M) is followed by a numeral, the original record may be destroyed only after the number of years indicated by the numeral. When the indicator (M–E) is used, a microfilm copy may be substituted for the original record for the period subsequent to the expiration, cancellation, supersedure, or other condition shown in the column headed "Period to be retained."

Item No.	Description of records	Period to be retained
	Corporate and general	
1	Corporate organization:	
	a. Charter or certificate of incorporation and amendments thereto	Permanently.
	b. Legal documents in connection with mergers, consolidations, reorganizations, receiverships, and similar actions which affect the identity or organization of the company	Do.
	c. By-laws	Permanently (M-10).
2	Corporate elections and stockholders' votes:	
	a. Notices of meetings, proxy statements, and proxy solicitation material	10 years (M).
	b. Voting lists	3 years (M).
	c. Proxies	Do.
	d. Ballots and tabulations of votes	Do.
	e. Judges' or inspectors' reports of results	Do.
3	Minutes of meetings:	
	a. Meetings of stockholders and directors	Permanently.
	b. Meetings of executive committee and other directors' committees	Permanently (M-10).
	c. Meetings of employees' benefit committee	Do.
4	Securities issued or assumed:	
	a. Applications to governmental bodies and authorizations therefrom to issue securities or assume debt issued by others	Do.
	b. Registration statements and amendments thereto	Do.
	c. Bids and contracts for sale of securities, including underwriting agreements, except as provided in item 4-i-(4)	Do.
	d. Agreements with trustees of security issues	Do.
	e. Applications and authorizations for listings with securities exchanges. (See item 106-a.)	Permanently, except optional after securities are redeemed, canceled, or otherwise retired (M-10).
	f. Prospectuses and amendments thereto and sale offers to stockholders, employees, and others	Do.
	g. Legal, accounting, or other formal opinions in connection with registration statements and prospectuses	Do.

Item No.	Description of records	Period to be retained
	Corporate and general—Continued	
	Securities issued or assumed—Continued	
	h. Reports filed with governmental bodies in compliance with rules or laws governing issuance or sale of securities (reports of sales of securities application of proceeds, etc.)	Permanently, except optional after securities are redeemed, canceled, or otherwise retired (M-10). Do.
	i. Reports, summaries, or journals of subscriptions, sales, exchange, conversion, or retirements of securities used as the basis of entries to accounts	Permanently, except that separate reports of retirements of securities may be destroyed 10 years after all securities of that class are redeemed or otherwise retired (M-E). Do.
	j. Capital stock and bond ledgers and stubs or copies of securities issued, and summary or controlling records thereof	Permanently.
	k. Security subscription registers, security transfer, correction, and other supplemental records relating to securities	3 years after subscription or sale is completed (M-E). Do.
	l. Supplemental records of subscriptions to securities:	
	(1) Temporary or interim certificates or receipts and related transfer records	Do.
	(2) Warrants, warrant assignments, transfer sheets, summaries, and records of indemnity; and cross-reference sheets in connection therewith	Do.
	(3) Installment subscription letters	As provided under Item 25-b
	(4) Contracts with employees for their purchase of securities	Optional (M).
	(5) Contracts with dealers or others for sale of securities	6 years after sale, transfer, or exchange is completed (M-E).
	(6) Correspondence relating to issue of securities	Do.
	(7) Other supplemental records of subscriptions to securities	Optional after withdrawal of instructions (M).
	m. Miscellaneous memoranda and other papers related to sale, transfer, or exchange of securities:	Optional (M).
	(1) Those relating to routine fiduciary transactions, such as copies of powers of attorney, wills, certificates of appointment, deeds of trust, resolutions by corporations, affidavits, and waivers by taxing authorities not returned to security holders	6 years after sale, transfer, or exchange is completed (M-E).
	(2) Those relating to security holders' lists (item 7-j)	Do.
	(3) Tolerance file of instructions to withhold transfer of certain securities	Optional after withdrawal of instructions (M).
	(4) Recapitulations of daily postings to security accounts of individuals and brokers	Optional (M).
	(5) Other correspondence relating to transfer, exchange, or delivery of securities	6 years after sale, transfer, or exchange is completed (M-E).
	(6) Other miscellaneous papers related to sale, transfer, or exchange of securities	Optional (M).
	n. Registrars' instructions and correspondence covering:	3 years (M).
	(1) Payment of dividends to an individual other than the stockholder	Do.
	(2) Other correspondence regarding dividend and interest payments	Optional after entered on records (M).
	(3) Change of address notices	6 years (M).
	o. Dividend notices and related circular letters to stockholders (1 copy of each in connection with each dividend declaration)	
	p. Journal entries (including journals and other forms of journal entries (including journals and journal vouchers) or other records from which entries are made to the ledgers of accounts	Do.
	q. Summarization and distribution records supporting journal entries:	10 years, except as separately provided for in this List of Records. (See items 21-m, 45-b, and 66-a.)
	(1) Affecting plant accounts	Permanently.
	(2) Affecting maintenance, operating or other accounts	
	r. Memoranda, correspondence, or other papers which serve as the basis of entries, except as separately provided for in this List of Records	6 years after the related securities are sold, redeemed or otherwise disposed of or are written out of accounts as worthless.
	s. Securities owned:	
	Book, card, or other detailed records of securities owned, in treasury, or held by custodians	Until superseded or obsolete (M).
	t. Retired securities and evidences of debt:	10 years after completion of proceedings (M-E).
	(1) Canceled stock certificates and fully-registered bonds	Optional (M).
	(2) Other canceled bonds, canceled notes, paid interest coupons, and canceled trust deeds, mortgages, or other evidences of debt	10 years after completion of proceedings (M-E).
	(3) Records of unpresented retired securities	10 years after completion of proceedings (M-E).
	u. Records of called bonds, notes, and preferred stock	
	v. Records of unpaid interest coupons	Until record is superseded or securities are presented.
	w. Records of paid interest coupons	Until record is superseded or securities are presented.
	x. Records of interest deposited with trustees	Permanently.
	y. Records of unclaimed dividends and interest	6 years after property is disposed of or unless surrendered to transferee.
	z. Records of dividends paid	Permanently (M-10).
	aa. Records of dividends declared	
	bb. Records of dividend checks returned by banks	25 years after expiration or cancellation (M-10).
	cc. Records of dividend checks drawn	6 years after expiration or cancellation (M-E).
	dd. Records of dividend checks paid	
	ee. Records of dividend checks unclaimed	
	ff. Records of dividend checks voided	
	gg. Records of dividend checks transferred to others	
	hh. Records of dividend checks delivered to others	
	ii. Records of dividend checks returned by others	
	jj. Records of dividend checks undelivered	
	kk. Records of dividend checks destroyed	
	ll. Records of dividend checks mutilated	
	mm. Records of dividend checks reissued	
	nn. Records of dividend checks repurchased	
	oo. Records of dividend checks stopped	
	pp. Records of dividend checks transferred	
	qq. Records of dividend checks unissued	
	rr. Records of dividend checks voided	
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Item No.	Description of records	Period to be retained
	Corporate and general—Continued	
	Law department, litigation, and regulation—Continued	
	e. Formal orders of regulatory commissions and similar authorities served on the company:	
	(1) Orders of continuing effect	Permanently (M).
	(2) Other orders	25 years (M).
	f. Reports to regulatory authorities	As provided for item 103.
11	Patents and copyrights:	
	a. Copy of patent applications, invention descriptions, memoranda and other data relating thereto.	Optional after expiration of patent (M).
	b. Agreements with employees for assignment of inventions	6 years after termination of agreement.
	c. Copy of copyright applications, with specimen copies	Optional after expiration of copyright (M).
	d. Letters patent and copyright certificates	6 years after expiration of patent or copyright (M–E).
	e. Licensing and royalty agreements, assignments, or grants	Do.
12	Insurance records:	
	a. Insurance policies (including fidelity, surety, and similar bonds) together with supporting schedules, endorsements, riders, and other amendments or modifications, and renewal and cancellation notices; also policy contracts with underwriters for group insurance.	6 years after expiration of policies or policy contracts.
	b. Schedules, lists, or other detailed statements of property or risks covered by insurance, when not included in or attached to insurance policies.	Do.
	c. Schedules of risks covered by self-carried insurance reserves, giving description of property or character of risks covered.	6 years after supersedure (M–E).
	d. Detailed spread sheets or other summary or distribution records of insurance costs or accruals.	Affecting maintenance and operations only, 10 years; affecting plant, permanently (M–10).
	e. Reports of losses covered by insurance (both commercial and self-carried), copies of claims against insurance companies and record of recoveries therefrom; records, reports, and summaries of employee coverage, case records, and death claims with respect to group insurance.	6 years (M).
	f. Reports of minor losses due to insurable risks (e. g., from fires, thefts, and defalcations) not covered by insurance (either commercial or self-carried) and other reports of losses and damages sustained, not used as the basis for claims against others (see item 48–j–(1)) or for retirement of plant (see item 45–a–(4)).	3 years (M).
	g. Inspectors' reports, recommendations, correspondence and memoranda regarding hazardous condition of property.	Do.
	h. Card or other memorandum records of insurance showing dates of expiration of policies, abstracts of coverage, premiums paid, recoveries, etc., and studies of insurance requirements.	Optional (M).
13	Accidents, damages, and related claims against the company:	
	a. Reports of accidents, investigations, statements of employees or witnesses, claims, releases and similar papers relating to accident and damage claims or possible claims against the company on account of employees or other persons killed or injured, property of others damaged, traffic service errors, and other damage claims (exclusive of claims for overcharges provided for in item 83–d–(2)):	
	(1) When such papers are necessary to the determination of the company's liability, if any, in such cases, or to substantiate payments to others, whether attached to vouchers or filed separately. (See item 21–k.)	6 years after settlement or rejection of related claims, or after date of papers if no claim is presented (M–E).
	(2) When such papers are not so necessary	Optional (M).
	b. Book or card records, indexes or other memoranda of accident and damage claims or cases.	6 years after settlement or rejection of related claims (M–E).
	NOTE: For records of detective service and investigation of damage to or loss of the company's property, see item 48–j.	
14	Tax records:	
	a. Copies of returns, schedules, statements, claims, reports and similar documents filed with taxing authorities, with supporting work papers and correspondence.	Such period as may be prescribed by related governmental requirements; otherwise, 6 years after settlement of tax liability (M–E).
	b. Legal papers related to taxes. (See items 10–b and 10–d)	10 years after completion of proceedings (M–E).
	c. Tax bills and receipts from taxing authorities, filed separately from vouchers.	10 years after settlement of tax liability (M–E).
	d. Detailed spread sheets or other summary or distribution records of tax payments or accruals.	Affecting maintenance and operations only, 10 years; affecting plant, permanently (M–10).
	e. Book, card, or other memorandum records of tax assessments, payments or accruals and related data, by classes of taxes, accounting periods, location of property, etc.	6 years if data not included in other records; otherwise, optional (M).
	f. Records pertaining to collection or withholding of taxes from customers, employees, and others.	As provided for item 80.
15	Cash books:	
	General, division, and subsidiary cash books used as general records of receipts, disbursements, and balances includible in ledger cash accounts. (See item 71–h.)	Permanently.

Item No.	Description of records	Period to be retained
	Corporate and general—Continued	
16	Records of deposits in banks and other depositaries of cash and working funds:	
	a. Bank deposit books, duplicate deposit slips, notices of deposits and of items charged back, and other advices or notices from depositaries of individual credits and charges.	1 year.
	b. Advices of individual deposits or remittances of funds from collection or other offices, when information on such advices is shown on other records.	Optional (M).
	c. Check and draft registers, check stubs, copies of checks, and similar records of checks or drafts drawn on depositaries.	6 years if data not included in other records; otherwise optional.
	d. Statements from depositaries listing receipts, disbursements, and balances on deposit.	6 years if data not included in other records; otherwise optional (M).
	e. Bank reconciliation registers and reconciliation summaries or papers.	1 year (M).
	f. Lists and other records of outstanding checks and drafts, issued and not presented.	Optional after checks or drafts are presented or record is superseded (M).
	g. Correspondence with depositaries relating to the opening of a bank account, general responsibilities of the depositary and the company.	6 years after bank account is closed (M–E).
	h. Records and correspondence covering authorized signatures	6 years after authorization is canceled (M–E).
	i. Records and correspondence relating to stop payment orders.	
	(1) If order is withdrawn	Optional (M).
	(2) If order is not withdrawn	6 years (M).
	j. Correspondence relating to the actual issuance of duplicate checks or drafts.	As provided for related check or draft; see item 18 (M).
	k. Administrative records, reports or summaries of bank deposits, charges or balances, not used as a basis for entries to accounts or for reconciling accounts with depositaries.	Optional (M).
	l. Bank registers showing deposits, withdrawals, and balances with depositaries.	6 years.
17	Other records of receipts, disbursements and balances of cash and working funds.	
	a. Daily or other periodic lists, summaries, or reports of receipts, transfers, or disbursements of cash.	3 years (M).
	NOTE: Commercial and accounting records of collections of customers' and other accounts receivable are covered by Item 71.	
	b. Transmittal forms or lists of items for payment:	
	(1) Showing auditing approvals or other authorities for payment	Optional after preparation of record of unpaid items or of outstanding checks or drafts (M).
	(2) Used only to identify or receipt for items transmitted	Optional (M).
	c. Memoranda, statements, estimates, and reports of cash receipts, disbursements, or balances, used only for administrative purposes and not as a basis for entries to the accounts, cash books, or records subsidiary thereto.	Do.
	d. Records of working funds:	
	(1) Ledgers, cards or other general records of advances to holders of working funds, showing charges, credits, and balances.	3 years (M).
	(2) Requisitions, requests, or receipts for working fund advances	Optional after funds have been returned or accounted for (M).
	(3) Reports of expenditures from working funds or statements of working fund transactions from holders of working funds:	
	(a) When used as the basis for vouchers or entries to accounts	As provided for item 20–b.
	(b) When not so used	Optional (M).
18	Paid or canceled checks and drafts (including voucher checks and drafts) and receipts for cash payments covering:	
	a. Salaries and wages	6 years (M).
	b. Commissions	3 years (M).
	c. Other payments, except as otherwise provided in this List of Records.	6 years (M).
19	Pension trust funds:	
	a. Trust agreements, with all amendments and correspondence with Trustee interpreting or clarifying provisions thereof.	Permanently.
	b. Trustee's annual or other periodic general report covering receipts, disbursements, investments and income of trust fund.	25 years.
	c. Reports of verification or audit of trustee's report	6 years (M).
	d. Trustee's notices of individual trust fund receipts, disbursements and other transactions and summaries thereof, when the results of such transactions are reflected in Trustee's periodic general reports.	Do.
	e. Book, card, or other memorandum records of trust fund transactions maintained for informational and verification purposes, not used as basis for entries to accounts.	6 years if data not included in other records; otherwise, optional (M).
	f. Annual analysis of investments and operations of trust fund, prepared by or for the company.	10 years.
	g. Copy of report to Trustee covering changes in pension rolls	3 years (M)
	h. Report to Trustee of pension disbursements made by company	Do.
	i. Miscellaneous correspondence with Trustee and memoranda and studies of pension trust fund activities for administrative purposes.	Optional (M).
	j. Actuarial computations or studies determining pension accruals and reports of results thereof.	Permanently.

Item No.	Description of records	Period to be retained
	Corporate and general—Continued	
20	Vouchers:	
	a. Registers of audited vouchers, voucher distribution registers and summaries of entries to accounts from vouchers:	
	(1) Distribution summaries of miscellaneous minor departmental vouchers.	25 years.
	(2) Voucher registers and general voucher distribution summaries	Permanently.
	b. All vouchers including (a) bills, statements of account, reports of expenditures, requests for voucher, memoranda, or other papers serving as the basis for vouchers; (b) voucher lists and analysis sheets showing detailed accounting distribution of charges on individual vouchers; (c) copies of authorizations for payment or credit issued by audit office, including copies of vouchers and voucher checks; and (d) other supporting papers not separately provided for in this List of Records; related to:	
	(1) Retirement of stock and long-term debt issued or assumed by the company.	Permanently (M–25).
	(2) Acquisition of stock or evidences of debt and other investments (including advances) in other telegraph companies.	Do.
	(3) Purchase or other acquisition of plant of other telegraph companies.	Do.
	(4) Purchase of real estate	6 years after plant is retired (M–E).
	(5) Other charges and credits affecting the plant accounts:	
	(a) If required for determination of cost of plant retired	Do.
	(b) If not so required and if all basic data shown on the vouchers and supporting papers affecting the plant accounts and property records have been transcribed to or summarized on the related summarization and distribution records (items 20–a, 45–b, and 57), actual cost and price records (items 36, 56–b, and 58–d), or other records (see items 37, 38, and 39) retained in accordance with this List of Records.	10 years.
	(c) If not so transcribed or summarized	Permanently (M–25).
	(6) Other transactions	10 years.
	c. Adjustment vouchers used to correct or adjust accounting classifications or other details of vouchers previously issued.	As provided for related voucher previously issued.
	NOTE: Adjustment and uncollectible vouchers used to adjust accounts receivable are covered by items 70–g and 70–h.	
	d. Index records of vouchers approved and payments made	10 years.
	e. Indexes or other memoranda of vouchers to be made and transmittal lists of vouchers.	Optional (M).
	f. Lists of unaudited bills and memoranda or correspondence regarding changes in unaudited bills, not used as a basis for journal entries.	Do.
	g. Authorities for payment of specific vouchers or lists of vouchers	Optional after preparation of record of unpaid items and of outstanding checks or drafts (M).
	h. Journal vouchers used in lieu of journal entries for entries to ledgers of accounts referred to in item 7–a.	Permanently.
21	Pay-roll Records:	
	a. Pay-roll sheets, registers, lists, ledgers, and other basic records of salaries and wages earned by and payments to individual employees for each pay-roll period.	10 years (M).
	b. Pay-roll change reports or other approved applications or authorities for establishing and changing salary and wage rates of individual employees and for making other changes in employees' service records.	3 years (M).
	c. Applications for pay-roll changes not authorized	Optional (M).
	d. Employees' service records showing salary and wage rates, length of service, occupational titles, and similar data. (See item 22–b).	3 years after termination of employment (M).
	e. Basic detailed reports or records of time or work paid for and of accounting classifications thereof, such as employees' time and work reports, time books, time cards, force assignment lists, daily force memoranda, and attendance reports:	
	(1) Used to determine time paid for or salaries and wages earned	3 years (M).
	(2) If the basic information has been transcribed to other records and such other records are retained in accordance with periods specified herein for basic summaries and distributions.	Optional (M).
	(3) If the basic information has not been transcribed to other records:	
	(a) Affecting plant	Permanently (M–25).
	(b) Affecting operations, maintenance, and other accounts	10 years (M).
	f. Pay-roll deduction authorizations, deduction cards, and other records of withholdings or deductions from pay.	
	(1) For income, social security, or other taxes	Such period as may be prescribed by related governmental requirements; otherwise, optional (M).
	(2) For other allotments or deductions	Optional (M).
	g. Records of assignments, attachments, and garnishments of employees' salaries and wages, including notices of suits and releases and related correspondence. (See item 10–b.)	3 years (M).
	h. Addressograph plates, tabulating cards, or similar media used in preparing and summarizing pay-roll records, when the data thereon are also shown on pay-roll sheets, pay-roll change reports, employees' service records, pay-roll summaries, or other records listed herein.	Optional (M).

Item No.	Description of records	Period to be retained
	Corporate and general—Continued	
	Pay-roll records—Continued	
	i. Paid checks and drafts, receipts for wages paid in cash, and other evidences of payments for salaries and wages.	6 years (M).
	j. Cards, lists, or other records of earnings for individual employees.	
	(1) Used in computing pensions or annuities	6 years after termination of employment (M).
	(2) Used for current pay-roll record purposes	6 years (M).
	k. Authorizations, case records, special pay rolls, or other records of sickness and accident disability and other benefits to employees and their beneficiaries. (See item 13–a and 22–i.)	Do.
	l. Pension or annuity pay rolls, reports of changes therein and related authorizations.	10 years (M–3).
	m. Control and recapitulation forms, summaries, and distribution records.	
	(1) Used to determine pay-roll amounts and deductions	6 years.
	(2) Used to summarize or distribute time or pay-roll amounts to accounts, estimates, jobs, accounting areas, etc.	Affecting maintenance and operations only, 10 years; affecting plant, permanently.
	(3) Summaries and statements of pay-roll costs and related work sheets used in developing costs by labor groups or classes and rates for distributing cost of labor.	Do.
	n. Records of authorized occupational titles or positions and related authorized pay schedules or rates and wage and salary guides.	6 years after supersedure or cancellation.
	o. Memoranda, studies, statements, summaries and reports of pay-roll data used for administrative purposes only.	Optional (M).
22	Personnel records:	
	a. Applications for employment, reports of medical examinations, photographs, reports of employment office activities, and other miscellaneous records pertaining to hiring and transfer of employees.	Do.
	b. Personnel records of individual employees, not used as the basis for pay roll or other payments, such as departmental copies of service records (see item 21–d), records of previous employment, education, and training; proficiency, aptitude and merit rating records and reports; records and reports of attendance or absence, medical and health history, authorized leaves of absence and other treatment under health, hospital, welfare, benefit and pension plans. (See items 21–k and 21–l.)	Do.
	c. Studies, reports, and correspondence relating to administration of plans or practices for employees' pensions, disability benefits, death benefits, and other employees' welfare activities. (See items 19–i, 21–k, and 21–l.)	Do.
	d. Studies, correspondence, and) administrative reports covering wage practices. (See item 21–n.	6 years, except as provided in in item 25–b.
	e. Studies, analyses, reports, summaries, memoranda, and correspondence relating to force requirements, employment, training, and other administration of employees and working conditions, including accident prevention, attendance, health, educational and recreational activities and thrift plans.	Reports, as provided for items 100 and 101; correspondence, as provided for item 25–b; other records, optional.
	f. Contracts with labor unions or other organizations of employees relative to wage rates, hours, working conditions and similar matters.	3 years after expiration or cancellation (M–E).
	g. Organization charts, records, and notices of changes	Optional (M).
	h. Employees' identification cards and photographs, building passes, and records thereof.	Do.
	i. Reports of accidents, investigations, claims, releases, and similar papers relating to claims or possible claims against the carrier on account of injuries to or death of employees.	As provided for item 13–a.
23	Circulars, handbooks, training material, films, and other instructions (including amendments and supplements thereto) to employees and agents pertaining to:	
	a. Accounting classifications:	
	(1) Basic or general instructions, rulings, and interpretations	Permanently for major broad changes in accounting practices; others, 6 years after expiration or supersedure (M–E).
	(2) Detailed instructions to employees	6 years after expiration or supersedure (M–E).
	(3) Establishment or discontinuance of subaccounts and clearing or temporary accounts established at the option of the company.	Do.
	b. Other general instructions, including those pertaining to accounting, statistical, engineering, construction, maintenance, operating, management, and other methods and practices.	Optional after expiration or supersedure except as provided for item 27–a (M).
	c. Transmittal and check lists of current instructions	Optional (M).
	d. Drafts and memoranda relating to preparation and issuance of instructions, except as provided in item 25–b–(1).	Do.
	e. Training programs, schedules, and material	Do.
	f. Instructions covering performance of specific work operations	Do.
24	Accountants' and auditors' reports and verifications of records:	
	a. Certificates and reports of annual examinations and audits by public accountants.	Permanently.
	b. Other reports of audits, examinations, and verifications	3 years (M).

Item No.	Description of records	Period to be retained
	Corporate and general—Continued	
	Accountants' and auditors' reports and verifications of records—Con.	
	c. Adding machine lists, proofs of balance, check sheets, verification notices, interdepartmental memoranda, and other papers used solely to verify the accuracy or consistency of accounts, reports, or other records.	Optional (M).
25	Correspondence and memoranda:	
	a. General letters and other correspondence and memoranda related to services furnished under license agreements, general service contracts, or other arrangements for general accounting, engineering, financial, legal, patent, and other general services. This includes copies of circulars, practices, handbooks, reports, etc., furnished in connection with such services.	10 years.
	b. Other correspondence and memoranda and indexes thereto:	
	(1) When necessary for a proper or complete understanding of another record.	For the period prescribed for the record to which it relates.
	(2) When not so necessary and when not otherwise specifically provided for herein.	Optional (M).
	c. Drafts, stenographers' notebooks, and dictaphone or other records used in preparing or producing correspondence and memoranda.	Do.
	d. Transmittal lists or forms used to indicate records forwarded from one location to another, when such lists or forms do not contain data used as a basis for entries to accounts or other records. (See items 17-b and 71-b.)	Do.
26	Duplicate records:	
	a. Duplicates, either in whole or in part, of accounts, forms, reports, correspondence and other records listed herein, when all significant information on the duplicate is shown on the original or other copy or on other records retained for the period prescribed in this List of Records and if such duplicate is not otherwise specifically provided for herein.	Do.
	b. Extra copies of correspondence used for tracing or following up correspondence, or for informational or other purposes, if the original or other copy is retained as provided herein under item 25.	Do.
	c. Stencils, negatives, and other records used in producing copies or duplicates of records.	Do.
27	Records relating to preservation and destruction of records:	
	a. General bulletins, circulars, lists of forms and other records, and other instructions to employees pertaining to preservation and destruction of records.	6 years after expiration or supersedure (M-E).
	b. Historical record of designation of supervisory official. (See §16.2.)	Permanently.
	c. Index of records. (See § 40.4.)	6 years after expiration or supersedure (M-E).
	d. Reports of premature destruction. (See § 46.7.)	Optional after expiration of period prescribed for records destroyed.
28	Tabulating cards, unit tickets, pegboard summary strips, and similar media used in assembling data and obtaining totals thereof, when the source records from which the data are obtained and the resulting summary records (including printed sheets, total tickets, final pegboard summaries, distribution spread sheets, etc.) are retained as provided in this List of Records.	Optional (M).
29	Summaries and property or other records maintained on tabulating cards or other machine-processed media:	
	a. When all significant data have been transcribed therefrom to printed or other records preserved in accordance with this List of Records.	Do.
	b. When not so transcribed	For the period prescribed herein for the related summary, property or other record.
	Telegraph plant	
35	Plant ledger or other record of cost of plant by primary plant accounts, subaccounts, and plant or accounting areas. (See item 7-a.)	Permanently.
	NOTE: Administrative and statistical reports and analyses are covered by items 100 and 101.	
36	Book, card, or other records of individual property-record units (or items) of plant, such as for land, buildings, central offices, furniture, motor vehicles, etc., showing, description, location, cost, and other data.	6 years after record is superseded or plant is retired, provided mortality data are retained (M-E).
37	Book, card, or other records of quantities of property-record units (or items) by plant or accounting areas, sizes, types, or other details.	6 years after record is superseded, provided mortality data are retained (M-E).
38	Monthly or other summaries of quantities or costs of property-record units (or items) which are the source of entries to property records covered by items 35, 36, and 37.	Permanently.
39	Maps, diagrams, tabular record sheets, plans, specifications, wiring lists, and other engineering records and related indexes and memoranda showing location and physical characteristics of plant owned or leased for use by the company. (See items 43-f and 83-l.)	Until record is superseded or 6 years after plant is retired, provided mortality data are retained (M-E).
40	Superseded maps, diagrams, tabular record sheets, and similar engineering records that have been redrawn, rewritten or otherwise replaced by records covered by item 39.	Optional, provided mortality data are retained (M).

Item No.	Description of records	Period to be retained
	Telegraph plant—Continued	
41	Records of periodic reconciliations of continuing property records and mortality summaries with detailed engineering or location records or physical inventories, including related summaries of units (or items) shown on the detailed records or inventories and supporting work papers prepared for the purpose of such reconciliations.	Permanently (M-25).
42	Engineering studies, plans, and related records in connection with advance planning of plant construction, maintenance, and retirements, not related to specific projects or proposed undertakings. This item includes such records as budgetary studies, annual or other provisional estimates and related construction programs, commercial surveys, forecasts of growth, general electrolysis studies, and other preliminary or advance studies and plans, with related work papers and memoranda, prior to the development of specific projects or proposed undertakings.	Until study or plan is superseded or obsolete (M).
43	Authorizations (or orders) and related records:	
	a. Authorizations by and applications and reports to governmental authorities in connection with plant extensions, construction programs, purchases, sales, or other plant changes, exclusive of permits covered by item 46-d.	10 years or such further period as may be required by the governmental authority involved.
	b. Engineering studies, plans, and work authorizations (including both original and supplemental) or orders, including estimates, routine orders, and other authorizations except service orders (see item 44), with related maps, diagrams, specifications, contract proposals, and estimates of costs or quantities prepared in connection therewith, pertaining to:	
	(1) Specific projects or undertakings that result in charges or credits to the plant accounts.	When required for determination of cost of plant retired, 6 years after plant is retired; otherwise, 10 years after completion of accounting for related project or undertaking (M-E).
	(2) Specific projects or undertakings that do not result in entries to plant accounts, including such records related to (a) projects which were abandoned before any part of the project was completed and (b) plant maintenance or other work not involving entries to the plant accounts.	6 years after completion of accounting for project or undertaking (M-E).
	c. Detailed memoranda or studies and related records prepared for the purpose of developing supporting details of projects or undertakings covered by item 43-b.	When required for determination of cost of plant retired, 6 years after plant is retired; otherwise, optional after approval of completion reports referred to in item 43-g (M-E).
	d. Summaries, recapitulations, or lists of work authorizations or completion reports, used as the basis for approval thereof but not used as a basis for entries to accounts. (See item 45-b.)	10 years (M).
	e. Administrative records and reports pertaining to the progress of work, the order in which jobs are to be completed, and similar records not used as a basis for entries to accounts.	Optional (M).
	f. Completed work prints or other records used as the basis for entries to the detailed location and engineering records covered by item 39.	When required for determination of cost of plant retired, 6 years after plant is retired; otherwise, 10 years after completion of accounting for related project or undertaking (M-E).
	g. Completion reports for estimates or other authorizations showing comparisons between the estimated and actual costs or quantities of plant constructed or retired and explanations of substantial variations and changes in plans.	Do.
	h. Estimate or other cost ledger sheets or similar records on which are recorded, in summary form or in detail, the entries for labor, material, transfers to plant in service, plant retired, and other charges and credits to plant accounts.	Do.
	i. Estimate or other cost ledger sheets or similar records used to record entries to expense or other accounts except plant accounts.	10 years.
44	Service orders (including contract, line or other orders used to establish, change, or discontinue service to customers), plant assignment, repair service, trouble, inspection, and testing records.	
	a. Copies of service orders used as a basis for entries to:	
	(1) Plant and expense accounts, that is, when used in lieu of, or when similar to basic work or material reports.	As provided for items 21-e, 56-a, and 45-a-(4) (M).
	(2) Revenue and receivable accounts and related accounting records.	3 years (M).
	(3) Customers' service records in business offices.	Optional (M).
	b. Card or other individual record of equipment "left-in" on premises of former customers.	Optional after reconnection or retirement of left-in equipment.
	c. Lists, cards, or other records of subscriber plant facilities, trunks, circuits, or other plant available for assignment or assigned, including records of working inter-office trunks, miscellaneous circuits, toll circuit layouts, and equipment associated with particular lines or circuits.	Until record is superseded or is retired from active file (M).

Item No.	Description of records	Period to be retained
	Telegraph plant—Continued	
	Service orders (including contract, line or other orders used to establish, change, or discontinue service to customers), plant assignment, repair service, trouble, inspection, and testing records—Continued	
	d. Lists or orders to connect, transfer, or disconnect trunks, circuits or subscriber plant facilities, not used as the basis for entries to accounts.	Optional (M).
	e. Tickets, log sheets, subscriber line cards, toll circuit trouble records or other forms used to report individual trouble reports and conditions found:	
	(1) Historical records, such as subscriber line cards and toll circuit trouble history records.	1 year after record is superseded or is retired from active file (M-E).
	(2) Other records	Optional (M).
	f. Lists or other records of plant defects, potential defects or unsatisfactory plant conditions, maintained as a basis for remedial work.	Optional after record is superseded or work is completed (M).
	g. Radio transmitting and receiving station log sheet or other station record showing when energized, changes in frequency, reports of trouble, results of routine tests, etc.	1 year or such further period as is required by the rules for radio operations (M).
45	Records of accounting for plant construction, maintenance, retirement, purchases, and sales (see also items 7, 8, 20, 21-e, 21-m, 56-a, and 57):	
	a. Detailed basic or underlying reports and other records from which all data affecting the accounts or property records have been transcribed to or summarized on other records retained in accordance with this List of Records (see item 45-b):	
	(1) Employees' work reports	As provided for item 21-e (M).
	(2) Memoranda of work done and time spent thereon, made by employees preliminary to and for use in preparing daily or other periodic work and material reports.	Optional (M).
	(3) Reports of material used and recovered	When required for determination of cost of plant retired, 6 years after plant is retired; otherwise, 3 years (M-E).
	(4) Reports of plant retired	3 years (M).
	(5) Vouchers and supporting papers, including bills for construction or other services performed by others.	As provided for item 20-b.
	(6) Service orders	As provided for items 21-e, 56-a, and 45-a-(4).
	(7) Reports of use of motor vehicles and other work equipment	3 years (M).
	(8) Reports of floor space occupancy, for distribution of house service expense.	3 years after report is superseded (M-E).
	(9) Copies of bills to others or billing authorizations, with supporting work papers.	6 years (M).
	(10) Reports of transfers of plant items or costs between locations or accounts.	Do.
	(11) Other detailed underlying records, not otherwise provided for in this List of Records. (See items 50-a, 50-b-(2), 55-i, 55-j, 55-n, and 55-q.)	3 years (M).
	b. Summary and distribution sheets, control and recapitulation forms and similar records used to summarize or distribute costs or quantities of labor, material and supplies, units (or items) of plant installed or retired, expenses of house service, motor vehicles, tools, plant supervision, engineering, sundry disbursements and other details of the entries to plant and expense accounts, continuing property records, or cost records of estimates or other work authorizations:	
	(1) Voucher distribution registers and summaries	As provided for item 20-a.
	(2) Other summaries and distributions:	
	(a) Affecting maintenance and operations only	10 years.
	(b) Affecting plant	Permanently.
	c. Tabulating cards and similar media (see item 28) used in assembling or computing data and obtaining totals thereof.	Optional (M).
	d. Work sheets or other records showing development of average hourly labor costs or other distribution or clearance rates used in distributions shown on records covered by item 45-b.	Same period as related summary or distribution records.
	e. Lists of retirement unit costs, work sheets used in developing such costs, and work papers or engineering studies used in developing (a) preliminary unit costs underlying retirement unit costs or (b) estimated costs of plant retired.	Permanently.
	f. Summaries or similar records of plant quantities or costs and related data, not used as a basis for entries to accounts or continuing property records, prepared for:	
	(1) Entries to tax district records or reports	6 years (M).
	(2) Entries to estimate or other cost records for work authorizations or orders.	6 years.
	(3) Statistical, informational or other administrative reports	Same period as the reports to which they relate.
	g. Original cost and reserve studies, work sheets, correspondence, and memoranda related to accounting for purchases or other acquisitions of plant from predecessors, not provided for elsewhere in this List of Records. (See items 8-e, 35 to 39, 43-a, 43-b 46-a, and 50-a.)	Permanently (M-25).
	h. Original cost and reserve studies, work sheets, correspondence, and memoranda related to accounting for sales of plant.	10 years.

Item No.	Description of records	Period to be retained
	Telegraph plant—Continued	
	Records of accounting for plant construction, maintenance, retirement, purchases, and sales (see also items 7, 8, 20, 21-e, 21-m, 56-a, and 57)—Continued	
	i. Records pertaining to reclassifications of plant accounts, to conform with prescribed systems of accounts or for other purposes, including supporting papers showing the bases for such reclassifications.	Permanently.
46	Contracts, agreements, permits, licenses, and rights:	
	a. Contracts or agreements relating to construction, purchase or other acquisition, or sale, removal or other disposal of communication plant:	
	(1) Contracts for the acquisition from predecessors of substantially complete operating systems.	Do.
	(2) Other contracts and agreements	6 years after retirement of property to which they relate.
	b. Contracts or agreements for joint ownership or joint use of telegraph plant.	6 years after expiration or cancellation.
	c. Contracts or agreements relating to maintenance of telegraph plant, house service, delivery of material and supplies, and servicing or hire of motor vehicles or other work equipment.	6 years after termination of contract or agreement.
	d. Permits, privileges, or rights:	
	(1) Permits, privileges, licenses (other than as provided for item 48-c) or rights of a temporary nature from municipal or other governmental authorities or others, copies of related applications and correspondence.	1 year after expiration or cancellation of permit, etc. (M-E).
	(2) Continuing and limited-term permits or other authorizations from governmental authorities or others.	3 years after expiration, cancellation, or abandonment (M-E).
	(3) Copies of permits or granted applications for the use of facilities by others, together with notices of cancellation.	1 year after expiration or cancellation (M-E).
	(4) Applications from others for the use of facilities not granted and copies of applications to others for such use not granted.	Optional (M).
	e. Leases or other agreements covering rentals of property to or from others.	6 years after expiration or cancellation (M-E).
	f. Bids, offers, correspondence, and memoranda relating to contracts or agreements or to contract proposals:	
	(1) When necessary for a proper or complete understanding of a resulting contract or agreement. (See item 6-in.)	Same period as for the related contract or agreement.
	(2) When not so necessary	Optional (M).
47	Summaries, reports, studies, and analyses of plant results, performance, personnel, working practices, or plant conditions, etc., prepared for administrative purposes only, together with related supporting and working papers not separately provided for in this List of Records. This includes such records related to (a) plant troubles, by major classes of plant or particular plant items or kinds of trouble, (b) force requirements and results, (c) accident prevention, (d) types or ages of motor vehicles or other equipment, (e) performance of various types or items of equipment or other plant, (f) wages and other costs, and (g) other matters or conditions affecting plant work operations or results. (See items 22, 23, 101, 104, and 106-b.)	Do.
	NOTE: This item does not include engineering studies covered by items 42, 43-b, and 43-c nor any records used as a basis for entries to accounts or other records required to be retained for a period specified herein.	
48	Miscellaneous records related to plant administration:	
	a. Departmental personnel records and reports of employment office activities (see items 22-a and 22-b), including employees' identification cards, building passes and records thereof (see item 22-h).	Do.
	b. Receipts or records pertaining to delivery to employees of articles to be returned or accounted for. (See item 106-f.)	Optional after articles have been returned or accounted for (M).
	c. Licenses for operation of motor vehicles and records thereof	Optional (M).
	d. Training programs, schedules, and material. (See item 23-e.)	Do.
	e. Administrative routines, circulars, handbooks or other general instructions to employees.	As provided for item 23.
	f. Instructions covering performance of specific work operations. (See item 23-f.)	Optional (M).
	g. Work programs, progress reports, etc., prepared solely for informational or supervisory purposes. (See item 106-h).	Do.
	h. Organizational charts, conference programs and related material. (See item 106-k.)	Do.
	i. Reports of insurance inspections and related recommendations. (See item 12-g.)	3 years (M).
	j. Reports and other records of investigation of damage to or loss of property of the carrier or of others and records of watch and guard and detective services:	
	(1) Used as a basis for claims against others	6 years after settlement or abandonment of claim. (M-E).
	(2) Related to claims or possible claims against the carrier	6 years after settlement or rejection of related claims, or after date of papers if no claim is presented (M-E).
	(3) Other records	Optional (M).
	k. Records related to compliance with governmental directives, authorizations, and orders, not elsewhere provided for (see item 106-n).	Such period as may be prescribed by related governmental requirements; otherwise, optional (M).

Item No.	Description of records	Period to be retained
	Telegraph plant—Continued	
	Miscellaneous records related to plant administration—Continued	
	i. Miscellaneous records, studies, or reports not otherwise provided for and used for administrative purposes only.	Optional (M).
49	Depreciation and amortization:	
	a. Schedules or lists of authorized depreciation or amortization rates.	Permanently (M-25).
	b. Studies, memoranda, and work sheets supporting computations of depreciation and amortization rates or expenses, including development of estimated service lives and salvage values.	Do.
	c. Mortality records:	
	(1) Continuing record of age distribution of mortality items in service and retired.	Permanently.
	(2) Underlying summaries of mortality items added and retired	10 years.
	d. Analyses, ledgers, or other historical records of the depreciation and amortization reserve accounts, including segregations of the reserves according to classes of plant or other subdivisions and segregations of charges and credits according to source or nature of entry.	Permanently.
	e. Reserve studies in connection with accounting for	
	(1) Purchases	Permanently (M-25).
	(2) Sales	10 years.
	f. Theoretical reserve studies, not covered by item 49-e, including any related work sheets or other records prepared in connection therewith.	Until superseded or obsolete (M).
	g. Records prepared to support depreciation expense claimed in income tax returns.	Such period as may be prescribed by related governmental requirements: otherwise, 6 years after settlement of tax liability.
50	Inventories, appraisals, and separations:	
	a. Inventories and appraisals, or work papers, showing development of purchase or sale price of plant, or used as a basis for accounting therefor:	
	(1) Purchases	Permanently (M-25).
	(2) Sales	10 years.
	b. Other inventories, appraisals, or valuations of the company's plant, including all work papers, reports, studies, memoranda, and other underlying records prepared in connection therewith:	
	(1) When results have been furnished to regulatory or other governmental authorities, but not used as a basis for entries to accounts or property records.	10 years after completion of any formal proceedings; otherwise, 10 years (M-E).
	(2) When results have been used as a basis for entries to plant accounts or property records.	Permanently.
	(3) Used for other purposes	Until superseded or obsolete (M).
	c. Separation studies of property, revenues, or expenses, including underlying summaries, reports, or work papers prepared therefor:	
	(1) Used for divisions of revenues or other settlement with transportation and other carriers.	Until completion of second following study.
	(2) Used for other purposes	Until superseded or obsolete (M).
	Material and supplies	
55	Purchases, sales, and repairs (including conversion or remanufacture):	
	a. General contracts with affiliated companies for the purchase, sale or repair of material and supplies.	25 years after expiration or cancellation (M-10).
	b. Other contracts or agreements for purchase, sale, or repair of material and supplies. (See item 46-c.)	6 years after expiration or cancellation (M-E).
	c. Bids, offers, copies of acceptances, correspondence, and memoranda relating to contracts, agreements or proposals for purchase, sale, or repair of material and supplies:	
	(1) When necessary for a proper or complete understanding of a resulting contract or agreement.	Same period as for the related contract or agreement.
	(2) When not so necessary	Optional (M).
	d. Studies, forecasts, and advices of probable future requirements for material and supplies.	Until superseded or obsolete (M).
	e. Advices, requisitions or memoranda from storekeepers or others used as basis for preparing purchase orders, requisitions on suppliers, or orders for sale or other disposition of material and supplies.	Optional (M).
	f. Copies of purchase orders or requisitions on suppliers used as record of unfilled orders or for other administrative purposes.	Do.
	g. Acknowledgments of receipt of orders, notices of shipments, packing slips, copies of shipping instructions and bills of lading, lists or reports of unfilled orders or requisitions and records used in tracing orders or shipments.	Do.
	h. Shipping or delivery receipts or acknowledgments, including copies of purchase orders or requisitions used therefor, or other records of receipt of material and supplies shown on invoices or bills.	1 year (M).
	i. Detailed invoices or bills for material and supplies purchased and credit memoranda covering scrap or material and supplies sold or returned for credit, together with any related lists, indexes, registers and records of claims or adjustments, when all basic data thereon affecting the accounts or property records are transcribed to or summarized on other records retained in accordance with this List of Records. (See items 55-j and 57.)	6 years, except as provided for item 55-j (M).

Item No.	Description of records	Period to be retained
	Material and supplies—Continued	
	Purchases, sales, and repairs (including conversion or remanufacture)—Continued	
	j. Detailed invoices and credits and supporting records (or a true copy thereof) for material and supplies purchased or sold:	
	(1) If required for determination of cost of plant retired	6 years after plant is retired (M-E).
	(2) If the basic data thereon affecting the accounts or property records have not been transcribed to or summarized on other records retained in accordance with this List of Records. (See items 45-b, 55-b, 57, and 58-d.)	Permanently.
	k. Suppliers' price catalogs or price lists, lists of standard items or specifications of material and supplies, and price lists for repairs (one file copy).	
	(1) Pertaining to principal supplier	Do.
	(2) Others	6 years after superseded or obsolete (M-E).
	l. Price records or memoranda and indexes of purchases, exclusive of records covered by item 56-b.	Optional (M).
	m. Freight and express bills covering charges on material and supplies.	As provided for item 20-b.
	n. Copies of shipment or returned material notices or lists of material and supplies delivered to suppliers or others for inspection, repair, conversion, storage, or other disposition, and requisitions or other records of such material and supplies returned therefrom:	
	(1) Used as a basis for entries to accounts or property records, when all basic data on these detailed records are transcribed to or summarized on other records retained in accordance with this List of Records. (See item 57.)	6 years, except as provided for item 55-n-(2) (M).
	(2) When required for determination of cost of plant retired	6 years after plant is retired (M-E).
	o. Copies of shipment or returned material notices or lists used in tracing for credit or acknowledgment of receipt or for other auditing or administrative purposes.	Optional (M).
	p. Authorizations for sale of scrap, surplus or other material and supplies, and reports of disposition thereof.	As provided for item 56-a.
	q. Invoices or bills and related salvage credits for repairs of material and supplies.	6 years (M).
	r. Records of inspections and tests of material and supplies received	Optional (M).
	s. Studies related to development, standardization, and nomenclature of new or improved items of material and supplies.	Do.
56	Material and supplies issued (or disbursed) and recovered.	
	a. Detailed basic or underlying reports or records of material and supplies issued, used, junked, lost, stolen or otherwise disbursed, recovered, returned to stock, or transferred between locations or accounts, showing quantities or costs and used as the basis for entries to accounting summaries or property records:	
	(1) When all basic data thereon affecting the accounts or property records have been transcribed to or summarized on other records retained in accordance with this List of Records. (See item 57.)	3 years, except as provided for item 56-a-(2) (M).
	(2) When required for determination of cost of plant retired	6 years after plant is retired (M-E).
	b. Lists or other records of unit prices or unit costs for material and supplies issued or recovered, including studies, memoranda, special summaries or other records prepared in connection with the development of such unit prices or unit costs:	
	(1) Affecting maintenance and operations only	10 years (M).
	(2) Affecting plant	Permanently.
	c. Reports, summaries, studies or other records used for administrative purposes only and not as a basis for entries to accounts or other records required to be retained for a period specified herein, including lists of articles required by field forces, records of forms used and on hand, receipts for or other records of material loaned from supply stocks, and delivery instructions or reports.	Optional (M).
57	Summary and distribution sheets, etc. (see Item 45-b), used to summarize or distribute quantities or costs involved in accounting for purchases, issues or disbursements, recoveries, returns, repairs, sales, transfers, or other transactions related to material and supplies.	As provided for item 45-b.
58	Inventories and stock records:	
	a. Annual or other periodic inventories of material and supplies used as a basis for adjustments of accounts, with record of related adjustments.	Until results of second following inventory have been entered in the accounts (M).
	b. Stock cards, inventory cards, and other detailed records pertaining to the taking of inventories, summarized in records covered by Item 58-a.	Until results of first following inventory have been entered in accounts (M).
	c. Minor or special inventories of particular items and related detailed records, reports, or memoranda, not used as a basis for adjustments of accounts.	Optional (M).
	d. Material ledgers or continuing inventory records showing quantities or costs involved in transactions affecting the balance in the account for material and supplies, when such records are used:	
	(1) As a basis for developing unit prices for material issued or recovered.	Records affecting maintenance and operations only, 10 years; records affecting plant, permanently.
	(2) As a basis for adjustments of accounts resulting from inventories.	Do.

Item No.	Description of records	Period to be retained
	Material and supplies—Continued.	
	Inventories and stock records—Continued.	
	e. Stock cards, ledger sheets, or other records of material and supplies in custody of suppliers or agents.	6 years after record is superseded or custodianship is terminated (M-E).
	f. Stock or inventory records of stock on hand at particular locations not used as a basis for entries to accounts.	Optional (M).
	Operations	
60	Contracts with subscribers and customers. Contracts for private wires, communication systems, time service, use of equipment, stock and other market reports and other services; also applications utilized as such.	1 year following termination (M-E).
61	Records of customers. Service records of customers showing name, address, telephone number, office call and details of services maintained for general reference.	Optional (M).
62	Service orders and other billing authorizations:	
	a. Completed service orders and similar records, notices of completion of service orders and other authorizations used as basis for billing to customers and miscellaneous debtors or for entries to records used in such billing. (See items 70-a and 70-d.)	3 years (M).
	b. Other copies of service orders and similar records	As provided for item 44-a.
63	Telegrams and other message records. (See particularly section 46.8 of this part.)	
	a. Telegrams (other than ship messages) and cablegrams.	
	(1) All classes of original filed telegraph and cable messages transmitted at published tariff rates, including transcripts of messages received over telephone for transmission.	6 months (M).
	(2) Tissue or carbon copies made at destination offices of messages covered by 63-a (1) above.	Do.
	(3) Original filed messages transmitted for transportation carriers in compliance with terms of contracts; also tissue or carbon copies of such messages made at destination offices.	1 year (M).
	(4) Service messages relating to public messages, including tissue or carbon copies of such messages made at destination offices, and copy or record of advice to customer, as necessary, to complete an individual telegraphic transaction.	Optional (M).
	(5) Original filed messages transmitted free or at reduced rates for employees and others; also tissue or carbon copies of such messages made at destination offices.	3 years (M).
	(6) Relay messages, not including those made at connecting line points for transfer to other telegraph communication carriers.	Optional (M).
	(7) Message tape and similar media for transmitting messages:	
	(a) When used as an original message (e. g., tape from a tape-printer-connected customer).	Same period as for other original message of similar classes (M).
	(b) When used as relay copy (i. e., when the original message is otherwise retained).	Optional (M).
	(8) Stubs of, or carbon copies of, messages received over telephone	Do.
	b. Ship messages:	
	(1) All classes of original filed ship messages (meaning messages transmitted by maritime mobile stations), transmitted at public tariff rates; also tissue or carbon copies of such messages made at coast and ship destination stations.	6 months (M).
	(2) Service messages relating to public messages; also tissue or carbon copies of such messages made at coast and ship destination stations.	Do.
	(3) Original filed messages transmitted for ship owners in compliance with terms of contracts (masters' service messages); also tissue or carbon copies of such messages made at coast and ship destination stations.	15 months (M).
	(4) Original filed messages transmitted free or at reduced rates other than those covered by item (3) above; also tissue or carbon copies of such messages made at coast and ship destination stations.	3 years (M).
	NOTE: The furnishing of original filed messages to the United States Government in support of bills and to transportation carriers in support of settlement under contract shall not be considered a violation of these rules and regulations.	
	c. Telephone local and toll tickets:	6 months (M).
	(1) Telephone toll tickets, and statements forming basis of charges to subscribers and others.	Optional (M).
	(2) Uncompleted tickets, lost-call tickets, messenger-service tickets, appointment tickets, and tickets for emergency calls, official calls, and test calls.	Do.
	(3) Records of receipt of toll tickets, toll statement stubs, toll ticket memoranda, guide cards, and reports and memoranda relative to investigations and correction of tickets.	1 year (M).
	(4) Statements and summaries of measured service tickets and register readings.	Optional (M).
	(5) Measured service tickets, local message tickets, and register reading tickets or statements if summarized in records covered by item (4) above.	Do.
	(6) Tickets and statements for check error purposes	

Item No.	Description of records	Period to be retained
	Operations—Continued	
64	Tariffs, rate schedules, and other rate authorities:	
	a. Official (or general) file copy of all tariffs, rate sheets or schedules, or other rate authorities covering services or facilities furnished, together with maps, tables, charts, etc., referred to therein or made a part thereof.	6 years after expiration or cancellation. (See also item 10-e.) (M-E).
	b. Copies of tariffs, rate sheets or schedules, or other rate authorities maintained at business offices, agencies, etc., for public information or reference.	Until superseded or canceled.
	c. Other copies of tariffs, rate sheets, maps, etc., used in computing or checking charges shown on service orders or other billing authorizations and tables or other records used in computing or quoting message charges, taxes, fractional monthly service charges, etc.	Optional (M).
	d. Requests and receipts for copies of tariffs, rate sheets, etc., inquiries and copies of replies relative to rates.	Do.
	e. Copy of each concurrence in tariffs or other rate authorities filed with regulatory bodies.	6 years after cancellation or supersedure (M-E).
	f. Working papers, rate studies, and memoranda in connection with the compilation of tariffs, rate sheets, etc., or rate proposals published or filed with regulatory authorities.	3 years after rate becomes effective or rate proposal is denied (M-E).
	g. Rate studies, cost memoranda, rate proposals and quotations relating to specially engineered or assembled facilities or services for which the special charges involved are not specifically stated in tariffs or other rate authorities.	3 years after charge becomes effective; if superseded or withdrawn, optional (M).
	h. Rate studies, correspondence and memoranda related thereto not covered by items 64-f and 64-g.	As provided for item 25-b.
65	Franks and message passes and reduced rate coupons:	
	a. Copies of orders on printer; records of receipts and distribution of franks, etc., and disposition of unused stocks.	6 years (M-3).
	b. Records of franks, etc., issued and requests and copies of requests therefor.	Do.
	c. Records of franks received from other companies	Do.
	d. Used franks, message passes and coupons if complete record of issue is maintained as provided in item 65-b.	6 months.
	e. Unexpired, surrendered, or partially used franks, etc.; void, unused, and unissued franks, etc.	1 year after current year.
	f. Reports and records of franks, etc., collected or honored and of free messages handled.	3 years.
	g. Reports of reduced rate messages	Do.
66	Telegraph, cable, and wireless identification cards:	
	a. Records of identification cards issued	3 years.
	b. Returned and withdrawn identification cards	1 year after current year.
	c. Unused and unissued identification cards	Do.
67	Transportation carrier passes:	
	a. Record of or copy of requests for transportation issued free or subject to reciprocal arrangements.	3 years.
	b. Record of passes received	Do.
	c. Record of pass identification forms issued	Do.
	d. Record of use made of passes	Do.
68	Receipt and delivery of telegraphic communications:	
	a. Register of messages filed, picked up and delivered, and charge slip memoranda.	6 months.
	b. Messenger delivery sheets and delivery route lists	Do.
	c. Call box directories and record of individualized after-hour and special delivery instructions, including unpack of coded addresses.	Optional.
69	Telegraph and cable office reports:	
	a. Records and reports of receipts, expenses, and balances summarized by the offices into monthly or other periodic reports similar in character and detail:	
	(1) Utilized individually as a direct source of entry to subsidiary or general ledger and required controls.	Permanently (M-10)
	(2) Utilized for preparation of journals and for administrative or other statistical purposes.	6 years (M-3).
	(3) When further summarized by office groups	3 years (M).
	b. Summaries of telegraph and cable office reports:	
	(1) Utilized as a direct source of entry to subsidiary or general ledgers and required controls.	Permanently (M-10).
	(2) Utilized for preparation of journals and for administrative or other statistical purposes:	
	(a) Summaries of revenues and receipts and revenue abatements.	6 years (M-3).
	(b) Summaries of disbursements, i. e., voucher distributions	Permanently (M-10).
	c. Schedules supporting reports showing details essential to accounting analysis and for administrative purposes.	3 years (M).
	d. Record of adjustments of errors with manager, agents, cashiers and other employees for revenue expense and other items.	Do.
70	Customers' billing and other accounts receivable records:	
	a. Record of service and equipment or other continuing record of services or facilities furnished, used as a basis for bills to customers.	For active accounts, 3 years after record is superseded; for discontinued accounts, 1 year (M).
	b. Telephone tickets, original telegrams or other detailed records bearing charge information.	6 months (M).

Item No.	Description of records	Period to be retained
	Operations—Continued	
	Customers' billing and other accounts receivable records—Continued	
	c. Records of individual accounts with customers and collectors, including ledgers or records used in lieu thereof such as accounting stubs or copies of bills or statements issued.	1 year after payment or other disposition of account or accounts covered by each stub or other individual record (M).
	d. Records of accounts with miscellaneous debtors other than customers including bill ledgers or copies of bills.	Do.
	e. Record or register of bills and summaries of distribution of credits through bills:	
	(1) If posted direct to general ledger	Permanently (M-10).
	(2) If used in preparing journals	3 years (M).
	f. Record of installment repayments and balances with individual employees related to company financed loans.	Do.
	g. Detailed record of adjustments of customers' or patrons' accounts including authorizations for refunds, adjustment vouchers, or other authorizations to correct charges due to errorss, ervice failures, etc.	Do.
	h. Uncollectible vouchers or other authorizations for writing off customers accounts and other records and reports pertaining thereto.	6 years (M).
	i. Work papers used in development of estimates of uncollectible charges.	3 years after estimate is superseded (M-E).
	j. Copy of complaint incident to suing on uncollected account	10 years after completion of proceeding (M-E).
71	Collection reports and records:	
	a. Bill or memorandum stubs representing payments by customers or others, itemized lists, collection notices, and other detailed reports or records of collections of revenues, accounts receivable, and miscellaneous cash receipts (including receipts from restaurants and vending machines):	
	(1) Used as a basis for entries to accounting records and summarized or detailed in daily or other periodic cash reports. (See item 17-a.)	1 year (M).
	(2) Used as a basis for administrative records or collection treatment of individual accounts.	Optional (M).
	b. Remittance or transmittal lists or forms (including adding machine tapes) covering records included under item 71-a-(1), used as a basis for entries to accounting records or summaries. (See items 24-c and 25-d.)	3 years (M).
	c. Inter-office memoranda of individual items collected, together with required accounting controls.	1 year.
	d. Records of individual accounts used only in administration of collections, including records of credit ratings, classifications or investigations. (See item 70-c.)	Optional (M).
	e. Records of credit cards issued	1 year after expiration or cancellation (M-E).
	f. Statements or reports of age or status of uncollected accounts	1 year (M).
	g. Correspondence and memoranda relative to collection of revenues or accounts receivable, including requests for explanation of items on bills or status of account and memoranda of investigations thereof, correspondence covering routine or special collection treatment, forwarding addresses for bills, and similar matters:	
	(1) When necessary for a proper or complete understanding of another record.	For the period prescribed for the record to which it relates.
	(2) When not so necessary	Optional (M).
	b. Agreements covering payments of uncollected final accounts	Optional after account is paid or, if uncollectible, 3 years after account is written off (M).
	i. Subsidiary cash records or cash books covering collections of revenues and accounts receivable from customers and others:	
	(1) Used to summarize reports of cash receipts (see items 17-a, 69-a-(2), and 71-b for preparation of journal entries.	6 years (M).
	(2) Used as detailed records of collections from customers or others	As provided for item 71-a.
	j. Receipts and others records covering handling and transportation of funds collected; collection office memoranda of collections, deposits, and remittances; and miscellaneous administrative records pertaining to collection of revenues, accounts receivable and miscellaneous cash receipts; not used as a basis for entries to accounting records. (See items 16-a, 17-a, 70-c, and 71-a-(1).)	Optional (M).
72	Settlements with other communication carriers:	
	a. Records pertaining to settlement of revenues and other charges with other communication carriers.	6 years (M-3).
	b. Statements, summaries and memoranda pertaining to the record of messages interchanged if summarized in records covered by 72-a.	6 months (M).
*73	Settlements with transportation carriers:	
	a. Monthly, annual or other periodical settlement with transportation companies made in accordance with contracts or agreements.	6 years (M-3).
	b. Summary reports of receipts and expenditures at offices on lines of transportation companies.	Do.
*74	Errand service records	For the same periods prescribed under item 68 for comparable records pertaining to messages.

Item No.	Description of records	Period to be retained
	Operations—Continued	
75	Stock and commercial news including ticker service:	
	a. Applications, service orders and other similar records, billing authorizations and reporting schedules as provided in items 45-a-(6), 60, 61, 62, 69-c and 70-a.	As separately provided for herein.
	b. Start and stop orders	6 months (M).
	c. Bulletins relative to special services	Optional (M).
	d. Tariff rate schedules and other rate authorities as provided in items 10-e and 64.	As separately provided for herein.
	e. Contracts with commodity and other exchanges and other news sources (as provided in item 6-j).	6 years after termination (M-E).
	f. Summary statements covering settlements with news sources	6 years (M-3).
76	Time services:	
	a. Service order copies, billing authorization and reporting schedules	As provided for items 61, 62 and 69-c.
	b. Catalogs and other rental lists and advices	3 years (M).
	c. Contracts with clock manufacturer (as provided in item 6-j)	6 years after termination (M-E).
	d. Summary settlements with clock manufacturer pertaining to division of collections and expense.	6 years (M-3).
	e. Reporting schedules and other detail if summarized as provided in item 76-d.	3 years (M).
77	Telegraphic money orders:	
	a. Applications for transfer	Do.
	b. Draft, check, payee's receipt, or other similar evidence of completion of transaction.	3 years (M).
	c. Money order messages, including service messages, billing memoranda, advices to senders, and copies of notices to payees.	6 months (M).
	d. Cipher sheets, official copies	1 year after expiration (M-E).
	e. Record of excess orders	Optional (M).
	f. Record of settlements with forwarding banks, other agents and foreign administrations.	3 years.
	g. Summaries and detailed records incident to and resulting from authentication of payment of individual transactions.	3 years (M).
	h. Record of unpaid orders	Permanently (M-10).
78	Remittance orders:	
	a. Record of orders sold and of drafts or checks issued in exchange for funds deposited, and summaries or other detailed records incident to accounting analysis and controls.	Optional (M).
	b. Drafts or checks sold or exchanged	3 years (M).
79	Express orders and travelers' cheques:	
	a. Contract with American Express. (See item 6-j.)	6 years after termination (M-E).
	b. Accounting summaries and detailed records necessary to establish basis for settlement with Express Company.	6 years (M-3).
	c. Statements, summaries and memoranda pertaining to settlements with Express Company if summarized in records covered by 79-b.	1 year.
80	Taxes collected from customers and others:	
	a. Copies of tax returns and supporting statements filed with taxing authorities.	Such period as may be prescribed by related governmental requirements; otherwise, 6 years after settlement of tax liability (M-E).
	b. Special summaries of taxes and related data, used in compiling data for tax returns.	Do.
	c. Lists or other separate detailed records of taxes billed to or collected from individual customers or others.	Such period as may be prescribed by related governmental requirements; otherwise, optional (M).
	NOTE: This item does not include message tickets, individual account records, or other records separately provided for in this List of Records.	
	d. Certificates or other special records of tax exemptions	Do.
81	Advertising and information:	
	a. Copies of advertisements or other records of advertising in newspapers, magazines, and other publications, showing name of publication, nature of advertisement, etc.	3 years (M).
	b. Other public information material, including press releases, booklets, radio programs, films, etc.	1 year (M).
	c. Correspondence and memoranda related to requests from public for information material, historical and scientific data, and explanations of company's policies or practices. (See item 64-d.)	Optional (M).
	d. File copies and circulation records of publications issued by the company and other distribution lists for release of information material.	Do.
	e. Administrative studies or other records of material and services or advertising media used in operation of advertising and information services.	Do.
	f. Studies, surveys, analyses, correspondence and memoranda used in developing material for advertising and information purposes.	Do.
	g. File copies of publications, films, and other information material issued to employees.	Do.
	h. Contracts and agreements in connection with advertising and information services.	6 years after expiration or cancellation (M-E).
	i. Copyright applications and certificates	As provided for items 11-c and 11-d.

Item No.	Description of records	Period to be retained
	Operations—Continued	
82	Administrative summaries, reports (exclusive of those covered by item 100), studies, analyses, plans, work programs, estimates, charts and similar records of results, performance, personnel, and working practices or conditions, etc., used for administrative purposes only and not as a basis for entries to accounts or other records required to be retained for a period specified in this List of Records, together with related supporting and working papers not separately provided for herein. This includes such records related to volume of business, operating loads and other work volumes, production, and quality, force requirements and adjustment, work schedules and assignments, service observation and results, employment, training, organization, working conditions, salary and wage schedules, accident prevention, and other administration of personnel and work performance; studies of new or improved methods; and departmental administrative expense reports, analyses, budgetary studies and estimates. (See items 22, 23, 47, 48, 83-j, 100 to 104, and 106-b.)	Optional (M).
83	Miscellaneous operating records:	
	a. Logs and records maintained of circuit failures, substandard equipment and circuit functioning, line insulation and other tests, customers' trouble calls, measurements and other data regarding carrier pair, varioplex, subscriber, and other circuit and equipment interruptions and failures, service, tests, observations, and other monitorial records and reports; and authorized wire and circuit assignments.	Optional, except as provided in item 44-g (M).
	b. Cable ship and depot logs of ship operations, cable interruptions, breaks, repairs and electrical measurements.	Optional (M).
	c. Maps, drawings, reports, and other records of subscriber plant facilities, trunks, circuits, or other plant available for assignment or assigned. (See item 44-c.)	Until record is superseded or is retired from active file (M).
	d. Tickets, correspondence, or other records of complaints or criticisms from customers, together with records of investigation and disposition thereof, related to:	
	(1) Claims of damages due to service fault	As provided for item 13-a.
	(2) Claims of overcharges, whether or not resulting in refunds or adjustments of accounts receivable. (See item 70-g.)	1 year (M).
	(3) Not involving claims of damages or overcharges	Optional (M).
	e. Copies of purchase orders, requisitions, transfer reports, returned material notices, sale or junk orders, or other records of furniture and other office or work equipment, material and supplies, stationery, or office supplies used only in administration of such property or activities, not as a basis for entries to accounts or property records. (See items 55, 56, and 58.)	Do.
	f. Work programs, schedules, and assignments	Optional, except as covered by item 21-e (M).
	g. Basic detailed reports or records of time or work paid for	As provided for item 21-a.
	h. Memoranda of work done and time spent thereon, made by employees preliminary to and for use in preparing detailed reports or other records used as the basis for entries to accounts. (See item 45-a-(2).)	Optional (M).
	i. Photographs, drawings, maps, or similar records of buildings or other plant or equipment, floor plans or office layouts, used for informational or administrative purposes only and not as property records covered by item 39.	Do.
	j. Underlying statistical records of messages, telephones, and other data relative to volume of business or work performed, used as the basis for preparation of administrative summaries, reports, studies, etc., covered by items 82 or 101.	Do.
	k. Confidential codes, official copies	Permanently.
	l. Reports and records of watch and surveillance service including investigations of stolen property, robberies and frauds.	As provided for item 48-j.
	m. Number sequence records of messages transmitted or otherwise handled.	Optional.
	n. Records of operations other than communications common carrier operations.	For the same periods as provided herein for similar records.
	Reports, statistics and miscellaneous	
100	Monthly, annual, and other periodic administrative, financial, and statistical reports or statements regularly prepared to show the results of operations for the period and the financial condition of the company, for the information of officials. This includes the regular balance sheet and income statements, reports of operating revenues, expenses, and changes in plant, depreciation reserve, and surplus accounts, and general statistical reports of (a) quantities of plant owned or operated, (b) business handled, and (c) employees and wages:	
	a. Annual reports	25 years.
	b. Monthly and other periodic reports	6 years.

Item No.	Description of records	Period to be retained
	Reports, statistics and miscellaneous—Continued	
101	Miscellaneous statistical, narrative, and descriptive reports, statements, analyses, studies, charts, summaries, or estimates, not provided for elsewhere in this List of Records, prepared for use by the company's officials or other employees for administrative or informational purposes and not used as a basis for entries to accounts. (See items 82, 83-j, and 104.)	Optional (M).
102	Reports to stockholders:	
	a. Annual reports or statements	Permanently.
	b. Quarterly and other statements of earnings, etc. (See item 4-o)	6 years (M).
	c. Stockholders' acknowledgments of receipt of reports and requests for copies of reports.	Optional (M).
	d. Other correspondence with stockholders relative to reports and statements furnished stockholders.	As provided for items 4-o and 25-b.
103	Reports to Federal and state regulatory commissions and other governmental authorities. (See notes A and B below.)	
	a. Annual report to regulatory commissions presenting general financial, operating, and statistical data.	Permanently.
	b. Other regular financial, operating and statistical reports to regulatory commissions.	3 years after current year (M).
	c. Special, occasional, and other reports:	
	(1) Reports of sales of securities and application of proceeds	Permanently, except optional after securities are redeemed, cancelled, or otherwise retired (M-10).
	(2) Other reports filed in compliance with rules or laws regulating issuance or sale of securities.	Do.
	(3) Reports of plant extensions, purchases, sales, and other plant changes. (See item 43-a.)	10 years.
	(4) Reports to taxing authorities	Such period as may be prescribed by related governmental requirements; otherwise, 6 years after settlement of tax liability (M-E).
	(5) Other reports to governmental authorities not otherwise provided for. (See item 10-d.)	3 years (M).
	NOTE A: Item 103 does not include administrative, financial, and statistical reports prepared for use by the company's officials, when copies are furnished to governmental authorities. Such reports are covered by Items 100 to 102, inclusive.	
	NOTE B: These reports shall be retained for any further period required by related statutes or regulations issued by the governmental authorities to which the reports are made.	
104	Supporting and working papers (or reports):	
	a. Supporting and working papers, exclusive of records provided for elsewhere in this List of Records. This item includes such statements, summaries, work sheets, cross-references to sources, instructions for preparation of reports and other papers prepared in connection with the compilation of reports covered by Items 100 to 103 as are necessary to trace or verify such compilation.	Same period as the reports to which they relate.
	b. Preliminary drafts, proofs, memoranda and other papers prepared in connection with compilation of reports which are not necessary to trace or verify such compilation.	Optional (M).
105	Tabulating cards and similar media (see item 28) used in compiling or assembling data for reports when the source records from which the data are obtained and the resulting printed sheets or other summary records are retained as provided in this List of Records. (See also item 29.)	Do.
106	Other records:	
	a. Reports to securities exchanges, filed in accordance with regulations of such exchanges.	Permanently (M-10).
	b. Departmental records and reports prepared for administrative purposes only (including such records of quantities and quality of work performed), not used as a basis for entries to accounts or other records required to be retained for a period specified herein.	Optional (M).
	c. Delegations of authority by officers or other employees, signature cards, and records thereof except as provided for item 16-h.	1 year after authorization is superseded or cancelled (M).
	d. Memoranda of and receipts for records temporarily removed from files.	Optional after records have been returned (M).
	e. Receipts and other records pertaining to registered, insured, and other mail, express, postage, stationery, and other office supplies; not used as a basis for entries to accounts.	Optional (M).
	f. Receipts and records pertaining to delivery to employees of articles to be returned or accounted for, such as badges, keys, tool kits, uniforms, instructions, safety paper, signature plates, etc.	Optional after articles have been returned or accounted for (M).
	g. Indexes of records not otherwise provided for herein	Until superseded or discontinued (M).
	h. Work programs, work and progress reports, or other statements of work planned or performed, prepared solely for informational or supervisory purposes and not used as a basis for entries to accounts or other records required to be retained for a period specified herein.	Optional (M).

Item No.	Description of records	Period to be retained
	Reports, statistics and miscellaneous—Continued	
	Other records—Continued	
	i. Records of securities held for employees:	
	(1) Receipts for securities delivered to employees, except as covered by item 106-m-(1).	6 years (M).
	(2) Other records	Optional (M).
	j. Records related to employees' contributions to welfare, charity and civic organizations, not provided for elsewhere.	Do.
	k. Programs, papers, notes and related material pertaining to meetings or conferences of administrative officials and other employees.	Do.
	l. Tickler or reminder cards or notes	Do.
	m. Records as issuing agent for United States Savings bonds:	
	(1) Duplicate bond stubs or other record maintained in lieu thereof (including receipts for bonds delivered).	Such period as may be prescribed by related governmental requirements; otherwise, 1 year (M).
	(2) Applications and pay-roll deduction authorization records	Such period as may be prescribed by related governmental requirements; otherwise, optional (M).
	(3) Other records	Do.
	n. Directives, authorizations, and orders from governmental authorities and related records resulting therefrom, not otherwise provided for in this List of Records. (Note particularly items 4-a, 4-b, 5-a, 10-b, 10-d, 10-e, 11-d, 103, 104, and 105.)	Do.

[F. R. Doc. 50-7309; Filed, Aug. 25, 1950; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 274]

[Controlled Rooms in Rooming Houses and Other Establishments, Rent Reg., Amdt. 271]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ILLINOIS, NEW JERSEY, PENNSYLVANIA AND OHIO

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. In Schedule C, Item 83, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Cook County, the Cities of Chicago and Evanston and the Village of Niles; and all unincorporated localities in the Counties of Cook, Kane, DuPage and Lake.

This adds to Schedule C the Village of Niles in Cook County, Illinois, a portion of the Chicago, Illinois, Defense-Rental Area, based upon a declaration made on August 10, 1950, by the local governing body of said Village of Niles in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

2. In Schedule C, Item 190, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Bergen County, the Cities of East Rutherford and North Arlington and the Borough of Fort Lee; in Hudson County, the cities of Hoboken, Jersey City, and Union City and the Township of North Bergen; in Union County, the Borough of Roselle; in Essex County, the City of Newark; in Morris County, the Township of Hanover; and in Monmouth County, the City of Long Branch,

This adds to Schedule C the Borough of Fort Lee in Bergen County, New Jersey, and the Township of North Bergen in Hudson County, New Jersey, portions of the Northeastern, New Jersey, Defense-Rental Area, based upon declarations made on August 14, 1950 and August 2, 1950, respectively, by the local governing bodies of said municipalities in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

3. The following new items are incorporated in Schedule C:

Name of Defense-Rental Area and State and Localities Affected by Declarations for Continuance of Rent Control After December 31, 1950

(191) Trenton, N. J.: In Mercer County, the city of Trenton; and all unincorporated localities in the counties of Hunterdon, Mercer, and Warren except the townships of Pahaquarry, Hardwick, and Frelinghausen.

(266) Philadelphia, Pa.: In Montgomery County, the borough of Pottstown.

(226b) Chillicothe, Ohio: In Ross County, the city of Chillicothe.

(269a) Scranton-Wilkes-Barre, Pa.: In Carbon County, the borough of Weatherly.

(272) Williamsport, Pa.: In Lycoming County, the city of Williamsport.

This addition to Schedule C is based upon (1) a declaration made on August 3, 1950 by the local governing body of Trenton, New Jersey, said City of Trenton being the major portion of the Defense-Rental Area, (2) declarations made on August 14, 1950 by the local governing bodies of Pottstown and Weatherly, Pennsylvania, and Chillicothe, Ohio, and (3) a declaration made on August 16, 1950 by the local governing body of Williamsport, Pennsylvania, all in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

Issued this 23d day of August 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-7439; Filed, Aug. 25, 1950; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 934]

[Docket No. AO-83, A 14]

HANDLING OF MILK IN LOWELL-LAWRENCE, MASS., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Lawrence, Massachusetts, on June 26, 27, and 28, 1950 pursuant to notice thereof which was issued on June 13, 1950 (15 F. R. 3940).

The material issues of record related to:

(a) Whether the payments to producers should be blended in a market-wide uniform price.

(b) The provisions to be included in an order providing for a market-wide pool. The evidence on this issue involved:

(1) Definition of "producer", "handler", "producer-handler", "pool plant", "city plant", "country plant", "outside milk" and other terms.

(2) Assignment of classified milk and milk products to receipts from producers and other sources.

(3) Determination of price differentials applicable to Class I and Class II milk at various distances from the market.

(4) Determination of the uniform price to producers with appropriate differentials.

(5) Basis of assessment on milk received from other Federal order market.

Findings and conclusions. Upon the basis of the evidence adduced at the hearing and on the record thereof, it is hereby found and concluded that:

(a) *Market-wide or dealer pool.* The payments by handlers for milk purchased from producers should be blended into a composite uniform price reflecting the value of milk disposed of by all handlers in the market. The dealer pool in the market maintained reasonably uniform prices during the war years when milk supplies were generally short in the region. During those years a high percentage of the milk delivered by producers was used in Class I by all handlers. With the recent increase in supplies of milk in the Lowell-Lawrence market and in the surrounding area, handlers with a relatively high Class I utilization have been able to attract producers from the fringes of the supply area who previously had received prices reflecting considerably more excess milk. Meanwhile, producers nearer to the market have at times been unable to find a market for their milk except as excess milk through the facilities of the local producers cooperative association.

The incentive on the part of handlers purchasing milk on a dealer pool basis to reach out to distant points to purchase milk lies in the possibility that the handler can obtain his entire requirements for Class I use from a region in which producers generally receive a surplus price for a substantial part of their milk deliveries. Producers in such an area are willing to sell to the high Class I use handler even though that handler may charge excessive hauling rates for farm to plant transportation. The disparity in prices paid producers by different handlers in the Lowell-Lawrence market has created a situation in which unwarranted variations in prices paid to farmers for milk results in unequal cost of milk to handlers and consequent instability in the market.

The evidence in the record indicates that handlers have been reaching out for milk supplies beyond the former boundaries of the milkshed. Some of the expansion is necessary to meet increasing fluid milk requirements in the market. However, the record indicates that some handlers purchasing milk at certain points enjoy a substantial competitive advantage over other milk buyers.

The proposed market-wide pool will provide that all handlers in the Lowell-Lawrence market pay a uniform price to producers at similar locations.

The marked difference between the uniform blend price paid to producers supplying the Boston market and the prices paid to certain dealers in the Lowell-Lawrence market invites the Lowell-Lawrence handler to impose on his producers higher hauling charges. The Boston and Lowell-Lawrence milk supply areas are intermingled and the larger Boston market draws considerably more milk from this overlapping area. The proposed market-wide pool provisions are designed to bring about alignment of prices paid producers at competitive points in each of these markets.

(b) From the evidence it is concluded that the proposed amendment providing for a market-wide pool as hereinafter set forth, meets the needs of the Lowell-Lawrence market and will tend to effectuate the declared policy of the act. The following findings and conclusions are made with respect to the applicable provisions of the marketing agreement and order:

(1) *Definitions.* The term "producer" should be defined in order to identify those dairy farmers who are considered the regular source of supply for the market and to whom the uniform market blended price should be paid. Determination of producer status should be made on the basis of delivery of milk from the producer's farm to a pool plant. Dairymen who deliver milk to pool plants in such a way that the milk is not available regularly to the market should be identified as "dairy farmers for other markets". The proposed method of determining which plants are pool plants is discussed later in this section.

The term "handler" should be defined so as to identify the operator of a plant as the person responsible for reporting the receipts and use of milk and for making required payments on such milk. The proposed "pool handler" definition fixes this responsibility for payments to producers on the operator of a pool plant at which the milk is received from farmers. The exception to permit handlers to divert milk from the plant at which it is regularly received to another plant temporarily although the producer is maintained on the payroll of the diverting plant should be continued.

The market administrator should be advised of the diversion promptly. This enables the administrator to verify the diversion and maintain the necessary check on the weights and tests of milk diverted.

The definition of "producer-handler" together with the definitions of "producer" and "handler" should identify which transactions of a person operating in both capacities are to be regarded as producer transactions and which are handler transactions.

All bulk milk delivered from a farm to a handler's plant, regardless of whether the dairy farmer is also a handler, should be regarded as a delivery by a dairy farmer. It was suggested at the hearing that dairy farmers who are also handlers be permitted to deliver a limited quantity of milk to another handler for processing on a price exempt basis. Several producers who have milk processed by handlers on an exempt basis at the present time opposed any limitation on this privilege.

The proposed market-wide pool provides that all producers delivering bulk milk to handlers in the market receive the same uniform blended price. Several dairy farmers would be required to accept a blended price under this plan whereas they have been receiving the full Class I price.

None of these dairy farmers or any other dairy farmers or handlers indicated at the hearing any objection to the exemption from pooling requested by the dairy farmers who deliver bulk milk to handlers for processing and return to the same farmers. The number of persons and the quantity of milk affected by this type of transaction is small and is apparently considered no threat to market stability by the persons who would participate in the proposed market pool. It is concluded, therefore, that dairy farmers who deliver milk to handlers for packaging and return to them be exempt at this time from pooling on that quantity of milk. If the exempt milk does grow to a volume which threatens market stability, we can expect those producers and handlers who are participants in the market pool to request immediate amendment to the order to limit the exemption.

The term "exempt milk" should be defined to identify the quantity of milk packaged by a handler for a dairy farmer.

The definition of "pool plants" as those which meet specific requirements is necessary to establish their relation to the market as a regular or reserve supply. The determination of pool plant status is the essential part of the determination by which dairy farmers are to be included in the market-wide pool.

Pool plant status was proposed for all city plants provided that 10 percent of the plant's total receipts of fluid milk products were disposed of in the marketing area. The 10-percent requirement for pooling permits fringe area handlers to avoid pooling if they have only a small part of their business in the area. Applicable licensing requirements of the local health authorities are a further condition of pooling for all plants defined as city or country plants. The proposed method for qualifying city plants is similar to that effective in the Boston, Springfield and Worcester markets. No objection to these requirements for qualification was indicated at the hearing. The proposed basis for qualifying city plants as pool plants should be adopted.

The supply area for the Lowell-Lawrence market is intermingled with the Boston supply area both near the market and in the country plant area. Country plants supplying other New England markets are located in the same general area. Since the number of milk plants located within an economic distance for shipment of milk to the Lowell-Lawrence market far exceeds the number required to provide an adequate supply to consumers in the area, it is important to establish standards which will identify a plant which is primarily supplying the Lowell-Lawrence Class I milk market.

One proposal made at the hearing would qualify country plants substan-

tially on the basis that 50 percent of the receipts from dairy farmers at such plant were shipped to city plants or directly to consumers in the market area during any of the months of October through February. Such a requirement would operate to include in the pool only country plants which are needed to supply Class I milk to the market in each of these five months to the extent of 50 percent of the plant receipts from dairy farmers.

Several witnesses opposed the condition that a country plant be required to ship 50 percent of its total receipts to the Lowell-Lawrence market during each of the months October through February in order to maintain pool plant status. One handler demonstrated that a plant which had shipped substantial quantities to the market on a regular basis would have been unable to qualify continuously under the 50-percent rule.

An alternative proposal that the handler satisfy a minimum requirement of 50 percent Class I milk at all plants was proposed by this handler. The counter proposal appears to contemplate a minimum Class I use which a handler would have to attain in order to participate in the pool. Utilization of only 50 percent of total milk receipts in Class I is far below the market average and appears to be unreasonably low except for a plant which functions only as a reserve supply for the market. The shipping requirement rather than the handler's Class I utilization appears to be the more reasonable method of determining which plants belong in the market pool.

The 50-percent figure may impose at times on certain handlers an obligation to ship unnecessary quantities of milk to the market in order to maintain qualification. Proponents of the 50-percent proposal observed that the handler could split his shipments with sales to the Springfield and Worcester markets. The reasonableness of this alternative is questionable in view of the distances between the markets and the fact that there is now no plant regularly supplying the Lowell-Lawrence market and either the Worcester or the Springfield market. Certain plants do supply the Lowell-Lawrence market and the Boston market but such plants are either Boston pool plants or receive only a Class II credit for milk sent to Boston.

In order to maintain price alignment between the Lowell-Lawrence and Boston markets, it is necessary to assure continued participation in the Lowell-Lawrence market of at least as much country plant milk as was supplied to the market during the first five months of 1950. In order to assure the continued inclusion of adequate country plant supplies in view of the increased receipts of milk at all plants in the region, the qualifying shipment percentage should be 30 percent for the months October through February.

The terms "city plant" and "country plant" are needed to differentiate the nearby plants which have direct distribution to consumers in the area and which are located within the direct distribution area from plants located in the marketing area. Plants located within 10 miles of the boundaries of the marketing area should be designated as "city plants". This area includes about the same territory as that covered by the current provisions of the order and will establish a fringe area of equal width at all points surrounding the area. The "city plant" area is described in the present order as that area within 20 miles of the City Halls in Lowell and Lawrence.

It was proposed at the hearing that the "city plant" area be extended to a 30-mile radius in order to include a plant located at Manchester, New Hampshire, which disposed of bulk and packaged fluid milk products to handlers in the marketing area. This plant has retail distribution in the Manchester area in sufficient quantity that it could not qualify for the Lowell-Lawrence pool under a requirement that 50 percent of its total receipts be shipped to the Lowell-Lawrence market during each of the months October through February. This plant, as its operations were described in the record, functions more like a country plant than a city plant with respect to the Lowell-Lawrence market. The record indicates that the plant could have qualified in 1949 and 1950 as a country plant under a requirement that 30 percent be shipped in the qualifying months to the Lowell-Lawrence market.

The 30-mile radius would include several urban areas not contiguous to the Lowell-Lawrence area in addition to Manchester. These noncontiguous urban areas are served by milk handlers who do not distribute regularly in the Lowell-Lawrence market. The privilege of participation in the market pool should not be extended to such handlers on the basis of only 10 percent of their sales being made in the area. The requirement that a "city plant" be located within 10 miles of the market area will extend that privilege to plants in a small area surrounding the market without including any large urban area which is not directly bordering on the defined marketing area.

The term "country plant" is needed for convenience in referring to plants which are not defined as "city plants."

The definition of "outside milk" proposed at the hearing and the proposed payments into the pool on outside milk would assure producers of receiving the Class I price for all Class I milk disposed of in the marketing area. It would permit also the disposition of surplus milk to plants in the marketing area or small quantities of milk to consumers without requiring the handler who made the disposition to pool all receipts at his plant. Milk disposed of in the marketing area from plants regulated by another Federal order would be subject to a payment into the Lowell-Lawrence pool only if the price applicable under the Lowell-Lawrence order were higher than the price applicable under the other Federal order.

(2) *Assignment of classified products to various receipts.* No change should be made in the general plan of milk classification. In adapting the order to a market-wide pool, it is necessary to provide specifically for the classification of milk received at pool plants from handlers regulated by other Federal orders. It is desirable to establish a system of assignment of receipts by each handler to allocate the volumes of Class I and Class II utilization between producer milk and nonproducer milk handled at the same plant.

This system of assignment of Class I milk to the plants of each handler with the bulk of the milk assigned to nearby plants, affects the amount deducted from the value of the pool in the form of transportation differentials. It appears reasonable to require handlers to pay for Class I milk on the basis of most economical movement of such milk to the market. However, since certain country plants regularly supply Class I milk to markets other than Lowell-Lawrence, such direct sales of Class I milk from country plants should be assigned to the country plant from which the disposition was made.

(3 *Differentials applicable to Class prices at various locations.* The schedule of price differentials on Class I milk proposed for plants located beyond 40 miles from the market is identical to the schedule of rates effective in the Springfield and Worcester markets. The rates are slightly higher than those established for the Boston market in recognition of the higher cost of transporting smaller quantities to these smaller markets. Each of these markets is slightly nearer the country milk plant supply area and thus the higher unit cost of transportation is offset by the shorter haul with resulting comparable cost of milk at the same country point.

There is at least one country plant supplying the Lowell-Lawrence market which is located outside the city plant area but less than 40 miles from the market. The present order provides for a Class I differential of 17 cents on all milk received at this plant. It was proposed that the differential be reduced to 10 cents. However, the representative of the cooperative association handler operating the plant testified that the established class prices less the 17 cents had not been returned to producer members recently. There is no indication, therefore, that the handler can pay the higher price proposed at this location. Furthermore, if the plant should shift to the Boston pool, it would be entitled to the full country plant deduction on Class I and Class II milk. The 17-cent differential should be continued on Class I milk received at the country plants located less than 41 miles from the city of Lawrence.

The Class II differential for country plants loated less than 41 miles from the market should be 2 cents under the proposed schedule as it is under the present order. Although the hearing proposal called for no differential for plants in this zone, no evidence was presented to support a change in the rate.

(4) *Uniform price to producers.* Provision should be made for a market-wide type of pool in order that all producers delivering milk to all handlers may receive a uniform price for all milk so delivered, irrespective of the uses made of such milk by the individual handler to whom it is delivered. This method of paying producers will require a producer settlement fund for making adjustments in payments by handlers so that the total sum paid by each handler shall equal the value of milk received by him and utilized in the classes for which prices are established by the proposed marketing agreement and order.

The uniform price paid to producers should reflect differentials for the location at which the milk is delivered and for the generally higher prices paid to producers located near the sales area.

Differentials which vary with the distance from the market of the plant at which a producer delivers his milk reflect the varying value of the product at different locations. To reflect this value difference, payments to producers in the Lowell-Lawrence area and in other New England markets are modified according to the schedule of differentials applicable to the Class I price. The amount of such differentials is discussed in connection with the previous issue.

A system of differentials to be paid producers located near to the marketing area similar to the plan in effect under the Boston Federal milk order was supported by the producers who proposed the amendment providing for a market-wide type of pool.

Most of the dairy farms in Massachusetts are close to urban centers. This probably explains why prices to Massachusetts farmers for milk sold wholesale average considerably more than the prices paid to Maine, New Hampshire and Vermont producers. The difference is usually more than transportation cost alone.

The nearby differential plan has been a part of the payment plan in the Boston milk order for many years. The nearby differential area for the Boston market completely surrounds the Lowell-Lawrence market. Producers in the area need not accept a price less than the Boston price including the nearby differential. The proposed differential plan is necessary in the Lowell-Lawrence market to reflect this customary differential.

The first differential area, or 46-cent zone, would extend 40 miles from the Lowell-Lawrence market and would overlap the Boston 41–80 mile zone at certain points. Certain witnesses at the hearing contended that the boundary of this differential area should correspond to the similar boundary of the 40-mile area from the Boston market. It is true that the Lowell-Lawrence handler will have a competitive buying advantage in this overlapping area. However, the record indicates that in this area there are many farms close together all supplying the Lowell-Lawrence market. No group of producers shipping to the Boston market was described. This is a normal supply area for the Lowell-Lawrence market and should continue to supply that market predominantly.

It was proposed and appears reasonable that the arc outlining the 80-mile distance from Boston should be used to measure the outside boundaries of the intermediate 23-cent differential zone.

Payments to producers should be made twice monthly with the option on the part of the handler to make a total payment in one amount not later than the 17th day after the end of the month. If the handler does not elect to make a final payment as early as the 17th day of the month following that in which the milk is delivered, he must make an advance payment on or before the 10th day of the month in which the milk is delivered and the final payment on the 25th day of the month of delivery. This practice is similar to that effective in other Federal order markets in New England.

(5) *Basis of assessment.* The basis of assessment should be modified to provide for assessing milk received from other Federal order plants in an amount equal to the assessment cost under the Lowell-Lawrence order less the assessment charged under the other Federal order. Other Federal order milk requires the additional expenditure of administrative funds for verification of handlers' reports. This added cost should not be imposed on handlers who purchase milk from producers but should be borne by handlers who purchase other Federal order milk.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. One brief was filed by a group of cooperative associations of producers.

The brief contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the brief was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The amendment includes in addition to the substantive changes discussed in this decision republication of the entire order to permit renumbering the sections thereof and the redesignation of section headings in compliance with the applicable FEDERAL REGISTER regulations (1 CFR Part 1).

Recomended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not repeated in this decision because the regulatory provisions thereof would be the same as those contained in the following order:

DEFINITIONS

§ 934.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Lowell-Lawrence, Massachusetts, marketing area", also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Andover.	Methuen.
Billerica.	North Andover.
Chelmsford.	Tewksbury.
Dracut.	Tyngsboro.
Lawrence.	Westford.
Lowell.	

(c) "Order", used with the name of a marketing area other than the Lowell-Lawrence, Massachusetts, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

§ 934.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk on more than 3 days in any one of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer with respect to exempt milk delivered. The term shall also include a

dairy farmer who ordinarily delivers to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 934.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy farmer who is a producer under the Boston, Worcester, or Springfield orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who in a given month operates a pool plant or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk other than exempt milk from dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products other than cream are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 934.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "Receiving plant" means any plant currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weight sheets or other records of dairy farmers' deliveries.

(c) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 934.20, 934.21 and 934.22 for being considered a pool plant in that month.

(d) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

(e) "City plant" means any plant which is located within 10 miles of the marketing area.

(f) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

§ 934.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, and reconstituted milk.

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing or is separated from it by centrifugal force, in all forms including sweet, sour, frozen, and aerated cream, and milk and cream mixtures.

(c) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(d) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, and buttermilk, either individually or collectively.

(e) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(f) "Outside milk" means:

(1) All milk received from dairy farmers for other markets.

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except receipts from New York order pool plants which are assigned to Class I milk pursuant to § 934.27 and from regulated plants under the Boston, Worcester, or Springfield orders.

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Boston order, without its intermediate movement to another plant.

(g) "Exempt milk" means milk of a dairy farmer's own production which he delivers in bulk to a plant and for which an equivalent quantity of packaged milk is returned to him during the same month.

MARKET ADMINISTRATOR

§ 934.10 *Designation of market administrator.* The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 934.11 *Powers of market administrator.* The market administrator shall have the following powers with respect to this order: To administer its terms and provisions; to make rules and regulations to effectuate its terms and provisions; to receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and to recommend to the Secretary amendments to it.

§ 934.12 *Duties of the market administrator.* The market administrator, in addition to the duties described in other sections of this order, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 934.80, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary, publicly disclose, within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 2 days after the date on which he is required to perform such acts, has not made reports or payments pursuant to this order.

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers statistics and information concerning the operation of this order;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant as reported by the handler prompt written notice of their actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 934.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 934.16, 934.17 and 934.18, the classes of utilization shall be as follows:

(a) Class I milk shall be all fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as or in milk; and other than as or in flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 934.16 *Classification of interplant movements of fluid milk products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 934.25 and 934.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the Boston, Worcester, or Springfield orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the Boston, Worcester, or Springfield orders, they shall be classified in the same class to which the receipt is assigned under such order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the Boston, Worchester, or Springfield orders, they shall be classified as Class I milk if retransferred to either of these types of regulated or unregulated plants.

§ 934.17 *Classification of interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 934.18 *Responsibility of handlers in establishing the classification of milk.* (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any other milk or milk products received by a handler which is not pool milk, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 934.20 *Requirements for all pool plants.* Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in § 934.21 or § 934.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, section 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) The plant is operated neither as the plant of a producer-handler, nor as a pool plant pursuant to the provisions of the Boston, New York, Worcester, or Springfield orders.

(d) Any plant operated during the preceding months of October through February by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation was in the handler's capacity as a producer-handler, which was not a pool plant in each of the preceding months of October through February, shall not be a pool plant in the months March through September.

§ 934.21 *Additional requirements for city pool plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers.

§ 934.22 *Additional requirements for country pool plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 30 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream is disposed of as Class I milk.

(b) Any country plant which is a pool plant continuously from the effective date of this order through February 1951 and any country plant which thereafter is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 934.25 *Assignment of pool handlers' receipts to Class I milk.* For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to § 934.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 934.27.

(c) Receipts of fluid milk products, other than cream and skim milk, from the regulated city plants of other handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to the City Hall in Lawrence.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to the City Hall in Lawrence.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to the City Hall in Lawrence.

(j) Receipts of skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

§ 934.26 *Assignment of pool handlers' receipts to Class II milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 934.25 shall be assigned to Class II milk.

§ 934.27 *Receipts from other Federal order plants.* Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts of fluid milk products, other than cream, from regulated plants under the Worcester or Springfield orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products other than cream at the receiving plant.

(c) Receipts from New York order pool plants shall be assigned to Class II milk except that receipts shall be assigned to Class I milk if classified in Classes I–A or I–B under the New York order.

REPORTS OF HANDLERS

§ 934.30 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 934.25, 934.26 and 934.27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 934.15, 934.16 and 934.17.

§ 934.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 934.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 934.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to each producer with the prices, deductions, and charges involved.

§ 934.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 934.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this section or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this section;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator finds necessary for the purpose specified in this paragraph.

§ 934.36 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

MINIMUM CLASS PRICES

§ 934.40 *Minimum Class I price at city plants.* The minimum Class I price per hundredweight at city plants shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest reported figures available on the next succeeding work day shall be used:

(a) Divide by .98 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period.

(b) Divide by 3 the sum of the three latest monthly indexes of department store sales in the Boston Federal Reserve District adjusted for seasonal variations, as reported by the Federal Reserve System, with the years 1935–39 as the base period, and divide the result so obtained by 1.26.

(c) Compute an index of grain-labor costs in the Boston milkshed in the following manner:

(1) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed, as reported by the United States Department of Agriculture, divide by 0.5044 and multiply by 0.6.

(2) Compute the weighted average of the monthly composite farm wage rates for the latest available month for Maine, Massachusetts, New Hampshire, and Vermont, as reported by the United States Department of Agriculture, divide by 0.5952, and multiply by 0.4. In computing the weighted average, weigh the respective rates as follows: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77.

(3) Add the results determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Divide by 3 the sum of the final results computed pursuant to the preceding paragraphs of this section. Express the result as a whole number by dropping fractions of less than one-half or by raising fractions of one-half or more to the next whole number. The result shall be known as the formula index.

(e) Subject to the succeeding paragraphs of this section, the Class I price per hundredweight at city plants shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Formula index	Class I price per hundredweight		
	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
50–56	$2.21	$1.77	$2.65
57–63	2.43	1.99	2.87
64–70	2.65	2.21	3.09
71–77	2.87	2.43	3.31
78–84	3.09	2.65	3.53
85–90	3.31	2.87	3.75
91–97	3.53	3.09	3.97
98–104	3.75	3.31	4.19
105–111	3.97	3.53	4.41
112–118	4.19	3.75	4.63
119–125	4.41	3.97	4.85
126–132	4.63	4.19	5.07
133–139	4.85	4.41	5.29
140–146	5.07	4.63	5.51
147–152	5.29	4.85	5.73
153–159	5.51	5.07	5.95
160–166	5.73	5.29	6.17
167–173	5.95	5.51	6.39
174–180	6.17	5.73	6.61
181–187	6.39	5.95	6.83
188–194	6.61	6.17	7.05

If the formula index is more than 194, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the six highest index brackets.

(f) The Class I price shall be 44 cents more than the price prescribed in paragraph (e) of this section if, under the provisions of the Boston order, less than 33 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents above the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent increase as will result in a Class I price equal to the Class I price for the same month of the preceding year plus 88 cents.

(g) The Class I price shall be 44 cents less than the price prescribed in paragraph (e) of this section if, under the provisions of the Boston order, more than 41 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents below the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent reduction as will result in a Class I price equal to the Class I price for the same month of the preceding year minus 88 cents.

(h) Notwithstanding the provisions of the preceding paragraphs of this section, the Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(i) The Class I price determined under the preceding paragraphs of this section shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201-210 miles, inclusive, as published in the New England Joint Tariff M No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

§ 934.41 *Minimum Class II prices at city plants.* The minimum Class II price per hundredweight at city plants shall be determined for each month pursuant to this section.

(a) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is delivered, and multiply the result by 3.7.

(b) Multiply by 7.5 the average price per pound of roller process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is received.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month.

Month:	Amount (cents)
January and February	57.5
March and April	69.5
May and June	75.5
July	69.5
August and September	63.5
October, November, and December	57.5

§ 934.42 *Country plant price differentials.* In the case of receipts at country plants, the minimum prices determined pursuant to §§ 934.40 and 934.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall in Lawrence, over highways on which the highway departments of the governing States permit milk tank trucks to move, or on the railway mileage distance to Lawrence from the nearest railway shipping point for such plant, whichever is shorter. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 934.43:

A Zone (miles)	B Class I price differentials (cents per cwt.)	C Class II price differentials (cents per cwt.)
Less than 40½	−17.0	−2.0
41–50	−41.5	−2.0
51–60	−42.5	−3.0
61–70	−43.0	−3.0
71–80	−44.5	−3.0
81–90	−45.0	−3.0
91–100	−45.5	−3.0
101–110	−45.5	−4.5
111–120	−47.0	−4.5
121–130	−47.0	−4.5
131–140	−48.0	−4.5
141–150	−50.5	−4.5
151–160	−52.0	−6.0
161–170	−52.0	−6.0
171–180	−54.5	−6.0
181–190	−54.5	−6.0
191–200	−56.0	−6.0
201–210	−56.0	−7.0
211–220	−60.0	−7.0
221–230	−60.5	−7.0
231–240	−61.5	−7.0
241–250	−61.5	−7.0
251–260	−62.5	−8.0
261–270	−63.0	−8.0
271–280	−63.5	−8.0
281–290	−64.5	−8.0
291 and over	−65.5	−8.0

§ 934.43 *Automatic changes in zone price differentials.* In case the rail tariff for the transportation of milk in 40-quart cans in carlots of 200 or more cans or for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff M No. 6 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in § 934.42 shall be correspondingly increased or decreased in the manner and to the extent provided in this section. Such adjustment shall be effective beginning with the first complete month in which the changes in rail tariffs apply. If such rail tariff on milk is changed, the differentials set forth in Column B of the table shall be adjusted to the extent of any such change. If such rail tariff on cream is changed, the differentials set forth in Column C of the table shall be adjusted to the extent of any such change divided by 9.05. Adjustment shall be made to the nearest one-half cent per hundredweight.

§ 934.44 *Use of equivalent prices in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 934.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices, as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

MINIMUM BLENDED PRICES TO PRODUCERS

§ 934.50 *Computation of net value of milk used by each pool handler.* For each month, the markct administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 934.25 (a), (b), (c), (g), and (j);

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 934.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 934.40 and 934.41;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 934.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 934.25 (f), (i), and (k) by the price applicable pursuant to §§ 934.41 and 934.42.

§ 934.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk, computed pursuant to § 934.50, for each pool handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to § 934.61 (b) for milk received during each month since the effective date of the most recent amendment to this order;

(b) Add the total amount of payments required from handlers pursuant to § 934.65 and from buyer-handlers and producer-handlers pursuant to § 934.66;

(c) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 934.61, 934.62, 934.65, 934.66, and 934.67;

(d) Deduct the amount of the plus differentials, and add the amount of the

minus differentials, which are applicable pursuant to § 934.66;

(e) Divide by the total quantity of producer milk for which a value is determined pursuant to paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 934.61 and 934.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

§ 934.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 934.64; and

(c) The names of pool handlers, designating those whose milk is not included in the computations.

PAYMENTS FOR MILK

§ 934.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this paragraph shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 934.61 (a).

§ 934.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 934.50, as follows:

(a) On or before the 25th day after the end of each month to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 934.63 and 934.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 934.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 934.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 934.62 *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments pursuant to §§ 934.61 (b), 934.65, and 934.66, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is payable by the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 934.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 934.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10.

§ 934.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 934.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 934.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located more than 40 miles from the City Hall in Lawrence, but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 934.40 and 934.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the City Hall in Lawrence, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 934.40 and 934.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 934.65 *Payments on outside milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to §§ 934.40, 934.41 and 934.42, effective for the location or freight mileage zone of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the price pursuant to § 934.40 and the price pursuant to § 934.41 effective for the location or freight mileage zone of the handler's plant.

§ 934.66 *Payments on Class I receipts from other Federal order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Worcester, or Springfield order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the price pursuant to § 934.40 effective for the location or freight mileage zone of the plant from which the Class I milk was received by the butterfat differential calculated pursuant to § 934.63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I–A or I–B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

§ 934.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 934.61, 934.62, 934.65, and 934.66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective the 11th day of such month.

§ 934.70 *Statements to producers.* In making the payments to producers prescribed by § 934.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 934.61, 934.63, and 934.64;

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under §§ 934.71 and 934.72, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

PAYMENTS FOR MARKETING SERVICES

§ 934.71 *Marketing service deductions for producers not members of a cooperative association.* In making payments to producers pursuant to §§ 934.60 through 934.64, each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 934.72, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 25th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 934.72 *Marketing service deductions for members of a producers' cooperative association.* In the case of producers who are members of an association of producers which is actually performing the services set forth in § 934.71, each handler shall, in lieu of the deductions specified in § 934.71, make such deductions from payments made pursuant to § 934.61 as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deduction to such associations.

PAYMENTS FOR ADMINISTRATION EXPENSE

§ 934.80 *Expense of administration.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

DURATION OF OBLIGATION

§ 934.81 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable.

Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

SUSPENSION OR TERMINATION

§ 934.82 *Effective time.* The provisions of this order, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 934.83.

§ 934.83 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 934.84 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 934.85 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this order, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this order, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 934.86 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this order.

Issued at Washington, D. C., this 23d day of August 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50–7463; Filed, Aug. 25, 1950; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 50]

PRIMARY FLYING SCHOOL CURRICULUM
UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a special Civil Air Regulation as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted, in duplicate, to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received prior to September 11, 1950, will be considered by the Board before taking further action on the proposed rule. Copies of such communications will be available after September 13, 1950, for

perusal by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington 25, D. C.

Section 50.13 (a) of the current Civil Air Regulations requires a primary flying school giving instruction in spinnable airplanes to provide at least 35 hours of flying in accordance with a curriculum approved by the Administrator. The curriculum, as set forth in Civil Aeronautics Manual 50, requires that each student receiving instruction in spinnable airplanes shall be given a minimum of at least 15 hours of dual instruction of which 8 hours shall be given prior to the student's first solo flight, and at least 13 hours of solo flight time.

The Institute of Aviation of the University of Illinois has requested permission to utilize a different curriculum having a total pilot time of 26 hours, 11 hours synthetic trainer time, and 8 hours flight observer time.

The curriculum as proposed by the University was developed as a result of the joint research efforts of the Aviation Psychology Laboratory of the Department of Psychology and the Institute of Aviation, both of the University of Illinois, and Link Aviation, Inc. of Binghampton, New York. It is their conclusion that the use of the preflight contact trainer and newly developed instructional techniques will result in a more proficient private pilot without increasing instructional costs or overall training time. Basically, the project proposes to do this by two methods: (1) Reducing the amount of flight time now required to teach the maneuvers comprising the private pilot flight test, and (2) utilizing the flight time thus freed to teach the advanced skills the private pilot needs to utilize his airplane competently.

The Bureau believes that the knowledge gained through such a program will be beneficial in the future formulation and revision of the Civil Air Regulations. It should be noted that this proposed regulation corresponds with the Board policy indicated in the promulgation of Special Civil Air Regulation SR-336 and will afford a further opportunity of evaluating the benfits of flight observer time in the curriculum. It permits the issuance of a private pilot rating without any endorsement based upon the flight time completed.

It is therefore proposed to promulgate a Special Civil Air Regulation to read as follows:

1. Contrary requirements of the Civil Air Regulations notwithstanding, the Administrator may issue or authorize the issuance of a pilot certificate with a private pilot rating to an individual who successfully completes a flight curriculum established by the Institute of Aviation of the University of Illinois: *Provided*, That such curriculum is approved by the Administrator of Civil Aeronautics and offers at least 17 hours of dual flight instruction in airplanes, 9 hours of solo flight, 8 hours of flight observer time, and 11 hours of preflight contact trainer time: *Provided further*, That the individual shall successfully accomplish the tests which are required for the issuance of a private pilot rating.

2. Time flown as an observer shall be logged as "dual instruction observer" and time in the preflight contact trainer shall be logged as "dual instruction-synthetic trainer." Flight time shall be credited as provided in § 43.44 except that a graduate of this course who passes his examination for a private pilot rating may credit 50 percent of the logged dual instruction observer and synthetic trainer time as "dual instruction time."

This regulation shall terminate September 15, 1951, unless sooner superseded or rescinded.

This regulation is proposed under authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, 62 Stat 1216, 49 U. S. C. 551-560, act of July 1, 1948)

Dated August 23, 1950, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 50-7441; Filed, Aug. 25, 1950; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[51663]

CALIFORNIA

NOTICE OF FILING OF PLAT OF SURVEY

AUGUST 18, 1950.

Notice is given that the plat of supplemental survey of the following described lands, accepted January 26, 1950, will be officially filed in the Land Office, Sacramento, California, effective at 10:00 on the 35th day after the date of this notice:

M. D. M., CALIFORNIA

T. 25 N., R. 1 W.,
Sec. 13, lots 3, 4, N½SE¼,
Sec. 24, lots 5, 6, 7, 8.

The area described aggregates 319.13 acres.

The N½SE¼, lots 3, 4 of sec. 13, are withdrawn and included in Power Site Classification No. 182, California No. 54 of May 26, 1927.

Lots 5, 6, 7, 8 of sec. 24 are included in Power Site Reserve No. 396 of August 1, 1913, and lots 5 and 6 are also included in Power Site Reserve No. 431 of April 3, 1914.

In view thereof the lands described will not be subject to disposition under the general public land laws by reason of the official filing of this plat.

MARION CLAWSON, *Director.*

[F. R. Doc. 50-7418; Filed, Aug. 25, 1950; 8:45 a. m.]

[Misc. 52913]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 18, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T. 8 N., R. 81 W.,
Sec. 26, N½N½.

The areas described aggregate 160 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corrobated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Denver, Colorado.

WILLIAM ZIMMERMAN Jr., *Director.*

[F. R. Doc. 50-7419; Filed, Aug. 25, 1950; 8:45 a. m.]

[23154]

IDAHO

NOTICE OF FILING OF PLAT OF SURVEY

AUGUST 18, 1950.

Notice is given that the plat of survey of islands in Big Payette Lake including the following described lands, accepted August 19, 1948, will be officially filed in the Land and Survey Office, Boise, Idaho, effective at 10:00 a. m. on the 35th day after the date of this notice:

BOISE MERIDIAN

T. 19 N., R. 3 E.,
Sec. 23, lot 5 (Rhea Island), lot 6 (Mather Island), lot 7 (Hewitt Island),
Sec. 26, lot 5 (Shellworth Island).

The area described aggregates 13.72 acres.

Available data indicates that the lands involved are rocky with elevations up to about 100 feet above lake level.

No applications for these lands may be allowed under the homestead, small tract, desert, or any other non-mineral public land laws unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, Jr., *Assistant Director.*

[F. R. Doc. 50-7420; Filed, Aug. 25, 1950; 8:46 a. m.]

[Misc. 19252]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 18, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN

T. 6 S., R. 22 E.,
Sec. 25, W½SW¼.

The area described aggregates 80 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to

application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title. Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50–7421; Filed, Aug. 25, 1950; 8:46 a. m.]

[12792]

MISSOURI

NOTICE OF FILING OF PLAT OF SURVEY

AUGUST 18, 1950.

Notice is given that the plats of original survey of the following described lands, accepted November 16, 1948, will be officially filed in this Bureau, effective at 10:00 a. m. on the 35th day after the date of this notice:

SALINE COUNTY; FIFTH PRINCIPAL MERIDIAN

T. 51 N., R. 19 W.,
Sec. 1, tracts 37, 38, 39A, 39B, 39C, 40, 41, 42, 43, 44.
T. 52 N., R. 19 W.,
Sec. 36, tracts 37, 38.

The area described aggregates 229.50 acres.

Available data indicates that the lands described vary from Missouri River bottom land to rolling hills in character.

This survey was made to accommodate several applications to purchase under the Color of Title act of December 22, 1928 (45 Stat. 1069). The applications and the lands claimed are identified as follows:

G. L. O. 09461—tract 37, sec. 1, T. 51 N., R. 19 W., 5th P. M.
G. L. O. 09464—tract 38, sec. 1, T. 51 N., R. 19 W., 5th P. M.
G. L. O. 09465—tracts 39A, 39B, 39C, sec. 1, T. 51 N., R. 19 W., 5th P. M.
G. L. O. 010838—tract 40, sec. 1, T. 51 N., R. 19 W., 5th P. M.
G. L. O. 09450—tract 41, sec. 1, T. 51 N., R. 19 W., 5th P. M.
G. L. O. 09163—tract 42, sec. 1, T. 51 N., R. 19 W., 5th P. M.
G. L. O. 09483—tract 43, sec. 1, T. 51 N., R. 19 W., 5th P. M.
G. L. O. 09476—tract 37, sec. 36, T. 52 N., R. 19 W., 5th P. M.
G. L. O. 09461—tract 38, sec. 36, T. 52 N., R. 19 W., 5th P. M.

No application has been received for a small triangular piece of land designated as tract No. 44, T. 51 N., R. 19 W., 5th P. M., containing 0.79 acres.

At 10:00 a. m. on the 35th day after the date of this notice the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Further information may be obtained on request from the Director, Bureau of Land Management, Washington 25, D. C.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50–7422; Filed, Aug. 25, 1950; 8:46 a. m.]

[Misc. 1970255]

NEVADA

NOTICE OF REVOCATION OF USE PERMITS

AUGUST 18, 1950.

Pursuant to § 191.15 of Title 43 of the Code of Federal Regulations, notice is hereby given that on June 8, 1950, the Acting Assistant Secretary of the Interior revoked the permission granted December 3, 1943, June 13, 1944, July 6, 1944, and September 28, 1944, to the War Department to use approximately 13,533.25 acres of land described below:

MOUNT DIABLO MERIDIAN

T. 2 N., R. 42 E.,
Sec 2, lots 10, 12, 13, W½SW¼, SE¼SW¼ and S½SE¼,
Sec. 36, E½.
T. 2 N., R. 43 E.,
Sec. 12, W½,
Sec. 13.
T. 3 N., R. 43 E.,
Sec. 6, W½,
Sec. 35, SE¼.
T. 4 N., R. 43 E.,
Sec. 2, S½.
T. 2 N., R. 44 E.,
Secs. 17 and 18.
T. 3 N., R. 44 E.,
Secs. 1, 2, 11, 12, 13, 14, 15, 22, 23, 24, and 28,
Secs. 25, 26, 27, and 33, those portions lying north of U. S. Highway No. 6,
T. 4 N., R. 44 E.,
Sec. 27, E½.
T. 2 N., R. 45 E.,
Sec. 2, S½.
Sec. 36, W½.

Any applicant for a mineral permit or lease whose application was rejected solely because the said permit was granted may apply for a reinstatement of his application within the 60 days from the date of the publication of this notice.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50–7423; Filed, Aug. 25, 1950; 8:46 a. m.]

[Misc. 2136211]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 18, 1950.

In an exchange of lands made under the provision of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 67 E.,
Sec. 5, lot 2, SW¼NE¼, NW¼SE¼,
Sec. 6, lot 1, SE¼NE¼, E½SE¼.
T. 19 N., R. 67 E.,
Sec. 31, SE¼SE¼,
T. 13 N., R. 70 E.,
Sec. 13, E½NW¼, W½NE¼, N½SW¼, NW¼SE¼.

The areas described aggregate 600.66 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Reno, Nevada.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50–7424; Filed, Aug. 25, 1950; 8:47 a. m.]

OREGON

AIR-NAVIGATION SITE WITHDRAWAL NO. 264 ESTABLISHED

AUGUST 18, 1950.

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214) and in accordance with Departmental Order No. 2468 (a) (80) (iii) of August 30, 1948 (13 F. R. 5181), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, including the withdrawal made by the Executive Order of July 31, 1916, affecting certain lands in Oregon revested in the United States by the act of June 9, 1916, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 264:

WILLAMETTE MERIDIAN

T. 35 S., R. 2 W.,
Sec. 34, E½SE¼SE¼,
Sec. 35, S½NW¼SW¼ and SW¼SW¼.

The area described contains 80 acres.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50–7425; Filed, Aug. 25, 1950; 8:47 a. m.]

[Misc. 58127]

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 18, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 31 S., R. 25 E.,
Sec. 13, SW¼, W½SE¼,
Sec. 24, N½NW¼.
T. 10 S., R. 1 W.,
Sec. 36, lots 13 and 14.
T. 11 S., R. 1 W.,
Sec. 2.
T. 11 S., R. 5 W.,
Sec. 23, SE¼NE¼, E½SE¼,
Sec. 24, SW¼SW¼.
T. 12 S., R. 5 W.,
Sec. 22, NE¼,
Sec. 23, N½NW¼, SW¼NW¼, NW¼SW¼.
T. 12 N., R. 8 W.,
Sec. 5.
T. 12 N., R. 9 W.,
Sec. 8, S½.

The areas described aggregate 2,479.76 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00

a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-7426; Filed, Aug. 25, 1950; 8:47 a. m.]

[Misc. 13147]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 18, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934, (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T. 33 N., R. 113 W.,
Sec. 3, SW¼SW¼,
Sec. 4, lot 3, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼,
Sec. 10, S½NE¼, N½NW¼, SE¼NW¼.
T. 34 N., R. 113 W.,
Sec. 21, SE¼SW¼, S½SE¼,
Sec. 28, N½N½, SW¼NW¼,
Sec. 29, E½NE¼, SW¼NE¼, NW¼SE¼,
Sec. 33, SW¼NE¼, S½NW¼, NW¼SE¼.

The areas described aggregate 1,118.47 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Cheyenne, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-7427; Filed, Aug. 25, 1950; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1354]

WEST TEXAS GAS CO.

ORDER FIXING DATE OF HEARING

On April 3, 1950, West Texas Gas Company (Applicant) filed an application, as supplemented on July 11, 1950, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas pipeline facilities, subject to the jurisdiction of the Commission, all as more fully described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure; no request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 21, 1950 (15 F. R. 2256).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure a hearing be held on September 7, 1950, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, and supplement: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Date of issuance: August 22, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7436; Filed, Aug. 25, 1950; 8:49 a. m.]

[Docket No. G-1446]

LONE STAR GAS CO.

ORDER FIXING DATE OF HEARING

On July 20, 1950, Lone Star Gas Company (Applicant), a Texas corporation having its principal place of business at Dallas, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, as fully described in said application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 9, 1950 (15 F. R. 5144).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on September 8, 1950, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 22, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7437; Filed, Aug. 25, 1950; 8:49 a. m.]

[Docket No. G-1459]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 22, 1950.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation, address, 1010 Bassett Tower, El Paso, Texas, filed on August 3, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities described as follows:

(1) A 12¾-inch pipeline, approximately 2.5 miles in length, extending from a plant to be constructed by Sunray Oil Corporation near the Town of Snyder, Scurry County, Texas, to Applicant's existing 12¾-inch pipeline located near the said Town of Snyder, Scurry County, Texas.

(2) An addition of 2,100 h. p. to Applicant's heretofore authorized compressor station in Scurry County, Texas, together with necessary structures and equipment for the purpose of increasing the daily capacity of the station to 50,000,000 cubic feet of natural gas.

(3) An addition to Applicant's heretofore authorized dehydration plant in Scurry County, Texas, to increase the daily capacity to 50,000,000 cubic feet of natural gas.

(4) A gas purchase meter station at or near the Sunray Oil Corporation's plant to be constructed in Scurry County, Texas.

The above facilities are for the purpose of processing and transporting the quantities of natural gas which Applicant has under contract in the Snyder Field in Scurry County, Texas, and to enable the facilities comprising the over-all system of the Applicant to be operated in an economical and efficient manner.

The estimated cost of the proposed facilities is $630,928, and will be met from corporate or current working fund capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (15 CFR 1.8 or 1.10) on or before the 11th day of September 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7428; Filed, Aug. 25, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25346]

ALL FREIGHT TO ATLANTA, GA., AND GREENSBORO, N. C.

APPLICATION FOR RELIEF

AUGUST 23, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: All freight, in mixed carloads, minimum weight 30,000 pounds.

From: New York, N. Y., New Haven, Conn., Boston, East Boston and Worcester, Mass.

To: Atlanta, Ga.,

From: New York, N. Y. To: Greensboro, N. C.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-915. I. N. Doe's tariff I. C. C. No. 598.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7429; Filed, Aug. 25, 1950; 8:48 a. m.]

[4th Sec. Application 25347]

STONE FROM LITHONIA, GA., TO TEXAS

APPLICATION FOR RELIEF

AUGUST 23, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3899.

Commodities involved: Stone, carloads.

From: Lithonia, Ga.

To: Port Arthur and West Port Arthur, Tex.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3899, Supplement 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7430; Filed, Aug. 25, 1950; 8:48 a. m.]

[Fourth Sec. Application 25348]

CORN AND CORN PRODUCTS FROM IOWA AND NEBRASKA TO COLORADO

APPLICATION FOR RELIEF

AUGUST 23, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of the Chicago, Burlington & Quincy Railroad Company and other carriers named in the application.

Commodities involved: Corn and the products thereof, carloads.

From: Points in Iowa and Nebraska.

To: Points in Colorado.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; CB&Q., tariff I. C. C. No. 20259, Supplement 1. D&RGW., tariff I. C. C. No. 742, Supplement 32. UP., tariff I. C. C. No. 5219, Supplement 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7431; Filed, Aug. 25, 1950; 8:48 a. m.]

[4th Sec. Application 25349]

IRON AND STEEL ARTICLES FROM BALTIMORE, MD.

APPLICATION FOR RELIEF

AUGUST 23, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 920.

Commodities involved: Iron and steel articles, carloads.

From: Baltimore, Md.

To: Points in North Carolina, South Carolina, and Virginia, via water-rail routes.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 920, Supplement 183.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7432; Filed, Aug. 25, 1950; 8:48 a. m.]

[4th Sec. Application 25350]

SAND AND GRAVEL FROM STANDARD PIT, IND., TO ILLINOIS

APPLICATION FOR RELIEF

AUGUST 23, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Alternate Agent, for and on behalf of carriers parties to fourth-section order No. 13865.

Commodities involved: Sand, gravel, crushed stone and related articles, carloads.

From: Standard Pit, Ind.

To: Points in Illinois.

Grounds for relief: Competition with motor carriers, market competition and wayside pit competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7433; Filed, Aug. 25, 1950; 8:48 a. m.]

[4th Sec. Application 25351]

CLASS AND COMMODITY RATES FROM AND TO MILITARY, KANS.

APPLICATION FOR RELIEF

AUGUST 23, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Kansas City Southern and St. Louis-San Francisco Railway Companies for themselves and on behalf of carriers parties to A. P. Leland's tariff I. C. C. No. A-30.

Commodities involved: Class and commodity rates.

Between: Military (Jayhawk Ordnance Plant), Kans., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: KCS., tariff I. C. C. No. 5280. StL-SF., tariff I. C. C. No. A-278.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7434; Filed, Aug. 25, 1950; 8:48 a. m.]

[4th Sec. Application 25352]

DICALCIUM PHOSPHATE, FROM ZYLONITE, MASS., TO CENTRAL AND TRUNK LINE TERRITORIES

APPLICATION FOR RELIEF

AUGUST 23, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agent, for and on behalf of carriers to NYC RR Co. tariff ICC No. 303, pursuant to F. S. O. No. 9800.

Commodities involved: Dicalcium phosphate, in carloads.

From: Zylonite, Mass.

To: Points in New York, New Jersey, Pennsylvania, and Ohio.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7457; Filed, Aug. 25, 1950; 8:53 a. m.]

[4th Sec. Application 25353]

FERTILIZER SOLUTION FROM SOUTH POINT, OHIO, TO LOUISVILLE, KY.

APPLICATION FOR RELIEF

AUGUST 23, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Norfolk and Western Railway Company for itself and on behalf of The Baltimore and Ohio Railroad Company and other carriers named in the application.

Commodities involved: Fertilizer ammoniating solution in tank carloads.

From: South Point, Ohio.

To: Louisville, Ky.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7458; Filed, Aug. 25, 1950; 8:53 a. m.]

[4th Sec. Application 25354]

ANTHRACITE COAL FROM PENNSYLVANIA TO NEW YORK

APPLICATION FOR RELIEF

AUGUST 23, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York Central Railroad Company for itself and on behalf of the Central Railroad Company of Pennsylvania and other carriers named in the application.

From: Points in Pennsylvania.

To: Points in New York.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7459; Filed, Aug. 25, 1950; 8:53 a. m.]

[4th Sec. Application 25355]

PULPBOARD FROM PANAMA CITY, FLA., TO FALL RIVER, MASS.

APPLICATION FOR RELIEF

AUGUST 23, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to tariff named below.

Commodities involved: Pulpboard or fibreboard, in carloads.

From: Panama City, Fla.

To: Fall River, Mass.

Grounds for relief: Competition with water-rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger I. C. C. 1018, supp. 106.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7460; Filed, Aug. 25, 1950; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2448]

MICHIGAN CONSOLIDATED GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of August A. D. 1950.

Michigan Consolidated Gas Company ("Michigan Consolidated"), a public-utility subsidiary of American Natural Gas Company, a registered holding company, having filed a declaration, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule U-50 (a) (2) promulgated thereunder, with respect to the following transactions:

Michigan Consolidated proposes to enter into a credit agreement with certain banks hereinafter named which will commit such banks to lend to Michigan Consolidated, from time to time on demand prior to December 31, 1950, sums

aggregating a maximum of $25,000,000 as follows:

National Bank of Detroit	$5,400,000
The National City Bank of New York	5,400,000
Central Hanover Bank & Trust Co., New York	5,400,000
Mellon National Bank & Trust Co., Pittsburgh	5,400,000
The Detroit Bank	1,500,000
The Manufacturers National Bank of Detroit	1,500,000
Old Kent Bank, Grand Rapids, Mich	400,000
	25,000,000

The credit agreement is to be executed as soon as practicable after authorization by the Commission, and the first borrowing is to be made promptly upon execution of the credit agreement. Each borrowing shall be pro rata from the respective banks in proportion to their commitments and shall be evidenced by separate notes bearing interest at the rate of 2¼ percent per annum and maturing February 20, 1951. At the option of the company and with the approval of the Commission, the notes are to be renewable upon the same terms and conditions for an additional term of six months from February 20, 1951. The notes are to be prepayable at any time in aggregate amounts of $2,500,000, or multiples thereof, without penalty, except that if prepayment is made out of the proceeds of other borrowings from banks not parties to the proposed credit agreement a penalty is to be paid at the rate of one-quarter of one percent per annum for the unexpired term of the notes being prepaid. A commitment fee is to be paid computed at the rate of one-half of one percent per annum on the average daily unused balance of the commitment from the date of the credit agreement to December 31, 1950 or until the entire $25,000,000 shall have been taken down, whichever shall occur first. The company may reduce the amount of the commitment to the amount then outstanding at any time without penalty.

The credit agreement is to contain certain limitations with respect to the payment of dividends by Michigan Consolidated, and with respect to mergers, consolidations, and the incurrence of other obligations by Michigan Consolidated and its subsidiary, Austin Field Pipe Line Company.

It is stated that the proceeds from the borrowings under the commitment are to be used to finance in part the construction requirements of the company, estimated at $51,000,000 during the years 1950 and 1951. It is further stated that as soon as practicable and prior to the maturity of the notes to be issued it is proposed to consummate a permanent financing program which, it is contemplated, will provide for the elimination of the notes and will include the issuance and sale, during 1950, of $20,000,000 of first mortgage bonds and $6,000,000 of common stock.

The declaration having been filed July 31, 1950 and notice of the filing thereof having been issued in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for a hearing with respect to said declaration within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Declarant having requested that an order, to become effective upon its issuance, be entered permitting said declaration to become effective, and according to the statement of declarant, it appearing that no regulatory authority other than the Securities and Exchange Commission has jurisdiction over the proposed transactions; and

It appearing that the estimated fees and expenses, aggregating $3,500, including counsel fees of $1,000 payable to Sidley, Austin, Burgess & Smith and service company fees of $800 payable to American Natural Gas Service Company, are not unreasonable and should be approved; and

The Commission finding that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, that no adverse findings are necessary thereunder, that no basis appears for imposing any terms and conditions in connection with our order other than those specified in Rule U-24, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective and to grant the request for acceleration of the effective date of this order:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said declaration be, and it hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7412; Filed, Aug. 25, 1950; 8:45 a. m.]

[File No. 54-178]

UNITED LIGHT AND RAILWAYS CO. ET AL.

SUPPLEMENTAL ORDER GRANTING TRANSFER AND DISTRIBUTION OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of August 1950.

The Commission having by order issued July 21, 1950, approved an amended plan of liquidation filed, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act"), by The United Light and Railways Company ("Railways"), a registered holding company, which plan, inter alia, provided for the distribution by Railways to its stockholders of the common stock of Eastern Kansas Utilities, Inc., and said order having contained certain recitals appropriate to conform to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended; and

Railways having requested that a supplemental order be entered containing certain additional more specific recitals in conformance with the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended; and

The Commission deeming it appropriate to grant the request for such supplemental order:

It is hereby ordered and recited, That the distribution and transfer by The United Light and Railways Company to its common stockholders on August 22, 1950, of 125,761 shares of the common stock without par value of Eastern Kansas Utilities, Inc. (out of Certificates No. C6 for 100,000 shares and C7 for 26,933 shares), are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and are hereby authorized and approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7413; Filed, Aug. 25, 1950; 8:45 a. m.]

[File No. 70-2434]

PHILADELPHIA CO. AND DUQUESNE LIGHT CO.

ORDER PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of August 1950.

Philadelphia Company ("Philadelphia"), a registered holding company, and its public utility subsidiary, Duquesne Light Company ("Duquesne"), both subsidiaries of Standard Gas and Electric Company ("Standard Gas") and Standard Power and Light Corporation, registered holding companies, having filed a joint application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act") and the rules and regulations promulgated thereunder, particularly sections 6, 7, 9, 10, 11 (b), 12 (c), and 12 (f) of the act and Rules U-42, U-43, and U-50, wherein are proposed the amendment of the charter of Duquesne; the issuance of securities by Philadelphia and Duquesne; the acquisition of securities by Philadelphia and Duquesne; the retirement of all its outstanding preferred stock by Duquesne; and the sale by Philadelphia to Duquesne of all the capital stock of a nonutility subsidiary of Philadelphia; and

The Commission having, by order dated June 1, 1948, in proceedings under section 11 (b) of the act (File Nos. 59-88 and 59-9) directed, among other things, that Philadelphia take appropriate steps to liquidate and dissolve; and

Standard Gas having heretofore filed an "Amended Plan for Simplification of Corporate Structure of the Philadelphia Company System" under section 11 (e) of the act (File No. 54-173) and certain amendments thereto, dated March 1, 1950, and July 11, 1950, which provides, among other things, for the carrying out of the various transactions proposed herein as preliminary steps in connection with the consummation of such plan which is stated to be in compliance with the requirements of section 11 (b) of the act and the Commission's order dated June 1, 1948; and

The Commission having, by order dated March 14, 1950 (File No. 70-2342) reserved jurisdiction over the use by Philadelphia of the proceeds from the sale by it of its holdings of the common stock of Equitable Gas Company, in excess of the amount required by Philadelphia for the retirement of its bonds and notes, and Philadelphia having proposed that such excess be utilized in connection with the purchase by Philadelphia of preferred stock to be issued by Duquesne; and

A public hearing having been held after appropriate notice, and the Commission having examined the record and having made and filed its Findings and Opinion herein:

It is ordered, That the application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the proposed sale by Duquesne of $12,000,000 principal amount of First Mortgage Bonds, Series due August 1, 1980, and $7,500,000 par value of -- percent Preferred Stock shall not be consummated until the results of competitive bidding, held with respect thereto, shall have been made a matter of record in this proceeding and a further order or orders shall have been issued by this Commission on the basis of the record so completed, which order or orders may contain further terms and conditions as may then be deemed appropriate; and

(2) That, for the purposes of this case, the ten-day solicitation period required by Rule U-50 be shortened to a period of not less than six days.

(3) That Philadelphia shall not extend the maturity of any of the 2 percent one-year bank loan notes, to be issued in the aggregate principal amount of $17,500,000, without prior application to this Commission and the securing of a further order permitting such extension.

It is further ordered, That jurisdiction be, and the same hereby is, reserved with respect to all fees and expenses, and the allocation thereof, proposed to be paid in connection with the proposed transactions, including the fees and expenses to be paid to counsel for the successful bidders; and

It is further ordered, That jurisdiction heretofore reserved by this Commission, in its order dated March 14, 1950, (File No. 70-2342) with respect to the use of the balance of the proceeds received by Philadelphia from the sale of the common stock of Equitable Gas Company, be, and hereby is, released.

Applicants-declarants having requested the Commission to enter an order containing approvals and recitals in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof, and it appearing appropriate to the Commission that such an order be entered:

It is hereby ordered and recited, That the issuances, transfers, conveyances, sales, acquisitions, receipts, expenditures and investments hereinafter described and recited in sub-paragraphs I and II below which are proposed by Philadelphia and Duquesne in the application-declaration above mentioned, and described in step 2 of the "Amended Plan of Standard Gas and Electric Company System for Simplification of Corporate Structure of the Philadelphia Company System under section 11 (e) of the Public Utility Holding Company Act of 1935," as amended by Amendments thereto dated July 11, 1950, are hereby authorized and approved, are necessary and appropriate to effectuate the provisions of section 11 (b) of the act and the orders of the Commission previously entered thereunder, and, as to the application and expenditure of the balance of the proceeds from the sale of the Equitable common stock or an amount equal thereto, are necessary and appropriate to the integration and simplification of the holding company system of which Philadelphia and Duquesne are members, all in accordance with the meaning and requirements of Supplement R of the Internal Revenue Code, as amended, and section 1808 (f) thereof, the stock and securities and other property to be issued, transferred, conveyed, sold, acquired or received upon such transactions, and the expenditures and investments to be made, being specified and itemized as follows:

I. The issuance and sale by Duquesne to Philadelphia of the entire series of new 4% Preferred Stock of Duquesne of the par value of $50 per share, of the aggregate par value of $27,500,000, for $27,-200,000 in cash and all of the outstanding 500 shares of the capital stock of Cheswick and Harmar Railroad Company, and the transfer by Philadelphia to Duquesne of said shares of capital stock of Cheswick and Harmar Railroad Company and the application and expenditure by Philadelphia of the balance of the proceeds from the sale by Philadelphia of the Equitable common stock (pursuant to the Commission's order dated March 14, 1950) in excess of the amount expended for retirement of Philadelphia's bonds and notes, or an amount equal to said balance, together with other funds of Philadelphia and/or the proceeds of a bank loan or loans to be obtained by Philadelphia, in exchange for, and in payment of the purchase price of, said $27,500,000 par value of new 4% Preferred Stock of Duquesne.

II. The borrowing from a bank or banks by Philadelphia of the sum of $17,500,000 and the issuance and delivery by Philadelphia of its promissory note or notes therefor payable one year after issuance and bearing interest at the rate of 2 percent per annum.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7414; Filed, Aug. 25, 1950; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14926]

K. FUJITA

In re: Debt owing to K. Fujita, also known as Kinya Fujita; F-39-1930-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That K. Fujita, also known as Kinya Fujita, whose last known address is 703 Marunouchi Building, Marunouchi Chiyoda-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to K. Fujita, also known as Kinya Fujita, by Frazar & Company, Inc., 50 Church Street, New York 7, New York, in the amount of $628.54, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7442; Filed, Aug. 25, 1950; 8:51 a. m.]

[Vesting Order 14931]

RUDOLF KEHRL

In re: Debt owing to Rudolf Kehrl also known as Rudolph Kehrl. F-28-23123-C1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Kehrl, also known as Rudolph Kehrl, whose last known address is Cottbus, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Rudolf Kehrl, also known as Rudolph Kehrl, by L. F. Dommerich & Co., 271 Madison Avenue, New York, New York, representing an amount due the aforesaid Rudolf Kehrl on account current, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7443; Filed, Aug. 25, 1950; 8:51 a. m.]

[Vesting Order 14986]

MISAO ARITA

In re: Cash owned by Misao Arita. F-39-6444-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9183, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Misao Arita, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $253.72, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War", in the name of Misao Arita, and any and all rights to demand, enforce and collect the same,

is property within the United States owned and controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Misao Arita, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7445; Filed, Aug. 25, 1950; 8:51 a. m.]

[Vesting Order 14987]

KURT BARTHOLMESS AND IRMA BARTHOLMESS KOPF

In re: Debts owing to Kurt Bartholmess and Irma Bartholmess Kopf, also known as Jrma Kopf. F-28-30794-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Bartholmess and Irma Bartholmess Kopf, also known as Jrma Kopf, whose last known addresses are Wiesbaden-Biebrich, Rathausstrausse 70, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to Kurt Bartholmess and Irma Bartholmess Kopf, also known as Jrma Kopf, by Paul J. Wittman, 750 Main Street, Hartford, Connecticut, arising out of cash distributions received by said Paul J. Wittman on behalf of Kurt Bartholmess and Irma Bartholmess Kopf, also known as Jrma Kopf, from the Estate of Reinhold Bartholmess, deceased, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7446; Filed, Aug. 25, 1950; 8:51 a. m.]

[Vesting Order 14989]

NICOLAS JOHANNES CORINO

In re: Bank account owned by Nicolas Johannes Corino. F-28-30831-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nicolas Johannes Corino, whose last known address is Zeitz (Sachsen-Anhalt) Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The National Shawmut Bank of Boston, 40 Water Street, Boston 6, Massachusetts, arising out of a savings account, Account No. 392253, entitled James F. Mulligan, Atty. for Nicolas Johannes Corino, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nicolas Johannes Corino, the aforesaid national of a designated enemy country (Germany).

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7447; Filed, Aug. 25, 1950; 8:51 a. m.]

[Vesting Order 14990]

ANNI DIETL

In re: Bank account owned by Anni Dietl, also known as Anna Dietl and as Annie Dietl. F-28-30816.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anni Dietl, also known as Anna Dietl and as Annie Dietl, whose last known address is 135¼ Ganghofer Street, Bad Aibling/Oberbayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Anni Dietl, also known as Anna Dietl and as Annie Dietl, by the Bowery Savings Bank, 110 East 42nd Street, New York 17, New York, arising out of a savings account, Account No. 410647, entitled Annie Dietl, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7448; Filed, Aug. 25, 1950; 8:51 a. m.]

[Vesting Order 14991]

ELISABETH FABER AND CHARLOTTE HAUSMANN

In re: Bank account owned by Elisabeth Faber, also known as Elizabeth Faber, and by Charlotte Hausmann, also known as Lottie Hausmann, and as Elli Hausmann. F-28-28663-C-I/E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses are as follows:

Name and Address

Elisabeth Faber, also known as Elizabeth Faber, Lipke Kreis, Landsberg/Warthe, Germany.

Charlotte Hausmann, also known as Lottie Hausmann and as Elli Hausmann, Hammersteinstr. #1, Hannover, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the American National Bank at Indianapolis, 46 North Pennsylvania Street, Indianapolis, Indiana, arising out of a checking account, entitled "Herman W. Kothe Special No. 2," maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elisabeth Faber, also known as Elizabeth Faber, and Charlotte Hausmann, also known as Lottie Hausmann and as Elli Hausmann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7449; Filed, Aug. 25, 1950; 8:51 a. m.]

[Vesting Order 14992]

EMMA FROHLICH ET AL.

In re: Bank accounts owned by Emma Frohlich and others. D-28-2111, F-28-30860-E-1, F-28-30861-E-1, F-28-30862-E-1, F-28-30863-E-1, F-28-30864-E-1, F-28-30866-E-1, F-28-30867-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is as set forth in Exhibit A, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of Marine National Exchange Bank, Milwaukeee 1, Wisconsin, arising out of the checking accounts, entitled as set forth opposite the names of the persons listed in the aforesaid Exhibit A, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be

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treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and Last Known Address of Owner and Title of Account	*OAP file Nos.*
Emma Frohlich, Zeltz, Germany; Emma Frohlich	F-28-30860-E-1
Hulda Hoppe, Stettin, Germany; Hulda Hoppe	F-28-30861-E-1
Minna Kluth, Guschterhollander, Germany; Minna Kluth	F-28-30862-E-1
Frieda Marquardt, Berlin-Neukelln, Germany; Frieda Marquardt	F-28-30863-E-1
Franz Muller, Berlin, Lichterfelde-Ost, Germany; Franz Muller	F-28-30864-E-1
Wilhelm Franz Muller, Roetz, Germany; Wilhelm Franz Muller	F-28-30866-E-1
Marie Wichmann, Berlin, Neuenhagen, Germany; Marie Wichmann	F-28-30867-E-1

[F. R. Doc. 50-7450; Filed, Aug. 25, 1950; 8:52 a. m.]

[Vesting Order 14993]

ADELHEID HAYNEMANN

In re: Bank accounts owned by Adelheid Haynemann. F-28-30850-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adelheid Haynemann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a savings account, Account No. 1,038,208, entitled Franz Fielder, maintained at the branch office of the aforesaid bank located at Fourth Avenue at Fourteenth Street, New York, New York, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a savings account, Account No. 1,053,267, entitled Franz Fielder, maintained at the branch office of the aforesaid bank located at Fourth Avenue at Fourteenth Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Adelheid Haynemann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7451; Filed, Aug. 25, 1950; 8:52 a. m.]

[Vesting Order 15003]

WURZBURGER HOFBRAU, A. G., ET AL.

In re: Debts owing to Wurzburger Hofbrau, A. G., Josef Milz, and J. A. Harth and Company. F-28-6404-C-1, F-28-30645-C-1, F-28-30662-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9783, and pursuant to law, after investigation, it is hereby found:

1. That Würzburger Hofbrau, A. G., Josef Milz, and J. A. Harth and Company, the last known addresses of which are Germany, are corporations, partnerships, associations or other business organizations organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons listed below by Corydon and Ohlrich, Inc., 852 West Grand Avenue, Chicago 22, Illinois, in the amounts appearing opposite said names as of December 31, 1945:

Names:	*Amount*
Wurzburger Hofbrau, A. G	$426.18
Josef Milz	232.50
J. A. Harth & Co	204.00

together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7456; Filed, Aug. 25, 1950; 8:52 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934
VOLUME 15 NUMBER 167
Washington, Tuesday, August 29, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10155

POSSESSION, CONTROL, AND OPERATION OF CERTAIN RAILROADS

WHEREAS I find that as a result of labor disturbances there are interruptions, and threatened interruptions, of the operations of the transportation systems owned or operated by the carriers by railroad named in the list attached hereto and made a part hereof; that it has become necessary to take possession and assume control of the said transportation systems for purposes that are needful or desirable in connection with the present emergency; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure in the national interest the operation of the said transportation systems:

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and the laws of the United States, including the act of August 29, 1916, 39 Stat. 619, 645, as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. Possession, control, and operation of the transportation systems owned or operated by the carriers by railroad named in the list attached hereto and hereby made a part hereof are hereby taken and assumed, through the Secretary of the Army (hereinafter referred to as the Secretary), as of 4 o'clock P. M. Eastern Standard Time, August 27, 1950; but such possession and control shall be limited to real and personal property and other assets used or useful in connection with the operation of the transportation systems of the said carriers. If and when the Secretary finds it necessary or appropriate for carrying out the purposes of this order, he may, by appropriate order, take possession and assume control of all or any part of any transportation system of any other carrier by railroad located in the continental United States.

2. The Secretary is directed to operate, or to arrange for the operation of, the transportation systems taken under, or which may be taken pursuant to, this order in such manner as he deems necessary to assure to the fullest possible extent continuous and uninterrupted transportation service.

3. In carrying out the provisions of this order the Secretary may act through or with the aid of such public or private instrumentalities or persons as he may designate, and may delegate such of his authority as he may deem necessary or desirable. The Secretary may issue such general and special orders, rules, and regulations as may be necessary or appropriate for carrying out the provisions, and to accomplish the purposes, of this order. All Federal agencies shall comply with the orders of the Secretary issued pursuant to this order and shall cooperate to the fullest extent of their authority with the Secretary in carrying out the provisions of this order.

4. The Secretary shall permit the management of carriers whose transportation systems have been taken under, or which may be taken pursuant to, the provisions of this order to continue their respective managerial functions to the maximum degree possible consistent with the purposes of this order. Except so far as the Secretary shall from time to time otherwise provide by appropriate order or regulation, the boards of directors, trustees, receivers, officers, and employees of such carriers shall continue the operation of the said transportation systems, including the collection and disbursement of funds thereof, in the usual and ordinary course of the business of the carriers, in the names of their respective companies, and by means of any agencies, associations, or other instrumentalities now utilized by the carriers.

5. Except so far as the Secretary shall from time to time otherwise determine and provide by appropriate orders or regulations, existing contracts and agreements to which carriers whose transportation systems have been taken under, or which may be taken pursuant to, the provisions of this order are parties, shall remain in full force and effect. Nothing in this order shall have the effect of suspending or releasing any obligation owed to any carrier affected hereby, and all payments shall be made by the persons obligated to the carrier to which they are or may become due. Except as the Secretary may otherwise direct, there may be made, in due course,

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1950–51 Edition

(Revised through July 1)

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

657 pages—$1.00 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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payments of dividends on stock, and of principal, interest, sinking funds, and all other distributions upon bonds, debentures, and other obligations; and expenditures may be made for other ordinary corporate purposes.

6. Until further order of the President or the Secretary, the said transportation systems shall be managed and operated under the terms and conditions of employment in effect on August 20, 1950, without prejudice to existing equities or to the effectiveness of such retroactive provisions as may be included in the final settlement of the disputes between the carriers and the workers. The Secretary shall recognize the right of the workers to continue their membership in labor organizations, to bargain collectively through representatives of their own choosing with the representatives of the owners of the carriers, subject to the provisions of applicable law, as to disputes between the carriers and the workers; and to engage in concerted activities for the purpose of such collective bargaining or for other mutual aid or protection, provided that in his opinion such concerted activities do not interfere with the operation of the transportation systems taken hereunder, or which may be taken pursuant hereto.

7. Except as this order otherwise provides and except as the Secretary may otherwise direct, the operation of the transportation systems taken hereunder, or which may be taken pursuant hereto, shall be in conformity with the Interstate Commerce Act, as amended, the Railway Labor Act, as amended, the Safety Appliance Acts, the Employers' Liability Acts, and other applicable Federal and State laws, Executive orders, local ordinances, and rules and regulations issued pursuant to such laws, Executive orders, and ordinances.

8. Except with the prior written consent of the Secretary, no receivership, reorganization, or similar proceeding affecting any carrier whose transportation system is taken hereunder, or which may be taken pursuant hereto, shall be instituted; and no attachment by mesne process, garnishment, execution, or otherwise shall be levied on or against any of the real or personal property or other assets of any such carrier; provided that nothing herein shall prevent or require approval by the Secretary of any action authorized or required by any interlocutory or final decree of any United States court in reorganization proceedings now pending under the Bankruptcy Act or in any equity receivership cases now pending.

9. The Secretary is authorized to furnish protection for persons employed or seeking employment in or with the transportation systems of which possession is taken hereunder, or which may be taken pursuant hereto; to furnish protection for such transportation systems; and to furnish equipment, manpower, and other facilities or services deemed necessary to carry out the provisions and to accomplish the purposes of this order.

10. From and after 4 o'clock P. M., Eastern Standard Time, on the said 27th day of August, 1950, all properties taken under, or which may be taken pursuant to, this order shall be conclusively deemed to be within the possession and control of the United States without further act or notice.

11. Possession, control, and operation of any transportation system, or any part thereof, or of any real or personal property taken under, or which may be taken pursuant to, this order shall be terminated by the Secretary when he determines that such possession, control, and operation are no longer necessary to carry out the provisions and to accomplish the purposes of this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 25, 1950.

LIST

EASTERN REGION

Corporate name of railroad	*Location of operating headquarters*
The Ann Arbor R. R. Co	Owosso, Mich.
Boston & Albany R. R. (the New York Central R. R. Co., lessee)	New York, N. Y.
Boston & Maine R. R.	Boston, Mass.
The Buffalo Creek R. R. Co. (Erie R. R. Co. & Lehigh Valley R. R. Co., lessees).	Buffalo, N. Y.
Canadian National Ry. Co. Lines in New England	Montreal, Quebec.
Canadian Pacific Ry. Co. Lines in New England	Do.
Central Vermont Ry., Inc	St. Albans, Vt.
The Champlain & St. Lawrence R. R. Co. (Canadian National Ry. Co., lessee).	Montreal, Quebec.
The Chesapeake & Ohio Ry. Co., Pere Marquette District	Detroit, Mich.
Chicago, Indianapolis & Louisville Ry. Co	Lafayette, Ind.
The Chicago River & Indiana R. R. Co	Chicago, Ill.
The Cincinnati Union Terminal Co	Cincinnati, Ohio.
The Cleveland Union Terminals Co	Cleveland, Ohio.
The Delaware & Hudson R. R. Corp	Albany, N. Y.
The Delaware, Lackawanna & Western R. R. Co	New York, N. Y.
The Detroit & Toledo Shore Line R. R. Co	Detroit, Mich.
Detroit Terminal R. R. Co	Do.
Detroit, Toledo & Ironton R. R. Co	Dearborn, Mich.
Erie Railroad Co	Cleveland, Ohio.
The Federal Valley R. R. Co	Do.
The Fort Street Union Depot Co	Detroit, Mich.
Grand Trunk Western R. R. Co	Do.
Indiana Harbor Belt R. R. Co	Chicago, Ill.
The Lake Terminal R. R. Co	Lorain, Ohio.
Lehigh & New England R. R. Co	Bethlehem, Pa.
Lehigh Valley R. R. Co	New York, N. Y.
The Lorain & West Virginia Ry. Co	Cleveland, Ohio.
Louisville & Jeffersonville Bridge & R. R. Co	New York, N. Y.
Maine Central R. R. Co	Portland, Maine.
The Monongahela Ry. Co	Pittsburgh, Pa.
Montour R. R. Co	Do.
The New York Central R. R. Co	New York, N. Y.
New York Central R. R.—Buffalo and east.	
New York Central R. R.—West of Buffalo.	
Michigan Central R. R.	
Cincinnati, Cleveland, Chicago & St. Louis Ry.	
Peoria & Eastern Ry.	
Ohio Central.	
The New York, Chicago & St. Louis R. R. Co	Cleveland, Ohio.
The New York, New Haven & Hartford R. R. Co	New Haven, Conn.
New York, Ontario & Western Ry	Middletown, N. Y.
Northampton & Bath R. R. Co	Northampton, Pa.
The Pittsburgh & Lake Erie R. R. Co	Pittsburgh, Pa.
The Pittsburgh & West Virginia Ry. Co	Do.
Pittsburgh, Chartiers & Youghiogheny Ry. Co	Do.
Portland Terminal Co	Portland, Maine.

List—Continued

SOUTHEASTERN REGION—continued

Corporate name of railroad	Location of operating headquarters
Tennessee Central Ry. Co.	Nashville, Tenn.
The Western Railway of Alabama	Atlanta, Ga.
New Orleans Terminal Co.	Washington, D. C.
St. Johns River Terminal Co.	Do.
Atlanta Terminal Co.	Atlanta, Ga.

POCAHONTAS REGION

The Chesapeake & Ohio Ry. Co., Chesapeake District	Richmond, Va.
Norfolk & Portsmouth Belt Line R. R. Co.	Norfolk, Va.
Norfolk & Western Ry. Co.	Roanoke, Va.
The Virginia Ry. Co.	Norfolk, Va.

CENTRAL WESTERN REGION

The Atchison, Topeka & Santa Fe Ry. Co.	Chicago, Ill.
The Belt Ry. Co. of Chicago	Do.
Chicago & Eastern Illinois R. R. Co.	Do.
Chicago & Illinois Midland Ry. Co.	Springfield, Ill.
Chicago, Burlington & Quincy R. R. Co.	Chicago, Ill.
The Colorado & Southern Ry. Co.	Denver, Colo.
Davenport, Rock Island & Northwestern Ry. Co.	Davenport, Iowa.
The Denver & Rio Grande Western R. R. Co.	Denver, Colo.
Northwestern Pacific R. R. Co.	San Rafael, Calif.
Los Angeles Junction Ry. Co.	Los Angeles, Calif.
Chicago & Western Indiana R. R. Co.	Chicago, Ill.
The Ogden Union Railway & Depot Co.	Ogden, Utah.
Oregon, California & Eastern Ry. Co.	San Francisco, Calif., Klamath Falls, Oreg.
Peoria & Pekin Union Ry. Co.	Peoria, Ill.
San Diego & Arizona Eastern Ry. Co.	San Diego, Calif.
St. Joseph Terminal R. R. Co.	St. Joseph, Mo.
Union Pacific R. R. Co.	Omaha, Nebr.
The Western Pacific R. R. Co.	526 Mission St., San Francisco, Calif.
The Colorado & Wyoming Ry. Co.	Denver, Colo.
Southern Pacific Co.	San Francisco, Calif.

SOUTHWESTERN REGION

Abilene & Southern Ry. Co.	Dallas, Tex.
Alton & Southern R. R.	East St. Louis, Ill.
Asherton & Gulf Ry. Co.	Houston, Tex.
Asphalt Belt Ry. Co.	Do.
The Beaumont, Sour Lake & Western Ry. Co.	Do.
East St. Louis Junction R. R. Co.	National Stock Yards, Ill.
Fort Worth & Denver City Ry. Co.	Fort Worth, Tex.
Galveston, Houston & Henderson R. R. Co.	Galveston, Tex.
Gulf, Colorado & Santa Fe Ry. Co.	Do.
Houston & Brazos Valley Ry. Co.	Houston, Tex.
Houston Belt & Terminal Ry. Co.	Do.
International-Great Northern R. R. Co.	Palestine, Tex.
The Kansas City Southern Ry. Co.	Kansas City, Mo.
Kansas City Terminal Ry. Co.	Do.
Kansas, Oklahoma & Gulf Ry. Co.	Muskogee, Okla.
Louisiana & Arkansas Ry. Co.	Kansas City, Mo.
Manufacturers Ry. Co.	St. Louis, Mo.
Midland Valley R. R. Co.	Muskogee, Okla.
Missouri-Kansas-Texas R. R. Co.	St. Louis, Mo.
Missouri-Kansas-Texas R. R. Co. of Texas	Dallas, Tex.
Missouri Pacific R. R. Co.	St. Louis, Mo.
New Iberia & Northern R. R. Co.	Houston, Tex.
New Orleans, Texas & Mexico Ry. Co.	Do.

List—Continued

EASTERN REGION—continued

Corporate name of railroad	Location of operating headquarters
Toledo, Peoria & Western R. R.	Peoria, Ill.
The River Terminal Ry. Co.	Cleveland, Ohio.
Union Freight R. R. Co. (Boston, Mass.)	Boston, Mass.
The United States & Canada R. R. Co. (Canadian National Ry. Co., lessee).	Montreal, Quebec.
Wabash R. R. Co.	St. Louis, Mo.

ALLEGHENY REGION

The Akron, Canton & Youngstown R. R. Co.	Akron, Ohio.
The Baltimore & Ohio Chicago Terminal R. R. Co.	Chicago, Ill.
The Baltimore & Ohio R. R. Co.	Baltimore, Md.
The Baltimore & Ohio R. R. Co.	Pittsburgh, Pa.
Bessemer & Lake Erie R. R. Co.	Brooklyn, N. Y.
Brooklyn Eastern District Terminal	Do.
Bush Terminal R. R. Co.	Chicago, Ill.
Chicago Union Station Co.	Jersey City, N. J.
The Central R. R. Co. of New Jersey	Do.
Central R. R. Co. of Pennsylvania	Baltimore, Md.
Curtis Bay R. R. Co.	New York, N. Y.
Hudson & Manhattan R. R. Co.	Huntingdon, Pa.
The Huntingdon & Broad Top Mountain R. R. & Coal Co. (C. Stevenson Newhall, trustee).	Indianapolis, Ind.
The Indianapolis Union Ry. Co.	Brooklyn, N. Y.
The Jay Street Connecting R. R.	Jamaica, N. Y.
The Long Island R. R. Co. (David E. Smucker and Hunter L. Delatour, trustees).	Pittsburgh, Pa.
McKeesport Connecting R. R. Co.	Brooklyn, N. Y.
New York Dock Ry.	Philadelphia, Pa.
The Pennsylvania R. R. Co.	Do.
Baltimore & Eastern R. R. Co.	Camden, N. J.
Pennsylvania-Reading Seashore Lines	Philadelphia, Pa.
Reading Co.	New York, N. Y.
The Staten Island Rapid Transit Ry. Co.	Washington, D. C.
The Washington Terminal Co.	Do.

SOUTHEASTERN REGION

The Alabama Great Southern R. R. Co.	Washington, D. C.
Atlantic Coast Line R. R. Co.	Wilmington, N. C.
Atlanta & West Point R. R. Co.	Atlanta, Ga.
Central of Georgia Ry. Co.	Savannah, Ga.
Cincinnati, Burnside & Cumberland River Ry. Co.	Wilmington, N. C.
Charleston & Western Carolina Ry. Co.	Washington, D. C.
The Cincinnati, New Orleans & Texas Pacific Ry. Co.	Do.
Clinchfield R. R. Co.	Erwin, Tenn.
Florida East Coast Ry. Co. (Scott M. Loftin and John W. Martin, trustees).	St. Augustine, Fla.
Georgia R. R.	Atlanta, Ga.
Georgia Southern & Florida Ry. Co.	Washington, D. C.
Gulf, Mobile & Ohio R. R. Co.	Mobile, Ala.
Harriman & Northeastern R. R. Co.	Washington, D. C.
Illinois Central R. R. Co.	Chicago, Ill.
Chicago & Illinois Western R. R.	Do.
Jacksonville Terminal Co.	Jacksonville, Fla.
Kentucky & Indiana Terminal R. R. Co.	Louisville, Ky.
Louisville & Nashville R. R. Co.	Do.
The Nashville, Chattanooga & St. Louis Ry.	Nashville, Tenn.
New Orleans & Northeastern R. R. Co.	Washington, D. C.
Norfolk Southern Ry. Co.	Norfolk, Va.
Richmond, Fredericksburg & Potomac R. R. Co.	Richmond, Va.
Seaboard Air Line R. R. Co.	Norfolk, Va.
Southern Ry. Co.	Washington, D. C.

List—Continued

SOUTHWESTERN REGION—continued

Corporate name of railroad	Location of operating headquarters
Oklahoma City-Ada-Atoka Ry. Co.	Muskogee, Okla.
The Orange & Northwestern R. R. Co.	Houston, Tex.
Panhandle & Santa Fe Ry. Co.	Amarillo, Tex.
Rio Grande City Ry. Co.	Houston, Tex.
San Antonio Southern Ry. Co.	Do.
San Antonio, Uvalde & Gulf R. R. Co.	Do.
San Benito & Rio Grande Valley Ry. Co.	Do.
The St. Louis, Brownsville & Mexico Ry. Co.	Do.
St. Louis-San Francisco Ry. Co.	St. Louis, Mo.
St. Louis-San Francisco & Texas Ry. Co.	Do.
St. Louis Southwestern Ry. Co.	Do.
St. Louis Southwestern Ry. Co. of Texas	Do.
Sugar Land Ry. Co.	Houston, Tex.
Terminal R. R. Association of St. Louis	St. Louis, Mo.
Texas & New Orleans R. R. Co.	Houston, Tex.
The Texas & Pacific Ry. Co.	Dallas, Tex.
The Texas Mexican Ry. Co.	Laredo, Tex.
Texas-New Mexico Ry. Co.	Dallas, Tex.
Texas Pacific—Missouri Pacific Terminal R. R. of New Orleans	New Orleans, La.
Texas Short Line Ry. Co.	Dallas, Tex.
Union Ry. Co. (Memphis, Tenn.)	Memphis, Tenn.
The Union Terminal Co.	Dallas, Tex.
The Weatherford, Mineral Wells & Northwestern Ry. Co.	Do.
The Wichita Valley Ry. Co.	Fort Worth, Tex.
Forth Worth Belt Ry. Co.	Dallas, Tex.

NORTHWESTERN REGION

Camas Prairie R. R. Co.	Lewiston, Idaho.
Chicago & North Western Ry. Co.	Chicago, Ill.
Chicago Great Western Ry. Co.	Do.
Chicago, Milwaukee, St. Paul & Pacific R. R. Co.	Do.
Chicago, St. Paul, Minneapolis & Omaha Ry. Co.	Do.
Duluth, Missabe & Iron Range Ry. Co.	Duluth, Minn.
Iron Range Division.	
Missabe Division.	
Duluth, South Shore & Atlantic R. R. Co.	Marquette, Mich.
Duluth, Winnipeg & Pacific Ry. Co.	Montreal, Quebec.
Elgin, Joliet & Eastern Ry. Co.	Chicago, Ill.
Great Northern Ry. Co.	St. Paul, Minn.
Green Bay & Western R. R. Co.	Green Bay, Wis.
The Minneapolis & St. Louis Ry. Co.	Minneapolis, Minn.
Minneapolis, St. Paul & Sault Ste. Marie R. R. Co.	Do.
The Minnesota Transfer Ry. Co.	St. Paul, Minn.
Northern Pacific Ry. Co.	Do.
The Northern Pacific Terminal Co. of Oregon	Portland, Oreg.
Oregon Electric Ry. Co.	Do.
Oregon Trunk Co.	Do.
Sioux City Terminal Ry. Co.	Sioux City, Iowa.
Spokane, Portland & Seattle Ry. Co.	Portland, Oreg.
The Saint Paul Union Depot Co.	St. Paul, Minn.
Des Moines Union Ry. Co.	Des Moines, Iowa.
The Railway Transfer Co. of the City of Minneapolis	Minneapolis, Minn.
Kewaunee Green Bay & Western R. R. Co.	Green Bay, Wis.

[F. R. Doc. 50-7556; Filed, Aug. 25, 1950; 4:15 p. m.]

EXECUTIVE ORDER 10156

DESIGNATION OF CERTAIN OFFICERS OF THE DEPARTMENT OF THE INTERIOR TO ACT AS SECRETARY OF THE INTERIOR

By virtue of the authority vested in me by section 179 of the Revised Statutes of the United States (5 U. S. C. 6), and as President of the United States, it is ordered as follows:

1. (a) The Under Secretary of the Interior shall perform the duties of the Secretary of the Interior in case of the death, resignation, absence, or sickness of the Secretary of the Interior.

(b) The ranking Assistant Secretary of the Interior present shall perform the duties of the Secretary of the Interior in case of the death, resignation, absence, or sickness of both the Secretary of the Interior and the Under Secretary of the Interior.

(c) The Solicitor of the Department of the Interior shall perform the duties of the Secretary of the Interior in case of the death, resignation, absence, or sickness of the Secretary, the Under Secretary, and the Assistant Secretaries of the Interior.

2. The Assistant Secretary of the Interior whose commission bears the earliest date, or, if the commissions of Assistant Secretaries bear the same date, the Assistant Secretary who first took the oath of office, shall be considered the ranking Assistant Secretary of the Interior for the purposes of paragraph 1 (b) of this order.

3. This order supersedes Executive Order No. 9866 [1] of June 14, 1947, entitled "Designation of Officers To Act as Secretary of the Interior."

HARRY S. TRUMAN

THE WHITE HOUSE,
August 26, 1950.

[F. R. Doc. 50-7596; Filed, Aug. 28, 1950; 10:47 a. m.]

[1] 3 CFR, 1947 Supp.

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Rev. 2]

PART 811—SUGAR REQUIREMENTS; CONTINENTAL UNITED STATES

REQUIREMENTS FOR 1950

Basis and purpose. The revised determination set forth below is made pursuant to section 201 of the Sugar Act of 1948. The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1950 is necessary. The purpose of this revision is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act.

Immediate availability of a part of the additional supply of sugar provided by this determination of sugar requirements is necessary to insure orderly marketing and to maintain a continuous and stable supply of sugar at prices that are not excessive to consumers. Therefore, in order effectively to carry out the purposes of the Sugar Act, it is necessary that the revision of the determination be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) is impracticable and contrary to the public interest, and the revision of the determination made herein shall be effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C., Supp. I, 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001) Sugar Regulation 811, the determi-

nation of the amount of sugar needed to meet the requirements of consumers in the continental United States for 1950, as amended, (14 F. R. 7751; 15 F. R. 4578) is hereby revised to read as follows:

§ 811.2 *Sugar requirements, 1950.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1950 is hereby determined to be 8,700,000 short tons, raw value.

Statement of bases and considerations. On July 13, 1950, it was announced that the quantity of sugar needed to meet requirements of consumers in the continental United States during the calendar year 1950 was 7,850,000 short tons, raw value. This was an increase of 350,000 tons, needed to meet an increase in demand reflected in distribution of 170,000 tons more sugar by June 30 in 1950 over 1949. Distribution from July 1 to August 12 indicates a continuation of such increase in demand, the quantity distributed exceeding that for the corresponding period of 1949 by about 525,000 short tons, raw value.

Since late June consumers have been purchasing sugar for the purpose of increasing their stocks in addition to meeting their requirements for current utilization. It is impossible to determine in advance to what extent consumers will undertake to add to their stocks. For 1941 when a similar purchasing movement was in effect throughout the year, distribution rose to nearly 1,200,000 tons over that of the previous year. It has been reported also that in many instances consumers have purchased sugar at prices in excess of the established market level. The quantity of 8,700,000 tons now provided is intended to meet the demands for utilization and stocks in 1950, and to assure that prices will not be excessive to consumers.

Except to the extent modified herein, the Statements of Bases and Considerations contained in the determinations dated December 22, 1949, and July 13, 1950, are unchanged.

(Sec 403, 61 Stat. 932; 7 U. S. C. Sup., 1153)

Done at Washington, D. C., this 23d day of August 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7478; Filed, Aug. 28, 1950; 8:46 a. m.]

[Sugar Reg. 813, Amdt. 3]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

DETERMINATION AND PRORATION OF 1950 QUOTAS

Basis and purpose. The amendments herein are issued pursuant to section 202 of the Sugar Act of 1948 and are made for the purpose of giving effect to the revision of the determination of sugar consumption requirements made by the Secretary of Agriculture on August 23, 1950, and to prorate to domestic areas having sugar available a deficit in the quota for Cuba as increased pursuant to that action.

After providing for quotas in specific amounts for domestic sugar producing areas and the Republic of the Philippines, section 202 of the act provides that the difference between the sum of such quotas and the consumption estimate shall be prorated to foreign countries other than the Republic of the Philippines on the basis of stated percentages. Thus the statute states specifically how quotas are to be revised when there is a change in the estimate of consumption requirements.

The Sugar Act provides, also, that the quota for any domestic area, the Republic of the Philippines, Cuba or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit. The proration to domestic areas made herein should permit the marketing of all supplies such areas are able to market.

In order to afford sellers of sugar in affected areas an adequate opportunity to market the additional sugar authorized by this amendment, and thereby protect the interests of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is impracticable, unnecessary, and contrary to the public interests. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Supp. I, 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001) Sugar Regulation 813 (14 F. R. 7753), as amended (15 F. R. 3861, 4676), establishing sugar quotas for 1950 is hereby amended as hereinafter set forth.

1. Section 813.12 is changed to read:

§ 813.12 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1950 the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Republic of the Philippines	982,000
Cuba	3,403,080
Other foreign countries	46,920

2. Paragraphs (c) and (d) are added to § 813.13 as follows:

§ 813.13 *Determination and proration of area deficits.* * * *

(c) *Deficit in quota for Cuba.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1950 Cuba will be unable by an amount of 400,000 short tons, raw value, to market the quota established for that area in § 813.12.

(d) *Proration of deficit in quota for Cuba.* An amount of sugar equal to the deficit determined in paragraph (c) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the act as follows:

Area:	*Additional quotas, short tons, raw value*
Domestic beet sugar	100,000
Mainland cane sugar	46,861
Hawaii	98,594
Puerto Rico	150,545
Virgin Islands	4,000

3. Paragraph (a) of § 813.14 is changed to read as follows:

§ 813.14 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines*—(a) *Basic prorations.* The quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated, pursuant to subsection (c) of section 202 of the act, among such countries as follows:

Country:	*Prorations in pounds, raw value*
Belgium	555,459
Canada	1,064,847
China and Hong Kong	543,769
Czechoslovakia	496,940
Dominican Republic	12,585,686
Dutch East Indies	398,953
Guatemala	632,074
Haiti	1,739,399
Honduras	6,478,421
Mexico	11,384,200
Netherlands	411,185
Nicaragua	19,290,505
Peru	20,976,080
Salvador	15,492,306
United Kingdom	661,828
Venezuela	547,332
Other countries	81,016
Subtotal	93,340,000
Unallotted reserve	500,000
Total	93,840,000

STATEMENT OF BASES AND CONSIDERATIONS

A. *Basic quotas.* The increase represented by the revision of the sugar requirements determination issued on August 1950, is prorated in its entirety to Cuba (98.64 percent) and Other Foreign Countries (1.36 percent) in accordance with subsection (c) of section 202 of the act, basic quotas for the domestic areas and for the Republic of the Philippines remaining at the levels fixed in subsections (a) and (b) of that section.

B. *Deficit in quota for Cuba.* The above amendment to § 813.12 includes an increase in the quota for Cuba amounting to 838,440 short tons, raw value, over the quota effective on July 21. The Commodity Credit Corporation owns in Cuba about 600,000 short tons. No other significant quantity of Cuban sugar is available for shipment to the continental United States against the increase in quota. Normal marketing of the current crop of Cuban sugar in each calendar year provides for a year-end carryover in Cuba for shipment during January and February to maintain refinery operations pending availability of new-crop sugar. For the ten years, 1940-49, year-end stocks in Cuba have averaged 634,000 short tons, the range being 324,000 to 1,804,000 tons. The United States market has depended upon these stocks and limited shipments of new crop sugar during January and February to the average (1941-50) extent of 499,000 short tons, raw value, the range of January-February receipts from Cuba during this

period having been from about 320,000 tons to 782,000 tons. In keeping with this normal supply pattern, the Commodity Credit Corporation intends to retain in Cuba approximately 165,000 short tons to meet shipping requirements in early 1951 and other possible needs. Therefore, the quota for Cuba will not be filled by 400,000 short tons of sugar, raw value, and a deficit equal to this quantity in the 1950 quota for Cuba is determined.

Subsection (a) of section 204 of the act provides that such a deficit shall be prorated to the domestic producing areas on the basis of quotas then in effect. The amendment of paragraph (d) of § 813.13 sets forth the results obtained by prorating on the basis of existing quotas (a) the Cuban deficit and (b) a deficit in the resulting quota for the domestic beet sugar area to Puerto Rico (except as limited by its ability to market) and to the Virgin Islands. The mainland cane sugar area and Hawaii were excluded from the prorations pursuant to (b), above, because of their inability to market sugar in excess of the quotas established pursuant to (a) above. The quotas finally resulting will permit marketing in 1950, limited only by the practicability of shipping small "left-over" lots, of the entire inventory in Puerto Rico and the Virgin Islands, the entire inventory and prospective production in 1950 in Hawaii, and substantially more than the highest previous marketings in the current calendar year of new crop domestic beet sugar and mainland cane sugar.

After giving effect to the changes set forth in this amendment to Sugar Regulation 813; the quotas for all areas are as follows:

BASIC QUOTAS, PRORATION OF DEFICITS AND ADJUSTED QUOTAS FOR 1950

[Short tons, raw value]

Production area	Basic quota	Proration of deficits in quotas		Adjusted quotas
		First and second Philippine	Cuba	
Domestic beet	1,800,000	----------	100,000	1,900,000
Mainland cane	500,000	----------	46,861	546,861
Hawaii	1,052,000	----------	98,594	1,150,594
Puerto Rico	910,000	----------	150,545	1,060,545
Virgin Islands	6,000	----------	4,000	10,000
Philippines	982,000	(450,000)	----------	532,000
Cuba	3,403,080	427,500	(400,000)	3,430,580
Other foreign countries:				
Belgium	277.7	88.7	----------	366.4
Canada	532.4	170.0	----------	702.4
China and Hongkong	271.9	86.8	----------	358.7
Czechoslovakia	248.5	79.3	----------	327.8
Dominican Republic	6,292.8	4,031.0	----------	10,323.8
Dutch East Indies	199.5	63.7	----------	263.2
Guatemala	316.0	100.9	----------	416.9
Haiti	869.7	557.1	----------	1,426.8
Honduras	3,239.2	1,034.2	----------	4,273.4
Mexico	5,662.0	3,646.2	----------	9,338.2
Netherlands	205.6	65.6	----------	271.2
Nicaragua	9,645.2	3,079.4	----------	12,724.6
Peru	10,488.1	6,718.2	----------	17,206.3
Salvador	7,746.1	2,473.1	----------	10,219.2
United Kingdom	331.0	105.6	----------	436.6
Venezuela	273.7	87.3	----------	361.0
Other countries	40.6	12.9	----------	53.5
Unallotted	250.0	100.0	----------	350.0
Subtotal	46,920.0	22,500.0	----------	69,420.0
Total	8,700,000	----------	----------	8,700,000

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153)

Done at Washington, D. C., this 23d day of August 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7479; Filed, Aug. 28, 1950; 8:47 a. m.]

[Sugar Reg. 814.3, Amdt. 3]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO, 1950

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948 (hereinafter called the "act") for the purpose of rescinding § 814.3 (15 F. R. 2400, 3982, 5153) which allots the 1950 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1950 sugar quota for local consumption in Puerto Rico among persons (1) whose Puerto Rican raw sugar is brought into the continental United States or who transfer such sugar for further processing and shipment to the continental United States as direct-consumption sugar, and (2) who market sugar for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments". The sugar quota for consumption in Puerto Rico and allotments thereof are referred to respectively as "local quota" and "local allotments".

Amendment to § 813.13 issued on August 23, 1950,[1] increased the 1950 mainland quota for Puerto Rico to a total of 1,056,000 short tons, raw value. Section 812.3 (15 F. R. 19) established a local quota of 105,000 short tons, raw value. The sum of these quotas is 1,165,545 short tons raw value. January 1, 1950, inventories of Puerto Rican sugar not charged to 1949 quotas and 1950 production of sugar in Puerto Rico aggregate 1,390,000 short tons, raw value. Of this quantity about 220,000 short tons, raw value, have been shipped to other destinations leaving a total of about 1,170,000 short tons, raw value, theoretically available for shipment to the mainland, local marketing and December 31, 1950, stocks. However, between 4,000 and 5,000 short tons of sugar have been refined in excess of the quantity that may be sold for local consumption or brought to the mainland within the direct-consumption limitation of 126,033 short tons, raw value, some sugar is lost subsequent to production, and shipment is impractical for scattered small quantities until additional quantities are available from 1951 production. Processors in Puerto Rico, will, therefore, be unable to market on the mainland and in Puerto Rico in 1950 a quantity of sugar in excess of existing quotas. In these circumstances, no purpose would be served by continuing in force the allotments of the quotas.

In order to afford sellers of sugar in affected areas an adequate opportunity to market the increase in quota referred to above and thereby protect the interests of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice and procedure requirements of the Administrative Procedure Act is impracticable, unnecessary, and contrary to the public interest. The amendment made herein shall become effective upon publication in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, § 814.3 is hereby rescinded.

(Sec. 205, 61 Stat. 926; 7 U. S. C. Sup. 1115)

Done at Washington, D. C., this 23d day of August 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 50-7480; Filed, Aug. 28, 1950; 8:47 a. m.]

[1] See F. R. Doc. 50-7479, *supra*.

Subchapter I—Determination of Prices

[Sugar Determination 873.3]

PART 873—SUGARCANE; FLORIDA

1950 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948 (hereinafter referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held at Clewiston, Florida, on May 6, 1950, the following determination is hereby issued:

§ 873.3 *Fair and reasonable prices for the 1950 crop of Florida sugarcane.*

Processor-producers of sugarcane in Florida who apply for payments under the act shall be deemed to have complied with the provisions of section 301 (c) (2) of the act with respect to the 1950 crop, if the requirements of this determination are met.

(a) *Definitions.* For the purpose of this section, the term:

(1) "Price of raw sugar" means the price of 96° raw sugar in New York (duty paid basis, delivered) as determined in prior years; except that if the Director of the Sugar Branch determines that such price does not reflect the true market value of sugar, because of inadequate volume or other factors, he may designate the price to be effective under this determination.

(2) "Standard sugarcane" means sugarcane containing 12.5 percent sucrose in the normal juice.

(3) "Net sugarcane" means sugarcane, as delivered by a producer to a processor-producer, from which has been deducted the weight of trash determined in the customary manner.

(4) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.10 per ton for each one cent of the average price of raw sugar determined in accordance with whichever of the following options is agreed upon:

(i) The simple average of the daily prices of raw sugar for the week in which the sugarcane is delivered; or

(ii) The simple average of the weekly prices of raw sugar for the period beginning October 13, 1950 through May 24, 1951.

(2) The basic price for salvage sugarcane shall be as agreed upon between the processor-producer and the producer.

(c) *Conversion of net sugarcane to standard sugarcane.* Except for salvage sugarcane, net sugarcane shall be converted to standard sugarcane by applying to the average sucrose content of all sugarcane delivered by a producer during the optional period agreed upon under paragraph (b) (1) of this section, the applicable quality factor in accordance with the following table:

Average percent sucrose in normal juice: [1]	*Standard sugarcane quality factor*
9.5	0.70
10.0	.75
10.5	.80
11.0	.85
11.5	.90
12.0	.95
12.5	1.00
13.0	1.05
13.5	1.10
14.0	1.15
14.5	1.20
15.0	1.25
15.5	1.30

[1] Intermediate points within the scale are to be in proportion. Points above 15.5 percent sucrose in the normal juice are to be in proportion to the immediately preceding interval.

(d) *Molasses payment.* On each ton of net sugarcane ground there shall be paid to the producer a molasses payment equal to three times the amount, if any, by which the average net liquidation from the disposal of blackstrap or final molasses exceeds 4.75 cents per gallon, f. o. b. sugarhouse tanks, during the twelve months period ending May 31, 1951.

(e) *General.* (1) The established customs and practices with respect to methods of sucrose analysis, deductions for frozen sugarcane because of decreased boiling house efficiency, fiber content determinations and deductions, and definitions of delivery points, delivery schedules and similar terms, as employed in connection with the purchase of the 1949 crop shall be employed in connection with the purchase of the 1950 crop.

(2) The processor-producer shall not reduce returns to the producer below those determined herein through any subterfuge or device whatsoever; except that nothing in this subparagraph shall be construed as prohibiting modifications of practices which may be necessary because of unusual circumstances, any such modification to be subject to review by the Director of the Sugar Branch in the event of changes alleged to be unfair to either the processor-producer or the producer.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable prices to be paid by a processor-producer (i. e., a producer who is directly or indirectly a processor of sugarcane—hereinafter referred to as "processor") for sugarcane of the 1950 crop purchased from other producers. It prescribes the minimum requirements with respect to prices for sugarcane which must be met as one of the conditions for payment under the act. In this statement the foregoing determination, as well as determinations for prior years, will be referred to as "price determination," identified by the crop year for which effective.

(b) *Requirements of the act.* The act requires that in determining fair and reasonable prices public hearings be held and investigations made. Accordingly, on May 6, 1950, a public hearing was held at Clewiston, Florida, at which time interested persons presented testimony with respect to fair and reasonable prices for the 1950 crop of sugarcane. In addition, investigations have been made of the conditions relating to the sugar industry in Florida. In this price determination, consideration has been given to the testimony presented at the hearing and to information resulting from the investigations.

(c) *Background.* In the past practically all of the sugarcane produced by independent producers in Florida has been purchased by one processor. Prior to the enactment of the Sugar Act of 1937, such sugarcane was purchased according to terms of contracts negotiated annually between the parties. These contracts provided for a scale of payments based on the average price of raw sugar at New York and on the quality of the sugarcane measured by the sucrose in the crusher juice. In 1938 a five-year purchase contract was negotiated, but since its expiration in 1942 formal contracts have not been used.

Determinations of fair and reasonable prices for sugarcane in Florida have been issued for each crop beginning with the 1937 crop. The 1937 price determination generally approved the pricing structure contained in sugarcane purchase contracts between the processor and producers. During the period from 1937 through 1948 a number of significant changes were made in price determinations. The principal changes included the introduction of a clause in the 1941 price determination providing for producer participation in the net returns from molasses in excess of 6¾ cents per gallon; the revision of the basic pricing structure in the 1942 price determination to gear the prices payable for sugarcane in Florida to the scale of payments used in the western Louisiana sugarcane region; and the revision of the definition of standard sugarcane in the 1948 price determination to provide for the determination of the quality of the juice in sugarcane on the basis of normal juice rather than crusher juice, for a single par point for standard sugarcane instead of a par range, and for a premium and discount scale for sugarcane of varying qualities based on normal juice.

In the 1949 price determination the pricing structure was completely revised to provide for the sharing of total returns to the Florida sugarcane industry more in line with current production and manufacturing conditions. The following changes were made: (1) The basic price per ton of standard sugarcane was increased from $1.03 to $1.10 for each one cent of the average price of raw sugar and the scale of price factors related to lower sugar prices, provided in prior determinations, was eliminated; (2) the freight deduction to equalize settlements for sugarcane with those of western Louisiana was eliminated; (3) standard sugarcane was redefined as sugarcane containing 12.5 percent sucrose in the normal juice rather than 11 percent; (4) sugarcane quality factors used to convert net sugarcane to standard sugarcane were reduced by 0.15 at all levels of sucrose; (5) salvage sugarcane was defined as sugarcane containing less than 9.5 percent sucrose in the normal juice; and (6) the molasses payment per ton of net sugarcane was revised to provide for producer participation in the net returns from molasses above 4.75 cents per gallon rather than 6.75 cents per gallon, and for the computation of such payment on the basis of 3 gallons of molasses rather than 2.75 gallons.

(d) *1950 price determination.* The 1950 price determination continues the pricing arrangements effective for the 1949 crop, except for the addition of a requirement that the conversion of actual sugarcane to standard sugarcane shall be made on the basis of the average sucrose content during the basic pricing period of all sugarcane (excluding salvage sugarcane) delivered by a producer. This change was made to conform the requirements of the determination to established settlement practices.

In examining the terms and conditions of the determination the Department had available a study of returns, costs, and related factors in the Florida sugar industry. The study, conducted early in 1950, covered the operations of all raw sugar mills and associated farming units and a representative number of independent producers. These data, for the purpose of this examination, were projected to the 1949 and 1950 crops by restating such data in the light of known or expected conditions for such crops in accordance with generally accepted methods. Based on such data, comparisons were made of the relative position of producers and processors with respect to returns, costs, profits, and returns on investments. This examination indicates that the prices payable for sugarcane as set forth in this determination are fair and reasonable.

At the public hearing a processor representative recommended that the standard sugarcane quality factor be decreased by 2 percent, rather than 1 percent, for each one-tenth decline in sucrose below 10.5 percent sucrose in normal juice. While careful consideration has been given to this recommendation, it has not been adopted. The quality scale prescribed in the 1949 price determination was based on the relationship of sugar recoveries at various levels of sucrose above and below the standard par sucrose point. An examination of the several factors influencing the division of returns resulting from this scale under conditions likely to prevail in 1950 indicates that it is equitable to continue the 1949 scale for the 1950 crop.

Accordingly, I hereby find and conclude that the foregoing price determination is fair and reasonable and will effectuate the price provisions of the Sugar Act of 1948.

(Secs. 301, 403, 61 Stat. 929, 932; 7 U. S. C. Sup. 1131, 1153)

Issued this 23d day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7514; Filed, Aug. 28, 1950; 8:52 a. m.]

[Sugar Determination 877.2, Amdt. 2]

PART 877—SUGARCANE; PUERTO RICO

1949-50 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, the determination of fair and reasonable prices for the 1949-50 crop of Puerto Rican sugarcane, issued December 16, 1949, as Part 877, § 877.2 (14 F. R. 7614), as amended February 8, 1950 (15 F. R. 792), is hereby further amended by deleting § 877.2 (b) (3) and substituting in lieu thereof the following:

§ 877.2 *Fair and reasonable prices for the 1949-50 crop of Puerto Rican sugarcane.* • • •

(b) *Basic payment.* • • •

(3) If payment is made in cash, the processor-producer shall pay, or contract to pay, the producer a price for sugarcane determined by the money value of the raw sugar which would otherwise be delivered to the producer in accordance with subparagraph (1) or (2) of this paragraph, whichever is applicable. Such money value shall be determined from the average price of raw sugar for the settlement period converted to the f. o. b. mill price: *Provided,*

(i) That if during the calendar year 1950 marketing allotments are established for 1949-50 crop Puerto Rican sugar and the processor-producer is obligated to carry an inventory of raw sugar which is not marketable in 1950, the money value of sugarcane from which the producer's share of such carry-over inventory was made (such share to be calculated for each settlement period and, subject to adjustment after final data are available, to be the same percentage of the producer's share of raw sugar produced from his sugarcane during such settlement period as the carry-over inventory for the processor-producer is of the total raw sugar produced by the processor-producer) may be determined from the average price of raw sugar for the period January 1, 1951 through February 28, 1951, converted to the f. o. b. mill price, and further, by deducting storage, handling costs, insurance, personal property taxes levied on raw sugar, and other related costs actually incurred on such sugar for the period January 1, 1951 through February 28, 1951;

(ii) That if any 1949-50 crop raw sugar is sold to Commodity Credit Corporation for shipment to points other than the continental United States or in Puerto Rico, the money value of sugarcane from which the producer's share of such raw sugar was made (such share to be calculated for each settlement period and, subject to adjustment after final data are available, to be the same percentage of the producer's share of the raw sugar produced from his sugarcane during such settlement period as the quantity of raw sugar so sold by the processor-producer is of the total sugar produced by the processor-producer) may be determined on the basis of the actual price received for such raw sugar converted to the f. o. b. mill price, except that if such raw sugar is shipped on and after January 1, 1951, additional deductions may be made for storage, handling costs, insurance, personal property taxes levied on raw sugar, and other related costs actually incurred on such raw sugar on and after January 1, 1951; and

(iii) That if during the calendar year 1950 marketing allotments are rescinded and a processor-producer is permitted to market raw sugar in excess of the sum of his last effective marketing allotments and the quantity of raw sugar sold to Commodity Credit Corporation for shipment to points other than the continental United States or in Puerto Rico, the money value of sugarcane from which the producer's share of such excess raw sugar was made (such share to be the same percentage of the producer's share of raw sugar produced from his sugarcane as the quantity of excess raw sugar so marketed by the processor-producer is of the total raw sugar produced by the processor-producer) shall be determined on the basis of the average price of raw sugar for the marketing days within the thirty-day period (commencing with the first marketing day) immediately following the effective date of this amendment converted to the f. o. b. mill price.

Average prices of raw sugar for successive settlement periods shall be computed from (1) December 5, 1949, in the case of a two-week or four-week period; and (2) December 1, 1949, in the case of a fortnight or month: *Provided,* That if the commencement or ending of grinding at the mill does not coincide with the beginning or the ending of a regular settlement period, the average price of raw sugar for such period shall be computed (1) on the full settlement period, if grinding commenced during the first one-half or ended during the last one-half of such period; or (2) on the last one-half of the full settlement period if grinding commenced during the last one-half of such period; or (3) the first one-half of the full settlement period if grinding ended during the first one-half of such period.

STATEMENT OF BASES AND CONSIDERATIONS

This amendment sets forth the method to be used in making settlements with producers for 1949-50 crop sugarcane from which was made the raw sugar marketed in excess of the sum of the last effective marketing allotments and the quantity of raw sugar sold to Commodity Credit Corporation for shipment to points other than continental United States or in Puerto Rico. It provides that settlement for such sugarcane shall be made on the basis of the average price of raw sugar for the marketing days within the thirty-day period (commencing with the first marketing day) immediately following the effective date of this determination converted to the f. o. b. mill price.

For past crops, determinations of fair and reasonable prices have provided that settlements for sugarcane from which was made the raw sugar marketable under prorations of deficits were to be based on the average price of raw sugar prevailing during the settlement period in which the sugarcane was delivered. This ruling coincided with the established method of settling for raw sugar in Puerto Rico and was deemed fair and reasonable under normal market conditions. Because of unusual conditions which have affected the marketing of raw sugar during this calendar year and which have resulted in raw sugar prices somewhat higher than those prevailing during the settlement period in which sugarcane was delivered, it would not be equitable to provide for settlements with producers for their share of marketings of 1950 crop raw sugar in excess of the sum of the last effective marketing allotments and the quantity of raw sugar sold to Commodity Credit Corporation on the same basis. Moreover, settlements with producers for their share of raw sugar sold in 1950 to Commodity Credit Corporation for shipment to points other than the continental United States or in Puerto Rico were based on the actual sales price received by the processor, a price consider-

ably less than the price of raw sugar in the continental United States or Puerto Rico. This amendment is, therefore, deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing amendment to the price determination will effectuate the price provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup., 1131)

Issued this 23d day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7481; Filed, Aug. 28, 1950; 8:47 a. m.]

[Sugar Determination 878.2, Amdt. 1]

PART 878—SUGARCANE; VIRGIN ISLANDS

1950 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, the determination of fair and reasonable prices for the 1950 crop of Virgin Islands sugarcane, issued December 16, 1949, as Part 878, § 878.2 (14 F. R. 7616), is hereby amended by deleting the period at the end of § 878.2 (b) and substituting in lieu thereof the following:

§ 878.2 *Fair and reasonable prices for the 1950 crop of Virgin Islands sugarcane.* * * *

(b) *Basic price.* * * *: *Provided,* That if during the calendar year 1950 a processor-producer is permitted to market raw sugar in excess of the statutory quota for the Virgin Islands of 6,000 short tons, raw value, settlements with producers for their share of such excess raw sugar (such share to be the same percentage of the producer's share of raw sugar produced from his sugarcane as the quantity of excess raw sugar so marketed by the processor-producer is of the total raw sugar produced by the processor-producer) shall be determined on the basis of the average price of raw sugar for the marketing days within the thirty-day period (commencing with the first marketing day) immediately following the effective date of this determination, adjusted to an f. o. b. mill value.

STATEMENT OF BASES AND CONSIDERATIONS

This amendment sets forth the method to be used in making settlements with producers for 1950 crop sugarcane from which was made the raw sugar marketed in excess of the statutory quota for the Virgin Islands of 6,000 short tons of sugar, raw value. It provides that settlements for such sugarcane shall be made on the basis of the average price of raw sugar for the marketing days within the thirty-day period (commencing on the first marketing day) immediately following the effective date of this amendment, converted to the f. o. b. mill value. Because of the unusual conditions which have affected the marketing of raw sugar during this calendar year and which have resulted in raw sugar prices somewhat higher than those prevailing during the settlement period in which sugarcane was delivered, it is deemed fair and reasonable to provide for producer participation in the price received for sugar marketed in excess of the statutory quota of 6,000 short tons.

Accordingly, I hereby find and conclude that the foregoing amendment to the price determination will effectuate the price provisions of the Sugar Act of 1948.

(Secs. 301, 403, 61 Stat. 929, 932; 7 U. S. C., Sup. 1131, 1153)

Issued this 23d day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7513; Filed, Aug. 28, 1950; 8:51 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of Industry and Commerce

[Allocation Order R-1]

PART 338—ALLOCATION ORDERS

SUBPART—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

Subpart: Rubber, Synthetic Rubber and Products Thereof, §§ 338.71 to 338.85 (Allocation Order R-1), as amended March 8, 1950, is hereby amended to read as follows:

The following order is deemed necessary and appropriate to promote the public interest and in the interest of the national security and common defense and to carry out the purposes of the Rubber Act of 1948, 62 Stat. 101, 50 U. S. C. App. 1921–1938, as amended by Public Law 575, 81st Congress, approved June 24, 1950.

DEFINITIONS

Sec.
338.71 Definitions.

MANUFACTURING REGULATIONS

338.72 Mandatory consumption of synthetic rubber.
338.73 Exceptions for experimental purposes.

IMPORT RESTRICTIONS

338.74 Restrictions on importation of rubber products.

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NEW RUBBER CONSUMPTION

338.80 Limitation on consumption of new rubber.

SYNTHETIC RUBBER SPECIFICATIONS

338.85 Synthetic rubber specifications for certain products.

AUTHORITY: §§ 338.71 to 338.85 issued under sec. 10, 62 Stat. 105, 50 U. S. C. App., Sup., 1929; Pub. Law 575, 81st Cong.; E. O. 9942, Apr. 1, 1948, 13 F. R. 1823; 3 CFR, 1948 Supp.

DEFINITIONS

§ 338.71 *Definitions.* As used in this subpart:

(a) "Natural rubber" means all new RHC forms and types of tree, vine, or shrub rubber, including natural rubber latex, but excluding guayule and reclaimed natural rubber.

(b) "Synthetic rubber" means any new RHC product of chemical synthesis similar in general properties and applications to natural rubber, and specifically capable of vulcanization, produced in the United States, but excluding reclaimed synthetic rubber.

(c) "GR–S" means a general-purpose synthetic rubber of the butadiene-styrene type produced in the United States generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by the President, not including reclaimed general purpose synthetic rubber.

(d) "Butyl" means a special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, not including reclaimed special-purpose synthetic rubber.

(e) "Consume" means in the case of natural rubber or synthetic rubber, to compound, expend, formulate or in any manner make any substantial change in the form, shape or chemical composition except where any of these materials are used in the preparation of masterbatches or compounds prepared for use in the manufacture of finished products.

(f) "Person" means any individual, firm, copartnership, business trust, corporation, or any organized group of persons whether incorporated or not, and any Government department, agency, officer, corporation, or instrumentality of the United States.

(g) "New RHC" means total new rubber hydrocarbon. This is the total RHC content of natural rubber, synthetic rubber, uncured scrap rubber, uncured in-process materials, and the rubber hydrocarbon content of master-batches or compounds of new RHC.

(h) "Reclaimed rubber" means any material derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(i) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

MANUFACTURING REGULATIONS

§ 338.72 *Mandatory consumption of synthetic rubber.* No person shall manufacture any product listed in § 338.85 in any type and size listed in that section unless it conforms with the synthetic rubber specifications designated in that section for that product. The synthetic rubber used to satisfy the mandatory requirements of § 338.85 shall be that produced by the Government or for its account, or purchased from others by the Government for resale by the Government or for its account. Where specifications for tires provide for a group average or tolerance such group average or tolerance must be balanced out each calendar month.

(a) *Military orders.* The provisions of § 338.85 shall not be applicable to orders manufactured for the Department of Defense.

§ 338.73 *Exceptions for experimental purposes.* Nothwithstanding the provisions of § 338.72, any person may use up to a total of 2,000 pounds of natural rubber during any calendar quarter for experimentation in the manufacture of those sizes and types of tires for which specifications are provided in § 338.85.

IMPORT RESTRICTIONS

§ 338.74 *Restrictions on importation of rubber products.* (a) As used in this subpart, "import" means to transport in any manner from any foreign country into the continental United States or into any territory or possession of the United States. It does not include shipments into a free port, free zone or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States for trans-shipment to any foreign country.

(b) The importation by any person of any product listed in § 338.85 shall be accompanied by a certificate to be furnished to the Collector of Customs at port of entry, reading substantially as follows:

> The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that the products covered by the invoice to which this certificate is attached contain at least the same percent of synthetic rubber (of any type and wherever produced) as is required by § 338.85 of Office of Industry and Commerce Allocation Order R–1 for similar products.
>
> ---------- ----------
> (Date) (Signature)

(c) The restrictions of this section shall not apply to: (1) The importation of products by a diplomatic representative of any foreign government for his personal use or the use of members of his staff, or by a commercial representative of any foreign government for use in his official business and not for sale; (2) the importation for experimental and testing purposes, but not for sale, of tires and camelback.

REPORTS, VIOLATIONS, APPEALS AND COMMUNICATIONS

§ 338.75 *Reports of rubber consumption and stocks.* Every person who consumes or owns at any time during any month, any type of rubbers listed below in an amount in pounds equal to or in excess of the amounts specified below, shall file a monthly report on Form IC–3410 with the Rubber Division, Office of Industry and Commerce, Department of Commerce, in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production and shipments.

Types:	*Amount (pounds)*
Natural rubber	15,000
Natural rubber latex (dry latex solids)	5,000
Reclaimed rubber	10,000

Types—Continued	*Amount (pounds)*
GR-S (all types including GR-S latex)[1]	15,000
Butyl (GR-I), all types[1]	10,000
Neoprene (all types, including neoprene latex)[1]	5,000
Butadiene-Acrylonitrile types[1]	5,000

[1] Includes all types whether obtained from Government or other source, including imports.

No monthly report need be filed as to any of these types of rubbers if both rubber consumed and rubber owned were each less than the amounts specified above for the particular types of rubbers.

§ 338.76 *Other reports.* (a) Every person who, during the calendar year, consumes or owns amounts of any of the types of rubber listed in § 338.75, in excess of the amount shown for any type, and who has not reported those types of rubber on Form IC–3410 for all months of the calendar year, shall file an annual report covering consumption and stocks in accordance with the instructions accompanying the annual report form. This report shall be made on Form IC–49–1 and shall be filed not later than January 31 following the year being reported.

(b) Each manufacturer of tires, tubes and camelback shall file a report on his production, shipments and inventory for each calendar month on Form IC–3438 with the Rubber Division, in accordance with the instructions accompanying the form.

(c) Each manufacturer of tires shall file a report of his production of cured tires for each week on Form IC–4231 with the Rubber Division, in accordance with the instructions accompanying the form.

(d) Any person may be required to file such other reports as may be needed subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 338.77 *Violations.* Any person who wilfully violates any provision of this subpart, or who in connection with this subpart wilfully conceals a material fact or knowingly furnishes false information to any department or agency of the United States Government is guilty of a felony, and upon conviction may be punished by fine or imprisonment.

§ 338.78 *Appeals.* Appeals for relief or exemption from any of the provisions of this subpart or OIC actions thereunder, shall be made in accordance with §§ 336.51 to 336.61 (Allocation Regulation 3), by filing a letter in triplicate with the Rubber Division, specifying the particular provisions appealed from, stating fully the grounds for the appeal, specifying the precise relief desired, and the reasons why the denial of the appeal would result in undue and excessive hardship not suffered by others similarly situated or result in improper discrimination.

§ 338.79 *Communications.* All appeals, all reports to be filed under this subpart and all communications concerning this subpart shall be addressed to: Rubber Division, Office of Industry and Commerce, Department of Commerce, Washington 25, D. C., Ref: R-1.

NEW RUBBER CONSUMPTION

§ 338.80 *Limitation on consumption of new rubber.* The maximum total new rubber (including natural rubber and all synthetic rubber, but excluding natural rubber latex) consumption by each person during the period beginning September 1, 1950, and ending December 31, 1950, shall be as follows:

(a) Four-twelfths of the total new rubber (including natural rubber and all synthetic rubber, but excluding natural rubber latex) consumption by such person during the period beginning July 1, 1949, and ending June 30, 1950: *Provided, however:*

(1) To the extent that a person's August 1950 total new rubber consumption exceeds 120 percent of his average monthly total new rubber consumption during the period beginning July 1, 1949, and ending June 30, 1950, such excess shall be deducted from his total allowable new rubber consumption during the last four months of 1950;

(2) To the extent that a person's August 1950 total new rubber consumption is less than 120 percent of his average monthly total new rubber consumption during the period beginning July 1, 1949, and ending June 30, 1950, his total allowable new rubber consumption during the last four months of 1950 shall be increased by an amount equivalent to such deficiency;

(3) In no one month, however, during the period beginning September 1, 1950, and ending December 31, 1950, shall any person consume more than 28 percent of his total allowable new rubber consumption for such four-month period.

(b) The maximum total natural rubber consumption by each person under paragraph (a) of this section shall be his maximum allowable total new rubber consumption less the total synthetic rubber acquired by him from all sources during the last four months of 1950.

(c) No person shall consume more new rubber than his maximum total new rubber consumption, computed as provided in paragraph (a) of this section; and no person shall consume more natural rubber than his maximum total natural rubber consumption, computed as provided in paragraph (b) of this section.

(d) The above provisions of this section shall not be applicable to orders manufactured for the Department of Defense; the consumption by any person of new rubber in orders manufactured for the Department of Defense during the last four months of 1950 shall be permitted in addition to his total allowable new rubber consumption during the last four months of 1950.

(e) The appeal procedure set forth in § 338.78 shall be applicable to the provisions of this section.

SYNTHETIC RUBBER SPECIFICATIONS

§ 338.85 *Synthetic rubber specifications for certain products*—(a) *Tires.* All pneumatic tires, in any size and type listed below, shall contain GR–S in at least the percentage designated below.

Pneumatic tire groups size and type	Percent GR-S of total natural rubber plus GR-S	
	Minimum group average	Minimum individual tire
Group 1:		
All 7.50 and down truck and bus tires, not including low platform trailer and wire tires	35	1
All 7.50 and down farm implement, garden implement and industrial tires	35	5
All passenger and motorcycle, front farm tractor and garden tractor tires	35	5
Group 2:		
All rear farm tractor and all other farm implement tires, not including rice and cane spade grip tires	75	55

NOTE: The above group averages for Groups 1 and 2 may be reduced by not more than three (3) points, provided the aggregate, GR-S consumption in these groups equals the total amount of GR-S which would have been consumed if calculated on the above minimum group averages for groups 1 and 2.

(b) *Tire tubes*—(1) *Reestablishment of GR–I specifications.* In the event that the consumption of butyl (GR–I) by the entire industry indicates that the total annual consumption will be less than 15,000 long tons, specifications requiring the consumption of butyl (GR–I) in certain types and sizes of tire tubes will be reinstated in this order to the extent necessary.

(b) *Markings on tire tubes.* Every tube containing butyl (GR–I) synthetic rubber shall be marked by the manufacturer with one or more circumferential light blue stripes, applied on the base section of the tube, any one of which stripes shall be 3/16" minimum width. No other tire tube shall be so marked.

Issued this 25th day of August 1950.

OFFICE OF INDUSTRY AND COMMERCE,
RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50–7555; Filed, Aug. 25, 1950; 4:04 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5491]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DILA-THERM COMPANY, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale or distribution of the device "Dila-Therm", or any other device of substantially similar make, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, that said device is an effective treatment for prostatitis or the symptoms thereof, or that when used alone or as a supplement to other treatment such device has any therapeutic value in the treatment of the prostate gland; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Dila-Therm Company, Inc., et al., Docket 5491, July 12, 1950]

In the Matter of the Dila-Therm Company, Inc., a Corporation, and W. P. Thielens, J. R. Dorsey, and Louis N. Rugee, Individually and as Officers of The Dila-Therm Company, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, testimony and other evidence introduced before a trial examiner of the Commission, theretofore duly designated by it, recommended decision of the trial examiner and exceptions thereto, briefs in support of and in opposition to the complaint, and oral argument, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents, The Dila-Therm Company, Inc., a corporation, its officers, representatives, agents, and employees, and W. P. Thielens, J. R. Dorsey, and Louis N. Rugee, and their agents, representatives, and employees, directly or through any corporate or other device; in connection with the offering for sale, sale, or distribution of the device "Dila-Therm", or any other device of substantially similar character, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication: That said device is an effective treatment for prostatitis or the symptoms thereof, or that when used alone or as a supplement to other treatment such device has any therapeutic value in the treatment of diseases of the prostate gland.

(2) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraph (1) hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 12, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50–7489; Filed, Aug. 28, 1950; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52545]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

EXEMPTIONS FROM SPECIAL TONNAGE TAX AND LIGHT MONEY; JAPAN

Section 4.22, Customs Regulations of 1943 (19 CFR 4.22), as amended, is further amended by the insertion of "Japan" immediately after "Italy" and preceding "Latvia" in the list of nations at the end of that section.

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3. Interprets or applies R. S. 4219, as amended, 4225, as amended, sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875, 60 Stat. 1097, 3 CFR., 1946 Supp.; 46 U. S. C. 121, 128, 5 U. S. C. 133y–16)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: August 21, 1950.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 50–7507; Filed, Aug. 28, 1950; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.111]

PART 75—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

SHIPMENTS UNDER MUTUAL DEFENSE ASSISTANCE ACT OF 1949

Part 75 of the Code of Federal Regulations is hereby amended by adding, following § 75.41 thereof, the following new section:

§ 75.42 *Shipments under Mutual Defense Assistance Act of 1949.* Arms, ammunition and implements of war transferred as grant-aid and procured by the Department of Defense under Public Law 329, 81st Congress, are not considered as exported within the meaning of section 12 of the Joint Resolution of November 4, 1939, and are therefore exempt from the licensing requirements of section 12 of the Joint Resolution. In the case of all such transfers, evidence must be presented to the appropriate Collector of Customs showing that such exemption applies.

(Sec. 1, 42 Stat. 361, sec. 12, 54 Stat. 10, as amended; 22 U. S. C. 409, 452)

For the Secretary of State.

SAMUEL D. BOYKIN,
Director, Office of Consular Affairs.

AUGUST 22, 1950.

[F. R. Doc. 50–7487; Filed, Aug. 28, 1950; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 855, Amdt. 2]

PART 95—CAR SERVICE

REFRIGERATOR CARS AND STOCK CARS FOR TRANSPORTING ALFALFA MEAL OR ANY COMMODITY SUITABLE FOR MOVEMENT IN SUCH CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of August A. D. 1950.

Upon further consideration of Service Order No. 855 (15 F. R. 4771, 4895), and good cause appearing therefor: It is ordered, that:

Section 95.855 *Refrigerator cars and stock cars for loading alfalfa meal or any commodity suitable for movement in such cars,* of Service Order No. 855 be, and it is hereby futher amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., September 30, 1950, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., August 22, 1950.

It is futher ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–7506; Filed, Aug. 28, 1950; 8:50 a. m.]

[S. O. 859, Amdt. 1]

PART 95—CAR SERVICE

RAILROAD FREIGHT CARS TO BE STOPPED TO COMPLETE LOADING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of August A. D. 1950.

Upon further consideration of Service Order No. 859 (15 F. R. 5051), and good cause appearing therefor: It is ordered, that:

Section 95.859 *Railroad freight cars to be stopped to complete loading,* of Service Order No. 859 be, and it is hereby, further amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, or transport or move, any railroad freight car (whether ordered or appropriated without being ordered) which car is loaded with lumber, shingles, plywood, doors, and other lumber or forest products in Oregon or Washington and tendered to be forwarded to another point to be stopped off to complete the loading thereof, unless or until the shipper or consignor certifies on the bill of lading that the lumber, shingles, plywood, doors, and other lumber or forest products loaded in the car at the first loading point equals or exceeds twenty-five percent (25%) of the marked or nominal capacity of the car used.

Effective date. This amendment shall become effective at 12:01 a. m., August 25, 1950.

It is further ordered, that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–7505; Filed, Aug. 28, 1950; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 29]

TOBACCO INSPECTION

ANNOUNCEMENT OF REFERENDA IN CONNECTION WITH PROPOSED DESIGNATION UNDER TOBACCO INSPECTION ACT OF TOBACCO AUCTION MARKETS OF MAYFIELD, MURRAY, AND PADUCAH, KY.

Pursuant to the authority vested in the Secretary of Agriculture by The Tobacco Inspection Act (7 U. S. C. 511 et seq.) and in accordance with the applicable regulations (13 F. R. 9474–9479) issued thereunder by the Secretary, notice is given that (1) a referendum of tobacco growers will be conducted from September 28 through September 30, 1950, to determine whether growers favor the designation of the Mayfield, Kentucky, tobacco auction market for free and mandatory inspection of tobacco sold thereon, (2) a referendum of tobacco growers will be conducted from September 28 through September 30, 1950, to determine whether growers favor the designation of the Murray, Kentucky, tobacco auction market for free and mandatory inspection of tobacco sold thereon, and (3) a referendum of tobacco growers will be conducted from September 28 through September 30, 1950, to determine whether growers favor the designation of the Paducah, Kentucky, tobacco auction market for free and mandatory inspection of tobacco sold thereon.

Growers who sold tobacco on the aforesaid markets during the 1949–50 marketing season shall be eligible to vote in the referendum relevant to the market on which their sales were accomplished. Ballots for use in said referenda will be mailed to all eligible voters insofar as their names and addresses are known. Eligible voters who do not receive ballots by mail may obtain them from the county agent or the office of the county PMA committee at the above points.

All completed ballots shall be mailed to the Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, P. O. Box 480, Louisville, Kentucky, and, in order to be counted in said referendum, must be postmarked not later than midnight, September 30, 1950.

Issued this 24th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–7509; Filed, Aug. 28, 1950; 8:51 a. m.]

[7 CFR, Part 915]

[Docket No. AO–208]

HANDLING OF MILK IN AKRON, OHIO, MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Akron, Ohio, on November 14–18, 1949, pursuant to notice thereof which was issued on October 21, 1949

(14 F. R. 6523), upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Akron, Ohio, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on June 19, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on June 22, 1950 (15 F. R. 4009; F. R. Doc. 50–5396).

The material issues and the findings and conclusions of the recommended decision (15 F. R. 4009, F. R. Doc. 50–5396) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, subject to the following revisions:

1. Delete the second paragraph beginning in column 1, 15 F. R. 4013, F. R. Doc. 50–5396, and substitute therefor the following:

Milk and milk products may be used at a later time in a class other than that of the original classification and if so used they should be reclassified in accordance with their final use. The major products subject to such reclassification are frozen cream and condensed skim milk and the order should specify that these products should return to producers the price for the class of ultimate use applicable during the month when such products were originally classified.

2. Delete the third sentence in the fifth paragraph beginning in column 2, 15 F. R. 4014, F. R. Doc. 50–5396, and substitute therefor the following: "Considering recent market experience of large purchases of outside milk when an ample supply of local milk was available, it is concluded that the proposed safeguard, based on the receipt of 25 percent or more of other source milk, should be provided in the low production months of October, November, December and January if such milk were not priced under another Federal milk marketing order."

Ruling on exceptions. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of certain interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "marketing agreement regulating the handling of milk in the Akron, Ohio, marketing area," and "order regulating the handling of milk in the Akron, Ohio, marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Akron, Ohio, Marketing Area

§ 915.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held November 14–18, 1949, at Akron, Ohio, upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Akron, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined herein, are in the current of interstate commerce and directly burden, obstruct, or affect interstate commerce in milk and its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts within the month of (i) other source milk which is classified as Class I milk and (ii) milk from producers, including such handler's own production.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Akron, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of this order as set forth below:

DEFINITIONS

§ 915.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.).

§ 915.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 915.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 915.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 915.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 915.6 *Akron, Ohio, marketing area.* "Akron, Ohio, marketing area," hereinafter called the "marketing area," means all territory, including but not being limited to all municipal corporations, within the boundaries of Summit County, Ohio.

§ 915.7 *Fluid milk plant.* "Fluid milk plant" means a bottling plant, except a bottling plant of a producer-handler, which is located (a) inside the marketing area and from which a route is operated during the month; or (b) outside the marketing area and from which a daily average of 600 pounds or more of Class I milk is disposed of on routes in the marketing area during the month.

§ 915.8 *Route.* "Route" means a delivery (including a sale from a plant store) of milk, skim milk, flavored milk, or flavored milk drinks in fluid form to a wholesale or retail stop.

§ 915.9 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which has approval of the health authorities of any community in the marketing area for consumption as fluid milk in such community and is received at a fluid milk plant. This definition shall include any

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

such person who is regularly classified as a producer but whose milk is caused to be diverted to a plant, other than a fluid milk plant, by a handler for his account. Milk so diverted shall be deemed to have been received at a fluid milk plant by the handler who caused it to be diverted.

§ 915.10 *Handler.* "Handler" means (a) any person with respect to skim milk and butterfat received at a fluid milk plant operated by him, (b) any person with respect to skim milk and butterfat received at a plant, other than a fluid milk plant, operated by him from which a route is operated in the marketing area, and (c) any cooperative association with respect to the milk of any producer which it causes to be diverted to a plant other than a fluid milk plant for the account of such cooperative association. Milk diverted from a fluid milk plant to another fluid milk plant shall be deemed to have been received at the fluid milk plant from which it was diverted for all purposes except for the determination of shrinkage.

§ 915.11 *Producer-handler.* "Producer-handler" means any person who (a) produces milk; (b) receives no milk directly from the farms of other dairy farmers; and (c) operates a plant from which a route is operated in the marketing area.

§ 915.12 *Producer milk.* "Producer milk" means all skim milk and butterfat which is produced by a producer and received by a cooperative association or at a fluid milk plant either directly from producers or from other fluid milk plants.

§ 915.13 *Other source milk.* "Other source milk" means all skim milk and butterfat except that contained in producer milk.

MARKET ADMINISTRATOR

§ 915.20 *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 915.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions hereof;

(b) Make rules and regulations to effectuate the terms and provisions hereof;

(c) Receive, investigate, and report to the Secretary complaints of violations hereof; and

(d) Recommend to the Secretary amendments hereto.

§ 915.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions hereof, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 915.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 915.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 915.30 to 915.32, or (2) payments pursuant to §§ 915.80 to 915.87;

(i) On or before the 25th day of each month, supply each cooperative association with a record of the amount of milk received by handlers during the preceding month, from each producer who is verified by the market administrator as being a member of such cooperative association;

(j) Publicly announce, by posting in a conspicuous place in his office, by mailing to all handlers, and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month, the minimum class prices for skim milk and butterfat computed pursuant to § 915.51 for the previous month; and

(2) On or before the 10th day of each month, the uniform price computed pursuant to § 915.71 and the butterfat differential computed pursuant to § 915.81, both for the previous month.

(k) Give notice on or before the 10th day of each month, with respect to the preceding month to each handler who received milk from producers of the amounts and values of skim milk and butterfat in each class and the totals of such amounts and values, the uniform price, the amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund and the totals of the minimum amounts to be paid by such handler as computed pursuant to §§ 915.80, 915.85, 915.86 and 915.87.

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 915.30 *Monthly reports of receipts and utilization.* (a) On or before the 6th day of each month each handler who received milk from producers during the preceding month shall report to the market administrator with respect to such month in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in milk received from producers;

(2) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other fluid milk plants;

(3) The quantities of skim milk and butterfat contained in (or used in the production of) receipts of other source milk;

(4) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(5) Such other information with respect to receipts and utilization as the market administrator may prescribe.

(b) On or before the 6th day of each month each handler, except a producer-handler, who operated a plant, other than a fluid milk plant, from which a route was operated in the marketing area during the preceding month shall report to the market administrator with respect to such month, the total disposition of skim milk and butterfat in fluid form as milk, skim milk, flavored milk and flavored milk drinks on routes in the marketing area.

§ 915.31 *Payroll reports.* On or before the 18th day of each month, each handler who received milk from producers during the preceding month shall submit to the market administrator such handler's producer payroll with respect to such month, which shall show: (a) The total pounds of milk and the percentage of butterfat contained therein received from each producer, (b) the amount and date of payment to each producer and cooperative association, and (c) the nature and amount of any deductions or charges involved in such payments.

§ 915.32 *Other reports.* Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may request.

§ 915.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations, including those of plants other than fluid milk plants in which any producer milk is received, and such facilities as, in the opinion of the market administrator, are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 915.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 915.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 915.30 shall be classified by the market administrator pursuant to the provisions of §§ 915.41 to 915.46.

§ 915.41 *Classes of utilization.* Subject to the conditions set forth in §§ 915.43 and 915.44, the classes of utilization should be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of in fluid form as milk, skim milk, flavored milk, or flavored milk drinks and all skim milk and butterfat not specifically accounted for under paragraphs (b) or (c) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of as buttermilk, sweet or sour cream, or any mixture of cream and milk or skim milk containing more than 6 percent of butterfat, and (2) used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat (1) used to produce ice cream, imitation ice cream, and other frozen desserts and mixes for similar products; frozen cream; butter; butter oil; cheese (other than cottage cheese); condensed milk; evaporated milk; nonfat dry milk solids; dry whole milk; and condensed or dry buttermilk; (2) dumped or disposed of for livestock feed; (3) in shrinkage of producer milk not in excess of 2 percent of the skim milk and butterfat in milk received from producers: *Provided*, That for the purpose of computing shrinkage milk of a producer transferred from a fluid milk plant by diversion directly from such producer's farm to another fluid milk plant shall be excluded from the receipts at the fluid milk plant making such diversion and shall be included in the receipts at the fluid milk plant to which such milk is diverted; and (4) in shrinkage of other source milk.

§ 915.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 915.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(c) The prices applicable to skim milk or butterfat reclassified in condensed skim milk in storage or in frozen cream shall be the class prices applicable when such skim milk or butterfat was originally classified.

§ 915.44 *Transfers.* Skim milk or butterfat transferred from a fluid milk plant shall be classified as Class I milk if transferred in the form of milk or skim milk and as Class II milk if transferred in the form of cream;

(a) To another fluid milk plant unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 6th day after the end of the month within which such transfer occurred: *Provided*, That the skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the receiving fluid milk plant after the subtraction of other source milk pursuant to § 915.46, and any additional amounts of skim milk or butterfat so transferred shall be assigned in series to the next higher priced classes in which there is skim milk or butterfat remaining in the receiving fluid milk plant: *And provided further*, That if either or both fluid milk plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both fluid milk plants so as to allocate the highest possible utilization to producer milk;

(b) To a plant, other than a fluid milk plant or a plant of a producer-handler, unless (1) utilization in another class is mutually indicated in writing to the market administrator by both the handler making such transfer and the receiver on or before the 6th day after the end of the month within which such transfer occurred, and (2) the receiver maintains books and records which show the utilization of all skim milk and butterfat received at his plant and which are made available if requested by the market administrator for the purpose of verifying such reported utilization: *Provided*, That the skim milk or butterfat so assigned to any class shall be limited to the amount classified in such class in the receiving plant and any additional amounts of skim milk or butterfat so transferred shall be assigned in series to the next higher priced classes in which there is utilization in the receiving plant; and

(c) To a plant of a producer-handler.

§ 915.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 915.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 915.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk determined pursuant to § 915.41 (c) (3);

(2) Subtract from the pounds of skim milk remaining in each class in series beginning with the lowest priced class in which there is skim milk remaining, the pounds of skim milk in other source milk;

(3) Subtract from the pounds of skim milk remaining in each class the skim milk received from other fluid milk plants according to its classification as determined pursuant to § 915.44;

(4) Add to the pounds of skim milk remaining in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in the milk received from producers, subtract such excess skim milk from the pounds remaining in each class in series beginning with the lowest priced class in which there is skim milk remaining.

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 915.50 *Basic formula price.* The basic formula price per hundredweight of milk shall be the highest of the prices pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic or field prices per hundredweight ascertained to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight resulting from the following computations:

(1) Multiply by 6 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month;

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide the resulting sum by 7;

(4) Add 30 percent thereof; and

(5) Multiply the resulting sum by 3.5.

(c) The price per hundredweight resulting from the following computations:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.5;

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, subtract 5.5 cents, multiply by 8.5, and multiply by 0.965; and

(3) Add together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph.

§ 915.51 *Class prices*—(a) *Class I milk prices.* The minimum respective prices per hundredweight to be paid by each handler for butterfat and skim milk, in milk received from producers during the month, which is classified as Class I milk, shall be the amounts determined pursuant to subparagraphs (4) and (6) of this paragraph by the market administrator as follows:

(1) To the basic formula price add the following amounts for the months indicated:

May and June	$0.85
March, April, July and August	1.00
All other months	1.15

(2) Divide the amount computed pursuant to § 915.50 (c) (1) by the amount computed pursuant to § 915.50 (c) (3);

(3) Multiply the price determined pursuant to subparagraph (1) of this paragraph by the percent determined pursuant to subparagraph (2) of this paragraph;

(4) Divide the amount determined pursuant to subparagraph (3) of this paragraph by 0.035;

(5) Subtract the amount determined pursuant to subparagraph (3) of this paragraph from the amount determined pursuant to subparagraph (1) of this paragraph, and

(6) Divide the amount determined pursuant to subparagraph (5) of this paragraph by 0.965.

(b) *Class II milk prices.* The minimum respective prices per hundredweight to be paid by each handler for butterfat and skim milk, in milk received from producers during the month, which is classified as Class II milk, shall be the amounts determined pursuant to subparagraphs (3) and (5) of this paragraph by the market administrator as follows:

(1) To the basic formula price add the following amounts for the months indicated:

May and June	$0.45
March, April, July and August	.60
All other months	.75

(2) Multiply the price determined pursuant to subparagraph (1) of this paragraph by the percent determined pursuant to paragraph (a) (2) of this section;

(3) Divide the amount determined pursuant to subparagraph (2) of this paragraph by 0.035;

(4) Subtract the amount determined pursuant to subparagraph (2) of this paragraph from the amount determined pursuant to subparagraph (1) of this paragraph, and

(5) Divide the amount determined pursuant to subparagraph (4) of this paragraph by 0.965.

(c) *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler for butterfat and skim milk in milk received from producers during the month, which is classified as Class III milk shall be the amounts determined pursuant to subparagraphs (1) and (2) of this paragraph by the market administrator as follows:

(1) Multiply the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month by 120: *Provided*, That the price per hundredweight of butterfat used to produce butter or classified as shrinkage pursuant to § 915.42 (c) (3) shall be such price less $5.00, and

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, subtract 5.5 cents and multiply by 8.5.

APPLICATION OF PROVISIONS

§ 915.60 *Producer-handlers.* Sections 915.40 to 915.46, 915.50 to 915.51, 915.70 to 915.71, 915.80 to 915.87 shall not apply to a producer-handler.

§ 915.61 *Handlers subject to other orders.* The provisions of this order, except §§ 915.10 (b) and 915.30 (b), shall not apply in the case of any handler who operates a plant from which a daily average of 600 pounds or more of Class I milk is disposed of on routes in the marketing area during the month and who is subject to the provisions of another marketing agreement or order issued under the act with respect to payment of minimum prices to producers (as defined under such other marketing agreement or order) for milk received directly from farms at such plant.

DETERMINATION OF UNIFORM PRICE

§ 915.70 *Computation of value of milk.* The value of the milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts: *Provided*, That if the handler had excess skim milk or butterfat during such month there shall be added to the above values an amount computed by multiplying the pounds of such excess skim milk or butterfat in each class (as assigned to such class pursuant to § 915.46) by the applicable class prices: *And provided further*, That if a handler has received at his fluid milk plant during any of the months of October, November, December or January skim milk or butterfat in other source milk equal to 25 percent or more of the total receipts of skim milk or butterfat at such fluid milk plant during such month there shall be added to the above values an amount computed by multiplying the pounds of skim milk and butterfat, respectively, in other source milk which are classified as Class I milk by:

(a) The difference between the price for skim milk or butterfat, respectively, in Class I milk and Class III milk, if such skim milk or butterfat was not priced under another Federal milk marketing order; and

(b) If such skim milk or butterfat was priced under another Federal milk marketing order, any amount by which the Class I price for skim milk or butterfat, respectively, pursuant to this order exceeds the price for the class in which such skim milk or butterfat was classified pursuant to such other Federal order.

Other source milk classified as Class I milk shall be deemed to be that received in the form of milk, skim milk, flavored milk or flavored milk drinks. In case other source milk was received in such form from more than one source, that which is classified as Class I milk shall be deemed to have been received from each source in the same proportion that

the total other source milk in such form was received from each such source.

§ 915.71 *Computation of the uniform price.* For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 915.70;

(b) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 915.81 and multiplying the resulting figure by the hundredweight of such milk;

(d) Divide by the hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers.

§ 915.80 *Time and method of payment.* On or before the 15th day of each month, each handler shall make payment to each producer for milk received from him during the preceding month of an amount not less than that computed by multiplying the pounds of such milk by the uniform price computed pursuant to § 915.71, adjusted by the butterfat differential computed pursuant to § 915.81: *Provided*, That with respect to milk received during such month from producers who have authorized a cooperative association to collect payment for them, the handler may, upon written request by such cooperative association, make payment to such cooperative association, on or before the 13th day after the end of the month during which such milk was received, of an amount not less than the sum of the individual payments otherwise payable to such producers in accordance with this section.

§ 915.81 *Producer butterfat differential.* In making payments pursuant to § 915.80 the uniform price shall be adjusted for each one-tenth of 1 percent that the milk of each producer varies from 3.5 percent, by adding for each one-tenth above 3.5 percent and subtracting for each one-tenth below 3.5 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per ponnd at Chicago as reported by the Department of Agriculture during the month, dividing the resulting sum by .10, and rounding to the nearest one-tenth of a cent.

§ 915.82 *Producer - settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund," into which he shall deposit payments made by handlers pursuant to §§ 915.83 and 915.85 and out of which he shall make payments to handlers pursuant to §§ 915.84 and 915.85.

§ 915.83 *Payments to the producer-settlement fund.* On or before the 12th day after the end of the month during which the milk was received, each handler shall pay to the market administrator the amount by which the value of the milk received by such handler from producers during such month as determined pursuant to § 915.70 is greater than the amount required to be paid producers by such handler pursuant to § 915.80.

§ 915.84 *Payment out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler the amount by which the value of the milk received by such handler from producers during such month as determined pursuant to § 915.70 is less than the amount required to be paid producers by such handler pursuant to § 915.80, less any unpaid obligations of such handler to the market administrator pursuant to §§ 915.83, 915.85, 915.86 and 915.87: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available. No handler who has not received the balance of such payment from the market administrator shall be considered in violation of § 915.80 if he reduces his payments uniformly per hundredweight to all producers by an amount not in excess of the per hundredweight reduction in payment received from the market administrator. Such handler shall make such balance of payment to those producers to whom it is due on or before the date for making such payments pursuant to this section, next following that on which such balance of payment is received from the market administrator.

§ 915.85 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 915.86 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 915.80 with respect to all milk received from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 4 cents per hundredweight of milk, or such amount not to exceed 4 cents as the Secretary may from time to time prescribe, and on or before the 15th day after the end of the month during which such milk was received shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments to such producers pursuant to § 915.80 as may be authorized by the membership agreement or by-laws of such cooperative association, and on or before the 15th day after the end of the month during which such milk was received shall pay such deductions to the cooperative association, of which such producers are members, rendering such services: *Provided*, That such deductions shall not be made from payments made to a cooperative association pursuant to the proviso in § 915.80.

§ 915.87 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler, who received milk from producers, shall pay to the market administrator on or before the 12th day after the end of the month during which such milk was received 4 cents per hundredweight, or such amount not to exceed 4 cents as the Secretary may from time to time prescribe, with respect to all receipts of (a) other source milk which is classified as Class I milk, and (b) milk from producers (including such handler's own production).

§ 915.88 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 915.90 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 915.91.

§ 915.91 *Suspension or termination.* Whenever the Secretary finds this order or any provision thereof obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this order or any such provision thereof.

§ 915.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 915.93 *Liquidation.* Upon the suspension of the provisions hereof, except this section, the market administrator, or such other liquidation agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidation agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 915.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 915.101 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 50-7512; Filed, Aug. 28, 1950; 8:51 a. m.]

[7 CFR, Part 915]

HANDLING OF MILK IN AKRON, OHIO, MARKETING AREA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF REPRESENTATIVE PERIOD; AND DESIGNATION OF AN AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Akron, Ohio, marketing area), who, during the month of May 1950, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of such order, which is filed simultaneously herewith.[1]

The month of May 1950 is hereby determined to be the representative period for the conduct of such referendum.

Hobart E. Crone is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for conducting of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this referendum order is issued.

Done at Washington, D. C., this 24th day of August 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 50-7516; Filed, Aug. 28, 1950; 8:51 a. m.]

[1] See F. R. Doc. 50-7512, *supra.*

[7 CFR, Part 917]

[Docket No. AO-218]

HANDLING OF IRISH POTATOES GROWN IN WYOMING AND WESTERN NEBRASKA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (43 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat 1247; 63 Stat. 1051), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Torrington, Wyoming, on May 4–6, 1950, pursuant to notice thereof in the FEDERAL REGISTER (15 F. R. 2141), upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the counties of Goshen, Laramie, Platte, Albany, Converse, Niobrara, Natrona, Johnson, Sheridan, Washakie, Big Horn, Park, Hot Springs, and Fremont in Wyoming, and the counties of Sioux, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Dawes, Sheridan, Garden, Deuel, Keith, and Lincoln in Nebraska.

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 10, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (15 F. R. 5198, 5536). No exceptions to the recommended decision have been filed.

The material issues and the findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 50-7035; 15 F. R. 5198, 5536) are hereby approved, adopted, and incorporated herein, as the material issues and the findings and conclusions of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Irish Potatoes Grown in Wyoming and Western Nebraska" and "Order Regulating the Handling of Irish Potatoes Grown in Wyoming and Western Nebraska", which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said

agreement are identical with those contained in the attached order, which will be published with this decision.

Done at Washington, D. C., this 24th day of August 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

Order[1] Regulating the Handling of Irish Potatoes Grown in Wyoming and Western Nebraska

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AUTHORITY: §§ 917.0 to 917.92 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051.

§ 917.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Torrington, Wyoming, on May 4–6, 1950, upon a proposed marketing agreement and a proposed order regulating the handling of Irish potatoes grown in the counties of Goshen, Laramie, Platte, Albany, Converse, Niobrara, Natrona, Johnson, Sheridan, Washakie, Big Horn, Park, Hot Springs, and Fremont in Wyoming, and the counties of Sioux, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Dawes, Sheridan, Garden, Deuel, Keith, and Lincoln in Nebraska. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) All handling of potatoes grown in the production area is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce;

(2) This order, and all of the terms and conditions of this order, will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in the production area specified in this order by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, as will tend to effectuate such orderly marketing of such Irish potatoes as will be in the public interest;

(3) This order regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement on which a hearing has been held;

(4) This order is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area specified in this order would not effectively carry out the declared policy of the act; and

(5) The terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of potatoes grown in the production area.

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof the handling of potatoes, as defined in this order, shall be in conformity to and in compliance with the terms and conditions of this order; and the terms and conditions of this order are as follows:

DEFINITIONS

§ 917.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer, or employee of the United States Department of Agriculture, who is, or may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 917.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

§ 917.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 917.4 *Production area.* "Production area" means all territory included within the counties of Goshen, Laramie, Platte, Albany, Converse, Niobrara, Natrona, Johnson, Sheridan, Washakie, Big Horn, Park, Hot Springs, and Fremont in Wyoming and the counties of Sioux, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Dawes, Sheridan, Garden, Deuel, Keith, and Lincoln in Nebraska.

§ 917.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 917.6 *Handler; shipper.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 917.7 *Ship; handle.* "Ship" or "handle" means to transport, sell, or in any other way to place potatoes in the current of commerce within the production area, or between the production area and any point outside thereof: *Provided*, That the definition of "ship" or "handle" shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area for storing therein, or the sale or transportation within the production area of potatoes to a recognized packer for the purpose of having such potatoes prepared therein for market.

§ 917.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 917.9 *Fiscal year.* "Fiscal year" means the period beginning on June 1 of each year and ending on the last day of May following.

§ 917.10 *Administrative committee; marketing committee.* "Administrative committee" means the Wyoming-Western Nebraska Potato Committee established pursuant to § 917.22 (a); and "marketing committee" means each of the district marketing committees established pursuant to § 917.22 (b).

§ 917.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 917.12 *Seed potatoes.* "Seed potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the respective State or such other seed certification agencies as the Secretary may designate.

§ 917.13 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 917.14 *Pack.* "Pack" means a unit of potatoes contained in a bag, crate, or other type of container and falling within specific weight limits recommended by the administrative committee and approved by the Secretary.

§ 917.15 *Grade.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon; or

(b) The United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon.

§ 917.16 *Export.* "Export" means shipments of potatoes beyond the boundaries of continental United States.

§ 917.17 *District, and subdistrict.* "District" means each of the districts of the production area established pursuant to § 917.26; and "subdistrict" means each of the subdistricts established pursuant to the same section.

§ 917.18 *Part and subpart.* "Part" means the order regulating the handling of Irish potatoes grown in the production area, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such "part".

COMMITTEE

§ 917.22 *Establishment—(a) Administrative Committee.* The Wyoming-Western Nebraska Potato Committee consisting of six members, four of whom shall be producers and two of whom shall be handlers, is hereby established. All of such members shall be members of a marketing committee under this subpart.

(b) *Marketing committees.* Marketing committees are hereby established as follows:

(1) *District No. 1 Potato Marketing Committee.* This committee shall consist of nine members, six of whom shall be producers and three of whom shall be handlers.

(2) *District No. 2 Potato Marketing Committee.* This committee shall consist of nine members, six of whom shall be producers and three of whom shall be handlers.

§ 917.23 *Committee members and alternates.* For each member of each committee there shall be an alternate who shall have the same qualifications as the member. Each person selected as a marketing committee member or alternate to represent producers in a subdistrict shall be an individual who is a producer or officer or employee of a producer in such subdistrict. Each person selected as a marketing committee member or alternate to represent handlers in a district shall be an individual who is a handler or officer or employee of a handler in such district.

§ 917.24 *Term of office.* (a) The respective terms of office of administrative committee members and alternates and marketing committee members and alternates shall be two fiscal years: *Provided*, That the term of office of a majority of the initial members and respective alternates of each committee shall be one fiscal year. Each member and alternate shall continue to serve until the respective successor is selected and has qualified.

(b) Administrative and marketing committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify.

§ 917.25 *Selection—(a) Administrative committee.* The Secretary shall select the members and alternates of the Wyoming-Western Nebraska Potato Committee as follows: Two producer members and alternates and one handler member and alternate from each marketing committee established under this subpart.

(b) *Marketing committee.* The Secretary shall select marketing committee members and alternates as follows: For District No. 1 Potato Marketing Committee, four producer members and alternates from subdistrict 1 A, two producer members and alternates from subdistrict 1 B, and three handler members from District No. 1; and for District No. 2 Potato Marketing Committee, four producer members and alternates from subdistrict 2 A, two producer members and alternates from subdistrict 2 B, and three handler members from District No. 2. The aforesaid districts and subdistricts are established pursuant to § 917.26.

§ 917.26 *Districts and subdistricts.* As a basis for selecting marketing committee members, the following districts and subdistricts of the production area are hereby established:

Districts	Subdistricts	State and counties
District No. 1	1A	Converse, Niobrara, Platte, Goshen and Laramie Counties in Wyoming.
	1B	All the remaining counties in Wyoming within the production area not included in subdistrict 1A.
District No. 2	2A	Scotts Bluff County in Nebraska.
	2B	All the remaining counties in Nebraska within the production area not included in subdistrict 2A.

§ 917.27 *Nomination.* The Secretary may select the members of the administrative committee and the marketing committees and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for members of the administrative committee and their respective alternates to represent a district may be submitted by the marketing committee serving such district. At least two nominees from among the membership on such marketing committee shall be designated for each position to be filled on the administrative committee. Nominations for administrative committee members and their respective alternates shall be supplied to the Secretary in such manner and form as he may prescribe, as soon as practical after the respective marketing committee organizes and begins operating during the term for which selected.

(b) Nominations for initial producer members of each marketing committee and their respective alternates may be submitted by producers, or groups thereof, and such nominations may be by virtue of elections conducted by such producers. Nominations for initial handler members of each marketing committee and their respective alternates may be submitted by handlers, or groups thereof, and such nominations may be by virtue of elections conducted by such handlers.

(c) In order to provide nominations for successor members and alternate members on a marketing committee:

(1) The Wyoming-Western Nebraska Potato Committee shall hold or cause to be held 60 days prior to the end of each fiscal year, after the effective date of this subpart, a meeting or meetings of producers and handlers, respectively, in the district served by the committee;

(2) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the marketing committee which is vacant or which is to become vacant at the end of the then current fiscal year;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(3) Nominations for marketing committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 45 days prior to the end of such fiscal year;

(4) Only producers may participate in designating nominees for producer members and their alternates and only handlers may participate in designating nominees for handler members and their alternates;

(5) Each person who is both a handler and a producer may vote either as a handler or as a producer and shall elect the group in which he votes; and

(6) Regardless of the number of subdistricts in which a person is a producer, such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for each producer member position and each producer alternate member position to be filled on such committee: *Provided*, That in the event a person is a producer in more than one subdistrict, such person shall elect the subdistrict within which he will participate as aforesaid in designating nominees.

§ 917.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 917.27, the Secretary may, without regard to nominations, select administrative committee, and marketing committee, members and alternates, which selection shall be on the basis of the representation provided in this subpart.

§ 917.29 *Acceptance.* Any person selected as a member or as an alternate member on any committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 917.30 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 917.27, or the Secretary may select such committee member or alternate from previously unselected nominees on the applicable current nominee list. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided in this subpart.

§ 917.31 *Alternate members.* An alternate member of any committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence, or inability to act. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 917.32 *Procedure.* (a) Four members of the Wyoming-Western Nebraska Potato Committee shall be necessary to constitute a quorum of the administrative committee and a like number of concurring votes shall be necessary to pass any motion or approve any committee action.

(b) Five members of a marketing committee shall be necessary to constitute a quorum of such committee and a like number of concurring votes shall be necessary to pass any motion or approve any action of such committee.

(c) Committee meetings may be conducted by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 917.33 *Expenses and compensation.* Committee members and alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part, and shall receive compensation at a rate to be determined by the administrative committee, which rate shall not exceed $10.00 for each day, or portion thereof, spent in attending to committee business.

§ 917.34 *Powers.* The Wyoming-Western Nebraska Potato Committee and each of the marketing committees shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 917.35 *Duties*—(a) *Administrative committee.* It shall be the duty of the Wyoming-Western Nebraska Potato Committee:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To select, from among its membership, a chairman and such other officers as may be necessary, and subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(3) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(4) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(5) To furnish to the Secretary such available information as he may request;

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the administrative committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses and assessments for such fiscal year, together with a report thereon;

(8) To recommend the rate of assessment to cover the expenses set forth in the budget;

(9) To cause the books of the administrative committee to be audited by a competent accountant at least once each fiscal year, and at such other time as such committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of such committee for inspection by producers and handlers; and

(10) To consult, cooperate and exchange information when deemed desirable by the administrative committee with other potato administrative committees and other individuals or agencies in connection with all proper activities and objectives of such committee under this part.

(b) *Marketing committees.* It shall be the duty of each marketing committee:

(1) To nominate members and alternates for the Wyoming-Western Nebraska Potato Committee;

(2) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes;

(3) To make recommendations pursuant to § 917.52 for the issuance of regulations to be applicable to shipments from the district served by the respective committee;

(4) To act as intermediary between the Secretary and any producer or handler;

(5) To select, from among its membership, a chairman and such other officers as may be necessary and to select subcommittees of committee members;

(6) To adopt such rules and regulations for the conduct of its business as it may deem advisable; and

(7) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative.

EXPENSES, ASSESSMENTS, AND BUDGETS

§ 917.40 *Budget.* The administrative committee shall prepare a budget for each fiscal year showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The administrative committee shall also transmit a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 917.41 *Expenses.* The administrative committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget, or on the basis of other available information, finds may be necessary and appropriate during each fiscal year.

§ 917.42 *Rate of assessment.* The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate fixed by the Secretary on the basis of the administrative committee's recommendation or other available information. Each handler who first ships potatoes shall pay assessments to the administrative committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by such committee during each fiscal year. Such handler's share of such expenses shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

§ 917.43 *Increasing rate of assessment.* Upon recommendation of the administrative committee or upon a later finding relative to such committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

§ 917.44 *Accounting.* All funds received by the administrative committee pursuant to any provision of this part shall be used solely for the purposes specified in this part and shall be accounted for in the following manner:

(a) The Secretary may at any time require the administrative committee and its members to account for all receipts and disbursements; and

(b) Whenever any person ceases to be an administrative or marketing committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 917.45 *Collection of funds.* The administrative committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of its expenses.

§ 917.46 *Refunds.* If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

REGULATION

§ 917.50 *Marketing policy preparation.* (a) At the beginning of each marketing season the administrative committee and the marketing committees shall hold a joint meeting to consider a proposed policy for the marketing of potatoes grown in the respective districts during such season. In developing such marketing policy the committees shall investigate relevant supply and demand conditions for potatoes and in such investigations shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality in different packs;

(2) Supply of potatoes, by grade, size, and quality in the production area and in other production areas;

(3) The trend and level of consumer income; and

(4) Other relevant factors.

(b) Following such joint consideration of marketing policy, each marketing committee shall adopt a proposed policy for the marketing of potatoes grown in its district and prepare a report thereon.

§ 917.51 *Marketing policy report.* (a) Each marketing committee shall submit to the Secretary a report setting forth the aforesaid marketing policy, and a copy of such report shall be made available to the administrative committee. Each committee with the assistance of the administrative committee also shall notify producers and handlers of the contents of such reports.

(b) In the event it becomes advisable for a marketing committee to deviate from its marketing policy, because of changed supply and demand conditions, the administrative committee and the marketing committees shall formulate a new marketing policy in accordance with the manner previously outlined. Such marketing committee also shall submit a report thereon to the Secretary, also to the administrative committee, and notify, with the assistance of the administrative committee, producers and handlers of such revised or amended marketing policy.

§ 917.52 *Recommendation for regulations; committee recommendations.* Each marketing committee shall recommend regulation, for the district which it serves, to the Secretary whenever it finds that such regulation, as provided in § 917.53, will tend to effectuate the declared policy of the act. Each marketing committee also may recommend modification, suspension, or termination of any regulation in order to facilitate shipments of potatoes, grown in such district, pursuant to § 917.54.

§ 917.53 *Issuance of regulations.* The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by any marketing committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes, or qualities of any or all varieties of potatoes during any period; or

(b) Regulate the shipment of particular grades, sizes, or qualities of potatoes differently, for different varieties, for different portions of the production area, for different packs, or any combination of the foregoing during any period; or

(c) Regulate the shipment of potatoes by establishing, and maintaining in effect in terms of grades, sizes, or both, minimum standards of quality or maturity, or both.

§ 917.54 *Modification, suspension, or termination.* The Secretary shall modify, suspend, or terminate regulations issued pursuant to §§ 917.42, 917.53, or 917.65, or any combination thereof, in order to facilitate shipments of potatoes for one or more of the following purposes, whenever he finds, upon the basis of the recommendations and information submitted by any marketing committee for the district served by such committee, or from other available information, that such action will tend to effectuate the declared policy of the act:

(a) For seed;

(b) For export;

(c) For distribution by the Federal Government;

(d) For manufacture or conversion into specified products;

(e) For livestock feed; and

(f) For other purposes which may be specified.

§ 917.55 *Minimum quantity regulation.* Each marketing committee, with the approval of the Secretary, may establish for any or all portions of the production area, served by such committee, minimum quantities below which shipments will be free from regulations issued or in effect pursuant to §§ 917.42, 917.43, 917.53, or 917.65 or any combinations thereof.

§ 917.56 *Notification of regulation.* The Secretary shall notify the administrative committee and marketing committees of each regulation issued, and modification, suspension, or termination thereof. The administrative committee with the assistance of the marketing committees shall give reasonable notice thereof to producers and handlers.

§ 917.57 *Safeguards.* (a) The administrative committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 917.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by such committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the administrative committee to ship potatoes pursuant to § 917.54;

(2) Handlers shall obtain inspection provided by § 917.65 or pay the aforesaid pro rata share of expenses, or both, in connection with potato shipments effected under the provisions of § 917.54; and

(3) Handlers shall obtain Certificates of Privilege from the administrative committee for shipments of potatoes

effected or to be effected under the provisions of § 917.54.

(b) The administrative committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in § 917.54 were handled contrary to the requirements applicable thereto.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the administrative committee pursuant to the provisions of this section.

(d) The administrative committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 917.65 *Inspection and certification.* During any period in which shipments of potatoes are regulated pursuant to the provisions of §§ 917.42, 917.43, or 917.53, no handler shall ship potatoes unless, prior thereto, such shipment was inspected by an authorized representative of the Federal Inspection Service or such other inspection service as the Secretary shall designate. Each handler procuring inspection pursuant to this section shall make arrangements with the inspecting agency to forward promptly to the administrative committee a copy of the inspection certificate: *Provided*, That the regrading, resorting, repacking, or other further preparation of inspected potatoes for market shall invalidate prior inspection thereon and subsequent shipment of such potatoes after regrading, resorting, repacking, or other preparation for market shall not be effected unless, prior thereto, such shipment is inspected as provided in this section.

EXEMPTIONS

§ 917.70 *Procedure.* The administrative committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers and to handlers.

§ 917.71 *Granting exemptions.* (a) Such committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 917.53, he will be prevented from handling, or causing to be handled, as large a proportion of his production as the average proportion of production handled, or caused to be handled, during the entire season (or such portion thereof as may be determined by the committee) by all producers in said applicant's immediate area of production and that the grade, size, and quality, or either thereof, of the applicant's potatoes, has been adversely affected by acts beyond the applicant's control and by acts beyond his reasonable expectation. Each such certificate shall permit the producer to handle, or cause to be handled, the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(b) Such committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 917.53, he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings (acquired as aforesaid) handled by all handlers in said applicant's immediate shipping area, and that the grade, size, and quality, or either thereof of the applicant's potatoes, has been adversely affected by acts beyond the applicant's control and by acts beyond his reasonable expectation. Each such certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(c) The committee shall be permitted, at any time, to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 917.72 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Each applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 917.73 *Records and reports of exemptions.* (a) The administrative committee shall maintain records of all applications submitted for exemption certificates, of all exemption certificates issued, of the respective quantity of potatoes covered by each such exemption certificate, of the amount of potatoes shipped under exemption certificates, and of appeals submitted for reconsideration of applications, and such additional information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the administrative committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to § 917.70, 917.71, or 917.72, or any combination thereof.

MISCELLANEOUS PROVISIONS

§ 917.80 *Reports.* Upon the request of the administrative committee, with approval of the Secretary, every handler shall furnish to such committee, in such manner and at such time as may be prescribed, such information as will enable the administrative committee and the marketing committees to exercise their powers and perform their duties under this part. The Secretary shall have the right to modify, change, or rescind any requests for reports made pursuant to this section.

§ 917.81 *Compliance.* Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this part, and no handler shall ship potatoes except in conformity to the provisions of this part.

§ 917.82 *Right of the Secretary.* The members of the administrative committee (including successors and alternates) and any agent or employee appointed or employed by such committee, and the members of the marketing committees (including successors and alternates) shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of each such committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 917.83 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart and shall continue in force until terminated in one of the ways hereinafter specified.

§ 917.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 917.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the administrative committee shall continue as trustees, for the purpose of liquidating the affairs of such committee and the marketing committees, of all the funds and property then in the possession of or under control of such committees, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the aforesaid committees and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligations imposed in this part.

§ 917.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart, or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation:

§ 917.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 917.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 917.89 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted, by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 917.90 *Personal liability.* No member or alternate of the administrative committee or any marketing committee, or any employee or agent of the administrative committee, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty.

§ 917.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 917.92 *Amendments.* Amendments to this subpart hereto may be proposed, from time to time, by the administrative committee, or by any marketing committee, or by the Secretary.

[F. R. Doc. 50-7511; Filed, Aug. 28, 1950; 8:51 a. m.]

[7 CFR, Part 917]

[Docket No. AO-218]

HANDLING OF IRISH POTATOES GROWN IN WYOMING AND WESTERN NEBRASKA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF REPRESENTATIVE PERIOD; DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), it is hereby directed that a referendum be conducted among producers who, during the period June 1, 1949, to May 31, 1950, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the production, in the counties of Goshen, Laramie, Platte, Albany, Converse, Niobrara, Natrona, Johnson, Sheridan, Washakie, Big Horn, Park, Hot Springs, and Fremont in Wyoming, and the counties of Sioux, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Dawes, Sheridan, Garden, Deuel, Keith, and Lincoln in Nebraska, of Irish potatoes for market, to determine whether such producers approve or favor the issuance of an order regulating the handling of Irish potatoes grown therein; and said order is annexed to the decision of the Secretary of Agriculture filed[1] simultaneously herewith.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection With Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

A. C. Cook, R. P. Callaway, H. C. Hess, and W. D. Mathias of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid order may be examined in the Office of the Hearing Clerk, Room 1353 South Building, United States Department of Agriculture, Washington, D. C., and at the county Production and Marketing Administration office in each of the counties within the specified production area.

Ballots to be cast in the referendum and copies of the text of the order may be obtained from any referendum agent and any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat 1247; 63 Stat. 1051)

Done at Washington, D. C., this 24th day of August 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 50-7517; Filed, Aug. 28, 1950; 8:51 a m.]

[1] See F. R. Doc. 50-7511, *supra*.

CIVIL AERONAUTICS BOARD

[14 CFR, Part 50]

PRIMARY FLYING SCHOOL FLIGHT CURRICULUM

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation notice is hereby given that the Bureau will propose to the Board an extension of Special Civil Air Regulation SR-336 in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by September 29, 1950, will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after October 4, 1950, for perusal by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Currently effective Special Civil Air Regulation SR-336 provides for the issuance of an air agency certificate with a primary flying school rating to an applicant who will, in lieu of the requirements of § 50.13 (a) of the Civil Air Regulations, provide at least 55 hours of flight training of which not less than 10 hours shall be solo flight time, not less than 15 hours dual instruction time, and not less than 30 hours flight instruction time with the student acting in the capacity of an observer. The student undergoing such instruction will obtain only a total of 25 hours while actually manipulating the controls of an airplane. Thus, this Special Civil Air Regulation substitutes 30 hours of controlled observer time for 10 hours of pilot time. Special Civil Air Regulation SR-336 terminates October 18, 1950.

Information received by this Bureau indicates that approximately 46 schools

have been approved by the Administrator to provide training in accordance with the provisions of Special Civil Air Regulation SR–336, but that only a very few have actually commenced training. We also understand that additional schools are desirous of instituting this type of training.

We have been advised that none of the students who have matriculated into these courses have completed their training, and that therefore the Administrator has not had sufficient time in which to evaluate the results thereof. Nor is it anticipated that the Administrator will have time to make such an evaluation prior to the termination date of Special Civil Air Regulation SR–336.

Accordingly, it is proposed to postpone the termination date of Special Civil Air Regulation SR–336 until October 18, 1951. It is anticipated that within such time the Administrator will be able to accumulate sufficient data on which to make a determination with respect to the continuance of this type of training.

It is also proposed to permit a graduate of this course of training, who passes his examination for a private rating, to credit not more than 10 hours of the "dual instruction observer" time as dual instruction flight time and to obtain a private pilot rating without any endorsement based upon the flight time completed.

This Special Civil Air Regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, 62 Stat. 1216, 49 U. S. C. 551–560, act of July 1, 1948)

Dated: August 24, 1950, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 50–7515; Filed, Aug. 28, 1950; 8:52 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 17]

[Docket No. FDC–31 (b)]

BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

ORDER EXTENDING TIME FOR FILING EXCEPTIONS TO TENTATIVE ORDER

On August 8, 1950 there was published in the FEDERAL REGISTER (15 F. R. 5102 et seq.) a notice of proposed rule making issued by the Acting Federal Security Administrator in the matter of fixing and establishing definitions and standards of identity for various types of bread, rolls, and buns. The notice provided that any person whose appearance was filed at the hearing may, within 30 days from the date of publication, file with the Hearing Clerk, Federal Security Agency, Room 5109, Federal Security Building, Fourth Street and Independence Avenue SW., Washington, D. C., written exceptions to the proposed order, which exceptions may be accompanied by a memorandum or brief in support thereof.

The Federal Security Administrator, having been petitioned by interested persons whose appearances were filed at the hearing, to extend the period of time in which such exceptions and supporting memoranda or briefs may be filed, and good cause therefor appearing: *It is ordered*, That the time for filing such documents be hereby extended to October 9, 1950, and that said extension shall apply to any interested person whose appearance was filed at the hearing.

Dated: August 23, 1950.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50–7488; Filed, Aug. 28, 1950; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

CLASSIFICATION ORDER AMENDED

AUGUST 21, 1950.

1. Pursuant to authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby amend Arizona Small Tract Classification No. 19, approved August 8, 1950, to include and classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described lands in the Phoenix, Arizona Land District, embracing 160 acres,

ARIZONA SMALL TRACT CLASSIFICATION NO. 19, AMENDED

For lease and sale for all purposes authorized by the Act except business sites:

T. 4 N., R. 3 E., G. & S. R. B. & M., Arizona,
Sec. 28, W½SE¼,
Sec. 33, W½NE¼.

2. Section 2 of the original order approved August 8, 1950 is hereby adopted and made a part hereof in its entirety.

3. As to applications regularly filed prior to 1:00 p. m. m. s. t. on May 7, 1946, and which are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

4. As to the land not covered by applications of the class referred to in section 3, this order shall not become effective to permit leasing under the Small Tract Act of June 1, 1938, as amended, until 10:00 a. m. m. s. t. on October 23, 1950. At that time such lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application as follows:

(a) Ninety-one day preference period for qualified veterans of World War II from 10:00 a. m. on October 23, 1950 to close of business on January 21, 1951.

(b) Advance period for veterans' simultaneous filings from 1:00 p. m. on May 7, 1946 to 10:00 a. m. on October 23, 1950.

5. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally commencing at 10:00 a. m. on January 22, 1951.

(a) Advance period for simultaneous non-preference right filings from 1:00 p. m. on May 7, 1946, to 10:00 a. m. on January 22, 1951.

6. Applications filed within the periods mentioned in sections 4 (b) and 5 (a) will be treated as simultaneously filed.

7. Sections 7, 8, and 9 of the original order are made a part hereof by reference.

8. Leases will contain an option to purchase clause at appraised values as follows:

Section 28

W½SE¼, $100.00 per 5-acre tract.

Section 33

W½NE¼, $100.00 per 5-acre tract.

As to applications to purchase, construction of improvements, provisions for assignment and renewal, compliance with Federal, State, county and municipal laws, right-of-way, set-back of structures from exterior boundaries of tracts and roads and streets, surveys, reservations of fissionable material sources and minerals, and inquiries, sections 10 (a), (b) and (c), and sections 11, 12, 13, 14, 15, 16 of the original order No. 19 approved August 8, 1950 are made a part of this amended order, and the terms and conditions contained in said last enumerated sections shall be the terms and condlions of this amendment as to all matters mentioned therein.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 50–7466; Filed, Aug. 28, 1950; 8:45 a. m.]

[Misc. 58191]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 22, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 42 N., R. 19 E.,
Sec. 13, N½N½, S½NW¼, SW¼NE¼,
T. 14 N., R. 26 E.,
Sec. 27, SW¼;
Sec. 28, SE¼,
T. 45 N., R. 30 E.,
Sec. 11, NW¼NE¼.
T. 16 N., R. 42 E.,
Sec. 5, SW¼SW¼;
Sec. 8, NW¼NW¼.
T. 29 N., R. 43 E.,
Sec. 35, SE¼NE¼;
Sec. 36,
T. 20 S., R. 62 E.,
Sec. 35, SE¼.

The area described aggregates 1,560 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Reno, Nevada.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50–7467; Filed, Aug. 28, 1950; 8:45 a. m.]

Office of the Secretary

[Order 2567, Amdt. 1]

OFFICE OF TERRITORIES

DELEGATION OF AUTHORITY

AUGUST 22, 1950.

Order No. 2567 is amended by substituting the words "Office of Territories" for the words "Division of Territories and Island Possessions" wherever they appear.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 50–7468; Filed, Aug. 28, 1950; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CONTRACTING OFFICERS

DELEGATION OF AUTHORITY WITH RESPECT TO 1950 PEANUT PRICE SUPPORT PROGRAM

Pursuant to the authority vested in the President of Commodity Credit Corporation by the bylaws of Commodity Credit Corporation, each member of each Production and Marketing Administration county committee is hereby appointed a contracting officer of Commodity Credit Corporation for the purpose of executing, in the name of the Corporation, Form MQ–92, "Agreement by Operator of Overplanted Farm," in connection with the 1950 Peanut Price Support Program.

The authority hereby conferred shall be exercised only in conformity with the applicable policies, plans, procedures, and instructions of the Production and Marketing Administration and of the Commodity Credit Corporation.

[SEAL] RALPH S. TRIGG,
President,
Commodity Credit Corporation.

AUGUST 24, 1950.

[F. R. Doc. 50–7508; Filed, Aug. 28, 1950; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF ATLANTIC AND GULF/WEST COAST OF SOUTH AMERICA CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, as amended.

Agreement No. 2744–18, between the member lines of the Atlantic and Gulf/West Coast South America Conference, modifies the basic agreement of said Conference (No. 2744) to provide that the method of payment and collection of freight and other charges shall be as agreed and shown in the Conference tariffs. Agreement 2744 presently provides that freight and other charges shall be quoted, charged and collected in United States currency.

Agreement No. 7590–3, between the member lines of the East Coast Colombia Conference, modifies the basic agreement of said conference (No. 7590) to provide that the method of payment and collection of freight and other charges shall be as agreed and shown in the Conference tariffs. Agreement 7590 presently provides that freight and other charges shall be quoted, charged and collected in United States currency.

Agreement No. 7763–1, between Aktieselskapet Luksefjell, Aktieselskapet Dovrefjell, Aktieselskapet Falkefjell, Aktieselskapet Rudolf and Olsen & Ugelstad, modifies the approved Fjell Line Joint Service Agreement (No. 7763) to remove Olsen & Ugelstad as a participating carrier in such joint service agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with

request for hearing should such hearing be desired.

Dated: August 24, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 50-7477; Filed, Aug. 28, 1950; 8:46 a. m.]

National Bureau of Standards

ESTABLISHMENT, PURPOSE, FUNCTION, ORGANIZATION AND PROCEDURES

The following description of the establishment, purpose, functions, organization, and procedures of the National Bureau of Standards supersedes the material formerly published in the codification section of the FEDERAL REGISTER as Part 250 (11 F. R. 326); Part 251 (11 F. R. 326, 13 F. R. 321); Part 252 (11 F. R. 327, 12 F. R. 5866, 13 F. R. 2508); Part 253 (11 F. R. 327–329, 12 F. R. 5866, 13 F. R. 321, 13 F. R. 2508); and Part 254 (11 F. R. 329–330, 13 F. R. 2508).

SECTION I. *Establishment.* The National Bureau of Standards was established by act of Congress dated March 3, 1901 (31 Stat. 2449; 15 U. S. C. 271).

SEC. II. *Purpose and functions*—1. *Basic functions.* a. The National Bureau of Standards is the principal agency of the Federal Government for fundamental research in physics, mathematics, chemistry, and engineering. It is responsible for the custody and maintenance of the national standards of physical measurement in terms of which all working standards in research laboratories and industry are calibrated, and carries on necessary research leading to improvement in such standards and methods of measurement. It also has a general responsibility for basic research in physics, mathematics, chemistry, and engineering, and for development of improved methods for testing materials, mechanisms, and structures. It determines physical constants and properties of materials, tests and calibrates standard measuring apparatus and reference standards, and studies technical processes.

b. A large part of the work of the Bureau is concerned with the development of specifications for, and the testing of, materials, supplies (other than foods and drugs) and equipment for the Federal Government; the invention and development of devices to serve special needs of the Government; and with rendering advisory service to, and performing specialized functions for, other Government agencies on scientific and technical problems. Cooperation is extended to States, industries, and national organizations in the development of standard specifications and standard engineering and safety codes.

c. The services to the public include the furnishing of information regarding Bureau research and testing activities which is available for publication, furnishing of standard samples of chemicals, metals, and other materials, and the testing of materials and equipment and calibration of instruments when such services are in the public interest and are not available of sufficient accuracy elsewhere.

2. *Research Associate Plan.* Many research projects at the Bureau originate in requests from industrial groups and are carried on in cooperation with the organizations primarily interested. The Research Associate Plan, inaugurated soon after World War I, was devised to further this cooperation, and provides a satisfactory method for assisting an industrial group in the solution of a problem of interest directly to that industry and directly or indirectly to the general public, but in which the Government is not sufficiently concerned to bear the entire cost. Under this plan an industrial or technical group may send to the Bureau one or more research men or women to work on the group's problem under the technical direction of Bureau staff members, with the supporting group paying the salaries of these "Research Associates". The results of their work become public property and are published in the Bureau's Journal of Research or in the technical press. As many as 100 Research Associates, sponsored by 20 or more groups, have been stationed at the Bureau at one time.

3. *Federal specifications.* The Federal Specifications Board, under the chairmanship of the Director of the National Bureau of Standards, acting in cooperation with the staff of the Federal Supply Service of the General Services Administration, is charged with the responsibility of the preparation, revision, and amendment of purchase specifications promulgated by the Federal Supply Service for supplies used by the Executive departments and agencies. This function is discharged through the operation of 78 Federal Specifications Technical Committees.

4. *Weights and measures.* The United States was a signatory to the treaty under which the International Bureau of Weights and Measures was created in 1875. The National Bureau of Standards has participated in the affairs of the International Bureau, the International Conference on Weights and Measures, and the International Committee, which is an executive agency for the International Conference. Through its Office of Weights and Measures the National Bureau of Standards promotes uniformity in laws, rules, regulations, and general administrative procedures of State and local weights and measures jurisdictions, and in the specifications, tolerances, and testing methods for commercial weighing and measuring devices. As a part of this activity, the Bureau conducts an annual National Conference on Weights and Measures. This office also performs calibrations of weighing scales, force-measuring devices, railway master scales and test weight cars, and conducts research and evaluation of multiple weighing devices and techniques.

SEC. III. *Organization*—1. *Office of the Director*—a. *Purpose and functions.* The Director is appointed by the President and is responsible for administering the affairs of the Bureau under the direction of the Secretary of Commerce, in accordance with the statutes, executive orders, rules and regulations of the Department of Commerce, and rules and regulations of the regulatory agencies of the Federal Government.

b. The Office of the Director includes (a) Associate Directors who assist and advise the Director in the performance of his duties; exercise direct supervision over segments of the technical program as assigned by the Director; and actively aid the Director in management of the Bureau by assisting him in program planning and in coordinating technical work among divisions working in allied fields at the Bureau, and in assuring that scientific work at the Bureau is properly related to the requirements of industry, science, commerce, and government; (b) an Assistant to the Director in charge of the Office of Scientific Publications, the activities of which include the compilation, editing, and publication of reports on research, development, and testing in Bureau laboratories, as well as the operation of the Bureau library; and (c) an Executive Assistant who serves as staff assistant to the Director on program management matters, and, with the assistance of the Executive Officer, supervises the administration of the Planning Staff, and the Fiscal, Supply, Personnel, Plant, Shops, and Administrative Services Divisions.

2. *Scientific and Technical Divisions*—a. *Purpose and functions.* Generally speaking, each scientific and technical division of the Bureau is engaged in activities categorized as follows: (1) Fundamental research, involving fundabental physical phenomena and basic properties of matter; (2) applied research, involving the application of basic knowledge to development of new scientific and technological processes and materials, the determination of the physical characteristics of industrial materials, structure and equipment, and the investigation of physical phenomena in connection with the development of technical devices; (3) development, involving measurement standards, instrument techniques and methods; commodity testing techniques and design of testing devices; materials and technological processes, and design, construction or technical evaluation of special devices important to national welfare and defense; (4) testing, calibration and specifications, involving calibration of instruments, analysis and preparation of sample standards for physical measurement; formulation of purchase specifications and standards; acceptance testing of commodities used by the Federal Government; and technical and advisory services to governmental agencies; and (5) general services, involving compilation and dissemination of the scientific and technical data of the Bureau; production of special materials for the specific needs of the Federal Government; and operation of special technical installations and services. These activities are conducted by each Division with relation to the particular field or branch of science with which the Division is concerned.

b. *Organization.* There are 15 scientific and technical divisions subdivided into more than 100 sections in which research is conducted relating to one or more phases of the branch of science or field activity assigned to the division. There are listed below the several divisions and the fields of activity covered by each:

(1) *Division of Electricity.* (i) Resistance, inductance, capacitance, magnetic properties, electrochemical constants; and (ii) electrical instruments, batteries, and related apparatus.

(2) *Division of Optics and Metrology.* (i) Measurements of length, thermal expansivity, angles; (ii) gas measuring instruments, gages; (iii) photometry, colorimetry, optical engineering, photographic technology; (iv) interferometry; and (v) techniques of identification.

(3) *Division of Heat and Power.* (i) Temperature measurements, thermodynamics, low-temperature physics, thermal properties of materials; (ii) performance of automotive and aircraft engines, and accessories thereto; (iii) lubricants and fuels; and (iv) combustion.

(4) *Division of Atomic and Radiation Physics.* (i) Spectroscopy, infra-red and ultra-violet radiation; (ii) radioactivity, x-rays, mass spectrometry; and (iii) nuclear and electronic physics.

(5) *Division of Chemistry.* (i) Characteristics of paints, lacquers and varnishes; detergents; chemical reagents; carbohydrates and other organic substances; gases; and (ii) analytical chemistry, organic chemistry, inorganic chemistry, physical chemistry, thermochemistry, chemical microscopy, spectrochemical analysis, electrodeposition.

(6) *Division of Mechanics.* (i) Sound, aerodynamics, engineering mechanics, hydraulics; (ii) mechanical and aeronautical instruments, and mechanical appliances; and (iii) measurements of mass, time, capacity and density.

(7) *Division of Organic and Fibrous Materials.* (i) Rubber, textiles, paper, leather; (ii) organic plastics; and (iii) dental materials and structure of teeth.

(8) *Division of Metallurgy.* (i) Physical metallurgy; (ii) chemical metallurgy; (iii) surface metallurgy; and (iv) corrosion of metals.

(9) *Division of Mineral Products.* (i) Properties and behavior of porcelain, pottery, glass, refractories, vitreous enameled articles; (ii) properties of concreting materials, lime, gypsum, building stone; and (iii) synthesis, constitution, microstructure, properties, and behavior of crystals.

(10) *Division of Building Technology.* (i) Building and safety codes; (ii) behavior of building materals in structures; and (iii) fire protection, heating, air conditioning, and building equipment and fixtures.

(11) *National Applied Mathematics Laboratories.* (i) Numerical analysis and applied mathematics; (ii) application of statistical principles to scientific and technical problems and processes; (iii) application of high-speed digital computing machines; and (iv) analytical and computing services to other government agencies, and the preparation of mathematical tables.

(12) *Division of Electronics.* (i) Development, construction and technical services related to high speed automatic computing machines and their application; (ii) fundamental processes in electron tubes, special purpose electron tubes; (iii) special purpose electronic instrumentation, electronic control devices; and (iv) specialized components for electronic devices.

(13) *Division of Ordnance Development.* (i) Research and development and evaluation of electronic ordnance devices and components and systems therefor at the request of and in accordance with requirements of the Department of Defense.

(14) *Central Radio Propagation Laboratory.* (i) Physical phenomena affecting propagation of radio waves; (ii) prediction of radio propagation conditions; (iii) radio measurement methods and standards; and (iv) frequency utilization.

(15) *Division of Missile Development.* (i) Research, development and evaluation of guided missiles and components and systems therefor at the request of and in accordance with the requirements of the Department of Defense.

3. *Field stations.* Field stations and laboratories, the names of which indicate the type of work being carried on at each location, are maintained as set forth in the following tabulation:

DOMESTIC

Master Railway Track Scale Depot, Clearing, Ill.
Materials Testing Laboratory, San Francisco, Calif.
Materials Testing Laboratory, Denver, Colo.
Materials Testing Laboratory, Allentown, Pa.
Materials Testing Laboratory, Seattle, Wash.
Institute of Numerical Analysis, Los Angeles, Calif.
Blossom Point Proving Ground, La Plata, Md.
Warren Grove Test Field, Tuckerton, N. J.
Radio Transmitting Station, Beltsville, Md.
Radio Propagation Laboratory, Sterling, Va.
Radio Propagation Field Station, Colorado Springs, Colo.
Radio Propagation Field Station, Las Cruces, N. Mex.
Radio Propagation Field Station, Ft. Belvoir, Va.

OVERSEAS

Radio Propagation Field Station, Anchorage, Alaska.
Radio Propagation Field Station, Point Barrow, Alaska.
Radio Propagation Field Station, Guam Island.
Radio Propagation Field Station, Maui, T. H.
Radio Propagation Field Station, Palmyra Island.
Radio Propagation Field Station, P. R.
Radio Propagation Field Station, Trinidad, British West Indies.

SEC. IV. *Procedures.* In general, no formal procedures are prescribed for obtaining service from the National Bureau of Standards.

1. *Information.* Information on technical and scientific subjects within its field of work is supplied by the Bureau by means of publications, by correspondence, and by personal interviews with inquirers. All such service is given without charge, except that publications can be supplied free only to reference libraries or in answer to requests for information on specific problems. The regular method of distributing publications is through sales by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

2. *Calibrations and tests for Government agencies.* Comparisons and calibrations of instruments or standards of measurement and work related thereto which may be carried on for the benefit of, or at the request of other Federal agencies or State governments shall be performed without charge within the limits of funds appropriated therefor; tests, investigations, and related work incident thereto, whether for developing commodity specifications, acceptance of commodities, or as information for use by regulatory or enforcement agencies when performed for other Federal agencies and the District of Columbia, shall be performed in most instances on a reimbursement basis or by advance of funds under the working fund method. Requests for such calibrations or tests should be made in writing to the Bureau but no special form is required.

3. *Tests for the public.* The Bureau is authorized by law to perform services within its field "for any scientific society, educational institution, firm, corporation, or individual within the United States engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments", provided that in each case of such service a fee shall be charged sufficient to cover the cost of the service rendered as set forth in 15 CFR, Supps., Parts 200–215. The policy of the Department of Commerce, however, has been to undertake testing for the public only when satisfactory service cannot be obtained from other laboratories. Tests for the public are therefore limited almost entirely to those involving comparison of laboratory standards or instruments with the national standards. A compilation of tests performed for the public and the fee charged has been published in NBS Circular 483 which is available for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

Requests for such tests should be made in writing to the National Bureau of Standards, Washington 25, D. C., specifying by test fee schedule number the test desired.

4. *Research for Government agencies.* On request from any government agency the Bureau will carry out needed investigations which are within its field of work and for which it has facilities. When the Bureau is unable to perform such work within the limits of its direct appropriations any department or independent establishment having funds available for scientific investigations may transfer to the Bureau such sums as may be necessary to carry on such investigations.

5. *Research Associate Plan.* Arrangements for carrying on an investigation under the Research Associate Plan (see sec. 11, par. 2) are made by conference with the organizations sup-

porting the project and recorded by an exchange of letters. Funds contributed for such projects are not handled by the Bureau but are usually deposited with and disbursed by some appropriate organization, such as the National Research Council.

6. *Transcript services.* The Bureau is authorized to furnish transcripts of its studies and records, and certification of its printed and processed publications, to any person, firm or corporation, upon receipt of a written request, provided that a fee for such service be charged sufficient to cover the cost of the service rendered as set forth in 15 CFR, Part 225. Requests for such transcripts or certifications should be in writing, and should provide sufficient information to enable the Bureau to identify properly the specific study, record, or publication referred to.

7. *Standard samples.* The Bureau is authorized to furnish, upon request, standard samples of substances to be used in the analysis and physical measurement of materials, provided that a fee shall be charged sufficient to cover the cost of the standard sample, as set forth in 15 CFR, Supps., Part 230. A compilation of the standard samples available, and the fee charged, is contained in NBS Circular 398, and Supplement thereto, which is available for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

Requests for such samples should be made in writing to the National Bureau of Standards, Washington 25, D. C., specifying the number of the sample desired.

(60 Stat. 238; 5 U. S. C. Sec. 22 and 1002, Reorg. Plan No. 5 of 1950)

[SEAL] E. C. CRITTENDEN,
Acting Director.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 50-7482; Filed, Aug. 28, 1950; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1421, G-1428]

CITIES SERVICE GAS CO. AND OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDERS

AUGUST 23, 1950.

In the matter of Cities Service Gas Company, Docket No. G-1421, and The Ohio Fuel Gas Company, Docket No. G-1428.

Notice is hereby given that, on August 22, 1950, the Federal Power Commission issued its findings and orders entered August 22, 1950, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7469; Filed, Aug. 23, 1950; 8:45 a. m.]

[Docket No. G-1148]

PHILLIPS PETROLEUM CO.

ORDER POSTPONING HEARING

AUGUST 22, 1950.

On August 11, 1950, Phillips Petroleum Company (Phillips) filed a motion for a continuance of the hearing in this proceeding until January 2, 1951, upon the grounds that its preparation for the hearing would involve increased work by reason of the adoption by the Commission of its Order No. 154, and also upon the further grounds that its principal witnesses are key employees of vital importance in the production of war materials. A postponement for some time will be necessary because certain members of the Staff of the Commission will not be available for the hearing now set to commence on September 11, 1950. The Commission finds:

(1) The grounds asserted by Phillips for a continuance of the hearing in this proceeding upon the basis of the adoption by the Commission of its Order No. 154 are without merit, and its motion in this respect for a continuance should be denied.

(2) Since it is not convenient for principal witnesses of Phillips to be prepared for the hearing now set for September 11, 1950, and certain essential members of the Staff of the Commission assigned to this case are engaged in other proceedings and also require a postponement of the hearing now set for September 11, 1950, at Bartlesville, Oklahoma, a short continuance is necessary.

The Commission orders:

(A) The motion for continuance of hearing filed by Phillips on August 11, 1950, upon the grounds that the adoption by the Commission of its Order No. 154 increased the amount of work involved in the preparation of this case be and the same is hereby denied.

(B) The hearing in the above-entitled matter be and it is hereby postponed from September 11, 1950, to October 9, 1950, at the same time and place heretofore specified by our order.

Date of issuance: August 23, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7483; Filed, Aug. 28, 1950; 8:47 a. m.]

[Docket No. G-1231]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF OPINION NO. 198-A AND ORDER

AUGUST 24, 1950.

Notice is hereby given that, on August 23, 1950, the Federal Power Commission issued its Opinion No. 198-A and order entered August 22, 1950, in the above-designated matter, supplementing Opinion No. 198 and order of July 28, 1950 (15 F. R. 5030), issuing temporary certificate of public convenience and necessity, and setting further hearings, to be held at 10:00 a. m., e. d. s. t., September 20, 1950, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7484; Filed, Aug. 29, 1950; 8:47 a. m.]

[Project No. 662]

FLORIDA POWER CORP.

NOTICE OF ORDER

AUGUST 24, 1950.

Notice is hereby given that, on August 23, 1950, the Federal Power Commission issued its order entered August 22, 1950, approving Exhibit L as part of the license in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7485; Filed, Aug. 28, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-173]

PHILADELPHIA CO. AND STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING OF AMENDMENTS TO PLAN AND NOTICE AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of August 1950.

I. On October 28, 1949, Standard Gas and Electric Company ("Standard Gas"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, filed with this Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act"), an Amended Plan for Simplification of Corporate Structure of the Philadelphia Company System ("Plan"). Philadelphia Company ("Philadelphia") is a subsidiary of Standard Gas and is also a registered holding company. For a statement of the various transactions there proposed, all interested persons are referred to said Plan, which is on file in the offices of the Commission, or to Holding Company Act Release No. 9493, where the proposed transactions are summarized.

On March 1, 1950, Standard Gas filed certain amendments to the Plan, and thereafter various applications and declarations, designed to carry into effect Steps 1 and 1A of the Plan, as then amended, were filed with the Commission by Standard Gas and certain of its subsidiaries. As a result thereof, there have since been consummated, pursuant to orders of the Commission, the transactions described in said Steps 1 and 1A, namely, (1) the combination of the gas properties in Philadelphia's holding company system under the ownership of Equitable Gas Company ("Equitable") and the issuance by Equitable to Philadelphia of $17,500,000 principal amount of Twenty-Year 3⅜% Sinking Fund Debentures of Equitable ("Equitable Debentures") and additional shares of the Common Stock of Equitable, and (2) the sale by Philadelphia of all of the Common Stock of Equitable and the application of the proceeds therefrom, to the extent required, to the redemption and retirement of the entire funded debt of Philadelphia, consisting of $36,109,000 principal amount of Collateral Trust Sinking Fund Bonds and Collateral Trust Series Notes. For a more complete statement of these transactions, all interested persons are referred to Holding Company Act Release No. 9766.

Upon the completion of the transactions described in Steps 1 and 1A of the Plan, as amended, Philadelphia held the aforementioned $17,500,000 principal amount of Equitable Debentures and a balance of approximately $8,200,000 remaining from the proceeds realized from the sale of the Equitable Common Stock after payment of principal and premiums in retiring Philadelphia's funded debt. Thereafter, Philadelphia sold at competitive bidding $11,000,000 principal amount of the Equitable Debentures and applied the proceeds, to the extent necessary, to the redemption of its $6 Cumulative Preference Stock, aggregating 100,000 shares, at the redemption price of $110 per share plus accrued and unpaid dividends. For a more complete statement of these transactions all interested persons are referred to Holding Company Act Release No. 9939.

II. Notice is hereby given that on July 12, 1950, further amendments, dated July 11, 1950, to the Plan, as amended, were filed by Standard Gas. These amendments supersede the previously filed amendments of March 1, 1950, except as to the aforesaid Steps 1 and 1A thereof, which have been consummated. All interested persons are referred to said further amendments, which are on file in the offices of the Commission, for a statement of the transactions therein proposed which are summarized below:

Steps 2 and 3 of the Plan, as now amended, relate primarily to changes in the capital structure of Duquesne Light Company ("Duquesne"), Philadelphia's electric utility subsidiary. In brief, Step 2 now provides for the creation by Duquesne of a new class of Preferred Stock, par value $50 per share, in the authorized amount of $40,000,000. This Preferred Stock will be issued in an aggregate amount of $35,000,000 par value in two series. One series, bearing a dividend rate of 4 percent and aggregating in amount $27,500,000 par value ("4 percent Series Preferred Stock"), will be sold to Philadelphia, and the other series, aggregating in amount $7,500,000 par value ("Public Series Preferred Stock"), will be sold at competitive bidding pursuant to the provisions of Rule U-50, promulgated under the Act, with the bidding thereon to determine the dividend rate.

Duquesne will apply the proceeds from the sale to Philadelphia of the 4 percent Series Preferred Stock, together with general corporate funds and the proceeds of a bank loan to be obtained for the purpose, to the redemption and retirement of the presently outstanding $27,500,000 par value of its 5 percent Cumulative First Preferred Stock at the redemption price of $110 per share plus accrued dividends. In addition, Duquesne will eliminate from its authorized capital stock all of its authorized First Preferred Stock, including the 5 percent Cumulative First Preferred Stock being redeemed, and all of its authorized Participating Preferred Stock, none of which is issued and outstanding.

Duquesne will also issue and sell, at competitive bidding pursuant to the provisions of Rule U-50, $12,000,000 principal amount of First Mortgage Bonds, Series due August 1, 1980, with the coupon rate thereof to be determined by the bidding.

The consideration to be paid by Philadelphia to Duquesne in connection with the purchase of the 4 percent Series Preferred Stock will consist of $27,200,000 in cash plus all of the outstanding capital stock of Cheswick and Harmar Railroad Company, a railroad whose principal business is the transportation of coal mined by Duquesne. Of the cash required by Philadelphia approximately $8,200,000 will be derived from the remaining balance of the proceeds realized from the aforementioned sale of Equitable Common Stock and the balance will be secured from bank loans. The bank loans will consist of $17,500,000 of 2 percent notes maturing in one year with options on Philadelphia's part, subject to receipt of this Commission's approval, to renew for two successive one-year periods at an interest rate of 2½ percent.

Step 3 of the Plan, as now amended, provides that upon consummation of the transactions included in Step 2, Philadelphia will invest in or contribute to Duquesne such amount, if any, as may be required in order that the common stock equity of Duquesne at the time shall be at least 30 percent of Duquesne's total capitalization and surplus.

The transactions included in Steps 2 and 3, as above summarized, have been authorized by the Pennsylvania Public Utility Commission and were approved by this Commission by order dated August 21, 1950. For a more complete statement of said transactions, all interested persons are referred to Holding Company Act Release No. 10044.

Step 4 of the Plan, as now amended, provides for the following action:

The presently outstanding Preferred Five Percent Stock of Philadelphia ("5 Percent Preferred Stock"), the Six Percent Cumulative Preferred Stock of Philadelphia ("6 Percent Preferred Stock"), and the 6 Percent Cumulative Preferred Stock of The Consolidated Gas Company of the City of Pittsburgh ("Consolidated Preferred Stock"), all of which stocks are noncallable, will be retired by Philadelphia by the delivery in exchange therefor of securities and cash as follows:

(1) For each share of 5 percent Preferred Stock the holder will receive $11 in cash, plus cash in an amount equal to dividends accrued and unpaid to the effective date of Step 4.

(2) For each share of 6 percent Preferred Stock the holder will receive one share of the 4 percent Series Preferred Stock of Duquesne and cash in an amount as yet undetermined. Such amount will be determined and notice thereof will be mailed to record holders of the 6 percent Preferred Stock, in advance of the hearing on Step 4, hereinafter ordered. Dividends will be adjusted by paying to each holder of 6 percent Preferred Stock the amount by which dividends accrued and unpaid on such stock to the effective date of this Step 4 exceed, or by deducting from the cash otherwise payable to such holder the amount by which such dividends are less than, dividends accrued to such effective date on the 4 percent Series Preferred Stock to be received in exchange for such 6 percent Preferred Stock.

(3) For each share of Consolidated Preferred Stock the holder will receive a portion of a share of the 4 percent Series Preferred Stock of Duquesne. The amount will be determined, and notice thereof will be mailed to record holder of the Consolidated Preferred Stock, in advance of the hearing on Step 4. Dividends will be adjusted as follows: If Step 4 is consummated at a time when accrued dividends at the rate of 4 percent per annum on the Consolidated Preferred Stock exceed dividends accrued on the 4 percent Series Preferred Stock to be received in exchange therefor, exchanging holders will receive cash in an amount equal to such excess. If, on the other hand, dividends accrued to the effective date of Step 4 on such 4 percent Series Preferred Stock exceed the dividends of the Consolidated Preferred Stock to be exchanged therefor, the distribution of such 4 percent Series Preferred Stock in exchange for Consolidated Preferred Stock will be deferred until the end of the current quarterly dividend period for the 4 percent Series Preferred Stock, at which time a cash adjustment on the basis above stated will be made in favor of exchanging holders of Consolidated Preferred Stock: *Provided, however,* That holders of such Consolidated Preferred Stock may elect to receive their 4 percent Series Preferred Stock prior to the end of such current quarterly dividend period by paying to Philadelphia the amount by which dividends accrued thereon to the date of exchange exceed dividends accrued to such date on the exchanged Consolidated Preferred Stock. No certificates for fractional shares of the 4 percent Series Preferred Stock will be issued, but in lieu thereof the holder of shares of Consolidated Preferred Stock will receive cash in an amount bearing the same proportion to $50 as the fraction of a share of the 4 percent Series Preferred Stock, to which he would otherwise be entitled, bears to one full share of such stock, unless he shall elect to have Philadelphia round out to a full share the amount of 4 percent Series Preferred Stock which he is to receive, charging him for the necessary additional fractional interest on the basis of the market price for such stock. Philadelphia will render such service without fee or commission.

On the effective date of Step 4, Philadelphia will deposit with an exchange agent the 4 percent Series Preferred Stock and cash necessary to make the above-described exchanges, whereupon the holders of 5 percent and 6 percent Preferred Stock and Consolidated Pre-

ferred Stock shall cease to have any rights as stockholders of those companies and shall be entitled only to receive new securities and/or cash as aforesaid. Pending surrender of the certificates of the 5 percent and 6 percent Preferred Stocks and the Consolidated Preferred Stock the exchange agent will receive all dividends paid or payable on the 4 percent Series Preferred Stock. After five years from the date of deposit by Philadelphia of the 4 percent Series Preferred Stock, and cash, no more exchanges will be permitted, all of the rights of the holders of securities to be exchanged, as provided above will cease, and any 4 percent Series Preferred Stock or cash remaining with the exchange agent will be turned over to Duquesne. Not more than 60 nor less than 30 days prior to the expiration of each of the first five years after the consummation of Step 4, Philadelphia will give notice by mail and by publication that the rights of the holders of unexchanged 5 percent and 6 percent Preferred Stock of Philadelphia and Consolidated Preferred Stock will so terminate and expire.

It is stated that Duquesne will endeavor to procure the listing of its new Preferred Stock, 4 percent Series and Public Series, upon a national securities exchange within a reasonable time.

Step 5 of the Plan, as now amended, provides that the $5 Cumulative Preference Stock of Philadelphia will be retired by Philadelphia by the delivery in exchange therefor of cash and/or securities. Standard Gas proposes to file a further amendment to the Plan, setting forth the precise allocations of cash and/or securities to be made to the holders of such stock and specifying the procedural details in connection with the distribution of such cash and/or securities and the retirement of such stock.

The funds required by Philadelphia for the cash payments necessary to carry out Steps 4 and 5 will be obtained from the balance of the proceeds of the sale of the above mentioned $11,000,000 principal amount of Equitable Debentures now remaining in its hands, from the sale of the $6,500,000 principal amount of Equitable Debentures which Philadelphia now retains, from the proceeds of the sale of any of the 4 percent Series Preferred Stock not used for the purposes of Step 4, and/or from a bank loan.

Philadelphia will pay such fees and expenses in connection with the Plan and all amendments thereto as the Commission may award, allow or allocate, other than fees and expenses in connection with the changes in the capital structure of Duquesne and the issuance of the 4 percent Series and Public Series Preferred Stock and First Mortgage Bonds by Duquesne, which shall be paid by Duquesne.

Consummation of the Plan as now amended is subject to further conditions, among which are the obtaining of all necessary approvals from regulatory agencies having jurisdiction, the securing of satisfactory tax rulings, and the entry by an appropriate court of a decree or order to enforce and carry out the terms of the Plan or any portion thereof.

III. The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find after notice and opportunity for hearing that the plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby; and it appearing appropriate that notice be given and the hearing with respect to the Plan be reconvened, and that the Plan, as now amended, shall not become effective except pursuant to further order of the Commission:

It is ordered, That the hearing in these proceedings be reconvened, before the hearing officer heretofore designated, on September 26, 1950, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On that date the hearing room clerk in Room 193 will designate the room in which such reconvened hearing shall proceed.

It is further ordered, That any person desiring to be heard in or to intervene in these proceedings and who has not previously appeared herein, shall file with the Secretary of the Commission, on or before September 22, 1950, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the Plan, as now amended, and that upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the Plan, as now amended or as it may hereafter be amended, is necessary to effectuate the provisions of section 11 (b) of the act;

(2) Whether the Plan, as now amended or as it may hereafter be amended, is fair and equitable to the holders of the outstanding securities of Philadelphia and to all other persons whose interests in or whose claims against Philadelphia by reason of holdings of securities or otherwise may be affected thereby;

(3) Whether the incurring of a further bank loan by Philadelphia, in connection with Step 4 or Step 5 of the Plan, if such action is ultimately proposed, is appropriate, and whether its terms, when fixed, would meet the applicable standards of the act;

(4) Whether the terms and conditions of the sale by Philadelphia of $6,500,000 principal amount of Equitable Debentures or of an undetermined amount of 4 percent Series Preferred Stock, or both, if such action is ultimately proposed, would meet the applicable standards of the act, including section 12 (d) thereof;

(5) Whether the fees, expenses and other remuneration which may be claimed for services rendered in connection with these proceedings are for necessary services and are reasonable in amount, and whether the proposed allocation thereof is appropriate;

(6) Whether the accounting treatment to be accorded the proposed transactions is appropriate and in conformity with sound accounting principles and the Commission's Uniform System of Accounts for Public Utility Holding Companies;

(7) Whether and to what extent the Plan, as now amended or as it may hereafter be further amended, should be required to be modified, or to have terms and conditions imposed, to insure adequate protection of the public interest and the interests of investors and consumers and to prevent circumvention of the act and the rules and regulations promulgated thereunder;

It is further ordered, That particular attention be directed at said reconvened hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on all persons having heretofore entered an appearance in these proceedings, and on Standard Power and Light Corporation, The Federal Power Commission, and the City of Pittsburgh, Pennsylvania, and that notice of said reconvened hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases issued under the act, and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Standard Gas shall give further notice of said reconvened hearing to all stockholders of Philadelphia and to the holders of the Consolidated Preferred Stock (insofar as the identity of such security holders is known or available), by mailing to each of said persons, at his last known address, at least 15 days prior to the date of said reconvened hearing, a copy of this notice and order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7470; Filed, Aug. 28, 1950; 8:45 a. m.]

[File No. 70-2444]

COLUMBIA GAS SYSTEM, INC. AND CUMBERLAND AND ALLEGHENY GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of August A. D. 1950.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Cumberland and Allegheny Gas Company ("Cumberland"), having filed a joint application-declaration pursuant to the provisions of sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, with respect to the following proposed transaction:

Cumberland proposes to issue and sell to Columbia $1,000,000 principal amount of 3¼ percent installment promissory notes. Such notes are to be paid in equal annual installments on February 15th of each of the years 1952 to 1976, inclusive. The applicant states the proceeds to be obtained through the issue and sale of said notes will be utilized by Cumberland to finance its 1950 construction program.

The Public Service Commission of West Virginia approved the issue and sale of the proposed 3¼ percent notes by order dated July 18, 1950.

Said joint application-declaration having been filed on July 20, 1950, and an amendment thereto having been filed on August 21, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7474; Filed, Aug. 28, 1950; 8:46 a. m.]

[File No. 70-2442]

COLUMBIA GAS SYSTEM, INC., AND NATURAL GAS COMPANY OF WEST VIRGINIA

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of August A. D. 1950.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Natural Gas Company of West Virginia ("Natural Gas"), having filed a joint application-declaration pursuant to the provisions of sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, with respect to the following proposed transaction:

Natural Gas proposes to issue and sell to Columbia $1,400,000 principal amount of 3¼ percent installment promissory notes. Such notes are to be paid in equal annual installments on February 15th of each of the years 1952 to 1976, inclusive. The applicant states that the proceeds to be obtained through the issue and sale of said notes will be utilized by Natural Gas to finance its 1950 construction program.

The Public Service Commission of West Virginia approved the issue and sale of the proposed 3¼ percent notes by order dated July 18, 1950.

Said joint application-declaration having been filed on July 20, 1950, and an amendment thereto having been filed on August 21, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

It is ordered, pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 50-7475; Filed, Aug. 28, 1950; 8:46 a. m.]

[File No. 70-2453]

MIDDLE SOUTH UTILITIES, INC., AND NEW ORLEANS PUBLIC SERVICE, INC.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of August A. D. 1950.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its utility subsidiary, New Orleans Public Service Inc. ("New Orleans"), having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), and having designated sections 6 (b), 7, 9 (a), 10, 12 (c) and 12 (f) thereof, and Rule U-43 thereunder, as applicable to the following transactions proposed by said companies:

New Orleans proposes to issue and sell 160,074 shares of its authorized and unissued common stock without nominal or par value. New Orleans proposes to offer said shares of common stock (in the ratio of 0.168 shares for each share held of record on a date to be determined by the board of directors of New Orleans) for subscription pro rata by the common stockholders of New Orleans at a cash price of $25 per share which is the amount per share at which the issued and outstanding common stock is carried on the company's books. Subscription warrants (transferable to any assignee except to a dealer who takes the rights for the purpose of exercise and resale of the stock certificates obtainable by the exercise of such rights) expiring approximately 20 days after their issuance and evidencing such right to subscribe for the additional shares would be issued to all present holders of New Orleans common stock. Warrants in respect of fractions of a share would be issued entitling the holder, upon surrender thereof and of other warrants together aggregating one or more full shares, to subscribe to the number of full shares which such warrants shall together aggregate, but no subscription would be accepted for fractional shares. New Orleans proposes to appoint the Transfer Agent for its common stock Transfer Agent also for the subscription warrants and for fractional subscription warrants.

Middle South as the holder of 906,671.823 shares (95.15%) of New Orleans outstanding common stock proposes to purchase pursuant to the offering of said stock, 152,320 shares, the number of full shares to which it would be entitled pursuant to the pro rata offering.

Rights evidenced by subscription warrants which shall not have been exercised on or prior to the date of termination of the right, to be fixed by the board of directors of New Orleans as aforesaid, will expire and all rights evidenced by such subscription warrants shall thereupon terminate.

New Orleans states that the proceeds from the sale of the common stock proposed to be issued will be used for the construction of additions and betterments to its property and for general corporate purposes.

The application-declaration states that the proposed issuance and sale of New Orleans common stock as above described has been expressly authorized by the Commission Council of the City of New Orleans, which is asserted to be the only state regulatory body having jurisdiction over the issuance and sale of said shares of common stock.

Applicants-declarants having requested that the Commission's order herein issue as promptly as may be practicable and that any order authorizing the proposed transactions become effective upon issuance:

Said joint application-declaration having been filed on August 3, 1950 and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for hearing with respect to said application-declaration within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, that the estimated fees and expenses are not unreasonable and that it is not necessary

to impose any terms and conditions other than those contained in Rule U-24, and, the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the joint application be granted and that the joint declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that said joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7472; Filed, Aug. 28, 1950; 8:46 a. m.]

[File No. 70-2458]

UNITED GAS CORP. AND ELECTRIC BOND AND SHARE CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of August A. D. 1950.

Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), a registered holding company, and its gas-utility subsidiary, United Gas Corporation ("United"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935. The application-declaration states that the contract proposed to be entered into shall not become effective until approved by the Commission or until that Commission shall have advised the companies that it is without jurisdiction with respect to the proposed contract. The nature of the proposed transaction is summarized as follows:

United and Bond and Share have entered into a contract with National Research Corporation ("National"), a non-affiliated company engaged in industrial research. Under the terms of the contract, National is to engage in certain research work in an effort to develop new processes or products based on natural gas and its constituents. Such services are to be performed by National at cost plus certain amounts for overhead as specified in the contract. The duration of the contract is to be until December 31, 1955.

Under the terms of the contract, United and Bond and Share will each contribute 50 percent of the costs of such research. The rights of the parties in all results of the work subject to the agreement are 40 percent each for Bond and Share and United, and 20 percent for National.

The contract provides that Bond and Share and United, between them, are committed to expend in each year on work to be done by National the following amounts:

1950-- $12,500 times the number of full calendar months remaining in 1950 subsequent to the effective date of the agreement.

1951-- $150,000 times the number of full calendar months remaining in 1950 subsequent to the effective date of the agreement.

1952-- $200,000 times the number of full calendar months remaining in 1950 subsequent to the effective date of the agreement.

1953-- $250,000 times the number of full calendar months remaining in 1950 subsequent to the effective date of the agreement.

1954-- $250,000 times the number of full calendar months remaining in 1950 subsequent to the effective date of the agreement.

1955-- $250,000 times the number of full calendar months remaining in 1950 subsequent to the effective date of the agreement.

The contract provides that on or before October 1 of each year, National will submit a budget for the work to be done in the succeeding calendar year. If United and Bond and Share by December 1 of each year agree upon a program involving a budget of at least the amount shown in the above commitment for the succeeding calendar year then such program shall be adopted. If United and Bond and Share cannot agree upon such program then National is to proceed with the work and the amount of the budget for the succeeding calendar year shall be the amount set forth for such year in the above commitment.

The application-declaration states that expenditures by United and Bond and Share for any calendar year aggregating in excess of $1,000,000 will not be made unless the companies shall have given the Commission at least ten days prior notice of their intention to make such expenditure, and (1) no notice shall have been given to the companies by the Commission within such ten day period that an application or declaration need be filed with respect to such expenditures, or that the Commission shall have given notice within such ten day period that no application or declaration is required; or (2) an application or declaration filed by the companies with respect to the transactions shall have been granted or permitted to become effective by order of the Commission.

United and Bond and Share further state that the transactions contemplated under the contract are limited to the actual research work to be done by National and the expenditure of funds by United and Bond and Share in connection with such research work, as distinguished from the commercial exploitation of any patents or inventions resulting from such research work, either by way of licensing under such patents, or by way of organizing a corporation or other joint venture for the purpose of using or working such patents.

Notice is further given that any interested person may, not later than September 7, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 7, 1950, said application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to the application-declaration which is on file in the office of the Commission for a full statement of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7471; Filed, Aug. 28, 1950; 8:45 a. m.]

[File No. 70-2460]

MISSISSIPPI GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 23d day of August A. D. 1950.

Notice is hereby given that Mississippi Gas Company ("Mississippi"), a public utility subsidiary of Southern Natural Gas Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935. Declarant has designated section 7 of the act as being applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 7, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration, as filed or as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 7, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission, for a statement of the transaction as therein proposed which may be summarized as follows:

Mississippi proposes to issue and sell at par its unsecured note due one year after date in the principal amount of $200,000, bearing interest at the rate of 2 percent per annum, to The Chase National Bank of the City of New York.

Mississippi states that the proceeds from the sale of said note will be used to pay for the construction of additions to its properties and to reimburse its treasury for working capital previously used for the construction of such additions.

Mississippi estimates that its total expenses, including legal fees and miscellaneous expenses, will be approximately $500.

Declarant states that the proposed transaction is not subject to the jurisdiction of any regulatory body other than this Commission.

The company requests that the Commission's order be made effective forthwith upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7473; Filed, Aug. 28, 1950; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14933]

GOTTHELF EMIL AND HEINRICH ERWIN LORENZ

In re: Currency and coin, bank accounts and interests in bank accounts owned by Gotthelf Emil Lorenz, also known as Emil Lorenz, and Heinrich Erwin Lorenz, also known as Erwin Lorenz; F-28-14930/C-1 and E-1, F-28-14931/C-1: E-1 and E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses are as follows:

Names and Addresses

Gotthelf Emil Lorenz, also known as Emil Lorenz, 3 Blumenthalstrasse, Berlin-Lichtenrade, Germany.

Heinrich Erwin Lorenz, also known as Erwin Lorenz, 10 Friedrichstrasse, Marburg/Lahn, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Currency and coin in the amount of $11,630.44, as of December 31, 1949, held by Charles E. Lorenz, 426 Henderson Avenue, Williamstown, West Virginia, in a safety deposit box, Box Number 781-H, maintained by the aforesaid Charles E. Lorenz at the Safe Deposit Co. of Detroit, 660 Woodward Avenue, Detroit, Michigan,

b. That certain debt or other obligation of the National Bank of Detroit, 660 Woodward Avenue, Detroit, Michigan, arising out of a savings account, Account Number 16106, entitled "Charles E. Lorenz," maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. An undivided one-third (⅓) interest in that certain debt or other obligation of The Detroit Bank, State and Griswold Streets, Detroit, Michigan, arising out of a savings account, Account Number 6456, entitled "Charles E. Lorenz," maintained at the Grand River-Warren Office of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

d. An undivided one-third (⅓) interest in currency and coin in the amount of $5,448.15, as of December 31, 1949, held by Charles E. Lorenz, 426 Henderson Avenue, Williamstown, West Virginia, in a safety deposit box, Box Number 781-H, maintained by the aforesaid Charles E. Lorenz, at the Safe Deposit Co. of Detroit, 660 Woodward Avenue, Detroit, Michigan,

e. An undivided one-third (⅓) interest in that certain debt or other obligation of The Citizens National Bank, 301 Second Street, Marietta, Ohio, arising out of a checking account, entitled "Hedwig Lorenz", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

f. That certain debt or other obligation of The Citizens National Bank, 301 Second Street, Marietta, Ohio, arising out of a checking account, entitled "Emil Lorenz", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gotthelf Emil Lorenz, also known as Emil Lorenz, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows:

a. An undivided one-third (⅓) interest in that certain debt or other obligation of The Detroit Bank, State and Griswold Streets, Detroit, Michigan, arising out of a savings account, Account No. 6436, entitled "Charles E. Lorenz", maintained at the Grand River-Warren Office of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. An undivided one-third (⅓) interest in currency and coin in the amount of $5,448.15, as of December 31, 1949, held by Charles E. Lorenz, 426 Henderson Avenue, Williamstown, West Virginia, in a safety deposit box, Box No. 781-H, maintained by the aforesaid Charles E. Lorenz, at the Safe Deposit Co., of Detroit, 660 Woodward Avenue, Detroit, Michigan, and

c. An undivided one-third (⅓) interest in that certain debt or other obligation of The Citizens National Bank, 301 Second Street, Marietta, Ohio, arising out of a checking account, entitled "Hedwig Lorenz", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Heinrich Erwin Lorenz, also known as Erwin Lorenz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7444; Filed, Aug. 25, 1950; 8:51 a. m.]

[Vesting Order 14995]

ALBERT OEHMICHEN

In re: Securities owned by and debt owing to Albert Oehmichen also known as Paul Albert Oehmichen. F-28-24627-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Oehmichen, also known as Paul Albert Oehmichen, whose last known address is Hohenzollernstrasse 41, (20a) Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three hundred (300) shares of no par common stock of the Atlantic Coast Line Railroad Company, 71 Broadway, New York City, evidenced by certificates numbered 46622, 42629 and 46072, presently in a safe deposit box, numbered 954, located in the vaults of the First & Merchants National Bank of Richmond, Richmond, Virginia, together with all declared and unpaid dividends thereon,

b. Two hundred (200) shares of $5.00 par value common stock of the Electric Bond & Share Company, 2 Rector Street, New York, New York, evidenced by certificates numbered N120045 and N132676, presently in a safe deposit box, numbered 954, located in the vaults of the First & Merchants National Bank of Richmond, Richmond, Virginia, together with all declared and unpaid dividends thereon,

c. Thirty (30) Baltimore & Ohio Railroad Company 4½% Convertible Bonds,

due February 1, 1960, said bonds having an aggregate face value of $30,000.00, bearing the following numbers:

285	28166	46635
8854	29777	47589
9418	32125	49338
10964	32869	52971
18525	34724	53808
19461	40051	59213
21951	40052	59214
26736	44612	59215
28164	44675	59216
28165	46465	61437

presently in a safe deposit box, numbered 954, located in the vaults of the First & Merchants National Bank of Richmond, Richmond, Virginia, together with any and all rights thereunder and thereto,

d. Eight (8) City of Milan, 6½s Bonds, 1952, having an aggregate face value of $8,000.00 and presently in the custody of Hayden, Stone & Co., 25 Broad Street, New York 4, New York, for the account of Albert Oehmichen, together with any and all rights thereunder and thereto,

e. That certain debt or other obligation of Hayden, Stone & Co., 25 Broad Street, New York 4, New York, arising out of a credit balance on the books of the aforesaid Hayden, Stone & Co., for the account of Albert Oehmichen, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

f. Two (2) Fractional Certificates for Kingdom of Jugoslavia 5% Bonds, said certificates of $15.00 face value each, bearing the numbers D3228 and F4318 and presently in a safe deposit box, numbered 954, located in the vaults of the First & Merchants National Bank of Richmond, Richmond, Virginia, together with any and all rights thereunder and thereto, and

g. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in a safe deposit box, numbered 954, located in the vaults of the First & Merchants National Bank of Richmond, Richmond, Virginia, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Albert Oehmichen, also known as Paul Albert Oehmichen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—BONDS

Description of bond issue	Bond Nos.	Face value
Republic of Chile 6-percent bonds.	M2336 M3995 M19950 M19951 M19952 M20441 M21733 M27133 M27134 M27164	$10,000 U. S. currency (aggregate face value).
Kingdom of Yugoslavia 5-percent bonds.	M579 M883 C2353 C11240 C12936 C6995 C10832 C17415 C1437 C1391 C1390 C6821 C6010 C6067 C6144	$3,300 U. S. currency (aggregate face value).
Kingdom of Serbs, Croats, Slovenes 7-percent bonds, series B.	M1433 M9652 M11878 M14530 M19159 M17487 M7053 M15255 M18403 D115 D1190	$10,000 U. S. currency (aggregate face value)
Piedmont Hydro Electric Co., 6½-percent bonds, series A.	M7181 M7182 M3864 M6386 M2502 M6309 M6308 M6191 M732 M5866 M8977 M8976 M7663 M8894 M8895 M8908 M8909	$17,000 U. S. currency (aggregate face value).
German Government International 5½-percent loan bonds.	C17204 C17203 C17202 C17201 C56551	$5,000 U. S. currency (aggregate face value).
Berlin City Electric Co., 6-percent debentures, 1955.	M9987	$1,000 U. S. currency (aggregate face value).
Berlin City Electric Co., 6½ percent debentures, 1951.	M4338 M3659	$2,000 U. S. currency (aggregate face value).
Berlin City Electric Co., 6½-percent debentures, 1959.	M11684 M783	$2,000 U. S. currency (aggregate face value).
Rhine-Westphalia Electric Power Corp., 6 percent bonds, 1952.	M10906 M4805 M6209 M6210	$4,000 U. S. currency (aggregate face value).
Rhine-Westphalia Electric Power Corp., 6 percent bonds, 1953.	M6 M16477	$2,000 U. S. currency (aggregate face value).

[F. R. Doc. 50-7452; Filed, Aug. 25, 1950; 8:52 a. m.]

[Vesting Order 14996]

PAULA OTTZENN

In re: Bank account owned by Paula Ottzenn. F-28-30370-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paula Ottzenn, whose last known address is Batzenhofen bei Angsburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, entitled Banque Nationale Suisse Sub Account Ottzenn, Zurich, Switzerland, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Paula Ottzenn, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7453; Filed, Aug. 25, 1950; 8:52 a. m.]

[Vesting Order 14997]

CARL ROEDER

In re: Bank accounts owned by Carl Roeder. F-28-30871-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Roeder, whose last known address is (1a) Berlin-Zehlendorf, Teltower Dam 65b bei Malchow, Germany, is a resident of Germany and a national

of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Carl Roeder, by Hoboken Bank For Savings, 101 Washington Street, Hoboken, New Jersey, arising out of a savings account, Account No. 201215, entitled Carl Roeder, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Hoboken Bank For Savings, 101 Washington Street, Hoboken, New Jersey, arising out of a savings account, Account No. 230303, entitled Hoboken Bank For Savings Trustee for Carl Roeder, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Carl Roeder, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7454; Filed, Aug. 25, 1950; 8:52 a. m.]

[Vesting Order 15001]

TOZI UYEHARA

In re: Postal savings certificates owned by Tozi Uyehara, also known as Toji Uyehara.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tozi Uyehara, also known as Toji Uyehara whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Two (2) United States Postal Savings Certificates issued July 23, 1928, bearing the Numbers D170744 of $10.00 face value and B137765 of $2.00 face value, registered in the name of Tozi Uyehara, a/c No. 52, said certificates presently in the custody of the Attorney General of the United States together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, Tozi Uyehara, also known as Toji Uyehara, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7455; Filed, Aug. 25, 1950; 8:52 a. m.]

[Vesting Order 14918]

SUSAN BUCHANAN HESSLING

In re: Estate of Susan Buchanan Hessling, deceased. File No. D-7-470; E. T. sec. No. 2930.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arthur Victor Waldemar Hessling, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Susan Buchanan Hessling, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Mercantile-Commerce Bank & Trust Company, as executor, acting under the judicial supervision of the Probate Court of the City of St. Louis, Missouri;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7490; Filed, Aug. 28, 1950; 8:48 a. m.]

[Vesting Order 14935]

SEITARO AND FUKI NISHI

In re: Stocks, bonds and bank account owned by Seitaro Nishi and bank account owned by Seitaro Nishi and Fuki Nishi. D-39-9268, D-1, D-2, E-1, E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seitaro Nishi and Fuki Nishi, each of whose last known address is Nishiki, Kushimato, Wakayama, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Twenty-eight (28) shares of $6.25 par value capital stock of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, evidenced by certificates numbered P-64755 for nineteen (19) shares, G-32714, for six (6) shares, K-75852 for three (3) shares, registered in the name of Seitaro Nishi, and presently in the custody of Stock Transfer Department, Bank of America National Trust and Savings Association, 550 Montgomery Street, San Francisco, California, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of $6.25 par value capital stock of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, evidenced by certificate numbered B–16314 for ten (10) shares registered in the name of Seitaro Nishi, and presently in safe deposit box No. 732, at the branch office of The Anglo California National Bank, San Francisco, California, located at 1560 Fillmore Street, San Francisco, California, together with all declared and unpaid dividends thereon,

c. Fifty (50) shares of $2.00 par value capital stock of Transamerica Corporation, 4 Columbus Avenue, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered SFE 92423 for one hundred (100) shares of no par value capital stock of the aforesaid Corporation, registered in the name of Seitaro Nishi, and presently in safe deposit box No. 732, at the branch office of The Anglo California National Bank, San Francisco, California, located at 1560 Fillmore Street, San Francisco, California, together with all declared and unpaid dividends thereon, and any and all rights to exchange said certificate for a new certificate for $2.00 par value capital stock of the aforesaid Corporation,

d. Five (5) Tokyo Dento Kabushiki Kaisha First Mortgage Gold Bonds, 6% Dollar Series, due 1953, of $1000.00 face value each, bearing the numbers 26535, 29524, 62975, 62976, and 67293, and presently in safe deposit box No. 732, at the branch office of The Anglo California National Bank, San Francisco, California, located at 1560 Fillmore Street, San Francisco, California, together with any and all rights thereunder and thereto;

e. That certain debt or other obligation of The Anglo California National Bank, San Francisco, California, arising out of a savings account, account number 14342, entitled Seitaro Nishi, maintained at the branch office of the aforesaid bank located at 1560 Fillmore Street, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Seitaro Nishi, the aforesaid national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation of The San Francisco Bank, 1528 Fillmore Street, San Francisco, California, arising out of a savings account, account number 18449, entitled Seitaro Nishi, trustee for Mrs. Fuki Nishi, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Seitaro Nishi and Fuki Nishi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7491; Filed, Aug. 28, 1950; 8:48 a. m.]

[Vesting Order 14946]

CHEMICAL MARKETING CO. AND AMERICAN CYANAMID & CHEMICAL CORP.

In re: Agreement dated November 14, 1939, as amended May 14 and 22, 1941, by and between Chemical Marketing Co., Inc., and American Cyanamid & Chemical Corporation.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Detusche Gesellschaft fur Schadlingsbekampfung, m. b. H., whose last known address is Frankfurt-am-Main, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany, which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Chemical Marketing Co., Inc., and Deutsche Gesellschaft fur Schadlingsbekampfung, m. b. H., by virtue of an agreement dated November 14, 1939 (including all modifications thereof or supplements thereto, including, but not limited to, an amendment dated May 14 and 22, 1941) by and between the American Cyanamid & Chemical Corporation and Chemical Marketing Co., Inc., which agreement relates to Zyklon Discoids,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7492; Filed, Aug. 28, 1950; 8:45 a. m.]

[Vesting Order 14952]

MRS. ONATSU AKIYAMA

In re: Rights of Mrs. Onatsu Akiyama under insurance contract. File No. D–39–2230–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Onatsu Akiyama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 15 027 248, issued by the New York Life Insurance Company, New York, New York, to Mrs. Onatsu Akiyama, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7493; Filed, Aug. 28, 1950; 8:48 a. m.]

[Vesting Order 14953]

HANS ALBERT

In re: Rights of Hans Albert under insurance contract. File No. F–28–4316–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Albert, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4 125 154 A, issued by the Metropolitan Life Insurance Company, New York, New York, to Hans Albert, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Hans Albert be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7494; Filed, Aug. 28, 1950; 8:49 a. m.]

[Vesting Order 14954]

CHRISTIAN BEYER

In re: Rights of Christian Beyer under insurance contract. File No. F–28–28161–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christian Beyer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4 861 569 A, issued by the Metropolitan Life Insurance Company, New York, New York, to Christian Beyer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7495; Filed, Aug. 28, 1950; 8:49 a. m.]

[Vesting Order 14956]

KARL BURKLIN

In re: Rights of Karl Burklin under Insurance Installment Certificate. File No. F–28–26651–H–9.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Burklin, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under Installment Certificate No. D–92520–T, issued by The Mutual Benefit Life Insurance Company, Newark, New Jersey, to Karl Burklin, together with the rights to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7496; Filed, Aug. 28, 1950; 8:49 a. m.]

[Vesting Order 14958]

SAIECHI FURUHARA

In re: Rights of Saiechi Furuhara under Insurance Contract. File No. F–39–6729–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Saiechi Furuhara, whose last known address is Japan, is a resident of

Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Disability Supplemental Adjustment Certification No. 50195 issued by the Equitable Life Assurance Society of the United States, New York, New York to Tahei Furuhara, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7497; Filed, Aug. 28, 1950; 8:49 a. m.]

[Vesting Order 500A-271]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Copyright No.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown ...	Beethovens Leben in authentischen Bildern und Texten 1925.	Stephen Ley (nationality not established).	Bruno Cassirer, Berlin, Germany (national ity, German).	Owner.

[F. R. Doc. 50-7498; Filed, Aug. 28, 1950; 8:49 a. m.]

[Vesting Order 500A-272]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

No. 167——6

EXHIBIT A

Column 1 Copyright No.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown....	Vom Doctor Faustus zu Goethes Faust. (Herausgegeben mit Unterstützung des Goethe National museums in Weimar), 1932.	Franz Neubert (nationality not established).	J. J. Weber, Leipzig, Germany (nationality, German).	Owner.
Do.....	Richard Wagner, 1933 (being part of the series "Die grossen Meister der Musik").	Dr. Ernst Bücken (nationality not established).	Akademische Verlagsgesellschaft Athenaion m. b. H., Potsdam, Germany (nationality, German).	Do.

[F. R. Doc. 50-7499; Filed, Aug. 28, 1950; 8:49 a. m.]

[Vesting Order 500A-273]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights), are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Copyright No.	Column 2 Title of works	Column 3 Names and last known nationalities of authors (or composers)	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
E. For. 16968 (new entry to correct E. For. 17479).	Sag mir Darling, Sag mir Liebling, Sag mir Du! (Lied) 1931.	Bert Reisfeld and Mart Fryberg (pseud. Martin Friedeberg) (United States citizens) and Rolf Marbot (pseud. Albrecht Markúse) (nationalities, German).	Musikverlag "City" Taubchenweg 20, Leipzig, Germany (nationality, German).	Rolf Marbot (pseud. Albrecht Markúse) and owner.
E. For. 1939 (new entry to correct E. For 17851).	Sag mir Darling, Sag mir Liebling, Sag mir Du! (Orch. Stimmen, mit o. Organ Direction, Violino 1 Direction, u. Text) 1931.	Bert Reisfeld and Mart Fryberg (pseud. Martin Friedeberg) (United States citizens) and Rolf Marbot (pseud. Albrecht Markúse) and arrangement by Gerhard Mohr (nationalities, German).	....do.....	Rolf Marbot (pseud. Albrecht Markúse) and Gerhard Mohr and owner.
E. For. 17479 (entry abandoned in favor of E. For. 16968).	Sag mir Darling, Sag mir Liebling, Sag mir Du! (Waltz u. Lied) 1931.	Bert Reisfeld (United States citizen) and Wicki Schmid-Seder and Rolf Marbot (pseud. Albrecht Markúse) (nationalities, German).	....do.....	Wicki Schmid-Seder and Rolf Marbot (psend. Albrecht Markúse) and owner.
E. For. 17851 (entry abandoned in favor of E. For. 16957)	Sag mir Darling, Sag mir Liebling, Sag mir Du! (Waltz; Orch. Stimmen, mit PF.) 1931.	Bert Reisfeld (United States citizen) and Wicki Schmid-Seder and Rolf Marbot (pseud. Albrecht Markúse) and arrangement by Gerhard Mohr (nationalities, German).	....do.....	Wicki Schmid-Seder and Rolf Marbot (pseud. Albrecht Markúse) and Gerhard Mohr and owner.

[F. R. Doc. 50-7500; Filed, Aug. 28, 1950; 8:49 a. m.]

[Vesting Order 500A-274]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Copyright No.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown....	Volksmusik der Rumänen von Maramures, 1923.	Bela Bartok (nationality not established).	Drei Masken Verlag A.-G., München, Germany (nationality, German).	Owner.

[F. R. Doc. 50-7501; Filed, Aug. 28, 1950; 8:50 a. m.]

[Return Order 712]

MRS. MARY PAVLIK

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No, Notice of Intention To Return Published, and Property

Mrs. Mary Pavlik, Chicago, Illinois, Claim No. 36892, July 14, 1950 (15 F. R. 4479); $1,395.95 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 23, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7502; Filed, Aug. 28, 1950; 8:50 a. m.]

[Return Order 713]

TITLE GUARANTEE AND TRUST CO. AND EMMA A. C. H. SCHRADER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Title Guarantee and Trust Company of the City of New York, New York, Ancillary Executor under the will of Emma A. C. H. Schrader, deceased, Claim No. 5284; July 4, 1950 (15 F. R. 4254); $20,747.18 in the Treasury of the United States. A four-sevenths (4/7) share of all rights and interests evidenced by Mortgage Participation Certificate No. 136,789, issued and guaranteed by the Bond and Mortgage Guarantee Company under Mortgage F 977 (181723). This property is now represented by Certificate No. 18,447 in the face amount of $3,359.93 issued by The Manufacturers' Trust Company, New York, New York, as Trustee for the benefit of the holders of mortgage certificates, registered in the name of the Alien Property Custodian, Washington, D. C., Account No. 28-16275, presently in the possession of the Office of Alien Property, New York, New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7503; Filed, Aug. 28, 1950; 8:50 a. m.]

GUISEPPINA PAGLIARO CANDIDO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Guiseppina Pagliaro Candido, Maddaloni, Italy, Claim No. 37125; $618.82 in the Treasury of the United States. All right, title and interest of Giuseppina Pagliaro Candido, also known as Guiseppina Pagliaro Candido, also known as Guiseppina Pagliaro Candido, in and to the estate of Samuel Candido, deceased.

Executed at Washington, D. C., on August 23, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7504; Filed, Aug. 28, 1950; 8:50 a. m.]

SEP 7

FEDERAL REGISTER

VOLUME 15 NUMBER 168

Washington, Wednesday, August 30, 1950

TITLE 3—THE PRESIDENT

PROCLAMATION 2900

AMENDMENTS OF THE REGULATIONS RELATING TO MIGRATORY BIRDS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Secretary of the Interior has prescribed and adopted, after notice and public procedure pursuant to section 4 of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and has submitted to me for approval the following amendments of the regulations relating to migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and certain game mammals concluded February 7, 1936:

AMENDMENT OF MIGRATORY BIRD TREATY ACT REGULATIONS

By virtue of and pursuant to authority vested in me by the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), and in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), I hereby prescribe the following amendments of the regulations approved and proclaimed by Proclamation No. 2801 of July 29, 1948, as amended, and adopt such amendments as suitable regulations permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such migratory birds and parts, nests, and eggs thereof:

1. Paragraph (2) of § 6.1 (a) is amended to read as follows:

(2) *Insectivorous and other nongame birds.* Cuckoos (including road-runner and Anis), flickers, and other woodpeckers; nighthawks, or bullbats, chuck-will's widow, poorwills, and whippoorwills; swifts; hummingbirds; kingbirds; phoebes, and other flycatchers; horned larks; bobolinks, cowbirds, blackbirds, grackles, meadowlarks, and orioles; grosbeaks (including cardinals), finches, sparrows, and buntings (including towhees); tanagers; martins and other swallows; waxwings; phainopeplas; shrikes; vireos; warblers; pipits, catbirds, mockingbirds, and thrashers; wrens; brown creepers; nuthatches; titmice (including chickadees, verdin and bushtits); kinglets and gnatcatchers; robins and other thrushes; and auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

2. Section 6.3 is amended to read as follows:

§ 6.3 *Means by which migratory gamebirds may be taken.* (a) Migratory game birds on which open seasons are specified in § 6.4 may be taken during such seasons only with bow and arrow or with a shotgun not larger than No. 10 gauge, fired from the shoulder, except as permitted by §§ 6.5, 6.8, and 6.9, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal without disassembling the gun so as to reduce the capacity of the said gun to not more than three shells at one time in the magazine and chamber combined. Such birds may be taken during the open seasons from land or water, with aid of a dog, and from a blind, boat or other floating craft not under tow or sail, except a sinkbox (battery), motorboat (excluding a boat having a detached outboard motor), and sailboat: *Provided*, That nothing herein shall permit the taking of migratory game birds from or by means, aid, or use of any motor vehicle or an aircraft of any kind; the taking of waterfowl by means, aid, or use of cattle, horses, mules, or live duck or goose decoys; the concentrating, driving, rallying, or stirring up of waterfowl and coot by means or aid of any motor-driven land, water or air conveyance or sailboat: *Provided further*, That nothing herein shall exclude the picking up of injured or dead waterfowl, coot, rails, or gallinules by means of a motorboat, sailboat, or other craft.

(b) Waterfowl, mourning doves and white-winged doves, may not be taken, directly or indirectly, by baiting and

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1950–51 Edition

(Revised through July 1)

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

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Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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they may not be taken over any baited place. As used in this section "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat, other grain, salt, or other feed so as to constitute for such birds a lure, attraction, or enticement to, on, or over the area where hunters are attempting to take them, and "baited place" shall mean any place where, at any time during the open seasons on such birds, shelled, shucked, or unshucked corn, wheat or other grain, salt, or any other feed whatsoever that may attract such birds is directly or indirectly placed, exposed, deposited, distributed or scattered. Nothing in this section shall be construed to apply to propagating, scientific, or other operations in accordance with the terms of permits issued pursuant to § 6.8, or to the taking of birds over properly shocked corn and standing crops of corn, wheat, or other grain or feed, and grains found scattered solely as a result of normal agricultural harvesting.

(c) No person over 16 years of age may take migratory waterfowl unless at the time of such taking he has on his person an unexpired Federal migratory-bird hunting stamp, validated by his signature written across the face thereof in ink. Persons not over 16 years of age may take migratory waterfowl without such stamp.

3. Section 6.4 is amended to read as follows:

§ 6.4 *Open seasons, bag limits, and possession of certain migratory game birds.* (a) During the open seasons prescribed and except as hereinafter provided in this section ducks, geese, brant, and coot may be taken daily from one-half hour before sunrise to one hour before sunset, and rails, gallinules, woodcock, mourning or turtle doves, white-winged doves, and band-tailed pigeons from one-half hour before sunrise to sunset. The hour for the commencement of hunting of waterfowl and coot on the first day of the season, including each first day of the split seasons, shall be 12 o'clock noon.

(b) A person may take in any one day during the open seasons prescribed therefor not to exceed the numbers of migratory game birds herein permitted, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds. When so taken, such birds may be possessed in the number specified in this section, except that no person on the opening day of the season may possess any migratory game birds in excess of the applicable daily limits.

(c) Nothing in this section shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), or on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge except so far as may be permitted by the Secretary of the Interior under existing law, or on any area designated as a closed area under the Migratory Bird Treaty Act.

(d) The open seasons (dates inclusive) on the following migratory game birds only, the daily bag and possession limits, and the exceptions to the hours of hunting heretofore stated, shall be as shown in the following schedules:

(a) *Atlantic Flyway States:*

	Migratory waterfowl and coot			Rails and gallinules		Woodcock	Mourning or turtle dove
	Ducks	Geese (except snow geese)	Coot	Sora	Others		
Daily bag limits	[1]4	[2]2	15	25	[3]15	4	10
Possession limits	[1]8	[2]2	15	25	[3]15	8	10
Seasons in:[4]							
Connecticut [5]	Nov. 8–Dec. 12			Sept. 1–Oct. 15	Sept. 15–Oct. 30	Oct. 21–Nov. 19	
Delaware	Nov. 3–Nov. 18 and Dec. 15–Dec. 30.			Sept. 1–Oct. 30	Sept. 15–Nov. 13	Nov. 15–Dec. 14	Oct. 1–Oct. 30.
Florida	Nov. 27–Jan. 5			Sept. 15–Nov. 13 [6]	Sept. 15–Nov. 13 [6]		Dec. 17–Jan. 15.[7]
Georgia	Nov. 27–Jan. 5			Oct. 1–Nov. 30 [6]	Oct. 1–Nov. 30 [6]	Dec. 23–Jan. 21	Dec. 17–Jan. 15.[8]
Maine [5]	Oct. 6–Oct. 21 and Nov. 24–Dec. 9.			Oct. 6–Oct. 21 and Nov. 24–Dec. 9.	Oct. 6–Oct. 21 and Nov. 24–Dec. 9.	Oct. 1–Oct. 30	
Maryland	Nov. 27–Jan. 5			Sept. 1–Oct. 20	Sept. 1–Oct. 20	Nov. 15–Dec. 14	Sept. 1–Sept. 30.[9]
Massachusetts [5]	Oct. 20–Nov. 4 and Dec. 15–Dec. 30.[10]			Oct. 20–Oct. 30 [6]	Oct. 20–Oct. 30 [6]	Oct. 20–Nov. 18	
New Hampshire [5]	Oct. 6–Oct. 21 and Nov. 17–Dec. 2.			Sept. 1–Oct. 30 [6]	Sept. 15–Nov. 13 [6]	Oct. 1–Oct. 30	
New Jersey	Nov. 17–Dec. 26			Sept. 1–Oct. 30	Sept. 1–Oct. 30	Oct. 20–Nov. 18	
New York [5]	Oct. 20–Nov. 4 and Dec. 8–Dec. 23.			Oct. 20–Nov. 4 and Dec. 8–Dec. 23.[6]	Oct. 20–Nov. 4 and Dec. 8–Dec. 23.[6]	See note 11	
North Carolina	Nov. 27–Jan. 5			Oct. 2–Dec. 1 [6]	Oct. 2–Dec. 1 [6]	Dec. 12–Jan. 11	Sept. 16–Sept. 30 and Jan. 1–Jan. 15.[7]
Pennsylvania	Oct. 13–Nov. 21			Sept. 1–Oct. 30 [6]	Sept. 15–Nov. 13 [6]	Oct. 10–Nov. 8	Oct. 10–Nov. 8.

See footnotes at end of table.

	Migratory waterfowl and coot			Rails and gallinules		Woodcock	Mourning or turle dove
	Ducks	Geese (except snow geese)	Coot	Sora	Others		
Seasons in:[4]							
Rhode Island[5]	Nov. 17–Dec. 26			Sept. 1–Oct. 30	Sept. 1–Oct. 30	Nov. 1–Nov. 30	Sept. 16–Sept. 30 and Dec. 23–Jan. 6.[6]
South Carolina	Nov. 27–Jan. 5			Oct. 2–Dec. 1[9]	Oct. 2–Dec. 1[9]	Dec. 12–Jan. 11	
Vermont	Oct. 20–Nov. 28			Sept. 1–Oct. 30	Sept. 15–Nov. 13	Oct. 1–Oct. 30	Oct. 2–Oct. 31.[9]
Virginia	Nov. 27–Jan. 5			Sept. 1–Oct. 30	Sept. 1–Oct 30	Nov. 20–Dec. 19	
West Virginia	Oct. 20–Nov. 28			Sept. 1–Oct. 30	Sept. 15–Nov. 13	Oct. 14–Nov. 12	
Puerto Rico	Dec. 15–Feb. 12			Dec. 15–Feb. 12	Dec. 15–Feb. 12		

[1] No open season on wood duck in Massachusetts and West Virginia. In other States, bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted mergansers 25 singly or in the aggregate of both kinds; no possession limit after the opening day of the season.
[2] 2 Canada geese or its subspecies, or 2 white-fronted geese, and in addition 3 blue geese a day or in possession.
[3] Not more than 15 in the aggregate of rails (other than sora) and gallinules.
[4] No open season in District of Columbia, but migratory game birds may be possessed therein in accordance with § 6.6 (c).
[5] Scoter, eider and old squaw ducks may be taken in open coastal waters only, beyond outer harbor lines, in Connecticut, Maine, Massachusetts, New Hampshire, New York, and Rhode Island, from Sept. 17 to Dec. 17. In areas other than those beyond outer harbor lines such birds may be taken during the open seasons for other ducks. In these States only, the daily bag limit is 7 scoter, eider or old squaw ducks singly or in the aggregate, and not exceeding 14 in possession singly or in the aggregate.
[6] Florida: Rails (including sora) and gallinules, daily bag and possession limit 15, singly or in aggregate of all kinds.
[7] Florida: Mourning doves in Dade, Monroe, and Broward Counties, Oct 1 to Oct. 30.
[8] Shooting hours for mourning doves in States indicated—12 o'clock noon until sunset.
[9] Rails and gallinules: When permitted to be taken during the waterfowl season they may not be hunted after 1 hour before sunset.
[10] Only Canada geese (including its subspecies) may be taken in Massachusetts.
[11] New York: East and north of Oswego river from Lake Ontario to its junction with the Oneida river, Oneida river to Oneida Lake, north shore of Oneida Lake to Barge Canal, Barge Canal to Rome, the main line of N. Y. Central R. R. from Rome to Albany, and main line of Boston and Albany R. R. from Albany to Massachusetts state line, Oct. 9 to Nov. 1, incl.; west and south of the above described boundary (except Long Island), Oct. 20 to Nov. 12, incl.; that part of New York known as Long Island, Oct. 23 to Nov. 15, incl., from 9 a. m. until 5 p. m. on the opening day, and thereafter from 7 a. m. until 5 p. m. in each of these zones.

(b) *Mississippi Flyway States:*

	Migratory waterfowl and coot			Rails and gallinules		Woodcock	Mourning or turtle dove
	Ducks	Geese	Coot	Sora	Others		
Daily bag limits	[1] 4	[2] 4	10	25	[3] 15	4	10
Possession limits	[1] 8	[2] 4	10	25	[3] 15	8	10
Seasons in:							
Alabama	Dec. 2–Jan. 5			Dec. 2–Jan. 5[4]		Dec. 1–Dec. 30	Dec. 17–Jan. 15.[5]
Arkansas	Dec. 2–Jan. 5			Sept. 1–Oct. 30		Dec. 1–Dec. 30	Sept. 16–Oct. 15.[5]
Illinois	Nov. 3–Dec. 7[1]			Sept. 1–Oct. 30			Sept. 1–Sept. 30.
Indiana	Nov. 3–Dec. 7			Sept. 1–Oct. 30		Oct. 15–Nov. 13	
Iowa	Oct. 20–Nov. 23						
Kentucky	Dec. 1–Jan. 4			Sept. 1–Oct. 30			Sept. 1–Sept. 30.[1]
Louisiana	Dec. 2–Jan. 5			Sept. 1–Oct. 30		Dec. 23–Jan. 21	Dec. 1–Dec. 30.[6]
Michigan	Oct. 13–Nov. 16			Oct. 13–Nov. 16[4]		See footnote 7	
Minnesota	Oct. 6–Nov. 9			Sept. 16–Nov. 14[4]		Oct. 1–Oct. 30	
Mississippi	Dec. 2–Jan. 5			Oct. 15–Dec. 13[4]		Dec. 1–Dec. 30	Sept. 16–Sept. 30 and Jan. 1–Jan. 15.[1]
Missouri	Nov. 3–Dec. 7			Sept. 1–Oct. 30		Nov. 10–Dec. 9	Sept. 1–Sept. 30.
Ohio	Oct. 20–Nov. 23			Sept. 1–Oct. 30[4]		Oct. 8–Nov. 6	
Tennessee	Dec. 2–Jan 5						Sept. 16–Sept. 30 and Oct. 16–Oct. 30.[1]
Wisconsin	Oct. 14–Nov. 16[1]			Oct. 14–Nov. 16[4 8]		Oct. 1–Oct. 30	

[1] Bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted mergansers 25 singly or in the aggregate of both kinds; no possession limit after the opening day of the season.
[2] Including in such limit *not more than* (a) 2 Canada geese or its subspecies, or (b) 2 white-fronted geese, or (c) 1 Canada goose and 1 white-fronted goose.
[3] Not more than 15 in the aggregate of rails (other than sora) and gallinules.
[4] Rails and gallinules: When permitted to be taken during the waterfowl season they may not be hunted after 1 hour before sunset.
[5] Shooting hours for mourning doves in States indicated—12 o'clock noon until sunset.
[6] No open season for geese in that part of Alexander County, Ill., established as closed area by proclamation 2748 of Oct. 1, 1947 (12 F. R. 6521).
[7] Michigan: Woodcock, Upper Peninsula, Oct. 1 to Oct. 20; Lower Peninsula, Oct. 15 to Nov. 5.
[8] Wisconsin: On opening day the season for waterfowl, coot, rails and gallinules will start at 1 p. m.

(c) *Central Flyway States:*

	Migratory waterfowl and coot			Rails and gallinules		Mourning or turtle dove
	Ducks	Geese	Coot	Sora	Others	
Daily bag limits	[1] 5	[2] 5	10	25	[3] 15	10
Possession limits	[1] 10	[2] 5	10	25	[3] 15	10
Seasons in:						
Colorado	Oct. 6–Oct. 23 and Dec. 19–Jan. 5[4]					Sept. 1–Oct. 12.
Kansas	Oct. 20–Dec. 3			Sept. 1–Oct. 30[5]		Sept. 1–Sept. 30.
Montana	Oct. 6–Oct. 23 and Nov. 17–Dec. 4[6]					See footnote 6.
Nebraska	Oct. 20–Dec. 3			Sept. 1–Oct. 30[5]		Sept. 1–Oct. 1.
New Mexico[7 8 9]	Oct. 13–Oct. 30 and Dec. 19–Jan. 5			Sept. 1–Oct. 30[5]		Sept. 1–Oct. 12.[9]
North Dakota	Oct. 6–Nov. 19			Sept. 1–Oct. 30[4]		
Oklahoma[10]	Nov. 3–Dec. 17			Sept. 1–Oct. 30		Sept. 1–Sept. 30.
South Dakota	Oct. 6–Nov. 19			Sept. 1–Oct. 30[4]		
Texas[10 11 12]	Nov. 3–Dec. 17[13]			Sept. 1–Oct. 30		See footnotes 11 and 12.
Wyoming	Oct. 6–Oct. 23 and Nov. 24–Dec. 11[4]			Sept. 1–Oct. 30[5]		

See footnotes on next page.

[1] No open season on wood duck in Colorado, Kansas, Nebraska, North Dakota, South Dakota, and Wyoming. In other States, bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted mergansers 25 singly or in the aggregate of both kinds; no possession limit after opening day of the season.
[2] Including in such limit *not more than* (a) 2 Canada geese or its subspecies, or (b) 2 white-fronted geese, or (c) 1 Canada goose and 1 white-fronted goose.
[3] Not more than 15 in the aggregate of rails (other than sora) and gallinules.
[4] No open season on snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, or in the States of Colorado and Wyoming. No open season in Colorado on blue geese.
[5] Rails and gallinules: When permitted to be taken during the waterfowl season they may not be hunted after 1 hour before sunset.
[6] Montana: Mourning doves in Yellowstone, Big Horn, Custer, Carter, Powder River, Fallon, Prairie, and Dawson Counties, Sept. 1 to Sept. 15; no open season in rest of State.
[7] The bag and possession limit on geese in New Mexico is 3 which may include not more than 2 Canada geese or its subspecies, or 2 white-fronted geese, or 1 snow goose.
[8] New Mexico: Band-tailed pigeons, south of highway 60, Sept. 16 to Oct. 15; daily limit 8, possession limit 8; no open season in rest of State.
[9] New Mexico: Shooting hours for mourning doves and band-tailed pigeons on first day of the season, 12 o'clock noon until sunset; thereafter from sunrise to sunset.
[10] Woodcock: *Oklahoma*, Dec. 1 to Dec. 30; *Texas*, in the counties of Shelby, Nacogdoches, Angelina, Trinity, San Jacinto, Liberty, Chambers, and all counties south and east thereof, Dec. 23 to Jan. 21; no open season in rest of Texas. Daily limit 4, possession limit 8.
[11] Texas: Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Miam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, Sept. 1 to Oct. 15 from one-half hour before sunrise to sunset; in the rest of State (but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties), Oct. 20 to Dec. 3 from one-half hour before sunrise to sunset; in these latter counties Sept. 15, 17, and 19 from 4 p. m. until sunset and from Oct. 20 to Nov. 30 from one-half hour before sunrise to sunset.
[12] Texas: White-winged doves in Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Kinney, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, Willacy, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth, and El Paso Counties, Sept. 15, 17, and 19 from 4 p. m. until sunset; daily bag and possession limit for white-winged or mourning doves is not more than 10 singly or in the aggregate of both kinds; no open season in rest of State.
[13] Texas: Black-bellied tree duck, no open season.

(d) *Pacific Flyway States:*

	Migratory waterfowl and coot			Rails and gallinules		Mourning or turtle dove	Band-tailed pigeon
	Ducks	Geese and brant (except Ross's goose)	Coot	Sora	Others		
Daily bag limits	[1] 6	[2] 6	15	25	[3] 15	[4] 10	8
Possession limits	[1] 6	[2] 6	15	25	[3] 15	[4] 10	8
Seasons in:							
Arizona[4]	Nov. 12–Jan. 5			Sept. 1–Oct. 30		Sept. 1–Oct. 15	Sept. 16–Oct. 15.
California[4]	See footnote 5					Sept. 1–Sept. 30	See footnote 6.
Idaho	Nov. 3–Dec. 27[7]					See footnote 8	
Nevada	Oct. 13–Nov. 3 and Dec. 8–Dec. 29					Sept. 1–Sept. 30	
Oregon	Nov. 3–Dec. 27					Sept. 1–Sept. 15	Sept. 1–Sept. 30.
Utah	Oct. 13–Nov. 3 and Nov. 24–Dec. 15			Sept. 1–Oct. 30[4]			
Washington	Nov. 3–Dec. 27						Do.
Alaska	See footnote 10						

[1] No open season on wood ducks in Arizona, Nevada, and Utah. In other Pacific Flyway States and Alaska, bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted mergansers, 25 singly or in the aggregate of both kinds; no possession limit after opening day of the season.
[2] In any combination not exceeding 2 of Canada geese or its subspecies, white-fronted geese, or brant.
[3] Not more than 15 in the aggregate of rails (other than sora) and gallinules.
[4] White-winged dove in Arizona and in Imperial County, California, Sept. 1 to Sept. 15. The daily bag and possession limit for white-winged or mourning doves is not more than 10 singly or in the aggregate of both kinds.
[5] Waterfowl and coot in those portions of San Bernardino, Riverside, and Imperial Counties, Calif., east of U. S. Highway 95 from the Nevada line south to Blythe and east of the paved and graded road extending from Blythe to Ripley, Palo Verde and Ogilby south to its intersection with U. S. Highway 80, thence east to Yuma, Nov. 12 to Jan. 5; in rest of California, Oct. 20 to Nov. 10 and Dec. 15 to Jan. 5.
[6] California: Band-tailed pigeon Sept. 16 to Sept. 30 and Dec. 17 to Dec. 31.
[7] Idaho: No open season on snow geese and no open season on geese of any other species in Canyon County, except a strip 1 mile wide on each side of the Boise River and a strip 1 mile wide on the northeast side of the Snake River.
[8] Idaho: Mourning doves in Bannock, Bear Lake, Caribou, Bingham, Bonneville, Clark, Jefferson, Fremont, Madison, and Teton Counties, no open season; in rest of State, Sept. 1 to Sept. 15.
[9] Rails and gallinules: When permitted to be taken during the waterfowl season they may not be hunted after 1 hour before sunset.
[10] Alaska: In the Second and Fourth Judicial Divisions, Sept. 1 to Oct. 25; in the Third Judicial Division (except Kodiak-Afognak Island Group), Sept. 7 to Oct. 31; in the First Judicial Division and the Kodiak-Afognak Island Group Oct. 1 to Nov. 24; *provided that* scoter and elder ducks also may be taken in the Second and Fourth Judicial Divisions from Sept. 1 to Oct. 31 and in the Third Judicial Division west of 152° W. Longitude from Sept. 7 to Dec. 21. The bag limit for scoters and elders is 10 a day singly or in the aggregate of all kinds, and not more than 20 singly or in the aggregate of all kinds in possession.

Provided, however, That whenever the Director of the Fish and Wildlife Service shall find that emergency State action to prevent forest fires in any extensive area has resulted in the shortening of the season during which the hunting of any migratory game bird is permitted and that a compensatory extension or reopening of the hunting season for such birds will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season, the hunting season for the birds so affected may, subject to all other provisions of this subchapter, be extended or reopened by the Director upon request of the chief officer of the agency of the State exercising administration over wildlife resources. The Director of the Fish and Wildlife Service shall fix the length of the extended or reopened season, which in no event shall exceed the number of days during which hunting has been so prohibited, and he shall publicly announce the extended or reopened season.

4. Section 6.6 paragraph (c) is amended to read as follows:

(c) *Possession.* Within the maximum possession limits prescribed by § 6.4 migratory game birds lawfully taken within a State or transported or imported in accordance with the provisions of paragraphs (a) or (b) of this section, may be possessed in any State, District of Columbia, Alaska, or Puerto Rico during the open season where taken and for an additional 90 days next succeeding the said open season.

For the purposes of these regulations the ownership and possession of birds legally taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to (1) a post office, (2) a common carrier, or (3) a locker, storage plant, or similar facility for transportation to some person other than the hunter or a member of the hunter's immediate household. As used in this section, "locker, storage plant, or similar facility" includes only those facilities as are engaged in the business of receiving and handling birds and keep and make available for inspection by any officer authorized to enforce these regulations at any reasonable time records showing the names and addresses of both the consignors and the consignees of such birds.

5. Section 6.10, including its title, is amended to read as follows:

§ 6.10 *Revocation of certain existing permits.* Permits which were issued prior to July 1, 1949, which bear no expiration date, and which authorize the possession of waterfowl for propagating purposes or the taking of migratory birds for scientific purposes, not including permits to band birds, are hereby revoked as of November 1, 1950.

As previously indicated in notices published in the FEDERAL REGISTER on July 7, 1950, and August 8, 1950, pursuant to section 4 of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238),

the breeding habits of many species of migratory birds, particularly waterfowl, are such that a comprehensive analysis of the various factors affecting the current year's abundance and distribution of such birds should not be considered earlier than the first week of August of each year. At the same time such notices stated that information then available regarding the distribution and abundance of doves, rails, and gallinules, and waterfowl in certain geographical areas, permitted the inclusion in those notices of schedules showing the proposed September open seasons, and related bag and possession limits, on such birds. The information contained in the schedules also was furnished to appropriate State game officials and to the public by publication in widely distributed newspapers and other publications and by other means. The open seasons, daily bag and possession limits, and other limitations specified in the notice of July 7, as modified by the notice of August 8, now have been included without change in the above amendments. In these circumstances, it has been determined that the public interests will best be served if those portions of § 6.3, *Means by which migratory game birds may be taken*, and § 6.4, *Open seasons, bag limits, and possession of certain migratory game birds*, relating to (1) rails and gallinules; (2) doves (white-winged, mourning or turtle); (3) band-tailed pigeons; (4) waterfowl in Alaska; (5) scoter, eider, and old squaw ducks in Connecticut, Maine, Massachusetts, New Hampshire, New York, and Rhode Island become effective September 1, 1950. The remainder of the amendments, which particularly affect waterfowl and are related to seasons beginning later than September 30, 1950, become effective October 1, 1950.

In witness whereof, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 24th day of August 1950.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

AND WHEREAS upon consideration it appears that approval of the foregoing amendments will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 3 of the said Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing amendments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of August in the year of our Lord nineteen hundred and fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 50-7675; Filed, Aug. 29, 1950; 10:59 a. m.]

EXECUTIVE ORDER 10157

ENABLING CERTAIN EMPLOYEES OF THE FEDERAL GOVERNMENT TO ACQUIRE A COMPETITIVE STATUS

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 404) and by section 1753 of the Revised Statutes of the United States, it is hereby ordered as follows:

1. Except as provided by paragraph 2 hereof, any employee of the Federal Government without competitive status who on the date of this order is serving in an active-duty status in an office or position in the competitive service of the Government shall be entitled to and shall acquire a competitive status upon compliance with the following conditions:

(a) The employee shall have served continuously in a full-time, active-duty status in the competitive service, without a break in service of more than sixty calendar days, during the two years immediately prior to the date of this order: *Provided*, that military service shall not be regarded as a break in service.

(b) If his employment is evaluated under an efficiency rating system, the most recent rating of the employee must be "Good" or better, and if his employment is not so evaluated, the head of the agency in which he is employed must certify to the Civil Service Commission that the employee has served with merit for six months or longer immediately prior to the date of such certification.

(c) The acquisition of competitive status by the employee must be recommended by the head of the agency in which he is employed within six months of the date of this order.

(d) The employee must successfully qualify in such suitable noncompetitive examination as the Civil Service Commission may prescribe: *Provided*, That only one such noncompetitive examination shall be given him.

2. This order shall not be applicable to (a) postmasters; (b) rural carriers in those cases with respect to which there is an existing register of eligibles for filling the position in question or with respect to which an examination has been announced by the Civil Service Commission for filling such position; and (c) persons not entitled to veteran preference who are serving in positions which are by law or by Executive order restricted to preference eligibles.

3. For the purposes of this order, employees who are on active military duty on the date hereof shall be considered as being in an active-duty status.

4. The Civil Service Commission shall promulgate regulations to effectuate the purposes of this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 28, 1950.

[F. R. Doc. 50-7625; Filed, Aug. 28, 1950; 4:21 p. m.]

RULES AND REGULATIONS

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 3—RULES OF PROCEDURE OF UNITED STATES ATOMIC ENERGY COMMISSION ADVISORY BOARD OF CONTRACT APPEALS

GENERAL PROVISIONS

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3.2 Scope.
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AUTHORITY: §§ 3.1 to 3.40 issued under 60 Stat. 755-775; 42 U. S. C. 1801-1819.

GENERAL PROVISIONS

§ 3.1 *Purpose.* Contracts entered into by the United States Atomic Energy Commission, and subcontracts entered into under such contracts, usually contain a "disputes article" providing that disputes arising under the contract or subcontract which are not disposed of by mutual agreement shall be decided in the first instance by the representative of the Commission duly authorized to supervise and administer performance of the work under the contract. The typical "disputes clause" further provides that the contractor or subcontractor may make an appeal in writing to the designated representative or representatives of the Commission, whose decision shall be final. The General Manager of the Commission is the designated representative to decide finally all appeals arising under the "disputes articles" of commission contracts and subcontracts. The Commission has established an Advisory Board of Contract Appeals to assist the General Manager in his discharge of this responsibility by hearing the appeal and recommending to the General Manager appropriate disposition of the appeal. The rules of procedure contained in this part are designed to provide an orderly and expeditious means for handling such appeals.

§ 3.2 *Scope.* The rules contained in this part set forth the procedures which will be followed by the Advisory Board of Contract Appeals, United States Atomic Energy Commission, in arriving at a recommendation to be made to the General Manager of the Commission concerning the disposition of an appeal from a decision of a contracting officer in the matter of a contract dispute arising under the disputes article of a prime contract or subcontract.

§ 3.3 *Definitions.* (a) "Board" shall mean the Advisory Board of Contract Appeals of the Atomic Energy Commission, or any member or members thereof designated administratively by the Advisory Board of Contract Appeals to make a recommendation to the General Manager concerning the disposition of a specific appeal.

(b) "Contracting Officer" shall mean the representative of the Commission who, under the contract, has the responsibility for determining the dispute in the first instance and from whose decision the appeal has been taken.

(c) "Party" or "Parties" shall mean the contractor (or subcontractor) and the contracting officer as defined in this part, as the text may indicate.

PRELIMINARY PROCEEDINGS

§ 3.10 *Initial determination.* In disposing of a contract dispute other than by mutual agreement, the contracting officer shall furnish directly to the contractor a statement in writing of his decision, together with specific findings of fact and a copy of the rules contained in this part.

§ 3.11 *Appeal.* An appeal from the decision of the contracting officer shall be taken by filing a notice of appeal and three copies thereof with the contracting officer within 30 days after receipt by the contractor of the contracting officer's decision, unless the contract provides a different time within which such an appeal may be taken, in which case the time prescribed in the contract shall prevail.

§ 3.12 *Notice of appeal.* The notice of appeal need not follow any prescribed form and may be in the form of a letter addressed to the contracting officer, but it should indicate the decision from which the appeal is being taken, the date of the decision, and the contract number. The notice of appeal should be dated and signed by the contractor, and, if the contractor desires to appear or be represented at a hearing before the Board, should contain a request that such a hearing be held. Argument in support of the appeal should not be incorporated in the notice of appeal.

§ 3.13 *Transmittal of notice of appeal.* When the notice of appeal has been received, the contracting officer will endorse the date of its receipt on the original and promptly forward to the Atomic Energy Commission Advisory Board of Contract Appeals, Washington 25, D. C., the original and two copies, together with three copies of the decision, findings of fact and supporting data, three copies of all correspondence, and other data relevant to the dispute.

§ 3.14 *Notification of parties by the Board.* Upon receipt of the material referred to in § 3.13, the Board will so notify the contractor and the contracting officer and will notify them of the member or members of the Board designated to handle the appeal.

§ 3.15 *Request for hearing.* If a hearing has not been requested in the notice of appeal, the contracting officer when so notified may request that a hearing be held by forwarding such a request in writing to the member or members of the Board designated to handle the appeal.

§ 3.16 *Consideration by Board without hearing.* If a hearing has not been requested in the notice of appeal or by the contracting officer, the Board will proceed to a recommendation on the basis of the record then before it, together with such a brief as the contractor may desire to submit and a reply brief submitted by the contracting officer. The Board will instruct the parties with respect to the time within which such briefs must be submitted and served upon the other parties.

§ 3.17 *Notice of hearing.* If the notice of appeal contains a request for a hearing, the Board will fix the time when and the place where such hearing will be conducted and will give the contractor at least 15 days' notice thereof in writing. In fixing a time and place for a hearing, the Board will consider the convenience of the parties. Ordinarily, hearings will be held at the location of the office of the Commission administering the contract, but may be held in Washington, D. C., or such other place as shall be determined by the Board.

HEARINGS

§ 3.20 *Absence of parties.* In the event of the unexcused absence of a party at the time and place set for a hearing, the hearing will proceed and the appeal will be deemed as having been submitted without oral testimony or argument on behalf of that party.

§ 3.21 *Recording of hearings.* The proceedings at hearings will be recorded and transcribed. One copy of the transcript of the proceedings will be furnished the contractor without cost to the contractor.

§ 3.22 *Scope of the proceedings.* At a hearing the Board shall receive evidence and arguments presented by or on behalf of the parties. The appeal will be considered de novo and independent findings of fact will be made, although the findings of fact of the contracting officer may be adopted by the Board in whole or in part.

§ 3.23 *Conduct of hearings.* The hearings before the Board will be informal, with no fixed form of procedure, and the manner in which facts are found and conclusions reached shall be a matter for the discretion of the Board; and the Board may limit or otherwise control the issues presented by the appeal and the extent of the evidence, testimony or argument presented as it shall see fit. However, the following general rules will apply:

(a) The parties may present to the Board a signed stipulation setting forth any agreed facts or stating the matters in dispute.

(b) Unless dispensed with by the Board, all testimony offered shall be received under oath. Attention of the witness shall be invited to 18 U. S. C. 1001 or 18 U. S. C. 1621, as appropriate.

(c) Ordinarily, the contractor will be expected to proceed with the affirmative presentation.

(d) Testimony and evidence may be submitted without regard to the formal rules of evidence, but shall, nevertheless, be subject to a determination by the Board with respect to propriety or relevance. Such determination may be made when the testimony or evidence is offered, or the testimony or evidence may be received subject to future determination by the Board.

(e) All witnesses shall be subject to the cross-examination, and also to examination by the Board.

(f) In the discretion of the Board, and upon application in advance of the hearing and with notice to the opposing party, evidence may be submitted in affidavit form.

(g) The parties may be represented at a hearing by any authorized person.

(h) All hearings will be so conducted as to ensure compliance with the security regulations and requirements of the Commission, and the Board may take whatever steps may be deemed appropriate to assure the common defense and security pursuant to the provisions of the Atomic Energy Act of 1946.

(i) Briefs shall be submitted to the Board and served upon the parties in accordance with instructions transmitted by the Board to the parties, and the Board may request preliminary briefs or statements describing the basis for the appeal and the questions involved in advance of a hearing.

DECISIONS

§ 3.30 *Findings and recommendation.* The Board will make specific findings of fact and conclusions, recommending a disposition of the appeal. Such findings, conclusions and recommendations shall be transmitted by the Board to the General Manager of the Commission.

§ 3.31 *Disposition by the General Manager.* If the recommendation of the

Board is concurred in by the General Manager (or the Deputy General Manager acting on behalf of the General Manager), such concurrence, together with the findings and conclusions of the Board, shall be transmitted to the parties. If the General Manager (or the Deputy General Manager acting on behalf of the General Manager) does not concur in the recommendation of the Board, he shall make such disposition of the appeal as he deems appropriate.

MISCELLANEOUS

§ 3.40 *Modification of rules.* The rules contained in this part are intended to render the contract appeal procedure just and simple and to prevent unjustifiable expense and delay. They may be relaxed or modified by the Board in the interests of justice and the expeditious settlement of disputes.

Dated in Washington, D. C., this 23d day of August 1950.

SUMNER T. PIKE,
Acting Chairman.

[F. R. Doc. 50-7476; Filed, Aug. 29, 1950; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Civil Air Regs., Amdt. 20-8]

PART 20—PILOT CERTIFICATES

STUDENT AND PRIVATE PILOT CITIZENSHIP REQUIREMENTS AND DURATION OF PILOT CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1950.

Currently effective Part 20 provides that an applicant for a student pilot certificate or a pilot certificate with a private rating shall be a loyal citizen of the United States or of a friendly foreign government not under the domination of or associated with any government with which the United States is at war.

While the United States is still legally at war with certain nations, current history indicates that the test of official war status is not necessarily a sound one and there does not appear to be any cogent reason why the citizenship requirements for the issuance of a student pilot certificate or a pilot certificate with a private rating should not be the same as for other airman certificates; that is, to require that an applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal student, private, or commercial pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government. Moreover, this provision should work to the advantage of the United States in its international relations by encouraging foreign governments who are not now issuing airman certificates to United States citizens to do so on a reciprocal basis.

With respect to individuals who are granted pilot certificates in accordance with reciprocal agreements or otherwise on a reciprocal basis, we consider it advisable to provide a means of determining whether such certificates should continue in force in the event that the reciprocal treatment should be modified or terminated. Accordingly, this amendment requires that all student pilot certificates and pilot certificates with private and commercial ratings issued to foreign nationals pursuant to existing reciprocal agreements have a duration of 12 months. However, it also provides that such certificates may be reissued without further demonstration of technical competence on the part of the holders thereof.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR, Part 20, as amended) effective September 27, 1950.

1. By amending § 20.3 to read as follows:

§ 20.3 *Citizenship.* An applicant for a student pilot certificate shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal student pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

2. By amending § 20.21 to read as follows:

§ 20.21 *Citizenship.* An applicant for a pilot certificate with a private rating shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal private pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

3. By amending § 20.51 to read as follows:

§ 20.51 *Duration.* (a) A student pilot certificate issued to a United States citizen shall remain in effect for a period no longer than 24 months after the date of issuance.

(b) A pilot certificate with a private or commercial rating issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board.

(c) A student pilot certificate or a pilot certificate with a private or commercial rating issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(d) A limited pilot certificate shall remain in effect for a period no longer than 12 months after date of issuance, but it may be reissued without further demonstration of technical competence.

(e) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(f) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

4. By rescinding § 20.53.

5. By adding § 20.57 to read as follows:

§ 20.57 *Termination of certificates.* All student pilot certificates and pilot certificates with private or commercial ratings issued to individuals other than United States citizens prior to September 27, 1950, shall expire on September 26, 1951, but they may be reissued with a duration of 12 months without further demonstration of technical competence.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216, 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-7574; Filed, Aug. 29, 1950; 8:54 a. m.]

[Civil Air Regs., Amdt. 21-8]

PART 21—AIRLINE TRANSPORT PILOT RATING

DURATION AND TERMINATION OF CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1950.

Currently effective Part 21 provides that an airline transport pilot certificate may be issued to a citizen of a foreign government which grants or has undertaken to grant reciprocal airline transport pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government. However, we consider it advisable with respect to such individuals to provide a means of determining whether such certificates should continue in force in the event that the reciprocal agreements should be modified or terminated.

Accordingly, this amendment requires that all airline transport pilot certificates issued to foreign nationals pursuant to existing reciprocal agreements have a duration of 12 months. However, it also provides that such certificates may be reissued without further demonstration of technical competence on the part of the holders thereof.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 21 of the Civil Air Regulations (14 CFR, Part 21, as amended) effective September 27, 1950:

1. By amending § 21.24 to read as follows:

§ 21.24 *Duration.* (a) An airline transport pilot certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(b) A temporary airline transport pilot certificate shall remain in effect for a period no longer than 3 months after the date of issuance.

(c) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(d) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

2. By rescinding § 21.27, *Surrender,* and insert a new § 21.27 to read as follows:

§ 21.27 *Termination of certificates.* All airline transport pilot certificates issued to individuals other than United States citizens prior to September 27, 1950, shall expire on September 26, 1951, but they may be reissued with a duration of 12 months without further demonstration of technical competence.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216, 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-7575; Filed, Aug. 29, 1950; 8:54 a. m.]

[Civil Air Regs., Amdt. 22-1]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

STUDENT AND PRIVATE CITIZENSHIP REQUIREMENTS AND DURATION OF CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1950.

Currently effective Part 22 provides that an applicant for a student lighter-than-air pilot certificate, a private or commercial lighter-than-air pilot certificate, or a free balloon pilot certificate shall be a loyal citizen of the United States or of a friendly foreign government not under the domination of or associated with any government with which the United States is at war.

While the United States is still legally at war with certain nations, current history indicates that the test of official war status is not necessarily a sound one and there does not appear to be any cogent reason why the citizenship requirements for the issuance of lighter-than-air pilot certificates or free balloon pilot certificates should not be the same as for other airman certificates; that is, to require that an applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal lighter-than-air pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government. Moreover, this provision should work to the advantage of the United States in its international relations by encouraging foreign governments who are not now issuing airman certificates to United States citizens to do so on a reciprocal basis.

With respect to individuals who are granted airman certificates in accordance with reciprocal agreements or otherwise on a reciprocal basis, we consider it advisable to provide a means of determining whether such certificates should continue in force in the event that the reciprocal treatment should be modified or terminated. Accordingly, this amendment requires that all lighter-than-air and free balloon pilot certificates issued to foreign nationals pursuant to existing reciprocal agreements have a duration of 12 months. However, it also provides that such certificates may be reissued without further demonstration of technical competence on the part of the holders thereof.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 22 of the Civil Air Regulations (14 CFR, Part 22, as amended) effective September 27, 1950:

1. By amending § 22.10 (c) to read as follows:

(c) *Citizenship.* An applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal lighter-than-air pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

2. By amending § 22.21 to read as follows:

§ 22.21 *Duration.* (a) A student lighter-than-air pilot certificate issued to a United States citizen shall remain in effect for a period no longer than 24 months after the date of issuance.

(b) A private or commercial lighter-than-air pilot certificate or free balloon pilot certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board.

(c) A student lighter-than-air pilot certificate, a private or commercial lighter-than-air pilot certificate, or a free balloon pilot certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months from the date of issuance, but it may be reissued without further demonstration of technical competence.

(d) The Administrator or his authorized representative may issue a temporary lighter-than-air pilot certificate for a period of not to exceed 3 months from date of issuance, subject to the terms and conditions specified therein by the Administrator.

(e) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(f) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

3. By adding a new § 22.26 to read as follows:

§ 22.26 *Termination of certificates.* All lighter-than-air pilot certificates issued to individuals other than United States citizens prior to September 27, 1950, shall expire on September 26, 1951, but they may be reissued with a duration of 12 months without further demonstration of technical competence.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216, 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-7576; Filed, Aug. 29, 1950; 8:54 a. m.]

[Civil Air Regs., Amdt. 24-2]

PART 24—MECHANIC CERTIFICATES

DURATION AND TERMINATION OF CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1950.

Currently effective Part 24 provides that a mechanic certificate may be issued to a citizen of a foreign government which grants or has undertaken to grant reciprocal mechanic privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government. However, we consider it advisable with respect to such individuals to provide a means of determining whether such certificates should continue in force in the event that the reciprocal agreements should be modified or terminated.

Accordingly, this amendment requires that all mechanic certificates issued to foreign nationals pursuant to existing reciprocal agreements have a duration of 12 months. However, it also provides that such certificates may be reissued without further demonstration of technical competence on the part of the holders thereof.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 24 of the Civil Air Regulations (14 CFR Part 24, as amended) effective September 27, 1950:

1. By amending § 24.22 to read as follows:

§ 24.22 *Duration.* (a) A mechanic certificate issued to a United States citi-

zen shall remain in effect for a period no longer than 24 months after the date of issuance.

(b) A private or commercial rating issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board.

(c) A student mechanic certificate or a mechanic certificate with a private or commercial rating issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(d) A limited mechanic certificate shall remain in effect for a period no longer than 12 months after date of issuance, but it may be reissued without further demonstration of technical competence.

(e) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(f) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

2. By rescinding § 24.53.

3. By adding § 24.57 to read as follows:

§ 24.57 *Termination of certificates.* All student mechanic certificates and mechanic certificates with private or commercial ratings issued to individuals other than United States citizens prior to September 27, 1950, shall expire on September 26, 1951, but they may be reissued with a duration of 12 months without further demonstration of technical competence.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216, 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-7577; Filed, Aug. 29, 1950; 8:54 a. m.]

[Civil Air Regs., Amdt. 25-1]

PART 25—AIRCRAFT DISPATCHERS

DURATION AND TERMINATION OF CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1950.

Currently effective Part 25 provides that an applicant for an aircraft dispatcher certificate shall be a loyal citizen of the United States or of a friendly foreign government not under the domination of or associated with any government with which the United States is at war.

While the United States is still legally at war with certain nations, current history indicates that the test of official war status is not necessarily a sound one and there does not appear to be any cogent reason why the citizenship requirements for the issuance of an aircraft dispatcher certificate should not be the same as for other airman certificates; that is, to require that an applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal aircraft dispatcher privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government. Moreover, this provision should work to the advantage of the United States in its international relations by encouraging foreign governments who are not now issuing airman certificates to United States citizens to do so on a reciprocal basis.

With respect to individuals who are granted aircraft dispatcher certificates in accordance with reciprocal agreements or otherwise on a reciprocal basis, we consider it advisable to provide a means of determining whether such certificates should continue in force in the event that the reciprocal treatment should be modified or terminated. Accordingly, this amendment requires that all aircraft dispatcher certificates issued to foreign nationals pursuant to existing reciprocal agreements have a duration of 12 months. However, it also provides that such certificates may be reissued without further demonstration of technical competence on the part of the holders thereof.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 25 of the Civil Air Regulations (14 CFR, Part 25, as amended) effective September 27, 1950:

1. By amending § 25.3 to read as follows:

§ 25.3 *Citizenship.* An applicant for an aircraft dispatcher certificate shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal aircraft dispatcher privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

2. By amending § 25.21 to read as follows:

§ 25.21 *Duration.* (a) An aircraft dispatcher certificate issued to a United States citizen shall remain in effect for a period no longer than 24 months after the date of issuance.

(b) An aircraft dispatcher certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(c) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(d) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

3. By rescinding § 25.53.

4. By adding § 25.57 to read as follows:

§ 25.57 *Termination of certificates.* All aircraft dispatcher certificates issued to individuals other than United States citizens prior to September 27, 1950, shall expire on September 26, 1951, but they may be reissued with a duration of 12 months without further demonstration of technical competence.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216, 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-7578; Filed, Aug. 29, 1950; 8:54 a. m.]

[Civil Air Regs., Amdt. 26-1]

PART 26—AIRCRAFT OPERATORS

DURATION AND TERMINATION OF CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1950.

Currently effective Part 26 provides that an applicant for an aircraft operator certificate shall be a loyal citizen of the United States or of a friendly foreign government not under the domination of or associated with any government with which the United States is at war.

While the United States is still legally at war with certain nations, current history indicates that the test of official war status is not necessarily a sound one and there does not appear to be any cogent reason why the citizenship requirements for the issuance of an aircraft operator certificate should not be the same as for other airman certificates; that is, to require that an applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal aircraft operator privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government. Moreover, this provision should work to the advantage of the United States in its international relations by encouraging foreign governments who are not now issuing airman certificates to United States citizens to do so on a reciprocal basis.

With respect to individuals who are granted aircraft operator certificates in accordance with reciprocal agreements or otherwise on a reciprocal basis, we consider it advisable to provide a means of determining whether such certificates should continue in force in the event that the reciprocal treatment should be modified or terminated. Accordingly, this amendment requires that all aircraft operator certificates issued to foreign nationals pursuant to existing reciprocal agreements have a duration of 12 months. However, it also provides that such certificates may be reissued without further demonstration of technical competence on the part of the holders thereof.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 26 of the Civil Air Regulations (14 CFR, Part 26, as amended) effective September 27, 1950:

1. By amending § 26.3 to read as follows:

§ 26.3 *Citizenship.* An applicant for an aircraft operator certificate shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal aircraft operator privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

2. By amending § 26.21 to read as follows:

§ 26.21 *Duration.* (a) An aircraft operator certificate issued to a United States citizen shall remain in effect for a period no longer than 24 months after the date of issuance.

(b) An aircraft operator certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(c) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(d) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

3. By rescinding § 26.53.

4. By adding § 26.57 to read as follows:

§ 26.57 *Termination of certificates.* All aircraft operator certificates issued to individuals other than United States citizens prior to September 27, 1950, shall expire on September 26, 1951, but they may be reissued with a duration of 12 months without further demonstration of technical competence.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216, 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-7579; Filed, Aug. 29, 1950; 8:54 a. m.]

zen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board: *Provided*, That a factory mechanic rating shall terminate at any time that the holder thereof ceases to be employed by the manufacturer to whose products the rating is limited or whenever the facilities of such manufacturer are no longer available to or in use by the holder.

(b) A mechanic certificate or a factory mechanic rating issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(c) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(d) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

2. By rescinding § 24.25.

3. By adding a new § 24.29 to read as follows:

§ 24.29 *Termination of certificates.* All mechanic certificates issued to individuals other than United States citizens prior to September 27, 1950, shall expire on September 26, 1951, but they may be reissued with a duration of 12 months without further demonstration of technical competence.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216, 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-7577; Filed, Aug. 29, 1950; 8:54 a. m.]

[Civil Air Regs., Amdt. 26-1]

PART 26—AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

DURATION AND TERMINATION OF CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1950.

Currently effective Part 26 provides that an air-traffic control-tower operator certificate may be issued to a citizen of a foreign government which grants or has undertaken to grant reciprocal air-traffic control-tower operator privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government. However, we consider it advisable with respect to such individuals to provide a means of determining whether such certificates should continue in force in the event that the reciprocal agreements should be modified or terminated.

Accordingly, this amendment requires that all air-traffic control-tower operator certificates issued to foreign nationals pursuant to existing reciprocal agreements have a duration of 12 months. However, it also provides that such certificates may be reissued without further demonstration of technical competence on the part of the holders thereof.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 26 of the Civil Air Regulations (14 CFR, Part 26, as amended) effective September 27, 1950:

1. By amending § 26.18 to read as follows:

§ 26.18 *Duration.* (a) An air-traffic control-tower operator certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(b) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(c) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

2. By adding a new § 26.21 to read as follows:

§ 26.21 *Termination of certificates.* All air-traffic control-tower operator certificates issued to individuals other than United States citizens prior to September 27, 1950, shall expire on September 26, 1951, but they may be reissued with a duration of 12 months without further demonstration of technical competence.

3. By rescinding § 26.33.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216, 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-7578; Filed, Aug. 29, 1950; 8:55 a. m.]

[Civil Air Regs., Amdt. 27-1]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

DURATION AND TERMINATION OF CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1950.

Currently effective Part 27 provides that an aircraft dispatcher certificate may be issued to a citizen of a foreign government which grants or has undertaken to grant reciprocal aircraft dispatcher privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government. However, we consider it advisable with respect to such individuals to provide a means of determining whether such certificates should continue in force in the event that the reciprocal agreements should be modified or terminated.

Accordingly, this amendment requires that all aircraft dispatcher certificates issued to foreign nationals pursuant to existing reciprocal agreements have a duration of 12 months. However, it also provides that such certificates may be reissued without further demonstration of technical competence on the part of the holders thereof.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 27 of the Civil Air Regulations (14 CFR, Part 27, as amended) effective September 27, 1950.

1. By amending § 27.12 to read as follows:

§ 27.12 *Duration.* (a) An aircraft dispatcher certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(b) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(c) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

2. By rescinding § 27.18.

3. By adding a new § 27.22 to read as follows:

§ 27.22 *Termination of certificates.* All aircraft dispatcher certificates issued to individuals other than United States citizens prior to September 27, 1950, shall expire on September 26, 1951, but they may be reissued with a duration of 12 months without further demonstration of technical competence.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216, 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-7579; Filed, Aug. 29, 1950; 8:55 a. m.]

[Civil Air Regs., Amdt. 33-2]

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

DURATION OF CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1950.

Currently effective Part 33 provides that a flight radio operator certificate, regardless of the individual to whom issued, shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board, and it also provides that a certificate issued to an individual other than a United States citizen shall have a duration of 12 months subject to renewal. This inconsistency resulted from an inadvertent omission from revised Part 33 of the phrase "issued to a United States citizen" in the first sentence of § 33.7 (a), which was intended to specify the duration of certificates issued only to United States citizens. This amendment will correct this inconsistency by providing that a flight radio operator certificate issued to a United States citizen shall have an indefinite duration. No change is made with respect to the duration of a certificate issued to an individual other than a United States citizen.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 33 of the Civil Air Regulations (14 CFR, Part 33) effective September 27, 1950:

By amending § 33.7 to read as follows:

§ 33.7 *Duration.* (a) A flight radio operator certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(b) A temporary flight radio operator certificate shall remain in effect for a period no longer than 3 months after the date of issuance.

(c) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(d) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216, 49 U. S. C. 551, 552.)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-7580; Filed, Aug. 29, 1950; 8:55 a. m.]

[Supp. 1]

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

FLIGHT RADIO OPERATOR QUALIFICATIONS AND COURSES

The following interpretations and policies are hereby adopted:

§ 33.31-1 *Qualifications for flight radio operator certificate; experience (CAA policies which apply to § 33.31 (a))—(a) Change in radio operator license requirements.* In May 1949 the international standards for licensing aviation personnel became binding on the member States of ICAO. Such States, prior to this date, could permit air crewmen other than pilots to serve in their respective capacities without airman certificates. Those States which did not require air crewmen to hold certificates prior to May 1949 can now issue certificates in accordance with the international standards, or validate certificates of other member States which meet the international requirements. For this reason, it appears that certain member States may decide to have their crewmen hold certificates or licenses issued by other member States rather than institute procedures to issue their own certificates. In view of this, it appears extremely desirable that the U. S. be in a position to issue flight radio operator airman certificates to citizens of other member States, if those States so desire.

As originally written, Part 33 of the Civil Air Regulations permitted only those U. S. citizens holding second class, or higher, radiotelegraph operator licenses issued by the FCC to apply for the U. S. flight radio operator certificate. It will be noted that the recent amendment to Part 33 now makes it possible for certain eligible foreign citizens to apply for the U. S. airman certificate should they so desire. This amendment does not affect U. S. citizens in any way but permits the U. S. through the Civil Aeronautics Administration, to fulfill its reciprocity agreements by issuing certificates to citizens of other countries with which the U. S. has reciprocity in the issuance of such certificates. Although the U. S. has had reciprocal agreements with numerous foreign governments in the issuance of flight radio operator certificates, the CAA could not issue airman certificates to applicants other than U. S. citizens because of the prerequisite that applicants must hold a Federal Communications Commission radio operator license which is available to U. S. citizens only. There are no changes in the requirements that any individual serving on an aircraft of U. S. registry with radio station licensed by the FCC must hold the appropriate radio operator license as well as the CAA flight radio operator airman certificate.

§ 33.31-2 *Requirements for approved flight radio operator courses (CAA policies which apply to § 33.31 (b))—(a) General.* Graduates of a flight radio operator course approved by the Administrator are deemed to have met the experience requirements for the certificate. This means that they are accepted on equal terms with an applicant who has met the minimum experience requirements. For these reasons, it is essential that the requirements for approved flight radio operator courses include adequate training facilities and sufficient coverage of the subject to insure acceptable proficiency of flight radio operators who apply for certification as graduates of an approved course.

(b) *Application for approval.* The agency or applicant desiring approval of a flight radio operator course must submit to the local agent three copies of the course outline, a description of the facilities and equipment to be used, and a list of instructors with their qualifications, together with a letter to the Administrator requesting approval.

(c) *Training course outline.* It is not mandatory that the training course outline have the subject headings arranged exactly as listed in the following example. Any arrangement of general headings and subheadings will be satisfactory provided all the subject material listed herein is included. Each general subject of the outline shall be broken down in detail, showing items to be covered.

Additional subjects, such as international law, flight hygiene, advanced aircraft electrical systems, flight navigation, or others not closely associated with flight radio operating, may not be included in hourly requirements of the approved training outline. If an operator desires to add such subjects to a training course outline, they shall be separated from the required flight radio operator subjects, and the time devoted thereto shall not be applied toward meeting the established time minimums.

(1) *Format of training outline.* The ground course outline and the flight course outline shall be combined in one loose-leaf binder and shall include a table of contents divided into two parts—ground course and flight course. Each part of the table of contents must contain a list of the major subjects, together with hours allotted to each subject and the total classroom and flight hours.

(2) *Ground course outline.*

Subject:	Classroom hours
Duties of a flight radio operator	3
Regulations	15
Aircraft radio installations	90
Aircraft electrical system	10
Ground radio aids	10
Radio navigation	32
Operating procedures	80
Total classroom hours	240

(i) *Duties of a flight radio operator.* Brief history of this airman in airline operations. General outline of duties and responsibilities. Cooperation with other crew members.

(ii) *Regulations—(a) Civil Air Regulations.* Pertinent sections of the Civil Air Regulations taken from Parts 4b, 16, 29, 33, 40, 41, 42, 44, 60, and 61. Sections to be covered include: CAA requirements for storage batteries, generators and associated switches and controls; type certification of radio equipment; flight radio operator requirements; radio equipment required on U. S. scheduled and U. S. irregular air carriers; radio communications; general flight crew subjects.

(b) *International Civil Aviation Organization (ICAO) practices.* Familiar-

ity with general flight radio operating provisions contained in the following ICAO documents: Communication Procedures; ICAO Q Code; The Notam Code; Air Traffic Control; Meteorology (Weather Codes); Search and Rescue; International Air Service Operations.

(iii) *Aircraft radio installations*—(a) *Communications equipment.* HF and MF communications transmitters and receivers; VHF communications units.

(b) *Radio navigation equipment.* Range receiver and filter, ADF and MDF; marker beacon receiver; omni-range receiver; ILS receivers and indicator; LORAN; radio altimeter.

(c) *Other equipment.* Intercom; audio control boxes; isolation amplifier; liferaft radio; aircraft antennas; radio control panels; flux gate compass.

(iv) *Aircraft electrical system.* Student should be familiar with the basic primary electrical system of one of the long-range aircraft (Constellation, DC–4, DC–6, or Boeing 377), including at least the following items:

(a) *Generators.* Principles of operation; method of mounting and driving; rated output; connection to main bus; carbon-pile voltage regulators; differential-voltage reverse-current relays; field circuit breakers; equalizers; field switches; procedure in event of generator failure.

(b) *Batteries.* Location; ampere-hour capacity; connection in system; utilization of outside power on ground.

(c) *General.* Type of wiring (single or two-wire) in electrical system; use of A. C. on aircraft; means of obtaining A. C.; fuses, precaution in changing fuses; circuit breakers; bonding and shielding.

(v) *Ground radio aids*—(a) *Communications.* Agencies furnishing ground-to-air communications in United States; outside United States.

(b) *Radio range stations.* Four-course aural; VOR; VAR; MOR.

(c) *Radio beacons.* Class "H" facilities; marine radio beacons; aerophares; fan marker beacons; "Z" marker beacons; bone-shaped marker beacons; Racon beacons.

(d) *Other radio aids to navigation.* Ground D/F; broadcast stations; ocean station vessels (OSV's); Consol.

(vi) *Radio navigation*—(a) *Aircraft D/F procedures.* Relative bearings; magnetic bearings; true bearings; homing; abeams; orientation; distance-off; overheads.

(b) *Errors and corrections in radio direction-finding.* Coastline effect; terrain error; night effect; Mercator correction; turning and banking errors; quadrantal error.

(c) *Radio navigation charts.* Description of charts used in long-range operations; plotting radio bearings.

(d) *Radio letdowns.* Range; QDM; ILS; GCA.

(e) *Loran.* Basic theory; operation aboard aircraft.

(vii) *Operating procedures.* (a) Preflight inspection and radio check. Action in the event of radio failure.

(b) Communications facilities provided and nature of service given to aircraft.

(c) Position reporting, calling, acknowledgment, departure and arrival radio procedure.

(d) Suitable frequencies for day and night long-distance flights, changing radio guard.

(e) ICAO air-to-ground radio procedures—routine and emergency—radiotelegraph and radiotelephone.

(f) Conditions justifying transmission of distress, urgency, and safety signals; procedure during distress traffic; radio communications during ditchings and forced landings; cancellation of aircraft distress and emergency traffic; use of liferaft radio.

(g) ICAO "Q" Code,[1] abbreviations and complementary code.

(h) Communications in air traffic control; air traffic control standards and procedures; oceanic air traffic control (OATC); communication in GCA work.

(i) Meteorological broadcasts; codes.

(j) Time signals.

(k) Search and Rescue procedure; ocean station vessels (OSV's).

(3) *Flight course outline*—(i) *Flight training.* A minimum of 25 hours of flight training will be required on a multi-engine aircraft incorporating a built-in flight radio operator station. This training may be conducted on flights which are engaged in other than training operations, including scheduled air carrier or other operations where passengers or cargo are carried for hire. All flight training, however, must be given under the direct supervision of a certificated flight radio operator.

Approximately 50 percent of the flight training should be devoted to practical radio navigation. The remainder should be allotted to CW and VOICE communications.

Two students may be credited with equal flight time if the installation is arranged to permit one student to operate the communications equipment while the second student performs radio navigational training.

Students should endeavor to carry out the following exercises on every flight:

Attend briefing and pre-flight discussion.
Collect necessary codes, papers, and equipment.
Pre-flight test of radio equipment, establish communication with tower.
Establish communication with control station.
Carry out communication procedure for departure.
Maintain watch on control frequency.
Send periodical position reports to base via CW.
Make all necessary airways VOICE contacts.
Obtain loop bearings and fixes, plot fixes.
Obtain weather reports, decode and pass to pilot.
Home on "broadcast" station or aerophare, determine overhead or close abeams.
Listen in to pilot using radio approach and landing aids.
Complete a radio log.

[1] "Q" signals: QAB through QAZ, QBA, QBC, (used with QMI, QFT, QBJ, QMZ, and QTH). QBF, QBG, QBH, QBI, QBS, QBV, QBX, QCB, QCE, QDL, QDM, QDR, QDT, QDX, QFE, QFG, QFH, QFM, QFS, QGE, QGJ, QGQ, QGZ, QHH, QID, QLH, QMH, QMZ, QNI, QNT, QRD, QUG, QUO, QUR, QUS, QUU, QUV, QUX.

At various stages during flight training the instructor should set simple faults in the radio and associated equipment to give the student practice in determining, locating, and rectifying faults.

(d) *Equipment*—(1) *Classroom.* The classroom radio equipment should include at least one each of the various units incorporated in a typical aircraft installation utilizing a flight radio operator. For example:

Aircraft communications transmitter, A1, A2, A3 emission, medium-frequency and high-frequency, with external loading unit.
Aircraft communications receiver covering bands approximately 200 kc/s to 18 Mc/s.
Aircraft VHF communications transceiver.
Automatic direction-finder with manual rotation control.
Marker beacon receiver.
Loran receiver-indicator.
Liferaft transmitter.
Jack boxes, microphones, headphones, range filter, appropriate power supplies, circuit-breakers, and trouble-shooting equipment.
Charts and instruction manuals covering such items as: basic primary electrical systems on DC–4, DC–6, Constellation, and Stratocruiser aircraft; flux gate or other electronic compass; radio altimeter; ILS, GCA, CONSOL, VAR, VOR.

(2) *Aircraft.* The aircraft shall be equipped with at least one each of the following units:

Aircraft communications transmitter, A1, A2, A3 emission, medium-frequency and high-frequency, with external loading unit.
Aircraft communications receiver covering bands approximately 200 kc/s to 18 Mc/s.
Aircraft VHF communications transceiver.
Automatic direction-finder with manual rotation control.
Marker beacon receiver.
Jack boxes, microphones, headphones, range filter, appropriate power supplies.

The approved course operator may contract or obtain written agreements with aircraft operators for the use of suitable aircraft. A copy of the contract or written agreement with an aircraft operator shall be attached to each of the three copies of the course outline submitted for approval. In all cases, the approved course operator is responsible for the nature and quality of instruction given during flight.

(3) *Ground station.* The school shall maintain a ground radio station, or have arrangements with other agencies to provide two-way radio communication (CW and voice) with the training aircraft.

(e) *Instructors.* (1) Sufficient classroom instructors must be available to prevent an excessive ratio of students to instructors. Any ratio in excess of 25 to 1 will be considered unsatisfactory.

(2) At least one ground instructor must possess a valid flight radio operator certificate and be utilized to coordinate instruction of ground school subjects.

(3) Instructors who conduct flight training must possess valid flight radio operator certificates.

(f) *Revision of training course.* Requests for revisions to course outline, facilities, and equipment shall follow procedures for original approval of the course. Revisions should be submitted in such form that an entire page or pages of the approved outline can be removed and replaced by the revisions.

The list of instructors may be revised at any time without request for approval, provided that minimum requirement of paragraph (e) of this section is maintained.

(g) *Student records and reports.* Approval of a course shall not be continued in effect unless the course operator keeps an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades, and unless he prepares and transmits to the CAA not later than January 31 of each year, a report containing the following information:

(1) The names of all students graduated, together with school grades for ground and flight courses.

(2) The names of all students failed or dropped, together with school grades and reasons for dropping.

(h) *Quality of instruction.* Approval of a course shall not be continued in effect unless at least 80 percent of the students who apply within 90 days after graduation are able to qualify on the first attempt for certification as flight radio operators.

(i) *Statement of graduation.* Each student who succesfully completes the approved flight radio operator course shall be given a statement of graduation. An acceptable statement of graduation is:

CIVIL AERONAUTICS ADMINISTRATION,
Washington 25, D. C.

GENTLEMEN: This is to certify that ---------- on ----------
(Name of graduate) (Date of graduation)
successfully completed a course of training for flight radio operators which is approved by the Administrator of Civil Aeronautics.

Signed ----------
Title ----------
School ----------

(j) *Change of ownership, name, or location*—(1) *Change of ownership.* An approved course for flight radio operators shall not be transferable from one course operator to another.

(2) *Change in name.* An approved course changed in name but not changed in ownership shall remain valid if the change is reported by the approved course operator to the local agent who will issue a letter of approval under the new name.

(3) *Change in location.* An approved course shall remain in effect even though the approved course operator changes location if the change is reported without delay by the operator to the local agent who will inspect the facilities to be used in the new location and, if they are found to be adequate, issue a letter of approval showing the new location.

(k) *Cancellation of approval.* Failure to meet or maintain any of the standards set forth herein for the approval or operation of an approved flight radio operator course shall be considered sufficient reason for discontinuing approval of the course.

If an operator should desire voluntary cancellation of his approved course, a letter requesting cancellation should be directed to the Administrator of Civil Aeronautics through the local agent.

(l) *Duration.* The authority to operate an approved flight radio operator course shall expire two years from the date of issuance: *Provided,* That any such authorization which was granted prior to January 1, 1949, shall expire on December 31, 1950.

(m) *Renewal.* Application for renewal of an approved flight radio operator course may be made by letter to the Administrator through the local CAA agent at any time within 60 days prior to the expiration date. Renewal of approval will depend upon the course operator meeting the conditions for original approval and having a satisfactory record as an operator.

§ 33.31–3 *Countries signatory to the International Telecommunications Convention (CAA interpretation which applies to § 33.31).* Applicants for the flight radio operator certificate must possess a radiotelegraph operator's license of second class or higher issued by a country included in the following list:

Aden (British).
Afghanistan.
Alaska (USA).
Albania, People's Republic of.
Argentine Republic.
Australia, Commonwealth of.
Austria.
Bahamas (British).
Barbados (British).
Basutoland (British).
Bechuanaland (Protectorate of) (British).
Belgian Congo.
Belgium.
Bermuda (British).
Bielorussia, S. S. Republic of.
Bolivia.
Brazil.
British Guiana (British).
British Honduras (British).
Bulgaria.
Burma.
Canada (including Newfoundland).
Canal Zone (USA).
Ceylon (British).
China.
Cironaica (Italian).
Colombia, Republic of.
Colony of Gilbert and Ellis Islands (British).
Cuba, Republic of.
Cyprus (British).
Czechoslovakia.
Danzig, Free City of.
Denmark.
Dominican Republic.
Egypt.
Eire (Ireland).
Eritrea (Italian).
Estonia.
Ethiopia.
Falkland Islands and Dependencies (British).
Fiji (British).
Finland.
France.
French Colonies, Protectorates and Territories under French Mandate.
French Indochina.
Gambia (Colony and Protectorate) (British).
Germany.
Gibraltar (British).
Gold Coast (Ashanti Colony, Northern Territories and Togoland under British Mandate) (British).
Greece.
Greenland.
Guatemala.
Haiti, Republic of.
Hawaii (USA).
Honduras, Republic of.
Hong Kong (British).
Hungary.
Iceland.
India.
Indonesia.
Iran (Persia).
Iraq.
Ireland (Eire).
Israel, State of.
Italian East Africa.
Italian Aegean Islands.
Italian Somaliland.
Italy.
Jamaica (including the Turks and Caicos Islands and the Cayman Islands) (British).
Japan.
Karafuto (Japanese).
Kenya (Colony and Protectorate) (British).
Lebanon.
Leeward Islands (Antigua, Montserrat, St. Kitts, and Nevis, Virgin Islands) (British).
Libya (Italian).
Luxemburg.
Malay States (Straits Settlements and Federated Malay States of Perak, Selanger, Negri Sembilan and Pahang, and the non-Federated Malay States of Johore, Kedah, Kelantan, Trengganu, Brunei) (British).
Malta (British).
Mauritius (British).
Mexico.
Monaco (Principality of).
Mongolia, S. S. R.
Morocco (French).
Morocco (Spanish).
Nauru (Australian).
Netherlands West Indies (Curacao).
Netherlands, The.
New Guinea (Australian).
New Hebrides (British).
New Hebrides (French).
New Zealand.
Nicaragua.
Nigeria (British).
Norfolk, Island of (Australian).
North Borneo, State of (British).
Northern Rhodesia (British).
Norway.
Nyasaland (British Protectorate).
Pakistan.
Panama, Republic of.
Papua (Australian).
Paraguay.
Philippines, Republic of the.
Poland, Republic of.
Polynesia (USA Possessions in).
Portugal.
Portuguese Colonies.
Puerto Rico (USA).
Roumania.
Ruanda-Urundi (Belgian).
Saudi Arabia, Kingdom of.
St. Helena and Ascension Islands (British).
Sarawak (British).
Seychelles (British).
Siam (Thialand).
Sierra Leone (Colony and Protectorate) (British).
Solomon Islands (British Protectorate).
Somaliland (British Protectorate).
Southern Rhodesia.
Spain.
Spanish Colonies.
Straits Settlements (United Kingdom).
Surinam.
Swaziland (British).
Sweden.
Swiss Confederation.
Syria.
Tanganyika, Territory of (British).
Thailand (Siam).
Tonga.
Transjordan (Hashemite Kingdom of).
Trinidad and Tobago (British).
Tripolitania (Italy).
Tunisia.
Turkey.
Uganda (Protectorate of) (British).
Ukraine, Soviet Socialist Republic of the.
Union of South Africa and Mandated Territory of Southwest Africa.
Union of Soviet Socialist Republics.
United Kingdom of Great Britain and Northern Ireland.
United States of America.

Uruguay, Oriental Republic of.
Vatican City, State of.
Venezuela, United States of.
West Indies (USA possessions in).
Western Samoa, Trust Territory of (New Zealand).
Windward Islands (Grenada, St. Lucia, Dominica and St. Vicente) (British).
Yemen.
Yugoslavia, People's Federated Republic of.
Zanzibar (Protectorate of) (British).

§ 33.32–1 *Qualifications for flight radio operator certificate; knowledge (CAA policies which apply to § 33.32 (a))*—(a) *CAA–FCC joint written examination.* Effective February 15, 1950, the Federal Communications Commission (FCC) amended Title 47, Part 13, Rules Governing Commercial Radio Operators, by adding under § 13.21 a new Element 7, Aircraft Radiotelegraph. This means that a radio operator may not serve on U. S. aircraft employing radiotelegraphy unless he has completed a supplementary FCC written examination and code test (if he does not hold a first-class radiotelegraph license), or has served as a flight radio operator on U. S. aircraft employing radiotelegraphy.

The written examination subjects included in Element 7 of Part 13 of the FCC, Rules and Regulations, are the same as those subjects incorporated in § 33.32 (a) of the Civil Air Regulations; therefore, it becomes necessary to coordinate examining procedures between FCC and CAA to avoid overlapping or duplication between respective regulations pertaining to the flight radio operator. The CAA and FCC through appropriate coordination have designed a single written examination which will meet the flight radio operator knowledge requirements of the amended Civil Air Regulation, the FCC aircraft radiotelegraph endorsement, and those standards established by the International Civil Aviation Organization (ICAO). The written examination will be revised at periodic intervals with CAA and FCC personnel coordinating such revisions.

Although the flight radio operator written examination is a combined FCC–CAA examination, FCC policies do not permit that agency to delegate any part of its aircraft radiotelegraph examining functions to another agency such as CAA; therefore, to avoid taking duplicate examinations, U. S. citizens desiring to apply for the written examination should do so at a field office of the FCC. The written examination consists of one hundred questions of the multiple-choice type on the following subjects: (1) Civil Air Regulations and the International Civil Aviation Organization (ICAO) procedures; (2) Theory and Operation of Aircraft Radio Equipment; (3) Radio Navigation of Aircraft; (4) Aircraft Radio Operating Procedures.

Upon satisfactory completion of the examination together with code tests, if the applicant does not hold a radiotelegraph first-class license, the FCC will insert their aircraft radiotelegraph endorsement on the operator's license. The CAA will accept a license so endorsed as evidence that the holder meets the knowledge requirements and code proficiency for a flight radio operator airman certificate. If the applicant meets the requirements of Part 33 of the Civil Air Regulations, the CAA will conduct the practical examination and issue the airman certificate.

To comply with reciprocity provisions as set forth in Part 33 of the Civil Air Regulations, an eligible foreign citizen desiring to take the U. S. airman certificate examination for flight radio operators may apply at any CAA international field office or U. S. district office located near international airports used by foreign flag air carriers. Agents in these offices will administer both the written and practical tests and issue the airman certificate.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 301, 52 Stat. 985, as amended; 49 U. S. C. 451)

These interpretations and policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50–7527; Filed, Aug. 29, 1950; 8:46 a. m.]

[Civil Air Regs., Amdt. 34–1]

PART 34—FLIGHT NAVIGATOR CERTIFICATES

DURATION AND TERMINATION OF CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1950.

Currently effective Part 34 provides that a flight navigator certificate may be issued to a citizen of a foreign government which grants or has undertaken to grant reciprocal flight navigator privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government. However, we consider it advisable with respect to such individuals to provide a means of determining whether such certificates should continue in force in the event that the reciprocal agreements should be modified or terminated.

Accordingly, this amendment requires that all flight navigator certificates issued to foreign nationals pursuant to existing reciprocal agreements have a duration of 12 months. However, it also provides that such certificates may be reissued without further demonstration of technical competence on the part of the holders thereof.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 34 of the Civil Air Regulations (14 CFR, Part 34, as amended) effective September 27, 1950.

1. By amending § 34.11 to read as follows:

§ 34.11 *Duration.* (a) A flight navigator certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(b) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(c) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

2. By adding a new § 34.19 to read as follows:

§ 34.19 *Termination of certificates.* All flight navigator certificates issued to individuals other than United States citizens prior to September 27, 1950, shall expire on September 26, 1951, but they may be reissued with a duration of 12 months without further demonstration of technical competence.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50–7581; Filed, Aug. 29, 1950; 8:55 a. m.]

[Amdt. 35–1, Civil Air Regs.]

PART 35—FLIGHT ENGINEER CERTIFICATES

DURATION AND TERMINATION OF CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1950.

Currently effective Part 35 provides that a flight engineer certificate may be issued to a citizen of a foreign government which grants or has undertaken to grant reciprocal flight engineer privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government. However, we consider it advisable with respect to such individuals to provide a means of determining whether such certificates should continue in force in the event that the reciprocal agreements should be modified or terminated.

Accordingly, this amendment requires that all flight engineer certificates issued to foreign nationals pursuant to existing reciprocal agreements have a duration of 12 months. However, it also provides that such certificates may be reissued without further demonstration of technical competence on the part of the holders thereof.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 35 of the Civil Air Regulations (14 CFR, Part 35, as amended) effective September 27, 1950.

1. By amending § 35.11 to read as follows:

§ 35.11 *Duration.* (a) A flight engineer certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(b) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(c) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

2. By rescinding § 35.13.

3. By adding a new § 35.20 to read as follows:

§ 35.20 *Termination of certificates.* All flight engineer certificates issued to individuals other than United States citizens prior to September 27, 1950, shall expire on September 26, 1951, but they may be reissued with a duration of 12 months without further demonstration of technical competence.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216, 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50–7582; Filed, Aug. 29, 1950; 8:55 a. m.]

[Supp. 6]

PART 43—GENERAL OPERATIONS RULES

INTERPRETATION OF ACROBATIC FLIGHT

The following interpretations are hereby adopted:

§ 43.48–1 *Interpretation of acrobatic flight (CAA interpretations which apply to § 43.48).* Acrobatic flight, insofar as it concerns the wearing of parachutes, shall be deemed to exist when any maneuver intentionally performed results in the following:

(a) A bank in excess of 60° relative to the horizon, or

(b) A nose up or nose down attitude in excess of 30° relative to the horizon.

An example of the application of this interpretation is that parachutes are not required when stalls, lazy eights, etc., are performed within these limits, while these same maneuvers performed with attitudes in excess of the limits would require the wearing of parachutes. Stalls as practiced for the private pilot flight test normally would not exceed the prescribed limits.

Consideration must be given to the fact that these limits are not intended to insure that all maneuvers which could be performed within them are also within the safe operating limits of the aircraft. It is reasonably certain that a prolonged full power descent in a nose down attitude of less than 30° would exceed placarded speeds, and that sudden full application of elevators at cruising speed could produce stresses sufficient to cause structural failure.

This interpretation is intended only to define the circumstances under which parachutes must be worn in accordance with § 43.48, and does not in any way modify the definition of acrobatic flight as it applies to other sections of the CAR.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 301, 52 Stat. 985, as amended; 49 U. S. C. 451)

This interpretation shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50–7526; Filed, Aug. 29, 1950; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52546]

PART 3—DOCUMENTATION OF VESSELS

CRUISING LICENSES

Section 3.53 (d), Customs Regulations of 1943, as amended (19 CFR 3.53 (d)), is further amended by adding "Liberia" immediately after "Jamaica" in the list of countries at the end of that paragraph, since the President of the United States has found that yachts of the United States are granted the reciprocal privileges described in section 5 of the act of May 28, 1908, as amended (46 U. S. C. 104), in ports of Liberia.

(R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, 5 U. S. C. 22, 46 U. S. C. 2, 3. Interpret or apply R. S. 4197, as amended, 4218, as amended, 4367, 4368, sec. 4, 28 Stat. 625, sec. 5, 35 Stat. 425, as amended, secs. 433, 434, 435, 46 Stat. 711; 19 U. S. C. 1433, 1435, 46 U. S. C. 91, 103–107, 313, 314)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: AUGUST 21, 1950.

E. H. FOLEY, Jr.
Acting Secretary of the Treasury.

[F. R. Doc. 50–7583; Filed, Aug. 29, 1950; 8:56 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

NOTICE OF POSTPONEMENT OF EFFECTIVE DATE

The order published in the FEDERAL REGISTER on August 3, 1950, amending the regulations for certification of batches of antibiotic drugs by deleting the requirement that a circular containing directions for use be packaged with each immediate container of penicillin tablets and buffered penicillin powder, unless such drugs are labeled solely for veterinary use (21 CFR 146.27, 146.51; 15 F. R. 4976) is amended to provide that the effective date shall be 120 days after the date of publication rather than 60 days after publication.

(Sec. 701, 52 Stat. 1055, 21 U. S. C. 371. Interpret or apply sec. 507; 59 Stat. 463 as amended; 21 U. S. C. and Sup., 357)

Dated: August 23, 1950.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50–7520; Filed, Aug 29, 1950; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 275]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 272]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MICHIGAN, CALIFORNIA, KENTUCKY, NEVADA, AND NORTH CAROLINA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

A. The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

Schedule A, Item 152, is amended to describe the counties in the Defense-Rental Area as follows:

Calhoun County, except the Township of Battle Creek.

In Kalamazoo County, the Townships of Charleston, Comstock, Kalamazoo, Portage and Ross, and the Cities of Augusta, Galesburg, Kalamazoo and Parchment.

This decontrols from §§ 825.1 to 825.12 the Township of Battle Creek in Calhoun County, Michigan, a portion of the Kalamazoo-Battle Creek, Michigan, Defense-Rental Area.

B. The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is amended in the following respect:

Schedule A, Item 152, is amended to describe the counties in the Defense-Rental Area as follows:

Calhoun County, except the Township of Battle Creek.

This decontrols from §§ 825.81 to 825.92 the Township of Battle Creek in Calhoun County, Michigan, a portion of the Kalamazoo-Battle Creek, Michigan, Defense-Rental Area.

C. The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establish-

ments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 30, is amended to describe the counties in the Defense-Rental Area to read as follows:

Orange County, except (1) the Cities of Anaheim, Fullerton, Huntington Beach, Laguna Beach, Newport Beach and Orange (2) that portion of Orange County lying south of the south line of Township Six south, Range Eight West, San Bernardino Base and Meridian, and the easterly and westerly prolongation of said south line, and (3) that portion of Orange County beginning at the intersection of the north line of Section 12, Township 5 South, Range 12 West, San Bernardino Base and Meridian with the westerly line of said Orange County; running thence from said point of beginning easterly along Section lines to the northeast corner of Section 9, Township 5 South, Range 11 West, San Bernardino Base and Meridian; thence southerly along section lines to the northerly boundary line of the City of Huntington Beach, thence westerly and southerly along said boundary line of the City of Huntington Beach to the ordinary high tide line of the Pacific Ocean; thence northwesterly along said high tide line to the westerly boundary line of Orange County; thence northeasterly along said boundary line to the point of beginning; including the incorporated City of Seal Beach, and the unincorporated communities of Sunset Beach and Surfside.

Los Angeles County, except Catalina Township and the Cities of Arcadia, Alhambra, Bell, Beverly Hills, Burbank, Gardena, Claremont, Compton, Covina, Culver City, El Monte, El Segundo, Glendale, Hermosa Beach, Huntington Park, Inglewood, La Verne, Long Beach, Lynwood, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Pasadena, Pomona, Redondo Beach, Santa Monica, Sierra Madre, Signal Hill, South Gate, South Pasadena and Whittier.

This decontrols the City of Gardena in Los Angeles County, California, a portion of the Los Angeles, California, Defense-Rental Area.

2. Schedule A, Item 123c, is amended to read as follows:

(123c) [Revoked and decontrolled.]

This decontrols the entire Harrodsburg, Kentucky, Defense-Rental Area on the Housing Expediter's own initiative in accordance with Section 204 (c) of the Housing and Rent Act of 1947, as amended.

3. Schedule A, Item 185, is amended to read as follows:

(185) [Revoked and decontrolled.]

This decontrols (1) the City of Reno in Washoe County, Nevada, a portion of the Reno, Nevada, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, based upon a resolution submitted with respect to said City of Reno, in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Reno being the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

4. Schedule A, Item 212a, is amended to describe the counties in the Defense-Rental Area as follows:

Alamance County, except the City of Burlington.

This decontrols the City of Burlington in Alamance County, North Carolina, a portion of the Burlington, North Carolina, Defense-Rental Area.

All items of this amendment, except Items C, 2, and C, 3 are based upon resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective August 25, 1950.

Issued this 24th day of August 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-7486; Filed, Aug. 29, 1950; 8:45 a. m.]

[Controlled Housing Rent Reg., Amdt. 276]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 273]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MASSACHUSETTS, NEW JERSEY, CONNECTICUT, MINNESOTA, AND PENNSYLVANIA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. In Schedule C, Item 143, the description of localities affected by declarations for the continuance of rent control after December 31, 1950, is amended to read as follows:

In Suffolk County, the Cities of Boston and Chelsea; in Norfolk County, the Town of Westwood; and in Middlesex County, the City of Lowell.

This adds to Schedule C the City of Lowell in Middlesex County, Massachusetts, a portion of the Eastern Massachusetts Defense-Rental Area, based upon a declaration made on August 15, 1950, by the local governing body of said City of Lowell in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

2. In Schedule C, Item 188a, the declarations for the continuance of rent control after December 31, 1950, is amended to read as follows:

In Camden County, the Boroughs of Lindenwold and Oaklyn.

This adds to Schedule C the Borough of Oaklyn in Camden County, New Jersey, a portion of the Southern New Jersey Defense-Rental Area, based upon a declaration made on August 8, 1950, by the local governing body of said Borough of Oaklyn in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

3. In Schedule C, Item 190, the description of localities affected by declarations for the continuance of rent control after December 31, 1950, is amended to read as follows:

In Bergen County, the Cities of East Rutherford and North Arlington and the Borough of Fort Lee; in Hudson County, the Cities of Bayonne, Hoboken, Jersey City and Union City and the Township of North Bergen; in Union County, the City of Linden and the Borough of Roselle; in Essex County, the City of Newark; in Morris County, the Township of Hanover; and in Monmouth County, the City of Long Branch.

This adds to Schedule C of the City of Bayonne in Hudson County, New Jersey, and the City of Linden in Union County, New Jersey, portions of the Northeastern New Jersey Defense-Rental Area, based upon declarations made on August 15, 1950, by the local governing bodies of said municipalities in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

4. In Schedule C, Item 191, the description of localities affected by declarations for the continuance of rent control after December 31, 1950, is amended to read as follows:

In Mercer County, the City of Trenton and the Township of Hamilton; and all unincorporated localities in the Counties of Hunterdon, Mercer, and Warren except the Townships of Pahaquarry, Hardwick, and Frelinghausen.

This adds to Schedule C the Township of Hamilton in Mercer County, New Jersey, a portion of the Trenton, New Jersey, Defense-Rental Area based upon a declaration made on August 15, 1950, by the local governing body of said Township in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

5. The following new items are incorporated in Schedule C:

Name of defense-rental area	State	Localities affected by declarations for continuance of rent control after Dec. 31, 1950
(48) Hartford-New Britain	Connecticut	In Hartford County, the city of New Britain; and in New Haven County, the city of Ansonia.
(159) Duluth-Superior	Minnesota	In St. Louis County, the city of Biwabik.
(258) Altoona-Johnstown	Pennsylvania	In Somerset County, the borough of Meyersdale.

This addition to Schedule C is based upon (1) a declaration made on August 14, 1950, by the local governing body of Ansonia, Connecticut, (2) declarations made on August 15, 1950, by the local governing bodies of Biwabik, Minnesota, and the Borough of Meyersdale, Pennsylvania, and (3) a declaration made on August 16, 1950, by the local governing body of New Britain, Connecticut, all in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-7586; Filed, Aug. 29, 1950; 8:57 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5804]

PART 176—DRAWBACK ON DISTILLED SPIRITS AND WINES

MISCELLANEOUS AMENDMENTS

1. Sections 176.17d, 176.17h, 176.17i, 176.21 (a), 176.35 (a), 176.70, 176.71, 176.73, 176.80 and 176.91 of Regulations 28 (26 CFR Part 176) approved August 29, 1940, as amended, are hereby further amended to read as follows:

DRAWBACK ON DISTILLED SPIRITS AND WINES BOTTLED OR PACKAGED ESPECIALLY FOR EXPORT

PACKAGING OF DISTILLED SPIRITS AND WINES WITHOUT RECTIFICATION

§ 176.17d *Transfer of spirits or wines to package filling tank.* Upon approval of the Form 1684 by the storekeeper-gauger, as provided in § 176.17c, the distilled spirits or wines shall be transferred to a package filling tank where, after reduction to the desired proof (if reduced in proof) the packer shall gauge the distilled spirits or wines in accordance with the applicable provisions of § 176.17j and enter the details of his gauge (calculated or corrected to volume in accordance with the provisions of the Gauging Manual (Part 186 of this chapter)) on all copies of the Form 1684 and attach one copy of the form to the tank: *Provided*, That (a) where the dumping and reducing tank is constructed in accordance with the provisions of Part 190 of this chapter (Regulations 15) or Part 189 of this chapter (Regulations 11), as the case may be, and is equipped for locking with Government locks, or (b) where the bottling tank is equipped with an approved outlet for filling packages and such outlet is equipped for locking with a Government lock when not in use, such tank may be used as the package filling tank. The proof determined by gauging the contents of the tank shall be regarded as the proof of the spirits run into all packages filled from the tank. Except as provided in § 176.17f, all unrectified spirits and wines packaged especially for export shall be packaged from an approved package filling tank, dumping and reducing tank or bottling tank.

(46 Stat. 690, as amended, 53 Stat. 377, as amended; 19 U. S. C. 1309, 26 U. S. C. 3179)

§ 176.17h *Rinsing of barrels, destruction of stamps, marks, etc.* When spirits or wines are dumped for packaging without rectification the provisions of Part 190 of this chapter (Regulations 15) and Part 189 of this chapter (Regulations 11) respecting the destruction of stamps and marks and brands, the rinsing of barrels and woodchips contained therein, and disposition of woodchips, when packages are dumped, shall be applicable.

(53 Stat. 375, 377, as amended; 26 U. S. C. 3176, 3179)

§ 176.17i *Filling of packages.* Packages of distilled spirits or wines, for exportation with benefit of drawback, may be filled only under the immediate personal supervision of the storekeeper-gauger. Where there are insufficient spirits or wines at the end of the operation to fill the last package the remaining liquor may be removed for domestic purposes or drawn into a remnant package containing not less than 5 wine gallons for exportation. Proper notation shall be made on Form 1684 of the disposition of any spirits or wines not drawn into packages for exportation.

(53 Stat. 375, 377, as amended; 26 U. S. C. 3176, 3179)

RECTIFICATION AND BOTTLING OR PACKAGING

§ 176.21 *Application, Form 237*—(a) *Procedure.* The rectifier shall make application on Form 237 to bottle or package rectified spirits especially for export or package such spirits for subsequent bottling especially for export in accordance with the applicable provisions of Part 190 of this chapter (Regulations 15), and an additional copy of such form shall be prepared in each case. A notice of intention shall be inserted by the rectifier in each copy of Form 237, after the description of the spirits or wines, as follows:

The above described spirits (or wines), rectified pursuant to Form 122, serial number ------, dated ----------, 19---, are to be bottled (or were packaged) especially for export with benefit of drawback.

When the process of manufacturing spirits or wines in accordance with the provisions of § 176.20 has been completed, the rectifier shall note on Form 237 the quantities of distilled spirits, or wines, or both (calculated on a proof-gallon basis as to spirits and on a wine-gallon basis as to wines) used in manufacturing the spirits or wines. If commercial flavoring extracts, containing alcohol, not prepared by the rectifier on his rectifying premises, are used in manufacturing the spirits or wines, the rectifier shall also show on Form 237, as to each kind of flavoring material, the quantity thereof in wine gallons, the percentage of alcohol by volume in such flavoring extracts, and whether drawback under section 3250 (1), Internal Revenue Code, has been or will be claimed on the alcohol contained therein. The rectification tax and wine tax, if due, will then be paid and Form 237 disposed of in accordance with the applicable provisions of Part 190 of this chapter (Regulations 15). The additional copy of Form 237 will be forwarded to the district supervisor with the original copy of Form 237. Upon completion of the bottling or packaging operations, the storekeeper-gauger shall supervise the deposit of the spirits or wines in the export storage room, except as provided in § 176.22.

(1) Each package of distilled spirits or wines filled by rectifiers for export with benefit of drawback shall be marked and branded in accordance with the provisions of § 176.31.

* * * * *

(46 Stat. 693, as amended; 19 U. S. C. 1313)

ENTRY FOR DRAWBACK

§ 176.35 *Claim and entry*—(a) *Form 1582 or Form 1582-A.* Claim for allowance of drawback of internal revenue taxes on distilled spirits or wines manufactured or produced in the United States and bottled or packaged especially for export, and entry for the exportation of such spirits or wines with benefit of drawback, shall be prepared by the exporter on Form 1582, in quadruplicate, for distilled spirits, and Form 1582-A, in quadruplicate, for wines. All copies of Form 1582 or Form 1582-A, with Part 1 and Part 2, executed, shall be filed by the exporter with the district supervisor of the district wherein is located the export storage room in which the spirits or wines are stored at the time of exportation. All of the information indicated by the headings of the various columns and lines of the form, and the instructions printed thereon or issued in respect thereto, and as required by this part, shall be furnished. Forms 1582 and 1582-A must be verified under oath by the exporter or his authorized agent: *Provided*, That if the forms officially prescribed for such use contain therein provision for verification by a written declaration that such claims are made under penalties of perjury, such claims shall be verified by the execution of such declaration and such declaration so executed shall be in lieu of the oath required herein for verification. Where Form 1582 or 1582-A is signed by an agent, proper power of attorney authorizing the agent to execute the claim for the exporter must be filed with the district supervisor.

* * * * *

(46 Stat. 690, as amended, 53 Stat. 377, as amended, 63 Stat. 667; 19 U. S. C. 1309, 26 U. S. C. 3179, 3809)

DRAWBACK ON DISTILLED SPIRITS EXPORTED IN DISTILLER'S ORIGINAL PACKAGES

REQUIREMENTS GOVERNING EXPORTATION

§ 176.70 *Application to export.* Any person desiring to export spirits upon which the tax has been paid as provided by law, must at least six hours prior to the time for inspecting, gauging, and lading the packages intended for export, on which he shall desire to claim a drawback of internal revenue taxes, present to the collector of customs for the port of entry from which such exportation is to be made, an application in triplicate on Form 1629, setting forth his intention to export the articles described therein, specifying the whole number of packages, the marks and serial numbers thereon, the kind of spirits, the taxable gallons at time of withdrawal from bond and the amount of tax paid thereon, as shown by the marks and stamps; the name, location, and number of the distillery, plant, or warehouse from which the spirits were withdrawn upon payment of tax, and the name of the vessel at which the spirits are to be inspected and gauged, and by which, and the port to which, the spirits are intended to be exported.

(53 Stat. 338, as amended, 375; 26 U. S. C. 2887, 3176)

§ 176.71 *Entry for exportation.* The entry for exportation shall be in triplicate on Part 2 of Form 1629, and shall contain the name of the person applying to export; the name of the distiller; the

number and location of the distillery at which the spirits were distilled; the name, number, and location of the distillery or warehouse from which the spirits were withdrawn upon payment of tax; and the name of the vessel by which, and the name of the port to which, the spirits are to be exported. And the entry shall specify the whole number of packages, the marks and serial numbers thereon, the kind of spirits, the number of proof gallons; and the amount of tax on such spirits shall be verified by the oath of the owner of the spirits and that the tax has been paid thereon and that they are truly intended to be exported to the port designated therein and are not to be relanded within the limits of the United States.

(53 Stat. 338, as amended, 375; 26 U. S. C. 2887, 3176)

§ 176.73 *Inspection, gauging, and lading.* The lading of such spirits on board the vessel shall be only after the receipt of an order signed by the collector of customs and directed to a customs gauger (inspector) and after each package shall have been distinctly marked or branded by the gauger, "For export from U. S. A.," and "_____, 19____, from port of _____, _____; to port of _____, _____," (supplying the date of inspection and gauging and the names of the respective ports), and the tax-paid stamps thereon have been scalped and obliterated by the gauger. The packages shall be inspected, gauged, and marked prior to lading by the gauger so designated, in accordance with these regulations. The customs gauger shall make a full return of such inspection and gauging on Form 696 modified to such extent as may be necessary, showing by whom each package of such spirits was distilled; the serial number of the package and by the tax-paid stamp attached thereto, the proof and quantity of such spirits according to the withdrawal gauge marks on each package, and the quantity in proof and taxable gallons, as per the gauge then made by him. He shall also certify that the spirits are the same kind as shown by the marks on the packages.

(53 Stat. 338, as amended, 375; 26 U. S. C. 2887, 3176)

DRAWBACK CLAIM AND CUSTOMS PROCEDURE

§ 176.80 *Entry for export.* Upon conclusion of the foregoing proceedings, the collector of customs will deliver Form 1629 to the exporter for execution of Part 2, "Entry for Internal Revenue Drawback on Spirits in Distillers' Original Packages." Such entry will cover the merchandise described by the customs gauger and inspector. The exporter's affidavit in respect to such entry in Part 2 will be subscribed and sworn to before the collector of customs or other officer authorized to administer oaths and having an official seal: *Provided*, That if the form officially prescribed for such entry contains therein a provision for verification by a written declaration that such entry is made under penalties of perjury, such entry shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Where Form 1629 is signed by an agent, proper power of attorney authorizing the agent to execute the claim for the exporter must be filed with the district supervisor.

(53 Stat. 338, as amended, 375, 63 Stat. 667; 26 U. S. C. 2887, 3176, 3809)

FAILURE TO COMPLY WITH LAW AND REGULATIONS

§ 176.91 *Disallowance of claim.* In case of failure of the exporter to comply in all respects with the law and regulations relative to the exportation of distilled spirits with benefit of drawback, the claim for drawback will be disallowed. Drawback will not be allowed for taxes claimed to have been paid on distilled spirits exported in packages not stamped, or upon which the name of the distiller, the district, the date of payment of the tax, and number of proof gallons have not been branded or marked, as required by law and the provisions of this part.

(53 Stat. 338, as amended, 375; 26 U. S. C. 2887, 3176)

2. The purposes of these amendments are:

(a) To make editorial changes to conform to Regulations 11 "Bottling of Tax-paid Distilled Spirits" (26 CFR Part 189), Regulations 15 "Rectification of Spirits and Wines" (26 CFR Part 190), and the Gauging Manual (26 CFR Part 186) as revised pursuant to the act of February 21, 1950 (Public Law 448, 81st Congress), effective September 1, 1950; and

(b) To prescribe, in lieu of an oath, a declaration subject to the penalties of perjury for the following forms:

Form 1582 "Claim for Internal Revenue Drawback on Distilled Spirits Exported, and Entry for Exportation Thereof"

Form 1582–A "Claim for Internal Revenue Drawback on Bottled Wines Exported, and Entry for Exportation Thereof"

Form 1629 "Claim for Internal Revenue Drawback on Distilled Spirits Exported in Distillers' Original Packages, and Entry for Exportation Thereof."

3. It is found that compliance with the notice and public-rulemaking procedure of the Administrative Procedure Act (5 U. S. C. 1001 et. seq.) is unnecessary in connection with the issuance of these amendments for the reason that the changes made are of a liberalizing and administrative nature.

4. This Treasury decision shall be effective September 1, 1950.

(46 Stat. 690, as amended, 693, as amended; 19 U. S. C. 1309, 1313; 53 Stat. 338, as amended, 375, 377, as amended; 26 U. S. C. 2887, 3176, 3179; 63 Stat. 667; 26 U. S. C. 3809)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: August 28, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50–7628; Filed, Aug. 29, 1950; 9:31 a. m.]

[T. D. 5803]

PART 186—GAUGING MANUAL

MISCELLANEOUS AMENDMENTS

1. The 1950 edition of the Gauging Manual (26 CFR Part 186; 15 F. R. 4787), effective September 1, 1950, will not be available in book form for distribution until sometime after that date. Accordingly, pending its receipt, Tables 1 through 7 of the 1938 edition of the Gauging Manual (26 CFR Part 186; 5 F. R. 1215) will be followed in gauging spirits, except, that in order to conform to the 1950 edition, Tables 2 and 3 of the 1938 edition will be modified by dropping the fractional gallons beyond the first decimal if less than 0.05, or by adding as 0.1 if 0.05 or more. Fractional gallons beyond the first decimal, ascertained through use of Table 4, will likewise be dropped if less than 0.05, or will be added as 0.1 if 0.05 or more.

2. It is found that compliance with the notice and public rule-making procedure of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) is unnecessary in connection with the issuance of these regulations for the reason that they are of an administrative character.

3. This Treasury decision shall be effective September 1, 1950.

(53 Stat. 375, 467; 26 U. S. C. 3176, 3791. Interprets or applies 53 Stat. 307, 333, 336; 26 U. S. C. 2808, 2809, 2878, 2884)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: August 28, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50–7627; Filed, Aug. 29, 1950; 9:31 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

PLANT QUARANTINE

In § 35.27 *Plant quarantine* amend paragraph (a) to read as follows:

(a) *Mailing restricted by.* When any State, Territory, or District of the United States, or any portion thereof, is quarantined by order of the Secretary of Agriculture or by the authorized state plant pest official cooperating with the Secretary of Agriculture, with respect to a plant disease or insect infestation, under or pursuant to the provisions of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U. S. C. 151 et seq.), or acts amendatory thereof, the acceptance for mailing from such quarantined State, Territory, or District, or portion thereof, into or through any nonquarantined portion of such State, Territory, or District, or into or through any other State, Territory, or District, of any class of nursery stock, plants, plant products, or other articles, covered by such quarantine or regulatory order, shall be subject to the restrictions of that quarantine or order.

(R. S. 161, 396, 3921, sec. 24, 20 Stat. 361, sec. 2, 33 Stat. 440, secs. 12, 13, 39 Stat. 162, sec. 5, 41 Stat. 583, secs. 304, 309, 42 Stat. 24, 25, sec. 206, 43 Stat. 1067, sec. 6, 45 Stat. 941, 46 Stat. 264, 526, 62 Stat. 781; 5 U. S. C. 1716, 80 U. S. C. 250, 273, 291, 291a, 295, 365, 370)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50–7621; Filed, Aug. 29, 1950; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MALTA

In § 127.300 *Malta* amend subparagraph (1) of paragraph (b) to read as follows:

(1) *Table of rates.* (i) Surface parcels.

[Rates include surcharges and transit charges]

Pounds:	Rate	Pounds:	Rate
1	$0.37	12	$2.28
2	.51	13	2.42
3	.76	14	2.56
4	.90	15	2.70
5	1.04	16	2.84
6	1.18	17	2.98
7	1.32	18	3.12
8	1.55	19	3.26
9	1.69	20	3.40
10	1.83	21	3.54
11	1.97	22	3.68

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes. (See § 127.76.)
Registration: No.
Insurance: No.
C. o. d.: No.

(R. S. 161, 396, 3921, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50–7522; Filed, Aug. 29, 1950; 8:46 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter VI—Department of Commerce

[Foreign Excess Property Order 1, as Amended Aug. 23, 1950]

PART 601—DISPOSAL OF FOREIGN EXCESS PROPERTY

IMPORTATION INTO THE UNITED STATES OF NON-AGRICULTURAL FOREIGN EXCESS PROPERTY

Sections 601.1 to 601.6 and §§ 601.21 to 601.26 (Foreign Excess Property Orders 1 and 2) are hereby amended and consolidated into one order, designated Foreign Excess Property Order 1, to read as follows:

Sec.
601.1 Scope of this part.
601.2 Definitions.
601.3 Foreign excess property sold by Government on and after July 1, 1949.
601.4 Foreign excess property sold by Government before July 1, 1949.
601.5 Applications to Secretary of Commerce for authority to import.
601.6 Exception in favor of scrap metal.
601.7 Approval of applications by Secretary of Commerce.
601.8 Notice to applicants and to collectors.
601.9 Appeals.
601.10 Communications.

AUTHORITY: §§ 601.1 to 601.10 issued under sec. 402, 63 Stat. 398; 41 U. S. C. Sup. 272. Interprets or applies Reg. 8, Feb. 10, 1950, Secy. State 15 F. R. 845.

§ 601.1 *Scope of this part.* This part explains the conditions under which foreign excess property may be imported into the United States. There are certain exceptions to the general prohibition against importation which apply to excess property sold abroad by the United States Government or any agency thereof before July 1, 1949, but which do not apply to such excess property sold abroad by the Government on or after July 1, 1949. Hence it is essential to know the date on which the property was sold by the Government or any agency thereof in order to determine whether or not it may be imported into the United States.

§ 601.2 *Definitions.* For the purposes of this part:

(a) Excess property means any property (except any agricultural commodity, food, or cotton or woolen goods) originally under the control of any Federal agency, which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof.

(b) Foreign excess property means any excess property located outside the continental United States, Hawaii, Alaska, Puerto Rico and the Virgin Islands, including such property which has been sold by the Government or any of its agencies and is outside the continental United States, Hawaii, Alaska, Puerto Rico and the Virgin Islands. Any excess property which was sold by the Government before July 1, 1949, and at the date of sale was located on Guam or other Pacific insular possessions of the United States (which include Samoa, Swain's Island, Baker Island, Howland Island, Jarvis Island, Johnstone Island, Sand Island, Kingman Reef, Kure Island, Midway Islands, and Wake Island) is not considered to be foreign excess property and is not subject to the restrictions of this part regarding sale and importation. However, excess property sold by the Government on or after July 1, 1949, which at the time of its sale was located on Guam or other Pacific insular possessions of the United States is considered foreign excess property and is subject to the restrictions of this part regarding sale and importation. Property which was originally owned by the Government and was sold by the Government as foreign excess property retains its status as foreign excess property no matter how many times it has changed ownership.

§ 601.3 *Foreign excess property sold by the Government on and after July 1, 1949.* (a) Section 402, Title IV, Public Law 152, 81st Congress (Federal Property and Administrative Services Act of 1949), approved June 30, 1949, is applicable to the sale of foreign excess property by the Government on and after July 1, 1949, and the importation thereof. It has no application to the sale and importation of such property sold by the Government before July 1, 1949. Section 402 reads in part as follows:

SEC. 402. Foreign excess property may be disposed of (a) by sale, exchange, lease or transfer, for cash, credit or other property, with or without warranty, and upon such terms and conditions as the head of the executive agency concerned deems proper; but in no event shall any property be sold without a condition forbidding its importation into the United States, unless the Secretary of Agriculture (in the case of any agricultural commodity, food, or cotton or woolen goods) or the Secretary of Commerce (in the case of any other property) determines that the importation of such property would relieve domestic shortages or otherwise be beneficial to the economy of this country.

(b) *Effect of section 402 of Public Law 152.* Pursuant to section 402 of Public Law 152, approved June 30, 1949, on and after July 1, 1949, a sale of foreign excess property by the United States Government or any agency thereof must contain a condition prohibiting its importation into the United States, unless the Secretary of Commerce, in the case of non-agricultural property, determines that the importation of such property would relieve domestic shortages or otherwise be beneficial to the economy of this country.

(c) *Applications to the Secretary of Commerce under section 402 of Public Law 152.* Any person who has purchased foreign excess property from the Government or from any party who in turn had purchased it from the Government on or after July 1, 1949, or who proposes to purchase it, may apply to the Secretary of Commerce for a determination as specified in section 402 of Public Law 152. If the Secretary makes a favorable determination the property may be imported notwithstanding the prohibition against importation made a condition of the sale by the Government. The application to the Secretary shall be made as provided in § 601.5.

§ 601.4 *Foreign excess property sold by the Government before July 1, 1949.* (a) Section 508.15 of Chapter V of this title (FLC Regulation 8), issued by the Secretary of State, as amended February 10, 1950 (15 F. R. 845), is applicable to the importation of foreign excess (referred to in § 508.15 as "surplus") property sold by the Government or any agency thereof before July 1, 1949. It has no application to property sold by the Government on or after July 1, 1949, which is controlled by section 402 of Public Law 152. Section 508.15 of Regulation 8 reads as follows:

§ 508.15 *Importations into the United States.* Surplus property sold in foreign areas by the Government or any agency thereof before July 1, 1949, shall not be imported into the United States in the same or substantially the same form in which it was exported from the United States if such property was originally produced in the

United States and is readily identifiable as such, except to the extent that the Secretary of Commerce or his delegated representative specifically authorizes such importation upon determination that the importation would relieve domestic shortages or otherwise be beneficial to the economy of this country: *Provided, however,* That the prohibition of this section shall not apply to the importation of such property (a) for the purpose of reconditioning for reexport, or (b) by a veteran (or member of the Armed Forces) upon certification by him that the importation is being made for his personal use, or (c) if sold primarily for and imported for use as scrap metal and the importer furnishes an undertaking in a form and an amount to be prescribed by the Treasury Department to insure that none of the property will be diverted from use as scrap metal. Nothing in this section shall prevent the importation of property in transit to a point in the United States on or before June 30, 1949, in accordance with the provisions of § 508.56 (FLC Regulation 8, Order 6 (14 F. R. 1283): *Provided further,* That, for the purposes of this section, foreign areas shall not include Guam or other Pacific insular possessions. Nothing in this section shall prevent surplus property which is owned by a Government agency from being brought into the continental United States, its territories or possessions.

(b) *Effect of § 508.15 of Regulation 8.* Second 508.15 of Regulation 8 applies only to property sold by the United States or any agency thereof before July 1, 1949. Pursuant to § 508.15 such property may be imported into the United States (1) if it was originally produced in the United States and is readily identifiable as such and is not in substantially the same form in which it was exported from the United States (The intent of this clause is to prohibit the importation of any item of property which has not been so mutilated as to make it incapable of being used for other than scrap purposes.): (2) if the importation is made for the purpose of reconditioning for reexport upon supplying the bond required by the Bureau of Customs; (3) if the importation is made by a veteran or member of the Armed Forces upon his certification that it is for his personal use; (4) if sold primarily for and imported for use as scrap metal upon supplying the bond required by the Bureau of Customs, and (5) if the property is of the type and kind listed on Schedule A of Order 6 of Regulation 8 (44 CFR 508.56, 14 F. R. 1283) and was in fact in transit to the United States on or before June 30, 1949. Any foreign excess property sold by the Government or any agency thereof before July 1, 1949, which meets any of these conditions may be imported without first making application to the Secretary of Commerce. The Collector of Customs at the port of entry will determine whether the property is admissible under any of the foregoing conditions, but in case of doubt will first consult with the Foreign Excess Property Officer.

(c) *Applications to Secretary of Commerce under § 508.15 of Regulation 8.* Section 508.15 of Regulation 8 provides one further exception to the prohibition against importation, namely, if the Secretary of Commerce or his delegated representative specifically authorizes the importation upon determination that the importation would relieve domestic shortages or otherwise be beneficial to the economy of this country. Consequently, in respect to property sold by the Government or any agency thereof before July 1, 1949, and which does not qualify for importation under any of the conditions in § 508.15 of Regulation 8, summarized in clauses (1) to (5) of paragraph (b) of this section, the importer or proposed importer may apply to the Secretary of Commerce for a determination that the importation would relieve domestic shortages or otherwise be beneficial to the economy of this country. If the Secretary of Commerce makes such determination the property may be imported. Any such application shall be made to the Secretary of Commerce as provided in § 601.5.

(d) *Property sold before July 1, 1949, by Government on Guam or other Pacific insular possessions of the United States exempt from import restrictions of § 508.15 of Regulation 8.* Section 508.15 of Regulation 8, as amended February 10, 1950, provides that "foreign areas" shall not include Guam or other Pacific insular possessions (of the United States) as listed in § 601.2 (b). Consequently the restrictions on importation in § 508.15 of Regulation 8 do not apply to excess property sold by the Government or any agency thereof before July 1, 1949, if the property at the time of such sale was physically located on Guam or other Pacific insular possessions of the United States. Such property may be imported into the United States upon submitting proof satisfactory to the Collector of Customs at the port of entry that (1) the property was sold before July 1, 1949, by the Government or any agency thereof and (2) at the time of such sale the property was physically located on Guam or other Pacific insular possessions.

§ 601.5 *Applications to the Secretary of Commerce for authority to import.* Pursuant to section 402 of Public Law 152 (as to foreign excess property sold by the United States Government or any agency thereof on or after July 1, 1949, or which has not yet been so sold by the Government); and pursuant to § 508.15 of Regulation 8 (as to foreign excess property which has been sold by the United States Government or any agency thereof before July 1, 1949, and which does not qualify for importation under any of the conditions in § 508.15 of Regulation 8, summarized in clauses (1) to (5) of paragraph (b) of § 601.4) an importer or any person proposing to import such property may make application to the Secretary of Commerce for a determination that the importation of specified property would relieve domestic shortages or otherwise be beneficial to the economy of this country.

(a) *How to make application.* Application shall be made by the party proposing to make the importation or who has executed or will execute the United States Customs entry, by letter in duplicate addressed to the Foreign Excess Property Officer, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref: FEP Order 1. The applicant must supply the information called for by subparagraphs (1) to (8) of paragraph (c) of this section. An incomplete application will be returned without action and will not be acted upon until complete information has been supplied. Where any information requested is not applicable, the applicant must so state, explaining why the particular information is not applicable to his case.

(b) *Penalties.* (1) The applicant will be subject to the criminal penalties for any wilful misrepresentations provided for in section 1001, Title 18 (Crimes) of the United States Code.

(2) Any person importing foreign excess property for which an authorization by the Secretary of Commerce is required, who has not secured such authorization will be subject to the penalties provided for in the Customs laws of the United States.

(c) *Contents of the application*—(1) *Name and address.* Name of applicant and the address of his principal place of business.

(2) *Exact location of the property.* The exact location of the property and, if it is still owned by the United States Government, whether it is in control of the Army, Navy, Air Force or other agency.

(3) *Date of sale by Government.* If the property has already been sold, the date on which the property was sold by the United States Government or any agency thereof either to the applicant or to the person from whom the applicant has bought or proposes to buy the property.

(4) *Party from whom applicant bought or will buy property.* If the applicant has bought or proposes to buy the property from any person other than the United States Government or agency thereof, the name and address of such person and a copy of the applicant's purchase contract, if any.

(5) *Description of the property.* A detailed description of the property, giving as far as practicable for each item the make, type and quantity and any identifying marks.

(6) *Proposed date and port of importation.* If the property has not yet reached a United States port of entry, the proposed date and port of importation into the United States, and, if known, the name of the ship.

(7) *Bureau of Customs data.* If the property is held in a United States Customs warehouse, or otherwise in the control of the Bureau of Customs, Treasury Department, full particulars as to the status of the property, including type of Customs entry and identifying Customs numbers and symbols.

(8) *Domestic shortage of property.* The statement of the applicant that importation of the property would relieve domestic shortages or otherwise be beneficial to the economy of this country, together with his reasons and such supporting supply-demand data and other evidence as he may be able readily to procure, such as: reasons why in his judgment the domestic demand for the property is not attributed solely to the price at which the property will be offered as compared with the price of similar property of new domestic production; signed statements of consumers or dealers who have found difficulty in locating supplies of similar new property, or of manufacturers who have been unable to fill orders for such property; production and consumption statistics (indicating source), etc. Such statement should indicate the area in which the applicant proposes to sell the property and the class of purchasers (retailers, wholesalers, etc.) which he proposes to sell.

(9) *Signing of application.* Where the applicant is a partnership, firm or corporation, the application must be signed personally by a partner or duly authorized officer.

§ 601.6 *Exception in favor of metal scrap.* No authorization under this part is required and no application need be filed hereunder for the importation of foreign excess property in the form of scrap metal or imported for sale or use as scrap metal since the Secretary of Commerce has determined that the importation of scrap metal would be beneficial to the economy of this country; *Provided:* The importer furnishes an undertaking in a form and an amount prescribed by the Treasury Department to insure that none of the property will be diverted from use as scrap metal.

§ 601.7 *Approval of applications by Secretary.* The authority of the Secretary under section 402 of PL 152 and FLC Regulation 8 has been delegated by him to the Foreign Excess Property Officer of the Office of Industry and Commerce. Applications to the Secretary will be approved by the Foreign Excess Property Officer if, upon the facts submitted and other evidence available to him, he determines that the importation would (a) relieve domestic shortages or (b) otherwise be beneficial to the economy of this country.

§ 601.8 *Notice to applicants and to Collectors of Customs.* The applicant will be notified by the Foreign Excess Property Officer in writing of the action taken on his application. Where the property is in transit to a point in the United States or is in control of the Collector of Customs at a port of entry, the appropriate Collector will be given a copy of the action taken on the application so that he may permit or deny entry of the property accordingly.

§ 601.9 *Appeals.* Where an application is denied by the Foreign Excess Property Officer in whole or in part the applicant may appeal to the Appeals Board of the Bureau of Foreign and Domestic Commerce, Department of Commerce. Appeal should be taken by letter in triplicate addressed to the Appeals Board, Bureau of Foreign and Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref: FEP Order 1. The only ground for appeal which the Appeals Board will consider is that the Foreign Excess Property Officer erred in determining that the importation would not relieve domestic shortages or otherwise be beneficial to the economy of this country. If, following the denial of his application, the applicant has developed new evidence not previously submitted to the Foreign Excess Property Officer, he should present such new evidence to that Officer for further consideration by him before undertaking an appeal. If the applicant so requests, the Appeals Board will grant him a hearing at the office of the Board at the Department of Commerce, Washington, D. C.

§ 601.10 *Communications.* All communications concerning this part shall, unless otherwise stated be addressed to the Foreign Excess Property Office, Office of Industry and Commerce, Department of Commerce, Washington 25, D. C., Ref: FEP Order 1.

Issued this 23d day of August 1950.

[SEAL] THOMAS C. BLAISDELL, JR.,
Acting Secretary of Commerce.

[F. R. Doc. 50-7518; Filed, Aug. 29, 1950; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Federal Security Agency, General Administration

PART 12—DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES AND PUBLIC HEALTH PURPOSES

NOTICE OF AVAILABLE PROPERTY

Section 12.5 (15 F. R. 2684) is hereby amended to read as follows:

§ 12.5 *Notice of available property.* Wide publicity shall be given to the availability of surplus real property which is suitable for assignment to the Administrator for disposal for educational use. The Office of Education and the Public Health Service shall establish procedures reasonably calculated to afford all eligible users having a legitimate interest in acquiring such property for educational or public health purposes who show due diligence, full and complete opportunity to make a proposal: *Provided, however,* That wide publicity need not be given as to the availability of surplus real property which is occupied and being used, by an applicant, for educational or public health purposes at the time of declaration as excess and the Commissioner of Education or the Surgeon General, as the case may be, determines on the record that the applicant has a continuing need for the property and that the transfer for such continued utilization by the applicant is in the best interest of the United States of America.

(Sec. 201, Reorg. Plan No. 1 of 1939, 4 F. R. 2728; 3 C. F. R., Cum. Supp.; 5 U. S. C. 133t note)

Dated: August 23, 1950.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-7519; Filed, Aug. 29, 1950; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter D—Freight Forwarders

[No. 29493]

PART 400—AGREEMENTS, FORWARDERS-MOTOR COMMON CARRIERS

EXPIRATION DATE

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 25th day of August A. D. 1950.

In the matter of the request for the postponement of the effective date of the order in the above-entitled proceeding.

Upon further consideration of the record in the above-entitled proceeding, and upon consideration of request of the Chairman of the Senate Committee on Interstate and Foreign Commerce, to postpone effective date of order, and for good cause appearing:

It is ordered, That the order entered herein on September 24, 1948, § 400.2 *Expiration date prescribed for section 409 of the Interstate Commerce Act* (13 F. R. 5861), which by its terms as modified was to have become effective August 28, 1950, upon notice provided in the order of September 24, 1948, is hereby further modified to become effective November 1, 1950, upon like notice.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(56 Stat. 285; 49 U. S. C. 1003. Interprets or applies 56 Stat. 290, as amended; 49 U. S. C. 1009.)

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7584; Filed, Aug. 29, 1950; 8:56 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

CROSS REFERENCE: For amendments to Part 6 (Approved and proclaimed by Proclamation No. 2801 of July 29, 1948) see Proclamation 2900, *supra.*

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR, Part 61]

SCHEDULED AIR CARRIER RULES

MECHANICAL HAZARD AND DIFFICULTY REPORTS

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written data, views, or arguments for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 61.341–1 *Mechanical hazard and difficulty reports (CAA rules which apply to § 61.341)*—(a) *Daily mechanical reports.* Whenever a failure, malfunctioning, or other defect is detected in flight or on the ground in an aircraft or aircraft component which may reasonably be expected by the air carrier to cause a serious hazard in the operation of any aircraft, notice thereof shall be transmitted through the air carrier's principal maintenance base to the Civil Aeronautics Administration maintenance agent-in-charge assigned to the air carrier.

NOTE: Failures, malfunctionings, or other defects required to be reported under this part comprise generally the following basic items:

Fire hazards.

Structural hazards.

Serious system or component malfunctioning or failure.

Unsafe procedures or conditions, and

Defects in design or quality of parts and materials found installed on aircraft or intended for such installation.

Such daily reports shall be required only where mechanical hazards have been detected; shall cover the 24-hour period from midnight to midnight of each day; and shall be transmitted to the assigned maintenance agent of the Civil Aeronautics Administration before noon of the following working day, except that reports for Fridays, Saturdays, and Sundays may be submitted not later than noon of the following Mondays.

Such reports may be transmitted in a manner and on a form convenient to the air carrier's system of communications and procedures.

(1) *Guide for preparation of daily reports.* Whenever practicable, the following guide for each aircraft category should be used by the air carrier in the preparation of the daily reports:

(i) Category, "N" identification of aircraft, airline and trip number.

(ii) Emergency procedure effected (unscheduled landing, dumped fuel, etc.).

(iii) Nature of condition (fire, structural failure, etc.).

(iv) Identification of part and system involved.

(v) Apparent cause of trouble (wear, cracks, design, personnel error, etc.).

(vi) Disposition (repaired, replaced, aircraft grounded, etc.).

(vii) Brief narrative summary to supply any other pertinent data required for more complete identification, determination of seriousness, etc.

The daily reports should not be withheld pending presentation of all specific details pertaining to such items of information. As soon as the additional information is obtained it may be submitted as a supplement to the report.

The rules requiring daily reports of mechanical hazards will become effective upon publication in the FEDERAL REGISTER.

(b) *Monthly report of mechanical difficulties*—(1) *General.* The following procedures are to be utilized in compliance with the requirement of a monthly report of chronic mechanical difficulties.

(2) *Scope of report.* The monthly report of chronic mechanical difficulties will be compiled by the Civil Aeronautics Administration from information furnished daily by the scheduled air carriers to the assigned Aviation Safety Agents. This report will include all aircraft occurrences due to known or suspected malfunctions or mechanical difficulties which result in an interruption to a scheduled flight or a change of aircraft. The information required for the report shall be furnished to the CAA in the form of a daily summary of such occurrences. Any mechanical malfunction or suspected malfunction occurring in flight or on the ground during scheduled operation which results in a change in the aircraft schedule, regardless of cause, shall be included in the summary. The daily summary of mechanical delays, which is prepared for internal use by the air carriers, will in almost all cases, contain the information necessary for this requirement. Submission of copies of this report will be satisfactory, provided it contains sufficient information as outlined below. In some cases it may be necessary to make slight modifications or add further information if this report is to be used. The daily submission of information for compilation of the monthly chronic report does not affect, in any way, the reporting of items covered under the Daily Mechanical Report.

The summary shall also include the number of engines removed prematurely because of mechanical trouble, listed by make and model, and the number of propeller featherings for any reason indicating the flight attitude at the time of feathering, such as take-off, climb, cruise, etc. A statement of cause is not required with the numerical report of engine removals and propeller featherings.

(3) *Submission.* The period covered by each daily summary shall be for the preceding 24 hours during which reports of pertinent occurrences are received by the air carrier's main base. No daily summary will be submitted for those periods during which no interruptions to schedule were experienced; however, engine removal and propeller feathering data should be included in the next summary submitted. Each summary should be identified numerically to maintain continuity.

(4) *Format.* The daily summary shall include as much as possible of the following data that apply to the individual occurrences reported:

(i) Identification of the daily summary, including a consecutive serial number of the summary, name of operator, and date of occurrence of the items reported.

(ii) Type and CAA identification of aircraft to which each item pertains.

(iii) Brief statement describing or identifying the difficulty experienced. This statement shall identify the parts and system involved and any available related information, where possible, which can reasonably be expected to add to the value of the report from an informative or analytic standpoint. Desirable information would include, where possible, such items as corrective action, extraordinary conditions, whether or not difficulty was induced by personnel error or other extraneous occurrence, and recommendations.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50–7528; Filed, Aug. 29, 1950; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 9]

[Docket No. 9774]

AERONAUTICAL SERVICES; AIRDROME ADVISORY LAND STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 9, Rules and Regulations Governing Aeronautical Services, to provide for Airdrome Advisory Land Stations.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 9, the Commission's Rules and Regulations Governing Aeronautical Services, by implementing the existing rules so as to provide for Airdrome Advisory Land Stations.

3. The purpose of the proposed rule is to fill a gap in communication facilities presently available to private aircraft, especially in small airports, by providing a means of communication between the airport operator and the aircraft above, whereby the airmen could ascertain the available airport facilities, the weather along the route, and similar data necessary for safe flight operations. In addition, the proposed rules would enable communication, for the above stated purpose, between private aircraft themselves while in flight. The within proposal was coordinated with the appropriate interested Government agencies.

4. The proposed amendment is set forth below.

5. The authority for the proposed amendment is contained in sections 4 (i), 303 (a), (b), (c), (e), (l), and (r) of the Communications Act of 1934, as amended.

6. Any interested person may file with the Commission on or before October 2, 1950, a written statement or brief in support, opposition, or urging modification of the proposed amendment. The Commission will consider such comments before taking action in this matter. If any comments are received which appear to warrant the holding of an oral argument, a notice of the time and place therefor will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished to the Commission.

Adopted: August 23, 1950.

Released: August 24, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Appendix

Part 9, the Commission's rules and regulations governing aeronautical services is amended as follows:

1. A new section is added following § 9.9.

§ 9.10 *Airdrome advisory land station.* A land station used for communications with private aircraft at airdromes not served by an airdrome control radio station.

2. The *"Provided, however"* clause of § 9.193 is changed, as follows:

§ 9.193 *Permissible communications.* All ground stations in the aeronautical radiocommunication service shall transmit only communications for the safe, expeditious and economical operation of aircraft and the protection of life and property in the air: *Provided, however,* That aeronautical Public Service stations, and land and mobile stations of the Airdrome Advisory and Civil Air Patrol stations may communicate in accordance with the particular sections of this part which govern the operation of those classes of stations.

3. A new paragraph (e) is added to §9.331.

(e) 122.8 Mc, 6A3 emission only: Private aircraft to Airdrome Advisory Land Stations and between private aircraft themselves while in flight, with a power not to exceed 2 watts output.

4. A new subpart entitled "Airdrome Advisory Land Stations" and containing §§ 9.1001 through 9.1005 is added.

AIRDROME ADVISORY LAND STATIONS

§ 9.1001 *Eligibility for station license.* Authorizations for airdrome advisory land stations will be issued only to the operator of an airport, not served by an airdrome control station. Only one airdrome advisory land station will be authorized at an airport.

§ 9.1002 *Frequencies available.* 122.8, 6A3 emission: For communication with aircraft.

§ 9.1003 *Power.* The power output of airdrome advisory land stations shall be limited to 10 watts.

§ 9.1004 *Scope of service.* (a) Communications shall be limited to the necessities of safe and expeditious operation of aircraft operating approximately within 30 miles distance or 10 minutes flight from the airport. The service will be advisory in nature, pertaining to the condition of runways, types of fuel available, wind conditions, available weather information or other information necessary for aircraft operations.

(b) Airdrome advisory land stations shall not be used for the control of aircraft at an airdrome.

§ 9.1005 *Operator requirements.* (a) An airdrome advisory land station shall be operated, when transmitting during the normal rendition of service, by a person holding a commercial radio operator license or permit of any class except an aircraft radiotelephone operator authorization.

(b) Aircraft radio stations. Aircraft radio stations using radiotelephony when transmitting during the normal rendition of service shall be operated by persons holding any class of commercial radio operator license or permit or an aircraft radiotelephone operator authorization.

(c) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment.

[F. R. Doc. 50–7554; Filed, Aug. 29, 1950; 8:50 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 55]

FIELD ORGANIZATION

Pursuant to the requirements of section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002; 60 Stat. 238), notice is hereby given that the Field Organization of the Department of State, as published in the FEDERAL REGISTER for May 3, 1950 (15 F. R. 2498), is amended as follows:

Effective August 21, 1950, a branch office of the United States Political Adviser for Japan was opened at Fukuoka, Japan, for the performance of consular functions.

For the Secretary of State.

E. B. WILBER,
Acting Director,
Office of Management and Budget.

AUGUST 22, 1950.

[F. R. Doc. 50–7529; Filed, Aug. 29, 1950; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 402]

SHOE MANUFACTURING AND ALLIED INDUSTRIES

AMENDING OUTSTANDING SPECIAL TEMPORARY CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SUBMINIMUM WAGE RATES

In accordance with the provisions of section 14 of the Fair Labor Standards Act, as amended (sec. 14, Stat. 1068; 29 U. S. C. 214), and Part 522, General Learner Regulations (29 CFR, Part 522), special temporary certificates authorizing employment of learners in the Shoe Manufacturing and Allied Industries at wages lower than the minimum wage established under section 6 of the act have been issued to employers in the industry. Such certificates were based upon evidence which indicated that issuance of such certificates was necessary in order to prevent curtailment of employment opportunities. Each of the certificates issued contained an expiration date of August 25, 1950. It now appears that extension of the expiration date of such certificates to October 15, 1950, is necessary in order to prevent curtailment of opportunities for employment.

Accordingly, pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, and Part 522, issued thereunder, all outstanding special temporary certificates now in effect authorizing the employment of learners in the Shoe Manufacturing and Allied Industries at less than the minimum wage rate established under section 6 of the act are hereby amended by extending the expiration date from August 25, 1950, to October 15, 1950, or until modified or rescinded by order of the Administrator. All other terms and conditions specified in such certificates are continued in effect until the new expiration date.

Signed at Washington, D. C., this 25th day of August 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50–7543; Filed, Aug. 29, 1950; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 56338]

COLORADO, IDAHO, AND OREGON

RESTORATION ORDER NO. 1296 UNDER FEDERAL POWER ACT

AUGUST 21, 1950.

Pursuant to the following-listed determinations of the Federal Power Commission and in accordance with Departmental Order No. 2238 (a) (16) of August 16, 1946 (11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby restored to location, entry, or selection as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
DA-288	Power Site Reserve No. 81 of July 2, 1910.	For mining purposes only.	T. 4 S., R. 74 W., 6th P. M., Colorado, sec. 17, lot 46; sec. 20, N½ and SE¼ of lot 2, W½ of lot 33, E½ of lot 34, lot 37, W½ of lot 38, and lots 40, 61, 67, 68, and 69, containing 154.21 acres.
DA-290	Federal Power Project No. 857, effective Nov. 9, 1928.	Under the applicable public land laws.	T. 45 N., R. 4 W., N. M. P. M., Colorado, sec. 26, W½NE¼, NW¼SE¼, containing 120 acres.

The last-described land is within first-form reclamation withdrawal.

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
DA-398	Power Site Classification No. 197 of Dec. 14, 1927.	Under the applicable public land laws.	T. 55 N., R. 1 W., B. M., Idaho, sec. 8, lot 2, containing 47.40 acres.

The above-described land is within the Kaniksu National Forest.

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
DA-379	Power Site Classification No. 143 of May 8, 1926, Federal Power Project No. 853 reserved Dec. 2, 1927.	For mining purposes only.	T. 33, S., R. 10 W., W. M., Oregon, sec. 3, SW¼SW¼; sec. 9, S½NE¼NE¼; sec. 10, NW¼ NW¼, containing 100 acres.

The above-described lands are within the Siskiyou National Forest.

The lands described shall be subject to application by the respective States in which they are located for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

As to said determinations DA-398 Idaho and DA-379 Oregon, the restorations are made subject to the stipulation that, if and when the lands are required wholly or in part for purposes of power development, any structures, machinery, or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with the power development without expense to the United States or its permittees or licensees.

As to said determinations DA-288 Colorado and DA-398 Idaho, the restorations are made subject to the stipulation that there is reserved to the United States, its successors or assigns, the prior right to use any or all portions of lot 67, sec. 20, T. 4 S., R. 74 W., 6th P. M., Colorado, and lot 2, sec. 8, T. 55 N., R. 1 W., B. M., Idaho, respectively, for purposes of flowage.

This order shall otherwise become effective at 10:00 a. m. on the 91st day after the date of this order.

[SEAL] WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-7531; Filed, Aug. 29, 1950; 8:47 a. m.]

NEVADA

AIR-NAVIGATION SITE WITHDRAWAL NO. 263, ESTABLISHED

AUGUST 21, 1950.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214) and in accordance with Departmental Order No. 2468 (80) (iii) of August 30, 1948, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Nevada is hereby withdrawn from all forms of appropriation under the public land laws and reserved for the use of the Department of the Army, for aviation purposes, the reservation to be known as Air-Navigation Site Withdrawal No. 263:

MOUNT DIABLO MERIDIAN

T. 21 N., R. 18 E.,
Sec. 10, SE¼SE¼,
Sec. 22, SE¼SW¼.
T. 20 N., R. 19 E.,
Sec. 2, SE¼NW¼.
T. 21 N., R. 19 E.,
Sec. 24, SE¼SW¼.

The areas described aggregate 160 acres.

This order shall take precedence over but shall not modify the orders of the Secretary and Acting Secretary of the Interior dated October 18, 1935 and June 28, 1944, establishing Nevada Grazing District No. 2 and transferring these and other lands to Nevada Grazing District No. 3.

It is intended that the public land described herein shall be returned to the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-7532; Filed, Aug. 29, 1950; 8:47 a. m.]

NEW MEXICO

STOCK DRIVEWAY WITHDRAWAL NO. 59, NEW MEXICO NO. 8, REVOKED

AUGUST 21, 1950.

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300) and in accordance with Departmental Order No. 2468 (80) (i) of August 30, 1948 (13 F. R. 5182) it is ordered as follows:

The order of the Secretary of the Interior dated February 4, 1919, establishing Stock Driveway Withdrawal No. 59, New Mexico No. 8, embracing the lands described below, is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 16 N., R. 5 E.,
Sec. 3, lots 1, 4, 5, and 6,
Sec. 10, lots 1, 2, 3, 4, and W½,
Sec. 15, lots 1, 2, 3, 4, and W½,
Sec. 21, E½E½,
Sec. 22, lots 1, 2, 3, 4, and W½,
Sec. 27, lots 1, 2, 3, 4, 5, 6, NW¼, and NE¼SW¼,
Sec. 28, lot 4 and E½NE¼.
T. 17 N., R. 5 E.,
Sec. 27, lots 4, 5, 6, 7, and S½,
Sec. 34, lots 4, 5, N½, NE¼SW¼, and N½SE¼.

The areas described aggregate 3,320.07 acres.

The lands affected by this order are rough and mountainous. They are chiefly valuable for grazing. The lands will not be subject to occupancy or disposition until they have been classified. It is unlikely that the lands will be classified as suitable for homestead, desert land, or small tract use.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Land and Survey Office at Santa Fe, New Mexico.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-7533; Filed, Aug. 29, 1950; 8:47 a. m.]

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 23 WYOMING NO. 6, REDUCED

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300), and in accordance with Departmental Order No. 2468 (80) (i) of August 30, 1948, it is ordered as follows:

The order of the Acting Secretary of the Interior dated June 20, 1918, establishing Stock Driveway Withdrawal No. 23, Wyoming No. 6, is hereby revoked so far as it affects the following-described land:

SIXTH MERIDIAN

T. 21 N., R. 87 W.,
Sec. 8, SE¼.

The area described contains 160 acres.

The land described is included in Wyoming Grazing District No. 3, established by the Acting Secretary of the Interior on October 3, 1936, and part of the land is within a valid mining claim.

The above-described land shall not become subject to the initiation of any rights or to any disposition under the public land laws, until it is so provided by an order of classification to be issued by the Regional Administrator, Bureau of Land Management, Billings, Montana, opening the unappropriated public lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a 90-day preference right period for filing such applications by Veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-7534; Filed, Aug. 29, 1950; 8:47 a. m.]

[Order No. 427]

REGIONAL ADMINISTRATIONS

DELEGATION OF AUTHORITY

Correction

In Federal Register Document 50-7321, published at page 5639 in the issue for Wednesday, August 23, 1950, the following changes should be made:

1. In the fifth and sixth lines of section 2.31 (c) the word "communtization" should read "communitization".

2. The following section should be inserted between sections 2.55 and 2.57:

SEC. 2.56 *Alaska public works.* Transfers in accordance with section 7 of the act of August 24, 1949 (48 U. S. C. 486e) of any interest in public lands in Alaska for any public works project which has been approved under section 4 of the act.

3. In section 2.74 the following paragraph should be inserted:

(c) Special land-use permits for acquired lands under the administration of the Bureau of Land Management, under the principles embodied in 43 CFR Part 258.

4. In the second line of section 2.91 (b) (2) "315k" should be "315h".

No. 168——4

[Order No. 428]

DIVISION OF ADJUDICATION

DELEGATION OF AUTHORITY TO CHIEF, AND CHIEFS OF SUBDIVISIONS OF THAT DIVISION

Correction

In Federal Register Document 50-7322 published on page 5643 in the issue for Wednesday, August 23, 1950, the following changes should be made:

1. The sixth line of section 13 (a) should read "approval or signature of the President."

2. The following centerhead should be inserted immediately above section 20: "Minerals".

CIVIL AERONAUTICS BOARD

NOTICE DESCRIBING PROPOSED AIR STAR ROUTE

In accordance with Public Law 277 of the 81st Congress (approved August 30, 1949), notice is hereby given that the Civil Aeronautics Board has received a request from the Postmaster General (Docket No. 4632) for certification that the proposed air star route, hereinafter described, does not conflict with the development of air transportation as contemplated under the Civil Aeronautics Act of 1938, as amended.

The route proposed is as follows: Mackinaw City, Michigan to Mackinac Island, Michigan, and return, during the close of navigation.

Under the provisions of the said Public Law 277, the Postmaster General is required to obtain the certification of the Board prior to advertising for bids for the carriage of mail by aircraft on any star route. Any contract which may ultimately be awarded by the Postmaster General under such law will not confer authority to carry persons or property (other than mail) by air.

Prior to reaching its decision as to whether the requested certification should be issued, the Board desires to afford interested persons an opportunity to comment thereon through the submission of written data, views or arguments, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications bearing the above docket number received on or before September 25, 1950, will be considered by the Board before taking final action on the request of the Postmaster General.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

AUGUST 24, 1950.

[F. R. Doc. 50-7573; Filed, Aug. 29, 1950; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9479, 9667, 9740]

RALPH D. EPPERSON (WPAQ) ET AL.

ORDER CONTINUING HEARING

In re application of Ralph D. Epperson (WPAQ), Mount Airy, North Carolina, Docket No. 9479, File No. BP-7153; News Journal Corporation (WNBD) Daytona Beach, Florida, Docket No. 9667, File No. BP-6983; The Fort Industry Company (WAGA) Atlanta, Georgia, Docket No. 9740, File No. BP-7593, for construction permits.

The Commission having under consideration a petition filed August 15, 1950, by Ralph D. Epperson (WPAQ), Mount Airy, North Carolina, one of the applicants to the proceeding herein, requesting a continuance of the hearing which is presently scheduled for August 28, 1950, in Washington, D. C., for a period of 45 days from August 28, 1950, in order to afford the Commission an opportunity to act on the petition for reconsideration and grant which petitioner filed on July 28, 1950, and stating further that counsel for petitioner has prior commitments in legal proceedings in Wichita, Kansas, and will not be available for hearing on said application in Washington, D. C., on August 28, and requesting a waiver of § 1.745 of the Commission's rules; and

It appearing that the counsel for the parties hereto and the Commission Counsel have consented to immediate action upon this petition, and the requirements of § 1.745 of the Commission's rules have therefore been met;

It is hereby ordered, This 18th day of August 1950, that the petition of Ralph D. Epperson (WPAQ) for a continuance of the hearing herein be and it is hereby granted and the hearing is continued to October 9, 1950, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7548; Filed, Aug. 29, 1950; 8:50 a. m.]

[Docket Nos. 7179, 7180, 7441]

EASTON PUBLISHING CO. ET AL.

ORDER SCHEDULING FURTHER HEARING

In re applications of Easton Publishing Company, Easton, Pennsylvania, Docket No. 7179, File No. BP-4212; Allentown Broadcasting Corporation (WHOL), Allentown, Pennsylvania, Docket No. 7180, File No. BP-4374; Associated Broadcasters, Inc. (WEST), Easton, Pennsylvania, Docket No. 7441, File No. BP-4517; for construction permits.

The Commission having under consideration the above-entitled applications which were designated for further hearing on February 16, 1950;

It is ordered, This 18th day of August 1950, that the further hearing in the above matter is scheduled for 10:00 a. m., Wednesday, October 11, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7549; Filed, Aug. 29, 1950; 8:50 a. m.]

[Docket No. 9658]

SOUTH ST. PAUL BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Victor J. Tedesco, Albert S. Tedesco, Antonio S. Tedesco and Nicholas Tedesco, d/b as South St. Paul Broadcasting Company, South St. Paul, Minnesota,, for construction permit; Docket No. 9658, File No. BP-7576.

The Commission having under consideration a petition filed August 11, 1950, by South St. Paul Broadcasting Company, South St. Paul, Minnesota, requesting an indefinite continuance of the hearing presently scheduled for August 30, 1950, at Washington, D. C., in the proceeding upon its above-entitled application for construction permit; and

It appearing that there is pending before the Commission a petition for reconsideration and grant without hearing filed on June 19, 1950;

It is ordered, This 18th day of August 1950, that the petition is granted; and that the hearing in the above-entitled proceeding is continued indefinitely, pending action on the petition for reconsideration and grant without hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7550; Filed, Aug. 29, 1950; 8:50 a. m.]

[Docket No. 9620]

TWIN CITY RADIO DISPATCH, INC.

ORDER SCHEDULING FURTHER HEARING

In re application of Twin City Radio Dispatch, Inc. of (KAA282, KA2605), St. Paul, Minnesota, applications for modification of licenses for 1 base station and 1 mobile station of 100 mobile units to operate in the Domestic Public Land Mobile Radio Service at St. Paul, Minnesota; Docket No. 9620, File No. 4577 and 4668 C2-ML-E.

The Commission having under consideration a petition filed herein on August 16, 1950, by Twin City Radio Dispatch, Inc., requesting that the record of the hearing be held open until September 18, 1950, so that the applicant can decide whether it desires to offer further evidence herein; and

It appearing that no opposition to said petition has been filed; and

It further appearing that a hearing herein was held in St. Paul, Minnesota, on July 21, 1950, and that at the conclusion of said hearing, at the request of the applicant, the record was held open until August 21, 1950, so that applicant could file a petition requesting a further hearing herein, with the understanding that if no such petition were filed, the record would be closed as of August 21, 1950; and

It further appearing that it would be administratively sounder to continue the hearing herein to a date certain, rather than to leave indefinite the question of whether there will be a further hearing and the date thereof;

It is ordered, This 21st day of August 1950, that the petition of Twin City Radio Dispatch, Inc., insofar as it requests that the record herein not be closed as of August 21, 1950, is hereby granted; and

It is further ordered, That a further hearing herein, is hereby scheduled, for September 18, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7551; Filed, Aug. 29, 1950; 8:50 a. m.]

[Docket No. 9656]

CARL H. MEYER

ORDER CONTINUING HEARING

In re application of Carl H. Meyer, Streator, Illinois, for construction permit; Docket No. 9556, File No. BP-7504.

The Commission having under consideration a petition filed August 18, 1950 by Carl H. Meyer, Streator, Illinois, requesting that the hearing on the above-entitled application, presently scheduled for August 28, 1950, in Washington, D. C., be continued for a period not to exceed thirty days; and

It appearing, that there are no parties to this proceeding other than the applicant and the Commission; and that Commission Counsel has indicated he has no objection to the requested continuance; that compliance with § 1.745 of the Commission's rules is therefore unnecessary; and that good and sufficient cause has been shown in the petition for said continuance;

It is ordered, This 22d day of August 1950, that the petition be, and it is hereby granted; and the hearing in the above entitled matter be and it is hereby continued to 10:00 o'clock a. m., Wednesday, September 27, 1950, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7552; Filed, Aug. 29, 1950; 8:50 a. m.]

[Mexican Change List No. 119]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

JULY 27, 1950.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying appendix containing assignments of Mexican broadcast stations (Mimeograph #4714-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEAY	Villa Acuna, Coahuila	570 kilocycles (delete assignment).			
XEPK	Pachuca, Hidalgo	760 kilocycles, 250w	Day	II	Oct. 16, 1950.
XEFR	Mexico, D. F.	1180 kilocycles, 250w-N/1kw-D	U	II	Jan. 1, 1951.
XEPK	Pachuca, Hidalgo	(Delete—see 760 kc assignment).			
XEMQ	Merida, Yucatan	1240 kilocycles, 250w-N/1kw-D.	U	IV	Sept. 1, 1950.
XEQZ	Ciudad Chotumal, Quintana Roo.	(Delete assignment).			

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7553; Filed, Aug. 29, 1950; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1382]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

AUGUST 8, 1950.

On April 26, 1950, the Commission by order suspended proposed changes, filed March 27, 1950, by Northern Natural Gas Company in its tariff, FPC Gas Tariff First Revised Volume No. 2, such proposed changes being designated First Revised Sheet Nos. 1, 2, 5 through 35, inclusive, and 39, and Original Sheet Nos. 2-A, 35-A, and 35-B, in accordance with section 4 (e) of the Natural Gas Act; and ordered, pursuant to sections 4 and 5 of the act, that a public hearing be held, upon a date to be fixed by further order, concerning the lawfulness of the rates, charges and classifications, subject to the jurisdiction of the Commission, set forth in the above named rate schedules. Due notice of the above order suspending changes in rates and services and for hearing has been given, including publication in the FEDERAL REGISTER on May 2, 1950 (15 F. R. 2473).

The Commission orders:

(A) Pursuant to authority contained in sections 4 and 5 of the Natural Gas Act, the public hearing referred to in the Commission's order of April 26, 1950, be held commencing on August 28, 1950, at 10 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters presented and the issues involved as set forth in the above referred to order of the Commission entered on April 26, 1950.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the

Commission's rules of practice and procedure.

Date of issuance: August 8, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7610; Filed, Aug. 29, 1950; 8:57 a. m.]

[Docket No. E-6307]

FLORIDA POWER CORP.

NOTICE OF AMENDMENT OF APPLICATION

AUGUST 24, 1950.

Take notice that on August 21, 1950, Florida Power Corporation filed an amendment to its application filed on August 4, 1950, pursuant to section 204 of the Federal Power Act. The original application, notice of which was published in the FEDERAL REGISTER on August 12, 1950 (15 F. R. 5321), sought an order authorizing the issuance of promissory notes in the amount of $1,700,000 to the Guaranty Trust Company of New York, Central Hanover Bank and Trust Company, and The Florida National Bank, St. Petersburg, Florida, without specifying the interest rate. The amendment specifies the proposed rate of interest on such notes to be 2 percent and also seeks approval of the renewal for 90 days at 2 percent of presently outstanding promissory notes in the amount of $1,900,000 issued to the above institutions on June 5, 1950, for a period of 120 days; all as more fully appears in the application, as amended, on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application, as amended, should, on or before the 1st of September 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application, as amended, is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7535; Filed, Aug. 29, 1950; 8:48 a. m.]

[Docket No. G-1461]

UNITED NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 24, 1950.

Take notice that on August 11, 1950, United Natural Gas Company (Applicant), a Pennsylvania corporation with its principal place of business in Oil City, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of approximately 11.2 miles of 12-inch welded pipe line extending from a point of connection in Jefferson Township, Mercer County, Pennsylvania, with the facilities of Applicant authorized in Docket No. G-1333, to a point on Applicant's system in Hickory Township, Mercer County, Pennsylvania.

Applicant states the proposed facility will allow distribution of additional volumes of gas to customers now being served, and is made necessary by the rapidly increasing demand of residential, commercial and industrial consumers of natural gas; that there will be no fixed charges incident to the proposed facility, and the estimated operating expenses covering depreciation, operation and maintenance of the proposed installation yearly will be: operation and maintenance, $1,400; depreciation, $6,600.

The estimated total capital cost of the proposed facility is $400,000, the cost of which will be defrayed from current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of September 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7536; Filed, Aug. 29, 1950; 8:48 a. m.]

[Docket No. G-1464]

UNITED NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 24, 1950.

Take notice that on August 16, 1950, United Natural Gas Company (Applicant), a Pennsylvania corporation with its principal place of business in Oil City, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the merger and consolidation of the following companies: United Natural Gas Company, Ridgway Natural Gas Company, St. Marys Natural Gas Company, Smethport Natural Gas Company, and Mercer County Gas Company into a new corporation to be known as United Natural Gas Company, with its principal place of business in Oil City, Venango County, Pennsylvania.

Applicant, a wholly owned subsidiary of National Fuel Gas Company, a New Jersey corporation, alleges that many of the leases and gas lines of these companies are in close proximity to each other, that the supply of natural gas in the fields from which they have been securing their supplies of gas in northwestern Pennsylvania has been greatly diminished and that there is a growing dependence upon Applicant for a supply of gas, that the general purpose of the proposed merger and consolidation of these companies is the more efficient and economical operation of the various properties and the continuation of satisfactory service to their customers, and that the merged and consolidated corporation, by reason of such merger and consolidation will not acquire any additional franchise rights to supply gas to the public in any locality where the several merging and consolidating companies do not already by virtue of their respective charters enjoy such franchise rights, that, by reason of such merger and consolidation, Applicant will not become invested with any new or additional franchise rights to furnish gas to the public in any locality wherein similar service is now being rendered by any other public service company, and that the effect of said merger and consolidation will be that the merged and consolidated corporation, United Natural Gas Company, will own and operate the facilities and render the service heretofore rendered by the several merging and consolidating companies.

Applicant states that as of June 30, 1950, the physical property of the merging and consolidating companies was carried on the books of the several companies in the following amounts:

United Natural Gas Co	$35,792,876
Ridgway Natural Gas Co	2,227,924
St. Marys Natural Gas Co	1,742,521
Smethport Natural Gas Co	438,950
Mercer County Gas Co	53,727

Applicant states further that the authorized capital stock of the merged and consolidated corporation shall be $29,308,000, divided into 1,172,320 shares of no par value but with a stated value of $25.00 each, of which there shall be issued 1,116,000 shares having a stated value of $27,900,000.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 12th day of September 1950.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7537; Filed, Aug. 29, 1950; 8:48 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5770]

E. EDELMANN & CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of E. Edelmann & Company, a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Abner E. Lipscomb, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, September 11, 1950, at two o'clock in the afternoon of that day (c. d. t.), in Room 802-A, New Post Office

supplies and equipment, storage and

Building, 433 West Van Buren Street, Chicago, Illinois.

Issued: August 18, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-7544; Filed, Aug. 29, 1950; 8:49 a. m.]

[Docket No. 5771]

NATIONAL WHEELS AND PARTS MFG. CO., INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of National Wheels and Parts Mfg. Co., Inc., a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Abner E. Lipscomb, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, September 14, 1950, at two o'clock in the afternoon of that day (c. d. t.), in Room 802-A, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Issued: August 18, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-7545; Filed, Aug. 29, 1950; 8:49 a. m.]

[Docket No. 5768]

C. E. NIEHOFF & CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of C. E. Niehoff & Co., a corporation. This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Abner E. Lipscomb, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, September 13, 1950, at ten o'clock in the morning of that day (c. d. t.), in Room 802-A, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Issued: August 17, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-7546; Filed, Aug. 29, 1950; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

ORGANIZATIONAL STATEMENT

SECTION 1. *Central Organization.* The General Services Administration was established by the Federal Property and Administrative Services Act of 1949, approved June 30, 1949 (sec. 101, 63 Stat. 379; 41 U. S. C., Sup. 211), effective July 1, 1949. It is responsible for assigning, regulating, or performing for executive agencies, as it finds advantageous in terms of economy, efficiency, or service, the functions pertaining to (1) procurement, supply, and maintenance of real and personal property and non-personal services, including transportation and traffic and public utility services management; (2) promotion of utilization of excess property; (3) disposal of domestic surplus property; and (4) promotion of sound records management, within the limits set by the act of June 30, 1949, and related legislation, and the preservation and administration of the permanently valuable non-current records of the Government.

The work of the General Services Administration is carried on principally through its various staff offices and its three services, as well as several interdepartmental and industry advisory committees, under policies and program objectives established by the Administrator. The three services are the Public Buildings Service, the Federal Supply Service, and the National Archives and Records Service. The National Archives Council, the National Historical Publications Commission, the National Archives Trust Fund Board, the Administrative Committee of the Federal Register, and the Trustees of the Franklin D. Roosevelt Library are closely related organizations.

a. *Office of Contract Settlement.* This office was established by the Contract Settlement Act of 1944, which authorized its Director to provide by regulations for uniform administration by Federal contracting agencies of settlement of terminated war contracts; to investigate settlements and interim financing arrangements of contracting agencies; to serve as chairman of the Contract Settlement Advisory Board made up of the heads of Federal contracting agencies; and to appoint the members of the Contract Settlement Appeal Board set up to decide appeals from disputed settlements.

b. *Office of Public Information and Reports.* This office is responsible for the initiation, development, and direction of the public relations and information programs of the General Services Administration; serves as the central point for the coordination and dissemination of public information and reports, including the preparation and distribution of news stories and other informational releases for the press and wire services; provides technical supervision over and assists all field offices with public information programs and problems of local or regional interest.

c. *Office of Management.* This office is responsible for the direction and supervision of all activities of the General Services Administration relating to the development and programing of agency management improvement activities, including: The development, coordination and review of broad programs and policies; the conduct of a comprehensive personnel management program; the development and control of organization, methods, staff and operating manuals and procedures; the development and control of the statistical and reporting system; the performance of office services and supply operations; and the administration of the General Services Administration records program.

d. *Office of the Comptroller.* This office is responsible for the direction and supervision of all activities of the General Services Administration relating to the formulation and administration of the budgetary program; the defense of budget estimates before appropriate bodies; the establishment and execution of principles, policies and procedures covering fund, cost, operating, and property accounting and related reports; the accountability of property custodians; the extension of credit; the determination of financial responsibility of all contractors with General Services Administration; the expenditure and collection of funds administered by the General Services Administration; and the conduct of internal audit; assists other executive agencies in the development of property accounting systems, in cooperation with the General Accounting Office.

e. *Office of the General Counsel.* This office is responsible for the direction and supervision of all legal activities within the General Services Administration, providing legal counsel to the Administrator and all officials of the General Services Administration, and the performance of external liaison on legal matters.

f. *Compliance Division.* This division is responsible for the investigation of complaints and reports indicating the possibility of fraud, collusion, and violation of regulations and Federal Criminal Statutes, referred to the division; examination of transactions and operations to determine compliance with law and regulations, and to discover evidence of fraud, collusion, and favoritism; conduct of personnel investigations of key officials and employees serving in particularly confidential capacity, and other personnel investigations as may be requested by responsible officials; establishment and enforcement of effective security regulations and controls applicable to the personnel and property of the General Services Administration; and for the establishment and maintenance of liaison with other law enforcement, intelligence, and investigative agencies of the Government on matters pertaining to investigations, security, and other compliance activities, with sole responsibility for referral to the Department of Justice of criminal cases involving any aspect of the operations of the General Services Administration.

g. *Board of Review.* On behalf of and as representative of the Administrator, this board is responsible for the review and making of recommendations upon matters involving major policy, contracts, controversies, disputes, and large

sales of surplus property; conduct of appropriate public hearings and field investigations on controversial cases or cases of unusual economic significance or importance, referred to it, for the particular benefit of all interested parties; consideration and review of appeals to the Administrator by contractors or others having dealings with the General Services Administration under dispute clauses of contracts, or for relief from, change in, or modification of decisions by authorized officials of the General Services Administration relating to contracts; and the performance of such other review services as may be called for by the Administrator, Deputy Administrator, or the head of a staff office or service.

SEC. 2. *Service organization.* Pursuant to the authority of the act of June 30, 1949, the Administrator established a Public Buildings Service, Federal Supply Service, and a National Archives and Records Service, replacing predecessor organizations abolished by the act.

a. *Public Buildings Service.* The Public Buildings Service was established December 11, 1949, by the Administrator of General Services, to supersede the Public Buildings Administration which was abolished by the act of June 30, 1949. It is responsible to the Administrator of General Services for the design, construction, management, protection, and control of buildings, in which are provided housing accommodations for Government activities which are not conducted on military or special service reservations; for the acquisition, utilization and disposal of real property, and for the protection and maintenance of National Industrial Reserve property.

(1) *Design and Construction Division.* This division is responsible for architectural and engineering designs and specifications; for the management of construction contracts; and for the supervision of contractors' operations for the construction, reconstruction, extension, and remodeling of public buildings under the jurisdiction of the General Services Administration.

(2) *Real Property Acquisition and Utilization Division.* This division is responsible for assembling and correlating data concerning buildings projects eligible for construction; for developing policies and methods for space acquisition and for leasing space to be occupied by other agencies; for surveying and assigning space in Government-controlled real property; for promoting maximum utilization of excess and determining of surplus real property; and for conduct of negotiations leading to acquisition of sites for public building construction projects.

(3) *Buildings Management Division.* This division has responsibility for the operation, maintenance and protection of all buildings under the jurisdiction of the General Services Administration, including repairs to Government-owned and leased properties operated in the District of Columbia; for moving agency property within and between buildings operated by Public Buildings Service; and for managing and operating telecommunication facilities serving executive agencies.

(4) *National Industrial Reserve Division.* This division is responsible for management, repair, preservation, protection, and maintenance in "stand-by" condition for prompt use in national emergencies of those Government-owned industrial plants, machine tools, and manufacturing equipment that comprise the segments of the National Industrial Reserve within the jurisdiction of the General Services Administration.

(5) *Real Property Disposal Division.* This division is responsible for the management, disposal, protection, and maintenance of surplus real property, and the servicing of lease and use agreements and deferred payment sales relevant thereto.

(6) *Administrative Officer.* The Administrative Officer has responsibility for the control of internal administrative operations, including office space, property, records and correspondence management, personnel utilization, maintenance of organization and workload data, control of internal directives, and collaboration with departmental staff offices in developing operating statistics needed for direction of Service activities.

b. *Federal Supply Service.* The Federal Supply Service was established December 11, 1949, by the Administrator of General Services to supersede the Bureau of Federal Supply of the Department of the Treasury, which was abolished by the act of June 30, 1949. It is responsible to the Administrator of General Services for determining supply requirements; assigning, regulating, or performing procurement of personal property and non-personal services (including establishment of standard forms and procedures); developing standard purchase specifications, standardization of commodities purchased, and a uniform catalog system, to be used by all agencies of the Government; assigning, regulating, or performing the management of public utilities services; assigning, regulating, or performing the inspection, storage and issue, repair and conversion, and management of transportation, of personal property; and for promoting utilization of excess, and supervising disposal of surplus, personal property.

(1) *Supply Management Division.* This division is responsible for planning, directing and coordinating all programs of the General Services Administration relative to the development of supply requirements; the establishment of inventory levels; and the coordination of the development and review of all procedures and instructions pertaining to the Federal Supply Service, either in its own internal operations or on a Government-wide basis.

(2) *Purchase and Stores Division.* This division is responsible for planning, developing, and coordinating all programs of the General Services Administration relating to the procurement, storage and distribution of personal property; the development of policy, regulations, procedures and instructions covering the purchasing of materials, supplies, and equipment, storage and distribution of personal property, and the operation of warehouses, fuel yards, and related facilities; providing technical guidance and assistance for purchase and stores programs in all field offices; the study and analysis of market trends, price levels, and other commodity economics; the development of recommendations concerning delegation of procurement responsibility; the execution of Federal Supply Schedule Contracts; and contracting for the purchase of personal property and non-personal services.

(3) *Personal Property Utilization Division.* This division is responsible for promoting the maximum utilization of personal property; for providing methods and fair value standards for the transfer of excess property between agencies, standards for maintenance, repair and conversion, replacement, operation of equipment pools, and determination of surplus; for supervision and control of disposal of surplus personal property; and for operation of repair shops serving other Federal agencies.

(4) *Standards Division.* This division is responsible for the development and maintenance of standard purchase specifications, a uniform catalog system in conjunction with the Munitions Board Cataloging Agency, a system of inspection and testing of executive agency purchases including direct inspection of GSA purchases, standardization of commodities purchased, and acceptable products lists for use by all Federal agencies.

(5) *Traffic and Utilities Management Division.* This division is responsible for a central traffic information service for executive agencies; for developing standards for economical personal property freight classification, rates, routes, packing, loading and shipping; for developing sound purchase contract delivery terms; controlling the traffic movement of GSA purchases and representing executive agencies before carriers and regulatory bodies; for analyzing existing and proposed utility services of executive agencies to obtain the most economical rates, efficient equipment, and management with authority to let contracts up to 10 years in duration; and for representing executive agencies in rate negotiations before regulatory bodies.

(6) *Special Programs Division.* This division is responsible for contracting for the purchase of personal property and nonpersonal services for special foreign aid programs and for stocks of strategic and critical materials determined by the Munitions Board to be essential for stock-piling; and for the protection, transportation, and maintenance of stock-piled strategic and critical materials.

(7) *Administrative Officer.*—The Administrative Officer has responsibility for the control of internal administrative operations, including office space, property, records and correspondence management, personnel utilization, maintenance of organization and workload data, control of internal directives, and collaboration with departmental staff offices in developing operating statistics needed for direction of Service activities.

(8) *Foreign organization.* To accelerate and facilitate the acquisition of strategic and critical materials from foreign sources, the Administration maintains offices at Paris, France, Johannesburg, South Africa, and Tokyo, Japan.

c. *National Archives and Records Service.* The National Archives and Records Service was established December 11, 1949, by the Administrator of General Services to supersede the National Archives Establishment. It is responsible to the Administrator of General Services for promoting improved current records-management and disposal practices in Federal agencies; for selecting, preserving, and making available to the Government and the public the permanently valuable non-current records of the Federal Government; for publishing the laws, Constitutional amendments, Presidential documents, and administrative regulations having general applicability and legal effect; and for the preservation, publication, and administration of the historical materials in the Franklin D. Roosevelt Library.

(1) *The National Archives.* The National Archives appraises Federal records proposed for disposal or for transfer to the custody of the Archivist; accessions, repairs, and preserves those of permanent value; arranges, describes, and publishes guides to their use; furnishes authenticated copies of records and renders professional reference service on them; exhibits those of historical significance and timely interest; reproduces important bodies of research material on microfilm and makes facsimiles of historic documents for sale to the public; and publishes "The Territorial Papers of the United States."

(2) *Federal Register Division.* This division files, makes available for public inspection, and publishes in the daily FEDERAL REGISTER Presidential proclamations and Executive orders, Federal administrative regulations, orders, and notices affecting any part of the public or describing organization practice, and procedure, and publishes the codification of such documents as have general and permanent applicability in the "Code of Federal Regulations." Descriptions of the organization and functions of agencies in the legislative, executive, and judicial branches of the Government are published by the division in the "United States Government Organization Manual." The division is also responsible for the receipt and publication of Constitutional amendments and of acts of Congress in slip form and in the "United States Statutes at Large," and for carrying out the procedures in connection with the certifications of Constitutional amendments, Presidential electors, and electoral votes cast for President and Vice President.

(3) *Records Management Division.* This division is responsible for surveying records and records-management and disposal practices of Federal agencies and obtaining reports thereon; for developing standards and methods for efficient records management and promoting their adoption by Federal agencies; for the management of central records centers established by the General Services Administration to serve as economical storage depositories for retired records of Federal agencies; and for compiling agency reports of records-management activities for submission through the Administrator to the Bureau of the Budget and the Congress.

(4) *Franklin D. Roosevelt Library.* The Library preserves, catalogs, and renders reference service on the papers and collections of Franklin D. Roosevelt and historical materials received from others; acquires related materials; prepares documentary and descriptive publications; and presents exhibits of historic documents and museum items.

(5) *Administrative Officer.* The Administrative Officer has responsibility for the control of internal administrative operations, including office space, property, records and correspondence management, personnel utilization, maintenance of organization and workload data, control of internal directives, and collaboration with departmental staff offices in developing operating statistics needed for direction of Service activities.

(6) *Related organizations*—(a) *National Archives Council.* Created by the National Archives Act, approved June 19, 1934, the National Archives Council defines the classes of material that shall be transferred to the National Archives and establishes regulations governing such transfers. It has the power to advise the Archivist in respect to regulations governing the disposition and use of the records in his custody. The Council also promulgates regulations establishing procedures and standards in connection with the disposal of valueless records, which, when approved by the President, are binding on all agencies of the Government.

(b) *National Historical Publications Commission.* The National Historical Publications Commission, created by the National Archives Act, approved June 19, 1934, has the duty of making "plans, estimates, and recommendations for such historical works and collections of sources as seem appropriate for publication and/or otherwise recording at the public expense." Such recommendations are transmitted to Congress by the Archivist of the United States in his capacity as chairman of the Commission.

(c) *National Archives Trust Fund Board.* Created by an act approved July 9, 1941, the National Archives Trust Fund Board is authorized "to accept, receive, hold, and administer such gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the National Archives, its collections, or its services, as may be approved by the Board." An amendment of June 25, 1948, of the National Archives Act provided that fees received for reproduction of material in the custody of the Archivist shall be paid into, administered, and expended as part of the National Archives Trust Fund.

(d) *Administrative Committee of the Federal Register.* Created by the Federal Register Act, approved July 26, 1935, the Administrative Committee of the Federal Register prescribes, with the approval of the President, regulations for carrying out the provisions of the Federal Register Act.

(e) *Trustees of the Franklin D. Roosevelt Library.* Created by the joint resolution establishing the Franklin D. Roosevelt Library, approved July 18, 1939, the board known as the Trustees of the Franklin D. Roosevelt Library is authorized to "receive gifts and bequests of personal property and to hold and administer the same as trust funds for the benefit of the Franklin D. Roosevelt Library."

SEC. 3. *Regional Offices.*

Region. No. and location of regional office	*Area of jurisdiction*
1—Boston, Mass.	Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.
2—New York, N. Y.	New York, Pennsylvania, New Jersey, and Delaware.
3—Washington, D. C.	District of Columbia, Maryland, West Virginia, Virginia, Puerto Rico, and the Virgin Islands.
4—Atlanta, Ga.	North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, and Florida.
5—Chicago, Ill.	Kentucky, Illinois, Wisconsin, Michigan, Indiana, and Ohio.
6—Kansas City, Mo.	Missouri, Kansas, Iowa, Nebraska, North Dakota, South Dakota, and Minnesota.
7—Dallas, Tex.	Texas, Louisiana, Arkansas, and Oklahoma.
8—Denver, Colo.	Colorado, Wyoming, Utah, and New Mexico.
9—San Francisco, Calif.	California, Arizona, Nevada, and the Territory of Hawaii.
10—Seattle, Wash.	Washington, Oregon, Idaho, Montana, and the Territory of Alaska.

Dated: August 24, 1950.

JESS LARSON,
Administrator.

[F. R. Doc. 50-7542; Filed, Aug. 29, 1950; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562 Rev. Kings I. C. C. Order 32-A]

PITTSBURGH AND LAKE ERIE RAILROAD CO. AND LAKE ERIE RAILROAD AND EASTERN RAILROAD CO.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Revised King's I. C. C. Order No. 32, and good cause appearing therefor: *It is ordered,* That:

(a) King's I. C. C. Order No. 32 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 6:00 a. m., August 25, 1950.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 24, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-7585; Filed, Aug. 29, 1950; 8:57 a. m.]

[4th Sec. Application 25356]

ALCOHOL, AND RELATED ARTICLES FROM TEXAS TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

AUGUST 25, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff ICC No. 3721.

Commodities involved: Alcohol, proprietary anti-freeze preparations and related articles, in carloads.

From: Houston, Orange, Texas City, and Velasco, Texas.

To: Points within switching limits of New Orleans, La.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh ICC No. 3721, supp. 149.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7538; Filed, Aug. 29, 1950; 8:48 a. m.]

[4th Sec. Application 25357]

IRON OR STEEL CASTINGS FROM BIRMINGHAM, ALA., TO CHICAGO, ILL.

APPLICATION FOR RELIEF

AUGUST 25, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for and on behalf of carriers parties to his tariff ICC No. 3772, pursuant to F. S. O. No. 9800.

Commodities involved: Iron or steel castings, carloads.

From: Birmingham, Ala., and points taking same routes.

To: Chicago, Ill.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7539; Filed, Aug. 29, 1950; 8:48 a. m.]

[4th Sec. Application 25358]

CAST IRON PIPE AND FITTINGS FROM THE SOUTH TO ALTON, ILL.

APPLICATION FOR RELIEF

AUGUST 25, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle Jr., Agent, for and on behalf of carriers parties to agent C. A. Spaninger's tariff ICC No. 999.

Commodities involved: Cast iron pipe and fittings, carloads.

From: Points in the south.

To: Alton, Ill.

Grounds for relief: Competition with rail carriers. Circuitous routes.

To apply over short tariff routes rates constructed on the basis of the short line dis. formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7540; Filed, Aug. 29, 1950; 8:48 a. m.]

[4th Sec. Application 25358]

LOGS FROM OSBORN, MISS., TO ALTAVISTA, VA.

APPLICATION FOR RELIEF

AUGUST 25, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of the Illinois Central Railroad Company and other carriers named in the application.

Commodities involved: Logs, native wood, Canadian wood or Mexican pine, carloads.

From: Osborn, Miss.

To: Altavista, Va.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's ICC No. 926, supp. 120.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7541; Filed, Aug. 29, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-2435, 70-2436]

SOUTHERN CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 24th day of August A. D. 1950.

In the matter of The Southern Company, Alabama Power Company, File No. 70-2435; Electric Bond and Share Company, File No. 70-2436.

The Southern Company ("Southern"), a registered holding company, and Alabama Power Company ("Alabama"), a public utility subsidiary of Southern, having filed a joint application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, with respect to, among other things, the acquisition by Southern of the common stock of Birmingham Electric Company ("Birmingham"), a public utility subsidiary of Electric Bond and Share Company ("Bond and Share"), a registered holding company, the issuance of new common stock by Southern in exchange for the stock of Birmingham to be so acquired, the acquisition by Alabama from Southern of the common stock of Birmingham in exchange for common stock of Alabama, and the acquisition by Alabama of shares of $100 par value, 4.20 percent preferred stock of Birmingham in exchange for shares of $100 par value, 4.20 percent preferred stock of Alabama and the issuance of the latter shares for that purpose;

Bond and Share, which is the owner of 46.56 percent of the common stock of Birmingham, having filed an application-declaration and an amendment thereto regarding the transfer of its holdings of common stock of Birmingham to Southern in exchange for common stock of Southern, and the acquisition of shares to the common stock of Southern pursuant to such exchange;

Said applications-declarations having been duly filed, and said applications-declarations having been consolidated and a public hearing having been held thereon after appropriate notice, and the Commission having examined the record and having filed its Findings and Opinion herein with respect thereto, in which it is determined that said applications-declarations should be granted and permitted to become effective, subject to certain terms, conditions and reservations of jurisdiction as hereinafter set forth:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, that said applications be, and the same hereby are, granted, and that said declarations be, and the same hereby are, permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the following additional terms, conditions and reservations of jurisdiction:

(1) Bond and Share shall, within one year from the date of acquisition, divest itself of any direct or indirect interest in the shares of common stock of Southern to be acquired in exchange for shares of common stock of Birmingham;

(2) Southern and Alabama shall dispose of any direct or indirect interest in the transportation properties and business owned by Birmingham within one year from the date of acquisition by Southern of the Birmingham stock from Bond and Share;

(3) Jurisdiction be and is hereby reserved with respect to the payment of fees and expenses of counsel, of accountants and of Southern Services, Inc. and Commonwealth Services, Inc. incurred by Southern and Alabama with respect to the proposed transactions, and with respect to the payment of fees and expenses of counsel and accountants incurred by Bond and Share with respect to the proposed transactions;

(4) Jurisdiction be and is hereby reserved over the accounting entries with respect to the acquisition of securities by Alabama and Southern, with respect to the acquisition of properties of Birmingham by Alabama, and with respect to the manner in which the investment in the stocks in the unsegregated group investment of Bond and Share, in which the investment in Southern is proposed to be included, shall be finally accounted for.

It is further ordered and recited, That the transfer of 254,045 shares of the common stock of Birmingham from Bond and Share to Southern is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7523; Filed, Aug. 29, 1950; 8:46 a. m.]

[File No. 70-2461]

COLUMBIA GAS SYSTEM, INC., AND MANUFACTURERS LIGHT AND HEAT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 24th day of August A. D. 1950.

Notice is hereby given that a joint application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Manufacturers Light and Heat Company ("Manufacturers"). Applicants have designated sections 6 (b), 9 and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 8, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 8, 1950, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Manufacturers proposes to issue and sell to Columbia $6,000,000 principal amount of 3¼ percent installment promissory notes. Such notes are to be paid in equal annual installments on February 15th of each of the years 1952 to 1976, inclusive. The applicant states that the proceeds to be obtained through the issue and sale of said notes will be utilized by Manufacturers to finance its 1950 construction program.

The applicant states that the issue and sale of the proposed notes by Manufacturers is subject to the jurisdiction of the Pennsylvania Public Utility Commission and that the order of said Commission will be supplied by amendment to the instant application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7524; Filed, Aug. 29, 1950; 8:46 a. m.]

[File No. 70-2399]

AMERICAN NATURAL GAS CO.

ORDER GRANTING AND PERMITTING TO BECOME EFFECTIVE APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 24th day of August 1950.

American Natural Gas Company ("American Natural"), a registered holding company, having filed an application-declaration, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule U-50 promulgated thereunder, and having, on August 7, 1950, filed an amendment thereto with respect to the following transactions:

American Natural proposes to issue and sell to its stockholders up to 304,486 additional shares of its authorized but unissued common stock without par value. The application-declaration, as amended, states that on or about August 28, 1950, the additional stock will be offered to common stockholders of American Natural of record as of the close of business on or about August 24, 1950, at a price of $22.00 per share. Such stockholders are to have the right to subscribe for one share of such additional common stock for each ten shares held, and the further Conditional Purchase Privilege of subscribing for such shares of such additional common stock as are not purchased pursuant to the exercise of subscription rights. If there are insufficient shares to satisfy all elections to purchase under the Conditional Purchase Privilege, the available shares will be allotted among those exercising the Conditional Purchase Privilege proportionately to the rights they have exercised.

One right will attach to each share of common stock of American Natural outstanding on the record date. Transferable Warrants are to be issued to evidence the rights and the accompanying Conditional Purchase Privilege. The Warrants will expire at 3:00 p. m., e. d. s. t., on September 14, 1950. The exercise of ten rights will be required to purchase one share of additional common stock, and no fractional shares will be issued. Rights to purchase less than one share may be used in combination with similar rights sufficient in the aggregate to represent one or more whole shares. An arrangement is to be entered into with National City Bank of New York, New York, Agent, under which the holder of a Warrant, when forwarding or presenting it for exercise of his rights, may place an order, without charge, either to purchase such additional rights (not more than 9) as are necessary for subscription to one full share of stock, or for the sale of rights (not more than 9) in excess of those necessary for subscription to a full share of stock. It is stated that rights may be purchased and sold through the usual investment channels and that arrangements are to be made for the admission of the rights to trading on the New York Stock Exchange.

American Natural requests approval of the acquisition of shares of its own common stock in connection with stabilizing activities for the purpose of facilitating the offering. Stabilizing transactions, if any, are to be effected by the purchase of common stock on the New York Stock Exchange, in the open market or otherwise. Such transactions, if commenced, may be terminated by the company at any time, and in any case not later than the expiration date of the Warrants. Such transactions are to result at no time in American Natural acquiring a long position in shares of its common stock in excess of 30,448 shares. Shares acquired in connection with stabilizing transactions are to be disposed of through ordinary brokerage transactions on the New York Stock Exchange.

The net proceeds from the proposed sale of common stock will be added to the corporate funds of American Natural and used for corporate purposes, principally additional investments in common stocks of its subsidiaries.

Notice of the filing of said application-declaration, having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission having received no request for a hearing with respect to said application-declaration, as amended, within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

American Natural having requested that an order, to become effective upon its issuance, be entered on or before August 24, 1950 granting and permitting said application-declaration, as amended, to become effective; and

The record being incomplete with respect to the fees and expenses to be incurred and paid in connection with the proposed transactions; and

The Commission finding that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective, subject to a reservation of jurisdiction with respect to fees and expenses, and that the request for acceleration of the effective date of this order be granted;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and it hereby is, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and subject to a reservation of jurisdiction with respect to fees and expenses, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7525; Filed, Aug. 29, 1950; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14916]

BRUNO H. HALBAUER ET AL

In re: Estate of Bruno H. Halbauer, also known as Heinrich Bruno Halbauer, H. Bruno Halbauer and Bruno Halbauer, deceased. File No. D-28-2294; E. T. sec. 3157.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Flora Singer, Hedwig Matthes; Elsbeth Hoh, Otto Halbauer, Anna Klemm, Paul Herold, Ida Schaaf and Max Schaaf, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Flora Singer, of Hedwig Matthes, of Otto Halbauer, of Anna Klemm, of Paul Herold, of Ida Schaaf and of Max Schaaf, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Bruno H. Halbauer, also known as Heinrich Bruno Halbauer, H. Bruno Halbauer and Bruno Halbauer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Jenny Krauss, as executrix, acting under the judicial supervision of the Probate Court of Wayne County, Detroit, Michigan.

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Flora Singer, of Hedwig Matthes, of Otto Halbauer, of Anna Klemm, of Paul Herold, of Ida Schaaf and of Max Schaaf, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7557; Filed, Aug. 29, 1950; 8:52 a. m.]

[Vesting Order 14923]

CLARA SEIDENSTICKER

In re: Trust under the will of Clara Seidensticker, deceased. File No. D-28-11137.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Lehne, also known as Jorge Hugo Lehne, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Trust created under the will of Clara Seidensticker, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by John G. Bray and H. LeVan Richards, as trustees, acting under the judicial supervision of the County Court, Essex County, Probate Division, New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7558; Filed, Aug. 29, 1950; 8:52 a. m.]

[Vesting Order 14945]

JULIUS COUNT VON ZECH-BURKERSRODA

In re: Cash and securities owned by the personal representatives, heirs, next of kin, legatees and distributees of Julius Count von Zech-Burkersroda, deceased. F-28-3907-A-1, F-28-3907-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Julius Count von Zech-Burkersroda, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Three (3) American Telephone and Telegraph Company 2¾% Convertible Debenture Bonds due December 15, 1961, of $100.00 face value each, bearing the numbers C9-438/40, presently in the custody of The New York Trust Company, 100 Broadway, New York 15, New York, in an account entitled "H. J. Stach, Special Account", together with any and all rights thereunder and thereto,

b. Those certain shares of stock evidenced by the certificates described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of The New York Trust Company, 100 Broadway, New York 15, New York, in an account entitled "H. J. Stach, Special Account", together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation of The New York Trust Company, 100 Broadway, New York 15, New York, arising out of a checking account entitled "H. J. Stach, Special Account", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Julius Count von Zech-Burkersroda, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Julius Count von Zech-Burkersroda, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Type of stock	Par value	Number of shares	Certificate No.	Form of registration
Atchison Topeka & Santa Fe Ry. Co., 920 Jackson St., Topeka, Kans.	Kansas	Preferred	$100.00	40	A175208	Cobb & Co.
Union Pacific R. R. Co., 120 Broadway, New York, N. Y.	Utah	Noncumulative preferred	100.00	40	A137343	Do.
American Telephone & Telegraph Co., 195 Broadway, New York 7, N. Y.	New York	Capital	100.00	20	A282918	Do.
Bethlehem Steel Corp., 25 Broadway, New York, N. Y.	Delaware	Common	No par	50	L1886	Do.
				100	K175156	
Consolidated Natural Gas Co., 30 Rockefeller Plaza, New York 20, N. Y.	do	Capital	15.00	5	0133601	Do.
General Motors Corp., 3044 West Grand Blvd., Detroit, Mich.	do	Common	10.00	50	C916-508	Do.
Kennecott Copper Corp., 120 Broadway, New York 5, N. Y.	New York	Capital	No par	50	0448037	Do.
Lehman Corp., 1 South William St., New York 4, N. Y.	Delaware	do	1.00	100	61130	Do.
				50	067951	
				14	59091	
				6	59093	
Phillips Petroleum Co., 80 Broadway, New York 5, N. Y.	do	do	No par	50	0361263	Do.
				50	366718	
Standard Oil Co. of New Jersey, 30 Rockefeller Plaza, New York, N. Y.	New Jersey	do	25.00	10	C882532	Do.
				40	882534	
				1	CC564142	
				1	CC814937	
				1	3C68478	
				1	3C94783	J. C. Orr & Co.
		Scrip Series E		55/100ths	E205732	Bearer.
				5/200ths	E246023	
		Scrip Series F		8/200ths	F269861	Do.
				4/200ths	F228507	
Texas Co., 135 East 42d St., New York 17, N. Y.	Delaware	Capital	25.00	50	T034810	Gobb & Co.
				50	T034811	
				2	T0394075	
		Scrip		100/200ths	S20-19582	Bearer.
F. W. Woolworth Co., Woolworth Bldg., New York 7, N. Y	New York	Capital	10.00	50	WT/F443651	Cobb & Co.

[F. R. Doc. 50-7559; Filed, Aug. 29, 1950; 8:52 a. m.]

[Vesting Order 14959]

WALTER GIESEKING

In re: Rights of Walter Gieseking under insurance contract. File No. D-28-7035-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Gieseking, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4,700,747, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Walter Gieseking, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7560; Filed, Aug. 29, 1950; 8:52 a. m.]

[Vesting Order 14960]

KLARA GLEICH

In re: Rights of Klara Gleich, also known as Klara Gleist under insurance contract. File No. D-28-10918-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Klara Kleich, also known as Klara Gleist, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4,558,562, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Erhard Gorlitz, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7561; Filed, Aug. 29, 1950; 8:52 a. m.]

[Vesting Order 14961]

LOUISE GRAFE

In re: Rights of Louise Grafe to proceeds due under contract of insurance. File No. D-28-10252-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Grafe, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. G-1075, Certificate 910, issued by the General American Life Insurance Company to Fred Grafe, together with the right to demand, receive and collect said net proceeds, subject, however, to the right of Julius Hahnfeld, a resident of the United States, to receive payment from the General American Life Insurance Company of the sum of $414.00 from said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7562; Filed, Aug. 29, 1950; 8:52 a. m.]

[Vesting Order 14963]

MRS. MATSUE IWATSUBO

In re: Rights of Mrs. Matsue Iwatsubo under insurance contract. File No. F-39-6680-H-1:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Matsue Iwatsubo, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,167,612, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Mrs. Matsue Iwatsubo, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7563; Filed, Aug. 29, 1950; 8:52 a. m.]

[Vesting Order 14964]

MARIA MAGDALENA JUNDT

In re: Rights of Maria Magdalena Jundt et al. under insurance installment certificate. File No. F-28-26651-H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Magdalena Jundt, Anna Elisabeth Jundt and Friedrich Ulrich Jundt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under Continuous Installment Certificate No. D-92,520-A, issued by The Mutual Benefit Life Insurance Company, Newark, New Jersey, to Elise Jundt, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7564; Filed, Aug. 29, 1950; 8:52 a. m.]

[Vesting Order 14965]

JOHN F. KLAEBER

In re: Rights of John F. Klaeber, also known as Frederick Klaeber under insurance contract. File No. F-28-13724-H-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John F. Klaeber, also known as Frederick Klaeber, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. L26083, issued by The Mutual Life Insurance Company of New York, New York, N. Y., to John F. Klaeber, also known as Frederick Klaeber, and Emma A. C. Klaeber, also known as Charlotte Klaeber, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7565; Filed, Aug. 29, 1950; 8:53 a. m.]

[Vesting Order 14966]

MRS. LUISE KNOTT

In re: Rights of Mrs. Luise Knott under insurance contract. File No. F-28-8751-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Luise Knott, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. A-5370, issued by the Aetna Life Insurance Company, Hartford 15, Connecticut, to Mrs. Luise Knott, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7566; Filed, Aug. 29, 1950; 8:53 a. m.]

[Vesting Order 14974]

AUGUSTA PEERS

In re: Estate of Augusta Peers, deceased. File No. D-28-8774: E. T. sec. 10673.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Dreyer, Heinrich Dreyer and Lena Von Hein, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the Estate of Augusta Peers, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John H. Borger, as administrator, acting under the judicial supervision of the Surrogate's Court, County of New York, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7567; Filed, Aug. 29, 1950; 8:53 a. m.]

[Vesting Order 15007]

TODA NAKAMURA

In re: Estate of Toda Nakamura, deceased. Files: D-39-19280; E. T. sec. 16957.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found.

1. That Ichi Nakamura, Keisuke Nakamura and Tatsuma Nakamura, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Toda Nakamura, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Japan);

3. That such property is in the process of administration by Frank T. Nakato, as administrator, acting under the judicial supervision of the District Court within and for the County of Sweetwater, Second Judicial District, State of Wyoming, Green River, Wyoming;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 25, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7568; Filed, Aug. 29, 1950; 8:53 a. m.]

[Return Order 711]

WILLIAM GUSTAVE SMYTH

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

William Gustave Smyth, 40, Faubourg Possonniere, Paris Xe, France; Claim No. 26796; August 2, 1949 (14 F. R. 4814); $371.44 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 23, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7570; Filed, Aug. 29, 1950; 8:53 a. m.]

[Return Order 718]

IVAR JUEL MOLTKEHANSEN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Ivar Juel Moltkehansen, Brussels, Belgium; Claim No. 37383; May 23, 1950 (15 F. R. 3144); property described in Vesting Order No. 675 (8 F. R. 5029, April 17, 1943) relating to United States Letters Patent No. 2,150,289. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 23, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7571; Filed, Aug. 29, 1950 8:53 a. m.]

FRIEDRICH FUCHS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Friedrich Fuchs, Geneva, Switzerland; Claim No. 4947; $47,970 in the Treasury of the United States. Property described in Vesting Order No. 3319 (9 F. R. 3669, April 5, 1944), relating to an undivided ¼ part of all right, title and interest in and to United States Letters Patent Nos. 1,970,219; 2,006,434; 2,112,555; 2,117,287; 2,133,888; 2,177,799; 2,284,082; 2,316,391. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Friedrich Fuchs by virtue of an agreement dated April 29, 1935 (including all modifications thereof or supplements thereto, including, but without limitation, supplements dated April 29, 1935, June 29, 1942 and March 29, 1943) by and between Franz Georg Bloch, Karl Fuchs, Friedrich Fuchs and Weston Electrical Instrument Corporation, relating, among others, to Patent No. 1,970,219, to the extent that said interests and rights were owned by Friedrich Fuchs immediately prior to the vesting thereof by Vesting Order No. 3319.

Executed at Washington, D. C., on August 24, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7572; Filed, Aug. 29, 1950; 8:53 a. m.]

SEP 7

[Vesting Order 15008]

CHARLES UNVERZAGT

In re: Trust under Will of Charles Unverzagt, deceased. File No. D-28-12859: E. T. sec. No. 17024.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schuster, Elsa Baum, Dr. Frederich Unverzagt, Minna (Mina) Engelbach, Anna Laths, Theodor Hosch, Elizabeth Heymann, Doris Matthaeus, Ingeburg Elizabeth Matthaeus, and Gustav Schmidt, whose last-known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the estate of Charles Unverzagt, deceased, and in and to the trust created under the will of Charles Unverzagt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Provident Trust Company of Philadelphia, as trustee, acting under the judicial supervision of Atlantic County Court, Probate Division, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and is being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 25, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7569; Filed, Aug. 29, 1950; 8:53 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY AND GENERAL SERVICES ADMINISTRATION

1. Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Department of the Army, paragraph (b) of § 6.105 is amended by the addition of subparagraph (4) as set out below, effective upon publication in the FEDERAL REGISTER.

§ 6.105 *Department of the Army*

* * *

(b) *Office of the Secretary* * * *

(4) Until June 30, 1952, a Special Assistant to the Secretary of the Army (Occupied Territories), and a Deputy Special Assistant to the Secretary of the Army (Occupied Territories).

2. Under authority of § 6.1 (d) of Executive Order 9830, and with the concurrence of General Services Administration, paragraph (g) of § 6.133 is hereby revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 50-7626; Filed, Aug. 30, 1950; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; GEORGIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth; and § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), is amended by adding said counties, average values, and investment limits to the tabulations appearing in said section under the State of Georgia.

GEORGIA

County	Average value	Investment limit
Chattahoochee	$7,500	$7,500
Clinch	7,000	7,000
Glynn	10,000	10,000
Muscogee	9,000	9,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 25th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7603; Filed, Aug. 30, 1950; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; GEORGIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

GEORGIA

County	Average value	Investment limit
Atkinson	$8,500	$8,500
Bacon	10,000	10,000
Baker	9,000	9,000
Baldwin	10,000	10,000
Banks	9,000	9,000
Barrow	11,000	11,000

(Continued on p. 5869)

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THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES 1934

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Washington, Thursday, August 31, 1950

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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GEORGIA—Continued

County	Average value	Investment limit
Bartow	$10,000	$10,000
Ben Hill	10,000	10,000
Bleckley	9,500	9,500
Brooks	12,000	12,000
Bulloch	12,000	12,000
Burke	11,000	11,000
Butts	10,000	10,000
Calhoun	10,000	10,000
Carroll	9,000	9,000
Catoosa	10,000	10,000
Cherokee	8,500	8,500
Clarke	12,000	12,000
Clay	11,000	11,000
Clayton	8,500	8,500
Coffee	12,000	12,000
Colquitt	12,000	12,000
Cook	10,500	10,500
Coweta	10,000	10,000
Crawford	10,000	10,000
Crisp	9,000	9,000
Dade	12,000	12,000
Dawson	7,500	7,500
Decatur	10,000	10,000
DeKalb	10,000	10,000
Dodge	9,000	9,000
Dooly	9,000	9,000
Douglas	8,500	8,500
Early	12,000	12,000
Echols	6,000	6,000
Effingham	8,000	8,000
Elbert	12,000	12,000
Emanuel	10,000	10,000
Fannin	9,000	9,000
Fayette	8,500	8,500
Franklin	12,000	12,000
Fulton	10,000	10,000
Gilmer	8,500	8,500
Glascock	9,000	9,000
Gordon	10,000	10,000
Grady	10,000	10,000
Greene	12,500	12,000
Gwinnett	12,000	12,000
Habersham	9,000	9,000
Hall	10,000	10,000
Haralson	8,500	8,500
Harris	8,000	8,000
Hart	12,000	12,000
Heard	7,500	7,500
Henry	10,000	10,000
Houston	8,500	8,500
Irwin	10,000	10,000
Jackson	10,000	10,000
Jasper	10,000	10,000
Jefferson	10,000	10,000
Jenkins	12,000	12,000
Johnson	10,000	10,000
Jones	11,000	11,000
Lamar	12,000	12,000
Lanier	10,000	10,000
Laurens	10,000	10,000
Lee	10,000	10,000
Lincoln	8,500	8,500
Lowndes	10,500	10,500
Lumpkin	9,000	9,000
McDuffie	10,000	10,000
Macon	8,500	8,500
Madison	12,000	12,000
Marion	7,000	7,000
Meriwether	9,500	9,500
Miller	10,000	10,000
Mitchell	11,000	11,000
Monroe	12,000	12,000
Montgomery	10,000	10,000
Morgan	12,000	12,000
Murray	8,500	8,500
Newton	10,000	10,000
Oconee	12,000	12,000
Oglethorpe	10,000	10,000
Paulding	8,500	8,500
Peach	10,000	10,000
Pickens	8,500	8,500
Pierce	10,000	10,000
Pike	8,500	8,500
Polk	$10,000	$10,000
Pulaski	9,000	9,000
Putnam	10,000	10,000
Quitman	8,500	8,500
Randolph	11,000	11,000
Rockdale	9,000	9,000
Schley	8,000	8,000
Screven	10,000	10,000
Seminole	11,500	11,500
Spalding	10,000	10,000
Stephens	10,000	10,000
Stewart	8,500	8,500
Sumter	9,000	9,000
Talbot	8,500	8,500
Taliaferro	11,000	11,000
Taylor	8,000	8,000
Telfair	10,000	10,000
Tift	12,000	12,000
Toombs	10,000	10,000
Towns	9,000	9,000
Treutlen	10,000	10,000
Troup	9,500	9,500
Turner	10,000	10,000
Upson	12,000	12,000
Walker	12,000	12,000
Walton	10,000	10,000
Ware	10,000	10,000
Warren	12,000	12,000
Webster	9,000	9,000
Wheeler	10,000	10,000
White	9,000	9,000
Whitfield	10,000	10,000
Wilcox	9,000	9,000
Wilkes	12,000	12,000
Wilkinson	10,000	10,000
Worth	11,000	11,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 25th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7604; Filed, Aug. 30, 1950; 8:47 a. m.]

PART 331—PROCESSING DIRECT LOANS

SUBPART A—COUNTY OFFICE ROUTINE

LOANS TO OWNERS OF NEWLY IRRIGATED FARMS AND TO HOMESTEAD ENTRYMEN

Subpart A of Part 331 in Title 6, Code of Federal Regulations (13 F. R. 9410), is amended to add §§ 331.12 and 331.13 as follows:

§ 331.12 *Deferment of first installment for repayment of Farm Ownership loans made to owners of newly irrigated farms within Federal reclamation projects.* (a) Public Law 361, 81st Congress, authorizes the deferment of the first installment for the repayment of any loan made under Title I of the Bankhead-Jones Farm Tenant Act, as amended, to the owner of a newly irrigated farm within a Federal reclamation project. All policies, procedures, and delegations of authority which apply to direct Farm Ownership loans will be observed in processing such loans to the owners of such farms, except as provided in paragraph (d) of this section.

(b) When a Farm Ownership loan is made for the purchase, enlargement, or development of a newly irrigated farm within a Federal reclamation project, the first installment on the loan may be deferred one year from the first March 31 following the date of the borrow's loan check provided that the present debt-paying capacity of the farm as indicated on Form FHA–14, "Farm and Home Plan," makes such deferment necessary because of the time required to develop

the land or reorganize the farm operation.

(c) For the purposes of this section, the following shall be deemed to be newly irrigated farms:

(1) A farm within a Federal reclamation project which will be converted from predominantly dry land farming operations, including land which has not been previously farmed because of a lack of irrigation, to predominantly irrigated farming with the proceeds of a Farm Ownership loan.

(2) A farm the irrigable acreage of which has been irrigated by water from a Federal reclamation project for not more than three full irrigation seasons next preceding the date of application for a Farm Ownership loan, which farm has not yet produced the first cash crop for market.

(3) A farm within a Federal reclamation project which is to be made up of a tract presently owned which has been operated predominantly as an irrigated farm but which needs enlargement and substantial additional irrigation development with the proceeds of a Farm Enlargement loan in order to be an economic family-size farm-management unit.

(d) If the farm is a newly irrigated farm within a Federal reclamation project and the County Supervisor determines that deferment of the first installment is justified in accordance with paragraph (b) of this section, the following exceptions to existing procedures will apply to the preparation of forms:

(1) When preparing Form FHA–190, "Promissory Note," delete the words "thirty-nine" which appear on line 9 concerning number of installments and insert the words "thirty-eight." The amount of the annual installment to be inserted in line 9 will be computed by multiplying the amount of the loan by .05106.

(2) In completing Form FHA–190 and preparing Form FHA–497, "Notification of First Payment Date," in connection with the closing of the loan, the year of the first installment will be the year next succeeding the year of the first March 31 following the date of the borrower's loan check, and the amount of the first installment, not to exceed 5.106 percent of the loan, will be determined in accordance with the applicable provisions of § 331.11.

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 1, 3, 44, 48, 60 Stat. 1072, 1074, 1069, 1070, sec. 1, 62 Stat. 534, sec. 1, Pub. Law 361, 81st Cong., 63 Stat. 863; 7 U. S. C. 1001, 1003, 1018, 1022, 1006a)

§ 331.13 *Making Farm Ownership loans to homestead entrymen.* (a) Public Law 361, 81st Congress, authorizes the making of direct Farm Ownership loans to eligible homestead entrymen on unpatented public lands, including public land within Federal reclamation projects and in Alaska, for any purpose authorized by and in accordance with the provisions of title I of the Bankhead-Jones Farm Tenant Act, as amended. It also authorizes the deferment of the first installment, as provided in paragraph (b) of this section, for the repayment of any such loan.

(b) When a Farm Ownership loan is made to a homestead entryman, the first installment on the loan may be deferred one year from the first March 31 following the date of the borrower's loan check provided that the present debt paying capacity of the farm as indicated on Form FHA–14, "Farm and Home Plan," makes such deferment necessary because of the time required to develop the land or reorganize the farm operation.

(c) The extension of financial assistance authorized in paragraph (a) of this section will be facilitated through the cooperation of the Farmers Home Administration, the Bureau of Land Management, and the Bureau of Reclamation.

(d) Consistent with Farm Ownership policy, loans to homestead entrymen will include sufficient funds to put the farm in livable and operable condition at the outset, to provide needed water facilities, and when necessary, to provide for refinancing (1) the outstanding balances of any existing mortgages against the entryman's interests in the farm, (2) any construction or operation and maintenance charges, or irrigation district charges against the land which are due at the time of loan closing, (3) the outstanding balance of any land leveling contract between the entryman and the Bureau of Reclamation, and (4) any taxes legally assessed against the farm which are due at the time of loan closing. If any items other than those specified above are to be refinanced, the prior approval of the Administrator will be required on an individual case basis.

(e) Existing Farm Ownership policies, procedures, and loan approval authorities pertaining to the processing of direct Farm Ownership loans will be complied with except as provided in paragraphs (e), (f), and (g) of this section.

(1) An application for a Farm Ownership loan from a homestead entryman entering public land not within a reclamation project will be considered only after the entryman has selected a farm and received his allowance of entry from the Bureau of Land Management. The original document showing allowance of entry must be attached to Form FHA–197, "Application for FHA Services."

(2) An application for a Farm Ownership loan from a homestead entryman entering public land within a reclamation project will not be considered until after the entryman has received a certificate of eligibility from the Bureau of Reclamation and has selected a farm. If at the time of making application for a Farm Ownership loan the entryman has received his allowance of entry from the Bureau of Land Management, he will attach the original of such document to Form FHA–197. If the entryman has not yet received his allowance of entry, a copy of his certificate of eligibility must be attached to Form FHA–197. However, the Farm Ownership loan docket will not be submitted to the State Field Representative for approval until the original document showing allowance of entry has been received from the applicant and placed in the loan docket.

(3) At the time of making application for a Farm Ownership loan, the homestead entryman will authorize the Farmers Home Administration in writing to secure from the Bureau of Land Management or the Bureau of Reclamation any available information concerning his application for homestead or reclamation entry which may be used by the Farmers Home Administration in determining his eligibility for a Farm Ownership loan. This information will be treated as confidential by the Farmers Home Administration. The signed authorization will be attached to the County Supervisor's written request to the Superintendent of the Reclamation Project or the Manager of the District Land Office for information about the homestead entryman which will be used in determining his eligibility for a Farm Ownership loan. It will not be necessary for the County Supervisor to request the Bureau of Reclamation or the Bureau of Land Management to furnish such information in those instances in which the applicant has resided for several years in the general vicinity of the entry and the needed information can be obtained locally.

(f) Except as provided in this paragraph, loan docket forms including Form FHA–190, and Form FHA–643, "Farm Development Plan," will be prepared and distributed in accordance with §§ 331.1 to 331.11.

(1) If the County Supervisor determines that deferment of the first installment is justified in accordance with paragraph (b) of this section, Form FHA–190 will be prepared to provide for such deferment. In such a case, delete the words "thirty-nine" which appear on line 9 concerning number of installments and insert the words "thirty-eight." The amount of the annual installment to be inserted in line 9 will be computed by multiplying the amount of the loan shown on line 5 by .05106.

(2) A copy of Form FHA–643 will be prepared in every case for the Bureau of Land Management. When the entryman's farm is located within a reclamation project, any land development items listed on Form FHA–643 must be consistent with the over-all plans for development of the reclamation project. Consequently, when Form FHA–643 provides for the leveling of land or the installation of farm distribution and surface drainage systems, another copy will be prepared for the Bureau of Reclamation. If the land development plans for the unit conflict with the over-all plans for development of the reclamation project, officials of the Bureau of Reclamation will so advise the County Supervisor, and the County Supervisor will initiate any necessary changes in Form FHA–643 by change-order in accordance with § 324.44 of this chapter.

(3) The entryman-applicant will be required to furnish and pay for a certified statement prepared by a qualified attorney which will include the attorney's findings with respect to any outstanding land leveling contracts and any other claims of any kind on record against the entry. This certified statement will be included in the loan docket. When there is an outstanding land leveling contract, the applicant's copy of such contract will also be included in the loan docket. The copy of the contract will be returned to the applicant after the loan is closed.

(g) Except as provided in this paragraph, Farm Ownership loans to homestead entrymen will be closed in accordance with § 331.11.

(1) Special mortgage forms will be received with the closing instructions from the representative of the Office of the Solicitor.

(2) In completing Form FHA–190 and preparing Form FHA–497 in connection with the closing of the loan when the first installment on the loan is to be deferred, the year of the first installment will be the year next succeeding the year of the first March 31 following the date of the borrower's loan check, and the amount of the first installment, not to exceed 5.106 percent of the loan, will be determined in accordance with the applicable provisions of § 331.11.

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 1, 3, 44, 48, 54, 60 Stat. 1072, 1074, 1069, 1070, 1071, sec. 1, 62 Stat. 534, sec. 1, Pub. Law 361, 81st Cong., 63 Stat. 863, 7 U. S. C. 1001, 1003, 1018, 1022, 1028, 1006a)

DERIVATION: §§ 331.2 and 331.13 contained in Administration Letter 164, dated August 16, 1950.

Dated: August 18, 1950.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: August 25, 1950.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–7606; Filed, Aug. 30, 1950; 8:47 a. m.]

Subchapter E—Account Servicing

PART 364—SETTLEMENT

SUBPART A—COMPROMISE, ADJUSTMENT, AND CANCELLATION OF DEBTS OWED THE FARMERS HOME ADMINISTRATION

DEBT SETTLEMENT ACTION IN NATIONAL OFFICE

Section 364.9 in Title 6, Code of Federal Regulations (14 F. R. 6972), is amended to read as follows:

§ 364.9 *Debt settlement action in the National Office.* The Deputy Administrators; the Assistant Administrators; the Director, Production Loan Division; the Director, Farm Ownership Division; and the Chief, Debt Adjustment Section, Production Loan Division, severally and not jointly, subject to the general supervision of the Administrator, may do all things the Administrator is required or empowered to do in connection with the debt settlement activities and operations in the National Office, pursuant to the act of Congress, approved December 20, 1944 (58 Stat. 836; 12 U. S. C. 1150), the Farmers Home Administration Act of 1946, approved August 14, 1946, as amended (60 Stat. 1062; 7 U. S. C. 1000), the act of Congress, approved April 6, 1949 (63 Stat. 43, 12 U. S. C. 1148a–1), title V of the Housing Act of 1949 (63 Stat. 432, 42 U. S. C. 1471), and the transfer agreements with the various State Rural Rehabilitation Corporations. Such functions include but are not limited to the approval and disapproval of applications for the compromise, cancellation, and adjustment of debts pursuant to the within named acts and transfer agreements.

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies sec. 1, 58 Stat. 836; 12 U. S. C. 1150)

Dated: August 16, 1950.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: August 25, 1950.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–7605; Filed, Aug. 30, 1950; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Burley and Flue–51) 3]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1951–52 MARKETING YEAR

GENERAL

Sec.
725.211 Basis and purpose.
725.212 Definitions.
725.213 Extent of calculations and rule of fractions.
725.214 Instructions and forms.
725.215 Applicability of §§ 725.211 to 725.228.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

725.216 Determination of 1951 preliminary acreage allotments for old farms.
725.217 1951 old farm tobacco acreage allotment.
725.218 Adjustment of acreage allotments for old farms.
725.219 Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.
725.220 Reallocation of allotments released from farms removed from agricultural production.
725.221 Farms divided or combined.
725.222 Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

725.223 Determination of acreage allotments for new farms.
725.224 Time for filing application.
725.225 Determination of normal yields.

MISCELLANEOUS

725.226 Determination of acreage allotments and normal yields for farms returned to agricultural production.
725.227 Approval of determinations made under §§ 725.211 to 725.226.
725.228 Application for review.

AUTHORITY: §§ 725.211 to 725.228 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies secs. 301, 313, 363, 52 Stat. 38, 47, 63, as amended; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 725.211 *Basis and purpose.* The regulations contained in §§ 725.211 to 725.228, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1951 farm acreage allotments and normal yields for Burley and flue-cured tobacco. The purpose of the regulations in §§ 725.211 to 725.228 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for Burley and flue-cured tobacco for the 1951–52 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 725.211 to 725.228, public notice (15 F. R. 4750) was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations pertaining to the regulations in §§ 725.211 to 728.228, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 725.212 *Definitions.* As used in §§ 725.211 to 725.228, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) *Farm.* "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) *New farm.* "New farm" means a farm on which tobacco will be produced in 1951 for the first time since 1945.

(d) *Old farm.* "Old farm" means a farm on which tobacco was produced in one or more of the five years 1946 through 1950.

(e) *Cropland.* "Cropland" means farm land which in 1950 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(f) *Community cropland factor.* "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1950 into the total of the 1950 tobacco acreage allotment for such old farms: *Provided*, That, if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community.

(g) *Acreage indicated by cropland.* "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(h) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(i) *Person.* "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) *Tobacco.* "Tobacco" means Burley tobacco, type 31, or flue-cured tobacco, types 11, 12, 13, and 14, as classified in Service and Regulatory Announcement No. 118 (7 CFR, Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both as indicated by the context.

(k) *Acre of tobacco.* "Acre of tobacco" means 43,560 square feet of land devoted to tobacco by being uniformly covered with tobacco plants notwithstanding that the width of the rows of tobacco may vary from the width of rows which are customary for the kind of tobacco involved and without regard to interplanted crops.

§ 725.213 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 725.214 *Instruction and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 725.215 *Applicability of §§ 725.211 to 725.228.* Sections 725.211 to 725.228 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1951, in the case of Burley tobacco, and July 1, 1951, in the case of flue-cured tobacco.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 725.216 *Determination of 1951 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the 1950 allotment with the following exceptions:

(a) If the acreage of tobacco harvested on the farm in each of the three years 1948–50 was less than 75 percent of the farm acreage allotment for each of such years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1946–50: *Provided*, That any such preliminary allotment shall not exceed the 1950 allotment for such farm or be less than 0.1 acre: *And provided further*, That the preliminary allotment may be increased to as much as the 1950 allotment if the county committee determines that failure to harvest as much as 75 percent of the allotted acreage during any one of the three years 1948–50 was due to service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces.

(b) If no 1950 allotment was established for the farm, the preliminary allotment shall be the smaller of (1) the average acreage of tobacco harvested on the farm in the five years 1946–50, or (2) the acreage obtained by multiplying the farm's average acreage for the five years 1946–50 by the ratio of the farm's actual yield to the 1949 county average yield: *Provided*, That such preliminary allotment shall not be less than 0.1 acre.

(c) If the acreage of tobacco harvested on the farm in 1950 exceeded the 1950 allotment by more than 10 percent, the preliminary allotment shall be the 1950 allotment plus the smaller of (1) one-fifth of the excess acreage, or (2) the acreage obtained by multiplying one-fifth of the excess acreage by the ratio of the farm's actual yield to the 1949 county average yield.

(d) The preliminary allotment shall not exceed 80 percent of the acreage of cropland on the farm.

(e) The preliminary allotments determined under paragraph (b) or (c) of this section shall not exceed the smallest of (1) 90 percent of the acreage indicated by cropland, except that, if the farm on which the acreage of tobacco harvested on the farm in 1950 exceeded the 1950 allotment is the only farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland, (2) 20 percent of the acreage of cropland on the farm in the case of flue-cured, or (3) the acreage capacity of curing barns located on the farm and suitable for curing tobacco, which in the case of flue-cured tobacco shall be 3.5 acres per barn: *Provided*, That no preliminary allotment shall be reduced below the 1950 allotment because of these factors.

§ 725.217 *1951 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 725.216 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 725.218 shall not exceed the State acreage allotment: *Provided*, That in the case of Burley tobacco, any farm acreage allotment shall be increased if necessary to the smaller of (a) the 1950 allotment, or (b) 0.9 acre.

§ 725.218 *Adjustment of acreage allotments for old farms.* The farm acreage allotment for an old farm may be increased within the limits stated in paragraph (e) of § 725.216, such limits to be applied to the sum of the preliminary allotment and the increase under this section, if the community committee, with the approval of the county committee, finds that the preliminary acreage allotment is relatively small on the basis of the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and other cash crops produced on the farm, or that reduction of such allotment under paragraph (a) of § 725.216 was the result of abnormal weather conditions or plant bed diseases: *Provided, however*, That any allotment may be increased above the limits stated in paragraph (e) of § 725.216 if the community committee and the county committee find that the preliminary allotment is relatively smaller in relation to the land, labor, and equipment available for the production of tobacco on the farm than the preliminary allotments for other old farms in the community which are similar with respect to such factors. The acreage available for increasing allotments under this section shall not exceed one-half of one percent of the total acreage allotted to all tobacco farms in the State for the 1950–51 marketing year.

§ 725.219 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1951 shall be reduced, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due and in the event of refusal or failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) Any reduction shall be made with respect to the 1951 farm acreage allotment, provided it can be made prior to the delivery of the marketing card to the farm operator. If the reduction cannot be so made effective with respect to the 1951 crop, such reduction shall be made with respect to the farm acreage allotment next established for the farm. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1951 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraphs (a) and (b) of this section.

§ 725.220 *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm in the case of Burley tobacco, and 50 percent of the acreage of cropland on the farm in the case of flue-cured tobacco.

The provisions of this section shall not be applicable if (a) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (b) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (c) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 725.221 *Farms divided or combined.* (a) If land operated as a single farm in 1950 will be operated in 1951 as two or more farms, the 1951 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco in each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year, except that if the farm to be divided in 1951 resulted from a combination of two separate and distinct farms prior to a combination in 1946 or any subsequent year, the allotment may be divided among such farms in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1951 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1950 are combined and operated in 1951 as a single farm, the 1951 allotment shall be the sum of the 1951 allotments determined for each of the farms composing the combination or, in the case of Burley tobacco, if smaller, the allotment determined or which would have been determined for the farm as constituted in 1951.

(c) If a farm is to be divided in 1951 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee may prescribe.

§ 725.222 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1945–49, (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 725.223 *Determination of acreage allotments for new farms.* The acreage allotment, other than an allotment made under § 725.220, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed in the case of Burley tobacco 50 percent of the allotments for old Burley farms which are similar with respect to land, labor and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco; and in the case of flue-cured tobacco, the smaller of (a) 15 percent of the cropland in the farm including land from which a cultivated crop was harvested in 1950 or (b) 75 percent of the allotment for old flue-cured tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided, however*, That

a farm operator who was in the armed services during World War II shall be deemed to have met the requirements hereof if he has had experience in growing the kind of tobacco for which an allotment is requested during one year either within the five years immediately prior to his entry into the armed services or since his discharge from the armed services.

(2) The farm operator shall live on and be largely dependent for his livelihood on the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which a Burley or flue-cured tobacco allotment is established for the 1951-52 marketing year; and

(4) The farm will not have a 1951 allotment for any kind of tobacco other than that for which application is made hereunder.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-half of one percent of the 1951 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 725.224 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee prior to February 1, 1951, unless the farm operator was discharged from the armed services subsequent to December 31, 1950, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 725.225 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 725.226 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 725.211 to 725.225, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1951 or which was returned to agricultural production in 1950 too late for the 1950 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1951 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 725.227 *Approval of determinations made under §§ 725.211 to 725.226.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 725.211 to 725.226. All acreage allotments and yields shall be approved by the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

§ 725.228 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (7 CFR, Part 711) which are available at the office of the county committee.

Done at Washington, D. C., this 28th day of August 1950. Witness my hand and seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7643; Filed, Aug. 30, 1950; 8:52 a. m.]

[1023 (Fire, Air, and Sun-51).3]

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1951–52 MARKETING YEAR

GENERAL

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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

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726.226 Determination of acreage allotments and normal yields for farms returned to agricultural production.
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726.228 Application for review.

AUTHORITY: §§ 726.211 to 726.228 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies secs. 301, 313, 363, 52 Stat. 38, 47, 63, as amended; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 726.211 *Basis and purpose.* The regulations contained in §§ 726.211 to 726.228, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1951 farm acreage allotments and normal yields for fire-cured, dark air-cured, and Virginia sun-cured tobacco. The purpose of the regulations in §§ 726.211 to 726.228 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1951–52 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 726.211 to 726.228, public notice (15 F. R. 4750) was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations pertaining to the regulations in §§ 726.211 to 726.228, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 726.212 *Definitions.* As used in §§ 726.211 to 726.228, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) *Farm.* "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) *New farm.* "New farm" means a farm on which tobacco will be produced in 1951 for the first time since 1945.

(d) *Old farm.* "Old farm" means a farm on which tobacco was produced in one or more of the five years 1946 through 1950.

(e) *Cropland.* "Cropland" means farm land which in 1950 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(f) *Community cropland factor.* "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1950 into the total of the 1950 tobacco acreage allotment for such old farms: *Provided*, That, if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community.

(g) *Acreage indicated by cropland.* "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(h) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(i) *Person.* "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) *Tobacco.* "Tobacco" means fire-cured tobacco, types 21, 22, 23, and 24; dark air-cured tobacco, types 35 and 36; or Virginia sun-cured tobacco, type 37, as classified in Service and Regulatory Announcement No. 118 (7 CFR, Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all such kinds of tobacco as indicated by the context.

§ 726.213 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 726.214 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 726.215 *Applicability of §§ 726.211 to 726.228.* Sections 726.211 to 726.228 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1951.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 726.216 *Determination of 1951 preliminary acreage allotments for old farms.*—(a) *Fire-cured and dark air-cured tobacco.* The preliminary acreage allotment for an old farm shall be the 1950 allotment with the following exceptions:

(1) If the acreage of tobacco harvested on the farm in each of the three years 1948–50 was less than 75 percent of the farm acreage allotment for each of such years, the preliminary allotment shall be the larger of (i) the largest acreage of tobacco harvested on the farm in any one of such three years, or (ii) the average acreage of tobacco harvested on the farm in the five years 1946–50: *Provided*, That any such preliminary allotment shall not exceed the 1950 allotment for such farm or be less than 0.1 acre: *And provided further*, That the preliminary allotment may be increased to as much as the 1950 allotment if the county committee determines that failure to harvest as much as 75 percent of the 1950 allotted acreage during any one of the three years 1948–50 was due to service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces.

(2) If no 1950 allotment was established for the farm, the preliminary allotment shall be the smaller of (i) the average acreage of tobacco harvested on the farm in the five years 1946–50, or (ii) the acreage obtained by multiplying the farm's average acreage for the five years 1946–50 by the ratio of the farm's actual yield to the 1949 county average yield: *Provided*, That such preliminary allotment shall not be less than 0.1 acre.

(3) If the acreage of tobacco harvested on the farm in 1950 exceeded the 1950 allotment by more than 10 percent, the preliminary allotment shall be the 1950 allotment plus the smaller of (i) one-fifth of the excess acreage, or (ii) the acreage obtained by multiplying one-fifth of the excess acreage by the ratio of the farm's actual yield to the 1949 county average yield.

(4) The preliminary allotment shall not exceed 80 percent of the acreage of cropland on the farm.

(5) The preliminary allotments determined under subparagraphs (2) or (3) of this paragraph shall not exceed the smaller of (i) 90 percent of the acreage indicated by cropland, except that, if the farm on which the acreage of tobacco harvested on the farm in 1950 exceeded the 1950 allotment is the only farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland, or (ii) the acreage capacity of curing barns located on the farm and suitable for curing tobacco: *Provided*, That no preliminary allotment shall be reduced below the 1950 allotment because of these factors.

(b) *Virginia sun-cured tobacco.* The preliminary acreage allotment for an old farm shall be the 1950 allotment with the following exceptions:

(1) If the acreage of tobacco harvested on the farm in each of the three years 1948–50 was less than 75 percent of the 1950 farm acreage allotment, the preliminary allotment shall be the larger of (i) the largest acreage of tobacco harvested on the farm in any one of such three years, or (ii) the average acreage of tobacco harvested on the farm in the five years 1946–50: *Provided*, That any such preliminary allotment shall not exceed the 1950 allotment for such farm or be less than 0.1 acre: *And provided further*, That the preliminary allotment may be increased to as much as the 1950 allotment if the county committee determines that failure to harvest as much as 75 percent of the allotted acreage during any one of the three years 1948–50 was due to service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces.

(2) If no 1950 allotment was established for the farm, the preliminary allotment shall be the smaller of (i) the average acreage of tobacco harvested on the farm in the five years 1946–50, or (ii) the acreage obtained by multiplying the farm's average acreage for the five years 1946–50 by the ratio of the farm's actual yield to the 1949 county average yield: *Provided*, That such preliminary allotment shall not be less than 0.1 acre.

(3) If the acreage of tobacco harvested on the farm in 1950 exceeded the 1950 allotment by more than 10 percent, the preliminary allotment shall be the

1950 allotment plus the smaller of (i) one-fifth of the excess acreage, or (ii) the acreage obtained by multiplying one-fifth of the excess acreage by the ratio of the farm's actual yield to the 1949 county average yield.

(4) The preliminary allotment shall not exceed 80 percent of the acreage of cropland on the farm.

(5) The preliminary allotments determined under subparagraphs (2) or (3) of this paragraph shall not exceed the smaller of (i) 90 percent of the acreage indicated by cropland, except that, if the farm on which the acreage of tobacco harvested on the farm in 1950 exceeded the 1950 allotment is the only farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland, or (ii) the acreage capacity of curing barns located on the farm and suitable for curing tobacco: *Provided*, That no preliminary allotment shall be reduced below the 1950 allotment because of these factors.

§ 726.217 *1951 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 726.216 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 726.218 shall not exceed the State acreage allotment.

§ 726.218 *Adjustment of acreage allotments for old farms.* The farm acreage allotment for an old farm may be increased within the limits stated in subparagraphs (5) of paragraphs (a) and (b) of § 726.216, such limits to be applied to the sum of the preliminary allotment and the increase under this section, if the community committee, with the approval of the county committee, finds that the preliminary acreage allotment is relatively small on the basis of the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and other cash crops produced on the farm, or that reduction of such allotment under subparagraphs (1) of paragraph (a) or (b), whichever is applicable, of § 726.216 was the result of abnormal weather conditions or plant bed diseases: *Provided, however*, That any allotment may be increased above the limits stated in subparagraph (5) of paragraphs (a) and (b) of § 726.216 if the community committee and the county committee find that the preliminary allotment is relatively smaller in relation to the land, labor, and equipment available for the production of tobacco on the farm than the preliminary allotments for other old farms in the community which are similar with respect to such factors. The acreage available for increasing allotments under this section shall not exceed one percent of the total acreage allotted to all tobacco farms in the State for the 1950–51 marketing year.

§ 726.219 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1951 shall be reduced, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due and in the event of refusal or failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof or disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) Any reduction shall be made with respect to the 1951 farm acreage allotment, provided it can be made prior to the delivery of the marketing card to the farm operator. If the reduction cannot be so made effective with respect to the 1951 crop, such reduction shall be made with respect to the farm acreage allotment next established for the farm. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1951 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraphs (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraphs (a) and (b) of this section.

§ 726.220 *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

The provisions of this section shall not be applicable if (a) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (b) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (c) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 726.221 *Farms divided or combined.* (a) If land operated as a single farm in 1950 will be operated in 1951 as two or more farms, the 1951 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco in each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year, except that if the farm to be divided in 1951 resulted from a combination of two separate and distinct farms prior to a combination in 1946 or any subsequent year, the allotment may be divided among such farms in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1951 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1950 are combined and operated in 1951 as a single farm, the 1951 allotment shall be the sum of the 1951 allotments determined for each of the farms composing the combination.

(c) If a farm is to be divided in 1951 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee may prescribe.

§ 726.222 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1945–49, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 726.223 *Determination of acreage allotments for new farms.* The acreage allotment, other than an allotment made under § 726.220, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old tobacco farms which are similar with respect to land, labor and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(a) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided, however*, That a farm operator who was in the armed services during World War II shall be deemed to have met the requirements hereof if he has had experience in growing the kind of tobacco for which an allotment is requested during one year either within the five years immediately prior to his entry into the armed services or since his discharge from the armed services.

(b) The farm operator shall live on and be largely dependent for his livelihood on the farm covered by the application.

(c) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which a fire-cured, dark air-cured or Virginia sun-cured tobacco allotment is established for the 1951–52 marketing year; and

(d) The farm will not have a 1951 allotment for any kind of tobacco other than that for which application is made hereunder.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-half of one percent of the 1951 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 726.224 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee prior to February 1, 1951, unless the farm operator was discharged from the armed services subsequent to December 31, 1950, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 726.225 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 726.226 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 726.211 to 726.225, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1951 or which was returned to agricultural production in 1950 too late for the 1950 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1951 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 726.227 *Approval of determinations made under §§ 726.211 to 726.226.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 726.211 to 726.226. All acreage allotments and yields shall be approved by the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

§ 726.228 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (7 CFR Part 711) which are available at the office of the county committee.

Done at Washington, D. C., this 28th day of August 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7642; Filed, Aug. 30, 1950; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreement and Orders), Department of Agriculture

PART 940—PEACHES GROWN IN THE COUNTY OF MESA IN COLORADO

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1950–51 FISCAL YEAR

Notice was published in the August 5, 1950, daily issue of FEDERAL REGISTER (15

F. R. 5058) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1950–51 fiscal year under the marketing agreement, as amended, and Order No. 40, as amended (7 CFR Part 940; 15 F. R. 5001) regulating the handling of peaches grown in the County of Mesa in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 940.202 *Expenses and rate of assessment for the 1950–51 fiscal year*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning March 1, 1950, will amount to $6,750.00.

(b) *Rate of assessment.* The rate of assessment, which each handler shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at one cent ($0.01) per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the rate of assessment in accordance with the provisions of the amended marketing agreement and order, is applicable to all peaches shipped during the aforesaid fiscal year; (2) such shipments are subject to the regulatory provisions of Peach Order 2 (7 CFR 940.302; 15 F. R. 5069); and (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Administrative Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

As used in this section, the terms "handler," "shipped," "shipments," "peaches," and "fiscal year" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 28th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7645; Filed, Aug. 30, 1950; 8:52 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR 957.1 et seq.), regulating the handling of Irish potatoes grown in Idaho and Malheur County, Oregon was published in the FEDERAL REGISTER (15 F. R. 4919). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the Idaho-Eastern Oregon Potato Committee (established pursuant to said agreement and order, as amended), the following rules and regulations are hereby approved.

§ 957.203 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, as amended, and regulations duly issued thereunder, during the fiscal period ending May 31, 1951, will amount to $22,000.00;

(b) The rate of assessment, to be paid by each handler who first ships potatoes shall be fifty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal period; and

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 28th day of August 1950, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7646; Filed, Aug. 30, 1950; 8:53 a. m.]

PART 975—MILK IN THE CLEVELAND, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

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AUTHORITY: §§ 975.0 to 975.97 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. and Sup. 608c.

§ 975.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cleveland, Ohio, on February 13–15, 1950, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the Cleveland, Ohio, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during May 1950 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 975.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 975.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 975.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 975.60.

§ 975.4 *Market administrator.* "Market administrator" means the agency described in § 975.20.

§ 975.5 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 975.6 *Cleveland, Ohio, marketing area.* "Cleveland, Ohio, marketing area" hereinafter called the "marketing area," means all territory, including but not being limited to all municipal corporations, within Cuyahoga County, the township of Willoughby in Lake County, and the townships of Liverpool, Brunswick, Hinckley, York, Granger, Medina, Lafayette and Montville in Medina County; all in the State of Ohio.

§ 975.7 *Handler.* "Handler" means any person who: (a) Operates a pool plant; or (b) operates a nonpool plant and either directly or indirectly disposes of milk, skim milk, buttermilk, flavored milk, or flavored milk drinks: (1) On a route extending into the marketing area; or (2) to a pool plant described under § 975.30 which receives less than 50 percent of such plant's total receipts of skim milk and butterfat from producers or from other pool plants.

§ 975.8 *Producer.* "Producer" means any person with respect to milk produced by him having the approval of the health authority of any community in the marketing area for consumption as fluid milk in such community which milk is moved directly from his farm to:

(a) A pool plant (1) out of which a route is operated in such community, or (2) furnishing milk to another pool plant out of which a route is operated in such community (but not including milk diverted from a nonpool plant for the account of such plant);

(b) A nonpool plant within April, May, June, or July for the account of a pool plant by diversion from a pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted; or

(c) A pool plant for the account of another pool plant by diversion from the latter pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted.

§ 975.9 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 975.10 *Nonhandler.* "Nonhandler" means any person not a handler who operates a nonpool plant.

§ 975.11 *Producer-handler.* "Producer-handler" means any person who:

(a) Produces milk but receives no milk from dairy farmers; and

(b) Operates a route extending into the marketing area.

§ 975.12 *Pool plant.* "Pool plant" means a plant designated pursuant to § 975.30.

§ 975.13 *Nonpool plant.* "Nonpool plant" means any milk manufacturing or processing plant not a pool plant.

§ 975.14 *Other source milk.* "Other source milk" means all skim milk and butterfat received at any pool plant other than from producers or other pool plants and all skim milk and butterfat received at a pool plant from any other pool plant in excess of the total amount received at the latter pool plant from producers.

§ 975.15 *Route.* "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including any eating place where such items are disposed of for consumption on or off the premises, other than a pool plant(s) or nonpool plant(s).

§ 975.16 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

MARKET ADMINISTRATOR

§ 975.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 975.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 975.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 975.86:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 975.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 975.40, or (2) payments pursuant to §§ 975.80, 975.84, 975.86, 975.87, or 975.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, supply on or before the 25th day after the end of each delivery period to each cooperative association not a handler with respect to producers whose membership in such cooperative association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or nonhandler upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 6th day of such delivery period the minimum prices for skim milk and butterfat in Class I milk and Class II milk computed pursuant to §§ 975.61 and 975.62;

(2) On or before the 6th day after the end of such delivery period the minimum prices for skim milk and butterfat in Class III milk computed pursuant to § 975.63; and

(3) On or before the 14th day after the end of such delivery period the uniform price computed pursuant to § 975.73 and the butterfat differential computed pursuant to § 975.82; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

POOL PLANT

§ 975.30 *Designation.* Subject to the conditions set forth in §§ 975.31 and 975.32, a pool plant means any of the following plants, except a bottling plant operated by a producer-handler:

(a) A bottling plant which is:

(1) Located inside the marketing area and out of which a route is operated; or

(2) Located outside the marketing area with 10 percent or more of the aggregate weight of the skim milk and butterfat contained in its total route disposition of milk, skim milk, buttermilk, flavored milk, and flavored milk drink in fluid form on routes operated wholly or partially within the marketing area.

(b) A plant having approval of the appropriate health authority in the marketing area to supply milk to a pool plant described in paragraph (a) of this section and appearing on a list prepared and publicly announced by the market administrator for each delivery period not later than the 14th day after the end of such delivery period by posting in a conspicuous place in his office. Such list shall include:

(1) The following plants:

Location of plant (Feb. 1, 1946)	*Operator of plant on Feb. 1, 1946*
Ashland, Ohio	Cleveland Dairy Products Co. (Echo Dairy).
Conneaut, Ohio	Conneaut Creamery Co.
Dorset, Ohio	Dorset Milk Co.
East Liberty, Ohio	Dutchland Farms, Inc.
Tiffin, Ohio	Do.
Akron, Ohio (route 7)	Mountrose Dairy Co.
Orrville, Ohio	Orrville Milk Condensing Co.
Trail, Ohio (P. O. Dundee, Ohio).	Do.
Woodville, Ohio	Soeder's Sons Co.
Attica, Ohio	Telling-Belle Vernon Co.
Beloit, Ohio	Do.
Jefferson, Ohio	Do.
Prospect, Ohio	Do.
Rome, Ohio	Do.
Wellington, Ohio	Do.
Lodi, Ohio	United Dairy Co.
Wooster, Ohio	Wooster Farm Dairies Co.
Cleveland, Ohio	Milk Producers Federation of Cleveland; and

(2) A plant which either was a pool plant on August 31, 1948, or has become a pool plant pursuant to paragraph (c) of this section.

(c) A plant having approval of the appropriate health authority in the marketing area to do so which has, within the delivery period of January, February, or March, and within each of the five consecutive preceding delivery periods, furnished milk to a pool plant described in paragraph (a) of this section in an amount equal to 50 percent or more of its entire receipts of milk from dairy farmers during each such delivery period.

§ 975.31 *Replacement.* A plant which replaces a pool plant shall acquire immediately the pool plant status of the replaced plant if the operator thereof shows to the satisfaction of the market administrator that 50 percent or more of the dairy farmers delivering milk to it previously had been producers at the pool plant so replaced.

§ 975.32 *Disqualification.* A plant shall be disqualified as a pool plant under either of the following circumstances:

(a) Upon prior written request for disqualification made by the plant operator; such disqualification to be effective at the beginning of the first delivery period (following the market administrator's receipt of such request) within which no milk was furnished by such plant to a pool plant described in § 975.30 (a); or

(b) If such plant furnished to a pool plant described in § 975.30 (a) less than 10 percent of its dairy farm supply of milk in any month except April, May, June, or July and less than 50 percent of such supply during more than one of the months of October, November, December, and January: *Provided,* That upon receipt by the market administrator prior to the delivery period of a written request made by the handler, all pool plants operated by such handler shall be considered, for such delivery period, as one plant for the purpose of meeting the minimum percentage requirements of this paragraph: *And provided further,* That this paragraph shall not apply to the plant of the Milk Producers Federation of Cleveland.

REPORTS, RECORDS, AND FACILITIES

§ 975.40 *Reports of receipts and utilization.* On or before the 8th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to milk received from producers, other source milk received at a pool plant, skim milk and butterfat received in any form at a pool plant or at a nonpool plant from a pool plant, skim milk and butterfat received in any form at a nonpool plant engaged in the manufacture of ice cream or ice cream mix which is operated by such handler and

is located within the marketing area, and all skim milk and butterfat received in any form from all sources at a nonpool plant referred to in § 975.7 (b), in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 975.41 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such times and in such manner as the market administrator may request.

(b) On or before the 25th day after the end of each delivery period, each handler who received milk from producers shall submit to the market administrator his producer payroll for the delivery period, which shall show:

(1) The pounds of milk, and the percentage of butterfat contained therein, received from each producer;

(2) The amount and date of payment to each producer (or to a cooperative association not a handler which is authorized to collect payment for the milk of such producer); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 975.42 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations, including those of his nonpool plants in which any milk is received from a pool plant or of his nonpool plants located within the marketing area in which ice cream or ice cream mix is manufactured, and such facilities as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization of all skim milk and butterfat required to be reported pursuant to § 975.40 or § 975.41 (a);

(b) The pounds of skim milk and butter fat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period;

(c) The weights and tests for butterfat and for other contents of all milk and milk products handled; and

(d) Payments to producers and to cooperative associations.

§ 975.43 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided,* That if, within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are not longer necessary in connection therewith.

CLASSIFICATION

§ 975.50 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream, or used to produce milk products, received from all sources by each handler at his (a) pool plant(s) and (b) nonpool plant(s) engaged in the manufacture of ice cream or ice cream mix and located within the marketing area, shall be classified separately (as skim milk or butterfat) pursuant to the following provisions of this section.

§ 975.51 *Classes of utilization.* Subject to the conditions set forth in §§ 975.53 and 975.54, skim milk and butterfat described in § 975.50 shall be classified by the market administrator on the basis of the following classes of utilization:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in fluid form as milk; skim milk or buttermilk (except for livestock feed); flavored milk or flavored milk drinks; or eggnog;

(2) Transferred as any item included in subparagraph (1) of this paragraph from a pool plant to the plant of a producer-handler, or transferred as any such item to a nonpool plant located more than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator.

(3) Accounted for as any item not listed under subparagraph (1) of this paragraph or as Class II milk or Class III milk; or

(4) Such shrinkage on milk received from producers computed pursuant to paragraph (d) of § 975.52 which is in excess of 2 percent of such receipts.

(b) Class II milk shall be all skim milk and butterfat used to produce sweet or sour cream; any milk product not specified in Class I milk or Class III milk and containing 8 percent or more of butterfat; ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); or cottage cheese.

(c) Class III milk shall be all skim milk and butterfat:

(1) Used to produce butter; butter oil; cheese (except cottage cheese); bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; casein; nonfat dry milk solids, dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; and skim milk or buttermilk disposed of for livestock feed;

(2) In actual shrinkage of milk received from producers computed pursuant to paragraph (d) of § 975.52 but not in excess of 2 percent of such receipts; and

(3) In actual shrinkage of other source milk computed pursuant to paragraph (d) of § 975.52.

§ 975.52 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in milk received from producers and in other source milk received in the following manner: *Provided,* That milk of producers transferred by a handler to another handler and received at the latter's pool plant, or nonpool plant engaged in the manufacture of ice cream or ice cream mix and located within the marketing area, without first having been received for purposes of weighing and testing in the transferring handler's pool plant shall be included in the receipts at such plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts at the pool plant of the transferring handler in computing his plant shrinkage.

(a) Compute the total shrinkage of skim milk and butterfat, respectively, by (1) combining the shrinkage thereof for all pool plants operated by the handler, and (2) combining in a separate sum the shrinkage thereof for all nonpool plants operated by him to which any skim milk or butterfat has been transferred from any of his pool plants;

(b) Prorate the shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (2) of this section, in such nonpool plants between (1) skim milk or butterfat, respectively, transferred from any of his pool plants, and (2) skim milk or butterfat, respectively, received from all other sources;

(c) Add to the shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (1) of this section, the shrinkage on skim milk or butterfat, respectively, transferred from the handler's pool plant(s) to his nonpool plant(s) computed pursuant to paragraph (b) of this section; and

(d) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (c) of this section between that in milk received from producers and in other source milk at his pool plants, after deducting from the total receipts therein the receipts from pool plants other than his own.

§ 975.53 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified as follows:

(a) As Class I milk if transferred as any item listed in paragraph (a) (1) of § 975.51, and as Class II milk if transferred as cream, to the pool plant of another handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer was made: *Provided,* That if either or both pool plants have received other source milk, such transfers shall be classified by the

market administrator at both plants so as to return the highest-valued class utilization to milk of producers: *Provided further*, That if transfers are made from a pool plant to more than one other pool plant any other source milk involved in such transfers shall be prorated by the market administrator among the transferee pool plants on the basis of the percentage which the other source milk transferred bears to the total quantity of transfers made pursuant to this subparagraph from the transferor plant.

(b) As Class I milk if transferred as any item listed in paragraph (a) (1) of § 975.51 and as Class II milk if transferred as cream, to a nonpool plant (except a plant described in paragraph (a) (2) of § 975.51), unless (1) other utilization is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 8th day after the end of the delivery period within which such transfer was made, (2) the receiver maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available to the market administrator for audit, and (3) such receiving plant had actually used not less than an equivalent amount of skim milk or butterfat in the use indicated in such statement: *Provided*, That if such nonpool plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining pounds shall be classified in the next lower-priced available class of utilization as if the classes of utilization set forth in § 975.51 were applicable to such nonpool plants; or

(c) As Class I milk if transferred as bulk milk and as Class II milk if transferred as bulk cream to (1) a manufacturer of soup, candy or bakery products for use in such manufacturing operations, or (2) any retail establishment which disposes of milk in fluid form.

§ 975.54 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that classified pursuant to paragraph (a) (2) of § 975.51) in one class shall be reclassified if used or reused by such handler or by another handler in another class: *Provided*, That skim milk and butterfat used to produce cream may be reclassified to Class III milk if such cream is disposed of to a nonhandler and used by such nonhandler in the manufacture of butter and the receiver complies with the requirements of paragraph (b) (2) and (3) (except the proviso) of § 975.53.

§ 975.55 *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 975.56 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class III milk (other than butterfat in butter), the pounds of butterfat shrinkage allowed pursuant to paragraph (c) (2) of § 975.51;

(b) For the delivery periods of October, November, December, and January, subtract from the pounds of butterfat in Class I milk, the smaller of the following:

(1) The pounds, if any, by which the butterfat in milk received from producers and pool plants is less than 110 percent of the pounds of butterfat in such handler's milk, skim milk, buttermilk, flavored milk and flavored milk drink classified as Class I milk (exclusive of any reconstituted skim milk) pursuant to paragraph (a) (1) of § 975.51, not including such Class I milk transferred to pool plants or to nonpool plants; or

(2) The pounds of butterfat in other source milk received.

(c) Subtract from the pounds of butterfat in other source milk, the pounds deducted pursuant to paragraph (b) of this section;

(d) Subtract from the pounds of butterfat remaining in each class, after making the deduction pursuant to paragraph (b) of this section, in series beginning with the lowest-priced utilization, the pounds of butterfat remaining in other source milk after making the deduction pursuant to paragraph (c) of this section;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from other handlers in such classes pursuant to § 975.53; and

(f) Add to the remaining pounds of butterfat in Class III milk (other than butterfat in butter), the pounds subtracted pursuant to paragraph (a) of this section; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

§ 975.57 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 975.56.

MINIMUM PRICES

§ 975.60 *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I milk price for each delivery period, pursuant to § 975.61, shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

Company and Location
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight resulting from the following formula:

(1) Multiply by 6 the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the delivery period as reported by the Department of Agriculture for the Chicago market.

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wis., for the trading days that fall within the delivery period.

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5.

(c) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average price of butter as computed in paragraph (b) (1) of this section, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the delivery period by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 975.61 *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during the delivery period, which is classified as Class I milk, shall be as follows as computed by the market administrator:

(a) Add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.85
March, April, July, August	1.00
January, February, September, October, November, December	1.15

(b) The price of butterfat shall be the amount obtained in paragraph (a) of this section multiplied by 20: *Provided*, That in no event shall the price of butterfat pursuant to this subparagraph be less than the price of butterfat computed pursuant to paragraph (a) of § 975.62.

(c) The price of skim milk shall be computed by (1) multiplying the price of butterfat pursuant to paragraph (b) of this section by 0.035; (2) subtracting such amount from the amount obtained in paragraph (a) of this section; (3) dividing such net amount by 0.965; and (4) rounding off to the nearest full cent.

§ 975.62 *Class II milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during the delivery period, which is classified as Class II milk, shall be as follows as computed by the market administrator:

(a) The price of butterfat shall be the average price of butter as computed pursuant to paragraph (b) (1) of § 975.60 multiplied by 125: *Provided*, That the price per hundredweight of butterfat used to produce ice cream or ice cream mix shall be the Class III price for butterfat.

(b) The price of skim milk shall be the simple average (using the midpoint of any price range as one price) of the carlot prices per pound of spray process nonfat dry milk solids in barrels for human consumption at Chicago for the weeks ending within the delivery period as reported by the Department of Agriculture, less 5.5 cents, multiplied by 8.5.

§ 975.63 *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association during the delivery period, which is classified as Class III milk, shall be as follows, as computed by the market administrator:

(a) The price per hundredweight of butterfat shall be the average price of butter as computed pursuant to paragraph (b) (1) of § 975.60 multiplied by 120: *Provided*, That the price per hundredweight of butterfat used to produce butter or contained in shrinkage pursuant to paragraph (c) (2) of § 975.51 shall be such price less $5.00.

(b) The price per hundredweight of skim milk shall be the weighted average of the carlot prices per pound of roller process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for the delivery period by the Department of Agriculture less 5.5 cents, multiplied by 8.5: *Provided*, That the price of skim milk used to produce evaporated or condensed milk (or skim milk) in hermetically sealed cans shall be determined by (1) subtracting 8 cents from the price computed pursuant to paragraph (a) of § 975.60 and then subtracting an amount computed by multiplying by 0.035 the price of butterfat computed prior to the proviso in paragraph (a) of this section, and (2) dividing the result so obtained by 0.965.

DETERMINATION OF UNIFORM PRICE

§ 975.70 *Computation of pool value for each handler operating a pool plant.* Subject to the location adjustment provided by § 975.71, the pool value for each delivery period for each handler operating a pool plant shall be a sum of money computed by the market administrator by multiplying by the applicable prices for skim milk and butterfat in each class pursuant to §§ 975.61, 975.62 and 975.63 the skim milk and butterfat in milk received from producers according to their classification pursuant to §§ 975.56 and 975.57, and adding together the resulting amounts: *Provided*, That if such handler, after subtracting all receipts of skim milk and butterfat, respectively, other than in milk received from producers has a utilization of skim milk or butterfat greater than has been accounted for in milk received from producers, there shall be added a further amount equal to the quantity of such excess of skim milk or butterfat multiplied by the applicable prices: *And provided also*, That such handler shall be credited at the difference between the applicable class prices for skim milk and butterfat and the highest of the Class III prices for skim milk and butterfat, respectively, with respect to milk or cream disposed of in fluid form during April, May, June, or July, to a manufacturer of soup, candy, or bakery products for use in such manufacturing operations.

§ 975.71 *Location adjustments to handlers.* With respect to the actual weight of (a) milk, cream, or any other item named in Class I milk and Class II milk which is moved directly to the marketing area from a pool plant located outside the marketing area, and (b) Class I milk and Class II milk disposed of outside the marketing area from a pool plant so located, there shall be deducted, in the computation of the handler's pool value, the following amount per hundredweight thereof applicable for the location of such plant by shortest highway distance from the Public Square in Cleveland, Ohio, such distance to be determined by the market administrator:

Mileage zone	*Cents per hundredweight*
Not more than 30 miles	0
More than 30 miles but not more than 45 miles	15
More than 45 miles but not more than 60 miles	17
More than 60 miles but not more than 75 miles	19
More than 75 miles but not more than 90 miles	21
Within each 15-mile zone thereafter an additional 1 cent.	

Provided, That such adjustment shall be limited to an amount of milk, cream, or other item so moved which could be derived from the milk received from producers at such plant.

§ 975.72 *Obligation to the producer-settlement fund for certain handlers operating nonpool plants.* (a) For each delivery period the obligation to the producer-settlement fund for each handler (except a producer-handler) who operates a nonpool plant out of which a route is operated which extends into the marketing area, shall be computed by the market administrator by multiplying by the respective prices for skim milk and butterfat in Class I milk the total pounds of skim milk and butterfat disposed of as milk, skim milk, buttermilk, flavored milk, or flavored milk drink within such delivery period on each such route, and subtracting therefrom an amount computed by multiplying such volume of skim milk and butterfat by the higher of the prices for skim milk and butterfat, respectively, in Class III milk.

(b) For each delivery period, the obligation to the producer-settlement fund for each handler who operates a nonpool plant and supplies milk, skim milk, buttermilk, flavored milk, or flavored milk drink to a plant designated as a pool plant pursuant to paragraph (a) of §975.30, which latter plant received within such delivery period less than 50 percent of its total receipts of skim milk and butterfat from producers or from other pool plants, shall be computed by the market administrator by multiplying by the difference between the respective prices for skim milk and butterfat in Class I milk and Class III milk, the amount of such receipts from such nonpool plant which are Class I milk at the receiving pool plant.

§ 975.73 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content, f. o. b. the marketing area, received from producers by:

(a) Combining into one total the pool values computed under § 975.70 for all handlers who reported pursuant to § 975.40 for such delivery period, except those in default in payments required pursuant to § 975.84 for the preceding delivery period;

(b) Adding an amount representing the monies received in payment of obligations computed under § 975.72;

(c) Adding the aggregate of the values of all allowable location adjustments computed at the maximum rates for the appropriate zones as set forth in § 975.81;

(d) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Subtracting, if the weighted average butterfat test of all milk received from producers represented by the values included in paragraph (a) of this section is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total hundredweight of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 975.82 multiplied by 1,000;

(f) Dividing by the hundredweight of milk received from producers represented by the values included in paragraph (a) of this section; and

(g) Subtracting not less than 4 cents nor more than 5 cents.

§ 975.74 *Notification.* The market administrator shall notify:

(a) On or before the 14th day after the end of each delivery period, each handler who operates a pool plant of:

(1) The amounts and pool values of his skim milk and butterfat in each class and the totals of such amounts and values;

(2) The uniform price;

(3) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(4) The totals of the minimum amounts to be paid by such handler pursuant to §§ 975.80, 975.84, 975.86, 975.87, 975.88 and 975.89.

(b) On or before the 14th day after the end of each delivery period each handler described in § 975.7 (b) of:

(1) The pounds of his skim milk and butterfat in milk, skim milk, buttermilk, flavored milk, and flavored milk drink subject to the provisions of this section; and

(2) The amount due the producer-settlement fund from each such handler.

PAYMENTS

§ 975.80 *Time and method of payment.* (a) Except as provided by paragraph (b) of this section, on or before the 20th day after the end of each delivery period, each handler (except a cooperative association) shall pay each producer for milk received from him within such delivery period, not less than an amount of money computed by multiplying the total pounds of such milk by the uniform price, less the location adjustment pursuant to § 975.81 and adjusted by the butterfat differential pursuant to § 975.82: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 975.85 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 19th day after the end of each delivery period, each handler shall pay a cooperative association not a handler, with respect to milk of producers for which it has received written authorization to collect payment, a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to paragraph (a) of this section.

(c) On or before the 15th day after the end of each delivery period, each handler shall pay a cooperative association which is a handler, with respect to skim milk and butterfat received by him from a pool plant operated by such cooperative association, not less than an amount computed by multiplying the minimum prices for skim milk and butterfat, respectively, in each class, subject to the applicable location adjustment provided by § 975.71, by the hundredweight of skim milk and butterfat, respectively, in each class pursuant to §§ 975.56 and 975.57.

§ 975.81 *Location adjustments to producers.* In making payments pursuant to paragraphs (a) and (b) of § 975.80 a handler may deduct, with respect to all milk received from producers at a plant located outside the marketing area, not more than the following respective amount per hundredweight of milk applicable for the location of such plant by shortest highway distance from the Public Square in Cleveland, Ohio, such distance to be determined by the market administrator:

Mileage zone	Cents per hundredweight
Not more than 30 miles	0
More than 30 miles but not more than 45 miles	15
More than 45 miles but not more than 60 miles	17
More than 60 miles but not more than 75 miles	19
More than 75 miles but not more than 90 miles	21

Within each 15-mile zone thereafter an additional 1 cent.

§ 975.82 *Butterfat differential.* In making payments pursuant to paragraphs (a) and (b) of § 975.80 there shall be added to or subtracted from, the uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat content in milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Multiply the hundredweight of butterfat in each class computed pursuant to § 975.56 by the applicable minimum price for butterfat in such class computed pursuant to §§ 975.61, 975.62 and 975.63;

(b) Add into one total the butterfat values obtained in paragraph (a) of this section and divide such total by the total hundredweight of butterfat in all classes computed pursuant to § 975.56 to determine a weighted average price for butterfat;

(c) Subtract from the weighted average price per hundredweight of butterfat computed in paragraph (b) of this section a weighted average price per hundredweight of skim milk computed as follows:

(1) Multiply the hundredweight of skim milk computed in each class pursuant to § 975.57 by the respective minimum price for skim milk in such class computed pursuant to §§ 975.61, 975.62 and 975.63; and

(2) Add into one total the skim milk values so obtained for all classes and divide such total by the total hundredweight of skim milk in all classes computed pursuant to § 975.57; and

(d) Divide by 1,000 the price of butterfat resulting pursuant to paragraph (c) of this section and round off to the nearest tenth of a cent.

§ 975.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund," into which he shall deposit all payments made pursuant to § 975.84 and out of which he shall make all payments pursuant to § 975.85.

§ 975.84 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period, each handler:

(a) Whose pool value is required to be computed pursuant to § 975.70, shall pay to the market administrator the amount by which such pool value for such delivery period is greater than the total minimum amount required to be paid by him pursuant to paragraphs (a) and (b) of § 975.80; and

(b) Whose obligation is required to be computed pursuant to § 975.72, shall pay to the market administrator such obligation for such delivery period.

§ 975.85 *Payments out of the producer-settlement fund.* On or before the 18th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which such handler's pool value pursuant to § 975.70 is less than the total minimum amount required to be paid by him pursuant to paragraphs (a) and (b) of § 975.80, less any unpaid obligations of such handler to the market administrator pursuant to §§ 975.84, 975.86, 975.87, or 975.89. *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 975.86 *Expense of administration.* As his prorata share of the expense incurred pursuant to paragraph (d) of § 975.22, each handler shall pay the market administrator on or before the 16th day after the end of each delivery period, three cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of such delivery period, with respect to all receipts within the delivery period, of milk from producers at pool plants (including such handler's own production), of other source milk at pool plants, except that used in the manufacture of ice cream or ice cream mix, and of other source milk on which payment is required pursuant to § 975.72: *Provided,* That such payment shall not be made with respect to any milk subject to a payment required under the provision for expense of administration of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area.

§ 975.87 *Marketing services.* Except as set forth in § 975.88 each handler in making payments to producers pursuant to paragraphs (a) and (b) of § 975.80, with respect to all milk received from each producer (except milk of such handler's own production) at a plant, not operated by a cooperative association of which such producer is a member, shall deduct four cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of each delivery period; and, on or before the 16th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him.

§ 975.88 *Cooperative association.* In the case of producers whose milk is received at a plant, not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in § 975.87, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in § 975.87, such deductions from payments required pursuant to paragraphs (a) and (b) of § 975.80 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of each delivery period to the cooperative association rendering such services of which such producers are members.

§ 975.89 *Adjustment of accounts.*—(a) *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 975.84, 975.85, 975.86, 975.87, 975.88 or 975.89 (a) shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

MISCELLANEOUS PROVISIONS

§ 975.90 *Application of provisions.*—(a) *Exempt milk.* Milk received at a plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

(b) *Milk caused to be delivered by cooperative associations.* Milk referred to herein as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association which is not a handler and which is authorized to collect payment for such milk.

§ 975.91 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 975.92 *Suspension or termination.* The Secretary shall, whenever he finds that this order, or any provision thereof, obstructs or does not tend to effecuate the declared policy of the act, terminate or suspend the operation of this order or any such provision thereof.

§ 975.93 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 975.94 *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 975.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 975.96 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

§ 975.97 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers; the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Issued at Washington, D. C., this 28th day of August 1950, to be effective on and after the 1st day of October 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7644; Filed, Aug. 30, 1950; 8:52 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

REVISION OF REGULATIONS

The Bureau of Employment Security having been transferred from the Federal Security Agency to the Department of Labor by the President's Reorganization Plan No. 2 of 1949, effective August 19, 1949, the procedures and regulations issued by the Social Security Administration of the Federal Security Agency and contained in Parts 601, 602, 603 and 604 of 20 CFR, Chapter V, are hereby repub-

lished with appropriate changes in the references to federal officers and agencies. Former §§ 601.9 and 601.10 are hereby rescinded as obsolete and subsequent sections renumbered. While no changes have been made in Part 604, it is republished for the sake of convenience. Part 605 is rescinded as obsolete.

Part
601 Administrative procedure.
602 Cooperation of United States Employment Service and States in establishing and maintaining a national system of public employment offices.
603 Instructions to State agencies for preparation and submittal of State plan of operation under the Wagner-Peyser Act.
604 Policies of the United States Employment Service.

PART 601—ADMINISTRATIVE PROCEDURE

SUBPART A—APPROVAL, CERTIFICATION AND FINDINGS WITH RESPECT TO STATE LAWS AND PLANS OF OPERATION FOR NORMAL AND ADDITIONAL TAX CREDIT AND GRANT PURPOSES

Sec.
601.1 General.
601.2 Approval of State unemployment compensation laws.
601.3 Findings with respect to State laws and plans of operation.
601.4 Certification for tax credit.
601.5 Withholding payments and certifications.

SUBPART B—GRANTS, ADVANCES AND AUDITS

601.6 Grants for administration of unemployment insurance and employment service.
601.7 Request for funds for servicemen's readjustment allowance program.
601.8 Agreement with Postmaster General.
601.9 Audits.

AUTHORITY: §§ 601.1 to 601.9 issued under sec. 1102, 49 Stat. 647, and sec. 12, 48 Stat. 117, 42 U. S. C. 1302, 29 U. S. C. 49k. Interpret or apply 49 Stat. 626, as amended, 53 Stat. 183, as amended, 48 Stat. 113, as amended; 42 U. S. C. 501–503, 26 U. S. C. 1600–1611, 29 U. S. C. 49–491.

SUBPART A—APPROVAL, CERTIFICATION AND FINDINGS WITH RESPECT TO STATE LAWS AND PLANS OF OPERATION FOR NORMAL AND ADDITIONAL TAX CREDIT AND GRANT PURPOSES

§ 601.1 *General.* State unemployment compensation laws are approved and certified as provided in section 1603 of the Internal Revenue Code; findings are made regarding reduced rates permitted by a State law (section 1602 (a) of the Internal Revenue Code) and such laws are certified as provided in section 1602 (b); findings are made regarding the inclusion of specified provisions (section 303 (a) of the Social Security Act) in State laws approved under section 1603 (a) of the Internal Revenue Code; findings are made whether the States have accepted the provisions of the Wagner-Peyser Act and whether their plans of operation for public employment offices comply with the provisions of said Act.

Normal and additional tax credit is given to taxpayers against taxes imposed by section 1600 of the Internal Revenue Code.

Grants of funds are made to States for administration of their employment security laws if their unemployment compensation laws and their plans of operation for public employment offices meet required conditions of Federal law. (Section 303 (a) of the Social Security Act; section 1603 (a) of the Internal Revenue Code; sections 6, 7 and 8 of the Wagner-Peyser Act.)

§ 601.2 *Approval of State unemployment compensation laws.* States may at their option submit their unemployment compensation laws for approval (section 1603 (a) of the Internal Revenue Code).

(a) *Submission.* The States submit to the Regional Representative of the Bureau of Employment Security four copies of the State unemployment compensation law, properly certified by an authorized State official to be true and complete, together with a written request for approval.

(b) *Review of State law.* The Regional Representative reviews the State law and forwards three copies to the central office of the Bureau with his comments. The Bureau reviews the Regional Representative's comments and analyzes the State law from the standpoint of the requirements of section 1603 (a) of the Internal Revenue Code.

(c) *Approval.* The Secretary of Labor determines whether the State law contains the provisions required by section 1603 (a) of the Internal Revenue Code. If the State law is approved, the Secretary notifies the Governor of the State within 30 days of the submission of such law.

(d) *Certification.* On December 31 of each taxable year the Secretary of Labor certifies, for the purposes of normal tax credit (section 1601 (a) (1) of the Internal Revenue Code), to the Secretary of the Treasury each State the law of which he has previously approved. (See also § 601.5.)

§ 601.3 *Findings with respect to State laws and plans of operation.* For purposes of grants, findings are made regarding the inclusion in State unemployment compensation laws, approved under section 1603 (a) of the Internal Revenue Code, of provisions required by section 303 (a) of the Social Security Act (see § 601.2); findings are also made whether a State has accepted the provisions of the Wagner-Peyser Act and whether its plan of operation for public employment offices complies with the provisions of said act. For purposes of additional tax credit, findings are made regarding reduced rates of contributions permitted by the State law (section 1602 (a) (1) of the Internal Revenue Code).

So that the Secretary of Labor may be enabled to determine the status of State laws and plans of operation, all relevant State materials, such as statutes, executive and administrative orders, legal opinions, rules, regulations, interpretations, court decisions, etc., are required to be submitted currently.

(a) *Submission.* The States submit currently to the Regional Representative four copies of relevant State material, properly certified by an authorized State official to be true and complete.

(b) *Review.* The Regional Representative reviews the State material and forwards three copies to the central office of the Bureau with his comments. The Bureau reviews the material from the standpoint of its conformity with section 303 (a) of the Social Security Act; section 1603 (a) of the Internal Revenue Code; sections 6, 7 and 8 of the Wagner-Peyser Act.)

§ 601.2 *Approval of State unemployment compensation laws.* States may at their option submit their unemployment compensation laws for approval (section 1603 (a) of the Internal Revenue Code).

(a) *Submission.* The States submit to the Regional Representative of the Bureau of Employment Security four copies of the State unemployment compensation law, properly certified by an authorized State official to be true and complete, together with a written request for approval.

(b) *Review of State law.* The Regional Representative reviews the State law and forwards three copies to the central office of the Bureau with his comments. The Bureau reviews

(b) "State" includes the several States, the District of Columbia and the Territories of Alaska and Hawaii.

(c) "State agency" means the agency designated under section 4 of the Wagner-Peyser Act as the agency to cooperate with the United States Employment Service.

(d) "State Director" means the individual responsible, subject to the overall direction and supervision of the chief official of the State agency or department in which the State service is located, for the proper and efficient administration of the State-wide system of public employment offices.

(e) "The United States Employment Service" means the Bureau in the Department of Labor established pursuant to the Wagner-Peyser Act.

(f) "Director of the United States Employment Service" means the chief official of the United States Employment Service, responsible, subject to the supervision of the Secretary of Labor for the administration of the Bureau in the Department of Labor known as the United States Employment Service.

(g) "State Veterans' Employment Representative" means the individual assigned by the United States Employment Service to each State public employment service system, who is administratively responsible to the Chief of the Veterans' Employment Service of the United States Employment Service, for the execution, through the public employment service in the State, of the policies of the Secretary of Labor.

§ 602.2 *Placement services*—(a) *Functions.* Each State agency shall maintain, through its State and local employment offices, a placement service for the free use of employers, workers, and veterans and for the purpose of assisting employers to secure the number of workers possessing the occupational qualifications such employers require, and of assisting all workers to find promptly, jobs for which they are occupationally qualified and which are most advantageous to them. The State service shall promote the full use of its placement facilities, for the purpose of assuring the maximum of job opportunities for veterans and other workers and the maximum recruitment and placement assistance for employers.

(b) *Referrals in labor dispute situations.* No person shall be referred to a position the filling of which will aid directly or indirectly in filling a job which (1) is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or (2) the filling of which is an issue in a labor dispute. With respect to positions not covered by subparagraph (1) or (2) of this paragraph, any individual may be referred to a place of employment in which a labor dispute exists, provided he is given written notice of such dispute prior to or at the time of his referral.

(c) *Inter-area and interstate clearance of labor.* Each State agency shall cooperate with the United States Employment Service in the interstate recruitment and transfer of workers. Each State agency shall maintain an adequate system for the recruitment and transfer of workers between areas within the State.

(d) *Multi-State labor market areas.* With respect to any single labor market area covering parts of two or more States, the State agencies involved shall establish and maintain adequate arrangements and procedures to assure that workers and employers have full access to job opportunities and the available labor supply within the area, without regard to State boundaries.

§ 602.3 *Employment counseling and selective placement services.* Each State agency shall maintain an adequate local office employment counseling service for veterans and other applicants of employable age. Such employment counseling service shall assist the applicant to evaluate his potential abilities in relation to job requirements and employment opportunities. Local employment offices shall provide such special services and utilize such selective placement techniques as may be necessary to assist handicapped veterans and other applicants to secure employment in occupations which are suited to their physical capacities, interest, and abilities. Local offices shall establish and maintain cooperative relationships with other community and State agencies and organizations for the coordination and mutual improvement of vocational adjustment services. In those States where State boards, departments, or agencies exist which are charged with the administration of State laws for the vocational rehabilitation of handicapped persons, the State agency shall make provision for cooperation with such boards, departments, or agencies.

§ 602.4 *Occupational analysis and industrial services.* Each State agency shall maintain, through its State administrative office and local employment offices, an adequate occupational analysis and industrial service to render assistance in connection with problems which involve the recruitment, selection, assignment, transfer and promotion of workers, with a view to promoting stability of employment and the most effective use of workers' skills and abilities. In connection therewith, each State agency shall cooperate with the United States Employment Service in the development and use of the occupational analysis and related materials of the United States Employment Service.

§ 602.5 *Special service for veterans.* Each State agency shall maintain, through its State administrative office and local employment offices, effective placement and counseling services for veterans, to carry out the provisions of the Wagner-Peyser Act and of Title IV of the Servicemen's Readjustment Act of 1944. In connection therewith, each State agency shall carry out the policies as determined by the Secretary of Labor and promulgated through the United States Employment Service. The State veterans' employment representative shall be consulted on all matters affecting veterans' employment activities and shall be invited to attend staff meetings of the senior employment service staff. Each State agency shall make available adequate and appropriate space and facilities for the representatives of the Veterans' Employment Service located within the State, and shall assure that State and local employment offices cooperate with field personnel of the Veterans' Employment Service. The State Director shall, after consultation with the State veterans' employment representative, designate one or more employees (preferably veterans) in each local employment office as veterans' employment representatives who shall, under the administrative direction of the local office manager, carry out the services and functions prescribed in section 602 of the Servicemen's Readjustment Act of 1944.

§ 602.6 *Labor market information service.* Each State agency shall maintain, through its State administrative office and local employment offices, an effective labor market information service, through which it shall provide for the collection, analysis and public issuance of information on current labor market developments, employment trends and opportunities for employment.

§ 602.7 *Participation in community programs.* Each State agency, through its State administrative office and local employment offices, shall cooperate with other agencies and organizations concerned with employment problems and shall participate in developing programs for increasing employment opportunities and stabilizing employment.

§ 602.8 *Agricultural and related industry placement services.* Beginning January 1, 1948, each State agency, in carrying out the provisions of the Wagner-Peyser Act, shall maintain, through its State administrative office and local employment offices, effective placement services for agricultural and related industry employers and workers, and such services shall include appropriate programs for the intrastate recruitment and transfer of workers and for cooperation with the United States Employment Service in the interstate recruitment and movement of workers.

§ 602.9 *Services and facilities.* Each State agency shall provide in an efficient and effective manner, the public employment services described in §§ 602.2 to 602.8, inclusive, through adequate local employment office facilities. Each State agency shall maintain local employment office facilities of such number, size, and location as may be necessary in view of the population distribution and industrial, agricultural and related industry employment pattern of the State and of communities within the State.

§ 602.10 *Organization*—(a) *Official name.* The official name of the State-wide system of public employment offices and the name on all official signs, stationery and documents used in connection with the State-wide system of public employment offices shall be "_____ State Employment Service" to which shall be added the words "Affiliated with the United States Employment Service."

(b) *State Director.* Each State-wide system of public employment offices shall be under the supervision and direction of a State Director who shall devote his full time to employment service activities and other designated activities which are closely related to, and will not impede the proper and efficient administration of, employment service activities.

(c) *Local managers.* Each local public employment office shall, with respect to all its employment service activities, be under the direction and supervision of a local office manager, who shall be responsible to the State Director for the proper and efficient administration of the employment service activities performed in such local office, and may be responsible for other designated activities in the local office which are closely related to and will not impede the proper and efficient administration of, the employment service activities of a local employment office.

(d) *Unemployment compensation claims activities.* For the purposes of this section, the taking of unemployment compensation claims (but not the making of decisions on or the payment of such claims) shall be deemed activities which are closely related to and do not impede the proper and efficient administration of employment service activities.

(e) *Maintenance of employment service activities in local offices.* Under emergency circumstances, personnel required for the performance of local office employment service functions may assist in the performance of unemployment compensation claims activities for limited periods of time but only if the rendition of such assistance will not impede the proper and efficient performance of employment service activities. Under emergency circumstances and for limited periods of time the services of unemployment compensation personnel in local offices may be accepted to assist in the performance of local office employment service activities.

(f) *Other forms of administrative organization or divisions of administrative responsibility.* Notwithstanding the other provisions of this part relating to forms of administrative organization and divisions of administrative responsibility, the Director of the United States Employment Service may approve other forms of administrative organization and divisions of administrative responsibility, which he finds are reasonably calculated to carry out the purposes of the Wagner-Peyser Act and maintain the identity of the State-wide system of public employment offices as a part of the Nation-wide system of public employment offices.

§ 602.11 *Arrangements between United States Employment Service and related Federal agencies.* The Director of the United States Employment Service is authorized to enter into appropriate arrangements with other Federal agencies for the coordination of activities and the exchange of services which relate to the purposes and program of the Federal-State cooperative national system of public employment offices provided for in this Chapter. Each State agency shall comply with and carry out such arrangements.

§ 602.12 *Manual of instructions.* The Director of the United States Employment Service shall provide the States with a comprehensive guide on all matters pertinent to the Federal-State cooperative program for the maintenance of a national system of public employment offices, to be included in the Employment Security Manual.

§ 602.13 *Personnel administration.* Each State shall maintain, with respect to personnel employed in the State system of public employment offices, a merit system of personnel administration which complies with the Bureau of Employment Security "Standards for a Merit System of Personnel Administration."

§ 602.14 *Fiscal affairs.* Each State agency shall comply with the Bureau of Employment Security Fiscal Standards, set forth in Part IV of the Employment Security Manual.

§ 602.15 *Advisory councils.* Each State agency shall maintain a State advisory council constituted in the manner and for the purpose described in section 11 (a) of the Wagner-Peyser Act, and shall maintain local advisory councils, in such communities and constituted in such manner as the State agency deems necessary to promote and assist in the carrying out of the services and activities described in those regulations.

§ 602.16 *Confidential character of records.* Each State agency shall assure that all information contained in the records of the State employment service and secured from workers, employers or other persons or groups as an incident to the State public employment service program, is used solely for the purpose of administering the State system of public employment offices as part of a national system of public employment offices, except that such information may be disclosed for other purposes in accordance with policies promulgated by the Director of the United States Employment Service to assure that such disclosures will not impede the operation of or be inconsistent with the purposes of the public employment service program.

§ 602.17 *Reports and studies.* Each State agency shall file with the United States Employment Service and keep current, such information and reports on local labor market conditions and the State agency's operations, activities, workload and expenditures as the Director of the United States Employment Service may from time to time require to carry out the provisions of the Wagner-Peyser Act, and in connection therewith, shall maintain the procedures and programs and carry out the instructions set forth in Part III of the Employment Security Manual and such other instructions as the Director of the United States Employment Service may from time to time approve. Each State agency shall cooperate in the making of such studies, surveys and investigations by the Director of the United States Employment Service or his representatives, and in the carrying out of such studies, procedures and programs, as the Director of the United States Employment Service from time to time finds necessary to carry out the Wagner-Peyser Act.

§ 602.18 *State plans of operation.* Each State desiring to receive the benefits of the Wagner-Peyser Act shall submit detailed plans for carrying out the provisions of the act in accordance with United States Employment Service "Instructions to State Agencies for Preparation and Submittal of State Plan(s) of Operation Under the Wagner-Peyser Act" prescribed by the Secretary of Labor. If such plans are found in compliance with this section, they shall be approved and due notice thereof communicated to the State agency.

§ 602.19 *Delegation of authority.* The Director of the Bureau of Employment Security is hereby authorized, except as otherwise provided in Parts 602, 603 and 604 of this chapter, to issue any standard or instruction or take any other action provided for in Parts 602, 603 and 604 of this chapter and to further delegate any authority so delegated to him.

§ 602.20 *Amounts and purposes of grants.* Grants to States under the act of June 6, 1933 (48 Stat. 113), as amended, shall be in such amounts and shall be available for expenditure for such purposes as are determined to be necessary for the proper and efficient administration of the State-wide system of public employment offices as part of the national public employment office system, in accordance with the provisions of the Wagner-Peyser Act, and such instructions as may be issued from time to time thereunder.

§ 602.21 *Notice and opportunity for hearing to State agency prior to withdrawal of Federal funds.* Whenever the Secretary of Labor has reason to believe that in the administration of a State-wide system of public employment offices (a) there has occurred a substantial failure to comply with the State's detailed plan of operations as approved under the Wagner-Peyser Act, or (b) the cooperating State agency has not expended the moneys paid to it in accordance with the provisions of said Act, the Secretary shall give the Governor of the State a written notice which shall state specifically wherein the State has failed to comply or failed properly to expend. The Secretary shall give notice of the time and place of the hearing to the State agency and shall afford the State agency a reasonable opportunity to appear and be heard. The Secretary shall make the necessary determination or finding on the basis of the record of the hearing. A notice of the Secretary's determination or finding shall be sent to the State employment security agency.

PART 603—INSTRUCTIONS TO STATE AGENCIES FOR PREPARATION AND SUBMITTAL OF STATE PLAN OF OPERATION UNDER THE WAGNER-PEYSER ACT

SUBPART A—LETTER OF TRANSMITTAL

Sec.
603.101 Request for approval.
603.102 List of documents.
603.103 Amendments of the plan.
603.104 Signature.

SUBPART B—LEGAL MATERIAL

Sec.
603.201 Opinion of the State Attorney General.
603.202 Organization and enabling laws.
603.203 Fiscal laws.
603.204 Personnel laws.

SUBPART C—ORGANIZATION

603.301 Official name.
603.302 Organization of the State agency.
603.303 Description of functions.
603.304 Local office organization.
603.305 Description of functions and activities.
603.306 Area office organization.
603.307 Description of responsibilities.
603.308 Location of local offices and itinerant points.
603.309 State and local advisory councils.

SUBPART D—ACTION TAKEN TO CARRY OUT UNITED STATES EMPLOYMENT SERVICE REGULATIONS

603.401 Effectuation of regulations.

SUBPART E—PROGRAM

603.501 Nature of program of the State agency.
603.502 Operating instructions.
603.503 Inter-State labor market areas.
603.504 Inter-State clearance of labor.
603.505 Agreement with the State vocational rehabilitation agency.
603.506 Agricultural and related industry placement.
603.507 Provision for field supervision and evaluation of local employment offices.
603.508 Staff training policy and program.
603.509 State program for handicapped workers and other special applicant groups.

SUBPART F—SERVICE TO VETERANS

603.601 Effectuation of special services for veterans.

SUBPART G—LABOR MARKET, OPERATING AND ACTIVITY REPORTING

603.701 Maintenance of reporting requirements.

SUBPART H—INSTRUCTIONS AND TRAINING MATERIALS

603.801 Inclusion of United States Employment Service offices on mailing lists.

SUBPART I—PERSONNEL ADMINISTRATION

603.901 Merit system plan.
603.902 Documentation.
603.903 Personnel reports.

SUBPART J—FISCAL ADMINISTRATION

603.1001 Budget.
603.1002 Fiscal standards.

AUTHORITY: §§ 603.101 to 603.1002 issued under sec. 12, 48 Stat. 117; 29 U. S. C. 49k. Interpret or apply 48 Stat. 113, as amended, 58 Stat. 293, 29 U. S. C. 49–49*l*, 38 U. S. C. 695–695f.

SUBPART A—LETTER OF TRANSMITTAL

§ 603.101 *Request for approval.* The letter should state that the accompanying statements and attachments are submitted as a Plan of Operation, pursuant to the provisions of the Wagner-Peyser Act, as amended. The Director should be requested to approve the plan as submitted and to so notify the State agency.

§ 603.102 *List of documents.* The letter should list each section of the plan and the documents being submitted thereunder.

§ 603.103 *Amendments of the plan.* The letter should state that the plan is submitted as a continuing plan, should designate the effective date and certify that the plan will be kept current by the submission for incorporation in the plan of necessary amendatory materials.

§ 603.104 *Signature.* The letter should bear the signature and title of the State official or officials authorized under the State law to submit the plan of operation.

SUBPART B—LEGAL MATERIAL

§ 603.201 *Opinion of the State Attorney General.* The legal material must include an opinion of the State Attorney General or other appropriate State official stating that the State statutes authorize the State agency to submit the plan and administer the State employment service, in accordance with the Act of June 6, 1933 (48 Stat. 113) as amended and Title IV of the Servicemen's Readjustment Act of 1944 as amended.

(a) *Nature of other legal materials.* Legal material submitted as a part of the plan should include constitutional and statutory provisions, proclamations, executive orders, administrative orders, rules and regulations, court decisions, legal opinions and any other materials which constitute or determine the legal basis for the plan. The legal material must include the State statute accepting the Wagner-Peyser Act and creating the State agency to administer the Statewide system of public employment offices in cooperation with the United States Employment Service. The legal material should also include legislation creating the Department or Agency of State Government in which the State public employment office system is located.

(b) *Certification of documents.* At least one copy of each submittal described above should bear the written signature or printed authentication of the Secretary of State or other official authorized to certify as to the accuracy of copies of the particular type of document.

(c) *New legal material.* All legal materials should be kept current. Any newly adopted legal material, and any rescission or amendment of legal material previously incorporated in the plan, should be submitted currently, for approval as a part of the plan. Each new item of legal material should be accompanied by a statement identifying the previously incorporated legal material, including the page and section of the plan where it occurs, which the new legal material amends or renders obsolete.

(d) *Court decisions and legal opinions.* When any legal opinions affecting any part of the plan are rendered, they should be submitted promptly. Opinions of appropriate State officials will be requested, for incorporation in the plan, when the intent of a statute or constitutional provision is not clear or if there is any question as to the authority of an agency to issue a rule or regulation or take any other action provided for in the plan.

The plan should include any judicial interpretation or other amplification of existing law by a court, which in any way affects the powers, functions or activities of any State agency with respect to any provisions of the plan. The Bureau of Employment Security Regional Representative should be kept currently informed of any legislative or judicial proceedings involving a legal issue of substantial consequence to any part of the plan.

(e) *Classification of legal material.* For purposes of convenience the legal materials in the plan should be classified into three sections, captioned:

(1) Organization and enabling laws,
(2) Fiscal laws, and
(3) Personnel laws.

§ 603.202 *Organization and enabling laws.* Organization and enabling laws include constitutional, statutory and administrative legal materials relating to the establishment of the State agency and its program, accepting the provisions of the Wagner-Peyser Act, defining the relationships between the State agency and the department or other agency of State Government in which it is located, and constituting the legal authority for the material required under all provisions of the plan which cannot appropriately be classified as fiscal laws or personnel laws.

§ 603.203 *Fiscal laws.* Fiscal laws include constitutional, statutory and administrative legal materials relating to or governing the fiscal activities of the State agency, including such matters as budget procedures, bonding, fiscal controls (irrespective of by whom exercised), disbursements, accounting and auditing.

§ 603.204 *Personnel laws.* Personnel laws include all constitutional, statutory and administrative legal materials relating to civil service, merit system administration, classification and compensation plans, residence requirements, veterans preferences, and all other matters governing personnel administration applicable to the State agency and its personnel.

SUBPART C—ORGANIZATION

§ 603.301 *Official name.* Submit a statement giving the official name of the State employment service as used on all official signs, stationery, and documents.

§ 603.302 *Organization of the State agency.* Submit a chart showing the organization of the State employment service. The chart should show the manner in which authority and responsibility are delegated from the chief executive of the State agency, through intermediate areas of supervision, to the smallest group having a permanently assigned supervisor whose activities relate to employment service operations. The chart should show every organizational unit within the State agency which renders a service to the State employment service. In this chart, the organization structure within local employment offices need not be shown, but the line of administrative authority over local offices should be shown. The chart should also show the staff, if any, assigned to the area, district or field supervisors. The chart should also show the position and relationships of the

State Veterans Employment Representative (of the Veterans Employment Service of the United States Employment Service) in the State employment service organization.

§ 603.303 *Description of functions.* Supplement the chart with a statement describing the specific employment service function performed by each organizational unit illustrated on the organizational chart.

A revised chart and statement should be submitted for approval as part of the plan, whenever the functions or responsibilities of the Employment Service Director are significantly changed.

§ 603.304 *Local office organization.* From time to time the Regional Representative will designate the local employment offices within the State for which organization charts are to be submitted as part of the State plan. Each chart should show the line of authority from the local office manager, through any intervening supervisory levels, to each employee in the local office. Each chart should also show the position and relationship of the local Veterans Employment Representative to the other organizational units in the local office.

§ 603.305 *Description of functions and activities.* Supplement the charts by statements describing the functions or activities performed by each employee or group of employees performing a distinct function or activity. Also indicate specifically the nature of the local office manager's responsibility in relation to unemployment compensation activities and the assignment of these activities to staff under the administrative direction of the local office manager.

§ 603.306 *Area office organization.* If the State includes one or more area offices which administers a metropolitan area in which more than one local office serves the single market, submit an organization chart for a typical area office.

§ 603.307 *Description of responsibilities.* Supplement the chart by a statement describing the responsibilities of the area office and the division of responsibility among separate positions or organizational units in the area office.

§ 603.308 *Location of local offices and itinerant points.* Submit a map of the State showing the location of all local employment offices, the geographic area served by each office, and the location of itinerant points within the geographic area of each office. Show the office numbers on the map and supplement the map by a list showing office number, city and street address of each local office. If no designation is regularly used for itinerant points, designate such points A, B, C, etc., for each office area and include them on the supplementary list. Also indicate on the map the areas into which the State is divided for purposes of field supervision.

Submit a statement amending the State plan each time there is a change affecting the full-time service to any community, either through the opening or closing of a full-time office.

§ 603.309 *State and local advisory councils.* Submit a statement showing the composition of the State Advisory Council when organized, the number of members representing employers, employees and the public, and the frequency of regularly scheduled meetings. Submit the same information for any local advisory councils and any farm labor advisory councils.

SUBPART D—ACTION TAKEN TO CARRY OUT UNITED STATES EMPLOYMENT SERVICE REGULATION

§ 603.401 *Effectuation of regulations.* Submit a statement that the State will comply with and carry out the regulation prescribed by the Secretary of Labor under the Wagner-Peyser Act, (Part 602 of this chapter) and entitled "Cooperation of United States Employment Service and States in Establishing and Maintaining a National System of Public Employment Offices."

SUBPART E—PROGRAM

§ 603.501 *Nature of program of the State agency.* Submit a statement indicating the program or activities which the State agency will carry out, in addition to the national six-point program set forth in §§ 602.2 to 602.7, inclusive, of this chapter.

§ 603.502 *Policies and operating instructions.* (a) Submit a statement that the State will adhere to the basic standards set forth as United States Employment Service Policies in the Employment Security Manual and will maintain procedures necessary to effectively carry out such policies. The statement should indicate one of two types of action by the State agency to make such policies and procedures effective:

(1) The adoption of the Manual as issued by the Bureau of Employment Security as the vehicle for issuing instructions to local offices; or

(2) The issuance of instructions to local offices through a State agency manual or bulletin series.

(b) A revised statement shall be submitted for approval as part of the plan at any time there is a change in the method of issuing instructions to local employment offices.

§ 603.503 *Inter-State labor market areas.* (a) Submit a copy of any arrangement made with an adjoining State or States with respect to a labor market area which includes parts of two or more States.

(b) At any time a new arrangement or a revision in an existing arrangement is made, submit a copy of the new or revised arrangement for incorporation in the plan.

§ 603.504 *Inter-State clearance of labor.* Submit a statement that the State will maintain the procedures and programs set forth in sections 1800 to 1899 of the Employment Security Manual with respect to the inter-State clearance of labor.

§ 603.505 *Agreement with the State vocational rehabilitation agency.* Submit a copy of arrangements made for cooperation between the State employment service and the State boards, departments or agencies charged with the adminstration of State laws for the vocational rehabilitation of handicapped persons. Submit a revised copy for incorporation in the plan at any time there is a revision in any such arrangement.

§ 603.506 *Agricultural and related industry placement.* Describe the State program, beginning January 1, 1948, for meeting the labor requirements of agricultural and related industries making appropriate cross-references to material simultaneously submitted under §§ 603.302 to 603.308, inclusive, which sets forth the organizational and administrative arrangements made to assure the efficient and effective execution of such program.

§ 603.507 *Provision for field supervision and evaluation of local employment offices.* Describe the State program for field supervision designed to maintain adherence to policies and efficiency of Employment Service operations, including therein the nature of such supervision, the manner in which it is exercised, and the methods used to evaluate local office operations.

§ 603.508 *Staff training policy and program.* (a) Submit a statement that the State will make provision to carry out an adequate personnel training program. The statement should indicate one of two types of action by the State Agency to make such program effective:

(1) The adoption of United States Employment Service Employment Office Training Program, Unit 28, as the State statement on staff training policy and program; or

(2) The development and adoption of a State staff training policy and program.

(b) A revised statement shall be submitted for approval as part of the plan at any time the State adopts a policy or program materially different from that described in the previously incorporated statement.

§ 603.509 *State program for handicapped workers and other special applicant groups.* Describe the State program for meeting the needs of handicapped workers and other special applicant groups, including therein the organizational and administrative arrangements made to assure the efficient and effective execution of such program.

SUBPART F—SERVICE TO VETERANS

§ 603.601 *Effectuation of special services for veterans.* Submit a statement that the State will maintain special services for veterans, in accordance with the provisions of the Wagner-Peyser Act, Title IV of the Servicemen's Readjustment Act of 1944, and policies of the Secretary of Labor, and will carry out such organizational and administrative actions as may be necessary in connection therewith.

SUBPART G—LABOR MARKET, OPERATING AND ACTIVITY REPORTING

§ 603.701 *Maintenance of reporting requirements.* Submit a statement that the State reports concerning its operations, employment office activities and information relating to labor supply and

demand within the State, will be made in accordance with Part III of the Employment Security Manual, and such requests as the Director of the United States Employment Service may from time to time approve.

SUBPART H—INSTRUCTIONS AND TRAINING MATERIALS

§ 603.801 *Inclusion of United States Employment Service offices on mailing lists.* Submit a statement that the State agency will include the regional and headquarters offices of the United States Employment Service on all mailing lists, each to receive three copies of all instructions issued to local employment offices and all revisions of United States Employment Service training units or new training materials developed in the State agency.

SUBPART I—PERSONNEL ADMINISTRATION

§ 603.901 *Merit system plan.* Submit a statement that in the State employment service, a system of personnel administration on a merit basis will be carried out in accordance with the Bureau of Employment Security "Standards for a Merit System of Personnel Administration."

§ 603.902 *Documentation.* Submit currently, for approval as a part of the plan, copies of all documents and materials constituting the merit system plan governing the State employment service. To the extent that any of such documents are set forth in the laws, rules and regulations submitted under Part II (Legal), a cross reference to the personnel laws in that part will suffice. In addition, submit copies of the following personnel materials relating to the merit system program for the State employment service:

(a) The classification plan covering all positions concerned with the administration of the Employment Service program. The classification plan should show class specifications, each class title, a description of the duties and responsibilities of all positions in each class, and a statement of the minimum qualifications established for each class in terms of experience, training, knowledges, traits and abilities. Revisions of the classification plan involving significant changes in functional assignments or organizational structure, overall revisions to the total plan, or the establishment of new classes, should be submitted currently for approval as a part of the plan. Other revisions may be cumulated and submitted for incorporation in the plan at the beginning of each quarter.

(b) The compensation plan, showing

(1) Salary ranges for all classes in the classification plan, consisting of minimum, maximum, and intervening steps for each range, and

(2) Methods and procedures for determining individual salaries under such salary schedule, including entrance salary, salary advancements within a given range, and salary adjustments resulting from personnel actions, revisions in the salary range or any overall bonus plan or cost-of-living adjustment.

Revisions in the compensation plan should be submitted currently for approval as a part of the plan.

(c) Appeals materials, showing the types of personnel actions that may be appealed, describing provisions for hearing before an impartial body, and indicating the official or body responsible for final decisions. Revisions in the appeals procedures may be cumulated and submitted quarterly for incorporation in the plan.

(d) Separation and suspension materials, including materials relating to (1) the conditions under which an employee may be separated or suspended, (2) administrative procedures for effecting such action, and (3) data on notification to the employee, showing method, type of notice, and information furnished. In respect to separations resulting from reduction in force, the procedures should show the factors governing, or to be considered in determining, the order of separation. Revisions in separation and suspension procedures, excluding changes in rules and regulations, may be cumulated and submitted quarterly for incorporation in the plan.

§ 603.903 *Personnel reports.* Submit a statement that such regular and special reports will be made concerning personnel administration in the State agency as the Director of the United States Employment Service may from time to time request.

SUBPART J—FISCAL ADMINISTRATION

§ 603.1001 *Budget.* Submit a statement that, upon final approval by the Director of the United States Employment Service, each budget request and any change or adjustment in a budget is to be incorporated as a part of the State plan.

§ 603.1002 *Fiscal standards.* Submit a statement that the State will carry out the Bureau of Employment Security Fiscal Standards, set forth in Part IV of the Employment Security Manual.

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

Sec.

604.1 The placement process.
604.2 Inter-area placement.
604.3 Employment counseling.
604.4 Special service to veterans.
604.5 Agricultural and related industry placement services.
604.6 Service to youth.
604.7 Service to the handicapped.
604.8 Service to minority groups.
604.9 Preparation and use of labor market information.
604.10 Occupational testing.
604.11 Industrial services.
604.12 Community participation.
604.13 Foreign labor.
604.14 Employer relations.
604.15 Information service.
604.16 Disclosure of information.

AUTHORITY: §§ 604.1 to 604.16 issued under section 12, 48 Stat. 117; 29 U. S. C. 49k. Interpret or apply 48 Stat. 113, as amended, 58 Stat. 293; 29 U. S. C. 49–49l, 38 U. S. C. 695–695f.

§ 604.1 *The placement process.* It is the policy of the United States Employment Service:

(a) To accept an application from any applicant, legally qualified to work, without regard to his place of residence, current employment status, or occupational qualifications.

(b) To obtain from an applicant only that information which is necessary to determine his qualifications for employment and facilitate his placement on a job, except that information concerning race will be obtained for reporting purposes.

(c) To classify an applicant in terms of the Dictionary of Occupational Titles on the basis of an evaluation of all of his occupational qualifications as shown by work experience, training, and personal characteristics.

(d) To give priority in selection and referral to qualified veterans and to give disabled veterans priority over other veterans.

(e) To extend no preference in referral to any applicant or group of applicants except in accordance with legal requirements.

(f) To ensure so far as practicable that workers are placed on jobs which utilize their highest skills.

(g) To ensure insofar as practicable that applicants suitably qualified for job openings are referred to employers.

(h) To make no referral as a result of which a charge would be made either to the worker or the employer for filling the job.

(i) To make no referral which will aid directly or indirectly in filling a job:

(1) Which is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or

(2) The filling of which is an issue in a labor dispute; but, with respect to positions not covered by clause 1 or 2 above, an individual may be referred to a place of employment in which a labor dispute exists provided he is given written notice of such dispute prior to or at the time of his referral.

(j) To make no referral to a position where the services to be performed or the terms or conditions of employment are contrary to federal, State, or local law.

(k) To recruit no workers for employment if the wages, hours, or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(l) To give equitable consideration on the basis of qualifications insofar as practicable to all applicants who have indicated their availability for employment without regard to their presence in the office at the time of selection.

§ 604.2 *Inter-area placement.* It is the policy of the United States Employment Service:

(a) To facilitate the mobility of labor by encouraging and guiding necessary migration of workers between geographical areas, and necessary shifts of workers across occupational and industrial lines.

(b) To recruit qualified workers from all practicable local sources before resorting to inter-area recruitment.

(c) To extend for inter-area recruitment only those employer orders on which at least minimum compensation is specified.

(d) To establish immediate areas of recruitment within States when ease of transportation, similiarity of industrial activity and customary migration patterns warrant.

(e) To establish with adjoining States immediate areas of recruitment which cut across boundaries of two or more States.

§ 604.3 *Employment counseling.* It is the policy of the United States Employment Service:

(a) To provide employment counseling service to any applicant of employable age who requires and wishes such assistance in becoming vocationally adjusted.

(b) To limit employment counseling to the provision of information and assistance needed by the applicant to enable him to make a sound vocational plan.

(c) To obtain information concerning the applicant's interests, aptitudes, abilities, and personal characteristics needed to assist him in making a valid vocational choice and plan.

(d) To use tests or techniques for the measurement of aptitudes and interests only when developed or approved by the United States Employment Service.

(e) To provide information concerning a training course or other services for which a fee is charged only when the applicant understands that providing the information does not constitute a recommendation.

(f) To cooperate with schools, organizations, and other agencies to:

(1) Plan the most effective use of services and to avoid duplication.

(2) Undertake cooperative projects of mutual use.

(3) Obtain and provide information needed in the counseling process.

(4) Establish and maintain procedures for referring individuals between agencies.

(5) Provide for mutual assistance in strengthening counseling services by inter-changing special methods which have proved successful in counseling.

§ 604.4 *Special service to veterans.* It is the policy of the United States Employment Service:

(a) To provide veterans with the maximum of job opportunity in the field of gainful employment through the use of total employment service staff and facilities in supplying counseling and placement services to veterans.

(b) To maintain a program for developing job opportunities for veterans with special emphasis on the disabled veterans.

(c) To give priority in selection and referral to qualified veterans; and to give priority to disabled veterans over other veterans.

(d) To provide preferential treatment in all local office services to disabled veterans.

(e) To provide registration and employment counseling services to dischargees at such military hospitals as will make available physical capacities information.

(f) To provide to military separation centers information concerning employment service operations and assistance in the use of employment service tools and materials.

(g) To encourage and to participate in the establishment of community advisory centers for veterans where needed.

(h) To provide information to veterans concerning appropriate agencies through which benefits and services may be obtained.

(i) To cooperate with employers in establishing on-the-job training programs when justified by the actual or anticipated needs of the employer for skilled workers and in consideration of the long-term occupational opportunity afforded the trainee upon completion of the course.

(j) To cooperate closely with other agencies of the Government, public and private organizations, employers, and workers by making available such specific technical and statistical information and materials as are pertinent and useful in the planning, operation, and control of on-the-job training programs.

(k) To enlist the cooperation of veterans' organizations in promoting programs for the employment and vocational adjustment of veterans.

§ 604.5 *Agricultural and related industry placement services.* It is the policy of the United States Employment Service, effective January 1, 1948: To provide placement services by furnishing adequate facilities for meeting the labor requirements of agriculture and related industries including, when necessary, provision for special recruitment and referral programs and for the orderly and expeditious movement of migrant workers to successive job opportunities.

§ 604.6 *Service to youth.* It is the policy of the United States Employment Service:

(a) To facilitate employment of youth entering the labor market by promoting employer acceptance on the basis of qualifications.

(b) To refer young workers to jobs which are not injurious to their health and welfare, and which insofar as practicable offer opportunity for advancement.

(c) To maintain cooperative relations with the schools, training agencies, and other community groups to facilitate the entry of young workers into employment.

§ 604.7 *Service to the handicapped.* It is the policy of the United States Employment Service:

(a) To provide such selective placement services to handicapped applicants as are necessary to promote for them equal opportunity for employment at equal wages in competition with other workers.

(b) To determine the occupational qualifications of handicapped applicants by obtaining complete information concerning work experience, training, and personal characteristics, including physical capacities and working conditions to be avoided.

(c) To obtain only such information about disabilities as is significant for counseling and placement purposes.

(d) To provide service without requiring a medical report, but to seek the assistance of medical sources in appraising the physical capacities of handicapped applicants when necessary for providing effective service.

(e) To refer handicapped applicants to jobs suited to their physical capacities and which will not aggravate their disabilities or endanger others.

(f) To conduct educational programs with employers, employer groups, labor unions, and the community to promote and develop employment opportunities for handicapped workers.

(g) To coordinate its selective placement activities with those of other groups and agencies serving the handicapped.

§ 604.8 *Service to minority groups.* It is the policy of the United States Employment Service:

(a) To promote employment opportunity for all applicants on the basis of their skills, abilities and job qualifications.

(b) To make definite and continuous effort with employers with whom relationships are established, to the end that their hiring specifications be based exclusively on job performance factors.

§ 604.9 *Preparation and use of labor market information.* It is the policy of the United States Employment Service:

(a) To collect and analyze labor market information on a regular basis in all local offices as a part of the employment service operation.

(b) To maintain uniformity and comparability in the reporting of labor market data derived from employment service operations through adherence to definitions of reporting items, use of specified forms, and observance of reporting due dates as prescribed by the United States Employment Service.

(c) To use appropriate labor market data and activity reports in the formulation of employment service policies and program and in the management and supervision of employment office operations.

(d) To provide labor market information for public dissemination.

(e) To provide available labor market information to representatives of Federal, State and local government agencies for their use, subject to applicable nondisclosure policies, in the performance of their official duties.

§ 604.10 *Occupational testing.* It is the policy of the United States Employment Service:

(a) To use objective tests and techniques for the measurement of skills and aptitudes when such use will contribute to sound vocational counseling and placement.

(b) To use tests only when developed or approved by the United States Employment Service.

(c) To use tests in accordance with the applicable standards.

(d) To establish a testing service in those local offices in which a need for such facilities exists.

(e) To make cooperative arrangements for the testing of employment service applicants by other agencies only with the approval of the United States Employment Service.

(f) To release test materials to private employers and non-profit vocational guidance and placement agencies, upon

approval by the United States Employment Service.

§ 604.11 *Industrial services.* It is the policy of the United States Employment Service:

(a) To develop and promote the use of materials and methods in the field of occupational analysis which will advance the stability of employment.

(b) To cooperate with interested employers, workers, educational and training organizations, other government agencies, and community groups, and to make available such information, technical materials, and assistance as constitute personnel management aids.

(c) To offer only those materials and techniques which have been developed or recommended by the United States Employment Service.

(d) To refrain from participation or involvement in wage disputes or bargaining agreements.

§ 604.12 *Community participation.* It is the policy of the United States Employment Service:

(a) To cooperate with other agencies of government, and private and community organizations to improve the employment process in the community and to participate in community programs for the same purposes.

(b) To make the facilities and technical resources of the employment service available to other government agencies and public or private non-fee charging agencies in accomplishing objectives which relate to the placement or vocational adjustment of workers or potential workers.

§ 604.13 *Foreign labor.* It is the policy of the United States Employment Service: To provide for the recruitment of foreign workers for employment in the United States or for the recruitment of domestic workers for employment in foreign countries only when such recruitment is in accordance with provisions of an agreement or arrangement between the United States and a foreign government, except when such recruitment of domestic workers is for employment by the United States in a foreign country.

§ 604.14 *Employer relations.* It is the policy of the United States Employment Service:

(a) To promote the maximum use of employment office facilities and services by employers in the recruitment and retention of their required labor force.

(b) To make the services of the local office available on an equitable basis to all employers in the local office area except those for whom other agencies are directed by law to provide free employment service.

(c) To remain impartial in disputes between employer and worker.

(d) To give information to employers concerning labor market conditions and legislation affecting employment but to refrain from making interpretations of such laws.

§ 604.15 *Information service.* It is the policy of the United States Employment Service:

(a) To keep the public informed through the fair use of all normal media of public information about employment office operations and services and to advise workers, employers and the general public concerning conditions and fluctuations of the labor market.

(b) To make no unauthorized public mention of names and addresses of applicants or employers.

§ 604.16 *Disclosure of information.* It is the policy of the United States Employment Service to permit disclosure of information from the files and records of the employment service:

(a) To individual applicants and employers to the extent necessary for the efficient performance of recruitment, placement, employment counseling, and other employment service functions.

(b) To any properly identified claimant for benefits or payments under a State, territorial, or Federal unemployment compensation or readjustment allowance law or to his duly authorized representative, information which directly concerns the claimant and as is reasonably necessary for the proper presentation of his claim.

(c) To any officer or employee of any agency of the Federal Government or of a State or territorial government, lawfully charged with the administration of a Federal, State or territorial unemployment compensation or readjustment allowance law, but only for purposes reasonably necessary for the proper administration of such law.

(d) To any officer or employee of any agency of the Federal Government or a State or territorial government, lawfully charged with the administration of a law providing for old age assistance, or other public assistance, work relief, pension, retirement, or other benefit payments, but only for purposes reasonably necessary for the proper administration of such law.

(e) To applicants, employers, and the public, general information concerning employment opportunities, employment levels and trends, and labor supply and demand, provided such release or publication does not include information identifiable to individual applicants, employers, or employing establishments.

(f) To individuals, organizations, and agencies or for purposes other than as specified in paragraphs (a), (b), (c), (d), or (e) of this section if such disclosure will not impede the operation of, and is not inconsistent with the purposes of, the public employment service program, and is authorized in writing in individual cases by the State agency official responsible for the employment service program.

Dated at Washington, D. C., this 14th day of August 1950.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 50-7597; Filed, Aug. 30, 1950; 8:46 a. m.]

TITLE 29—LABOR

Chapter IV—Child Labor Branch, Department of Labor

[Hazardous-Occupations Order 7, Amdts.]

PART 422—OCCUPATIONS PARTICULARLY HAZARDOUS FOR EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

OCCUPATIONS INVOLVED IN OPERATION OF POWER-DRIVEN HOISTING APPARATUS

Since the effective date of Hazardous-Occupations Order No. 7, effective September 1, 1946 (11 F. R. 7719), available information indicates that work in occupations which require riding on a manlift involves considerable accident hazard. The purpose of the amendments set forth below is to add such occupations to the occupations which have been found to be particularly hazardous for employment of minors between 16 and 18 years of age or detrimental to their health or well-being.

On January 12, 1950, notice was published in the FEDERAL REGISTER (15 F. R. 175) that the Secretary of Labor proposed to amend § 422.7 (a) (2) and § 422.7 (b) in the manner hereinafter set forth. Interested parties were given 30 days notice within which to submit data, views, or arguments pertaining thereto. The notice period has expired and all relevant matter has been carefully considered. This material discloses no substantial reason for revision of the proposed order.

Accordingly, pursuant to the authority vested in me by section 3 (l) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. and Sup.; 201 et seq.) and Reorganization Plan No. 2 of 1946 adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613) and in accordance with the procedure governing determinations of hazardous occupations (29 CFR part 421), § 442.7 (a) (2) is amended to read as follows:

1. Section 422.7 (a) (2) is amended to read as follows:

§ 422.7 *Occupations involved in the operation of power-driven hoisting apparatus*—(a) *Findings and declaration of fact.* • • •

(2) Work which involves riding on a freight elevator or on a manlift. (Where employees are customarily transported to their work place at the beginning and end of scheduled work periods in a freight elevator operated by an assigned operator, such riding shall not be considered as work within the intent of this paragraph.)

2. Section 422.7 (b) is hereby amended by adding subparagraph (6) as follows:

(b) *Definitions.* • • •

(6) The term "manlift" shall mean a device intended for the conveyance of persons which consists of platforms or brackets mounted on, or attached to, an endless belt, cable, chain or similar method of suspension; such belt, cable or chain operating in a substantially vertical direction and being supported by and driven through pulleys, sheaves or sprockets at the top and bottom.

These amendments shall become effective September 30, 1950.

(Sec. 3, 52 Stat. 1061, 11 F. R. 7873, 60 Stat. 1095; 29 U. S. C. 203, 5 U. S. C. 133y-16)

Signed at Washington, D. C., this 23d day of August 1950.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 50-7609; Filed, Aug. 30, 1950; 8:47 a. m.]

[Hazardous-Occupations Order 8]

PART 422—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

OCCUPATIONS INVOLVED IN OPERATION OF POWER-DRIVEN METAL FORMING, PUNCHING, AND SHEARING MACHINES

On January 12, 1950, notice was published in the FEDERAL REGISTER (15 F. R. 175) that the Secretary of Labor proposed to adopt a hazardous-occupations order as therein set forth providing that for the purposes of section 3 (l) of the Fair Labor Standards Act of 1938, as amended, the occupations of operator of or helper on certain power-driven metal forming, punching, and shearing machines are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being. The notice provided for a 30-day period within which interested persons were permitted to submit data, views and arguments pertaining thereto. The notice period has expired and all relevant material, including the reports of investigation, has been carefully considered. This material indicates that in addition to the exemption for apprentices as provided in the proposed order, some provision should be made for exemptions to be granted upon a finding by the Secretary of Labor that the employment of the minor or minors conforms substantially to Federal apprenticeship standards. Accordingly, the order has been revised to permit an exemption for minors, other than apprentices, upon an application to the Secretary of Labor showing that the minor or minors are employed in an apprenticeable trade under a written agreement for organized training which meets the standards prescribed for such exemption. The revised order also provides for a minor change in § 422.8 (a) designed to clarify the description of the safety devices necessary to exempt a pressing or punching machine from coverage of the order.

Now, therefore, pursuant to the authority vested in me by section 3 (l) of the Fair Labor Standards Act, as amended, (52 Stat. 1060, as amended; 29 U. S. C. and Sup., 201 et seq.) and Reorganization Plan No. 2 of 1946 adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613) and in accordance with the procedure governing determinations of hazardous occupations (29 CFR Part 421), I, Maurice J. Tobin, Secretary of Labor, hereby adopt the following finding, declaration and order, designated as Hazardous Occupations Order No. 8;

§ 422.8 *Occupations involving the operation of power-driven metal forming, punching, and shearing machines*—(a) *Finding and declaration of fact.* The occupation of operator of or helper on the following power-driven metal forming, punching and shearing machines is particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being, and employment in such occupations is therefore prohibited under section 12 of the Fair Labor Standards Act, as amended:

(1) All rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and hot or cold rolling mills.

(2) All pressing or punching machines, such as punch presses except those provided with full automatic feed and ejection and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies; power presses; and plate punches.

(3) All bending machines, such as apron brakes and press brakes.

(4) All hammering machines, such as drop hammers and power hammers.

(5) All shearing machines, such as guillotine or squaring shears; alligator shears; and rotary shears.

(b) *Definitions.* As used in this section:

(1) The term "operator" shall mean one who operates a forming, punching, or shearing machine by performing such functions as setting up the machine, starting and stopping it, placing the work in the machine and removing the finished work from the machine, and performing other related functions in connection with its operation.

(2) The term "helper" shall mean one who assists in the operation of a forming, punching, or shearing machine by helping place the work in or remove it from the machine.

(3) The term "forming, punching, and shearing machines" shall mean power-driven metal-working machines, other than machine tools, which change the shape of or cut metal by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving parts. Types of forming, punching, and shearing machines enumerated in this section are the machines to which the designation is by custom applied.

(c) *Exemptions.* This order shall not apply to the employment of apprentices in the occupations herein declared particularly hazardous; *Provided*, That (1) the apprentice is employed in a craft recognized as an apprenticeable trade, (2) the work of the apprentice in the occupations herein declared hazardous is incidental to the apprentice training, is intermittent and for short periods of time, and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training, and (3) the apprentice is registered by the Bureau of Apprenticeship of the United States Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship, or is employed under a written apprenticeship agreement under conditions which substantially conform to such Federal or State standards as determined by the Secretary of Labor.

In addition to the exemption for apprentices provided in the foregoing paragraph, upon application to the Secretary of Labor, an exemption may be granted for minors employed under a written agreement for organized training which provides for at least 4,000 hours of employment in a craft recognized as an apprenticeable trade and under conditions which the Secretary of Labor finds to conform substantially to Federal apprenticeship standards, provided that the work of the minor in the occupations herein declared hazardous is incidental to his training, is intermittent and for short periods of time, and is under the direct and close supervision of a journeyman.

(d) *Higher standard.* This section shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established therein.

Effective date. This order shall become effective October 30, 1950.

(Sec. 3, 52 Stat. 1061, Reorg. Plan No. 2 of 1946, 11 F. R. 7873, 60 Stat. 1095; 29 U. S. C. 203, 5 U. S. C. 133y-16)

Signed at Washington, D. C., this 23d day of August 1950.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 50-7661; Filed, Aug. 30, 1950; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

DECORATIONS FOR INDIVIDUALS

Sections 578.1 through 578.11 are rescinded and the following §§ 578.1 through 578.25a are substituted therefor:

Sec.
578.1 General.
578.2 Military decorations.
578.3 Awards of decorations.
578.4 Recommendations.
578.5 Announcement of awards.
578.6 Presentation.
578.7 Record.
578.8 Replacement.
578.9 Engraving.
578.10 Exhibition.
578.11 Medal of Honor.
578.12 Distinguished-Service Cross.
578.13 Distinguished-Service Medal.
578.14 Silver Star.
578.15 Legion of Merit.
578.16 Distinguished-Flying Cross.
578.17 Soldier's Medal.
578.18 Bronze Star Medal.
578.19 Air Medal.

Sec.
578.20 Commendation Ribbon with Metal Pendant.
578.21 Purple Heart.
578.22 Medal for Merit.
578.23 Medal of Freedom.
578.24 Appurtenances to military decorations.
578.25 Foreign decorations.
578.25a Supply of decorations and appurtenances.

AUTHORITY: §§ 578.1 through 578.25a issued under R. S. 161; 5 U. S. C. 22; statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: AR 600-45, June 27, 1950.

§ 578.1 *General*—(a) *Purpose.* The primary purpose of the decorations system is to provide tangible evidence of public recognition of acts of heroism performed and valuable services rendered. Military decorations are awarded in recognition of and as a reward for heroic, extraordinary, outstanding, and meritorious acts, achievements, and services, and such visible evidence of recognition is cherished accordingly by the recipients. Awards of decorations, when properly utilized, are potent incentives to greater effort and are instrumental in building and maintaining morale.

(b) *Standards.* Decorations are primarily intended to recognize acts, achievements, and services in time of war; therefore, the standards established during a war period cannot be applied in time of peace without depreciating the value of decorations.

(c) *Successive awards.* The award of a military decoration will not be made to recognize the continuation of the same or similar type services as those which have been previously recognized by the award of a decoration for meritorious service.

(d) *Interim awards.* The award of an appropriate lesser military decoration may be made in recognition of an act, achievement, or service pending final action on a recommendation for a higher award. Each such lesser award will be revoked simultaneously with the award of a higher military decoration for the same act.

(e) *Duplication of awards.* Not more than one military decoration will be awarded for the same act, achievement, or period of meritorious service, except that a decoration may be awarded for an act of heroism performed within a period which has been recognized by the award of a decoration for meritorious service.

(f) *Duplication of issue.* Not more than one of each military decoration will be issued to any one individual, but for each succeeding award of the same decoration an Oak Leaf Cluster will be issued in lieu thereof, except in cases of succeeding awards of the Legion of Merit and Medal of Freedom to foreigners, and posthumous awards of the Purple Heart as hereinafter prescribed. This paragraph will not be interpreted as precluding the issue of replacements as prescribed in § 578.8.

(g) *Determination of status.* The status, whether military or civilian, at the time of the act, achievement, or service will serve to establish the eligibility of an individual for the type of award of military decoration.

(h) *Conversion awards.* Awards of certain decorations on the basis of existing letters, certificates, and/or orders, as hereinafter authorized, will be made only upon application of the individuals concerned to The Adjutant General, Washington 25, D. C.

(i) *Character of service.* No decoration shall be awarded or presented to any individual whose entire service subsequent to the time of the distinguished act, achievement, or service shall not have been honorable.

§ 578.2 *Military decorations.* Decorations authorized to be awarded, as hereinafter prescribed are:

(a) *To military personnel.*

(1) Medal of Honor.
(2) Distinguished-Service Cross.
(3) Distinguished-Service Medal.
(4) Silver Star.
(5) Legion of Merit.
(6) Distinguished-Flying Cross.
(7) Soldier's Medal.
(8) Bronze Star Medal.
(9) Air Medal.
(10) Commendation Ribbon with Metal Pendant.
(11) Purple Heart.

(b) *To civilian personnel.*

(1) Distinguished-Service Cross.
(2) Silver Star.
(3) Bronze Star Medal.
(4) Air Medal.
(5) Purple Heart.
(6) Medal for Merit.
(7) Medal of Freedom.

§ 578.3 *Awards of decorations*—(a) *General.* Decorations are awarded by the President, the Secretary of the Army, or by designated commanders. A commander to whom authority has been delegated to award decorations is authorized to make awards only to individuals who were assigned or attached to his command at the time of the act, achievement, or service, and to individuals eligible to receive a decoration who were physically present within his command under competent orders for acts of heroism performed within his command. Authority to award decorations, when delegated to commanders will not be further delegated except when specifically authorized. Whenever authority to award a decoration has not been specifically delegated, the recommendation will be forwarded through command channels to The Adjutant General for final action. No decoration will be awarded for meritorious service performed by an officer in time of peace until the organizational assignment in which the service was rendered has been terminated, nor will an award be made to any officer above the grade of captain solely for service in an administrative position. Length of service of an individual or termination of assignment of a commander will not in itself justify a peacetime award.

(b) *By whom awarded.* Awards of the Medal of Honor and Medal for Merit are made by the President; awards of all other military decorations will be made by the Secretary of the Army, except as follows:

(1) During a period of military operations against an armed enemy, and for a period of 1 year thereafter, authority to award military decorations is delegated as follows:

(i) The Distinguished-Service Cross, Silver Star, Distinguished-Flying Cross, Soldier's Medal, Bronze Star Medal, Air Medal, and Commendation Ribbon with Metal Pendant may be awarded to members of the Armed Forces of the United States by the commanding general of any separate force outside the continental United States or by subordinate commanders to whom he may delegate this authority: *Provided,* That the authority will not be delegated to any commander below the grade of major general: *And further provided,* That no award will be made to a member of the Navy or Air Force without the concurrence of respective senior Navy or Air Force commander present.

(ii) The Legion of Merit may be awarded only by commanders specifically designated by the Secretary of the Army.

(iii) The Purple Heart may be awarded to members of the Armed Forces of the United States by the commanding general of any separate force outside the continental United States who is in the grade of major general or higher or by any field-grade officer to whom he may delegate the authority.

(iv) The Distinguished-Service Cross, Silver Star, Distinguished-Flying Cross, Soldier's Medal, Bronze Star Medal, and Air Medal may be awarded by the commanders indicated in subdivision (i) of this subparagraph to members of the armed forces of friendly foreign nations, provided the grade of the recipient is below that equivalent to United States colonel, and that concurrence has been secured from the senior field commander of the recipient's force whose grade at the time of concurrence was equivalent at least to the grade of United States brigadier general.

(v) The Distinguished-Service Cross and Silver Star may be awarded by the commanding general of a United States Army force in a theater of operations to officers and members of crews of ships of the United States Merchant Marine serving under his jurisdiction.

(vi) The Purple Heart may be awarded by the commanding general of any separate force outside the continental United States who is in the grade of major general or higher, or by any field-grade officer to whom he may delegate the authority, to officers and members of crews of ships of the United States Merchant Marine serving within the area of his command, to civilian citizens of the United States serving with the Army, and to civilian citizens of the United States whose presence within the command has been approved (examples: War correspondents, Red Cross and USO personnel, etc.)

(vii) The Medal of Freedom may be awarded by the commanding general of a theater of operations whose grade is that of a major general or higher, in recognition of an achievement or service performed by a civilian within the territorial limits of his command.

(viii) Except as indicated above, all recommendations for awards to civilians will be forwarded through command channels to The Adjutant General for approval by the President.

(2) Other than during a period of military operations against an armed enemy and for a period of 1 year thereafter, the Commendation Ribbon with Metal Pendant may be awarded by a commanding general in the grade of lieutenant general or higher, or by a major general commanding an army, to any member of the Armed Forces of the United States below the grade of major, but only when the period of service for which the award is made exceeds 6 months. The commanding generals of the United States Army, Pacific, United States Army, Caribbean; United States Army, Alaska, and Military District of Washington are considered to be commanding an "Army" within the meaning of this section.

(3) The President has sole authority to award the Medal for Merit.

(4) United States military decorations will not be awarded to foreign personnel for peacetime service, except that the Legion of Merit may be awarded to members of the armed forces of foreign nations and the Medal of Freedom may be awarded to foreign civilians.

(c) *Posthumous awards.* In the event an individual who has distinguished himself or herself dies before the making of an award of a decoration to which entitled, the award may nevertheless be made and the decorations and/or device presented to the next-of-kin as indicated by the records of the Department of the Army, in the following precedence: Widow or widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, or eldest grandchild. Posthumous awards made by commanders outside the continental United States will be forwarded to The Adjutant General as prescribed in § 578.6 (b) (2) (i).

§ 578.4 *Recommendations*—(a) *By whom submitted.* A recommendation for the award of a decoration may be submitted by any individual having knowledge of an act, achievement, or service believed to warrant the award of a decoration.

(b) *Disapprovals.* Whenever a recommendation for the award of a decoration is disapproved, the disapproving officer will indicate the specific reason or reasons for such action. The disapproval of a recommendation by an officer subordinate to the commander having authority to award the decoration will not alone constitute authority for the return of the recommendation to the initiator, except that recommendations for an award for meritorious service which describe only performance of normal duty in time of peace will be automatically disapproved and returned to the initiator.

(c) *Consideration for lower awards.* All recommendations which have been finally disapproved by the commander having authority to award the decoration recommended will be considered by that commander for the awards of a lower appropriate decoration which, if approved, will be awarded in lieu thereof.

(d) *Time limits.* No military decoration will be awarded to any person after more than 3 years from the date of the act, achievement, or service justifying an award, or unless the recommendation was submitted through military channels within 2 years from the date of said act, achievement, or service, except:

(1) Recommendations for awards of military decorations for acts, achievements, and service performed between 7 December 1941 and 2 September 1945, inclusive, which are submitted through official channels prior 3 May 1951.

(2) Recommendations for awards of military decorations in cases where prior similar recommendations have been acted upon by commanders who had authority to approve the awards, provided the requests for reconsideration or upgrading are submitted within any of the time limits prescribed above and that such requests are accompanied by new and material evidence in support thereof.

(3) Requests for the award of appropriate military decorations based on existing orders, letters, or certificates and for the exchange of military decorations as may be authorized by the regulations of this part.

(e) *Lost recommendations.* Whenever a recommendation has been initiated and placed in official channels within the time limits prescribed above and has become lost, the certificate of an officer or affidavit of an enlisted man to that effect, accompanied by a copy of the recommendation or, if a copy is not available, a statement of the substance of the original recommendation, may be accepted and the case considered on its merits.

§ 578.5 *Announcements of awards*—(a) *Current awards.* Each current award of a United States military decoration will be announced in general orders by the commander authorized to make the award.

(b) *Conversion awards.* Decorations which are awarded on the basis of existing orders, letters, or certificates will not be announced in general orders, but will be published in appropriate letter orders by authorized commanders.

§ 578.6 *Presentation*—(a) *Medal of Honor.* Whenever practicable, all persons to whom the Medal of Honor has been awarded will be ordered or invited to Washington, D. C., where presentation will be made by the President. The presentation ceremony, which normally will be in the presence of appropriate high dignitaries and officers, will be simple and without attendant troops or music. Whenever the Medal of Honor is awarded posthumously or when the recipient has died prior to the presentation, the next-of-kin may, at the discretion of the President, be invited to Washington, D. C., for presentation by him. In event presentation to such next-of-kin is not made by the President, it will be made by such person as may be designated by him, acting as his personal representative.

(b) *Decorations other than Medal of Honor.* (1) Presentations to military personnel will be made with formal and impressive ceremony.

(2) Presentations to United States military personnel will be made by the commanders who awarded the decorations or by officers personally designated by them, except:

(i) In cases where decorations have been awarded posthumously, or to persons who have died prior to presentation, or to persons missing in action, by commanders outside the continental United States, the orders announcing the award, together with the citation and other appropriate related papers will be forwarded to The Adjutant General, who will cause presentation to be made to next-of-kin.

(ii) In any case where the recipient is no longer assigned to his command, the commander making the award will forward the orders announcing the award, together with the citation and other appropriate related papers, for presentation by the present commander of the recipient.

(3) Presentations to former military personnel and to the next-of-kin residing within the continental United States will be made by the respective commanders having jurisdiction over the army areas in which such persons reside, or by officers designated by them. Nothing in §§ 578.1 through 578.25a will be construed as precluding the propriety of pinning a military decoration on the clothing of former military personnel and civilian next-of-kin, although the actual wearing of the decoration by such person may not be authorized.

(4) The Medal for Merit will be presented to respective civilian recipients by the President, or at his direction.

(5) All military decorations other than the Medal for Merit awarded to civilian citizens of the United States will be presented in the same manner as prescribed in subparagraph (3) of this paragraph.

(6) Decorations awarded to foreign civilians and to members of the armed forces of foreign nations will be presented by or at the direction of the commander authorized to make the award.

(7) Decorations which have been awarded on the basis of existing orders, letters, or certificates will not normally be presented with formal ceremony. However, if a formal presentation is desired, nothing in §§ 578.1 through 578.25a will be construed as precluding such ceremony, provided no expense to the Government is incurred by reason thereof.

§ 578.7 *Record.* Each award of a military decoration will be noted in the military records of the respective recipient and in the unit history of his organization in manner prescribed by current regulations.

§ 578.8 *Replacement.* Whenever a decoration and/or appurtenance shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was awarded, replacement shall be made without charge therefor.

(40 Stat. 871; 10 U. S. C. 1416)

§ 578.9 *Engraving.* Each Medal of Honor will be engraved on the reverse with the grade, name, and organization of the recipient and all other United States military decorations will be engraved on the reverse with the name of the recipient. Normally, engraving will be accomplished prior to presentation; however, whenever a decoration which has not been engraved has been presented, the recipient will be advised of his privilege to forward the decoration

requesting that it be appropriately engraved. The cost of engraving such decoration, except those issued for exhibition purposes as indicated in § 578.10 (b), whether an original issue or replacement, will be borne by the Department of the Army.

§ 578.10 *Exhibition*—(a) *Governmental agencies.* Upon approval by the Secretary of the Army, samples of military decorations may be furnished, without charge, for one display at the headquarters of each army and higher field commander, in the offices of the chiefs of governmental agencies not under military jurisdiction where opportunity for the public to view the display is assured, and in each office of the Department of the Army, the functions of which include matters pertaining to decorations.

(b) *Civilian institutions.* Upon approval by the Secretary of the Army, samples of military decorations may be furnished at cost price (including the cost of engraving, packing, and shipment), to museums, libraries, historical, numismatic, and military societies and institutions of such public nature as will assure an opportunity for the public to view the exhibits under circumstances beneficial to the Army. All decorations furnished to civilian institutions for exhibition purposes will be engraved with the words "For Exhibition Purposes Only."

§ 578.11 *Medal of Honor*—(a) *To whom awarded.* The Medal of Honor is awarded, in the name of Congress, to each person who, while an officer or enlisted person of the Army, shall have distinguished himself or herself conspicuously by gallantry and intrepidity at the risk of his or her life above and beyond the call of duty in action involving actual conflict with an enemy.

(b) *Standards.* The deed performed must have been one of personal bravery of self-sacrifice above and beyond the call of duty, so conspicuous as to clearly distinguish the individual for gallantry and intrepidity above his or her comrades and must have involved risk of life or performance of more than ordinarily hazardous service, the omission of which would not justly subject the person to censure for shortcoming or failure in the performance of duty. Incontestable proof of the performance of the service will be exacted and each recommendation for the award of this decoration will be considered on the standard of extraordinary merit.

(c) *Description.* A gold-finished bronze star, one point down, 1 9/16 inches in diameter with rays terminating in trefoils, surrounded by a laurel wreath in green enamel, suspended by two links from a bar bearing the inscription "Valor" and surmounted by an eagle grasping laurel leaves in one claw and arrows in the other. In the center of the star is the head of Minerva surrounded by the inscription "United States of America." Each ray of the star bears an oak leaf in green enamel. On the reverse of the bar are stamped the words "The Congress To." The medal is suspended by a hook to a ring fastened behind the eagle. The hook is attached to a light-blue moired silk neckband, 1 3/16 inches in width and 21 3/4 inches in length, behind a square pad in the center made of the ribbon with the corners turned in. On the ribbon bar are 13 white stars arranged in the form of a triple chevron, consisting of two chevrons of 5 stars and one chevron of 3 stars.

(d) *Medal of Honor roll.* Each former member of the Army who has attained the age of 65 years to whom the Medal of Honor has been awarded for gallantry or intrepidity in action against the enemy, shall, upon written application, have his name recorded on a roll designated as the "Army and Navy Medal of Honor Roll," provided such person was honorably discharged from the service by muster-out, resignation, or otherwise, and each such person, whose name has been entered on said roll, shall be certified to the Veterans Administration as being entitled to receive a special pension of $10 per month, for life, payable quarterly by said Administration. The payment of this special pension shall be in addition to and shall not deprive the special pensioner from any other pension, benefit, right, or privilege to which he or she is or may thereafter be entitled.

(12 Stat. 623, 40 Stat. 870; 10 U. S. C. 1403)

§ 578.12 *Distinguished-Service Cross*—(a) *To whom awarded.* The Distinguished-Service Cross is awarded to any person who, while serving in any capacity with the Army of the United States, shall have distinguished himself or herself by extraordinary heroism in connection with military operations against an armed enemy.

(b) *Standards.* The act or acts of heroism performed must have been so notable and have involved risk of life so extraordinary as to set the individual apart from his or her comrades.

(c) *Description.* A cross of bronze 2 inches in height and 1 13/16 inches in width with an eagle on the center and a scroll below the eagle bearing the inscription "For Valor." On the reverse, the center of the cross is circled by a wreath. The cross is suspended by a ring from a moired silk ribbon, 1 3/8 inches in length and 1 3/8 inches in width, composed of a band of red (1/8-inch), white (1/16-inch), blue (1-inch), white (1/16-inch), and red (1/8-inch).

(40 Stat. 870; 10 U. S. C. 1406)

§ 578.13 *Distinguished-Service Medal*—(a) *To whom awarded.* The Distinguished-Service Medal is awarded to any person who, while serving in any capacity with the Army of the United States, shall have distinguished himself or herself by exceptionally meritorious service to the Government in a duty of great responsibility.

(b) *Standards.* (1) The term "duty of great responsibility" will be interpreted to mean a duty of such a character that exceptionally meritorious service therein has contributed in a high degree to the success of a major command, installation, or project. The performance must be such as to merit recognition for service which is clearly exceptional. Superior performance of normal duty will not alone justify an award of this decoration.

(2) In time of peace, the award of this decoration will be made only to responsible heads and will be limited to duty of marked international or national significance performed under unusually complicated or frequently hazardous conditions. Few awards of this decoration will be made for duty performed entirely in time of peace.

(3) The accomplishment of the duty should have been completed prior to submitting a recommendation, or if the person being recommended has been transferred prior to completion, the accomplishment must have progressed to what may be clearly determined to be an exceptional degree.

(4) This decoration will not be awarded to persons other than members of the Armed Forces of the United States for peacetime service. Awards may be made to persons other than members of the Armed Forces of the United States for wartime services, but only under exceptional circumstances and with the express approval of the President, in each individual case.

(c) *Description.* The coat of arms of the United States in bronze surrounded by a circle of dark-blue enamel 1 1/2 inches in diameter, bearing the inscription "For Distinguished Service MCMXVIII." On the reverse, a blank scroll upon a trophy of flags and weapons. The medal is suspended by a bar from a moired silk ribbon, 1 3/8 inches in length and 1 3/8 inches in width, composed of a band of scarlet (5/16-inch), a stripe of dark blue (1/16-inch), a band of white (5/8-inch), a stripe of dark blue (1/16-inch), and a band of scarlet (5/16-inch).

(40 Stat. 870; 10 U. S. C. 1407, 1408)

§ 578.14 *Silver Star*—(a) *To whom awarded.* The Silver Star is awarded to any person who, while serving in any capacity with the Army, has distinguished himself or herself by gallantry in action not warranting the award of the Medal of Honor or Distinguished-Service Cross, and to any person who, while serving in any capacity with the Army, received a citation for gallantry in action published in orders issued at the headquarters of a force commanded by a general officer.

(b) *Standards.* (1) The required gallantry, while of lesser degree than required for the award of the Medal of Honor or Distinguished-Service Cross, must nevertheless have been performed with marked distinction.

(2) Awards may be made, upon application, to those individuals who, prior to 7 December 1941, have been cited for gallantry in action in orders as indicated in paragraph (a) of this section.

(c) *Description.* A bronze star 1 1/2 inches in circumscribing diameter. In the center thereof is a 3/16-inch diameter raised silver star, the center lines of all rays of both stars coinciding. The reverse has the inscription "For Gallantry In Action." The star is suspended by a rectangular shaped metal loop with corners rounded from a moired silk ribbon 1 3/8 inches in length and 1 3/8 inches in width, composed of stripes of blue (3/32-inch), white (3/64-inch), blue (7/32-inch), white (3/64-inch), red (7/32-inch), white (3/64-inch), blue (7/32-inch), white (3/64-inch), and blue (3/32-inch).

(40 Stat. 871, 41 Stat. 398, 56 Stat. 1052; 10 U. S. C. 1412)

§ 578.15 *Legion of Merit*—(a) *To whom awarded.* The Legion of Merit is awarded to any member of the Armed Forces of the United States or of a friendly foreign nation who shall have distinguished himself or herself by exceptionally meritorious conduct in the performance of outstanding services.

(b) *Standards*—(1) *Armed Forces of United States.* (i) The performance must have been such as to merit recognition for service which was clearly exceptional. Superior performance of normal duties will not alone justify an award of this decoration.

(ii) In time of peace, the award of this decoration will be made only to key individuals and will be limited to duty of marked international or national significance performed under unusually complicated or frequently hazardous conditions in cases where the services of such individuals have contributed in a high degree to the success of the project. Few awards of this decoration will be made for duty performed entirely in time of peace.

(iii) The accomplishment of the duty should have been completed prior to submitting a recommendation, or if the person being recommended has been transferred prior to completion, the accomplishment must have progressed to what may be clearly determined to be an exceptional degree.

(iv) Awards will be made without reference to degree and, for each such award, the Legion of Merit (Legionnaire) will be issued.

(2) *Armed forces of friendly foreign nations.* (i) The performance of outstanding services must have been such that it may be clearly determined that the individual has distinguished himself or herself by exceptionally meritorious conduct in the performance thereof.

(ii) Awards of this decoration in the degrees of Chief Commander and Commander are comparable to awards of the Distinguished-Service Medal and the standards prescribed in § 578.13 (b) (1), (2), and (3) shall be applied in considering such awards.

(iii) Awards of this decoration in the degrees of Officer and Legionnaire are comparable to awards of the Legion of Merit to members of the Armed Forces of the United States and the standards prescribed in subparagraphs (1) (i), (ii), and (iii) of this paragraph shall be applied in considering such awards.

(iv) Each award will be made in one of the following degrees, which are listed in order of rank:

(*a*) Chief Commander.
(*b*) Commander.
(*c*) Officer.
(*d*) Legionnaire.

(v) For each succeeding award of this decoration, the award will be in the same or higher degree as the previous award. A succeeding award in a lower degree is not authorized.

(c) *Description*—(1) *Chief Commander.* A domed five-pointed American white star plaque of heraldic form bordered in purplish-red enamel 2 15/16 inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star, a laurel wreath with pierced, crossed arrows pointing outward between each arm of the star and the wreath. The reverse is engraved with the words "United States of America."

(2) *Commander.* A five-pointed American white star of heraldic form bordered in purplish-red enamel 2 1/4 inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star, a laurel wreath with pierced, crossed arrows pointing outward between each arm of the star and wreath. A bronze wreath connects an oval suspension ring to a neck ribbon. The reverse of the five-pointed star is enameled in white, bordered in purplish-red enamel; in the center is a disk surrounded by the words "Annuit Coeptis" and "MDCCLXXXII," and on the scroll are the words "United States of America." The moired silk neck ribbon is 2 1/4 inches in length and 1 15/16 inches in width composed of a band of purplish-red (1 13/16 inches) with edges of white (1/16-inch).

(3) *Officer.* A five-pointed American white star of heraldic form bordered in purplish-red enamel 1 7/8 inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star, a laurel wreath with modeled, crossed arrows pointing outward between each arm of the star and the wreath, and an all-bronze device of the same design as the pendant 3/4-inch in diameter on the center of the suspension ribbon. On the reverse is a disk surrounded by the words "Annuit Coeptis" and "MDCCLXXXII," and on the scroll are the words "United States of America." The pendant is suspended by a moired silk ribbon 1 7/8 inches in length and 1 3/8 inches in width, composed of a band of purplish-red (1 1/4 inches) with edges of white (1/16-inch).

(4) *Legionnaire.* Same as prescribed in subparagraph (3) of this paragraph, except the all-bronze device is not worn on the ribbon.

(56 Stat. 662; 10 U. S. C. 1408b; E. O. 9260, 29 Oct. 1942, 7 F. R. 8819)

§ 578.16 *Distinguished-Flying Cross*—(a) *To whom awarded.* The Distinguished-Flying Cross is awarded to any member of the Armed Forces of the United States and of friendly foreign nations who, while serving in any capacity with the Army of the United States, shall have distinguished himself or herself by heroism or extraordinary achievement while participating in aerial flight.

(b) *Standards.* The performance of the act of heroism must be evidenced by voluntary action in the face of great danger above and beyond the line of duty while participating in aerial flight. The extraordinary achievement while participating in aerial flight must have resulted in an accomplishment so exceptional and outstanding as to clearly set the individual apart from his comrades, none of whom have been recognized for the identical achievement.

(c) *Description.* On a bronze 1 1/2-inch cross pattee, a four-bladed propeller 1 11/16 inches across the blades; in the reentrant angles, rays forming a 1-inch square. The cross is suspended by a plain, straight link from a moired-silk ribbon 1 3/8 inches in length and 1 3/8 inches in width, composed of stripes of blue (7/64-inch), white (9/64-inch), blue (22/64-inch), white (3/64-inch), red (9/64-inch), white (3/64-inch), blue (22/64-inch), white (9/64-inch), and blue (7/64-inch).

(44 Stat. 789, 50 Stat. 549; 10 U. S. C. 1429; E. O. 4601, March 1, 1927, as amended by E. O. 7786, Jan. 8, 1938, 3 F. R. 39)

§ 578.17 *Soldier's Medal*—(a) *To whom awarded.* The Soldier's Medal is awarded to any person who, while serving in any capacity with the Army of the United States, shall have distinguished himself or herself by heroism not involving actual conflict with an armed enemy.

(b) *Standards.* The same degree of heroism is required as that for an award of the Distinguished-Flying Cross. The performance must have involved personal hazard or danger and the voluntary risk of life under conditions other than those involving conflict with an armed enemy. Awards will not be made solely on the basis of having saved a life. The award of this decoration will be limited to members of the Armed Forces of the United States and of friendly foreign nations.

(c) *Description.* On a 1 3/8-inch bronze octagon an eagle displayed, standing on a fasces, between two groups of stars of six and seven, above the group of six a spray of leaves. On the reverse is a shield paly of 13 pieces on the chief, the letters "U. S." supported by sprays of laurel and oak, around the upper edge the inscription "Soldier's Medal," and across the face the words "For Valor." The medal is suspended by a rectangular-shaped metal loop with corners rounded from a moired silk ribbon 1 3/8 inches in length and 1 3/8 inches in width, composed of two outside stripes of blue (3/8-inch), the center containing 13 white and red stripes of equal width (7 white and 6 red).

(44 Stat. 789; 10 U. S. C. 1428)

§ 578.18 *Bronze Star Medal*—(a) *To whom awarded.* The Bronze Star Medal is awarded to any person who, while serving in any capacity in or with the Army of the United States, on or after December 7, 1941, shall have distinguished himself or herself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy.

(b) *Standards*—(1) *Heroism.* Awards may be made for acts of heroism performed in actual ground combat against an armed enemy which are of lesser degree than required for the award of the Silver Star.

(2) *Meritorious achievement and service.* (i) Awards may be made to recognize single acts of merit and meritorious service. The required achievement or service, while of lesser degree than required for the award of the Legion of Merit, must nevertheless have been

meritorious and accomplished with distinction.

(ii) Awards may be made, upon application, to those members of the Armed Forces of the United States who, on or after December 7, 1941, have been awarded the Combat Infantryman Badge or Medical Badge, or whose meritorious achievement or exemplary conduct in ground combat against the armed enemy between December 7, 1941 and September 2, 1945, inclusive, has been, between December 7, 1941 and June 30, 1947, inclusive, otherwise confirmed in writing by competent authority. Documents which have been used in connection with recommendations for the award of decorations of higher degree than the Bronze Star Medal will not establish a basis for the award of this decoration under this subdivision.

(c) *Description.* A bronze star 1½ inches in circumscribing diameter. In the center thereof is a 3/16-inch diameter raised bronze star, the center line of all rays of both stars coinciding. The reverse has the inscription "Heroic or Meritorious Achievement." The star is suspended by a rectangular-shaped loop with corners rounded from a moired silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of stripes of white (1/32-inch), red (9/16-inch), white (1/32-inch), blue (⅛-inch), white 1/32-inch), red (9/16-inch), and white (1/32-inch).

(E. O. 9419, Feb. 4, 1944, 9 F. R. 1495)

§ 578.19 *Air Medal*—(a) *To whom awarded.* The Air Medal is awarded to any person who, while serving in any capacity in or with the Army of the United States, shall have distinguished himself or herself by meritorious achievement while participating in aerial flight.

(b) *Standards.* Awards may be made to recognize single acts of merit or sustained operational activities against an armed enemy. The required achievement, while of lesser degree than that required for the award of the Distinguished Flying Cross, must nevertheless have been accomplished with distinction above and beyond that normally expected.

(c) *Description.* A bronze compass rose 1 11/16 inches circumscribing diameter suspended by the pointer and charged with an eagle volant carrying two lightning flashes in its talons. The points of the compass rose on the reverse are modeled with the central portion plain. The medal is suspended from a moired silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a band of ultramarine blue (⅛-inch), a band of golden orange (¼-inch), a band of ultramarine blue (⅝-inch), a band of golden orange (¼-inch), and a band of ultramarine blue (⅛-inch), by a ring engaging the pointer.

(E. O. 9158, May 11, 1942, 7 F. R. 3541, as amended by E. O. 9242-A, Sept. 11, 1942, 7 F. R. 7874)

§ 578.20 *Commendation Ribbon With Metal Pendant*—(a) *To whom awarded.* The Commendation Ribbon with Metal Pendant is awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army on or after December 7, 1941, shall have distinguished himself or herself by meritorious achievement or meritorious service.

(b) *Standards.* (1) The required meritorious achievement or meritorious service, while of lesser degree than that required for the award for the Legion of Merit, must nevertheless have been accomplished with distinction and must have been of the same degree as required for the award of the Bronze Star Medal or Air Medal. An award may be made when the operational requirements for the award of the Bronze Star Medal have not been fully met.

(2) In time of peace, awards of the Commendation Ribbon with Metal Pendant to field-grade officers will be limited to performance of duty under unusually complicated or frequently hazardous conditions in connection with problems of marked international or national significance and to acts of courage which do not meet the requirements for an award of the Soldier's Medal. Awards may be made to officers below field grade and to enlisted personnel for having rendered distinctively unusual or outstanding services either in the continental United States or overseas, as well as for performance of duty prescribed above for field-grade officers. Awards will not be made to field-grade officers for performance of duty in normal duty assignments. Awards will not be made to general officers for services performed in time of peace.

(3) It is particularly desirable that awards of this decoration be made to outstanding company-grade officers, warrant officers, and enlisted personnel whose achievements and services meet the prescribed standards.

(4) Awards may be made, upon application, to those individuals who were commended on or after December 7, 1941, and prior to January 1, 1946, in a letter, certificate, or order of commendation, as distinguished from letters of appreciation, signed by a major general or officer occupying the position vacancy of a major general or by an officer of higher grade for meritorious achievement or meritorious service performed subsequent to December 7, 1941.

(5) Those individuals who, as members of the Army, were awarded the Commendation Ribbon prior to October 1, 1949, will, upon application, be issued the Commendation Ribbon with Metal Pendant. Each application will be accompanied by a copy of the commendation and/or the specific authorization for the Commendation Ribbon. The next-of-kin of individuals who, as members of the Army, were awarded the Commendation Ribbon prior to October 1, 1949, may likewise make application for issuance of the Commendation Ribbon with Metal Pendant.

(c) *Description.* On a 1⅜-inch bronze hexagon, one point up, an American bald eagle with wings displayed horizontally grasping three crossed arrows and bearing on its breast a shield paly of 13 pieces and a chief. On the reverse between the word "For Military" and "Merit" a panel, all above a sprig of laurel. A moired silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of stripes of white (3/32-inch), green (25/64-inch), white (1/32-inch), green (1/16-inch), white (1/32-inch), green (1/16-inch), white (1/32-inch), green (1/16-inch), white (1/32-inch), green (25/64-inch) and white (3/32-inch).

§ 578.21 *Purple Heart*—(a) *To whom awarded.* The Purple Heart, established by General George Washington at Newburgh, New York, on August 7, 1782, is awarded to any member of the Armed Forces of the United States and to any civilian citizen of the United States serving with the Army who was wounded either in action against an armed enemy of the United States or as a direct result of an act of such enemy, provided the wound necessitated treatment by a medical officer.

(b) *Standards.* (1) For the purpose of considering an award of this decoration, a "wound" is defined as an injury to any part of the body from an outside force, element, or agent sustained while in action in the face of the armed enemy or as a result of a hostile act of such enemy. A physical lesion is not required, provided the concussion or other form of injury received was directly due to enemy action and required medical treatment. An "element" pertains to weather and the award of this decoration to personnel who were severely frostbitten while actually engaged in combat is authorized. Not more than one award of this decoration will be made for more than one wound or injury received at the same instant or from the same missile, force, explosion, or agent.

(2) Record of medical treatment for wounds or injuries received in action as prescribed above must have been made a matter of official record during the period of hostilities or within 6 months thereafter.

(3) Awards may be made, upon application, to those individuals who, as members of the Army, prior to December 7, 1941, were awarded Meritorious Services Citation Certificates by the Commander-in-Chief, American Expeditionary Forces, during World War I and/or were authorized to wear wound chevrons.

(4) Those individuals who, as members of the Army, on or after December 7, 1941, were awarded the Purple Heart for meritorious achievement or service in connection with military operations against the enemy may make application for the award of an appropriate decoration in lieu of the Purple Heart.

(5) A Purple Heart will be issued to the next-of-kin of each person entitled to a posthumous award as nearly coincidentally as practicable with the receipt by the Department of the Army of a report of death indicating such person was killed in action against an armed enemy or died as a direct result of an act of an enemy, notwithstanding the fact that the records indicate the presentation of a Purple Heart to the deceased person prior to death.

(c) *Description.* On a purple heart within a bronze border, a profile head in relief of General George Washington in military uniform. Above the heart is the shield of General Washington's coat of arms between two sprays of leaves in green enamel. On the reverse below the shield and leaves without enamel is a raised bronze heart with the inscription "For Military Merit". The entire device is 1 11/16 inches in length. The medal is suspended by a rectangular-shaped loop with corners rounded from a moired silk ribbon 1⅜ inches in length and 1⅜ inches in width, consisting of a purple (pansy) center with white edges (⅛-inch).

§ 578.22 *Medal for Merit*—(a) *To whom awarded.* The Medal for Merit is awarded to civilians of the nations prosecuting the war under the joint declaration of the United Nations and of other friendly foreign nations who have, subsequent to the proclamation of an emergency by the President, distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services.

(b) *Standards.* Awards to civilians of foreign friendly nations will be made only for exceptionally meritorious or courageous acts performed in furtherance of the war efforts of the United Nations.

(c) *Description.* An eagle displayed standing on a vertical sheaf of arrows bearing the inscription "Novus Ordo Seclorum," all gold-finished bronze, in front of a ring of dark-blue enamel 1½ inches in diameter, bearing 13 white enamel stars. On the gold-finished bronze reverse, the ring, in front of the eagle and arrows in reverse, the words "United States of America" at the top and "For Merit" at the bottom in front of a spray of laurel leaves. The medal is connected to the suspension ring by a wreath of laurel leaves, green enamel on the front and gold-finished bronze on the back. The medal is suspended by a moired silk ribbon 1⅞ inches in length and 1⅜ inches in width, composed of a stripe of purplish-red (9/16-inch), a stripe of white (1/16-inch), a stripe of purplish-red (⅛-inch), a stripe of white (1/16-inch), and a stripe of purplish-red (9/16-inch).

(56 Stat. 662; 10 U. S. C. 1408b; E. O. 9637, October 3, 1945, 10 F. R. 12543, as amended by E. O. 9857A, May 27, 1947, 12 F. R. 3583)

§ 578.23 *Medal of Freedom*—(a) *To whom awarded.* The Medal of Freedom is awarded to any person, other than a member of the Armed Forces of the United States who, on or after December 7, 1941, shall have performed a meritorious act or service which has aided the United States in the prosecution of a war against an armed enemy or enemies, or has similarly aided any nation engaged with the United States in the prosecution of a war against a common enemy or enemies, when the award of any other United States military decoration is deemed inappropriate.

(b) *Standards*—(1) *Citizens and habitual residents of United States.* (i) This decoration may be awarded to a citizen of the United States for any act or service performed within a recognized or designated active theater of combat operations.

(ii) The required degree of performance of the act or achievement shall be the same as that required for an award of the Bronze Star Medal to members of the armed forces.

(iii) Awards will be made without reference to degree and the Medal of Freedom without Palm will be issued.

(2) *Citizens and members of armed forces of foreign nations.* (i) The Medal of Freedom will be awarded in one of the following degrees which corresponds to the respective military decorations indicated:

(a) Gold Palm (Legion of Merit, Chief Commander).

(b) Silver Palm (Legion of Merit, Commander).

(c) Bronze Palm (Legion of Merit, Officer and Legionnaire).

(d) Without Palm (Bronze Star Medal).

(ii) For each succeeding award of this decoration, the award will be in a higher degree than the previous award. A subsequent award in the same or lower degree is not authorized.

(c) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse are the head, shoulders, and headdress of Freedom (taken from the statue on top of the United States Capitol dome). In the lower portion in an arc is the inscription "Freedom." On the reverse is the "Liberty Bell" without carriage, within a circle composed of the words "United States of America." The medal is suspended by a ring from a moired silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of red (7/16-inch), white (1/32-inch), red (⅛-inch), white (1/32-inch), red (⅛-inch), white (1/32-inch), red (⅛-inch), white (1/32-inch), and red (7/16-inch).

(E. O. 9586, July 6, 1945, 10 F. R. 8523)

§ 578.24 *Appurtenances to Military Decorations*—(a) *Oak-Leaf Cluster*—(1) *General.* A bronze Oak-Leaf Cluster is issued in lieu of a decoration for each succeeding award of the same United States military decoration to the same person, except awards of the Medal of Freedom and Legion of Merit to foreign personnel, and posthumous awards of the Purple Heart, and is worn attached to the ribbons of the decoration it represents. A silver Oak-Leaf Cluster may be worn in lieu of five bronze Oak-Leaf Clusters for the same decoration.

(2) *Description.* A bronze (or silver) twig of four oak leaves with three acorns on the stem, 13/32-inch in length for a suspension ribbon and 5/16-inch in length for a service ribbon.

(b) *Letter "V" Device*—(1) *General.* The letter "V" device is worn on the suspension and service ribbons on the Bronze Star Medal to denote an award has been made for heroism (valor). Not more than one letter "V" device will be worn, regardless of the number of awards of the Bronze Star Medal made for heroism.

(2) *Description.* A bronze block letter "V" ¼-inch in height with serifs at the top of the members.

(c) *Palm*—(1) *General.* A gold, silver, or bronze Palm is worn on the suspension and service ribbons of the Medal of Freedom awarded to foreign personnel to denote the degree in which the decoration has been awarded, except cases where the decoration has been awarded without Palm.

(2) *Description.* A gold, silver, or bronze Palm 1⅛ inches in length.

(d) *Service ribbon.* A ribbon identical in color with the suspension ribbon of the decoration it represents attached to a bar 1⅜ inches in width and ⅜ inch in length, equipped with a suitable attaching device. A service ribbon is issued with each decoration.

(e) *Lapel button.* A lapel button ⅛-inch in length and 21/32-inch in width is a colored enamel replica of the respective service ribbon. An enamel lapel button is issued with each decoration except the Medal of Honor and Medal for Merit.

(f) *Rosette*—(1) *Medal of Honor rosette.* A hexagonal shape of light-blue ribbon ½-inch circumscribing diameter, with a fan-shaped ribbon insert showing white stars, equipped with a button back.

(2) *Medal for Merit rosette.* A circular cup shape of purplish-red ribbon, ½-inch circumscribing diameter, with a fan-shaped ribbon insert showing purplish-red and white stripes, equipped with a button back.

(g) *Container.* A container, either plastic or leather-covered, and plush-lined, containing a decoration, service ribbon, and lapel button or rosette. Each decoration awarded will be furnished in an appropriate container.

(h) *Certificate for decoration.* A certificate will be issued for each United States military decoration awarded, except the Medal for Merit and Medal of Freedom, normally at the time of the award, and will be presented at the presentation ceremony. Certificates for decorations are standard Department of the Army forms and no other form of certificate will be issued to indicate the award of a decoration.

(i) *Miniature decorations and appurtenances.* Miniature decorations and appurtenances are replicas of the corresponding decorations and appurtenances on the scale of one-half.

§ 578.25 *Foreign decorations*—(a) *Consent required.* No person holding any office of profit or trust under them (the United States) shall, without the consent of Congress, accept any present, emolument, office or title, of any kind whatever, from any King, Prince, or foreign state.

(b) *Congressional authorization.* Except for such foreign awards as previously may have been specifically authorized by the Congress to be accepted, each tender of an award by a foreign government to a member of the Army will be forwarded through The Adjutant General to the Department of State, where it will be held in escrow pending approval by the Congress for the proposed recipient to accept. No foreign decorations or ribbons therefore will be worn prior to such approval by the Congress.

(c) *Authorization not required*—(1) *Former members of armed forces of friendly foreign nations.* The approval of the Congress, as prescribed in paragraph (a) of this section is not required to accept any foreign decoration tendered or awarded for services while the recipient is a bona fide member of the armed forces of the respective foreign nation and provided the award is duly accepted in accordance with the regu-

lations of the nation making the award prior to the recipient's entry into active Federal service in the Armed Forces of the United States.

(2) *Members of Organized Reserve Corps.* A Reserve officer while not on active duty and while not holding a position of profit or trust under the Government may, without specific consent of Congress, accept a foreign decoration and may, when authorized to do so by Army regulations, wear such decoration on his uniform.

(3) *Posthumous.* The approval of the Congress, as prescribed in paragraph (a) of this section, is not required to accept any foreign decoration tendered or awarded posthumously to a former member of the Army.

§ 578.25a *Supply of decorations and appurtenances*—(a) *Items furnished.* The following items will be furnished by the Department of the Army:

(1) Decoration.
(2) Oak-Leaf Clusters.
(3) Letter "V" devices.
(4) Palms.
(5) Service ribbons.
(6) Lapel buttons.
(7) Rosettes.
(8) Certificates for decorations.
(9) Containers for decorations.

(b) *Items not furnished.* The following items are not issued or sold by the Department of the Army:

(1) Miniature decorations and appurtenances.
(2) Miniature service ribbons.
(3) Miniature devices.

[SEAL] EDWARD F. WITSELL,
Major General, USA,
The Adjutant General.

[F. R. Doc. 50-7587; Filed, Aug. 30, 1950; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

[Regs. U-10, U-12, Amdt.]

PART 251—LAND USES

SPECIAL USE PERMITS; CHARGE OR OTHER CONSIDERATION

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), Regulations U-10 and U-12 of the rules and regulations governing the occupancy, use, protection and administration of the national forests, which constitute §§ 251.1 and 251.3, Part 251, Chapter II, Title 36, Code of Federal Regulations, are amended to read as follows:

1. Paragraph (a) (1) of § 251.1 is amended to read as follows:

§ 251.1 *Special use permits, archaeological permits, leases and easements; general conditions.*—(a) *Special uses.* (1) All uses of national forest lands, improvements, and resources, including the uses authorized by the act of March 4, 1915 (38 Stat. 1101; 16 U. S. C. 497), the act of March 30, 1948 (62 Stat. 100; 48 U. S. C. 341), and section 7 of the act of April 24, 1950 (Pub. Law 478, 81st Cong.), and excepting those provided for in the regulations governing the disposal of timber and the grazing of livestock or specifically authorized by acts of Congress, shall be designated "special uses," and shall be authorized by "Special use permits."

2. Section 251.3 is amended to read as follows:

§ 251.3 *Charge or other consideration for special use permits.* (a) Special use permits, except as otherwise provided in this section or § 251.2, or specifically authorized by the Secretary of Agriculture, shall require the payment of a fee or charge commensurate with the value of the use authorized by the permit, the amount of which shall be prescribed by the Chief of the Forest Service.

(b) Special use permits issued under section 7 of the act of April 24, 1950, may require as all or a part of the consideration the reconditioning and maintenance of the government-owned or controlled structures, improvements, and land to a satisfactory standard: *Provided,* That the total consideration so received shall be commensurate with the value of the use authorized by the permit when the use is of a commercial nature.

(c) Special use permits involving government-owned or controlled buildings, structures, or other improvements which require caretakers' services, or the furnishing of special services such as water, electric lights, and clean-up, may require the payment of an additional fee or charge to cover the costs of such services.

(Sec. 1, 30 Stat. 35, as amended, 62 Stat. 100; 16 U. S. C. 551. Interpret or apply sec. 1, 33 Stat. 628; 16 U. S. C. 472)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, this 25th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7608; Filed, Aug. 30, 1950; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS' CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.0, paragraph (b) is amended to read as follows:

§ 3.0 *World Wars I and II.* • • •

(b) World War II shall comprise the period between December 7, 1941, to December 31, 1946, both dates inclusive (section 9 (a), Public Law 144, 78th Congress). Veterans Regulation 1 (a), Part I, as amended (38 U. S. C. ch. 12), is applicable in determination of entitlement to disability compensation and allows wartime rates and criteria in cases (1) where there was service during the period December 7, 1941, through December 31, 1946, and (2) where service began during such period and continued thereafter, and disability occurred or resulted from injuries or diseases or aggravation of preexisting injuries or diseases in active service as to (1) during the period specified therein and as to (2) during the period beginning December 7, 1941, and ending at midnight on July 25, 1947. However, by virtue of Part II, Veterans Regulation 1 (a), as amended by Public Law 359, 77th Congress, as amended, disabilities incurred or aggravated in an enlistment or employment entered into on and after January 1, 1947, and suffered prior to or on the official termination of the war, July 25, 1947, are compensable at Veterans Regulation 1 (a), Part I, as amended, rates. The criteria governing service-connection or other conditions of entitlement in cases of this latter category will be those provided in Veterans Regulation 1 (a), Part II, as amended.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 4, 48 Stat. 9, sec. 5, 50 Stat. 661, E. O. 6156, as amended; 38 U. S. C. 424a, 704, 38 U. S. C. ch. 12 note)

2. Sections 3.1 and 3.2 are amended to read as follows:

§ 3.1 *Persons included in the acts in addition to commissioned officers and enlisted men*—(a) *Field clerks, Quartermaster's Corps.* Field clerks, Quartermaster's Corps, are included as enlisted men.

(b) *Army field clerks.* Army field clerks had the same military status as field clerks, Quartermaster's Corps, and are included as enlisted men.

(c) *Philippine Scouts and others.* Philippine Scouts, the Insular Force of the Navy, Samoan Native Guard, and Samoan Native Band of the Navy are within the terms of the acts, except that neither the Philippine Scouts nor the Insular Force of the Navy were, or are, included in Article II of the War Risk Insurance Act. However, Philippine Scouts enlisted under section 14 of Public Law 190, 79th Congress, approved October 6, 1945, are subject to the limitations contained in Public Law 391, 79th Congress. Benefits are accordingly limited to compensation payable for service-connected disability or death. Members of the organized military forces of the Government of the Commonwealth of the Philippines are included for purposes of the laws administered by the Veterans' Administration providing for the payment of compensation on account of service-connected disability or death from and after the dates and hours, respectively, that they were called into service of the Armed Forces of the United States by orders issued from time to time by the General Officer, United States Army, designated by the Secretary of War. (Sec. 2 (a) (12), Public No. 127, 73d Congress, and Public Law 301, 79th Congress). This includes a person who became a member of a unit so called or ordered into the Armed Forces of the United States upon its reorganization and return to military control prior to July 1, 1946. It does not include the service of such a person during the period subsequent to his release following the capitulation or after parole by the Japanese as a prisoner of war, when he was in an inactive status, prior to the time he joined a recognized guerrilla force or returned to military control as certified by the United States Armed Forces. Persons who served as guerillas under a commissioned officer of the United States Army, Navy, or Marine Corps, or under a commissioned officer of the Commonwealth Army recognized by and cooperating with the United States forces are also included: *Provided,* That service as a guerrilla by a person who also was a Philippine Scout or a member of the Armed Forces of the United States, other than a member of the Commonwealth Army, will be considered as service in his regular status of Philippine Scout or member of the Armed Forces of the United States. However, unless the record shows examination at time of entrance into the Armed Forces of the United States, such persons are not entitled to the presumption of soundness. This will also apply upon reentering the Armed Forces after a period of inactive service. Service of such Commonwealth forces in the United States Armed Forces was terminated as of June 30, 1946, by the military order of the President dated July 1, 1946. (Therefore, such Philippine Army service rendered on or after July 1, 1946, is not service in the United States Armed Forces within the purview of the laws administered by the Veterans' Administration.) Compensation payable to members of the organized military forces of the Government of the Commonweath of the Philippines, under the conditions set forth above, and to Philippine Scouts who enlisted under section 14, Public Law 190, 79th Congress, shall be paid at the rate of one Philippine peso for each dollar authorized to be paid under the laws providing for such compensation. Where a veteran, who had Commonwealth Army or guerrilla service and also had other service, wartime or peacetime, in the Armed Forces of the United States, has compensable disabilities due to the service entitling to compensation on a peso basis and due to service entitling to compensation on a dollar basis, the disabilities will be combined as usual, applying the provisions of Part IV, Veterans' Regulation 1 (a) (38 U. S. C. ch. 12), where there is disability due to wartime and peacetime service. In computing the amount due, the evaluation for which dollars are payable will be first considered and the difference between this evaluation and the combined evaluation will be the basis for computing the amount due in pesos.

(d) *Students in aviation camps.* Students in aviation camps who were enlisted men are included.

(e) *Commissioned officers, Public Health Service.* Officers of the Public Health Service who were detailed for duty with the Army or Navy are included as officers in the active service. On or after November 11, 1943, commissioned officers of the Public Health Service, regular and reserve, who (1) are detailed for duty with the Army, Navy, or Coast Guard; (2) are serving in time of war outside the continental limits of the United States or in Alaska, regardless of whether the disability or death was suffered prior or subsequent to November 11, 1943: *Provided, however,* That benefits may not be awarded for any period prior to November 11, 1943; or (3) perform active service in time of war and following the issuance of an Executive order declaring the commissioned corps of the Public Health Service a part of the military forces of the United States are also included. In regard to subparagraph (3) of this paragraph, the Executive order was published on June 29, 1945, effective July 29, 1945; hence, on and after the latter date and for the duration of World War II, the above-described commissioned officers of the Public Health Service, with respect to active service performed, shall be considered as in active military or naval service and included within the acts administered by the Veterans' Administration.

(Sec. 212, Pub. Law 410, 78th Cong.; E. O. 9575, June 21, 1945)

(f) *Male nurses, enlisted.* Male nurses who were enlisted men of the Medical Department are included.

(g) *Retired officers or men ordered to active duty.* Officers and men on the retired list who were ordered to active duty by the War Department or Navy Department were in active service and are included.

(h) *Personnel of Lighthouse Service.* The personnel of the Lighthouse Service transferred to the service and jurisdiction of the War and Navy Department by Executive order pursuant to the act of August 29, 1916, are included.

(i) *Army Nurse Corps, Navy Nurse Corps, and female dietetic and physical therapy personnel.* Members of the Army Nurse Corps (female) and the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department. Female dietetic and physical therapy personnel (exclusive of students and apprentices) appointed with relative rank on or after December 22, 1942 (Public Law 828, 77th Congress), or commissioned on or after June 22, 1944 (Public Law 350, 78th Congress.)

(j) *Alien beneficiaries.* A veteran discharged for alienage during a period of hostilities is ineligible for benefits, unless he can establish that it was not pursuant to his own request. Where the character of the veteran's discharge is changed to honorable by a board established under the authority contained in section 301, Public Law 346, 78th Congress, as amended, or section 207, Public Law 601, 79th Congress, it will be considered that the discharge for alienage was not issued at the veteran's own request. A veteran who was discharged for alienage after the termination of hostilities and whose service was honest and faithful is not barred from benefits if he is found to be otherwise entitled thereto.

(k) *Members of training camps authorized by law.* Except as to persons who served as members of students army training corps camps held at the Presidio of San Francisco, Plattsburg, New York, and Fort Sheridan, Illinois, from July 18, 1918, to September 16, 1918, members of training camps authorized by section 54 of the National Defense Act, are included.

(l) *Reserve Officers and members of the Enlisted Reserves; members of the National Guard of the United States and the federally recognized National Guard of the several States, Territories and the District of Columbia*—(1) *Reserve service*—(i) *Public No. 159, 75th Congress (act of June 23, 1937); Army and Air Force.* Active service, including service for training purposes (inactive duty excluded) performed in time of peace on or after June 15, 1933, by Reserve officers and members of the Enlisted Reserves of the Army and Air Force, is considered as active military service. Compensation may be payable for disease or injury connected with such service regardless of the period for which the reservist was called to active duty.

(ii) *Public No. 159, 75th Congress as modified by Public No. 732, 75th Congress (act of June 25, 1938); Navy, Marine Corps, and Coast Guard.* For periods on and after June 15, 1933, in time of peace, members of the Naval (organized and volunteer) and Marine Corps Reserves are considered as performing active service while performing active duty with or without pay, training duty with or without pay drills, equivalent instruction or duty, appropriate duty, or other prescribed duty, or while performing authorized travel to or from such duties. By virtue of section 211, Public Law 8, 77th Congress, the provisions of this subdivision are applicable to Reserve officers and enlisted members of the Coast Guard Reserve (except temporary members thereof) who rendered such service on or after February 19, 1941, in time of peace. Compensation may be payable for disease or injury connected with such service regardless of the period for which the Reservist was called to duty.

(iii) *Sections 1 and 2, Public Law 108, 81st Congress (act of June 20, 1949).* Reserve officers and enlisted members of the Reserves of the Navy, Marine Corps, Coast Guard, Army and Air Force:

(*a*) Who were called or ordered into active military or naval service for a period in excess of 30 days who suffer disability from disease while so employed, or

(*b*) Who were called or ordered into active military or naval service, or to perform active duty for training, or inactive duty training, for any period of time and suffer disability from injury (disease is not regarded as an injury) while so employed are considered to have been in active service during such period for the purposes of sections 1 and 2, Public Law 108, 81st Congress.

(2) *National Guard.* The following members of the National Guard and the surviving dependents of such persons are entitled to the benefits provided by section 3, Public Law 108, 81st Congress: officers, warrant officers, and enlisted men of the National Guard of the United States, both ground and air, and the federally recognized National Guard of the several States, Territories, and the District of Columbia:

(i) Who are engaged for a period in excess of 30 days in any type of training or active duty under sections 5, 81, 92, 94, 97, or 99 of the National Defense Act

(act of June 3, 1916), as amended, and suffer disability or death from disease while so employed; or

(ii) Who are engaged for any period of time in any type of training or active duty under such sections of the National Defense Act, as amended, and suffer disability or death from injury (disease is not regarded as an injury) while so employed.

(3) *Rating criteria and rates.* The rating criteria and rates payable based on the service of a Reservist or National Guardsman shall be those provided in Veterans Regulation 1 (a), Part I or Part II, as amended (38 U. S. C. ch. 12), as applicable. As to commencing date of awards see § 3.212 (d).

(m) *Cadets and midshipmen.* Cadets and midshipmen (Army, Navy, and Coast Guard) suffering from disabilities incurred in the line of duty while assigned to duties constituting war service, which includes practice cruises at sea but excludes practice maneuvers at West Point, during the period of one of the hostilities enumerated in Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12) (limited in the case of the Coast Guard to service on or after January 28, 1915), are entitled to compensation for such disability at the rate provided in Veterans Regulation No. 1 (a), Part I, as amended, if otherwise entitled. Cadets and midshipmen (Army, Navy, and Coast Guard) who are disabled by reason of a wound or injury received or a disease contracted while pursuing the prescribed course of instruction at the academies and in line of duty (limited in the case of the Coast Guard to such courses of instruction on or after January 28, 1915) are entitled to compensation at the rate prescribed in Veterans Regulation 1 (a), Part II, if otherwise entitled. Midshipmen (Navy and Coast Guard) assigned to practice cruises or cadets or midshipmen otherwise actually assigned to active duty for a total of at least 90 days during a period of hostilities enumerated in Veterans Regulation 1 (a), as amended (limited in the case of the Coast Guard to service on or after January 28, 1915), who are now suffering from a disability permanent and total in degree, but which is not connected with any period of service, are entitled to a pension at the rate prescribed in Veterans Regulation 1 (a), Part III, if otherwise entitled. Service as a cadet at the United States Military Academy or as a midshipman at the United States Naval Academy or as a cadet at the United States Coast Guard Academy on or after December 7, 1941, and before 12 o'clock noon, December 31, 1946, shall be considered active military or naval service in World War II for the purposes of laws administered by the Veterans' Administration.

(Sec. 10, Pub. Law 144, 78th Cong.)

(n) *Under Public No. 2, 73d Congress, and Public Law 300, 78th Congress.* (1) Persons who on or after April 6, 1917, and prior to November 12, 1918, applied for enlistment or enrollment in the active service who were provisionally accepted and ordered to report to a place for final acceptance or who were drafted and after reporting pursuant to call of their local draft board, or who were called into the Federal service as members of the National Guard but before enrollment for Federal service suffered an injury or disease in line of duty, are included.

(2) (i) Any person who on or after August 27, 1940, and prior to January 1, 1947, applied for enlistment or enrollment in the active military or naval forces and who was provisionally accepted and directed or ordered to report to a place for final acceptance into such military or naval service, or who was selected for service and after reporting pursuant to the call of his local board and prior to rejection, who after being called in the Federal service as a member of the National Guard but before being enrolled for the Federal service, or who after being called into active service as a member of the Reserve but prior to reporting at camp for such service, suffered an injury or a disease in line of duty and not the result of his own willful misconduct, is included: *Provided*, That payments of compensation under the terms of this subparagraph shall not be effective prior to May 11, 1944.

(ii) The provisions of Public Law 330, 78th Congress, attach whenever a person is acting pursuant to an order of his draft board, including an order to report to the board for a pre-induction examination. The protection covers any injury or disease which was acquired during time spent away from home or en route home in connection with such order and as a result thereof. An injury or disease which was suffered on the trip when reporting for active duty or final induction is covered. The injury or disease to be compensable must be attributable to some cause or factor relating to his activity in connection with complying with proper orders. These provisions do not extend to such persons as to disease or injury suffered during the period of inactive duty or period of waiting after passing final physical examination and prior to beginning the trip to report for induction. Such protection also applies to a member of the National Guard after he reports to a designated rendezvous pursuant to proper call.

(o) *Women citizens of the United States.* Women citizens of the United States who were taken from the United States by the United States Government and who served in base hospitals overseas, including reconstruction aides and stenographers who served so, are included.

(p) *Commissioned officers of the Coast and Geodetic Survey.* Pursuant to section 2, Public Law 786, 77th Congress, commissioned officers of the Coast and Geodetic Survey who are assigned during the period of World War II to duty on projects for the War Department or the Navy Department in areas outside the continental United States or in Alaska, or in coastal areas of the United States, determined by the War or Navy Department to be of immediate hazard, shall while on such duty be considered as performing active military or naval service: *Provided*, Commissioned officers of the Coast and Geodetic Survey serving in the Philippine Islands on December 7, 1941, will be considered as in the active military or naval service from and including that date: *Provided*, That compensation under this act may not be awarded concurrently with United States employees compensation; *And provided further*, That benefits may not be awarded prior to December 3, 1942.

(q) *Commissioned officers and enlisted personnel of the Women's Army Corps.* On and after July 1, 1943, commissioned officers and enlisted personnel of the Women's Army Corps, from the date of commission or enlistment, shall be entitled to the same rights, privileges, and benefits as members of the Officers' Reserve Corps or enlisted men of the United States Army, respectively.

(Pub. Law 110, 78th Cong.)

(r) *Commissioned or enlisted members of the Women's Reserve of the Navy, Marine Corps, or Coast Guard.* On or after November 8, 1943, commissioned or enlisted members of the Women's Reserve of the Navy or Marine Corps, and on or after December 23, 1943, commissioned or enlisted members of the Women's Reserve of the Coast Guard are entitled to the same rights, privileges, and benefits as members of the Officers' Reserve Corps or enlisted men of the United States Navy, Marine Corps, or Coast Guard, respectively.

(s) *Coast Guard.* Personnel of the United States Coast Guard who served on or after January 28, 1915. (Acts of July 2, 1930, and July 18, 1941.) (*Provided*, That no award of disability compensation under Public Law 182, 77th Congress, to former personnel of the United States Coast Guard who served on or after January 28, 1915, and prior to July 2, 1930, shall be effective prior to the date of receipt on or after July 18, 1941, of an acceptable application, formal or informal, as required in disability claims generally.)

(t) *Personnel of the National Guard or the National Guard of the United States, while in the active service of the United States, other than service defined in paragraph (l) of this section.*

(u) *Pay clerks in the Navy.*

(v) *Paymaster clerks while serving under a commission from the Secretary of War.*

(w) *Members of the Naval Academy Band on and after April 12, 1910.*

(x) *Men inducted for training and service under Public No. 783, 76th Congress.*

(y) *Paymaster clerks in the Marine Corps.*

(z) *Aerial transportation of mail (Public No. 140, 73d Congress).* Compensation at the rates provided by Veterans Regulation 1 (a), Part I, as amended (38 U. S. C. ch. 12), is payable to any officer (including warrant and reserve officers), or any enlisted man, or his dependents where injury or death occurs while serving pursuant to the provisions of Public No. 140, 73d Congress. In the event of injury of any such officer or enlisted man the degree of disability resulting therefrom will be evaluated under the 1945 Rating Schedule and extensions. The officer or enlisted man may elect to receive either the compensation under Veterans Regulation 1 (a), Part I, as amended, or the benefits provided by section 5 of Public No. 140, 73d Congress.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 1, 46 Stat. 847, sec. 4, 48 Stat. 9, 50 Stat. 305, sec. 304, 52 Stat. 1181, as amended, sec. 4, 54 Stat. 864, as amended, sec. 1, 211, 55 Stat. 598, 12, 56 Stat. 730, as amended, 1072, sec. 2, 56 Stat. 1038, sec. 3, 10, 57 Stat. 371, 556, sec. 1, 2, 58 Stat. 324, sec. 2, 3, 212, 58 Stat. 599, 689, 60 Stat. 223, E. O. 6098, as amended, E. O. 6156, as amended; 10 U. S. C. 336, 81 note, 14 U. S. C. 311, 33 U. S. C. 855a, 34 U. S. C. 855c, 855c–1, 857a, 38 U. S. C. 238, 238c–e, 704, 730, ch. 12 note, 42 U. S. C. 213, 50 U. S. C. App. 1553, 1591, 1592)

§ 3.2 *Persons not included in the acts*—(a) *Members of the National Guard.* Members of the National Guard ordered to active duty for training are not, under section 112 of the National Defense Act of June 3, 1916, as amended June 15, 1933, or under Public No. 159, 75th Congress, entitled to compensation.

(b) *Organized Military Forces of the Government of the Commonwealth of the Philippines.* See § 3.1 (c).

(c) *Temporary members of the Coast Guard Reserve.* Temporary members of such reserve are not within the purview of the laws governing the Veterans' Administration.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, 38 U. S. C. and Sup. 11a, 426, 707)

3. In § 3.26, paragraph (a) is amended to read as follows:

§ 3.26 *Application for benefits.* (a) A properly completed and executed VA Form 8–526, 8–526a, or 526b, upon receipt by the Veterans' Administration, constitutes an application for benefits indicated below and will be adjudicated under the applicable laws:

VA Form 8–526, Veteran's Application for Compensation for Disability Resulting From Service in the Active Military or Naval Forces of the United States.

VA Form 8–526a, Application for Compensation Under Section 31, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress, and section 2, paragraph 4, Public Law 16, 78th Congress.

VA Form 526b, Veteran's Application for Pension for Disability Not the Result of Service in the Active Military or Naval Forces of the United States.

Under Executive Order 6017, February 7, 1933, and section 1500, Public Law 346, 78th Congress, as amended, diplomatic and consular officers of the Department of State are authorized to act as agents of the Veterans' Administration, and therefore, a formal claim filed in a foreign country will be considered as filed in the Veterans' Administration as of the date of receipt by the State Department representative.

* * * * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

4. Section 3.27 is amended to read as follows:

§ 3.27 *Informal claims.* A VA Form 8–526, designated as an application for compensation for service-connected disability, may be considered as an informal claim for pension for non-service-connected disability under Veterans Regulation 1 (a), Part III (38 U. S. C. ch. 12), provided a formal application on VA Form 526b for pension for non-service-connected disability is filed within the period of 1 year. The converse of the above situation is equally true, i. e., a VA Form 526b may be accepted as an informal claim for disability compensation, provided VA Form 8–526 is filed within the period of 1 year. However, the failure of the Veterans' Administration to furnish application Form 8–526 or Form 526b will not extend the 1 year period. In death cases, accrued benefits otherwise payable may be allowed on the basis of a Form 8–526 or 526b which constitutes an informal claim only, provided the 1 year time limitation for filing a formal claim as herein described has not elapsed. In addition, any communication from or action by a claimant or his duly authorized representative, or some person acting as next friend of a claimant who is not sui juris, which clearly indicates an intent to apply for disability or death compensation or pension may be considered an informal claim. To constitute an informal claim, the communication must specifically refer to and identify the particular benefit sought. When such informal claim is received and a formal application is forwarded for execution by the claimant, such application shall be considered as evidence necessary to complete the initial application, and, unless a formal application is received within 1 year from the date it was transmitted for execution by the claimant, no award shall be made by virtue of such informal claim. If received within 1 year in such instances, it will be considered filed as of the date of receipt of the informal claim by the Veterans' Administration. However, a communication received from a service organization, pension attorney, or pension agent may not be accepted as an informal claim if a power of attorney was not executed at the time the communication was written. In cases not covered by this rule, where the probability of an informal claim appears to be indicated but the facts are too obscure or complicated for determination, the file will be referred to the director, claims service, district office, in field death cases, the director, veterans claims service, central office, in field living cases, or the director of the service concerned in central office cases, for decision upon the facts in the particular case. When benefits are being resumed under § 3.299 and an informal claim has been filed for a disability incurred or aggravated in the second period of service, the requirements of the seventh and eighth sentences of this section are not for application. Under Executive Order 6017, February 7, 1933, and section 1500, Public Law 346, 78th Congress, as amended, diplomatic and consular officers of the Department of State are authorized to act as agents of the Veterans' Administration, and therefore an informal claim filed in a foreign country will be considered as filed in the Veterans' Administration as of the date of receipt by the State Department representative.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

5. In § 3.30, paragraph (a) is amended to read as follows:

§ 3.30 *Written and oral testimony to be under oath; administration of oaths by employees.* (a) All written testimony, whether lay or medical, submitted by or in behalf of a claimant in support of service-connection as proof that the claimant is entitled to such benefits, will be submitted under oath. For the purpose of establishing service-connection, the physical examination reports, clinical records, and transcript of records received from State, county, municipal, and recognized private institutions and contract hospitals, referred to in § 3.216 (c), must be notarized. This requirement of notarization prevails whether the report, record, or transcript is submitted at the instance of the claimant or in his behalf or pursuant to Veterans' Administration request. In cases under the jurisdiction of the Manila regional office, all hospital and clinical reports, X-ray report, and other evidence of treatment that is procured from provincial, Government, and private hospitals and clinics by the Philippine agencies or the Philippine Command, United States Army, for the purpose of submitting the evidence to the Veterans' Administration as evidence of treatment prior to July 1, 1946, which are not notarized may be received and given such weight as the entire record justifies. Claimants, their legal representatives, and witnesses in their behalf, appearing before any rating or appellate body for the purpose of presenting oral testimony, will be duly sworn.

* * * * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 300, 49 Stat. 2033; 38 U. S. C. 131)

6. In § 3.65, paragraphs (a) and (c) are amended to read as follows:

§ 3.65 *Willful misconduct.* (a) A disabling condition will be considered to be the result of willful misconduct for the purpose of all adjudications under Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), and sections 27 and 28, Public No. 141, 73d Congress, as amended, when it is shown to have been incurred under conditions or in a manner set forth by Veterans Regulation 10, paragraph VIII, as amended, without regard to any prior determinations respecting the manner of its incurrence. A finding in any case that a disabling condition is of willful misconduct nature, as defined by Veterans Regulation 10, paragraph VIII, as amended, will bar any right to pension or compensation under Veterans Regulation 1 (a), as amended, and sections 27 and 28, Public No. 141, 73d Congress, as amended.

* * * * * * *

(c) In determining whether an act is due to willful misconduct, the precedents under the World War Veterans' Act, 1924, as amended, are for application except as to venereal diseases meeting the requirements of section 2, Public Law 439, 78th Congress. Generally, these precedents are to the effect that an act to be one of "willful misconduct" must be "malum in se" or "malum prohibitum" if involving conscious wrongdoing or

known prohibited action. (Mere technical violation of police regulations or ordinances will not per se constitute "willful misconduct" but are factors for consideration in the light of the attendant circumstances.) Pursuant to Public Law 339, 81st Congress, every disease, injury, or death incurred without willful misconduct on the part of the service person while in confinement under sentence of a court-martial or a civil court will be deemed to have been incurred in line of duty unless disability was the result of a material interference with performance of military duty or unless the court-martial sentence involved an unremitted dishonorable discharge or, in the case of officers, separation under similar conditions, or the sentence of the civil court involved conviction of a felony, as defined by the laws of the jurisdiction where the person was convicted. The provisions of this paragraph will apply equally to those instances where the disability occurs during confinement prior to the actual remission of the dishonorable discharge, or separation under similar conditions: *Provided, of course,* That the dishonorable discharge or separation under similar conditions is subsequently remitted. Despite the remission of the dishonorable discharge or separation under similar conditions, there must always be borne in mind the necessity of determining under established criteria whether the presently existing discharge was under other than dishonorable conditions. If it was under dishonorable conditions, a statutory bar to entitlement exists. The determination whether the offense for which the veteran was convicted by a civil court constituted a felony will, in other than obvious cases, be made by the chief attorney of the regional office located in the State in which the civil court is also located, except in central office cases the determination will be made by the solicitor. (As to effective dates of evaluation, see § 3.148 (e).)

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply E. O. 6098, as amended; 38 U. S. C. ch. 12 note)

7. In § 3.86, paragraphs (a) and (b) are amended to read as follows:

§ 3.86 *Chronic and tropical disease under Public No. 2, 73d Congress, as amended.* (a) The service-connection of chronic disease under Veterans Regulation 1 (a), Part I, paragraph I (c), as amended (38 U. S. C. ch. 12), pursuant to Public No. 2, 73d Congress, is restricted to the following:

Anemia, primary.
Arteriosclerosis.
Arthritis.
Atrophy, progressive muscular.
Brain Hemorrhage.
Brain thrombosis.
Bronchiectasis (effective June 24, 1948).
Calculi of the kidney, bladder, or gall bladder (effective June 24, 1948).
Cardiovascular-renal disease, including hypertension (This term applies to combination involvements of the type of arteriosclerosis, nephritis, and organic heart disease, and since hypertension is an early symptom long preceding the development of these diseases in their more obvious forms, a disabling hypertension within the 1-year period will be given the same benefit of service-connection as any of the chronic diseases listed).
Cirrhosis of the liver (effective June 24, 1948).
Coccidioidomycosis (effective June 24, 1948).
Diabetes mellitus.
Encephalitis lethargica residuals.
Endocarditis (This term is intended to cover all forms of valvular heart disease).
Endocrinopathies.
Epilepsies.
Hodgkin's disease.
Leprosy.
Leukemia.
Myasthenia gravis.
Myelitis.
Myocarditis.
Nephritis.
Other organic diseases of the nervous system (effective June 24, 1948).
Osteitis deformans (Paget's disease).
Osteomalacia (effective June 24, 1948).
Palsy, bulbar.
Paralysis agitans.
Psychoses.
Purpura idiopathic, hemorrhagic (effective October 19, 1949).
Raynaud's disease (effective June 24, 1948).
Sarcoidosis (effective August 31, 1950).
Scleroderma (effective June 24, 1948).
Sclerosis, amyotrophic lateral.
Sclerosis, multiple.
Syringomyelia.
Thromboangiitis obliterans (Buerger's disease) (effective September 26, 1947).
Tuberculosis, active.
Tumors, malignant, or of the brain or spinal cord or peripheral nerves (effective June 24, 1948, as to tumors of the peripheral nerves).
Ulcers, peptic (gastric or duodenal) (effective June 24, 1948) (A proper diagnosis of gastric or duodenal ulcer (peptic ulcer) is to be considered established if it represents a medically sound interpretation of sufficient clinical findings warranting such diagnosis and provides an adequate basis for a differential diagnosis from other conditions with like symptomatology; in short, where the preponderance of evidence indicates gastric or duodenal ulcer (peptic ulcer). Whenever possible, of course, laboratory findings should be used in corroboration of the clinical data.)

(b) The service-connection of tropical diseases under Veterans Regulation 1 (a), Part I, paragraph I (c), and Part II, paragraph I (d) (38 U. S. C. ch. 12), is restricted to the following: (Effective June 24, 1948, unless otherwise indicated.)

Amebiasis (effective August 31, 1950).
Black water fever.
Cholera.
Dracontiasis.
Dysentery.
Filariasis.
Leishmaniasis, including Kala-Azar.
Leprosy.
Loiasis.
Malaria.
Onchocerciasis.
Oroya fever.
Pinta
Plague.
Schistosomiasis.
Yaws.
Yellow fever.
Resultant disorders or diseases originating because of therapy, administered in connection with such diseases, or as a preventative thereof.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply E. O. 6156, as amended, 38 U. S. C. ch. 12 note)

8. Section 3.95 is hereby canceled.

§ 3.95 *Service-connection for gastric or duodenal ulcer (peptic ulcer) under Public No. 2, 73d Congress.* [Canceled.]

9. In § 3.102, paragraph (a) is amended to read as follows:

§ 3.102 *Wartime service-connection.* (a) Conditions which may be considered under paragraph (b) (2) of this section are restricted to the following: Amebic dysentery; bacillary dysentery; filariasis (Bancroft's type); leishmaniasis, including kala-azar; schistosomiasis; trypanosomiasis; yaws; and malaria.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

10. Section 3.106 is amended to read as follows:

§ 3.106 *Evidence to establish service-connection.* (a) Service connection for dental disabilities will be established by service records, documentary evidence in the form of reports of examinations (dental or physical), affidavits of dentists or physicians, or affidavits of fact from two or more disinterested parties. The disability must be shown to have been incurred in or aggravated by service as provided herein. Affidavits by dentists or physicians must give the claimant's full name, the date he was first examined or treated, the date of subsequent treatments, if any, and contain a complete and detailed statement of the symptoms observed and diagnosis made. The name or number of all defective or missing teeth noted and the character and extent of any pathological condition of the investing tissues observed should be included. If exact dates cannot be given, the expression "on or about" an approximate date, may be considered. Vague expressions, such as "sometime after discharge", or "since discharge", will not be accepted. Affidavits from disinterested parties must show the circumstances under which knowledge of the claimant's disability was obtained and as far as possible describe the symptoms and location of the disability observed.

(b) Where, however, after all sources of information have been exhausted and all variations in the records reconciled, there remains notation of filled teeth at time of discharge or release from active service and there was no notation of these teeth as defective or filled at induction or entrance into active service, service-connection may be granted in exceptional cases for such teeth, notwithstanding there is no record of treatment during active service, provided the veteran alleges treatment in service, giving the time and place of treatment, and the conditions and circumstances of his service at the time support his allegation and inception in service is consistent with sound dental judgment. Exceptional cases contemplated in this category are where the veteran had a considerable period of service, particularly in a combat area where records of treatment may not always have been recorded due to the stress and strain encountered under battle conditions or where extenuating circumstances are shown in those instances where the veteran served in this country or in other than combat. (This does not apply to filled teeth noted on examinations within the 1-year period subsequent to discharge unless supported by material evidence.) Service-connection should not be granted for the 3d molars at any time unless there is a definite record showing such teeth to have been diseased after a reasonable period of service or within the time limit following discharge. The 3d molars shown as present at induction and missing at discharge will not be granted service-connection unless there is an actual record of extraction for reasons other than malposition or impaction.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

11. In § 3.142, paragraph (b) is amended to read as follows:

§ 3.142 *Special action where evaluations provided under the Rating Schedule 1945, are considered inadequate or excessive.* * * *

(b) Rating agencies are authorized to assign total disability ratings under Veterans Regulation 1 (a), Parts I and II (38 U. S. C. ch. 12 note), as authorized by paragraph 16, page 5, 1945 Rating Schedule, regardless of the age of the veteran; and under Veterans Regulation 1 (a), Part III, subject to the age requirements of Extension 5, 1945 Rating Schedule. In favorable determinations of permanence of total disability in cases of veterans under 40 years of age, the rating agency must assure itself, by deliberative consideration in which all three members of the board participate, that there is reasonable certainty of continuance of this degree of disability throughout life. Single disabilities of the extremities, even though severe, such as amputations, should not be taken to produce permanent and total disability until it is shown after hospitalization and convalescence that the veteran has been unable to secure employment on account of the disability and through no fault of his own. With these younger men, the fact that injuries, including single or multiple fractures, or diseases such as pulmonary tuberculosis, coronary thrombosis, or malignant growths, appear resistant to treatment, or have involved, or are likely to involve, long periods of treatment or industrial inactivity, does not indicate permanence of total disability unless the end result of treatment is more likely than not to be total disability. The general rules regarding permanence, as applied to total disability ratings, are set forth in §§ 3.167 and 3.168. Employment as a member employee or similar employment other than in Veterans' Administration centers obtainable only in competition with disabled individuals, will not be considered as evidence of employability.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707.)

12. In § 3.148, a new paragraph (e) is added as follows:

§ 3.148 *Effective dates of evaluations, 1945 Schedule, in original ratings.* * * *

(e) Where a reopened claim under section 5, Public Law 339, 81st Congress, is filed within 1 year from the date of the veteran's separation from service, evaluation will be from the date following date of discharge or October 10, 1949, whichever is the later. If such claim is not filed within a year from date of separation from service, evaluation will be from the date of claim. For the period from October 10, 1949, to November 30, 1949, the rates of compensation will be those in effect prior to the enactment of Public Law 339, 81st Congress.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply 60 Stat. 319, E. O. 6098, as amended; 38 U. S. C. 736–736, ch. 12 note)

13. In § 3.155, paragraphs (a), (b), and (d) are amended to read as follows:

§ 3.155 *Combined ratings.* (a) When there are two or more service-connected compensable disabilities, combined ratings, following the tables and rules prescribed in the 1945 Schedule, are authorized.

(b) Under Veterans' Regulation 1 (a), Part IV (38 U. S. C. ch. 12 note), a combined rating under the 1945 Schedule is authorized as between ratings for one or more disabilities resulting from wartime service and ratings for one or more disabilities resulting from peacetime service. Additional compensation for dependents should be on the basis of the wartime rates provided by section 1, Public Law 877, 80th Congress, as amended by section 4, Public Law 339, 81st Congress.

* * * * *

(d) Pursuant to section 202 (15), World War Veterans' Act, 1924, as amended, reenacted by Public No. 141, 73d Congress, a veteran of World War I, as defined by Public No. 141, 73d Congress, suffering from a disability of compensable degree connected with World War I service, who is entitled to compensation for a service-connected disability by reason of other military or naval service, is entitled to the evaluation and combination of his compensable service-connected disabilities in accordance with the Schedule for Rating Disabilities, 1945 edition. *Provided however,* That in the absence of a change in the severity of the condition previously evaluated under the 1925 Schedule, these evaluations will be continued and the greater benefit awarded. Additional compensation for dependents should be on the basis of the wartime rates provided by section 1, Public Law 877, 80th Congress, as amended by section 4, Public Law 339, 81st Congress.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 1, 62 Stat. 1219, as amended, E. O. 6156, as amended; 38 U. S. C. 740, ch. 12 note)

14. In § 3.172, paragraphs (b) and (c) are amended to read as follows:

§ 3.172 *Stabilization of disability evaluations.* * * *

(b) If, after according due consideration to all the evidence developed by the several items discussed in paragraph (a) of this section, doubt remains, the rating agency will continue the rating in effect, citing the former diagnosis with the new diagnosis in parentheses, and following the appropriate code there will be added the reference "Rating continued pending reexamination _____ months from this date, § 3.172." The rating board will determine upon the basis of the facts in each individual case whether 18, 24, or 30 months will be allowed to elapse before the reexamination is made.

(c) The above provisions apply to permanent ratings or to those which on account of their long continuance at the same level (5 years or more) are on a parity with permanent ratings. Such provisions are not for application in the cases of veterans so recently discharged from the service that their disability has not been stabilized. Accordingly, in these new cases and particularly when temporary disability, which is likely to improve, is under consideration reexaminations disclosing improvement of the physical or mental condition will warrant reduction of the rating.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

15. In § 3.173, paragraph (e) is amended to read as follows:

§ 3.173 *Determinations of incompetency or competency.* * * *

(e) (1) A determination that a veteran is incompetent may be made only in the event it is conclusively shown that he is wholly incapable of disbursing the funds he is to receive from the Veterans' Administration in a reasonably prudent manner. In other words it must be clear that due to the utter lack of consideration of values or complete disregard of his own or his dependents' needs he would wantonly dissipate his funds. Where there is any doubt as to whether he is capable of administering his funds such doubt will be resolved in favor of his competency and an award will be made to him. However, where the veteran is maintained in a Veterans' Administration hospital or center, unless assured that the veteran has made a marked recovery since last examination, and that his release from the hospital or center may be anticipated in a relatively short time, and that he will be able to handle his funds as a competent patient while hospitalized, an opinion of incompetency would be justified and consistent with the purpose of hospitalization, and should be so expressed in the report of examination. The same reasoning is equally applicable to mentally ill veterans in other U. S. Government and State hospitals. The rating boards will bear in mind the consistency of a rating of incompetency of a hospitalized veteran with a mental disability evaluated as 100 percent or with a finding of incompetency by a court of competent jurisdiction when a veteran has been adjudged by the court to be mentally ill or under a legal disability for commitment purposes only. As to court determinations generally, if the conclusion of

the rating board under § 3.174 is not in agreement with the determination of the court, as to competency or incompetency, the case will be rated according to the facts, as to degree of disability and competency, but a prominent notation of the finding of incompetency or competency by the court (naming it) will be placed on the rating. This has application especially to cases under § 3.276, in which payments may be released in behalf of the veteran through an institutional award on the basis of a finding of incompetency by a court of competent jurisdiction, whether or not such finding is in agreement with the conclusion of the rating board under § 3.174.

(2) If upon application of the rule stated in subparagraph (1) of this paragraph the rating agency concludes the veteran is incompetent, he will be so rated and the case will be referred to the chief attorney as provided by current claims procedures and § 14.200 of this chapter. The chief attorney will proceed to develop information as to the veteran's social, economic, and industrial adjustment since discharge from the service, pursuant to current medical procedures. Upon review of the evidence thus developed, if the chief attorney concurs in the rating of incompetency, he will proceed to effect the appointment of a fiduciary, or, if the veteran is married, to recommend release of payments to the veteran's wife as provided in § 14.201 (a) of this chapter. If the chief attorney determines that the veteran is sufficiently competent to administer the funds payable, the evidence will be referred to the rating agency with a statement as to his conclusion, the evidence will be reevaluated, the veteran will be rated competent, and a rating commensurate with the degree of disability assigned. If upon review of the complete evidence it is found that the evaluation previously assigned may be confirmed during any given period, the rating will reflect this fact and will also include an evaluation commensurate with the degree of disability from the date improvement is shown by the evidence. The award will be executed in accordance with the rerating. If, however, it is determined from a review of the evidence that the evaluation previously assigned may not be confirmed, the rerating will reflect an evaluation commensurate with the degree of disablement retroactively effective from the appropriate beginning date and the award executed accordingly. Reexaminations will not be routinely required in connection with the above-described procedure but may be called for if in the opinion of the rating agency such action is clearly necessary. In the case of a veteran suffering from mental disability who is being or has been discharged from a hospital and is rated incompetent following the rule stated in subparagraph (1) of this paragraph, the instructions contained in this section will be followed.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 1, 60 Stat. 908; 38 U. S. C. 739, ch. 12 note)

16. A new cross reference immediately preceding § 3.176 is added as follows:

CROSS REFERENCE: Determination of insanity and incompetency. (See Veterans' Administration medical procedures.)

16a. In § 3.185 (b) (1), subdivision (i) is amended to read as follows:

§ 3.185 *Re-examinations for disability rating purposes.* • • •

(b) (1) *Scheduling examinations.* • • •

(i) Following initial Veterans' Administration examination, re-examination, if in order, will be scheduled based on the combined non-static disabilities as follows except as otherwise provided in the Rating Schedule or Extensions:

Rating 80—100 percent in 2 years.
Rating 40—70 percent in 3 years.
Rating 10—30 percent in 5 years.

• • • • •

17. Section 3.189 is amended to read as follows:

§ 3.189 *Rating of change in diagnosis of diagnostic center.* The rating agency of original or appellate jurisdiction is not authorized to accept at any time for rating purposes the findings of a field office differing with the prior findings of a diagnostic center with respect to the etiology or differential diagnosis of a disability without reconciliation of such difference with the diagnostic center under current directives.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

18. In § 3.201, the title and paragraphs (a) and (f) are amended to read as follows:

§ 3.201 *Adjudication of claims involving compensation based upon new and material evidence presented after prior disallowance.* (a) New and material evidence, relating to the same factual basis (such as, in the case of a living veteran, the same disease or injury) as that of the disallowed claim, submitted subsequent to the final disallowance of the claim, will constitute a new claim and have all the attributes thereof: *Provided,* That the evidence or the accompanying communication meets the requirements as to what shall constitute an informal claim under § 3.27, and will be handled as provided in paragraphs (b) through (f) of this section.

• • • • •

(f) Where the new and material evidence consists of a supplemental report from the service department and it is received subsequent to the expiration of the appeal period or, in the event of an appeal, subsequent to the decision of the board of veterans appeals, the supplemental report from the service department will be considered under Veterans Regulation 2 (c) (38 U. S. C. ch. 12) and the appropriate rating and award accomplished under the applicable instructions. The retroactive evaluation of disability resulting from disease or injury subsequently service-connected on the basis of new evidence from a service department must be adequately supported by medical evidence, and, where the additional records received from the service department clearly support the assignment of a specific rating over a part or the entire period of time involved, a retroactive evaluation will be assigned accordingly except as it may be affected by the filing date of the original claim.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 9, 48 Stat. 10, as amended; 38 U. S. C. 709)

19. In § 3.212, paragraphs (b) and (c) are amended and a new paragraph (e) is added as follows:

§ 3.212 *Effective dates of awards of disability compensation.* • • •

(b) Where, upon reconsideration by a rating agency of original jurisdiction in accordance with § 3.201, a favorable decision is rendered, the effective date of an award for monetary benefits will be the date of receipt by the Veterans' Administration of the application for reconsideration.

(c) The effective dates of awards of disability compensation will coincide with the effective dates of evaluations as set forth in § 3.148.

• • • • •

(e) Section 4, Public Law 108, 81st Congress, not only establishes eligibility for benefits for disability or death (see § 3.1 (l)) without regard to the time of incurrence but also permits payments retroactive to August 14, 1945, where entitlement is otherwise in order. It is contemplated that action will be initiated in each case by the filing of a claim. Accordingly, as to accrued rights the date of filing of claim is not controlling as to the effective date of the award, but payments will be effective from the day following death or the day following release from the particular training duty assignment during which the injury or disease was suffered. On and after the date of enactment of the cited act (June 20, 1949), if the claim is filed within 1 year from the date of release from the training duty assignment during which the injury was suffered or within 1 year from the date of death, the benefit will be payable from the day following the happening of the specified contingency. Where claims are not filed within the 1-year period, benefits will be effective from the date of filing of claim.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 17, 57 Stat. 560, sec. 4, Public Law 108, 81st Congress; 38 U. S. C. 732)

20. In § 3.214, paragraph (a) is amended to read as follows:

§ 3.214 *Effective dates of awards of increased disability compensation.* The effective date of an award of increased disability compensation will be in accordance with the provisions of paragraph II, Part I, Veterans Regulation 2 (a) (38 U. S. C. ch. 12 note):

(a) *By reason of dependents.* Increased disability compensation payable by reason of dependents under Public No. 2, 73d Congress, as amended, title III, Public No. 141, 73d Congress, or under Public Law 877, 80th Congress, as amended by section 4, Public Law 339, 81st Congress, will be effective as of the date of the receipt of the evidence which establishes entitlement. Where additional evidence is necessary to substantiate the original evidence, the effective date of increased disability compensation is the date of receipt of the original evidence if the substantiating evidence is received within 1 year from the date of request therefor. Additional evidence required for the purpose of inquiring into the veracity of a witness or the authenticity of the documentary evidence falls within the abovecited rules. However, any evidence to enlarge the proofs and evidence originally submitted is not so included.

• • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply E. O. 6230, as amended; 38 U. S. C. ch. 12 note)

21. In § 3.228 (c), subparagraphs (5) and (6) are amended as follows:

§ 3.228 *Computation of annual income for the purposes of Veterans Regulation 1 (a), Part III (38 U. S. C. ch. 12), or section 1 (c) of Public No. 198, 76th Congress (act of July 19, 1939), as amended by section 11, Public Law 144, 78th Congress.* • • •

(c) *Income included in computation.* In determining annual income, payments and benefits received from the following sources will be considered: • • •

(5) Compensation paid by the Bureau of Employees' Compensation, Federal Security Agency, or a State compensation or industrial board or commission. There may be excluded from consideration any attorney's fees incurred in obtaining the award in those instances where the fees are to be paid out of the awards.

(6) Civil service retirement benefits, Federal Old Age and Survivors' Insurance, or railroad retirement benefits: *Provided,* That where the benefit is received by a former worker based on his own employment, no part of such payments will be considered "annual income" until the full amount of his personal contribution (as distinguished from amounts contributed by the employer and not by the worker) has been received by him: *And provided further,* That such benefits received by a widow on the basis of her husband's employment will be considered as annual income as received. This subparagraph contemplates that the entire amount of the worker's annuity following retirement will be applied each year to amortize the cost of such annuity, after which the entire annuity will be considered as income.

• • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 1 (c), 48 Stat. 1281, as amended, E. O. 6156, as amended; 38 U. S. C. 503c, ch. 12 note)

22. In § 3.237 (b), subparagraph (4) is amended to read as follows:

§ 3.237 *Additional allowance for nurse and attendant and adjustment of awards during institutionalization.* • • •

(b) *Reductions during hospitalization.* • • •

(4) The reduction in the case of a veteran entitled only under subparagraph (l) on account of helplessness will be in the amount of $90 (or $72).

• • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply E. O. 6156, as amended, 38 U. S. C. ch. 12 note)

23. Section 3.286 is amended to read as follows:

§ 3.286 *Determination of marital status, custody of child or children, or continuance of dependency.* When in any case wherein compensation, pension, or retirement benefits are being paid, it is deemed necessary to determine the current facts in regard to the marital status of the veteran, custody of child or children, or dependency of parent or parents, the necessary evidence will be requested and, when received, appropriate adjustment will be made in accordance with the facts disclosed pursuant to the provisions of law and the regulations and instructions based thereon. If the necessary information is not received within a reasonable time from the date of request therefor, appropriate action will be taken to effect an adjustment on the basis of a single man without dependents, or through a discontinuance of benefits to the payee or payees, wife, child or children, or dependent parent or parents, as may be required by the facts. If the necessary evidence or information is thereafter received within 1 year from the date of request therefor, a readjustment may be made or the payment of benefits resumed, if otherwise in order, from the effective date of the adjustment or discontinuance previously necessitated by the nonreceipt of the desired data. If the necessary evidence or information is not received within 1 year from the date of request therefor, the adjustment or resumption of payments will not be authorized prior to the date of receipt of the evidence or information. However, the 1 year limitation is not applicable and retroactive compensation may be paid in a case where the claimant's failure to establish affirmatively the continued existence of marital status or dependents was due to the action of the enemy, in World War II, by virtue of which he was unable to communicate with the Veterans' Administration. For the applicable rule in cases of institutionalization, see (§ 3.255 (c)).

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

24. In § 3.296, paragraphs (b) and (c) are amended to read as follows:

§ 3.296 *Concurrent payment of benefits to same person.* • • •

(b) For the purposes of Veterans Regulation 1 (a), Part II, paragraph I (38 U. S. C. ch. 12 note), as amended by Public No. 159, 75th Congress (act of June 23, 1937), compensation shall not be paid concurrently with active duty pay or United States employees compensation. Reserve officers or members of the Enlisted Reserves of the United States Army, Navy, Marine Corps, or Coast Guard entitled to disability compensation and United States employees compensation shall elect which benefit to receive. Reserve officers who are entitled to retirement pay under section 5, Public No. 18, 76th Congress, for disability incurred on or subsequent to July 15, 1939, do not have such an election. Pension under the Veterans' Administration may be paid concurrently, if otherwise in order, with compensation under the United States Employees Compensation Act of September 7, 1916, as amended. In those cases where retroactive benefits are payable under section 4, Public Law 108, 81st Congress, there shall be subtracted from any benefit which such reserve personnel, or the dependents of such deceased reservists, may be eligible to receive under such act such benefits as may already have been paid to the particular payee by either the Veterans' Administration or the Federal Security Agency (Bureau of Employees Compensation).

(c) Re concurrent payments of disability compensation, pension, or retired pay and pay from the service departments, see § 3.299.

• • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply E. O. 6098, as amended; 38 U. S. C. ch. 12 note)

25. Section 3.299 is amended to read as follows:

§ 3.299 *Action where veteran returns to active duty status.* Compensation or pension may not be paid concurrently with the receipt of active service pay and where any person in receipt of compensation or pension returns to active duty status with any of the Armed Forces of the United States, or active service in the United States Coast Guard, benefits will be suspended, effective the day preceding reentrance, if known, or the date of last payment. In the latter instance the correct date on which the veteran reentered active duty status will be ascertained and a corrected Stop (or Suspended) Payment Notice, VA Form 521, or amended award then executed as of the correct date. Time spent by members of the ROTC in drills as a part of their activities as members of the corps is not active duty. On and after October 29, 1949, veterans who are reserve members of the Armed Forces may waive or relinquish their pension, compensation, or retirement pay for periods of field training, instruction, other duty or drill. A waiver is not acceptable if it covers any period prior to October 29, 1949. However, a valid waiver may include prospective periods and contain a right of recoupment for the days which the reservist did not receive payment for Reserve duty training by reason of failure to report for duty. Official information showing the date upon which the veteran actually reentered and terminated active duty will be secured. When it becomes necessary, to discontinue payments of disability compensation, pension, or retirement pay because the veteran has reentered active military

or naval service, the representatives, including duly accredited service organization or attorney of record, will be informed by being furnished copy of the letter to the veteran notifying him of the discontinuance of payments. Payments may be resumed the day following release from active duty, provided the person is otherwise entitled. The determination of service-connection upon which the award of benefits was originally made will not be disturbed. The resumption of payment of compensation as to amount will be at a rate commensurate with the degree of disability found to exist at the time of restoration of the award. The appropriate form of the 3101 series will be secured and the claim will be adjudicated upon a basis including the pertinent facts in the most recent period of active service. If a disability is incurred or aggravated in the second period of service, the benefits payable on account thereof cannot be paid unless a claim therefor is filed. (See § 3.27.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply E. O. 6098, as amended; sec. 610, Pub. Law 434, 81st Cong.; 38 U. S. C. ch. 12 note)

26. In § 3.310, the introductory paragraph is amended to read as follows:

§ 3.310 *Apportionments authorized.* Disability pension, disability compensation (including additional compensation for dependents provided by Public Law 877, 80th Congress, as amended by section 4, Public Law 339, 81st Congress), emergency officers retirement pay, and on and after October 17, 1940, service pension and pension for service prior to April 21, 1898, amounting to more than $30 monthly, will be apportioned according to the table provided in § 3.311, except where otherwise authorized or provided in this section.

• • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 3, 54 Stat. 1195, sec. 1, 60 Stat. 908; 38 U. S. C. 49a, 739)

27. Section 3.1505 of the Provisional Regulations is hereby canceled:

§ 3.1505 *Instructions relating to benefits for members of the reserve components of the armed forces who suffer disability or death from injuries incurred while engaged in active-duty training for periods of less than thirty days or while engaged in inactive-duty training.* [Canceled.]

28. Section 3.1508 of the Provisional Regulations is hereby canceled.

§ 3.1508 *Instructions relating to line of duty.* [Canceled.]

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-7547; Filed, Aug. 30, 1950; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of Industry and Commerce

[5th Gen. Rev. of Export Regs., Amdt. 15]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

GOLD

Section 370.6 *Gold and narcotics* is amended in the following particulars:

The note following paragraph (a) *Gold*, is amended to read as follows:

NOTE: The exportation of "fabricated gold," as defined in the Gold Regulations issued by the Treasury Department (§ 54.4) under the Gold Reserve Act of 1934, is controlled by the Department of Commerce under an arrangement with the Treasury Department. All "fabricated gold" commodities which are not included on the Positive List may be exported to any destination under Department of Commerce general license GRO. (See § 371.8). For the export of any gold other than "fabricated gold," an application for a license to export must be filed with the Treasury Department.

Exporters are cautioned that "semi-processed gold" (as defined by the Gold Regulations) presented for export as "fabricated gold" is subject to seizure.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Issued this 25th day of August 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50-7622; Filed, Aug. 30, 1950; 8:49 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 12 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodity is deleted from the Positive List:

Dept. of Comm. Sched. B No.	Commodity
748098	Other non-metallic minerals (precious included): Carbon or graphite products (natural and artificial): Artificial graphite.

2. The entries on the Positive List for Schedule B Nos. 720130 and 723100 are amended by revising the commodity descriptions to reflect the reclassification of certain of these commodities by the Bureau of the Census (see Census Bulletin PB 168B-I and II dated June 28, 1950). Accordingly, the amended entries read as follows:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
720130	Construction, excavating, and conveying machinery: Trenchers, ditchers, and loaders [1]	No.	CONS	None	R
723100	Construction equipment, and parts, n. e. s.: Batcher outfits; concrete block machines, highspeed; contractors' off-the-road trucks, contractors' off-the-road wagons and trailers; and pile-drivers and pile hammers [1]		CONS	100	R
723100'	Parts for contractors' wheel-type tractors [1]		CONS	100	R

[1] This amendment does not add to or delete from the Positive List any commodity. By this revision all trenchers, ditchers, and loaders under the heading "Construction, excavating, and conveying machinery" are now classified under Schedule B No. 720130, including vertical lift bucket loaders, self-propelled, rubber-tired, formerly on the Positive List under Schedule B No. 723100.

3. The dollar-value limits in the column headed "GLV dollar value limits" set forth opposite each of the commodities listed below are amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity	GLV dollar value limits
	Petroleum and products:	
501200	Natural gasoline (bbl. of 42 gal.)	[1] 25
501900	Naphtha, mineral spirits, solvents, and other finished light products (bbl. of 42 gal.)	[1] 25
503900	Petroleum products, n. e. s., except finished petroleum sprays and finished blended gasolines (report finished petroleum sprays in 823590 and 829600; finished blended gasolines in 501610-501700)	[1] 25

[1] This GLV dollar-value limit is applicable to all Country Group R destinations, except those in Subgroup A, and all Country Group O destinations, except Mexico. The GLV dollar value limit for shipments to Mexico is $1,000.
[2] Applies only to commodities, previously subject to R control, which are placed under RO control by Part 4 below. Other commodities classified under this Schedule B number already have a GLV dollar-value-limit of $25.

[1] This amendment was published in Current Export Bulletin No. 582, dated August 17, 1950.

[5th Gen. Rev. of Export Regs., Amdt. P. L. 13]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Other vehicles and parts:				
706510	Tankers (or commercial and industrial purposes, engine-equipped, and watercraft (including hulls for commercial and industrial purposes, whether or not engine-equipped), 18 feet in length and over, except whaling factories, (report whaling factories in 706510)	No.	TRAN	None	RO
706510	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.: Sodium compounds: Sodium carbonate, calcined or soda ash	No.	TRAN	None	RO
850500	Boric acid	Lb.	SALT	100	R
850600	Sodium hydroxide or caustic soda, except in packages of less than 50 pounds (report packages of less than 50 pounds in 850600)	Lb.	SALT	100	R
857710	Lithium (converted to dry weight for statistical purposes)	Lb.	SALT	100	R
857320			SALT	100	R

2. The entries on the Positive List for Schedule B Nos. 795550 and 799998 are amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
795550	Watercraft for pleasure purposes, engine-equipped, 18 feet in length and over; parts for watercraft for pleasure purposes, whether or not engine-equipped, 18 feet in length and over, and parts therefor; and tank barges and other watercraft) for commercial and industrial purposes, 18 feet in length and over, except whaling factories, (report whaling factories in 795550)	No.	TRAN	None	R
799998			TRAN 9	100	R

[1] The effect of this amendment is to remove from the Positive List watercraft for pleasure purposes, engine-equipped less than 18 feet in length and to add to the Positive List the following commodities: watercraft for pleasure purposes, except engine-equipped, 18 feet in length and over, and parts therefor; and parts for merchant vessels (including tankers and tank barges and other watercraft) for commercial and industrial purposes, whether or not engine-equipped, 18 feet in length and over, except whaling factories, and parts therefor, all of which are deleted from the Positive List parts for watercraft for pleasure purposes, engine-equipped, less than 18 feet in length.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations (63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective September 1, 1950.

Issued this 25th day of August 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50-7624; Filed, Aug. 30, 1950; 8:49 a. m.]

4. The following commodities are changed from R to RO commodities. Accordingly, the entries therefor on the Positive List are amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Petroleum and products:				
501200	Natural gasoline (bbl. of 42 gal.)	Bbl.	PETR	25	RO
	Unfinished oils for further refining:				
501300	Topped crude (bbl. of 42 gal.)	Bbl.	PETR	1,000	RO
501500	Other (bbl. of 42 gal.)	Bbl.	PETR	1,000	RO
	Lubricating oils:				
	Industrial:				
503300	Red and pale oils (including all red or pale petroleum oils, other than those intended for use in internal combustion engines) (bbl. of 42 gal.)	Bbl.	PETR 23	25	RO
	Other industrial lubricating oils (bbl. of 42 gal.)	Bbl.	PETR 23	25	RO
503950	Other automotive lubricating oils (bbl. of 42 gal.) [1]	Bbl.	PETR 24	25	RO
504099	Other lubricating greases, except graphite lubricants (report graphite lubricants in 504080) [2]	Lb.	PETR	25	RO
504100	Mineral waxes and jelly	Lb.	PETR	100	RO
504710	Petroleum asphalt, unmanufactured	L. ton	PETR	100	RO
504720	Petroleum asphalt manufactures		PETR	100	RO
503900	Petroleum products, n. e. s., except finished petroleum sprays and finished blended gasolines (report finished petroleum sprays in 823590 and 829600; finished blended gasolines under 501610-501700) [3]		PETR	25	RO

[1] Automotive lubricating oils having a viscosity index of 75 or above and pour of 0° F. and below, classified under Schedule B No. 503920, are already subject to RO control. The effect of this action is to place under RO control all commodities classified under this Schedule B Number. The revised commodity description now reads: "Schedule B No. 503920, Automotive lubricating oil, GLV value 25, validated license required, RO."

[2] Lubricating greases, containing synthetic oil or lithium soap, or for very high or very low performance (temperature and/or pressure), classified under Schedule B No. 504100, are already subject to RO control. The effect of this action is to place under RO control all commodities classified under this Schedule B Number. The revised commodity description now reads: "Schedule B No. 504100, Lubricating greases, except graphite lubricants (report graphite lubricants under 504080), GLV value 25, validated license required, RO."

[3] Additives of petroleum origin for lubricating oils and greases; hydraulic oils of petroleum origin, containing synthetics; and reference fuels, classified under Schedule B No. 503900, are already subject to RO control. The effect of this action is to place under RO control all commodities classified under this Schedule B Number. The revised commodity description now reads: "Schedule B No. 503900, Petroleum products, n. e. s., except finished petroleum sprays and finished blended gasolines (report finished petroleum sprays in 823590 and 829600 and finished blended gasolines in 501610-501700), GLV value 25, validated license required, RO."

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations or whose GLV dollar-value limits were reduced as a result of changes set forth in Parts 3 and 4 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment, may be exported under the previous general license provisions.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

This amendment shall become effective as of August 17, 1950.

Issued this 25th day of August 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50-7623; Filed, Aug. 30, 1950; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 659]

ALASKA

RESERVING CERTAIN PUBLIC LANDS AS AIR-NAVIGATION SITE WITHDRAWAL NO. 259 AND CERTAIN OTHER PUBLIC LANDS AS THE LAKE HOOD SEAPLANE BASE; PARTIALLY REVOKING PROCLAMATION NO. 1519 OF APRIL 16, 1919, AND PUBLIC LAND ORDERS NO. 47 OF OCTOBER 12, 1942, AS AMENDED, AND NO. 255 OF MARCH 8, 1945; AND REVOKING EXECUTIVE ORDER NO. 8621 OF DECEMBER 27, 1940

By virtue of the authority vested in the President and contained in the act of March 12, 1914 (38 Stat. 305, 307; 48 U. S. C. 303), and pursuant to Executive Order No. 9337 of April 24, 1943, section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and section 2 of the act of May 28, 1948 (62 Stat. 278; 48 U. S. C. 1948 ed., supp. III, 485a), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 259:

SEWARD MERIDIAN

T. 12 N., R. 4 W.,
Sec. 3, SW¼NW¼ and N½SW¼,
Sec. 4, SE¼NE¼.
T. 13 N., R. 4 W.,
Sec. 27, lots 1, 4, 5, 6, 9, 10, S½NE¼NE¼, SE¼NE¼, and E½SE¼,
Sec. 34, lot 1, E½NE¼, and SW¼NE¼, except a tract of 16.80 acres hereinafter reserved for other aviation purposes; lots 2, 3, 5, SE¼NW¼, and SE¼,
Sec. 35, S½, also
A tract in secs. 33 and 34 described as follows:
Beginning at a point on the boundary line between secs. 33 and 34, T. 13 N., R. 4 W., Seward Meridian, from which corner for secs. 27, 28, 33, and 34 bears N. 0° 05' W., 400 feet; thence by metes and bounds,
West, 1,550 feet;
S. 0° 05' E., 4,880 feet to south boundary of sec. 33;
East, 1,550 feet along south boundary of sec. 33 to corner for secs. 33 and 34;
N. 0° 05' W., 3,056 feet along east boundary of sec. 33 to intersection with east boundary Pt. Campbell Military Reserve as shown on official plat of T. 13 N., R. 4 W., S. M., approved October 10, 1917;
N. 25° 00' E., 2,603 feet along east boundary Pt. Campbell Military Reserve;
West, 853 feet to point of beginning.

The areas described aggregate 1,377.02 acres.

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved for the joint use of the Civil Aeronautics Administration, Department of Commerce, and the Fish and Wildlife Service, Department of the Interior as a seaplane base to be known as the Lake Hood Seaplane Base:

SEWARD MERIDIAN

T. 13 N., R. 4 W., sec. 34, a tract in the NE¼ described as follows:
Beginning at the southeast corner of lot 1, sec. 34, T. 13 N., R. 4 W., Seward Meridian, thence by metes and bounds,
South: 132 feet;
West: 792 feet;
North: 924 feet;
East: 792 feet;
South: 792 feet to point of beginning.

The tract as described contains 16.80 acres.

It is intended that the above-described lands shall be returned to the administration of the Department of the Interior when they are no longer needed for the purposes for which they are reserved.

Proclamation No. 1519 of April 16, 1919 (41 Stat. 1745), reserving certain public lands in Alaska for townsite purposes, and other purposes in connection with the construction and operation of railroad lines, and Public Land Order No. 47 of October 12, 1942, as amended by Public Land Order No. 284 of June 12, 1945, and Public Land Order No. 265 of March 8, 1945, reserving certain public lands in Alaska for military purposes, are hereby revoked so far as they affect the above-described lands.

Executive Order No. 8621 of December 27, 1940, reserving certain public lands in Alaska for aviation purposes, is hereby revoked, but such revocation shall not be construed as reviving the partial revocation of Proclamation No. 1519 of April 16, 1919, made by that order.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 24, 1950.

[F. R. Doc. 50-7590; Filed, Aug. 30, 1950; 8:46 a. m.]

[Public Land Order 660]

ALASKA

WITHDRAWING PUBLIC LAND FOR USE OF THE DEPARTMENT OF THE ARMY FOR NATIONAL GUARD PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Army for National Guard purposes:

Beginning at a point from which Corner No. 7 of U. S. Survey 2083, at Kotzebue, bears S. 60° W., 605.9 feet, thence by metes and bounds:
N. 44°05' E., 100 feet.
S. 45°55' E., 100 feet.
S. 44°05' W., 100 feet.
N. 45°55' W., 100 feet to point of beginning.

The tract described contains 10,000 square feet.

This order shall take precedence over but not otherwise affect the Executive Order of May 4, 1907 withdrawing lands for various school reserves, so far as such order affects the above-described land.

It is intended that the land above described shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which is is reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 24, 1950.

[F. R. Doc. 50-7592; Filed, Aug. 30, 1950; 8:46 a. m.]

[Public Land Order 661]

ARIZONA

AMENDING PUBLIC LAND ORDERS NOS. 59 AND 176

By virtue of the authority contained in the act of June 4, 1897 (30 Stat. 11, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Orders No. 59 of November 12, 1942 and No. 176 of September 29, 1943 reserving public lands in the Coconino and Kaibab National Forests, Arizona, for the use of the War Department for military purposes, are hereby amended by deleting therefrom the following paragraph contained in Public Land Order No. 176 and added to Public Land Order No. 59 by Executive Order No. 9526 of February 28, 1945.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

Both of such orders are also amended by substituting the words "Department of the Army" for the words "War Department" occurring in the orders and in the titles thereof; and Public Land Order No. 59 is further amended so that the withdrawal made thereby shall expressly include withdrawal from appropriation under the mineral-leasing laws.

The orders amended hereby affect public lands in Tps. 21 and 22 N., R. 5 E., and T. 21 N., R. 6 E., G. & S. R. M., Arizona.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 24, 1950.

[F. R. Doc. 50-7594; Filed, Aug. 30, 1950; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR, Part 8]

BOMBAY HOOK NATIONAL WILDLIFE REFUGE, DELAWARE; PROTECTION OF MIGRATORY BIRDS

NOTICE OF INTENTION DESIGNATING CERTAIN WATERS IN VICINITY AS CLOSED AREAS

AUGUST 25, 1950.

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U. S. C. 1003), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704) as amended, notice is hereby given that the Secretary of the Interior intends to take the following action:

Adopt a regulation establishing certain closed areas in which the pursuing, hunting, taking, capture, or killing of migratory birds or attempting to take, capture, or kill migratory birds will not be permitted, embracing all areas of water (excepting Delaware Bay), and land under water, immediately contiguous to and abutting upon lands of the United States comprising the Bombay Hook National Wildlife Refuge in Kent County, Delaware (the boundaries of which are posted), and including but not limited to the areas hereinafter described and identified as follows:

Duck Creek and tributaries thereto, from its mouth at the Leipsic River and the north end of Marshall Island, upstream approximately nine miles to Sluice Ditch, including Bank Ditch, Broad Gut, Cove Pond Ditch, Dutch Neck Canal and Boat Gut connected therewith, Dawsons Branch easterly from a point about three-eighths mile west of the Whitehall-Dutch Neck Road, Elkhorn Branch east of said Whitehall-Dutch Neck Road, Finis Branch and Shearness Pool, Hawkey Branch east of the aforesaid road, Lees Ditch, Mikes Ditch, Myrkle Gut, Poplar Point Ditch, Salt Pond Ditch, Shearness Gut, Slootch Ditch, Terrapin Gut, Wier Gut, together with all other ditches, guts, and watercourses, tributary thereto or connected therewith within said nine-mile reach;

Leipsic River and tributaries thereto, from its mouth at Delaware Bay upstream approximately five miles to Boat Gut at the westerly end of Needhams Island, and all cut-through channels of the river, including the cut-through channel of said river approximately one-half mile below Whitehall Landing, Devers Gut (formerly Boat Gut) at the southeasterly side of Ragged Island, Georges Island Gut, Little Fork, Raymond Pool and Raymond Gut, together with all other ditches, guts and watercourses tributary or connected with said river within the five-mile reach;

Simons River (formerly known as Dona River) and tributaries thereto, from its mouth at Delaware Bay upstream approximately two miles to the mouth of Herring Branch, including Cedar Gut, Green Creek (formerly known as part of Dona River), together with all other ditches, guts and watercourses tributary thereto or connected therewith within said two-mile reach;

All tributaries to Simons River above the aforesaid two-mile reaches of said river, heading in Kent Island, namely, Bay Gut and Drum Gut, East-West Canal and Joes Hole, Flat Gut, and North-South Canal, together with all other ditches, guts and watercourses heading in Kent Island and tributary to or connected with Simons River above the two-mile reaches aforesaid;

Together with all other ditches, channels, guts, ponds, streams and watercourses, named or unnamed, heading within the boundaries of the Bombay Hook National Wildlife Refuge, north of Dutch Neck Road, east of Dutch Neck and Whitehall Neck and Finis Road connecting same, and all such waters within Bear Swamp, that part of Bombay Hook Island south of Sluice Ditch (including Bay Pond, Hay Ditch and Log Pond), Georges Island, Kelly Island, Kent Island and Little Bombay Hook Island (including Old Creek), Leatherberry Flats, Marshall Island, Money Marsh, and Ragged Island.

The aforesaid waters and watercourses, named and unnamed, are delineated on three topographic quadrangle maps, designated Bombay Hook, Little Creek, and Smyrna, Edition of 1949, for sale by the Geological Survey, Department of the Interior, Washington 25, D. C. Copies of these maps may be inspected by application at the headquarters of the Bombay Hook National Wildlife Refuge which may be reached by way of the Whitehall Neck Road.

All persons are hereby given an opportunity to participate in formulating the proposed regulation by submitting their views, data, or arguments in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington 25, D. C. on or before September 15, 1950.

DALE E. DOTY,
Assistant Secretary of the Interior.

[F. R. Doc. 50-7589; Filed, Aug. 30, 1950; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 93]

EXPORT AND IMPORT OF LIVESTOCK TO AND FROM MEXICO

HORSES FROM DOURINE-INFECTED AREAS

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the authority vested in him by section 2 of the act of Congress approved February 2, 1903, as amended (21 U. S. C. 111), proposes to amend § 93.11 (b) of the special regulations governing export and import of livestock to and from Mexico (9 CFR 93.11) to read as follows:

§ 93.11 *Horses.* • • •

(b) *Horses from dourine-infected areas.* All horses offered for importation from Mexico, other than those moving in bond for immediate reentry into Mexico, those imported for slaughter, and geldings unless judged by the inspector to be capable of serving mares, shall be detained at the border port of entry where a blood sample shall be obtained from each animal under the supervision of the inspector, said samples to be forwarded to the Bureau laboratory where they will be tested by the complement-fixation method for dourine. Any animal that is found by said test to be affected with dourine shall be refused entry.

Any person who wishes to submit written data, views or arguments concerning the foregoing proposed amendment may do so by filing them with the Chief of the Bureau of Animal Industry, United States Department of Agriculture, Washington 25, D. C. within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C. this 25th day of August, 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7601; Filed, Aug. 30, 1950; 8:46 a. m.]

[9 CFR, Part 94]

RINDERPEST AND FOOT-AND-MOUTH DISEASE; PROHIBITED AND RESTRICTED IMPORTATION

DETERMINATION OF NON-EXISTENCE IN NORWAY

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)), that the Secretary of Agriculture pursuant to the authority conferred upon him by section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) proposes to determine, and to give notice of such determination, that neither rinderpest nor foot-and-mouth disease now exists in Norway, and to amend § 94.1, Part 94, Subchapter D, Chapter I, Title 9 of the Code of Federal Regulations (§ 94.1 of B. A. I. Order No. 373) by striking therefrom the word "Norway".

The proposed determination, notification, and amendment, if made, would remove the present prohibition under section 306 of the Tariff Act upon importation into the United States of cattle, sheep, other domestic ruminants, and swine, and of fresh, chilled or frozen beef, veal, mutton, lamb, or pork from Norway and render the commodities specified in Part 94, Subchapter D, Chapter I, Title 9 of the Code of Federal Regulations (B. A. I. Order No. 373), and originating in said country, no longer subject to the provisions of that part.

Any person who wishes to submit written data, views, or arguments concerning the proposed determination and amendment may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C. within 15 days after publication of this notice in the FEDERAL REGISTER.

Witness my hand and the seal of the United States Department of Agriculture. Done at Washington, D. C. this 25th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7602; Filed, Aug. 30, 1950; 8:47 a. m.]

DEPARTMENT OF LABOR

Child Labor Branch

[29 CFR, Part 422]

EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE IN OCCUPATIONS IN CONNECTION WITH MINING, OTHER THAN COAL [1]

NOTICE OF HEARING

In accordance with the procedure governing determinations of hazardous occupations (29 CFR Part 421), an investigation has been conducted for the purpose of ascertaining what occupations in connection with mining, other than coal, are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being and thus constitute oppressive child labor as defined in section 3 (l) of the Fair Labor Standards Act, as amended (52 Stat. 1060, as amended; 29 U. S. C. and Sup. 201 et seq.).

A report of the investigation, entitled "Occupational Hazards to Young Workers, Report No. 9, Mining Other Than Coal," copies of which will be sent upon request directed to the Bureau of Labor Standards, United States Department of Labor, Washington 25, D. C., has been submitted to the Secretary of Labor in which it is concluded that all occupations in connection with mining, other than coal (with certain exceptions), are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.

On the basis of such conclusions the Secretary of Labor, pursuant to the authority conferred by section 3 (*l*) of the Fair Labor Standards Act, as amended (52 Stat. 1060, as amended; 29 U. S. C. and sup., 201 et seq.) and Reorganization Plan No. 2, effective July 16, 1946, adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613), proposes to issue a finding and order in the form set forth below.

Accordingly, notice is hereby given of a public hearing to be held on October 11, 1950, commencing at 10:00 a. m. in Room 1214, United States Department of Labor Building, 14th Street and Constitution Avenue, Northwest, Washington, D. C., before a presiding officer to be hereinafter designated, at which hearing interested parties may appear and be heard with respect to said proposed finding and order. All interested persons desiring to appear at the hearing are requested to notify the Secretary of Labor at least five days prior to the date fixed for the hearing. Any interested person who is unable to appear in person or by representative may submit a written comment or brief with the Secretary of Labor not later than the day prior to the hearing, in order that the same may be made a part of the record of the hearing.

[1] A hazardous-occupations order effective September 1, 1940, declared all occupations in or about a coal mine, with certain exceptions, to be particularly hazardous for the employment of minors between 16 and 18 years of age (29 CFR 422.3).

Proposed finding and order. By virtue of the authority vested in me by section 3 (*l*) of the Fair Labor Standards Act, as amended (52 Stat. 1060, as amended; 29 U. S. C. and Sup., 201 et seq.) and Reorganization Plan No. 2 of 1946 adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613) and in accordance with the Procedure Governing Determinations of Hazardous Occupations (29 CFR Part 421); an investigation having been conducted with respect to what occupations in connection with mining, other than coal, are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being, and a report of said investigation having been submitted to me;

Now, therefore, I, Maurice J. Tobin, Secretary of Labor, after reviewing all the evidence and information with respect to the occupations involved, including the report of the investigation, do hereby find, declare and order:

§ 422.9 *Occupations in connection with mining, other than coal*—(a) *Finding and declaration of fact.* All occupations in connection with mining, other than coal, are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being except the following:

(1) Work in offices, in the warehouse or supply house, in the change house, in the laboratory, and in repair or maintenance shops not located underground.

(2) Work in the operation and maintenance of living quarters.

(3) Work outside the mine in surveying, in the repair and maintenance of roads, and in general clean-up about the mine property such as clearing brush and digging drainage ditches: *Provided*, That such work does not involve felling and bucking of timber, collection and transportation of logs, the operation of power-driven machinery, or the handling or use of explosives.

(4) Work of track crews in the building and maintaining of sections of railroad track located in those areas of open-cut metal mines where mining and haulage activities are not being conducted at the time and place that such building and maintenance work is being done.

(5) Work in or about surface placer mining operations other than placer dredging operations and hydraulic placer mining operations.

(6) The following work in metal mills other than in mercury-recovery mills or mills using the cyanide process;

(i) Work involving the operations of jigs, sludge tables, flotation cells, or drier-filters.

(ii) Work of hand-sorting at picking table or picking belt.

(iii) General clean-up work.

(b) *Definitions.* As used in this section:

(1) The term "all occupations in connection with mining, other than coal" shall mean all work performed underground in mines and quarries; on the surface at underground mines and underground quarries; in or about open-cut mines, open quarries, clay pits, and sand and gravel operations; at or about placer mining operations; at or about dredging operations for clay, sand or gravel; at or about bore-hole mining operations; in or about all metal mills, washer plants, or grinding mills reducing the bulk of the extracted minerals; and at or about any other crushing, grinding, screening, sizing, washing or cleaning operations performed upon the extracted minerals except where such operations are performed as a part of a manufacturing process. The term shall not include work performed in subsequent manufacturing or processing operations, such as work performed in smelters, electro-metallurgical plants, refineries, reduction plants, cement mills, plants where quarried stone is cut, sanded and further processed, or plants manufacturing clay, glass or ceramic products. Neither shall the term include work performed in connection with coal mining, in petroleum production, in natural-gas production, nor in dredging operations which are not a part of mining operations, such as dredging for construction or navigation purposes.

(c) This section shall not justify noncompliance with any Federal or State law or municipal ordnance establishing a higher standard than the standard established herein.

(d) This proposed order, when issued, will be made effective 30 days after due publication in the FEDERAL REGISTER.

(Sec. 3 (l) of the Fair Labor Standards Act, as amended, 52 Stat. 1060, as amended; 29 U. S. C. and Supp., 201 et seq.; Reorganization Plan No. 2 effective July 16, 1946 (60 Stat. 1095) adopted pursuant to Reorganization Act of 1945; 59 Stat. 613; 5 U. S. C. Sup., 133y–133y–16)

Signed at Washington, D. C., this 23d day of August 1950.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 50-7662; Filed, Aug. 30, 1950; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Ch. I]

[No. 28310]

CONSOLIDATED FREIGHT CLASSIFICATION

NOTICE OF PROPOSED RULE MAKING

AUGUST 17, 1950.

Further investigation will be conducted by the Commission in the above-entitled proceeding.

Authority for and nature of investigation. The investigation will be governed by the pertinent provisions of the Administrative Procedure Act, approved June 11, 1946, and the Interstate Commerce Act, as amended.

Scope and purpose of investigation. The scope and purpose of the further investigation are:

1. To devise and find a just and reasonable uniform classification of property for transportation, constructed according to the standards heretofore found just, reasonable, and lawful in Part I of the original report in this proceeding, May 15, 1945, 262 I. C. C. 447, at

pages 456 to 512, inclusive; and thereupon by rule and order to determine, require, and prescribe that the respondents herein shall adopt, observe, and follow, accordingly as they participate in the transportation, the uniform classification of property for transportation, and rules, regulations, and practices affecting such classification, and to cease and desist from the publication, use, or observance of any other classification of property as defined in section 1 (6) of the Interstate Commerce Act, as amended (49 U. S. C. sec. 1 (6)), and rules, regulations, and practices in connection therewith. Such uniform classification of property and rules are to be applied in connection with the present and prospective requirements of a just, reasonable, and basic scale of class rates (and arbitraries for short-line and weak railroads, if any) to be found and determined in Docket No. 28300, Class Rate Investigation, 1939, now under further investigation.

Reasons for investigation. As indicated in the preceding paragraph, on May 15, 1945, the report and order in Docket No. 28310, Consolidated Freight Classification (which was heard and determined jointly with the companion proceeding, Docket No. 28300, Class Rate Investigation, 1939) 262 I. C. C. 447, Part I, and as reported by the Commission to Congress in its 59th Annual Report, pages 29 and 30, the Interstate Commerce Commission found the railroad classifications of freight then published, filed, and observed, to be unreasonable and unjust and unduly prejudicial as a whole to the extent that they were not uniform. There were then three major freight classifications, namely, Official, Southern, and Western, and in addition the Illinois Classification with a limited interstate application. By the decision of the Commission, 262 I. C. C. 447, at pages 511–512, the respondents in this proceeding were given reasonable opportunity themselves to initiate a uniform classification of property by their own collective action before the Commission should undertake the task of formulating such a uniform classification. Respondents, the report stated, were expected within 90 days from the service of the report to advise the Commission whether they would undertake to make and tender to the Commission a classification based upon the findings made in the report. The Commission stated and found that if the respondents declined this undertaking or should omit to respond within the time specified, it retained jurisdiction to make such further order in the premises as might be proper.

Within the time limited the respondent railroads gave the Commission assurance that they would make and tender a uniform classification based upon the findings of the report of the Commission. This assurance was given on June 19, 1945, for the class I rail carriers operating in Official territory; on June 21, 1945, by class I railroads of the Western District; and on July 2, 1945, by Southern respondents; and each group of rail carriers mentioned assured the Commission of intention to collaborate with the rail carriers operating in other sections of the country to make and tender a uniform classification of property.

By the finding of the Commission in this proceeding, paragraph numbered 8 on page 511 of the report, 262 I. C. C., the Commission determined that it was just, fair, and reasonable that a uniform classification should be established which should contain 30 classes of property, with numbers corresponding with the following percentages of first-class, namely: Classes 400, 300, 250, 200, 175, 150, 125, 100, 92.5, 85, 77.5, 70, 65, 60, 55, 50, 45, 40, 37.5, 35, 32.5, 30, 27.5, 25, 22.5, 20, 17.5, 16, 14.5, and 13.

The original report of the Commission in Docket No. 28300, and the present proceeding contained three parts. Part I has been mentioned and described. Part II, after finding unjust and unreasonable the existing class rates in the territory involved, found reasonable for the future in connection with the uniform freight classification a uniform distance scale of class rates in the territory roughly east of the eastern boundary of the mountain-Pacific territory. That scale, referred to as the Appendix 10 scale, the Commission provided should be made applicable simultaneously with the uniform classification. Part III of the report found reasonable an interim adjustment within and between the territories known as Southern, Southwestern, Western trunk-line, and Official territories, including Illinois territory. The interim adjustment mentioned became effective after the decision of the District Court of the United States for the Northern District of New York, affirmed by the Supreme Court of the United States, May 12, 1947, New York vs. United States, 331 U. S. 284, to which reference is made for greater particularity as to the interim adjustment. In the meantime, a series of general increases in all freight rates, made in Dockets Nos. Ex Parte 162, 166, and 168, have become effective, and the Commission's reports and orders in those proceedings are hereby noticed officially. The Commission also refers to and notices its First Supplemental Report, 264 I. C. C. 41, in Docket No. 28300 and this proceeding and its Second Supplemental Report in Docket No. 28300 (and another proceeding), 268 I. C. C. 577, which involved matters not considered necessary to be detailed here.

On November 28, 1949, in Docket No. 28300, Class Rate Investigation, 1939, the Commission issued and served its notice of proposed rule making, the scope and purpose of which was a further investigation by the Commission in that proceeding, in order, as stated therein:

1. To revise the basic scale of class rates set forth in Appendix 10 to the original report herein, 262 I. C. C. 447, in order that such scale may conform to the present and prospective requisites of a just, reasonable, and lawful basic scale of class rates to be applied in connection with a uniform freight classification now under preparation in Docket No. 28310; and

2. To determine what, if any, arbitraries should be added to the basic scale of class rates for the benefit of short-line and weak railroads, so-called.

The Commission in the notice referred to tentatively proposed as a substitute for the basic scale of first-class or class 100 rates which had been included in the original report in Class Rate Investigation, 1939, as Appendix 10, 262 I. C. C. at page 766, a new scale designated Appendix A to the notice of proposed rule making. The Commission, with respect to Appendix A, said:

> This proposed scale is subject to any change or changes that may be made therein as a result of this investigation. The scales subordinate to this base first class, or class 100, scale are to be determined by use of the percentages set forth in the original report herein. It should be clearly understood that no party in interest in this proceeding is precluded from proposing and supporting another and different scale from that tentatively proposed herein.

By Appendix C attached to the notice of proposed rule making in Docket No. 28300, the Commission adopted and stated special rules of practice applicable in that proceeding. Provision was made that further evidence be submitted in written form with affidavits attached, with or without exhibits, to be referred to as verified statements. Pursuant to the special rules of practice, evidence-in-chief on behalf of the respondents and other interested parties has been filed with the Commission, and copies have been sent to all parties in Docket No. 28300 who have asked the privilege of receiving the same. The special rules of practice contemplate rebuttal evidence may be filed, and opportunity for objections to receipt of evidence, and for cross-examination of witnesses, will be afforded as directed by the Commission.

The respondents in Docket No. 28310 embrace all the respondents in Docket No. 28300, and numerous other parties have appeared in both proceedings.

Within the time limit prescribed by the notice of proposed rule making of the Commission in No. 28300, the groups of eastern and western railroads filed with the Commission the verified statement of A. H. Greenly, Chairman of the Official Classification Committee, which is made up of railroads within official territory. Attached to that verified statement is a large-sized document consisting of a title page, and Index to Articles (commodities), pages numbered 30 to 132, inclusive, and then in tabular form a compilation which in form and arrangement corresponds to a uniform classification of property, pages numbered 1 to 260, inclusive, containing items numbered 5 to 46,465 (the unit numbers, however, not being in consecutive units.) Each numbered item carries a specific commodity description under a generic heading, a classification rating for less-than-carload quantities, a carload minimum weight, and a classification rating for carloads. It is stated on the title page of the document attached to the verified statement of A. H. Greenly:

> This exhibit shows tentative ratings under consideration by Chairmen of the Western and Official Classification Committees as possible ratings for use in connection with class rates within Western Trunk Line

Territory, within Southwestern Territory and within Official Territory and between those territories, depending on the measure of class rate scales adopted for use within such territories and between those territories and upon other considerations and conditions which justify ratings different from those shown.

As shown by the Commission's 59th Annual Report, pages 29–30, after the railroad respondents in this proceeding gave the Commission assurances of their intention to proceed with the formulation of a uniform classification to be tendered to the Commission, they set up a general committee, consisting of a chairman or a duly authorized member of the official, western, and southern classification committees, instructed to proceed with the task, and also created a committee composed of freight traffic officers to serve as an advisory committee to advise and counsel with and review the work and recommendations of the classification group.

The Commission has conferred frequently with the general committee appointed by the respondents as to principles and procedure, and as to the progress of the work. See the 60th Annual Report of the Commission, page 30; the 61st Annual Report, pages 42 and 43; the 62d Annual Report, page 43; and the 63d Annual Report, page 34. As shown in those reports of the Commission to Congress, the railroads' classification committee mentioned issued various proposals (voluminous and detailed) as to proposed sections of the uniform classification, and they gave extensive and informal and also largely attended public hearings to shippers and public bodies desiring to be heard.

While the exhibit attached to the verified statement of A. H. Greenly filed in this proceeding is stated to be "made available as information only to parties of record in Docket No. 28300 at the suggestion of Division 2 of the Interstate Commerce Commission, and only on behalf of Eastern and Western railroads" and not by the southern railroad respondents, and although the exhibit to the verified statement shows that the data shown in the document appended to A. H. Greenly's verified statement "are not intended as suggestions or representations by any railroad or any group of railroads as to classification ratings appropriate for any traffic," because of certain considerations mentioned, the Commission has examined the exhibit in the light of the standards it set up in its original report in this proceeding, 262 I. C. C. 447, at pages 456–512, inclusive. The Greenly exhibit, although designated as a tentative uniform classification, is set up in form and style appropriate as a response to the findings of the Commission in Part I of the original report, with the exception hereinafter noted. Consideration of the document as a tentative uniform classification will facilitate and will greatly convenience consideration and determination of the issues herein. It is noted that no rules accompany the tentative ratings embraced in the exhibit to the verified statement of A. H. Greenly. To supply this deficiency, the Commission proposes tentatively as rules to govern the application of the classification, rules which are contained in pages 126 to 177, inclusive, of the current Consolidated Freight Classification filed with the Commission by the respondents herein, designated No. 19, effective February 28, 1950, together with subsequent amendments and supplements thereto on file with the Commission.

No party in interest in this proceeding is precluded from proposing or supporting any or another or different rule, practice, or rating, or ratings, commodity description, or carload minimum from those tentatively proposed herein. Such action should be taken by complying with the rules which are hereafter stated in Appendix D.

Written evidence; special rules. Evidence shall be submitted in written form at the times and in the manner provided for in the attached special rules of practice, marked Appendix D.

Notice to parties in interest. Notice to the general public will be given (1) by depositing a copy of this notice and of the verified statement of A. H. Greenly above referred to in the Office of the Secretary of the Commission, for public inspection, and (2) by filing a similar copy of the notice with the Director, Division of the Federal Register, and (3) by serving copies of this notice and Appendix D on the parties of record in this proceeding. The size and volume of the verified statement and exhibit[1] of A. H. Greenly and the fact that a general distribution has been made in the accompanying proceeding, Docket No. 28300, make unnecessary and preclude from necessity additional general distribution to parties of record.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX D—SPECIAL RULES OF PRACTICE APPLICABLE IN DOCKET NO. 28310

In addition to the general rules of practice, the following special rules will govern the further proceedings heretofore outlined and described.

1. *Submission of evidence in written form with affidavit attached.* The Commission desires that all further evidence be submitted in written form with affidavits attached. Exhibits may be attached to the written statements, and such exhibits should conform to the general rules of practice, particularly to Rules 81 to 84, inclusive. All exhibits of a single witness should, so far as practicable, be incorporated in a single exhibit. The written evidence in the form of affidavits, with or without exhibits attached, will be referred to as verified statements, and each verified statement will be assigned a serial number by the Commission.

2. *Evidence-in-chief on behalf of respondents.* Evidence-in-chief of respondents, or those parties in support of respondents, should be submitted in the form of verified statements as provided in paragraph 1. Twenty-five (25) copies of such verified statements, with accompanying exhibit or exhibits attached, should be filed with the Secretary of the Commission on or before October 15, 1950.

3. *Evidence-in-chief on behalf of other parties.* Parties other than respondents will be expected to furnish the Commission with three hundred and twenty-five (325) copies to be sent to the Secretary (for its use and for distribution to interested parties); and to furnish the railroad respondents with seventy-five (75) copies, of which twenty-five (25) copies shall be mailed to each of the three following law committee chairmen: (1) Edwin A. Lucas, Chairman, Eastern Law Committee, Pennsylvania Railroad Company, 1740 Broad Street Station Building, Philadelphia 4, Pa.; (2) H. C. Barron, Counsel, Executive Committee, Western Traffic Association, 310 Union Station, Chicago 6, Ill.; and (3) Frank W. Gwathmey, Chairman, Southern Law Committee, 1110 Shoreham Building, Washington 5, D. C. Such general counsel as those representing the Secretary of Agriculture, the National Association of Railroad and Utilities Commissioners, the Southeastern Association of Railroad and Utilities Commissioners, the National Industrial Traffic League, the Southern Traffic League, the Southern Governors' Freight Rate Conference, the Southwestern Steering Committee, and the New England Governors, may make special requests to the Secretary of the Commission for copies of all verified statements of parties other than respondents. These verified statements should be filed with the Commission on or before October 15, 1950, if desired to be considered as evidence-in-chief. If parties desire to submit only rebuttal or concurring evidence, they may file their verified statements as provided in paragraph 4 hereof.

4. *Rebuttal evidence, concurrences.* Evidence in the nature of rebuttal by any parties must be designated as such, and be filed with the Secretary of the Commission on or before December 1, 1950. Evidence adopting or concurring in the verified statement of any party may be filed and designated as a concurrence on or before December 1, 1950. The presentation and distribution of such evidence will be governed by the rules set forth in paragraphs 1, 2, and 3 hereof.

5. *Evidence open to public inspection.* The evidence filed by all parties will be open to public inspection promptly after the date of filing, at the office of the Commission in Washington, D. C.

6. *Objections to evidence.* Notice of objections to receipt in evidence of any verified statement should be filed with the Secretary of the Commission within 25 days after its filing with the Commission. If the evidence is submitted on behalf of respondents, a copy of the notice of objection should be mailed to each of the Law Committee chairmen above designated; if the evidence is submitted on behalf of any other parties, a copy of the notice of objection should be immediately mailed to the witness or his attorney.

7. *Cross-examination of witnesses.* If cross-examination of a witness is desired by any party, written request therefor must be given to the Secretary of the Commission and to the witness, or his authorized attorney, within 25 days after the filing of the witness' written statement, otherwise cross-examination will be deemed to be waived. The Commission will fix the time and place therefor.

8. *Record.* The evidence presented and admitted pursuant to the provisions of paragraphs 1, 2, 3, and 4 of these special rules, shall be embraced in the entire record in these proceedings upon which decision will be made, subject to such cross-examination of any witness concerning any verified statements as may be requested by any interested party and as ordered by the Commission, unless waived as provided in paragraph 7 hereof.

[F. R. Doc. 50–7615; Filed, Aug. 30, 1950; 8:48 a. m.]

[1] Filed as part of the original document.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

MODIFYING GRAZING DISTRICT NO. 2

Under and pursuant to the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C., sec. 315, et seq.), and subject to the limitations and conditions therein contained, New Mexico Grazing District No. 2 is modified by eliminating therefrom the following-described lands:

NEW MEXICO

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 S., R. 9 W.,
Sec. 20, SW¼SE¼.
T. 2 S., R. 7 W.,
Sec. 28, E½, E½W½, W½NW¼, NW¼SW¼;
Sec. 29, E½NE¼, NE¼SE¼;
Sec. 30, SW¼NE¼;
Sec. 33, SW¼SW¼.
T. 3 S., R. 7 W.,
Sec. 3, lots 1, 2, S½NE¼.
T. 3 S., R. 8 W.,
Sec. 31, E½SW¼, W½SE¼.
T. 3 S., R. 9 W.,
Sec. 33, S½S½;
Sec. 34, S½S½.
T. 4 S., R. 9 W.,
Sec. 1, lots 1, 2, S½NE¼, S½;
Sec. 12, E½, S½SW¼;
Sec. 23, NE¼NE¼, W½NE¼, NW¼, W½SE¼;
Sec. 24, E½NW¼, NW¼NW¼;
Sec. 25, NE¼NW¼;
Sec. 26, SE¼SE¼, W½E½, SW¼,
T. 4 S., R. 10 W.,
Sec. 33, W½NW¼, NE¼SW¼, SW¼SW¼, S½SE¼,
T. 5 S., R. 9 W.,
Sec. 3, S½NE¼,
T. 5 S., R. 11 W.,
Sec. 27, N½NW¼, SE¼NW¼, NW¼SW¼, S½SW¼, NW¼SE¼;
Sec. 34, N½N½.

The areas described aggregate 4,000.13 acres.

OSCAR L. CHAPMAN, *Secretary of the Interior.*

AUGUST 24, 1950.

[F. R. Doc. 50–7588; Filed, Aug. 30, 1950; 8:45 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO PLO 659[1]

Notice for filing objections to the following entitled order published simultaneously herewith: Reserving certain public lands as Air-Navigation Site Withdrawal No. 259 and certain other public lands as the Lake Hood Seaplane Base; partially revoking Proclamation No. 1519 of April 16, 1919, and Public Land Orders No. 47 of October 12, 1942, as amended, and No. 265 of March 8, 1945; and revoking Executive Order No. 8621 of December 27, 1940.

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN, *Secretary of the Interior.*

AUGUST 24, 1950.

[F. R. Doc. 50–7591; Filed, Aug. 30, 1950; 8:46 a. m.]

[1] See F. R. Doc. 50–7590, Title 43, Chapter I, *supra.*

ALASKA

NOTICE FOR FILING OBJECTIONS TO PLO 660[1]

Notice for filing objections to the following entitled order published simultaneously herewith: Withdrawing public land for use of the Department of the Army for National Guard purposes.

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

[SEAL] OSCAR L. CHAPMAN, *Secretary of the Interior.*

AUGUST 24, 1950.

[F. R. Doc. 50–7593; Filed, Aug. 30, 1950; 8:46 a. m.]

[1] See F. R. Doc. 50–7592, Title 43, Chapter I, *supra.*

ALASKA

SMALL TRACT CLASSIFICATION NO. 31

AUGUST 23, 1950.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify, as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682 (a)), as amended, the following described public lands in the Fairbanks, Alaska land district:

FOR LEASING AND SALE

For home and cabin sites:

T. 1 S., R. 1 E., Fairbanks Meridian,
Sec. 11: Lots 5 and 6 embracing approximately 51.44 acres.

2. The lands are located approximately seven miles from the town of Fairbanks. All of the lands are situated on the north bank of the Chena River and are accessible by boat from a road which parallels the south bank of the river. The lands lie on the Chena River floodplain and are generally level. Adequate water for domestic purposes can be obtained from wells, and sewage disposal may be made by the use of cesspools. No public utilities are available in the area at the present time. Churches, schools and marketing facilities are available at Fairbanks. The climate is of the extreme continental type of interior Alaska, cold and long winters but the snowfall is not excessive. The summers are short and warm, but the days are long and twilight is continuous during the short nights.

3. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR Part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to this classification, and (b) are of the type of site for which the lands subject thereunder have been classified. As to such applications, this order shall become effective upon the date which it is signed.

4. As to the lands not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on September 12, 1950. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on September 12, 1950 to close of business on December 11, 1950, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act,

subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid statement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on August 23, 1950, or thereafter, up to and including 10:00 a. m. on September 12, 1950, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on December 12, 1950, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on November 22, 1950, or thereafter, up to and including 10:00 a. m. on December 12, 1950, shall be treated as simultaneously filed.

5. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than five years, at an annual rental of $5.00 for home and cabin sites, payable in advance for the entire lease period. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

8. All of the land will be leased in tracts varying in size from approximately 3 acres to 5 acres, in accordance with the classification map on file in the Land Office, Fairbanks, Alaska. The tracts where possible are made to conform in description with the rectangular system of survey, in compact units.

9. The leases will be made subject to right-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, or as shown on the classification maps on file in the Land Office, Fairbanks, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Fairbanks, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-7595; Filed, Aug. 30, 1950; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

CHIEF OF FOREST SERVICE

DELEGATION OF AUTHORITY

By virtue of the authority vested in the Secretary of Agriculture, I, Charles F. Brannan, Secretary of Agriculture, do hereby delegate to the Chief of the Forest Service the authority to determine and advise the Director, Bureau of Land Management, whether exploration, development, and utilization of mineral deposits, including oil and gas, under authority of the Secretary of the Interior pursuant to the Mineral Leasing Act for Acquired Lands (61 Stat. 913; 30 U. S. C. 351–359), section 3 of the act of September 1, 1949 (63 Stat. 683; 30 U. S. C. 192c, 1946 ed., Supp. III), and to the provisions of section 402, Reorganization Plan No. 3 of 1946 (11 F. R. 7875, 60 Stat. 1099), on lands under the jurisdiction of the Forest Service will interfere with the primary purposes for which the lands have been acquired or are being administered, and to consent to such exploration, development, and utilization subject to such conditions as the Chief of the Forest Service may prescribe to insure the adequate utilization of the lands for such purposes.

The Chief of the Forest Service may delegate to other officers and employees of the Forest Service such of the authority granted hereunder as he may consider desirable.

This amends the delegation to the Chief of the Forest Service dated January 16, 1948 (13 F. R. 308).

(5 U. S. C. 22; 61 Stat. 913, 30 U. S. C. 351–359; 63 Stat. 683, 30 U. S. C. 192c, 1946 ed., Supp. III; 11 F. R. 7875, 60 Stat. 1099)

Done at Washington, D. C., this 25th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7607; Filed, Aug. 30, 1950; 8:47 a. m.]

Rural Electrification Administration

[Administrative Order 2908]

TEXAS

LOAN ANNOUNCEMENT

JULY 7, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 119H Kimble	$215,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7647; Filed, Aug. 30, 1950; 8:53 a. m.]

[Administrative Order 2909]

ALLOCATION OF FUNDS FOR LOANS

JULY 14, 1950.

Inasmuch as Mitchell County Electric Membership Corporation has transferred certain of its properties and assets to Grady County Electric Membership Corporation, and Grady County Electric Membership Corporation has assumed in part the indebtedness to United States of America, of Mitchell County Electric Membership Corporation, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 993, dated December 5, 1945, by changing the project designation appearing therein as "Georgia 70P Mitchell" in the amount of $320,000 to read "Georgia 70P Mitchell" in the amount of $300,877.07 and "Georgia 68 Grady (Georgia 70P Mitchell)" in the amount of $19,122.93.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-7648; Filed, Aug. 30, 1950; 8:53 a. m.]

[Administrative Order 2910]

ALLOCATION OF FUNDS FOR LOANS

JULY 18, 1950.

I hereby amend:

(a) Administrative Order No. 338, dated April 18, 1939, by reducing the allocation of $6,000 therein made for "Indiana R9027W1 Decatur" by $591.43 so that the reduced allocation shall be $5,408.57; and

(b) Administrative Order No. 676, dated February 20, 1942, by rescinding the allocation of $3,000 therein made for "Indiana 2027S2 Decatur."

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7649; Filed, Aug. 30, 1950; 8:53 a. m.]

[Administrative Order 2911]

ALLOCATION OF FUNDS FOR LOANS

JULY 20, 1950.

Inasmuch as Medina Electric Cooperative, Inc., has transferred certain of its properties and assets to Bandera Electric Cooperative, Inc., and Bandera Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Medina Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1444, dated February 14, 1948, by changing the project designation appearing therein as "Texas 95R Medina" in the amount of $470,000 to read "Texas 95R Medina" in the amount of $424,000 and "Texas 92 Bandera (Texas 95R Medina)" in the amount of $46,000.

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7650; Filed, Aug. 30, 1950; 8:53 a. m.]

[Administrative Order 2912]

ALLOCATION OF FUNDS FOR LOANS

JULY 20, 1950.

Inasmuch as Itasca-Mantrap Co-op. Electrical Ass'n has transferred certain of its properties and assets to Beltrami Electric Cooperative, Inc., and Beltrami Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Itasca-Mantrap Co-op. Electrical Ass'n, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 479, dated July 1, 1940, by changing the project designation appearing therein as "Minnesota 1083A2 Hubbard" in the amount of $182,000 to read "Minnesota 1083A2 Hubbard" in the amount of $58,463.02 and "Minnesota 96 Beltrami (Minnesota 1083A2 Hubbard)" in the amount of $123,536.98.

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7651; Filed, Aug. 30, 1950; 8:53 a. m.]

[Administrative Order 2913]

ALLOCATION OF FUNDS FOR LOANS

JULY 20, 1950.

Inasmuch as Guadalupe Valley Electric Cooperative, Inc. has transferred certain of its properties and assets to Lower Colorado River Electric Cooperative, Inc., and Lower Colorado River Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Guadalupe Valley Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1444, dated February 14, 1948, by changing the project designation appearing therein as "Texas 94M Gonzales" in the amount of $1,430,000 to read "Texas 94M Gonzales" in the amount of $1,386,151 and "Texas 100 Washington (Texas 94M Gonzales)" in the amount of $43,849.

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7652; Filed, Aug. 30, 1950; 8:53 a. m.]

[Administrative Order 2914]

ALLOCATION OF FUNDS FOR LOANS

JULY 26, 1950.

Inasmuch as Texas Power Reserve Electric Cooperative, Inc. has transferred certain of its properties and assets to Pioneer Rural Electric Cooperative, Inc., and Pioneer Rural Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Texas Power Reserve Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 589, dated May 16, 1941, as amended by Administrative Order No. 1869, dated February 17, 1949, by changing the project designation appearing therein as "Texas 1120GM1 Travis" in the amount of $9,086.24 to read "Texas 1120GM1 Travis" in the amount of $1,172.48 and "Ohio 1 Miami (Texas 1120GM1 Travis)" in the amount of $7,913.76.

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7653; Filed, Aug. 30, 1950; 8:53 a. m.]

[Administrative Order 2915]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JULY 28, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 21S Lancaster	$150,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7654; Filed, Aug. 30, 1950; 8:53 a. m.]

[Administrative Order 2916]

MISSOURI

LOAN ANNOUNCEMENT

JULY 31, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 18U Texas	$600,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7655; Filed, Aug. 30, 1950; 8:53 a. m.]

[Administrative Order 2917]

OKLAHOMA

LOAN ANNOUNCEMENT

AUGUST 2, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 1S Kingfisher	$205,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7656; Filed, Aug. 30, 1950; 8:53 a. m.]

[Administrative Order 2918]

KANSAS

LOAN ANNOUNCEMENT

AUGUST 2, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 7R, S Jewell	$800,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7657; Filed, Aug. 30, 1950; 8:53 a. m.]

[Administrative Order 2919]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 4, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Ad-

ministrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 86P Nueces	$170,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7658; Filed, Aug. 30, 1950; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC COAST AUSTRALASIAN TARIFF BUREAU, ET AL.

NOTICE OF APPROVAL OF AGREEMENTS

Notice is hereby given that the Board by order dated August 21, 1950, approved the following described agreements pursuant to section 15 of the Shipping Act, 1916, as amended:

Agreements 50-9 between the member lines of the Pacific Coast Australasian Tariff Bureau, 4294-11 between the member lines of the Pacific Coast/Caribbean Sea Ports Conference, 4630-9 between the member lines of the Pacific/West Coast of South America Conference, 5680-4 between the member lines of the Pacific/Straits Conference, 6060-6 between the member lines of the Pacific/Indonesian Conference, 6170-4 between the member lines of the Capca Freight Conference, 7170-2 between the member lines of the Pacific Coast/Panama Canal Freight Conference, and 7570-2 between the member lines of the Pacific Coast/Mexico Freight Conference, provide for the suspension of those provisions of the respective basic agreements of the above-named conferences which prohibit the payment of brokerage fees until final court decision in pending litigation involving the order of the United States Maritime Commission in Docket 657 requiring deletion from approved conference agreements of the prohibitions against the payment of brokerage.

Interested parties may obtain copies of these agreements at the Regulation Office, Federal Maritime Board, Washington, D. C.

Dated: August 28, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-7620; Filed, Aug. 30, 1950; 8:49 a. m.]

Foreign-Trade Zones Board

[Order No. 23]

TEMPORARY AREA OF FOREIGN-TRADE ZONE 1

ORDER GRANTING APPLICATION OF CITY OF NEW YORK FOR REVISION

In the matter of the application of the city of New York to revise the temporary area of Foreign-Trade Zone No. 1 to include Piers 13, 14, 15, and 16 and adjacent slips and upland, Stapleton, Staten Island, New York.

Pursuant to authority contained in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U. S. C. 81a-81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Under date of May 19, 1950, the city of New York, through its Commissioner of Marine and Aviation, Edw. F. Cavanagh, Jr., duly filed with this Board its application to revise the temporary zone area to include Piers 13, 14, 15, and 16, and adjacent slips and upland, Stapleton, Staten Island, New York.

Accordingly, after full consideration and a finding that the proposal is in the public interest, it is hereby ordered as follows:

1. Permission is granted that Piers 13, 14, 15, and 16, and adjacent slips and upland (including area occupied by Sumatra tobacco warehouse and the administration building), Stapleton, Staten Island, New York, be designated as a suitable site where temporary zone operations shall be carried on.

2. During the present period of partial military occupancy this area will be deemed to be within Foreign-Trade Zone No. 1, provided, that the grantee segregates such area in a manner that will comply with the requirements of the local Collector of Customs, and that following the erection of barriers, etc., revised copies of temporary exhibits Nos. 1, 6, and 10 will be filed with the Board.

3. That part of Order No. 7 (7 F. R. 2074; March 14, 1942) insofar as it pertains to the area occupied by the Sumatra tobacco warehouse in Foreign-Trade Zone No. 1, and Order No. 14 authorizing foreign-trade zone activities on Piers 15 and 16, Stapleton, Long Island, New York (11 F. R. 12588; Oct. 25, 1946), are hereby superseded.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. No. 404, 79th Cong.) is unnecessary in connection with the issuance of this order because its application is restricted to one foreign-trade zone, and is of a nature that it imposes no burden on parties of interest.

Signed at Washington, D. C., this 25th day of August 1950, the effective date of this order.

[SEAL] CHARLES SAWYER,
Secretary of Commerce, Chairman, Foreign-Trade Zones Board.

Attest:

THOS. E. LYONS,
Executive Secretary.

[F. R. Doc. 50-7621; Filed Aug. 30, 1950; 8:49 a. m.]

FEDERAL POWER COMMISSION

EAU CLAIRE DELLS IMPROVEMENT CO.

NOTICE OF ORDER

AUGUST 25, 1950.

Notice is hereby given that, on August 24, 1950, the Federal Power Commission issued its order entered August 22, 1950, directing and approving disposition of amounts classified in Account 107, Electric Plant Adjustments, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7596; Filed, Aug. 30, 1950; 8:46 a. m.]

[Docket No. G-1422]

DELTA NATURAL GAS CO.

NOTICE OF ORDER

AUGUST 25, 1950.

Notice is hereby given that, on August 24, 1950, the Federal Power Commission issued its order entered August 22, 1950, directing Central Kentucky Natural Gas Company to establish physical connection of its facilities with and sell natural gas to Delta Natural Gas Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7599; Filed, Aug. 30, 1950; 8:46 a. m.]

GENERAL ACCOUNTING OFFICE

[Rev. Administrative Order 35]

CHIEF CLERK

DELEGATION OF AUTHORITY TO CERTIFY COPIES OF CERTAIN BOOKS, RECORDS, ETC., FOR COMPTROLLER GENERAL

AUGUST 25, 1950.

1. By virtue of and pursuant to the authority vested in me, as Comptroller General of the United States, by the provisions of section 311 (e) of the Budget and Accounting Act, 1921, 42 Stat. 25, 31 U. S. C. 52 (e), I hereby designate E. C. Bohannon, Chief Clerk of the General Accounting Office, and in his absence, F. L. McCoy, as Acting Chief Clerk, to certify, for the Comptroller General of the United States, copies of any books, records, papers, or documents, and transcripts from the books and proceedings of the General Accounting Office, as provided for by section 306 of the Budget and Accounting Act, 1921, 42 Stat. 24, 31 U. S. C. 46.

2. Administrative Order No. 35 dated July 26, 1944, and Supplement No. 1 thereto dated October 7, 1944, are hereby rescinded.

LINDSAY C. WARREN,
Comptroller General of the United States.

[F. R. Doc. 50-7619; Filed, Aug. 30, 1950; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25360]

FISH FROM MAINE TO THE SOUTHWEST

APPLICATION FOR RELIEF

AUGUST 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff ICC No. 3592.

Commodities involved: Fish, other than shellfish, in carloads.

From: Points in Maine.

To: Points in the southwest.

Grounds for relief: Circuitous routes. To maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh ICC No. 3592, supp. 299.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7611; Filed, Aug. 30, 1950; 8:48 a. m.]

[4th Sec. Application 25361]

BLACKSTRAP MOLASSES FROM NEW ORLEANS, LA., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

AUGUST 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. P. Emerson, Jr., Agent, for and on behalf of the Texas and Pacific Railway Company and the St. Louis-Southwestern Railway Company.

Commodities involved: Blackstrap molasses, in tank carloads.

From: New Orleans, La.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., ICC No. 395, Supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7612; Filed, Aug. 30, 1950; 8:48 a. m.]

[4th Sec. Application 25362]

PETROLEUM AND ITS PRODUCTS FROM COLORADO AND WYOMING TO THE WEST

APPLICATION FOR RELIEF

AUGUST 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to his tariff ICC No. A-3748 and other tariffs named in the application.

Commodities involved: Petroleum and its products, in tank carloads.

From: Points in Colorado and Wyoming.

To: Points in Colorado, Kansas, Nebraska, South Dakota, and Wyoming.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: C. B. & Q. I. C. C. No. 19978, supp. 104; C. B. & Q. I. C. C. No. 20047, supp. 47; U. P. I. C. C. No. 4933, sup. 134; L. E. Kipp, I. C. C. No. A-3748, supp. 28; A. S. Ahlstrom, I. C. C. No. 40, supp. 114.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7613; Filed, Aug. 30, 1950; 8:48 a. m.]

[4th Sec. Application 25363]

BLACKSTRAP MOLASSES FROM NEW ORLEANS, LA., TO WESTERN TRUNK LINE

APPLICATION FOR RELIEF

AUGUST 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. P. Emerson, Jr., Agent, for and on behalf of carriers parties to his tariff ICC No. 395.

Commodities involved: Blackstrap molasses, in tank carloads.

From: New Orleans, La.

To: Points in western trunk line territory, Illinois, Missouri and Indiana.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., ICC No. 395, Supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7614; Filed, Aug. 30, 1950; 8:48 a. m.]

[No. 30416]

CLASS RATES, MOUNTAIN-PACIFIC TERRITORY

AUGUST 25, 1950.

The order of investigation in this proceeding was entered and served on November 28, 1949.

Apparently it will be desirable for the Commission to utilize the rule making procedure of the Administrative Procedure Act. It will save time and expense all around for the respondent rail carriers in the affected territory, groups of State commissions, and industrial and commercial groups which have similar interests to make arrangements for the common receipt of copies of verified statements, etc., by designated group representatives who will see to the prompt distribution of such documents to interested parties in their various groups.

Information as to the formation of such groups and arrangements such as suggested should be supplied to the Commission within two weeks from this date.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7616; Filed, Aug. 30, 1950; 8:48 a. m.]

[No. 30660]

CLASS RATES, TRANSCONTINENTAL RAIL, 1950

At a general session of the Interstate Commerce Commission, held at its office

in Washington, D. C., on the 17th day of August A. D. 1950.

The Commission upon consideration of the interstate class rates interterritorially applicable between mountain-Pacific territory and the various transcontinental rate groups east of that territory, finds good cause and therefore makes the following order for investigation and hearing:

It is ordered, That a proceeding of investigation and inquiry is hereby instituted by the Commission on its own motion into and concerning the interstate class rates of railroads subject to the Interstate Commerce Act, applicable to transportation in interstate or foreign commerce by railroad, or by water, or partly by railroad and partly by water, by common carriers subject to Part I of the Interstate Commerce Act as defined in section 1 (1)–(3) thereof, as amended (49 U. S. C., sec. 1 (1) to (3) inclusive) and the charges resulting therefrom, interterritorially between mountain-Pacific territory, which for the purposes of this proceeding is defined as comprising all points in the United States lying on and generally westward of the following line: The western boundaries of the States of North Dakota, South Dakota, and Nebraska south to the main line of the Union Pacific Railroad Company, thence along such railway west to Cheyenne, Wyo., thence south on the line of The Colorado and Southern Railway Company and paralleling railroads passing through Denver, Pueblo, and Trinidad, Colo., to the border of the State of New Mexico, thence successively east, south, and west along the latter border to the international boundary, the Rio Grande River, and the remainder of the United States lying east of such mountain-Pacific territory, in order to determine whether such class rates and charges, or any of them, are unjust, unreasonable, unduly prejudicial, unduly preferential, or otherwise unlawful, and to making such findings and orders as may be proper in the premises;

It is further ordered, That such investigation shall extend to all rates determined by ratings in the applicable classification of freight proper, whether such ratings are stated as the regular numbered or lettered classes or as percentages of one of such classes;

It is further ordered, That all common carriers by railroad, or by water, or partly by railroad and partly by water, as defined in section 1 (1) to (3), inclusive, of the Interstate Commerce Act, as amended, and subject to said act, and participating in said transportation be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the respondents; and that notice hereof be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register;

And it is further ordered, That this proceeding be assigned for hearing at such times and places, and be subject to such proceedings under the rule-making provisions of the Administrative Procedure Act, as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7618; Filed, Aug. 30, 1950; 8:48 a. m.]

[No. 30660]

CLASS RATES, TRANSCONTINENTAL RAIL, 1950 [1]

AUGUST 25, 1950.

By order of the Commission dated August 17, 1950, a proceeding of investigation was instituted as to the interstate class rates interterritorially between mountain-Pacific territory and various transcontinental rate groups east thereof.

Apparently it will be desirable for the Commission to utilize the rule making procedure of the Administrative Procedure Act. It will save time and expense all around for the respondent rail carriers in the affected territories, groups of State commissions, and industrial and commercial groups which have similar interests to make arrangements for the common receipt of copies of verified statements, etc., by designated group representatives who will see to the prompt distribution of such documents to interested parties in their various groups.

Information as to the formation of such groups and arrangements such as suggested should be supplied to the Commission within two weeks from this date.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7617; Filed, Aug. 30, 1950; 8:48 a. m.]

OFFICE OF HOUSING EXPEDITER

ORGANIZATION DESCRIPTION INCLUDING DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF ACTING HOUSING EXPEDITER

J. Walter White is hereby designated to act as Housing Expediter during my absence from August 28 through August 30, 1950, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Housing and Rent Act of 1947, as amended, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such period.

Issued this 25th day of August 1950.

TIGHE E. WOODS, *Housing Expediter.*

[F. R. Doc. 50-7660; Filed, Aug. 29, 1950; 5:07 p.m.]

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[1] See F. R. Doc. 50-7618, *supra*

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2455]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND NEW BEDFORD GAS AND EDISON LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of August A. D. 1950.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Gas and Electric Association ("Negea"), a registered holding company, and its utility subsidiary, New Bedford Gas and Edison Light Company ("New Bedford"). Applicants-declarants have designated sections 6 (b), 9, 10 and 12 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 20, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 20, 1950, said joint application-declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint application-declaration, which is on file in the offices of this Commission for a statement of the transactions therein proposed, and which are summarized as follows:

New Bedford proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $3,750,000 principal amount of 25-Year -- Percent Notes, series B, due 1975. The interest rate and the price to the company for the notes will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount. The proceeds of the sale of the notes will be used to repay a like principal amount of bank notes due December 31, 1952 and any balance of proceeds will be used to partially reimburse New Bedford's Plant Replacement Fund Assets account for expenditures made therefrom to finance additions to its plant and property.

New Bedford also proposes to issue and sell 10,631 additional shares of its $25 par value common stock, at a price of $67.50 per share, to its stockholders pursuant to their preemptive rights. Negea as the holder of approximately 97 percent of the outstanding common stock proposes to purchase its pro rata portion of the additional stock and all shares which are unsubscribed for by other stockholders. The proceeds of the sale of the additional shares of common stock are to be used to partially reimburse New Bedford's Plant Replacement Fund Assets account for expenditures made therefrom to finance additions to its plant and property.

The proposed issuance and sale of bonds and common stock has been approved by the Department of Public Utilities of Massachusetts.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7600; Filed, Aug. 30, 1950; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14924]

DEUTSCHE REICHSBANK

In re: Portion of bank account owned by Deutsche Reichsbank. F-28-1282.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Reichsbank, the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Federal Reserve Bank of New York, 33 Liberty Street, New York 45, New York in the amount of $5,825.58 constituting a portion of an account maintained with said Bank entitled Sub-Account No. 1 of the Bank for International Settlements, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Deutsche Reichsbank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7629; Filed, Aug. 30, 1950; 8:50 a. m.]

[Vesting Order 14925]

ELSA BURGDORF CROHN AND CONRAD BURGDORF

In re: Bank account owned by Elsa Burgdorf Crohn also known as Elsie Burgdorf Crohn and debts owing to Elsa Burgdorf Crohn also known as Elsie Burgdorf Crohn and Conrad Burgdorf. F-28-9496-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsa Burgdorf Crohn also known as Elsie Burgdorf Crohn, whose last known address is Lubeck, Katharinenstrasse (69) Germany, and Conrad Burgdorf, whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Elsa Burgdorf Crohn also known as Elsie Burgdorf Crohn by The Idaho First National Bank, Boise, Idaho, arising out of a commercial account, entitled Wulff Hardware and Implement Company, Trustee for Alien Property Custodian, maintained at the branch office of the aforesaid bank located at Weiser, Idaho, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elsa Burgdorf Crohn also known as Elsie Burgdorf Crohn, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation evidenced by a Cashier's Check numbered 84472, dated January 31, 1941, in the amount of $999.00 payable to The Idaho First National Bank, Weiser, Idaho, or Geo. Donart, Weiser, Idaho, presently in the custody of The Idaho First National Bank, Weiser, Idaho, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check, and

b. That certain debt or other obligation evidenced by a Cashier's Check numbered 86942, dated August 22, 1942, in the amount of $1,000.00 payable to The Idaho First National Bank; Harris-Burgdorf Escrow, Weiser, Idaho, presently in the custody of The Idaho First National Bank, Weiser, Idaho, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Elsa Burgdorf Crohn also known as Elsie Burgdorf Crohn and Conrad Burgdorf, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7630; Filed, Aug. 30, 1950; 8:50 a. m.]

[Vesting Order 14927]

ANA SUTER DE HEPNER

In re: Stock owned by and debt owing to Ana Suter de Hepner. F-28-30798-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ana Suter de Hepner, whose last known address is Wiesbaden-Biebrich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Six hundred (600) shares of $1.00 par value common capital stock of Curtiss-Wright Corporation, Woodridge, New Jersey, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered D222909, D222910, D223247, D224627/629 for one hundred (100) shares each, registered in the name of Slade & Co., and presently in the custody of The American Express Co., Inc., New York Agency, 65 Broadway, New York 6, New York, in a blocked account entitled The American Express Co., Inc., Amsterdam, Holland, together with all declared and unpaid dividends thereon,

b. Two hundred twenty and ten-twentieths (220$^{10}/_{20}$) shares of $1.00 par value common capital stock of Industrial Rayon Corporation, 660 Union Commerce Bldg., Cleveland 1, Ohio, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered NN/C 1221/2 for one hundred (100) shares each, NN/CO 15149 and NN/CO 34609 for ten (10) shares each and certificate (Scrip) SC 5553 for ten-twentieths ($^{10}/_{20}$) share, and presently in the custody of The American Express Co., Inc., New York Agency, 65 Broadway, New York 6, New York, in a blocked account entitled The American Express Co., Inc., Amsterdam, Holland, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation of The American Express Co., Inc., New York Agency, 65 Broadway, New York 6, New York, in the amount of $4,780.61 as of March 30, 1950, representing a portion of an account of The American Express Co., Inc., Amsterdam, Holland, maintained at the aforesaid New York Agency, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ana Suter de Hepner, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7631; Filed, Aug. 30, 1950; 8:50 a. m.]

[Vesting Order 14928]

DR. KARRIN HISSINK

In re: Stock owned by Dr. Karrin Hissink also known as Karin Hissink. F-28-30752.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Karrin Hissink also known as Karin Hissink, whose last known address is 29 Myliusstr., Frankfurt/Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty (20) shares of $5.00 par value capital stock of Continental Oil Company, 10 Rockefeller Plaza, New York 20, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 0151424 and 0151535, for ten (10) shares each, registered in the name of Administratiekantoor Van Binnen En Buitenlandsche Fondsen N. V., Amsterdam C, Holland, together with all declared and unpaid dividends thereon.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dr. Karrin Hissink also known as Karin Hissink, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7632; Filed, Aug. 30, 1950; 8:50 a. m.]

[Vesting Order 14930]

JAPANESE GOVERNMENT

In re: Portion of bank account owned by Japanese Government. F-39-3109-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: That certain debt or other obligation of the Federal Reserve Bank of New York, 33 Liberty Street, New York 45, New York in the amount of $32,553.34 constituting a portion of an account maintained with said Bank entitled Sub-Account No. 1 of the Bank for International Settlements, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7633; Filed, Aug. 30, 1950; 8:50 a. m.]

[Vesting Order 14969]

ELSBETH LIMPERT

In re: Rights of Elsbeth Limpert under insurance installment certificate. File No. F-28-26651-H-5.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsbeth Limpert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under Continuous Installment Certificate No. D-92, 520-F, issued by The Mutual Benefit Life Insurance Company, Newark, New Jersey, to Elsbeth Limpert, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7634; Filed, Aug. 30, 1950; 8:50 a. m.]

[Vesting Order 14970]

KARL LIMPERT

In re: Rights of Karl Limpert under insurance installment certificate. File No. F-28-26651-H-8.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Limpert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under Continuous Installment Certificate No. D-92, 520-K, issued by The Mutual Benefit Life Insurance Company, Newark, New Jersey, to Karl Limpert, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7635; Filed, Aug. 30, 1950; 8:50 a. m.]

[Vesting Order 14971]

YONOSUKE AND SATOKO MAENAMI

In re: Rights of Yonosuke Maenami and Satoko Maenami under insurance contract. File No. D-39-23-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yonosuke Maenami and Satoko Maenami, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8 801 162, issued by the New York Life Insurance Company, New York, New York, to Yonosuke Maenami, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Yonosuke Maenami or Satoko Maenami; the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7636; Filed, Aug. 30, 1950; 8:50 a. m.]

[Vesting Order 14973]

(MRS.) TSURUYO NODA

In re: Rights of (Mrs.) Tsuruyo Noda under deposit installment contract. File No. F-39-5459-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That (Mrs.) Tsuruyo Noda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under Deposit Installment Contract No. 1,425,544, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to (Mrs.) Tsuruyo Noda, together with the right to demand, receive and collect said net proceeds, (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7637; Filed, Aug. 30, 1950; 8:50 a.m.]

[Vesting Order 14975]

ADOLF PFEIFFER

In re: Rights of Adolf Pfeiffer under insurance contract. File No. F-28-26022-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolf Pfeiffer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8,193,464, issued by the New York Life Insurance Company, New York, New York, to Adolf Pfeiffer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7638; Filed, Aug. 30, 1950; 8:51 a. m.]

[Vesting Order 14976]

ANTON (ANTHONY) RUPRECHT ET AL.

In re: Rights of Anton (Anthony) Ruprecht et al. under insurance contract. File No. F-28-24428-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anton (Anthony) Ruprecht, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frieda Ruprecht, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 96 807 483, issued by the Metropolitan Life Insurance Company, New York, New York, to Frieda Ruprecht, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frieda Ruprecht, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7639; Filed, Aug. 30, 1950; 8:51 a. m.]

[Vesting Order 14977]

BENEDICTA BAUMANN SCHOETTLE

In re: Rights of Benedicta Baumann Schoettle, formerly Benedicta Schoettle under insurance contract. File No. F-28-8666-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Benedicta Baumann Schoettle, formerly Benedicta Schoettle, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. An-11954, issued by the Aetna Life Insurance Company, Hartford, Connecticut, to Benedicta Schoettle, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7640; Filed, Aug. 30, 1950; 8:51 a. m.]

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U. S. GOVERNMENT PRINTING OFFICE: 1950

VOL 15

SEPT

SEP 7

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 15 NUMBER 170

Washington, Friday, September 1, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10158

FURTHER AMENDMENT OF EXECUTIVE ORDER NO. 10084 OF OCTOBER 12, 1949, PRESCRIBING REGULATIONS FOR THE ADMINISTRATION OF CERTAIN PROVISIONS OF THE CAREER COMPENSATION ACT OF 1949

By virtue of and pursuant to the authority vested in me by the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351, 81st Congress), Executive Order No. 10084 of October 12, 1949, entitled "Prescribing Regulations for the Administration of Certain Provisions of the Career Compensation Act of 1949", as amended by Executive Orders No. 10098 of January 25, 1950, No. 10118 of March 27, 1950, and No. 10136 of June 30, 1950, is hereby further amended as follows:

1. To the extent that such order adopts and prescribes regulations required or authorized to be prescribed by the President under sections 206 and 302 of the Career Compensation Act of 1949, it shall continue in effect until October 31, 1950.

This order shall become effective on September 1, 1950.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 31, 1950.

F. R. Doc. 50-7757; Filed, Aug. 31, 1950; 11:37 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[ACP 1950-4]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1950

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under section 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1950 National Agricultural Conservation Program, issued July 21, 1949 (14 F. R. 4627), as amended September 2, 1949 (14 F. R. 5520), December 16, 1949 (14 F. R. 7609), and February 8, 1950 (15 F. R. 791), is further amended as follows:

1. Section 701.103 (b) (1) (i) is amended by adding the following sentence immediately preceding "Maximum assistance":

§ 701.103 *Conservation practices and maximum rates of assistance.* • • •

(b) *Practices to develop cropping systems that protect the soil and restore, improve, and maintain soil productivity*—(1) *Growing adapted green manure or cover crops for soil protection and improvement.* • • •

(i) *Winter annual legumes or annual ryegrass.* • • • Acreages of Austrian Winter peas or lupine seeded in 1950 are not eligible for assistance if harvested for seed.

2. Section 701.103 (h) is amended by inserting the following sentence as the second sentence therein:

(h) *Prior approval.* • • • Prior approval of the county committee is also required for all other practices contained in this section in all States, except Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, Kentucky, New Jersey, Pennsylvania, Puerto Rico, Tennessee, Virginia, Virgin Islands, and West Virginia. • • •

3. Section 701.108 (a) is amended by deleting the words "designated by the ACP Branch as an area" in the first sentence, and adding the following at the end of the paragraph:

§ 701.108 *General provisions relating to payment*—(a) *Breaking out permanent vegetative cover.* • • •

For the purposes of the 1950 program, the areas subject to serious wind erosion shall include all counties in Kansas, Montana, Nebraska, New Mexico, North Dakota, and Wyoming; Larimer, Boulder, Jefferson, Douglas, Teller, El Paso, Pueblo, Huerfano, and Las Animas Counties, and all counties east thereof, in Colorado; Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, and Woodward Counties in Oklahoma; Bennett, Brule, Buffalo, Butte, Campbell, Charles Mix, Corson, Custer, Dewey, Edmunds, Fall River, Faulk, Gregory, Haakon, Hand, Harding, Hughes, Hyde, Jackson, Jones, Lawrence, Lyman, McPherson, Meade, Mellette, Pennington, Perkins, Potter, Shannon, Stanley, Sully, Todd, Tripp, Walworth, Washabaugh, and Ziebach Counties in South Dakota; Armstrong, Dallam, Deaf Smith, Hansford,

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1950–51 Edition

(Revised through July 1)

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

657 pages—$1.00 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, and Sherman Counties in Texas.

4. Section 701.108 (h) is amended to read as follows:

(h) *Excess cotton acreage.* Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1950 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted during 1950 on land in any farm in which he has an interest in excess of the cotton allotment under section 344 of the Agricultural Adjustment Act of 1938, as amended, for the farm for 1950.

Any person who knowingly plants cotton or causes cotton to be planted on his farm in 1950 in excess of the 1950 cotton acreage allotment for the farm under section 344 of the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment whatsoever on that farm or on any other farm under 1950 programs authorized by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended. Cotton will not be deemed to have been planted on any farm in excess of the farm acreage allotment if, after the acreage originally planted to cotton has been determined and notice thereof sent to the operator of the farm, the planted acreage is adjusted to the farm acreage allotment in the period allowed under the notice. If the operator is notified that the cotton acreage allotment has been exceeded and the planted acreage is not adjusted to such acreage allotment in the period allowed under the notice, the cotton acreage allotment shall be deemed to have been knowingly exceeded by all producers having an interest in the cotton on the farm. Notice of overplanting mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm.

For the purposes of this paragraph, the acreage planted to cotton will include only acreage planted to upland cotton.

5. Section 701.109 (a) is amended by adding the following at the end thereof:

§ 701.109 *Application for payment*—(a) *Persons eligible to file applications.* • • •

The final date for filing an application for payment is February 28, 1951, in Hawaii, Puerto Rico, and the Virgin Islands; March 15, 1951, in New York; March 31, 1951, in Alaska; April 30, 1951, in New Hampshire, New Jersey, and Rhode Island; May 1, 1951, in Nevada; May 15, 1951, in Florida; June 30, 1951, in Alabama, Arizona, Arkansas, Colorado, Georgia, Idaho, Louisiana, Mississippi, Montana, New Mexico, North Carolina, North Dakota, Pennsylvania, South Carolina, Vermont, Virginia, Washington, and Wyoming; July 1, 1951, in Maine; August 31, 1951, in Minnesota; December 31, 1951, in California, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wisconsin. In those States for which the final date for filing an application for payment is earlier than December 31, 1951, the State committee may extend the final date to a date not later than December 31, 1951, when failure to file the application was due to conditions over which the farmer had no control.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 26th day of August 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 50-7676; Filed, Aug. 31, 1950; 8:46 a. m.]

[ACP–1950–P. R. 2]

PART 702—SPECIAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1950—PUERTO RICO

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1950 Special Agricultural Conservation Program for Puerto Rico, issued December 28, 1949 (14 F. R. 7870), as amended May 12, 1950 (15 F. R. 2923), is further amended as follows:

1. Section 702.34 is amended by revising "Maximum assistance" to read as follows:

§ 702.34 *Practice 24: Applying to coffee trees fertilizer of grades approved for coffee by the Insular Department of Agriculture.* • • •

Maximum assistance. (a) For fertilizer delivered prior to May 1, 1950, 80 percent of cost f. o. b. mixing plant for the grade of material used.

(b) For fertilizer delivered on and subsequent to May 1, 1950, 80 percent of the fair price for the grade of material used, as determined by the State office.

2. Section 702.53 is amended to read as follows:

§ 702.53 *Excess cotton acreage.* (a) Any person who knowingly plants cotton or causes cotton to be planted on his farm in 1950 in excess of the 1950 cotton acreage allotment for the farm under section 344 of the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment whatsoever on that farm or on any other farm under 1950 programs authorized by sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended. Cotton will not be deemed to have been planted on any farm in excess of the farm acreage allotment if, after the acreage originally planted to cotton has been determined and notice thereof sent to the operator of the farm, the planted acreage is adjusted to the farm acreage allotment in the period allowed under the notice. If the operator is notified that the cotton acreage allotment has been exceeded and the planted acreage is not adjusted to such acreage allotment in the period allowed under the notice, the cotton acreage allotment shall be deemed to have been knowingly exceeded by all producers having an interest in the cotton on the farm. Notice of overplanting mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm.

(b) For the purposes of this section, the acreage planted to cotton will include only acreage planted to upland cotton.

(Sec. 4, 49 Stat. 164; U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 26th day of August 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 50-7677; Filed, Aug. 31, 1950; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5486]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

INDEPENDENT DIRECTORY CORP. ET AL.

Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1440 *Identity.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2080 *Terms and conditions.* Subpart—*Securing orders falsely or misleadingly:* § 3.2180 *Securing orders falsely or misleadingly.* Subpart—*Securing signatures wrongfully:* § 3.2175 *Securing signatures wrongfully.* In connection with the offering for sale, sale or distribution in commerce, of advertising in telephone, industrial, commercial or other directories or registers, or in any other publication, using in the solicitation of such advertising by mail, advertisements which have been physically clipped or removed by or for the respondents from any publication issued by others than the respondents; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45)

In the Matter of Independent Directory Corporation, an Illinois Corporation; Independent Directory Corporation, a New York Corporation; New Jersey Directory Corporation, a Corporation; William Oleck Advertising Corporation, a Corporation; and William Oleck, David Oleck and Maury Oleck, Individually and as Officers of the Aforesaid Corporations

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, the respondents' answers thereto, testimony and other evidence in support of and in opposition to the allegations of the complaint introduced before trial examiners of the Commission theretofore duly designated by it, the trial examiner's recommended decision and exceptions thereto, and briefs and oral argument of counsel; and the Commission, having disposed of the exceptions to the trial examiner's recommended decision and having made its findings as to the facts and its conclusion that the respondents, Independent Directory Corporation, of New York, Independent Directory Corporation, of Illinois, William Oleck and Maury Oleck, have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Independent Directory Corporation, a New York corporation, and Independent Directory Corporation, an Illinois corporation, and their officers, and the respondents, William Oleck and Maury Oleck, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of advertising in telephone, industrial, commercial, or other directories or registers, or in any other publication, do forthwith cease and desist from using in the solicitation of such advertising by mail, advertisements which have been physically clipped or removed by or for the respondents from any publication issued by others than the respondents.

It is further ordered, For reasons appearing in the Commission's findings as to the facts in this proceeding, that the complaint herein be, and it hereby is, dismissed as to the respondents, New Jersey Directory Corporation, William Oleck Advertising Corporation, and David Oleck, said dismissal being without prejudice, however, to the right of the Commission to institute a new proceeding against these respondents or to take such further or other action against them at any time in the future as may be warranted by the then existing circumstances.

It is further ordered, That the respondents, Independent Directory Corporation, a New York corporation, Independent Directory Corporation, an Illinois corporation, William Oleck and Maury Oleck, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the man-

ner and form in which they have complied with this order.

NOTE: Opinion of the Commission by Commissioner Carson and dissenting opinion of Commissioner Mason are filed as a part of the original document.

By the Commission, Commissioner Mason dissenting.

Issued: July 19, 1950.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-7659; Filed, Aug. 31, 1950; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

POSTAGE RATES FOR AIR PARCEL POST

Whereas, the Postmaster General, under authority of section 1 (11), 62 Stat. 1097; 39 U. S. C. 475, is authorized and directed, for a period ending September 1, 1950, to adjust from time to time the weight limit, size, rate of postage, zone or zones or conditions, or either, applicable to air parcel post "in order to promote the service to the public and assure the receipt of revenue from such service adequate to pay the cost thereof"; and

Whereas, it is impracticable to comply with the notice and procedure requirements of section 4 of the Administrative Procedure Act;

It is hereby ordered that § 34.88 *Postage rates for air parcel post* (39 CFR), be amended as follows:

1. In paragraph (a) strike out subparagraphs (1) to (8), inclusive, and insert in lieu thereof a note to read as follows:

NOTE: See subparagraph (4) of paragraph (b) for the rates of postage established by the Postmaster General pursuant to authority contained in sec. 1 (11), 62 Stat. 1097; 39 U. S. C. 475.

2. In paragraph (b) strike out subparagraph (10) and amend subparagraphs (1), (2), (4), (5), (8), and (9) to read as follows:

(b) *Regulations*—(1) *Conditions.* The zone rates prescribed for parcels carried by air (including other transportation to and from air-mail routes) shall apply to mailable matter of any class weighing over 8 ounces but not more than 70 pounds nor exceeding 100 inches in length and girth combined, including written and other matter of the first class, whether sealed or unsealed.

(2) *Domestic.* The rate of 6 cents an ounce or fraction of an ounce will apply to all domestic air mail weighing up to and including 8 ounces, regardless of distance or zone; the zone rates prescribed by this section will apply to such mail weighing over 8 ounces, fractions of a pound being charged as a full pound.

(4) *Rate table.* The zone rates for parcels carried by air are shown in the following table:

AIR PARCEL-POST ZONE RATES

Zones	First pound over 8 ounces	Additional pounds
	Cents	*Cents*
1, 2, and 3	60	48
4	65	50
5	70	56
6	75	64
7	75	72
8	80	80

(5) *Army Post Offices, Fleet Post Offices, Territories, and Possessions.* The rate of 80 cents for the first pound (over 8 ounces to 1 pound) and 80 cents for each additional pound or fraction thereof shall be charged on parcels transported by air as follows:

(i) Between any point in continental United States and any point in its Territories and possessions falling in the eighth delivery zone, namely, Hawaii, Alaska, Guam, etc.

(ii) Between or within Territories and possessions of the United States where the eighth zone is applicable.

(iii) Between continental United States or its Territories and possessions and the Canal Zone.

(iv) Between United States or its Territories and possessions and overseas A. P. O.'s and Fleet Post Offices, as well as naval vessels and commands afloat addressed in care of Fleet Post Offices, New York, N. Y., or San Francisco, Calif.

(v) Between United States or its Territories and possessions and United States naval vessels station in foreign waters if foreign port is used as part of address.

Parcels weighing less than 10 pounds but exceeding 84 inches in length and girth combined shall be subject to the 10-pound rate.

(8) *Forwarding or return.* Air parcel post undeliverable as addressed is subject to forwarding and return postage. If it bears pledge to pay such postage without instructions as to whether by air or surface, it shall be sent by air, properly rated up. If sender requests forwarding or return by surface, it shall be rated and transmitted accordingly. This also applies to registered, insured, and c. o. d. matter sent via air parcel post, which is accepted with the understanding that forwarding and return postage is guaranteed. In case of other than registered, insured, and c. o. d. matter, if air parcels bear no pledge to pay forwarding or return postage, they should be held and sender notified with information as to amount required for both surface and air transportation.

(9) *Domestic registered, insured, and c. o. d.* Domestic registered, insured, and c. o. d. mail may be sent by air parcel post upon payment of the prescribed fees, which are in addition to the air zone postage, and surcharges when required on registered mail. All domestic registered mail sent by air parcel post must be securely sealed and postage must be prepaid thereon at the zone rates. First-class matter sent c. o. d. by air parcel post must also be sealed and be prepaid at the zone rates. Indemnity for insured mail sent at the air zone rates will be payable only for fourth-class matter. All domestic registered, insured, and c. o. d. mail prepaid at the air parcel post rates will be accepted with the understanding that the senders guarantee any return or forwarding postage which may be necessary.

The foregoing changes shall become effective November 1, 1950.

(Sec. 1 (11), 62 Stat. 1097; 39 U. S. C. 475)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 50-7724; Filed, Aug. 30, 1950; 2:59 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 5—FILMING OF MOTION PICTURES

ISSUANCE OF PERMIT; REPORT BY FIELD OFFICIALS

1. Paragraph (f) of § 5.5, entitled *Issuance of permit*, is amended to read as follows:

(f) The permittee, upon the request of the Secretary of the Interior, shall furnish to the Division of Information, Department of the Interior, Washington, D. C., for administrative use a 16 mm. print on acetate film of the footage taken pursuant to the permission granted hereunder.

2. Section 5.7, entitled *Report by field officials*, is amended to read as follows:

§ 5.7 *Report by field officials.* Every field official granting a permit shall, upon the conclusion of filming operations, report to the head of his bureau or office for transmittal through channels to the Secretary of the Interior, if in his judgment a print of the film footage should be requested for administrative use in accordance with § 5.5. The report shall be sufficiently descriptive to enable the Secretary to determine whether a print should be requested. No report will be required in other cases.

(R. S. 161, 453, 463, 2478, sec. 10, 32 Stat. 390, sec. 3, 39 Stat. 535, sec. 10, 45 Stat. 1224, sec. 2, 48 Stat. 1270; 5 U. S. C. 22, 16 U. S. C. 3, 715i, 25 U. S. C. 2, 43 U. S. C. 2, 1201, 373, 315a)

Issued this 24th day of August 1950.

OSCAR L. CHAPMAN, *Secretary of the Interior.*

[F. R. Doc. 50-7663; Filed, Aug. 31, 1950; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter III—Department of State

[Dept. Reg. 108.112; FLC Reg. 8, Amdt. 6]

PART 308—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO UNITED STATES

Section 308.15 of FLC Regulation 8, as amended (Departmental Regulations 108.93, 108.100; 14 F. R. 5201, 15 F. R. 845), is hereby amended further by adding the following paragraph:

§ 308.15 *Importations into the United States.* * * *

For the purpose of this section, a complete and usable part of another article from which it has been detached shall not be considered as in other than the "same or substantially the same form in which it was exported from the United States" merely because it has been detached, and is imported separately, from the article of which it was a part. In any case of doubt, the question whether an article is "in the same or substantially the same form in which it was exported from the United States" shall be referred to the Secretary of Commerce, or a representative designated by him, for decision.

This order shall become effective upon publication in the FEDERAL REGISTER.

(58 Stat. 765, 59 Stat. 533, 60 Stat. 168, 60 Stat. 754, 50 U. S. C. App. Supp. 1611-1646; Pub. Law 152, 81st Cong.)

For the Secretary of State.

JOHN E. O'GARA, *Acting Assistant Secretary, for Economic Affairs.*

AUGUST 25, 1950.

[F. R. Doc. 50-7671; Filed, Aug. 31, 1950; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 9—AERONAUTICAL SERVICES

FREQUENCIES AVAILABLE

At the meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of August 1950;

The Commission having under consideration the above-captioned matter in order to postpone the effective date for full implementation of the VHF program; and

It appearing, that footnote 4, § 9.321 (b) presently requires that the full implementation of the VHF program be accomplished by July 1, 1950; and

It further appearing, that the above date could not be met by the air carrier aircraft stations due to equipment procurement difficulties; and

It further appearing, that studies continue to be conducted with a view to recommending a firm date for the full implementation of the VHF program; and

It further appearing, that since a further delay in the postponement of the effective date of footnote 4, § 9.321 (b) is undesirable, it is impracticable to resort to the proposed rule making procedure of section 4 of the Administrative Procedure Act; and

It further appearing, that, since the proposed amendment involves a relaxation of existing requirements and, in addition, for the reason set forth in the preceding paragraph, this order may be made effective immediately; and

It further appearing that the public interest, convenience and necessity will be served by the amendment herein ordered, and that the authority therefor is contained in sections 4 (i), 303 (c) and (r) of the Communications Act of 1934, as amended.

It is ordered, That effective immediately, footnote 4, § 9.321 (b) of the Commission's rules and regulations governing the aeronautical services is amended to read as follows:

'Until further notice by the Commission, the VHF airdrome traffic control frequencies are also available to air carrier aircraft for simplex operation.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 307, 48 Stat. 1082, 1083, as amended; 47 U. S. C. 303, 307)

Released: August 24, 1950.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 50-7691; Filed, Aug. 31, 1950; 8:48 a. m.]

[Docket No. 9612]

PART 9—AERONAUTICAL SERVICES

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of August 1950;

The Commission having under consideration the above captioned matter which proposes to amend Part 9 of its rules and regulations governing aeronautical services in order to reflect current aviation policy and practice; and

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, a notice of proposed rule making was duly published in the FEDERAL REGISTER, on April 19, 1950, at page 2200, which notice proposed the aforementioned amendments and new sections of the Commission's rules and regulations governing aeronautical services, as well as an addition of footnote 3 (a) to § 9.312 (h); and

It further appearing, that the period in which interested persons were afforded an opportunity to submit comments has expired, and several comments were received and considered; one expressing an unqualified approval of the proposal; others, particularly directed to §§ 9.321 (e), 9.411 (d) and 9.412 (b), urging modification thereof in the particulars set forth below under (1) and (2) of the third further appearing clause hereof; and

It further appearing, that on May 31, 1950, the Commission adopted an order, effective that day, finalizing the proposed amendment to § 9.312 (h); and

It further appearing, that in addition to the rule amendment heretofore set forth in the notice of proposed rule making, the rule amendment herein ordered provides for the following three minor changes:

(1) Deleting reference to the frequency 3117.5 kc. from § 8.321 (e) in view of the present plan of the Civil Aeronautics Administration to discontinue watch on 3117.5 kc. at all communication stations and towers where this frequency has been in use;

(2) Permitting an exception to the provision of §§ 9.411 (d) and 9.412 (b) which would require all airdrome control stations to maintain a continuous listening watch during its hours of operation and be capable of transmitting on the emergency frequency 121.5 Mc by September 1, 1950, when a showing is made that such a service would not be required for the preservation of life and property in the air; and

(3) Changing the above-mentioned September 1, 1950, date to October 1, 1950, so as to achieve conformity with the effective date of this order; and

It further appearing, that the aforesaid changes in §§ 9.321 (e), 9.411 (d), and 9.412 (b) are minor in nature and, accordingly, compliance with the proposed rule making procedure of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing, that the public interest, convenience, and necessity will be served by the amendments herein ordered, and that authority therefor is contained in sections 4 (i), 303 (a), (b), (c), (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective October 1, 1950, Part 9 of the Commission's rules is amended, without further proceedings, in the particulars set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083, as amended; 47 U. S. C. 303, 307)

Released: August 24, 1950.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

1. The following paragraph is added to § 9.4:

(e) *Operational fixed station.* A fixed station not open to public correspondence operated by and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, Marine, or Aviation Services.

2. Section 9.321 (e) is amended to read as follows:

(e) 3105 kc.: Available to air carrier aircraft only where service on the appropriate very high frequency is not available or where service is suspended due to equipment failure.

3. Section 9.411 (d) is amended to read as follows:

(d) 121.5 Mc.: This frequency is a universal simplex channel for emergency and distress communications and service on this frequency shall be provided by all airdrome control stations, on or before October 1, 1950: *Provided however*, That upon application therefor the Commission may exempt any station from this requirement when a showing is made that such service is not required in the preservation of life and property in the air.

4. Section 9.412 (b) is amended to read as follows:

(b) The licensee of an airdrome control station shall without discrimination provide service for any and all aircraft. Such licensee shall maintain a continuous listening watch during its hours of operation on the aircraft calling and working frequencies as follows: 3105 kc.; 122.5, 122.7 or 122.9 Mc. (until further notice watch on 122.5 Mc. only); and after October 1, 1950 on the emergency frequency 121.5 Mc.: *Provided however*, That upon application therefor the Commission may exempt any station from the emergency frequency watch requirement when a showing is made that such service is not required in the preservation of life and property in the air.

5. A new subpart entitled Operational Fixed Stations containing §§ 9.446 and 9.447 is added as follows:

OPERATIONAL FIXED STATIONS

§ 9.446 *Service authorized.* Operational fixed stations in the aeronautical fixed service are authorized primarily for link or control circuits.

§ 9.447 *Frequencies available.* Operational fixed stations in the aeronautical fixed service will share the frequency bands allocated to operational fixed stations with other services as follows:

(a) Four frequencies in the band 72–76 Mc. in any area are available to operational fixed stations in the aeronautical fixed service on the condition that harmful interference will not be caused to the reception of television stations on channels 4 or 5 and provided that adequate land line facilities are not available.

(b) Band 952–960 Mc.
(c) Band 1850–1990 Mc.
(d) Band 2110–2200 Mc.
(e) Band 2500–2700 Mc.
(f) Band 6575–6875 Mc.
(g) Band 12200–12700 Mc.

(h) In filing an application for an operational fixed station in the aeronautical fixed service, the applicant may leave blank section 16 (1) of FCC Form 401, since it will be necessary for the Commission to determine the specific frequency being assigned.

[F. R. Doc. 50-7692; Filed, Aug. 31, 1950; 8:48 a. m.]

[Docket No. 9624]

PART 10—PUBLIC SAFETY RADIO SERVICES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of August 1950;

The Commission having under consideration the notice of proposed rule making in the above-entitled matter to correct certain typographical and clerical errors in the original text, clarify some of the requirements, and to amend §§ 10.106 and 10.255 to provide that in addition to frequencies previously available for high power operation in the Police Radio Service stations operating on frequencies in the band 42–46 Mc. may employ maximum plate input power not in excess of 10,000 watts, and further amendment of § 10.255 to permit use of the frequency 7805 kc. for fixed daytime police operation in Alaska with A3 emission.

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, general notice of proposed rule making in the above-entitled matter which made provision for the submission of comments of interested parties was duly published in the FEDERAL REGISTER on April 28, 1950, and that the period for filing comments has expired;

It further appearing, that comments filed by interested parties were favorable to adoption of all of the amendments proposed except § 10.152 relating to station identification and that part of § 10.255 which relates to assignment of the frequency 7805 kc. for use of fixed police radio stations operating with A3 emission in Alaska;

It further appearing, that §§ 10.152 and 10.255 have now been revised to meet these objections, and that although the proposed change of § 10.255 makes the substitute frequency 7480 kc. available for fixed police operation with A3 emission in Alaska, existing licensees are not expected to be adversely affected by such change and because of the present national emergency relating to military operations in Korea further rule-making procedures with respect to this matter would be impracticable and contrary to the public interest:

It is ordered, That effective October 2, 1950, Part 10 be amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

Released: August 24, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. In §§ 10.255 (g), 10.305 (f), 10.355 (d), 10.405 (e), and 10.455 (e) change the band 16,600 to 18,000 to read "16,000 to 18,000 with limitations 1, 2."

2. In § 10.355 (d) delete limitation notes 7, 9 and 10, on the frequency 31.02 Mc.

3. In § 10.65 change paragraph (c) to read as follows:

(c) Requests for changes outlined in paragraph (b) of this section shall be submitted to the Commission on FCC Form 401a, in quadruplicate. Each copy shall be accompanied by a sketch showing the proposed change in the antenna or antenna supporting structure. If the antenna or antenna supporting structure is marked, a description of the marking shall be furnished.

4. In § 10.105 redesignate paragraph (d) as paragraph (c) and change to read as follows:

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (a) and (b) of this section which may be caused by greater than normal audio level: *Provided, however*, That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum plate power input to the final radio frequency stage of 3 watts or less.

5. In § 10.107 change paragraph (c) to read as follows:

(c) Each station which is not authorized for unattended operation shall be provided with a control point, the location of which will be specified in the license. Unattended stations may be provided with a control point if authorized by the Commission. In urban areas the location will be specified "same as transmitter" unless the control point is at a street address different from that of the transmitter. In rural areas the location will be specified "same as transmitter" unless the control point is more than 500 feet from the transmitter, in which case the approximate location will be specified in distance and direction from the transmitter in terms of feet and geographical quadrant, respectively. It will be assumed that the location of the control point is the same as the location of the transmitter unless the application includes a request for a different location described in appropriate terms as indicated in this paragraph. Authority must be obtained from the Commission for the installation of additional control points.

6. Change § 10.109 to read as follows:

§ 10.109 *Radio station tests.* (a) After a station of any type has been licensed, tests may be conducted as required for proper station and system maintenance, but such tests shall be kept to a minimum and precautions shall be taken to avoid interference to other stations.

(b) Except as indicated in paragraph (c) of this section, when construction or installation of any radio transmitting apparatus has been completed, in accordance with the terms of a construction permit and the applicable rules of the Commission, the permittee shall proceed further as follows:

(1) Notify the Engineer-in-Charge of the local Radio District of the date on which the transmitter will first be tested in such manner as to produce radiation, giving name of the permittee, station location, call sign, and frequencies on which tests are to be conducted. This notification shall be made in writing at least two days in advance of the test date.

(2) After testing, but on or before the date when the station is first used for operational purposes, mail to the Commission in Washington an application on FCC Form 403 for license or modification of license, as appropriate in the particular case. The station may thereafter be used as though licensed, pending Commission action on the license application.

(c) When either a construction permit, or a construction permit and modified license, authorizes only the addition of mobile units to a licensed station, the notification indicated in paragraph (b) (1) of this section need not be made.

(d) When a new mobile station is authorized by the simultaneous issuance of a construction permit and license, as provided in Subpart B, the licensee shall immediately notify the Engineer-in-Charge of the local Radio District in writing that such an authorization has been received. This notification shall include the name and address of the licensee, the assigned call signal, the authorized frequencies, and the general area of operation.

7. In § 10.105 delete existing paragraph (a). Redesignate existing paragraphs (b), (c), and (d) as (a), (b), and (c), respectively.

8. Change § 10.152 to read as follows:

§ 10.152 *Station identification.* (a) The required identification for stations in these services shall be the assigned call signal.

(b) Nothing in this section shall be construed as prohibiting the transmission of additional station or unit identifiers which may be necessary for systems operation: *Provided, however*, Such additional identifiers shall not be composed of letters or letters and digits arranged in a manner which could be confused with an assigned radio station call signal.

(c) Except as indicated in paragraphs (d), (e), and (f) of this section, each station in these services shall transmit the required identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer.

(d) A mobile station authorized to the licensee of the associated base station and which transmits only on the transmitting frequency of the associated base station is not required to transmit any identification.

(e) A mobile station which is either separately licensed to a different licensee, transmits on any frequency other than the transmitting frequency of the associated base station, or which has no associated base station shall transmit the required identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer. Where election is made to transmit the required identification at thirty-minute intervals, a single mobile unit in each general geographic area may be assigned the responsibility for such transmission and thereby eliminate any necessity for every unit of the mobile station to transmit the required identification. For the purpose of this paragraph, the term "each general geographic area" means an area not smaller than a single city or county and not larger than a single district of a State where the district is administratively established for the service in which the radio system operates.

(f) Stations which are entirely automatic in their operation will be considered for exemption from the requirements of paragraph (c) of this section.

9. In § 10.157 change paragraph (b) to read as follows:

(b) The current authorization for each base or fixed station at a fixed location shall be posted at the principal control point of that station. At all other control points listed on the station authorization, a photocopy of the authorization shall be posted. In addition, an executed transmitter Identification Card (FCC Form 452–C) shall be affixed to each transmitter operated at a fixed location, when such transmitter is not in view of, and readily accessible to, the operator at the principal control position.

10. In § 10.157 add new paragraph (c) to read as follows:

(c) The current authorization for each base or fixed station authorized to operate at temporary locations, shall be either posted at the control point of the station or retained in an envelope or other container affixed to the transmitting apparatus, either inside or outside of the transmitter cabinet.

11. In § 10.104 (c) (2) change table to read as follows:

Maximum authorized plate power input to the final radio frequency stage:	Attenuation (db)
3 watts or less	40
Over 3 watts and including 25 watts	50
Over 25 watts and including 150 watts	60
Over 150 watts and including 600 watts	70
Over 600 watts	80

12. In § 10.106 change paragraph (b) to read as follows:

(b) Except where the maximum power that may be used on a particular frequency is specifically designated in connection with the use of such frequency, plate power input to the final radio frequency stage in excess of the following tabulation will not be authorized:

Frequency range:	Maximum plate power input to the final radio frequency stage (watts)
1.8 to 3 Mc	2,000
3 to 25 Mc	1,000
25 to 100 Mc	500
100 to 450 Mc	600
Above 450 Mc	(1)

[1] In accordance with developmental authorization.

13. In § 10.255 (g) add limitation 13 to the following frequencies: 1610, 1618, 1626, 1634, 1642, 1650, 1658, 1666, 1674, 1682, 1690, 1698, 1706, 1714, 1722, 1730, and 2490 kc; 42.02, 42.06, 42.10, 42.14, 42.34, 42.38, 42.42, 42.46, 42.50, 42.54, 42.58, 42.62, 42.82, 42.86, 42.90, 42.94, 44.62, 44.66, 44.70, 44.74, 44.94, 44.98, 45.02, and 45.06 Mc.

14. In § 10.255 (h) add subparagraph 13 to read as follows:

(13) Subject to the restrictions contained in paragraph (a) of § 10.106, base stations operating on this frequency and rendering service to state police mobile units may be authorized to use a maximum plate input power to the final radio frequency stage in excess of the maximum indicated in paragraph (b) of § 10.106 but, not in excess of 10,000 watts: *Provided*, That such operation will cause no harmful interference to the service of other stations.

15. In § 10.255 (g) add limitation 14 to the frequency 7480 kc.

16. In § 10.255 (h) add subparagraph 14 to read as follows:

(14) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point to point radiotelephone communication, using type A3 emission and a maximum plate input power of 1000 watts to the final radio frequency stage of the transmitter.

[F. R. Doc. 50-7690; Filed, Aug. 31, 1950; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 848, Amdt. 2]

PART 95—CAR SERVICE

REFRIGERATOR CARS FOR TRANSPORTING COTTON

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of August A. D. 1950.

Upon further consideration of Service Order No. 848 (15 F. R. 1222), and good cause appearing therefor: It is ordered, that:

Section 95.848 *Refrigerator cars for transporting cotton*, of Service Order No. 848 be, and it is hereby further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p. m., December 31, 1950, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., August 31, 1950.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7693; Filed, Aug. 31, 1950; 8:48 a. m.]

NOTICES

POST OFFICE DEPARTMENT

POULTRY AND POULTRY EGGS

IMPORTATION TO CANADA PROHIBITED

The Canadian Department of Agriculture now prohibits the importation into that country of poultry and poultry eggs. This action on the part of the Canadian authorities is stated to be necessary as a means of combating the further introduction of Newcastle Disease, a serious outbreak of which has occurred in that country.

The term "poultry" refers to chickens, turkeys, pigeons, geese, ducks or other barnyard fowl or other birds raised under domestic conditions, and includes day-old fowl normally accepted in the mails to Canada.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-7667; Filed, Aug. 31, 1950; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9761-9773]

TELEPHONE MESSAGE SERVICE OF YONKERS ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications for construction permits or licenses, respectively, in the Domestic Public Land Mobile Radio Service of Telephone Message Service of Yonkers, Yonkers, New York, Docket No. 9761, File Nos. 1316 and 1372-C2-ML-E; Harold W. Graf, Hempstead, New York, Docket No. 9762, File Nos. 2040/2041-C2-ML-E; Harold W. Graf, Bay Shore, New York, Docket No. 9763, File Nos. 1223/1224-C2-P-E; Telephone Secretarial Service, Inc., Newark, New Jersey, Docket No. 9764, File Nos. 4855/4856-C2-ML-E; Peter T. Kroeger, d/b as Mobile Radio Dispatch Service, New Brunswick, New Jersey, Docket No. 9765, File Nos. 3639/3640-C2-ML-E; J. J. Freke-Hayes, New York, New York, Docket No. 9766, File Nos. 3041/3042-C2-ML-E; Solomon Schiller, Brooklyn, New York, Docket No. 9767, File Nos. 2892/2893-C2-ML-E; Westchester Mobilfone System, Inc., Mt. Pleasant, New York, Docket No. 9768, File Nos. 3534/3535-C2-ML-E; Huntington Radio Dispatch Service, tr/as Knights Packard Service, Huntington, New York, Docket No. 9769, File No. 18666-C2-P-E; U-Dryvit Auto Rental Co., Inc., Stamford, Connecticut, Docket No. 9770, File No. 4967-C2-P-E; James P. Rogers, d/b as Suburban Radiotelephone, West Orange, New Jersey, Docket No. 9771, File No. 5170-C2-P-E; Mildred Tarone, d/b as Doctors' Telephone Exchange and Huntington Telephone Answering Service, Huntington, New York, Docket No. 9772, File Nos. 12015/12016-C2-P/L-E; Electro Craft, Inc., Stamford, Connecticut, Docket No. 9773, File Nos. 4974/4975-C2-P-E.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 23d day of August 1950;

The Commission, having under consideration the above-entitled applications of miscellaneous common carriers for authorizations in the Domestic Public Land Mobile Radio Service in the vicinity of New York City, New York;

It appearing, that the number of applicants for such facilities in this area exceeds the number of frequencies available for this area; and

It further appearing, that, in accordance with the Commission's Report and Order in Dockets Nos. 8658, et al., dated April 27, 1949, and § 6.409 of the Commission's rules governing public radiocommunication services (other than maritime mobile), each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference-free basis; and

It further appearing, that the above-entitled applications request authorizations in overlapping service areas and that a grant of such applications might result in harmful mutual interference;

It is ordered, That, pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at Washington, D. C., on a date to be hereafter specified, upon the following issues:

1. To determine the legal, technical, and financial qualifications of each of the above-entitled applicants to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to receive service from any proposed station and the need for such service in the area proposed to be served.

3. To determine whether co-channel operations are feasible between any of the communities involved in this proceeding.

4. To determine whether and to what extent adjacent channel operations may be feasible.

5. To determine the extent and degree of mutual interference which would be caused by operation of the proposed stations.

6. To determine the facts with respect to the existing and proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.

7. To determine, in the light of the evidence on the foregoing issues, which applicants are best qualified to serve the public interest, convenience or necessity.

8. To determine, on a comparative basis, which, if any, of the applications in this consolidated proceeding, should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7682; Filed, Aug. 31, 1950; 8:47 a. m.]

[Docket No. 9776]

BELEN BROADCASTING CORP. (KENE)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Belen Broadcasting Corporation (KENE), Belen, New Mexico; Docket No. 9776, File No. BL-3709; for license to cover construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of August 1950;

The Commission having under consideration the above entitled application for license to cover the construction permit of station KENE, Belen, New Mexico; and not being satisfied that it is in possession of full information as is required by the Communications Act of 1934, as amended, and acting pursuant to sections 309 (a) and 319 (b) of the act;

It is ordered, That the above entitled application be designated for hearing to be held at 10:00 a. m., Tuesday, November 14, 1950, at Belen, New Mexico, on the following issues:

1. To determine whether all transfers of stock in the permittee corporation have been reported in accordance with §§ 1.321, 1.342 and 1.343 of the Commission's rules and regulations.

2. To determine whether the construction permit for station KENE, or the rights and responsibilities incident thereto, have been transferred or assigned, directly or indirectly, in contravention of section 319 (b) of the Communications Act of 1934, as amended, and whether, in the event of such unauthorized transfer, the station has been operated in contravention of section 301 of the Communications Act of 1934, as amended.

3. To determine whether the permittee corporation is legally, technically, financially, and otherwise qualified to operate station KENE, and, more particularly, to determine the qualifications of Donald H. Crandal, Executive Vice-President and Chairman of the permittee's Board of Directors, in view of his alleged conviction, on February 10, 1950, on charges of entering false claims against the United States Government.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7693; Filed, Aug. 31, 1950; 8:47 a. m.]

[Designation Order No. 49]

DESIGNATION OF MOTIONS COMMISSIONER

In re Designation of motions commissioner, for the month of September 1950, Designation Order No. 49.

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 23d day of August 1950;

It is ordered, Pursuant to Section 0.111 of the Statement of Delegations of Authority, that George E. Sterling, Commissioner, is hereby designated as Motions Commissioner for the month of September 1950.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7689; Filed, Aug. 31, 1950; 8:47 a. m.]

[Docket Nos. 9684, 9709]

WXLT AND KFMA

ORDER DESIGNATING REVOCATION OF LICENSES FOR CONSOLIDATED HEARING

In the matter of Revocation of license of station WXLT, Ely, Minnesota, Docket No. 9684, and Revocation of permit of station KFMA, Davenport, Iowa, Docket No. 9709.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of August 1950;

The Commission having under consideration an application filed on June 28, 1950, by L. W. Andrews, Inc., permittee of station KFMA, requesting a hearing under the authority of section 312 (a) of the Communications Act of 1934, as amended, upon the Commission's order of revocation adopted with respect to station KFMA on June 21, 1950;

It appearing, that the Commission on May 23, 1950, revoked the license of station WXLT, held by the Ely Broadcasting Company, and on July 6, 1950, granted the request of the Ely Broadcasting Company for hearing on the matter; and

It further appearing, that both of the above entitled proceedings arose from the same fact situation, and that it would, therefore, conduce to the prompt dispatch of the Commission's business, and would serve the public interest, to consolidate the two above entitled proceedings; and

It further appearing, that the hearing on the revocation order as to station WXLT was scheduled to be held in Ely, Minnesota, on September 27, 1950, and that now, in view of the consolidation of the two proceedings, it would better serve the convenience of all the parties concerned, and would conduce to the prompt dispatch of Commission business, to hold such hearing in St. Paul, Minnesota;

It is ordered, That pursuant to section 312 (a) of the Communications Act of 1934, as amended, the above entitled revocation hearings as to stations WXLT and KFMA be designated for hearing in a consolidated proceeding on the following issues:

(A) As to station WXLT: On all matters pertinent to the Commission's Order of Revocation, dated May 23, 1950, and on the further issue relating to the legal sufficiency of the application for hearing filed by the Ely Broadcasting Company, as set out in the Commission's order of July 6, 1950, designating the WXLT matter for hearing; and

(B) As to station KFMA: On all matters pertinent to the Commission's Order of Revocation, dated June 21, 1950;

It is further ordered, That the said consolidated hearing shall be held commencing at 10:00 a. m., September 27, 1950, at St. Paul, Minnesota, before George E. Sterling, presiding Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7684; Filed, Aug. 31, 1950; 8:47 a. m.]

[Docket No. 9496]

VERMILLION BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Vermillion Broadcasting Corporation, Danville, Illinois, Docket No. 9496, File No. BP-7114; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of August 1950;

The Commission having under consideration the above-entitled application of Vermillion Broadcasting Corporation requesting a construction permit for a new standard broadcast station to operate on 980 kc, with 1 kw power, unlimited time, using a directional antenna, at Danville, Illinois;

It appearing, that the applicant is legally, technically, and financially qualified to operate the proposed station, but that the application may involve interference with one or more existing stations;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on February 5, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Stations KMBC, Kansas City, Missouri, WSIX, Nashville, Tennessee, WONE, Dayton, Ohio, WCFL, Chicago, Illinois, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Midland Broadcasting Company, licensee of KMBC, Kansas City, Missouri, Jack M. Draughon and Louis R. Draughon, d/b as WSIX Broadcasting Station, licensee of WSIX, Nashville, Tennessee, Skyland Broadcasting Corporation, licensee of WONE, Dayton, Ohio, and Chicago Federation of Labor, licensee of WCFL, Chicago, Illinois, are hereby made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7685; Filed, Aug. 31, 1950; 8:47 a. m.]

[Docket No. 9640]

SCRANTON RADIO CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Scranton Radio Corporation, Scranton, Pennsylvania, Docket No. 9640, File No. BP-7184; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of August 1950;

The Commission having under consideration the above-entitled application of Scranton Radio Corporation requesting a construction permit for a new standard broadcast station to operate on 1400 kc, with 250 w power, unlimited time, at Scranton, Pennsylvania;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, except as to matter covered by Issue No. 1, below, but that the proposed station may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice, particularly with reference to coverage of the city of Scranton and the Scranton - Wilkes - Barre metropolitan area;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on February 6, 1951, at Washington, D. C., upon the following issues:

1. To determine the citizenship of Michael Augustyn, a stockholder and director in the applicant corporation.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with station WEST, Easton, Pennsylvania, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the coverage of the city of Scranton and the Scranton-Wilkes-Barre metropolitan area.

It is further ordered, That Associated Broadcasters, Inc., licensee of Station WEST, Easton, Pennsylvania, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7686; Filed, Aug. 31, 1950; 8:47 a. m.]

[Docket No. 9655]

PARIS BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Paris Broadcasting Corporation, Paris, Illinois, Docket No. 9655, File No. BP-7496; for construction permit.

The Commission having under consideration a petition filed August 21, 1950, by Paris Broadcasting Corporation requesting that the hearing in the above-entitled proceeding now scheduled to be heard August 25, 1950, be continued indefinitely; and

It appearing that there is now pending before the Commission a petition of Paris Broadcasting Corporation requesting the Commission to reconsider its action in designating said application for hearing and to grant said application without a hearing, and it cannot be determined at this time when the Commission will act on said petition; and

Good cause having been shown for the requested continuance and the General Counsel having consented thereto and to waive the provisions of § 1.745 of the Commission's rules insofar as said rule requires that a petition must be on file for 4 days before being acted upon;

It is ordered, This the 22d day of August 1950, that the petition for continuance is granted and the hearing is continued to a date to be announced by the Commission after action has been taken on applicant's presently pending petition to reconsider and grant without a hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7688; Filed, Aug. 31, 1950; 8:47 a. m.]

[Docket Nos. 8415, 8870]

KANSAS CITY BROADCASTING CO., INC., AND REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

MEMORANDUM OPINION AND ORDER REOPENING RECORD

In re applications of Kansas City Broadcasting Co., Inc., Kansas City, Missouri, Docket No. 8415, File No. BP-5829; Reorganized Church of Jesus Christ of Latter Day Saints, Independence, Missouri, Docket No. 8870, File No. BP-6630; for construction permits.

The Commission, by the undersigned Hearing Examiner, has under consideration: (1) A petition filed on June 27, 1950, on behalf of Kansas City Broadcasting Company, Inc., seeking a waiver of § 1.365 (a) and leave to amend its application as set out in an accompanying amendment, and a reopening of the record for further hearing; (2) a petition filed on July 17, 1950, on behalf of the Reorganized Church of Jesus Christ of Latter Day Saints seeking leave to amend its application as set out in an accompanying amendment and to reopen the record for further hearing; (3) an opposition to the Reorganized Church petition filed on July 25, 1950, on behalf of Kansas City Broadcasting Co., Inc.; and (4) statements of counsel for each applicant and for the Commission made at oral arguments before the Hearing Examiner on July 10 and August 2, 1950, transcripts of which have been filed with the Commission. The matters presented merit a brief statement of the pertinent history of this proceeding.

The two mutually exclusive applications for new broadcast stations at Kansas City and Independence, Missouri, were heard in April and May of 1948 at Kansas City, at Independence and at Washington, D. C. The record, consisting of more than 2,000 pages of testimony and exhibits, was closed on June 1, 1948, and proposed findings of fact and conclusions of law were thereafter filed on behalf of each applicant. The Hearing Examiner's initial decision, dated December 9, 1949 (released December 14, 1949, 5 RR 1057), concluded that Kansas City Broadcasting Company, Inc. lacks the qualifications required of a broadcast station licensee, and therefore denied its application. The Reorganized Church application was also denied without prejudice to the right of that applicant to petition for reconsideration of the action within thirty days after announcement of the Commission's conclusions concerning a policy question relating to religious broadcasting pending in Docket No. 9470. The Reorganized Church filed on January 30, 1950, a "Petition to Remand Initial Decision to Hearing Examiner with Instructions"; on February 6 the Kansas City applicant filed its opposition to the petition to remand; and on February 13 the General Counsel of the Commission filed a statement in support of the petition to remand and requested enlargement of the instructions to be given upon remand. The Commission, by Order of June 22, 1950 (released June 26, 1950, 5 RR 1110-a, and hereinafter referred to as the remand order) remanded the proceedings to the Hearing Examiner.

The remand order shows that the Commission concluded: (a) That the denial without prejudice of the Reorganized Church application did not effect a decisional disposition thereof; (b) That the initial decision evidenced "material omissions in the findings of fact and conclusions * * * with respect to the legal qualifications of the Reorganized Church * * * which could have been disposed of under the designated issues in this proceeding, and that such material omissions relate to the following questions:

"(1) Whether the Reorganized Church * * * is a person or entity within the meaning of section 3 (i) of the Communications Act and legally qualified to assume the duties and responsibilities of a broadcast licensee, since there is an absence of articles of association or other organic acts identifying the unincorporated membership association, showing how the affairs of the organization are conducted, and vesting authority and specified duties and responsibilities in governing boards and various offices;

"(2) Whether the Reorganized Church * * * as an unincorporated membership association, has made an appropriate and sufficient showing with respect to the citizenship of its membership in accordance with section 310 of the Communications Act, and in view thereof whether the applicant is qualified to be a licensee;

"(3) Whether the Reorganized Church * * * in accordance with section 310 of the Communications Act, is legally qualified to be a licensee since one member of its governing board is an alien;

"(4) Whether the program proposals of the Reorganized Church * * * constitute a diversified program structure which would meet the needs of the areas and populations proposed to be served and which would be in the public interest";

and (c) That the orderly dispatch and administration of the Commission's formal hearings require dispositive findings and conclusions in initial decisions. The Commission thereupon ordered, "That (1) the Initial Decision herein is vacated and set aside; and (2) that the proceeding is remanded to the Examiner previously appointed for further proceedings consistent with this Order".

We are constrained first to state our views upon the authority of the Hearing Examiner to rule upon the pleadings in relation to the provisions of §§ 1.844, 1.743-1.749, 1.853 (c) (3) and (4), and the meaning and intent of the remand order. The authority of the Hearing Examiner to rule upon pleadings terminated upon submission of the initial decision, § 1.844; but the remand order reinvested some authority in him. Upon review of the initial decision the Commission, under paragraph (c) (3) of § 1.853, could have reopened the record and remanded the proceeding to the Hearing Examiner for the taking of further testimony or evidence, but it did not do so. Under paragraph (c) (4) of that section, the Commission could, and it did, remand the proceedings to the presiding officer to make further findings and conclusions. The remand order vacated and set aside the initial decision, not in part, but entirely. The precise question, therefore, is whether the vacating and setting aside of the initial decision coupled with a remand order for further proceedings consistent therewith restores to the Hearing Examiner complete authority to grant or deny petitions for amendment, for reopening of the record and for further hearing upon the applications as amended. Briefly stated at this point, the amendments proposed would substitute newcomer individuals in two of the three officer-director positions of Kansas City Broadcasting Company, Inc., and would substitute a benevolent corporation for the Reorganized Church applicant, an unincorporated association. We do not believe that a grant of the petitions before us would be inconsistent with the remand order because that order necessarily disposed of only those matters before the Commission at that time and as therein stated. The Commission was not then considering possibilities of later procedural questions and consequently it did not intend by its remand order to curtail the Hearing Examiner's authority under existing rules to pass upon subsequently presented pleadings. The pleadings before us would be within the Hearing Examiner's jurisdiction had they been presented prior to the initial decision, § 1.743. Vacating the initial decision restores the proceeding to that pre-decision status and we hold that the remand order instructions for further proceedings consistent therewith do not limit the Hearing Examiner's authority stated in the section. We therefore proceed to examine the merits of the pending petitions.

The petition of Kansas City Broadcasting Co., Inc., requests a waiver of § 1.365 (a). Although counsel for that applicant stated at the oral argument that the request for waiver of the rule is unnecessary because the petition for amendment is within the terms of the section, we deem it necessary to consider the question thus presented. The latter portion of that section includes this statement: "A petition to amend an application will not be accepted * * * (except if merely corrective in nature) * * * if it is filed after public notice * * * of * * * an Initial Decision * * *." It is conceded that the proposed amendment is not merely corrective. Reference is made to this portion of the section in the Commission's Memorandum Opinion and Order of May 23, 1950 (released May 24, 1950, 6 RR 368 @373) in the proceedings involving the applications of Easton Publishing Company, et al., Docket No. 7179, wherein it is stated:

> We believe it would be improper to allow the applicants to substitute new parties among their major stockholders, who, in the light of the court's decision might, upon re-examination by the Commission, increase the chances of such applicant to secure eventual approval of its application. To do so would be the equivalent to allowing parties to amend their applications after the issuance of a proposed or initial decision, in order to improve their chances of securing an ultimate grant—a practice which is specifically prohibited by § 1.365 of the commission's rules.

In view of our conclusions hereinafter stated we believe it unnecessary to undertake here to discuss the applicability of the stated principle to amendments proposed after the setting aside by the Commission of a Hearing Examiner's initial decision. We do not deny the petition of either applicant on the narrow ground that the cited section of § 1.365 prohibits the amendments proposed. Instead, we have applied to the proposed amendments the test of sufficiency set out in § 1.365 as follows: "Requests to amend an application after it has been designated for hearing * * * will be granted only for good cause shown." Consequently, the petitions are examined upon the merits and in the light of requirements stated by that rule provision.

The Kansas City applicant's petition seeks opportunity to show by amendment and by evidence to be submitted at a further hearing for the reopened record, that: (a) Ira L. Childers, president and a director and the owner of 10 shares of stock in the applicant corporation, on February 22, 1949 resigned both official positions, transferred his stock to his wife (not formerly a participant in the applicant corporation), who subsequently transferred the stock to the corporation; consequently, that Mr. Childers is not now a director, officer or stockholder, although he is still a subscriber for capital stock to the extent shown by the record herein; (b) that one Vernon Grace, Jr., (a newcomer to this proceeding who has purchased and subscribed for 10 shares of stock), was elected on January 16, 1950 to succeed Mr. Childers as vice-president and director; and that Mr. Grace has resided since birth in Kansas City, is a graduate of the public schools there, and has subsequently obtained certain specified military, radio broadcast, educational and civic experience; (c) that Fred Zimmerman, Jr., secretary-treasurer and a director of the applicant corporation, on January 16, 1950 relinquished those positions; (d) that Zimmerman was then replaced in both official capacities by one M. H. Lefforge, (a newcomer to this proceeding was has purchased and subscribed for 10 shares of stock), who has lived in Pittsburg, Kansas and Kansas City, Missouri since birth; and that Lefforge is a public school graduate with specified experience in accounting positions with railroad and air transportation companies; (e) that three named stock subscribers for an aggregate of 35 shares of stock have transferred their subscription rights and obligations, thereby increasing by $1,500 (for 15 shares) the subscription obligation of an existing stock subscriber and thereby creating $1,000 subscription obligations on the part of a Mr. and Mrs. Holt, and on the part of a Mrs. McSpadden, who are strangers to the record in this proceeding.

The Kansas City Broadcasting Company, Inc. petition should be denied in its entirety. The now vacated initial decision in this proceeding denied the Kansas City Broadcasting Company, Inc. application after a full and complete hearing, at which the qualifications of that corporate applicant were extensively inquired into. It was therein concluded that this corporation is not qualified to become a broadcast station licensee primarily because of the evidenced incompetency and irresponsibility of its officers and directors of whom there are three. (See the initial decision in this proceeding: Findings 12, 21, 26, 92-103; Conclusions 18-25; 5 RR pp. 1061, 1065, 1066, 1084-1089, 1105-1108). The applicant, by its petition, would now have the Commission to afford it a further hearing on an amended application and thereupon to determine the qualifications of the corporation with its present officers, directors and stockholders, two-thirds of whom are complete strangers to this hearing record. Fortuitously or by design, two officers and directors whose meager qualifications substantially contributed to the reasons for denying the corporate application would be removed. This applicant has not shown or stated why the resignation of its Vice-President and Director Childers was effected; neither has it stated why that event in February of 1949 was not reported either before the initial decision in December of 1949 or before the remand order in June of 1950. Likewise the applicant advanced no reasons for the replacement, after the initial decision, of its treasurer and director Fred Zimmerman, Jr.

It is contended that since the applicant's president Wendell Zimmerman did and does own more than 50% of the corporate stock, the corporation's qualifications must be determined primarily on that basis without significant regard to the individuals who may be the other two officers and directors; that the public interest will be best served by granting the petition, examining the present facts relating to the corporation's qualifications and basing the decision to be rendered thereon. We cannot agree with these contentions. They might with equal force be urged in virtually every case in which the Commission decides adversely to an applicant upon record facts which might thereafter be so altered as to modify or relieve the adversities enunciated by the decision. The Commission's rules and orderly administration forbid such procedures. Section 1.365 permits amendment after designation for hearing "only for good cause shown". It is abundantly clear that this applicant has not met the burden of showing such good cause and the amendment and further hearing therefore cannot be allowed.

The petition for amendment and for further hearing on behalf of the Reorganized Church applicant seeks to substitute as applicant a benevolent corporation, RLDS Broadcasting Company. The applicant heard was the Reorgan-

ized Church of Jesus Christ of Latter Day Saints which is an unincorporated voluntary religious association. The initial decision conclusion that the applicant is legally qualified to become a broadcast station licensee was challenged by the statement of the Commission's General Counsel in his request for a remand of this proceeding. He raised certain questions about the applicant's legal qualifications, which are substantially embodied in paragraphs (1), (2) and (3) of the remand order as hereinabove quoted. In the further proceedings specific consideration must be given to those matters. It is the stated purpose of the Reorganized Church amendment to relieve the applicant of those possible legal impediments to its becoming a broadcast station licensee.

In support of the Reorganized Church petition it is argued that the Commission has heretofore frequently and consistently granted broadcast station licenses and renewals thereof to unincorporated church associations (it was pointed out that this applicant was licensee of KLDS from 1925 to 1929) and to an unincorporated labor organization; that the Commission in previous proceedings involving those licenses, has not questioned the legal qualifications of such associations, their members or their trustees to own and operate broadcast stations; that no special issue stated in the order upon which this hearing was conducted indicated that the Commission was concerned about the legal qualifications of the religious association; and finally, that the fact that one of the 18 members of the applicant's governing board is not a United States citizen was made known to the counsel for that applicant for the first time at the hearing. It is urged that the unprecedented technical legal questions introduced by the Commission's remand order—first presented in the General Counsel's statement filed February 13, 1950—in effect constitute unanticipated elements of surprise resting on "technical niceties". The applicant offers its amendment as a "change of form rather than substance", because the officers and directors of the proposed corporate applicant are the leading officials of the original applicant association (not including the non-citizen member), whose qualifications have been established on the record in this proceeding. It is argued that this does not constitute either a transfer of control or a new applicant, although it was subsequently stated by applicant's counsel that the proposal does constitute "a technical transfer of control * * * no substantial change in the parties in interest * * *".

We believe that the Reorganized Church petition for amendment and for further hearing should be denied. The applicant's objective to escape the possible legal qualification issues set out in the remand order was established and pursued to this stage only after the Commission's General Counsel pointed out the nature of those issues. The remand order does not state any new issue not encompassed in those upon which the hearing record was compiled. The applicant was aware that its legal qualifications were at issue in the hearing. By the inquiry directed in the remand order to section 310 of the Communications Act, the Commission has not decided, and we now do not decide, the applicant's legal qualifications thereunder. The statutory obligation to make such an inquiry is ever present and should evoke no surprise on the part of any applicant. In obedience to the plain mandate of that and other statutory provisions the Commission originally placed in issue the applicant's legal qualifications; that the remand order particularized the issue in some respects places upon the applicant no greater burden than that imposed on it before the hearing. The Commission's licensing practice in other cases may be germane to a consideration of the applicant's legal qualifications, but it provides no basis for permitting the applicant's amendment which is designed to avoid, through a substituted applicant, a determination under the law of the qualifications of the legal entity which filed the application and which participated in every phase of this proceeding. The applicant's claims of surprise at the "technical niceties" specified in the remand order as facets of the legal qualification issue do not so support the "good cause shown" requirement of § 1.365 as to justify permitting the proposed amendment substituting a new legal entity for the applicant which was heard.

It is for the foregoing reasons that the Reorganized Church petition is denied. We therefore omit discussion of the opposition contention that the amendment, if allowed, would constitute a new application which is prohibited by § 1.387 (b) (3). We also deem it unnecessary to weigh the proposed amendment's designed effectiveness in the light of the petitioner's statement that the proposed substituted corporate applicant is "an adjunct to the church organization". We here express no opinion upon the pertinency of the remand order issues to the legal qualifications of the corporation proposed by the amendment to be made an applicant herein.

Each petition before us requests a reopening of the record and a further hearing in order to show facts and circumstances set out in the amendments proposed. Neither petition requests a reopening of the record or a further hearing upon the issues pertaining to the applicants as constituted in the existing record. Therefore, our indicated denials of the petitions for leave to amend lead to denials of the petitions for reopening of the record and for further hearing. The instant petitions are denied because good cause for the amendments has not been shown. Further hearings, which in many respects would virtually amount to new hearings, would follow a grant of either petition. Such would not conduce to the orderly dispatch of the Commission's business, to the ends of justice or to the expeditious determination of issues presented to the Commission in its hearing proceedings. See: Memorandum Opinions and Orders in re Easton Publishing Company, et al., Docket No. 7179, et al., dated February 16 and May 23, 1950, 6 RR 21, 368; Memorandum Opinion and Order in re Lakeland Broadcasting Corporation, et al., Docket No. 8208, dated March 21 1950, 5 RR 701a; Commission Decision in re Huntington Broadcasting Company, et al., Docket No. 7694, dated January 27, 1950, 5 RR 721, @ 742, and in the same proceeding the Memorandum Opinion and Order of June 9, 1949, 5 RR 342; Memorandum Opinion and Order in re Johnston Broadcasting Company, et al., Docket No. 7945, dated January 26, 1950, 5 RR 1320.

At the suggestion of the Hearing Examiner and by agreement of counsel for the parties and for the Commission, it is deemed proper that the transcripts of the statements and arguments of counsel before the Hearing Examiner on July 10 and on August 2 should be made a part of the record in this proceeding. Furthermore, at the arguments heretofore held before the Hearing Examiner reference was made to the absence of proposed findings of fact or conclusions of law addressed to the particular questions stated in the Commission's order of remand. The ends of justice and the orderly and expeditious determination of the issues in this proceeding would be aided by proposed findings of fact and conclusions of law upon those stated phases of the issues. At the oral argument on August 2, counsel for the applicants and for the Commission were apprized of the intended disposition to be made of the pending petitions and of the other actions to be taken as hereinabove indicated and as hereinafter ordered. Counsel for each applicant stated on the record at the oral argument his respective exceptions to the indicated adverse rulings upon the petitions, and those exceptions are now noted in the record herein.

For the reasons hereinabove stated: *It is ordered*, This 15th day of August 1950 that the record herein is reopened and that the transcripts of the oral arguments before the Hearing Examiner on July 10 and August 2, 1950, be, and they are hereby filed and made a part of the record and the record is closed. *It is further ordered*, That the respective applicants' separate petitions for leave to amend and for further hearing upon the applications, as amended be, and each of them is denied. *It is further ordered*, That proposed findings of fact and conclusions of law particularly addressed to the matters stated in the Commission's remand order of June 22, 1950, be filed on behalf of the applicant Reorganized Church of Jesus Christ of Latter Day Saints and on behalf of the Commission; and the applicant Kansas City Broadcasting Co., Inc. is granted leave to file such proposed findings and conclusions upon the stated matters as it may desire; a period of 30 days is allowed for such filing, which time shall be computed from the date of public notice of the Commission's action upon review of this order; if this order be not appealed, the 30 days shall commence on the date of this order; thereafter a period of 10 days for reply is allowed. *It is further ordered*, That the record in this proceeding be reopened to permit the filing of the proposed findings and conclusions and replies as hereinabove directed and permitted, and upon expiration of the time prescribed the record shall be deemed to be closed.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7687; Filed, Aug. 31, 1950; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1349]

SOUTH GEORGIA NATURAL GAS CO.

NOTICE OF AMENDED APPLICATION

AUGUST 28, 1950.

Take notice that South Georgia Natural Gas Company (Applicant), a Georgia corporation, First National Building, Birmingham, Alabama, filed on August 16, 1950, an amended application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described, and an application for an order pursuant to section 7 (a) of the Natural Gas Act directing Southern Natural Gas Company (Southern Natural), or in the alternative, directing Transcontinental Gas Pipe Line Corporation (Transcontinental) to establish physical connection with the proposed facilities of Applicant and sell natural gas to Applicant.

Applicant proposes to connect with Southern Natural's Gwinville-Aiken transmission line at a point approximately 13 miles northeast of Talboton, Georgia, and to construct approximately 170.4 miles of 12-inch, 8-inch, and 6-inch main line to Valdosta, Georgia, and Tallahassee, Florida. Applicant proposes to construct approximately 356.5 miles of 3-inch, 4-inch, 6-inch, 8-inch, and 10-inch laterals.

In the alternative, Applicant proposes to connect with the transmission facilities of Transcontinental at a point approximately 6 miles northeast of Newman, Georgia, and to construct an additional 53 miles of 12-inch pipeline.

Applicant proposes to serve the following communities in Georgia and Florida:

Georgia:	Georgia—Continued
Adel.	Nashville.
Albany.	Ocilla.
Americus.	Oglethorpe.
Ashburn.	Pelham.
Bainbridge.	Quitman.
Butler.	Sylvester.
Cairo.	Thomasville.
Camilla.	Tifton.
Cordele.	Valdosta.
Dawson.	Vienna.
Ellaville.	Florida:
Fitzgerald.	Havana.
Leesburg.	Quincy.
Montezuma.	Tallahassee.
Moultrie.	

The third year peak day requirements for firm sales is estimated to be 36,697 Mcf. The design capacity of the proposed facilites will be 45,000 Mcf per day.

The estimated cost of the facilities proposed to be connected with Southern Natural is $10,500,000; and $12,080,000, if connected with Transcontinental; to be financed by first mortgage bonds and junior securities.

Protests or petitions to intervene, unless already filed, may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of September 1950. The amended application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7664; Filed, Aug. 31, 1950; 8:45 a. m.]

[Project No. 405]

SUSQUEHANNA POWER CO. AND PHILADELPHIA ELECTRIC POWER CO.

NOTICE OF ORDER

AUGUST 28, 1950.

Notice is hereby given that, on August 25, 1950, the Federal Power Commission issued its order entered August 22, 1950, approving revised Exhibit K in the above-designated matter.

[SEAL] LEON M. FUQUAY.
Secretary.

[F. R. Doc. 50-7665; Filed, Aug. 31, 1950; 8:45 a. m.]

[Docket No. E-6247]

CENTRAL MAINE POWER CO.

NOTICE OF ORDER

AUGUST 28, 1950.

Notice is hereby given that, on August 25, 1950, the Federal Power Commission issued its order entered August 22, 1950, approving maintenance of permanent connection for emergency use only in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7666; Filed, Aug. 31, 1950; 8:45 a. m.]

[Docket No. G-1457]

NORTHERN INDIANA FUEL & LIGHT CO.

NOTICE OF APPLICATION

AUGUST 28, 1950.

Take notice that Northern Indiana Fuel & Light Company (Applicant), an Indiana corporation with its principal office in Auburn, Indiana, filed on July 28, 1950, an application pursuant to section 7 (a) and 7 (c) of the Natural Gas Act, as amended, for (1) an order directing Panhandle Eastern Pipe Line Company to establish physical connection of its transportation facilities with the facilities of Applicant and to sell natural gas to it from a point of connection of Panhandle Eastern's line near its Edgerton Station and (2) the issuance of a certificate of public convenience and necessity authorizing the construction and operation of approximately 31 miles of 8⅝-inch O. D. pipeline extending from Panhandle Eastern's Edgerton Compressor Station near Edgerton, Indiana, to a point of connection to be made on Applicant's system at Auburn, Indiana.

The application recites Panhandle Eastern is the only potential source of natural gas for service to Auburn, Garrett, Altoona, Kendallville, Avilla, Woodburn, Harlan, Grabill, Leo, Spencerville, St. Joe, and Waterloo, Indiana, which cities and environs have an estimated population of 24,000, and a portion of which are presently being served with manufactured gas; that the manufactured gas plant and facilities consist of a plant at Auburn, together with holders and related equipment, some 17.7 miles of high pressure transmission mains and 48.1 miles of high pressure distribution mains, approximately 4100 services and approximately 2916 meters.

Applicant alleges Panhandle Eastern has an adequate supply of natural gas to fill the Applicant's requirements, estimated to be 500 Mcf for the 1950-51 winter peak day; that the present service and plant and available supplies of manufactured gas are not sufficient adequately to serve the named communities at a rate permitting of expansion in the use of gas; and that the manufactured gas facilities are becoming obsolete and in such state of disrepair it is economically unfeasible to continue to so operate and repair considering the higher cost of manufactured gas, and the refinancing of a present capital structure now in serious default.

The estimated over-all capital cost of the proposed construction is $511,315.20, for which financing plans are to be furnished.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of September 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7678; Filed, Aug. 31, 1950; 8:46 a. m.]

[Docket No. G-1463]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 28, 1950.

Take notice that Southern Natural Gas Company (Applicant), a Delaware corporation of Birmingham, Alabama, filed on August 16, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to construct line taps, metering and regulating facilities on its main transmission pipeline to sell and deliver natural gas to North Central Natural Gas District, Deer Creek Natural Gas District, Carthage Natural Gas District, the towns of Ethel, McCool, and Weir, all in Mississippi, and the towns of Aliceville and Carrollton in Alabama.

The North Central Natural Gas District proposes to serve the following communities in Mississippi.

Ackerman.	Houston.
Mathiston.	Vardaman.
Eupora.	Derma.
Walthall.	Calhoun City.
Maben.	Pittsboro.
Mantee.	Bruce.

The Deer Creek Natural Gas District proposes to serve the following communities in Mississippi.

Cary.	Hollandale.
Rolling Fork.	Arcola.
Anguila.	

The Carthage Natural Gas District proposes to serve the city of Carthage, Mississippi.

Applicant estimates peak day requirements in the fifth year of operation to be 6,209 Mcf; and the annual requirements to be 707,515 Mcf.

The estimated cost of the proposed facilities is $67,000 to be financed out of Applicant's current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of September 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7679; Filed, Aug. 31, 1950; 8:46 a. m.]

[Docket No. E-6309]

SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION

AUGUST 28, 1950.

Take notice that on August 25, 1950, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Sierra Pacific Power Company, a corporation organized under the laws of the State of Maine, with its principal business office at Reno, Nevada, and doing business in the States of Nevada and California, seeking an order authorizing the issuance of Debentures in the amount of $2,500,000, and 24,716 shares of Common Stock par value $15 per share having a face value of $370,740; the Debentures to be sold under competitive bidding will be issued under the terms of an Indenture to be dated as of October 1, 1950, with The Shawmut National Bank of Boston as Trustee; the Common Stock to be offered pro rata to the Preferred and Common Stockholders of the Company, pursuant to preemptive rights, on the basis of one share of the new stock for six shares of the Preferred Stock or twelve shares of the Common Stock. These securities are to be issued for the purpose of obtaining funds to pay off previous bank loans and to finance additional construction; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 15th day of September 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7680; Filed, Aug. 31, 1950; 8:46 a. m.]

[Docket No. G-1465]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

AUGUST 28, 1950.

Take notice that on August 17, 1950, United Gas Pipe Line Company (Applicant), a Delaware corporation with its principal office in Shreveport, Louisiana, filed an application for a temporary certificate and a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a compressor station consisting of five 440 hp. units, complete with auxiliary equipment and station piping, at Applicant's Carthage Gasoline Plant Site, near Carthage, Panola County, Texas.

Applicant states the station will be operated with average pressures of 300 and 400 psig suction and 1050 psig discharge, under which conditions the station will have a maximum daily capacity of approximately 30,000 Mcf, which will not increase the capacity of Applicant's Carthage-Sterlington Line as enlarged, but will compress approximately 30,000 Mcf of low pressure gas daily in order that said gas may be delivered into said Line as enlarged for transportation and sale through said facilities to existing customers. That approximately 20,000 Mcf of low pressure gas will be from Applicant's Waskom-Goodrich 22-inch transmission line and the other 10,000 Mcf from the operation of Applicant's Carthage Gasoline Plant.

The estimated over all capital cost of the proposed facilities is $530,000, all of which will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of September 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7681; Filed, Aug. 31, 1950; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 29-A]

CANADIAN NATIONAL RAILWAYS (LINES IN CANADA) ET AL.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Revised King's I. C. C. Order No. 29, and good cause appearing therefor: *It is ordered*, That:

(a) King's I. C. C. Order No. 29 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 9:00 a. m., August 26, 1950.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 26, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-7672; Filed, Aug. 31, 1950; 8:45 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 30-A]

ELGIN, JOLIET AND EASTERN RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Revised King's I. C. C. Order No. 30, and good cause appearing therefor: *It is ordered*, That:

(a) King's I. C. C. Order No. 30 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 9:00 a. m., August 26, 1950.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 26, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-7673; Filed, Aug. 31, 1950; 8:45 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 33-A]

PITTSBURGH & WEST VIRGINIA RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 33, and good cause appearing therefor: *It is ordered*, That:

(a) King's I. C. C. Order No. 33 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 9:00 a. m., August 26, 1950.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 26, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-7674; Filed, Aug. 31, 1950; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2422]

SOUTHERN CO. ET AL.

NOTICE PURSUANT TO FILING OF AMENDMENT

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of August A. D. 1950.

In the matter of The Southern Company, Alabama Power Company, and Georgia Power Company, File No. 70-2422.

The Commission on June 20, 1950, gave Notice of Filing Pursuant to Rule U-23 (Holding Company Act Release No. 9934) of certain joint applications-declarations, pursuant to sections 6 (a), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 (the "act"), and Rules U-43 and U-50 promulgated thereunder, by The Southern Company ("Southern"), a registered holding company, and two of its public utility subsidiaries, Alabama Power Company ("Alabama") and Georgia Power Company ("Georgia"), with respect to the issuance and sale by Southern, at competitive bidding, of 1,000,000 shares of its authorized but unissued $5 par value common stock, and, for the purpose of assisting in financing the construction requirements of Alabama and Georgia, the investment by Southern of $6,000,000 in Alabama by the purchase of 60,000 additional shares of the no par value common stock of that company and $6,000,000 in Georgia by the purchase of 353,000 additional shares of the no par value common stock of Georgia.

Notice is hereby given that Southern, Alabama and Georgia have filed an amendment with this Commission to the joint applications-declarations herein, pursuant to sections 6 (a) and 7 of the act, relating to the borrowing by Southern of $12,000,000 from banks.

Notice is further given that any interested person may, not later than September 7, 1950, request the Commission in writing that a hearing be held on such matter, stating the nature of his interests and the issues of fact or law raised by said applications-declarations which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 7, 1950, said applications-declarations, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said applications-declarations which are on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

The filing states that on July 11, 1950, due to the disturbed conditions of the financial market, Southern concluded to defer, pending improvement of such conditions, the proposed sale of 1,000,000 shares of its common stock. It now proposes to provide the funds necessary to make the proposed investments in the common stocks of Alabama and Georgia, pending consummation of the sale of said 1,000,000 shares of common stock, by borrowing $12,000,000 from 29 banks, to be evidenced by its unsecured notes payable on or before one year from the date of such notes, with interest at the rate of 2 percent per annum.

Southern states that it will sell the 1,000,000 shares of its common stock as soon as practical and feasible and, upon consummation of such sale, pay any amount then due and unpaid on the bank loan.

The applicants request that our order granting said applications-declarations, as amended, be issued on or before September 8, 1950, and that it become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-7668; Filed, Aug. 31, 1950; 8:45 a. m.]

[File Nos. 52-28, 54-183, 70-2402]

PITTSBURGH RAILWAYS CO. ET AL.

SUPPLEMENTAL ORDER APPROVING CERTAIN MATTERS WITH RESPECT TO PLAN AND ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of August 1950.

In the matter of Elmer E. Bauer, Trustee of Pittsburgh Railways Company, Debtor, and Philadelphia Company, File No. 52-28; Philadelphia Company, File No. 54-183; Philadelphia Company, Allegheny County Steam Heating Company, Cheswick and Harmar Railroad Company, Duquesne Light Company, Equitable Real Estate Company, Equitable Sales Company; File No. 70-2402.

The Commission, by order dated March 27, 1950 (Holding Company Act Release No. 9759) and the United States District Court for the Western District of Pennsylvania, by orders dated May 1, 1950, having approved a plan ("Combined Plan") which was filed jointly by Elmer E. Bauer, ("Bauer") Trustee of Pittsburgh Railways Company, ("Railways") Debtor, and by Philadelphia Company, a registered holding company, for the reorganization of the Railways System under Chapter X of the Bankruptcy Act and section 11 (f) of the Holding Company Act and for the discharge, pursuant to section 11 (e) of the Holding Company Act, of Philadelphia Company's guarantees affecting certain securities of companies included in the Railways System, and the Commission having reserved jurisdiction in its said order over certain matters in connection with consummation of the Combined Plan; and

Bauer and Philadelphia Company having filed a joint application requesting a hearing on certain of the matters as to which jurisdiction had been so reserved; and

Philadelphia Company and its subsidiaries, Cheswick and Harmar Railroad Company, a non-utility company, Equitable Sales Company, a non-utility company, Equitable Real Estate Company, a non-utility company, and Duquesne Light Company, a public utility company, and the latter's subsidiary, Allegheny County Steam Heating Company, a non-utility company, having filed a joint application-declaration and an amendment thereto, pursuant to sections 9 (a), 10, 12 (c) and 12 (f) of the Holding Company Act and Rules U-42, U-43 and U-46 of the rules and regulations promulgated thereunder, with respect to the acquisition by Philadelphia Company of all the securities of and claims against the Railways System held by Philadelphia Company's non-traction subsidiaries and by its former subsidiary, Equitable Gas Company, as a necessary step preliminary to consummation of the Combined Plan; and

Public hearings having been held, after appropriate notice, at which hearings security holders and other interested persons were afforded an opportunity to be heard, and the Commission having considered the record, and having this day issued its Findings and Opinion herein:

It is ordered, Pursuant to sections 11 (e), 11 (f) and other applicable provisions of the Public Utility Holding Company Act of 1935, that:

(1) The proposed interim cash distribution by Railways of $17,075,000 to holders of claims based on securities and of $871,496 to holders of claims not based on securities is hereby approved;

(2) The proposed terms of the new bonds to be issued by New Company, with respect to the date from which interest will accrue and the date upon which the sinking fund provisions will become effective, are approved; and

(3) The proposed charter and by-laws of New Company are approved.

It is further ordered, That the joint application-declaration, as amended, of Philadelphia Company and certain of its non-traction subsidiaries, above-described, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject, further, to the condition that the securities and claims to be acquired by Philadelphia Company shall be held subject to the provisions of the Commission's Order of June 1, 1948 (Holding Company Act Release No. 8242), requiring, inter alia, that Philadelphia Company dispose of its interest in the Pittsburgh Railways System.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to the accounting entries proposed by Philadelphia Company to reflect the various acquisitions and also with respect to any and all legal fees and expenses to be paid in connection with the proposed acquisitions.

It is further ordered, That jurisdiction be, and hereby is, continued with respect to all other matters and issues in connection with the Combined Plan, not determined herein, as to which jurisdiction was heretofore reserved in the Commission's Order of March 27, 1950, including: the additional amount of cash, if any, which may be distributed in connection with consummation of the Combined Plan, the time of payment of accrued and unpaid interest on the new bonds to be issued by New Company, and the aggregate principal amount of such bonds to be issued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-7669; Filed, Aug. 31, 1950; 8:45 a. m.]

[File No. 70-2433]

CENTRAL AND SOUTH WEST CORP. AND WEST TEXAS UTILITIES CO.

NOTICE OF FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of August A. D. 1950.

Notice is hereby given that West Texas Utilities Company ("West Texas"), a public utility company, and its parent, Central and South West Corporation, a registered holding company, have filed with this Commission a joint application and an amendment thereto with respect to the proposed acquisition of certain securities. The application, as amended, designates sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-40 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested party may, not later than September 7, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held with respect to said application, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 7, 1950, said application, as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to the application, as amended, which is on file in the offices of the Commission for a statement of the proposed transactions, which may be summarized as follows:

West Texas, in connection with the sale to non-affiliated interests of a substantial part of its ice property for an aggregate consideration of $520,000, proposes to acquire certain securities, described as vendor's lien notes and purchase money notes, evidencing an aggregate of $421,000 of deferred payments of the sale price. The balance of $99,000 of the sale price is to be paid in cash. The $421,000 principal amount of notes being acquired is payable in installments during the years 1950 through 1954, together with interest at the rate of 5 percent per annum.

It is stated that the proceeds to be received from the proposed sale of ice properties are to be invested in permanent additions to or extensions of West Texas' electric utility properties.

Applicants request that an order, to become effective upon its issuance, be entered granting the application, as amended, and approving the acquisition by West Texas of the securities.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-7670; Filed, Aug. 31, 1950; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14929]

JAPANESE GOVERNMENT

In re: Bank account and time certificate owned by Japanese Government. F-39-3106-C-2; E-10.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows:

a. That certain debt or other obligation of Bank of America NT & SA, 485 California Street, San Francisco, California, arising out of a commercial account, entitled Japanese Consulates, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain Japanese Time Certificate No. 36943 for ¥63,157.89 presently in the custody of Sumitomo Bank of Seattle, 1411 Fourth Avenue Building, Seattle, Washington, together with any and all rights thereunder,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7695; Filed, Aug. 31, 1950; 8:49 a. m.]

[Vesting Order 14932]

MAX KOSTER

In re: Stock owned by Max Koster. F-28-30784-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Koster, whose last known address is 4 Thielenbrucher Allee, Koln-Dellbruck, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty One (21) shares of no par value common capital stock of General Gas and Electric Corporation, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered ITG12431 for 1 share and certificate numbered GO29648 for 20 shares, registered in the name of Max Koster, presently in the custody of the Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon, and any and all rights of exchange under a plan of reorganization, effective December 1, 1945,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7696; Filed, Aug. 31, 1950; 8:49 a. m.]

[Vesting Order 14936]

NORDSTERN LEBENSVERSICHERUNGS A. G.

In re: Debts owing to Nordstern Lebensversicherungs, A. G., also known as Nordsterm Allgemeine Versicherungs, A. G. F-28-8813.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nordstern Lebensversicherung A. G., also known as Nordsterm Allgemeine Versicherungs, A. G., the last known address of which is 2 Fehrbelliner Platz, Berlin-Wilmersdorf, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured and unmatured, evidenced by five (5) City of Minneapolis, Minnesota, 4% Coupon Bonds, due March 1, 1942, each of $1,000.00 face value, and bearing the numbers 17071/5, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds, and

b. Those certain debts or other obligations, matured and unmatured, evidenced by coupons due from September 1, 1940, to March 1, 1942, detached from City of Minneapolis, Minnesota, 4% Coupon Bonds, numbered 17071/5, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nordstern Lebensversicherungsr A. G., also known as Nordsterm Allgemeine Versicherungs, A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7697; Filed, Aug. 31, 1950; 8:49 a. m.]

[Vesting Order 14938]

MARTHA E. PFOHL ET AL.

In re: Stock owned by and debt owing to Martha E. Pfohl, also known as Martha Pfohl Krust, as Marta Krust and as Marta Emilie Krust. D-28-12860-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha E. Pfohl, also known as Martha Pfohl Krust, as Marta Krust and as Marta Emilie Krust, whose last known address is 33 Mozartstrasse, Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Four and eight-tenths (4.8) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered VL 874947 for four (4) shares, VL 407167 for seven (7) shares, SL 86256 for seven (7) shares, VL 125494 for twenty-five (25) shares, and SL 88978 for five (5) shares of common no par value stock of the aforesaid Company, registered in the name of Martha E. Pfohl, 1134 Hinman Avenue, Evanston, Illinois, together with all declared and unpaid dividends thereon, and any and all rights to exchange said certificates for new certificates for $10.00 par value stock of the aforesaid Company, and

b. That certain debt or other obligation matured or unmatured evidenced by one (1) Cities Service Company 5% Gold Debenture, of $1,000.00 face value, due June 1, 1950, issued in bearer form and numbered M 45622, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid debenture,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7698; Filed, Aug. 31, 1950; 8:49 a. m.]

[Vesting Order 14955]

JOHN M. BOSCHE

In re: Trust under the will of John M. Bosche, also known as Johannes Martin Bosche and as Juan Bosche, deceased. File No. D-28-12132; E. T. Sec. 16331.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erica Bushler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the Trust created under the will of John M. Bosche, also known as Johannes Martin Bosche and Juan Bosche, deceased, and in and to the Estate of John M. Bosche, also known as Johannes Martin Bosche and Juan Bosche, deceased, is property payable or deliverable to or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Crocker First National Bank of San Francisco, California, and John H. Bosche, as co-executors, acting under the judicial supervision of the Superior Court of California, County of Alameda;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7699; Filed, Aug. 31, 1950; 8:49 a. m.]

[Vesting Order 14962]

HEDWIG HOEFLE

In re: Estate of Hedwig Hoefle, deceased. File No. D-28-12865; E. T. sec. 17028.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathilde Becker, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Hedwig Hoefle, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by James W. Brown, Public Administrator of Bronx County, as Administrator, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requises that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7700; Filed, Aug. 31, 1950; 8:49 a. m.]

[Return Order 691]

COMPAGNIE DE PRODUITS CHIMIQUES ET ELECTROMETALLURGIQUES ALAIS, FROGES ET CAMARGUE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Compagnie de Produits Chimiques et Electrometallurgiques Alais, Froges et Camargue, Paris, France; Claim Nos. A-241 and 40681; June 1, 1950 (15 F. R. 3442); an undivided one-half interest in and to property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to United States Patent Application Serial No. 326,804 (now United States Letters Patent No. 2,345,170). Property described in Vesting Order No. 293 relating to United States Patent Application Serial Nos. 377,049 (now United States Letters Patent No. 2,354,006) and 377,048 (now United States Letters Patent No. 2,376,681). Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,034,339; 2,069,705; 2,245,505; and 2,264,429. This return shall not be deemed to include the rights of any licensees under the aforementioned patent applications and patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7702; Filed, Aug. 31, 1950; 8:49 a. m.]

[Return Order 721]

ELSA BAUML ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention To Return Published, and Property

Elsa Bauml, Claim No. 42386; Ida Heske, Claim No. 42387; Adelheid (Ada) Theil, a/k/a Ada Thiel, Claim No. 42388; Hedwig Intichar, Claim No. 42389; All of Graz, Austria; July 14, 1950 (15 F. R. 4479); $9,831.48 cash in the Treasury of the United States, one-fourth to each claimant. All right, title and interest of Elsa Bauml, Ida Heske, Adelheid Theil (a/k/a Ada Thiel), and Hedwig Intichar in and to the trust created under the will of Arthur M. Eisig, deceased; this trust is being administered by Chemical Bank and Trust Company, New York, New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7703; Filed, Aug. 31, 1950; 8:49 a. m.]

[Return Order 717]

KATHARINA KROPF AND MARIE SCHUETZ

Having considered the claims set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Katharina Kropf, nee Korner, Weisenkirchen, Lower Austria, Claim No. 40915; Marie Schuetz, nee Korner, Vienna, Austria, Claim No. 40985; July 14, 1950 (15 F. R. 4479); $2,934.45 cash in the Treasury of the United States, one-half thereof to each claimant. All right, title and interest of the claimants in and to the Estate of Theresia Korner, deceased, administered in the Orphans' Court, Gloucester County, New Jersey.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 23, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7641; Filed, Aug. 30, 1950; 8:51 a .m.]

[Vesting Order 14968]

CARLA TOEPFER KUEHNE

In re: Estate of Carla Toepfer Kuehne, deceased. File No. D-28-10786; E. T. sec. 15133.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertraudel Toepfer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Carla Toepfer Kuehne, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Leona May Mosser, as executrix, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7701; Filed, Aug. 31, 1950; 8:49 a. m.]

SEP 7 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 171

Washington, Saturday, September 2, 1950

TITLE 3—THE PRESIDENT

FURTHER ORDER WITH RESPECT TO THE MARITIME WAR EMERGENCY BOARD

The order of the President with respect to the Maritime War Emergency Board, dated December 19, 1941 (8 F. R. 3385), and the designations by the President of persons as members of said Board, are hereby revoked. This order shall be published in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 1, 1950.

[F. R. Doc. 50-7821; Filed, Sept. 1, 1950; 12:16 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

FORESTER

Subparagraph (2) of § 24.19 (a) is amended as set out below. As amended, paragraph (a) reads as follows:

§ 24.19 *Forester (Forest, GS-460-5; Range, GS-454-5)*—(a) *Educational requirement.* (1) Applicants for the forest option must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in forestry, science, wildlife management, or range management which has included the following courses:

One course in each of the following groups: Dendrology or taxonomic botany; forest ecology, silvics, or plant physiology; range management or wildlife management; soil science, forest soils, or geology; two courses in each of the following groups: Forest economics, forest finance, forest valuation, forest history, policy or law; plane surveying and mapping, topographic surveying and mapping, or forest improvements; three courses in each of the following groups: Forest entomology, forest pathology, or forest fire protection; wood technology and forest utilization (courses such as logging, forest products, pulp and paper, milling, and wood preservation will also be accepted as courses in wood technology and forest utilization; however, not more than one course in chemical wood utilization or wood preservation will be accepted); five courses in any combination of the following: Forest mensuration, silviculture, forest planting, or forest management. A bachelor's degree in forestry from a college or university of recognized standing will be accepted as meeting the educational requirements for this position.

(ii) Courses in forestry as listed in subdivision (i) of this subparagraph, in a college or university of recognized standing, consisting of lectures, recitations, and laboratory work, plus additional appropriate experience and education which, when combined with the courses in forestry as listed in subdivision (i) of this subparagraph, will total four years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

(2) Applicants for the range option must have successfully completed one of the following:

(i) A full 4-year course, in an accredited college or university, leading to a bachelor's degree, with major work in forestry, including 9 semester hours in range management, 6 semester hours in a combination of plant ecology (excluding silviculture and silvics) and taxonomic botany, and 5 semester hours in any combination of animal husbandry, agronomy, soils, pasture management, or wildlife management.

(ii) Courses in an accredited college or university consisting of lectures, recitations, and laboratory work totaling 30 semester hours in basic forestry subjects and 9 semester hours in range management, 6 semester hours in a combination of plant ecology (excluding silviculture and silvics) and taxonomic botany, and 5 semester hours in any combination of animal husbandry, agronomy, soils, pasture management, or wildlife management; plus additional appropriate experience or education which, when combined with these courses, will total 4 years of education and experience and give the applicant technical knowledge comparable to that which would

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1950–51 Edition

(Revised through July 1)

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

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have been acquired through successful completion of a 4-year college course.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860. Interprets or applies sec. 5, 58 Stat. 388; 5 U. S. C. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 50-7736; Filed, Sept. 1, 1950; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 874.3]

PART 874—SUGARCANE; LOUISIANA

1950 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held in Thibodaux, Louisiana, on July 14, 1950, the following determination is hereby issued:

§ 874.3 *Fair and reasonable prices for the 1950 crop of Louisiana sugarcane.* Processor-producers of sugarcane in Louisiana who apply for payments under the act shall be deemed to have complied with the provisions of section 301 (c) (2) of the act with respect to the 1950 crop, if the requirements of this section are met.

(a) *Definitions.* For the purpose of this section, the term:

(1) "Price of raw sugar" means the price of 96° raw sugar quoted by the Louisiana Sugar Exchange, Inc.; except that if the Director of the Sugar Branch determines that such price does not reflect the true market value of sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this section.

(2) "Price of blackstrap molasses" means the price per gallon of blackstrap molasses quoted by the Louisiana Sugar Exchange, Inc.; except that if the Director of the Sugar Branch determines that such price does not reflect the true market value of blackstrap molasses, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this section.

(3) "Trash" means green or dried leaves, loose sugarcane tops, attached sugarcane tops at or above the green leaf roll, dirt and all other extraneous material which is representative of the quantity of sugarcane from which the sample for trash determination is taken.

(4) "Salvage sugarcane" means sugarcane containing either less than 9.5 percent sucrose in the normal juice or less than 68 purity in the normal juice.

(5) "Actual sugarcane" means sugarcane as delivered by a producer to a processor-producer.

(6) "Standard sugarcane" means sugarcane, free of trash, containing 12 percent sucrose in the normal juice with a purity of at least 76.50 but not more than 76.99.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.06 per ton for each one cent of the average price of raw sugar determined in accordance with whichever of the following options is agreed upon:

(i) The simple average of the daily prices of raw sugar for the week in which the sugarcane is delivered; or

(ii) The simple average of the weekly prices of raw sugar for the period October 6, 1950 (or the Friday within the first week of actual trading), through January 25, 1951.

Provided, That the average price of raw sugar as determined under subdivisions (i) or (ii) of this subparagraph may be reduced by not more than the following:

(*a*) 0.065 cent for mills located north of Bayou Goula between the Atchafalaya and Mississippi Rivers and southeast of New Iberia west of the Atchafalaya River; or

(*b*) 0.10 cent for mills located north and west of New Iberia west of the Atchafalaya River.

(2) The basic price for salvage sugarcane shall be as agreed upon between the processor-producer and the producer.

(c) *Conversion of actual sugarcane to standard sugarcane.* Except for salvage sugarcane, actual sugarcane shall be converted to standard sugarcane as follows:

(1) By deducting the weight of trash from the combined weight of sugarcane and trash delivered;

(2) By multiplying the net quantity of sugarcane determined pursuant to subparagraph (1) of this paragraph by the applicable quality factor in the following table:

Percent sucrose in normal juice [1]	*Standard sugarcane quality factor*
9.5	0.60
10.0	.70
10.5	.80
11.0	.90
11.5	.95
12.0	1.00
12.5	1.05
13.0	1.10
13.5	1.15
14.0	1.20
14.5	1.25

[1] Intermediate points within the scale are to be in proportion. Points above 14.5 percent sucrose in normal juice are to be in proportion to the immediate preceding interval.

and

(3) By multiplying the adjusted quantity determined pursuant to subparagraph (2) of this paragraph by the applicable purity factor in the following table:

Purity of normal juice		Standard sugarcane purity factor [1] (percent sucrose in normal juice)														
		At least—9.50	9.70	9.90	10.10	10.30	10.50	11.00	11.50	12.00	12.50	13.00	13.50	14.00	14.50	15.00	15.50
At least—	But not more than—	But not more than—9.69	9.89	10.09	10.29	10.49	10.99	11.49	11.99	12.49	12.99	13.49	13.99	14.49	14.99	15.49	15.99
68.00	68.24	1.000	0.989	0.978	0.967	0.956	0.945	0.936	0.929	0.922	0.915	0.908	0.901	0.894	0.887	0.880	0.873
68.25	68.49	1.005	.993	.982	.971	.960	.949	.941	.934	.927	.920	.913	.906	.899	.892	.885	.878
68.50	68.99	1.010	.998	.987	.976	.965	.954	.946	.939	.932	.925	.918	.911	.905	.899	.893	.887
69.00	69.49	1.015	1.003	.992	.981	.970	.959	.950	.943	.936	.929	.922	.915	.909	.903	.897	.891
69.50	69.99	1.021	1.009	.997	.986	.975	.964	.955	.948	.941	.934	.927	.920	.914	.908	.902	.896
70.00	70.49	1.025	1.013	1.001	.990	.979	.968	.960	.953	.945	.938	.931	.924	.918	.912	.906	.900
70.50	70.99	1.030	1.018	1.006	.995	.984	.973	.965	.958	.950	.943	.936	.929	.923	.917	.911	.905
71.00	71.49	1.035	1.023	1.011	.999	.988	.977	.969	.962	.954	.947	.940	.933	.927	.921	.915	.909
71.50	71.99	1.040	1.028	1.016	1.004	.993	.982	.974	.966	.959	.951	.945	.938	.932	.926	.920	.914
72.00	72.49	1.045	1.033	1.021	1.009	.998	.987	.978	.970	.963	.955	.949	.942	.936	.930	.924	.918
72.50	72.99	1.050	1.038	1.026	1.014	1.003	.992	.983	.975	.967	.960	.954	.947	.940	.934	.928	.922
73.00	73.49	1.055	1.043	1.031	1.019	1.007	.996	.987	.979	.971	.964	.958	.951	.944	.938	.932	.926
73.50	73.99	1.060	1.048	1.036	1.024	1.012	1.000	.991	.984	.976	.968	.962	.955	.948	.942	.936	.930
74.00	74.49	1.065	1.052	1.040	1.028	1.016	1.004	.995	.988	.980	.972	.966	.959	.952	.946	.940	.934
74.50	74.99	----------	1.057	1.044	1.032	1.020	1.008	1.000	.992	.984	.977	.970	.963	.956	.950	.944	.938

[1] Factors applicable to higher sucrose and purity of the normal juice than shown in this table shall be determined by the same method of calculation used to compute the factors specified and shall be furnished by the Louisiana State Office of the Production and Marketing Administration, Baton Rouge, Louisiana, upon request.

Purity of normal juice		Standard sugarcane purity factor [1] (percent sucrose in normal juice)															
		At least....9.50	9.70	9.90	10.10	10.30	10.50	11.00	11.50	12.00	12.50	13.00	13.50	14.00	14.50	15.00	15.50
At least—	But not more than—	But not more than.... 9.69	9.89	10.09	10.29	10.49	10.99	11.49	11.99	12.49	12.99	13.49	13.99	14.49	14.99	15.49	15.99
75.00	75.49		1.062	1.049	1.036	1.024	1.012	1.004	.996	.988	.981	.974	.967	.959	.954	.948	.942
75.50	75.99			1.054	1.041	1.028	1.016	1.008	1.000	.992	.985	.978	.971	.964	.958	.952	.946
76.00	76.49			1.059	1.046	1.033	1.020	1.011	1.004	.996	.988	.981	.974	.967	.961	.955	.949
76.50	76.99				1.051	1.038	1.025	1.015	1.008	1.000	.992	.985	.978	.971	.965	.959	.953
77.00	77.49				1.054	1.041	1.028	1.019	1.011	1.004	.996	.989	.981	.975	.969	.963	.957
77.50	77.99					1.045	1.032	1.023	1.015	1.008	1.000	.993	.985	.979	.973	.967	.961
78.00	78.49					1.049	1.035	1.027	1.019	1.011	1.003	.996	.989	.982	.976	.970	.964
78.50	78.99						1.039	1.031	1.023	1.015	1.007	1.000	.993	.986	.980	.974	.968
79.00	79.49						1.042	1.035	1.026	1.018	1.010	1.003	.996	.989	.983	.977	.971
79.50	79.99							1.039	1.030	1.022	1.014	1.007	1.000	.993	.987	.981	.975
80.00	80.49							1.043	1.033	1.025	1.017	1.010	1.003	.996	.990	.984	.978
80.50	80.99								1.037	1.029	1.021	1.014	1.007	1.000	.994	.988	.982
81.00	81.49								1.040	1.032	1.024	1.017	1.010	1.003	.997	.991	.985
81.50	81.99									1.036	1.028	1.021	1.014	1.006	1.000	.994	.988
82.00	82.49									1.039	1.032	1.024	1.017	1.009	1.003	.997	.991
82.50	82.99										1.035	1.027	1.020	1.013	1.007	1.000	.995
83.00	83.49										1.038	1.030	1.023	1.016	1.010	1.004	.998
83.50	83.99											1.033	1.027	1.019	1.013	1.007	1.000
84.00	84.49											1.036	1.030	1.022	1.016	1.010	1.004
84.50	84.99												1.033	1.025	1.019	1.013	1.007
85.00	85.49													1.028	1.022	1.016	1.010

(d) *Molasses payment.* Except for salvage sugarcane there shall be paid for each ton of actual sugarcane, minus trash, an amount equal to the product of 6½ and one-half of the average price per gallon of blackstrap molasses in excess of 6 cents. The average price of blackstrap molasses shall be either the simple average of the daily prices for the week in which the sugarcane is delivered or the simple average of the weekly prices of blackstrap molasses for the period October 6, 1950 (or the Friday within the first week of actual trading) through January 26, 1951, as agreed upon between the processor-producer and the producer.

(e) *General.* (1) The sucrose and purity of the normal juice shall be determined by an acceptable method of analysis on actual sugarcane.

(2) Because of decreased boiling house efficiency deductions may be made from the payment for frozen sugarcane accepted by the processor-producer provided such deductions are at rates not in excess of 1.5 percent of the payment, computed without regard to the molasses payment, for each 0.1 cc. of acidity above 2.50 cc. of N/10 alkali per 10 cc. of juice but not in excess of 4.75 cc. (intervening fractions are to be computed to the nearest multiple of 0.05 cc.). Frozen sugarcane testing in excess of 4.75 cc. of acidity shall be considered as having no value. Sugarcane shall not be considered as frozen, even after being subjected to freezing temperature, unless and until there is evidence of damage having taken place because of the freeze, such evidence to be certified by the Louisiana State Office of the Production and Marketing Administration.

(3) Costs of hoisting and weighing sugarcane, which were absorbed by the processor-producer for the 1949 crop, shall be absorbed by the processor-producer for the 1950 crop; but nothing in this subparagraph shall be construed as prohibiting negotiations with respect to the level of such absorptions, subject, upon appeal, to review by the Director of the Sugar Branch.

(4) Allowances made to producers for transporting sugarcane from the customary delivery points to the mill which were made by the processor-producer for the 1949 crop, shall be made by the processor-producer for the 1950 crop: *Provided*, That nothing in this subparagraph shall be construed as requiring the processor-producer to make allowances to producers in excess of the actual costs or rates charged by a commercial carrier for the customary method of transportation: *Provided, further*, That where the only available practicable means of transportation are rail facilities and the distance to the nearest mill is in excess of 50 miles or where, because of unusual circumstances, the cost of transporting sugarcane is in excess of customary allowances, such costs may be shared by the processor-producer and the producer by agreement, subject, upon appeal, to review by the Director of the Sugar Branch.

(5) If a processor-producer and the producers delivering sugarcane to such processor-producer agree upon a plan for the hiring of inspectors whose duties shall be (i) to inspect fields of sugarcane, suggest proper methods of harvesting, and obtain adherence to cutting and delivery schedules, and (ii) to determine the trash content of all sugarcane delivered to a processor-producer, and, if the control of such inspectors is exercised jointly by the processor-producer and producers or by a general committee of processors and producers, there may be deducted from the price per ton of standard and salvage sugarcane an amount equal to one-half of the cost of such inspection but not in excess of 1½ cents per ton of such sugarcane. Such deductions may not be made until a statement in writing setting forth the proposed plan jointly signed by authorized representatives of producers and processors has been filed with and approved by the Louisiana State Office of the Production and Marketing Administration.

(6) The processor-producer shall not reduce the return from the 1950 crop of Louisiana sugarcane to the producer below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable prices to be paid by a processor-producer (i. e., a producer who is directly or indirectly a processor of sugarcane—hereinafter referred to as "processor") for sugarcane of the 1950 crop purchased from other producers. It prescribes the minimum requirements with respect to prices which must be met as one of the conditions for payment under the act. In this statement the foregoing determination, as well as determinations for prior years, will be referred to as "price determination", identified by the crop year for which effective.

(b) *Requirements of the act.* In determining fair and reasonable prices, the act requires that public hearings be held and investigations made. Accordingly, a public hearing was held in Thibodaux, Louisiana, on July 14, 1950, at which time interested parties presented testimony with respect to fair and reasonable prices for the 1950 crop of sugarcane. It should be noted that for the second consecutive year the grower and processor members of the Louisiana Grower-Processor Committee departed from their usual practice of making joint recommendations with respect to the terms of purchase contracts and submitted separate recommendations for the 1950 crop. In addition, investigations have been made of the conditions relating to the sugar industry in Louisiana. In this price determination consideration has been given to the testimony presented at the hearing and to information resulting from the investigations.

(c) *Background.* Determinations of fair and reasonable prices for sugarcane in Louisiana have been issued for each crop beginning with the 1937 crop. The 1937 price determination approved the basic pricing structure contained in sugarcane purchase contracts agreed upon between producers and processors.

From that time until the 1949 crop, price determinations have continued in effect, with only minor modifications, the historic basic pricing structure.

In 1949, major changes were made in the price determination for Louisiana. These changes, which are summarized below, were aimed at improving the quality of sugarcane delivered to processors by providing a higher base price for clean, high sugar-yielding sugarcane and a more adequate system of paying premiums and discounts for sugarcane of varying qualities. These changes included:

(1) The basic price per ton of standard sugarcane was increased from $1.03 to $1.045 for each one cent of the raw sugar price. Freight allowances equal to higher cost of freight on raw sugar to New Orleans were provided for mills located in high cost freight districts. Formerly, processors were compensated for the differences in freight by the use of contracts with varying standards of sugarcane quality.

(2) Standard sugarcane was redefined as fresh, trash-free sugarcane with normal juice testing 12 percent sucrose and 76.5 to 76.99, inclusive, purity.

(3) The definition of salvage sugarcane was revised to include sugarcane, the normal juice of which contained less than 9.5 percent sucrose or less than 68 purity.

(4) Trash was defined to include green or dried leaves which may be removed with a cane knife in a manner similar to hand stripping under field conditions, loose sugarcane tops, attached sugarcane tops at or above the green leaf roll, dirt, and all other extraneous material.

(5) The provisions for molasses payments were revised to permit participation by producers in returns from blackstrap molasses above the price of 6 cents per gallon rather than 8 cents per gallon as in previous price determinations.

(6) Deductions for acidity and frozen sugarcane were revised to recognize the higher acidities in new varieties of sugarcane.

(7) The analysis of the sucrose and purity of the normal juice were required to be made on the basis of trash-free sugarcane.

(8) Authority was provided for the sharing by producers and processors of the cost of a plan for joint supervision over inspecting, cutting and delivering sugarcane and of determining the trash content of sugarcane.

(d) *1950 price determination.* The 1950 price determination differs from the 1949 price determination in the following respects:

(1) *Basic price.* The basic price per ton of standard sugarcane has been increased from $1.045 to $1.06 for each one cent of the average price of raw sugar.

(2) *Trash.* Trash has been redefined to eliminate the trash tolerance permitted under the definition contained in the 1949 price determination.

(3) *Sucrose and purity test.* The analysis of sucrose and purity is to be made on the basis of actual sugarcane (i. e., as delivered by a producer to a processor) rather than on the basis of sugarcane free of trash as required in 1949.

(4) *Price of raw sugar and blackstrap molasses.* The definitions of the "price of raw sugar" and the "price of blackstrap molasses" have been clarified by specifically mentioning one of the "other factors" which is considered by the Department in determining whether the market prices of sugar and blackstrap molasses as reported by the Louisiana Sugar Exchange, Inc., reflect the true market value of these products. This factor is the failure of mills in Louisiana to report sales of sugar and molasses in accordance with the rules of such Exchange.

(5) *Transportation.* The provision for transportation allowances has been amended to cover those cases where, because of unusual circumstances, transportation costs are in excess of the maximum allowances of the mill.

As previously mentioned, the 1949 price determination contained many fundamental changes from prior determinations, all of which were directed at improving the economic condition of the industry. While marked improvements were made during the 1949 crop, the operations under the determination for that crop alone do not furnish an adequate basis on which to evaluate fully the effects of the changes on the industry under average operating conditions. For that reason and others mentioned herein, the changes made in the 1950 price determination are changes in the mechanics of determining prices. These changes will return to producers for standard sugarcane about the same percentage of total returns from sugar as they have received during the past five years.

Prior to 1949 it had become the general practice of the industry to accept sugarcane containing 3 percent trash as clean sugarcane. This practice together with other practices associated with mechanical harvesting, which had their inception during World War II, were primarily responsible for the deterioration of the quality of sugarcane delivered to processors. The effect of these practices contributed greatly to the reduction in the quantity of raw sugar recovered from a ton of sugarcane. In an effort to assist in the correction of these practices, the 1949 price determination provided for deductions of trash in excess of that normally delivered in the prewar period when sugarcane was hand cut, and provided a scale of premiums and discounts depending on the purity of normal juice which was considered a measure of the freshness of cane. Also, the pricing factor in the 1949 price determination was increased $0.015 as an incentive for the delivery of clean, fresh sugarcane. The increase in the pricing factor compensated in part for the partial elimination of the trash tolerance. It was found in practice, however, that the trash definition in the 1949 price determination was difficult to apply uniformly and equitably and resulted in numerous problems.

In this determination trash has been redefined to allow for no tolerance and the pricing factor increased to $1.06 per one cent of raw sugar price to compensate fully for the elimination of the former 3 percent trash tolerance.

During the 1949 crop season, it was also found that the requirements of testing sucrose and purity on the basis of clean sugarcane did not return to the producers who delivered clean, fresh sugarcane the maximum benefits to which they were entitled and, conversely, did not penalize to the extent it should, producers who delivered trashy, stale sugarcane. The change in the 1950 price determination to the making of sucrose and purity tests on an actual sugarcane basis will gear payments for sugarcane more closely to the quality of the sugarcane delivered by individual producers.

In a brief filed by the processor members of the Grower-Processor Committee, it was recommended that a provision be incorporated in the 1950 price determination which would require all mills to report sales of quotable contract units of blackstrap molasses to the Louisiana Sugar Exchange, Inc., in accordance with the rules of that Exchange. Although there is not authority under the act to require the reporting of data to a third person, the right is reserved in the determination to designate the price to be effective, in the event it is determined that the prices reported by the Exchange are not a true reflection of the market value of sugar and blackstrap molasses. One of the reasons under which this right would be exercised would be the failure of mills to report sales to the Exchange.

The revision in the provision covering transportation allowances was made to provide for greater flexibility in determining the division of transportation costs between the processor and producer. This change will permit the processor and producer to agree upon the sharing of transportation costs in cases where such costs are in excess of the maximum allowances of the mill.

At the public hearing, recommendations were made by producer and processor representatives to change the pricing factor and the sharing of returns from molasses. These recommendations have been examined carefully in the light of the results of a study of costs, returns, profits and related factors of the Louisiana industry for the crop years 1946 through 1949 conducted by the Department in 1950. On the basis of this examination there appears to be no basis, under the conditions expected to prevail during the 1950 crop, on which to alter the present sharing level.

In addition, a producer representative recommended at the public hearing changes in the purity premiums and discounts, trash deductions and penalties for frozen sugarcane. With respect to purity, a study was made by the Department of the relationships of actual purities at various sucrose levels for the 1949 crop to those prescribed in the 1949 price determination. Moreover, a comparison was made of the normal juice sucrose and purity tests as reported by processors for the last 13 crops with comparable sucrose and purity levels in the 1949 price determination. Although the study made of the 1949 crop operations indicated that, at certain levels of sucrose, purities were somewhat lower than those in the 1949 price determination, the results of

that crop alone do not afford an adequate basis for effecting adjustments. The comparison made of the results of the last 13 crops indicates that there was almost no difference in the average of the actual purity and the corresponding figure in the 1949 price determination. With respect to trash, it was recommended that no deduction be made for sugarcane containing 3 percent or less of trash with a descending trash tolerance for sugarcane containing more than 3 percent trash. This recommendation has not been adopted as it is considered a backward step rather than a constructive one. Instead of correcting the delivery of sugarcane of undesirable qualities, it probably would return the industry to a situation it has tried for several years to correct. The penalty table for frozen sugarcane was revised in 1949, based on tests conducted by the U. S. Department of Agriculture Experiment Station in Houma, Louisiana. Since no freeze has occurred following the adoption of the revised scale, it has not been possible to test the validity of this scale. The recommendation, therefore, has not been adopted.

Accordingly, I hereby find and conclude that the foregoing price determination is fair and reasonable and will effectuate the price provisions of the act.

(Secs. 301, 403, 61 Stat. 929, 932; 7 U. S. C. Sup. 1131, 1153)

Issued this 30th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7747; Filed, Sept. 1, 1950; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 346]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.453 *Lemon Regulation 346*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 30, 1950; such meeting was held after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 3, 1950, and ending at 12:01 a. m., P. s. t., September 10, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 345 (15 F. R. 5729), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 31st day of August 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-7794; Filed, Sept. 1, 1950; 9:50 a. m.]

[Amdt. 1]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and upon the basis of the recommendation and information submitted by the administrative committee for Area No. 3, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amended limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Irish potatoes grown in Area 3 in the State of Colorado.

Order, as amended. The provisions of paragraph (b) (1) of § 958.305 (15 F. R. 4244) are hereby amended to read as follows:

(1) During the period beginning at 12:01 a. m., m. s. t., September 2, 1950, and ending 12:01 a. m., m. s. t., June 1, 1951, no handler shall ship potatoes grown in Area No. 3, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not meet the requirements of Regulation No. 1 limiting shipments to U. S. No. 2 or better grade (General Cull Regulation, published in the FEDERAL REGISTER, July 16, 1949, 14 F. R. 3979) and which are of sizes smaller than 2 inches minimum diameter or 4 ounce minimum weight, as such grades and sizes are defined in the United States Standards for Potatoes (14 F. R. 1955, 2161), including the tolerances provided therein: *Provided*, That the aforesaid limitations shall not be applicable to (i) potatoes shipped for seed purposes which have been officially certified as seed potatoes by the official Colorado seed certifying agency and which are in containers bearing official Colorado seed certification tags, and (ii) potatoes shipped for consumption by a charitable institution, for relief purposes, or for manufacturing purposes for conversion into by-products.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 31st day of August 1950, to be effective on September 2, 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-7796; Filed, Sept. 1, 1950; 9:50 a. m.]

[Orange Reg. 338]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.484 *Orange Regulation 338*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on August 31, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 3, 1950, and ending at 12:01 a. m., P. s. t., September 10, 1950, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement; (*b*) Prorate District No. 2: 1,150 carloads; (*c*) Prorate District No. 3: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement; (*b*) Prorate District No. 2: No movement; (*c*) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 966.107 of the current rules and regulations (14 F. R. 6588) contained in this part.

Orange Regulation 332 (7 CFR 966.478 15 F. R. 3863) fixes the sizes of designated oranges which may be handled during the aforesaid period.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 1st day of September 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., Sept. 3, 1950, to 12:01 a. m., Sept. 10, 1950]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.1811
A. F. G. Corona	.0467
A. F. G. Fullerton	.8237
A. F. G. Orange	.4345
A. F. G. Riverside	.2139
A. F. G. San Juan Capistrano	.9335
A. F. G. Santa Paula	5101
Eadington Fruit Co., Inc	5.0127
Hazeltine Packing Co	.4496
Placentia Pioneer Valencia Growers Association	.6191
Signal Fruit Association	.1231
Azusa Citrus Association	.5220
Damerel-Allison	.8448
Glendora Mutual Citrus Association	.4391
Puente Mutual Citrus Association	.1759
Valencia Heights Orchard Association	.4700
Covina Citrus Association	.9938
Covina Orange Growers Association	.4409
Glendora Citrus Association	.4659
Gold Buckle Association	1.0388
La Verne Orange Association	.7334
Anaheim Citrus Fruit Association	.8217
Anaheim Valencia Orange Association	.8303
Fullerton Mutual Orange Association	1.3322
La Habra Citrus Association	1.1875
Orange County Valencia Association	.2096
Yorba Linda Citrus Association	.9155
Escondido Orange Association	2.7240
Alta Loma Heights Citrus Association	.0680
Citrus Fruit Growers	.2133
Cucamonga Citrus Association	.0845
Etiwanda Citrus Fruit Association	.0428
Old Baldy Citrus Association	.1570
Rialto Heights Orange Association	.0724
Upland Citrus Association	.4626
Upland Heights Orange Association	.2002
Consolidated Orange Growers	1.6613
Frances Citrus Association	1.0971
Garden Grove Citrus Association	1.1046
Goldenwest Citrus Association, The	1.4722
Irvine Valencia Growers	2.9523
Olive Heights Citrus Association	1.9579
Santa Ana-Tustin Mutual Citrus Association	.8157
Santiago Orange Growers Association	3.6187
Tustin Hills Citrus Association	1.8918
Villa Park Orchards Association	1.6823
Bradford Brothers, Inc	.7351
Placentia Cooperative Orange Association	.6454
Placentia Mutual Orange Association	2.2776
Placentia Orange Growers Association	1.3865
Yorba Orange Growers Association	.6647
Call Ranch	.0876
Corona Citrus Association	.6520
Jameson Co	.0985
Orange Heights Orange Association	.6114
Crafton Orange Growers Association	.6291
East Highlands Citrus Association	.1029
Fontana Citrus Association	.1095
Redlands Heights Groves	.3020
Redlands Orangedale Association	.2851
Break & Son, Allen	.0847
Bryn Mawr Fruit Growers Association	.2328
Mission Citrus Association	.2229
Redlands Cooperative Fruit Association	.4703
Redlands Orange Growers Association	.2667
Redlands Select Groves	.2856
Rialto Citrus Association	.1833
Rialto Orange Co	.1914
Southern Citrus Association	.2033
United Citrus Growers	.1812
Zilen Citrus Co	.0400
Arlington Heights Citrus Co	.1483
Brown Estate, L. V. W	.1428
Gavilan Citrus Association	.1729
Highgrove Fruit Association	.0765
Krinard Packing Co	.2977
McDermont Fruit Co	.2085
Monte Vista Citrus Association	.3048
National Orange Co	.0474
Riverside Heights Orange Growers Association	.0876
Sierra Vista Packing Association	.0755
Victoria Ave. Citrus Association	.2402
Claremont Citrus Association	.1325
College Heights Orange & Lemon Association	.4355
Indian Hill Citrus Association	.2458
Pomona Fruit Growers Exchange	.4041
Walnut Fruit Growers Association	.5643
West Ontario Citrus Association	.3103
El Cajon Valley Citrus Association	.2910

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—Continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Escondido Cooperative Citrus Association	0.3408
San Dimas Orange Growers Association	.3514
Canoga Citrus Association	.9297
Covina Valley Orange Co	.0394
North Whittier Heights Citrus Association	.9379
San Fernando Fruit Growers Association	.7843
San Fernando Heights Orange Association	1.2137
Sierra Madre-Lamanda Citrus Association	.4918
Camarillo Citrus Association	1.3401
Fillmore Citrus Association	3.6581
Mupu Citrus Association	2.1268
Ojai Orange Association	.9465
Piru Citrus Association	1.8626
Rancho Sespe	.8655
Santa Paula Orange Association	1.1525
Tapo Citrus Association	1.0887
Ventura County Citrus Association	.2966
Limoneira Co	.5824
East Whittier Citrus Association	.5574
Whittier Citrus Association	1.3431
Anaheim Cooperative Orange Association	1.3014
Bryn Mawr Mutual Orange Association	.1373
Chula Vista Mutual Lemon Association	.0559
Euclid Avenue Orange Association	.7657
Foothill Citrus Union, Inc	.0774
Fullerton Cooperative Orange Association	.3155
Garden Grove Orange Cooperative, Inc	.6819
Golden Orange Groves, Inc	.2721
Highland Mutual Groves, Inc	.0000
Index Mutual Association	.4573
La Verne Cooperative Citrus Association	1.7967
Mentone Heights Association	.0399
Olive Hillside Groves, Inc	.5628
Orange Cooperative Citrus Association	1.6605
Redlands Foothill Groves	.8526
Redlands Mutual Orange Association	.2394
Ventura County Orange & Lemon Association	1.3472
Whittier Mutual Orange & Lemon Association	.1619
Babijuice Corp. of California	.2817
Banks, L. M	.4846
Bennett Fruit Co., Inc	.0331
Borden Fruit Co	.6357
Cherokee Citrus Co., Inc	.1419
Chess Co., Meyer W	.5855
Dunning Ranch	.0816
Evans Bro. Packing Co	.6383
Gold Banner Association	.2515
Granada Hills Packing Co	.0357
Granada Packing House	.7404
Hills Packing House, Fred A	.1076
Knapp Packing Co., John C	.3162
L Bar S Ranch	.0000
Lawson, William J	.0093
Orange Belt Fruit Distributors	1.8735
Otte, Arnold	.0278
Pacific Citrus Distributors	.0040
Panno Fruit Co., Carlo	.5708
Paramount Citrus Association	1.3504
Patitucci, Frank L	.0100
Placentia Orchard Co	.4356
Riverside Citrus Association	.0551
Ronneberg, Jerry L	.0012
San Antonio Orchards Co	.3503
Stephens, T. F	.2180
Summit Citrus Packers	.0066
Treesweet Products Co	.0721
Wall, E. T., Grower-Shipper	.1501
Western Fruit Growers, Inc	.7047

[F. R. Doc. 50-7813; Filed, Sept. 1, 1950; 11:18 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

STREPTOMYCIN-POLYMYXIN-BACITRACIN TABLETS; MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. and Sup., 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.; 15 F. R. 1073, 4976) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.112 *Streptomycin - polymyxin-bacitracin tablets*—(a) *Tablets*—(1) *Potency*—(i) *Streptomycin content.* Using 12 tablets, proceed as directed in § 141.101, except paragraphs (j) and (k) of that section. Its content of streptomycin is satisfactory if it contains not less than 85% of the number of milligrams that it is represented to contain.

(ii) *Polymyxin content.* Using an aliquot of the solution prepared under subparagraph (1) (i) of this paragraph, proceed as directed in paragraph (b) of this section. Its content of polymyxin is satisfactory if it contains not less than 85% of the number of units that it is represented to contain.

(iii) *Bacitracin content.* Using an aliquot of the solution prepared under subparagraph (1) (i) of this paragraph, proceed as directed in § 141.403 (a), except the last sentence of that paragraph and except that sufficient semi-carbazide 0.5% solution (pH 6.5–7.0) is added to inactivate (1 hour at room temperature) the streptomycin contained in the solution. Its content of bacitracin is satisfactory if it contains not less than 85% of the number of units that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141.5 (a).

(b) *Polymyxin used in making the tablets*—(1) *Potency*—(i) *Cylinders (cups).* Use cylinders described under § 141.1 (a).

(ii) *Culture medium.* Using ingredients that conform to the standards prescribed, if any, by the U. S. P. or N. F., make nutrient agar for the seed and base layers:

Pancreatic digest of casein	15.0 gm.
Papaic digest of soybean	5.0 gm.
Sodium chloride	5.0 gm.
Agar	15.0 gm.
Distilled water, q. s	1,000.0 ml.

In lieu of preparing the medium from the individual ingredients as specified, it may be prepared from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such medium. Minor modifications of the specified individual ingredients are permissible if the resulting medium possesses growth-promoting properties at least equal to the medium described.

(iii) *Working standard.* Weigh out a sufficient quantity of the working standard (obtained from the Food and Drug Administration) and make a convenient stock solution by diluting with glycine buffer, which is prepared as follows:

Glycine	3.5 gm.
Sodium chloride	3.0 gm.
Distilled water, q. s	1,000.0 ml.

(Adjust to pH 2.0 with concentrated HCl.)

(iv) *Standard curve.* Prepare daily a standard curve as directed in § 141.101 (d), using solutions of the polymyxin working standard in glycine buffer (described under subdivision (iii) of this subparagraph) in concentrations of 200, 400, 600, 800, 1,000, 1,200, 1,400, 1,600, 1,800, and 2,000 units per milliliter. The 1,000 units-per-milliliter concentration is used as the reference point.

(v) *Preparation of test organism.* The test organism is Brucella bronchiseptica (American Type Culture Collection 4617) which is maintained on agar described under subdivision (ii) of this subparagraph. Prepare the inoculum by transferring the culture from the agar slant into sterile broth, and incubate overnight at 37° C. Prepare the broth used as follows:

Pancreatic digest of casein	17.0 gm.
Papaic digest of soybean	3.0 gm.
Sodium chloride	5.0 gm.
Dipotassium phosphate	2.5 gm.
Dextrose	2.5 gm.
Distilled water, q. s	1,000.0 ml.

For the seed layer use approximately a 0.5% inoculum.

(vi) *Preparation of plates.* Using the agar described in subdivision (ii) of this subparagraph, prepare the plates as described in § 141.101 (g).

(vii) *Assay.* Dissolve volumetrically into the sterile glycine buffer described in subdivision (iii) of this subparagraph the sample to be tested to a final concentration of 1,000 units (estimated) per milliliter and proceed as directed in § 141.101 (h) and (i).

(2) *Toxicity.* Proceed as directed in § 141.4, using 0.5 ml. of a solution prepared by diluting the sample to approximately 1,200 units per milliliter with physiological salt solution.

2. In § 146.49 *Ephedrine penicillin tablets*, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended to read as follows:

(iii) The statement "Expiration date ---------," the blank being filled in with the date which is 24 months after the month during which the batch was certified;

3. Part 146 is amended by adding the following new section:

§ 146.107 *Streptomycin - polymyxin-bacitracin tablets*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin-polymyxin-bacitracin tablets are tablets composed of streptomycin, polymyxin B, and bacitracin, with or without the addition of one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 250 mg. of streptomycin, 200,000 units of polymyxin B, and 5,000 units of bacitracin. Its moisture content is not more than 3%. The streptomycin used conforms to the standards prescribed therefor by § 146.101 (a), except subparagraphs (2) and (4) of that paragraph. The polymyxin used is produced by the growth of Bacillus polymyxa, has a potency of not less than 3,800 units per milligram, and it is nontoxic. The bacitracin used conforms to the standards prescribed therefor by § 146.401 (a), except subparagraphs (1), (2), and (4) of that paragraph, but its potency is not less than 30 units per milligram. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each tablet is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear, on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams of streptomycin in each tablet of the batch;

(iii) The number of units of polymyxin B in each tablet of the batch;

(iv) The number of units of bacitracin in each tablet of the batch; and

(v) The statement "Expiration date ---------," the blank being filled in with the date which is 18 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a ---------," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or any combination of two or all of these words, as the case may be; and

(ii) Unless it is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such tablets, or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if it is intended solely for veterinary use, directions and precautions adequate for the use of such tablets, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package the number of circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of streptomycin-polymyxin-bacitracin tablets shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates on which the latest assays of the streptomycin, polymyxin, and bacitracin used in making such batch were completed, the potency of each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency of streptomycin, polymyxin, and bacitracin per tablet, and average moisture.

(ii) The streptomycin used in making the batch; potency, toxicity, histamine, moisture, and pH.

(iii) The polymyxin used in making the batch; potency and toxicity.

(iv) The bacitracin used in making the batch; potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The streptomycin used in making the batch; five packages containing approximately equal portions of not less than 0.5 gm. each, packaged in accordance with the requirements of § 146.101 (b).

(iii) The polymyxin used in making the batch; five packages, each containing approximately equal portions of not less than 0.5 gm.

(iv) The bacitracin used in making the batch; six packages, each containing approximately equal portions of not less than 0.5 gm., packaged in accordance with the requirements of § 146.401 (b).

(v) In case of an initial request for certification, each other ingredient used in making the batch; one package of each, containing approximately 5 gm.

(4) No result referred to in subparagraph (2) (ii), (iii), and (iv) of this paragraph, and no sample referred to in subparagraph (3) (ii), (iii), and (iv) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of streptomycin-polymyxin-bacitracin tablets under the regulations in this part shall be:

(1) $1.00 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraphs (d) (3) (ii), (iii), (iv), and (v) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

4. In § 146.405 *Bacitracin with vasoconstrictor* * * *, paragraph (a) *Standards of identity, strength, quality, and purity*, first sentence, is amended to read as follows: "Bacitracin with vasoconstrictor is a dry mixture of bacitracin and a suitable vasoconstrictor, with or without suitable and harmless buffer substances, preservatives, colorings, and flavorings, or it is a packaged combination of one immediate container of bacitracin and one immediate container of a solution of a suitable vasoconstrictor, with or without suitable and harmless buffer substances, preservatives, colorings, and flavorings."

This order, which provides for certification of a new antibiotic product, streptomycin-polymyxin-bacitracin tablets, for an increase in the expiration date of ephedrine penicillin tablets from 12 to 24 months, and for the use of colorings and flavorings in the product bacitracin with vasoconstrictor, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will be benefited by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industries, and since it would be against public interest to delay the marketing of streptomycin-polymyxin-bacitracin, to provide for an increase in the expiration

date of ephderine penicillin tablets from 12 to 24 months, and to provide for the use of colorings and flavorings in the product bacitracin with vasoconstrictor.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

Dated: August 25, 1950.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-7713; Filed, Sept. 1, 1950; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter D—Employment Taxes

[T. D. 5805]

PART 402—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

PAYMENTS FOR TRAVELING AND OTHER EXPENSES; DETERMINATION WITH RESPECT TO WAGES

On April 19, 1950, notice of proposed rule making, regarding amendments to the employment tax regulations with respect to whether payments for traveling and other expenses constitute wages, was published in the FEDERAL REGISTER (15 F. R. 2199). No objection to the rules proposed having been received, the amendments set forth below are hereby adopted.

PARAGRAPH 1. Section 402.227 of Regulations 106, as amended by Treasury Decision 5502, approved March 18, 1946, and by Treasury Decision 5566, approved June 23, 1947 (26 CFR 402.227), and § 403.227 of Regulations 107, as amended by Treasury Decisions 5502 and 5566 (26 CFR 403.227), are each further amended as follows:

A. By adding after the sixth paragraph of § 402.227 (a) and of § 403.227 (a) the following:

Amounts paid specifically—either as advances or reimbursements—for traveling or other bona fide ordinary and necessary expenses incurred or reasonably expected to be incurred in the business of the employer are not wages. Traveling and other reimbursed expenses must be identified either by making a separate payment or by specifically indicating the separate amounts where both wages and expense allowances are combined in a single payment.

B. By striking out subparagraph (2) of § 402.227 (b) and of § 403.227 (b) and by renumbering subparagraphs (3) and (4) of such sections as subparagraphs (2) and (3), respectively.

PAR. 2. The amendments made by this Treasury decision shall be applicable only with respect to remuneration paid after December 31, 1949; except that the amendments made by this Treasury decision shall not affect any determination of the amount of wages paid before October 1, 1950, if such determination would be proper but for the amendments made by this Treasury decision.

(53 Stat. 178, 188, 467; 26 U. S. C. 1429, 1609, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: August 30, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-7760; Filed, Aug. 31, 1950; 2:17 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.3 *Letters and letter packages* (39 CFR 127.3; 15 F. R. 295, 2337) amend paragraph (f) by deleting "(See note.)" following "Spain" in the alphabetical list of countries.

b. In § 127.20 *Air mail service* (39 CFR 127.20; 15 F. R. 1461, 2037, 4498, 4499) amend paragraph (i) by inserting "Spain" between "Salvador (El)" and "Surinam" in the list of countries shown therein.

c. In § 127.210 *Austria* (39 CFR 127.210; 15 F. R. 5473) amend paragraph (b) (4) by the addition of subdivision (vi) to read as follows:

(vi) Shipments of postage stamps which exceed 100 schillings in value will be delivered only if the addressee presents an importation permit issued by the Austrian Ministry of Finance.

d. In § 127.227 *Canada* (39 CFR 127.227) make the following changes:

1. Amend paragraph (b) (3) by redesignating subdivision (xv) as subdivision (xvi) and by inserting a new subdivision (xv) to read as follows:

(xv) Parcels containing bees must not be accepted for insurance.

2. Amend paragraph (b) (5) by deleting subdivisions (iv) and (v) and by amending subdivision (xvi) to read as follows:

(xvi) Parcel post packages, except packages of bees, are not accepted by the Canadian authorities outside of mail sacks.

e. In § 127.288 *Korea* (39 CFR 127.288) insert the following immediately after the section caption: "All regular mail and parcel post service temporarily suspended."

f. In § 127.356 *Spain* (39 CFR 127.356) amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* (i) Continental Spain only: Postage rates: Letters, letter-packages and post cards, 15 cents per half ounce. Air-letter sheets, 10 cents each. Other regular-mail articles, 43 cents for the first 2 ounces and 22 cents for each additional 2 ounces.

(ii) Balearic Islands and Spanish Offices in Northern Africa: Postage rate, 15 cents per half ounce. Air-letter sheets, 10 cents each.

(iii) Canary Islands: Postage rate, 25 cents per half ounce. Air-letter sheets, 10 cents each. (For further information see § 127.20.)

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] J. M. DONALDSON,
General Postmaster.

[F. R. Doc. 50-7715; Filed, Sept. 1, 1950; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 2—RECORDS AND TESTIMONY

CHARGES

Section 2.4, Part 2, Subtitle A, is revised to read as follows:

§ 2.4 *Charges.* (a) The Chief Clerk of the Department shall establish the charges to be collected by all bureaus and offices from the public for furnishing copies of official records. Such charges shall be equal to the cost of producing the copies, plus the cost of administrative services involved in handling the records for such purpose.

(b) A charge of 25 cents may be made for each certificate or verification attached to authenticated copies of official records furnished to the public.

(c) No charge shall be made for furnishing unauthenticated copies of any rules, regulations, or instructions printed by the Government for gratuitous distribution.

(d) No charge shall be made for the making or verifying of copies of official records which are required for official use by the officers of any branch of the Government.

(e) Money received from the collection of charges fixed under this section shall be deposited in the Treasury to the credit of the appropriation current and chargeable for the cost of furnishing the copies.

(f) This section does not apply to the establishment of fees or charges for copies of records pertaining to the enrollment of members of the Five Civilized Tribes, as authorized by section 8 of the Act of April 26, 1906 (34 Stat. 136); for certified copies, issued by the Secretary, of the official character of an officer of the Department; or for copies of aerial or other photographs and mosaics sold by the Geological Survey. This section does not apply to other charges specifically established by statute.

(Sec. 2. 37 Stat. 498; 5 U. S. C. 480. Interpret or apply sec. 1, 37 Stat. 497, Pub. Law 688, 81st Cong.; 5 U. S. C. 488)

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 30, 1950.

[F. R. Doc. 50-7735; Filed, Sept. 1, 1950; 8:51 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 662]

ARIZONA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE AIR FORCE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943 it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force as an auxiliary field:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 7 E.,
Sec. 32, lot 1, W½NW¼, and NW¼SW¼.

The areas described aggregate 155.72 acres.

It is intended that the lands above described shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 28, 1950.

[F. R. Doc. 50-7705; Filed, Sept. 1, 1950; 8:45 a. m.]

[Public Land Order 663]

NEW MEXICO AND TEXAS

REVOCATION OF PUBLIC LAND ORDER NO. 220, ESTABLISHING THE MESILLA NATIONAL WILDLIFE REFUGE, AND RESERVATION OF CERTAIN LAND FOR THE RIO GRANDE CANALIZATION PROJECT

By virtue of the authority vested in the President by the act of May 13, 1924 (c. 153, 43 Stat. 118), as amended by the act of August 19, 1935 (49 Stat. 660, 22 U. S. C. 277c), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 220 of April 6, 1944, withdrawing all public land within parts of secs. 26, 35, and 36, T. 28 S., R. 3 E., parts of secs. 1 and 12, T. 29 S., R. 3 E., and parts of secs. 6, 7, and 8, T. 29 S., R. 4 E., New Mexico Principal Meridian, New Mexico, and reserving such land and all other lands and waters owned or controlled by the United States within the said area and within a certain area in El Paso County, Texas, as the Mesilla National Wildlife Refuge, is hereby revoked.

Subject to valid existing rights, the following-described public land, comprising all of the public land released by the revocation made by this order, is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of State in connection with the Rio Grande Canalization Project.

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 S., R. 4 E.,
Sec. 6, that part of lot 1 described as follows: Beginning at meander corner on line between secs. 6 and 7, S. 89°55' E., 2.364 chains from the corner of secs. 1, 6, 7, and 12, Tps. 29 S., Rs. 4 and 5 E.; thence, S. 89°55' E., 1.093 chs., N. 55°55' E., 0.640 chs., N. 26°23'34" W., 0.625 chs., S. 55°55' W., 1.625 chs. to the point of beginning, containing 0.057 acres.
Sec. 7, lot 5, containing 0.213 acres.

The reservation made by this order shall take precedence over but shall not otherwise affect the order of the Secretary of the Interior of July 11, 1935, establishing New Mexico Grazing District No. 3.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 28, 1950.

[F. R. Doc. 50-7707; Filed, Sept. 1, 1950; 8:45 a. m.]

[Public Land Order 664]

ALASKA

WITHDRAWAL OF PUBLIC LANDS IN AID OF CONTEMPLATED LEGISLATION

By virtue of the authority contained in the act of June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497, 43 U. S. C. 141, 142), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land on Sitkinak Island, Alaska, is hereby withdrawn from settlement, location, sale, and entry in aid of contemplated legislation:

All of the land above mean high tide on a spit averaging approximately ¼ mile in width, separating Sitkinak Lagoon from Sitkinak Strait, from its southeast end in latitude 56°33'15" N., longitude 154°02'25" W., extending in a northwesterly direction approximately 2½ miles to latitude 56°35'15" N., longitude 154°05'10" W.

The tract described contains approximately 300 acres.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 28, 1950.

[F. R. Doc. 50-7708; Filed, Sept. 1, 1950; 8:46 a. m.]

[Public Land Order 665]

ARIZONA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE AIR FORCE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force in connection with Auxiliary Field No. 4, Luke Field, Arizona:

GILA AND SALT RIVER MERIDIAN

T. 5 N., R. 4 W.,
Sec. 25, W½ and W½E½;
Sec. 26, E½E½.

The areas described aggregate 640 acres.

This order shall take precedence over but not otherwise affect the order of July 25, 1941, of the Secretary of the Interior withdrawing lands for reclamation purposes, so far as such order affects the above-described lands.

It is intended that the lands above described shall be returned to the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 28, 1950.

[F. R. Doc. 50-7710; Filed, Sept. 1, 1950; 8:46 a. m.]

[Public Land Order 666]

ALASKA

REVOKING IN PART EXECUTIVE ORDER NO. 1194 OF APRIL 26, 1910, RESERVING CERTAIN PUBLIC LANDS FOR THE PURPOSE OF THE EDUCATION OF THE NATIVES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 1194 of April 26, 1910, reserving certain tracts of land in Alaska for the use of the Bureau of Education for the purpose of the education of the natives of Alaska, is hereby revoked as to the tract at Chogiung described as follows:

CHOGIUNG

Beginning at Corner No. 1, a stake set in the ground; thence in northerly direction 200 feet to Corner No. 2; thence in a northwesterly direction 150 feet to Corner No. 3; thence in a northerly direction 75 feet to Corner No. 4; thence in a westerly direction 200 feet to Corner No. 5; thence in a southerly direction 275 feet to Corner No. 6; thence in an easterly direction 350 feet to Corner No. 1, the place of beginning.

The lands described are within the boundaries of Dillingham Town Site, and will be subject to disposal only under applicable town site laws.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 28, 1950.

[F. R. Doc. 50-7711; Filed, Sept. 1, 1950; 8:46 a. m.]

[Public Land Order 667]

COLORADO AND UTAH

CHANGING THE NAME OF THE MANTI NATIONAL FOREST TO THE MANTI-LA SAL NATIONAL FOREST

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C. title 16, sec. 473), and pursuant to Executive Order

No. 9337 of April 24, 1943, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

The name of the Manti National Forest, which was enlarged to include the La Sal National Forest by Public Land Order No. 618 of November 28, 1949, is hereby changed to the Manti-La Sal National Forest.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 28, 1950.

[F. R. Doc. 50-7712; Filed, Sept. 1, 1950; 8:46 a. m.]

[Public Land Order 668]

ALASKA

RESERVING A CERTAIN AREA FOR USE OF THE ALASKA RAILROAD AS A DOCK AND WHARF SITE

By virtue of the authority vested in the President by the act of March 12, 1914, 38 Stat. 305, 307 (48 U. S. C. 304), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described area lying below the line of ordinary high tide on Passage Canal, Whittier, Alaska, is hereby reserved for the use of the Alaska Railroad as a dock and wharf site:

Beginning at corner No. 1, from which corner No. 9 of U. S. Survey No. 2559, Whittier Townsite, bears S. 46°57' W., 98.44 feet to a point in the center of The Alaska Railroad's main line track, marked Station 7+00; S. 54°27'23" E., 608.31 feet; thence by metes and bounds N. 84°02' E., 165.84 feet to corner No. 2, N. 46°57'E., 430.70 feet to corner No. 3, N. 43°03' W., 200.00 feet to corner No. 4, S. 46°57' W., 245.40 feet to corner No. 5, S. 65°57' W., 305.92 feet to corner No. 6, S. 34°58' E., 201.60 feet to corner No. 1, the point of beginning.

The tract described contains approximately 2.80 acres.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 29, 1950.

[F. R. Doc. 50-7731; Filed, Sept. 1, 1950; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—TAKING ANIMALS, BIRDS, AND GAME FISHES

MOOSE AND CARIBOU

Basis and purposes. In the issuance of miscellaneous amendments to the regulations relating to the taking of animals, birds, and game fishes of Alaska, which amendments were signed by the Secretary of the Interior on May 3, 1950, and published in 15 F. R. 2777 on May 10, 1950, two errors were made in describing areas heretofore closed to the hunting of moose and caribou. These areas are particularly important to the protection of moose and caribou and I have determined that the following amendments to correct the existing regulations should be adopted. Since the amendments simply continue as closed to hunting certain areas that would have remained closed except for the circumstances related and in view of the importance of protecting the stocks of moose and caribou, I have determined that these amendments should become effective immediately upon publication in the FEDERAL REGISTER.

1. The second paragraph of § 46.104 *Moose*, which described the "Palmer" area is amended to read as follows:

Beginning at Mile 72 Alaska Railroad, including all of the northern drainage into Turnagain Arm, all of the drainage into Knik Arm, all of the drainage of the Little Susitna River from its headquarters to its intersection with the Alaska Railroad, all of the eastern drainage of the Little Susitna River from the Railroad to its mouth, all of the drainage into Cook Inlet between the mouth of Little Susitna River and Knik Arm. Limit, 1 a year.

2. Section 46.105 is amended as follows so as to include as closed to the hunting of caribou the area lying 5 miles on each side of the Steese Highway on 12 Mile Summit between Mileposts 84 and 89:

§ 46.105 *Caribou.* (Except calves.)

South of a line formed by the Alaska Range and Ahklun Mountains from the Canadian border on the east to Cape Newenham on the west (but not in the Alaska Peninsula and Mt. Sanford areas as described in §§ 46.198 and 46.199), September 1 to September 30 only. Limit, 1 a year. In the area bounded by the Alaska Range and Ahklun Mountains on the south and the Arctic Circle on the north (but not in the Mt. Sanford area as described in § 46.199, nor in the area lying 5 miles on each side of the Steese Highway on 12 Mile Summit between Mileposts 84 and 89 and on Eagle Summit between Mileposts 102 and 112, nor within 20 miles of the east side of the Steese Highway between Faith Creek and Milepost 112), September 1 to October 15 and December 1 to December 10. Limit, 1 a year, North of the Arctic Circle, August 20 to February 28. Limit, 3 a year.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 25, 1950.

[F. R. Doc. 50-7704; Filed, Sept. 1, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 958]

IRISH POTATOES GROWN IN COLORADO

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget of expenses and rate of assessment hereinafter set forth, which were recommended by the area committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR 958.1 et seq.) regulating the handling of Irish potatoes grown in the State of Colorado, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.206 *Budget of expenses and rate of assessment, Area No. 1.* The expenses necessary to be incurred by the area committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions, pursuant to provisions of the aforesaid marketing agreement and order and regulations duly issued thereunder, during the fiscal period ending May 31, 1951, will amount to $1,800.00.

The rate of assessment to be paid by each handler who first ships potatoes from Area No. 1 shall be six-tenths of one cent per hundredweight of potatoes shipped by him therefrom as the first shipper thereof during such fiscal period: *Provided*, That no assessment shall be paid for a shipment or shipments of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies.

Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 30th day of August 1950.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50-7748; Filed, Sept. 1, 1950; 8:52 a. m.]

[7 CFR, Part 965]

[Docket No. AO 166 A12]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Cincinnati, Ohio, on March 13–14, 1950, pursuant to notice thereof which was issued on March 3, 1950 (15 F. R. 1240).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 7, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5158; F. R. Doc. 50-6995).

Ruling on exceptions. Within the period reserved for filing exceptions, to the recommended decision, exceptions were submitted on behalf of producers and certain handlers. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

The material issues and the findings and conclusions of the recommended decision (15 F. R. 5158, F. R. Doc. 50-6995) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, subject to the following revisions:

1. Delete the fifth paragraph beginning in column 1, 15 F. R. 5159, F. R. Doc. 50-6995, and substitute therefor the following:

More particularly emergency milk should be defined as milk or skim milk other than producer milk in excess of the milk or skim milk, respectively, used in Class III milk as presently defined (or in Class III milk and Class IV milk as herein amended) received by a handler during any month when the receipts of producer milk or skim milk by such handler are less than 120 percent of such handler's Class I utilization.

2. Delete the third paragraph beginning in column 2, 15 F. R. 5159, F. R. Doc. 50-6995, and substitute therefor the following:

In order to avoid misunderstanding as to what products are included in Class III milk, the various products should be definitely named. Accordingly, whipped cream, whipped cream products, eggnog and cottage cheese are specified as products of Class III. These products (except creamed cottage cheese) have heretofore been in that class. Creamed cottage cheese has been in Class II, but only to the extent of the milk equivalent of the butterfat contained in it. The additional skim milk contained in the cheese was a residual remaining from the classification of butterfat used for other purposes. These products are not required to be made from Cincinnati approved Grade A milk in order to be sold in the marketing area. For this reason they are classified appropriately in Class III.

Determination of representative period. The month of May 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order regulating the handling of milk in the Cincinnati, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 29th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order,[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area*

§ 965.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cincinnati, Ohio, on March 13–14, 1950, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 965.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 965.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 965.3 *Cincinnati, Ohio, marketing area.* "Cincinnati, Ohio, marketing area," hereinafter called the "marketing area," means the city of Cincinnati, Ohio, and the territory geographically included within the boundary lines of Hamilton County, Ohio.

§ 965.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 965.5 *Route.* "Route" means a delivery (including a sale from a store) of milk, flavored milk drinks, or cream in fluid form to a wholesale or retail stop(s) other than to a milk processing plant(s).

§ 965.6 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in preparation or processing of milk

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

all or a portion of which is disposed of on routes operating wholly or partially in the marketing area.

§ 965.7 *Pool plant.* "Pool plant" means:

(a) A fluid milk plant as described in § 965.6 located in the marketing area;

(b) A fluid milk plant located outside the marketing area and disposing of not less than 10 percent of its entire route disposition of Class I milk on routes operating wholly or partially within the marketing area;

(c) A plant, receiving milk from dairy farms, which the market administrator determines has moved to a plant(s) described under paragraphs (a) or (b) of this section an amount of milk equal to not less than one percent of the total Class I utilization of plants described in paragraphs (a) and (b) of this section during the second month preceding such movement as specified in the following schedule:

Months milk is moved:	*Months plant is pool plant*
One of the months of October or November.	November.
Two of the months of October, November, December.	December.
Three of the months of October, November, December, January.	January through October.

Provided, That upon written request to the market administrator by the operator of a plant which is a pool plant pursuant to this paragraph for the discontinuance of such plant as a pool plant, such plant shall cease to be a pool plant in the first month, following such request, during which no milk is moved to a plant described in paragraphs (a) or (b) of this section and shall not become a pool plant until such plant again meets the requirements for a pool plant pursuant to this paragraph.

§ 965.8 *Producer.* "Producer" means any person operating a dairy farm, producing milk under a dairy farm permit issued by an appropriate health authority, which is received at a "pool plant" described in § 965.7 or diverted from a pool plant by a cooperative association: *Provided,* That any producer whose milk has been approved as "Grade A milk" by an appropriate health authority for any month, or portion thereof, shall be a "Grade A producer" for such month, and any producer whose milk has not been so approved shall be a "Grade B producer."

§ 965.9 *Handler.* "Handler" means any person who: (1) Operates a pool plant; or (2) operates a nonpool plant and either directly or indirectly disposes of Class I or Class II milk, on a route extending into the marketing area; or any cooperative association with respect to the milk of any producer(s) whose milk has been received previously at a pool plant described in § 965.7 which milk has been caused to be diverted by a cooperative association, to a plant from which no milk is disposed of in the marketing area, if payment therefor has been collected by such association, and such milk shall be deemed to have been received from producers by such cooperative association.

§ 965.10 *Producer milk.* "Producer milk" means milk produced by one or more producers under the conditions set forth in § 965.8.

§ 965.11 *Emergency milk.* "Emergency milk" means milk or skim milk other than producer milk in excess of the milk and skim milk, respectively, used in Class III milk and Class IV milk received by a handler under a permit to receive such milk or skim milk issued to him by proper health authorities during months when receipts of producer milk or skim milk of the individual handler are less than 120 percent of such handlers' Class I utilization of milk or skim milk, respectively.

MARKET ADMINISTRATOR

§ 965.20 *Designation.* The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 965.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions of this part; and

(b) Report to the Secretary complaints of violations of the provisions of this part.

§ 965.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Within 45 days following the date upon which he enters his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Pay, out of the funds provided by § 965.74, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.30 or has not made payments pursuant to §§ 965.70 and 965.72;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times.

(h) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices computed pursuant to § 965.51 and the butterfat differential computed pursuant to § 965.52; and

(2) On or before the 20th day after the end of such month the uniform price computed pursuant to § 965.64, and the butterfat differential computed pursuant to § 965.52.

REPORTS

§ 965.30 *Reports of handlers to market administrator.* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows:

(a) On or before the 10th day after the end of each month, each handler who receives milk from producers shall report with respect to all milk, skim milk, cream and milk products received by him during the month:

(1) The receipts at each plant from producers, from his own production, and from other handlers;

(2) The receipts of emergency milk, the date or dates upon which such milk was received during the month, the plant from which such milk was shipped, the price per hundredweight paid or to be paid for such milk;

(3) The receipts from any other source together with the butterfat content;

(4) The utilization of all receipts during the month;

(5) The name and address of each new producer; and

(6) His producer pay roll, which shall show for each producer the total receipts of milk with the average butterfat test thereof, the amount of the advance payment to such producer made pursuant to § 965.70 and the deductions and charges made by the handler.

(b) Each handler who receives no milk from producers shall make reports to the market administrator at such times and in such manner as the market administrator may request.

§ 965.31 *Verification of handler reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to § 965.30, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 965.32 *Reports of market administrators to cooperative associations.* On or before the 13th day after the end of each month, the market administrator shall report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.73 (b), to each handler to whom the cooperative sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

§ 965.33 *Records and facilities.* Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as, in the opinion of the market administrator are necessary to verify reports, or to ascertain the correct information with respect to (1) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (2) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (3) payments to producers and cooperative associations.

§ 965.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 965.40 *Basis of classification.* Milk received by each handler, including milk produced by him, shall be classified by the market administrator in the classes set forth in § 965.41 subject to the provisions of §§ 965.42, 965.43 and 965.44.

§ 965.41 *Class of utilization.* The classes of utilization of milk and butterfat shall be as follows:

(a) Class I milk shall be all milk and skim milk disposed of in the form of milk and milk drinks and any product containing less than 8.0 percent butterfat not specified in Class II milk, Class III milk or Class IV milk and all unaccounted for butterfat in excess of 2½ percent of receipts of butterfat from producers and emergency milk.

(b) Class II milk shall be all milk and skim milk disposed of as buttermilk, cream for consumption as cream, and any product containing 8.0 percent or more of butterfat not specified in Class I milk, Class III milk or Class IV milk.

(c) Class III milk shall be all milk (1) disposed of as plain or sweetened, condensed or evaporated milk, spray or roller powder, margarine, animal feed, all cheese, commercially manufactured candy, eggnog, and whipped cream and whipped cream substitutes; (2) used to produce ice cream, ice cream mix and frozen desserts; (3) dumped or spilled; and (4) inventory variations, and butterfat not accounted for to the extent of 2½ percent of total receipts of butterfat from producers and emergency milk.

(d) Class IV milk shall be all milk disposed of as butter.

§ 965.42 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification as required in §§ 965.41 and 965.43, the burden rests upon the handler to account for all milk and milk products received by him and to prove to the market administrator that such milk, or milk products, should not be classified as Class I milk.

(b) Any milk or milk product classified in one class shall be reclassified if such milk or milk product is later used or disposed of by any handler in another class, in accordance with such later use or disposition.

§ 965.43 *Transfers between pool plants and between pool plants and plants other than pool plants.* (a) Milk and skim milk transferred from a pool plant to another pool plant shall be Class I milk, and cream so transferred shall be Class II milk, unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 10th day after the end of the month within which such transfer was made: *Provided,* That if either or both plants have received milk other than producer milk or emergency milk, the milk, skim milk or cream so transferred shall be classified at both plants so as to allocate the highest possible utilization to producer milk.

(b) Milk or skim milk transferred from a pool plant to a plant other than a pool plant shall be classified as Class I milk and cream so transferred shall be Class II milk: *Provided,* That if the operator of the pool plant on or before the 10th day after the end of the month furnishes to the market administrator a statement, which is signed by the operators of both plants, that such milk, skim milk, or cream was used in a lower class, such milk, skim milk, or cream shall be classified accordingly, subject to verification by the market administrator: *And provided further,* That in making such verification for months other than April, May, June, and July, the market administrator will assign milk, skim milk or cream so transferred to the highest use classification in the plant of the receiver.

§ 965.44 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of butterfat in producer milk and in milk other than producer milk.

§ 965.45 *Computation of milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk, and Class IV milk for such handler.

§ 965.46 *Allocation of milk and butterfat classified.* The pounds of milk and butterfat remaining in each class after making the following computations shall be the pounds of milk and butterfat respectively in such class allocated to producer milk;

(a) The pounds of milk in Class III shall be decreased by any excess of utilization of all classes over total receipts and shall be increased by any excess of total receipts over total utilization of all classes.

(b) Subtract from the pounds of butterfat in Class III the pounds of producer butterfat in plant shrinkage which is not in excess of 2½ percent of all butterfat received from producers and in emergency milk.

(c) Subtract from the remaining pounds of milk and butterfat, respectively, in each class, the pounds of milk and butterfat, respectively, received from other handlers, in the classes transferred pursuant to § 965.43.

(d) Subtract from the remaining pounds of milk and butterfat, respectively, in series beginning with the lowest-priced use available, the pounds of milk and butterfat, respectively, except emergency milk, received other than producer milk.

(e) Add to the Class III butterfat the pounds of butterfat subtracted pursuant to paragraph (b) of this section.

(f) Subtract prorata out of the remaining pounds of milk and butterfat, respectively, in each class, the total pounds of emergency milk and butterfat.

(g) If the pounds of butterfat remaining in all classes exceed the pounds of butterfat received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest priced class.

MINIMUM PRICES

§ 965.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum prices for Class I milk and Class II milk shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices per hundredweight ascertained to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator or to the United States Department of Agriculture.

Company and Location
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.

Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply by 3.5 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month for which payment is to be made, and add 20 percent thereof;

(2) From the simple average as computed by the market administrator of the weighted average of carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceeding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply the result by 8.2.

§ 965.51 *Class prices.* Each handler shall pay, at the time and in the manner set forth in § 965.72, not less than the following prices per hundredweight, on the basis of milk of 3.5 percent butterfat content, for the respective quantities of milk in each class computed pursuant to § 965.46.

(a) The price for Class I milk shall be the basic formula price plus $1.05 for the months of April through July and $1.35 for the months of August through March.

(b) The price for Class II milk shall be the basic formula price plus $0.60 for the months of April, through July and $0.90 for the months of August through March.

(c) The price for Class III milk shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) The price as computed pursuant to § 965.50 (b);

(2) The simple average, as computed by the market administrator, of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

M and R Dietetic Laboratories, Inc., Chillicothe, Ohio.
Carnation Milk Company, Hillsboro, Ohio.
Nestles Milk Products, Inc., Greenville, Ohio.
Nestles Milk Products, Inc., (Osgood Milk Company) Osgood, Indiana.
Carnation Milk Company, Maysville, Kentucky.

(d) The price for Class IV milk shall be the price of Class III milk less 17.5 cents.

§ 965.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent, there shall be added to or subtracted, as the case may be, from the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows: For Class I, Class II and Class III, determine the percent of the alternate basic formula price as computed pursuant to § 965.50 (b) represented by the sum computed pursuant to § 965.50 (b) (1), apply the percentage so determined to the respective Class I, Class II and Class III prices for 3.5 percent milk computed pursuant to § 965.51 (a), (b), and (c) and divide by 35, the resulting sum (to the nearest hundredth of a cent) shall be the handler butterfat differential for each class, respectively. The handler butterfat differential for Class IV milk shall be such differential for Class III milk less 0.5 cent.

DETERMINATION OF UNIFORM PRICE

§ 965.60 *Computation of value of milk for each handler.* The value of the milk received from producers during each month by each handler shall be a sum of money computed by the market administrator by multiplying the hundredweight of milk in each class by the applicable class prices, subject to the butterfat differential provided in § 965.52 and adding any amount resulting from the following computation: Multiply the pounds of butterfat subtracted pursuant to § 965.46 (g) by the price for the applicable class adjusted by the applicable butterfat differential.

§ 965.61 *Computation of obligation to the producer-settlement fund for handlers operating a fluid milk plant which is not a pool plant.* For each month, the obligation to the producer-settlement fund for each handler operating a fluid milk plant which is not a pool plant shall be computed by the market administrator by multiplying by the difference between the Class I and the Class III prices, the hundredweight of milk disposed of as Class I milk by such handler on routes operating within the marketing area less the hundredweight of Class I milk purchased by such handler during the month from a pool plant. On or before the thirteenth day after the end of each month, the market administrator shall notify each such handler of the amount so computed for him subject to adjustment pursuant to § 965.62 and on or before the 17th day after the end of each month each such handler shall make payment to the market administrator.

§ 965.62 *Correction of errors.* If, in the verification of reports submitted by a handler, the market administrator discovers errors in such reports which result in payment due the producer-settlement fund or the handler for any previous month, there shall be added or subtracted as the case may be, the amount necessary to correct such errors.

§ 965.63 *Notification to handler of the value of his milk.* On or before the thirteenth day after the end of each month, the market administrator shall notify each handler of the value of milk computed for him in accordance with § 965.60 and of any adjustments pursuant to § 965.62.

§ 965.64 *Computation of uniform prices for Grade A producers and Grade B producers.* (a) Computation of uniform price for Grade A producers. For each month, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade A producers as follows:

(1) Add together the values of milk as computed pursuant to § 965.60 for handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 965.62) to the producer-settlement fund as required by § 965.72 for the preceding month;

(2) Subtract, if the weighted average butterfat test of all milk received from producers by handlers whose milk is represented in the sum computed under subparagraph (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by 50 cents if the average price of butter, described under § 965.50 (b) (1), was more than 40 cents but not more than 50 cents, such amount (50 cents) to be increased or decreased, as the case may be, by 10 cents for each 10-cent range in such price of butter above or below the range "more than 40 cents but not more than 50 cents;"

(3) Subtract an amount equivalent to the moneys retained pursuant to § 965.76;

(4) Add the unobligated balance in the producer-settlement fund;

(5) Add an amount computed by multiplying the total hundredweight of milk received from Grade B producers by $0.40;

(6) Divide by the total hundredweight of milk of all producers represented in the sum computed pursuant to subparagraph (1) of this paragraph; and

(7) Subtract from the figure obtained in subparagraph (6) of this paragraph not less than 4 cents or more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade A producers.

(b) Computation of uniform price for Grade B producers. For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade B producers as follows: From the uniform price computed pursuant to paragraph (a) (7) of this section subtract 40 cents. The result shall be known as the uniform price per hundredweight for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade B producers.

PAYMENT FOR MILK

§ 965.70 *Payments to producers.* On or before the 5th day after the end of each month, each handler shall pay, with respect to all milk received during the month, $1.00 per hundredweight of milk to each producer: *Provided*, That in the event the total amount of deductions and charges authorized by any producer against payments due such producer for the month next preceding is greater than the payment computed for such producer pursuant to § 965.73 (a) with respect to the milk received from such producer during such preceding month, the handler may deduct from the payment required by this section a sum equal to the difference between such amounts.

§ 965.71 *Producer-settlement fund.* The market administrator shall maintain a separate fund, known as the producer-settlement fund, in which he shall deposit all payments made pursuant to §§ 965.61 and 965.72 and from which he shall make all payments pursuant to § 965.73.

§ 965.72 *Payment to producer-settlement fund.* On or before the 17th day after the end of each month, each handler shall pay to the market administrator the amount of money which represents the value of milk for such month of which he is notified pursuant to § 965.63 less the amount paid out to each producer in accordance with § 965.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer pay roll: *Provided*, That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 965.70 (inclusive of the deductions and charges authorized by § 965.70) will not exceed the total value of the milk received from such producer.

§ 965.73 *Payments from producer-settlement fund.* (a) For each month the market administrator shall compute the payment due each producer for milk received during such month from such producer by a handler who made the payments for such month pursuant to § 965.72 by multiplying the hundredweight of such milk by the uniform price computed pursuant to § 965.64 adjusted to the butterfat test of such milk by adding or subtracting, respectively, for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent one-tenth of the rate provided in § 965.64 (a) (2) and subtracting any charges and deductions made pursuant to § 965.72.

(b) On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, to each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments. On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section.

§ 965.74 *Expense of administration.* As his pro rata share of the expense incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler shall pay to the market administrator, on or before the 17th day after the end of each month, 2 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe, with respect to all milk received from producers and produced by him during the month: *Provided*, That any cooperative association which has handled milk during the month under the conditions set forth in § 965.9, shall pay such pro rata share of expense of administration on only that quantity of milk so handled.

§ 965.75 *Marketing services.* (a) The market administrator shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73 (b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The moneys received by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the Secretary.

§ 965.76 *Payments to cooperative associations.* (a) Upon application to the Secretary, any cooperative association duly organized under the laws of any State which he determines, after appropriate inquiry or investigation, to be conforming to the provisions of such laws and with the standards set forth in § 965.75 (a); to be operating as a producer-controlled marketing association exercising full authority in the sale of the milk of, and assuming responsibility for payments to, its members; to be maintaining individually or in collaboration with other qualified cooperative associations, a competent staff for dealing with marketing problems and to be complying with all provisions hereof applicable to such cooperative association shall be entitled, under the further conditions hereafter specified, to receive payments from the date of its qualification as fixed by the Secretary, until it has been found by the Secretary, after notice and opportunity for hearing, that it has failed to continue to meet any condition set forth in this section for the receipt of such payments:

(1) At the rate of one-half cent per hundredweight on all milk (i) marketed by it in the manner indicated above on behalf of members, and (ii) on which reports and payments have been made as required under §§ 965.30, 965.70 and 965.74, except that payment at this rate shall not be made on milk with respect to which the same association is eligible to receive payment under subparagraph (2) of this paragraph.

(2) At the rate of 3 cents per hundredweight on all milk which is received from members at any plant operated by such an association, or subsidiary thereof, and which is included in the computations made pursuant to § 965.64.

(b) The market administrator shall, upon notice of the filing of an application by a cooperative association, retain each delivery period in the producer-settlement fund such sum as he estimates is ample to make payments to the applicant, to be held in reserve until the Secretary has ruled upon said application and shall, when the application has been ruled upon by the Secretary, make payment or issue credit out of such reserves in accordance with said ruling and shall release the balance of the reserved sums, if any, for disposition pursuant to § 965.64 (d); and shall on or before the 20th day of each month thereafter, make such payments or issue credit therefor out of the producer-settlement fund, subject to verification of the facts upon which the amount of payment is based.

(c) Each cooperative association qualified to receive payments pursuant to this section shall, from time to time, as requested by the market administrator, make reports to him with respect to its conformity with any of the conditions for qualification or to the use of such payments and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

(d) The market administrator shall suspend payment upon his own initiative or upon request by the Secretary or by such officer of the United States Department of Agriculture as he may designate, by giving written notice to a cooperative association and to the Secretary whenever there is good reason to believe that such association is no longer qualified to receive payment. Such suspended payments shall be aggregated and held in reserve until the Secretary, after notice and opportunity for hearing, has appraised the performance of the cooperative and either has ordered a partial or complete payment of funds held in reserve to the cooperative or has disqualified such cooperative, in which event the balance of funds held in reserve shall be released for disposition pursuant to § 965.64 (d).

§ 965.77 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the

terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calender month during which milk involved in the claim was received if any underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 965.80 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 965.81 *Suspension or termination.* Any or all provisions of this part, or amendments to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 965.82 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such person as the Secretary may designate, shall continue in such capacity until removed by the Secretary; account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such other person to such person as the Secretary shall direct and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 965.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 965.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 965.91 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 50-7724; Filed, Sept. 1, 1950; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

[41 CFR, Part 202]

SURGICAL INSTRUMENTS AND APPARATUS INDUSTRY

NOTICE OF HEARING ON MINIMUM WAGE DETERMINATIONS

The Secretary of Labor, in an amended minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act (Act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. secs. 35-45) and effective January 25, 1950 (15 F. R. 382), determined that the minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the act for the manufacture or furnishing of the products of the surgical instruments and apparatus industry shall be not less than 75 cents an hour. This amended determination was based upon information indicating that substantially all employees in the surgical instruments and apparatus industry are engaged in commerce or in the production of goods for commerce, as defined in the Fair Labor Standards Act, and that as a consequence the Fair Labor Standards Amendments of 1949 require payment of a wage rate of not less than 75 cents an hour to substantially all employees in the industry. This amended determination also provided that learners, apprentices and handicapped workers might be employed at subminimum rates in accordance with regulations of the Administrator of the Wage and Hour Division of the Department of Labor under section 14 of the Fair Labor Standards Act (29 CFR, Parts 521, 522, 524, and 525, respectively).

A wage survey of selected surgical instruments and apparatus manufacturing establishments made as of April 1950 under the direction of an economist engaged by the Manufacturers Surgical Trade Association shows clearly that the 75-cent rate now in effect does not reflect the prevailing minimum wages in the industry; and it is proposed, therefore, to hold a hearing for the purpose of consideration by the Secretary of Labor of an amendment of the current determination.

The surgical instruments and apparatus industry is defined in the current determination as that industry which manufactures or furnishes any instruments and apparatus used in, or in connection with, or in the aid of the practice of medicine and as particularly applied to surgery, such as surgical and diagnostic instruments and apparatus for medical and surgical treatment, including sutures, ligatures, and sterilizers for surgical purposes;

But not including: Electro-surgical instruments and apparatus in which electricity is the diagnostic, therapeutic or functioning element, such as X-ray, fluoroscope, and high frequency apparatus and equipment, ultra-violet and infra-red ray and other therapeutic and heating lamps, apparatus and equipment; orthopedic appliances, such as trusses, braces, supports, splints, artificial limbs, and elastic belts and stockings; and surgical dressings.

Now, therefore, notice is hereby given that a public hearing will be held on September 27, 1950, at 10:00 a. m., in Room 1214 of the Department of Labor, Constitution Avenue and 14th Street, Northwest, Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and submit data, views and argument: (1) As to what are the prevailing minimum wages in the surgical instruments and apparatus industry; (2) as to whether there should be included in any amended determination for this industry provision for employment of learners and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (3) as to the adequacy of the present definition.

Persons intending to appear are requested to notify the Administrator of their intention in advance of the hearing.

Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Tabulations prepared at the request of the Wage and Hour and Public Contracts Divisions will be made available to interested persons upon request to the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C. Interested persons are invited to submit wage data, including data as to changes which have taken place in the wage structure of the industry since the time of the survey.

In the discretion of the Presiding Officer, a period of not to exceed 30 days from the close of the hearing may be allowed for the filing of comment on the evidence and statements introduced into the record of the hearing. In the event such supplemental statements are received an original and four copies of each such statement should be filed.

Signed at Washington, D. C., this 30th day of August 1950.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 50-7730; Filed, Sept. 1, 1950; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52547]

"NO CONSUL" LIST

REMOVAL OF MASSAWA, ERITREA AND ISLAND OF MALTA

AUGUST 29, 1950.

In accordance with a recommendation from the Department of State, Massawa, Eritrea, and the Island of Malta, are hereby removed from the "No consul" list (1950) T. D. 52407, as amended.

Invoices certified after the date of publication of this decision in the weekly Treasury Decisions, covering shipments from the above-named places, shall be accepted by collectors of customs only when certified by an American consular officer, as provided for in section 482 (a), Tariff Act of 1930.

[SEAL] D. B. STRUBINGER,
Assistant Commissioner of Customs.

[F. R. Doc. 50-7737; Filed, Sept. 1, 1950; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING OF PUBLIC LANDS IN AID OF CONTEMPLATED LEGISLATION [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 28, 1950.

[F. R. Doc. 50-7705; Filed, Sept. 1, 1950; 8:45 a. m.]

[1] See F. R. Doc. 50-7708, Title 43, Chapter I, Appendix, *supra.*

ARIZONA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE AIR FORCE [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 28, 1950.

[F. R. Doc. 50-7709; Filed, Sept. 1, 1950; 8:46 a. m.]

[1] See F. R. Doc. 50-7705, Title 43, chapter I, Appendix, *supra.*

ALASKA

SHORE SPACE RESTORATION NO. 446

AUGUST 22, 1950.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR, § 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands;

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W.,
Sec. 23: Lots 7 and 8 (Homestead entry Fred Carpenter, Fairbanks 08314) containing approximately 83.88 acres.

T. 1 S., R. 2 S.,
Sec. 9: Lot 5 (Second Homestead entry Torvald A. T. Rostad, Fairbanks 07697) containing approximately 22.54 acres.

A tract of land located on Auke Bay identified as Lot 3A, U S. Survey No. 2669 containing approximately .63 acres (Homesite application of Robert N. Druxman, Anchorage 016219)

Tracts of land located on Zimovia Straits identified as Lots 8 and 9 U. S. Survey No. 2321 and Lot 7A U. S. Survey No. 2906, containing approximately 2.86 acres (Homesite application Edward Crook Treverton, Anchorage 016224)

A tract of land located on Dyea River identified as U. S. Survey No. 1516 containing approximately 153.69 acres (Homestead Entry Wesley W. Patterson, Anchorage 010656)

The above described lands aggregate approximately 263.60 acres.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-7723; Filed, Sept. 1, 1950; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9775]

EXTRAORDINARY ADMINISTRATIVE RADIO CONFERENCE OF INTERNATIONAL TELECOMMUNICATION UNION

LIST OF ASSIGNMENTS TO BE RECOMMENDED

In the matter of list of assignments in the bands below 27,500 kc. and especially those in the band 2000–3500 kc. to be recommended for international registration in connection with the Extraordinary Administrative Radio Conference of the International Telecommunication Union.

1. *Background.* a. The existing international allocations of radio frequencies in the American Region [1] is based upon the Cairo (1938) Radio Regulations of the ITU and the Agreement of the Santiago (1940) Inter-American Radio Conference.[2] The Cairo Radio Conference recommended that a regular world conference be held in Rome during 1942, but this was not possible because of the war. The situation with which the world was confronted at the end of the war in the field of international cooperation in the use of radio frequencies had to be evaluated in terms of many complex factors including the dislocation of existing services, the normal growth of established services, new services, and electronic and other scientific developments since 1938. The Cairo table of frequency allocations required certain modifications and the system of international registration of frequency assignments made by the various countries proved ineffective in satisfactorily resolving many serious cases of international interference.

b. Recognizing the significance and complexity of the task which would confront the first postwar radio conference, the United States began its preparations for this conference on a comprehensive basis beginning in 1943. In 1944 and 1945, the Commission conducted a general frequency allocation hearing (Docket 6651) and beginning in May 1945, issued a series of proposals as to the nature and details of a complete table of frequency allocations to be recommended by the United States to the postwar conference, which was in session at Atlantic City from May to October 1947. The table of frequency allocations adopted at Atlantic City is patterned closely after the one proposed by the United States. The Atlantic City table of frequency allocations above 27,500 kc. came into force on January 1, 1949. That part of the table below 27,500 kc. will come into force upon approval of the new International Frequency List at the Extraordinary Administrative Radio Conference originally scheduled to be convened at The Hague in September 1950, but now postponed as indicated in Appendix 11. The status of the preparations for implementation of the bands below 27,500 kc. is indicated in Appendix 10 hereto which contains the comments of the United States with respect to the various frequency lists to be considered at the forthcoming Extraordinary Administrative Radio Conference. The Hague Conference has the following agenda:

(1) Task given to the special conference contemplated in the Atlantic City resolution relating to preparation of a new International Frequency List.

(2) The completion of a list as regards portions of the spectrum where problems give rise to difficulties which cannot be solved by the PFB within its terms of reference.

(3) The making of a decision, when approving the list, as to the time and manner of entering it into force.

This Public Notice deals primarily with the status of United States preparations for coordination of frequency assignments to be included in the new International Frequency List in the bands between 2000 and 3500 kc.

c. The Atlantic City Radio Conference left certain matters on an optional basis in the band 2000–3500 kc., since it was considered desirable to deal primarily with matters of world-wide interest at the World Conference, and it was contemplated that the Fourth Inter-American Radio Conference, originally scheduled to be convened at Bogota during 1948, could resolve matters of interest to the American Region only.

d. The Commission announced its proposal on service-allocation matters to be dealt with by the Fourth Inter-American Conference on April 20, 1949, (Docket No. 9260) and that Conference (Washington 1949) completed its work in July 1949. Again, as in the case of the Atlantic City table of frequency allocations, the one adopted at the FIAR Conference is substantially that which was recommended by the Commission for the band 2000–3500 kc.

e. A Conference of Region 2 (ITU) was held in Washington simultaneously with the FIAR Conference, and a procedure was agreed to for the compiling, coordinating and submission of lists of frequency assignments, in the regional bands generally below 4000 kc, for the purpose of international registration with the Bureau of the International Telecommunication Union at the time of adoption of the first edition of the new International Frequency List.[1] Since the effective date of this new list determines the effective date of the new international table of frequency allocations in the bands below 27,500 kc., its significance is apparent.[3]

f. It is the Commission's purpose in this Public Notice to follow the practice used heretofore in preparing for coordination of regional frequency lists, that is to announce a specific plan for the information and comments of all interested persons. Following the receipt and study of all comments received, a plan will be transmitted to the Department of State for the necessary coordination with other American countries, and the other steps which will be taken pursuant to the provisions of Resolution No. 1 of Region 2 (ITU) adopted on July 9, 1949, at Washington.

2. *Objectives.* a. The basic objective of the plan announced in this notice is to facilitate bringing into force the new international table of frequency allocations in the band 2000–3500 kc.

b. In addition, the Commission considers it essential to secure, insofar as possible, registration dates for all existing United States assignments which will continue to be justified in this portion of the spectrum.

Resolution No. 1 of Region 2 (ITU), Washington (1949) provides for two frequency lists to be coordinated with the countries concerned, i. e.:

List A.[4] Existing stations with proposed readjustments necessitated by the new international table of frequency allocations, and

List B. List of new assignments proposed for implementation at an early date.

3. *General considerations.* The same general considerations taken into account by the Commission in its 1945 Report and Proposal for the postwar table of frequency allocations (Docket 6651)[5] have been followed in arriving at the plan of implementation herein announced. In addition, specific instances of the applications of these principles are herewith enumerated.

a. The existing assignment structure should be retained as far as it is feasible to do so, except for the exclusive service-allocations [6] in the international table

[1] The American Region is defined in Article I of the Inter-American Radio Agreement, Washington (1949).

[2] Appendix A, Part 2 of FCC Rules lists pertinent radio treaties and information as to how copies may be obtained.

[1] Reference: Resolution No. 1, Region 2 (ITU), Washington (1949).

[3] Special provisions regarding the effective date of the table below 2850 kc, for the American Region, are contained in Art. 13 of the Inter-American Radio Agreement, Washington (1948), and in paragraph 1076.1 of the Atlantic City Radio Regulations.

[4] Filed as part of the original document. Copy is also available for public inspection at the Federal Communications Commission, Washington 25, D. C.

[5] Pp. 18, 19, 20, January 15, 1945.

[6] 2065–2105 kc., Ship Telegraph; 2170–2194 kc., Maritime (distress and calling frequency 2182 kc.); 2495–2505 kc., Standard Frequency; 2638 kc., Intership Frequency; 2738 kc., Intership Frequency; 2804 kc., Police Interzone; 2808 kc., Police Interzone; 2812 kc., Police Interzone; 2850–3025 kc., Aeronautical Mobile (R); 3025–3155 kc., Aeronautical Mobile (OR); 3400–3500 kc., Aeronautical Mobile (R).

[6] A 40-kc. band for coastal telegraph is herein proposed on the basis of the footnote to the international table which states that "In Region 2, provision will be made for coastal telegraphy in the maritime mobile service by special arrangement."

of frequency allocations, for the following reasons:

(1) A complete re-channeling of these regional bands on the basis of assignable frequencies, or bands, or both, would not lend itself to taking full advantage of the sharing possibilities which are actually realized in current practice and which are feasible because of the propagation characteristics of these frequencies and the generally intermittent use which is made of many of them under the existing assignment structure.

(2) International coordination with other American countries would be made extremely difficult if a re-channeling were attempted, and it would be very difficult to establish a satisfactory basis for determining relative priority and interference protection between different countries.

(3) The plan presented herein is believed to lend itself to appropriate international coordination, with due allowance for the additional loading which will be necessary on many frequencies because of the adjustments in spectrum space for the several services.

b. Stations in the land mobile service serving relatively small geographical areas should operate on frequencies above 25,000 kc. insofar as possible.

c. It is desirable to alleviate as much of the congestion as possible on the more heavily loaded maritime mobile (telephone) frequencies.

d. Improved techniques, operating practices and transmitting and receiving equipment must, of necessity, be fully employed if degradations of service are to be completely avoided, and should be put into use as soon as possible by those services desirous of avoiding such degredation of service at the time of implementation of the new plan of assignments.

4. *Description of lists to be coordinated ITU Region 2 countries and to be proposed by the U. S. for registration.* a. The Region 2 (ITU), Washington (1949) Conference provided for "group" listing of certain types of stations for purposes of coordination.

b. In preparing a proposed "List A", the Commission took advantage of this provision, wherever possible, and used "group" entries for certain classes of stations, merely indicating the areas of operation and nominal operating characteristics of the group rather than the exact details of each station. It will be necessary, however, for the Commission to list all assignments existing as of the time of adoption by The Hague Conference of the first edition of the new international frequency list. This supplementary list will be furnished to the Department of State for use at The Hague Conference for purposes of registration, inasmuch as no provisions are made under the Atlantic City Radio Regulations for such group registrations.

c. No "List B" for the U. S. has been prepared since it is contemplated that all proposed U. S. assignments will be in an active status at the time "List A" is included as a portion of the International Frequency List. Because "List A", and its supplements are comprised of several thousands of individual entries, including Government as well as non-Government stations, the Commission has not been able to duplicate these documents for public distribution. Copies of List A are being maintained, however, in the Washington offices of the Commission where they may be inspected by interested parties.

d. The Commission has made every attempt to retain the present assignments structure in the formulation of its proposed List A.

e. In order that a descriptive summary with respect to the non-Government assignments contained in the subject lists may be available to all interested parties, there have been prepared and appended to this Public Notice the following lists:

Appendix 1: List of non-Government uses proposed for the band 2000-3500 kc.
Appendix 2: Marine Telephone assignments.
Appendix 3: Remote Pickup assignments.
Appendix 4: Public Safety assignments.
Appendix 5: Industrial assignments.
Appendix 6: Aviation assignments.
Appendix 7: International Fixed Public assignments.
Appendix 8: Fixed and Coast Station assignments (Alaska).

The Commission desires to point out that, in all probability, some of the proposed assignments shown in "List A" may be found to be in conflict with the assignments of foreign countries when they are considered at The Hague Conference or while being coordinated prior thereto and may require changing without public notice to that effect.

5. *Effect of proposed assignments on the various classes of users.* a. The assignment structure proposed in this Public Notice provides for the following:

(1) New Coastal Telegraph assignments in an exclusive 40 kc. band.

(2) New Marine Telephony assignments to relieve congestion at certain major ports.

(3) One new frequency assignment for the Industrial Radio Service.

(4) No change in the frequencies now assigned to the Public Safety Services.

(5) The substituting of three new frequencies to replace three which are now assigned to Alaskan Coast and Fixed stations but which fall in the exclusive Atlantic City aeronautical mobile band.

(6) A redistribution of Remote Pickup assignments due to certain existing frequencies being "out of band" under Atlantic City and the substitution therefore, of certain new frequencies.

(7) Provision for existing Aeronautical Fixed, "lighter than air" and "flight test" assignments.

(8) Additional frequency assignments to Remote Pickup stations and Marine Telephony on a daytime only basis.

(9) Reassignment to other services of certain frequencies now assigned to stations in the International Fixed Public Service.

(a) The frequency 2264 kc. now assigned to a fixed public radiotelegraph station at Miami, Florida, is proposed for exclusive assignment to other services. This frequency has not been used by the fixed public service in recent years but a frequency in this range may be required during the low phase of the sunspot cycle. A possible substitute is the frequency 2398 kc. proposed to be assigned to the industrial services but which might be made available to the fixed public service in the Miami area.

(b) The frequency 2530 kc. now assigned to a fixed public service station at San Juan on a secondary basis to the coastal service is proposed to be assigned exclusively to the coastal service. Although assigned, this frequency has not been used in the fixed public service in recent years.

(c) No change is contemplated in the present assignments of 2848 kc. to the Agriculture Fixed Service in the State of California.

(d) Frequencies between 2 and 3 Mc. now assigned to stations in the New York and San Francisco areas are proposed to be deleted and reassigned to other services because of the limited usefulness of frequencies in this range for long distance communication. It appears impractical, in view of the needs of other services for such frequencies, to set them aside for use in the fixed public service during the relatively short period of usefulness of these frequencies at the lowest part of the sunspot cycle. Further, because of extensive use of such frequencies within the European area, it would be extremely difficult to receive them in Europe, from New York, without harmful interference. There is a possibility, however, that after the 2000–3500 kc. band is implemented, detailed studies of existing operations may indicate feasibility of additional sharing of frequencies in this range for trans-Atlantic service by special arrangements between agencies and administrations concerned. There is less need for frequencies in this range at San Francisco when considering propagation conditions on circuits operated from that point.

(e) The present assignment of the frequency 3260 kc. at Miami and San Juan is not proposed to be continued. It is believed that the service now rendered on this frequency can be transferred to a frequency in the 4 Mc. or 29 Mc. range. The frequency 3190 kc. is proposed to be substituted for 3025 kc. now assigned in the Puerto Rico area. The frequency 3327.5 kc. is proposed to be substituted for 3275 kc. now assigned in the New York area.

b. The proposed lists are not considered as frequency allocations but instead portray the frequency assignments which it is proposed to make to stations in existence at the time of the adoption of the new International Frequency List.

c. Attention is invited to the fact the Commission does not expect assignment of frequencies to particular stations will be made or agreed upon by the United States until The Hague Conference has been convened. Furthermore, frequency conflicts which are not now apparent may require individual proposed assignment changes on the part of the U. S. at the Conference. The United States Delegation to The Hague Conference will be comprised of both United States Government and Industry representatives.

The Commission suggests, therefore, that interested persons, especially those licensees who may desire to assist the United States Delegation in its studies of these matters communicate with the Chief, Telecommunications Policy Staff, Department of State, Washington 25, D. C., so that arrangements may be made for participation in The Hague Conference. The names of those persons who have indicated previously to the Commission (Docket 9260, Fourth Inter-American Radio Conference) their interest in following the progress of the implementation of the regional frequency bands below 4,000 kc. have been furnished to the Department of State.

d. The Commission does not expect any action will be taken at The Hague Conference which will adversely affect non-Government users other than the somewhat greater interference which may result to some operations from the frequency adjustments required by the Atlantic City Radio Regulations. Furthermore, the implementation of assignments is not expected to take place without ample advance notice to all licenses affected. At the moment, the time of such implementation cannot be predicted but is expected to begin no earlier than several months after The Hague Conference ends.

e. Attention is again invited to the basis of inclusion of entries in the List A presently proposed by the Commission, and summarized in Appendix 1. All of the assignments involved correspond to active operations presently authorized by the Commission in the areas indicated, and, in certain instances, such as coastal telegraphy and marine telephony, new frequency assignments are indicated as expansions of existing services at locations already active. List A consists of a compilation of frequency assignments to be submitted by the United States in order to protect the international rights of the United States, and in its preparation all existing non-Government assignments between 2000 and 3500 kc. have been taken into account. The international rights with respect to the use of the frequencies involved are those of the United States rather than particular licensees. The use of the frequencies involved will, of course, continue to be on the basis of the Communications Act of 1934, as amended, the Commission's rules and other applicable law or regulation.

f. Authority to issue these assignment proposals is vested in the Commission under sections 4 (i), 301, 303 (b), (c), (d), (f) and (r) of the Communications Act of 1934 as amended.

g. Any person who desires to submit written data, views or comments, shall, in accordance with § 1.764 of the Commission's rules and regulations, furnish the Commission with an original and 14 copies thereof by October 9, 1950.

Adopted: August 23, 1950.

Released: August 25, 1950.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX 1—LIST OF NON-GOVERNMENT ASSIGNMENTS PROPOSED FOR THE BAND 2000-3500 KC.

Frequency (kc.) and proposed use and area	*Remarks*[1]
2003:	
Ship Telephone, Great Lakes	No change.
Coastal Harbor, Great Lakes	No change.
Ship Telephone, San Francisco, Calif	2110.
Ship Telephone, Eureka, Calif	2110.
2009:	
Ship Telephone, Galveston, Tex	New (day only).
Ship Telephone, Portland, Oreg	New (day only).
Ship Telephone, Astoria, Oreg	New (day only).
Ship Telephone, Charleston, S. C	2174.
Ship Telephone, Los Angeles, Calif	2174.
Ship Telephone, Jacksonville, Fla	2174.
2028.5: Coastal Telegraph, Chatham, Mass	New.
2030: Coastal Telegraph, Mussel Rock, Calif	New.
2031.5: Coastal Telegraph, Lake Worth, Fla	New.
2033:	
Coastal Telegraph, Baltimore, Md	New.
Coastal Telegraph, Kent, Wash	New.
2034.5: Coastal Telegraph, Hingham, Mass	New.
2036: Coastal Telegraph, Port Arthur, Tex	New.
2037.5: Coastal Telegraph, Savannah, Ga	New.
2039: Coastal Telegraph, Bolinas, Calif	New.
2040.5: Coastal Telegraph, New York, N. Y	New.
2042: Coastal Telegraph, Kenner, La	New.
2043.5 Coastal Telegraph, Thomaston, Maine	New.
2045:	
Coastal Telegraph, Torrance, Calif	New.
Coastal Telegraph, Tampa, Fla	New.
2046.5: Coastal Telegraph, New York, N. Y	New.
2048:	
Coastal Telegraph, Ensenada, P. R	New.
Coastal Telegraph, Alaska	New.
2049.5: Coastal Telegraph, Jupiter, Fla	New.
2051:	
Coastal Telegraph, Beaumont, Tex	New.
Coastal Telegraph, Kahuku, T. H	New.
2052.5: Coastal Telegraph, Tuckerton, N. J	New.
2054:	
Coastal Telegraph, Clearwater, Calif	New.
Coastal Telegraph, Mobile, Calif	New.
2055.5: Coastal Telegraph, Ojus, Fla	New.
2057: Coastal Telegraph, Hoquiam, Wash	New.
2058.5: Coastal Telegraph, Amagansett, N. Y	New.
2060: Coastal Telegraph, Palo Alto, Calif	New.
2061.5: Coastal Telegraph, Galveston, Tex	New.
2063:	
Coastal Telegraph, Kailua, T. H	New.
Coastal Telegraph, Norfolk, Va	New.
2065–2107: Ship Telegraph, United States and possessions	New.
2110: Remote Pickup, United States and possessions	(2).
2118:	
Fixed, Alaska	2986, 2994, 3092.5.
Coast, Alaska	2986, 2994, 3092.5.
Ship Telephone, Miami, Fla	No change.
Ship Telephone, Great Lakes	No change.
Ship Telephone, Boston, Mass	New (day only).
Ship Telephone, Seattle, Wash	New (day only).
2126:	
Ship Telephone, New York, N. Y	No change.
Ship Telephone, Seattle, Wash	No change.
Ship Telephone, San Diego, Calif	New (day only).
2134:	
Ship Telephone, Kahuku, T. H	No change.
Ship Telephone, Sabana Llana, P. R	No change.
Ship Telephone, Galveston, Tex	No change.
Ship Telephone, New York, N. Y	New (day only).
2142:	
Ship Telephone, Norfolk, Va	No change.
Ship Telephone, San Francisco, Calif	New (day only).
2150: Remote Pickup, United States and possessions	(2).
2158:	
Ship Telephone, Tampa, Fla	No change.
Ship Telephone, Great Lakes	No change.
Ship Telephone, Eureka, Calif	New (day only).
2166:	
Ship Telephone, Delaware City, Del	No change.
Ship Telephone, Ocean Gate, N. J	No change.
Ship Telephone, New Orleans, La	New (day only).

[1] The entry of a frequency in this column indicates it is in current use but is to be replaced.

[2] Present Remote Pickup assignments are on the frequencies: 2058, 2074, 2090, 2102, 2150, 2190, 2758, 2790, and 2830 kc.

APPENDIX 1—LIST OF NON-GOVERNMENT ASSIGNMENTS PROPOSED FOR THE BAND 2000-3500 KC.—Continued

Frequency (kc.) and proposed use and area	*Remarks*[1]
2466:	
Fixed, Alaska	No change.
Coast, Alaska	No change.
Police, Base and Mobile, United States	No change.
2474:	
Fixed, Alaska	No change.
Coast, Alaska	No change.
Police, Base and Mobile, United States	No change.
2482:	
Fixed, Alaska	No change.
Coast, Alaska	No change.
Police, Base and Mobile, United States	No change.
2490: Police, Base and Mobile, United States	No change.
2506:	
Coastal Harbor, Eureka, Calif	No change.
Coastal Harbor, San Francisco, Calif	No change.
Coastal Harbor, Boston, Mass	No change.
Coastal Harbor, Galveston, Tex	New.
2512:	
Fixed, Alaska	No change.
Coast, Alaska	
2514:	
Coastal Harbor, Miami, Fla	No change.
Coastal Harbor, Great Lakes	No change.
Coastal Harbor, Boston, Mass	New (day only).
Coastal Harbor, Seattle, Wash	New (day only).
2522:	
Coastal Harbor, New York, N. Y	No change.
Coastal Harbor, Seattle, Wash	No change.
Coastal Harbor, San Diego, Calif	New (day only).
2530:	
Coastal Harbor, Kahuku, T. H	No change.
Coastal Harbor, San Juan, P. R	No change.
Coastal Harbor, Galveston, Tex	No change.
Coastal Harbor, New York	New (day only).
2538:	
Fixed, Alaska	No change.
Coast, Alaska	No change.
Coastal Harbor, Norfolk, Va	No change.
Coastal Harbor, San Francisco, Calif	New (day only).
2550:	
Coastal Harbor, Tampa, Fla	No change.
Coastal Harbor, Great Lakes	No change.
2558:	
Coastal Harbor, Delaware City, Del	No change.
Coastal Harbor, Ocean Gate, N. J	No change.
Coastal Harbor, Eureka, Calif	New (day only).
Coastal Harbor, New Orleans, La	New (day only).
2566:	
Fixed, Alaska	No change.
Coast, Alaska	No change.
Coastal Harbor, Los Angeles, Calif	No change.
Coastal Harbor, Jacksonville, Fla	No change.
Coastal Harbor, Charleston, S. C	No change.
Coastal Harbor, Astoria, Oreg	New (day only).
Coastal Harbor, Portland, Oreg	New (day only).
Coastal Harbor, Galveston, Tex	New (day only).
2572: Coastal Harbor, Mobile, Ala	No change.
2582:	
Ship Telephone, United States and possessions	Distress and calling.
Coastal Harbor, United States and possessions	Distress and calling.
2598:	
Ship Telephone, Hilo, T. H	No change.
Ship Telephone, New York, N. Y	No change.
2206:	
Ship Telephone, Astoria, Oreg	No change.
Ship Telephone, Portland, Oreg	No change.
Ship Telephone, New Orleans, La	No change.
Ship Telephone, Los Angeles, Calif	New (day only).
2212: Forestry, Base and Mobile, United States	No change.
2214: Coastal Telephone, Baltimore, Md	(1)
2228: Forestry, Base and Mobile, United States	No change.
2236: Forestry, Base and Mobile, United States	No change.
2244: Forestry, Base and Mobile, United States	No change.
2292:	
Fixed, Alaska	2986, 2994, 3092.5.
Coast, Alaska	2986, 2994, 3092.5.
Industrial, United States	No change.
2366:	
Ship Telephone, Boston, Mass	2110.
Ship Telephone, Galveston, Tex	New.
Police, Base and Mobile, United States	No change.
2382:	
Fixed, Alaska	No change.
Coast, Alaska	No change.
Police, Base and Mobile, United States	No change.
2390: Ship Telephone, Tampa, Fla	New.
2398: Industrial, Base and Mobile, United States	New.
2406: Police, Base and Mobile, United States	No change.
2414:	
Police, Base and Mobile, United States	No change.
Police, Base and Mobile, Alaska	No change.
2422:	
Fixed, Alaska	No change.
Coast, Alaska	No change.
Police, Base and Mobile, Alaska	No change.
Police, Base and Mobile, United States	No change.
2430:	
Fixed, Alaska	No change.
Coast, Alaska	No change.
Police, Base and Mobile, United States	No change.
2442:	
Police, Base and Mobile, Alaska	No change.
Police, Base and Mobile, United States	No change.
2450:	
Fixed, Alaska	No change.
Coast, Alaska	No change.
Police, Base and Mobile, United States	No change.
2458:	
Police, Base and Mobile, United States	No change.
Coastal Harbor, Tampa, Fla	New.
2462: Remote Pickup, States east of Mississippi	Day only.[2]

[1] The entry of a frequency in this column indicates it is in current use but is to be replaced.

[2] Present Remote Pickup assignments are on the frequencies: 2058, 2074, 2090, 2102, 2150, 2190, 2758, 2790, and 2830 kc.

[3] For communication with government stations.

APPENDIX 1—LIST OF NON-GOVERNMENT ASSIGNMENTS PROPOSED FOR THE BAND 2000-3500 KC.—Continued

Frequency (kc.) and proposed use and area	Remarks [1]
2790: Remote Pickup, United States and possessions	(5).
2804: Police, Zone and Interzone	No change.
2808: Police, Zone and Interzone	No change.
2812: Police, Zone and Interzone	No change.
2830:	
Remote Pickup, Alaska	No change. [3]
Remote Pickup, Puerto Rico	No change. [3]
Ship Telephone, Gulf of Mexico	New.
Ship Telephone, Mississippi Valley	New.
Ship Telephone, Lake Dallas, Tex	New.
Coastal Harbor, Lake Dallas, Tex	2990, 2994.
2848: Aeronautical Fixed, Texas	No change.
2848: Fixed, California	
3190:	
Fixed, Alaska	No change.
Fixed, Puerto Rico	3025.
Coast, Alaska	No change.
Special Emergency, United States	No change.
3202.5:	
Fixed, Alaska	2986, 2994, 3092.b
Coast, Alaska	2986, 2994, 3092.5
3212.5:	
Coastal Harbor, Miami, Fla	New.
Coastal Harbor, Seattle, Wash	New.
Remote Pickup, United States	(Day only). [2]
3222.5: Ship Telephone, San Diego, Calif	New.
3232.5:	
Ship Telephone, New York, N. Y	New.
Remote Pickup, United States	(Day only). [2]
3242.5:	
Ship Telephone, Boston, Mass	New.
Ship Telephone, Los Angeles, Calif	New.
Ship Telephone, New Orleans, La	New.
Remote Pickup, United States	(Day only). [2]
3255:	
Coastal Harbor, New York, N. Y	New.
Coastal Harbor, San Diego, Calif	New.
Remote Pickup, United States	(Day only). [2]
3265:	
Fixed, Alaska	No change.
Coast, Alaska	No change.
3275:	
Coastal Harbor, Los Angeles, Calif	New.
Remote Pickup, west of Mississippi River	(Day only). [2]
3280:	
Ship Telephone, Miami, Fla	New.
Ship Telephone, Great Lakes	New (day only)
3290:	
Flight Test, United States	No change.
"Lighter than Air," Fixed, United States	2930.
3322.5:	
Coastal Harbor, Boston, Mass	New.
Coastal Harbor, New Orleans, La	New.
Coastal Harbor, Seattle, Wash	New.
Remote Pickup, United States	(Day only). [2]
3327.5: Fixed, New York	3275.

APPENDIX 1—LIST OF NON-GOVERNMENT ASSIGNMENTS PROPOSED FOR THE BAND 2000-3500 KC.—Continued

Frequency (kc.) and proposed use and area	Remarks [1]
2582:	
Coastal Harbor, Great Lakes	No change.
Coastal Harbor, Hilo, T. H	No change.
2590: Coastal Harbor, New York	No change.
2598:	
Coastal Harbor, Astoria, Oreg	No change.
Coastal Harbor, Portland, Oreg	No change.
Coastal Harbor, New Orleans, La	No change.
Coastal Harbor, Great Lakes	New (day only).
Coastal Harbor, Los Angeles, Calif	New (day only).
Remote Pickup, Alaska	(5).
2608:	
Aeronautical Fixed, United States	No change.
Aeronautical Fixed, Puerto Rico	2980.
2612:	
Aeronautical Fixed, United States	2612, 2640, 2732, 2748.
Aeronautical Fixed, Territory of Hawaii	No change.
Aeronautical Fixed, Puerto Rico	2608.
Fixed, Alaska	No change.
Coast, Alaska	No change.
2632:	
Fixed, Alaska	No change.
Coast, Alaska	No change.
2638: Ship Telephone, United States and possessions	No change.
2644: Remote Pickup, United States and possessions	(5).
2648:	
Aeronautical Fixed, Texas	No change.
Aeronautical Fixed, Alaska	No change.
Aeronautical Fixed, Puerto Rico	No change.
2728:	
Special Emergency, Base and Mobile, Puerto Rico	No change. [4]
Special Emergency, Base and Mobile, United States	No change.
Aeronautical Fixed, Alaska	2748, 2922, 2946.
2738: Ship Telephone, United States and possessions	No change.
2748:	
Aeronautical Fixed, Texas	No change.
Aeronautical Fixed, Texas	2640.
2758:	
Remote Pickup, Puerto Rico	No change. [3]
Remote Pickup, United States	No change. [3]
2782:	
Ship Telephone, Mississippi Valley	No change.
Ship Telephone, Louisiana	No change.
Ship Telephone, Colorado	No change.
Coastal Harbor, Louisville, Ky	No change.
Coastal Harbor, Cat Island Pass, La	No change.
Coastal Harbor, Boulder City, Nev	No change.
Coastal Harbor, Memphis, Tenn	No change.
2734:	
Ship Telephone, Columbia River	2738.
Coastal Harbor, The Dalles, Oreg	2738.
Coastal Harbor, Umatilla, Oreg	2738.

[1] The entry of a frequency in this column indicates it is in current use but is to be replaced.
[2] Present Remote Pickup assignments are on the frequencies: 2058, 2074, 2090, 2102, 2150, 2190, 2758, 2790, and 2830 kc.
[4] For emergency use only.

APPENDIX 2—MARINE TELEPHONY ASSIGNMENTS

Ship and area in which frequency is proposed for assignment	Coast
2003:	
Great Lakes Intership	[1] 2003
San Francisco, Calif. (2110)	2506
Eureka, Calif. (2110)	2506
2003:	
Galveston, Tex. (new, day only)	2566
Portland, Oreg. (new, day only)	2566
Astoria, Oreg. (new, day only)	2566
Charleston, S. C. (2174)	2566
Los Angeles, Calif. (2174)	2566
Jacksonville, Fla. (2174)	2566
2118:	
Miami, Fla	2514
Great Lakes	2514
Boston, Mass. (new, day only)	2514
Seattle, Wash. (new, day only)	2514
2126:	
New York, N. Y	2522
Seattle, Wash	2522
San Diego, Calif. (new, day only)	2522
2134:	
Kahuku, T. H	2530
Sabana Llana, P. R	2530
Galveston, Tex	2530
New York, N. Y. (new, day only)	2530
2142:	
Norfolk, Va	2538
San Francisco, Calif. (new, day only)	2538
2158:	
Tampa, Fla	2550
Great Lakes	2550
Eureka, Calif. (new, day only)	2558
2166:	
Delaware City, Del	2558
Ocean Gate, N. J	2558
New Orleans, La. (new, day only)	2558
2182: United States and possessions	2182
2198:	
Hilo, T. H	2582
New York, N. Y	2590
2206:	
Astoria, Oreg	2598
Portland, Oreg	2598
New Orleans, La	2598
Los Angeles, Calif. (new, day only)	2598
----: Baltimore, Md	[1] 2214
2366:	
Boston, Mass. (2110)	2506
Galveston, Tex. (new)	2506
2390: Tampa, Fla. (new)	2458
2572:	
Mobile, Ala	2572
Great Lakes	[1] 2582
2638: United States and possessions intership	
2738: United States and possessions intership	
2782:	
Cat Island Pass, La	2782
Boulder City, Nev	2782
Louisville, Ky	2782
Memphis, Tenn	2782
St. Louis, Mo	
2784:	
The Dalles, Oreg. (2738)	2784
Umatilla, Oreg. (2738)	2784
2830:	
Gulf of Mexico (new intership)	
Mississippi Valley (new intership)	[4] 2830
Lake Dallas, Tex	2830
3255:	
San Diego, Calif. (new)	3222.5
New York, N. Y. (new)	3232.5

[1] For emergency use only.
[2] For communication with Government stations.
[3] For communication with Canadian stations.
[4] Secondary use by coast stations.

APPENDIX 2—MARINE TELEPHONY ASSIGNMENTS—Continued

Ship and area in which frequency is proposed for assignment—Continued	Coast
3275.0: Los Angeles, Calif. (new)	3242.5
3280:	
Miami, Fla. (new)	3212.5
Great Lakes (new, day only)	2598

APPENDIX 2—MARINE TELEPHONY ASSIGNMENTS—Continued

Ship and area in which frequency is proposed for assignment—Continued	Coast
3322.5:	
Seattle, Wash. (new)	3212.5
Boston, Mass. (new)	3242.5
New Orleans, La. (new)	3242.5

APPENDIX 3—REMOTE PICKUP ASSIGNMENTS

Frequency (kc.) and area in which frequency is proposed for assignment	Remarks or differences from present assignments [1]
2110: United States and possessions	New.
2150: United States and possessions	No change.
2462: United States (east of Mississippi River)	New (day only).
2598: Alaska	New.
2644: United States and possessions	New.
2758: United States and Puerto Rico	No change except Alaskan stations reassigned.
2790: United States and possessions	No change.
2830: Alaska and Puerto Rico	No change except United States stations reassigned to other frequencies.
3212.5: United States	New (day only).
3232.5: United States	New (day only).
3242.5: United States	New (day only).
3255: United States	New (day only).
3275: United States (west of Mississippi River)	New (day only).
3322.5: United States	New (day only).

[1] Present Remote Pickup assignments are on the frequencies: 2058, 2074, 2090, 2102, 2150, 2190, 2758, 2790, and 2830 kc.

APPENDIX 4—PUBLIC SAFETY

Frequency (kc.) and area	Remarks or changes
2212: United States (forestry)	No change.
2226: United States (forestry)	No change.
2236: United States (forestry)	No change.
2244: United States (forestry)	No change.
2366: United States (police)	No change.
2382: United States (police)	No change.
2406: United States (police)	No change.
2414: United States (police)	No change.
2422:	
United States (police)	No change.
Alaska (police)	No change.
2430: United States (police)	No change.
2442:	
United States (police)	No change.
Alaska (police)	No change.
2450: United States (police)	No change.
2458: United States (police)	No change.
2466: United States (police)	No change.
2474: United States (police)	No change.
2482: United States (police)	No change.
2490: United States (police)	No change.
2726: United States and Puerto Rico (special emergency)	No change.
2804: United States and possessions (police)	No change.
2808: United States and possessions (police)	No change.
2812: United States and possessions (police)	No change.
3190: United States (special emergency)	No change.

APPENDIX 5—INDUSTRIAL

Frequency (kc.) and area	Remarks or changes
2292: United States	No change.
2398: United States	New.

APPENDIX 6—AVIATION

(Aeronautical fixed unless otherwise indicated)

Frequencies proposed for assignment and area	Remarks or changes
2608:	
United States (emergency backup)	No change.
Puerto Rico	Replacement for 2980 kc.
2612:	
United States (emergency backup)	Combines domestic emergency circuits from 2612–2640–2732 and 2748.
Territory of Hawaii	No change.
Puerto Rico	Replaces 2608.
Texas (to Mexico)	No change.
2643: Texas, Alaska and Puerto Rico	No change.
2726: Alaska	Replaces 2748, 2922 and 2946.

APPENDIX 6—AVIATION—Continued

(Aeronautical fixed unless otherwise indicated)

Frequencies proposed for assignment and area	Remarks or changes
2748: Texas	Combines assignments from 2748 and 2640.
2848: Texas	Replaces 2980 and 2994 kc.
3290: United States ("Flight Test" and "lighter than air")	Consolidates 2930 and 3290.

APPENDIX 7—UNITED STATES FIXED

Frequencies proposed for assignment and area	Remarks or changes
2848: California	No change.
3327.5: New York	Replaces 3275 kc.

APPENDIX 8—FIXED AND COAST STATIONS (ALASKA)

Frequencies proposed for assignment	Frequencies now assigned
[1] 2048	----
2118	----
2292	----
2382	2382
2422	2422
2430	2430
2450	2450
2466	2466
2474	2474
2482	2482
2512	2512
2538	[2] 2538
2566	2566
2632	2632
----	2936
----	2994
----	3092.5
3190	3190
3202.5	----
3265	3265

[1] For coastal telegraph only.
[2] Presently assigned to coast stations only.

APPENDIX 9—EXPERIMENTAL

Experimental stations will not be the subject of international co-ordination or registration. The frequency 3492.5 kc. now assigned to class 1 experimental stations will not be assigned to the experimental stations now authorized on that frequency.

The experimental stations now authorized 2398 kc. may continue to operate on the condition of noninterference to other services.

The selection of frequencies between 2000 and 3500 kc., for assignment to experimental stations will be considered on the same individual basis as frequencies above 25 mc.

APPENDIX 10—COMMENTS OF THE UNITED STATES OF AMERICA AND THE TERRITORIES OF THE UNITED STATES OF AMERICA WITH RESPECT TO THE REPORTS AND DRAFT FREQUENCY ASSIGNMENT PLANS PREPARED PURSUANT TO THE RESOLUTION RELATING TO THE PREPARATION OF THE NEW INTERNATIONAL FREQUENCY LIST ADOPTED BY THE INTERNATIONAL RADIO CONFERENCE OF ATLANTIC CITY 1947 AND RESOLUTION 154 OF THE FOURTH SESSION OF THE INTERNATIONAL TELECOMMUNICATION UNION'S ADMINISTRATIVE COUNCIL REGARDING THE EXTRAORDINARY ADMINISTRATIVE RADIO CONFERENCE SCHEDULED TO CONVENE AT THE HAGUE, SEPTEMBER 1, 1950

1. *General.* The United States considers that world radio usage makes it essential that the frequency allocation table of Atlantic City 1947 be implemented at the earliest practicable date in the most efficient and orderly manner possible, and thereby insure the maximum benefits for all services. Accordingly, the United States proposes that all members of the International Telecommunication Union come to the Extraordinary Administrative Radio Conference with a firm determination to work out methods at the Conference to achieve this goal.

2. *Aeronautical mobile service.* It is the view of the United States that the allotment plan for the "R" bands agreed to at Geneva by the International Administrative Aeronautical Radio Conference (IAARC) is satisfactory and should be adopted by the Extraordinary Administrative Radio Conference. This view is based on the fact that the IAARC plan is not a station assignment plan but is a plan which allots frequencies to areas and sub-areas, and that it satisfactorily meets for the Aeronautical Mobile "R" Service the objectives of the PFB.

The IAARC Allotment Plan agreed to at the IAARC for the "OR" Service is acceptable to the United States on the assumption that it will be possible at the Extraordinary Administrative Radio Conference to add the names of additional specific areas to certain frequencies mentioned in the plan. The United States will have specific proposals in this regard at the Conference. It is not believed that these proposed additions will increase the possibilities of interference between frequencies allotted to the several administrations in this plan.

3. *Broadcasting service.* Observations regarding frequency assignments in the bands allocated to the broadcasting service cannot be made until the results of the High Frequency Broadcasting Conference now in session in Italy are known.

4. *Fixed Service—4,000–27,500 kc.* None of the plans prepared by the PFB for the various bands of frequencies are acceptable to the United States for implementation as presently written and they will require revision or other acceptable methods will have to be devised to achieve the implementation of these bands. There are many factors which contributed to the unacceptability of the plans for these bands but the basic one is the excessive number of requirements with which the Board had to deal.

Unless the member states are willing to limit their requirements to their present essential operations, eliminating those which do not require international protection, reducing those needing maximum international protection to the minimum necessary, and satisfying their other requirements with the lesser protection afforded by notification status, it is the view of the United States that it will not be possible to rewrite satisfactory lists for these bands. In this connection it should be borne in mind that opportunities for obtaining the use of additional frequencies will not be foreclosed by the adoption of the initial international frequency list. Administrations will be free to use frequencies from the appropriate bands in the spectrum to accommodate further operations under the mechanism already provided for by the Radio Regulations of Atlantic City through the medium of the International Frequency Registration Board.

The spectrum space allocated to the Fixed Service by Atlantic City is less than that allocated by Cairo. Consequently, only by making very efficient use of this reduced spectrum space will it be possible for the countries of the world to conduct their essential operations satisfactorily. Attempting initially to provide for anything but essential operations on other than a notification basis not only makes the compilation of an acceptable list hopeless but also jeopardizes the possibility of providing satisfactorily for the essential operations of any country.

The United States considers that the basic objective of bringing the Atlantic City Frequency Allocation Table into force must be attained by The Hague Conference and is currently conducting comprehensive studies of the various problems now facing the Union in this regard in an effort to find acceptable methods of attaining this objective. The United States earnestly hopes that the other member states will do likewise and that their delegations will come to the Conference prepared in this regard. With this as a foundation and with an attitude of cooperation and good will, plus a determination to implement the Atlantic City Allocation Table, it should be possible for the Conference to evolve methods which are acceptable to the member states and which in turn will make possible the maximum use of the available spectrum space by all countries.

5. *Maritime mobile service*—(a) *Coastal telephone.* The Coastal Telephone Frequency List can be accepted by the United States if two additional frequencies in each of the 4 and 8 mc. bands are provided for use in the inland waterways of this country. The United States will have specific proposals as to frequencies for such use for presentation at the Extraordinary Administrative Radio Conference.

(b) *Coastal telegraph—4,000–27,500 kc.* Examination of the frequency lists for the Coastal Telegraph Service indicates that they may form the basis of agreement at the Extraordinary Administrative Radio Conference. Some co-channel adjustments will be required and some adjacent channel problems exist which must be corrected. The United States expects to have proposals in this regard for presentation at the Conference.

The Frequency Lists prepared for the Coastal Telegraph Bands were based on the three following assumptions:

(i) That A2 emissions would not be used.

(ii) That the service of any particular coast station would be protected within areas of approximately 2,000 km., 3,000 km., and 6,000 km., radius in the 4, 6, and 8 mc. bands respectively.

(iii) That maximum power limitations would be placed on all coastal stations.

Assumptions (i) and (iii) can be accepted by the United States. Assumption (ii) is contrary to the present operating practices of the United States. It is anticipated that the United States Coast Stations will always want the right to communicate with United States ships in all parts of the world, and for this reason assumption (ii) above is unacceptable.

The Coastal Telegraph Plan includes a recommendation that continuous transmission by use of call slips by coastal telegraph stations when not actually engaged in working would be forbidden. The United States cannot accept this recommendation as a basis for considering the draft frequency list. However, after implementation, the United States is willing to review the extent to which this operating practice may be modified.

6. *Regional bands*—(a) *Region 1.* In general the Region 1 list is acceptable to the United States. However, there are certain assignments which it appears will cause harmful interference and the United States Delegation will be prepared to discuss these at the Conference. These are, of course, in addition to the changes which it is expected will be submitted by the United States in accordance with paragraph 2, page 236 E of the Final Acts of the Region 1 Conference.

(b) *Region 2.* The United States lists for the bands 150–415 kc., 415–535 kc., and 1605–2000 kc. have been circulated to the countries concerned for comment and some comments have been received. However, since comments have not yet been received from all of the countries concerned, and as it is expected that some of the countries will also have lists which will be circulated for comment, the coordination is not yet complete for these bands.

The United States expects to have its list for the band 2000–3500 kc. completed in the near future and will circulate it to the countries concerned for comment.

The United States is cooperating to the fullest extent in an effort to insure that coordination within Region 2 for all of the regional bands will be effected by the time the Extraordinary Administrative Radio Conference convenes, and that the Region 2 lists resulting from this coordination will be available at The Hague Conference.

(c) *Region 3.* In general the Region 3 list is acceptable to the United States. However, there are certain assignments which it appears will cause harmful interference and the United States Delegation will be prepared to discuss these at the Conference. These are, of course, in addition to the changes allowed by Article 2, Part 1, of the Final Acts of the Region 3 Conference.

7. *PFB List 14–150 kc.* The United States Delegation to the Provisional Frequency Board has already called the attention of the Board to the fact that certain essential United States requirements were omitted from the list prepared for this band. Furthermore, the list presents serious adjacent channel problems. Accordingly, the United States considers that this list is unacceptable as presently written, and it will require revision or other acceptable methods will have to be devised to achieve the implementation of this band.

APPENDIX 11—DEPARTMENT OF STATE

[No. 838]

AUGUST 15, 1950.

The Extraordinary Administrative Radio Conference scheduled to meet in The Hague, September 1950, has been postponed, the Secretary General of the International Telecommunication Union (ITU) has announced by telegram to the Department August 13. Under the terms of the Telecommunications Convention and the International Radio Regulations annexed thereto which were drafted in Atlantic City by 72 member countries of the ITU there was to be convened an Extraordinary Administrative Radio Conference. The original agenda of this Conference was to approve an international frequency list. However, the preparation of this gave rise to certain difficulties and accordingly the agenda was later amended to include the completion of the preparation of the frequency lists as regards the portions of the spectrum which could not be resolved by the Provisional Frequency Board, which was created by the Atlantic City Convention for the purpose of bringing an orderly frequency assignment for the radio spectrum. Additionally, The Hague Conference was to have approved frequency allocation lists drafted for specialized services such as aeronautical, mobile and high frequency broadcasting. The third item on The Hague agenda was to determine the time and manner of entry into force of the over-all frequency allocation list.

The motivating force in asking that The Hague Conference be postponed was the United States which on July 26 telegraphed the Secretary General of the ITU stating "In view of present world conditions the United States considers it would be impossible for the Extraordinary Administrative Radio Conference to obtain substantial agreement on any of its agenda items. Accordingly, the United States proposes postponing Conference, the future date to be determined at an appropriate time by the Administrative Council of the ITU or by other conventional procedures." The United States took this position reluctantly and only because it seemed useless to expend manpower and funds on a conference which, in the last analysis, could not accomplish its objectives or even obtain substantial agreement. In submitting this proposal the United States requested the Secretary General of the ITU to circulate all ITU Members by telegram for their comments on the United States proposal.

The ITU has now announced that 56 countries have declared in favor and that, accordingly, the Conference will be postponed. Included in the 56 is the USSR.

The United States further proposed that the work done at Atlantic City and at subsequent conferences looking to a long range plan of orderly frequency allocation should not be scrapped and that a new Extraordinary Radio Conference should be convened as soon as a favorable occasion arises. In the interim the International Frequency Registration Board (IFRB), created under the terms of the Atlantic City Telecommunication Convention and functioning in Geneva as an integral part of the ITU, should conduct studies on problems which have resulted from efforts to prepare a new international frequency list. Such studies would be directed toward favorable solution of those problems with results to be available for consideration by administrations whenever the Conference is ultimately held.

[F. R. Doc. 50–7694; Filed, Aug. 31, 1950; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1468]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 29, 1950.

Take notice that on August 23, 1950, Southern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in Birmingham, Alabama, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, seeking the following authority:

To operate facilities presently installed in Applicant's Perryville, Louisiana compressor station and certain additional facilities to be installed by Mississippi River Fuel Corporation in the compression of gas in such volumes up to 27,000 Mcf per day as Applicant is able to handle, pursuant to its agreement with Mississippi River Fuel Corporation, all as more fully discussed in the application filed in this matter by Mississippi River Fuel Corporation in Docket No. G–1460, with notice appearing in the FEDERAL REGISTER on August 24, 1950 (15 F. R. 5696–7).

Applicant will not incur any cost in connection with the construction of the facilities to be so operated, and the compression charge of 1½¢ per Mcf to be paid by Mississippi River Fuel is said by applicant to be sufficient to cover the additional operating expenses to be incurred in rendering the proposed service. Applicant states that it is informed by Mississippi River Fuel that the latter requires additional capacity for the compression of gas introduced into its system from the Monroe field, and that such capacity can be most economically provided by the use of applicant's facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 18th day of September 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–7732; Filed, Sept. 1, 1950; 8:50 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5745]

NATIONAL SERVICE BUREAU AND LILLIE K. BENNETT

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Robert O. Bennett, an individual trading and doing business as National Service Bureau and Lillie K. Bennett, an individual.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Webster Ballinger, a Trial Examiner of this Commission, be, and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Friday, September 15, 1950, at ten o'clock in the forenoon of that day (e. d. s. t.), in Room 332, Federal Trade Commission Building, Sixth and Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

Issued: August 25, 1950.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50–7714; Filed, Sept. 1, 1950; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25364]

COTTON FROM VIRGINIA PORTS TO CAROLINA TERRITORY

APPLICATION FOR RELIEF

AUGUST 30, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1166.

Commodities involved: Cotton, carloads.

From: Norfolk, Va., and points taking same rates, also Newport News, Va.

To: Points in North Carolina and South Carolina.

Grounds for relief: Circuitous routes and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1166, Supplement 9.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7725; Filed, Sept. 1, 1950; 8:49 a. m.]

[4th Sec. Application 25365]

PAINTS FROM ILLINOIS AND WISCONSIN TO SOUTHWEST

APPLICATION FOR RELIEF

AUGUST 30, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Paints and paint materials, carloads.

From: Points in Illinois and Wisconsin.

To: Points in Arkansas, Oklahoma and Texas.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3912, 3708 and 3738, Supplements 3, 267 and 106, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7726; Filed, Sept. 1, 1950; 8:49 a. m.]

[4th Sec. Application 25366]

RYE FROM LAKE PORTS TO PEORIA, ILL.

APPLICATION FOR RELIEF

AUGUST 30, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of the Chicago and North Western Railway Company and other carriers named in the application.

Commodities involved: Rye or the products thereof, carloads.

From: Duluth, Minn., Itasca, Superior, and Superior East End, Wis.

To: Peoria, Ill.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3712, Supplement 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7727; Filed, Sept. 1, 1950; 8:49 a. m.]

[4th Sec. Application 25367]

FERRO-PHOSPHOROUS FROM CHARLESTON, S. C., TO SAGINAW, MICH.

APPLICATION FOR RELIEF

AUGUST 30, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1079.

Commodities involved: Ferro-phosphorous, carloads.

From: Charleston, S. C.

To: Saginaw, Mich.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1079, Supplement 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7728; Filed, Sept. 1, 1950; 8:49 a. m.]

[4th Sec. Application 25368]

VARIOUS COMMODITIES FROM, TO AND BETWEEN POINTS IN THE SOUTH

APPLICATION FOR RELIEF

AUGUST 30, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to the tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities.

From, to and between points in the south.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7729; Filed, Sept. 1, 1950; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-91]

INTERSTATE LIGHT AND POWER CO., ILLINOIS, AND INTERSTATE LIGHT & POWER CO., DELAWARE

ORDER REGARDING HOLDING COMPANY

In the matter of Interstate Light and Power Company, an Illinois corporation, and Interstate Light & Power Company, a Delaware corporation.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of August A. D. 1950.

Interstate Light and Power Company, an Illinois corporation and a wholly-owned subsidiary of Northern States Power Company ("Northern States"), a Minnesota corporation and a registered holding company, having filed an application and amendments thereto pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("the Act") requesting the Commission to enter an order declaring that Interstate Light & Power Co. ("Interstate of Delaware"), a Delaware corporation which was formerly a subsidiary holding company in the Northern States system, has ceased to be a holding company under the Act by virtue of the following facts:

Prior to August 31, 1949, the applicant herein, then known as The Elizabeth Light & Power Company, was a subsidiary company of Interstate of Delaware. On that date, pursuant to an order of this Commission dated August 29, 1949, in the Matter of Northern States Power Company (Minnesota) et al., File No. 70-2174, Interstate of Delaware and Interstate Light and Power Corporation, an inactive Illinois corporation affiliated with Interstate of Delaware and the applicant, were merged into and with the applicant herein as the surviving corporation, and the name of the applicant herein was changed to Interstate Light and Power Company; and

Said application having been duly filed, and notice of its filing having been duly published, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the facts stated in the application are true and that by reason thereof Interstate of Delaware has ceased to be a holding company;

It is therefore ordered and declared, Pursuant to section 5 (d) of the act and the rules and regulations thereunder, that Interstate Light & Power Co., a Delaware corporation, has ceased to be a holding company, and that the registration of such company shall forthwith cease to be in effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7722; Filed, Sept. 1, 1950; 8:48 a. m.]

[File No. 70-2434]

PHILADELPHIA CO. AND DUQUESNE LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING AMENDED APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of August 1950.

Philadelphia Company, a registered holding company, and its public utility subsidiary, Dequesne Light Company ("Duquesne"), both subsidiaries of Standard Gas and Electric Company and Standard Power and Light Corporation, registered holding companies, having filed a joint application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder, particularly sections 6, 7, 9, 10, 11 (b), 12 (c), and 12 (f) of the act and Rules U-42, U-43, and U-50, regarding, among other things, the issuance and sale, pursuant to the competitive bidding requirements of said Rule U-50, of $12,000,000 principal amount of first mortgage bonds, series due August 1, 1980 ("Bonds"); and

The Commission, by order dated August 21, 1950, having granted and permitted to become effective said application-declaration subject, among other things, to the condition that the proposed sale of the Bonds shall not be consumated until the results of competitive bidding, held with respect thereto, shall have been made a matter of record in this proceeding and a further order shall have been issued by this Commission on the basis of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate; and

Duquesne, on August 28, 1950, having filed a further amendment to said amended application-declaration setting forth the action taken by it to comply with the requirements of Rule U-50 and stating that pursuant to the invitation for competitive bids the following bids were received:

Bidder	Annual interest rate (percent)	Price to company[1] (percent of principal)	Annual cost to company (percent)
Drexel & Co. and Equitable Securities Corp.	2¾	102.034	2.651275
Halsey, Stuart & Co., Inc.	2¾	101.85	2.660100
Harriman, Ripley & Co., Inc.	2¾	101.80999	2.660024
Kuhn, Loeb & Co.	2¾	101.66	2.669237
First Boston Corp.	2¾	101.619	2.671212
Glore, Forgan & Co.	2¾	101.58	2.673093
White, Weld & Co.	2¾	101.56	2.674057

[1] Exclusive of accrued interest from August 1, 1950.

And Duquesne having stated that it has accepted the bid of Drexel & Co. and Equitable Securities Corporation, and that the Bonds are to be offered to the public at a price of 102.375 percent of the principal amount, plus accrued interest from August 1, 1950, resulting in an underwriters' spread of 0.341 percent, aggregating $40,920; and

The Commission having examined said amendment filed herein on August 28, 1950, and having considered the record and finding no basis for imposing terms and conditions with respect to the price to be received for the Bonds, the underwriters' spread and allocation thereof, or otherwise, and it appearing appropriate to the Commission that jurisdiction heretofore reserved to consider the results of the competitive bidding with respect to the Bonds be released:

It is ordered, That jurisdiction heretofore reserved to consider the results of the competitive bidding with respect to the sale of the Bonds be, and hereby is, released and that said application-declaration, as further amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and the reservations of jurisdiction contained in the Commission's order herein dated August 21, 1950.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7716; Filed, Sept. 1, 1950; 8:47 a. m.]

[File No. 70-2449]

APPALACHIAN ELECTRIC POWER CO. AND CENTRAL APPALACHIAN COAL CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of August A. D. 1950.

Appalachian Electric Power Company ("Appalachian"), an electric utility subsidiary of American Gas & Electric Company, a registered holding company, and Appalachian's non-utility subsidiary, Central Appalachian Coal Company ("Coal Company"), having filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and having designated sections 6 (b), 9 (a) and 10 of the act and Rule U-43 thereunder as applicable to the following proposed transactions:

Coal Company proposes to issue and sell and Appalachian proposes to acquire not to exceed 20,000 shares of the authorized and unissued $100 par value common stock of Coal Company at $100 per share for aggregate gross proceeds to Coal Company of $2,000,000. It is proposed that the sales and acquisitions will be made from time to time prior to December 31, 1951, as funds are needed by Coal Company. It is stated that the proceeds to Coal Company will be used to provide funds to complete the initial development of Coal Company and to provide working capital. Pursuant to authorization of this Commission (File No. 70-1841), Appalachian has heretofore acquired from Coal Company 40,000 shares of Coal Company's common stock having a par value of $100 per share for $4,000,000 which represents all of Coal

Company's presently outstanding capital stock.

It is stated that Appalachian and Coal Company propose to file a joint application with the State Corporation Commission of Virginia requesting that Commission to authorize the proposed transactions.

Applicants-declarants having requested that any order of this Commission authorizing the proposed transactions issue as soon as may be practicable and become effective upon issuance; and

Said joint application-declaration having been filed with this Commission on July 31, 1950, and the last amendment thereto having been filed on August 10, 1950, and notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act and observing no basis for adverse findings, and the Commission deeming it appropriate that said joint application-declaration, as amended, be permitted to become effective without imposition of terms and conditions other than those contained in Rule U-24:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act that said joint application-declaration, as amended, be and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7718; Filed, Sept. 1, 1950; 8:47 a. m.]

[File No. 70-2452]

UTAH POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of August A. D. 1950.

Utah Power & Light Company ("Utah"), a registered holding company and a utility operating company having filed a declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), and having designated sections 6 (a) and 7 thereof and Rule U-50 promulgated thereunder as applicable to the following proposed transactions:

Utah proposes to issue and sell to the public, pursuant to the competitive bidding requirements of Rule U-50, $8,000,000 principal amount of First Mortgage Bonds, ...% Series, due 1980. Said bonds would be issued under the terms of a Sixth Supplemental Indenture to be dated as of October 1, 1950, between Utah and Guaranty Trust Company of New York and Arthur E. Burke, as trustees. The interest rate on the bonds and the price to be paid Utah for the bonds would be fixed at competitive bidding.

Utah also proposes to issue and sell to its stockholders and/or the public 166,604 additional shares of the company's common stock, without par or face value. The additional shares of common stock would, pursuant to the preemptive rights provision of Utah's certificate of organization, first be offered to its stockholders on a pro rata basis. There would be an underwriting as to the unsubscribed shares for which Utah proposes to invite bids, also pursuant to the competitive bidding requirements of Rule U-50. Both the price to be paid to Utah and the subscription price to be paid pursuant to the preemptive rights offering would be fixed by such competitive bidding. In connection with the sale of its common stock Utah requests permission to acquire not more than 5,000 shares of such stock on the morning of the day on which the bids for the purchase of the unsubscribed shares are to be opened. Such acquisitions would be made for the stated purpose of facilitating the distribution and offering of said 166,604 shares of common stock. Any shares acquired pursuant to the proposed stabilizing operation would be purchased from Utah by the underwriters in connection with the offering and sale of unsubscribed shares of Utah's common stock by said underwriters.

After bids have been opened for the bonds and common stock, and prior to the sale thereof, Utah would file an appropriate amendment herein setting forth the results of competitive bidding and would furnish appropriate information as to all fees and expenses to be incurred in connection with the proposed transactions.

The proceeds from the sale of the $8,000,000 principal amount of bonds and from the sale of common stock would be used to pay bank loans of $8,000,000 and to finance a part of the company's current construction program. The presently outstanding bank loans were obtained under a Credit Agreement dated February 27, 1950, between Utah and fifteen lending banks as authorized by this Commission (File No. 70-2327). It is stated in the declaration that no additional loans will be made under the aforesaid Credit Agreement.

Fees and expenses in connection with the issuance and sale of the bonds and additional common stock are estimated at $104,000 of which $44,000 is stated to be applicable to the issuance and sale of the bonds and $60,000 is stated to be applicable to the issuance and sale of the common stock.

Utah has requested that any order of this Commission authorizing the proposed transactions issue as soon as may be practicable and become effective upon issuance.

Said declaration having been filed on August 2, 1950 and the last amendment thereto having been filed on August 18, 1950, and notice of said declaration, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied, and no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith, subject to certain reservations of jurisdiction:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the sale of the bonds and common stock of Utah shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record as so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof:

It is further ordered, That jurisdiction be, and the same hereby is, reserved over the payment of all counsel fees and expenses in connection with the proposed transactions, including the fees and expenses of counsel for the successful bidder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7717; Filed, Sept. 1, 1950; 8:47 a. m.]

[File No. 70-2457]

COLUMBIA GAS SYSTEM, INC., AND OHIO FUEL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of August A. D. 1950.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Ohio Fuel Gas Company ("Ohio Fuel"), having filed a joint application-declaration pursuant to the provisions of sections 6 (b), 9, 10, and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, with respect to the following proposed transaction:

Ohio Fuel proposes to issue and sell to Columbia $11,500,000 principal amount of 3¼ percent installment promissory notes. Such notes are to be paid in

equal annual installments on February 15th of each of the years 1952 to 1976, inclusive. The applicant states that the proceeds to be obtained through the issue and sale of said notes will be utilized by Ohio Fuel to finance its 1950 construction program.

The Public Utilities Commission of Ohio approved the issue and sale of the proposed 3¼ percent notes by order dated July 7, 1950.

Said joint application-declaration having been filed on August 10, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective.

It is ordered: Pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7720; Filed, Sept. 1, 1950; 8:47 a. m.]

[File No. 70-2456]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

ORDER GRANTING APPLICATION

At a regular session of the securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of August A. D. 1950.

Public Service Company of New Hampshire ("the Company"), an operating utility company and a direct subsidiary of New England Public Service Company, a registered holding company which in turn is a subsidiary of Northern New England Company, also a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("the act") and Rules U-23 and U-24 thereunder, with respect to the following transaction:

The Company seeks authorization to issue or renew, from time to time, up to December 31, 1950, notes having a maturity of nine months or less up to a maximum amount of $6,500,000 at any time outstanding (including notes outstanding as of July 31, 1950, in the amount of $2,600,000).

The Company estimates that its net cash requirements for new construction will be $3,062,800 for the six months ending December 31, 1950, and that it will be necessary to increase its short-term borrowing to $6,500,000 by the end of the year in order to carry out its construction program and to meet its other cash needs. The aggregate amount of the short-term notes to be issued will exceed 5 percent of the principal amount and par value of the other securities of the Company then outstanding.

The Company anticipates that it will be able to borrow the required funds at an interest rate not over 2 percent per annum. It states that if the interest rate should exceed 2 percent per annum on any of the notes, it will file an appropriate amendment to its application at least five days before the execution and delivery of any such note, and asks that such amendment shall become effective without further order of the Commission at the end of the five-day period unless the Commission shall have notified the Company to the contrary.

The Company further states that it will incur no expenses in connection with the transaction except legal and other incidental expenses, estimated at not more than $300.

It is requested that the order of the Commission herein be made effective upon issuance.

Such application having been duly filed, and notice of filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the proposed transaction is not within the jurisdiction of the State commission; that it is appropriate in the public interest and in the interests of investors and consumers to grant the Company's request for permission to consummate the transaction as proposed; and that the fees and expenses to be paid by the Company are not unreasonable;

It is therefore ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions of Rule U-24, that the application be and the same hereby is granted, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7721; Filed, Sept. 1, 1950; 8:47 a. m.]

[File No. 70-2463]

CONSOLIDATED ELECTRIC AND GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of August A. D. 1950.

Notice is hereby given that Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, has filed a declaration with this Commission pursuant to section 7 of the Public Utility Holding Company Act of 1935, and certain rules and regulations promulgated thereunder.

Notice is further given that any interested person may not later than September 11, 1950 request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said declaration which he proposes to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 11, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Consolidated proposes to issue and sell to The Chase National Bank of the City of New York ("Chase") on or before September 20, 1950 its one year promissory note in the face amount of $800,000 bearing interest at the rate of 2¼ percent per annum and providing for sinking fund payments of $150,000 each on December 31, 1950, March 31, 1951, and June 30, 1951. The declaration states, among other things, that "* * * it is the firm intention of Consolidated to eliminate all of such bank indebtedness on or prior to September 20, 1951."

Consolidated also proposes to pledge as security for said note certain portfolio securities owned by Consolidated and its wholly owned subsidiary, The Islands Gas and Electric Company.

The proceeds of said note, together with other corporate funds, are to be used to discharge a presently outstanding note maturing September 20, 1950. This latter note, originally in the amount of $3,500,000, and bearing interest at the rate of 2¾ percent per annum, was issued September 20, 1949 pursuant to a loan agreement dated August 22, 1949. At the date of the instant filing this note had been reduced to $1,000,000.

Fees and expenses in connection with the transactions proposed in the declaration are estimated by Consolidated at not in excess of $750.

The declaration requests that our final order in this matter be issued not later than September 15, 1950, and that it become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7719; Filed, Sept. 1, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14934]

MRS. GEORGINA ALICE MEINERS

In re: Interests in bonds and accounts owned by Mrs. Georgina Alice Meiners, also known as Mrs. Georgie Meiners. F-28-30769; A-1; A-2; C-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Georgina, Alice Meiners, also known as Mrs. Georgie Meiners, whose last known address is 19 Bahnhofstrasse, Jessnitz, Anhalt, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half (½) interest in one (1) Rhein-Elbe-Union 3¼% bearer bond of $1,000 face value, due 1946, bearing the Number M 22637, presently in the custody of Hallgarten and Co., 44 Wall Street, New York, New York, in an account, entitled "Pierson and Co., Amsterdam, Holland," together with any and all rights thereunder and thereto,

b. An undivided one-half (½) interest in one (1) Conversion Office for German Foreign Debts 3% bearer bond of $100 face value, due 1946, bearing the Number 52937, presently in the custody of Hallgarten and Co., 44 Wall Street, New York, New York, in an account entitled "Pierson and Co., Amsterdam, Holland," together with any and all rights thereunder and thereto,

c. An undivided one-half (½) interest in that certain debt or other obligation of Hallgarten and Co., 44 Wall Street, New York, New York, in the amount of $1,019.13, as of April 3, 1950, representing a portion of an account entitled "Pierson and Co., Amsterdam, Holland," maintained with the aforesaid Hallgarten and Co., together with a one-half (½) interest in any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

d. An undivided one-half (½) interest in that certain debt or other obligation of Baker, Weeks and Harden One Wall Street, New York, New York, in the amount of $2,352.71, as of June 30, 1950, representing a portion of an account entitled "Pierson & Co., Blocked Account," maintained with the aforesaid Baker, Weeks & Harden, together with a one-half (½) interest in any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

e. An undivided one-half (½) interest in that certain debt or other obligation of The New York Trust Company, 100 Broadway, New York, New York, in the amount of $1,265.13, as of July 3, 1950, arising out of an account entitled "Pierson & Co., Amsterdam, Holland No. 2 Account," maintained with the aforesaid trust company, together with a one-half (½) interest in any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

f. An undivided one-half (½) interest in that certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in the amount of $1,912.82, as of March 30, 1950, representing a portion of an account entitled "Pierson & Co., Amsterdam, Holland," maintained with the aforesaid Brown Brothers Harriman & Co., together with a one-half (½) interest in any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Georgina Alice Meiners, also known as Mrs. Georgie Meiners, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7738; Filed, Sept. 1, 1950; 8:52 a. m.]

[Vesting Order 14947]

GEORG THIEME

In re: Work entitled "Die Fermente und Ihre Wirkungen", Volume III.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg Thieme, whose last known address is Leipzig, Germany, is a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All right, title, interest and claim of whatever kind or nature, under the statutory and common law of the United States or the several States thereof, of Georg Thieme, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named in this Vesting Order, who are residents of, or which are organized under the laws of or have their principal place of business in, Germany, and are nationals of such designated enemy country, in, to, and under the following:

(a) Every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in Volume III (entitled "Die Methodik Der Fermente") of the Fifth Edition of the work entitled "Die Fermente und Ihre Wirkungen", which volume was published in 1929 by Georg Thieme of Leipzig, Germany, and in every issue, edition, publication, re-publication, translation, arrangement and revision thereof, in whole or in part, of whatsoever kind or nature,

(b) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

(c) All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits, damages, or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

(d) All rights of renewal, reversion or revesting, if any, in the foregoing, and

(e) All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right, and for the breach of any obligation described in or affecting the foregoing,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person referred to in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7739; Filed, Sept. 1, 1950; 8:52 a. m.]

[Vesting Order 14967]

HENRY KOESSEL

In re: Estate of Henry Koessel also known as Heinrich Koessel also known as Heinrich Koessl, deceased. File No. D-28-12874; E. & T. Sec. 17038.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. Franz Xaver Koessel, Michael Koessel, Magdalena Reinsfeld, Joseph Lang and Theresia Lang, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Henry Koessel also known as Heinrich Köessel also known as Heinrich Koessl, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Raymond B. Johnson, as administrator, acting under the judicial supervision of the Superior Court of Contra Costa County, California;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7740; Filed, Sept. 1, 1950; 8:52 a. m.]

[Vesting Order 14982]

HENRIETTE STRUCK

In re: Estate of Henriette Struck, deceased. File No. D-28-12872; E. T. sec. 17037.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found.

1. That Maria Lindenborn, Rose Struck and Theresa Hopner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Henriette Struck, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Wilbur N. Creswell, Dutchess County Treasurer, as Depositary, acting under the judicial supervision of the Surrogate's Court of Dutchess County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7742; Filed, Sept. 1, 1950; 8:52 a. m.]

[Vesting Order 14972]

MINNIE MICHEL

In re: Estate of Minnie Michel, deceased. Files D-28-12851; E. T. sec. 17015.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Theiner, Frau Hedwig Bieler, Wilhelm Theiner, Carl Theiner, Jr., Mrs. Martha Urban, Mrs. Agnes Gunrel and Mrs. G. Martha Bode, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Minnie Michel, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Robert A. Wilson, County Clerk of Spokane County, Washington, and Ex-officio Clerk of the Superior Court, as depositary, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of Spokane;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7741; Filed, Sept. 1, 1950; 8:52 a. m.]

[Vesting Order 14998]

RICHARD AND MARGARETE SCHUBERT (MARGOT) SCHOTTSTADT

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distibutees of Richard Schottstadt, also known as Richard Schottstedt and as Richard Schottstaedt,

deceased, and by Margarete Schubert (Margot) Schottstadt, also known as Margarete Schubert (Margot) Schottstedt and as Margarete Schubert (Margot) Schottstaedt. F–28–30811–A–1, F–28–30812–A–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Richard Schottstadt, also known as Richard Schottstedt and as Richard Schottstaedt, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That Margarete Schubert (Margot) Schottstadt, also known as Margarete Schubert (Margot) Schottstedt and as Margarete Schubert (Margot) Schottstaedt, whose last known address is Berlin, Weinmeisterharnweg 41, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows: Two hundred (200) shares of no par value common capital stock of The Commonwealth and Southern Corporation, 902 Market Street, Wilmington 28, Delaware, evidenced by certificates numbered C 596598 and C 596699, for one hundred (100) shares each, registered in the name of Richard Schottstedt, and presently in the custody of Frances T. Kreutel, 61 Read Street, Seekonk, R. F. D. 4, Attleboro, Massachusetts, together with all declared and unpaid dividends thereon, and any and all rights under a Dissolution Plan approved by United States District Court in Delaware on July 6, 1949,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Richard Schottstadt, also known as Richard Schottstedt and as Richard Schottstaedt, deceased, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: Seven hundred (700) shares of $1.00 par value common capital stock of Greater New York Industries, Inc. (formerly Fidelio Brewery Inc.), 545 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificates numbered A–14769/A–14775, registered in the name of Mrs. Margarete Schottstaedt, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Margarete Schubert (Margot) Schottstadt, also known as Margarete Schubert (Margot Schottstedt and as Margarete Schubert (Margot) Schottstaedt, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 2 hereof, and the personal representatives, heirs, next of kin, legatees and distributees of Richard Schottstadt, also known as Richard Schottstedt and as Richard Schottstaedt, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7743; Filed, Sept. 1, 1950; 8:52 a. m.]

[Vesting Order 14989]

MADELEINE SCHULZ

In re: Bonds owned by Madeleine Schulz. F–28–25981–A–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Madeleine Schulz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Three (3) Collateral Bankers 6% 1948, Series AB, bonds of $300.00 total face value, bearing the numbers 41895/97, registered in the name of Hermann Schulz, and presently in the custody of Dominick & Dominick, 14 Wall Street, New York 5, New York, in a Special General Ruling No. 6 Account of the Banque Cantonale Vaudoise, Lausanne, together with any and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Madeleine Schulz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7744; Filed, Sept. 1, 1950; 8:52 a. m.]

[Vesting Order 15000]

HERMINE STOCK

In re: Stock owned by Hermine Stock. F–28–30809–D–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermine Stock, whose last known address is Luise Kieselbach-Heim, Room 214, Aussere Wienerstr. 110, Munich, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ninety (90) shares of $5.00 par value common capital stock of Firemen's Insurance Company of Newark, New Jersey, 10 Park Place, Newark, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by certificate numbered 63489, registered in the name of Hermine Stock, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7745; Filed, Sept. 1, 1950; 8:52 a. m.]

[Vesting Order 15005]

ADLER-FILM G. M. B. H. ET AL.

In re: Rights in motion pictures owned by Adler-Film G. m. b. H. and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) whose names and last known addresses are set forth in Column 3 of Exhibit A attached hereto and made a part hereof, are residents of, or are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in said Exhibit A, including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures.

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts.

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above-mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States.

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 3 of said Exhibit A and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibit A, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany, and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibit A.

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibit A.

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 2 (a), 2 (b) (1) and 2 (b) (2) of this Vesting Order.

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) and 2 (b) of this Vesting Order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 2 (a), 2 (b), and 2 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1 and 2 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Producers or distributors
Unknown	Am schwäbischen Meer	Adler Film G. m. b. H., Berlin, Germany.
Unknown	Bergbauern in Stubai	Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Unknown	Die deutsche Donau	Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Unknown	Elfenheim im Odenwald	Dr. Werner, Film-sonderauswerter, Berlin, Germany.
Unknown	Es wird Frühling	Telos-Film G. m. b. H., Berlin, Germany.
Unknown	Fahrt ins Abenteuer	Berlin-Film G. m. b. H., Berlin, Germany.
Unknown	Friederike	Pascal-Film (Gabriel Pascal Produktion) G. m. b. H., Berlin, Germany.
Unknown	Friesennot	Delta-Filmproduktion G. m. b. H., Berlin, Germany.
Unknown	Hochzeit im Walzertal	W. Leckebusch und Co., Munich, Germany.
Unknown	Hvar, die Insel der 1000 Stufen	Hermann Winter—Filme, Munich, German.
Unknown	Ich klage an	Tobis.
Unknown	Im Reiche der Liliputaner	Universum Film A. G., "Ufa," Berlin, Germany.
Unknown	Der König des Waldes: Der Rothirsch	Universum Film A. G., "Ufa," Berlin, Germany.
Unknown	Kroatisches Bauernleben	Universum Film A. G., "Ufa," Berlin, Germany.
L–1515	Liebe im Ring	Terra-Film Aktiengesellschaft, Berlin, Germany.
Unknown	Die Nacht in Venedig	Tobis Filmkunst G. m. b. H., Berlin, Germany.
Unknown	Schönheit der Tiere in der Bewegung	Terra Filmkunst, Berlin, Germany.
Unknown	Strassen des Frühlings	Universum-Film A. G., "Ufa," Berlin, Germany.
Unknown	Des Waldmanns hohe kunst	Universum Film A. G., "Ufa," Berlin, Germany
Unknown	Wo die Wälder heimlich rauschen	Boehner Film, Dresden, Germany.

[F. R. Doc. 50–7746; Filed, Sept. 1, 1950; 8:52 a. m.]

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FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 15 NUMBER 172

Washington, Wednesday, September 6, 1950

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 965—MILK IN THE CINCINNATI, OHIO, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA

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AUTHORITY: §§ 965.0 to 965.91 inclusive, issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 965.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hear-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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(Revised through July 1)

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ing was held at Cincinnati, Ohio, on March 13–14, 1950, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make effective not later than September 1, 1950, the present amendments to the said order, as amended, in order to reflect current marketing conditions. Any delay beyond September 1, 1950, in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the Cincinnati, Ohio, marketing area. The provisions of the said order are well known to handlers—the public hearing having been held March 13–14, 1950, and the decision having been executed by the Secretary on August 29, 1950. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order, amending the order, as amended, effective September 1, 1950, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c), Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the Cincinnati, Ohio, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (May 1950), were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 965.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 965.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 965.3 *Cincinnati, Ohio, marketing area.* "Cincinnati, Ohio, marketing area," hereinafter called the "marketing area," means the city of Cincinnati, Ohio, and the territory geographically included within the boundary lines of Hamilton County, Ohio.

§ 965.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 965.5 *Route.* "Route" means a delivery (including a sale from a store) of milk, flavored milk drinks, or cream in fluid form to a wholesale or retail stop(s) other than to a milk processing plant(s).

§ 965.6 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in preparation or processing of milk all or a portion of which is disposed of on routes operating wholly or partially in the marketing area.

§ 965.7 *Pool plant.* "Pool plant" means:

(a) A fluid milk plant as described in § 965.6 located in the marketing area;

(b) A fluid milk plant located outside the marketing area and disposing of not less than 10 percent of its entire route disposition of Class I milk on routes operating wholly or partially within the marketing area; or

(c) A plant, receiving milk from dairy farms, which the market administrator determines has moved to a plant(s) described under paragraph (a) or (b) of this section an amount of milk equal to not less than one percent of the total Class I utilization of plants described in paragraphs (a) and (b) of this section during the second month preceding such movement as specified in the following schedule:

Months milk is moved:	*Months plant is pool plant*
One of the months of October or November.	November.
Two of the months of October, November, and December.	December.
Three of the months of October, November, December, and January.	January through October.

Provided, That upon written request to the market administrator by the operator of a plant which is a pool plant pursuant to this paragraph for the discontinuance of such plant as a pool plant, such plant shall cease to be a pool plant in the first month, following such request, during which no milk is moved to a plant described in paragraph (a) or (b) of this section and shall not become a pool plant until such plant again meets the requirements for a pool plant pursuant to this paragraph.

§ 965.8 *Producer.* "Producer" means any person operating a dairy farm, producing milk under a dairy farm permit issued by an appropriate health authority, which is received at a "pool plant" described in § 965.7 or diverted from a pool plant by a cooperative association: *Provided,* That any producer whose milk has been approved as "Grade A milk" by an appropriate health authority for any month, or portion thereof, shall be a "Grade A producer" for such month, and any producer whose milk has not been so approved shall be a "Grade B producer."

§ 965.9 *Handler.* "Handler" means (a) any person who: (1) Operates a pool plant; or (2) operates a nonpool plant and either directly or indirectly disposes of Class I or Class II milk, on a route extending into the marketing area; or (b) any cooperative association with respect to the milk of any producer(s) whose milk has been received previously at a pool plant described in § 965.7 which milk has been caused to be diverted by a cooperative association, to a plant from which no milk is disposed of in the marketing area, if payment therefor has been collected by such association, and such milk shall be deemed to have been received from producers by such cooperative association.

§ 965.10 *Producer milk.* "Producer milk" means milk produced by one or more producers under the conditions set forth in § 965.8.

§ 965.11 *Emergency milk.* "Emergency milk" means milk or skim milk other than producer milk in excess of the milk and skim milk, respectively, used in Class III milk and Class IV milk received by a handler under a permit to receive such milk or skim milk issued to him by an appropriate health authority during months when receipts of producer milk or skim milk of the individual handler are less than 120 percent of such handler's Class I utilization of milk or skim milk, respectively.

MARKET ADMINISTRATOR

§ 965.20 *Designation.* The agency for the administration hereof shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 965.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions hereof; and

(b) Report to the Secretary complaints of violations of the provisions hereof.

§ 965.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Within 45 days following the date on which he enters upon his duties, exe-

cute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(c) Pay, out of the funds provided by § 965.74, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.30 or has not made payments pursuant to §§ 935.70 and 965.72;

(f) Promptly verify the information contained in the reports submitted by handlers;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times; and

(h) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices computed pursuant to § 965.51 and the butterfat differentials computed pursuant to § 965.52; and

(2) On or before the 20th day after the end of such month the uniform prices computed pursuant to § 965.64, and the producer butterfat differential.

REPORTS, RECORDS AND FACILITIES

§ 965.30 *Reports of handlers to market administrator.* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator, in detail and on forms prescribed by the market administrator as follows:

(a) On or before the 10th day after the end of each month, each handler who receives milk from producers shall report with respect to all milk, skim milk, cream and milk products received by him during the month:

(1) The receipts at each plant from producers, from his own production, and from other handlers;

(2) The receipts of emergency milk, the date or dates upon which such milk was received during the month, the plant from which such milk was shipped, the price per hundredweight paid or to be paid for such milk;

(3) The receipts from any other source together with the butterfat content;

(4) The utilization of all receipts during the month;

(5) The name and address of each new producer; and

(6) His producer payroll, which shall show for each producer the total receipts of milk with the average butterfat test thereof, the amount of the advance payment to such producer made pursuant to § 965.70 and the deductions and charges made by the handler.

(b) Each handler who receives no milk from producers shall make reports to the market administrator at such times and in such manner as the market administrator may request.

§ 965.31 *Verification of handler reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to § 965.30, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 965.32 *Reports of market administrators to cooperative associations.* On or before the 13th day after the end of each month, the market administrator shall report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.73 (b), to each handler to whom the cooperative association sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

§ 965.33 *Records and facilities.* Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as in the opinion of the market administrator are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 965.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 965.40 *Basis of classification.* Milk received by each handler, including milk produced by him, shall be classified by the market administrator in the classes set forth in § 965.41 subject to the provisions of §§ 965.42, 965.43 and 965.44.

§ 965.41 *Classes of utilization.* The classes of utilization of milk and butterfat shall be as follows:

(a) Class I milk shall be all milk and skim milk disposed of in the form of milk and milk drinks and any product containing less than 8.0 percent butterfat not specified in Class II milk, Class III milk or Class IV milk and all shrinkage of butterfat in receipts of butterfat from producers and emergency milk in excess of 2.5 percent of such receipts.

(b) Class II milk shall be all milk and skim milk disposed of as buttermilk, cream for consumption as cream, and any product containing 8.0 percent or more of butterfat not specified in Class I milk, Class III milk or Class IV milk.

(c) Class III milk shall be all milk (1) disposed of as plain or sweetened, condensed or evaporated milk, spray or roller powder, margarine, animal feed, all cheese, commercially manufactured candy, eggnog, and whipped cream and whipped cream substitutes; (2) used to produce ice cream, ice cream mix and frozen desserts; (3) dumped or spilled; and (4) in inventory variations; and all butterfat in shrinkage up to 2.5 percent of total receipts of butterfat in producer milk and in emergency milk and in shrinkage of butterfat in milk other than producer milk or emergency milk.

(d) Class IV milk shall be all milk disposed of as butter.

§ 965.42 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification as required in §§ 965.41 and 965.43, the burden rests upon the handler to account for all milk and milk products received by him and to prove to the market administrator that such milk, or milk products, should not be classified as Class I milk.

(b) Any milk or milk product classified in one class shall be reclassified if such milk or milk product is later used or disposed of by any handler in another class, in accordance with such later use or disposition.

§ 965.43 *Transfers.* (a) Milk and skim milk transferred from a pool plant to another pool plant shall be Class I milk, and cream so transferred shall be Class II milk, unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 10th day after the end of the month within which such transfer was made: *Provided*, That if either or both plants have received milk other than producer milk or emergency milk, the milk, skim milk or cream so transferred shall be classified at both plants so as to allocate the highest possible utilization to producer milk.

(b) Milk or skim milk transferred from a pool plant to a plant other than a pool plant shall be classified as Class I milk and cream so transferred shall be Class II milk: *Provided*, That if the operator of the pool plant on or before the 10th day after the end of the month furnishes to the market administrator a statement, which is signed by the operators of both plants, that such milk, skim milk, or cream was used in a lower class, such milk, skim milk, or cream shall be classified accordingly, subject to verification by the market administrator: *And provided further*, That in making such verification for months other than April, May, June, and July, the market administrator will assign milk, skim milk or cream so transferred to the highest use classification in the plant of the receiver.

§ 965.44 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of butterfat in producer milk and in milk other than producer milk.

§ 965.45 *Computation of milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk, and Class IV milk for such handler.

§ 965.46 *Allocation of milk and butterfat classified.* The pounds of milk and butterfat remaining in each class after making the following computations shall be the pounds of milk and butterfat, respectively, in such class allocated to producer milk:

(a) The pounds of milk in Class III shall be decreased by any excess of utilization of all classes over total receipts and shall be increased by any excess of total receipts over total utilization of all classes.

(b) Subtract from the pounds of butterfat in Class III the pounds of producer butterfat in plant shrinkage which is not in excess of 2.5 percent of all butterfat received from producers and in emergency milk.

(c) Subtract from the remaining pounds of milk and butterfat, respectively, in each class, the pounds of milk and butterfat, respectively, received from other handlers, in the classes transferred pursuant to § 965.43.

(d) Subtract from the remaining pounds of milk and butterfat, respectively, in series beginning with the lowest-priced use available, the pounds of milk and butterfat, respectively, except emergency milk, received other than producer milk.

(e) Add to the Class III butterfat the pounds of butterfat subtracted pursuant to paragraph (b) of this section.

(f) Subtract pro rata out of the remaining pounds of milk and butterfat, respectively, in each class, the total pounds of emergency milk and butterfat.

(g) If the pounds of butterfat remaining in all classes exceed the pounds of butterfat received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced class.

MINIMUM PRICES

§ 965.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum prices for Class I milk and Class II milk shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices per hundredweight ascertained to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator or to the United States Department of Agriculture:

Company and Location
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply by 3.5 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month for which payment is to be made, and add 20 percent thereof;

(2) From the simple average as computed by the market administrator of the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceeding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply the result by 8.2.

§ 965.51 *Class prices.* Each handler shall pay, at the time and in the manner set forth in § 965.72, not less than the following prices per hundredweight, on the basis of milk of 3.5 percent butterfat content, for the respective quantities of milk in each class computed pursuant to § 965.46:

(a) The price for Class I milk shall be the basic formula price plus $1.05 for the months of April through July and $1.35 for the months of August through March.

(b) The price for Class II milk shall be the basic formula price plus $0.60 for the months of April through July and $0.90 for the months of August through March.

(c) The price for Class III milk shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) The price as computed pursuant to § 965.50 (b);

(2) The simple average, as computed by the market administrator, of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

M and R Dietetic Laboratories, Inc., Chillicothe, Ohio.
Carnation Milk Co., Hillsboro, Ohio.
Nestles Milk Products, Inc., Greenville, Ohio.
Nestles Milk Products, Inc., (Osgood Milk Co.) Osgood, Indiana.
Carnation Milk Co., Maysville, Ky.

(d) The price for Class IV milk shall be the price of Class III milk less 17.5 cents.

§ 965.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, from the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows: For Class I, Class II and Class III, determine the percent of the alternate basic formula price as computed pursuant to § 965.50 (b) represented by the sum computed pursuant to § 965.50 (b) (1), apply the percentage so determined to the respective Class I, Class II and Class III prices for 3.5 percent milk computed pursuant to § 965.51 (a), (b), and (c) and divide by 35, the resulting sum (to the nearest hundredth of a cent) shall be the handler butterfat differential for each class, respectively. The handler butterfat differential for Class IV milk shall be such differential for Class III milk less 0.5 cent.

DETERMINATION OF UNIFORM PRICES

§ 965.60 *Computation of value of milk for each handler.* The value of the milk received from producers during each month by each handler shall be a sum of money computed by the market administrator by multiplying the hundredweight of milk in each class by the applicable class prices, subject to the butterfat differential provided in § 965.52 and adding any amount resulting from the following computation: Multiply the pounds of butterfat subtracted pursuant to § 965.46 (g) by the price for the ap-

plicable class adjusted by the applicable butterfat differential.

§ 965.61 *Computation of obligation to the producer-settlement fund for handlers operating a fluid milk plant which is not a pool plant.* For each month, the obligation to the producer-settlement fund for each handler operating a fluid milk plant which is not a pool plant shall be computed by the market administrator by multiplying by the difference between the Class I and the Class III prices, the hundredweight of milk disposed of as Class I milk by such handler on routes operating within the marketing area less the hundredweight of Class I milk purchased by such handler during the month from a pool plant. On or before the 13th day after the end of each month, the market administrator shall notify each such handler of the amount so computed for him subject to adjustment pursuant to § 965.62 and on or before the 17th day after the end of each month each such handler shall make payment to the market administrator.

§ 965.62 *Correction of errors.* If, in the verification of reports submitted by a handler, the market administrator discovers errors in such reports which result in payment due the producer-settlement fund or the handler for any previous month, there shall be added or subtracted as the case may be, the amount necessary to correct such errors.

§ 965.63 *Notification to handler of the value of his milk.* On or before the thirteenth day after the end of each month, the market administrator shall notify each handler of the value of milk computed for him in accordance with § 965.60 and of any adjustments pursuant to § 965.62.

§ 965.64 *Computation of uniform prices for Grade A producers and Grade B producers—(a) Computation of uniform price for Grade A producers.* For each month, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade A producers as follows:

(1) Add together the values of milk as computed pursuant to § 965.60 for handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 965.62) to the producer-settlement fund as required by § 965.72 for the preceding month;

(2) Subtract, if the weighted average butterfat test of all milk received from producers by handlers whose milk is represented in the sum computed under subparagraph (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by 50 cents if the average price of butter, described under § 965.50 (b) (1), was more than 40 cents but not more than 50 cents, such amount (50 cents) to be increased or decreased, as the case may be, by 10 cents for each 10-cent range in such price of butter above or below the range "more than 40 cents but not more than 50 cents";

(3) Subtract an amount equivalent to the moneys retained pursuant to § 965.76;

(4) Add the unobligated balance in the producer-settlement fund;

(5) Add an amount computed by multiplying the total hundredweight of milk received from Grade B producers by $0.40;

(6) Divide by the total hundredweight of milk of all producers represented in the sum computed pursuant to subparagraph (1) of this paragraph; and

(7) Subtract from the figure obtained in subparagraph (6) of this paragraph not less than 4 cents or more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade A producers.

(b) Computation of uniform price for Grade B producers. For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade B producers as follows: From the uniform price computed pursuant to paragraph (a) (7) of this section subtract 40 cents. The result shall be known as the uniform price per hundredweight for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade B producers.

PAYMENT FOR MILK

§ 965.70 *Payments to producers.* On or before the 5th day after the end of each month, each handler shall pay, with respect to all milk received during the month, $1.00 per hundredweight of milk to each producer: *Provided*, That in the event the total amount of deductions and charges authorized by any producer against payments due such producer for the month next preceding is greater than the payment computed for such producer pursuant to § 965.73 (a) with respect to the milk received from such producer during such preceding month, the handler may deduct from the payment required by this section a sum equal to the difference between such amounts.

§ 965.71 *Producer-settlement fund.* The market administrator shall maintain a separate fund, known as the producer-settlement fund, in which he shall deposit all payments made pursuant to §§ 965.61 and 965.72 and from which he shall make all payments pursuant to § 965.73.

§ 965.72 *Payment to producer-settlement fund.* On or before the 17th day after the end of each month, each handler shall pay to the market administrator the amount of money which represents the value of milk for such month of which he is notified pursuant to § 965.63 less the amount paid out to each producer in accordance with § 965.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer pay roll: *Provided*, That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 965.70 (inclusive of the deductions and charges authorized by § 965.70) will not exceed the total value of the milk received from such producer.

§ 965.73 *Payments from producer-settlement fund.* (a) For each month the market administrator shall compute the payment due each producer for milk received during such month from such producer by a handler who made the payments for such month pursuant to § 965.72 by multiplying the hundredweight of such milk by the uniform price computed pursuant to § 965.64 adjusted to the butterfat test of such milk by adding or subtracting, respectively, for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent one-tenth of the rate provided in § 965.64 (a) (2) and subtracting any charges and deductions made pursuant to § 965.72.

(b) On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, to each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments. On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section.

§ 965.74 *Expense of administration.* As his pro rata share of the expense incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler shall pay to the market administrator, on or before the 17th day after the end of each month, 2 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe, with respect to all milk received from producers and produced by him during the month: *Provided*, That any cooperative association which has handled milk during the month under the conditions set forth in § 965.9, shall pay such pro rata share of expense of administration on only that quantity of milk so handled.

§ 965.75 *Marketing services.* (a) The market administrator shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73 (b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The moneys received by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the Secretary.

§ 965.76 *Payments to cooperative associations.* (a) Upon application to the Secretary, any cooperative association duly organized under the laws of any State which he determines, after appropriate inquiry or investigation, to be conforming to the provisions of such laws and with the standards set forth in § 965.75 (a); to be operating as a producer-controlled marketing association exercising full authority in the sale of the milk of, and assuming responsibility for payments to, its members; to be maintaining individually or in collaboration with other qualified cooperative associations, a competent staff for dealing with marketing problems and to be complying with all provisions hereof applicable to such cooperative association shall be entitled, under the further conditions hereafter specified, to receive payments from the date of its qualification as fixed by the Secretary, until it has been found by the Secretary, after notice and opportunity for hearing, that it has failed to continue to meet any condition set forth in this section for the receipt of such payments:

(1) At the rate of one-half cent per hundredweight on all milk (i) marketed by it in the manner indicated above on behalf of members, and (ii) on which reports and payments have been made as required under §§ 965.30, 965.70 and 965.74, except that payment at this rate shall not be made on milk with respect to which the same association is eligible to receive payment under subparagraph (2) of this paragraph.

(2) At the rate of 3 cents per hundredweight on all milk which is received from members at any plant operated by such an association, or subsidiary thereof, and which is included in the computations made pursuant to § 965.64.

(b) The market administrator shall, upon notice of the filing of an application by a cooperative association, retain each delivery period in the producer-settlement fund such sum as he estimates is ample to make payments to the applicant, to be held in reserve until the Secretary has ruled upon said application and shall, when the application has been ruled upon by the Secretary, make payment or issue credit out of such reserves in accordance with said ruling and shall release the balance of the reserved sums, if any, for disposition pursuant to § 965.64 (a); and shall on or before the 20th day of each month thereafter, make such payments or issue credit therefor out of the producer-settlement fund, subject to verification of the facts upon which the amount of payment is based.

(c) Each cooperative association qualified to receive payments pursuant to this section shall, from time to time, as requested by the market administrator, make reports to him with respect to its conformity with any of the conditions for qualification or to the use of such payments and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

(d) The market administrator shall suspend payment upon his own initiative or upon request by the Secretary or by such officer of the United States Department of Agriculture as he may designate, by giving written notice to a cooperative association and to the Secretary whenever there is good reason to believe that such association is no longer qualified to receive payment. Such suspended payments shall be aggregated and held in reserve until the Secretary, after notice and opportunity for hearing, has appraised the performance of the cooperative association and either has ordered a partial or complete payment of funds held in reserve to the cooperative association or has disqualified such cooperative association, in which event the balance of funds held in reserve shall be released for disposition pursuant to § 965.64 (a).

§ 965.77 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calender month during which milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 965.80 *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 965.81 *Suspension or termination.* Any or all provisions hereof, or amendments hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 965.82 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such person as the Secretary may designate, shall continue in such capacity until removed by the Secretary; account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such other person to such person as the Secretary shall direct and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 965.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 965.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 965.91 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C. this 31st day of August, 1950, to be effective on and after the 1st day of September, 1950.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-7799; Filed, Sept. 5, 1950; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Dry Edible Beans]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP DRY EDIBLE BEAN LOAN AND PURCHASE AGREEMENT PROGRAM

WAREHOUSE RECEIPTS

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 15 F. R. 3147 and 4573, governing the making of loans and containing the requirements of the purchase agreement program on dry edible beans produced in 1950 are hereby amended to change § 601.174, *Warehouse receipts* paragraph (b) in its entirety, as follows:

(b) Each warehouse receipt must (1) set forth in its written terms that the beans are insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado, or (2) have stamped or printed on its face the word "insured", or (3) be accompanied by a certificate signed by the warehouseman stating that insurance will be carried on the beans in accordance with the provisions of the C. C. C. Dry Edible Bean and Pea Storage Agreement.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, Titles III, V, Pub. Law 439, 81st Cong., 15 U. S. C. Sup. 714c)

Issued this 30th day of August 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-7733; Filed, Sept. 5, 1950; 8:45 a. m.]

[1950 CCC Cotton Bulletin 1]

PART 607—COTTON

SUBPART—1950 COTTON LOAN PROGRAM

1950 COTTON LOAN BULLETIN

Correction

In Federal Register Document 50-7032, published at page 5187 of the issue for Friday, August 11, 1950, the following changes should be made in the schedule under § 607.130: Staple lengths for the listed grades should be as follows:

	Pts.
White and extra white:	
Middling, 2⅝2	−85
St. Low Middling, 1 1/16	−150
Low Middling 1⅝2	−455
Tinged:	
Middling:	
2⅝2	−885
3⅛2	−835
St. Low Middling:	
1	−1,085
1⅛2	−1,065

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 48]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been cordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13-1 is amended as follows:

1. A Lighthouse Rocks, Kodiak, Alaska, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
LIGHTHOUSE ROCKS (Kodiak Island) (WAC 136).	A circular area having a radius of 5 miles centered at lat. 55°47'00" N, long. 157°26'00" W.	Surface to unlimited.	Continuous...	Commander, Naval Air-bases, 17th Naval District, Kodiak, Alaska.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on September 8, 1950.

[SEAL] DONALD W. NYROP,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 50-7749; Filed, Sept. 5, 1950; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 32]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.209 is amended to read:

§ 600.209 *Red civil airway No. 9 (San Diego, Calif., to Winslow, Ariz.)* From the San Diego, Calif., radio range station via the intersection of the east course of the San Diego, Calif., radio range and the west course of the El Centro, Calif., radio range; El Centro, Calif., radio range station; Yuma, Ariz., radio range station; Gila Bend, Ariz., radio range station to the intersection of the east course of the Gila Bend, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range. From the Phoenix, Ariz., VHF radio range station to the Winslow, Ariz., VHF radio range station.

2. Section 600.211 is amended to read:

§ 600.211 *Red civil airway No. 11 (Tulsa, Okla., to Boston, Mass.).* From the intersection of the northeast course of the Tulsa, Okla., radio range and the south course of the Chanute, Kans., radio range via the Springfield, Mo., radio range station; Vichy, Mo., radio range station to the intersection of the northeast course of the Vichy, Mo., radio range and the west course of the St. Louis, Mo., radio range. From the intersection of the east course of the St. Louis, Mo., radio range and the west course of the Evansville, Ind., radio range via the Evansville, Ind., radio range station; Louisville, Ky., radio range station; the intersection of the east course of the Louisville, Ky., radio range and the southwest course of the Huntington, W. Va., radio range to the Huntington, W. Va., radio range station. From the intersection of the east course of the Clear Creek, Ont., Canada, radio range and the southwest course of the Buffalo, N. Y., radio range to the Danville, N. Y., non-directional radio beacon. From the Elmira, N. Y., radio range station via the Albany, N. Y., radio range station to the intersection of the northeast course of the Hartford, Conn., radio range and the west course of the Boston, Mass., radio range. From the Boston, Mass., radio range station to the intersection of the east course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass., (Navy) radio range.

3. Section 600.221 *Red civil airway No. 21 (Pittsburgh, Pa., to Boston, Mass.)* is amended by deleting the words "the Pittsburgh, Pa., radio range station via" appearing in the first sentence of that section.

4. Section 600.234 is amended to read:

§ 600.234 *Red civil airway No. 34 (Charleston, W. Va., to Elizabeth City, N. C.).* From the intersection of the east course of the Charleston, W. Va., VHF radio range and the north course of the Pulaski, Va., radio range via the Pulaski, Va., radio range station to the Greensboro, N. C., radio range station. From the intersection of the northeast course of the Greensboro, N. C., radio range and the northwest course of the Raleigh, N. C., radio range; Raleigh, N. C., radio range station; the intersection of the southeast course of the Raleigh, N. C., radio range and the southwest course of the Rocky Mount, N. C., VHF radio range; Rocky Mount, N. C., VHF radio range station; the intersection of the northeast course of the Rocky Mount, N. C., VHF radio range and the west course of the Elizabeth City, N. C., VHF radio range; Elizabeth City, N. C., VHF radio range station to the Weeksville, N. C. (Coast Guard), radio range station, excluding that portion overlapping danger areas.

5. Section 600.237 *Red civil airway No. 37 (Dallas, Tex., to Gordonsville, Va.)* is amended by changing the last sentence of that section to read: "From the intersection of the northeast course of the Huntington, W. Va., radio range and the west course of the Charleston, W. Va., VHF radio range via the Charleston, W. Va., VHF radio range station; the intersection of the east course of the Charleston, W. Va., VHF radio range and the north course of the Roanoke, Va., radio range; Roanoke, Va., radio range station; Lynchburg, Va., radio range station to the Gordonsville, Va., radio range station."

6. Section 600.259 is amended to read:

§ 600.259 *Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).* From the Garden City, Kans., radio range station via the intersection of the south course of the Garden City, Kans., radio range and the northwest course of the Gage, Okla., radio range; Gage, Okla., radio range station to the Oklahoma City, Okla., radio range station.

7. Section 600.260 is amended to read:

§ 600.260 *Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).* From the Oakland, Calif., radio range station via the Stockton, Calif., radio range station to the intersection of the east course of the Stockton, Calif., radio range and the southeast course of the Sacramento, Calif., radio range.

8. Section 600.272 is amended to read:

§ 600.272 *Red civil airway No. 72 (Millville, N. J., to Idlewild, N. Y.).* From the intersection of the southwest course of the Millville, N. J., radio range and the south course of the New Castle, Del., radio range via the New Castle, Del., radio range station to the intersection of the north course of the New Castle, Del., radio range and the west course of the Philadelphia, Pa., radio range. From the intersection of the east course of the Harrisburg, Pa., radio range and the southwest course of the Willow Grove, Pa., radio range via the Willow Grove, Pa., radio range station to the intersection of the northeast course of the Willow Grove, Pa., radio range and the east course of the Allentown, Pa., radio range. From the Idlewild, N. Y., radio range station to the intersection of the southeast course of the Idlewild, N. Y., radio range and the southwest course of the Islip, N. Y., VHF radio range.

9. Section 600.291 is amended to read:

§ 600.291 *Red civil airway No. 91 (Salt Flat, Tex., to Hobbs, N. Mex.).* From the intersection of the east course of the Salt Flat, Tex., radio range and the southwest course of the Carlsbad, N. Mex., radio range via the Carlsbad, N. Mex., radio range station to the Hobbs, N. Mex., radio range station.

10. Section 600.294 is added to read:

§ 600.294 *Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).* From the Providence, R. I., radio range station via the Otis AFB, Falmouth, Mass., non-directional radio beacon located at Lat. 41°36'15", Long. 70°32'31", to the Hyannis, Mass., non-directional radio beacon, excluding that portion which lies more than 2 miles north of the centerline between the intersection of the east course of the Providence radio range and the northeast course of the Quonset Point, R. I. (Navy) radio range and the Otis AFB non-directional radio beacon and excluding that portion which lies more than 4 miles north of the centerline between the Otis AFB non-directional radio beacon and the Hyannis, Mass., non-directional radio beacon.

11. Section 600.614 *Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.)* is amended by deleting the first sentence of that section which reads: "From the Mt. Laguna, Calif., non-directional radio marker beacon to the Oceanside, Calif., non-directional radio marker beacon." and adding in lieu thereof: "From the intersection of the west course of the El Centro, Calif., radio range and a bearing 150° magnetic from the Julian, Calif., non-directional radio beacon to the Julian, Calif., non-directional radio beacon."

12. Section 600.621 is amended to read:

§ 600.621 *Blue civil airway No. 21 (Charleston, W. Va., to Erie, Pa.).* From the Charleston, W. Va., radio range station via the intersection of the north course of the Charleston, W. Va., radio range and the southwest course of the Parkersburg, W. Va., VHF radio range; Parkersburg, W. Va., VHF radio range station; the intersection of the northeast course of the Parkersburg, W. Va., VHF radio range and the southwest course of the Wheeling, W. Va., VHF radio range to the Wheeling, W. Va., VHF radio range station. From the intersection of the northwest course of the Pittsburgh, Pa., radio range and the south course of the Youngstown, Ohio, radio range via the Youngstown, Ohio, radio range station to the intersection of the north course of the Youngstown, Ohio, radio range and the southwest course of the Erie, Pa., radio range.

13. Section 600.627 *Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska)* is amended by changing the name "Naknek, Alaska" to "King Salmon, Alaska".

14. Section 600.631 is amended to read:

§ 600.631 *Blue civil airway No. 31 (Burlington, Iowa to Moline, Ill.).* From the intersection of the northeast course of the Burlington, Iowa, radio range and the south course of the Moline, Ill., radio range to the Moline, Ill., radio range station.

15. Section 600.637 is amended to read:

§ 600.637 *Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).* From the intersection of the east course of the Sinclair, Wyo., radio range and the northwest course of the Laramie, Wyo., radio range via the Casper, Wyo., radio range station to the intersection of the southeast course of the Sheridan, Wyo., radio range and the west course of the Rapid City, S. Dak., radio range.

16. Section 600.639 *Blue civil airway No. 39 (Knoxville, Tenn., to United States-Canadian Border)* is amended by changing the first sentence of that section to read: "From the Tri-City, Tenn., radio range station via the Paynesville, W. Va., non-directional radio beacons; the intersection of the southeast course of the Huntington, W. Va., radio range and the south course of the Charleston, W. Va., radio range to the Charleston, W. Va., radio range station."

17. Section 600.660 is amended to read:

§ 600.660 *Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).* From the intersection of the northwest course of the Salinas, Calif., VHF radio range and the west course of the Moffett Field (Sunnyvale), Calif., (Navy) radio range via the Moffett Field (Sunnyvale), Calif., (Navy) radio range station to the intersection of the northeast course of the Moffett Field (Sunnyvale), Calif.,

(Navy) radio range and the west course of the Stockton, Calif., radio range.

18. Section 600.669 is amended to read:

§ 600.669 *Blue civil airway No. 69 (St. Louis, Mo., to Des Moines, Iowa).* From the intersection of the north course of the St. Louis, Mo., radio range and the southwest course of the Springfield, Ill., radio range via the Quincy, Ill., non-directional radio beacon; the Ottumwa, Iowa, non-directional radio beacon to the Des Moines, Iowa, radio range station.

19. Section 600.670 is added to read:

§ 600.670 *Blue civil airway No. 70 (Ardmore, Okla., to Tulsa, Okla.).* From the Ardmore, Okla., non-directional radio beacon to the Tulsa, Okla., radio range station.

20. Section 600.671 is added to read:

§ 600.671 *Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash.).* From the Toledo, Wash., radio range station via the Shelton, Wash., radio range station to the Seattle, Wash., radio range station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 301, 302, 307, 52 Stat. 985, 986, as amended; 49 U. S. C. 451, 452, 457)

This amendment shall become effective 0001 e. s. t., September 5, 1950.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-7763; Filed, Sept. 5, 1950; 8:46 a. m.]

[Amdt. 35]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 601 is amended as follows:

1. Section 601.211 is amended by changing caption to read: *"Red civil airway No. 11 control areas (Tulsa, Okla., to Boston, Mass.)."*

2. Section 601.234 is amended by changing caption to read: *"Red civil airway No. 34 control areas (Charleston, W. Va., to Elizabeth City, N. C.)."*

3. Section 601.259 is amended by changing caption to read: *"Red civil airway No. 59 control areas (Garden City, Kans., to Oklahoma City, Okla.)."*

4. Section 601.260 is amended by changing caption to read: *"Red civil airway No. 60 control areas (Oakland, Calif., to Stockton, Calif.)."*

5. Section 601.272 is amended by changing caption to read: *"Red civil airway No. 72 control areas (Millville, N. J., to Idlewild, N. Y.)."*

6. Section 601.294 is added to read:

§ 601.294 *Red civil airway No. 94 control areas (Providence, R. I., to Hyannis, Mass.).* All of Red civil airway No. 94.

7. Section 601.627 *Blue civil airway No. 27 control areas (Kodiak, Alaska, to Kotzebue, Alaska)* is amended by changing the name "Naknek, Alaska" to "King Salmon, Alaska."

8. Section 601.631 is amended by changing caption to read: *"Blue civil airway No. 31 control areas (Burlington, Iowa, to Moline, Ill.)."*

9. Section 601.639 is amended to read:

§ 601.639 *Blue civil airway No. 39 control areas (Knoxville, Tenn., to United States-Canadian Border).* All of Blue civil airway No. 39 from the Tri-City, Tenn., radio range station to a line extended at right angles across such airway through a point 25 miles northeast of the Tri-City, Tenn., radio range station; from the Paynesville, W. Va., non-directional radio beacon to the United States-Canadian Border.

10. Section 601.669 is amended to read:

§ 601.669 *Blue civil airway No. 69 control areas (St. Louis, Mo., to Des Moines, Iowa).* All of Blue civil airway No. 69.

11. Section 601.670 is added to read:

§ 601.670 *Blue civil airway No. 70 control areas (Ardmore, Okla., to Tulsa, Okla.).* All of Blue civil airway No. 70.

12. Section 601.671 is added to read:

§ 601.671 *Blue civil airway No. 71 control areas (Toledo, Wash., to Seattle, Wash.).* All of Blue civil airway No. 71.

13. Section 601.1063 is amended to read:

§ 601.1063 *Control area extension (Roanoke, Va.).* From the Roanoke, Va., radio range station extending 5 miles either side of the south course of the Roanoke, Va., radio range to a point 20 miles south of the radio range station.

14. Section 601.1071 is amended to read:

§ 601.1071 *Control area extension (Burbank, Calif.).* From the Burbank, Calif., radio range station extending 5 miles either side of the southwest course of the Burbank radio range to the intersection of the southwest course of the Burbank radio range and the west course of the Los Angeles, Calif., VHF radio range, and all that area bounded on the south by the northern limits of Green civil airway No. 5, on the west by the eastern limits of Amber civil airway No. 1, on the east by the western limits of Amber civil airway No. 2, and on the north by a line 5 miles north of and parallel to the center line of the on-course signal of the southeast course of the Burbank, Calif., radio range from the eastern limits of Amber civil airway No. 1 to the western limits of Amber civil airway No. 2.

15. Section 601.1131 is added to read:

§ 601.1131 *Control area extension (Ottumwa, Iowa).* From the Ottumwa, Iowa, non-directional radio beacon extending 5 miles either side of a bearing 180° magnetic from the non-directional radio beacon to a point 20 miles south of the non-directional radio beacon.

16. Section 601.1133 is added to read:

§ 601.1133 *Control area extension (Seattle, Wash.).* All that area southwest of the Seattle, Wash., radio range station bounded on the north and west by Blue civil airway No. 71 and on the east by Amber civil airway No. 1, excluding the Fort Lewis, Wash., danger area.

17. Section 601.1149 is amended to read:

§ 601.1149 *Control area extension (Norfolk, Va.).* From the Norfolk, Va. (Navy) radio range station extending 5 miles either side of the east course of the Norfolk, Va. (Navy) radio range to its intersection with the south course of the Chincoteague, Va. (Navy) radio range, excluding that portion below 2,000 feet.

18. Section 601.1169 is amended to read:

§ 601.1169 *Control area extension (Idlewild, N. Y.).* From the intersection of the southwest course of the Islip, N. Y., VHF radio range and the west course of the Nantucket, Mass., VHF radio range extending 5 miles either side of the west course of the Nantucket, Mass., VHF radio range to the Nantucket, Mass., VHF radio range station, excluding that portion below 2,000 feet.

19. Section 601.1178 is added to read:

§ 601.1178 *Control area extension (Honolulu, T. H.).* All that area within a radius of 25 miles from the Honolulu radio range station extending clockwise from a point 25 miles northeast of the radio range station on Green civil airway No. 9 to a point 25 miles southwest of the radio range station on Green civil airway No. 9.

20. Section 601.1179 is added to read:

§ 601.1179 *Control area extension (Hilo, T. H.).* All that area within a radius of 25 miles from the Hilo radio range station extending clockwise from a point 25 miles north of the Hilo radio range station on Amber civil airway No. 12 to a point 25 miles east of the Hilo radio range station on Red civil airway No. 87.

21. Section 601.1180 is added to read:

§ 601.1180 *Control area extension (San Antonio, Tex.).* Within a 10 mile radius of the Randolph Air Force Base radio range station, excluding that portion which overlaps Amber civil airway No. 4.

22. Section 601.1181 is added to read:

§ 601.1181 *Control area extension (Elizabeth City, N. C.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Weeksville, N. C. (Navy) radio range station to a circle 10 miles in radius centered on the intersection of

the southeast course of the Weeksville, N. C. (Navy) radio range and the western boundary of the New York Oceanic Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

23. Section 601.1182 is added to read:

§ 601.1182 *Control area extension (Enid, Okla.).* From the Enid, Okla., Vance Air Force Base radio range station extending 5 miles either side of the northwest course of the radio range to the southern boundary of Green civil airway No. 4, extending 5 miles either side of the northeast course of the radio range to the western boundary of Blue civil airway No. 5, extending 5 miles either side of the southeast course of the radio range to the western boundary of Blue civil airway No. 5, and extending 5 miles either side of the southwest course of the radio range to a point 25 miles southwest of the Vance AFB radio range station.

24. Section 601.1984 is amended by adding the following airport:

Lihue, Kauai, T. H.: Lihue Airport.

25. Section 601.2180 is amended to read:

§ 601.2180 *Oakland, Calif., control zone.* Within a 5 mile radius of the Oakland Municipal Airport extending 2 miles either side of the northwest course of the Oakland, Calif., radio range to a point 10 miles northwest of the radio range station, extending 2 miles either side of the southeast course of the radio range to the Newark fan marker, and extending 2 miles either side of the southwest course of the radio range to a point 6.25 miles southwest of the Oakland radio range station.

26. Section 601.2187 is amended to read:

§ 601.2187 *San Francisco, Calif., control zone.* Within a 5 mile radius of the San Francisco Municipal Airport extending 2 miles either side of the southeast course of the San Francisco radio range to the Belmont fan marker, extending 2 miles either side of the northwest course of the radio range to a point 10 miles northwest of the radio range station, and extending 2 miles either side of the northeast course of the radio range to a point 6.25 miles northeast of the radio range station.

27. Section 601.2192 Mana, Kauai, T. H. (Barking Sands AFB) control zone is revoked.

28. Section 601.2192 is added to read:

§ 601.2192 *Ontario, Calif., control zone.* Within a 5 mile radius of the Ontario, Calif., International Airport extending 2 miles either side of a bearing 74° magnetic from the airport to a point 15 miles east of the airport.

29. Section 601.2264 is amended to read:

§ 601.2264 *Dunkirk, N. Y., control zone.* Within a 5 mile radius of the Dunkirk Municipal Airport extending 2 miles either side of a track 05° magnetic from the Dunkirk non-directional radio beacon to a point 10 miles north of the non-directional radio beacon.

30. Section 601.2268 is added to read:

§ 601.2268 *Ottumwa, Iowa, control zone.* Within a 5 mile radius of the Ottumwa Airport extending 2 miles either side of a bearing 180° magnetic from the Ottumwa non-directional radio beacon to a point 10 miles south of the airport.

31. Section 601.2269 is added to read:

§ 601.2269 *Fort Dix, N. J., control zone.* Within a 7 mile radius of the McGuire Air Force Base extending 5 miles either side of the southwest course of the McGuire AFB radio range to a point 10 miles southwest of the radio range station, excluding that portion which lies over Red civil airway No. 3, the Fort Dix, N. J., danger area, and the Lakehurst, N. J., caution area.

32. Section 601.2270 is added to read:

§ 601.2270 *Enid, Okla., control zone.* Within a 5 mile radius of the Vance Air Force Base extending 2 miles either side of the northeast course of the Vance AFB radio range to a point 10 miles northeast of the radio range station.

33. Section 601.4211 is amended by changing caption to read: *"Red civil airway No. 11 (Tulsa, Okla., to Boston, Mass.)."*

34. Section 601.4234 is amended by changing caption to read: *"Red civil airway No. 34 (Charleston, W. Va., to Elizabeth City, N. C.)."*

35. Section 601.4259 is amended by changing caption to read: *"Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.)."*

36. Section 601.4260 is amended by changing caption to read: *"Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.)."*

37. Section 601.4272 is amended by changing caption to read: *"Red civil airway No. 72 (Millville, N. J., to Idlewild, N. Y.)."*

38. Section 601.4294 is added to read:

§ 601.4294 *Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).* No reporting point designation.

39. Section 601.4631 is amended by changing caption to read: *"Blue civil airway No. 31 (Burlington, Iowa, to Moline, Ill.)."*

40. Section 601.4670 is added to read:

§ 601.4670 *Blue civil airway No. 70 (Ardmore, Okla., to Tulsa, Okla.).* No reporting point designation.

41. Section 601.4671 is added to read:

§ 601.4671 *Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash.).* No reporting point designation.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 301, 302, 307, 52 Stat. 985, 986, as amended; 49 U. S. C. 451, 452, 457.)

This amendment shall become effective 0001 e. s. t., September 5, 1950.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-7764; Filed, Sept. 5, 1950; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

MISCELLANEOUS AMENDMENTS

Part 578 is hereby amended by changing paragraphs (b) and (d) of § 578.48, and adding a new § 578.48a, to read as follows:

§ 578.48 *Army of Occupation Medal.* • • •

(b) *Requirements.* • • •

(3) Army of Occupation of Japan between September 3, 1945, and a terminal date to be announced later in the four main islands of Hokkaido, Honshu, Shikoku, and Kyushu, the surrounding smaller islands of the Japanese homeland, the Ryukyu Islands, and the Bonin-Volcano Islands. (Service between September 3, 1945, and March 2, 1946, will be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945.)

(4) Army of Occupation of Korea between September 3, 1945, and June 29, 1949, inclusive. (Service between September 3, 1945, and March 2, 1946, will be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945.)

• • • • •

(d) *Berlin airlift device*—(1) *Description.* The Berlin airlift device is a gold-colored metal miniature of a C–54 type aircraft of ⅜-inch wing span, other dimensions proportionate.

(2) *Requirements*—(i) *General.* Service for 90 consecutive days while assigned or attached to a unit in the Army of Occupation of Germany which has been designated in general orders of the Department of the Army or Department of the Air Force as participating in the Berlin airlift between June 26, 1948, and September 30, 1949, inclusive.

(ii) *Posthumous.* Awards may be made to those persons who lost their lives while participating in the Berlin airlift, or as a direct result of participating therein, without regard to the length of such service, provided all other requirements prescribed in subdivision (i) of this subparagraph have been complied with.

(iii) *Wearing.* The device will be worn on the service ribbon or on the suspension ribbon of the medal with the nose pointing upward at a 30° angle and towards the wearer's right. No individual will wear more than one Berlin airlift device, regardless of the number of times he may qualify for the award.

§ 578.48a *Medal for Humane Action.* Established by the Act of July 20, 1949 (63 Stat. 447; 10 U. S. C. 1430d, Supp. III).

(a) *Description.* The medal of bronze is 1¼ inches in diameter On the obverse is a facsimile of a C–54 airplane within a wreath of wheat centering at the bottom of the coat of arms of the city of Berlin, Germany. The reverse bears the eagle,

shield, and arrows from the seal of the Department of Defense beneath the words "For Humane Action" and above the quotation "To Supply Necessities Of Life To The People of Berlin, Germany." The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width, banded in black (3/32-inch) on each edge symmetrically inclosing white stripes (1/16-inch) outside blue bands (3/32-inch) followed by white stripes (3/64-inch) centering one stripe of red (1/32-inch).

(b) *Requirements* (1) *General.* Service for at least 120 days during the period June 26, 1948, and September 30, 1949, inclusive, within the boundaries of the Berlin airlift operations prescribed in paragraph (c) of this section, while participating in the Berlin airlift or in direct support thereof, by the following individuals:

(i) Members of the Armed Forces of the United States.

(ii) Persons other than members of the Armed Forces of the United States when recommended for meritorious participation.

(2) *Posthumous.* Awards may be made to those persons who lost their lives while participating in the Berlin airlift, or as a direct result of participating therein, without regard to the length of such service, provided all other requirements prescribed in subparagraph (1) of this paragraph have been complied with.

(c) *Boundaries of area of Berlin airlift operations*—(1) *Northern boundary.* 54th parallel north latitude.

(2) *Eastern boundary.* 13th meridian east longitude.

(3) *Southern boundary.* 48th parallel north latitude.

(4) *Western boundary.* 5th meridian west longitude.

(d) *Awards.* No individual will be awarded more than one Medal for Humane Action, regardless of the number of times he may qualify for an award.

[C4, AR 600-65, 15 Aug. 50] (R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 1, 63 Stat. 447; 10 U. S. C. Sup., 1430d)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A.,
The Adjutant General.

[F. R. Doc. 50-7762; Filed, Sept. 5, 1950; 8:45 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

SUBPART Q—FOREIGN SERVICE ALLOWANCES

Effective July 1, 1950, Appendix A is amended as follows:

	Subsistence	Quarters	Total	Travel
Add Class XXVI	None	$1.00	$1.00	$7.00
Netherlands				
Deleted from Class I	None	None	None	7.00
and				
Place in Class XXVI	None	1.00	1.00	7.00

Effective August 1, 1950, Appendix A is amended as follows:

	Subsistence	Quarters	Total	Travel
Indonesia (Netherlands East Indies)				
Deleted from Class XI	$3.75	$4.00	$7.75	$11.00
and				
Placed in Class XXII	2.55	1.50	4.05	9.00
Korea				
Deleted from Class VI	3.75	.75	4.50	7.25

(Sec. 215, 53 Stat. 690; 42 U. S. C. 216)

Dated: August 25, 1950.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: August 30, 1950.

JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-7761; Filed, Sept. 5, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 173]

SUBSTANCES USED IN THE MANUFACTURE OF DISTILLED SPIRITS

NOTICE OF PROPOSED RULE-MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under authority of 53 Stat. 308, 373, as amended, 375; 26 U. S. C. 2811, 3170, 3176.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Section 173.3 (b) of Regulations 17 (26 CFR Part 173), approved July 11, 1945, relating to the disposition of substances used in the manufacture of distilled spirits is hereby amended to read as follows:

§ 173.3 *Definitions.* • • •

(b) "Substance" shall mean and include, but not by way of limitation, any of the following which are used in the manufacture of distilled spirits: Any grade or type of sugar, sirup, or molasses derived from sugar cane, sugar beets, corn, sorghum, or any other source; starch; potatoes; grain or corn meal, corn chops, cracked corn, rye chops, middlings, shorts, bran, or any other grain derivative; malt; malt sugar, or malt sirup; oak chips, charred or not charred; charred kegs or barrels; yeast; cider; honey; fruits; grapes; berries; fruit, grape, or berry juices or concentrates; wine; caramel; burnt sugar; gin flavor; Chinese bean cake or Chinese wine cake; urea; ammonium phosphate, ammonium carbonate, ammonium sulphate, or any other yeast food; or any other fermentable material of the character used in the manufacture of distilled spirits, or any chemical or other material suitable for promoting or accelerating fermentation; or any combination of such materials or chemicals.

• • • • • • •

(53 Stat. 308, 373, as amended, 375; 26 U. S. C. 2811, 3170, 3176)

2. Section 173.5 of Regulations 17 (26 CFR Part 173), approved July 11, 1945, relating to disposition of substances used in the manufacture of distilled spirits is hereby amended to read as follows:

§ 173.5 *Records to be maintained.* Every person in the United States who disposes of any substance, as defined in § 173.3 (b), and who has been required to render returns under the provisions of § 173.4 (a), shall keep at his place of business such books, records, documents, papers, invoices, bills of lading, etc., relating to or connected with any such disposition, as will enable such person to make the return provided for by § 173.4 (a). Such books, records, documents, papers, invoices, bills of lading, etc., shall be kept readily available for, and open to, inspection by any officer or employee of the Alcohol Tax Unit of the Bureau of Internal Revenue during the hours of business of such person.

(53 Stat. 308, 373, as amended, 375; 26 U. S. C. 2811, 3170, 3176)

3. The purposes of these proposed amendments are as follows:

(a) To include in the definition of "Substances" the words "charred kegs and barrels," in order that returns may be required from distributors of such containers.

(b) To eliminate language originally included which specified minimum quantities of raw materials on which records were to be maintained by distributors. The quantities to be recorded are now designated by the "demand letters" and no records are required of persons not under demand to make returns.

4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 50-7759; Filed, Sept. 5, 1950; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 920]

[Docket No. AO-221-RO1]

HANDLING OF IRISH POTATOES GROWN IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW HAMPSHIRE, AND VERMONT

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont, was opened at West Springfield, Massachusetts, on April 17, 1950, pursuant to notice thereof in the FEDERAL REGISTER (15 F. R. 1809), recessed April 20, 1950, and reopened June 20, 1950, following notice of such reopening published in the FEDERAL REGISTER (15 F. R. 3191).

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 9, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (15 F. R. 5395, 5635).

Rulings. Exceptions to the recommended decision of the Assistant Administrator were filed by Roderick H. King, Chairman of the Farm Bureau Potato Committee, Connecticut State Farm Bureau Federation, Inc., and by Alfred L. French, Managing Director, New Hampshire Farm Bureau Federation. Each of such exceptions was fully and carefully considered together with the evidence in the record, in arriving at the findings and conclusions set forth herein.

As the termination provisions of § 920.84 (c) of the proposed marketing order comply with the order termination provisions specifically set forth in the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608 (c) (16) (B)), the exception thereto is overruled. The exception to the production area contained in § 920.4 of the proposed marketing order is overruled because, although a State branding law may assist in promoting more orderly marketing of Irish potatoes grown therein and may tend to increase the returns of the growers of such potatoes, such law does not prevent a grower from marketing his entire potato crop, regardless of the grade and size of the potatoes therein contained, and such law is not, therefore, an adequate substitute for the proposed marketing order in effectuating the declared policy of the act. To the extent that the findings and conclusions herein are at variance with any of the exceptions pertaining thereto such exceptions are denied for the foregoing reasons and on the basis of the findings and conclusions relating to the issues to which the exceptions referred.

The material issues and the findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 50-7082; 15 F. R. 5395, 5635) are hereby approved, adopted, and incorporated herein as the material issues and the findings and conclusions of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Irish Potatoes Grown in the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont," and "Order Regulating Handling of Irish Potatoes Grown in the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order, which will be published with this decision.

Done at Washington, D. C., this 31st day of August 1950.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

Order [1] Regulating the Handling of Irish Potatoes Grown in the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont

Sec.
920.0 Findings and determintations.

DEFINITIONS

920.1 Secretary.
920.2 Act.
920.3 Person.
920.4 Production area.
920.5 Potatoes.
920.6 Handler.
920.7 Ship.
920.8 Producer.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Sec.
920.9 Fiscal year.
920.10 Committee.
920.11 District.
920.12 Varieties.
920.13 Seed potatoes.
920.14 Table stock potatoes.
920.15 Wholesale pack.
920.16 Consumer pack.
920.17 Grade.
920.18 Export.
920.19 Part and sub-part.

COMMITTEE

920.22 Establishment and membership.
920.23 Term of office.
920.24 Districts.
920.25 Selection.
920.26 Nomination.
920.27 Failure to nominate.
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EXPENSES, ASSESSMENTS, AND BUDGETS

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920.41 Expenses.
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920.50 Marketing policy preparation.
920.51 Marketing policy reports.
920.52 Committee recommendations.
920.53 Issuance of regulations.
920.54 Modification, suspension, or termination.
920.55 Minimum quantity regulation.
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920.65 Inspection and certification.

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MISCELLANEOUS PROVISIONS

920.80 Reports.
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920.83 Effective time.
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920.86 Effect of termination or amendment.
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920.88 Agents.
920.89 Derogation.
920.90 Personal liability.
920.91 Separability.
920.92 Amendments.

AUTHORITY: §§ 920.0 to 920.92, inclusive, issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051.

§ 920.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public

hearing upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont, was opened at West Springfield, Massachusetts, April 17, 1950, recessed April 20, 1950, and reopened June 20, 1950. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary in order to give due recognition to the difference in production and marketing of such Irish potatoes;

(2) This order is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of the production area specified in this order would not effectively carry out the declared policy of the act;

(3) This order, and all of the terms and conditions of this order, will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such Irish potatoes as will be in the public interest;

(4) This order regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held; and

(5) All handling of potatoes grown in the production area, within the production area or between the production area and any point outside thereof, is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Order relative to handling. It is hereby ordered, pursuant to the findings and determinations set forth in § 920.0 hereof, and pursuant to the aforesaid act, that such handling of potatoes, as defined in this order shall, from and after the time hereinafter specified, be in conformity to and in compliance with the terms and conditions of this order; and the terms and conditions of this order are as follows:

DEFINITIONS

§ 920.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 920.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

§ 920.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 920.4 *Production area.* "Production area" means all territory included within the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont.

§ 920.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the aforesaid production area.

§ 920.6 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 920.7 *Ship.* "Ship" or "handle" means to transport, sell, or in any other way to place potatoes in the current of commerce within the production area or between the production area and any point outside thereof; *Provided*, That the definition of "ship" or "handle" shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area for storing, or to the sale or transportation of potatoes to a recognized dealer or packer within the production area for the purpose of having such potatoes prepared for market.

§ 920.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 920.9 *Fiscal year.* "Fiscal year" means the period beginning on June 1 of each year and ending May 31 following.

§ 920.10 *Committee.* "Committee" means the administrative committee, called the New England Potato Committee, established pursuant to § 920.22.

§ 920.11 *District.* "District" means, describes, and refers to each of the geographic divisions of the production area established pursuant to § 920.24.

§ 920.12 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 920.13 *Seed potatoes.* "Seed potatoes" or "seed" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under supervision of the official seed potato certifying agency of the State where grown, or other seed certification agencies which the Secretary may recognize.

§ 920.14 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 920.15 *Wholesale pack.* "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

§ 920.16 *Consumer pack.* "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

§ 920.17 *Grade.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon.

§ 920.18 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 920.19 *Part and subpart.* "Part" means the order regulating the handling of Irish potatoes grown in the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such "part."

COMMITTEE

§ 920.22 *Establishment and membership.* (a) The New England Potato Committee consisting of 15 producer members is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate shall be an individual who is a producer (or an officer or an employee of a corporate producer) in and a resident of the district for which selected.

§ 920.23 *Term of office.* The term of office of committee members and alternates shall be for two fiscal years, and until their successors are selected and have qualified: *Provided, however*, That the terms of office of the initial committee shall be determined by the Secretary so that the terms of office of a majority of the initial members and alternates shall be for one fiscal year. Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the term of office.

§ 920.24 *Districts.* For the purpose of determining the basis for selecting committee members, the following districts of the production area are hereby established:

District No. 1: The State of Massachusetts;
District No. 2: The State of Rhode Island;
District No. 3: The State of Connecticut;
District No. 4: The State of New Hampshire; and
District No. 5: The State of Vermont.

§ 920.25 *Selection.* The Secretary shall select four members of the committee, with their respective alternates, from each of Districts Nos. 1 and 3, three members with their respective alternates from District No. 2, and two members with their respective alternates from each of Districts Nos. 4 and 5, which members and alternates shall represent the respective District from which they are selected.

§ 920.26 *Nomination.* The Secretary may select the members of the New England Potato Committee, with their respective alternates, from nominations which may be made in the following manner:

(a) Nominations for initial members of the committee and their respective alternates may be submitted by producers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers.

(b) In order to provide nominations for succeeding committee members and alternates:

(1) The New England Potato Committee shall hold or cause to be held prior to April 1 of each year, after the effective date hereof, a meeting or meetings of producers in each of the Districts designated in § 920.24;

(2) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(3) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(5) Only producers may participate in designating nominees for committee members and their alternates; and

(6) Regardless of the number of districts in which a person produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 920.27 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 920.26, the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for in § 920.25.

§ 920.28 *Acceptance.* Any person selected as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 920.29 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected from nominations made in the manner specified in § 920.26, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in § 920.25.

§ 920.30 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 920.31 *Procedure.* (a) A majority of the committee members shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be promptly confirmed in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 920.32 *Expenses and compensation.* Committee members and their respective alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in exercise of their powers under this part, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $5.00 for each day, or portion thereof, spent in attending to committee business.

§ 920.33 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 920.34 *Duties.* It shall be the duty of the committee:

(a) At the beginning of each fiscal year, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and, upon approval of the Secretary, to engage in such research and service activities which may be necessary and incidental to the operation of the marketing agreement and order;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal year, to prepare a budget of its expenses for such fiscal year, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES, ASSESSMENTS, AND BUDGETS

§ 920.40 *Budget.* The committee shall prepare a budget for each fiscal year showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall also transmit to the Secretary a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 920.41 *Expenses.* The committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget and other available information, finds may be necessary during each fiscal year to perform its functions under this part and for such other purposes as may be appropriate pursuant to the provisions of this part.

§ 920.42 *Rate of assessment.* The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate recommended by the committee and fixed by the Secretary on the basis of such recommendations or other available information. Each handler who first ships potatoes shall pay assessments to the committee upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year. Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

§ 920.43 *Increasing rate of assessment.* Upon recommendation of the committee and upon a later finding relative to the committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

§ 920.44 *Accounting.* All funds received by the committee pursuant to any provision of this part shall be used solely for the purposes specified in this part and shall be accounted for in the following manner:

(a) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(b) Whenever any person ceases to be a committee member or alternate he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 920.45 *Refunds.* (1) If at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 920.46 *Collection of funds.* (a) The committee may, with the approval of the Secretary maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(b) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

REGULATION

§ 920.50 *Marketing policy preparation.* At the beginning of each fiscal year the committee shall consider and prepare a proposed policy for the marketing of potatoes during such fiscal year. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(a) Market prices for potatoes, including prices by grade, size, and quality in wholesale or in consumer packs, or any other shipping unit;

(b) Supply of potatoes, by grade, size, and quality, in the production area and in other production areas;

(c) The trend and level of consumer income; and

(d) Other relevant factors.

§ 920.51 *Marketing policy reports.* (a) The committee shall submit to the Secretary a report setting forth the aforesaid marketing policy. The committee also shall notify producers and handlers of the contents of such reports.

(b) In the event it becomes advisable to deviate from such marketing policy, because of changed supply and demand conditions, the committee shall formulate a new marketing policy in accordance with the manner previously outlined. The committee also shall submit a report thereon to the Secretary and notify producers and handlers of such revised or amended marketing policy.

§ 920.52 *Committee recommendations.* The committee shall recommend regulation to the Secretary whenever it finds that such regulation, as provided in § 920.53 will tend to effectuate the declared policy of the act. The committee also may recommend modification, suspension, or termination of any regulation in order to facilitate shipments of potatoes for the specified purposes set forth in § 920.54.

§ 920.53 *Issuance of regulations.* The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes, or qualities of any or all varieties of potatoes during any period; or

(b) Regulate the shipment of particular grades, sizes, or qualities of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs, or any combination of the foregoing during any period; or

(c) Regulate the shipment of potatoes by establishing in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 920.54 *Modification, suspension, or termination.* Upon the basis of the recommendation and information submitted by the committee, the Secretary shall modify, suspend, or terminate regulations issued pursuant to §§ 920.42, 920.43, 920.53, 920.54, or 920.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes whenever he finds that it will tend to effectuate the declared policy of the act:

(a) For seed;

(b) For export;

(c) For distribution by the Federal Government;

(d) For manufacture or conversion into specified products;

(e) For livestock feed; and

(f) For other purposes which may be specified.

§ 920.55 *Minimum quantity regulation.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 920.42, 920.43, 920.53, 920.54, or 920.65, or any combination thereof.

§ 920.56 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 920.57 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 920.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Safeguards, as prescribed in this section, may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to § 920.54;

(2) Handlers shall obtain inspection provided by § 920.65 or pay the pro rata share of expenses provided by § 920.42 or both, in connection with potato shipments effected under the provisions of § 920.54: *Provided,* That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under the provisions of § 920.54.

(b) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in § 920.54 were handled contrary to the requirements applicable thereto.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 920.65 *Inspection and certification.* During any period in which shipments of potatoes are regulated, pursuant to the provisions of §§ 920.42, or 920.53, or both, no handler shall ship potatoes unless, prior thereto, such shipment was inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate. Each handler procuring inspections pursuant to this section, shall make arrangements with the inspecting agency to forward promptly to the committee a copy of the inspection certificate: *Provided,* That the regrading, resorting, repacking, or other further preparation of inspected potatoes for market shall invalidate prior inspection thereon and subsequent shipment of such potatoes after regrading, resorting, repacking, or other preparation for market shall not be effected unless, prior thereto, such shipment is inspected as provided in this section: *Provided further,* That the committee may adopt, subject to the approval of the Secretary, procedures permitting the shipment of potatoes without the required prior inspection thereon; such procedures shall include a requirement that each handler-applicant for a waiver show that he requested shipping point inspection and that the appropriate inspection agency stated that it could not supply reasonably prompt service in connection with such request; and such procedures may require that each applicant agrees, as a condition for the issuance of a waiver, to one or more of the following:

(a) That the potatoes to be shipped under such waiver will be inspected and certified at destination if an inspector is available for such purpose;

(b) That, where inspection indicates that potatoes shipped under a waiver fail to meet minimum grade, size, and quality requirements in effect at the time of such inspection, the potatoes will be removed from all normal domestic commercial channels, except for disposition pursuant to § 920.54; and

(c) That additional waivers will not be granted to an applicant, for the remainder of the fiscal year, if the potatoes shipped under a waiver and failing to meet minimum grade, size, and quality requirements, are not removed from all normal domestic market channels, except for disposition pursuant to § 920.54.

EXEMPTIONS

§ 920.70 *Procedure.* The committee may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 920.71 *Granting exemptions.* (a) The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee, that by reason of a regulation issued pursuant to § 920.53 he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped during the entire season, or such portion thereof as may be determined by the committee, by all producers in said applicant's immediate production area and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(b) The committee shall issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 920.53, he will be prevented from shipping, as large a proportion of his storage holdings of potatoes, acquired during or immediately following the digging season, as the average proportion of storage holdings shipped by all handlers in said applicant's immediate shipping area, and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(c) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 920.72 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 920.73 *Records, reports, and review of exemptions.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 920.70, 920.71, 920.72 or any combination thereof.

MISCELLANEOUS PROVISIONS

§ 920.80 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this part. Handlers shall maintain records from which such reported information can be verified by the committee. The Secretary shall have the right to modify, change, or rescind any request for reports pursuant to this section.

§ 920.81 *Compliance.* Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this part, and no handler shall ship potatoes except in conformity to the provisions of this part.

§ 920.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 920.83 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 920.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers, who during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided,* That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before January 1 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 920.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 920.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 920.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 920.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 920.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 920.90 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 920.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 920.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

[F. R. Doc. 50-7797; Filed, Sept. 5, 1950; 8:53 a. m.]

[7 CFR, Part 920]

[Docket No. AO-221-RO1]

HANDLING OF IRISH POTATOES GROWN IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW HAMPSHIRE, AND VERMONT

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF REPRESENTATIVE PERIOD; DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq: 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), it is hereby directed that a referendum be conducted among producers who, during the period June 1, 1949, to May 31, 1950, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the production of Irish potatoes for market, in the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont, to determine whether such producers approve or favor the issuance of an order regulating the handling of Irish potatoes grown therein; and said order is annexed to the decision of the Secretary of Agriculture filed [1] simultaneously herewith.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

A. C. Cook, R. P. Callaway, O. H. Chapin, and R. L. Hawes, of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid order may be examined in the Office of the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington, D. C., and at the county Production and Marketing Administration Office in each of the counties within the specified production area.

Ballots to be cast in the referendum and copies of the text of the order may be obtained from any referendum agent and any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 31st day of August 1950.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-7798; Filed, Sept. 5, 1950; 8:53 a. m.]

[1] See F. R. Doc. 50-7797, *supra*.

[7 CFR, Part 986]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO INCREASE IN SUPPLEMENTARY ALLOTMENTS OF 1950 CROP HOPS

Consideration is being given to the approval of a proposal, hereinafter set forth, which was submitted by the Hop Control Board, established under Marketing Agreement No. 107 and Order No. 86 (7 CFR 986.1 et seq.), regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, as the agency to administer the terms and provisions thereof.

Section 986.6 (c) (2) (ii) (b) of said marketing agreement and order provides as follows: "The Control Board shall each year issue or cause to be issued, prior to the issuance of final allotments applicable to that year's crop, to any grower who may apply therefor to the Growers Allocation Committee, a supplementary allotment representing such proportion of that grower's total production of hops during that year as the Growers Allocation Committee or its authorized representatives shall determine will not be in excess of 80 percent (or such higher percentage as the Control Board, with the approval of the Secretary, may specify for the computation of supplementary allotments) of that grower's probable salable allotment for that year's crop."

Pursuant thereto the Hop Control Board by unanimous vote of 17 members voting, at a duly called meeting in San Francisco on July 21 and 22, 1950, requested the Secretary to approve issuance of supplementary allotments of hops to growers upon request, not in excess of 80 percent of the respective growers' probable salable allotments for the 1950 crop, except that in case complete information in respect to any grower's 1950 crop hop production is available to the Growers Allocation Committee, such grower may be issued, upon his application, a supplementary allotment such as will not exceed 90 percent of his probable salable allotment of 1950 crop hops.

Each grower's final salable allotment will not be issued until late fall of this year, and after the production of hops by each grower and the total aggregate production of hops has been determined by the Secretary. In the meantime the Hop Control Board considers it desirable to permit hops to move to domestic and foreign markets within growers' probable salable allotments, with as little interference as is practicable. It is also highly desirable that growers realize the returns for their product closely following the harvest of the crop, in order that they be in position to meet the financial obligations incurred in cultivating and harvesting. The Control Board believes that the issuance of a supplementary allotment not in excess of 90 percent of the probable salable allotment of any grower, computed after complete production information is available for such grower, would be well within the grower's final salable allotment.

Prior to the final approval of the proposal of the Hop Control Board, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than ten days after the date of the publication of this notice in the FEDERAL REGISTER.

The proposed rule is as follows:

§ 986.402 *Supplementary allotment for the 1950 hop crop.* The supplementary allotment to any grower for hops produced during the marketing season beginning August 1, 1950, shall be such as will not exceed 80 percent of such grower's probable 1950 salable allotment, as provided in § 986.6 (c) (2) (ii) (b): *Provided*, That, when complete information on the 1950 hop crop production of any grower is available to the Growers' Allocation Committee, a supplementary allotment such as will not exceed 90 percent of that grower's probable salable allotment of 1950 crop hops shall be issued, upon application, to such grower.

Issued at Washington, D. C., this 31st day of August 1950.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50-7795; Filed, Sept. 5, 1950; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket No. 9649]

BROADCASTS BY CANDIDATES FOR PUBLIC OFFICE

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of subpart C of Part 3 of the Commission's rules and regulations to add a new section pertaining to broadcasts by candidates for public office.

The Commission having under consideration a request filed on August 18, 1950, by the Committee on practice and procedure of the Federal Communications Bar Association asking that the time in which to file comments in the above-entitled matter be extended from August 21, 1950, to September 10, 1950;

It is ordered, This 25th day of August 1950, that the request is granted; and that the time in which to file comments in the above-entitled matter is extended to September 10, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7769; Filed, Sept. 5, 1950; 8:46 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

ALASKA STEAMSHIP CO.

NOTICE OF HEARING ON APPLICATION TO EXTEND BAREBOAT CHARTER AGREEMENT

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4823, Commerce Building, Washington, D. C., on September 22, 1950, at 10 o'clock a. m., e. d. s. t., before an examiner of the Hearing Examiners' Office, upon an application of Alaska Steamship Company to extend its bareboat charter agreement with respect to Government-owned war-built dry-cargo vessels for use in the Alaska trade.

The purpose of the hearing is to receive evidence with respect to whether continuance of the services under which such vessels are now chartered is required in the public interest and such services will not be adequately served without such extension, and with respect to the availability of privately owned American-flag vessels on reasonable conditions and at reasonable rates for such services.

All persons having an interest in such application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing in lieu of briefs, and the examiner will issue a recommended decision. Parties may have 15 days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted or whether briefs in connection therewith will be received.

Dated: August 31, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-7802; Filed, Sept. 5, 1950; 8:53 a. m.]

COASTWISE LINE

NOTICE OF HEARING ON APPLICATION TO EXTEND BAREBOAT CHARTER AGREEMENT

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4823, Commerce Building, Washington, D. C., on September 21, 1950, at 10 o'clock a. m., e. d. s. t., before an examiner of the Hearing Examiners' Office, upon an application of Coastwise Line to extend its bareboat charter agreement with respect to government-owned war-built dry-cargo vessels for use in the Pacific coastwise and Alaska trades.

The purpose of the hearing is to receive evidence with respect to whether continuance of the services under which such vessels are now chartered is required in the public interest and such services will not be adequately served without such extension, and with respect to the availability of privately-owned American-flag vessels on reasonable conditions and at reasonable rates for such services.

All persons having an interest in such application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing in lieu of briefs, and the examiner will issue a recommended decision. Parties may have 15 days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted or whether briefs in connection therewith will be received.

Dated: August 31, 1950.

By order of the Federal Maritime Board.

A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-7803; Filed, Sept. 5, 1950; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

SUGAR IN PUERTO RICO AND VIRGIN ISLANDS

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948 (61 Stat. 929; U. S. C. Sup. 1131), notice is hereby given that public hearings will be held as follows:

At Santurce, Puerto Rico, in the Conference Room of the Production and Marketing Administration Office, Segarra Building, on October 5, 1950, at 9:30 a. m.; and

At Christiansted, St. Croix, Virgin Islands, in the District Court Room, on October 9, 1950, at 9:30 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico and the Virgin Islands during the calendar year 1951 on farms with respect to which applications for payments under the said act are made and (2), pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1950–51 Puerto Rican crop and the 1951 crop of Virgin Islands sugarcane to be paid, under either purchase or toll agreements by processors who, as producers, apply for payments under the said act. In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearings to express their views and present appropriate data in regard to the foregoing matters.

Such hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

George A. Dice, Thomas H. Allen, Ward S. Stevenson, and G. Laguardia are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 30th day of August 1950.

[SEAL] RALPH S. TRIGG,
Administrator.

[F. R. Doc. 50–7758; Filed, Sept. 5, 1950; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9777]

STATION KSPA

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of the renewal of license of Station KSPA, Santa Paula, California, Docket No. 9777, File No. BR–2231.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of August 1950;

The Commission having under consideration the above-entitled application of Ventura County Radio Center, Inc., requesting a renewal of license for the frequency 1400 kc, 250 watts power, unlimited time, at Santa Paula, California; and

It appearing, that, on August 18, 1949, the Commission granted an application for transfer of control of the licensee corporation to Neal Van Sooy, et al., (BTC–783) on the basis of representations made therein that the actual transfer of control of Station KSPA had not been consummated; that, on the basis of an investigation conducted by the Commission and from facts appearing in the Commission files, including a copy of a pleading filed by the stockholders of the licensee corporation in a civil proceeding in the California courts stating that Neal van Sooy had been in complete control of Station KSPA since March 1, 1949, that an unauthorized transfer of control of the licensee corporation occurred on or about March 1, 1949; that the licensee of Station KSPA fraudulently and willfully withheld from the Commission information concerning the operation of Station KSPA and the terms of an oral agreement changing the written agreement filed with the Commission as part of transfer application BTC–783; and that, accordingly, the licensee obtained a grant of BTC–783 through fraud and misrepresentation; and

It further appearing, that, on the basis of all the facts before it, the Commission is unable to conclude that a grant of the renewal of license of Station KSPA would be in the public interest, convenience and necessity;

It is ordered, that, prusuant to sections 307 (d) and 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing commencing at 10:00 a. m. on November 27, 1950, at Santa Paula, California, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of Ventura County Radio Center, Inc., to continue to operate Station KSPA, and more particularly, to obtain full information relating to:

(a) The circumstances leading up to and surrounding the employment of Neal Van Sooy as General Manager of Station KSPA on or about March 1, 1949.

(b) The contract, dated March 1, 1949, entered into by Robert W. LeMond, et al., as transferors, and Neal Van Sooy, et al., as transferees, providing for the sale of the stock of Ventura County Radio Center, Inc., and oral amendments, if any, thereto.

(c) The operation of Station KSPA subsequent to March 1, 1949, by Neal Van Sooy.

(d) The authority and control exercised by Neal Van Sooy over the policies and operation of Station KSPA subsequent to March 1, 1949.

2. To determine whether the license for Station KSPA, or the rights and responsibilities incident thereto, were transferred, assigned or disposed of, directly or indirectly, without the consent of the Commission and in violation of section 310 (b) of the Communications Act of 1934, as amended.

3. To determine whether Station KSPA was operated by persons to whom no license was issued by this Commission, in violation of section 301 of the Communications Act of 1934, as amended.

4. To determine whether all contracts, agreements and understandings, and reports relating to the operation, ownership and control of Station KSPA, have been properly and timely filed with the Commission, as is required by §§ 1.321, 1.341, 1.342, 1.343, and 1.344 of the Commission's rules and regulations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–7765; Filed, Sept. 5, 1950; 8:46 a. m.]

[Docket Nos. 9227, 9228, 9515]

MATHESON RADIO CO., INC. (WHDH), ET AL.

ORDER CONTINUING HEARING

In re: Petitions of Matheson Radio Company, Inc. (WHDH), Boston, Massachusetts, Docket No. 9227, and National Broadcasting Company, Inc. (KOA), Denver, Colorado, Docket No. 9228; and In re application of Champlain Valley Broadcasting Corporation (WXKW), Albany, New York, Docket No. 9515, File No. BMP–4580; for modification of construction permit.

The Commisison having under consideration a petition filed August 17, 1950, by Matheson Radio Company, Inc. (WHDH), Boston, Massachusetts, for continuance for a period of at least 30 days of the hearing now scheduled for September 5, 1950, on the above-entitled matters; the opposition thereto filed August 21, 1950, by Champlain Valley Broadcasting Corporation (WXKW), Albany, New York; and oral argument had on the petition and opposition thereto on August 25, 1950; and

It appearing, from the oral argument, that Champlain Valley Broadcasting Corporation (WXKW), as a result of its amendment accepted by the Commission on August 4, 1950, will be required to present some additional direct testimony; that all parties to this proceeding and Commisson Counsel are agreeable to proceed with the hearing on Wednesday, September 6, 1950, so as to permit presentation by WXKW of said further direct testimony; and

It appearing further that at the last session of the hearing in the above-entitled matters testimony submitted by Matheson Radio Company, Inc. (WHDH) and the National Broadcasting Company, Inc. (KOA), was based upon the application and evidence previously submitted by Champlain Valley Broadcasting Corporation (WXKW); that said testimony and evidence of Matheson Radio Company, Inc. (WHDH) and National Broadcasting Company, Inc. (KOA), brought to light the error in the Champlain Valley Broadcasting Corporation (WXKW) application which resulted in the amendment thereof; that said WHDH and KOA evidence and exhibits, as a result of the WXKW amendment, are no longer accurate; and Matheson Radio Company, Inc. (WHDH), and National Broadcasting Company, Inc. (KOA), will require additional time to enable them to revise the same; that the Examiner is of the opinion that good cause has been shown for the allowance of additional time for so doing; and

It appearing further that Matheson Radio Company, Inc. (WHDH) has orally requested withdrawal of its petition for continuance, and Champlain Valley Broadcasting Corporation (WXKW) has orally requested dismissal of its opposition thereto upon the understanding that the Examiner will schedule the further hearing of the above-entitled proceeding on Wednesday, September 6, 1950, instead of as presently scheduled on Tuesday, September 5, 1950; and that upon conclusion of presentation of further direct testimony of Champlain Valley Broadcasting Corporation (WXKW) the proceeding will be adjourned to 10:00 o'clock a. m. on Tuesday, October 3, 1950;

It is ordered, This 25th day of August 1950, (1) that the petition of Matheson Radio Company, Inc. (WHDH) for continuance and opposition thereto of Champlain Valley Broadcasting Corporation (WXKW) be, and they are hereby, dismissed; (2) that the hearing in the above-entitled proceeding now scheduled for Tuesday, September 5, 1950, be, and it is hereby continued to 10:00 o'clock a. m., Wednesday, September 6, 1950, in Washington, D. C.; and (3) that upon completion of the further direct testimony of Champlain Valley Broadcasting Corporation (WXKW) commencing September 6, 1950, the further hearing in the above-entitled proceedings be, and it is hereby, scheduled for 10:00 o'clock a. m., Tuesday, October 3, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–7766; Filed, Sept. 5, 1950; 8:46 a. m.]

[Dominican Republic Change List No. 6]

DOMINICAN REPUBLIC BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

AUGUST 11, 1950.

Notifications under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Dominican Republic broadcast stations modifying appendix containing assignments of Dominican Republic broadcast stations (Mimeograph 47214–2) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

DOMINICAN REPUBLIC

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
H19Z	Santiago	820 kilocycles, 1 kw.—D/0.1 kw.—N	U	III-B	Sept. 1, 1950
H13A	do	1400 kilocycles, 0.25 kw	U	IV	Aug. 30, 1950

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–7767; Filed, Sept. 5, 1950; 8: 46 a. m.]

[Mexican Change List No. 120]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

AUGUST 3, 1950.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying appendix containing assignments of Mexican broadcast stations (Mimeograph 47214–6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEBI	Aguascalientes, Aguascalientes.	790 kilocycles, 250 w.—N/1 kw.—D	U	IV	Sept. 15, 1950
XEDX	Sauzal (El), Baja California	1010 kilocycles, 250 w	D	II	Feb. 1, 1951
XEBI	Aguascalientes, Aguascalientes.	1360 kilocycles (delete—see 790 kc. assignment).			
XEJX	Queretaro, Queretaro	(1450 kilocycles, (delete—see 1520 kc.	U	IV	Sept. 1, 1950
XENA	do	assignment), 250 w.—N/1 kw—D.			
XEJX	do	(1520 kilocycles, 250 w. (delete—see	D	II	Do.
XENA	do	1450 kc assignment).			

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–7768; Filed, Sept. 5, 1950; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Project No. 120]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

AUGUST 30, 1950.

Public notice is hereby given that Southern California Edison Company, of Los Angeles, California, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of the license for water-power Project No. 120 located on San Joaquin River in the State of California to provide for certain changes in the project boundary and in some of the project works.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before October 10, 1950, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–6855; Filed, Sept. 5, 1950; 8:45 a. m.]

[Docket No. E–6312]

ROCKLAND LIGHT AND POWER CO.

NOTICE OF APPLICATION

AUGUST 30, 1950.

Take notice that on August 29, 1950, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Rockland Light and Power Company (hereinafter called "Rockland") a corporation organized under the laws of the State of New York, and doing business in said State with its principal business office at Nyack, New York, seeking an order authorizing Rockland to acquire 4,500 shares, to a total par value of $450,000, of the capital stock of Rockland Electric Company, a corporation organized under the laws of the State of New Jersey and doing business in said State with its principal business office at Nyack, New York; the consideration of $450,000 is to be paid in cash and the stock is to be purchased at par at a private sale; the funds to purchase said stock will be obtained by Rockland initially by short-term borrowings or from the Company's general funds; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said

application should, on or before the 18th day of September 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-7750; Filed, Sept. 5, 1950; 8:45 a. m.]

[Docket No. E-6311]

FLORIDA PUBLIC UTILITIES CO.

NOTICE OF APPLICATION

AUGUST 29, 1950.

Take notice that on August 29, 1950, an application was filed with the Federal Power Commission, pursuant to sections 201 and 204 of the Federal Power Act, by Florida Public Utilities Company (hereinafter called "Applicant") a corporation organized under the laws of the State of Florida and doing business in said State with its principal business office at West Palm Beach, Florida, seeking a determination whether or not Applicant is a "public utility" as defined in section 201 of the Federal Power Act, and, if Applicant is determined to be a "public utility," seeking an order authorizing the issuance of an unsecured promissory note in the principal amount of $600,000, payable to The Chase National Bank of the City of New York semi-annually in installments on April 15, and October 15, of 1953, 1954, and 1955, such note to bear interest at the rate of 3½ percent per annum, payable quarterly; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 20th day of September 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-7751; Filed, Sept. 5, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25369]

PETROLEUM FROM WYOMING TO THE WEST

APPLICATION FOR RELIEF

AUGUST 31, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. E. Kipp, Agent, for and on behalf of the Chicago and North Western Railway Company and other carriers named in the application.

Commodities involved: Petroleum and its products, including asphalt, carloads.

From: Points in Wyoming.

To: Points in Minnesota, North Dakota, and South Dakota.

Grounds for relief: To restore rate relationships.

Schedules filed containing proposed rates: CB & Q., tariff I. C. C. No. 20041, Supplement 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7752; Filed, Sept. 5, 1950; 8:45 a. m.]

[4th Sec. Application 25370]

PETROLEUM LUBRICATING OIL FROM PENNSYLVANIA TO WEST AND SOUTHWEST

APPLICATION FOR RELIEF

AUGUST 31, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for and on behalf of carriers parties to fourth-section application No. 25336.

Commodities involved: Petroleum lubricating oil, tank carloads.

From: Points in Pennsylvania.

To: Points in western trunk line and southwestern territories.

Grounds for relief: Competition with motor-water carriers.

Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 3479, Supplement 238.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7753; Filed, Sept. 5, 1950; 8:45 a. m.]

[4th Sec. Application 25371]

CITRUS POMACE BETWEEN POINTS IN FLORIDA

APPLICATION FOR RELIEF

AUGUST 31, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of the Atlantic Coast Line Railroad Company and Louisville and Nashville Railroad Company.

Commodities involved: Citrus pomace, carloads.

Between: Points in Florida.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 975, Supplement 146.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7754; Filed, Sept. 5, 1950; 8:45 a. m.]

[4th Sec. Application 25372]

FERTILIZER FROM COTTONDALE, FLA., TO MADISON AND FINDLEY STATION, FLA.

APPLICATION FOR RELIEF

AUGUST 31, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of the Atlanta & Saint Andrews Bay Railway Company and other carriers named in the application.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Cottondale, Fla.

To: Madison and Findley Station, Fla.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 975, Supplement 146.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7755; Filed, Sept. 5, 1950; 8:45 a. m.]

[4th Sec. Application 25373]

COAL TAR AND PITCH FROM MINNEQUA, COLO., TO MILLER, TEX.

APPLICATION FOR RELIEF

AUGUST 31, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3904.

Commodities involved: Coal tar and coal tar pitch, carloads.

From: Minnequa, Colo.

To: Miller, Tex.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3904, Supplement 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7756; Filed, Sept. 5, 1950; 8:45 a. m.]

[4th Sec. Application 25359]

LOGS FROM OSBORN, MISS., TO ALTAVISTA, VA.

APPLICATION FOR RELIEF

Correction

In the application for relief on the above subject, published in the third column on page 5859 in the issue for Wednesday, August 30, 1950, the bracketed headnote should read as set forth above, and the Federal Register Document number should read: "50-7541".

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14920]

IDA H. P. KOGELSCHATZ

In re: estate of Ida H. P. Kogelschatz, deceased. File No. 017-11759.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustave Landt, Paul Landt and Bernard Landt, whose last known address was, on July 21, 1945, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $248.22 was paid to the Alien Property Custodian by the Detroit Trust Company, as executor of the estate of Ida H. P. Kogelschatz, deceased;

3. That the said sum of $248.22 was accepted by the Alien Property Custodian on July 21, 1945, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $248.22 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on July 21, 1945, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7770; Filed, Sept. 5, 1950; 8:50 a. m.]

[Vesting Order 14957]

EMILIE FUNKE AND ELIZABETH FUNKE

In re: Trust under the Will of Emilie Funke, deceased, for the benefit of Elizabeth Funke now known as Elizabeth Funke Sonntag. File No. D-28-1962 and G-1; E. T. sec. 1997.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Funke Sonntag (formerly known as Elizabeth Funke), Eberhard Herman Waetjen, Peter Waetjen, Karen Waetjen, Gesa Waetjen and Carl Gustav Waetjen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Trust created under the Will of Emilie Funke, deceased, for the benefit of Elizabeth Funke, now known as Elizabeth Funke Sonntag, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Clarice G. Burkard, as Successor Trustee, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7771; Filed, Sept. 5, 1950; 8:50 a. m.]

[Vesting Order 14979]

YOSHINO SHIBATA

In re: Rights of Yoshino Shibata under insurance contract. File No. F-39-5792-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshino Shibata, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 15 011 016, issued by the New York Life Insurance Company, New York, New York, to Mineko Masumoto, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7772; Filed, Sept. 5, 1950; 8:50 a. m.]

[Vesting Order 14980]

CORA STAPPENBACHER

In re: Rights of Cora Stappenbacher under insurance contracts. Files No. F-28-24354-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Cora Stappenbacher, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 75647793 and 103 075 364, issued by the Metropolitan Life Insurance Company, New York, New York, to Cora Stappenbacher, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7773; Filed, Sept. 5, 1950; 8:50 a. m.]

[Vesting Order 14981]

HELEN MAISCH BALL STREB

In re: Rights of Helen Maisch Ball Streb under insurance contracts. File Nos. F-28-30680-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Maisch Ball Streb, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 185,854 M I and 167,431 M I, issued by the Metropolitan Life Insurance Company, New York, New York, to Helen Maisch Ball Streb, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7774; Filed, Sept. 5, 1950; 8:50 a. m.]

[Vesting Order 14983]

GUSTAVE WACHENFELD

In re: Rights of Gustave Wachenfeld under insurance contract. File No. F-28-25124-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustave Wachenfeld, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 75837375, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Gustave Wachenfeld, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7775; Filed, Sept. 5, 1950; 8:50 a. m.]

[Vesting Order 14984]

HISAKATSU WATANABE

In re: Rights of Hisakatsu Watanabe under insurance contract. File No. D-39-14201-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hisakatsu Watanabe, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7 869 500, issued by the New York Life Insurance Company, New York, New York, to Hisakatsu Watanabe, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7776; Filed, Sept. 5, 1950; 8:50 a. m.]

[Vesting Order 14985]

ANNA WERLE

In re. Rights of Anna Werle under insurance contract. File No. F-28-12707-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Werle, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 45981, issued by the New York Life Insurance Company, New York, New York, to Barbara Metz, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7777; Filed Sept. 5, 1950; 8:50 a. m.]

[Vesting Order 14994]

JAPANESE GOVERNMENT

In re: Bank accounts owned by Japanese Government. F-39-3106-E-8.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows:

a. That certain debt or other obligation of The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a checking account, Receiver's Liability No. 54, entitled Japanese Consulate General "E" Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a checking account, Receiver's Liability No. 55, entitled Japanese Consulate General "F" Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a checking account, Receiver's Liability No. 56, entitled Japanese Consulate General "W" Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation of The Yokohama Specia Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a checking account, Receiver's Liability No. 57, entitled Japanese Consulate General "Z" Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consulation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7778; Filed, Sept. 5, 1950; 8:51 a. m.]

[Return Order 719]

PASQUALE ROMITO ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention To Return Published, and Property

Pasquale Romito, Claim No. 35354; Francesco Romito, Claim No. 35355; Guiseppe Romito, Claim No. 35356; Rosina Sarvancio, Claim No. 35357; all of Catanzaro, Italy; July 21, 1950 (15 F. R. 4704); $1,499.53 in the Treasury of the United States to each claimant. All right, title and interest of Pasquale Romito, Francesco Romito, Guiseppe Romito and Rosina Sarvancio and each of them in and to the Estate of John Romito, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7779; Filed, Sept. 5, 1950; 8:51 a. m.]

[Return Order 720]

MARIE WILBUR TURINI, ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Marie Wilbur Turini, Rome, Italy; all right, title, interest and claim of any kind or character whatsoever of Marie W. Turini in and to the trust estate created under the will of Franklyn F. Wilbur, deceased, to Marie Wilbur Turini; $7,358.05 in the Treasury of the United States to Marie Wilbur Turini.

Guglielmo Turini, Guardian, Rome, Italy; all right, title, interest and claim of any kind or character whatsoever of Alessandra, Giovanna and Donatella Turini, minor children of Marie W. Turini, in and to the trust estate created under the will of Franklyn F. Wilbur, deceased, to Guglielmo Turini, as natural guardian.

Bank of New York and Fifth Avenue Bank, Trustee u/w of Franklyn Freeman Wilbur, New York, New York; Claim No. 5532; all right, title, interest and claim of any kind or character whatsoever of the future born children of Marie W. Turini, the future born issue of children of Marie W. Turini and the next of kin of any deceased child of Marie W. Turini, whose names are unknown, and each of them, in and to the trust estate created under the will of Franklyn F. Wilbur, deceased, to the Bank of New York and Fifth Avenue Bank, Trustee.

Notice of intention to return published: July 22, 1950 (15 F. R. 4734).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7780; Filed, Sept. 5, 1950; 8:51 a. m.]

[Return Order 722]

JOHANNA FRIEDERIKE SCHYBILSKI-MORRIS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention To Return Published, and Property

Johanna Friederike Schybilski-Morris (Hannah Morris), 61 Osborne Terrace, Newark, N. J.; Claim No. 40414; July 21, 1950 (15 F. R. 4704); $2,666.49 in the Treasury of the United States. All right, title and interest of Johanna Friederike Schybilski-Morris (Hannah Morris) in and to the Estate of Bruno Schybilski (also known as George Schmidt) deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7781; Filed, Sept. 5, 1950; 8:51 a. m.]

[Return Order No. 723]

SALVATORE BONGIOVANNI

Having considered the claims set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Salvatore Bongiovanni, Rome, Italy; Claim No. 39945; April 13, 1950 (15 F. R. 2095); $64,236.02 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7782; Filed, Sept. 5, 1950; 8:51 a. m.]

[Return Order 724]

FRIEDA KAY

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention to Return Published, and Property

Frieda Kay, Cheshire, England; Claim No. 42015; July 21, 1950 (15 F. R. 4704); $250.00 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7783; Filed, Sept. 5, 1950; 8:51 a. m.]

[Return order 725]

PASQUALE I. SIMONELLI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention To Return Published, and Property

Pasquale I. Simonelli, Naples, Italy; Claim No. 36172; July 6, 1950 (15 F. R. 4307); all right, title and interest of Pasquale I. Simonelli in and to the following life insurance policies on the life of Pasquale I. Simonelli; Travelers Insurance Company, Certificate No. 1627262; New York Life Insurance Company, Certificate No. 4586630; Metropolitan Life Insurance Company, Certificate No. 1641477A; Equitable Life Assurance Society of United States, Certificates Nos. 1714690, 2713870, 2899280, and 2901183; said policies in custody Real Estate Section, Office of Alien Property, Washington, D. C.

All right, title and interest of Pasquale I. Simonelli in and to any and all obligations owing to Pasquale I. Simonelli by East River Savings Bank, 60 Spring Street, New York, New York, and represented on the books of said Bank as "Expenses Payable".

10 shares of New York Title and Mortgage Company, $10 P. V. Capital Stock, Certificate No. X-5178, presently with the Deposit and Clearance Section, New York, New York.

Real property described as follows: That certain lot or parcel of land in the Borough of Manhattan, City, County, and State of New York, being known as and by the number 325 West 89th Street, New York, New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7784; Filed, Sept. 5, 1950; 8:51 a. m.]

[Return Order 731]

HANS FELSEGG

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention To Return Published, and Property

Hans Felsegg, alias Pospischil, Salzburg, Parsch, Austria; Claim No. 42413; May 12, 1950 (15 F. R. 2865); $1,480.78 cash in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7785; Filed, Sept. 5, 1950; 8:52 a. m.]

IGNAZ BERGENTHAL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Ignaz Bergenthal, Amsterdam, Netherlands; Claim No. 36207; $168.01 in the Treasury of the United States; 16 shares of no par value common A stock of General Aniline and Film Corporation, a Delaware corporation, registered in the name of the Attorney General of the United States, Account No. 28-4819, represented by Certificate No. 4174, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7786; Filed, Sept. 5, 1950; 8:52 a. m.]

G. SEYFARTH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Mrs. Georgeon and Mr. A. Dabrowiecki, d/b/a G. Seyfarth, Lokietka 6-A, Krakow, Poland; Claim No. 37364; property to the extent owned by the claimants immediately prior to the vesting thereof, described in Vesting Order No. 4033 (9 F. R. 13269, November 8, 1944) relating to certain copyrights identified by assignments in the United States Copyright Office (listed in Exhibit A of said vesting order).

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7787; Filed, Sept. 5, 1950; 8:52 a. m.]

DESCLEE AND CIE, SOCIETE ST. JEAN L'EVANGELISTE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Desclee and Cie, Societe St. Jean l'Evangeliste, 13 rue Barthelemy Frison, Tournai, Belgium; Claim No. 11355; $7,119.43 in the Treasury of the United States. Property to the extent owned by the claimant immediately prior to the vesting thereof by Vesting Order No. 473 (8 F. R. 3679, March 25, 1943) relating to a work entitled "Liber Usualis".

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7788; Filed, Sept. 5, 1950; 8:52 a. m.]

IDA ERLANGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Ida Erlanger, Kew Gardens 15, New York; Claim No. 57404; $763.15 in the Treasury of the United States.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7789; Filed, Sept. 5, 1950; 8:52 a. m.]

SEP 12 50

I. RZEPECKI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Mrs. Maria Rzepecka d/b/a I. Rzepecki, Marszalkowski 91, Warsaw, Poland; Claim No. 37362; property to the extent owned by the claimant immediately prior to the vesting thereof, described in Vesting Order No. 4033 (9 F. R. 13269, November 8, 1944) relating to certain copyrights identified by assignments in the United States Copyright Office (listed in Exhibit A of said vesting order).

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7793; Filed, Sept. 5, 1950; 8:52 a. m.]

HELENE FOURE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Helen Foure, Paris, France; Claim No. 35529; $1,146.31 in the Treasury of the United States to Helen Foure.

Jacques Foure, Paris France; and Mme. Carl de Suze, nee Jacqueline Foure, Boston, Mass.; Claim No. 35529; $438.32 in the Treasury of the United States in equal shares to Jacques Foure and Mme. Carl de Suze, nee Jacqueline Foure, subject to the lifetime use thereof in Helene, Foure.

Property to the extent owned by the respective claimants and their predecessor in interest immediately prior to vesting thereof by Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating to literary works entitled: "Acremant: Ces Dames Aux Chapeaux Verts", "Souvenirs Francais en Amerique", and "A French Reader"; Helene Foure to receive a ⅙ interest in "Acremant: Ces Dames Aux Chapeaux Verts" and "Souvenirs Francais en Amerique" and Jacques Foure and Mme. Carl de Suze each to receive ⅓ interest subject to the lifetime use thereof in Helene Foure; Helene Foure to receive ⅓ interest in "A French Reader" and Jacques Foure and Mme. Carl de Suze each to receive ⅓ interest subject to the lifetime use thereof in Helene Foure.

Executed at Washington, D, C., August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7790; Filed, Sept. 5, 1950; 8:52 a. m.]

LUIGI CARBAGNATI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Property and Location

Luigi Carbagnati, Milan, Italy; Claims Nos. 41231 & 42184; $7,749.84 in the Treasury of the United States.

Executed at Washington, D. C. on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7791; Filed, Sept. 5, 1950; 8:52 A. M.]

WILLIAM GERB

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

William Gerb, Syria, Graz, Austria; Claim No. 37614; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Patent Nos. 2,045,384 and 2,148,937.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7792; Filed, Sept. 5, 1950; 8:52 a. m.]

SEP 12 '50

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 15 NUMBER 173

Washington, Thursday, September 7, 1950

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Departmental Reg. 108.113]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following September 2, 1950, paragraph (a) is amended by the addition of the following posts:

Surabaya, Indonesia.
Tubabao Island, (Guiuan), Philippines.

2. Effective as of the beginning of the first pay period following September 2, 1950, paragraph (c) is amended by the addition of the following post:

Isfahan, Iran.

3. Effective as of the beginning of the first pay period following September 2, 1950, paragraph (b) is amended by the deletion of the following post:

Surabaya, Indonesia.

4. Effective as of the beginning of the first pay period following September 2, 1950, paragraph (d) is amended by the deletion of the following post:

Berlin, Germany.

(Sec. 102, Part I, E. O. 10,000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary.

AUGUST 28, 1950.

[F. R. Doc. 50-7849; Filed, Sept. 6, 1950; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; COLORADO

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

COLORADO

County	Average value	Investment limit
Cheyenne	$18,000	$12,000
Costilla	18,000	12,000
Crowley	18,000	12,000
Douglas	18,000	12,000
Elbert	18,000	12,000
El Paso	18,000	12,000
Huerfano	18,000	12,000
Kiowa	18,000	12,000
Lincoln	18,000	12,000
Mesa	18,000	12,000
Otero	18,000	12,000
Phillips	18,000	12,000
Pueblo	18,000	12,000
Rio Grande	18,000	12,000
Saguache	18,000	12,000
Teller	18,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 1st day of September 1950.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-7850; Filed, Sept. 6, 1950; 8:52 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; MONTANA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average value and the investment limit set forth below for said county.

MONTANA

County	Average value	Investment limit
Garfield	$16,000	$12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C., 1003, 1018)

Issued this 1st day of September 1950.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50–7851; Filed, Sept. 6, 1950; 8:52 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 203—TITLE I MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS

PROPOSED CONSTRUCTION

Section 203.4 (b) is hereby amended to read as follows:

(b) *Proposed construction.* Applications filed for a firm or a conditional commitment with respect to proposed construction must be accompanied by the mortgagee's check for the sum of $45 to cover the cost of processing by the Commissioner. If an application is refused as a result of preliminary examination by the Commissioner, the entire fee will be returned to the applicant, but no portion of the fee will be returned after further work has been performed following the preliminary examination unless (1) the application is rejected by the Commissioner, or (2) the Commissioner exercises the right of cancellation reserved in the commitment for insurance issued pursuant to any such application, or (3) the mortgage which is the subject of the application is endorsed for insurance by the Commissioner; in any of which cases $20 will be retained by the Commissioner and the balance of such fee will be returned to the applicant.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup. 1730g. Interprets or applies sec. 102, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., August 31, 1950.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 50–7810; Filed, Sept. 6, 1950; 8:46 a. m.]

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

FEE TO ACCOMPANY APPLICATION

Section 221.11 (b) is hereby amended to read as follows:

(b) Applications filed on or after May 15, 1950, for a firm or a conditional commitment with respect to proposed construction must be accompanied by the mortgagee's check for the sum of $45 to cover the cost of processing by the Commissioner. If an application is refused as a result of preliminary examination by the Commissioner, the entire fee will be returned to the applicant, but no portion of the fee will be returned after further work has been performed following the preliminary examination unless (1) the application is rejected by the Commissioner, or (2) the Commissioner exercises the right of cancellation reserved in the commitment for insurance issued pursuant to any such application, or (3) the mortgage which is the subject of the application is endorsed for insurance by the Commissioner; in any of which cases $20 will be retained by the Commissioner and the balance of such fee will be returned to the applicant.

If the application is made on behalf of a veteran of World War II, for the insurance of a mortgage to refinance an existing insured mortgage which is in default, by reason of his military service, the fee herein provided may be waived by the Commissioner if he finds that the collection of such fee would be inequitable under the particular circumstances of the transaction.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., August 31, 1950.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 50–7811; Filed, Sept. 6, 1950; 8:46 a. m.]

Subchapter E—Farm Mortgage Insurance

PART 251—FARM MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS

FEE TO ACCOMPANY APPLICATION; RATE OF INTEREST

1. Section 251.13 (b) is hereby amended to read as follows:

(b) Applications filed on or after May 15, 1950, for a firm or a conditional commitment with respect to proposed construction must be accompanied by the mortgagee's check for the sum of $45 to cover the cost of processing by the Commissioner. If an application is refused as a result of preliminary examination by the Commissioner, the entire fee will be returned to the applicant, but no portion of the fee will be returned after further work has been performed following the preliminary examination unless (1) the application is rejected by the Commissioner, or (2) the Commissioner exercises the right of cancellation reserved in the commitment for insurance issued pursuant to any such application, or (3) the mortgage which is the subject of the application is endorsed for insurance by the Commissioner; in any of which cases $20 will be retained by the Commissioner and the balance of such fee will be returned to the applicant.

If the application is made on behalf of a veteran of World War II, for the insurance of a mortgage to refinance an existing insured mortgage which is in default, by reason of his military service, the fee herein provided may be waived by the Commissioner if he finds that the collection of such fee would be inequitable under the particular circumstances of the transaction.

2. Section 251.18 is hereby amended to read as follows:

§ 251.18 *Rate of interest.* The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate be in excess of 4½ percent per annum as to applications for insurance received by the Commissioner on or before April 21, 1950, nor in excess of

4¼ percent per annum as to applications for insurance received by the Commissioner on or after April 24, 1950. Interest shall be payable in annual, semi-annual, or monthly installments on the principal then outstanding.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 203, 48 Stat. 1248, as amended; 12 U. S. C. 1709)

Issued at Washington, D. C., August 31, 1950.

[SEAL] WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 50-7809; Filed, Sept. 6, 1950; 8:46 a. m.]

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 277]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 274]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA, INDIANA, OHIO, AND PENNSYLVANIA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 36, is amended to read as follows:

(36) [Revoked and decontrolled.]

This decontrols (1) the City of Redlands in San Bernardino County, California, a portion of the San Bernardino, California, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, based on a resolution submitted with respect to said City of Redlands in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Redlands being the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

2. Schedule A, Item 38, is amended to describe the counties in the Defense-Rental Area as follows:

San Francisco County; San Mateo County, except the City of Menlo Park; Marin County, except the City of Belvedere and the Judicial Townships of Bolinas, Nicasio, Point Reyes, San Antonio and Tomales; and Sonoma County, except (i) the Judicial Townships of Redwood and Sonoma (including the City of Sonoma) and (ii) that portion of Analy Judicial Township lying west of the Monte Rio-Valley Ford Highway and line between Redwood Judicial Township on the north and the northern line of Marin County on the south.

This decontrols the City of Menlo Park in San Mateo County, California, a portion of the San Francisco Bay, California, Defense-Rental Area.

3. Schedule A, Item 41, is amended to describe the counties in the Defense-Rental Area as follows:

Kings County; and Tulare County, except the Cities of Porterville and Woodlake.

This decontrols the City of Porterville in Tulare County, California, a portion of the Tulare-Kings, California, Defense-Rental Area.

4. Schedule A, Item 106, is amended to describe the counties in the Defense-Rental Area as follows:

Delaware County, except the Towns of Albany, Gaston, Selma, and Yorktown; in Howard County, Center Township; and in Madison County, Lafayette Township, and Anderson Township except the Town of Edgewood.

This decontrols the Town of Edgewood in Madison County, Indiana, a portion of the Anderson, Indiana, Defense-Rental Area.

5. Schedule A, Item 240, is amended to describe the counties in the Defense-Rental Area as follows:

Lucas County, except the Village of Ottawa Hills; and Wood County, except the Townships of Bloom, Henry, Jackson, Liberty, Milton, Montgomery, Perry, and Portage.

This decontrols the Village of Ottawa Hills in Lucas County, Ohio, a portion of the Toledo, Ohio, Defense-Rental Area:

6. Schedule A, Item 262, is amended to describe the counties in the Defense-Rental Area as follows:

Cumberland County, except the Borough of Lemoyne; Dauphin, and Lebanon Counties; and in Perry County, the Townships of Rye, Penn, and Wheatfield, and the municipalities of Marysville, Perdix, and Duncannon, Franklin.

This decontrols the Borough of Lemoyne in Cumberland County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area.

All decontrols effected by this amendment, except Item 1 thereof, are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective September 1, 1950.

Issued this 1st day of September 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-7837; Filed, Sept. 6, 1950; 8:50 a. m.]

[Controlled Housing Rent Reg. Amdt. 278]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 275]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respect:

Schedule A, Item 37, is amended to read as follows:

(37) [Revoked and decontrolled.]

This decontrols (1) the City of San Diego in San Diego County, California, a portion of the San Diego, California, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, based on a resolution submitted with respect to said City of San Diego in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of San Diego being the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective September 1, 1950.

Issued this 1st day of September 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-7808; Filed, Sept. 6, 1950; 8:46 a. m.]

[Controlled Housing Rent Reg., Amdt. 279]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 276]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

NORTH CAROLINA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respect:

Schedule A, Item 216a, is amended to describe the counties in the Defense-Rental Area as follows:

In that portion of Guilford County which is outside of High Point Township, all incorporated cities, towns and villages except the City of Greensboro.

This decontrols the City of Greensboro in Guilford County, North Carolina, a portion of the Greensboro, North Carolina, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App., Sup. 1894)

This amendment shall become effective September 1, 1950.

Issued this 1st day of September 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-7838; Filed, Sept. 6, 1950; 8:50 a. m.]

[Controlled Housing Rent Reg., Amdt. 280]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 277]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. In Schedule C, Item 83, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Cook County, the Cities of Chicago and Evanston, the Village of Niles and all unincorporated localities; in Lake County, the Village of Libertyville and all unincorporated localities; in DuPage and Kane Counties, all unincorporated localities.

This adds to Schedule C the Village of Libertyville in Lake County, Illinois, a portion of the Chicago, Illinois, Defense-Rental Area, based on a declaration made on August 22, 1950, by the local governing body of said Village in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

2. In Schedule C, Item 88b, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Tazewell County, the City of Pekin; in Peoria County, the City of Peoria; and all unincorporated localities in the Counties of Tazewell and Peoria.

This adds to Schedule C: (1) The City of Peoria in Peoria County, Illinois, a portion of the Peoria, Illinois, Defense-Rental Area, based upon a declaration made on August 14, 1950, by the local governing body of said City of Peoria in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended, and (2) all unincorporated localities in said Defense-Rental Area, based upon said declaration for the City of Peoria and a similar declaration previously made by the local governing body of the City of Pekin in Tazewell County, Illinois, said Cities of Peoria and Pekin being the major portion of said Defense-Rental Area.

3. In Schedule C, Item 190, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Bergen County, the Cities of East Rutherford and North Arlington and the Boroughs of Fort Lee and Teterboro; in Hudson County, the Cities of Bayonne, Hoboken, Jersey City and Union City and the Township of North Bergen; in Union County, the City of Linden and the Borough of Roselle; in Essex County, the City of Newark; in Morris County, the Township of Hanover; and in Monmouth County, the City of Long Branch.

This adds to Schedule C the Borough of Teterboro in Bergen County, New Jersey, a portion of the Northeastern New Jersey Defense-Rental Area, based on a declaration made on August 15, 1950, by the local governing body of said Borough in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

4. In Schedule C, Item 267, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Allegheny County, the City of McKee's Rocks; in Beaver County, the Borough of Aliquippa.

This adds to Schedule C the Borough of Aliquippa in Beaver County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area, based on a declaration made on August 21, 1950, by the local governing body of said Borough in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

5. In Schedule C, Item 371, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Puerto Rico, the Municipalities of Carolina, Cayey, Cidra, Isabella, Loiza, Naranjito, San Lorenza and San Sebastian.

This adds to Schedule C the Municipality of Carolina in the Puerto Rico Defense-Rental Area, based on a declaration made by the local governing body of said Municipality on August 4, 1950, in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

6. The following new items are incorporated in Schedule C:

Name of defense-rental area	State	Localities affected by declarations for continuance of rent control after Dec. 31, 1950
(114) Des Moines	Iowa	In Polk County, the town of Ankeny.
(146) Springfield	Massachusetts	In Hampden County, the town of Ludlow.

This addition to Schedule C is based upon (1) a declaration made on August 7, 1950, by the local governing body of Ankeny, Iowa, and (2) a declaration made on August 22, 1950, by the local governing body of Ludlow, Massachusetts, both in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

Issued this 1st day of September 1950.

TIGHE E. WOOD,
Housing Expediter.

[F. R. Doc. 50-7839; Filed, Sept. 6, 1950; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-46]

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS: DEFINITIONS AND STANDARDS OF IDENTITY

FINAL ORDER

EDITORIAL NOTE: In Federal Register Document 50-7334, published at page 5656 of the issue for Thursday, August 24, 1950, the following changes have been made in the text of the original document:

1. In the table under paragraph 22 of the "Findings of fact," the word "pimiento" in the fourth from the bottom entry in the first column has been changed to read "pimento".

2. In the citation following paragraph 67 of the "Findings" the figure "1972" has been changed to read "1272".

3. In the fifteenth line of paragraph 69 of the "Findings" the word "caciacavallo" has been changed to read "caciocavallo".

4. In the table following § 19.500 the word "pimiento" in the fourth from the bottom entry in the first column has been changed to read "pimento". The citation following the table has been deleted.

5. The first sentence of subparagraph (2) of § 19.535 (c) has been changed to read: "Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes or for a time and at a temperature equivalent thereto in phosphatase destruction."

6. In the second line of § 19.775 (a) (4) the word "described" has been changed to read "prescribed".

The following corrections also should be made in Federal Register Document 50-7334:

1. Page reference "875" should be added to the citation at the end of paragraph 12 of the "Findings of fact."

2. In paragraph I 4 of the testing method appearing under paragraph 22 of the "Findings," the word "preservation" should read "preservative."

3. The second sentence of paragraph 42 of the "Findings" should read: "A reasonable maximum limit on moisture is 44 percent, and a reasonable minimum limit on the percent of milk fat in its solids is 50 percent."

4. In paragraph (d) (2) of § 19.500, "0.25 mg." should read "0.25 gm."

5. The fifteenth line of paragraph (a) of § 19.505 should read: "prescribed in § 19.500 (c). If the milk".

6. The fifth sentence of paragraph (b) of § 19.660 should read: "Such treatment may include one or more of the following: cutting, stirring, heating, dilution with water or brine."

7. The eighth line of paragraph (b) of § 19.670 should read: "extract of rennet (with or without puri-".

8. In subparagraph (1) of § 19.775 (f), "tregacanth" should read "tragacanth" and "carragean" should read "carrageen."

9. The second sentence of subparagraph (4) of § 19.787 (f) should read: "If the flavoring is artificial, the word 'artificial' shall precede the word 'flavoring,' or the word 'artificially' shall precede the statement 'flavored with • • •'."

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 505—SAFEGUARDING MILITARY INFORMATION

CLASSIFICATION OF INFORMATION FROM COMMERCIAL FIRMS

Rescind § 505.6 and substitute the following in lieu thereof:

§ 505.6 *Classification of information from commercial firms.* Privately owned proprietary information which is identified as such and is given to the Government on a Confidential basis by civilian owners or their agents, and in which the Government has no rights or property interest by license or otherwise, will be classified as Confidential by the receiving agency unless otherwise authorized by the owners or their agents. Classification under this section is not intended to restrict the owners or their agents in the dissemination of such information.

[C1, AR 380-5, July 14, 1950] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A.,
The Adjutant General.

[F. R. Doc. 50-7331; Filed, Sept. 6, 1950; 8:49 a. m.]

Subchapter E—Organized Reserves

PART 564—ENLISTED RESERVE CORPS

ELIGIBILITY

Rescind paragraph (b) (1) of § 564.2 and substitute the following in lieu thereof:

§ 564.2 *Eligibility.* • • •

(b) *Age*—(1) *Original enlistments.* Each male applicant without prior service in any of the armed services of the United States must be between the ages of 17 and 35. Each female applicant without prior service in any of the armed services of the United States must be between the ages of 18 and 35. A male applicant who is between the age of 17 and 18 or a female applicant who is between the ages of 18 and 21 will be required to furnish written consent of his or her parents or guardian. The written consent will:

(i) Be signed by both parents, but the consent of one parent may be accepted if the other is absent for an extended period of time. Enlistment is not authorized if either parent objects.

(ii) Include a statement of date of birth of applicant and a statement as to length of enlistment for which consent is granted.

(iii) Include no written or oral qualifications relative to allotments of pay, special training, or service in any particular branch of service, or at a certain post or locality.

(iv) Be notarized.

(v) Be signed in duplicate and fastened securely to the original and duplicate copies of the enlistment record.

(vi) Duplication of the consent agreement on 8- by 10½-inch paper is authorized.

CONSENT AGREEMENT

Place ----------
Date ----------

I/We [1] certify that I am/we are [1] the (parent) (parents) (legal guardian) [1] of ---------- who was ---------- (First, middle, last name of applicant)
born ---------- (Day) (Month) (Year)
at ---------- (City or county) (State)
and I/we [1] hereby give my/our [1] consent to his/her [1] enlistment in the Enlisted Reserve Corps for a period of ---------- years.

---------- ----------
(Signature of applicant's father) (Complete address)

---------- ----------
(Signature of applicant's mother) (Complete address)

---------- ----------
(Signature of legal guardian, if applicable) (Complete address)

Subscribed and sworn to before me this -------- day of ---------- 19----, at ----------

[SEAL] ----------
(Signature of notary)

• • • • •

[C2, SR 140-107-1, Aug. 21, 1950] (R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 55, 39 Stat. 195, as amended; 10 U. S. C. 421, 423)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A.,
The Adjutant General.

[F. R. Doc. 50-7830; Filed, Sept. 6, 1950; 8:49 a. m.]

[1] Strike out words not applicable.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter A—General

[CGFR 50-18]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

By virtue of the authority contained in an act approved June 29, 1948 (62 Stat. 1081), and section 751 of Title 14, United States Code (63 Stat. 551) the following amendments are hereby prescribed.

GENERAL—ADMINISTRATION AND ORGANIZATION POLICY

1. Section 8.1106 is amended to read as follows:

§ 8.1106 *Organization of Reserve.* The Coast Guard Reserve shall be composed of the following categories:

(a) *Organized Reserve.* The Organized Reserve shall be composed of officers and enlisted personnel attached to organized training units, which units can be mobilized and assigned to duty as entities in time of national emergency if desirable. The Commandant will authorize the type, location, and establishment of such units and prescribe such periods and standards of training and drill as he may deem necessary to maintain these units at desired efficiency.

(b) *Volunteer Reserve.* The Volunteer Reserve shall be composed of officers and enlisted personnel not attached to the Organized Reserve but who meet such training standards as may from time to time be established by the Commandant.

(c) *Inactive Reserve.* The Inactive Reserve shall be composed of officers and enlisted personnel who are not members of the foregoing categories and are on the inactive reserve status list as a result of inactivity, inability to perform training duty, upon own request, or for such other reasons as the Secretary may prescribe from time to time. While assigned to the inactive reserve status list no retirement benefits shall accrue.

(d) *Retired Reserve.* The Reserve Retired List as established on January 25, 1949, shall contain the names of Reserve officers and enlisted personnel retired with pay under applicable authority.

(60 Stat. 26)

PRECEDENCE

2. Section 8.1301 is amended to read as follows:

§ 8.1301 *Precedence of officers.* Officers of the Reserve, exclusive of those whose precedence has been heretofore established and whose names appear in the Register of the United States Coast Guard, shall be arranged on a lineal list in each grade in order of precedence approved by the Secretary of the Treasury. The lineal list so established shall constitute the Register of the Commissioned and Warrant Officers of the United States Coast Guard Reserve.

3. Section 8.1302 is amended to read as follows:

§ 8.1302 *Precedence of officers appointed subsequent to establishment of the Reserve Register.* Officers appointed in the Reserve subsequent to the establishment of the United States Coast Guard Reserve Register, provided for in § 8.1301, shall take precedence in their respective grades of the Reserve according to date of commission or warrant therein.

PROMOTION

GENERAL

4. Section 8.3101 is amended to read as follows:

§ 8.3101 *Promotion of officers.* (a) For purposes of promotion each officer of the Reserve shall be assigned a running-mate who shall be the line officer of the regular establishment not restricted in the performance of duty who is next senior to him or her, or if there be no such Regular officer, the running-mate shall be the line officer, not restricted in the performance of duty of the same grade of the Regular Coast Guard next junior to the Reserve officer. Officers of the Reserve will be considered as being eligible for promotion when their running-mate becomes so eligible.

(b) Officers will be promoted only when they have been found physically and professionally qualified for promotion by the Commandant. The findings of the Commandant may be based upon the recommendations of a Board of Officers, examination, the service record

of the officer, or such other evidence as he may deem sufficient.

PROFESSIONAL EXAMINATIONS

5. Delete § 8.3201.

(Sec. 102, 62 Stat. 1081, sec. 1, 63 Stat. 551; 10 U. S. C. Sup., 581, 14 U. S. C. Sup., 751)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

AUGUST 17, 1950.

Concurred in:

DAN A. KIMBALL,
Under Secretary of the Navy.

[F. R. Doc. 50-7847; Filed, Sept. 6, 1950; 8:51 a. m.]

Subchapter C—Aids to Navigation

[CGFR 50-20]

PART 66—PRIVATE AIDS TO NAVIGATION

MISCELLANEOUS AMENDMENTS

By virtue of the authority contained in Title 14, United States Code, sections 83, 84, 85, and 92, the regulations are amended as indicated below.

In accordance with the exception indicated in section 4 of the Administrative Procedure Act (5 U. S. C. 1003 (a)), public hearings are not deemed necessary since the amendments are promulgated for the purpose of making editorial corrections and clarifying administrative procedure. However, any person who may feel aggrieved by the promulgation of these amendments may appeal therefrom to the Commandant (OAN), United States Coast Guard, Washington 25, D. C., in writing within 30 days from date of publication of this document in the FEDERAL REGISTER. The written appeal shall be presented in triplicate and shall include data and views as to why the amendments promulgated herein should be changed in the respect set forth in the appeal. All matters presented in writing within the prescribed time will be given careful consideration and any person submitting an appeal will be notified as to the disposition of the appeal.

1. Section 66.01-1 is amended to read as follows:

§ 66.01-1 *Basic provisions.* (a) No person, company, corporation, or municipality, not under the control of the Commandant, exclusive of the Armed Forces, shall establish, erect, or maintain in the navigable waters of the United States any aid to maritime navigation without first obtaining permission to do so from the Commandant, nor shall any person, company, corporation, or municipality, change, move, or discontinue any private aid to navigation so authorized without first obtaining permission to do so from the Commandant.

(b) Coast Guard authorization of a private aid to navigation does not authorize any invasion of private rights, nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other Federal, State, or local laws or regulations. It merely expresses the assent of the Federal Government so far as concerns the public rights and benefits derived from the aids-to-navigation system of the United States.

2. Section 66.01-15 is amended to read as follows:

§ 66.01-15 *Classification.* The District Commander receiving the application will forward it to the Commandant with a recommendation, and will assign the aid one of the following classifications:

Class I. Aids to navigation on marine structures or other works which the owners are legally obligated to establish, maintain and operate as prescribed by the Coast Guard.

Class II. Aids to navigation exclusive of Class I located in waters used by general navigation.

Class III. Aids to navigation exclusive of Class I located in waters not ordinarily used by general navigation.

3. Section 66.01-20 is amended to read as follows:

§ 66.01-20 *Inspection.* All classes of private aids to navigation shall be maintained in proper condition. They are subject to inspection by the Coast Guard at any time and without prior notice to the maintainer. Class I and II private aids to navigation will be inspected at least once each year. Class III private aids to navigation will be inspected at least once every three years.

4. Section 66.01-50 is amended by striking out the citation at the end of the section.

(Sec. 8, 18 Stat. 127, as amended; 14 U. S. C. 92. Interpret or apply sec. 3, 34 Stat. 324, as amended; 33 U. S. C. 759)

Dated: August 25, 1950.

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 50-7846; Filed, Sept. 6, 1950; 8:51 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—RULES AND REGULATIONS GOVERNING PUBLIC USE OF CERTAIN RESERVOIR AREAS

HEYBURN RESERVOIR AREA, POLECAT CREEK, OKLAHOMA

The Secretary of the Army having determined that use of the Heyburn Reservoir Area, Polecat Creek, Oklahoma, by the general public for boating, fishing, bathing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir for its primary purposes, hereby prescribes the following rules and regulations pursuant to the provisions of section 4 of an act of Congress approved December 22, 1944 (58 Stat. 889; 16 U. S. C. 460d) as amended by the Flood Control Act of 1946 (60 Stat. 641), for the public use of Heyburn Reservoir Area, Oklahoma, by adding a new paragraph (ee) to § 311.1, and rescinding paragraph (a) (4) of § 311.4 and substituting the following in lieu thereof:

§ 311.1 *Areas covered.* • • •

(ee) Heyburn Reservoir, Polecat Creek, Oklahoma.

§ 311.4 *Houseboats.* (a) • • •

(4) Heyburn Reservoir, Polecat Creek, Oklahoma.

• • • • • •

[Regs. Aug. 18, 1950, ENGWO] (58 Stat. 889, as amended; 16 U. S. C. 460d)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A.,
The Adjutant General.

[F. R. Doc. 50-7832; Filed, Sept. 6, 1950; 8:49 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Subchapter B—Personal Property Management

PART 60—PERSONAL PROPERTY: APPLICATION OF PROCEEDS OF EXCHANGE OR SALE TO PURCHASE OF SIMILAR ITEMS

Sec.
60.0 Purpose and scope.
60.1 Restriction to "similar items".
60.2 Administrative determination required.
60.3 Restrictions as to time for application.
60.4 Written evidence of transaction.
60.5 Solicitation of bids.
60.6 Construction of regulations.

AUTHORITY: §§ 60.0 to 60.6 issued under sec. 205, 63 Stat. 385; 41 U. S. C. Supp. 235. Interpret or apply sec. 201, 63 Stat. 383; 41 U. S. C. Supp., 41 U. S. C. Supp. 231.

§ 60.0 *Purpose and scope.* The provisions of this part are designed to inform and guide the public with respect to the authority of executive agencies to acquire personal property under section 201 (c) of the Federal Property and Administrative Services Act of 1949 (Pub. Law 152, 81st Cong.). Section 201 (c) authorizes any executive agency, under regulations prescribed by the Administrator of General Services, to exchange or sell personal property and apply the exchange allowance or proceeds in payment for similar items acquired, provided that the transaction be evidenced in writing.

NOTE: Personal Property Management Regulation No. 6, dated September 1, 1950, and distributed by the General Services Administration (Office of Management), deals with the same subject but contains additional provisions affecting executive agencies which do not have direct application to the public.

§ 60.1 *Restriction to "similar items".* Items sold or exchanged under section 201 (c) must be "similar" to the items acquired. For the purpose of this part, items shall be deemed "similar" when—

(a) They are substantially identical in all material aspects and characteristics, excluding, however, condition, year, model, size or capacity, and manufacture; or

(b) The agency head, or his representative duly authorized for the purpose, finds in writing that they resemble each other in most material aspects and char-

acteristics and are adaptable to the same or comparable uses; or

(c) They constitute parts of or for assembled items which are similar within the meaning of paragraphs (a) and (b) of this section.

§ 60.2 *Administrative determination required.* An administrative determination to apply the exchange allowance or proceeds of sale in accordance with the provisions of section 201 (c) must be made at the time of transfer or sale.

§ 60.3 *Written evidence of transaction.* Each transaction carried out under the authority of section 201 (c) shall be evidenced in writing which shall indicate the amount of trade-in allowance or proceeds of sale, if any, involved in such transaction.

§ 60.4 *Solicitation of bids.* In disposing of property under section 201 (c), executive agencies are required to solicit both cash and trade-in bids except that

(a) Bids need not be solicited when the personal property sought to be acquired may be procured without solicitation of bids under applicable laws and regulations;

(b) Cash bids need not be solicited when the items sought to be sold or exchanged may be disposed of without solicitation of bids under applicable laws and regulations;

(c) Both types of bids need not be solicited when recent solicitation for identical items has produced only one type of offer under circumstances indicating the futility of further advertising for any other type of offer;

(d) Both types of bids need not be solicited when such solicitation for the items to be sold or exchanged would clearly be ineffective in reducing the cost of the acquisition, e. g., by reason of the existing commercial practice with respect to exchange or sale of such items.

§ 60.5 *Construction of regulations.* The regulations in this part shall not be construed to authorize acquisitions not otherwise authorized by law, or to exempt agencies from procurement requirements prescribed by the Administrator of General Services.

Dated: September 1, 1950.

JESS LARSON,
Administrator of General Services.

[F. R. Doc. 50-7829; Filed, Sept. 6, 1950; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 855-A]

PART 95—CAR SERVICE

REFRIGERATOR CARS AND STOCK CARS FOR TRANSPORTING ALFALFA MEAL OR ANY COMMODITY SUITABLE FOR MOVEMENT IN SUCH CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 31st day of August A. D. 1950.

Upon further consideration of Service Order No. 855 (15 F. R. 4771, 4895, 5797) and good cause appearing therefor: It is ordered, that:

Section 95.855 *Refrigerator cars and stock cars for transporting alfalfa meal or any commodity suitable for movement in such cars,* be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 12:01 a. m., September 1, 1950; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7830; Filed, Sept. 6, 1950; 8:49 a. m.]

[S. O. 857-A]

PART 95—CAR SERVICE

REFRIGERATOR CARS FOR FRUIT AND VEGETABLE CONTAINERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 31st day of August A. D. 1950.

Upon further consideration of Service Order No. 857 (15 F. R. 4916, 5433) and good cause appearing therefor: It is ordered, that:

Section 95.857 *Refrigerator cars for fruit and vegetable containers,* be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 12:01 a. m., September 1, 1950; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order by given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7840; Filed, Sept. 6, 1950; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 960]

[Docket No. AO-159A-1]

HANDLING OF IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, NORTH DAKOTA AND IN CERTAIN COUNTIES OF IOWA AND OF INDIANA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Minneapolis, Minnesota, April 24–28, 1950, and at Lansing, Michigan, May 1–3, 1950, pursuant to notice thereof in the FEDERAL REGISTER (15 F. R. 1894), upon amendments to a tentatively approved marketing agreement and to Order No. 60 regulating the handling of Irish potatoes grown in Michigan, Wisconsin, Minnesota, and North Dakota (hereinafter jointly called "Order No. 60").

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 11, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (15 F. R. 5434).

Rulings. Exceptions to the recommended decision were filed, on behalf of The Potato Growers of Wisconsin, Inc., Indiana Potato Growers Association, and Southern Minnesota Potato Growers Association, by their attorneys, Jeffris, Mouat, Oestreich, Wood, and Cunningham, and supplemental exceptions were filed, on behalf of the Indiana Potato Growers Association, by W. K. Gast, President of such association. Each of such exceptions was fully and carefully considered, together with the evidence in the record, in arriving at the findings and conclusions set forth herein. In

substance, all of the germane exceptions, filed as aforesaid, are allegations that the record of the public hearing does not warrant or support specified findings and conclusions and that, on the contrary, such record requires other and different findings and conclusions. To the extent that the exceptions are at variance with the findings and conclusions decided upon herein, such exceptions are overruled.

The material issues and the findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 50-7153; 15 F. R. 5434) are hereby approved, and adopted, and incorporated herein, as the material issues and the findings and conclusions of this decision as if set forth in full herein.

In view of such findings and conclusions, it is hereby further found and concluded that the proposed amendments to Order No. 60 are indispensable to the effective regulation of the handling of Irish potatoes grown in the production area defined in Order No. 60, and that, unless such amendments are made effective, Order No. 60 will no longer tend to effectuate the declared policy of the act after the completion of the referendum to ascertain producer approval or disapproval of said amendments. Accordingly, if the amendments do not receive the requisite producer approval, Order No. 60 will be terminated. Order No. 60 will tend to effectuate the declared policy of the act to some extent during that portion of the marketing season preceding the referendum because only a relatively small quantity of such potatoes will be marketed during this period and the handling of these potatoes can be effectively regulated, whereas the handling of the remainder of the current crop of such potatoes cannot be effectively regulated under Order No. 60 when they are marketed in substantial volume after the referendum, unless the proposed amendments are made effective.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Irish Potatoes Grown in Michigan, Wisconsin, Minnesota, North Dakota, and in Certain Counties of Iowa and of Indiana" and "Order, as Amended, Regulating the Handling of Irish Potatoes Grown in Michigan, Wisconsin, Minnesota, North Dakota and in Certain Counties of Iowa and of Indiana," which have been decided upon as the appropriate and detailed means of effectuating the foregoing findings and conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order, which will be published with this decision.

Done at Washington, D. C., this 1st day of September 1950.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

Order, as Amended,[1] Regulating the Handling of Irish Potatoes Grown in Michigan, Wisconsin, Minnesota, North Dakota, and in Certain Counties of Iowa and Indiana

Sec.

960.0 Findings and determinations.

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AUTHORITY: §§ 960.0 to 960.92 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051.

§ 960.0 *Findings and determinations—*(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the rules of practice and procedure covering proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Minneapolis, Minnesota, April 24–28, 1950 and at Lansing, Michigan, May 1–3, 1950, upon proposed amendments to the tentatively approved marketing agreement and Order No. 60 regulating the handling of Irish potatoes grown in Michigan, Wisconsin, Minnesota, and North Dakota (hereinafter jointly called "Order No. 60"). Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) The amended order, as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) Such amended order regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) The said amended order is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said amended order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the said area;

(5) All handling of potatoes, as defined in said amended order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order relative to handling. It is hereby ordered, pursuant to the findings and determinations set forth in § 960.0 hereof and pursuant to the aforesaid act, that such handling of potatoes, as defined in this order shall, from and after the time hereinafter specified, be in con-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

formity to and in compliance with the terms and conditions of this order.

DEFINITIONS

§ 960.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or employee of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 960.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

§ 960.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 960.4 *Production area.* "Production area" means all territory included within the boundaries of the States of Michigan, Wisconsin, Minnesota, North Dakota, the counties of Clay, Emmet, Palo Alto, Pocahontas, Kossuth, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, and Mitchell, in the State of Iowa, and Warren, Benton, White, Carroll, Cass, Miami, Wabash, Huntington, Wells, Adams, and all counties lying north thereof, in the State of Indiana.

§ 960.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 960.6 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 960.7 *Ship or handle.* "Ship" or "handle" means to sell, transport, or in any other way to place potatoes in the current of commerce within the production area or between the production area and any point outside thereof.

§ 960.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 960.9 *Fiscal year.* "Fiscal year" means the period beginning on July 1 of each year and ending June 30 following.

§ 960.10 *Committee and area committee.* "Committee" means the administrative committee, called the North Central Potato Committee, established pursuant to § 960.22, and "area committee" means each of the subcommittees of the committee established pursuant to § 960.37.

§ 960.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 960.12 *Seed potatoes.* "Seed potatoes" or "seed" means and includes (a) all potatoes officially certified and tagged, marked, or otherwise appropriately identified, under the supervision of an official seed potato certifying agency of the State in which the potatoes are grown, or other agency recognized by the committee and approved by the Secretary, and (b) potatoes which, although uncertified as seed, are shipped as seed in accordance with the rules and regulations prescribed therefor pursuant to § 960.56.

§ 960.13 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 960.14 *Pack.* "Pack" means a unit of potatoes contained in a bag, crate, or other type of container and which falls within specific weight limits recommended by the administrative committee and approved by the Secretary.

§ 960.15 *Grade and size.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon;

(c) Standards for potatoes issued by appropriate authorities of any State within the production area, or amendments thereto, or modifications thereof, or variations based thereon.

§ 960.16 *Export.* "Export" means shipment of potatoes beyond the boundaries of Continental United States.

§ 960.17 *District.* "District" means each one of the geographical divisions of the production area initially established pursuant to § 960.25 and as reestablished pursuant to § 960.27.

§ 960.18 *Area.* "Area" means each of the geographical subdivisions of the production area initially established pursuant to § 960.26 and as reestablished pursuant to § 960.27.

§ 960.19 *Washed potatoes.* "Washed potatoes" means potatoes which have been cleaned by water and certified by the Federal-State Inspection Service as meeting the degree of cleanliness recommended by the committee and approved by the Secretary.

§ 960.20 *Part and subpart.* "Part" means the order regulating the handling of Irish potatoes grown in the production area, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such "part."

COMMITTEE

§ 960.22 *Establishment and membership.* (a) The North Central Potato Committee consisting of eighteen members, of whom fourteen shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected.

(c) Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the respective State for which selected, or officers or employees of a corporate handler.

§ 960.23 *Term of office.* The term of office of committee members and alternates shall be for two fiscal years, and until their successors are selected and have qualified: *Provided, however,* That the terms of office of members and alternates shall be so determined that one-half of the total committee membership shall terminate at the end of each fiscal year. Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 960.24 *Selection.* The Secretary shall select one producer member of the committee from each district in the States of Michigan, Wisconsin, Minnesota, Iowa, Indiana, and from North Dakota District No. 2; two producer members from North Dakota District No. 1; and one handler member from each of the States of Michigan, Wisconsin, Minnesota, and North Dakota: *Provided,* That no changes in districts, or areas, or both, or representation, have been made pursuant to § 960.27. If any such changes have been made pursuant to recommendations of any one or more area committees and the committee, and approved by the Secretary, selection of committee members shall be in accordance with the districts, areas, and membership as so re-established. An alternate shall be selected for each member and such alternate shall have the same qualifications as the member. Producer members and alternates shall represent the respective district from which they are selected.

§ 960.25 *Districts.* (a) The following districts of the production area are hereby initially established:

North Dakota District No. 1. The counties of Rolette, Pierce, Wells, Kidder, Logan, McIntosh, and all counties lying east thereof in North Dakota;

North Dakota District No. 2. The remaining counties in North Dakota not included in North Dakota District No. 1;

Minnesota District No. 1. The counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Mahnomen, Clay, and Wilkin;

Minnesota District No. 2. The counties of Big Stone, Swift, Kandiyohi, Meeker, Wright, Hennepin, Ramsey, Washington, and all counties lying south thereof in Minnesota;

Minnesota District No. 3. The remaining counties in Minnesota not included in Minnesota District No. 1 and Minnesota District No. 2;

Wisconsin District No. 1. The counties of Trempealeau, Eau Claire, Chippewa, Rusk, Sawyer, Bayfield, and all counties lying west thereof in Wisconsin;

Wisconsin District No. 2. The counties of Clark, Marathon, Shawano, Oconto, and all counties lying north thereof in Wisconsin;

Wisconsin District No. 3. The remaining counties in Wisconsin not included in Wisconsin District No. 1, and Wisconsin District No. 2;

Michigan District No. 1. All the counties in the Upper Peninsula of Michigan;

Michigan District No. 2. The counties of Oceano, Newaygo, Mecosta, Isabella, Midland, Bay, and all counties lying north thereof in Michigan, but not including the Upper Peninsula;

Michigan District No. 3. The remaining counties in Michigan not included in Michigan District No. 1, and Michigan District No. 2;

Iowa District No. 1. The counties of Clay, Emmet, Palo Alto, Pocahontas, Kossuth, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, and Mitchell in Iowa; and

Indiana District No. 1. The counties of Warren, Benton, White, Carroll, Cass, Miami, Wabash, Huntington, Wells, Adams, and all counties north thereof in Indiana.

§ 960.26 *Areas.* The following subdivisions of the production area are hereby initially established:

Area No. 1. North Dakota Districts No. 1 and No. 2;

Area No. 2. Minnesota Districts No. 1, No. 2, and No. 3, and Iowa District No. 1;

Area No. 3. Wisconsin Districts No. 1, No. 2, and No. 3;

Area No. 4. Michigan Districts No. 1, No. 2, and No. 3, and Indiana District No. 1.

§ 960.27 *Reestablishment.* (a) Upon the recommendation of the committee, the Secretary may reestablish districts or areas, or both, within the production area, and may reapportion committee membership among such districts or areas, or both.

(b) An area committee may recommend to the committee reestablishment of districts or the reapportionment of committee membership, or both, within the area represented by such area committee. Any two or more area committees may make similar recommendations to the committee regarding reestablishment of districts or areas of the production area, or both, or the reapportionment of committee membership among such districts or areas of the production area, or both: *Provided,* That in recommending any such changes in districts or areas, or both, or representation, such committees shall give consideration to: (1) The relative importance of new production; (2) changes in the relative position, with respect to production, of existing districts; (3) the geographic location of production as it would affect the efficiency of administering this program; and (4) other relevant factors.

§ 960.28 *Nomination.* The Secretary may select the members of the committee, with their respective alternates, from nominations which may be made in the following manner:

(a) The committee shall hold or cause to be held prior to May 1 of each fiscal year, after the effective date of this subpart, a meeting or meetings of producers in each district and a meeting or meetings of handlers in the States of Michigan, Wisconsin, Minnesota, and North Dakota;

(b) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(c) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee.

(d) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(e) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates. If a person is both a producer and a handler, at least 90 percent of the potatoes handled by such person must be of his own production in order to qualify as a producer member or alternate of the committee and for designating producer nominees for the committee; each person who is both a producer and a handler may vote either as a producer or a handler and may elect, subject to such 90 percent limitation, the group in which he votes; and

(f) Regardless of the number of districts in which a person produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided,* That in the event a person is engaged in producing potatoes in more than one district such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further,* That an eligible voter's privileges of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 960.29 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 960.28, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in § 960.24.

§ 960.30 *Acceptance.* Any person selected as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 960.31 *Vacancies.* To fill committee vacancies, the Secretary may select committee members and alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 960.28. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in § 960.24.

§ 960.32 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 960.33 *Procedure.* (a) A majority of the members of the committee shall be necessary to constitute a quorum and a majority of concurring votes of the entire membership of such committee will be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

§ 960.34 *Expenses and compensation.* Committee members and alternates shall serve as such members and alternates without compensation, but they shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part.

§ 960.35 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 960.36 *Duties.* It shall be the duty of the committee:

(a) At the beginning of each fiscal year, to meet and organize, select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal year to prepare a budget of its expenses for such fiscal year, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

§ 960.37 *Area Committees.* The producer members representing Area No. 1 on the committee and the handler representing North Dakota on the committee shall constitute the Area Committee for Area No. 1. Likewise, the producer members representing each of the other areas on the committee, together with the appropriate handler representative, shall constitute the area committees for such areas. Each Area Committee may, upon the selection and qualification of a majority of its members, organize and commence to function; and a majority of all members of the respective Area Committee shall be necessary to constitute a quorum of the respective committee. Each Area Committee shall select a chairman and a secretary. The alternate for each member of an Area Committee shall be the person who serves as alternate for such member on the committee. The alternate for a member of an Area Committee shall, in the event of the respective member's absence, act in the place of said member; and in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected, act in the place of said member. Each Area Committee shall function in accordance with the provisions of this subpart, and each Area Committee shall submit to the committee such reports and recommendations as the Area Committee deems to be proper, pursuant to the provisions of this subpart, with respect to the administration of the provisions of this part, in the respective area for which such committee is organized. Except as herein otherwise specifically provided, the powers and duties of Area Committees, as subcommittees of the committee, shall be determined by the committee.

BUDGET, EXPENSES, AND ASSESSMENTS

§ 960.40 *Budget.* The committee shall prepare a budget for each fiscal year showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall also transmit to the Secretary a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 960.41 *Expenses.* The committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget or other available information, finds may be necessary during each fiscal year to perform its functions under this part and for such other purposes as may be appropriate pursuant to the provisions of this part.

§ 960.42 *Rate of assessment.* The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate recommended by the committee and, on the basis of such recommendation, or other available information, fixed by the Secretary. Each handler who first ships potatoes which are ready for market shall pay assessments, except where relieved therefrom pursuant to §§ 960.53 and 960.54, to the committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year. Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

§ 960.43 *Amended budgets and increased assessment rates.* At any time during or subsequent to a given fiscal year, the committee may recommend the approval of an amended budget and the fixing of an increased rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment to cover expenses which shall be incurred pursuant to an approved budget or amended budget. Such increase shall be applicable to all potatoes handled during such given fiscal year.

§ 960.44 *Refunds.* If at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 960.45 *Accounting.* All funds received by the committee pursuant to any provision of this part shall be used solely for the purposes specified in this part and shall be accounted for in the following manner:

The Secretary may at any time require the committee and its members to account for all receipts and disbursements, and whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 960.46 *Collection of funds.* (a) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(b) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

REGULATION

§ 960.50 *Marketing policy.* The Area Committee for each of the areas included in the production area and the committee, severally, shall, prior to or simultaneously with the making of any recommendation pursuant to § 960.51, submit to the Secretary a detailed report setting forth the marketing policy with respect to the shipment of potatoes which the respective committee deems advisable for the ensuing shipping season. Additional reports shall be submitted, from time to time, in the event that it is deemed advisable by the respective Area Committee or the committee to adopt a new marketing policy in view of changed demand and supply conditions with respect to potatoes. The committee shall publicly announce the submission of each such marketing policy report, and copies thereof shall be made available at the office of the respective Area Committee and the committee for inspection by any producer or handler. In determining each such marketing policy the respective Area Committee and the committee shall give due consideration to the following factors relating to potatoes produced in the area and in other States:

(a) Market prices of potatoes, including prices by grade, size, and quality in different packs, or any other shipping unit;

(b) Supply of potatoes, by grade, size, quality, in the production area, and in other production areas;

(c) Trend and level of consumer income; and

(d) Other relevant factors.

§ 960.51 *Recommendation for regulations.* The committee, pursuant to investigations and analysis of factors enumerated in § 960.50, shall recommend regulations to the Secretary whenever it finds that such regulation, as provided in § 960.52, will tend to effectuate the declared policy of the act. The committee also may recommend modification, suspension, or termination of any regulation in order to facilitate shipments of potatoes for the specified purposes set forth in § 960.53.

§ 960.52 *Issuance of regulations.* The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other

available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes, or qualities of any or all varieties of potatoes during any period; or

(b) Regulate the shipment of particular grades, sizes, or qualities of potatoes differently, for different varieties, for different portions of the production area, for different packs, for washed and unwashed potatoes, or any combination of the foregoing during any period; or

(c) Regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 960.53 *Modification, suspension or termination.* Upon the basis of recommendations and information submitted by the committees, or other available information, the Secretary shall modify, suspend, or terminate regulations issued pursuant to §§ 960.42, 960.43, 960.52, 960.53, 960.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes whenever he finds that it will tend to effectuate the declared policy of the act:

(a) For grading or storage within the production area;

(b) For seed;

(c) For export;

(d) For distribution by the Federal government;

(e) For manufacture or conversion into specified products;

(f) For livestock feed; and

(g) For other purposes which may be specified.

§ 960.54 *Minimum quantity regulation.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 960.42, 960.43, 960.52, 960.53, 960.65, or any combination thereof.

§ 960.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 960.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to §§ 960.53 and 960.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to §§ 960.53 and 960.54;

(2) Handlers shall obtain inspection provided by § 960.65 or pay the pro rata share of expenses provided by § 960.42, or both, in connection with potato shipments effected under the provisions of § 960.53: *Provided*, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under the provisions of §§ 960.53 and 960.54.

(b) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in §§ 960.53 and 960.54, were handled contrary to the provisions of this subpart.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 960.65 *Inspection and certification.* During any period in which shipments of potatoes are regulated pursuant to the provisions of §§ 960.42, 960.43, or 960.52, 960.53, or any combination thereof, no handler shall ship potatoes unless each such shipment is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirement pursuant to §§ 960.53 and 960.54. Each handler procuring such inspection shall make arrangements with the inspecting agency to forward promptly to the committee a copy of the inspection certificate: *Provided, however*, That no handler shall ship potatoes after such potatoes are regraded, resorted, repacked, or in any other way further prepared for market unless each shipment of such potatoes is inspected as provided in this section.

EXEMPTIONS

§ 960.70 *Policy.* (a) Any producer whose potatoes have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 960.52, is prevented from shipping during the season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

(b) Any handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season that have been adversely affected by acts beyond the handler's control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 960.52, is prevented from shipping as large a proportion of his storage holdings of ungraded potatoes as the average proportion of ungraded storage holdings shipped by all handlers in said handler's immediate shipping area, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 960.71 *Rules and procedures.* The committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions. Such rules and procedures should provide for handling applications for exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages (as required by § 960.70), and for such other procedures as may be necessary to accomplish policies with respect to exemptions.

§ 960.72 *Applications and issuance.* The committee shall issue certificates of exemption to any qualified applicant who furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation;

(b) That by reason of regulations issued pursuant to § 960.52, in case of an applicant who is a producer, he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof;

(c) That by reason of regulations issued pursuant to § 960.52, in case of an applicant who is a handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season, he will be prevented from shipping as large a proportion of such storage holdings as the average proportion of similar storage holdings shipped by all handlers in said applicant's immediate shipping area during the season;

(d) Each certificate shall permit the recipient thereof to ship the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 960.73 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 960.74 *Appeals.* If any applicant for exemption certificates is dissatisfied with the determination with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to such committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy

of the appeal and a statement of considerations involved in making the final determination.

§ 960.75 *Records.* The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the administrative committee upon request of the Secretary.

MISCELLANEOUS PROVISIONS

§ 960.80 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 960.81 *Compliance.* Except as provided in this subpart, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

§ 960.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 960.83 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 960.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers, who during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 960.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together will all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property ,or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 960.86 *Effect of termination or amendment.* (a) Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (2) release or extinguish any violation of this subpart or of any regulations issued under this subpart or (3) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

(b) The persons who are members and alternates of the committee established pursuant to Order No. 60, on the effective date of this subpart, shall continue in office under this subpart until the end of the then current fiscal year, and until their successors have been selected and have qualified; and all rules and regulations issued pursuant to Order No. 60, shall continue in effect until terminated in accordance with their present terms, or until modified, suspended, or terminated by the Secretary in accordance with the provisions of this subpart.

§ 960.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 960.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 960.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 960.90 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 960.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 960.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

[F. R. Doc. 50-7852; Filed, Sept. 6, 1950; 8:52 a. m.]

[7 CFR, Part 960]

[Docket No. AO-159A-1]

HANDLING OF IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, NORTH DAKOTA, AND IN CERTAIN COUNTIES OF IOWA AND OF INDIANA

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF REPRESENTATIVE PERIOD; DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), it is hereby directed that a referendum be conducted among producers who, during the period July 1, 1949, to June 30, 1950, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the production area as defined in § 960.4 of Order No. 60, as amended, in the production of Irish potatoes for market, to determine whether such producers approve or favor the issuance of an amended order regulating the handling of Irish potatoes grown therein; and said order, as amended, is annexed to the decision of the Secretary of Agriculture filed[1] simultaneously herewith.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

For the purposes of this referendum, the production area defined in § 960.4 of Order No. 60, as amended, means all territory included within the boundaries of the States of Michigan, Wisconsin, Minnesota, North Dakota, the counties of Clay, Emmet, Palo Alto, Pocahontas, Kossuth, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, and Mitchell, in the State of Iowa, and Warren, Benton, White, Carroll, Cass, Miami, Wabash, Huntington, Wells, Adams, and all counties lying north thereof, in the State of Indiana.

It is hereby determined for the purposes of this referendum that the aforesaid amended order shall be deemed a marketing order pursuant to the terms of section 4, Public Law 471, 81st Congress, approved March 31, 1950, which states that: "After the enactment of this joint resolution, no price support shall be made available for any Irish potatoes of the 1950 crop with respect to which marketing orders under the Agricultural Marketing Agreement Act of 1937, as amended, have been disapproved by producers."

R. E. Keller, V. A. Ekstrom, S. L. Pobst, E. E. Gallahue, and A. C. Cook, of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid order may be examined in the Office of the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington, D. C., and at the county Production and Marketing Administration Office in each of the counties within the specified production area.

Ballots to be cast in the referendum and copies of the text of said order may be obtained from any referendum agent and any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

[1] See F. R. Doc. 50-7852 *supra*.

Done at Washington, D. C., this 1st day of September 1950.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-7853; Filed, Sept. 6, 1950; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 536]

"AREA OF PRODUCTION"

REDEFINITION OF TERM

Section 13 (a) (10) of the Fair Labor Standards Act provides a year-round exemption from both the minimum wage and overtime pay provisions for employees engaged in certain enumerated operations on agricultural or horticultural commodities and in making dairy products. One part of section 7 (c) of the act provides a 14 workweek exemption from the overtime pay provisions alone for employees in a place of employment where their employer is engaged in the first processing of agricultural or horticultural commodities during seasonal operations. Exemption under these provisions is dependent upon whether the employee is employed (section 13 (a) (10)) or whether the employer is engaged in such activities (section 7 (c)) "within the area of production" as that phrase is defined in regulations adopted by the Administrator.

The present definitions of "area of production," which have been in effect since December 1946, follow the guides laid down by the U. S. Supreme Court in the case of Addison v. Holly Hill (322 U. S. 607). In that case the Court stated that "area" called for a delimitation of territory in relation to the complicated economic factors that operate between agricultural labor conditions and the labor market of enterprises concerned with agricultural commodities and more or less near their production. The Court also noted the Congressional intent to distinguish between rural communities and urban centers. The present definitions were formulated in conformity with this direction of the Supreme Court after extensive public hearings. The Supreme Court also confirmed the view that it appears clearly to have been the intent of Congress in enacting the law that some employees engaged in these activities must, while others need not, be paid in accordance with the minimum wage and overtime provisions. Some competitive inequalities are therefore inevitable under the statutory provisions.

Representations have recently been made that in particular instances substantial economic discrimination exists as between establishments which meet the requirements of the present definitions and those that do not. In addition, several specific proposals have been received, urging that changes be made in the present definitions to lessen the competitive inequalities that result from this provision of the law.

In view of the representations and requests for redefinition which have been made, particularly since the minimum wage was increased to 75 cents an hour, I have decided to receive and give consideration at this time to specific proposals for changes in the definitions. The purpose of the proposed reconsideration is to attempt to develop a definition which will minimize competitive inequalities and still be in accord with the statutory language and the opinion of the Supreme Court. All proposals received will be studied with a view to holding a public hearing at a later date.

Proposals for changes in the definitions should be addressed to Mr. Wm. R. McComb, Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor Building, Washington 25, D. C. To the extent possible, the proposals should be accompanied by supporting information, including a statement indicating the results which would be achieved if the changes were incorporated in the regulations. The proposals and accompanying statements should be received by the Administrator before October 10, 1950.

Until such time as any revised regulations may become effective, the present definitions of "area of production" will, of course, remain in effect.

Signed at Washington, D. C., this 1st day of September 1950.

WM. R. McCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 50-7836; Filed, Sept. 6, 1950; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 20]

[Docket No. 9749]

DISASTER COMMMUNICATIONS SERVICE

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. On August 3, 1950, the Commission released a notice of proposed rule making (FCC 50-970)[1] proposing the establishment of a Disaster Communications Service. The provisions of § 20.10 of the proposed new Part 20 permit applications for authorizations to operate in the Disaster Communications Service to be submitted in letter form. It is believed that use of a standardized application form will reduce the possibility of errors and will result in more expedient processing. Accordingly, it is proposed to adopt Form 525, a copy of which is attached[2] as the form to be used in filing applications for authorizations in the Disaster Communications Service.

3. This notice is issued pursuant to authority contained in sections 303 (r)

[1] 15 F. R. 5173.
[2] Filed as part of the original document.

and 308 (b) of the Communications Act, as amended.

4. Any interested person who is of the opinion that the proposed form should or should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before September 15, 1950, a written statement or brief setting forth his comments. The Commission will consider these written comments and if comments are submitted which appear to warrant the Commission's holding an oral argument, notice of time and place of such oral argument will be given.

5. An original and six copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: August 23, 1950.

Released: August 24, 1950.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 50-7835; Filed, Sept. 6, 1950; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1950 Dept. Circ. 869]

1¼ PERCENT TREASURY NOTES OF SERIES F-1951

OFFERING OF NOTES

SEPTEMBER 5, 1950.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 1¼ percent Treasury Notes of Series F-1951, in payment of which any of the following listed Treasury securities, singly or in combinations aggregating $1,000 or multiples thereof, may be tendered:

Treasury Certificates of Indebtedness:

1¼ percent certificates, Series G-1950, dated September 15, 1949, maturing September 15, 1950.

Treasury Bonds:

2 percent bonds of 1950-52, dated April 15, 1943, due September 15, 1952, called for redemption September 15, 1950.

2½ percent bonds of 1950-52, dated September 15, 1938, due September 15, 1952, called for redemption September 15, 1950.

II. *Description of notes.* 1. The notes will be dated September 15, 1950, and will bear interest from that date at the rate of 1¼ percent per annum, payable with the principal at maturity on October 15, 1951. They will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before September 15, 1950, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series G-1950, maturing September 15, 1950, or in 2 percent Treasury Bonds of 1950-52 or 2½ percent Treasury Bonds of 1950-52, both called for redemption September 15, 1950, which will be accepted at par, and should accompany the subscription. The full year's interest on the certificates surrendered will be paid to the subscriber following acceptance of the certificates. Final interest due September 15 on bonds surrendered will be paid, in the case of coupon bonds, by payment of September 15, 1950 coupons, which should be detached by holders before presentation of the bonds, and in the case of registered bonds, by checks drawn in accordance with the assignments on the bonds surrendered.

V. *Assignment of registered bonds.* 1. 2 percent Treasury Bonds of 1950-52 or 2½ percent Treasury Bonds of 1950-52 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof to "The Secretary of the Treasury for exchange for Treasury Notes of Series F-1951 to be delivered to ------", in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington, D. C. The bonds must be delivered at the expense and risk of the holders.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER, *Secretary of the Treasury.*

[F. R. Doc. 50-7848; Filed, Sept. 6, 1950; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF ASSOCIATED STEAMSHIP LINES (MANILA) CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, as amended:

Agreement No. 5600-16, between the member lines of the Associated Steamship Lines (Manila) Conference, modifies the basic agreement of said conference (No. 5600), (1) to provide that only those members who have berthed and loaded a vessel in the Philippine Islands within the preceding six months, rather than within the preceding three months as presently provided in the agreement, shall be entitled to vote on matters pertaining to rates, rules and regulations, (2) to provide that adoption of general matters shall require two-thirds affirmative vote of the total membership vote, instead of majority vote of members present at a meeting as now provided in the agreement, and (3) to include provisions clarifying the voting provisions of the agreement.

Agreement No. 57-32 covers the admission of Waterman Steamship Corporation to associate membership in the Pacific Westbound Conference. As an associate member the Waterman Steamship Corporation will have no vote in conference affairs, but will be permitted to participate in conference contracts with shippers, and will be exempted from posting of the usual surety bond.

Agreement No. 7773, between Aktiebolaget Svenska Amerika Linien, Rederiaktiebolaget Transatlantic, Aktiebolaget Transmarin, Rederiaktiebolaget Helsingborg, and Wilhelmsens Dampskibsaktieselskab, A/S Den Norska Afrika-og Australielinie, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V and A/S Tankfart VI, provides for transportation of woodpulp and wallboard under contract for joint account at agreed rates in the trade from Swedish Baltic ports, north of and including Gefle district, to U. S. North Atlantic ports, north of Cape Hatteras, and for apportionment of such cargo between the parties in specified percentages.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: September 1, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 50-7834; Filed, Sept. 6, 1950; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF LEARNERS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certifiactes is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportwear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 399)).

Allied Manufacturing Co. of New Bedford, Inc., 85 Coggeshell Street, New Bedford, Mass., effective 8-25-50 to 4-30-51; 10 percent normal labor turnover (boys' sport and dress shirts).

Angelica Uniform Co., Winfield, Mo., effective 7-26-50 to 4-30-51; 10 percent normal labor turnover (washable service apparel).

Apco Manufacturing Co., 1346 Milwaukee Avenue, Chicago, Ill., effective 8-22-50 to 4-30-51; 10 percent normal labor turnover (infants' wear).

The Badger Raincoat Co., 209-211 Franklin Street, Port Washington, Wis., effective 8-25-50 to 4-30-51; 10 percent normal labor turnover (sport jackets).

Barry Sportswear Inc., 455 Shrewsbury Street, Worcester, Mass., effective 7-26-50 to 4-30-51; 10 percent normal labor turnover (dresses).

Berko Manufacturing Co., 1933 South Halsted Street, Chicago, Ill., effective 8-22-50 to 4-30-51; 10 percent normal labor turnover (women's dresses).

The Davidson Bros. Corp., Royal Square, West Warwick, R. I., effective 8-25-50 to 4-30-51; 10 percent normal labor turnover (ladies' slips, nightgowns, and petticoats).

The Davidson Bros. Corp., Royal Square, West Warwick, R. I., effective 8-25-50 to 4-30-51; 34 learners for expansion purposes (ladies' slips, nightgowns, and petticoats).

E. & W. Garments, Inc., Dress Factory, Vicksburg, Miss., effective 7-26-50 to 4-30-51; 10 percent normal labor turnover (dresses).

Eckbro Manufacturing Co., 217 North Desplaines Street, Chicago 6, Ill., effective 8-25-50 to 4-30-51; 10 percent normal labor turnover (dungarees).

Fashion Robe Co., 100 Pennsylvania Avenue, Bangor, Pa., effective 8-22-50 to 4-30-51; 10 percent normal labor turnover (Ladies' blouses).

Iron King Overall Co., 113 South Hanover Street, Baltimore, Md., effective 8-25-50 to 4-30-51; 10 percent normal labor turnover (overalls, dungarees).

Judy Dress Manufacturing Co., 500 Race Street, Harrisburg, Pa., effective 8-23-50 to 4-30-51; 12 learners (dresses).

Kaylon, Inc., 5 North Haven Street, Baltimore, Md., effective 8-25-50 to 4-30-51; 10 percent normal labor turnover (sleepwear).

Laros Textiles Co., East Broad and Wood Streets, Bethlehem, Pa., effective 8-25-50 to 4-30-51; 10 percent normal labor turnover (women's lingerie and blouses).

Lebanon Shirt Co., Inc., Richton, Miss., effective 7-26-50 to 4-30-51; 10 percent normal labor turnover (men's sport shirts).

LeMonde Corset Co., 902 Lapeer Street, Saginaw, Mich., effective 8-22-50 to 4-30-51; 10 percent normal labor turnover (women's foundations garments).

Luzerne Sportswear, Inc., 421 N. Pennsylvania Ave., Wilkes-Barre, Pa., effective 7-26-50 to 4-30-51; 10 percent normal labor turnover (cotton dresses).

Midwest Pants & Sportswear Co., Covington, Ind., effective 7-26-50 to 4-30-51; 10 percent normal labor turnover (men's pants).

Puritan Foundations, Inc., Portage, Pa., effective 8-23-50 to 3-31-51; 10 percent normal labor turnover (brassieres).

Puritan Foundations, Inc., Portage, Pa., effective 8-23-50 to 3-31-51; 30 learners for expansion purposes (brassieres).

Jack Rappaport Co., Inc., 935 Washington Street, Peekskill, N. Y., effective 8-25-50 to 3-31-51; 10 percent normal labor turnover (gowns and slips).

Jack Rappaport Co., Inc., 935 Washington Street, Peekskill, N. Y., effective 8-25-50 to 3-31-51; 10 learners for expansion purposes (gowns and slips).

Service Uniforms Inc., 1627 Penn Avenue, Pittsburgh, Pa., effective 7-26-50 to 4-30-51; 10 percent normal labor turnover (washable service garments).

Sherrod Shirt Co., North Main Street, High Point, N. C., effective 7-26-50 to 4-30-51; 10 percent normal labor turnover (work shirts, sport shirts and pajamas).

Sigmund Eisner Co., 2-40 Bridge Avenue, Red Bank, N. J., effective 7-26-50 to 4-30-51; 25 learners (sportswear and uniforms).

Terre Hill Manufacturing Co., Inc., East Main Street, Terre Hill, Pa., effective 7-26-50 to 4-30-51; 10 percent normal labor turnover (ladies' slips).

Top Notch Manufacturing Co., Inc., 400 South Kansas Street, El Paso, Tex., effective 8-22-50 to 4-30-51; 75 learners for expansion purposes (denim overalls).

Topkis Bros. Co., 101 South Main Street, Winchester, Ky., effective 7-26-50 to 4-30-51; 10 percent normal labor turnover (manufacturing sport shirts and pajamas).

Wear Well Garment Co., Inc., New Ulm, Minn., effective 7-25-50 to 4-30-51; 10 percent normal labor turnover (ladies' slacks).

Whitehouse Manufacturing Co., 175 East Michigan Avenue, Three Rivers, Mich., effective 8-21-50 to 4-30-51; 10 percent normal labor turnover (washable service apparel).

Zulicks Underwear Mill, 128 Centre Avenue, Schuylkill Haven, Pa., effective 8-25-50 to 4-30-51; 10 percent normal labor turnover (polo shirts, creepers, and blouses).

Hosiery Learner Regulations (29 CFR 522.40 to 522.51; as revised January 25, 1950 (15 F. R. 233)).

Infants' Socks, Inc., Eufaula, Ala., effective 8-21-50 to 8-20-51; 5 percent of the total number of productive factory workers, not including sales and office personnel.

Independent Telephone Learner Regulations (29 CFR 522.82 to 522.93; as amended January 25, 1950 (15 F. R. 398)).

Viroqua Telephone Co., Viroqua, Wis., effective 8-22-50 to 4-30-51.

Glove Learner Regulations (29 CFR 522.220 to 522.222; as amended January 25, 1950 (15 F. R. 400)).

Frederic H. Burnham Co., Plymouth, Ind., effective 8-15-50 to 10-24-50; three learners (work gloves).

Churchill-Swanson Manufacturing Co., Centralia, Wash., effective 8-18-50 to 10-25-50; 10 learners (work gloves).

Fairfield Glove Co., Bonaparte, Iowa, effective 8-18-50 to 10-24-50; 5 learners (work gloves).

Fairfield Glove Co., Fairfield, Iowa, effective 8-18-50 to 10-24-50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

Hansen Glove Corp., Merrill, Wis., effective 8-22-50 to 10-24-50; 10 percent of the total number of workers employed in authorized learner occupations (knit fabric).

Hansen Glove Corp., Kiel, Wis., effective 8-22-50 to 10-24-50; 10 percent of the total number of workers employed in authorized learner occupations (knit fabric).

Hansen Glove Corp., Clintonville, Wis., effective 8-22-50 to 10-24-50; 10 percent of the total number of workers employed in authorized learner occupations (knit fabric).

Indianapolis Glove Co., Richmond, Ind., effective 8-22-50 to 10-24-50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

Indianapolis Glove Co., Inc., Marion, Ind., effective 8-22-50 to 10-24-50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

Jomac Products, Inc., Warsaw, Ind., effective 8–18–50 to 10–24–50; eight learners (work gloves).

Long Wear Leather Products Co., Des Moines, Iowa, effective 8–22–50 to 10–24–50; one learner (work gloves).

The E. Richard Meinig Co., Reading, Pa., effective 8–22–50 to 10–24–50; 25 learners (knit fabric).

Menominee Glove Co., Menominee, Mich., effective 8–18–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations (leather dress gloves).

Milwaukee Glove Co., Milwaukee, Wis., effective 8–22–50 to 10–24–50; three learners (work gloves).

Montpelier Glove Co., Inc., Montpelier, Ind., effective 8–22–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

Wells Lamont Corp., Barry, Ill., effective 8–16–50 to 10–24–50; three learners (work gloves).

Wells Lamont Corp., Elsberry, Mo., effective 8–22–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

Knitted Wear Learner Regulations (29 CFR 522.68 to 522.79; as amended January 25, 1950 (15 F. R. 398)).

Altamont Knitting Mills, Inc., Wilkes-Barre, Pa., effective 7–26–50 to 4–30–51; 5 percent of the number of productive factory workers, not including office and sales personnel (polo shirts).

The William Carter Co., Gilbertville, Mass., effective 7–25–50 to 3–31–51; 5 percent of the number of productive factory workers, not including office and sales personnel (knitted underwear).

The William Carter Co., Gilbertville, Mass., effective 7–25–50 to 3–31–51; 25 learners for expansion purposes (knitted underwear).

Louis Gallet Knitting Mills, Penn-Craft, East Millsboro, Pa., effective 8–25–50 to 4–30–51; 20 learners for expansion purposes (ladies sweaters).

Louis Gallet Knitting Mills, Penn-Craft, East Millsboro, Pa., effective 8–25–50 to 4–30–51; 5 percent of the number of productive factory workers, not including office and sales personnel (ladies sweaters).

Rilwood Manufacturing Co., East Station Avenue, Coopersburg, Pa., effective 7–26–50 to 3–31–51; 10 learners for expansion purposes (polo shirts, nightgowns, etc.).

Limerick Knitting Mills, Inc., Limerick, Maine, effective 7–26–50 to 3–31–51; 5 percent of the number of productive factory workers, not including office and sales personnel (knitted outerwear).

Limerick Knitting Mills, Inc., Limerick, Maine, effective 7–26–50 to 3–31–51; 33 learners for expansion purposes (knitted outerwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Beaux Arts Co., 114 Beach Street, Rockaway, N. J., effective 8–21–50 to 2–20–51; 25 learners; framing and pleating machine operators (including spot welding), lamp assemblers, 240 hours, 60 cents (manufacturing wire frames, shades and lamps).

Becker Pleating Co., St. Louis, Mo., effective 8–21–50 to 2–20–51; five learners; embroidery machine operator, 480 hours, 60 cents per hour for the first 320 hours and 65 cents for the remaining 160 hours (pleating, embroidery, making ladies belts, etc.).

George F. Brasfield & Co., Inc., Petersburg, Va., effective 8–22–50 to 2–21–51; eight learners; sewing machine operators, 240 hours, 60 cents (cotton table cloths and napkins).

Farnan Manufacturing Co., Inc., Sweeten Creek Road, Asheville, N. C., effective 8–21–50 to 2–20–51; five learners; punch press operators, 240 hours, 60 cents (mica fabricating).

Fashion Embroidery Co., St. Louis, Mo., effective 8–21–50 to 2–20–51; two learners; embroidery machine operator, 480 hours, 60 cents per hour for the first 320 hours and 65 cents for the remaining 160 hours (embroidery and nailhead trim, belts, buttons).

King Engineering, Inc., Kulpsville, Pa., effective 8–28–50 to 12–31–50; one learner; installer, radiant heating, 480 hours, for the first 240 hours—60 cents and the remainder of the 240 hours—65 cents (radiant heating and special machinery).

George C. Moore Co., Greeneville, Tenn., effective 8–17–50 to 2–16–51; three learners; machine operators, tenders, fixers and jobs immediately incidental thereto, 240 hours, 60 cents (elastic braid, etc.).

G. H. Rauschenberg Co., Inc., Dalton, Ga., effective 8–23–50 to 2–22–51; 45 learners; machine operators, 320 hours, 55 cents per hour for the first 160 hours and 65 cents per hour for the remaining 160 hours (tufted bedspreads and robes).

The Scranton Lace Co., 1313 Meylert Avenue, Scranton, Pa., effective 8–22–50 to 2–21–51; 3 percent of the total number of productive factory workers, not including office personnel; plastic and sewing machine operators, spin winders, 240 hours, 65 cents (lace curtains, dinner cloths, etc.).

Va-do Fabrics, Inc., Centre, Ala., effective 8–21–50 to 2–20–51; 15 learners; machine operators, fixers, tenders, and jobs immediately incidental thereto, 240 hours, 60 cents (loop rugs, cotton).

Virginia Peanut Co., Baltimore, Md., effective 8–18–50 to 2–17–51; 3 learners; candy dipper only, 240 hours, 60 cents (candy).

Waldman Button & Pleating Co., St. Louis, Mo., effective 8–21–50 to 2–20–51; one learner; embroidery machine operator, 480 hours, 60 cents an hour for the first 320 hours and 65 cents for the remaining 160 hours (belts, buckles, etc.).

The following special learner certificates were issued in the Shoe Industry. These certificates authorize the employment of learners in any occupations except custodial, maintenance, supervisory, and office and clerical occupations. The learning period is 480 hours at not less than 65 cents an hour for the first 240 hours and not less than 70 cents an hour for the next 240 hours, except as otherwise indicated in parenthesis.

Nancy Shoe Co., Inc., Hoosick Falls, N. Y., effective 8–28–50 to 10–15–50; 100 learners.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 30th day of August 1950.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 50–7800; Filed, Sept. 6, 1950; 8:45 a. m.]

EMPLOYMENT OF LEARNERS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportwear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheeplined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 399)).

The American Coat Pad Co., 801–07 West Baltimore Street, Baltimore 1, Md., effective 8–18–50 to 4–30–51; 10 percent normal labor turnover (shoulder paddings).

Angelica Uniform Co., Mountain View, Mo., effective 7–26–50 to 4–30–51; 10 percent normal labor turnover (washable service apparel.)

Annville Products Co., Inc., Church and Kings Streets, Annville, Pa., effective 8–23–50 to 3–31–51; 10 percent normal labor turnover (ladies slips).

Biltmore Manufacturing Co., Inc., Glendale Avenue, Biltmore, N. C., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (sportswear).

Blue Bell, Inc., West Lee and Fuller Streets, Greensboro, N. C., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (coveralls).

Brockton Sportswear Manufacturing Co., 130 Ford Street, Brockton, Mass., effective 8–18–50 to 3–31–51; 10 percent normal labor turnover (sportswear).

H. W. Carter & Sons, Lebanon, N. H., effective 8–21–50 to 4–31–51; 10 percent normal labor turnover (work clothing).

Cowden Manufacturing Co., 420 East Main Street, Springfield, Ky., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (denim dungarees).

Cowden Manufacturing Co., 420 East Main Street, Springfield, Ky., effective 7–26–50 to 3–31–51; 38 learners for expansion (denim dungarees).

Dee-On of Calif., Inc., 918 South Main Street, Los Angeles 15, Calif., effective 8–18–50 to 3–31–51; 10 percent normal labor turnover (women's blouses, shirts, and slacks).

Delaware Dress Manufacturing Co., 16 South Sitgreaves Street, Easton, Pa., effective 8–18–50 to 4–30–51; 10 percent normal labor turnover (dresses).

Ecru Manufacturing Co., New Albany, Miss., effective 8–15–50 to 4–30–51; 10 percent normal labor turnover (cotton work shirts).

Ely & Walker Factory, Salem, Mo., effective 7–26–50 to 3–31–51; 25 learners for expansion (sport shirts, pajamas, shorts, and pillow cases).

Ely & Walker Factory, Salem, Mo., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (sport shirts, pajamas, shorts, and pillow cases).

The Griffin Manufacturing Co., Inc., Main Street, Carlisle, Ky., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (men's woven shorts).

Hoosier Factories, Inc., 209 West Michigan Street, Michigan City, Ind., effective 7–26–50 to 3–31–51; 20 learners for expansion (dress trousers).

Hoosier Factories, Inc., 209 West Michigan Street, Michigan City, Ind., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (dress trousers).

Hudson Garment Co., Inc., 361 Columbia Street, Hudson, N. Y., effective 8–18–50 to 4–30–51; 10 percent normal labor turnover (manufacturing men's heavy outer wear).

Jackson Sportswear, Primrose, Minersville, Pa., effective 8–18–50 to 4–30–51; 10 percent normal labor turnover (blouses).

Alan John Manufacturing Co., 3203 Thirty-third Street, San Diego 4, Calif., effective 8–18–50 to 3–31–51; 10 percent normal labor turnover (men's suits, slacks, and sport coats).

Juvenile Garments, Inc., Vidalia, Ga., effective 8–18–50 to 3–31–51; 10 percent normal labor turnover (play shorts).

Kadet, Kruger & Co., 216 West Adams Street, Chicago, Ill., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (women's apparel).

McAdoo Manufacturing Co., Inc., South Hancock Street, McAdoo, Pa., effective 7–26–50 to 4–30–51; 10 percent normal labor turnover (polo shirts).

Mode O'Day Corp., Fourth at Main, Ottawa, Kans., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (cotton dresses).

Mode O'Day Corp., Fourth at Main, Ottawa, Kans., effective 7–26–50 to 3–31–51; 10 learners for expansion (cotton dresses).

Mode O'Day Corp., 146 Southwest Temple, Salt Lake City, Utah, effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (ladies' dresses).

Mode O'Day Corp., 146 Southwest Temple, Salt Lake City, Utah, effective 7–26–50 to 3–31–51; 25 learners for expansion (ladies' dresses).

Nelly Ann Dress Co., Inc., 546 Edgar Street, York, Pa., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (dresses).

Nelly Ann Dress Co., Inc., 546 Edgar Street, York, Pa., effective 7–26–50 to 3–31–51; 10 learners for expansion (dresses).

Paramount Robes, Inc., 43 Hempstead Street, New London, Conn., effective 8–18–50 to 3–31–51; 10 percent normal labor turnover (men's robes).

Phillips-Jones Factory, Kane, Pa., effective 7–26–50 to 3–31–51; 20 learners for expansion (dress shirts).

Phillips-Jones Factory, Kane, Pa., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (dress shirts).

Pioneer Manufacturing Co. Inc., 83 Waller Street, Wilkes-Barre, Pa., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (children's dresses and sunsuits).

Pioneer Manufacturing Co. Inc., 83 Waller Street, Wilkes-Barre, Pa., effective 7–26–50 to 3–31–51; 30 learners for expansion (children's dresses and sunsuits).

Pontotoc Manufacturing Co., New Albany, Miss., effective 8–15–50 to 4–30–51; 10 percent normal labor turnover (cotton work shirts).

Princess-Kent, Inc., Fort Kent, Maine, effective 8–15–50 to 3–31–51; 10 learners (children's nightgowns, robes, and smocks).

Scranton Garment Manufacturing Co. Inc., 1100 Clay Street, Scranton, Pa., effective 8–18–50 to 3–31–51; 10 percent normal labor turnover (mackinaws, pea coats and jackets).

Ben Selviz, Inc., 763 Washington Street, Newtonville, Mass., effective 8–18–50 to 3–31–51; 10 percent normal labor turnover (coats).

"Kay Ashton" Division, Smoler Bros., Inc., Herrin, Ill., effective 7–26–50 to 3–31–51; 135 learners for expansion (dresses).

"Kay Ashton" Division, Smoler Bros., Inc., Herrin, Ill., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (dresses).

Supreme Sportswear Co., Front Street, Roseto, Pa., effective 8–18–50 to 3–31–51; 10 percent normal labor turnover (ladies' blouses).

Ware Knitters of New Hampshire, Berlin, N. H., effective 7–26–50 to 4–30–51; 10 percent normal labor turnover (cotton knit outerwear).

Winsor Manufacturing Co., 44 Hazel Street, Woonsocket, R. I., effective 7–26–50 to 3–31–51; 10 percent normal labor turnover (handkerchiefs).

Hosiery Learner Regulations (29 CFR 522.40 to 522.51; as revised January 25, 1950 (15 F. R. 283)).

Cape Hosiery Inc., Jackson, Mo., effective 8–25–50 to 4–24–51; eight learners.

Chelsea Hosiery Mills, Inc., 144 Pearl Street, Chelsea 50, Mass., effective 8–16–50 to 8–15–51; five learners.

Fine Maid Hosiery Co., Curtis Avenue, Williamstown, N. J., effective 8–16–50 to 4–15–51; three learners.

Gay-Tone Hosiery Mills, Malvern, Pa., effective 8–9–50 to 8–8–51; two learners.

Macon Hosiery Mills, Inc., Macon, Ga., effective 8–25–50 to 4–24–51; fourteen learners.

Melrose Hosiery Mills, Inc., High Point, N. C., effective 8–14–50 to 8–18–51; 5 percent of the total productive factory workers (including sales or office personnel).

Independent Telephone Learner Regulations (29 CFR 522.82 to 522.93; as amended January 25, 1950 (15 F. R. 398)).

Eastern Illinois Telephone Co., Rantoul, Ill., effective 8–18–50 to 4–30–51.

Tioga County Bell Telephone Co., Mansfield, Pa., Effective 8–18–50 to 4–30–51.

Glove Learner Regulations (29 CFR 522.220 to 522.222; as amended January 25, 1950 (15 F. R. 400)).

Brookville Glove Co., Brookville, Pa., effective 8–17–50 to 10–24–50; thirty learners (work gloves).

Brookville Glove Co., Brookville, Pa., effective 8–15–50 to 10–24–50; 10 percent learners (work gloves).

Brookville Glove Co., Indiana, Pa., effective 8–15–50 to 10–24–50; five learners (work gloves).

Frederick H. Burnham Co., Michigan City, Ind., effective 8–18–50 to 10–24–50; 10 percent learners (work gloves).

Double Woven Corp. of America, Inc., Dunmore, Pa., effective 8–14–50 to 10–25–50; 10 percent learners (knit fabric).

Fabry Glove & Mitten Co., Green Bay, Wis., effective 8–15–50 to 10–24–50; one learner (work gloves).

Fox River Glove Co., Inc., Ripon, Wis., effective 8–18–50 to 10–24–50; two learners (work gloves).

Galena Glove & Mitten Co., Dubuque, Iowa, effective 8–15–50 to 10–24–50; five learners (work gloves).

The Glove Corp., Alexandria, Ind., effective 8–14–50 to 10–24–50; five learners (work gloves).

Hanover Glove Co., Inc., Hanover, Pa., effective 8–15–50 to 10–24–50; 10 percent learners (work gloves).

Louisville Glove Co., Louisville, Ky., effective 8–15–50 to 10–24–50; two learners (work gloves).

Marso & Rodenborn, 700 First Avenue North, Fort Dodge, Iowa, effective 8–18–50 to 10–24–50; seven learners (work gloves) supplemental certificate.

Martins Ferry Glove Co. Inc., Uhrichsville, Ohio, effective 8–15–50 to 10–24–50; five learners (work gloves).

Morrison-Shults Manufacturing Co., Grinnell, Iowa, effective 8–15–50 to 10–25–50; three learners (leather dress)

Mount Sterling Mfg. Co., Mt. Sterling, Ohio, effective 8–15–50 to 10–24–50; 10 percent learners (work gloves).

Nation Wide Manufacturing Co., Pontiac, Ill., effective 8–18–50 to 10–24–50; four learners (work gloves).

Noro Co., Inc., St. Louis, Mo., effective 8–18–50 to 10–24–50; four learners (knit fabric).

North Star Manufacturing Co., Tacoma, Wash., effective 8–16–50 to 10–24–50; 10 percent learners (work gloves).

Richmond Glove Corp., Richmond, Ind., effective 8–18–50 to 10–24–50; 10 percent learners (work gloves).

Southern Glove Manufacturing Co., Conover, N. C., effective 8–18–50 to 10–24–50; 10 percent learners (work gloves).

The Tex-Sun Glove Co. Inc., Corsicana, Tex., effective 8–15–50 to 10–24–50; 10 percent learners (work gloves).

Western Glove Co., Orting, Wash., effective 8–16–50 to 10–24–50; 10 percent learners (work gloves).

Wool Products Industries, Inc., St. Paul, Minn., effective 8–17–50 to 10–24–50; three learners (knit fabric).

Knitted Wear Learner Regulations (29 CFR 522.68 to 522.79; as amended January 25, 1950 (15 F. R. 398)).

The Atlas Underwear Co., Piqua, Ohio, effective 7–25–50 to 3–31–51; 5 percent learners (knit underwear).

Burlington Manufacturing Co. Inc., Waymart, Pa., effective 8–10–50 to 3–31–51; 5 percent learners (children's cotton knitted outerwear).

Crown Knitting Mills, Inc., Mohrsville, Pa., effective 7–25–50 to 3–31–51; 5 percent learners (knit underwear).

Delaware Textile Co. Inc., Middletown, Del., effective 8–10–50 to 3–31–51; 2 learners (underwear, gloves, dress fabrics, etc.).

Denton Sleeping Garment Mills, Inc., Three Rivers, Mich., effective 7–25–50 to 3–31–51; 2 learners (infant's and children's knit sleeping garments).

E–Z Mills, Inc., Bennington, Vt., effective 7–25–50 to 3–31–51; 5 percent learners (knitted underwear and sportswear).

Geissler Knitting Mill, Hazleton, Pa., effective 7–25–50 to 3–31–51; 5 percent learners (sweaters, T shirts, etc.)

The Globe Underwear Co., Shoemakersville, Berks County, Pa., effective 7–25–50 to 3–31–51; 5 percent learners (men's briefs and athletic shirts).

Glory Knitting Mills, Robesonia, Berks County, Pa., effective 7–25–50 to 3–31–51; 5 percent learners (knitted outerwear).

Greyhill Manufacturing Corp., York, Pa., effective 7–25–50 to 3–31–51; 5 percent learners (cotton knit outerwear).

Joseph B. Haber, Inc., Philadelphia, Pa., effective 7–25–50 to 3–31–51; 5 percent learners (knitted outerwear).

Hamburg Knitting Mill and Bleach Works, Hamburg, Pa., effective 8–10–50 to 3–31–51; 5 percent learners (knitted underwear).

Julius Kayser & Co., Sterling Plant, Bangor, Pa., effective 7–31–50 to 3–31–51; 5 percent learners (knit underwear).

Louis Meyers & Son, Inc., Allentown, Pa., effective 8–15–50 to 10–24–50; 5 percent learners (knit fabric).

Walter W. Meyer Co., Ephrata, Pa., effective 7–25–50 to 3–31–51; 5 percent learners (knitted underwear).

Nazareth Mills, Inc., Nazareth, Pa., effective 7–26–50 to 3–31–51; 5 percent learners (knit underwear).

Sondra Undergarments Inc., Allentown, Pa., effective 8–16–50 to 3–31–51; 5 percent learners (ladies knitted and nylon panties).

Spencer Manufacturing Co., Spencer, W. Va., effective 7-25-50 to 3-31-51; 5 percent learners (sweaters).

Stratford Knitting Mills, Inc., Linfield, Pa., effective 8-10-50 to 3-31-51; 5 percent learners (ladies rayon underwear).

The Worcester Knitting Co., 90 Franklin Street, Worcester, Mass., effective 8-16-50 to 3-31-51; 5 percent learners (knitted fabrics).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Cameo Curtains of New Bedford, Inc., Riverside Avenue and Manomet Street, New Bedford, Mass., effective 8-21-50 to 2-20-51; 175 learners; sewing machine operators, 240 hours, 65 cents (manufacturing curtains).

Colonial Brush Manufacturing Co., Inc., Boston, Mass., effective 7-26-50 to 1-27-51; six learners; brush maker, 320 hours, 65 cents (manufacturing paint brushes).

Colonial Felt Mills, St. Paul, Minn., effective 8-21-50 to 2-20-51; two learners; felt rug weaver and sewer; 240 hours, 60 cents (felt rugs).

Dapol Plastics, Inc., Worcester, Mass., effective 8-14-50 to 2-13-51; 5 learners; cementer; 160 hours, 65 cents (manufacturing plastic products).

Fort Scott Pottery Co., Fort Scott, Kans., effective 8-9-50 to 2-8-51; five learners; pottery finishers and decorators; 320 hours, 60 cents (pottery manufacturing).

Gholdston Basket Factory, West Main Street, Dayton, Tenn., effective 8-16-50 to 2-15-51; five learners; berry box making; 240 hours, 60 cents (manufacturing market baskets).

Ideal Embroidery Co., St. Louis, Mo., effective 7-25-50 to 1-24-51; three learners; embroidery machine operators; 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (embroidery of letters on shirts, etc.).

Industrial Coils, Inc., Baraboo, Wis., effective 8-24-50 to 2-23-51; 10 learners; coil winding, adjusting, soldering and machine operating, 480 hours, 65 cents for the first 320 hours and not less than 70 cents for the remaining 160 hours (manufacturing magnetic windings).

George C. Moore Co., Greenville, Tenn., effective 8-17-50 to 2-16-51; three learners; machine operators, tenders, fixers and jobs immediately incidental thereto, 240 hours, 60 cents (manufacturing elastic braid).

Pilgrim Curtain Co. Inc., Fall River, Mass., effective 8-21-50 to 2-20-51; three learners; sewing machine operator, 240 hours, 60 cents (draperies and curtains).

Quaker Hair Goods Co., 1920 South Street, Philadelphia 46, Pa., effective 7-26-50 to 1-25-51; two learners; wig makers, 480 hours, 60 cents for the first 320 hours and not less than 65 cents for the remaining 160 hours (manufacturing and distributing beauty products).

R. S. L. Shuttlecock Co., Altoona, Pa., effective 7-27-50 to 1-26-51; 10 learners; shuttlecock makers, 320 hours, 60 cents (badminton shuttlecocks) replacement certificate.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 30th day of August 1950.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 50-7801; Filed, Sept. 6, 1950; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6310]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

AUGUST 31, 1950.

Take notice that on August 28, 1950, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by California Electric Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Nevada and California, with its principal business office at Riverside, California; seeking an order authorizing the issuance of 40,000 shares of 5 percent Cumulative Preferred Stock, par value $50 per share, or a total par value of $2,000,000, and also seeking exemption from the Commission's competitive bidding rule. Applicant proposes to dispose of the stock at par through a negotiated private sale to a small group of insurance companies, with the investment banking firm of Merrill Lynch, Pierce, Fenner & Beane to receive a finder's fee of 1 percent of the aggregated par value, or $20,000; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 18th day of September 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7814; Filed, Sept. 6, 1950; 8:47 a. m.]

FEDERAL SECURITY AGENCY

Public Health Service

PROMULGATION OF STATE ALLOTMENT PERCENTAGES

Pursuant to sections 631 (a) and (b) of title VI of the Public Health Service Act as amended by the Hospital Survey and Construction Act (Public Law 725, 79th Congress), as amended, and having found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce on the per capita incomes of States and of the continental United States are the years 1947, 1948, and 1949, the following allotment percentages for the several States, Alaska, Hawaii, Puerto Rico, the District of Columbia, and the Virgin Islands, determined pursuant to said Act and on the basis of said data, are hereby promulgated for two fiscal years in the period beginning July 1, 1951:

Alabama	70.16
Alaska	50.00
Arizona	56.60
Arkansas	70.26
California	33.09
Colorado	45.84
Connecticut	30.35
Delaware	39.98
District of Columbia	35.72
Florida	58.44
Georgia	66.74
Hawaii	50.00
Idaho	52.54
Illinois	39.33
Indiana	50.85
Iowa	50.08
Kansas	53.28
Kentucky	67.52
Louisiana	64.76
Maine	58.30
Maryland	46.07
Massachusetts	46.88
Michigan	45.71
Minnesota	52.98
Mississippi	74.28
Missouri	52.58
Montana	41.86
Nebraska	50.22
Nevada	36.00
New Hampshire	55.12
New Jersey	41.86
New Mexico	62.92
New York	34.72
North Carolina	67.62
North Dakota	46.18
Ohio	45.51
Oklahoma	61.84
Oregon	43.58
Pennsylvania	47.37
Puerto Rico	75.00
Rhode Island	47.50
South Carolina	70.10
South Dakota	49.13
Tennessee	66.99
Texas	57.00
Utah	54.91
Vermont	58.62
Virginia	60.71
Virgin Islands	75.00
Washington	46.30
West Virginia	61.64
Wisconsin	49.79
Wyoming	45.00

Dated: August 28, 1950.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: Sept 1, 1950.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 50-7833; Filed, Sept. 6, 1950; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 16]

TRANSFER OF PROPERTY KNOWN AS CAMP ADAIR, OREGON (W-ORE. 1-c-d), TO THE STATE OF OREGON

Pursuant to the authority granted under Public Law 537, Eightieth Congress, notice is hereby given that:

1. By deed from the United States of America, dated March 22, 1950, to the State of Oregon, a portion of that property known as Camp Adair, Oregon, and more particularly described in such deed, has been transferred from the United States to the State of Oregon.

2. The above described property is transferred to the State of Oregon for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

JESS LARSON,
Administrator of General Services.

AUGUST 31, 1950.

[F. R. Doc. 50-7804; Filed, Sept. 6, 1950; 8:45 a. m.]

[Wildlife Order 17]

TRANSFER OF PROPERTY KNOWN AS FORT STEVENS, OREGON (W-ORE-55), TO THE STATE OF OREGON

Pursuant to the authority granted under Public Law 537, Eightieth Congress, notice is hereby given that:

1. By deed from the United States of America, dated April 21, 1950, to the State of Oregon, a portion of that property known as Fort Stevens, Oregon, and more particularly described in such deed, has been transferred from the United States to the State of Oregon.

2. The above described property is transferred to the State of Oregon for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

JESS LARSON,
Administrator of General Services.

AUGUST 31, 1950.

[F. R. Doc. 50-7805; Filed, Sept. 6, 1950; 8:46 a. m.]

[Wildlife Order 18]

TRANSFER OF PROPERTY KNOWN AS FARRAGUT NAVAL TRAINING CENTER (N-IDAHO-5), TO THE STATE OF IDAHO

Pursuant to the authority granted under Public Law 537, Eightieth Congress, notice is hereby given that:

1. By deed from the United States of America, dated December 19, 1949, to the State of Idaho, a portion of that property known as Farragut Naval Training Center, Idaho, and more particularly described in such deed, has been transferred from the United States to the State of Idaho.

2. The above described property is transferred to the State of Idaho for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

JESS LARSON,
Administrator of General Services.

AUGUST 31, 1950.

[F. R. Doc. 50-7806; Filed, Sept. 6, 1950; 8:46 a. m.]

[Wildlife Order 19]

TRANSFER OF PROPERTY KNOWN AS UTAH ORDNANCE DEPOT (W-UTAH-16) TO THE STATE OF UTAH

Pursuant to the authority granted under Public Law 537, Eightieth Congress, notice is hereby given that:

1. By deed from the United States of America, dated July 26, 1950, to the State of Utah, a portion of that property known as Utah Ordnance Depot, Utah, and more particularly described in such deed, has been transferred from the United States to the State of Utah.

2. The above described property is transferred to the State of Utah for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

JESS LARSON,
Administrator of General Services.

AUGUST 31, 1950.

[F. R. Doc. 50-7807; Filed, Sept. 6, 1950; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

DELEGATION OF AUTHORITY AND ASSIGNMENT OF DUTIES

Sections 11, 12, 13 and 14 are hereby amended to read as follows:

SEC. 11. *Citation of authority.* Section 1 of Title I of the National Housing Act provides in part as follows:

• • • In order to carry out the provisions of this title and titles II, III, VI, VII and VIII, the Commissioner may establish such agencies, accept and utilize such voluntary and uncompensated services, utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees, and appoint such other officers and employees as he may find necessary, and may prescribe their authorities, duties, responsibilities, and tenure and fix their compensation, without regard to the provisions of other laws applicable to the employment or compensation of officers or employees of the United States. The Commissioner may delegate any of the functions and powers conferred upon him under this title and titles II, III, VI, VII and VIII to such officers, agents, and employees as he may designate or appoint • • •.

Section 3 of Reorganization Plan No. 3 of 1947, effective July 27, 1947, provides in part as follows:

Federal Housing Administration. The Federal Housing Administration shall be headed by a Federal Housing Commissioner • • •. There are transferred to said Commissioner the functions of the Federal Housing Administrator.

SEC. 12. *Designation of Acting Commissioner.* Pursuant to the authority cited in section 11 of this order, I hereby designate the officials of the Federal Housing Administration named below in this section to act in my place and stead with the title of "Acting Commissioner" with all of the powers, duties and rights conferred upon me by the National Housing Act, as amended, Reorganization Plan No. 3 of 1947, by any other act of Congress or by any Executive order, in the event of my absence, illness or inability to act, provided that no official named below shall have authority to act as "Acting Commissioner" unless all those whose names appear before his are absent from their official post or unable to act:

1. Walter L. Greene, Deputy Commissioner.
2. Burton C. Bovard, General Counsel.
3. Donald M. Alstrup, Assistant to the Commissioner.
4. Herbert C. Redman, Assistant Commissioner, Field Operations.
5. Curt C. Mack, Assistant Commissioner, Underwriting.
6. Clyde L. Powell, Assistant Commissioner, Rental Housing.
7. Warren J. Lockwood, Assistant Commissioner, Cooperative Housing.
8. Arthur J. Frentz, Assistant Commissioner, Title I.

SEC. 13. *Specific delegations to named positions.* Pursuant to the authority cited in section 11 of this order, the following assignment of duties and delegations of functions and powers are hereby made:

(a) To the position of Deputy Commissioner:

(1) To assist the Commissioner in the general administration of the Administration, and to be responsible to the Commissioner for the general supervision and coordination of all operations.

(2) To approve organizational changes.

(b) To the position of Assistant Commissioner, Field Operations, and (except with respect to the authority contained in subdivisions 9 and 10 hereunder) under his general supervision to the position of Deputy Assistant Commissioner, Field Operations:

(1) To approve or cancel the approval of financial institutions as approved mortgagees, insured institutions, or approved lenders.

(2) To issue commitments for insurance and to execute insurance contracts pursuant to such commitments.

(3) To approve a change in amount, a change of the term, or any other modification of commitments for insurance or of insurance contracts.

(4) To consent to the release of mortgagors.

(5) To consent to the release of portions of the mortgaged property from the lien of the mortgage.

(6) To approve the insurance of mortgages taken as security in connection with the sale of all properties conveyed to the Federal Housing Commissioner, including the authority to determine the value of such properties and facts relating to the eligibility of such mortgages for insurance.

(7) To execute Certificates of Claim and requisitions to the Treasury Department for the issuance of debentures.

(8) To execute assignments, releases or satisfactions of mortgages taken by the Commissioner as security in connection with the sale of acquired properties.

(9) In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the con-

veyances of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith.

(10) To execute the power and authority vested in the Commissioner under Section IV of the Regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

(11) To direct the administration of Field offices and to initiate and recommend to the Commissioner policies and procedures with respect thereto.

(12) To issue Property Eligibility Statements or Commitments or any similar forms which may be provided in connection with new home loans under Regulations issued pursuant to Title I of the National Housing Act.

(13) To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I that require the prior approval of the Federal Housing Commissioner.

(14) To execute applications or other documents in connection with any functions which the Federal Housing Administration may perform for any other agency or agencies of the United States.

(15) With respect to section 609, to issue commitments for insurance and to execute insurance contracts pursuant to such commitments; to approve changes in amount, changes in term, or any other modifications of commitments for insurance or of insurance contracts; to consent to the release of part or parts of property delivered as security for insured loans; to exercise the authority of the Commissioner under the Administrative Rules and Regulations under section 609 in any instance requiring the approval of the Commissioner; to execute in my name proofs of claim against bankrupt, insolvent or decedent estates; and to exercise the power and authority vested in the Commissioner under section 609 (g) of Title VI of the act.

(16) To approve the sale and terms of sale of mortgages taken as security in connection with the sale of property conveyed to the Federal Housing Commissioner under all Sections of the Act other than sections 207, 213, 608, Title VII and Title VIII.

(c) To the position of Assistant Commissioner, Underwriting, and (except with respect to the authority contained in subdivisions 3 and 4 hereunder) under his general supervision to the Deputy Assistant Commissioner, Underwriting:

(1) To be responsible to the Commissioner for all mortgage underwriting activities, including valuation of realty, land planning, architecture and credit analyses, analyses of locations, subdivisions and areas and construction cost determination.

(2) To plan, supervise, instruct in and review the work of the technical programs and procedures, including: the establishment of eligibility requirements as to property standards, minimum construction requirements and new methods of dwelling construction for projects insured by the Federal Housing Administration; cooperation with industry and governmental agencies in the development of engineering methods, materials, mechanical equipment and architectural planning and design. Dissemination to the field offices and to the public of technical material on planning and construction; preparation of estimates and other studies on the use of materials.

(3) To execute the power and authority vested in the Commissioner under Section IV of the Regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

(4) In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith.

(d) To the position of Assistant Commissioner, Rental Housing, and (except with respect to the authority contained in subdivisions 7 and 8 hereunder) under his general supervision to the position of Deputy Assistant Commissioner, Rental Housing:

(1) To issue commitments for insurance and to execute insurance contracts under sections 207, 608, Title VII, and Title VIII, and any agreements or instruments required in connection therewith.

(2) To approve the increase in amount, the extension of term, or any other modification of commitments for insurance or of insurance contracts under sections 207, 210, 608, Title VII and Title VIII.

(3) To approve or disapprove "change orders" during construction under sections 207, 608, Title VII and Title VIII.

(4) To approve or cancel the approval of financial institutions as approved mortgagees, insured institutions or approved lenders.

(5) To consent to the release of mortgagors and to the release of portions of the mortgaged property from the lien of the mortgage, with respect to mortgagees insured under sections 207, 210, 608, Title VII and Title VIII.

(6) To approve or disapprove for insurance advances of mortgage money during construction under sections 207, 608, Title VII and Title VIII, and to execute such instruments as may be necessary in connection therewith.

(7) In connection with the sale of properties conveyed to the Commissioner, to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto, and deeds of release, assignments or satisfactions of mortgages, deeds of trust or other liens taken as security in connection therewith.

(8) To execute the power and authority vested in the Commissioner under section IV of the Regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

(9) To execute Certificates of Claim and requisitions to the Treasury Department for the issuance of debentures.

(10) To approve the insurance of mortgages taken as security in connection with the sale of all properties conveyed to the Federal Housing Commissioner, including the authority to determine the value of such properties and facts relating to the eligibility of such mortgages for insurance.

(11) To approve the modification in the terms of, and authorize the foreclosure of, mortgages assigned to the Federal Housing Commissioner in exchange for debentures.

(e) To the position of Assistant Commissioner, Cooperative Housing and (except as to the authority contained in paragraphs 7 and 8 hereunder) under his general supervision to the position of Deputy Assistant Commissioner, Cooperative Housing, with respect to the insurance of mortages under section 213 of the National Housing Act:

(1) To issue commitments for insurance and to execute insurance contracts and any agreements or instruments required in connection therewith.

(2) To approve the increase in amount, the extension of term, or any other modifications of commitments for insurance or of insurance contracts.

(3) To approve or disapprove "change orders" during construction.

(4) To approve or cancel the approval of financial institutions as approved mortgagees, insured institutions or approved lenders.

(5) To consent to the release of mortgagors and to the release of portions of the mortgaged property from the lien of the mortgage.

(6) To approve or disapprove for insurance advances of mortgage money during construction, and to execute such instruments as may be necessary in connection therewith.

(7) In connection with the sale of properties conveyed to the Commissioner, to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto, and deeds of release, assignments or satisfactions of mortgages, deeds of trust or other liens taken as security in connection therewith.

(8) To execute the power and authority vested in the Commissioner under section IV of the Regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

(9) To execute Certificates of Claim and requisitions to the Treasury Department for the issuance of debentures.

(f) To the position of Assistant Commissioner, Title I, and (except as specified in subdivisions 4 and 5 hereunder) under his general supervision to the Deputy Assistant Commissioner, Title I, with respect to the insurance of loans or advances of credit made under section 2 of Title I of the National Housing Act:

(1) To approve or cancel the approval of financial institutions as approved mortgagees, insured institutions or approved lenders.

(2) To issue and cancel Contracts of Insurance under Title I and to transfer such contracts and the rights and benefits accruing thereunder between lending institutions.

(3) To exercise the authority of the Commissioner under the Regulations governing Title I loans in any instance which is subject to the approval of the Commissioner.

(4) To execute the power and authority vested in the Commissioner under the Regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury, except that the authority to execute the power and authority under section IV of such Regulations may be exercised only by the Assistant Commissioner, Title I.

(5) In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith. The authority in this subdivision may be exercised only by the Assistant Commissioner, Title I.

(6) To reject or accept for insurance loans or advances of credit made under the provisions of Title I, that require the prior approval of the Federal Housing Commissioner. To execute in my name such documents as are necessary to transfer title in and to any debt, contract, claim, property or security. To execute in my name proofs of claim against bankrupt, insolvent or decedent estates and to execute releases of obligations to the Federal Housing Administration, including but not limited to notes, judgments, and other evidences of indebtedness, and to release liens of any kind held as security for such obligations, in those cases where the obligor has paid the full amount due thereon to the Federal Housing Administration.

(g) To the position of General Counsel and under his general supervision, to the Assistant General Counsel:

(1) On behalf of the Commissioner to receive and accept service of all summons, subpoenas, and other court process directed to the Commissioner.

(2) To sign, acknowledge and verify on behalf of and in the name of the Federal Housing Commissioner, all declarations, bills, pleas, answers, and all other pleadings in any court proceedings which are brought in the name of or against the Federal Housing Commissioner, or in which he is named as a party.

(3) To advise and consult with the Commissioner and with heads of the several divisions concerning the legal aspects of the policies of the Federal Housing Administration.

(4) To interpret the provisions of the National Housing Act and of the Rules and Regulations promulgated thereunder; revise the Rules and Regulations.

(5) To collaborate with the General Counsel of the Housing and Home Finance Agency in connection with legislation before Congress pertaining to the Federal Housing Administration program, recommending changes by way of amendments.

(6) To administer all matters pertaining to the preparation of legal forms necessary to the work of the Administration; the submission of cases to the Attorney General for legal action; investigation of fraud; or violations of the National Housing Act; and the determination of acceptability of title.

(h) To the position of Zone Commissioner and to each of them, and under their supervision to their respective Assistant Zone Commissioners, State Directors, District Directors, Territorial Directors, Assistant State Directors, Assistant District Directors, Assistant Territorial Directors, and Executive Assistants:

(1) To issue commitments for insurance and to execute insurance contracts pursuant to such commitments.

(2) To approve a change in amount, a change of the term, or any other modification of commitments for insurance or of insurance contracts.

(3) To consent to the release of mortgagors.

(4) To consent to the release of portions of the mortgaged property from the lien of the mortgage.

(5) To approve or disapprove for insurance advances of mortgage money during construction, and to execute such instruments as may be necessary in connection therewith.

(6) To approve or disapprove "change orders" during construction.

(7) To issue Property Eligibility Statements or Commitments or any similar forms which may be provided in connection with new home loans under Regulations issued pursuant to Title I of the National Housing Act.

(8) In connection with new home loans under the Regulations issued pursuant to section 2 of Title I of the National Housing Act, to approve the sale by insured institutions of acquired property where the insured institution exercises its option to sell the property in the open market in lieu of a conveyance to the Commissioner.

(9) To reject or accept for insurance loans or advances of credit made under the provisions of Title I that may require the prior approval of the Federal Housing Commissioner.

(10) To approve the insurance of mortgages taken as security in connection with the sale of all properties conveyed to the Federal Housing Commissioner, including the authority to determine the value of such properties and facts relating to the eligibility of such mortgages for insurance.

(11) To execute applications or other documents in connection with any functions which the Federal Housing Administration may perform for any other agency or agencies of the United States.

(12) To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the Act approved May 10, 1939 (53 Stat. 738).

(13) In connection with the sale of Commissioner owned property, to consent to the assignment of the interest of the contract purchaser under a contract for deed and to the substitution of mortgagors under a mortgage held by the Commissioner.

(14) To execute contracts for the sale of any properties conveyed to the Federal Housing Commissioner, except properties acquired under sections 207, 213, 608, Title VII and Title VIII, or sales of five or more properties as a group.

(15) To execute any regulatory agreements required by the Administrative Rules under sections 207, 213, 608, Title VII and Title VIII.

(i) To the position of Comptroller and under his general supervision to the position of Deputy Comptroller:

(1) To requisition the advance of funds.

(2) To approve all expenditures and receipt vouchers necessary to carry out the provisions of the National Housing Act.

(3) To endorse checks for deposit or collection.

(4) To certify financial statements.

(5) To certify the findings of the Compliance Committee in regard to the waiver of the Regulations under the provisions of section 2 (c) of the National Housing Act, as amended.

(6) To certify as to delegations of authority by the Commissioner and as to the truth or accuracy of copies of original papers or documents in the possession of the Administration.

(7) To devise accounting procedures and to administer the fiscal policies of the Administration.

(8) To execute vouchers or applications and receipt for any payments received representing refunds of taxes or other payments made by the Commissioner in connection with property acquired under the provisions of the National Housing Act.

(9) To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(j) To the position of Director of Research and Statistics, and under his general supervision to the position of Deputy Director of Research and Statistics:

(1) To advise the Commissioner on the economic aspects of mortgage insurance activities. Plan and administer the activities of the Research and Statistics Division. Consult with the representatives of other divisions and other agencies on problems of housing and economic research.

(2) To initiate, and to undertake on request of other officers, actuarial studies regarding insurance operations under Titles I, II, VI, VII, and VIII, including, in collaboration with the Comptroller, studies of the distribution of expenses and income; and to prepare studies of the adequacy of premiums and reserves and such other matters as are required by the Commissioner for the formulation of sound actuarial policy.

(k) To the position of Director of Personnel, and under his general supervision to the position of Deputy Director of Personnel:

(1) To be responsible for the development, establishment and operation of a personnel program.

(2) To make appointments and to remove or separate personnel; to fix the administrative work week; to approve overtime work and to prescribe rules and regulations regarding overtime.

(3) To act as the representative of the Federal Housing Administration on the Federal Council of Personnel Administration, with the Civil Service Commission, and all Government agencies and other organizations with respect to personnel matters.

(l) To the position of Director of the Budget Division, and under his general supervision to the position of Deputy Director of the Budget Division:

(1) To be responsible to the Commissioner for all budget activities and to act as the Commissioner's representative in all budget matters in meetings held by the Bureau of the Budget or other agencies.

(2) To be responsible for the development and execution of the budget program including the preparation of budget estimates and justification therefor; the preparation of requests for apportionment of funds and justification therefor; and the allotment of funds within the limits of appropriation acts, apportionments and other limitations.

(m) To the position of Director, Administrative Services, and under his general supervision to the position of Deputy Director, Administrative Services:

(1) To approve telephone contracts.

(2) To execute leases of property for Federal Housing Administration use.

(3) To issue orders for travel in accordance with the Standardized Government Travel Regulations, as amended, and applicable law, including authorization for travel by extra fare train and plane, and for travel incident to permanent change of station, to approve travel performed and expense incurred on account of an emergency or without prior authority in accordance with the Standardized Government Travel Regulations, as amended, and to approve and authorize the transportation of household goods and personal effects at Government expense in accordance with applicable Executive Orders and amendments thereto, and provisions of law.

(4) To issue purchase orders, including printing and binding requisitions to the Government Printing Office.

(5) To incur obligations and authorize expenditures for services and for the purchase of equipment, materials, and supplies other than in connection with acquired properties.

(6) To approve all agreements involving reimbursements, including agreements with others for the performance of any function by or on behalf of the Federal Housing Administration, after first obtaining the recommendation of any division affected.

(7) To issue orders for publications of notices and advertisements in newspapers, magazines, and periodicals. (See sec. 3828, Rev. Stat.)

(8) To execute contracts for services and for the purchase of equipment, materials, and supplies, including contracts for materials, equipment, supplies, and services, for the maintenance and operation of acquired properties.

(9) To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(10) To be responsible for the arrangement, format and general presentation of all forms and publications of the Administration.

(11) To be responsible for the operation and maintenance of the duplicating service of the Administration, including the maintenance of the duplicating and binding service, mechanical addressing and mailing service and photographic laboratory.

(12) To be responsible for the maintenance of a perpetual inventory of forms, costs records, and stockroom for materials necessary and incidental to the above responsibilities.

(13) To be responsible for the radio spot announcement program and other radio material and to coordinate and supervise the FHA Home Show and exhibit program."

(n) To the position of Auditor and under his general supervision to the position of Deputy Auditor:

(1) To be responsible for a continuing audit of the fiscal accounts of the Administration, including the fiscal accounts of the Field Offices, and the accounts of approved Mortgagees not under governmental supervision to determine compliance with the supervision requirements of the Administrative Rules.

(o) To the position of Director, Property Management, and under his general supervision to the position of Deputy Director, Property Management:

(1) To operate and manage all properties conveyed to the Federal Housing Commissioner in accordance with general policies promulgated by the Property Sales Committee and approved by the Commissioner, including authority with respect to such property to:

(i) approve all offers to rent or purchase, except that offers to purchase properties acquired under sections 207, 213, 608, Title VII and VIII, or offers to purchase a group of five or more properties acquired under other sections of the act, shall be subject to the approval of the Commissioner and shall be accompanied by the recommendations of the Property Sales Committee.

(ii) employ brokers or managers,

(iii) make repairs, alterations and improvements,

(iv) execute such contracts, leases, assignments, and instruments as may be necessary in the rental or sale of such properties other than deeds or other documents in connection with the conveyance of title, deeds of release, assignments or satisfactions of mortgages, deeds of trust or other liens taken as security in connection therewith,

(v) authorize expenditures.

SEC. 14. *Delegations to committees.* (a) To a Committee to be known as the "Executive Board" consisting of the Commissioner as Chairman; the Deputy Commissioner as Vice-Chairman; Assistant to the Commissioner; the Assistant Commissioner, Field Operations; the Assistant Commissioner, Rental Housing; the Assistant Commissioner, Underwriting; the Assistant Commissioner, Title I; the Assistant Commissioner, Cooperative Housing; the Director, Administrative Services; the General Counsel; the Comptroller; the Director of the Budget Division; the Director of Personnel; the Director of Research and Statistics; the Director, Property Management; the Auditor; the Administrative Officer (Minority Group Housing); and the Zone Commissioners:

(1) To consider and discuss matters of general policy and to advise the Commissioner with respect to matters affecting the activities of the various divisions of the Administration.

The Executive Board or any part thereof shall meet upon call by the Chairman or Vice-Chairman, who will designate and excuse from attendance any member having no direct interest in the matters to be discussed at the meeting.

In the absence of the Chairman, the Vice-Chairman shall preside and in the absence of any member designated by the Chairman or Vice-Chairman as being interested in the matters to be discussed, the principal assistant of such absent member shall attend the meeting and serve in the place of such member.

(b) To a Committee to be known as the "Property Sales Committee", consisting of the Assistant Commissioner, Rental Housing, Chairman; Assistant Commissioner, Field Operations; Assistant Commissioner, Underwriting; Assistant Commissioner, Cooperative Housing; the Director, Property Management; the General Counsel; and the Zone Commissioner having jurisdiction:

(1) To consider and recommend to the Commissioner the approval or disapproval of any offer to purchase a property or mortgage acquired by the Commissioner under the provisions of sections 207, 213, 608, Title VII and Title VIII, and any offer to purchase a group of five or more properties acquired by the Commissioner in connection with any other Section of the Act, and to recommend to the Commissioner general policies to govern the sales and rentals of properties acquired by the Commissioner, and the sale and terms of sale of mortgages taken as security in connection with the sale of such acquired properties. A quorum shall consist of four members, one of which shall be the Legal Division representative. In the absence of any member, an alternate shall not be designated to attend except upon request of the Chairman.

(c) To a Committee to be known as the "Property Management Expenditures Committee", consisting of the following: the Director, Property Management, Chairman; the Assistant Commissioner, Rental Housing; Assistant Commissioner, Field Operations; Assistant Commissioner, Cooperative Housing; General Counsel; the Director, Administrative Services; Comptroller; and the Zone Commissioner having jurisdiction:

(1) To consider and determine whether or not an expenditure is "necessary to carry out the provisions" of Titles I, II, VI, VII and VIII as such term is used in section 1 of the National Housing Act, whenever such a determination is, in the opinion of the General Counsel, necessary to support the legal authority of the Commissioner to make such expenditure. A quorum shall consist of five members, one of which shall be the Legal Division representative. Minutes of each meeting which include a determination by the Committee shall be forwarded to the Commissioner prior to action being concluded in connection with such determination. In the absence of any member, the principal assistant of such absent member shall attend meetings and serve in place of such member. In the absence of the Chairman, the members of the Committee shall choose a temporary Chairman.

(d) To a committee to be known as the "Compliance Committee", consisting of the Assistant Commissioner, Title I; the General Counsel or his designee; the Director, Administrative Services; the Assistant Commissioner, Field Operations; and the Comptroller; any three of which shall constitute a quorum:

(1) To waive compliance with regulations heretofore or hereafter prescribed with respect to the interest and maturity of, and the terms, conditions, and restrictions under which loans, advances of credit, and purchases may be insured under section 2 and section 6 of Title I, if in the judgment of the Committee the enforcement of such regulations would impose an injustice upon an insured institution which has substantially complied with such regulations in good faith and refunded or credited any excess charge made, and if such waiver does not involve an increase of the obligation of the Commissioner beyond the obligation which would have been involved if the regulations had been fully complied with. In the absence of any member, the principal assistant of such absent member shall attend meetings and serve in place of such member.

(e) To a Committee to be known as the "Finance Committee", consisting of the Deputy Commissioner, Chairman; General Counsel; Assistant Commissioner, Field Operations; Assistant Commissioner, Underwriting; Assistant Commissioner, Rental Housing; Assistant Commissioner, Cooperative Housing; Assistant Commissioner, Title I; Auditor; Actuary; Comptroller; and the Director of Research and Statistics:

(1) To study all Federal Housing Administration fiscal matters and prepare recommendations to the Commissioner. Reports of these studies which include recommendations to the Commissioner on fiscal matters shall be prepared and signed by the Chairman of the Committee. Meetings shall be held upon call of the Chairman. In the absence of any member of the Committee an alternate shall not be designated to attend except upon request of the Chairman.

(f) To a Committee to be known as the "Actuarial Advisory Committee", consisting of the Actuary (Chairman); Comptroller; and the Director of Research and Statistics:

(1) To prepare recommendations to the Commissioner with respect to actuarial policy and to initiate basic actuarial studies on the operations of the various insurance funds. Reports on these studies which include recommendations to the Commissioner on actuarial policy shall be approved and signed by the appointed members of the Committee. Meetings shall be held upon call by the Chairman, but not less often than bi-monthly. In the absence of any member of the Committee an alternate designated by the member shall attend and participate in the work of the Committee.

(g) To a Committee to be known as the "Personnel Ceiling Committee," consisting of the Director of Personnel, Chairman; the Director of the Budget Division; and the Assistant to the Commissioner:

(1) To establish a personnel ceiling for each division in the Administration, and to review such ceilings each quarter immediately after receiving the agency personnel ceilings established by the Bureau of the Budget. In the absence of any member of the Committee, an alternate designated by the member shall attend and participate in the work of the Committee.

[SEAL] FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 50-7812; Filed, Sept. 6, 1950; 8:47 a. m.]

Office of the Administrator

[Temporary Order 4]

ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

ESTABLISHMENT OF TEMPORARY ORGANIZATION AND INTERIM PROCEDURES FOR HANDLING TRANSFERRED FUNCTIONS RELATING TO LOANS FOR FACTORY-BUILT AND PREFABRICATED HOUSING

(a) *Purpose.* Reorganization Plan No. 23 of 1950, 15 F. R. 4366 (1950), effective September 7, 1950, vests in the Housing and Home Finance Administrator, hereinafter referred to as the "Administrator", the following functions previously vested in the Reconstruction Finance Corporation, hereinafter referred to as the "Corporation":

(1) All functions of the Corporation under section 102 of the Housing Act of 1948, as amended;

(2) All other functions of the Corporation, under the Reconstruction Finance Corporation Act, as amended, or any other law, with respect to financing predominantly for the production, manufacture, distribution, sale, purchase, or erection of prefabricated houses, sections, or panels, or site improvements therefor;

(3) The function of the Corporation of making payments on its notes issued to the Secretary of the Treasury in an amount equal to the funds and the unpaid principal of, and accrued interest on, the loans and obligations payable to the Corporation which are transferred under the provisions of the Plan; and

(4) So much of any other function of the Corporation as is incidental to or necessary for the performance of the functions referred to in items (1) and (2), above, including the issuance of obligations to the Secretary of the Treasury, which may be purchased by the Secretary, under section 7 of the Reconstruction Finance Corporation Act, as amended: *Provided*, That the amount of such obligations issued by the Administrator and outstanding at any one time shall not exceed the sum of (a) the funds and the unpaid principal of, and accrued interest on, the loans and obligations transferred under the Plan and (b) the unexpended balances of authorizations and allocations transferred thereunder, less the amount of any funds transferred under the Plan for such unexpended balances from which sum shall be deducted the outstanding amount of any notes with respect to which the function of making payments is transferred under item (3) above.

The Plan transfers also to the Housing and Home Finance Agency (1) the assets, contracts, loans, liabilities, commitments, property, and records, of the Corporation relating to the functions transferred thereunder, (2) such of the personnel of the Corporation relating to said functions as the Director of the Bureau of the Budget shall determine, and (3) so much of the unexpended balances of authorizations, allocations, and funds, available or to be made available, of the Corporation relating to such functions (including authorizations and allocations for administrative expenses) as the Director of the Bureau of the Budget shall determine; and authorizes such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary to effectuate such transfers.

To assure uninterrupted and immediate performance of the functions which the plan transfers to and vests in the Housing and Home Finance Administrator this order is issued to establish a temporary organization to perform the said functions and to establish interim procedures to be followed in carrying out the programs transferred.

(b) *Establishment of temporary organization.* (1) All functions transferred by the Plan to the Housing and Home Finance Administrator, together with any assets, contracts, loans, liabilities, commitments, obligations, property, records, personnel, funds, authorizations and allocations transferred, shall be administered within the Housing and Home Finance Agency, Office of the Administrator, under the direction and supervision of the Administrator. Primary responsibility for administering such functions within the Office of the Administrator shall be vested in an organization unit in the Office of the Administrator, to be known as the Division of Loans for Prefabricated Housing, headed by a Director.

(2) All officers and employees transferred as a result of the Plan shall, until otherwise assigned, become officers or employees of the Office of the Administrator, Housing and Home Finance Agency.

(c) *Establishment of interim procedures.* (1) Until further notice, all payments due on loans or other obligations transferred to the Administrator pursuant to Reorganization Plan No. 23 of 1950 shall continue to be made to the Reconstruction Finance Corporation Loan Agency Offices or to other appropriate offices of the Corporation in accordance with current applicable instructions and procedures of the Corporation and with relevant provisions of the loan documents; and

(2) Pursuant to arrangements made with the Corporation, some outstanding loans transferred by the Plan will, temporarily and until further notice, con-

tinue to be administered, handled and serviced by the Corporation, including its Loan Agency Offices. Borrowers whose loans fall within this category will be notified to this effect by letter and later will be notified by letter when this arrangement has been discontinued. With respect to such loans, the Corporation, including its appropriate Agencies and officers, is hereby authorized to perform such functions on behalf of the Administrator, including functions referred to in paragraph (d) (1) hereof; and

(3) Except as provided in paragraph (c) (1) above, all communications (including applications for loans, inquiries concerning outstanding or proposed loans, and notices) concerning the programs (including outstanding loans and obligations) transferred to the Administrator pursuant to the Reorganization Plan shall be addressed to the Administrator at 1626 K Street, NW., Washington 25, D. C.

(d) *Limitations.* (1) With respect to any functions transferred to the Administrator under Reorganization Plan No. 23 of 1950, except as otherwise provided herein, no officer or employee of the Office of the Administrator, Housing and Home Finance Agency, other than the Administrator (or Acting Administrator) shall authorize loans or disbursements thereunder; make loan or contractual commitments; execute loan or other agreements, including Participation Agreements and amendatory, supplemental and superseding agreements; modify or extend a period of disbursement or make other modifications of loan or contractual arrangements; or consent to the release or substitution of collateral; and

(2) No officer or employee of the Division of Loans for Prefabricated Housing shall (A) make formal appointment of any person to any position within the Office of the Administrator; or (B) regroup, transfer or distribute any functions within the Office of the Administrator.

(Reorg. Plan No. 3 of 1947, 12 F. R. 4981 (1947); 62 Stat. 1268, 1283–85 (1948), as amended, 12 U. S. C. 1701c (Supp. 1949); 63 Stat. 413, 440 (1949), as amended, 12 U. S. C. 1701d–1 (Supp. 1949); Pub. Law 475, 81st Cong., 2d sess., section 503 (1) (Apr. 20, 1950); Reorg. Plan No. 23 of 1950, 15 F. R. 4366 (1950))

Effective the 7th day of September 1950.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 50–7855; Filed, Sept. 6, 1950; 8:53 a. m.]

TRANSFER OF FEDERAL NATIONAL MORTGAGE ASSOCIATION FROM RECONSTRUCTION FINANCE CORPORATION

The transfer of the Federal National Mortgage Association, together with its functions, from the Reconstruction Finance Corporation to the Housing and Home Finance Agency pursuant to Reorganization Plan No. 22 of 1950, 15 F. R. 4365 (1950), is effective on September 7, 1950. The Federal National Mortgage Association remains a corporate entity.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 50–7854; Filed, Sept. 6, 1950; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25374]

WOODPULP FROM COOSA PINES, ALA., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 1, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1051.

Commodities involved: Woodpulp, not powdered, carloads.

From: Cosa Pines, Ala.

To: Points in official territory.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1051, Supplement 96.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–7822; Filed, Sept. 6, 1950; 8:48 a. m.]

[4th Sec. Application 25375]

PETROLEUM FROM CHETOPA, KANS., TO THE WEST

APPLICATION FOR RELIEF

SEPTEMBER 1, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. A–3419.

Commodities involved: Petroleum, petroleum products and related articles, carloads.

From: Chetopa, Kans.

To: Points in the west.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates; L. E. Kipp's tariff I. C. C. No. A–3419, Supplement 197.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–7823; Filed, Sept. 6, 1950; 8:48 a. m.]

[4th Sec. Application 25376]

ARTIFICIAL RUBBER FROM TEXAS AND LOUISIANA TO FORT DODGE, IOWA

APPLICATION FOR RELIEF

SEPTEMBER 1, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Rubber, artificial, neoprene or synthetic, crude, carloads.

From: Points in Texas and Louisiana.

To: Fort Dodge, Iowa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. 3752, Supp. 480; D. Q. Marsh's tariff I. C. C. 3906, Supp. 16; W. P. Emerson, Jr.'s tariff I. C. C. 378, Supp. 99.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–7824; Filed, Sept. 6, 1950; 8:48 a. m.]

[4th Sec. Application 25377]

CEMENT FROM BOETTCHER, COLO., TO THE WEST

APPLICATION FOR RELIEF

SEPTEMBER 1, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers, parties to his tariff I. C. C. No. A–2958.

Commodities involved: Cement and related articles, carloads.

From: Boettcher, Colo.

To: Points in western trunk line territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A–2958, Supplement 173.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F R. Doc. 50–7825; Filed, Sept. 6, 1950; 8:49 a. m.]

[4th Sec. Application 25378]

BOTTLE CAPS FROM DALLAS, TEX., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

SEPTEMBER 1, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Bottle caps, carloads.

From: Dallas, Tex.

To: St. Louis, Mo.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supplement 482.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–7826; Filed, Sept. 6, 1950; 8:49 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 28–A]

CANADIAN NATIONAL RAILWAYS (LINES IN CANADA) ET AL.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Revised King's I. C. C. Order No. 28, and good cause appearing therefor: *It is ordered,* That:

(a) King's I. C. C. Order No. 28 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 8:00 a. m., August 31, 1950.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 31, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50–7827; Filed, Sept. 6, 1950; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–2450]

OHIO POWER CO. AND CENTRAL OHIO COAL CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1950.

The Ohio Power Company ("Ohio"), an electric utility subsidiary of American Gas & Electric Company, a registered holding company, and Ohio's non-utility subsidiary, Central Ohio Coal Company ("Coal Company"), having filed a joint declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), and having designated Rules U-42 and U-43 promulgated under the act as applicable to the following proposed transactions:

From time to time prior to December 31, 1951, Coal Company proposes to acquire not to exceed 10,000 shares of its capital stock from Ohio at $100 per share and to promptly retire all shares so acquired. The authorized capital of Coal Company consists of 40,000 shares of $100 par value common stock of which 28,000 shares are outstanding and all of which are owned by Ohio having been acquired by that company at $100 per share for a total aggregate amount of $2,800,000.

In the declaration it is stated that Coal Company at the present time has some $300,000 cash on hand in excess of its required working capital, which funds have been accumulated as a result of depreciation charges on its equipment. Coal Company expects that such depreciation accruals will continue to accumulate excess cash as it is not now contemplated that the Coal Company will have to make any substantial purchases of additional equipment. Coal Company desires to reacquire shares of its capital stock from Ohio with such excess funds.

Declarants have requested that any order of this Commission authorizing the proposed transactions issue as soon as may be practicable and become effective upon issuance.

Said declaration having been filed on July 31, 1950, and the last amendment thereto having been filed on August 10, 1950, and notice of said joint declaration, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated under said act, and the Commission not having received a request for a hearing with respect to said joint declaration within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act and observing no basis for adverse findings, and the Commission deeming it appropriate that said joint declaration, as amended, be permitted to become effective without the imposition of terms and conditions other than those contained in Rule U-24:

It is ordered, Pursuant to said Rule U-23 and the applicable standards of said act that said joint declaration, as amended be, and the same hereby is, permitted to become effective forthwith,

subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7816; Filed, Sept. 6, 1950; 8:47 a. m.]

[File No. 70-2451]

SOUTHWESTERN DEVELOPMENT CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 31st day of August A. D. 1950.

In the matter of Southwestern Development Company, Amarillo Gas Company, Amarillo Oil Company, and West Texas Gas Company, File No. 70-2451.

Southwestern Development Company ("Southwestern"), a registered holding company, and three wholly-owned subsidiary companies of Southwestern, namely, Amarillo Gas Company ("Amarillo Gas"), Amarillo Oil Company ("Amarillo Oil"), and West Texas Gas Company ("West Texas"), having filed a joint application-declaration and amendments thereto with this Commission pursuant to sections 7, 10, and 12 of the Public Utility Holding Company Act of 1935 regarding the following transactions:

Southwestern proposes to borrow from Guaranty Trust Company of New York the principal amount of $2,750,000 and to issue and sell to Guaranty Trust Company of New York, as evidence of said loan, its five year 2½ percent promissory note due in yearly instalments to and including July 1, 1955, in the same principal amount.

Southwestern proposes to advance the total proceeds of said loan ($2,750,000) to Amarillo Gas, Amarillo Oil, and West Texas in the principal amounts of $400,000, $650,000, and $1,700,000 respectively. The said three subsidiary companies propose to issue and sell to Southwestern their five year 2½ percent unsecured promissory notes in the above respective amounts and Southwestern proposes to acquire said notes. The notes will provide for repayment in yearly instalments to and including July 1, 1955, and in addition, will provide for repayment in whole or in part prior to maturity of any of the principal instalments without premium.

The joint applicants-declarants state that proceeds of the proposed loans will be used by said subsidiary companies to provide necessary additional funds for enlargements and extensions of their natural gas facilities, to provide working capital, and for other corporate purposes.

Notice of the filing of this joint application-declaration having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The joint applicants-declarants having requested that the Commission's order with respect to said joint application-declaration issue at the earliest date possible and become effective upon issuance; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that the said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7815; Filed, Sept. 6, 1950; 8:47 a. m.]

[File No. 70-2469]

LONG ISLAND LIGHTING CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its offices in the city of Washington, D. C., on the 31st day of August A. D. 1950.

Notice is hereby given that a declaration has been filed with this Commission by Long Island Lighting Company ("Long Island"), a registered holding company, pursuant to the Public Utility Holding Company Act of 1935. Declarant has designated section 6 (a) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Long Island proposes to issue and sell $20,000,000 principal amount of thirty year first mortgage Series H ____ percent bonds. Within two days after the receipt of a favorable order from this Commission, declarant will issue and sell $15,000,000 principal amount of such bonds and, within one year from the date of the signing of the agreement for the purchase of the bonds, declarant will issue and sell the remaining $5,000,000 principal amount of such bonds. In the event the $5,000,000 principal amount of such bonds is not issued and sold within six months from the date of the signing of the agreement for the purchase of the bonds, declarant proposes that it pay a standby fee of 1 percent per annum for such portion of the second six months' period as is used for standby purposes.

A plan of consolidation and recapitalization for declarant and its principal subsidiary companies, filed pursuant to section 11 (e) of the act, has been approved by this Commission, ordered enforced by the United States District Court for the Eastern District of New York, and affirmed by the United States Court of Appeals for the Second Circuit. A petition for certiorari to review such affirmance has been filed with the United States Supreme Court. The plan of consolidation will not be consummated prior to the disposition of the petition for certiorari.

Declarant proposes that the agreement for the purchase of the bonds will contain a provision permitting it to exchange, without the payment of any premium, the Series H bonds for an equal principal amount of new bonds to be issued by the company that will emerge when the consolidation is consummated. The new bonds, when and if issued, will have the same interest rate, redemption provisions, and maturity date as the Series H bonds, but will be issued under a new indenture, modern in form, terms, and provisions and which will replace the existing obsolete form of indenture.

The proceeds of the issue and sale will be used to pay short term promissory notes of the company and for reimbursement of the company's treasury for moneys used for the construction of additions to the company's properties.

Declarant proposes to sell the said first mortgage bonds privately to institutional investors. The company has requested that the Commission except the issue and sale of said bonds from the competitive bidding requirements of Rule U-50. The names of the proposed purchasers of the bonds, the interest rate, purchase price, and other provisions thereof, will be supplied by amendment.

Declarant states that the transaction is subject to the jurisdiction of the Public Service Commission of the State of New York.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration, and that such declaration shall not be permitted to become effective except pursuant to further order of the Commission.

It is hereby ordered, Pursuant to sections 6 (a), 7 and 18 of the act that a hearing be held on said declaration on September 14, 1950, at 11:00 a. m., e. d. s. t., in the offices of the Securities and Exchange Commission, 425 Second Street N.W., Washington 25, D. C. On such date the hearing room clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard in connection with this proceeding, or proposing to intervene herein, shall file with the Secretary of the Commission, on or before September 12, 1950, a written request relative thereto, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the said declaration, and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether compliance by Long Island with the competitive bidding requirements of Rule U-50 is not necessary or appropriate under the circumstances; and, if an exception is appropriate, whether or not declarant has maintained competitive conditions with respect to the proposed issue and sale.

2. Whether the issue and sale by Long Island of the said first mortgage bonds comply with the applicable requirements of section 7 of the act.

3. What terms and conditions, if any, with respect to the proposed issue and sale of said first mortgage bonds shall be prescribed in the public interest or for the protection of investors or consumers.

4. Whether the fees, commission, and other expenses to be incurred are for necessary services and reasonable in amount.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7820; Filed, Sept. 6, 1950; 8:48 a. m.]

[File No. 70-2471]

DELAWARE POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1950.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Delaware Power & Light Company ("Delaware"), a registered holding company and an electric utility company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 15, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 15, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Delaware proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $12,000,000 principal amount of its First Mortgage and Collateral Trust Bonds __ percent Series due 1980.

The proceeds from the sale of such securities will be used to finance a portion of the construction program of Delaware and its subsidiaries. It is estimated that the construction program for the years 1950 to 1951 inclusive will require expenditures of $38,000,000. Of such estimated requirements, approximately $4,750,000 has been obtained from the sale of 232,520 shares of common stock in April 1950, $19,000,000 will be obtained from treasury funds, retained earnings, and provisions for amortization and depreciation, and $12,000,000 will be obtained from the bonds now proposed to be sold. The company states that it has no present plans for the sale of any additional securities, if such may be required to complete its construction program.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7818; Filed, Sept. 6, 1950; 8:47 a. m.]

[File No. 70-2472]

QUEENS BOROUGH GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1950.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Queens Borough Gas and Electric Company ("Queens"), a subsidiary of Long Island Lighting Company ("Long Island"), a registered holding company. Declarant has designated section 6 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 18, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 18, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Queens proposes to issue and sell for cash at principal amount to three commercial banks an aggregate of $2,000,000 principal amount of unsecured notes which will bear interest at the rate of 2½ percent per annum and will mature on December 15, 1950. The proceeds of the sale of the notes are to be used to repay all of the company's presently outstanding bank loans in the amount of $1,500,000 which mature September 26, 1950, and the balance of $500,000 will be employed to finance extensions and additions to the company's utility plant.

A plan of consolidation and recapitalization for Long Island, Queens, and Nassau & Suffolk Light Company ("Nassau"), a subsidiary of Queens, filed pursuant to section 11 (e) of the act, has been approved by this Commission, ordered enforced by the United States District Court for the Eastern District of New York, and affirmed by the United States Court of Appeals for the Second Circuit. A petition for certiorari to review such affirmance has been filed with the United States Supreme Court. Upon consolidation, the interest rate will be reduced to 2¼ percent per annum.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

Declarant requests that the Commission enter its order as soon as practicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7819; Filed, Sept. 6, 1950; 8:48 a. m.]

[File No. 811-209]

UNITED FUNDS MANAGEMENT CORP.

NOTICE OF MOTION TO DECLARE THAT REGISTRANT HAS CEASED TO BE AN INVESTMENT COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1950.

Notice is hereby given that the Division of Corporation Finance of the Commission, having reasonable cause to believe that United Funds Management Corporation has ceased to be an investment company has so advised the Commission. Whereupon, the Commission of its own motion and pursuant to section 8 (f) of the Investment Company Act of 1940, moves for an order to declare that United Funds Management Corporation, a registered investment company, has ceased to be an investment

company within the purview of said act, and that the registration of said corporation should cease to be in effect.

The United Funds Management Corporation and all interested persons are referred to the notification of registration of said corporation which is on file at the Washington, District of Columbia, offices of this Commission, for more detailed information as to the matters of fact and law herein at issue.

Notice is further given that an order granting said motion may be issued by the Commission at any time after the 15th day of September 1950, unless prior thereto a hearing upon the motion is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the said act. Any interested person may, not later than September 14, 1950, at 5:30 o'clock p. m. on that date, submit to the Commission in writing his views or any additional facts bearing upon the issues herein or the desirability of a hearing thereon, or may request the Commission that a hearing be held thereon. Any such communication or request should be addressed to the Secretary of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, District of Columbia, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the motion which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7817; Filed, Sept. 6, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15002]

MRS. ANNA EBELER VERBEET

In re: Interests in bank accounts owned by Mrs. Anna Ebeler Verbeet. F-28-28289-E-1, E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Anna Ebeler Verbeet, whose last known address is Friedrich Schmidtstrasse 56B, Cologne, Braunsfeld, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided three-fourths (¾ths) interest in that certain debt or other obligation of The Western Saving Fund Society of Philadelphia, S. E. cor. Broad and Chestnut Streets, Philadelphia 7, Pennsylvania, arising out of a savings account, account number JP 148541, entitled Louis Ebeler, maintained with the aforesaid Society, and any and all rights to demand, enforce and collect the same, and

b. An undivided three-fourths (¾ths) interest in that certain debt or other obligation of Saving Fund Society of Germantown and Its Vicinity, 5458 Germantown Avenue, Philadelphia 44, Pennsylvania, arising out of a savings account, account number 201261, entitled Louis Ebeler, maintained with the aforesaid Society, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Anna Ebeler Verbeet, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7842; Filed, Sept. 6, 1950; 8:50 a. m.]

[Vesting Order 14942]

DR. MED. ALFRED SUTTER AND EMILIE LENZ

In re: Debts owing to and securities owned by Dr. med. Alfred Sutter, also known as Alfred Sutter-Kirchhofer and Emilie Lenz also known as Emilie Sutter Lenz. F-28-30830.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. med. Alfred Sutter, also known as Alfred Sutter-Kirchhofer, whose last known address is Wehr, Baden, Germany, and Emilie Lenz, also known as Emilie Sutter Lenz, whose last known address is Wehr, Baden, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by the bonds described in Exhibit A, attached hereto and by reference made a part hereof, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds.

b. All rights, interests and claims in and to and arising out of or under a Voting Trust Certificate issued by the American Electric Securities Corporation, 20 Pine Street, New York City, New York, a corporation organized under the laws of the State of Delaware, for 225 shares of common stock of the aforesaid American Electric Securities Corporation, said Voting Trust Certificate bearing the number 420, dated May 11, 1936, and registered in the name of Fanny Sutter-Herlan, and

c. Two thousand (2000) shares of $1.00 par value participating preferred capital stock of the American Electric Securities Corporation, 20 Pine Street, New York City, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NP/B 245 and registered in the name of Frau Fanny Sutter-Herlan, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dr. med. Alfred Sutter also known as Alfred Sutter-Kirchhofer and Emilie Lenz also known as Emilie Sutter Lenz, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

BONDS

Description of bonds	Bond Nos.	Face value
Associated Gas & Electric Corp., 4 percent income debenture, due 1978.	M 131 M 132 M 1360 M 1507 M 4517 M 5665 M 6432 M 9197 M 11163 M 11167 M 13006 M 13364 M 13512 M 15894 M 15895 M 15896 M 16344 M 16445 M 16585 M 16586 M 16587 M 16588 M 16589 M 17187 M 17550 M 19171 M 19644 M 20376 M 21059 M 23414 M 29417 M 31717 M 33921 M 34166 M 34167 M 34168 M 34169 M 34170 M 36538 M 36801 M 36802 M 36803 M 39430	[1] $1,000.00
	D 3160 D 3631	500.00 500.00
Portland Electric Power Co., 6 percent collateral trust income bond, due 1950.	M 10651 M 10652 M 10653 M 10654 M 10655 M 10656	[1] 1,000.00

[1] Each.

[F. R. Doc. 50-7841; Filed, Sept. 6, 1950; 8:50 a. m.]

[Vesting Order 15006]

NORDSTERN ALLGEMEINE VERSICHERUNGS A. G.

In re: Debts owing to Nordstern Allgemeine Versicherungs A. G. also known as Nordstern Lebensversicherungs Aktiengesellschaft. F-28-8183.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nordstern Allgemeine Versicherungs A. G., also known as Nordstern Lebensversicherungs Aktiengesellschaft, the last known address of which is 2 Fehrbelliner Platz, Berlin-Wilmersdorf, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured and unmatured, evidenced by nine (9) 4% Northern Pacific Railway Company Prior Lien Mtg. Railway & Land Grant Gold Bonds, due 1997, said bonds issued in bearer form, each of $500.00 face value, and bearing the numbers D-1144, 1462, 2751, 4667, 4668, 4669, 4670, 4915, and 17343, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nordstern Allgemeine Versicherungs A. G., also known as Nordstern Lebensversicherungs Aktiengesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-7843; Filed, Sept. 6, 1950; 8:50 a. m.]

[Vesting Order 15038]

MATHILDA FINKE ET AL.

In re: Interest in real property owned by Mathilda Finke and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathilda Finke, Hermine Pieper, Anna Behrens, Heinrich Suhr and Martha Meier, each of whose last known address is Delmenhorst, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: An undivided five-sixths (⅚ths) interest in real property situated in the Borough of Dumont, County of Bergen, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

EXHIBIT A

All those certain lots, tracts or parcels of land and premises, hereinafter particularly described, situate, lying and being in the Borough of Dumont in the County of Bergen and State of New Jersey, which are known and designated on a certain map entitled "1st Map of Fairchild Manor, Dumont, N. J. Property of Grantwood Realty Company" C. C. Freeborn Jr., Civil Engineer and Surveyor, Dumont, N. J., September 1, 1926, and filed in the office of the Clerk of the County of Bergen on October 2, 1926, as Map No. 2154 as lots sixteen (16) seventeen (17) eighteen (18) nineteen (19) and twenty (20) in Block lettered C.

[F. R. Doc. 50-7844; Filed, Sept. 6, 1950; 8:50 a. m.]

[Vesting Order 14352, Amdt.]

IRENE RENATE ALICE VON RIBBECK AND CARL WILLIAM HOLM HANS HENNING VON BOSE

In re: Real property, interests in real property, mortgage, property insurance policy and claims owned by Irene Renate Alice von Ribbeck and Carl William Holm

Hans Henning von Bose, also known as Hans Henning von Bose.

Vesting Order 14352, dated February 21, 1950, is hereby amended as follows and not otherwise:

A. By deleting from Exhibit B, attached to said Vesting Order 14352 and by reference made a part thereof, the descriptions of Parcels 1, 3, 14, 29, 39, 60, 67 and 70, and substituting therefor, respectively, the following descriptions:

Parcel 1. Beginning on the East side of Kirby Lane at the distance of two hundred twenty-two feet Southerly from the Southeast corner of Kirby Lane and Edmondson Avenue and at the center of the partition wall between the house erected on the ground now being described and the house adjoining on the North and running thence South bounding on the East side of Kirby Lane twelve feet to the center of the partition wall between the house erected on the lot now being described and the lot next adjoining on the South, thence Easterly through the center of said partition wall and parallel with Edmondson Avenue sixty feet to the center of a ten foot alley with the use and privilege of said alley, thence North along the center thereof twelve feet and thence West parallel with Edmondson Avenue and through the center of the partition wall first mentioned in this description sixty feet more or less to the place of beginning, commonly known as 529 Kirby Lane.

Parcel 3. Beginning for the same on the Northwest side of Wilkens Avenue at the distance of 35 feet 2½ inches Northeasterly from the Northeast corner of Payson Street and Wilkens Avenue said beginning being at the center of the partition wall between the brick house standing on the lot now being described and the brick house adjoining to the Southwestward and running thence Northeasterly binding on the Northwest side of Wilkens Avenue 17 feet 10 inches to the center of the partition wall between the brick house standing on the lot now being described and the brick house adjoining to the Northeastward, thence Northwesterly along the center of said last mentioned partition wall and parallel to Payson Street 100 feet to an alley 10 feet wide, thence Southwesterly beginning on the Southeast side of said alley with the use and privilege of the same in common with the other lots beginning thereon and parallel to Wilkens Avenue 17 feet 10 inches and thence Southeasterly parallel to Payson Street and along the center of said first mentioned partition wall 100 feet to the beginning, commonly known as 1930 Wilkens Avenue.

Parcel 14. Beginning for the same on the Northeast side of Brunswick Street at the distance of 105 feet Southeasterly from the corner formed by the intersection of the Northeast side of Brunswick Street with the Southeast side of Cole Street which place of beginning is intended to be at a point in line with the center of the partition wall between the house erected on the lot of ground now being described and the house erected on the lot of ground next adjoining thereto on the Northwest and running thence Southeasterly binding on the Northeast side of Brunswick Street 15 feet to a point in a line with the center of the partition wall between the house erected on the lot of ground now being described and the house erected on the lot of ground next adjoining thereto on the Southeast, thence Northeasterly parallel with Cole Street to and through the center of said last mentioned partition wall and continuing the same course in all 100 feet wide the Southwest side of an alley 10 feet wide there laid out, thence Northwesterly parallel with Brunswick Street and binding on the Southwest side of said alley with the use thereof in common with others 15 feet and thence Southwesterly parallel with Cole Street and passing through the center of the partition wall first mentioned in the description of this lot in all 100 feet to place of beginning, formerly known as 627 Brunswick Street, and now commonly known as 927 Brunswick Street.

Parcel 29. Beginning for the same on the Northwest side of Frederick Avenue at a point distant 242 feet Northeasterly from the Northeast corner of the intersection of Frederick Avenue and Catherine Street and running thence Northeasterly binding on Northwest side of Frederick Avenue 13 feet 8 inches, thence Northwesterly along the center line of a partition wall there situate 80 feet to the Southeast side of an alley 10 feet wide, thence Southwesterly binding on the Southeast side of said alley with the use thereof in common 13 feet 8 inches, thence Southeasterly along the center line of the partition wall there situate 80 feet to the place of beginning, commonly known as 2420 Frederick Avenue.

Parcel 39. Beginning for the same at the corner formed by the intersection of the Northeast side of Millington Lane with the Southeast side of Marriott Street, thence Northeasterly bounding on the Southeast side of Marriott Street 74 feet 5½ inches to the Northwest side of an alley 10 feet wide, thence Southeasterly bounding on said alley 33 feet 1 inch, thence Southwesterly parallel with Ramsay Street 83 feet 8 inches to the Northeast side of Millington Lane and thence Northwesterly bounding thereon 15 feet 10 inches to the place of beginning, commonly known as 423 Millington Lane.

Parcel 60. Beginning for the same on the Southeast side of Wilkens Avenue at a point distant 16 feet Southwesterly from the corner formed by the intersection of the Southeast side of Wilkens Avenue and the Southwest side of Smallwood Street and at the corner of the partition wall between the house erected on the lot now being described and the house adjoining thereto on the Northeast and running thence Southwesterly bounding on the Southeast side of Wilkens Avenue 13 feet $6^{13}/_{16}$ inches to the center of the partition wall between the house erected on the lot now being described and the house adjoining thereto on the Southwest and running thence Southeasterly bounding on the centre of said last mentioned partition wall 90 feet to the Northwest side of an alley 10 feet wide there situate and thence Northeasterly bounding on the Northwest side of said 10 foot alley with the use thereof in common 13 feet 6 and $^{13}/_{16}$ inches to the line of the center of the first partition wall and thence Northwesterly bounding thereon 90 feet to the place of beginning, commonly known as 2203 Wilkens Avenue.

Parcel 67. Beginning for the same on the Southeast side of Wilkens Avenue at the distance of 616 feet Northeasterly from the corner formed by the intersection of the Southeast side of Wilkens Avenue and the Northeast side of Brunswick Street which place of beginning is at the center of the partition wall there situate and running thence Northeasterly binding on the Southeast side of Wilkens Avenue 14 feet to the center of another partition wall there situate, thence Southeasterly through the center of said last mentioned partition wall and parallel with Brunswick Street 80 feet to the Northwest side of an alley 10 feet wide there situate, thence Southwesterly binding on the Northwest side of said alley with the use thereof in common 14 feet and thence Northwesterly to and through the center of said first mentioned partition wall 80 feet to the place of beginning, commonly known as 2619 Wilkens Avenue.

Parcel 70. Beginning for the same at the corner formed by the intersection of West side of East Lynne Avenue (formerly East Lynne Street) and the Southeast side of Lehman Street and running thence Southerly binding on West side of East Lynne Avenue 27 feet 4 inches to a point in line with the center of the partition wall between the house erected on the lot of ground now being described and the house erected on the lot of ground next adjoining thereto on the South, thence Westerly to and through the center of said partition wall and continuing the same course in all 72 feet to the East side of an alley 10 feet wide there laid out, thence Northerly parallel with East Lynne Avenue and binding on the East side of same alley with the use thereof in common 6 feet more or less to the Southeast side of Lehman Street, thence Northeasterly and binding on the southeast side of Lehman Street 76 feet more or less to place of beginning, commonly known as 500 East Lynne Avenue.

B. By adding to the description of Parcel 21 in the aforesaid Exhibit B the following:

Also described as follows:

Beginning for the same at a point on the southernmost side of Marriott Street at the northeast corner of a lot leased to Conrad Hamp and situated north fifty-three and three-quarter degrees east about two hundred and fifty-two feet from the corner formed by the intersection of the easternmost side of Millington Mill Road and the southernmost side of Marriott Street and running thence easterly binding on the southernmost side of said Marriott Street north fifty-three and three-quarter degrees east fourteen feet more or less to the center of a partition wall between the house erected on the lot now being described and the house erected on the lot adjoining on the east thence by a straight line through the centre of said partition wall and along the partition fence about one hundred feet to the northernmost side of an alley ten feet wide with the use thereof in common with others, thence westerly binding on the northernmost side of said alley about fourteen feet to the southeast corner of the lot leased to Conrad Hamp, thence by a straight line about one hundred feet to the place of beginning.

All other provisions of said Vesting Order 14352 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7845; Filed, Sept. 6, 1950; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 15 NUMBER 174

Washington, Friday, September 8, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; OKLAHOMA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

OKLAHOMA

County	Average value	Investment limit
Adair	$12,000	$12,000
Alfalfa	23,000	12,000
Atoka	12,000	12,000
Beaver	20,000	12,000
Beckham	20,000	12,000
Blaine	18,000	12,000
Bryan	16,000	12,000
Caddo	19,000	12,000
Canadian	18,000	12,000
Carter	15,000	12,000
Cherokee	12,000	12,000
Choctaw	12,000	12,000
Cimarron	20,000	12,000
Cleveland	18,000	12,000
Coal	12,000	12,000
Comanche	19,000	12,000
Cotton	19,000	12,000
Craig	15,000	12,000
Creek	12,000	12,000
Custer	20,000	12,000
Delaware	13,000	12,000
Dewey	18,000	12,000
Ellis	15,000	12,000
Garfield	20,000	12,000
Garvin	18,000	12,000
Grady	19,000	12,000
Grant	19,000	12,000
Greer	21,000	12,000
Harmon	21,000	12,000
Harper	20,000	12,000
Haskell	12,000	12,000
Hughes	12,000	12,000
Jackson	24,500	12,000
Jefferson	17,000	12,000
Johnston	12,000	12,000
Kay	23,000	12,000
Kingfisher	18,000	12,000
Kiowa	21,000	12,000
Latimer	12,000	12,000
Le Flore	12,000	12,000
Lincoln	19,000	12,000
Logan	$18,000	$12,000
Love	13,000	12,000
McClain	18,000	12,000
McCurtain	12,000	12,000
McIntosh	12,000	12,000
Major	18,000	12,000
Marshall	14,000	12,000
Mayes	15,000	12,000
Murray	12,000	12,000
Muskogee	17,000	12,000
Noble	14,000	12,000
Nowata	15,000	12,000
Okfuskee	12,000	12,000
Oklahoma	18,000	12,000
Okmulgee	12,000	12,000
Osage	15,000	12,000
Ottawa	15,000	12,000
Pawnee	14,000	12,000
Payne	14,000	12,000
Pittsburg	12,000	12,000
Pontotoc	12,000	12,000
Pottawatomie	16,000	12,000
Pushmataha	12,000	12,000
Roger Mills	13,000	12,000
Rogers	15,000	12,000
Seminole	12,000	12,000
Sequoyah	12,000	12,000
Stephens	19,000	12,000
Texas	20,000	12,000
Tillman	23,000	12,000
Tulsa	17,000	12,000
Wagoner	15,000	12,000
Washington	15,000	12,000
Washita	21,000	12,000
Woods	18,000	12,000
Woodward	20,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018.)

Issued this 1st day of September 1950.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-7880; Filed, Sept. 7, 1950; 8:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

CHANGE IN NAME OF AIRPORT AT EL PASO, TEXAS, FROM MUNICIPAL AIRPORT TO EL PASO INTERNATIONAL AIRPORT

SEPTEMBER 1, 1950.

Section 110.3 (a) of Chapter I, Title 8 of the Code of Federal Regulations, is

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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amended by substituting "El Paso, Tex., International Airport" for "El Paso, Tex., Municipal Airport" in the list of permanent airports of entry for aliens.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interprets or applies sec. 7, 44 Stat. 572; 49 U. S. C. 177)

PEYTON FORD,
Acting Attorney General.

Recommended: August 17, 1950.

A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 50-7888; Filed, Sept. 7, 1950; 8:51 a. m.]

PART 151—DEPORTATION PROCEEDINGS: HEARING AND ADJUDICATION

PART 152—DEPORTATION PROCEEDINGS: ACTION SUBSEQUENT TO ADJUDICATION

CONSOLIDATION OF HEARINGS; REWORDING OF HEADNOTE

JULY 25, 1950.

The following amendments to Parts 151 and 152, Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

1. Section 151.2, *Conduct of hearing*, is amended by adding the following paragraph:

(j) *Consolidation.* When two or more cases pending in the same district involve a common question of law or fact, the hearing examiner may, at his own instance or on motion of the examining officer or of the alien or his counsel or representative, order a joint hearing of any or all the matters in issue in the cases; he may order all such hearings consolidated; and he may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

2. The headnote to § 152.1 is amended to read as follows: *Voluntary departure; extension of time.*

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

Approved: September 1, 1950.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 50-7887; Filed, Sept. 7, 1950; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52551]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

CUSTOMS EXEMPTIONS ACCORDED TO PUBLIC INTERNATIONAL ORGANIZATIONS AND CERTAIN ALIENS CONNECTED THEREWITH

Section 10.30a, Customs Regulations of 1943 (19 CFR 10.30a), as amended by T. D. 51657 (12 F. R. 2383), T. D. 51713 (12 F. R. 4450), T. D. 51776 (12 F. R. 6949), T. D. 51826 (13 F. R. 264), T. D. 52007 (13 F. R. 4920), T. D. 52363 (14 F. R. 7501), and T. D. 52418 (15 F. R. 1175), is hereby further amended as follows:

Paragraph (a) is amended by deleting the word "and" before "the South Pacific Commission," by changing the period thereafter to a comma, and by adding the words "and the Organization for European Economic Cooperation."

The first sentence of footnote 33b is amended to read as follows:

[33b] Executive Orders Nos. 9698, 9751, 9823, 9863, 9887, 9911, 9972, 10025, 10083, 10086, and 10133, dated February 19, 1946, July 11, 1946, January 24, 1947, May 31, 1947, August 22, 1947, December 19, 1947, June 25, 1948, December 30, 1948, October 10, 1949, November 25, 1949, and June 27, 1950, respectively.

* * *

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 498, 46 Stat. 728, sec. 3, 59 Stat. 669; 19 U. S. C. 1493, 22 U. S. C. 2286. E. O. 9698, Feb. 19, 1946, E. O. 9751, July 11, 1946, E. O. 9823, Jan. 24, 1947, E. O. 9863, May 31, 1947, E. O. 9887, Aug. 22, 1947, E. O. 9911, Dec. 19, 1947, E. O. 9972, June 25, 1948, E. O. 10025, Dec. 30, 1948, E. O. 10083 Oct. 10, 1949, E. O. 10086, Nov. 25, 1949, E. O. 10133, June 27, 1950, 11 F. R. 1809, 7713, 12 F. R. 551 3559, 5723, 8719, 13 F. R. 3573, 9361, 14 F. R. 6161, 7147, 15 F. R. 4159; 3 CFR 1946, 1947, 1948 Supps.)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: AUGUST 31, 1950.

E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 50-7883; Filed, Sept. 7, 1950; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PACKAGING AND LABELING OF PENICILLIN TABLETS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. and Sup., 357), the regulations for the certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq. and 1949 Supp.; 15 F. R. 4976, 5333) are amended as indicated below:

1. In § 146.27 *Penicillin tablets*, paragraph (b) *Packaging*, the last sentence is changed to read as follows: "If the penicillin tablets are freely soluble, each immediate container may be packaged in combination with one immediate container of a suitable and harmless aqueous vehicle with or without two or more suitable sulfonamides."

2. In § 146.27, subparagraph (1) of paragraph (c) *Labeling* is amended by deleting the "and" after the semicolon in subdivision (iv), by renumbering subdivision (v) as (vi), and by inserting the following new subdivision (v) between subdivision (iv) and renumbered subdivision (vi):

(v) If it is a packaged combination of penicillin tablets and a vehicle with or without sulfonamides, a statement giving the method of dissolving the penicillin; and

This order, which provides for the packaging of penicillin tablets with a vehicle containing two or more sulfonamides, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will be benefited by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the industry and since it would be against public interest to delay providing for the packaging of penicillin tablets with a vehicle containing two or more sulfonamides.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup., 357)

Dated: September 1, 1950.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-7890; Filed, Sept. 7, 1950; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5806]

PART 183—PRODUCTION OF DISTILLED SPIRITS

PART 184—PRODUCTION OF BRANDY

PART 185—WAREHOUSING OF DISTILLED SPIRITS

TAXPAYMENT BY STAMPS

1. Regulations 4 (26 CFR Part 183; 15 F. R. 5334), "Production of Distilled Spirits," are hereby amended by adding a new section, as follows:

SUBPART W—TAXPAYMENT, REMOVAL, AND TRANSFER OF DISTILLED SPIRITS FROM CISTERN ROOM

RELEASE OF SPIRITS FOR TRANSFER

§ 183.552a *Taxpayment by stamps.* If the spirits are to be removed by pipe line to a contiguous rectifying plant or tax-paid bottling house, distilled spirits stamps prescribed by Regulations 10 (26 CFR Part 185) for the taxpayment of distilled spirits bottled in bond may be used, in lieu of a certificate of taxpayment (Form 1595), to taxpay the spirits. When spirits are to be so taxpaid, the distiller, upon receipt of the copies of Forms 179 and 1520 from the storekeeper-gauger pursuant to § 183.546, will cancel the necessary number of stamps in the exact amount of the tax due by legibly writing or stamping on each stamp with indelible (India) ink, his name, the registry number of the distillery, and the date of Form 179. The distiller will then attach the stamps to one copy of Form 179 and submit all copies of Forms 179 and 1520 to the Government officer. The Government officer will further cancel the stamps by signing them, followed by his title, and will execute a certificate of receipt on Form 179 (using the receipt of the collector, properly modified) evidencing the receipt and cancellation of stamps for the amount of tax due. The copy of Form 179 to which the stamps are attached and the accompanying copy of Form 1520 will be attached to the board on the weighing tank and remain thereon until the spirits covered by such stamps have been removed. The release of the spirits from the tank and the disposition of the forms will be in accordance with the provisions of § 183.552. The distiller shall keep a record on Form 1697, properly modified, of all distilled spirits stamps received and used at the distillery for taxpayment of spirits authorized by this section. The

form shall be disposed of in accordance with the instructions printed thereon.

(Interprets or applies 53 Stat. 298 as amended, 335 as amended, 374, 375, 398; 26 U. S. C. 2800, 2883, 3172, 3175, 3300)

2. Regulations 5 (26 CFR Part 184; 15 F. R. 5552), "Production of Brandy," are hereby amended by adding a new section, as follows:

SUBPART X—TAXPAYMENT, REMOVAL, AND TRANSFER OF BRANDY FROM DISTILLERY

RELEASE OF BRANDY FOR TRANSFER

§ 184.593a *Taxpayment by stamps.* If the brandy is to be removed by pipeline to a contiguous rectifying plant or tax-paid bottling house, distilled spirits stamps prescribed by Regulations 10 (26 CFR Part 185) for the taxpayment of distilled spirits bottled in bond may be used, in lieu of a certificate of taxpayment (Form 1595), to taxpay the spirits. When spirits are to be so taxpaid, the distiller, upon receipt of the copies of Forms 179 and 1520 from the storekeeper-gauger pursuant to § 184.587, will cancel the necessary number of stamps in the exact amount of the tax due by legibly writing or stamping on each stamp with indelible (India) ink, his name, the registry number of the distillery, and the date of Form 179. The distiller will then attach the stamps to one copy of Form 179 and submit all copies of Forms 179 and 1520 to the Government officer. The Government officer will further cancel the stamps by signing them, followed by his title, and will execute a certificate of receipt on Form 179 (using the receipt of the collector, properly modified) evidencing the receipt and cancellation of stamps for the amount of tax due. The copy of Form 179 to which the stamps are attached and the accompanying copy of Form 1520 will be attached to the board on the weighing tank and remain thereon until the spirits covered by such stamps have been removed. The release of the spirits from the tank and the disposition of the forms will be in accordance with the provisions of § 184.593. The distiller shall keep a record on Form 1697, properly modified, of all distilled spirits stamps received and used at the distillery for taxpayment of brandy authorized by this section. The form shall be disposed of in accordance with the instructions printed thereon.

(Interprets or applies 53 Stat. 298, as amended, 335, as amended, 374, 375, 398; 26 U. S. C. 2800, 2883, 3172, 3175, 3300)

3. Regulations 10 (26 CFR Part 185; 15 F. R. 5233), "Warehousing of Distilled Spirits," are hereby amended by adding a new section, as follows:

SUBPART CC—TAXPAID WITHDRAWALS BY GAUGE TANK

§ 185.626a *Taxpayment by stamps.* If the spirits are to be removed by pipe line to a contiguous rectifying plant or tax-paid bottling house, or are to be drawn into packages to which wholesale liquor dealer's stamps will be affixed, distilled spirits stamps prescribed by § 185.672 may be used, in lieu of a certificate of taxpayment (Form 1595), to taxpay the spirits. When spirits are to be so taxpaid, the proprietor, upon receipt of the copies of Forms 179 and 1520 from the storekeeper-gauger pursuant to § 185.622, will cancel the necessary number of stamps in the exact amount of the tax due by legibly writing or stamping on each stamp with indelible (India) ink, his name, the registry number of the warehouse, and the date of Form 179. The proprietor will then attach the stamps to one copy of Form 179 and submit all copies of Forms 179 and 1520 to the Government officer. The Government officer will further cancel the stamps by signing them, followed by his title, and will execute a certificate of receipt on Form 179 (using the receipt of the collector, properly modified) evidencing the receipt and cancellation of stamps for the amount of tax due. The copy of Form 179 to which the stamps are attached and the accompanying copy of Form 1520 will be attached to the board on the gauging tank and remain thereon until the spirits covered by such stamps have been removed. The release of the spirits from the tank and the disposition of the forms will be in accordance with the provisions of § 185.626. The proprietor shall keep a separate record on Form 1697, properly modified, of all distilled spirits stamps received and used at the warehouse for taxpayment of spirits authorized by this section. The form shall be disposed of in accordance with the instructions printed thereon.

(Interprets or applies 53 Stat. 298 as amended, 335 as amended, 374, 375, 398; 26 U. S. C. 2800, 2883, 3172, 3175, 3300)

4. The purpose of these amendments is to permit distilled spirits stamps (prescribed by § 185.672 of Regulations 10 (26 CFR Part 185; 15 F. R. 5233) for the taxpayment of distilled spirits bottled in bond) to be used for the taxpayment of distilled spirits transferred by pipeline from registered and fruit distilleries and internal revenue bonded warehouses to contiguous rectifying plants and tax-paid bottling houses, and for distilled spirits taxpaid in bulk gauging tanks in internal revenue bonded warehouses and drawn into packages to which wholesale liquor dealer's stamps are to be affixed. Such distilled spirits stamps may be used in lieu of a certificate of taxpayment, Form 1595, prescribed by existing regulations. Since the stamps can be purchased in advance, taxpayment can be accomplished immediately following the gauging of the spirits and therefore the delay incident to obtaining a certificate of taxpayment from the collector after the spirits are gauged, will be obviated.

5. It is found that compliance with the notice, public rule-making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1000, et seq.) is unnecessary in connection with the issuance of these regulations for the reason that the changes made are of a liberalizing character.

6. This Treasury decision will be effective September 1, 1950, or upon the date of publication in the FEDERAL REGISTER, whichever date is later.

(53 Stat. 375, 467; 26 U. S. C. 3176, 3791)

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: September 5, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-7891; Filed, Sept. 7, 1950; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 669]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE ALASKA RAILROAD FOR RECREATIONAL PURPOSES AND FOR THE PROTECTION OF HYDROELECTRIC POWER FACILITIES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described lands in the Territory of Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Alaska Railroad, Department of the Interior, for recreational purposes and for the protection of hydroelectric power facilities:

TRACT NO. 1

Beginning at a point in the center line of the main track of the Alaska Railroad at Engineers' survey station 10961 at mileage 245.39, latitude 62°34'34" N., longitude 150°03'57" W., thence by metes and bounds:

S. 58° 54' E., 1 mile;
N. 31° 06' E., 6 miles.
N. 58° 54' W., 1.3 miles to a point on the mean high water line on the east bank of the Susitna River, crossing the main track of the Alaska Railroad at Engineers survey station 11296, mileage 251.74 (approximately).

Southerly to southwesterly approximately 6.5 miles following the mean high water line of the east bank of the Susitna River to a point N. 58° 54' W. from the point of beginning;

S. 58° 54' E., 0.02 mile to point of beginning.

The area described contains approximately 4,970 acres.

TRACT NO. 2

Beginning at a point on the mean high water line on the east bank of the Susitna River opposite mile post 248 in latitude 62°36'40" N., longitude 150°02'35" W., from which Engineers' survey station 11098/50 in the center line of the main track of the Alaska Railroad bears S. 81°54' E., 0.05 mile, thence by metes and bounds:

West, 3 miles;
North, 1.5 miles;
East, 4.33 miles to a point on the mean high water line on the east bank of the Susitna River;
Southwesterly, 2.20 miles following the mean high water line on the east bank of the Susitna River to point of beginning.

The area described contains approximately 3,520 acres, including land and water areas.

This order shall be subject to (1) Executive Order No. 2578 of April 4, 1917, reserving lands in connection with the construction and operation of railroad lines, and (2) Executive Order No. 4592 of February 21, 1927, in part reserving lands as a bird, fish and game refuge, so far as such orders affect any of the above-described lands.

OSCAR L. CHAPMAN,
Secretary of the Interior.

SEPTEMBER 1, 1950.

[F. R. Doc. 50-7856; Filed, Sept. 7, 1950; 8:45 a. m.]

[Public Land Order 670]

ALASKA

RESERVING LANDS FOR THE USE OF THE ALASKA RAILROAD

By virtue of the authority contained in the act of March 12, 1914, 38 Stat. 305, 307 (48 U. S. C., sec. 304) and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights the following-described public lands are hereby withdrawn from sale or other disposal and reserved for the use of the Alaska Railroad, Department of the Interior, as a railroad reserve:

Those lands between the west right-of-way line of the Alaska Railroad (a line parallel to and 100 feet west of the center line) and the shore line of Knik Arm, and extending from the north boundary of Anchorage Townsite (U. S. Survey 409), withdrawn by Executive Order 1919½ of April 21, 1914 and Executive Order 2216 of June 22, 1915, southwesterly to the south boundary of the South Addition to Anchorage, (U. S. Survey 408), withdrawn by Executive Order 1919½ of April 21, 1914 and Executive Order 2242 of August 31, 1915, as such townsite and Addition are shown on a townsite plat approved October 1, 1917.

OSCAR L. CHAPMAN,
Secretary of the Interior.

SEPTEMBER 1, 1950.

[F. R. Doc. 50-7858; Filed, Sept. 7, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 35]

UNITED STATES STANDARDS FOR GRADES OF MILK FOR USE IN THE MANUFACTURE OF DAIRY PRODUCTS

EXTENSION OF TIME

Notice is hereby given of the extension until October 31, 1950, of the period of time within which written data, views, and arguments should be submitted by interested parties for consideration prior to the issuance of U. S. Standards for Grades of Milk for Use in the Manufacture of Dairy Products.

The proposed standards are set forth in the notice (F. R. Doc. 50-7204; 15 F. R. 5475) which was published in the FEDERAL REGISTER on August 17, 1950.

Done at Washington, D. C., this 5th day of September 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-7900; Filed, Sept. 7, 1950; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

NOTICE OF FURTHER PROPOSED RULE MAKING

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards Concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the band 470 to 890 mcs. for television broadcasting, Docket No. 8976; second notice of further proposed rule making.

1. Notice is hereby given of further proposed rule making in the above-entitled matters.

2. The Commission proposes to amend Part 3, Subpart E, of its rules and regulations (Rules Governing Television Broadcast Stations) and sections 1 and 2 of its Standards of Good Engineering Practice Concerning Television Broadcast Stations, in accordance with the "First Report of the Commission (Color Television Issues)" (FCC 50-1064) issued in these proceedings simultaneously with this notice.[1] Because of the size of the report, it is not attached to this notice, but copies of the report are available on request at the offices of the Commission. However, for information of interested persons, paragraph 151 of that report, relative to the adoption of bracket standards, is quoted, as follows:

151. In order to accomplish this purpose, the Commission simultaneously with the release of this Report is issuing a Notice of Proposed Rule Making providing for bracket standards in the present monochrome system. These bracket standards provide for a television composite video signal of substantially the type and proportion now employed in monochrome, but with the number of lines variable from 15,000 to 32,000 per second, and number of fields ranging from 50 to 150 per second.[2] Receivers built to incorporate such bracket standards would be equipped with a manual or automatic switch to select instantaneously between two sets of standards falling within the above ranges, one of which will be the present monochrome standards, and the other the CBS proposed standards. The receiver would produce pictures of equivalent size, geometrical linearity and brightness on each of the two positions of the switch. Interested persons are given until September 29, 1950, to submit comments. In addition, manufacturers are requested to submit a statement as to whether if the bracket standards are adopted they would, commencing with the effective date of the order adopting the bracket standards as final—30 days after publication of the order in the FEDERAL REGISTER—build all their television receivers so as to be capable of operating within the above brackets. If, on the basis of the comments submitted, the Commission is able to adopt the bracket standards as final without a hearing and if the Commission receives assurances from a sufficient number of manufacturers to insure that such bracket standards will be incorporated in the great majority of television receivers, then we will be in a position to postpone a decision in this proceeding since we will have the time to explore more fully the matters set forth above, confident in the knowledge that adequate provision has been made to prevent aggravation of the compatibility question. If the bracket standards cannot be made final without a hearing or if assurances are not received from a sufficient number of manufacturers concerning their plans for incorporating bracket standards in their receivers, the Commission will not feel free to postpone a decision, for every day that passes would aggravate the compatibility problem. In that event, a final decision would be issued adopting the CBS color standards.

[1] Available for inspection at the Commission's Office of Information.

[2] The notice provides that if the brackets are adopted, television broadcasters will continue, until further order of the Commission, to broadcast in accordance with present standards—15,750 lines per second and 60 fields per second.

3. The amendments proposed by this notice provide for bracket standards as follows:

a. The scanning line frequency shall be within the bracket 15,000 to 32,000 per second.[3]

b. The field frequency shall be within the bracket 50 to 150 per second.[3]

In other respects the transmission standards would not be changed by this notice.

4. On or before September 29, 1950, any interested person who is of the opinion that the amendments proposed in paragraph 3 of this notice should or should not be adopted, or should not be adopted in the form set forth, may file a written statement setting forth his comments or proposed amendments.

[3] Until further order, television stations shall utilize the following standards: the number of scanning lines shall be 15,750 per second, and the number of fields shall be 60 per second.

5. All manufacturers of television receivers are requested by the Commission to submit comments in accordance with paragraph 4 of this notice, and to include in such comments an affirmative statement as to whether such manufacturers would, commencing with the effective date of the adoption of bracket standards,[2] design and manufacture all their television receivers so that:

(a) Such receivers would be capable of operating within the brackets set forth in paragraph 3 of this notice;

(b) Such receivers would be equipped with a manual or automatic switch so as to be able to select one of the following two sets of standards:

(i) 15,750 lines per second and 60 fields per second.

(ii) 29,160 lines per second and 144 fields per second.

(c) Such receivers would be capable of producing monochrome pictures of equivalent size, geometric linearity and brightness on each of the above two sets of standards.

6. In accordance with § 1.754 of the Commission's rules and regulations, an original and 14 copies of such written statement shall be filed with the Commission.

7. Authority to issue the proposals herein is vested in the Commission by sections 4 (i), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) of the Communications Act of 1934, as amended.

Adopted: September 1, 1950.

Released: September 1, 1950.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-7881; Filed, Sept. 7, 1950; 8:50 a. m.]

[47 CFR, Part 3]

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

NOTICE OF FURTHER PROPOSED RULE MAKING, AND NOTICE OF HEARING AND ORDER OF TESTIMONY

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards Concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the band 470 to 890 mcs. for television broadcasting, Docket 8976; fifth notice of amendment of notice of further proposed rule making, and notice of hearing and order of testimony (general issues).

1. Testimony relating to the general issues listed in the appendix below will be heard by the Commission on October 2, 1950, at 10:00 a. m. in the U. S. Department of Commerce Auditorium, 14th Street between E Street and Constitution Avenue NW., Washington, D. C.

2. Parties listed in the appendix below will be permitted to testify if they so desire, in support of general comments contained in their filed statements. Parties who have filed statements herein which combine general proposals and proposals for the allocation of specific channels to specific communities will not be permitted to testify concerning such specific proposals at this time.[1] At a later date, the Commission will issue a Notice scheduling the hearing on such specific proposals and listing the parties entitled to participate therein. Parties listed in the appendix below who desire to rest on their written comments heretofore filed, and who do not desire to testify, are requested to so advise the Commission Counsel in advance of the commencement of this portion of the hearing. Accordingly, parties desiring to testify should take into account that all listed parties may not desire to be heard, and should plan their availability with this in mind.

3. Commencing on June 5, 1950, the Commission heard testimony with respect to paragraph 11 of the "Notice of Further Proposed Rule Making" (FCC 49-948) issued herein on July 11, 1949, concerning the following issue:

> To receive evidence and data with respect to the question whether there should be an allocation of the band 470-500 Mcs. to multichannel broadband common carrier mobile radio operation in lieu of television broadcasting.

Parties who presented testimony in support of the above allocation and who completed their direct cases were Bell Telephone Laboratories, Inc., United States Independent Telephone Association, National Mobile Radio System and Mutual Telephone Company. Parties who opposed said allocation were Television Broadcasters Association, Allen B. DuMont Laboratories, Inc., and Philco Corporation and Philco Television Broadcasting Corporation. The three opposing parties were permitted to make limited presentations and were granted leave to "make a complete showing on their affirmative case in connection with the further hearings to be had herein relating to the promulgation of television rules and standards and the allocation of television channels in the UHF band." The above ruling provided further that "At the time of such presentation, the common carrier parties who have appeared herein with respect to the issue now being tried will be afforded an opportunity to participate further in the consideration of this question through cross-examination of the witnesses presented in behalf of the broadcasters." Accordingly, the names of the above supporting parties have been listed in the appendix below as parties entitled to cross-examine TBA, DuMont and Philco and to offer rebuttal evidence.

4. Immediately upon the conclusion of the direct testimony of any of the parties listed in the appendix below, such parties will be subject to cross-examination by the Commission, its staff, the four supporting parties listed in paragraph 3 above, and all parties who have filed oppositions to the proposals of the party presenting its direct testimony.

5. Attention is again called to paragraph "15 (d)" of the Notice of Further Proposed Rule Making herein (FCC 49-948) which requires parties to have available at the hearing for distribution among the Commission and its staff 20 copies of all exhibits offered in evidence. In addition, participants should plan, if possible, to have available 100 additional copies of each exhibit for distribution to interested parties and persons attending the hearing.

6. The appendix below lists the issues to be considered by the Commission and the order in which the interested parties will testify. Parties who have duly filed statements or oppositions concerning any of the general issues and whose names do not appear on the appendix below should promptly communicate with Commission Counsel their desire to be listed.

7. Attention is called to the discussion with respect to horizontal interlace in the First Report of the Commission (Color Television Issues) (FCC 50-1064) issued this date.[3] The Commission is of the opinion that horizontal interlace gives promise of being an important development in television broadcasting. Interested persons are urged to conduct a series of field tests to determine whether horizontal interlace can be utilized in the present monochrome system. Any person desiring to offer any specific proposal for the use of horizontal interlace in the present monochrome system may present evidence on this phase of the proceedings at the conclusion of the other matters listed in the appendix below. Notice of intention to offer such evidence shall be given by October 31, 1950, unless a later date is prescribed by the Commission.

Adopted: September 1, 1950.

Released: September 1, 1950.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[2] An order of the Commission adopting the bracket standards would become effective 30 days after its publication in the FEDERAL REGISTER.

[1] The overall allocation plan proposed by Allen B. DuMont Laboratories, Inc. will be considered at the inception of the subsequent portion of the hearing relating to allocation of specific channels to specific communities. Parties who have filed comments with respect to the specific allocations proposed by DuMont will be heard at that time.

[3] Available for inspection at the Commission's Office of Information.

APPENDIX—Continued

Issue	Parties
A. Appendix A of Notice of Further Proposed Rule Making (FCC 49-948) issued July 11, 1949.	WBEN, Inc. Archer S. Taylor. Hearst Radio, Inc. Johnson-Kennedy Radio Corp. Independent Merchants Broadcasting Co. Triple Cities Publications, Inc. WDAS, Inc. Massachusetts Broadcasting Corp. Trent Broadcasting Corp. Mercer Broadcasting Co. WHEC, Inc. Hudson Valley Broadcasting Co., Inc. Community Broadcasting Co. WGAL, Inc. Presque Isle Broadcasting Co. Eastern Radio Corp. Pennsylvania Broadcasting Co. Edgar B. Stern, et al., d/b as WDSU Broadcasting Service. Collins Radio Co. Air King Products Co., Inc. General Electronic Laboratories, Inc. Federal Telephone & Radio Corp., et al. The Peoples Broadcasting Co. Eastern Radio Corp. Lehigh Valley Television, Inc. Pottstown Publishing Co. WTOP, Inc. General Teleradio, Inc. WCAE, Inc. WGAU, Inc. WDEL, Inc. The Evening Star Broadcasting Co., Inc. The American Broadcasting Co., Inc. Daily News Television Co. Westinghouse Electric Corp. and Westinghouse Radio Stations, Inc.
B. "Stratovision"	WJIM, Inc. Allegheny Broadcasting Corp. WGAL, Inc. Associated Broadcasters, Inc. Keystone Broadcasting Corp. Gable Broadcasting Co. Hazelton Broadcasting Co. Reading Broadcasting Co. The Fort Industry Co. WCAE, Inc. WTOP Radio, Inc.
C. "Polycasting"	Raymond M. Wilmotte. Allen B. DuMont Laboratories, Inc.
D. Reservation of channels for noncommercial educational television station.	The United States Office of Education. National Educational Association. WJIM, Inc. Allegheny Broadcasting Corp. WGAL, Inc. Associated Broadcasters, Inc. Keystone Broadcasting Corp. Gable Broadcasting Co. Hazelton Broadcasting Co. Reading Broadcasting Co. Houston Post Co. Roy Hofheinz d/b as Texas Television Co. Shamrock Broadcasting Co. Association of State Universities. National Association of Educational Broadcasters. Association for Education by Radio. American Council on Education. National Council of Chief State School Officers. Allen B. DuMont Laboratories, Inc. W. H. C. Elgin. Thomas E. Corlett.
E. "Metered Television" and general comments.	

[F. R. Doc. 50-7882; Filed, Sept. 7, 1950; 8:50 a. m.]

APPENDIX[1]

Issue	Parties
A. Appendix A of Notice of Further Proposed Rule Making (FCC 49-948) issued July 11, 1949.	Joint Technical Advisory Committee. Television Broadcasters Association. Bell Telephone Laboratories, Inc.[2] United States Independent Telephone Association.[2] National Mobile Radio System.[2] Mutual Telephone Co.[2] John H. Poole. Allen B. DuMont Laboratories, Inc.[2] United States Independent Telephone Association[2] National Mobile Radio System.[2] Mutual Telephone Co.[2] WJDEL, Inc. Allegheny Broadcasting Corp. WGAL, Inc. Associated Broadcasters, Inc. Keystone Broadcasting Corp. Gable Broadcasting Co. Hazelton Broadcasting Co. Reading Broadcasting Co. John H. Poole. Pittsburg Broadcasting Co., Inc. Philco Corp. Bell Telephone Laboratories, Inc.[2] United States Independent Telephone Association.[2] National Mobile Radio System.[2] Mutual Telephone Co.[2] Radio Manufacturers Association. National Association of Broadcasters The Federal Communications Bar Association. Association of Federal Communications Consulting Engineers. Columbia Broadcasting System, Inc. John H. Poole. Haley, Doane & Wilkinson, on behalf of listed parties. Paramount Television Productions, Inc. Columbia Broadcasting System, Inc. Allen B. DuMont Laboratories, Inc. American Broadcasting Co., Inc. John H. Poole. Kendrick H. Lippitt. WSM, Inc. Associated Broadcasters, Inc. Keystone Broadcasting Corp. Kansas State College of Agriculture and Applied Science. Christina M. Jacobsen, t/a The Valley Electric Co. Communication Measurements Laboratory, Inc. WJDEL, Inc. Allegheny Broadcasting Corp. WGAL, Inc. Associated Broadcasters, Inc. Keystone Broadcasting Corp. Gable Broadcasting Co. Hazelton Broadcasting Co. Reading Broadcasting Co. Houston Post Co. KTRH Broadcasting Co. Roy Hofheinz d/b as Texas Television Co. Shamrock Broadcasting Co. Television Research Co. WJDEL, Inc. Allegheny Broadcasting Corp. WGAL, Inc. Associated Broadcasters, Inc. Keystone Broadcasting Corp. Gable Broadcasting Co. Hazelton Broadcasting Co. Reading Broadcasting Co. Columbia Broadcasting System, Inc. Television Communications Advisory Board. W. H. C. Elgin. Home News Publishing Co.

[1] Names indented are parties who filed oppositions to the proposals of the parties under whose names the indentations appear except those names followed by "."

[2] Parties whose names are followed with this footnote reference will be permitted to cross-examine the parties under whose names they are indented on the issue relating to the allocation of the band 470 to 500 Mcs. and will be permitted to offer rebuttal evidence.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

CLASSIFICATION ORDER

AUGUST 31, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. Section 682a), as hereinafter indicated, the following described lands in the Phoenix, Arizona Land District, embracing 210 acres,

ARIZONA SMALL TRACT CLASSIFICATION NO. 22

For lease and sale for all purposes authorized by the act except business sites:

T. 7 N., R. 2 E., G. & S. R. B. & M., Arizona, Sec. 34, E½W½SE¼, SE¼NE¼, E½SE¼.

For lease and sale for business or combination home and business sites:

T. 7 N., R. 2 E., G. & S. R. B. & M., Arizona, Sec. 34, W½W½SE¼, E½E½SE¼SW¼.

2. These lands are situated 35 miles north of Phoenix, Arizona, via U. S. Highway No. 69, commonly known as the Black Canyon Road. The areas classified are also traversed by dirt roads and trails diverging from the highway at different points. A country store, filling station and cafe known as New River are located in the NE¼SW¼ of Section 34, a short distance north and west of the lands described above. New River is a Greyhound bus station on the new route over U. S. Highway 69. The altitude of the lands varies from 1,700 to 1,800 feet. Precipitation is approximately 8 inches per annum, and temperatures range from a low of 20° F. to a high of 115° F. The topography is rolling to fairly rough and the soil is a red sandy clay interspersed with considerable rock. Vegetation consists of mesquite, creosote bush, palo verde, and various grasses and weeds in season. Potable water in quantities adequate for domestic use may be found at depths varying from 12 to 100 feet, depending upon the contour of the lands. An electric power transmission line traverses lands near the area classified and electric power may be made available from this source. Settlers must provide their own fuel and construction of outdoor sanitary facilities will be necessary. Business, educational and religious facilities are available at Glendale 25 miles to the south, and at Phoenix 35 miles to the south. School busses operate out of New River into Glendale.

3. As to applications regularly filed prior to 8:30 a. m. Mountain Standard Time on August 31, 1950, and which are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

4. As to the land not covered by applications referred to in paragraph 3, this order shall not become effective to permit leasing under the Small Tract Act of June 1, 1938, as amended, until 8:30 a. m. on November 2, 1950. At that time such lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application as follows:

(a) Ninety-one day preference period for qualified veterans of World War II from 8:30 a. m. on November 2, 1950, to close of business on January 31, 1951.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m. on August 31, 1950 to 8:30 a. m. on November 2, 1950.

5. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally commencing at 8:30 a. m. on February 1, 1951.

(a) Advance period for simultaneous non-preference right filings from 8:30 a. m. August 31, 1950, to 8:30 a. m. on February 1, 1951.

6. Applications filed within the periods mentioned in paragraphs 4 (b) and 5 (a) above will be treated as simultaneously filed.

7. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based, and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

8. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 feet by 660 feet; and the longer dimensions of the tracts may extend either north and south or east and west, provided the tract conforms to or is made to conform to the area and dimensions specified above, and, provided the tract is not described in such a manner as to break up a ten-acre rectangular subdivision. This proviso applies to all leases issued, preference and non-preference alike. The longitudinal directions of tracts described in applications filed prior to the date of this order shall not be disturbed unless they have been filed in such a manner as to violate the rectangular subdivision rule.

9. Leases will be for a period of 5 years.

(a) Where applications are filed for homesites only, the annual rental of $5.00 will be payable for the entire lease period in advance of the issuance of the lease.

(b) Where applications are filed for business sites only, the minimum rental of $20.00 per annum shall be charged, payable for the first year in advance of the issuance of the lease, and payable for all succeeding years not later than 30 days in advance of the expiration of the preceding lease year, or the entire rental for the 5-year lease period may be paid in advance at the option of the lessee.

(c) Where applications are filed for combination home and business sites the rental for homesite purposes shall be $5.00 per annum payable for the entire lease period in advance, and $20.00 additional per annum for the privilege of using the land for business purposes, the rental for business purposes to be paid on the same terms and conditions as set forth in 10 (b).

(d) In any and all cases where applications are filed and leases issued for business sites only, the $20.00 business rental shall be the minimum rental for that purpose, and the lessee shall be obligated to pay additional rental at the rate fixed by the schedule of rentals in effect at the date of the approval of his lease, if his gross receipts from the business conducted on the leased tract shall exceed $2,000 per annum. In any and all cases where applications are filed and leases issued for combination home and business sites, the minimum rental shall be $25.00 per annum, i. e. $5.00 for the homesite and $20.00 for the business site.

(e) Such lessees or their authorized representatives shall, within 60 days after the expiration of each lease year, submit to the Manager of the Arizona Land and Survey Office a statement of the amount of his gross receipts for the preceding year. Authorized representatives of the Department of the Interior shall, at all times within customary business hours, have the right to inspect and examine the lessee's accounts and to inspect the premises leased.

10. Leases will contain an option-to-purchase clause at appraised values as follows:

For those tracts lying in the SE¼NE¼ and E½SE¼ of the Section, $50.00 per 5-acre tract.

For those tracts lying in the E½W½-SE¼ of the Section, $75.00 per 5-acre tract.

For those tracts lying in the W½W½-SE¼ of the Section, $100.00 per 5-acre tract.

For those tracts lying in the E½E½-SE¼SW¼ of the Section, $150.00 per 5-acre tract.

(a) Applications for purchase may be filed at or after the expiration of one year from the date the lease issued, provided that improvements appropriate to the purpose for which the lease is issued, and which meet with the approval of the Regional Administrator shall have been constructed upon the lands prior to filing of the application for purchase.

(b) Leases issued under the terms of this order shall not be subject to assignment unless and until improvements as mentioned above in (a) shall have been completed.

(c) Leases for lands upon which the improvements above mentioned shall not have been constructed at or before the expiration thereof shall not be renewed.

11. Lessees and/or their successors in interest shall comply with all Federal, State, County and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

12. Rights-of-way for road and street purposes 33 feet in width are reserved from each tract and said 33 foot strip may be taken for street, road or alley from any edge of any of said tracts, but not more than one such strip for right-of-way shall be taken from any tract without the consent of the lessee first had and obtained, or unless such right-of-way shall be condemned by proper eminent domain proceedings in a court of competent jurisdiction. The said rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to issuance of patent. If not so located, they may be subject to location after patent is issued. All rights-of-way herein mentioned and reserved may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof.

13. All structures with the exception of fences and like movable installations shall be set back from the exterior boundaries of the tract not less than 33 feet, and if there is a road or street in existence, or an identified and definitely established right-of-way for such road or street, then and in that event, all permanent structures will be set back not less than 33 feet from the outside line of the said established road, street, or definitely identified right-of-way.

14. Survey of individual tracts shall be at the expense of the applicant.

15. All leases and patents issued shall contain a reservation to the United States of all fissionable material sources, and all minerals, together with the right to prospect for, mine and remove the same under applicable laws and regulations.

16. All inquiries regarding those lands shall be addressed to the Manager, United States Land and Survey Office, 100 U. S. Courthouse, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 50-7859; Filed, Sept. 7, 1950; 8:45 a. m.]

IDAHO

SMALL TRACT CLASSIFICATION ORDER NO. 9

AUGUST 29, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify, as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, the following described public lands in the Boise, Idaho land district, embracing 28 acres more or less:

IDAHO SMALL TRACT CLASSIFICATION NO. 9

For lease only for cabin, business and recreation sites.

BOISE MERIDIAN

T. 2 S., R. 17 E.,
Sec. 1: All of lot 3, SE¼NW¼, E½SW¼ situated above the flow line of Magic Reservoir, in accordance with the Cadastral Engineer's field sketch made under Group 332, Idaho, of July 27, 1949.

The land in SE¼NW¼ will be leased in tracts approximating 41.25 x 82.5 feet, the longer dimension extending east and west. The land in E½SW¼ will be leased in tracts approximating 165 x 165 feet. The tracts applied for must conform in description with the rectangular system of surveys as one compact unit, i. e., N½ or S½ of a quarter-quarter-quarter-quarter-quarter section when in the SE¼NW¼ and the quarter-quarter-quarter-quarter-quarter section when in the E½SW¼.

Certain of the tracts will be reserved from lease application for use by the public in general or for special purposes.

The tracts are situated along or adjacent to the west shore line of Magic Reservoir. Shoshone, Idaho, the nearest town, is distant approximately 28 miles; 18 miles of which is paved, 9 miles semi-improved and one mile of dirt road. The topography is slightly rolling and slopes are normal to fairly steep down to the flow line of Magic Reservoir.

2. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR Part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to 9:00 a. m. on July 1, 1950 and (b) are for the type of site for which the land subject thereunder has been classified. As to such applications, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not otherwise become effective to change the status of the lands until 10:00 a. m. on the 35th day after the date of this order. At that time the land shall, subject to valid existing rights, become subject to application as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the lands affected by this order shall be subject to application by qualified veterans of World War II. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the 35th day, shall be considered in the order of filing.

(b) Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining shall become subject to application under the Small Tract Act by the public generally. All such applications filed either at or before 10:00 a. m., on the 126th day, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostat, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations or constitutes evidence of any facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

4. Leases for recreation and cabin sites will be for a period of five years at an annual rental of $7.50 payable for the entire lease period in advance of issuance of the lease. Rental for a business site lease is based on gross income with a minimum of $20 annual rental.

5. The tracts will be subject to rights-of-way on or near the edges thereof for road purposes and public utilities. Such rights-of-way strip 30 feet in width is reserved from those tracts abutting the west boundary of the E½SW¼. Such other right-of-way strips not exceeding 20 feet in width may be reserved at the discretion of the authorized officer of the Bureau of Land Management. Such rights-of-way may be utilized by the Federal Government, or by the State, county or municipality in which the tract is situated, or by any agency thereof. Tracts are also subject to existing rights-of-way for pipe lines and other utilities.

6. All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Federal Building, Boise, Idaho.

JAMES F. DOYLE,
Regional Administrator,
Region I.

[F. R. Doc. 50-7860; Filed, Sept. 7, 1950; 8:46 a. m.]

NEW MEXICO

CLASSIFICATION ORDER, AMDT. NO. 2

AUGUST 31, 1950.

1. Pursuant to authority delegated to me by the Director, Bureau of Land Management, by Order No. 319, dated July 19, 1948 (43 CFR, 50.451 (b) (3), 13 F. R. 4278), and in accordance with the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, I hereby amend the above captioned order originally approved as of March 22, 1944, as amended May 12, 1949. The original and first amended orders excepted from classification Tracts Nos. 12, 23 and 24 in that part of the NE¼ of Section 19, T. 1 N., R. 12 W., N. M. P. M., in Catron County, lying north of and adjacent to the right-of-way of U. S. Highway No. 60, as shown on the plat of survey approved February 7, 1944, and now on file in the Land and Survey Office, Santa Fe, New Mexico, and reserved said tracts for community use. It appears that the tracts in question are not needed or used for commu-

nity purposes, and are more suitable for business and residence purposes, and are in demand for such purposes; now, therefore:

I hereby amend the original and amended orders above mentioned and classify, as hereinafter indicated, the following described public lands in the New Mexico Land District, comprising 7.29 acres,

SMALL TRACT CLASSIFICATION ORDER NO. 36

NEW MEXICO NO. 3, AMENDMENT NO. 2

For lease and sale for home and business sites, or combination home and business sites:

Tracts 12, 23 and 24 as shown on the above-mentioned plat on file in the Land and Survey Office.

2. As to applications regularly filed prior to 8:00 a. m. on August 23, 1950, and which are for the type of site for which the lands are classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit the leasing of the lands under the small tract act until 10:00 a. m. on November 2, 1950. At that time such lands shall, subject to valid existing rights, and the provisions of existing withdrawals, become subject to application as follows:

(a) Ninety-one day preference period for qualified veterans of World War II from 10:00 a. m. on November 2, 1950, to close of business on January 31, 1951.

(b) Advance period for veterans' simultaneous filings extends from 8:00 a. m. on August 23, 1950, to close of business on January 31, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally commencing at 10:00 a. m. on February 1, 1951.

(a) Advance period for simultaneous nonpreference right filings from 8:00 a. m. August 23, 1950, to close of business on February 1, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) shall be treated as simultaneously filed.

6. Leases, either preference or nonpreference will be issued for the tracts only in accordance with the survey plat on file in the Land and Survey Office.

7. Rentals charged for said leases shall be in accordance with the rentals prescribed in the first amendment to this order, dated May 12, 1949.

8. Leases will contain an option to purchase clause at appraised values as follows:

Tract No.	Acreage	Value
12	2.31	$480
23	2.49	150
24	2.49	150

9. All the tracts described herein shall be subject to the right-of-way as shown by the approved survey plat.

10. As to all other matters concerning these 3 tracts, the terms and conditions of the original order, as amended May 12, 1949, shall be and remain in full force and effect.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 50-7861; Filed, Sept. 7, 1950; 8:46 a. m.]

[Misc. 54638]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 1, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 1 W.,
Sec. 2,
T. 9 S., R. 2 W.,
Sec. 2, E½SE¼,
T. 7 S., R. 3 W.,
Sec. 16, SE¼,
T. 2 S., R. 4 W.,
Sec. 32, SW¼NW¼,
T. 13 S., R. 5 W.,
Sec. 2,
T. 7 S., R. 6 W.,
Sec. 32;
Sec. 36,
T. 7 S., R. 7 W.,
Sec. 16,
T. 7 S., R. 8 W.,
Sec. 16,
T. 7 S., R. 9 W.,
Sec. 2,
T. 9 S., R. 10 W.,
Sec. 2;
Sec. 36,
T. 4 S., R. 13 W.,
Sec. 16,
T. 39 N., R. 16 W.,
Sec. 32, S½,
T. 4 S., R. 22 E.,
Sec. 36,
T. 4 S., R. 28 E.,
Sec. 14, S½N½, S½;
Sec. 15, NE¼NE¼, S½NE¼, NE¼SE¼;
Sec. 23, N½N½, SE¼NW¼;
Sec. 24, SE¼NW¼, E½SW¼, NW¼NW¼;
Sec. 36, NE¼, NE¼NW¼, N½SE¼, SE¼SE¼.

The areas described aggregate 8,959.27 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50-7884; Filed, Sept. 7, 1950; 8:51 a. m.]

NEVADA

CORRECTION TO SMALL TRACT CLASSIFICATION ORDER NO. 37

AUGUST 25, 1950.

Notice of Small Tract Classification Order, Nevada No. 37, published in 14 F. R., page 3564, is corrected as follows:

Page 4, paragraph 9, ninth line: change "SE¼SW¼" to SE¼NW¼."

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 50-7885; Filed, Sept. 7, 1950; 8:51 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR USE OF ALASKA RAILROAD FOR RECREATIONAL PURPOSES AND FOR PROTECTION OF HYDROELECTRIC POWER FACILITIES[1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

SEPTEMBER 1, 1950.

[F. R. Doc. 50-7857; Filed, Sept. 7, 1950; 8:45 a. m.]

[1] See F. R. Doc. 50-7856, Title 43, Chapter I, Appendix, *supra*.

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order 24]

SCOBEY FIREPROOF STORAGE CO.

APPROVAL OF APPLICATION TO REVISE AND RELOCATE BOUNDARY, CHANGE DESIGN OF MAIN WAREHOUSE, AND RETAIN EXISTING TEMPORARY STRUCTURES IN FOREIGN TRADE ZONE

In the matter of the application of the Scobey Fireproof Storage Company to revise and relocate boundary, change design of main warehouse, and retain existing temporary structures in Foreign-Trade Zone No. 6, Municipal Airport, San Antonio, Texas.

Pursuant to authority contained in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U. S. C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Under date of June 2, 1950, the Scobey Fireproof Storage Company duly filed with this Board its application to revise and relocate boundaries, change design of main warehouse, and to retain certain existing temporary structures in Foreign-Trade Zone No. 6, Municipal Airport, San Antonio, Texas.

Accordingly, after full consideration and a finding that the proposals are in the public interest, it is hereby ordered as follows:

1. Permission is granted to revise and relocate the boundaries, change design of main warehouse, and to retain certain existing temporary structures within Foreign-Trade Zone No. 6, Municipal Airport, San Antonio, Texas.

2. The Secretary of Commerce as Chairman and Executive Officer of the Board is authorized to amend applicant's grant to establish, operate, and maintain a foreign-trade zone at Municipal Airport, San Antonio, Texas (Order No. 21; 14 F. R. 7363; Dec. 8, 1949), to conform with Revised Exhibits Nos. 1, 3, and 6 (revised June 1, 1950) and filed with the Board June 19, 1950, and Revised Exhibit No. 10 (Map D, undated), filed with the Board June 12, 1950.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. No. 404, 79th Cong.) is unnecessary in connection with the issuance of this order because its application is restricted to one foreign-trade zone, and is of a nature that it imposes no burden on parties of interest. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 31st day of August 1950.

[SEAL] CHARLES SAWYER,
Secretary of Commerce, Chairman, Foreign-Trade Zones Board.

Attest:

THOS. E. LYONS,
Executive Secretary,
Foreign-Trade Zones Board.

[F. R. Doc. 50-7888; Filed, Sept. 7, 1950; 8:51 a. m.]

[Order 25]

BOARD OF STATE HARBOR COMMISSIONERS FOR PORT OF SAN FRANCISCO, CALIF.

APPROVAL OF APPLICATION TO EXPAND AREA OF FOREIGN-TRADE ZONE

In the matter of the application of the Board of State Harbor Commissioners for the Port of San Francisco to expand the area of Foreign-Trade Zone No. 3 to include all of Pier 45 (the Embarcadero) and adjacent slips.

Pursuant to authority contained in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U. S. C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Under date of April 24, 1950, the Board of State Harbor Commissioners for the Port of San Francisco duly filed with this Board its application to expand the area of Foreign-Trade Zone No. 3 to include all the area of Pier 45 (the Embarcadero) and the structures thereon and a portion of adjacent slips.

Accordingly, after full consideration and a finding that the proposal is in the public interest, it is hereby ordered as follows:

1. Permission is granted to expand the area of Foreign-Trade Zone No. 3 at the Port of San Francisco, California, to include all the area of Pier 45 (the Embarcadero) and the structures thereon and a portion of adjacent slips.

2. The Secretary of Commerce as Chairman and Executive Officer of the Board is authorized to amend applicant's grant to establish, operate, and maintain a foreign-trade zone at San Francisco, California (Order No. 16; 13 F. R. 1459; March 19, 1948), to conform with Revised Exhibits Nos. 1, 6, 8, 10 (Expansion, submitted April, 1950), and 13, all filed with the Board May 2, 1950.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administration Procedure Act (Pub. No. 404, 79th Cong.) is unnecessary in connection with the issuance of this order because its application is restricted to one foreign-trade zone, and is of a nature that it imposes no burden on parties of interest. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 31st day of August 1950.

[SEAL] CHARLES SAWYER,
Secretary of Commerce, Chairman, Foreign-Trade Zones Board.

Attest:

THOS. E. LYONS,
Executive Secretary,
Foreign-Trade Zones Board.

[F. R. Doc. 50-7889; Filed, Sept. 7, 1950; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1467]

CITY OF CARLISLE, KY.

NOTICE OF APPLICATION

SEPTEMBER 1, 1950.

Take notice that the City of Carlisle, Kentucky (Applicant), a municipal corporation of the State of Kentucky, filed on August 21, 1950, an application pursuant to section 7 (a) of the Natural Gas Act, for an order directing Central Kentucky Natural Gas Company, a Kentucky corporation with its principal place of business at Charleston, West Virginia,

a natural-gas company, to establish physical connection of its transportation facilities with the facilities proposed to be constructed and operated by Applicant, and to sell natural gas to Applicant for resale in the City of Carlisle, Kentucky, and environs.

Applicant proposes to construct and operate approximately 7000 feet of 3-inch transmission line and a gas distribution system in the City of Carlisle to supply approximately 450 consumers natural gas in the maximum and minimum volumes for 1951–55 inclusive as follows:

Year	Maximum day demand	Minimum day demand
	Mcf.	*Mcf.*
1951	165	20
1952	255	45
1953	350	70
1954	445	90
1955	465	100

The application recites that the volumes (Mcf) to be required annually for all classes of consumers (no industrial) are estimated to be: 1st year—18,200; 2d year—28,200; 3d year—38,700; 4th year—49,100; 5th year—50,550; that on the basis of estimated sales, income, and operating costs, operating profits available for bond liquidation will be as follows:

	1st year	2d year	3d year	4th year	5th year
Bond service	$5,540	$9,013	$14,036	$18,708	$19,780

The estimated over-all cost of the system proposed by Applicant is $80,000, inclusive of the cost of regulator stations, customers meters and regulators, 6,000 feet of 3-inch transmission line and $8,000 of engineering and bond expense; the cost of which will be financed from the sale of $80,000 of revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of September 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–7862; Filed, Sept. 7, 1950; 8:46 a. m.]

[Docket No. G–1466]

WALNUT GAS & ELECTRIC CO.

NOTICE OF APPLICATION

SEPTEMBER 1, 1950.

Take notice that on August 17, 1950, Clell L. McClung and Marguerite L. McClung, doing business under the name of The Walnut Gas & Electric Company with their principal place of business at Walnut, Kansas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas facilities:

A 3-inch natural-gas transmission pipeline extending from the town of Walnut, Kansas, to a point of connection on an 8-inch gas pipeline of Cities Service Gas Company.

The application recites the proposed facility will be used to transport natural gas from the point of connection with Cities Service Gas Company to the town of Walnut, Kansas, for resale to approximately 240 to 275 customers of Applicant; that the requirements of said customers have heretofore been served from approximately 70 local gas wells which are depleting so rapidly that by the winter of 1950–1951 reliance will be almost entirely on gas purchased from Cities Service Gas Company.

The estimated total over-all capital cost of the facility is $35,000, which amount Applicant proposes to borrow on a participating loan from the Farmers State Bank of Walnut, Kansas, and the Reconstruction Finance Corporation, at an average interest rate of 4.7 percent.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of September 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–7863; Filed, Sept. 7, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25379]

ACETALDEHYDE FROM TEXAS TO FOX, ALA.

APPLICATION FOR RELIEF

SEPTEMBER 5, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Acetaldehyde, carloads.

From: Bishop, Houston, Texas City and Winnie, Tex.

To: Fox, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supplement 481.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50–7875; Filed, Sept. 7, 1950; 8:49 a. m.]

[4th Sec. Application 25380]

BUTYL ALCOHOL FROM LONGVIEW, TEX., TO TENNESSEE

APPLICATION FOR RELIEF

SEPTEMBER 5, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Isobutyraldehyde, butyraldehyde and butyl alcohol, tank carloads.

From: Longview, Tex.

To: Kingsport and Holston, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3721, Supplement 152.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50–7876; Filed, Sept. 7, 1950; 8:49 a. m.]

[4th Sec. Application 25381]

PHOSPHATE ROCK IN FLORIDA

APPLICATION FOR RELIEF

SEPTEMBER 5, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Atlantic Coast Line Railroad Company, for itself and on behalf of the Atlanta & Saint Andrews Bay Railway Company and Louisville and Nashville Railroad Company.

Commodities involved: Phosphate rock, carloads.

From: Points in Florida.

To: Cottondale and Pensacola, Fla.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: ACL., tariff I. C. C. No. B–3232, Supplement 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50–7877; Filed, Sept. 7, 1950; 8:50 a. m.]

[4th Sec. Application 25382]

SULPHURIC ACID FROM AND TO POINTS IN THE SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 5, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1), of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1029.

Commodities involved: Sulphuric acid, tank carloads.

From: Bellwood, Va., Baton Rouge and North Baton Rouge, La.

To: Points in the south, also Jeffersonville and New Albany, Ind.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1029, Supplement 126.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50–7878; Filed, Sept. 7, 1950; 8:50 a. m.]

[4th Sec. Application 25383]

LUMBER IN THE SOUTHWEST

APPLICATION FOR RELIEF

SEPTEMBER 5, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Lumber and related articles, carloads.

Between: Points in the southwest and stations on the Louisiana and Northwest Railroad and Paris and Mt. Pleasant Railroad.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3850, 3805, 3816 and 3709, Supplements 26, 43, 29, and 78, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50–7879; Filed, Sept. 7, 1950; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

LEGEIS CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of September 1950.

In the matter of Mortimer M. Siegel, doing business as LeGeis Company, 32 Broadway, New York City, N. Y.

I. The Commission's public official files disclose that Mortimer M. Siegel, doing business as LeGeis Company, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 25th day of September 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before September 18, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a

[1] Filed as part of the original document.

written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 25, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7864; Filed, Sept. 7, 1950; 8:47 a. m.]

C. H. LOUGHMAN

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of September 1950.

In the matter of Charles H. Loughman, doing business as C. H. Loughman, 15 Broad Street, New York City, N. Y.

I. The Commission's public official files disclose that Charles H. Loughman, doing business as C. H. Loughman, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 25th day of September 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before September 18, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 25, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7865; Filed, Sept. 7, 1950; 8:47 a. m.]

THOMAS FITZHUGH LEE

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of September 1950.

In the matter of Thomas Fitzhugh Lee, Hotel St. George, Brooklyn, N. Y.

I. The Commission's public official files disclose that Thomas Fitzhugh Lee, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 25th day of September 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before September 18, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered

[1] Filed as part of the original document.

mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 25, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7866; Filed, Sept. 7, 1950; 8:47 a. m.]

NAT KAPLAN

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of September 1950.

In the matter of Nat Kaplan, Room 1912, 50 Broadway, New York City 4, N. Y.

I. The Commission's public official files disclose that Nat Kaplan, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 25th day of September 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before September 18, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 25, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7867; Filed, Sept. 7, 1950; 8:48 a. m.]

HUBERT H. HEVEY

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of September 1950.

In the matter of Hubert H. Hevey, 116 Arlington Avenue, Syracuse, N. Y.

I. The Commission's public official files disclose that Hubert H. Hevey, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 25th day of September 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before September 18, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 25, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or

[1] Filed as part of the original document.

advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7868; Filed, Sept. 7, 1950; 8:48 a. m.]

JOHN A. HASTINGS

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of September 1950.

In the matter of John A. Hastings, 420 Lexington Avenue, New York 17, N. Y.

I. The Commission's public official files disclose that John A. Hastings, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 25th day of September 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before September 18, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 25, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7869; Filed, Sept. 7, 1950; 8:48 a. m.]

M. PAUL GORDON

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of September 1950.

In the matter of M. Paul Gordon, 173 West 78th Street, New York City, N. Y.

I. The Commission's public official files disclose that M. Paul Gordon, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 25th day of September 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before September 18, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 25, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7870; Filed, Sept. 7, 1950; 8:48 a. m.]

MAURICE GEISLER

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of September 1950.

In the matter of Maurice Geisler, 38 State Street, Albany, New York.

I. The Commission's public official files disclose that Maurice Geisler, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 25th day of September 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before September 18, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 25, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7871; Filed, Sept. 7, 1950; 8:48 a. m.]

SAMUEL FURSTENBURG

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of September 1950.

In the matter of Samuel Furstenburg, 1555 Grand Concourse, Bronx, New York, N. Y.

I. The Commission's public official files disclose that Samuel Furstenburg, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pusuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 25th day of September 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before September 18, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 25, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7872; Filed, Sept. 7, 1950; 8:49 a. m.]

[1] Filed as part of the original document.

D. H. DUNN CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of September 1950.

In the matter of Davis H. Dunn, doing business as D. H. Dunn Company, 99 Woodcrest Avenue, White Plains, New York.

I. The Commission's public official files disclose that Davis H. Dunn, doing business as D. H. Dunn Company, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 25th day of September 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before September 18, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 25, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-7873; Filed, Sept. 7, 1950; 8:49 a. m.]

[1] Filed as part of the original document.

[File No. 812-681]

NORTH AMERICAN INVESTMENT CORP. ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of September A. D., 1950.

In the matter of North American Investment Corporation, Commonwealth Investment Company, and North American Securities Company; File No. 812-681.

Notice is hereby given that North American Investment Corporation (Investment), a registered closed-end management investment company, Commonwealth Investment Company (Commonwealth), a registered open-end management investment company, and North American Securities Company (Securities), a wholly-owned subsidiary of Investment and the principal underwriter of Commonwealth, have filed a joint application under section 6 (c) of the Investment Company Act of 1940 for an order of the Commission granting an exemption from the provisions of section 15 (a) of the act to the extent that Securities may be permitted to serve until February 1951 as the investment adviser of Investment and Commonwealth, respectively, under written contracts which Securities proposes to enter into with each of these registered investment companies without such contracts having been approved by the stockholders of the registered investment companies.

The application discloses that Investment was organized in 1925 and has been engaged continuously since that time in the business of investing and reinvesting the funds received from the original issue of its securities. It has maintained a trained staff to manage its portfolio which has a value at the present time of approximately $5,500,000. Since 1932 it has furnished investment advice to and managed the portfolio of Commonwealth pursuant to a written contract providing for a fee payable to Investment of ⅛ of 1 percent quarterly of the net asset value of Commonwealth.

In the past Investment has qualified as a regulated investment company under Section 361 of the Internal Revenue Code, more than 90 percent of its gross income being derived from dividends, interest and capital gains and less than 10 percent of its gross income being derived from its chief other source of income, namely, from payments under the contract with Commonwealth. However, due to the rapid and substantial current growth of Commonwealth which now has net assets approximating $19,000,000, it appears that the payments to Investment under the contract with Commonwealth will exceed 10 percent of its gross income in the current year and cause Investment to lose its status as a regulated investment company. In order to prevent Investment from losing such status it is proposed that Investment will cease carrying on the business of investment management and that Securities, an ordinary business corporation wholly engaged in related activities, will undertake the investment management activities heretofore performed by Investment. Accordingly, it is proposed that: (1) The trained staff of Investment will leave Investment's employ and will be employed and paid solely by Securities which will undertake all of the investment advisory functions, together with expenses incident thereto, previously performed and carried on by Investment, (2) the existing investment advisory contract between Investment and Commonwealth will be terminated and Commonwealth and Securities will enter into an investment advisory contract providing for compensation to Securities identical with that contained in the existing contract between Commonwealth and Investment, and (3) Securities will enter into a contract with its parent, Investment, to provide Investment with similar investment advisory services for a fee identical with that to be contained in the contract between Securities and Commonwealth.

Investment is of the opinion that the delay entailed in calling a special meeting of stockholders to approve the investment advisory contracts will result in the loss of Investment's status as a regulated investment company and that the postponement of shareholder approval of the contracts until the regular annual shareholders' meetings of Investment and Commonwealth in February 1951 will result in a saving of considerable expense.

For a more detailed statement of the matters of fact and law asserted all persons are referred to said application which is on file at the office of the Commission in Washington, D. C.

Notice is further given that an order granting the application may be issued, in whole or in part and upon such conditions as the Commission may deem necessary and appropriate, at any time on or after September 18, 1950, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may not later than September 15, 1950, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-7874; Filed, Sept. 7, 1950; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 728]

LUISA SILVERI GABRIELLI AND SARA SILVERI COSTA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention to Return Published and Property

Luisa Silveri Gabrielli, Rome, Italy; Claim No. 40399; July 4, 1950 (15 F. R. 4254); $2,330.46 in the Treasury of the United States.

Sara Silveri Costa, Grotte di Castro, Italy; Claim No. 40400; July 4, 1950 (15 F. R. 4254); $3,330.47 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7892; Filed, Sept. 7, 1950; 8:52 a. m.]

[Return Order 730]

RENATE KUTTNER STERN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention to Return Published and Property

Renate Kuttner Stern, Kirkwood, Mo.; Claim No. 11579; July 22, 1950 (15 F. R. 4735); $1,232.66 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7893; Filed, Sept. 7, 1950; 8:52 a. m.]

ELSA P. KULLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Elsa P. Kuller, Oisterwijk, The Netherlands; Claims Nos. 4724 and 4725; $10,322.89 in the Treasury of the United States.

Executed at Washington, D. C., on September 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7894; Filed, Sept. 7, 1950; 8:52 a. m.]

HERBERT J. STRONG AND PAUL NEUBURGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Herbert J. Strong, New York, N. Y.; Claim No. 13031; and Paul Neuburger, Geneva, Switzerland; Claim No. 37226; $1,333.33 in the Treasury of the United States in two equal shares, one each to Herbert J. Strong and Paul Neuburger.

Executed at Washington, D. C., on September 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7895; Filed, Sept. 7, 1950; 8:52 a. m.]

SOCIETA ITALIANA DEGLI AUTORI ED EDITION (S. I. A. E.)

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societa Italiana Degli Autori ed Edition (S. I. A. E.); Via Valadier, 37, Rome, Italy; Claim No. 41652; $87,559.36 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument and all causes of action accrued or to accrue relating to all musical compositions held by Societa Italiana Degli Autori ed Edition (S. I. A. E.) and/or each and every member thereof immediately prior to vesting thereof by Vesting Order No. 2097 (8 F. R. 16463, December 7, 1943).

Executed at Washington, D. C., on September 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Director,
Office of Alien Property.

[F. R. Doc. 50-7896; Filed, Sept. 7, 1950; 8:52 a. m.]

URBANO ORGANTINI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Urbano Organtini, New York, N. Y., Claim No. 4051; the following securities presently in the custody of the Office of Alien Property, 120 Broadway, New York, N. Y.: 1,000 RM Hamburg Liquidation Loan 1927, Cert. No.

SEP 12 '50

05365; 100 RM Rheinischen Hypothekenbank, Mannheim, 4½%, 1928, Cert. No. 91381, with 1942 coupon renewal certificate attached; 200 shares Ohio Copper Company of Utah (a Maine corporation) $1 par value capital stock, registered in the name of Herrick Berg & Co. and endorsed in blank, Cert. Nos. A5539 and A5540 for 100 shares each; 5,000 RM German Liquidation Loan (ex rights).

Executed at Washington, D. C., on September 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7897; Filed, Sept. 7, 1950; 8:53 a. m.]

MARIA FRANZONE DAMELE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Maria Franzone Damele, Varazze, Italy; Claim No. 41024; $3,726.52 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Maria Franzone Damele in and to the Estate of Stefano Damele, also known as Steve Damele, deceased.

Executed at Washington, D. C., on September 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7898; Filed, Sept. 7, 1950; 8:53 a. m.]

ANDRE ANTOINE CHAUVIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Andre Antoine Chauvin, Paris, France; Claim No. 33764; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to U. S. Letters Patent Nos. 1895784 and 2174201; property described in Vesting Order No. 2636 (8 F. R. 16667, December 10, 1943) relating to inventions and disclosures T. C. Nos. 1083 and 1084 and now identified as U. S. Patent Applications, Serial Nos. 739012 and 739013.

Executed at Washington, D. C., on September 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Asssistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7899; Filed, Sept. 7, 1950; 8:53 a. m.]

SEP 12 '50

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 15 NUMBER 175

Washington, Saturday, September 9, 1950

TITLE 3—THE PRESIDENT

PROCLAMATION 2901

TERMINATION OF MEXICAN TRADE AGREEMENT PROCLAMATION AND SUPPLEMENTING PROCLAMATIONS NO. 2769 [1] OF JANUARY 30, 1948, NO. 2764 [2] OF JANUARY 1, 1948, AND NO. 2761A [3] OF DECEMBER 16, 1947.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended by section 1 of the act of June 12, 1934, by the joint resolution approved June 7, 1943, and by sections 2 and 3 of the act of July 5, 1945 (ch. 474, 48 Stat. 943; ch. 118, 57 Stat. 125; ch. 269, 59 Stat. 410 and 411), the period for the exercise of the authority under the said section 350 having been extended by section 1 of the said act of July 5, 1945 (ch. 269, 59 Stat. 410), until the expiration of three years from June 12, 1945, on October 30, 1947, I entered into a trade agreement with the Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, and the United Kingdom of Great Britain and Northern Ireland, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the texts of the said General Agreement and the said Protocol;

2. WHEREAS by Proclamation No. 2761A of December 16, 1947 (61 Stat. 1103), I proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out the said trade agreement specified in the first recital of this proclamation on and after January 1, 1948, which proclamation has been supplemented by Proclamation No. 2769 of January 30, 1948 (13 F. R. 467), and the other supplemental proclamations referred to in the second recital of Proclamation No. 2867 of December 22, 1949 (14 F. R. 7723), as well as by the said Proclamation of December 22, 1949, and by Proclamations Nos. 2874, 2884, and 2888 of March 1, April 27, and May 13, 1950 (15 F. R. 1217, 2479, and 3043);

3. WHEREAS the second Item 771 of Part I of Schedule XX annexed to the said General Agreement provides as follows:

771	White or Irish potatoes, other than certified seed potatoes, as defined in the preceding item	37½¢ per 100 lb.
	Provided, That the quantity of such potatoes entitled to entry at such rate of duty shall not exceed— for the period from January 1 to September 14, inclusive, in 1948, 1,000,000 bushels of 60 pounds each, less the quantity of such potatoes entered and subject to duty at a tariff-quota rate during the period from September 15 to December 31, inclusive, in 1947, or for any 12-month period beginning on September 15 in 1948 or any subsequent year, 1,000,000 bushels of 60 pounds each; and any such potatoes not subject to that rate of duty shall be dutiable at	75¢ per 100 lb.
	Provided further, That if for any calendar year the production of white or Irish potatoes, including seed potatoes, in the United States, according to the estimate made as of September 1 by the United States Department of Agriculture, is less than 350,000,000 bushels of 60 pounds each, an additional quantity of such potatoes, other than certified seed potatoes, equal to the amount by which such estimated production is less than 350,000,000 bushels may be entered during the 12-month period beginning on September 15 of that year at	37½¢ per 100 lb.
	Provided further, That in computing the quantities of imports specified in the two foregoing provisos white or Irish potatoes produced in the Republic of Cuba shall not be included.	

4. WHEREAS, on April 3, 1950, by a decision of the contracting parties to the said General Agreement, acting jointly, pursuant to paragraph 5 (a) of Article XXV of the said General Agreement, the obligations of the United States under the said General Agreement were waived to the extent necessary to permit

(Continued on p. 6065)

[1] 3 CFR, 1948 Supp., 13 F. R. 467.
[2] 3 CFR, 1948 Supp., 13 F. R. 21.
[3] 3 CFR, 1947 Supp., 12 F. R. 8863.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1950–51 Edition

(Revised through July 1)

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

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the use, in place of the amount of 350,000,000 bushels specified in the second proviso to the said second Item 771, the amount of 335,000,000 bushels in determining the additional quantity subject to the reduced duty provided for therein during the twelve-month period beginning on September 15, 1950:

5. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 (a) of the Tariff Act of 1930, as amended by the said act of June 12, 1934, the period for the exercise of the authority under the said section 350 having been extended by the Joint resolution approved April 12, 1940, until the expiration of three years from June 12, 1940 (ch. 96, 54 Stat. 107), the President of the United States of America entered into a trade agreement with the President of the United States of Mexico on December 23, 1942 (57 Stat. 835) and proclaimed such trade agreement by proclamations dated December 28, 1942 (57 Stat. 833) and December 31, 1942 (57 Stat. 909):

6. WHEREAS the Government of the United States has agreed with the Government of the United Mexican States that the said trade agreement shall cease to be effective after December 31, 1950:

7. WHEREAS the final sentence of said section 350 (a) authorizes the President of the United States to terminate in whole or in part any trade-agreement proclamation made under said section 350 (a):

8. WHEREAS I determine that, following the termination of the said trade agreement specified in the fifth recital of this proclamation, the addition of the following items in the correct numerical order to the list in the seventh recital of the said proclamation of January 30, 1948, is required or appropriate to carry out on and after January 1, 1951, the said General Agreement specified in the first recital of this proclamation:

Tariff Act of 1930, paragraph	Description of products	Rate of duty
408	Boxes, barrels, and other articles containing oranges, lemons, limes, grapefruit, shaddocks or pomelos	12½% ad val.
743	Lemons, in their natural state, or in brine	1¢ per lb.
752	Limes, in their natural state, not specially provided for	20% ad val.
765	Beans, not specially provided for:	
	Green or unripe:	
	Lima beans:	
	When entered during the period from December 1 in any year to the following May 31, inclusive	2½¢ per lb.
772	Tomatoes in their natural state:	
	When entered during the period from March 1 to July 14, inclusive, or during the period from September 1 to November 14, inclusive, in any year	2.1¢ per lb.
	When entered during the period from November 15, in any year, to the last day of the following February, inclusive	1½¢ per lb.
774	Eggplant in their natural state:	
	When entered during the period from December 1 in any year to the following March 31, inclusive	1.2¢ per lb.
1005 (a) (1)	Cordage, including cables, tarred or untarred, composed of three or more strands, each strand composed of two or more yarns:	
	Wholly or in chief value of hemp:	
	Not over 9 inch in diameter:	
	Other	1¢ per lb. and 7½% ad val.

9. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended by the acts specified in the first recital of this proclamation, the period for the exercise of the authority under the said section 350 having been extended by section 1 of the said act of July 5, 1945 (ch. 269, 59 Stat. 410), until the expiration of three years from June 12, 1945, on October 30, 1947, I entered into an exclusive trade agreement with the Government of the Republic of Cuba (Treaties and Other International Acts Series 1703), which exclusive trade agreement includes certain portions of other documents made a part thereof and provides for the customs treatment in respect of ordinary customs duties of products of the Republic of Cuba imported into the United States of America:

10. WHEREAS by Proclamation No. 2764 of January 1, 1948 (3 C. F. R., 1948 Supp., p. 11), I proclaimed such modifications of existing duties and other import restrictions of the United States of America in respect of products of the Republic of Cuba and such continuance of existing customs and excise treatment of products of the Republic of Cuba imported into the United States of America as were then found to be required to carry out the exclusive trade agreement on and after January 1, 1948, which proclamation has been supplemented by the supplemental proclamations referred to in the fourth recital of the said proclamation of December 22, 1949, by the said proclamation of December 22, 1949, by the said proclamation of March 1, 1950, by the said proclamation of April 27, 1950, and by the said proclamation of May 13, 1950:

11. WHEREAS I determine that, following the termination of the said trade agreement specified in the fifth recital of this proclamation, the rates of duty for the following descriptions of products in the ninth recital of the said proclamation of January 1, 1948, as amended and rectified, which are required or appropriate to carry out on and after January 1, 1951, the provisions of subparagraph (c) of numbered paragraph 2 of the said exclusive trade agreement specified in the ninth recital of this proclamation, are the rates specified below in the column at the right of the respective descriptions of products:

Tariff Act of 1930, paragraph	Description of products	Rate of duty
411	Perch and window blinds, baskets, bags, chair seats, curtains, shades or screens, and fly screens, wholly or in chief value of bamboo, wood, straw, rapier-mache, palm leaf, or cornpellons of wood, not specially provided for (except baskets and bags wholly or in chief value of straw):	
	Pineapples in bulk	45% ad val.
	Beans, other than lima beans, green or unripe, not specially provided for	0.5¢ each.
	Grapes in their natural state	3.1¢ per lb.
	Cordials, liqueurs, and other compounds of which distilled spirits are the component material of chief value and not specially provided for	2.2¢ per lb.
747	Dolls, parts of dolls (including clothing), and doll heads, of whatever materials composed (except those composed wholly or in chief value of rubber), not specially provided for in paragraph 1529 of the Tariff Act of 1930, and except those composed in any part of paper, pasteboard, or any of the laces, fabrics, embroideries, or other materials or articles provided for in paragraph 1529 (a), Tariff Act of 1930	$4.50 per proof gal.
765	Toys and parts of toys, not specially provided for (not including articles provided for in paragraph 1529 (a) of the Tariff Act of 1930, or the General Agreement on Tariffs and Trade):	
	If wholly or in chief value of china, porcelain, parian, bisque, earthenware, or stoneware	65% ad val.
774	Wax crayons	3½¢ per lb.
802	Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for (except boots, shoes, or other footwear made by the process or method known as welt or sewed or stitched by the process or method known as welt, and except turnshoes, moccasins, slippers, slippers for housework, and moccasins of the Indian handicraft type, having no line of demarcation between the soles and the uppers):	35% ad val.
1513	Slippers:	30% ad val.
	For men, youths, or boys	18% ad val.
	Photographic-film negatives, imported in any form, for use in any way in connection with moving-picture exhibits, or for making or reproducing moving-picture prints for exhibition, and positives of moving-picture film of American manufacture exposed abroad for silent or sound news reel:	
	Exposed but not developed	1.5¢ per lin. ft.
	Developed	2.7¢ per lin. ft.
1516	Photographic-film positives, imported in any form, for use in any way in connection with moving-picture exhibits, including herein all moving, motion, motophotograph, or cinematography film pictures, prints, positives, or duplicates of every kind and nature, and of whatever substance made	0.9¢ per lin. ft.

12. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 (a) of the Tariff Act of 1930, as amended by the said act of June 12, 1934, the period for the exercise of the authority under the said section 350 having been extended by the joint resolution approved March 1, 1937, until the expiration of three years from June 12, 1937 (ch. 22, 50 Stat. 24), the President of the United States of America entered into a definitive trade agreement on November 6, 1939, with the President of the Republic of Venezuela (54 Stat. 2377), which definitive agreement was proclaimed by the President on November 16, 1939, and entered into full force on December 14, 1940, as proclaimed by the President on November 27, 1940 (54 Stat. 2402);

13. WHEREAS the item listed under Internal Revenue Code Section 3422 of Schedule II of the said definitive agreement with Venezuela referred to in the twelfth recital of this proclamation provides as follows:

Internal Revenue Code Section	Description of article	Rate of import tax
3422	Crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil..... *Provided*, That such petroleum and fuel oil entered, or withdrawn from warehouse, for consumption in any calendar year in excess of 5 per centum of the total quantity of crude petroleum processed in refineries in continental United States during the preceding calendar year, as ascertained by the Secretary of the Interior of the United States, shall not be entitled to a reduction in tax by virtue of this item, but the rate of import tax thereon shall not exceed..... *Provided further*, That if this item becomes effective after the beginning of a calendar year the quantity of such petroleum and fuel oil which may be entered or withdrawn from warehouse for consumption at the reduced rate during the remainder of such calendar year shall be one-twelfth of the foregoing quantity multiplied by the number of months (treating any part of a month as a full month) during which this item shall be in effect during such calendar year.	1½¢ per gal. 1½¢ per gal.

14. WHEREAS the first item listed under Internal Revenue Code Section 3422 found in Part I of Schedule XX of the said General Agreement specified in the first recital of this proclamation provides as follows:

Internal Revenue Code Section	Description of article	Rate of import tax
3422.....	Topped crude petroleum, fuel oil derived from petroleum including fuel oil known as gas oil, and all liquid derivatives of crude petroleum (except lubricating oil and such derivatives specified hereinafter in any item 3422)..... *Provided*, That in no event shall the rate of import tax applicable under section 3422, Internal Revenue Code, or any modification thereof, to topped crude petroleum or fuel oil derived from petroleum be less than the rate of such tax applicable to crude petroleum.	½¢ per gal.

15. WHEREAS upon the termination of the said proclamation of December 31, 1942, the said item 3422 set forth in the thirteenth recital of this proclamation and the said first item 3422 set forth in the fourteenth recital hereof will become fully effective;

16. WHEREAS I determine that it is required or appropriate to carry out the said trade agreements specified in the first and twelfth recitals of this proclamation on and after January 1, 1951, that crude petroleum, topped crude petroleum, and fuel oil derived from petroleum, including fuel oil known as gas oil, entered, or withdrawn from warehouse, for consumption in any calendar year in excess of an aggregate quantity of all such products equal to 5 per centum of the total quantity of crude petroleum processed in refineries in continental United States during the preceding calendar year, as provided in said item 3422 set forth in the thirteenth recital of this proclamation shall be subject to import tax at the rate of ½¢ per gallon;

NOW THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the said section 350 of the Tariff Act of 1930, as amended, do proclaim as follows:

PART I

(a) The said proclamation of December 16, 1947, as amended and rectified, is hereby terminated in part so that any additional quantity of potatoes other than certified seed potatoes, subject to the rate of 37½ cents per 100 pounds pursuant to the second proviso of the said second item 771 in Part I of Schedule XX of the said General Agreement, shall, during the twelve-month period beginning on September 15, 1950, not exceed the amount, if any, by which the estimate by the United States Department of Agriculture provided for in the said second proviso is less than 335,000,000 bushels of 60 pounds each.

(b) The said proclamations of December 28, and 31, 1942, relating to the said trade agreement with the United Mexican States, shall be terminated in whole as of the close of December 31, 1950.

PART II

To the end that the said trade agreement specified in the first recital of this proclamation may be carried out, the list set forth in the seventh recital of the said proclamation of January 30, 1948, as amended and rectified, shall on and after January 1, 1951, be further amended in the manner indicated in the eighth recital of this proclamation.

PART III

To the end that the said exclusive trade agreement specified in the ninth recital of this proclamation may be carried out, the list set forth in the ninth recital of the said proclamation of January 1, 1948, as amended and rectified, shall on and after January 1, 1951, be further amended in the manner indicated in the eleventh recital of this proclamation.

PART IV

To the end that the said trade agreements specified in the first and twelfth recitals of this proclamation may be carried out, crude petroleum, topped crude petroleum, and fuel oil derived from petroleum, including fuel oil known as gas oil, entered, or withdrawn from warehouse, for consumption in any calendar year beginning with the calendar year 1951, in excess of an aggregate quantity of all such products equal to 5 per centum of the total quantity of crude petroleum processed in refineries in continental United States during the preceding calendar year, specified in the said item 3422 set forth in the thirteenth recital of this proclamation, shall be subject to import tax at the rate of ½ cent per gallon.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of September, in the year of our Lord nineteen hundred and fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 50-7986; Filed, Sept. 8, 1950; 10:41 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Farm Housing Loans and Grants

PART 304—CONSTRUCTION AND REPAIR

SUBPART A—MINIMUM STANDARDS

MISCELLANEOUS AMENDMENTS

1. Paragraphs (c), (f), and (g) of § 304.1 in Title 6, Code of Federal Regulations (14 F. R. 6549), are revised to read as follows:

§ 304.1 *General.* • • •

(c) *Section 504 assistance.* Repairs and improvements in connection with 504 assistance will be structurally sound but will conform with the minimum construction standards only insofar as necessary to make the dwelling safe and sanitary and to remove hazards to the health of the applicant, his family, or the community and to remove hazards and make farm buildings safe.

• • • • • •

(f) *Plans and specifications.* Plans and specifications will be accurate and sufficiently complete to describe the intended improvements and the size, grade, and quality of materials and quality of workmanship to be incorporated in the improvements. In general, the following information will be required:

(1) *Dwelling*—(i) *Floor plans.* In all floor plans, including basement or foundation plan, direction, size, and spacing of all framing members will be shown.

(*a*) *Heating.* Either on separate drawings or an appropriate floor plan, the following will be shown:

(*1*) Size and layout of heating units, flues, pipes, ducts, registers, radiators, and any special arrangements;

(*2*) Capacity in BTU's per hour of the heating plant;

(*3*) Domestic hot water equipment, size, and layout.

(*b*) *Plumbing fixtures.* Location and size to scale will be shown.

(*c*) *Electricity.* Location of entrance panel, switches, and outlets will be shown and types will be indicated.

(*d*) *Equipment.* Location and size to scale will be shown.

(ii) *Exterior elevations.* Openings and sizes, wall finish materials, flashing, finish grades, depth of footings, finish floor and ceiling heights, roof pitch, and heights of chimneys will be shown in exterior elevations of front, rear, and sides.

(iii) *Details.* Details of wall construction above and below grade, including footing, floor, and roof construction drawn to scale at not less than ½" equals 1'—0" will be shown. Design and construction including any special items such as cabinet work or mill work, together with design and construction of individual water supply or sewage disposal systems, if any, will be indicated. If standard methods of construction or stock details can properly be used, they may be described in the specifications.

(iv) *Specifications.* Specifications will fully describe the quality, kind, and grade of materials and equipment, quality of workmanship, and methods of assembly and installations.

(2) *Farm buildings*—(i) *Floor plans.* All floor plans and foundation plans will show direction, size, and spacing of all framing members.

(*a*) If heating, plumbing, electrical, and other equipment is specified, it will be shown in the same manner as required for dwellings.

(ii) *Exterior elevations.* Openings and sizes, wall finish materials, finish grades, depth of footing, finish floor and ceiling heights, and roof pitch will be shown in exterior elevations of at least the front and one side.

(iii) *Details.* Details of wall construction above and below grade, including footing, floor, and roof construction drawn to scale at not less than ½" equals 1'–0" will be shown.

(iv) *Specifications.* Specifications will fully describe the quality, kind, and grade of materials and equipment, quality of workmanship, and methods of assembly and installations.

(g) *Special methods of construction.* New or special methods of construction, not generally considered conventional, will be treated as special cases. After a complete analysis by the Engineer, the plans and specifications with the recommendations of the State Director will be forwarded to the National Office where a review will be made of the case and a ruling issued on the acceptability of the method.

(Sec. 510, 63 Stat. 437; 42 U. S. C. 1480. Interprets or applies secs. 504, 506, 509, 63 Stat. 434, 435, 436; 42 U. S. C. 1474, 1476, 1479)

2. Paragraph (a) and subparagraphs (3), (7), (8), and (15) of paragraph (b) of § 304.2 in Title 6, Code of Federal Regulations (14 F. R. 6549), are revised to read as follows:

§ 304.2 *Minimum construction standards*—(a) *Site.* For new buildings, a site shall be selected which is well drained and not subject to hazards such as the probability of flood or erosion. All new buildings shall be suitably located in relation to other buildings. A satisfactory road to the building site shall be available.

(1) *Finish grading.* All debris will be removed from the rough graded area before finish grading. Finish grade elevations around buildings will provide continuous slopes away from foundation walls. The finished surface of all areas will be reasonably smooth and even. The height and steepness of slopes will be such as to provide stability and reasonable freedom from erosion. Where necessary, precaution methods will be taken such as installations of retaining walls, sodding, or planting to stabilize the soil. Areas where lawns and planting are required will have suitable topsoil of adequate depths to support plant growth.

(2) *Landscaping.* Lawns and planting commensurate with the type of dwelling will be arranged to provide an attractive setting for the dwelling.

(b) *Dwelling.* • • •

(3) *Closets.* All bedrooms will be provided with at least one clothes closet, minimum size two feet deep and having a floor area of at least six square feet. Where practicable, a coat closet near the entrance and a linen closet near the bedrooms should be provided.

• • • • • •

(7) *Light and ventilation.* Natural light and ventilation will be provided in all habitable rooms by means of windows and doors. The glazed window area for each habitable room will be at least 10 percent of the floor area. For adequate ventilation, the window area which can be opened will be at least five percent of the floor area. The heater room will be provided with sufficient ventilation to assure proper combustion and safety. In the attic and basementless areas, sufficient vents will be installed to prevent conditions conducive to decay and deterioration. Screened vent openings will be installed in basementless foundation walls to assure a total ventilating area equivalent to one-half percent of the enclosed area, plus one-half square foot for each 25 lineal feet of wall enclosing that area. Locate one vent at or near each corner to provide through ventilation wherever possible. Each area to be ventilated will have at least two vents. All window and door openings to the exterior, except to screened porches, will be properly screened.

(8) *Access to attic and basementless areas.* Access will be provided to the attic by means of scuttles, or disappearing or permanently installed stairs. Access to basementless areas will be provided by a screened opening in the wall not less than 18 inches by 24 inches.

• • • • • •

(15) *Electrical.* Except in areas where electricity is not presently available and it appears unlikely that it will be available in the foreseeable future, all new houses will be wired for electricity when built. Consideration will be given to future as well as to present needs for electrical service on the farm in arranging for the service entrance installations.

(i) *Installations.* The installation of all electrical work will comply with all regulations applying to electrical installations in effect in the locality, or in the absence of such regulations, in accordance with the National Electric Code or the Specifications for Farmstead Wiring by the Rural Electrification Administration, and the regulations of the power supplier furnishing the service.

(ii) *Circuits.* At least one circuit for each 500 square feet of floor area, minimum, two per dwelling will be installed. Provision for at least one future circuit will be made.

(iii) *Outlets.* (*a*) Ceiling light outlets will be installed in kitchen, work room, hall, dining room, living room, bedrooms, and basement unless omission is acceptable to the Engineer and other acceptable lighting is provided.

(b) One wall light outlet and convenience outlet will be installed in bathroom.

(c) An outside light outlet will be installed at each main entrance and porch.

(d) Convenience outlets will be installed as follows:

(1) In living room with ceiling outlet, minimum of two duplex outlets; in living room where omission of ceiling outlet is approved, minimum of three duplex outlets;

(2) In dining room or dining space, one duplex outlet;

(3) In kitchen, two duplex outlets;

(4) In each bedroom, one duplex outlet;

(5) For each unit of equipment such as an electric range, a special purpose outlet.

(iv) *Switches.* (a) Each ceiling fixture in habitable rooms, halls, and basements will be controlled by a wall switch.

(b) When ceiling fixtures are not installed, at least one outlet per habitable room will be controlled by a wall switch.

(c) Bathroom fixture will be controlled by a wall switch not readily accessible from tub or shower.

(d) At least one three-way switch conveniently located on each floor to control at least one light which illuminates the stairs will be provided for a dwelling occupying more than one floor.

(e) Exterior fixtures will be controlled by wall switches inside the entrance doors.

(f) Switches will not be placed behind doors.

(Sec. 510, 63 Stat. 437; 42 U. S. C. 1480. Interprets or applies secs. 506, 509, 63 Stat. 435, 436; 42 U. S. C. 1476, 1479)

DERIVATION: §§ 304.1 and 304.2 contained in FHA Instruction 424.11.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

AUGUST 18, 1950.

Approved: September 1, 1950.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-7911; Filed, Sept. 8, 1950; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1022-1, Supp. 4]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

MISCELLANEOUS AMENDMENTS

The regulations governing the Holding of Referenda on Marketing Quotas, 1022-1 (formerly designated MQ-650), as amended (6 F. R. 5616, 7 F. R. 9829, 13 F. R. 6212 and 14 F. R. 4839), are amended as follows:

1. Section 717.1 (e) is amended to read as follows:

(e) *County Committee.* The group of persons elected within a county to assist in the administration of the agricultural conservation program in such county.

2. Section 717.2 (b) is amended by striking out the first two sentences and inserting in lieu thereof the following: "In each county with 100 or more farms on which there are producers who are eligible to vote in the referendum, the county committee shall designate a community referendum committee for each community or neighborhood in the county in which there are producers who are eligible to vote in the referendum. Each referendum committee shall consist of three members and one alternate chosen from among the farmers who reside in the community or neighborhood and who are eligible to vote in the referendum or if two or more referendums are held in the same community or neighborhood on the same day, eligible to vote in any of such referendums."

3. Section 717.3 (b) is amended by striking out "651" and inserting "4" in lieu thereof.

4. Section 717.7 (d) is amended by striking out "653" and inserting "7" in lieu thereof.

5. Section 717.8 is amended by striking out "652" and inserting "6" in lieu thereof.

6. Section 717.10 (b) is amended by striking out "651" and "652" and inserting "4" and "6", respectively, in lieu thereof.

7. Section 717.11 (b) is amended by striking out "653" and "652" and inserting "7" and "6", respectively, in lieu thereof.

8. Section 717.11 (c) is amended by striking out "651", "652", and "653" and inserting "4", "6", and "7", respectively, in lieu thereof, and the last sentence is amended by striking out the word "permanently" and inserting after the word "filed" the language "for a period of five years."

9. Section 717.12 is amended by striking out "653" and "654" and inserting "7" and "8", respectively, in lieu thereof, and the last sentence is amended by striking out the word "permanently" and inserting after the word "filed" the language "for a period of five years."

10. Section 717.13 (a) is amended by striking out "654" and inserting "8" in lieu thereof.

11. Section 717.11 (b) is amended by striking out the word "permanently" in the third sentence thereof.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Done at Washington, D. C., this 6th day of September 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7910; Filed, Sept. 8, 1950; 8:48 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.4, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DIRECT CONSUMPTION PORTION FOR PUERTO RICO, 1950

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948 (7 U. S. C., Supp. I, 1115 (a)) for the purpose of revising Sugar Regulation 814.4 (15 F. R. 2212) to reallot deficits in the allotments of certain allottees.

Except for a quantity of 900 short tons of sugar, raw value, set aside as an unallotted reserve for marketing of raw sugar for direct-consumption, the direct-consumption portion of the 1950 sugar quota for Puerto Rico, amounting to 126,033 short tons, raw value, was allotted to five Puerto Rican refiners in Sugar Regulation 814.4. One of the allottees, the Estate of Arturo Lluberas y Sobrinos, has notified the Department in writing that it will be unable to fill its 1950 allotment by an amount of 941 short tons of sugar, raw value. The Central Aguirre Sugar Company, a trust, has notified the Department in writing that it can fill only the additional quantity of about 32 short tons, raw value, already shipped. The other three allottees have notified the Department that they will be able to fill more than their original allotments during the calendar year 1950. In order to afford interested parties an opportunity to market the full amount of that portion of the Puerto Rican sugar quota which may be filled by direct-consumption sugar, it is necessary to reallot the quantity released.

Since section 205 (a) of the act requires that any amendment or revision of an allotment order be made on the same basis as the original allotment, the Department has asked for and obtained from each of the interested parties a waiver of its right to a public hearing in regard to the amendment made herein. The deficits in question, therefore, have been allotted as follows: (a) An additional quantity of 32 short tons, raw value, to the Central Aguirre Sugar Company, a trust, which quantity is less than that which would result from the use of the same basis used in the original allotment order and (b) the balance of 909 short tons, raw value, to Central Roig Refining Company, Porto Rican American Refinery, Inc., and Western Sugar Refining Company, the individual quantities determined on the same basis used in the original allotment order.

In order to afford interested parties adequate opportunity to ship the additional sugar allotted herein, and to protect the interest of consumers of sugar, it is essential that the revised allotments be made effective as soon as possible. Accordingly, it is hereby found that compliance with the effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and this amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the Sugar Act of 1948, paragraph (a) of § 814.4 (15 F. R. 2212) is hereby amended to read as follows:

§ 814.4 *Allotment of the direct-consumption portion of 1950 sugar quota for Puerto Rico*—(a) *Allotments.* The direct consumption portion of the 1950 sugar quota for Puerto Rico (126,033 short tons, raw value) is hereby allotted to the following companies in the amounts which appear opposite their respective names:

Refiner	Direct consumption allotment (short tons, raw value)
1. Arturo Lluberas, Estate of, y Sobrinos	520
2. Central Aguirre Sugar Co., a trust	5,453
3. Central Roig Refining Co	20,003
4. Porto Rican American Refinery, Inc	79,981
5. Western Sugar Refining Co	19,176
Total	125,133
Unallotted Reserve for marketing of raw sugar for direct consumption	900
	126,033

(Sec. 205, 61 Stat. 926; 7 U. S. C. Supp., 1115)

Done at Washington, D. C., this 6th day of September 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7935; Filed, Sept. 8, 1950; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Cauliflower Order 2—1950]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA AND SAGUACHE COUNTIES IN COLORADO

PROHIBITION OF LOADING

§ 910.313 *Cauliflower Order 2—1950*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 10, as amended (7 CFR, Part 910), regulating the handling of fresh peas and cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla and Saguache in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the prohibition of loading of cauliflower, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 10, 1950. Although shipments of cauliflower, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since July 20, 1950, and will so continue until October 16, 1950, there has rapidly developed a serious market glut which could not have been anticipated and which requires prompt remedial action in accordance with the amended marketing agreement and order; the recommendation and supporting information for the additional regulation, in the manner and during the period herein provided, was promptly submitted to the Department after the meeting of the Administrative Committee on September 6; such meeting was held to consider recommendations for this section, after giving due notice of such meeting; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to prohibit the loading of cauliflower and thereby tend to alleviate the aforesaid market glut in such cauliflower; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., September 10, 1950, and ending at 12:01 a. m., m. s. t., September 13, 1950, the loading of cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, or Saguache, in the State of Colorado, is prohibited.

(2) As used in this section, "cauliflower" and "loading" shall each have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 8th day of September 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-7992; Filed, Sept. 8, 1950; 11:55 a. m.]

[Orange Reg. 182]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.480 *Orange Regulation 182*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 11, 1950. Shipments of oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and, unless such regulation is terminated sooner, will so continue until September 15, 1950; the recommendation and supporting information for regulation in the manner herein prescribed, beginning on September 11, 1950, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 5; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the termination of the present regulation and the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions, including such termination and effective time, has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the uninterrupted regulation of the handling of oranges during the current marketing season; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Orange Regulation 181 (7 CFR 933.478; 15 F. R. 4183) is hereby terminated as of the effective time of this regulation.

(2) During the period beginning at 12:01 a. m., e. s. t., September 11, 1950, and ending at 12:01 a. m., e. s. t., September 25, 1950, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida

which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container," and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51, 192; 14 F. R. 6831).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 7th day of September 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-7975; Filed, Sept. 8, 1950; 9:56 a. m.]

[Grapefruit Reg. 126]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.481 *Grapefruit Regulation 126*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 11, 1950. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and, unless such regulation is terminated sooner, will so continue until September 15, 1950; the recommendation and supporting information for regulation in the manner herein prescribed, beginning on September 11, 1950, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 5; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the termination of the present regulation and the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions, including such termination and effective time, has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the uninterrupted regulation of the handling of grapefruit during the current marketing season; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Grapefruit Regulation 125 (7 CFR 933.479; 15 F. R. 4393) is hereby terminated as of the effective time of this regulation.

(2) During the period beginning at 12:01 a. m., e. s. t., September 11, 1950, and ending at 12:01 a. m., e. s. t., September 25, 1950, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(v) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) As used in this section "handler," "variety," and "ship," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191; 14 F. R. 6828).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 7th day of September 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-7972; Filed, Sept. 8, 1950; 9:55 a. m.]

[Lemon Reg. 346, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.453 (Lemon Regulation 346, 15 F. R. 5952 are hereby amended to read as follows:

(ii) District 2: 350 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 7th day of September 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-7973; Filed, Sept. 8, 1950; 9:55 a. m.]

[Lemon Reg. 347]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.454 *Lemon Regulation 347*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitaton of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 6, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 10, 1950, and ending at 12:01 a. m., P. s. t., September 17, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 7th day of September 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

Storage date: September 3, 1950.

[12:01 a. m. Sept. 10, 1950, to 12:01 a. m. Sept. 24, 1950]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.131
American Fruit Growers, Inc., Fullerton	.169
American Fruit Growers, Inc., Upland	.037
Hazeltine Packing Co	1.115
Ventura Coastal Lemon Co	2.307
Ventura Pacific Co	2.429
Glendora Lemon Growers Association	2.047
La Verne Lemon Association	.838
La Habra Citrus Association	1.006
Yorba Linda Citrus Association	.732
Escondido Lemon Association	1.571
Alta Loma Heights Citrus Association	.418
Etiwanda Citrus Fruit Association	.292
Mountain View Fruit Association	.283
Old Baldy Citrus Association	.702
San Dimas Lemon Association	1.569
Upland Lemon Growers Association	6.182
Central Lemon Association	.397
Irvine Citrus Association	.275
Placentia Mutual Orange Association	.238
Corona Citrus Association	.230
Corona Foothill Lemon Co	1.829
Jameson Co	.755
Arlington Heights Citrus Co	.455
College Heights Orange & Lemon Association	4.316
Chula Vista Citrus Association	1.085
El Cajon Valley Citrus Association	.014
Escondido Cooperative Citrus Association	.149
Fallbrook Citrus Association	1.051
Lemon Grove Citrus Association	.341
Carpinteria Lemon Association	3.115
Carpinteria Mutual Association	3.663
Goleta Lemon Association	5.236
Johnston Fruit Co	6.526
North Whittier Heights Citrus Association	.627
San Fernando Heights Lemon Association	1.620
Sierra Madre-Lamanda Citrus Association	1.496
Briggs Lemon Association	2.387
Culbertson Lemon Association	1.638
Fillmore Lemon Association	.983
Oxnard Citrus Association	6.343
Rancho Seape	.540
Santa Clara Lemon Association	3.975
Saticoy Lemon Association	4.367
Seaboard Lemon Association	4.430
Somis Lemon Association	3.378
Ventura Citrus Association	1.464
Ventura County Citrus Association	.003

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Limoneira Co	2.346
Teague-McKevett Association	.881
East Whittier Citrus Association	.531
Leffingwell Rancho Lemon Association	.553
Murphy Ranch Co	1.121
Whittier Citrus Association	.266
Santa Paula Citrus Fruit Association	3.076
Chula Vista Mutual Lemon Association	.556
Index Mutual Association	.302
La Verne Co-operative Citrus Association	2.249
Orange Belt Fruit Distributors	.658
Ventura County Orange & Lemon Association	2.543
Whittier Mutual Orange & Lemon Association	.162
Evans Brothers Packing Co	.000
Lorbeer, Carroll W. C	.000
San Antonio Orchard Co	.000
Sweet, L. G	.002

[F. R. Doc. 50-7974; Filed, Sept. 8, 1950; 9:56 a. m.]

PART 939—HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

ORDER AMENDING ORDER

Sec.
939.0 Findings and determinations.

DEFINITIONS

939.1 Secretary.
939.2 Act.
939.3 Person.
939.4 Pears.
939.5 Size.
939.6 Grower.
939.7 Handler.
939.8 Ship or handle.
939.9 Fiscal period.
939.10 Area.
939.11 District.
939.12 Export market.

CONTROL COMMITTEE

939.20 Establishment.
939.21 Nomination and selection of members and their respective alternates.
939.22 Meetings for election of nominees.
939.23 Voting.
939.24 Eligibility for membership.
939.25 Failure to nominate.
939.26 Qualifications.
939.27 Term of office.
939.28 Alternates for members of the Control Committee.
939.29 Vacancies.
939.30 Compensation and expenses.
939.31 Powers of Control Committee.
939.32 Duties of Control Committee.
939.33 Procedure of Control Committee.
939.34 Rights of the Secretary.
939.35 Funds and other property.

EXPENSES AND ASSESSMENTS

939.40 Expenses.
939.41 Assessments.
939.42 Handler accounts.
939.43 Use of funds.
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REGULATION OF SHIPMENTS

939.50 Recommendation by the Control Committee.

Sec.
939.51 Issuance of regulations; and modification, suspension, or termination thereof.
939.52 Prerequisites to committee recommendations.
939.53 Notification.
939.54 Exemption certificates.

INSPECTION

939.60 Inspection and certification.

EXCEPTIONS

939.65 Exemption from regulation.

MISCELLANEOUS PROVISIONS

939.70 Reports.
939.71 Compliance.
939.72 Duration of immunities.
939.73 Separability.
939.74 Derogation.
939.75 Liability of Control Committee members.
939.76 Agents.
939.77 Effective time.
939.78 Termination.
939.79 Proceedings after termination.
939.80 Amendments.
939.81 Effect of termination or amendment.

AUTHORITY: §§ 939.0 to 939.81 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

§ 939.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. (For original findings relative issuance Order No. 39, see F. R. Doc. 39-3103; 4 F. R. 3694.)

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Portland, Oregon, beginning on April 10, 1950, at Yakima, Washington, beginning on April 13, 1950, and at Sacramento, California, beginning on April 17, 1950, upon proposed amendments to the marketing agreement and Order No. 39, effective August 26, 1939, regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order as hereby amended regulates the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order as hereby amended is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act; and

(4) The said order as hereby amended prescribes such different terms, applicable to different production and marketing areas, as are necessary to give due recognition to differences in the production and marketing of such pears.

(b) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the pears covered by this order) who, during the period July 1, 1949, through June 30, 1950, handled not less than 50 percent of the volume of pears covered by said order as hereby amended;

(2) The aforesaid agreement amending the marketing agreement has been executed by handlers who were signatory parties to said marketing agreement and who, during the preceding fiscal period, shipped not less than 67 percent of the volume of pears, covered by said order as hereby amended, shipped by all signatory handlers to said marketing agreement during such representative period;

(3) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (July 1, 1949, through June 30, 1950), have been engaged within the State of Oregon, the State of Washington, or the State of California in the production for market of Beurre D'Anjou, Beurre Bosc, Doyenne du Comice, Beurre Easter, and Beurra Clairgeau varieties of pears; and

(4) The issuance of this order, amending the aforesaid order, is favored or approved by producers who, during said representative period, have produced for market at least two-thirds of the volume of the said varieties of pears produced for market within the States of Oregon, Washington, and California.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order as hereby amended; and such order is hereby amended to read as follows:

DEFINITIONS

§ 939.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States.

§ 939.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 939.3 *Person.* "Person" means an individual, partnership, corporation, association, legal representative, or any organized group of individuals.

§ 939.4 *Pears.* "Pears" means and includes any and all of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California.

§ 939.5 *Size.* "Size" means the number of pears which can be packed in a standard western pear box 18" long, 11½" wide and 8½" deep (inside measurements) when packed in accordance with the packing requirements of the U. S. Standards for Pears, effective July 1, 1939, or as such standards hereafter may be modified or as "size" may be more specifically defined in a regulation issued hereunder.

§ 939.6 *Grower.* "Grower" means any person engaged in the production of pears, either as owner or as tenant.

§ 939.7 *Handler.* "Handler" means any person (except a common carrier of pears owned by another person) who, as owner, agent, broker, or otherwise, ships or handles pears, or causes pears to be shipped or handled, in fresh form by rail, truck, boat, or any other means whatsoever.

§ 939.8 *Ship or handle.* "To ship" or "to handle" means to sell, deliver, handle for shipment, transport, or offer for transportation pears in the current of commerce, or so as directly to burden, obstruct, or affect commerce, from the State of Oregon, the State of Washington, or the State of California to any point outside thereof.

§ 939.9 *Fiscal period.* "Fiscal period" means the period beginning July 1 of any year and ending June 30 of the following year.

§ 939.10 *Area.* "Area" means and includes the States of Oregon, Washington, and California.

§ 939.11 *District.* "District" means the applicable one of the following-described subdivisions of the area covered by the provisions of this subpart:

(a) Medford District shall include the counties of Jackson, Josephine, Curry, Coos, Douglas, Lane, and Klamath in the State of Oregon.

(b) Hood River-White Salmon-Underwood District shall include all of the State of Oregon not included in the Medford District, and the counties of Skamania and Klickitat in the State of Washington.

(c) Wenatchee District shall include the counties of Chelan, Okanogan, Douglas, and Spokane in the State of Washington.

(d) Yakima District shall include all of the State of Washington not included in the Wenatchee District or in the Hood River-White Salmon-Underwood District.

(e) Placerville District shall include all counties north of the northern boundaries of San Francisco, Contra Costa, San Joaquin, Calaveras, and Alpine Counties in the State of California.

(f) Santa Clara District shall include all of the State of California not included in the Placerville District.

§ 939.12 *Export market.* "Export market" means any destination which is not within the 48 States, or the District of Columbia, of the United States.

CONTROL COMMITTEE

§ 939.20 *Establishment.* A Control Committee, consisting of 12 individual persons as its members, is hereby established to administer the terms and provisions of this subpart as specifically provided in §§ 939.20 to 939.35. There shall be two alternates, designated as the "first alternate" and the "second alternate," respectively, for each member of the committee. Six members of the Control Committee and their respective alternates shall be growers of pears, and six members and their respective alternates shall be handlers of pears. Each district shall be represented on the committee by one grower member and one handler member.

§ 939.21 *Nomination and selection of members and their respective alternates.* The grower members and their respective alternates for each district shall be selected by the Secretary from nominees elected by the growers in such district, and the handler members and their respective alternates for each district shall be selected by the Secretary from nominees elected by the handlers in such district.

§ 939.22 *Meetings for election of nominees.* Nominations for members of the Control Committee and their alternates shall be made at meetings of growers and handlers held in each of the districts designated in § 939.11 at such times and places as the Control Committee shall designate. At each of such meetings the growers or handlers eligible to participate therein shall select a chairman and a secretary of that meeting. In the election of nominees, each grower and each handler shall be entitled to vote in accordance with the provisions of § 939.23. The chairman of the meeting shall announce at the meeting the name of each person for whom votes have been cast, whether as a member or as an alternate for a member, and the number of votes cast for each such person; and the chairman or the secretary of such meeting shall forthwith transmit such information to the Secretary or his designated representative.

§ 939.23 *Voting.* Only growers in attendance at meetings for election of nominees shall participate in the nomination of grower members and their alternates, and only handlers in attendance at meetings for election of nominees shall participate in the nomination of handler members and their alternates. A grower may participate only in the election held in the district in which he produces pears, and a handler may participate only in the election held in the district or districts in which he handles pears. No person may vote both as a handler and as a grower. Each grower and each handler shall be entitled to cast one vote, on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives, for each nominee to be elected.

§ 939.24 *Eligibility for membership.* Each grower member and each of his alternates shall be a grower who grows pears in the district in which and for which he is nominated and selected. Each handler member and each of his alternates shall be a handler, or an officer or employee of a handler, handling pears in the district in and for which he is nominated and selected.

§ 939.25 *Failure to nominate.* In the event nominations are not made pursuant to §§ 939.21 and 939.22 on or before June 1 of any year, the Secretary may select members and alternates for members without regard to nominations.

§ 939.26 *Qualifications.* Any person selected by the Secretary as a member or as an alternate for a member of the Control Committee shall qualify by filing a written acceptance with the Secretary within 15 days after being notified of such selection.

§ 939.27 *Term of office.* Each member and each alternate for a member shall serve during the fiscal period for which he has been selected or until his successor is selected and has qualified.

§ 939.28 *Alternates for members of the Control Committee.* The first alternate for a member shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his first alternate shall act as a member until a successor for the member is selected and has qualified. The second alternate for a member shall serve in the place and stead of the member for whom he is an alternate whenever both the member and his first alternate are unable to serve.

§ 939.29 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate for a member of the Control Committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or qualified alternate for a member, a successor for his unexpired term shall be nominated and selected in the manner set forth in §§ 939.20 to 939.35. If nominations to fill any such vacancy are not made within 20 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations.

§ 939.30 *Compensation and expenses.* The members and alternates for members of the Control Committee shall serve without compensation, but may be reimbursed for expenses necessarily incurred by them in the performance of their respective duties.

§ 939.31 *Powers of Control Committee.* The Control Committee shall have the following powers:

(a) To administer, as specifically provided in §§ 939.20 to 939.35, the terms and provisions of this subpart;

(b) To make administrative rules and regulations in accordance with, and to effectuate, the terms and provisions of this subpart; and

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart.

§ 939.32 *Duties of Control Committee.* The duties of the Control Committee shall be as follows:

(a) To act as intermediary between the Secretary and any grower or handler;

(b) To keep minutes, books, and records which will reflect clearly all of the acts and transactions of the Control Committee, which minutes, books, and records shall be subject at any time to examination by the Secretary or by such person as may be designated by the Secretary;

(c) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions relative to pears, to engage in such research and service activities relative to the handling of pears as may be approved by the Secretary, and to furnish to the Secretary such available information as may be requested;

(d) To perform such duties as may be assigned to it from time to time by the Secretary in connection with the administration of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress, approved August 24, 1935 (49 Stat. 774), as amended;

(e) To cause the books of the Control Committee to be audited by one or more competent accountants at the end of each fiscal year and at such other times as the Control Committee may deem necessary or as the Secretary may request, and to file with the Secretary copies of any and all audit reports made;

(f) To appoint such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(g) To give the Secretary, or the designated agent of the Secretary, the same notice of meetings of the Control Committee as is given to the members of the Control Committee;

(h) To select a chairman of the Control Committee and, from time to time, such other officers as it may deem advisable; and

(i) To submit to the Secretary each fiscal period a budget of its expenses during that fiscal year.

§ 939.33 *Procedure of Control Committee*—(a) *Quorum and voting.* A quorum shall consist of nine members, or alternates then serving in the place and stead of any members, in attendance at the meeting. Except as otherwise provided in § 939.52, all decisions of the Control Committee shall be made by not fewer than seven affirmative votes.

(b) *Mail voting.* The Control Committee may provide for members voting by mail, telephone, or telegraph, upon due notice to all members. Promptly after voting by telephone or telegraph, each member thus voting shall confirm in writing, the vote so cast.

§ 939.34 *Rights of the Secretary.* The members and alternates for members of the Control Committee and any agent or employee appointed or employed by the Control Committee shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the Control Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 939.35 *Funds and other property.* (a) All funds received by the Control Committee pursuant to any of the provisions of this subpart shall be used solely for the purposes herein specified, and the Secretary may require the Control Committee and its members to account for all receipts and disbursements.

(b) Upon the death, resignation, removal, disqualification, or expiration of the term of office of any member or employee of the Control Committee, all books, records, funds, and other property in his possession belonging to the Control Committee shall be delivered to his successor in office or to the Control Committee, and such assignments and other instruments shall be executed as may be necessary to vest in such successor or in the Control Committee full title to all the books, records, funds, and other property in the possession or under the control of such member or employee pursuant to this subpart.

EXPENSES AND ASSESSMENTS

§ 939.40 *Expenses.* The Control Committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out its functions under this subpart. The funds to cover such expenses shall be acquired by the levying of assessments as provided in § 939.41.

§ 939.41 *Assessments.* Assessments will be levied only upon the handler who first handles pears which subsequently are shipped from the State of Oregon, the State of Washington, or the State of California. Such handler shall pay to the Control Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds necessarily will be incurred by the Control Committee for the maintenance and functioning of the Control Committee during each fiscal period. Such handler's pro rata share of such expenses shall be that proportion thereof which the total quantity of pears first handled by that handler during such fiscal period is of the total quantity of pears first handled by all handlers during that fiscal period. The Secretary shall fix the rate of assessment to be paid by such handler, which rate may be adjusted from time to time by the Control Committee, with the approval of the Secretary, in order to cover any later findings by the Secretary of estimated expenses or the actual expenses of the Control Committee during said fiscal period.

§ 939.42 *Handler accounts.* At the end of each fiscal period the Control Committee shall credit each handler assessed with any amount paid by such handler in excess of his pro rata share of the expenses, or shall debit such handler with the deficiency between his pro rata share and the amount paid by him. Any such debits shall become due and payable upon demand by the Control Committee.

§ 939.43 *Use of funds.* From the funds acquired pursuant to § 939.41 the Control Committee shall pay the salaries of its employees, if any, and pay the expenses necessarily incurred in the performance of the duties of the Control Committee.

§ 939.44 *Collection of unpaid assessments.* The Control Committee, with the approval of the Secretary, may institute and maintain, in its own name or in the names of its members, legal proceedings against any handler assessed for the collection of such handler's pro rata share of the aforesaid expenses.

REGULATION OF SHIPMENTS

§ 939.50 *Recommendation by the Control Committee.* (a) It shall be the duty of the Control Committee to investigate, from time to time, supply and demand conditions relative to pears and each grade, size, and quality of each variety thereof. Such investigations by the Control Committee shall be with respect to the following: (1) Estimated production of each variety of pears and of each grade, size and quality thereof; (2) prospective supplies and prices of Bartlett pears and other fruits, both in fresh and processed form, which are competitive to the marketing of pears; (3) prospective exports of pears and imports of pears from other producing areas; (4) probable harvesting period for each variety of pears; (5) the trend and level of consumer income; (6) general economic conditions; and (7) other relevant factors.

(b) On or before August 1 of each year, the Control Committee shall recommend regulations to the Secretary if it finds, on the basis of the foregoing investigations, that such regulation as is provided in § 939.51 will tend to effectuate the declared policy of the act.

(c) In the event the Control Committee at any time finds that by reason of changed conditions any regulation issued pursuant to § 939.51 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

§ 939.51 *Issuance of regulations; and modification, suspension, or termination thereof.* (a) Whenever the Secretary finds, from the recommendations and information submitted by the Control Committee, or from other available information, that regulation, in the manner specified in this section, of the shipment of pears would tend to effectuate the declared policy of the act, he shall so limit the shipment of pears during a specified period or periods. Such regulation: (1) May limit the total quantity of any grade, size, quality, or combinations thereof, of any variety of pears grown in any district and may prescribe different requirements applicable to shipments to different export markets; or (2) may prescribe minimum standards of quality for any variety of pears and limit the shipment thereof to those meeting such minimum standards.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the Control Committee, or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of pears grown in any district in order to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such regulation. If the Secretary finds, from the recommendations and information submitted by the Control Committee, or from other available information, that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate such modification or suspension.

§ 939.52 *Prerequisites to committee recommendations.* (a) Decisions of the Control Committee with respect to any recommendation to the Secretary pursuant to the provisions of § 939.50 shall be made by an affirmative vote of not less than 80 percent of the applicable total number of votes, computed in the manner hereinafter prescribed in this section, of all committee members.

(b) With respect to a particular variety of pears, the applicable total number of votes shall be the aggregate of the votes allotted to the members of the committee in accordance with the following: Each member shall have one vote as an individual and, in addition, shall have an equal share of the vote of the district represented by such member; and such district vote shall be computed by the Control Committee as soon as practical after the beginning of each fiscal period on the basis of one vote for each 25,000 boxes of the average quantity (rounded to the nearest 25,000 boxes) of such variety produced in the particular district and shipped therefrom during the immediately preceding three fiscal periods to destinations outside the State in which produced. The votes so allotted to a member of the committee may be cast by such member on each recommendation relative to the variety of pears on which such votes were computed.

§ 939.53 *Notification.* (a) The Control Committee shall give prompt notice to growers and handlers of each recommendation to the Secretary pursuant to the provisions of § 939.50.

(b) The Secretary shall immediately notify the Control Committee of the issuance of each regulation and of each modification, suspension, or termination of a regulation and the Control Committee shall give prompt notice thereof to growers and handlers.

§ 939.54 *Exemption certificates.* (a) As soon as practicable after the beginning of each fiscal period the Control Committee shall adopt and announce the procedural rules by which exemption certificates may be issued to growers. The Control Committee shall determine the percentage which the grades and sizes of each variety of pears permitted to be shipped from each district under the regulation bears to the total quantity of each variety of pears which could be shipped from that district in the absence of regulation. An exemption certificate may thereafter be granted to any grower who furnishes proof that he will be prevented, because of the regulation in effect, from shipping a percentage of a particular variety of his pears equal to the percentage of pears of that particular variety permitted to be shipped from his district as determined by the Control Committee. Such exemption certificate shall permit the grower to ship that quantity of the particular variety of pears of the regulated grades and sizes of such variety as will enable him to ship as large a percentage of such variety of his pears as the average percentage of that particular variety of pears that is permitted to be shipped by all growers in his district.

(b) In the event the Control Committee shall determine and report to the Secretary that, by reason of general crop failure or other extraordinary conditions within a particular district, it is not feasible and would not be equitable to issue exemption certificates to growers within that district on the basis of the average percentage of the pears grown in the district which may be shipped in compliance with the requirements of § 939.51, the Secretary may prescribe such other basis for the issuance of such certificates to growers within that district as he may find to be feasible, equitable, and proper.

(c) The Secretary shall have power to modify, change, alter, or amend any procedural rules and any exemption granted under this section.

INSPECTION

§ 939.60 *Inspection and certification.* No handler shall ship any pears not theretofore inspected, and a certificate issued with respect thereto, by a duly authorized representative of the Federal-State Inspection Service: *Provided*, That such inspection and certification of shipments of pears may be performed by such other inspection service as the Control Committee, with the approval of the Secretary, may designate. Promptly after shipment of any pears, the handler shall submit, or cause to be submitted, to the Control Committee a copy of the inspection certificate issued on such shipment.

EXCEPTIONS

§ 939.65 *Exemption from regulation.* (a) Nothing contained in this subpart shall limit or authorize the limitation of shipment of pears for consumption by charitable institutions or distribution by relief agencies or conversion into by-products, nor shall any assessment be computed on pears so shipped. The Control Committee may prescribe regulations to prevent pears shipped for either of such purposes from entering commercial fresh-fruit channels of trade contrary to the provisions of this subpart.

(b) The Control Committee shall prescribe rules and regulations, to become effective upon the approval of the Secretary, whereby shipments of pears in individual gift packages may be exempted from the provisions of this subpart.

(c) The Control Committee may, with the approval of the Secretary, designate storage warehouses within the area and prescribe rules and regulations whereby pears may be shipped to such storage warehouses exempt from the provisions of this subpart: *Provided*, That pears so shipped shall not thereafter be handled contrary to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

§ 939.70 *Reports.* Upon the request of the Control Committee, subject to the disapproval of the Secretary, each handler shall furnish to the Control Committee, in such manner and at such times as it prescribes, such information as will enable it to perform its duties under this subpart.

§ 939.71 *Compliance.* Except as provided in § 939.65, no handler shall ship any pears contrary to the applicable restrictions and limitations specified in, or effective pursuant to, the provisions of this subpart.

§ 939.72 *Duration of immunities.* The benefits, privileges, and immunities conferred by virtue of this subpart shall cease upon termination hereof, except with respect to acts done under and during the existence of this subpart.

§ 939.73 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remaining provisions and the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 939.74 *Derogation.* Nothing contained in this subpart is or shall be construed to be in derogation of, or in modification of, the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 939.75 *Liability of Control Committee members.* No member or alternate for a member of the Control Committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any party under this subpart or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate for a member, or employee, except for acts of dishonesty.

§ 939.76 *Agents.* The Secretary may name, by a designation in writing, any person, including any officer or employee of the Government, or any bureau or division in the Department of Agriculture to act as his agent or representative in connection with any of the provisions of this subpart.

§ 939.77 *Effective time.* The provisions of this subpart shall become effective August 26, 1939, and shall continue in force until terminated in one of the ways specified in § 939.78.

§ 939.78 *Termination.* (a) The Secretary may at any time terminate this subpart.

(b) The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such operation obstructs or does not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of the growers of pears who, during such fiscal period, have been engaged in the area in the production of pears for market: *Provided*, That such majority have produced for market during such period more than 50 percent of the volume of pears produced for market in the area; but such termination shall be effective only if announced on or before June 30 of that fiscal period.

(d) The provisions of this subpart shall terminate, in any event, whenever the provisions of the act authorizing the same cease to be in effect.

§ 939.79 *Proceedings after termination.* (a) Upon the termination of this subpart, the members of the Control Committee then functioning shall continue as joint trustees for the purpose of liquidating all funds and property then in the possession or under the control of the Control Committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The joint trustees shall continue in such capacity until discharged by the Secretary; from time to time account for all receipts and disbursements; deliver all funds and property on hand, together with all books and records of the Control Committee and of the joint trustees, to such person as the Secretary shall direct; and, upon the request of the Secretary, execute such assignments or other instruments necessary and appropriate to vest in such person full title to all of the funds or claims vested in the Control Committee or in said joint trustees.

(c) Any funds collected pursuant to this subpart and held by such joint trustees or such person over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the joint trustees or such other person in the performance of their duties under this subpart, as soon as practicable after the terminaton hereof, shall be returned to the handlers pro rata in proportion to their contributions thereto.

(d) Any person to whom funds, property, or claims have been delivered by the Control Committee or its members, upon direction of the Secretary, as provided in this section, shall be subject to the same obligations and duties with respect to said funds, property, or claims

as are imposed upon the members of said Committee or upon said joint trustees.

§ 939.80 *Amendments.* Amendments to this subpart may be proposed from time to time by the Control Committee or by the Secretary.

§ 939.81 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart or the issuance of any amendment to either, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued hereunder, or (b) release or extinguish any violation of this subpart or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

Issued at Washington, D. C., this 6th day of September 1950, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7936; Filed, Sept. 8, 1950; 8:52 a. m.]

[Orange Reg. 339]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.485 *Orange Regulation 339*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 65, as amended, (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on September 7, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. S. t., September 10, 1950, and ending at 12:01 a. m., P. S. t., September 17, 1950, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,150 carloads;

(*c*) Prorate District No. 3: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 966.107 of the current rules and regulations (14 F. R. 6588) contained in this part.

Orange Regulation 332 (7 CFR 966.478 15 F. R. 3863) fixes the sizes of designated oranges which may be handled during the aforesaid period.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 8th day of September 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 10, 1950, to 12:01 a. m. Sept. 17, 1950]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.1811
A. F. G. Corona	.0515
A. F. G. Fullerton	.8237
A. F. G. Orange	.4345
A. F. G. Riverside	.1783
A. F. G. San Juan Capistrano	.9355
A. F. G. Santa Paula	.5102
Eadington Fruit Co., Inc.	5.0724
Hazeltine Packing Co	.4514
Placentia Pioneer Valencia Growers Association	.6191
Signal Fruit Association	.1231
Azusa Citrus Association	.5220
Damerel-Allison Co	.8449
Glendora Mutual Citrus Association	.4391
Puente Mutual Citrus Association	.1759
Valencia Heights Orchard Association	.4700
Covina Citrus Association	.9969
Covina Orange Growers Association	.4409
Glendora Citrus Association	.4659
Gold Buckle Association	1.0389
La Verne Orange Association	.7335
Anaheim Citrus Fruit Association	.8217
Anaheim Valencia Orange Association	.8308
Fullerton Mutual Orange Association	1.3323
La Habra Citrus Association	1.3426
Orange County Valencia Association	.0367
Yorba Linda Citrus Association	.9155
Escondido Orange Association	2.7242
Alta Loma Heights Citrus Association	.0680
Citrus Fruit Growers	.2134
Cucamonga Citrus Association	.0845
Etiwanda Citrus Fruit Association	.0000
Old Baldy Citrus Association	.2105
Rialto Heights Orange Association	.0724
Upland Citrus Association	.5658
Upland Heights Orange Association	.2003
Consolidated Orange Growers	1.6613
Frances Citrus Association	1.0972
Garden Grove Citrus Association	.8577
Goldenwest Citrus Association, The	1.4723
Irvine Valencia Growers	2.9524
Olive Heights Citrus Association	1.9580
Santa Ana-Tustin Mutual Citrus Association	.8158
Santiago Orange Growers Association	8.6189
Tustin Hills Citrus Association	1.8919
Villa Park Orchards Association	2.0300
Bradford Bros., Inc	.7352
Placentia Cooperative Orange Association	.5550
Placentia Mutual Orange Association	2.2777
Placentia Orange Growers Association	1.3866
Yorba Orange Growers Association	.7739
Call Ranch	.0976
Corona Citrus Association	.6521
Jameson Co	.0985
Orange Heights Orange Association	.6114
Crafton Orange Growers Association	.6292
East Highlands Citrus Association	.1647
Fontana Citrus Association	.0933
Redlands Heights Groves	.3021
Redlands Orangedale Association	.2850
Break & Son, Allen	.0847
Bryn Mawr Fruit Growers Association	.2328
Mission Citrus Association	.2230

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Cooperative Fruit Association	0.4708
Redlands Orange Growers Association	.2667
Redlands Select Groves	.2856
Rialto Citrus Association	.1834
Rialto Orange Co	.1913
Southern Citrus Association	.2034
United Citrus Growers	.1812
Zilen Citrus Co	.0480
Arlington Heights Citrus Co	.1483
Brown Estate, L. V. W	.1457
Gavilan Citrus Association	.1729
Highgrove Fruit Association	.0766
Krinard Packing Co	.2976
McDermont Fruit Co	.2085
Monte Vista Citrus Association	.3048
National Orange Co	.0474
Riverside Heights Orange Growers Association	.0876
Sierra Vista Packing Association	.0756
Victoria Avenue Citrus Association	.2402
Claremont Citrus Association	.0927
College Heights Orange and Lemon Association	.4355
Indian Hill Citrus Association	.2458
Pomona Fruit Growers' Exchange	.4042
Walnut Fruit Growers' Association	.5642
West Ontario Citrus Association	.3103
El Cajon Valley Citrus Association	.2911
Escondido Cooperative Citrus Association	.8408
San Dimas Orange Growers' Association	.3514
Canoga Citrus Association	.9092
Covina Valley Orange Association	.0394
North Whittier Heights Citrus Association	.9380
San Fernando Fruit Growers' Association	.7843
San Fernando Heights Orange Association	1.1854
Sierra Madre-Lamanda Citrus Association	.4918
Camarillo Citrus Association	1.5666
Fillmore Citrus Association	3.6584
Mupu Citrus Association	2.1269
Ojai Orange Association	.9465
Piru Citrus Association	1.8665
Rancho Sespe	.8656
Santa Paula Orange Association	1.2541
Tapo Citrus Association	1.0888
Ventura County Citrus Association	.3080
Limoneira Co	.6107
East Whittier Citrus Association	.5575
Whittier Citrus Association	1.3107
Anaheim Cooperative Citrus Association	1.8015
Bryn Mawr Mutual Orange Association	.1373
Chula Vista Mutual Lemon Association	.0559
Euclid Avenue Orange Association	.7657
Foothill Citrus Union, Inc	.0775
Fullerton Cooperative Orange Association	.8155
Garden Grove Orange Cooperative, Inc	.6819
Golden Orange Groves, Inc	.2721
Highland Mutual Groves, Inc	.0000
Index Mutual Association	.5101
La Verne Cooperative Citrus Association	1.7968
Mentone Heights Association	.0399
Olive Hillside Groves, Inc	.5628
Orange Cooperative Citrus Association	1.8480
Redlands Foothill Groves	.8526
Redlands Mutual Orange Association	.8394
Ventura County Orange and Lemon Association	1.8833

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Whittier Mutual Orange and Lemon Association	0.1619
Babijuice Corp. of California	.2280
Banks, L. M	.4846
Bennett Fruit Co., Inc	.0331
Borden Fruit Co	.6465
Cherokee Citrus Co., Inc	.1419
Chess Company, Meyer W	.4579
Dunning Ranch	.0815
Evans Bros. Packing Co	.6341
Gold Banner Association	.2515
Granada Hills Packing Co	.0357
Granada Packing House	.5303
Hill Packing House, Fred A	.1077
Knapp Packing Co., John C	.2881
L Bar S Ranch	.0000
Lawson, William J	.0092
Orange Belt Fruit Distributors	1.8502
Otte, Arnold	.0278
Pacific Citrus Distributors	.0040
Panno Fruit Co., Carlo	.4747
Paramount Citrus Association	1.1224
Pattucci, Frank L	.0100
Placentia Orchard Co	.4357
Riverside Citrus Association	.0583
Ronneberg, Jerry L	.0012
San Antonio Orchards Co	.3503
Stephens, T. F	.1382
Summit Citrus Packers	.0066
Treesweet Products Co	.0721
Wall, E. T., Grower-Shipper	.1501
Western Fruit Growers, Inc	.7048

[F. R. Doc. 50-7993; Filed, Sept. 8, 1950; 11:55 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 121—TREATY TRADERS

PERIOD OF TIME FOR WHICH ADMITTED; ANNUAL REPORT OF STATUS

JUNE 22, 1950.

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of March 24, 1950 (15 F. R. 1656), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there were stated in full the details of proposed amendments to the regulations (8 CFR Part 121) relating to aliens coming to the United States temporarily to carry on trade pursuant to treaties. No representations have been received concerning the proposed amendments. The regulations as stated below are hereby adopted. The provisions of the adopted regulations are the same as those stated in the notice of proposed rule making except (1) the words "or Form I-638" have been omitted from paragraph (e) of § 121.3 because the use of that form has been discontinued, (2) a correction has been made in the proviso in paragraph (b) of § 121.6 to make the regulations under 8 CFR 121 effective upon traders or dependents seeking readmission on or after December 7, 1948, instead of only after December 7, 1948, and (3) the clause, "or shall take any other action necessary to insure that the trader or dependent either departs or is removed from the United States", occurring at the end of § 121.12 (d), has been deleted for the reason that it is considered unnecessary and confusing.

1. Section 121.2, Chapter I, Title 8 of the Code of Federal Regulations, is amended to read as follows:

§ 121.2 *Period for which admitted.* A trader or dependent shall be admitted to the United States for so long a period as he maintains his status as a trader or dependent; *Provided,* That the period shall be deemed not to exceed the time during which the trader or dependent continues to fulfill all of the conditions of admission prescribed in § 121.3.

2. Paragraphs (b), (d), and (e) of § 121.3 are amended and a new paragraph (g) is added to that section so that taken with the introductory sentence those four paragraphs will read as follows:

§ 121.3 *Conditions of admission.* The conditions under which an alien may be admitted to the United States as a trader or dependent shall be that he:

• • • • •

(b) Agrees that he will not remain in the United States beyond the date 60 days prior to the end of the period during which he will be eligible for readmission to the country whence he came or for admission to some other country, as evidenced by a valid passport or other travel document; agrees to leave the United States as soon as he ceases to maintain his status as a trader or dependent; and establishes that he has the ability to leave.

• • • • •

(d) Presents whatever document or documents are required by the applicable Executive order or orders, or by Part 176 of this chapter or any other applicable regulations prescribing the documents to be presented by aliens entering the United States as traders or dependents, such document or documents to include, if required, evidence of compliance with all applicable provisions of Title III of the Alien Registration Act, 1940 (54 Stat. 673; 8 U. S. C. 451), relating to registration and fingerprinting.

(e) Furnishes bond on Form I-338 in a sum of not less than $500 to insure that he will depart from the United States upon failure to comply with the conditions under which he is admitted, if such bond is required by an officer in charge or by a board of special inquiry or pursuant to an order entered on appeal from the decision of such board, and agrees to furnish such bond at any time subsequent to admission into the United States if required to do so by the appropriate district director.

• • • • •

(g) Agrees to make a report to the appropriate district director annually showing that he:

(1) Continues to be eligible for readmission to the country whence he came or for admission to some other foreign country; and

(2) Has fulfilled and will continue to fulfill all applicable conditions of admission prescribed by this section.

The provisions of this section shall be applicable to traders and dependents admitted into the United States on or after December 7, 1948.

3. Section 121.4, relating to extensions of stay, is revoked.

4. Paragraph (a) of § 121.5, *Arrest and deportation*, is amended to read as follows:

(a) An alien admitted as a trader or dependent shall be deemed to have remained in the United States for a period longer than that permitted under law and regulations within the meaning of section 14 of the Immigration Act of 1924 if he violates, or fails or ceases to fulfill, any of the conditions of his admission to or stay in the United States.

5. Paragraph (b) of § 121.6, *Effect of prior regulations*, is amended to read as follows:

(b) The provisions of this part shall not be applicable to cases of aliens who were in the United States in the status of traders or dependents prior to December 7, 1948. Applicable regulations in effect prior to that date shall continue to be applicable to their cases: *Provided*, That any such aliens who have left the United States shall, upon seeking readmission as traders or dependents on or after December 7, 1948, be subject to the regulations in this part to the same extent that they would be if they were making original applications for admission.

6. Section 121.12 is amended to read as follows:

§ 121.12 *Maintenance-of-status report.* (a) A trader or dependent shall make an annual report as to his status to the appropriate district director, as required under § 121.3 (g). Such annual report shall be submitted on Form I–126 to the district director of the district in which he is engaged in trade or is staying at the time the report is submitted. All available data specified in Form I–126 shall be furnished by the applicant. The report shall be accompanied by the applicant's passport and by any visitor's permit (Form 257a or I–94) issued to him.

(b) After examination of the report on Form I–126 and accompanying documents and after making such inquiry as may be necessary, the district director shall make a decision as to whether or not the alien is complying with the conditions of his admission into the United States. Such decision shall be final, except that (1) the Commissioner may from time to time require certain classes of cases or individual cases to be submitted to him for review or for decision; and (2) if the trader or dependent has gone to another district the district director may send the case, with pertinent files and information, to the director of the other district for final action. The district director shall send to the trader or dependent written notice of the decision, accompanied by any passport and Form 257a or I–94 submitted with the report. If one of those forms is submitted with the report and the decision is favorable to the trader or dependent, notice of the decision may be given by placing on the form a signed endorsement, which shall include the date of the decision. If the decision is unfavorable to the trader or dependent, the district director making the decision shall take appropriate action with a view to enforcing the alien's departure or removal from the United States, and the notice to the alien of such decision shall include information as to the intended action.

(c) When the district director notifies a trader or dependent of the decision made under paragraph (b) of this section, he shall also notify the officer in charge at the port where the trader or dependent was admitted of the terms of the decision.

(d) If the officer in charge at the port of entry where the trader or dependent was admitted has not received any notice required under paragraph (c) of this section or has not ascertained and cannot ascertain that the trader or dependent has departed from the United States, such officer shall report the facts to the director of the district in which the alien is believed to be engaged in trade or is staying.

7. The following section is added:

§ 121.14 *Printed instructions for traders and dependents.* To the extent practicable, traders and dependents shall at the time of their admission be given printed instructions showing the conditions of their admission and how they are expected to comply with immigration regulations while in the United States.

The regulations stated above shall become effective on the thirty-first day following their publication with this order in the FEDERAL REGISTER.

The general basis for the regulations is the determination that it is advantageous to the Government and to persons concerned to define fully the conditions covering the admission, reports of status, and departure of aliens coming to the United States as treaty traders under section 3 (6) of the Immigration Act of 1924, as amended. The general purpose of the regulations is to change the period for which an alien treaty trader or dependent may be admitted to the United States from one year to an indefinite period, the length of such period to be governed by his maintenance of status as a trader or dependent.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 168, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interpret or apply secs. 3 (6), 14, 15, 23, 43 Stat. 154, 162, 165, 47 Stat. 607, sec. 35, 54 Stat. 675; 8 U. S. C. 203, 214, 215, 221, 456)

A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

Approved: September 5, 1950.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 50–7919; Filed, Sept. 8, 1950; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of Industry and Commerce

[5th Gen. Rev. of Export Regs., Amdt. 16]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

FERROUS OR NONFERROUS COMMODITIES AND SUGAR

1. Section 373.11 *Special provisions for ferrous or nonferrous commodities, including ores, concentrates, or unrefined products* is amended in the following particulars:

A new paragraph (d) is added thereto to read as follows:

(d) *Nonferrous metal alloys.* The following provisions are applicable to all nonferrous metal alloys (including bimetals, thermometals, etc.) on the Positive List with the processing code NONF: applications for licenses to export such commodities must contain, in item 9 (b) of Form IT–419, a complete commodity description, including the percentage of each alloying element present or the recognized standard commercial brand or trade name of the commodity (such as are published in "Engineering Alloys" by the American Society for Metals).

2. A new section (§ 373.15) is added to read as follows:

§ 373.15 *Special provisions for sugar.*—(a) *Application requirements.* Applications for licenses to export sugar, Schedule B No. 161905, must be accompanied by the following certification:

I (we) hereby certify that the sugar covered by this application is refined sugar produced from raw sugar imported for the purpose of refining and reexport, in compliance with a bond (Form SU–17 of the U. S. Department of Agriculture), filed by _____ (name of refiner) with the U. S. Department of Agriculture, covering entry No. ------ pursuant to the Sugar Act of 1948.

(b) *Definition.* As used in this section, "refined" sugar includes all sugar classified under Schedule B No. 161905 except raw sugar.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E .O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of September 1, 1950.

Issued this 6th day of September 1950.

[SEAL] RAYMOND S. HOOVER,
Issuing Officer.

[F. R. Doc. 50–7924; Filed, Sept. 8, 1950; 8:50 a. m.]

[5th Gen. Rev. of Export Reg., Amdt. P. L. 14]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 Appendix A—*Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Sugar and related products:				
161905	Sugar	Lb.	FOOD	250	RO
	Paper, related products, and manufactures:				
	Fine paper:				
481500	Capacitor tissue; electrical insulating tissue (formerly 709300); coil paper; electrolytic condenser tissue, Kraft; Kraft condenser tissue; other paper for dielectric use, coated or uncoated.	Lb.	PULP	None	RO
	Special industrial paper:				
482700	Battery board; cable electrical filling; cable paper stock; coil winding paper; electrical insulation paper; insulation board, electrical, except wet machine; electrical insulating paper, other than fine paper (formerly 709300); other paper for dielectric use, coated or uncoated.	Lb.	PULP	None	RO
484400	Wet machine board, electrical insulation only	Lb.	PULP	None	RO
	Converted paper and board products:				
	Wrapping paper products:				
486300	Laminated waterproof paper, wire-wrapping only. (Report wax-laminated wrapping paper in 486200).	Lb.	PULP	None	RO
	Industrial paper and board products (specify by name):				
489200	Cable paper; electrical paper and cloth, gummed; paper sleeving, treated; rope paper tape, electrical insulating.	Lb.	PULP	None	RO
	Paper, paperboard, and products, n. e. s. (specify by name):				
489900	Paper, paperboard, and tissue for dielectric use, coated or uncoated, n. e. s.	Lb.	PULP	None	RO
	Electrical machinery and apparatus:				
701900	Capacitors, power, ½ kilovolt ampere and over (report power condensers under ½ kva in 709998; radio capacitors in 707902).	No.	ELME 1	100	R
	Electrical apparatus and parts, n. e. s.:				
709998	Capacitors, power, under ½ kilovolt ampere (report power coudensers ½ kva and over in 701900; radio capacitors in 707902).	No.	ELME 1	100	R
	Chemical specialties:				
	Plastic and resin materials:				
	Cellulose acetate, cellulose acetate-butyrate, and cellulose acetate-propionate:				
	Sheets, rods, tubes, and other similar forms:				
826520	Cellulose acetate electrical insulating material (formerly 709300).	Lb.	RESN	None	RO
	Other unfinished forms:				
826590	Cellulose acetate electrical insulating material (formerly 709300).	Lb.	RESN	None	RO

2. The following commodities are changed from R to RO commodities. Accordingly, the entries therefor on the Positive List are amended to read as follows:

Dept of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Hides and skins, raw, except furs:				
020102	Cattle hides, dry	Piece	LEAT	100	RO
020104	Cattle hides, wet	Piece	LEAT	100	RO
	Chemical specialties:				
	Synthetic gums and resins, including film, bristles, and bristle filament, n. e. s.:				
	All other unfinished forms:				
825950	Polyacrylic	Lb.	RESN 66	100	RO
	Synthetic gums and resins, laminated (sheets, plates, strips, rods, and tubes):				
826000	Polyacrylic	Lb.	RESN 66	1	RO

3. The entries on the Positive List under Schedule B No. 825950 reading "Other unfinished forms, n. e. s., except silicone unfinished forms," and under Schedule B No. 826000 reading "Synthetic gums and resins, laminated (sheets, plates, strips, rods, and tubes), n. e. s., except phenol formaldehyde and other tar-acid resins, urea and melamine resins, polystyrene resins and copolymers, and silicone resins," are revised and amended to read as follows:

Dept of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Chemical specialties:				
	Plastic and resin materials:				
	Synthetic gums and resins, unfinished, including film, bristles, and bristle filament, n. e. s.:				
825950	Other unfinished forms, n. e. s.[1]	Lb.	RESN 66	1	RO
	Synthetic gums and resins, laminated (sheets, plates, strips, rods, and tubes):				
826000	Synthetic gums and resins, laminated (sheets, plates, strips, rods, and tubes), n. e. s.[2]	Lb.	RESN 66	100	RO

[1] The effect of this amendment is to add to the Positive List silicone unfinished forms, and to extend the controls for this entry from R to RO. With this addition, and with the action taken in Part 2 above, all commodities classified under Schedule B No. 825950 are now on the Positive List and subject to RO control.

[2] The effect of this amendment is to add to the Positive List laminated sheets, plates, strips, rods, and tubes of phenol formaldehyde and other tar-acid resins; urea and melamine resins; polystyrene resins, and copolymers; and silicone resins; and to extend the controls for this entry from R to RO. With this addition, and with the action taken in Part 2 above, all commodities classified under Schedule B No. 826000 are now on the Positive List and subject to RO control.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 1, 2, and 3 of this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment may be exported under the previous general license provisions.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of September 1, 1950.

Issued this 6th day of September 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50–7923; Filed, Sept. 8, 1950; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter A—General

PART 200—GENERAL

SUBPART B—FEDERAL HOUSING ADMINISTRATION PROCEDURE

MORTGAGE INSURANCE ON COOPERATIVE PROJECTS

Subpart B is hereby amended by adding the following new § 200.11:

§ 200.11 *Mortgage insurance on cooperative projects*—(a) *Purpose.* To encourage the construction of good housing at cost by corporations formed on a cooperative basis and which cover property held by a nonprofit cooperative ownership housing corporation or nonprofit cooperative ownership housing trust, the permanent occupancy of the dwellings of which is restricted to members of such corporation or to beneficiaries of such trust; or a nonprofit corporation or nonprofit trust organized for the purpose of construction of homes for members of the corporation or for beneficiaries of the trust. Provisions are made in section 213 to offer special inducements to veterans of World War II in that the maximum mortgage amount is allowed if at least 65 percent of the membership of the corporation or number of beneficiaries of the trust consist of veterans of World War II; if less than 65 percent of the membership of the corporation are veterans, the maximum ratio of loan to cost shall be increased by $\frac{1}{20}$ of 1 per centum of the membership of the corporation or number of beneficiaries of the trust which consist of veterans of World War II, if evidence satisfactory to the Commissioner is furnished to establish that the benefits of such increase will accrue to the members of the corporation or beneficiaries of the trust who are veterans of World War II.

(b) *Applicant.* The original applicant may consist of a group of as few as five persons who have joined together to form a cooperative project and appli-

cation may initially be filed without joinder therein by any approved mortgagee. Following the issuance of a Statement of Eligibility and prior to issuance of a Commitment, an approved mortgagee must join in the application.

(c) *Application.* The application for management type projects must be made on FHA Form 3201 and for sales type projects on Form 3202, together with the required exhibits. The application may be submitted directly to the FHA Insuring Office or, if desired, may be processed through an FHA approved mortgagee.

(d) *Processing and closing.* The administrative, fiscal and legal procedure for the processing and closing of cases under section 213 of the National Housing Act will be similar to the procedures used for section 207, Title II of the act. With few exceptions, substantially the same forms presently in use under section 207 or under section 603 of the act will be used except that these forms will be modified by deleting all reference to the section of the act for which previously used and inserting in lieu thereof the words "section 213."

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1703. Interprets or applies sec. 114, Pub. Law 475, 81st Cong.)

[SEAL] VINCENT A. CARLIN,
Director, Administrative Services.

[F. R. Doc. 50-7921; Filed, Sept. 8, 1950; 8:49 a. m.]

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 281]

[Controlled Rooms in Rooming Houses and Other Establishments, Rent Reg., Amdt. 278]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects.

1. Schedule A, Item 27a, is amended to describe the counties in the Defense-Rental Area as follows:

Fresno County, except the City of Kingsburg.

This decontrols the City of Kingsburg in Fresno County, California, a portion of the Fresno, California, Defense-Rental Area.

2. Schedule A, Item 41, is amended to describe the counties in the Defense-Rental Area as follows:

Kings County; and Tulare County, except the Cities of Porterville, Visalia, and Woodlake.

This decontrols the City of Visalia in Tulare County, California, a portion of the Tulare-Kings, California, Defense-Rental Area.

3. Schedule A, Item 92, is amended to describe the counties in the Defense-Rental Area as follows:

Boone County, except the Village of Capron and all unincorporated localities in said County; and Winnebago County, except the City of Rockford and all unincorporated localities in said County.

DeKalb County, except all unincorporated localities in said County.

This decontrols the Village of Capron in Boone County, Illinois, a portion of the Rockford, Illinois, Defense-Rental Area.

4. Schedule A, Item 106, is amended to describe the counties in the Defense Rental Area as follows:

Delaware County, except the Towns of Albany, Eaton, Gaston, Selma and Yorktown; in Howard County, Center Township; and in Madison County, Lafayette Township and Anderson Township except the Town of Edgewood.

This decontrols the Town of Eaton in Delaware County, Indiana, a portion of the Anderson, Indiana, Defense-Rental Area.

5. Schedule A, Item 184, is amended to read as follows:

(184) [Revoked and decontrolled.]

This decontrols (1) the City of Las Vegas, in Clark County, Nevada, a portion of the Las Vegas, Nevada, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, based on a resolution submitted with respect to said City of Las Vegas in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Las Vegas being the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

6. Schedule A, Item 221d, is amended to describe the counties in the Defense-Rental Area as follows:

Wake County, except the Town of Cary.

This decontrols the Town of Cary in Wake County, North Carolina, a portion of the Raleigh, North Carolina Defense-Rental Area.

7. Schedule A, Item 227, is amended to describe the counties in the Defense-Rental Area as follows:

Butler, Clermont and Hamilton except the Village of Harrison.

Kenton; and in Campbell County, the Cities of Newport, Ft. Thomas, Dayton and Belleview.

This decontrols the Village of Harrison in Hamilton County, Ohio, a portion of the Cincinnati, Ohio, Defense-Rental Area.

8. Schedule A, Item 352, is amended to describe the counties in the Defense-Rental Area as follows:

Those parts of the Counties of King and Pierce lying west of the Snoqualmie National Forest, except the City of Kent in King County and the Cities of Puyallup and Sumner in Pierce County.

This decontrols the City of Puyallup in Pierce County, Washington, a portion of the Puget Sound, Washington Defense-Rental Area.

All decontrols effected by this amendment, except Item 5 thereof, are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective September 7, 1950.

Issued this 6th day of September 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-7922; Filed, Sept. 8, 1950; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

JAPAN

In § 127.286 *Japan* (39 CFR 127.286; 15 F. R. 3685, 5862) make the following changes:

1. Amend paragraph (a) (6) *Observations* by the addition of subdivision (iii) to read as follows:

(iii) Correspondence with the Japanese Government or any agency thereof is permitted only on such subjects and under such conditions as may be prescribed by the military authorities. Those authorities have given general permission for individuals in the United States to correspond on philatelic matters and to obtain stamps from the Philatelic Section, Ministry of Postal Services, Tokyo, as well as individuals or commercial agencies in Japan. Individuals in the United States may also exchange information with interested agencies of the Japanese Government concerning scientific research.

2. Amend subdivision (i) of paragraph (a) (7) to read as follows:

(i) Dutiable articles (merchandise) except postage stamps, in letters and packages prepaid at the letter rate. Letters or letter packages containing stamps must bear the green label, Form 2976 (Cl), and the endorsement "Contains postage stamps" directly below the label. Form 2976-A should be enclosed.

3. Amend subdivision (ii) of paragraph (a) (7) by deleting subdivision (ii) (c) and (ii) (*d*) and by substituting in lieu thereof the following:

(c) The articles prohibited as parcel post are likewise prohibited in the regular mails.

4. Amend subdivision (ii) (b) and (ii) (c) of paragraph (b) (4) to read as follows:

(b) Gift parcels may contain only the following relief items: Nonperishable foods, mailable medicines in noncommercial quantities, clothing and clothes-making materials and shoes. The items mentioned must be for the personal use of the addressee or his family, or for the use of a charity hospital or a bona fide asylum for orphans or the aged. The controlling authorities in Japan have limited as indicated below the quantities

of the various items which may be included in a single gift parcel:

Assorted foodstuffs	Up to 22 pounds.
Medicines:	
Penicillin	Up to 9 million units.
Santonin	Up to 1 gram.
Phenacetin	Up to ½ pound.
Streptomycin	Up to 100 grams.
Vitamins and the like	100 ampules or 1 pound of tablets.
Aspirin	2 ounces.
Sulfa drugs	150 tablets.
Others	Reasonable amounts not in commercial quantities.
Clothing, new:	
Suits or dresses, adult	1 of each size.
Suits or dresses, children	2 of each size.
Shirts	3 of each size.
Underwear	6 pair.
Gloves	3 pair.
Socks and stockings	1 dozen pairs.
Hats, caps, and the like	2 items.
Boots or shoes	2 pairs of each size.
Handkerchiefs	1 dozen.
Sheets and such covering	5 items.
Towels	1 dozen.
Textiles for clothing, woolen	Sufficient for 2 suits.
Cotton or silk cloth	Sufficient for 2 dresses.
Woolen yarn	5 pounds.
Cotton thread (yarn)	2 dozen small rolls.
Sewing needles	2 small packets.

Used clothing, in moderate quantities, using above new goods standard as basis.

(c) Gift parcels whose contents conform to the foregoing will be delivered free of customs duties, but will be subject to a customs-clearance fee. Parcels sent as gifts which contain medicines in excess of the permitted amounts or in quantities exceeding the personal needs of the addresses will be treated as undeliverable. If such parcels contain tobacco products, soap, fountain pens, watches, or any other items not classed as relief material, the offending items will be charged with customs duty, and if the duty is not paid the entire parcel will be treated as undeliverable. Excessive amounts of clothing will likewise be subject to customs duty.

5. Amend subdivision (i) of paragraph (c) (2) to read as follows:

(i) Each parcel must be mailed as a gift by an individual sender to an individual addressee for the personal use of himself or his immediate family. The contents of "U. S. A. Gift Parcels" are limited as indicated under "Gift Parcels" in the caption "Parcel Post".

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-7902; Filed, Sept. 8, 1950; 8:47 a. m.]

PART 151—PROCEDURES BEFORE THE SOLICITOR

In part 151, amend Subpart A—Rules of Practice in Cases Arising Under Postal Fraud, Lottery, and Fictitious Statutes, to read as follows:

SUBPART A—RULES OF PRACTICE IN FORMAL PROCEEDINGS ARISING UNDER 39 U. S. C. 259, 732 AND 255; AND PUB. LAW 699, 81ST CONG.

Sec.
151.1 Scope of rules.
151.2 Offices.
151.3 Hours.
151.4 Communications.
151.5 Trial examiners.
151.6 Hearings.
151.7 Admission to practice.
151.8 Complaints.
151.9 Notice of hearing.
151.10 Service of complaint and notice.
151.11 Answers.
151.12 Compromises.
151.13 Appearances.
151.14 Amendment of pleadings.
151.15 Continuances.
151.16 Evidence.
151.17 Objections.
151.18 Written statements.
151.19 Subpenas.
151.20 Witness fees.
151.21 Prehearing procedure.
151.22 Transcript.
151.23 Oral argument.
151.24 Briefs.
151.25 Petitions to reopen proceedings.
151.26 Decision and order.
151.27 Supplementary orders.
151.28 Foreign orders.
151.29 Revocation and modifications of orders.

AUTHORITY: §§ 151.1 to 151.29 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

§ 151.1 *Scope of rules.* The rules of practice in this subpart shall be applicable to all formal proceedings arising under statutes authorizing the Postmaster General to issue orders directing the return to senders of mail addressed to those operating certain unlawful enterprises through the mails, and prohibiting the payment of money orders and postal notes payable to the operators of such enterprises (39 U. S. C. 259, 732 and 255; Pub. Law 699, 81st Congress, approved August 16 1950).

§ 151.2 *Offices.* The Office of the Solicitor is located in Room 3226, Post Office Department Building, 12th Street and Pennsylvania Avenue NW., Washington, D. C.

§ 151.3 *Hours.* The Office of the Solicitor is open on each business day, except Saturday, from 8:45 a. m. to 5:15 p. m.

§ 151.4 *Communications.* All communications should be addressed to "The Solicitor, Post Office Department, Washington 25, D. C.," except such as are required by these rules to be addressed to The Chief Trial Examiner, Office of Solicitor.

§ 151.5 *Trial examiners.* Trial examiners, one of whom shall be known as the Chief Trial Examiner, shall be designated by the Solicitor to preside at the hearings of cases instituted under the rules in this subpart. Trial examiners shall rule upon procedural motions and requests and similar matters; hold conferences for the settlement or simplification of the issues; rule upon offers of proof and receive oral or documentary evidence; regulate the course of the hearing and the conduct of attorneys and witnesses; require, when they deem necessary, oral argument upon any question raised in the course of the hearing or at the close thereof, and limit such argument as to time and subject matter. Hearings shall be conducted in such a way as to afford to the parties a reasonable opportunity to be heard on matters relevant to the issues involved and to obtain a clear and orderly record.

§ 151.6 *Hearings.* Hearings are held in Room 3237, Post Office Department, Washington, D. C., and in such other rooms as may be designated by the Solicitor.

§ 151.7 *Admission to practice.* Attorneys appearing in behalf of respondents shall be required, prior to such appearance, to obtain permission to practice before the Post Office Department in accordance with the "Procedure Governing the Admission of Attorneys to Practice before the Post Office Department" (Subpart B of this part): *Provided*, That the Solicitor may waive this requirement when in his discretion the circumstances so warrant. Upon request the Solicitor will furnish an applicant a copy of the rules of admission to practice.

§ 151.8 *Complaints.* Whenever the Chief of the Fraud Section of the Office of the Solicitor shall have reasonable cause to believe that any person, partnership, corporation, or association, is using the mails in the operation of an enterprise which is in violation of the provisions of any of the statutes referred to in § 151.1, he shall prepare and file with the Chief Trial Examiner a complaint naming the party or parties accused, specifying the alleged violations in such manner as to enable the accused to make answer thereto, and recommending that an order be issued against such party by the Postmaster General pursuant to the provisions of the statutes under which the proceedings are brought. The party accused shall be known as the respondent.

§ 151.9 *Notice of hearing.* If the Chief Trial Examiner shall determine that the complaint states facts sufficient to show probable cause to believe that the statutes therein invoked are being violated as alleged in the complaint, he shall issue to the respondent a notice of a hearing to be held upon a specified date at which he may appear and make defense to the complaint and oppose the recommendation of the Chief of the Fraud Section that an order be issued against him by the Postmaster General pursuant to the provisions of the statutes under which the proceedings are brought.

§ 151.10 *Service of complaint and notice.* (a) A duplicate original of the notice of hearing shall be transmitted to the postmaster at the office of ad-

dress of the respondent, and shall be delivered to the respondent by said postmaster or an employee of his post office; and a receipt acknowledging delivery of the notice shall be secured from the respondent or his agent, which receipt shall be forwarded to the Solicitor of the Post Office Department and shall become a part of the record in the case. Accompanying the notice of hearing shall be a copy of the complaint, a copy of the postal statutes involved, and a copy of the rules of practice in this subpart.

(b) In the event that no person can be found upon whom service of the notice of hearing and the aforesaid accompanying documents can be effected pursuant to paragraph (a) of this section, or in the event of the refusal of the respondent to execute the receipt provided for by paragraph (a) of this section, the notice of hearing may be delivered in the usual manner with other mail addressed to the respondent, and a statement to that effect showing the time and place of such delivery signed by the postal employee who so delivered the notice of hearing shall constitute evidence of service thereof.

§ 151.11 *Answers.* (a) The original and two copies of the respondent's answer shall be filed with the Chief Trial Examiner on or before the date fixed for the filing thereof in the notice of hearing. The answer shall contain a concise statement admitting, denying, or explaining each of the charges set forth in the complaint. The answer shall be signed by the respondent or his attorney, or, in the case of a corporation or association, by a responsible officer thereof. The answer shall set forth the respondent's address, and the name and address of his attorney, if he is so represented. If the respondent does not intend to appear at the hearing, he should so state in his answer.

(b) If the respondent fails to file an answer as directed in the notice of hearing, he shall be deemed to be in default, and further proceedings shall be had in accordance with § 151.22 (b).

(c) Answers, motions and all other pleadings shall be filed with the Chief Trial Examiner.

§ 151.12 *Compromises.* (a) If the respondent desires to dispose of the charges without a hearing, he may apply to the Solicitor for permission to file an affidavit providing for the discontinuance and abandonment of the enterprise charged to be unlawful upon such terms and conditions as may be prescribed by the Solicitor.

(b) An application for permission to file an affidavit of discontinuance should be filed before the date set for the hearing on the charges. Permission to dispose of a pending case on such basis shall rest in the discretion of the Solicitor and the granting of an application shall depend upon the nature of the charges and the circumstances involved.

§ 151.13 *Appearances.* (a) A respondent may appear and be heard in person or by attorney. A partnership may appear and be represented by a member thereof or by attorney. A corporation or association may appear by a duly authorized officer or by attorney.

(b) An attorney representing a respondent must file a written authorization from the respondent to represent him in the proceeding, prior to any participation therein.

(c) Where a respondent is represented by a duly authorized attorney the service of all subsequent pleadings, notices, and other papers shall be effected by mailing the same to his attorney at the post office address stated in his written authorization.

§ 151.14 *Amendment of pleadings.* An amendment of a pleading may be offered by any party at any time prior to the close of the hearing and such amendment may be allowed in the discretion of the trial examiner.

§ 151.15 *Continuances.* A continuance will be granted only for substantial cause shown, and then only for a short period.

§ 151.16 *Evidence.* (a) Except as otherwise provided in the rules of practice in this subpart, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern: *Provided, however,* That such rules may be relaxed by the trial examiner to insure an adequate and fair hearing.

(b) The testimony of witnesses shall be under oath or affirmation and witnesses shall be subject to cross-examination.

(c) Agreed statements of fact may be received in evidence.

(d) Official notice or knowledge may be taken of all matters of which judicial notice or knowledge may be taken by the Federal Courts.

(e) Medical or other scientific books or essays will not be admitted in evidence in lieu of oral expert testimony.

(f) Affidavits containing opinions or statements of an affiant will not be received in evidence, except as provided in § 151.18.

(g) Testimonials will not be received as evidence of the efficacy or quality of any product or thing sold through the mails.

§ 151.17 *Objections.* Objections to the admission of evidence shall include a brief statement of the grounds thereof. Formal exceptions to the rulings of the trial examiner are unnecessary. The record shall not include argument upon objections to the admission of evidence or to rulings of the trial examiner except as ordered by the trial examiner.

§ 151.18 *Written statements.* The trial examiner may receive in evidence, in lieu of oral testimony, the written statement of a competent witness: *Provided,* That such statement is relevant to the issues; *And further provided,* That the witness whose statement is offered shall testify under oath at the hearing that the statement is in all respects true, and, in the case of expert witnesses, that the statement correctly states his opinion or knowledge concerning the matters in issue.

§ 151.19 *Subpenas.* The Post Office Department is not authorized by law to issue subpenas requiring the attendance or testimony of witnesses.

§ 151.20 *Witness fees.* The Post Office Department cannot pay witness fees or expenses to witnesses for a respondent.

§ 151.21 *Prehearing procedure.* (a) In any proceeding the Chief Trial Examiner in his discretion may direct the parties or their attorneys to appear before a trial examiner for a conference to consider:

(1) The simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining admissions of fact and of consenting to the admissibility of documentary evidence without formal identification;

(4) The limitation of the number of witnesses to be heard on any issue;

(5) Such other matters as may aid in the disposition of the proceeding.

(b) The trial examiner shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties as to any of the matters considered, and which limits the issues for hearing to those not disposed of by admissions or agreements of counsel; and such order when entered shall control the subsequent course of the proceeding, unless modified at the hearing to prevent manifest injustice.

§ 151.22 *Transcript.* (a) The Post Office Department shall cause a record and transcript to be made of all proceedings in which the respondent files an answer and appears at the hearing either in person or by counsel. The transcript, together with all pleadings, orders, exhibits, briefs, and other documents filed in the proceeding, shall constitute the official record of the case upon which the final decision will be based.

(b) If the respondent desires a copy or copies of the transcript of proceedings, he shall apply therefor in writing to the trial examiner prior to the completion of the hearing. Payment by the respondent for such copy or copies of the transcript, at the rate of twenty-five cents per page per copy shall be made in full to the Department prior to the delivery thereof to him. If more than one copy of the transcript is desired by the respondent, he shall deposit with the Department such part of the estimated cost of such copies as shall be fixed by the trial examiner.

(c) In proceedings in which the respondent fails to file an answer or, having made answer, fails to appear at and participate in the hearing, the trial examiner may prepare and certify a summary of the proceedings and the testimony of the witnesses appearing for the Government, identifying therein documentary evidence received. This summary of the proceedings and the testimony, together with all pleadings, orders, exhibits, briefs, and other documents filed in the proceedings, shall constitute the official record upon which the final decision will be based.

§ 151.23 *Oral argument.* The trial examiner may permit oral argument on behalf of the parties to the proceeding at the conclusion of the hearing, and he shall limit such oral argument as to time and subject matter. The Government shall have the right to open and close the arguments.

§ 151.24 *Briefs.* The trial examiner in his discretion may permit the filing of briefs in any case where answer has been filed, and he shall give notice of such permission to each party from whom he desires a brief, fixing the time in said notice within which briefs must be filed; and he may indicate in such notice what issues of law or fact he desires to be argued in such briefs.

§ 151.25 *Petitions to reopen proceedings.* (a) An application to reopen the proceedings for the purpose of offering additional evidence or for further argument must be made by petition, expeditiously filed with the trial examiner, stating specifically the grounds relied upon.

(b) A petition to reopen the hearing for the purpose of offering further evidence must (1) state the relevancy, nature, and purpose of the evidence and the names and addresses of the witnesses by whom it will be adduced; (2) show that such evidence would not be merely cumulative, and that the failure previously to present such evidence was not due to lack of reasonable diligence; and (3) show good reason why the petition should be granted.

(c) Such petition shall be accompanied by a sworn statement of the party or his attorney that the petition is filed in good faith and not for purposes of delay.

§ 151.26 *Decision and order.* Upon the basis of the official record, the trial examiner shall make findings of fact pertinent to the issues involved, together with his recommendation as to the action to be taken. The summary of the proceedings and testimony provided for in § 151.22 (b) may be included in the written findings of fact and certified by the trial examiner. The trial examiner's finding and recommendation, together with the official record, shall be transmitted to and considered by the Solicitor, who shall then state in writing his own recommendation. In cases where the Solicitor recommends the issuance of an order authorized under the statutes referred to in § 151.1, he shall transmit his recommendation, together with the official record, to the Postmaster General for final decision and action.

§ 151.27 *Supplementary orders.* Whenever substantial evidence is received by the Solicitor that any person or concern is evading or attempting to evade the provisions of any order theretofore issued by the Postmaster General after notice and hearing under any of the statutes referred to in § 151.1, such evidence shall be submitted forthwith to a trial examiner who shall make findings of fact based thereon, together with his recommendation as to the action to be taken. The trial examiner's findings and recommendation, together with said evidence, shall be transmitted to and considered by the Solicitor, who shall then state in writing his own recommendation. In any case where the Solicitor recommends the issuance of the appropriate supplemental order by the Postmaster General against a name or names then and there being employed for the purpose of continuing the use of the mails in the operation of the unlawful scheme against which the existing order was directed or any part thereof, the Solicitor shall transmit his recommendation, together with said evidence, to the Postmaster General for final decision and action.

§ 151.28 *Foreign orders.* Whenever substantial evidence is received by the Solicitor that any person or concern in a foreign country is using or causing the United States mails to be used in the operation of any enterprise in violation of any of the statutes referred to in § 151.1, such evidence shall be submitted forthwith to a trial examiner who shall make findings of fact based thereon, together with his recommendation as to the action to be taken. The trial examiner's findings and recommendation, together with said evidence, shall be transmitted to and considered by the Solicitor, who shall then state in writing his own recommendation. In any case where the issuance of an order by the Postmaster General, directed against the operation of such unlawful enterprise, is recommended by the Solicitor, he shall transmit his recommendation, together with said evidence to the Postmaster General for final decision and action.

§ 151.29 *Revocation and modification of orders.* Any person or concern against whom an order has been issued by the Postmaster General under any of the statutes referred to in § 151.1, may file application for the revocation or modification of such order by the elimination therefrom of any name or names against which the provisions of the order apply. The application should be addressed to the Solicitor of the Post Office Department, Washington 25, D. C. The applicant must make a sworn statement to the effect that the unlawful enterprise against which the order is directed is no longer being conducted under the name or names sought to be relieved of the provisions of the order and that the unlawful scheme will not be resumed in the future under such names or any other names. If, after investigation and consideration of such application, it shall appear that the application has been made in good faith and that the granting thereof will not result in further operation of the unlawful enterprise involved, the Solicitor may recommend to the Postmaster General the revocation of the order in question or so much thereof as may be proper under the facts of the particular case and the exigencies of properly enforcing the postal laws involved therein. Applications will be promptly considered and will be handled as expeditiously as practicable and with due recognition of the pertinent circumstances and the nature of the business involved.

The foregoing rules of procedure shall be effective upon publication in the FEDERAL REGISTER.

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-7069; Filed, Sept. 8, 1950; 8:54 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 52—GRANTS FOR CANCER CONTROL PROGRAMS

Sec.
52.1 Definitions.
52.2 Basis of allotments.
52.3 Allotments; time of making; duration.
52.4 State plans; mode of submittal.
52.5 State plans; contents.
52.6 State plans; time of submittal and approval.
52.7 Payments to States.
52.8 Required expenditure of State and local funds.
52.9 Expenditure of Federal funds.
52.10 Use of Federal funds for training.
52.11 Personnel administration on a merit basis.
52.12 Fiscal accounting and control.
52.13 Reports.
52.14 Audits.
52.15 Project grants; eligibility; submission of plan; approval.
52.16 Project plans; contents.
52.17 Payment to project grantees; unused funds.
52.18 Project expenditures; required reports; audits.

AUTHORITY: §§ 52.1 to 52.18 issued under sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply sec. 402, 58 Stat. 707; 42 U. S. C. 282.

§ 52.1 *Definitions.* As used in this part:

(a) "Act" means the Public Health Service Act approved July 1, 1944, 58 Stat. 682, as amended.

(b) "Allotment" means funds allotted to a State on the basis of the formula prescribed in the regulations of this part and to be expended under plans submitted by the State health authority. (Sec. 52.2 to 52.14, relate to allotted funds.)

(c) "Exception" means the amount of Federal funds expended contrary to this part or the State plan.

(d) "Federal funds" means funds appropriated by Congress for carrying out the purposes of title IV of the act.

(e) "Extent of cancer problem" means the ratio which the average annual number of deaths from cancer during the years 1942–46, inclusive, in each State bears to the total cancer mortality in the United States.

(f) "Financial need" as applied to any State means the relative per capita income, as shown by data supplied by the Bureau of Foreign and Domestic Commerce for the period 1943–47, inclusive.

(g) "Grantee" includes any State agency administering a cancer program and any university, hospital, laboratory, institution, or professional nonprofit organization whether public or private dealing with the cancer problem which receives a grant of Federal funds under the regulations in this part.

(h) "Official forms" means forms and instructions supplied by the Public Health Service to the State health authority for use in the submittal of State plans or information required with respect to the operation of such plans.

(i) "Political subdivision" includes counties, health districts, municipalities, and other subdivisions of the State established for governmental purposes.

(j) "Population" as applied to any State or political subdivision, means the total population thereof, as of July 1, 1947, according to the estimates of the Bureau of the Census.

(k) "Program" means the activities and services planned for the prevention, control, and eradication of cancer.

(l) "Project grant" means funds allotted to a grantee for carrying out specific programs of a noncontinuing nature, relating to the prevention, control, and eradication of cancer, including training. (Secs. 52.15 to 52.18 relate specifically to projects.)

(m) "Public Health Service" means the Public Health Service in the Federal Security Agency.

(n) "State" includes any State, the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

(o) "State health authority" means the official State agency administering the State health program.

(p) "State plan" refers to the information and proposals, including budgets, submitted by the State health authority pursuant to the regulations in this part for activities of the States and political subdivisions thereof for the prevention, control, and eradication of cancer.

§ 52.2 *Basis of allotments.* Of the total sum determined by the Surgeon General to be available for the fiscal year 1951 for grants to States on a formula basis, allotments to the several States shall be as follows:

Sixty percent on the basis of population weighted by financial need.

35 percent on the basis of the extent of the cancer problem.

5 percent on the basis of relative population density.

§ 52.3 *Allotments; time of making; duration.* (a) Allotments for the first six months shall be made prior to the beginning of the fiscal year or as soon thereafter as practicable, and shall equal not less than 60 percent nor more than 70 percent of the total sum determined to be available for allotment. At the end of the second quarter, the amounts of allotments for the first six-month period which have not been certified for payment to the respective States pursuant to § 52.7 shall become available for allotment among the States in the same manner as moneys which had not previously been allotted.

(b) Allotments for the remaining six months shall be made prior to the beginning of the third quarter or as soon thereafter as practicable, and shall equal the total sum remaining unpaid and unalloted from the amount available for allotment during the fiscal year.

(c) The Secretary of the Treasury and the respective State health authorities shall be notified of the amounts of allotments and of the period for which they are made.

§ 52.4 *State plans; mode of submittal.* (a) Each State making application for grants for a cancer control program shall submit plans through its State health authority. A State making such an application may consolidate its plan with the plans submitted in accordance with section 314 of the act: *Provided*, That the information specifically required for a State plan is distinguished with respect to each purpose.

(b) The State plan shall be prepared in accordance with official forms supplied by the Public Health Service for the purpose and may be amended with the approval of the Surgeon General or his designee.

§ 52.5 *State plans; contents.* A state plan for a cancer-control program shall include:

(a) A description of the current organization for and health services included in the program and the proposals for extending, improving, and otherwise modifying such organization and services;

(b) Provision for cancer services in substantial accordance with nationally accepted standards;

(c) A budget by project totals for carrying out the services described under paragraph (a) of this section;

(d) A statement that the plan if approved will be carried out as described and in accordance with the regulations in this part.

§ 52.6 *State plans; time of submittal and approval.* (a) State plan shall be submitted prior to July 1, 1950, or as soon thereafter as practicable.

(b) A plan or amendment thereto shall not be approved for any period antedating receipt of such plan by the Public Health Service: *Provided*, That exceptions to this rule may be made by the Surgeon General when necessary to meet emergencies.

(c) The budget for cancer services shall not be approved unless each item thereof relates to activities described in the State plan.

§ 52.7 *Payments to States.* Payments from allotments to a State having an approved plan shall not exceed the allotment to such State or the total estimated expenditure necessary for carrying out the State plan, whichever is less. Subject to the foregoing limitations, payments shall be made as follows:

(a) Payment for the first quarter shall be based upon an application for funds showing the State's estimated requirement for such quarter.

(b) Payment for the second quarter shall be the amount of the difference between the unpaid balance of the allotment of the respective State for the first six months and the unencumbered cash balance of the Federal funds in the State Treasury at the beginning of the first quarter, adjusted for exceptions.

(c) Payment for subsequent quarters from the allotment for the final six-month period shall be made once in each quarter and shall be based upon an application for funds showing the estimated requirements for such quarter and the estimated unencumbered balance of Federal funds in the State Treasury at the beginning of the quarter for which payment is to be made. All such payments shall be in the amount of the difference between the estimated requirement and the estimated unencumbered cash balance adjusted for exceptions, except that the amount paid for either the third or the fourth quarter, together with the estimated unencumbered balance of Federal funds in the State Treasury at the beginning of the quarter, shall not exceed 35 percent of the total amount available to the State for the year.

(d) Any amount in excess of 35 percent of the total allotment to a State remaining unpaid after the third quarter payment, and any unpaid balance in the allotment of a State remaining unpaid after the final payment to a State, shall be available for special project grants.

(e) Payments from allotments shall not be certified unless an application for payment and all reports and documents prescribed by the regulations in this part to be due have been received.

§ 52.8 *Required expenditure of State and local funds.* (a) Moneys paid to any State for carrying out an approved State plan shall be paid on the condition that there be expended in the State, during the fiscal year 1951 and for purposes specified in the State plan, public funds of the State and its political subdivisions (excluding any funds derived by loan or grant from the United States) and contributions made available by voluntary agencies for carrying out the State plan in an amount equal to 50 percent of the amount of Federal funds to be expended pursuant to the State plan.

Required expenditures of State and local funds may include funds available specifically for cancer programs and funds for generalized service to the extent that such expenditures contribute to the cancer program and are not used to meet the requirements for State and local expenditures of other Federal grant programs.

(b) Federal funds paid to a State for its cancer control program shall not be used to conserve State and local funds otherwise available for such purpose.

§ 52.9 *Expenditure of Federal funds.* (a) Federal funds paid to a State shall be expended solely for the purposes specified in plans approved by the Surgeon General or his designee, and in accordance with the regulations in this part.

(b) Except as otherwise authorized by the Surgeon General, the provisions of State law which are applicable to the expenditure of moneys appropriated by the State shall apply to the expenditure of Federal moneys paid to the State.

(c) All encumbrances of Federal funds shall be liquidated within two years after the end of the fiscal year in which the encumbrance was incurred unless otherwise authorized by the Surgeon General. The amount of encumbrances not so liquidated, adjusted by such amounts as otherwise authorized, will be treated for the purpose of determining payments under the regulations in this part as constituting a part of the unencumbered cash balance at the end of the second succeeding fiscal year.

§ 52.10 *Use of Federal funds for training.* Use of Federal funds for training personnel for State and local health work shall be authorized by the State health authority in accordance with "Minimum Standards for Sponsored Training of the Public Health Service." Records of authorized training shall be maintained in the State health agency and shall be audited for compliance with these standards.

§ 52.11 *Personnel administration on a merit basis.* A system of personnel administration on a merit basis shall be established and maintained for personnel employed in the program, the budget of which provides for the expenditure of Federal funds or of State or local funds for matching purposes. Standards for evaluating compliance with this requirement shall be contained in "merit system standards of the Public Health Service" in effect at the time of the expenditure.

§ 52.12 *Fiscal accounting and controls.* (a) The principal State accounting officer shall maintain either (1) a separate and distinct fund account for Federal cancer funds; or (2) a separate and distinct fund account for each State agency in which all Public Health Service grants may be commingled with other Federal grants (but no other funds) available to such agency.

(b) The State and local public health agencies receiving cancer funds under the regulations in this part shall establish and maintain efficient methods for conducting fiscal affairs (including financial and property controls). Each State agency shall maintain a separate and distinct fund account for the Public Health Service cancer grant.

§ 52.13 *Reports.* The Surgeon General may require the submission of information pertinent to the operation of the State plan and to the purpose of the grant, including the following, which wherever possible may be consolidated with data furnished in accordance with section 314 of the act: *Provided*, That the information specifically required for the cancer control program is identified:

(a) A certification on an official form as to the amount of State and local funds available for carrying out the State plan shall be due in duplicate prior to October 1, 1950.

(b) Quarterly reports on official forms showing (1) total receipts, expenditures, unliquidated encumbrances, and balances of Federal funds, and (2) for the first three quarters, total quarterly expenditures from Federal grants and other sources for each activity shown in the budget for cancer control shall be due in duplicate 45 days after the close of the quarter.

(c) An annual report on an official form showing total expenditures from Federal funds and other sources for each activity shown in the budget for cancer control shall be due in duplicate on October 1, 1950.

(d) A report on an official form showing personnel, facilities, and services for each local health organization included in the current State plan shall be due in duplicate on February 15, 1951.

§ 52.14 *Audits.* Audits of the activities and program described in the State plan may be made after prior consultation with the State health authority. Records, documents, and information available to the State health authority pertinent to the audit shall be accessible for purposes of audit.

§ 52.15 *Project grants; eligibility; submission of plan; approval.* State health agencies, uhiversities, hospitals, laboratories, institutions, or professional nonprofit organizations, public or private, will be eligible to apply for funds for projects relating to cancer control. The applicant shall submit plans for such projects through the State health authority.

§ 52.16 *Project plans; contents.* A project plan with respect to a cancer grant shall describe:

(a) The current organization and functions of the applicant, personnel available for cancer activities, objectives of the project and techniques for operation; and

(b) The amount of funds available to the applicant for the project, the amount of Federal funds required, the personnel needed, the cost of permanent equipment, consumable supplies, travel, and other expenses (itemized) and the period during which the project will be operated.

§ 52.17 *Payment to project grantees; unused funds.* Upon the approval of a project plan the total amount of the project will be paid directly to the grantee. A separate and distinct fund account shall be maintained by the grantee for the Federal funds paid under this part. Any balances of the grant remaining unspent at the close of the project shall be returned to the Treasury of the United States.

§ 52.18 *Project expenditures; required reports; audits.* Federal funds paid to a project grantee shall be expended solely for the purposes specified in the project plan approved by the Surgeon General and in accordance with the regulations in this part. Progress and financial reports shall be submitted to the Surgeon General by the grantee at the end of the approved project year. Audit of the activities described in the project plan may be made after prior consultation with the grantee. Records, documents, and information available to the grantee pertinent to the audit shall be accessible for purposes of audit.

Effective date; prior regulations superseded. The regulations in this part which become effective upon the date of their publication in the FEDERAL REGISTER, shall apply for the fiscal year 1951, and with respect to such fiscal year, shall supersede the regulations heretofore contained in this part.

Dated: August 28, 1950.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: September 1, 1950.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 50-7920; Filed, Sept. 8, 1950; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 71–77—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of August A. D. 1950.

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), sections 831–835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in provisions made a part thereof.

It is ordered, That the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO THESE REGULATIONS

Section 72.2 (formerly sec. 2, order March 31, 1941), is amended to read as follows:

§ 72.2 *Articles not described.* (a) For an article not described by name shown in § 72.5, when such article is classified as dangerous by §§ 73.100, 73.150, 73.151, 73.240, 73.300, 73.326, 73.336, 73.362, or 73.366, the article must be prepared and offered for shipment in compliance with the regulations for the group within which it is properly classified.

The following amendments are made to § 72.5 (formerly part of section 4, List of Explosives and Other Dangerous Articles, order August 16, 1940):

§ 73.5 *List of explosives and other dangerous articles.*

Article	Classed as—	Exemptions and packing (section references to part 73 (formerly part 3))	Label required if not exempt	Maximum quantity in one outside container by rail express
(Add)				
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	Noninf. G	302, 303	Green	300 pounds.
*Flame retardant compound, liquid	Cor. L	244, 280	White	10 gallons.
Sodium chlorite solution (not exceeding 40% sodium chlorite).	...do	244, 263	...do	4 gallons.
Sodium, metallic, dispersion in organic solvent.	Inf. 8	No exemption 217	Yellow	10 pounds.

PART 73—REGULATIONS APPLYING TO SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

Section 73.31 Note 2 to (g) (formerly sec. 31 (g) Note 2, order January 23, 1950) is canceled.

Section 73.32 (n) (order April 28, 1950) is amended to read as follows:

(n) Each outlet of portable tanks used for the transportation of liquefied compressed gases, except carbon dioxide, shall be provided with a suitable automatic excess-flow valve. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve. Exception: Safety device connections and liquid level gauging devices which are so constructed that the outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening are not required to be equipped with excess-flow valves.

Section 73.33 (c) (order February 13, 1950) is amended to read as follows:

(c) Any cargo tank of ICC Specification MC320 constructed or put in service on and after February 1, 1942, and prior to May 15, 1950, fulfilling the requirements of that specification may be continued in service for the transportation of a liquefied petroleum gas if it is retested every five years in accordance with the requirements of paragraph (k) (1) of this section: *Provided*, That it is in and can be maintained in safe operating condition for the transportation of that gas, and shall be marked "ICC Specification MC320" on the plate required by Specification MC330.

Section 73.33 (m) (5) (order February 13, 1950) is amended to read as follows:

(5) All hose, wherever used, shall be designed for a bursting pressure not less than four times the design working pressure of the tank with which it is used, and not less than four times that pressure to which, in any instance, it may be subjected in service by the action of a pump or other device, the action of which may be to subject the hose to pressures greater than the design working pressure of the tank. Any coupling used on hose to make connections shall be designed for a working pressure, not less than 20 percent in excess of the design working pressure of the hose, and shall be so designed that there will be no leakage when connected.

Section 73.33 (o) (order April 28, 1950), is amended to read as follows:

(o) Each outlet of cargo tanks used for the transportation of liquefied compressed gases, except carbon dioxide, shall be provided with a suitable automatic excess-flow valve or in lieu thereof may be fitted with quick closing internal valves. The quick closing internal valve shall be operated by an independent fluid medium. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve. Exception: Safety device connections and liquid level gauging devices which are so constructed that the outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening are not required to be equipped with excess-flow valves.

SUBPART B—EXPLOSIVES, DEFINITIONS AND PREPARATION

Section 73.61–5 (g) (1) (i) (order February 3, 1950), is amended to read as follows:

(i) Pasteboard cartons containing not more than 100 caps each. Gross weight not to exceed 150 pounds, except for export shipment.

Section 73.65 Note to (a) (3) (order February 3, 1950), is canceled.

Section 73.68 (p) (order February 3, 1950), is amended to read as follows:

(p) Toy paper caps, consisting of paper cap ammunition for toy pistols, in sheets, strips, rolls; or individual caps, must not contain more than an average of twenty-five hundredths of a grain of explosive composition per cap and must be packed in inside packages constructed of cardboard not less than 0.013 inch in thickness or of metal not less than 0.008 inch in thickness which shall provide a complete enclosure and the minimum dimensions of each side or end of such package shall be not less than ⅛ inch in height. Unless greater weight of composition is approved by the Bureau of Explosives, the number of caps in these inside packages shall be limited so that not more than 10 grains of explosive composition shall be packed into one cubic inch of space and not exceeding 17.5 grains of the explosive composition of toy caps shall be packed in any inside container. These inner containers must be packed in outside containers as specified in § 73.77.

Section 73.76 (b) (2) (order February 3, 1950), is amended to read as follows:

(2) *Spec. 12B.* Fiberboard boxes, provided that ends of boxes are reinforced to prevent penetration of spikes through the outside container when the completed package, prepared for shipment, is subjected to two drops from a height of 4 feet on a solid surface and so as to strike diagonally with the spikes in a downward position. Gross weight not to exceed 65 pounds, except that gross weight not to exceed 75 pounds is authorized in boxes made in accordance with paragraph 32 of Spec. 12B.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS

Section 73.154 (formerly sec. 154, order August 16, 1940), is amended by adding paragraph (zz) as follows:

(zz) Sodium, metallic, dispersion in organic solvent.

Section 73.158 (b) (order November 4, 1946), is amended to read as follows:

(b) *Spec. 15A or 15B.* Wooden boxes with inside fiber containers securely closed by taping or gluing, not over 1 pound capacity each. Each inside container surrounded by asbestos or fire-resistant cushioning material which will protect contents with equal efficiency; net weight in outside container must not exceed 50 pounds.

Section 73.190 (b) (7) (formerly sec. 190 (b) (7), order August 16, 1940), is amended to read as follows:

(b) (7) *Spec. 103 or 103W.* Tank cars, without bottom discharge outlet and with approved dome fittings, external heater systems, and with insulation at least 4 inches in thickness, except that thickness of insulation may be reduced to 2 inches over external heater coils. The material must be immersed in water and must be loaded at a temperature not exceeding 140° F. and then cooled until the water has a temperature not exceeding 105° F. before car is offered to carrier. The water must be loaded in the dome to not more than 50 percent of the capacity of the dome.

[Note remains the same.]

Section 73.207 (c) (order April 19, 1948), is amended to read as follows:

(c) Sodium sulfide containing 35 percent or more combined water by weight, fused or concentrated but not ground (may be chipped, flaked, or broken), is exempt from specification packaging and labeling requirements, when packed in steel barrels or drums that are equipped with moisture-tight closures.

Add section 73.217 (order August 16, 1940), as follows: § 73.217 *Sodium, metallic dispersion in organic solvent.* (a) Sodium, metallic dispersion in organic solvent must be packed in specification containers as follows:

(1) Spec. 15A.—Wooden boxes with inside containers which must be metal cans not exceeding one quart capacity, and each such can must be packed in another metal can and cushioned on all sides with at least one inch of soda ash. Both the inner and outer metal can shall be equipped with an airtight closing device secured by positive means (not friction). Gross weight of completed package must not exceed 100 pounds.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS

Section 73.261 (b) (2) (formerly sec. 261 (b) (2), order October 27, 1947), is amended to read as follows:

(b) (2) Fire-extinguisher charges consisting of sulfuric acid in strong 8-fluid ounce or smaller bottles, securely closed and packed with bicarbonate of soda completely surrounding the bottles of acid in outside fiberboard or wooden boxes. Closure must consist of a metal cap lined with an acid-resistant washer or a composition stopper of material that will not be attacked by the acid.

Section 73.263 (a) (1) (formerly sec. 263 (a) (1), order August 16, 1940), is amended to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric acid mixtures, and sodium chlorite solution.* (a) (1) Hydrochloric (muriatic) acid, hydrochloric acid mixtures, and sodium chlorite solution not exceeding 40 percent sodium chlorite must be packed in specification containers as follows:

Section 73.263 (a) (10) (formerly sec. 263 (a) (10), order January 23, 1946), is amended to read as follows:

(a) (10) Spec. MC 310.—Tank motor vehicles, lined with rubber or equally acid-resistant material of equivalent strength and durability.

Section 73.272 (formerly sec. 272, orders August 16, 1940, November 8, 1941, June 29, 1945, August 19, 1946, February 3, 1948, September 21, 1949, and April 28, 1950), is amended to read as follows:

§ 73.272 *Sulfuric acid.* (a) Sulfuric acid (oleum, oil of vitriol, etc.) must be packed in specification containers as follows:

(b) Sulfuric acid solutions of not over 25 percent concentrations, in inside containers of not more than 8 ounces capacity each, resistant to the lading, packed in strong outside containers and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in event of breakage, are exempt from specification packaging, marking and labeling requirements for transportation by rail freight, rail express or highway. When for transportation by carrier by water they are exempt from specification packaging and labeling requirements and marking, other than name of contents.

(c) For sulfuric acid of any concentration:

(1) *Spec. 15A, 15B, 15C, 16A, or 19A.* Wooden boxes with glass or earthenware inside containers, not over one gallon capacity each, except that such containers up to three gallons capacity may be used when only one such container is packed in each outside wooden box.

(2) *Spec. 31.* Jugs in tubs.

(3) *Spec. 11A or 11B.* Wooden barrels or kegs with glass or earthenware inside containers not over 2 gallons capacity each.

(4) *Spec. 1X.* Boxed carboys of 5 to 6 gallons capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(d) For sulfuric acid of concentrations not less than 100 percent and not more than 115 percent (approximate):

(1) *Spec. 5C.* Metal barrels or drums of Type 304, 316, or 347 stainless steel or other types of stainless steel of equivalent corrosion resistance and physical properties.

(e) For sulfuric acid of concentrations not to exceed 100.5 percent:

(1) *Spec. 1A or 1C.* Carboys in boxes or kegs.

(2) *Spec. 1D.* Boxed glass carboys of not over 6.5 gallons nominal capacity.

(f) For sulfuric acid of concentrations not to exceed 93.2 percent (approximately 1.835 specific gravity) (66° Baume):

(1) *Spec. 5H.* Metal barrels or drums.

(g) For sulfuric acid of concentrations 77.5 percent (approximately 1.7019 specific gravity) (59.8° Baume) or greater concentrations with or without an inhibitor provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baume commercial sulfuric acid:

(1) *Spec. 5A.* Metal barrels or drums.

(2) *Spec. 17F.* Metal barrels or drums (single-trip only). Drums equipped with vented closures of an experimental type approved by the Bureau of Explosives are also authorized for export shipments.

(h) For sulfuric acid of concentrations 65.25 percent (approximately 1.559 specific gravity) (52° Baume) or greater concentrations, provided the corrosive effect on steel measured at 100° F. is not greater than that of 52° Baume commercial sulfuric acid:

(1) *Spec. 60.* Portable tank.

(2) *Spec. MC 310.* Tank motor vehicle.

(3) *Spec. 103A or 103A–W.* Tank cars.

(i) For sulfuric acid of concentrations not to exceed 51 percent (approximately 1.408 specific gravity) (42° Baume):

(1) *Spec. 5D.* Rubber-lined metal drums.

(2) *Spec. 60.* Portable tanks (rubber-lined).

(3) *Spec. MG 310.* Tank motor vehicles (rubber-lined).

(4) *Spec. 103B or 103B–W.* Tank cars.

(j) Gaskets must be in a plastic condition when applied to carboys in boxes, barrels or kegs containing water-white sulfuric acid (electrolyte grade) of concentrations 77.5 percent (approximately 1.7019 specific gravity) (59.8° Baume).

(k) Soft rubber gaskets are authorized on carboys in boxes, barrels or kegs containing sulfuric acid of not over 51 percent concentrations (approximately 1.408 specific gravity) (42° Baume).

(l) Because of the present emergency and until further order of the Commission, sulfuric acid may be offered in transportation by carriers by water in conformity with Regulations for Explosives or Other Dangerous Articles on Board Vessels, § 146.23–10, issued by the Commandant of the Coast Guard.

Section 73.273 (d) (order September 21, 1949), is designated as paragraph (e), and add new paragraph (d), as follows:

(d) *Spec. 17F.* Metal drums (single-trip).

Add section 73.280 (order August 16, 1940), as follows:

§ 73.280 *Flame retardant compound, liquid.* (a) Flame retardant compound, liquid, must be packed in specification containers as follows:

(1) *Spec. 1A, 1B, or 1C.* Carboys in boxes or kegs which must be closed, and when reused must be reconditioned and tested, as provided in the specification.

(2) *Spec. 1D.* Boxed glass carboys of not over 6.5 gallons nominal capacity which must be closed, and when reused must be reconditioned and tested, as provided in the specification; means shall be provided so that accumulated pressure in bottle shall not exceed 10 pounds per square inch gauge at 130° F., or shall vent at a pressure not to exceed 10 pounds per square inch gauge.

(3) *Spec. 1X.* Boxed carboys of 5 to 6 gallons capacity, single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(4) *Spec. 10A.* Wooden barrels or kegs, lined with asphalt or rubber.

(5) *Spec. 11A, or 11B.* Wooden barrels or kegs with inside containers which must be glass or earthenware, not over 2 gallons each.

(6) *Spec. 15A, 15B, 15C, 16A, or 19A.* Wooden boxes with inside containers which must be glass or earthenware, not over 1 gallon each, except that inside containers up to 3 gallons are authorized when only one is packed in each outside container.

(7) *Spec. 28.* Metal-jacketed lead carboys.

(8) *Spec. 103B, 103B–W, 108, or 108A.* Tank cars.

SUBPART F—COMPRESSED GASES

Section 73.302 (h) (formerly sec. 302, order February 13, 1950), is amended to read as follows:

(h) Foodstuffs, soaps, or cosmetics, in metal cans with soluble or emulsified compressed gas, provided the pressure in the container does not exceed 105 pounds per square inch absolute at 70° F. or 140 pounds per square inch absolute at 130° F. The metal container must be capable of withstanding without bursting a pressure of two times the pressure of con-

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see § 73.303 (r) (1))	Type (see Note 2)	Minimum design working pressure (psig)
Anhydrous ammonia	56	82, see Note 5	ICC–51, MC–330	265.
Carbon dioxide	See sec. 303 (r) (c)	96	do	200, see Note 3.
Liquefied petroleum gas	See sec. 303 (r) (b)	See sec. 303 (r) (b)	do	See sec. 303 (r).
Nitrous oxide	See sec. 303 (r) (c)	97.5	do	700, see Note 3.
Sulfur dioxide (tanks not over 1,200 gal. water capacity)	125	97.5	do	150, see Note 4.
Sulfur dioxide (tanks over 1,200 gal. water capacity)	125	87.5	do	125, see Note 4.
Sulfur dioxide (portable tanks, D.I.T. 1,000–2,000 pounds water capacity (fusible plug))	125	See Note 6	ICC–51	225.

NOTE 1: Maximum filling density for liquefied gases is hereby defined as the percent ratio of the weight of gas in the tank to the weight of water that the tank will hold. For determining the water capacity of the tank in pounds, the weight of a gallon (231 cubic inches) of water at 60° F. in air shall be 8.32828 pounds.

NOTE 2: See §§ 73.32 and 73.33 for authority to use containers made prior to May 15, 1950.

NOTE 3: If cargo tanks and portable tank containers for carbon dioxide and nitrous oxide are designed to comply with the "Rules for Containers for Gases and Liquids at Temperatures of Minus 20 Degrees Fahrenheit and Below" of the A. S. M. E. Code, the design working pressure may be reduced to 100 psig or the controlled pressure, whichever is greater.

NOTE 4: A corrosion factor shall be applied in the design of tanks for sulfur dioxide.

NOTE 5: Unlagged cargo tanks and portable tank containers for liquid anhydrous ammonia may be filled to 87.5 percent by volume provided the temperature of the anhydrous ammonia being loaded into such tanks is determined to be not lower than 30° F. or provided the filling of such tanks is stopped at the first indication of frost or ice formation on the outside surface of the tank and is not resumed until such frost or ice has disappeared.

NOTE 6: Tanks equipped with fusible plugs must be filled by weight.

Section 73.303 (r) (b) (order February 13, 1950), is amended to read as follows:

(b) Maximum permitted filling densities for cargo tanks and portable tank containers for transportation of liquefied petroleum gases are as follows:

Maximum specific gravity of the liquid material at 60° F.	Maximum permitted filling density in percent of the water-weight capacity of the tanks		Maximum permitted filling density by volume
	1,200 gallons or less	Over 1,200 gallons	
	Percent	*Percent*	
0.473–0.480	36	41	See Note 1
0.481–0.488	38	42	
0.489–0.495	40	43	
0.496–0.503	41	44	
0.504–0.510	42	45	
0.511–0.519	43	46	
0.520–0.527	44	47	
0.528–0.535	45	48	
0.536–0.544	46	49	
0.545–0.552	47	50	
0.553–0.560	48	51	
0.561–0.568	49	52	
0.569–0.576	50	53	
0.577–0.584	51	54	
0.585–0.592	52	55	
0.593–0.600	53	56	
0.601–0.608	54	57	
0.609–0.617	55	58	
0.618–0.626	56	59	
0.627–0.634	57	60	

NOTE 1: Same filling density as permitted by weight, except when using fixed length dip tube or other fixed maximum liquid level indicators (§ 73.303 (r) (1)), in which case the maximum permitted filling density shall not exceed 97 percent of the maximum permitted filling density by weight contained in the table.

Section 73.303 (k) table (formerly sec. 303 (k) table, order August 16, 1940), is amended as indicated below:

Kind of gas	Maximum permitted filling density (see sec. 303 (b))	Specification container required
		Cylinders* marked as shown in this column must be used except as provided in Note 1 and sec. 303 (p) (2) to sec. 303 (p) (6)
(Add) Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	*Percent* 100	ICC–3A2400; ICC–3B2400; ICC–4A240; ICC–4B240; ICC–4BA240; ICC–4.

Section 73.303 (m) (4) (a), (m) (4) (b), (m) (4) (c), (m) (4) (d), and (m) (4) (e), as follows:

(m) (4) (a) Refrigerant gases which are non-poisonous and non-flammable under these regulations must be shipped in cylinders as prescribed in § 73.303 (k) or (m) (2) or as follows:

(m) (4) (b) Spec. 2P inside metal containers equipped with safety devices of a type approved by the Bureau of Explosives and packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation.

(m) (4) (c) Pressure in the container must not exceed 85 pounds per square inch absolute at 70° F.

(m) (4) (d) Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F. without evidence of leakage, distortion or other defect.

(m) (4) (e) Each outside shipping container must be plainly marked "Inside containers comply with prescribed specifications."

Section 73.303 (q) (1) table (formerly sec. 303 (q) (1) table, order August 16, 1940), is amended as indicated below:

Name of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(Add) Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	100, 105	ICC–106A500, Note 12; ICC–105A300.

Section 73.303 (q) (1) note 8 (formerly sec. 303 (q) (1) note 8, order January 25, 1945), is amended to read as follows:

NOTE 8: For tank cars of other than ICC 106A type, used for shipping chlorine, tests prescribed in paragraph 15 of spec. 105A300 must be made at intervals of 2 years or less and interior pipes of liquid discharge valves must be equipped with check valves of approved design.

Section 73.303 (q) (1) note 12 (formerly sec. 303 (q) (1) note 12, order March 7, 1949), is amended to read as follows:

NOTE 12: Tanks complying with specification 106A500, containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, dichlorotetrafluoroethane, dispersant gas, n. o. s., or dichlorodifluoromethane and difluoroethane mixture (*constant boiling mixture*), or tanks complying with specification 106A800, containing hydrogen sulfide, may be transported on trucks or semitrailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 (b) (2), for rail freight-motor vehicle shipments.

Section 73.303 (r) (a) (1) (order February 13, 1950), is amended to read as follows:

(1) Compressed gases must not be shipped in cargo tanks or portable tank containers except as provided under paragraph (r) of this section and §§ 73.32 and 73.33 and in the following table (for marking requirements see § 73.401 (a) (1) and § 77.823 (d)).

Section 73.303 (r) (1) (3) (order February 13, 1950), is amended to read as follows:

(3) Each safety relief valve shall be plainly and permanently marked with the pressure in psig at which it is set to discharge, with the actual rate of discharge of the device in cubic feet per minute of the gas at 60° F. and atmospheric pressure, and with the manufacturer's name and catalog number. The rated discharge capacity of the device shall be determined at a pressure of 120 percent of the design working pressure of the tank.

Section 73.303 (r) (1) (order February 13, 1950), is amended by adding subparagraph (10) as follows:

(10) Subject to conditions of § 73.303 (r) (a) (1) for sulfur dioxide optional portable tank 1000–2000 pounds water capacity—225 psig, one or more fusible plugs approved by the Bureau of Explosives may be used in lieu of safety relief valves of the spring-loaded type. The fusible plug or plugs shall have total relieving capacity as determined by the use of Fetterly's formula sufficient to prevent a pressure rise in the tank of more than 120 percent of the design working pressure. If the tank is over thirty inches long, both ends must have the total specified safety discharge area.

Section 73.326 (a) note (formerly sec. 326 (a) note, order October 19, 1948), is amended to read as follows:

NOTE: Diluted solutions of hydrocyanic acid of not exceeding 5 percent strength are classed as poisonous articles, class B (see § 73.336).

Section 73.336 (formerly sec. 336, order August 16, 1940), is amended to read as follows:

§ 73.336 *Less dangerous poisons, class B, liquid or solid, poison label; definition.* (a) For the purpose of these regulations and except as otherwise provided herein class B poisons are substances, liquids or solids (including pastes and semisolids), other than classes A, C, or D poisons which are known to be so toxic to man as to afford a hazard to health during transportation, or which, in the absence of adequate data on human toxicity, are presumed to be toxic to man because they fall within any one of the following categories when tested on laboratory animals:

(1) *Oral toxicity.* Those which produce death within 48 hours in half or more than half of a group of 10 or more white laboratory rats weighing 200 to 300 grams at a single dose of 50 milligrams or less per kilogram of body weight, when administered orally.

(2) *Toxicity on inhalation.* Those which produce death within 48 hours in half or more than half of a group of 10 or more white laboratory rats weighing 200 to 300 grams, when inhaled continuously for a period of one hour or less at a concentration of 2 milligrams or less per liter of vapor, mist, or dust, provided such concentration is likely to be encountered by man when the chemical product is used in any reasonable foreseeable manner.

(3) *Toxicity by skin absorption.* Those which produce death within 48 hours in half or more than half of a group of 10 or more rabbits tested at a dosage of 200 milligrams or less per kilogram body weight, when administered by continuous contact with the bare skin for 24 hours or less.

(b) The foregoing categories shall not apply if the physical characteristics or the probable hazards to humans as shown by experience indicate that the substances will not cause serious sickness or death. Neither the display of danger or warning labels pertaining to use nor the toxicity tests set forth above shall prejudice or prohibit the exemption of any substances from the provisions of these regulations.

Section 73.337 (formerly sec. 337, order August 16, 1940), is amended to read as follows:

§ 73.337 *Packing for class B poisons, liquid.* (a) Closing and cushioning. All containers must be tightly and securely closed. Inside containers must be cushioned as prescribed, or in any case when necessary to prevent breakage or leakage.

Section 73.338 (a) (formerly sec. 338 (a), order July 22, 1948), is amended to read as follows:

§ 73.338 *Exemptions for poisonous liquids, class B.* (a) Poisonous liquids, class B, as defined in § 73.336, except aniline oil, hydrocyanic acid solutions, methyl bromide, motor fuel anti-knock compound, phenyldichlorarsine or tetraethyl lead, in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway, but when for transportation by carrier by water are exempt from specification packaging, marking other than name of contents, and labeling requirements:

Section 73.349 (a) (formerly sec. 349 (a), order August 16, 1940), is amended to read as follows:

§ 73.349 *Poisonous liquids not specifically provided for.* (a) Poisonous liquids, as defined in § 73.336, other than those for which special requirements are prescribed, must be packed in specification containers as follows:

Section 73.350 (formerly sec. 350, order August 16, 1940), is canceled.

Section 73.351 (a) (formerly sec. 351 (a), order August 16, 1940), is amended to read as follows:

§ 73.351 *Packing for class B poisons, solid.* (a) Closing and cushioning. All containers must be tightly and securely closed. Inside containers must be cushioned as prescribed, or in any case when necessary to prevent breakage or leakage.

Section 73.356 (formerly sec. 356, orders August 16, 1940 and January 23, 1950), is amended to read as follows:

§ 73.356 *Carbolic acid (phenol), not liquid.* (a) Carbolic acid (phenol), not liquid, must be packed in specification containers as follows:

(1) *Spec. 5, 5A, 5B, 6A, 6B, or 6C.* Metal barrels or drums.

(2) *Spec. 11A or 11B.* Wooden barrels or kegs with securely closed inside drums of metal not thinner than No. 26 gage, the space between drum and barrel or keg being filled with sawdust or rice hulls.

(3) *Spec. 11A or 11B.* Wooden barrels or kegs with glass or earthenware inside containers, not over 1 gallon capacity each, or with metal inside containers not over 2 gallons capacity each.

(4) *Spec. 12B.* Fiberboard boxes with inside containers which must be metal cans not over 25 pounds capacity each.

(5) *Spec. 12B.* Fiberboard boxes with glass or earthenware inside containers not over 1 quart capacity each, or with metal inside containers not over 1 gallon capacity each. Packages containing glass or earthenware containers must not weigh over 65 pounds gross.

(6) *Spec. 12D.* Fiberboard boxes with inside containers which must be: Glass or earthenware not over 1 gallon each; authorized for not more than 75 pounds gross weight; not to contain more than 4 such inside containers if their capacity is greater than 5 pints each. Use of this container will be permitted because of the present emergency and until further order of the Commission.

(7) *Spec. 15A, 15B, 15C, 16A, or 19A.* Wooden boxes with glass or earthenware inside containers not over 1 gallon capacity each, except that inside containers up to 3 gallons are authorized when only one is packed in each outside container; or with metal inside containers, not over 10 gallons capacity each.

(8) *Spec. 15A, 15B, or 15C.* Wooden boxes with metal inside containers, Spec. 2F, not over 250 pounds total capacity each.

(9) *Spec. 17E, 17H, or 37D.* Metal drums (single-trip). Net weight not over 475 pounds.

(10) *Spec. 37G.* Metal drums securely cushioned with sawdust or rice hulls in outside wooden barrels, net weight of contents not over 250 pounds. Outside containers must be marked as prescribed in § 73.25.

(11) *Spec. 37H.* Metal drums (single-trip). Net weight not over 200 pounds each.

(12) *Spec. 42B or 42C.* Aluminum drums.

(13) *Spec. 103, 103W, 103A, or 103A–W.* Tank cars.

(14) *Spec. MC 300, MC 301, MC 302, or MC 303.* Tank motor vehicles.

Section 73.357 (formerly sec. 357, order August 16, 1940), is amended by adding subparagraph (a) (12), as follows:

(a) (12) *Spec. 21B.* Fiber drums.

Section 73.361 (a) (formerly sec. 361 (a), order August 16, 1940), is amended to read as follows:

§ 73.361 *Poisonous solids not specifically provided for.* (a) Poisonous solids, as defined in § 73.336, other than those for which special requirements are prescribed, must be packed in specification containers as follows:

Section 73.361 (formerly sec. 361, order Auugst 16, 1940), is amended by adding paragraph (n), as follows:

(n) *Spec. 21B.* Fiber drums.

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Section 73.401 (c) (formerly sec. 401 (c), order November 4, 1946), is amended to read as follows:

(c) Packages containing flammable liquids in inside containers of one quart capacity or larger, or corrosive liquids, acids, alkaline caustic liquids, and liquid oxidizing materials in inside containers regardless of capacity, unless specifically exempted, must be packed with filling holes up, and except for carboys not completely boxed, the outside container must be plainly marked "THIS SIDE UP" on the cover or top to indicate the position of the inside containers. This requirement does not apply to materials in inside metal cans of the nonrefillable type with spun-in head and base and having no replaceable cap or other closing device.

PART 73a—SHIPPING CONTAINER SPECIFICATIONS (FORMERLY PART OF PART 3)

Section 73a.1A–7 (f) table (formerly par. 7 (f) table of Spec. 1A, order October 28, 1942) is amended to read as follows:

Carboy capacity not over (gallons)	Minimum dimensions					Nails, sides and bottom	
	Thickness of sides, top and ends	Thickness of bottom	Thickness and width of bottom nailing cleats	Carrying cleats and shoes	Triangular vertical corner posts	Size not less than [1]	Spacing average not over [2]
	Inch	*Inch*	*Inches*	*Inches*	*Inches*	*Penny*	*Inches*
5 to 13	⅛	⅞[2]	⅞ by 2½	⅞ by 2½	2½ by 2½ (short sides)	8 10	2¼ 2¾

[1] Screws of equal efficiency authorized.
[2] Spacing 6 inches acceptable along edge grain of bottoms.

Section 73a.3A–23 (formerly par. 23 of Spec. 3A, order February 13, 1946), is amended to read as follows:

23 *Special type authorized for trial service.* Authority for construction and use of these cylinders must be procured in writing from the Bureau of Explosives. Cylinders to have not more than 278 pounds nominal water capacity, a service pressure of 480 pounds per square inch, and be made in compliance with the requirements of paragraphs 5, 8A, 9 (a), 19, and 22 as modified by the following exceptions and all other paragraphs of this specification:

(No change in exceptions.)

Section 73a.3AA–10 (b) (formerly par. 10 (b) of Spec. 3AA, order August 19, 1946), is amended to read as follows:

(b) The steel temperature on quenching shall be that recommended for the steel analysis, but in no case shall exceed 1,750° F.

Section 73a.5A–8 (formerly par. 8 of Spec. 5A, order August 16, 1940), is amended to read as follows:

(8) *Rolling hoops.* Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops or welding of the rolling hoops directly to the body of the drum in any manner is not permitted.

Section 73a.12B–32 (formerly par. 32 of Spec. 12B, order April 18, 1947), is amended to read as follows:

32 *Special box authorized only for railway fusees.* Must comply with this specification except as follows: Must be double-faced corrugated fiberboard at least 400-pound test, or solid fiberboard of same strength at least 0.100 inch thick; lining and pads not required; authorized gross weight 75 pounds. For fusees equipped with spikes, protection as required in § 73.76 (b) (2) must be provided.

Section 73a.12B–33 (formerly par. 33 of Spec. 12B, order December 12, 1942), is canceled.

Add Specification 21B (order August 16, 1940), as follows:

SPECIFICATION 21B—FIBER DRUMS

1 *ompliance.* Required in all details.

2 *Sidewalls and ends.* (a) Sidewalls to be convolutely wound of fiber sheets at least 0.01 inch thick, the plies being secured together with adhesive.

(b) Ends to be of two or more discs of fiberboard fastened together with adhesive, or of metal or wood sufficiently strong to withstand prescribed tests.

3 *Capacity and weight.* (a) Maximum authorized capacity 55 gallons.

(b) Maximum authorized net weight 200 pounds, except as otherwise covered in the regulations.

(4) *Type tests.* (a) Samples taken at random, conditioned at least 24 hours at an approximate temperature of 75° F. and relative humidity of 50 percent, filled with dry, finely powdered material to authorized weight, closed as for use, must withstand the following tests, under supervision of a representative of the Bureau of Explosives, without leakage and without serious rupture. No single drum shall be expected to withstand more than the test prescribed in any one of the following subparagraphs:

(1) *Chime drop.* Drum must be able to withstand two drops from a height of 4 feet on a solid concrete floor, the first drop to be made diagonally on the bottom chime and the second drop diagonally on the top chime. Drums with wood heads to be dropped with grain of wood heads parallel to concrete surface.

(2) *Flat drop.* Drum must be able to withstand two drops from a height of 4 feet onto a 2 inch by 6 inch timber resting on the floor with the 6 inch leg vertical, the drops being made with the drum in a horizontal position at right angles to the timber and so that each drop strikes at a different position near the center of the drum sidewall.

(3) *End compression.* Drum must be able to withstand end to end pressure of 1500 pounds without deflection of over 1½ inches; speed of compression tester to be ½ inch plus or minus ¼ inch per minute.

(b) The tests prescribed above must be made by any company starting production on samples taken at random of each type and diameter of container and must be repeated every 4 months or less during production; samples last tested must be retained until further tests are made.

5 *Registration of drum specification.* (a) Specification for each type of drum manufactured (under this specification) shall be filed with the Bureau of Explosives. Changes in construction (drum and closure) differing from specifications thus filed must be approved by the Bureau of Explosives before authorized for use.

6 *Marking.* (a) On each container as follows:

(1) ICC–21B, followed by the authorized gross weight (authorized net weight, plus approximate tare weight, for example: ICC–21B130). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in (a) (1).

Section 73a.51–1 (a) (formerly par. 1 (a) of Spec. 51, order September 21, 1949), is amended to read as follows:

Requirements for design and construction. (a) Tanks shall be of seamless or welded steel construction or combination of both and shall have in excess of 1,000 pounds water capacity. Fusion-welded tanks shall be fully radiographed and stress-relieved. Tanks shall be designed and constructed in accordance with and fulfill the requirements of (1) paragraph U–68 or U–200 of section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1949 Edition; or (2) section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1950 Edition; or (3) the A. P. I.–A. S. M. E. Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1943 Edition (any or all of which hereinafter referred to as "the Code").

Section 73a.103C–6 (formerly par. 6 of Spec. 103C, order August 16, 1940), is amended by adding paragraph (a), as follows:

Riveting. (a) For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. All rivets must be driven hot.

Section 73a.106A800–14 (b) (formerly par. 14 (b) of Spec. 106A800, order August 16, 1940), is amended to read as follows:

(b) When longitudinal seam is water gas lap-welded, the mark must be ICC–106A800.

When longitudinal seam is fusion-welded, the mark must be ICC–106A800X.

Section 73a.MC330–1 (a) (formerly par. 1 (a) of Spec. MC330, order January 23, 1950), is amended to read as follows:

Requirements for design and construction. (a) Tanks shall be of seamless or welded steel construction or combination of both and shall be designed and constructed in accordance with and fulfill the requirements of (1) section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1949 Edition, except that construction under Par. U-70 is not authorized; or (2) section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1950 Edition; or (3) the A. P. I.–A. S. M. E. Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1943 Edition (any or all of which hereinafter referred to as "the Code").

Section 73a.MC330–1 (b) formerly par. 1 (b) of Spec. MC330, order January 23, 1950), is amended to read as follows:

(b) Except as noted below, all openings in the tank shall be grouped in one location, either at the top of the tank or at one end of the tank. Exceptions: (1) The openings for liquid level gauging devices, or for safety devices, may be installed separately at the other location or in the side of the shell; (2) One plugged opening of 2-inch National Pipe Thread or less provided for maintenance purposes may be located elsewhere, (3) Loading and unloading connections may be located in the bottom of the tank.

Section 73a.MC330–5 (a) (formerly par. 5 (a) of Spec. MC330, order April 28, 1950), is amended to read as follows:

5 *Protection of valves and accessories.* (a) All valves, fittings, accessories, safety devices, gauging devices, and the like shall be adequately protected against mechanical damage by a housing closed with a cover plate. Exceptions: (1) Liquid and vapor valves, fittings, and accessories installed in the bottom of the tank shall be adequately protected against mechanical damage, but the housing and cover plate may be omitted. (2) In lieu of a housing closed with a cover plate, tanks used for the transportation of carbon dioxide may have all valves, piping, fittings, accessories, safety devices, gauging devices, and the like installed within the motor vehicle framework, or a suitable collision-resisting subframe, guard or housing.

PART 74—REGULATIONS APPLYING TO CARRIERS BY RAIL FREIGHT (FORMERLY PART 4)

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Section 74.533 Chart (order April 28, 1950), is amended as follows:

Fireworks, common. An "x" should be placed opposite this item under item 14, both perpendicularly and horizontally.

PART 77—REGULATIONS APPLYING TO SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY (FORMERLY PART 7)

Section 77.819 Note (formerly sec. 819 note, order February 3, 1948), is amended to read as follows:

NOTE: For the relief of shippers from multiplicity of certifications required for packages which may move by carriers by water, including combustible liquids and hazardous articles, such shipments may be certified for rail, motor vehicle, water transportation, or air transportation, as follows:

This is to certify that the above articles are properly described by name, and are packed and marked and are in proper condition for transportation according to the applicable regulations prescribed by the Interstate Commerce Commission and the Commandant of the Coast Guard; or,

This is to certify that the above articles are properly described by name, and are packed and marked and are in proper condition for transportation according to the applicable regulations prescribed by the Interstate Commerce Commission and the Civil Air Regulations.

Section 77.824 (g) (3) (formerly (g) (3) of section 824, order March 7, 1949), is amended to read as follows:

(g) (3) Tanks complying with specification 106A500, containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., or dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), or tanks complying with specification 106A800, containing hydrogen sulfide, may be transported on trucks or semitrailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 (b) (2) for rail freight-motor vehicle shipments.

Section 77.825 Chart (order April 28, 1950), is amended as follows:

Fireworks, Common.—An "x" should be placed opposite this item under item 14, both perpendicularly and horizontally.

It is further ordered, That the foregoing amendments to the aforesaid regulations shall have full force and effect on November 27, 1950, and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C., Sup., 835)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7918; Filed, Sept. 8, 1950; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 131]

[Docket No. A016–A3]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781: 7 U. S. C. 851 et seq. and the rules of practice and procedure governing formulation of Marketing Agreements and Marketing Orders applicable to Anti-Hog-Cholera Serum and Hog-Cholera Virus (9 CFR Part 132), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, with respect to a proposed amendment to the marketing agreement and to the order as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the marketing agreement and to the order, as amended, were formulated, was conducted at St. Joseph, Missouri, June 19, 1950, pursuant to notice thereof issued on June 14, 1950 (15 F. R. 3797).

The material issues presented on the record were:

1. Whether the share of the total expense of the Control Agency borne by wholesaler handlers should be increased.

2. The method of assessment of such share as between wholesaler handlers.

3. Whether a successful applicant for classification as a wholesaler should prepay a sum representing such applicant's minimum share of the expense of the Control Agency for the year in which the application is approved.

4. Whether the sections of the marketing agreement and the order, as amended, should be renumbered to comply with the Federal Register Regulations.

Findings and conclusions. Upon the basis of the evidence adduced at the hearing and on the record thereof, it is hereby found and concluded that:

1. The share of the total expense of the Control Agency borne by wholesaler handlers should be increased. Under

the present assessment, provisions of the marketing agreement and order, as amended, the share of the expenses of the Control Agency to be borne by wholesaler handlers is the expense of the two members, and their alternates, of the Control Agency representing such handlers. These expenses are only the personal expense incurred by such members while attending Control Agency meetings. All other expense incurred by the Control Agency in administering the order is assessed against the manufacturer handlers.

Evidence introduced at the hearing discloses that at the time of the inception of the marketing agreement and order there were 36 producers, or manufacturers, of serum and virus and 17 wholesalers. Of the total amount of serum handled in the first year under the program, the relative percentage handled by manufacturer handlers was approximately 88 percent, and that handled by wholesaler handlers was approximately 12 percent, which class had increased from 17 to 60 in the first year of operation under the program. In view of the minor part played by the wholesaler handlers in the distributive scheme prior to the order, it was felt by the proponents of the original marketing agreement and order that such handlers should bear only a very minor portion of the administrative expense of the program. Since the inception of the program, the number of wholesaler handlers has consistently increased and the relative percentage of serum handled by such class has also steadily increased. The number of manufacturer handlers has decreased from 36 in 1936 to 33 in 1950, and the relative percentage of serum distributed by such class has diminished in proportion to the increase of wholesaler handler marketings of serum. In June 1950 there were 254 handlers classified as wholesaler handlers, and the percentage relationship of marketings of serum by such class for the year 1949 was 28.9 percent.

The yearly expense of administering the program has steadily increased. The budget of the Control Agency for its first year of operation was $15,000, and the 1950 budget is $37,500. While general economic conditions were a factor to some extent in such increase, the evidence discloses that the major factor was the additional work, requiring added personnel, office facilities and expenditures, occasioned by the increase in the number of wholesaler handlers. However, in spite of this increase in the cost of administering the program, the assessment against the wholesaler handler classification has remained approximately the same. In the year 1937, the amount of the assessment against this class was $900. The assessed share of the 1950 budget for such class was $1,000. All handlers are rendered certain direct services by the Control Agency in the posting of prices, notification of such postings and informatory services. These services are the same for each class of handler. The average cost per handler in the year 1949 (a representative year) for office expenses directly chargeable to such service, excluding salaries, is estimated at approximately $18.23, and the labor costs for one price listing is estimated at approximately $14.43. The average price listing per handler is, of course, in excess of one listing. In view of the large number of wholesaler handlers, approximately 88 percent of this cost is incurred by reason of the wholesaler handler class. The majority of the cost of the administration of other phases of the program is likewise occasioned by the wholesaler handler class.

The manufacturer handlers perform two distinct functions in the industry. This class produces the serum and the virus and also markets it through different distributive outlets such as wholesalers, veterinarians, drug stores, etc. A manufacturer handler is required by the provisions of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act and the Marketing Agreement and Order to have available on May 1 of each year a supply of completed serum equivalent to not less than 40 percent of his previous year's sales. The production of serum and virus and the maintenance of the required reserve is an expensive operation requiring extensive financial outlay. This reserve requirement is not applicable to wholesaler handlers and their financial investments are relatively minor in the maintenance of stocks for current sales. The function of this class under the program is purely distributative. The stabilization of the market obtained under the order, therefore, affords a greater benefit, or protection, to the manufacturer handler class. Upon consideration of this factor and the greater relative percentage of marketings of serum by manufacturer handlers, it appears reasonable and just that such class should bear the greater portion of the expense of the program.

It is concluded, therefore, that the share of the wholesaler handler classification of the total expense of the Control Agency should be increased and that such share should be in proportion to their distributive function under the program, taking into consideration the number of such handlers, volume of serum marketed, benefits received and service rendered. The formula proposed for the determination of such handlers pro rata share of the total expense appears to be the best method of accomplishing this. Its application to past operations returns a share that more nearly represents an equitable division of the program expense between the two classes of handlers, taking into consideration the factors herein set forth. It is reasonable, therefore, to expect it to operate in the same manner prospectively. Furthermore, the formula is self-operating, the pro rata share fluctuating with the number of wholesalers classified and, when applied to the six previous years of operation, returns a share of the total expense percentagewise (with an average 3 percent lag), that is approximately in line with the percentage relationship of marketings of serum between the two classes of handlers. The limitation of 33⅓ percent as the maximum share of wholesaler handlers of the total expense of the program appears to be reasonable in view of the present distributive conditions in the market and the greater benefits inuring to the manufacturer handler class under the program.

2. The pro rata share of each wholesaler handler of the total expense of the program to be borne by all wholesaler handlers should be computed on the basis of the volume of serum handled by such wholesaler. Statistical data of past operations under the program disclose that the number of wholesalers marketing one million cc's, or less, of serum yearly fluctuates from year to year. A maximum of approximately 78 percent and a minimum of 66 percent of the number of wholesalers classified yearly has marketed one million, or less, in the former years of operation, excluding the first year's operations. Seventy-three percent of the wholesalers classified in 1950, and seventy-eight percent of the wholesalers classified in 1949 marketed one million cc's, or less, in the preceding year. The evidence introduced at the hearing shows that the average cost per handler for only the office expense and labor directly attributable to the filing and publication of one price listing is approximately $32.66, and that the average price posting per handler is in excess of one. In view of the minimum cost of the service rendered directly to every handler and the fact that the great majority of wholesaler handlers market one million cc's, or less, a basic rate of $25.00 should be established for the first one million cc's of serum marketed. That volume of serum marketed in excess of one million cubic centimeters should be assessed for the remaining pro rata share of the expense of such class, as greater benefits inures to the wholesalers handling large volumes by reason of the stabilization obtained under the program. The rate per million or fraction thereof, in excess of the first million, shall be fixed by the Secretary and shall be based upon the ratio between the quantity of serum handled by each wholesaler handler who handles in excess of one million cc's and the total quantity of serum handled by all wholesaler handlers who handle in excess of one million cc's of serum.

The minimum rate of $25.00 shall be paid by all wholesaler handlers on or before January 15 of each year and the remaining sum, if any, within 15 days after being billed therefor. Payment prior to January 15 is necessary in order to provide current operating funds for the Control Agency. In some of the prior years the Agency has had to operate without funds until marketing data of the preceding year has been compiled and assessments made thereon.

3. Each application for classification as a wholesaler should be accompanied by a fee of $25.00, and be retained by the Agency if the application is granted. The prepayment of this fee shall be made a condition precedent to the approval of any such application. Evidence introduced at the hearing shows a minimum cost of $30.48 of placing a new name on the list of handlers. This does not include the preliminary cost of processing the application. Furthermore, as the assessments for operating expenses are based upon the preceding year's marketings, a successful applicant would not have to pay any share of the expenses of the Control Agency for his first year's operation in the absence of such a provision. As the minimum share of such expenses is $25.00 a successful applicant should prepay this sum as his share of the expenses of the Control Agency for the year in which his application is granted.

4. The format of the order should be revised by renumbering the sections, paragraphs, subparagraphs, and subdivisions thereof in accordance with the Revised Federal Register Regulations; and similar changes should be made in the marketing agreement.

It is, therefore, recommended that the format of the order be recodified and that such recodification be set forth in the final decision of the Secretary, and that the sections of the marketing agreement be renumbered and the section headings redesignated to conform to the recodified order, in order to facilitate cross reference between the order and the marketing agreement.

Rulings on proposed findings and conclusions. No brief or proposed finding or conclusion was submitted within the prescribed time.

Recommended amendments to the marketing agreement and order, as amended. The following amendments to the marketing agreement and the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out.

1. Delete paragraph (a) of § 131.8 and substitute therefor the following:

(a) (1) The pro rata share of the expenses of the Control Agency to be borne by handlers who are wholesalers shall be determined as follows: Multiply the number of wholesalers of record on December 31st of the preceding calendar year by 1/10 of 1 percent and then multiply the result thereof by the total expense of the Control Agency for the current year. The resulting sum shall be the pro rata share of the expenses of the Control Agency, of handlers who are wholesalers, and shall be assessed as set forth in paragraph (b) of this section; *Provided*, That the pro rata share so computed shall not exceed thirty-three and one-third percent (33⅓%) of the total expense of the Control Agency. In the event the pro rata share so computed exceeds thirty-three and one-third percent, the pro rata share of such handlers shall be adjusted to thirty-three and one-third percent of the total expense of the Control Agency.

(2) The pro rata share of the expenses of the Control Agency to be borne by handlers who are manufacturers shall be the balance remaining after deducting the pro rata share of the wholesaler handlers from the total expense of the Control Agency, and shall be assessed as set forth in paragraph (d) of this section.

(3) The assessments of all handlers may be adjusted from time to time by the Control Agency, with approval of the Secretary, in order to provide funds sufficient in amount to cover any later findings of the Secretary of estimated expenses or actual expenses of the Control Agency during the calendar year.

2. Delete paragraph (b) of § 131.8 and substitute therefor the following:

(b) As his pro rata share of the expenses of the Control Agency to be borne by all wholesaler handlers, each wholesaler handler shall pay to the Control Agency a sum computed on the basis of the volume of serum marketed by such handler during the preceding calendar year at the following applicable rates:

(1) One million cubic centimeters, or less—$25.00;

(2) Over one million cubic centimeters—at a rate per million, or fraction thereof, to be fixed by the Secretary based upon the ratio between the quantity of serum handled by each wholesaler handler who handles in excess of one million cubic centimeters of serum and the total quantity of serum handled by all wholesaler handlers who handle in excess of one million cubic centimeters of serum.

The pro rata share of all wholesaler handlers shall be obtained by first assessing the first one million (1,000,000) cubic centimeters of serum marketed by each wholesaler handler, and if the sum obtained is not sufficient to cover the total amount of the pro rata share of all wholesaler handlers such additional amounts as are necessary shall be assessed as set forth in subparagraph (2) of this paragraph. If the total sum obtained by assessing the first one million cubic centimeters, or less, of serum marketed by each wholesaler is greater than the pro rata share of all wholesaler handlers, the rate of assessment for one million cubic centimeters, or less, shall be adjusted by the Secretary to an amount that will return the sum necessary to cover the pro rata share of all wholesaler handlers. The exact amount of each wholesaler handler's pro rata share shall be computed by the distinterested agency selected under the provisions of paragraph (d) of this section. Such pro rata share shall be subject to the approval of the Secretary. The pro rata share of each wholesaler handler shall be paid as follows: $25.00 on or before January 15 of each year beginning with the year 1951, and the remaining sum, if any, within fifteen (15) days after being billed therefor. In the event the Secretary adjusts the pro rata share of each wholesaler handler to an amount less than $25.00, the excess paid shall be credited on such handler's pro rata share of the following year's assessment."

3. Delete paragraph (c) of § 131.8 and substitute therefor the following:

(c) On and after January 1, 1951, each application for classification as a wholesaler shall be accompanied by a fee of Twenty-five dollars ($25.00). If the application is rejected such fee shall be refunded to the applicant. If the application is approved the fee shall be retained and used for the maintenance and functioning of the Control Agency as such applicant's pro rata share of expenses of such agency for the year in which the application is approved.

Issued at Washington, D. C., this 5th day of September 1950.

[SEAL] B. T. SIMMS,
Chief, Bureau of Animal Industry.

[F. R. Doc. 50-7909; Filed, Sept. 8, 1950; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1417]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 1, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 6 S., R. 10 W.,
Sec. 32,
T. 23 N., R. 14 W.,
Sec. 2, lots 3, 4, S½NW¼,
T. 19 N., R. 16 W.,
Sec. 2, SE¼SE¼,
T. 20 N., R. 16 W.,
Sec. 32, SE¼, S½SW¼;
Sec. 36,
T. 24 N., R. 16 W.,
Secs. 16 and 32,
T. 24 N., R. 17 W.,
Sec. 2, S½;
Secs. 16 and 32,
T. 24 N., R. 18 W.,
Sec. 2, S½;
Sec. 16.

The areas described aggregate 5,546.18 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

WILLIAM ZIMMERMAN, Jr.
Assistant Director.

[F. R. Doc. 50–7927; Filed, Sept. 8, 1950; 8:50 a. m.]

Office of the Secretary

[Order No. 2585]

BUREAU OF RECLAMATION

DELEGATION OF AUTHORITY WITH RESPECT TO EKLUTNA PROJECT

SECTION 1. *Designation.* The Bureau of Reclamation is hereby designated and authorized to construct, operate, and maintain the Eklutna project in the vicinity of Anchorage, Alaska, as provided for in the act of July 31, 1950 (Public Law 628, 81st Cong.), herein called the act, subject to applicable statutes, Executive orders, departmental orders, and within the limits of appropriations that may be made available therefor.

SEC. 2. *Delegation of authority.* The Commissioner of Reclamation is authorized to exercise the authority and functions vested in the Secretary of the Interior by the act, except that:

(a) There is reserved to the Secretary the authority to make the finding and the report to Congress respecting minerals, as provided for in section 1 of the act;

(b) There is reserved to the Secretary the authority to make the report to Congress upon the feasibility and desirability of transferring the Eklutna project to public ownership and control in Alaska, as provided for in section 4 of the act;

(c) There is reserved to the Secretary (or his designee) the authority respecting the acquisition of property by means of condemnation proceedings;

(d) There is reserved to the Secretary the authority to issue regulations applicable to persons outside the Bureau of Reclamation;

(e) Contracts for the sale or other disposition of electric power and energy may be consummated without secretarial approval only if such contracts are composed entirely of standard provisions which have previously been approved by the Secretary.

SEC. 3. *Redelegation of authority.* The Commissioner of Reclamation may, from time to time in writing, redelegate to subordinate officials or employees of the Bureau of Reclamation the authority and functions delegated to him in section 2 of this order.

(Sec. 5, Pub. Law 628, 81st Cong.; sec. 2, Reorg. Plan No. 3 of 1950, 15 F. R. 3174; 5 U. S. C., 1946 ed., sec. 22)

OSCAR L. CHAPMAN,
Secretary of the Interior.

SEPTEMBER 1, 1950.

[F. R. Doc. 50–7901; Filed, Sept. 8, 1950; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry and Commerce

[Case No. 91]

CONSOLIDATED EXPORT CO. ET AL.

ORDER SUSPENDING LICENSE PRIVILEGES

In the matter of David Einhorn, trading as Consolidated Export Company, co-partner, Whitehall Metal Products Company, 15 Moore Street, New York, N. Y.; Helen Lerner, trading as Lerner International, 15 Moore Street, New York, N. Y.; George Rediker, Rediker Bros. Shipping Company, Inc., 377 Broadway, New York, N. Y.; Ezekiel Finkelman, trading as Finkelman & Schonberg, Bogota, Colombia; respondents.

This proceeding was begun by the mailing of a charging letter to the above-named and certain other respondents under date of January 5, 1950, wherein such respondents were charged with having made, caused to be made, or participated in the making of a shipment of galvanized steel sheets to Colombia contrary to the export control regulations and in violation of the Export Control Act of 1949 (63 Stat. 7).

Respondents having requested an oral hearing, such hearing was held before the Compliance Commissioner in New York City on February 28 and March 1, 1950. All of the above-named individual respondents other than Finkelman were personally present and testified. Finkelman, as well as other respondents and the Government, was represented by counsel. Oral and documentary evidence was received, arguments were heard, and certain memoranda have subsequently been filed by counsel. All such material has been carefully reviewed by the Compliance Commissioner and on the basis thereof he has duly filed his report under date of August 11, 1950.

It appears from the record and the report of the Compliance Commissioner that during the summer of 1949, Finkelman came to the United States from Colombia, where he was engaged in business at Bogota under the name of Finkelman & Schonberg; that he thereupon entered into an arrangement with Einhorn, who is trading in New York City as Consolidated Export Company and also as a partner in the firm known as Whitehall Metal Products Company, whereby Einhorn agreed to assist Finkelman in the purchase and export to Colombia of galvanized steel sheets; that Finkelman and Einhorn went to Lerner, trading in New York City as Lerner International, as a source of supply; and that Finkelman subsequently placed an order, through the medium of Lerner as broker or other intermediary, with a dealer not a party to this proceeding for 103 tons of steel at a price of $152 f. o. b. mill at Parkersburg, West Virginia.

It further appears from the record and the report of the Compliance Commissioner that Einhorn, with cash and credit furnished by Finkelman, caused a letter of credit in the amount of $15,656 to be established by a New York bank in favor of the supplier of the steel by which payment was to be made upon presentation of documents including railroad bills of lading endorsed in blank and showing shipment as made to the order of shipper but "notify Rediker Bros.", the latter reference being to Rediker Bros. Shipping Company, Inc., a New York freight forwarder whose forwarding operations were in charge of its vice president, George Rediker; that the entire 103 tons of steel were shipped as specified and delivered to Rediker during the latter part of September 1949; that Rediker, acting on the request of Einhorn and using money supplied by Finkelman, made the final payment to the bank in order to assure payment of the supplier under the letter of credit; and that Rediker, on or about October 7, 1949, acting for the respondents other than Lerner, effected exportation of said 103 tons of steel as one lot of merchandise on one vessel to Colombia.

It further appears from the record and the report of the Compliance Commissioner that such exportation was effected under nine shipper's export declarations as ostensibly nine separate shipments; that two of such declarations and shipments, covering approximately 43 tons, were made in the name of Consolidated Export Company and pursuant to export licenses issued to such company; that one such declaration and shipment, amounting to approximately 12 tons, was made in the name of Lerner International and pursuant to an export license issued to that concern; that the remaining six declarations and shipments, covering a total of approximately 48 tons, were made in the names of individuals or firms which had merely lent and permitted the fictitious use of their names by Finkelman; and that such fictitious exportations were made by Finkelman, Einhorn and Rediker for the purpose and with the effect of splitting such 48 tons into 6 pretended shipments each in exactly the same quantity and each having almost exactly the same declared value of less than $1,000 and so apparently exportable without validated export license but under the authority of General License "GLV".

It further appears from the record and the report of the Compliance Commissioner that Lerner's license was knowingly transferred by her for the purpose of effecting, and was used by the other respondents to effect, exportation by a person other than the named licensee and that respondents thus engaged in trafficking in such license in violation of the export control regulations; that one of the 6 shipments made under the pretended authority of General License "GLV" was made ostensibly by a concern whose name was appropriated and furnished without authority by Lerner with knowledge on her part that a false declaration and shipment would be made in the name of such concern and that such shipment represented a portion of the total 103-ton shipment; that 2 of such 8 pretended "GLV" shipments were made, respectively, in the names of Einhorn and Whitehall Metal Products Company, both of such names having been furnished by Einhorn with knowledge that false declarations and shipments would be made in such names and that such shipments represented portions of the total 103-ton shipment; and that the above-described 3 pretended "GLV" shipments, together with three others (nominally made by persons who wrongfully lent the use of their names and to whom warning letters have been sent but who acted independently without knowledge that other shipments were being made as part of the same transaction), were procured to be made by respondents Finkelman and Einhorn, and were in fact made by Rediker, with knowledge of their fictitious character and for the purpose and effect of accomplishing the exportation of such 48 tons of steel without validated export license under the subterfuge of General License "GLV".

The Compliance Commissioner has accordingly found that respondents have violated the export control regulations in the respects above-indicated and has recommended that their export license and forwarding privileges be suspended with respect to shipment to any destination of any commodities included on the export control Positive List. He has recommended that such suspension be for 2 months in the case of Lerner and Lerner International, 4 months in the cases of Einhorn, Consolidated Export Company, Whitehall Metal Products Company, and George Rediker, and 1 year in the case of Finkelman and Finkelman & Schonberg. In view of the volume and nature of the business or Rediker Bros. Shipping Company, Inc., however, and because a protracted suspension would not only be financially disastrous but would also injure customers whom the company represents, the Compliance Commissioner has recommended a suspension of only 20 days for that company.

The findings and recommendations of the Compliance Commissioner, together with the record in this matter, have been carefully considered and it appears that such findings are supported by the evidence and that such recommendations are fair and reasonable and should be adopted. Now, therefore, it is ordered as follows:

(1) All outstanding export licenses issued to or held by respondents or any of them are hereby revoked and shall be forthwith returned to the Office of Industry and Commerce for cancellation.

(2) Respondents are hereby severally denied the privilege of obtaining or using, or participating directly or indirectly, either as licensee, consignor, forwarder, consignee, or in any other capacity, in the obtaining or using of export licenses, authenticated shipper's export declarations, or other export control documents, for exportation to any destination of any commodity included at the time of any proposed shipment in the Positive List established by the Office of Industry and Commerce.

(3) Such denial of the above-specified privileges (except as they apply to Rediker Bros. Shipping Company, Inc.) shall take effect upon publication of this order in the FEDERAL REGISTER and shall continue in effect for 2 months in the case of Lerner and Lerner International; for 4 months in the cases of Einhorn, Consolidated Export Company, Whitehall Metal Products Company, and George Rediker; and for 1 year in the case of Finkelman and Finkelman & Schonberg.

(4) In the case of Rediker Bros. Shipping Company, Inc., such denial of the above-specified privileges shall take effect at the opening of business on September 25, 1950, and shall terminate at the close of business on October 14, 1950. During such period neither Rediker Bros. Shipping Company, Inc., nor any other person on its behalf shall file, procure the validation or authentication of, or use any export license, shipper's export declaration, or other export control documents, in connection with the forwarding or exporting of any Positive List commodity or otherwise participate as forwarder or in any other capacity in the exportation of any such commodity.

(5) Such denials of the privileges specified in the preceding paragraphs shall extend and apply not only to the named respondents but also to any other person, trade name, firm, corporation, or other business organization now or hereafter owning or controlling, owned or controlled by, or under common ownership or control with, such named respondents or in which any individual respondent may now or hereafter be a partner or hold a position of responsibility involving the preparation, filing, procurement or use of any export control documents or the supervision of any persons so engaged.

Issued this 31st day of August 1950.

RAYMOND S. HOOVER,
Issuance Officer.

Approved:

JOHN F. HAVENER,
Assistant Director.

[F. R. Doc. 50–7908; Filed, Sept. 8, 1950; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4503]

PAN AMERICAN WORLD AIRWAYS, INC.; FAIRBANKS - SEATTLE SPACE AVAILABLE FARE

NOTICE OF HEARING

In the matter of the investigation to determine the lawfulness of the Fairbanks-Seattle space available fare proposed in the tariff of Pan American World Airways, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 403, 404, and 1002 thereof, that hearing in the above-entitled proceeding is assigned to be held on September 12, 1950, at 10:00 a. m. (e. d. s. t.) in Room 4823, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Without limiting the scope of the issues presented by the order of investigation, particular attention will be directed to the following matters and questions:

1. Are the fares, rules, and regulations under consideration unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial; and

2. If the fares, rules, and regulations under consideration in this proceeding

are unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, what are the lawful fares which the Board should determine and prescribe?

For more detailed information with respect to the issues involved attention is directed to the prehearing Conference Report issued in this proceeding.

Notice also is given that any persons, other than parties of record as of September 1, 1950, desiring to be heard in this proceeding must file with the Board on or before September 12, 1950, a statement setting forth the issues of fact or law raised by this proceeding on which he desires to be heard.

For further details with respect to this investigation, interested parties are referred to the pertinent orders of the Civil Aeronautics Board on file in the docket.

Dated at Washington, D. C., September 1, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-7928; Filed, Sept. 8, 1950; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1440]

LOUISIANA-NEVADA TRANSIT CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 5, 1950.

On July 11, 1950, Louisiana-Nevada Transit Company (Applicant), a Nevada corporation having its principal place of business at Ada, Oklahoma, filed an application, supplemented August 22, 1950, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities pursuant to section 7 of the Natural Gas Act, as amended. The facilities are more particularly described in the application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure. No request to be heard or protest has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 27, 1950 (15 F. R. 4858).

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

(2) Good cause exists for the prescribing of a shorter period of notice than provided for in §§ 1.19 and 1.20 of the Commission's rules of practice and procedure (18 CFR 1.20).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on September 15, 1950, at 9:45 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 5, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-7907; Filed, Sept. 8, 1950; 8:48 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5721]

STANDARD MOTOR PRODUCTS, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Standard Motor Products, Inc., a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Earl J. Kolb, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, September 28, 1950, at ten o'clock in the forenoon of that day e. s. t., in Room 505, 45 Broadway, New York, New York.

Issued: August 31, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-7906; Filed, Sept. 8, 1950; 8:47 a. m.]

[Docket No. 5777]

WASHINGTON WEEKLY GAZETTE ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Maurice Blatt, an individual doing business as Washington Weekly Gazette, Baltimore Weekly Gazette, Essex County Weekly Gazette, Passaic County Weekly Gazette, Union County Weekly Gazette, and under other trade names.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Abner E. Lipscomb, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, October 2, 1950, at two o'clock in the afternoon of that day e. s. t., in Room 300, U. S. Customhouse and Appraisers Stores Building, Second and Chestnut Streets, Philadelphia, Pennsylvania.

Issued: August 31, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-7905; Filed, Sept. 8, 1950; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25384]

ETHYLENE GLYCOL FROM PORT NECHES, TEX., TO MINNESOTA

APPLICATION FOR RELIEF

SEPTEMBER 6, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Diethylene glycol, ethylene glycol and propylene glycol, carloads.

From: Port Neches, Tex.

To: Minneapolis, Minnesota Transfer, and St. Paul, Minn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3721, Supplement 150.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7912; Filed, Sept. 8, 1950; 8:48 a. m.]

[4th Sec. Application 25385]

DENATURED ALCOHOL FROM TEXAS AND LOUISIANA TO LEXINGTON, KY.

APPLICATION FOR RELIEF

SEPTEMBER 6, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Denatured alcohol and related articles, carloads.

From: Points in Texas and Sterlington, La.

To: Lexington, Ky.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3721, Supplement 151.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7913; Filed, Sept. 8, 1950; 8:48 a. m.]

[4th Sec. Application 25386]

PHOSPHATE ROCK FROM FLORIDA TO COTTONDALE, FLA.

APPLICATION FOR RELIEF

SEPTEMBER 6, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Seaboard Air Line Railroad Company for itself and on behalf of the Atlanta & Saint Andrews Bay Railway Company and Central of Georgia Railway Company.

Commodities involved: Phosphate rock, carloads.

From: Points in Florida.

To: Cottondale, Fla.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: SAL., tariff I. C. C. No. A-8153, Supplement 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7914; Filed, Sept. 8, 1950; 8:48 a. m.]

[4th Sec. Application 25387]

DOORS OR SASH BETWEEN MISSOURI RIVER POINTS

APPLICATION FOR RELIEF

SEPTEMBER 6, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4(1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. A-3640.

Commodities involved: Doors or sash, wooden, unglazed or glazed, carloads.

From: Kansas City, Mo.-Kans., St. Joseph, Mo., and Leavenworth, Kans.

To: Council Bluffs, Iowa; Omaha and South Omaha, Nebr.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3640, Supplement 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7915; Filed, Sept. 8, 1950; 8:48 a. m.]

[4th Sec. Application 25388]

DICHLORO - DIPHENYL - TRICHLOROETHANE FROM ARKANSAS TO MONTGOMERY, ALA., AND LOUISVILLE, KY.

APPLICATION FOR RELIEF

SEPTEMBER 6, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3908.

Commodities involved: Dichloro-diplenyl-trichloroethane, carloads.

From: Baldwin and Pine Bluff, Ark.

To: Louisville, Ky., and Montgomery, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3908, Supplement 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7916; Filed, Sept. 8, 1950; 8:48 a. m.]

[S. O. 864]

UNION PACIFIC RAILROAD CO.

UNLOADING OF AUTO TIRES AT LOS ANGELES, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of September A. D. 1950.

It appearing, that N&W 47931, auto tires, at Los Angeles, California, on hand on the Union Pacific Railroad Company, for an unreasonable length of time and that this delay in unloading such car impedes its use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

Auto tires at Los Angeles, Calif., be unloaded. (a) The Union Pacific Railroad Company, its agents or employees, shall unload immediately N&W 47931 loaded with auto tires now on hand at Los Angeles, California, consigned Consolidated Tire Stores Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate

Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., September 8, 1950, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7925; Filed, Sept. 8, 1950; 8:50 a. m.]

[Rev. S. O. 562, Rev. King's I. C. C. Order 31-A]

ELGIN, JOLIET AND EASTERN RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Revised King's I. C. C. Order No. 31, and good cause appearing therefor: *It is ordered,* That:

(a) King's I. C. C. Order No. 31 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 12:01 p. m., September 5, 1950.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 5, 1950.

INTERSTATE COMMERCE COMMISSION, HOMER C. KING, *Agent.*

[F. R. Doc. 50-7917; Filed, Sept. 8, 1950; 8:48 a. m.]

[Sec. 5a Application 24]

SAN FRANCISCO MOVERS TARIFF BUREAU

APPLICATION FOR APPROVAL OF AGREEMENT

SEPTEMBER 6, 1950.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed September 5, 1950, by: Roberts of San Francisco, 430 Main Street, San Francisco, Calif.

Agreement involved: Application for approval of an agreement between and among motor common carriers, members of San Francisco Movers Tariff Bureau, relating to procedures for the joint consideration, initiation, or establishment of rates, rules, and regulations governing the transportation of household goods and related articles in interstate commerce between points in California.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the General Rules of Practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7926; Filed, Sept. 8, 1950; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-25, 59-11, 59-17]

UNITED LIGHT AND RAILWAYS CO. ET AL

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of September A. D. 1950.

In the matter of The United Light and Railways Company, American Light & Traction Company, et al.; File Nos. 59-11, 59-17, 54-25.

The Commission having on December 30, 1947, issued its order approving a plan filed by American Light & Traction Company (now American Natural Gas Company ("American")), a registered holding company, and its then parent, The United Light and Railways Company ("Railways"), also a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935; and

The Commission in said order approving said Plan, having reserved jurisdiction with respect to the reasonableness and allocation of all fees, expenses and remuneration incurred and to be incurred in connection with the Plan and the consummation thereof, and the Commission having from time to time released jurisdiction with respect to fees and expenses incurred and paid in connection with the various steps of the Plan, and having on December 27, 1949, issued its order releasing jurisdiction with respect to all fees and expenses requested in the proceeding in connection with the Plan; and

Allied Chemical & Dye Corporation ("Allied") having filed an application on April 3, 1950, and an amendment thereto on June 26, 1950, requesting an allowance for reimbursement on account of expenditures, including fees of counsel and experts, incurred and paid in connection with the Plan as follows:

Fees of counsel:	
Cook, Lehman, Nathan, Goldmark & Loeb	$116,000
Alfred A. Cook	50,000
Joseph L. Weiner	91,500
Arthur Kramer	10,000
Pitney, Hardin & Ward	1,250
	268,750
Fees of experts:	
Dean Langmuir	7,400
Ralph E. Badger	6,000
Benjamin Graham	5,000
Loeb & Eames, Inc	5,000
H. Zindler	4,000
	27,400
Other disbursements:	
Printing, transcripts, and photostats	20,102
Traveling expenses of counsel and Allied personnel	6,638
Expenses of experts	1,600
Miscellaneous	4,839
	33,179
	329,329

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application:

It is hereby ordered, That the record in the proceedings on said Plan be reopened and that the hearings be reconvened on October 2, 1950, at 10:00 a. m., e. s. t., for the purpose of considering said application of Allied for allowance for reimbursement on account of expenditures as set forth in said application, such hearing to be held at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise participate in this proceeding shall file with the Secretary of the Commission on or before September 29, 1950, a written request with respect thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities having advised the Commission that it has made a preliminary examination of the application and upon the basis thereof, without prejudice to its specifying additional matters and questions upon further examination, the following matters are presented for consideration:

Whether the expenditures for fees and expenses for which reimbursement is sought are reasonable in amount, are for necessary services in connection with the Plan and the proceedings with respect thereto, whether it is appropriate and lawful to grant the application for reimbursement, and whether the reimbursement, if any, should be made by American, Railways or both and if by both in what proportions.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters.

It is further ordered, That any person desiring to assert any additional claims for compensation or reimbursement for fees and expenses in connection with the proceedings upon the Plan shall, on or before September 29, 1950, file such claim or a notification of intention to assert such claim, and, in the event such claims are filed during the course of the hearings, no notice of such filing will be given unless specifically ordered by the Commission. Any person desiring to receive further notice of the filing of such additional claims should file an appearance in these proceedings or otherwise specifically request such notice.

It is further ordered, That the Secretary of the Commission shall serve notice of the said hearing by mailing a copy of this notice and order by registered mail to Allied Chemical & Dye Corporation, American Natural Gas Company, The United Light and Railways Company, to all persons granted participation in the proceedings, and notice of said hearing shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7904; Filed, Sept. 8, 1950; 8:47 a. m.]

[File No. 70-2439]

NEW HAMPSHIRE ELECTRIC CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of September A. D. 1950.

New Hampshire Electric Company ("New Hampshire"), an electric utility subsidiary of New England Gas and Electric Association, a registered holding company, having filed an application, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 of the general rules and regulations promulgated thereunder, with respect to the following proposed transaction:

New Hampshire proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $3,600,000 principal amount of First Mortgage Sinking Fund _____ Percent Bonds, Series A, due 1975. The interest rate and the price to the company for the bonds will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount. The proceeds of the sale of the bonds will be used to retire $1,880,000 aggregate principal amount of outstanding First Mortgage Bonds and $1,250,000 principal amount of notes due banks, the balance will be set aside for the purpose of financing additions, extensions and improvements to the company's plant and property.

The proposed issuance and sale of bonds has been approved by the Public Service Commission of New Hampshire.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application be granted:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the proposed issuance and sale of bonds shall not be consummated until the results of competitive bidding, pursuant to Rule U-50 have been made a matter of record herein and a further order shall have been entered with respect thereto, which order shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses to be incurred in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7903; Filed, Sept. 8, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15018]

DIMITRIE C. AMZAR

In re: Bank account owned by Dimitrie C. Amzar, F-28-20799-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dimitrie C. Amzar, whose last known address is Postschliessfach 210, Wiesbaden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in the amount of $482.40, as of May 31, 1950, representing a portion of an Ordinary Blocked Account, entitled "Swiss Bank Corporation, Zurich," maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dimitrie C. Amzar, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-7929; Filed, Sept. 8, 1950; 8:51 a. m.]

[Vesting Order 15023]

GOSHO KABUSHIKI KAISHA

In re: Debts owing to Gosho Kabushiki Kaisha, also known as Gosho K. K. F-39-1991-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to

law, after investigation, it is hereby found:

1. That Gosho Kabushiki Kaisha, also known as Gosho K. K., the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Osaka, Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Gosho Kabushiki Kaisha, also known as Gosho K. K., by Geo. H. McFadden & Bro., 60 Beaver Street, New York 4, New York, arising out of the balance of an Open Account carried on the books of the aforesaid Geo. H. McFadden & Bro., in the name of Gosho K. K., Osaka, Japan, together with any and all accruals to the aforesaid debt or other obligations, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Geo. H. McFadden & Bro., 60 Beaver Street, New York 4, New York, arising out of the balance of an Open Account carried on the books of the aforesaid Geo. H. McFadden & Bro., in the name of Gosho K. K., Shanghai, China, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gosho Kabushiki Kaisha, also known as Gosho K. K., the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7931; Filed, Sept. 8, 1950; 8:51 a. m.]

[Vesting Order 9231, Amdt.]

VALENTINE HOFMANN

In re: Debt owing to and stock, bonds and a mortgage interest owned by Valentine Hofmann.

Vesting Order 9231, dated June 23, 1947, is hereby amended as follows and not otherwise:

By deleting subparagraph 2-b of said Vesting Order 9231 and substituting therefor the following:

b. Forty (40) shares of $1.00 par value common capital stock of Benjamin Franklin Hotel Company, Securities Building, 1632 Bankers Street, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by a certificate numbered 9414, and presently in the custody of Land Title Bank and Trust Company, 100 South Broad Street, Philadelphia 10, Pennsylvania, together with all declared and unpaid dividends thereon.

All other provisions of said Vesting Order 9231 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7933; Filed, Sept. 8, 1950; 8:51 a. m.]

[Vesting Order 15020]

GEORGE FORELL AND MARY THORN

In re: Bank accounts owned by George Forell and Mary Thorn. F-28-30868-E-1, F-28-30869-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Forell and Mary Thorn, whose last known addresses are Dolman, Germany and Wernigarade, Saxony, Germany, respectively, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The San Francisco Bank, 526 California Street, San Francisco, California, arising out of a savings account, account number 759203, entitled Regina Christmann, Trustee for George Forell, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, George Forell, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of the San Francisco Bank, 526 California Street, San Francisco, California, arising out of a savings account, account number 754264, entitled Regina Christmann, Trustee for Mary Thorn, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mary Thorn, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7930; Filed, Sept. 8, 1950; 8:51 a. m.]

[Vesting Order 14432, Amdt.]

WILLIBALD BOHM

In re: Stock and bonds owned by, and debt owing to Willibald Bohm. F-28-30189-A-1.

Vesting Order 14432, dated March 9, 1950, is hereby amended as follows and not otherwise:

By deleting the word "Maryland" from subparagraph 2-c thereof, and substituting therefor the word "Delaware."

All other provisions of said Vesting Order 14432 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 50-7934; Filed, Sept. 8, 1950; 8:51 a. m.]

[Vesting Order 15025]

FRANZ KESSLER ET AL.

In re: Bank account owned by Franz Kessler, Paul Kessler and Felix Kessler. F-63-5260.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Kessler, whose last known address is Ohne Province, Hannover, Germany; that Paul Kessler, whose last known address is Metelen, Province, Westphalia, Germany, and that Felix Kessler, whose last known address is Rehhagen No. 16, Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of an account, entitled "Union Bank of Switzerland, Zurich, Special Subdepot for Franz Kessler, Paul Kessler, and Felix Kessler," maintained at the aforesaid Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Franz Kessler, Paul Kessler, and Felix Kessler, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-7932; Filed, Sept. 8, 1950; 8:51 a. m.]

SEP 14 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 176

Washington, Tuesday, September 12, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10159

PROVIDING FOR THE ADMINISTRATION OF THE ACT FOR INTERNATIONAL DEVELOPMENT

By virtue of the authority vested in me by the Act for International Development, approved June 5, 1950 (Title IV of Public Law 535, 81st Congress), hereinafter referred to as the act, and as President of the United States, it is hereby ordered as follows:

1. The Secretary of State is authorized and directed (a) to perform the functions and exercise the powers and authority vested in the President by the act, except those so vested by section 413 (a) thereof, and except those so vested by section 409 thereof except as provided below, and (b), in cooperation with the heads of other appropriate departments and agencies and wholly-owned corporations of the Government, to plan and execute the programs authorized by the act.

2. For the purpose of promoting the effective implementation of the act, the heads of all departments and agencies the participation of which is requested by the Secretary of State are hereby authorized and directed to provide for such participation to the maximum extent consistent with law.

3. There is established pursuant to section 409 of the act the International Development Advisory Board. The members of the Board shall serve for terms of two years. The Board shall meet at the request of the Secretary of State to advise and consult with him on general policy matters. The Secretary of State is authorized to create and appoint such additional committees in special fields of activity as he may find, after consultation with the heads of other appropriate departments and agencies, to be necessary and desirable, in accordance with the provisions of section 409 of the act.

4. The Secretary of State shall establish an Interdepartmental Advisory Council on Technical Cooperation, to be composed of the heads of participating departments and agencies or their representatives. The Council shall be advisory to the Secretary of State.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 8, 1950.

[F. R. Doc. 50-7996; Filed, Sept. 8, 1950; 2:10 p. m.]

EXECUTIVE ORDER 10160

PROVIDING FOR THE PRESERVATION OF RECORDS FOR CERTAIN PURPOSES OF THE DEFENSE PRODUCTION ACT OF 1950

By virtue of the authority vested in me by the Defense Production Act of 1950, and as President of the United States, and in order to provide an appropriate basis for action under Title IV of the Defense Production Act of 1950, it is hereby ordered:

1. Every person who sold or delivered goods or services, or offered them for sale or delivery, in the course of trade or business during the period from May 24, 1950, to June 24, 1950, inclusive, shall preserve all his records for such period relating to:

(a) The prices received or asked for such goods or services; and

(b) The labor, material, acquisition, and other costs incurred in connection with such goods or services.

2. This order does not apply to:

(a) Records of an individual relating to wages or salary received by such individual;

(b) Records relating to sales of agricultural commodities by the individual producer thereof; and

(c) Records relating to the following, which are exempt from control under section 402 (e) of the Defense Production Act of 1950: (i) prices or rentals for real property; (ii) rates or fees charged for professional services; (iii) prices or rentals for (a) materials furnished for publication by any press association or feature service, or (b) books, magazines, motion pictures, periodicals, or newspapers, other than as waste or scrap; or rates charged by any person in the business of operating or publishing a newspaper, periodical, or magazine, or operating a radio-broadcasting or television station, a motion-picture or other thea-

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Agriculture Department

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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ter enterprise, or outdoor advertising facilities; (iv) rates charged by any person in the business of selling or underwriting insurance; (v) rates charged by any common carrier or other public utility; and (vi) margin requirements on any commodity exchange.

3. For the purposes of this order:

(a) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) The term "prices" includes rentals, commissions, margins, rates, fees, charges, and allowances paid or received.

(c) The term "goods" has the same meaning as the term "materials" in the Defense Production Act of 1950 and includes raw materials, articles, commodities, products, supplies, components, technical information, and processes.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 9, 1950; 10:45 a. m.

[F. R. Doc. 50-8017; Filed, Sept. 9, 1950; 10:45 a. m.]

EXECUTIVE ORDER 10161

DELEGATING CERTAIN FUNCTIONS OF THE PRESIDENT UNDER THE DEFENSE PRODUCTION ACT OF 1950

By virtue of the authority vested in me by the Constitution and statutes, including the Defense Production Act of 1950, and as President of the United States and Commander in Chief of the armed forces, it is hereby ordered as follows:

PART I—PRIORITIES AND ALLOCATIONS

SECTION 101. The functions conferred upon the President by Title I of the Defense Production Act of 1950 are hereby delegated as follows:

(a) To the Secretary of the Interior with respect to petroleum, gas, solid fuels, and electric power.

(b) To the Secretary of Agriculture with respect to food, and with respect to the domestic distribution of farm equipment and commercial fertilizer.

(c) To that commissioner of the Interstate Commerce Commission who is responsible for the supervision of the Bureau of Service of the Commission, with respect to domestic transportation, storage, and port facilities, or the use thereof, but excluding air transport, coastwise, intercoastal, and overseas shipping.

(d) To the Secretary of Commerce with respect to all materials and facilities except as provided in paragraphs (a), (b), and (c) of this section 101.

SEC. 102. Each delegate referred to in section 101 of this Executive order shall, in connection with carrying out the priorities and allocations functions delegated to him by such section, (a) receive from appropriate agencies of the Government information relating to the direct and indirect military, other governmental, civilian, and foreign requirements for materials and facilities, (b) review and evaluate such requirements in the light of available materials and facilities, and (c) exercise his priorities and allocations powers in such manner as will in his judgment promote adequate supplies and their proper distribution.

SEC. 103. (a) Each delegate referred to in section 101 of this Executive order shall be a claimant before the other such delegates, respective, in the case of materials and additional facilities deemed by the claimant delegate to be necessary for the provision of an adequate supply of the materials and facilities with respect to which delegation is made to the claimant delegate by the said section 101.

(b) Each delegate under section 101 of this Executive order may, with the approval of the Chairman of the National Security Resources Board, designate agencies and officers of the Government, additional to the claimants referred to in section 103 (a) of this Executive order, to be claimants before such delegate with respect to stated materials and facilities.

PART II—REQUISITIONING

SEC. 201. (a) Except as provided in section 201 (b) of this Executive order, the functions conferred upon the President by Title II of the Defense Production Act of 1950 are hereby delegated to the officers to whom functions are delegated by section 101 of this Executive order, respectively, according to the designations of materials and facilities set forth in paragraphs (a), (b), (c), and (d) of the said section 101.

(b) The functions conferred upon the President by sections 201 (b) and 201 (c) of the Defense Production Act of 1950, exclusive of determinations with respect to the termination of the need for the national defense of any property requisitioned under Title II of the said Act, are hereby delegated to the Administrator of General Services.

PART III—EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY

SEC. 301. The Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of Commerce, the Department of the Interior, the Department of Agriculture, and the General Services Administration, in this Part referred to as guaranteeing agencies, and each delegate under section 101 of this Executive order shall develop and promote measures for the expansion of productive capacity and of production and supply of materials and facilities necessary for the national defense.

SEC. 302. (a) Each guaranteeing agency is hereby authorized, in accordance with section 301 of the Defense Production Act of 1950, subject to the provisions of this section, in order to expedite production and deliveries or services under Government contracts, and without regard to provisions of law relating to the making, performance, amendment, or modification of contracts, to guarantee in whole or in part any public or private financing institution (including any Federal Reserve Bank), by commitment to purchase, agreement to share losses, or otherwise, against loss of principal or interest on any loan, discount, or advance, or on any commitment in connection therewith, which may be made by such financing institution for the purpose of financing any contractor, subcontractor, or other person in connection with the performance, or in connection with or in contemplation of the termination, of any contract or other operation deemed by the guaranteeing agency to be necessary to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense.

(b) Each Federal Reserve Bank is hereby designated and authorized to act, on behalf of any guaranteeing agency, as fiscal agent of the United States in the making of such contracts of guarantee and in otherwise carrying out the purposes of the said section 301, in respect of private financing institutions.

(c) All actions and operations of Federal Reserve Banks, under authority of or pursuant to the said section 301 of the Defense Production Act of 1950, shall be subject to the supervision of the Board of Governors of the Federal Reserve System. Said Board is hereby authorized, after consultation with the heads of the guaranteeing agencies, (1) to prescribe such regulations governing the actions and operations of fiscal agents hereunder as it may deem necessary, (2) to prescribe, either specifically or by maximum limits or otherwise, rates of interest, guarantee and commitment fees, and other charges which may be made in connection with loans, discounts, advances, or commitments guaranteed by the guaranteeing agencies through such fiscal agents, and (3) to prescribe regulations governing the forms and procedures (which shall be uniform to the extent practicable) to be utilized in connection with such guarantees.

SEC. 303. Within such amounts of funds as the President shall have made available, and upon the certificate by the Secretary of the Interior in respect of metals and minerals (except as to paragraph (c) of this section), or by the Secretary of Agriculture in respect of lumber, or by the appropriate delegate referred to in section 101 of this Executive order in respect of other materials and facilities, or by such other officer or officers of the Government as the President may designate, as to the necessity

[F. R. Doc. 50-8017; Filed, Sept. 9, 1950; 10:45 a. m.]

for loans, purchases, or commitments, as the case may be:

(a) The Reconstruction Finance Corporation is hereby authorized and directed to make loans (including participations in, or guarantees of, loans) to private business enterprises (including research corporations not organized for profit) for the expansion of capacity, the development of technological processes, and the production of essential materials, including the exploration, development, and mining of strategic and critical metals and minerals, as authorized by and subject to section 302 of the Defense Production Act of 1950.

(b) The Administrator of General Services is hereby authorized and directed to purchase and make commitments to purchase metals, minerals, and other raw materials, including liquid fuels, for Government use or resale, as authorized by and subject to section 303 of the said Act: *Provided*, That the Secretary of Agriculture is also authorized to exercise the functions under section 303 with respect to agricultural commodities.

(c) The Secretary of the Interior is hereby authorized and directed to encourage the exploration, development, and mining of critical and strategic minerals and metals, as authorized by and subject to the provisions of the said section 303.

SEC. 304. The functions conferred upon the President by section 303 (d) of the Defense Production Act of 1950 with respect to the installation of additional equipment, facilities, processes, or improvements to plants, factories, and other industrial facilities owned by the United States Government, and with respect to the installation of Government-owned equipment in plants, factories, and other industrial facilities owned by private persons, are hereby delegated to the Administrator of General Services.

PART IV—ECONOMIC STABILIZATION

SEC. 401. (a) There is hereby created a new and independent agency to be known as the Economic Stabilization Agency, hereafter in this Part referred to as the Agency. There shall be at the head of the Agency an Economic Stabilization Administrator, hereafter in this Part referred to as the Administrator, who shall be appointed by the President by and with the advice and consent of the Senate.

(b) The Administrator shall seek to preserve and maintain the stabilization of the economy. To this end he shall:

(1) Plan and develop both short and long-range price and wage stabilization policies and measures and create the necessary organization for their administration.

(2) Inform the public, agriculture, industry and labor concerning the need for stabilization and encourage and promote voluntary action to this end.

(3) Consult and advise with the Government officials responsible for procurement, production, manpower, and rent control, and for fiscal, credit and monetary policies, concerning measures within their jurisdiction which will assist stabilization.

(4) Establish price ceilings and stabilize wages and salaries where necessary.

(c) The functions conferred upon the President by Title IV of the Defense Production Act of 1950 are hereby delegated to the Administrator.

SEC. 402. There shall be in the Agency a Director of Price Stabilization, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall perform such functions with respect to price stabilization as may be determined by the Administrator.

SEC. 403. (a) There shall be in the Agency a Wage Stabilization Board composed of nine members who shall be appointed by the President. Three of the members so appointed shall be representative of the public, three shall be representative of labor, and three shall be representative of business and industry. One of the members representing the public, to be designated by the President, shall be chairman of the Board.

(b) The Wage Stabilization Board shall make recommendations to the Administrator regarding the planning and development of wage stabilization policies and shall perform such further functions with respect to wage stabilization as may be determined by the Administrator after consultation with the Board.

SEC. 404. The Administrator is hereby designated to initiate such consultations and conferences with management, labor, and representatives of the Government and public as he deems appropriate and to advise the President of such action as may be called for in carrying out the provisions of Title V of the Defense Production Act of 1950.

PART V—REAL ESTATE CREDIT

SEC. 501. (a) Subject to the provisions of section 501 (b) of this Executive order, the functions conferred upon the President by section 602 of the Defense Production Act of 1950 are hereby delegated to the Board of Governors of the Federal Reserve System.

(b) The said Board shall obtain the concurrence of the Housing and Home Finance Administrator with respect to provisions relating to real estate construction credit involving residential property before prescribing, changing, or suspending any real estate construction credit regulation pursuant to the authority of section 602 of the Defense Production Act of 1950.

SEC. 502. (a) The functions conferred upon the President by section 605 of the Defense Production Act of 1950, to the extent that such functions relate to loans on real estate involving residential property, are hereby delegated to the Housing and Home Finance Administrator.

(b) In carrying out the functions delegated by section 502 (a) of this Executive order, and under the authority so delegated or under authority vested in him by any applicable law, the Administrator shall from time to time issue such regulations and take such other action as may be necessary to insure (1) that the restrictions imposed on real estate construction credit by the provisions of the regulations issued from time to time by the Board of Governors of the Federal Reserve System (with the concurrence of the Housing and Home Finance Administrator in the provisions of such regulations relating to credit involving residential property) under the authority delegated by section 501 of this Executive order shall be applicable to the fullest extent practicable with respect to loans on real estate (of the types referred to in section 605 of the Defense Production Act of 1950) involving residential property, and (2) that the relative credit preferences accorded to veterans under existing law are preserved in accordance with the provisions of section 605 of the Defense Production Act of 1950.

PART VI—LABOR SUPPLY

SEC. 601. The Secretary of Labor shall utilize the functions vested in him so as to meet most effectively the labor needs of defense industry and essential civilian employment, and to this end he shall:

(a) Assemble and analyze information on labor requirements for defense and other activities and on the supply of workers.

(b) Consult with and advise each delegate referred to in section 101 of this Executive order and each official exercising guarantee or loan functions under Part III of this Executive order concerning (1) the effect of contemplated actions on labor supply and utilization, (2) the relation of labor supply to materials and facilities requirements, (3) such other matters as will assist in making the exercise of priority and allocations functions consistent with effective utilization and distribution of labor.

(c) Formulate plans, programs, and policies for meeting defense and essential civilian labor requirements.

(d) Utilize the public employment service system, and enlist the cooperation and assistance of management and labor to carry out these plans and programs and accomplish their objectives.

(e) Determine the occupations critical to meeting the labor requirements of defense and essential civilian activities and with the Secretary of Defense, the Director of Selective Service, and such other persons as the President may designate develop policies applicable to the induction and deferment of personnel for the armed services, except for civilian personnel in the reserves.

PART VII—VOLUNTARY AGREEMENTS

SEC. 701. (a) The functions conferred upon the President by section 708 (a) of the Defense Production Act of 1950 are hereby delegated as follows:

(1) To the Secretaries of the Interior, Agriculture, and Commerce, and to the commissioner of the Interstate Commerce Commission referred to in section 101 of this Executive order, respectively, according to the designations of materials and facilities set forth in paragraphs (a), (b), (c), and (d) of such section 101.

(2) To the Board of Governors of the Federal Reserve System with respect to financing.

(3) To the Economic Stabilization Administrator with respect to stabilization.

(b) The functions conferred upon the President by section 708 (b) of the Defense Production Act of 1950 are hereby delegated as follows:

(1) To the Secretary of Commerce in respect of Title I of the Defense Production Act of 1950.

(2) In other respects to the delegates referred to in section 701 (a) of this Executive order, respectively, according to the provisions of paragraphs (1), (2), and (3) thereof.

(c) The delegation of authority made by section 701 (b) of this Executive order is subject to the conditions (1) that each delegate concerned shall consult with the Attorney General and the Chairman of the Federal Trade Commission not less than ten days before making any request or finding under section 708 (b) of the Defense Production Act of 1950, (2) that each delegate concerned shall obtain the approval of the Attorney General to any request under said section 708 (b) before making the request, and (3) that the authority delegated may not be redelegated.

PART VIII—COORDINATION

SEC. 801. In the interest of consistent and coordinated administration of functions delegated by this Executive order, each officer to whom functions are delegated shall be guided by such policies and program directives as the President may from time to time prescribe.

SEC. 802. The Chairman of the National Security Resources Board shall, in the interest of assisting the President to coordinate the functions delegated by this Executive order, and on behalf of the President:

(a) Resolve interagency issues which otherwise would require the attention of the President.

(b) Prescribe policy and program directives having the approval of the President.

(c) Obtain reports and information on the status of work in the various agencies designated in this Executive order.

(d) Take such measures to obtain coordination of related policies and activities among the various agencies as he may determine.

(e) Advise the President on the progress of the defense production program and make such recommendations as he may deem proper.

SEC. 803. The Council of Economic Advisers shall adapt its continuing studies of employment, production and purchasing power needs and objectives so as to furnish guides to the agencies under this Executive order in promoting balance between defense and civilian needs and in avoiding inflation in a stable and growing economy. In the performance of this function, the Council shall obtain necessary information from the agencies concerned and engage in regular consultation with them.

PART IX—GENERAL PROVISIONS

SEC. 901. As used in this Executive order:

(a) The term "functions" includes powers, duties, authority, responsibilities, and discretion.

(b) The term "materials" includes raw materials, articles, commodities, products, supplies, components, technical information, and processes, but excludes fissionable materials as defined in the Atomic Energy Act of 1946.

(c) The term "petroleum" shall mean crude oil and synthetic liquid fuel, their products, and associated hydrocarbons, including pipelines for the movement thereof.

(d) The term "gas" shall mean natural gas and manufactured gas, including pipelines for the movement thereof.

(e) The term "solid fuels" shall mean all forms of anthracite, bituminous, subbituminous, and lignitic coals, and coke and its byproducts.

(f) The term "electric power" shall mean all forms of electric power and energy, including the generation, transmission, distribution, and utilization thereof.

(g) The term "metals and minerals" shall mean all raw materials of mineral origin, including their refining and processing but excluding their fabrication.

(h) The term "food" shall mean all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for immediate human or animal consumption. For the purposes of this Executive order the term "food" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, mohair, hemp, flax fiber, and naval stores, but shall not include any such material after it loses its identity as an agricultural commodity or agricultural product.

(i) The term "farm equipment" shall mean equipment manufactured for use on farms in connection with the production or processing of food.

(j) The term "fertilizer" shall mean fertilizer in form for distribution to the users thereof.

(k) The term "domestic transportation, storage, and port facilities" shall include locomotives, cars, motor vehicles, watercraft used on inland waterways, in harbors, and on the Great Lakes, and other vehicles, vessels, and all instrumentalities of shipment or carriage, irrespective of ownership, and all services in or in connection with the carriage of persons or property in intrastate, interstate, or foreign commerce within the United States, except movement of petroleum and gas by pipeline; and warehouses, piers, docks, wharves, loading and unloading equipment, and all other structures and facilities used in connection with the transshipment of persons and property between domestic carriers and carriers engaged in coastwise, intercoastal, and overseas transportation.

SEC. 902. (a) Except as otherwise provided in section 902 (c) of this Executive order, each officer or agency having functions under the Defense Production Act of 1950 delegated or assigned thereto by this Executive order may exercise and perform, with respect to such functions, the functions vested in the President by Title VII of the said Act.

(b) The functions which may be exercised and performed pursuant to the authority of section 902 (a) of this Executive order shall include, but not by way of limitation, (1) except as otherwise provided in section 701 (c) of this Executive order, and except as otherwise required by section 403 of the Defense Production Act of 1950, the power to redelegate functions, and to authorize the successive redelegation of functions, to agencies, officers, and employees of the Government, (2) the power to create an agency or agencies, under the jurisdiction of the officer concerned, to administer functions delegated by this Executive order, and (3) in respect of Parts I, II, IV, and V of this Executive order, the power of subpoena: *Provided*, That the subpoena power shall be utilized only after the scope and purpose of the investigation, inspection, or inquiry to which the subpoena relates have been defined either by the appropriate officer referred to in section 902 (a) of this Executive order or by such other person or persons as he shall designate.

(c) There are excluded from the functions delegated by section 902 (a) of this Executive order (1) the functions delegated by Part VII of this Executive order, (2) the functions of the President under sections 703 (b) and 710 (a) of the Defense Production Act of 1950, (3) the functions of the President with respect to regulations under sections 710 (b), 710 (c), and 710 (d) of the said Act, and (4) the functions of the President with respect to fixing compensation under section 703 (a) of the said Act.

(d) The functions conferred upon the President by section 710 (a) of the Defense Production Act of 1950 are hereby delegated as follows:

(1) Each officer or agency having functions under the said Act delegated or assigned to such officer or agency by this Executive order shall submit to the Chairman of the United States Civil Service Commission such requests for classification of positions in grades 16, 17, and 18 of the General Schedule as may be necessary, and shall accompany any such request with a certificate stating that the duties of the position are essential and appropriate for the administration of the said Act.

(2) Each requested position shall be placed in the appropriate grade of the General Schedule in accordance with the standards and procedures of the Classification Act of 1949. No person shall be employed in a position of grade 16, 17, or 18 under authority of section 710 (a) of the Defense Production Act of 1950 except pursuant to notice of the Chairman of the United States Civil Service Commission of the classification of the position.

SEC. 903. All agencies of the Government (including departments, establishments, and corporations) shall furnish to each officer to whom functions are delegated or assigned by this Executive order such information relating to de-

fense production or procurement, or otherwise relating to the functions delegated or assigned to such officer by this Executive order, as he may deem necessary.

SEC. 904. Each delegate referred to in section 101 of this Executive order shall, when and if he shall deem it necessary and appropriate, appoint a committee composed of representatives of such agencies of the Government as he may determine. Any committee so appointed shall advise and consult with the delegate concerned, as he may request, in connection with the carrying out of the functions delegated to him by sections 101, 201, and 302 of this Executive order, and shall advise the delegate concerned regarding requirements of materials and facilities.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 9, 1950; 4:30 p. m.

[F. R. Doc. 50-8018; Filed, Sept. 9, 1950; 4:30 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter C—Civil Service Commission

PART 350—TERRITORIAL POST DIFFERENTIALS AND TERRITORIAL COST-OF-LIVING ALLOWANCES

COVERAGE AND EXCLUSION OF CERTAIN EMPLOYEES

Sections 350.2 and 350.3 are amended to read as follows:

§ 350.2 *Employees and agencies covered.* Section 207 of the act, part II of Executive Order 10000, and the regulations in this part apply to civilian employees of the United States Government whose rates of basic compensation are fixed by statute. They do not apply to employees in the Panama Canal Zone whose rates of basic compensation are fixed by statute, or to any other such groups of employees for whom additional compensation or salary differentials for service outside the continental United States or in Alaska are otherwise specifically authorized by law. Subject to the provisions of section 207 of the act, part II of Executive Order 10000, and the regulations in this part, every executive department, independent establishment, and wholly owned Government corporation shall pay (a) a territorial post differential to each of its employees whose rate of basic compensation is fixed by statute, who is located at a place for which a territorial post differential has been established, and who is otherwise eligible to receive such payments, and (b) a territorial cost-of-living allowance to each of its employees whose rate of basic compensation is fixed by statute, who is located at a place for which a territorial cost-of-living allowance has been established, and who is otherwise eligible to receive such payments.

§ 350.3 *Exclusion of certain employees.* No territorial post differential or territorial cost-of-living allowance shall be paid to Governors of territories as defined in the regulations in this part; to foreign service officers and foreign service reserve officers under the Department of State; or, during the period of his contract, to any employee serving under a contract, as defined in § 350.1 (h), on the effective date of the regulations in this part. Any employee serving under a contract shall be compensated according to the terms of such contract for the period thereof.

(Sec. 202, Part II, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Effective: August 15, 1950.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 50-7947; Filed, Sept. 11, 1950; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 542, Rev.]

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF ORANGES, GRAPEFRUIT, AND MANILA MANGOES FROM MEXICO

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56), the following administrative instructions are hereby issued to prescribe method of treatment which will meet the treatment requirements imposed under § 319.56–2 as a condition of the issuance of permits for the importation from Mexico of commercially-sound oranges, grapefruit, and Manila mangoes.

§ 319.56–2g *Administrative instructions prescribing method of treatment of oranges, grapefruit, and manila mangoes from Mexico*—(a) *Conditions for issuance of permits.* (1) Either of the approved vapor-heat schedules of treatment specified in paragraph (b) of this section will meet the treatment requirements imposed under § 319.56–2 as a condition of the issuance of permits for the importation from Mexico of commercially-sound oranges, free of leaves and other plant debris.

(2) The approved vapor-heat schedule of treatment specified in paragraph (b) (1) of this section will meet the treatment requirements imposed under § 319.56–2 as a condition of the issuance of permits for the importation from Mexico of commercially-sound grapefruit and Manila mangoes, free of leaves and other plant debris.

(3) The treatment must be conducted in a heat-treating room approved by the Bureau of Entomology and Plant Quarantine and must be conducted under the supervision of an inspector of that Bureau, who at all times shall have access to such fruits while they are undergoing treatment.

(4) The Bureau will approve only those rooms which are properly constructed and adequately equipped to handle and treat such fruits, at locations acceptable to the inspector in areas where required supervision can be furnished. No treating plant will hereafter be approved until it is equipped with a self-recording temperature and humidity indicator acceptable to the inspector.

(5) All handling in Mexico subsequent to treatment of such fruits intended for shipment to the United States must be carried out to meet requirements satisfactory to the inspector and under such supervision as he may deem necessary.

(6) All costs of construction, equipping, maintaining and operation of treating rooms and those associated with prescribed post-treatment safeguards shall be borne by the owner of such fruits, or his representative.

(7) Supervision at places contiguous to ports of entry where inspectors are regularly stationed will be furnished without cost to the owner of the fruit, or his representative.

(8) In cases where treating rooms may be located in the interior of Mexico, or at places removed from ports of entry where inspectors are regularly stationed, those in interest must make advance arrangements for approval of the plant and for supervision, and furnish the Chief of the Bureau of Entomology and Plant Quarantine with acceptable assurance that they will provide transportation and per diem for the supervising inspectors without cost to the United States Department of Agriculture.

(9) In the tests and experiments so far conducted with the approved treating schedules such fruits have not been injured. It is, however, emphasized that inexactness and carelessness in using the approved schedules for vapor-heat treatment may result in injury to the fruit treated. In authorizing the use of the treatment specified in paragraph (b) of this section, the United States Department of Agriculture does not accept responsibility for fruit injury.

(b) *Vapor-heat method of treatment and approved schedules.* In approved vapor-heat treatment the fruit is heated by saturated vapor at 110° F. which in condensing on the fruit gives up its latent heat. This latent heat is essential in assuring mortality of eggs and larvae of the fruitflies known to occur in Mexico and in raising the temperature of the fruit evenly and quickly so as to prevent damage to the fruit. In practice in such treatments the saturated vapor is accompanied by a fine water mist and air admixture. The fruit is cooled immediately after treatment, and no wax or paraffin, either dry or in solution, is used until after the treatment has been completed. Vapor-heat treatment is approved only if the vapor conditions within the heat-treating room, the manner of stacking the field boxes containing the fruit in the room, and all other conditions affecting the efficacy of the treatment are satisfactory, in the opinion of the supervising inspector, to assure mortality of eggs and larvae of the fruitflies known to occur in Mexico. The following schedules of vapor-heat treatment, when conducted in accordance with the principles stated above in this paragraph and in paragraph (a) of this section, are approved:

(1) The temperature of the fruit shall be raised to 110° F., at the approximate center of the fruit, in a period of 8 hours and shall be held at that level during the following 6 hours. This method is adapted to sterilization plants that do not have the capacity to increase the temperature of the fruit steeply at the beginning of the treating period.

(2) The temperature of the fruit shall be raised to 110° F., at the approximate center of the fruit, in a period of 6 hours and shall be held at that level during the following 4 hours. The temperature of the fruit must be raised rapidly during the first 2 hours, after which it may be gradually raised to 110° F. in the following 4 hours.

These administrative instructions shall be effective the 12th day of September 1950 and at that time shall supersede B. E. P. Q. No. 542, effective September 4, 1945 (7 CFR 319.56–2g).

The foregoing administrative instructions merely restate a method of treatment previously approved in administrative instructions now in effect and further authorize a new alternative schedule for use of vapor-heat for treatment of oranges which shortens the period of treatment and thereby provides a less burdensome means than the one presently authorized by which Mexican shippers of oranges may qualify their fruit for importation. Accordingly the foregoing administrative instructions relieve restrictions now in effect. Research has disclosed moreover that this new alternative schedule of treatment for oranges may be used without increasing the risk of spread of injurious insects. In order to be of maximum benefit to such shippers, such new alternative method should be made available as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and public procedure on the foregoing administrative instructions are unnecessary, impracticable, and contrary to the public interest, and since these instructions relieve restrictions they may properly be made effective under said section 4 less than thirty days after their publication in the FEDERAL REGISTER.

(Sec. 3, 33 Stat. 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 143, 162)

Done at Washington, D. C., this 30th day of August 1950.

AVERY S. HOYT,
[SEAL] *Chief, Bureau of Entomology and Plant Quarantine.*

[F. R. Doc. 50-7971; Filed, Sept. 11, 1950; 8:51 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1951

The need for conserving the agricultural resources of our Nation has received increasing recognition in recent years from agricultural leaders, farmers, State and national legislative bodies, and the general public. There has also been increasing recognition that it is not the responsibility of farmers alone to conserve our agricultural resources—that the conservation of our agricultural resources is so vital to the general welfare of the people, and is a problem of such magnitude, that it merits the support of the entire Nation.

The Department of Agriculture is engaged in conservation activities of several types. These include research with respect to the causes, effects, and prevention of wind and water erosion, the dissemination of information on conservation developments, and technical and financial assistance in the performance of conservation measures. The Agricultural Conservation Program is an essential part of the whole conservation program of the Department. It has proved to be one of the most effective ways of bringing about increased performance of approved soil and water conservation measures on the Nation's farms and accelerated application on those farms of the methods, recommendations, and practices developed under the research and other conservation activities of the Department.

The Agricultural Conservation Program operates as a Government-farmer partnership for the benefit of the general public and the farmer. All of the Nation's farmers are eligible to participate in the program. Through the program the Federal Government bears a part of the cost of needed soil and water conservation practices which otherwise would not be carried out to the desired extent. The farmers bear the greater portion of the cost of the practices carried out under the program and, in addition, bear the full cost of other conservation measures.

The Agricultural Conservation Program is administered locally by State, county, and community Production and Marketing Administration committees. The county and community committees are elected by the farmers of their respective counties and communities. The State committee is also a farmer committee, its members being appointed by the Secretary of Agriculture. These farmer committees, with the advice of technical committees composed of representatives of Federal, State, and local agricultural agencies, select and develop the conservation practices which make up the State and county programs. These farmer committees also determine in a large degree the manner and extent to which the Agricultural Conservation Program applies to individual farms, and they have the responsibility of administering the program in the interest of the entire Nation and in such a manner as to obtain the greatest possible conservation with available funds.

Assistance will be given to farmers carrying out conservation practices under the 1951 Agricultural Conservation Program (referred to in this subpart as the 1951 program) in accordance with the provisions contained herein and such modifications thereof as may hereafter be made. The provisions of this program contained herein are applicable to the continental United States.

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701.201 State funds.
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701.204 Basis for approval of practices.
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CONSERVATION PRACTICES AND MAXIMUM RATES OF ASSISTANCE

701.210 Conservation practices and maximum rates of assistance.

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701.211 Practice A–1: Constructing terraces to control the flow of water on sloping land.
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701.219 Practice A–9: Cross-slope farming to protect against washing and blowing of soil and to reduce run-off of water in areas where contouring is impracticable.
701.220 Practice A–10: Field strip cropping to protect soil from wind or water erosion.
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701.223 Practice A–13: Establishing a cover of adapted biennial and perennial legumes and grasses in orchards and vineyards to protect against erosion.
701.224 Practice A–14: Establishing a permanent cover of kudzu, perennial lespedeza, perennial grasses, or a mixture of legumes and perennial grasses, on steep slopes or in waterways, or on land so subject to erosion that it should be retired from cultivation.
701.225 Practice A–15: Mulching to control wind erosion or in connection with tree planting on blow land.
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Practices To Develop Cropping Systems That Protect the Soil and Restore, Improve, and Maintain Soil Productivity

701.230 Practice B–1: Growing adapted green manure or cover crops for soil protection and improvement.
701.231 Practice B–3: Establishing or improving permanent pasture by seeding, sodding, or sprigging adapted legumes and grasses or other adapted forage plants.
701.232 Practice B–4: Increasing the total farm acreage of biennial and perennial legumes and perennial grasses, or mixtures of these legumes and grasses.
701.233 Practice B–5: Applying mineral elements to make possible the establishment and adequate growth of soil-conserving crops.
701.234 Practice B–6: Clearing land for permanent pasture or for biennial or perennial legumes or perennial grasses needed for a better soil conserving cropping system.
701.235 Practice B–7: Mulching for soil improvement and maintenance purposes.
701.236 Practice B–8: Controlling perennial weeds as a necessary step in soil or water conservation.
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701.241 Practice C–1: Improving and maintaining a desirable vegetative cover on range land.
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701.243 Practice C–3: Constructing stock trails through rock or similar natural barriers to obtain better distribution of grazing.
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701.245 Practice C–5: Constructing permanent fences to obtain better distribution of grazing, thereby preventing overgrazing.
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Practices To Conserve and Obtain Efficient Use of Agricultural Water

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701.250 Practice D–2: Furrowing, chiseling, ripping, scarifying, or listing non-crop grazing land to retard run-off and improve water penetration.
701.251 Practice D–3: Constructing spreader ditches or dikes to collect or spread water.
701.252 Practice D–4: Reorganizing farm irrigation systems to conserve water and prevent erosion.
701.253 Practice D–5: Leveling land for more efficient use of irrigation water or to prevent erosion.
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Drainage Practices To Permit Land-Use Adjustments Needed in Establishing Soil Conserving Cropping Systems or To Permit Other Measures Required To Conserve Soil and Water Resources

701.259 Practice E–1: Installing or improving drainage systems.

Practices To Establish, Restore, and Maintain Farm Woodland

701.262 Practice F–1: Planting forest trees and shrubs on farm land for forestry purposes, windbreaks, and for erosion control.
701.263 Practice F–2: Improving a stand of forest trees.
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Practices to Meet Special Conservation Needs

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PAYMENTS

701.272 Division of payments.
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CONSERVATION MATERIALS AND SERVICES

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701.291 Persons eligible to file application.
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APPEALS

Sec.
701.293 Appeals.

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701.294 State handbooks, bulletins, instructions, and forms.

DEFINITIONS

701.295 Definitions.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

701.296 Authority.
701.297 Availability of funds.
701.298 Applicability.

AUTHORITY: §§ 701.201 to 701.298 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q.

DISTRIBUTION AND CONTROL OF FUNDS

§ 701.201 *State funds.* Funds available for conservation practices will be distributed among States on the basis of their conservation needs, but the proportion allocated to any State shall not be reduced more than 15 percent from its proportionate 1950 distribution.

§ 701.202 *Control of funds.* The State committee will allocate the funds available for conservation practices among the counties within the State. The county committee, in accordance with the method approved by the State committee, will determine the amount of assistance to be made available to each farm, taking into consideration the county allocation and the conservation needs of the county and of the individual farms.

§ 701.203 *Adjustments.* If, in any State, the total estimated earnings under the program exceed the total funds available for assistance, assistance will be reduced equitably.

BASIS FOR APPROVAL OF PRACTICES, ADAPTATION OF PRACTICES AND RATES OF ASSISTANCE, SPECIAL PRACTICES, POOLING AGREEMENTS, COMPLIANCE WITH REGULATORY MEASURES, AND STATE OR FEDERAL AID

§ 701.204 *Basis for approval of practices.* Practices to be approved will include only those which maintain or increase soil fertility, control and prevent soil erosion caused by wind or water, encourage conservation and better agricultural use of water, conserve and increase range and pasture forage, or conserve and improve farm woodland. The practices to be approved for any State or area will be those best adapted to achieve sound soil and water conservation and use, which will not be carried out in desired volume on the basis of relative conservation needs unless assistance is given therefor. Except as provided in §§ 701.205 and 701.206, the conservation practices for which assistance will be given in any State or area, and the rates of assistance for such practices, will be those recommended by the State committee and approved by the Agricultural Conservation Programs Branch, Production and Marketing Administration (referred to in this subpart as the ACP Branch), within the limitations specified in this subpart.

§ 701.205 *Adaptation of practices and rates of assistance.* In order to encourage the performance of practices which are needed most on all farms or on groups of farms in a county, the county committee, with the approval of the State committee, may designate from the practices approved for the State or area those practices which will be applicable on all farms or designated groups of farms in the county, and may approve rates of assistance lower than the rates of assistance approved for general use in the State or area. For recurring practices, the State committee may authorize the county committee to approve rates of assistance for individual farms lower than the rates of assistance approved for general use in the county or area, on the basis of the experience of the producer in performing the practices. The State commmittee, upon recommendation of the county committee and concurrence of the ACP Branch, may approve a rate of assistance for one practice in a county higher than the maximum rate specified for such practice in this subpart: *Provided*, That the increased rate of assistance is needed to introduce a new conservation practice into the county, or to bring about a needed increase in the extent to which a practice otherwise would be carried out.

§ 701.206 *Special practices.* To permit further local adaptation of the program to the conservation needs of the county, the county committee may recommend, and the State committee with the concurrence of the ACP Branch may approve, practices for the county from the practices included in this subpart which are not included in the list of practices approved for the State.

§ 701.207 *Pooling agreements.* Producers in any local area may agree in writing, with the approval of the county and State committees, to perform designated amounts of practices which the State committee determines are necessary to conserve or improve the agricultural resources of the community. For purposes of payment, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the producers who performed the practices.

§ 701.208 *Compliance with regulatory measures.* Producers who carry out conservation practices for assistance under the 1951 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance of the practices in keeping with applicable laws. The producer who receives assistance for the practice shall be responsible to the Federal Government for any losses it may sustain because the producer infringes on the rights of others, or fails to comply with applicable laws.

§ 701.209 *Practices carried out with State or Federal aid.* The assistance for any practice shall not be reduced because it is carried out with materials or services furnished by the ACP Branch or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total assistance for any practice performed shall be reduced for purposes of payment by the value of the aid, as determined by the county committee. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

CONSERVATION PRACTICES AND MAXIMUM RATES OF ASSISTANCE

§ 701.210 *Conservation practices and maximum rates of assistance.* (a) This subpart contains a general description of the conservation practices of the 1951 program, and the maximum rates of assistance for the practices. Prior approval of the county committee is required for the practices contained in §§ 701.211–701.217, 701.218 (b), 701.222, 701.226, 701.234, 701.236, 701.237, 701.241 (a), (b), (e), 701.242–701.246, 701.249 (c), 701.251–701.255, 701.259, 701.263–701.266. Prior approval, where required, must be given before the practice is performed, and shall include a determination that the practice is needed on the farm and, where applicable, location, types of materials, species, types and kinds of seeds, planting or seeding dates, designated types or methods of construction, and other similar information which will insure proper performance of the practice.

(b) Information with respect to the several practices for which assistance will be given when carried out on a particular farm, and the exact specifications and rates of assistance for such practices, may be obtained from the county committee for the county in which the farm is located, or from the State committee (11 F. R. 177A–285). The average cost as specified under the maximum assistance for certain practices in this subpart may be the average cost for a State, a county, a part of a county, or a farm, as determined by the State committee.

Practices To Protect Soil From Wind and Water Erosion

§ 701.211 *Practice A–1: Constructing terraces to control the flow of water on sloping land.* Necessary outlets or waterways must be provided.

Maximum assistance. 70 percent of the average cost of construction of the terraces.

§ 701.212 *Practice A–2: Constructing diversion terraces or ditches to collect or divert excess water.*

Maximum assistance. 70 percent of the average cost of earth moving, but not in excess of $0.12 per cubic yard of earth moved.

§ 701.213 *Practice A–3: Restoring severely eroded farm land to productive use.* Land on which this practice is carried out must be established in permanent protective cover during the 1951 program year. This practice is not applicable to land on which strip or placer mining operations have been carried out.

Maximum assistance. 50 percent of the average cost of grading, leveling, shaping, or filling.

§ 701.214 *Practice A–4: Establishing permanent sod waterways to dispose of excess water without causing erosion.* Applicable only to waterways established in 1951, unless the county committee determines that an old waterway needs reshaping and reseeding or resodding.

Maximum assistance. (1) 80 percent of the cost of seeding or sodding, but not in excess of $0.75 per 1,000 square feet.

(2) 70 percent of the average cost of moving earth with dirt-moving equipment in shaping and filling.

§ 701.215 *Practice A–5: Constructing outlets for water channels or building flumes or chutes to dispose of water without gullying.*

Maximum assistance. (1) 50 percent of the average cost of material used, but not in excess of $10 per cubic yard of concrete or $6 per cubic yard of rubble masonry.

(2) $0.50 per square yard of exposed surface of log dams.

(3) $0.50 per square yard of exposed surface of wire-bound mulch.

(4) $0.15 per square yard of exposed surface of wire dams.

§ 701.216 *Practice A–6: Constructing erosion control dams or wire diversions to prevent or heal the gullying of farm land and to reduce run-off of water.*

Maximum assistance. (1) 70 percent of the average cost of moving earth in the construction of dams, wings, and walls, but not in excess of $0.12 per cubic yard of earth moved.

(2) 50 percent of the average cost of concrete or rubble masonry used, but not in excess of $10 per cubic yard of concrete or $6 per cubic yard of rubble masonry.

(3) 50 percent of the average cost of pipe.

(4) $1.50 per cubic yard of rock used, for rock or rock and brush dams.

(5) 50 percent of the average cost of wire diversions.

§ 701.217 *Practice A–7: Constructing permanent riprap.* Applicable only along stream banks, in gullies, on the face of dams, or in water courses, for controlling erosion. The types of materials must be specified in the State handbook.

Maximum assistance. (1) 50 percent of the average cost, but not in excess of $1 per square yard of exposed riprap surface, or

(2) 50 percent of the average cost, but not in excess of $1.50 per cubic yard of riprap material.

§ 701.218 *Practice A–8: Farming on the contour to protect against washing or blowing of soil, to reduce run-off, and to conserve water*—(a) *Practice A–8–a: Establishing contour strip cropping.* The types of eligible protected and protective crops and uses must be designated. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. No assistance will be given under this practice for any acreage for which assistance was given for establishing contour or cross-slope strip cropping under a previous program, or for which assistance is given under paragraph (c) or (d) of this section.

Maximum assistance. $4 per acre.

(b) *Practice A–8–b: Removing stone walls and hedgerows to permit terracing, contour farming, or cross-slope farming.*

Maximum assistance. 50 percent of the cost of removal as determined by the county

committee, but not in excess of $5 per square rod of surface occupied by the stone wall or hedgerow before removal.

(c) *Practice A–8–c: Contour farming row crops.* The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out.

Maximum assistance. (1) $1.50 per acre where all cultural operations are on the contour.

(2) $1 per acre where only the planting and cultivating are on the contour.

(d) *Practice A–8–d: Contour farming drilled or close-sown crops.*

Maximum assistance. (1) $0.75 per acre where all cultural operations are on the contour.

(2) $0.50 per acre where only the seeding operation is on the contour.

(e) *Practice A–8–e: Contour listing, contour chiseling, basin listing, pit cultivation, or emergency listing at right angles to prevailing winds, and other approved tillage operations to control wind or water erosion, when not a part of a seeding operation.*

Maximum assistance. (1) $0.60 per acre when used to protect summer-fallowed land.

(2) $0.30 per acre on other cropland.

(f) *Practice A–8–f: Planting orchards and vineyards on the contour.*

Maximum assistance. $7.50 per acre.

§ 701.219 *Practice A–9: Cross-slope farming to protect against washing and blowing of soil and to reduce run-off of water in areas where contouring is impracticable*—(a) *Practice A–9–a: Establishing cross-slope strip cropping.* Contour lines must be established and all cultural operations performed as nearly as practicable on the contour. The types of eligible protected and protective crops and uses must be designated. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. No assistance will be given under this practice for any acreage for which assistance was given for establishing contour or cross-slope strip cropping under a previous program, or for which assistance is given under paragraph (b) or (c) of this section.

Maximum assistance. $3 per acre.

(b) *Practice A–9–b: Cross-slope farming row crops.* Contour lines must be established and all cultural operations performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out.

Maximum assistance. $1 per acre.

(c) *Practice A–9–c: Cross-slope farming drilled or close-sown crops.* Contour lines must be established and all cultural operations performed as nearly as practicable on the contour.

Maximum assistance. $0.35 per acre.

§ 701.220 *Practice A–10: Field strip cropping to protect soil from wind or water erosion.* The maximum and minimum widths of the strips and the types of eligible protected and protective crops and uses must be designated. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops.

Maximum assistance. (1) $0.50 per acre for systems with strips in excess of 10 rods in width.

(2) $0.75 per acre for systems with strips not in excess of 10 rods in width.

§ 701.221 *Practice A–11: Managing crop residues to protect soil from wind or water erosion*—(a) *Practice A–11–a: Crop residue management.* Performing tillage operations which will partially incorporate a heavy growth of stubble or straw into the surface soil to prevent erosion. No assistance will be given if the acreage has been burned over or the straw removed.

Maximum assistance. (1) $1 per acre when used to protect summer-fallowed land.

(2) $0.60 per acre on other cropland.

(b) *Practice A–11–b: Leaving stalks of sorghum, Sudan grass, millet, or broomcorn as a protection against wind erosion.* The stalks must be left on the land until spring farming operations are begun. No grazing is permitted. The stalks on broadcast or close-drilled crops must be left at least 8 inches high and at least 10 inches high on wide-drilled or row crops. Applicable only in wind-erosion areas approved by the State committee and included in the State handbook.

Maximum assistance. $0.35 per acre.

§ 701.222 *Practice A–12: Bringing adequate amounts of clod-forming subsoil to the surface on sandy cropland subject to wind erosion to protect soil from blowing.* The heavier subsoil must be brought to the surface. Applicable only in wind-erosion areas designated by the State committee and included in the State handbook. No assistance will be given on any acreage for which assistance was given for this practice under any previous program.

Maximum assistance. (1) $1.50 per acre for plowing 12 inches but less than 15 inches deep.

(2) $2 per acre for plowing 15 inches but less than 18 inches deep.

(3) $3 per acre for plowing 18 inches or deeper.

§ 701.223 *Practice A–13: Establishing a cover of adapted biennial and perennial legumes and grasses in orchards and vineyards to protect against erosion.* Volunteer stands and any acreage cut for hay are not eligible. Approved kinds of cover must be designated in the State handbook.

Maximum assistance. 70 percent of the average cost of seed.

§ 701.224 *Practice A–14: Establishing a permanent cover of kudzu, perennial lespedeza, perennial grasses, or a mixture of legumes and perennial grasses, on steep slopes or in waterways, or on land so subject to erosion that it should be retired from cultivation.*

Maximum assistance. (1) 80 percent of the average cost of seed, or

(2) 60 percent of the average cost (other than land preparation) of sodding, crowning, or sprigging.

§ 701.225 *Practice A–15: Mulching to control wind erosion or in connection with tree planting on blow land.* Only straw, hay, or cotton burs are eligible for assistance. The types of materials must be specified in the State handbook and cannot include manure.

Maximum assistance. $1 per ton of material used.

§ 701.226 *Practice A–16: Stream or shore control to prevent erosion or flood damage to farm land.* Channel clearance or levee construction under this practice is limited to small water courses.

Maximum assistance. 50 percent of the cost of the clearing, shaping, and protective operations, as determined by the county committee.

Practices To Develop Cropping Systems That Protect the Soil and Restore, Improve, and Maintain Soil Productivity

§ 701.230 *Practice B–1: Growing adapted green manure or cover crops for soil protection and improvement.* Pasturing consistent with good management is permitted. Volunteer stands are not eligible for assistance.

(a) *Practice B–1–a: Winter annual legumes or annual ryegrass.* The practice must be carried out in keeping with technical specifications approved by the State committee and included in the State handbook, or a good stand and good growth must be obtained.

Maximum assistance. 70 percent of the average cost of seed.

(b) *Practice B–1–b: Summer annual legumes.* A good stand and good growth must be obtained and left on the land or turned under. Vegetable and truck crops for sale, soybeans or mung beans for seed or oil, all peanuts, and seedings interplanted with row crops are not eligible for assistance.

Maximum assistance. 70 percent of the average cost of seed.

(c) *Practice B–1–c: Adapted nonlegumes.* A good stand and good growth must be obtained and left on the land or turned under. Small grains and any acreage harvested for seed or hay are not eligible for assistance.

Maximum assistance. 70 percent of the average cost of seed.

(d) *Practice B–1–d: Small grains.* A good stand and good growth must be obtained and left on the land or turned under. Acreages harvested for hay or grain are not eligible for assistance.

Maximum assistance. (1) $2.50 per acre for rye or wheat.

(2) $1.50 per acre for oats, millet, barley, or buckwheat.

(e) *Practice B–1–e: Red clover, alsike clover, sweetclover, or alfalfa used for green manure.* A good stand and good growth must be turned under. Assistance for alfalfa is limited to first- or second-year alfalfa from which no hay, seed, or pasture is taken in 1951. No assistance will be given for turning under as green manure any crop established with program assistance.

Maximum assistance. $1.50 per acre.

§ 701.231 *Practice B–3: Establishing or improving permanent pasture by seeding, sodding, or sprigging adapted legumes and grasses or other adapted forage plants.* Where rates of assistance are determined on an acre basis, the recommended seeding rates, kinds of seeds, and proportions of seeds in a mixture must be set forth in the State handbook.

Maximum assistance. (1) 80 percent of the average cost of seed, or

(2) 60 percent of the average cost (other than land preparation) of sodding or sprigging.

§ 701.232 *Practice B–4: Increasing the total farm acreage of biennial and perennial legumes and perennial grasses, or mixtures of these legumes and grasses.* Assistance will be given only for the acreage established in excess of the usual acreage of all biennial and perennial legumes and perennial grasses for the farm, as determined by the county committee. The method of determining the usual acreage shall be included in the State handbook. Where rates of assistance are on an acre basis, the recommended seeding rates, kinds of seeds, and proportions of seeds in a mixture must be set forth in the State handbook. Acreages of these grasses and legumes for which assistance for new seedings is given under another 1951 practice may not be considered in determining the increased acreages eligible for assistance under this practice.

Maximum assistance. 80 percent of the average cost of seed.

§ 701.233 *Practice B–5: Applying mineral elements to make possible the establishment and adequate growth of soil-conserving crops*—(a) *Practice B–5–a: Liming materials.*

Maximum assistance. (1) Bulk ground limestone containing at least 80 percent calcium carbonate equivalent:

(a) 55 percent of the average cost on a delivered-to-the-farm basis plus 30 percent of that part of such cost which is in excess of $2 per ton, or

(b) 45 percent of the average cost on a spread-on-the-land basis plus 30 percent of that part of such cost which is in excess of $2 per ton.

(2) The rate for other liming materials may not exceed the lower of:

(a) The rate for an equivalent amount of bulk ground limestone containing at least 80 percent calcium carbonate equivalent, or

(b) The larger of 55 percent of the average cost of the equivalent material on a delivered-to-the-farm basis plus 30 percent of that part of such cost which is in excess of $2 per ton, or 45 percent of the average cost of the equivalent material on a spread-on-the-land basis plus 30 percent of that part of such cost which is in excess of $2 per ton.

(b) *Practice B–5–b: Superphosphate, rock phosphate, colloidal phosphate, potash, or basic slag.* (1) Application of superphosphate, potash, or basic slag must be made at a time so that the eligible crop will receive the principal benefit of the material. Applicable only in connection with the following crops and uses:

(i) Legumes and grasses, excluding small grains (except as provided in subparagraph (ii) of this paragraph), vegetable and truck crops for sale, soybeans or mung beans for seed or oil, all peanuts, Sudan grass, and sorghums.

(ii) Small grains when seeded with eligible grasses or legumes or when overseeded with eligible grass or legumes in the same seeding season, and small grains for green manure or cover crops in orchards.

(iii) Superphosphate alone when added to manure in stables or on dropping boards and applied to the above crops or to any crop on a farm using a rotation in which at least one-half of the cropland is devoted to conserving crops.

(iv) Rock or colloidal phosphate when applied to any cropland which the county committee determines is in or going into a regular rotation that includes legumes (other than vegetable and truck crops for sale, soybeans or mung beans for seed or oil, and all peanuts) or perennial grasses.

(2) Rates of assistance must be established for each of the following materials if included in the State handbook: Normal superphosphate containing 20 percent or less available phosphoric acid (P_2O_5); concentrated superphosphate containing more than 20 percent available phosphoric acid (P_2O_5); rock phosphate; colloidal phosphate; potash; and basic slag. Assistance for mixed fertilizers will be determined on the basis of the rates established for normal superphosphate and potash.

Maximum assistance. (1) Superphosphate, rock phosphate, containing at least 28 percent total phosphoric acid (P_2O_5), potash, or basic slag—60 percent (50 percent under subparagraph (iv) of paragraph (b) (1) of this section) of the average—cost of the straight material at siding, dealer's warehouse, or plant.

(2) For colloidal phosphate or lower grade rock phosphate, the rate may not exceed the lower of:

(a) The rate for an equivalent amount of rock phosphate containing at least 28 percent total phosphoric acid (P_2O_5), or

(b) 60 percent (50 percent under subparagraph (iv) of paragraph (b) (1) of this section) of the average cost of the lower grade material at siding, dealer's warehouse, or plant.

(c) *Practice B–5–c: Minor elements.* Materials used as insecticides are not eligible for assistance. Assistance for boron will be limited to that used in connection with perennial legumes.

Maximum assistance. 60 percent of the average cost at siding, dealer's warehouse, or plant.

§ 701.234 *Practice B–6: Clearing land for permanent pasture or for biennial or perennial legumes or perennial grasses needed for a better soil conserving cropping system.* Eligible legumes or grasses must be established as soon as practicable. Temporary use of the land for other crops may be permitted where the county committee determines this is essential to establishing the eligible legumes or grasses. No assistance will be given for clearing a stand of merchantable timber or pulpwood.

Maximum assistance. 50 percent of the average cost of clearing, but not in excess of $10 per acre cleared.

§ 701.235 *Practice B–7: Mulching for soil improvement and maintenance purposes.* Assistance will be limited to mulching material hauled on the field or area. No assistance will be given for applying mulching material containing manure.

(a) *Practice B–7–a: Applying mulching material to tree fruit orchards or to vineyards.*

Maximum assistance. 60 percent of the average cost of material delivered to the farm, but not in excess of $5 per ton, air-dry weight.

(b) *Practice B–7–b: Applying mulching material to vegetable land.* The material must be incorporated into the soil.

Maximum assistance. 60 percent of the average cost of material delivered to the farm, but not in excess of $5 per ton, air-dry weight.

§ 701.236 *Practice B–8: Controlling perennial weeds as a necessary step in soil or water conservation.* The names of weeds, the conditions under which the practice may be approved, and the measures needed to provide effective control must be designated in the State handbook. No crop may be taken from the land where clean cultivation is used.

Maximum assistance. (1) $7.50 per acre for continuous clean cultivation, except for Johnson grass and quackgrass.

(2) $5 per acre for continuous clean cultivation for Johnson grass and quackgrass.

(3) 50 percent of the average cost of State committee approved chemicals and 50 percent of the average cost of applying the chemicals.

§ 701.237 *Practice B–9: Constructing permanent fences to permit establishment of permanent vegetative cover.* The area fenced must be farm land that is established in 1951 in biennial or perennial legumes or perennial grasses. This practice is applicable only to areas that the county committee determines cannot be properly established in necessary protective cover until fenced for protection against livestock.

Maximum assistance. 50 percent of the average cost of fencing material used.

Practices To Restore and Maintain Range and Permanent Pasture

§ 701.241 *Practice C–1: Improving and maintaining a desirable vegetative cover on range land.*—(a) *Practice C–1–a: Grazing land management to maintain or improve range and watershed condition by performing those practices necessary to secure proper distribution of grazing livestock, or making changes in management or adjustments in use which the county committee determines are necessary to accomplish moderate utilization of the forage crop.* No assistance will be given if the county committee determines that any area of the ranch is overgrazed.

Maximum assistance. The smaller of:

(1) The amount approved by the county committee, or

(2) $50 plus $0.04 per acre of grazing land.

(b) *Practice C–1–b: Natural reseeding of desirable range forage plants by deferred grazing.* Applicable only to seriously depleted areas of range land or to range land from which competitive plants have been removed and deferment of grazing is necessary to natural reestablishment of desirable grass cover. Assistance will not be given on more than

25 percent of the grazing land in the unit nor for any of the deferred area which is cut for hay; except that the State committee, with the approval of the ACP Branch, may waive the percentage limitation for any local area where deferment of a larger percentage is necessary to conserve the range resources. No assistance will be given if the county committee determines that any area of the ranch is overgrazed.

Maximum assistance. $0.25 per acre deferred, except that where the carrying capacity is less than one animal unit for each 30 acres, the rate must be reduced proportionately and set forth in the State handbook.

(c) *Practice C–1–c: Artificial reseeding.* Seeding, sodding, or sprigging adapted perennial grasses, perennial legumes, and other pasture forage plants for range improvement. Where rates of assistance are determined on an acre basis, the recommended seeding rates, kinds of seeds, and proportions of seeds in a mixture must be set forth in the State handbook. No assistance will be given if the county committee determines that the area seeded is overgrazed.

Maximum assistance. (1) 80 percent of the average cost of seed, or

(2) 60 percent of the average cost (other than land preparation of sodding or sprigging.

(d) *Practice C–1–d: Establishing for seed production an increased acreage of perennial range and pasture grasses or pasture legumes.* Eligible grasses and legumes must be designated in the State handbook and be restricted to those not usually grown for commercial seed production or which are grown for commercial seed production only on a very limited scale as compared to the national need. The State handbook must specify the methods of seeding, cultivation, and protection. Assistance will be given only for seedings on acreage in addition to that devoted to seed production of the grass or legume in 1950.

Maximum assistance. 80 percent of the average cost of establishment, excluding fertilization.

(e) *Practice C–1–e: Controlling competitive plants and shrubs on noncropland.* Eligible plants must be designated in the State handbook. No assistance will be given if the county committee determines that the area is overgrazed. The $5 per acre maximum will apply to the total assistance under the 1949, 1950, and 1951 programs for the control or elimination of all competitive plants and shrubs on an area.

Maximum assistance. 50 percent of the average cost, but not in excess of $5 per acre.

§ 701.242 *Practice C–2: Livestock water development to obtain proper distribution of livestock and prevent overgrazing.* The practice will not be approved if the county committee determines that the area to be served by the development is overgrazed.

(a) *Practice C–2–a: Constructing wells for livestock water.* Adequate storage facilities must be provided. Pumping equipment must be installed, except for artesian wells. Assistance will not be given for wells constructed at or for the use of headquarters.

Maximum assistance. (1) $1 per linear foot of well with bore taking casings less than 4 inches in diameter, and all artesian wells.

(2) $2 per linear foot of well with bore taking casings 4 inches but less than 6 inches in diameter.

(3) $3 per linear foot of well with bore taking casings 6 inches or more in diameter.

(b) *Practice C–2–b: Developing springs and seeps for livestock water.*

Maximum assistance. (1) $0.50 per cubic foot of excavation in rock, and

(2) $0.30 per cubic foot of excavation in soil or gravel; or

(3) $0.50 per cubic foot of storage capacity constructed.

(c) *Practice C–2–c: Constructing dams, pits, and ponds for collecting and storing livestock water, including the enlargement of inadequate structures.* No assistance will be given for cleaning or maintaining an existing structure.

Maximum assistance. (1) 70 percent of the average cost of earth moving, but not in excess of $0.12 per cubic yard of material moved.

(2) 50 percent of the average cost of concrete or rubble masonry used, but not in excess of $10 per cubic yard of concrete or $6 per cubic yard of rubble masonry.

(3) 50 percent of the average cost of fencing material, pipe, and seeding or sodding the dam and filter strips.

(d) *Practice C–2–d: Installing pipelines for livestock water.*

Maximum assistance. 50 percent of the average cost of pipe, except that the assistance for pipe in excess of 2 inches in diameter may not exceed the assistance which may be given for 2-inch pipe.

(e) *Practice C–2–e: Constructing supplemental new large water storage at wells and springs for livestock water.* No assistance will be given under this practice in connection with a spring or well for which assistance was given under the 1951 or previous programs, unless the minimum storage required as a condition of payment for the spring or well has been installed and maintained.

Maximum assistance. 50 percent of the average cost of material used, but not in excess of $10 per cubic yard of concrete or $6 per cubic yard of rubble masonry.

(f) *Practice C–2–f: Lining earthen reservoirs for livestock water.*

Maximum assistance. 50 percent of the average cost of approved material used, but not in excess of $10 per cubic yard of concrete or $6 per cubic yard of rubble masonry.

§ 701.243 *Practice C–3: Constructing stock trails through rock or similar natural barriers to obtain better distribution of grazing.* No assistance will be given if the county committee determines that the grazing area thus made available is overgrazed.

Maximum assistance. 50 percent of the average cost of construction.

§ 701.244 *Practice C–4: Constructing or maintaining fireguards to protect grazing land.* The fireguards must have a minimum width of 10 feet.

Maximum assistance. $1.20 per 1,000 linear feet.

§ 701.245 *Practice C–5: Constructing permanent fences to obtain better distribution of grazing, thereby preventing overgrazing.* No assistance will be given for maintaining existing fences.

Maximum assistance. 50 percent of the average cost of fencing material used.

§ 701.246 *Practice C–6: Managing pastures, other than range, to obtain better cover.* Applicable only to farms or ranches having not more than 160 acres of pasture or range land. The methods of management must be included in the State handbook. No assistance will be given under this practice on any farm or ranch for which assistance is given under the practice contained in § 701.241 (a) or (b).

Maximum assistance. 50 percent of the cost of supplemental improvements specified in the State handbook, but not in excess of $100.

Practices To Conserve and Obtain Efficient Use of Agricultural Water

§ 701.249 *Practice D–1: Subsoiling to permit better penetration of water.*

(a) *Practice D–1–a: Subsoiling to a depth which will effectively shatter the hardpan or plow sole.* No assistance will be given on any acreage for which assistance was given for this practice under any previous program.

Maximum assistance. (1) $2.25 per acre for intervals up to 4 feet.

(2) $1.50 per acre for intervals over 4 feet but not over 7 feet.

(b) *Practice D–1–b: Rotary subsoiling.*

Maximum assistance. $0.25 per acre.

(c) *Practice D–1–c: Deep plowing.* This practice is applicable only where needed to improve water penetration on irrigated cropland.

Maximum assistance. 50 percent of the cost, but not in excess of $5 per acre for plowing 24 inches or deeper.

§ 701.250 *Practice D–2: Furrowing, chiseling, ripping, scarifying, or listing noncrop grazing land to retard run-off and improve water penetration.* The operations must be as nearly as practicable on the contour.

Maximum assistance. $0.25 per 1,000 linear feet.

§ 701.251 *Practice D–3: Constructing spreader ditches or dikes to collect or spread water.*

Maximum assistance. 70 percent of the average cost of earth moving, but not in excess of $0.12 per cubic yard of earth moved.

§ 701.252 *Practice D–4: Reorganizing farm irrigation systems to conserve water and prevent erosion.* The reorganization must be carried out in accordance with a written plan approved by the county committee.

Maximum assistance. (1) 70 percent of the average cost, but not in excess of $0.12 per cubic yard of earth or gravel moved, or $1.50 per cubic yard of rock moved, in the construction or enlargement of permanent ditches, dikes, or laterals. No assistance will be given for cleaning a ditch.

(2) 50 percent of the average cost of approved material used in lining ditches or reservoirs, but not in excess of $10 per cubic yard of concrete or $6 per cubic yard of rubble masonry.

(3) 50 percent of the average cost of material used in constructing or installing siphons, flumes, drop boxes or chutes, weirs, diversion gates, and pipe, but not in excess of $10 per cubic yard of concrete or $6 per cubic yard of rubble masonry. No assistance will be given for repairs or replacements of existing structures.

(4) 50 percent of the average cost of pipe used in the installation of permanently located main lines and standpipes for overhead irrigation. No assistance will be given for repairs or replacements of existing structures, or for the installation of laterals.

§ 701.253 *Practice D–5: Leveling land for more efficient use of irrigation water or to prevent erosion.* No assistance will be given for floating or for carrying out this practice on any land for which assistance for leveling, other than by benchland plowing, was given under a previous program. Not applicable in connection with any land for which water is not available.

Maximum assistance. 50 percent of the average cost of earth moving, but not in excess of the maximum amount per acre specified in the State handbook.

§ 701.254 *Practice D–6: Constructing or enlarging dams for irrigation water.* No assistance will be given for material moved in cleaning or maintaining a reservoir. No assistance will be given for repairs or maintenance of existing structures.

Maximum assistance. (1) 70 percent of the average cost of earth moving, but not in excess of $0.12 per cubic yard of material moved.

(2) 50 percent of the average cost of concrete or rubble masonry used, but not in excess of $10 per cubic yard of concrete or $6 per cubic yard of rubble masonry.

(3) 50 percent of the average cost of pipe and outlet gates.

§ 701.255 *Practice D–7: Lining earthen reservoirs for irrigation water.*

Maximum assistance. 50 percent of the average cost of approved material used, but not in excess of $10 per cubic yard of concrete or $6 per cubic yard of rubble masonry.

Drainage Practices to Permit Land-Use Adjustments Needed in Establishing Soil Conserving Cropping Systems or to Permit Other Measures Required to Conserve Soil and Water Resources.

§ 701.259 *Practice E–1: Installing or improving drainage systems.*

(a) *Practice E–1–a: Open farm drainage ditches.* No assistance will be given for cleaning or maintaining a ditch. Assistance will be limited to permanent ditches.

Maximum assistance. 70 percent of the average cost of earth moving, but not in excess of $0.12 per cubic yard of material moved.

(b) *Practice E–1–b: Tile, fiber pipe, lumber box, sump well, or tide gate drains.* No assistance will be given for repairing or maintaining existing drains.

Maximum assistance. 50 percent of the average cost of material delivered to the farm and 50 percent of the average cost of installation, except that the rate for tile or fiber pipe may not exceed that for the 8-inch size, and that the rate for lumber box drains may not exceed that for such drains with a cross section of 50 square inches.

Practices to Establish, Restore, and Maintain Farm Woodland

§ 701.262 *Practice F–1: Planting forest trees and shrubs on farm land for forestry purposes, windbreaks, and for erosion control.* Plantings must be protected from fire and grazing.

Maximum assistance. 80 percent of the average cost of trees and planting, excluding land preparation and cultivation.

§ 701.263 *Practice F–2: Improving a stand of forest trees.* Technical assistance must be utilized. The minimum stand of desirable species which must be present in order for the acreage to be eligible must be shown in the State handbook. No assistance will be given for improving areas from which merchantable timber, pulpwood, or Christmas trees are harvested.

Maximum assistance. 70 percent of the average cost.

§ 701.264 *Practice F–3: Maintaining a stand of trees and shrubs in windbreaks.* Applicable only in connection with windbreaks planted between January 1, 1946, and January 1, 1951. Replanting is required if necessary to bring the stand up to normal. Windbreaks must be protected from fire and grazing.

Maximum assistance. $3 per acre.

§ 701.265 *Practice F–4: Constructing firebreaks or fire lanes.*

Maximum assistance. (1) $0.50 per 1,000 linear feet for each foot of width for widths not in excess of 15 feet, and

(2) $0.40 per 1,000 linear feet for each foot of width in excess of 15 feet, up to 25 feet.

§ 701.266 *Practice F–5: Constructing permanent fences to protect farm woodlots from grazing.* No assistance will be given for maintaining an existing structure.

Maximum assistance. 50 percent of the average cost of fencing material used.

Maximum assistance. 50 percent of the average cost of fencing material used.

Practices To Meet Special Conservation Needs

§ 701.269 *Practice G–1: Special conservation practices.* With the approval of the State committee and the concurrence of the ACP Branch, the county committee may select for use in the county practices included in this subpart for which there is need locally, but which are not selected for use in the State.

Maximum assistance. The maximum assistance for the practices set forth in this subpart.

PAYMENTS

§ 701.272 *Division of payments.*—(a) *Conservation practice payments.* The payment earned in carrying out practices with conservation materials or services shall be credited to the producer to whom the materials or services are furnished. Payment for practices performed with conservation materials and services shall have priority over payment for other practices. The payment earned in carrying out other practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of such practices, the payment shall be divided in the proportion that the county committee determines the producers contributed to the carrying out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of each practice on a particular acreage, assuming that each contributed equally, unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance of producer.* In case of death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of Part 716 of this chapter (ACP–122).

§ 701.273 *Increase in small payments.* The payment computed for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to $0.71 or less shall be increased to $1.

(b) Any payment amounting to more than $0.71 but less than $1 shall be increased by 40 percent.

(c) Any payment amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.39	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 701.274 *Payments limited to $2,500.* (a) The total of all payments made in connection with the 1951 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of $2,500.

(b) All or any part of any payment which has been or otherwise would be made to any person under the 1951 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device designed to evade, or which has the effect of evading, the provisions of this section.

CONSERVATION MATERIALS AND SERVICES

§ 701.275 *Availability.* (a) Liming materials, phosphates, seeds, and other farming materials or services may be furnished by the ACP Branch to producers for carrying out approved practices. Materials or services may not be furnished to producers who are on the register of indebtedness, except in those cases where the agency to which the debt is owed notifies the ACP Branch that it temporarily waives its rights for set-off in order to permit the furnishing of materials and services.

(b) Title to any material distributed by the ACP Branch, either directly or through purchase orders, shall vest in the ACP Branch until the material is applied or planted, or all charges for the materials are satisfied.

§ 701.276 *Cost to producer in cash.* The producer shall pay that part of the cost of the material or service, as established by the ACP Branch, which is in excess of the credit for the use of the material or service in carrying out approved practices. The small payment increase on an amount equivalent to the credit value of properly used conservation materials and services may be advanced as a credit against that part of the cost required to be paid by the producer.

§ 701.277 *Deduction.* (a) A deduction shall be made for materials or services furnished by the ACP Branch from the payment of the producer to whom materials or services are furnished. The deduction shall be the sum of the credit value of the conservation materials and services furnished and any amount of small payment increase advanced to the producer, except that (1) where the cost to the ACP Branch is less than the credit rate, the deduction shall be equal to the cost; (2) where the increase in small payment was advanced to the producer under a previous program and the material or service was transferred to the 1951 program, the amount of the increase in small payment to be deducted shall be determined on the 1951 credit value; and (3) where the material or service was transferred to the 1951 program from a previous program and the practice for which furnished is not offered in the county under the 1951 program, the producer may be relieved of the above deductions upon determination by the county committee that the material or service was used in performing the practice for which the material or service was furnished. If the producer misuses any material or service furnished, an additional deduction equal to the original amount of the deduction, excluding any amount of small payment increase advanced to the producer, for the material or service misused shall be made.

(b) Materials or services will be considered as misused, for the purpose of this section, in the following instances:

(1) Where the county committee determines that any conservation material has been applied to crops which are not designated as eligible crops by the county and State committees, unless failure to properly use the material was due to conditions beyond the producer's control.

(2) Where the county committee determines that a structure, such as a terrace or dam, has been willfully or negligently destroyed by a producer in the program year in which the structure was completed.

(3) Where the county committee determines that material has been willfully or negligently destroyed, or has been rendered unusable, by the producer.

(4) Where the county committee determines that, with respect to seed furnished in connection with a green manure or cover crop, the crop is harvested for grain or hay, or is too heavily grazed, and such uses are prohibited by the practice specifications.

(5) Where the county committee determines that a producer has disposed of material by sale, barter, or some other unauthorized means.

(6) Where the county committee is unable to determine the use or disposition of material because of the failure of a producer to furnish requested information by the closing date designated by the ACP Branch for filing performance reports. However, if the requested information is filed at a later date and the material was properly used, the material will not be considered as misused.

(c) If the deduction for the materials or services exceeds the payment for the producer to whom the materials or services are furnished, the amount of the difference shall be paid by the producer to the Treasurer of the United States.

(d) Any producer to whom materials are furnished shall be responsible to the ACP Branch for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, at the option of the ACP Branch, be transferred to another producer or otherwise disposed of by the ACP Branch at the expense of the producer who abandoned or failed to use the material, or be retained by the producer for use in a subsequent program year.

GENERAL PROVISIONS RELATING TO PAYMENT

§ 701.279 *Breaking out permanent vegetative cover.* In any area designated by the ACP Branch as an area subject to serious wind erosion, a deduction of $3 shall be made for each acre of native sod or any other permanent vegetative cover broken out during the 1951 program year without the approval of the county committee, if the county committee finds, in accordance with standards approved by the State committee, that the land broken out is not suited to the continuing production of cultivated crops and will become a wind-erosion hazard to the community. The deduction shall be made from the payment of the person responsible for breaking out the land after the payment has been increased in accordance with the provisions of § 701.273.

§ 701.280 *Failure to maintain practices under previous programs.* If the county committee determines that any conservation practice carried out under previous agricultural conservation programs is not maintained in accordance with good farming practices, or the effectiveness of any such practice is destroyed during the 1951 program year, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1951 practice rate or, if the practice is not offered in 1951, the practice rate in effect during the year the practice was performed. The deduction shall be made from the payment of the person responsible for destroying or not maintaining the practice, after the payment has been increased in accordance with the provisions of § 701.273.

§ 701.281 *Practices defeating purposes of programs.* If the State committee finds that any producer has adopted or participated in any practice, including the misuse of a purchase order for conservation materials or services, which tends to defeat the purpose of the 1951 or previous programs, it may withhold, or require to be refunded, all or any part of any payment which has been or would be computed for such person.

§ 701.282 *Depriving others of payment.* If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1951 program.

§ 701.283 *Failure to carry out approved erosion-control measures.* Payment will not be made to any person with respect to any farm which he owns or operates in a county, if the county committee finds that he has been negligent and careless in his farming operations by failing to carry out approved erosion-control measures on land under his control to the extent that any part of such land has become an erosion hazard during the 1951 program year to other land in the community.

§ 701.284 *Filing of false claims.* If the State committee finds that any producer has knowingly filed claim for payment under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 701.285 *Misuse of purchase orders.* If the State committee finds that any producer has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such producer shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 701.286 *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 701.287, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 718 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 701.287 *Assignments.* Any person who may be entitled to any payment in connection with the 1951 program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1951. No assignment will be recognized, unless it is made in writing on Form ACP–69 and in accordance with the instructions in ACP–70.

§ 701.288 *Excess cotton acreage.* (a) Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1951 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted during 1951 on land in any farm in which he has an interest in excess of the cotton allotment under sec. 344 of the Agricultural Adjustment Act of 1938, as amended, for the farm for 1951.

(b) Any person who knowingly plants cotton or causes cotton to be planted on his farm in 1951 in excess of the 1951 cotton acreage allotment for the farm under sec. 344 of the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment whatsoever on that farm or on any other farm under 1951 programs authorized by secs. 7–17 of the Soil Conservation and Domestic Allotment Act, as amended. Cotton will not be deemed to have been planted on any farm in excess of the farm acreage allotment if, after the acreage originally planted to cotton has been determined and notice thereof sent to the operator of the farm, the planted acreage is adjusted to the farm acreage allotment in the period allowed under the notice. If the operator is notified that the cotton acreage allotment has been exceeded and the planted acreage is not adjusted to such acreage allotment in the period allowed under the notice, the cotton acreage allotment shall be deemed to have been knowingly exceeded by all producers having an interest in the cotton on the farm. Notice of overplanting mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm.

(c) For the purposes of this section, the acreage planted to cotton will include only acreage planted to upland cotton.

APPLICATION FOR PAYMENT

§ 701.291 *Persons eligible to file application.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm, except where his only payment is earned with conservation materials or services furnished by the ACP Branch and the entire small payment increase, if any, earned by the use of the materials or services has been advanced to the producer.

§ 701.292 *Time and manner of filing applications and information required.* Payment will be made only upon application submitted on the prescribed form to the county office. Where conservation materials or services are furnished by the ACP Branch, there need be reported on the application for payment with respect to such materials and services only the total credit and deduction value of the materials and services furnished. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the time fixed by the Director, ACP Branch, which time shall be not later than December 31, 1952. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing notice to the office of each county committee and making copies available to the press.

APPEALS

§ 701.293 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the Director, ACP Branch, to review the decision of the State committee. Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other producer on the farm who may be adversely affected by the decision.

STATE HANDBOOKS, BULLETINS, INSTRUCTIONS, AND FORMS

§ 701.294 *State handbooks, bulletins, instructions, and forms.* The ACP Branch is authorized to make determinations and to prepare and issue State handbooks, bulletins, instructions, and forms required in administering the 1951 program. Copies of State handbooks, bulletins, instructions, and forms containing detailed information with respect to the 1951 program as it applies to specific States, counties, areas, and farms will be available in the office of the State committee (15 F. R. 177A–285) and the office of the county committee. Producers wishing to participate in the program should obtain from the State committee or county committee all information needed in order to comply with all provisions of the program.

DEFINITIONS

§ 701.295 *Definitions.* For the purposes of the 1951 program:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director of the Agricultural Conservation Programs Branch, Production and Marketing Administration.

(c) "State" means any one of the continental United States.

(d) "State committee" means the group of persons designated within any State to assist in the administration of the agricultural conservation program in that State.

(e) "Technical committee" means the group of agricultural technicians selected by the State committee to advise the State committee in the selection and development of conservation practices for the agricultural conservation program.

(f) "County" means parish or county.

(g) "County committee" means the group of persons elected within any county to assist in the administration of the agricultural conservation program in that county.

(h) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, political subdivision of a State, or any agency thereof.

(i) "Producer" means any person who, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(j) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the county committee, in accord-

ance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(k) "Cropland" means farm land which in 1950 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind-erosion hazard to the community.

(l) "Program year" means the period, designated in the State handbook, during which conservation practices must be carried out to be eligible for assistance. The program year may begin on or after September 1, 1950, and end not later than December 31, 1951.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 701.296 *Authority.* The program is approved pursuant to the authority vested in the Secretary of Agriculture under secs. 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and is contingent upon legislative authority to the Secretary to exercise after December 31, 1950, the powers now conferred on him by section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

§ 701.297 *Availability of funds.* (a) The provisions of the 1951 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1951 program will not be available for the payment of applications filed in the county office after December 31, 1952.

§ 701.298 *Applicability.* (a) The provisions of the 1951 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farms in counties or areas for which a special agricultural conservation program under the Soil Conservation and Domestic Allotment Act, as amended, is approved for 1951 by the Secretary.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as Federal land banks and production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, the Federal Farm Mortgage Corporation, the departments comprising the National Military Establishment, or by any other Government agency designated by the ACP Branch; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations.

Done at Washington, D. C., this 6th day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7948: Filed, Sept. 11, 1950; 8:46 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Regulation W]

PART 222—CONSUMER INSTALMENT CREDIT

1. This part is issued to be effective on and after September 18, 1950, in the form as follows:

Sec.
222.1 Scope and application of part.
222.2 General requirements and registration.
222.3 Instalment sales; general rules.
222.4 Instalment loans; general rules.
222.5 Renewals, revisions, and additions.
222.6 Certain technical provisions.
222.7 Exempt credits.
222.8 Miscellaneous provisions; definitions.
222.9 Supplement.

AUTHORITY: §§ 222.1 to 222.9 issued under sec. 5, 40 Stat. 415, as amended, Title VI, Pub. Law 774, 81st Cong.; 50 U. S. C. App., 5. E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.

§ 222.1 *Scope and application of part.* This part is issued by the Board of Governors of the Federal Reserve System (hereinafter called the "Board"), under authority of section 5 (b) of the act of October 6, 1917, as amended, U. S. C., title 50, App., section 5 (b); Executive Order No. 8843, dated August 9, 1941 (hereinafter called the "Executive Order"); and the "Defense Production Act of 1950," particularly section 601 thereof.

The part applies, in general, to any person who is engaged in the business of extending instalment credit in amounts of $5,000 or less, or discounting, purchasing or lending on, obligations arising out of such credit. It applies whether the person is a bank, loan company, or finance company, or a person who is so engaged in connection with any other business, such as by extending such credit as a dealer, retailer, or other person in connection with the selling of consumers' durable goods.

§ 222.2 *General requirements and registration*—(a) *General requirements.* Each person engaged in the business of making instalment sales [1] or instalment loans,[2] or engaged in the business of lending on the security of or discounting or purchasing obligations arising out of such credit, is referred to in this part as a "Registrant"; and no Registrant shall make or receive any payment which constitutes or arises directly or indirectly out of any such credit extended by him or out of any such obligation lent on or discounted or purchased by him, except on the following conditions:

(1) He must have a license, and each Registrant is hereby granted such a license, but such license of a Registrant may be suspended in the manner and on the grounds stated in § 222.8 (b); and

(2) The credit extended, renewed, revised or consolidated by him, or giving rise to the obligation discounted or purchased by him or acquired by him as collateral must comply with the applicable requirements of this part.

(b) *Registration.* Within 60 days after the effective date of this part, or 60 days after he becomes subject to § 222.2 (a), whichever is later, each Registrant shall file, with the Federal Reserve Bank or any branch thereof in the district in which the main office of the Registrant is located, a registration statement on a form obtainable from any Federal Reserve Bank or branch. Such statement shall be filed regardless of whether or not the Registrant had filed such a statement under Part 222 as in effect at any time prior to the effective date of this part.

§ 222.3 *Instalment sales; general rules.* Except as otherwise provided by this part, each instalment sale shall comply with the following requirements: [3]

(a) *Down payment and maturity.* There shall be a down payment not less than that specified for the listed article in § 222.9, such down payment to be calculated as therein specified; and the time balance specified in § 222.6 (c) shall have a maturity not exceeding the maximum maturity specified for the listed article in § 222.9.

(b) *Amounts and intervals of instalments; record.* Except as permitted by § 222.6 (a) for seasonal incomes, etc., the time balance shall be payable in instalments which shall be (1) substantially equal in amount or so arranged that no instalment is substantially greater than any preceding instalment, (2) payable at approximately equal intervals not exceeding one month, and (3) not less than $5 per month or $1.25 per week on the aggregate instalment indebtedness of one debtor to the same creditor. The information specified in § 222.6 (c) shall be set forth in a bona fide record of any transaction subject to this section.

(c) *Time of down payment.* The down payment shall be obtained at or before the time of delivery of the listed article; except that in the case of an article listed in Group D of § 222.9, the down payment shall be obtained at or before the time of beginning the agreed-upon repairs, alterations, or improvements.

§ 222.4 *Instalment Loans; General Rules.* Except as otherwise provided by this part, each instalment loan shall comply with the following requirements: [4]

(a) *Instalment loans to purchase listed articles.* If the Registrant knows or has reason to know that the proceeds of an instalment loan are to be used to purchase any listed article:

(1) The principal amount lent (excluding any interest or finance charges and the amount of any insurance premium) shall not exceed the maximum loan value specified for the article in § 222.9, such loan value to be calculated as therein specified; and

(2) The maturity of the instalment credit (including any interest or finance charges, and the amount of any insurance premium and of any items included in the cash price of the article) shall not exceed the maximum maturity specified for the listed article in § 222.9.

(b) *Unclassified instalment loans.* In the case of an instalment loan which is not subject to §222.4 (a), the maturity of the instalment credit (including any interest or finance charges and the amount of any insurance premiums) shall not exceed the maximum maturity specified for unclassified instalment loans in § 222.9.

(c) *Amounts and intervals of instalments; record.* Whether subject to § 222.4 (a) or § 222.4 (b), the instalment credit, except as permitted by § 222.6 (a) for seasonal incomes, etc., shall be payable in instalments which shall be (1) substantially equal in amount or so arranged that no instalment is substantially greater than any preceding instalment, (2) payable at approximately equal intervals not exceeding one month, and (3) not less than $5 per month or $1.25 per week on the aggregate instalment indebtedness of one debtor to the same creditor. The terms of payment shall be set forth in a bona fide record of any instalment credit subject to this section.

(d) *Statement of the Borrower.* No Registrant shall make any instalment loan subject to § 222.4 (a) or 4 (b) unless he shall have accepted in good faith a signed Statement of the Borrower as to the purposes of the loan. Such Statement shall state whether or not any of the proceeds of the loan are to be used to make a down payment on the purchase of a listed article or to be used to purchase any listed article, and if any of the proceeds of the loan are to be used for the latter purpose such Statement shall identify such listed article and shall state the cash price [5] thereof and the value of any trade-in. If a Registrant relies in good faith on the facts set out by the obligor in such Statement, it shall be deemed to be correct for the purposes of the Registrant.

(e) *Loans to make down payments prohibited.* A Registrant shall not make any instalment loan if he knows or has reason to know that any part of the proceeds thereof is to be used to make a down payment in connection with the purchase of any listed article.

§ 222.5 *Renewals, revisions, and additions*—(a) *General requirements.* In the case of an instalment sale or instalment loan which results from a renewal or revision of any instalment credit already outstanding, or which results from the combination of any such outstanding credit with an additional instalment credit, the renewed, revised, or consolidated obligation shall (regardless of when the outstanding credit originated) comply with all the requirements of this part as if it were a new credit except that:

(1) The requirements as to Statement of the Borrower and down payment or maximum loan value, if any, shall not apply to the outstanding credit already held by the Registrant; and

(2) The renewed, revised, or consolidated obligation may, in so far as the maturity and instalment requirements are concerned, be treated as if it were a new credit with the maximum maturity calculated from the date of the renewal, revision or consolidation. The payments on such renewed, revised, or consolidated obligation shall not be less than $5 per month or $1.25 per week on the aggregate instalment indebtedness of one debtor to the same creditor.

(b) *Statement of Changed Conditions.* Notwithstanding any other provision of this part, if a Registrant accepts in good faith a Statement of Changed Conditions as provided in the following paragraph, an instalment credit that refinances any outstanding obligation (whether or not such obligation is held by the Registrant or is itself payable in instalments) may have a maturity not exceeding the maximum maturity specified in § 222.9 for refinancing pursuant to such Statements, but such maximum maturity shall be applicable only to the credit refinanced. The payments on the credit refinanced need not be as large as $5 per month or $1.25 per week.

The requirements of a Statement of Changed Conditions will be complied with only if the Registrant accepts in good faith a written statement signed by the obligor that the contemplated refinancing is necessary in order to avoid undue hardship upon the obligor or his dependents resulting from contingencies that were unforeseen by him at the time of obtaining the original credit or which were beyond his control, which statement also sets forth briefly the principal facts and circumstances (1) with respect to the original credit and (2) with respect to such contingencies, and specifically states in addition that the contemplated refinancing is not pursuant to a preconceived plan or an intention to evade or circumvent the requirements of this part.

(c) *Bona fide collection effort; serviceman's pre-induction debt.* Nothing in this part shall be construed to prevent any Registrant from making any renewal or revision, or taking any action that he shall deem necessary in good faith (1) for the Registrant's own protection in connection with any obligation which is in default and is the subject of bona fide collection effort by the Registrant, or (2) with respect to any obligation of any member or former member of the armed forces of the United States incurred prior to his induction into such service and assignment to active duty: *Provided*, That the instalment sale of any repossessed article must comply with the applicable requirements of this part.

§ 222.6 *Certain technical provisions*—(a) *Payment schedules for seasonal incomes, etc.* The schedule of instalment payments otherwise specified by this part may be modified, within the applicable maximum maturity, as follows:

(1) If the income received by the obligor from the main sources of his income customarily fluctuates materially from month to month or from season to season and the Registrant has a record of the facts relied upon by him in good faith in that connection, such schedule may be adapted to such customary flow of income: *Provided*, (i) At least half of the credit is to be repaid within the first half of the applicable maximum maturity or at least two-thirds of the credit is to be repaid within the first two-thirds of the applicable maximum maturity, or (ii) payments are reduced or omitted in not more than 4 months of any calendar year but are otherwise in equal monthly amounts; or

(2) The Registrant may require terms of payment which (i) provide a final or other instalment payment which, as a result of rounding off preceding instalments by amounts less than $1, is not more than 50 percent greater in amount than the amount of any preceding in-

[1] "Instalment sale" is defined to include only instalment credit arising out of the sale of an article listed in § 222.9, hereinafter called a "listed article."

[2] Both "instalment sale" and "instalment loan" are defined to exclude credits in a principal amount exceeding $5,000. Certain instalment sales and instalment loans, including some that are in a principal amount exceeding $2,500, are exempted from this part by § 222.7.

[3] Certain instalment sales, including some that are in a principal amount exceeding $2,500, are exempted from this part by § 222.7.

[4] Certain instalment loans, including some that are in a principal amount exceeding $2,500, are exempted from this part by § 222.7.

[5] Part 5 of § 222.9 permits the use of a bona fide estimated cash price in certain cases.

stalment, or (ii) provide during the first 4 months of the maturity of the obligation additional instalment payments which are in substantially equal amounts and at approximately equal intervals if, as a result, no instalment is more than twice as large as any preceding instalment.

(b) *Calculating date of first instalment and maximum maturity.* In calculating the maximum maturity of an instalment obligation, a Registrant may, at his option, use any date not more than 15 days subsequent to the actual date of the loan or delivery of the listed article sold; and except as permitted by § 222.6 (a), the first installment shall be scheduled for payment not later than one month or, in accordance with such option, one month and 15 days subsequent to the actual date of the loan or delivery of the listed article sold.

(c) *Record of instalment sale.* The record of an instalment credit arising from the sale of a listed article and required by § 222.3 (b) shall set forth (in any order) the following information:

(1) A brief description identifying the article purchased;

(2) The cash price of the article;

(3) The amount of the purchaser's down payment (i) in cash and (ii) in goods accepted in trade, together with a brief description identifying such goods and stating the monetary value assigned thereto in good faith;

(4) The amount of any insurance premium for which credit is extended and of any finance charges or interest by way of discount included in the principal amount of the obligation, or the sum of these amounts;

(5) The time balance owed by the purchaser, which is the sum of items (2) and (4) minus item (3); and

(6) The terms of payment.

The record need not include a description of the article if it is purchased by means of a coupon book or similar medium of instalment credit upon which there has been made a cash down payment of at least as great as the highest down payment required by this part on any article sold by the Registrant. The record need not include the information called for by items (2) and (4) if the Registrant is one who, with respect to the article, customarily quotes to the public a time price only which includes the finance or other charges if any, provided he sets forth such time price in such record, and provided he obtains a cash down payment which is at least as large as would be required if the percentage specified for the article in § 222.9 were applicable to the time price.

(d) *Credit for mixed purposes.* In case a credit is partly subject to one section of Part 222 and partly subject to another section, the amount and terms of such credit shall be such as would result if the credit were divided into two or more parts and each part were treated as if it stood alone; except that the maturity of any such credit may be the maximum maturity applicable to the listed article giving rise to the major part of the credit. In case a credit is partly subject to Part 222 (whether for a listed article or because otherwise required to be scheduled for payment within any maximum maturity specified by Part 222) and partly not subject to Part 222, the amount and terms of such credit will comply with the requirements of Part 222 if they satisfy the requirements of Part 222 applicable to the regulated portion.

(e) *Mail orders.* An instalment sale shall not be deemed to be in violation of the down payment requirement of § 222.3 (a) if the sale is made upon the receipt of a mail order for one or more articles and the cash deposit received with the order fails by no more than $1 to equal the sum of the down payments required by this part for all of the articles included in the order.

(f) *Delivery in anticipation of instalment sale.* Except as provided in the following paragraph, in case any listed article is delivered in anticipation of, or under any arrangement whereby delivery of a listed article precedes, an instalment sale of that article or a similar article (such as, but not limited to, a delivery "on approval," "on trial," or as a "demonstrator"), the Registrant shall require, at or before the time of such delivery, a deposit equal to the down payment that would be required on such an instalment sale.

In order to qualify as an exception to the preceding paragraph, the article must be an article listed in Group B or in Group C of § 222.9, the delivery must be exclusively for the purpose of a bona fide trial, approval, or demonstration, and the Registrant must, within 10 days after such delivery, obtain the down payment referred to in the preceding paragraph or the return of the article. Every such case shall be evidenced by a written agreement signed by the respective parties, of which a copy shall be given the prospective purchaser at the time of or before the delivery of the article, and such written agreement shall state clearly and prominently that (1) the delivery is exclusively for the purpose of a bona fide trial, approval, or demonstration, and (2) the prospective purchaser will make the required down payment (the amount of which shall be stated in the agreement) within 10 days after delivery of the article for trial, approval, or demonstration or will return or release the article within such 10-day period.

(g) *Sets and groups of articles.* In determining whether the down payment and maximum loan value requirements of this part are applicable, any set, group or assembly commonly considered, sold or used as a single unit shall be deemed to be a single listed article if the component parts thereof are sold or delivered at substantially the same time.

(h) *Evasive side agreements.* No credit complies with the requirements of this part if at the time the obligation arises there is any agreement, arrangement, or understanding (1) by which the obligation is to be renewed or revised on terms which would permit final payment to be deferred beyond the date permitted by this part for such credit at its inception, or (2) by which the obligor is to be enabled to make repayment on conditions inconsistent in any other respect with those required by this part, or (3) by which there is to be any evasion or circumvention, or any concealment of any evasion or circumvention, of any requirement of this part.

(i) *Side loan to make down payment.* A Registrant shall not extend any credit for financing the purchase of any listed article if he knows or has reason to know that there is, or that there is to be, any other credit of any kind extended in connection with the purchase of the listed article which would bring the total amount of credit extended in connection with such purchase beyond the amount of instalment credit permitted by this part; but, if the Registrant accepts in good faith a written statement signed by the obligor that no such other credit exists or is to be extended, such statement shall be deemed to be correct for the purposes of the Registrant.

(j) *Purchase of article in lieu of trade-in.* Anything which the seller of a listed article buys, or arranges to have bought, from the purchaser at or about the time of the purchase of the listed article shall be regarded as a trade-in for the purposes of this part.

(k) *Misuse of coupon plans.* No coupon, ticket or similar medium of credit, whether paid for in instalments or otherwise, shall be accepted by any Registrant in payment, in whole or in part, for any listed article if such acceptance, in effect, would permit the article to be sold on terms not complying with the requirements of this part.

§ 222.7 *Exempt credits.* The provisions of this part, other than § 222.8 (a), do not apply to any of the following:

(a) *Credits over $2,500 not involving automobiles.* Any credit in a principal amount exceeding $2,500, unless it is (1) an instalment sale of an article listed in Group A of § 222.9, or (2) an instalment loan the proceeds of which are to be used to purchase an article listed in Group A.

(b) *Business or agricultural loans.* Any loan for business purposes to a business enterprise or for agricultural purposes to a person engaged in agriculture, provided the loan is not for the purpose of purchasing a listed article.

(c) *Credit to dealers and certain salesmen.* Any credit extended to a wholesaler or retailer to finance the purchase of any article for resale, or any credit extended to a bona fide salesman of automobiles in order to finance the purchase of a new automobile to be used by him principally as a demonstrator.

(d) *Credit to Governmental agencies, religious institutions, etc.* Any credit extended to the Federal Government, any State government, any political subdivision, or any department, agency or establishment thereof, or to any church, hospital, clinic, sanitarium, school, college, or other religious, educational, charitable, or eleemosynary institution.

(e) *Credits under Government rehabilitation and readjustment programs.* Any credit (1) extended by the Land Bank Commissioner on behalf of the Federal Farm Mortgage Corporation or by any Federal land bank and found, pursuant to regulations issued by the Commissioner, to be necessary to maintain or increase production of essential agricultural commodities, (2) extended or insured by the Farmers' Home Administration, (3) extended in accordance with the regulations of the Secretar of the Interior for the economic development or rehabilitation of Indians, (4) extended under section 4 (a) (4) of the Reconstruction Finance Corporation Act, as amended, because of floods or other catastrophes, or (5) extended, guaranteed or insured in whole or in part by the Administrator of Veterans' Affairs pursuant to the provisions of Title III of the Servicemen's Readjustment Act of 1944, as amended, or by any State agency pursuant to similar State legislation.

(f) *Loans to pay fire and casualty insurance premiums.* Any loan to finance a premium in excess of one year on a fire or casualty insurance policy if the loan is fully secured by the unearned portion of such premium and the policy is not related to any listed article sold to the borrower, or financed for him, by the Registrant.

(g) *Credit for purchasing securities.* Any credit which is subjected to the Board's regulations issued under the Securities Exchange Act of 1934, as amended, or which is otherwise for the purpose of purchasing or carrying stocks, bonds, or other investment securities.

(h) *Real estate credit.* Any credit extended for the purpose of financing or refinancing (1) the construction or purchase of an entire residential building or other entire structure, (2) the construction or purchase of any other entire unit designed for residential occupancy if such unit does not result from repairs, alterations, or improvements upon an existing structure, or (3) any credit subjected to regulations issued under the Defense Production Act of 1950 concerning real estate construction credit.

(i) *Loans to meet medical expenses, etc.* Any loan as to which the Registrant accepts in good faith a written statement signed by the borrower certifying that the proceeds are to be used for bona fide educational, medical, hospital, dental, or funeral expenses, or to pay debts incurred for such expenses, and that such proceeds (unless they are to be used exclusively for educational expenses) are to be paid over in amounts specified in such statement to persons whose names, addresses, and occupations are stated therein.

(j) *Disaster credits.* Any credit extended to finance the repair or replacement of property damaged or lost as a result of a flood or other similar disaster which the Federal Reserve Bank of the district in which the disaster occurred finds has created an emergency affecting a substantial number of the inhabitants of the stricken area, provided such credit is extended prior to the end of the sixth calendar month following the month in which the disaster occurred and the Registrant has a record of the facts relied upon by him in good faith describing the damage or loss.

(k) *Certain loans on savings shares or accounts.* Any loan which is made by a bank, savings and loan association, or similar institution, and is fully secured by withdrawable shares issued by or savings accounts held with the lender.

§ 222.8 *Miscellaneous provisions; definitions.*—(a) *Preservation of records; inspections.* Every Registrant shall preserve, for the life of the obligation to which they relate, such books of account, records, and other papers (including any statements or agreements required by or obtained pursuant to this part) as are relevant to establishing whether or not a credit qualifies for exemption under § 222.7, or whether or not it is otherwise in conformity with the requirements of this part: *Provided, however,* That the Registrant may preserve photographic reproductions in lieu of such books of account, records, or other papers.

For the purpose of determining whether or not there has been compliance with the requirements of this part, every Registrant shall permit the Board or any Federal Reserve Bank by its duly authorized representatives, to make such inspections of his business operations as the Board or Federal Reserve Bank may deem necessary or appropriate, including inspections of books of account, contracts, letters or other relevant papers wherever located, and, for such purpose, shall furnish such reports as the Board or the Federal Reserve Bank may require. When ordered to do so by the Board, every Registrant shall furnish, under oath or otherwise, such information relative to any transaction within the scope of the authority cited in § 221.1 as the Board may deem necessary or appropriate for such purpose, including the production of books of account, contracts, letters or other papers in the custody or control of such person.

(b) *Suspension of license.*[*] The license of any Registrant may, after reasonable notice and opportunity for hearing, be suspended by the Board, in its entirety or as to particular activities or particular offices for specified periods, because of any willful or negligent failure to comply with any provision of this part or any requirement of the Board pursuant thereto.

A license which is suspended for a specified period will again become effective upon the expiration of such period. A license which is suspended indefinitely may be restored by the Board, in its discretion, if the Board is satisfied that its restoration would not lead to further violations of this part and would not be otherwise incompatible with the public interest.

(c) *Enforceability of contracts.* Except as may subsequently be otherwise provided, all provisions of this part are designated, pursuant to section 2 (d) of the Executive Order, as being "for administrative purposes" within the meaning of said section 2 (d), which provides that noncompliance with provisions of this part so designated shall not affect the right to enforce contracts.

(d) *Clerical errors.* Any failure to comply with this part resulting from a mistake in determining, calculating, or recording any price, down payment, or credit, or other similar matter, shall not be construed to be a violation of this part if the Registrant establishes that such failure to comply was the result of excusable error and was not occasioned by a regular course of dealing.

(e) *Noncompliance due to facts outside Registrant's knowledge.* The prohibitions of this part shall not apply to a Registrant with respect to any failure to comply with this part in connection with (1) a credit extended by him if, at the time thereof, he did not know or have reason to know any fact by reason of which such credit failed to comply; (2) an obligation purchased, discounted or acquired as collateral by him if, when he purchased or discounted the obligation or acquired it as collateral, the obligation did not show on its face any failure to comply and he did not know any fact by reason of which the credit giving rise to the obligation failed to comply; or (3) an obligation renewed, revised, or consolidated by him if, at the time when he renewed, revised or consolidated it, he did not know or have reason to know any fact by reason of which such renewal, revision or consolidation failed to comply. With respect to any loan on the security of an obligation which arises out of a credit subject to this part, the prohibitions of this part shall be deemed to apply only to payments arising out of the obligation rather than to payments arising out of the loan.

(f) *Transactions outside United States.* Nothing in this part shall apply with respect to any credit extended in Alaska, the Panama Canal Zone, or any territory or possession outside the continental United States.

(g) *Right of registrant to impose stricter requirements.* Any Registrant has the right to refuse to extent credit, or to extend less credit than the amount permitted by this part, or to require that repayment be made within a shorter period than the maximum permitted by this part.

(h) *Contracts outstanding on effective date of part.* Nothing in this part shall prevent the performance of any valid contract or obligation entered into prior to the effective date of this part; but, when any obligation arising out of any credit extended prior to such date is combined with any credit extended on or after such date or is the subject of any renewal or revision made on or after such date, such credit shall be treated for the purposes of this part as having been extended on the date of such consolidation, renewal or revision.

(i) *Transactions subjected to regulation by amendment.* Whenever this part is amended to add any article to the list of articles in § 222.9 or so as to apply to any additional class of transactions, the amendment shall not prevent the performance of any valid contract made prior to the effective date of the amendment; but any renewal, revision or consolidation of any obligation arising from

[*] In addition, section 604 of the Defense Production Act of 1950 authorizes the Board to institute court proceedings to restrain violations and to compel compliance with the regulation or any order of the Board made in pursuance thereof. Furthermore, section 603 of such act provides that "Any person who willfully violates any provision or section 601 [of the act] * * * or any regulation or order issued thereunder, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than one year or both."

a credit covering such newly added article or class of transactions shall be subject to the applicable requirements of this part.

(j) *Definitions.* For the purposes of this part, unless the context otherwise requires:

(1) "Person" has the meaning given it in subsection (a) of section 702 of the Defense Production Act of 1950.[7]

(2) "Registrant" has the meaning given it in § 222.2 (a).

(3) "Credit" means "Extension of credit" as defined in the Executive Order.[8]

(4) "Instalment credit" means a credit which the obligor undertakes to repay in two or more scheduled payments or as to which the obligor undertakes to make two or more scheduled payments or deposits usable to liquidate the credit, or which has a similar purpose or effect.

(5) "Instalment sale" means an instalment credit in a principal amount of $5,000 or less[9] which is made as principal, agent or broker, by any seller of any article listed in § 222.9 (herein called a "listed article") and which arises out of a sale of such listed article. For this purpose, "sale" includes a lease, bailment, or other arrangement for the use of property, or any other transaction, which is similar in purpose or effect to a sale.

(6) "Instalment loan" means an instalment credit, other than an instalment sale, in the form of a loan which is in a principal amount of $5,000 or less;[9] but the definition does not include any loan upon the security of any obligation which arises out of any instalment sale or instalment loan.

(7) "Cash price" means the bona fide cash purchase price of an article (net of any rebate or sales discount), including the bona fide cash purchase price of any accessories, the bona fide charge for any services sold or financed in connection with the article, any bona fide charges for delivery or installation, and any applicable sales taxes, but excluding any charges for interest, finance, or insurance.

§ 222.9 *Supplement.*

PART 1. *Listed articles, down payments, loan values.* For the purposes of this part, the following articles, whether new or used, are "listed articles," and the following required down payments and maximum loan values are prescribed (such down payments and loan values to be calculated as specified in Parts 4 and 5 of this section; but such down payment and loan value requirements shall not apply in the case of a listed article having a cash price of less than $100, exclusive of any applicable sales tax: [10]

Group A—33⅓ percent minimum down payment, 66⅔ percent maximum loan value:

1. Automobiles (passenger cars designed for the purpose of transporting less than 10 passengers, including taxicabs).

Group B—15 percent minimum down payment, 85 percent maximum loan value:

1. Cooking stoves and ranges, designed for household use.
2. Dishwashers, mechanical, designed for household use.
3. Ironers designed for household use.
4. Refrigerators and food freezers, mechanical, designed for household use.
5. Washing machines or clothes drying machines designed for household use.
6. Combination units incorporating any listed article in the foregoing classifications of this Group B.
7. Air conditioners, room unit; dehumidifiers, mechanical.
8. Radio or television receiving sets, phonographs, or combinations.
9. Sewing machines designed for household use.
10. Suction cleaners designed for household use.

Group C—10 percent minimum down payment, 90 percent maximum loan value:

1. Furniture, household (including ice refrigerators, bed springs, mattresses and lamps); and floor coverings, soft surface.

Group D—10 percent minimum down payment, 90 percent maximum loan value:

Residential repairs, alterations, or improvements.

Materials, articles and services (other than articles listed elsewhere in this section) in connection with repairs, alterations, or improvements upon urban, suburban, or rural real property in connection with existing structures. This does not relate to structures, or distinct parts thereof, which as so repaired, altered, or improved are designed exclusively for nonresidential use.

PART 2. *Maturities.* The maximum maturities for listed articles and for unclassified instalment loans are:

	Months
Group A	21
Group B	18
Group C	18
Group D	30
Unclassified instalment loans	18

PART 3. *Refinancing pursuant to Statement of Changed Conditions.* The maximum maturity of any refinancing pursuant to a Statement of Changed Conditions as specified in § 222.5 (b) is 24 months.

PART 4. *Calculation of down payments for automobiles.* The maximum loan value of any automobile shall be the specified percentage of the cash price or of the "appraisal guide value," whichever is lower, and the required down payment shall be the difference between the cash price and the maximum loan value as so calculated. Such required down payment in the case of an automobile may be obtained in the form of cash, trade-in, or both.

"Appraisal guide value," for any given period, means the estimated average retail value as stated in the edition and issue designated by the Board for that period of any regularly published automobile appraisal guide designated by the Board for this purpose, as to guide, edition, and issue, for use in the territory in which such automobile is sold, plus any applicable sales taxes. Information as to the guide or guides, and editions and issues thereof, designated for any given territory may be obtained from any Federal Reserve Bank or branch.

PART 5. *Calculation of down payments for articles in Groups B, C, and D.* In the case of any article listed in Group B, Group C, or Group D, the required down payment and the maximum loan value shall be (1) the specified percentage of the cash price of the article, or (2), in the event of a trade-in by the purchaser, the specified percentage of the net price of the listed article after deducting from the cash price of that article the amount allowed for the trade-in. Such down payment shall be obtained in cash in addition to any trade-in.

If the cash price of an article listed in Group D cannot be determined at the time the required down payment must be obtained or at the time of the loan, (1) the Registrant may substitute for the cash price in calculating such down payment a bona fide estimated cash price, or (2) the borrower may substitute for the cash price, and in calculating the maximum loan value the Registrant may rely in good faith on a bona fide estimated cash price as so stated in the Statement of the Borrower.

2. (a) Part 222 is issued by the Board of Governors of the Federal Reserve System under authority of section 5 (b) of the act of October 6, 1917, as amended, U. S. C., title 50, App., section 5 (b); Executive Order No. 8843, dated August 9, 1941 (hereinafter called the "Executive Order"); and the "Defense Production Act of 1950", particularly section 601 thereof.

The purpose of this part is to prescribe appropriate terms in connection with consumer credit, including appropriate supporting rules, in order to carry out the purposes and policy of the aforementioned authorities.

(b) Section 709 of the Defense Production Act of 1950 provides that the functions exercised under such act shall be excluded from the operations of the Administrative Procedure Act (60 Stat. 237) except as to the requirements of section 3 thereof.

In the formulation of this part and in accordance with the requirement of the aforesaid section 709, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Approved this 8th day of September 1950.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 50-8019; Filed, Sept. 11, 1950; 10:00 a. m.]

[7] Such act provides that "The word 'person' includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing: *Provided*, That no punishment provided by this act shall apply to the United States, or to any such government, political subdivision, or government agency."

[8] The pertinent part of the Executive Order reads as follows: "Extension of credit" means any loan or mortgage; any instalment purchase contract, any conditional sales contract, or any sale or contract of sale under which part or all of the price is payable subsequent to the making of such sale or contract; any rental-purchase contract, or any contract for the bailment or leasing of property under which the bailee or lessee either has the option of becoming the owner thereof or obligates himself to pay as compensation a sum substantially equivalent to or in excess of the value thereof; any contract creating any lien or similar claim or property to be discharged by the payment of money; any purchase, discount, or other acquisition of, or any extension of credit upon the security of, any obligation or claim arising out of any of the foregoing; and any transaction or series of transactions having a similar purpose or effect.

[9] Certain instalment sales and instalment loans, including some that are in a principal amount exceeding $2,500, are exempted from this part by § 222.7.

[10] The exclusion of sales taxes in this part of this section does not affect the use of the term "Cash Price" elsewhere in this part. "Cash Price" as defined in § 222.8 (j) (7) generally includes applicable sales taxes.

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

TEST FEE SCHEDULES AND STANDARD SAMPLES

MISCELLANEOUS AMENDMENTS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedure, because of the nature of these rules, serves no useful purpose. These schedules are effective from July 1, 1950.

Subchapter A—Test Fee Schedules

PART 202—METROLOGY

1. Section 202.206, *"Class S" Laboratory weights*, is hereby amended by the revision of item c and the addition of new items d and e, to read as follows. Former items d and e are hereby redesignated items f and g respectively.

Item	Description	Fee
202.206c	Determination of actual value of each weight not greater than 200 g., for testing and certifying or reporting the value of each weight	$1.00
202.206d	Determination of actual value of each weight greater than 200 g., but not greater than 2 kg.; for testing and certifying or reporting the value of each weight	2.00
202.206e	Determination of actual value of each weight greater than 2 kg., but not greater than 25 kg., for testing and certifying or reporting the value of each weight	3.00

2. Section 202.209, *Microbalance weights*, is added to read as follows:

§ 202.209 *Microbalance weights.* Small weights of special design, frequently of odd denominations, used for the calibration of quartz torsion microbalances or similar instruments to a better precision than 0.001 mg are included in this class.

Item	Description	Fee
202.209a	As a part of the calibration of a group of microbalance weights, in order to minimize errors from variation of surface films, accumulation of atmospheric dust, etc., it is necessary that a group of our standards be calibrated based on 1 g. standards with accuracy of 0.0001 mg. below 100 mg., each time a group of microbalance weights is calibrated. If the microbalance weights are of a series which can be included in this group of observations; that is, if they are of a 5, 2, 2, 1 series, a 5, 3, 2, 1 series, or other convenient series, they will be included in the calibration of our standards and certified with an accuracy of 0.0001 mg. For regular inspection, cleaning, handling, and the above calibration, each group	$112.00
202.209b	Determination of value for weights which are not of a series that can be intercompared and conveniently included in the above series of observations on our standards. For the calibration of each weight with an accuracy of 0.0002 mg	7.00
202.209z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of test.	

PART 203—HEAT AND POWER

1. Section 203.201, *Gas calorimeters*, is hereby amended to read as follows:

§ 203.201 *Gas calorimeters.*

Item	Description	Fee
203.201a	Test gas calorimeter, water-flow type, calorimeter only	$82.00

2. Section 203.501, *Internal combustion engine fuels*, is amended to add Item 203.501e to read as follows:

Item	Description	Fee
203.501e	Measurements of physical properties of primary reference fuels for octane number determination, including check measurements on a representative sample of the packaged product	$620.00

PART 204—ATOMIC AND MOLECULAR PHYSICS

1. Section 204.402, *Radioactive standards*, Item 204.402p is amended to read as follows:

Item	Description	Fee
204.402p	Beta-Ray Standards, consisting of RaD+E in equilibrium, deposited on a silver disk 1 inch in diameter and faced with 2 mil of palladium, having on date of preparation rates of 100, 200, or 500 disintegrations per second, for each disintegration rate	$10.00

2. Section 204.701, *Neutron standardization*, is added to read as follows:

§ 204.701 *Neutron standardization.*

Item	Description	Fee
204.701a	Determination of the ratio of the rate of emission of neutrons to that of the primary national standard	$143.00
204.701z	For special tests not covered by the above schedule, fees will be charged dependent on the nature of the test	-------

Standard B—Standard Samples

PART 230—STANDARD SAMPLES ISSUED OR IN PREPARATION BY THE NATIONAL BUREAU OF STANDARDS

SUBPART B—STANDARD SAMPLES WITH SCHEDULE OF WEIGHTS AND FEES

1. Section 230.11, *Descriptive list*, schedule (m), *Spectrographic standards*, Item (1) *Steels*, is amended to read as follows:

(m) *Spectrographic standards*—(1) *Steels.*

Sample Nos.[1]		Name	Price per sample [2]
401	801	B. O. H., 0.4 C	$5.00
402	802	B. O. H., 0.8 C	5.00
403	803	A. O. H., 0.4 C	5.00
404a	804a	Basic electric	5.00
405a	805a	Medium manganese	5.00
406	(3)	Chromium-vanadium	5.00
(3)	807	Chromium-vanadium	$5.00
408	808	Chromium-nickel	5.00
409	(3)	Nickel	5.00
(3)	809a	Nickel	5.00
410a	810a	2 Cr-1 Mo	5.00
411	(3)	Cr-Mo (SAE X4130)	5.00
411a	811a	Cr-Mo (SAE X4130)	5.00
412	(3)	Cr-Mo (SAE 4130)	5.00
412a	812a	Cr-Ni-Mo	5.00
413	813	A. O. H., 0.4 C	5.00
414	(3)	Cr-Mo (SAE 4140)	5.00
415	(3)	Bessemer, 0.4 C	5.00
415a	815a	Bessemer, 0.5 C	5.00
416a	816a	Nitralloy G	5.00
417	(3)	A. O. H., 0.4 C	5.00
417a	817a	B. O. H., 0.4 C	5.00
418	818	Cr-Mo (SAE 4130)	5.00
419	819	Mi-Mo (SAE 4620)	5.00
420	820	Ingot iron, 0.01 C	5.00
421	821	Cr-W, 0.9 C	5.00
425	825	Mn-Ni-Cr (N. E. 9440) (boron only)	5.00
426	826	Cr-Mo (SAE 4140) (boron only)	5.00
427	827	Cr-Mo (SAE 4150) (boron only)	5.00
428	828	Mn-Cr (boron only)	5.00
429	829	Ni-Cr-B (boron only)	5.00
430	830	Ni-Cr-B (boron only)	5.00
431	831	Tin metal A	$8.00
432	832	Tin metal B	8.00
433	833	Tin metal C	8.00
434	834	Tin metal D	8.00
435	835	Tin metal E	8.00
831		Tin metal A	14.00
832		Tin metal B	14.00
833		Tin metal C	14.00
834		Tin metal D	14.00
835		Tin metal E	14.00

[1] Sizes are: 400 series, rods ¼ in. in diameter, 4 in. long (25 g.); 800 series, rods ½ in. in diameter, 2 in. long (50 g.).

[2] For each sample in the 400 or 800 series.

[3] Standard available in only one size.

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interpret or apply sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

[SEAL] E. C. CRITTENDEN,
Acting Director.

Approved:

THOMAS W. S. DAVIS,
Acting Secretary of Commerce.

[F. R. Doc. 50-7937; Filed, Sept. 11, 1950; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

MARITIME ADMINISTRATION RESERVE FLEETS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.900 is hereby prescribed to govern the use and navigation of waters in the vicinity of the National Defense Reserve Fleets of the Maritime Administration, effective on and after publication of these regulations in the FEDERAL REGISTER due to the urgent necessity of providing appropriate protection for the Reserve Fleets at the earliest possible date, as follows:

§ 207.900 *Restricted areas in vicinity of Maritime Administration Reserve Fleets.* (a) The regulations in this section shall govern the use and navigation of waters in the vicinity of the following National Defense Reserve Fleets of the Maritime Administration, Department of Commerce:

(1) Hudson River Reserve Fleet, Jones Point, New York.
(2) Baltimore Reserve Fleet, Hawkins Point Pier, Thoms Cove, Maryland.
(3) James River Reserve Fleet, Fort Eustis, Virginia.
(4) Wilmington Reserve Fleet, Brunswick River near Wilmington, North Carolina.
(5) Mobile Reserve Fleet, Tensaw River near Bay Minette, Alabama.
(6) Beaumont Reserve Fleet, Neches River near Beaumont, Texas.
(7) Suisun Bay Reserve Fleet near Benicia, California.
(8) Astoria Reserve Fleet, Cathlamet Bay near John Day Point, Oregon.
(9) Oylmpia Reserve Fleet, Budd Inlet at Olympia, Washington.

(b) No vessels or other watercraft, except those owned or controlled by the United States Government, shall cruise or anchor between Reserve Fleet units, within 500 feet of the end vessels in each Reserve Fleet unit, or within 500 feet of the extreme units of the fleets, unless specific permission to do so has first been granted in each case by the enforcing agency.

(c) The regulations in this section shall be enforced by the respective Fleet Superintendents and such agencies as they may designate.

(Sec. 4, 28 Stat. 362, as amended; 33 U. S. C. 1) [Regs. 15 Aug. 1950, 800.2121—ENGWO]

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A.,
The Adjutant General.

[F. R. Doc. 50-7959; Filed, Sept. 11, 1950; 8:50 a. m.]

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter III—Government Patents Board

PART 300—GENERAL PROVISIONS

Pursuant to section 4 (b) of Executive Order 10096, January 23, 1950 (15 F. R. 391), the following interim rules and regulations for the administration of a uniform patent policy for the Government are hereby issued:

Sec.
300.1 Definition of "Government employee" for the purposes of Executive Order 10096.
300.2 Index of rights of the United States in and to each invention made by a Government employee.
300.3 Availability of copies, summaries, analyses and abstracts of inventions.

AUTHORITY: §§ 300.1 to 300.3 issued under section 4 (b), Executive Order 10096, January 23, 1950, 15 F. R. 391.

NOTE: §§ 300.1 to 300.3 are derived from Administrative Order No. 1, "Interim Rules and Regulations for the Administration of a Uniform Patent Policy for the Government, issued by the Chairman of the Government Patents Board," and approved by the President September 6, 1950.

§ 300.1 *Definition of "Government employee" for the purposes of Executive Order 10096.* The term "Government employee" for the purposes of Executive Order 10096, January 23, 1950 (15 F. R. 389) is defined to mean any officer or employee, civilian or military, of any Government agency including, until further order, any part-time consultant or part-time employee except as otherwise may be provided by contract or by agency regulation or practice.

§ 300.2 *Index of rights of the United States in and to each invention made by a Government employee.* Subject to considerations of national security, or public health, safety or welfare, the Chairman of the Government Patents Board will arrange for all rights of the United States or any Government agency in and to each invention made by a Government employee, including licenses, to be indexed.

§ 300.3 *Availability of copies, summaries, analyses and abstracts of inventions.* Subject to considerations of national security, or public health, safety or welfare, and under arrangements made and policies adopted by the Chairman of the Government Patents Board, as to each invention made by a Government employee which is owned by the United States or any Government agency and as to each invention made by a Government employee in or to which the United States or any Government agency has a right or interest and which has been patented or published, the Chairman of the Government Patents Board will make available copies, summaries, analyses and abstracts thereof to all Government agencies and to public libraries, universities, trade associations, scientists and scientific groups, industrial and commercial organizations, and all other interested groups of persons.

ARCHIE M. PALMER,
Chairman, Government Patents Board.

[F. R. Doc. 50-7995; Filed, Sept. 11, 1950; 8:52 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

HUNGARY

In § 127.276 *Hungary* (39 CFR 127.276; 15 FR 4606) amend paragraph (b) (4) to read as follows:

(b) *Parcel post.* • • •

(4) *Observations.* (i) The use of cloth, canvas, or boxes is recommended to protect the contents of packages.

(ii) Gift parcels with duty prepaid: (a) Under present Hungarian customs regulations, only gift parcels on which customs duties have been prepaid by senders in the United States are considered as "relief shipments" in Hungary. Such parcels are delivered to the addresses without collection of customs duty and without the necessity for an import permit. The United States Relief Parcel Service, Inc., 1220 Second Avenue, New York 21, N. Y., is authorized by the Hungarian Government to collect the duty, which the senders pay to that firm before mailing their parcels. Duty is charged on the weight of each parcel, in units of $1.50 for each 5 pounds or fraction thereof. The firm then sends the mailer one or more "duty-exemption" stickers to be pasted to the wrapper of each parcel.

(b) At least 80 percent by weight of the contents of each duty-paid parcel must consist of used clothing, including footwear, and not more than 20 percent may be new clothing or foodstuffs. Coffee, cocoa and tea are limited to 1 pound of coffee, ½ pound of cocoa, and ¼ pound of tea, which may be included in the foodstuffs sent in parcels weighing between 40 and 44 pounds only. Duty-paid parcels may not contain any nylon articles (new or used), yard goods, jewels or other luxury items, books or other printed matter, narcotics, or any articles intended for sale.

(c) Parcels bearing "duty-exemption" stickers must also bear customs declarations (Form 2966) bearing a complete list of the contents, and postage must be paid at the regular rates.

(iii) Other parcels: (a) Parcels mailed without prepayment of duty as outlined above, even though sent as gifts, are subject to customs duty in Hungary and the addressees must obtain import permits the same as for commercial shipments. Mailers of such parcels may be notified by the United States Relief Parcel Service, Inc., of the arrival of their parcels in Hungary and be given an opportunity to pay the duty through that firm. If this is not done and if the addressees are unable or unwilling to take delivery of the parcels they may be treated as undeliverable. Accordingly, it should be recommended to senders, if they do not wish to pay the duty or the return postage on their parcels, that they complete the customs declaration and dispatch note to indicate clearly that the parcel is to be abandoned if undeliverable.

(b) As an exception to the foregoing provisions, medicines (other than narcotics) sent as gifts will be delivered free of duty if the addressees submit to the Hungarian customs authorities a certificate that they are without means and that the medicines are needed by themselves or their families.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 50-7941; Filed, Sept. 11, 1950; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Rev. S. O. 861]

PART 95—CAR SERVICE

DEMURRAGE ON CARS HELD UNDER LOAD AT GREAT LAKES PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of September A. D. 1950.

It appearing, that as the result of strikes on certain railroads serving Great Lakes ports and strike of certain dock workers at Great Lakes ports, a large number of cars of distressed coal, remnants of transshipment consignments, has accumulated which contributes to the present storage of open top railroad cars; in the opinion of the Commission an emergency exists requiring immediate action at Great Lakes ports: it is ordered, that:

§ 95.861 *Demurrage on cars held under load at Great Lakes ports.* (a) Rule 6 of B. T. Jones' Tariff I. C. C. 4137, supplements thereto or reissues thereof, providing car demurrage rules and charges on coal and other carload freight as described therein, applying at ports, sidings or storage yards named therein, held for lake shipment or delivery to vessels, be, and it is hereby, suspended to the extent provided in paragraph (b).

(b) On all loaded cars, constituting remnants of transshipment consignments, on hand the effective date of this order and held at points described in the above tariff, over eight (8) days as follows:

Lake coal, vessel fuel coal, coke, crushed stone, gravel, sand or other carload freight, when loaded in open top equipment reconsigned at the ports and storage yards named herein, for rail delivery, will be subject to the provisions of Rule 2 and Rule 3 from the first 7:00 A. M., after date on which notice of arrival was sent or given, as provided in Rule 3 (b) of this tariff to date and time reconsignment orders are received by this railroad.

(c) *Reconsigning charges.* Cars reconsigned under the provisions of this order shall not be subject to reconsigning charges.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(e) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (section 141.9 (k)) of this chapter, announcing such suspension.

(f) *Effective date.* This order shall become effective at 7:00 A. M., September 7, 1950.

(g) *Expiration date.* This order shall expire at 7:00 a. m., September 18, 1950, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this order shall vacate and supersede Service Order No. 861 and Corrected Service Order No. 861, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7958; Filed, Sept. 11, 1950; 8:50 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

It appearing, that by order of June 26, 1950 (15 F. R. 4338, July 8, 1950), the Commission prescribed certain rules governing the lease and interchange of motor vehicles to become effective September 18, 1950, and that petitions for reconsideration have been filed by the teamsters union and others:

It is ordered, That the said order of June 26, 1950, be, and it is hereby, postponed indefinitely.

Dated at Washington, D. C., this 5th day of September A. D. 1950.

(49 Stat. 543, 546, 547, 557, 558, 559, 563, 566, 52 Stat. 1237, 1240, 1241, 54 Stat. 926, 927, 63 Stat. 465; 49 U. S. C. and Sup., 302, 304, 315, 316, 320, 324)

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7956; Filed, Sept. 11, 1950; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 526]

EXEMPTION OF RECEIVING OF SOYBEANS FOR STORAGE BY COTTONSEED CRUSHING MILLS

NOTICE OF PRELIMINARY DETERMINATION OF INDUSTRY OF A SEASONAL NATURE

An application has been filed by the Mississippi Cottonseed Crushers Association of Jackson, Mississippi, for a determination that the industry engaged in receiving soybeans for storage in cottonseed crushing mills constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (Sec. 7 (b) (3), 52 Stat. 1063; 29 U. S. C. 207 (b) (3)), and Part 526 of the regulations issued thereunder (29 CFR Part 526).

It appears from the application that:

(1) There is an industry which is engaged in the receiving of soybeans for storage in cottonseed crushing mills.

(2) The bulk of the soybean crop which moves to cottonseed crushing mills matures during the months of September, October and November and is received from growers by these mills immediately after harvesting.

(3) Cottonseed crushing mills engaged in storing soybeans receive for storage more than 50 percent of the annual volume in a period or periods amounting in the aggregate to not more than 14 workweeks.

Accordingly, upon consideration of the facts stated in said application, the Administrator hereby determines, pursuant to § 526.5 (b) (2) of the regulations relating to industries of a seasonal nature (29 CFR 526.5 (b) (2)), that a prima facie case has been shown for finding that there is an industry engaged in the receiving of soybeans for storage in cottonseed crushing mills and that such industry is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and § 526.3 (b) of Part 526 of the regulations issued thereunder (29 CFR 526.3 (b)).

The term "receiving of soybeans for storage in cottonseed crushing mills" includes the unloading, weighing, placing into storage and storing of soybeans in cottonseed crushing mills and any operations or services necessary or incident to the foregoing, including incidental selling, during the period or periods when soybeans are being received for storage.

If no objection and request for hearing is received within 15 days following the publication of this preliminary determination the Administrator, pursuant to § 526.5 (b) (2) of the regulations will make a finding upon the prima facie case. Objections and requests for hearing from any interested person should be submitted in writing to the Wage and Hour and Public Contracts Divisions, Department of Labor Building, 14th Street and Constitution Avenue, NW., Washington 25, D. C. The application for exemption may be examined in Room 5118 at this address.

Signed at Washington, D. C., this 7th day of September 1950.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 50-7970; Filed, Sept. 11, 1950; 8:51 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DESIGNATION OF DISASTER AREAS HAVING NEED FOR AGRICULTURE CREDIT

Pursuant to the authority contained in Public Law 38, 81st Congress, approved April 6, 1949, the following counties were designated as disaster areas having a need for agricultural credit:

Idaho. The following county was designated, on August 4, 1950, as a disaster area due to flood:

Boundary.

North Carolina. The following counties were designated, on May 26, 1950, as disaster areas due to freezes:

Anson. Moore.
Montgomery.

The following counties were designated, on July 5, 1950, as disaster areas due to hail storm:

Edgecombe. Wake.
Johnston. Wilson.
Nash.

The following counties were designated, on July 14, 1950, as disaster areas due to severe hail and windstorm:

Franklin. Iredell.

Virginia. The following county was designated, on June 8, 1950, as a disaster area due to adverse weather conditions:

Rappahannock.

West Virginia. The following counties were designated, on July 10, 1950, as disaster areas due to flood:

Barbour. Lewis.
Doddridge. Ritchie.
Gilmer. Tyler.
Harrison. Upshur.

Done at Washington, D. C., this 6th day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7950; Filed, Sept. 11, 1950; 8:47 a. m.]

ORDER AMENDING THE ORDER CONSUMMATING TRANSFERS NECESSITATED BY PUBLIC LAW 38, 81ST CONGRESS, APPROVED APRIL 6, 1949, AND PROVIDING CERTAIN AUTHORITIES

Pursuant to the authority contained in Public Law 38, 81st Congress, and in R. S. 161 (5 U. S. C. 22), paragraph 2 of the order of the Secretary of Agriculture dated April 15, 1949 (14 F. R. 2048), is amended to include all authorities, powers, functions and duties vested in the Secretary of Agriculture by the 1950 Amendment to Public Law 38 (Public Law 665, 81st Congress).

Done at Washington, D. C., this 7th day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7949; Filed, Sept. 11, 1950; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4508]

PAN AMERICAN WORLD AIRWAYS, INC.; FAIRBANKS-SEATTLE SPACE AVAILABLE FARE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the investigation to determine the lawfulness of the Fairbanks-Seattle space available fare proposed in the tariff of Pan American World Airways, Inc.

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be heard on September 12, 1950, is postponed indefinitely.

Dated at Washington, D. C., September 7, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-7976; Filed, Sept. 11, 1950; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

ANDERSON RANCH RESERVOIR, ARROWROCK DIVISION, BOISE IRRIGATION PROJECT, IDAHO

ANNOUNCEMENT OF ANNUAL WATER RENTAL CHARGES

AUGUST 2, 1950.

Boise Irrigation Project, Idaho, Arrowrock Division, Anderson Ranch Reservoir; announcement of annual water rental charges (Act of June 17, 1902, 32 Stat. 388, as amended or supplemented).

1. Pursuant to article 22 of the contract between the United States and the Wilder Irrigation District, dated August 1, 1941, concerning the construction of Anderson Ranch Dam and Reservoir and related matters, and to like articles in similar contracts with the contractors listed below, irrigation water will be furnished from Anderson Ranch Reservoir on a rental basis during the irrigation season of 1950 to the following contractors:

New York Irrigation District.
Boise-Kuna Irrigation District.
Nampa & Meridian Irrigation District.
Wilder Irrigation District.
Pioneer Irrigation District.
Settlers Irrigation District
Farmers Union Ditch Company.
New Dry Creek Ditch Company.
Boise Valley Irrigation Ditch Company.
South Boise Mutual Irrigation Company, Ltd.
Ballantyne Ditch Company.
Big Bend Irrigation District.

2. The repayment contracts between the United States and the contractors listed above provide that water will be furnished on a rental basis to the contractors, in amounts proportionate to their contracted space in Anderson Ranch Reservoir, under the conditions which exist at present, i. e., prior to the substantial completion of Anderson Ranch Dam and Reservoir or prior to its completion to a point where stored water in an amount exceeding 275,000 acre-feet become available for irrigation use.

3. Contractors who do not plan to take their proportionate shares of water from Anderson Ranch Reservoir during the 1950 irrigation season should notify the Bureau of Reclamation in writing at the address given below, so that such water may be made available for other contractors who may require more than their proportionate shares.

4. Water rental charges for the 1950 irrigation season shall be $1.20 per acre-foot, payable by each contractor in advance of the release of water from Anderson Ranch Reservoir. Requests for water and the payments required by this announcement should be made to the Central Snake River District, Bureau of Reclamation, 214 Broadway, Boise, Idaho. Payments are preferred by check payable to Treasurer of the United States.

H. T. NELSON,
Regional Director.

[F. R. Doc. 50-7938; Filed, Sept. 11, 1950; 8:45 a. m.]

[Public Announcement 3]

SOUTH COLUMBIA BASIN IRRIGATION DISTRICT, COLUMBIA BASIN PROJECT, WASHINGTON

PUBLIC ANNOUNCEMENT OF SALE OF PART-TIME FARM UNITS

AUGUST 11, 1950.

Columbia Basin Project, Washington, South Columbia Basin Irrigation District, Irrigation Block 2, public announcement of the sale of part-time farm units.

LANDS COVERED

SECTION 1. *Offer of part-time farm units for sale.* It is hereby announced that certain part-time farm units in Irrigation Block 2 (First Burbank Pumping Unit) of the Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications to purchase part-time farm units may be made beginning at 2:00 p. m., September 8, 1950.

The official plat of the block is on file in the office of the County Auditor, Walla Walla County, Walla Walla, Washington, and copies are on file in the offices of the Bureau of Reclamation at Coulee Dam and Ephrata, Washington, and the regional office at Boise, Idaho.

The part-time farm units to which this announcement pertains are described as follows:

a. Part-Time Farm Units in Irrigation Block 2, Columbia Basin Project, Walla Walla County, Washington, available to Veterans of World War II.

1 Part-time farm unit No.	2 Part-time farm unit area No.	3 Total acreage	4 Irrigable acreage	5 Price	6 Estimated cost special distribution system
20	4	4.58	2.42	$100.00	$513.00
21	4	3.41	3.07	100.00	611.00
22	4	2.87	2.64	125.00	545.00
24	4	2.68	2.48	125.00	522.00
25	4	2.68	2.48	200.00	522.00
26	5	1.70	.47	100.00	221.00
28	5	1.64	1.51	100.00	377.00
29	4	2.68	2.23	200.00	485.00
31	5	1.69	1.55	100.00	283.00
32	5	2.09	1.85	100.00	428.00
33	4	2.68	2.48	200.00	522.00
34	5	.75	.67	100.00	251.00
36	5	.98	.76	125.00	294.00
37	4	.66	.45	125.00	218.00
38	4	.51	.42	100.00	213.00
40	4	.51	.42	100.00	213.00
41	4	.51	.42	100.00	213.00
42	3	3.34	3.19	200.00	623.00
44	3	3.33	3.13	250.00	620.00
45	3	4.22	3.96	250.00	744.00
46	3	4.16	3.91	250.00	737.00
48	1	4.63	4.05	250.00	759.00
49	1	4.47	3.94	250.00	741.00
50	1	5.22	3.10	250.00	615.00
52	1	4.80	3.32	250.00	648.00
53	1	2.61	2.11	150.00	467.00
54	1	3.37	3.17	200.00	626.00
56	1	1.14	1.01	100.00	302.00
57	1	3.45	3.35	200.00	653.00
58	2	1.11	1.03	100.00	305.00
59	2	3.67	3.52	200.00	678.00
61	2	3.67	3.52	200.00	678.00
62	2	1.21	1.10	100.00	315.00
64	2	1.11	1.00	100.00	300.00
65	2	3.43	3.29	200.00	644.00
66	2	1.14	1.01	100.00	302.00
67	2	3.41	3.08	175.00	612.00
69	2	3.40	2.75	175.00	563.00
70	2	1.14	1.00	75.00	300.00
72	2	1.32	1.03	100.00	305.00
73	2	.85	.72	100.00	258.00
74	2	.62	.53	100.00	233.00

b. Part-Time Farm Units in Irrigation Block 2, Columbia Basin Project, Walla Walla County, Washington, Available to Applicants Not Entitled to Veterans Preference.

1 Part-time farm unit No.	2 Part-time farm unit area No.	3 Total acreage	4 Irrigable acreage	5 Price	6 Estimated cost special distribution system
23	4	3.35	3.10	$125.00	$615.00
27	5	1.70	1.26	100.00	339.00
30	4	2.67	2.47	200.00	521.00
35	5	.77	.68	100.00	272.00
39	4	.51	.42	100.00	213.00
43	3	3.33	3.13	250.00	620.00
47	1	4.68	4.47	250.00	821.00
51	1	5.15	4.24	250.00	785.00
55	1	3.45	3.32	200.00	648.00
60	2	1.21	1.09	100.00	314.00
63	2	3.44	3.31	200.00	647.00
68	2	1.14	1.00	100.00	300.00
71	2	1.66	1.33	100.00	350.00
75	2	.54	.39	100.00	209.00

SEC. 2. *Limit of acreage which may be purchased.* With certain minor exceptions, not more than one full- or part-time farm unit in the entire project may be held by any one owner or family. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCES OF APPLICANTS

SEC. 3. *Preference right of veterans of World War II.* A preference right to purchase the part-time farm units described in subsection 1a above, representing 75 percent of the total number of units offered for sale by this announcement, will be given to veterans of World War II (and in some cases to their husbands or wives or minor children) who submit applications during a 45-day period beginning at 2:00 p. m., September 8, 1950, and ending at 2:00 p. m., October 23, 1950, and who at the time of making application are within one of the five following classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, or Coast Guard of the United States for a period of at least ninety (90) days at any time on or after September 16, 1940, and prior to the termination of World War II, and have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in said Army, Navy, Marine Corps, or Coast Guard during the period prescribed in subsection a above, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or, subsequent to a regular discharge have been furnished hospitallization or awarded compensation by the government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See section 10 of this announcement regarding provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death has resulted from wounds received or disability incurred in the line of duty while serving in said Army, Navy, Marine Corps, or Coast Guard during the period described in subsection a. above, or in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

SEC. 5. *Submission of proof of veterans status.* All applicants for the purchase of part-time farm units who claim veterans preference must attach to their applications a complete photostatic or other copy (both sides) of their certificates of honorable discharge, or of an official document of the respective branch of the service which shows clearly an honorable discharge, as defined in section 4 of this announcement, or constitutes evidence of other facts on which the claim for preference is based, and which clearly shows the period of service.

If preference is claimed by a surviving spouse or on behalf of the minor child or children of a deceased veteran, proof of the relationship asserted and of the veteran's service and death must be attached to the application. If the preference is claimed by the spouse of a living veteran, proof of such relationship and of the veteran's service and written consent to the exercise of the preference right must be attached to the application.

SEC. 6. *Preference rights of persons not establishing veterans preference.* A preference right to purchase the part-time farm units described in subsection 1.b. above, representing 25 percent of the total number of units offered for sale by this announcement, will be given to persons who do not establish veterans preference and who file applications during a 45-day period beginning at 2:00 p. m., September 8, 1950, and ending at 2:00 p. m., October 23, 1950.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 7. *Examining board.* An examining board of three members has been appointed by the Regional Director, Region 1, Bureau of Reclamation, to determine the qualifications and fitness of applicants for the purchase of part-time farm units offered for sale by this announcement. This board will make careful investigations to verify the statements and representations made by applicants. Any false statement may constitute grounds for rejection of an application and cancellation of the applicant's right to purchase a part-time farm unit under this announcement.

SEC. 8. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of part-time farm units. Applicants must, in the judgment of the examining board, meet these qualifications in order to be eligible for the purchase of a part-time farm unit. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, and a record of good moral conduct.

b. *Capital.* An applicant must possess at least $1,500 in excess of liabilities. Assets included in this net worth must consist of cash or property or assets readily convertible into cash. In considering the value of property convertible into cash, values represented by household goods or passenger cars will not be recognized by the board unless the application is accompanied by a statement specifying that the applicant, if successful, will convert such property into cash.

SEC. 9. *References.* An applicant shall list in section 9 of the part-time farm unit application blank the names and complete current addresses of five persons who are qualified and willing to give their frank opinions as to the applicant's character and industry. Persons named as references must be responsible citizens who are permanent residents of their own communities and whose standing in their communities can be checked. Each person named as a reference should have either a personal knowledge of the applicant's character and industry, or be able to verify the information he supplies with respect to these matters. Relatives will not be accepted as references.

SEC. 10. *Principal qualifications.* All applicants for the purchase of a part-time farm unit (except guardians) must meet the following requirements:

a. Be a citizen of the United States or have filed an adequate declaration of intention to become a citizen of the United States.

b. Not own outright or control under a contract to purchase an established farm unit or part-time farm unit on the Columbia Basin Project, Washington, and not own a total acreage of irrigable land in any Federal reclamation project which, together with the irrigable acreage of the part-time farm unit to be purchased, exceeds 160 acres at the time of execution of a contract for the purchase of a part-time farm unit.

c. Be the head of a family if a married woman, or a person under 21 years of age and not entitled to veterans preference. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of the family may be the head of a family. Any applicant who is required to be the head of a family must submit evidence of such status which is satisfactory to the board.

WHERE AND HOW TO APPLY FOR A PART-TIME FARM UNIT

SEC. 11. *Application blanks.* Any person desiring to purchase a part-time farm unit offered for sale by this announcement must fill out the attached part-time farm unit application blank. Additional application blanks may be obtained from the offices of the Bureau of Reclamation at Ephrata, Washington; Coulee Dam, Washington; Post Office Box 937, Boise, Idaho, or Washington 25, D. C. Full and frank answers must be made to each question in the part-time farm unit application blank.

SEC. 12. *Filing of applications and proof of veterans status.* An application for the purchase of a part-time farm unit offered by this announcement must be filed with the Land Settlement Section, Bureau of Reclamation, Ephrata, Washington, in person or by mail.

No advantage will accrue to an applicant who presents an application in person. Every application must be accompanied by proof of veteran status if veterans preference is claimed. (See section 5 of this announcement.)

SEC. 13. *Applications become bureau records.* Each application submitted, including corroborating evidence, will become a part of the permanent records of the Bureau of Reclamation and cannot be returned to the applicant. For this reason, original discharge or citizenship papers should not be submitted.

SEC. 14. *Importance of complete applications.* It shall be the sole responsibility of an applicant to submit a complete application, including the corroborating evidence required by this announcement. Failure of an applicant to provide complete answers to all questions in the part-time farm unit application blank, or failure to provide all other information required by this announcement, will subject an application to rejection.

SELECTION OF QUALIFIED APPLICANTS

SEC. 15. *Priority of applications.* All applications will be classified for priority purposes and considered as follows:

a. *First priority group.* All complete applications filed prior to 2:00 p. m. October 23, 1950, which are accompanied by proof sufficient, in the opinion of the board, to establish eligibility for veterans preference. All such applications will be treated as simultaneously filed.

b. *Second priority group.* All complete applications filed prior to 2:00 p. m., October 23, 1950, by applicants who do not claim veterans preference or which are not accompanied by proof sufficient, in the opinion of the board, to establish eligibility for veterans preference. All such applications will be treated as simultaneously filed.

c. *Third group.* All complete applications filed after 2:00 p. m., October 23, 1950, whether or not accompanied by proof of veterans preference. Such applications will be considered in the order in which they are filed, if any part-time farm units become available for sale to applicants within this group.

SEC. 16. *Preliminary examination to determine priority groups; right of appeal.* Each application will be examined for the purpose of ascertaining (a) that the application is complete and (b) that the applicant's right to veterans preference has been fully established. Any incomplete application will be rejected. Any applicant without veterans preference, or any applicant claiming veterans preference but failing to establish proof of qualification for such preference shall be placed in the second priority group, if the application was filed before 2:00 p. m., October 23, 1950.

In case of rejection or placement in the second priority group, the applicant shall be notified by the board by registered mail, with return receipt requested, of such rejection or placement, the reasons therefor, and of the right to appeal in writing to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Section, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice, or in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Section will forward the appeal promptly to the Regional Director. If an appeal is decided by the Regional Director in favor of the applicant, the application will be referred to the board for inclusion in the drawing. All decisions on appeals shall be based exclusively on information obtained prior to rejection of applications or placement in the second priority group. The Regional Director's decision on all appeals shall be final.

SEC. 17. *Public drawings.* After the expiration of the appeal periods fixed by the above-mentioned notices and after decision on all appeals, the board will conduct public drawings of the names of the applicants in each of the two priority groups as defined in section 15 of this announcement. Applicants need not be present at the drawings in order to participate therein. The names of a sufficient number of applicants in each priority group (not less than three times the number of part-time farm units to be offered for sale to each priority group) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications will be further examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of part-time farm units. After such drawings, the board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 18. *Submission of corroborating evidence.* A sufficient number of applicants for the purchase of the part-time farm units whose names were drawn will be notified by registered mail with return receipt requested to submit the information indicated in items "a." through "d." below. Such information must be received within 20 days of the applicant's receipt of such notice or within 30 days from the date when the notice was mailed to the last known address furnished by the applicant.

a. A statement from an officer of a bank or other responsible and reputable credit agency, or other proof satisfactory to the board corroborating the applicant's statement of his net worth. (See subsection 8. b. of this announcement.)

b. References, on forms to be provided, from at least three of the five persons listed in section 9 of the part-time farm unit application blank. The applicant shall be responsible for seeing that the reference forms are completed and mailed to the board by the persons completing them.

c. If the applicant is not native born, evidence of citizenship or of declared intention to become a citizen. (See subsection 10.a. of this announcement.)

d. If the applicant is a married woman or a non-veteran under 21 years of age, evidence of status as head of family. (See subsection 10.c. of this announcement.)

SEC. 19. *Final examination.* After the information requested above has been received or the time for submitting it has expired, the board shall examine, in the order drawn, a sufficient number of applications to determine the applicants who will be permitted to purchase part-time farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants. If the examination indicates that an applicant is qualified, the applicant shall be required to appear for a personal interview with the board for the purposes of: (a) affording the board any additional information desired relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a part-time farm unit, and (c) affording the applicant an opportunity to examine the part-time farm units.

If an applicant fails to appear before the board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by registered mail, that he is a qualified applicant and shall be given an opportunity to select one of the part-time farm units then available for purchase. Such notice will require the applicant to make a field examination of the part-time farm units available to him and in which he is interested, to select a part-time farm unit, and to notify the board of such selection within the time specified in the notice. If the applicant fails to supply any of the information required, or if the board finds that an applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the board by registered mail of such disqualification and the reasons therefor and of the right to appeal to the Regional Director within the time and in the manner prescribed in section 16 of this announcement.

SELECTION OF PART-TIME FARM UNITS

SEC. 20. *Order of selection*—a. *Priority groups.* The applicants who have been notified of their qualification for the purchase of a part-time farm unit will successively exercise the right to select a part-time farm unit in accordance with the priorities established in the two priority groups by the drawings. If a part-time farm unit becomes available through failure of a successful applicant to exercise his right of selection or failure to complete his purchase contract, it will be offered to the next qualified applicant in the same priority group who has not made a selection at the time the part-time farm unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the board is upheld by the Regional Director, the part-time farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any part-time farm units that are available to either of the priority groups remain unselected after all qualified applicants in that group have made selections, such units shall be made available to qualified applicants remaining in the other priority group.

b. *Third group.* Any part-time farm units remaining unselected after all qualified applicants in both priority groups have had an opportunity to select a part-time farm unit will be offered to applicants in the third group in the order in which their applications were filed, subject to the determination by the board, made in accordance with the procedure prescribed for priority group applicants, that such applicants meet the minimum qualifications prescribed by this announcement.

c. *Disposal of unsold units.* If any part-time farm units offered by this announcement remain unsold for a period of two years following the date of this announcement, the District Manager, Columbia River District, Bureau of Reclamation, may sell, lease, or otherwise dispose of such units to qualified applicants without regard to the provisions of section 17 of this announcement.

SEC. 21. *Failure to select.* If any applicant refuses to select a part-time farm unit or fails to do so within the time specified by the board, such applicant shall forfeit his position in his group. His name will be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 22. *Execution of purchase contract.* When a part-time farm unit is selected by an applicant as provided in section 20 of this announcement, the District Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish the necessary purchase contract, together with instructions concerning its execution and return. In that notice the District Manager will also inform the applicant of the amount of the irrigation charges assessed by the South Columbia Basin Irrigation District against the part-time farm unit which he has selected, or if such charges have not been assessed, of an estimate of the amount of the charges for the year in which the purchase is made, to be deposited with the District Manager.

SEC. 23. *Terms of sale.* Contracts for the sale of part-time farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of $100 to apply on the purchase price of the part-time farm unit as indicated in section 1 of this announcement will be required. Larger proportions, or the entire amount of the price, may be paid initially at the purchaser's option.

b. *Schedule for payment of balance; interest rate.* If only a portion of the purchase price is paid initially, the remainder shall be payable within a period of 10 years following the date of the contract. The schedule of payments, which will be established by the District Manager, will provide for equal annual payments to retire the principal with interest at 3 percent per annum. Payment of any or all installments, or any portion thereof, may be made without penalty before their due dates at the purchaser's option.

c. *Payment for Special Irrigation Water Distribution System.* The cost of the Special Irrigation Water Distribution System, constructed by the United States between the points of water delivery for part-time farm unit areas and each part-time farm unit in those areas, shall be repaid to the United States by the purchasers of the part-time farm units. The term "part-time farm unit area" means the area embracing one or more part-time farm units which are to be served by a single special irrigation water distribution system. This cost will be divided among the part-time farm units and the share of the cost so apportioned to any particular part-time farm unit will be included as a separate item in the total amount to be paid to the United States under the sales contract. The exact amount to be charged against each unit will be determined by the District Manager prior to execution of contracts by purchasers.

It is the policy to distribute against the units covered by this announcement the total cost of the special distribution systems, as determined at the time of the execution of the contracts. It is now believed that the estimated cost for each unit, as indicated in section 1 of this announcement, will prove to be adequate, but the amounts to be stated in the contracts may possibly be greater than the estimates to be consistent with the policy above stated.

The amount allocated to each part-time farm unit shall be paid with interest at 3 percent per annum according to a schedule established by the District Manager which will provide for 10 equal annual installments that coincide with those established for payment of the remainder of the purchase price. Any of these payments may be made without penalty at an earlier date. In instances where the combined amount of the annual installment on the remainder of the cost of the land and the annual installments for the special irrigation distribution system is more than $50, the District Manager will establish schedules for semiannual payments if the purchasers so desire.

d. *Operation and maintenance of the Special Irrigation Distribution System.* The Special Irrigation Water Distribution System shall be operated and maintained by the collective action of purchasers within the part-time farm unit area served by that system. This shall be done through an organization acceptable to the board of directors of the South Columbia Basin Irrigation District and having authority to order and apportion, among the part-time farm units eligible to receive water, the water to be delivered and to collect as a minimum, the necessary costs of the operation and maintenance of the special irrigation water distribution system.

e. *Building requirements.* A primary objective of the United States in its part-time farm unit program is to bring about early development by the establishment of suitable dwellings on all units. To attain this objective, the purchasers shall be required to furnish evidence of substantial completion of a dwelling on the part-time farm unit within 18 months of the date of the sales contract or commencement on the part-time farm unit within that period of a dwelling which will be substantially completed within 2½ years from the date of the contract. If the dwelling is only started within the above said 18-month period, the District Manager may require assurance in writing from a reputable person or agency that the construction of a dwelling on the part-time farm unit to be substantially completed within the required time will be financed. If title to the part-time farm unit is desired before the dwelling is substantially completed, this assurance of financing will be required. The United States will, if necessary, place the deed to the purchaser in escrow with an agent mutually agreeable to the parties to the contract upon condition that the deed be released to the purchaser or a person designated by the purchaser upon commencement of the construction of said dwelling. In extraordinary situations, the requirements concerning the completion date of the dwelling may be extended by the District Manager pursuant to his determination that such extension would be in the interest of the orderly development of the block, but in no case shall more than two extensions be made, neither of which shall exceed six months in length.

Dwellings, to meet the approval of the District Manager, shall be of long-lived materials, suitable for year-round occupancy and of attractive appearance. Unless these requirements are waived by the District Manager, dwellings shall be provided with domestic water piped in under pressure and sewage disposal facilities that meet the standards established by the Washington State Department of Health.

SEC. 24. *Copies of contract form.* The terms listed above, and all other standard contract provisions are contained in the purchase contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington; Coulee Dam, Washington; Post Office Box 937, Boise, Idaho, or Washington 25, D. C.

IRRIGATION COSTS

SEC. 25. *Development period charges.* A 10-year development period has been announced for Irrigation Block 2, during which payment of construction charge installments will not be required. This development period will commence with the calendar year 1951. It is estimated that the cost of operating and maintaining the project irrigation system during the development period for the entire irrigation block, consisting of approximately 1,200 irrigable acres, will average $6,000 per annum. This figure is preliminary and subject to correction as experience provides data for calculation of more accurate estimates. A notice announcing charges for the first year of the development period will be issued prior to January 1, 1951, by the Regional Director, who has the responsibility for fixing these charges. The present plans of the Regional Director are these:

a. It will be the policy of the United States to deliver water to each part-time farm unit area at one point.

b. An allotment of water will be determined for each group of part-time farm units receiving service through one turnout on the basis of the acreage of land in each water duty class in the group.

c. Charges will be fixed with the object each year of collecting the average estimated cost of operation and maintenance per irrigable acre in the block multiplied by some factor determined to represent the additional costs resulting from the small size of part-time units. In any case, a minimum charge per irrigable acre will be fixed and assessed against each part-time farm unit whether water is used or not. Water use above the amount paid for by the minimum charge will be charged on a per acre-foot basis. In addition to the charge made by the Bureau of Reclamation, the Irrigation District will levy an additional charge to cover administrative costs and delinquencies in collections.

SEC. 26. *Construction repayment period charges—a. Operation and maintenance charges.* After the development period has ended, assessment procedure will be wholly determined by the Irrigation District Board of Directors. However, charges for operation and maintenance of the project irrigation system will be uniform for irrigation blocks throughout the project, except as they may be varied by land classes. There will be a minimum charge per irrigable acre which will entitle the water users to one acre-foot of water per acre less than the estimated normal requirement, and water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with a graduated, ascending scale as provided in the contract with the South Columbia Basin Irrigation District.

b. *Construction charges.* The contract between the United States and the South Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average annual construction charge per irrigable acre for the entire project will be $2.12. Thus, the total construction charge payment will average $85 per irrigable acre. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

[F. R. Doc. 50-7939; Filed, Sept. 11, 1950; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1452]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

SEPTEMBER 5, 1950.

On July 31, 1950, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition and operation of certain natural gas facilities subject to the jurisdiction of the Commission, all as more fully described in such application on file with the Commission and open to the public.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for non-contested proceedings, and it appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on August 12, 1950 (15 F. R. 5321-5322).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on September 20, 1950, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 6, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7940; Filed, Sept. 11, 1950; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF STATE

DELEGATION OF AUTHORITY WITH RESPECT TO PURCHASES AND CONTRACTS FOR SUPPLIES AND SERVICES

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, and having determined that such action is advantageous to the Government in terms of economy, efficiency, and national security, I hereby delegate to the Secretary of State authority to make purchases and contracts for supplies and services pursuant to the provisions of Title III of the aforesaid act for the following items and purposes:

a. Stenographic reporting services.
b. Translating services.
c. Analysis and tabulation of technical information.
d. Preparation of special maps, globes, and geographic aids.
e. Maintenance, improvement, and repair of diplomatic and consular properties in foreign countries, including minor construction on Government-owned properties.
f. Maintenance and operation of commissary and mess services abroad.
g. Fuel and utilities for Government-owned or leased property abroad.
h. Rental or lease, for periods not exceeding ten years, of offices, buildings, grounds, and living quarters for the use of the Foreign Service abroad.
i. Electrical appliances, motor driven equipment (other than motor vehicles), and household furniture and furnishings not otherwise provided for, for use abroad.
j. Household equipment to be loaned pursuant to law.
k. United States representation in United Nations.
l. United States representation in United Nations Educational, Scientific, and Cultural Organization.
m. International Refugee Organization.
n. International Civil Aviation Organization.
o. International Contingencies—participation by the United States in international activities for which specific appropriations have not been provided pursuant to treaties, conventions, or special acts of Congress.
p. International Boundary and Water Commission, United States and Mexico—drilling and testing of foundations and dam sites, purchase of planographs and lithographs, and leasing of private property to remove therefrom sand, gravel, stone, and other materials.
q. International Information and Educational Activities—radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration and script-writing, by contract or otherwise, acquisition of printed materials, purchase of objects for presentation to foreign governments, schools, or organizations, and information and educational activities outside the continental United States.
r. Philippine Rehabilitation—all expenses outside the United States.
s. Supplies or services which are to be procured and used outside the limits of the United States and its possessions.

2. The authority contained herein may be delegated and redelegated in accordance with section 307 (a) of the aforesaid act.

3. This delegation of authority shall be effective July 1, 1950.

Dated: September 6, 1950.

JESS LARSON,
Administrator.

[F. R. Doc. 50-7957; Filed, Sept. 11, 1950; 8:49 a. m.]

COMMISSIONER AND REGIONAL DIRECTORS OF PUBLIC BUILDING SERVICE

DELEGATION OF AUTHORITY WITH RESPECT TO SURPLUS PROPERTY DISPOSAL

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Congress), Delegation of Authority No. 33, July 6, 1950, 15 F. R. 4459 is hereby revised to provide as follows:

a. Any authority delegated and transferred to the Commissioner of Liquidation Service by Delegation of Authority No. 17, February 9, 1950, 15 F. R. 850, relating to surplus real property and related personal property, is hereby delegated to the Commissioner of Public Buildings Service. Such authorities relating to surplus property as have been delegated or redelegated or continued in effect by the Commissioner of Liquidation Service or the Liquidator of War Assets, which have not subsequently been expressly revoked, shall remain in full force and effect until superseded by the Administrator of General Services or the Commissioner of Public Buildings Service. Consistent with the foregoing, Regional Directors, Public Buildings Service are hereby authorized to exercise the authorities relating to surplus property heretofore exercised by Regional Directors, Liquidation Service, and to execute any appropriate documents incidental to the exercise of such authority.

b. The authority delegated herein may be redelegated to any officer, official or employee of the Public Buildings Service.

c. The authority conferred herein shall be exercised in accordance with such regulations, policies, administrative procedures and controls as are in effect on and after the effective date hereof.

d. This delegation of authority shall be effective as of July 1, 1950.

2. Delegation of Authority No. 17, February 9, 1950, 15 F. R. 850, is hereby superseded as of the effective date of this delegation.

Dated: September 6, 1950.

[SEAL] JESS LARSON,
Administrator.

[F. R. Doc. 50-7958; Filed, Sept. 11, 1950; 8:49 a. m.]

GOVERNMENT PATENTS BOARD

Office of the Chairman

[Administrative Order No. 2]

SECRETARY OF COMMERCE

DELEGATION OF FUNCTIONS WITH REFERENCE TO PROTECTION ABROAD OF INVENTIONS RESULTING FROM RESEARCH FINANCED BY THE GOVERNMENT

The functions and duties transferred to the Chairman of the Government Patents Board by paragraph 5 of Executive Order 10096 (15 F. R. 389) of January 23, 1950, are, until further order, hereby delegated to the Secretary of Commerce: *Provided, however,* That

(a) All matters of policy arising under this delegation shall be subject to the approval of the Chairman of the Government Patents Board; and

(b) The Secretary of Commerce shall submit to the Chairman of the Government Patents Board a written report quarterly, or otherwise as the Chairman may request, on all operations under this delegation during the preceding calendar quarter or other period designated.

SEPTEMBER 6, 1950.

ARCHIE M. PALMER,
Chairman.

[F. R. Doc. 50-7994; Filed, Sept. 11, 1950; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25389]

PULPBOARD FROM BOGALUSA, LA., TO MARION, N. J.

APPLICATION FOR RELIEF

SEPTEMBER 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1018.

Commodities involved: Pulpboard or fibreboard, carloads.

From: Bogalusa, La.

To: Marion, N. J.

Grounds for relief: Competition with rail-water-truck carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1018, Supplement 107.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7951; Filed, Sept. 11, 1950; 8:48 a. m.]

[4th Sec. Application 25390]

IRON AND STEEL ARTICLES FROM BIRMINGHAM, ALA., TO DYERSBURG, TENN.

APPLICATION FOR RELIEF

SEPTEMBER 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 920.

Commodities involved: Iron and steel articles and tin or terne plate, carloads.

From: Birmingham, Ala., and points taking same rates.

To: Dyersburg, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 920, Supplement 186.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7952; Filed, Sept. 11, 1950; 8:48 a. m.]

[4th Sec. Application 25391]

SULPHURIC ACID FROM MOBILE TO MONTGOMERY, ALA.

APPLICATION FOR RELIEF

SEPTEMBER 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Gulf, Mobile and Ohio Railroad Company.

Commodities involved: Sulphuric acid, tank carloads.

From: Mobile, Ala.

To: Montgomery, Ala.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7953; Filed, Sept. 11, 1950; 8:48 a. m.]

[4th Sec. Application 25392]

GRAIN AND GRAIN PRODUCTS FROM OHIO AND MISSISSIPPI RIVER CROSSINGS TO THE SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Grain, grain products and related articles, carloads.

From: Ohio and Mississippi River crossings.

To: Points in the south.

Grounds for relief: To restore former relationships and gateway equalizations.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1128, Supplements 38 and 40, and C. A. Spaninger's tariff I. C. C. No. 1129, Supplement 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7954; Filed, Sept. 11, 1950; 8:48 a. m.]

[4th Sec. Application 25393]

PLATE OR SHEET PIPE FROM LOUISIANA TO TEXAS

APPLICATION FOR RELIEF

SEPTEMBER 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3894.

Commodities involved: Plate or sheet pipe, not less than 24 inches in diameter, carloads.

From: Points in Louisiana.

To: Points in Texas.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3894, Supplement 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in is discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7955; Filed, Sept. 11, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-62]

THE SOUTHEAST CO.

NOTICE OF FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of September A. D. 1950.

Notice is hereby given that an application has been filed with this Commission, pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("act"), by The Southeast Company ("Southeast"), formerly known as Southeast Power & Light Company ("Southeast Power"), a registered holding company, for an order under the act declaring that the company has ceased to be a holding company.

All interested persons are referred to said application which is on file in the offices of the Commission for a complete statement relating to the requested finding and order, which is summarized as follows:

The application represents that Southeast does not now own, control or hold with power to vote, any outstanding voting securities of a public utility company or of a company which is a holding company as defined in the act. The Commission's files show that on January 25, 1936, Southeast Power registered with the Commission as a holding company at which time it held all the outstanding common stock of Southeast Arkansas Telephone & Power Company ("Southeast Arkansas"), Tuskegee Light & Power Company ("Tuskegee"), and Ouachita Ice & Utilities, Inc. ("Ouachita"), and 2,000 of the 3,000 shares of outstanding common stock of West Memphis Power & Water Company ("West Memphis"), all of which companies were electric utility companies. Southeast represents that all the assets of West Memphis, Southeast Arkansas and Ouachita have been disposed of and the companies dissolved, and that the common stock of Tuskegee, Alabama. Applicant further represents that its stockholders have voted to liquidate and dissolve the company and distribute its assets, which liquidation and dissolution are now in progress.

Notice is further given that any interested person may, not later than September 25, 1950, request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 25, 1950, said application, as filed or as amended, may be granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7942; Filed, Sept. 11, 1950; 8:46 a. m.]

[File No. 70-2325]

CONSOLIDATED NATURAL GAS CO. ET AL.

SUPPLEMENTAL ORDER PERMITTING ISSUANCE AND SALE OF NOTES

In the matter of Consolidated Natural Gas Company, The Peoples Natural Gas Company, New York State Natural Gas Corporation, and Hope Natural Gas Company. File No. 70-2325.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of September, A. D., 1950.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiaries, The Peoples Natural Gas Company ("Peoples"), New York State Natural Gas Corporation ("New York State"), and Hope Natural Gas Company ("Hope"), having filed an amendment to a joint application-declaration heretofore filed pursuant to sections 6 (b), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 with respect to the following transaction:

The amendment requests the entry of a supplemental order modifying the Commission's order dated March 10, 1950 herein, permitting Consolidated, pursuant to the terms of a loan agreement entered into with four commercial banks, to issue and sell, from time to time, during 1950, an aggregate of $14,000,000 principal amount of its 2 percent promissory notes due March 15, 1951, subject to renewal each year for four additional years at the option of Consolidated, and subject to Consolidated obtaining an order of the Commission authorizing each such renewal. The requested supplemental order would permit the issuance and sale of an additional $6,000,000 of such notes resulting in an aggregate of $20,000,000, subject to the same terms and conditions as heretofore permitted.

Our Order of March 10, 1950, also permitted the issuance and sale by Peoples and New York State, to Consolidated, during the year 1950, of $6,000,000 and $8,000,000 principal amounts, respectively, of their 2 percent promissory notes maturing March 1, 1951, subject to renewals on the same terms as the notes to be sold by Consolidated. The requested supplemental order would permit the issuance and sale (i) of an additional $2,000,000 principal amount of such notes by Peoples resulting in an aggregate of $8,000,000; and (ii) of an additional $2,500,000 principal amount of such notes by New York State, resulting in an aggregate of $10,500,000; and (iii) of $2,000,000 principal amount of like notes by Hope. The proceeds from the sale of such notes will be used to finance, in part, the construction and gas storage programs of the subsidiaries.

It is stated that the necessity for the present proposal arises in most part from increases over original estimates of the cost of the construction and gas storage programs of the several subsidiaries herein. It is also stated that the issuance and sale of notes by Consolidated and its subsidiaries are part of a general financial plan adopted by Consolidated and its subsidiaries for the purpose of securing needed capital funds on an interim basis for a period not to exceed five years. It is indicated that during the five-year period the notes herein proposed together with such further notes as shall be issued and sold by Consolidated, will be refinanced by the issuance and sale of debentures or capital stock, or both. Any renewal of notes or issuance of further notes or other securities will be subject to further order of this Commission.

The proposed issuance and sale of notes by Peoples and Hope have been approved by the Pennsylvania Public Utility Commission and the West Virginia Public Service Commission, respectively. It appears that the proposed issuance and sale of notes by Consolidated and by New York State are not subject to the jurisdiction of any State regulatory commission.

Said amendment having been duly filed and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said amendment within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said amended joint application-declaration be granted and permitted to become effective, and deeming it appropriate to grant a request of applicants-declarants that the order become effective at the earliest date possible:

It is hereby ordered, That the amended joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, and the Commission's order of March 10, 1950, herein is hereby modified so as to permit the issuance and sale, from time to time during the year 1950, of 2 percent promissory notes (i) by Consolidated to commercial banks in an aggregate principal amount of $20,000,000, and (ii) by Peoples, New York State and Hope to Consolidated of an aggregate principal amount of $8,000,000, $10,500,000 and $2,000,000, respectively, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7943; Filed, Sept. 11, 1950; 8:46 a. m.]

[File No. 70-2464]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND NEW HAMPSHIRE ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Seurities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of September A. D. 1950.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Gas and Electric Association ("Negea"), a registered holding company, and its utility subsidiary, New Hampshire Electric Company ("New Hampshire"). Applicants-declarants have designated sections 6 (b), 9, 10 and 12 of the act as applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration which is on file in the office of the Commission for a statement of the transactions therein proposed which may be summarized as follows:

It is proposed that New Hampshire issue 15,000 shares of $4.50 Preferred Stock of a par value of $100 per share and 140,000 shares of Common Stock, no par value, with an aggregate stated value of $2,100,000, and to exchange the same for all of its presently outstanding common stock which is held by Negea, consisting of 150,000 shares of common stock of no par value having an aggregate stated value of $3,595,000. The stated purpose of the proposed transactions is to facilitate disposition by Negea of its interests in New Hampshire.

The proposed issuances and exchange of securities have been approved by the Public Service Commission of New Hampshire.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the proposed transactions and that said joint application-declaration should not be permitted to become effective except pursuant to the further order of this Commission:

It is ordered, Pursuant to the applicable provisions of the act and rules and regulations promulgated thereunder, that a hearing with respect to said joint application-declaration be held on September 26, 1950, at 10:00 a. m., e. s. t., at the offices of this Commission, 425

Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise participate in this proceeding shall file with the Secretary of the Commission, on or before September 25, 1950, a written request therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof and without prejudice to additional matters or questions being specified upon further examination, the following matters or questions are presented for consideration:

(1) Whether the issuance and exchange of preferred stock are solely for the purpose of financing the business of New Hampshire.

(2) Whether the preferred stock meets the standards of section 7 (c) of the act.

(3) Whether the preferred stock is reasonably adapted to the security structure and earning power of New Hampshire.

(4) Whether the issuance and exchange of preferred stock are necessary and appropriate to the economical and efficient operation of New Hampshire's business.

(5) What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and consumers.

(6) Generally whether the proposed transactions comply with the applicable provisions of the act, rules and regulations and orders promulgated thereunder.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice of filing and order for hearing to Negea and New Hampshire and to the Public Service Commission of New Hampshire and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7944; Filed, Sept. 11, 1950; 8:46 a. m.]

[File No. 70-2466]

STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 5th day of September 1950.

Notice is hereby given that an application has been filed pursuant to the Public Utility Holding Company Act of 1935 ("Act") and the rules and regulations promulgated thereunder by Standard Gas and Electric Company ("Standard Gas"), a registered holding company. The applicant designates sections 9 and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 15, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

In partial compliance with the Commission's order of August 8, 1941, which requires in effect, among other things, that Standard Gas sever its relationship, both direct and indirect, with Louisville Gas and Electric Company, a Kentucky corporation ("Louisville"), Standard Gas has notified the Commission pursuant to the provisions of Rule U-44 (c) under the act that it intends to sell 137,857 shares of common stock, without par value, of Louisville owned by Standard Gas (File No. 70-2465). Bids for such stock will be invited by a newspaper advertisement which will provide that interested persons shall notify Standard Gas of their desire for an opportunity to purchase such stock. Thereafter Standard Gas will advise all such persons of the conditions of sale and the time for submitting bids, which time shall be not less than twelve hours after such advice has been given.

The foregoing proposed sale is not a part of the present application but in connection therewith and for the stated purpose of facilitating the proposed sale, Standard Gas seeks permission by the present application to acquire shares of the Louisville common stock, in order to stabilize the market price thereof, by purchases on the New York Stock Exchange during the period beginning on the day upon which Standard Gas invites offers to purchase its present holdings of Louisville common stock and ending at the time of the acceptance of an offer or the rejection of all offers, but in no event for a period longer than three days.

Standard Gas represents that any shares of common stock of Louisville acquired pursuant to said stabilization program will be disposed of promptly by Standard Gas after appropriate notice to the Commission.

Standard Gas requests that the Commission's order herein be entered as soon as practicable and that it become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7945; Filed, Sept. 11, 1950; 8:46 a. m.]

[File Nos. 54-169, 4-63, 68-84]

MARKET STREET RAILWAY CO. ET AL.

NOTICE OF FILING OF MODIFIED AMENDED PLAN AND NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of September, 1950.

In the matter of Market Street Railway Co., File No. 54-169; Market Street Railway Company, Standard Gas and Electric Company, and Certain of Its Subsidiary Companies, File No. 4-63; Russell M. Van Kirk, Bloomfield Hulick, Edmund T. Willetts, Committee for the Market Street Railway Company Prior Preference Capital Stock, File No. 68-84.

By Order dated May 3, 1950 (Holding Company Act Release No. 9834), the Commission approved, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act") an Amended Plan of Market Street Railway Company ("Market Street"), providing for the distribution of its assets and for its liquidation and dissolution, as theretofore modified pursuant to the Commission's Findings and Opinion dated September 30, 1949 (Holding Company Act Release No. 9376) and its Supplemental Findings and Opinion dated March 10, 1950 (Holding Company Act Release No. 9718). Market Street is a non-utility subsidiary company of Standard Gas and Electric Company ("Standard Gas") and Standard Power and Light Corporation ("Standard Power"), registered holding companies under the Act.

Thereafter, in accordance with the request of Market Street, the Commission applied to the United States District Court for the Northern District of California, Southern Division, for enforcement of the Amended Plan as so modified (In the matter of Market Street Railway Company, Civil Action File No. 29723). Said Court, following a hearing on the Commission's application and objections thereto, entered an order dated July 11, 1950, finding the amended plan, as so modified, fair and equitable and appropriate to effectuate the provisions of the act except insofar as it fails to provide for compensation to William J. Cogan, Esq., for his services, and except with respect to the amount of fees allowed for the services of Milton Paulson, Esq., and his associates, as to which the Court reserved jurisdiction pending reconsideration by the Commission. Said order of the Court remanded the matter to the Commission for the purpose of fixing an allowance to Cogan, for reconsideration of the allowance to Paulson, and for consideration of modifications to the amended plan, as theretofore modified, not inconsistent with the opinion of the Court rendered on July 7, 1950.

On August 7, 1950, the Commission filed its notice of appeal to the United States Court of Appeals for the Ninth Circuit, appealing from those portions of the District Court Order dated July 11, 1950, which found that the Commission's disapproval of any allowance of fee for Cogan is not supported by substantial evidence and that the amended plan of Market Street, as theretofore modified, insofar as it fails to provide for compensation to Cogan for his services, is not fair and equitable and appropriate to effectuate the provisions of section 11 of the act, and which remanded the proceeding to the Commission for the purpose of fixing an allowance to Cogan.

Notice is hereby given that Market Street has filed with the Commission, pursuant to section 11 (e) of the act, a modified amended plan, further modifying its amended plan so as to provide for the liquidation and dissolution of Market Street in two steps, and an application for approval thereof.

All interested persons are referred to said modified amended plan and to said application, which are on file in the offices of the Commission, for a full statement of the transactions therein proposed, which are summarized as follows:

1. Market Street will wind up and liquidate its affairs in two steps. Step one purports to consist of those provisions of the amended plan, as formerly modified, which have already been approved by the Commission and the District Court, and its provisions are to be carried out independently of the provisions included in step two. Step two purports to consist of provisions requiring further action by the Commission and the Court, which may be affected by the Commission's appeal from portions of the Court order.

2. Step one provides:

(a) All rights of the holders of preferred stock, second preferred stock and common stock of Market Street shall cease and terminate on the effective date of step one;

(b) Market Street will, on or soon as practicable after the effective date of step one:

(i) Pay Standard Gas $512,500 in settlement of its open account indebtedness to Standard Gas and the action brought by Standard Gas thereon, and exchange releases with Standard Gas. The release to be delivered by Market Street to Standard Gas will cover all liability of Standard Gas and its subsidiaries (including Standard Power, formerly a subsidiary and now the parent of Standard Gas) to Market Street;

(ii) Pay the Estate of Russell M. Van Kirk, deceased, as fees or compensation, the sum of $7,500, and reimburse the Van Kirk Committee for expenses in an amount not exceeding the sum of $5,000;

(iii) Make or cause to be made a pro rata partial distribution to the holders of its outstanding shares of Prior Preference Stock in the amount of $15 per share;

(iv) Sell its remaining office furniture and fixtures, and collect and reduce to cash all of its other assets;

(v) Dispose of all claims including the actions for injury and damages pending against it;

(vi) Dispose of claims for workmen's compensation and benefits; and

(vii) Dissolve.

3. Step two provides that Market Street will:

(a) Pay or provide for the payment of all such other fees, compensation and expenses in connection with the modified amended plan as shall have been allocated, awarded or approved by the Commission. Market Street represents that its funds remaining after the carrying out of step one will be sufficient to cover in full all claims which have been asserted, including the fees and expenses claimed by Cogan and Paulson. Market Street states that in connection with the consummation of step two it will consider what action it will take with respect to requests of certain employees for severance pay; and

(b) Distribute all remaining assets on a pro rata basis to the holders of its Prior Preference Stock.

4. Market Street requests that the Commission find the modified amended plan necessary to effectuate the provisions of section 11 (b) of the act, and fair and equitable to the persons affected by the modified amended plan; that the Commission, subject to its reservation of jurisdiction to pass on the issues involved in step two, make an order approving the modified amended plan; and that the Commission then apply to the Court in the above-mentioned enforcement proceeding, by supplemental application or petition, in accordance with the provisions of sections 11 (e) and 18 (f) of the act, to enforce and carry out the terms and provisions of step one of the modified amended plan.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors that notice be given and the hearing herein be reconvened with respect to the modified amended plan;

It is ordered, That the hearing herein be reconvened on September 22, 1950, at 10:30 o'clock a. m., e. d. s. t., at the office of the Commission, 425 Second Street NW., Washington 25, D. C. On that day the hearing room clerk in Room 193 will designate the room in which the hearing will be held. Any person who has not heretofore entered an appearance herein desiring to be heard or otherwise wishing to participate in the hearing should file with the Secretary of the Commission on or before September 19, 1950, a written request relative thereto, pursuant to Rule XVII of the Commission's rules of practice.

It is further ordered, That Richard Townsend or any other hearing officer or officers of the Commission designated by it for the purpose shall preside at the reconvened hearing, and is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the modified amended plan and the application for approval thereof, and that, upon the basis thereof and in the light of the proceedings heretofore had herein before the Commission and the Court, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether in the light of the abovementioned order of the Court dated July 11, 1950, and the appeal taken by the Commission from portions thereof, the Commission may appropriately approve the modified amended plan, reserve jurisdiction with respect to the issues included in step two thereof, and apply to the Court for enforcement of step one thereof;

2. Whether the modified amended plan as submitted or as it may hereafter be modified is necessary to effectuate the provisions of section 11 (b) of the act, and is fair and equitable to the persons affected thereby, and, if not, in what respects said modified amended plan, including any modifications thereof, should be required to be further modified and amended;

3. Whether the proposed modified amended plan and the transactions set forth therein are in all respects in the public interest and in the interest of investors and consumers, and consistent with all the applicable requirements of the act and the rules thereunder and, if not, what modifications should be required to be made therein and what terms and conditions, if any, should be imposed to satisfy the applicable statutory standards;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That notice of the foregoing shall be given by mailing a copy of this notice and order by registered mail to Market Street Railway Company, Standard Gas and Electric Company, Standard Power and Light Corporation, the California Railroad Commission, the City of San Francisco, California, William J. Cogan, Esq., M. Mitchell Bourquin, Esq., Milton Paulson, Esq., Dreyfus and McTernan, Esqs., Douglas Newman, Esq., Helmer Hansen, Esq., and Emil Morosini, Esq. and that further notice shall be given by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the Act; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7946; Filed, Sept. 11, 1950; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14988]

ANNA BORCHERS

In re: Judgment rights owned by Anna Borchers.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Borchers, F–28–2111, whose last known address is 18 Eichstrasse, Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All right, title and interest created in Anna Borchers by virtue of that certain judgment entered on or about the 26th day of August, 1933, in the Supreme Court of New York in and for Kings County in the cause entitled Anna Borchers vs. Louise Pughelli and Ralph Pughelli, also known as Pughielli, File No. 4914–33, including particularly, but not limited to, the right to enforce and collect all obligations thereunder,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7960; Filed, Sept. 11, 1950; 8:50 a. m.]

[Vesting Order 15035]

EMIL LOTTHAMMER

In re: Household furniture and furnishings owned by Emil Lotthammer.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Lotthammer, whose last known address is 8 Blauenstrasse, Arlinger, Pforzheim, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Household furniture and furnishings stored at 91 Oliver Street, Lockport, New York, more particularly described in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Emil Lotthammer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

One three piece living room suite.
One radio.
One phonograph and table.
One hat rack.
Three lamps.
One 9 x 9 rug.
One 9 x 12 rug.
One piano and chair.
One magazine rack.
One rocking chair.
One wicker chair.
Two pull-up chairs.
One occasional chair.
Four straight chairs.
Two end tables.
Five small cotton draw rugs.
One 9-piece dining room suite.
One combination desk and bookcase and books.
One table lamp.
One flower stand.
One 9 x 12 rug.
One vacuum cleaner.
One kitchen cabinet.
One table and three chairs.
One refrigerator (small).
One step ladder.
One ironing board.
One clothes basket.
One washing machine
Two tubs.
One walnut bed, dresser, and commode.
One iron and brass bed, dresser, and commode.
One mahogany (veneer) bed and dresser.
Ten straight kitchen chairs.
Two walnut dressers.
One flower stand.
Pictures and miscellaneous articles.
Lawnmower.
One rake.
One spade.

[F. R. Doc. 50–7961; Filed, Sept. 11, 1950; 8:50 a. m.]

[Vesting Order 15036]

GERTRUD SCHNEIDER

In re: Personal property owned by Gertrud Schneider. F–28–29262–C–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrud Schneider, whose last known address is Jacobstrasse 50, Goch, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain articles of personal property particularly described below, presently in the custody of Topken & Farley, 250 Park Avenue, New York, New York, as attorneys for Gertrud Schneider,

Items of property and description of property

One (1) bar pin, three large crystals and six diamonds.
One (1) diamond ring, single stone.
One (1) amethyst brooch.
One (1) diamond scarf pin.
One (1) pearl scarf pin.
One (1) vest chain.
One (1) watch, hunting case.
One (1) watch, open face.
One (1) gold necklace, four diamonds.

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50–7962; Filed, Sept. 11, 1950; 8:50 a. m.]

[Return Order 732]

BERTHA VAMOS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Bertha Vamos, Administratrix of the Estate of Julius Vamos, deceased, New York, New York, Claim No. 6871, July 29, 1950 (15 F. R. 4910), $1,405.89 cash in the Treasury of the United States. All right, title and interest of Joseph Vamos, also known as Josef Wamos, in and to the Estate of Anie Sharf, also known as Ilka Nick, Ilka Mauthner, Ilka Nick and Anni Sharf, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7963; Filed, Sept. 11, 1950; 8:50 a. m.]

[Return Order 735]

LORENZA PIPITONE CORTE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated for reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Lorenza Pipitone Corte, Poggioreale, Trapani, Italy, Claim No. 42879, August 1, 1950 (15 F. R. 4932), $5,779.82 cash in the Treasury of the United States. All right, title and interest of Mrs. Lorenza Pipitone Corte in and to the Estate of Guiseppe (Joseph) Pipitone, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7964; Filed, Sept. 11, 1950; 8:50 a. m.]

FELIX CARO

REVOCATION OF NOTICE OF INTENTION TO RETURN VESTED PROPERTY

The Notice of Intention to Return Vested Property relating to the Claim No. 3259 of Felix Caro, executed July 21, 1950, and published in the FEDERAL REGISTER August 1, 1950 (15 F. R. 4933), is hereby revoked.

Executed at Washington, D. C., on September 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7965; Filed, Sept. 11, 1950; 8:50 a. m.]

MARIE VIVAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to § 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marie Vivan Passiano, Udine, Italy, Claim No. 36371, $3,150.00 in the Treasury of the United States. All right, title, interest and claim of Maria Vivan in and to any and all causes of action arising out of the death of Giovanni Battisti Vivan under the common law and any Federal or State statutes with the exception of those arising under the Workman's Compensation Law of the State of Michigan and against the Waterway Construction Company, Detroit, Michigan and the Associated Indemnity Company, San Francisco, California.

Executed at Washington, D. C., on September 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7966; Filed, Sept. 11, 1950; 8:50 a. m.]

FUSHIMINOMIYA KINEN SHOGAKKAI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof the following property, located in the Treasury of the United States, Washington, D. C., subject to any increase or decrease resulting from the administration of such property prior to return and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Fushiminomiya Kinen Shogakkai, c/o Iga Mori, 716 Wyllie St., Honolulu, T. H.	11379	$3,832.33
J. Tokairin, d/b/a Tohoku Hotel (a sole proprietorship), 87 Laimi Rd., Honolulu, T. H.	29154	37.82
Tatsujiro Fujinaga, 630 Pokole St., Honolulu, T. H.	37247	2,610.12
Haruo Hayakawa, 1092 South Beretania St., Honolulu, T. H.	37252	1.75
Charles J. Pietsch, 925 Fort St., Honolulu, T. H.	37288	6.17
Yayao Yamane, 617 Lana Lane, Honolulu, T. H.	40604	1,599.92
Hirota Okahara, 1452-C Elm St., Honolulu, T. H.	45215	25.67
Fukuyo Mizuno, 1480 Waipa Lane, Honolulu, T. H.	45377	510.00

Executed at Washington, D. C., on September 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–7967; Filed, Sept. 11, 1950; 8:50 a. m.]

SEP 18 '50

SEP 18 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 177

Washington, Wednesday, September 13, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Wheat Bulletin A]

PART 601—WHEAT

SUBPART—1951 GRAIN AND RELATED COMMODITIES

Sec.

601.1201 Applicability of §§ 601.1201 to 601.1207.
601.1202 Definitions.
601.1203 Determination of a producer's share of the 1951 farm acreage allotment and wheat acreage.
601.1204 Time of determining share in allotment and share in crop.
601.1205 Compliance requirements; producers.
601.1206 Compliance requirements; wheat.
601.1207 Appeals.

AUTHORITY: §§ 601.1201 to 601.1207 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421.

§ 601.1201 *Applicability of §§ 601.1201 to 601.1207.* Sections 601.1201 to 601.1207 shall govern the eligibility of producers and wheat under the 1951-crop wheat price support operations insofar as compliance with 1951 wheat acreage allotments is concerned.

§ 601.1202 *Definitions.* As used in §§ 601.1201 to 601.1207, and in all instructions, forms and documents in connection herewith, the words and phrases defined in this section shall have the meaning herein assigned to them unless the context or subject matter otherwise requires.

(a) *Farm.* "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the PMA county committee in accordance with instructions issued by the Assistant Administrator for Production and Marketing Administration, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, farm machinery, and labor substantially separate from that of any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(b) *Ownership tract.* "Ownership tract" means all adjacent or nearby farm or range land under the same ownership which is operated by the same person, including also any field-rented tract under the same ownership. An ownership tract shall be regarded as located in the county in which the farm of which it is considered to be a part is located.

(c) *Person.* "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(d) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(e) *Producer.* "Producer" means any person having an interest in the wheat crop as landlord, tenant, sharecropper, or farm owner.

(f) (1) "Wheat acreage" means any acreage seeded for the production of wheat in 1951, excluding wheat mixtures in wheat mixture States and wheat seeded for use as green manure, cover crop, or hay in green manure, cover crop and hay counties, plus the acreage of volunteer wheat which reaches maturity: *Provided*, That acreage seeded to wheat will not be considered as wheat acreage to the extent that (i) it has been totally destroyed by any cause beyond

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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the control of the producer and cannot be reseeded on the same acreage and (ii) an additional acreage of wheat, subsequently seeded with prior approval of the county committee is substituted for the destroyed acreage.

(2) "Wheat mixture" means a mixture of wheat and other small grains (excluding vetch) containing when seeded, less than 50 percent by weight of wheat and which when harvested, produces less than 50 percent of wheat by weight.

(3) "Wheat mixture States" means States recommended by the respective PMA State committees and approved by the Director of the Grain Branch, Production and Marketing Administration, as States in which the seeding of wheat mixtures is a normal farming practice.

(4) "Green manure, cover crop, and hay counties" means counties recommended by the appropriate PMA State committees and approved by the Director of the Grain Branch, Production and Marketing Administration, as counties in which the use of wheat as green manure, cover crop, or hay is a normal farming practice.

(g) *Farm acreage allotment.* "Farm acreage allotment" means the wheat acreage allotment determined for a farm as its share of the 1951 county wheat acreage allotment. In States where county allotments are apportioned among ownership tracts, the farm acreage allotment is the sum of the acreage allotments established for the ownership tracts comprising the farm. Farm acreage allotments are established in accordance with the 1951 Wheat Acreage Allotment Regulations (15 F. R. 3614). If no wheat acreage allotment is established under such regulations, the farm shall be deemed to have a farm acreage allotment of zero acres.

§ 60.1203 *Determination of a producer's share of the 1951 farm acreage allotment and wheat acreage*—(a) *In States where the county allotment is apportioned to ownership tracts.* (1) Where one ownership tract constitutes a farm, the farm acreage allotment and the wheat acreage shall be divided according to each producer's share in the 1951 wheat crop at the time the wheat is seeded. If there is no wheat acreage on the farm, the allotment shall be divided according to the crop sharing arrangement under the leasing agreement or in the absence of a leasing agreement in accordance with the usual leasing custom in the locality.

(2) Where the farm contains more than one ownership tract, each producer's share of the farm acreage allotment shall be a number of acres determined by multiplying the wheat acreage allotment established for his individual tract(s) by his percentage share in any wheat acreage on such tract(s) at the time the wheat is seeded. If there is no wheat acreage on the tract(s), the allotment shall be divided according to the crop sharing arrangement under the leasing agreement or in the absence of a leasing agreement in accordance with the usual leasing custom in the locality.

If the wheat acreage is not in excess of the farm acreage allotment each producer's share of the wheat acreage on the farm shall be a number of acres determined by multiplying the wheat acreage on the farm by his percentage share of the farm acreage allotment, whether or not there is any wheat acreage on his tract.

If the wheat acreage is in excess of the farm acreage allotment, each producer's share of the wheat acreage on the farm shall be computed as follows:

(i) If the wheat acreage on his tract does not exceed the acreage allotment for the tract, his share of the wheat acreage on the farm shall be deemed to be an acreage equal to his share of the acreage allotment for the farm.

(ii) If the wheat acreage on his tract exceeds the acreage allotment for the tract his share of the wheat acreage on the farm shall be deemed to be equal to his share of the acreage allotment for the farm plus a number of acres determined by multiplying the excess acreage for the farm by a percentage figure obtained by dividing his share of the excess acreage on his tract by the sum of the excess acreages for all tracts on the farm.

(b) *In States where the county allotment is apportioned to farms.* The farm acreage allotment and the wheat acreage shall be divided according to each producer's share in the 1951 wheat crop at the time the wheat is seeded. If there is no wheat acreage on the farm, the farm acreage allotment shall be divided as determined by the PMA county committee using as a guide the leasing agreement, usual leasing custom in the locality or judgment as to what the division would have been if wheat had been seeded.

§ 601.1204 *Time of determining share in farm acreage allotment and share in wheat acreage.* The producer's share in the farm acreage allotment and wheat acreage for purposes of determining compliance with farm acreage allotments shall be determined on the basis of the producer's interest at the time of seeding. Determination of eligibility on this basis will not make a producer eligible or ineligible in the aggregate because he buys, sells, or otherwise acquires or loses a farm after seeding. The wheat produced on any farm acquired or lost will be eligible only if the wheat was eligible at the time of planting and the producer acquiring the farm was not ineligible at the time of seeding. This means that even though the acreage on the farm may not be in excess of the allotment, if the producer disposing of such tract or farm was ineligible under § 601.1205, the wheat produced on such tract or farm will not be eligible for price support.

§ 601.1205 *Compliance requirements; producers.* (a) In order to be eligible for price support on 1951 crop wheat a producer's share of the total wheat acreage on all farms in the county in which he has an interest must not exceed his share of the total farm acreage allotments, as determined by the PMA county committee: *Provided*, That such producer shall not be eligible for price support if it is determined by the State PMA committee that the total of such producer's share of the total wheat acreage on all farms wherever situated, in which he has an interest, exceeds his share of the total farm acreage allotments for all such farms.

The wheat acreage on a farm shall not be deemed to be in excess of the farm acreage allotment unless such acreage allotment was knowingly exceeded. If the producer operating the farm knowingly exceeded the allotment, all producers having an interest in the wheat acreage shall be deemed to have knowingly exceeded the allotment. Wheat produced on a farm for which an allotment is not established shall not be eligible for price support.

If the wheat acreage seeded on any farm after notification of the farm acreage allotment, plus any volunteer wheat reaching maturity, exceeds the farm acreage allotment, the allotment shall be considered as having been knowingly exceeded unless it is determined by the PMA county and State committees on the basis of the evidence submitted to it that such farm acreage allotment was unknowingly exceeded. If the producer operating a farm on which the farm acreage allotment has been exceeded made no direct effort, by measuring or otherwise, to stay within the allotment, he shall be determined to have knowingly exceeded the allotment.

(b) A producer even though meeting the requirements of paragraph (a) of this section, shall be ineligible for price support on 1951 crop wheat if:

(1) The individual compliance of such producer is offset by non-compliance of a partnership, association, corporation, trust or other business enterprise in which he has a financial interest and the policies of which he is in a position to control.

(2) The compliance of such producer as a partnership, association, estate, corporation, trust, or other business enterprise is offset by non-compliance of a person who is in a position to control the operations or policies of such partnership, association, estate, corporation, trust or other business enterprise.

(3) The compliance of such producer is offset by non-compliance:

(i) On land rented by him to another producer for cash where such land was not rented for cash during the 1950 crop year, or

(ii) On a farm with respect to which he furnishes labor, work stock or financial assistance for the production of the 1951 wheat crop for a share of such crop or the proceeds thereof, or

(iii) On a farm operated by a member of his immediate family with respect to which he provides the major portion of the equipment, and the arrangment described in subdivision (i), (ii), or (iii) of this subparagraph, was entered into for the purpose of evading the eligibility requirements of the regulations in this part.

§ 601.1206 *Compliance requirements; wheat.* In order to be eligible for price support, the 1951 crop wheat must be produced by an eligible producer on a farm on which the wheat acreage is within the farm acreage allotment.

§ 601.1207 *Appeals.* Any producer who is dissatisfied with any determination respecting his compliance or eligibility may, within 15 days after notification to him of such determination by the county committee, appeal to the State committee in writing. Such appeal should contain all the facts constituting the basis of his claim that the determination is improper. If the producer is dissatisfied with the decision of the PMA State committee, he may within 15 days after the date of mailing to him of the decision of the PMA State committee, request the Director, Grain Branch, PMA, to review his case, whose decision is final.

Done at Washington, D. C., this 8th day of September 1950. Witness my hand and seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–8013; Filed, Sept. 12, 1950; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 813, Amdt. 4]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

REVISION OF PRORATION OF 1950 QUOTA

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948 and is made for the purpose of prorating among the foreign countries other than Cuba and the Republic of the Philippines that part of the prorations of the basic quota to such foreign countries remaining unfilled on September 1. This amendment also reallots to certain foreign countries the unfilled portions of the Philippine deficit heretofore allotted to other foreign countries.

Section 204 (b) of the act provides that if on the first day of September in any calendar year any part or all of any proration of the basic quota to a foreign country has not been filled the Secretary may revise the prorations and allot the unfilled portions to those foreign countries which have filled their prorations by such date.

This amendment revises the prorations of the basic quota and reallots the Philippine deficit allotted to foreign countries other than Cuba and the Republic of the Philippines. In order to afford adequate opportunity to ship the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that the revised prorations be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Prodecure Act is unnecessary, impracticable and contrary to the public interest and the amendments herein made shall become effective on the date of their publication in the FEDERAL REGISTER. It should be

noted that the act accords to each country the right to import the amount of its basic proration by providing that no reduction therein shall be made by reason of a determination under section 204 (b).

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922; 7 U. S. C. Sup. I, 1100) and the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), Sugar Regulation 813 (14 F. R. 7753) as amended (15 F. R. 3861, 4676, 5790), establishing quotas for 1950, is hereby further amended as follows:

1. Section 813.13 is amended by adding thereto new paragraphs (e) and (f) as follows:

§ 813.13 *Determination and proration of area deficits.* * * *

(e) *Deficit in prorations of foreign countries other than Cuba and the Republic of the Philippines.* It is hereby determined, pursuant to section 204 (b) of the act, that by September 1, 1950, unfilled prorations to foreign countries of the quota for foreign countries other than Cuba and the Republic of the Philippines together with a portion of the unfilled balance of the unallotted reserve established under section 202 (c) of the act amounted to 42,217,365 pounds of sugar and that the Dominican Republic, Haiti and Peru had filled their prorations of such quota by September 1, 1950.

(f) *Allotment of unfilled prorations of quota for foreign countries other than Cuba and the Republic of the Philippines.* An amount of sugar equal to the unfilled prorations to foreign countries determined in paragraph (e) of this section is hereby prorated, pursuant to subsections (b) and (d) of section 204 of the act as follows:

Country:	*Additional prorations in pounds, raw value*
Dominican Republic	15,050,491
Haiti	2,081,316
Peru	25,085,558

2. Section 813.14 (b) is changed to read:

§ 813.14 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines.* * * *

(b) *Other proration.* An amount of sugar equal to that part of the deficit prorated to foreign countries other than Cuba and the Republic of the Philippines under paragraph (b) of § 813.13 is hereby prorated, pursuant to subsections (a) and (d) of section 204 of the act, as follows:

Country:	*Proration in pounds, raw value*
Dominican Republic	16,042,500
Haiti	2,218,500
Peru	26,739,000
	45,000,000

Statement of bases and considerations. As of September 1, 1950, the basic quota for foreign countries other than Cuba and the Republic of the Philippines, established pursuant to section 202 (c) of the act, equaled 93,840,000 pounds of sugar, raw value. On the same date the share of the 1950 Philippine deficit accruing to foreign countries other than Cuba and the Republic of the Philippines, pursuant to section 204 (a) of the act, equaled 45,000,000 pounds of sugar, raw value.

Section 204 (b) of the act provides that if, on the first day of September in any calendar year, any part or all of the proration to any foreign country of the quota for foreign countries other than Cuba and the Republic of the Philippines established under the provisions of section 202 (c) has not been filled, the Secretary may revise the proration of such quota among such foreign countries by allotting an amount of sugar equal to the unfilled proration to those countries which have filled their quotas by such date. Section 204 (c) of the act provides that the quota for any domestic area, the Republic of the Philippines, Cuba, or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any such determination of a deficit.

The Dominican Republic, Haiti, and Peru are the only foreign countries that have filled their proration of the basic quota for foreign countries other than Cuba and the Republic of the Philippines, established pursuant to section 204 (c) of the act, as of September 1, 1950. Therefore, pursuant to section 204 (b) and section 204 (d) of the act, the unfilled portions of the prorations for all other foreign countries and 400,000 pounds of the unallotted reserve have been prorated to the three foreign countries mentioned above on the basis of the proration now in effect.

The Dominican Republic, Haiti and Peru are the only foreign countries that substantially have filled their prorations of the Philippine deficit as of September 1, 1950, and appear likely to fill additional prorations before the end of the calendar year. In accordance with section 204 (d) the entire Philippine deficit prorated to foreign countries other than Cuba and the Republic of the Philippines is hereby prorated to the Dominican Republic, Haiti and Peru on the basis of the prorations now in effect.

Although the unfilled portions of the prorations which each country received pursuant to section 202 (c) of the act have been prorated to those countries that had filled their prorations as of September 1, 1950, the existing prorations for such countries in effect on that date are not reduced by reason of a deficit having been determined.

After giving effect to the changes set forth in Sugar Regulation 813 and Amendments 1 to 4 thereto, the current sugar quotas in terms of pounds, raw value, for foreign countries other than Cuba and the Republic of the Philippines are as follows:

REALLOTMENT OF BASIC PRORATIONS AND PHILIPPINE DEFICIT TO FOREIGN COUNTRIES OTHER THAN CUBA AND THE PHILIPPINES

[Sept. 1, 1950]

Country	Basic[1] proration	Adjusted basic[2] proration	Adjusted allotment of Philippine deficit	Total adjusted proration
Belgium	555,459			
Canada	1,064,847			
China and Hong Kong	543,769	11,411		11,411
Czechoslovakia	496,940			
Dominican Republic	12,585,686	27,656,177	16,042,500	43,698,677
Dutch East Indies	398,953			
Guatemala	632,074			
Haiti	1,739,399	3,820,715	2,218,500	6,039,215
Honduras	6,478,421			
Mexico	11,384,200	3,698,824		3,698,824
Netherlands	411,185			
Nicaragua	19,290,505	12,496,861		12,496,861
Peru	20,976,089	46,061,638	26,739,000	72,800,638
Salvador	15,492,306			
United Kingdom	661,828			
Venezuela	547,332			
Other countries	81,016	14,374		14,374
Subtotal	93,340,000	93,740,000	45,000,000	138,740,000
Unallotted reserve	500,000	100,000		100,000
Total	93,840,000	93,840,000	45,000,000	138,840,000

[1] By reason of sec. 204 (c) of the act each individual country retains its basic proration of the quota even though it may not have filled such proration by Sept. 1.

[2] Based on charges against quota through Sept. 1, 1950.

(Sec. 204, 61 Stat. 925; 7 U. S. C. Sup., 1114)

Done at Washington, D. C., this 8th day of September 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F R. Doc. 50-8016; Filed, Sept. 12, 1950; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 49]

PART 60—AIR TRAFFIC RULES

BIG DELTA, ALASKA; DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

1. A Big Delta, Alaska, temporary area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
BIG DELTA (WAC 77,117).	Beginning at lat. 63°56'00" N, long. 145°40'00" W; due S to lat. 63°38'00" N; WNW to lat. 63°42'00" N, long. 146°15'00" W; due N to lat. 63°55'00" N; NE to lat. 64°01'30" N, long. 145°07'00" W; SE to lat. 64°00'00" N, long. 145°53'00" W; counterlockwise along the arc of a circle with a radius of 5 miles centered at lat. 63°59'40" N, long. 145°44'00" W, to lat. 63°56'00" N, long. 145°40'00" W, point of beginning, excluding that portion overlapped by the permanent Big Delta danger area, and those portions which lie within civil airways.	Surface to 60,000 feet.	Hours of daylight, 7 days a week.	Arctic Test Branch, Army Field Forces, Big Delta, Alaska.

2. The Big Delta, Alaska, permanent area, published on March 17, 1950, in 15 F. R. 1510, and amended on June 8, 1950, in 15 F. R. 3580, is amended by changing the "Using Agency" column to read: "Arctic Test Branch, Army Field Forces, Big Delta, Alaska".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on September 12, 1950.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-7997; Filed, Sept. 12, 1950; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52540]

PART 22—DRAWBACK

MERCHANDISE SOLD TO U. S. GOVERNMENT

Corrected Reprint

NOTE: The copy for T. D. 52540, published on page 5690 of the FEDERAL REGISTER dated August 24, 1950, was in error. The following reprint replaces that version of T. D. 52540.

In order to place in the suppliers of merchandise sold to the United States the responsibility of reserving the right to drawback with the knowledge and consent of the particular department, branch, or agency of the United States Government concerned, the second sentence of § 22.41, Customs Regulations of 1943 (19 CFR 22.41), as amended, is further amended to read as follows: "If the merchandise was so sold, drawback shall be allowed only when claimed by the department, branch, or agency of the United States Government or when the entry is supported by a certificate signed by a proper officer of the department, branch, or agency concerned stating that the right to drawback was reserved by the supplier with the knowledge and consent of the said department, branch, or agency. A Government instrumentality operating with nonappropriated funds is not to be considered a Government agency within the meaning of this section."

Notice of the proposed amendment of the regulation was published in the FEDERAL REGISTER of May 9, 1950 (15 F. R. 2756), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). All relevant matter presented has been duly considered.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 313, 46 Stat. 693, as amended; 19 U. S. C. 1315)

This amendment shall become effective October 1, 1950.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: August 17, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-7370; Filed, Aug. 23, 1950; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter I—Transport

PART 634—VEHICLES

USE OF VEHICLES

Section 634.1 is hereby amended by changing paragraph (b) to read as follows:

§ 634.1 *Use of vehicles.* * * *

(b) Motor vehicles, except contractor-operated vehicles at contractor-owned facilities and construction projects, will be operated when not in convoy only if properly dispatched on DD Form 110 (Vehicle and Equipment Operational Record) issued by the dispatching motor pool or under such instructions as the appropriate commander under existing authority may direct.

* * * * *

[AR 700-105, July 26, 1950] (36 Stat. 1051; 10 U. S. C. 749)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A., The Adjutant General.

[F. R. Doc. 50-7998; Filed, Sept. 12, 1950; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—FORT PECK GAME RANGE, MONTANA, HUNTING OF MIGRATORY WATERFOWL AND COOTS

Basis and purpose: On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of the Montana Department of Fish and Game, it has been determined that the public hunting of waterfowl can be permitted on certain lands of the Fort Peck Game Range without interfering with the primary purpose of the Refuge.

Inasmuch as the following regulations are relaxations of the existing prohibition against the hunting of migratory birds on the Refuge, the notice and public rule making procedure required by the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.) are hereby found to be impracticable and the effective date requirement of the Administrative Procedure Act does not apply.

Effective immediately upon publication in the FEDERAL REGISTER §§ 31.126 and 31.127 are added:

§ 31.126 *Waterfowl hunting permitted.* Migratory waterfowl and coots may be taken within the area of the Fort Peck Game Range, Montana, described in § 31.127, in accordance with the Migratory Bird Treaty Act Regulations (§§ 6.1 to 6.12, inclusive, of this chapter), when, in the manner, and to the extent not prohibited by State law or regulation; provided that the privileges herein granted shall be exercised in accordance with the provisions, conditions, restrictions, and requirements of §§ 31.123 to 31.125, inclusive: *Provided*, That the Refuge Manager may suspend hunting on the recommendation of the Corps of Engineers as a security or safety measure.

§ 31.127 *Area open to hunting.* The lands of the United States in section 3 and in the West half west of the road to the dam in section 10, T. 26 N., R. 41 E., Montana Principal Meridian, shall be open to the hunting of migratory waterfowl and coots.

(Sec. 10, 45 Stat. 1224, 16 U. S. C. 715i)

Dated: September 7, 1950.

O. H. JOHNSON,
Acting Director

[F. R. Doc. 50-8001; Filed, Sept. 12, 1950; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 918]

HANDLING OF MILK IN MEMPHIS, TENN., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Memphis, Tennessee, on March 20–24, and March 27–29, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 1112, F. R. Doc. 50–1659).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 3, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 8, 1950 (15 F. R. 5082). The closing date for filing exceptions was August 23, 1950.

The material issues and the findings and conclusions of the recommended decision (15 F. R. 5082, F. R. Doc. 50–6938) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein subject to the following revisions:

1. Delete the second paragraph beginning in column 2, 15 F. R. 5086 (F. R. Doc. 50–6938) and substitute therefore the following:

The price to handlers for Class I milk received at plants located 40 miles or more from the City Hall in Memphis, should be adjusted to reflect the value of such milk at the various plants. The economic value of milk for fluid uses decreases as the distance at which it is produced increases in relation to the terminal market which in this instance is Memphis. This is due largerly to the cost of transporting milk in fluid form to the market. It is therefore concluded that the Class I price to handlers for milk received from producers at so-called bottling plants located 40 miles or more from Memphis should be reduced as follows: 40 miles but less than 50 miles, 17 cents; 50 miles but less than 60 miles, 18 cents; 60 miles but less than 70 miles, 19 cents; and for each 10 mile zone thereafter an additional 1 cent. Similarly, The Class I price to handlers operating plants, so located, where milk is received, cooled, and shipped to a bottling plant should be reduced a corresponding amount with respect to producer milk which is moved from such a receiving plant to a bottling plant and which is classified as Class I milk. These location differentials would result in a reduction of 25 cents per hundredweight in the Class I price for milk which is received at the Martin, Tennessee, plant and which is moved to a bottling plant. This amount corresponds to the per hundredweight rate applied at the present time by the handler operating such plant. The Class I price for producer milk received at bottling plants in the Jackson, Tennessee, area would be reduced 21 cents per hundredweight by the application of such differentials. It is not appropriate to apply these location differentials to Class II milk since such milk can be disposed of to manufacturing plants located throughout the milkshed. For clarification purposes, it should be noted that the classification of milk disposed of from a so-called receiving station operated by a handler to a fluid milk plant operated by another handler is determined by the application of the transfer provisions which permit, under specified conditions, such handlers to agree on the classification of such milk. In the event a handler operates two or more fluid milk plants (including a so-called receiving station and bottling plant), the utilization of milk received from producers at all of his fluid milk plants is shown on a combined report and the producer milk classified in each class is prorated among the receipts of milk from producers at each plant.

2. Delete the portion of the last paragraph beginning in column 3, 15 F. R. 5086 (F. R. Doc. 50–6938) following the 6th sentence and substitute therefor the following: "• • • In order to accomplish this result, it is concluded that member producers should receive at least the same percentage of a handler's Class I sales during the months of March through August (the months for which producers are paid on the basis of a base price and an excess price) as was purchased by such handler from members of the cooperative association during the months of September through February (the months during which producers establish a base). In the event a handler purchases, during any of the months of March through August, a smaller percentage of his Class I sales from producers who are members of a cooperative association than was purchased from member producers during the preceding period of September through February, a provision is made whereby the returns to producers (members and nonmembers) of such handler will be shared proportionately in the same manner as though such handler had continued to receive milk from the same group of producers. If an equivalent amount of milk were not purchased from the cooperative association by another handler or a nonhandler for Class II use there would be no inequity among producers and the provision should not apply since such member producers would not be penalized by being paid for a disproportionate share of the Class II sales of the market."

3. Delete the last paragraph beginning in column 1, 15 F. R. 5087 (F. R. Doc. 50–6938) and substitute therefor the following:

The proposal for a base rating plan made by producers has wide support among both producers and handlers in the market. Under this plan new bases would be established each year on the basis of total deliveries made by each producer during the months of September through February. Producers in the market are currently required to make a base during a six-month period. Both producers and handlers argued that insofar as possible such plan should not be changed. In view of the established plans in the market and the long range plans made by many of the producers for fall freshening cows, it is concluded that the base forming period for each year should be the months of September through February, and the months for which producers would be paid in accordance with his base so established should be the months of March through August.

Under the plan provided for herein the market administrator would compute each year the base of each producer from whom each handler received milk during the base forming period of September through February and notify each producer of his established base on or before the 20th day following the close of such base forming period. The bases so established would be used in making payments to producers during the following months of March through August. Deliveries of base milk during these months would receive the highest available classification and deliveries in excess of base milk would receive the lowest classification.

In order to prevent the disruption of long range production plans made by producers and to aid in the progress which has been made in a level supply of milk for the market, it is necessary that each handler report his receipts of milk from each producer, and such other information as may be necessary for the market administrator to compute the base of each producer, beginning with September 1, 1950.

4. Delete that portion of the first paragraph beginning in column 2, 15 F. R. 5087 (F. R. Doc. 50–6938) following the 6th sentence and substitute the following: "If a producer begins shipping milk to the market during the months of March through August without an established base, he would receive the excess price until September 1. Such a producer may obtain a base by transfer of established base from another producer. During the period of September through February, he would receive the uniform price the same as all other producers, and he would establish a base for the following months of March through August. These rules should assure the workability of the plan without placing undue hardship upon any producer."

Rulings on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the proposed order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the proposed order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of July 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order regulating the handling of milk in the Memphis, Tennessee, marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Memphis, Tennessee, marketing area," and "order regulating the handling of milk in the Memphis, Tennessee, marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 8th day of September 1950.

[SEAL] CHARLES F. BRANNAN.
Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area

Sec.
918.0 Findings and determinations.

DEFINITIONS

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918.2 Secretary.
918.3 Department of Agriculture.
918.4 Person.
918.5 Cooperative association.
918.6 Memphis, Tennessee, marketing area.
918.7 Fluid milk plant.
918.8 Nonfluid milk plant.
918.9 Handler.
918.10 Producer.
918.11 Producer milk.
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918.13 Producer-handler.

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918.21 Powers.
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REPORTS, RECORDS, AND FACILITIES

918.30 Reports of receipts and utilization.
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918.41 Classes of utilization.
918.42 Shrinkage.
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DETERMINATION OF UNIFORM PRICE

918.70 Net obligation of each handler.
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BASE RATING

918.80 Determination of daily base of each producer.
918.81 Determination of monthly base of each producer.
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918.90 Payments to market administrator.
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918.92 Butterfat differential to producers.
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918.94 Statement to producers.
918.95 Adjustment of accounts.
918.96 Marketing services.
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EFFECTIVE TIME, SUSPENSION, OR TERMINATION

Sec.
918.100 Effective time.
918.101 Suspension or termination.
918.102 Continuing obligations.
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MISCELLANEOUS PROVISIONS

918.110 Agents.
918.111 Separability of provisions.

AUTHORITY: §§ 918.1 to 918.111 issued under 48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 5 U. S. C. 133 y–16.

§ 918.0 *Findings and determinations—*(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held March 20–24, and March 27–29, 1950, at Memphis, Tennessee, upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Memphis, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products, handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all (a) producer milk (including such handler's own production) received during the month, and (b) other source milk classified as Class I milk during the month.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in com-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

pliance with the following terms and conditions:

DEFINITIONS

§ 918.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 918.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 918.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified herein.

§ 918.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 918.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 918.6 *Memphis, Tennessee, marketing area.* "Memphis, Tennessee, marketing area," hereinafter called the "marketing area," means all the territory within the boundaries of the cities of Memphis and Jackson, Tennessee.

§ 918.7 *Fluid milk plant.* "Fluid milk plant" means any milk plant, except that of a producer-handler, approved by the appropriate health authority in the marketing area, and used during the month for (a) the processing and packaging of producer milk, all or a portion of which is disposed of as Class I milk in the marketing area to wholesale or retail outlets, including plant stores; or (b) the receipt and cooling of producer milk for shipment to a plant described in paragraph (a) of this section.

§ 918.8 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant.

§ 918.9 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of a fluid milk plant(s), (b) a producer-handler, or (c) any cooperative association with respect to milk of producers diverted by it from a fluid milk plant to a nonfluid milk plant for the account of such cooperative association.

§ 918.10 *Producer.* "Producer" means any person, except a producer-handler, who produces milk under a dairy farm inspection permit issued by the appropriate health authority in the marketing area and whose milk is permitted to be used for consumption as milk in the marketing area, which milk is: (a) Received at a fluid milk plant, or (b) diverted from a fluid milk plant to a nonfluid milk plant: *Provided*, That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted.

§ 918.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is purchased or received by a handler either directly from producers or from other handlers.

§ 918.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 918.13 *Producer-handler.* "Producer-handler" means any person who produces milk under a dairy farm permit issued by the appropriate health authority in the marketing area and who processes milk from his own production, and distributes all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from producers.

MARKET ADMINISTRATOR

§ 918.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 918.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 918.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 918.97 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 918.96, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 3 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 918.30 and 918.31 or payments pursuant to § 918.90;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing on or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 918.51 (a) and the Class I butterfat differential computed pursuant to § 918.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 918.51 (b) and the Class II butterfat differential computed pursuant to § 918.52 (b), both for the previous month;

(j) Notify each handler in writing on or before the 11th day of each month the amount of the net obligation of such handler for milk received from producers during the previous month. Such notification shall show the amount and the value of milk in each class; the amount and the value of overage; and the amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and notify each handler in writing:

(1) On or before the 13th day after the end of each of the months of September through February, the uniform price and the location differential for each handler computed pursuant to §§ 918.71 and 918.93, respectively, and the butterfat differential computed pursuant to § 918.92; and

(2) On or before the 13th day after the end of each of the months of March through August, the uniform prices for base milk and for excess milk and the location differential for each handler computed pursuant to §§ 918.72 and 918.93, respectively, and the butterfat differential computed pursuant to § 918.92; and

(l) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 918.30 *Reports of receipts and utilization.* On or before the 8th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 918.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator in detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 8th day after the end of the month, the correct name and address of each producer, the total pounds of milk received from each producer, the number of days on which milk was received from each producer, the amount of any deductions authorized in writing by the producer to be made in making payments to such producer, and the average butterfat content of the milk received from each producer.

(2) Upon request of the market administrator, the information described in subparagraph (1) of this paragraph together with such other information as the market administrator may prescribe for prior calendar months included in the period beginning with September 1950 to the effective date of this order.

(3) On or before the first day other source milk is received, such handler's intention to receive such milk and on or before the last day such milk is received, his intention to discontinue receipt of such milk.

§ 918.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled; and

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month.

§ 918.33 *Retention of records.* All books and records required under this ofder to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 918.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 918.30 shall be classified by the market administrator pursuant to the provisions of §§ 918.41 through 918.46.

§ 918.41 *Classes of utilization.* Subject to the conditions set forth in §§ 918.43 and 918.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, and any other product required by the appropriate health authority in the marketing area to be made from Grade A milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) of this section, (2) disposed of for livestock feed, (3) in shrinkage up to 2 percent of receipts from producers, and (4) in shrinkage of other source milk.

§ 918.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for such handler; and

(b) Prorate the resulting amounts between such handler's receipts of skim milk and butterfat in producer milk and in other source milk.

§ 918.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if vertification by the market administrator discloses that the original classification was incorrect.

§ 918.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion from a fluid milk plant shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a fluid milk plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 918.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *Provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk: *And provided further*, That the amount of skim milk or butterfat transferred or diverted from a fluid milk plant to which a location differential applies pursuant to § 918.53 to a fluid milk plant described in § 918.7 (a) shall not be classified in Class I to the extent that the resulting uniform price for the transferring handler shall be higher than the resulting uniform price for the transferee-handler.

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonfluid milk plant, except that of a producer-handler, unless the following conditions are met:

(1) The handler claims classification in Class II;

(2) The market administrator is permitted to audit the books and records showing the utilization of all skim milk and butterfat received at such nonfluid milk plant, for the purpose of verification; and

(3) An amount of skim milk and butterfat not less than that so transferred or diverted was used in Class II: *Provided*, That the skim milk and butterfat so assigned to Class II shall be limited to the amount thereof in Class II in such nonfluid milk plant and any additional amounts of skim milk and butterfat so transferred or diverted shall be assigned to Class I.

§ 918.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 918.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 918.45 the market administrator shall determine

the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 918.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 918.44 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 918.50 *Basic formula price to be used in determining the Class I price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 918.51 (b), all for the preceding month.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the butterfat differential computed pursuant to § 918.52 (b) for the month by 5.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department of Agriculture during the month, add 20 percent thereof, and multiply by 4.0.

(2) For the simple average as computed my the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5 cents, and multiply by 7.5.

§ 918.51 *Class prices.* Subject to the provisions of §§ 918.52 and 918.53, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the amount set forth below for such month opposite the price range within which the basic formula price falls:

Basic formula price range (dollars per hundredweight)	Amount per hundredweight: September through February	Amount per hundredweight: March through August
Not more than 1.999	$3.48	$3.68
2.00 but not more than 2.399	3.88	3.48
2.40 but not more than 2.799	4.28	3.88
2.80 but not more than 3.199	4.68	4.28
3.20 but not more than 3.599	5.08	4.68
3.60 but not more than 3.999	5.48	5.08
4.00 but not more than 4.399	5.88	5.48
And for each additional 40 cents or fraction thereof.	An additional 40 cents	

Provided, That the Class I price from the effective date of this provision through the month of February 1951 shall not be less than $5.08 per hundredweight: *And provided further*, That for any month after this provision has been in effect for 13 months the Class I price shall be increased 40 cents per hundredweight if the receipts of milk from producers by all handlers, during the 12 months prior to the month immediately preceding the month for which the Class I price is being computed, was less than 110 percent of the total Class I milk disposed of by all handlers during such 12-month period; or the Class I price for any such month shall be reduced 40 cents per hundredweight if the receipts of milk from producers during such 12-month period are more than 125 percent of the total Class I milk disposed of by all handlers during such 12-month period.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture.

Present Operator and Location

Collierville Dairy Products Co., Collierville, Tenn.
Coldwater Dairy Products Co., Coldwater, Miss.
Olive Branch Cheese Co., Olive Branch, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Kosciusko, Miss.

§ 918.52 *Butterfat differential to handlers.* If the average butterfat content of producer milk allocated to any class pursuant to § 918.46 is more or less than 4.0 percent there shall be added to the respective class price computed pursuant to § 918.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department of Agriculture during the period listed below by the applicable factor so listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price reported for the preceding month by 1.25;

(b) *Class II milk.* Multiply such price reported for the current month by 1.20.

§ 918.53 *Location differentials to handlers.* For that portion of milk which is received from producers at a handler's fluid milk plant located 40 miles or more from the City Hall in Memphis, Tennessee, by shortest hard surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the prices specified in § 918.51 (a) shall be reduced by the amount per hundredweight set forth in the schedule below for the appropriate distance at which is located the fluid milk plant where such milk was received: *Provided*, That with respect to milk received at a fluid milk plant described in § 918.7 (b) the quantity of milk to which the location differential shall apply shall not exceed the quantity of milk actually moved from such plant in fluid form to a fluid milk plant described in § 918.7 (a) plus the quantity of milk moved from such plant in fluid form to a nonfluid milk plant and classified as Class I milk:

Distance from the City Hall in Memphis (miles):	Amount per hundredweight (cents)
40 but less than 50	17
50 but less than 60	18
60 but less than 70	19

Within each 10-mile zone thereafter an additional 1 cent.

APPLICATION OF PROVISIONS

§ 918.60 *Producer-handlers.* Sections 918.40 through 918.46, 918.50 through 918.53, 918.70 through 918.72, 918.80 through 918.83, and 918.90 through 918.97 shall not apply to a producer-handler.

DETERMINATION OF UNIFORM PRICE

§ 918.70 *Net obligation of each handler.* The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price, (b) add together the resulting amounts, (c) add the amounts computed by multiplying the pounds of coverage deducted from each class by the applicable class price, and (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 918.71 *Computation of the uniform price for each handler.* For each of the months of September through February the market administrator shall compute for each handler the uniform price as follows:

(a) Add to the amount computed pursuant to § 918.70 the amount of location differential pursuant to § 918.93;

(b) Subtract, if the average butterfat content of milk received from producers by such handler is more than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential to producers, and multiply the result by the total hundredweight of such milk;

(c) Add the amount represented by any deductions made pursuant to paragraph (d) of this section for fractions of a cent in computing the uniform price for the preceding month;

(d) Divide the resulting amount by the total hundredweight of milk received from producers by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. the marketing area.

§ 918.72 *Computation of the uniform price for base milk and for excess milk for each handler.* For each of the months of March through August, the market administrator shall compute for each handler the uniform price for base milk and for excess milk as follows:

(a) Add to the amount computed pursuant to § 918.70 the amount of location differential pursuant to § 918.93;

(b) Subtract, if the average butterfat content of milk received from producers by such handler is more than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential to producers, and multiply the result by the total hundredweight of such milk;

(c) Subtract, for each of the months of March through August, during which a handler purchased a smaller percentage of his Class I milk from producers who were members of a cooperative association than he so purchased during the preceding period of September through February, an amount computed as follows:

(1) Compute the difference between the percentage which Class I milk purchased from producers who were members of such cooperative association was of the total Class I milk disposed of by such handler during the preceding period of September through February, and the percentage which Class I milk purchased from member producers of such cooperative association was of the total Class I milk disposed of by such handler during the month;

(2) Multiply this percentage difference by the total Class I milk disposed of by such handler during the month; and

(3) Multiply this quantity of milk by the difference between the price of Class I milk and Class II milk for the month: *Provided*, That the total quantity of all handlers to which such difference in price shall apply shall not be greater than the pounds of milk which were received by all handlers from member producers of such cooperative association during the month, and which were classified as Class II milk: *And provided further*, That during any month when the preceding proviso applies to more than one handler the quantities of milk for each handler to be multiplied by such difference in price shall be reduced pro rata until the total of such quantities is equal to the total pounds of milk which were received by all handlers from member producers of such cooperative during the month, and which were classified as Class II milk.

(d) Add, in computing the uniform price of base milk and excess milk diverted by a cooperative association, the sum of the deductions made for the month pursuant to paragraph (c) of this section in computing such uniform prices for all handlers;

(e) Add the amount represented by any deductions made pursuant to paragraphs (h) and (i) of this section for fractions of a cent in computing such uniform prices for the preceding month;

(f) Subject to the conditions set forth in paragraph (g) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(g) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (f) of this section from the value obtained pursuant to paragraphs (a) through (e) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price such value in excess thereof shall be added to the value computed pursuant to paragraph (f) of this section;

(h) Divide the value obtained pursuant to paragraph (g) of this section by the hundredweight of base milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. the marketing area; and

(i) Divide the value obtained pursuant to paragraph (f) of this section, subject to the conditions set forth in paragraph (g) of this section, by the hundredweight of excess milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

BASE RATING

§ 918.80 *Determination of daily base of each producer.* For the months of March through August of each year, the daily base of each producer shall be an amount of milk computed by the market administrator by dividing the total pounds of milk received from such producer by handlers during the preceding months of September through February by the total number of days in such period.

§ 918.81 *Determination of monthly base of each producer.* For each of the months of March through August of each year, the monthly base of each producer shall be an amount of milk computed by the market administrator by multiplying the daily base of such producer by the number of days on which milk was received during such month from such producer by a handler.

§ 918.82 *Base rules.* (a) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle.

(b) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of the landlord and tenant may be combined and may be divided when such relationship is terminated.

(c) The base of a producer may be moved from one handler to another and may be transferred from such producer to another producer.

§ 918.83 *Announcement of daily bases.* On or before March 20, of each year, the market administrator shall notify each producer of his daily base.

PAYMENTS

§ 918.90 *Payments to market administrator.* On or before the 12th day of each month each handler shall pay to the market administrator an amount equal to such handler's net obligation for the previous month as determined pursuant to § 918.70 less deductions authorized in writing by producers from whom he received milk. The market administrator shall maintain a separate fund in which he shall deposit all payments of handlers received pursuant to this paragraph

and out of which he shall make all payments pursuant to § 918.91.

§ 918.91 *Payments to producers.* The market administrator shall pay each producer in the following manner for milk received by a handler from such producer: *Provided*, That if such handler has not made full payment pursuant to § 918.90 for the month the market administrator shall reduce uniformly such payments to such handler's producers and shall complete such payments as soon as the necessary funds are available.

(a) On or before the 15th day after the end of the months of September through February, the market administrator shall pay each producer for milk received by a handler from such producer during the month an amount computed by multiplying the hundredweight of such milk by not less than the uniform price computed for such handler pursuant to § 918.71, subject to the adjustments specified in §§ 918.92, 918.93, and 918.96, and less deductions authorized in writing by such producer.

(b) On or before the 15th day after the end of each of the months of March through August, the market administrator shall pay each producer for milk received by a handler from such producer during the month an amount computed as follows, subject to the adjustments specified in §§ 918.92, 918.93, and 918.96, and less deductions authorized in writing by such producer:

(1) Multiply the hundredweight of base milk received from such producer by such handler by not less than the uniform price for base milk computed for such handler pursuant to § 918.72;

(2) Multiply the hundredweight of excess milk received from such producer by such handler by not less than the uniform price for excess milk computed for such handler pursuant to § 918.72; and

(3) Add together the resulting sums.

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section the market administrator shall pay, on or before the 2d day prior to the date payments are due to individual producers, to a cooperative association which is authorized to collect payment for milk of its members and from which a request for such payment has been received a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to this section.

§ 918.92 *Butterfat differential to producers.* In making payment to producers pursuant to § 918.91, there shall be added to or subtracted from, as the case may be, the applicable uniform prices computed pursuant to §§ 918.71 and 918.72 for the handler who received milk from such producer for each one-tenth of one percent of butterfat content above or below 4.0 percent in such milk the amount shown in the schedule below for the butter price range in which falls the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month:

Butter price range (cents):	Butterfat differential (cents)
Not more than 17.500	2
17.50–22.499	2½
22.50–27.499	3
27.50–32.499	3½
32.50–37.499	4
37.50–42.499	4½
42.50–47.499	5
47.50–52.499	5½
52.50–57.499	6
57.50–62.499	6½
62.50–67.499	7
67.50–72.499	7½
72.50–77.499	8
77.50–82.499	8½
82.50–87.499	9
87.50–92.499	9½
92.50 and over	10

§ 918.93 *Location differentials to producers.* In making payment to producers pursuant to § 918.91, there shall be deducted from the applicable uniform prices, computed pursuant to §§ 918.71 and 918.72 (h), to be paid by a handler for producer milk received at a fluid milk plant located 40 miles or more from the City Hall in Memphis, Tennessee, by the shortest hard surfaced highway distance, as determined by the market administrator, the amount set forth below for the appropriate distance at which is located the fluid milk plant where such milk was received:

Distance from the City Hall in Memphis (miles):	Amount per hundredweight (cents)
40 but less than 50	17
50 but less than 60	18
60 but less than 70	19

Within each 10-mile zone thereafter an additional 1 cent.

§ 918.94 *Statement to producers.* In making the payments pursuant to § 918.91, the market administrator shall furnish each producer or cooperative association with a statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The delivery period and the identity of the handler and the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer;

(c) The minimum rates at which payment to the producer or cooperative association is required under the provisions of §§ 918.91 and 918.92;

(d) The amount or rates per hundredweight of each deduction, together with a description of the respective deductions; and

(e) The net amount of payment to the producer or cooperative association.

§ 918.95 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due the market administrator from such handler, or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 918.96 *Marketing services.*—(a) *Deductions.* In making payments to producers pusuant to § 918.91, the market administrator shall deduct 7 cents per hundredweight or such amount not exceeding 7 cents per hundredweight as may be prescribed by the Secretary, with respect to milk (other than milk of a handler's own production) of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association.

(b) *Marketing services to be rendered.* The moneys received by the market administrator pursuant to paragraph (a) of this section shall be used by the market administrator to sample, test, and check the weights of milk received from producers for whom a cooperative association is not performing such services and to provide such producers with market information.

§ 918.97 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe with respect to all receipts within the month of (a) milk from producers including such handler's own production, and (b) other source milk which is classified as Class I milk.

§ 918.98 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 918.100 *Effective time.* The provisions hereof or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 918.101.

§ 918.101 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 918.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 918.103 *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 918.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 918.111 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 50–8014; Filed, Sept. 12, 1950; 8:50 a. m.]

[7 CFR, Part 918]

[Docket No. AO–219]

HANDLING OF MILK IN MEMPHIS, TENN., MARKETING AREA

ORDER OF SECRETARY DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF JULY 1950 AS REPRESENTATIVE PERIOD; AND DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Memphis, Tennessee, marketing area) who, during the month of July 1950, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of July 1950 is hereby determined to be a representative period for the conduct of such referendum.

Byford W. Bain is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 8th day of September 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 50–8015; Filed, Sept. 12, 1950; 8:50 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 2832 et al.]

MICHIGAN-WISCONSIN SERVICE CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of applications under section 401 of the Civil Aeronautics Act of 1938, as amended, for certificates of public convenience and necessity authorizing scheduled air transportation of persons, property, and mail, and under section 408 for approval of certain control relationships.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 408, and 1001 of said act, that the oral argument in the above-entitled proceeding now assigned for September 18, 1950, is reassigned for September 25, 1950, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 7, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50–8000; Filed, Sept. 12, 1950; 8:46 a. m.]

[Dockets Nos. 4443, 4480]

EASTERN AIR LINES, INC. ET AL.; TOUR BASING FARES

NOTICE OF HEARING

In the matter of the investigation to determine the lawfulness of certain tour basing fares proposed by Eastern Air Lanes, Inc., National Airlines, Inc., Pan American World Airways, Inc., Braniff Airways, Inc. and other carriers.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 403, 404, and 1002 thereof, that hearing in the above-entitled proceeding is assigned to be held on September 25, 1950 at 10:00 a. m. e. d. s. t. in Room 5130, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Without limiting the scope of the issues presented by the order of investigation, particular attention will be directed to the following matters and questions:

1. Are the proposed fares, and rules and routings applicable thereto, between

Miami and New York on the one hand, and San Juan, Puerto Rico on the other, unjust or unreasonable?

2. Are the proposed fares, and rules and routings applicable thereto, unjustly discriminatory, unduly preferential or unduly prejudicial?

3. To what extent, if any, may reduced tour-basing fares be offered in air transportation which require as a condition to the use thereof that they "shall be used only as the air transportation portion of inclusive all-expense tours • • •"?

For more detailed information with respect to the issues involved attention is directed to the Prehearing Conference Report issued in this proceeding.

Notice also is given that any persons, other than parties of record as of September 8, 1950, desiring to be heard in this proceeding must file with the Board on or before September 25, 1950, a statement setting forth the issues of fact or law raised by this proceeding on which he desires to be heard.

For further details with respect to this investigation, interested parties are referred to the pertinent orders of the Civil Aeronautics Board on file in the docket.

Dated at Washington, D. C., September 8, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-7999; Filed, Sept. 12, 1950; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1907822, 1963073]

ALASKA

RESTORATION ORDER NO. 1297 UNDER FEDERAL POWER ACT

SEPTEMBER 7, 1950.

Pursuant to the following-listed determinations of the Federal Power Commission and in accordance with Departmental Order No. 2238 (a) (16) of August 16, 1946 (11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands in Alaska hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public-land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

Determination No.	Dates and types of withdrawal	Type of restoration	Land description
DA-53	Power Site Reserve No. 674 of Jan. 23, 1918; Power Site Classification No. 107 of June 12, 1925.	Under the applicable public-land laws.	Seward Meridian, T. 12 N., R. 3 W., sec. 33, NE¼, NE¼NW¼, S½ NW¼, and S½, containing 600 acres.

Portions of the above-described lands are included within a withdrawal for use by the Alaska Road Commission as an administrative site made by Public Land Order No. 644 of May 9, 1950.

Determination No.	Dates and types of withdrawal	Type of restoration	Land description
DA-53	Power Site Reserve No. 674 of Jan. 23, 1918, as modified May 29, 1918, and October 25, 1918; Power Site Classification No. 107 of June 12, 1925.	Under the applicable public-land laws.	Seward Meridian: T. 12 N., R. 3 W., sec. 2, SE¼NE¼, W½NE¼, NE¼SW¼, and NW¼; sec. 3, N½N½; sec. 11, NE¼NE¼, unsurveyed. T. 13 N., R. 3 W., sec. 34; sec. 35, NE¼, SE¼NW¼, W½NW¼, and S½, containing 1,760 acres.

The above-described lands are included in a withdrawal for military purposes made by Public Land Order No. 5 of June 26, 1942.

The above-described lands shall not become subject to the initiation of any rights or to any disposition under the public-land laws until it is so provided by an order of classification to be issued by the Regional Administrator, Bureau of Land Management, Anchorage, Alaska, opening the unreserved lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a 90-day preference right period for filing such applications by Veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

WILLIAM ZIMMERMAN, JR., *Assistant Director.*

[F. R. Doc. 50-7977; Filed, Sept. 12, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25394]

BRICK FROM THE SOUTH TO WASHINGTON, D. C., AREA

APPLICATION FOR RELIEF

SEPTEMBER 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1044.

Commodities involved: Brick and related articles, carloads.

From: Producing points in the south.

To: Washington, D. C., South Washington, Waterloo and Rosslyn, Va.

Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1044, Supplement 105.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7987; Filed, Sept. 12, 1950; 8:46 a. m.]

[4th Sec. Application 25395]

MOTOR-RAIL-MOTOR RATES; CHICAGO GREAT WESTERN RAILWAY

APPLICATION FOR RELIEF

SEPTEMBER 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Associated Motor Carriers Tariff Bureau, for and on behalf of the Chicago Great Western Railway Company and other carriers named in the application.

Commodities involved: Class and commodity rates.

Between: Chicago, Ill., and St. Paul, Minn.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: A. R. Fowler's tariff I. C. C. No. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7988; Filed, Sept. 12, 1950; 8:46 a.m.]

[4th Sec. Application 25396]

IRON ORE FROM BALTIMORE, MD., AND PHILADELPHIA, PA.

APPLICATION FOR RELIEF

SEPTEMBER 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for and on behalf of The Baltimore and Ohio Railroad Company and other carriers named in the application.

Commodities involved: Iron ore, carloads.

From: Baltimore, Md., to Donora (Baird) and Monessen, Pa.

From: Philadelphia, Pa., to Monessen, Pa.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-823, Supplement 215.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the exploration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7989; Filed, Sept. 12, 1950; 8:46 a. m.]

[4th Sec. Application 25397]

CEMENT FROM PENNSYLVANIA TO RANDOLPH, MO.

APPLICATION FOR RELIEF

SEPTEMBER 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for and on behalf of carriers parties to fourth-section application No. 22013.

Commodities involved: Cement and related articles, carloads.

From: Navarro, Northampton and York, Pa.

To: Randolph, Mo.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7991; Filed, Sept. 12, 1950; 8:46 a. m.]

[4th Sec. Application 25398]

CANE PITH BLACKSTRAP MIXTURE FROM RESERVE, LA.

APPLICATION FOR RELIEF

SEPTEMBER 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3830.

Commodities involved: Cane pith blackstrap mixture, carloads.

From: Reserve, La.

To: Interstate points.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3830, Supplement 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7990; Filed, Sept. 12, 1950; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1246]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of September A. D. 1950.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the 7 percent Cumulative Preferred Series A Stock, $100 par value, of Missouri-Kansas-Texas Railroad Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 18, 1950, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7979; Filed, Sept. 12, 1950; 8:45 a. m.]

[File Nos. 52-28, 54-183]

PITTSBURGH RAILWAYS CO. AND PHILADELPHIA CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATIONS-DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of September 1950.

In the matter of Elmer E. Bauer, trustee of Pittsburgh Railways Company, debtor and Philadelphia Company, File No. 52-28; Philadelphia Company, File No. 54-183.

The Commission, by order dated March 27, 1950, having approved a plan and amendments thereto ("Combined

Plan") filed jointly by Elmer E. Bauer, Trustee of Pittsburgh Railways Company, Debtor ("Railways"), a non-utility company, and Philadelphia Company, a registered holding company and the parent of Railways, for the reorganization of the Pittsburgh Railways System under Chapter X of the Bankruptcy Act and section 11 (f) of the Public Utility Holding Company Act of 1935 ("Holding Company Act") and for the discharge under section 11 (e) of the Holding Company Act of Philadelphia Company's guarantees affecting certain Pittsburgh Railways System securities; and

Said order, dated March 27, 1950, having also granted and permitted to become effective the applications and declarations with respect to the transactions involved in consummation of said Combined Plan, subject, among others, to the conditions specified in Rule U-24 of the rules and regulations promulgated under the Holding Company Act; and

Applicant-declarant, Elmer E. Bauer, Trustee, having filed, pursuant to said Rule U-24, a post-effective amendment to said applications-declarations in connection with said Combined Plan, as amended, wherein it is proposed that there be issued by said Trustee Interim Stock Certificates and Interim Bond Certificates to evidence the right of the holders of such proposed Certificates to receive upon final consummation of said Combined Plan definitive securities as more fully set forth in said Combined Plan; and

The Commission having examined the proposed Interim Certificates and finding with respect to said applications-declarations, as further amended, that the requirements of the applicable provisions of the Holding Company Act and the rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said applications-declarations, as further amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-24 and the applicable provisions of the Holding Company Act, that the said applications - declarations, as further amended, be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7982; Filed, Sept. 12, 1950; 8:45 a. m.]

[File Nos. 54-66, 59-61, 59-35]

FEDERAL WATER & GAS CORP. ET AL.

NOTICE OF FILING OF AMENDED PLAN AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of September A. D. 1950.

In the matter of Federal Water and Gas Corporation and subsidiary companies, File No. 54-66; Federal Water and Gas Corporation and subsidiary companies, Respondents, File No. 59-61; and New York Water Service Corporations, Federal Water and Gas Corporation, File No. 59-35.

I. On October 11, 1948, Federal Water and Gas Corporation ("Federal"), a registered holding company, filed a plan ("Plan") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, proposing the distribution to its stockholders of .5 of a share of the common stock of Federal's only remaining subsidiary, Scranton-Spring Brook Water Service Company ("Scranton"), for each share of Federal stock held. The Plan was stated to be in further compliance with the Commission's opinions and orders dated February 10, 1943, July 2, 1948, and July 27, 1948. In connection with said Plan, Federal requested the Commission to find that certain claims asserted in a petition filed by New York Water Service Corporation ("New York"), a former subsidiary of Federal, in behalf of itself and its subsidiaries, including South Bay Consolidated Water Company, Inc. ("South Bay"), were not enforceable against Federal.

Answers, opposing the claims contained in New York's petition, were filed by Percival E. Jackson, John Vanneck, Vanneck & Company, and M. & C. Holding Corporation, stockholders of Federal, and by a common stockholders committee, all hereinafter collectively referred to as "Jackson et al."

By notice and order dated October 22, 1948, the Commission ordered that a hearing be held for the purpose of considering certain aspects of New York's claims and the defenses raised thereto (Holding Company Act Release No. 8592), and hearings were held. Subsequent to the filing of New York's petition referred to above, New York's subsidiary, South Bay, was placed in reorganization under Chapter X of the Bankruptcy Act, and its Trustee ("Trustee") asserted claims against Federal which had theretofore been asserted by New York, and also asserted additional claims.

II. Notice is hereby given that Federal has filed amendments to the Plan (said Plan and the amendments thereto being hereinafter referred to as the "Amended Plan"), for the settlement of the claims asserted by New York and by the Trustee, and for the distribution among Federal's stockholders of a portion of its holdings of the common stock of Scranton. All interested persons are referred to said amended Plan, which is on file in the office of this Commission, for a full statement of its provisions, which may be summarized as follows:

1. Federal has entered into an agreement with New York and its subsidiary, Western New York Water Company ("Western New York"), compromising and settling the claims asserted by New York (exclusive of the claims which had been asserted by New York in behalf of South Bay) whereby Federal will pay to New York and to Western New York the sums of $238,225 and $4,700, respectively. The claims asserted by New York (exclusive of the claims asserted by it in behalf of South Bay) amounted to approximately $7,800,000.

2. Federal has entered into an agreement with the Trustee comprising and settling the claims theretofore asserted by New York in behalf of South Bay, and the additional claims asserted by the Trustee, whereby Federal will pay to the Trustee the sum of $250,000. The obligation of Federal to make the said payment to the Trustee is subject to the condition, among others, that it be approved by the Bankruptcy Court on or before December 1, 1950. The claims in behalf of South Bay asserted by New York and the Trustee, together with a claim for interest asserted thereon, are stated to aggregate not less than $3,000,000.

3. For purposes of effecting the distribution of the common stock of Scranton, as described below, Federal will deliver to The New York Trust Company, as agent in making said distribution, 488,258 shares of common stock of Scranton. Federal now owns a total of 794,054 shares of Scranton. The undistributed balance of such shares will be reserved by Federal to meet certain claims asserted by Chenery Corporation and associates as they may eventually be adjudicated, and to discharge all other liabilities of Federal.

4. There will be distributed to Federal's stockholders of record on a date to be fixed by the Board of Directors 0.5 of a share of the common stock of Scranton for each share of Federal held. Holders of certificates of stock of Federal Water Service Corporation and of Utility Operators Company (companies in the merger through which the present Federal Water and Gas Corporation was created) who were entitled, pursuant to the merger agreement dated October 31, 1941, to exchange their stock certificates for common stock of Federal but have failed to effect such exchange, will be entitled to participate in said distribution upon exchanging said certificates for common stock of Federal before the record date or upon surrendering said stock certificates to The New York Trust Company, as distributing agent, in exchange for common stock of Federal, after the record date and before December 28, 1951.

5. As soon as practicable after December 28, 1951, The New York Trust Company will sell at public or private sale any stock of Scranton which it shall not have theretofore delivered to Federal's stockholders and thereafter will hold the net proceeds of said sale, together with any dividends which may have been received by The New York Trust Company on such undistributed stock, for the benefit of the persons who had been entitled to such undistributed stock.

6. Scrip, which will be issued in lieu of fractional shares, when combined with other scrip aggregating one or more full shares of Scranton's common stock, may be exchanged for full shares of Scranton at any time on or before December 28, 1951. Thereafter, the holders of any scrip may receive their proportionate interest in the cash proceeds of sale of such stock and in any dividends that may have been received by The New York Trust Company upon such stock.

7. Federal requests that any order of the Commission approving the Amended Plan shall contain the provisions and recitals necessary or appropriate to entitle the stockholders of Federal to the benefits of Supplement R and section 1808 (f) of the Internal Revenue Code, and section 270-c of the Tax Law of the State of New York.

8. The filing states that consummation of the Amended Plan shall be conditioned upon the entry by an appropriate District Court of the United States of an order approving and enforcing the Amended Plan and directing its consummation, and upon the final affirmance upon review thereof, if any, or the expiration of the time for bringing such review proceedings.

Jackson et al., who, as noted above, had opposed the claims filed by New York, have indicated their approval of the Amended Plan, including the proposed compromise and settlement of such claims as well as the claims put forth by the Trustee in behalf of South Bay.

III. The Commission having considered said Amended Plan of Federal, and it appearing that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in this matter;

It is ordered, That a hearing be held herein on October 4, 1950, at 10:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On that date the hearing room clerk will advise as to the room in which the hearing will be held. Any persons desiring to be heard or otherwise participate in this proceeding and who have not previously been granted leave therefor, should notify the Commission to that effect in the manner provided in Rule XVII of the Commission's rules of practice, on or before September 27, 1950.

It is further ordered, That Harold B. Teegarden or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the filing, and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the Amended Plan filed herein, as submitted or as it may hereafter be modified, is in all respects necessary to effectuate the provisions of section 11 (b) of the act;

2. Whether the proposed compromise and settlement of the asserted claims of New York and of South Bay are fair and equitable to the persons affected thereby, and whether the Amended Plan filed herein, as submitted or as it may hereafter be modified, is in all other respects fair and equitable to the persons affected thereby;

3. Whether the Amended Plan, as submitted or as it may hereinafter be modified, contains appropriate provisions relating to the time within which the holders of the stock of Federal, Federal Water Service Corporation, and Utility Operators Company may claim the common stock of Scranton and/or cash proposed to be distributed under the Amended Plan;

4. Whether the Amended Plan, as filed or as it may hereafter be modified, makes appropriate provision for the payment of expenses, fees, and remuneration, and, in connection therewith, in what amounts such expenses, fees and remuneration should be paid, and the fair and equitable allocation thereof;

5. Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the act, and rules promulgated thereunder;

6. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, and, if not, what modifications should be required to be made therein, and what terms and conditions should be imposed to satisfy the applicable statutory standards;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the matters contained herein by mailing forthwith a copy of this notice and order by registered mail to Federal, Jackson et al. (including the Common Stockholders Committee of Federal), New York, and the Trustee of South Bay, or to their respective counsel of record herein; that Federal shall give notice of said hearing by mailing a copy of this notice and order to each of its common stockholders of record, and to holders of certificates of preferred and Class A stock of Federal Water Service Corporation and common stock of Utility Operators Company, that New York shall give notice of said hearing by mailing a copy of this notice and order to each of the holders of its common stock, that the Trustee shall give notice of said hearing by mailing a copy of said notice and order to each holder of the preferred stock of South Bay, all of said notices to be given to said security holders at their last known addresses, at least fifteen days prior to the date of said hearing; that notice shall be given to all persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act; and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7981; Filed, Sept. 12, 1950; 8:45 a. m.]

[File Nos. 54-126, 59-76]

EASTERN GAS AND FUEL ASSOCIATES

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of September A. D. 1950.

The Commission on March 10, 1950, and the United States District Court for the District of Massachusetts on June 29, 1950, having entered orders pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the "act") approving a plan for the recapitalization of Eastern Gas and Fuel Associates ("Eastern"), a registered holding company and a subsidiary of Koppers Company, Inc. ("Koppers"), also a registered holding company, which holds 1,551,878 shares (78 percent) of the common stock and 50,180 shares (13.4 percent) of the 6 percent Cumulative Preferred Stock of Eastern;

Said plan providing, among other things, for the exchange of six shares of new Common Stock for each share of 6 percent Cumulative Preferred Stock now outstanding, and the exchange of 0.169 of a share of New Common Stock for each share of present Common Stock now outstanding;

It appearing that Koppers, pursuant to said provisions of the plan, would acquire 563,347.382 shares (21.8 percent) of the new Common Stock of Eastern;

The Commission in its findings and opinion dated February 3, 1950, with respect to the plan, having found that such acquisition of shares of the new Common Stock of Eastern by Koppers, in view of an outstanding order of the Commission dated June 26, 1945 (Holding Company Act Release No. 5888) requiring Koppers to divest itself of its interests in Eastern, and Koppers' indicated intention to do so within a reasonable time after consummation of the plan, is consistent with the standards of section 10 of the act, subject to Koppers' making an appropriate application respecting the acquisition;

Koppers having filed an application for approval of the acquisition of said 563,347.382 shares of the new Common Stock of Eastern, and the Commission finding that, subject to the terms and conditions set forth below, the proposed acquisition has the tendency required by the provisions of section 10 (c) (2) of the act, and that no adverse findings under section 10 (b) and section 10 (c) (1) of the act are necessary:

It is ordered, That said application be and the same hereby is granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the further condition that the Commission's order of June 26, 1945, directing Koppers to sever its relationship with Eastern and its subsidiaries by disposing of its direct and indirect ownership, control and holding of securities issued by Eastern and its subsidiaries, shall be deemed to require the disposition of all shares of the new Common Stock of Eastern to be acquired by Koppers pursuant to said plan and this order, with the same force and effect as if said shares had been held by Koppers as of

the date of the said order of June 26, 1945.

It is further ordered, That the filing of the application herein, and the entry of this order, shall not be deemed to terminate any exemption available to Koppers and its affiliates based upon its application for exemption, now pending before the Commission, as provided in section 3 (c) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7983; Filed, Sept. 12, 1950; 8:45 a. m.]

[File Nos. 54-170, 54-172]

NIAGARA HUDSON POWER CORP.

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 7th day of September A. D. 1950.

Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, having filed applications for approval of plans under section 11 (e) of the Public Utility Holding Company Act of 1935, namely, a Consolidation Plan providing for the consolidation of the three principal subsidiaries of Niagara Hudson into a single new operating company, then referred to as the "New Operating Company" and now named "Niagara Mohawk Power Corporation" ("Niagara Mohawk"), and a Dissolution Plan providing for the dissolution of Niagara Hudson; and the Commission by order dated August 24, 1949, having approved said plans; and the United States District Court for the Northern District of New York having entered its order dated November 4, 1949, enforcing the plans; and said order enforcing the plans having been reversed in part by judgment of the Court of Appeals dated February 1, 1950, and amended February 14, 1950, but only with respect to that part of the order relating to the Class B Option Warrants of Niagara Hudson, the order in all other respects having been affirmed; and

Niagara Hudson having filed with the Commission an application for a supplemental order approving certain steps and transactions to complete consummation of the Dissolution Plan, including the disposition of its remaining assets and provision for its liabilities, as follows:

It is now proposed that, as soon as possible after January 1, 1951, and concurrently with or immediately subsequent to the distribution of its holdings of Niagara Mohawk common stock to its remaining common stockholders, Niagara Hudson will transfer all of its remaining assets to Niagara Mohawk, and that Niagara Mohawk will assume all of the obligations and liabilities, if any, of Niagara Hudson outstanding at such time, including any liability for the payment of fees and expenses incident to the Consolidation Plan and Dissolution Plan, any tax liabilities not then finally determined, and any payments which may be required to be made to holders of the Class B Option Warrants of Niagara Hudson in the event of the conclusion of pending litigation with respect to such Option Warrants in favor of the holders thereof.

With respect to the distribution to the remaining holders of Niagara Hudson common stock of the shares of Niagara Mohawk common stock presently held by Niagara Hudson, in the ratio of 0.78 shares of Niagara Mohawk common stock for each share of Niagara Hudson common stock, pursuant to the Dissolution Plan, it is proposed that such distribution shall be commenced as soon as possible after the record date fixed by the Board of Directors of Niagara Mohawk for the dividend upon Niagara Mohawk common stock to be made payable on December 31, 1950, which date is presently anticipated by Niagara Hudson to be on or about December 2, 1950.

It is further proposed by Niagara Hudson that any holder of nine or less than nine shares of Niagara Hudson common stock may elect (a) to receive the equivalent number of shares of Niagara Mohawk common stock (plus Niagara Mohawk common stock scrip for any resulting fraction of less than one full share), on the basis of the 0.78 for 1 ratio, or (b) on or before February 1, 1951, to receive an amount of cash equal to the proceeds of the sale of such equivalent number of shares of Niagara Mohawk common stock (including fractions of shares) at the market price for such shares on the New York Stock Exchange at the closing of the market on the business day last preceding the day of presentation of his Niagara Hudson common stock for surrender.

There are presently outstanding bearer scrip certificates of Niagara Hudson representing rights in respect of fractions of shares of its common stock, which were issued incident to the consolidation forming Niagara Hudson on February 1, 1937. Such bearer scrip certificates are presently outstanding in the aggregate amount of 1,996⅔ shares of Niagara Hudson common stock, and a like number of full shares of Niagara Hudson common stock has been reserved by Niagara Hudson for issue upon the presentation and surrender of such bearer scrip certificates when presented in amounts aggregating one or more full shares in accordance with their terms. In order to make appropriate provision for the holders of such scrip certificates outstanding at the time of dissolution of Niagara Hudson, Niagara Hudson proposes to reserve, in lieu of the shares of Niagara Hudson common stock reserved against such outstanding scrip certificates, the equivalent number (on the basis of the ratio of 0.78 for 1) of shares of Niagara Mohawk common stock. Niagara Hudson further proposes to provide that from the time of the distribution to the remaining holders of Niagara Hudson common stock of shares of Niagara Mohawk common stock, such outstanding scrip certificates will be deemed to represent rights in respect of fractions of full shares of Niagara Mohawk common stock, subject to the same terms, provisions and conditions as are provided with respect to the bearer scrip certificates representing rights in respect of fractions of shares of Niagara Mohawk common stock which have been issued or are issuable under the provisions of the Dissolution Plan.

Niagara Hudson having requested that the Commission's supplemental order herein conform to the pertinent provisions of the Internal Revenue Code as amended, including section 1808 (f) and Supplement R thereof, and contain the specifications therein set forth, wherever pertinent; and

Niagara Hudson having requested the Commission, pursuant to section 11 (e) of the act, to apply to the United States District Court for the Northern District of New York for a supplemental order to enforce and carry out the steps and transactions summarized about; and

Said application for supplemental order having been filed on August 14, 1950, and the Commission having issued a notice of filing with respect to said application stating that any interested person might, not later than September 6, 1950, request the Commission in writing that a hearing be held on said application, and the Commission not having received a request for hearing within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the steps and transactions proposed in connection with the consummation of the Dissolution Plan of Niagara Hudson will have no adverse effect on the security holders of Niagara Hudson or Niagara Mohawk, that such steps are necessary to effectuate the provisions of section 11 (b) of the act, are fair and equitable to the persons affected; and conform to all applicable requirements of the act, and that said requests of Niagara Hudson may appropriately be granted:

It is ordered, Pursuant to section 11 (e) and the other applicable provisions of the act, that said application be and it hereby is granted, subject to the conditions specified in Rule U-24 of the general rules and regulations promulgated under the act and subject to the reservations of jurisdiction contained in the Commission's order herein dated August 24, 1949;

It is further ordered, That counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith, on behalf of the Commission, to the United States District Court for the Northern District of New York, pursuant to the provisions of section 11 (e) of the act and in accordance with subsection (f) of section 18 of the act, for a supplemental order to enforce and carry out the steps and transactions hereby approved;

It is further ordered, That this supplemental order shall not be operative to authorize the consummation of said steps and transactions unless and until the United States District Court for the Northern District of New York shall, upon application thereto, enter a supplemental order enforcing said steps and transactions;

It is further ordered and recited, That the steps and transactions proposed in the aforesaid Dissolution Plan to be effected by Niagara Hudson and Niagara Mohawk, including particularly those herein described and recited, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and that said steps and transactions are hereby authorized, approved and directed:

(1) The distribution by Niagara Hudson or by J. P. Morgan & Co. Incorporated, as Exchange and Fiscal Agent, of all Niagara Hudson's remaining shares of Common Stock of Niagara Mohawk to the remaining holders of the Common Stock of Niagara Hudson in exchange for Common Stock of Niagara Hudson and the transfer and surrender of such Niagara Hudson Common Stock to Niagara Hudson.

(2) The sale by J. P. Morgan & Co. Incorporated, as Exchange and Fiscal Agent, of the shares of Niagara Mohawk Common Stock which would have been distributable to the holders of nine or less than nine shares of Niagara Hudson Common Stock had such holders not elected to receive a cash payment equal to the proceeds of sale thereof, and the transfer of such Niagara Mohawk Common Stock by such Exchange and Fiscal Agent.

(3) The distribution by Niagara Hudson, or by J. P. Morgan & Co. Incorporated, as Exchange and Fiscal Agent, of Niagara Mohawk Common Stock Scrip Certificates in exchange for Niagara Hudson Common Stock Scrip Certificates (in the ratio of 0.78 share of Niagara Mohawk Common Stock for each one full share of Niagara Hudson Common Stock), and the transfer and surrender of such Niagara Hudson Common Stock Scrip Certificates.

(4) The transfer by Niagara Hudson to Niagara Mohawk, or to J. P. Morgan & Co. Incorporated, as Scrip Agent, of the number of shares of Niagara Mohawk Common Stock equivalent (on a ratio of 0.78 share-for-1) to the number of full shares of Niagara Hudson Common Stock reserved against Niagara Hudson Common Stock Scrip Certificates.

(5) The transfer by Niagara Hudson of all its remaining assets, rights and privileges, including particularly, without limiting the generality of the foregoing, cash on hand and in banks, to Niagara Mohawk and the assumption by Niagara Mohawk of all of the obligations and liabilities, if any, of Niagara Hudson outstanding at the time of such transfer, incuding payment of all fees and expenses incident to the Consolidation and Dissolution Plans not theretofore paid, the payment of any tax liabilities of Niagara Hudson for years in respect of which no final determination of tax liability has been made, and any payments which may hereafter be required to be made of holders of Class B Option Warrants of Niagara Hudson on final determination of the appeal and proceedings for certiorari in the Supreme Court of the United States in the action of M. Victor Leventritt, Appellant, v. Securities and Exchange Commission and Niagara Hudson Power Corporation, Respondents, in the United States Court of Appeals for the Second Circuit, and of further proceedings, if any, before the Commission and courts resulting from such proceedings or otherwise.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7980; Filed, Sept. 12, 1950; 8:45 a. m.]

[File No. 70-2431]

SCRANTON-SPRING BROOK WATER SERVICE CO. AND WINTON WATER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 7th day of September A. D. 1950.

Scranton-Spring Brook Water Service Company ("Scranton"), a public utility subsidiary company of Federal Water and Gas Corporation, a registered holding company, and The Winton Water Company ("Winton"), a wholly-owned subsidiary of Scranton, having filed a joint application-declaration and an amendment thereto with this Commission pursuant to the provisions of sections 9, 10, and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-43 promulgated thereunder regarding the following transactions:

Scranton is engaged primarily in the business of storing water and selling it to the public. In this connection Scranton leases three water reservoirs from Winton which comprises the entire plant and property of Winton. Other than said plant and property, Winton's assets consist of cash and receivables from associated companies.

It is proposed that in consideration of the surrender by Scranton to Winton of all the latter's issued and outstanding capital stock for cancellation, Scranton will acquire all of Winton's franchises, rights, powers and property and assume all its obligations.

Upon the completion of the above mentioned transactions Winton will cease to exist, and its properties will be merged into Scranton pursuant to the laws of the State of Pennsylvania.

Said joint application-declaration having been filed on July 6, 1950, and an amendment thereto having been filed on August 28, 1950, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Pennsylvania Public Utility Commission, the only State Commission having jurisdiction over the proposed transactions, having duly authorized the proposed transactions as above set forth, and applicants-declarants having requested that the Commission order herein with respect to said application-declaration, as amended, become effective upon issuance; and

The Commission finding with respect to the joint application-declaration, as amended, that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective, subject to the terms and conditions specified below; and

The Commission further deeming it appropriate to grant the request of the joint applicants-declarants that the order herein become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7985; Filed, Sept. 12, 1950; 8:45 a. m.]

[File Nos. 70-2441, 31-574]

MIDDLE SOUTH UTILITIES, INC., ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of September A. D. 1950.

In the matter of Middle South Utilities, Inc., Arkansas Power & Light Company, and MidSouth Gas Company, File No. 70-2441; Equitable Securities Corporation, T. J. Raney & Sons, and Womeldorff & Lindsey, File No. 31-574.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, having filed a declaration with this Commission, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 thereunder, regarding the proposed sale of all of the gas utility assets of Middle South's utility subsidiary, Arkansas Power & Light Company ("Arkansas"), to MidSouth Gas Company ("Gasco"), for (1) $1,943,118 in cash, subject to certain adjustments, (2) an undertaking by Gasco to construct a pipeline and to transmit natural gas from Helena, Arkansas, to Arkansas's new generating station at Palestine, Arkansas, and (3) an undertaking by Gasco to furnish natural gas service to certain communities in eastern Arkansas; and

Equitable Securities Corporation, T. J. Raney & Sons, and Womeldorff & Lindsey ("Equitable Group"), which firms as a group propose to purchase all of the voting securities to be initially issued by Gasco, having filed a joint application pursuant to sections 3 (a) (3) and 3 (a) (4) of the act requesting an exemption from all of the provisions of the act otherwise applicable to the group as a public utility holding company; and

Equitable Securities Corporation ("Equitable"), having filed an application under section 9 (a) (2) of the act with respect to its proposed acquisition of a part of the voting securities to be initially issued by Gasco; and

Arkansas having requested that any order approving the sale contain the recitals required by sections 371 (d), 371 (f), and 1808 (f) of the Internal Revenue Code, as amended, including Supplement R thereof; and

All of the parties having requested that any order of the Commission approving the proposed transactions and granting the requested exemption application become effective upon issuance; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That the declaration with respect to the sale of the gas utility assets of Arkansas be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

It is further ordered, That the application filed by Equitable Securities Corporation under section 9 (a) (2) of the act with respect to the acquisition of certain voting securities of Gasco be, and the same hereby is, granted forthwith, subject to the terms and conditions contained in Rule U-24.

It is further ordered, That the application of Equitable Securities Corporation, T. J. Raney & Sons, and Womeldorff & Lindsey for an exemption as a holding company from the provisions of the act be, and is hereby granted forthwith pursuant to section 3 (a) (4) of the act, subject to the terms and conditions contained in Rule U-24 and to the following additional terms and conditions:

1. That the Equitable Group dispose of the stock of Gasco within one year from date of acquisition unless such time shall, upon application, be extended by this Commission.

2. That the financing of Gasco be carried out substantially in accordance with the representations contained in the exemption application.

3. That the Equitable Group give 10 days' advance notice to this Commission of any transaction with respect to Gasco, which but for the exemption herein granted would require the filing of an application or declaration under sections 6, 7, 9, 10, 11, 12, or 13 of the act, that the Commission may notify the Equitable Group to modify any such proposed transaction within such 10-day period, and that any such proposed transactions shall not be carried out during the pendency of any proceeding which the Commission may institute during an additional 10-day period to determine whether the exemption herein granted should be revoked or modified.

It is further ordered and recited, That the transactions proposed in the declaration filed under section 12 (d) of the act, namely, the sale and transfer by Arkansas of its gas distribution systems or properties and related facilities to MidSouth Gas Company, and the receipt by Arkansas of the consideration therefor as set forth in said declaration, are necessary and appropriate to the integration or simplification of the holding company system of which Arkansas is a member, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7984; Filed, Sept. 12, 1950; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15010]

DANIEL EMIL KLEPS

In re: Trust under the will of Daniel Emil Kleps, deceased (File No. D-28-10181; E. T. sec. No. 14502).

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara (Klara) Muehlbradt, Walter Muehlbradt, Elise Spohr Handorf, Richard Spohr, Karl Spohr and Gertrud Spohr, whose last known address in Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Laura Spohr, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Daniel Emil Kleps, deceased, presently being administered by American Security and Trust Company, trustee, Fifteenth and Pennsylvania Avenue, NW., Washington 13, D. C., and in and to the estate of Daniel Emil Kleps, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Laura Spohr, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-8002; Filed, Sept. 12, 1950; 8:47 a. m.]

[Vesting Order 15014]

BERNHARD THEODOR VIERICH

In re: Estate of Bernhard Theodor Vierich, also known as Bernard Theodore Vierich, deceased File D-28-4129; E. T. sec. 7113.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Reinhard, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Bernhard Theodor Vierich, also known as Bernard Theodore Vierich, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by The Trust Company of New Jersey, as executor, acting under the judicial supervision of the Hudson County Court, Probate Division, New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-8003; Filed, Sept. 12, 1950; 8:47 a. m.]

[Vesting Order 15021]

SHOHO FUJIIE

In re: Cash owned by Shoho Fujiie, also known as Shoho Fujii. F-39-6082-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shoho Fujiie, also known as Shoho Fujii, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $133.52, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the name of Shoho Fujiie, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Shoho Fujiie, also known as Shoho Fujii, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-8004; Filed, Sept. 12, 1950; 8:47 a. m.]

[Vesting Order 15026]

MARIA AMALIA AND HEDWIG LANG

In re: Bonds owned by and debts owing to Maria Amalia Lang and Hedwig Lang. F-28-30874.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Amalia Lang and Hedwig Lang, each of whose last known address is Darmstadterstrasse 101, Badenhausen Hessen 16, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) Republic of Chile External Sinking Fund Dollar bonds of 1948, each of $1,000.00 face value, bearing the numbers, M 3971 and M 3972 and presently in the custody of Baer Custodian Corporation, 67 Wall Street, New York, New York, in a General Ruling No. 6 account entitled, "Julius Baer & Co., Zurich, Switzerland", together with any and all rights thereunder and thereto,

b. That certain debt or other obligation of Baer Custodian Corporation, 67 Wall Street, New York, New York, in the amount of $2,628.50 as of June 19, 1950, representing a portion of an account entitled, "Julius Baer & Co., Zurich, Switzerland, General Ruling No. 6 Account", together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of Baer Custodian Corporation, 67 Wall Street, New York, New York, in the amount of $280.40 as of June 19, 1950, representing a portion of a blocked account entitled, "Julius Baer & Co., Zurich, Switzerland", together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Maria Amalia Lang and Hedwig Lang, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-8005; Filed, Sept. 12, 1950; 8:47 a. m.]

[Vesting Order 15032]

ERNST SONNTAG

In re: Stock owned by Ernst Sonntag also known as Ernest Sonntag. F-28-23396.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Sonntag also known as Ernest Sonntag, whose last known address is Plochingerstrasse 13, Wernau am Neckar, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of no par value common stock of Briggs Manufacturing Company, Detroit 12, Michigan, evidenced by a certificate numbered NYA1918, registered in the name of Ernst Sonntag, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise

dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8006; Filed, Sept. 12, 1950; 8:47 a. m.]

[Vesting Order 12796, Amdt.]

TAJIRO SUMIDA

In re: Debts owing to and claims and stock owned by Tajiro Sumida, also known as T. Sumida.

Vesting Order 12796, dated February 1, 1949, is hereby amended as follows and not otherwise:

1. By deleting from subparagraph 2–b of said Vesting Order 12796 the name, Nippu Jiji Co., Ltd., and susbtituting therefor the following: Hawaii Times, Limited (formerly Nippu Jiji Co., Ltd.);

2. By deleting from Exhibit A, attached to said Vesting Order 12796, all reference to forty (40) shares of stock in Nippu Jiji Co., Ltd.; and

3. By inserting after subparagraph 2–f of said Vesting Order 12796, the following new subparagraph:

g. All monies and amounts paid to or for the account of, or received directly or indirectly by, Shinzaburo Sumida, 1052 Ilima Drive, Honolulu, T. H., by reason of the sale of forty (40) shares of common stock of Hawaii Times, Limited, (formerly Nippu Jiji Co., Ltd.) a corporation organized under the laws of the Territory of Hawaii, evidenced by certificate numbered 80 and registered in the name of Shinsaburo Sumida,(.)

All other provisions of said Vesting Order 12796 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8008; Filed, Sept. 12, 1950; 8:47 a. m.]

[Vesting Order 15075]

SOPHIE M. HAUK

In re: Estate of Sophie M. Hauk, deceased. File No. D-28-12797; E. T. Sec. 16971.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Stahl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Sophie M. Hauk, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Wilhelmina E. Stahl, as administratrix c. t. a. acting under the judicial supervision of the Probate Court, Suffolk County, Boston, Massachusetts;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. Doc. 50-8007; Filed, Sept. 12, 1950; 8:47 a. m.]

[Vesting Order 14776, Amdt.]

SEIICHIRO IWASAKI

In re: Stock owned by Seiichiro Iwasaki, also known as Seiichiro Iwaski. F-39-1037-A-1.

Vesting Order 14776, dated June 20, 1950, is hereby amended as follows and not otherwise:

1. By deleting subparagraph 2a of the aforesaid Vesting Order 14776, and substituting therefor the following: Twelve (12) shares of no par value common capital stock of State Street Investment Corporation, 140 Federal Street, Boston 10, Massachusetts, a corporation organized under the laws of the State of Massachusetts, evidenced by 3 certificates numbered C52166 for six shares, C2041 for five shares and C18225 for one share of no par common stock of said State Street Investment Corporation, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, together with all declared and unpaid dividends thereon, and

2. By deleting subparagraph 2h of the aforesaid Vesting Order 14776, and substituting therefor the following: Thirty-four (34) stock purchase warrants of the General Investment Corporation, 941 North Meridian Street, Indianapolis, Indiana, evidenced by a bearer certificate, numbered NCW952, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, and any and all rights thereunder and thereto,

All other provisions of said Vesting Order 14776 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8009; Filed, Sept. 12, 1950; 8:47 a. m.]

[Return Order 703]

CARMELA GIORDANO D'ONOFRIO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Carmela Giordano D'Onofrio a/k/a Mellucci D'Onofrio, Forchia (Benevento) Italy, Claim No. 36264; July 14, 1950 (15 F. R. 4479); $505.88 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8010; Filed, Sept. 12, 1950; 8:47 a. m.]

[Return Order 727]

CHARLOTTE DURRIGL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Charlotte Durrigl nee Zillinger, Vienna, Austria, Claim No. 6173; August 1, 1950 (15 F. R. 4933), $772.24 in the Treasury of the United States. All right, title, interest, and claim of any kind or character whatsoever of Charlotte Durrigl in and to the estate of Andrew C. Zinninger, deceased. An undivided ¼th interest in 500 shares Butte Copper Consolidated Mines capital stock—par value 50¢ per share. Certificate No. 25717, presently in the custody of the Safekeeping Department of the Federal Reserve Bank, New York. An undivided ¼th interest in the following securities located in the Office of Alien Property, 120 Broadway, New York, N. Y.:

2 units Cameron-Anderson Interests—par value $25.00 per unit. Certificate No. 420 for 2 units.

2 units Cameron-Anderson Interests preorganization receipt Certificate No. 177 for 2 units.

200 shares Evangeline Oil Company capital stock—par value 50¢ per share. Certificate Nos. 16074 for 80 shares, 3783 and 7687 for 50 shares each and 11360 and 15184 for 10 shares each.

250 shares The Evangeline Petroleum Company capital stock—par value 50¢ per share. Certificate Nos. 1499 for 150 shares and 6068 for 100 shares.

325 shares Lorrain Consolidated Mines, Limited, capital stock—par value $1.00 per share. Certificate No. 0-3984 for 325 shares.

2 units Slentz Smackover Holding Syndicate—par value $15.00 per unit. Certificate No. 283 for 2/1500ths beneficial interest in oil and gas leases.

2 units Smackover Membership Lease Pool—par value $20.00 per unit. Certificate Nos. 245 and 283 for one unit each.

50 units Smackover Five Gusher Pool—par value $1.00 per unit. Certificate Nos. 371 for 40 units, 795 for 8 units and 652 for 2 units.

Cameron-Anderson Archer-Baylor Protection Leases. Certificate No. 339 for 2/900ths interest in oil and gas leases.

Cameron-Anderson Free Fifty-Acre Lease Pool. Certificate No. 580 for 2/1000ths interest in oil and gas leases.

Cameron-Anderson Free Twenty-Acre Seay Lease. Certificate No. 635 for 50/186000ths interest in oil and gas leases.

Cameron-Anderson Free 160 Acre Reagan County Leases. Certificate No. 130 for 25/15000ths interest in oil and gas leases.

25 shares Apple Radio Corporation capital stock par value $5.00 per share. Certificate No. 119 for 25 shares.

200 shares The Atlantic Fruit & Sugar Company common stock—par value $1.00 per share. Certificate Nos. 19407 and 19408 for 100 shares each.

40 shares Atlantic United Petroleum Company capital stock—par value $1.00 per share. Certificate Nos. 1037 and 1217 for 20 shares each.

550 shares Blue Bird Oil Corporation capital stock—par value 10¢ per share. Certificate Nos. 9769 for 500 shares and 5425 for 50 shares.

150 shares Bush Consolidated Gold Mines Inc., capital stock—par value 50¢ per share. Certificate No. 170 for 150 shares.

1 share Cape May Golf Development Company capital stock—par value $100.00 per share. Certificate No. 14 for 1 share.

12 95/100ths shares The Gold Dirt Mining Company capital stock—par value $1.00 per share. Certificate Nos. 2540 for 4 20/100ths shares and 1988-B for 8 75/100ths shares.

25 shares Hapgood Production Company capital stock—par value at $1.00 per share. Certificate No. 467 for 25 shares.

350 shares Intercontinent Petroleum Corporation capital stock—par value $5.00 per share. Certificate Nos. N-4648, N-4649 and N-4650 for 100 shares each and NO-424 for 50 shares.

5 shares Mid-Columbia Oil and Development Company capital stock—without par value. Temporary Certificate No. T. O. 74 for 5 shares.

500 shares The Peerless Consolidated Copper Company capital stock—par value 1¢ per share. Certificate No. 842 for 500 shares.

350 shares The Rose-City Ore Company capital stock—par value 5¢ per share. Certificate No. 3542 for 350 shares.

160 shares Seafoam Mines Corporation capital stock—without par value. Certificate No. (not legible) for 160 shares.

200 shares Sunstar Oil Company capital stock—par value $1.00 per share. Certificate No. 497 for 200 shares.

500 shares Unity Mines Corporation capital stock—par value $1.00 per share. Certificate Nos. 2425/2429, incl. for 100 shares each.

5 units Vitek Oil & Refining Company—par value $10.00 per unit. Trustee's Cert. No. 30169 for 5 units.

$165.00 The Blue Bird Oil Corporation Production Bond Series "A." Certificate No. 5539 for $15.00 and Certificate No. 7245 for $150.00.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8011; Filed, Sept. 12, 1950; 8:48 a. m.]

[Return Order 729]

JAKOB RANTASA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published and Property

Jacob Rantasa, Vienna, Austria; Claim No. 37388; August 2, 1950 (15 F. R. 4966); Property described in Vesting Order No. 68 (7 F. R. 6181, August 11, 1942), relating to United States Patent Application Serial No. 321,122 (now United States Patent No. 2,330,-623). Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Patent No. 1,696,125. This return shall not be deemed to include the rights of any licensees under the above patent application or patent.

Executed at Washington, D. C., on September 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8012; Filed, Sept. 12, 1950; 8:48 a. m.]

SEP 18 '50

SEP 18 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 178

Washington, Thursday, September 14, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—FRESH APPLE EXPORT PROGRAM (FISCAL YEAR 1951)

Sec.

517.201 General statement.
517.202 Approved countries.
517.203 Rate of payment.
517.204 Eligibility for payment.
517.205 Claims supported by evidence of compliance.
517.206 Records and accounts.
517.207 Amendment and termination.
517.208 Persons not eligible.
517.209 Set-off.
517.210 Assignment.
517.211 Definitions.

AUTHORITY: §§ 517.201 to 517.211 issued under sec. 32, 49 Stat. 774, as amended, sec. 112, 62 Stat. 146; 7 U. S. C. 612c, 22 U. S. C. Sup. 1510.

§ 517.201 *General statement.* (a) In order to encourage the exportation of fresh apples produced in the United States, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, and section 112 (f) of the Foreign Assistance Act of 1948, offers to make payments to U. S. exporters of fresh apples which are sold for export to an approved country as designated in § 517.202 hereof, subject to the terms and conditions hereinafter set forth (§§ 517.202 to 517.211).

(b) Information pertaining to this offer and forms prescribed for use thereunder may be obtained from the following representatives of the Secretary:

Harry J. Krade, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, 921 Tenth Street, Sacramento 14, California.

W. J. Broadhead, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, 515 SW. Tenth Avenue, Portland 5, Oregon.

Norman F. Horsey, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, Washington 25, D. C.

§ 517.202 *Approved countries.* An approved country shall be any country, territory, or dependent area specifically named in this section.

Austria.
Belgium:
  Belgian Congo:
    Ruanda-Urundi.
Bizone (Germany).
Denmark:
  Faero Islands.
France (including the Saar and Monaco):
  French Zone (Germany).
  French American dependencies:
    French Guiana.
    Guadeloupe.
    Inini.
    Martinique.
    Miquelon.
    St. Pierre.
  French North Africa:
    Algeria.
    Morocco; French Zone.
    Tunisia.
  Other French dependencies:
    Cameroons.
    Comoro Isles.
    French establishments in India:
      Chandernagor.
      Karikal.
      Mahe.
      Pondichery.
      Yanaon.
    French establishments in Oceania:
      Marquesas Archipelago.
      New Caledonia.
      Society Islands.
      Tuamotu Archipelago.
      Tubual or Austral Islands.
    French Equatorial Africa:
      Chad.
      Gabun.
      Middle Congo.
      Ubangi-Shari.
    French Indochina.
    French Somaliland.
    French West Africa:
      Dahomey.
      Guinea.
      Ivory Coast.
      Mauritania.
      Niger.
      Senegal.
      Sudan.
      Upper Volta.
Madagascar.
Reunion.
Togoland.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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Aruba.
Bonaire.
Surinam.
Netherlands Indies:
New Guinea.
Norway:
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Portugal:
Azores.
Madeira Islands.
Portuguese African dependencies:
Angola.
Cabinda.
Cape Verde Islands.
San Joao Batista de Ajuda.
Mozambique.
Portuguese Guinea.
Principe.
Sao Tome.
Portuguese Asia:
Macao.
Portuguese India:
Damao.
Diu.
Goa.
Portuguese Timor.
Sweden.
Switzerland.
Trieste, Free Territory.
Turkey.
United Kingdom of Great Britain and Northern Ireland.
British American dependencies:
British Guiana.
Falkland Islands.
British Honduras.
Jamaica.
Leeward Islands:
Antigua.
British Virgin Islands.
St. Christopher.
Tobago.
Trinidad.
Windward Islands:
Dominica.
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St. Lucia.
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British European dependencies:
Cyprus.
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British Somaliland.
Cameroons.
Gambia.
Gold Coast.
Kenya.
Mauritius.
Nigeria.
Northern Rhodesia.
Nyasaland.
Pemba.
St. Helena.
Seychelles Islands.
Sierra Leone.
Tanganyika.
Togoland.
Uganda.
Zanzibar.
British dependencies in Asia and Oceania:
Aden.
British North Borneo.
British Solomon Islands.
Federation of Malaya.
Fiji Islands.
Gilbert and Ellice Island.
Hong Kong.
Pitcairn and adjacent islands.
Sarawak.
Singapore.
United States of Indonesia:
Borneo.
Java.
Sumatra.
Israel.
Egypt.
The Philippines.
Western Hemisphere countries named below:
Costa Rica.
El Salvador.
Guatemala.
Honduras.
Nicaragua.
Panama.
Dominican Republic.
Haiti.
Argentina.
Bolivia.
Brazil.
Chile.
Colombia.
Ecuador.
Paraguay.
Peru.
Uruguay.

§ 517.203 *Rate of payment.* The rate of payment shall be fifty (50) percent of the export sales price, computed before the deduction of such payment, basis free alongside ship United States port: *Provided, however,* That such payment shall not be in excess of fifty (50) percent of the domestic market price at the time of sale and place of delivery, as determined by the Secretary: *And provided further,* That the place of delivery, for the purpose of determining the domestic market price at the time of sale, shall be a United States port of export which is on the seaboard nearest the area of production from which the fruit originates. Such payment, however, shall not exceed $1.25 per package as listed in § 517.204 (f). The total amount invoiced the foreign buyer and the Secretary shall not exceed the export sales price as described herein.

§ 517.204 *Eligibility for payment—*(a) *Dates of sale and of export.* No payment hereunder will be made in connection with any sale for export unless the date of sale (see § 517.211 (d)) is on or after the effective date of this offer, and the apples are sold or exported on or after the date of such sale and prior to the date specified in paragraph (h) of this section, except that a sale made prior to the effective date of this offer and expressly made contingent upon the Secretary's issuing this or a similar offer will be deemed to be a sale made after such effective date if after such effective date the parties to such contract make the sale binding unconditionally by confirmation or otherwise and if no exportations were made pursuant to such sale prior to such effective date. The apples shall be deemed to have been exported when loaded on board an ocean carrier: *Provided,* such apples have not thereafter been unloaded from such vessel in any port of the United States. The date of export of any lot shall be considered to be the date of loading on board the ocean-going vessel on which movement of such lot from the United States is effected. The date of the on-board ocean bill of lading (or loading tally sheet, see § 517.205 (a) (3)) shall be considered to be the date the apples were loaded on board, unless an "on-board" date is shown.

(b) *Minimum size of lot.* No payment will be made hereunder for the exportation of any lot of less than one hundred (100) packages. A lot is that quantity of apples loaded to any one ocean carrier at any one sailing consigned to any one destination under any one export sale.

(c) *Declaration of sale and intent to export.* No payment will be made hereunder, unless the exporter executes and mails or directly delivers Form FV–427 (8/30/50), "Declaration of Sale and Intent to Export Fresh Apples under Program RMX 96a," to the designated representative of the Secretary, as indicated in § 517.201 (b), nearest the principal office of the exporter. Form FV–427 (8/30/50), must be prepared separately for each export sale and shall be mailed or delivered not later than the end of the second business day (excluding Saturdays, Sundays, and legal holidays) following the date of sale, but in no event later than the date of export. No payment will be made if such form is mailed or delivered after the time hereinbefore specified, unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives such delay. The Secretary will notify the exporter as promptly as possible after receipt of any executed Form FV–427 (8/30/50), if any information shown in such form does not conform with the terms and conditions of this offer. No payment will be made in excess of the sum to be billed the Secretary as shown in the executed Form FV–427 (8/30/50), unless the Secretary, upon written request by the exporter stating substantial reasons therefor, approves such greater amount.

(d) *Grades.* No payment will be made hereunder unless the fresh apples exported under this program meet the requirements of U. S. No. 1 grade, or better, as defined in United States Standards for Apples, effective September 1, 1937; or, meet the requirements of State Fancy grade, or better, of the State of origin, as defined in the latest respective State standards for apples. In addition, all apples exported under this program must comply with the provisions of the Export Apple and Pear Act and meet the requirements of United States standards for export; except that apples which are packed in boxes or baskets shall be wrapped in oiled paper or a moderate amount of shredded oiled paper shall be scattered throughout the apples in the package, and apples which are tray packed shall have the trays properly treated with oil or the apples shall be wrapped in oiled paper.

(e) *Inspection.* Exporters shall furnish, at no expense to the Secretary, certificates of inspection for each lot of fresh apples exported pursuant to this offer. Such certificates shall be issued by the Federal or Federal-State Inspection Service. Inspection for United States standards for export must be performed within fourteen (14) days prior to date of export: *Provided,* That, upon request of the exporter indicating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time for such inspection.

(f) *Packaging.* All fresh apples to be exported under this program shall be suitably packed for export in new packages in a manner which shall reasonably assure their arrival in good condition in the country of destination. Export shipments shall be made in the following:

Standard Eastern apple boxes with caps and liner;

Standard Northwestern apple boxes with liners or pads;

Tray-pack, wooden apple boxes (Freight Container Tariff No. 45, inside dimensions 11¾ x 12 ⅛ x 19 $1\frac{1}{16}$ inches); or,

Standard export tub bushel baskets with caps and liners.

(g) *Re-entry or diversion.* The exporter shall undertake, as a part of his "Declaration of Sale and Intent to Export Fresh Apples under Program RMX 96a," which is required in paragraph (c) of this section, that the apples exported under this program will thereafter not re-enter the United States or its territories or possessions, or be diverted to other than an approved country as listed in § 517.202, in fresh or processed form. In the event of such re-entry or diversion to other than an approved country, the exporter shall refund to the Secretary any export payment received under this offer with respect to the quantity so re-entered or diverted.

(h) *Final dates.* The final date for mailing or delivering Form FV–427 (8/30/50), "Declaration of Sale and Intent to Export Fresh Apples Under Program RMX 96a," shall be 12:00 o'clock midnight May 31, 1951. The final date of export shall be 12:00 o'clock midnight May 31, 1951. The final date for filing claims for payment (§ 517.205) shall be 12:00 o'clock midnight June 30, 1951.

§ 517.205 *Claims supported by evidence of compliance.* (a) The exporter shall file a separate claim for payment for each export sale or lot exported under this program with the representative of the Secretary with whom he filed Form FV–427 (8/30/50), "Declaration of Sale and Intent to Export Fresh Apples Under Program RMX 96a," not later than the date specified in paragraph (h) of § 517.204: *Provided,* That, upon request of the exporter indicating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time for such filing. Each claim for payment shall be filed in an original and three copies on voucher Form FDA–564, "Public Voucher—Diversion Programs," and shall be supported by (1) two certified copies of the sales contract, (2) two certified copies of the sales invoice to the buyer showing the export sales price less the payment to be made by the Secretary, (3) two copies of the on-board ocean bill of lading signed by an agent of the ocean carrier (except that where loss, destruction or damage occurs subsequent to loading on board ocean carrier but prior to issuance of on-board bill of lading, two copies of a loading tally sheet or similar document may be submitted in lieu of such bill of lading), (4) the original (or a signed copy) and one copy of the inspection certificate(s) required in paragraph (e) of § 517.204, and (5) such other documents, if any, as may be required by the Secretary, evidencing sale and exportation of the commodity on which payment is claimed.

(b) The ocean bill of lading must show the quantity and description of the commodity, the date and place of loading on vessel, the fact that such commodity is on board, the destination of the commodity, and the name and address of both the exporter and consignee. If the shipper or consignor

named in such bill of lading is other than the exporter (seller) named in Form FV–427 (8/30/50), the exporter shall furnish with his claim a waiver by such shipper or consignor, in favor of such exporter, of any right to claim payment under this program for the commodity covered by such bill of lading.

(c) The foregoing required evidence will not be accepted as conclusive if the Secretary has reason to believe that exportation of all or any quantity of the apples was not actually accomplished or that there has not been compliance with other requirements of this offer, and in any such instance the Secretary may require such additional evidence as he deems reasonable and pertinent.

§ 517.206 *Records and accounts.* The exporter shall maintain adequate records showing purchases, sales, and deliveries of fresh apples exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for at least two years after the effective date of this program.

§ 517.207 *Amendment and termination.* The Secretary may amend this program at any time upon public announcement of such amendment or may terminate this program at any time, by giving five days public notice thereof; such amendment or termination, however, shall not apply to sales made and declared under the program prior to the effective time of such amendment or termination.

§ 517.208 *Persons not eligible.* No Member of, or Delegate to, Congress or Resident Commissioner shall be admitted to any share or part of any contract made under this program or to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 517.209 *Set-off.* The Secretary may set off, against any amount owed to any exporter hereunder, any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States.

§ 517.210 *Assignment.* No exporter shall, without the written consent of the Secretary, assign any claim of the exporter against the Secretary hereunder or make a lienholder a joint payee with respect to any such claim. With such consent, an exporter may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, any claim for payment hereunder, or make a lienholder a joint payee with respect to any such claim. In case of such assignment, the Secretary may set off any claim which the Secretary has against the exporter arising out of the exportation on which the assigned claim is based, and may set off any other claim of the United States which the Secretary has against the exporter based on facts existing at the time of the assignment or based on facts arising thereafter prior to the knowledge by the Secretary of the assignment.

§ 517.211 *Definitions.* As used in this subpart, the following terms have the following meanings:

(a) "Secretary" means the Secretary of the United States Department of Agriculture, or any authorized representative of the Secretary.

(b) "Exporter" means any individual, corporation, partnership, association, or other business entity, engaged in the business of selling fresh apples for export, produced and packed in the continental United States.

(c) "Sale" or "sales contract" includes a contract to sell. The contract shall consist of a written instrument signed by buyer and seller or a written offer and acceptance evidenced by an exchange of telegrams, cablegrams, or letters.

(d) "Date of sale" means the date on which both buyer and seller signed a written contract or the date on which there was a written acceptance of a written offer or counteroffer to buy or sell, except that, where the contract is signed or the acceptance takes place during the period this offer is in effect, but the contract or acceptance is intended to take effect either before or after such period, the date of sale shall be the date on which the contract or acceptance is intended to take effect, as determined by the Secretary.

(e) "Public announcement" and "public notice" mean the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This offer shall be effective on September 11, 1950.

Dated this 8th day of September 1950.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 50–8045; Filed, Sept. 13, 1950; 8:48 a. m.]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—FRESH PEAR EXPORT PROGRAM (FISCAL YEAR 1951)

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AUTHORITY: §§ 517.231 to 517.241 issued under sec. 32, 49 Stat. 774, as amended, sec. 112, 62 Stat. 146; 7 U. S. C. 612c, 22 U. S. C. Sup. 1510.

§ 517.231 *General statement.* (a) In order to encourage the exportation of fresh pears produced in Oregon, Washington, and California, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, and section 112 (f) of the Foreign Assistance Act of 1948, offers to make payments to U. S. exporters of fresh pears which are sold for export to an approved country as designated in § 517.232, subject to the terms and conditions hereinafter set forth (§§ 517.232 to 517.241).

(b) Information pertaining to this offer and forms prescribed for use thereunder may be obtained from the following representatives of the Secretary:

Harry J. Krade, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, 921 Tenth Street, Sacramento 14, California.

W. J. Broadhead, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, 515 S. W. Tenth Avenue, Portland 5, Oregon.

Norman F. Horsey, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, Washington 25, D. C.

§ 517.232 *Approved countries.* An approved country shall be any country, territory, or dependent area specifically named in this section.

Austria.
Belgium:
  Belgium Congo:
    Ruanda-Urundi.
Bizone (Germany).
Denmark:
  Faero Islands.
France (including the Saar and Monaco):
  French Zone (Germany).
  French American dependencies:
    French Guiana.
    Guadeloupe.
    Inini.
    Martinique.
    Miquelon.
    St. Pierre.
  French North Africa:
    Algeria.
    Morocco; French Zone.
    Tunisia.
  Other French dependencies:
    Cameroons.
    Comoro Isles.
    French establishments in India:
      Chandernagor.
      Karikal.
      Mahé.
      Pondichery.
      Yanaon.
    French establishments in Oceania:
      Marquesas Archipelago.
      New Caledonia.
      Society Islands.
      Tuamotu Archipelago.
      Tubuai or Austral Islands.
    French Equatorial Africa:
      Chad.
      Gabun.
      Middle Congo.
      Ubangi-Shari.
    French Indochina.
    French Somaliland.
    French West Africa:
      Dahomey.
      Guinea.
      Ivory Coast.
      Mauritania.
      Niger.
      Senegal.
      Sudan.
      Upper Volta.
      Madagascar.
    Reunion.
    Togoland.

Greece:
  Aegean Islands.
Iceland.
Ireland (Eire).
Italy.
Luxembourg.
Netherlands:
  Netherlands American dependencies:
    Curacao:
      Aruba.
      Bonaire.
    Surinam.
  Netherlands Indies:
    New Guinea.
Norway:
  Svalbard (Spitzbergen).
Portugal:
  Azores.
  Madeira Islands.
  Portuguese African dependencies:
    Angola.
    Cabinda.
    Cape Verde Islands.
    San Joao Batista de Ajuda.
    Mozambique.
    Portuguese Guinea.
    Principe.
    Sao Tome.
  Portuguese Asia:
    Macao.
  Portuguese India:
    Damao.
    Diu.
    Goa.
  Portuguese Timor.
Sweden.
Switzerland.
Trieste, Free Territory.
Turkey.
United Kingdom of Great Britain and Northern Ireland:
  British American dependencies:
    British Guiana.
    Falkland Islands.
    British Honduras.
    Jamaica.
    Leeward Islands:
      Antigua.
      British Virgin Islands.
      St. Christopher.
    Tobago.
    Trinidad.
    Windward Islands:
      Dominica.
      Grenada.
      St. Lucia.
      St. Vincent.
  British European dependencies:
    Cyprus.
    Gibraltar.
    Malta.
  British African dependencies:
    British Somaliland.
    Cameroons.
    Gambia.
    Gold Coast.
    Kenya.
    Mauritius.
    Nigeria.
    Northern Rhodesia.
    Nyasaland.
    Pemba.
    St. Helena.
    Seychelles Island.
    Sierre Leone.
    Tanganyika.
    Togoland.
    Uganda.
    Zanzibar.
  British dependencies in Asia and Oceania:
    Aden.
    British North Borneo.
    British Solomon Islands.
    Federation of Malaya.
    Fiji Islands.
    Gilbert and Ellice Island.
    Hong Kong.
    Pitcairn and adjacent islands.
    Sarawak.
    Singapore.
United States of Indonesia:
  Borneo.
  Java.
  Sumatra.
Israel.
Egypt.
The Philippines.
Western Hemisphere countries named below:
  Costa Rica.
  El Salvador.
  Guatemala.
  Honduras.
  Nicaragua.
  Panama.
  Dominican Republic.
  Haiti.
  Argentina.
  Bolivia.
  Brazil.
  Chile.
  Colombia.
  Ecuador.
  Paraguay.
  Peru.
  Uruguay.

§ 517.233 *Rate of payment.* The rate of payment shall be fifty (50) percent of the export sales price, computed before the deduction of such payment, basis free alongside ship United States port: *Provided, however,* That such payment shall not be in excess of fifty (50) percent of the domestic market price at the time of sale and place of delivery, as determined by the Secretary: *And provided further,* That the place of delivery, for the purpose of determining the domestic market price at the time of sale, shall be a United States port of export which is on the seaboard nearest the area of production from which the fruit originates. Such payment, however, shall not exceed $1.25 per western standard pear box as described in § 517.234 (h). The total amount invoiced the foreign buyer and the Secretary shall not exceed the export sales price as described herein.

§ 517.234 *Eligibility for payment*—(a) *Dates of sale and of export.* No payment hereunder will be made in connection with any sale for export unless the date of sale (see § 517.241 (d)) is on or after the effective date of this offer, and the pears are sold or exported on or after the date of such sale and prior to the date specified in paragraph (j) of this section, except that a sale made prior to the effective date of this offer and expressly made contingent upon the Secretary's issuing this or a similar offer will be deemed to be a sale made after such effective date if after such effective date the parties to such contract make the sale binding unconditionally by confirmation or otherwise and if no exportations were made pursuant to such sale prior to such effective date. The pears shall be deemed to have been exported when loaded on board an ocean carrier: *Provided,* Such pears have not thereafter been unloaded from such vessel in any port of the United States. The date of export of any lot shall be considered to be the date of loading on board the ocean-going vessel on which movement of such lot from the United States is effected. The date of the on-board ocean bill of lading (or loading tally sheet, see § 517.235 (a) (3)) shall be considered to be the date the pears were loaded on board, unless an "on-board" date is shown.

(b) *Minimum size of lot.* No payment will be made hereunder for the exportation of any lot of less than one hundred (100) boxes. A lot is that quantity of pears loaded to any one ocean carrier at any one sailing consigned to any one destination under any one export sale.

(c) *Declaration of sale and intent to export.* No payment will be made hereunder, unless the exporter executes and mails or directly delivers Form FV–428 (8–30–50), "Declaration of Sale and Intent to Export Fresh Pears under Program RMX 96a," to the designated representative of the Secretary, as indicated in § 517.231 (b), nearest the principal office of the exporter. Form FV–428 (8–30–50) must be prepared separately for each export sale and shall be mailed or delivered not later than the end of the second business day (excluding Saturdays, Sundays, and legal holidays) following the date of sale, but in no event later than the date of export. No payment will be made if such form is mailed or delivered after the time hereinbefore specified, unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives such delay. The Secretary will notify the exporter as promptly as possible after receipt of any executed Form FV–428 (8–30–50), if any information shown in such form does not conform with the terms and conditions of this offer. No payment will be made in excess of the sum to be billed the Secretary as shown in the executed Form FV–428 (8–30–50), unless the Secretary, upon written request by the exporter stating substantial reasons therefor, approves such greater amount.

(d) *Varieties.* Fresh pears which may be exported under this program shall be any of the following varieties produced in Oregon, Washington or California: Anjou, Bosc, Comice, and Winter Nelis.

(e) *Grade.* No payment will be made hereunder unless the fresh pears exported under this program at least meet the following specification: U. S. No. 1 grade, except for shape, and damage by russeting and limb rubs. The pears shall be not seriously misshapen and shall be free from serious damage caused by russeting and limb rubs: *Provided, however,* That the tolerance allowed for decay or internal break-down shall average not more than two (2) percent, by count, in any lot and shall not exceed ten (10) percent, by count, in any container up to and including January 31, 1951, and shall average not more than three (3) percent, by count, in any lot and shall not exceed ten (10) percent, by count, in any container on and after February 1, 1951. "U. S. No. 1," and the definitions for "seriously misshapen," "serious damage by russeting," and "serious damage by limb rubs," shall have the meanings as defined in "U. S. Standards for Winter Pears," effective July 8, 1940. In addition, all pears exported under this program must comply with the provisions of the Export Apple and Pear Act.

(f) *Sizes.* The sizes of pears which may be exported under this program shall be, for each variety, a size that will pack, in accordance with the

"Standard Pack" requirements of the U. S. Standards for Winter Pears, not to exceed the following number of pears per western standard pear box: Anjou, 195; Bosc, 180; Comice, 180; and Winter Nelis, 225.

(g) *Inspection.* Exporters shall furnish, at not expense to the Secretary, certificates of inspection for each lot of fresh pears exported pursuant to this offer. Such certificates shall be issued by the Federal or Federal-State Inspection Service. A condition inspection must be performed within fourteen (14) days prior to date of export: *Provided,* That, upon request of the exporter indicating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time for such inspection.

(h) *Packaging.* All fresh pears to be exported under this program shall be suitably packed for export in a manner which shall reasonably assure their arrival in good condition in the country of destination. The pears shall be properly packed for export in new western standard pear boxes (inside dimensions, 8½" x 11½" x 18").

(i) *Re-entry or diversion.* The exporter shall undertake, as a part of his "Declaration of Sale and Intent to Export Fresh Pears Under Program RMX 96a," which is required in paragraph (c) of this section, that the pears exported under this program will thereafter not re-enter the United States or its territories or possessions, or be diverted to other than an approved country as listed in § 517.232, in fresh or processed form. In the event of such re-entry or diversion to other than an approved country, the exporter shall refund to the Secretary any export payment received under this offer with respect to the quantity so re-entered or diverted.

(j) *Final dates.* The final dates for mailing or delivering Form FV–428 (8–30–50), "Declaration of Sale and Intent to Export Fresh Pears Under Program RMX 96a," for exporting, and for filing claim for payment (see § 517.235) shall be 12:00 o'clock midnight on the date specified below for each variety:

Variety	Final dates		
	Mailing or delivering Form FV–428	Exportation	Filing claims for payment
Bosc	Feb. 1, 1951	Feb. 1, 1951	Feb. 28, 1951
Comice	Mar. 15, 1951	Mar. 15, 1951	Apr. 15, 1951
Anjou	May 15, 1951	May 15, 1951	June 15, 1951
Winter Nelis	May 15, 1951	May 15, 1951	June 15, 1951

§ 517.235 *Claims supported by evidence of compliance.* (a) The exporter shall file a separate claim for payment for each export sale or lot exported under this program with the representative of the Secretary with whom he filed Form FV–428 (8–30–50), "Declaration of Sale and Intent to Export Fresh Pears under Program RMX 96a," not later than the date specified in paragraph (j) of § 517.234: *Provided,* That, upon request of the exporter indicating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time for such filing. Each claim for payment shall be filed in an original and three copies on voucher Form FDA–564, "Public Voucher—Diversion Programs," and shall be supported by (1) two certified copies of the sales contract, (2) two certified copies of the sales invoice to the buyer showing the export sales price less the payment to be made by the Secretary, (3) two copies of the on-board ocean bill of lading signed by an agent of the ocean carrier (except that where loss, destruction or damage occurs subsequent to loading on board ocean carrier but prior to issuance of on-board bill of lading, two copies of a loading tally sheet or similar document may be submitted in lieu of such bill of lading), (4) the original (or signed copy) and one copy of the inspection certificate(s) required in paragraph (g) of § 517.234, and (5) such other documents, if any, as may be required by the Secretary, evidencing sale and exportation of the commodity on which payment is claimed.

(b) The ocean bill of lading must show the quantity and description of the commodity, the date and place of loading on vessel, the fact that such commodity is on board, the destination of the commodity, and the name and address of both the exporter and consignee. If the shipper or consignor named in such bill of lading is other than the exporter (seller) named in Form FV–428 (8–30–50), the exporter shall furnish with his claim a waiver by such shipper or consignor, in favor of such exporter, of any right to claim payment under this program for the commodity covered by such bill of lading.

(c) The foregoing required evidence will not be accepted as conclusive if the Secretary has reason to believe that exportation of all or any quantity of the pears was not actually accomplished or that there has not been compliance with other requirements of this offer, and in any such instance the Secretary may require such additional evidence as he deems reasonable and pertinent.

§ 517.236 *Records and accounts.* The exporter shall maintain adequate records showing purchases, sales, and deliveries of fresh pears exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for at least two years after the effective date of this program.

§ 517.237 *Amendment and termination.* The Secretary may amend this program at any time upon public announcement of such amendment or may terminate this program at any time, by giving five days' public notice thereof; such amendment or termination, however, shall not apply to sales made and declared under the program prior to the effective time of such amendment or termination.

§ 517.238 *Persons not eligible.* No member of, or Delegate to, Congress or Resident Commissioner shall be admitted to any share or part of any contract made under this program or to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 517.239 *Set-off.* The Secretary may set off, against any amount owed to any exporter hereunder, any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States.

§ 517.240 *Assignment.* No exporter shall, without the written consent of the Secretary, assign any claim of the exporter against the Secretary hereunder or make a lienholder a joint payee with respect to any such claim. With such consent, an exporter may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, any claim for payment hereunder, or make a lienholder a joint payee with respect to any such claim. In case of such assignment, the Secretary may set off any claim which the Secretary has against the exporter arising out of the exportation on which the assigned claim is based, and may set off any other claim of the United States which the Secretary has against the exporter based on facts existing at the time of the assignment or based on facts arising thereafter prior to the knowledge by the Secretary of the assignment.

§ 517.241 *Definitions.* As used in this subpart, the following terms have the following meanings:

(a) "Secretary" means the Secretary of the United States Department of Agriculture, or any authorized representative of the Secretary.

(b) "Exporter" means any individual, corporation, partnership, association, or other business entity, engaged in the business of selling fresh pears for export, produced and packed in the continental United States.

(c) "Sale" or "sales contract" includes a contract to sell. The contract shall consist of a written instrument signed by buyer and seller or a written offer and acceptance evidenced by an exchange of telegrams, cablegrams, or letters.

(d) "Date of sale" means the date on which both buyer and seller signed a written contract or the date on which there was a written acceptance of a written offer or counteroffer to buy or sell, except that, where the contract is signed or the acceptance takes place during the period this offer is in effect, but the contract or acceptance is intended to take effect either before or after such period, the date of sale shall be the date on which the contract or acceptance is intended to take effect, as determined by the Secretary.

(e) "Public announcement" and "public notice" mean the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This offer shall be effective on September 11, 1950.

Dated this 8th day of September 1950.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 50–8044; Filed, Sept. 13, 1950; 8:48 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 150—DEPORTATION PROCEEDINGS: INVESTIGATION AND ARREST

PART 151—DEPORTATION PROCEEDINGS: HEARING AND ADJUDICATION

CONDUCT OF DEPORTATION HEARINGS AND VOLUNTARY DEPARTURE OF ALIENS

AUGUST 3, 1950.

The following amendments to Part 150, Deportation Proceedings: Investigation and Arrest, and Part 151, Deportation Proceedings: Hearing and Adjudication, of Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

1. Section 150.3 is amended to read as follows:

§ 150.3 *Voluntary departure permitted by officers in charge.* (a) Notwithstanding any other provisions of this part, the officer in charge of a district or suboffice may, prior to the issuance or service of a warrant of arrest or after service of such warrant, and before the record of hearing is submitted to the Commissioner in accordance with § 151.7 of this chapter, exercise the authority conferred upon the Attorney General by section 19 (c) (1) of the Immigration Act of 1917, as amended (39 Stat. 889, 54 Stat. 671, 56 Stat. 1044, 62 Stat. 1206; 8 U. S. C. 155 (c) (1)), to permit an alien to depart from the United States to any country of his choice at his own expense if (1) the alien is not subject to deportation upon any ground set forth in section 19 (d) of the Immigration Act of February 5, 1917, as amended, (2) the alien is willing and able to depart promptly from the United States, (3) he will apparently be admitted to the country of destination, and (4) the prompt departure of the alien will be advantageous to the Government.

(b) Permission to depart voluntarily shall not be granted after service of a warrant of arrest unless the alien makes written application for such disposition of his case. In such application he shall state (1) that he understands the charges against him and admits that he is in the United States in violation of the immigration laws, and (2) that he has been informed of his right to representation by counsel and to a hearing but that he desires to depart from the United States voluntarily without further proceedings or hearing on the warrant of arrest and waives such further proceedings or hearing.

2. Section 150.7 is amended to read as follows:

§ 150.7 *Application, prior to hearing, for suspension of deportation*—(a) *Who may apply.* Any alien against whom warrant proceedings have been instituted who believes himself entitled to suspension of deportation may apply therefor prior to hearing by filing Form I–256, in duplicate, properly filled out and executed, together with two photographs as prescribed in § 364.1 of this chapter, at the office of the Service having jurisdiction over the applicant's place of residence.

(b) *Prima facie eligibility not established.* If Form I–256 does not establish prima facie eligibility for suspension of deportation the case shall be referred immediately to a hearing examiner for hearing as to deportability.

(c) *Prima facie eligibility established; documents and investigation required.* If Form I–256 establishes prima facie eligibility for suspension of deportation, the alien shall be advised:

(1) To obtain promptly and furnish to the officer in charge:

(i) Official certifications to establish his relationship to those he claims would suffer economic detriment by his deportation and, if such persons are citizens of the United States, evidence of their citizenship, or

(ii) Documentary evidence that he has resided continuously in the United States for seven years or more and was residing in the United States on July 1, 1948;

(2) To submit the affidavits of two witnesses, preferably citizens, and if the alien is employed, one from his employer, who can vouch for the alien's good moral character for the preceding five years. The officer in charge shall obtain verifications of such entries of the alien and other persons as are pertinent to the case and shall also cause an investigation to be conducted for the purpose of obtaining facts which will bear upon the alien's claim to eligibility for relief. The investigating officer shall make a written report of his investigation to be included in the record.

(d) *Submission of record for hearing.* When the necessary entries have been verified and the documents required of the alien and the report of the investigating officer have been submitted, the case shall be referred to a hearing examiner for hearing under the warrant of arrest.

3. The third sentence of paragraph (b) of § 151.2, *Conduct of hearing,* is amended to read as follows: "He shall certify that, to the best of his knowledge and belief, the record is a true report of everything that was stated during the course of the hearing, including oaths administered, the warnings given to the alien or the witnesses, and the rulings on objections, except statements made off the record."

4. The first sentence of paragraph (c) of § 151.2, *Conduct of hearing,* is amended to read as follows:

(c) *Hearing examiner: specific duties.* At the commencement of the hearing under a warrant of arrest, the hearing examiner shall (1) place the alien under oath or affirmation, (2) enter of record a copy of the warrant of arrest and explain to the alien in simple, understandable language the nature of the charges contained therein, and (3) advice the alien, if not represented by counsel or other qualified representative, that he may be so represented if he desires and require him to state then and there for the record whether he desires such representation.

5. Paragraph (f) of § 151.2, *Conduct of hearing,* is amended to read as follows:

(f) *Examining officer: specific duties.* The examining officer shall interrogate the alien to develop evidence concerning (1) alienage, (2) date, place, and manner of entry into the United States, (3) grounds for deportation, (4) factors bearing on statutory eligibility for discretionary relief, and (5) such other information as may be pertinent to the issues of the case: *Provided,* That the alien need not be so interrogated in any case in which the facts as to such matters are stipulated pursuant to § 151.3 (d). If the alien is suffering from any mental or serious physical disability, the examining officer shall obtain and present for the record a medical certificate showing whether such alien is in condition to be deported without danger to life or health and whether he will require special care and attention in the event of deportation overseas. In cases in which the alien is charged with being deportable by reason of conviction for crime in the United States or abroad, the examining officer shall offer in evidence a certified copy of the record of conviction and sentence and, if it is deemed necessary in order to establish whether the crime involves moral turpitude, a certified copy of the information, indictment, or complaint upon which the alien was convicted.

6. Paragraph (e) of § 151.3, *Contents of record; evidence,* is amended to read as follows:

(e) *Application for discretionary relief.* At any time during the hearing under the warrant of arrest the alien may apply for suspension of deportation, or for the privilege of departing from the United States at his own expense in lieu of deportation, or for the privilege of departing from the United States at his own expense in lieu of deportation with the additional privilege of pre-examination. He may apply in the alternative for more than one of these three forms of relief. The burden of establishing that the alien meets the statutory requirements precedent to the exercise of discretionary relief shall be upon the alien. In addition, he may submit any written or oral material which he believes should be considered in the exercise of discretion by the Commissioner.

7. Paragraphs (c) and (d) of § 151.5, *Recommended decision*, are amended to read as follows:

(c) *Exceptions to written recommended decisions.* The examining officer and the alien or his counsel or representative shall be allowed a reasonable time not to exceed ten days except that the ten-day period shall be reduced to five days in the case of an alien detained by the Service (which periods may be extended by the officer in charge of the district or suboffice only upon a showing of good cause that more time is necessary), in which to submit to the officer in charge of the district or suboffice (1) exceptions to the recommended decision, or (2) proposed findings and conclusions, and (3) supporting reasons for such exceptions or proposed findings or conclusions for consideration by the Commissioner. Any person upon whom service of the written recommended decision has been made may file a written waiver of the right specified above. When exceptions to the recommended decision or proposed findings and conclusions are filed by either the examining officer or by the alien (or his counsel or representative), a copy thereof shall be served upon the other and such other person shall be afforded a period of five days from date of service (which period may be extended by the officer in charge of the district or suboffice only upon a showing of good cause that more time is necessary) within which to file with said officer in charge his reply thereto or to waive the privilege of filing such reply. A waiver of the right to file proposed findings and conclusions or exceptions to the recommended decision shall not be deemed to be a waiver of the right to file said reply.

(d) *Oral recommended decision and exceptions thereto.* In any case in which the examining officer and the alien or his counsel or representative have entered an oral waiver as provided for in § 151.4, the hearing examiner may state for the record in the presence of these persons a brief summary of the evidence, proposed findings of fact and conclusions of law, and his recommended order in the manner provided in paragraph (a) of this section. When the hearing examiner makes such oral recommended decision, he shall then require the examining officer and the alien or his counsel or representative to state for the record whether they take exception to any part thereof. If exceptions are taken, the examining officer and the alien or his counsel or representative shall be afforded the same opportunities accorded him by the provision of paragraph (c) of this section. If exceptions are not taken, such action shall be deemed to be a voluntary waiver of the right thereafter to submit proposed findings, conclusions and supporting reasons for consideration, but shall not be deemed to be a waiver of the privilege of filing a reply as provided for in paragraph (c) of this section.

8. Section 151.7 is amended to read as follows:

§ 151.7 *Submission of record to the Commissioner.* The entire record shall be forwarded promptly to the Commissioner by the officer in charge of the suboffice or district (a) upon receipt of exceptions, proposed findings and conclusions, supporting reasons, and reply as provided in § 151.5, or (b) upon expiration of the time allowed therefor, or (c) upon receipt of waivers from the examining officer and the alien or his counsel or representative of the right or privilege to file proposals, exceptions, and argument to the recommended decision of the hearing examiner and reply to exceptions filed by either of such persons.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date are inapplicable so far as the amendments to §§ 150.7, 151.2, and 151.3 are concerned, and so far as the amendment to the first sentence of § 151.5 (c) involving the re-wording and change in position of the parenthetical clause is concerned for the reason that the regulations prescribed in those amendments pertain solely to agency management. With respect to the amendment of § 150.3, the existing regulations under that section relating to the deportation of aliens permit, under certain circumstances, the voluntary departure from the United States of an alien prior to the issuance or service of a warrant of arrest and after service of such warrant and before the case is submitted to a hearing examiner for hearing. This order amends § 150.3 to permit also the voluntary departure of an alien after hearing under the warrant of arrest has begun. The change made by amended § 150.3 relieves restrictions on an additional group of aliens and will serve to effect the prompt departure from the United States of a larger number of deportable aliens. The amendment of § 151.5 (c), and related amendments to §§ 151.5 (d) and 151.7, which will require the service of a copy of the proposed findings and conclusions or exceptions filed by either the examining officer or the alien on the other, adds to the fairness of the deportation hearing procedure and is advantageous to the persons involved in any such procedure. Therefore, in so amending §§ 150.3 and 151.5 (c), it is considered that compliance with the provisions of section 4 of the Administrative Procedure Act as to notice of proposed rule making and delayed effective date is impracticable and contrary to the public interest.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

A. R. MACKEY,
Acting Commissioner,
Immigration and Naturalization.

Approved: September 9, 1950.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 50-8030; Filed, Sept. 13, 1950; 8:47 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance), Federal Security Agency

[Regs. 3, Further Amdt.]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

BASIC COMPUTATION OF BENEFITS AND LUMP SUMS

Regulations No. 3, as amended (20 CFR 403.1 et seq.), are further amended by adding to Subpart C of Part 403 the following:

APPENDIX

For the purpose of determining the amount of any monthly benefit for any month after August 1950 or the amount of any lump-sum death payment in the case of a death occurring after August 1950, payable on the wages and self-employment income of an insured individual whose primary insurance amount is required to be an amount determined under section 215 (c) of the Social Security Act, as amended, the primary insurance amount of such individual and his average monthly wage shall be determined as follows:

1. The primary insurance amount of any such individual shall be the amount appearing in column II of the table in paragraph 3 on the line on which in column I appears his primary insurance benefit.

2. The average monthly wage of any such individual, for the purposes of determining the maximum amount of monthly benefits payable on the basis of the wages and self-employment income of such individual, shall be the amount appearing in column III of the table in paragraph 3 on the line on which in column I appears his primary insurance benefit.

3. For the purposes of paragraphs 1 and 2 the following table is applicable:

CONVERSION TABLE

I Primary insurance benefit	II Primary insurance amount	III Average monthly wage for purpose of computing maximum benefits
$10.00	$20.00	$40.00
$10.01-$10.04	20.10	40.20
$10.05-$10.08	20.20	40.40
$10.09-$10.15	20.30	40.60
$10.16-$10.20	20.40	40.80
$10.21-$10.24	20.50	41.00
$10.25-$10.28	20.60	41.20
$10.29-$10.35	20.70	41.40
$10.36-$10.40	20.80	41.60
$10.41-$10.44	20.90	41.80
$10.45-$10.48	21.00	42.00
$10.49-$10.55	21.10	42.20
$10.56-$10.60	21.20	42.40
$10.61-$10.64	21.30	42.60
$10.65-$10.68	21.40	42.80
$10.69-$10.75	21.50	43.00
$10.76-$10.80	21.60	43.20
$10.81-$10.84	21.70	43.40
$10.85-$10.88	21.80	43.60
$10.89-$10.95	21.90	43.80
$10.96-$11.00	22.00	44.00
$11.01-$11.04	22.10	44.20
$11.05-$11.08	22.20	44.40
$11.09-$11.15	22.30	44.60
$11.16-$11.20	22.40	44.80
$11.21-$11.24	22.50	45.00
$11.25-$11.28	22.60	45.20
$11.29-$11.35	22.70	45.40
$11.36-$11.40	22.80	45.60
$11.41-$11.44	22.90	45.80
$11.45-$11.48	23.00	46.00
$11.49-$11.55	23.10	46.20
$11.56-$11.60	23.20	46.40
$11.61-$11.64	23.30	46.60
$11.65-$11.68	23.40	46.80

CONVERSION TABLE—Continued

I Primary insurance benefit	II Primary insurance amount	III Average monthly wage for purpose of computing maximum benefits
$11.69-$11.75	$23.50	$47.00
$11.76-$11.80	23.60	47.20
$11.81-$11.84	23.70	47.40
$11.85-$11.88	23.80	47.60
$11.89-$11.95	23.90	47.80
$11.96-$12.00	24.00	48.00
$12.01-$12.04	24.10	48.20
$12.05-$12.08	24.20	48.40
$12.09-$12.15	24.30	48.60
$12.16-$12.20	24.40	48.80
$12.21-$12.24	24.50	49.00
$12.25-$12.28	24.60	49.20
$12.29-$12.35	24.70	49.40
$12.36-$12.40	24.80	49.60
$12.41-$12.44	24.90	49.80
$12.45-$12.48	25.00	50.00
$12.49-$12.55	25.10	50.20
$12.56-$12.60	25.20	50.40
$12.61-$12.64	25.30	50.60
$12.65-$12.68	25.40	50.80
$12.69-$12.75	25.50	51.00
$12.76-$12.80	25.60	51.20
$12.81-$12.84	25.70	51.40
$12.85-$12.88	25.80	51.60
$12.89-$12.95	25.90	51.80
$12.96-$13.00	26.00	52.00
$13.01-$13.04	26.10	52.20
$13.05-$13.08	26.20	52.40
$13.09-$13.15	26.30	52.60
$13.16-$13.20	26.40	52.80
$13.21-$13.24	26.50	53.00
$13.25-$13.28	26.60	53.20
$13.29-$13.35	26.70	53.40
$13.36-$13.40	26.80	53.60
$13.41-$13.44	26.90	53.80
$13.45-$13.48	27.00	54.00
$13.49-$13.55	27.10	54.20
$13.56-$13.60	27.20	54.40
$13.61-$13.64	27.30	54.60
$13.65-$13.68	27.40	54.80
$13.69-$13.75	27.50	55.00
$13.76-$13.80	27.60	55.20
$13.81-$13.84	27.70	55.40
$13.85-$13.88	27.80	55.60
$13.89-$13.95	27.90	55.80
$13.96-$14.00	28.00	56.00
$14.01-$14.04	28.10	56.20
$14.05-$14.08	28.20	56.40
$14.09-$14.15	28.30	56.60
$14.16-$14.20	28.40	56.80
$14.21-$14.24	28.50	57.00
$14.25-$14.28	28.60	57.20
$14.29-$14.35	28.70	57.40
$14.36-$14.40	28.80	57.60
$14.41-$14.44	28.90	57.80
$14.45-$14.48	29.00	58.00
$14.49-$14.55	29.10	58.20
$14.56-$14.60	29.20	58.40
$14.61-$14.64	29.30	58.60
$14.65-$14.68	29.40	58.80
$14.69-$14.75	29.50	59.00
$14.76-$14.80	29.60	59.20
$14.81-$14.84	29.70	59.40
$14.85-$14.88	29.80	59.60
$14.89-$14.95	29.90	59.80
$14.96-$15.00	30.00	60.00
$15.01-$15.04	30.10	60.20
$15.05-$15.12	30.20	60.40
$15.13-$15.17	30.30	60.60
$15.18-$15.24	30.40	60.80
$15.25-$15.28	30.50	61.00
$15.29-$15.36	30.60	61.20
$15.37-$15.41	30.70	61.40
$15.42-$15.48	30.80	61.60
$15.49-$15.52	30.90	61.80
$15.53-$15.60	31.00	62.00
$15.61-$15.64	31.10	62.20
$15.65-$15.68	31.20	62.40
$15.69-$15.76	31.30	62.60
$15.77-$15.80	31.40	62.80
$15.81-$15.88	31.50	63.00
$15.89-$15.92	31.60	63.20
$15.93-$16.00	31.70	63.40
$16.01-$16.04	31.80	63.60
$16.05-$16.13	31.90	63.80
$16.14-$16.20	32.00	64.00
$16.21-$16.24	32.10	64.20
$16.25-$16.32	32.20	64.40
$16.33-$16.40	32.30	64.60
$16.41-$16.44	32.40	64.80
$16.45-$16.52	32.50	65.00
$16.53-$16.60	32.60	65.20
$16.61-$16.66	32.70	65.40
$16.67-$16.72	32.80	65.60
$16.73-$16.80	32.90	65.80
$16.81-$16.84	33.00	66.00
$16.85-$16.92	33.10	66.20
$16.93-$17.00	33.20	66.40
$17.01-$17.08	33.30	66.60
$17.09-$17.16	33.40	66.80
$17.17-$17.23	33.50	67.00
$17.24-$17.32	33.60	67.20

CONVERSION TABLE—Continued

I Primary insurance benefit	II Primary insurance amount	III Average monthly wage for purpose of computing maximum benefits
$17.33-$17.36	$33.70	$67.40
$17.37-$17.44	33.80	67.60
$17.45-$17.54	33.90	67.80
$17.55-$17.60	34.00	68.00
$17.61-$17.68	34.10	68.20
$17.69-$17.76	34.20	68.40
$17.77-$17.84	34.30	68.60
$17.85-$17.92	34.40	68.80
$17.93-$18.00	34.50	69.00
$18.01-$18.08	34.60	69.20
$18.09-$18.17	34.70	69.40
$18.18-$18.24	34.80	69.60
$18.25-$18.32	34.90	69.80
$18.33-$18.40	35.00	70.00
$18.41-$18.50	35.10	70.20
$18.51-$18.56	35.20	70.40
$18.57-$18.68	35.30	70.60
$18.69-$18.76	35.40	70.80
$18.77-$18.83	35.50	71.00
$18.84-$18.92	35.60	71.20
$18.93-$19.00	35.70	71.40
$19.01-$19.08	35.80	71.60
$19.09-$19.15	35.90	71.80
$19.16-$19.24	36.00	72.00
$19.25-$19.32	36.10	72.20
$19.33-$19.36	36.20	72.40
$19.37-$19.46	36.30	72.60
$19.47-$19.52	36.40	72.80
$19.53-$19.60	36.50	73.00
$19.61-$19.68	36.60	73.20
$19.69-$19.77	36.70	73.40
$19.78-$19.84	36.80	73.60
$19.85-$19.92	36.90	73.80
$19.93-$20.00	37.00	74.00
$20.01-$20.06	37.10	74.20
$20.07-$20.12	37.20	74.40
$20.13-$20.20	37.30	74.60
$20.21-$20.24	37.40	74.80
$20.25-$20.33	37.50	75.00
$20.34-$20.40	37.60	75.20
$20.41-$20.44	37.70	75.40
$20.45-$20.52	37.80	75.60
$20.53-$20.60	37.90	75.80
$20.61-$20.64	38.00	76.00
$20.65-$20.72	38.10	76.20
$20.73-$20.80	38.20	76.40
$20.81-$20.86	38.30	76.60
$20.87-$20.92	38.40	76.80
$20.93-$21.00	38.50	77.00
$21.01-$21.04	38.60	77.20
$21.05-$21.12	38.70	77.40
$21.13-$21.16	38.80	77.60
$21.17-$21.24	38.90	77.80
$21.25-$21.28	39.00	78.00
$21.29-$21.35	39.10	78.20
$21.36-$21.40	39.20	78.40
$21.41-$21.48	39.30	78.60
$21.49-$21.52	39.40	78.80
$21.53-$21.59	39.50	79.00
$21.60-$21.64	39.60	79.20
$21.65-$21.68	39.70	79.40
$21.69-$21.76	39.80	79.60
$21.77-$21.82	39.90	79.80
$21.83-$21.88	40.00	80.00
$21.89-$21.92	40.10	80.20
$21.93-$22.00	40.20	80.40
$22.01-$22.05	40.30	80.60
$22.06-$22.08	40.40	80.80
$22.09-$22.16	40.50	81.00
$22.17-$22.20	40.60	81.20
$22.21-$22.28	40.70	81.40
$22.29-$22.36	40.80	81.60
$22.37-$22.40	40.90	81.80
$22.41-$22.45	41.00	82.00
$22.46-$22.48	41.10	82.20
$22.49-$22.56	41.20	82.40
$22.57-$22.60	41.30	82.60
$22.61-$22.65	41.40	82.80
$22.66-$22.68	41.50	83.00
$22.69-$22.76	41.60	83.20
$22.77-$22.80	41.70	83.40
$22.81-$22.85	41.80	83.60
$22.86-$22.88	41.90	83.80
$22.89-$22.96	42.00	84.00
$22.97-$23.00	42.10	84.20
$23.01-$23.04	42.20	84.40
$23.05-$23.08	42.30	84.60
$23.09-$23.12	42.40	84.80
$23.13-$23.16	42.50	85.00
$23.17-$23.21	42.60	85.20
$23.22-$23.24	42.70	85.40
$23.25-$23.28	42.80	85.60
$23.29-$23.32	42.90	85.80
$23.33-$23.39	43.00	86.00
$23.40-$23.44	43.10	86.20
$23.45-$23.48	43.20	86.40
$23.49-$23.52	43.30	86.60
$23.53-$23.56	43.40	86.80
$23.57-$23.60	43.50	87.00
$23.61-$23.64	43.60	87.20
$23.65-$23.68	43.70	87.40
	43.80	87.60

CONVERSION TABLE—Continued

I Primary insurance benefit	II Primary insurance amount	III Average monthly wage for purpose of computing maximum benefits
$23.69-$23.74	$43.90	$87.80
$23.75-$23.76	44.00	88.00
$23.77-$23.80	44.10	88.20
$23.81-$23.88	44.20	88.40
$23.89-$23.91	44.30	88.60
$23.92-$23.96	44.40	88.80
$23.97-$24.00	44.50	89.00
$24.01-$24.04	44.60	89.20
$24.05-$24.10	44.70	89.40
$24.11-$24.16	44.80	89.60
$24.17-$24.20	44.90	89.80
$24.21-$24.24	45.00	90.00
$24.25-$24.30	45.10	90.20
$24.31-$24.36	45.20	90.40
$24.37-$24.40	45.30	90.60
$24.41-$24.44	45.40	90.80
$24.45-$24.50	45.50	91.00
$24.51-$24.56	45.60	91.20
$24.57-$24.60	45.70	91.40
$24.61-$24.64	45.80	91.60
$24.65-$24.70	45.90	91.80
$24.71-$24.76	46.00	92.00
$24.77-$24.80	46.10	92.20
$24.81-$24.84	46.20	92.40
$24.85-$24.90	46.30	92.60
$24.91-$24.96	46.40	92.80
$24.97-$25.00	46.50	93.00
$25.01-$25.04	46.60	93.20
$25.05-$25.11	46.70	93.40
$25.12-$25.16	46.80	93.60
$25.17-$25.20	46.90	93.80
$25.21-$25.28	47.00	94.00
$25.29-$25.33	47.10	94.20
$25.34-$25.40	47.20	94.40
$25.41-$25.44	47.30	94.60
$25.45-$25.48	47.40	94.80
$25.49-$25.55	47.50	95.00
$25.56-$25.60	47.60	95.20
$25.61-$25.64	47.70	95.40
$25.65-$25.72	47.80	95.60
$25.73-$25.78	47.90	95.80
$25.79-$25.84	48.00	96.00
$25.85-$25.88	48.10	96.20
$25.89-$25.92	48.20	96.40
$25.93-$26.00	48.30	96.60
$26.01-$26.04	48.40	96.80
$26.05-$26.12	48.50	97.00
$26.13-$26.16	48.60	97.20
$26.17-$26.23	48.70	97.40
$26.24-$26.28	48.80	97.60
$26.29-$26.36	48.90	97.80
$26.37-$26.40	49.00	98.00
$26.41-$26.47	49.10	98.20
$26.48-$26.52	49.20	98.40
$26.53-$26.60	49.30	98.60
$26.61-$26.64	49.40	98.80
$26.65-$26.70	49.50	99.00
$26.71-$26.76	49.60	99.20
$26.77-$26.80	49.70	99.40
$26.81-$26.88	49.80	99.60
$26.89-$26.94	49.90	99.80
$26.95-$27.00	50.00	100.00
$27.01-$27.04	50.10	100.67
$27.05-$27.12	50.20	101.33
$27.13-$27.20	50.30	102.00
$27.21-$27.24	50.40	102.67
$27.25-$27.32	50.50	103.33
$27.33-$27.40	50.60	104.00
$27.41-$27.46	50.70	104.67
$27.47-$27.52	50.80	105.33
$27.53-$27.60	50.90	106.00
$27.61-$27.64	51.00	106.67
$27.65-$27.72	51.10	107.33
$27.73-$27.80	51.20	108.00
$27.81-$27.84	51.30	108.67
$27.85-$27.92	51.40	109.33
$27.93-$28.00	51.50	110.00
$28.01-$28.08	51.60	110.66
$28.09-$28.16	51.70	111.32
$28.17-$28.24	51.80	111.98
$28.25-$28.31	51.90	112.65
$28.32-$28.36	52.00	113.31
$28.37-$28.44	52.10	113.97
$28.45-$28.52	52.20	114.63
$28.53-$28.61	52.30	115.29
$28.62-$28.68	52.40	115.95
$28.69-$28.76	52.50	116.62
$28.77-$28.84	52.60	117.28
$28.85-$28.92	52.70	117.94
$28.93-$29.00	52.80	118.60
$29.01-$29.08	52.90	119.27
$29.09-$29.16	53.00	119.93
$29.17-$29.25	53.10	120.60
$29.26-$29.32	53.20	121.27
$29.33-$29.40	53.30	121.93
$29.41-$29.48	53.40	122.60
$29.49-$29.58	53.50	123.27
$29.59-$29.68	53.60	124.03
$29.69-$29.76	53.70	124.60
$29.77-$29.84	53.80	125.27
$29.85-$29.92	53.90	125.93
$29.93-$30.00	54.00	126.60

CONVERSION TABLE—Continued

I Primary insurance benefit	II Primary insurance amount	III Average monthly wage for purpose of computing maximum benefits
$30.01–$30.08	$54.10	$127.27
$30.09–$30.16	54.20	127.95
$30.17–$30.27	54.30	128.62
$30.28–$30.36	54.40	129.29
$30.37–$30.44	54.50	129.96
$30.45–$30.52	54.60	130.64
$30.53–$30.61	54.70	131.31
$30.62–$30.72	54.80	131.98
$30.73–$30.80	54.90	132.65
$30.81–$30.92	55.00	133.33
$30.93–$31.00	55.10	134.00
$31.01–$31.08	55.20	134.66
$31.09–$31.16	55.30	135.33
$31.17–$31.28	55.40	135.99
$31.29–$31.36	55.50	136.65
$31.37–$31.44	55.60	137.32
$31.45–$31.52	55.70	137.98
$31.53–$31.64	55.80	138.65
$31.65–$31.73	55.90	139.31
$31.74–$31.80	56.00	139.97
$31.81–$31.92	56.10	140.64
$31.93–$32.00	56.20	141.30
$32.01–$32.10	56.30	141.97
$32.11–$32.20	56.40	142.64
$32.21–$32.28	56.50	143.31
$32.29–$32.40	56.60	143.98
$32.41–$32.50	56.70	144.65
$32.51–$32.60	56.80	145.32
$32.61–$32.68	56.90	145.99
$32.69–$32.80	57.00	146.66
$32.81–$32.90	57.10	147.33
$32.91–$33.00	57.20	148.00
$33.01–$33.08	57.30	148.66
$33.09–$33.20	57.40	149.32
$33.21–$33.30	57.50	149.98
$33.31–$33.40	57.60	150.64
$33.41–$33.48	57.70	151.30
$33.49–$33.60	57.80	151.96
$33.61–$33.70	57.90	152.62
$33.71–$33.80	58.00	153.28
$33.81–$33.88	58.10	153.94
$33.89–$34.00	58.20	154.60
$34.01–$34.10	58.30	155.27
$34.11–$34.20	58.40	155.94
$34.21–$34.28	58.50	156.61
$34.29–$34.40	58.60	157.28
$34.41–$34.50	58.70	157.95
$34.51–$34.60	58.80	158.62
$34.61–$34.68	58.90	159.29
$34.69–$34.80	59.00	159.95
$34.81–$34.90	59.10	160.63
$34.91–$35.00	59.20	161.30
$35.01–$35.08	59.30	161.97
$35.09–$35.20	59.40	162.64
$35.21–$35.30	59.50	163.31
$35.31–$35.40	59.60	163.98
$35.41–$35.48	59.70	164.65
$35.49–$35.60	59.80	165.32
$35.61–$35.70	59.90	165.99
$35.71–$35.80	60.00	166.66
$35.81–$35.88	60.10	167.33
$35.89–$36.00	60.20	168.00
$36.01–$36.10	60.30	168.66
$36.11–$36.20	60.40	169.32
$36.21–$36.28	60.50	169.98
$36.29–$36.40	60.60	170.64
$36.41–$36.50	60.70	171.30
$36.51–$36.60	60.80	171.96
$36.61–$36.68	60.90	172.62
$36.69–$36.80	61.00	173.28
$36.81–$36.91	61.10	173.94
$36.91–$37.00	61.20	174.60
$37.01–$37.08	61.30	175.27

CONVERSION TABLE—Continued

I Primary insurance benefit	II Primary insurance amount	III Average monthly wage for purpose of computing maximum benefits
$37.09–$37.20	$61.40	$175.94
$37.21–$37.30	61.50	176.61
$37.31–$37.40	61.60	177.28
$37.41–$37.48	61.70	177.95
$37.49–$37.60	61.80	178.62
$37.61–$37.70	61.90	179.29
$37.71–$37.80	62.00	179.96
$37.81–$37.88	62.10	180.63
$37.89–$38.00	62.20	181.30
$38.01–$38.11	62.30	181.97
$38.12–$38.20	62.40	182.63
$38.21–$38.32	62.50	183.30
$38.33–$38.44	62.60	183.97
$38.45–$38.56	62.70	184.63
$38.57–$38.68	62.80	185.30
$38.69–$38.76	62.90	185.97
$38.77–$38.88	63.00	186.63
$38.89–$39.00	63.10	187.30
$39.01–$39.12	63.20	188.16
$39.13–$39.20	63.30	189.01
$39.21–$39.32	63.40	189.87
$39.33–$39.44	63.50	190.72
$39.45–$39.56	63.60	191.58
$39.57–$39.68	63.70	192.43
$39.69–$39.76	63.80	193.29
$39.77–$39.89	63.90	194.14
$39.90–$40.00	64.00	195.00
$40.01–$40.12	64.10	196.67
$40.13–$40.20	64.20	198.33
$40.21–$40.33	64.30	200.00
$40.34–$40.44	64.40	201.67
$40.45–$40.56	64.50	203.33
$40.57–$40.68	64.60	205.00
$40.69–$40.78	64.70	206.67
$40.79–$40.88	64.80	208.33
$40.89–$41.00	64.90	210.00
$41.01–$41.12	65.00	211.11
$41.13–$41.22	65.10	212.22
$41.23–$41.32	65.20	213.33
$41.33–$41.44	65.30	214.44
$41.45–$41.56	65.40	215.56
$41.57–$41.67	65.50	216.67
$41.68–$41.76	65.60	217.78
$41.77–$41.88	65.70	218.89
$41.89–$42.00	65.80	220.00
$42.01–$42.11	65.90	221.11
$42.12–$42.20	66.00	222.22
$42.21–$42.32	66.10	223.33
$42.33–$42.44	66.20	224.44
$42.45–$42.56	66.30	225.56
$42.57–$42.68	66.40	226.67
$42.69–$42.76	66.50	227.78
$42.77–$42.88	66.60	228.89
$42.89–$43.00	66.70	230.00
$43.01–$43.12	66.80	231.11
$43.13–$43.20	66.90	232.22
$43.21–$43.32	67.00	233.33
$43.33–$43.44	67.10	234.44
$43.45–$43.56	67.20	235.56
$43.57–$43.68	67.30	236.67
$43.69–$43.76	67.40	237.78
$43.77–$43.89	67.50	238.89
$43.90–$44.00	67.60	240.00
$44.01–$44.12	67.70	241.11
$44.13–$44.20	67.80	242.22
$44.21–$44.33	67.90	243.33
$44.34–$44.44	68.00	244.44
$44.45–$44.56	68.10	245.56
$44.57–$44.68	68.20	246.67
$44.69–$44.78	68.30	247.78
$44.79–$44.88	68.40	248.89
$44.89–$45.00	68.50	250.00

4. *General applicability.* The provisions of the foregoing amendments shall be applicable notwithstanding any provision to the contrary in Subpart C of Part 403.

5. *Effective date.* The provisions of this appendix shall be effective on and after September 1, 1950.

(Secs. 205, 1102, 49 Stat. 624, 647, as amended, secs. 109, 403, Pub. Law 734, 81st Cong.; 42 U. S. C. 405, 1302. Interprets or applies sec. 104, Pub. Law 734, 81st Cong.)

Dated: September 5, 1950.

[SEAL] A. J. ALTMEYER,
Commissioner for Social Security.

Approved: September 7, 1950.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 50-8046; Filed, Sept. 13, 1950; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 34—ISLE ROYALE NATIONAL PARK; COMMERCIAL FISHING

MISCELLANEOUS AMENDMENTS

Paragraph (e), § 34.1 *Definitions* is amended to read as follows:

(e) "Permittee" includes all persons engaged in commercial fishing from bases in the Park, except those life lessees who were engaged in such occupation at the date of the issuance of their leases.

Paragraph (a), § 34.2 *Permits; conditions* is amended to read as follows:

(a) Permittees will be required to pay an annual fee of $25.00.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 1st day of September 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 50-7978; Filed, Sept. 13, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

ATOMIC ENERGY COMMISSION

[10 CFR, Part 50]

CONTROL OF FACILITIES FOR THE PRODUCTION OF FISSIONABLE MATERIAL

NOTICE OF PROPOSED RULE MAKING

Pursuant to the Atomic Energy Act of 1946 (Public Law 585, 79th Congress; 60 Stat. 755–ff) and to section 4 (a) of the Administrative Procedure Act of 1946 (Public Law 404, 79th Congress), notice is hereby given that Title 10, Chapter I, Part 50, Code of Federal Regulations, entitled "Control of Facilities for the Production of Fissionable Material" will be amended by the Atomic Energy Commission substantially as follows:

1. Section 50.71 (a) (7), reading: "Micromicroammeters capable of measuring currents of less than 1.0 micromicroampere" will be changed to read:

(7) Electrometer tube circuits and dynamic condenser electrometers (vibrating reed, vibrating diaphragm, etc.) capable of measuring currents of less than 1 micromicroampere.

2. Section 50.71 (a) (9), reading: "High gain high impedance linear pulse amplifiers" will be changed to read:

(9) Amplifiers designed for application in nuclear measurements, including linear amplifiers, preamplifiers and distributed (chain) amplifiers.

3. Section 50.71 (a) (12), reading: "Electroscopes and electrometers, pocket and survey types, including dosimeters" will be changed to read:

(12) Dosimeters and electrometers, pocket and survey types, including electroscopes incorporating radiation measurement scales.

4. Section 50.71 (a) (14), reading: "Electrometer-type electronic tubes with input grid currents of less than 1.0 micromicroamperes, such as FP–54, RH–507, Ck–570AX, VX–32, and VX–41, and equivalent" will be changed to read:

(14) Electrometer tubes designed to operate with grid currents of less than 0.1 micromicroampere.

5. Section 50.71 (b) (7), reading: "Electrometer tubes (as listed in paragraph (a) (7))" will be changed to read:

(7) Electrometer tubes designed to operate with grid currents of less than 0.1 micromicroampere.

6. Section 50.71 (a) (16), reading as follows, will be added:

(16) Scintillation counters incorporating a photomultiplier tube.

7. Section 50.71 (a) (17), reading as follows, will be added:

(17) Photomultiplier tubes having photocathode sensitivity of 10 or more microamperes per lumen, and an average amplification greater than 10^5.

The purpose of item numbered 1 in the proposed amendment is to specifically designate dynamic condenser electrometers as being within the purview of the regulation.

The purpose of item numbered 2 in the amendment is to specify those types of amplifiers designed for use in the nuclear measurement field.

The purpose of item numbered 3 in the amendment is to exclude metal foil type electroscopes from the purview of the regulation.

The purpose of items numbered 4 and 5 in the amendment is to delete reference to specific electronic tubes as examples and to re-define the technical definition of those tubes subject to control. The technical definition is considered adequate identification of the electronic tubes subject to the regulation. Manufacturers' redesignation of such tubes formerly cited as examples will therefore not affect the completeness or accuracy of this section.

The purpose of items numbered 6 and 7 in the amendment is to specifically designate as included within the purview of the regulation a type of radiation detection and measurement instrument of relatively recent design (scintillation counter) and a principal component (photomultiplier tube).

Comments from persons interested in the proposed amendment will be received by the Commission in writing at any time prior to October 15, 1950.

Dated at Washington, D. C., this 7th day of September 1950.

U. S. ATOMIC ENERGY COMMISSION,
WALTER J. WILLIAMS,
Acting General Manager.

[F. R. Doc. 50-8023; Filed, Sept. 13, 1950; 8:45 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

STATEMENT OF ORGANIZATION AND FUNCTIONS

The statement of organization and functions which appeared at 15 F. R. 535, February 1, 1950, is amended to include paragraphs (h) and (j), section 2, covering the Office of the Chief of Engineers and the Office of the Chief Signal Officer, as follows:

SEC. 2. *Organization and functions of agencies dealing with the public.* * * *

(h) *Office of the Chief of Engineers*—(1) *Mission.* To plan, direct, and supervise an engineering, construction and real estate service for the Army and the Air Force (including military engineering support), the provision and service of engineer material required by the Army and, as assigned, the Navy and the Air Force, and all matters relating to construction, maintenance, and real estate for the control and improvement of rivers and harbors.

(2) *Origin.* (i) On June 16, 1775, the day before the battle of Bunker Hill, a chief engineer and two assistants were provided for "The Grand Army," by a resolution of the Continental Congress. Late in the following year, General Washington was authorized to raise and organize a Corps of Engineers for a period of six months. Three years later the Congress combined the personnel of this corps with all other Army Engineers and constituted the "Corps of Engineers" as a separate command.

(ii) Subsequent acts and resolutions of the Congress alternately established and disbanded the Corps of Engineers until the act of March 16, 1802. This act authorized the President "to organize and establish a corps of engineers" consisting of seven officers and ten cadets. It provided that this corps "shall be stationed at West Point in the State of New York, and shall constitute a military academy * * *." Since then the Corps of Engineers has been a permanent part of the Army.

(3) *History of military functions.* (i) When the headquarters of the Engineer Department was transferred to Washington in 1818, that Department included the Corps of Engineers, the Military Academy at West Point, and the Topographical Engineers. In 1831 the Topographical Engineers were constituted as a separate bureau and were organized as the Corps of Topographical Engineers by law in 1838. They remained as a separate Corps until the act of March 3, 1863, which merged their functions and personnel into the Corps of Engineers. The Military Academy at West Point remained the responsibility of the Chief of Engineers until 1866 when Congress authorized its transfer to the War Department at large under the direction of the Secretary of War.

(ii) Between 1866 and the present, several important functions to be performed for the Army as a whole were assigned to the Corps of Engineers. The Corps first became responsible for map making in the early part of the nineteenth century when it was charged with topographical and geodetic surveys. In 1917 with the increased use of the observation balloon and development of air warfare, the Corps was made responsible for developing new techniques of camouflage.

(iii) The first statutory addition to the military responsibilities of the Corps of Engineers, after the work of the Topographical Engineers was assigned to the Corps of Engineers, came in 1941. By act of Congress the construction of all War Department installations, the direction of repairs and utilities of these installations, and the acquisition and disposal of all War Department real estate was added to the mission of the Corps of Engineers.

(4) *History of civil functions.* (i) During the early years of the nineteenth century, public improvements were authorized by Congress. The act of April 30, 1824 greatly expanded the number of internal improvements to be undertaken and authorized the Corps of Engineers to be used on that work. A Board of Engineers for Internal Improvements, formed to effectuate this act, immediately started operations. Among the first projects undertaken were the improvement of the navigation of the Ohio and Mississippi Rivers and the continuation of the Cumberland Road. Other smaller roads were planned and constructed to such an extent that it appeared at first that that activity would become more important than rivers and harbors improvements. However, the latter increased rapidly and Government road construction declined as railroads spread throughout the country.

(ii) From 1831 (when the Topographical Engineers were formed into an independent bureau and the river and harbor work assigned to them) to 1852, the Corps of Engineers had only part of this work to perform. The Topographic Engineers performed most of the work that was done.

(iii) In 1852, a general river and harbor bill authorized large scale improvement and these were divided between the Corps of Engineers and the Topographical Engineers on a geographical

basis. The work on the Atlantic and Gulf Coasts was assigned to the Corps of Engineers and that in the northern lakes and western rivers to the Corps of Topographical Engineers. This activity was sustained through 1863, when the work of the Corps was assigned to the Corps of Engineers. The activity was greatly expanded after 1863 and has increased steadily since.

(5) *Legal basis.* (i) The composition of the Corps of Engineers is provided in section 11, National Defense Act, as amended (10 U. S. C. 181, 181a); section 1, act, December 1, 1941 (10 U. S. C. 181b); and sections 502 (c) and (d) of the Officer Personnel Act of 1947 (10 U. S. C., Supp. II, 506 (c) and (d)).

(ii) More than one hundred and twenty separate sections in the U. S. Code charge the Chief of Engineers or the Corps of Engineers or both with certain specific responsibilities having to do with rivers, harbors, dams, bridges, and flood control.

(6) *Dual role of the Chief of Engineers.* The Chief of Engineers is the senior engineer staff officer of the Department of the Army, responsible for furnishing technical advice and recommendations to the Secretary of the Army, the Chief of Staff, and the General and Special Staffs. The Chief of Engineers commands all troops, activities, and installations assigned to his control for the execution of the Engineer mission.

(7) *Major functions* — (i) *Training.* Establishes, in coordination with using agencies, engineer requirements, organization, equipment, allowances, mobilization, training, assignment, allocation, technical supervision, inspection, and development of technical doctrine for the Army.

(ii) *Equipment, supplies, materials.* Effects coordination, integration, standardization, determination of requirements, procurement, storage, issue, maintenance, transfer, and disposal of all equipment, supplies, and materials assigned to the Corps of Engineers.

(iii) *Military maps and aerial photographs.* Develops, procures, prepares, produces, and distributes military maps and reproduces and distributes aerial photographs required by the Army.

(iv) *Intelligence.* Provides Engineer Intelligence for the Army.

(v) *Research and development.* Formulates plans, policies, and procedures for research and development for all items of engineer equipment and supplies required by the Army, and for design, techniques, and materials for use in the performance of civil works responsibilities.

(vi) *Real estate.* Acquires, leases, insures proper utilization of, and disposes of all real estate for the Army; and acquires, leases, and disposes of all real estate for the Air Force.

(vii) *Military construction.* Plans, develops, designs, and undertakes construction of facilities for the Army and Air Force.

(viii) *Repairs and utilities.* Prepares policies, standards and technical procedures for maintenance and repair of buildings, structures, utility plants, and systems and exercises technical staff supervision over operation of repairs and utilities at all Army installations.

(ix) *Industrial mobilization.* Formulates plans, programs, and policies for industrial mobilization with reference to engineer material, supplies, resources, and facilities.

(x) *Civil works.* Plans and directs activities for the fulfillment of civil works responsibilities which include:

(*a*) *Rivers, harbors, and flood control.* Develops, designs, constructs, maintains, and operates river and harbor and flood control improvements in the United States and its possessions.

(*b*) *Navigable waters.* Administers laws relating to the protection and preservation of navigable waters.

(*c*) *Beach erosion.* Develops and recommends projects for Federal cooperation in shore protection and beach erosion measures and develops and constructs shore protection and erosion prevention projects affecting Federal property.

(*d*) *Commercial statistics.* Collects, compiles, and publishes commercial statistics pertaining to rivers and harbors and to port facilities.

(8) *Organization*—(i) *Engineer comptroller.* Advises the Chief of Engineers and provides assistance for the Office of the Chief of Engineers on all budgetary, fiscal, audit, accounting, and management engineering matters and furnishes the Chief of Engineers current information on the progress of Engineer programs.

(*a*) *Budget.* Exercises supervision over Engineer budgetary matters, including the issuance of budget directives, the screening and consolidation of field estimates and requirements, the review of Engineer programs for budgetary implications, and the maintenance of liaison between the Office of the Chief of Engineers and the Office of the Comptroller of the Army.

(*b*) *Accounting.* Supervises fiscal, cost, and property accounting in the Corps of Engineers and formulates, develops, and supervises the administration of standards and methods in these fields.

(*c*) *Funds.* Prepares recommendations for the allocation of funds, for submission to the Comptroller of the Army, allots funds received, and certifies fund availability for the Corps of Engineers.

(*d*) *Audit.* Conducts internal audits of Engineer activities and prescribes policies and procedures for audits performed by field agencies.

(*e*) *Manpower allocation.* Establishes ceilings by grade for military and civilian personnel and prepares allotments for the Office of the Chief of Engineers and field offices.

(*f*) *Management.* Provides a management engineering service for the Office of the Chief of Engineers including the conduct of surveys, the supervision of a progress and performance reporting and evaluation system, the monitorship of regulations, circulars, and other published instructions, and supervision of other aids to management of Engineer activities.

(ii) *Office of technical information.* (a) Advises the Chief of Engineers and initiates and administers policies and programs on public information matters.

(*b*) Collects, prepares, and disseminates public information concerning the activities of the Corps of Engineers.

(*c*) Promotes engineer recruitment for the Army, in cooperation with enlistment activities.

(*d*) Furnishes consultant and research service on historical and archival matters pertaining to the Corps of Engineers.

(iii) *Legal Division.* (a) Formulates legal policies and procedures involving the interpretation of statutes, regulations, and other directives.

(*b*) Furnishes legal advice and prepares action on legal matters (except acquisition, lease, or disposal of real estate) such as contracts, claims, appeals, litigation, torts, war fraud cases, tax controversies, labor problems, patents, and contract readjustment.

(iv) *Personnel Division.* (a) Formulates policies for the direction and coordination of civilian and military personnel operations.

(*b*) Develops and maintains statistical records and budgetary controls for personnel authorization and fund requirements.

(*c*) Performs field inspection of personnel policies, utilization, and procedures.

(*d*) Activates and deactivates Engineer technical service units and detachments.

(*e*) Performs actions pertaining to promotion, demotion, reclassification, decorations, awards, and commendations to Engineer military personnel under the control of the Chief of Engineers.

(*f*) Takes final action for the Chief of Engineers in matters of procurement, classification, promotion, assignment, transfer, detail, and discharge of Engineer enlisted men under the control of the Chief of Engineers.

(*g*) Coordinates the procurement, career management, assignment, reassignment, transfer, detail, and separation from the service of officers and warrant officers of the Corps of Engineers, and of officers of other arms and services who are under the Chief of Engineers' assignment jurisdiction.

(*h*) Computes requirements for officers and warrant officer of the Corps of Engineers.

(v) *Safety Division.* (*a*) Develops and effectuates for the Corps of Engineers a broad, comprehensive and effective safety program relating to personal injury, property and equipment damage, occupational health and sanitation, fire prevention and protection matters (except those relating to repairs and utilities), and design of military construction projects.

(*b*) Formulates policies and procedures for the application of safety engineering to designs, plans, operating and maintenance processes, and training doctrine.

(*c*) Performs research to discover causes of accidents, develops prevention techniques and standards, provides technical safety engineering service, and supervises and directs all accident prevention activities within the Corps of Engineers.

(*d*) Maintains controls for evaluating progress of the safety program and initiates plans to correct deficiencies.

(vi) *Office Service Division.* (*a*) Obtains, stores, and issues office supplies, furniture, equipment, publications, including specifications and blank forms, and special procurement for field installations.

(*b*) Assigns for the Office of the Chief of Engineers office, storage, and warehouse space, telephone and other electrical communications, and transportation.

(*c*) Operates mail and teletypewriter systems and exercises staff supervision over mail-handling procedures and fixed communications system in Engineer field agencies.

(*d*) Exercises staff supervision over the use of administrative vehicles, first and second echelon maintenance, and the maintenance of records of the assignment of license plates to vehicles procured with civil funds.

(*e*) Provides filing, statistical, and electrical accounting machines service for the Office of the Chief of Engineers and provides staff supervision over the distribution and utilization of electric accounting machines throughout the Corps of Engineers.

(*f*) Provides liaison for the Chief of Engineers with The Adjutant General in administering control programs relating to printing publications, blank forms and printing, duplicating and binding equipment.

(*g*) Exercises staff supervision over civil works photographic laboratories.

(*h*) Performs the functions assigned to contracting officer and accountable officer for all property items in the Office of the Chief of Engineers, and conducts conservation program for such items.

(vii) *Engineer Historical Division.* (*a*) Exercises staff supervision over the planning, directing, and supervising of all Engineer historical projects.

(*b*) Performs the historical research and writing required for comprehensive histories of the problems, organization, and operating achievements of the Corps of Engineers during war and peace.

(viii) *Assistant Chief of Engineers for Military Supply and Procurement.* (*a*) Determines the consolidated requirements, administers supply control, and prepares the Engineers sections of Department of the Army Catalog for all Engineer equipment and supplies, including spare parts, which are assigned to the Corps of Engineers for procurement, storage, and issue.

(*b*) Exercises staff supervision over procurement, scheduling of production, receipt, storage, issue, maintenance, transfer, and disposal of Engineer equipment and supplies.

(*c*) Exercises staff supervision over industrial mobilization and procurement planning.

(*d*) Develops and supervises procedures for the expeditious handling of aid to foreign governments.

(*e*) Prepares budget estimates and justifies them before Congressional Committees and the Bureau of the Budget.

(ix) *Maintenance Division.* (*a*) Develops programs for maintenance of Engineer general and special equipment and spare parts in the Army.

(*b*) Exercises staff supervision over the techniques of maintenance in Engineer field agencies, such as base maintenance shops and spare parts depots which have maintenance service missions.

(*c*) Determines and applies assumptions affecting computation and compilation of over-all requirements for all spare parts of Engineers military supply of the Army.

(x) *Procurement Division.* (*a*) Exercises staff supervision over purchasing and production of materials and equipment for Engineer military supply including lumber and allied products, required by the Department of Defense and other Federal agencies.

(*b*) Exercises staff supervision over readiness to purchase and over industrial mobilization and procurement planning of the Corps of Engineers.

(*c*) Develops policies and procedures in regard to inspection activities and exercises staff supervision over Engineering procuring offices conducting inspection of Engineer equipment and material.

(xi) *Requirements and Supply Control Division.* (*a*) Determines and applies assumptions affecting computation and compilation of over-all requirements for all items of Engineer military supply of the Army.

(*b*) Prepares, justifies, and monitors the Engineer section of the Department of the Army Program of Procurement.

(*c*) Performs staff functions pertaining to the preparation of Engineer sections of the Department of the Army Supply Catalog.

(*d*) Prepares supply control studies; serves as central receiving and distribution point for requisitions, and initiates procurement and supervises issue of all items of Engineer supply, except spare parts.

(*e*) Establishes nomenclature and stock number for catalog of Engineer supply items, except spare parts.

(*f*) Performs functions with respect to redistribution, transfer, and disposal of excess Engineer supplies and equipment throughout the Army and the acquisition of excess and surplus property of other Army agencies.

(xii) *Depot Operations Division.* (*a*) Performs staff functions pertaining to Corps of Engineers' supply control and distribution operations.

(*b*) Reviews procurement directives determining availability of items or suitable substitutes from other technical services.

(*c*) Coordinates with the Assistant Chief of Engineers for real estate in proposed dismantling operations and in disposal of personal property located at excess and surplus posts, camps, stations, and industrial plants.

(*d*) Exercises staff supervision over field operations directly relating to the receipt, stock accounting, storage, packing, processing, marking, and shipment of all stock in Engineer storage facilities, including surplus military and nonmilitary stock.

(*e*) Arranges for acquisition and allocation of storage space, materials handling equipment, and related facilities.

(xiii) *Assistant Chief of Engineers for Military Operations.* (*a*) Coordinates mobilization planning activities of the Chief of Engineers.

(*b*) Organizes and trains Engineer troops not assigned to major commands.

(*c*) Plans and directs the Engineer research and development program.

(*d*) Directs Engineer military and intelligence activities exclusive of those under the direct control of oversea commanders, including production and distribution of all maps for the Army.

(*e*) Compiles and disseminates strategic and technical engineering data.

(*f*) Coordinates Engineer activities except for real estate, construction, and repairs and utilities, in oversea operations, including preparation and review of Engineer phases of operational plans and projects and establishment of requirements for class IV engineer matériel and equipment.

(*g*) Prepares budget estimates and justifies them before the Bureau of the Budget and Congressional Committees.

(xiv) *Engineer Intelligence Division.* (*a*) Plans procedures in regard to Engineer intelligence and formulates intelligence training programs.

(*b*) Reviews Engineer intelligence policies.

(*c*) Coordinates the collection, analysis, compilation, and dissemination of Engineer intelligence.

(*d*) Assigns intelligence projects to the Army Map Service, the Beach Erosion Board, the Board of Engineers for Rivers and Harbors, and the U. S. Geological Survey.

(*e*) Implements general policy, prepares instructions for execution of security programs, and acts to prevent and correct violations of security regulations.

(*f*) Initiates and coordinates mapping projects, plans equipment and methods for the preparation of maps and for the reproduction of maps and charts, and formulates plans and policies for the procurement, distribution, and exchange of maps issued or required by the Army.

(*g*) Coordinates mapping operations with foreign governments, evaluates foreign mapping equipment and methods, and recommends exploitation of captured mapping material.

(*h*) Recommends organization, equipment, and functions for photographic, topographic, and mapping organizations.

(*i*) Arranges for procurement of photography from the Air Force for Corps of Engineers civil work projects.

(xv) *Engineer Organization and Training Division.* (*a*) Prepares mobilization, peacetime, and oversea troop basis for Engineer units not assigned to major commands, and reviews and coordinates troop basis for all Engineer units.

(*b*) Furnishes staff supervision for activation, movement, organizing and equipping, and subsequent employment of Engineer units not assigned to major commands.

(*c*) Collects and maintains data on troop capacity of installations under the Chief of Engineers.

(*d*) Develops organization structure for Engineer troops, prepares tables of organization and equipment for Engi-

neer service units where responsibility for preparation has been assigned to the Chief of Engineers, and reviews and edits tables of organization and equipment for Engineer units, where responsibility for preparation has been assigned to the Air Force or to the Chief, Army Field Forces.

(e) Prepares tables of distribution for overhead personnel allocated in bulk to the Chief of Engineers.

(f) Controls expenditures of Engineer School and training funds; prepares tables of allowances and reviews special equipment issues for schools and other training facilities under the jurisdiction of the Chief of Engineers; and reviews and edits equipment modification lists for Engineer service units.

(g) Proposes development, test, and classification action for Engineer equipment when prepared for the Corps of Engineers Technical Committee.

(h) Prepares and proposes new or revised military occupational specialities required primarily for Engineer personnel.

(i) Controls and directs individual training of Engineer personnel and Engineer units not assigned to major commands.

(j) Makes technical inspections of Engineers units and installations not assigned to major commands.

(k) Prepares, edits, and reviews all types of Engineer training literature and visual aids.

(l) Plans and supervises matters relating to the Department of the Army Affiliation Program for Engineer Reserve units.

(m) Exercises staff supervision over Engineer Organized Reserve Corps and National Guard units.

(n) Develops, plans, and coordinates through Army Field Forces, the assignment, activation, and training of Engineer Reserve Officers' Training Corps unit, and exercises staff supervision over the preparation of programs of instruction and subject schedules for training of these units.

(xvi) *Engineer Research and Development Division.* (a) Plans, coordinates and directs research, engineering, and development work pertaining to Engineer military equipment.

(b) Exercises staff supervision over the operation of the Department of Defense research laboratory for conducting studies relating to snow, ice, and permafrost.

(c) Coordinates the formulation of military characteristics and the determination of preferred makes and models of Engineer equipment for procurement, and prepares actions for the Corps of Engineers Technical Committee for establishing or terminating development projects, classification of equipment, and similar matters.

(d) Renders technical consultants service to the Assistant Chief of Engineers for Military Supply and Procurement on equipment under procurement and to the Engineer Organization and Training Division in the establishment of operation and training doctrine.

(e) Coordinates establishment of Engineer nomenclature and equipment sets.

(f) Supervises determination of methods and preparation of plans specifications, and instructions for deterioration prevention measures for engineer equipment, and processing and packing thereof in transit and in storage.

(g) Controls dissemination of Engineer technical information to science and industry.

(xvii) *Assistant Chief of Engineers for Military Construction.* (a) Exercises staff supervision over the design and construction of all fixed installations such as buildings, structures, utilities, and facilities required by the Army.

(b) Directs and supervises the execution of the repairs and utilities mission as defined in AR 420–10 and Special Regulations of the 420-series, for all class I and II installations, in the continental United States and in oversea commands.

(c) Prepares budget estimates for all construction and maintenance programs and justifies them before the Bureau of the Budget and Congressional Committees.

(d) Exercises staff supervision over custodial functions required for maintenance of surplus installations as requested.

(xviii) *Construction Operations Division.* (a) Directs and controls military construction in continental United States and overseas (except occupied areas), and directs construction for other governmental agencies.

(b) Supervises care and custody of Army surplus installations.

(c) Establishes and interprets standards for the review of requests for new military construction; coordinates requirements with the major commands and technical and administrative services; develops construction programs and schedules and furnishes technical advice to the major commands and technical and administrative services of the Army on construction policies.

(xix) *Engineering Division.* (a) Initiates, coordinates, and directs investigational projects to develop new engineering principles on original design theories and methods, controls establishment of design criteria, functional designs, and definitive plans; prepares and keeps current manuals, guide and standard specifications, and typical and standard drawings for disseminating design information.

(b) Makes field inspections and furnishes consulting engineering services to using agencies and to oversea commands.

(c) Prepares criteria, manuals, and typical lay-out diagrams for selection and planning of sites; and reviews master plans for permanent installations, site reports, and site lay-outs for adequacy functional arrangement, and technical sufficiency.

(d) Establishes requirements for protection of vital industrial facilities by placing them underground, by dispersion, or by other suitable means; and develops functional designs and definitive plans for protective structures.

(e) Directs Engineer studies for control and conservation of critical and strategic materials.

(f) Exercises staff supervision over specifications, architectural and structural features, and utility elements of designs which are of repetitive or of a special or highly technical nature, and reviews and approves technical specifications prepared by the field agencies.

(g) Prepares estimates of construction materials required for military construction; provides information concerning costs of construction, labor, materials, and construction methods; and reviews and prepares costs estimates for planning purposes and for letting of contracts.

(h) Prepares manuals, typical and standard drawings, and furnishes technical data for the preparation of guide and standard specifications to control design criteria relating to structures and utilities.

(i) Analyzes proposed construction methods for possible adaptation to military requirements.

(j) Prepares designs and specifications for procurement of Engineer material, for selected projects, and for procurement of special structures for use in combat areas.

(k) Controls, coordinates and develops hospital construction requirements; exercises staff control over the preparation of plans and specifications; prepares functional architectural and specialized equipment criteria for hospitals; prepares programs and working-schedules for the development of designs and working drawings of hospitals.

(xx) *Repairs and Utilities Division.* (a) Conducts studies of materials, methods, and equipment.

(b) Conducts staff visits to assure that work is accomplished uniformly in accordance with policies, procedures, and standards.

(c) Formulates policies, procedures, and standards pertaining to cost accounting, utilities, maintenance of buildings and grounds, and fire prevention.

(d) Conducts educational and supervisory training.

(e) Makes technical reviews of projects.

(xxi) *Asistant Chief of Engineers for Real Estate.* (a) Exercises staff supervision over military and civil real estate matter of the Army.

(b) Plans and schedules the acquisition of land for military and civil works projects.

(c) Acquires all lands and interests therein, procures exclusive or partial jurisdiction over lands, and establishes and maintains records of all real estate under the control of the Army.

(d) Grants leases, licenses, easements, or permits for the occupation and use of Federal property which is under the control of the Army.

(e) Manages and disposes of, by sale, transfer, or otherwise, all surplus real estate under the control of the Army.

(f) Classifies and inspects the use of Army real estate, and effectuates its maximum use.

(g) Settles claims arising out of the use and occupancy of real estate by the Army.

(h) Prepares budget estimates and justifies them before the Bureau of the Budget and Congressional Committees.

(xxii) *Acquisition Division.* (a) Directs and approves preliminary studies and collects data required to justify acquisition of real estate or interests therein and directs and supervises the acquisition of lands and interests therein.

(b) Directs and supervises acquisition, abandonment, vacation, and relocation of roads and highways, cemeteries and other property by condemnation.

(c) Reviews all applications filed with the Assistant Secretary of the Army for certification of necessity for alterations and rental of leased buildings.

(d) Secures space in Federal office buildings for the Department of the Army.

(e) Exercises staff supervision over engineer field agencies in their procurement of options, evidence of title, and in their closing of purchase cases.

(xxiii) *Management and Disposal Division.* (a) Directs and supervises the permanent disposal of Army real estate.

(b) Directs and supervises the temporary management of surplus and inactive or stand-by properties under the control of the Corps of Engineers.

(c) Supervises the redistribution of available properties within the Army.

(d) Directs and supervises all functions incidental to removing real estate temporarily from Army control.

(e) Directs the inspection of facilities owned or leased by the Army to determine degree of utilization.

(xxiv) *Realty Requirements Division.* (a) Maintains complete official record of Army real estate overseas, and directs preparation of detailed reports from oversea installations involving interests in or utilization of real property.

(b) Directs establishment of and maintains complete historical, graphical, and statistical records of all real estate within the continental United States.

(c) Maintains current records of active projects for acquisition management, and disposal of real estate.

(d) Controls conformance to prescribed operating procedures, progress of programs, and standard systems of reporting.

(xxv) *Assistant Chief of Engineers for Civil Works.* (a) Administers river and harbor navigation and flood control projects, including investigations, authorizations, construction, operation, and maintenance of navigation, flood control, multiple-purpose, and hydroelectric power projects.

(b) Procures, assigns, maintains, and disposes of plant and equipment.

(c) Interprets and applies laws relating to navigable waters of the United States and international boundary waters.

(d) Reviews and reports on proposed legislation and appears before Congressional Committees to present testimony.

(e) Prepares budget estimates and justifies estimates before Congressional Committees and Bureau of the Budget.

(f) Issues permits for construction of bridges and other structures in navigable waters.

(g) Prepares and issues regulations governing navigable waters.

(h) Reviews plans, specifications, reports, and estimates pertaining to river and harbor and flood control projects.

(xxvi) *Engineering Division.* (a) Provides consulting and advisory service to Division and Districts on electrical, mechanical, power matters, soil mechanics, structural, hydraulic and general engineering problems.

(b) Establishes design criteria and publishes same in Engineering Manual and Guide Specifications for Civil Works; reviews construction plans and specifications of river and harbor and flood control structures for adequacy and safety of design; and reviews Definite Project Reports.

(c) Coordinates and supervises hydraulic model studies.

(d) Conducts studies of construction costs and establishes procedures and methods for making estimates of cost for civil works projects.

(e) Supervises program for hydroelectric power at Corps of Engineers projects; analyzes allocations of costs as between power and other water utilization; and provides liaison with Federal Power Commission, Bureau of Reclamation and other agencies of the Department of the Interior relative to development for and production of power at Corps of Engineers projects.

(f) Review plans and specifications for proper concrete aggregates and placing control.

(g) Reviews electrical and mechanical features of specifications, plans, reports and estimates and supervises inspection during manufacture of electrical and mechanical equipment.

(h) Reviews hydrologic features of plans, specifications and reports.

(i) Coordinates the plans of Division and District Engineers pertaining to installation and operation of stream gaging stations, precipitation stations, snow courses and laboratories, radio-reporting hydrologic stations and special facilities.

(j) Studies problems related to the measurement of sedimentation in rivers and reservoirs.

(k) Supervises the preparation of storm studies by Division and District Engineers and formulates general program of cooperative studies by Hydrometeorological Section of Weather Bureau for determination of critical rates of rainfall.

(l) Reviews soil mechanics and related features of plans and specifications and reports to determine adequacy of design of earth dams, levees, foundation stability of floodwalls, etc.

(m) Investigates and reports on geological suitability of sites for dams, locks, tunnels, powerhouses; reviews geological and related features of plans and specifications and reports of rivers and harbor and flood control structures; reports on mineral resources affecting economics of projects; and provides representative on Department of the Army General Staff Panel on Seismology, Soil Mechanics, Volcanology, Committee on Geophysical Science.

(xxvii) *Planning and Development Division.* (a) Directs and supervises programming and planning of all civil works activities of the Corps of Engineers for navigation, flood control, major drainage, prevention of beach erosion, hydroelectric power development and related water uses and problems, including assistance to Division and District Engineers in planning flood control and multiple-purpose projects, from the time of their inception until funds for construction or execution thereof are appropriated by Congress.

(b) Supervises administration and takes action on special civil works projects and problems (e. g., the St. Lawrence Seaway; survey of water resources of Alaska, interstate pollution control, interstate water compact, etc.).

(c) Coordinates, formulates, and disseminates broad policies of the Chief of Engineers for all civil works activities.

(d) Justifies estimates before Bureau of the Budget and Congress.

(e) Reviews and analyzes reports of the Chief of Engineers to Congress on authorized investigations for navigation, flood control, beach erosion and multiple-purpose projects.

(f) Presents testimony and exhibits at hearings before Public Works Committees of Congress for authorization for all civil works projects.

(xxviii) *Operations Division.* (a) Directs construction, maintenance, and operation of all authorized flood control and river and harbor projects.

(b) Administers program for use and management of reservoir areas and facilities for recreational, fish and wildlife, and other purposes for the benefit of the public.

(c) Directs procurement, assignment, and disposal of plant and facilities.

(d) Coordinates flood emergency operations.

(e) Supervises and directs construction of a civil works nature performed for other agencies. Directs special programs as assigned.

(f) Supervises maintenance of Washington Aqueduct.

(g) Determines minimum amounts to be included in budget estimates for maintenance, operation, and construction of projects under way, and supervises allotments and transfers of funds, and establishment and control of reserve funds.

(h) Makes operations review of definite project reports, plans and specifications, change orders, highway and railroad relocation plans and agreements, local cooperation agreements, housing plans, land acquisition plans.

(i) Administers laws and regulations relating to navigable waters and international boundary waters, including establishment of harbor lines, issuance of permits, approval of bridge plans, removal of wrecks and obstructions, pollution abatement, regulation of bridge tolls, establishment and use of danger zones.

(j) Directs program for alteration of railway bridges determined obstructive under Public Law 647—76th Congress.

(k) Maintains continuous surveillance of organization and methods employed in field operations, with a view to effecting the most effective, efficient and economical methods of field operations.

(l) Determines jurisdictional watershed lines as boundaries of Divisions and Districts.

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(j) *Office of the Chief Signal Officer*—(1) *Mission.* To direct and supervise all signal communications and related activities, including Army photography.

(2) *Origin.* The Signal Corps had its origin in the appointment of a surgeon in the Army as the Signal Officer of the Army with the rank of major under authority of an act of Congress approved June 21, 1860 (12 Stat. 66).

(3) *History*—(i) *First assignment.* The first assignment of the Signal Officer of the Army was in operations against the Navajos. In May 1861 the Signal Officer returned to the War Department and set up facilities for training of signal officers. The headquarters office was established in the War Department in November 1861.

(ii) *Separate branch.* Visual and electric signals were used extensively in the Civil War and assumed such an important role in the operations that the Signal Corps was set up as a separate branch of the Army. The act of March 3, 1863 (12 Stat. 753) established a Signal corps of the Army "during the present rebellion" and provided for a a "chief signal officer, a colonel, who shall be the signal officer of the Army," as well as a number of commissioned officers and enlisted men. This act also provided for an "officer of the signal officer." The United States Army thus became the first army in the world to have a separate Signal Corps, a model for the creation of similar corps in the armies of other nations. At the close of the Civil War, the act of July 28, 1866 (14 Stat. 335) established and fixed the peacetime military establishment, including provision for a Chief Signal Officer of the Army and certain numbers of commissioned officers and enlisted men who were to be detailed to signal duty.

(iii) *Weather forecasting.* The Signal Corps was required by law in 1870 to provide a weather forecasting and storm warning service for the civilian population throughout the country. The act of October 1, 1890 (26 Stat. 653), reorganized the Signal Corps and provided for the transfer of its meteorological service to a Weather Bureau to be set up in the Department of Agriculture as of July 1, 1891. This act also provided for a Chief Signal Officer who would thereafter be charged with military signal duties.

(iv) *Act of 1894.* The act of August 6, 1894 (28 Stat. 234), reorganized the Signal Corps further and provided that upon the vacancy of the then incumbent, the grade of the Chief Signal Officer would be that of a colonel. The joint resolution of July 8, 1898 (30 Stat. 752), repealed the act of August 6, 1894, and provided for an Assistant Chief Signal Officer with a grade of colonel.

(v) *Telephone and submarine cable.* The act of May 18, 1898 (30 Stat. 417), authorized the organization of a Volunteer Signal Corps to take part in the Spanish War. Signal operations were vastly expanded to meet the needs of the Army and the Signal Corps then used telephones and submarine cable for the first time on a large scale.

(vi) *Alaska communications.* The act of May 26, 1900 (31 Stat. 206), originally authorized commercial business to be done over military telegraph and cable lines in Alaska. Operations were started by the Signal Corps in 1901 and from then until 1936 the system was called "Washington-Alaska Military Cable and Telegraph System." It is now operated as the Alaska Communications System.

(vii) *1901 Reorganization Act.* The Reorganization Act of February 2, 1901 (31 Stat. 748), reorganized the Army of the United States, and provided for a Signal Corps composed of a Chief Signal Officer with the rank of brigadier general and stipulated numbers of commissioned officers and enlisted men.

(viii) *Aeronautics.* In 1892 the Signal Corps established a balloon section. An Aeronautical Division was set up in the office of the Chief Signal Officer in 1907 and a small dirigible was purchased in 1908. The Wright Brothers' airplane was accepted by the Signal Corps in 1909 and the first Army Aviation School was opened in 1911. The act of July 18, 1914 (28 Stat. 514) set up an aviation section in the Signal Corps which was continued in the National Defense Act of June 3, 1916 (39 Stat. 166, 174). The aviation section of the Signal Corps was responsible for the operation of military aircraft until a separate Air Corps was established in May 1918.

(ix) *Photography.* Photography in the Signal Corps dates back to 1881–2 when a Signal Corps sergeant was assigned by General Greely to make a photographic record of his Arctic expedition. In 1894, photography was added as a course of study at the Signal School, Fort Riley, Kansas. In 1900, photography was added to the duties of signal companies in addition to their regular duties. In 1909, motion-picture cameras were used to record the flight of the Wright Brothers' airplane. In 1916, the first training film was made. In August 1917, a Photographic Division was set up in the office of the Chief Signal Officer and by the close of World War I three photographic training schools had been established. Aerial photography was transferred to the Air Corps in May 1918, when it was set as a separate organization The use of training films by the Army expanded to the point that in 1937 the Training Film Production Laboratory was set up at Fort Monmouth, New Jersey. Soon after entry of the United States into World War II the Signal Corps Photographic Center was established at Long Island City, New York.

(x) *Homing pigeons.* Communications by homing pigeons was successfully undertaken by the Signal Corps during the First World War.

(xi) *National Defense Act of 1916.* The act of June 4, 1920, amending and revising the National Defense Act of 1916 (41 Stat. 759, 768) among other things, provided for a Chief Signal Officer with the rank of major general and formally set up a separate air service.

(4) *Dual role of the Chief Signal Officer.*—(i) *Staff advice.* The Chief Signal Officer serves as technical staff adviser to the Secretary of the Army, the Chief of Staff, and all elements of the Army on matters pertaining to signal communications and related activities, including Army Photography.

(ii) *Command.* For the execution of the Signal Corps mission, the Chief Signal Officer commands all troops, activities, and installations assigned to his control.

(5) *Legal basis.* The statutory basis of the Signal Corps as currently established in section 13 of the National Defense Act of 1916, as amended by the act of June 4, 1920. A statutory statement of the functions of the Chief Signal Officer is set forth in section 2 of the act of October 1, 1889, 26 Stat. 653, 10 U. S. C. 212. (See also note in sec. 47, Military Laws, 1939.)

(6) *Major functions*—(i) *Advice.* Advises the Secretary of the Army, the Chief of Staff, and other high officials on matters relating to signal communications and other Signal Corps functions and formulates plans, policies, and doctrines on these matters.

(ii) *Plans and programs.* Formulates and maintains Army-wide plans, policies, and programs for the research, development, design standardization, procurement, storage, issue, and maintenance of all items of signal equipment and supplies required by the Army, including equipment and supplies for photography, radar, meteorology, electronic countermeasures, and other Signal Corps functions except those items for which responsibility is assigned to other agencies.

(iii) *Signal communications activities.* Supervises and inspects signal communication activities, units, and other Signal Corps functions within the Army including the organization and operation of the Alaska Communications system, in coordination with the major commands, except tactical systems which are the responsibility of the major commands.

(iv) *Signal communications equipment.* Promulgates and supervises policies and procedures relating to the operation, coordination, integration, and standardization of signal communications equipment and systems within the Army, with the Navy and the Air Force, and with friendly foreign governments, except equipment and systems assigned by the Army to other agencies.

(v) *Industrial mobilization.* Formulates in coordination with the other technical services broad plans, policies, and programs for industrial mobilization of signal communications equipment, facilities, supplies, and resources in support of the over-all Army plan for industrial mobilization, including the Signal Corps affiliation program.

(vi) *Training.* Recommends training objectives, policies, doctrines, and tables of organization and equipment for all signal communications and photographic units, Regular and Reserve components; recommends uniform job classification for signal communications and photographic personnel, except those required for the photographic reproduction of maps and photomaps in quantity, and the assignment of responsibility for training and supply of such personnel; and supervises the organization and operation of the Army portion of the Military Amateur Radio System.

(vii) *Fixed signal communication systems.* Approves or makes recommendations for the approval of projects for the installation, operation, and maintenance of fixed signal communications systems and facilities for the Army and recommends the assignment of implementing responsibility.

(viii) *Call signs and frequencies.* Assigns call signs, radio and radar frequencies, routing indicators, and delivery groups for all Army radio stations and fixed signal communications facilities.

(ix) *Radio propagation.* Prepares and disseminates within the Army information concerning radio propagation and formulates plans for and directs programs on radio propagation research.

(x) *Photographic policies and programs.* Establishes over-all photographic policies and programs for the Army, except those specifically assigned to other agencies, and recommends the assignment of photographic responsibilities.

(xi) *Funds.* Prepares and defends consolidated estimates for and exercises primary administrative control over Signal Service of the Army and Alaska Communications System funds.

(xii) *Signal Corps facilities.* Establishes and operates Signal Corps procurement districts, depots, laboratories, schools, and other facilities required for research, development, standardization, procurement, storage, issue, maintenance, and disposal of Signal Corps equipment and supplies, and the training of Signal communications, electronics, and photographic specialists for the Army.

(xiii) *Army Command and Administrative Network.* Engineers, installs, operates and maintains fixed signal communications equipment and facilities comprising the Army Command and Administrative Network.

(xiv) *Contracts.* Negotiates, executes, and administers contracts for the procurement of commercial signal communications facilities and services used by the Army; the procurement of Signal Corps equipment and supplies; and the investigation, research, and development of Signal Corps equipment.

(xv) *Photographic facilities.* Establishes and operates Signal Corps photographic laboratories, libraries, and motion picture production centers.

(xvi) *Publications.* Prepares and revises directives, publications, and training, technical, and supply data including standards and methods of a technical nature pertaining to signal communications and photographic equipment and supplies.

(xvii) *Homing pigeons.* Establishes and operates facilities for the breeding and training of homing pigeons for the Army.

(xviii) *Joint agencies.* Operates and administers, for the Army in conjunction with the Navy and the Air Force, the Armed Services Electro-Standards Agency and operates and administers, in coordination with the Air Force and the Navy, the Communications Electronics Nomenclature system for signal communications equipment.

(xix) *Research and development.* Formulates plans, policies, and programs for research and development of all items of signal equipment and supplies required by the Army including equipment and supplies for photography, radar, meteorology, and electronic countermeasures, except those items for which responsibility is assigned to other agencies; conducts research and development in the fields of thermionics, wire communications, radio communications, radar, television, direction finding, navigation aids, radiological instrumentation, guided missiles instrumentation, sound and light, infrared, meteorology and ground photography, and ancillary devices pertaining to these major fields; and conducts and supports basic and applied research in the fields of electrical, magnetic, sonic, molecular, atomic, and nuclear physics, the fields of atmospheric physics, organic, inorganic, and physical chemistry, mineralogy, seismology, climatology, geomagnetism, electromagnetic theory and wave propagation, and mathematics.

(xx) *Procurement, storage, and distribution.* Procures, stores, and issues communications equipment and supplies, including meteorological supplies and stores and issues photographic equipment.

(xxi) *Electronic countermeasures.* Coordinates Army electronics countermeasures operational policy with the Navy and the Air Force and is responsible for Army electronics countermeasures pertaining to preparation of methods, procedures, doctrine, tables of organization and equipment, and the training of electronics-countermeasures units and personnel, provision of funds and facilities, and defense of budget items pertaining to the electronic-countermeasures program and the development of antijamming equipment and methods.

(xxii) *Intelligence.* In accordance with policies established by the Director of Intelligence, General Staff plans and directs the preparation for the collection, in the zone of interior, during combat operations, of technical information pertaining to signal material, organizations and operations, exercises technical supervision over the collection and processing of the collected information in theaters of operation and provides signal technical intelligence for the Army.

(7) *Organization*—(i) *Administrative Office.* (a) Prepares or edits for compliance with policy and Army directives, and authenticates all orders, instructions, regulations, memorandums and reports issued by order of the Chief Signal Officer.

(b) Directs action on correspondence and directives received from higher authority.

(c) Studies, evaluates, and advises on the functions, organization, and administration of the Office of the Chief Signal Officer and activities under his control, investigating sources of difficulty and recommending corrective action.

(d) Distributes mail and messages, administers the control of recurring reports, maintains basic record files, and exercises staff supervision over records administration in the Office of the Chief Signal Officer and in Signal Corps field installations and activities.

(e) Assigns officers to duty in the subdivisions of the Office of the Chief Signal Officer; maintains a military personnel information locator; prepares morning reports; and issues or processes temporary duty travel orders for military personnel of the Office of the Chief Signal Officer and the Signal Corps Photographic Library and Laboratory.

(f) Performs office service functions such as: operates messenger service; allocates office space; arranges for motor-pool transportation, building maintenance, telephone and reproduction service; arranges for supply and repair of office furniture and equipment; operates machine tabulating service; and exercises staff supervision over the utilization of IBM equipment in activities under control of the Chief Signal Officer.

(g) Performs public relations activities for the Office of the Chief Signal Officer and maintains liaison with public relations officers at Signal Corps field installations and activities and reviews material concerning the Signal Corps, such as articles, speeches, radio scripts and exhibits, prior to their dissemination to the public through Department of Defense channels.

(h) Handles requests for information submitted to the Chief Signal Officer and furnishes promotional material on recruiting to The Adjutant General.

(ii) *Fiscal Division.* (a) Exercises accounting control of funds allocated or allotted to the Chief Signal Officer, maintains centralized fiscal accounts, and effects transfer of funds between the Signal Corps and other Army and Government agencies.

(b) Exercises technical supervision over property and pay-roll accounting records.

(c) Reviews renegotiation agreements and takes action to collect monies due the United States from contractors.

(d) Prepares consolidated Signal Corps and the Alaska Communications System budget estimates and justifications, prepares funding programs, and recommends allocations and allotments of Signal Service of the Army and Alaska Communications System funds, and funds from other appropriations expended by the Signal Corps.

(e) Coordinates the preparation of drafts of legislation affecting appropriations.

(f) Analyzes procurement directives issued by the Office of the Chief Signal Officer as to propriety and cost.

(g) Represents the Chief Signal Officer in matters relating to the construction, alteration, easing, and acquisition or disposition of land and buildings and space control for the Signal Corps.

(h) Publishes equipment lists for and prescribes forms to be used in connection with real or installed property accounts.

(i) Determines necessity for and adequacy of insurance required of Signal Corps contractors and subcontractors.

(iii) *Legal Division.* (a) Act as general counsel to and represents the Chief Signal Officer on legal matters, including those relating to patents, copyrights, inventions, licenses, and legislation, and those involving congressional inquiries and labor relations matters.

(b) Reviews and advises the Chief Signal Officer on pending legislation; drafts, coordinates, and processes in the Office of the Chief Signal Officer proposed legislation on matters affecting Signal Corps activities; and prepares

reports to higher authority on proposed legislation.

(c) Drafts, reviews, and publishes Signal Corps procurement instructions; advises and assists procurement personnel in negotiation of special contract and contract clauses; and drafts forms of contracts and other legal documents.

(d) Reviews contracts for conformity with law, regulations, and directives, and obtains corrections of irregularities.

(e) Reviews renegotiation agreements for legal sufficiency and assists the Judge Advocate General and Justice Department in preparation of litigated cases.

(f) Reviews appeals to the Chief Signal Officer from findings and decisions of contracting officers and processes and assists in preparation of appeals before the Army Board of Contract Appeals and the Appeal Board of the Office of Contract Settlement.

(g) Processes claims against the Government and prepares recommendations for submission to the General Accounting Office.

(h) Prepares, processes, and files applications for letters patent and amendments and investigates and settles claims against the Government for infringement of patents.

(i) Advises Signal Corps military personnel on personal legal matters.

(j) Exercises staff supervision over the the Philadelphia Field Office of the Legal Division and the Signal Patent Agency (Fort Monmouth).

(iv) *Signal Plans and Operations Division.* (a) Assigns radio frequencies and radio call signs for Army activities.

(b) Represents the Chief Signal Officer on and recommends signal communications policies to committees of the Joint Communications-Electronics Committee and Combined Communications Board; implements decisions of the Joint Communications-Electronics Committee and Combined Communications Board referred to the Chief Signal Officer, and exercises staff supervision over matters referred to these agencies by the Chief Signal Officer.

(c) Serves on the Executive Council of the Central Radio Propagation Laboratory.

(d) Represents the Army in liaison with Government, national, and international agencies concerned with frequency allocation, call signs, radio interference, and radio propagation phenomena and on the Interdepartment Radio Advisory Committee and other boards and committees concerned with national and international radio frequency allocation and radio propagation matters.

(e) Participates in the negotiation and formulation of international telecommunications treaties, conventions, regulations, and executive agreements.

(f) Approves the technical characteristics of radio electronic equipment prior to standardization with respect to frequency range, location in the radio frequency spectrum, antenna radiation characteristics, emission, and power.

(g) Assigns frequency tolerance limits for the production of electronic equipment and processes Army applications thereon to the Frequency Allocation Panel, Joint Communications-Electronics Committee, and Combined Communications Board.

(h) Reviews and approves, with respect to frequency, requisitions and purchase requests for crystals and maintains liaison with using arms in connection with the frequency of crystals to be issued.

(i) Collects, compiles, analyzes, and disseminates essential types of radio propagation information and noise data and conducts operational research on radio propagation problems.

(j) Exercises technical supervision over and assigns the mission of the Radio Propagation Unit, Signal Corps, Ionosphere Sounding Teams in the field, and the Signal Corps Monitoring Station at Fort Riley.

(k) Exercises staff supervision within the Office of the Chief Signal Officer over postwar, strategical, tactical, logistical, mobilization, and national emergency projects, plans, and policies concerning signal communications and electronics portions of Army directives, predicts personnel and equipment requirements, and assists in the development of over-all industrial mobilization policies and plans.

(l) Reviews and makes recommendations on organization and equipment tables for Signal Corps, signal communications, electronics, and photographic units within the Army and reviews job specifications of MOS's associated with Signal Corps, signal communications, electronics, and photographic units and activities.

(m) Recommends and initiates action on the constitution, activation, organization, designation, allotment, movement, assignment, inactivation, disbandment, reorganization and redesignation of units commanded by the Chief Signal Officer.

(n) Prepares troop basis, troop lists, troop programs, troop deployments, tables of organization and equipment, equipment modification lists, and changes for units assigned to the Chief Signal Officer as a table of organization and equipment responsibility, and tables of allowances assigned to the Chief Signal Officer and reviews signal portion of tables of organization and equipment, tables of allowances, etc., as may be requested by other agencies.

(o) Reviews and authorizes requests for supplies and equipment in excess of or not included in approved allowances and predicts personnel and equipment requirements in excess of tables of organization and equipment and tables of allowances.

(p) Reviews objectives, projects, and plans for installation, retention, operation, or disposition of domestic and oversea fixed signal communications systems and facilities.

(q) Maintains staff supervision over actions taken on operational messages and exercises staff supervision over the Signal Corps Board.

(r) Exercises staff supervision over Signal Corps participation in Armed Forces Special Weapons Project and Atomic Energy Commission activities and coordinates job and security clearances for access to Restricted data.

(s) Coordinates for the Chief Signal Officer electronics countermeasures, radiological measures, deception responsibilities, and tactical signal communications procedures and prepares military characteristics and requirements for electronics countermeasures equipment and requirements for electronic countermeasures personnel and units.

(t) Formulates, reviews, and recommends tactical doctrines and techniques for the utilization of Signal Corps units and equipment under control of the Chief Signal Officer and reviews and recommends tactical doctrines and techniques for the employment of signal communications units and equipment assigned to Army Field Forces.

(u) Exercises staff supervision over security, intelligence, and counterintelligence activities in the Signal Corps; exercises technical supervision over and assigns the mission of the Signal Corps Intelligence Agency; processes individual and contractor security clearance in connection with Signal Corps activities; and acts as Control and Record Office for classified and other Restricted data, cryptographic material, and correspondence within the Office of the Chief Signal Officer.

(v) Exercises staff supervision over standardization of signal equipment and procedures with foreign countries and releases of critical equipment or supplies to foreign countries.

(w) Provides, under the direction and supervision of the Director of Intelligence, General Staff, signal technical intelligence for the Army.

(x) Prepares, under the supervision of the Director of Intelligence, General Staff, telecommunications sections of the United States Strategic Vulnerability Survey and the Strategic Intelligence Studies on all foreign countries.

(y) Supervises direct exchange of signal technical information with foreign nationals and arranges for clearance of foreign nationals to visit Signal Corps establishments and private plants.

(z) In accordance with Army policy, exercises technical staff supervision over captured signal equipment returned to the United States for intelligence purposes, except signal intelligence and communications security equipment of special interest to the Army Security Agency.

(v) *Army Communications Service Division.* (a) Develops detailed engineering plans for and initiates and technically supervises the installation, operation, maintenance, consolidation, and disposition of Army fixed communications systems and equipment.

(b) Maintains liaison with Army and other agencies on matters concerning plans and policies for the establishment, expansion, reduction, integration, utilization, and disposition of fixed Army communications systems and facilities.

(c) Directs and supervises operation of the Army Command and Administrative Communications Agency, including the Army Communications Center, the Alaska Communications System, and the Signal Corps Plant Engineering Agency.

(d) Supervises negotiation and administration of contracts for the procurement of commercial communication facilities and services used by the Army.

(e) Controls, makes assignment, and publishes routing indicators for Army networks employing tape relay methods of operation and assigns and publishes delivery groups for Army stations and activities.

(f) Provides technical supervision of the installation and maintenance of radio communications stations, radio direction finding equipment, radar and Loran for use on Army vessels and boats, with the exception of those items peculiar to the Air Force.

(g) Provides staff supervision of the organization, coordination, and operation of the Military Amateur Radio System as pertains to the Army.

(h) Prepares, revises, and reviews Army publications covering general policies, procedures, standards, and methods of a technical nature governing the operation of fixed plant communication systems and facilities.

(i) Based upon program analysis and projected operations, compiles budget estimates and recommends allocation of funds for fixed communications service and facilities.

(j) Performs technical inspections of Army fixed communications systems and facilities.

(vi) *Army Pictorial Service Division.* (a) Exercises staff supervision over the production, distribution, storage, issue, and exhibition of motion pictures, film strips, and still pictures for which the Chief Signal Officer is responsible.

(b) Authorizes the establishment or discontinuance of, and maintains technical control of the operation of, film libraries and photographic laboratories at class I and II installations and in oversea departments and commands.

(c) Supervises custody, in collaboration with The Adjutant General, of the permanent motion picture, film strip, and still picture records of the Army for which the Chief Signal Officer is responsible.

(d) Recommends plans and procedures for the training and assignment of military personnel in photographic specialties.

(vii) *Engineering and Technical Division.* (a) Exercises control and coordination of the Signal Corps research and development program.

(b) Prepares and coordinates broad and long-range plans for research and development personnel, facilities, and activities.

(c) Consolidates and prepares justification of the Signal Corps research and development budget.

(d) Acts as the Secretariat of the Signal Corps Technical Committee.

(e) Assigns and reviews Signal Corps research and development priorities and project numbers and prepares and distributes reports on research and development program.

(f) Coordinates the activities of the Signal Corps Engineering Laboratories Development Detachment.

(g) Exercises operating control over the Signal Corps Engineering Laboratories and Army Electronics Standards Agency in connection with research and development activities pertaining to specifications, maintenance engineering, and quality control of Signal Corps equipments.

(h) Prepares modification work orders, maintenance parts catalog, parts control lists, repair specifications, etc.

(i) Analyzes unsatisfactory equipment reports and takes corrective action to remedy deficiencies.

(j) Furnishes recommendations for tables of organization and equipment requirements and determines type classification of components upon reclassification of equipment by Signal Corps Technical Committee.

(k) Maintains liaison between supply control points and Signal Corps Engineering Laboratories to assure availability of procurement data for items scheduled for procurement before procurement directives are issued.

(l) Authorizes expendable Signal Corps supplies and exercises staff supervision over preparation of tables of allowances of expendable supplies.

(m) Analyzes and processes parts requirements for tactical equipment and foreign aid programs.

(n) Exercises staff supervision over assignment of nomenclature for the Signal Corps and Communications-Electronics Nomenclature System.

(o) Assigns security classification on Signal Corps equipment.

(p) Disseminates information on the security classification of all communications and electronic and associated equipment coming within the scope of Communications-Electronic Nomenclature and Signal Corps and Navy Systems.

(q) Reviews research reports and patent applications and recommends security classification thereof.

(r) Supervises Signal Corps research and development projects pertaining to equipment and system, major changes in standard equipment, improvement and elimination of duplication in existing equipment, initiation of special investigations, arrangement for service test, dissemination of technical information on research and development projects, and implementation of approved recommendations of the Signal Corps Board.

(s) Coordinates with using agencies on installation of radar and meteorological equipment.

(t) Prepares and coordinates subcommittee reports for the Signal Corps Technical Committee.

(u) Prepares recommendations pertaining to authorization of establishment, change in echelon, or discontinuance of field and/or depot maintenance facilities in zone of interior for Signal Corps equipment.

(viii) *Personnel and Training Division.* (a) Evaluates and defends before higher authority Signal Corps military and civilian manpower requirements and recommends allotments of military and civilian personnel for all activities under command of the Chief Signal Officer.

(b) Studies missions, functions, and organizational structure of all Signal Corps field installations and activities and recommends as to their establishment, elimination, transfer, and modification to effect improvement and economy and processes the establishment, activation, and inactivation of Technical Service Units.

(c) Studies and recommends management programs and methods (work programming and measurement, work simplification, cost analysis, manpower control, progress and statistics, and time and motion study), and develops policies and procedures and prepares instructions.

(d) Administers Signal Corps cost productivity analysis and Signal Corps work measurement-personnel utilization programs.

(e) Plans, develops and maintains a program of civilian personnel administration for Signal Corps employees, departmental and field, including recruitment, hiring, in-service placement, oversea employment, veterans reemployment, reductions in force, employee utilization, classification and wage administration, leave, efficiency ratings, suggestions, awards and grievances, and formulates policies and operating practices and methods.

(f) Furnishes staff assistance and guidance to Signal Corps field activities by means of surveys in connection with civilian personnel administration and directs the installation of mandatory procedures, records, and forms.

(g) Represents the Signal Corps in liaison activities with Civilian Personnel Division, Office of the Secretary of the Army, the Civil Service Commission, Veterans' organization, and labor union officials.

(h) Exercises staff supervision over the training of units and individuals in field of signal communications and electronics, ground photography, signal supply and procurement, and over the Army Pigeon Service.

(i) Prepares and revises training aids, posters, and instructional material, and recommends production of revision of training films and film strips for signal training.

(j) Processes new or revised MOS's for Signal Corps personnel.

(k) Supervises the troop information and education program in elements under the control of the Chief Signal Officer.

(l) Assists in the preparation of tables of allowances for Signal Corps schools and training installations.

(m) Processes special requests for training equipment, supplies, and commercial publications.

(n) Prepares budget estimates for and maintains administrative control of funds for training, pigeon activities, and printing and binding.

(o) Exercises staff supervision over the Signal Corps Publications Agency, over the preparation and processing of publications initiated by the Chief Signal Officer, and over the processing of Joint Chiefs of Staff publications in which the Chief Signal Officer has primary interest.

(p) Plans and controls all procurement or production and disposition of Signal Corps training and technical literature.

(q) Performs printing control and forms standardization for the Signal Corps.

(r) Recommends policies and procedures relating to and exercises staff

supervision over enlisted personnel activities and the administration, classification, demotion, transfer, retirement, and discharge of officer personnel under control of the Chief Signal Officer.

(s) Performs functions of career management for Signal Corps officers (except general officers) and warrant officers and processes permanent changes of station for Signal Corps officers (except general officers) and warrant officers within the zone of interior to oversea commands and to zone of interior assignments upon return from overseas.

(t) Processes the promotion, appointment, and declaration of all military personnel under the control of the Chief Signal Officer, as well as matters pertaining to reclassification and disciplinary cases referred to the Chief Signal Officer for recommendation and/or action.

(u) Processes application of officers for Regular Army commissions in the Signal Corps and applications for direct appointment in the Signal Section, Officers Reserve Corps.

(v) Maintains records of Signal Corps officers and enlisted men and efficiency records of Signal Corps officers assigned in the Office of the Chief Signal Officer.

(w) Prepares and maintains files on all Signal Corps units, including strength and location.

(x) Surveys enlisted requirements of the oversea commands, army areas and class II installations and activities and recommends the assignment of Signal Corps school graduates to maintain an equitable distribution of enlisted specialists for zone of interior and oversea commands.

(y) Administers the promotion program for enlisted men of the first three grades under control of the Chief Signal Officer and maintains supervisory control over the promotion of all Signal Corps enlisted men who have been classified into career fields monitored by the Chief Signal Officer.

(z) Plans the selection of and completes negotiations with industrial concerns for the sponsorship of Signal Corps Organized Reserve Corps Affiliated Units and represents the Chief Signal Officer on matters related to the affiliation program prior to activation of affiliated units.

(ix) *Procurement and Distribution Division.* (a) Exercises staff supervision over Signal supply control operations, including the establishment, development, and review of policies and procedures on the computation of requirements and allowances of Signal supplies.

(b) Analyzes and interprets troop basis and directives pertaining thereto.

(c) Determines availability of Signal Corps equipment and supplies; implements instructions to the oversea commands authorizing the return or disposal of equipment and supplies; computes, reviews, and revises replacement factors for Signal Corps equipment; and authorizes or obtains authorization for issue of Signal Corps equipment to Army, Air Force, Navy, and other governmental agencies and to other governments.

(d) Prepares the Signal Corps Supply Program and the Signal Corps portion of the Army Program of Procurement.

(e) Directs and supervises the Signal Corps Stock Control Agency in the regulation and maintenance of satisfactory stock positions of signal depots and signal sections of general depots.

(f) Represents the Chief Signal Officer on the Procurement Assignment Board.

(g) Exercises staff supervision over purchasing, pricing, production, inspection, and contract settlement activities of the Signal Corps and directs and supervises the procurement activities of the Signal Corps Procurement Agency and Army Security Agency Office.

(h) Secures departmental printing, binding, and blank book work for the Signal Corps.

(i) Makes emergency purchases and processes interbranch and interdepartmental procurement.

(j) Directs and supervises the Signal Corps Depot System including the exercise of staff supervision over the disposition of excess and surplus military property in the System.

(k) Supervises the preparation of and evaluates the Depot Master Plan.

(l) Exercises staff supervision over the reconditioning, repair, modification, and fabrication of Signal Corps property at Signal Corps depots and signal sections of general depots.

(m) Exercises staff supervision over industrial mobilization planning in the Signal Corps and directs and coordinates planning and preparatory action necessary to assure timely productions, procurement, and distribution of Signal Corps materials in an emergency.

(x) *Signal Civilian Components Division.* (a) Exercises staff supervision over Signal Corps participation in the Army Civilian Components program.

(b) Prepares and maintains long-range training plans for the Signal Civilian Components; maintains liaison with Signal units and personnel of the Organized Reserve Corps and Reserve Officers Training Corps to determine the status of training, adequacy of programs of instruction, training procedures and equipment; recommends action necessary to correct deficiencies; and reviews and recommends techniques for the training of Signal units and personnel of the Civilian Components.

(c) Reviews and makes recommendations on the type and extent of training of Reserve personnel at activities under control of the Chief Signal Officer; coordinates publications for, and recommends distribution to, the Signal Civilian Components; and prepares special studies on Signal Civilian Components.

(d) Maintains liaison with and renders advice and assistance to other Army and outside agencies for the purpose of carrying out the Signal portion of the Civilian Components mission.

(e) Maintains records of the status of Signal Civilian Components Units; reviews and recommends additions, deletions, or changes to the Organized Reserve Corps troop basis; recommends revisions of tables of organization and equipment and tables of allowances applicable to Signal units of the Organized Reserve Corps; reviews inspection reports of training activities or units of the Organized Reserve Corps; and recommends remedial action, if required.

(f) Represents the Chief Signal Officer on boards, committees, and at conferences concerning matters pertaining to Signal Civilian Components.

* * * * * *

[SEAL] EDWARD F. WITSELL,
Major General, USA,
The Adjutant General.

[F. R. Doc. 50-8029; Filed, Sept. 13, 1950; 8:46 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

ESTABLISHMENT AND FUNCTIONS

1. *Purpose.* The purpose of this notice is to establish the organization necessary to carry out the functions assigned to the Secretary of Commerce by Executive Order 10161, "Delegating Certain Functions of the President Under the Defense Production Act," and is issued pursuant to the authority vested in the Secretary by such order and by Reorganization Plan No. 5 of 1950.

2. *Establishment of National Production Authority.* There is hereby established in the Department of Commerce a National Production Authority which shall be headed by an Administrator appointed by the Secretary. The National Production Administrator shall report and be responsible to the Secretary.

The National Production Authority shall perform the functions and exercise the powers vested in the Secretary of Commerce by Executive Order 10161, "Delegating Certain Functions of the President Under the Defense Production Act of 1950." These functions shall include but not be limited to: (1) Determination of the requirements for materials and commodities needed for defense, civilian, foreign, and all other purposes; and (2) formulation and execution of the policies and programs necessary for the fulfillment of such requirements.

3. *Establishment and functions of the Advisory Committee on Priorities Administration.* There is hereby established an Advisory Committee on Priorities Administration consisting of the Administrator as Chairman and representatives from the following agencies and such other agencies as the Secretary may designate from time to time: (1) Department of Defense; (2) Department of the Interior; (3) Department of Agriculture; (4) Department of State; (5) Department of Labor; (6) Department of the Treasury; (7) Office of International Trade (Department of Commerce); (8) Economic Cooperation Administration; (9) Atomic Energy Commission; and (10) Housing and Home Finance Agency.

The National Security Resources Board shall be invited to designate an observer to attend all meetings of the Advisory Committee on Priorities Administration.

The Advisory Committee on Priorities Administration shall serve in an advisory capacity with respect to policy and program matters affecting the interests of the represented agencies. More specifically, the Committee shall: (1) Consider all factors relevant to the determination of the direct and indirect military, civilian, and foreign requirements for essential and critical raw materials and industrial products; (2) recommend programs for the production and allocation of such materials and products; and (3) review proposed orders and regulations and perform such other functions as the Chairman may assign.

The Administrator, as Chairman, is authorized to: (1) Establish such subcommittees and working groups subsidiary to the Committee as he may determine to be necessary; and (2) establish rules and regulations governing the procedures and operations of the Committee and its sub-groups.

4. *Organizational adjustments.* The following industry divisions of the Office of Industry and Commerce of the Bureau of Foreign and Domestic Commerce, together with their personnel, are transferred to the National Production Authority: Iron and Steel; Metals and Minerals; Rubber; Textiles and Leather; Chemicals; Forest Products; Construction; Machinery and Equipment; General Products; Motion Pictures; Food; Petroleum; Fuels and Energy.

The Division of Small Business and the Marketing Division of the Office of Industry and Commerce are transferred to the National Production Authority, together with related personnel.

5. *Administrative and Field Services.* Pending further development of the organization and facilities of the National Production Authority and until otherwise directed, the central personnel, accounting, information, and other administrative service facilities of the Office of the Secretary shall provide administrative and other services to the National Production Authority.

In addition, any necessary field services will be provided by the Department Field Service pending development of a sufficient volume of field work to justify separate field offices for the National Production Authority.

6. *Reemployment rights.* All permanent employees of the Office of Industry and Commerce who are transferred by the terms of this order to the National Production Authority and who remain with that organization and perform satisfactory service shall be entitled to reemployment rights in an appropriate position of at least the same grade held on the effective date of this order, when the transferred functions are returned to that Office. Other permanent employees of the Department who are transferred individually to the National Production Authority shall be entitled to reemployment rights under the same terms in the bureau or office from which transferred when their services are no longer needed in the National Production Authority.

7. *Internal organization.* The temporary internal organization of the National Production Authority shall consist of the following: (1) Administrator; (2) Deputy Administrator; (3) General Counsel; (4) Executive Officer; (5) Director of Public Information; (6) Office of Civilian Requirements; (7) Office of Labor Production; (8) Office of Manpower Requirements; (9) Office of Small Business; (10) Assistant Administrator for Program Determination; and (11) Assistant Administrator for Industry Operations.

8. *Status in the Department.* The National Production Authority shall operate as a primary organization unit of the Department of Commerce and shall be administered in conformance with established Departmental policies, regulations and procedures as set forth in the Department of Commerce "Manual of Orders."

9. *Records transfer.* All records remaining in the custody of the Department of Commerce relating to the War Production Board and its predecessor and successor agencies and transferred to the Department by Executive Order 9841 of April 23, 1947, are transferred to the custody and use of the National Production Authority.

(E. O. 10161; Reorg. Plan No. 5 of 1950)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 50-8068; Filed, Sept. 13, 1950; 9:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9784]

GARFIELD MEDICAL APPARATUS CO.

ORDER DESIGNATING MATTER FOR HEARING ON STATED ISSUES

In the matter of Garfield Medical Apparatus Company, New York, New York; Withdrawal of Type-Approval Certificate No. D-503 for medical diathermy apparatus; request for issuance of type-approval for new medical diathermy apparatus.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of September 1950;

The Commission having under consideration its order dated August 2, 1950, providing that (1) Type-Approval Certificate No. D-503 held by Garfield Medical Apparatus Company covering that Company's Model G-50 medical diathermy machine should be withdrawn because of apparent violation by Garfield of the terms and conditions of that type-approval but that such withdrawal should be held in abeyance if Garfield filed a timely request for hearing on such withdrawal, and that (2) the Commission would not determine whether to issue a further type-approval to Garfield covering any new equipment until final disposition of the withdrawal proceedings, and having under consideration a request filed on August 17, 1950, by Garfield for (1) a hearing on the order of withdrawal of Certificate No. D-503 and (2) modification of that order by deletion of the provision deferring determination of the issuance of a further type-approval, and having under consideration a pending request filed by Garfield for type-approval of a new model medical diathermy machine submitted to the Commission's laboratory for testing;

It appearing, that Garfield's request for hearing on the order of withdrawal of Certificate No. D-503 is responsive to that order; and

It further appearing, that Garfield has failed to allege in support of its request for modification of that order any new information which was not before the Commission when such order was adopted which would warrant the Commission in modifying such order as requested or in undertaking to determine whether to issue a further type-approval to Garfield prior to the conclusion of the withdrawal proceedings herein; and

It further appearing, that the facts and circumstances leading to the withdrawal proceedings herein have raised a question whether Garfield should be entrusted with a further type-approval of models of its medical diathermy machines and that evidence pertinent thereto must be obtained and considered by the Commission before the Commission may make any determination whether to issue to Garfield any further type-approval; and

It further appearing, that it would facilitate and expedite the ultimate determination whether to issue a further type-approval to Garfield if full opportunity were afforded to Garfield and to the Commission coincident with the withdrawal proceedings herein to provide evidence with respect to whether Garfield should be entrusted with any further type-approval; and

It further appearing, that under the provisions of sections 4 (i), 303, and 403 of the Communications Act of 1934, as amended, the Commission may on its own motion designate for hearing the matter of Garfield's aforesaid request for further type-approval and may consolidate that hearing with the requested hearing on the order of withdrawal of Certificate No. D-503.

It is ordered, That the request of Garfield for hearing on the aforesaid order of withdrawal of Certificate No. D-503 is granted, and such order, together with the pending request of Garfield for favorable Commission action upon a new model of medical diathermy machine which has been submitted for type-approval, are hereby designated for consolidated hearing at 10:00 a. m., September 19, 1950, at Washington, D. C., on the following issues:

(1) To determine whether Garfield's Model G-50 medical diathermy machine manufactured and sold by Garfield, bearing label of type-approval under the authority of Type-Approval Certificate No. D-503, contained changes in design or performance, or both design and performance, which constituted a violation of the terms and conditions of that type-approval.

(2) To determine, if such violation occurred, the facts and circumstances relating to such violation.

(3) To determine, if such violation occurred, the present plans of Garfield with respect to any outstanding Model G-50 machines bearing label of type-

approval that may have been manufactured and sold in violation of the terms and conditions of type-approval covering that model, and with respect to the manufacture and sale of any further Model G–50 machines bearing label of type-approval which would be in conformity with the prototype upon which Type-Approval Certificate No. D–503 was issued, and the ability of Garfield to carry out any such plans.

(4) To determine whether Garfield, its officers, directors and stockholders, can be relied upon to take the necessary steps to insure that any medical diathermy machines manufactured and sold bearing any label of type-approval which might be issued to Garfield in the future, will conform in every respect to the approved prototype for such machine.

(5) To determine whether, in the light of the evidence adduced under the above issues, the public interest would be served by continuing in effect Type-Approval Certificate No. D–503 issued to Garfield for its Model G–50 medical diathermy machine, or by issuing to Garfield any new type-approval for the medical diathermy machine the prototype of which has been submitted to the Commission for approval, in the event that such machine be found to comply with the technical requirements for type-approval as set out in the Commission's rules and regulations.

It is further ordered, That the request of Garfield for modification of the Commission's aforesaid Order of August 2, 1950, is denied.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–8031; Filed, Sept. 13, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25399]

PULPBOARD FROM DENVER, COLO., TO ACME, TEX.

APPLICATION FOR RELIEF

SEPTEMBER 11, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3904.

Commodities involved: Pulpboard or fibreboard, carloads.

From: Denver, Colo.

To: Acme, Tex.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3904, Supplement 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–8024; Filed, Sept. 13, 1950; 8:46 a. m.]

[4th Sec. Application 25400]

WOOL AND MOHAIR FROM WEST TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 11, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to fourth-section application No. 24951.

Commodities involved: Wool and mohair, carloads.

From: Points in the west.

To: Points in official territory.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–8025; Filed, Sept. 13, 1950; 8:46 a. m.]

[4th Sec. Application 25401]

FRESH MEATS AND PACKINGHOUSE PRODUCTS FROM OKLAHOMA AND TEXAS

APPLICATION FOR RELIEF

SEPTEMBER 11, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3588.

Commodities involved: Fresh meats and packinghouse products, carloads.

From: Points in Oklahoma and Texas.

To: Points in Louisiana.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3588, Supplement 121.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–8026; Filed, Sept. 13, 1950; 8:46 a. m.]

[4th Sec. Application 25402]

FRESH MEATS AND PACKINGHOUSE PRODUCTS FROM WEST TO PACIFIC COAST

APPLICATION FOR RELIEF

SEPTEMBER 11, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 1537.

Commodities involved: Fresh meats and packinghouse products, carloads.

From: Fergus Falls and Packinghouse Spur, Minn.

To: North Pacific coast points.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. 1537, Supplement 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–8027; Filed, Sept. 13, 1950; 8:46 a. m.]

[4th Sec. Application 25403]

COMMODITY RATES BETWEEN THE SOUTH AND BETWEEN THE SOUTH AND OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 11, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to A. P. Leland's tariff I. C. C. No. A–30.

Commodities involved: Commodity rates.

Between: Points in the South and between points in the South and points in official territory, over routes operating in part West of the Mississippi River.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–8028; Filed, Sept. 13, 1950; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2054]

FRENCH BROAD ELECTRIC MEMBERSHIP CORP.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

SEPTEMBER 8, 1950.

Public notice is hereby given that French Broad Electric Membership Corporation, of Marshall, North Carolina, has filed application for preliminary permit under the Federal Power Act (16 U. S. C. 791a–825r) for a proposed hydroelectric development, designated as Project No. 2054, to be located on Cane River, North Carolina.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before October 19, 1950, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8020; Filed, Sept. 13, 1950; 8:45 a. m.]

[Docket No. G–1469]

MICHIGAN GAS STORAGE CO.

NOTICE OF APPLICATION

SEPTEMBER 8, 1950.

Take notice that on August 24, 1950, Michigan Gas Storage Company (Applicant), a Michigan corporation with its principal office at Jackson, Michigan, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas transmission facilities:

Two compressor units of 2,200 h. p. each, together with the necessary auxiliary equipment, at Applicant's Muskegon River Compressor Station, located in Winterfield Township, Clare County, Michigan.

Applicant states that, because of a recent and unprecedented demand for natural gas for space-heating purposes, and the inadequacy of gas supply to meet such increased demands, Consumers Power Company (Consumers), its only customer, has found it necessary to secure an order from the Michigan Public Service Commission permitting Consumers to discontinue the acceptance of additional applications for gas for space heating. The Applicant further states that Consumer's estimates it will require approximately 233,000 Mcf of gas from Applicant in order to enable it to meet maximum day demands of firm customers during the winter of 1950–1951; that presently authorized facilities of the Applicant will not be adequate to pump from the storage fields the volumes of gas required to supply Consumers on peak days in the winter of 1950–1951; that to enable the supply of such volumes to Consumers will require the installation of approximately 3,200 horsepower of compressor capacity in the Muskegon River Compressor Station additional to that now authorized; and that the proposed compressor additions will thus provide about 1,200 horsepower of spare capacity, which it believes good operating practice requires.

The estimated cost of the proposed facilities is $765,000, which Applicant proposes to finance from net income not paid out in dividends, from depreciation reserves and, to the extent required, by bank loans (which have been arranged), or the sale of securities when and if appropriate or advisable.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 28th day of September 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8021; Filed, Sept. 13, 1950; 8:45 a. m.]

[Project No. 2056]

SAINT ANTHONY FALLS WATER POWER CO.

NOTICE OF APPLICATION FOR LICENSE

SEPTEMBER 8, 1950.

Public notice is hereby given that Saint Anthony Falls Water Power Company, Minneapolis, Minnesota, has filed application for license under the Federal Power Act (16 U. S. C. 791a–825r) for a proposed hydroelectric development, designated as Project No. 2056, to be located on the Mississippi River.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before October 18, 1950, to the Federal Power Commisison, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8022; Filed, Sept. 13, 1950; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15015]

AUGUST WAGNER

In re: Rights of August Wagner under insurance contract. File No. F–28–11263–H–1.

Under the authority of the Trading With the Enemy Act, as amended. Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Wagner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany):

2. That the net proceeds, due or to become due, under a contract of insurance evidenced by Policy No. 1,056,415 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Karl Wagner, together with the right to demand, receive and collect said net proceeds (including, without limitation, the right to proceed for collection against branch offices and legal reserves maintained in the United

States), is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8033; Filed, Sept. 13, 1950; 8:47 a. m.]

[Vesting Order 15028]

FRANK MEYER

In re: Debt owing to Frank Meyer, also known as Frank Mayer and as Franz Meier. F-28-7795-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frank Meyer, also known as Frank Mayer and as Franz Meier whose last known address is Bergstrasse 6, Hainsberg bei, Dresden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Friendship Federal Savings and Loan Association of Pittsburgh, 6106 Penn Avenue, Pittsburgh 6, Pennsylvania, arising out of a savings share account numbered 270, entitled Frank Meyer and Fred Erndt, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Frank Meyer, also known as Frank Mayer and as Franz Meier, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8034; Filed, Sept. 13, 1950; 8:47 a. m.]

[Vesting Order 15029]

MAUREEN REEVES

In re: Back account owned by Maureen Reeves, also known as Maureen Reeves Splettstoesser. D-28-9975-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maureen Reeves, also known as Maureen Reeves Splettstoesser, who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a special account, entitled Maureen Reeves, maintained with the aforesaid company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Maureen Reeves, also known as Maureen Reeves Splettstoesser, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8035; Filed, Sept. 13, 1950; 8:47 a. m.]

[Vesting Order 15034]

SENZABURO YODOKAWA

In re: Bank account owned by Senzaburo Yodokawa, also known as S. Yodokawa and as S. Yadokawa. D-39-17013-E-1.

Under the authority of the Trading With the Eenemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Senzaburo Yodokawa, also known as S. Yodokawa and as S. Yadokawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Senzaburo Yodokawa, also known as S. Yodokawa and as S. Yadokawa, by The United States National Bank, San Diego, California, arising out of a savings account, account number 5979, entitled S. Yadokawa, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8037; Filed, Sept. 13, 1950; 8:47 a. m.]

[Vesting Order 15039]

FRIDA DOSTER

In re: Rights of Frida Doster under insurance contract. File No. F-28-30686-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frida Doster, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 738,710 M, issued by the Metropolitan Life Insurance Company, New York, New York, to Frida Doster, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be sold, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8038; Filed, Sept. 13, 1950; 8:48 a. m.]

[Vesting Order 15031]

SHOWA MENKA KAISHA LTD. ET AL.

In re: Debt owing to Showa Menka Kaisha Ltd., and others. F-29-178-C-1, F-39-1631-C-3, F-39-143-C-6, F-39-2124-C-2, F-39-593-C-1, F-39-1991-C-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Showa Menka Kaisha Ltd., the last known address of which is 2 Nakanoshima, Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Osaka, Japan, and is a national of a designated enemy country (Japan);

2. That Mitsubishi Shoji Kaisha Ltd., the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Osaka, Japan, and is a national of a designated enemy country (Japan);

3. That Toyo Menka Kaisha Ltd., the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Osaka, Japan, and is a national of a designated enemy country (Japan);

4. That Nippon Menkwa K. K., also known as Nippon Menkwa Kabushiki Kaisha, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Osaka, Japan, and is a national of a designated enemy country (Japan);

5. That Gosho K. K., also known as Gosho Kabushiki Kaisha, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Osaka, Japan, and is a national of a designated enemy country (Japan);

6. That the property described as follows: That certain debt or other obligation of Bunge Corporation, 80 Broad Street, New York, New York, arising out of a Special Dollar Account, maintained with Bunge Corporation, New York, New York, in behalf of Bunge & Co., Ltd., London, England, and representing funds due the following named firms in the amounts set forth opposite each such name:

Name	*Amount*
Showa Menka Kaisha Ltd.	$4,683.28
Mitsubishi Shoji Kaisha Ltd.	126.71
Toyo Menka Kaisha Ltd.	5,932.31
Nippon Menkwa K. K., also known as Nippon Menkwa Kabushiki Kaisha	5,273.99
Gosho K. K., also known as Gosho Kabushiki Kaisha	2,664.11
Total	$18,680.40

together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Showa Menka Kaisha Ltd., Mitsubishi Shoji Kaisha Ltd., Toyo Menka Kaisha Ltd., Nippon Menkwa K. K., also known as Nippon Menkwa Kabushiki Kaisha, and Gosho K. K., also known as Gosho Kabushiki Kaisha, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

7. That to the extent that the persons named in subparagraphs 1, 2, 3, 4 and 5 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8036; Filed, Sept. 13, 1950; 8:47 a. m.]

[Vesting Order 15040]

SELMA HAHNEL

In re: Rights of Selma Hahnel under insurance contract. File No. F-28-30789-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Exec-

utive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Selma Hahnel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 968 636 M, issued by the Metropolitan Life Insurance Company, New York, New York, to Selma Hahnel, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designed enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8040; Filed, Sept. 13, 1950; 8:48 a. m.]

[Vesting Order 15053]

KOMAGUSA AND SAYO NAKATANI

In re: Rights of Komagusu Nakatani and Sayo Nakatani under insurance contract. File No. F-39-6561-H-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Komagusu Nakatani and Sayo Nakatani, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,131,626, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Komagusu Nakatani, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Komagusu Nakatani or Sayo Nakatani, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8041; Filed, Sept. 13, 1950; 8:48 a. m.]

[Vesting Order 15074]

TAKAO TAKATA

In re: Debt owing to Takao Takata. F-39-6760-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takao Takata, whose last known address is Nomura Bldg., Oatemachi, Chiyoda-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Takao Takata, by Hercules Powder Company, 900 Market Street, Wilmington, Delaware, representing retaining fees, commissions and cable expense, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8042; Filed, Sept. 13, 1950; 8:48 a. m.]

PACITA DE LA PENA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Pacita de la Pena, Balaoan, La Union Philippines, Claim No. 6218; United States Savings Bonds, Series E, issued in the name of Isidro de la Pena, payable upon his death to Pacita de la Pena, having a total maturity value of $1700, at present held by the Safekeeping Department, Federal Reserve Bank of New York, and described as follows:

Bond No.	Amount
Q30827175E	$25.00
Q13534228E	25.00
Q43656440E	25.00
Q43658864E	25.00
L13527564E	50.00
Q59991848E	25.00
Q59981056E	25.00
Q59999433E	25.00
L20297211E	50.00
Q111911659E	25.00

Bond No.	Amount
Q80631773E	$25.00
Q111917717E	25.00
Q115451452E	25.00
Q111958370E	25.00
Q115476033E	25.00
Q164540365E	25.00
Q176056987E	25.00
Q176074504E	25.00
M3801721E	1,000.00
Q176102045E	25.00
Q210715423E	25.00
Q210746203E	25.00
Q176127771E	25.00
Q176152692E	25.00
Q240362399E	25.00
Q176179006E	25.00
Q302967354E	25.00

Executed at Washington, D. C., on September 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8043; Filed, Sept. 13, 1950; 8:48 a. m.]

SEP 18 '50

SEP 18 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 179

Washington, Friday, September 15, 1950

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE AIR FORCE

Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Department of the Air Force, § 6.107 is amended by the addition of paragraphs (f), (g), (h), and (i) as set out below, effective upon publication in the FEDERAL REGISTER.

§ 6.107 *Department of the Air Force.* • • •

(f) *Headquarters, U. S. Air Force.* (1) Until June 30, 1952, the positions of Chief, Research Branch; Chief, Atomic Warfare Division; Assistant for Air Weapons Systems Evaluation; and Deputy Comptroller.

(g) *Air Matériel Command.* (1) Until June 30, 1952, the positions of Civilian Chief, Engineering Operations; Technical Director, Electronics; Director of Geophysical Research; and Director of Physics, Research Group.

(h) *Research and Development Command.* (1) Until June 30, 1952, the positions of Director of Research, and Director of Component and Systems Development.

(i) *Military Air Transport Service.* (1) Until June 30, 1952, the position of Chief, Directorate of Scientific Services.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-8067; Filed, Sept. 14, 1950; 8:50 a. m.]

Chapter II—The Loyalty Review Board

PART 210—THE OPERATIONS OF THE LOYALTY REVIEW BOARD

APPENDIX A—LIST OF ORGANIZATIONS DESIGNATED BY THE ATTORNEY GENERAL PURSUANT TO EXECUTIVE ORDER NO. 9835

The following material is added to Appendix A:

In a letter dated August 24, 1950 the Attorney General has advised the Loyalty Review Board that the Young Communist League and the American Youth for Democracy, which were previously designated as organizations coming within the purview of Part III, section 3, of Executive Order 9835, have ceased to exist and the Labor Youth League has taken the place of the two prior organizations as the organization for young Communists. Accordingly, Labor Youth League bears the same designation as a Communist organization under Executive Order 9835 as the two previous entities of which it is but a continuation.

(Part III, E. O. 9835, Mar. 21, 1947, 12 F. R. 1935; 3 CFR, 1947 Supp.)

LOYALTY REVIEW BOARD,
UNITED STATES CIVIL SERVICE COMMISSION,
SETH W. RICHARDSON,
Chairman.

[F. R. Doc. 50-8054; Filed, Sept. 14, 1950; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration

PART 986—MARKETING AGREEMENT AND ORDER REGULATING THE HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

SALABLE QUANTITY OF 1950 CROP

§ 986.202 *Salable quantity of the 1950 crop of hops*—(a) *Findings.* (1) Notice of proposed rule making with respect to the salable quantity of the 1950 crop of hops was published in the FEDERAL REGISTER of August 16, 1950 (15 F. R. 5457), pursuant to the provisions of Marketing Agreement No. 107 and Order No. 86 regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (7 CFR 986.1 et seq.). In said notice, in which it was proposed to fix the salable quantity of 1950 crop hops at 50,000,000 pounds, opportunity was afforded interested parties to submit to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., written data, views, or arguments for consideration prior to the final issu-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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(Revised through July 1)

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ance of the order fixing the salable quantity. Such documents were filed during the period specified, favoring salable quantities ranging from 49,000,000 to 53,000,000 pounds.

Views of those favoring 49,000,000 pounds as the salable quantity were in the nature of substantiating the majority opinion of the Hop Control Board that its estimate of consumptive demand, both domestic and export, and its allowance for an increase in carryover of 1,500,000 pounds on September 1, 1951, as compared with September 1, 1950, were adequate.

Views of those favoring an increase in the salable quantity above the 50,000,000 pounds proposed, were that imports will be small during the 1950–51 marketing season and that exports may be greater than those of the 1949–50 season, in which they are likely to exceed 13,000,000 pounds.

Information available to the Department indicates that its estimate of exports of 12,800,000 pounds during the 1949–50 season are reasonably probable. Firm evidence for increasing or decreasing this estimate was not submitted by any person.

It appears that there has been no appreciable change in the price of hops not under contract since the announcement of the proposed rule. It is evident, therefore, that the proposal to fix the salable quantity at 50,000,000 pounds has not weakened the market, and that grower income for the 1950 crop will be greater with a salable quantity of 50,000,000 pounds than 49,000,000 pounds.

Hop stocks during the 1949–50 marketing season were reduced to a level which appears to be less than brewers considered adequate. This is evidenced by increasing domestic prices during the season. The Board's allowance for an increase in stocks during the 1950–51 marketing year of 1,500,000 pounds appears to be justified.

The evidence as to the probable export level, the desire of brewers to increase their stocks, and the firm market for hops not under contract does not appear to justify an increase or a decrease in the proposed salable quantity of 50,000,000 pounds.

Therefore, after consideration of all relevant matters, including the estimates and recommendation of the Hop Control Board, the written data, views, and arguments received, and other pertinent data available to the Department, the salable quantity of 1950 crop hops is fixed as indicated in the order below.

(2) It is necessary to make effective not later than three days after publication of this section in the FEDERAL REGISTER this regulation as to the salable quantity of the 1950 crop of hops for the reason that the shipment of the current crop of hops is about to begin and it is necessary to have the salable quantity fixed in order to regulate such shipments. No preparation for this section is required which cannot be completed prior to such effective date. Therefore, good cause exists for not delaying the effective date of this section beyond three days after the publication of this section in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(b) *Order.* The maximum quantity of hops produced during 1950 which may be handled in the form of hops and in the form of any hop product shall be 50,000,000 pounds (net dry weight).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 11th day of September 1950, to become effective at 12:01 a. m., P. s. t., on the 3d day after the date of the publication of this document in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50-8066; Filed, Sept. 14, 1950; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 CCC Cotton Bulletin 1]

PART 607—COTTON

SUBPART—1950 COTTON LOAN PROGRAM

1950 COTTON LOAN BULLETIN

Correction

In Federal Register Document 50-7032, appearing at page 5187 of the issue for Friday, August 11, 1950, as corrected on page 5990 of the issue for Wednesday, September 6, 1950, the following additional change should be made in the schedule under § 607.130: For Spotted, Middling, under Staple length (inches) 1 3/16, "–153" should read "–155".

TITLE 13—BUSINESS CREDIT

Chapter I—Reconstruction Finance Corporation

[Reg. 11]

PART 4—CLAIMS ARISING UNDER FOOD SUBSIDY PROGRAMS

Sec.
4.1 Purpose.
4.2 Filing of protests.
4.3 Applicability.

AUTHORITY: §§ 4.1 to 4.3 issued under sec. 2, 66 Stat. 24, as amended, 56 Stat. 765; 50 U. S. C. App. 902, 961, 962. Sec. 202 (c), E. O. 9841, Apr. 23, 1947, 12 F. R. 2645, 3 CFR, 1947 Supp.

§ 4.1 *Purpose.* The last period in respect of which meat subsidies were payable was the October 1946 subsidy period. All other food subsidy programs were earlier terminated. All claims for food subsidies heretofore presented have received administrative consideration. No new claims could, under the applicable regulations, be filed at this late date. It is, therefore, appropriate and administratively necessary to complete these programs by requiring all unsettled items to be formally presented so that they may be finally disposed of.

§ 4.2 *Filing of protests.* The refusal or failure of Reconstruction Finance Corporation by the date of issuance of this part to make payment of, or to give appropriate credit for, claimed food subsidies shall be deemed an order denying such payment or credit. No protest against an order denying such payment or credit, in whole or in part, will be considered unless filed with Reconstruction Finance Corporation on or before December 15, 1950. The failure to file a protest on or before such date will be presumed conclusively to constitute an abandonment of any claim to such payment or credit.

§ 4.3 *Applicability.* This part shall apply to claims arising under Regulation No. 2 of Defense Supplies Corporation (butter subsidies) (8 F. R. 10825, 15798; 12 F. R. 66; 32 CFR Part 7002, 1943–1946 Supps.); Regulation No. 3, as amended (8 F. R. 10826, 15799; 9 F. R. 1820; 10 F. R. 4241, 7539, 8073, 11155; 12 F. R. 66; 32 CFR Part 7003, 1943–1946 Supps.), of Defense Supplies Corporation, and Revised Regulation No. 3, as amended, and Regulation No. 10 of Reconstruction Finance Corporation (meat subsidies); and Regulation No. 4, as amended (9 F. R. 1822, 7710, 12092; 10 F. R. 524; 12 F. R. 66; 32 CFR Part 7004, 1944–1946 Supps.), of Defense Supplies Corporation and Regulation No. 9 of Reconstruction Finance Corporation (flour subsidies). This part shall not apply to those claims on which completion of administrative action has been suspended because of referral to the Department of Justice.

This regulation shall become effective upon issuance.

Issued this 14th day of September 1950.

RECONSTRUCTION FINANCE CORPORATION,
[SEAL] LEO NIELSON,
Secretary.

[F. R. Doc. 50-8148; Filed, Sept. 14, 1950; 11:18 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of Industry and Commerce

[5th Gen. Rev. of Export Regs., Amdt. P. L. 15]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

COTTON

Section 399.1 Appendix A—*Positive List of Commodities* is amended in the following particulars:

The following commodities are added to the Postive List. In addition, linters classified under Schedule B Nos. 300405 and 300406, now on the Positive List, are changed from R to RO commodities as set forth below.

Department of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Cotton, unmanufactured:				
	Raw cotton, except linters (averaging approximately 510 to 520 pounds per running bale):				
200605	American Egyptian (Pima) and Sea Island	Pound / Bale	TEXT	250	RO
200606					
200205	Upland, staple length 1 1/8 inches and over (U. S. Official Standard).	Pound / Bale	TEXT	250	RO
200206					
200201	Upland, staple length 1 1/16 up to but not including 1 1/8 inches (U. S. Official Standard).	Pound / Bale	TEXT	250	RO
200202					
200203	Upland, staple length 1 5/16 up to but not including 1 1/16 inches (U. S. Official Standard).	Pound / Bale	TEXT	250	RO
200204					
200207	Upland, staple length under 1 5/16 inch (U. S. Official Standard).	Pound / Bale	TEXT	250	RO
200208					
200311	Foreign cotton, re-exported (when shipped by the bale, staple length and country of origin to be reported by the shipper).	Pound / Bale	TEXT	250	RO
200312					
	Linters (averaging approximately 615 to 625 pounds per running bale):				
200402	Grades 1 to 4 inclusive (U. S. Official Standard) (Motes included).	Pound / Bale	TEXT	100	RO
200403					
200405	Grades 5 to 7 inclusive (U. S. Official Standard) (Cottonseed hull fiber included).	Pound / Bale	TEXT	100	RO
200406					

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth above which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment may be exported under the previous general license provisions.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of September 8, 1950, 11 a. m., e. d. t.

Issued this 12th day of September 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50-8032; Filed, Sept. 14, 1950; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52554]

PART 1—CUSTOMS DISTRICTS AND PORTS

CHANGE IN AREA; REPUBLIC OF HAITI, DOMINICAN REPUBLIC

Section 1.5, Customs Regulations of 1943 (19 CFR 1.5), is amended by deleting the period at the end of the area shown for Customs Agency District No. 6, and inserting in lieu thereof a comma followed by "the Republic of Haiti, the Dominican Republic."

(R. S. 161; sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: September 8, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-8072; Filed, Sept. 14, 1950; 8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.114]

PART 67—EMERGENCY AID TO SELECTED CITIZENS OF CHINA

Pursuant to the provisions of the Chinese Students section of Title I of the Foreign Aid Appropriations Act, 1950 (Public Law 327, 81st Congress) and the China Area Aid Act of 1950 (Title II, section 202 of the Foreign Economic Assistance Act of 1950, Public Law 535, 81st Congress), Part 67 of Title 22 of the Code of Federal Regulations is revised to read as follows:

Sec.
67.1 Definitions.
67.2 Purpose of the program.
67.3 Qualifications for participation.
67.4 Categories of persons eligible.
67.5 Terms and conditions.
67.6 Application procedure.
67.7 Employment privileges.
67.8 Payments in advance of expenditures.
67.9 Payees and mode of payment.
67.10 Individual authorization.
67.11 Emergency payments.

AUTHORITY: §§ 67.1 to 67.11 issued under Pub. Laws 327, 535, 81st Cong.

§ 67.1 *Definitions.* (a) The term "program" refers to the program of emergency aid to selected citizens of China.

(b) "Selected citizens of China" means citizens of China, as evidenced by a passport or other acceptable identifying document, who shall apply for assistance under this program and who, because they fulfill all requirements as set forth in this part, are deemed eligible for assistance in one of the following categories:

(1) A "student" for the purpose of study or to perform research or both, at or in connection with an established institution of learning and/or research; or,

(2) A "teacher" for the purpose of imparting knowledge to others at the elementary, secondary school, and junior college levels, or one who trains or directs others seeking knowledge; or,

(3) A "professor" as one who functions as a lecturing or teaching officer in a university, college or other accredited institution approved under this part; or,

(4) "Research scholar" as one who undertakes a bona fide project within the scope of the basic legislative authorization under the direct supervision of or in connection with an established college or university, private laboratory or research center, government agency or similar institution as well as an industrial concern which has adequate research and supervisory facilities.

(c) The term "eligible" means legally acceptable for assistance within the meaning and intent of either the Chinese Students section of Title I of the Foreign Aid Appropriations Act, 1950 (Public Law 327, 81st Congress) or the China Area Aid Act of 1950 (Public Law 535, 81st Congress).

(d) The term "approved institution" means any college, university, research center or other educational institution approved by the Divison of Exchange of Persons with such advice and recommendations from competent agencies and private organizations as deemed necessary.

(e) The term "official representative" means a person designated by the president of the approved institution to the Division of Exchange of Persons who will issue application forms on behalf of the Department of State and such institution, advise applicants, report to the Department any change in the grantee's financial or academic status, certify to the accuracy of applications, and transmit grants.

§ 67.2 *Purpose of the program.* The purpose of the program shall be to provide financial assistance to worthy and needy Chinese students, teachers, professors and scholars in fields of specialized knowledge and skill to permit their achievement of approved educational objectives, and/or to make possible their pursuance of advanced research and related academic and technical activities in the United States in accordance with the provisions of the Chinese Students section of Title I of the Foreign Aid Appropriations Act, 1950 (Public Law 327, 81st Congress) and the China Area Aid Act of 1950 (Public Law 535, 81st Congress, Title II, section 202).

§ 67.3 *Qualifications for participation.* In order to qualify for assistance under the program, an individual: (a) Shall be a citizen of China as that term is defined in § 67.1; (b) shall be in financial need as certified by his official representative and his references; (c) shall be acceptable for study, teaching or research in an accredited college, university, or other educational institution in the United States as approved by the Department of State; (d) shall, in the case of an applicant for a research grant, demonstrate to the satisfaction of appropriate officials in the Department of State that he is fully equipped to perform advanced research or related academic or technical activities.

§ 67.4 *Categories of persons eligible.* Selected citizens of China, in order to be eligible for this program, shall have been legally admitted into the United States on appropriate visas and have a valid immigration status at the time of application for a grant (except for persons qualifying for admittance under paragraph (c) of this section who shall be otherwise qualified for admission to the United States under the general immigration laws and regulations), and must fall within one of the following categories:

(a) They shall be persons in the United States prior to January 1, 1950, unless exceptional hardship can be proved, who were eligible under the policies governing previous authorizations;

(b) They shall be persons located in the United States prior to January 1, 1950, unless exceptional hardship can be proved, who are eligible under Public Law 535, 81st Congress, and who have been ineligible for assistance under previous authorizations; or

(c) They shall be bona fide students, teachers, professors, scholars or research workers resident outside of China and outside the United States, and those persons in Free China eligible under Public Law 535, 81st Congress, who have not been eligible under previous authorizations.

§ 67.5 *Terms and conditions.* A citizen of China, when selected for a grant under this program, may receive any or all of the following:

(a) *Transportation expenses.* When travel is authorized, funds to cover the case shall be made available as follows:

(1) For selected grantees in paragraphs (a) and (b) of § 67.4, necessary minimum transportation within the United States to the educational institution concerned and return travel to China when authorized.

(2) For participants in the program who fall within paragraph (c) of § 67.4, necessary minimum transportation from place of residence abroad to nearest port of embarkation, third class boat passage from that port to port of entry into the United States, and coach transportation from the port of entry into the United States to his place of study or assignment in the United States; provided, however, that higher class transportation may be allowed in individual cases when specifically authorized or approved in the travel order.

(3) For all participants upon completion of assignment, attainment of academic objectives, or discharge from participation because of failure to maintain satisfactory academic standards, or for the convenience of the Government, coach transportation from residence or place of study or assignment in the United States to San Francisco, California (or other convenient port of departure), and third class boat passage from that port to port of entry in China (or nearest port accessible to China for disembarkation at time of departure of grantee), or to place of residence abroad when the grant was awarded: *Provided, however,* That higher class transportation may be allowed in individual cases when specifically authorized or approved in the travel order.

(b) *Subsistence.* Such subsistence allowance as is sufficient to cover room and board commensurate with a normal standard of living will be provided for all needy participants. Provisions for the payment of back debts are expressly not made, except as provided in § 67.5 (d). In no case may such payments be made for a period prior to the enactment of Public Law 535, 81st Congress, June 5, 1950. Additional subsistence may be granted if the participant has dependents in the United States (spouse and minor children) for whose financial support he is solely responsible.

(c) *Tuition and incidental expenses.* Grantees under this program may be granted such tuition and incidental expense funds as are considered essential to the attainment of their educational objectives.

(d) *Emergency medical care.* Participants in this program may receive additional minimum and necessary funds to cover expenses actually arising from emergency medical and surgical treatment. This provision expressly excludes payments for routine examinations and treatments not considered by the appropriate official representative as being emergency in character. When an emergency arises involving medical care the Department of State shall be notified immediately. Payments authorized under this provision shall be made only upon the receipt of an itemized bill and an appropriate affidavit from the official representative and for limited expenses incurred after the enactment of Public Law 535, 81st Congress, June 5, 1950.

(e) *Grants in general.* All grants shall be made for a period not exceeding one year. Grants shall be effective only so long as the grantee is undertaking the specific project at the particular institution for which he was approved, is performing satisfactorily, and reports all changes in his economic and financial status to the official representative at the university which may be the basis for adjustment or cancellation of his grant. Grants may be terminated at the Department's discretion.

§ 67.6 *Application procedure.* (a) Application forms DSP-42, "Application for Emergency Aid to Chinese Students", shall be supplied to designated official representatives of the program in each participating institution. Chinese students located in the United States shall apply through the institution's designated official representative who will supply the necessary forms on behalf of the Department, advise and assist students in the preparation of their applications, certify to the accuracy and completion of the applications, and submit the applications to the Division of Exchange of Persons, Department of State, Washington, D. C.

(b) Form DSP-42a, "Application for Emergency Aid to Chinese Students, Teachers, Professors, Researchers and Scholars", shall be used by all applicants except students residing in the United States. This form is obtainable from the designated official representatives or at the Department's missions.

§ 67.7 *Employment privileges.* Citizens of China who have been admitted for the purpose of study, or who are now studying in the United States under this program may be granted permission to accept employment upon application filed in accordance with regulations to be prescribed by the Attorney General. Official representatives at universities must report all changes in the economic and financial status of the grantee, including new income or cessation of income from employment, to the Department for the purpose of making appropriate adjustments in the individual's grant.

§ 67.8 *Payments in advance of expenditures.* Participants in this program who receive awards may be authorized to have payments made to them in advance of the actual expenditures.

§ 67.9 *Payees and mode of payment.* All payments for tuition, subsistence, incidental expenses, and emergency medical care shall be made payable to the individual grantee. Checks issued in the name of the grantee shall be transmitted to the appropriate official representative.

§ 67.10 *Individual authorization.* Where the regulations in this part provide for payments, no payment may be made therefor unless a grant is made in the individual case.

§ 67.11 *Emergency payments.* Any emergency, unusual, or additional payments deemed necessary under this program, if allowable under existing authority, may be authorized whether or not specifically provided for in this part.

NOTE: See Department of State, Public Notice 59, in Notices section, *infra*.

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary.

SEPTEMBER 11, 1950.

[F. R. Doc. 50-8115; Filed, Sept. 14, 1950; 8:53 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

REPORT OF LOANS AND MILITARY SERVICE CASES

1. Section 201.10 is hereby amended to read as follows:

§ 201.10 *Report of loans.* Loans shall be reported on the prescribed form to the Federal Housing Administration at Washington, D. C., within 31 days from the date of the note or date upon which it was purchased. Any loan refinanced as provided in § 201.9 shall likewise be reported on the prescribed form within 31 days from date of refinancing. In any case, the Commissioner may, in his discretion, accept a late report. During the period Regulation W, issued by the

Board of Governors of the Federal Reserve System, effective September 18, 1950, is in effect, the execution and submission of a loan report pursuant to this section shall be deemed a representation by the insured that it has complied with all requirements of said Regulation W applicable to the transaction reported for insurance.

2. Section 201.11 (c) is hereby amended by adding at the end thereof the following new subparagraph (3):

§ 201.11 *Claims.* • • •

(c) *Maximum claim period.* • • •

(3) Military Service cases. If at any time during default a person primarily or secondarily liable for the repayment of any loan is a "person in military service," as such term is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, the period during which he is in military service shall be excluded in computing the time within which claim must be made for reimbursement under the provisions of this part.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1703)

Issued at Washington, D. C., September 12, 1950.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 50-8065; Filed, Sept. 14, 1950; 8:49 a. m.]

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 277, Corr.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 274, Corr.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

PENNSYLVANIA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12 and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92 are corrected in the following respect:

In the last paragraph of Item 6 of Amendment 277 to §§ 825.1–12 and Amendment 274 to §§ 825.81–92, relative to the decontrol of the Borough of Lemoyne in Cumberland County, Pennsylvania, the words "Pittsburgh, Pennsylvania, Defense-Rental Area" are corrected to read "Harrisburg, Pennsylvania, Defense-Rental Area."

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This correction shall be effective as of September 1, 1950.

Issued this 12th day of September 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-8076; Filed, Sept. 14, 1950; 8:51 a. m.]

[Controlled Housing Rent Reg., Amdt. 282]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 279]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ILLINOIS, NEW JERSEY, PENNSYLVANIA, OHIO, AND CONNECTICUT

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule C, Item 88, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In LaSalle County, the Cities of Oglesby and Streator.

This adds to Schedule C the City of Oglesby in LaSalle County, Illinois, a portion of the LaSalle County, Illinois, Defense-Rental Area, based on a declaration made on August 28, 1950, by the local governing body of said City in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

2. In Schedule C, Item 188a, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Camden County, the City of Camden and the Boroughs of Lindenwold and Oaklyn.

This adds to Schedule C the City of Camden in Camden County, New Jersey, a portion of the Southern New Jersey Defense-Rental Area, based on a declaration made on August 24, 1950, by the local governing body of said City in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

3. In Schedule C, Item 190, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Bergen County, the Cities of East Rutherford and North Arlington and the Boroughs of Fort Lee and Teterboro; in Hudson County, the Cities of Bayonne, Hoboken, Jersey City and Union City, the Town of West New York, and the Township of North Bergen; in Union County, the City of Linden and the Borough of Roselle; in Essex County, the City of Newark; in Morris County, the Township of Hanover; and in Monmouth County, the City of Long Branch.

This adds to Schedule C the Town of West New York in Hudson County, New Jersey, a portion of the Northeastern New Jersey Defense-Rental Area, based on a declaration made on August 28, 1950, by the local governing body of said Town in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

4. In Schedule C, Item 191, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Mercer County, the City of Trenton, the Townships of Ewing and Hamilton, and all unincorporated localities; in Hunterdon County, all unincorporated localities; and in Warren County, except the Townships of Pahaquarry, Hardwick and Frelinghausen, all unincorporated localities.

This adds to Schedule C Ewing Township in Mercer County, New Jersey, a portion of the Trenton, New Jersey, Defense-Rental Area, based on a declaration made on August 4, 1950, by the local governing body of said Township in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

5. In Schedule C, Item 267, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Allegheny County, the City of McKee's Rocks; and in Beaver County, the Boroughs of Aliquippa and Ambridge.

This adds to Schedule C the borough of Ambridge in Beaver County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area, based on a declaration made by the local governing body of said borough on August 14, 1950, in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

6. In Schedule C, Item 48, the description of localities affected by declarations for continuance of rent controls after December 31, 1950, is amended to read as follows:

'In Hartford County, the city of New Britain.

This deletes from Item 48 of Schedule C the city of Ansonia in New Haven County, Connecticut, which is added to Item 49 of Schedule C by Item 7 of this amendment, said city of Ansonia being a portion of the New Haven, Connecticut, Defense-Rental Area.

7. The following net items are incorporated in Schedule C:

Name of defense-rental area	State	Localities affected by declarations for continuance of rent control after Dec. 31, 1950
(49) New Haven	Connecticut	In New Haven County, the city of Ansonia and the town of West Haven.
(241a) Washington Court House	Ohio	In Fayette County, the city of Washington Court House (coextensive with Washington township).

This addition to Schedule C is based upon (1) a declaration made on August 18, 1950, by the local governing body of the town of West Haven, Connecticut, and (2) a declaration made on August 23, 1950, by the local governing body of the city of Washington Court House, Ohio, both in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended. The city of Ansonia in New Haven County, Connecticut, was previously incorporated in Schedule C, effective as of August 14, 1950, and the listing thereof is hereby transferred from Item 48 of Schedule C to Item 49 thereof.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

Issued this 12th day of September 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-8077; Filed, Sept. 14, 1950; 8:51 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

DRYING AND STORING, INCLUDING RECEIVING, OF ROUGH SOUTHERN RICE

Application was filed by the Texas Rice Driers Association, The American Rice Growers Cooperative Association of Louisiana, and the Arkansas Rice Growers Cooperative Association for amendment of the determination (5 F. R. 2758) that the movement to storage and the receiving into storage of rough southern rice is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063; 29 U. S. C. 207 (b) (3) and Part 526 of the regulations issued thereunder (29 CFR Part 526) to include the artificial drying of rice prior to placing it in storage.

It appears from the application that:

(1) At the time the original determination was issued (August 1, 1940) rice was dried in shocks in the field and normally not threshed until the moisture content was low enough to permit safe storage. Since that time the binder and stationary thresher used in that process have been almost entirely supplanted by the direct-combine-drier method of harvesting. At the present time, combine rice is harvested with a relatively high moisture content and must be dried artificially before storage. The use of the combine has necessitated the addition of drying equipment in the movement of rough southern rice to storage.

(2) The industry in Texas, Arkansas, Louisiana and other southern States which engages in the movement to storage and the receiving into storage of rough southern rice, heretofore determined to be of a seasonal nature, now also engages in the drying of rough southern rice prior to storage.

(3) Rough southern rice is harvested in Louisiana, Texas, Arkansas and other southern States commencing about August 1 each year and continuing until about December 15. The bulk of the rice crop produced in these states moves to rice-driers and warehouses immediately after harvesting.

(4) As received from the farm, rice is a perishable commodity which must be dried to a moisture content of approximately 13.5 percent and such drying must be performed within a period of approximately 24 hours from the time the rice is cut.

(5) The industry engages in the handling, extracting, or processing of materials during a season occurring in a regularly annually recurring part of the year and ceases production apart from work such as maintenance, repair, clerical, and sales work in the remainder of the year because of the fact that the rice is not available.

On August 21, 1950, upon consideration on the facts stated in said application I determined, pursuant to § 526.5 (b) (2), that a prima facie case had been shown for finding that the industry engaged in drying or storing or drying and storing, including receiving, of rough southern rice in the States of Texas, Louisiana, Arkansas and other southern States constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and § 526.3 (a). This preliminary determination was published in the FEDERAL REGISTER on August 24, 1950, and interested persons were given 15 days from such date to file objections or a request for a hearing.

No objections or request for hearing have been received within the said 15 days.

Accordingly, pursuant to § 526.5 (b) (2), I hereby find that there is an industry engaged in the drying or storing or drying and storing, including receiving, of rough southern rice in the States of Texas, Arkansas, Louisiana and other southern States, that such industry is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and § 526.3 (a).

The term "drying or storing or drying and storing, including receiving, of rough southern rice" includes the unloading, weighing, marking for identification, artificial drying, sacking, placing into storage and storing of rough rice in the States of Texas, Arkansas, Louisiana and other southern States, and any operations or services necessary or incident to the foregoing during the period or periods when rice is received for drying or storing or drying and storing.

In view of the fact that the industry in question is in the midst of its season at the present time, I find that it is necessary to make this determination effective immediately. Accordingly it shall become effective upon publication in the FEDERAL REGISTER.

(52 Stat. 1060; 29 U. S. C. 201 et seq.)

Signed at Washington, D. C., this 12th day of September 1950.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 50-8070; Filed, Sept. 14, 1950; 8:50 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter IV—Department of Commerce

[Foreign Excess Property Order 1, as Amended Aug. 23, 1950]

PART 401—DISPOSAL OF FOREIGN EXCESS PROPERTY

IMPORTATION INTO THE UNITED STATES OF NONAGRICULTURAL FOREIGN EXCESS PROPERTY

EDITORIAL NOTE: Federal Register Document 50-7518, published at page 5847 of the issue for Wednesday, August 30, 1950, as Title 44, Chapter VI, Part 601, should be designated Chapter IV, Part 401, and §§ 601.1 to 601.10 should be designated §§ 401.1 to 401.10. The references to § 508.15 of Chapter V of this title, appearing in §§ 401.4 and 401.5, should be changed to § 308.15 of Chapter III of this title.

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 865]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of September A. D. 1950.

It appearing, that freight cars are being delayed unduly in loading and unloading, or while held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, or forwarding directions, causing a shortage of equipment and impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency requiring immediate action to promote the National Defense and car service in the interest of the public and the commerce of the people, exists in all sections of the country: It is ordered, that:

§ 95.865 *Demurrage on freight cars*—(a) *Freight cars not subject to an average agreement.* When demurrage detention of cars occurs, for which charges are or may be lawfully provided by tariffs, the demurrage charges on freight cars not included in an average agreement, held by consignors or consignees for any purpose, shall be: $5.00 per car per day or fraction thereof for the first and second days; $10.00 per car per day or fraction thereof for the third and fourth days; $20.00 per car per day for each succeeding day or fraction thereof.

(b) *Freight cars subject to an average agreement.* When demurrage detention occurs to cars held for loading or unloading under average agreement rules for which charges are or may be lawfully provided by tariffs, the demurrage charges on freight cars shall be: $5.00 per car per day or fraction thereof for the first and second days; $10.00 per car per day or fraction thereof for the third and fourth days; $20.00 per car per day for each succeeding day or fraction thereof. Each $5.00 debit day charge shall be offset or reduced by accrued credits only at the ratio of two (2) credits for one (1) debit, an odd credit to be disregarded. Charges at rates in excess of $5.00 per car per day shall not be offset or reduced by accrued credits.

(c) *Application.* (1) The provisions of this section, subject to the following exceptions, shall apply to intrastate and interstate traffic as well as foreign traffic, including commerce with insular possessions and the territories of Alaska and Hawaii.

Exceptions. Export, coastwise, or intercoastal bulk freight (including coal, coke, and vessel fuel) during the period such bulk freight is held in cars at ports (including Great Lakes) for transfer to vessels is not subject to this order. Bulk freight means any carload freight consisting of any non-liquid, non-gaseous commodity shipped loose or in mass and which in the unloading thereof is ordinarily shoveled, scooped, forked, or mechanically conveyed, or which is not in containers or in units of such size as to permit piece by piece unloading.

(2) Description of cars subject to this section: This section shall apply to all freight cars subject to published demurrage rules and charges on file with the Interstate Commerce Commission or State Commissions.

(3) Allowance for bunching of cars subject to an average agreement: The provisions of section E, Rule 9 of Freight Tariff I. C. C. No. 4257, as amended, or reissues thereof, or similar rules in other tariffs, are hereby suspended insofar as they prohibit the cancellation or refunding of demurrage charges account bunching of cars for unloading. The provisions of Paragraph 2, section B, Rule 8, of Tariff I. C. C. No. 4257, or similar rules in other tariffs, shall be applicable to the extent that the allowances provided therein shall be made only on cars originating at the same point, moving via the same route, and consigned to one consignee at one point, which are tendered for delivery in accumulated numbers in excess of the daily rate of shipment, provided written claim is filed in accordance with the provisions of that rule or similar rules in other tariffs; however, allowance shall be made only on cars accruing charges at rates in excess of $5.00 per car per day.

(d) *Effective date.* This section shall become effective at 7:00 a. m., September 15, 1950, and the provisions of this section shall apply to all chargeable detention occurring on and after the effective date and hour hereof.

(e) *Expiration date.* This section shall expire at 7:00 a. m., April 1, 1951, unless otherwise modified, changed, suspended or annulled by order of the Commission.

(f) *Tariff provisions suspended.* (1) Except as provided in subparagraph (2) of this paragraph the operation of all rules, regulations or charges, insofar as they conflict with the provisions of this section, is hereby suspended.

(2) This section shall not change Demurrage Rule 8 of Tariff I. C. C. No. 4257 as amended or as reissued or similar rules in other tariffs relating to adjusting, canceling, or refunding demurrage charges arising from the unusual conditions or circumstances described in the said Rule 8 or similar rules in other tariffs except as provided herein.

(g) *Announcement of suspension.* Each railroad, or its agent, shall publish, file and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the conflicting provisions therein, and establishing the substituted provisions set forth herein.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8073; Filed, Sept. 14, 1950; 8:51 a. m.]

[S. O. 866]

PART 95—CAR SERVICE

RAILROAD OPERATING REGULATIONS FOR FREIGHT CAR MOVEMENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of September A. D. 1950.

It appearing, that an acute shortage of freight cars exists in all sections of the country; that cars loaded and empty are unduly delayed in terminals and in placement at industries; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars are insufficient to promote the most efficient utilization of cars; in the opinion of the Commission an emergency requiring immediate action to promote the National Defense and car service in the interest of the public and the commerce of the people, exists in all sections of the country: it is ordered, that:

§ 95.866 *Railroad operating regulations for freight car movement.* (a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe and enforce the following rules, regulations, and practices with respect to its car service:

(1) Place or constructively place all in-bound loaded cars within twenty-four hours after the first 7:00 a. m. following arrival at destination station or serving yard, Sundays and holidays excepted.

(2) Remove empty cars after release from load within twenty-four hours after the first 7:00 a. m. following release, Sundays and holidays excepted, unless such cars are ordered or appropriated within such twenty-four hour period by the shipper for reloading.

(3) Remove all outbound loaded freight cars within twenty-four hours after the first 7:00 a. m. following tender and acceptance by carrier of the shipping order or bill of lading covering the cars, and forward within twenty-four hours after the first 7:00 a. m. following receipt in terminal, Sundays and holidays excepted.

Exceptions.

Nonrevenue cars in company material service;
Railroad fuel;
Company material, the unloading of which must await preparation of track or bridge structures, requiring special work train service;
Cars released on lines where less than daily service is provided, and efficient transportation would not warrant operation of a train for a few cars only;
Cars released at outlying stations where switching is not performed on Saturdays due to the majority of industries not working, and efficient transportation would not warrant operation of a train for a few cars only;
Privately owned or leased cars held or stored on private tracks when the ownership of the car and the track is the same;
Cars held for export, coastwise (including Great Lakes) or intercoastal shipment;
Cars held for reconsignment;
Cars held for Customs inspection;
Cars held for order notify bill of lading;
Causes beyond the control of each railroad.

(4) Restriction on holding cars for prospective loading: With due regard for efficient railroad operating practices hold no more cars for prospective loading at any time for any industry which it serves than those needed to protect current outbound loading, and where one or more other railroads also serve an industry each railroad shall arrange to prevent the aggregate holding of empty cars in excess of the industry's current needs.

Exception. Cars assembled for peak or seasonal movements and special types of cars for specific types of loading.

(5) Repair tracks: Weather conditions permitting, repair any cars taken out of service for repairs, or carded for repairs, at the earliest time consistent with efficient railroad operating practices.

(6) Notification of arrival of cars: Send or give notice of arrival or constructive placement as required by Rule No. 4 or Rule No. 5 of the Demurrage Tariff I. C. C. 4257 to the consignee or party entitled to receive same, within twenty-four hours, Sundays and holidays excepted, after arrival of car and billing at destination.

(7) Special car orders: Observe, obey, and comply with Special Car Orders now outstanding issued by Arthur H. Gass, Chairman, Car Service Division, Association of American Railroads, and said Chairman is hereby appointed Agent of the Commission with directions and authority to issue such orders as may be necessary with respect to the location, relocation, and distribution of freight cars throughout the United States.

(8) Yard checks, supervision, and records: Make the necessary yard and track checks and maintain sufficient supervision and records to comply with the above provisions of this section.

(b) *Application.* The provisions of this section shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(c) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(d) *Effective date.* This section shall become effective at 7:00 a. m., September 15, 1950.

(e) *Expiration date.* This section shall expire at 7:00 a. m., April 1, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads, subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8074; Filed, Sept. 14, 1950; 8:51 a. m.]

[S. O. 867]

PART 95—CAR SERVICE

RESTRICTIONS ON TRAP AND FERRY CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of September A. D. 1950.

It appearing that there is a shortage of freight cars in every section of the country; that the use of such cars in so-called "trap" or "ferry" car service prevents or impedes the full utilization of such cars and contributes to the general car shortage; in the opinion of the Commission an emergency requiring immediate action to promote the National Defense and car service in the interest of the public and the commerce of the people, exists in all sections of the country: It is ordered, that:

§ 95.867 *Restrictions on trap and ferry cars.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall provide, use or permit the use of a trap car or a ferry car between points in the same municipality or between contiguous municipalities or within a zone adjacent to or a part of any such municipality or municipalities, on its lines, except as follows:

(1) A car which is not suitable for interchange.

(2) Where there is no other common carrier or common carriers capable of transporting the shipment contained in the car.

(3) Where necessary to relieve congestion of carriers' freight house facilities because of inability to obtain transportation of the shipment or shipments by motor vehicle.

(4) Where motor vehicles are not available with which to move the shipment.

(5) Where the carriers' freight house or transfer facilities or consignor's or consignee's facilities are so located or constructed as to make it impracticable to transport the shipment by motor vehicles.

(6) A car containing perishable or explosives and dangerous articles.

(7) A pick-up or concentration car operated between points which from previous experience or actual present knowledge will arrive at destination with a net load of at least 10 tons.

(8) Shipments described in section 2 of Rule 27 of Consolidated Freight Classification.

(9) When authorized by special or general permit issued by the Director, Bureau of Service, Interstate Commerce Commission, Washington 25, D. C.

(b) *Definition.* For the purpose of this section a trap or ferry car is any railroad car utilized for intra-terminal or so-called crosstown switching irrespective of whether the freight is moving at LCL rates, at per car rates or carload rates based on carload minimum specified in tariffs.

(c) *Application.* The provisions of this section shall apply to intrastate as well as interstate and foreign traffic.

(d) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(e) *Effective date.* This section shall become effective at 11:59 p. m., September 20, 1950.

(f) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8075; Filed, Sept. 14, 1950; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 656]

HAIRNET INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATE

On March 17, 1950, pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, I, as Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 395, appointed Special Industry Committee No. 7 for Puerto Rico, hereinafter called the Committee, and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the hairnet industry, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the hairnet industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the hairnet industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the hairnet industry in Puerto Rico, the Committee filed with me a report containing its recommendation for a minimum wage rate of 40 cents an hour to be paid employees in the Industry who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on June 13, 1950, and circulated to all interested persons, a public hearing upon the Committee's recommendation was held before Hearing Examiner Clifford P. Grant, as presiding officer, in Washington, D. C. on July 12, 1950 at which all interested parties were given an opportunity to be heard. After the hearing was closed

the record of the hearing was certified to me by the presiding officer.

Upon reviewing all the evidence in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for a minimum wage rate in the hairnet industry in Puerto Rico, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator" in the matter of the recommendation of Special Industry Committee No. 7 for Puerto Rico of a minimum wage rate in the hairnet industry in Puerto Rico, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (15 F. R. 3701), that I propose to approve such recommendation of the Committee and to issue a wage order for the hairnet industry in Puerto Rico, to read as set forth below, to carry such recommendation into effect. Interested parties may submit written exceptions within 15 days from publication of this notice in the FEDERAL REGISTER. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
656.1 Approval of recommendation of industry committee.
656.2 Wage rate.
656.3 Notices of order.
656.4 Definition of the hairnet industry in Puerto Rico.

AUTHORITY: §§656.1 to 656.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 656.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 656.2 *Wage rate.* Wages at the rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hairnet industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 656.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the hairnet industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 656.4 *Definition of the hairnet industry in Puerto Rico.* The hairnet industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The manufacturing and packaging of hairnets made from any material.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Signed at Washington, D. C., this 11th day of September 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50-8049; Filed, Sept. 14, 1950; 8:46 a. m.]

[29 CFR, Part 662]

CEMENT INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATE

On March 17, 1950, pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, I, as Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 395, appointed Special Industry Committee No. 7 for Puerto Rico, hereinafter called the Committee, and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the cement industry, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the cement industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the cement industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the cement industry in Puerto Rico, the Committee filed with me a report containing its recommendation for a minimum wage rate of 65 cents per hour to be paid employees in the industry who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on June 13, 1950, and circulated to all interested persons, a public hearing upon the Committee's recommendation was held before Hearing Examiner Clifford P. Grant, as presiding officer, in Washington, D. C., on July 13, 1950, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to me by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for a minimum wage rate in the cement industry in Puerto Rico, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator" in the matter of the recommendation of Special Industry Committee No. 7 for Puerto Rico of a minimum wage rate in the cement industry in Puerto Rico, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (15 F. R. 3701), that I propose to approve such recommendation of the Committee and to issue a wage order for the cement industry in Puerto Rico to read as set forth below to carry such recommendation into effect. Interested parties may submit written exceptions within 15 days from publication of this notice in the FEDERAL REGISTER. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
662.1 Approval of recommendation of industry committee.
662.2 Wage rate.
662.3 Notices of order.
662.4 Definition of the cement industry in Puerto Rico.

AUTHORITY: §§ 662.1 to 662.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 662.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 662.2 *Wage rate.* Wages at the rate of not less than 65 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the cement industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 662.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the cement industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 662.4 *Definition of the cement industry in Puerto Rico.* The cement industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The manufacture of hydraulic cement including the extraction of raw materials therefor.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Signed at Washington, D. C., this 11th day of September 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50-8048; Filed, Sept. 14, 1950; 8:46 a. m.]

[29 CFR, Part 687]

HOSIERY INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATE

On March 17, 1950, pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended, hereinafter called the "act," I, as Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 395, appointed Special Industry Committee No. 7 for Puerto Rico, hereinafter called the "Committee," and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the hosiery industry, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the hosiery industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the hosiery industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the hosiery industry in Puerto Rico, the Committee filed with me a report containing its recommendation for a minimum wage rate of 40 cents per hour to be paid employees in the industry who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on June 13, 1950, and circulated to all interested persons, a public hearing upon the Committee's recommendation was held before Hearing Examiner Clifford P. Grant, as presiding officer, in Washington, D. C., on July 12, 1950, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to me by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for a minimum wage rate in the hosiery industry in Puerto Rico, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator" in the matter of the recommendation of Special Industry Committee No. 7 for Puerto Rico of a minimum wage rate in the hosiery industry in Puerto Rico, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (15 F. R. 3701), that I propose to approve such recommendation of the Committee and to issue a wage order for the hosiery industry in Puerto Rico to read as set forth below to carry such recommendation into effect. Interested parties may submit written exceptions within 15 days from publication of this notice in the FEDERAL REGISTER. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
687.1 Approval of recommendation of industry committee.
687.2 Wage rate.
687.3 Notices of order.
687.4 Definition of the hosiery industry in Puerto Rico.

AUTHORITY: §§ 687.1 to 687.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 687.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 687.2 *Wage rate.* Wages at the rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hosiery industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 687.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the hosiery industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 687.4 *Definition of the hosiery industry in Puerto Rico.* The hosiery industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The manufacturing or processing of full-fashioned and seamless hosiery including among other processes the knitting, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacturing or processing of yarn or thread.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Signed at Washington, D. C., this 11th day of September, 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50-8050; Filed, Sept. 14, 1950; 8:46 a. m.]

[29 CFR, Part 688]

ARTIFICIAL FLOWER INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATE

On March 17, 1950, pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended, hereinafter called the "act", I, as Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 395, appointed Special Industry Committee No. 7 for Puerto Rico, hereinafter called the "Committee", and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the artificial flower industry, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the artificial flower industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the artificial flower industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the artificial flower industry in Puerto Rico, the Committee filed with me a report containing its recommendation for a minimum wage rate of 43 cents an hour to be paid employees in the Industry who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on June 13, 1950, and circulated to all interested persons, a

public hearing upon the Committee's recommendation was held before Hearing Examiner Clifford P. Grant, as presiding officer, in Washington, D. C. on July 11, 1950 at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to me by the presiding officer.

Upon reviewing all the evidence in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for a minimum wage rate in the artificial flower industry in Puerto Rico, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator" in the matter of the recommendation of Special Industry Committee No. 7 for Puerto Rico of a minimum wage rate in the artificial flower industry in Puerto Rico, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (15 F. R. 3701), that I propose to approve such recommendation of the Committee and to issue a wage order for the artificial flower industry in Puerto Rico, to read as set forth below, to carry such recommendation into effect. Interested parties may submit written exceptions within 15 days from publication of this notice in the FEDERAL REGISTER. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
688.1 Approval of recommendation of industry committee.
688.2 Wage rate.
688.3 Notices of order.
688.4 Definition of the artificial flower industry in Puerto Rico.

AUTHORITY: §§ 688.1 to 688.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 688.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 688.2 *Wage rate.* Wages at the rate of not less than 43 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the artificial flower industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 688.3 *Notice of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the artificial flower industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 688.4 *Definition of the artificial flower industry in Puerto Rico.* The artificial flower industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The manufacturing and assembling of artificial flowers, buds, berries, foliage, leaves, fruits, plants, stems, and branches.

This definition does not include such products as are not commonly or commercially known as "artificial" such as flowers made by blowing glass, molding plastic, or carving wood.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Signed at Washington, D. C., this 11th day of September 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50-8047; Filed, Sept. 14, 1950; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 230]

SECURITIES EXEMPTED

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend Regulation A under section 3 (b) of the Securities Act of 1933 to provide that, where securities are offered by means of short-term rights or warrants, the initial market value of the offered securities shall be deemed to be the offering price for purposes of the regulation.

Section 230.220 (Rule 220) under Regulation A provides a limited exemption from registration for certain primary offerings not exceeding $300,000 (paragraph (a)) and secondary offerings not exceeding $100,000 (paragraph (b)), subject to an overall limitation of $300,000 in any period of 12 months (paragraph (d)). In the case of "market" offerings the regulation provides that the aggregate gross proceeds actually received from the public shall not exceed these specified amounts (paragraph (g)).

In order to eliminate certain interpretative problems concerning the application of these provisions to offerings through rights or warrants, the Commission is considering the addition of the following new paragraph (i) to Rule 220:

(i) Where securities are offered through rights or warrants which expire within 90 days after issuance, the offering price of such securities shall be deemed to be their market value as established by bona fide transactions or quotations within a reasonable time of the commencement of the offering, and no separate consideration shall be given to any sales of the rights or warrants.

The proposed new provision would not apply to offerings through rights or warrants with a life of more than 90 days. It is felt that long-term rights or warrants generally do not provide a suitable mechanism for an offering under Regulation A, in view of the greater possibility that market fluctuations will carry the offering beyond the price limits of the regulation and section 3 (b).

The suggested paragraph provides that market value shall be established by "bona fide transactions or quotations within a reasonable time of the commencement of the offering." Generally this provision is intended to permit market value to be determined at the time of the filing of the letter of notification so that it may be stated in that document. However, if there is no market at that time, the proposed language is intended to permit the computation to be based on transactions or quotations occurring thereafter, perhaps shortly after the rights are issued. Of course purchases from the issuer pursuant to the exercise of rights or warrants would not ordinarily determine market value except in the sense of demonstrating that the market value was not less than the exercise price.

As a corollary to the proposed amendment to Rule 220, paragraph (a) (2) of Rule 222 would be amended to provide that, in offerings of this type, the letter of notification filed with the Commission should state the market value of the securities and the exercise price of the rights or warrants.

All interested persons are invited to submit their views and comments on the proposed amendment in writing to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before October 8, 1950.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 8, 1950.

[F. R. Doc. 50-8062; Filed, Sept. 14, 1950; 8:48 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 56]

FIELD ORGANIZATION

ESTABLISHMENT OF FOREIGN SERVICE IN SALISBURY, SOUTHERN RHODESIA

Pursuant to the requirements of section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002; 60 Stat. 238), notice is hereby given that the Field Organization of the Department of State, as published in the FEDERAL REGISTER for May 3, 1950 (15 F. R. 2498), is amended as follows:

Effective May 8, 1950, a Foreign Service establishment with the rank and status of Consulate General was opened to the public at Salisbury, Southern Rhodesia.

For the Secretary of State.

H. J. HENEMAN,
Director, Management Staff.

SEPTEMBER 7, 1950.

[F. R. Doc. 50-8051; Filed, Sept. 14, 1950; 8:47 a. m.]

[Public Notice 58]

APPROVAL OF ORGANIZATIONS TO RENDER SERVICES TO DISPLACED PERSONS

Pursuant to the requirements of section 3 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002), notice is hereby given that the Advisory Committee on Voluntary Foreign Aid of the Department of State has approved the following organizations for the purpose of extending emigration and resettlement services to certain persons who qualify for admission to the United States under the provisions of the Displaced Persons Act of 1948, as amended:

1. American Committee for Resettlement of Polish Displaced Persons, 1520 West Division Street, Chicago 22, Illinois. This organization is approved for the purpose of extending emigration and resettlement services to former members of the armed forces of the Republic of Poland who qualify for admission to the United States under the provisions of section 3 (b) (3) of the Displaced Persons Act of 1948, as amended.

2. American Fund for Czechoslovak Refugees, Inc., 1775 Broadway, Room 607, New York 19, New York. This organization is approved for the purpose of extending emigration and resettlement services to displaced persons and refugees in or from China who qualify for admission to the United States under the provisions of section 3 (b) (2) of the Displaced Persons Act of 1948, as amended, and to out-of-zone refugees who qualify for admission to the United States under the provisions of section 3 (c) of the said act.

3. International Rescue Committee, Inc., 62 West Forty-fifth Street, New York 19, New York. This organization is approved for the purpose of extending emigration and resettlement services to former members of the armed forces of the Republic of Poland who qualify for admission to the United States under the provisions of section 3 (b) (3) of the Displaced Persons Act of 1948, as amended, and to out-of-zone refugees who qualify for admission to the United States under the provisions of section 3 (c) of the said act.

4. Resettlement Service—National Lutheran Council, 13–15 East Twenty-second Street, New York 10, New York. This organization is approved for the purpose of extending emigration and resettlement services to displaced persons and refugees in or from China who qualify for admission to the United States under the provisions of section 3 (b) (2) of the Displaced Persons Act of 1948, as amended.

The foregoing notice is intended to cover only those provisions of the aforesaid act for which the Department of State is administratively responsible and hence has no application to the services which approved organizations may render in connection with other provisions of the Displaced Persons Act of 1948, as amended.

For the Secretary of State.

H. J. L'HEUREUX,
Chief, Visa Division.

SEPTEMBER 11, 1950.

[F. R. Doc. 50-8071; Filed, Sept. 14, 1950; 8:50 a. m.]

[Public Notice 59]

DELEGATION OF AUTHORITY TO CHIEF OF SPECIAL PROJECTS SECTION, FEDERAL PROGRAMS BRANCH, DIVISION OF EXCHANGE OF PERSONS

Pursuant to the authority contained in section 4 of Public Law 73, 81st Congress, the Chief, Special Projects Section, Federal Programs Branch, Division of Exchange of Persons is authorized to approve, amend or terminate grants for payment of necessary expenses of tuition, subsistence, transportation, and emergency medical care to selected Chinese students, teachers, professors and scholars in fields of specialized knowledge and skill under the program of Emergency Aid to Selected Citizens of China administered by the Office of Educational Exchange under authority vested by law in the Secretary of State.

NOTE: See Title 22, Chapter I, Part 67, *supra.*

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary.

SEPTEMBER 12, 1950.

[F. R. Doc. 50-8114; Filed, Sept. 14, 1950; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910) and Part 525 of the regulations issued thereunder, as amended (29 CFR, Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the Regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Michigan Veterans' Facility, 3000 Monroe Avenue, Grand Rapids 5, Mich.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 19 cents per hour, whichever is higher; certificate is effective September 1, 1950 and expires July 31, 1951.

Wisconsin Workshop for the Blind, 2385 North Lake Drive, Milwaukee 11, Wisconsin; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective September 30, 1950, and expires September 29, 1951.

Volunteers of America of Los Angeles, 333 S. Los Angeles St., Los Angeles 13, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 55 cents per hour, whichever is higher; certificate is effective August 28, 1950 and expires August 27, 1951.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions

therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 7th day of September, 1950.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 50-8069; Filed, Sept. 14, 1950; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25404]

COTTON PIECE GOODS FROM OFFICIAL TERRITORY TO THE SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 12, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for and on behalf of carriers parties to Agent Boin's tariff I. C. C. No. A-726.

Commodities involved: Cotton piece goods and flat goods, carloads.

From: Points in Trunk Line and New England territories.

To: Points in Virginia, North Carolina, Kentucky and Tennessee.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-726, Supplement 207.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8058; Filed, Sept. 14, 1950; 8:48 a. m.]

[4th Sec. Application 25405]

VERMICULITE IN THE SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 12, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 998.

Commodities involved: Vermiculite, carloads.

Between: Points in southern territory and between points in southern territory on the one hand and points in Virginia in Trunk Line territory on the other.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 998, Supplement 141.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8059; Filed, Sept. 14, 1950; 8:48 a. m.]

[4th Sec. Application 25406]

SCRAP IRON FROM THE SOUTH TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 12, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 950.

Commodities involved: Scrap iron, carloads.

From: Points in the south.

To: Ashland, Ky., Huntington and Charleston, W. Va., Ironton, New Boston, Portsmouth and Sciotoville, Ohio.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 950, Supplement 120.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8060; Filed, Sept. 14, 1950; 8:48 a. m.]

[4th Sec. Application 25407]

NEPHELINE SYENITE BETWEEN OFFICIAL AND SOUTHERN TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 12, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for and on behalf of carriers parties to the tariff named below.

Commodities involved: Nepheline syenite, carloads.

Between: Points in Trunk Line and New England territories, on the one hand, and points in North Carolina, Virginia, Kentucky and Tennessee, on the other.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-726, Supplement 207.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such applicaton without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8061; Filed, Sept. 14, 1950; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6307]

FLORIDA POWER CORP.

NOTICE OF ORDER

SEPTEMBER 12, 1950.

Notice is hereby given that, on September 5, 1950, the Federal Power Commission issued its order entered September 5, 1950, authorizing renewal and issuance of promissory notes in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8055; Filed, Sept. 14, 1950; 8:47 a. m.]

[Docket No. G-1333]

UNITED NATURAL GAS CO.

NOTICE OF ORDER

SEPTEMBER 12, 1950.

Notice is hereby given that, on September 11, 1950, the Federal Power Commission issued its order entered September 8, 1950, amending order of May 9, 1950, published in the FEDERAL REGISTER on May 17, 1950 (15 F. R. 2964), issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8056; Filed, Sept. 14, 1950; 8:47 a. m.]

[Docket No. G-1470]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

SEPTEMBER 11, 1950.

Take notice that on August 28, 1950, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal office at Owensboro, Kentucky, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of three sales metering stations at three points on its transmission line for the delivery of natural gas to Mississippi Power & Light Company (Buyer) for resale by the purchaser, to the following municipal distribution corporations located in Mississippi:

Delta Natural Gas District.
Bolivar Natural Gas District.
De Soto Natural Gas District.

Applicant proposes by means of the facilities described above to transport and sell natural gas to the Mississippi Power & Light Company for resale and distribution to the inhabitants of Inverness, Isola and Belzoni through facilities to be constructed by the Delta Natural Gas District and leased to the buyer. Applicant likewise proposes to transport and sell to the Mississippi Power & Light Company natural gas for resale and distribution to the inhabitants of Pace and Rosedale, through the facilities constructed and owned by Bolivar Natural Gas District, which are leased from that municipal corporation. The people of the towns of Horn Lake, Nesbitt, Hernando and Coldwater are to be furnished natural gas through the facilities constructed and owned by the De Soto Natural Gas District and leased by the Mississippi Power & Light Company.

Applicant states that the volume of natural gas to be sold and delivered to the Mississippi Power & Light Company as has been estimated is approximately 2,103 Mcf during the first year and 2,946 Mcf during the fifth year of operations, and that it has an adequate reserve to supply the requirements.

The total over-all cost of the facilities proposed is $17,891.98 which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 29th day of September 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8057; Filed, Sept. 14, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59-15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

ORDER APPROVING PLAN AS AMENDED

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of September A. D. 1950.

New England Public Service Company ("NEPSCO"), a registered holding company and a subsidiary of Northern New England Company, also a registered holding company, having filed on July 19, 1950, and August 18, 1950, further amendments to NEPSCO's plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act"), which was approved by this Commission and ordered enforced by the United States District Court for the District of Maine on August 6, 1947; and

NEPSCO having requested the Commission to approve the plan as so amended and to apply to the United States District Court for the District of Maine for an appropriate order approving and enforcing the plan as so amended; and

A public hearing having been held after appropriate notice at which all interested persons were given an opportunity to be heard, and all such persons having been given an opportunity to file briefs; and

The Commission having considered the record and on the basis thereof having this day entered is findings and opinion herein;

It is ordered, Pursuant to section 11 (e) and other applicable provisions of the act and the rules and regulations promulgated thereunder, that:

(1) The plan as amended be and it hereby is approved.

(2) Jurisdiction be and it hereby is reserved to determine the reasonableness and appropriate allocation of all fees and expenses incurred or to be incurred in connection with the plan, as amended, and the transactions incident thereto.

(3) Jurisdiction be and it hereby is reserved to entertain such further proceedings, to make such supplemental findings and orders, and to take such further action as the Commission may deem appropriate in connection with the plan, as amended, the transactions incident thereto and the consummation thereof, and to take such further action as the Commission may deem necessary or appropriate to effectuate the provisions of section 11 (b) of the Act.

(4) This order shall be effective immediately upon its issuance, but, except for the transactions approved by our order dated September 8, 1950, in File No. 70-2438, which are to be consummated forthwith pursuant to said order and to the order of the United States District Court for the District of Maine dated August 6, 1947, shall not be operative to authorize the consummation of any of the transactions proposed in the amendments filed July 19, 1950, and August 18, 1950, until the United States District Court for the District of Maine shall, upon application thereto, enter an order enforcing said amendments.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-8063; Filed, Sept. 14, 1950; 8:47 a. m.]

[File No. 70-2433]

CENTRAL AND SOUTH WEST CORP. AND WEST TEXAS UTILITIES CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of September A. D. 1950.

Central and South West Corporation, a registered holding company, and its public utility subsidiary company, West Texas Utilities Company ("West Texas"), having filed a joint application, and amendments thereto, pursuant to sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act"),

with respect to the following proposed transactions:

West Texas, in connection with the sale to non-affiliated interests of a substantial part of its ice property for an aggregate consideration of $520,000, proposes to acquire certain securities, described as vendor's lien notes and purchase money notes, evidencing an aggregate of $421,000 of deferred payments of the sale price. The balance of $99,000 of the sale price is to be paid in cash. The $421,000 principal amount of notes being acquired is payable in installments during the years 1950 through 1954, together with interest at the rate of 5 percent per annum.

It is stated that the proceeds to be received from the proposed sale of ice properties are to be invested in permanent additions to or extensions of West Texas' electric utility properties.

It is further stated that no fees, commissions or other remuneration will be paid by West Texas in connection with the acquisition of the notes except service company fees and expenses estimated at not to exceed $50.

Said application having been filed on July 10, 1950, and the last amendment thereto having been filed on September 6, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted, and also deeming it appropriate to grant applicants' request that the order herein become effective forthwith upon its issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be and the same hereby is granted, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8063; Filed, Sept. 14, 1950; 8:49 a. m.]

[File No. 70-2438]

NEW ENGLAND PUBLIC SERVICE CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of September A. D. 1950.

New England Public Service Company ("NEPSCO"), a registered holding company and a subsidiary of Northern New England Company, also a registered holding company, having filed a declaration and amendments thereto pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("the act") with respect to the sale by NEPSCO, pursuant to the competitive bidding requirements of Rule U-50, of 260,000 shares of the common stock of Central Maine Power Company, a public-utility company and a subsidiary of NEPSCO; and

NEPSCO having requested acceleration with respect to the bidding period specified in paragraph (b) of Rule U-50 so as to shorten the period to not less than six days; and

NEPSCO having also requested that our order herein contain appropriate recitals conforming to the pertinent requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended; and

A public hearing having been held after appropriate notice in which all interested persons were given opportunity to be heard and all such persons having been given an opportunity to file briefs; and

The Commission having considered the record and on the basis thereof having this day entered its findings and opinion herein:

It is ordered, Pursuant to section 12 (d) of the act and Rule U-44 thereunder, that said declaration, as amended, be and it hereby is permitted to become effective forthwith, subject however to the provisions of Rule U-24 and to the following terms and conditions:

(1) That the proposed sale of common stock shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered on the basis of the record so supplemented, which order shall contain such terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for this purpose; and

(2) That jurisdiction be, and it hereby is, reserved with respect to the payment of all fees and expenses incurred or to be incurred in connection with legal and accounting services applicable to the proposed transactions; and

It is further ordered, That the bidding period specified in paragraph (b) of Rule U-50 be shortened to a period of not less than six days.

It is further ordered, That jurisdiction be and it hereby is reserved to enter in our further order with respect to the price at which the Central Maine common stock is proposed to be sold the appropriate recitals conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8052; Filed, Sept. 14, 1950; 8:47 a. m.]

[File No. 70-2460]

MISSISSIPPI GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 8th day of September A. D. 1950

Mississippi Gas Company ("Mississippi"), a public utility subsidiary of Southern Natural Gas Company, a registered holding company, having filed a declaration with the Commission pursuant to the provisions of section 7 of the Public Utility Holding Company Act of 1935 ("act") regarding the following transaction:

Mississippi proposes to issue and sell at par its unsecured note due one year after date in the principal amount of $200,000 bearing interest at the rate of 2 percent per annum, to The Chase National Bank of the City of New York. The proceeds from the sale of said note will be used to pay for the construction of additions to Mississippi's properties and to reimburse its treasury for working capital previously used for the construction of such additions. Total expenses, including legal fees, are estimated at approximately $500.

Said declaration having been filed on August 21, 1950; notice of such filing having been duly given in the manner prescribed by Rule U-23 under said act; and the Commission not having received a request for hearing with respect to said declaration within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The declarant having requested that the Commission's order with respect to said declaration issue at the earliest date possible and become effective upon issuance; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied; and that no adverse findings are necessary thereunder, and that the estimated expenses in connection with the proposed transaction are not unreasonable, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8064; Filed, Sept. 14, 1950; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9783, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15011]

JOACHIM ROBRAHN

In re: Estate of Joachim Robrahn, deceased. File D-28-12843.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Luise Elise Marie Sandberg nee Robrahn and Maria Elise Henny Robrahn, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the sum of $12,039.79, paid to the State Controller of the State of California pursuant to an order of the Superior Court of the State of California in and for the County of San Joaquin, dated November 1, 1945, in the Matter of the Estate of Joachim Robrahn and any and all additions thereto, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-8078; Filed, Sept. 14, 1950; 8:51 a. m.]

[Vesting Order 15042]

IKUTARO AND AKIYO HIRAISHI

In re: Rights of Ikutaro Hiraishi and Akiyo Hiraishi under insurance contract. File No. F-39-4392-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ikutaro Hiraishi and Akiyo Hiraishi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 15 261 909, issued by the New York Life Insurance Company, New York, New York, to Ikutaro Hiraishi, together with the right to demand, receive and collect said net proceeds is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Ikutaro Hiraishi or Akiyo Hiraishi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-8080; Filed, Sept. 14, 1950; 8:51 a. m.]

[Vesting Order 15016]

AUGUST WALTHER

In re: Estate of August Walther, deceased. File No. D-28-12767; E. T. sec. 16940.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Rode, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Walther Greeven, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of August Walther, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Carl Fedor Tiedemann, as Administrator c. t. a., acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

5. That to the extent that the person identified in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Walther Greeven, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-8079; Filed, Sept. 14, 1950; 8:51 a. m.]

[Vesting Order 15043]

JOHANN HOLLINGER ET AL.

In re: Rights of Johann Hollinger et al. under insurance contract. File No. F-28-26691-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to

law, after investigation, it is hereby found:

1. That Johann Hollinger and Maria Josefa Hollinger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Louisa Hollinger, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4238017, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Louisa Hollinger, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Louisa Hollinger, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consulation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8081; Filed, Sept. 14, 1950; 8:51 a. m.]

[Vesting Order 15044]

TSURUYO KANAZAWA

In re: Rights of Tsuruyo Kanazawa under insurance contract. File No. F-39-4414-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsuruyo Kanazawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7 850 370, issued by the New York Life Insurance Company, New York, New York, to Tsuruyo Kanazawa, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8082; Filed, Sept. 14, 1950; 8:51 a. m.]

[Vesting Order 15045]

MRS. MINE AND HYOTARO KANEKO

In re: Rights of Mrs. Mine Kaneko and Hyotaro Kaneko under insurance contract. File No. D-39-5338-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Mine Kaneko and Hyotaro Kaneko, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 519,308, issued by the Manufacturers Life Insurance Company, Toronto, Canada, to Mrs. Mine Kaneko, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Mine Kaneko or Hyotaro Kaneko, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8083; Filed, Sept. 14, 1950; 8:51 a. m.]

[Vesting Order 15046]

KINGORO KAWASHIMA

In re: Rights of Kingoro Kawashima under insurance contract. File No. F-39-1851-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kingoro Kawashima, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7 936 595, issued by the New York Life Insurance Company, New York, New York, to Kingoro Kawashima, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8084; Filed, Sept. 14, 1950; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 15 NUMBER 180

Washington, Saturday, September 16, 1950

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 4—GENERAL PROVISIONS

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 34—APPOINTMENT, COMPENSATION, AND REMOVAL OF HEARING EXAMINERS

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 4.106 is amended and a new paragraph (d) is added; § 4.107 is amended and new §§ 4.108 and 4.109 are added. As amended, §§ 4.106 to 4.109 read as follows:

§ 4.106 *Penalties.* (a) Violations of § 4.1 are by law violations also of section 9 (a) of the Hatch Act, and the penalty required by that act must of necessity be imposed. The employee must be immediately removed from the position or office held and may not again be employed in such position or office unless the Commission by unanimous vote finds that the violation does not warrant removal. In the case of such unanimous finding a suspension of not less than 90 calendar days shall be applied by direction of the Commission. If the appointing officer fails to carry out the instructions of the Commission within ten days after receipt thereof, the Commission shall certify the facts to the head of the agency concerned for proceedings for withholding salary in accordance with § 5.5.

(b) When the Commission directs the removal of an employee for a violation of § 4.1, and the Hatch Act, the penalty laid down in paragraph (a) of this section shall be applied, even where the agency reports that the individual has been removed, on grounds other than a violation of § 4.1 of Rule IV and the Hatch Act. Such individual may not again be employed in the position from which he was removed. The provisions of § 4.107 regarding reemployment in positions other than the one from which removal was effected shall also apply.

(c) The above procedure shall apply also where an employee has resigned from his position or office prior to the Commission's determination that he had violated § 4.1, and the Hatch Act.

(d) In cases where an agency upon investigation finds that an employee occupying an excepted position has violated the provisions of section 9 (a) of the Hatch Act the agency may refer the matter to the Commission with a detailed statement of the facts and evidence for a determination whether the violation is such as to warrant a penalty of less than removal. If the agency effectuates the removal without first consulting the Commission the employee so removed may request the Commission to review his case, and if the Commission finds by unanimous vote that the violation did not warrant removal the individual's record shall be immediately cleared so as to make him eligible for further Federal employment. However, there is no provision of law under which the agency is required to reemploy the excepted employee.

(Applies sec. 9 (b), 53 Stat. 1148, as amended by Pub. Law 732, 81st Cong.; 5 U. S. C. Sup. II, 118 (1))

§ 4.107 *Reemployment.* (a) An employee removed for violation of § 4.1 may not be employed again, in accordance with a decision by the Comptroller General on the law (25 Comp. Gen. 271), in any position the salary or compensation of which is payable under the same appropriation as the position from which removed: *Provided*, That in all cases involving a finding that a Federal employee has engaged in prohibited political activity resulting in removal the Commission may consider the matter from a suitability standpoint and may establish a definite period of debarment applicable to the employee for all Federal positions within the Commission's jurisdiction.

(Applies sec. 9 (b), 53 Stat. 1148, as amended by Pub. Law 732, 81st Cong.; 5 U. S. C. Sup. II, 118 (1))

§ 4.108 *Suspension.* Where an employee is suspended for a period of time (not less than 90 days) at the direction of the Commission such employee is not eligible for Federal employment in other positions or agencies during the entire period of his suspension.

(Applies sec. 9 (b), 53 Stat. 1148, as amended by Pub. Law 732, 81st Cong.; 5 U. S. C. Sup. II, 118 (1))

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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(Revised through July 1)

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§ 4.109 *Reopening cases.* (a) Employeees removed between August 2, 1939, and August 25, 1950, for established political activity violations may request that the Commission reopen their cases to determine whether the violations warranted removal from the service. The request must be made in writing by the individual concerned and may be accompanied by evidence or affidavits to support the plea that the violation did not warrant removal.

(b) In reopened cases where the original removal was based upon a Commission finding that the individual had engaged in prohibited political activity no further investigation will be made and no hearing will be held, and the Commission's decision will be based upon the existing record plus any evidence or affidavits submitted by the individual in support of his request.

(c) In reopened cases where the original removal was based upon a finding of the employing agency that the individual had engaged in prohibited political activity the Commission will secure from the employing agency any files or copies of files relating to the case and will conduct such further inquiry as the circumstances may require. The final decision of the Commission will be based on this record plus any evidence or affidavits submitted by the individual in support of his request.

(d) If in either of the cases described in paragraph (b) or (c) of this section the Commission finds by unanimous vote that the heretofore established violation was not such as to warrant the individual's removal from the service the Commission shall issue an order revoking any restrictions against the individual's future Federal employment. However, no such revocation shall become effective until at least 90 days have elapsed following the date of removal of the individual.

(e) A Commission revocation order issued in accordance with paragraph (d) of this section will merely clear the individual's record for further Federal employment and will not in itself effectuate such reemployment or require that the individual be reemployed in the position from which removed or any other position in the same agency.

(Applies sec. 9 (b), 53 Stat. 1148, as amended by Pub. Law 732, 81st Cong.; 5 U. S. C. Sup. II, 118 (i))

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

2. Effective upon publication in the FEDERAL REGISTER, a new paragraph (t) is added to § 6.101 as follows:

§ 6.101 *Entire executive civil service.* * * *

(t) Subject to prior approval by the Commission, positions in Federal mental institutions when filled by persons who have been patients of such institutions and been discharged, and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

3. Effective upon publication in the FEDERAL REGISTER subparagraph (1) of § 34.5 (b) is amended and a new subparagraph (4) is added. As amended, § 34.5 (b) reads as follows:

§ 34.5 *Promotion, reassignment, and transfer.* * * *

(b) *From a position other than a hearing examiner position.* (1) Except as provided in subparagraphs (3) and (4) of this paragraph, when an agency desires to fill a vacancy in a hearing examiner position by the promotion, reassignment, or transfer of an employee who has a competitive status and is serving in a position other than a hearing examiner position, it shall submit the name of the person to the Commission, together with an application form executed by him. The Commission will rate the qualifications of the applicant in accordance with the experience and training requirements of the open competitive examination (except the maximum age requirement), including an investigation of character and suitability and an oral interview. The name of the person proposed will be entered on the open competitive register in accordance with the rating received. If his name is then within reach for certification, the Commission will approve the promotion, reassignment, or transfer; otherwise it will disapprove the request.

(2) An employee without competitive status, serving in a position other than a hearing examiner position, may be appointed to a hearing examiner position only after competition in the open competitive examination and upon certification by the Commission from the open competitive register.

(3) Positions which have been allocated as hearing examiner positions subsequent to June 11, 1947, on the basis of legislation, Executive order, or decision of a court, may be filled by the promotion or reassignment in accordance with Part 8 of this chapter, of qualified employees with competitive status who were serving in the agency concerned on the date of the action on which the allocation of the position was based: *Provided,* That recommendation for such promotion or reassignment is received by the Commission not later than six months following said date. Prior approval of the Commission must be secured before a promotion or reassignment is effected.

(4) An employee with competitive status may acquire an absolute appointment as a hearing examiner provided he meets the other requirements set for acquisition of competitive status by nonstatus incumbents of hearing examiner positions under Executive Order 10157 of August 28, 1950.

(Sec. 11, 60 Stat. 244; 5 U. S. C. 1010)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-8111; Filed, Sept. 15, 1950; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

SUBPART—CONCENTRATED ORANGE JUICE EXPORT PROGRAM (FISCAL YEAR 1951)

Sec.
518.255 General statement.
518.256 Provisions of program.
518.257 Specifications.
518.258 Inspection.
518.259 Containers.
518.260 Labels and markings.
518.261 Period of operation.
518.262 Rates of payment.
518.263 Claims for payment.
518.264 Set-off.
518.265 Assignments.
518.266 Persons not eligible.
518.267 Amendment.

AUTHORITY: §§ 518.255 to 518.267 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. and Sup., 612c.

§ 518.255 *General statement.* (a) The United States Department of Agriculture (hereinafter referred to as USDA) hereby offers to make payments to U. S. exporters in connection with the exportation of concentrated orange juice to ECA countries for use in experimental feeding programs subject to the terms and conditions hereinafter set forth.

(b) The purpose of this offer is to make available, to not more than six ECA countries which desire it, a small quantity of concentrated orange juice for experimental feeding of children and expectant mothers to correct a common dietary deficiency of vitamin C.

(c) The United Kingdom and Norway are excluded because they have already developed such programs.

§ 518.256 *Provisions of program.* (a) The representative or agency of any ECA country which desires to participate in this program should forward a written request to USDA giving the following information:

1. The quantity of concentrated orange juice desired, not to exceed 1,800 gallons (this quantity is sufficient to supply 1,000 persons a 5-ounce daily serving of reconstituted orange juice for a period of one year);

2. The approximate number of persons to be served; and

3. A brief description of the proposed plan of operation and the approximate duration of the program.

Such representative or agency shall also agree (1) to use the concentrated orange juice only for experimental feeding programs for children and expectant mothers; (2) that a report on the acceptability of the product and the results of the experiment will be furnished USDA at the end of the experiment; and (3) that no funds appropriated under any law of the United States providing for the furnishing of assistance or relief to foreign countries will be used in payment of any part of the purchase price of this commodity.

(b) Upon approval of the application by USDA the representative or agency of the participating country will be free to make contract arrangements directly with any U. S. exporter for the procurement and shipment of the product. The name of the U. S. exporter with whom such contract has been negotiated shall be furnished USDA.

(c) After exportation of the product and receipt by USDA of a claim supported by documents evidencing exportation and compliance with the terms of this offer, payments will be made to U. S. exporters who supply the concentrated orange juice.

(d) Further information concerning this program may be obtained by communicating with F. N. Andary, Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., or J. Henry Burke, % Agricultural Attaché, American Embassy, Paris, France.

§ 518.257 *Specifications.* All concentrated orange juice delivered pursuant to this offer shall be processed and packed in the United States, shall be made from sound oranges, shall be prepared and packed under sanitary conditions, and shall meet the requirements for U. S. Grade A concentrated orange juice as defined in the "United States Standards for Grades of Canned Concentrated Orange Juice," effective August 16, 1943, as amended November 1, 1944. The Brix value shall be not less than 65°, when determined in accordance with the Refractometric Method and corrected for anhydrous citric acid. Ascorbic Acid (vitamin C) shall be present in the amount of not less than 2 milligrams per gram of concentrated juice. The concentrated orange juice shall be pasteurized sufficiently to assure preservation of the product in hermetically sealed containers. Juice in any amount processed from navel oranges shall not be included.

§ 518.258 *Inspection.* Exporters shall furnish certificates of inspection without cost to USDA for each lot of concentrated orange juice exported pursuant to this offer. Such certificates shall be issued by representatives of the Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture. Samples for inspection shall be furnished without cost to USDA. Inspection shall be performed as soon as practicable prior to loading for shipment to the port of exportation.

§ 518.259 *Containers.* Concentrated orange juice exported pursuant to this offer shall be packed in No. 3 cylinder cans (404 x 700) 12 cans per case; No. 10 cans (603 x 700) 6 cans per case; or gallon cans (603 x 812) 6 cans per case. Such cans shall be the "sanitary" type, either plain or enamel lined and shall be filled with concentrated orange juice as full as practicable. Cases shall be suitable for export shipment.

§ 518.260 *Labels and markings.* Regular commercial labels may be used but shall include instructions for rehydration of the product. Each case shall be marked on one end in large letters as follows: "Store at 45° F. or less; 7° C. or less. Product of the USA."

§ 518.261 *Period of operation.* Sales for export under this offer shall be made on or before June 30, 1951, and exportation must be accomplished before September 1, 1951.

§ 518.262 *Rates of payment.* The rates of payment to U. S. exporters shall be as follows but in no event shall the rates of payment exceed the market price of the product, basis f. o. b. processing plant:

For shipments made from U. S. ports on or:

Before Nov. 1, 1950	After Nov. 2, 1950	Unit
$3.50	$2.50	Gallon can.
2.65	1.90	No. 10 can.
1.30	.95	No. 3 cylinder can.

By establishing two sets of rates for different seasons, recognition is given to the probable changes in market prices after November 1, 1950, when the new crop of oranges becomes available.

§ 518.263 *Claims for payment.* Exporters shall file claims for payment in an original and three copies on voucher form FDA-564 "Public Voucher—Diversion Programs," and each claim shall be supported by (a) two certified copies of the sales contract; (b) two certified copies of the sales invoice to the buyer; (c) the original and one copy of the inspection certificate; (d) two copies of the ocean on-board bill of lading signed by an agent of the steamship company; and (e) such other documents, if any, as may be required evidencing exportation of the product and compliance with the terms of this offer. All claims shall be submitted prior to September 30, 1951, to F. N. Andary, Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C.

§ 518.264 *Set-off.* USDA may set off against any amount owed to any exporter hereunder, any amount owed by such exporter to USDA or any other agency of the United States.

§ 518.265 *Assignments.* No exporter shall, without the written consent of the Director, Fruit and Vegetable Branch, assign any right of the exporter against USDA hereunder.

§ 518.266 *Persons not eligible.* No member of or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of any payment made under this offer or to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 518.267 *Amendment.* This offer may be amended by USDA at any time upon not less than 10 days notice by public announcement of such amendment. Public announcement may be made by press release or by publication in the FEDERAL REGISTER. Notice of such amendment will be transmitted promptly to every country and exporter participating in the program, as reflected by the records of the Fruit and Vegetable Branch. Any such amendment shall not be applicable to sales for export made prior to the effective time and date of such amendment.

Effective date. This offer shall be effective on September 18, 1950.

Dated this 13th day of September 1950.

[SEAL] FLOYD F. HEDLUND,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 50-8128; Filed, Sept. 15, 1950; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1951

Correction

In Federal Register Document 50-7948, published at page 6109 in the issue for Tuesday, September 12, 1950, the following changes should be made:

1. In § 701.241 (c) the second line in subparagraph (2) under *Maximum assistance* should read, "than land preparation) of sodding or sprig-".

2. In the table in § 701.273 (c) the 33d line in the column *Amount of payment computed* should read "$33 to $33.99".

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 348]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.455 *Lemon Regulation 348*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 13, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 17, 1950, and ending at 12:01 a. m., P. s. t., September 24, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 275 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 347 (15 F. R. 6070), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Part 953; 14 F. R. 3612)

Done at Washington, D. C., this 14th day of September 1950.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-8186; Filed, Sept. 15, 1950; 10:10 a. m.]

PART 959—IRISH POTATOES IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 959.304 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to the provisions of Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR, Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, and other available information, it is hereby found that the limitation of shipments of such potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. (1001 et seq.) in that: (i) Shipments of 1950 crop of Irish potatoes grown in the production area have begun; (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the shipment of potatoes in the manner set forth below on and after the effective date hereinafter set forth; (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date hereof; (iv) a reasonable time is permitted, under the circumstances, for such preparation; (v) the time intervening between the date information necessary for the issuance of such limitation of shipments became available and the time such limitation must become effective to effectuate the declared policy of the act is insufficient; and (vi) information regarding the committee's marketing policy and its recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period beginning September 18, 1950, and ending June 30, 1951, both dates inclusive, no handler shall ship potatoes which do not meet the requirements of U. S. No. 2 or better grade, and which are of sizes smaller than 2 inches minimum diameter or 4 ounces minimum weight, as such grades and sizes are defined in the U. S. Standards for Potatoes (14 F. R. 1955, 2161), including the tolerances set forth therein: *Provided,* That the aforesaid grade and size limitations shall not be applicable to any shipment of potatoes of 20 hundredweight or less at any one time.

(2) During the period beginning September 18, 1950, and ending November 1, 1951, both dates inclusive, no handler shall ship potatoes which do not comply with the aforesaid grade and size requirements and which are more than "slightly skinned" as such term is defined in the U. S. Standards for Potatoes (14 F. R. 1955, 2161), which means not more than 10 percent of the potatoes in any lot may have more than 25 percent of skin missing or feathered: *Provided,* That one lot of not to exceed 300 hundredweight of each variety of potatoes of each producer may be handled without regard to the aforesaid skinning requirements if the handler thereof reports, prior to such handling, the name and address of the producer of each such lot, and each such lot is handled as an identifiable entity.

(3) The limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to (i) shipments of potatoes for the purpose of having such potatoes graded or stored in the production area, (ii) shipments of potatoes for export, (iii) shipments of potatoes for distribution by the Federal Government, for distribution by relief agencies, or for consumption by charitable institutions, (iv) shipments of potatoes for the purpose of having such potatoes manufactured or converted into starch, glucose, alcohol and dehydrated livestock feed products, (v) shipments of potatoes for livestock feed, and (vi) shipments of seed potatoes: *Provided,* That each handler making shipments for any of such purposes shall, prior to effecting each shipment, file an application with the committee to do so and have each of such shipments inspected and pay assessments in connection therewith, except that the payment of assessments and the procurement of inspection shall not be required for shipments of potatoes for the purpose of having such potatoes graded or stored in the production area.

(4) The terms used herein shall have the same meaning as when used in Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of September 1950.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-8165; Filed, Sept. 15, 1950; 8:52 a. m.]

[Orange Reg. 340]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.486 *Orange Regulation 340*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2 It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available

and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on September 14, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 17, 1950, and ending at 12:01 a. m., P. s. t., September 24, 1950, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: unlimited movement; (*b*) Prorate District No. 2: 1,150 carloads; (*c*) Prorate District No. 3: unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement; (*b*) Prorate District No. 2: no movement; (*c*) Prorate District No. 3: no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 966.107 of the current rules and regulations (14 F. R. 6588) contained in this part.

Orange Regulation 332 (7 CFR 966.478, 15 F. R. 3863) fixes the sizes of designated oranges which may be handled during the aforesaid period.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 15th day of September 1950.

[SEAL] FLOYD F. HEDLUND,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 17, 1950, to 12:01 a. m. Sept. 24, 1950]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.1875
A. F. G. Corona	.0533
A. F. G. Fullerton	.8529
A. F. G. Orange	.4199
A. F. G. Riverside	.1846
A. F. G. San Juan Capistrano	.9665
A. F. G. Santa Paula	.4119
Eadington Fruit Co., Inc.	5.2519
Hazeltine Packing Co	.4673
Placentia Pioneer Valencia Growers Association	.6410
Signal Fruit Association	.1335
Azusa Citrus Association	.5849
Damerel-Allison Co	.8748
Glendora Mutual Citrus Association	.4546
Puente Mutual Citrus Association	.1724
Valencia Heights Orchard Association	.4769
Covina Citrus Association	1.0322
Covina Orange Growers Association	.4565
Glendora Citrus Association	.4825
Gold Buckle Association	1.0756
La Verne Orange Association	.7594
Anaheim Citrus Fruit Association	.8508
Anaheim Valencia Orange Association	.8602
Fullerton Mutual Orange Association	1.3795
La Habra Citrus Association	1.3912
Orange County Valencia Association	.1001
Yorba Linda Citrus Association	.9479
Escondido Orange Association	.4500
Alta Loma Heights Citrus Association	.0703
Citrus Fruit Growers	.2209
Cucamonga Citrus Association	.1638
Etiwanda Citrus Fruit Association	.0000
Old Baldy Citrus Association	.2179
Rialto Heights Orange Association	.0751
Upland Citrus Association	.5858
Upland Heights Orange Association	.2421
Consolidated Orange Growers	1.7201
Frances Citrus Association	1.1360
Garden Grove Citrus Association	1.0166
Goldenwest Citrus Association, The	1.5244
Irvine Valencia Growers	3.0569
Olive Heights Citrus Association	2.0273
Santa Ana-Tustin Mutual Citrus Association	.8446
Santiago Orange Growers Association	3.7470
Tustin Hills Citrus Association	1.9588
Villa Park Orchards Association	2.1019
Bradford Bros., Inc	.7611
Placentia Coop. Orange Association	.5747
Placentia Mutual Orange Association	2.3583
Placentia Orange Grs. Association	1.4357
Yorba Orange Growers Association	.8013
Call Ranch	.0907
Corona Citrus Association	.6751
Jameson Co	.0150
Orange Heights Orange Association	.6331
Crafton Orange Growers Association	.6514
East Highlands Citrus Association	.1706

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Fontana Citrus Association	0.0965
Redlands Heights Groves	.3128
Redlands Orangedale Association	.2952
Break & Son, Allen	.0877
Bryn Mawr Fruit Growers Association	.2410
Mission Citrus Association	.2309
Redlands Coop. Fruit Association	.4869
Redlands Orange Growers Association	.2761
Redlands Select Groves	.5288
Rialto Citrus Association	.1814
Rialto Orange Co	.1981
Southern Citrus Association	.2106
United Citrus Growers	.1976
Zilen Citrus Co	.0497
Arlington Heights Citrus Co	.1536
Brown Estate, L. V. W	.1508
Gavilan Citrus Association	.1790
Highgrove Fruit Association	.0793
Krinard Packing Co	.2581
McDermont Fruit Co	.2159
Monte Vista Citrus Association	.3156
National Orange Co	.0491
Riverside Heights Orange Association	.0007
Sierra Vista Packing Association	.0782
Victoria Ave. Citrus Association	.2497
Claremont Citrus Asscciation	.0960
College Heights Orange & Lemon Association	.4509
Indian Hill Citrus Association	.2545
Pomona Fruit Growers Exchange	.4185
Walnut Fruit Growers Association	.6427
West Ontario Citrus Association	.3458
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.0000
San Dimas Orange Growers Association	.3639
Canoga Citrus Association	.9414
Covina Valley Orange Co	.0187
N. Whittier Heights Citrus Association	.9711
San Fernando Fruit Growers Association	.8121
San Fernando Heights Orange Association	1.2273
Sierra Madre-Lamanda Citrus Association	.5092
Camarilo Citrus Association	1.6221
Fillmore Citrus Association	3.7878
Mupu Citrus Association	2.2021
Ojai Orange Association	.9801
Piru Citrus Association	1.9325
Rancho Sespe	.6952
Santa Paula Orange Association	1.2985
Tapo Citrus Association	1.1273
Ventura County Citrus Association	.4049
Limoneira Co	.6324
East Whittier Citrus Association	.5771
Whittier Citrus Association	1.3571
Anaheim Cooperative Orange Association	1.3476
Bryn Mawr Mutual Orange Association	.1422
Chula Vista Mutual Lemon Association	.0000
Euclid Avenue Orange Association	.7928
Foothill Citrus Union, Inc	.0845
Fullerton Cooperative Orange Association	.3267
Garden Grove Orange Cooperative, Inc	.7031
Golden Orange Groves, Inc	.2317
Highland Mutual Groves, Inc	.0000
Index Mutual Association	.5281
La Verne Cooperative Citrus Association	1.8604
Mentone Heights Association	.0413
Olive Hillside Groves, Inc	.5828
Orange Cooperative Citrus Association	1.9133
Redlands Foothill Groves	.8328

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Redlands Mutual Orange Association	0.2478
Ventura County Orange & Lemon Association	1.3806
Whittier Mutual Orange & Lemon Association	.1676
Babijuice Corp. of California	.2360
Banks, L. M.	.5018
Bennett Fruit Co., Inc	.0342
Borden Fruit Co	.6707
Cherokee Citrus Co., Inc	.1469
Chess Co., Meyer W	.4741
Dunning Ranch	.0000
Evans Bros. Packing Co	.6509
Gold Banner Association	.2605
Granada Hills Packing Co	.0369
Granada Packing House	.3490
Hills Packing House, Fred A	.1115
Knapp Packing Co., John A	.2920
L Bar S Ranch	.0000
Lawson, William J	.0096
Orange Belt Fruit Distributors	1.6899
Otte, Arnold	.0287
Pacific Citrus Distributors	.0042
Panno Fruit Co., Carlo	.4218
Paramount Citrus Association	.8790
Patitucci, Frank L	.0000
Placentia Orchard Co	.4511
Riverside Citrus Association	.0688
Ronneberg, Jerry L	.0013
San Antonio Orchards Co	.3627
Stephens, T. F	.1431
Summit Citrus Packers	.0068
Treesweet Products Co	.0983
Wall, E. T., Grower-Shipper	.1554
Western Fruit Growers, Inc	.7297

[F. R. Doc. 50-8204; Filed, Sept. 15, 1950; 11:39 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. W]

PART 222—CONSUMER INSTALMENT CREDIT

AUTOMOBILE APPRAISAL GUIDES

§ 222.101 *Automobile Appraisal Guides.* (a) This part as issued effective September 18, 1950, provides in § 222.9, Part 4, that the credit value of any automobile is based on the lower of either (1) the cash price or (2) the average retail value stated in one of the appraisal guides designated by the Board of Governors of the Federal Reserve System.

(b) For these purposes, the Board has designated certain editions and issues of the appraisal guides listed below. Detailed information as to the designations may be obtained from any Federal Reserve Bank or Branch. A dealer is not required to use any particular automobile appraisal guide but, for purposes of complying with this part, may use quotations from any of the appraisal guides that are designated for use in his territory.

(c) The automobile models for which designations will initially apply are limited to used cars of model years 1941 to 1950, inclusive. In the case of these cars, the maximum credit value on and after September 18, 1950, will be the specified percentage (now 66⅔ percent) of whichever is the lower of (1) the cash purchase price or (2) the "appraisal guide value" (as determined from any designated guide). For those automobiles which do not have an "appraisal guide value" (new automobiles, used 1951 models, and used cars of 1940 and older models) the maximum credit value will be the specified percentage of the cash purchase price.

(d) The "appraisal guide value" to be used for the purposes of Part 222 does not include any added value for cars equipped with a radio or heater, but it may include the added value specified in the appraisal guide for cars having an overdrive or automatic transmission as extra equipment.

AUTOMOBILE APPRAISAL GUIDES DESIGNATED FOR PURPOSES OF PART 222 AND TERRITORIES FOR WHICH EACH GUIDE IS DESIGNATED

Name of Guide, Publisher and Address; Issues Designated; and Territory for Which Guide Is Designated

American Auto Appraisal, published by American Auto Appraisal, 194 Grove Avenue, Detroit 3, Mich.; September–October 1950, November–December 1950, January–February 1951, March–April 1951, May–June 1951; Region A.[1]

Blue Book—Executives Edition, published by National Used Car Market Report, Inc., 900 South Wabash Avenue, Chicago 5, Ill.; August 15–September 30, 1950, October 1–November 14, 1950, November 15–December 31, 1950, January 1–February 14, 1951, February 15–March 31, 1951, April 1–May 14, 1951, May 15–June 30, 1951; Regions A, B, and C.[1]

Kelley Blue Book Official Guide, published by Les Kelley, 1221 South Figueroa Street, Los Angeles 15, Calif.; September–October 1950, November–December 1950, January–February 1951, March–April 1951, May–June 1951; Region C.[1]

Market Analysis Report, published by Used Car Statistical Bureau, Inc., 93 Massachusetts Avenue, Boston 15, Mass.; September–October 1950, November–December 1950, January–February 1951, March–April 1951, May–June 1951; the six New England States, New Jersey, New York, and Pennsylvania.

N. A. D. A. Official Used Car Guide, published by National Automobile Dealers Used Car Guide Co., 1026 Seventeenth Street NW., Washington 6, D. C.; September 1950, October 1950, November 1950, December 1950, January 1951, February 1951, March 1951, April 1951, May 1951, June 1951; 5 Regions.[2]

Northwest Used Car Values, published by Northwest Publishing Company, 90 University Street, Seattle 1, Wash.; September 1950, October 1950, November 1950, December 1950, January 1951, February 1951, March 1951, April 1951, May 1951, June 1951; Washington, Oregon, Idaho, and Montana.

Official Automobile Guide, Price Edition, published by Recording and Statistical Corporation, 222 West Adams Street, Chicago 5, Ill.; September–October 1950, November–December 1950, January–March 1951, April–June 1951; Regions A, B, and C.[1]

Official Automobile Guide, Price Edition, published by National Research Bureau, Inc., 415 Dearborn Street, Chicago 10, Ill.; September–October 1950, November–December 1950, January–March 1951, April–June 1951; Regions A, B, and C.[1]

Official Used Car Survey, published by Motor Vehicle Dealers Administration, Nebraska, State House, Lincoln, Nebr.; September–October 1950, November–December 1950, January–March 1951, April–June 1951; Nebraska.

Official Wisconsin Automobile Valuation Guide, published by Wisconsin Automotive Trades Association, 119 Monona Avenue, Madison 3, Wis.; August 15–September 30, 1950, October 1–November 14, 1950, November 15–December 31, 1950, January 1–February 14, 1951, February 15–March 31, 1951, April 1–May 14, 1951, May 15–June 30, 1951; Wisconsin.

Red Book National Used Car Market Report, published by National Used Car Market Report, Inc., 900 South Wabash Avenue, Chicago 5, Ill.; August 15–September 30, 1950, October 1–November 14, 1950, November 15–December 31, 1950, January 1–February 14, 1951, February 15–March 31, 1951, April 1–May 14, 1951, May 15–June 30, 1951; Regions A, B, and C.[1]

In the formulation of the foregoing, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

(Sec. 5, 40 Stat. 415, as amended, Title VI, Pub. Law 774, 81st Cong.; 50 U. S. C. App. 5. E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 50-8202; Filed, Sept. 15, 1950; 10:11 a. m.]

PART 224—DISCOUNT RATES

MISCELLANEOUS AMENDMENTS

Pursuan to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view of accomodating commerce and business in

[1] The regions for which publication is designated comprise the following States:

Region A: Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois—except Madison, St. Clair and Rock Island Counties, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin—except Douglas County.

Region B: Arkansas, Colorado, Illinois—Madison, St. Clair and Rock Island Counties, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin—Douglas County, and Wyoming.

Region C: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

[2] The regions for which each of the five territorial editions of N. A. D. A. Official Used Car Guide is designated are as follows:

Region "A": Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee—Sullivan County only, Vermont, and Virginia.

Region "B": Arkansas—Miller County only, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

Region "C": Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

Region "D": Alabama, Arkansas—except Miller County, Florida, Georgia, Illinois—Madison, Rock Island, St. Clair Counties only, Kansas, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Tennessee—except Sullivan County, South Carolina, and Wisconsin—Douglas County only.

Region "E": Illinois—except Madison, Rock Island, St. Clair Counties, Indiana, Kentucky, Michigan, Ohio, West Virginia, and Wisconsin—except Douglas County.

accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below.

1. Section 224.2 is amended to read as follows:

§ 224.2 *Advances and discounts for member banks under sections 13 and 13a.* The rates for all advances and discounts under section 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	1¾	Aug. 21, 1950
New York	1¾	Do.
Philadelphia	1¾	Aug. 25, 1950
Cleveland	1¾	Do.
Richmond	1¾	Do.
Atlanta	1¾	Aug. 24, 1950
Chicago	1¾	Aug. 25, 1950
St. Louis	1¾	Aug. 23, 1950
Minneapolis	1¾	Aug. 22, 1950
Kansas City	1¾	Aug. 25, 1950
Dallas	1¾	Do.
San Francisco	1¾	Aug. 24, 1950

2. Section 224.3 is amended to read as follows:

§ 224.3 *Advances to member banks under section 10 (b).* The rates for advances to member banks under section 10 (b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	2¼	Aug. 21, 1950
New York	2¼	Do.
Philadelphia	2¼	Aug. 25, 1950
Cleveland	2¼	Do.
Richmond	2¼	Do.
Atlanta	2¼	Aug. 24, 1950
Chicago	2¼	Aug. 25, 1950
St. Louis	2¼	Aug. 23, 1950
Minneapolis	2¼	Aug. 22, 1950
Kansas City	2¼	Aug. 25, 1950
Dallas	2¼	Do.
San Francisco	2¼	Aug. 24, 1950

3. In § 224.4, relating to certain advances to persons other than member banks, the percentage rate for the Federal Reserve Bank of Cleveland is Changed to 2¾, effective August 25, 1950, and the percentage rate for the Federal Reserve Bank of Atlanta is changed to 2¾, effective August 24, 1950.

Section 224.5 is amended to read as follows:

§ 224.5 *Buying rates on bills.* The minimum buying rates for prime bankers' acceptances [1] are:

Federal Reserve Bank of—	Rate	Effective
Boston	1¾	Aug. 21, 1950
New York	1¾	Do.
Philadelphia	1¾	Aug. 25, 1950
Cleveland	1¾	Do.
Richmond	1¾	Do.
Atlanta	1¾	Aug. 24, 1950
Chicago	1¾	Aug. 25, 1950
St. Louis	1¾	Aug. 23, 1950
Minneapolis	1¾	Aug. 22, 1950
Kansas City	1¾	Aug. 25, 1950
Dallas	1¾	Do.
San Francisco	1¾	Aug. 24, 1950

[1] Rates shown for bankers' acceptances also apply, with same effective dates, to purchases of Government securities under resale agreement at the following Federal Reserve Banks: Boston, New York, Philadelphia, Cleveland, Chicago, and San Francisco. New York, Atlanta, and St. Louis have minimum buying rates on trade acceptances of 1¾ per cent, 2 per cent and 2 per cent, respectively, with same effective dates.

5. In § 224.7, relating to loans to financing institutions under section 13b of the Federal Reserve Act, the percentage rate for the Federal Reserve Bank of St. Louis on discounts or purchases on the portion for which the institution is obligated, is changed to 1¾–2¼, effective August 23, 1950.

For the reasons and good cause found as stated in § 224.8, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11.38 Stat. 262; 12 U. S. C. 248. Interpret or apply sec. 14, 38 Stat. as amended; 12 U S. C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 50-8112; Filed, Sept. 15, 1950; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 283]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 280]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 33, is amended to describe the counties in the Defense-Rental Area as follows:

Merced County; Stanislaus County except the City of Modesto.

This decontrols the City of Modesto in Stanislaus County, California, a portion of the Modesto-Merced, California, Defense-Rental Area based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 92, is amended to describe the counties in the Defense-Rental Area as follows:

Boone County, except the Village of Capron and all unincorporated localities in said County; and Winnebago County, except the Cities of Loves Park and Rockford and all unincorporated localities in said County.

De Kalb County, except all unincorporated localities in said County.

This decontrols the City of Loves Park in Winnebago County, Illinois, a portion of the Rockford, Illinois, Defense-Rental Area on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

3. Schedule A, Item 94b, is amended to read as follows:

(94b) [Revoked and decontrolled.]

This decontrols (1) the City of Bloomington in Monroe County, Indiana, a portion of the Bloomington, Indiana, Defense-Rental Area, and all unincorporated localities in said defense-rental area, based on a resolution submitted with respect to said City of Bloomington in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Bloomington being the major portion of said defense-rental area, and (2) the remainder of said defense-rental area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

4. Schedule A, Item 125a, is amended to read as follows:

(125a) [Revoked and decontrolled.]

This decontrols the entire Mayfield, Kentucky, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

5. Schedule A, Item 168e, is amended to read as follows:

(168e) [Revoked and decontrolled.]

This decontrols the entire Chillicothe, Missouri, Defense-Rental Area based on a resolution submitted with respect to the City of Chillicothe, Missouri, in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Chillicothe being coextensive with the said defense-rental area.

6. Schedule A, Item 228, is amended to describe the counties in the Defense-Rental Area as follows:

Cuyahoga County, except the Cities of Bedford, Berea, Shaker Heights, and University Heights, and the Villages of Bay, Bentleyville, Brecksville, Chagrin Falls, Gates Mills, Highland Heights, Hunting Valley, Independence, Lyndhurst, Moreland Hills, North Olmsted, North Royalton, Orange, Pepper Pike, Seven Hills, Valley View, Westlake and West View; and in Lake County those parts of Kirtland Township included within the corporate limits of the Villages of Waite Hill and Willoughby, and Willoughby Township, except the Village of Wickliffe.

Lake County, other than Willoughby Township and those parts of Kirtland Township included within the corporate limits of the Villages of Waite Hill and Willoughby.

This decontrols the City of Shaker Heights in Cuyahoga County, Ohio, a portion of the Cleveland, Ohio, Defense-Rental Area based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

7. Schedule A, Item 356, is amended to describe the counties in the Defense-Rental Area as follows:

Wayne County; and Cabell County, except the Districts of Grant, McComas and Union, and except the Village of Barboursville.

In Lawrence County, the Townships of Upper, Perry, Fayetter, Union and Hamilton.

Boyd County; and Greenup County except Magisterial Districts 1, 2, 3, 4, 5, and 6.

This decontrols Magisterial Districts 1, 2, 3, 4, 5, and 6 in Greenup County, Kentucky, portions of the Huntington, West Virginia, Defense-Rental Area on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective September 13, 1950.

Issued this 12th day of September 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-8109; Filed, Sept. 15, 1950; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 580—WOMEN'S ARMY CORPS

MISCELLANEOUS AMENDMENTS

Sections 580.2 and 580.12 are rescinded and the following substituted therefor:

§ 580.2 *Mission.* The mission of the Women's Army Corps is to provide for the assimilation and appropriate utilization within the Army of the volunteer womanpower of the Nation, with the exception of those women officers appointed in the Army Medical Service.

§ 580.12 *Discharge of enlisted women.*—(a) *Pregnancy.* Discharge of any enlisted woman whose pregnancy is certified by a medical officer, or who gives birth to a living child, will be effected.

(b) *Laws and regulations.* All laws and regulations governing the discharge of enlisted men are also applicable to the discharge of enlisted women.

[C3, AR 625–5, 30 Aug. 1950] (R. S. 161, 5 U. S. C. 22. Interpret or apply 62 Stat. 356, 10 U. S. C. 316–316e)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A.,
The Adjutant General.

[F. R. Doc. 50-8110; Filed, Sept. 15, 1950; 8:49 a. m.]

Chapter VII—Department of the Air Force

Subchapter C—Claims and Accounts

PART 833—DEATH GRATUITY

REVISION OF REGULATIONS

The material contained in Chapter VII, Department of the Air Force (13 F. R. 8751; 32 CFR and 1949 Supp., 833), pertaining to the applicability of certain portions of Army Regulations to the Department of the Air Force is hereby amended by revoking the reference of Chapter VII, Part 833, Department of the Air Force to Chapter V, Part 533, Department of the Army, and substituting therefor Part 833, Death Gratuity.

Pursuant to the authority conferred by sections 207 (f) and 208 (e) of the National Security Act (61 Stat. 503, 504; 5 U. S. C., Sup., II, 626 (f), 626c (e)), Transfer Order 25, October 14, 1948 (13 F. R. 6270), and cited laws, the following regulation is hereby prescribed:

Sec.
833.1 Purpose.
833.2 General.
833.3 Definitions of categories.
833.4 Eligible beneficiaries.
833.5 Ineligible beneficiaries.
833.6 Evidence required.
833.7 Payments.
833.8 Forms.
833.9 Special instructions.
833.10 Deceased personnel other than Air Force.

AUTHORITY: §§ 833.1 to 833.10 issued under 41 Stat. 367, as amended; sec. 5, 53 Stat. 557, as amended; sec. 4, 62 Stat. 205; 10 U. S. C. 903, 10 U. S. C. and Sup. 456, 50 U. S. C app., Sup., 454.

DERIVATION: AFR's 173–28; 173–28A.

§ 833.1 *Purpose.* The regulations in this part outline the responsibilities of, and the procedures followed by the Air Force in connection with payment of the six months' death gratuity to eligible beneficiaries of deceased Air Force military personnel, hereinafter referred to as members.

§ 833.2 *General.* In accordance with the provisions of §§ 833.1 to 833.10, immediately upon official notification of the death, or presumptive finding of death, of any member from wounds or disease, not the result of his or her own misconduct, a death gratuity in an amount equal to six months' pay at the rate received by the deceased on the day of death, is payable to the eligible beneficiary of any such member. This includes compensation of every kind and character received at the date of death, as distinguished from allowances.

§ 833.3 *Definitions of categories.* Members whose eligible beneficiaries may receive payment of death gratuity are divided into three categories:

(a) *Category I.* Members of the Regular Air Force, Air Force of the United States on active duty and the Reserve Forces (the United States Air Force Reserve, the Air National Guard of the United States, and the Air National Guard while in the Federal service on extended active duty).

(b) *Category II.* Members of the United States Air Force Reserve and Air National Guard on active duty for training or undergoing inactive duty training, as authorized by competent authority where death is due to injury as distinguished from disease.

(c) *Category III.* Members reported missing in accordance with current regulations, who are subsequently determined to be dead or for whom presumptive findings of death are made by the Secretary of the Air Force.

§ 833.4 *Eligible beneficiaries.* Regulations require all members to execute Department of Defense Form 93, "Record of Emergency Data for the Armed Forces of the United States," indicating in the appropriate space thereon the person to receive the six months' death gratuity payment. Under the provisions of the laws governing such payment, the eligibility of the person or persons to whom such payment may be made depends upon relationship, designation, the ability to show an insurable interest in the continuance of the life of the deceased, a dependency upon the deceased, or a combination of all these factors. Such payment will be made to beneficiaries as follows:

(a) If there be a lawful widow (widower), payment will be made to such person only, regardless of whether designated.

(b) If there be no widow (widower), payment will be made to the child or children equally of any lawful marriage, regardless of whether designated.

(c) If decedent is not survived by a widow (widower) or child (children), the designated relative is eligible to receive payment without regard to order of precedence. Eligibility of certain classes of beneficiaries to receive payment, although designated, is dependent, however, upon the ability of the beneficiary to show dependency upon, or an insurable interest in the continued life of the decedent. Such beneficiaries are grandparents, aunts and uncles, nieces and nephews, and other more distant relatives.

(d) If decedent is not survived by a widow (widower) or child (children), and the first designated beneficiary is nonexistent or determined to be ineligible, the alternate designated beneficiary must be considered.

(e) If decedent is not survived by a widow (widower) or child (children), and Department of Defense Form 93 does not show a designation, the next of kin by class in the order of precedence indicated below will be considered and, is eligible, payment will be divided equally among such benficiaries:

(1) Grandchildren.
(2) Parents.
(3) Brothers—sisters.
(4) Grandparents.

Example. If more than one grandchild survives, each will be entitled to an equal share of the amount payable. If three grandchildren survive and only two submit claims, the two claiming will receive one-third each, the remaining share being considered as an amount payable in the event a claim is submitted by the third grandchild. This method of prorating amounts payable is applicable to each class of beneficiary enumerated in this paragraph.

§ 833.5 *Ineligible beneficiaries.* Persons who are not considered eligible to receive payment of the six months' death gratuity are:

(a) Any married child, notwithstanding the allegation of dependency or insurable interest upon the deceased.

(b) Any unmarried child over 21 years of age who is not actually a dependent of the deceased, regardless of the ability to show insurable interest.

(c) Any person who has taken the life of the deceased, even though such person would otherwise qualify as a beneficiary.

(d) Persons alleging loco parentis relationship, other than dependent relatives.

(e) Any person alleging common-law marriage to decedent where such allegation is not supported by the same quality and quantity of evidence which would be required to establish the validity of the marriage before the courts of the jurisdiction where contracted.

(f) Adoptive parents who cannot support allegation by documentary proof.

(g) Alleged widow who claims dissolution of former marriage, unless documentary proof is furnished.

(h) Any person not related to deceased by consanguinity (by blood) or by affinity (by marriage).

§ 833.6 *Evidence required.* The evidence required to establish the right of any person to receive payment of the six months' death gratuity is set forth in figure 1 for the different classes of beneficiaries. However, the accounting and disbursing officer responsible for effecting payment may require any additional evidence considered necessary.

FIGURE 1

Class of beneficiary	Evidence required					
	Nonexistence of widow (widower)	Relationship	Age	Conjugal condition	Dependency or insurable interest	Designation as beneficiary
Widow (widower):						
Previously designated	No	No	No	No	No	Yes.[1 4 7]
Not previously designated	No	Yes	No	No	No	No.[1 4 7]
Unmarried child or children under 21 years of age:						
Previously designated	Yes	No	Yes	Yes	No	Yes.[1 5]
Not previously designated	Yes	Yes	Yes	Yes	No	No.[1 5]
Unmarried child or children over 21 years of age:						
Previously designated	Yes	Yes	Yes	Yes	Yes	Yes.
Not previously designated	Yes	Yes	Yes	Yes	Yes	No.
Grandchild (grandchildren) nonexistence of widow (widower) child (children):						
Previously designated	Yes	No	Yes	No	No	Yes.[6]
Not previously designated	Yes	Yes	Yes	No	Yes	No.[6]
Parents:						
Previously designated	Yes	No	No	No	No	Yes.[3]
Not previously designated	Yes	Yes	No	No	No	No.[3]
Brothers and sisters:						
Previously designated	Yes	No	Yes	No	No	Yes.[6]
Not previously designated	Yes	Yes	Yes	No	No	No.[6]
More distant relatives (grandparents, aunts, uncles):						
Previously designated	Yes	Yes	No	No	Yes	Yes.[3]
Not previously designated	Yes	Yes	No	No	Yes	No.[3]

[1] The fact that the widow (widower) or child (children), as the case may be, was designated as beneficiary, will in itself be regarded ordinarily as sufficient to establish the identity of the payee.

[2] Where a payment is to be made to a widow (widower) not previously designated as beneficiary, affidavits from two disinterested persons, not related by blood, attesting to the following facts will be obtained and filed with the voucher: The length of time they have known the widow (widower), that they have known her (him) to be the lawful wife (husband) of the decedent at the time of his (her) death, and that to the best of their knowledge and belief no divorce has been granted.

[3] Where payment is to be made to a child (children) not previously designated, affidavits from two disinterested persons, not related by blood, attesting to the following facts will be obtained and filed with the voucher: That they knew the decedent, knew the mother (father), know that the child (children) is (are) the legitimate child (children) of the decedent, and know that the decedent was not survived by a lawful widow (widower) at the time of his (her) death and that the child (children) is (are) the only living child (children) of the decedent.

[4] In an instance where available information shows that the decedent had been at one time married to other than widow (widower) claiming the right to payment, she (he) must furnish evidence of dissolution of former marriage or marriages, i. e., divorce decree, annulment decree, or death certificate, whichever is appropriate. This evidence must also be furnished in the event claimant had been married previously.

[5] In an instance where a child (children) of decedent is (are) being considered for payment, evidence of dissolution of all prior marriages of parent is necessary. (See footnote 4.)

[6] In an instance where a relative(s) other than a widow (widower), child (children) is being considered, the person (persons) must furnish evidence of dissolution of any marriage the decedent may have entered into as well as nonexistence of child (children). (See footnotes 4 and 5.)

[7] In an instance where widow (widower) claims common-law marriage relationship to decedent, evidence to substantiate that marriage should be of the same quality and quantity which would be required to establish the validity of the marriage before the courts of the jurisdiction where contracted.

§ 833.7 *Payments.* Determination of the accounting and disbursing officer who will make payment of the six months' death gratuity is dependent upon the categorization of the decedent and the class of beneficiary to be considered for payment.

(a) *Category I.* Claims for payment of gratuity resulting from the death of members in this category will be paid by the accounting and disbursing officer serving the organization or installation to which the decedent was assigned at time of death. (See exception in par. (d) of this section.)

NOTE: If the misconduct status is in question no action will be taken by way of providing forms or in connection with the payment of gratuity until such misconduct status is determined in accordance with applicable regulations.

(b) *Category II.* (1) Gratuity pay claims resulting from the death of members in this category will be paid by the accounting and disbursing officer designated to pay the accounts of the Reserve Forces as prescribed by current regulations. (See exception in paragraph (d) of this section.)

(2) Gratuity pay claims resulting from the death of members in this category who are not in a pay status but who are nevertheless entitled to the benefits set forth in the act of June 20, 1949 (Pub. Law 108, 81st Cong.); 10 U. S. C., Sup. III, 456), will be paid by the accounting and disbursing officers charged with disbursements for the areas in which the decedents resided. (See exception in par. (d) of this section.)

(3) Since a line of duty investigation is required in any case in this category in accordance with current regulations, the accounting and disbursing officer will take no action in connection with gratuity payment until the Death Report is received from the Casualty Branch, Director of Military Personnel, Headquarters United States Air Force, through channels. The accounting and disbursing officer will then take immediate steps to furnish Finance Department Form 6 or Standard Form 1034 to the potential beneficiary.

(c) *Category III.* (1) Gratuity pay claims resulting from the death of members in this category will be paid by the accounting and disbursing officer serving the organization or installation to which the decedent was assigned at the time a determination or finding of death is made, as in the case of Category I, except that payment will not be effected until the Death Report is issued. (See exception in paragraph (d) of this section.) The accounting and disbursing officer will then take immediate steps to furnish Finance Department Form 6 or Standard Form 1034 to the potential beneficiary.

(2) Where the determination or presumptive finding of death is made by the Deputy Chief of Staff, Personnel, the accounting and disbursing officer at Bolling Air Force Base, Washington 25, D. C., will effect payment of the gratuity.

(d) *Exception; beneficiaries who must show dependency or insurable interest.* (1) If the beneficiary is one who must show a dependency upon or an insurable interest in the continued life of the decedent, a determination of the proper payee and the accounting and disbursing officer who will make payment will be made by the Director of Finance, Headquarters United States Air Force, Washington 25, D. C., in accordance with the approved policies of the Department of the Air Force, regardless of the category of the decedent.

(2) In these cases, the appropriate accounting and disbursing officer (depending upon the category of the decedent) will forward Finance Department Form 6 or Standard Form 1034 to the potential beneficiary, with instructions to return the executed claim to the Director of Finance, Headquarters United States Air Force, Washington 25, D. C.

§ 833.8 *Forms.* Claim for payment will be made on Finance Department Form 6, "Public Voucher for Six Months' Death Gratuity Pay"; however, if this form is not available, Standard Form 1034, "Public Voucher for Purchases and Services Other than Personal," appropriately modified, may be used. Forms will be forwarded to the potential beneficiary by the accounting and disbursing officer in accordance with the provisions of § 833.7.

§ 833.9 *Special instructions*—(a) *Six months' death gratuity exempt from indebtedness.* The amount of the six months' pay may not be used for the debts of the officer or airman, not even for overpayment. (See MS Comp. Dec., May 14, 1913.)

(b) *Relinquishment of right to payment.* If the deceased member had designated two beneficiaries to receive the six months' death gratuity payment, and the claim of the first designated beneficiary is disapproved because the evidence does not clearly establish dependency upon the deceased for support, or otherwise an insurable interest in him, the claim of the second designated beneficiary may not be considered unless the first beneficiary—who may desire to submit additional evidence tending to show dependency—has relinquished the right to claim the gratuity payment. (See 22 Comp. Gen. 676.)

(c) *Will; not a designation.* A will is not a designation within the meaning of the act providing the six months' death gratuity pay, since the gratuity payment is not a debt or money due the officer or airman and canont become a part of the decedent's estate. (See 21 Comp. Dec. 856.)

(d) *Advanced in grade after date of death.* Section 2 of the act of March 7, 1942, as amended (sec. 2, 56 Stat. 144; 50 App. U. S. C. 1002), which entitles any member in active service officially reported as missing, missing in action, interned in a neutral country, captured by an enemy, beleagured or besieged, etc., to continue to receive, or have credited to his account, the pay and allowances to which he was then, or thereafter became entitled, does not authorize computation of the six months' death gratuity payment on the basis of pay for a grade to which a person was advanced after being officially reported missing, where it was later determined that the person had died prior to such advancement in grade. (See 22 Comp. Gen. 395.)

(e) *Declared dead after missing.* In the case of a member who was officially carried in a missing status and subsequently declared dead as of a certain date, the death gratuity in an amount equal to six months' pay at the rate received at the date of death should be computed on the pay rate to which the person was entitled on the date on which he was declared dead, rather than on the rate he was receiving at the beginning of the missing status. (See 22 Comp. Gen. 1053.)

(f) *Flying requirements not met when on flying status.* If a member dies while assigned to flying duty and has not made any flights during the three months succeeding the quarter in which he last complied with the flight requirements, his rate of pay for the payment of six months' death gratuity includes the increased pay for flying, although no flying pay had accrued to him on the date of his death and provided that he had not been indefinitely suspended from flying on that date. (See 7 Comp. Gen. 476.)

(g) *Waiver by lawful widow (widower).* A waiver by the lawful widow (widower) of a deceased person of her (his) statutory right to the six months' death gratuity pay is without force or effect, and does not operate to entitle the mother of the deceased, the designated beneficiary, to payment of the gratuity. (See 22 Comp. Gen. 676: 24 Comp. Gen. 46.)

(h) *Absent without leave.* During periods of absence without leave, service members shall continue in a pay status, but shall forfeit all pay and allowances during the absence. The six months' death gratuity is not a part of a member's "pay and allowances," therefore, if a member dies during an absence without leave, whether the absence is excused as unavoidable or not, and provided that the absence without leave does not exceed three months, payment of the six months' death gratuity at the rate of pay accruing to such member at the date of death is authorized if otherwise payable. This determination applies to all cases where absence without leave and death occurred subsequent to August 31, 1946. (See sec. 4 (b), 60 Stat. 964, as amended; 37 U. S. C., Sup., 33; and 29 Comp. Gen. 294.)

(i) *Death of beneficiary.* In the event of the death of any beneficiary before payment to and collection by such beneficiary of the amount authorized, payment will be made to the next living beneficiary in the order of succession stated in § 833.4.

(j) *Stepparents not designated.* Stepparents who are not designated as beneficiaries are not entitled to payment of the six months' death gratuity.

§ 833.10 *Deceased personnel other than Air Force.* Air Force accounting and disbursing officers are not authorized to make payment of the six months' death gratuity to beneficiaries of the United States Army, Navy, or Marine personnel, either Regular or Reserve, although they were responsible for the maintenance of the pay accounts of such personnel at time of death.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 50-8113; Filed, Sept. 15, 1950; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1763]

PART 149—EXCHANGES FOR THE CONSOLIDATION OR EXTENSIONS OF INDIAN RESERVATIONS OR INDIAN HOLDINGS

PUEBLO INDIANS AND CANONCITO NAVAJO GROUP IN NEW MEXICO

The following center head and sections are added to Part 149 immediately after § 149.83:

EXCHANGES FOR THE CONSOLIDATION OF INDIAN HOLDINGS IN CERTAIN AREAS SET APART FOR THE PUEBLO INDIANS AND THE CANONCITO NAVAJO GROUP IN NEW MEXICO

Sec.
149.84 Policy.
149.85 Applications for exchange; consent of Indians.
149.86 Deed of conveyance of offered land or interest.

AUTHORITY: §§ 149.84 to 149.86 issued under sec. 2, Pub. Law 226, 81st Cong.

§ 149.84 *Policy.* For the purpose of consolidating Indian lands, as authorized by section 2 of Public Law 226, 81st Congress (63 Stat. 604), private or State-owned lands or interests therein, including improvements and water rights, situated within the boundaries of the Indian area described in section I of the notice dated March 25, 1950, and published in the FEDERAL REGISTER (15 F. R. 1851, 1852–1855), may be offered in exchange for lands or interests therein, including improvements and water rights, selected within the boundaries of such Indian area, or within the public domain area described in section II of the notice dated March 25, 1950 (15 F. R. at pp. 1855–1857), or within any public domain in New Mexico.

§ 149.85 *Applications for exchange; consent of Indians.* (a) Except as modified by this section and § 149.86, applications for exchanges pursuant to §§ 149.84–149.86 must be filed, and the exchanges will be made, in accordance with §§ 146.2–146.9 of this chapter, covering exchanges of privately owned lands, and in accordance with §§ 147.2–147.12 of this chapter, covering exchanges of State-owned lands.

(b) The selected land or interest and the offered land or interest need not be in the same grazing district.

(c) Exchanges will be made only if the offered land or interest is similar in value to the selected land or interest.

(d) Each application for exchange must be accompanied by the written consent of the tribal authorities of the Pueblo or Navajo tribe within whose area either the offered or the selected land or interest is situated.

§ 149.86 *Deed of conveyance of offered land or interest.* The deed should recite that it is made "for and in consideration of the exchange of certain lands (or interests therein), as authorized by section 2 of the act of August 13, 1949 (63 Stat. 604)," and that the conveyance is made to the United States, as grantee in trust for the appropriate Pueblo Indian or Canoncito Navajo group.

OSCAR L. CHAPMAN,
Secretary of the Interior.

SEPTEMBER 11, 1950.

[F. R. Doc. 50-8087; Filed, Sept. 15, 1950; 8:45 a. m.]

[Circular No. 1765]

PART 166—ORIGINAL, ADDITIONAL, SECOND, AND ADJOINING FARM HOMESTEADS, AUTHORIZED BY THE GENERAL PROVISIONS OF THE HOMESTEAD LAWS

ADDITIONAL ENTRY FOR LAND CONTIGUOUS TO ORIGINAL ENTRY

In order to show amended requirements made by the act of August 3, 1950 (Public Law 639, 81st Congress), §§ 166.82, 166.84 and 166.85, together with the center head for such sections, are amended to read as follows:

1. The center head is amended to read: "Additional entry for land contiguous to original entry".

2. Sec. 166.82 is amended to read:

§ 166.82 *Statutory authority.* Section 2 of the act of April 28, 1904 (33 Stat. 527; 43 U. S. C. 213), as amended by the act of August 3, 1950 (Public Law 639, 81st Cong.), authorizes any person who heretofore entered, or might thereafter enter, less than 160 acres of land under the homestead laws who has not perfected the entry, or, if proof has been made, who still owns and occupies the land, to enter other and additional land lying contiguous to the original entry which, with the land first entered and occupied, will not in the aggregate exceed 160 acres. Section 3 of the act of April 28, 1904 (33 Stat. 527; 43 U. S. C. 213), prohibits the sub-

mission of commutation proof of an entry made under that act.

(R. S. 2478; 43 U. S. C. 1201)

3. Section 166.84 is amended to read:

§ 166.84 *Final proof.* Before proof may be submitted as a basis for patent under the act of April 28, 1904, as amended, the entryman must show that he has cultivated an amount equal to one-eighth of the area of the additional entry for at least one year after the additional entry is made and until the submission of final proof thereon. The cultivation may be performed on the original entry, on the additional entry, or on both, but where it is performed on the original entry it must be shown at the time of submission of final proof on the additional entry that the entryman still owns and occupies the original entry, and the cultivation must be in addition to that required and relied upon in making final proof on the original entry. No proof of residence will be required with respect to the additional entry.

The act of April 28, 1904, as amended, provides that final proof for the additional entry may be submitted only at the time of final proof for the original entry, or subsequent thereto, but it must be submitted within five years after the additional entry is made.

(R. S. 2478; 43 U. S. C. 1201)

4. Section 166.85 is amended to read:

§ 166.85 *Cancellation of original entry.* An additional entry under the act of April 28, 1904, as amended, cannot be based on an original entry which has been canceled. If for any reason an original entry is canceled after the additional has been allowed, the additional will be canceled also.

(R. S. 2478; 43 U. S. C. 1201)

OSCAR L. CHAPMAN,
Secretary of the Interior.

SEPTEMBER 11, 1950.

[F. R. Doc. 50-8089; Filed, Sept. 15, 1950; 8:45 a. m.]

[Circular No. 1764]

PART 257—LEASE OR SALE OF SMALL TRACTS, NOT EXCEEDING FIVE ACRES, FOR HOME, CABIN, CAMP, HEALTH, CONVALESCENT, RECREATIONAL, OR BUSINESS SITES

This part is completely revised as follows, effective 60 days after date of issuance hereof by the Secretary of the Interior:

Sec.

257.1 Statutory authority; lands which may be leased or sold.
257.2 Definitions.
257.3 Policy.
257.4 Classification of land.
257.5 Qualifications of lessees; restrictions on lease.
257.6 Preference rights of offerors; veterans' preference.
257.7 Offer to lease; general procedure.
257.8 Special procedure; drawing; notice.
257.9 Filing fee.
257.10 Rental payment.
257.11 Issuance of lease.
257.12 Assignment of lease; subleasing not permitted.
257.13 Option to purchase; sale; patent.
257.14 Renewal of lease.
257.15 Minerals; timber.
257.16 Rectangular surveys; supplemental plats; streets and roads.
257.17 Irregular tracts; cost of special survey.
257.18 Tracts on unsurveyed land.
257.19 Termination or cancellation; removal of improvements.
257.20 Appeals.

AUTHORITY: §§ 257.1 to 257.20 issued under 52 Stat. 609, as amended; 43 U. S. C. 682a.

§ 257.1 *Statutory authority; lands which may be leased or sold.* (a) The act of June 1, 1938 (52 Stat. 609), as amended by the act of July 14, 1945 (59 Stat. 467; 43 U. S. C. 682a) authorizes the Secretary of the Interior, in his discretion, to lease or sell a tract, not exceeding 5 acres in reasonably compact form, of any vacant, unreserved, surveyed public land, or surveyed public land withdrawn or reserved by the Secretary of the Interior for any purposes, or surveyed lands withdrawn by Executive Orders Nos. 6910 of November 26, 1934, and 6964 of February 5, 1935, for classification, which the Secretary may classify as chiefly valuable as a home, cabin, camp, health, convalescent, recreational, or business site. The act is applicable to lands in such areas as grazing districts, but is not applicable to lands withdrawn by the Secretary solely under delegated authority (e. g., under Executive Order No. 9337, of April 24, 1943), or to land in such reservations as national forests, national parks or national monuments, or to the revested Oregon and California Railroad or the reconveyed Coos Bay Wagon Road grant lands, in Oregon. The lands may not be leased or sold until classified for small tract purposes; and may not be occupied until a lease is executed and delivered to the lessee.

(b) The act applies to public lands in Alaska, and permits employees of the Department of the Interior stationed in Alaska, in the discretion of the Secretary, to purchase or lease one tract in Alaska for any purpose under the act, except as a business site.

§ 257.2 *Definitions.* (a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "Regional administrator" means the proper regional administrator, Bureau of Land Management.

(d) "Manager" means manager of the land office for the district where the land is situated. Where there is no land office, it means the regional administrator.

(e) "The act" means the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended.

(f) Sites: (1) A "home site" is a site suitable for a permanent, year-round residence for a single person or a family.

(2) A "cabin site" is a site suitable for a summer, week-end, or vacation residence.

(3) A "camp site" is a site suitable for temporary camping and for the erection of simple or temporary structures and shelters, such as tents, tent platforms, etc.

(4) A "health site" is a site suitable for the temporary or permanent residence of a single person or of a family for the prevention or cure of disease or illness.

(5) A "convalescent site" is a site suitable for residence of a single person or family for the purpose of recuperation from a disease or illness.

(6) A "recreational site" is a site chiefly suitable for noncommercial outdoor recreation.

(7) A "business site" is a site suitable for some form of commercial enterprise.

§ 257.3 *Policy.* (a) It is the policy of the Secretary in the administration of the act of June 1, 1938, to promote the beneficial utilization of the public lands subject to the terms thereof, and at the same time to safeguard the public interest in the lands. To this end offers to lease sites will be considered in the light of their effect upon the conservation of natural resources and upon the welfare not only of the offerors themselves but of the communities or areas in which they propose to settle. Leases will not be awarded, for example, which would lead to private ownership or control of scenic attractions, or water resources, or other areas that should be kept open to public use. Nor will isolated or scattered settlement be permitted which would impose heavy burdens upon State or local governments for roads, schools, and police, health, and fire protection. Types of settlements or businesses which might create "eyesores" along public highways and parkways will be guarded against, and lands will not be leased or sold under the act if such action would unreasonably interfere with the use of water for grazing purposes or unduly impair the protection of watershed areas.

(b) No direct sale of lands will be made under the act. Use and improvement of the land under lease will be required before it may be purchased. Leases of lands which are classified for lease and sale will contain an option permitting the lessee to purchase as provided in § 257.13. Lands classified for lease only will not be sold and the option to purchase clause will not apply to such lands.

§ 257.4 *Classification of land.* (a) The regional administrator may classify lands under the act either on his own motion or upon the filing of an offer to lease, but no lease will be issued or sale authorized prior to classification of the land for such disposal. If the offer is in proper form and the status of the land warrants its consideration for classification under the act, the regional administrator upon receipt of the offer will proceed to make a determination whether ceed to make a determination whether the land should be classified for small tract purposes. If the tract is not suitable for such purposes, the offer to lease will be denied. Where the land has been withdrawn under the statutory powers of the Secretary, the concurrence of the bureau or agency having supervision over the land must be obtained prior to classification.

(b) Land may be classified as suitable for one or more of the types of sites specified in § 257.2, for disposal in tracts of 5 acres or less, depending on the character of the land, and either for lease and

sale, or for lease only, as specified in the classification order. Lands may be classified for lease and sale where found to be primarily suitable for use in accordance with the act, and where the disposal will not interfere with the use of private lands or with the administration of other Federal lands.

§ 257.5 *Qualifications of lessees; restrictions on lease.* (a) An offer to lease may be made by any person who is a citizen of the United States, or has declared his or her intention to become a citizen, who is 21 years of age or more, or, if under that age, is the head of a family. Unless warranted by special circumstances, where a husband and wife are living together, only one of them may acquire a tract under the act. Employees of the Department of the Interior stationed in Alaska may lease or purchase one tract in Alaska for any purpose under the act except business.

(b) Generally, no person will be permitted to hold, by lease or purchase, more than one tract under the act. Where more than one tract is needed, however, except as otherwise authorized by the regional administrator, each tract must be the subject of a separate offer to lease, complete in itself, and must be accompanied by a satisfactory showing that the allowance of more than one lease is warranted by the circumstances. In each offer to lease the offeror must furnish data sufficient to identify all other offers or applications under the act, if any, filed by him or by any member of his family residing with him. Such data should include the serial number of each such offer or application, the land office where filed, and the name and relationship to offeror.

§ 257.6 *Preference rights of offerors; veterans' preference.* (a) Where an offer to lease a tract is filed prior to the receipt by the manager of notice from the regional administrator that the area is under consideration for small tract classification, a preference right to lease will be accorded the offeror only if the land is thereafter classified for the type of site for which the offer was made, and the offeror agrees to conform his offer to the area and dimensions of the tract as specified in the classification order. An offer to lease, filed subsequent to the receipt by the manager of notice of contemplated classification and prior to issuance of the order, will not be accorded such preference right, but the offer will be retained by the manager pending classification of the land. If the land is classified for disposal under the act, the offer will be considered as a filing during an applicable period for simultaneous filings, provided the offer covers a tract subsequently established by the classification order, or the offeror conforms his offer thereto. If, however, the classification order provides for the use of the special procedure pursuant to § 257.8, such offer will be returned to the offeror, and will be accompanied by Form 4–775, "Drawing Entry Card", where it appears from the offer that the offeror, because of veterans' preference, is entitled to participate in the drawing under the special procedure.

(b) Where, prior to September 27, 1954, land is classified by the regional administrator on his own motion or the classification order embraces additional land, other than the tract for which a preference right is accorded under paragraph (a) of this section, veterans of World War II only and other persons entitled to credit for service of veterans of World War II, in accordance with 43 CFR 181.40 and 181.41, will have a preference right, for 90 days after the effective date of the classification of the lands, to file an offer to lease any of the remaining tracts (sec. 4, act of September 27, 1944; 58 Stat. 748; 43 U. S. C. 282). This preference right does not apply to veterans of World War I or other wars of the United States.

(c) Upon the expiration of the veterans' preference period, referred to in paragraph (b) of this section, any lands in the classification order not disposed of or embraced in pending valid offers to lease will become subject to filing of offers to lease by the public generally.

§ 257.7 *Offer to lease; general procedure.* (a) An offer to lease a site under the act must be filed on Form 4–776, "Offer to Lease and Lease under Small Tract Act", and in conformity with the instructions therein. Copies of the form may be obtained from the manager or the Director; and must be completed and filed in duplicate (in triplicate, if for a business site), with the manager or, if there is no land office in the State, with the Director. The duplicate forms need not be executed under oath but they must be signed by the offeror.[1] The offeror's signature to the offer will also constitute his signature to the lease, when the offer is accepted and executed by the proper officer on behalf of the United States.

(b) If the land has not been classified under this act, the offeror should describe the desired tract, not to exceed five acres, by aliquot parts of a legal subdivision. Where the land has been classified, the offeror should describe the selected tract in accordance with the classification order or plat of survey. In such cases the offeror may also indicate that in the event the selected tract is not available for lease to him, he is willing to accept a lease for any other available tract described in the classification order, which the manager may allocate to him.

§ 257.8 *Special procedure; drawing; notice.* (a) The special procedure provided in this section will be used whenever, in the opinion of the regional administrator or of the Director, a multiplicity of filings by those entitled to claim veterans' preference for service in World War II is anticipated during a simultaneous filing period to be provided for in an order of classification, in excess of the number of tracts available for lease, necessitating a drawing to determine priority. In such event, the classification order will state that the special procedure will be used and that a drawing, limited to persons claiming veterans' preference, will be held; it will indicate the number of small tracts available for lease; it will set out the minimum requirements, including veterans' credit for service in World War II; and other information, including the amount of rental and filing fees to be paid by those successful in the drawing.

(b) Any person who believes he has the necessary qualifications, including veterans' preference, upon request to the manager or the Director designating the classification order by number, may obtain Form 4–775, "Drawing Entry Card." The entry card, completely filled out in accordance with the accompanying instructions, must be returned within the filing period specified in the classification order in order to be eligible to participate in the drawing; it should not be accompanied by any payment of filing fee or rental. An entrant may file only one entry card under each classification order; if more than one card is filed, the entrant shall be ineligible to participate in the drawing or to obtain a lease under the classification order. A drawing of all properly filed cards will be held on the day stated in the classification order to establish an adequate list of eligibles and of alternates to whom will be allocated; in consecutive order, the available tracts.

(c) The successful entrants, to whom a tract has been awarded in the drawing, will be furnished in duplicate Form 4–776, "Offer to Lease and Lease", bearing the description of the tract allocated to the entrant. The forms must be completely filled out, signed and returned, accompanied by the proper rental and filing fees and evidence of qualification, within the time allowed by the manager. Where an entrant does not sign the lease forms or he was not qualified to enter the drawing, or for any reason fails to comply with the requirements within the time allowed, the award will be withdrawn and canceled upon the records, and the lot will become available to the alternate next in line of drawing.

(d) Entrants who are unsuccessful in the drawing and to whom no lot was allocated will be informed thereof by the return of their respective drawing-entry cards carying a notation to that effect. After the lots have been awarded and leases executed, the entry cards of the remaining unsuccessful alternates will be returned to them.

§ 257.9 *Filing fee.* Every offer to lease a small tract must be accompanied by a filing fee of $10. No fee is required for the filing of a "Drawing Entry Card" or with an application for purchase, or for renewal of a lease, based on an outstanding lease. The filing fee will be retained in all cases, except where for any reason no lease is awarded to the offeror and no tract is allocated to him in accordance with § 257.7 (b).

§ 257.10 *Rental payment.* (a) If the land has been classified, the offer to lease must also be accompanied by the rental, as specified in the classification order, for the entire lease period. If, for any reason, a lease is not issued, the rental payment will be returned.

[1] 18 U. S. C. 1001 makes it a crime for any person knowingly and wilfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

(b) Unless otherwise provided in the classification order, land classified for lease and sale will be leased for a three-year term with a rental of $15; land classified for lease only, except a business site lease, will be for a five-year term with a rental of $25 for the lease period. For a business site lease for five years the minimum rental is $100 for the lease period; the annual rental, however, will be based on percentages of the gross income as specified in the lease, Form 4–776.

Where the land has not yet been classified, an offer to lease a tract, for other than a business site, must be accompanied by a minimum rental payment of $15, and for a business site, $100. If the rental provided in the subsequent order of classification is greater than the rental payment accompanying the offer to lease, the deficiency must be paid before the lease will issue.

(c) If an offer to lease is not properly executed or is not accompanied by the required filing fee and rental payment or is otherwise irregular, it will not be accepted but will be returned to the offeror in the form received.

§ 257.11 *Issuance of lease.* The manager may issue leases for not to exceed five years, upon lands classified for lease only, and for not to exceed three years upon lands classified for lease and sale: *Provided*, (a) The offeror upon issuance of the lease will have only one tract under the act, and (b) the offer covers a tract established by the classification order. All other leases will be issued by the regional administrator. The lease, part of Form 4–776, will issue and be valid when executed by the proper officer on behalf of the United States. The lease will contain provisions relating to the improvements to be placed on the lands and such other conditions of occupancy as are set forth in the order of classification, including an appropriate set-back of the improvements from the boundaries of the leased tract. Plans for improvements may be submitted to the regional administrator for approval in advance of construction.

§ 257.12 *Assignment of lease; subleasing not permitted.* (a) The manager may act upon and approve assignments of leases, except that where the assignee already holds a small tract under the act, approval of the assignment will be in the discretion of the regional administrator. No assignment will be recognized unless and until approved by the appropriate officer. An assignment will not be approved until substantial improvements, suitable to the type of use for which the lease issued, are constructed on the land, except where, upon a showing made by the lessee satisfactory to the regional administrator and corroborated by the statement of at least one witness, the lessee's failure to construct such improvements was caused by unforeseen or unavoidable misfortune.

(b) Proposed assignments of leases must be submitted for approval in duplicate within 90 days from the date of execution. The proposed assignment must contain all the terms and conditions agreed upon by the parties thereto, must be accompanied by the same showing as to qualifications and holdings of the assignee as was required of the lessee in § 257.5, and must be supported by a statement that the assignee agrees to be bound by the provisions of the lease.

(c) The subleasing, in whole or in part, of a tract leased under the act will not be approved, and will constitute a violation of the terms of the lease.

§ 257.13 *Option to purchase; sale; patent.* (a) Lands will not be sold directly under the act but only on the basis of an outstanding lease, containing an applicable option to purchase clause. The option to purchase will apply only to tracts classified for lease and sale, and will afford the lessee or his duly approved successor in interest an opportunity to purchase the tract at or after the expiration of one year from the date the lease issued, provided the improvements required by the lease have been made, and the lessee or his successor in interest has otherwise complied with the terms and conditions of the lease. The option to purchase clause will set forth the appraised value of the unimproved land at the date the lease was issued. The net price at which the land may be purchased will consist of the appraised value plus the cost of survey, if any, necessary to describe the land properly, as provided in § 257.17, and minus an amount equal to the advance rental for each full lease year, if any, subsequent to the filing of the application to purchase.

(b) An application to purchase should be filed with the manager in duplicate on Form 4–775a during the term of the lease but not more than 30 days prior to the expiration of one year from the date of lease issuance, together with a statement as to the cost, type, and character of the improvements constructed on the land.

(c) If a sale is authorized, the applicant will be allowed 60 days from service of notice thereof to pay the amount required. If the purchase price is $100 or less, the entire amount must be paid within the 60-day period. If the price is more than $100 and not more than $200, at least $100 must be paid within the 60-day period and the balance within one year after such payment. If the price is more than $200, at least one-third of the purchase price but not less than $100 must be paid within the 60-day period, and the balance in two equal installments due, respectively, within one and two years after the date of the first payment.

§ 257.14 *Renewal of lease.* (a) An offer for the renewal of a lease must be filed not more than six months or less than 60 days prior to the expiration of the lease, and will accord the lessee or his approved successor in interest a preference right to a new lease only if it is determined that a new lease should issue, and upon such conditions and for such duration as may be fixed.

(b) The manager may act upon offers for renewal and issue new leases only if the land was classified for lease only, and the lessee has constructed satisfactory improvements on the tract appropriate to the type of use for which the lease originally issued, such as a substantial and presentable dwelling suitable for year-round or seasonal use where the land was classified for residence purposes. A lease for land classified for lease only will not be renewed if satisfactory improvements have not been constructed thereon during the lease term.

(c) A lease for land classified for lease and sale is not subject to renewal, except upon a showing satisfactory to the regional administrator, corroborated by the statement of at least one witness, that the lessee's failure to apply for sale of the tract is justified under the circumstances and that non-renewal of the lease would work an extreme hardship on the lessee.

§ 257.15 *Minerals; timber.* (a) Any lease or patent issued under the act will reserve to the United States (1) all deposits of coal, oil, gas, or other minerals, together with the right to prospect for, mine, and remove the same under such regulations as the Secretary may prescribe, and (2) all fissionable source materials, together with the right to prospect for, mine, and remove the same in accordance with the act of August 1, 1946 (60 Stat. 755; 42 U. S. C. 1801–1809). Any minerals subject to the leasing laws in the lands patented or leased under the terms of the act may be disposed of to any qualified person under applicable laws and regulations in force at the time of such disposal. No provision is made at this time to prospect for, mine, or remove the other kinds of minerals that may be found in such lands; and until rules and regulations have been issued, such reserved deposits will not be subject to prospecting or disposition.

(b) A lessee will not be permitted to cut timber from the leased lands without first obtaining permission from the regional administrator. Such permission will not be granted except where the timber is to be cut to clear the land or to make improvements thereon.

§ 257.16 *Rectangular survey; supplemental plats; streets and roads.* (a) The official township plats ordinarily provide the basis for descriptions of tracts, in compact form, in units of 5 acres or aliquot parts thereof. However, as an aid in the identification of the tracts on the ground, frequently it is desirable to subdivide, by survey, the areas classified for administration as small tracts in order that at least one corner of each such tract be marked on the ground. The condition of the original survey and the ease of identification of the individual tracts on the ground are governing factors in deciding whether additional surveys should be made. Such surveys, made simply for the purpose of marking corners of legal subdivisions of the rectangular surveys, are not considered as "special surveys," and the cost thereof will not enter into the selling price of the land. For convenience in description the tracts may be identified by lot numbers, but only by preparation of an official supplemental plat for that purpose by protraction from the subsisting record or based upon supplemental surveys in the field. Such identification will be effected as of the date of official filing of the plat in the land office.

(b) Where a tract is situated in the fractional portion of a sectional lotting, a supplemental plat may be required to afford a suitable description. The plat will be prepared at the time the lease issues. If the subdivision of the sectional lotting would result in narrow strips or other areas containing less than 2½ acres, not suitable for sale or lease as separate units, such excess areas, in the discretion of the regional administrator, may be included in the adjoining 5-acre tracts.

(c) Unless otherwise provided in the classification order, the leased land will be subject to a right-of-way of not to exceed 33 feet in width along the boundaries of the tract for street and road purposes and for public utilities. The location of such access streets or roads may be indicated on a working copy of the official plat maintained in the land office; or where the land has been classified for lease and sale, the right-of-way may be definitely located prior or subsequent to the issuance of patents; and an appropriate clause reserving the easement for such right-of-way will be incorporated into each lease or patent.

§ 257.17 *Irregular tracts; cost of special survey.* Where, in the opinion of the regional administrator, the rectangular form is not the most desirable plan for development of an area, tracts irregular in form, not in excess of 5 acres each, may be leased or sold in accordance with the regulations in this part. In this matter the regional administrator may initiate action as an administrative measure, or may act upon an offer to lease. An offer to lease such tract should contain a metes and bounds description sufficiently complete to identify the location and boundaries of the land. A special official survey will be required of an irregular tract for purpose of identification and description in the lease or patent. If the action is initiated upon an offer to lease, the offeror will be required to make an advance payment to the manager, equal to the estimated cost of executing the survey, before the field work will be undertaken; he will be credited with any excess payments prior to the issuance of lease or patent. In the case of special surveys as administrative measures the cost of the survey will be considered as a normal expense under the regular appropriation available for surveying the public lands; and when the tracts are sold, the selling price shall not be less than the cost of survey of the particular tract. If there is a group of contiguous or closely associated tracts to be surveyed at one time, the cost of survey will be prorated among the several tracts on an acreage basis.

§ 257.18 *Tracts on unsurveyed land.* Unsurveyed public lands are not subject to lease or sale under the act. An offer filed for such lands will be rejected. However, if desired, the offeror may file a request for the survey of the lands with the regional administrator. The description must be sufficiently complete to identify the location, boundary, and area of the land. There should also be given, if possible, the approximate description or location of the land by section, township and range. A person who requests the survey of an area acquires no preferential right to apply for the land under the act upon the completion of the survey and the official filing of the plat. After the survey is completed and the official plat is placed on record, the surveyed area will be subject to the provisions of the act and an offer to lease may then be filed.

§ 257.19 *Termination or cancellation: removal of improvements.* (a) The lessee may terminate the lease, if he is not in default thereunder, subject to the consent of the regional administrator, by filing a notice of relinquishment of the lease in the proper land office. The manager may cancel any lease where the lessee has failed to comply with any of the terms, covenants, and stipulations of the lease, or to abide by any of the regulations in this part, and such default has continued for 30 days after written notice thereof.

(b) No refund will be made of rental for the unexpired term of a lease relinquished by the lessee or canceled by the manager for cause.

(c) Upon the termination, cancellation, or expiration of a lease, the lessee will have a period of 90 days within which to remove his improvements from the land or to make other disposition thereof; upon his failure to do so within the time allowed, the improvements will become the property of the United States.

§ 257.20 *Appeals.* An appeal pursuant to the rules of practice, Part 221 of this chapter, may be taken from the decision of any subordinate officer of the Bureau of Land Management to the Director, and from the Director's decision to the Secretary.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

OSCAR L. CHAPMAN,
Secretary of the Interior.

SEPTEMBER 11, 1950.

[F. R. Doc. 50–8088; Filed, Sept. 15, 1950; 8:45 a. m.]

Appendix—Public Land Orders

[Public Land Order 671]

ALASKA

RESERVING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force for military purposes:

Beginning at a point on the mean high tide line on the Bering Sea at the northwestern tip of St. Lawrence Island, approximate latitude 63°50′ N., longitude 171°36′ W., thence by metes and bounds:
S. 21°00′ W., 2.7 miles.
N. 48°30′ W., 1.1 miles.
N. 15°00′ E., 1.7 miles to a point on the mean high tide line of Bering Sea.
N. 76°00′ E., 1.6 miles to point of beginning.

The tract described contains approximately 1,700 acres.

Two road rights-of-way, 30 feet wide, described as follows:

Beginning at CAA Housing Site located near the village at Gambell, St. Lawrence Island, Alaska, a right-of-way 15 feet on each side of center line as follows:

Road No. 1. From point of beginning, South 63° 00′ E. one and three-tenths (1.3) miles, more or less, to point of intersection with Western boundary of the above described tract.

Road No. 2. From point of beginning, South between the Runway and Troutman Lake two and three-quarters (2.75) miles; thence running Southeasterly generally along the South bank of stream one and one-half (1.5) miles; thence North 21°00′ East generally two and three-quarters (2.75) miles; thence two-tenths (0.2) miles, more or less, to points of intersection with East Boundary of the above-described site.

This order shall take precedence over but not otherwise affect the Executive Order of January 7, 1903, withdrawing lands as a reindeer reserve, so far as such order affects above-described lands.

It is intended that the lands described above shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

SEPTEMBER 11, 1950.

[F. R. Doc. 50–8086; Filed, Sept. 15, 1950; 8:45 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 57]

ORGANIZATIONAL CHANGE IN BUREAU OF INTER-AMERICAN AFFAIRS

Pursuant to the requirements of section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002; 60 Stat. 238), notice is hereby given that:

Effective September 1, 1950, the following organizational change is made for the Bureau of Inter-American Affairs of the Department of State:

(a) The Office of East Coast Affairs and the Office of North and West Coast Affairs are abolished.

(b) The Office of South American Affairs is established.

For the Secretary of State.

SEPTEMBER 11, 1950.

H. J. HENEMAN,
Director, Management Staff.

[F. R. Doc. 50-8129; Filed, Sept. 15, 1950; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA RAILROAD TOWNSITE; MOOSE PASS TOWNSITE

NOTICE OF PUBLIC SALE

SEPTEMBER 6, 1950.

Notice is hereby given that the following lots in Moose Pass Townsite will be sold as hereinafter provided:

Block 1: Lots 3–6, inclusive.
Block 2: Lots 1–8, inclusive.
Block 3: Lots 2–5, inclusive.
Block 4: Lots 1–10, inclusive.
Block 5: Lots 1–10, inclusive.
Block 6: Lots 1–6, inclusive.

Appraised Price of Lots

All lots in Blocks 1 to 5 inclusive	$100.00
All lots in Block 6	25.00

Preference rights. Any person occupying any of the above lots on June 25, 1946, the date of completion of the subdivision survey of Moose Pass Townsite, or their assigns thereafter, will be given preference right of entry to lots occupied.

Claimants must file their applications for entry with the undersigned setting forth the basis of their claims for each lot included in their application. Each lot applied for must have valuable improvements and no person may apply for more than two lots. Each application must be verified by the affidavit of the claimant and corroborated by two witnesses. The affidavits may be subscribed and sworn to before any officer authorized to administer oaths and must bear his seal.

Applications must be accompanied by money order or certified check made payable to the Treasurer of the United States for the full appraised value of the lot or lots applied for as shown above.

Application blanks may be obtained from the undersigned, Box 480, Anchorage, Alaska, or from Robert A. Hall, Moose Pass Townsite Committee, Moose Pass, Alaska.

Any person claiming preference by reason of occupancy at the time of the subdivision survey must file his application in the U. S. Land Office at Anchorage, Alaska, on or before October 13, 1950, in order to obtain a preference right of entry.

All lots for which entry has not been made on the date of public sale will be subject to disposition at public sale as provided below in this notice.

Notice is hereby given that there will be offered at public sale to the highest bidder at 10:00 a. m. on the twenty-fifth day of October 1950, at the Sportsmen's Club, Moose Pass, all unsold lots in Moose Pass Townsite.

MOOSE PASS TOWNSITE

Terms of public sale. No lot will be sold for less than the appraised price. No bid exceeding that amount will be accepted unless made in multiples of five dollars.

The purchase price must be paid to the Manager of the U. S. Land Office at Anchorage within ten days after the date of the sale. Payment will also be accepted by the officer conducting the sale at the time of sale.

For each lot offered, the lot, block number and the appraised value will be announced by the Superintendent of Sales. Bids may then be offered by all who may care to do so, when it appears that there will be no further offers the lot will be declared sold to the last and highest bidder. No person shall acquire more than two lots, except that a person who has already bought two lots may make a bid on any other lots and if no other bids are made he may be declared the successful bidder.

The successful bidder will receive from the Supt. of Sales a Memorandum Certificate, Form 4–013a, stating he is the successful bidder for the lot, the amount of the bid and the description of the lot.

This certificate together with an application to purchase, Form 4–013, must be presented to the Manager of the U. S. Land Office at Anchorage within ten days after date of issue and must be accompanied by the purchase price or the memorandum receipt obtained from the Supt. of Sales, if payment was made at time of sale. Thereupon, if all else be regular, the Manager will issue a certificate of sale. Patent will be issued by the Bureau of Land Management, Washington, D. C.

The officer conducting the sale is authorized to reject any and all bids for any lot, and to suspend, adjourn, or postpone the sale of any lot or lots. After all the lots have been offered, the sale will be adjourned or closed, as the officer in charge may deem proper. Lots remaining unsold at the close of the sale will be subject to private entry for cash at the appraised prices.

Patents for the lots, when issued, will contain a reservation of fissionable materials.

Your careful attention is directed to Sec. 2373 R. S. which reads as follows:

"Every person who, before or at the time of the public sale of any of the lands of the United States, bargains, contracts or agrees, or attempts to bargain, contract or agree with any other person, that the last-named person shall not bid upon or purchase the land so offered for sale, or any parcel thereof, or who by intimidation, combination, or unfair management, hinders or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale, shall be fined not more than $1,000.00 or imprisoned not more than 2 years, or both."

LOWELL M. PUCKETT,
Regional Administrator and Superintendent of Sales, Alaska Railroad Townsites.

[F. R. Doc. 50-8102; Filed, Sept. 15, 1950; 8:48 a. m.]

ALASKA RAILROAD TOWNSITES; WASILLA TOWNSITE

NOTICE OF PUBLIC SALE

AUGUST 9, 1950.

Notice is hereby given that there will be offered at public sale to the highest bidder, but at not less than the minimum appraised price of each lot, at ten a. m., on the sixth day of October 1950, at the Community Hall, Wasilla, the following unsold and forfeited lots:

Wasilla Townsite

Block 4: Lots 3 to 21, inclusive.
Block 5: All.
Block 6: Lots 3 to 11, inclusive.

Any other vacant or forfeited lot in Wasilla Townsite will be offered at this sale upon request to the Superintendent on the date of the sale.

LOWELL M. PUCKETT,
Regional Administrator and Superintendent of Sales, Alaska Railroad Townsites.

WASILLA TOWNSITE

Terms of sale. No lot will be sold for less than the appraised price. No bid exceeding that amount will be accepted unless made in multiples of five dollars.

The purchase price must be paid to the manager of the U. S. Land Office at Anchorage within ten days after the date of the sale. Payment will also be accepted by the officer conducting the sale at the time of sale.

For each lot offered, the lot, block number and the appraised value will be announced by the Supt. of Sales. Bids may then be offered by all who may care to do so, when it appears that there will be no further offers, the lot will be declared sold to the last and highest bidder.

The successful bidder will receive from the Supt. of Sales a Memorandum Certificate, Form 4–013a, stating he is the successful bidder for the lot, the amount of the bid and the description of the lot.

This certificate together with an application to purchase, Form 4–013, must be presented to the Manager of the U. S. Land Office at Anchorage within ten days after date of issue and must be accompanied by the purchase price. Thereupon, if all else be regular, the Manager will issue a certificate of sale. Patent will be issued by the Bureau of Land Management, Washington, D. C.

Your careful attention is directed to Sec. 2373 R. S. which reads as follows:

"Every person who, before or at the time of the public sale of any of the lands of the United States, bargains, contracts or agrees, or attempts to bargain, contract or agree with any other person, that the last-named person shall not bid upon or purchase the land so offered for sale, or any parcel thereof, or who by intimidation, combination, or unfair management, hinders or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale, shall be fined not more than $1,000.00 or imprisoned not more than 2 years, or both."

LOWELL M. PUCKETT,
Regional Administrator and Superintendent of Sales, Alaska Railroad Townsites.

[F. R. Doc. 50-8102; Filed, Sept. 15, 1950; 8:48 a. m.]

Your careful attention is directed to Sec. 2373 R. S. which reads as follows:

"Every person who, before or at the time of the public sale of any of the lands of the United States, bargains, contracts or agrees, or attempts to bargain, contract or agree with any other person, that the last-named person shall not bid upon or purchase the land so offered for sale, or any parcel thereof, or who by intimidation, combination, or unfair management, hinders or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale, shall be fined not more than $1,000.00 or imprisoned not more than 2 years, or both."

WASILLA TOWNSITE

Block	Lot	Area	Appraisal
	3	8,467.5	$20.00
	4	8,054	20.00
	5	7,641	20.00
	6	7,228	20.00
	7	6,815	20.00
	8	6,402	20.00
	9	5,989	20.00
	10	5,576	20.00
	11	5,163	20.00
4	12	9,500	25.00
	13	9,500	25.00
	14	9,500	25.00
	15	9,500	25.00
	16	9,500	25.00
	17	9,500	25.00
	18	9,500	25.00
	19	9,500	25.00
	20	9,500	25.00
	21	9,500	25.00
	1	7,000	30.00
	2	7,000	25.00
	3	7,000	25.00
	4	7,000	25.00
	5	7,000	25.00
	6	7,000	25.00
	7	7,000	25.00
	8	7,000	25.00
	9	7,000	25.00
	10	7,000	25.00
	11	7,000	25.00
5	12	4,500	20.00
	13	4,500	20.00
	14	4,500	20.00
	15	4,500	20.00
	16	4,500	20.00
	17	4,500	20.00
	18	4,500	20.00
	19	4,500	20.00
	20	4,500	20.00
	21	4,500	20.00
	22	4,500	25.00
	3	7,000	25.00
	4	7,000	25.00
	5	7,000	25.00
	6	7,000	25.00
	7	7,000	25.00
6	8	7,000	35.00
	9	7,000	25.00
	10	7,000	25.00
	11	7,000	30.00

[F. R. Doc. 50-8106; Filed, Sept. 15, 1950; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNERS EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportwear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR, 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 399)).

Alvabelle, Inc., Broad Street, Montgomery, Pa., effective 7–26–50 to 4–30–51; 20 learners for expansion purposes (dresses).

Alvabelle, Inc., Broad Street, Montgomery, Pa., effective 7–26–50 to 4–30–51; 10 percent normal labor turnover (dresses).

Angelica Uniform Co., Summersville, Mo., effective 9–2–50 to 4–30–51; 10 percent normal labor turnover (washable service apparel).

Angelica Uniform Co., Summersville, Mo., effective 9–2–50 to 4–30–51; 15 learners for expansion purposes (washable service apparel).

Brookwood Manufacturing Co., 626–628 South 20th Street, Harrisburg, Pa., effective 8–28–50 to 4–30–51; 10 percent normal labor turnover (dresses and pajamas).

The Carlisle Garment Co., 44 North Bedford Street, Carlisle, Pa., effective 9–2–50 to 2–28–51; nine learners (dresses).

The Carlisle Garment Co., 44 North Bedford Street, Carlisle, Pa., effective 9–2–50 to 4–30–51; 10 percent normal labor turnover (dresses).

Carlisle Manufacturing Co., Manti, Utah, effective 9–1–50 to 4–30–51; 75 learners (dress shirts).

Champ Hats, Inc., Ninth and Greenough Streets, Sunbury, Pa., effective 7–26–50 to 4–30–51; 10 percent of productive factory force (hats).

Chicago Aurora Tailoring Co., Inc., 195 North Farnsworth Avenue, Aurora, Ill., effective 8–30–50 to 4–30–51; 7 percent of productive factory force (men's and women's custom tailoring).

David Manufacturing Co., 80 Broad Street, Beaver Meadows, Pa., effective 8–22–50 to 4–30–51; five learners (bathrobes).

Downing Garments, Inc., 110 Downing Street, Plymouth, Pa., effective 8–30–50 to 4–30–51; 10 percent normal labor turnover (dresses).

Exeter Fashions, Inc., 1131 Wyoming Avenue, Exeter, Pa., effective 8–28–50 to 4–30–51; 10 percent normal labor turnover (dresses).

William F. Fretz & Son, Doylestown, Pa., effective 8–25–50 to 4–30–51; 10 percent normal labor turnover (trousers).

William F. Fretz & Son, Pipersville, Pa., effective 8–28–50 to 4–30–51; 10 percent normal labor turnover (trousers).

Fulton Manufacturing Co., 241 East Fourth Street, McConnellsburg, Pa., effective 8–28–50 to 3–31–51; 7 percent of productive factory force (men's coats).

Galen Mills, Inc., Pine Grove Division, 137 North Main Street, Pine Grove, Pa., effective 8–25–50 to 4–30–51; 10 percent normal labor turnover (rayon woven underwear).

Gunnin Mfg. Co., Dawson, Ga., supplemental certificate, effective 8–31–50 to 4–30–51; 50 learners for expansion purposes (sport shirts).

International Hat Co., Oran, Mo., effective 8–28–50 to 2–27–51; five learners (hats).

Jack Land, Baltimore, Md., effective 9–4–50 to 3–3–51; five learners (ladies hats).

Lemont Pants Co., 310 Illinois Avenue, Lemont, Ill., effective 8–24–50 to 4–30–51; three learners (pants).

Marja Brassiere Co., Inc., 210–12 East Commerce, Jacksonville, Tex., effective 8–25–50 to 4–30–51; 10 percent normal labor turnover (corsets and allied garments).

Mode O'Day Corp., Plant No. 3, 39 Federal Avenue, Logan, Utah, supplemental certificate, effective 8–28–50 to 3–31–51; seven learners (dresses).

Movie Star of Mississippi, Inc., Purvis, Miss., effective 8–25–50 to 4–30–51; 90 learners for expansion purposes (ladies woven underwear).

Movie Star of Mississippi, Inc., Purvis, Miss., effective 8–25–50 to 4–30–51; 10 percent normal labor turnover (ladies worn underwear).

North Carol Shirt Co., Inc., Wall Street, Kinston, N. C., effective 8–25–50 to 4–30–51; 10 percent normal labor turnover (men's shirts).

Oberman & Co., Jefferson City, Mo., effective 8–25–50 to 4–30–51; 10 percent normal labor turnover (pants and shirts).

P. & M. Dress Co., Main Street, Turkey Run, Shenandoah, Pa., effective 8–25–50 to 4–30–51; 10 percent normal labor turnover (dresses).

Pamplin Dress Corp., Pamplin, Va., supplemental certificate, effective 8–28–50 to 2–28–51; two learners (dresses).

Park Sportswear Manufacturing Co., 107 Filbert Street, Roselle Park, N. J., effective 8–28–50 to 4–30–51; seven learners (skirts, ski-suits and blouses).

Pawtucket Dress Corp., 40 Church Street, Pawtucket, R. I., effective 8–25–50 to 4–30–51; 10 percent normal labor turnover (dresses).

Perry Manufacturing Co., Inc., 225 East Sycamore Street, Greensboro, N. C., effective 7–26–50 to 2–28–51; 15 learners for expansion purposes (pajamas and dresses).

Perry Manufacturing Co., 225 East Sycamore Street, Greensboro, N. C., effective 7–26–50 to 4–30–51; 10 percent normal labor turnover (pajamas and dresses).

Phillips-Jones Corp., Ozark, Ala., effective 8–28–50 to 4–30–51; 10 percent of productive factory force (men's pajamas).

R. W. Manufacturing Co., Winchester, Ill., effective 9–1–50 to 4–30–51; 15 learners for expansion purposes (dresses).

Ringer St. Croix Co., Stillwater, Minn., effective 8–25–50 to 4–30–51; 10 percent normal labor turnover (sport jackets).

St. Croix Falls Co., St. Croix Falls, Wis., effective 8–25–50 to 4–30–51; 10 percent normal labor turnover (sport jackets).

Sport-Kraft Manufacturing Co., Inc., 419 West Third Street, Lewes, Del., effective 7–26–50 to 4–30–51; 10 percent normal labor turnover (blouses).

Streamline Garment Corp., 316 South Thirty-second Street, Mattoon, Ill., effective 8–25–50 to 4–30–51; 10 percent normal labor turnover (dresses and sportswear).

Tennessee Overall Co., 401 North Atlantic Street, Tullahoma, Tenn., effective 9–4–50 to 3–31–51; three learners (pants, overalls, etc.).

Totsapparel Manufacturing Co., 3009 East Ninety-second Street, Chicago, Ill., effective 7–26–50 to 4–30–51; 10 percent normal labor turnover (men's and boys' shirts and pajamas).

Westbrook Dress Co., 24 Moser Road, Pottstown, Pa., effective 8–28–50 to 4–30–51; 10 percent normal labor turnover (dresses).

Hosiery Learner Regulations (29 CFR, 522.40 to 522.51; as revised January 25, 1950 (15 F. R. 283)).

The Bernhard Altmann Texas Corp., San Antonio, Tex., effective 8–29–50 to 8–28–51; 5 percent of the productive factory workers, not including office or sales personnel.

Early Bird Hosiery Mills, Hickory, N. C., effective 8–25–50 to 8–24–51; five learners.

Fleetwood Embroidery Mills, Inc., Fleetwood, Pa., effective 8–31–50 to 3–1–51; four learners (clocks on men's socks).

Golden City Hosiery Mills, Inc., Villa Rica, Ga., effective 8–24–50 to 8–23–51; five learners.

Granite Hosiery Mills, Granite Falls, N. C., effective 9–4–50 to 5–3–51; five learners.

Jackson Hosiery Mill, Jackson, Mo., effective 8–22–50 to 8–21–51; 5 percent of the total number of productive factory workers, not including sales and office personnel.

Miller White Hosiery Mills, Taylorsville, N. C., effective 8–25–50 to 8–24–51; five learners.

Pilot Hosiery Mills, Inc., Pilot Mountain, N. C., effective 8–22–50 to 8–21–51; five learners.

Quitman Manufacturing Co., Quitman, Miss., effective 9–1–50 to 8–31–51; 5 percent of the total productive factory workers, not including office or sales personnel.

Ruby Ring Hosiery Mills, Inc., Philadelphia, Pa., effective 8–31–50 to 8–30–51; 5 percent of the total number of productive factory workers, not including office or sales personnel.

The Vaughan Knitting Co., Inc., 2 High Street, Pottstown, Pa., effective 8–23–50 to 8–22–51; 5 percent of the productive factory workers, not including office and sales personnel.

Wilmington Hosiery Mills, Inc., Wilmington, Del., expansion certificate, effective 8–25–50 to 8–24–51; 5 percent of the total number of productive factory workers (learners may be employed as slipper sox sewers for a 480 hour learning period at an hourly rate of 59 cents).

Wyomissing Hosiery Mills, Mohnton, Pa., effective 8–25–50 to 8–24–51; 5 percent of the productive factory workers, not including office or sales personnel.

Cigar Learner Regulations (29 CFR 522.201 to 522.211; as amended January 25, 1950 (15 F. R. 400)).

Bayuk Cigars, Inc., Ninth and Columbia Avenue, Philadelphia 22, Pa., 10 percent of the total number of productive factory workers in each occupation listed; effective 9–1–50 to 9–1–51, cigar machine operators, 320 hours, 60 cents per hour; packers (cigars retailing for more than 6 cents), 320 hours, 60 cents per hour; packers (cigars retailing for less than 6 cents), 160 hours, 60 cents per hour; hand and machine strippers, 160 hours, 60 cents per hour.

Bayuk Cigars, Inc., Tenth and Bainbridge Streets, Philadelphia 47, Pa., 10 percent of the total number of productive factory workers in the occupation listed; effective 9–1–50 to 9–1–51, hand stripping, 160 hours, 60 cents per hour.

H. Fendrich, Evansville, Ind., 10 percent of the productive factory workers engaged in the occupation listed; effective 8–30–50 to 5–25–51, cigar machine operating, 320 hours, 60 cents per hour.

General Cigar Co., Inc., Robert Burns Dr., Philipsburg, Pa; supplemental certificate; 10 learners for expansion purposes; effective 8–29–50 to 2–28–51, machine operating, 320 hours, 60 cents per hour; packing (cigars retailing for 6 cents or less), 160 hours, 60 cents per hour; machine stripping, 160 hours, 60 cents per hour.

General Cigar Co., Inc., 1301–11 Seventh Avenue, Huntington, W. Va.; supplemental certificate; 50 learners for expansion purposes; effective 8–29–50 to 2–28–51, machine operating, 320 hours, 60 cents per hour; packing (cigars retailing for more than 6 cents), 320 hours, 60 cents per hour; machine stripping, 160 hours, 60 cents per hour; hand stripping, 160 hours, 60 cents per hour.

Bayuk Cigars, Inc., Mervine and Montgomery Avenues, Philadephia 22, Pa., 10 percent of the total number of productive factory workers in each occupation listed; effective 9–1–50 to 9–1–51, cigar machine operators, 320 hours, 60 cents per hour; packers (retailing for more than 6 cents), 320 hours, 60 cents per hour; hand and machine strippers, 160 hours, 60 cents per hour.

Glove Learner Regulations (29 CFR, 522.220 to 522.222; as amended January 25, 1950 (15 F. R. 400)).

Advance Glove Manufacturing Co., Rome, Ga., effective 8–31–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

The Boss Manufacturing Co., Peoria, Ill., effective 8–25–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

The Boss Manufacturing Co., Palm, Pa., effective 8–28–50 to 10–24–50; 10 percent of the total number of workers engaged in authorized learner occupations (work gloves).

The Boss Manufacturing Co., Lebanon, Ind., effective 8–28–50 to 10–24–50; 10 learners (work gloves).

The Boss Manufacturing Co., Kewanee, Ill., effective 8–28–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

Carhue Glove Co., Fond du Lac, Wis., effective 8–31–50 to 10–24–50; four learners (leather dress).

Fairfield Glove Co., Fairfield, Iowa; replacement certificate; effective 8–18–50 to 10–24–50; 10 learners (work gloves).

Fairfield Glove Co., Bonaparte, Iowa; replacement certificate; effective 8–18–50 to 10–24–50; 10 learners (work gloves).

Good Luck Glove Co., Metropolis, Ill., effective 8–23–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

Hansen Glove Corp., Ironwood, Mich., effective 8–24–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations (leather dress).

The Ideal Glove Co., Inc., Pennville, Ind., effective 8–31–50 to 10–24–50; two learners (work gloves).

Illinois Glove Co., Effingham, Ill., effective 8–31–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

Illinois Glove Co., Champaign, Ill., effective 8–31–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

Illinois Glove Co., Pana, Ill., effective 8–31–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

Indianapolis Glove Co., Inc., Coshocton, Ohio, effective 7–25–50 to 10–24–50; 10 learners (work gloves) (replacement certificate).

Indianapolis Glove Co., Inc., Springfield, Ohio, effective 8–25–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

Lambert Manufacturing Co., Chillicothe, Mo., effective 8–31–50 to 10–24–50; 10 learners (work gloves).

Livermore Falls Glove Co., Livermore Falls, Maine; supplemental certificate; effective 8–23–50 to 10–24–50; seven learners (work gloves).

Morris Manufacturing Co., Newborn, Tenn., effective 8–31–50 to 10–24–50; 10 learners (work gloves).

Ross Glove Co., Sheboygan, Wis., effective 8–31–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations, or 10 learners, whichever is the greater number (leather dress).

Spartan Glove Co., Dayton, Ohio; supplemental certificate; effective 8–25–50 to 10–24–50; six learners (work gloves).

Stott & Son Corp., Winona, Minn., effective 8–31–50 to 10–24–50; five learners (work gloves).

Tennessee Glove Co., Inc., Tullahoma, Tenn., effective 8–28–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

Wells Lamont Corp., Brownsville, Tenn., effective 8–24–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

Wells-Lamont Corp., Edina, Mo., effective 8–28–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

Wells Lamont Corp., Philadelphia, Miss., effective 8–28–50 to 10–24–50; 10 percent of the total number of workers employed in authorized learner occupations (work gloves).

Knitted Wear Learner Regulations (29 CFR, 522.68 to 522.79; as amended January 25, 1950 (15 F. R. 398)).

Gurney Manufacturing Co., Prattville, Ala., effective 7–26–50 to 4–30–51; 5 percent of the total number of productive factory workers employed in the plant, not including office and sales personnel.

H. T. Johnson Co., 78 Chauncey Street, Boston, Mass., effective 8–31–50 to 4–30–51; two learners.

McComb Manufacturing Co., McComb, Miss., effective 7–26–50 to 4–30–51; 5 percent of the number of productive factory workers, not including office and sales personnel.

McComb Manufacturing Co., McComb, Miss., effective 8–28–50 to 4–30–51; 65 learners for expansion purposes.

I. Mathews & Bros., 120 Sawyer Street, New Bedford, Mass., effective 9–2–50 to 4–30–51; 5 percent of productive factory workers, not including sales and clerical personnel.

Regulations Applicable to the Employment of Learners (29 CFR, 522.1 to 522.14).

Andrews Co., Spartanburg, N. C., effective 8–24–50 to 2–23–51; three learners; hand and machine operators, 480 hours; finishers, 480 hours; polishers, 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (loom reels, harness, etc.).

Andrews Co., Spartanburg, S. C., effective 8–31–50 to 3–1–51; three learners; hand and machine operators, 480 hours; finishers, 480 hours; polishers, 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (loom reels, harness, etc.).

Bainbridge Furniture Corp., Army Base, Bainbridge, Ga., effective 8–25–50 to 2–24–51; 15 learners; assembling, springing, upholstering, finishing, sewing, and cutting, 320 hours, 60 cents (manufacturing upholstered furniture).

California Artificial Flower Co., Providence, R. I., effective 8–27–50 to 2–26–51; 10 percent of the total number of workers employed in authorized learner occupations; only in the occupation of flower maker, including stepping-up, heading, tying, pasting, rosemaking, branching, and stemming, 160 hours, 60 cents (decorative flowers).

Corham Artificial Flower Co., White Plains, N. Y., effective 8–30–50 to 3–1–51; 10 percent of the number of experienced flower makers; only in occupation of flower maker including slipping-up, heading, tying, pasting, rosemaking, branching, and stemming, 160 hours, 60 cents (artificial flowers and feathers).

Cotton Belt Mattresses Co., Pinetops, N. C., effective 8–25–50 to 2–24–51; five learners; upholsterer, 480 hours; sewing machine operator, 480 hours, woodworking machine operator, 480 hours, mattress machine operator, 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (bedding).

William Crabb & Co., Highway 70, Black Mountain, N. C., effective 8–25–50 to 2–24–51; 24 learners; drillers, 480 hours; grinders, 480 hours, 60 cents for the first 320 hours and not less than 65 cents for the remaining 160 hours (textile machine pants, etc.).

Dean W. Davis & Co., Kentland, Ind., effective 8–22–50 to 2–21–51; 10 percent of its total number of productive factory workers, not including office and sales personnel; coil winding, adjusting, soldering and machine operating, 480 hours, 65 cents for the first 320 hours and not less than 70 cents for the remaining 160 hours (coil winding).

Economy Furniture Upholstery, Austin, Tex., effective 8–24–50 to 2–23–51; nine learners; machine operator, 480 hours; upholsterer, 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (upholstered living room furniture).

Glen L. Evans, Inc., Caldwell, Idaho, effective 9–22–50 to 3–21–51; 10 learners; fly tiers, 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (fishing tackle).

Globe Slide & Film Co., Albion, Mich., effective 8–24–50 to 2–23–51; one learner; developer, printer, enlarger, and colorist, 320 hours, 60 cents (stereopticon slides).

H. B. Hat Co., Inc., Fall River, Mass., effective 8–23–50 to 2–22–51; two learners; sewing machine operators, 240 hours; trimmers, 240 hours, 65 cents (millinery).

F. T. Shank, 122 Western Street, Johnstown, Pa., effective 8–23–50 to 2–22–51; three learners; seat-back maker, 320 hours; sewing machine operator, 480 hours, 60 cents except in sewing machine operations—60 cents for the first 320 hours and not less than 65 cents for the remaining 160 hours (making chair seats and backs).

Shastid Manufacturing Corp., Houston, Tex., effective 8–28–50 to 2–23–51; four learners; sewing machine operators, 480 hours; springers, 480 hours; upholsterers, 480 hours; wood working machine operators, 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (upholstered furniture).

Wizard Weavers, Columbus, Ohio, effective 8–23–50 to 2–22–51; four learners; reweaver, 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (reweaving damages in clothing).

The following special learner certificates were issued in the Shoe Industry. These certificates authorize the employment of learners in any occupations except custodial, maintenance, supervisory, and office and clerical occupations. The learning period is 480 hours at not less than 65 cents an hour for the first 240 hours and not less than 70 cents an hour for the next 240 hours, except as otherwise indicated in parenthesis.

Blue Grass Shoe Co., Nicholasville, Ky., effective 8–31–50 to 10–15–50; 35 learners.

Boyertown Shoe Corp., Philadelphia and Reading Avenues, Boyertown, Pa., effective 8–31–50 to 10–15–50; 10 percent learners.

Maisak Handler Shoe Co., Inc., Senath, Mo., effective 8–31–50 to 10–15–50; 55 learners.

Truitt Bros. Inc., Belfast, Maine, effective 8–31–50 to 10–15–50; six learners.

Independent Telephone Learner Regulations (29 CFR 522.82 to 522.93; as amended January 25, 1950 (15 F. R. 398).

Commerce Telephone Co., Commerce exchange, Commerce, Ga., effective 8–31–50 to 4–30–51.

The following special learner certificates were issued to the school-operated industries listed below:

Adelphian Academy, Holly, Mich., effective 9–1–50 to 9–1–51; wood shop, assembler, millman and related skilled and semiskilled operation; 45 learners; 250 hours at 50 cents, 250 hours at 55 cents, 250 hours at 65 cents.

Auburn Academy, Auburn, Wash., effective 9–16–50 to 9–15–51; wood shop, milling machine helpers, grader, inspector, finisher, packer; 60 learners; 250 hours at 50 cents, 250 hours at 55 cents, 250 hours at 65 cents.

Forest Lake Academy, Route 2, Maitland, Fla., effective 9–1–50 to 9–1–51; print shop, typesetting, press, bindery, and related skilled and semiskilled operations; 15 learners; 350 hours at 50 cents, 325 hours at 55 cents, 325 hours at 65 cents.

Ozark Academy, Gentry, Arkansas, effective 9–16–50 to 9–15–51; broom shop, broom maker (winder) stitcher, sorter and related skilled and semiskilled operation; eight learners; 150 hours at 50 cents, 125 hours at 55 cents, 125 hours at 65 cents.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available except that employers of student-workers employed in school-operated industries were not required to certify to the non-availability of experienced workers. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 11th day of September 1950.

ISOBEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 50–8090; Filed, Sept. 15, 1950; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3213]

AEROVIAS "Q", S. A., ET AL.; HAVANA-NEW YORK FOREIGN AIR CARRIERS PERMIT CASE

NOTICE OF HEARING

In the matter of the applications of Aerovias "Q", S. A., Compania Cubana de Aviacion, S. A., and Expreso Aereo Inter-Americano, S. A., under section 402 of the Civil Aeronautics Act of 1938, as amended, for temporary or permanent foreign air carrier permits authorizing foreign air transportation between Havana, Cuba, and New York, N. Y.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on October 2, 1950, at 10:00 a. m. (e. s. t.) in Room E–214, Wing "C", Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner J. Earl Cox.

Without limiting the scope of the issues presented by said applications, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest.

2. Whether applicants are fit, willing, and able to perform such transportation.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention, or agreement in force between the United States and Cuba or any other foreign country.

4. Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before October 2, 1950, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., September 13, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50–8107; Filed, Sept. 15, 1950; 8:49 a. m.]

[Dockets Nos. 4443, 4480]

EASTERN AIR LINES, INC., ET AL.; TOUR BASING FARES

CORRECTED NOTICE OF HEARING

In the matter of the investigation to determine the lawfuness of certain tour basing fares proposed by Eastern Air Lines, Inc., National Airlines, Inc., Pan American World Airways, Inc., Braniff Airways, Inc. and other carriers.

Notice is hereby given that the Notice of Hearing in this proceeding dated September 8, 1950, originally issued in this proceeding is corrected to show that the hearing will be held on September 25, 1950, at 10:00 a. m. (e. d. s. t.) in Conference Room A, Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen, instead of in Room 5130, Commerce Building, 14th and Constitution Avenue, as stated in the original notice.

Dated at Washington, D. C., September 12, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50–8108; Filed, Sept. 15, 1950; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1422]

DELTA NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 12, 1950.

On June 19, 1950, Delta Natural Gas Co. (Applicant), a Kentucky corporation with its principal place of business in Stanton, Kentucky, filed an application for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, all as more fully described in such application on file with the Commission and open to public inspection. By amendment thereto, filed on June 28, 1950, Applicant requested issuance of an order under section 7 of the Natural Gas Act, as amended, di-

recting Central Kentucky Natural Gas Company to sell and deliver such reasonable quantities of gas to Applicant as may be required to operate its feeder transmission and distribution systems.

Temporary authorization to construct and operate the requested facilities was granted by the Commission on August 22, 1950.

On August 22, 1950, the Commission granted Applicant's request for an order directing Central Kentucky Natural Gas Company to connect its facilities with those of the Applicant and to deliver and sell natural gas to Applicant for resale in Owingsville and Frenchburg, Kentucky.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 7, 1950 (15 F. R. 4327).

(2) Good cause exists for the prescribing of a shorter period of notice than provided for in §§ 1.19 and 1.20 of the Commission's rules of practice and procedure (18 CFR 1.20).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, a hearing be held on September 28, 1950, at 9:45 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the said rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 12, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–8091; Filed, Sept. 15, 1950; 8:46 a. m.]

[Docket No. G–1402]

NEW YORK STATE NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

SEPTEMBER 12, 1950.

On May 31, 1950, New York State Natural Gas Corporation (Applicant), a New York Corporation, having its principal office at 30 Rockefeller Plaza, New York, New York, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of a natural-gas compressor station subject to the jurisdiction of the Commission as fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 13, 1950 (15 F. R. 3704).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 4, 1950, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 12, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–8092; Filed, Sept. 15, 1950; 8:46 a. m.]

[Docket No. G–1455]

HOPE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 12, 1950.

On August 3, 1950, Hope Natural Gas Company (Applicant), a West Virginia corporation, with its principal place of business in Clarksburg, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission, all as more fully described in such application on file with the Commission and open to the public.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for non-contested proceedings, and it appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on August 18, 1950 (15 F. R. 5518).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on October 5, 1950, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 12, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–8093; Filed, Sept. 15, 1950; 8:46 a. m.]

[Docket No. G–1461]

UNITED NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 12, 1950.

On August 11, 1950, United Natural Gas Company (Applicant), a Pennsylvania corporation having its principal place of business in Oil City, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure for non-contested proceedings, and this proceeding appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 30, 1950 (15 F. R. 5855).

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on October 3, 1950, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by § 1.8 and 1.37 (f) (18 CFR 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 12, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–8094; Filed, Sept. 15, 1950; 8:46 a. m.]

[Docket No. E–6306]

NEW HAMPSHIRE ELECTRIC CO.

ORDER SETTING HEARING AND DIRECTING HOLDING OF PRE-HEARING CONFERENCE

SEPTEMBER 12, 1950.

An order to show cause has been issued; a response and motions to dismiss the proceeding have been filed by New Hampshire Electric Company; and request has been made for a hearing on all matters involved both of fact and law, and for a pre-hearing conference under § 1.18 of the Commission's general rules and regulations.

The Commission orders:

(A) A public hearing be held in Washington, D. C., at a time and place hereafter to be designated, on the issues in this proceeding, including those raised by the motions to dismiss.

(B) A pre-hearing conference be held to be presided over by the trial examiner assigned to this case at the offices of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., at 10:00 a. m. (e. s. t.) on September 19, 1950, under the provisions of § 1.18 of the Commission's general rules and regulations (18 CFR 1.18).

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's general rules and regulations (18 CFR 1.8 and 1.37 (f)).

Date of issuance: September 12, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–8095; Filed, Sept. 15, 1950; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25408]

WALLBOARD TAPE FROM OFFICIAL TERRITORY TO THE SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for and on behalf of carriers parties to the tariff named below.

Commodities involved: Tape, wallboard, jointing or reinforcing, carloads.

From: Points in Trunk Line and New England territories.

To: Points in North Carolina, Virginia, Kentucky and Tennessee.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A–726, Supplement 207.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50–8103; Filed, Sept. 15, 1950; 8:48 a. m.]

[4th Sec. Application 25409]

WOOL FROM THE WEST TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to his tariffs I. C. C. Nos. A–3776 and 1539.

Commodities involved: Wool and mohair, carloads.

From: Points in Western Trunk Line and Pacific Coast territories.

To: Points in Official territory.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50–8104; Filed, Sept. 15, 1950; 8:48 a. m.]

[4th Sec. Application 25410]

SAND FROM ATTICA, IND., TO TAYLORVILLE, ILL.

APPLICATION FOR RELIEF

SEPTEMBER 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for and on behalf of the Wabash Railroad Company.

Commodities involved: Sand, carloads.

From: Attica, Ind.

To: Taylorville, Ill.

Grounds for relief: Competition with motor carriers and wayside pit competition.

Schedules filed containing proposed rates: Wabash Railroad Company's tariff I. C. C. No. 7324, Supplement 259.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50–8105; Filed, Sept. 15, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 31–569, 70–2296—70–2298]

AMERICAN POWER AND LIGHT CO. ET AL.

ORDER RELEASING JURISDICTION OVER COUNSEL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of August A. D. 1950.

In the matter of American Power & Light Company, File No. 70–2298; Bear, Stearns & Co., File No. 70–2296; A. C. Allyn and Company, Inc., File No. 70–2297; B. J. Van Ingen & Co., Inc., et al., File No. 31–569.

The Commission by order dated February 3, 1950, having permited to become effective a declaration, as amended, filed by American Power & Light Company ("American"), a registered holding company, regarding the sale by American of 500,000 shares (100 percent) of the common stock of its then electric utility subsidiary, Pacific Power & Light Company, for a base cash price of $16,125,000; and

Said order of February 3, 1950, not having contained a release of jurisdiction with respect to the payment of counsel fees by American and the Commission's Memorandum Findings and Opinion dated June 28, 1950, herein having stated that before final payment by American of any counsel fees in connection with said sale American should advise the Commission as to the amount of any fees proposed to be paid and indicate the character and extent of services rendered; and

The record having now been completed in respect to the foregoing and indicating that American proposes to pay the following fee:

Root, Ballantine, Harlan, Bushby & Palmer, $26,700.

The Commission, on the basis of its examination of the record, as completed, finding that the payment of the fee as set forth above is not unreasonable, and finding it appropriate to release jurisdiction over the payment of such fee:

It is ordered, That jurisdiction be, and it hereby is, released over the fees and expenses of counsel for American in this proceeding.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–8101; Filed, Sept. 15, 1950; 8:47 a. m.]

[File No. 70–2452]

UTAH POWER & LIGHT CO.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE UNDER CERTAIN CONDITIONS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of September A. D. 1950.

Utah Power & Light Company ("Utah"), a registered holding company and a utility operating company, having filed a declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof and Rule U-50 thereunder, regarding the issue and sale at competitive bidding of 166,604 additional shares of its common stock, subject to a rights offering to its present stockholders, and $8,000,000 principal amount of its First Mortgage Bonds, ____% Series due 1980; and

The Commission having by order dated August 29, 1950 permitted said declaration, as then amended, to become effective subject to the condition that the proposed sales of securities not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record as so completed, and subject to a reservation of jurisdiction with respect to the payment of all counsel fees and expenses in connection with the proposed transactions, including the fees and expenses of counsel for the successful bidders; and

Utah having filed a further amendment to its declaration setting forth that it had requested bids for the common stock only, bids for the bonds to be requested at a later date, and that in response to such invitations the following bids for the common stock were received:

Underwriter	Price to company (per share) [1]	Underwriter's compensation	Aggregate net proceeds
Union Securities Corp. and Smith, Barney & Co.	$24.25	$193,260.63	$3,846,886.37
Blyth & Co., Inc.	24.125	206,566.00	3,752,753.50
Lehman Bros.	24.25	209,887.20	3,749,259.80
Kidder, Peabody & Co. and Merrill Lynch, Pierce, Fenner & Beane	24.00	204,733.75	3,753,762.25
W. C. Langley & Co. and Glore, Forgan & Co.	22.50	244,500.00	3,501,000.00

[1] The price to the company indicates the subscription price to stockholders.

The amendment further stating that Utah has accepted the bid of the underwriting group jointly headed by Union Securities Corporation and Smith, Barney & Co., as set forth above; and it appearing that the underwriting agreement provides that the said underwriters will purchase from the company at the subscription price indicated above such of the shares as are not purchased upon exercise of subscription warrants, and that if any such shares are sold by the underwriters after the expiration of the subscription period and prior to 21 days after such expiration at a price in excess of the subscription price, the underwriters will pay to the company in addition to the subscription price one-half of such excess; and

The record not having been completed with respect to fees and expenses incurred in connection with the sale of said stock:

It is ordered, Subject to the terms and conditions prescribed in Rule U-24 that the said declaration, as amended, be and the same hereby is permitted to become effective forthwith subject to the following conditions:

(1) That jurisdiction heretofore reserved with respect to the sale of the bonds in that such sale shall not be consummated until a further amendment shall be filed setting forth the results of competitive bidding and a further order entered by the Commission in the light of the record so completed, be and the same hereby is continued; and

(2) That jurisdiction heretofore reserved with respect to counsel fees and expenses in connection with the sale of bonds and common stock, including the fees and expenses of counsel for the successful bidders, be and the same hereby is continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–8099; Filed, Sept. 15, 1950; 8:47 a. m.]

[File No. 70–2454]

NATIONAL FUEL GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of September A. D. 1950.

National Fuel Gas Company ("National"), a registered holding company, having filed a declaration pursuant to the provisions of sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, with respect to the following transaction:

National as the holder of 52.53 percent of the outstanding common capital stock of its utility subsidiary, Pennsylvania Gas Company, proposes to purchase 24,000 shares of such stock from the Executors of the Estate of Mary C. Jefferson, deceased, at a net cost to National of $16.50 per share. National also proposes to offer to purchase any other shares of such stock at the above price as may be tendered to it by any other stockholder of Pennsylvania Gas Company at any time within 20 days after the mailing of notice of such offer to said stockholders.

Said declaration having been filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-43 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said declaration be permitted to become effective, and deeming it appropriate to grant a request of declarant that the order become effective at the earliest date possible:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said declaration be, and hereby is permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–8098; Filed, Sept. 15, 1950; 8:47 a. m.]

[File No. 70–2458]

UNITED GAS CORP. AND ELECTRIC BOND AND SHARE CO.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of September A. D. 1950.

Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), a registered holding company, and its gas-utility subsidiary, United Gas Corporation ("United"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935. The application-declaration states that the contract proposed to be entered into shall not become effective until approved by the Commission or until the Commission shall have advised the companies that it is without jurisdiction with respect to the proposed contract. The nature of the proposed transaction is summarized as follows:

United and Bond and Share have entered into a contract with National Research Corporation ("National"), a nonaffiliated company engaged in industrial research. Under the terms of the contract, National is to engage in certain research work in an effort to develop new processes or products based on natural gas and its constituents. Such services are to be performed by National at cost plus certain amounts for overhead as specified in the contract. The duration of the contract is to be until December 31, 1955.

Under the terms of the contract, United and Bond and Share will each contribute 50 percent of the costs of such research. The rights of the parties in all results of the work subject to the agreement are 40 percent each for Bond and Share and United, and 20 percent for National.

The contract provides that Bond and Share and United, between them, are committed to expend in each year on work to be done by National the following amounts:

1950 [1]	$12,500	1953	$250,000
1951	150,000	1954	250,000
1952	200,000	1955	250,000

[1] Times the number of full calendar months remaining in 1950 subsequent to the effective date of the agreement.

The contract provides that on or before October 1 of each year, National will submit a budget for the work to be done in the succeeding calendar year. If United and Bond and Share by December 1 of each year agree upon a program involving a budget of at least the amount shown in the above commitment for the succeeding calendar year then such program shall be adopted. If United and Bond and Share cannot agree upon such program then National is to proceed with the work and the amount of the budget for the succeeding calendar year shall be the amount set forth for such year in the above commitment.

The application-declaration states that expenditures by United and Bond and Share for any calendar year aggregating in excess of $1,000,000 will not be made unless the companies shall have given the Commission at least ten days prior notice of their intention to make such expenditure, and (1) no notice shall have been given to the companies by the Commission within such ten-day period that an application or declaration need be filed with respect to such expenditures, or that the Commission shall have given notice within such ten-day period that no application or declaration is required; or (2) an application or declaration filed by the companies with respect to the transactions shall have been granted or permitted to become effective by order of the Commission.

United and Bond and Share further state that the transactions contemplated under the contract are limited to the actual research work to be done by National and the expenditure of funds by United and Bond and Share in connection with such research work, as distinguished from the commercial exploitation of any patents or inventions resulting from such research work, either by way of licensing under such patents, or by way of organizing a corporation or other joint venture for the purpose of using or working such patents.

The Commission having on August 22, 1950, issued a Notice of Filing giving interested persons until September 7, 1950, at 5:30 p. m., e. d. s. t., to request a hearing, and such request having been made by Samuel Okin, a stockholder of Bond and Share, in a petition dated September 6, 1950, which petition set forth certain issues of fact and law which he desires to controvert, and the Commission having also received a request from the common stockholders' committee of Bond and Share that should the Commission approve the transaction, it impose a condition retaining jurisdiction to require cancellation, modification, or amendment of said contract; and

The Commission having considered said request for hearing and the allegations contained therein, and the request made for imposition of a condition, and it appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application-declaration and that said application-declaration shall not be granted nor permitted to become effective except pursuant to a further order of the Commission;

It is ordered, That a hearing on said application-declaration and on the matters relating thereto pursuant to the applicable provisions of the act and the rules of the Commission, be held on September 19, 1950, at 10:00 a. m., e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing is to be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before September 18, 1950, a request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Harold B. Teegarden or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Commission having considered the allegations contained in the request for hearing, and the Division of Public Utilities having advised the Commission that upon the basis of its examination of said request for hearing and the request for a condition, and its examination of the application-declaration, the following matters and questions are presented for consideration, without prejudice to the Commission's specifying additional matters and questions upon further examination:

(1) Whether the proposed transactions are subject to the jurisdiction of the Commission by reason of the provisions of sections 9 (a) and 10 of the act.

(2) Whether, in the light of the public interest or for the protection of investors or consumers or to prevent circumvention of the act, the rules, regulations, or orders thereunder, any action should be taken by the Commission with respect to the proposed transactions under the provisions of section 12 (f); and, if so, what such action should be.

(3) Whether the proposed transactions satisfy the provisions of section 10 of the act, particularly sections 10 (b) and 10 (c).

(4) Whether, in the event that the Commission shall grant the application and permit the declaration to become effective, it is necessary in the public interest, or for the protection of investors and consumers or to prevent circumvention of the act, the rules, regulations, or orders thereunder, to impose any terms and conditions with respect to the said transactions.

(5) Whether, in the event that the Commission shall grant the application and permit the declaration to become effective, jurisdiction should be reserved over the proposed contract and the parties thereto, so that the Commission may, upon its own motion, or upon the application of any interested person, or in connection with any proceeding under Section 11 of the Act involving Bond and Share, require such contract to be cancelled, modified, or amended.

(6) Whether action by the Commission on the application-declaration should be deferred pending determination of the application of Bond and Share (File No. 54–127) to be relieved

of its commitment to dispose of its holdings of the common stock of United.

It is ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this Notice and Order by registered mail to the applicants-declarants herein, to all persons who have been granted leave to participate in the proceedings relating to the application of Bond and Share to be relieved of its commitment with respect to United (File No. 54–127), and that additional notice be given to all other persons by publication of this notice and order in the FEDERAL REGISTER and general release of this notice and order distributed to the Press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–8100; Filed, Sept. 15, 1950; 8:47 a. m.]

[File No. 70–2477]

STANDARD POWER AND LIGHT CORP. AND STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of September 1950.

Notice is hereby given that there has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), a joint application-declaration by Standard Power and Light Corporation ("Standard Power"), a registered holding company, and its subsidiary Standard Gas and Electric Company ("Standard Gas"), also a registered holding company. Applicants-declarants have designated sections 6 and 7 of the act and Rules U-23 and U-24 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any person may, not later than September 29, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of the Commission, for a statement of the transaction therein proposed, which may be summarized as follows:

Standard Power is the holder of a 4 percent unsecured promissory note issued by Standard Gas in the principal amount of $983,930. Such note originally was due October 10, 1949, but was extended to October 10, 1950, by agreement of the parties and with the approval of the Commission. (See H. C. A. R. No. 9402.) Such note was issued pursuant to authorization of this Commission in File No. 70–1211 in lieu of the payment of cash by Standard Gas to Standard Power in retirement of the latter's holdings of certain notes and debentures of Standard Gas. Such authorization permitted the issuance of the note by Standard Gas "upon the condition that Standard Power and Light Corporation hold such note subject to the infirmities, if any, which presently inhere in its holdings of notes and debentures of Standard Gas and Electric Company and without prejudice to the right of the Commission to take such further action as may from time to time be appropriate under the applicable provisions of the act and the rules and regulations thereunder". The nature or extent of the aforementioned infirmities, if any, not having been determined, the original maturity date of such note was previously extended in order to maintain the status quo. Applicants-declarants state that the nature or extent of the infirmities, if any, are still undetermined and therefore propose a further extension of the maturity date from October 10, 1950, to October 10, 1951.

Applicants-declarants estimate that the attorneys' fees in connection with the proposed transaction will not exceed $700 and that other expenses will not exceed $100.

Applicants-declarants request that the Commission's order be issued as soon as possible and that it become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–8096; Filed, Sept. 15, 1950; 8:47 a. m.]

[File No. 70–2478]

COLUMBIA GAS SYSTEM, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of September A. D. 1950.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Columbia Gas System, Inc. ("Columbia"), a registered holding company. Declarant has designated section 12 (b) of the act and Rule U-45 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 27, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 27, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Columbia proposes to make a cash capital contribution of $300,000 to its wholly owned subsidiary, Binghamton Gas Works ("Binghamton"). In connection therewith, Columbia proposes to increase its investment in the common stock of Binghamton by a like amount. The cash to be received by Binghamton will be used to finance its 1950 construction program.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50–8097; Filed, Sept. 15, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 5567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15017]

ALLIANZ LEBENSVERSICHERUNGS, A. G.

In re: Debts owing to Allianz Lebensversicherungs, A. G. F–28–22181–A–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Allianz Lebensversicherungs, A. G., the last known address of which is 1 Jebenstrasse, Berlin-Charlottenburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured and unmatured, evidenced by fifty (50) 4¼ percent Corporate Stock Certificates of the City of New York for the Construction of Rapid Transit Railroads, issue of April 19, 1916, of $1,000.00 face value each, said certificates bearing the numbers 1751–R–14/1800–R–14 and due April 1, 1966, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid certificates, and

b. Those certain debts or other obligations, matured and unmatured, evidenced by one hundred (100) coupons, detached from the Certificates for 4¼ percent Corporate Stock of the City of New York, described in the aforesaid subparagraph 2 (a), said coupons each of $21.25 face value, fifty (50) due October 1939 and fifty (50) due April 1940, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Allianz Lebensversicherungs, A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all actions required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50–8116; Filed, Sept. 15, 1950; 8:51 a. m.]

[Vesting Order 15022]

FRANZ AND IDA GOERG

In re: Bonds and banks accounts owned by Franz Goerg and Ida Goerg, F–28–30594–A–1; E–1; E–2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Goerg, whose last known address is Klose Str. 28, Karlsruhe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Ida Goerg, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. An undivided two-thirds (⅔) interest in three (3) Republic of Chile Ext. S/F 6 percent Bonds, due May 1, 1963, each of $1,000.00 face value, in bearer form, bearing the numbers 508/10 inclusive, presently in the custody of The National City Bank of New York, New York 15, New York, in a safekeeping account numbered B27825, entitled, "Credit Suisse, sub-account Estate of Alice Goerg, deceased, Blocked Account, Zurich, Switzerland," together with any and all rights thereunder and thereto,

b. An undivided two-thirds (⅔) interest in that certain debt or other obligation of The National City Bank of New York, New York 15, New York, arising out of a cash account entitled "Credit Suisse, sub-account Estate of Alice Goerg, deceased, Blocked Account, Zurich, Switzerland," maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. An undivided two-thirds (⅔) interest in that certain debt or other obligation of J. P. Morgan and Co., Incorporated, 23 Wall Street, New York 8, New York, arising out of an account entitled "Credit Suisse-Sub A/C Estate of Alice Goerg, deceased, Blocked A/C," maintained at the aforesaid company, and any and all rights to demand, enforce and collect the same,

d. An undivided two-thirds (⅔) interest in that certain debt or other obligation of Brown Brothers Harriman and Co., 59 Wall Street, New York 5, New York, arising out of an account entitled "Credit Suisse, Zurich, Sub Account Estate of Alice Goerg, deceased—Blocked Account," maintained at the aforesaid company, and any and all rights to demand, enforce and collect the same, and

e. An undivided two-thirds (⅔) interest in that certain debt or other obligation of the Bankers Trust Company, 16 Wall Street, New York 15, New York, arising out of an account, entitled "Credit Suisse, Zurich, Sub-Account Estate of Mrs. Alice Goerg, deceased," maintained at the aforesaid company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Franz Goerg and Ida Goerg, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50–8117; Filed, Sept. 15, 1950; 8:51 a. m.]

[Vesting Order 15047]

LINA KLATTE

In re: Rights of Lina Klatte under insurance contract. File No. F–28–30754–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Klatte, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 120280 issued by the General American Life Insurance Company, St. Louis, Missouri to Johann Klatte, together with the right to demand, receive, and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8118; Filed, Sept. 15, 1950; 8:51 a. m.]

[Vesting Order 15054]

B. H. RATERMANN

In re: Estate of B. H. Ratermann, deceased. File No. D-28-9971; E. T. sec. 14138.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Eggemann and Maria Theresia Emma Eggemann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Theodore Eggemann, also known as Johann Theodor Eggemann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of B. H. Ratermann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John Lager, as executor, acting under the judicial supervision of the County Court of Clinton County, Illinois;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Theodore Eggemann, also known as Johann Theodor Eggemann, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8123; Filed, Sept. 15, 1950; 8:51 a. m.]

[Vesting Order 15049]

SHINJIRO KODAMA

In re: Rights of Shinjiro Kodama under Insurance Contract. File No. F-39-4872-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Shinjiro Kodama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,005,024, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Shinjiro Kodama, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8119; Filed, Sept. 15, 1950; 8:51 a. m.]

[Vesting Order 15048]

ALOIS KNAUER

In re: Rights of Alois Knauer under insurance contract. File No. F-28-30790-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alois Knauer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 97 825 271, issued by the Metropolitan Life Insurance Company, New York, New York, to Alois Knauer, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8120; Filed, Sept. 15, 1950; 8:51 a. m.]

[Vesting Order 15050]

FRITZ LIMPERT

In re: Rights of Fritz Limpert under Insurance Installment Certificate. File No. F-28-26651-H-7.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Limpert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under Continuous Installment Certificate No. D-92-520-J, issued by The Mutual Benefit Life Insurance Company, Newark, New Jersey, to Fritz Limpert, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8121; Filed, Sept. 15, 1950; 8:51 a. m.]

[Vesting Order 15052]

MIMAJI MITSUBOSHI

In re: Rights of Mimaji Mitsuboshi under Insurance Contract. File No. F-39-4123-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mimaji Mitsuboshi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under Agreement and Account Book No. 56842, executed in settlement of a contract of insurance evidenced by policy No. 9,232,494, issued by the New York Life Insurance Company, New York, New York, to Mimaji Mitsuboshi, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8122; Filed, Sept. 15, 1950; 8:51 a. m.]

[Return Order 739]

DR. HANS NISSL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Dr. Hans Nissl, Vienna, Austria; Claim No. 35633; August 1, 1950 (15 F. R. 4933); $95.00 in the Treasury of the United States; 10 shares of no par value common capital stock of General Aniline & Film Corporation, a Delaware corporation, registered in the name of the Attorney General of the United States, Account No. 28-4815, represented by Certificate No. 4170, presently in the custody of the Safekeeping Department of Federal Reserve Bank of New York; an undivided ¼ interest in one share of 500 Swiss francs ordinary stock of Internationale Gesellschaft fur Chemische Unternehmungen A. G. (I. G. Chemie), a Swiss corporation, with dividend coupons 13/20 and talon attached, 50 percent paid prior to December 19, 1945, which share is represented by Certificate No. 288013, presently in the custody of the aforementioned Safekeeping Department.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8126; Filed, Sept. 15, 1950; 8:52 a. m.]

[Return Order 740]

KARL VIRAG

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published and Property

Karl Virag, New York, N. Y.; Claim No. 42170; August 4, 1950 (15 F. R. 5036). $1,310.43 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8127; Filed, Sept. 15, 1950; 8:52 a. m.]

[Return order 737]

SALVATORE LO FORTE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published and Property

Salvatore Lo Forte, Cliffside Park, New Jersey; Claim No. 4997; July 21, 1950 (15 F. R. 4704); $666.09 in the Treasury of the United States.

SEP 25 '50

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8125; Filed, Sept. 15, 1950; 8:51 a. m.]

[Return Order 726]

WILLY POHLMAN AND LUCY POHLMAN NASCHEL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published and Property

Willy Pohlman, Los Angeles, California, Claim No. 4317; Lucy Pohlman Naschel, Los Angeles, California, Claim No. 37796; July 14, 1950 (15 F. R. 4480). An undivided one-sixth interest in equal shares in the following described real property:

Parcel 1. That portion of Block 20 of Ord's Survey, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 53, Page 66 of Miscellaneous Records in the Office of the County Recorder of said County, described as follows: Beginning at the intersection of the Easterly line of Grand Avenue, 80 ft. wide, with the Northerly line of Seventh Street, 80 feet wide, as said streets are now established; thence along Seventh Street South 52° 13' 50" East, 60.25 feet to a point in the Southerly prolongation of a line between the Southeast wall of a 13 story building and the Northwest wall of a 13 story concrete building, said last mentioned point being North 52° 13' 50" West 270.55 feet from the Westerly line of Olive Street, 80 feet wide; thence along said prolongation and line between wals, North 37° 41' 40" East 108.65 feet to the South line of Lot "A" of Tract No. 811, as per map recorded in Book 16, Page 81 of Maps in the office of the County Recorder of said County; thence along said South line, North 51° 54' 30" West 61.05 feet to a point in the East Line of Grand Avenue, said point being also South 37° 16' 30" West 484.34 feet from the South line of Sixth Street 60 feet wide; thence along Grand Avenue, South 37° 16' 30" West 108.99 feet to the point of beginning.

Parcel 2. Lots 11 and 12 of the Lemmert Tract, in the City of Los Angeles, County of Los Angeles, State of California as per map recorded in Book 13, Page 35 of Miscellaneous Records in the office of the County Recorder of said County.

Parcel 3. Lot 13 of the Lemmert Tract, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 13 Page 35 of Miscellaneous Records in the office of the County Recorder of said County.

Parcel 4. Lots 7, 8 and 9 in Block 1 of W. G. Nevin Tract, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 1 Pages 53 and 54 of Maps in the office of the County Recorder of said County.

$18,387.64 in the Treasury of the United States, in equal shares to each claimant.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8124; Filed, Sept. 15, 1950; 8:51 a. m.]

SEP 25 '50

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934
VOLUME 15 NUMBER 181
Washington, Tuesday, September 19, 1950

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR 958.1 et seq.), regulating the handling of Irish potatoes grown in the State of Colorado was published in the FEDERAL REGISTER (15 F. R. 5477). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the area committee for Area No. 2 (established pursuant to said agreement and order), the following rules and regulations are hereby approved.

§ 958.205 *Budget of expenses and rate of assessment, Area No. 2.* (a) The expenses necessary to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order and regulations duly issued thereunder, during the fiscal period ending May 31, 1951, will amount to $5,880.00.

(b) The rate of assessment, to be paid by each handler who first ships potatoes from Area No. 2, shall be one-sixth of one cent per hundredweight of potatoes shipped by him therefrom as the first shipper thereof during such fiscal period: *Provided*, That no assessment shall be paid for a shipment or shipments of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of September 1950, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-8191; Filed, Sept. 18, 1950; 8:56 a. m.]

PART 960—IRISH POTATOES GROWN IN THE STATES OF MICHIGAN, WISCONSIN, MINNESOTA AND NORTH DAKOTA

APPROVAL OF BUDGET OF EXPENSES AND RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Order No. 60 (7 CFR 960), regulating the handling of Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, and North Dakota, was published in the FEDERAL REGISTER (15 F. R. 5434). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the North Central Potato Committee (established pursuant to said marketing order), the following rules and regulations are hereby approved.

§ 960.204 *Budget of expenses and rate of assessment*—(a) *Findings.* It is hereby found that good cause exists for making the following rules and regulations effective upon publication in the FEDERAL REGISTER because: (1) Shipments of the 1950 crop of Irish potatoes grown in the production area have begun; (2) § 960.12 provides that each per-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1950–51 Edition

(Revised through July 1)

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

657 pages—$1.00 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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son who first ships such potatoes shall pay assessments in connection therewith, regardless of the date during the fiscal year on which the assessment rate is fixed; and (3) more orderly administration, tending to effectuate the declared policy of the act, will be attained if the effective date of the assessment rate so fixed is as close as possible to the date of such shipments, so that handlers will be able to ascertain and pay their obligation promptly. The information upon which the budget and rate of assessment is based did not become available in sufficient time to permit both notice of proposed rule making and a 30-day delay in the effective date thereof after publication in the FEDERAL REGISTER.

(b) *Order.* The expenses necessary to be incurred by the North Central Potato Committee, established pursuant to Marketing Order No. 60, to enable such committee to carry out its functions pursuant to provisions of the aforesaid marketing order, during the fiscal year ending June 30, 1951, will amount to $62,441.00;

The rate of assessment to be paid by each handler who first ships potatoes during the current fiscal year shall be $1.00 per railroad car or per truckload of more than 20,000 pounds of such potatoes, and fifty cents per truckload of 20,000 pounds or less of such potatoes, and one-quarter cent per hundredweight for other units, whether by floor lot, bin, or warehouse: *Provided*, That a minimum assessment of fifty cents shall be paid by each handler who first ships each truckload or other unit of potatoes during the current fiscal year: *Provided*, That no assessment shall be paid for a shipment or shipments of potatoes for consumption by a charitable institution, or for distribution for relief purposes, or for distribution by a relief agency or agencies; and

Terms used in this section shall have the same meaning as when used in Marketing Order No. 60.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of September 1950, to become effective upon publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–8190; Filed, Sept. 18, 1950; 8:56 a. m.]

PART 979—IRISH POTATOES GROWN IN EASTERN SOUTH DAKOTA PRODUCTION AREA

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 103 and Order No. 79 (7 CFR 979.1 et seq.), regulating the handling of Irish potatoes grown in the Eastern South Dakota production area was published in the FEDERAL REGISTER (15 F. R. 5319). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the South Dakota Potato Committee (established pursuant to said agreement and order), the following rules and regulations are hereby approved.

§ 979.203 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the South Dakota Potato Committee, established pursuant to Marketing Agreement No. 103 and Order No. 79, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending June 30, 1951, will amount to $2,500.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-half cent per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 103 and Order No. 79.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of September 1950, to become effective 30 days after publication thereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–8189; Filed, Sept. 18, 1950; 8:56 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—United States Atomic Energy Commission

PART 4—SECURITY CLEARANCE PROCEDURES

GENERAL PROVISIONS

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4.1 Purpose.
4.2 Scope.
4.3 Reference.
4.4 Policy.

PROCEDURES

4.10 Determination of employment status.
4.11 Notice to individual.
4.12 Additional information.
4.13 Failure of individual to file answers.
4.14 Appointment of Boards.
4.15 Conduct of proceedings.
4.16 Recommendations of the Board.
4.17 New evidence.
4.18 Actions on the recommendations.

MISCELLANEOUS

4.20 Modification of procedure.

AUTHORITY: §§ 4.1 to 4.20 issued under 60 Stat. 755; 46 U. S. C. 1801 et seq.

GENERAL PROVISIONS

§ 4.1 *Purpose.* This part establishes procedures and methods for the conduct of local board hearings and administrative review of questions or recommendations concerning eligibility of an individual for security clearance pursuant to the Atomic Energy Act of 1946.

§ 4.2 *Scope.* The procedures outlined in this part will be used in those cases in which there are questions as to eligibility for security clearance as a re-

sult of application of the standards set forth in "AEC Personnel Security Clearance Criteria for Determining Eligibility" (14 F. R. 42) and which involve:

(a) Employees and applicants for employment with or as consultants to the Atomic Energy Commission.

(b) Applicants, employees, and consultants of contractors, agents and licensees of Atomic Energy Commission, subject to the security control of the Atomic Energy Commission, or

(c) Those other persons designated by the General Manager of the Atomic Energy Commission.

§ 4.3 *References.* The pertinent sections of the Atomic Energy Act of 1946 are as follows:

SEC. 10. (a) *Policy.* It shall be the policy of the Commission to control the dissemination of restricted data in such a manner as to assure the common defense and security.

SEC. 10. (b) (5) (B) (i). No arrangement shall be made under section 3, no contract shall be made or continued in effect under section 4, and no license shall be issued under section 4 (c) or 7, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to restricted data until the Federal Bureau of Investigation shall have made an investigation and report to the Commission on the character, associations and loyalty of such individual and the Commission shall have determined that permitting such person to have access to restricted data will not endanger the common defense or security.

(ii) Except as authorized by the Commission in case of emergency no individual shall be employed by the Commission until the Federal Bureau of Investigation shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual.

(iii) Notwithstanding the provisions of subparagraphs (i) and (ii), during such period of time after the enactment of this act as may be necessary to make the investigation, report, and determination required by such paragraphs.

(a) Any individual who was permitted access to restricted data by the Manhattan Engineer District may be permitted access to restricted data, and

(b) The Commission may employ any individual who was employed by the Manhattan Engineer District.

§ 4.4 *Policy.* Consistent with the security requirements, it is the policy of the Atomic Energy Commission to afford to those individuals listed in § 4.2 maximum opportunity for administrative review of any determination to deny or revoke security clearance.

PROCEDURES

§ 4.10 *Determination of employment status.* In those cases where information is received which raises questions concerning the eligibility of an employee for security clearance, the Manager of the office concerned (or in the case of an employee at Washington, D. C., the Deputy General Manager) will, prior to making any recommendation as to the employee's eligibility for security clearance, consult with appropriate AEC staff members and, in the case of a contractor's employee (or consultant), representatives of the employing contractor, and decide, without undue delay, the employment status of the individual to be effective pending the final security clearance determination resulting from the operation of the procedures provided in this part.

§ 4.11 *Notice to individual.* The Manager, or his designated representative, will present personally to the individual a notification letter which shall state:

(a) That information obtained as a result of the investigation has created a question concerning the individual's eligibility for security clearance.

(b) The information, stated in as much detail and as specifically as considerations of security permit, upon which doubt arises regarding the individual's eligibility for security clearance.

(c) That a hearing will be scheduled before a Personnel Security Board for the purpose of eliciting information to assist in determining the eligibility of the individual for security clearance.

(d) That within ten days of the date of receipt of the notification letter the individual shall file with the Manager from whom he received such letter his written answer to the matters contained therein and indicate his intention to be present at the hearing.

(e) That the individual will be notified in writing of the membership of a Personnel Security Board when it is appointed by the Manager.

(f) That the individual will have the right to appear personally before a Personnel Security Board, be present during the entire hearing, be represented by counsel of his own choosing, and present evidence in his own behalf, through witnesses, or by documents, or both.

(g) That the individual's failure to file written answer and indicate his intention to be present at the hearing, shall be considered as a relinquishment by him of the opportunity of availing himself of the privileges accorded to him under the hearing and review procedure provided in this Part and that in such event a recommendation of the final action to be taken will be made by the Manager of Operations and submitted to the General Manager on the basis of the existing records without reference to a Personnel Security Board.

(h) His employment status until further notice.

(i) The name of the designated AEC official to contact for any further information desired.

§ 4.12 *Additional information.* An informational copy of the procedure for hearings and review shall be given to the individual with the notification letter.

§ 4.13 *Failure of individual to file answers.* In the event the individual fails to file written answer to the notification letter within the prescribed time, a recommendation as to the final action to be taken will be made to the General Manager on the basis of the existing record. The Manager may for good cause, at the request of the individual, extend the time for filing written answers to the matters contained in the notification letter.

§ 4.14 *Appointment of Boards.* (a) Upon the receipt from the individual of his written answer to the notification letter, signifying his desire to appear before a Personnel Security Board, the Manager shall forthwith appoint a Board consisting of three members, one to be designated as the Chairman.

(b) The personnel of the Boards, when practicable as determined by the Manager, shall consist of at least one member who is familiar with the general field of work of the individual.

(c) The personnel shall be selected from a panel composed of Atomic Energy Commission employees, employees of contractors of the Atomic Energy Commission, or of such other persons as the Manager determines possess the necessary qualifications for sitting as members of a Personnel Security Board. All persons sitting as members of Personnel Security Boards shall have a full "Q" clearance.

(d) No person shall sit in a case as a member of a Personnel Security Board who has prejudged the matter, or who possesses information that would make it embarrassing to render an impartial recommendation, or who for bias or prejudice generated for any reason would be unable to render a fair and impartial recommendation.

(e) Immediately upon the appointment of a Personnel Security Board, the Manager will notify the individual of the names of the members of the Board and of his right to challenge any member for cause, such challenge or challenges to be submitted to the Manager within seventy-two hours of the receipt of the notice.

(f) In the event that the individual challenges a member or members of the Board, the justification of the action of the individual shall be determined by the Manager. Where the challenge of the individual is sustained, the Manager should forthwith appoint such new members to the Board as will constitute a full Board and notify the individual of his action. The Manager will likewise notify the individual of his rejection of any challenge.

(g) At least forty-eight hours' advance notice from time of receipt will be given the individual by the Chairman of a Personnel Security Board of the date, hour, and place the Board will convene for the purpose of receiving the evidence that the individual chooses to present.

§ 4.15 *Conduct of proceedings.* (a) The proceedings shall be presided over by the Chairman of the Board and shall be conducted in an orderly and decorous manner with every effort made to protect the interests of the Government and of the individual. In no case will undue delay be tolerated nor will the individual be hampered by unduly restricting the time necessary for proper preparation and presentation. In performing their duties, the members of the Board shall avoid the attitude of a prosecutor and shall always bear in mind and make clear to all concerned that the proceeding is an inquiry and not a trial.

(b) The proceedings shall be open only to duly authorized representatives of the staff of the Atomic Energy Commission, the individual, his counsel, and such persons as may be officially authorized by the Board.

(c) During the course of the proceedings the Chairman shall rule in open session on all questions presented to the Board for its determination, subject to the objection of any member of the Board. In the event of an objection by any member of the Board, a majority vote of the Board will be determinative and constitute the ruling of the Chairman. Voting may be either in open or closed session on all questions except recommendations to grant or deny security clearance, which shall be in closed session.

(d) In the event that it appears in the course of the hearing that restricted data may be disclosed, it shall be the duty of the Chairman to assure that disclosure is not made to persons who are not authorized to receive it.

(e) The Board will ask the individual, AEC representatives, and other witnesses any questions calculated to obtain the fullest possible disclosure of relevant and material facts. The proponent of a witness shall conduct the direct examination of that witness.

(f) The Board will not engage in any arguments with either the individual, his witnesses, or his counsel. Nor will the Board permit any person to argue from the witness stand.

(g) The Board will admit in evidence any matters either oral or written which, in the minds of reasonable men, is of probative value to determine the issues involved. The utmost latitude will be given the subject with respect to relevancy, materiality, and competency. Every reasonable effort will be made to obtain the best evidence reasonably available. Hearsay evidence will be admitted without regard to technical rules of admissibility and accorded such weight as the circumstances warrant.

(h) Witnesses will be permitted to testify either under oath, affirmation, or without either, and such weight will be given to this testimony as the circumstances warrant. Attention of the witness shall be invited to 18 U. S. C. 1001 or 18 U. S. C. 1621, as appropriate.

(i) The individual will be afforded the opportunity of testifying in his own behalf. His failure to testify may be considered by the Board in reaching its recommendation.

(j) The Board shall endeavor to obtain all the facts that are reasonably available in order for it to arrive at its recommendations. If, prior to or during the proceeding, in the opinion of the Board the allegations in the notification letter are not sufficient to cover all matters into which inquiry should be directed, the Board shall suggest to the Manager concerned that, in order to give fuller notice to the individual, the notification letter should be amended. If, in the opinion of the Board, the circumstances of such an amendment may involve an undue hardship to the individual, because of limited time to answer the new allegations in the notification letter, an appropriate adjournment shall be granted upon the request of the individual.

(k) The entire proceedings shall be taken down verbatim and transcribed into a written record, a copy of which shall be furnished the individual without cost at his request. In the event restricted data are disclosed in the transcription, such restricted data shall be deleted and notation made to such effect before furnishing the transcript to the individual.

(l) The reports of the Federal Bureau of Investigation shall not be disclosed to the individual or to his representative.

(m) When the presence of a witness is deemed by the Board to be necessary to a proper determination of the issues before it, the Board shall request the Manager to make arrangements if possible, for such witness to appear, be confronted by the individual, and be subject to examination by the individual and by the Board. Upon receipt of such request the Manager shall make every effort through proper administrative channels to comply with the Board's request. Because of the confidential nature of the sources of information or for other reasons, confrontation may not be possible.

(n) The Board may request the Manager to arrange for additional investigation on any points which are material to the deliberations of the Board and which the Board believes need extension or clarification. In this event, the Board will set forth in writing that issue upon which more evidence is requested, identifying where possible persons or sources from which evidence should be sought. The Manager will make every effort through appropriate sources to obtain additional information upon the matters indicated by the Board.

(o) When the nature of the case is complex or the Board desires assistance in conducting the hearing, the Manager should designate such person or persons to aid the Board as may be necessary. The person thus named shall not be a member of the Board, shall not participate in the deliberations of the Board, shall express no opinion to the Board concerning the merits of the case, but shall assist the Board in such manner as to bring out a full and complete disclosure of all facts having any bearing upon the issues before the Board.

§ 4.16 Recommendations of the Board. (a) The Board shall carefully consider all material before it including reports of the Federal Bureau of Investigation, the testimony of all witnesses, the evidence presented by the individual, and the standards set forth in "AEC Personnel Security Clearance Criteria for Determining Eligibility" (14 F. R. 42). In considering the material before the Board, the members of the Board, as practical men of affairs, should be guided by the same consideration that would guide them in making a sound decision in the administration of their own lives. In reaching its determination the Board shall consider the manner in which the witnesses have testified before the Board, their demeanor on the witness stand, the probability or likelihood of their testimony, their credibility, the authenticity of documentary evidence, or the lack of evidence upon some material points in issue.

(b) If, after considering all the factors, they are of the opinion that it will not endanger the common defense and security to grant security clearance to the individual, they should so recommend. If they are unable to find that it will not endanger the common defense and security to grant security clearance, they should recommend that clearance be denied.

(c) The Board shall make specific findings as to the allegations contained in the notification letter whether they are true or false and the significance which they attach to the allegations. These findings shall be supported fully by a statement of reasons made with respect to such findings.

(d) The recommendation shall be determined by a majority vote. In the event of a dissent from the majority, a recommendation from the minority shall be made of record together with a statement of the reasons leading to the conclusion of the minority.

(e) The recommendation of the Board shall be predicated upon its findings, which shall take into consideration whether they establish a pattern of conduct falling within the criteria or a specific category thereof, and shall be submitted to the Manager accompanied by a statement of reasons leading to the Board's conclusions.

§ 4.17 *New evidence.* (a) In the event of the discovery of new evidence, such evidence will be submitted to:

(1) The Board in the event the Board has not transmitted its recommendations to the Manager, or

(2) The Manager in all other cases.

(b) It shall be the duty of those to whom application is properly made for the presentation of the new evidence to ascertain its materiality and relevancy and further, that the individual and his representative are without fault in failing to present the evidence before. In the event it is determined that such new evidence should be received, those making such decisions will also determine in what form it shall be received, whether by deposition, affidavit, or orally.

§ 4.18 *Actions on the recommendations.* (a) The recommendations of the Board and any dissent therefrom will be written out, signed by all of the members of the Board, and, together with the record of the case, shall be transmitted with the least practicable delay to the Manager of Operations concerned.

(b) Upon receipt of the recommendation of the Board and the record of the case, the Manager shall forthwith review the entire record. Before making any determination concerning his recommendation as to the granting or denial of security clearance, the Manager shall obtain all relevant data concerning the effect which denial of security clearance would have upon the atomic energy program. Such data shall not be disclosed to the individual or his representative.

(c) In making the determination concerning his recommendation to grant or deny security clearance the Manager shall be guided by the standards set forth in "AEC Personnel Security Criteria for Determining Eligibility" (14 F. R. 42) and shall set forth in writing his recommendation to the General Manager. Such recommendation along with the entire record will be forwarded to the General Manager.

(1) In the event of a recommendation for a denial of security clearance, the individual shall be immediately notified in writing of that fact by the Manager and shall be furnished a copy of the Manager's findings. This letter will also notify the individual of his right to request a review of his case by the AEC Personnel Security Review Board and of his right to submit a brief in support of his contentions. The brief shall be filed with the Manager not later than 20 days after receipt of such notification by the individual. The request for a review should be submitted to the Manager within five days of the receipt of the notice. The individual will also be notified of any change in the status of his employment.

(d) In the event the individual fails to request a review by the AEC Personnel Security Review Board of an adverse recommendation within the prescribed time, the Manager of Operations shall recommend the closing of the case and arrange for any necessary action in connection with the termination of the individual's employment. In such cases the Manager will advise the Director of Security in Washington by letter of the failure of the individual to file a request for further review.

(e) Where the individual requests a review of the adverse recommendation, the Manager shall send the entire record of the proceedings, with all findings and recommendations, to the General Manager via the Director of the Division of Security, Washington, D. C.

(f) Where the Manager has made a recommendation favorable to the individual and the General Manager proposes to transmit the entire record to the Personnel Security Review Board for its recommendation, the General Manager will immediately cause the individual to be notified of that fact and will further inform the individual that he may submit any briefs considered necessary by the individual to sustain his contention. Such brief to be filed not later than 20 days from the receipt of the notice by the individual. The brief will be forwarded to the General Manager via the Director of Security for transmission to the Personnel Security Review Board.

(g) The General Manager will submit the entire record to the AEC Personnel Security Review Board.

(h) The AEC Personnel Security Review Board shall make its deliberations upon the entire record, supplemented by additional testimony, briefs, or arguments, as determined by the AEC Personnel Security Review Board.

(i) After its deliberations, the AEC Personnel Security Review Board shall make its recommendation and submit such recommendation in writing to the General Manager for his decision.

(j) The General Manager will then make a final determination from the entire record, accompanied by all recommendations, whether security clearance shall be granted or denied.

(k) The individual, the Manager, and Directors of the Divisions concerned will be notified of the decision of the General Manager as soon as practicable.

MISCELLANEOUS

§ 4.20 *Modification of procedure.* This procedure may be modified by the General Manager as experience and circumstances may make desirable.

Dated in Washington, D. C., this 12th day of September 1950.

GORDON DEAN,
Chairman.

[F. R. Doc. 50-8085; Filed, Sept. 18, 1950; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52555]

PART 16—LIQUIDATION OF DUTIES

COUNTERVAILING DUTIES; SPIRITS FROM UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND FROM IRELAND

The Bureau is in receipt of information that, by the Finance Act of 1950, the 3 pence per gallon export bounty on spirits exported from the United Kingdom of Great Britain and Northern Ireland was repealed effective May 1, 1950.

In view of the above-mentioned information, T. D.'s 34466 and 47753, issued pursuant to section IV/E, Tariff Act of 1913, and section 303, Tariff Act of 1930 (19 U. S. C. 1303), respectively, are hereby modified so as not to require the assessment of countervailing duties on imported "plain British spirits" and "spirits in the nature of spirits of wine" exported directly or indirectly from the United Kingdom of Great Britain and Northern Ireland on or after May 1, 1950.

Section 16.24 (a), Customs Regulations of 1943 (19 CFR 16.24 (a)), is hereby amended by deleting the material appearing opposite "Great Britain" and "United Kingdom, Great Britain, Northern Ireland, and Ireland," respectively, and by substituting the following:

Country	Commodity	Treasury decision	Action
Great Britain	Spirits—compounded	34466	Bounties declared—rates.
		34732	Descriptions.
		34982	No bounty on rum.
		35089	Proof gallons.
		35510	Alcoholic perfumery.
		35668	Orange bitters.
		47753	Supplemental rates.
		47826(7)	Quantity for computing duty.
		52555	Bounty on plain spirits terminated.
	Silk and artificial silk articles	42895	Bounties declared—rates.
		43634	Bounties—additional articles.
		44712	New rates.
		47475	Do.
		47502	Do.
		47594	Do.
	Sugar	46355	Bounties declared—rates.
		49981	New rates.
		50108	Do.
		50127	Do.
Ireland	Spirits—plain and compounded	47753	Bounties declared—rates.
		47826(7)	Quantity for computing duty.

(R. S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U. S. C. 66, 1303, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: September 7, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-8172; Filed, Sept. 18, 1950; 8:53 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5807]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EXTENSION OF TIME FOR FILING CERTAIN CLAIMS FOR CREDIT OR REFUND

In order to conform Regulations 103 (26 CFR Part 19) and Regulations 111 (26 CFR Part 29) to section 2 of Public Law 271 (81st Congress), approved August 27, 1949, and also to conform Regulations 111 to section 3 of such Public Law, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.22 (b) (9)-1 of Regulations 111 and immediately preceding § 29.22 (b) (10)-1 of Regulations 111 the following:

PUBLIC LAW 271 (81st Cong.), approved August 27, 1949.

* * * * * *

SEC. 3. EXTENSION OF TIME IN THE CASE OF DISCHARGE OF INDEBTEDNESS.

Section 22 (b) (9) and section 22 (b) (10) of the Internal Revenue Code are hereby amended by striking out "1949" and inserting in lieu thereof "1950".

PAR. 2. Section 29.22 (b) (9)-1 of Regulations 111, as amended by Treasury Decision 5576, approved September 5, 1947, is further amended by striking from the first paragraph and from the third paragraph "January 1, 1950" and inserting in lieu thereof in each instance "January 1, 1951".

PAR. 3. Section 29.22 (b) (10)-1 of Regulations 111, as amended by Treasury Decision 5576, is further amended by striking from the first sentence and from the last sentence "January 1, 1950" and inserting in lieu thereof in each instance "January 1, 1951".

PAR. 4. There is inserted immediately preceding § 19.322-1 of Regulations 103 and immediately preceding § 29.322-1 of Regulations 111 the following:

PUBLIC LAW 271 (81st Cong.), approved August 27, 1949.

* * * * * *

SEC. 2. EXTENSION OF TIME FOR CLAIMING REFUND WITH RESPECT TO WAR LOSSES.

The joint resolution of June 29, 1948 (Public Law 828, 80th Cong.), is hereby amended by striking out "1949" wherever appearing therein and inserting in lieu thereof "1950".

PAR. 5. Section 19.322-7 of Regulations 103, as amended by Treasury Decision 5657, approved October 1, 1948, and § 29.322-7 of Regulations 111, as amended by said Treasury Decision 5657, are further amended by striking out in the last sentence of paragraph (a) of each such section the following: "extending to December 31, 1949," and by inserting in lieu thereof the following: "as amended by section 2 of Public Law 271 (81st Cong.), approved August 27, 1949, extending to December 31, 1950,".

PAR. 6. Inasmuch as the amendments made by this Treasury decision would merely change the dates from those specified by prior law to those now specified by Public Law 271 (81st Congress), which extends the application of section 22 (b) (9) and (10) of the Internal Revenue Code and extends the time for filing certain claims for credit or refund with respect to war losses, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 3 (c) of said act.

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] GEORGE J. SCHOENEMAN,
Commissioner of Internal Revenue

Approved: September 12, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-8170; Filed, Sept. 18, 1950; 8:53 a. m.]

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5808]

PART 458—INSPECTION OF RETURNS

CERTIFICATION OF COPIES OF CERTAIN TAX RETURNS

In order to permit collectors, internal revenue agents in charge, and the heads of field divisions of the Technical Staff to furnish certified copies of tax returns to certain persons, Treasury Decision 4945, approved September 20, 1939 (26 CFR 458.200-458.209), is amended, in the interest of the internal management of the Government, by amending § 458.205 (26 CFR 458.205) (formerly § 463D.5) to read as follows:

§ 458.205 *Furnishing copies of returns; certified copies.* In accordance with the regulations in this part, a copy of a return may be furnished to any person who is entitled to inspect such return, upon written application therefor, and the submission of evidence satisfactory to the Commissioner of his right to receive the copy. The application and evidence of right to receive the copy of the return should be submitted to the Commissioner at Washington, except that if the applicant is (a) the Attorney General, The Assistant to the Attorney General, and Assistant Attorney General or a United States Attorney, or (b) the taxpayer or his duly authorized attorney in fact, or (c) in the case of an estate tax return, the executor, administrator, or his successor in office, or his duly authorized attorney in fact, or (d) in the case of a gift tax return, the donor or his duly authorized attorney in fact, and the return is in the custody of a collector of internal revenue, an internal revenue agent in charge, or the head of a field division of the Technical Staff, the application and evidence of right to receive the copy may be submitted to such collector, agent in charge or head of division, who may furnish a copy of the return and certify such copy upon request. Except as provided above, certified copies will be furnished only by the Commissioner upon specific request therefor by the applicant.

The Commissioner may prescribe a reasonable fee for furnishing copies of returns.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

(53 Stat. 29, 111, 116, 171, 186, 467; 54 Stat. 974, 989, 1008; 55 Stat. 722; 26 U. S. C. 55, 508, 603, 702 (a), 729 (a), 1204, 1604 (c), and 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: September 12, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-8171; Filed Sept. 18, 1950; 8:53 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1950 Dept. Cir. No. 530, 6th Rev., dated Feb. 13, 1945, Amdt. 7]

PART 315—UNITED STATES SAVINGS BONDS

LIMITATION ON HOLDINGS

SEPTEMBER 12, 1950.

Pursuant to Section 22 (a) of the Second Liberty Bond Act, as amended (55 Stat. 7, 31 U. S. C. 757c), Subpart C of Department Circular No. 530, Sixth Revision, dated February 13, 1945 (31 CFR Part 315), as amended, is hereby further amended and revised to read as follows:

SUBPART C—LIMITATION ON HOLDINGS

§ 315.8 *Amount which may be held.* As provided by Section 22 of the Second Liberty Bond Act, added February 4, 1935, as amended (31 U. S. C. 757c), and by regulations prescribed by the Secretary of the Treasury pursuant to the authority of that section, as amended, the amounts of savings bonds of the several series issued during any one calendar year that may be held by any one person at any one time are limited as follows:

(a) *Series A, B, C, and D.* $10,000 (maturity value) of each series for each calendar year.

(b) *Series E.* $5,000 (maturity value) for each calendar year up to and including the calendar year 1947, and $10,000 (maturity value) for each calendar year thereafter.

(c) *Series F and G.* $50,000 (issue price) for the calendar year 1941, and $100,000 (issue price) for each calendar year thereafter, of either series or of the combined aggregate of both, except that, in the case of commercial banks authorized to acquire such bonds in accordance with § 315.5, the limitation shall be such as may have been or may hereafter be provided specifically in official circulars governing the offering of other Treasury securities, but in no event in excess of $100,000 (issue price) for any calendar year.

(d) *Special limitation for Series F and G Bonds purchased by institutional investors and commercial banks from July 1 through July 15, 1948.* $1,000,000 (issue price) of either series or of the combined aggregate of both for institutional investors holding savings, insurance and pension funds and $100,000 (issue price) of either series or of the combined aggregate of both for commercial and industrial banks holding savings deposits or issuing time certificates of deposit in the names of individuals and of corporations, associations, and other organizations not operated for profit, subject to the following conditions:

(1) For the purposes of this paragraph the classes of institutional investors will be limited to: (i) Insurance companies, (ii) savings banks, (iii) savings and loan associations and building and loan associations, and cooperative banks, (iv) pension and retirement funds, including those of the Federal, State and local governments, (v) fraternal benefit associations, (vi) endowment funds, and (vii) credit unions.

(2) Any bonds of Series F–1948 and Series G–1948 purchased under this special limitation, including any bonds in excess of $100,000 (issue price) purchased by eligible institutional investors, must be purchased during the period from July 1 through July 15, 1948.

(e) *Special limitation for Series F and G Bonds purchased by institutional investors and commercial banks during certain periods in the calendar year 1950.* (1) There is hereby provided for certain classes of institutional investors, and for certain commercial and industrial banks, a special limitation on holdings for bonds of Series F and of Series G purchased on original subscription from October 2 through October 10, 1950, for bonds dated October 1, 1950; those purchased from November 1 through November 10, 1950, for bonds dated November 1, 1950; and for those purchased from December 1 through December 11, 1950, for bonds dated December 1, 1950.

(2) The classes of institutional investors to which this offering is made are limited to: (i) Insurance companies (including organizations insuring the payment of hospital, medical and surgical expenses); (ii) savings banks; (iii) savings and loan associations and building and loan associations, and cooperative

banks; (iv) pension and retirement funds constituting separate legal entities, including those of the Federal, State and local governments; (v) fraternal benefit associations; (vi) endowment funds; (vii) trusts for charitable, educational, religious or other public purposes (whether or not incorporated), and State and municipal sinking funds; and (viii) credit unions. The aggregate purchases of Series F or Series G bonds, or the two series combined, made by an investor of any such class during the three periods will be limited to one million dollars (issue price) for the calendar year 1950 in excess of the existing limitation.

(3) Commercial and industrial banks holding savings deposits or issuing time certificates of deposit in the names of: (i) Individuals; and (ii) corporations, associations, and other organizations not operated for profit, will be permitted to purchase bonds of either Series F or Series G, or the two series combined, up to an aggregate during the three periods of $100,000 (issue price).

(f) The regulations set forth in this part are hereby modified to accord with the provisions of paragraphs (d) and (e) of this section.

(Sec. 22, 49 Stat. 41, as amended; 31 U. S. C. 757c)

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be impracticable and unnecessary with respect to these regulations. They enlarge rather than restrict the rights of purchasers of United States Savings Bonds.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 50-8173; Filed, Sept. 18, 1950; 8:53 a. m.]

[1950 Dept. Circ. 654 3d Rev.]

PART 318—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES F AND G

SEPTEMBER 12, 1950.

Sec.
318.1 Offering of United States Savings Bonds of Series F and Series G.
318.2 Description and terms of bonds.
318.3 Purchase of bonds.
318.4 Limitation on holdings.
318.5 Authorized forms of registration.
318.6 Delivery and safekeeping of bonds.
318.7 Payment at maturity or redemption prior to maturity.
318.8 Series designation.
318.9 Lost, stolen, or destroyed bonds.
318.10 General provisions.

AUTHORITY: §§ 318.1 to 318.10 issued under sec. 22, 49 Stat. 41, as amended; 31 U. S. C. 757c.

SOURCE: §§ 318.1 to 318.10 contained in 1944 Department Circular No. 654, Second Revision, as amended (31 CFR 318.1 to 318.10).

§ 318.1 *Offering of United States Savings Bonds of Series F and Series G.* (a) The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers for sale, to the people of the United States, through the Federal Reserve Banks, United States Savings Bonds of Series F and Series G, which may hereinafter be referred to as bonds of Series F and Series G. The sale of bonds of Series F and Series G will continue until terminated by the Secretary of the Treasury.

(b) United States Savings Bonds of Series F and Series G include bonds of any designation issued under this circular as originally published and amended, and those issued under this circular as previously or as now revised. As their terms are identical, no distinction is to be made between any bonds of Series F or Series G so issued.

§ 318.2 *Description and terms of bonds.* (a) Bonds of Series F and Series G will be issued only in registered form, in denominations of $25 (for Series F only), $100, $500, $1,000, $5,000 and $10,000 (maturity values), at prices hereinafter set forth. Each bond will bear the facsimile signature of the Secretary of the Treasury, and will bear an imprint in color (brown for Series F and blue for Series G) of the Seal of the Treasury. At the time of issue, on the face of each bond, the issuing agent will inscribe the name and address of the owner and the name of the coowner or beneficiary, if any, will enter the issue date (which is the first day of the month in which payment of the issue price is received by the Treasury or an authorized issuing agent), and will imprint his dating stamp (to show the date the bond is actually inscribed). Bonds of Series F and Series G shall be valid only if duly inscribed and dated, as above provided, and delivered by an authorized agent following receipt of payment therefor.

(b) The bonds of each series will, in each instance, be dated as of the first day of the month in which payment of the issue price is received by an agent authorized to issue the bonds, which date is herein referred to as the issue date; the bonds will mature and be payable at face value 12 years from such issue date. The issue date is the basis for determining the redemption or maturity period of the bond, and the date appearing in the issuing agent's stamp should not be confused therewith. The bonds of either series may not be called for redemption by the Secretary of the Treasury prior to maturity, but they may be redeemed prior to maturity, after six months from the issue date, at the owner's option, at fixed redemption values.

(c) Bonds of Series F will be issued on a discount basis at 74 percent of their maturity value. No interest as such will be paid on the bonds, but they will increase in redemption value at the end of the first year from issue date, and at the end of each successive half-year period thereafter until their maturity, when the face amount becomes payable. The increment in value will be payable only upon redemption of the bonds. A table of redemption values appears on each bond. The purchase price of bonds of Series F has been fixed so as to afford an investment yield of about 2.53 percent per annum compounded semiannually if the bonds are held to maturity; if the owner exercises his option to redeem a bond prior to maturity the investment yield will be less.

(d) Bonds of Series G will be issued at par, and will bear interest at the rate of 2½ percent per annum, payable semiannually from issue date. Interest will be paid by check drawn to the order of the registered owner. Interest will cease at maturity, or, in case of redemption before maturity, at the end of the interest period next preceding the date of redemption. A table of redemption values appears on each bond, and the difference between the face amount of the bond and the redemption value fixed for any period represents an adjustment (or refund) of interest. Accordingly, if the owner exercises his option to redeem a bond prior to maturity, the investment yield will be less than the interest rate on the bond. Bonds of Series G may be redeemed at par, in whole or in part, (1) upon the death of the owner, or a coowner, if a natural person, or (2) as to bonds held by a trustee or other fiduciary, upon the death of any person which results in termination of the trust. If the trust is terminated only in part, redemption at par will be made only to the extent of the pro rata portion of the trust so terminated, to the next lower multiple of $100. In any case request for redemption at par must be received by the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, or by a Federal Reserve Bank or Branch in accordance with the regulations governing savings bonds.[1]

(e) Tables A and B appended to this circular show separately for bonds of Series F and those of Series G: (1) The redemption values, by denominations, during the successive half-year periods following issue, (2) the approximate investment yield on the issue price from issue date to the beginning of each half-year period, and (3) the approximate investment yield on the current redemption value from the beginning of each half-year period to maturity at the end of the 12-year period.

(f) Bonds of Series F and Series G will not be transferable, and will be payable only to the owner named thereon, except in case of death or disability of the owner or as otherwise specifically provided in the regulations governing savings bonds, and in any event only in accordance with said regulations. Accordingly they may not be sold, discounted, hypothecated as collateral for a loan or the performance of a service, or disposed of in any manner other than as provided in the regulations governing savings bonds, and, except as provided in said regulations, the Treasury Department will recognize only the inscribed owner, during his lifetime and competency, and thereafter his estate or heirs.

[1] See Department Circular No. 530, Sixth Revision, as amended (31 CFR Part 315), for current regulations.

(g) Taxation: For the purpose of determining taxes and tax exemptions, the increment in value represented by the difference between the price paid for bonds of Series F (which are issued on a discount basis), and the redemption value received therefor (whether at or before maturity) shall be considered as interest, and that interest and interest on bonds of Series G are not exempt from income or profits taxes now or hereafter imposed by the United States.[2] The bonds shall be subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

§ 318.3 *Purchase of bonds*—(a) *Agencies.* Bonds of Series F and Series G may be purchased, while this offer is in effect, upon application to any Federal Reserve Bank or Branch, or to the Treasurer of the United States, Washington 25, D. C. Sales agencies, duly qualified under the provisions of Treasury Department Circular No. 657 (31 CFR Part 317) as amended and supplemented, and banking institutions generally, may submit applications for account of customers, but only the Federal Reserve Banks and Branches and the Treasury Department are authorized to act as official agencies, and the receipt of application and payment at an official agency will govern the dating of the bonds issued.

(b) *Payment for bonds.* Every application must be accompanied by payment in full of the issue price. Any form of exchange, including personal checks, will be accepted, subject to collection. Checks, or other forms of exchange, should be drawn to the order of the Federal Reserve Bank or the Treasurer of the United States, as the case may be. Checks payable by endorsement are not acceptable. Any depositary qualified pursuant to the provisions of Treasury Department Circular No. 92, Revised (31 CFR Part 203) will be permitted to make payment by credit for bonds applied for on behalf of its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

(c) *Postal savings.* Subject to regulations prescribed by the Board of Trustees of the Postal Savings System, the withdrawal of postal savings deposits will be permitted for the purpose of acquiring savings bonds.

(d) *Form of application.* In applying for bonds under this circular, care should be exercised to specify whether those of Series F or Series G are desired, and there must be furnished: (1) Instructions for registration of the bonds to be issued, which must be in one of the authorized forms (see § 318.5); (2) the post office address of the owner; (3) address for delivery of the bonds; and (4), in case of bonds of Series G, address for mailing interest checks. The use of an official application form is desirable, but not necessary. The application should be forwarded to the Federal Reserve Bank, or Branch, of the district, or to the Treasurer of the United States, accompanied by remittance to cover the purchase price ($74 for each $100 face amount of bonds of Series F, or $100 for each $100 face amount of bonds of Series G).

(e) *Issue prices.* The issue prices of the various denominations of bonds of Series F and Series G follow:

SERIES F

Denomination (maturity value)	$25.00	$100	$500	$1,000	$5,000	10,000
Issue (purchase) price	18.50	74	370	740	3,700	$7,400

SERIES G

Denomination (maturity value)	$100	$500	$1,000	$5,000	$10,000
Issue (purchase) price	100	500	1,000	5,000	10,000

§ 318.4 *Limitation on holdings.* (a) The amount of United States Savings Bonds of Series F, or of Series G, or the combined aggregate amount of both series originally issued during any one calendar year to any one person, including those registered in the name of that person alone, and those registered in the name of that person with another named as coowner, that may be held by that person at any one time shall not exceed such amount as may be prescribed from time to time by the Secretary of the Treasury by regulation.[3]

(b) Any bonds acquired on original issue which create an excess must immediately be surrendered for refund of the purchase price or for such other adjustment as may be possible, as provided in the regulations governing savings bonds.

§ 318.5 *Authorized forms of registration.* (a) United States Savings Bonds of Series F and Series G may be registered only in one of the following forms:

(1) In the names of natural persons (that is, individuals), whether adults or minors, in their own right, as follows: (i) In the name of one person; (ii) in the names of two (but not more than two) persons as coowners; and (iii) in the name of one person payable on death to one (but not more than one) other designated person.

(2) In the name of an incorporated or unincorporated body in its own right; but may not be registered in the names of commercial banks, which are defined for this purpose as those accepting demand deposits, except as provided in and to the extent and under such conditions as may be provided by regulations promulgated from time to time by the Secretary of the Treasury.[3]

(3) In the name of a fiduciary (except where the fiduciary would hold the bonds merely or principally as security for the performance of a duty or obligation).

(4) In the name of the owner or custodian of public funds.

(b) *Restrictions.* Only residents (whether individuals or others) of the United States (which for the purposes of this section shall include the Territories, insular possessions and the Canal Zone), citizens of the United States temporarily residing abroad and nonresident aliens employed in the United States by the Federal Government or an agency thereof may be named as owners, coowners or designated beneficiaries of savings bonds originally issued on or after April 1, 1940, or of authorized reissues thereof, except that such persons may name as coowners or beneficiaries of their bonds American citizens permanently residing abroad or nonresident aliens who are not citizens of enemy nations. American citizens permanently residing abroad and nonresident aliens who become entitled to bonds under the regulations governing savings bonds, by right of survivorship or otherwise upon the death of another, will have the right only to receive payment either at or before maturity.

(c) Full information regarding authorized forms of registration will be found in the regulations currently in force governing United States Savings Bonds.

§ 318.6 *Delivery and safekeeping of bonds.* (a) Federal Reserve Banks and Branches and the Treasurer of the United States are authorized to deliver bonds of Series F and Series G, duly inscribed and dated, upon receipt of the issue price. Bonds not delivered in person will be delivered by mail at the risk and expense of the United States, at the address given by the purchaser, but only within the United States, its territories and insular possessions and the Canal Zone.[4] No mail deliveries elsewhere will be made. If purchased by citizens of the United States temporarily residing abroad, bonds will be delivered at an address in the United States, or held in safekeeping, as the purchaser may di-

[2] For information concerning the taxable and exempt status under Federal tax laws of the interest (increment in value) on United States Savings Bonds issued on a discount basis (including bonds of Series F), and alternate methods of reporting such interest, see Internal Revenue Mimeograph, Coll. 6327, R. A. No. 1680, dated November 9, 1948.

[3] The current regulations are contained in Department Circular No. 530, Sixth Revision, as amended (see 31 CFR 315.8), *supra*.

[4] During any war emergency the Treasury may suspend deliveries to be made at its risk and expense from or to the continental United States and its territories, insular possessions and the Canal Zone, or between any of such places.

rect. Personal delivery should not be accepted by any purchaser until he has verified that the correct name, or names, and address are duly inscribed, that the issue date (the first day of the month in which payment of the issue price was received by the agent) is duly entered, and that the dating stamp of the issuing agent is duly imprinted with current date—all on the face of the bond. If received by mail, the same verification should be made, and if any error in inscription or dating appears, such fact should immediately be reported to the issuing agent, and instructions requested.

(b) Savings bonds of Series F and Series G will be held in safekeeping without charge by the Secretary of the Treasury if the holder so desires, and in such connection the facilities of the Federal Reserve Banks,[1] as fiscal agents of the United States, and those of the Treasurer of the United States, will be utilized. Arrangements may be made for such safekeeping at the time of purchase, or subsequently.

§ 318.7 *Payment at maturity or redemption prior to maturity*—(a) *General.* Any savings bond of Series F or Series G will be paid in full at maturity, or, at the option of the owner, after six months from the issue date, will be redeemed in whole or in part at the appropriate redemption value prior to maturity, on the first day of any calendar month, on one month's notice in writing, following presentation and surrender of the bond, with the request for payment properly executed, all in accordance with the regulations governing savings bonds.

(b) *Notice of redemption.* When a savings bond of Series F or Series G is to be redeemed prior to maturity, a notice in writing of the owner's intention must be given to and be received by a Federal Reserve Bank or Branch, or the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, not less than one calendar month in advance. A duly executed request for payment will be accepted as constituting the required notice.

(c) *Execution of request for payment.* The registered owner, or other person entitled to payment under the regulations governing savings bonds, must appear before one of the officers authorized by the Secretary of the Treasury to witness and certify requests for payment, establish his identity, and in the presence of such officer sign the request for payment, adding the address to which the check is to be mailed. After the request for payment has been so signed, the witnessing officer should complete and sign the certificate provided for his use. Unless otherwise authorized in a particular case, the form of request appearing on the back of the bond must be used.

[1] Safekeeping facilities may be offered at some Branches of Federal Reserve Banks, and in such connection an inquiry may be addressed to the Branch.

(d) *Officers authorized to witness and certify requests for payment.* The officers authorized to witness and certify requests for payment of savings bonds are fully set forth in the regulations governing savings bonds, and include but are not limited to (1) United States postmasters and certain other post office officials or designated employees; and (2) officers (or designated employees) of all banks or trust companies incorporated in the United States or its organized territories, including officers at domestic branches (within the United States or its territories or insular possessions and the Canal Zone), or at foreign branches. All certificates should be authenticated by official seal, if there is one, or by an imprint of an issuing agent's dating stamp.

(e) *Presentation and surrender.* After the request for payment has been duly executed by the person entitled and by the certifying officer, the bond must be presented and surrendered to a Federal Reserve Bank or Branch, or to the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, at the expense and risk of the owner. For the owner's protection, the bond should be forwarded by registered mail, if not presented in person.

(f) *Disability or death.* In case of the disability of the registered owner, or the death of the registered owner not survived by a coowner or a designated beneficiary, instructions should be obtained from a Federal Reserve Bank or Branch, or the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, before the request for payment is executed.

(g) *Method of payment.* The only agencies authorized to pay or redeem savings bonds are the Federal Reserve Banks and Branches, and the Treasurer of the United States. Payment in all cases will be made by check drawn to the order of the registered owner or other person entitled to payment, and mailed to the address given in the request for payment.

(h) *Partial redemption.* Partial redemption at current redemption value of a bond of Series F, of a denomination higher than $25 (maturity value), or of a bond of Series G, of a denomination higher than $100, is permitted, but must correspond to an authorized denomination. In case of partial redemption the remainder will be reissued in authorized denominations bearing the same issue date as the bond surrendered.

§ 318.8 *Series designation.* Bonds of Series F, issued during the calendar year 1950 are designated Series F–1950, and those of Series G are similarly designated Series G–1950, and those of either series which may be issued in subseuent calendar years will be similarly designated by the series letter, F or G, followed by the year of issue.

§ 318.9 *Lost, stolen, or destroyed bonds.* (a) If a bond of Series F or Series G is lost, stolen, or destroyed, a duplicate may be issued on the owner furnishing a description of the bond and establishing its loss, theft, or destruction.

(b) In any case of the loss, theft, or destruction of a bond of Series F or Series G, the owner should give immediate notice to the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, briefly stating the facts and giving a description of the bond. On receipt of such notice, full instructions for procedure will be given the owner.

(c) A descriptive record of each bond of Series F or Series G held should be kept by the owner, apart from the bonds, so that a full description of the bonds will be available if they are lost, stolen, or destroyed. The record for each bond should show: (1) The denomination; (2) the serial number (with its prefix and suffix letters); (3) the inscription (name or names, and address, on the face of the bond); and (4) the issue date (month and year of issue).

§ 318.10 *General provisions.* (a) All bonds of Series F and Series G, issued pursuant to this circular, shall be subject to the regulations prescribed from time to time by the Secretary of the Treasury to govern United States Savings Bonds. The present regulations governing savings bonds are set forth in Treasury Department Circular No. 530, Sixth Revision, as amended, copies of which may be obtained on application to the Treasury Department or to any Federal Reserve Bank or Branch.

(b) The Secretary of the Treasury reserves the right to reject any application for savings bonds of either Series F or Series G, in whole or in part, and to refuse to issue or permit to be issued hereunder any such savings bonds in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final.

(c) Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury in connection with the issue, delivery, safekeeping, redemption, and payment of savings bonds of Series F and Series G.

(d) The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this circular, or of any amendments or supplements thereto, information as to which will be promptly furnished the Federal Reserve Banks and Branches.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be impracticable and unnecessary with respect to these regulations. They enlarge rather than restrict the rights of purchasers of United States Savings Bonds.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

APPENDIX A—UNITED STATES SAVINGS BONDS—SERIES F

TABLE OF REDEMPTION VALUES AND INVESTMENT YIELDS

Table showing: (1) How United States Savings Bonds of Series F, by denominations, increase in redemption value during successive half-year periods following issue; (2) the approximate investment yield on the purchase price from issue date to the beginning of each half-year period; and (3) the approximate investment yield on the current redemption value from the beginning of each half-year period to maturity. Yields are expressed in terms of rate percent per annum, compounded semiannually.

Maturity value / Issue price	$25.00 / $18.50	$100.00 / $74.00	$500.00 / $370.00	$1,000 / $740	$5,000 / $3,700	$10,000 / $7,400	(2) Approximate investment yield on purchase price from issue date to beginning of each half-year period	(3) Approximate investment yield on current redemption value from beginning of each half-year period to maturity
Period after issue date	(1) Redemption values during each half-year period							
							Percent	*Percent*
First ½ year	Not redeemable							[1] 2.53
½ to 1 year	$18.50	$74.00	$370.00	$740	$3,700	$7,400	0.00	2.64
1 to 1½ years	18.55	74.20	371.00	742	3,710	7,420	.27	2.73
1½ to 2 years	18.62	74.50	372.50	745	3,725	7,450	.45	2.82
2 to 2½ years	18.72	74.90	374.50	749	3,745	7,490	.61	2.91
2½ to 3 years	18.85	75.40	377.00	754	3,770	7,540	.75	2.99
3 to 3½ years	19.00	76.00	380.00	760	3,800	7,600	.89	3.07
3½ to 4 years	19.17	76.70	383.50	767	3,835	7,670	1.03	3.15
4 to 4½ years	19.40	77.60	388.00	776	3,880	7,760	1.19	3.20
4½ to 5 years	19.65	78.60	393.00	786	3,930	7,860	1.34	3.24
5 to 5½ years	19.92	79.70	398.50	797	3,985	7,970	1.49	3.27
5½ to 6 years	20.22	80.90	404.50	809	4,045	8,090	1.63	3.29
6 to 6½ years	20.55	82.20	411.00	822	4,110	8,220	1.76	3.29
6½ to 7 years	20.87	83.50	417.50	835	4,175	8,350	1.87	3.31
7 to 7½ years	21.20	84.80	424.00	848	4,240	8,480	1.96	3.32
7½ to 8 years	21.52	86.10	430.50	861	4,305	8,610	2.03	3.35
8 to 8½ years	21.85	87.40	437.00	874	4,370	8,740	2.09	3.40
8½ to 9 years	22.17	88.70	443.50	887	4,435	8,870	2.14	3.46
9 to 9½ years	22.50	90.00	450.00	900	4,500	9,000	2.19	3.54
9½ to 10 years	22.85	91.40	457.00	914	4,570	9,140	2.24	3.63
10 to 10½ years	23.22	92.90	464.50	929	4,645	9,290	2.29	3.72
10½ to 11 years	23.62	94.50	472.50	945	4,725	9,450	2.34	3.81
11 to 11½ years	24.05	96.20	481.00	962	4,810	9,620	2.40	3.91
11½ to 12 years	24.50	98.00	490.00	980	4,900	9,800	2.46	4.08
Maturity value (12 years from issue date)	$25.00	$100.00	$500.00	$1,000	$5,000	$10,000	[1] 2.53	

[1] Approximate investment yield for entire period from issuance to maturity.

APPENDIX B—UNITED STATES SAVINGS BONDS—SERIES G

TABLE OF REDEMPTION VALUES AND INVESTMENT YIELDS

Table showing: (1) How United States Savings Bonds of Series G (paying a current return at the rate of 2½ percent per annum on the purchase price, payable semiannually) change in redemption value by denominations during successive half-year periods following issue; (2) the approximate investment yield on the purchase price from issue date to the beginning of each half-year period; and (3) the approximate investment yield on the current redemption value from the beginning of each half-year period to maturity. Yields are expressed in terms of rate percent per annum, compounded semiannually, and take into account the current return.

Maturity value / Issue price	$100.00 / $100.00	$500.00 / $500.00	$1,000 / $1,000	$5,000 / $5,000	$10,000 / $10,000	(2) Approximate investment yield on purchase price from issue date to beginning of each half-year period	(3) Approximate investment yield on current redemption value from beginning of each half-year period to maturity
Period after issue date	(1) Redemption values during each half-year period						
						Percent	*Percent*
First ½ year	Not redeemable						[1] 2.50
½ to 1 year	$98.80	$494.00	$988	$4,940	$9,880	0.10	2.62
1 to 1½ years	97.80	489.00	978	4,890	9,780	.30	2.73
1½ to 2 years	96.90	484.50	969	4,845	9,690	.44	2.84
2 to 2½ years	96.20	481.00	962	4,810	9,620	.61	2.94
2½ to 3 years	95.60	478.00	956	4,780	9,560	.75	3.04
3 to 3½ years	95.10	475.50	951	4,755	9,510	.88	3.13
3½ to 4 years	94.80	474.00	948	4,740	9,480	1.04	3.20
4 to 4½ years	94.70	473.50	947	4,735	9,470	1.20	3.26
4½ to 5 years	94.70	473.50	947	4,735	9,470	1.35	3.30
5 to 5½ years	94.90	474.50	949	4,745	9,490	1.51	3.32
5½ to 6 years	95.20	476.00	952	4,760	9,520	1.66	3.33
6 to 6½ years	95.50	477.50	955	4,775	9,550	1.79	3.33
6½ to 7 years	95.80	479.00	958	4,790	9,580	1.89	3.34
7 to 7½ years	96.10	480.50	961	4,805	9,610	1.98	3.35
7½ to 8 years	96.40	482.00	964	4,820	9,640	2.05	3.37
8 to 8½ years	96.70	483.50	967	4,835	9,670	2.12	3.39
8½ to 9 years	97.00	485.00	970	4,850	9,700	2.18	3.42
9 to 9½ years	97.30	486.50	973	4,865	9,730	2.23	3.46
9½ to 10 years	97.60	488.00	976	4,880	9,760	2.27	3.51
10 to 10½ years	97.90	489.50	979	4,895	9,790	2.31	3.60
10½ to 11 years	98.20	491.00	982	4,910	9,820	2.35	3.75
11 to 11½ years	98.60	493.00	986	4,930	9,860	2.39	3.94
11½ to 12 years	99.20	496.00	992	4,960	9,920	2.44	4.13
Maturity value (12 years from issue date)	$100.00	$500.00	$1,000	$5,000	$10,000	2.50	

[1] Approximate investment yield for entire period from issuance to maturity.

[F. R. Doc. 50–8174; Filed, Sept. 18, 1950; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter D—Military Renegotiation Regulations

[Amdt. 9]

PART 427—MILITARY RENEGOTIATION FORMS

MISCELLANEOUS AMENDMENTS

The following amendments are made to Subpart A of Part 427 of this subchapter, as follows:

§ 427.704 *Contractor's Information and Work Sheet (MRR704).* In certain cases the Board may send to a contractor a form designated as the Contractor's Information and Work Sheet which is designed to assist him in preparing and presenting information and data which are pertinent to the consideration of his case (see §§ 422.224 and 422.242 of this subchapter).

While the Contractor's Information and Work Sheet is sufficiently broad in scope to apply to most businesses, it may not lend itself readily to use by certain contractors, such as construction contractors, architects, and engineers. These contractors should consult with the Renegotiation Policy and Review Board as to an acceptable form for presenting the necessary data.

The contents of the Contractor's Information and Work Sheet are as follows:

INTRODUCTORY NOTE

Information requested in sections A to O, inclusive, and in the Exhibits attached hereto, is required for renegotiation under the Renegotiation Act of 1948. Any part of this information which has been submitted in the "Standard Form of Contractor's Report" may be omitted, provided reference is made to the date of its submission. If any statement or information requested is inapplicable in a particular case, so state and give the reason therefor.

All data requested herein should be submitted without regard to any previous filings under the Renegotiation Acts of 1942 and February 25, 1944, as amended.

All information and data submitted (subject to qualifications, if any, specifically set forth) must be certified by the contractor as true and correct.

Regulations, interpreting and applying the renegotiation statutes and prescribing standards and procedure for determining and eliminating excessive profits under the renegotiation statutes, have been published under the title of "Military Renegotiation Regulations." The subscription price for the Military Renegotiation Regulations, including amendments thereto and lists of prime contracts containing the Renegotiation Article, printed on sheets punched for a standard loose leaf binder, is $2.50. Subscriptions should be addressed to the Superintendent of Documents, Washington 25, D. C. The Military Renegotiation Policy and Review Board cannot honor requests for this item.

SECTION A. FINANCIAL STATEMENTS

One copy of each of the following should be furnished for the fiscal year under review unless previously filed pursuant to this Act:

1. Published annual report.

2. Audit report by independent public accountants—preferably long form audit report.

NOTE: If an annual report to security holders or an audit report by independent public accountants has not been prepared, the following financial statements, prepared from your books, should be submitted:

(a) Statement of Income or Profit and Loss for the fiscal year. The income statement should show: (1) Gross sales, less discounts, returns and allowances; (2) cost of goods sold (net of discounts on purchases), including opening and closing inventories and a classification of manufacturing costs and factory burden; and (3) a classified list of selling and administrative expenses and miscellaneous items.

(b) Statement of Surplus for the fiscal year, and

(c) Balance Sheet as of the close of the fiscal year. The balance sheet should show, in addition to the usual classifications of current assets and current liabilities, the gross plant account and related reserve for depreciation, other major reserves stated as separate amounts and their purposes clearly captioned, and details of the capital accounts.

3. Federal income tax return (latest amended return, if amended):

(a) If a corporation, U. S. Corporation Income Tax Return (Form 1120).

(b) If a partnership or joint venture, U. S. Partnership Return of Income (Form 1065) and all personal income tax returns, or returns of the entities, listed in schedule or "Partners' Shares of Income and Credits".

(c) If an individual, the personal income tax return of the person (or person and spouse) in which the income has been reported.

4. Reconcilement of any differences between income per annual or audit report and income per Federal income tax return, including an explanation of the effect on renegotiable income of any of such differences. (See Regulations § 423.381–4 (a), (b), (c)—also Note on Exhibit 1, MRR 704.1.)

5. A copy of your Income Statement, preferably in comparative form, for each of the 2 fiscal years immediately preceding the year under review, unless submitted in a previous year's renegotiation proceedings under the Renegotiation Act of 1948.

6. An income statement for the fiscal year under review, separated as to renegotiable and non-renegotiable business as defined in the Regulations, is required. The attached Exhibits 1 and 1 (a), with instructions, are provided for use in this connection. The income data, segregated between renegotiable and non-renegotiable business, may be submitted on other sheets, but the classifications provided on Exhibits 1 and 1 (a) should be followed. See section A–7, pertaining to financial statements required if renegotiation is to be conducted on a consolidated basis.

Sales and cost of goods sold should be stated net of discounts, returns and allowances.

Supporting schedules of items requiring further analysis should be provided. If there are several types of widely divergent operations, it may be desirable to supplement Exhibits 1 and 1 (a) with schedules showing operating results by separate fields of activity. Federal and State taxes measured by income should be shown separately on the lines provided on Exhibit 1.

7. Consolidated basis: If the financial statements are submitted on a consolidated basis, financial statements for each subsidiary having renegotiable business and included in such consolidation must also be submitted. A consolidating Balance Sheet and consolidating Income Statement are required. The consolidating Income Statement may be submitted for Exhibit 1, if the same line captions and column headings are used. The amount of inter-company sales or other inter-company transactions, and whether or not eliminated in consolidation, should be reported, and the method of setting intercompany prices explained. (See sec. H 3 (c).)

NOTE: In financial statements all cents may be omitted.

SECTION B. INCOME TAX DATA

1. Items A3 and A4, pages 2 and 3, must be submitted, and in addition:

2. State the latest taxable year examined by the Bureau of Internal Revenue and report any significant adjustments resulting in a change in taxable income or capital assets as a result of such examination.

3. If taxes measured by income, other than Federal taxes (including so-called franchise taxes), are significant in amount, submit a schedule showing the amounts paid, the kind of tax and the tax authority to which such taxes were paid, the period for which the tax was billed, the basis on which accruals for the respective taxes were made and a reconcilement of any differences between such basis and the periods for which the taxes were levied. Explain the basis of allocation of these taxes (Line 12, Exhibit 1) between renegotiable and non-renegotiable business.

SECTION C. ORGANIZATION, OWNERSHIP, AND AFFILIATIONS

1. A brief history of the business, including date and state of organization, changes in name, a general statement as to character of operations, a list of plants and branch offices and the functions performed by plants engaged in renegotiable business, is required.

2. Any recapitalization during the period under review should be described.

3. Indicate any changes during the period under review in the form or control of organization, such as reorganization, the acquisition, disposal or dissolution of subsidiaries, etc.

4. A copy of the latest brochure, catalog or other material describing your company's business and products, if not previously submitted, is requested.

SECTION D. BUSINESS OF CONTRACTOR

1. List major products or services sold during the fiscal year under review and during the 2 fiscal years immediately preceding the one under review.

2. List major competitors and the articles in competition.

3. List the approximate amount of renegotiable sales, (a) in quantity (if readily available) and (b) in dollars, of each principal type or group of products, and the functions performed with respect to each, such as manufacturing, assembling, distributing.

4. Furnish a statement as to the dollar amount included in costs allocated to renegotiable business (see Exhibit 1 (a), Line 19) which arose from any portion of your manufacture subcontracted in the year under review. Give a list (in duplicate) of principal suppliers of material, subassemblies, and finished parts. Also, a statement of materials and subassemblies, if any, furnished to subcontractors. Show the relations with subcontractors as to the degree of supervision, inspection, and financing furnished.

5. As to subcontracts, list (in duplicate) major customers for renegotiable business, the types of products or services furnished to them and their approximate dollar amount.

SECTION E. PRICE RECORD AS TO RENEGOTIABLE BUSINESS

1. If feasible, list the dollar unit prices and types of important products and services included in renegotiable business.

2. Furnish details of any rebates or refunds, price reductions or increases made during the year under review affecting renegotiable business (fixed price, CPFF, incentive or other type of contracts). The details should include: (a) Amounts, dates and to whom rebates or refunds were made; (b) original and revised unit prices, the quantities affected, and the amounts involved; (c) reason for change in price, or for refund or rebate; (d) whether or not reflected in the financial statements for the year under review, and, if reflected, the extent thereof; and (e) if a subcontractor, the name of its customer.

3. Explain status of any contractual price redetermination provisions which could affect, retroactively, the renegotiable income as reported for fiscal year under review. (See Regulations §§ 423.307 and 424.403–2).

4. Explain purchasing policy with respect to suppliers and subcontractors.

5. Explain any substantial difference between profit margins on renegotiable and non-renegotiable business.

SECTION F. GOVERNMENTAL AND OTHER ASSISTANCE

1. Explain assistance received (estimated if necessary), such as—

(a) Value of machinery borrowed;
(b) Value of plants provided;
(c) Value of customer furnished ("free issue") materials;
(d) Advances on contracts;
(e) Other financial or technical assistance received, and amount of former.

The above refers to both governmental assistance and that received from other contractors; however, each item should be shown separately. The amount of rentals paid for Government plant should be given; also, estimated dollar volume of renegotiable production therefrom.

SECTION G. PLANT FACILITIES

1. If not previously furnished, summarize in tabular form the gross values, related reserves and net values of property, plant and equipment, showing beginning balances, additions, and retirements during the period under review and closing balances. Values of the facilities should be set forth on the basis of original cost; any deviations therefrom should be explained.

2. Give an estimate of the cost of plant and equipment additions during the fiscal year under review occasioned by renegotiable business.

3. Submit a statement of losses from sale, exchange or other disposal of facilities used in the performance of renegotiable contracts or subcontracts. (See Regulations, paragraphs 423.384–2 (c) and 423.385–4.)

4. Report the cost of any completely amortized facilities and state what portion, if any, of such facilities was used in renegotiable business.

NOTE: Detailed lists need not be prepared. It will be sufficient to report by classifications such as buildings, machinery, etc.

SECTION H. SEGREGATION OF SALES AND ALLOCATION OF COSTS AND EXPENSES

1. Unless previously filed with the Military Renegotiation Policy and Review Board, include a complete description of the methods followed in segregating renegotiable and non-renegotiable sales shown in Exhibits 1 and 1 (a) MRR Forms 704.1 and 704.1 (a)).

2. Describe the methods used (job order or process cost system, etc.) in computing or allocating costs, expenses, and other income and deductions applicable to renegotiable and non-renegotiable business shown in Exhibits 1 and 1 (a). State whether such methods were consistent with procedure under the company's system of cost accounting. State whether your cost accounting system is under general ledger control. Explain fully any significant changes made during the subject fiscal year in the basis or method of allocating costs to company products or to renegotiable and non-renegotiable business. State in which plants renegotiable business operations were conducted.

3. Explain or furnish schedules, showing segregation where applicable, between renegotiable and non-renegotiable business, with respect to each of the following:

(a) In the case of an integrated producer, a computation supporting the exemption of raw materials or agricultural commodities (see par. 423.343 of the Regulations);

(b) Sales to subcontractors of materials entering into repurchases from them;

(c) Interdepartmental sales and profit not eliminated (see Consolidated basis—sec. A–7);

(d) Provision for normal depreciation, accelerated depreciation, and depreciation on idle plant;

(e) Method of inventory valuation—materials, work in process and finished goods; character of charges included in such valuations, if readily ascertainable; date as of which physical inventory was taken, and information as to whether or not supervised by independent public accountants; write-downs and losses, by types and amounts, on disposal of inventory items, giving basis therefor;

(f) Basis of allocation of selling and advertising expenses unless previously furnished. (See MRR 423.387 re advertising expense);

(g) Contractor's attention is called to the fact that no expense for contributions may be allocated to renegotiable business. (See MRR 423.388–2.)

NOTE: Adequate explanations are essential to the equitable consideration of your case—see Part 423 of the Regulations.

(There is no section capitioned I.)

SECTION J. SALARIES AND OTHER COMPENSATION

1. A schedule showing salaries and all other compensation (including commissions, bonuses, royalties, and other forms of extra compensation) paid or accrued to the 10 highest paid officers and employees, or to those who received in excess of $10,000 per annum (whichever is the lesser in number) for the period under review, and in each of the 2 fiscal years immediately preceding, is required.

2. Describe briefly any bonus, pension trust, or other employee compensation plans in effect or provided for, with comment as to how they are applicable to personnel listed under Item 1, preceding, showing the dates that such plans were adopted and whether approved by the Bureau of Internal Revenue and the basis of computation of amount deductible in computing taxable income.

3. Detail compensation of whatever character (fees, commissions, etc.) aggregating $10,000 or more per payee, to other individuals or organizations, paid or accrued during the period under review, and the two fiscal periods immediately preceding. Indicate the basis for computation of such compensation.

NOTE: The statements of compensation should show for each individual or organization: Name, title or relationship, duties (unless self-explanatory), time devoted to business, total compensation; portion of the compensation paid to any of the individuals listed disallowed by the Bureau of Internal Revenue as a taxable deduction in the two latest years examined. Any compensation, based on sales or profits, which has been or will be affected by renegotiation should be reported.

SECTION K. RESERVES

1. If any portion of an amount included in costs and expenses as provision for a reserve was allocated to renegotiable business, although part or all of such provision was not deducted for tax purposes, state the amount allocated to renegotiable business and explain the basis for such allocation and the purpose of the related reserve. If no such charges were made, so state. (See section A–4.)

SECTION L. COST-PLUS-FIXED-FEE (CPFF) CONTRACTS

1. The following data should be submitted for each CPFF contract subject to the Renegotiation Act of 1948:

(a) For prime contracts, date, product, and contract number; for subcontracts, name of prime contractor and prime contract number, if known;

(b) Total cost and fee as originally estimated, stated separately;

(c) Changes in original cost estimates;

(d) Adjustments to fee for changes and reasons therefor;

(e) Fees received or accrued in year under review and basis on which computed; amount, if any, of fees accrued on partially completed contracts but not billed or booked;

(f) Costs incurred or accrued in year under review;

(g) Estimate of cost to complete;

(h) Amounts and types of disallowed and non-reimbursable costs and costs not submitted, summarized and explained by major classifications;

(i) An explanation of variations, if any, between estimated and actual costs.

NOTE: See Regulations § 424.043–2.

SECTION M. TERMINATED CONTRACTS

1. Furnish a statement of the aggregate receipts or accruals (exclusive of those based on the termination claims of own subcontractors) applicable to claims based on renegotiable contracts and subcontracts terminated during the period under review and a statement as to the status of such claims. Also, furnish an estimate of any amounts not included in your financial statements for which you had or may have a claim relating to contracts terminated during the year under review.

2. Include an estimate of the total amount involved in terminations during the period under review on which claim for compensation has been waived (so-called "no cost" settlements) together with the percentages thereof represented by (a) raw materials and (b) fabricated or semi-fabricated materials. Explain the disposition of inventories or charges.

NOTE: The attached Exhibit 2 is provided for use in reporting the information and data called for under Items 1 and 2 above. Separate statements should be submitted for terminations under fixed-price operations and cost-plus-fixed-fee operations.

SECTION N. STATEMENT OF FACTORS

You are invited to furnish a statement of the salient facts with regard to each of the following factors (which must be taken into consideration in renegotiation):

(a) Efficiency, with particular regard to attainment of quantity and quality production, reduction of costs and economy in the use of materials, facilities, and manpower;

(b) Reasonableness of costs and profits, with particular regard to (1) volume of production, earnings on business not subject to renegotiation, both for the year under review and for prior years; (2) comparison of products under subject contracts and subcontracts with products not subject to renegotiation; (3) the different economic conditions existing on or after the effective date of the 1948 Act from those prevailing during the period 1942 through 1945.

(c) Amount and source of public and private capital employed and net worth;

(d) Extent of risk assumed; including the risk incident to reasonable pricing policies;

(e) Nature and extent of contribution to the national security, including inventive and developmental contribution and cooperation with the Government and other contractors in supplying technical assistance;

(f) Character of business, including complexity of manufacturing technique, character, and extent of subcontracting, and rate of turn-over.

NOTE: Only facts relevant to results for the fiscal year under review should be submitted, and generalizations avoided. (See MRR 424.409 through 424.416.)

SECTION O. MISCELLANEOUS

1. Include a statement relative to each of the following:

(a) Royalties paid or incurred, or received or accrued, segregated as to amounts applicable to renegotiable and non-renegotiable business. (Exhibit 3 may be used to present this information).

(b) A list of any claims against the Government arising out of contracts and subcontracts subject to renegotiation under the Renegotiation Act of 1948.

(c) Describe briefly any pending litigation, the outcome of which might affect renegotiable profits for the period under review.

§ 427.704–1 *Statement of Income (MRR 704–1).* (a) This form is generally referred to as Exhibit 1 and, together with the detail supporting this statement on its reverse side which is known as Exhibit 1 (a), accompanies the Contractor's Information and Work Sheet described above in § 427.704. The contractor is requested to submit on this form his income statement for the fiscal year under review showing in Column A, Total Business, in Columns B and C, Renegotiable Business separated as to Cost-Plus-A-Fixed-Fee (CPFF) Business and Fixed Price Business, and, in Columns D and E, Non-renegotiable Business separated as to CPFF and Fixed Price Business.

(b) The content of the form is as follows:

SALES, LESS DISCOUNTS, RETURNS, AND ALLOWANCES

PRIME CONTRACTS AND PURCHASE ORDERS, SUBCONTRACTS AND PURCHASE ORDERS, OTHER RENEGOTIABLE BUSINESS

1. Net sales, including CPFF billings.
2. Cost of goods sold.
3. Selling and advertising expense.
4. General and administrative expenses.
5. Additional spaces provided.
6.
7. Total costs and expenses.
8. Operating profit.
9. Other income (itemize on separate schedule):
   a. Allocable in part or wholly to renegotiable business.
   b. Allocable wholly to nonrenegotiable business.
   c. Additional spaces provided.
   d.
10. Other deductions (itemize on separate schedule):
   a. Allocable in part or wholly to renegotiable business.
   b. Allocable wholly to nonrenegotiable business.
   c. Additional spaces provided.
   d.
11. Profit for renegotiation before State income taxes.
12. State taxes measured by income.
13. Net profit before provision for Federal taxes on income and for extraordinary reserves.
14. Provision for Federal taxes on income.
15. Net profit before extraordinary reserves.
16. Provision for extraordinary reserves.
17. Net income per books.

NOTE: An itemized reconcilement of any differences between income per books or audit report and income per Federal income tax return, including an explanation of the

effect on renegotiable income of any such differences, should be submitted on a separate schedule.

§ 427.704–1a *Details of Exhibit 1 (MRR 704–1 (a)).* (a) The contractor is requested to furnish on Exhibit 1 (a) detailed data to substantiate certain items appearing in Exhibit 1. These details are to be separated as in Exhibit 1 to show: Total Business, Renegotiable Business, separated as to Cost-Plus-A-Fixed Fee (CPFF) Business and Fixed Price Business, and Non-renegotiable Business, also separated as to CPFF and Fixed Price Business.

(b) The content of this form, generally referred to as Exhibit 1 (a), is as follows:

18. Cost of goods sold:
    a. Materials purchased, less discounts.
    b. Goods purchased for resale.
    c. Direct labor.
    d. Indirect labor.
    e. Maintenance and repairs.
    f. Rent.
    g. Royalties.
    h. Depreciation.
    i. Other costs (itemize on separate schedule).
    j. Additional space provided.
    k. Inventory increase or (decrease).
    l. Total (per line 2, Exhibit 1).
19. Approximate amount of work subcontracted included in cost of sales.
20. Selling and Advertising expense:
    Selling:
    a. Salaries (other than branch office salaries).
    b. Commissions paid to outsiders.
    c. Branch office salaries and expenses.
    d. Other, including depreciation (itemize on separate schedule).
    e. Additional space provided.
    f. Total Selling expense.
    Advertising:
    a. Trade papers.
    b. Additional space provided.
    c. Total Advertising expense.
    Total Selling and Advertising expense (per line 3, Ex. 1).
21. General and Administrative expense:
    a. Officers' salaries.
    b. Other office salaries.
    c. Other expense (itemize on separate schedule).
    d. Additional spaces provided.
    e.
    f. Contributions (see § 423.388–2 of Regulations).
    g. Total (per line 4, Exhibit 1).

§ 427.704–1b *Instructions for Preparation of Exhibits 1 and 1 (a) (MRR 704.1 and 704.1 (a)). General.* When the contractor is engaged in two or more types of renegotiable business of a widely divergent nature or operates on a divisional basis, it is preferable that the sales, costs and expenses be reported separately. In such cases, Exhibits 1 and 1 (a) may be expanded as required.

Renegotiable sales. Opposite line titled "Prime contracts and purchase orders", enter in columns (B) and (C) direct sales to the Department of Defense, including the Departments of the Army, the Navy, and the Air Force, under renegotiable prime contracts and purchase orders.

NOTE: Sales under Cost-Plus-a-Fixed-Fee contracts (CPFF) are total billings and related accruals, including fees.

Opposite line titled "Subcontracts and purchase orders," enter in columns (B) and (C) renegotiable sales under subcontracts of any tier or purchase order falling within the definition of a subcontract, except those required to be reported on the line titled "Other renegotiable business."

Opposite the line titled "Other renegotiable business" enter in columns (B) and (C) renegotiable sales or revenues such as royalties, commissions, management fees, etc.

Receipts and accruals, estimated if necessary, relative to the uncompleted portions of terminated contracts or subcontracts should be set out in a separate column under the appropriate caption, CPFF or Fixed Price. If these include amounts based on own subcontractors' claims, the aggregate of the latter should be shown as a footnote to Exhibit 1.

Line 1. Enter total renegotiable and non-renegotiable sales on Line 1, in the appropriate columns. If your aggregate net sales shown on this line are not in agreement with sales shown in your published income statement or your audit report, submit a reconciliation of such variation.

Lines 2, 3, 4, and 7. In allocating costs and expenses between renegotiable and non-renegotiable business, the contractor's cost system, if adequate, should be employed. Otherwise, percentages or other formulae may have to be used, either as to individual products or groups of products, or by departments, divisions, etc. Each major item of selling and general expenses should be allocated in accordance with the most equitable method in view of the particular situation. The amounts reported in columns (B) and (D) of line 7 should be those costs and expenses incurred or accrued and allocated to CPFF contracts in accordance with the contractor's system of accounts, rather than the amount of reimbursable cost and expense.

Line 9. Other income.

Line 10. Other deductions.

Lines 9 and 10, a., b., c. Amounts representing non-operating income and expenses, which are wholly or partially applicable to renegotiable business, should be entered on lines 9a and 10a, respectively.

Losses from write-downs and disposal of inventory items (if significant) should be entered on line 10c and not merged with cost of sales. Non-operating items not applicable to renegotiable business should be entered on lines 9b and 10b. Examples of these are profit on disposal of fixed assets, adjustments applicable to prior years, dividends received, write-off of intangibles, etc.

Lines 18a to 1. Cost of Goods Sold. The cost of goods sold summary illustrated contemplates the summarization of the cost of sales by account classifications reflecting beginning and ending inventories.

If the contractor's cost system does not lend itself readily to the captions provided under this heading, the contractor may submit in lieu thereof a schedule prepared from his own classification of accounts. Where unit costs are compiled, an over-all approximation (expressed either in dollars or per cent) of the material, labor, and overhead elements will be sufficient. While it is desired that the schedule of cost of sales be filled-in, it is not required if the allocation would cause an undue amount of work on the part of the contractor, or if the cost of sales is allocated in proportion to the dollar value of sales, but the reasons for omissions should be stated.

Line 20, Selling and Advertising Expenses. If the contractor's accounts contain any significant amounts included under captions not listed, a separate schedule should be submitted. Salaries should include all forms of compensation, that is salaries, bonuses, etc.

Line 20b applies only to commissions paid to non-employees, such as brokers, manufacturers' agents, etc.

As to Advertising, it is important that § 423.387–2 of this chapter be reviewed.

Line 21. General and Administrative Expenses. Six lines have been provided for the insertion of any relatively large items. Should the captions and lines provided be considered inadequate, a separate schedule should be submitted, in line with the classifications customarily used by the contractor.

PART 428—STATUTES, ORDERS AND DIRECTIVES

RAW MATERIALS EXEMPTION

The following amendment is made to § 428.841 of Subpart D of Part 428 of this subchapter.

§ 428.841 *Raw materials exemption.* The Military Renegotiation Policy and Review Board has determined that contracts and subcontracts for any of the following products are exempt from renegotiation pursuant to provisions of subsection (i) (1) (B) of the Renegotiation Act of February 25, 1944, as amended, adopted by reference by section (d) of the 1948 act, and that said products shall be added to the list of products heretofore determined to be so exempt (15 F. R. 5197). See § 423.343–1 of this subchapter.

NOTE: This list may be modified from time to time.

Timber, standing; logs; logs sawed into length, and logs with or without bark.

(Sec. 3, 62 Stat. 259; 50 U. S. C. App. Sup., 1193)

Adopted by the Board: July 6, August 4, September 1, 1950.

FRANK L. ROBERTS,
Chairman, Military Renegotiation Policy and Review Board.

[F. R. Doc. 50–8185; Filed, Sept. 18, 1950; 8:55 a. m.]

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 881—PERSONNEL REVIEW BOARDS

MISCELLANEOUS AMENDMENTS

Sections 881.2, 881.3 (a), 881.5 (a) and (b), and 881.10 (a) are amended as follows:

§ 881.2 *Authorization and jurisdiction.* (a) The Board is an administrative agency, established in the Office of the Secretary of the Air Force, pursuant to section 207 of the Legislative Reorganization Act of 1946 (60 Stat. 837; 5 U. S. C. 191a), National Military Establishment Transfer Order 23 (13 F. R. 5837), Joint Army and Air Force Adjustment Regulations 1–11–45, October 7, 1948, and National Military Establishment Transfer Order 40 (14 F. R. 4908), as amended by Department of Defense Amendment One thereto (14 F. R. 6411), which authorize the Secretary of the Air Force to correct any military record under the jurisdiction of the Department of the Air Force or of the United States Air Force where in his judgment such action is necessary to correct an error or to remove an injustice. Section 131 of the Legislative Reorganization Act of 1946 (60 Stat. 831) provides that no bill authorizing or directing the correction of a military record shall be received or considered in either the Senate or the House of Representatives. This statutory authority, therefore, is construed as a substitute for the correction of military records by Congressional action and as conferring jurisdiction upon the Secretary of the Air Force, consistent with existing law, substantially equivalent to that previously exercised by the Congress (40 Ops. Atty. Gen. 504).

(b) Unless directed by the Secretary of the Air Force, or the designated official acting for him, the Board will not review any case in which final action has been taken by him or by higher authority. No application will be considered until the applicant has exhausted all remedies afforded him by existing law or regulations.

§ 881.3 *Application.* (a) The applicant for relief will submit a written request on Department of Defense Form 149, Application for Correction of Military or Naval Record, to the Secretary of the Air Force, Attention: Headquarters United States Air Force, Air Adjutant General, Washington 25, D. C. Copies of Department of Defense Form 149 may be obtained from Headquarters United States Air Force, Air Adjutant General, Washington 25, D. C.

* * * * *

§ 881.5 *Hearing.* (a) When an application is found to be within the jurisdiction of the Board and when the Air Adjutant General has determined that all other appeal channels have been exhausted, the applicant will be entitled to appear before the Board in open session, either in person or by counsel of his own selection. At the discretion of the Board, the applicant may present witnesses to testify in support of his claim. As used in §§ 881.1 to 881.13 the term "counsel" will be construed to include members of the Federal bar in good standing, the bar of any State in good standing, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (sec. 200, 49 Stat. 2031; 38 U. S. C. 101), and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review. In no case will the expenses of the applicant or expenses or compensation of witnesses or counsel for the applicant be paid by the Government.

(b) In each case in which hearing is granted the Board will transmit to the applicant a written notice stating the time and place of hearing. The notice will be mailed to the applicant at least 30 days prior to the date of hearing. The applicant must inform the Board in writing after receipt of notice of hearing and at least 15 days before the date of the hearing that he and/or witnesses or counsel will be present at the time and place set for the hearing. The applicant will be responsible for notifying his witnesses, if any. The record will contain evidence that written notice was given the applicant, and the time and manner thereof.

* * * * *

§ 881.10 *Transmittal of records and action.* (a) The record of proceedings and the recommendation of the Board will be forwarded to the Secretary of the Air Force or the designated official acting for him. After review, the Secretary, or the designated official acting for him, will issue a directive to the Chief of Staff, United States Air Force, Washington 25, D. C., for appropriate action.

* * * * *

[AFR 31–3A] (Sec. 207, 60 Stat. 837; 5 U. S. C. 191a)

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force, Air Adjutant General.

[F. R. Doc. 50–8130; Filed, Sept. 18, 1950; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—National Production Authority, Department of Commerce

[NPA Reg. 1]

PART 10—INVENTORY CONTROL

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. Consultation with industry representatives in advance of the issuance of this regulation has been rendered impracticable by the fact that the regulation applies to all trades and industries.

Sec.
10.1 Purpose.
10.2 Materials covered.
10.3 Persons affected.
10.4 Practicable minimum working inventory.
10.5 Restriction on receipts.
10.6 Restriction on delivery.
10.7 Restriction on ordering.
10.8 Adjustment of orders.
10.9 Receipts permitted after adjustment of orders.
10.10 Separate operating units.
10.11 Imported materials.
10.12 Minimum sales quantity.
10.13 Defense against claims for damages.
10.14 Records, reports and audits.
10.15 Applications for adjustment or exception.
10.16 Violations.

AUTHORITY: §§ 10.1 to 10.16 Issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 12, 1950, 15 F. R. 6105.

§ 10.1 *Purpose.* The purpose of this part is to prevent the accumulation of excessive inventories of materials in short supply. It does this by limiting the quantities of such materials that can be ordered, received, or delivered.

§ 10.2 *Materials covered.* This part applies only to those materials listed in the attached Table I in the shapes and forms therein specified.

§ 10.3 *Persons affected.* This part does not apply to ultimate consumers buying for personal or household use but does apply to everyone else buying or selling either for use or for resale (including resale in export trade).

§ 10.4 *Practicable minimum working inventory.* As used in this part, the term "practicable minimum working inventory" means the smallest quantity of material from which a person can reasonably meet his deliveries or supply his services on the basis of his currently scheduled method and rate of operation. In the absence of unusual circumstances, if the ratio of a person's inventory to his currently scheduled operations is substantially greater than the ratio which he found it necessary to maintain between inventory and operations during the recent past, his inventory will be considered excessive.

§ 10.5 *Restriction on receipts.* (a) No person may receive or accept delivery of material listed in table I if his inventory of that material is, or by such receipt would become, more than a practicable minimum working inventory.

(b) In figuring his inventory, a person must include all such material in his possession or held for his account by others but not that held by him for the account of others. Material is considered to be in inventory until actually put into process or actually installed or assembled.

(c) This part does not provide for disposal of excess inventory which may be on hand. Excess inventory may, however, be subject to requisition, under certain circumstances, as provided in section 201 (a) of Title II of the Defense Production Act of 1950.

(d) Any person engaged in a seasonal business or industry who normally stocks inventory in advance of the season may, notwithstanding the restriction in paragraph (a) of this section, accept such advance delivery of his seasonal requirements provided that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated seasonal requirements.

§ 10.6 *Restriction on delivery.* No person may deliver any material if he knows or has reason to believe that his customer is not permitted to receive it under this part.

§ 10.7 *Restriction on ordering.* (a) No person may place any order calling for delivery of any material earlier or in larger amounts than he would be permitted to receive under this part.

(b) A person may not place orders with different suppliers totalling more than he is permitted to receive even though he intends to cancel one or more of the orders before delivery.

§ 10.8 *Adjustment of orders.* (a) Outstanding orders, placed before the effective date of this part, for delivery earlier or in greater quantities than a person is permitted to receive, must be promptly cancelled, reduced or deferred to the extent that the original scheduled delivery would result in his exceeding his practicable minimum working inventory.

(b) A person whose requirements change, either because of an alteration in operations, slowing or stoppage of production, delayed delivery by suppliers, or otherwise, must promptly cancel, reduce or defer his outstanding

orders to the extent that the original scheduled delivery would result in his exceeding his practicable minimum working inventory.

§ 10.9 *Receipts permitted after adjustment of orders.* Where a person has promptly adjusted his outstanding orders as required by § 10.8, delivery of the material involved may be made and received and the restrictions on receipts may be exceeded to the following extent only:

(a) Delivery may be made and accepted if the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust.

(b) Delivery may be made and accepted of any special item which the supplier actually has in stock or in production, or for the production of which he has acquired special components or special materials. For the purpose of this part, a special item is one that the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others.

(c) Delivery may be made by, and accepted from a producer, if the material has already been produced or is in production before receipt of the instruction to adjust and cannot be used to fill other orders on the producer's books.

§ 10.10 *Separate operating units.* In the case of a person who keeps separate inventory records for them, this part applies to each such operating unit independently.

§ 10.11 *Imported materials.* A person may import any material acquired prior to landing without regard to the inventory restrictions of this part. However, if his inventory of a material thereby becomes in excess of the amount permitted, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this part do apply to any deliveries of the imported material he makes, and to the amount of it that any person accepting delivery from him is permitted to receive.

§ 10.12 *Minimum sales quantities.* In the case of materials that are mass produced or are normally marketed only in minimum sales quantities, a person may order and receive from a producer a minimum production run of such a material, or from any other supplier a minimum sales quantity, provided it is not practicable for him to procure his needs from other suppliers in smaller quantities, even though his inventory of such material is thereby increased beyond a practicable minimum working inventory. He may not receive additional quantities, however, until his inventory is reduced below a practicable minimum working inventory.

§ 10.13 *Defense against claims for damages.* Persons complying with this part are entitled to the protection afforded by section 707 of the Defense Production Act of 1950, which provides in part that "No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from his compliance with a rule, regulation, or order issued pursuant to this act, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid."

§ 10.14 *Records, reports and audits.* (a) From the date of issuance of this part, each person subject to its provisions shall retain in his possession the records which he customarily maintains of inventories, receipts, deliveries and use. This does not require any addition to present accounting records and methods and does not specify any particular accounting method.

(b) Persons subject to this part shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act.

(c) All records required shall be made available at the usual place of business where maintained, for inspection and audit by duly authorized representatives of the National Production Authority.

§ 10.15 *Applications for adjustment or exception.* Any person affected by any provision of this part may file an application for an adjustment or exception upon the ground that such provision works an exceptional and unreasonable hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense program. All such applications, as well as any other letters or questions, should be addressed to the National Production Authority, Washington 25, D. C., Ref: R–I.

§ 10.16 *Violations.* Any person who wilfully violates any provision of this part, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to compel necessary adjustment of his inventories or to suspend his privilege of making or receiving further deliveries of materials subject to this part.

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall take effect on September 18th, 1950.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] WILLIAM H. HARRISON,
Administrator.

TABLE I—MATERIALS TO WHICH THIS REGULATION APPLIES

BUILDING MATERIALS

Portland cement.
Gypsum board, sheathing and lath.

CHEMICALS

Alcohol, industrial (ethyl alcohol).
Benzene (benzol).
Caustic soda, all grades, liquid and solid.
Chlorine, gaseous and liquid.
Glycerine, crude and refined.
Soda ash (sodium carbonate), all grades.

FOREST PRODUCTS

Lumber:
Softwood and hardwood, rough-sawed, dressed, or worked to a pattern, including: box, crates and package shook manufactured from sawed lumber; softwood cut stock, and hardwood small dimension stock; but not including railway cross ties, mine ties and hardwood flooring.
Softwood plywood:
Softwood plywood including: softwood plywood made in hardwood plywood mills; plywood which has a softwood face; and softwood plywood which has been overlaid with paper, plastic, metal, or other material, but not including hardwood veneer.
Wood pulp:

IRON AND STEEL

Iron:
Pig iron.
Gray iron castings, rough and semifinished; malleable iron castings, rough and semifinished.
Steel (Carbon and alloy, including stainless)
Ingots and semifinshed steel, including skelp; steel castings, rough and semifinished; structural shapes and piling; plates; rails and track accessories; wheels and axles; bars, including reinforcing and cold finished bars; standard pipe and tubing; wire, wire rods and wire products; tin plate, terne plate and black plate; hot rolled sheet and strip; cold rolled sheet and strip; galvanized sheet and strip; electrical sheet and strip; and other mill shapes and forms.
Forgings, rough.
Iron and steel scrap.

METALS AND MINERALS

Aluminum:
Primary and secondary in crude form.
Semifabricated shapes: castings (including die); plate, sheet and strip; rolled structural shapes, rod, bar and wire; extruded shapes; tube blooms and tubings; powder, flake and paste.
All aluminum and aluminum base scrap containing commercially recoverable aluminum.
Columbium:
Ferro-columbium, potassium columbium fluoride, columbium oxide, and columbium carbide.
All scrap or secondary material containing commercially recoverable columbium.
Cobalt:
Cobalt, the element in any form and combination with other elements in which cobalt is an essential constituent, except: cobalt concentrates; cemented carbide tipped tools, cast cobalt-chrome-tungsten-molybdenum tools, alloy hard-facing welding rods and materials, and paints, varnishes, lacquers, inks, and similar products, containing cobalt driers.
All scrap or secondary materials containing commercially recoverable cobalt.
Copper:
Refined copper (fire refined and electrolytic).
Secondary copper and copper-base alloys.
Copper and copper base alloys: alloy plate, sheet and strip; alloy rod, bar and wire (including extruded shapes); alloy tube and pipe; unalloyed rod, bar and wire (including extruded shapes); unalloyed tube and pipe; copper wire and wire products; copper and copper-base alloy castings.
All copper and copper base alloy scrap containing commercially recoverable copper.
Magnesium:
Magnesium, primary and secondary ingots.
Semifabricated shapes.
All magnesium base alloy scrap containing commercially recoverable magnesium.
Manganese:
Manganese metal, ferro-manganese, spiegeleisen and all other compounds and alloys in which manganese is an essential and recognizable component.
All scrap and material containing sufficient manganese to be of commercial value.
Nickel:
Nickel, alloyed or unalloyed.
Imported nickel matte.
Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).
Nickel and nickel alloy, secondary.
Nickel and nickel alloy, semifinished; bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip and similar mill products not further manufactured.
All nickel and nickel base alloy scrap and nickel silver scrap containing commercially recoverable nickel.
Tin:
Tin, primary and secondary.
All tin and tin base alloy scrap containing commercially recoverable tin.
Tungsten:
Tungsten, in any form or shape into which it may be fabricated: except such finished forms as are fabricated for installation (without further processing) into electrical communication systems, incandescent lamps, and electronic equipment such as radio, radar and similar products.
Tungsten, ferro, metal powder and any other ferrous combination of the element tungsten in semimanufactured or manufactured form, excluding alloy steel, high speed steel and tool steel.
Tungsten, all nonferrous mixtures or alloys containing tungsten, prepared for any purpose requiring further processing, whether the same or manufactured by means of melting, pressing, sintering, brazing, soldering or welding, including but not limited to mixtures or alloys to be used in the production of tools and tool blanks or as hard facing materials; but not including any finished tools.
Tungsten, all chemical compounds having tungsten as a recognizable and essential component.
Tungsten, all scrap or secondary material containing commercially recoverable tungsten.
Zinc:
Zinc, slab (all grades).
Zinc, base alloy in crude form.
Zinc, dust and oxide.
Zinc, and zinc-base alloy scrap containing commercially recoverable zinc.
Nonferrous scrap not covered above.

RUBBER MATERIALS

Natural rubber, dry latex.
Synthetic rubbers, including latices, GR–S, butyl, neoprene, and N-types.

TEXTILE MATERIALS

Burlap (Hessian).
Cotton pulp.
High tenacity rayon yarn.
Nylon staple and nylon filament yarn.

[F. R. Doc. 50–8241; Filed, Sept. 18, 1950; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 41—THE PRIVACY AND SAFEGUARDING OF THE MAILS

MAIL RECEIVED UNSEALED OR IN BAD ORDER; PARCELS

In § 41.15 *Mail received unsealed or in bad order* (39 CFR 41.15), amend paragraph (b) to read as follows:

(b) *Parcels.* (1) When a parcel in bad order is received in transit in a post office or by a postal transportation clerk, it will be endorsed "Received in Bad Condition at _____," and dated with an appropriate stamp. It will be reconditioned if necessary, and if improper handling on the part of a certain railroad employee, star route carrier, mail messenger, etc., contributed to the damage, a report of the essenial facts will be made on Form 5257 (No duplicate copy to be made) to the district superintendent, Postal Transportation Service, of the district in which the office discovering the damaged parcel is located. The same procedure will be followed at the post office of address before delivery, unless the parcel has already been endorsed "Received in Bad Condition at _____." Damage due to fires occurring in a storage car, railway post office car, or other Postal Transportation Service unit, except in joint stations, shall not be reported on Form 5257 when more than 10 parcels are involved, but general report thereof shall be made.

(2) Transfer clerks in railroad stations may open parcels at the rewrap table if necessary in order to obtain essential information for the complete preparation of Form 5257. Other postal transportation clerks may hand transfer clerks the parcel and a brief statement of facts written on a facing slip whenever a bad order parcel is handled under the same conditions mentioned above, and it is impossible to furnish all the information required on Form 5257 without opening the parcel.

(3) When a bad order domestic parcel is reconditioned at the post office of address, the clerk at the rewrap table will fill out card Form 1833 and notify the office of mailing when the damage can be attributed to improper preparation for mailing, except that not more than 10 of these forms will be filled out in any one day. These forms should be completed at different times on different days in order that they may be representative of all incoming mails. The contents will be appropriately described on this form in a brief manner, such as, eggs, hardware, printed matter, clothing, rubber goods, glassware, books, and the like.

(4) When Form 1833 is received at the office of mailing, and the office is of the first class, it will be referred to a designated supervisor for corrective action with the mailer. Corrective action may be in the form of a brief letter, a telephone call, or a personal visit to a firm when three or more forms have been received. Corrective action will be the responsibility of the postmaster at all other class post offices. Separate alphabetical firm and private individual files will be maintained at first-class post offices. These forms will be retained 6 months at all post offices.

NOTE: See §§ 59.84 and 59.86 of this chapter as to registered matter received unsealed or in bad order.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50–8134; Filed, Sept. 18, 1950; 8:45 a. m.]

PART 45—DEAD MAIL MATTER

WAR SAVINGS SECURITIES

In § 45.11 *Disposal of letters containing valuables* (39 CFR 45.11) amend paragraph (c) to read as follows:

(c) *War savings securities.* Any war savings securities, either registered or unregistered, which shall be found in unclaimed letters, or be found loose in the mails, in railway postal cars, letter boxes, or on post office premises, shall, with the single exception hereinafter noted, be delivered to the Bureau of Finance for disposition, the proceeds of which shall be deposited as Miscellaneous Receipts of the Postal Service. The single exception referred to is that securities of the 1918–21 series affixed to a certificate or card on which the name of a person has been inscribed, shall be transmitted to the Secretary of the Treasury, Division of Loans and Currency, Washington, D. C., for disposition.

(R. S. 161, 396, 3938, as amended, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 408)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50–8139; Filed, Sept. 18, 1950; 8:46 a. m.]

PART 97—STAR, STEAMSHIP, AND STEAMBOAT ROUTES, AND VEHICLE SERVICE IN CITIES

PART 135—GENERAL

NEW CONTRACTS; RETIRED BONDS

a. In § 97.29 *New contracts* (39 CFR 97.29), amend the first paragraph of paragraph (b) to read as follows:

(b) *With present contractors or subcontractors.* The Postmaster General may, in his discretion and in the interest of the postal service, (1) notwithstanding the provisions of section 3949 of the Revised Statutes, as amended (39 U. S. C. 429) (§ 97.28), by mutual agreement with the holder of any star-route contract, renew such contract at the rate prevailing at the end of the contract term for additional terms of four years with such bond as may be required by the Postmaster General, or (2) in any case in which a contractor has sublet the route in accordance with law and does not indicate in writing to the Postmaster General at least ninety days before the end of the contract term that he desires to renew the contract, the Postmaster General may enter into a contract upon the same terms with such bond as may be required by the Postmaster General, without advertising the route for bids, with a subcontractor then operating the route who has performed the services required under the contract to the satisfaction of the Postmaster General for a period of at least one year. Any such contract may be terminated at the end of any four-year term at the option of the Postmaster General or the contractor or terminated at any time by operation of any existing law.

(R. S. 3951, as amended; 39 U. S. C. 434; Pub. Law 577, approved June 27, 1950)

b. In § 135.15 *Bonds of carriers in the Rural Delivery Service* (39 CFR 135.15; 15 F. R. 1891), amend paragraph (e) to read as follows:

(e) *Retired bonds.* All retired bonds should be kept on file by the disbursing postmaster and under no circumstances returned to the sureties. Such bonds may be disposed of in accordance with the provision of § 6.21, Postal Laws and Regulations, five years after the services of the employee have been terminated.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 50-8135; Filed, Sept. 18, 1950; 8:46 a. m.]

PART 114—TREATMENT OF MAILS: POSTAGE REFUNDS: INTERNATIONAL REPLY COUPONS: DISPOSITION OF FOREIGN DEAD MATTER

WAYBILLS

In § 114.21 *Waybills* (39 CFR 114.21), amend paragraghs (a) and (b) to read as follows:

§ 114.21 *Waybills*—(a) *For closed foreign mails.* Inland waybills shall be prepared and shall accompany all diplomatic pouches in transit through the United States. Inland waybills shall also be prepared for ordinary closed mails for foreign countries made up at United States exchange offices in transit through the United States to ports of exit. Any such registered closed mails shall be billed on manifold registry bills. Closed mails of foreign origin and destination in transit through the United States (foreign closed transit mails) shall not be accompanied by waybills. Any such registered closed transit mails shall be billed on manifold registry bills.

(b) *Preparation and checking.* The inland waybills mentioned in paragraph (a) of this section (except those covering diplomatic pouches) shall not accompany the mails but shall be forwarded by air direct by the office preparing the dispatches to the post office of the port of exit and upon arrival there these closed mails shall be checked with the waybills. The inland waybills and the manifold registry bills mentioned in paragraph (a) of this section covering the closed mails made up at United States exchange offices in transit through the United States to ports of exit, shall include the net weight of each class of mail (letters, prints, and parcel post separately) for each country of destination, as well as the total number of sacks for each country comprising the dispatch. Mails exchanged between Canada, Cuba, and Mexico (mails from any of which countries, when addressed to either of the others) will pass through the United States under the original waybill prepared by the foreign office of origin and will be checked against such waybills.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 50-8136; Filed, Sept. 18, 1950; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

GERMANY, PARAGUAY, AND SWEDEN

a. In § 127.264 *Germany* (39 CFR 127.264) make the following changes:

1. Amend paragraph (a) (7) by deleting subdivision (iii) and by amending subdivision (vii) to read as follows:

(vii) Box numbers may be used as part of the address provided the name of the box holder is shown.

2. Amend paragraph (a) (8) by deleting subdivision (vii) and by amending subdivision (xiii) to read as follows:

(xiii) To the Soviet Zone, including the Soviet Sector of Berlin, the following are prohibited in addition to the foregoing:

Photographic and microphotographic films.
Cigarettes and other tobacco products.

b. In § 127.326 *Paraguay* (39 CFR 127.326) amend paragraph (b) (6) to read as follows:

(6) *Observations.* (i) Addresses in Paraguay must present import permits in order to effect the customs clearance of all parcels, regardless of value. Parcels are accepted for mailing with the understanding that responsibility for producing the required import permits rests with the addressee.

(ii) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

c. In § 127.359 *Sweden* (39 CFR 127.359) amend subdivision (iv) (*d*) of paragraph (b) (4) to read as follows:

(*d*) Tobacco in any form, unless addressed to the Tobacco Monopoly. However, manufactured tobacco may be imported for the Royal Family and by envoys accredited to the Swedish Court for personal use, and by authorized tobacco dealers. Machines, tools, and paper for tobacco manufacture require government authorization to be imported.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 50-8138; Filed, Sept. 18, 1950; 8:46 a. m.]

PART 151—PROCEDURE BEFORE THE SOLICITOR

Correction

In Federal Register Document 50-7969, published at page 6081 in the issue for Saturday, September 9, 1950, the following change should be made:

The sixth line of § 151.10 (b) should read "the event of the refusal by the respond-".

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 865, Amdt. 1]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of September A. D. 1950.

Upon further consideration of Service Order No. 865 (15 F. R. 6197), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars*, of Service Order No. 865 be, and it is hereby further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Effective date.* This section shall become effective at 7:00 a. m., September 20, 1950, and the provisions of this section shall apply to all chargeable detention occuring on and after the effective date and hour hereof.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C. and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8154; Filed, Sept. 18, 1950; 8:49 a. m.]

[S. O. 866, Amdt. 1]

PART 95—CAR SERVICE

RAILROAD OPERATING REGULATIONS FOR FREIGHT CAR MOVEMENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of September A. D. 1950.

Upon further consideration of Service Order No. 866 (15 F. R. 6198), and good cause appearing therefor: It is ordered, that:

Section 95.866 *Railroad operating regulations for freight car movement*, of Service Order No. 866 be, and it is hereby further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Effective date.* This section shall become effective at 7:00 a. m., September 20, 1950.

It is further ordered, that a copy of this order and direction shall be served upon the State railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8155; Filed, Sept. 18, 1950; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

UNITED STATES STANDARDS FOR APPLES

EXTENSION OF TIME

Notice is hereby given of the extension until March 31, 1951, of the period of time within which written data, views, and arguments should be submitted by interested parties for consideration prior to the issuance of United States Standards for Apples.

The proposed standards are set forth in the notice (F. R. Doc. 50-6758; F. R. 4950) which was published in the FEDERAL REGISTER on August 2, 1950.

Done at Washington, D. C., this 12th day of September 1950.

[SEAL] JOHN I. THOMPSON, *Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 50-8168; Filed, Sept. 18, 1950; 8:52 a. m.]

[7 CFR, Part 51]

UNITED STATES CONSUMER STANDARDS FOR APPLES

EXTENSION OF TIME

Notice is hereby given of the extension until March 31, 1951, of the period of time within which written data, views, and arguments should be submitted by interested parties for consideration prior to the issuance of United States Consumer Standards for Apples.

The proposed standards are set forth in the notice (F. R. Doc. 50-6760; 15 F. R. 4953) and amendment (F. R. Doc. 50-7318; F. R. 5618) which were published in the FEDERAL REGISTER on August 2, 1950, and August 22, 1950, respectively.

Done at Washington, D. C., this 13th day of September 1950.

[SEAL] JOHN I. THOMPSON, *Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 50-8169; Filed, Sept. 18, 1950; 8:52 a. m.]

[7 CFR, Part 919]

[Docket No. AO-220]

HANDLING OF IRISH POTATOES GROWN IN UPSTATE NEW YORK

FINDINGS AND DETERMINATIONS ON RESULTS OF REFERENDUM ON PROPOSED MARKETING ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Syracuse, New York, on May 15-17, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 2364), upon a proposed marketing agreement and a proposed marketing order regulating the handling of potatoes grown in New York (except the counties of Suffolk, Nassau, Queens, Kings, New York, Bronx, and Richmond). The recommended decision (15 F. R. 4399) of the Assistant Administrator, Production and Marketing Administration, and the decision (15 F. R. 5095) of the Secretary of Agriculture, setting forth a proposed marketing agreement and order as the appropriate and detailed means for effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, were published in the FEDERAL REGISTER on July 12 and August 8, 1950, respectively. The Secretary also issued an order (15 F. R. 5101) directing that a referendum be conducted among producers of potatoes in New York (except the counties of Suffolk, Nassau, Queens, Kings, New York, Bronx and Richmond) to determine whether the requisite majority of such producers favor the issuance of the proposed marketing order.

It is hereby found and determined, on the basis of the results of the referendum conducted pursuant to the aforesaid referendum order, that the issuance of the proposed marketing order regulating the handling of Irish potatoes grown in New York (except the counties of Suffolk, Nassau, Queens, Kings, New York, Bronx, and Richmond), is not approved or favored by the requisite percentage of producers or of the total volume of production voting in the aforesaid referendum.

It is hereby further determined that the proposed marketing order set forth in the Secretary's decision of August 3, 1950 (15 F. R. 5095), cannot be made effective because of the failure of producers to approve or favor its issuance by the requisite percentage of producers or of the total volume of production voting in the referendum conducted among such producers.

Done at Washington, D. C., this 14th day of September 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 50-8188; Filed, Sept. 18, 1950; 8:56 a. m.]

[7 CFR, Part 934]

[Docket No. AO-83 A 14]

HANDLING OF MILK IN LOWELL-LAWRENCE, MASS., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lawrence, Massachusetts, on June 26, 27 and 28, 1950, pursuant to notice thereof which was issued on June 13, 1950 (15 F. R. 3940).

A recommended decision and opportunity to file written exceptions with respect to the issues raised at the aforesaid public hearing was filed with the Hearing Clerk, United States Department of Agriculture, on August 23, 1950 (15 F. R. 5762). Exceptions have been filed to that recommended decision and were considered in arriving at the findings and conclusions contained herein. The material exceptions are discussed specifically in the findings and conclusions with respect to the points to which such exceptions refer. However, to the extent that the findings and conclusions contained

herein are at variance with any exception pertaining thereto, such exception is overruled.

The material issues of record related to:

(a) Whether the payments to producers should be blended in a market-wide uniform price.

(b) The provisions to be included in an order providing for a market-wide pool. The evidence on this issue involved:

(1) Definition of "producer," "handler," "pool plant," "city plant," "country plant," "outside milk," "exempt milk" and other terms.

(2) Assignment of classified milk and milk products to receipts from producers and other sources.

(3) Determination of price differentials applicable to Class I and Class II milk at various distances from the market.

(4) Determination of the uniform price to producers with appropriate differentials.

(5) Basis of assessment on milk received from another Federal order market.

Findings and conclusions. Upon the basis of the evidence adduced at the hearing and on the record thereof, it is hereby found and concluded that:

(a) *Market-wide or dealer pool.* The payments by handlers for milk purchased from producers should be blended into a composite uniform price reflecting the value of milk disposed of by all handlers in the market. The dealer pool in the market maintained reasonably uniform prices during the war years when milk supplies were generally short in the region. During those years a high percentage of the milk delivered by producers was used in Class I by all handlers. With the recent increase in supplies of milk in the Lowell-Lawrence market and in the surrounding area, handlers with a relatively high Class I utilization have been able to attract producers from the fringes of the supply area who previously had received prices reflecting considerably more excess milk. Meanwhile, producers nearer to the market have at times been unable to find a market for their milk except as excess milk through the facilities of the local producers cooperative association.

The incentive on the part of handlers purchasing milk on a dealer pool basis to reach out to distant points to purchase milk lies in the possibility that the handler can obtain his entire requirements for Class I use from a region in which producers generally receive a surplus price for a substantial part of their milk deliveries. Producers in such an area are willing to sell to the high Class I use handler even though that handler may charge excessive hauling rates for farm to plant transportation. The disparity in prices paid producers by different handlers in the Lowell-Lawrence market has created a situation in which unwarranted variations in prices paid to farmers for milk results in unequal cost of milk to handlers and consequent instability in the market.

The evidence in the record indicates that handlers have been reaching out for milk supplies beyond the former boundaries of the milkshed. Some of the expansion is necessary to meet increasing fluid milk requirements in the market. However, the record indicates that some handlers purchasing milk at certain points enjoy a substantial competitive advantage over other milk buyers.

The proposed market-wide pool will provide that all handlers in the Lowell-Lawrence market pay a uniform price to producers at similar locations.

The marked difference between the uniform blend price paid to producers supplying the Boston market and the prices paid to certain dealers in the Lowell-Lawrence market invites the Lowell-Lawrence handler to impose on his producers higher hauling charges. The Boston and Lowell-Lawrence milk supply areas are intermingled and the larger Boston market draws considerably more milk from this overlapping area. The proposed market-wide pool provisions are designed to bring about alignment of prices paid producers at competitive points in each of these markets.

(b) From the evidence it is concluded that the proposed amendment providing for a market-wide pool as hereinafter set forth, meets the needs of the Lowell-Lawrence market and will tend to effectuate the declared policy of the act. The following findings and conclusions are made with respect to the applicable provisions of the marketing agreement and order:

(1) *Definitions.* The term "producer" should be defined in order to identify those dairy farmers who are considered the regular source of supply for the market and to whom the uniform market blended price should be paid. Determination of producer status should be made on the basis of delivery of milk from the producer's farm to a pool plant. Dairymen who deliver milk to pool plants in such a way that the milk is not available regularly to the market should be identified as "dairy farmers for other markets." The proposed method of determining which plants are pool plants is discussed later in this section.

The term "handler" shall be defined so as to identify the operator of a plant as the person responsible for reporting the receipts and use of milk and for making required payments on such milk. The proposed "pool handler" definition fixes this responsibility for payments to producers on the operator of a pool plant at which the milk is received from farmers. The exception to permit handlers to divert milk from the plant at which it is regularly received to another plant temporarily although the producer is maintained on the payroll of the diverting plant should be continued. The market administrator should be advised of the diversion promptly. This enables the administrator to verify the diversion and maintain the necessary check on the weights and tests of milk diverted.

All bulk milk delivered from a farm to a handler's plant, regardless of whether the dairy farmer is also a handler, should be regarded as a delivery by a dairy farmer. It was suggested at the hearing that dairy farmers who are also handlers be permitted to deliver a limited quantity of milk to another handler for processing on a price exempt basis. Several producers who have milk processed by handlers on an exempt basis at the present time opposed any limitation on this privilege.

The proposed market-wide pool provides that all producers delivering bulk milk to handlers in the market receive the same uniform blended price. Several dairy farmers would be required to accept a blended price under this plan whereas they have been receiving the full Class I price.

None of these dairy farmers or any other dairy farmers or handlers indicated at the hearing any objection to the exemption from pooling requested by the dairy farmers who deliver bulk milk to handlers for processing and return to the same farmers. The number of persons and the quantity of milk affected by this type of transaction is small and is apparently considered no threat to market stability by the persons who would participate in the proposed market pool. It is concluded, therefore, that dairy farmers who deliver milk to handlers for packaging and return to them be exempt at this time from pooling on that quantity of milk. If the exempt milk does grow to a volume which threatens market stability, we can expect those producers and handlers who are participants in the market pool to request immediate amendment to the order to limit the exemption.

The term "exempt milk" should be defined to identify the quantity of milk packaged by a handler for a dairy farmer.

The definition of "pool plants" as those which meet specific requirements is necessary to establish their relation to the market as a regular or reserve supply. The provisions governing pool plant status determine which dairy farmers are to be included in the market-wide pool.

Pool plant status was proposed for all city plants provided that 10 percent of the plant's total receipts of fluid milk products were disposed of in the marketing area, and for all city plants operated by cooperative associations of producers. The 10-percent requirement for pooling permits fringe area handlers to avoid pooling if they have only a small part of their business in the area. Applicable licensing requirements of the local health authorities are a further condition of pooling for all plants defined as city or country plants. The proposed method for qualifying city plants is similar to that effective in the Boston, Springfield, and Worcester markets. No objection to these requirements for qualification was indicated at the hearing except with reference to the inclusion in this category of one plant operated by a cooperative association at a location about 30 miles from the cities of Lowell and Lawrence. The definition proposed herein does not include as a city plant this particular plant. The only plant of a cooperative association which would be covered by this provision is a plant located within the marketing area and used primarily to process surplus milk diverted to it by handlers.

The proposed basis for qualifying city plants as pool plants should be adopted.

The supply area for the Lowell-Lawrence market is intermingled with the Boston supply area both near the market and in the country plant area. Country plants supplying other New England markets are located in the same general area. Since the number of milk plants located within an economic distance for shipment of milk to the Lowell-Lawrence market far exceeds the number required to provide an adequate supply to consumers in the area, it is important to establish standards which will identify a plant which is primarily supplying the Lowell-Lawrence Class I milk market.

One proposal made at the hearing would qualify country plants substantially on the basis that 50 percent of the receipts from dairy farmers at such plant were shipped to city plants or directly to consumers in the market area during any of the months of October through February. Such a requirement would operate to include in the pool only country plants which are needed to supply Class I milk to the market in each of these five months to the extent of 50 percent of the plant receipts from dairy farmers.

Several witnesses opposed the condition that a country plant be required to ship 50 percent of its total receipts to the Lowell-Lawrence market during each of the months October through February in order to maintain pool plant status. One handler demonstrated that a plant which had shipped substantial quantities to the market on a regular basis would have been unable to qualify continuously under the 50-percent rule.

An alternative proposal that the handler satisfy a minimum requirement of 50 percent Class I milk at all plants was proposed by this handler. The counter proposal appears to contemplate a minimum Class I use which a handler would have to attain in order to participate in the pool. Utilization of only 50 percent of total milk receipts in Class I is far below the market average and appears to be unreasonably low except for a plant which functions only as a reserve supply for the market. The shipping requirement rather than the handler's Class I utilization appears to be the more reasonable method of determining which plants belong in the market pool.

The 50-percent figure may impose at times on certain handlers an obligation to ship unnecessary quantities of milk to the market in order to maintain qualification. Proponents of the 50-percent proposal observed that the handler could split his shipments with sales to the Springfield and Worcester markets. The reasonableness of this alternative is questionable in view of the distances between the market and the fact that there is now no plant regularly supplying the Lowell-Lawrence market and either the Worcester or the Springfield market. Certain plants do supply the Lowell-Lawrence market and the Boston market but such plants are either Boston pool plants or receive only a Class II credit for milk sent to Boston.

In order to maintain price alignment between the Lowell-Lawrence and Boston markets, it is necessary to assure continued participation in the Lowell-Lawrence market of at least as much country plant milk as was supplied to the market during the first five months of 1950. In order to assure the continued inclusion in the Lowell-Lawrence market of adequate country plant supplies of milk at all plants in the region, the qualifying shipment percentage should be 30 percent for the months October through February. Plants which attain pool status by making such shipments in the months of seasonal short supply should be permitted to retain pool status in the months March through September upon the request of the handler who operates the plant.

Exceptions were filed to the finding that the qualifying percentage should be 30 percent rather than 50 percent on the grounds that handlers would be in a position to withhold from the market 70 percent of the milk receipts at the country plant even though the milk was needed for fluid sales in the city. If the order as a whole encouraged handlers to withhold milk which was needed for Class I uses at the city market, it would be necessary to revise immediately the pricing provisions which gave rise to such a situation. The withholding from the fluid market of 50 percent of the receipts at a plant would be nearly as serious as the withholding of 70 percent. The remedy in such a situation should remove the incentive for withholding needed supplies of milk regardless of the shipping percentage.

The term "city plant" is needed to identify the nearby plants which have direct distribution to consumers in the area and which are located within the area of direct distribution from plants located in the marketing area. Plants located within 10 miles of the boundaries of the marketing area should be designated as "city plants." This area includes about the same territory as that covered by the current provisions of the order and will establish a fringe area of equal width at all points surrounding the area.

It was proposed at the hearing that the "city plant" area be extended to a 30-mile radius measured from the City Halls in Lowell and Lawrence. This proposed extension of the city plant area was intended to include a plant located at Manchester, New Hampshire, which disposed of bulk and packaged fluid milk products to handlers in the marketing area. This plant has retail distribution in the Manchester area in sufficient quantity that it could not qualify for the Lowell-Lawrence pool under a requirement that 50 percent of its total receipts be shipped to the Lowell-Lawrence market during each of the months October through February. This plant, as its operations were described in the record, functions more like a country plant than a city plant with respect to the Lowell-Lawrence market. The record indicates that the plant could have qualified in 1949 and 1950 as a country plant under a requirement that 30 percent be shipped in the qualifying months to the Lowell-Lawrence market.

The 30-mile radius would include urban areas such as Fitchburg, Leominster and Framingham not contiguous to the Lowell-Lawrence area in addition to Manchester. These noncontiguous urban areas are served by milk handlers who do not distribute regularly in the Lowell-Lawrence market. The privilege of participation in the market pool should not be extended to such handlers on the basis of only 10 percent of their sales being made in the area. The requirement that a "city plant" be located within 10 miles of the market area will extend that privilege to plants in a small area surrounding the market without including any large urban area which is not directly bordering on the defined marketing area.

The term "country plant" is needed for convenience in referring to plants which are not defined as "city plants."

The definition of "outside milk" proposed at the hearing and the proposed payments into the pool on outside milk would assure that the Class I price for all Class I milk disposed of in the marketing area was paid to farmers supplying the Lowell-Lawrence Market for another Federal order market where such payment can be verified. It would permit also the disposition of surplus milk to plants in the marketing area or small quantities of milk to consumers without requiring the handler who made the disposition to pool all receipts at his plant. Milk disposed of in the marketing area from plants regulated by another Federal order would be subject to a payment into the Lowell-Lawrence pool only if the price applicable under the Lowell-Lawrence order were higher than the price applicable under the other Federal order.

(2) *Assignment of classified products to various receipts.* No change should be made in the general plan of milk classification. In adapting the order to a market-wide pool, it is necessary to provide specifically for the classification of milk received at pool plants from handlers regulated by other Federal orders. It is desirable to establish a system of assignment of receipts by each handler to allocate the volumes of Class I and Class II utilization between producer milk and nonproducer milk handled at the same plant.

This system of assignment of Class I milk to the plants of each handler, with the bulk of the milk assigned to nearby plants, affects the amount deducted from the value of the pool in the form of transportation differentials. It appears reasonable to require handlers to pay for Class I milk on the basis of most economical movement of such milk to the market. However, since certain country plants regularly supply Class I milk to markets other than Lowell-Lawrence, such direct sales of Class I milk from country plants should be assigned to the country plant from which the disposition was made.

(3) *Differentials applicable to class prices at various locations.* The schedule of price differentials on Class I milk proposed for plants located beyond 40 miles from the market is identical to the schedule of rates effective in the Springfield and Worcester markets. The rates are slightly higher than those established for the Boston market in recognition of the higher cost of transporting smaller quantities to these smaller markets.

Each of these markets is slightly nearer the country milk plant supply area and thus the higher unit cost of transportation is offset by the shorter haul with resulting comparable cost of milk at the same country point.

The present order provides for a reduction of 17 cents in established f. o. b. city prices for all milk received at plants located 21–40 miles from the market. The two cooperative associations, one of which is a cooperative handler whose plant is located outside the city plant area but within 40 miles of Lawrence, proposed that the differential be reduced from 17 cents to 10 cents. However, the representative of the cooperative association handler operating the plant testified that the established class prices less the 17 cents allowed in the present order had not been returned to member producers in current monthly payments during recent months. Since the testimony of the cooperative handler affected by this differential indicates that the cooperative has been deducting a sum greater than 17 cents, there is no reason to believe that the cooperative would not continue to deduct from current payments more than the proposed 10-cent differential. In effect, therefore, the proposed reduction in the differential in this nearby country zone would apply only to handlers who are not cooperative associations.

The 21–40 mile area from the Lowell-Lawrence market lies within the country plant area under the Boston milk order. The differential established under the Boston order for the plant at Manchester, New Hampshire, which is located in this overlapping area would be 38.5 cents less than the Boston and Lowell-Lawrence city plant prices. The price plan proposed herein is designed to bring about reasonable alignment at receiving plants of prices under the Boston and Lowell-Lawrence orders so that the incentive to shift producers or plants from one market to the other is minimized. Increasing the difference in Class I prices applicable in this nearby country plant area would be a move in the opposite direction. Therefore, the 17-cent differential should be continued on Class I milk received at the country plants located less than 41 miles from the City of Lawrence.

The Class II differential for country plants located less than 41 miles from the market should be 2 cents under the proposed schedule as it is under the present order. Although the hearing proposal called for no differential for plants in this zone, no evidence was presented to support a change in the rate.

The mileage distances from the market should be measured from the City Hall in Lawrence. The single basing point in Lawrence rather than the dual points in Lowell and Lawrence makes no significant difference in the zone location of plants or producers now supplying the market.

(4) *Uniform price to producers.* Provision should be made for a market-wide type of pool in order that all producers delivering milk to all handlers may receive a uniform price for all milk so delivered, irrespective of the uses made of such milk by the individual handler to whom it is delivered. This method of paying producers will require a producer settlement fund for making adjustments in payments by handlers so that the total sum paid by each handler shall equal the value of milk received by him and utilized in the classes for which prices are established by the proposed marketing agreement and order.

The uniform price paid to producers should reflect differentials for the location at which the milk is delivered and for the generally higher prices paid to producers located near the sales area.

Differentials which vary with the distance from the market of the plant at which a producer delivers his milk reflect the varying value of the product at different locations. To reflect this value difference, payments to producers in the Lowell-Lawrence area and in other New England markets are modified according to the schedule of differentials applicable to the Class I price. The amount of such differentials is discussed in connection with the previous issue.

A system of differentials to be paid producers located near to the marketing area similar to the plan in effect under the Boston Federal milk order was supported by the producers who proposed the amendment providing for a market-wide type of pool.

Most of the dairy farms in Massachusetts are close to urban centers. This probably explains why prices to Massachusetts farmers for milk sold wholesale average considerably more than the prices paid to Maine, New Hampshire and Vermont producers. The difference is usually more than transportation cost alone.

The nearby-differential plan has been a part of the payment plan in the Boston milk order for many years. The nearby-differential area for the Boston market completely surrounds the Lowell-Lawrence market. Producers in the area need not accept a price less than the Boston price including the nearby differential. The proposed differential plan is necessary in the Lowell-Lawrence market to reflect this customary differential.

The first differential area, or 46-cent zone, would extend 40 miles from the Lowell-Lawrence market and would overlap the Boston 41–80 mile zone at certain points. Certain witnesses at the hearing contended that the boundary of this differential area should correspond to the similar boundary of the 40-mile area from the Boston market. It is true that the Lowell-Lawrence handler will have a competitive buying advantage in this overlapping area. However, the record indicates that in this area there are many farms close together all supplying the Lowell-Lawrence market. No group of producers shipping to the Boston market was described. This is a normal supply area for the Lowell-Lawrence market and should continue to supply that market predominantly.

It was proposed and appears reasonable that the arc outlining the 80-mile distance from Boston should be used to measure the outside boundaries of the intermediate 23-cent differential zone.

Payments to producers should be made twice monthly with the option on the part of the handler to make a total payment in one amount not later than the 17th day after the end of the month. If the handler does not elect to make a final payment as early as the 17th day of the month following that in which the milk is delivered, he must make an advance payment on or before the 10th day after the end of the month in which the milk is delivered and the final payment on the 25th day after the end of the month of delivery. This practice is similar to that effective in other Federal order markets in New England.

(5) *Basis of assessment.* The basis of assessment should be modified to provide for assessing milk received from other Federal order plants in an amount equal to the assessment cost under the Lowell-Lawrence order less the assessment charged under the other Federal order. Other Federal order milk requires the additional expenditure of administrative funds for verification of handlers' reports. This added cost should not be imposed on handlers who purchase milk from producers but should be borne by handlers who purchase other Federal order milk.

Renumbering. The amendment includes in addition to the substantive changes discussed in this decision republication of the entire order to permit renumbering the sections thereof and the redesignation of section headings in compliance with the applicable FEDERAL REGISTER regulations (1 CFR Part 1).

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 14th day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order,[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Marketing Area*

§ 934.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Lawrence, Massachusetts, on June 26, 27, and 28, 1950, upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for milk in the said marketing area and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) *Additional findings.* (1) It is hereby found that a pro rata assessment of handlers on the basis and at the rate set forth in § 934.71, as amended, and as hereby further amended will provide the funds necessary for the maintenance and functions of the market administrator in the administration of this order and such assessment is approved.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 934.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Lowell-Lawrence, Massachusetts, marketing area," also referred to as the "marketing area," means the territory included within the boundary lines of the following Massachusetts cities and towns:

Andover.	Methuen.
Billerica.	North Andover.
Chelmsford.	Tewksbury.
Dracut.	Tyngsboro.
Lawrence.	Westford.
Lowell.	

(c) "Order," used with the name of a marketing area other than the Lowell-Lawrence, Massachusetts, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

§ 934.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk on more than 3 days in any one of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer who ordinarily delivers to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 934.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy farmer who is a producer under the Boston, Worcester, or Springfield orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who in a given month operates a pool plant or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk other than exempt milk from dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products other than cream are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 934.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities, and equipment, whether owned or operated by one or more persons, constituting a single oper-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

ating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "Receiving plant" means any plant currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weight sheets or other records of dairy farmers' deliveries.

(c) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 934.20, 934.21 and 934.22 for being considered a pool plant in that month.

(d) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

(e) "City plant" means any plant which is located within 10 miles of the marketing area.

(f) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

§ 934.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, and reconstituted milk.

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing or is separated from it by centrifugal force, in all forms including sweet, sour, frozen, and aerated cream, and milk and cream mixtures.

(c) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(d) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, and buttermilk, either individually or collectively.

(e) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(f) "Outside milk" means:

(1) All milk received from dairy farmers for other markets.

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except receipts from New York order pool plants which are assigned to Class I milk pursuant to § 934.27 and from regulated plants under the Boston, Worcester, or Springfield orders.

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Boston order, without its intermediate movement to another plant.

(g) "Exempt milk" means milk of a dairy farmer's own production which he delivers in bulk to a plant and for which an equivalent quantity of packaged milk is returned to him during the same month.

MARKET ADMINISTRATOR

§ 934.10 *Designation of market administrator.* The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 934.11 *Powers of market administrator.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 934.12 *Duties of the market administrator.* The market administrator, in addition to the duties described in other sections of this order, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 934.71, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary, publicly disclose, within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 2 days after the date on which he is required to perform such acts, has not made reports or payments pursuant to this order.

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers statistics and information concerning the operation of this order;

(f) Promptly verify the information contained in the reports submitted by the handlers; and

(g) Give each of the producers delivering to a plant as reported by the handler prompt written notice of their actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 934.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 934.16, 934.17 and 934.18, the classes of utilization shall be as follows:

(a) Class I milk shall be all fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as or in milk; and other than as or in flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 934.16 *Classification of interplant movements of fluid milk products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 934.25 and 934.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the Boston, Worcester, or Springfield orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the Boston, Worcester, or Springfield orders, they shall be classified in the same class to which the receipt is assigned under such order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the Boston, Worchester, or Springfield orders, they shall be classified as Class I milk if retransferred to either of these types of regulated or unregulated plants.

§ 934.17 *Classification of interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 934.18 *Responsibility of handlers in establishing the classification of milk.* (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any other milk or milk products received by a handler which is not pool milk, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 934.20 *Requirements for all receiving plants.* Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in § 934.21 or § 934.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) The plant is operated neither as the plant of a producer-handler, nor as a pool plant pursuant to the provisions of the Boston, New York, Worcester, or Springfield orders.

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity, as a producer-handler.

§ 934.21 *Additional requirements for city receiving plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers.

§ 934.22 *Additional requirements for country receiving plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 30 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which is a pool plant continuously from the effective date of this order through February 1951 and any country plant which thereafter is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 934.25 *Assignment of pool handlers' receipts to Class I milk.* For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to § 934.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 934.27.

(c) Receipts of fluid milk products, other than cream and skim milk, from the regulated city plants of other handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to the City Hall in Lawrence.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to the City Hall in Lawrence.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to the City Hall in Lawrence.

(j) Receipts of skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

§ 934.26 *Assignment of pool handlers' receipts to Class II milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 934.25 shall be assigned to Class II milk.

§ 934.27 *Receipts from other Federal order plants.* Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts of fluid milk products, other than cream, from regulated plants under the Worcester or Springfield orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products other than cream at the receiving plant.

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified in Classes I–A or I–B under the New York order.

REPORTS OF HANDLERS

§ 934.30 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 934.25, 934.26 and 934.27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 934.15, 934.16 and 934.17.

§ 934.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 934.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 934.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to each producer with the prices, deductions, and charges involved.

§ 534.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 934.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this section or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this section;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator finds necessary for the purpose specified in this paragraph.

§ 934.36 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASS PRICES

§ 934.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest reported figures available on the next succeeding work day shall be used:

(a) Divide by .98 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period.

(b) Divide by 3 the sum of the three latest monthly indexes of department store sales in the Boston Federal Reserve District adjusted for seasonal variations, as reported by the Federal Reserve System, with the years 1935–39 as the base period, and divide the result so obtained by 1.26.

(c) Compute an index of grain-labor costs in the Boston milkshed in the following manner:

(1) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed, as reported by the United States Department of Agriculture, divide by 0.5044 and multiply by 0.6.

(2) Compute the weighted average of the monthly composite farm wage rates for the latest available month for Maine, Massachusetts, New Hampshire, and Vermont, as reported by the United States Department of Agriculture, divide by 0.5952, and multiply by 0.4. In computing the weighted average, weight the respective rates as follows: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77.

(3) Add the results determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Divide by 3 the sum of the final results computed pursuant to the preceding paragraphs of this section. Express the result as a whole number by dropping fractions of less than one-half or by raising fractions of one-half or more to the next whole number. The result shall be known as the formula index.

(e) Subject to the succeeding paragraphs of this section, the Class I price per hundredweight at city plants shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Formula index	Class I Price per Hundredweight		
	Jan.-Feb.-Mar.-July-Aug.-Sept.	April-May-June	Oct-Nov.-Dec.
80–86	$2.21	$1.77	$2.65
87–63	2.43	1.99	2.87
64–70	2.65	2.21	3.09
71–77	2.87	2.43	3.31
78–84	3.09	2.65	3.53
85–90	3.31	2.87	3.75
91–97	3.53	3.09	3.97
98–104	3.75	3.31	4.19
105–111	3.97	3.53	4.41
112–118	4.19	3.75	4.63
119–125	4.41	3.97	4.85
126–132	4.63	4.19	5.07
133–139	4.85	4.41	5.29
140–146	5.07	4.63	5.51
147–152	5.29	4.85	5.73
153–159	5.51	5.07	5.95
160–166	5.73	5.29	6.17
167–173	5.95	5.51	6.39
174–180	6.17	5.73	6.61
181–187	6.39	5.95	6.83
188–194	6.61	6.17	7.05

If the formula index is more than 194, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the six highest index brackets.

(f) The Class I price shall be 44 cents more than the price prescribed in paragraph (e) of this section if, under the provisions of the Boston order, less than 33 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents above the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent increase as will result in a Class I price equal to the Class I price for the same month of the preceding year plus 93 cents.

(g) The Class I price shall be 44 cents less than the price prescribed in paragraph (e) of this section if, under the provisions of the Boston order, more than 41 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents below the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent reduction as will result in a Class I price equal to the Class I price for the same month of the preceding year minus 83 cents.

(h) Notwithstanding the provisions of the preceding paragraphs of this section, the Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(i) The Class I price determined under the preceding paragraphs of this section shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles, inclusive, as published in the New England Joint Tariff M No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

§ 934.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be determined for each month pursuant to this section.

(a) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is delivered, and multiply the result by 3.7.

(b) Multiply by 7.5 the average price per pound of roller process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is received.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month.

Month:	Amount (cents)
January and February	57.5
March and April	69.5
May and June	75.5
July	69.5
August and September	63.5
October, November, and December	57.5

§ 934.42 *Country plant price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 934.40 and 934.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall in Lawrence, over highways on which the highway departments of the governing States permit milk tank trucks to move, or on the railway mileage distance to Lawrence from the nearest railway shipping point for such plant, whichever is shorter. The applicable differentials shall be those set forth in the following table, as adjusted pursuant to § 934.43:

A Zone (miles)	B Class I price differentials (cents per cwt.)	C Class II price differentials (cents per cwt.)
Less than 40½	−1.0	−2.0
41–50	−41.5	−2.0
51–60	−42.5	−3.0
61–70	−43.0	−3.0
71–80	−44.5	−3.0
81–90	−45.0	−3.0
91–100	−45.5	−3.0
101–110	−45.5	−4.5
111–120	−47.0	−4.5
121–130	−47.0	−4.5
131–140	−48.0	−4.5
141–150	−50.5	−4.5
151–160	−52.0	−6.0
161–170	−52.0	−6.0
171–180	−54.5	−6.0
181–190	−54.5	−6.0
191–200	−56.0	−6.0
201–210	−56.0	−7.0
211–220	−60.0	−7.0
221–230	−60.5	−7.0
231–240	−61.5	−7.0
241–250	−61.5	−7.0
251–260	−62.5	−8.0
261–270	−63.0	−8.0
271–280	−63.5	−8.0
281–290	−64.5	−8.0
291 and over	−65.5	−8.0

§ 934.43 *Automatic changes in country plant differentials.* In case the rail tariff for the transportation of milk in 40-quart cans in carlots of 200 or more cans or for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff M No. 6 and supplements thereto or revisions thereof, is increased or decreased, the country plant price differentials set forth in the table in § 934.42 shall be correspondingly increased or decreased in the manner and to the extent provided in this section. Such adjustment shall be effective beginning with the first complete month in which the changes in rail tariffs apply. If such rail tariff on milk is changed, the differentials set forth in Column B of the table shall be adjusted to the extent of any such change. If such rail tariff on cream is changed, the differentials set forth in Column C of the table shall be adjusted to the extent of any such change divided by 9.05. Adjustment shall be made to the nearest one-half cent per hundredweight.

§ 934.44 *Use of equivalent prices in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 934.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices, as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

BLENDED PRICES TO PRODUCERS

§ 934.50 *Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 934.25 (a), (b), (c), (g), and (j);

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 934.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 934.40, 934.41, and 934.42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 934.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 934.25 (f), (i), and (k) by the price applicable pursuant to §§ 934.41 and 934.42.

§ 934.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk, computed pursuant to § 934.50, for each pool handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to § 934.61 (b) for milk received during each month since the effective date of the most recent amendment to this order;

(b) Add the total amount of payments required from handlers pursuant to § 934.65 and from buyer-handlers and producer-handlers pursuant to § 934.66;

(c) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 934.61, 934.62, 934.65, 934.66, and 934.67;

(d) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 934.64;

(e) Divide by the total quantity of producer milk for which a value is determined pursuant to paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 934.61 and 934.62. This result, which is the minimum price payable to producers for milk containing 3.7 percent butterfat received from them at city plants, shall be known as the basic blended price.

§ 934.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the country plant price differentials pursuant to § 934.64; and

(c) The names of pool handlers, designating those whose milk is not included in the computations.

PAYMENTS

§ 934.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this paragraph shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 934.61 (a).

§ 934.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 934.50, as follows:

(a) On or before the 25th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 934.63 and 934.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 934.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 934.50, as shown in a statement

rendered by the market administrator on or before the 20th day after the end of such month.

§ 934.62 *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments pursuant to §§ 934.61 (b), 934.65, and 934.66, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is payable by the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 934.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 934.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10.

§ 934.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 934.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 934.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located more than 40 miles from the City Hall in Lawrence, but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 934.40 and 934.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the City Hall in Lawrence, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 934.40 and 934.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 934.65 *Payments on outside milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to §§ 934.40, 934.41, and 934.42, effective for the location or freight mileage zone of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 934.40, 934.41, and 934.42 effective for the location or freight mileage zone of the handler's plant.

§ 934.66 *Payments on Class I receipts from other Federal order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Worcester, or Springfield order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the Class I price pursuant to §§ 934.40 and 934.42 effective for the location or freight mileage zone of the plant from which the Class I milk was received by the butterfat differential calculated pursuant to § 934.63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I–A or I–B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

§ 934.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 934.61, 934.62, 934.65, and 934.66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective the 11th day of such month.

§ 934.68 *Statements to producers.* In making the payments to producers prescribed by § 934.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 934.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 934.69 and 934.70, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

§ 934.69 *Marketing service deductions; nonmembers of an association of producers.* In making payments to producers pursuant to § 934.61 (a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 934.70, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 25th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 934.70 *Marketing service deductions; members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in § 934.69, each handler shall, in lieu of the deductions specified in § 934.69, make such deductions from payments made pursuant to § 934.61 (a) as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deduction to such associations.

§ 934.71 *Expense of administration.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

§ 934.72 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable.

Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 934.80 *Effective time.* The provisions of this order, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or temminated pursuant to § 934.81.

§ 934.81 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 934.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 934.83. *Liquidation after suspension or termination.* Under the suspension or termination of any or all provisions of this order, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this order, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 934.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this order.

[F. R. Doc. 50–8166; Filed, Sept. 18, 1950; 8:51 a. m.]

[7 CFR, Part 934]

[Docket No. AO–83 A 14]

HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASS., MARKETING AREA

ORDER OF SECRETARY DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF A REPRESENTATIVE PERIOD; AND DESIGNATION OF AN AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608 (c) (19)), it is hereby directed that a referendum be conducted among the producers who, during the month of June 1950, were engaged in the production of milk for sale in the Lowell-Lawrence, Massachusetts, marketing area as defined in the aforesaid order, as amended, to determine whether such producers favor the issuance of the order amending the order, as amended, which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.[1]

The month of June 1950 is hereby determined to be a representative period for the conduct of the referendum.

[1] See F. R. Doc. 50–8166, *supra*.

Richard D. Aplin is hereby designated as agent of the Secretary to conduct such referendum, and except as set forth herein, such referendum shall be conducted in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

The above-designated agent of the Secretary shall not be required to transmit with his report to the Secretary a copy of each statement concerning the referendum as it appeared in each newspaper, but he shall transmit with his report a copy of the release which he presented to newspapers generally distributed in the area along with a summary of the numbers and types of newspapers to which it was presented.

This referendum shall be completed on or before 20 days after the date of issuance of this referendum order.

Issued at Washington, D. C., this 14th day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–8167; Filed, Sept. 18, 1950; 8:52 a. m.]

[7 CFR, Part 978]

[Docket No. AO 184–A5]

HANDLING OF MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Nashville, Tennessee, on April 6, 1950, pursuant to notice thereof which was issued on March 30, 1950 (15 F. R. 1875).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on August 7, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 11, 1950 (15 F. R. 5211).

No exceptions were filed on behalf of interested parties.

The material issue and the findings and conclusions of the recommended decision (F. R. Doc. 50–7033, 15 F. R. 5211) are hereby approved and adopted as the material issue and the findings and conclusions of this decision as if set forth in full herein.

This decision filed at Washington, D. C., this 14th day of September, 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–8187; Filed, Sept. 18, 1950; 8:55 a. m.]

[7 CFR, Part 986]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

BUDGET OF EXPENSES FOR MARKETING SEASON BEGINNING AUGUST 1, 1950; CONTINUATION OF RATE OF ASSESSMENT

Consideration is being given to the approval of proposals, hereinafter set forth, which were submitted by the Hop Control Board, established under Marketing Agreement No. 107 and Order No. 86 (7 CFR 986.1 et seq.), regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, as the agency to administer the terms and provisions thereof.

All persons who desire to submit written data, views, or arguments in connection with the proposals should file the same with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER.

The Hop Control Board, at a duly called meeting in San Francisco, California, on July 21 and 22, 1950, adopted by a unanimous vote, a budget of expenses of $134,400.00 for the marketing season beginning August 1, 1950, and requested the approval of the budget by the Secretary.

Also adopted unanimously at the aforesaid meeting was a resolution that the assessment rate of three-tenths of one cent per pound, net dry weight, of hops handled, which rate was approved by the Secretary and published in the FEDERAL REGISTER on September 24, 1949 (14 F. R. 5828), should be retained for the marketing season beginning August 1, 1950. Said assessment rate is the minimum rate which would reasonably afford sufficient funds to provide for the proposed budget of expenses.

Therefore, the proposed rules are as follows:

§ 986.301 *Budget of expenses for the marketing season beginning August 1, 1950; and continuation of rate of assessment*—(a) *Budget of expenses.* Expenses in the amount of $134,400.00 are reasonable and likely to be incurred by the Hop Control Board (including, but not limited to, the Growers Allocation Committee and the several Growers Advisory Committees) for its maintenance and functioning during the marketing season beginning August 1, 1950.

(b) *Continuation of rate of assessment.* The rate of assessment of three-tenths of a cent per pound, net dry weight, of hops handled, established in § 986.300 (a) on September 24, 1949 (14 F. R. 5828) shall continue in effect throughout the marketing season beginning August 1, 1950.

Done at Washington, D. C., this 14th day of September 1950.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50-8192; Filed, Sept. 18, 1950; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 10]

[Docket No. 9783]

STATE GUARD RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 10, rules governing Public Safety Radio Services to add Subpart K, State Guard Radio Service.

1. Notice is hereby given of proposed rule making in the above-entitled matter. The proposed amendment is set forth below.

2. Authority for the issuance of the proposed amendment is vested in the Commission by virtue of sections 4 (i) and 303 (a), (b), (c), (f) and (r) of the Communications Act of 1934, as amended.

3. Any interested party who is of the opinion that the proposed amendment or any part thereof should not be adopted, or should not be adopted in the form set forth may file with the Commission on or before October 16, 1950, a written statement or brief setting forth his comments. Before taking final action in the matter, the Commission will consider all comments received, and if any comments appear to warrant the Commission in holding an oral argument or hearing, notice of the time and place of such oral argument or hearing will be given interested parties.

4. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 6, 1950.

Released: September 8, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

SUBPART K—STATE GUARD RADIO SERVICE

§ 10.501 *Eligibility.* (a) Authorizations for stations in the State Guard Radio Service will be issued only to the official State guard or comparable organization of a State, territory, possession, or the District of Columbia and only where such organization has been duly created by law and is completely subject to the control of the Governor, or highest official of the creating governmental entity.

(b) To facilitate a determination of eligibility, the first application from each organization for a new station in the State Guard Radio Service shall be accompanied by a statement citing the statute, executive order, or other legal authority under which the guard was created and definitely indicating whether or not the guard is under the absolute authority of the Governor or highest official of the governmental entity.

§ 10.502 *Permissible communications.* (a) Stations in the State Guard Radio Service are primarily authorized to transmit emergency communications directly relating to public safety and the protection of life and property.

(b) Stations in the State Guard Radio Service are secondarily authorized to transmit essential non-emergency communications necessary for training and maintaining an efficient organization: *Provided,* That all communications authorized by this paragraph shall be kept to an absolute minimum and shall cause no harmful interference to stations in other services nor to other stations in the State Guard Radio Service when such stations are transmitting communications authorized by paragraph (a) of this section.

(c) The transmission of non-essential communications is strictly prohibited.

§ 10.503 *Points of communication.* (a) State guard base, mobile and fixed stations are primarily authorized to intercommunicate with all other State guard stations authorized to the same licensee.

(b) State guard base, mobile and fixed stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed location: *Provided,* That no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

§ 10.504 *Station limitations.* (a) Mobile relay stations will not be authorized in the State Guard Radio Service.

(b) Each operator of a station in the State Guard Radio Service shall listen on the licensed frequency of the station prior to transmitting and shall not transmit until it has been reasonable determined that harmful interference will not be caused to any authorized communication in progress on the frequency.

§ 10.505 *Frequencies available to the State Guard Radio Service.* (a) The frequency 2726 kilocycles is available for assignment to base and mobile stations in the State Guard Radio Service for use on a shared basis with stations in the Special Emergency Radio Service.

(b) In instances where circumstances in a particular state appear to warrant the use of a second frequency in the band 2505-3500 kilocycles and where a frequency can be made available through appropriate arrangements, with Government agencies if necessary, for restricted area use on a shared basis with other assignments such additional frequency may be assigned. The maximum power input, emission and hours of operation authorized for use on any frequency assigned under the provisions of this paragraph will be determined on the basis of the technical conditions involved in using the selected frequency in the paraticular area.

(c) The frequencies indicated in paragraphs (a) and (b) of this section will also be assigned to fixed stations in the State Guard Radio Service subject to the condition that harmful interference will not be caused to the mobile service.

[F. R. Doc. 50-8158; Filed, Sept. 18, 1950; 8:50 a. m.]

NOTICES

POST OFFICE DEPARTMENT

CHINA

RESTRICTED MAIL SERVICE

Effective at once, the service of ordinary (unregistered) articles in the regular mails, except small packets, is resumed to Hainan Island, China. The parcel post service to Hainan Island remains suspended.

Articles in the regular mails for Hainan Island prepaid at the air mail rate of 25 cents per half ounce will be transported by air to Hong Kong for onward transmission by surface means.

The above supersedes notice published in the FEDERAL REGISTER on May 13, 1950 (15 F. R. 2880).

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-8137; Filed, Sept. 18, 1950; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1996977]

CALIFORNIA

NOTICE OF FILING OF PLAT OF SURVEY

SEPTEMBER 13, 1950.

Notice is given that the plat of (1) Dependent Resurvey of the NE¼ sec. 26, T. 13 S., R. 23 E., S. B. M., delineating a retracement and reestablishment of the lines of the original survey as shown upon the plat approved May 22, 1879, and (2) Extension Survey in T. 13 S., R. 23 E., S. B. M., California, of the following described lands, accepted December 14, 1948, will be officially filed in the Land Office, Los Angeles, California, effective at 10:00 a. m. on the 35th day after the date of this notice:

SAN BERNARDINO MERIDIAN

T. 13 S., R. 23 E.,
Sec. 26, NW¼, S½,
Sec. 27, all,
Sec. 28, all,
Sec. 29, all,
Sec. 30, all,
Sec. 31, all,
Sec. 32, all,
Sec. 33, all,
Sec. 34, all,
Sec. 35, all.

The area described, exclusive of segregations, aggregates 6,323.08 acres.

All the lands involved were reserved by Executive Order 8685 of February 14, 1941, and included in the Imperial National Wildlife Refuge, LC February 27, 1941—1814082.

Anyone having a valid settlement or other right to any of these lands initiated prior to the date of the withdrawal of the lands should assert same within three months from the date on which the plat is officially filed by filing an application under the appropriate public land laws, setting forth all facts relative thereto.

All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50-8131; Filed, Sept. 18, 1950; 8:45 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

SEPTEMBER 1, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 15 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 235

For lease and sale for homesites only:
T. 1 S., R. 4 E., S. B. M.,
Sec. 31, NW¼SE¼SE¼, E½SW¼SE¼SE¼.

The lands are situated in the Morongo Valley area of San Bernardino County, California. They are approximately 120 miles east of Los Angeles and 32 miles west of Twentynine Palms. They can be reached over Highway 60-70-99 and thence by secondary roads. These tracts are rough and not particularly desirable, but can be reached and improved with the expenditure of considerable money. The area in which these tracts are situated is considered ideal for health and recreational purposes and is being developed rapidly.

2. As to applications regularly filed prior to 8:30 a. m., March 20, 1946, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., November 3, 1950. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., November 3, 1950, to close of business on February 1, 1951.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., March 20, 1946, to 10:00 a. m., November 3, 1950.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., February 2, 1951.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., March 20, 1946, to 10:00 a. m., February 2, 1951.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $20.00 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 50-8146; Filed, Sept. 18, 1950; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-217]

ACCIDENT OCCURRING AT ONEIDA COUNTY AIRPORT, UTICA, N. Y.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United State Registry N-18936, which occurred at Oneida County Airport, Utica, New York, on September 4, 1950.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, September 21, 1950, at 9:00 a. m., in Hotel Utica, Utica, New York.

Dated at Washington, D. C., September 13, 1950.

[SEAL] FRANCIS H. MCADAMS,
Presiding Officer.

[F. R. Doc. 50-8145; Filed, Sept. 18, 1950; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

TRANSFERRING EXISTING DELEGATIONS OF AUTHORITY TO CHIEF, COMMON CARRIER BUREAU

ORDER AMENDING ORDER

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of September 1950;

It appearing, that the Commission heretofore on the 3d day of March 1950, adopted an order transferring certain existing delegations of authority to the Chief, Common Carrier Bureau, and on the 30th day of March, 1950, adopted an order amending the order of March 3, 1950; and that such order may not be entirely clear with respect to its purpose and intent;

It is ordered, That paragraph B of the order of March 30, 1950, is hereby amended to read as follows:

B. (1) Authority is hereby delegated to the Chief, Common Carrier Bureau or his nominee to act upon matters set forth in the following sections of the Commission rules:

Secs.	Secs.
0.142 (e)	0.145 (a)
0.142 (j)	0.145 (c)
0.143 (g)	0.145 (d)

insofar as the above-listed sections apply to the Fixed Public, Fixed Public Press, Domestic Public Land Mobile Radio, or common carrier experimental radio services, or any of them; and

Sec.	Sec.
0.143 (b)	0.143 (c)

insofar as these sections apply to records or papers involved in common carrier matters:

Sec. 0.143 (h)

insofar as this section applies to common carrier rule making; and

Secs.	Secs.
0.142 (l)	0.146 (a)
0.143 (f)	0.147

(2) Actions taken by the Chief, Common Carrier Bureau or his nominee in accordance with the foregoing delegation of authority shall be recorded each week in writing and filed in the official minutes of the Commission.

(3) The authorizations issued by the Chief, Common Carrier Bureau, or his nominee, in accordance with his assigned functions, shall bear the seal of the Commission and the signature of the Secretary of the Commission.

This order shall become effective immediately.

Released: September 8, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8156; Filed, Sept. 18, 1950; 8:49 a. m.]

TRANSFERRING EXISTING DELEGATIONS OF AUTHORITY TO CHIEF, SAFETY AND SPECIAL RADIO SERVICES BUREAU

ORDER AMENDING ORDER

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of September 1950;

It appearing, that the Commission heretofore on the 29th day of June, 1950, issued an order, effective July 31, 1950, for the purpose of transferring certain existing delegations of authority to the Chief, Safety and Special Radio Services Bureau, and that such order may not be entirely clear with respect to its purpose and intent, such order is hereby amended, effective immediately, by substituting after the words *"It is ordered,* Under the authority of the Communications Act of 1934, as amended, that;" the following:

1. The delegated authority set forth in sections 0.121, 0.141, 0.142, 0.143 and 0.144 is hereby transferred to the Chief of the Safety and Special Radio Services Bureau or, in his absence, the Acting Chief of said Bureau, in so far as such delegated authority relates to and is necessary to carry out the functions set forth in the order establishing the Safety and Special Radio Services Bureau adopted at a session of the Federal Communications Commission on the 29th day of June 1950, and effective July 31, 1950.

2. The Chief of the Safety and Special Radio Services Bureau or, in his absence, the Acting Chief of said Bureau, is designated to act upon the administration and application of regulations promulgated by the Commission pursuant to sections 320, 321, 322 or any other sections of the Communications Act or any treaty to which the United States is a party, which relate to safety of life and property at sea or in the air.

3. With respect to the following sections of the Rules which deal with motions, briefs and other pleadings and procedure in hearing cases before the Commission, namely:

Secs.	Secs.
1.746	1.849
1.747	1.852
1.843 (c)	1.853
1.846	1.854
1.848	

such authority as is provided for the General Counsel is, in any safety and special service proceeding, hereby vested in the Chief, or in his absence, the Acting Chief, of the Safety and Special Radio Services Bureau.

4. Actions taken by the Chief or Acting Chief of the Safety and Special Radio Services Bureau in accordance with the foregoing delegations shall be recorded each week in writing and filed in the official minutes of the Commission.

5. The authorizations issued by the Bureau in accordance with its assigned functions and the delegations of authority transferred hereby shall bear the seal of the Commission and the signature of the Secretary of the Commission.

6. The delegated authority set forth in section 0.144 is hereby modified by inserting the word "Aviation" in paragraph (a) so that it will read:

(a) Applications for the Aviation, Public Safety, Ship, Industrial, Land Transportation, and Citizens Radio Services, except those rendering a common carrier service and those falling under sections 0.141, 0.142, and 0.143.

Released: September 8, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8157; Filed, Sept. 18, 1950; 8:49 a. m.]

[Docket Nos. 9574, 9778]

COMMONWEALTH BROADCASTING CORP. (WELS) AND KINSTON BROADCASTING CO. (WFTC)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Commonwealth Broadcasting Corporation (WELS), Kinston, North Carolina, Docket No. 9574, File No. BMP-4917; Kinston Broadcasting Company (WFIC), Kinston, North Carolina) Docket No. 9778, File No. BP-7752; for modification of construction permit and construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of August 1950;

The Commission having under consideration the above-entitled application of the Kinston Broadcasting Company for a construction permit to change facilities from 1230 kc, 250 watts power, unlimited time to 960 kc, 1 kw, unlimited time, with directional antenna at night at Station WFTC, Kinston, North Carolina;

It appearing, that the above-enttiled application of the Commonwealth Broadcasting Corporation for modification of construction permit to change facilities from 1010 kc, 1 kw power, daytime only to 960 kc, 1 kw power, daytime only at Station WELS, Kinston, North Carolina, was on January 26, 1950, designated for hearing in a consolidated proceeding with an application of the Coastal Broadcasting Company (WHIT) because of mutually prohibitive interference;

It further appearing, that the abovementioned consolidated proceeding, originally scheduled to be heard on April 5, 1950, was, after three continuances, on June 16, 1950, scheduled to be heard on August 9, 1950;

It further appearing, that on July 26, 1950, the Coastal Broadcasting Company (WHIT) petitioned to dismiss its application without prejudice, which petition was denied on August 4, 1950, insofar as it requested dismissal without prejudice, and was granted insofar as it requested that its application be dismissed;

It further appearing, that, on August 4, 1950, when the Coastal Broadcasting Company (WHIT) application was dismissed, the above-entitled application of the Commonwealth Broadcasting Corporation (WELS) was retained in a hearing status, which hearing was continued until September 19, 1950;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application of the Kinston Broadcasting Company (WFTC) is designated for hearing in a consolidated proceeding with the above-entitled application of the Commonwealth Broadcasting Corporation (WELS), upon the following issues:

1. To determine the technical, financial and other qualifications of the corporate applicant, its officers, directors and stockholders to operate Station WFTC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WFTC as proposed, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WFTC as proposed would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WFTC as proposed would involve objectionable interference with the services proposed in the above-entitled application of the Commonwealth Broadcasting Corporation (WELS), or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WFTC as proposed would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of Station WFTC as proposed and of Stations WRRF, Washington, North Carolina, and WRRZ, Clinton, North Carolina,, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either of the applications in this consolidated proceeding, should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8159; Filed, Sept. 18, 1950; 8:50 a. m.]

[Docket Nos. 9205, 9206]

STANDARD BROADCAST STATION KPMO AND VALLEY BROADCASTING CO.

ORDER CONTINUING ORAL ARGUMENT

In the matter of renewal of license of Standard Broadcast Station KPMO, Pomona, California, Docket No. 9205, File No. BR-1697; and application for consent to assignment of license of Station KPMO from Myron E. Kluge and Dean H. Wickstrom, d/b as Valley Broadcasting Company to Dean H. Wickstrom and Warner H. J. Sorenson, d/b as Valley Broadcasting Company, Docket No. 9206, File No. BAL-655.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of August 1950;

The Commission having under consideration a letter, dated August 18, 1950, from Dean H. Wickstrom, one of the members of the applicant partnership, requesting that oral argument in this proceeding, now scheduled for September 15, 1950, be continued to a date during the period of November 3-16, 1950; and

It appearing, that in support of this request for a continuance, Mr. Wickstrom states that he desires to personally present oral argument to the Commission; that his schedule of employment will not permit him to come to Washington prior to November 3, 1950; that the Commission's General Counsel has no objection to the continuance requested; that the applicants are not represented by counsel; and that under these circumstances, said request should be granted and the oral argument should be continued, without date;

Accordingly, it is ordered, That the above-described request of the applicants is granted in part; and that oral argument in the above-entitled proceeding, now scheduled for September 15, 1950, is continued, without date.

Released: August 31, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8160; Filed, Sept. 18, 1950; 8:50 a. m.]

[Docket Nos. 9785, 9786]

STAR BROADCASTING CO., INC. (KCSJ), AND RADIO STATION WOW, INC. (WOW)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Star Broadcasting Company, Inc. (KCSJ), Pueblo, Colorado, Docket No. 9786, File No. BR-1610; for renewal of license. Radio Station WOW, Inc. (WOW), Omaha, Nebraska, Docket No. 9785, File No. BR-686; for renewal of license.

1. The Commission has before it the following: (1) The decision of the United States Court of Appeals for the District of Columbia Circuit in Radio Station WOW, Inc., v. Federal Communications Commission, No. 10350 and No. 10359 (decided July 17, 1950); (2) A petition filed May 11, 1949, by The Star Broadcasting Company, Inc., licensee of Radio Station KCSJ, Pueblo, Colorado, requesting reconsideration of the Commission's action of April 20, 1949, granting an application of Radio Station WOW, Inc., licensee of Radio Station WOW, Omaha, Nebraska, for renewal of license of Radio Station WOW (File No. BR-686); (3) A motion filed May 23, 1949, by Radio Station WOW, Inc., requesting that the said petition of The Star Broadcasting Company be stricken from the Commission's records; (4) A letter dated January 4, 1950, from the Commission to The Star Broadcasting Company advising it that action on the petition would be upheld; and (5) A letter dated January 10, 1950, from Radio Station WOW, Inc., requesting that the Commission act on its motion filed May 23, 1949.

2. The facts involved in these matters are fully set forth in the Court's decision in Radio Station WOW, Inc. v. Federal Communications Commission, 6 Pike & Fischer, R. R. 2026 and in the Commission's Memorandum Opinion and Order dated June 30, 1949, 5 Pike & Fischer, R. R. 408e which was the basis for the appeal. However, an understanding of our ruling on the Court's decision and on the subject petition requires that we review briefly the previous proceedings.

3. On August 25, 1948, and April 5, 1949, Radio Station WOW, Inc., Omaha, Nebraska (hereinafter referred to as WOW), filed petitions with the Commission requesting, respectively, that the Commission issue to The Star Broadcasting Company (hereinafter referred to as KCSJ) and order to show cause why the license of KCSJ should not be modified to afford additional protection to WOW by use of the present nighttime direc-

tional antenna during the day time, and that the Commission designate for hearing the application of KCSJ for renewal of its license. (File No. BR–1610).[1] The Commission denied both of the petitions in its memorandum and order dated June 30, 1949; and on July 20, 1949, the Commission granted KCSJ's application for renewal of license. Thereafter, on July 15 and July 22, 1949, WOW filed notices of appeal to the Court of Appeals for the District of Columbia Circuit. In No. 10350, WOW appealed from the denial of its petition for a rule to show cause why Star's original license should not be modified. In No. 10359, it appealed from the denial of its petition that the Star application for renewal be set down for hearing. On July 17, 1950, that Court handed down its decision (Radio Station WOW, Inc. v. Federal Communications Commission) dismissing the appeal in No. 10350 and reversing the order of the Commission involved in No. 10359 and remanding the case to the Commission holding that WOW was entitled to a hearing in respect to Star's application for a renewal of its license.

4. Pursuant to the mandate of the court's decision, we are required to and do set aside our memorandum opinion and order of June 30, 1949, insofar as that order denies the petition of WOW requesting that the Commission designate for hearing the application of KCSJ for renewal of its license and such application is hereby set down for hearing on the issues set out below.

5. There remains for consideration the petition filed may 11, 1949, by Star and the motion filed May 23, 1949, by WOW, both of which are referred to in paragraph 1.

6. In support of its petition filed on May 11, 1949 requesting that the Commission reconsider its action of April 20, 1949, granting, without hearing, the application for renewal of license of WOW, and to designate the said application for hearing, KCSJ alleged that:

> Petitioner takes the position that it and WOW are in equal positions since WOW, which was under a duty to make an independent investigation and to challenge the representations made, if any, concurred in, but did not do so, though the Commission's rules provide the means of doing so; that the interference, if any, which WOW receives from KCSJ is comparatively slight, and that the public interest, convenience and necessity would be served by operation of the two stations as at present rather than by operation of KCSJ during the daytime hours with its directional antenna. Since the public interest is the Commission's primary consideration and the parties are in equal position, petitioner submits that there is no more reason to designate the KCSJ renewal application for hearing than to take the same action with respect to the WOW renewal application.

It is further alleged by KCSJ that WOW causes objectionable interference within the normally protected contours of KCSJ.[2] In support of the allegation that KCSJ and WOW "are in equal positions" KCSJ alleges that:

> Section 307 (d) of the Communications Act of 1934, as amended, provides that actions of the Commission with reference to the granting of applications for the renewal of licenses shall be limited to and governed by the same considerations and practice which affect the granting of original applications. Interference within the normally protected contours of KCSJ would, certainly, be a consideration if WOW were making an original application to operate as authorized in its license. The interests of petitioner are adversely affected, and it is an aggrieved party, by reason of the grant of the application for renewal of the license of WOW, therefor.

7. By letter dated January 4, 1950, to KCSJ, a copy of which was sent to Radio Station WOW, the Commission stated that the subject petition filed by KCSJ and the petitions filed by WOW on August 25, 1948 and, particularly, on April 5, 1949 (which were the subject of the Commission's memorandum opinion and order of June 30, 1949) appeared to raise substantially the same questions and that it did not appear necessary for the Commission to take any action at that time with respect to the petition filed by KCSJ; and the parties were advised that action would be withheld on the said petition filed by KCSJ pending disposition of the appeal taken by WOW. Thereafter, by letter dated January 10, 1950, to the Commission, WOW stated that the Commission's conclusion that "substantially the same questions" are presented by KCSJ's petition and WOW's appeal "is not correct" and requested that the Commission dismiss KCSJ's petition and grant the Motion filed by WOW on May 23, 1949, which requested that the said petition be stricken from the Commission's records.

8. The foregoing recital of the history of these proceedings presents two questions for our determination: (1) Whether the subject petition filed by KCSJ raises substantially the same questions presented by WOW's appeal; and (2) Whether the Star petition filed on May 11, 1949 requesting reconsideration of the Commission's action of April 20, 1949 granting the application of WOW for renewal of license should be granted. In Radio Station WOW, Inc. v. Federal Communications Commission, supra, the Court stated: "Obviously, the provisions for renewal (47 U. S. C. 307 (d)) contemplate the possibility of changes in conditions after the original grant and also of errors in the original grant • • • The statute says that the renewal must be governed by the same considerations which affect the grant of the original application. Certainly actual interference with an existing station within its protected area is a consideration affecting the grant of an application. An error in good faith as to a proposed operation seems to us to leave that particular matter open for determination upon application for renewal." The Court, however, expressly made clear that Star is and was in every respect an existing licensee entitled to be protected as such. WOW admits in its "Motion to Strike Petition for Reconsideration" dated May 23, 1949, that, "KCSJ has caused, and is causing, interference to WOW. In addition to the predicted interference from KLZ, KCSJ is experiencing interference from WOW." It is clear that, if WOW's measurements are correct, this interference is greater than reference to the soil conductivity map would have lead Star or the Commission to believe at the time of its original application. The ultimate end which must be served is, of course, the public interest. In the present posture of the case, in the light of all the circumstances, we cannot therefore say from an examination of the application of WOW for renewal of its license that public interest, convenience, or necessity would be served by the granting thereof. It follows, under the mandate of section 309 (a) of the act, that WOW's renewal application must be set down for hearing.

9. A further problem merits our consideration here. In its "Petition to Designate Application for Hearing" filed on April 5, 1949, WOW incorporated by reference its petition of August 25, 1948 in which WOW requested the Commission to issue to KCSJ a rule to show cause why its license should not be modified. The incorporated petition included an engineering report of field intensity measurements and an analysis of these measurements. The petition, according to the "interference study" attached thereto alleged that the operation of KCSJ was producing objectionable interference during the daytime within the normally protected 0.5 mv/m contour of WOW throughout an area comprising 5,900 square miles containing 69,600 persons. It was also alleged that the objectionable daytime interference being caused by KCSJ to WOW could be eliminated provided KCSJ was required to operate during daytime hours with the directional antenna which it was using during nighttime hours. Accordingly, on the basis of this engineering study WOW requested that the application of KCSJ for renewal of its license should be designated for hearing "to determine whether or not KCSJ should, in the public interest, be required to operate during daytime hours with the identical directional antenna that is now being used during nighttime hours • • •." This suggestion contemplates that KCSJ be required to employ its present nighttime directional antenna array during the day. By so stating, WOW has made it possible for any other station which might be adversely affected by the daytime utilization of KCSJ's present nighttime array to protect its interests by intervening in any hearing held on the WOW petition.

10. The petition filed by KCSJ on May 11, 1949, requesting reconsideration of the Commission's action of April 20, 1949 granting the application of WOW for renewal of its license, similarly suggests that public interest does not necessarily require an outright denial of WOW's renewal application but merely that it "be required to install a directional antenna or to correct its present antenna so as to protect KCSJ from objectionable interference • • •" But unlike the case of WOW's position, that filed by KCSJ sheds no light as to the type of antenna it desires WOW to employ. It may well be that any given modification of WOW's present non-directional antenna pattern, in order to afford additional protection to KCSJ, would result in interference to other stations. But it is impossible, in the absence of any suggestion by the petitioner as to the nature of such modification, for the Commission, and any other existing stations which might be affected, to know, in advance, what the effect of any such modification of WOW's existing mode of operation would be. It would, therefore, be difficult, if not impossible, for any other station, which might be affected, to protect its interests by intervening in the hearing on the KCSJ petition and such other stations would clearly be unable to prepare evidence on this matter in advance for introduction at such a hearing. This would likewise be true with respect to both WOW, itself, and the Commission. We therefore think that while the KCSJ petition in its present form makes a sufficient case to put in issue the question of whether any renewal of station WOW's license would be in the public interest, in the absence of a more specific proposal by KCSJ, we are not in a position to consider at such a hearing any proposal by which WOW's license would be conditioned upon its installing a directional antenna to protect KCSJ. We, therefore, propose to eliminate any such issue from the consolidated hearing, which is ordered by this opinion, subject only to the condition that we will allow KCSJ to file a petition to modify the issues, together with a detailed plan for such modification duly supported by proper engineering exhibits, not later than 30 days after the release date of the instant opinion in order to include an appropriate issue as to whether the public interest might not be served by some other alternative to an outright grant or denial of WOW's renewal application.

11. Accordingly, it is ordered, this 6th day of September 1950, that the said petition of Radio Station WOW, Inc., requesting that the Commission designate the above-entitled application of The Star Broadcasting Company for renewal of license of KCSJ for hearing is granted, the grant by the Commission on July 20, 1949, of KCCJ's application for renewal of its license is set aside and vacated and the license of KCSJ is extended on a temporary basis to March 1, 1951, and the Commission's memorandum opinion and order of June 30, 1949 is set aside insofar as it denies the said petition.

12. It is further ordered that the said petition of The Star Broadcasting Company, Inc., requesting reconsideration of the Commission's action of April 20, 1949, granting the application of Radio Station WOW for renewal of license of WOW is granted, the grant by the Commission on April 20, 1949 of WOW's application for renewal of its license is set aside and vacated, the license of WOW is extended on a temporary basis to March 1, 1951, and the said motion filed May 23, 1949 by Radio Station WOW, Inc., requesting that the said petition of The Star Broadcasting Company be stricken from the Commission's records is hereby denied.

13. It is further ordered that pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Radio Station WOW, Inc., for renewal of its license and the said application of The Star Broadcasting Company for renewal of its license, are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on February 26, 1951 at Washington, D. C., upon the following issues:

a. To determine the areas and populations presently served by WOW and KCSJ and the character of other broadcast services available to such areas and populations.

b. To determine whether the operation of WOW and KCSJ involve objectionable interference, each with the other, or with the services of any other broadcast station, and if so the nature and extent thereof, the areas and populations affected thereby and the character of the other broadcast services available to such areas and populations.

c. To determine the areas and populations which would gain, or lose, service as a result of the operation of KCSJ during daytime hours with the identical directional antenna that is now being used by KCSJ during nighttime hours, and the character of other broadcast services available to such areas and populations.

d. To determine whether the operation of KCSJ during daytime hours with the identical directional antenna that is now being used by KCSJ during nighttime hours would involve objectionable interference with services of any other broadcast station or with services proposed in any pending application for broadcast facilities, and if so the nature and extent thereof, the areas and populations affected thereby and the character of the other broadcast services available to such areas and populations.

e. To determine whether, in the light of the evidence adduced under Issues a, b, c, and d, the license of KCSJ should be modified so as to require operation during daytime hours with the identical directional antenna that is now being used during nighttime hours.

f. To determine whether, in the light of the evidence adduced pursuant to Issues a and b, the public interest would be served by a grant of the application for renewal of WOW's license.

NOTE: Commissioner Jones dissented in the opinion.

Released: September 11, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–8161; Filed, Sept. 18, 1950; 8:50 a. m.]

[Docket Nos. 9594, 9595]

PACIFIC COAST BROADCASTING CO. (KXLA)

ORDER AMENDING ISSUES

In re applications of Pacific Coast Broadcasting Company (KXLA), Pasadena, California, Docket No. 9594, File Nos. BML–1328 and BP–7717; for construction permit and modification of license; In re order to show cause directed to Pacific Coast Broadcasting Company (KXLA), Pasadena, California, Docket No. 9595, File No. BS–1189.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of September 1950;

The Commission having under consideration a petition, filed August 23, 1950, by Pacific Coast Broadcasting Company, Pasadena, California, requesting that the issues specified in the Commission's order of March 6, 1950, designating for consolidated hearing, now scheduled to commence September 11, 1950, at Washington, D. C., and the above-entitled application for modification of license of KXLA and the above-entitled order to show Cause directed to Pacific Coast Broadcasting Company, be revised and enlarged as will appear more specifically below, and an opposition thereto filed September 1, 1950, by KFAB Broadcasting Company, party respondent in the above-entitled proceeding; and

It appearing, that petitioner requests that Issue No. 1 specified in the Commission's order of March 6, 1950, be deleted for the reason that it relates to a matter which by Commission Order of July 21, 1950, was severed from this proceeding; that Issue No. 1 in form appears to relate to said severed matter; that findings concerning the areas and populations presently receiving service from Station KXLA would appear to be necessary to decision in this proceeding; that evidence concerning such matters could not be adduced under the remaining issues as presently specified; and that, therefore, Issue No. 1 should be revised rather than deleted; and

It further appearing, That petitioner has requested that Issue No. 2 specified in the Commission's order of March 6, 1950, be revised to permit the showing of the nature of the program service available to certain interference areas; and that the nature of such program service may be pertinent to a decision in this proceeding; and

It further appearing, that petitioner has requested a minor modification of Issue No. 3 specified in the Commission's order of March 6, 1950; and that said

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[1] WOW's position as summarized by the Commission in its Memorandum Opinion and Order dated June 30, 1949, is that: "• • • since KCSJ obtained its grant upon representations that no interference would result to WOW, which, though made in good faith, have turned out to be erroneous, KCSJ must assume the burden of correcting the interference condition which has resulted; that both WOW and the Commission relied on WCSJ's representation; and that as a result, WOW's license has been indirectly modified through a reduction of its service area without it having been accorded proper notice and hearing."

[2] KCSJ alleges that "An area of 5,900 square miles, in which reside 14,875 persons, within the 0.5 mv/m contour of KCSJ receives interference from WOW during daytime hours. At night the KCSJ interference-free contour is the 11.6 mv/m contour. If interference from WOW were eliminated, the 7.1 mv/m contour would be the interference-free contour and the area and population served would be increased from 438 square miles and a population of 64,568 to 1,063 square miles and a population of 66,461."

modification would make Issue No. 3 more definite and specific but would not change the sense of said issue; and

It further appearing, that petitioner has requested the inclusion of an additional issue to permit the showing, in connection with the above-entitled order to show cause, of the areas and populations which would lose service by reason of a reduction in power of KXLA and the nature of the program service provided by KXLA to such areas and populations; that testimony and exhibits with respect to such matters, being pertinent and material to a determination of the questions presented by the order to show cause, may be received in evidence under the order to show cause; and that, therefore, the specification of the requested issue is unnecessary; and

It further appearing, that the opposition of KFAB Broadcasting Company herein alleges that the revision of Issues No. 2 and 3 requested by petitioner will serve only to confuse such issues but that the opposition does not set forth the manner in which such confusion may arise, and that for reasons set forth above the Commission is of the opinion that said issues should be amended substantially as requested; and

It further appearing, that petitioner alleges that the subject petition was not filed within the time specified in § 1.389 of the Commission's rules and regulations for the reason, among others, that petitioner was under a misapprehension as to the meaning of the present issues until an informal ruling by the Hearing Examiner on August 17, 1950; that KFAB has not alleged that consideration of the instant petition at this time will in any wise prejudice KFAB Broadcasting Company; and that the Commission is of the opinion that good cause has been shown why said petition was filed within the time specified in § 1.389 of the Commission's rules and regulations;

It is ordered, That the said petition, filed August 23, 1950, by Pacific Coast Broadcasting Company, requesting modification and enlargement of the issues in the above-entitled proceeding is granted in part; and

It is further ordered, That the Commission's order of March 6, 1950, designating the above-entitled matters for consolidated hearing is amended by striking therefrom Issues Nos. 1, 2, and 3 and substituting therefor the following issues:

1. To determine the areas and populations which receive primary service from the present operation of Station KXLA and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station KXLA involves objectionable interference with Station KFAB, Omaha, Nebraska, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, the availability of other broadcast services to such areas and populations, and the nature and character of the program service provided to such areas and populations by Station KFAB and other broadcast services available to such areas and populations.

3. To determine whether the installation and operation of Station KXLA is in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the protection to be afforded United States Class I–B stations, particularly Station KFAB, Omaha, Nebraska.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–8162; Filed, Sept. 18, 1950; 8:50 a. m.]

[Docket Nos. 9429–9432, 9511]

ARKANSAS AIRWAVES CO. (KXLR) ET AL.

ORDER CONTINUING HEARING

In re applications of Arkansas Airwaves Company (KXLR), North Little Rock, Arkansas, Docket No. 9429, File No. BR–1248; West Memphis Broadcasting Corporation (KWEM), West Memphis, Arkansas, Docket No. 9430, File No. BR–1506; Harrison Broadcasting Corporation (KHOZ), Harrison, Arkansas, Docket No. 9431, File No. BR–1387; Stuttgart Broadcasting Corporation (KWAK), Stuttgart, Arkansas, Docket No. 9432, File No. BR–2085; Arkansas Airwaves Company (KXLR), North Little Rock, Arkansas, Docket No. 9511, File No. BP–6747; for renewal of licenses and for construction permit.

The Commission having under consideration a joint petition filed August 25, 1950, by Arkansas Airwaves Company (KXLR), North Little Rock, Arkansas, and Stuttgart Broadcasting Corporation (KWAK), Stuttgart, Arkansas, requesting an indefinite continuance of the hearing presently scheduled for September 25, 1950, at Little Rock, Arkansas, in the proceeding upon the above-entitled applications for renewal of licenses and for construction permit; and

It appearing, that all applicants in the above proceeding have pending before the Commission petitions for reconsideration and grant without hearing;

It is ordered, This 1st day of September 1950, that the petition is granted; and that the hearing in the above-entitled proceeding is continued indefinitely, pending action on the said petitions for reconsideration and grant without hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–8163; Filed Sept. 18, 1950; 8:51 a. m.]

[Docket Nos. 9582, 9708]

POPLAR BLUFF BROADCASTING CO. AND LEE BROADCASTING, INC. (WTAD)

ORDER CONTINUING HEARING

In re application of The Poplar Bluff Broadcasting Company, Poplar Bluff, Missouri, Docket No. 9582, File No. BP–7342; Lee Broadcasting, Inc. (WTAD), Quincy, Illinois, Docket No. 9708, File No. BP–7566, for construction permits.

The Commission having under consideration a motion filed August 21, 1950 by The Poplar Bluff Broadcasting Company, requesting a continuance of the hearing in the above-entitled case from September 6, 1950 to October 24, 1950, so as to permit more time for the parties to evaluate the engineering aspects of the application as amended;

It appearing, that no opposition to the requested continuance has been filed and that good cause for continuance is shown; now therefore,

It is ordered, This 1st day of September 1950, that the motion is granted and the hearing now scheduled to begin on September 6, 1950, is hereby continued to October 24, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–8164; Filed, Sept. 18, 1950; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1426]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

SEPTEMBER 12, 1950.

On June 26, 1950, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission, all as more fully described in such application on file with the Commission and open to the public.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for non-contested proceedings, and it appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on July 14, 1950 (15 F. R. 4471–2).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on October 5, 1950, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 12, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8132; Filed, Sept. 18, 1950; 8:45 a. m.]

[Docket No. G–1471]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

SEPTEMBER 13, 1950.

Take notice that on August 28, 1950, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal office at Owensboro, Kentucky, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas facilities:

Approximately 3.75 miles of 8⅝ inch pipeline and 3.5 miles of 6⅝ inch pipeline extending westerly from a point on Applicant's 12 inch main transmission pipeline near Henderson, Kentucky, to the plant of the Spencer Chemical Company, together with a metering station and appurtenances thereto, all of said facilities to be located in Henderson County, Kentucky.

Applicant proposes to sell and deliver natural gas to the Spencer Chemical Company, through the facilities proposed for industrial use upon a firm industrial basis, not in excess of 7,000 Mcf per day and on an interruptible basis not to exceed 10,000 Mcf per day.

The total over-all capital cost of the facilities proposed is $163,863.48, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 2d day of October 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8133; Filed, Sept. 18, 1950; 8:45 a. m.]

[Docket No. E–6314]

PHILADELPHIA ELECTRIC CO. ET AL.

ORDER INSTITUTING RATE INVESTIGATION

SEPTEMBER 12, 1950.

In the matter of Philadelphia Electric Company, Atlantic City Electric Company, and Delaware Power & Light Company; Docket No E–6314.

On July 11, 1950, Philadelphia Electric Company (Philadelphia Electric) filed a new agreement with Atlantic City Electric Company (Atlantic City) together with a Certificate of Concurrence with Delaware Power & Light Company (Delaware Power), on July 14, 1950, filed its Certificate of Concurrence.

The agreement with Atlantic City has been designated Philadelphia Electric Company Rate Schedule FPC No. 11 (superseding Supplement No. 4 to Philadelphia Electric's Rate Schedule FPC No. 3) and the agreement with Delaware Power has been designated Philadelphia Electric Rate Schedule FPC No. 12 (superseding Philadelphia Electric's Rate Schedule FPC No. 4, as supplemented). The Certificates of Concurrence of Atlantic City and Delaware Power have been designated Atlantic City Electric Company Rate Schedule FPC No. 2 (superseding Atlantic City's Rate Schedule FPC No. 1) and Delaware Power & Light Company Rate Schedule FPC No. 19 (superseding Delaware Power's Rate Schedule FPC No. 1, as supplemented).

The agreements described above were consummated and filed as a result of the acquisition by Atlantic City of Deepwater Light and Power Company's portion of Deepwater Generating Station, formerly owned jointly by Deepwater and Atlantic, and of a two-circuit 66 kv transmission line extending from the 66 kv substation at the plant to the New Jersey-Delaware State line, which acquisition was authorized and approved by the Commission on July 18, 1950, in FPC Docket No. E–6303, and in connection with the construction by Delaware Power of new generating facilities to take care of the requirements of its Northern Division which are presently being supplied for the most part by Philadelphia Electric. Delaware Power is interconnected with Philadelphia Electric by three 66 kv circuits from Chester, Pennsylvania, to Wilmington, Delaware, and with Atlantic City by two 68 kv transmission circuits and submarine cables running under the Delaware River.

The rate schedules described above are essentially pooling contracts, under the terms of which Philadelphia Electric is granted the right to include the loads, reserves and capacities of Atlantic City and Delaware Power within its own loads, reserves and capacities for any interconnected operation. Such interconnected operation includes the participation by Philadelphia Electric under an interconnection agreement dated September 16, 1927, as amended, with Public Service Electric and Gas Company and Pennsylvania Power & Light Company, which agreement is on file with the Commission as Philadelphia Electric Company Rate Schedule FPC No. 5, as supplemented.

On the basis of data presently available to the Commission, the rates, charges, services or classifications for or in connection with the transmission or sale of electric energy under Philadelphia Electric's Rate Schedules FPC Nos. 11 and 12, Atlantic City's Rate Schedule FPC No. 2 and Delaware Power's Rate Schedule FPC No. 19 may be unjust, unreasonable, unduly discriminatory or preferential.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act, that an investigation be instituted by the Commission into and concerning any rates, charges, services, or classifications demanded, observed, charged, or collected or to be demanded, observed, charged or collected under Philadelphia Electric Company's Rate Schedules FPC Nos. 11 and 12, Atlantic City Electric Company's Rate Schedule FPC No. 2 and Delaware Power & Light Company's Rate Schedule FPC No. 19, for or in connection with the transmission or sale of electric power and energy subject to the Commission's jurisdiction, and any rules, regulations, practices, or contracts affecting such rates, charges, services or classifications.

The Commission, on its own motion, orders: An investigation be and the same hereby is instituted for the purpose of enabling the Commission:

(A) To determine whether any rates, charges, services or classifications demanded, observed, charged or collected, or to be demanded, observed, charged or collected under Philadelphia Electric Company's Rates Schedules FPC Nos. 11 and 12, Atlantic City Electric Company's Rate Schedule FPC No. 2, and Delaware Power & Light Company's Rate Schedule FPC No. 19 for or in connection with the sale or transmission of electric energy, or any rule, regulation, practice, or contract affecting such rates, charges, services, or classification are unjust, unreasonable, unduly discriminatory or preferential.

(B) If, after hearing, it shall find that any such rates, charges, services, classifications, rules, regulations, practices or contracts are unjust, unreasonable, unduly discriminatory or preferential, to determine and fix by appropriate order or orders, just, reasonable, non-discriminatory or non-preferential rates, charges, services, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

Date of issuance: September 13, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8147; Filed, Sept. 18, 1950; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25411]

COAL FROM THE SOUTHWEST TO ILLINOIS AND INDIANA

APPLICATION FOR RELIEF

SEPTEMBER 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3763.

Commodities involved: Coal and articles taking the same rates, carloads.

From: Points in the southwest.

To: Points in Illinois and Indiana.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3763, Supplement 108.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8149; Filed, Sept. 18, 1950; 8:48 a. m.]

[4th Sec. Application 25412]

ALCOHOL FROM LOUISIANA TO KINGSPORT, TENN.

APPLICATION FOR RELIEF

SEPTEMBER 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to the tariff named below.

Commodities involved: Isopropanol, isopropyl and ethly alcohol, carloads.

From: New Orleans and Port Chalmette, La.

To: Kingsport, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 377, Supplement 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8150; Filed, Sept. 18, 1950; 8:48 a. m.]

[4th Sec. Application 25413]

GRAIN FROM KANSAS AND MISSOURI TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

SEPTEMBER 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago, Rock Island and Pacific Railroad Company for itself and on behalf of the Texas and New Orleans Railroad Company.

Commodities involved: Grain, grain products and related articles, also seeds, carloads.

From: Atchison and Kansas City, Kans., Kansas City and St. Joseph, Mo., when originating beyond.

To: New Orleans, La., for export.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: CRI&P, tariff I. C. C. No. C-13346, Supplement 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8151; Filed, Sept. 18, 1950; 8:48 a. m.]

[4th Sec. Application 25414]

VARIOUS COMMODITIES BETWEEN ILLINOIS TERRITORY AND THE SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 485 and other tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities.

From or to points in Illinois territory to or from points in Southern territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do wthin 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8152; Filed, Sept. 18, 1950; 8:49 a. m.]

[Sec. Application 25415]

CHILDREN'S VEHICLES FROM CHICAGO, ILL., TO THE EAST

APPLICATION FOR RELIEF

SEPTEMBER 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 9800.

Commodities involved: Children's vehicles, carloads.

From: Chicago, Ill.

To: Points in Trunk Line and New England territories.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8153; Filed, Sept. 18, 1950; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1248]

INLAND STEEL CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of September A. D. 1950.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Inland Steel Company, a security listed and registered on the New York Stock Exchange and on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 25, 1950, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8140; Filed, Sept. 18, 1950; 8:47 a. m.]

[File No. 7-1250]

ROCHESTER GAS AND ELECTRIC CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of September A. D. 1950.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Rochester Gas and Electric Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 25, 1950, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8141; Filed, Sept. 18, 1950; 8:47 a. m.]

[File No. 70-2422]

SOUTHERN CO., ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of September A. D. 1950.

In the matter of The Southern Company, Alabama Power Company, Georgia Power Company. File No. 70-2422.

The Southern Company ("Southern"), a registered holding company, and two of its public utility subsidiaries, Alabama Power Company ("Alabama") and Georgia Power Company ("Georgia"), having filed with this Commission joint applications-declarations, and amendments thereto, pursuant to sections 6 (a), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 (the "act"), and Rules U-43 and and U-50 promulgated thereunder, relating to the following proposed transactions:

Southern proposes, pending consummation of a proposed sale of 1,000,000 additional shares of its common stock, to borrow $12,000,000 from banks, to be evidenced by its unsecured notes payable on or before one year from the date of such notes, with interest at the rate of 2% per annum. The proceeds of the borrowing will be utilized by Southern to assist its subsidiaries Alabama and Georgia in financing their construction programs through the investment by Southern of $6,000,000 in Alabama by the purchase of 60,000 additional shares of the no par value common stock of that company and $6,000,000 in Georgia by the purchase of 353,000 additional shares of the no par value common stock of Georgia. Southern states that it will sell 1,000,000 shares of its common stock as soon as practical and feasible for the purpose of repaying the proposed bank loans.

Said applications-declarations and the amendments thereto having been duly filed and notice of such filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said applications-declarations, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applications-declarations having requested that the Commission's order become effective forthwith upon issuance; and

The Commission finding with respect to said applications-declarations, as amended, insofar as they relate to the proposed bank borrowings by Southern and Southern's investment of the proceeds thereof in the common stocks of Alabama and Georgia, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said applications-declarations, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said applications-declarations, as amended, insofar as they relate to the proposed bank borrowings by Southern and Southern's investment of the proceeds thereof in the common stocks of Alabama and Georgia, be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the additional condition that jurisdiction be reserved with respect to all fees and expenses to be paid in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8142; Filed, Sept. 18, 1950; 8:47 a. m.]

[File No. 70-2434]

PHILADELPHIA CO. AND DUQUESNE LIGHT CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of September 1950.

Philadelphia Company, a registered holding company, and its public utility subsidiary, Dequesne Light Company ("Duquesne"), both subsidiaries of Standard Gas and Electric Company and Standard Power and Light Corporation, registered holding companies, having filed a joint application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") and the rules and regula-

tions promulgated thereunder, particularly sections 6, 7, 9, 10, 11 (b), 12 (c) and 12 (f) of the act and Rules U-42, U-43 and U-50, regarding, among other things, the issuance and sale by Duquesne, pursuant to the competitive bidding requirements of said Rule U-50, of $7,500,000 par value, of its new ----% Preferred Stock, par value $50 per share; and

The Commission, by order dated August 21, 1950, having granted and permitted to become effective said application-declaration subject, among other things, to the condition that the proposed sale of such Preferred Stock shall not be consummated until the results of competitive bidding, held with respect thereto, shall have been made a matter of record in this proceeding and a further order shall have been issued by this Commission on the basis of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate; and

A further amendment to said amended application-declaration having been filed on September 13, 1950, setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to the invitation for competitive bids the following bids were received:

Bidder	Annual dividend rate (percent per share)	Price to company [1] (per share)	Annual cost to pany (percent)
The First Boston Corp	3.75	$50.05	3.74625
Kuhn, Loeb & Co. and Smith, Barney & Co	3.80	50.61	3.75419
Kidder, Peabody & Co.; Merrill Lynch, Pierce, Fenner & Beane; and White, Weld & Co	3.80	50.6011	3.75485
Lehman Bros	3.90	51.2113	3.80775

[1] Exclusive of accrued dividends from July 1, 1950.

And Duquesne having stated that it has accepted the bid of The First Boston Corporation and that the 3.75% Preferred Stock is to be offered to the public at a price of $51.00 per share, plus accrued dividends from July 1, 1950, resulting in an underwriters' spread of $0.95 per share, aggregating $142,500; and

The Commission having examined said amendment filed herein on September 13, 1950, and having considered the record and finding no basis for imposing terms and conditions with respect to the price to be received for the 3.75% Preferred Stock, the underwriters' spread and allocation thereof, or otherwise, and it appearing appropriate to the Commission that jurisdiction heretofore reserved to consider the results of the competitive bidding with respect to the 3.75% Preferred Stock be released:

It is ordered, That jurisdiction heretofore reserved to consider the results of the competitive bidding with respect to the sale of the 3.75% Preferred Stock be, and hereby is, released and that said application-declaration, as further amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and the reservations of jurisdiction contained in the Commission's order herein dated August 21, 1950.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8143; Filed, Sept. 18, 1950; 8:47 a. m.]

[File No. 70-2468]

SOUTHWESTERN GAS AND ELECTRIC CO.

NOTICE OF FILING AND ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of September A. D. 1950.

Notice is hereby given that a declaration, and amendments thereto, have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Southwestern Gas and Electric Company ("Southwestern"), a public utility subsidiary of Central and South West Corporation ("Central"), a registered holding company. Declarant has designated sections 6 (a) and 7 of the act and Rule U-62 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration, as amended, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Southwestern has outstanding 100,000 shares of preferred stock which is publicly held and 1,566,800 shares of common stock all of which is owned by Central. Each share of preferred stock and of common stock is entitled to one vote, the preferred stock representing approximately 6% and the common stock approximately 94% of the aggregate voting power. Southwestern proposes to submit to a vote of its stockholders at a special meeting called for such purpose an amendment to its Certificate of Incorporation with respect to the voting rights of the holders of its outstanding preferred stock. The proposed amendment would eliminate the voting rights of the preferred stockholders except the special voting rights provided for in subparagraphs 6, 7 and 9 of Paragraph D of Subdivision I of Article Fourth, or as may be required by law. Such special voting rights, which are to be retained intact, include the right to elect a majority of the Board of Directors if and so long as preferred dividends shall be in default in an amount equivalent to four quarter-yearly dividends.

The proposed amendment requires the favorable vote of two-thirds of the outstanding shares of preferred stock voting as a class and the favorable vote of a majority of the outstanding shares of stock of all classes.

The stated purpose of the proposed amendment is to enable Southwestern to file Federal consolidated income tax returns with Central and Central's other subsidiaries. Declarant states that to be eligible to file such returns under the provisions of the Internal Revenue Code Central must own at least 95% of the voting stock of Southwestern. If the proposed amendment is adopted, Central would own 100% of the voting stock of Southwestern.

Southwestern further proposes to solicit its stockholders in connection with said special meeting and to submit proxy material to its stockholders in the form attached to the amendment to the declaration. It is stated that if Southwestern should retain the services of a professional proxy solicitor to aid in the solicitation of proxies from preferred stockholders, it is estimated that the fees and expenses of such organization will not exceed $1,000. It is further stated that all other expenses to be incurred by Southwestern in connection with the proposed transactions will approximate $1,000.

It is represented that no state commission and no Federal commisison, other than this Commission, has jurisdiction over the proposed transactions.

Southwestern has requested that the Commission enter an order, pursuant to Rule U-62, on or before September 13, 1950, authorizing the solicitation of proxies in connection with said special meeting, and that the Commission's order with regard to all other matters set forth in the declaration, as amended, be issued as soon as practicable and become effective forthwith upon its issuance.

Notice is further given that any interested person may, not later than September 25, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on the matters set forth in the declaration, as amended, other than the proposal to solicit proxies in connection with said special meeting of stockholders, stating the reasons for such request, the nature of his interest, and the issues, if any, of fact or law raised by said declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. At any time after September 25, 1950, said declaration, as amended, excepting such portion thereof as is permitted to become effective herein, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers to grant the request of declarant for an order, pursuant to Rule U-62, authorizing the solicitation of proxies from the stockholders of declarant:

It is ordered, That, without passing upon the merits of the declaration, as amended, filed pursuant to sections 6 (a) and 7 of the act, the declaration, as amended, filed pursuant to Rule U-62 promulgated under the act, as to the solicitation of proxies from the stockholders of Southwestern be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc 50-8144; Filed, Sept. 18, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15009]

CHARLES BATTEKA ET AL.

In re: Charles Batteka, on behalf of himself and all other stockholders of 39 Broadway, Inc., similarly situated, plaintiff, vs. 39 Broadway, Inc., et al., defendants. File No. D-28-12721; E. T. sec. 16899.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Carle, Frieda Carle, Anna Muench, Mrs. Claire Poppe, William A. Seegers, Adele Thoss, Karl Uhe and Josefine Uhe, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown of Wilhelm Muhlig, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: Those certain debts or other obligations owing to the persons identified in subparagraphs 1 and 2 hereof, by the New York Trust Company, 100 Broadway, New York, New York, pursuant to an order entered February 1, 1949, by the Supreme Court in and for New York County, New York, in an action entitled Charles Batteka, on behalf of himself and all other stockholders of 39 Broadway, Inc., similarly situated, plaintiff, vs. 39 Broadway, Inc., et al., defendants, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Wilhelm Muhlig, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-8175; Filed, Sept. 18, 1950; 8:54 a. m.]

[Vesting Order 15012]

DAVID ROOS

In re: Estate of David Roos, deceased. File D 28-12869 E. T. sec. 17034.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schlotz, Barbara Abendschein, Karoline Kolb, Karoline Wilhelmine Hermann, Karl August Kolb, Eugen Kolb, Anna Pauline Troscher, Fredrich Kolb and Louise Kolb, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, issue, next of kin, legatees and distributees, names unknown, of Karoline Kolb, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of David Roos, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by George C. Reuter, Executor, Hopkins, Minnesota, acting under the judicial supervision of the Probate Court of Hennepin County, Minnesota,

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, issue, next of kin, legatees and distributees, names unknown, of Karoline Kolb, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-8176; Filed, Sept. 18, 1950; 8:54 a. m.]

[Vesting Order 15013]

RONALD THOMAS

In re: Estate of Ronald Thomas, deceased. File D 28-12786 G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Baroness Walpurga Von Gemmingen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in, to and against the estate of Ronald Thomas, deceased, arising out of and by virtue of her claim for monies loaned to and had and received by the said Ronald Thomas, including but not by way of limitation all rights, claims, demands and causes of action of any kind or nature whatsoever of the person named in subparagraph 1 hereof against the estate of Ronald Thomas, deceased, by reason of the rejection of any claim filed by or on behalf of the said person named in subparagraph 1 hereof, for the payment of any and all amounts due her by virtue of her claim against the said estate of Ronald Thomas, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a

national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8177; Filed, Sept. 18, 1950; 8:54 a. m.]

[Vesting Order 15051]

HENRY MERCKLE

In re: Trust u/w of Henry Merckle, deceased. File No. D 28-8723; E. T. Sec. 10578.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Wieland, whose last known address was, on August 3, 1950, Germany, was on such date a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $436.40 was paid to the Attorney General of the United States by Frida Hodgkinson, Trustee, of the Trust under the will of Henry Merckle, deceased;

3. That the said sum of $436.40 was accepted by the Attorney General of the United States on August 3, 1950, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $436.40 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof was not within a designated enemy country on August 3, 1950, the national interest of the United States required that such person be treated as a national of a designated enemy country (Germany), on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8178; Filed, Sept. 18, 1950; 8:54 a. m.]

[Vesting Order 15055]

ANNA M. RAU

In re: Rights of Anna M. Rau under insurance contract. File No. F-28-481-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna M. Rau, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under the disability provisions of a contract of insurance evidenced by policy No. 5,580,363, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Anna M. Rau, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON.
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8181; Filed, Sept. 18, 1950; 8:55 a. m.]

[Vesting Order 15057]

GUSTAV RIEKERT ET AL.

In re: Rights of Gustav Riekert et al. under insurance contract. File No. F-28-30651-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Riekert and Martha Riekert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. P 24829, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Gustav Riekert, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Gustav Riekert or Martha Riekert, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8179; Filed, Sept. 18, 1950; 8:54 a. m.]

[Vesting Order 15056]

ELIZABETH REDDEL

In re: Rights of Elizabeth Reddel under insurance contract. File No. F-28-30779-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Reddel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 82 939 549, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Elizabeth Reddel, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8180; Filed, Sept. 18, 1950; 8:55 a. m.]

[Vesting Order 9068, Amdt.]

EXPORTKREDITBANK, A. G.

In re: Stock, bonds and other property owned by and debts or other obligations owing to Exportkreditbank, A. G., F-28-180-A-6; C-2; E-7.

Vesting order 9068, dated May 26, 1947, as amended, is hereby further amended as follows and not otherwise:

a. By deleting from Exhibit A, attached to and by reference made a part of the aforesaid Vesting Order 9068, as amended, the Certificate number "SN-73392" set forth with respect to three (3) shares of capital stock of the American Telephone & Telegraph Company and substituting therefor the Certificate number "SN72392".

b. By deleting from Exhibit A, attached to and by reference made a part of Vesting Order 9068, as amended, the Certificate number "F89173" set forth with respect to one (1) share of capital stock of the Anaconda Copper Mining Company and substituting therefor the Certificate number "F895173",

c. By deleting from Exhibit A, attached to and by reference made a part of Vesting Order 9068, as amended, the name "Otto Rennan" set forth with respect to the registered owner of forty (40) shares of common stock of The Atchison, Topeka & Santa Fe Railway Company and substituting therefor the name "Otto Rennau",

d. By deleting from Exhibit A, attached to and by reference made a part of Vesting Order 9068, as amended, the word "Delaware" set forth with respect to the place of incorporation of the Studebaker Corporation and substituting therefor the words "New Jersey",

e. By adding to Exhibit A, attached to and by reference made a part of Vesting Order 9068, as amended, the following:

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate No.	Number of shares	Registered owner
United Fruit Co., 1 Federal St., Boston, Mass.	New Jersey	Common	No	54881	100	Hurley & Co.

f. By deleting from Exhibit B, attached to and by reference made a part of Vesting Order 9068, as amended, the numbers "2946", "2947" and "27554" as set forth with respect to National Railways of Mexico Secured Assented 6% Notes and substituting therefor the numbers "29846", "29847" and "24554", respectively,

g. By deleting from subparagraph II-13 of the aforesaid Vesting Order 9068, as amended, the number "3883" set forth with respect to one (1) Province of Buenos Aires Arrears Certificate and substituting therefor the number "16", and

h. By deleting from subparagraph II-22 of the aforesaid Vesting Order 9068, as amended, the number "V97563" set forth with respect to one (1) Seaboard Trust Company Voting Trust Certificate and substituting therefor the number "VT 7563".

All other provisions of said Vesting Order 9068, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8183; Filed, Sept. 18, 1950; 8:55 a. m.]

[Vesting Order 15058]

KARL RIPPELMEIER

In re: Rights of Karl Rippelmeier under insurance contract. File No. F-28-26599-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Rippelmeier, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 5 916 534, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Karl Rippelmeier, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8182; Filed, Sept. 18, 1950; 8:55 a. m.]

DOMENICO AND PIETRO BRUNI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date

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of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Property and Location

Domenico Bruni and Pietro Bruni, Sequals, Udine, Italy; Claim No. 18527; $13,013.40 in the Treasury of the United States in two equal shares, one each to Domenico Bruni and Pietro Bruni.

This notice supersedes and cancels the notice of intention to return vested property to Peter Pellarin which was published in the FEDERAL REGISTER on December 17, 1948 (13 F. R. 7812). Mr. Pellarin died October 20, 1948, and the present claimants are his heirs.

Executed at Washington, D. C., on September 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 50-8184; Filed, Sept. 18, 1950; 8:55 a. m.]

SEP 25 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 182

Washington, Wednesday, September 20, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; NORTH CAROLINA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

NORTH CAROLINA

County	Average value	Investment limit
Alamance	$10,000	$10,000
Alexander	12,000	12,000
Alleghany	12,000	12,000
Anson	10,000	10,000
Ashe	12,000	12,000
Avery	8,500	8,500
Beaufort	11,000	11,000
Bertie	12,000	12,000
Bladen	10,000	10,000
Brunswick	9,000	9,000
Buncombe	10,000	10,000
Burke	10,000	10,000
Cabarrus	12,000	12,000
Caldwell	10,000	10,000
Camden	10,000	10,000
Carteret	10,000	10,000
Caswell	10,000	10,000
Catawba	10,000	10,000
Chatham	10,000	10,000
Cherokee	10,000	10,000
Chowan	10,000	10,000
Clay	10,000	10,000
Cleveland	10,000	10,000
Columbus	10,000	10,000
Craven	10,500	10,500
Cumberland	10,000	10,000
Currituck	10,000	10,000
Davidson	12,000	12,000
Davie	12,000	12,000
Duplin	10,000	10,000
Durham	10,000	10,000
Edgecombe	12,000	12,000
Forsyth	12,000	12,000
Franklin	10,000	10,000
Gaston	10,000	10,000
Gates	10,000	10,000
Graham	8,000	8,000
Granville	$10,000	$10,000
Greene	10,000	10,000
Guilford	10,000	10,000
Halifax	10,000	10,000
Harnett	12,000	12,000
Haywood	10,000	10,000
Henderson	10,000	10,000
Hertford	10,000	10,000
Hoke	10,000	10,000
Hyde	7,000	7,000
Iredell	12,000	12,000
Jackson	8,000	8,000
Johnston	12,000	12,000
Jones	10,000	10,000
Lee	11,000	11,000
Lenoir	12,000	12,000
Lincoln	10,000	10,000
McDowell	10,000	10,000
Macon	9,000	9,000
Madison	10,000	10,000
Martin	11,000	11,000
Mecklenburg	13,000	12,000
Mitchell	8,500	8,500
Montgomery	12,000	12,000
Moore	10,000	10,000
Nash	11,000	11,000
New Hanover	10,000	10,000
Northampton	11,500	11,500
Onslow	10,000	10,000
Orange	10,000	10,000
Pamlico	9,000	9,000
Pasquotank	10,000	10,000
Pender	10,000	10,000
Perquimans	10,000	10,000
Person	12,000	12,000
Pitt	10,000	10,000
Polk	10,000	10,000
Randolph	10,000	10,000
Richmond	10,000	10,000
Robeson	10,000	10,000
Rockingham	10,500	10,000
Rowan	12,000	12,000
Rutherford	10,000	10,000
Sampson	10,000	10,000
Scotland	10,000	10,000
Stanly	12,000	12,000
Stokes	12,000	12,000
Surry	12,000	12,000
Swain	8,000	8,000
Transylvania	9,000	9,000
Tyrrell	10,000	10,000
Union	12,000	12,000
Vance	10,000	10,000
Wake	10,000	10,000
Warren	10,000	10,000
Washington	9,000	9,000
Watauga	12,000	12,000
Wayne	12,000	12,000
Wilkes	12,000	12,000
Wilson	10,000	10,000
Yadkin	12,000	12,000
Yancey	9,000	9,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 14th day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-8206; Filed, Sept. 19, 1950; 8:46 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; SOUTH CAROLINA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

SOUTH CAROLINA

County	Average value	Investment limit
Abbeville	$11,000	$11,000
Aiken	11,000	11,000
Allendale	11,000	11,000
Anderson	12,000	12,000
Bamberg	11,000	11,000
Barnwell	11,000	11,000
Beaufort	12,000	12,000
Berkeley	12,000	12,000
Calhoun	12,000	12,000
Charleston	12,000	12,000
Cherokee	13,000	12,000
Chester	12,000	12,000
Chesterfield	11,000	11,000
Clarendon	12,000	12,000
Colleton	11,000	11,000
Darlington	14,000	12,000
Dillon	15,000	12,000
Dorchester	12,000	12,000
Edgefield	12,000	12,000
Fairfield	11,000	11,000
Florence	15,000	12,000
Georgetown	12,000	12,000
Greenville	12,000	12,000
Greenwood	12,000	12,000
Hampton	11,000	11,000
Horry	14,000	12,000
Jasper	12,000	12,000
Kershaw	11,000	11,000
Lancaster	11,000	11,000
Laurens	12,000	12,000
Lee	14,000	12,000
Lexington	11,000	11,000
McCormick	11,000	11,000
Marion	14,000	12,000
Marlboro	16,000	12,000
Newberry	13,000	12,000
Oconee	12,000	12,000
Orangeburg	12,000	12,000
Pickens	12,000	12,000
Richland	11,000	11,000
Saluda	12,000	12,000
Spartanburg	12,000	12,000
Sumter	12,000	12,000
Union	11,000	11,000
Williamsburg	12,000	12,000
York	12,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 14th day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-8207; Filed, Sept. 19, 1950; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter E—Determination of Sugar Commercially Recoverable

[Sugar Determination 833.2 Amdt. 1]

PART 833—MAINLAND CANE SUGAR AREA

1950 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 302 (a) of the Sugar Act of 1948, the Determination of Sugar Commercially Recoverable for the Mainland Cane Sugar Area, issued October 20, 1949, as § 833.2 (14 F. R. 6514) is hereby amended, effective as to the 1950 and subsequent crops, by deleting paragraphs (a), (b), and (c), and substituting new paragraphs (a), (b), and (c), as follows:

(a) The rates shown in paragraphs (b) and (c) of this section shall apply to the 1950 crop and the rates applicable to each succeeding crop shall be established by the Production and Marketing Administration from data for the next preceding five crops in a manner similar to that used in computing the rates applicable to the 1950 crop.

(b) For farms in Louisiana:

Percentage of sucrose in normal juice: [1]	*Hundredweight of sugar*
8.0	0.903
9.0	1.071
10.0	1.269
11.0	1.446
12.0	1.602
13.0	1.762
14.0	1.924
15.0	2.088
16.0	2.255
17.0	2.424
18.0	2.595

[1] Sugar recoverable for the intervening tenths of 1 percent shall be calculated by straight interpolation.

(c) For farms in Florida:

Percentage of sucrose in normal juice: [1]	*Hundredweight of sugar*
8.0	0.960
9.0	1.136
10.0	1.343
11.0	1.528
12.0	1.693
13.0	1.861
14.0	2.031
15.0	2.204
16.0	2.379
17.0	2.556
18.0	2.735

[1] Sugar recoverable for the intervening tenths of 1 percent shall be calculated by straight interpolation.

Statement of bases and considerations. The original determination established rates of commercially recoverable sugar on the basis of simple averages of the results for all of the crops of 1944 through 1948, except that the rates for Louisiana were adjusted to show recoveries on the basis of trash-free sugarcane. The statement of bases and considerations included in that determination specified that "In Louisiana, the net weight of the cane will be determined by reducing the gross weight to a trash-free basis as defined in Sugar Determination 874.2, issued September 26, 1949." Under the definition of "trash" in Sugar Determination 874.2, trash-free cane contained a small amount of trash which was reflected in the recovery rates as set forth in paragraph (b) of Sugar Determination 833.2. However "trash" in sugarcane has been redefined in the determination of prices for the 1950 sugarcane crop in Louisiana, Sugar Determination 874.3, issued August 30, 1950, eliminating all tolerance for trash. Consequently, the rates set forth in paragraph (b) of this amendment have been adjusted to eliminate all trash tolerance. Otherwise these rates and those for Florida, as shown in paragraph (c), have been computed in accordance with the provisions of the original determination.

Except for the modifications explained above, the determination as issued October 20, 1949, together with the Statement of Bases and Considerations, remains unchanged.

Accordingly, I hereby find and conclude that the foregoing amendment to the Determination of Sugar Commercially Recoverable from the Mainland Cane Sugar Area will effectuate the purposes of section 302 (a) of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Issued this 15th day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-8210; Filed, Sept. 19, 1950; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 14—TANKING AND DENATURING CONDEMNED CARCASSES AND PARTS

PART 17—LABELING

PART 24—EXPORT STAMPS AND CERTIFICATES

PART 25—TRANSPORTATION

PART 27—IMPORTED PRODUCTS

MISCELLANEOUS AMENDMENTS

On July 19, 1950, there was published in the FEDERAL REGISTER (15 F. R. 4606) a notice of proposed amendments of the regulations governing the meat inspection of the United States Department of Agriculture (9 CFR, Chapter I, Subchapter A, as amended). After due consideration of all relevant matters presented and pursuant to the authority conferred upon me by the Meat Inspection Act, as amended (21 U. S. C. 71–91), the so-called Horse Meat Act (21 U. S. C. 96), and section 306 of the Tariff Act of 1930 (19 U. S. C. 1306), the aforesaid regulations are hereby amended as follows:

1. Section 14.6 (a) is amended to read as follows:

§ 14.6 *Livers condemned because of parasitic infestation and for other causes; conditions under which may be disposed of as fish feed.* (a) Livers condemned on account of fluke infestation may be forwarded as fish feed if they are first freely slashed, then denatured, and then frozen. The denaturing shall be accomplished by dipping the slashed livers in a hot solution composed of one part of FD&C Green #3 or Methyl Violet to 5,000 parts of water, followed by washing in fresh water until the washings are no longer colored, or by the application of finely powdered charcoal. Freezing shall be preceded by chilling the livers to a temperature not above 40° F. Livers packed in containers not more than 7 inches thick shall then be held for a period of not less than 10 days at a temperature not higher than 15° F. or for a period of not less than five days at a temperature not higher than 10° F. Livers packed in containers over 7 inches but less than 27 inches thick shall be held not less than 20 days at a temperature not higher than 15° F., or for not less than ten days at a temperature not higher than 10° F. In lieu of freezing, the livers may be thoroughly cooked and then slashed and denatured in the manner indicated above. It is essential that

the livers be sufficiently denatured through discoloration by the dye or charcoal to preclude their use as human food. Freezing may be accomplished in the regular freezer in a properly separated compartment or receptacle held under division lock.

2. Section 17.2 (c) is amended to read as follows:

(c) Stencils and box dies shall not include the inspection legend or any abbreviation or representation thereof, and inserts, tags, and like devices shall not bear such inspection legend, abbreviation, or representation: *Provided, however*, That, with the approval of the chief of division, box dies including such legend or an abbreviation or representation thereof may be used in marking wooden boxes of light material having a maximum capacity of five pounds, fiberboard containers, and wooden wire-bound boxes and crates with at least 90 percent of the total wood surface being veneer wood not over ⅛ of an inch thick and of such a quality that matter imprinted on it is legible.

3. Section 17.8 (c) (31) is amended to read as follows:

(31) Product labeled "Tamales" shall be prepared with at least 25 percent meat computed on the weight of the uncooked fresh meat in relation to all ingredients of the tamales. When tamales are packed in sauce or gravy, the name of the product shall include a prominent reference to the sauce or gravy, for example "Tamales With Sauce" or "Tamales With Gravy." Product labeled "Tamales With Sauce" or "Tamales With Gravy" shall contain not less than 20 percent meat, computed on the weight of the uncooked fresh meat in relation to the total ingredients making up the tamales and sauce or the tamales and gravy.

4. Section 17.8 (c) is amended by adding thereto the following subparagraphs:

(44) Canned product labeled "Tripe With Milk" shall be prepared so that the finished canned article, exclusive of the cooked-out juices and milk, will contain at least 65 percent tripe. The product shall be prepared with not less than 10 percent milk.

(45) Product labeled "Beans With Frankfurters in Sauce," "Sauerkraut With Wieners and Juice," and the like, shall contain not less than 20 percent frankfurters or wieners computed on the weight of the smoked and cooked sausage prior to its inclusion with the beans or sauerkraut.

(46) Product labeled "Lima Beans With Ham in Sauce," "Beans With Ham in Sauce," "Beans With Bacon in Sauce," and the like, shall contain not less than 12 percent ham or bacon computed on the weight of the smoked ham or bacon prior to its inclusion with the beans and sauce.

(47) Product labeled "Chow Mein Vegetables With Meat" and "Chop Suey Vegetables With Meat" shall contain not less than 12 percent meat computed on the weight of the uncooked fresh meat prior to its inclusion with the other ingredients.

5. Section 24.4 (a) (4) (ii) is amended to read as follows:

(ii) Preservatives other than common salt, sugar, dextrose, glucose, saltpeter, wood smoke, vinegar, spices, alcohol, refined sodium nitrate, and refined sodium nitrite (not to exceed 200 parts per million in the finished product), or coloring matter, shall not be used in or upon meat, meat byproducts, or any preparation of either of them.

6. Section 24.4 (a) (4) (xxv) is amended to read as follows:

(xxv) Processed lard shall be the food product made by adding to lard a small proportion of a stabilizer consisting of one or more of the following ingredients: gum guaiacum; vegetable oil containing tocopherols; lecithin; citric acid, tartaric acid, ascorbic acid; and propyl gallate. Such stabilizers, singly or in combination, shall not exceed two-tenths of one (0.2) percent by weight of the finished product, except propyl gallate which shall not exceed one-hundredth of one (0.01) percent by weight of the finished product. The label or marking of every package or container in which processed lard is offered for sale shall display a statement in immediate conjunction with the name of the product naming the stabilizer: e. g. "Contains propyl gallate."

7. Section 24.4 (c) (3) is amended to read as follows:

(3) The lymphatic glands and/or serous membranes are required to be in close anatomical relationship to fresh meat cuts imported into England and Wales.

8. Section 24.4 (c) (4) is amended by deleting from the end thereof the following note:

NOTE: The foregoing recommendations of the Association of Port Sanitary Authorities of the British Isles as to the inclusion of lymphatic glands in cuts of imported meat appear not to be applicable to mutton and lamb for importation into England or Wales in view of a recent amendment of the Public Health (Imported Food) Regulations, 1937, issued by the Ministry of Food in the United Kingdom, which permits the importation into England and Wales of mutton and lamb from which the lymphatic glands have been removed, and requires the incision of certain lymphatic glands of sheep (not lamb) carcasses for importation into England and Wales. See subparagraphs (5) (iii) and (7) of this paragraph.

9. Section 24.4 (c) (5) (iii) is amended to read as follows:

(iii) Meat from which a lymphatic gland, except a gland necessarily removed in preparing the meat, has been taken out.

10. Section 24.4 (c) (7) is revoked.

11. Section 25.6 (d) is amended to read as follows:

(d) When shipments are made under this section, the inspector in charge at the point of origin shall immediately notify the inspector in charge at the point of destination by means of Form MI 408–1. One copy of the form shall be placed in a sealed envelope and tacked, or otherwise securely fastened, to the inside of one of the doors of the railroad car, truck, wagon, etc., and one copy shall be mailed to the inspector in charge at destination immediately after the vehicle has been sealed.

12. Section 25.9 (c) is amended to read as follows:

(c) When a shipment is made in a sealed car, truck, wagon, etc., under this section, the inspector in charge at the point of origin shall immediately notify the inspector in charge at point of destination in accordance with instructions in § 25.6 (d). When a shipment is made under this section in properly sealed and marked closed containers, the inspector in charge at point of origin shall immediately notify the inspector in charge at destination by means of an appropriately modified Form MI 408–1, furnishing complete information.

13. Section 25.14 (a) is amended to read as follows:

§ 25.14 *Denaturing of uninspected or inspected meat known to be unsound, grease, etc., required prior to shipment; certificate for shipment; statement to appear on waybills, etc., of connecting carrier.* (a) No uninspected product, and no inspected and passed product which is known to have become unsound, unhealthful, unwholesome, or in any way unfit for human food, including any rendered or unrendered grease, tallow, or other fat derived from the carcasses of cattle, sheep, swine, or goats and possessing the physical characteristics of an edible product, shall be transported from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, unless it is first denatured or otherwise destroyed for food purposes. The shipper shall not offer nor the carrier receive for such transportation any such article until it has been denatured or otherwise destroyed for food purposes as required by this section. The carrier shall require and the shipper shall make and deliver to the carrier a certificate in duplicate in the following form:

Date ---------- 19----

Name of carrier----------
Consignor ----------
Point of shipment----------
Consignee ----------
Destination ----------

I hereby certify that the following described meat or product, or grease, tallow, or other fat, which is offered for shipment in interstate or foreign commerce, has been denatured or otherwise destroyed for food purposes.

Kind of product	*Amount and weight*
----------	----------
----------	----------
----------	----------

---------- (Signature of shipper)

---------- (Business or occupation of shipper)

---------- (Address of shipper)

The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. The duplicate certificate shall be forwarded immediately by the initial carrier to the Chief of the Meat Inspection Division, Washington, D. C. If the product is transported by the shipper himself a certificate shall nevertheless be forwarded by him to the Chief of the Meat Inspection Division.

14. Section 25.14 is amended by adding thereto a new paragraph (c) as follows:

(c) No dog food or other animal food prepared, in whole or in part, from materials derived from the carcasses of cattle, sheep, swine, goats, or horses, either in an official establishment or elsewhere, shall be transported from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, unless (1) it is properly identified as dog food or other animal food, (2) it is not represented as being a human food, and (3) if, possessing the physical characteristics of an edible product, it has been treated (denatured or decharacterized) so as to be readily distinguishable from an article of human food: *Provided*, That such dog food or other animal food packed in hermetically sealed, retort processed, conventional retail-size containers need not be denatured or decharacterized if the name of the canned article, as for example "Dog Food," "Cat Food," "Dog and Cat Food," "Animal Food," and the like, appears on the label in a conspicuous manner. To be considered conspicuous, the letters in the name of the canned article, as for example "Dog Food," must be at least three times as high, wide, and thick as the letters in the words denoting the use, as ingredients in the article, of the materials derived from the carcasses of cattle, sheep, swine, goats, or horses. The letters in the name of such article shall contrast as markedly with their background as the letters in the words denoting the use of such ingredient materials contrast with their background.

15. Section 25.17 (a) (2) is amended by changing the period at the end thereof to a semicolon.

16. Section 25.17 (a) (3) is amended by omitting the word "and" at the end thereof and changing the final comma in the subparagraph to a semicolon.

17. Section 25.17 (a) (4) is renumbered 25.17 (a) (5), and a new subparagraph (4) is added as follows:

(4) To material or specimens of product for laboratory examination, research, or other purposes, when authorized by the Chief of the Division and under conditions prescribed by him; and

18. Section 27.6 (f) is amended to read as follows:

(f) Except as provided in § 27.18 and paragraph (g) of this section, each consignment of any product of a kind prepared customarily to be eaten without cooking (such as summer sausage, "Italian" and "Westphalia" hams, and the like), which contains any muscle tissue of pork, shall be accompanied, in addition to any other certificate required by this section, by a separate foreign meat-inspection certificate in the following form:

OFFICIAL MEAT-INSPECTION CERTIFICATE FOR PORK AND PORK PRODUCTS

(For shipment to the United States of articles of a kind prepared customarily to be eaten without cooking, and which contain muscle tissue of pork.)

Place ----------
Date ----------, 19----

I hereby certify that the article or articles herein described are of a kind prepared customarily to be eaten without cooking, and contain muscle tissue of pork, which, when fresh or freshly cured in salt, were subjected to a temperature not higher than five (5) degrees F. for not less than twenty (20) days, or otherwise treated as specified by the Chief of the Meat Inspection Division, and that said articles contain no muscle tissue of pork which has not been treated as herein specified.

Kind of product	*Number of pieces or packages*	*Weight*
----------	----------	----------
----------	----------	----------
----------	----------	----------

Identification marks on meats and packages ----------
Consignor ----------
Address ----------
Consignee ----------
Destination ----------
Shipping marks ----------
(Signature) ----------
(Name of official of national foreign government authorized to issue inspection certificates for meat and meat food products exported to the United States)
(Official title) ----------

NOTE: A certificate in the above form is required to accompany each consignment of any product of a kind prepared customarily to be eaten without cooking (such as summer sausage, "Italian" and "Westphalia" hams, and the like), which contains any muscle tissue of pork. This certificate is to be delivered by the consignee, or his agent, to the inspector of the Meat Inspection Division at the point of inspection in the United States.

Each such foreign meat-inspection certificate shall be subject to the provisions of paragraphs (b) to (d), inclusive, of this section.

19. Section 27.6 is amended by adding thereto the following paragraphs:

(g) The official meat-inspection certificate for pork and pork products of the national government of a foreign country, the form of which has been approved by the Department and which is issued for any pork and pork products, may be accepted in lieu of the certificate prescribed in paragraph (f) of this section, notwithstanding the fact that the name of the foreign official who signed the certificate has not been published by the Department.

(h) The foreign official meat-inspection certificate for pork and pork products as provided for in paragraph (f) of this section, accompanied with a foreign meat-inspection certificate approved in accordance with paragraph (e) of this section, may be accepted even though the name of the foreign official who signed it has not been published by the Department, provided, that it agrees with the signature of the foreign official who signed the certificate approved in accordance with paragraph (e) of this section.

(34 Stat. 1264, as amended, 41 Stat. 241, sec. 306, 46 Stat. 689; 21 U. S. C. 71–91, 96, 19 U. S. C. 1306)

The purposes of the foregoing amendments are to bring into the regulations orders and instructions that have been given to the field operating force of the Meat Inspection Division and inspected establishments over the past year, and to incorporate new material controlling the composition of certain meat food products along lines which have been thoroughly investigated by that Division.

The foregoing amendments shall become effective October 20, 1950.

Done at Washington, D. C., this 14th day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–8205; Filed, Sept. 19, 1950; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 10 to Rev. of May 10, 1949]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PROJECT COSTS

Acting pursuant to the authority vested in me by the Federal Airport Act, I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics as follows:

Footnote 1 is deleted, and § 550.4 (a) (5) is amended to read:

§ 550.4 *Project costs* • • •

(a) *Eligibility* • • •

(5) The cost of non-expendable machinery, tools or equipment owned by a sponsor and used in accomplishing work under a project by sponsor's force account, except to the extent of the fair rental value of such machinery, tools or equipment for the period used on the project.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(60 Stat. 170–180; 49 U. S. C. 1101–1119)

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50–8193; Filed, Sept. 19, 1950; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III, LOAN GUARANTY

DIRECT LOANS

In Part 36, §§ 36.4500 through 36.4524, inclusive, are added as follows:

The following regulations govern the making of direct loans by the Administrator of Veterans Affairs to eligible

World War II veterans pursuant to section 512 of Title III of the Servicemen's Readjustment Act of 1944, as amended:

DIRECT LOANS

Sec.
36.4500 Applicability.
36.4501 Definitions.
36.4502 Use of guaranty entitlement.
36.4503 Amount and amortization.
36.4504 Loan closing expenses.
36.4505 Maturity of loan.
36.4506 Recasting.
36.4507 Refunding of outstanding indebtedness.
36.4508 Transfer of property by borrower.
36.4509 Joint loans.
36.4510 Prepayment, acceleration and liquidation.
36.4511 Advances after loan closing.
36.4512 Taxes and insurance.
36.4513 Foreclosure and liquidation.
36.4514 Eligibility requirements.
36.4515 Estate of veteran in real property.
36.4516 Lien requirements.
36.4517 Incorporation by reference.
36.4518 Supplementary administrative action.
36.4519 Reasonable value requirements.
36.4520 Delegation of authority.
36.4521 Minimum construction requirements.
36.4522 Waivers, consents and approvals.
36.4523 Geographical limits.
36.4524 Sale of loans.

AUTHORITY: §§ 36.4500 to 36.4524 issued under sec. 504, 59 Stat. 293, as amended; 38 U. S. C. 694d.

NOTE: Those requirements, conditions, or limitations which are expressly set forth in the act are not restated herein and must be taken into consideration in the interpretation or application of the regulations concerning direct loans to veterans.

§ 36.4500 *Applicability.* The regulations concerning direct loans to veterans shall be applicable to loans made by Veterans' Administration pursuant to section 512 of Title III of the Servicemen's Readjustment Act of 1944, as amended.

§ 36.4501 *Definitions.* Wherever used in section 512 of the act or the regulations concerning direct loans to veterans, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated, namely:

(a) "Act" means Public Law 346, 78th Congress (58 Stat. 284), cited as "Servicemen's Readjustment Act of 1944, as amended by Public Law 268, 79th Congress (59 Stat. 626), Public Law 864, 80th Congress, chapter 784, 2d Session (62 Stat. 1206), and Public Law 475, 81st Congress, 2d Session (38 U. S. C., Supp. 694, et seq.).

(b) "Administrator" means the Administrator of Veterans' Affairs.

(c) "Cost" means the entire consideration paid or payable for or on account of the application of materials and labor to tangible property.

(d) "Default" means failure of a borrower to comply with the terms of a loan agreement.

(e) "Dwelling" means a building designed primarily for use as a home, consisting of one residential unit only and not containing any business unit.

(f) "Farmhouse" means a dwelling intended for occupancy by one engaged in farming on a full- or part-time basis and so situated as to suit the intended purpose.

(g) "Guaranty" means the obligation of the United States, incurred pursuant to title III of the act, to repay a specified percentage of a loan upon the default of the primary debtor.

(h) "Home" means a place of residence.

(i) "Improvement" means any addition or alteration which enhances the utility of the property for residential purposes.

(j) "Indebtedness" means the unpaid principal and interest plus any other sums a borrower is obligated to pay Veterans' Administration under the terms of the loan instruments or of the regulations concerning direct loans to veterans.

(k) "Loan" means a loan made to a veteran by Veterans' Administration pursuant to the provisions of section 512 of the act and the regulations concerning direct loans to veterans.

(l) "Purchase price" means the entire legal consideration paid or payable upon or on account of the sale of property, exclusive of acquisition costs, or for the cost of materials and labor to be applied thereto.

(m) "Reasonable value" means that figure which represents the amount a reputable and qualified appraiser, unaffected by personal interest, bias, or prejudice, would recommend to a prospective purchaser as proper price or cost in the light of prevailing conditions.

(n) "Repairs" means any alteration of existing realty which is necessary or advisable for protective, safety, or restorative purposes.

(o) "Veterans' Administration" means the Administrator of Veterans' Affairs, or any employee of the Veterans' Administration authorized by him to act in his stead.

§ 36.4502 *Use of guaranty entitlement.* Fifty percent of the loan, or $4,000, whichever is less, will be charged to the entitlement of the veteran to whom a direct loan is made. Any remaining entitlement will be available for the veteran's use in connection with subsequent loans, if any, reported to the Veterans' Administration for guaranty or insurance.

§ 36.4503 *Amount and amortization.* (a) The original principal amount of any loan shall not be in excess of $10,000. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by Veterans' Administration shall bear interest at the rate of 4 percent per annum.

(b) Each loan shall be repayable on the basis of approximately equal monthly installments.

(c) The first installment payment on a construction loan or a loan for the improvement of a farmhouse may be postponed for a period not exceeding 12 months from the date of the loan instruments. The first installment payment for a loan for the purchase of a home may not be postponed more than 60 days from the date of loan closing.

(d) The final installment on any loan shall not be in excess of two times the average of the preceding installments, except that on a construction loan the final installment may be for an amount not in excess of 5 percent of the original principal amount of the loan. The limitations imposed by this paragraph on the amount of the final installment shall not apply in the case of any loan extended or recast pursuant to §§ 36.4505 or 36.4506.

§ 36.4504 *Loan closing expenses.* (a) Veterans' Administration will designate a loan closer to represent Veterans' Administration at the closing and in advance thereof will agree with him upon the fee to be paid by the Veterans' Administration for preparing the loan closing instruments and attending at the closing of the loan. The loan closer as such is neither an agent nor employee of the Veterans' Administration.

(b) Except as provided in paragraph (a) of this section, any costs or expenses entailed in closing a loan or financing a purchase and normally paid by a purchaser or lienor incident to loan closing shall be paid by the veteran-borrower and may not be paid out of the proceeds of the loan. No service or brokerage fee shall be charged against the veteran borrower for procuring the loan or in connection therewith.

(c) Any commission or other consideration paid or payable by the veteran to a sales broker or another, as agent of the veteran or otherwise, shall not be considered as acquisition or closing costs but shall be treated as part of the purchase price for the purpose of determining that the purchase price of the property is not in excess of the reasonable value. No such commission or consideration may be paid out of the proceeds of the loan.

(d) No application for a loan to purchase a dwelling not previously occupied will be approved by Veterans' Administration unless it is furnished a certification either (1) by the builder that he has not paid and will not pay any charges or fees in excess of those allowed in the applicable schedule approved by Veterans' Administration, or (2) by the lender which made the construction loan, that it has not imposed and will not impose charges in relation to the construction of such dwelling which are in excess of those allowed in said schedule.

(e) The veteran will be required to make a payment equivalent to 5 percent of the purchase price of the property or the cost of construction. The expenses paid by the veteran pursuant to paragraph (b) of this section for closing the loan may be deducted from the required down payment. With respect to construction loans the fair market value of the lot, if owned by the veteran, may be considered pro tanto as satisfying the down payment requirement: *Provided*, That in connection with such loans the veteran, in addition to the required down payment, will deposit with Veterans' Administration or in an escrow satisfactory to Veterans' Administration 10 percent of the estimated cost of construction or such alternative sum, in cash or its equivalent, as Veterans' Administration may determine to be necessary in order to afford adequate assurance that sufficient funds will be available, from the proceeds of the loan or from other

sources, to assure completion of the construction in accordance with the plans and specifications upon which Veterans' Administration based its loan commitment.

§ 36.4505 *Maturity of loan.* The maturity of a loan shall not exceed 20 years from the date of the loan, except that:

(a) If Veterans' Administration determines that the income and expenses of a veteran applicant at the time of his application for a loan, or at the time of closing of the loan, are such that under customary credit standards he would be unable to maintain the required schedule of amortized payments for a loan which matures in 20 years, but taking into consideration the veteran's current and prospective income and expenses he would be able to make the payments on the loan if amortized over a longer period of time, the loan may be made with a maturity for such longer period of time but not in excess of 30 years: *Provided*, That in no event will the maturity exceed the estimated economic life of the property securing the loan.

(b) At any time more than 6 months subsequent to the date of a loan which has a maturity of less than 30 years, if there be no existing default, Veterans' Administration shall upon the written request of the veteran borrower review the current income status of such borrower and if it is found that he is unable to maintain the existing schedule of required payments, the maturity will be extended and the loan reamortized over such longer period as may conform with the veteran's indicated ability to pay, not to exceed a maturity of 30 years from the date of the loan.

§ 36.4506 *Recasting.* In the event of default, or to avoid imminent default, Veterans' Administration may at any time enter into an agreement with the borrower which will permit the latter temporarily to repay his obligation on a basic appropriate to his apparent current ability to pay, or may enter into an appropriate recasting or extension agreement: *Provided*, That no such agreement shall extend the ultimate repayment of a loan beyond the expiration of 30 years from the date of the loan, or 40 years in the case of a loan for the construction or improvement of a farmhouse.

§ 36.4507 *Refunding of outstanding indebtedness.* Advances made by the veteran applicant, or obligations incurred by him, incident to the purchase, construction, or improvement of the property which is to be financed further through the direct loan may be reimbursed to him or paid for him out of the proceeds of such loan: *Provided:*

(a) The proceeds of such indebtedness were actually paid out in full, or the last expenditure by the veteran occurred within 60 days prior to the date of his application, or

(b) The obligation represents the balance due for the purchase of land on which new construction is to be financed through the proceeds of the loan, or

(c) The loan is for the purpose of completing construction of a dwelling, or

(d) That with respect to the construction or improvement of a farmhouse a portion of the proceeds may be used to obtain the discharge or release of any liens on the site for such home or farmhouse.

§ 36.4508 *Transfer of property by borrower.* Veterans' Administration shall not include in the loan contract any provisions which will impede the right of a veteran to convey, transfer, or otherwise alienate whatever right or title he may have in the property purchased or constructed with the aid of the proceeds of a direct loan, except that Veterans' Administration may include in the loan instruments such provisions as may be deemed necessary for the protection of the security and the Federal Government.

§ 36.4509 *Joint loans.* (a) No loan will be made unless an eligible veteran is the sole principal obligor, or such veteran and his spouse are the principal obligors thereon, nor unless such veteran alone, or he and his spouse, acquire the entire fee simple or other permissible estate in the realty for the acquisition of which the loan was obtained. Nothing in this section shall preclude other parties from becoming liable as comaker, endorser, guarantor, or surety.

(b) Notwithstanding that an applicant and his spouse both be eligible veterans and will be jointly and severally liable as borrowers the original principal amount of the loan may not exceed $10,000.

§ 36.4510 *Prepayment, acceleration and liquidation.* (a) Any credit on the loan not previously applied in satisfaction of matured installments, other than the gratuity credit required by section 512 (c) of the act to be credited to principal, may be reapplied by Veterans' Administration at the request of the borrower for the purpose of curing or preventing a default.

(b) Veterans' Administration shall include in the instruments evidencing or securing the indebtedness provisions relating to the following:

(1) The right of the borrower to prepay at any time without premium or fee, the entire indebtedness or any part thereof: *Provided*, That any such prepayment, other than payment in full, may not be made in any amount less than the amount of one installment, or $100, whichever is less: *And provided further*, That any prepayment made on other than an installment due date will not be credited until the next following installment due date.

(2) The right of Veterans' Administration to accelerate the maturity of the entire indebtedness in the event of default.

(3) The right of Veterans' Administration to foreclose or otherwise proceed to liquidate or acquire property which is the security for the loan in the event of the borrower's delinquency in the repayment of his obligation or in the event of his default in any other provisions of the loan contract.

(c) Veterans' Administration shall have the right to accelerate the entire indebtedness and to foreclose or otherwise proceed to liquidate, or acquire the security for the loan, in the event the veteran is adjudged a bankrupt, or if the property has been abandoned by the borrower or subjected to waste or hazard, or in the event conditions exist which warrant the appointment of a receiver by court.

(d) If, subsequent to the closing of the loan, title to the property which is security for such loan is restricted against sale or occupancy on the ground of race, color, or creed, by restrictions created and filed of record by the borrower, such action, at the election of Veterans' Administration, shall constitute an event of default entitling Veterans' Administration to declare the unpaid balance of the loan immediately due and payable.

§ 36.4511 *Advances after loan closing.* (a) The Veterans' Administration may at any time advance any sum or sums as are reasonably necessary and proper for the maintenance, repair, alteration, or improvement of the security for a loan or for the payment of taxes, assessments, ground or water rights, or casualty insurance thereon: *Provided*, That no advance shall be made for alterations or improvements which are not necessary for the maintenance or repair of the security if such advance will increase the indebtedness to an amount in excess of $10,000.

(b) All sums disbursed incident to the making of advances under this section shall be added to the indebtedness. Veterans' Administration may require any such advances to be secured ratably and on a parity with the principal indebtedness, or otherwise secured. The sum so advanced shall be evidenced by a supplemental note or otherwise as may be required by Veterans' Administration.

(c) Veterans' Administration may pay and charge against the indebtedness, or against the proceeds of the sale of any security therefor, any expense which is reasonably necessary for collection of the debt, protection, repossession, preservation, or liquidation of the security or of the lien thereon, including a reasonable amount for trustees' and legal fees.

§ 36.4512 *Taxes and insurance.* (a) In addition to the monthly installment payments of principal and interest payable under the terms of the loan agreement, the borrower will be required to make payments monthly to Veterans' Administration in such amounts as may be determined by Veterans' Administration from time to time to be necessary for the purpose of accumulating funds sufficient for the payment of taxes and assesments, ground rents, insurance premiums, and similar levies or charges on the security property.

(b) The borrower shall maintain insurance against fire and such other hazards as may be required by Veterans' Administration, in such type or types and in such amounts as may be satisfactory to Veterans' Administration, covering the improvements then or thereafter on the property securing the loan. Such insurance shall be carried with a company or companies satisfactory to Veterans' Administration and the policies and renewals thereof shall be held in the possession of Veterans' Administration and have attached thereto a mortgagee loss payable clause in favor of and in

form satisfactory to Veterans' Administration.

(c) The borrower at loan closing shall pay in cash to Veterans' Administration such sum as it estimates may be necessary as the initial deposit to the borrower's tax and insurance reserve account.

§ 36.4513 *Foreclosure and liquidation.* In the event of a foreclosure sale or other liquidation of the security for a loan, Veterans' Administration shall credit upon the indebtedness the greater of:

(a) The net proceeds of the sale, or

(b) The current market value of the property as determined by Veterans' Administration, less the costs and expenses of liquidation. In no event shall the credit pursuant to this paragraph exceed the amount of the gross indebtedness, nor shall such credit be less than the amount legally required to be credited to the indebtedness under local law.

§ 36.4514 *Eligibility requirements.* Prior to making a loan, or a commitment therefor, Veterans' Administration shall determine that:

(a) The applicant is an eligible veteran.

(b) The applicant has full capacity under local law to enter into binding contracts.

(c) The applicant has not heretofore availed himself of any part of his guaranty entitlement except as to entitlement excluded by Veterans' Administration pursuant to section 500 (a) of the act.

(d) The applicant is a satisfactory credit risk and has an ability to repay the obligation proposed to be incurred by him and that the proposed monthly payments on such obligation bear a proper relationship to his present and anticipated income and expenses.

(e) Private capital is not available in the area at an interest rate not in excess of 4 percent per annum for the purpose for which the loan is proposed to be made.

(f) The applicant is unable to obtain a loan for such purpose from the Secretary of Agriculture, under the Bankhead-Jones Farm Tenant Act, as amended, or under the Housing Act of 1949.

§ 36.4515 *Estate of veteran in real property.* (a) The estate in the realty acquired by the veteran, wholly or partly with the proceeds of a loan hereunder, or owned by him and on which improvements on a farmhouse are to be financed by such loan, shall be not less than:

(1) A fee simple estate therein, legal or equitable; or

(2) A leasehold estate running or renewable at the option of the lessee for a period of not less than 14 years from the maturity of the loan, or to any earlier date at which the fee simple title will vest in the lessee, which is assignable or transferrable, if the same be subjected to the lien; or

(3) A life estate, provided that the remainder and reversionary interests are subjected to the lien. The title to such estate shall be such as is acceptable to informed buyers, title companies, and attorneys, generally, in the community in which the property is situated, except as modified by paragraph (b) of this section.

(b) Any such property or estate will not fail to comply with the requirements in paragraph (a) of this section by reason of the following:

(1) Encroachments.
(2) Easements.
(3) Servitudes.
(4) Reservations for water, timber, or subsurface rights.
(5) Right in any grantor or co-tenant in the chain of title, or a successor of either, to purchase for cash, which right by the terms thereof is exercisable only if
(i) An owner elects to sell,
(ii) The option price is not less than the price at which the then owner is willing to sell to another, and
(iii) Exercised within 30 days after notice is mailed by registered mail to the address of optionee last known to then owner, of the then owner's election to sell, stating his price and the identity of the proposed vendee.
(6) Building and use restrictions whether or not enforceable by a reverter clause if there has been no breach of the conditions affording a right to an exercise of the reverter.
(7) Any other covenant, condition, restriction, or limitation approved by Veterans' Administration in the particular case. The limitations on the quantum or quality of the estate or property that are indicated in this paragraph, insofar as they may materially affect the value of the property for the purpose for which it is used, shall be taken into account in the appraisal of reasonable value.

(c) No loan will be made if the title to the real property or a leasehold interest therein, which is to be security for a loan, is restricted against sale or occupancy on the ground of race, color, or creed, by restrictions created and filed of record subsequent to February 15, 1950.

§ 36.4516 *Lien requirements.* (a) Loans for the purchase or construction of a dwelling or for the construction or improvement of a farmhouse shall be secured by a first lien on the property or estate. Veterans' Administration may except any loan for the construction or improvement of a farmhouse from the first lien requirement hereof.

(b) Tax or special assessment liens or ground rents not due and payable on the date of loan closing shall be disregarded with respect to any requirement that loans shall be secured by a lien of specified dignity.

§ 36.4517 *Incorporation by reference.* The regulations concerning direct loans to veterans in effect on the date a loan is closed shall govern the rights, duties, and liabilities of the parties to such loan during the period Veterans' Administration is the holder thereof, and any provisions of the loan instruments inconsistent with such regulations are hereby amended and supplemented to conform thereto.

§ 36.4518 *Supplementary administrative action.* Notwithstanding any requirement, condition, or limitation stated in or imposed by the regulations in this part concerning direct loans to veterans, the Administrator, within the limitations and conditions prescribed in the act, may take such action as may be necessary or appropriate to relieve any undue prejudice to a debtor, or other person, which might otherwise result, provided such action shall not impair the vested rights of any person affected thereby. If such requirement, condition, or limitation is of an administrative or procedural nature, such action may be taken by any employee authorized to act under § 36.4520.

§ 36.4519 *Reasonable value requirements.* (a) A loan may be made only when the proceeds thereof will be expended for property, construction, or improvements, the purchase price or cost of which is not in excess of the reasonable value of the same as determined by a proper appraisal made by an appraiser designated by Veterans' Administration.

(b) If any portion of the proceeds of a loan for the construction and improvement of a farmhouse are used for the purpose of obtaining a release of the home site, the amount paid for the release shall not exceed the reasonable value of the property so released and the loan shall not exceed the reasonable value of the property as improved. If the first lien requirement is waived by Veterans' Administration with respect to any loan for construction or improvement of a farmhouse, the loan plus the amount of the prior lien shall not exceed the reasonable value of the property as improved.

§ 36.4520 *Delegation of authority.* (a) Except as hereinafter provided each employee of the Veterans' Administration heretofore or hereafter appointed to, or otherwise lawfully filling, any position designated in paragraph (b) of this section is hereby delegated authority, within the limitations and conditions prescribed by law, to exercise the powers and functions of the Administrator with respect to the making of loans and the rights and liabilities arising therefrom, including but not limited to the collection or compromise of amounts due, in money or other property, the extension, rearrangement, or sale of loans, the management and disposition of secured or unsecured notes and other property. Incidental to the exercise and performance of the powers and functions hereby delegated each such employee is authorized to execute and deliver (with or without acknowledgment) for, and on behalf of, the Administrator evidence of guaranty and such certificates, forms, conveyances, and other instruments as may be appropriate in connection with the acquisition, ownership, management, sale, transfer, assignment, encumbrance, rental, or other disposition of real or personal property or of any right, title, or interest therein, including, but not limited to, contracts of sale, installment contracts, deeds, leases, bills of sale, assignments, and releases; and to approve disbursements to be made for any purpose authorized by title III of the act.

(b) Designated positions:

Assistant Administrator for Finance.
Director, Loan Guaranty Service.
Assistant Director, Loan Guaranty Service.
Division Chief, Loan Guaranty Service.
Assistant Division Chief, Loan Guaranty Service.
Loan Guaranty Officer.
Assistant Loan Guaranty Officer.

(c) Nothing in this section shall be construed (1) to authorize any such employee to exercise the authority vested in the Administrator under section 504 or section 508 (b) of the act or to sue or enter appearance for and on behalf of the Administrator or confess judgment against him in any court without his prior authorization.

§ 36.4521 *Minimum construction requirements.* No loan shall be made for the purchase or construction of residential property on which construction was begun after June 19, 1950, unless Veterans' Administration determines that the property conforms to the applicable minimum construction requirements prescribed by Veterans' Administration for the area in which the property is situated.

§ 36.4522 *Waivers, consents and approvals.* No waiver, consent, or approval required or authorized by the regulations concerning direct loans to veterans shall be valid unless in writing signed by Veterans' Administration.

§ 36.4523 *Geographical limits.* Any real property purchased, constructed, or improved with the proceeds of a loan under section 512 of the act shall be situated in the United States, defined in the act as the several States, Territories and possessions, and the District of Columbia: *Provided*, That no loan shall be made pursuant to section 512 unless the real property is located in one of the areas designated from time to time by Veterans' Administration as an area in which private capital is not available under title III of the act to eligible veterans for financing of the purchase or construction of dwellings, or the construction or improvement of farmhouses, as the case may be.

§ 36.4524 *Sale of loans.* In the event a direct loan is purchased from Veterans' Administration at any time pursuant to the provisions of section 512 (d) of the act, Veterans' Administration may issue a guaranty in connection therewith within the maxima contained in section 500 (a) of the act on the same basis as to percentage and amount as if the loan had been automatically guaranteed when made, and such loan shall thereafter be subject to the applicable provisions of the regulations governing the guaranty or insurance of loans to veterans, and such part of the regulations concerning direct loans to veterans as may be inconsistent therewith or variant therefrom shall no longer govern the subsequent disposition of the rights and liabilities of any interested parties.

These regulations effective September 20, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-8214; Filed, Sept. 19, 1950; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR, Part 16]

CONVERSION OF CURRENCY

INSTRUCTIONS IN CASES WHERE MULTIPLE RATES OF EXCHANGE ARE CERTIFIED BY FEDERAL RESERVE BANK OF NEW YORK

Notice is hereby given that, pursuant to section 251 of the Revised Statutes and sections 522 and 624 of the Tariff Act of 1930 (19 U. S. C. 66, 31 U. S. C. 372, 19 U. S. C. 1624), it is proposed to amend the instructions contained in § 16.4 of the Customs Regulations of 1943 (19 CFR 16.4) for the conversion for customs purposes of foreign currencies for which multiple rates of exchange are certified by the Federal Reserve Bank of New York, the terms of which proposed amendments, in tentative form, are as follows

The United States Customs Court in its opinions in United States v. Gothic Watch Co. (1949), Reap. Dec. 7712, and Gruen Watch Co. v. United States (1950), C. D. 1216, has indicated that the use of multiple rates by a foreign country and certification of such multiple rates by the Federal Reserve Bank of New York does not result in different classes of such foreign currency for customs purposes. It has been determined that an amendment of § 16.4 of the Customs Regulations of 1943 (19 CFR 16.4) is necessary to reflect the opinion expressed by the Customs Court in these cases.

Accordingly, § 16.4 (d), Customs Regulations of 1943 (19 CFR 16.4 (d)), as amended, is hereby further amended as follows:

1. Subparagraphs (2) and (3) are amended to read as follows:

(2) Whenever appraisement is made in a multiple-rate currency, or the use of rates of exchange for a multiple-rate currency has been necessary in connection with the determination whether the foreign or export value is the higher, or the use of rates for a multiple-rate currency appears involved in any other manner in the process of appraisement or liquidation, the appraiser shall include in his report to the collector an advisory statement of his views as to what type of certified rate or combination of types of certified rates is applicable to the merchandise involved. If there is disagreement, which cannot be resolved locally, between the collector and appraiser as to what type of certified rate or combination of types of certified rates is applicable in a particular case, a detailed report shall be submitted to the Bureau so that appropriate instructions may be issued.

(3) For all purposes of appraisement and assessment of duties, the type of rate used for any value expressed in a currency for which two or more rates have been certified shall be the type of certified rate, designated by the Federal Reserve Bank of New York, which the appraiser or collector is satisfied, from information in his own files, information obtained and presented to him by the importer, or information obtained from other sources, is uniformly applicable under the laws and regulations of the country of exportation to the particular class of commodity on the date of exportation. In cases where two or more types of certified rates are uniformly applicable on a percentage basis, each type of certified rate shall be used for the percentage of the value to which it is applicable. The percentages used shall be those which reflect realistically the percentage for which each type of rate is uniformly applicable under the laws and regulations of the country of exportation on the date of exportation.

2. Subparagraph (4) is amended by inserting "type of" before "rate" and "types of" before "rates".

3. Subparagraph (5) is amended by inserting "type of" before "rate" and "types of" before "rates" in the first sentence; and by inserting "type of" before "rate" in each place where the latter word occurs in the second sentence.

(R. S. 251, secs. 505, 624, 46 Stat. 732, 759, sec. 522, 46 Stat. 739; 19 U. S. C. 66, 1505, 1624, 31 U. S. C. 372)

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Prior to the issuance of the proposed amendments, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] D. B. STRUEINGER,
Acting Commissioner of Customs.

Approved: September 14, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-8220; Filed, Sept. 19, 1950; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 961]

[Docket No. AO–160 A 12]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Philadelphia, Pennsylvania, on August 29 and 31, 1950, pursuant to notice thereof which was issued on August 18, 1950 (15 F. R. 5513) and on August 25, 1950 (15 F. R. 5709).

The material issues of record related to:

1. The price to be paid producers for Class I milk during the months of October 1950 through March 1951.

2. Price adjustments applicable to Class I products containing: (a) More than 6 percent butterfat but less than 18 percent butterfat; and (b) less than 3 percent butterfat.

3. The emergency character of the need for action on the Class I price, including adjustments relating to butterfat differentials.

1. *Class I price.* The price for Class I milk received from producers during the months of October, November, and December, 1950, should be $5.84 per hundredweight, and during January, February, and March, 1951, $5.44 per hundredweight for milk testing 4.0 percent butterfat delivered in the City of Philadelphia.

Producers proposed that the price for Class I milk during October, November, and December, 1950, should be $5.84 per hundredweight. The proposed increase of 60 cents per hundredweight over the price in the third calendar quarter was described as made up of the customary 40 cents seasonal increase and a 20-cent increase in the basic annual level.

The supply of milk in the supply area of Philadelphia market has in recent months been ample. Estimated milk production in the State of Pennsylvania during July 1950 was about 3 percent over production in July 1949. Milk received from Philadelphia producers in July this year was about 2 percent less than last year. This decrease in producer milk resulted from a reduction in number of producers, inasmuch as production per dairy was somewhat higher than a year ago.

Although the supply of milk in recent months has been ample, there are some indications of the likelihood of a lower rate of milk production in this area during fall months of this year than last year. During the first four months of 1950 the milk produced per herd was considerably in excess of a year earlier, but the most recent data indicate a somewhat lower rate of production in August this year than in August of 1949. Estimated number of milk cows in the State of Pennsylvania in July was about 1 percent under a year earlier. The currently higher cost of supplies used in the production of milk would tend to retard milk production.

The cost to farmers in the supply area of mixed dairy feed has increased about 9 percent over a year ago. Costs of other commodities purchased by farmers for use in production of milk have also increased considerably over a year ago. The reported cost of farm labor on July 1 was about the same as last year.

The relationship of milk and beef prices may affect milk production in this area considerably, since dairy farmers can use their resources for the production of beef. Data in the record shows that the Philadelphia Class I price has in recent months been lower in relation to the price of beef cattle than is usual in recent years. Attractive prices for cattle sold as beef tend to induce dairy farmers to market their poorer milk cows which they might otherwise maintain in their herds. In this connection it is noted that milk cow numbers in Pennsylvania, which had shown a rising trend throughout 1949 and early 1950, have in recent months declined.

Examination of changes during the latest 12 months in cost of purchased dairy feed shows that most of the increase has occurred since April. The hearing upon which the current Class I price level was determined was held in April and early May. It is noted that some decline occurred in the wholesale prices of dairy feeds in early August, but the latest data in the record indicate a level considerably over a year ago.

About half of the increase during the July 1949–July 1950 period in cost of other commodities purchased by farmers for use in milk production also occurred since April this year. Estimated milk cow numbers in July were about 2 percent less than in April.

Sales of Class I milk in the marketing area during the first seven months of 1950 averaged about the same as in 1949. July Class I sales were about 2.4 percent less than in July 1949. Estimated total employment in the Philadelphia area is somewhat higher than a year ago, and weekly earnings are up about 4 percent.

Estimates of the New York order Class I–A prices for the months of October, November and December this year based upon the formula used in establishing that price, indicate the price will average about 50 cents higher than in 1949. The price proposed by Philadelphia producers for these months would be approximately the same as the price a year earlier. Within the 51–60-mile zone of Philadelphia, the Philadelphia Class I price for milk testing 3.7 percent fat would be about 48 cents lower than the New York Class I–A price. Although the price of $5.84 for Class I milk during October, November, and December proposed by producers would be approximately the same as the price during the same months of 1949, it represents a basic annual level 20 cents per hundredweight higher than the current level. It is concluded that Class I price level should be adjusted upwards by 20 cents, and that the usual seasonal increase in the last calendar quarter should be carried out, thus resulting in a price of $5.84 for Class I milk in these months. The price for January, February, and March 1951 should be 40 cents per hundredweight less, to carry out the usual seasonal adjustment.

2. *Skim value and fat value adjustment.* There should be no change from the 5-cent butterfat differential as to regular Class I milk, but on items of fluid disposition containing less than 3.0 percent butterfat or more than 6.0 percent butterfat the Class II cream value differential should apply.

The record shows several Class I items sold by handlers carrying less than 3.0 percent of butterfat, such as chocolate drink, skim milk, fat free milk and others, and smaller quantities of items with a fat content above 6 percent. Prior to the July amendment when the cream value butterfat differential applied to Class I there was a residual skim value of milk which varied inversely with the butterfat value. The July cost of fat free milk in Class I increased 92 cents by reason of the change from the cream value differential to the fixed 5-cent differential. Handlers testified that such a disproportionate increase for items below 3.0 percent would sharply reduce the outlet for fresh milk in such items. The Class II differential has hovered close to 7.0 cents per point for twelve months. The differential was 7.3 cents in July, the most recent month in the record, which is about the midpoint value for the twelve months. The amount of the butterfat differential is of no concern to the handler whose weighted average test of all Class I milk is 4.0 percent. The average test of principal items of Class I sale is about 3.7 percent. Both producers and handlers advised against any change in Class I milk definition, but desired to remove the present relatively high cost of skim milk in low fat items and the relative low cost of fat in high fat items. The range of 3.0 to 6.0 percent would seem to cover the extremes to which any bottled natural milk might go even by accident.

3. *Need for emergency action.* The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and exceptions thereto.

The emergency nature of the conditions with which this decision deals is due to the fact that on October 1 the price established by the order would drop from $5.24 to $5.16 at a time when the regular seasonal increase should occur. Inasmuch as the price which would result if this amendment were not effective would be obviously inconsistent with marketing conditions, it is necessary that this amendment be made effective by October 1, 1950, in order to establish and maintain such orderly marketing conditions as will effectuate the policy of the act on and after that date. To make the amendment effective on October 1, 1950, requires the omission of the recommended decision and the period for exceptions thereto because of insufficient time for such procedure. The proposed change relative to the butterfat differential as applied to certain Class I products is also urgently needed at the earliest possible date to correct the distortion of values of these products which may result from present provisions of the order.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and in the order, as amended and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producer and handler organizations. The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Determination of representative period. The month of August 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 14th day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the said marketing area and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 961.4 (a) delete subparagraph (1) and substitute:

(1) *Class I milk.* $5.84 per hundredweight for milk received from producers during the months October, November and December, 1950, and $5.44 per hundredweight for milk received during the months of January, February, and March 1951.

2. In § 961.4 (b) (1) change the period to a colon and add the following: "*Provided*, That in case of Class I items containing less than 3.0 percent butterfat or more than 6.0 percent butterfat, the rate of differential prescribed in subparagraph (2) of this paragraph based on cream quotations shall apply."

[F. R. Doc. 50–8209; Filed, Sept. 19, 1950; 8:47 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

TELEVISION BROADCAST SERVICE

ORDER ACCEPTING ENGINEERING STATEMENT AS COMMENT

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations, and engineering standards concerning the television broadcast service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for television broadcasting, Docket No. 8976.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of September 1950;

The Commission having under consideration the petition filed August 9, 1950, by Michigan State College requesting permission to file a late comment in above-entitled proceedings proposing that Channel 10 be allocated to Lansing, Michigan; and

It appearing, that good and sufficient reason has been advanced in said petition for the delay in the filing thereof; and that the hearing date for consideration of the proposed allocations has not yet been announced;

It is ordered, That the petition of Michigan State College is granted; that the petition and attached supporting engineering statement are accepted as a comment in the above-entitled proceeding; and that interested parties may file oppositions thereto within 10 days from the date of this order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8222; Filed, Sept. 19, 1950; 8:50 a. m.]

[47 CFR, Part 3]

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

FURTHER NOTICE OF PROPOSED RULE MAKING

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and engineering standards concerning the television broadcast service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for television broadcasting, Docket No. 8976.

Sixth notice of amendment of notice of further proposed rule making and notice of issuance of volume II of the report of Ad Hoc Committee.

1. On June 8, 1949, the Commission issued a "Notice of Issuance of Report of Ad Hoc Committee" (FCC 49-773). That notice dealt with Volume I of said Committee's report and with Reference Reports C to H, inclusive. Volume I, upon which the Commission relied in the preparation of its "Notice of Further Proposed Rule Making" (FCC 49-948) issued herein on July 11, 1949, did not provide a basis for a proposed method of evaluating broadcast service in the presence of multiple sources of interference and consequently said notice contained no proposal with respect to this issue.

2. Notice is hereby given of the issuance by the Ad Hoc Committee of Volume II of its report together with the following references:

Reference I—Report No. 748, "Report on Interference Caused by More Than One Signal", by Raymond M. Wilmotte.

Reference J—FCC TID Report 4.2.3, "Combination of Several Interfering Signals in the VHF Range", by Harry Fine.

Reference K—Unpublished Report, "The Effect on Television Service of Transmitting Antenna Height, Radiated Power, the Use of Off-Set or Synchronized Co-Channel Carriers, and of Correlation Among the Radio Fields Received from Several Transmitters", by Harold Staras.

Reference L—FCC TRR Report 4.2.4, "An Abbreviated Method for Calculating Multiple Interference", by Harry Fine.

Reference M—Unpublished Report, "A Statistical Analysis of Multiple Radio Interference to Television Service", by Harold Staras and Marvin Blum.

The above report deals with a description of a broadcast service in somewhat more detail than the treatment given in Volume I of the Report, and, in addition, describes four methods of evaluating broadcast service in the presence of multiple sources of interference. Condensations of the portions of the references which are pertinent to the description of the four methods have been attached as Appendices to Volume II.

3. Copies of Volume II and associated references have been filed in the docket of the above-entitled proceedings and are available for inspection by interested parties. Copies of Volume II and References I, J and L are available for public distribution while References K and M are not available for such distribution. It should be pointed out that the above Volume II and associated references are highly technical in nature and are somewhat voluminous. The material available for distribution has been reproduced in sufficient quantity to permit distribution to all interested persons, and in particular to those parties who expect to participate in the further proceedings to be conducted herein. Accordingly, copies of Volume II, and of the available references if desired, may be obtained at the Commission's Office of Information or by addressing a request therefor to the Secretary, Federal Communications Commission, Washington 25, D. C.

4. The above "Notice of Further Proposed Rule Making" (FCC 49-948) is hereby amended so that new paragraph IV is added to Appendix B, reading as follows:

IV. *Multiple sources of interference.* The foregoing specifications for the determination of station separations and service radii for the various grades of service do not include the effects of multiple sources of interference. Accordingly, the Commission will consider evidence at the hearing to be held herein concerning the effects of multiple sources of interference (as, for example, interference resulting from ignition, diathermy, oscillators of other television receivers, receiver noise, and one or more co-channel or adjacent channel television stations) on television broadcast service and, in particular, the effects of such interference on the specification of the grades of service set forth in paragraph III-B of Appendix A herein.

5. The Appendix in the Commission's "Fifth Notice of Amendment, etc." (FCC 50-1066) issued on September 1, 1950, is amended so that the following issue shall be listed after issue "A": "Appendix B of Notice of Further Proposed Rule Making (FCC 49-948)".

6. Interested persons (including all parties herein) desiring to submit evidence concerning new paragraph IV to Appendix B as set forth above may do so by filing a letter with the Commission not later than September 26, 1950, indicating their intention to offer such evidence. Persons who so file will be permitted to testify at the hearing herein scheduled to commence at 10 a. m. on October 2, 1950, in the U. S. Department of Commerce Auditorium, 14th Street between E Street and Constitution Avenue NW., Washington, D. C.

Adopted: September 13, 1950.

Released: September 14, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8223; Filed, Sept. 19, 1950; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 54652]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LAND

SEPTEMBER 14, 1950.

In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 1 W.,
Sec. 16, S½,
T. 7 S., R. 4 W.,
Sec. 2, lots 3 and 4, S½NW¼, E½SE¼,
Sec. 36, NW¼, N½SW¼, SW¼SW¼,
T. 9 S., R. 6 W.,
Sec. 36, SE¼SE¼,
T. 8 S., R. 10 W.,
Sec. 36, S½SE¼, NE¼SE¼,
T. 10 N., R. 10 W.,
Sec. 2, lot 4,
Sec. 16, SE¼,
Sec. 32, N½,
T. 4 S., R. 15 W.,
Sec. 2, S½SE¼,
T. 23 N., R. 17 W.,
Sec. 2, SE¼,
Sec. 16,
T. 7 S., R. 1 E.,
Sec. 36, N½, W½SW¼, NE¼SW¼,
T. 8 S., R. 1 E.,
Sec. 2, 16, 32 and 36,
T. 13 S., R. 28 E.,
Sec. 29, N½SE¼, SW¼SE¼,
T. 10 S., R. 31 E.,
Sec. 36, N½NE¼, SW¼NE¼, SE¼SW¼.

The areas described aggregate 5,666.37 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

[SEAL] WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50-8194; Filed, Sept. 19, 1950; 8:45 a. m.]

[Misc. 55181]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 14, 1950.

In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 42 N., R. 19 E.,
Sec. 2, SE¼;
Sec. 3, N½NW¼, NW¼NE¼.
T. 14 N., R. 25 E.,
Sec. 33, NW¼NE¼.
T. 37 N., R. 62 E.,
Sec. 16, N½NW¼.
T. 16 N., R. 63 E.,
Sec. 24, W½NW¼.
T. 17 S., R. 67 E.,
Sec. 19, E½SE¼.

The areas described aggregate 568.26 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Reno, Nevada.

[SEAL] WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50-8195; Filed, Sept. 19, 1950; 8:45 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

[General Order No. 1]

OPERATION OF RAILROADS

1. *Regional administration.* In order to effectuate the purposes of Executive Order No. 10155 and to provide for the orderly administration, supervision and direction of the transportation systems, possession, control and operation of which have been or hereafter may be taken and assumed in accordance with the terms thereof, seven Regions have been created and established and are hereby confirmed to embrace and include all the real and personal property and other assets used or useful in connection with the operation of the transportation systems of the respective carriers named in Appendix A hereto. At the head of each such Region there shall be a Regional Director, Department of the Army Operation of Railroads, whose name, principal office address and telephone number are also designated in Appendix A hereto, who shall be responsible and report directly to the Chief of Transportation, Department of the Army as Director of Operations. Additionally, and under the jurisdiction of and reporting to the Regional Director in whose Region they are located, subregional offices have been established at Atlanta, Georgia, in the Southern Railway Building, 99 Spring Street SW., Atlanta, Georgia (Southeastern Region), at Houston, Texas, in the Southern Pacific Lines Building, 913 Franklin Avenue, Houston, Texas (Southwestern Region), and at San Francisco, California, in the Southern Pacific Building, 65 Market Street, San Francisco, California (Central Western Region).

2. *Operation of transportation systems by existing management.* The authority and functions of the Managements of the carriers whose transportation systems have been taken under, or may be taken pursuant to the provisions of Executive Order No. 10155 shall be as prescribed in the Executive order, subject to such further orders or regulations as the Secretary of the Army or his authorized delegate, the Assistant Secretary of the Army (GM), may prescribe as therein provided. Any protest against any such order or regulation shall be made to the Assistant Secretary of the Army (GM) through the Chief of Transportation, Department of the Army, as Director of Operations, by the carrier or other person aggrieved, by registered mail or telegram, within fifteen (15) days after the receipt of the particular order or regulation or the publication of such order or regulation in the FEDERAL REGISTER, whichever first occurs. The Chief Executive Officers of the carriers will also report any such protest directly to the Regional Director to whose region their carriers are assigned for administration as indicated in Appendix A.

3. *Suits, attachments and garnishments permitted until further order.* Until further order, carriers will remain subject to suit as heretofore and to the levy of attachments by mesne process, garnishment, execution or otherwise, on or against the property and assets of the carriers, but no receivership, reorganization or similar proceeding affecting any carrier whose transportation system has been, or may hereafter be, taken pursuant to the provisions of Executive Order No. 10155 shall be instituted without the prior written consent of the Chief of Transportation, Department of the Army. Nothing herein shall be deemed to prevent or require approval of any action authorized or required by any interlocutory or final decree of any United States court in reorganization proceedings now pending under the Bankruptcy Act or in any equity receivership cases now pending.

By order of the Assistant Secretary of the Army (GM).

[SEAL] F. A. HEILEMAN,
Major General, U. S. A., Chief of Transportation, Department of the Army, Director of Operations.

APPENDIX A

POCAHONTAS REGION

[Col. R. H. Smith, Regional Director, Roanoke 17, Va., telephone: ROanoke 4-1451]

Corporate name of railroad	Location of operating headquarters	Army area
The Chesapeake & Ohio Ry Co., Chesapeake District	Richmond, Va	2
Norfolk & Portsmouth Belt Line R. R. Co	Norfolk, Va	2
Norfolk & Western Ry. Co	Roanoke, Va	2
The Virginian Ry. Co	Norfolk, Va	2

EASTERN REGION

[Col. Gustav Metzman, Regional Director, 230 Park Ave., New York 17, N. Y., telephone: MUrray Hill 9-8000]

The Ann Arbor R. R	Owosso, Mich	5
Boston & Albany R. R. (The New York Central R. R. Co., Lessee)	New York, N. Y	1
Boston & Maine R. R	Boston, Mass	1
The Buffalo Creek R. R. Co. (Erie R. R. Co. and Lehigh Valley R. R. Co., Lessees)	Buffalo, N. Y	1
Canadian National Railway Co. Lines in New England	Montreal, Quebec	1
Canadian Pacific Ry. Co. Lines in New England	do	1
Central Vermont Ry., Inc	St. Albans, Vt	1
The Champlain & St. Lawrence R. R. Co. (Canadian National Ry. Co., Lessee)	Montreal, Quebec	1
The Chesapeake & Ohio Ry. Co., Pere Marquette District	Detroit, Mich	5
Chicago, Indianapolis & Louisville Ry. Co	Lafayette, Ind	5
The Chicago River & Indiana R. R. Co	Chicago, Ill	5
The Cincinnati Union Terminal Co	Cincinnati, Ohio	5
The Cleveland Union Terminals Co	Cleveland, Ohio	5
The Delaware & Hudson R. R. Corp	Albany, N. Y	1
The Delaware, Lackawanna & Western R. R. Co	New York, N. Y	1
The Detroit & Toledo Shore Line R. R. Co	Detroit, Mich	5
Detroit Terminal R. R. Co	do	5
Detroit, Toledo & Ironton R. R. Co	Dearborn, Mich	5
Erie R. R. Co	Cleveland, Ohio	5
The Federal Valley R. R. Co	do	5
The Fort St. Union Depot Co	Detroit, Mich	5
Grand Trunk Western R. R. Co	do	5
Indiana Harbor Belt R. R. Co	Chicago, Ill	5
The Lake Terminal R. R. Co	Lorain, Ohio	5
Lehigh & New England R. R. Co	Bethlehem, Pa	1
Lehigh Valley R. R. Co	New York, N. Y	1
The Lorain & West Virginia Ry. Co	Cleveland, Ohio	5
Louisville & Jeffersonville Bridge & R. R. Co	New York, N. Y	5
Maine Central R. R. Co	Portland, Maine	1
The Monongahela Ry. Co	Pittsburgh, Pa	2
Montour R. R. Co	do	2
The New York Central R. R. Co N. Y. C. R. R.—Buffalo and East. N. Y. C. R. R.—West of Buffalo. Michigan Central R. R. C. C. C. & St. L. Ry. Peoria & Eastern Ry. Ohio Central.	New York, N. Y	1
The New York, Chicago & St. Louis R. R. Co	Cleveland, Ohio	5
The New York, New Haven & Hartford R. R. Co	New Haven, Conn	1
New York, Ontario & Western Ry	Middletown, N. Y	1
Northampton & Bath R. R. Co	Northampton, Pa	1
The Pittsburgh & Lake Erie R. R. Co	Pittsburgh, Pa	2
The Pittsburgh & West Virginia Ry. Co	do	2
Pittsburgh, Chartiers & Youghiogheny Ry. Co	do	2
Portland Terminal Co	Portland, Maine	1
Toledo, Peoria & Western R. R	Peoria, Ill	5
The River Terminal Ry. Co	Cleveland, Ohio	5
Union Freight R. R. Co. (Boston, Mass.)	Boston, Mass	1
The United States & Canada R. R. Co. (Canadian National Ry. Co., Lessee)	Montreal, Quebec	1
Wabash R. R. Co	St. Louis, Mo	5

SOUTHWESTERN REGION

[Col. Clark Hungerford, Regional Director, Frisco Bldg., St. Louis, Mo., telephone: Chestnut 7-800]

Abilene & Southern Ry. Co	Dallas, Tex	4
Alton & Southern R. R	East St. Louis, Ill	5
Asherton & Gulf Ry. Co	Houston, Tex	4
Asphalt Belt Ry. Co	do	4
The Beaumont, Sour Lake & Western Ry. Co	do	4
East St. Louis Junction R. R. Co	National Stock Yards, Ill	5
Fort Worth & Denver City Ry. Co	Fort Worth, Tex	4

APPENDIX A—Continued

SOUTHEASTERN REGION—continued

Corporate name of railroad	Location of operating headquarters	Army area
Atlanta & West Point R. R. Co	Atlanta, Ga	3
Central of Georgia Ry. Co	Savannah, Ga	3
Charleston & Western Carolina Ry. Co	Wilmington, N. C	3
The Cincinnati, New Orleans & Texas Pacific Ry. Co	Washington, D. C	MDW
Clinchfield R. R. Company	do	MDW
Florida East Coast Ry. Co. (Scott M. Loftin and John W. Martin, Trustees)	Erwin, Tenn	3
Georgia R. R	St. Augustine, Fla	3
Gulf, Mobile & Ohio R. R. Co	Atlanta, Ga	3
Illinois Central System	Mobile, Ala	MDW
Louisville & Nashville R. R. Co	Washington, D. C	MDW
Nashville, Chattanooga & St. Louis Ry	Chicago, Ill	5
Norfolk Southern Ry. Co	Jacksonville, Fla	3
Seaboard Air Line R. R. Co	Louisville, Ky	3
Southern Ry. Co	do	3
Tennessee Central Ry. Co	Nashville, Tenn	3
The Western Railway of Alabama	Norfolk, Va	MDW
New Orleans Terminal Co	Richmond, Va	2
St. Johns River Terminal Co	Norfolk, Va	MDW
Atlanta Terminal Co	Washington, D. C	MDW
	do	MDW
	Atlanta, Ga	3

ALLEGHENY REGION

[Col. Roy B. White, Regional Director, Baltimore & Ohio Bldg., Baltimore and Charles Sts., Baltimore, 1, Md., telephone: LExington 0800]

The Akron, Canton & Youngstown R. R. Co	Akron, Ohio	2
The Baltimore & Ohio Chicago Terminal R. R. Co	Chicago, Ill	5
The Baltimore & Ohio R. R. Co	Baltimore, Md	2
Bessemer & Lake Erie R. R. Co	Pittsburgh, Pa	2
Brooklyn Eastern District Terminal	Brooklyn, N. Y	1
Bush Terminal R. R. Co	do	1
Chicago Union Station Co	Chicago, Ill	5
Delaware, Lackawanna & New Jersey	Jersey City, N. J	1
Central R. R. Co. of Pennsylvania	do	1
Curtis Bay R. R. Co	Baltimore, Md	2
Hudson & Manhattan R. R. Co	New York, N. Y	1
Newhall, Trustee, Broad Top Mountain R. R. & Coal Co. (C. Stevenson Huntingdon, Pa	Huntingdon, Pa	2
The Indianapolis Union Ry. Co	Indianapolis, Ind	5
The Jay St. Connecting R. R	Brooklyn, N. Y	1
The Long Island R. R. Co. (David E. Smucker and Hunter L. Delatour, Trustees)	Jamaica, N. Y	1
McKeesport Connecting R. R. Co	Pittsburgh, Pa	2
New York Dock Ry	Brooklyn, N. Y	1
The Pennsylvania R. R. Co	Philadelphia, Pa	2
Baltimore & Eastern R. R. Co	do	2
Pennsylvania-Reading Seashore Lines	Camden, N. J	2
Reading Co. (Reading Company)	Philadelphia, Pa	2
The Staten Island Rapid Transit Ry. Co	New York, N. Y	1
The Washington Terminal Co	Washington, D. C	MDW

NORTHWESTERN REGION

[Col. Charles E. Denney, Regional Director, 5th and Jackson Sts., St. Paul 1, Minn., Telephone: CEdar 7773, extension 261]

Camas Prairie R. R. Co	Lewiston, Idaho	6
Chicago & North Western Ry. Co	Chicago, Ill	5
Chicago Great Western Ry. Co	do	5
Chicago, Milwaukee, St. Paul & Pacific R. R. Co	do	5
Chicago, St. Paul, Minneapolis & Omaha Ry. Co	do	5
Duluth, Missabe & Iron Range Ry. Co	Duluth, Minn	6
Duluth, Missabe & Iron Range Division		
Duluth, Missabe & Northern Division		
Duluth, Winnipeg & Pacific Ry. Co	Marquette, Mich	5
Elgin, Joliet & Eastern Ry. Co	Montreal, Quebec	1
	Chicago, Ill	5

APPENDIX A—Continued

SOUTHWESTERN REGION—continued

Corporate name of railroad	Location of operating headquarters	Army area
Galveston, Houston & Henderson R. R. Co	Galveston, Tex	4
Gulf, Colorado & Santa Fe Ry. Co	Galveston, Tex	4
Houston & Brazos Valley Ry. Co	Houston, Tex	4
Houston Belt & Terminal Ry. Co	do	4
International-Great Northern R. R. Co	Palestine, Tex	4
The Kansas City Southern Ry. Co	Kansas City, Mo	5
Kansas City Terminal Ry. Co	do	5
Kansas, Oklahoma & Gulf Ry. Co	Muskogee, Okla	4
Louisiana & Arkansas Ry. Co	Kansas City, Mo	5
Midland Valley R. R. Co	Muskogee, Okla	4
Missouri-Kansas-Texas R. R. Co	St. Louis, Mo	5
Missouri-Kansas-Texas R. R. Co. of Texas	Dallas, Tex	4
New Iberia & Northern R. R. Co	New Iberia, La	4
New Orleans, Texas & Mexico Ry. Co	Houston, Tex	4
The Orange & Northwestern R. R. Co	Orange, Tex	4
Oklahoma City-Ada-Atoka Ry. Co	Muskogee, Okla	4
Rio Grande City Ry. Co	Houston, Tex	4
San Antonio Southern Ry. Co	do	4
San Antonio, Uvalde & Gulf R. R. Co	do	4
San Benito and Rio Grande Valley Ry. Co	do	4
The St. Louis-San Francisco Ry. Co. of Mexico	do	4
St. Louis-San Francisco Ry. Co	St. Louis, Mo	5
St. Louis-San Francisco & Texas Ry. Co	do	5
St. Louis Southwestern Ry. Co. of Texas	do	5
St. Louis Southwestern Lines	Houston, Tex	4
Terminal R. R. Association of St. Louis	St. Louis, Mo	5
Texas & New Orleans R. R. Co	Houston, Tex	4
The Texas & Pacific Ry. Co	Dallas, Tex	4
The Texas Mexican Ry. Co	Laredo, Tex	4
Texas & New Orleans R. R	Houston, Tex	4
Texas Pacific-Missouri Pacific Terminal R. R. of New Orleans	New Orleans, La	4
Texas Short Line Ry. Co	Dallas, Tex	4
Union Railway Co. (Memphis, Tenn.)	Memphis, Tenn	4
The Union Terminal Co	Dallas, Tex	4
The Weatherford, Mineral Wells & Northwestern Ry. Co	do	4
The Wichita Valley Ry. Co	Fort Worth, Tex	4
Fort Worth Belt Ry. Co	Dallas, Tex	4

CENTRAL WESTERN REGION

[Col. J. D. Farrington, Regional Director, LaSalle St. Station, Chicago 6, Ill., telephone: Wabash 2-3200]

The Atchison, Topeka & Santa Fe Ry. Co	Chicago, Ill	5
The Belt Ry. Co. of Chicago	do	5
Chicago & Eastern Illinois R. R. Co	do	5
Chicago & Illinois Midland Ry. Co	Springfield, Ill	5
The Colorado & Southern Ry. Co	Denver, Colo	5
The Denver & Rio Grande Western R. R. Co	Denver, Colo	5
Davenport, Rock Island & North Western Ry. Co	Davenport, Iowa	5
Northwestern Pacific R. R. Co	Denver, Colo	5
The Pacific Coast Railway Co	San Rafael, Calif	6
Chicago & Western Indiana R. R. Co	Chicago, Ill	5
The Ogden Union Ry. & Depot Co	Ogden, Utah	6
Oregon, California & Eastern Ry. Co	San Francisco, Calif	6
Peoria & Pekin Union Ry. Co	(Pekin) Peoria, Ill	5
San Diego & Arizona Eastern Ry. Co	San Diego, Calif	6
St. Joseph Terminal R. R. Co	St. Joseph, Mo	5
Union Pacific R. R. Co	Omaha, Nebr	6
The Western Pacific R. R. Co	526 Mission St., San Francisco, Calif	6
The Colorado & Wyoming Ry. Co	Denver, Colo	5
Southern Pacific Co	San Francisco, Calif	6

SOUTHEASTERN REGION

[Col. Ernest E. Norris, Regional Director, Southern Ry. Bldg., Washington, D. C., telephone: National 4160]

The Alabama Great Southern R. R. Co	Washington, D. C	MDW
Atlantic Coast Line R. R. Co	Wilmington, N. C	3

APPENDIX A—Continued

NORTHWESTERN REGION—continued

Corporate name of railroad	Location of operating headquarters	Army area
Great Northern Ry. Co.	St. Paul, Minn.	5
Green Bay & Western R. R. Co.	Green Bay, Wis.	5
The Minneapolis & St. Louis Ry. Co.	Minneapolis, Minn.	5
Minneapolis, St. Paul & Sault Ste. Marie R. R. Co.	do	5
The Minnesota Transfer Ry. Co.	St. Paul, Minn.	5
Northern Pacific Ry. Co.	do	5
The Northern Pacific Terminal Co. of Oregon	Portland, Oreg.	6
Oregon Electric Ry. Co.	do	6
Oregon Trunk Co.	do	6
Sioux City Terminal Ry. Co.	Sioux City, Iowa	5
Spokane, Portland & Seattle Ry. Co.	Portland, Oreg.	6
The Saint Paul Union Depot Co.	St. Paul, Minn.	5
Des Moines Union Ry. Co.	Des Moines, Iowa	5
The Railway Transfer Co. of the City of Minneapolis	Minneapolis, Minn.	5
Kewaunee, Green Bay & Western R. R. Co.	Green Bay, Wis.	5

[F. R. Doc. 50-8215; Filed, Sept. 19, 1950; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CHIEF OF FOREST SERVICE

DELEGATION OF AUTHORITY TO DETERMINE AND ADVISE DIRECTOR, BUREAU OF LAND MANAGEMENT, WITH RESPECT TO DEVELOPMENT AND UTILIZATION OF MINERAL DEPOSITS

By virtue of the authority vested in the Secretary of Agriculture, I, Charles F. Brannan, Secretary of Agriculture, do hereby delegate to the Chief of the Forest Service the authority to determine and advise the Director, Bureau of Land Management, whether development and utilization of mineral deposits under authority of the Secretary of the Interior pursuant to the act of June 30, 1950 (Public Law 594, 81st Cong., 2d Sess.), may be permitted and to consent to such development and utilization in accordance with the authority vested in the Secretary of Agriculture pursuant to the said act of June 30, 1950, subject to such conditions as the Chief of the Forest Service may prescribe for the protection and management of the lands for the purposes for which they have been reserved or are being administered.

The Chief of the Forest Service may delegate to other officers and employees of the Forest Service such of the authority granted hereunder as he may consider desirable.

(5 U. S. C. 22; Pub. Law 594, 81st Cong.)

Done at Washington, D. C., this 14th day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-8208; Filed, Sept. 19, 1950; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

COASTWISE LINE AND ALASKA STEAMSHIP CO.

NOTICE OF POSTPONEMENT AND CONSOLIDATION OF HEARINGS ON APPLICATIONS TO EXTEND BAREBOAT CHARTER AGREEMENTS

Hearing scheduled to be held on September 21, 1950, upon an application of Coastwise Line to extend its bareboat charter agreement with respect to government-owned war-built dry-cargo vessels for use in the Pacific coastwise and Alaska trades, and hearing scheduled to be held on September 22, 1950, upon an application of Alaska Steamship Company to extend its bareboat charter agreement with respect to government-owned war-built dry-cargo vessels for use in the Alaska trade (15 F. R. 6001), are hereby postponed. A consolidated hearing on these applications will be held before Examiner F. J. Horan in Room 4823, Commerce Building, Washington, D. C., beginning at 10 o'clock a. m., e. s. t., October 10, 1950.

Dated September 14, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-8216; Filed, Sept. 19, 1950; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

WESTERN UNION TELEGRAPH CO.

APPLICATION FOR PERMISSION TO EMPLOY MESSENGERS AT WAGES LOWER THAN MINIMUM WAGE STANDARD; FINAL DECISION OF THE ADMINISTRATOR

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (Sec. 14, 52 Stat. 1068; 29 U. S. C. 214), and § 523.4 of the regulations applicable to the employment of messengers, issued thereunder (29 CFR 523.4) the Western Union Telegraph Company on December 13, 1949, filed an application for authority to employ messengers at a rate lower than the minimum wage applicable under section 6 of the act. After due notice, a public hearing on the Company's application was held on December 22 and 23, 28 to 30, 1949, and January 4, 1950, before a Presiding Officer designated by me. Upon the basis of the record made at the hearing, the Presiding Officer on March 3, 1950, concluded that no showing had been made that it is necessary, in order to prevent curtailment of opportunities for employment, to provide for the employment of messengers in the telegraph industry at a subminimum wage, and recommended that the application be denied.

Notice of the findings and recommendation of the Presiding Officer was published in the FEDERAL REGISTER on March 9, 1950 (15 F. R. 1288) and interested parties were given an opportunity to file exceptions and objections within 15 days. In accordance with the notice, the Western Union Company submitted objections to the Presiding Officer's findings and recommendation and requested oral argument before the Administrator thereon. After due notice to interested parties, oral argument was presented to the Deputy Administrator on June 20, 1950. After reviewing the entire record of the hearing and the arguments presented by the parties both orally and in writing, the Deputy Administrator concurred in the findings and recommendation of the Presiding Officer, and certified the entire record of the proceeding to me.

On the basis of all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly section 14 thereof, and to Part 523 of the regulations issued thereunder, I have concluded that the findings and the recommendation of the Presiding Officer and the Deputy Administrator were made in accordance with law, are supported by the evidence and will carry out the purposes of section 14 of the act.

Accordingly, I hereby adopt the findings and recommendation of the Presiding Officer and of the Deputy Administrator as my own, and the application of the Western Union Telegraph Company for permission to employ messengers at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, is denied.

Signed at Washington, D. C., this 15th day of September 1950.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 50-8221; Filed, Sept. 19, 1950; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1382]

NORTHERN NATURAL GAS CO.

HEARING ORDER AND REVERSING RULINGS OF PRESIDING EXAMINER

SEPTEMBER 12, 1950.

On motion made September 2, 1950, the hearing in the above-entitled matter was recessed by the Presiding Examiner to reconvene on September 18, 1950, at a place to be designated by the Commission.

During the said hearing Northern Natural Gas Company appealed to the Commission under § 1.28 of the rules of practice and procedure certain rulings of the Presiding Examiner, who referred the appeal to the Commission for determination. The rulings in question pertain to the striking and sustaining of objections to evidence concerning estimated costs and revenues of a system capacity designed to transport and sell 600,000,000 cubic feet of natural gas per day.

Upon consideration of the motion and the appeal of Northern Natural Gas Company the Commission concludes that the reconvened hearing should be held

in Omaha, Nebraska, and that the said rulings of the Presiding Examiner as to excluding evidence on the basis of the transportation and sale of 600,000,000 cubic feet daily of natural gas should be reversed.

The Commission orders: The hearing in this matter be reconvened on September 18, 1950, in Omaha, Nebraska, and the aforesaid rulings of the Presiding Examiner be and the same hereby are reversed insofar as such rulings are based on the aforesaid 600,000,000 cubic feet daily system capacity.

Date of Issuance: September 14, 1950.

By the Commission. Acting Chairman Buchanan concurring as to reconvening of hearing in Omaha, but dissenting as to reversal of the rulings of the Presiding Examiner.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8196; Filed, Sept. 19, 1950; 8:45 a. m.]

[Docket No. G-1382]

NORTHERN NATURAL GAS CO.

ORDER POSTPONING HEARING

SEPTEMBER 14, 1950.

The Commission having under further consideration the time and place for reconvening the hearing in the above-entitled proceeding now set for September 18, 1950, in Omaha, Nebraska, and as the evidence to be adduced at the reconvened hearing by Northern Natural Gas Company will relate to estimated revenues, expenses and costs applicable to a larger system capacity for the transportation and sale of natural gas than existed at the time of the filing of the suspended rate schedules, further time should be afforded the Commission's staff to make an investigation relating thereto.

The Commission orders: The hearing in this matter now set to reconvene on September 18, 1950, in Omaha, Nebraska, be and it hereby is postponed to commence at 10:00 a. m., on October 23, 1950, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of Issuance: September 14, 1950.

By the Commission. Acting Chairman Buchanan dissenting for the reason that he favors postponement for a longer period.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8197; Filed, Sept. 19, 1950; 8:45 a. m.]

[Docket No. G-1444]

MIDSOUTH GAS CO. AND ARKANSAS POWER AND LIGHT CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 14, 1950.

On July 19, 1950, MidSouth Gas Company (Applicant) an Arkansas Corporation with its principal place of business in Little Rock, Arkansas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition and operation of certain natural gas facilities subject to the jurisdiction of the Commission, all as more fully described in such application on file with the Commission and open to the public.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for non-contested proceedings, and it appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on August 2, 1950 (15 F. R. 4960-61).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on September 26, 1950, at 9:45 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; provided, however, that the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of Issuanee: September 14, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8198; Filed, Sept. 19, 1050; 8:45 a. m.]

[Docket No. E-6313]

GULF PUBLIC SERVICE CO., INC.

ORDER TO SHOW CAUSE, DIRECTING SERVICE OF STAFF REPORT, AND SETTING HEARING

SEPTEMBER 12, 1950.

Under the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees, effective January 1, 1937, and the Commission's order of May 11, 1937, relating to original cost and reclassification studies, public utilities within the meaning of that term as used in the Federal Power Act were required to complete and file with the Commission reclassification and original cost studies of electric plant not later than two years after the effective date of the system of accounts, namely, January 1, 1939.

On June 27, 1947, the Commission, in authorizing Gulf Public Service Company, Inc. (hereinafter and in the attached staff report sometimes referred to as Gulf Public Service Company) to issue securities found that company to be such a "public utility" (Docket No. IT-6062). The Company did not seek judicial review of the Commission's determination but subsequently refused to file its reclassification and original cost studies, stating that it was not a "public utility". On August 19, 1949, after extended correspondence, the Company filed its studies but refused to grant the Commission's staff access to its books and records for the purpose of reviewing these studies. Following more correspondence and conversations the Company by letter dated January 3, 1950, agreed to accord such access beginning May 15, 1950. Subsequently, it requested that the review of the books and records be deferred until the completion of a field study by the staff to determine whether the Company owns or operates facilities for the transmission and sale at wholesale of electric energy in interstate commerce.

Members of the Commission's staff have recently completed such field examination and have submitted a report entitled "Field Study of Gulf Public Service Company—De Quincy, DeRidder-Leesville District, Crowley-Eunice, Jeanerette-New Iberia and Covington District Systems," which report is herewith served on Gulf Public Service Company.

From the staff's report it appears that the Company may own and operate facilities in each of the above named systems for the transmission or sale at wholesale of electric energy which is generated in the States of Texas or Mississippi and consumed at points outside the State in which it is generated, including facilities which are in addition to, and do not include facilities for the generation of electric energy, facilities used in local distribution, or only for the transmission of electric energy in intrastate commerce, or facilities for the transmission of electric energy consumed wholly by the transmitter. The Company may, therefore, be a public utility within the meaning of that term as used in the Federal Power Act.

The Commission orders:

(A) Gulf Public Service Company shall show cause, if any there be, under oath:

(i) Why the Commission should not find and determine that it is a "public utility" within the meaning of that term as used in the Federal Power Act.

(ii) In the event that Gulf Public Service Company is found to be a "public utility" within the meaning of that term as used in the Federal Power Act, why the Commission should not require it to comply with the provisions of the Federal Power Act, and the general rules and regulations promulgated thereunder, applicable to public utilities.

(B) The Secretary shall serve upon Gulf Public Service Company a copy of the staff's report, referred to above, concurrently with the service of this order.

(C) Gulf Public Service Company shall submit its response to this order and to the above-mentioned report in writing, on or before September 25, 1950.

(D) Gulf Public Service Company's response shall be in the form of an offer of proof; shall set forth with particularity the facts upon which it relies; shall state whether it admits or denies the accuracy of the facts as stated in the report; and shall state upon what facts, if any, or what conclusions, it desires opportunity to introduce evidence and to be heard. Denials of the allegations of this order and of the statements in the staff report which are general and unsupported by specific facts upon which it relies will not be considered as complying with this order.

(E) A public hearing be held in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington, D. C., commencing at 10:00 a. m. (e. s. t.) on October 4, 1950, with respect to the issues involved in this proceeding.

(F) Interested State commissions may participate in the hearing ordered in paragraph (E), as provided by §§ 1.8 and 1.37 (f) of the Commission's general rules and regulations including rules of practice and procedure, dated January 1, 1948 (18 CFR 1.8 and 1.37 (f)).

Date of issuance: September 14, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-8199; Filed, Sept. 19, 1950; 8:45 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5741]

NORLON CORP. ET AL.

ORDER APPOINTING TRIAL EXAMINER

In the matter of Norlon Corporation, a corporation, and E. Edward Shinkel, Milton L. Marks, Ralph S. Marks and John J. Anthony, individually and as officers of said corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Clyde M. Hadley, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

Issued: September 13, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8219; Filed, Sept. 19, 1950; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1249]

NEW YORK STATE ELECTRIC & GAS CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of September A. D. 1950.

In the matter of Application by the Boston Stock Exchange for unlisted trading privileges in New York State Electric & Gas Corporation, Common Stock, No. Par Value. File No. 7-1249.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of New York State Electric & Gas Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 26, 1950, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8200; Filed, Sept. 19, 1950; 8:46 a. m.]

[File No. 7-1247]

INTERNATIONAL PACKERS LIMITED

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of September A. D. 1950.

In the matter of Application by the Boston Stock Exchange for unlisted trading privileges in International Packers Limited, Common Stock, $15 Par Value, File No. 7-1247.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $15 Par Value, of International Packers Limited, a security listed and registered on the New York Stock Exchange and on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 26, 1950, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8201; Filed, Sept. 19, 1950; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25416]

PETROLEUM FROM AGAWAM, OKLA., TO INTERSTATE POINTS

APPLICATION FOR RELIEF

SEPTEMBER 15, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs listed below.

Commodities involved: Petroleum and its products, carloads.

From: Agawam, Okla.

To: Points in Southwestern, Illinois, Western Trunk Line, Official and Southern territories.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3585, 3821, 3802, 3825, 3651, 3724, 3723 and 3494, Supplements 425, 54, 70, 75, 235, 120, 130, and 198, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8211; Filed, Sept. 19, 1950; 8:48 a. m.]

[4th Sec. Application 25417]

MOTOR-RAIL RATES—THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY

APPLICATION FOR RELIEF

SEPTEMBER 15, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company for itself and on behalf of the Moshassuck Transportation Co.

Commodities involved: Class and commodity rates.

Between: Springfield and Worcester, Mass., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8212; Filed, Sept. 19, 1950; 8:48 a. m.]

[4th Sec. Application 25418]

VEHICLE PARTS FROM JACKSON, MISS., TO PACIFIC COAST POINTS

APPLICATION FOR RELIEF

SEPTEMBER 15, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent L. E. Kipp's tariffs I. C. C. Nos. 1536 and 1537.

Commodities involved: Vehicle material, unfinished, bows (automobile), wooden, in the white or creosoted, carloads.

From: Jackson, Miss.

To: North and South Pacific Coast points.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8213; Filed, Sept. 19, 1950; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. D-7-5]

GUNLITE, INC.

COMPLAINT DISMISSED

SEPTEMBER 15, 1950.

Complaint as listed below heretofore filed with the Tariff Commission for investigation under the provisions of section 337 of the Tariff Act of 1930 has been dismissed.

Name of article	Purpose of request	Date received	Name and address of complainant
Pistol-simulating cigarette lighters	Exclusion from entry.	July 26, 1950	Gunlite, Inc., New York, N. Y.

By direction of the Commission.

[SEAL] DONN N. BENT, *Acting Secretary.*

[F. R. Doc. 50-8217; Filed, Sept. 19, 1950; 8:49 a. m.]

[List No. D-66]

NATIONAL ASSN. OF ALCOHOLIC BEVERAGE IMPORTERS, INC.

APPLICATION FOR INVESTIGATION DENIED AND DISMISSED

SEPTEMBER 15, 1950.

Application as listed below heretofore filed with the Tariff Commission for investigation under the provisions of section 336 of the Tariff Act of 1930 has been denied and dismissed.

Name of article	Purpose of request	Date Received	Name and address of applicant
Grape wines containing more than 14 percent of alcohol by volume (par. 804, Tariff Act of 1930).	Decrease in duty.	June 30, 1950	National Association of Alcoholic Beverage Importers, Inc., Washington, D. C.

By direction of the Commission.

[SEAL] DONN N. BENT, *Acting Secretary.*

[F. R. Doc. 50-8218; Filed, Sept. 19, 1950; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15037]

ELWA-ELEKTRO A. G.

In re: U. S. Letters Patent No. 2,211,474 owned by Elwa-Elektro A. G., Zurich, Switzerland.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Willy Müller, who, on or since the effective date of Executive Order 8389, as amended and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That Elwa-Elektro A. G. is a corporation organized under the laws of Switzerland, whose principal place of business is located in Zurich, Switzerland, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by, or a substantial part of the stock of which is, or on or since said date has been owned or controlled, directly or indirectly, by the aforesaid Willy Müller, and is a national of a designated enemy country (Germany);

3. That the property described as follows: All right, title and interest, including all accrued royalties and all

damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No.	Date of issue	Inventor	Title
2,211,474	Aug. 13, 1940	Willy Muller	Lifting Platform.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, and is property of Elwa-Elektro A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country (Germany), the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8224; Filed, Sept. 19, 1950; 8:51 a. m.]

[Vesting Order 15059]

JUBEI SAIKI

In re: Rights of Jubei Saiki under insurance contract. File No. F-39-4503-H-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jubei Saiki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8 994 390, issued by the New York Life Insurance Company, New York, New York, to Jubei Saiki, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8225; Filed, Sept. 19, 1950; 8:51 a. m.]

[Vesting Order 15060]

TANI SAYEGUSA

In re: Rights of Tani Sayegusa under insurance contract. File No. F-39-1538-H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tani Sayegusa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,347,538, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Shiro Sayegusa, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8226; Filed, Sept. 19, 1950; 8:51 a. m.]

[Vesting Order 15061]

DORA SCHMIDT

In re: Rights of Dora Schmidt (Mrs. Georg Guttler) under insurance contracts. File Nos. F-28-257-H-4, H-5.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dora Schmidt (Mrs. Georg Guttler), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policy Nos. 12,860,657 and 12,860,658, issued by the New York Life Insurance Company, New York, New York, to Dora Schmidt (Mrs. Georg Guttler), together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8227; Filed, Sept. 19, 1950; 8:51 a. m.]

[Vesting Order 15062]

HATSUJIRO SHIJO

In re: Rights of Hatsujiro Shijo under insurance contract. File No. D-39-19027-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hatsujiro Shijo, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,142,895, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Hatsujiro Shijo, together with the right to demand, receive and collect net, said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8228; Filed, Sept. 19, 1950; 8:51 a. m.]

[Vesting Order 15063]

YOSHIO AND AI SHIOSAKA

In re: Rights of Yoshio Shiosaka and Ai Shiosaka under insurance contract. File No. F-39-1635-H-2.

Under the authority of the Trading With the Enemy Act, as amended; Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshio Shiosaka and Ai Shiosaka, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 398,275, issued by the Manufacturers Life Insurance Company, Toronto, Canada, to Yoshio Shiosaka, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Yoshio Shiosaka or Ai Shiosaka, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8229; Filed, Sept. 19, 1950; 8:51 a. m.]

[Vesting Order 15064]

TATSUO SUZUKI

In re: Rights of Tatsuo Suzuki under insurance contract. File No. F-39-4994-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tatsuo Suzuki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. WS-72943, issued by the California-Western States Life Insurance Company, Sacramento, California, to Tatsuo Suzuki, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8230; Filed, Sept. 19, 1950; 8:51 a. m.]

[Vesting Order 15065]

TARUNO TAKIMOTO

In re: Rights of Taruno (Teruno) Takimoto under insurance contract. File No. F-39-5457-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Taruno (Teruno) Takimoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. WS-36936, issued by the California-Western States Life Insurance Company, Sacramento, California, to Natsugi Takimoto, to-

gether with the right to demand, receive and collect said net proceeds is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8231; Filed, Sept. 19, 1950; 8:51 a. m.]

[Vesting Order 15066]

FUKUJI TOMITA

In re: Rights of Fukuji Tomita under insurance contract. File No. D-39-18670-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fukuji Tomita, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. WS-64329, issued by the California-Western States Life Insurance Company, Sacramento, California, to Fukuji Tomita, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8232; Filed, Sept. 19, 1950; 8:51 a. m.]

[Vesting Order 15067]

LISE LOTTE TILSEN TRABERT

In re: Rights of Lise Lotte Tilsen Trabert under insurance contracts. File No. F-28-28344-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lise Lotte Tilsen Trabert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 2,705,291 and 9,920,589 issued by the Equitable Life Assurance Society of the United States, New York, New York, to George C. Trabert, together with the right to demand, receive and collect said net proceeds is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8233; Filed, Sept. 19, 1950; 8:51 a. m.]

[Vesting Order 15068]

KUNISHIGE UMEKI

In re: Rights of Kunishige Umeki under insurance contract. File No. D-39-14510-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kunishige Umeki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. WS-128129, issued by the California-Western States Life Insurance Company, Sacramento, California, to Kunishige Umeki, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8234; Filed, Sept. 19, 1950; 8:51 a. m.]

[Vesting Order 15069]

ELFRIEDE VOR DER WOSTE

In re: Rights of Elfriede Vor der Woste under insurance contract. File No. F-28-30780-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfriede Vor der Woste, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 81 559 766, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Elfriede Vor der Woste, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8235; Filed, Sept. 19, 1950; 8:51 a. m.]

[Vesting Order 15078]

ANNA MICHAELIS

In re: Interests in oil, gas and other minerals in and under certain real property, and claims owned by Anna Michaelis.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Michaelis, whose last known address is Hamburg-Schnelsen 5, Burg-Wedel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided 90/5120ths interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Pottawatomie County, State of Oklahoma, to wit:

The Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Seventeen (17), Township Seven North (7N), Range Four East (4E),

together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest,

b. An undivided 110/5120ths interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Pottawatomie County, State of Oklahoma, to wit:

The Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section Seventeen (17), Township Seven North (7N), Range Four East (4E),

together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest,

c. An undivided 120/5120ths interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Pottawatomie County, State of Oklahoma, to wit:

The Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section Seventeen (17), Township Seven North (7N), Range Four East (4E),

together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest,

d. That certain debt or other obligation owing to Anna Michaelis by Sinclair Oil & Gas Company, Sinclair Building, Tulsa, Oklahoma, arising from royalties accrued with respect to the mineral interests described in subparagraphs 2-a, 2-b, and 2-c above, owned by said Anna Michaelis, and any and all rights to demand, enforce and collect the same,

e. That certain debt or other obligation owing to Anna Michaelis by Gulf Oil Corporation, Gulf Building, Pittsburgh 30, Pennsylvania, arising from royalties accrued with respect to the mineral interest described in subparagraph 2-b above, owned by said Anna Michaelis, and any and all rights to demand, enforce and collect the same, and

f. That certain debt or other obligation owing to Anna Michaelis by Deep Rock Oil Corporation, Atlas Life Building, Tulsa 2, Oklahoma, arising from royalties accrued with respect to the mineral interest described in subparagraph 2-c above, owned by said Anna Michaelis, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a to 2-c hereof, inclusive, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-d to 2-f hereof, inclusive,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8236; Filed, Sept. 19, 1950; 8:51 a. m.]

[Return Order 741]

MRS. ANTONIA PECHAR AND JOHANN ROBERT PECHAR

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention to Return Published, and Property

Mrs. Antonia Pechar and Johann Robert Pechar, both of Gratkorn, Styria, Austria; Claim No. 11472; August 2, 1950 (15 F. R. 4966); to Mrs. Antonia Pechar, $2,432.68 cash in the Treasury of the United States; to Mrs. Antonia Pechar and Johann Robert Pechar all right, title and interest of Mrs. Antonie (Antonie) Pechar and Johann Robert Pechar in and to the trust established under the Will of John Pechar, deceased;

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trust is being administered by Irving Trust Company, New York, N. Y.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 14, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8238; Filed, Sept. 19, 1950; 8:51 a. m.]

[Return Order 742]

EMIL OETTINGER AND ROBERT GOLDSCHMIDT

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention to Return Published, and Property

Emil Oettinger, New York, N. Y.; and Robert Goldschmidt, London, England; Claim No. 32591; August 4, 1950 (15 F. R. 5036); $45.00 in the Treasury of the United States to each claimant.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 14, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8239; Filed, Sept. 19, 1950; 8:51 a. m.]

[Return Order 743]

CHRISTINE TILL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention to Return Published, and Property

Christine Till, Braybourne, Sasqua-Hills, East Norwalk, Conn., Claim No. 6389; August 12, 1950 (15 F. R. 5324); $1,748.67 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C. on September 14, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8240; Filed, Sept. 19, 1950; 8:52 a. m.]

[Return Order 714]

EMILIANO FERRARI ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention to Return Published, and Property

Emiliano Ferrari, Borgo Val di Taro, San Quirico, Cacciarasca, Parma, Italy, Claim No. 45400; Ida Ferrari, Borgo Val di Taro, San Quirico, Cacciarasca, Parma, Italy, Claim No. 45401; Giuseppina Ferrari, Borgo Val di Taro, San Quirico, Cacciarasca, Parma, Italy; Claim No. 45402; July 4, 1950 (15 F. R. 4254); all right, title, interest and claim of any kind or character whatsoever of Emiliano Ferrari, Ida Ferrari and Giuseppina Ferrari, and each of them, in and to the Estate of David Ferrari, deceased, presently in the process of administration by Palmira Mambretti, Administratrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 14, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8237; Filed, Sept. 19, 1950; 8:51 a. m.]

SEP 25 '50

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 15 NUMBER 183

Washington, Thursday, September 21, 1950

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter II—The Loyalty Review Board

PART 210—THE OPERATIONS OF THE LOYALTY REVIEW BOARD

AMENDMENT TO LIST OF SUBVERSIVE ORGANIZATIONS

The following is added at the end of Appendix A:

In a letter dated September 5, 1950, in response to inquiries from the Chairman, Loyalty Review Board, in which the designation of organizations pursuant to Part III, section 3, of Executive Order No. 9835 was discussed, the Attorney General has advised the Loyalty Review Board as set out below.

You have inquired specifically whether the designation of International Workers Order as a communist organization includes, as well, the national group societies of that organization. The original designation of International Workers Order, arrived at after appropriate investigation and determination, as provided by the Executive order, contemplated and was intended to include all of its subdivisions, subsidiaries and affiliates, however entitled. To clarify and remove any question as to the scope of the original designation of November 24, 1947, therefore, the following national group societies of International Workers Order are hereby specifically designated pursuant to Executive Order No. 9835:

American-Russian Fraternal Society.
Carpatho-Russian Peoples Society.
Cervantes Fraternal Society.
Croatian Benevolent Fraternity.
Finnish-American Mutual Aid Society.
Garibaldi American Fraternal Society.
Hellenic-American Brotherhood.
Hungarian Brotherhood.
Jewish Peoples Fraternal Order.
Polonia Society of the IWO.
Romanian-American Fraternal Society.
Serbian-American Fraternal Society.
Slovak Workers Society.
Ukrainian-American Fraternal Union.

In your recent communications you have requested to be advised whether the Boston School for Marxist Studies and the Pacific Northwest Labor School are to be considered as adjuncts of the Communist Party as were the several schools named in the letter of Attorney General Clark of November 24, 1947. A review of all of the evidence available establishes that the Boston School for Marxist Studies is in fact an adjunct of the Communist Party; likewise that the Pacific Northwest Labor School was in effect but another name for the previously designated Seattle Labor School; and that the Joseph Weydemeyer School of Social Science of St. Louis, Missouri, is likewise a Communist School. Therefore, pursuant to the mandate and authority of Executive Order No. 9835, the following schools are designated as adjuncts of the Communist Party:

Boston School for Marxist Studies, Boston, Mass.

Joseph Weydemeyer School of Social Science, St. Louis, Mo.

Pacific Northwest Labor School, Seattle, Wash.

In your letter of October 14, 1949, you refer to the activities of the members of the Partido del Pueblo of Panama within the Canal Zone. The Partido del Pueblo is operating as the Communist Party of Panama and it is hereby designated pursuant to the authority of Executive Order No. 9835.

In previous communications from Attorney General Clark there were designated the Ku Klux Klan, the Association of Georgia Klans, and the Original Southern Klans, Inc. I hereby designate within the same category the Associated Klans of America, an organization consisting of a merger of earlier Ku Klux Klan groups.

Also previously designated was the National Council of Americans of Croatian Descent. Subsequent to its designation this organization has effected a change of name. The designation applies alike to the new organization known as the Union of American Croatians. I also designate at this time as a Communist organization the American Branch of the Federation of Greek Maritime Unions.

In your letter of January 9, 1950, you inquire whether the designation of the Communist Political Association includes, as well, the constituent state and local groups, specifically the Peoples Educational and Press Association of Texas and the Virginia League for Peoples Education. The designation of the Communist Party, USA, and of the Communist Political Association includes not only the national organization but all state, local, regional and other subdivisions thereof. Therefore, the Peoples Educational and Press Association of Texas and the Virginia League for Peoples Education were included in the designation by Attorney General Clark in his letter to you of November 24, 1947.

It may well be that hereafter as well, from time to time, additional inquiry may arise as to the effect and scope of existing designations and in that event I shall be most happy to have you communicate with me.

(Part III, E. O. 9835, Mar. 21, 1947, 12 F. R. 1935; 3 CFR, 1947 Supp.)

LOYALTY REVIEW BOARD,
UNITED STATES CIVIL SERVICE COMMISSION,
SETH W. RICHARDSON,
Chairman.

[F. R. Doc. 50-8264; Filed, Sept. 20, 1950; 8:49 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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1950–51 Edition

(Revised through July 1)

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PART 324—CONSTRUCTION AND REPAIR

SUBPART C—PERFORMING FARM DEVELOPMENT

INSPECTIONS OF CONSTRUCTION AND REPAIR WORK

Section 324.45 in Title 6, Code of Federal Regulations (13 F. R. 9408), is amended to revise paragraphs (a) and (b) as follows:

§ 324.45 *Inspections*—(a) *Work done by or under the direction of the borrower*—(1) *Periodic inspections.* The County Supervisor will make periodic inspections of all farm development work in progress. After each inspection, the County Supervisor will record in the borrower's field folder the date the inspecton was made, the percentage of work completed, and any other pertinent information. The inspection and acceptance of material as delivered to the site and the storage of material will be the responsibility of the borrower. The County Supervisor will advise the borrower of these responsibilities. The Engineer also will make such additional inspections as the nature and character of the work may require.

(2) *Final inspections.* The County Supervisor will make a final inspection of immediate development promptly after completion, provided that the cash cost of the item has not exceeded $500. If the cash cost of the item exceeds $500, the Engineer will make the final inspection. When any item of immediate development performed by or under the direction of the borrower has been completed and the Engineer's inspection is required, the County Supervisor will notify the Engineer in writing. At the earliest feasible date after such notification, the Engineer will make the final inspection of the item.

(b) *Work done by contract*—(1) *Periodic inspections.* As the work proceeds, the Engineer will make necessary periodic inspections to determine whether the work conforms with plans, specifications, and change orders, and whether the contractor is complying with other provisions of Form FHA–296.

(i) When adverse conditions involving plans, specifications, change orders, or labor provisions are found at the time of inspection by the Engineer, he will request the contractor in writing to correct such adverse conditions in conformance with the contract. A copy of this request will be sent to the County Supervisor who will endeavor to have the contractor comply with the Engineer's request. If the County Supervisor cannot secure compliance, he will report the facts to the State Director who will determine the action to be taken.

(ii) The County Supervisor will make such periodic inspections as he and the Engineer agree upon. After each inspection, the County Supervisor will report his findings to the Engineer in writing and place one copy of the report in the borrower's County Office case file.

(2) *Final inspections.* The Engineer will make a final inspection of all items included in the contract as soon as possible after the County Supervisor advises him that the contract work has been completed.

(Sec. 41, 60 Stat. 1064, as amended; 7 U. S. C. and Sup., 1015)

DERIVATION: § 324.45 contained in FHA Instruction 424.3.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

AUGUST 30, 1950.

Approved: September 15, 1950.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–8282; Filed, Sept. 20, 1950; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 909—HANDLING OF ALMONDS GROWN IN CALIFORNIA

SALABLE AND SURPLUS PERCENTAGES FOR 1950–51 CROP YEAR

§ 909.200 *Almond salable and surplus percentages for the 1950–51 crop year—*

(a) *Findings.* (1) Upon the basis of estimates and the recommendation of the Almond Control Board, established and functioning pursuant to Marketing Agreement No. 119 and Order No. 9 (15 F. R. 4993), regulating the handling of almonds grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and other available information, it is hereby found that the designation of a salable percentage at 100 and a surplus percentage at 0 is reasonable and in accordance with the requirements of § 909.62 of said order. These are the same percentages recommended by the board. The board estimated that almonds to be produced during the 1950–51 crop year would be 37,000,000 pounds and that total trade demand taking into consideration economic conditions and the anticipated market price, within the limitations of the act, would be 38,500,000 pounds, which would result in a reduction of 1,500,000 pounds in handler carryover.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section later than three days after the date of publication of this section in the FEDERAL REGISTER. This action regarding salable and surplus percentages for the 1950–51 crop year with respect to almonds is necessary for the reason that shipment of the current crop of such almonds will soon begin, and it is necessary to have these percentages fixed as near the beginning of the crop year as it is practicable in order to regulate such shipments effectively. No preparation for this section is required which cannot be completed prior to this effective date. In addition, the effect of this action will be wholly for the benefit of the persons affected thereby. Therefore, good cause exists for not delaying the effective date of these regulatory requirements beyond three days after the date of publication of this section in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.).

(b) *Order.* The salable and surplus percentages for almonds, during the crop year beginning August 4, 1950, and ending June 30, 1951, shall be 100 and 0, respectively.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 15th day of September 1950, to become effective at 12:01 a. m., P. s. t., on the 3d day after the date of the publication of this document in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50–8283; Filed, Sept. 20, 1950; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 20–9]

PART 20—PILOT CERTIFICATES

ISSUANCE OF PRIVATE AND COMMERCIAL PILOT CERTIFICATES BASED ON MILITARY COMPETENCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of September 1950.

Currently effective Part 20 provides for the issuance of pilot certificates with private or commercial ratings and appropriate category, class, and type ratings on the basis of military competence to members of the armed forces of the United States and civilian employees thereof who are serving on solo flying status or who have been discharged therefrom within 12 months preceding date of application therefor. Generally, an applicant for a private rating may be issued such rating if he is currently serving with the armed forces or, if discharged, he has had at least 10 hours of solo flying in military aircraft within 12 months preceding the date of application, irrespective of the date of discharge. On the other hand, an applicant for a commercial rating must be on duty or, if discharged, must have served on active duty as a rated pilot for at least 6 months within 18 months preceding the date of application. Thus, no provision is currently effective which would authorize the issuance of a commercial rating to an individual who has been discharged longer than 12 months. In each instance he must pass an examination covering the provisions of Parts 43 and 60 of this chapter.

The Board has recently received requests for waiver of the time limits in which an applicant must file after discharge from former military pilots who did not apply for pilot certificates within the currently specified period but who have since found that the holding of civilian pilot ratings is essential to their livelihood.

This amendment provides for the issuance of pilot certificates with private or commercial ratings to members of the armed forces of the United States and civilian employees of the ferry or transport services thereof who have been on solo flight status as rated pilots or the equivalent (as currently provided) and to graduates of military flying schools who are considered to be technically qualified to act as rated military pilots but who, because of budgetary or other limitations, may not have served on active duty with the armed forces as rated military pilots. In addition, this amendment provides for the issuance of commercial ratings to such military pilots who have been discharged for a period longer than 12 months preceding the date of application therefor. (The current regulations provide for such issuance only to applicants for private ratings.) This amendment does not change the current rule with respect to the issuance of private and commercial ratings to military pilots who apply therefor during the time they are on ex-

tended active duty and within 12 months subsequent to their discharge or release, except to authorize graduates of military flying schools to apply for such ratings even though, as previously explained, they may not have served on active duty as rated pilots. Those ratings will be issued to such graduates on a basis similar to that established for other military pilots.

Provision is also made whereby subsequent to 12 months after discharge or release an applicant for a private pilot rating may be issued such rating if he has had, within 12 months preceding the date of application therefor, at least 10 hours of flight time as pilot in command in military aircraft. However, an applicant for a commercial rating who has been discharged or released for a period longer than 12 months preceding the date of application therefor will have to pass an appropriate flight test. Because of the privileges accorded the holder of a commercial rating, i. e., of carrying passengers and cargo for compensation or hire, we believe that former military pilots applying for a commercial rating who have been discharged or released for a period longer than 12 months should demonstrate, by passing a flight test, that they are competent to exercise those privileges safely.

Accordingly, a military pilot or former military pilot, if he passes a written examination covering Parts 43 and 60 of this chapter and applies for such rating within the periods specified, may obtain a pilot certificate with a private rating based upon military competence without taking the flight test required of all applicants for a private rating. An applicant for a commercial rating, on the other hand, will be relieved of taking the prescribed extensive written examination if he passes a written examination covering only Parts 43 and 60 of this chapter and applies therefor either while a member of the armed forces or within 12 months subsequent to the date of his honorable discharge or release therefrom, or graduation from a military flying school, or at any time subsequent to 12 months from the date of such discharge, or release, or graduation, if he passes a flight test.

This rule continues the current provision that an applicant for a particular aircraft category, class, or type rating either coincident with or subsequent to the original issuance of a pilot certificate with appropriate aircraft ratings on the basis of military competence or otherwise may be issued such aircraft ratings upon the submission of reliable documentary evidence that he has had at least 10 hours of flight time as pilot in command in miltary arcraft of the same category, class, and type for which the rating is sought. It also provides for the issuance of such ratings for each aircraft in which a flight test is taken.

It should be noted that the current requirements provide that the flight time acquired in military aircraft shall be either "solo flying" time or shall have been flown as "first pilot or as sole manipulator of the controls." To avoid using several terms having the same meaning, we are substituting in lieu of the aforementioned terms, the phrase "pilot in command." That phrase is currently defined in § 20.80 as meaning the pilot responsible for the operation and safety of the aricraft during the time defined as flight time, and includes flight time acquired as sole occupant of the aircraft, as first pilot, and as sole manipulator of the controls. Moreover, this amendment removes any possibility of interpreting the 10-hour "solo flying" time requirement for a private rating as meaning that such flight time must be acquired while the applicant was the sole occupant of the aircraft.

We realize that the issuance of pilot certificates on the basis of military competence is not dictated by safety considerations. However, we believe that the service of individuals as pilots in the armed forces of the United States may properly be recognized since by so doing the administrative burden of certificating those men by compliance with usual procedures is lessened and safety is not jeopardized.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR, Part 20, as amended) as follows, effective October 20, 1950:

1. By amending § 20.55 to read as follows:

§ 20.55 *Military competence.* Pilot certificates and appropriate ratings granted on the basis of military competence shall be issued in accordance with the provisions of paragraphs (a), (b), (c), and (d) of this section.

(a) *Private pilot rating.* An applicant for a pilot certificate with a private rating shall be deemed to have met the aeronautical knowledge, experience, and skill requirements for the issuance of such certificate, if he passes a written examination on Parts 43 and 60 of this chapter and presents reliable documentary evidence showing:

(1) That he is a member of the armed forces of the United States or a civilian employee of the ferry or transport services thereof, and either is on solo flying status as a rated pilot or the equivalent or has, within 12 months preceding the date of application, been graduated from and rated as a pilot by a military flying school; or

(2) That he has been honorably discharged or released from such forces and was, at the time of such discharge or release, on solo flying status as a rated pilot or the equivalent or had been graduated from and rated as a pilot by a military flying school: *Provided*, That if he has been honorably discharged or released from such forces for a period longer than 12 months preceding the date of application, he shall pass the flight test prescribed by § 20.26, unless he can show that he has had, within 12 months preceding the date of application, at least 10 hours of flight time as pilot in command in military aircraft.

(b) *Commercial pilot rating.* An applicant for a pilot certificate with a commercial rating shall be deemed to have met the aeronautical knowledge, experience, and skill requirements for the issuance of such certificate, if he passes a written examination on Parts 43 and 60 of this chapter and presents reliable documentary evidence showing:

(1) That he is a member of the armed forces of the United States or a civilian employee of the ferry or transport services thereof, and has been on active duty on solo flying status as a rated pilot or the equivalent for a period of at least 6 consecutive months prior to the date of application or has, within 12 months preceding the date of application, been graduated from and rated as a pilot by a military flying school; or

(2) That he has been honorably discharged or released from such forces, and had been on active duty on solo flying status as a rated pilot or the equivalent for a period of 6 consecutive months preceding such discharge or release or had been graduated from and rated as a pilot by a military flying school: *Provided*, That if he has been honorably discharged or released from such forces for a period longer than 12 months preceding the date of application, he shall pass the flight test prescribed by § 20.36.

(c) *Aircraft category, class, and type ratings.* An applicant for a particular category, class, and type rating who has applied for or holds a pilot certificate issued on the basis of military competence or otherwise shall be issued appropriate ratings upon the presentation of reliable documentary evidence that he has had, within 12 months preceding the date of application, at least 10 hours of flight time as pilot in command in military aircraft of a category, class, and type for which the rating is sought, or has taken a flight test.

(d) *Instrument rating.* An instrument rating shall be issued to an applicant who holds a currently effective military instrument rating if the requirements for the issuance of such a rating and the privileges authorized by it are not less than those of the Civil Air Regulations with respect to such rating.

2. By adding § 20.83 to read as follows:

§ 20.83 *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties imposed upon him by the provisions of this part.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended 1008; 49 U. S. C. 551 and Sup., 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-8284; Filed, Sept. 20, 1950; 8.52 a. m.]

[Civil Air Regs. Amdt. 22-2]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

ISSUANCE OF PRIVATE AND COMMERCIAL PILOT CERTIFICATES BASED ON MILITARY COMPETENCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of September 1950.

Currently effective Part 22 provides for the issuance of private and commercial lighter-than-air pilot certificates on the basis of military competence to members of the armed forces of the United States and civilian employees thereof who are serving on solo flying status or who have been discharged therefrom within 12 months preceding date of application therefor. Generally an applicant for a private certificate may be issued such certificate if he is currently serving with the armed forces or, if discharged, he has had at least 10 hours of solo flying in military aircraft within 12 months preceding the date of application, irrespective of the date of discharge. On the other hand, an applicant for a commercial certificate must be on duty or, if discharged, must have served on active duty as a rated pilot for at least 6 months within 18 months preceding the date of application. Thus, no provision is currently effective which would authorize the issuance of a commercial certificate to an individual who has been discharged longer than 12 months. In each instance he must pass an examination covering the provisions of Parts 43 and 60 of this chapter.

The Board has recently received requests for waiver of the time limits in which an applicant must file after discharge from former military pilots who did not apply for pilot certificates within the currently specified period but who have since found that the holding of civilian pilot certificates is essential to their livelihood.

This amendment provides for the issuance of pilot certificates to members of the armed forces of the United States and civilian employees of the ferry or transport services thereof who have been on solo flight status as rated lighter-than-air pilots or the equivalent (as currently provided) and to graduates of military flying schools who are considered to be technically qualified to act as rated military pilots but who, because of budgetary or other limitations, may not have served on active duty with the armed forces as rated military pilots. In addition, this amendment provides for the issuance of commercial certificates to such military pilots who have been discharged for a period longer than 12 months preceding the date of application therefor. (The current regulations provide for such issuance only to applicants for private certificates.) This amendment does not change the current rule with respect to the issuance of private and commercial certificates to military pilots who apply therefor during the time they are on extended active duty and within 12 months subsequent to their discharge or release, except to authorize graduates of military flying schools to apply for such certificates even though, as previously explained, they may not have served on active duty as rated pilots. Those certificates will be issued to such graduates on a basis similar to that established for other military pilots.

Provision is also made whereby subsequent to 12 months after discharge or release an applicant for a private lighter-than-air pilot certificate may be issued such certificate, if he has had, within 12 months preceding the date of application therefor, at least 10 hours of flight time as pilot in command in military aircraft. However, an applicant for a commercial certificate who has been discharged or released for a period longer than 12 months preceding the date of application therefor will have to pass an appropriate flight test. Because of the privileges accorded the holder of a commercial certificate, i. e., of carrying passengers and cargo for compensation or hire, we believe that former military pilots applying for a commercial certificate who have been discharged or released for a period longer than 12 months should demonstrate, by passing a flight test, that they are competent to exercise those privileges safely.

Accordingly, a military pilot or former military pilot, if he passes a written examination covering Parts 43 and 60 of this chapter and applies for such certificate within the periods specified, may obtain a lighter-than-air private pilot certificate based upon military competence without taking the flight test required of all applicants for a private certificate. An applicant for a commercial certificate, on the other hand, will be relieved of taking the prescribed extensive written examination if he passes a written examination covering only Parts 43 and 60 of this chapter and applies therefor either while a member of the armed forces or within 12 months subsequent to the date of his honorable discharge or release therefrom, or graduation from a military flying school, or at any time subsequent to 12 months from the date of such discharge, or release, or graduation, if he passes a flight test.

It should be noted that the current requirements provided that the flight time acquired in military aircraft shall be either "solo flying" time or shall have been flown as "first pilot or as sole manipulator of the controls." To avoid using several terms having the same meaning, we are substituting in lieu of the aforementioned terms the phrase "pilot in command." This amendment adds to the provisions of Part 22 the definition of that phrase which is the pilot responsible for the operation and safety of the aircraft during the time defined as flight time, and includes flight time acquired as sole occupant of the aircraft, as first pilot, and as sole manipulator of the controls. Moreover, this amendment removes any possibility of interpreting the 10-hour "solo flying" time requirement for a private rating as meaning that such flight time must be acquired while the applicant was the sole occupant of the aircraft.

We realize that the issuance of pilot certificates on the basis of military competence is not dictated by safety considerations. However, we believe that the service of individuals as pilots in the armed forces of the United States may properly be recognized since by so doing the administrative burden of certificating those men by compliance with usual procedures is lessened and safety is not jeopardized.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 22 of the Civil Air Regulations (14 CFR, Part 22, as amended) as follows, effective October 20, 1950:

1. By amending § 22.11 (i) to read as follows:

(i) *Military competence.* An applicant for a private lighter-than-air pilot certificate shall be deemed to have met the aeronautical knowledge, experience, and skill requirements for the issuance of such certificate, if he passes a written examination on Parts 43 and 60 of this chapter and presents reliable documentary evidence showing:

(1) That he is a member of the armed forces of the United States or a civilian employee of the ferry or transport services thereof, and either is on solo flying status as a rated lighter-than-air pilot or the equivalent or has, within 12 months preceding the date of application, been graduated from and rated as a lighter-than-air pilot by a military flying school; or

(2) That he has been honorably discharged or released from such forces and was, at the time of such discharge or release, on solo flying status as a rated lighter-than-air pilot or the equivalent or had been graduated from and rated as a lighter-than-air pilot by a military flying school: *Provided*, That if he has been honorably discharged or released from such forces for a period longer than 12 months preceding the date of application, he shall pass the flight test prescribed by paragraph (h) of this section, unless he can show that he has had, within 12 months preceding the date of application, at least 10 hours of flight time as pilot in command in lighter-than-air military aircraft.

2. By amending § 22.12 (j) to read as follows:

(j) *Military competence.* An applicant for a commercial lighter-than-air pilot certificate shall be deemed to have met the aeronautical knowledge, experience, and skill requirements for the issuance of such certificate, if he passes a written examination on Parts 43 and 60 of this chapter and presents reliable documentary evidence showing:

(1) That he is a member of the armed forces of the United States or a civilian employee of the ferry or transport services thereof, and has been on active duty on solo flying status as a rated lighter-than-air pilot or the equivalent for a period of at least 6 consecutive months prior to the date of application or has, within 12 months preceding the date of application, been graduated from and rated as a lighter-than-air pilot by a military flying school; or

(2) That he has been honorably discharged or released from such forces, and had been on active duty on solo flying status as a rated lighter-than-air pilot or the equivalent for a period of 6 consecutive months preceding such discharge or release or had been graduated from and rated as a lighter-than-air pilot by a military flying school:

Provided, That if he has been honorably discharged or released from such forces for a period longer than 12 months preceding the date of application, he shall pass the flight test prescribed by paragraph (h) of this section.

3. By adding § 22.43 to read as follows:

§ 22.43 *Pilot in command.* Pilot in command shall mean the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

4. By adding § 22.44 to read as follows:

§ 22.44 *Flight time.* Flight time shall mean the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight.

5. By adding § 22.45 to read as follows:

§ 22.45 *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties imposed upon him by the provisions of this part.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C. 551 and Sup. 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-8285; Filed, Sept. 20, 1950; 8:52 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg. Amdt. 284]

[Controlled Housing Rent Reg., Amdt. 284] Other Establishments Rent Reg., Amdt. 281]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

COLORADO AND ARKANSAS

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 44b, is amended to read as follows:

(44b) [Revoked and decontrolled.]

This decontrols (1) the City of Greeley in Weld County, Colorado, a portion of the Greeley, Colorado, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, based on a resolution submitted with respect to said City of Greeley in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Greeley constituting the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

2. In Schedule A, Item 293, all of said item which relates to Crittenden County, Arkansas, is deleted.

This decontrols the City of West Memphis in Crittenden County, Arkansas, a portion of the Memphis, Tennessee, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and leaves under control Shelby County, Tennessee, as the Memphis, Tennessee, Defense-Rental Area.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective September 19, 1950.

Issued this 18th day of September 1950.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 50-8260; Filed, Sept. 20, 1950; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1766]

HOMESTEADS SUBJECT TO MORTGAGE LOANS

MISCELLANEOUS AMENDMENTS

The following new sections are added to Title 43, in order to show the procedure which should be followed by homestead entrymen including such entrymen in reclamation projects, who wish to obtain loans in accordance with the act of October 19, 1949 (63 Stat. 883, 7 U. S. C. 1946 ed. Supp III secs. 1006a, 1006b) from the Farmers Home Administration of the Department of Agriculture:

Subchapter A—Alaska

PART 65—HOMESTEADS

Sections 65.30 and 65.31 are added, as follows:

HOMESTEADS SUBJECT TO MORTGAGE LOANS

§ 65.30 *Mortgage loans on existing homestead entries; allowance on homestead applications for lands subject to mortgages held by the United States acting through the Secretary of Agriculture; occupancy of the land.* A homestead entryman who desires to secure a loan on an existing homestead entry, or a homestead applicant who wishes to make a homestead entry for lands in a canceled or relinquished homestead entry subject to a mortgage lien held by the United States acting through the Secretary of Agriculture under the act of October 19, 1949 (63 Stat. 883, 7 U. S. C., Supp. III secs. 1006a, 1006b), should proceed in accordance with § 166.102 of this chapter.

§ 65.31 *Mortgage liens.* A mortgage lien held by the United States acting through the Secretary of Agriculture shall not extend to mineral deposits in the lands, which have been or may be reserved to the United States pursuant to law.

(R. S. 2478, as amended, sec. 1, 30 Stat. 409, as amended; 43 U. S. C. 1201, 48 U. S. C. 371)

PART 66—HOMESTEADS ON COAL, OIL, AND GAS LANDS

Sections 66.11 and 66.12 are added as follows:

§66.11 *Mortgage loans on existing homestead entries allowance of homestead applications for lands subject to mortgages held by the United States acting through the Secretary of Agriculture; occupancy of the land.* A homestead entryman who desires to secure a loan on an existing homestead entry or a homestead applicant who wishes to make a homestead entry for lands in a canceled or relinquished homestead entry subject to a mortgage lien held by the United States acting through the Secretary of Agriculture under the act of October 19, 1949 (63 Stat. 883, 7 U. S. C., Supp. III, secs. 1006a, 1006b), should proceed in accordance with §166.102 of this chapter.

§ 66.12 *Mortgage liens.* A mortgage lien held by the United States acting through the Secretary of Agriculture shall not extend to mineral deposits in the lands, which have been or may be reserved to the United States pursuant to law.

(R. S. 2478, as amended; 43 U. S. C. 1201)

Subchapter I—Homesteads

PART 166—ORIGINAL, ADDITIONAL, SECOND AND ADJOINING FARM HOMESTEADS, AUTHORIZED BY THE GENERAL PROVISIONS OF THE HOMESTEAD LAWS

Sections 166.102 and 166.103 are added to Part 166.

HOMESTEAD SUBJECT TO MORTGAGE LOANS

§ 166.102 *Mortgage loans on existing homestead entries; allowance of homestead applications for lands subject to mortgages held by the United States acting through the Secretary of Agriculture; occupancy of the land.* (a) A homestead entryman desiring a loan on an existing homestead entry under the act of October 19, 1949 (63 Stat. 883, 7 U. S. C., Supp. III, secs. 1006a, 1006b) should consult the Farmers Home Administration of the Department of Agriculture.

(b) Where a homestead entry subject to a mortgage loan is canceled or relinquished and the loan has not been satisfied, a lien held by the United States acting through the Secretary of Agriculture would attach to the land under the act of October 19, 1949, and such land becomes subject to homestead entry for a period of one year from the date the canceled entry was closed or for one year from the date the entry was relinquished by an applicant who is qualified for an initial loan and who has not exercised his homestead rights. An applicant for such land must first consult the Farmers Home Administration. Such a homestead application must not be filed in the land office until the applicant has been selected and directed to do so by the Farmers Home Administration.

(c) The final arrangements of a mortgage loan between the homestead applicant and the Farmers Home Administration are not completed until after the homestead application has been allowed as an entry. Upon the allowance of such an application the entryman will be notified not to occupy the land until he has completed the arrangements of the loan and he has been instructed to occupy the land by the Farmers Home Administration.

(d) Decisions canceling homestead entries subject to such mortgage liens for defaults on the mortgage or for noncompliance with the homestead laws will contain a clause allowing 15 days from receipt of notice of the decision within which to respond or to appeal.

(e) If the land in a relinquished or canceled homestead entry subject to a mortgage lien is not entered during the period of one year from the date of relinquishment or one year from the date the canceled homestead entry was closed, the land will become subject to sale by the Farmers Home Administration.

§ 166.103 *Mortgage liens.* A mortgage lien held by the United States acting through the Secretary of Agriculture shall not extend to mineral deposits in the lands, which have been or may be reserved to the United States pursuant to law.

(R. S. 2478, as amended; 43 U. S. C. 1201)

PART 167—ENLARGED HOMESTEADS

Sections 167.35 and 167.36 are added as follows:

ENLARGED HOMESTEAD SUBJECT TO MORTGAGE LOANS

§ 167.35 *Mortgage loans on existing homestead entries; allowance of homestead applications for lands subject to mortgages held by the United States acting through the Secretary of Agriculture; occupancy of the land.* A homestead entryman who desires to secure a loan on an existing homestead entry, or a homestead applicant who wishes to make a homestead entry for lands in a canceled or relinquished homestead entry subject to a mortgage lien held by the United States acting through the Secretary of Agriculture under the act of October 19, 1949 (63 Stat. 883, 7 U. S. C. Supp. III secs. 1006a, 1006b), should proceed in accordance with § 166.102 of this chapter.

§ 167.36 *Mortgage liens.* A mortgage lien held by the United States acting through the Secretary of Agriculture shall not extend to mineral deposits in the lands, which have been or may be reserved to the United States pursuant to law.

(R. S. 2478, as amended; 43 U. S. C. 1201)

Subchapter Q—Reclamation and Irrigation

PART 230—RECLAMATION OF ARID LANDS BY THE UNITED STATES

Sections 230.5a and 230.5b are added to Part 230.

§ 230.5a *Mortgage loans on existing reclamation homestead entries; reclamation homestead applications for lands subject to a mortgage lien held by the United States acting through the Secretary of Agriculture; occupancy of the land.* (a) A reclamation homestead entryman or a recognized assignee thereof desiring a loan on an existing reclamation homestead entry under the act of October 19, 1949 (63 Stat. 883, 7 U. S. C., Supp III secs. 1006a, 1006b), should consult the Farmers Home Administration of the Department of Agriculture and the Bureau of Reclamation of the Department of the Interior.

(b) Where a reclamation homestead entry subject to a mortgage loan is canceled or relinquished and the loan has not been satisfied, a lien held by the United States acting through the Secretary of Agriculture would attach to the land under the act of October 19, 1949, and such land would be subject to reclamation homestead entry for a period of one year from the date the canceled entry was closed or for one year from the date the entry was relinquished. An applicant for such land should first consult the Farmers Home Administration and the Bureau of Reclamation. Such a reclamation homestead application must not be filed in the land office until the applicant has been selected by the Farmers Home Administration and the Bureau of Reclamation, and he has been directed by the Farmers Home Administration to file the application.

(c) The final arrangements of a mortgage loan between the homestead applicant and the Farmers Home Administration are not completed until after the reclamation homestead application has been allowed as an entry. Upon the allowance of such an application the entryman will be notified not to occupy the land until he has completed arrangements of the loan and he has been instructed to occupy the land by the Farmers Home Administration.

(d) Decisions canceling reclamation homestead entries subject to such mortgage liens for defaults on the mortgage or for noncompliance with the reclamation or homestead laws will contain a clause allowing 15 days from receipt of notice of the decision within which to respond or to appeal.

(e) If the land in a relinquished or canceled reclamation homestead entry subject to a mortgage lien is not entered during the period of one year from the date of relinquishment or one year from the date the canceled reclamation homestead entry was closed, the land will become subject to disposition by the Secretary of Agriculture.

§ 230.5b *Mortgage liens.* A mortgage lien held by the United States acting through the Secretary of Agriculture shall not extend to mineral deposits in the lands, which have been or may be reserved to the United States pursuant to law.

(Sec. 10, 32 Stat. 390, as amended 43 U. S. C. 373)

OSCAR L. CHAPMAN,
Secretary of the Interior.

SEPTEMBER 12, 1950.

[F. R. Doc. 50-8243; Filed, Sept. 20, 1950; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 867]

PART 95—CAR SERVICE

RESTRICTIONS ON TRAP AND FERRY CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of September A. D. 1950.

It appearing, that there is a shortage of freight cars in every section of the country; that the use of such cars in so-called "trap" or "ferry" car service prevents or impedes the full utilization of such cars and contributes to the general car shortage; in the opinion of the Commission an emergency requiring immediate action to promote the National Defense and car service in the interest of the public and the commerce of the people, exists in all sections of the country: It is ordered, that:

§ 95.867 *Restrictions on trap and ferry cars.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall provide, use or permit the use of a trap car or a ferry car, on its lines, except as follows:

(1) A car which is not suitable for interchange.

(2) Where there is no other common carrier or common carriers capable of transporting the shipment contained in the car.

(3) Where necessary to relieve congestion of carriers' freight house facilities because of inability to obtain transportation of the shipment or shipments by motor vehicle.

(4) Where motor vehicles are not available with which to move the shipment.

(5) Where the carriers' freight house or transfer facilities or consignor's or consignee's facilities are so located or constructed as to make it impracticable to transport the shipment by motor vehicles.

(6) A car containing perishable or explosives and dangerous articles.

(7) A trap or ferry car operated between points which from previous experience or actual present knowledge will arrive at destination with a net load of at least 10 tons.

(8) Shipments described in section 2 of Rule 27 of Consolidated Freight Classification.

(9) When authorized by special or general permit issued by the Director, Bureau of Service, Interstate Commerce Commission, Washington 25, D. C.

(b) *Application.* The provisions of this section shall apply to intrastate as well as interstate and foreign traffic.

(c) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's

Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(d) *Effective date.* This section shall become effective at 11:59 p. m., September 20, 1950.

(e) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8263; Filed, Sept. 20, 1950; 8:49 a. m.]

[S. O. 868]

PART 95—CAR SERVICE

SUSPENSION OF FOLLOW-LOT RULE AND TWO-FOR-ONE RULE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of September A. D. 1950.

It appearing, that an acute shortage of freight cars exists in all sections of the country; that the provisions contained in Rule 24 and Rule 34 of Consolidated Freight Classification No. 19, as amended, and other tariffs containing similar provisions in respect to the furnishing, substitution, and use of multiple cars for single shipments, subject to carload rates, result in wasteful car service, that such misuse and wasteful use of railroad equipment is detrimental to the public interest; in the opinion of the Commission an emergency exists in all sections of the country; requiring immediate action to promote the National Defense and car service in the interest of the public and the commerce of the people: It is ordered, that:

§ 95.868 *Suspension of follow-lot rule and two-for-one rule.* (a) The operation of Rule 24 of Consolidated Freight Classification No. 19, as amended, be and it is hereby suspended.

(b) The operation of Rule 34 of Consolidated Freight Classification No. 19, as amended, insofar as it permits railroad freight cars to be used for the shipment of carload freight otherwise than subject to the carload minimum weight for each car used be, and it is hereby suspended: *Provided,* That this paragraph shall not be deemed to apply to or affect those portions of Rule 34 which provide carload minimum weights graduated according to car length or capacity.

(c) The operation of all provisions in all other tariffs filed by common carriers by railroad which, in like manner as, or in modification or extension of Rule 24 and of that portion of Rule 34 herein suspended, permit railroad freight cars to be used for the shipment of carload freight, otherwise than subject to the established carload minimum weight for each car used, be and they are hereby suspended: *Provided,* That this paragraph shall not be deemed to apply to or affect the provisions of Rule 29 of Consolidated Freight Classification No. 19, as amended, or any similar provisions in other tariffs relating to minimum weights for carload shipments of articles which by reason of their length require two or more open cars for their transportation.

(d) *Exceptions.* (1) This section shall not apply (i) to shipments of livestock, (ii) to shipments of any commodity on flat cars when the car furnished and used is longer than that ordered by the shipper, and (iii) to shipments of any commodity loaded by carriers not subject to any direction or control by shipper with respect either to the actual loading or the selection of equipment used.

(2) *Overloaded cars.* When part of the contents (hereinafter termed the excess) of an overloaded car of carload freight is transferred to another car and both cars forwarded without other freight therein the following shall govern:

Freight charges. All common carriers by railroad subject to the Interstate Commerce Act shall:

(i) On the original car assess and collect freight charges, origin to final destination in effect at time of shipment, based upon the actual weight of freight left in that car after the excess has been removed, but not less than the tariff minimum weight for such car;

(ii) On the car loaded with the excess freight assess and collect freight charges at the carload rate, applicable on the commodity as originally shipped, from transfer point to final destination in effect at time of original shipment, based on the actual weight of such excess freight subject to the following minima:

(a) When the tariff minimum weight depends on the length of the car, 50 percent of the minimum weight applicable to a car 40 feet 6 inches in length; or

(b) When the tariff minimum weight depends on capacity of the car, 40,000 pounds; or

(c) When the tariff minimum weight does not depend on the length or capacity of a car, 50 percent of the minimum weight applicable to the shipment as originally billed.

(iii) But in no instance shall the charges be less than the charges which would have applied on the same shipment transported without transfer of the excess freight to another car.

(e) *Application.* The provisions of this section shall apply to intrastate, interstate and foreign commerce.

(f) *Effective date.* This section shall become effective at 12:01 a. m., September 20, 1950.

(g) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(h) All outstanding orders of this Commission, insofar as they conflict with the provisions of this section, be, and they are hereby suspended.

(i) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commisson's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

It is further ordered, that a copy of this order and direction shall be served upon the State railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads, subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8258; Filed, Sept. 20, 1950; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR, Part 21]

GENERAL CREDIT TO INDIANS

INTEREST; EDUCATIONAL LOANS

Notice is hereby given of intention to amend §§ 21.6 and 21.16 of the regulations approved by the Secretary of the Interior December 18, 1945 and amended August 21, 1947 and June 25, 1948, which were promulgated under authority contained in the acts of June 18, 1934 (48 Stat. 986), and June 26, 1936 (49 Stat. 1967), as amended and supplemented, to read as hereinafter indicated:

§ 21.6 *Interest.* Corporations, unincorporated tribes and bands, and credit associations shall pay two per cent interest annually on loans from the date made until paid, on the basis of 360 days per annum. Cooperative associations and individual borrowers shall be charged interest at the rate of four per cent annually, except loans made to individuals for educational purposes, which shall be governed by the provisions of § 21.16 of the regulations in this part. Borrowers from Indian organizations shall pay the rate of interest specified in the governing loan agreement, but not less than two per cent.

§ 21.16 *Educational loans.* Loans for educational purposes may be made under the regulations in this part. The interest rate on loans by the United States shall be three per cent per annum. The rate on loans by Indian organizations shall be not less than two per cent per annum, and may not exceed the rate charged borrowers on loans for other purposes.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to Dillon S. Myer, Commissioner of Indian Affairs, Washington 25, D. C., within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Dated: September 14, 1950.

MASTIN G. WHITE, *Acting Assistant Secretary of the Interior.*

[F. R. Doc. 50-8242; Filed, Sept. 20, 1950; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1950 Dept. Circ. 870]

1¼ PERCENT TREASURY NOTES OF SERIES G-1951

OFFERING OF NOTES

SEPTEMBER 18, 1950.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 1¼ percent Treasury Notes of Series G-1951, in exchange for Treasury Certificates of Indebtedness of Series H-1950, maturing October 1, 1950.

II. *Description of notes.* 1. The notes will be dated October 1, 1950, and will bear interest from that date at the rate of 1¼ percent per annum, payable with the principal at maturity on November 1, 1951. They will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before October 2, 1950, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series H-1950, maturing October 1, 1950, which will be accepted at par, and should accompany the subscription. The full year's interest on the certificates surrendered will be paid to the subscriber following acceptance of the certificates.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER, *Secretary of the Treasury.*

[F. R. Doc. 50-8265; Filed, Sept. 20, 1950; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 55180]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 12, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 27 N., R. 18 E.,
Sec. 4, SE¼NW¼,
Sec. 5, lots 3, 4 and 7, NE¼, SE¼NW¼,
Sec. 8, lots 1, 2, 3 and 4,
Sec. 20, lots 1 and 3.
T. 27 N., R. 19 E.,
Sec. 31, N½SE¼.
T. 14 N., R. 26 E.,
Sec. 23, SW¼,
Sec. 26, E½NW¼, SW¼NW¼, SW¼,
Sec. 27, SE¼,
Sec. 34, NW¼SE¼, NE¼SW¼, NE¼NE¼, SW¼NE¼.

The areas described aggregate 1,582.34 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Reno, Nevada.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50–8261; Filed, Sept. 20, 1950; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4340 et al.]

FRONTIER AIRLINES, INC., AND UNITED AIRLINES, INC., FRONTIER RENEWAL PROCEEDING

NOTICE OF HEARING

In the matter of the renewal of temporary certificates of public convenience and necessity for Routes Nos. 73 and 74 held by Frontier Airlines, Inc., and a temporary suspension of authority of United Airlines, Inc., to serve Rock Springs and Cheyenne, Wyoming.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that the above-indicated proceeding is assigned for hearing on October 2, 1950, at 10:00 a. m., e. s. t., in Conference Room A, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C., before Examiner Herbert K. Bryan.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Whether public convenience and necessity require the alteration, amendment, modification or suspension of the temporary certificates of public convenience and necessity held by Frontier Airlines, Inc., and the certificates of public convenience and necessity held by United Airlines, Inc., as set forth in Order Serial No. E–3914 or as requested in applications filed with the Board under Dockets Nos. 4270, 4271, 4517, 4521 and 4610, consolidated herein for purposes of hearing, and

2. Whether Frontier Airlines, Inc., is fit, willing, and able to perform such services as may be found required by public convenience and necessity, and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

Notice is further given that any person other than the parties of record desiring to be heard in this proceeding shall file with the Board on or before October 2, 1950, a statement setting forth the issues of fact and law which he desires to controvert.

For further details with respect to this proceeding, interested parties are referred to the pertinent orders of the Civil Aeronautics Board on file in the docket.

Dated at Washington, D. C., September 15, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50–8286; Filed, Sept. 20, 1950; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2055]

IDAHO POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

SEPTEMBER 15, 1950.

Notice is hereby given that Idaho Power Company of Boise, Idaho, has filed application for license under the Federal Power Act (16 U. S. C. 791a–825r) for a proposed hydroelectric development, designated as Project No. 2055, to be located on the Snake River, Idaho, affecting public lands of the United States. This application was preceded by application for preliminary permit for the same project.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before October 4, 1950, to the Federal Power Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8244; Filed, Sept. 20, 1950; 8:45 a. m.]

[Docket No. E–6304]

COMMUNITY PUBLIC SERVICE CO. AND GULF STATES UTILITIES CO.

NOTICE OF ORDER

SEPTEMBER 15, 1950.

Notice is hereby given that, on September 13, 1950, the Federal Power Commission issued its order entered September 12, 1950, approving mergers or consolidations of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8248; Filed, Sept. 20, 1950; 8:46 a. m.]

[Docket No. E–6308]

FLORIDA POWER CORP.

NOTICE OF ORDER

SEPTEMBER 15, 1950.

Notice is hereby given that, on September 12, 1950, the Federal Power Commission issued its order entered September 12, 1950, authorizing issuance of preferred stock in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8246; Filed, Sept. 20, 1950; 8:45 a. m.]

[Docket No. E–6315]

OTTER TAIL POWER CO.

NOTICE OF APPLICATION

SEPTEMBER 13, 1950.

Take notice that on September 12, 1950, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Otter Tail Power Company, a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota, and South Dakota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the issuance of $5,000,000 in First Mortgage Bonds, 2.85 percent Series due 1980, to be dated September 1, 1950, and to mature September 1, 1980, bearing interest at the rate of 2.85 percent per annum, payable semi-annually on December 1 and June 1 of each year, except that the first interest payment on December 1, 1950, and the last interest payment on September 1, 1980, will be for quarter yearly periods. The Bonds will be sold to the New York Life Insurance Company, $3,000,000 of said Bonds to be purchased as soon as may be, and the remaining $2,000,000 of said Bonds to be purchased on or before February 28, 1951; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 4th day of October 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8245; Filed, Sept. 20, 1950; 8:45 a. m.]

[Docket No. G–961]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF ORDER

SEPTEMBER 15, 1950.

Notice is hereby given that, on September 13, 1950, the Federal Power Commission issued its order entered September 12, 1950, further extending time of operations of facilities and modifying order of March 2, 1948 (13 F. R. 1291), issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8252; Filed, Sept. 20, 1950; 8:46 a. m.]

[Docket Nos. G–1250, G–1262]

BLUEFIELD GAS CO. AND AMERE GAS UTILITIES CO.

NOTICE OF FINDINGS AND ORDERS

SEPTEMBER 15, 1950.

Notice is hereby given that, on September 14, 1950, the Federal Power Commission issued its findings and orders entered September 14, 1950, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8250; Filed, Sept. 20, 1950; 8:46 a. m.]

[Docket Nos. G–1354, G–1408, G–1410, G–1433, G–1446]

WEST TEXAS GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

SEPTEMBER 15, 1950.

In the matters of West Texas Gas Company, Docket No. G–1354; Texas Gas Transmission Corporation, Docket Nos. G–1408 and G–1410; El Paso Natural Gas Company, Docket No. G–1433; and Lone Star Gas Company, Docket No. G–1446.

Notice is hereby given that, on September 13, 1950, the Federal Power Commission issued its findings and orders entered September 12, 1950, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8251; Filed, Sept. 20, 1950; 8:46 a. m.]

[Docket No. G–1409]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 15, 1950.

Notice is hereby given that, on September 14, 1950, the Federal Power Commission issued its findings and order entered September 12, 1950, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8249; Filed, Sept. 20, 1950; 8:46 a. m.]

[Docket No. G–1427]

NORTH CENTRAL GAS CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 15, 1950.

Notice is hereby given that, on September 12, 1950, the Federal Power Commission issued its findings and order entered September 12, 1950, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8247; Filed, Sept. 20, 1950; 8:45 a. m.]

[Docket No. G–1474]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 15, 1950.

Take notice that on September 5, 1950, El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described facilities:

(1) A meter and regulating station to be located in Lot 13, Block 1, Buena Vista Addition to the City of El Paso, El Paso County, Texas, with a delivery capacity of at least 50,000,000 cubic feet of gas per year, and with a daily delivery capacity of at least 200,000 cubic feet of gas per day.

(2) A 2⅜ inch O. D. pipeline approximately 150 feet in length and capable of transporting the gas referred to in paragraph (1) above, to be located at a point beginning at Engineering Station 50+95 on Applicant's existing 12¾ inch O. D. pipeline and extending in a northeasterly direction to the metering and regulating station referred to in paragraph (1) above.

Applicant proposes to use these facilities to deliver natural gas to Lea County Gas Company for distribution to the residents and other consumers of gas in the community of Buena Vista, El Paso County, Texas. Applicant alleges that there are no other gas companies rendering service to these consumers that would be served through the facilities for which it is seeking a certificate.

The estimated total over-all cost of the proposed facilities is $2,300, which Applicant proposes to finance out of its current working funds, without additional financing.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 4th day of October 1950.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8253; Filed, Sept. 20, 1950; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

HOUSING AND HOME FINANCE ADMINISTRATOR

DELEGATION OF AUTHORITY WITH RESPECT TO ALLEVIATION OF DISASTER CAUSED BY RECENT FLOODS IN GREAT BEND, KANS.

1. Whereas, the President on September 2, 1950, found pursuant to Public Law 266, 81st Congress, that hardship and suffering in Great Bend, Kansas, are of sufficient severity and magnitude to warrant assistance by the Federal government, and designated the General Services Administration as the agency of the Government authorized to expend funds to alleviate hardship and suffering caused thereby, and to enter into agreements with the Governor of that State giving assurance, as required by law of the expenditure of a reasonable amount of State or local funds for the same purpose, and authorized the Administrator of General Services to delegate such authority as he deems necessary and, whereas, pursuant to Public Law 233, 80th Congress, the President on September 2, 1950, found that the severe flood conditions in Great Bend, Kansas, are of such severity and magnitude as to make it necessary and appropriate to utilize surplus personal property to alleviate damage, hardship and suffering caused thereby, now therefore, the Administrator of General Services hereby delegates to the Housing and Home Finance Administrator acting through the Community Facilities Service, an organizational unit in the Office of the Administrator of the Housing and Home Finance Agency, the following authorities:

a. Pursuant to Public Laws 266 and 583, 81st Congress, and the delegation of authority by the President thereunder, the authority to expend the sum of $30,000, which is hereby allocated, which sum may be expended in alleviating hardship and suffering in the municipality of Great Bend occasioned by the disaster, and the authority to enter into agreements with the Governor of the State of Kansas giving assurance as required by law of the expenditure of a reasonable amount of state or local funds in conjunction with the expenditure of the funds hereby allocated. The funds hereby allocated shall be expended in accordance with the provisions of the aforesaid laws for repair and cleaning of sanitary and storm sewers and draining of the storm area. It is desirable that all possible efforts of the state and local agency and the American National Red Cross be exercised prior to any expenditure from this allocation.

b. Pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, any authority vested in the Administrator of General Services by Public Law 233, 80th Congress, such authority to be exercised to alleviate damages, hardship, and suffering caused by flood conditions in Great Bend, Kansas.

2. The authority conferred herein shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the Special Assistant to the Administrator in such Administration.

3. Grants or other expenditures of funds allotted from the Emergency Fund for the President shall be accounted for as expenditures of the General Services Administration under allotments established by it within the scope of this delegation.

4. This delegation of authority shall be effective as of September 8, 1950.

Dated: September 8, 1950.

JESS LARSON,
Administrator.

Consented to: September 13, 1950.

RAYMOND M. FOLEY,
Administrator, Housing and Home Finance Agency.

[F. R. Doc. 50-8259; Filed, Sept. 20, 1950; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DIRECTOR, DIVISION OF SLUM CLEARANCE AND URBAN REDEVELOPMENT

ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

The Director, Division of Slum Clearance and Urban Redevelopment, is hereby authorized, on behalf of the Housing and Home Finance Administrator:

(A) To execute contracts for advances for surveys and plans in the administration of Title I of the Housing Act of 1949 (63 Stat. 414-421, 42 U. S. C. 1451-1460 (Supp. 1949)), including amendatory, supplementary and superseding contracts, in such amounts and with such local public agencies as are authorized and approved by the Administrator, and to execute waivers with respect to such contracts;

(B) To approve requisitions and vouchers for funds to be disbursed under the foregoing types of contracts;

(C) To extend and cancel reservations of capital grant monies made under Title I of the Act (63 Stat. 416-417, 42 U. S. C. 1453-1455 (Supp. 1949)); and

(D) In connection with carrying out any of the powers set forth in paragraphs (A) and (B) above, to carry out the functions and responsibilities vested in the Administrator under section 109 of Title I of the Act (63 Stat. 419, 42 U. S. C. 1459 (Supp. 1949)).

Contracts and waivers executed by the Director pursuant to paragraph (A) shall be signed in the following form:

UNITED STATES OF AMERICA
HOUSING AND HOME FINANCE ADMINISTRATOR

By _____
Director, Division of Slum Clearance and Urban Redevelopment.

Documents reflecting action taken by the Director pursuant to paragraphs (B), (C) and (D) shall be signed in the following form:

HOUSING AND HOME FINANCE ADMINISTRATOR

By _____
Director, Division of Slum Clearance and Urban Redevelopment.

(Reorganization Plan No. 3 of 1947, 12 F. R. 4981 (1947); 62 Stat. 1268, 1283-85 (1948), as amended, 12 U. S. C. 1701c (Supp. 1949); 63 Stat. 413, 417 (1949), as amended, 42 U. S. C. 1456 (Supp. 1949); Pub. Law 475, 81st Cong. 2d Sess. sec. 503 (1) (Apr. 20, 1950))

Effective this 21st day of September 1950.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 50-8262; Filed, Sept. 20, 1950; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25119]

CUMENE FROM LOUISIANA TO KANSAS CITY, MO.

APPLICATION FOR RELIEF

SEPTEMBER 18, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. P. Emerson, Jr., Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 369.

Commodities involved: Cumene, tank carloads.

From: Norco and North Baton Rouge, La.

To: Kansas City, Mo.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 369, Supplement 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8256; Filed, Sept. 20, 1950; 8:47 a. m.]

[4th Sec. Application 25120]

COAL TO HOLT AND TARRANT, ALA.

APPLICATION FOR RELIEF

SEPTEMBER 18, 1950.

The Commission is in receipt of the above entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chesapeake and Ohio Railway Company for itself and on behalf of The Kanawha Central Railway Company and other carriers named in the application.

Commodities involved: Bituminous coal, cannel coal and bituminous coal briquettes, carloads.

From: Points in Kentucky, Virginia and West Virginia.

To: Holt and Tarrant, Ala.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: C. & O., tariff I. C. C. No. 13007, Supplement 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8257; Filed, Sept. 20, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2432]

THE COLUMBIA GAS SYSTEM, INC.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1950.

The Commission having, by order dated July 25, 1950, permitted to become effective a declaration filed pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935, by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, with respect to the issue and sale of $90,000,000 principal amount of Series B debentures due 1975, and the Commission having reserved jurisdiction over the payment of all legal fees and expenses in connection with the proposed transaction; and

The legal fees and expenses proposed to be incurred in connection with the issue and sale of the said debentures having been stated as follows:

	Fees	Expenses
Cravath, Swaine & Moore, counsel for Columbia	$12,000	
Shearman & Sterling & Wright, counsel for bidders	9,000	$1,300
Local counsel for Columbia	1,000	
	22,000	1,300

It appearing to the Commission that the proposed legal fees and expenses enumerated above are not unreasonable and that jurisdiction with respect thereto should be released:

It is ordered, That jurisdiction heretofore reserved over the legal fees and expenses enumerated above in connection with the issue and sale by Columbia of $90,000,000 principal amount of Series B debentures due 1975, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-8254; Filed, Sept. 20, 1950; 8:46 a. m.]

[File No. 70-2463]

CONSOLIDATED ELECTRIC AND GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1950.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, having filed a declaration with this Commission pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and certain rules and regulations promulgated thereunder with respect to the following transactions:

The issuance and sale by Consolidated to The Chase National Bank of the City of New York ("Chase"), on or before September 20, 1950, of a one year promissory note in the face amount of $800,000 bearing interest at the rate of 2¼ percent a year and providing for sinking fund payments of $150,000 each on December 31, 1950, March 31, 1951, and June 30, 1951, the declaration stating that it is the firm intention of Consolidated to eliminate all such bank indebtedness on or prior to the date of maturity September 20, 1951; and the pledging by Consolidated, as security for said note, of certain portfolio securities owned by Consolidated and its wholly owned subsidiary, The Islands Gas and Electric Company;

It being represented in said declaration that the proceeds of said note, together with other corporate funds, are to be used to discharge a presently outstanding note maturing September 20, 1950, this latter note, originally in the amount of $3,500,000, and bearing interest at the rate of 2¾ percent a year, having been issued September 20, 1949, and being outstanding in the amount of $1,000,000 at the present time;

Notice of the filing of this declaration having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act and the Commission not having received a request for a hearing with respect thereto and not having ordered a hearing thereon;

The Commission finding with respect to this filing that all of the applicable statutory standards are satisfied, observing no basis for making any adverse findings with respect thereto, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration be permitted to become effective forthwith;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, that the declaration be, and the same hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-8255; Filed, Sept. 20, 1950; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14939]

JOHANNA IRMGARD KURTH SCHMITZ

In re: Bank account and securities owned by the personal representatives, heirs, next of kin, legatees and distributees of Johanna Irmgard Kurth Schmitz, deceased. F-28-11778-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Johanna Irmgard Kurth Schmitz, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows: a. That certain debt or other obligation of City National Bank and Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, not heretofore vested by Vesting Order 14725, arising out of a Savings Account, Account Number 87886, entitled Johanna Kurth, maintained with the aforesaid Company and any and all rights to demand, enforce and collect the same,

b. One-half (½) interest in that certain debt or other obligation of Illinois

Timber Co., evidenced by a note, in the face value of $559.31, due July 1, 1945, issued by Illinois Timber Co., payable to Johann Kurth, and presently in the custody of City National Bank and Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, and any and all rights to demand, enforce and collect said one-half (½) of the aforesaid debt or other obligation and any and all accruals thereto, together with the right to possession of the aforesaid note, and

c. One-half (½) interest in those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, and presently in the custody of City National Bank and Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Johanna Irmgard Kurth Schmitz, deceased, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Johanna Irmgard Kurth Schmitz, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of issuing corporation	Certificate No.	Number of shares	Type of stock	Registered owner
Central Coal Co.	127	40	Capital	Johanne Kurth.
Louisiana Consolidated Mining Co.		60	do	Central Trust Co. of Illinois, trustee.
Powell County Land Co.	24	20	do	Do.

[F. R. Doc. 50-8266; Filed, Sept. 20, 1950; 8:49 a. m.]

[Vesting Order 15019]

MARTHA BERG

In re: Stock and bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Martha Berg, also known as Martha Gnadke, deceased. F-28-30714-A-1, F-28-30714-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees, of Martha Berg; also known as Martha Gnadke, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Central Savings Bank in the city of New York, 2100 Broadway, New York 23, New York, arising out of a savings account, account number 45383, entitled Martha Berg in trust for Anna Gnadke, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. One (1) share of $1.00 par value Class B stock of Middle States Petroleum Corporation, 170 Broadway, New York 7, New York, a corporation organized under the laws of the State of Delaware, evidenced by Trust Certificate numbered VBO 24390, registered in the name of Martha Gnadke, and presently in the custody of Mrs. Hilda Rattasep, 523 Summit Avenue, Maplewood, New Jersey, together with all declared and unpaid dividends thereon, and

c. One (1) Certificate of Deposit for five (5) shares of Class B $5.00 Preferred stock and ten (10) shares of common stock of the Standard Textile Products Company, said certificate numbered 391, registered in the name of Mrs. Martha Berg, and presently in the custody of Mrs. Hilda Rattasep, 523 Summit Avenue, Maplewood, New Jersey, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Martha Berg, also known as Martha Gnadke, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees, and distributees of Martha Berg, also known as Martha Gnadke, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8267; Filed, Sept. 20, 1950; 8:49 a. m.]

[Vesting Order 15027]

ALFRED MEYER

In re: Securities owned by Alfred Meyer. F-28-25635-D-1, F-28-25635-D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Meyer, whose last known address is Rosa Luxemburg Strasse 16, Glienicke, Nordb. bei Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Montrose-Fair Oaks, Inc., five percent first mortgage bond, due February 1952, of $250 face value, bearing the number T-217, registered in the name of Alfred Meyer, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with all rights in, to and under the said bond, and

b. Any and all rights, interest and claims in, to and under one (1) Participation Certificate for five (5) shares of Montrose-Fair Oaks, Inc., Series A, common stock, said certificate numbered 219, registered in the name of Alfred Meyer, including any and all distributions thereunder,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alfred Meyer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8268; Filed, Sept. 20, 1950; 8:50 a. m.]

[Vesting Order 14378, Amdt.]

PAUL OTTO RUDOLPH

In re: Stock, checks, personal property and bank account owned by Paul Otto Rudolph, also known as P. O. Rudolph, Paul Rudolph and as Paul O. Rudolph.

Vesting Order 14378, dated February 21, 1950, is hereby amended as follows and not otherwise:

1. By deleting from Exhibit A, attached to and by reference made a part of said Vesting Order 14378 the figures "1400" set forth with respect to shares of Montana Consolidated Mines Corporation, Helena, Montana, evidenced by Certificates Numbered A8626 and A8627, and substituting therefor the figures "500", and

2. By deleting from Exhibit B attached to and by reference made a part of said Vesting Order 14378 the figures "7,332" set forth with respect to shares of Mystery Gold Mining Company, United States National Bank Building, Denver, Colorado, evidenced by certificate numbered 32 and substituting therefor the figures "7,333".

All other provisions of said Vesting Order 14378 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8271; Filed, Sept. 20, 1950; 8:50 a. m.]

[Vesting Order 14727, Amdt.]

HIROSHI AND HARUKO ODA

In re: Stock, bonds and bank account owned by Hiroshi Oda and Haruko Oda.

Vesting Order 14727, dated June 1, 1950, is hereby amended as follows and not otherwise: By deleting from subparagraph 2-b of the aforesaid Vesting Order 14727, the number "023031" and substituting therefor the number "0232031."

All other provisions of said Vesting Order 14727 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8272; Filed, Sept. 20, 1950; 8:50 a. m.]

[Bar Order 1, Amdt. 6]

SUMIKO NISHI

ORDER EXTENDING TIME FIXED FOR FILING CLAIMS

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Order No. 9788, the time fixed by Bar Order No. 1 (12 F. R. 1448, March 1, 1947; 12 F. R. 3395, May 24, 1947; 14 F. R. 3798, August 25, 1947; and May 21, 1948, 13 F. R. 2763; see 8 CFR 5012 (b) (2)) for the filing of debt claims in respect of Sumiko Nishi is hereby extended from August 8, 1948 to November 20, 1950.

Executed at Washington, D. C., this 15th day of September 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 50-8273; Filed, Sept. 20, 1950; 8:50 a. m.]

[Return Order 747]

GIUSEPPE TIERI AND ELEANOR MCQUADE TIERI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Giuseppe Tieri and Eleanor McQuade Tieri, Yonkers, N. Y.; Claims Nos. 6769 and 3841; August 3, 1950 (15 F. R. 4989); $2,043.42 in the Treasury of the United States, $1,243.77 returnable to the claimants jointly, the balance of $799.65 to Giuseppe Tieri.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8274; Filed, Sept. 20, 1950; 8:50 a. m.]

CARISCH, S. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Carisch, S. A., Via Broggi 19, Milano, Italy; Claim No. 40122; property to the extent owned by the claimant immediately prior to the vesting thereof by Vesting Order Nos. 1758 (9 F. R. 13773, November 17, 1944) and 2069 (8 F. R. 16464, December 7, 1943) relating to musical works listed in Schedule A of the vesting orders including royalties pertaining thereto in the amount of $403.29.

Executed at Washington, D. C., on September 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8276; Filed, Sept. 20, 1950; 8:50 a. m.]

ANDRE PROSPER PELMONT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Andre Prosper Pelmont, Proviseur au Lycee Malherbe, Caen (Calvados) France; Claim No. 43841; property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order Nos. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944) and 590A-1 (9 F. R. 7871, July 14, 1944) relating to the works entitled

SEP 25 50

"Journal D'Une Femme De Cinquants Ans" and "La Chartreuse De Parme" (listed in Exhibit A of said vesting orders), including royalties pertaining thereto in the amount of $32.63.

Executed at Washington, D. C., on September 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8277; Filed, Sept. 20, 1950; 8:51 a. m.]

DAVID ALFRED STRAUSS AND ELLA AMALIE STERN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Property and Location

David Alfred Strauss, New York, N. Y.; Claim No. 5983; Ella Amalie Stern, New York, N. Y.; Claim No. 41409; $3,173.51 in the Treasury of the United States in two equal shares, one each to David Alfred Strauss and Ella Amalie Stern.

Executed at Washington, D. C., on September 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8280; Filed, Sept. 20, 1950; 8:51 a. m.]

[Return Order 332, Amdt.]

ANNA COSTA, VED. BERGALLI, ET AL.

Return Order No. 332 dated May 18, 1949, published in the FEDERAL REGISTER on May 25, 1949 (14 F. R. 2758) is hereby amended as follows and not otherwise:

By deleting the following items:

Claim No.	Claimant	Shares: Common	Shares: Preferred	Certificate Nos.
39639	Gio Batta Faggioni, Pisa, Italy	100	118	87 143

All other provisions of said Return Order No. 332 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8275; Filed, Sept. 20, 1950; 8:50 a. m.]

LIBRAIRIE EDITIONS, A. HATIER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalities accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Property

Librairie Editions, A. Hatier, 8, rue d'Assas, Paris, France; Claim No. 36863; property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, Nov. 17, 1944) relating to a work entitled "Dictionnaire, Francaise-Anglaise et Anglaise-Francaise" (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $2,281.89.

Executed at Washington, D. C., on Septmeber 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8281; Filed, Sept. 20, 1950; 8:51 a. m.]

PIETRO GIARDINA AND MARIA FAUDALE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property and Location

Pietro Giardina and Maria Faudale, Fiumedinisi, Messina, Italy; Claim No. 11570; $1,502.24 in the Treasury of the United States in two equal shares, one each to Pietro Giardina and Maria Faudale.

Executed at Washington, D. C., on September 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8279; Filed, Sept. 20, 1950; 8:51 a. m.]

MARTHA TODA NAGATA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, and Property and Location

Martha Toda Nagata, New Haven, Conn., Amy Toda, Ogden, Utah, Claim No. 35366; Harold Shoichi Toda, Yokota Air Base, Japan; Katherine Toda, Yokohama, Japan; Claims Nos. 37390, 37391; all right, title and interest of the Attorney General of the United States in and to one (1) United States Savings Bond, due August 1946, of $1,000 face value, bearing number M313495B, registered in the names of Martha Toda or Amy Toda, in the custody of Martha Toda Nagata, 19 Compton Street, New Haven 11, Conn., to Martha Toda and Amy Toda. All right, title and interest of the Attorney General of the United States in and to one (1) United States Savings Bond, due September 1946, of $1,000 face value, bearing number M313762B, registered in the names of Harold Shoichi Toda or Katherine Toda, in the custody of Martha Toda Nagata, 19 Compton Street, New Haven 11, Conn., to Harold Shoichi Toda and Katherine Toda. All right, title and interest of the Attorney General of the United States in and to one (1) United States Savings Bond, due September 1946, of $1,000 face value, bearing number M313761B, registered in the names of Harold Shoichi Toda or Katherine Toda, in the custody of Martha Toda Nagata, 19 Compton Street, New Haven 11, Conn., to Harold Shoichi Toda and Katherine Toda. All right, title and interest of the Attorney General of the United States in and to one (1) United States Savings Bond, due July 1948, of $1,000 face value, bearing number M827000C, registered in the names of Harold Shoichi Toda or Katherine Toda, in the custody of Martha Toda Nagata, 19 Compton Street, New Haven 11, Conn., to Harold Shoichi and Katherine Toda.

Executed at Washington, D. C., on September 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8278; Filed, Sept. 20, 1950; 8:51 a. m.]

SEP 25 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 184

Washington, Friday, September 22, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10162

AUTHORIZING THE APPOINTMENT OF FREDERICK C. KILGUSS TO THE POSITION OF DEPUTY ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL IN THE DEPARTMENT OF JUSTICE WITHOUT COMPLIANCE WITH THE COMPETITIVE PROVISIONS OF THE CIVIL SERVICE RULES AND REGULATIONS

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 404) and by section 1753 of the Revised Statutes of the United States, I hereby authorize the appointment of Frederick C. Kilguss to the position of Deputy Administrative Assistant Attorney General in the Department of Justice without compliance with the competitive provisions of the Civil Service Rules and Regulations.

This order is recommended by the Attorney General.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 19, 1950.

[F. R. Doc. 50-8337; Filed, Sept. 20, 1950; 2:05 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

EMERGENCY-INDEFINITE APPOINTMENT

Effective upon publication in the FEDERAL REGISTER, a new paragraph (i) is added to § 2.114 as set out below.

§ 2.114 *Temporary appointment* • • •

(i) *Emergency-indefinite appointment pending return of employees from armed forces.* When an employee leaves a position to enter the armed forces, the agency may make an emergency-indefinite appointment to the position pending the return of such employee. Such appointments shall be made from the Commission's registers of eligibles in the same manner as probational appointments. Any eligible who accepts an emergency-indefinite appointment pending return of an employee from the armed forces shall have his eligibility suspended from the register, except for certification for probational appointment in the agency in which serving, until he is separated from such emergency-indefinite appointment. An emergency-indefinite appointment may be terminated as required by the return of the employee from the armed forces but must be terminated not later than five years after entrance on duty. Persons given such appointments do not thereby acquire a permanent civil service status.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-8321; Filed, Sept. 21, 1950; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 600—FUNCTION AND PROCEDURE

PROHIBITED ACTS ON LANDS ACQUIRED UNDER OR TRANSFERRED TO TITLE III; CORRECTION

Pursuant to the provisions of section 3 (a) of the Administrative procedure Act of June 11, 1946 (60 Stat. 237, 238, 5 U. S. C. 1002) paragraph (e) of § 600.5 of Chapter VI, Title 7, Code of Federal Regulations, is corrected to read as follows:

§ 600.5 *Prohibited acts on lands acquired under or transferred to Title III* • • •

(e) *Penalty.* Under the terms of section 32 (f), Title III, of the Bankhead Jones Farm Tenant Act, any violation of this section is punishable as prescribed in section 5388 of the Revised Statutes as amended (18 U. S. C. 104).

(Sec. 4, 49 Stat. 164, sec. 32, 50 Stat. 525, 58 Stat. 725; 7 U. S. C. 1011, 16 U. S. C. 590d)

Issued this 11th day of September 1950.

[SEAL] E. A. NORTON,
Acting Chief,
Soil Conservation Service.

[F. R. Doc. 50-8326; Filed, Sept. 21, 1950; 8:51 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52560]

PART 25—CUSTOMS BONDS

IMMEDIATE DELIVERY AND CONSUMPTION ENTRY BOND

Section 25.4 (a) (10), Customs Regulations of 1943 (19 CFR 25.4 (a) (10)), as amended by T. D. 52403, is hereby further amended to read as follows:

(10) Immediate delivery and consumption entry bond (single entry), customs Form 7551, in an amount equal to the value of the articles, as set forth in the entry, plus the estimated duty [1] (including any taxes required by law to be treated as duties) and the estimated amount of any other taxes imposed upon or by reason of importation, as determined at the time of entry except:

(i) When the merchandise involved will remain in customs custody until (*a*) examination has been completed, (*b*) it is found to be truly and correctly invoiced, and (*c*) it is determined that its release is not precluded by law or regulation and it is entitled to admission into the commerce of the United States, the bond shall be in an amount equal to the aggregate sum of double the estimated amount of ordinary customs duty on the merchandise (including any taxes required by law to be treated as duties) plus the estimated amount of any other tax or taxes on the merchandise collectible by the collector.

(ii) When the merchandise appears to the satisfaction of the collector to be unconditionally free of duty and not prohibited from admission into the commerce of the United States, the amount of the bond may be in such lesser amount (disregarding the value of the articles) as, in the opinion of the collector, will be sufficient to accomplish the purpose for which the bond is given, but in no case less than $100.

(iii) When the bond relates to an application for immediate delivery prior to entry, the amount shall be fixed as above set forth on the basis of the information shown in the application.

[1] When the bond is to cover merchandise granted a conditional right of entry at a reduced rate of duty, the amount of the bond shall be fixed on the basis of the maximum rate of duty prescribed by the law.

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624. Interprets or applies secs. 485, 623, 46 Stat. 724, as amended, 759, as amended; 19 U. S. C. 1485, 1623)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: September 18, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50–8322; Filed, Sept. 21, 1950; 8:51 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 285]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 282]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ILLINOIS, NEW JERSEY, WEST VIRGINIA, AND PUERTO RICO

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. In Schedule C, Item 83, the description of localities affected by declaration for continuance of rent control after December 31, 1950, is amended to read as follows:

In Cook County, the Cities of Calumet City, Chicago and Evanston, the Villages of Arlington Heights, Bedford Park, Glencoe, Justice, Morton Grove, Niles, Riverside and Schiller Park, and all unincorporated localities; in Lake County, the City of Waukegan, the Villages of Antioch and Libertyville, and all unincorporated localities; in Du Page County, the City of Elmhurst and all unincorporated localities; and in Kane County, all unincorporated localities.

This adds to Schedule C the following localities in the Chicago, Illinois, Defense-Rental Area, all based on declarations made by local governing bodies in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended:

(1) The Village of Glencoe, Illinois, based on a declaration made on July 13, 1950.

(2) The Village of Justice, Illinois, based on a declaration made on August 3, 1950.

(3) The Village of Riverside, Illinois, based on a declaration made on August 14, 1950.

(4) The Village of Antioch, Illinois, based on a declaration made on August 15, 1950.

(5) The Village of Bedford Park, Illinois, based on a declaration made on August 17, 1950.

(6) The Cities of Elmhurst and Waukegan, Illinois, and the Villages of Arlington Heights and Schiller Park, Illinois, based on declarations made on August 21, 1950.

(7) The Village of Morton Grove, Illinois, based on a declaration made on August 22, 1950.

(8) The City of Calumet City, Illinois, based on a declaration made on August 24, 1950.

2. In Schedule C, Item 88, the description of localities affected by declarations for continuances of rent control after December 31, 1950, is amended to read as follows:

In La Salle County, the Cities of La Salle, Marseilles, Mendota, Oglesby, Ottawa and Streator, and all unincorporated localities.

This adds to Schedule C the following localities in the La Salle County, Illinois, Defense-Rental Area, all based on declarations made by local governing bodies in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended:

(1) The City of La Salle, Illinois, based on a declaration made on August 7, 1950.

(2) The City of Ottawa, Illinois, based on a declaration made on August 15, 1950.

(3) The City of Mendota, Illinois, based on a declaration made on August 21, 1950.

(4) The City of Marseilles, Illinois, based on a declaration made on August 28, 1950.

(5) The unincorporated localities in the Defense-Rental Area which are added to Schedule C as of August 21, 1950 by virtue of the fact that declarations have been made by the Cities of Oglesby, Streator, La Salle, Ottawa and Mendota, said cities constituting the major portion of the Defense-Rental Area.

3. In Schedule C, Item 88b, the description of localities affected by declarations for continuance of rent control after December 15, 1950, is amended to read as follows:

In Tazewell County, the Cities of East Peoria and Pekin, and all unincorporated localities; and in Peoria County, the City of Peoria, the Villages of Glasford and Peoria Heights, and all unincorporated localities.

This adds to Schedule C the following localities in the Peoria, Illinois, Defense-Rental Area, all based on declarations made by local governing bodies in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended:

(1) The Village of Glasford, Illinois, based on a declaration made on August 7, 1950.

(2) The Village of Peoria Heights, Illinois, based on a declaration made on August 21, 1950.

(3) The City of East Peoria, based on a declaration made on August 29, 1950.

4. In Schedule C, Item 94, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Logan County, the City of Lincoln; in Macon County, the Cities of Decatur and Maroa, the Village of Argenta and all unincorporated localities; and in Sangamon County, the City of Springfield and all unincorporated localities.

This adds to Schedule C the following localities in the Springfield-Decatur, Illinois, Defense-Rental Area, all based on declarations made by local governing bodies in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended:

(1) The City of Lincoln, Illinois, and the Village of Argenta, Illinois, based on declarations made on August 21, 1950.

(2) The City of Springfield, Illinois, based on a declaration made on August 24, 1950.

(3) The City of Maroa, Illinois, based on a declaration made on August 28, 1950.

(4) The unincorporated localities in the Defense-Rental Area which are added to Schedule C as of August 24, 1950, by virtue of the fact that declarations have been made by the Cities of Decatur, Lincoln and Springfield, Illinois, and the Village of Argenta, Illinois, said municipalities constituting the major portion of the Defense-Rental Area.

5. In Schedule C, Item 188a, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Camden County, the City of Camden and the Boroughs of Lindenwold, Oaklyn, and Woodlynne; and in Burlington County, the City of Burlington.

This adds to Schedule C the following localities in the Southern New Jersey Defense-Rental Area, both based on declarations made by local governing bodies in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended:

(1) The Borough of Woodlynne, New Jersey, based on a declaration made on August 9, 1950.

(2) The City of Burlington, New Jersey, based on a declaration made on September 5, 1950.

6. In Schedule C, Item 190, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Bergen County, the Cities of East Rutherford and North Arlington and the Boroughs of Closter, Fort Lee and Teterboro; in Hudson County, the Cities of Bayonne, Hoboken, Jersey City and Union City, the Town of West New York and the Township of North Bergen; in Union County, the City of Linden and the Borough of Roselle; in Essex County, the City of Newark; in Morris County, the Township of Hanover; and in Monmouth County, the City of Long Branch and the Borough of Red Bank.

This adds to Schedule C the following localities in the Northeastern New Jersey Defense-Rental Area, both based on declarations made by local governing bodies in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended:

(1) The Borough of Closter, New Jersey, based on a declaration made on August 21, 1950.

(2) The Borough of Red Bank, New Jersey, based on a declaration made on September 5, 1950.

7. In Schedule C, Item 354b, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Raleigh County, the Towns of Mabscott and Sophia.

This adds to Schedule C the Town of Mabscott, West Virginia, a portion of the Bluefield, West Virginia, Defense-Rental Area, based on a declaration made on July 24, 1950 by the local governing body of said Town in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

8. In Schedule C, Item 371, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Puerto Rico, the Municipalities of Carolina, Cayey, Cidra, Corozal, Isabella, Loiza, Naranjito, San Lorenza and San Sebastian.

This adds to Schedule C the Municipality of Corozal in the Puerto Rico Defense-Rental Area, based on a declaration made on August 29, 1950, by the local governing body of said Municipality in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947 as amended.

9. The following new items are incorporated in Schedule C:

Name of defense-rental area, State, and localities affected by declarations for continuance of rent control after December 31, 1950.

(83b) Crab Orchard, Illinois; in Jackson County, the City of Carbondale; and in Williamson County, the City of Herrin.

(86) Joliet, Illinois; in Will County, the Cities of Joliet and Lockport and the Village of Rockdale.

(87) Kankakee, Illinois; in Kankakee County, the Villages of Bourbonnais and Bradley.

(89) Quad Cities, Illinois; in Rock Island County, the City of East Moline.

(174) St. Louis, Mo., Illinois; in Madison County, the City of Madison; and in St. Clair County, the City of East St. Louis and the Village of New Athens.

This addition to Schedule C is based upon declarations made in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended, by the local governing bodies of the following localities:

(1) The City of Joliet, Illinois, based on a declaration made on July 24, 1950.

(2) The Village of Rockdale, Illinois, based on a declaration made on July 28, 1950.

(3) The Village of New Athens, Illinois, based on a declaration made on August 7, 1950.

(4) The City of East St. Louis, Illinois, based on a declaration made on August 9, 1950.

(5) The Cities of East Moline and Lockport, Illinois, and the Villages of Bradley and Bourbonnais, Illinois, based on declarations made on August 21, 1950.

(6) The City of Herrin, Illinois, based on a declaration made on August 28, 1950.

(7) The Cities of Carbondale and Madison, Illinois, based on declarations made on August 29, 1950.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

Issued this 19th day of September 1950.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 50-8320; Filed, Sept. 21, 1950; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

SINGLE PANTS, SHIRTS AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR AND OTHER ODD OUTERWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

By notice dated August 18, 1950, and published in the FEDERAL REGISTER on August 25, 1950 (15 F. R. 5701), the Administrator of the Wage and Hour Division, United States Department of Labor, announced the adoption, effective September 25, 1950, of amended regulations governing the employment of learners in the single pants, shirts and allied garments, women's apparel, sportswear and other odd outwear, rainwear, robes and leather and sheep-lined garments divisions of the apparel industry (29 CFR 522.160–522.166).

Upon further consideration of said amended regulations, as published, it has been determined that several sections thereof require formal correction and clarification. Accordingly, pursuant to the authority vested in me under section 14 of the Fair Labor Standards Act, as amended, notice is hereby given that, effective September 25, 1950, the following amendments to said amended regulations, are adopted:

1. Section 522.161 (a) (1) is amended to read as follows:

(1) Women's Apparel, defined as follows: The production of women's, misses' and juniors' dresses, washable service garments and blouses from woven or purchased knit fabric, women's, misses', children's and infants' underwear, nightwear and negligees from woven fabrics; corsets and other body supporting garments from any material; other garments similar to the foregoing; and infants' and children's outerwear.

2. Section 522.162 (a), Column B (1) and (2) is amended as follows:

B. Duration of learning period.
Maximum learning period of 480 hours [1] for any occupation listed in Column A (1), but not more than a 320-hour learning period in such occupation if, within the previous 2 years, the worker had 160 hours or more of experience in another occupation listed.
Maximum learning period of 160 hours.[1]

[1] If, within the previous 2 years, the worker has been employed for less than 480 hours in any occupation listed in Column A (1), or for less than 160 hours in the occupation of final inspection of assembled garments specified in Column A (2), and is being trained as a learner in the same occupation, the number of hours of previous employment should be deducted from the applicable maximum learning period.

3. Section 522.162 (b), Column B (1) and (2) is amended to read as follows:

B. Duration of Learning Period
Maximum learning period of 480 hours [1] in any occupation listed in Column A (1), but not more than a 320-hour learning period in such occupation if, within the previous 2 years, the worker had 160 hours or more of experience in another occupation listed: *Provided, however,* That the maximum learning period prescribed in this column in any occupation listed in Column A (1), except pressing, is extended by 160 additional hours for learners hired prior to Jan. 1, 1951.[1a]
Maximum learning period of 160 hours.[1]

[1] If, within the previous 2 years, the worker has been employed for less than 480 hours in any occupation listed in Column A (1), or for less than 160 hours in the occupation of final inspection of assembled garments specified in Column A (2), and is being trained as a learner in the same occupation, the number of hours of previous employment should be deducted from the applicable maximum learning period.

[1a] The 160 additional hours for learners hired prior to January 1, 1951, does not apply to workers who, prior to September 25, 1950, completed the maximum learning period authorized under special certificates issued pursuant to previous regulations.

(Sec. 14, 52 Stat. 1068; 29 U. S. C. 214)

Signed at Washington, D. C. this 18th day of September 1950.

WM. R. MCCOMB,
Administrator, Wage and Hour Division, United States Department of Labor.

[F. R. Doc. 50-8293; Filed, Sept. 21, 1950; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.335 is hereby revoked, §§ 203.10, 203.75, 203.190 (f), 203.225 (f), 203.245, 203.700, 203.706 (c), 203.711, and 203.714 (c) (1) are hereby amended, the cross reference note following § 203.700 is changed so as to follow § 203.706, and §§ 203.430 and 203.680 are hereby prescribed, as follows:

§ 203.10 *Kennebec River, Me.; Bridges.* (a) The regulations in this section shall govern the operation of the following bridges of the Maine State Highway Commission across Kennebec River, Maine:

(1) Highway and railroad bridge between Bath and Woolwich.

(2) Highway bridge between Richmond and Dresden.

(3) Highway bridge between Gardiner and Randolph.

(b) The owners of or agencies controlling these bridges shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels.

(c) Except as otherwise provided in paragraphs (d) and (e) of this section, the draw of each bridge shall, upon receiving the prescribed call signal, be opened promptly for the passage of any vessel or other watercraft not able to pass under the closed bridge.

(d) The draw of the bridge between Bath and Woolwich shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the draw tender.

(e) The draws of the bridges between Richmond and Dresden and between Gardiner and Randolph shall not be required to be opened between 9:00 p. m. and 5:00 a. m. except when advance notice of the time an opening is desired is given to the draw tender in person or by telephone or letter. The owners of or agencies controlling these bridges shall provide arrangements whereby the draw tenders can be readily reached by telephone or otherwise at any time between 5:00 a. m. and 9:00 p. m. Notices stating exactly how the draw tender may be reached shall be posted in the same manner as the copies of the regulations posted in accordance with paragraph (i) of this section.

(f) Sound signals: To be used if weather conditions are such that sound signals can be heard.

(1) *Call signal for opening of draw.* Three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell, sounded within reasonable hearing distance of the bridge.

(2) *Acknowledging signals*—(i) *When draw can be opened immediately.* Same as call signal.

(ii) *When draw cannot be opened immediately.* Two distinct blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell.

(g) Visual signals: To be used if weather conditions are such that sound signals may not be heard.

(1) *Call signal for opening of draw.* A flag by day or a lighted lantern by night, swung in circles at arm's length.

(2) *Acknowledging signals*—(i) *When draw can be opened immediately.* A flag by day or a lighted lantern by night, raised and lowered in vertical plane a number of times.

(ii) *When draw cannot be opened immediately.* A flag by day or a lighted lantern by night, swung to and fro horizontally a number of times.

(h) Trains and vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(i) The owners of or agencies controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be read easily at any time, a copy of the regulations in this section.

§ 203.75 *Boston Harbor, Mass., and adjacent waters; bridges.* (a) The regulations in this section shall govern the operation of all drawbridges across Boston Harbor, Massachusetts, including the following waters in and adjacent thereto:

(1) Chelsea River.

(2) Mystic River.

(3) Malden River (excluding the Massachusetts Department of Public Works highway bridge at Medford Street, Malden).

(4) Little Mystic Channel.

(5) Charles River.

(6) Fort Point Channel.

(7) Reserved Channel.

(8) Neponset River.

(9) Weymouth Fore River.

(10) Weymouth Back River.

(b) The owners of or agencies controlling the bridges shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels and for assisting vessels while passing through the draws. They shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the draws to open.

(c) Except as otherwise provided in paragraphs (g) to (i), inclusive, of this section, the draw of each bridge shall, upon verbal request or upon receiving the prescribed call signal, be opened promptly for the passage of any vessel or other watercraft not able to pass under the closed bridge: *Provided,* That the draw shall not be opened when a train or vehicle is approaching so closely that it cannot safely be stopped before reaching the draw: *Provided further,* That when any draw shall have been open for 10 minutes or longer it may be closed to permit any waiting trains, vehicles, or persons to cross, and after being so closed for 10 minutes or for such shorter time as may be necessary it shall again be opened promptly for the passage of vessels or other watercraft if there be any such desiring to pass.

NOTE: The length of time that a draw has been open shall be computed from the time the draw begins to move in opening, and the length of time that a draw has been closed shall be computed from the time that the draw ceases to move in closing.

(d) Signals:

(1) *Call signal for opening of draw.* Two long blasts followed immediately by two short blasts, sounded within signalling distance of the bridge: *Provided,* That the call signal for the city of Boston bridge across Chelsea River connecting Meridian Street, East Boston, and Pearl Street, Chelsea, shall be two long blasts followed immediately by two short blasts and one long blast: *Provided further,* That the call signal for those bridges across Mystic River, Charles River, and Fort Point Channel referred to in paragraphs (g), (h), and (i) of this section, to be given by vessels entitled to passage during closed periods under the provisions of paragraphs (f) to (i), inclusive, of this section, shall be four long blasts.

(2) *Acknowledging signals*—(i) *When draw can be opened immediately.* Three long blasts.

(ii) *When draw cannot be opened immediately.* Two long blasts.

NOTE: As used in this section, the term "long blasts" means distinct blasts of a whistle or horn of three seconds' duration, and the term "short blasts" means distinct blasts of a whistle or horn of one second's duration.

(e) Trains and vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(f) The general regulations contained in paragraphs (a) to (e), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraphs (g) to (i), inclusive, of this section, prescribed where local conditions require to govern the operation of certain bridges. The special regulations shall not apply to vessels owned or controlled by United States Government or to vessels employed by the city of Boston or other municipality for police and fire protection. All such United States and municipal vessels shall be passed without delay through the draws of all bridges at any hour day or night.

(g) Mystic River:

(1) *Bridges from mouth to and including Boston and Maine Railroad bridge between Somerville and Medford.* The draws of these bridges shall not be required to be opened for the passage of vessels whose draft is less than 18 feet between 7:45 and 9:00 a. m., 9:10 and 10:00 a. m., and 5:00 and 6:00 p. m., except on Sundays and on legal holdays observed in the locality: *Provided*, That any vessel or other watercraft proceeding either upstream or downstream which has passed any of these bridges shall be afforded continuous passage through the succeeding bridges.

(2) *Metropolitan District Commission highway bridge opposite Harvard Street, Medford.* (i) The owner of or agency controlling this bridge will not be required to keep a draw tender in constant attendance.

(ii) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw between 8:00 a. m. and 4:30 p. m. on all days other than Sundays and legal holidays observed in the locality, notice to that effect shall be given to the Superintendent of Bridges, Metropolitan District Commission, Charles River Dam, Boston, Massachusetts, at least one hour in advance of the time passage is desired. Whenever an opening is required between 4:30 p. m. and 8:00 a. m. on all days other than Sundays and legal holidays observed in the locality, notice to that effect shall be given to the Superintendent of Bridges not later than 4:00 p. m. Whenever an opening is required on a Sunday or a legal holiday observed in the locality, notice to that effect shall be given to the Superintendent of Bridges not later than 4:00 p. m. of the day preceding the Sunday or holiday on which the opening is required. In case of emergency, the draw shall be opened promptly upon notification.

(iii) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can easily be read at any time, a copy of the special regulations in this paragraph pertaining to the bridge together with a notice stating how the Superintendent of Bridges may be reached.

(h) Charles River: The draws of the bridges from the mouth to and including the Metropolitan District Commission bridge between Boston and Cambridge (at Charles River Dam) shall not be required to be opened for the passage of vessels between 6:15 and 9:10 a. m. and 4:15 and 7:40 p. m., except on Sundays and on legal holidays observed in the locality: *Provided*, That when high tide at Charleston Navy Yard occurs between 6:15 and 9:10 a. m. the draws shall be opened within 45 minutes before or after high tide for a period of 10 minutes for the passage of all vessels or other watercraft whose draft is 12 feet or over if there be any such desiring to pass, the exact time of opening to be prescribed by the railroad companies, due regard being had for causing minimum interference with railroad schedules, highway traffic, and the interests of navigation, and the opening time of each bridge to be so fixed as to permit continuous passage through the next and following bridges located in direction of course of the vessels or other watercraft.

(i) Fort Point Channel:

(1) *City of Boston highway bridges at Northern Avenue, Congress Street, and Sumner Street.* The draws of these bridges shall not be required to be opened for the passage of vessels whose draft is less than 18 feet between 6:30 and 7:05 a. m., 7:15 and 8:00 a. m., 8:10 and 9:00 a. m., 4:30 and 5:20 p. m., 5:30 and 6:20 p.m., and 6:30 and 7:00 p. m., except on Sundays and on legal holidays observed in the locality: *Provided*, That any vessel or other watercraft proceeding either upstream or downstream which has passed any of these bridges shall be afforded continuous passage through the succeeding bridges.

(2) *Bridges upstream from Sumner Street Bridge.* The draws of these bridges shall not be required to be opened for the passage of vessels between 6:15 and 9:10 a. m. and 4:15 and 7: 40 p. m., except on Sundays and on legal holidays observed in the locality: *Provided*, That when high tide at Charlestown Navy Yard occurs between 6: 15 and 9: 10 a. m. the draws shall be opened within 45 minutes before or after high tide for a period of 10 minutes for the passage of all vessels or other watercraft whose draft is 12 feet or over if there may be any such desiring to pass, the exact time of opening to be prescribed by the railroad companies, due regard being had for causing minimum interference with railroad schedules, highway traffic, and the interests of navigation, and the opening time of each bridge to be so fixed as to permit continuous passage through the next and following bridges located in direction of course of the vessels or other watercraft.

§ 203.190 *Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.* • • •

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

• • • • •

(8) Tonawanda Creek; The New York Central Railroad Company bridge between Tonawanda and North Tonawanda. From December 16 to March 31, inclusive, at least 12 hours' advance notice required. From April 1 to December 15, inclusive, the bridges shall be left in full open position whenever a draw tender is not in attendance.

§ 203.225 *Navigable waters in the State of New Jersey; bridges where constant attendance of draw tender is not required.* • • •

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

• • • • •

(3–a) Woodbridge Creek; The Central Railroad Company of New Jersey bridge at Maurer. At least four hours' advance notice required.

• • • • •

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* • • •

(10) Savannah River, S. C. and Ga.; Charleston & Western Carolina Railway Company bridge near Augusta, Ga. At least three hours' advance notice required.

(11) Ogeechee River, Ga.; • • •

(12) Altamaha River, Oconee River, and Ocmulgee River, Ga. • • •

(13) Satilla River, Ga.; • • •

(14) Nassau Sound, Fla.; • • •

(15) Clapboard Creek and Broward River (Cedar Creek), Fla.; • • •

(16) St. Johns River, Fla.; Florida East Coast Railway Company bridge at Cook's Ferry. • • •

• • • • •

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.* • • •

(26) Nueces Bay, Tex.; Texas Highway Department bridge between Corpus Christi and Portland. On Sundays, Texas State holidays, and National holidays, and between 9:00 p. m. and 6:00 a. m. on all other days, advance notice required; to be given prior to 8:00 p. m. on a day a draw tender is required to be in attendance: *Provided*, That during a hurricane alert or in the event of a major disaster affecting the Nueces Bay area a draw tender shall be in constant attendance and the draw opened promptly on signal.

§ 203.335 *Aquia Creek, Va.; bridge of Richmond, Fredericksburg and Potomac Railroad.* [Revoked.]

§ 203.430 *St. Johns River, Fla.; State Road Department of Florida bridge (Acosta Bridge) between Riverside Avenue viaduct, Jacksonville, and Miami Road, South Jacksonville.* (a) Between 7:30 a. m. and 9:00 a. m., and between 4:30 p. m. and 6:00 p. m., on all days other than Sundays and legal holidays, the draw need not be opened for the passage of vessels: *Provided*, That the draw shall be opened at any time for the passage of a vessel in an emergency involving danger to life or property, which shall be indicated by four blasts of a whistle, horn, or megaphone.

(b) In all other respects, the regulations contained in this section shall govern the operations of this bridge.

§ 203.680 *Trail Creek, Ind.; The Michigan Central Railroad Company bridge, Michigan City.* (a) The draw shall be opened promptly on signal for the passage of vessels between 6:30 a. m. and 2:30 p. m. daily, except Sundays, from February 16 to December 14, inclusive, of each year.

(b) From December 15 to February 15, inclusive, on all Sundays, and between 2:30 p. m. and 6:30 a. m. on all other days, the owner of or agency controlling the bridge need not keep a draw tender in constant attendance.

(c) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw during one of the periods specified in paragraph (b) of this section and a draw tender is not in attendance, the Chief Dispatcher, The Michigan Central Railroad Company, Chicago, Illinois, shall be so notified by telephone (collect). The Chief Dispatcher shall then make arrangements for the draw to be opened within 20 minutes after notification or at such other time as may be specified in the notice.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the Chief Dispatcher may be reached by telephone.

§ 203.700 *Saginaw River, Mich.; bridges.* (a) The owners of or agencies controlling drawbridges across the Saginaw River shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels.

(b) Sound signals: To be used if weather conditions are such that sound signals can be heard:

(1) *Call signal for opening of draw.* One long blast, two short blasts, and one long blast of a whistle, horn, or siren, repeated at intervals until the acknowledging signal is received from the bridge: *Provided*, That when a vessel is about to leave a point between two drawbridges and within sight of hearing of both to pass through the draw upstream, the call signal shall be followed after a brief interval by an additional short blast.

(2) *Acknowledging signals*—(i) *When draw can be opened immediately.* Same as call signal.

(ii) *When draw cannot be opened immediately, or when it is open and must be closed immediately.* Four or more short and rapid blasts of a whistle, horn, or siren, or four or more sharp and rapid strokes of a bell, repeated at intervals until acknowledged by the vessel. The vessel shall acknowledge by one long blast followed by one short blast.

(c) Visual signals: To be used in conjunction with sound signals if weather conditions are such that sound signals may not be heard:

(1) *Call signal for opening of draw.* A white flag by day or a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals*—(i) *When draw can be opened immediately.* A white flag by day or a green light by night swung up and down vertically a number of times in full sight of the vessel.

(ii) *When draw cannot be opened immediately, or when it is open and must be closed immediately.* A red flag by day or a red light by night, swung to and fro horizontally in full sight of the vessel, repeated until acknowledged by the vessel. The vessel shall acknowledge by the same signal.

(d) Trains and vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(e) Except as otherwise provided in paragraph (g) of this section, the draw of each bridge shall, upon receiving the prescribed call signal, be opened promptly for the passage of any vessel or other watercraft of 20 tons or more not able to pass under the closed bridge: *Provided*, That the opening of the draw of a railroad bridge may be delayed not to exceed five minutes after receipt of signal to permit the passage thereover of a mail or passenger train which is ready to cross at the time the signal is given.

(f) Except as otherwise provided in paragraph (g) of this section, the draw of each bridge shall, upon receiving the prescribed call signal, be opened as soon as practicable for the passage of any vessel or other watercraft of less than 20 tons: *Provided*, That no such vessel shall be delayed for a longer period than 15 minutes.

(g) Special regulations for bridges at Saginaw: (1) The owners of or agencies controlling drawbridges at Saginaw need not keep draw tenders in constant attendance.

(2) For openings of the draws of the City of Saginaw highway bridge at Sixth Avenue and bridges upstream therefrom below the Court Street fixed bridge, from November 16, to March 31, inclusive, and between 11: 00 p. m. and 7: 00 a. m. from April 1 to November 15, inclusive, at least three hours' advance notice is required.

(3) For openings of the draws of bridges upstream from the Court Street fixed bridge, at least 24 hours' advance notice is required.

(4) Advance notice as required by this paragraph shall be given to the Bridge Operations Officer, Police Department, City of Saginaw, whose telephone number is 8191. Charges for long-distance telephone calls directed to that officer may be reversed. In the case of bridges which are not owned or controlled by the City of Saginaw, the Bridge Operations Officer shall be responsible for relaying the necessary information to the owners or agencies concerned. Advance notice shall include the name of the vessel, its location at the time notice is given, if inbound the exact destination and expected time of arrival, and if outbound the point and time of departure. The actual opening in each case will be accomplished only after exchange of the prescribed signals.

(h) The owner of or agency controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this section pertaining to the particular bridge.

CROSS REFERENCE: Black Rock Canal, Ferry Street Bridge, see § 207.590. (This note eliminated.)

§ 203.706 *Sandusky Bay, Ohio.*

(c) *The New York Central Railroad Company Bridge across East Cove at foot of Washington Street, Sandusky.* (1) The draw shall be in full open position at all times from March 16 to December 31, inclusive, except that it may be closed five minutes in advance of the time a train is expected to cross the bridge. The cycle of the draw from open position through closed position to open position shall not exceed 20 minutes.

• • • • •

(4) From January 1 to March 15, inclusive, whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(5) Upon receipt of such advance notice, the authorized representative shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(6) The owner of or agency controlling the bridge shall keep conspicuously posted on both sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this paragraph together with a notice stating exactly how the representative specified in subparagraph (4) of this paragraph may be reached.

CROSS REFERENCE: Black Rock Canal, Ferry Street Bridge, see § 207.590. (This note added.)

§ 203.711 *Los Angeles and Long Beach Harbors, Calif.*—(a) *Entrance Channel to Long Beach Inner Harbor; pontoon bridge.* (1) The call signal for opening the draw shall be one long blast followed by two short blasts. This signal shall be acknowledged by two long blasts followed by one short blast when the draw can be opened immediately, and by two long blasts when the draw cannot be opened immediately.

NOTE: As used in this section, the term "long blasts" means distinct blasts of a whistle or horn or calls through a megaphone of four seconds' duration, and the term "short blasts" means distinct blasts of a whistle or horn or calls through a megaphone of one second's duration.

(2) The owner of or agency controlling this bridge shall keep conspicuously posted on the south and north sides thereof, in such manner that they can be easily read from approaching vessels, signs showing the call and acknowledging signals prescribed in subparagraph (1) of this paragraph.

(b) *Cerritos Channel; Commodore Schuyler F. Heim highway bridge, and Henry Ford (Badger) Avenue railroad and highway bridge approximately 130 feet westerly thereof.* (1) From 7:30 a. m. to 8:00 a. m. and from 4:30 p. m. to 5:00 p. m. daily, except Saturdays, Sundays, and holidays, the draw of the Commodore Schuyler F. Heim bridge shall not be opened for the passage of vessels except in case of emergency. The draw of the Henry Ford Avenue bridge shall be opened with the least possible delay at any time on receiving the prescribed signal.

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§ 203.714 *San Joaquin River and its tributaries, Calif.* • • •

(c) *Middle River*—(1) *The Atchison, Topeka, and Santa Fe Railway Company bridge near Middle River Station.* (i) The signal for opening this bridge shall be two long blasts followed by one short blast.

(ii) On Sundays and national holidays, and between 5:00 p. m. and 8:00 a. m. on all other days, at least 12 hours' advance notice required, to be given to the railway company's agent at Stockton: *Provided*, That any advance notice shall be sufficient if given verbally to the draw tender while he is on duty, or by telephone to the railway company's agent at Stockton before 4:00 p. m. on any day except a Sunday or national holiday.

• • • • •

[Regs. Aug. 22, 1950, 823.01–ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A.,
The Adjutant General.

[F. R. Doc. 50–8317; Filed, Sept. 21, 1950; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 865, Amdt. 2]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of September A. D. 1950.

Upon further consideration of Service Order No. 865 (15 F. R. 6197), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars*, of Service Order No. 865 be, and it is hereby further amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) *Application.* (1) The provisions of this order, subject to the following exceptions, shall apply to intrastate and interstate traffic as well as foreign traffic, including commerce with insular possessions and the territories of Alaska and Hawaii.

Exceptions. Import, Export, coastwise (including Great Lakes) or intercoastal bulk freight (including vessel fuel coal and coke) or explosives during the period such bulk freight or explosive is held in cars at ports for transfer to vessels is not subject to this order. Bulk freight means any carload freight consisting of any non-liquid, non-gaseous commodity shipped loose or in mass and which in the unloading thereof is ordinarily shoveled, scooped, forked, or mechanically conveyed, or which is not in containers or in units of such size as to permit piece by piece unloading.

Effective date. This amendment shall become effective at 7:00 a. m., September 20, 1950.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–8323; Filed, Sept. 21, 1950; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

BUDGET OF EXPENSES OF THE WALNUT CONTROL BOARD AND CHANGE IN THE RATE OF ASSESSMENT FOR THE 1950–51 MARKETING YEAR

Notice is hereby given, pursuant to the provisions of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Congress, 60 Stat. 237), approved June 11, 1946, that the administrative rule herein set forth is proposed in accordance with the provisions of Marketing Agreement No. 105 and Order No. 84 regulating the handling of walnuts grown in California, Oregon, and Washington.

Prior to the final issuance of such administrative rule, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the 10th day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if said 10th day after publication should fall on a holiday or Sunday, such submission may be received by the Director not later than the close of business on the next following workday.

The Walnut Control Board, established pursuant to the provisions of the aforesaid marketing agreement and order, has transmitted to the Secretary of Agriculture its recommendations relating to the proposed budget and change in the rate of assessment.

The material submitted by the board and other information available to the Secretary was considered and it is proposed to accept the board's recommendations.

Therefore, such proposed administrative rule is as follows:

§ 984.302 *Budget of expenses of the Walnut Control Board for the marketing year beginning August 1, 1950.* (a) Expenses in the amount of $82,800.00 are reasonable and are likely to be incurred by the Walnut Control Board for its maintenance and functioning, and for such other purposes as the Secretary may, pursuant to the provisions of the marketing agreement and order, determine to be appropriate, for the marketing year beginning August 1, 1950.

(b) Change in the rate of assessment for the marketing year beginning August 1, 1950: Each handler shall pay to the Control Board on demand by the Control Board, from time to time, the sum of 0.12 cent for each pound of merchantable walnuts handled or certified for handling by him during the marketing year beginning August 1, 1950.

Done at Washington, D. C., this 18th day of September 1950.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50–8307; Filed, Sept. 21, 1950; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 40]

AIR CARRIER OPERATING CERTIFICATION

ROUTE REQUIREMENTS; VISUAL CONTACT NIGHT OPERATION

Notice is hereby given that adoption of the following rules is contemplated.

All interested persons who desire to submit written data, views, or arguments for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

§ 40.36–1 *Route requirements; visual contact night operation. (CAA rules which apply to § 40.36).* It has been determined that safe air carrier operation at night can be conducted under visual flight rules, when VFR conditions exist over the entire route utilizing adequate radio navigational aids in lieu of the airway beacons and obstruction lights specified in CAR 40.36 where (a) sufficient radio aids coverage will provide safe aircraft navigation by that means, (b) the radio equipment in the aircraft and the ground navigation aids are in normal operation during the time the flights are being conducted, and (c) airport beacon, obstruction lights, runway (contact) lights, and such other lighting facilities deemed necessary by the Administrator are in operation at all terminals and intermediate stops.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50–8287; Filed, Sept. 21, 1950; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 7 and 8]

[Docket No. 9707]

COASTAL AND MARINE RELAY SERVICES, AND SHIP SERVICES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Proposed revisions of Parts 7 and 8 of the Commission's rules are set forth below. The proposed rules represent extensive changes designed to make Parts 7 and 8 appropriate not only to the current but also the anticipated circumstances of the maritime services, including revisions reflecting provisions of applicable international treaties and agreements now in force or which, it is believed, will come into force within the foreseeable future. The proposed rules also provide for the regularization of certain presently experimental uses of maritime mobile frequencies. However, pending the accrual of further experience, other such uses are continued in a developmental status.

3. These proposed rules are issued under authority of Titles II and III of the Communications Act of 1934, as amended, and pursuant to the Radio Regulations in effect annexed to the International Telecommunication Convention (Madrid, 1932) and (Atlantic City, 1947) and the International Convention for the Safety of Life at Sea (London, 1929).

4. Any interested party who is of the opinion that the proposed rules should not be adopted, or should not be adopted in the form set forth herein may file with the Commission on or before November 15, 1950, a written statement or brief setting forth his comments. At the same time, any person who favors the rules as set forth may file a statement in support thereof. The Commission will consider all comments, briefs and statements presented before taking final action in the matter. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given such interested parties.

5. In accordance with the provisions of § 1.764 of the Commission's Rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: September 13, 1950.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

Sec.
7.1 Basis and purpose.

SUBPART A—DEFINITION OF TERMS

7.2 General.
7.3 Maritime mobile service.
7.4 Maritime radiolocation service.
7.5 Maritime fixed services.
7.6 Developmental maritime stations on land.
7.7 Operational.
7.8 Technical.

SUBPART B—APPLICATIONS

7.21 Authorization required for operation and construction of station.
7.22 Administrative classification of stations.
7.23 Statutory eligibility for station license.
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SUBPART A—DEFINITION OF TERMS

§ 7.2 *General*—(a) *Commission.* The term "Commission" means the Federal Communications Commission.[2]

(b) *Statutes and international agreements.* (1) Communication Act: The Communications Act of 1934, as amended.

(2) International Radio Regulations: The Radio Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947); and the General Radio Regulations (Revision of Cairo, 1938) annexed to the International Telecommunication Convention (Madrid, 1932).

(c) *Telecommunication.* Any transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

(d) *Radiocommunication.* Any telecommunication by means of Hertzian waves.

(e) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(f) *Station.* A separate radio transmitter, or a combination of radio transmitter(s) and radio receiver(s), including the accessory equipment required for carrying on a radiocommunication service.

(g) *Station authorization.* Any valid construction permit, station license, or special temporary authority for use of a station, issued by the Commission.

(h) *Person.* Includes an individual, partnership, association, joint stock company, trust, or corporation.

(i) *Permittee.* A person who holds a valid station construction permit.

(j) *Station licensee.* A person who holds a valid station license or special temporary authorization.

(k) *Operator licensee.* A person who holds a valid license or valid permit for the actual operation of a licensed station.

(l) *Hours of service.* The period of time during each calendar day when a station is available, in conformity with the terms of the station authorization, for the rendition of its normal service.

(m) *Day.* Where the word "day" is applied to the use of a specific frequency assignment or to a specific authorized transmitter-power, such use of the word "day" shall be construed to mean transmission-power during that period of time included between one hour after local sunrise and one hour before local sunset.

(n) *Landing area.* Any locality, either of land or water, including airdromes and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo. (See Title I, section 1 (22) of the Civil Aeronautics Act of 1938, as amended.)

(o) *Radio district.* A prescribed geographic area within the United States which, for the purpose of official inspection of radio stations in behalf of the Commission, is under the jurisdiction of a Commission engineer-in-charge whose official address and specific area of inspection associated therewith are designated by Appendix I to this part.[3]

(p) *Commercial transport vessel.* Any ship or vessel which (1) is used in commerce for transporting passengers or goods to or from any harbor(s) or port(s), or between terminals within a particular harbor or port area, or (2) is used primarily in connection with the construction, modification of construction, maintenance, repair, loading, unloading, movement, or piloting of any vessels of category (1).

(q) *Mile.* As used in this part, the term "mile" means a statute mile or 5280 feet.

§ 7.3 *Maritime mobile service*—(a) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

(b) *Maritime mobile service.* A mobile service between ship stations and coast stations, or between ship stations.[4]

(c) *Mobile station.* A station in a mobile service intended to be used while in motion, or during halts at unspecified points.

(d) *Land station.* A station in the mobile service not intended for operation while in motion.

(e) *Coast station.* A land station in the maritime mobile service carrying on a service with ship stations.[4]

(f) *Public coast station.* A coast station open to public correspondence.

(g) *Limited coast station.* A coast station, not open to public correspondence, which serves the operational and business needs of ships.

(h) *Class I coast station.* A coast station (public or limited) licensed to provide a maritime mobile service, primarily over maximum attainable distances, to ships at sea, whose frequency assignment for this purpose includes appropriate frequencies below 150 kc or between 5,000 kc and 25,000 kc.

(i) *Class II coast station.* A coast station (public or limited) licensed to provide a maritime mobile service, primarily of a regional character, whose frequency assignment does not include any frequency below 150 kc, or between 5,000 kc and 25,000 kc except on a secondary basis under specified conditions intended to minimize the possibility of interference to other stations having priority on these frequencies.

(j) *Class III coast station.* A coast station (public or limited) licensed to provide a maritime mobile service, primarily of a local character, whose frequency assignment does not include any frequency below 25,000 kc.

(k) *Operational designator.* The letter "A", "B", or "F", appended to the term "Class I", "Class II", or "Class III", as these terms are defined in paragraphs (h), (i), and (j) of this section, designates that the coast station is licensed to render its normal service by means of (A) telegraphy, (B) telephony, or (F) facsimile.[5]

(l) *Marine-utility station.* A station in the maritime mobile service, readily portable for use as a limited coast station at unspecified points ashore within a designated local area, or for use as a limited ship station on mobile vessels within a designated local area.

§ 7.4 *Maritime Radiolocation Service*—(a) *Radiolocation.* Determination of a position or direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

(b) *Radiolocation service.* A service involving the use of radiolocation.

(c) *Maritime radiolocation service.* A radiolocation service intended for the benefit of ships.

(d) *Radiolocation station.* A station in the radiolocation service.

(e) *Radiolocation land station.* A station in the radiolocation service not intended for operation while in motion.

(f) *Shore radiolocation station.* A radiolocation land station performing a maritime radiolocation service.

(g) *Shore radiolocation-training station.* A shore radiolocation station used solely to train and qualify persons in the effective use of maritime radiolocation.

(h) *Shore radiolocation-test station.* A shore radiolocation station used solely for testing maritime radiolocation apparatus incident to its manufacture, installation, repair, servicing and/or maintenance.

(i) *Radionavigation.* Radiolocation intended solely for the determination of position or direction or for obstruction warning, in navigation.

(j) *Radionavigation service.* A radiolocation service involving the use of radionavigation.

(k) *Maritime radionavigation service.* A radionavigation service intended for the benefit of ships.

(l) *Radionavigation station.* A station in the radionavigation service.

(m) *Radionavigation land station.* A station in the radionavigation service not intended for operation while in motion.

(n) *Shore radionavigation station.* A radionavigation land station performing a maritime radionavigation service.

(o) *Radar.* A radiolocation system where transmission and reception are carried out at the same location, and which utilizes the reflecting or retransmitting properties of objects in order to determine their position.

(p) *Primary radar.* Radar using reflection only.

(q) *Secondary radar.* Radar using automatic retransmission on the same or on a different radio frequency.

(r) *Shore-radar station.* A shore radionavigation station utilizing radar for the purpose of detecting above-water objects (primarily ships) with a determination of their direction and distance from the station.

(s) *Radio direction-finding.* Radiolocation in which only the direction of a station is determined by means of its emission.

(t) *Radio direction-finding station.* A radiolocation station intended to determine only the direction of other stations by means of transmissions from the latter.

(u) *Marine radiobeacon station.* A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radiobeacon station.

§ 7.5 *Maritime fixed services*—(a) *Fixed service.* A service of radiocommunication between specified fixed points.

(b) *Fixed station.* A station in the fixed service.

(c) *Operational fixed station.* A fixed station, not open to public correspondence, operated by and for the sole use of agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, Marine, or Aviation Services.

(d) *Marine fixed station.* A fixed station, used primarily for safety communication[6] which is established at a designated location in a water area of, or contiguous to, the United States, and isolated from the mainland by water or marsh.

(e) *Marine control station.* An operational fixed station used to control the emissions or operation of a coast station at a separate location.

(f) *Marine repeater station.* An operational fixed station used to retransmit, to a point of destination or to a message routing center, radiocommunications received at a coast station from ship or aircraft stations in the maritime mobile service.

(g) *Marine relay station.* An operational fixed station used for communication between coast stations or between a coast station and an associated remote control point, which is intended to expedite the movement of message traffic to or from mobile stations in the maritime mobile service.

(h) *Marine receiver-test station.* A fixed station used to simulate transmission from a ship station to a coast station for the purpose of periodically testing the normal receiving installation of a licensed coast station to determine that such receiving installation is in good working condition.

§ 7.6 *Developmental maritime stations on land*—(a) *Developmental land station.* A land station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been specifically allocated the authorized frequency (or frequencies) of the developmental land station.

(b) *Developmental radiolocation station.* A radiolocation station operated

[2] For other definitions, refer to Part 2, Rules Governing Frequency Allocations and Treaty Matters; General Rules and Regulations; Part 8, Rules Governing Stations on Board Ships in the Maritime Services; and Part 14, Rules Governing Radio Stations in Alaska—Other than Amateur and Broadcast.

[3] The address of the Commission's principal office is "Federal Communications Commission, Washington 25, D. C."

[4] This will be identical with appendix attached to Part 12 (47 CFR Part 12).

[4] Aircraft stations, when transmitting on designated frequencies allocated to the maritime mobile service, may communicate in this service with ship stations and coast stations.

[5] Operational designators are used individually or in combinations of two or more, as may be appropriate to a particular coast station. Examples of coast station classification for regulatory and administrative purposes in accordance with these rules: Public I–A, Public III–B, Limited II–A, Limited III–BF, Public II–AB, etc.

[6] See § 7.7 (a) defining "safety communication".

for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government radiolocation service (including the non-government radionavigation service) which has been specifically allocated the authorized frequency (or frequencies) of the developmental radiolocation station.

(c) *Developmental fixed station.* A fixed station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government fixed service which has been specifically allocated the authorized frequency (or frequencies) of the developmental fixed station.

(d) *Specific classification.* The specific classes of developmental stations on land licensed in the maritime mobile service, the maritime radiolocation service (including maritime radionavigation service), and the maritime fixed services, are the same as the classes defined in preceding sections of this Part; however, for purposes of identification, the particular class of station is followed by the parenthetical indicator "(developmental)"; for example: "Public Class III coast station (developmental)".

§ 7.7 *Operational*—(a) *Safety communication.* The transmission or reception of distress, alarm, urgent, or safety signals, or any form of radiocommunication which, if delayed in transmission or reception, may adversely affect the safety of life or property; and occasional test transmission or reception as necessary for determining whether or not the radio equipment is in good working condition for purposes of safety.

(b) *Superfluous radiocommunication.* Any transmission that is not necessary to the conduct of the service for which the station is licensed.

(c) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service, or obstructs or repeatedly interrupts a radio service operating in accordance with applicable laws, treaties, and regulations.

(d) *Distress signal.* (1) The distress signal is the radiotelegraph or radiotelephone signal which indicates that a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(2) In radiotelegraphy, the international distress signal consists of the group "three dots, three dashes, three dots", transmitted as a single signal in which the dashes are emphasized so as to be distinguished clearly from the dots.

(3) In radiotelephony, the international distress signal consists of the oral enunciation of the word "MAYDAY", pronounced as the French expression "m'aider".

(e) *Alarm signal.* The international radiotelegraph signal, consisting of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second, having for its sole purpose the actuation of automatic devices giving warning by means of an alarm that a distress call or message is about to follow, or that an urgent cyclone warning is about to be sent by a coast station authorized to do so.

(f) *Urgency signal.* (1) The urgency signal is the radiotelegraph or radiotelephone signal which indicates that the calling station has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or of some person on board or within sight.

(2) In radiotelegraphy, the international urgency signal consists of three repetitions of the group "XXX", sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international urgency signal consists of three oral repetitions of the word "PAN" pronounced as the French word "panne" and sent before the call.

(g) *Safety signal.* (1) The safety signal is the radiotelegraph or radiotelephone signal which indicates that the station sending this signal is ready to transmit a message concerning the safety of navigation or giving important meteorological warnings.

(2) In radiotelegraphy, the international safety signal consists of three repetitions of the group "TTT", sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international safety signal consists of three oral repetitions of the French word "SECURITE", sent before the call.

(h) *Distress traffic.* All messages relative to the immediate assistance required by the ship, aircraft, or other vehicle in distress.

(i) *500 kilocycles silent period.* The three-minute period twice an hour beginning at x h 15 and x h 45, Greenwich mean time (GMT), during which the International Radio Regulations require that all transmissions (except for certain emissions designated in those Regulations) must cease on all frequencies within a designated frequency-band centered on 500 kc.

(j) *Watch.* The act of listening for or to sound produced by a telephone receiver when the electric wave energy at audio frequency supplied to the telephone receiver—

(1) Results from simultaneous interception and detection of Hertzian waves of a designated radio frequency or frequencies, and

(2) Is substantially equivalent in frequency to the audio frequency or frequencies generated by detection of the intercepted Hertzian waves.

(k) *Calling.* Transmission from a station solely to secure the attention of another station, or other stations, for a particular purpose.

(l) *Working.* Radiocommunication carried on, for a purpose other than calling, by any station or stations using telegraphy, telephone, or facsimile.

(m) *Control point.* An operating position associated with a particular station or stations which is—

(1) Under the control and supervision of the station licensee or his authorized agent; and

(2) A place at which the required monitoring and control facilities are available; and

(3) A place at which a duly licensed operator (or other person if the requirement for a licensed operator is waived by the Commission) responsible for the operation of the transmitter(s) is stationed.

(n) *Dispatch point.* A place from which radiocommunication may be transmitted under supervision of a responsible operator at a control point.

§ 7.8 *Technical*—(a) *Radio frequency.* Any frequency between 10 kilocycles per second and 3,000,000 megacycles per second.

(b) *Audio frequency.* A frequency corresponding to the frequency of a normally audible sound wave, usually between 20 and 15,000 cycles per second.

(c) *Hertzian waves.* Electromagnetic waves of frequencies between 10 kc and 3,000,000 Mc.

(d) *Emission.* Any radiation of energy by means of Hertzian waves.

(e) *Spurious emission.* Any emission from a station at a frequency or frequencies outside an authorized frequency-band.

(f) *Telegraphy.* A system of telecommunication for the transmission of written matter by the use of a signal code.

(g) *Telephony.* A system of telecommunication set up for the transmission of speech or, in some cases, other sounds.

(h) *Facsimile.* A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

(i) *Selective-calling.* A means of calling in which signals are transmitted in accordance with a prearranged code for the purpose of operating a particular automatic attention device in use at the selected station whose attention is sought.

(j) *Crystal oscillator.* A generator of alternating-current energy, the frequency of which is determined by the mechanical properties of a piezoelectric crystal.

(k) *Carrier frequency.* The frequency of the carrier.[7]

(l) *Authorized carrier frequency.* A specific carrier frequency authorized for use by a station, from which the actual carrier frequency is permitted to deviate, solely because of frequency instability, by an amount not to exceed the frequency tolerance.

(m) *Frequency tolerance.* The extent to which a carrier frequency (or when a carrier is not present, a frequency coinciding with the center of an emission-bandwidth) is permitted, by applicable regulations or by the terms of a station authorization, to depart, solely because of frequency instability, from the authorized carrier frequency (or, when a carrier is not present, from the assigned frequency).

(n) *Frequency-band.* A continuous range of frequencies extending between two designated limiting frequencies.

(o) *Bandwidth.* The number of cycles or kilocycles per second expressing the difference between the limiting frequencies of a frequency band.

[7] For the definition of "carrier", see § 2.1 in Part 2 of the Commission's rules.

(p) *Radio-channel.* A frequency-band, sufficient in width to permit its use for radiocommunication, comprised of the emission-band-width, the interference guard bands, and the frequency tolerance.

(q) *Emission-bandwidth.* The bandwidth effectively occupied by the emission of a radio-channel (the band of frequencies comprising 99 percent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 percent of the total radiated power).[8]

(r) *Interference guard bands.* The two frequency-bands additional to and on either side of, the authorized frequency-band, which may be provided to minimize the possibility of interference between different radio-channels.

(s) *Authorized emission-bandwidth.* A specific emission-bandwidth authorized for use by a station.

(t) *Authorized frequency-band.* A frequency band authorized for use by a station.

(u) *Assigned frequency.* The frequency coinciding with the center of the frequency-band in which the station is authorized to work; this frequency does not necessarily correspond to any frequency in an emission.[9]

(v) *Frequency assignment.* The specific frequency or frequencies authorized for the emission(s) of a particular station; expressed for each radio-channel by—

(1) The authorized carrier frequency, the frequency tolerance, and the authorized emission-bandwidth

(2) The authorized emission-bandwidth in reference to a specific assigned frequency (when a carrier does not exist), or

(3) The authorized frequency-band (when a carrier does not exist).

(w) *Modulation.* The process of producing a wave, some characteristic of which varies as a function of the instantaneous value of another wave called the modulated wave.

(x) *Modulation factor.* (1) In an amplitude-modulated wave, the ratio of half the difference between the maximum and minimum amplitudes to the average amplitude.

(2) In a frequency-modulated wave, the ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation.

(y) *Percentage modulation.* The modulation factor expressed in percent.

(z) *Amplitude modulation (AM).* Modulation in which the amplitude of a wave is the characteristic subject to variation.

[8] This definition coincides with the definition of "Bandwidth Occupied by an Emission," which appears as paragraph 58 of the International Radio Regulations of Atlantic City, 1947. The emission-bandwidth is dependent upon the class of emission and the speed of signalling.

[9] This definition coincides with the definition of "Frequency Assigned to a Station" which appears as paragraph 57 of the International Radio Regulations of Atlantic City, 1947.

(aa) *Frequency modulation (FM).* Modulation in which the instantaneous frequency of a sine-wave carrier[10] is caused to depart from the carrier frequency by an amount proportional to the instantaneous value of the modulating wave.

(bb) *Frequency deviation.* In frequency modulation, the peak difference between the instantaneous frequency of the modulated wave and the carrier frequency.

(cc) *Frequency swing.* In frequency modulation, the peak difference between the maximum and the minimum values of the instantaneous frequency.

(dd) *Deviation ratio.* In frequency modulation, for a sinusoidal modulating wave, the ratio of the frequency deviation to the frequency of the modulating wave.

(ee) *Antenna (aerial).* A means for radiating or intercepting Hertzian waves.

(ff) *Artificial antenna (dummy antenna).* A device which has the equivalent impedance characteristics of an antenna and the necessary power-handling capabilities, but which does not radiate or intercept Hertzian waves.

(gg) *Last radio stage.* In an electron-tube radio transmitter, the radio-frequency oscillator or power amplifier stage which supplies all radio-frequency power to the antenna, either directly or through the medium of a transmission line.

(hh) *Plate (anode) input power.* The electrical power delivered to the plate (anode) of an electron tube by the source of supply; this power being the product of the effective anode voltage and the effective anode current.

(ii) *Antenna power.* The power supplied by a particular radio transmitter to the antenna used in connection with that transmitter, at a radio frequency or frequencies within an authorized frequency-band.

(jj) *Radiated power.* Energy, in the form of Hertzian waves, radiated from an antenna.

(kk) *Authorized transmitter - power.* The power of a particular transmitter as designated in the respective station license or construction permit or in lieu thereof, the power designated in the applicable Commission rule(s) or regulation(s). Unless specifically expressed otherwise, this power is the total plate input power to all electron tubes of the last radio stage of the transmitter which are used to supply radio-frequency power to the antenna measured as prescribed in § 7.134.

(ll) *Telephone receivers.* Whenever use of the following terms occurs in reference to "watch" as defined in paragraph (j) of § 7.7 such use of these terms shall be construed as follows:

(1) *Telephone receiver.* Any instrument used to convert energy consisting of electric waves at audio frequency into energy consisting of substantially equivalent sound waves.

(2) *Hand receiver.* A telephone receiver capable of being held to the ear by the hand and normally used in that manner.

(3) *Head receiver.* A telephone receiver capable of being held to the ear by an attached headband and normally used in that manner.

(4) *Loudspeaker.* A telephone receiver capable of effectively radiating acoustic power for reception by ear at a distance and normally used for that purpose.

[10] For the definition of "carrier", see § 2.1 in Part 2 of the Commission's rules.

SUBPART B—APPLICATIONS[1]

§ 7.21 *Authorization required for operation and construction of station.* (a) Any radio station required by the Communications Act to be licensed shall not be operated in the maritime mobile service, in the maritime radiolocation service, or in any maritime fixed service except under and in accordance with a valid station authorization granted by the Commission.[2] Further, the operation of such apparatus shall be conducted in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

(b) No license shall be issued by the Commission for the operation of any station subject to this part, unless a permit for its construction has first been granted by the Commission upon written application therefor.

§ 7.22 *Administrative classification of stations.* (a) Stations in the maritime mobile service subject to this part are licensed according to the class of station as designated below:

(1) Public class I coast stations.
(2) Public class II coast stations.
(3) Public class III coast stations.
(4) Limited class I coast stations.
(5) Limited class II coast stations.
(6) Limited class III coast stations.
(7) Marine utility stations.

(b) Stations in the maritime radiolocation service subject to this part (other than those exclusively in the maritime radionavigation service) are licensed according to the class of station as designated below:

(1) Shore radiolocation stations.
(2) Shore radiolocation training stations.
(3) Shore radiolocation test stations.

(c) Stations in the maritime radionavigation service subject to this part are licensed according to the class of station as designated below.

(1) Shore radionavigation stations.
(2) Shore radar stations.

[1] For additional information concerning applications and for information concerning procedure relative to hearings, oral arguments, petitions, etc., refer to Part 1 of the Commission's rules relating to practice and procedure.

[2] The Commission has exempted certain low power radio devices from its general licensing requirements. The extent of this exemption and related matters are set forth in Part 15, rules governing restricted radiation Devices. Licensing procedures and exceptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radiocommunication are set forth in Part 18, rules and regulations relating to industrial, scientific and medical service.

(d) Stations in the fixed service subject to this part are licensed according to the class of station as designated below:

(1) Marine fixed stations.
(2) Marine control stations.
(3) Marine repeater stations.
(4) Marine relay stations.
(5) Marine receiver-test stations.

§ 7.23 *Statutory eligibility for station license.* A station license shall not be granted to or held by:

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 7.24 *Application precedent to authorization.* Except as otherwise provided in §§ 7.26 and 7.41, no authorization will be granted for use or operation of any radio station on land in any service governed by this part, nor for any change in station control, facilities, services, equipment or antenna, unless formal written application therefor in proper form [8] first is filed with the Commission. Except as otherwise permitted by this part, a separate application shall be filed in respect to each station and service subject to this part. Each application for radio station authorization, and all correspondence relating thereto, shall be submitted in duplicate (unless otherwise specified in a particular case or with respect to a particular form) to the Secretary of the Commission at Washington 25, D. C. Except as otherwise provided in §§ 7.32, 7.36 and 7.41, an application should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission in order that action thereon may be taken by that date. The application shall be specific and complete with regard to the information required in the application form, or otherwise specifically requested by the Commission.

§ 7.25 *Signature on applications.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, or by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association: *Provided, however,* That applications may be signed by the attorney for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If application is made by a person other than the applicant, such person must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why the application is not made by the applicant. Applications filed on behalf of eligible governmental entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction. When more than one copy of an application is required to be filed with the Commission, only the original need be signed or verified; copies may be conformed.

§ 7.26 *Informal applications.* An application not submitted on a standard form prescribed by the Commission is an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and except as provided in § 7.41, the original copy shall be subscribed and verified as provided in § 7.25. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 7.27 *Defective applications.* (a) An application which is defective with respect to completeness of answers to required questions, execution, or other matters of a purely formal character, will not be received for filing by the Commission, unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the defect.

(b) An application which is not made in accordance with the Commission's rules, regulations, or other requirements, will be considered defective unless accompanied either (1) by a petition to amend the rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(c) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

§ 7.28 *Amendments of applications.* (a) Any application may be amended as a matter of right prior to the designation of such application for hearing by filing the appropriate number of copies of the amendments duly executed. Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown. A petition which requests either a change in frequency or power must be accompanied by the affidavit of a person with knowledge of facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If such consideration has been promised or received, the affidavit shall set forth in full detail all the relevant facts. A petition to amend an application will not be accepted (other than an amendment which is merely pro forma in nature, such as the removal of a named person because of death) if it is filed after public notice has been given of the issuance of a proposed decision with respect to such application, or of a recommended or an initial decision, as the case may be, where no proposed decision is to be issued.

(b) When leave to amend has been granted after an application has been designated for hearing, the application will not be removed from the hearing docket unless the Motions Commissioner shall determine that the proposed amendment substantially affects the issues upon which the application has been designated for hearing and orders that the application shall be removed from the hearing docket. An amended application which has been removed from the hearing docket will be reexamined by the Commission and, when necessary, will be redesignated for hearing at a subsequent time.

§ 7.29 *Dismissal of applications.* Any application may be dismissed without prejudice as a matter of right prior to the designation of such application for hearing. Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record. Such petition must be accompanied by the affidavit of a person with knowledge of the facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application. Such petition to dismiss an application without prejudice will be granted only for good cause shown, but will, in no event, be granted after public notice has been given by the Commission of the issuance of a proposed decision proposing to deny the application.

§ 7.30 *Partial grant of application.* Whenever the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written protest, rejecting the grant as made. Upon receipt of such protest, the Commission will vacate its original action upon the application and, if necessary, set the application for hearing in the same manner as other applications are set for hearing.

§ 7.31 *Establishment of station.* (a) Application for permit to construct a station subject to this Part [4] shall be submitted on FCC Form 401.[5] When actual construction is not involved, the term "construct" as used herein, is construed to mean "installation" or any action of an equivalent nature involved in preparing the station for actual operation prior to the issuance of a station license.

(b) FCC Form 401a, "Description of Proposed Antenna Structure", shall be submitted in quadruplicate with duplicate set of FCC Form 401 in each instance when:

(1) The antenna and supporting structures proposed to be erected will exceed an over-all height of 150 feet above ground level; or

(2) The antenna is to be located within 3 miles of a landing area and will exceed an over-all height of one foot above ground for each 100 feet of distance, or fraction thereof, from the nearest boundary of the landing area.

(c) There shall be attached to each copy of FCC Form 401a a sketch showing the antenna and supporting structure as well as a map showing the location of the antenna, landing areas in the vicinity thereof, and all structures that may affect the marking of the antenna or supporting structure.

(d) The location of the control point shall be specified in the application for construction permit. The location of the control point may be the same as that of the transmitting equipment or it may be a separate location. More than one control point for the same transmitting equipment is permissible if specified in the application and authorized by the Commission.[6]

(e) Each application for construction permit shall include such supplementary information as is prescribed in other applicable sections of this part, with respect to the particular class of station for which a station authorization is requested.

§ 7.32 *Changes prior to completion of station.* (a) When, during the term of a construction permit, any change is to be made in respect to the station which would result in a deviation from the terms of the permit, application for modification of such permit shall be filed on FCC Form 401.

(b) FCC Form 401a, in quadruplicate, shall also be used whenever any change is to be made in the antenna structures if such structures are, or will be, as the result of such change, within 3 miles of a landing area; or whenever the over-all height of the antenna structures exceeds, or as a result of such change will exceed, 150 feet above ground level. In such cases, there shall be attached to Form 401a a sketch and a map as prescribed in paragraph (c) of § 7.31.

(c) FCC Form 701 shall be used whenever it is necessary to request an extension of the time limit specified on a valid construction permit. Such application shall be filed at least 30 days prior to the expiration date of the permit if the facts supporting such application for extension are known to the applicant in time to allow such filing. In other cases, such application will be accepted upon a showing satisfactory to the Commission of the reason for filing within less than 30 days prior to the expiration date. Such application shall contain specific and detailed information showing that failure to complete construction within the authorized period is the result of causes beyond the control of the permittee, or that the applicant has been diligent in his efforts to complete the construction of the proposed station.

§ 7.33 *Applications concerning marine-utility stations.* (a) A permit for construction of a marine-utility station is not required when such station is to be used and operated solely on board mobile vessels. In such circumstances, the marine-utility station is subject to the provisions of Part 8 of the Commission's rules and application for station license may be filed in accordance with the applicable sections of that part.

(b) Whenever a marine-utility station is to be used and operated at any location on land (whether or not it is to be used and operated additionally on board mobile vessels) such station is subject to the applicable provisions of this part [7] and an application for construction permit to establish such station shall be filed with the Commission.

§ 7.34 *Temporary and permanent station locations.* (a) Whenever a station (other than a marine-utility station) is to be used and operated, on and after the effective date of the station license, at any single location for a period of less than six months, the station location is construed to be temporary. An application for construction permit relative to such station shall specify the station location as temporary, and shall designate each temporary location at which the station is to be used and operated or shall specify the general geographic area within which the use and operation of the station will be confined.[8]

(b) Whenever a station (other than a marine-utility station) is to be used and operated, on and after the effective date of the station license, at a single location for six months or more, the station location is construed to be permanent and shall be designated accurately in the application for construction permit.[9]

§ 7.35 *Application for station license.* Upon completion [10] of construction in accordance with the terms of the construction permit (as modified if a modified permit has been issued), an application for station license shall be submitted on FCC Form 403.

§ 7.36 *Changes during license term.* (a) When, during the term of a station license, any change is to be made in respect to the station, or with respect to its use and operation, which would result in a deviation from the terms of the license, an application for construction permit or modification of license, as the case may require, shall be filed as prescribed in paragraphs (b), (c), and (d) of this section.

(b) Authority for any physical change in the construction of the transmitting equipment or installation, or for the addition of radio transmitting apparatus, or for any change in station location, or for any change in antenna structures of the nature designated in paragraph (b) of § 7.32, shall be requested by filing an appropriate application for construction permit on FCC Form 401. If a physical change in the antenna structure(s) is proposed, a description of any marking currently required shall be supplied as part of the necessary application. Upon completion [11] of the construction, installation, or change in station location or antenna structure(s) in accordance with the terms of the construction permit, an appropriate application for modification of station license shall be submitted on FCC Form 403.

(c) Authority for any change in the use and operation of the station, other than physical changes of the nature prescribed in paragraph (b) of this section, shall be requested by filing an appropriate application on FCC Form 403 [12] for modification of station license.

(d) In accordance with § 7.24 an application for modification of a station license shall be submitted not less than 60 days prior to the date contemplated for such modification of license in order that action thereon may be taken by that date.

§ 7.37 *Renewal of license.* Application for renewal of station license shall be submitted on FCC Form 405. Unless otherwise directed by the Commisison, such application should be filed at least 60 days prior to the expiration date of the license sought to be renewed in order that action thereon may be taken by that date.

§ 7.38 *Reinstatement of license.* When the use and operation of a station

[8] Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington 25, D. C., or from any of its engineering field offices.

[4] With respect to applications for marine-utility stations, see § 7.33.

[5] This form may be obtained without cost, upon request made to the Washington 25, D. C. office of the Commission or to any of the Commission's engineering field offices.

[6] See § 7.71 in respect to authority for control points.

[7] See paragraph (b) of § 7.21; also see §§ 7.39 and 7.40.

[8] A general area may be designated in terms of a specific city, county, state, region, etc., or more than one of these designations may be specified. See also §§ 7.70 and 7.71.

[9] With respect to a subsequent change in permanent station location, see §§ 7.32 and 7.36.

[10] See § 7.64 concerning operation for test purposes upon completion of construction.

[11] See § 7.64 concerning operation for test purposes upon completion of construction.

[12] See § 7.42 if assignment of the license or a change in corporate control of the licensee is involved.

has been discontinued due to the station license having expired by its own terms, and an application for renewal of such station license has not been submitted within a period of 60 days from the expiration date of such license, an applicant shall, if authority is desired to resume operation in exact accordance with the terms of the expired license, submit simultaneously applications for construction permits and licenses on FCC Forms 401 and 403, respectively.

§ 7.39 *Applications filed concurrently.* (a) Applications of different category but in respect to the same station and radio service may be filed concurrently by the same applicant as prescribed herewith:

(1) Application for modification of station license and for renewal of station license. However, no renewal may be granted more than thirty days prior to the expiration of the original license.

(2) Application for construction permit and for station license or related modification of license where the complete transmitter(s) is (are) available for immediate use and operation, including all accessory apparatus required for the service to be rendered, and where no construction is involved: *Provided,* The associated antenna and supporting structures are available for immediate use and do not exceed an over-all height of 150 feet above ground level and (if located within 3 miles of a landing area) do not exceed an over-all height of one foot above ground for each 100 feet of distance, or fraction thereof, from the nearest boundary of a landing area;

(3) Application for modification of construction permit and for station license provided such application for modification of construction permit does not request authority for any additional construction, extension of time in which to complete construction, or change in construction of the station (including the height of the antenna or supporting structures), and further provided that the complete transmitter(s) and all accessory apparatus required for the service to be rendered are available for immediate use and operation in accordance with the terms of the modified permit desired.

(4) Application for modification of station license and for consent to voluntary assignment or transfer of control of station license;

(5) Application for renewal of station license and for consent to voluntary assignment or transfer of control of station license. However, no renewal may be granted more than thirty days prior to the expiration of the original license.

§ 7.40 *One application for plurality of stations.* (a) As indicated below, one application may be submitted to cover two or more stations subject to the conditions prescribed in paragraph (b) of this section, and provided the individual stations covered by each application are clearly identified therein:

(1) Applications for construction permits and for station licenses for marine-utility stations to be used and operated in the same geographic area;

(2) Application for modification of construction permits for marine-utility stations to be used and operated in the same geographic area when the modification requested is the same for all stations covered by the application;

(3) Application for modification of station licenses for any class of station subject to this part when the modification requested is the same for all stations covered by the application;

(4) Application for renewal of station licenses for any class of station subject to this part;

(5) Application for consent to assignment or control of station authorizations.

(b) The provisions of paragraph (a) of this section shall apply only when the following elements are the same in respect to all of the involved stations at the time the application is filed:

(1) Applicant;

(2) Nature of service and class of station;

(3) Legal control of the station;

(4) Expiration date of the station authorization when application is made for modification or renewal thereof.

§ 7.41 *Application for special temporary authority.* (a) Upon receipt of application therefor, the Commission may grant special temporary authorization for a period not to exceed 3 months for the installation and operation of transmitting apparatus in the maritime mobile service or the maritime radiolocation service (provided the proposed operation is not in conflict with the rules and regulations of the Commission) with a station classification in accordance with § 7.6 or § 7.22, under the following conditions:

(1) In cases which require the immediate use of existing and available radio transmitting apparatus not already authorized for the desired operation, provided the associated antenna and supporting structures (if not covered by an existing station authorization) do not exceed an over-all height of 150 feet above ground level and (if located within 3 miles of a landing area) do not exceed an over-all height of one foot above ground for each 100 feet of distance, or fraction thereof, from the nearest boundary of a landing area.

(2) In cases where an urgent need is shown for operation of an authorized station (without the addition of more radio transmitting apparatus or increase in height of antenna structures) for a limited time only, in a manner or for a period of time other than that specified in the existing station authorization;

(3) For the purpose of conducting a field survey to obtain necessary data in connection with the filing of one or more formal applications. In this case, authority shall be requested for developmental operation only, and those sections of this Part applicable to developmental stations shall govern the nature of the application.

(b) Whenever practicable, an application for special temporary authority shall be filed as a formal application on a form or forms prescribed in the applicable section(s) of this part. When necessary, however, such applications may be filed as an informal application as prescribed in § 7.26. The form(s) to be used and the procedure in filing shall be governed by the provisions of this part applicable to the type of document (construction permit, license, modification thereof, etc.) which would be requested normally in a particular case in lieu of special temporary authority.

(c) Upon receipt of written or telegraphic application therefor, the Commission, in an emergency, may grant special temporary authorization for a period not to exceed three months for the voluntary discontinuance, reduction, or impairment of the authorized service of a public coast station operated as a common carrier of communications: *Provided,* Such application shall identify the particular station and shall contain information showing the nature and estimated duration of the conditions causing the discontinuance, reduction or impairment: *Provided further,* That, within five days after the filing of such application, an additional and complete application in written form requesting the same authority shall be filed in accordance with the provisions of paragraph (h) of § 7.46. The initial written or telegraphic request for special temporary authority for emergency discontinuance, reduction, or impairment of authorized service which is filed in accordance with this subsection shall be deemed granted effective as of date of filing unless, on or before the 15th day after date of filing, the Commission shall notify the station licensee to the contrary.

(d) An application for special temporary authority (except as otherwise provided in paragraph (c) of this section) shall be filed in written form not less than ten days prior to the earliest date of proposed operation thereunder unless acceptable explanation of reason for failure to meet this time limitation is included with the application form.

(e) Each application for special temporary authority (except as provided in paragraph (c) of this section) shall contain the following information:

(1) Name and address of applicant.

(2) Official call letters of any valid station authorization already held by applicant, and the station location.

(3) Relation of applicant to the owner of any transmitting equipment for which initial authority is requested.

(4) Class of station and nature of service.[12]

(5) Station(s) or class of station with which communication will be carried on.

(6) Carrier frequency or frequencies, class of emission, and emission bandwidth to be employed,[13] if these elements are involved.

(7) Equipment to be used, specifying the manufacturer, model number, the normal plate input power to the last radio stage, and frequency tolerance that can be maintained,[14] if these elements are involved.

(8) The date(s) and time(s) of the proposed operation.

(9) Complete particulars concerning purpose, nature, and location of proposed operation.

[12] See §§ 7.6 and 7.22.
[13] See paragraphs (k), (l) and (q) of § 7.8.
[14] See paragraphs (m), (gg), (hh) and (kk) of § 7.8.

(10) Explanation of the need for special temporary authority in lieu of normal type of authorization.

(f) Each application for special temporary authority submitted by an applicant who does not hold a valid station authorization issued by the Commission, or has not already filed formal application therefor, shall, in addition to the information required under paragraph (d) of this section, contain such factual statements as may be necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act.

§ 7.42 *Application for consent to assignment or transfer of control of construction permit or station license.*—(a) *Voluntary.* Application for consent to voluntary assignment of a construction permit or license covering a station subject to this Part, or for consent to voluntary transfer of control of a corporation holding such a construction permit or license, shall be filed with the Commission on FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Permit or License," or FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License," as the case may require, at least 60 days prior to the contemplated effective date of assignment of transfer of control.

(b) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability; and

(2) Within 30 days after the occurrence of such death or legal disability, application on FCC Form 702 or FCC Form 703, as the case may require, shall be filed for consent to involuntary assignment of such station permit or license or for involuntary transfer of control of such corpofation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

§ 7.43 *Application precedent to hearing.* Whenever the Commission regards an application for renewal of license as essential to the proper conduct of a hearing or investigation and specifically directs that the licensee file such application by a certain date, the application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 7.44 *Failure to prosecute applications.* An applicant not desiring to prosecute his application may request that it be dismissed without prejudice. A request of an applicant for the return of an application which has been accepted for filing will be considered as a request to dismiss the same without prejudice. Where an applicant fails to respond to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 7.45 *Inconsistent or conflicting applications.* When an applicant has an application pending or undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf of or for the benefit of said applicant, will be considered by the Commission.

§ 7.46 *Applications for voluntary discontinuance, reduction, or impairment of service at a public coast station.* (a) Applications for authority to voluntarily discontinue, reduce, or impair the authorized service of a public coast station operated as a common carrier of communication shall be submitted not less than 60 days prior to the date when such change in authorized service is contemplated by the applicant: *Provided, however,* That, in an emergency and upon a showing of good cause, the 60 day limitation requirement may be waived.

(b) Unless otherwise specified, the applicant shall furnish the Commission with an original and 14 copies of such applications, the original copy of which shall be subscribed and verified as provided in § 7.25. Such applications shall be submitted on paper not more than 8½ inches wide and not more than 14 inches long, with a left-hand margin of 1½ inches. The impression shall be on one side of the paper only and shall be double spaced, except that long quotations shall be single-spaced and indented. All papers, except charts and maps which may be offered as exhibits, shall be typewritten or prepared by mechanical processing methods, other than letter press, or printed. All copies must be clearly legible.

(c) Such applications shall include the following information:

(1) The name and address of each applicant;

(2) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed;

(3) Nature of proposed discontinuance, reduction, or impairment;

(4) Identification of the station or stations involved and date on which applicant desires to make proposed discontinuance, reduction, or impairment effective; if for a temporary period only, indicate the approximate period for which authorization is desired;

(5) Statement of the effect upon rates to any person in the community.

(6) Description of the service involved and the service area affected including population and general character of business of the community;

(7) The nature of the service which will be available or substituted.

(8) Statement of the reasons for proposed discontinuance, reduction or impairment;

(9) Statement of the factors showing that neither present nor future public convenience and necessity would be adversely affected by the granting of the application;

(10) Description of any previous discontinuance, reduction, or impairment of service to the community affected by the application, which has been made by the applicant during the 12 months preceding filing of application, and statement of any present plans for future discontinuance, reduction or impairment of service to such community;

(11) Statement of the number of messages sent-paid and received-collect and the revenues accruing to the licensee in connection with the service proposed to be discontinued, reduced, or impaired for each of the past 6 months; and, if the volume of such traffic handled in the area has decreased during recent years, the reasons therefor.

(d) Immediately upon the filing of an application for authority to discontinue, reduce, or impair service to a community or part of a community, the applicant shall post a public notice at least twenty inches (20") by twenty-four inches (24"), with letters of commensurate size, in a conspicuous place at the station [15] affected for at least fourteen (14) days, which notice shall be in the following form:

(Date of first posting of notice)

Notice is hereby given that application was made on the ------ day of ----------, 19 ---- by ----------
Company to the Federal Communications Commission to close station -------- (or reduce the hours of service from the present hours of service ----m. to ----m. to the hours ----m. to ----m.). If the application is granted, substituted service will be available from ----m. to ----m. through station(s) ----------, located at ----------
(or give other appropriate general description of substituted service). Any member of the public desiring to protest or support the closing of this station (or the reduction of the hours of service) may communicate in writing with the Federal Communications Commission, Washington 25, D. C., on or before ---------- (fill in date which is 20 days after the date of the first posting of notice.)

(e) Immediately upon the filing of such an application, the applicant shall also cause to be published a notice not less than four (4) column inches in size containing information similar to the notice form specified in (d) above, at least once during each of two consecutive weeks, in some newspaper of general circulation in the community or part of the community affected;

(f) Immediately upon the filing of any application or informal request for authority to discontinue, reduce, or impair service, or any notice of resumption of service, the applicant shall give written notice of the filing, together with a copy of such application to the State Commission of the State in which the station is located.

(g) When the posting, publication, and notification, as required in paragraphs (d) and (e) of this section, have been completed, applicant shall certify

[15] Provided that facilities are maintained at the station for the filing or delivery of messages to public users. When such facilities are not maintained at the station, but are maintained at a nearby public office or offices of the applicant, the notice shall be posted in each such public office.

such fact to the Commission, stating the name of the newspaper in which publication was made, the name of the Commissions notified, and the dates of posting, publication, and notification.

(h) The Commission may authorize temporary or emergency discontinuance, reduction, or impairment of service upon a telegraphic request identifying the station involved and giving the reasons therefor (§ 7.41 (c)): *Provided*, That within 5 days after such telegraphic request the applicant shall file an informal statement in quintuplicate showing:

(1) The nature and estimated duration of the conditions causing the discontinuance, reduction, or impairment;

(2) The facts showing that such conditions could not reasonably have been foreseen by the carrier in sufficient time to prevent such discontinuance, reduction or impairment;

(3) A description of the service involved and the service area affected;

(4) The nature of the service which will be available or substituted;

(5) The effect upon rates to any person in the community;

(6) The efforts made and to be made by the applicant to restore the original service or establish comparable service as expeditiously as possible.

SUBPART C—STATION AUTHORIZATIONS

§ 7.61 *Construction period.* Each radio station construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and installation, and a maximum of eight months thereafter as the time within which construction shall be completed and the installation ready for operation, unless otherwise determined by the Commission in any particular case.

§ 7.62 *Forfeiture of construction permit.* A radio station construction permit shall be automatically forfeited if the construction authorized by such permit is not completed within the time specified therein or within such further time as the Commission may have allowed for completion, unless prevented by causes not under the control of the holder of the construction permit.[1]

§ 7.63 *Changes in licensed station.* (a) A change may be made in licensed transmitting equipment without making application to the Commission and without specific authorization from the Commission: *Provided:*

(1) The change does not result in operation inconsistent with the rules of the Commission nor with the terms of the outstanding authorization for the station involved.

(2) A description of the change is incorporated in the next application for renewal or modification of license.

(b) Prior authorization from the Commission is required[2] before the following antenna changes may be made at any station other than a marine-utility station:

(1) Any change that will increase or decrease by more than five feet the overall height of an antenna used for transmission on any frequency or frequencies above 100 Mc.

(2) Any change that will modify the power gain or radiation pattern of an antenna used for transmission on any frequency or frequencies.

(3) Any change in the antenna or in the location of an antenna which exceeds, or as a result of such change will exceed, 150 feet in height.

(4) Any change in an antenna or in location of an antenna of any height which is, or as a result of such change will be, within 3 miles of a landing area.

(5) Any change in height or location of an antenna or antenna supporting structure which is required to be marked in accordance with Federal Communications Commission or Civil Aeronautics Administration specifications.

(c) Changes, except as designated in paragraph (b) of this section, may be made in the antenna or antenna supporting structure(s) of a licensed station without specific authorization from the Commission, provided that, for stations other than marine-utility stations:

(1) The Commission at Washington, D. C., and the Commission's engineer-in-charge of the inspection district in which the station is located are notified in advance of such changes; and

(2) A description of such changes is incorporated in the next application for renewal or modification of the station license.

§ 7.64 *Equipment and service tests.* (a) Equipment and service tests of any radio transmitting facilities authorized by a construction permit issued by the Commission in respect to a station subject to this Part may be conducted as prescribed in paragraphs (b), (c) and (d) of this section: *Provided*, That necessary precautions are taken to avoid interference to the service of other authorized stations.

(b) Equipment test: Upon completion of construction or installation of radio transmitting facilities in a station in exact accordance with the terms of the related construction permit, the technical provisions of the application therefor, and the rules and regulations governing the class of station concerned, and prior to the filing of an application for license or modification of license, the permittee is authorized to test the equipment in accordance with applicable terms of the construction permit for a period not to exceed 10 days: *Provided*, That the Commission's engineer-in-charge of the radio district in which the station is located is notified two days in advance of the beginning of tests and that the permittee is not notified by the Commission to cancel, suspend, or change the date(s) for such tests.

(c) Service test: When equipment tests have been completed, and after application for station license or modification thereof has been filed with the Commission showing the transmitting equipment and associated apparatus to be in satisfactory operating condition, the permittee is authorized to conduct service tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided*, That the Commission's engineer-in-charge of the radio district in which the station is located is notified two days in advance of the beginning of such tests and that the permittee is not notified by the Commission to cancel, suspend, or change the date(s) for such tests.

(d) Limitations: The authorization for tests embodied in paragraphs (b) and (c) of this section shall not be construed as constituting a license to operate but as a necessary part of the authorized construction. Equipment and service tests shall not commence after the expiration date of the construction permit.

(e) Common carrier service tests: When new stations in common carrier services are ready in all respects to be placed in service, equipment and service tests are authorized to be conducted as outlined in paragraphs (b) and (c) of this section: *Provided*, All necessary precautions are taken to avoid interference to any other authorized station. No service may be furnished to the public during the equipment test period. Charges for service furnished during the service test period may be made, pursuant to the provisions of legally applicable tariffs.[3]

§ 7.65 *Normal license period.* (a) A license for a coast station shall be issued for a period of two years, unless otherwise specified in the license, and shall expire at 3:00 a. m., e. s. t., on the first day of February. Unless otherwise ordered, if an application for a new coast station license is granted to become effective three months or less before the normal expiration date of the term of this class of license, the license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted to become effective more than three months before the expiration date of the current license term, the new license shall be issued for the unexpired period of the current license term only.

(b) A license for any class of station subject to this part, other than a coast station or a developmental station, shall be issued for a period of one year, unless otherwise stated in the license, and shall expire at 3:00 a. m., e. s. t., on the first day of February. Unless otherwise ordered, if an application for a new station license is granted to become effective three months or less before the normal expiration date of the term of this class of license, the new license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted to become effective more than three months before the expiration of the current license term, the license shall be issued for the unexpired period of the current license term only.

(c) A license for a developmental station subject to this Part shall be issued on a temporary basis and shall be valid for a specified period of time extending not more than one year from the date on which the license becomes effective.

§ 7.66 *Period of modified license.* When an application for modification of station license is granted, a superseding license shall, unless otherwise ordered, be issued for the unexpired period of the superseded license.

§ 7.67 *Simultaneous modification and renewal.* When an application is granted which necessitates the issuance of a modified station license less than 60 days prior to the expiration date of the license sought to be modified, and when an application for renewal of said license is granted subsequent or prior thereto, but within 30 days of expiration of the present license, the modified license as well as the renewal license will be issued to conform to the combined action of the Commission.

§ 7.68 *One license for plurality of marine-utility stations.* (a) Unless otherwise determined by the Commission, one station license may be granted to authorize the use and operation of a designated maximum number of marine-utility stations, normally in multiples of ten stations, whenever the following license elements are the same for each station and the requirement specified in paragraph (b) of this section is fulfilled:

(1) The station licensee;

(2) The conditions which establish and maintain control of the station by the station licensee;

(3) The local geographic area to which use of the particular station will be confined;

(4) The type(s) of transmitting equipment to be authorized;

(5) The authorized transmitter power of identical types of transmitting equipment to be authorized;

(6) The frequency assignment, and the authorized transmitter power, and class or classes of emission authorized for each radio-channel.

(b) The transmitting equipment authorized for use by the station license shall not be authorized in any other instrument of authorization issued by the Commission.

§ 7.69 *Transfer or assignment of station authorization.* Section 310 (b) of the Communications Act expressly provides that a station license granted by the Commission, the frequencies authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing.[4]

§ 7.70 *Authorized station location.* (a) Whenever a station (other than a marine-utility station) is to be used and operated, on and after the effective date of the station license, at any single location for a period of less than six months, the station location is construed to be temporary and shall be designated in the station authorization as temporary, together with either a specific temporary location or locations or within a prescribed geographic area, in accordance with information included in the related application for station authorization.

(b) Whenever a station (other than a marine-utility station) is to be used and operated, on and after the effective date of the station license, at a single location for six months or more, the station location is construed to be permanent and the particular location shall be specifically designated in the station authorization.

(c) When a station (other than a marine-utility station) which is authorized to be used and operated at a temporary location or locations remains at any single location for more than six consecutive months, an application for modification of the station license to specify such station location as permanent shall be filed not more than thirty days after the expiration of the six-month period involved.

(d) When a station (other than a marine-utility station), which is authorized to be used and operated at more than one temporary location, is moved from one radio inspection district to another for use and operation in the latter district, the station licensee shall so notify the Commission's engineers-in-charge of the respective districts. Such notification shall, if practicable, be given prior to such change in location but in any event not later than forty-eight hours thereafter.

(e) Prior authorization from the Commission is required before a station may be used and operated at any station location not authorized by either the station authorization or applicable rules and regulations of the Commission.[5]

§ 7.71 *Authorized control point.* (a) Unless otherwise permitted in exceptional cases, each station shall be associated with one or more specific control points which shall be designated in the station license as stated herewith:

(1) When no control point location is designated in an application, the control point shall be not more than 500 feet from the location of the authorized radio transmitting apparatus.

(2) When the control point is at a location more than 500 feet from that of the authorized radio transmitting apparatus, the control point location shall be designated as follows:

(i) In urban areas, the street address shall be specified.

(ii) In rural areas, the approximate location shall be specified in distance and direction from the transmitter in terms of feet and geographical quadrant, respectively; or in distance and direction from the center of a nearby established community in terms of statute miles and geographical quadrant, respectively.

(b) Prior authorization from the Commission is required before a change may be made in the location of an authorized control point or before any control point not authorized by the station license, or by applicable rules and regulations, may be utilized in respect to the particular station.[6]

(c) A dispatch point or points may be installed and used without obtaining any instrument of authorization from the Commission, provided, that in respect to public coast stations using telegraphy and limited coast stations using telegraphy, information relative to the location of each permanently established dispatch point, is submitted by the station licensee to the Commission for record purposes at the earliest practicable date relative to the date such dispatch point(s) is (are) permanently established.

§ 7.72 *Assignment of call signs.* (a) Stations subject to this part shall be assigned call signs in accordance with applicable provisions of the International Radio Regulations and the Communications Act as set forth in the following paragraphs of this section.

(b) Class I and Class II coast stations (public or limited) shall be assigned individual call signs each consisting of three letters, taken from either the group KAA through KZZ or the group WAA through WZZ.

(c) Class III coast stations (public or limited) shall be assigned individual call signs each consisting of three letters followed by three digits.

(d) Each station license issued to authorize the use and operation of one or more marine-utility stations shall designate a single call sign consisting of three letters followed by three digits.

(e) Stations on land in the maritime radiolocation service (including the maritime radionavigation service) shall be assigned individual call signs each consisting of three letters followed by three digits.

(f) Marine fixed stations and marine relay stations shall be assigned individual call signs each consisting of three letters followed by two digits.

(g) Marine control stations and marine repeater stations shall be assigned individual call signs each consisting of three letters followed by two digits.

(h) Marine receiver-test stations shall be assigned individual call signs each consisting of three letters followed by three digits.

(i) Developmental stations shall be assigned call signs of the category assignable under the provisions of this section to the class of station associated with the respective developmental station.

(j) In accordance with the preceding paragraphs of this section, call signs shall be assigned on a strict sequence basis, without advance reservation of particular call signs for specific stations or specific purposes.

§ 7.73 *Operation during emergency.*— (a) The licensee of any station subject to this part may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than

[1] A notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

[2] See § 7.36.

[3] See § 61.62 of Part 61 of the Commission's rules governing the construction, filing, and posting of charges for interstate and foreign communications service.

[4] See § 7.42 in respect to filing related applications.

[5] See §§ 7.32 and 7.34 relative to the filing of pertinent applications.

[6] See § 7.34.

that specified in the instrument of authorization or in the rules and regulations governing the operation of such station: *Provided*, (1) That as soon as possible after the beginning of such emergency use, notice shall be sent to the Commission at Washington 25, D. C., and to the Engineer in Charge of the radio district in which the station is located, stating the nature of the emergency and the emergency use being made of the station; (2) that such emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available; and (3) the Commission and the Engineer in Charge be notified immediately when such special use of the station is terminated: *and provided further*, That, in no event, shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law: *And provided further*, That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

(b) The Commission may authorize the licensee of any radio station, during a period of national emergency, to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy, or Air Force.

§ 7.74 *Involuntary suspension of station operation.* (a) If, for any reason beyond control of the station licensee, a public coast station temporarily reduces its normal scope or hours of service or suspends operation, the station licensee shall immediately notify the Commission at Washington 25, D. C., and the Commission's Engineer in Charge of the radio district in which the station is located. In such cases, the licensee shall furnish full particulars as to the reasons for such discontinuance, reduction or impairment of service, including a statement as to when normal service is expected to be resumed. In the event such action includes reduction or suspension of a watch normally kept on 500 kc or 2182 kc, immediate notification thereof shall be given by the station licensee to the nearest district office of the U. S. Coast Guard and to the Commission's Engineer in Charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of such watch. When normal service is resumed, immediate notification thereof shall be given to the Commisison at Washington 25, D. C., and to the Commission's Engineer in Charge of the radio district in which the station is located. When the watch to which reference is made herein is resumed, immediate notification thereof shall be given to the Coast Guard and to the Commission's Engineer in Charge.

(b) Notification need not be given with respect to involuntary reduction or suspension of the normal service of a limited coast station (provided a watch normally kept by such station on 500 kc or 2182 kc is not reduced or suspended thereby) or of any other station subject to this Part except public coast stations until such reduction or suspension exceeds 10 days in duration, whereupon a notification thereof shall be given to the Commission's Engineer in Charge of the radio district in which the station is located, together with notification of the known or estimated time of resumption of normal operation. In the event any reduction or suspension of the service of a limited coast station causes a reduction or suspension of a watch normally kept on 500 kc or 2182 kc, immediate notification thereof shall be given by the station licensee to the nearest district office of the U. S. Coast Guard and to the Commission's Engineer in Charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of such watch.

§ 7.75 *Voluntary suspension or discontinuance of station operation.* (a) The licensee of a public coast station shall not voluntarily discontinue, reduce, or impair service to a community or part of a community unless and until there shall first have been obtained from the Commission a certificate that neither the present nor future public convenience or necessity will be adversely affected thereby. Such certificate may be granted upon application for such authority in accordance with the provisions of section 214 of the Communications Act and the provisions of § 7.46.

(b) When any station subject to this part discontinues or suspends operation for any reason within control of the station licensee, for a period exceeding 10 days, notification thereof shall also be given to the Commission's Engineer in Charge of the radio district in which the station is located, together, in the case of suspension, with a statement of the estimated or known time of resumption of normal operation. In the event any voluntary suspension, reduction, or discontinuance of operation includes discontinuance, reduction, or suspension of a watch normally kept by a coast station on 500 kc or 2182 kc, immediate notification thereof shall be given by the station licensee to the nearest district office of the U. S. Coast Guard and to the Commission's Engineer in Charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of any such watch that has been suspended.

SUBPART D—GENERAL STATION REQUIREMENTS

§ 7.101 *Inspection of stations.* Pursuant to section 303 (n) of the Communications Act, all stations subject to this part and all station records required by this part shall be available for inspection by authorized representatives of the Commission upon due notice given to the station licensee or his agent at such times and intervals which, within the discretion of the Commission, are considered reasonable and necessary to assure compliance with applicable rules, regulations, laws, treaties and international agreements.

§ 7.102 *Posting of station license.* (a) The current station authorization for each station (other than a marine-utility station) subject to this part, which is authorized for use and operation at a permanent location,[1] or at a single temporary location,[1] shall be posted in a conspicuous place at the principal control point of that station. At all other control points designated on the station authorization, a photocopy of the authorization shall be posted. In addition, a transmitter Identification Card (FCC Form 452–C), properly executed, shall be affixed to each transmitter of such station when such transmitter is not in view of, and readily accessible to, the responsible operator at the principal control position. The following information shall be entered on the Transmitter Identification Card by the permittee or station licensee:

(1) Name of permittee or licensee;

(2) Station call sign assigned by the Commission;

(3) Exact location or locations of the actual station authorization and any station records required by the Commission;

(4) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and

(5) Signature of the permittee or licensee, or his duly authorized agent.

(b) The current station authorization for a single marine-utility station and for each single station of any other class subject to this Part, which is of portable nature and is authorized for use and operation at two or more temporary locations, shall be posted either at the control point of the station or retained in an envelope or other suitable container affixed to the transmitting apparatus, either inside or outside of any cabinet or other structure in which the transmitting apparatus is contained.

(c) With respect to a plurality of marine-utility stations authorized by one station license in accordance with the provisions of § 7.68, the station license shall be retained by the licensee at any location where it is accessible to Commission inspection. In lieu of posting the license, a Transmitter Identification Card (FCC Form No. 452-c Revised) properly executed shall be affixed to each authorized transmitter, provided that where the transmitting equipment (such as may be installed in a land vehicle) is not visible from the operating position or is not readily accessible for governmental inspection, the Transmitter Identification Card shall be affixed to the Control apparatus at the station operating position. The following information shall be entered on the Transmitter Identification Card by the station licensee:

(1) Name of station licensee;

(2) Station call sign assigned by the Commission;

(3) Exact location or locations of the actual station license and any station records required by the Commission;

(4) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and

(5) Signature of the licensee, or his duly authorized agent.

[1] See §§ 7.34 and 7.70.

§ 7.103 *Requirements concerning station location.* (a) Unless otherwise required by exceptional conditions, the radio transmitting and receiving apparatus of each Class I public coast station first authorized by the Commission subsequent to January 1, 1951, shall, when such apparatus is to be used and operated on any frequency assignment below 5000 kc, be located within five statute miles of the open sea.

(b) Unless otherwise required by exceptional conditions, the radio transmitting and receiving apparatus of each Class II public coast station first authorized by the Commission subsequent to January 1, 1951, shall be installed at a location which, according to generally established engineering principles and standards, should result in minimum attenuation of emission, in so far as such attenuation is caused by land intervening between that location and the majority of ship stations with which communication is to be effected.

(c) Unless otherwise required by exceptional conditions, the radio transmitting and receiving apparatus of each Class III public coast station first authorized by the Commission subsequent to January 1, 1951, shall be centrally located, in so far as is practicable, in relation to the center of the geographic water area to which ship-shore communication is to be provided by the particular coast station, as specified in the related application for construction permit.

(d) Applicants for construction permits to establish coast stations for transmission on any frequency assignment(s) within the frequency band 156.35 Mc to 162.05 Mc shall cooperate in the selection of sites for radio transmitting facilities so as to minimize interferences (such, for example, as may be caused by intermodulation) to the service of other coast stations, base stations of any land mobile service, and United States government stations.

§ 7.104 *Facilities required for public coast stations.* (a) As a minimum, public coast stations using telegraphy shall be provided with the facilities designated herewith:

(1) Stations having a frequency assignment within the band 365 to 515 kc shall—

(i) be equipped to transmit efficiently with Classes A1 and A2 emission on the general maritime calling frequency (500 kc assigned frequency) and on at least one additional radio channel authorized for working within the band 365 to 515 kc;

(ii) be equipped to receive efficiently classes A1 and A2 emission on all radio-channels authorized for the maritime mobile service of telegraphy within the frequency band 365 to 515 kc.

(2) Stations having a frequency assignment below 150 kc shall—

(i) be equipped to transmit efficiently with class A1 emission on the calling frequency designated for the maritime service in this portion of the spectrum (assigned frequency 143 kc) and on at least one additional radio-channel authorized for working within the band 100 to 150 kc;

(ii) be equipped to receive efficiently class A1 emission on all radio channels authorized for transmission by mobile stations operating in the maritime mobile service of telegraphy within the band 100 to 150 kc.

(3) Stations having a frequency assignment above 4000 kc shall—

(i) be equipped to receive efficiently on each assigned frequency designated in this part for radiotelegraphy, which is in the same characteristic portion of the spectrum as is each frequency assignment above 4000 kc of the particular coast station.

(b) As a minimum, public coast stations using telephony shall be provided with the facilities designated herewith:

(1) Each coast station using telephony on frequencies within the band 1600 kc to 4000 kc shall be capable of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) with an antenna power of not less than 100 watts on the radio-channel of which 2182 kc is the authorized carrier frequency; provided that with respect to such stations outside the Great Lakes area, this requirement shall be effective on and after January 1, 1953.

(2) Effective on and after January 1, 1952, each coast station which is licensed to transmit by telephony on any radio-channel for working within the frequency band 156.35 Mc to 162.05 Mc, shall be capable of transmitting and receiving (and shall be licensed to transmit) class F3 emission on the radio-channel of which the authorized carrier frequency is 156.8 Mc.

(c) All coast stations shall comply with the following requirements:

(1) Each coast station which is licensed to transmit on the radio-channel of which 2182 kc is the authorized carrier frequency, shall be capable of efficiently receiving telephony (A3 emission) on this channel, and shall be capable also of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on at least one other radio-channel authorized for working with ship stations in the band 2000 to 3500 kc.

(2) Each coast station which is licensed to transmit on the radio-channel of which 156.8 Mc is the authorized carrier frequency, shall be capable of efficiently receiving telephony F3 emission on this channel, and shall be capable also of transmitting and receiving (and shall be licensed to transmit) class F3 emission (modulation by voice frequencies) on at least one other radio-channel authorized for working with ship stations in the band 156.35 Mc to 162.05 Mc.

(3) Marine utility stations used on shore shall comply with the requirement of subparagraph (2) of this paragraph.

§ 7.105 *Special provisions relative to VHF facilities.* (a) Coast stations at locations separated by less than 150 statute miles, which transmit on a radio-channel above 100 Mc, shall minimize any interference between the particular stations using the same radio-channel above 100 Mc by a mutually agreeable time-sharing arrangement, subject to direction by the Commission if agreement cannot be attained by the involved station licensees. In addition, where practicable, such licensees shall use directive antennas to minimize interference between the particular stations.

(b) Coast stations at locations separated 150 statute miles or more, which transmit on a radio-channel above 100 Mc, shall minimize interference between the particular stations using the same radio-channel above 100 Mc in so far as is practicable by adjustment of radiated power (provided the authorized transmitter power is not exceeded), by adjustment of the antenna height (within the physical limitations approved by the Commission with respect to air navigation), or by employing appropriate antenna directivity. Appropriate remedial action in this respect may be specifically required of particular station licensees when, in the discretion of the Commission, such requirement must be imposed by a specific directive.

(c) Coast stations which transmit on a radio-channel above 100 Mc and are located within interference range on such channel of any station within a foreign country bordering on the United States, shall take such measures of the nature prescribed in paragraphs (a) and (b) of this section as may be practicable and appropriate to minimize interference to the involved foreign station(s), and shall keep the Commission fully informed of all pertinent developments.

§ 7.106 *Operating controls.* (a) The transmitting apparatus of stations subject to this part shall be installed and protected so as to be not accessible to other than duly authorized persons.

(b) Effective on and after January 1, 1952, such operating controls as necessarily are used for commencing and discontinuing normal operation of each coast station, such operating controls as necessarily are used for normally changing from each operating radio-channel to any other associated operating radio-channel in the same characteristic portion of the spectrum, and such operating controls as necessarily are used for normally changing from transmission to reception and vice-versa, shall be available at the principal operating location of the station and shall be readily accessible to the authorized operator. This requirement, however, need not be met by equipment intended for use only in emergencies and not used for normal communications.

(c) Effective on and after January 1, 1952, every coast station using telegraphy shall, when an authorized operator is present at the principal operating location, be capable of change-over from telegraph transmission to telegraph reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time.

(d) Effective on and after January 1, 1952, every coast station using telephony shall, when an authorized operator is present at the principal operating location, be capable of change-over from

telephone transmission to telephone reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time.

(e) Effective on and after January 1, 1952, every coast station shall, during its hours of service and when the authorized operator is present at the principal operating location, be capable of—

(1) Commencing operation within one minute after the need to do so occurs;

(2) Discontinuing all emission within five seconds after emission is no longer required or after the necessity arises for emission to cease.

(f) Effective on and after January 1, 1953, every coast station using a multichannel installation for telegraphy shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio-channel for telegraphy to any other operating radio-channel for telegraphy within—

(1) A period of five seconds if the particular radio-channels are within the same characteristic portion of the spectrum; or

(2) A period of fifteen seconds if the particular radio-channels are not within the same characteristic portion of the spectrum;

(3) *Provided, however,* That this requirement need not be met by equipment intended for use only in emergencies and not used for normal communication.

(g) Effective on and after the dates hereinafter designated in this paragraph, every coast station using a multi-channel installation for telephony shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from one operating radio-channel for telephony to another operating radio-channel for telephony within—

(1) A period of five seconds, when changing from the calling channel to a working channel and vice-versa within the frequency band 1600 kc to 4000 kc; effective on and after January 1, 1953; or

(2) A period of three seconds, when changing from the calling channel to a working channel and vice-versa within the frequency band 156 Mc to 162 Mc; effective on and after January 1, 1952.

(h) Whenever the same radio-channel is used for radiotelephone transmission and reception, means shall be provided so that transmission of the carrier wave may be either automatically "voice-controlled" or controlled manually by the person whose speech is being transmitted.

(i) Effective on and after January 1, 1952, each coast station located at a municipal harbor or port and using telegraphy on frequencies within the band 365 kc to 515 kc for communication with ship stations within 10 statute miles of the coast station transmitting location (except stations which are not capable of providing a plate input power in excess of 150 watts) must be provided with a device or arrangement readily permitting the use of a plate input power for telegraphy which is not in excess of 100 watts.

§ 7.107 *Antenna requirements.* (a) The antenna(s) of each public coast station shall, in so far as is practicable in each case, have electrical characteristics that will, in conjunction with the particular transmitting apparatus employed, assure maximum attainable efficiency in the conversion of antenna power to radiated power.

(b) All emission of a coast station (public or limited) or a marine-utility station operated on shore, using telephony on any frequency assignment within the frequency band 30 Mc. to 200 Mc. normally shall be polarized vertically at the source: *Provided,* The Commission may authorize the use of any other form of polarization in addition to or in lieu of vertical polarization if the applicant or station licensee makes a satisfactory showing that such authorization is necessary for effective communication or reduction of interference and would be beneficial to reception of the emission by mobile stations.

(c) The licensee of any coast station shall operate the station so as to provide a specified field strength pattern with respect to transmission and reception of signals if and when directed to do so by the Commission. For the purpose of determining the need for a particular field strength pattern, the Commission may require the licensee, prior to renewal of the station license, to conduct an appropriate field strength survey and to file the resultant data as part of the application for renewal of license.

§ 7.108 *Adjustment of equipment.* The transmitting equipment of each station subject to this part shall be operated, tuned, and adjusted so that there will be no radiation of emissions outside the authorized frequency band that interferes with the service of any other station. Any spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at the lowest practicable level.

§ 7.109 *Measurement of emission frequencies.*—(a) The licensee of each station subject to this part shall be responsible [2] for measurement of each carrier frequency in use by the station as stipulated in the following subsections of this section: *Provided,* That when a carrier does not exist (except for radar transmitters) [2] measurement shall be made of the frequency coinciding with the center frequency of the emission bandwidth, in lieu of measurement of the carrier frequency.

(b) Measurement of the carrier frequency shall occur during normal operating conditions, including with and without the application of amplitude modulation if such modulation is employed. In the case of a station using frequency modulation, measurement of the carrier frequency shall be made while modulation is not applied.

[2] The licensee of a station on land using a radar transmitter shall take the necessary measures to insure that the transmitter operates within the emission limits specified in § 7.133.

(c) Measurement of the carrier frequency shall be made by means independent of the carrier frequency determining elements of the transmitting apparatus, and the measuring equipment, shall be capable of revealing deviation in cycles per second from the authorized carrier frequency or the assigned frequency of the station with an accuracy of one-half the frequency tolerance authorized by the Commission.

(d) Measurement of the carrier frequency shall, as a minimum requirement, be made at the following times:

(1) When the involved transmitting apparatus is placed in service both initially and on each occasion after it has been removed (other than marine-utility stations and stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the frequency of the carrier (including marine-utility stations and stations of portable nature).

(3) As soon as is practicable after the licensee receives an official notice from the Commission that the carrier frequency or the frequency coinciding with the center of the emission band-width has been observed by the Commission to be beyond the frequency tolerance.

(e) Each frequency measurement performed in order to comply with the provisions of this section shall be recorded in the official records of the station. In each instance of measurement the record shall show the location of the transmitter, the location of the measuring equipment, the identity of the transmitter involved, the time and date of measurement, the indicated deviation in cycles per second above or below the authorized carrier frequency or (when a carrier does not exist) above or below the assigned frequency (or other appropriate data in respect to measurement of the frequencies of emission of a radar transmitter) and the signature of the person(s) who made the measurement, together with the name of any measurement service with whom such person(s) may be associated for this purpose. Each original record of measurement shall, wherever practicable, be continuously retained at the particular station until after the date of expiration or cancellation of the current station license, and shall be made available to the Commission upon request or during inspection of the station by an official representative of the Commission. When such retention of these records at the station is deemed by the licensee to be impracticable (such as may be the situation in respect to marine-utility stations and stations of portable nature) the original records shall be retained under jurisdiction of the station licensee at any location in the United States where they can be made readily available for inspection upon request by the Commission or an official representative thereof.

(f) Measurement of frequency required by the provisions of this section may, at the option of the station licensee, be made by any qualified engineering measurement service: *Provided,* That nothing contained in this paragraph shall be construed to change or diminish in any respect the responsibility of the station licensee for proper functioning and operation of the station in accordance with law.

§ 7.110 *Measurement of transmitter power.* (a) The actual power of each radio transmitter of a coast or fixed station, subject to this part, shall be maintained within the following tolerance of the specific power authorized for that transmitter by the Commission:

(1) When the maximum operating power only is indicated, the actual power shall, insofar as is practicable, not be more than that necessary to carry on the service for which the station is licensed and in no event more than 5 percent above the maximum power authorized;

(2) When the exact authorized power is indicated, the actual power shall, at all times, be within the limits of 105 percent and 90 percent of the authorized power.

(b) For the purpose of assuring adherence to the requirement of paragraph (a) of this section, each radio transmitter rated by the manufacturer as being capable of a plate input power in excess of 200 watts or an antenna power in excess of 100 watts and initially placed in service after July 1, 1951, in a coast or fixed station, subject to this Part, shall be fitted with the instrument(s) necessary to indicate the actual plate input power to the transmitter whenever the latter is in use: *Provided,* That on and after January 1, 1956, this requirement shall apply to all such transmitters (including stations of portable nature) rated by the manufacturer with respect to power as set forth in this paragraph.

(c) When the power of a transmitter in a coast or fixed station, subject to this part, as rated by the manufacturer, is capable of being more than 105 percent of the authorized power, the station licensee, effective on and after July 1, 1951, shall employ an approved procedure to determine that the actual power does not exceed the authorized power. This determination shall be made and the result thereof entered in the licensee's records (which shall be made available to the Commission or an official representative thereof, upon request) as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (other than marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation;

(2) As soon as practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the actual power (including marine-utility stations and stations of portable nature);

(3) When required by an official representative of the Commission on the basis that the actual power appears, from an official inspection of the station, to exceed the authorized power.

§ 7.111 *Modulation adjustments for telephony.* (a) Coast stations, fixed stations, and marine-utility stations subject to this Part and using Class A3 emission for telephony shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent. In so far as is practicable, the AM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces peak modulation percentages within these limits.

(b) Coast stations, fixed stations and marine-utility stations subject to this part using class F3 emission for telephony shall be capable of proper technical operation with peak modulation percentage as high as is practicable in reference to the frequency swing normally regarded as 100 per modulation. In general, the FM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces, on this basis, peak modulation percentages between 75 and 100 percent.

(c) The adjustments required by paragraphs (a) and (b) of this section shall be made and recorded in the licensee's records as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (except for marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the percentage modulation (including marine-utility stations and other stations of portable nature).

(3) When required by the Commission on the basis that the percentage modulation observed during an official inspection of the station by an official representative of the Commission appears to not comply with the requirement of paragraph (a) or (b) of this section.

§ 7.112 *General requirements for receiving apparatus.* (a) The radio equipment of each coast station, or marine-utility station, using telegraphy or telephony, must be capable of permitting the reception of the class or classes of emission on the frequency or frequencies, normally received for the service carried on. The technical arrangement of the station apparatus shall be such that the necessary reception of emissions can be readily effected prior to the transmission of any signals or communications by the coast or marine-utility station on the associated transmitting frequency.

§ 7.113 *Facilities for busy signal in telephony.* (a) A "busy" signal, when used by a coast station in accordance with the provisions of paragraph (e) of § 7.312 may be transmitted by appropriately modulating the carrier wave of the station by means of a single audio frequency (sine wave) regularly interrupted, as follows:

1. Modulating frequency: 1000 cycles per second.
2. Rate of interruption: 60 times per minute.
3. Duration of each interruption: 0.5 second.
4. Tolerance for each of the factors 1, 2, 3: 5.0 percent.

(b) As an alternative to the technical factors set forth in paragraph (a) of this section, other appropriate technical factors may be authorized by the Commission for the purpose of a "busy" signal pursuant to paragraph (e) of § 7.312.

§ 7.114 *Required coast station clock.* (a) A reliable clock with a second hand shall be installed at the radio operating control point of each coast station licensed for telegraphy on frequencies below 515 kilocycles. This clock shall be mounted in a position that will allow the divisions between minutes to be easily and accurately read by the operator from his normal operating position. In each coast station licensed to transmit on 500 kilocycles, the required clock shall be provided with a sweep second hand and shall be mounted in a position that will allow the second dial to be easily and accurately read by the operator from his normal operating position.

(b) On each day the coast station is operated, the time indicated by this clock shall be compared with standard time and if a deviation is observed, the clock shall be adjusted to accurately coincide with standard time: *Provided,* That this requirement shall not preclude adjustment of this clock to Greenwich mean time pursuant to the International Radio Regulations.

§ 7.115 *Retention and availability of radio station logs.*[4] (a) All station logs which are required under those provisions of this Part pertaining to the particular classes of stations subject to this Part shall be retained by the licensee for a period of one year from date of entry and for such additional periods as required by the following subparagraphs:

(1) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry;

(2) Station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them.

(3) Station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

(b) Station logs shall be made available to an authorized representative of the Commission (including any engineers of the Commission's Field Engineering and Monitoring Division) upon request.

[4] See Parts 45 and 46 of the Commission's rules concerning preservation of records of common carriers.

§ 7.116 *Requirements as to control points.* At each control point of each coast or fixed station subject to this part the following facilities shall be provided:

(1) A carrier-operated device which will provide continuous visual indication whenever the transmitting apparatus is supplying power at radio-frequency to the antenna; or, in lieu thereof, a pilot lamp or meter or equivalent device which will provide continuous visual indication whenever the transmitter control circuits have been placed in a condition to actuate the radio transmitting apparatus: *Provided, however,* That the provisions of this subsection shall not apply to marine-utility stations.

(2) Equipment to permit the responsible operator to aurally monitor all transmissions originating at dispatch points under such operator's supervision, if dispatch points are utilized.

(3) Facilities which will readily permit the responsible operator either to disconnect the dispatch point circuits from the radio transmitting apparatus or to render such apparatus inoperative from any dispatch point under the supervision of such operator; and

(4) Facilities which will permit the responsible operator to energize and de-energize the radio transmitting equipment at will.

SUBPART E.—STANDARD TECHINAL REQUIREMENTS

§ 7.131 *Authorized frequency tolerance.* (a) Unless the particular instrument of authorization specifically provides otherwise, the frequency tolerances[1] authorized for stations on land in the maritime services subject to this part shall be as prescribed in the following paragraphs.

(b) Authorized frequency tolerances for coast stations operating on frequencies below 515 kc or within the frequency-band 1,600 kc to 25,000 kc:

Frequency ranges	Applicable until Jan. 1, 1953, to transmitters installed before Jan. 1, 1950	Applicable to transmitters installed after Jan. 1, 1950, and to all transmitters after Jan. 1, 1953
	Percent	*Percent*
(1) From 14 to 515 kc	0.1	0.02
(2) From 1,600 to 25,000 kc	0.02	0.005

(c) Authorized frequency tolerances for coast stations operating on frequencies above 30 Mc and for marine-utility stations:

	Percent
(1) From 30 to 100 Mc:	
For stations licensed to operate with a plate input power not in excess of 3 watts	0.02
For all other stations	.01
(2) From 100 to 200 Mc:	
For stations licensed to operate with a plate input power not in excess of 3 watts	.01
For all other stations	.005

[1] Frequency tolerance is defined by § 7.8 (m).

(d) Authorized frequency tolerances for fixed stations operating in the maritime fixed services:

Frequency range	Applicable until Jan. 1, 1953, to transmitters installed before Jan. 1, 1950	Applicable to transmitters installed after Jan. 1, 1950 and to all transmitters after Jan. 1953
	Percent	*Percent*
(1) From 2100 to 2210 kc; Marine fixed stations and marine receiver-test stations.	0.01	0.005
		Percent
(2) From 72 to 76 Mc: Marine control, marine repeater, and marine relay stations		0.005
(3) From 100 to 200 Mc: Marine receiver-test stations		.005

(e) The frequency tolerance authorized for stations on land operating in the maritime radiolocation service shall be:

(1) When using radar transmitter (s) only, within a frequency band above 2400 Mc, the frequency tolerance is prescribed as follows: The frequency at which maximum emission occurs shall be within the authorized frequency-band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the authorized frequency-band, where "T" is the pulse duration in microseconds.

(2) For other stations on land operating in the maritime radiolocation service the authorized frequency tolerance shall be specified in the instrument of authorization issued in behalf of each station.

§ 7.132 *Authorized classes of emission.* (a) When the class of emission is specifically designated in the instrument of authorization, stations on land in the maritime services subject to this Part shall use emission in conformity with the terms of that document. Otherwise, such stations are authorized to employ classes of emission as follows:

Frequency-band and classes of emission authorized

(1) Coast stations using telegraphy:	
14 to 160 kc	A1, and for brief testing AO;
160 to 515 kc	A1, A2,[1] A2a,[1] A2b,[1] and for brief testing AO;
2,200 kc to 25,000 kc	A1, A2,[1] A2a,[1] A2b,[1] and for brief testing AO;
(2) Coast stations and marine-utility stations using telephony:	
1600 kc to 30 Mc	A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing AO;
30 Mc to 50 Mc	A3, A3a, A3b, F3; and for brief operating signals A1, A2, A2a, A2b, F1, F2; also for brief testing AO, FO;
156.35 Mc to 162.05 Mc	F3; and for brief operating signals F1 and F2; also for brief testing FO;
For other frequencies or frequency-bands.	As designated in the station authorizations.
(3) Marine-fixed stations:	
2100 kc to 2210 kc	A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing AO.
Marine receiver-test stations:	
2100 kc to 2210 kc	Primarily A3, A3a, A3b; secondarily for test calling signals; AO, A1, A2, A2a, A2b;
156.25 Mc to 157 Mc	Primarily F3; secondarily for test calling signals; FO, F1, F2.
Marine control, marine repeater and marine relay stations:	
72 Mc to 76 Mc	A1, A2, A2a, A2b, A3, F1, F2, F3; and for brief testing AO, FO.
(4) Stations using radar transmitters only:	
Above 2400 Mc	FO.

[1] Permissible by keying the modulated emission. Keying the modulating audio frequency only, without interruption of the carrier wave, is not permissible. The use of any audio frequency pulse device such as a so-called "chopper" is prohibited. The use of these classes of emission on frequencies between 4,000 kc and 23,000 kc, except for stations of survival craft and for special purposes, will be prohibited when Article 33 of the International Radio Regulations of Atlantic City, 1947, becomes effective.

Stations of any category not designated in subparagraph (1), (2), (3) and (4) of this paragraph shall use the class or classes of emission specified in the particular station authorization.

(b) Classes of emission not authorized in paragraph (a) of this section may be authorized by the Commission in special circumstances, subsequent to a satisfactory showing by the applicant of a need therefor and provided harmful interference will not result from the use thereof. Each application requesting such special authorization shall fully describe the emission described to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission is required.[2]

§ 7.133 *Authorized emission-bandwidth.*[3] (a) When the authorized emission-bandwidth is specifically designated in the instrument of authorization, stations on land in the maritime services subject to this part shall use emission-bandwidth(s) in conformity with the terms of that document. Otherwise, such stations shall use emission-bandwidths not exceeding those set forth in this section for the respective classes of emission authorized in § 7.132.

[2] For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2 of the Commission's rules.

[3] For definition of the term "emission-bandwidth", see paragraph (g) of § 7.8.

(b) The authorized emission-bandwidths hereinafter designated are established in relation to the operational factors set forth in the following subsubparagraphs:

(1) Class A0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally an amplitude-modulated wave;

(2) Class A1 emission means a carrier wave (without the use of modulating audio frequency) keyed normally for telegraphy so as to transmit intelligence in the International Morse code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(3) Class A2 emission means a carrier wave amplitude-modulated at audio frequency not exceeding 1,250 cycles per second, the modulated carrier wave being keyed normally for telegraphy so as to transmit intelligence in the International Morse code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters. (The authorized emission-bandwidths for classes A2, A2a, and A2b emission are designated hereinafter on this basis);

(4) Class A3 emission means a carrier wave amplitude-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed. (The authorized emission-bandwidths for classes A3, A3a, and A3b emission are designated hereinafter on this basis);

(5) Class F0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally a frequency-modulated wave;

(6) Class F1 emission means a continuous wave (without the use of modulating audio frequency), the frequency of which is alternately shifted between the normal value and another specific value, by keying normally for telegraphy, so as to transmit intelligence in the International Morse code. The authorized bandwidth for class F1 emission is designated hereinafter on the basis of the bandwidth authorized for class F2 emission;

(7) Class F2 emission means a continuous wave frequency-modulated at such audio frequency and with such deviation ratio as to not exceed the authorized emission-bandwidth, the modulating frequency being keyed normally for telegraphy so as to transmit intelligence in the International Morse code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters.

(8) Class F3 emission means a continuous wave frequency-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed, with a deviation ratio of any value necesary for effective communication, provided the resulting emission shall not exceed the authorized emission-bandwidth.

(9) The keying of a carrier wave or the amplitude modulation of a carrier wave by means of audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective signalling code intended to actuate a selective-calling device, shall be construed as class A1 emission or class A2, A2a, or A2b emission, respectively, within the limits of the respective authorized emission bandwidths hereinafter set forth; provided that for class A2, A2a, or A2b emission, the frequency of modulation does not exceed 1300 cycles per second on radio-channels authorized for telegraphy, nor 3000 cycles per second on radio-channels authorized for telephony.

(10) The frequency-shift keying of a carrier wave or the frequency-modulation of a carrier wave at audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective signalling code intended to actuate a selective-calling device, shall be construed as class F1 emission or class F2 emission respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth; provided the frequency deviation used, and in the case of class F2 emission the modulating frequency or frequencies used, is (are) such that the emission in fact does not exceed the respective authorized emission-bandwidth.

(11) Class P0 emission means pulse transmission with the absence of any modulation intended to carry information, as used by ship radar stations licensed by the Commission.

(c) (1) The authorized emission-bandwidths for the classes of emission authorized in § 7.132 shall be as follows:

Class of emission	Emission designator	Emission-bandwidth authorized for transmission of intelligence [1]
A0	None	None.
A1	0.15, A1	150 cycles per second.
A2	2.7, A2	2,700 cycles per second.
A2a	1.35, A2a	1,350 cycles per second.
A2b	2.7, A2b	2,700 cycles per second.
A3	8, A3	8,000 cycles per second.
A3a	4, A3a	4,000 cycles per second.
A3b	8, A3b	8,000 cycles per second.
FO	None	None.
F1:		
For 35 Mc to 76 Mc	36, F3	36,000 cycles per second.
For 156.35 Mc to 162.05 Mc	42, F3	42,000 cycles per second.
F2:		
For 35 Mc to 76 Mc	36, F3	36,000 cycles per second.
For 156.35 Mc to 162.05 Mc	42, F3	42,000 cycles per second.
F3:		
For 35 Mc to 76 Mc	36, F3	36,000 cycles per second.
For 156.35 Mc to 162.05 Mc	42, F3	42,000 cycles per second.
PO	Variable, according to the authorized frequency band.	The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the authorized frequency band, where "T" is the pulse duration in microseconds.

[1] This bandwidth does not take into consideration the effect of modulation caused by any alternating component(s) of electron-tube grid, anode, or cathode electric power supplies, which modulation is not intended to convey intelligence.

(2) With reference to the "emission designator" expressed in subparagraph (1) of this paragraph when the authorized class of emission is specifically designated in the station authorization and is prefixed by a numeral, that numeral specifies the authorized emission-bandwidth in kilocycles per second to be occupied by that class of emission in accordance with all other terms and conditions of the station authorization.

(3) In the actual operation of a station on land subject to this part unless otherwise provided by the station authorization,

(i) When a carrier is present, the frequency coinciding with the center of the frequency-band occupied by the emission-bandwidth shall, when class A2, A2b, A3, F2, or F3 emission is being used, be the same as the carrier frequency;

(ii) When a carrier is not present, the frequency-band occupied by the emission-bandwidth shall be within the authorized frequency-band.

(d) Bandwidths in excess of those set forth in paragraph (c) of this section or emission-bandwidths for other classes of emission may be authorized and set forth in the instrument of authorization if approved by the Commission subsequent to a satisfactory showing by the applicant of need therefor. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission-bandwidth is required.

§ 7.134 *Authorized transmitter power.* (a) Stations on land subject to this part may use such antenna power as is necessary to carry on the service for which the station is licensed, on condition that the maximum authorized transmitter power shall not be exceeded. Unless the station authorization specifically provides otherwise, the maximum authorized transmitter power (as defined in paragraph (kk) of § 7.8) shall not exceed the particular power set forth in the following subsections which is applicable under the controlling factors designated therein in direct relation to that power.

(b) For coast stations using telegraphy on frequencies below 25,000 kc, the maximum authorized transmitter power shall be:

Maximum authorized transmitter power (with or without modulation)

Frequency-band in which transmission occurs:	*Kilowatts*
70 kc to 150 kc	80
150 kc to 515 kc	20
4,000 kc to 25,000 kc	80

(c) For coast stations using telephony on frequencies below 25,000 kc, the maximum authorized transmitter power shall be:

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter power (when no modulation is present) frequency band in which transmission occurs					
	2,000–4,000 kc.		4,000–5,000 kc.		5,000–25,000 kc.	
	Day	Night	Class I station	Class II station	Class I station	Class II station
Class C—plate or plate and screen-grid modulated	*Watts* 1,500	*Watts* 700	*Kilowatts* 70	*Watts* 1,500	*Kilowatts* 70	*Watts* 1,500
Class C—control, screen, or suppressor-grid modulated	3,000	1,400	140	3,000	140	3,000
Class C—cathode modulated	2,400	1,120	112	2,400	112	2,400
Class B—linear	3,000	1,400	140	3,000	140	3,000
Class BC—high efficiency	1,800	840	84	1,800	84	1,800
Other classes	As specified in the station authorization					

(d) For coast stations and marine-utility stations using telephony on any frequency assignment within the frequency-band 35 Mc to 44 Mc and employing amplitude modulation (AM): the maximum authorized transmitter power shall be:

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter power (when no modulation is present)	
	Coast stations	Marine-utility stations
	Watts	*Watts*
Class C—plate, or plate and screen-grid modulated	100	10
Class C—control, screen, or suppressor-grid modulated	200	20
Class C—cathode modulated	160	16
Class B—linear	200	20
Class BC—high efficiency	120	12
Other classes	As specified in the station authorization	

(e) For coast stations and marine-utility stations using telephony on any frequency assignment within one or more of the following frequency-bands, and employing frequency modulation (FM), the maximum authorized transmitter power shall be:

Frequency band in which operation occurs	Maximum authorized transmitter power (without reference to modulation)		
	Public coast stations	Limited coast stations	Marine-utility stations
	Watts	*Watts*	*Watts*
35 Mc to 44 Mc	100	100	10
156.25 Mc to 157.05 Mc	250	100	10
161.85 Mc to 162.05 Mc	1,000		

(f) For stations in the maritime fixed services, the maximum authorized power shall be as prescribed herewith:

Frequency band in which operation occurs	Maximum authorized transmitter power (when no modulation is present)
Marine fixed stations and marine receiver-test stations using telephony (amplitude modulation):	
2100 kc to 2210 kc.:	
Class C—plate, or plate and screen-grid modulated	150 watts.
Class C—control, screen, or suppressor-grid modulated	300 watts.
Class C—cathode modulated	240 watts.
Class B—linear	300 watts.
Class BC—high efficiency	180 watts.
Other classes	As specified in authorization.
Marine receiver-test stations using telephony (frequency modulation):	
156.35 Mc to 157.45 Mc	100 watts.

(g) For marine control, marine repeater, and marine relay stations operating within the frequency band 72 to 75 Mc, and for other classes of stations subject to this part operating on frequencies above 162.05 Mc, the authorized transmitter power shall be specified in the respective station authorization.

(h) (1) For the purpose of assuring adherence to the requirements of this section, the authorized transmitter power, with reference to paragraphs (hh) and (kk) of § 7.8, shall be computed for electron-tube transmitters by the method set forth in the following subparagraphs.

(2) The authorized transmitter power shall be the sum of the products obtained by multiplying the effective anode (plate) voltage, applied to each electron tube of the last radio stage supplying radio-frequency power to the antenna, by the effective anode (plate) current flowing through each such tube, or shall be the sum of the actual powers supplied to each such tube.

(3) Measurement of the effective anode (plate) voltage shall be accomplished by means of a direct-current type voltmeter (as applicable) or an alternating-current type voltmeter of proper frequency range (as applicable), each such instrument being of standard accuracy and reliability. Where the same voltage is applied to more than one electron tube, measurement of this voltage shall be regarded as measurement of the voltage applied to each individual electron tube of that particular group.

(4) Measurement of the effective anode (plate) current shall be accomplished by means of a direct-current (d'Arsenval galvanometer movement) type ammeter of standard accuracy and reliability. Where the anode (plate) current through more than one electron tube flows through a common point in the electrical circuit, measurement of the current at this point shall be regarded as measurement of the total effective anode (plate) current flowing through all electron tubes of that particular group.

(5) Measurement of the actual power in watts supplied to the anode (plate) circuit of one or more electron tubes shall be acceptable provided a wattmeter properly activated by the form of voltage and current supplied is employed, and is of standard accuracy and reliability.

(6) When any current, in addition to the actual anode (plate) current, flows through an ammeter or wattmeter being used for measurements in accordance with this paragraph (such as screen-grid current), such current, unless separately measured, shall not be deducted from the current measured for the purpose of this paragraph.

§ 7.135 *Suppression of receiver radiation.* (a) On and after January 1, 1956, the use or operation in coast stations, marine utility stations, or marine fixed stations of the following type of radio receiving equipment shall be prohibited:

(1) Radio receiving equipment which, when used or operated either with or without connection to an actual antenna, creates an electromagnetic field, at any radio frequency, of more than 0.1 microvolt per meter at a distance over seawater of more than one nautical mile from the receiver;

(2) Radio receiving equipment which, when in operation, is capable of delivering more than 400 micromicrowatts of power at any radio frequency to an artificial antenna having electrical characteristics designated by the Commission as equivalent to those of the average receiving antenna(s) used in practice by the class of station involved.

(3) Radio receiving equipment shall be deemed capable of meeting the requirement of subparagraph (1) of this paragraph if, when adjusted for radio reception at each frequency within its tuning range, it is not capable of delivering power of more than 400 micromicrowatts at any radio frequency to an artificial antenna having electrical characteristics designated by the Commission as equivalent to those of the average receiving antenna(s) used in practice by the class of station involved.

§ 7.136 *Type approval of transmitters for licensing.* (a) Upon written request therefore made by the manufacturer or applicant for related station authorization, approval of a specific and readily identifiable type of radio transmitter as being capable of complying with all requirements of the Commission solely for the purpose of authorizing such transmitter in accordance with the provisions of § 7.21 will be given formally by the Commission subsequent to a satisfactory showing of compliance made by the applicant. The necessary showing of compliance shall, as a minimum, be in the form of a written statement (together with such supplemental charts, graphs, illustrations, etc., as may be deemed appropriate by the applicant for type approval) over the signature of a competent radio engineer attesting to actual technical performance of the transmitter in accordance with all pertinent rules, regulations, and international agreements which must be met by the class of station for which the transmitter is intended to be licensed.

(b) Request for type approval and showing of compliance pursuant to the provisions of paragraph (a) of this section shall be submitted in duplicate to the Commission at Washington 25, D. C., and shall be designated for attention of the Marine Division. One copy of such showing of compliance shall be signed under oath or affirmation by the engineer who conducted or supervised the related technical performance of the particular type of transmitter for the purpose of securing type approval by the Commisson.

(c) In the event the written showing of compliance prescribed by paragraphs (a) and (b) of this section is deemed by the Commission to not furnish all information or data which it requires for the purpose of giving type approval to a particular type of radio transmitter, the Commission may supplementally require the applicant for such type approval to demonstrate by actual operation of the involved equipment in the presence of one or more engineers of the Commission that the same will, in fact, comply with all pertinent rules, regulations, and international agreements. In the event the showing of compliance is finally adjudged by the Commission to be unsatisfactory for the purpose of type approval for licensing of the particular type of transmitter, such type approval will not be given and that type of transmitter will not be licensed for the involved class of station.

§ 7.137 *Special requirements for radiotelephone transmitters.* (a) Except for transmitters authorized solely for developmental stations, each radiotelephone transmitter first licensed by the Commission after July 1, 1951, for use and operation in a coast station, a marine fixed station or a marine-utility station on shore, and all radiotelephone transmitters licensed by the Commission after January 1, 1953, for use and operation in such classes of stations shall be provided with a device that will automatically prevent modulation in excess of 100 percent. This requirement, however, shall not apply to transmitters incapable of a plate input power exceeding three watts which are authorized for marine-utility stations and other stations of portable nature.

(b) (1) Each radiotelephone transmitter authorized in a coast station license or a marine-utility station license granted, modified, or renewed by the Commission after July 1, 1951, for use and operation at frequencies above 30 Mc (other than transmitters authorized solely for developmental stations), must be a type which is approved by the Commission pursuant to the provisions of § 7.136.

(2) Before being finally considered for type approval, such transmitters shall, in addition to meeting all other applicable requirements, comply with the following limitations and operating conditions:

(i) When radiating F1, F2, or F3 emission on each marine radio channel within the frequency-band 35 Mc to 44 Mc, with 100 percent [4] modulation applied, the frequency deviation [4] shall not exceed 12 kc.

(ii) When radiating F1, F2, or F3 emission on each marine radio channel within the frequency-band 156 Mc to 158 Mc, with 100 percent [4] modulation applied, the frequency deviation [4] shall not exceed 15 kc.

(iii) When radiating class F1, F2, or F3 emission on each radio channel within the frequency band 35 Mc to 44 Mc, any emission appearing on any radio frequency removed from the carrier frequency be not less than 18 kc nor more than 36 kc shall be attenuated 25 decibels or more below the intensity of the unmodulated carrier. Any emission appearing on any radio frequency removed from the carrier frequency by more than 36 kc shall be attenuated 60 decibels or more below the intensity of the unmodulated carrier: *Provided*, That for transmitters incapable of plate input power of more than 3 watts, this attenuation shall be 40 decibels or more below the intensity of the unmodulated carrier.

(iv) When radiating class F1, F2, or F3 emission on each marine radio channel within the frequency band 156.35 Mc to 162.05 Mc, any emission appearing on any radio frequency removed from the carrier frequency by not less than 21 kc nor more than 42 kc shall be attenuated 25 decibels or more below the intensity of the unmodulated carrier. Any emission appearing on any radio frequency removed from the carrier frequency by more than 42 kc shall be attenuated 60 decibels or more below the intensity of the unmodulated carrier: *Provided*, That for transmitters incapable of plate input power of more than 3 watts, this attenuation shall be 40 decibels or more below the intensity of the unmodulated carrier.

§ 7.138 *Special requirements for radar transmitters.* (a) Each radar transmitter authorized for use in the maritime radiolocation service by any station license granted, modified, or renewed by the Commission after July 1, 1950 (other than licenses for developmental stations) must be type-approved by the Commission pursuant to section 7.136. In addition to meeting all other applicable requirements, such transmitters shall, in addition, comply with the limitations and conditions set forth in paragraph (b) of this section.

(b) (1) The design and construction of the radar transmitter shall be such that, when properly installed, its use will not produce harmful interference to any other radiolocation service or any maritime mobile service;

(2) The radar transmitter shall not have means available for any external adjustment(s) which can result in a deviation from the terms of the station authorization or any deviation from the applicable technical requirements for stations on land using radar stations which are stipulated in this part.

SUBPART F—OPERATOR REQUIREMENTS

§ 7.151 *Authorized operator required.* (a) Except as otherwise provided by any applicable order of the Commission, the actual operation of all transmitting apparatus in any radio station subject to this part shall be carried on only by a person holding an operator license issued by the Commission in accordance with Part 13 of the Commission's rules, subject, however, to the following provisions:

(1) When the station is used for telephony, the person actually operating the transmitting apparatus (normally a person holding an operator license issued by the Commission in accordance with Part 13 of the Commission's rules), may if authorized by the station licensee to do so, permit any person to speak over the station microphone: *Provided*, That during such transmission the station licensee or the licensed operator (acting in this respect as the station licensee's agent) shall exercise his lawful control with respect to operation of the station so as to insure compliance with all applicable laws and regulations. In this respect, a microphone (located, for example at a dispatch point) used in connection with any land-wire telephone circuit which is electrically connected to the modulating system of the radiotelephone transmitting apparatus shall be construed for the purpose of this subsection to be the station microphone.

(2) When the station is used for telegraphy, transmitted manually by means of the international Morse code, the transmitting telegraph key shall, wherever its location, be manipulated only by a person who holds an operator license of the class valid for the operation of the particular class of station being operated.

§ 7.152 *Location of authorized operator.* (a) Whenever the transmitting apparatus of a station subject to this part is being used or operated, and the provisions of section 318 of the Communications Act (in so far as such provisions require the actual operation of such apparatus only by a person holding an operator license of the proper class issued by the Commission) are not waived by the Commission, at least one person hold-

[4] See paragraphs (x), (y), and (cc) of § 7.8.

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ing an operator license of the proper class as prescribed in Part 13 of the Commission's rules shall be on duty at an authorized control point [1] of that station and shall be responsible for proper operation of the station as controlled from that location.

(b) Subject to the conditions stipulated in § 7.151, an unlicensed person at a dispatch point [2] may, after being authorized by the station licensee to do so, operate from that point a coast station or a fixed station: *Provided, however,* That such operation shall be under the direct supervision and responsibility of a person holding an operator license of the proper class issued by the Commission, who is on duty at an authorized control point associated for this purpose with the respective dispatch point.

§ 7.153 *Unattended operation of fixed stations.* (a) No person, whether or not a licensed operator, is required to be in attendance at any marine repeater station subject to this part which is licensed for operation solely on frequencies above 72 Mc with an authorized transmitter power not in excess of 100 watts when such station is being used and operated for re-transmission by self-actuating means of signals or communications being received simultaneously at that station from a marine control station, a marine relay station, or another marine repeater station: *Provided,*

(1) The emission of the station is controlled positively and solely by the received radio signals which, in accordance with the station authorization, are intended to effect such control.

(2) The activation and de-activation of the station is controlled positively by either radio or wire-line signals transmitted from an authorized control point at which a duly licensed operator exercises such control.

(b) Nothing contained in paragraph (a) of this section shall be construed to change or diminish in any respect the responsibility of the station licensee for having and maintaining control of the marine-repeater station or for proper functioning and operation of the station in accordance with law.

§ 7.154 *Adjustment or test of equipment.* Notwithstanding any other provisions of this subpart, all adjustments or tests of radio transmitting apparatus in any station subject to this part during or coincident with the installation, servicing, or maintenance of such apparatus which may affect the proper operation of such station, must be performed by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of such transmitting apparatus in accordance with the radio law and the Commission's rules and regulations and for the avoidance and prevention of harmful interference from improper transmitter external effects. Nothing in this section shall be construed to change or diminish in any respect the responsibility of any station licensee for having and maintaining control over the station licensed to him, or for the proper functioning and operation of such station in accordance with the terms of the station license.

§ 7.155 *Posting of operator license.* (a) Except as otherwise provided in paragraph (b) of this section, when a licensed operator is required for the operation of a station subject to this part, each licensed operator involved shall observe the applicable requirements of Part 13 of the Commission's rules with respect to the posting of operator licenses.

(b) The requirement of paragraph (a) of this section with respect to posting of operator licenses shall not apply to marine-utility stations on shore if the posting of a license in the manner required by Part 13 of the Commission's rules is impracticable, upon the express condition that the licensed radio operator engaged in operating the station shall have on his person either his required operator license or a duly issued verification card (FCC Form 758–F) attesting to the existence of that license.

Subpart G—General Operating Requirements

§ 7.171 *International Regulations applicable.* In addition to being regulated by applicable rules of this part, the use and operation of stations subject to this Part shall be governed by applicable provisions of the International Radio Regulations and the applicable radio provisions of all other international agreements in force to which the United States is a party.

§ 7.172 *Cooperative use of frequency assignments.* Unless provided otherwise, by applicable provisions of the International Radio Regulations,[3] by this part, or by the particular station authorization, each radio-channel authorized for use by a station subject to this part is available for such use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radio-channels.

§ 7.173 *Secrecy of communication.* The station license, and the responsible radio operators, as well as all persons who may have knowledge of the text or of the existence of the radio communications transmitted or received by a land or fixed station subject to this part, or of any information whatever obtained by means of the radio-communication service of such station, shall be under the obligation of observing and insuring the secrecy of communications to the extent required by the Communications Act and the International Radio Regulations.[4]

§ 7.174 *Unauthorized transmissions.* Stations operating in the maritime mobile service or in any fixed service subject to this part shall not engage in radiocommunication which is superfluous or unnecessary in that service. Except in an emergency which requires otherwise, the transmission by such stations of signals or communications not addressed to an authorized station or stations in an authorized maritime service is prohibited unless radiotelegraphy is used and the transmission, preceded by CQ or CP in accordance with the International Radio Regulations, is intended to be intercepted by authorized stations of the maritime mobile service.

§ 7.175 *Suspension of transmission.* Transmission shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission shall be suspended as soon as the emergency is terminated.

§ 7.176 *Service of public coast stations.* (a) Each public coast station shall, within the scope of its normal operations, be bound to exchange radiocommunication with any ship or aircraft station at sea: *Provided,* That such exchange of radiocommunication shall be without distinction as to radio systems or instruments adopted by each station.

(b) Each public coast station shall, within the scope of its normal operations and without discrimination, acknowledge all calls and receive all messages and communications from mobile stations within range which are addressed or directed to it, transmit all messages and communications delivered to or via the coast station which are addressed or directed to mobile stations within range, and in all respects, render a maritime mobile service of public correspondence without discrimination.

§ 7.177 *Service of limited coast stations and marine-utility stations.* (a) In addition to such messages as are necessary for compliance with § 7.178, and except as may be otherwise limited by the terms of this part governing the use of particular frequencies or by the terms of the station license, a limited coast station or a marine-utility station operated on shore is authorized to transmit within the scope of its normal operations messages necessary for the safe, expeditious or economical operation of ships or (when necessary) for the safety of aircraft.

§ 7.178 *General obligations of land stations.* (a) With respect to distress and the safety of navigation, life, or property, each coast station or marine-utility station shall, within the scope of its normal operation, acknowledge all such safety calls and receive all such safety communication [5] addressed or directed to it by ship or aircraft stations. Notwithstanding the terms and conditions of the station license, such stations may transmit safety communication to any ship or aircraft station in the maritime mobile service.

§ 7.179 *Message charges.* (a) No charge shall be made for the service of any station subject to this part, other than a public coast station. No charge shall be made by any public coast station subject to this part unless effective tariffs applicable to such service are on file with the Commission, pursuant to the requirements of section 203 of the Communications Act and Part 61 of the Commission's rules and regulations.

(b) No charge shall be made by any station in the maritime mobile service of the United States for the transmission of distress messages and replies thereto in connection with situations involving the safety of life and property at sea.

(c) No charge shall be made by any station in the maritime mobile service of the United States for the transmission, receipt, or relay of the information concerning dangers to navigation designated in paragraph (b) of § 8.303 of Part 8 of the rules of the Commission, originating on a ship of the United States or of a foreign country.

(d) Any common carrier subject to the Communications Act may furnish reports of positions of ships at sea to newspapers of general circulation, either at a nominal charge or without charge, provided the name of such common carrier is displayed along with such ship position reports.

(e) Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this paragraph, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

§ 7.180 *Priority of communications to be observed.* Stations in the maritime mobile service shall observe at all times the priority of communications set forth in § 7.181; in particular, all such stations shall give absolute priority to radio communications or signals relating to any ship or aircraft in distress; shall, when any distress signal or communication is anticipated or intercepted, cease all transmission on frequencies which may interfere with any station hearing such radio communication or signal of distress except when engaged in answering or aiding the ship or aircraft in distress, and shall assist the vessel or aircraft in distress, so far as possible, by complying with its instructions.

§ 7.181 *Order of priority of communications.* (a) The order of priority of radiotelegraph communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international distress signal SOS) international automatic-alarm signals for distress purposes,[6] distress messages, and distress traffic.

(2) Communications preceded by the international radiotelegraph urgency signal "XXX."

(3) Communications preceded by the international radiotelegraph safety signal "TTT."

(4) Communications relative to radio direction-finding bearings.

(5) Communications relative to the navigation and safe movement of aircraft.

(6) Communications relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(7) Government communications for which priority right has been claimed.

(8) Service communications relating to the working of the radio-communication service or to communications previously transmitted.

(9) All other communications.

(b) The order of priority of radiotelephone communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international telephone distress signal MAYDAY and the telegraphic distress signal SOS transmitted by either telegraphy or telephony), distress messages, and distress traffic.

(2) Communications preceded by the international radiotelephone urgency signal "PAN," or known to the station licensee or his agent to consist of one or more urgent messages concerning the safety of a ship, aircraft, or other mobile unit or of some person on board or within sight of the ship, aircraft, or mobile unit.

(3) Communications preceded by the international radiotelephone safety signal SECURITE, or known to the station licensee or his agent to consist of one or more messages concerning the safety of navigation or important meteorological warnings.

(4) Communications known to the station licensee or his agent to consist of one or more messages relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(5) Government communications for which priority right has been claimed.

(6) All other communications.

§ 7.182 *Control by coast station.* When communicating with a mobile station in the maritime mobile service, coast stations may, for the sole purpose of reducing or avoiding interference, expediting communication, and rendering an efficient service give instructions to the mobile station relative to the order and time of transmission, to the choice of authorized frequency, to the suspension of communication, and to the permissible type of message traffic that may be transmitted or received by the particular coast station. This provision, however, shall not apply in the event of distress, either actual or impending, except as provided, in respect to distress situations, by § 7.187 and applicable provisions of the International Radio Regulations.[7]

§ 7.183 *Prevention of interference.* (a) Before any signals or communications are transmitted on any frequency, the licensed operator attending a coast station (or in a public coast station using telephony the land-line telephone operator under the supervision of the licensed operator) shall first listen on the associated receiving frequency, and when necessary on the coast station transmitting frequency, to determine whether transmission by the coast station will interfere with communication already in progress, whenever the involved frequency or frequencies are assigned to other stations within the same interference area: [8] *Provided,* That this requirement may be waived by the Commission upon application therefor in behalf of individual coast stations which employ other effective means to avoid interference.

(b) Whenever a radiocommunication in the maritime mobile service is already in progress between two mobile stations or between a mobile station and a coast station and it appears to be interfered with by a subsequent transmission from another mobile station, the latter must cease transmitting at the first request of either of the other two, except as priority may be otherwise determined by § 7.181. The station requesting this cessation must indicate the approximate length of the wait imposed upon the mobile station whose transmission is suspended.

(c) Except in cases of distress, communications between ship stations or between ship and aircraft stations must not interfere with the work of coast stations. When this work is thus interfered with, the ship or aircraft station which causes it must stop transmitting or change frequency upon the first request of the coast station concerned.

(d) Coast stations when operating on a frequency below 3500 kilocycles or above 30 Mc. shall not carry on, or attempt to carry on, communication with any station which, under the currently prevailing conditions of transmission or

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[1] The term "control point" is defined by paragraph (m) of § 7.7. See also §§ 7.31 and 7.71.

[2] The term "dispatch point" is defined by paragraph (n) of § 7.7. See also §§ 7.31 and 7.71.

[3] For example, see Article 21, (C), section 7 (1) (c) of the General Radio-communication Regulations (Revision of Cairo, 1938) (Cairo 508).

[4] See sections 501, 502 and 605 of the Communications Act; also Article 21 of the International Radio Regulations, Atlantic City, 1947.

[5] Paragraph (a) of § 7.7 defines "safety communication".

[6] The international auto alarm signal intended for use primarily in radiotelegraphy consists of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second.

[7] See Article 37 of the International Radio Regulations, Atlantic City, 1947.

[8] For example, all stations in the Great Lakes region are considered to be in the same interference area.

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reception, is not within reliable communication range of the coast station; provided, that this provision shall not apply in event of distress, either actual or impending.

§ 7.184 *Transmission of traffic lists by coast stations.* (a) Public coast stations are authorized to transmit lists of official call signs (or in the use of telephony, the names of the respective ships) of mobile stations for whom they have public correspondence awaiting transmission. The use of calling frequencies for this purpose is prohibited; however, coast stations may announce on a calling frequency (including the assigned frequency 500 kc.) that they are ready to begin transmission of such call lists on a specified radio-channel authorized for working.

(b) In operating pursuant to paragraph (a) of this section, public coast stations using telegraphy shall be governed by the applicable provisions of the International Radio Regulations.[1]

§ 7.185 *Transmission to plurality of mobile stations.* Information for the general benefit of mariners (including storm warnings and ordinary weather and hydrographic information) and press material may be transmitted by a coast station simultaneously to a plurality of mobile stations in the maritime mobile service, provided that the times at which such transmissions (except storm warnings and urgency and safety messages) are scheduled to begin, the maximum duration of each such transmission, and the specific radio-channels and class of emission used therefor, shall, with respect to each coast station, be subject to approval by the Commission.

§ 7.186 *Hours of service of land stations.* (a) Each coast station or marine-utility station on shore whose hours of service are not continuous shall not suspend operation before having concluded all communication required in connection with a distress call or distress traffic;

(b) Each public coast station whose hours of service are not continuous shall not suspend operation before having concluded all communication (in addition to that designated in paragraph (a) of this section), within the scope of its normal operations, involving messages or calls originating in or destined to mobile stations or marine fixed stations which are within normal range of the coast station and which, in the case of mobile stations, have signalled their presence before the effective suspension of operation of the coast station.

(c) Unless otherwise authorized by the Commission upon adequate showing of need therefor, each Class 1 public coast station shall maintain continuous hours of service during the entire period of validity of the station license.

(d) Unless otherwise specified by the Commission for particular stations, the hours of service of each Class II and Class III public coast stations shall, within the scope of its normal operations, be such as to adequately meet the requirements of the particular region served by the station.

(e) Unless otherwise specified by the Commission for particular stations, the hours of service of limited coast stations and marine-utility stations on shore shall be determined by the station licensee in accordance with the requirements of the respective ships served by each station.

(f) The Commission, as public interest, convenience, or necessity requires, may order, at any time, the licensee of a public coast station not authorized for continuous hours of service to increase the hours of service of such station as may, in the discretion of the Commission, be required to provide adequate public service.

§ 7.187 *Procedure relative to distress communication.* In addition to the governing provisions of International Radio Regulations[2] applicable to the transmission and interception of distress signals and the handling of distress traffic, land stations which are subject to this part shall, in cases of distress, be governed by the following paragraphs of this section.[3]

(a) *Acknowledgment of distress message.* Any station in the maritime service which receives a distress message relative to a vessel, aircraft, or other unit which is beyond any possible doubt, in the vicinity of that station, shall, when it has appropriate transmitting apparatus available, immediately acknowledge receipt. If it appears that the vessel, aircraft, or other unit in distress is not in its vicinity, a short interval of time shall elapse before the station acknowledges receipt of the distress message, in order to permit stations that may be nearer to the location of the distress to reply and acknowledge receipt without interference. All stations in the maritime service which hear a distress signal or message must cease immediately any transmission capable of interfering with the distress signal or message and shall listen on the frequency used for the distress signal and message.

(b) *Form of acknowledgment by telegraphy.* The acknowledgment of receipt of a distress signal or message is transmitted, when telegraphy is used, in the following form:

(1) Call sign of the mobile station in distress (transmitted 3 times);

(2) The signal "de";

(3) Call sign of the station acknowledging receipt (transmitted 3 times);

(4) The signal "RRR"; and

(5) The distress signal.

(c) *Control of distress traffic.* (1) The control of distress traffic is the responsibility of the mobile station in distress, or the station which has transmitted the distress call. These stations may, however, delegate the control of the distress traffic to another station.

(2) When any station has assumed control of distress traffic, it shall be responsible for maintaining silence on the distress frequency, or the frequency being used for distress traffic for all emissions except distress signals and distress traffic, and for clearing the distress frequency when the distress traffic has ceased.

(3) The station in distress or the station in control of the distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. In telegraphy, the service abbreviation "QRT" followed by the distress signal (. . . — — — . . .) is used to impose silence for this purpose.

(4) Any station engaging in radiocommunication with the mobile station in distress or with the station in control of the distress traffic may impose silence on any station which interferes with distress traffic. In telegraphy, this is indicated by using the signal "AS" (. — . . .) followed by the word "distress" and the call sign of the station imposing silence.

(5) The use of the radiotelegraph service abbreviation "QRT" followed by the distress signal (. . . — — — . . .) must be reserved, as far as possible, for the mobile station in distress and for the station controlling distress traffic.

(6) Any station which has been notified to cease transmission in connection with a situation of distress shall not resume transmission on any frequency which may cause interference to distress signals or traffic until notified by the station in control of the distress traffic that the distress traffic has ceased and transmission may be resumed, or until notified by the station issuing the original notice that transmission from the station in question will not interfere with the distress signals or traffic.

(d) *Supplemental transmissions.* (1) A coast station equipped for telegraphy and located in the general vicinity of the vessel, aircraft, or other unit in distress shall, if possible and when deemed appropriate by the licensed radiotelegraph operator on duty at that station, transmit the radiotelegraph alarm signal[10] on the frequency 500 kc using the maximum available power and class A2 emission, when—

(A) A distress call has been transmitted and was not preceded by the alarm signal; or

(B) Upon audible reception of an alarm signal which appears to be ineffective by reason of improper timing, improper class of emission, insufficient signal strength, interference, or excessive deviation from the frequency 500 kc.

(2) When a coast station has heard a distress call or distress message for which acknowledgment of receipt has not been given promptly, and when the intercepting station itself is not in a position to render assistance, it shall, subject to the discretion of the licensed operator on duty at that station, make every effort possible to attract the attention of any station in the maritime service which appears to be in a position to render assistance. For this purpose, transmission of the distress call and distress message may be repeated, if possible on the frequency 500 kc using the maximum available power and if possible class A2 emission, and/or on such other frequency and with such other class of emission as may be deemed necessary or helpful.[11] At the same time all necessary steps shall be taken to notify the authorities who may be able to intervene usefully.

(3) A coast station which repeats a distress call or distress message shall follow it by the words "transmitted for (insert identity of mobile craft in distress) by", and thereafter its own call sign transmitted 3 times. In radiotelegraphy, the repetition of the distress call or distress message on 500 kc shall, when circumstances permit, be preceded by transmission of the 500 kc international alarm signal followed by an interval of 2 minutes.

§ 7.188 *Radiotelegraph watch by coast stations.* (a) All coast stations (public and limited) licensed to use telegraphy on frequencies within the frequency band 365 to 515 kc shall, during their hours of service, take the necessary measures to insure an efficient safety watch by a duly licensed radiotelegraph operator on the international distress frequency 500 kc for three minutes twice each hour, beginning at x h 15 and x h 45, Greenwich mean time (G. M. T.). For this purpose, either a head receiver or a loudspeaker may be used, on condition that use of the loudspeaker is not less effective than use of the head receiver. While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for example, broadcast receivers, or amateur transmitters or receivers) not actually required in connection with maritime mobile service.

(b) All public coast stations licensed to use frequencies in the authorized bands between 365 and 515 kc shall, during their hours of service, remain on watch on the calling frequency 500 kc, except when the operator is transmitting on 500 kc, operating the station transmitting or receiving equipment on any other frequency authorized for transmission or reception in the maritime mobile service (including maintenance of the watch on 143 kc if required as provided by subsection (c) hereof) if it is not possible to maintain at the same time, by any practicable means,[12] the watch for calls on 500 kc. The provisions of this section, however, shall not relieve the coast station from complying with the requirements for a safety watch as prescribed in subsection (a) hereof.

(c) On condition that compliance with the following requirement shall in no way interrupt or reduce the efficiency of the safety watch prescribed in subsection (a) hereof, each coast station equipped and licensed for communication by means of class A1 emission on frequencies within the band 100 to 160 kc shall, during its hours of service when not engaged in communication with another station of the maritime mobile service, keep watch for calls every hour on the frequency 143 kc for five minutes beginning at x h 35, Greenwich mean time (G. M. T.).

§ 7.189 *Radiotelephone watch by coast stations.* (a) Each public coast station licensed to use telephony shall, during its hours of service, keep watch on the radio-channel(s) authorized for working, which are used normally by mobile stations for transmission by telephony to the particular coast station; or in lieu of such watch, the coast station shall, during its hours of service, monitor such radio-channel(s) by any apparatus which will automatically intercept signals from mobile stations with no less efficiency than that attainable by a watch and which automatically indicates the interception of such signals by either aural or visual means.

(b) As an alternative to keeping watch on (or monitoring) the working radio-channels as prescribed by paragraph (a) of this section, a public coast station may, in the discretion of the station licensee, keep watch on (or monitor) the comparable radio-channel(s) designated for calling by telephony (assigned frequency 2182 kc, comparable to working channels within the band 1600 kc to 3500 kc; assigned frequency 156.8 Mc. comparable to working channels within the band 100 to 200 kc).

(c) If and when required by the Commission for safety purposes, a particular public coast station using telephony shall, during its hours of service, keep watch on the radio-channel(s) designated for calling by telephony (assigned frequency 2182 kc or 156.8 Mc.) or, alternatively, shall monitor such radio-channel(s) by automatic apparatus approved by the Commission for safety purposes: *Provided*, That this requirement shall not be prescribed without the consent of the station licensee unless, after hearing, the Commission shall determine that this requirement will substantially promote safety of life and property at sea.

(d) With respect to those provisions of paragraphs (a), (b) and (c) of this section pertaining to watch, the person who keeps such watch shall, in each instance, and at all times during the hours of service of the station, be a person who is authorized by the station licensee to operate, in accordance with applicable law and regulations, the appropriate radiotelephone transmitting apparatus of the particular station.

§ 7.190 *Maintenance tests.* Stations subject to this part are authorized to engage in a minimum amount of test transmissions when considered by the station licensee to be necessary for the proper maintenance of the station: *Provided*, That precautions shall be taken always to avoid, in so far as may be possible, interference to other stations: *Further, provided*, That this test transmission shall conform to such test operating procedure as is prescribed elsewhere in this part for the particular class of station involved.

§ 7.191 *Inspection of antenna tower lighting.* (a) The license of a station subject to this part which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act shall:

(1) Make a daily check of the tower lights not later than one hour after local sunset either by visual observation of the tower lights or by observation of an automatic indicator to insure that all such lights are functioning properly as required;

(2) Report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of any code and/or rotating beacon light(s) if such failure(s) is (are) not corrected within 30 minutes after observation thereof, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given the above station or office immediately upon resumption of the required illumination; and

(3) Inspect at intervals of at least once each 3 months all code and rotating beacon light(s) and automatic lighting control devices to insure that such apparatus is functioning properly as required.

(b) The station licensee or his representative shall make entries in the radio station log appropriate to the requirements of paragraph (a) of this section, as follows:

(1) The date and time of each day that the tower lights are turned on and off, if manually controlled;

(2) The time that the daily check of proper operation of the tower lights was made, either by visual observation of the tower lights or by observation of an automatic indicator;

(3) In the event of any observed failure of the tower lighting:

(i) Nature of such failure;

(ii) Date and time that the failure was observed;

(iii) Date, time, and nature of the adjustments, repairs, or replacements made;

(iv) Entry showing the identification of the Airways Communication Station (Civil Aeronautics Administration) which was notified of the failure of any code and/or rotating beacon light(s) not corrected within 30 minutes after observation and an entry of the date and time that such notice was given;

(v) Date and time that notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed;

(4) Upon completion of the periodic inspection required by subparagraph (3) of paragraph (a) of this section:

(i) The date of the inspection and the condition of all required lights and as-

[1] See Article 30, paragraph 3 of the International Radio Regulations, Atlantic City, 1947.

[2] See Article 37 of the International Radio Regulations, Atlantic City, 1947.

[3] See also Subpart J of Part 8 of the Commission's rules pertaining to mobile stations.

[10] This alarm signal consists of a series of 12 dashes transmitted in one minute, the duration of each dash being 4 seconds and the duration of the interval between 2 consecutive dashes being one second. The distress signal (. . . — — — . . .) shall be transmitted 3 times immediately after the alarm signal, in order to operate such automatic apparatus as may be designed to be actuated by the normal distress signal on 500 kc.

[11] In the Great Lakes region, the frequency 2182 kc may be used with class A3 emission, and additionally in other regions where its use may prove beneficial in securing assistance for the mobile unit in distress.

[12] Any practicable means of maintaining this watch would include a loudspeaker or head receiver energized, if necessary, by an additional radio receiver (other than the receiver actually in use for non-watch purposes) which is tuned to 500 kc.

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sociated lighting control devices, together with the measured voltage under normal load at a reference point in the lighting circuit and the computed voltage at each lamp socket.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 7.192 *Maintenance of station log.* (a) Each station subject to this part which is required, under the provisions of this part pertaining to the particular class of station, to keep a radio station log, shall, in addition, comply with the applicable provisions of the following paragraphs of this section; the station licensee and the licensed radio operator (when a licensed operator is required) in charge of the station shall be responsible for compliance with this section;

(b) The log shall be kept in an orderly manner, in useable form, and in such detail that the information required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if their proper meaning or explanation is contained elsewhere in the same log.

(c) The station log or any portion thereof shall not be erased, obliterated, or wilfully destroyed within the period of retention required by § 7.115. However, during this period any necessary correction may be made of such log but only by the person originating the entry and that person shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

SUBPART H—COAST STATIONS: USE OF TELEGRAPHY

§ 7.201 *Supplemental eligibility requirements for public coast station authorization.* (a) Subject to the basic eligibility requirements set forth in § 7.23, an authorization for a public coast station may be granted to any person, or state or local government subdivision, or any agency of the Federal government which is subject to the provisions of section 301 of the Communications Act, provided the applicant is—

(1) Qualified as a common carrier of communications; *or*

(2) Qualified to provide a radio service of public correspondence, without discrimination and without charge of any kind therefor.

§ 7.202 *Points of communication of public coast stations.* (a) Public coast stations using telegraphy are authorized to communicate normally with the classes of stations designated herewith, subject to the conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use of particular radio-channels:

(1) On the radio-channel of which 500 kc is the authorized carrier frequency, with any ship station or any aircraft station using telegraphy other than for the transmission of public correspondence;

(2) With public ship stations licensed by the Commission and using telegraphy on a frequency assignment designated in Part 8 of the Commission's rules for use by public ship stations.

(3) With ship stations of the United States government (other than limited ship stations subject to section 301 of the Communications Act) using telegraphy on a government frequency assignment or on a frequency assignment designated in Part 8 of the Commission's rules for use by public ship stations;

(4) With ship stations of any foreign country using telegraphy on an appropriate frequency assignment designated in Part 8 of the Commission's rules for use by public ship stations or available in accordance with the International Radio Regulations for ship to shore transmission of public correspondence by telegraphy;

(5) With aeronautical public service stations and United States government stations on board aircraft in flight, using telegraphy on a frequency assignment available for public correspondence as expressed in subparagraphs (2), (3), and (4) of this paragraph (provided neither harmful interference nor intolerable delay is caused to communication with ship stations).

(b) Upon application, a public coast station using telegraphy may be authorized to transmit press material, and meteorological and marine navigational information of benefit to mariners, additionally to designated fixed locations, whenever the same information is transmitted by such coast station simultaneously and primarily to ship stations; provided, a sufficient need for such authorization is shown to exist.

(c) Each public coast station using telegraphy is authorized to communicate additionally with other public coast stations using telegraphy when such communication is necessary to facilitate the disposal of message traffic (public correspondence or safety communication) destined to or originated at mobile stations (public ship stations or aeronautical public service stations aboard aircraft) subject to and in accordance with the express conditions hereinafter set forth:

(1) For the interchange of operating signals, brief service messages or safety communication;

(2) For the transmission or receipt of message traffic destined to a mobile station which, by reason of its known or reported geographic location at the time, can be communicated with more effectively or more expeditiously by the coast station which receives such message traffic for relay to the mobile station: *Provided, however,* That this procedure shall not be used for normal routing of radio traffic, but only when the coast station initially concerned is unable to communicate in an effective manner directly with such mobile station;

(3) For the transmission or receipt of message traffic, which originated at a mobile station, by a public coast station in the Great Lakes region exclusively, when the use of available point-to-point communication facilities would unduly delay the delivery of such message traffic to the addressee(s).

(4) Such communication as is permissible under subparagraphs (2) and (3) of this paragraph shall be conducted only in exceptional circumstances and with discretion, without incurring additional charges: *Provided,* Such utilization of radiotelegraphy shall not in any way replace or be used in lieu of point-to-point communication facilities which are available for the forwarding of message traffic to and from the particular coast stations involved;

(5) Only radio channels authorized for working with ship stations (and used primarily for that purpose) shall be employed for this communication between coast stations and, in so far as may be practicable, only authorized frequencies within the band 415 kc to 5000 kc shall be used;

(6) All communication engaged in under the provisions of this paragraph shall be confined exclusively to that which is actually required to facilitate the transmission or reception of ship-shore public correspondence or to enhance safety at sea;

(7) Neither harmful interference nor intolerable delay shall be caused to communication between mobile stations and land stations, or to communication between mobile stations.

§ 7.203 *Supplemental eligibility requirements for limited coast station authorization.* (a) Subject to the statutory eligibility requirements set forth in § 7.23, an authorization for a limited coast station using telegraphy may be granted to any person, or state or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act provided the applicant is—

(1) Regularly engaged in performing a service for one or more governmental agencies; or

(2) An organization of which all persons who are members or shareholders are regularly engaged in performing a service for one or more governmental agencies; or

(3) A non-profit corporation or association, organized for the purpose of furnishing a maritime mobile service solely to persons who are regularly engaged in performing a service for one or more governmental agencies.

(b) Each application for station authorization for a limited coast station shall be accompanied by a written statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section.

§ 7.204 *Points of communication of limited coast stations.* (a) Limited coast stations using telegraphy are authorized to communicate normally with the categories of ship stations designated herewith, subject to the conditions and limitations imposed by the terms of their particular station licenses or by the applicable provisions of this part with respect to the use of particular radio-channels:

(1) Any ship station using telegraphy on the assigned frequency 500 kc;

(2) Specified limited ship stations licensed by the Commission and using telegraphy on a frequency assignment designated for this purpose;

(3) Specified public ship stations licensed by the Commission and using telegraphy on a frequency assignment designated for this purpose;

(b) With respect to the terms of paragraphs (a) (2) and (a) (3) of this section, the specific ship stations with which a limited coast station is authorized to communicate shall be designated appropriately in the license of such coast station.

§ 7.205 *Nature of service of limited coast stations.* (a) Limited coast stations using telegraphy shall—

(1) Not be open to public correspondence;

(2) Not be used to render a communications common carrier service;

(3) Not be used for the transmission of press material or news items which are not required to serve a governmental purpose.

(4) Be used exclusively to serve governmental purposes including the transmission of safety communication.[1]

(b) In areas where adequate and appropriate weather and hydrographic information is transmitted by means of telegraphy through the medium of one or more public coast stations or United States government stations, limited coast stations shall not duplicate that service. In all other respects, limited coast stations may transmit by means of telegraphy such weather and hydrographic information as is required for the ships with which they normally communicate.

§ 7.206 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this subsection may be licensed as an assigned frequency[2] for use by coast stations (public or limited) employing telegraphy subject to and in accordance with the provisions of paragraph (b) of this section and Subpart E of this part: *Provided,* That the use of each of these frequencies may be restricted by the Commission to specific areas or locations in order to avoid or minimize interference between stations: *Further provided,* That frequencies below 150 kc and above 5000 kc are assignable to Class 1 coast stations only:

105	143	186	482
107	calling	187	484
109	145	188	500
110	146	189	calling only
111	147	191	
112	148	193	[1] 2274
114	149	392	[1] 3030
116	150	394	4140
117	161	406	calling
118	162	408	4462.5
119	163	[1] 410	4705
120	164	418	4780
121	165	420	4785
123	166	422	4790
124	167	425	5520
125	168	430	calling
126	169	432	5540
127	170	436	5545
129	171	438	5550
130	173	442	5555
131	174	[1] 448	5560
133	176	[1] 452	5565
134	177	[1] 454	6210
135	178	[1] 460	calling
136	179	[1] 462	6250
137	180	466	6260
138	181	472	6270
139	182	474	6280
140	183	476	6290
141	184	478	6300
6310	8640	12590	16990
6320	8670	12592.5	21650
6330	8680	12630	21675
6340	8690	12645	21700
6350	11040	12660	21725
6360	calling	12675	21750
6370	11115	12720	21775
6380	11130	12735	21800
6390	11145	12750	21825
6400	11160	13050	21850
6410	11175	13065	21875
6440	11190	13080	21900
6450	11200	13170	21950
8280	11205	16560	21975
calling	11220	calling	22080
8350	11235	16670	calling
8360	11250	16700	22225
8370	11265	16720	22250
8375	11280	16740	22275
8380	[1] 11295	16760	22300
8390	[1] 11310	16770	22325
8420	11325	16780	22350
8430	11340	16785	22400
8435	11355	16790	22425
8440	12420	16800	22450
8450	calling	16840	22475
8452.5	12495	16860	22500
8480	12510	16880	22550
8490	12525	16900	22600
8495	12550	16920	22650
8500	12555	16930	
[1] 6570	12570	16970	
[1] 8580	12585	16980	

[1] Subject to the special conditions and limitations set forth in paragraph (b) of § 7.206.

(b) (1) The frequency 410 kc shall not be used to communicate with ship stations on the Great Lakes or on inland waters; further, the use of this frequency for communication between coast stations pursuant to paragraph (c) of § 7.202 is authorized only for coast stations located on or near the seacoast which serve primarily ships at sea.

(2) In consideration of the fact that the frequency 455 kc is widely used as a standard intermediate frequency for the superheterodyne type of radio receiver, applications requesting assignment of one or more of the frequencies 448, 452, 454, 460, and 462 kc will be considered in relation to the possibility of general interference with the operation of receiving equipment of this type.

(3) The frequency 2274 kc is authorized for use in communicating with ship stations on the Great Lakes or on inland waters exclusively, upon the express condition that interference shall not be caused to stations of Canada.

(4) The frequency 3030 kc is authorized solely for use by coast stations located in the vicinity of the Mississippi River and connecting inland waters (other than the Great Lakes), upon the express condition that interference shall not be caused to stations of Canada.

(5) The frequencies 8570, 8580, 11295, and 11310 kc are authorized for use by coast stations upon the express condition that interference shall not be caused to intercontinental aeronautical services.

§ 7.207 *Frequencies for calling.* (a) The general international calling frequency is 500 kc; the radio-channel of which this frequency is the assigned frequency shall be appropriately used by any coast station engaged in radiotelegraphy in the authorized bands between 365 and 515 kc. The radio-channel for replying to a call sent on the general calling channel (500 kc assigned frequency) is the same channel as that used for the call. A coast station, however, may reply to calls by transmitting on a working frequency, when a mobile station requests the use of this procedure. (In Region 2, and in other areas of heavy radiotelegraph traffic in this band, ship stations normally request coast stations to answer by means of their normal working channel.) In order to facilitate the reception of distress calls, all stations using the radio-channel of which 500 kc is the assigned frequency shall reduce to the minimum their transmissions on this channel.

(b) The frequency 143 kc is the international calling frequency in the maritime mobile service in the band 100 to 160 kc (class A1 emission only). (When a ship station which uses frequencies within the band 100 to 160 kc desires to establish communication with a coast station, it normally calls that station on the frequency 143 kc, unless the International List of Coast and Ship Stations provides otherwise).[3] This frequency is authorized to be used exclusively for individual calls and replies to such calls and for the transmission of signals preparatory to traffic.

(c) The radio-channels of which the frequencies between 4,000 kc and 23,000 kc, designated for "calling" in paragraph (a) of § 7.206, are the assigned frequencies shall be used primarily for calling and answering; with the exception of 8280 kc they may be used otherwise on a secondary basis only as provided by paragraph (e) of § 7.208.

(d) In addition to the radio-channels of which the assigned frequencies are specifically authorized herein for "calling", all radio-channels within the band 4,000 to 23,000 kc similarly authorized for working may be used for calling also, provided interference is not caused to any communication in progress on the particular working channel.

§ 7.208 *Frequencies for working.* (a) Each assigned frequency listed in paragraph (a) of § 7.206, and which is not identified therein with a specific use or function, is authorized as an assigned frequency for "working".

(b) The calling channel of which 500 kc is the assigned frequency may be used for the transmission of distress, urgency, and safety messages; any other use of this channel for working is prohibited.

(c) In so far as is practicable, coast stations shall use frequency-assignments within the high frequency band (3,000 to 23,000 kc) only when other frequency-assignments will not provide effective communication.

(d) In addition to the frequency-assignment designated for telegraphy in the license of a ship station, such station, when working by means of telegraphy with a coast station, may, on condition that its emission-bandwith and frequency-tolerance shall be within the respective limits thereof permitted for the coast station, transmit—

(1) On a telegraph working channel of a coast station within the band 110 to 194 kc when directed to do so by the

[1] See paragraph (a) of § 7.7 which defines "safety communication".

[2] The definition of "assigned frequency" is set forth in paragraph (u) of § 7.8.

[3] Coast stations reply on their normal working frequency in this band.

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coast station for which the channel is authorized; provided, interference is not caused to the service of any land, fixed, broadcast, or radiolocation station; and provided, that the emission shall be class A1 only.

(2) On a telegraph working channel of a coast station within the bands 385 to 405 kc and 4,000 kc to 23,000 kc when directed to do so by the coast station for which the channel is authorized.

(3) Coast stations are authorized to direct ship stations to operate in accordance with the provisions of this section, whenever such means of operation is possible and appropriate.

(e) In addition to the radio-channels of which the assigned frequencies are designated by paragraph (a) of this section "working", the radio-channels within the band 4 000 kc to 23,000 kc (except 8,280 kc) of which the assigned frequencies are designated in paragraph (a) of § 7.206 for "calling" may be used, additionally and with discretion, for working; on condition that interference shall not result to calling, answering, and the exchange of operating signals on the same channel.

§ 7.209 *Use of Morse code required.* (a) The signal code employed for telegraphy by stations in the maritime mobile service shall be the Morse code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947). However, the radiotelegraph communication of a special character, the use of other signals may be specifically authorized by the Commission in response to an appropriate application therefor.

§ 7.210 *Identification of stations.* (a) All radiotelegraph emissions of a coast station shall be clearly identified by transmission therefrom of the official call letters assigned to that station for telegraphy by the Commission. These call letters shall be transmitted by telegraphy in accordance with § 7.209 and the procedure set forth in the International Radio Regulations, and by means of the class of emission normally used by the station for telegraphy: *Provided*, They shall be transmitted always upon completion of any transmission when the station resumes its watch or suspends transmission for an indefinite time; in addition they shall be transmitted at intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.

§ 7.211 *Procedure in testing.* (a) Coast stations must use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the radiotelegraph testing procedure described below shall be followed.

(1) The licensed radiotelegraph operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress;

(2) The operator shall transmit the signal "IE" (two dots, space, one dot) on the test frequency as a warning that test emissions are about to be made on that frequency. When the frequency or frequencies of the test emissions is/are within the frequency band 365–515 kc, a listening watch shall be maintained on 500 kc by a licensed radiotelegraph operator at the station throughout the test period.

(3) If, as a result of transmitting the test signal "IE", any station indicates, by transmitting the signal "AS" (wait), that it anticipates harmful interference, testing shall be suspended. When transmission of "IE" is resumed and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in (4);

(4) Test signals composed of a series of "'VVV" followed by the call sign of the testing station shall be transmitted. The call sign shall be sent clearly and at relatively slow speed.

(b) When testing is conducted on the frequency 500 kc, the test signals shall not continue for more than 10 seconds, and no tests shall be conducted during the 500 kc silent periods. Care must be exercised not to so prolong and space the dash portion of the "VVV" series as to form the alarm signal.

§ 7.212 *Radiotelegraph operating procedure.* (a) Except for the transmission of distress or urgency signals, all transmissions by coast stations must cease within the band 480 to 520 kc during each 500 kc silent period, i. e., for three minutes twice an hour beginning at x h 15 and x h 45, Greenwich mean time (G. M. T.).

(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all coast stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 9 of the International Radio Regulations (Atlantic City, 1947).

(c) In addition to compliance with all applicable sections of this Part, the operation of coast stations using telegraphy for call, reply, and the transmission of message traffic shall, in particular, comply with all applicable provisions of Articles 29 (except subparagraph (2) of paragraph 8 thereof), 30, 31, 32, 38, 39, and 40 of the International Radio Regulations (Atlantic City, 1947).

§ 7.213 *Station documents.* (a) All public coast stations using telegraphy shall be provided with the following documents:

(1) A valid station license.

(2) The necessary operator license or licenses.

(3) The station log required by this Part.

(4) The Alphabetical List of Call Signs prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938).

(5) The List of Coast Stations and Ship Stations prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938).

(6) The List of Stations performing Special Services prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938).

(7) The General Radiocommunication Regulations (Revision of Cairo, 1938), and such provisions of the International Telecommunication Convention (Madrid, 1932) as are necessary for the operation of the radiocommunication service rendered by the coast station.

(8) Such provisions of the International Radio Regulations (Atlantic City, 1947), including Articles 29, 30, 31, 32, 35, 37, 38, 39, 40, and 41, as are necessary for the operation of the radiocommunication service rendered by the coast station.

(9) Parts 7 and 8 of the rules of the Commission.

(b) All limited coast stations using telegraphy shall be provided with the documents prescribed by subparagraphs (1), (2), (3), (7), (8), and (10) of paragraph (a) of this section.

(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 7.214 *Station records.* (a) Public coast stations using telegraphy shall maintain an accurate radiotelegraph log during their hours of service, as hereinafter specified:

(1) Each sheet of the log shall be numbered in sequence and dated and shall include the official call sign of the coast station and also the signature(s) of the licensed operator(s) performing operating duties.

(2) The entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved or terminating a duty period, followed by his signature. All log entries shall be currently completed and all entries shall, unless otherwise stated, be made by a licensed operator on duty. The use of initials or signs is not authorized in lieu of any operator's signature required by this section.

(3) The date and time of making an entry shall be shown opposite the entry and the time shall be expressed in Greenwich mean time (GMT),[4] except that in the Great Lakes region, the time shall be expressed in eastern standard time (e. s. t.) (counted from 00:00 to 24:00 o'clock, beginning at midnight), and for coast stations which communicate exclusively with vessels on inland waters of the United States (other than the Great Lakes) the time shall be expressed in local standard time (e. s. t., c. s. t., etc., counted from 00:00 to 24:00 o'clock, beginning at midnight). The first entry in each hour shall consist of 4 figures; additional entries in the same hour may be expressed in 2 figures by omitting the hour designation. The abbreviation "GMT" (e. s. t. in the Great Lakes area) (e. s. t., c. s. t., etc., for stations serving inland waters exclusively) shall be marked at the head of the column in which the time is entered.

[4] For example, 8:01 p. m. eastern standard time should be entered as 0101 GMT; 8:30 a. m. eastern standard time should be entered as 1330 GMT; 7:45 p. m. eastern standard time should be entered as 0045 GMT.

(4) With respect to coast stations which, by reason of the provisions of Subpart G of this part, are required to maintain a watch on the radio-channel designated for radiotelegraph calling and distress (assigned frequency 500 kc), entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling, answering, and exchanging operating signals and safety communications on this radio-channel. In respect to coast stations which, under applicable provisions of Subpart G of this part are required to maintain a watch on 500 kc during the 500 kc silent periods, a positive entry shall be made in respect to each such silent period, stating whether or not signals were received during that time and, if signals are received, entry shall be made of the call sign(s) of the station(s) heard and the time(s) of such reception. The use of a rubber stamp or equivalent device for making entries to show observation of the silent period is prohibited. Further, in respect to coast stations which, under applicable provisions of Subpart G of this part, are required to maintain a watch on 500 kc during their hours of service (i. e. not limited solely to the 500 kc silent periods), a positive entry shall be made at least once in each 15 minutes stating whether or not signals were received on this radio-channel (assigned frequency 500 kc) and, if signals are received, entry shall be made of the call sign(s) of the station(s) heard and the time(s) of such reception.

(5) All distress calls, alarm signals, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channels on which such signals or messages were transmitted or received, and the position of any ship or other mobile unit in need of assistance, if this can be determined.

(6) All calls transmitted from or received by the coast station, together with a brief notation of any messages transmitted or received, shall be entered, showing the respective times, official call signs of the mobile or land stations communicated with, and the assigned frequency(s) on which the operations occurred.

(7) Whenever harmful interference is experienced by or reported to the responsible operator an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(8) All test transmissions shall be entered, together with the time of such transmissions, without regard to whether two-way communication with any other station is established.

(9) A daily entry shall be made regarding comparison of the time indicated by the required clock(s) with standard time, including a statement of any deviations observed and corrections made.

(10) Failure of apparatus to operate as required, failure of power supply, and incidents tending to unduly delay communication shall be entered.

(11) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the assigned frequency(s) as may be observed, and a statement of any corrective action taken.

(12) Entries shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and class, serial number, and expiration date of his license.

(13) Entries shall be made also in reference to operation of the antenna tower lights when such entries are required by reason of applicable provisions of Subpart G of this Part.

(b) Limited coast stations using telegraphy shall maintain an accurate radiotelegraph log, during their hours of service, in the same manner and to the same extent as is required by paragraph (a) of this section for public coast stations using telegraphy: *Provided, however*, That the entries specified by subparagraphs (6) and (10) thereof shall not be required for limited coast stations.

Subpart I—Public Coast Stations: Use of Telephony

§ 7.301 *Supplemental eligibility requirements.* (a) Subject to the basic eligibility requirements set forth in § 7.23, an authorization for a public coast station may be granted to any person, or State or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act of 1934, as amended, provided the applicant is—

(1) Qualified as a common carrier of communications; or

(2) Qualified to provide a radio service of public correspondence, without discrimination and without charge of any kind therefor.

§ 7.302 *Points of communication.* (a) Public coast stations using telephony are authorized to communicate normally with the classes of stations designated herewith, subject to the conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use of particular radio-channels:

(1) On the radio-channels of which 2182 kc and 156.8 Mc are the authorized carrier frequencies; with any ship station (and on 2182 kc with any aircraft station) using telephony other than for the transmission of public correspondence;

(2) With public ship stations licensed by the Commission and using telephony on a frequency assignment designated in Part 8 of the Commission's rules for ship-shore public correspondence;

(3) With ship stations of the United States Government (other than limited ship stations subject to section 301 of the Communications Act) using telephony on a Government frequency assignment or on a frequency assignment designated in Part 8 of the Commission's rules for ship-shore public correspondence;

(4) With ship stations of any foreign country using telephony on an appropriate frequency assignment designated in Part 8 of the Commission's rules for ship-shore public correspondence or available in accordance with the International Radio Regulations for ship to shore transmission of public correspondence by telephony;

(5) With aeronautical public service stations and United States Government stations on board aircraft in flight using telephony on a frequency assignment (below 30 Mc) available for ship-shore public correspondence as expressed in subparagraphs (2), (3), and (4) of this paragraph (provided neither harmful interference nor intolerable delay is caused to communication with ship stations);

(6) With marine fixed stations when the coast station uses for this purpose a frequency assignment below 4000 kc (this authority applies solely to public coast stations providing direct connection with a public land-line telephone system and upon the express condition that neither harmful interference nor intolerable delay is caused to communication with ship stations).

(b) Additionally, when necessary to expedite communication with a ship station using telephony on a frequency assignment above 100 Mc, public coast stations may communicate on the assigned frequency 156.8 Mc with other coast stations (public, limited, or Government) for the exchange of operating signals, brief service messages, and emergency messages; on condition that such communication shall not interfere with calls from or to mobile stations.

(c) Upon application, a public coast station using telephony may be specifically authorized by the terms of its station authorization to communicate with a designated station (Government or non-Government) at a remote fixed location isolated from the mainland where other communication facilities are not available: *Provided*,

(1) The station with which communication is carried on is duly authorized to communicate with the particular coast station involved; and

(2) The station with which communication is carried on shall transmit by telephony to the coast station on a frequency assignment available for ship-shore public correspondence in accordance with the provisions of Part 8 of the Commission's Rules for public ship stations using telephony; and

(3) Any communication carried on shall be confined exclusively to that absolutely necessary for public safety or the protection of life or property; and

(4) Neither harmful interference nor intolerable delay is caused to safety communication with ship stations.

(d) Upon application, a public coast station using telephony may be author-

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ized to transmit meteorological and marine navigational information, of benefit to mariners, additionally to designated fixed locations, whenever the same information is transmitted by such coast station simultaneously and primarily to ship stations; *Provided*, A sufficient need for such authorization is shown to exist.

§ 7.303 *Duplication of facilities.* A public coast station shall not be authorized in behalf of any person or government agency who applies for construction permit or station license to provide a maritime mobile service by the use of any frequency assignment above 100 Mc to any geographic area which is being, or is to be, adequately served by the use of any frequency assignment above 100 Mc by a public coast station or stations already authorized by the Commission in behalf of a different person or government agency, unless the Commission shall, in individual cases under exceptional circumstances, determine that the public interest, convenience, or necessity would be served by the grant of such construction permit or license.

§ 7.304 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this subsection may be licensed as an authorized carrier frequency [1] for use by public coast stations employing telephony by means of amplitude modulation subject to and in accordance with paragraph (d) of this section, other applicable sections of this subpart, and Subpart E of this part:

2,182	2,590	6,455	12,810
2,506	2,598	6,460	12,840
2,514	2,782	6,470	17,080
2,522	4,162.5	6,480	17,090
2,530	4,177.5	8,540	17,100
2,538	4,272.5	8,550	17,120
2,550	4,280	8,585	21,890
2,558	4,282.5	8,630	22,675
2,566	4,287.5	8,660	22,700
2,572	4,752.5	8,840	
2,582	6,240	11,090	

(b) Each of the specific frequencies in megacycles hereinafter designated in this subsection may be licensed as an authorized carrier frequency for use by public coast stations employing telephony by means of frequency modulation subject to and in accordance with the provisions of other applicable sections of this subpart and Subpart E of this part:

156.8	156.4	161.9	162.0

(c) (1) The following specific frequencies may be licensed as authorized carrier frequencies for use by those public coast stations using telephony which, prior to September 1, 1950, were authorized to use the respective frequency set forth below:

Carrier frequency:	*Authorized for public coast station(s) in vicinity of—*
35.14 Mc	Philadelphia, Pa.
35.18 Mc	Great Lakes region.

(2) The stations authorized to transmit on the radio-channel of which either 35.14 Mc or 35.18 Mc is the authorized carrier frequency, may employ either frequency modulation or amplitude modulation. Each of these carrier frequencies is available for use on a shared basis with limited coast stations, ship stations, marine-utility stations, and aircraft stations operating in the maritime mobile service at any location on the same radio-channel; they are not available exclusively for public correspondence. Licensees having authority to transmit on these frequencies shall cooperate in the use thereof in order to minimize interference.

(3) Applicants for public coast station authorization, or modification or renewal of station authorization, whose applications request authority to transmit on 35.14 or 35.18 Mc may be required, in the discretion of the Commission, to show a need for the use of such frequencies for public correspondence in lieu of the specific frequencies above 156 Mc authorized in this Subpart for public correspondence exclusively.

(d) Assignment of the specific carrier frequencies designated in paragraphs (a) and (b) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions hereinafter set forth in this paragraph.

(1) The frequency 2182 kc is the radiotelephone calling and distress frequency for the maritime mobile service of the United States. This frequency is authorized for use primarily by ship stations and secondarily by coast stations employing telephony, on a shared basis with stations of other countries; *Provided, however*, That its use for purposes other than distress shall not cause interference to stations of the maritime mobile service within 300 nautical miles of Charleston, South Carolina, Jacksonville, Florida, or Wilmington, California, or within 600 nautical miles of Vancouver, British Columbia, which, for a temporary period, continue in accordance with their respective station authorizations to use this frequency, or other frequencies within the band 2170 kc to 2194 kc, for working.

(2) The frequencies 2530, 2538, 2558, and 2598 kc are authorized for use upon the express condition that interference shall not be caused to the service of any station of Canada.

(3) The frequencies 2514, 2522, 2550,[2] 2572, and 2582 kc are authorized for use upon a shared basis with stations of Canada, provided that stations of the United States shall not cause interference to stations of Canada in the Great Lakes area which operate on the frequency 2562 kc.[3]

(4) The frequency 2782 kc is authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes); such use of this frequency is subject to coordination with stations operating in the fixed service at other locations in the United States, in order that interference shall be avoided or reduced to a minimum.

(5) The frequency 4162.5 kc is authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes); such use of this frequency is authorized upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

(6) The frequency 4272.5 kc is authorized for use upon the express condition that interference shall not be caused to the service of any station of Canada.

(7) In the Great Lakes region, the frequencies 4282.5, 6470, and 8585 kc are authorized for use upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

(8) The frequencies 6,240, 6,455, and 11,090 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes), upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies during the period from two hours after local sunset until two hours before local sunrise is prohibited.

(9) Use of the frequency 8840 kc by coast stations serving vessels on the Mississippi River and connecting inland waters (except the Great Lakes) is authorized upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on this frequency for this purpose during the period from two hours after local sunset until two hours before local sunrise is prohibited.

(10) Use of the frequencies 8540 kc and 8550 kc is authorized upon the express condition that interference shall not be caused to the intercontinental aeronautical services.

(11) Use of the frequency 156.4 Mc for public correspondence is authorized for public coast stations located within 75 statute miles of Chicago, Illinois, only.

§ 7.305 *Frequencies for calling and distress.* (a) The general radiotelephone calling and distress frequency for the maritime mobile service of the United States [4] is 2182 kc; it may be used as a carrier frequency for these purposes by public coast stations subject to the following conditions and limitations:

(1) Aside from transmissions relative to distress as provided in Subpart G of this part, this frequency may be used for urgency and safety signals and for urgency messages (other than public correspondence);

(2) This frequency is authorized for call and reply only when the use of a different carrier frequency for this function appears to be impracticable by reason of the operating or equipment limitations of a mobile station.

(3) In addition, this frequency may be used to announce transmissions, to be made soon thereafter on other frequencies by the same coast station, when the transmissions which are to follow on other frequencies are of general interest to ships, including ordinary weather and hydrographic information; or lists of ship stations with whom the coast station desires to communicate.

(4) The use of this frequency for purposes other than distress within 300 nautical miles of Charleston, South Carolina, Jacksonville, Florida, or Wilmington, California, or within 600 nautical miles of Vancouver, British Columbia, shall not cause interference to stations of the maritime mobile service which, for a temporary period, continue in accordance with their respective station authorizations to use this frequency, or other frequencies within the band 2170 kc to 2194 kc inclusive, for working.

(b) The radiotelephone frequency for call and reply for the maritime mobile service of the United States using frequencies within the band 156.25 Mc to 162.05 Mc is 156.8 Mc. It may be used by public coast stations as prescribed in § 7.309.

(c) In addition to the radio-channels of which the carrier frequencies are specifically authorized herein for "calling", the radio-channels authorized in this Subpart for "working" may be used for call and reply, provided interference is not caused to any communication in progress on the particular working channel.

§ 7.306 *Availability of frequencies below 30 Mc.* (a) The carrier frequencies designated herewith are assignable to Class I public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio channels: *Provided*, That the designated carrier frequencies below 5000 kc are assignable only to coast stations located in the vicinity of the specific harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency: *Provided further*, That the coast station shall receive transmission from mobile stations on the associated receiving frequency below 5000 kc also designated herewith:

(1) Working frequencies below 5000 kc:

Coast station transmitting carrier frequency [1]	Coast station located in vicinity of—	Coast station receiving carrier frequency
2506 kc	San Francisco, Calif.	2110 kc.
2530 kc	Hawaiian Islands	2134 kc.
2590 kc	New York, N. Y.	2198 kc.
4177.5 kc	do	4412.5 kc.
4280 kc	Hawaiian Islands	4402.5 kc.
4752.5 kc	San Francisco, Calif.	4422.5 kc.
	New York, N. Y.	4457.5 kc.

[1] These frequencies are those which may be specified applications for coast station authorizations.

(2) Working frequencies between 5000 kc and 30 Mc:

6,460	8,550	12,840	17,120
6,470	8,630	17,080	21,890
6,480	8,660	17,090	22,675
8,540	12,810	17,100	22,700

(b) The carrier frequencies designated herewith are assignable for working purposes to Class II public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio channels: *Provided*, That these frequencies are assignable only to coast stations located in the vicinity of the specific harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency: *Provided further*, That the coast station shall receive transmission from mobile stations on the associated receiving frequency also designated herewith:

Coast station transmitting carrier frequency [1]	Coast station located in vicinity of—	Coast station receiving carrier frequency
2506 kc	Boston, Mass.	2110 kc.
	San Francisco, Calif.	
	Eureka, Calif.	
2514 kc	Miami, Fla.	2118 kc.
	Great Lakes area	
2522 kc	Seattle, Wash.	2126 kc.
	New York, N. Y.	
	Galveston, Tex.	
2530 kc	Hawaiian Islands	2134 kc.
	San Juan, P. R.	
2538 kc	Norfolk, Va.	2142 kc.
	Quantico, Va.	
2550 kc	Tampa, Fla.	2158 kc.
	Great Lakes area	
2558 kc	Wilmington, Del.	2166 kc.
	New York, N. Y.	
	Charleston, S. C.	
2566 kc	Jacksonville, Fla.	2174 kc.
	Los Angeles, Calif.	
	Great Lakes area	2206 kc.[2]
2582 kc	Hawaiian Islands	2198 kc.
2590 kc	New York, N. Y.	2198 kc.
2598 kc	New Orleans, La.	2206 kc.
	Portland, Oreg.	
	Astoria, Oreg.	
	Boston, Mass.	4412.5 kc.
4177.5 kc	New York, N. Y.	4412.5 kc.
	Hawaiian Islands	4402.5 kc.
	San Francisco, Calif.	4422.5 kc.
4280 kc	Los Angeles, Calif.	
4282.5 kc	Great Lakes area	4422.5 kc.
4287.5 kc	Miami, Fla.	4402.5 kc.
4752.5 kc	New York, N. Y.	4457.5 kc.
6470 kc	Great Lakes area	6660 kc.
8585 kc	do	8820 kc.

[1] These frequencies are those which may be specified in applications for coast station authorizations.
[2] For reception from ship stations of Canada only.

The carrier frequency 2582 kc is assignable to public coast stations in the Great Lakes area for transmission to ship stations of Canada only.

In addition to the foregoing frequencies below 30 Mc., the frequencies 2572 kc and 4272.5 kc are assignable as carrier frequencies for telephony to Class II public coast stations at locations where their use will not cause interference to the service of any station which in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused. Further, use of the carrier frequency 4272.5 kc shall not cause interference to the service of any station of Canada.

(c) The carrier frequencies designated herewith are assignable for working purposes to Class II public coast stations using telephony and serving vessels on the Mississippi River and connecting inland waters (other than the Great Lakes); when the coast station and the mobile station transmit alternately on the same radio-channel:

2,782 kc	6,240 kc	8,840 kc
4,162.5 kc	6,455 kc	11,090 kc

(d) The use of the working frequencies authorized in paragraphs (a), (b), and (c) of this section is subject to the applicable conditions and limitations set forth in paragraph (d) of § 7.304. Further, and in so far as is practicable, Class II coast stations shall use frequency assignments within the band 4000 kc to 30 Mc. only when the use of frequency assignments outside this band will not provide effective communication.

§ 7.307 *Availability of frequencies above 100 Mc.* (a) Carrier frequencies which are assignable for use by public coast stations employing frequency modulation for telephony are designated herewith (these frequency assignments are not authorized for use in communicating with aeronautical public service stations on board aircraft):

(1) For transmission and reception on the same radio-channel:

156.8 Mc for calling and safety purposes;
157.1 Mc for working at locations where use of the normally assignable carrier frequency 162 Mc would cause harmful interference to United States government stations using frequencies in the government frequency-band 162–174 Mc; or for working at locations where interference is not caused to the use of this frequency for reception from ship stations as contemplated under subparagraph (2) of this paragraph;
157.4 Mc for working at locations where interference is not caused to the use of this frequency for reception from ship stations as contemplated under subparagraph (2) of this paragraph.

(2) For transmission on one radio-channel and associated reception on a different radio-channel:

For transmission:	*For reception (Mc)*
161.9 Mc (except within 75 statute miles of Chicago, Ill.)	157.4
156.4 Mc (within 75 statute miles of Chicago, Ill., only)	157.4
162 Mc (subject to paragraph (d) of this section)	157.1

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee.

[1] The definition of "authorized carrier frequency" is set forth in paragraph (l) of § 7.8.

[2] In practice, stations of Canada in the Great Lakes area do not operate on the frequency 2550 kc.

[3] In practice in the Great Lakes region, coast stations of Canada equipped to do so transmit on 2550 kc to ships of the United States only; coast stations of the United States transmit on 2582 kc to ship stations of Canada only.

[4] The frequency 2182 kc will be formally recognized as the international radio-telephone distress and calling frequency in Region 2 not later than the date on which Article 3 of the Inter-American Radio Agreement, Washington, 1949, becomes effective, and in Regions 1, 2, and 3 (world-wide) not later than the date on which the new International Frequency List becomes effective as provided by Article 47 of the International Radio Regulations, Atlantic City, 1947.

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(b) Subject to the provisions of § 7.308, the carrier frequency 161.9 Mc may be authorized for use by public coast stations using telephony at any location except Chicago, Illinois, and locations within 75 statute miles thereof.

(c) Subject to the provisions of § 7.308, the carrier frequency 156.4 Mc may be authorized for use by public coast stations employing telephony, in lieu of the carrier frequency 161.9 Mc, at Chicago, Illinois, and locations within 75 statute miles thereof, only.

(d) Subject to the provisions of § 7.308, the carrier frequency 162 Mc may be authorized for use by public coast stations at any location where, as a result of such use, harmful interference will not be caused to United States government stations using frequencies in the government frequency-band 162–174 Mc.

§ 7.308 *Conditions imposed upon assignments in 156–162 Mc band.* (a) The carrier frequency 161.9 Mc (or alternatively 157.4 Mc subject to the provisions of paragraph (a) (1) of § 7.307) is assignable primarily to public coast statons employing frequency modulation for telephony which provide service to one or more of the harbors or ports designated herewith:

Portland, Maine	Coos Bay, Oreg.
Albany, N. Y.	Portland, Oreg.
Boston, Mass.	Takoma, Wash.
Providence, R. I	Seattle, Wash.
New Haven, Conn.	Everett, Wash.
New York, N. Y.	Duluth, Minn.
Philadelphia, Pa.	Superior, Wis.
Baltimore, Md.	Two Harbors, Minn.
Norfolk, Va.	Ashland, Wis.
Newport News, Va.	Presque Isle (Marquette County), Mich.
Hampton Roads, Va.	
Charleston, S. C.	
Savannah, Ga.	Marquette, Mich.
Jacksonville, Fla.	Port Inland, Mich.
Miami, Fla.	Escanaba, Mich.
Tampa, Fla.	Green Bay, Wis.
Mobile, Ala.	Milwaukee, Wis.
New Orleans, La.	Ludington, Mich.
Baton Rouge, La.	Calcite (Rogers City), Mich.
Lake Charles, La.	
Port Arthur, Tex.	Detroit, Mich.
Beaumont, Tex.	Toledo, Ohio.
Texas City, Tex.	Sandusky, Ohio.
Galveston, Tex.	Lorain, Ohio.
Houston, Tex.	Cleveland, Ohio.
Corpus Christi, Tex.	Ashtabula, Ohio.
Port Aransas, Tex.	Conneaut, Ohio.
San Diego, Calif.	Erie, Pa.
Long Beach, Calif.	Buffalo, N. Y.
Wilmington, Calif.	Pittsburgh, Pa.
Port San Luis, Calif.	Louisville, Ky.
Estero Bay, Calif.	St. Louis, Mo.
San Francisco, Calif.	Memphis, Tenn.

Public coast stations (except stations located at Chicago, Ill., or within 75 statute miles thereof) which provide service to any harbor or port not specifically designated in this subsection may be assigned the carrier frequency 161.9 Mc (or alternatively 157.4 Mc subject to the provisions of paragraph (a) (1) of § 7.307) upon the express condition that (1) such assignment shall be on a secondary basis with respect to use of this assigned frequency by a station or stations providing service (existing or in the future) to any harbor or port specifically designated in this paragraph and (2) interference shall not be caused to the service rendered any harbor or port specifically designated in this paragraph.

(b) The carrier frequency 162 Mc (or alternatively 157.1 Mc. subject to the provisions of paragraph (a) (1) of § 7.307) is assignable to public coast stations employing frequency modulation for telephony which are located at Chicago, Ill., or within 75 statute miles thereof and provide service to one or more of the harbors or ports designated herewith:

Chicago, Ill.	Indiana Harbor, Ind.
Gary, Ind.	

In addition, the carrier frequency 156.4 Mc or alternatively 157.4 Mc subject to the provisions of paragraph (a) (1) of § 7.307) is assignable to public coast stations which are located at Chicago, Ill., or within 75 statute miles thereof and provide service to one or more of the harbors or ports specifically designated in this paragraph.

Public coast stations which provide service to any other harbor or port within 75 statute miles of Chicago, Ill., may be assigned the carrier frequency 162 Mc. (or alternatively 157.1 Mc. subject to the provisions of paragraph (a) (1) of § 7.307) or the carrier frequency 156.4 Mc. (or alternatively 157.4 Mc. subject to the provisions of paragraph (a) (1) of § 7.307) upon the express condition that (1) such assignment shall be on a secondary basis with respect to use of either of these assigned frequencies by a station or stations providing service (existing or in the future) to one or more of the harbors or ports specifically designated in this paragraph and (2) interference shall not be caused to the service rendered any harbor or port specifically designated in this paragraph.

(c) In addition to the provisions of paragraph (b) of this section, the carrier frequency 162 Mc. (or alternatively 157.1 Mc. subject to the provisions of paragraph (a) (1) of § 7.455) is assignable to any public coast station employing frequency modulation for telephony and located more than 75 miles from Chicago, Illinois: *Provided,*

(1) The carrier frequency 162 Mc. (or alternatively 157.1 Mc.) normally shall be assigned only to a station licensee who already is licensed to use the carrier frequency 161.9 Mc. (or alternatively 157.4 Mc.) to provide service to the particular harbor(s) or port(s) involved and who is utilizing the latter assigned frequency at maximum capacity to provide such service under the prevailing conditions of operation; or the applicant for authority to use 162 Mc. (or alternatively 157.1 Mc.) is not in a position to use the carrier frequency 161.9 Mc. (or alternatively 157.4 Mc.) because the use thereof in the geographic area involved would create interference to stations already authorized to use this carrier frequency; and

(2) The licensee of any coast station to which the carrier frequency 161.9 Mc. is already assigned who applies for additional authority to use the carrier frequency 162 Mc. (or alternatively 157.1 Mc.) shall fully justify a need for such additional frequency assignment; and

(3) Any other applicant for authority to use the carrier frequency 162 Mc. (or alternatively 157.1 Mc.) shall show a need for such frequency assignment in lieu of the carrier frequency 161.9 Mc. (or alternatively 157.4 Mc.).

§7.309 *Use of assigned frequency 156.8 Mc.* (a) The radio-channel of which 156.8 Mc. is the authorized carrier frequency is designated primarily for calling and safety purposes. It may be used for safety communication [4] as an alternative to the radiotelephone calling and distress frequency 2182 kc, when appropriate, by public coast stations employing telephony for short-distance communication.

(b) In addition to the provisions of paragraph (a) of this section, this radio-channel may be used when necessary by public coast stations for:

(1) Call, reply, and the exchange of brief operating signals;

(2) Brief operating signals preparatory to working an another radio-channel;

(3) Announcing transmission to be made soon thereafter, on another radio-channel, which transmission is of general interest to ship stations, including ordinary weather and hydrographic information; and

(4) In accordance with the provisions of paragraph (b) of § 7.302, the exchange with other coast stations of operating signals, brief service messages, and emergency messages; on condition that such communication shall not interfere with calls from or to mobile stations.

(c) The use of this radio-channel by public coast stations for transmission of any other category is not authorized.

(d) Although use of the assigned frequency 156.8 Mc. by public coast stations for call and reply is authorized, calling and replying by these stations shall, in general, be conducted on a radio-channel authorized primarily for working.

§ 7.310 *Identification of station.* (a) All radiotelephone emissions of a public coast station shall be clearly identified by voice transmission therefrom in the English language of either the official call sign assigned to that station by the Commission or the approximate geographic location of the station as approved [5] in each case by the Commission upon request made by the station licensee or permittee: *Provided,* That, in addition to identification of the station by voice, the official call sign may be clearly transmitted by tone-modulated telegraphy in the International Morse Code either by a duly licensed radiotelegraph operator or by means of an automatic device approved [6] for this purpose by the Commission. Identification as herein prescribed shall be made—

(1) At the beginning and upon completion of each communication with any other station; and

[4] See paragraph (a) of § 7.7 for the definition of safety communication.

[5] Such voice identification as "Washington marine operator" to indicate that the station is located at or near Washington, D. C., may be approved if there will be no conflict with identification of any other station.

[6] The conditions to be met by such a device in order to obtain the approval of the Commission will be determined and will be incorporated in proposed rule-making.

(2) At the beginning and upon conclusion of each transmission made for any other purpose.

§ 7.311 *Procedure in testing.* (a) Public coast stations are authorized to carry on such routine tests as may be required for the proper maintenance of the station provided each such station shall use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the radiotelephone testing procedure described below shall be followed:

(1) The licensed radio operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress;

(2) The official call sign and the geographic location of the testing station, followed by the word "test," shall be announced by voice on the radio-channel being used for the test, as a warning that test emissions are about to be made on, that frequency;

(3) If, as a result of the announcement prescribed in subparagraph (2), any station transmits by voice the word "wait," testing shall be suspended. When, after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4);

(4) The operator shall repeat the word "test" followed by the count "1, 2, 3, 4, • • • etc.," which in turn shall be followed by voice announcement of the official call sign of the testing station and its approximate geographic location.

(b) When radiotelephone testing is conducted on the assigned frequency 2182 kc or 156.8 Mc, the test transmissions shall not continue for more than 10 seconds.

§ 7.312 *General radiotelephone operating procedure*—(a) *Limitations on calling.* (1) Except when transmitting a general call to all stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a public coast station shall call the particular station with which it intends to communicate.

(2) Public coast stations may use authorized [7] classes of emission for selective-calling on each radio-channel authorized for working. The use of selective-calling on the radio-channel of which either 2182 kc or 156.8 Mc is the authorized carrier frequency is prohibited.

(3) Calling a particular station, either by voice or by other means, shall not continue for a period of more than thirty seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of five minutes.

(4) Each public coast station, when using selective-calling to secure the attention of a ship station with which it intends to communicate, shall transmit the type of signal and the particular signal code necessary to actuate the automatic attention device (selective ringer) known to be installed in the particular ship station and normally used for monitoring the coast station radio-channel which is used for transmitting such calls.

(5) Except in the event of an emergency involving safety, a public coast station, with respect to operation on any radio-channel which is used also by other coast stations within the same communication area, shall not answer, or attempt to answer, a ship station until the latter has transmitted the call sign or name of the particular coast station with which it desires to communicate.

(6) A public coast station shall not attempt to communicate with a ship station that has specifically called another coast station until it becomes evident that the called station does not answer, or that communication between the ship station and the called station cannot be carried on because of unsatisfactory operating conditions.

(b) *Time limitation on calling frequency.* Transmission by coast stations on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency (including calls, answers, operating signals, and conversation pertaining to safety) shall be kept to a minimum and in general any one exchange of communications shall not exceed 3 minutes in duration. In the event of distress or other emergency, this time limitation shall not apply.

(c) *Change to working frequency.* After establishing communication with another station by call and reply on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency, coast stations shall change to an authorized working channel for the transmisison of messages which, under the provisions of this Subpart, cannot be transmitted on the respective calling channel.

(d) *Time limitation on public correspondence.* Any one exchange of public correspondence between a public coast station and a public ship station shall not exceed 10 minutes in duration. The period of time required to establish connection between a public land-line telephone and the ship station, prior to actual exchange of public correspondence, is not included within this time limitation. Subsequent to any one exchange of public correspondence of ten minutes or less, the same working channel shall not again be used by the coast station for communication with the same ship station until five minutes have elapsed; provided that this limitation shall not apply in event of an emergency involving safety.

(e) *Use of busy signal.* A public coast station, when communicating with a ship station which transmits to the coast station on a radio-channel which is a different channel from that used by the coast station for transmission, may transmit a "busy" signal whenever transmission from the ship stations is being received and during such other periods of time, pending completion of any one exchange of communications, as may be considered necessary by the coast station to avoid or minimize interference from other stations.

(f) *Limitation on 6470 kc and 8585 kc on Great Lakes.* Public coast stations in the Great Lakes area, authorized to use the carrier frequency 6470 kc or 8585 kc pursuant to § 7.304 (d) (7), shall, during the periods from local sunset to local sunrise, not transmit on these frequencies whenever the necessary communication can be effected on authorized frequencies below 5000 kc or above 30 Mc.

§ 7.313 *Station documents.* Public coast stations using telephony shall be provided with and have readily available during their hours of service the documents hereinafter specified:

Document	*Class of public coast station which must be provided with the document listed in the column at the left*
Parts 7 and 8 of the Commission's rules	Classes I, II, and III.
Valid station license	Classes I, II, and III.
Necessary operator license or licenses	Classes I, II, and III.
Station log required by this part	Classes I, II, and III.
Alphabetical List of Call Signs prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938).	Class I; and Class II stations that provide communication with ocean-going vessels.
List of Coast Stations and Ship Stations prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938).	Class I; and Class II stations that provide communication with ocean-going vessels.

§ 7.314 *Station records.* (a) Public coast stations using telephony shall maintain an accurate radiotelephone log during their hours of service, as hereinafter specified:

(1) Each sheet of the log shall be numbered in sequence and dated and shall include the official call sign of the coast station and also the signature(s) of the licensed operator(s) performing operating duties.

(2) The entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved of or terminating a duty period, followed by his signature. All log entries shall be currently completed and all entries shall, unless otherwise stated, be made by a licensed operator on duty. The use of initials or signs is not authorized in lieu of any operator's signature required by this section.

(3) The time of making an entry shall be shown opposite the entry and shall be expressed in Greenwich mean time (GMT), except that, in the Great Lakes region, the time shall be expressed in eastern standard time (e. s. t.) (counted from 00:00 to 24:00 o'clock, beginning at

[7] See those provisions of Subpart E relative to authorized classes of emission.

midnight) and for public coast stations which communicate exclusively with vessels on inland waters of the United States (other than the Great Lakes) the time shall be expressed in local standard time (e. s. t., c. s. t., etc., counted from 00:00 to 24:00 o'clock, beginning at midnight). The first entry in each hour shall consist of 4 figures; additional entries in the same hour may be expressed in 2 figures by omitting the hour designation. The abbreviation "GMT" (e. s. t. in the Great Lakes area) (e. s. t., c. s. t., etc., for stations serving inland waters exclusively) shall be marked at the head of the column in which the time is entered.

(4) With respect to public coast stations, which by reason of the provisions of Subpart G of this part, are required to maintain a watch on the radio-channel designated for radiotelephone calling and distress (assigned frequency 2182 kc), or on the radiotelephone calling channel above 100 Mc (assigned frequency 156.8 Mc), entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling, answering and exchanging operating signals and safety communications on this radio-channel. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries and the operator(s) who actually maintains such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

(5) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries shall appear in the log and shall be properly related to each particular entry of this category.

(6) All calls transmitted from or received by a coast station shall be entered, showing the call signs or names of vessels; the time, and the assigned frequencies involved: *Provided, however,* That when the manual operations of switching and handling of telephone calls directly between a ship telephone station and landline telephone facilities are not normally performed by a licensed radio operator, the entries prescribed by this subsection may be omitted from the station log upon the express condition that equivalent records shall be currently maintained by the station licensee. Such records shall be made available upon request of an authorized Commission representative. The equivalent records shall include the time and such other notations as are necessary to identify the frequency(s) employed and the station(s) communicated with or heard. In addition, for each communication handled, a notation shall be made of the points of origin and destination of the communication. Local standard time may be used to record the occurrence in the equivalent record in lieu of Greenwich mean time or Eastern Standard Time prescribed by subparagraph (3): *Provided,* That the licensee may be required, upon request of an authorized Commission representative, to convert the standard time recorded to that specified in subparagraph (3).

(7) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(8) All test transmissions shall be entered, together with the time of such transmissions, without regard to whether two-way communication with any other station is established.

(9) A daily entry shall be made regarding comparison of the time indicated by the required clock(s) with standard time, including a statement of any deviations observed and corrections made.

(10) Failure of apparatus to operate as required, failure of power supply, and incidents tending to unduly delay communication shall be entered.

(11) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the assigned frequency(s) as may be observed, and a statement of any corrective action taken.

(12) An entry shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed, and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(13) Entries shall be made also in reference to operation of the antenna tower lights when such entries are required by reason of applicable provisions of Subpart G of this part.

SUBPART J—LIMITED COAST STATIONS AND MARINE-UTILITY STATIONS: USE OF TELEPHONY

§ 7.351 *Supplemental eligibility requirements.* (a) Subject to the statutory eligibility requirements set forth in § 7.23, an authorization for a limited coast station or a marine-utility station may be granted to any person, or state or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act provided the applicant is—

(1) Regularly engaged in the operation of one or more commercial transport vessels,[1] or

(2) An organization of which all persons who are members or shareholders are regularly engaged in the operation of one or more commercial transport vessels,[1] or

(3) A non-profit corporation or association, organized for the purpose of furnishing a maritime mobile service solely to persons who are regularly engaged in the operation of one or more commercial transport vessels,[1] or

(4) Legally responsible for the operation, control, or development of a harbor, port, or waterway used by commercial transport vessels.[1]

(b) Each application for station authorization for a limited coast station or a marine-utility station shall be accompanied by a written statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section.

§ 7.352 *Cooperative use of facilities.* (a) A person, state or local government subdivision, or any agency of the Federal Government subject to the provisions of section 301 of the Communications Act, engaged in the operation of one or more Commercial transport vessels may receive maritime mobile service from a limited coast station or a marine-utility station used on shore even though not the licensee of the limited coast station or the marine-utility station. The rendition of such service, however, will not be required of the licensee of the limited coast station or the marine-utility station without his consent, except as may be necessary in the enforcement of paragraph (c) of this section. The necessary cooperative arrangements for this purpose will be governed by the following provisions:

(1) Such persons, state or local government subdivisions or Federal agencies may, and in the case of foreign persons shall themselves, be the licensees of the radio stations installed on board their respective commercial transport vessels: *Provided,* That prior to receiving an authorization to render service to the involved ship station(s), the licensee of the coast station or the marine-utility station from whom the service is to be received files a request for authority to render such maritime mobile service to the person or government agency who is to receive the service. The request must be notarized but may be in letter form, submitted in duplicate. Upon approval of the request, the Commission will designate on the coast station or marine-utility station authorization the persons or government agencies to whom service may be rendered.

(2) The licensee of a limited coast station or marine-utility station used on shore may install licensed ship radio stations on board United States commercial transport vessels of other persons or appropriate government agencies of the United States: *Provided,* That in each case such persons or government agencies shall enter into a written agreement verifying that the ship station licensee has the sole right of control of the involved ship stations, that the vessel operators shall use the ship stations subject to the orders and instructions of the licensee of the coast station or marine-utility station on shore, and that the said licensee shall have, at all times, such access to and control of the ship station equipment as will enable him to carry out his responsibilities under the ship station license. A copy of the agreement with vessel owners required hereby shall be kept with the coast station or marine-utility station records and held available for inspection by Commission representatives.

(3) All provisions of this section applicable to ship stations are applicable also to marine-utility stations while the latter are used on board commercial transport vessels, and to stations on board commercial transport vessels of any foreign country.

(b) All cooperative arrangements entered into under the provisions of this section shall be governed by the following requirements as to costs and charges:

(1) The arrangement must be established on a non-profit, cost-sharing basis by written contract between the parties and a copy of the contract must be kept with the records of the coast station or the marine-utility station and held available for inspection by Commission representatives.

(2) Contributions to capital and operating expenses may be accepted only on a cost-sharing, non-profit basis, said costs to be prorated on an equitable basis among all persons or government agencies who are parties to the cooperative arrangement. Records which reflect the cost of the service and its non-profit, cost-sharing nature shall be maintained by the licensee of the coast station or the marine-utility station and held available for inspection by Commission representatives. An audited financial statement reflecting the non-profit, cost-sharing nature of the arrangement shall be submitted by the licensee of the coast station or the marine-utility station annually to the Commission's Washington office no later than three months after the close of the licensee's fiscal year.

(c) If, in a particular geographic area, the use and operation of limited coast stations and (or) marine-utility stations by a plurality of station licensees using the same frequency assignment(s) causes intolerable interference, even though all provisions of this subpart relative to the reduction of interference have been fully complied with, the Commission may, in accordance with the provisions of the Communications Act, require the involved station licensees to join in a single cooperative organization for rendition of the necessary maritime mobile service within the affected area by a single station licensee.

§ 7.353 [Deleted.]

§ 7.354 *Points of communication.* (a) Limited coast stations and marine-utility stations using telephony are authorized to communicate normally with the classes of ship stations designated herewith, subject to the conditions and limitations imposed by the terms of their particular station licenses or by the applicable provisions of this part with respect to the use of particular radio-channels:

(1) Any ship station or any marine-utility station on board ship, using telephony on the assigned frequency 156.8 Mc (or 2182 kc when this frequency is assigned)

(2) Specified limited ship stations and specified marine-utility stations on board commercial transport vessels licensed by the Commission and using telephony on a frequency assignment designated for this purpose;

(3) Specified public ship stations on board commercial transport vessels, licensed by the Commission and using telephony on a frequency assignment designated for this purpose;

(4) Specified ship stations of any foreign country on board commercial transport vessels and using telephony on the radiochannel of which 156.6 Mc is the authorized carrier frequency.

(5) Additionally, when necessary to expedite communication by telephony between a ship station and a public coast station on a frequency assignment above 100 Mc, limited coast stations may communicate on the assigned frequency 156.8 Mc with other coast stations (public, limited, or government) for the exchange of operating signals, brief service messages, and emergency messages on condition that such communication shall not interfere with calls from or to mobile stations.

(b) With respect to the terms of paragraphs (a) (2), (3), and (4) of this section, the specific ship stations or marine-utility stations on board ship with which a limited coast station or a marine-utility station on shore is authorized to communicate shall be designated appropriately in the license of such coast station or marine-utility station.

(c) Upon application and satisfactory showing of a need therefor, two or more limited coast stations of the same station licensee may be specifically authorized by the terms of their respective station licenses to communicate on a secondary basis between themselves, *Provided,*

(1) Any communication carried on shall be confined exclusively to that absolutely necessary for the business or operational needs of the ship(s) with which at least one of the involved coast stations is authorized to communicate; and

(2) Other point-to-point communication facilities between the particular coast station locations are inadequate, inoperative, economically impracticable, or unavailable; and

(3) Any two coast stations of this category which communicate with each other are separated by not more than 100 miles; and

(4) Neither harmful interference nor intolerable delay is caused to communication with or between mobile stations; and

(5) Such communication shall occur only on a frequency assignment above 30 Mc except on the radio-channel of which 156.6 Mc or 156.8 Mc is the authorized carrier frequency.

§ 7.355 *Nature of service.* (a) Limited coast stations and marine-utility stations using telephony shall—

(1) Not be open to public correspondence;

(2) Not be used to render a communications common carrier service;

(3) Not be used to transmit program material of any kind for use in connection with radio broadcasting;

(4) Not be used for the transmission of press material or news items which are not required to serve the business or operational needs of ships;

(5) Be used exclusively to serve the operational and business needs of ships, including the transmission of safety communication.[2]

(b) In areas where adequate and appropriate weather and hydrographic information is transmitted by means of telephony through the medium of one or more public coast stations or United States government stations, limited coast stations and marine-utility stations on shore shall not duplicate that service. In all other respects, limited coast stations and marine-utility stations on shore may transmit by means of telephony such weather and hydrographic information as is required for the business and operational needs of the ships with which they normally communicate.

(c) Each marine-utility station on shore shall be used and operated exclusively within the limits of the geographic area specified in the particular station license. Except as specifically provided otherwise in this part, each marine-utility station on shore shall be used and operated as a limited coast station and in accordance with all rules and regulations applicable to such coast stations.

§ 7.356 *Assignable frequencies above 30 Mc.* (a) Carrier frequencies above 100 Mc which may be authorized for use by limited coast stations and marine-utility stations on shore, employing frequency-modulation for telephony, and for transmission and reception on the same radio-channel, are designated herewith:

(1) For all geographic areas:

156.4 Mc for working (except at Chicago, Illinois, and locations within 225 miles thereof);
156.5 Mc for working;
156.6 Mc for working; primarily for harbor or port operational traffic;
156.8 Mc for calling and safety purposes.

(2) For stations at locations (except on the Great Lakes, on the Mississippi River and tributary waters, and on the Gulf of Mexico intracoastal waterway) where the use of an additional working frequency assignment is required:

157.0 Mc for working.

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee.

(b) Carrier frequencies which are assignable to limited coast stations and marine-utility stations on shore primarily for working with specified classes of commercial transport vessels are designated herewith; these frequency assignments shall be used for the specific purposes herein prescribed in prefer-

[1] See paragraph (p) of § 7.2 which defines "commercial transport vessel."

[2] See paragraph (a) of § 7.7 which defines "safety communications."

ence to other frequency assignments available for these classes of stations whenever practicable:

(1) For stations which provide service to vessels in the vicinity of one or more of the harbors or ports designated herewith: *Provided*, That stations which serve any seaboard harbor or port of the continental United States not specifically designated in this subparagraph may be assigned one or more of these carrier frequencies upon the express condition that (i) such assignment shall be on a secondary basis with respect to use of such assigned frequency or frequencies by a station or stations providing service (existing or in the future) to any harbor or port specifically designated in this subparagraph and (ii) interference shall not be caused to the service rendered any harbor or port specifically designated in this subparagraph:

Portland, Maine.	New Orleans, La.
Albany, N. Y.	Port Arthur, Tex.
Boston, Mass.	Beaumont, Tex.
New Haven, Conn.	Texas City, Tex.
New York, N. Y.	Galveston, Tex.
Providence, R. I.	Houston, Tex.
Philadelphia, Pa.	Corpus Christi, Tex.
Baltimore, Md.	Port Aransas, Tex.
Norfolk, Va.	San Diego, Calif.
Newport News, Va.	Long Beach, Calif.
Hampton Roads, Va.	Wilmington, Calif.
Charleston, S. C.	Port San Luis, Calif.
Savannah, Ga.	Estero Bay, Calif.
Jacksonville, Fla.	San Francisco, Calif.
Miami, Fla.	Coos Bay, Oreg.
Tampa, Fla.	Portland, Oreg.
Mobile, Ala.	Tacoma, Wash.
Baton Rouge, La.	Seattle, Wash.
Lake Charles, La.	Everett, Wash.

156.4 Mc for communication with vessels which are navigated primarily within harbor or port areas, including tugs, towboats, pilot boats, barges, wreckers, dredges, local ferries, repair ships, and harbor craft of municipalities or States;

156.5 Mc for communication with commercial transport vessels of any class which are navigated primarily between separate harbors or ports; and with commercial fishing vessels;

156.6 Mc for communication with vessels within harbor or port areas or within the vicinity thereof, including tugs, towboats, pilot boats, barges, wreckers, dredges, local ferries, repair ships, and harbor craft of municipalities or States;

157.0 Mc for communication with commercial transport vessels of the class or classes specified by the Commission, as required from time to time by prevailing needs, in respect to particular harbor or port areas, or in respect to particular stations: *Provided* That in order to avoid interference to intership communication, this carrier frequency is not assignable to any coast station or marine-utility station on shore which is located within 100 miles of the Mississippi River or any tributary thereof, nor within 100 miles of any portion of the Gulf of Mexico intercoastal waterway.

(2) For stations serving vessels on the Great Lakes which provide such service to one or more of the harbors or ports designated herewith: *Provided*, That stations which serve any Great Lakes harbor or port not specifically designated in this subparagraph may be assigned one or more of these carrier frequencies upon the express condition that (i) such assignment shall be on a secondary basis with respect to use of such assigned frequency or frequencies by a station or stations providing service (existing or in the future) to any harbor or port specifically designated in this subparagraph and (ii) interference shall not be caused to the service rendered any harbor or port specifically designated in this subparagraph:

Duluth, Minn.	Detroit, Mich.
Superior, Wis.	Toledo, Ohio.
Two Harbors, Minn.	Sandusky, Ohio.
Ashland, Wis.	Lorain, Ohio.
Presque Isle (Marquette County), Mich.	Cleveland, Ohio.
	Ashtabula, Ohio.
	Conneaut, Ohio.
Marquette, Mich.	Erie, Pa.
Port Inland, Mich.	Buffalo, N. Y.
Escanaba, Mich.	Chicago, Ill.
Green Bay, Wis.	Indiana Harbor, Ind.
Milwaukee, Wis.	Gary, Ind.
Ludington, Mich.	
Calcite (Rogers City), Mich.	

156.4 Mc for communication with ferries which are navigated primarily between separate harbors or ports, and commercial fishing vessels (except at Chicago, Illinois, and locations within 225 miles thereof, at which the carrier frequency 156.5 Mc shall be assignable for this purpose in lieu of 156.4 Mc);

156.5 Mc for communication with commercial transport vessels of any class (except ferries) which are navigated primarily between separate harbors or ports; and additionally for stations at Chicago, Illinois, and locations within 225 miles thereof, for communication with ferries which are navigated primarily between separate harbors or ports and with commercial fishing vessels;

156.6 Mc for communication with vessels within harbor or port areas or within the vicinity thereof including tugs, towboats, barges, wreckers, dredges, local ferries, repair ships, pilot boats, and harbor craft of municipalities or States.

(3) For stations serving vessels on the Mississippi River and tributaries and the Gulf of Mexico intracoastal waterway which provide such service to one or more of the harbors or ports designated herewith: *Provided*, That stations which serve any harbor or port on the Mississippi River or any tributary thereof or on the Gulf of Mexico intracoastal waterway not specifically designated in this subparagraph nor in subparagraph (1) of this paragraph may be assigned one or more of these carrier frequencies upon the express condition that (i) such assignment shall be on a secondary basis with respect to use of such assigned frequency or frequencies by a station or stations providing service (existing or in the future) to any harbor or port specifically designated in this subparagraph or in subparagraph (1), and (ii) interference shall not be caused to the service rendered any harbor or port specifically designated in this subparagraph or in subparagraph (1):

Pittsburgh, Pa.	Chicago, Ill.
Louisville, Ky.	Memphis, Tenn.
St. Louis, Mo.	

156.4 Mc for communication with commercial transport vessels of the class or classes specified by the Commission, as required from time to time by prevailing needs, in respect to particular harbor or port areas, or in respect to particular stations (not assignable to stations at Chicago, Illinois, nor at locations within 225 miles thereof);

156.5 Mc for communication with commercial transport vessels of any class which are navigated primarily between separate harbors or ports; and with commercial fishing vessels;

156.6 Mc for communication with vessels within harbor or port areas or within the vicinity thereof, including tugs, towboats, pilot boats, barges, wreckers, dredges, local ferries, repair ships, and harbor craft of municipalities or States.

(4) For stations serving vessels in any area not specified in subparagraphs (1), (2), and (3) of this paragraph.

156.4 Mc for communication with vessels which are navigated primarily within harbor or port areas, including tugs, towboats, pilot boats, barges, wreckers, dredges, local ferries, repair ships, and harbor craft of municipalities or States;

156.5 Mc for communication with commercial transport vessels of any class which are navigated primarily between separate harbors or ports, and with commercial fishing vessels;

156.6 Mc for communication with vessels within harbor or port areas or within the vicinity thereof, including tugs, towboats, pilot boats, barges, wreckers, dredges, local ferries, repair ships, and harbor craft of municipalities or States;

157.0 Mc for communication with commercial transport vessels of the class or classes specified by the Commission, as required from time to time by prevailing needs, in respect to particular harbor or port areas, or in respect to particular stations, *Provided*, That in order to avoid interference to intership communication, this carrier frequency is not assignable to any coast station or marine-utility station on shore which is located within 100 miles of the Mississippi River or any tributary thereof nor within 100 miles of any portion of the Gulf of Mexico Intracoastal Waterway.

(c) Carrier frequencies within the band 30 Mc to 50 Mc which may be authorized for use by limited coast stations and marine-utility stations on shore employing either frequency modulation or amplitude modulation for telephony, for transmission and reception on the same radio-channel, are designated herewith:

Carrier frequency:	*Normal geographic area of use*
35.06 Mc	Gulf coast area, Puerto Rico, and Virgin Islands.
35.10 Mc	Pacific coast area and islands of the Pacific Ocean.
35.14 Mc	Atlantic coast area.
35.18 Mc	Mid-continent area, including Great Lakes.

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee.

(d) Any coast station not open to public correspondence and licensed prior to March 1, 1949, for the use of telephony on the radio-channel of which 43.02 Mc is the authorized carrier frequency, may continue to be licensed as a limited coast station for use of this radiochannel with class of emission, authorized frequency-band, type of modulation, and maximum power as licensed prior to March 1, 1949, upon the condition that the carrier frequency shall be maintained within 0.01 percent of the authorized carrier frequency 43.02 Mc and that interference shall not be caused to any station in any other service.

§ 7.357 *Conditions imposed upon assignments in 35–36 Mc band.* (a) Each application which requests assignment of a carrier frequency designated in paragraph (c) of § 7.356 shall designate normally the carrier frequency specified in that subsection for use in the geographic area in which the coast station or the marine-utility station on shore is located. Normally, only that carrier frequency is assignable for use in that area. When any other of these carrier frequencies is requested for assignment in a specified area, the application therefor shall include a satisfactory showing that the carrier frequency designated in paragraph (c) of § 7.356 for use in the particular area will not meet the need of the proposed or existing service. When, in the opinion of the applicant, the location of the involved station is not clearly within one of the geographic areas designated in paragraph (c) of § 7.506, the applicant may obtain the necessary information in this respect by corresponding directly with the Commission at Washington, D. C.

§ 7.358 *Conditions imposed upon assignments in 156–162 Mc band.* Normally, a limited coast station or a marine-utility station on shore shall be authorized to use, for working, one radio-channel only, within the frequency band 156.35 Mc to 157.05 Mc in accordance with the terms of paragraph (b) of § 7.356. Application for authority to use more than one radio-channel for working shall include a satisfactory showing of need for such additional facility.

§ 7.359 *Use of assigned frequency 156.8 Mc.* (a) The radio-channel of which 156.8 Mc is the authorized carrier frequency is designated primarily for calling and safety purposes. It may be used when appropriate by limited coast stations and marine-utility stations employing telephony for short-distance communication as an alternative to the radiotelephone distress frequency 2182 kc, for distress calls and distress traffic, and for safety communication.[1]

(b) In addition to the provisions of paragraph (a) of this section, this radio-channel may be used by limited coast stations and marine-utility stations for:

(1) Call, reply, and the exchange of brief operating signals; and

(2) Operating signals preparatory to message traffic on another radio-channel within the frequency-band 156.35 Mc to 157.05 Mc; and

(3) In accordance with the provisions of paragraph (a) (5) of § 7.354 the exchange with other coast stations of operating signals, brief service messages, and emergency messages.

(c) The use of this radio-channel by limited coast stations or marine-utility stations for transmission of any other category is not authorized.

§ 7.360 *Call and reply on working channels.* Although use of the assigned frequency 156.8 Mc by limited coast stations and marine-utility stations on shore for call and reply is authorized, calling and replying by these stations shall, in general, be conducted on a radio-channel authorized primarily for working.

§ 7.361 *Use of assigned frequency 156.6 Mc.* The radio-channel of which 156.6 Mc is the authorized carrier frequency is designated primarily for communication concerning port operations. It may be used by limited coast stations and marine-utility stations, with discretion, to serve other business and operational needs of ships on condition that such use shall not interfere with nor delay the exchange of port operational message traffic.

§ 7.362 *Limitations on use of marine-utility stations.* (a) Marine-utility stations on shore shall be used and operated solely within the local geographic area specified in the particular station license.

(b) Neither the antenna nor the antenna supporting structure of a marine-utility station on shore shall—

(1) Exceed 150 feet in height above ground level;

(2) Exceed, in over-all height above ground level, 5 feet for each 500 feet of distance, or fraction thereof, from the nearest boundary of a landing area.

(c) Marine-utility stations on shore shall not be used or operated in the immediate vicinity of any radio transmitting or receiving installation of a coast station, a base station in any land mobile service, or a U. S. government station, which transmits or receives on any radio-channel(s) above 30 Mc unless the fact has been established, by actual tests in cooperation with the involved station(s), that interference is not caused by such operation to the service of the coast, base, or government station(s) concerned.

§ 7.363 *Use of working frequencies for calling.* In addition to any radio-channel of which the carrier frequency is specifically authorized herein for "calling", the radio-channels authorized in this subpart for "working" may be used for call and reply also, provided interference is not caused to any communication in progress on the particular working channel.

§ 7.364 *Time limitation on communication.* All communication engaged in by limited coast stations and marine-utility stations shall be limited to the minimum practicable transmission time, and each station licensee shall employ standardized operating practices and procedures to this effect.

§ 7.365 *Frequencies below 3000 kc for business and operational purposes.* (a) In addition to availability of the carrier frequency 2738 kc primarily for intership communication as prescribed in § 8.358 of the rules of the Commission, this frequency may, in response to proper application therefor, be specifically authorized in limited coast station licenses for use (except in the Great Lakes area) to a limited extent in communicating by telephony (amplitude modulation) with such ship stations as are designated in the respective coast station license, *Provided*,

(1) The applicant makes a showing satisfactory to the Commission that exceptional and limited use of this carrier frequency for ship-shore communication, in lieu of a different comparable frequency, or a frequency above 30 Mc, normally authorized for ship-shore communication (public correspondence or otherwise) is necessary to serve an important business or operational need of one or more commercial transport vessels (other than public correspondence) and that the desired communication will be effective even though ship-to-ship communication for safety and other purposes has priority in the use of this frequency; and

(2) Harmful interference will not be caused to the service of ship-to-ship communication on the radio-channel of which 2738 kc is the authorized carrier frequency; and

(3) The plate-input power to be used will be the minimum amount necessary to provide effective ship-shore communication on this radio-channel and will not at any time exceed the average plate-input power generally used by ship stations for inter-ship communication on this radio-channel; and

(4) The ship-shore communication on this radio-channel shall be limited exclusively to that which is necessary to serve an important business or operational need of commercial transport vessels (excluding public correspondence);

(5) The use of this carrier frequency in accordance with any station authorization granted pursuant to this section shall be on a shared basis with any other coast station using this same frequency in accordance with a similar station authorization.

(b) The carrier frequency 2214 kc may, in response to proper application therefor, be specifically authorized in the license of a limited coast station for use exclusively at locations at which interference is not caused to the service of any United States Government Station, in communicating by telephony (amplitude modulation) with such ship station(s) on board commercial transport vessel(s) (when they use this same carrier frequency for transmission) as are designated in the particular coast station license, *Provided*,

(1) The applicant makes a showing satisfactory to the Commission that use of this carrier frequency, in lieu of a frequency above 30 Mc normally authorized for use by ship stations, is necessary to serve an important business or operational need of commercial transport vessel(s) (other than public correspondence); and

(2) The communication carried on by the limited coast station on the radio-channel of which 2214 kc is the authorized carrier frequency shall be limited exclusively to that which is necessary to serve an important business or operational need of commercial transport vessel(s) (excluding public correspondence); and

(3) The use of this carrier frequency in accordance with any station authorization granted pursuant to this section shall be on a shared basis with any other coast station using this same frequency in accordance with a similar station authorization.

§ 7.366 *Availability of 2182 kc for limited coast stations.*—(a) *Frequencies for calling.*—The general radiotelephone

[1] See paragraph (a) of § 7.7 for the definition of safety communication.

calling[4] frequency for the maritime mobile service of the United States is 2182 kc; it may be used as a carrier frequency for this purpose by limited coast stations operating in the maritime mobile service subject to the following conditions and limitations:

(1) Aside from distress calls and distress traffic, this frequency may be used for urgency and safety signals and for urgency and safety messages (other than ordinary business or operational messages).

(2) In addition, this frequency is authorized only for call and reply, and for signals preparatory to working on other frequencies;

(3) When using this frequency for other than distress calls and distress traffic, and urgency and safety signals and messages, the mean[5] antenna power of the unmodulated carrier wave shall not exceed 100 watts.

§ 7.367 *Procedure in testing.* (a) Limited coast stations and marine-utility stations are authorized to carry on such routine tests as may be required for the proper maintenance of the station provided each such station shall use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the radiotelephone testing procedure described below shall be followed:

(1) The licensed radio operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress;

(2) The official call sign and the geographic location of the testing station, followed by the word "test", shall be announced by voice on the radio-channel being used for the test, as a warning that test emissions are about to be made on that frequency;

(3) If, as a result of the announcement prescribed in sub-subsection (2), any station transmits by voice the word "wait", testing shall be suspended. When, after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subsection (4);

(4) The operator shall repeat the word "test" followed by the count "1, 2, 3, 4, • • • etc.", which in turn shall be followed by voice announcement of the official call sign of the testing station and its approximate geographical location.

(b) When radiotelephone testing is conducted on the assigned frequency 2182 kc or 156.8 Mc, the test transmissions shall not continue for more than 10 seconds.

§ 7.368 *General radiotelephone operating procedure*—(a) *Limitations on calling.* (1) Except when transmitting a general call to several stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a limited coast station or a marine-utility station shall call the particular station with which it intends to communicate.

(2) Limited coast stations may use authorized[4] classes of emission for selective-calling on each radio-channel authorized for working. The use of selective-calling on the radio-channel of which either 2182 kc or 156.8 Mc is the authorized carrier frequency is prohibited.

(3) Calling a particular station, either by voice or by other means, shall not continue for a period of more than thirty seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of five minutes.

(4) Each limited coast station, when using selective-calling to secure the attention of a ship station with which it intends to communicate, shall transmit the type of signal and the particular signal code necessary to actuate the automatic attention device (selective ringer) known to be installed in the particular ship station and normally used for monitoring the coast station radio-channel which is used for transmitting such calls.

(5) Except in the event of an emergency involving safety, a limited coast station or a marine-utility station with respect to operation on any radio-channel which is used also by other stations within the same communication area, shall not answer, or attempt to answer, a station on board ship until the latter has transmitted the call sign or name of the particular shore station with which it desires to communicate.

(6) A limited coast station or a marine-utility station shall not attempt to communicate with a ship station that has specifically called another station until it becomes evident that the called station does not answer, or that communication between the ship station and the called station cannot be carried on because of unsatisfactory operating conditions.

(b) *Time limitation on calling frequency.* Transmission on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency (including calls, answers, operating signals, and conversation pertaining to safety) shall be kept to a minimum and in general any one exchange of communications shall not exceed 3 minutes in duration. In the event of distress or other emergency, this time limitation shall not apply.

(c) *Change to working frequency.* After establishing communication with another station by call and reply on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency, land stations shall change to an authorized working channel for the transmission of messages which, under the provisions of this subpart, cannot be transmitted on the respective calling channel.

§ 7.369 *Station documents.* (a) Limited coast stations using telephony shall be provided with and have readily available during their hours of service, the following documents:

(1) A valid station license.

(2) The necessary operator license or licenses.

(3) The station log required by this part for stations of this category.

(4) Parts 7 and 8 of the Commisison's rules.

§ 7.370 *Station records.* (a) Limited coast stations using telephony shall maintain an accurate radiotelephone log during their hours of service, as hereinafter specified:

(1) Each sheet of the log shall be numbered in sequence and dated and shall include the official call sign of the coast station and also the signature(s) of the licensed operator(s) performing operating duties.

(2) The entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved of or terminating a duty period, followed by his signature. All log entries shall be currently completed and all entries shall, unless otherwise stated, be made by a licensed operator on duty. The use of initials or signs is not authorized in lieu of any operator's signature required by this section.

(3) The time of making an entry shall be shown opposite the entry and shall be expressed in local standard time (e. s. t., c. s. t., etc., counted from 00:00 to 24:00 o'clock, beginning at midnight. The first entry in each hour shall consist of 4 figures; additional entries in the same hour may be expressed in 2 figures by omitting the hour designation. The abbreviation "e. s. t.," "c. s. t.," etc., shall be marked at the head of the column in which the time is entered.

(4) With respect to limited coast stations, which, by reason of the provisions of subpart G of this part, are required to maintain a watch on the radio-channel above 100 Mc designated for calling (assigned frequency 156.8 Mc), entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling, answering, and exchanging operating signals and safety communications on this radio-channel. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries and the operator(s) who actually maintains such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

(5) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety or life or property shall be entered, together with the time of such observation or occurrence, identification of the radio channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries shall appear in the log and shall be properly related to each particular entry of this category.

(6) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(7) All test transmissions shall be entered, together with the time of such transmissions, without regard to whether two-way communication with any other station is established.

(8) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the assigned frequency(s) as may be observed, and a statement of any corrective action taken.

(9) An entry shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(10) Entries shall be made also in reference to operation of the antenna tower lights when such entries are required by reason of applicable provisions of Subpart G of this part.

(b) Marine utility stations on shore shall maintain an accurate radiotelephone log during their hours of service as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include notation of the geographic area(s) in which the station is operated; the date and time of operation of the station; official call sign of the marine utility station, the name and signature of the licensed operator (or other person in accordance with Subpart F) who is responsible for operation of the marine utility station. (The use of initials or signs in lieu of signatures is not authorized.)

(2) An entry shall be made giving pertinent details of all installation, service or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

SUBPART K—STATIONS ON LAND IN THE MARITIME RADIOLOCATION SERVICE[1]

§ 7.401 *Limitation on station authorizations.* Pending further development of the use and operation of stations on land in the maritime radiolocation service, and until the requirements of this service have been more completely determined, only developmental station authorizations will be granted, subject to the applicable provisions of Subpart M of this part (including Supplemental eligibility requirements) and in accordance with the following sections of this subpart.

§ 7.402 *Assignable frequencies.* (a) The following frequency-bands are authorized for use by shore radionavigation stations (including shore radar stations) in the maritime radionavigation service; the maximum power shall be designated in each instrument of authorization; provided that for stations other than shore radar stations, the classes of emission, the frequency tolerance, and the bandwidth occupied by the emission may be designated in each station authorization.

3000 Mc to 3246 Mc.
5460 Mc to 5650 Mc.
9320 Mc to 9500 Mc.

(b) The following frequency-bands are authorized for use by shore radiolocation stations in the maritime radiolocation service; the class of emission, the frequency tolerance, the bandwidth occupied by the emission, and the maximum power may be designated in each station authorization:

(1) 2450 to 2500 Mc for purposes other than radionavigation or safety, on the condition that harmful interference shall not be caused to the fixed and mobile services, and on the condition that no protection shall be given from interference caused by emissions from industrial, scientific, or medical equipment.

(2) 3000 Mc to 3246 Mc, 5460 Mc to 5650 Mc, 9320 Mc to 9500 Mc. The use of frequencies within these bands for radiolocation, other than radionavigation, shall not cause harmful interference to the radionavigation service.

§ 7.403 *Special conditions imposed.* (a) An authorization granted for the construction and/or operation of a shore radio navigation station shall be subject to the express condition that in so far as the station may be operated to provide information to be used for the purpose of aiding in the movement of any ship, the station shall be treated as a private aid to navigation for which permission must be obtained by the station permittee or licensee from the Commandant, United States Coast Guard, as provided in section 759, Title 33, U. S. Code.

(b) Upon the grant of an authorization for the construction and/or operation of a shore radio navigation station, the Commission will forward to the Commandant, U. S. Coast Guard, Washington, D. C., notification thereof together with a copy of the authorization.

SUBPART L—FIXED STATIONS ASSOCIATED WITH THE MARITIME MOBILE SERVICE

MARINE FIXED STATIONS[1]

§ 7.451 *Supplemental eligibility requirements.* (a) Subject to the basic eligibility requirements set forth in § 7.23, authorizations for marine fixed stations may be granted to any person who is engaged in—

(1) Prospecting for, producing, collecting, refining, or transporting petroleum or petroleum products in the immediate vicinity of the marine fixed station requested; or

(2) An activity in the immediate vicinity of the marine fixed station requested which is necessary to a construction project of a public character.

(b) Additionally, and subject to the basic eligibility requirements set forth in § 7.23, authorizations for marine fixed stations may be granted to any nonprofit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged, in the immediate vicinity of the marine fixed station, in one or more of the activities designated in paragraph (a) of this section. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect the cost-sharing non-profit basis shall be maintained and held available for inspection by Commission representative.

§ 7.452 *Points of communication.* Marine fixed stations are authorized to communicate by means of telephony solely with Class II public coast stations in the United States when these stations render a communication service of telephony in direct connection with the general public service land-line telephone system, provided the marine fixed station, in each instance, is located not more than 300 statute miles from each coast station of this class with which it communicates.

§ 7.453 *Showing of need.* Applicants for authority to establish and operate marine fixed stations must satisfy the Commission, through information contained in the application or as otherwise determined by the Commission, that a need for the desired communication

[4] The frequency 2182 kc will be formally recognized as the international radiotelephone distress and calling frequency in Region 2 not later than the date on which Article 3 of the Inter-American Radio Agreement, Washington, 1949, becomes effective, and in Regions 1, 2, and 3 (world-wide) not later than the date on which the new International Frequency List becomes effective as provided by Article 47 of the International Radio Regulations, Atlantic City, 1947.

[5] As prescribed by paragraph 2, Article 3, of the Inter-American Radio Agreement, Washington, 1949. Article 1, paragraph 63 of the International Radio Regulations, Atlantic City, 1947, states as follows: "Mean power of a radio transmitter: The power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation". (In general, a time of one-tenth second, during which the mean power is a maximum, will be selected.)

[4] See those provisions of Subpart E relative to authorized classes of emission.

[1] The classes of stations established in this service are defined in § 7.4.

[1] This class of station is defined by paragraph (d) of § 7.5.

exists primarily in respect to the safety of life or property, and that the use of any communication facility to satisfy such need, other than a marine fixed station, is impossible or impracticable for the purpose involved.

§ 7.454 *Assignable frequencies.* (a) Carrier frequencies within the band 2100 kc to 2210 kc, which are authorized by Part 8 of the Commission's rules for use by public ship stations employing telephony for the transmission of public correspondence to public coast stations (normally providing direct connection with public service land-line telephone systems), are assignable to marine fixed stations for the same purpose; upon the condition that neither harmful interference nor intolerable delay is caused to communication between coast stations and mobile stations.

(b) In addition to the assignable frequencies designated in paragraph (a) of this section, the carrier frequency 2182 kc is assignable to marine fixed stations solely for use in transmitting, by means of telephony with an antenna power not exceeding 100 watts (when no modulation is present) distress calls and distress traffic, and urgency and safety signals and messages. The use of this radiochannel by marine fixed stations for ordinary calls and replies is prohibited.

§ 7.455 *Technical requirements.* The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter power for marine fixed stations is set forth in Subpart E of this part.

§ 7.456 *Scope of communication.* Marine fixed stations shall be used primarily for safety communication, as defined in paragraph (a) of § 7.7: *Provided, however,* That other than safety communication may be carried on, by these stations, with discretion and to the extent required in behalf of the specific activities set forth in § 7.451: *Provided,* That, in this respect, priority at all times shall be given to use of the assigned radio-channel(s) for ship to shore transmission.

§ 7.457 *Station documents.* (a) Each marine fixed station shall be provided with the following documents:

(1) A valid station license.

(2) The necessary operator license or licenses.

(3) The station log required by § 7.458.

(4) Parts 7 and 8 of the rules of the Commission.

§ 7.458 *Station records.* (a) Marine fixed stations shall maintain an accurate radiotelephone log during their hours of service as follows; all entries shall be made by the licensed operator on duty at the station, except as otherwise provided in subparagraph (2) of this paragraph:

(1) Each sheet of the log shall be numbered in sequence and shall include the date(s) and time(s) of operation of the station; official call sign of the station, the name and signature of the licensed operator who is responsible for operation of the station. (The use of initials or signs in lieu of signatures is not authorized.)

(2) An entry shall be made giving pertinent details of all installation, service or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(3) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radiochannel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined.

(4) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(5) All test transmissions shall be entered, including the date, time, and purpose thereof.

(6) The date and time of making each entry shall be shown opposite the entry and the time shall be expressed in local standard time as follows. The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation E. S. T., C. S. T., etc., shall be marked at the head of the column in which time is entered.

§ 7.459 *Station identification.* For the purpose of station identification, the provisions of paragraph (a) of § 8.364 (Part 8 of the Commission's rules) shall apply to marine fixed stations.

§ 7.460 *Procedure in testing.* For the purpose of conducting operational or maintenance tests, the provisions of paragraph (a) of § 8.365 (Part 8 of the Commission's rules) shall apply to marine fixed stations.

§ 7.461 *Operating procedure.* In the use and operation of marine fixed stations, these stations shall be governed by the provisions of paragraph (a) and (h) of § 8.366 (Part 8 of the Commission's rules).

MARINE RECEIVER-TEST STATIONS [2]

§ 7.471 *Eligibility requirements.* An authorization for a marine receiver-test station may be granted to the licensee of a public coast station using telephony and having a frequency assignment for this purpose within the frequency band 2000 kc to 3500 kc or 156.35 Mc to 162.05 Mc.

§ 7.472 *Scope of service.* A marine receiver-test station shall be used solely for brief transmissions intended for interception by the regularly used radiotelephone receiving apparatus of an associated public coast station of the same station licensee; the purpose of such transmissions shall be limited to necessary determinations of the technical performance of such receiving apparatus. No other signals or communications shall be transmitted by marine receiver-test stations.

§ 7.473 *Assignable frequencies.* The carrier frequency or frequencies assignable to a marine receiver-test station is (are) the specific carrier frequency or frequencies within the band 2000 kc to 3500 kc or 156.35 Mc to 162.05 Mc used by public ship stations in transmitting by means of telephony to the particular public coast station with which the marine receiver-test station is associated; these frequencies with respect to ship stations of the United States, are designated in §§ 8.354 and 8.356 of the Commission's rules.

§ 7.474 *Technical requirements.* The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter power for marine receiver-test stations is set forth in Subpart E of this part.

§ 7.475 *Station identification.* The official call sign and the general geographic location of the marine receiver-test station shall be announced at the conclusion of each completed test transmission.

§ 7.476 *Operating limitations.* The station licensee shall exercise such control over the transmissions of a marine receiver-test station as is necessary to avoid interference to cails from ship stations and to the exchange of public correspondence between ship and shore. The maximum amount of transmission time permitted on any one radio-channel authorized for use by a particular marine receiver-test station shall not exceed 12 minutes in each 24-hour period.

§ 7.477 *Station records.* (a) An accurate log shall be maintained with respect to the operation of each marine receiver-test station. The station licensee shall be responsible for compliance with this requirement. This log may be maintained and located at an authorized control point associated with the station.

(b) All log entries shall be made by the licensed operator responsible for operation of the station or by a person authorized and directed by the station licensee to make such entries.

(c) The log shall be maintained and entries made therein as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include the date(s) and time(s) of operation of the station; official call sign of the station, the name and signature of the licensed operator who is responsible for operation of the station. (The use of initials or signs in lieu of signatures is not authorized.)

(2) An entry shall be made giving pertinent details of all installation, service or maintenance work performed which may effect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(3) All radiotelephone distress urgency or safety signals and comunications made or intercepted; the complete text, if possible, of such comunications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined.

(4) Whenever interference to other stations is reported to the station licensee or to the responsible operator, an entry shall be made by the latter to that effect, stating the source of the interference report and the station(s) to which interference has been caused, if known.

(5) All test transmissions shall be entered, including the date, time, duration of the transmission, the class of emission and particular radio-channel used.

(6) The date and time of making each entry shall be shown opposite the entry and the time shall be expressed in local standard time as follows. The first entry in each hour shall consist of four figures (from 00:00 to 24:00 beginning at midnight local standard time); additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation e. s. t., c. s. t., etc., shall be marked at the head of the column in which time is entered.

MARINE CONTROL STATIONS, MARINE REPEATER STATIONS, AND MARINE RELAY STATIONS [3]

§ 7.481 *Eligibility requirements.* Authorizations for marine control stations, marine repeater stations, and marine relay stations will be issued only to licensees of coast stations who have made a satisfactory showing of need therefor in relation to the particular coast station or stations of which they are the station licensee.

§7.482 *Showing of need.* Applicants for such authorization must show that (a) a need exists for a point-to-point radio circuit for control, repeater, or marine-relay purposes, (b) that telecommunication facilities other than a marine control, marine repeater, or marine-relay station are not available, or if available would not provide effective results, and (c) that the service to be rendered through use of the marine control station, marine repeater, or marine-relay station is necessary for, or will prove beneficial to, the service rendered by the associated coast station(s).

§ 7.483 *Points of communication.* (a) Marine control stations are authorized to transmit exclusively to the particular coast station whose operation or emission is being controlled by such transmissions.

(b) Marine repeater stations are authorized to transmit exclusively to other authorized marine repeater stations, or to designated radio receiving locations to which the respective transmitted communication is addressed, or to an authorized message center at a designated fixed location.

(c) Marine relay stations are authorized to transmit to and receive from other authorized marine relay stations as specified in the station authorization.

§ 7.484 *Frequencies assignable.* In any area in the continental United States, a maximum of four carrier frequencies assignable in accordance with Part 2 of the Commission's rules within either or both of the bands 72.02 Mc to 74.58 Mc and 75.42 Mc to 75.98 Mc are available in the aggregate for use by marine control stations, marine repeater stations and marine relay stations on condition that harmful interference shall not be caused to:

(a) Reception by the general public of emissions from television stations on television channels 4 and 5.

(b) The service of existing and previously authorized marine control stations, marine repeater stations, or marine relay stations.

(c) The service of existing and previously authorized stations operating in any aviation service.

Pursuant to Part 2 of the Commission's rules, assignable frequencies for this purpose are spaced 40 kc apart, beginning with the frequencies 72.02 Mc and 75.42 Mc and ending with the frequencies 74.58 Mc and 75.98 Mc, respectively. Should the Commission find that public interest, convenience, or necessity would be served thereby, licensees of marine control stations, marine repeater stations, and marine relay stations authorized to operate on one or more frequencies within these bands, shall be required to share, on a coordinated non-interference basis, the use of their respective frequency assignments with other licensees using the same frequencies.

§ 7.485 *Technical requirements.* The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter power for marine fixed stations is set forth in Subpart E of this part.

§ 7.486 *Limitation on stations authorizations.* Pending additional development of the use and operation of marine control, marine repeater, and marine relay stations, and until the necessary scope of service required to be rendered by these classes of stations has been more completely determined, such stations will be authorized exclusively on a developmental basis in accordance with the provisions of Subpart M of this part. In addition to the provisions of this subpart, the relevant conditions and limitations set forth in Subpart M shall apply to these classes of stations.

SUBPART M—DEVELOPMENTAL STATIONS

§ 7.501 *Supplemental eligibility.* An authorization for developmental operation of a station in any of the services under this part will be issued only to those persons who are eligible to operate such stations on a regular basis.

§ 7.502 *Showing and statement required.* (a) Except as provided in paragraph (c) of this section, each application for authorization for a developmental station shall be accompanied by a showing that:

(1) The applicant has an organized plan of development leading to a specific objective,

(2) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof,

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the use of radio for a maritime purpose, or is in a field of maritime operation not already investigated,

(4) The program will be conducted by qualified personnel,

(5) The applicant is legally and financially qualified, and possesses adequate technical facilities for conduct of the program as proposed,

(6) The public interest, convenience, or necessity will be served by the proposed operation.

(b) Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

(c) The provisions of paragraph (a) of this section do not apply when an application is made for a developmental station solely for the reason that the frequency requested is restricted to such developmental use.

§ 7.503 *Assignable frequencies.* (a) Stations engaged in developmental operation may be authorized to use a frequency or frequencies, available for the service and class of station which they propose to operate. The number of frequencies assignable to a particular station shall depend upon the specific requirements of the developmental program and the number of frequencies available for such use in the particular area where the station is to be operated.

(b) In addition to the specific frequencies and frequency bands designated in this part as available for a particular service and class of station, each of the following frequencies and frequency bands may be licensed as an assigned frequency or as an authorized frequency band, respectively, for use by developmental stations subject to the applicable provisions of this part as follows:

Available for coast stations and marine-utility stations

156.7 Mc 156.9 Mc

Available for coast stations

3,500–3,700 Mc 11,700–12,200 Mc
6,425–6,575 Mc

[2] This class of station is defined by paragraph (h) of § 7.5.

[3] These classes of stations are defined in paragraphs (e), (f) and (g) of § 7.5.

Available for coast stations and fixed stations

26,000–30,000 Mc

and

2,450–2,500 Mc
16,000–18,000 Mc

on condition that no protection shall be given from interference caused by emissions from industrial, scientific or medical equipment.

Available for operational fixed stations

952– 960 Mc	2,500– 2,700 Mc
1,850–1,990 Mc	6,575– 6,875 Mc
2,110–2,200 Mc	12,200–12,700 Mc

The class of emission, the frequency tolerence, the emission bandwidth, and the maximum transmitter power for use on the foregoing frequencies which are above 2400 Mc shall be designated in each station authorization.

§ 7.504 *Use of developmental stations.* (a) Developmental stations shall be constructed and used in such manner as to conform with all applicable technical and operating requirements[1] contained in this part, unless deviation therefrom is specifically provided in the station authorization.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations licensed in an established service under any part of the Commission's rules.

§ 7.505 *Developmental program.* (a) The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional requirements or conditions in each case as deemed necessary in the public interest, convenience or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 7.506 *Report of operation required.* A report on the results of the developmental program shall be filed with and made a part of each application for renewal of authorization, or in cases where no renewal of authorization is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on the following:

(a) The final objective of the developmental operation.

(b) Pertinent results of operation to date.

(c) Analysis of the results obtained.

(d) Copies of any published reports.

(e) Need for continuation of the program if such need exists.

(f) Number of hours of operation on each authorized frequency during the term of the license to the date of the report.

§ 7.507 *Identification of station.* (a) The radiotelegraph and radiotelephone emissions of a developmental station shall be clearly identified in the manner provided for the corresponding established class of station.

(b) The facsimile emissions of a developmental station shall be identified either by telegraphy or by telephony as provided in paragraph (a) of this section.

(c) All other classes of emission of a developmental station shall be identified as prescribed in the respective station authorization.

SUBPART N—VIOLATIONS

§7.551 *Answers to notice of violation.* (a) Any person receiving official notice of a violation of the terms of the Communications Act, any legislative act, Executive order, treaty to which the United States is a party, terms of a station or operator license, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The answer shall contain a full explanation of the incident involved and shall set forth the action taken to prevent a continuation or recurrence thereof. If the notice relates to lack of attention to, or improper operation of the station, or to log or watch discrepancies, the answer shall give the name and license number of the licensed operator on duty.

§ 7.552 *Reports of infringements of the International Radio Regulations.* In the event that infringement of the International Radio Regulations by a foreign station is detected, report thereof may be made by the submission to the Commission of a form similar to that set forth in Appendix 2 of the International Radio Regulations.

[1] Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station logs, station documents, assignment of call signs.

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Sec.
8.1 Basis and purpose.

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§ 8.1 *Basis and purpose.* (a) The basis for the rules following in this part is The Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which parts of the radio spectrum may be made available for radiocommunication and radiolocation for maritime operations which require radio transmitting facilities on board ship and, for certain maritime communications, on board aircraft; and to prescribe, in so far as is necessary to carry out the provisions of statute and applicable treaties and agreements relative to radio operators and radio installations on board ships for safety purposes, the details as to location, manner of installation, use and availability, of the required equipment, apparatus, spare parts, and such supplementary equipment as may be necessary for the proper functioning of the required shipboard radio installations for the proper conduct of radio communication in time of emergency or distress. For the purposes of this part, the following definitions shall be applicable.[1]

[1] For other definitions, refer to Part 2, rules governing frequency allocations and treaty matters; general rules and regulations; Part 7, rules governing stations on land in the maritime services; and Part 14, rules governing stations in Alaska in the Maritime services.

SUBPART A—DEFINITION OF TERMS

§ 8.2 *General*—(a) *Commission.* The term "Commission" means the Federal Communications Commission.[1]

(b) *Statutes and international agreements*—(1) *Communications Act.* The Communications Act of 1934, as amended.

(2) *Ship Act.* The act approved June 24, 1910, as amended, requiring apparatus and operators for radio communication on certain Great Lakes steamers.

(3) *Safety Convention.* The International Convention for the Safety of Life at Sea, in force, including the Regulations annexed thereto.[2]

(4) *International Radio Regulations.* The Radio Regulations in effect, annexed to the International Telecommunication Convention (Atlantic City, 1947); and the General Radio Regulations (revision of Cairo, 1938) in effect, annexed to the International Telecommunication Convention (Madrid, 1932). For the purpose of this part, the term "International Radio Regulations" shall be synonymous with the term "International General Radio Regulations."

(5) *Region 1, Region 2, and Region 3.* These geographic areas defined as "Region 1", "Region 2", and "Region 3" in Article 5, paragraph 3, of the Radio Regulations of Atlantic City, 1947.

(c) *Telecommunications.* Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

(d) *Radiocommunication.* Any telecommunication by means of Hertzian waves.

(e) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(f) *Station.* A separate radio transmitter, or a combination of radio transmitter(s) and radio receiver(s), including the accessory equipment required for carrying on a definite radiocommunication service.

(g) *Station authorization.* Any valid station license or special temporary authority for use of a station, issued by the Commission.

(h) *Person.* An individual, partnership, association, joint stock company, trust, or corporation.

(i) *Station licensee.* The holder of a valid station license.

(j) *Operator licensee.* The holder of a valid license or valid permit for the actual operation of a licensed station.

(k) *Hours of service.* The period of time during each calendar day when a station is available, in conformity with the terms of the station authorization, for the rendition of its normal service.

(1) *Day.* (1) Where the word "day" is applied to the use of a specific frequency-assignment or to a specific authorized transmitter power, such use of the word "day" shall be construed to mean transmission on such frequency-assignment or with such authorized transmitter power during that period of time included between one hour after local sunrise and one hour before local sunset.

(2) Where the word "day" occurs in reference to the provisions of section 353, subsection (c), of the Communications Act or the radio provisions of the Safety Convention, such use of the word "day" shall be construed to mean the calendar day, from midnight to midnight, local time.

(m) *Radio district.* A prescribed geographic area within the United States which, for the purpose of official inspection of radio stations in behalf of the Commission, is under the jurisdiction of a Commission engineer-in-charge whose official address and the specific area of inspection associated therewith are designated by Appendix I of this Part.[4]

(n) *Ship or vessel.* "Ship" or "Vessel" includes every description of watercraft or other artificial contrivance, except aircraft, used or capable of being used as a means of transportation on water, whether or not it is actually afloat.

(o) *Categories of ships.* (1) Where use of the term "passenger ship" or "cargo ship" occurs in reference to the provisions of Part II of Title III of the Communications Act, such use of the term shall be construed as follows: A ship is a passenger ship if it carries or is licensed or certificated to carry more than twelve passengers. A cargo ship is any ship not a passenger ship.

(2) Where use of the term "passenger ship" or "cargo ship" occurs in reference to the radio provisions of the Safety Convention, such use of the term shall be construed as follows: A ship is a passenger ship if it carries more than twelve passengers. A cargo ship is any ship not a passenger ship.

(3) A commercial transport vessel is any ship or vessel which (i) is used in commerce for transporting passengers or goods to or from any harbor(s) or port(s), or between terminals within a particular harbor or port area, or (ii) is used primarily in connection with the construction, modification of construction, maintenance, repair, loading, unloading, movement, or piloting of one or more vessels of subdivision (i) of this subparagraph.

(p) *Safety Convention certificates*—(1) *Exemption certificate.* A certificate issued to a ship which is granted exemption from applicable provisions of the Safety Convention.

(2) *Safety certificate.* A certificate issued upon application, after inspection and survey by proper authorities, to a passenger ship which complies in an efficient manner with the requirements of the Safety Convention.

(3) *Safety radiotelegraphy certificate.* A certificate issued upon application, after inspection by proper authorities, to a cargo ship which complies in an efficient manner with the requirements of the Safety Convention.

§ 8.3 *Maritime mobile service*—(a) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

(b) *Maritime mobile service.* A mobile service between ship stations and coast stations, or between ship stations.[5]

(c) *Mobile station.* A station in a mobile service intended to be used while in motion, or during halts at unspecified points.

(d) *Ship station.* A mobile station in the maritime mobile service located on board a vessel which is not permanently moored.

(e) *Public ship station.* (1) A ship station open to public correspondence.

(2) Public ship stations authorized to employ telegraphy for public correspondence are further classified according to their hours of service as designated herewith:

First class. These stations carry on a continuous service of public correspondence.

Second class. These stations carry on a designated service of public correspondence of prescribed but limited duration; at least during the period designated for ship stations of the second category by the International Radio Regulations or, in the case of voyages of short duration, as otherwise designated by the Commission in accordance with those regulations.

Third class. These stations carry on a service of public correspondence, the duration of which is prescribed but is less than that of stations of the Second Class, or is not prescribed but is determined by the master of the vessel pursuant to his authority under section 358 of the Communications Act.

(f) *Limited ship station.* A ship station not open to public correspondence.

(g) *Marine-utility station.* A station in the maritime mobile service, readily portable for use as a limited coast station at unspecified points ashore within a designated local area, or for use as a limited ship station on mobile vessels within a designated local area.

§ 8.4 *Maritime radiolocation service*—(a) *Radiolocation.* Determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

(b) *Radiolocation service.* A service involving the use of radiolocation.

(c) *Maritime radiolocation service.* A radiolocation service intended for the benefit of ships.

(d) *Radiolocation station.* A station in the radiolocation service.

(e) *Radiolocation mobile station.* A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

(f) *Ship-radiolocation station.* A radiolocation mobile station located on board a ship and used solely for maritime radiolocation service.

(g) *Radionavigation.* Radiolocation intended solely for the determination of position or direction or for obstruction warning in navigation.

(h) *Radionavigation service.* A radiolocation service involving the use of radionavigation.

(i) *Maritime radionavigation service.* A radionavigation service intended for the benefit of ships.

(j) *Radionavigation station.* A station in the radionavigation service.

(k) *Radionavigation mobile station.* A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

(l) *Ship-radionavigation station.* A radionavigation mobile station located on board a ship and used solely for maritime radionavigation service.

(m) *Radar.* A radiolocation system where transmission and reception are carried out at the same location, and which utilizes the reflecting or retransmitting properties of objects in order to determine their positions.

(n) *Primary radar.* Radar using reflection only.

(o) *Secondary radar.* Radar using automatic retransmission on the same or on a different radio frequency.

(p) *Ship-radar station.* A ship-radionavigation station[6] utilizing radar for the purpose of detecting above-water objects, with a determination of their direction and distance from the ship.

(q) *Radio direction-finding.* Radiolocation in which only the direction of a station is determined by means of its emissions.

(r) *Radio direction-finding station.* A radiolocation station intended to determine only the direction of other stations by means of transmissions from the latter.

(s) *Direction finder (radio compass).* Apparatus capable of receiving clearly perceptible radio signals and capable of taking bearings on these signals from which the true bearing and direction of the point of origin of such signals with respect to the point of reception may be determined.

(t) *Direction finder receiver.* A radio receiver which is a component of a radio direction finder.

(u) *Marine radiobeacon station.* A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radiobeacon station.

§ 8.5 *Developmental maritime stations on board ship*—(a) *Developmental mobile station.* A mobile station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the nongovernment mobile service which has been specifically allocated the authorized frequency (or frequencies) of the developmental mobile station.

(b) *Developmental radiolocation station.* A radiolocation station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the nongovernment radiolocation service (including the nongovernment radionavigation service) which has been specifically allocated the authorized frequency (or frequencies) of the developmental radiolocation station.

(c) *Classification.* The classes of developmental stations on board ships in the maritime mobile service and in the maritime radiolocation service are the same as the classes defined in preceding sections; however, for purposes of identification, the particular class of station is followed by the parenthetical indicator "(developmental)"; for example, "limited ship station (developmental)".

§ 8.6 *Operational*—(a) *Safety communication.* The transmission or reception of distress, alarm, urgent, or safety signals, or any form of radiocommunication which, if delayed in transmission or reception, may adversely affect the safety of life or property; and occasional transmission or reception as necessary for determining whether or not the radio equipment is in good working condition for purposes of safety.

(b) *Superfluous radiocommunication.* Any transmission that is not necessary in properly carrying on the service for which the station is licensed.

(c) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service, or obstructs or repeatedly interrupts a radio service operating in accordance with law.

(d) *Distress signal.* (1) The distress signal is the radiotelegraph or radiotelephone signal which indicates that a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(2) In radiotelegraphy, the international distress signal consists of the group "three dots, three dashes, three dots", transmitted as a single signal in which the dashes are emphasized so as to be distinguished clearly from the dots.

(3) In radiotelephony, the international distress signal consists of the word "MAYDAY" pronounced as the French expression "m'aider".

(e) *Alarm signal.* The international radiotelegraph signal, consisting of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second, having for its sole purpose the actuation of automatic devices giving warning by means of an alarm that a distress call or message is about to follow, or that an urgent cyclone warning is about to be sent by a coast station authorized to do so.

(f) *Urgency signal.* (1) The urgency signal is the radiotelegraph or radiotelephone signal which indicates that the calling station has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or of some person on board or within sight.

(2) In radiotelegraphy, the international urgency signal consists of three repetitions of the group "XXX", sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international urgency signal consists of three repetitions of the word "PAN" pronounced as the French word "panne" and sent before the call.

(g) *Safety signal.* (1) The safety signal is the radiotelegraph or radiotelephone signal which indicates that the station sending this signal is ready to transmit a message concerning the safety of navigation or giving important meteorological warnings.

(2) In radiotelegraphy, the international safety signal consists of three repetitions of the group "TTT," sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international safety signal consists of three repetitions of the French word "securite," sent before the call.

(h) *Distress traffic.* All messages relative to the immediate assistance required by the ship, aircraft, or other vehicle in distress.

(i) *500 kilocycles silent period.* The three-minute period twice an hour beginning at x h 15 and x h 45, Greenwich mean time (GMT), during which the International Radio Regulations require that all transmissions (except for certain emissions designated in those regulations) must cease on all frequencies within a designated frequency-band centered on 500 kc.

(j) *Watch.* The act of listening for or to sound produced by a telephone receiver when the electric wave energy at audio frequency supplied to the telephone receiver:

(1) Results from simultaneous interception and detection of Hertzian waves of a designated radio frequency or frequencies, and

(2) Is substantially equivalent in frequency to the audio frequency or frequencies generated by detection of the intercepted Hertzian waves.

(k) *Calling.* Transmission from a station solely to secure the attention of another station, or other stations, for a particular purpose.

(l) *Working.* Radiocommunication carried on, for a purpose other than calling, by any station or stations using telegraphy, telephony, or facsimile.

§ 8.7 *Technical*—(a) *Radio frequency.* Any frequency between 10 kilocycles per second and 3,000,000 megacycles per second.

(b) *Audio frequency.* A frequency corresponding to the frequency of a normally audible sound wave, usually between 20 and 15,000 cycles per second.

(c) *Hertzian waves.* Electromagnetic waves of frequencies between 10 kc and 3,000,000 Mc.

(d) *Emission.* Any radiation of energy by means of Hertzian waves.

(e) *Spurious emission.* Any emission from a station at a frequency or frequencies outside an authorized frequency-band.

(f) *Telegraphy.* A system of telecommunication for the transmission of

[1] The address of the Commission's principal office is "Federal Communications Commission, Washington 25, D. C."

[2] The International Convention for the Safety of Life at Sea, London, 1929, became effective for the United States on November 7, 1936. It is expected that this Convention will be superseded by the International Convention for the Safety of Life at Sea, London, 1948; pertinent information may be obtained by inquiry to the Commission.

[4] This will be identical with appendix attached to Part 12 (47 CFR Part 12).

[5] Aircraft stations, when transmitting on designated frequencies allocated to the maritime mobile service, may communicate in this service with ship stations and coast stations.

[6] Where reference is made, in official documents issued by the Commission prior to the effective date of this section, to ship-radar stations in the "ship service", the term "ship service" shall be construed, with respect to such stations, to mean "maritime radionavigation service".

written matter by the use of a signal code.

(g) *Telephony.* A system of telecommunication set up for the transmission of speech, or in some cases, other sounds.

(h) *Facsimile.* A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

(i) *Carrier frequency.* The frequency of the carrier.[7]

(j) *Authorized carrier frequency.* A specific carrier frequency authorized for use by a station, from which the actual carrier frequency is permitted to deviate, solely because of frequency instability, by an amount not to exceed the frequency tolerance.

(k) *Frequency tolerance.* The extent to which a carrier frequency (or when a carrier is not present, a frequency coinciding with the center of an emission-bandwidth) is permitted by applicable regulations, or by the terms of a station authorization, to depart, solely because of frequency instability, from the authorized carrier frequency (or, when a carrier is not present, from the assigned frequency).

(l) *Frequency-band.* A continuous range of frequencies extending between two designated limiting frequencies.

(m) *Bandwidth.* The number of cycles or kilocycles per second expressing the difference between the limiting frequencies of a frequency-band.

(n) *Radio-channel.* A frequency-band, sufficient in width to permit its use for radiocommunication, comprised of the emission-bandwidth, the interference guard bands, and the frequency tolerance.

(o) *Emission-bandwidth.* The bandwidth effectively occupied by the emission of a radio-channel (the band of frequencies comprising 99 per cent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 per cent of the total radiated power).[8]

(p) *Interference guard bands.* The two frequency-bands additional to, and on either side of, the authorized frequency-band, which may be provided to minimize the possibility of interference between different radio-channels.

(q) *Authorized emission-bandwidth.* A specific emission-bandwidth authorized for use by a station.

(r) *Authorized frequency-band.* A frequency-band authorized for use by a station.

(s) *Assigned frequency.* The frequency coinciding with the center of the frequency-band in which the station is authorized to work; this frequency does not necessarily correspond to any frequency in an emission.[9]

(t) *Frequency assignment.* The specific frequency or frequencies authorized for the emission(s) of a particular station; expressed for each radio-channel by

(1) The authorized carrier frequency, the frequency tolerance, and the authorized emission-bandwidth in relation to the authorized carrier frequency, or

(2) The authorized emission-bandwidth in reference to a specific assigned frequency (when a carrier does not exist), or

(3) The authorized frequency-band (when a carrier does not exist).

(u) *Modulation.* The process of producing a wave some characteristic of which varies as a function of the instantaneous value of another wave, called the modulating wave.

(v) *Modulation factor.* (1) In an amplitude-modulated wave, the ratio of half the difference between the maximum and minimum amplitudes to the average amplitude.

(2) In a frequency-modulated wave, the ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation.

(w) *Percentage modulation.* The modulation factor expressed in percent.

(x) *Amplitude modulation (AM).* Modulation in which the amplitude of a wave is the characteristic subject to variation.

(y) *Frequency modulation (FM).* Modulation in which the instantaneous frequency of a sine-wave carrier[10] is caused to depart from the carrier frequency by an amount proportional to the instantaneous value of the modulating wave.

(z) *Frequency deviation.* In frequency modulation, the peak difference between the instantaneous frequency of the modulated wave and the carrier frequency.

(aa) *Frequency swing.* In frequency modulation, the peak difference between the maximum and the minimum values of the instantaneous frequency.

(bb) *Deviation ratio.* In frequency modulation, for a sinusoidal modulating wave, the ratio of the frequency deviation to the frequency of the modulating wave.

(cc) *Antenna (aerial).* A means for radiating or intercepting Hertzian waves.

(dd) *Artificial antenna (dummy antenna).* A device which has the equivalent impedance characteristics of an antenna and the necessary power-handling capabilities, but which does not radiate or intercept Hertzian waves.

(ee) *Last radio stage.* In an electron-tube radio transmitter, the radio-frequency oscillator or power amplifier stage which supplies all radio-frequency power to the antenna, either directly or through the medium of a transmission line.

(ff) *Plate (anode) input power.* The electrical power delivered to the plate (anode) of an electron tube by the source of supply; this power being the product of the effective anode voltage and the effective anode current.

(gg) *Antenna power.* The power supplied by a particular radio transmitter to the antenna used in connection with that transmitter, at a radio frequency or frequencies within an authorized frequency-band.

(hh) *Radiated power.* Energy, in the form of Hertzian waves, radiated from an antenna.

(ii) *Authorized transmitter - power.* The power of a particular transmitter as designated in the respective station license or construction permit or in lieu thereof, the power designated in the applicable rule(s) or regulation(s). Unless specifically expressed otherwise, this power is the total plate input power to all electron tubes of the last radio stage of the transmitter which are used to supply radio-frequency power to the antenna, measured as prescribed in § 8.134.

(jj) *Crystal oscillator.* A generator of alternating-current energy, the frequency of which is determined by the mechanical properties of a piezoelectric crystal.

(kk) *Telephone receivers.* Whenever use of the following terms occurs in reference to "watch" as defined in paragraph (j) of § 8.6, such use of these terms shall be construed as follows:

(1) *Telephone receiver.* Any instrument used to convert energy consisting of electric waves at audio frequency into energy consisting of substantially equivalent sound waves.

(2) *Hand receiver.* A telephone receiver capable of being held to the ear by the hand and normally used in that manner.

(3) *Head receiver.* A telephone receiver capable of being held to the ear by an attached headband and normally used in that manner.

(4) *Loudspeaker.* A telephone receiver capable of effectively radiating acoustic power for reception by ear at a distance and normally used for that purpose.

(ll) *Energize.* The term "energize", as applied in this part to transmitters, receivers, and other component equipment of ship radio installations required for safety purposes, means to supply with power as necessary to provide normal and effective operation of such equipment.

§ 8.8 *Installation for safety communication*—(a) *Main antenna.* An antenna installed in a fixed position on board a ship, and regularly available for use in connection with a main installation on the same ship.

(b) *Main radio transmitter.* A radio transmitter regularly available in a ship station for safety communication which is energized ordinarily by a source of power other than the emergency power supply.

(c) *Main radio receiver.* A radio receiver regularly available in a ship station for safety communication which is energized ordinarily by a source of power other than the emergency power supply.

(d) *Main power supply.* A normally available source of power on board a ship capable of simultaneously energizing all other components of the main installation.

(e) *Main installation.* A radio installation on board a vessel; including a main antenna, a main transmitter, a main receiver, and a main power supply; independent of any emergency or reserve installation and capable of being used for safety communication with other stations in the maritime mobile service.

(f) *Emergency antenna.* An antenna installed in a fixed position on board a ship, separate from and independent of any other antenna(s) on the same ship, and immediately available for use in connection with an emergency or reserve installation on the same ship.

(g) *Emergency radio transmitter.* A radio transmitter immediately available in a ship station for safety communication and capable of being energized solely by the emergency power supply.

(h) *Emergency radio receiver.* A radio receiver immediately available in a ship station for safety communication and capable of being energized solely by the emergency power supply.

(i) *Emergency power supply.* An immediately available source or sources of power on board a ship, independent of the propelling power of the ship and any other electrical system, capable of simultaneously energizing all other components of the emergency or reserve installation.

(j) *Emergency or reserve installation.* A radio installation on board a vessel; including an emergency antenna, an emergency radio transmitter, an emergency radio receiver, emergency electric lights, and an emergency power supply; capable of being used, when energized solely by its emergency power supply, for safety communication with other stations in the maritime mobile service.

(k) *Automatic alarm receiver.* A complete receiving, selecting, and warning device capable of being actuated automatically by intercepted radio-frequency waves forming the international automatic alarm signal, as this signal is specified by the International Radio Regulations.

(l) *Auto-alarm.* An automatic alarm receiver approved as specified by the provisions of section 3 (x) of the Communications Act.

(m) *Automatic-alarm-signal keying device.* A device capable of automatically keying a radiotelegraph transmitter so as to transmit the international automatic-alarm signal, as this signal is specified by the International Radio Regulations.

Subpart B—Applications

§ 8.21 *Authorization required for operation of a radio station.* Radio stations required by the Communications Act to be licensed shall not be operated in the maritime mobile service or in the maritime radiolocation service (including the maritime radionavigation service) except under and in accordance with a valid station authorization therefor granted by the Commission.[1] Further, the operation of such apparatus shall be in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

§ 8.22 *Administrative classification of stations.* (a) Stations in the maritime mobile service subject to this part are licensed according to the class of station normally as designated below:

(1) Public ship stations authorized to employ telegraphy for public correspondence:

(i) First class;

(ii) Second class;

(iii) Third class;

(2) Public ship stations not authorized to employ telegraphy;

(3) Limited ship stations;

(4) Maritime utility stations.

(b) Public ship stations not authorized to employ telegraphy for public correspondence are licensed as public ship stations (one class) without distinction relative to hours of service for public correspondence.

(c) Limited ship stations are licensed (one class) without distinction relative to hours of service.

(d) One ship station license is issued in behalf of one station licensee to authorize the operation of a ship station which is within more than one class as enumerated in paragraph (a) of this section. In all such cases, if the station, by reason of any portion of its use or operation, comes within the definition of a public ship station (as defined by paragraph (e) of § 8.3), it is licensed as a public ship station; if the station is authorized to employ telegraphy for public correspondence, it is further classified in accordance with paragraph (a) (1) of this section.

(e) Stations in the maritime radiolocation service subject to this part (other than those exclusively in the maritime radionavigation service) are licensed according to the class of station, normally as designated below:

(1) Ship radiolocation stations.

(f) Stations in the maritime radionavigation service subject to this part are licensed according to the class of station, normally as designated below:

(1) Ship radionavigation stations;

(2) Ship radar stations.

§ 8.23 *Statutory eligibility for station license.* Section 310 of the Communications Act places the following express limitations on the granting and holding of station licenses:

(a) A station license shall not be granted to or held by:

(1) Any alien or the representative of any alien;

(2) Any foreign government or the representative therof;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which any officer or director is an alien;

(5) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government, or representative thereof, or by any corporation organized under the laws of a foreign country;

(6) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commisison finds that the public interest will be served by the refusal or revocation of such license; or

(7) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

(8) Nothing in the foregoing paragraph shall prevent the licensing of radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by Act of Congress or any treaty to which the United States is a party.

§ 8.24 *Application precedent to authorization.* Except as otherwise provided in §§ 8.26 and 8.42, no authorization will be granted for use or operation of any radio station on board ship in any service governed by this Part unless formal written application therefor in proper form[2] first is filed with the Commission at its offices in Washington 25, D. C. Except as provided in paragraphs (c) and (f) of § 8.42, an application in writing should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission, in order that action therein may be taken by that date. Each application shall be specific and complete with regard to the information requested in the application form, or otherwise specifically requested by the Commission. Unless otherwise specified in a particular case or for a particular form, each application shall be filed in original only.

§ 8.25 *Signature on application.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association: *Provided, however,* That applications may be signed by the attorney for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If it be made by a person other than the applicant, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant. Applications filed on behalf of eligible governmental entities such as states and territories of the United States and political subdivisions thereof, the District of

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[7] For the definition of "carrier", see paragraph (a) of § 2.3 of this chapter.

[8] This definition coincides with the definition of "Bandwidth Occupied by an Emission", which appears as paragraph 58 of the International Radio Regulations of Atlantic City, 1947. The emission-bandwidth is dependent upon the class of emission and the speed of signalling.

[9] This definition coincides with the definition of "Frequency Assigned to a Station" which appears as paragraph 57 of the International Radio Regulations of Atlantic City, 1947.

[10] For the definition of "carrier," see paragraph (a) of § 2.3 of this chapter.

[1] The Commission has exempted certain low power radio devices from its general licensing requirements as set forth in Part 15, rules governing restricted radiation devices. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radiocommunication are set forth in Part 18, rules and regulations relating to industrial, scientific and medical service.

[2] Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington, D. C., or from any of its field offices.

Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the law of the jurisdiction. Where more than one copy of an application is required to be filed with the Commission, only the original need to be signed and verified; copies may be conformed.

§ 8.26 *Informal applications.* An application not submitted on a standard form prescribed by the Commission[2] is an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed under oath or affirmation. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 8.27 *Defective applications.* (a) An application which is not made in accordance with the Commission's rules or other requirements will be considered defective unless accompanied by a request to waive or petition to amend the rule or other requirement with which the application is in conflict. The reasons which are believed to support such a request or petition shall be set forth in detail.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) When an application (other than an application made in an emergency and not in written form) is considered to be incomplete or defective, the Secretary of the Commission will return it to the applicant, unless the Commission may otherwise direct. The reason for return of the application will be indicated, and, if appropriate, necessary additions or corrections will be suggested.

§ 8.28 *Amendment or dismissal of application.* Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment of, or request for dismissal of an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All related correspondence or other material which is to be considered as a part of an application already filed shall be submitted in the form of an amendment to the application concerned.

§ 8.29 *Partial grant of application.* Whenever the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written protest, rejecting the grant as made. Upon receipt of such protest, the Commission will vacate its original action upon the application, if necessary, and set the application for hearing in the same manner as other applications are set for hearing.

§ 8.30 *Request for amendment or waiver of rules.* (a) Any provisions of the rules in this part (except those provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be repealed, amended or supplemented, subject to the provisions of the Administrative Procedures Act. Any interested person may petition for issuance, amendment, or repeal of any rule or regulation governing stations in the maritime mobile or maritime radio location service. Such petition may be filed in relation to specific applications for station authorization, or independently thereof, and shall show the text of the proposed rule(s), and shall set forth the reason(s) in support of the petition.

(b) Any provision of the rules in this part (except these provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be waived by the Commission, if the Commission finds that important or exceptional circumstances require such waiver and that the public interest will be served thereby. A request for such waiver may be filed in relation to specific applications for station authorization, or independently thereof, and shall set forth in detail the reason(s) said waiver is considered to be necessary, and how the public interest would be served thereby.

§ 8.31 *Applications concerning marine-utility stations.* Whenever a marine-utility station is to be used and operated at any location on land (whether or not it is to be used and operated additionally on board mobile vessels), such station is subject to the applicable provisions of Part 7 of the Commission's rules and an application for construction permit to establish such station shall be filed with the Commission, pursuant to the requirements therefor contained in that part.

§ 8.32 *Application for station license.* (a) In accordance with § 8.24, application for station license to authorize the use and operaton of radio transmitting apparatus on board ship shall be submitted on the appropriate Federal Communications Commission Form as prescribed in § 8.36.

(b) Each application for a public ship station license which requests authority to employ telegraphy for public correspondence shall designate the class of station desired to be authorized, in accordance with the terms of paragraph (e) of § 8.3.

§ 8.33 *Changes during license term.* When, during the term of a station license, any change is to be made in respect to the station, or with respect to its use and operation, which would result in a deviation from the terms of the license and/or any supplemental instrument of authorization, application for modification of license on the appropriate FCC Form as prescribed in § 8.36 shall be submitted in accordance with § 8.24 not less than 60 days prior to the date contemplated for such modification of license in order that action therein may be taken by that date.

§ 8.34 *Renewal of license.* Application for renewal of station license shall be submitted on the appropriate FCC Form as prescribed in § 8.36. Unless otherwise directed by the Commission, such application should be filed at least 60 days prior to the expiration date of the license sought to be renewed in order that action therein may be taken by that date.

§ 8.35 *Reinstatement of license.* When the use and operation of a station has been discontinued due to the station license having expired by its own terms, and application for renewal of station license has not been submitted within a period of time acceptable to the Commission for the purpose of renewal, application for station license on the appropriate FCC Form as prescribed in § 8.36 shall, if authority is desired for resumption of operation, be submitted in accordance with § 8.24.

§ 8.36 *Application forms for station authorizations.* (a) The forms hereinafter designated in this Section shall be used for filing formal applications for station authorizations:

(1) For ship stations employing telegraph transmission only, or employing both telegraph and telephone transmission:

For ship station license: FCC Form 501 together with supplementary FCC Form 500.
For modification of ship station license: FCC Form 503 together with supplementary FCC Form 500.
For renewal of ship station license: FCC Form 502.

(2) For ship stations employing radiotelephone transmission (for this purpose, the use of incidental telegraphic emission for calling or operating signals is included in the term "radiotelephone transmission") and for marine-utility stations to be operated on board mobile vessels exclusively:

For ship station license, or renewal or modification thereof: FCC Form 501–A.

(3) For ship stations employing facsimile transmission, composite transmission, or transmission not designated in any of the foregoing categories; and for ship radiolocation or radionavigation stations (other than ship radar stations):

For station license: FCC Form 501.
For modification of station license: FCC Form 503.
For renewal of station license: FCC Form 502.

(4) For ship radar stations:

For license, or renewal or modification thereof: FCC Form 501–B.

(5) For stations on board ship which employ two or more of the foregoing types of transmissions (other than as indicated in subparagraph (1) of this paragraph) and for developmental stations on board ship:

For license, or renewal or modification thereof: each of the form or forms herein specified for the corresponding type or types of transmission.

§ 8.37 *Application for consent to voluntary assignment or transfer of control of station license.* (a) Application for consent to voluntary assignment of a license covering any class of station governed by this part, or for consent to voluntary transfer of control of a corporation holding such license, shall be filed with the Commission on FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Permit or License", or FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License", as the case may be, at least 60 days prior to the contemplated effective date of assignment or transfer of control in order that action therein may be taken by that date.

(b) In the case of stations on board ship licensed to operate in any service governed by this part, involuntary assignment of licenses will not be made. Upon the death or legal disability of the licensee, such licenses shall be surrendered for cancellation.

§ 8.38 *Applications filed concurrently.* Applications of different category but in respect to the same station and radio service may be filed concurrently by the same applicant as prescribed herewith:

(a) Applications for modification of station license and for renewal of station license;

(b) Applications for modification of station license and for consent to voluntary assignment or transfer of control of station license;

(c) Applications for renewal of station license and for consent to voluntary assignment or transfer of control of station license.

§ 8.39 *One application for plurality of stations.* (a) One application may be filed for several station authorizations to cover similar stations on board different ships provided the following elements are the same for all stations covered by such application:

(1) Nature of application (license, modification of license, renewal of license, or special temporary authority);
(2) Applicant;
(3) Licensee (when request is for modification or renewal);
(4) Nature of service and class of station as set forth in § 8.22.

(b) Paragraph (a) of this section shall apply only when the individual stations covered by such application are clearly identified therein and properly related to the information supplied which is applicable to the respective authorization requested for each station.

§ 8.40 *Application for station of portable nature (other than marine-utility station).* (a) Upon application as appropriate under §§ 8.26, 8.36 or 8.42 including a supplemental statement as prescribed in subparagraphs (1) and (2) of this paragraph, the Commission may grant a license, modification of license, renewal of license, or special temporary authorization, permitting operation of a station of an established class in the maritime mobile or maritime radiolocation service which is readily portable for use as the occasion requires on board a ship or ships of the United States, provided the applicant makes a satisfactory showing that:

(1) The station will be operated as an established class of station on board ship in conformity with all applicable rules of the Commission, and

(2) Unusual circumstances exist whereby a station license to cover such operation is necessary to eliminate the necessity of frequently filing applications for special temporary authority, licenses, or modifications of license in order to permit on short notice the temporary operation of specified apparatus on board a designated ship or ships of the United States.

§ 8.41 *Application for exceptional authority to communicate with amateur stations.* Upon proper application, including a supplemental statement as herein prescribed, the Commission may grant a license, modification of license, renewal of license, or special temporary authorization, permitting a ship telegraph station on board a vessel not engaged in commerce or a vessel used, or intended to be used, for scientific research or expedition, to transmit by means of Class A1 or A2 emission on authorized ship telegraph frequencies within the band 4000 kc to 25000 kc, for the purpose of exchanging radiotelegraph communications directly with licensed amateur station[4] on land in accordance with the provisions of § 8.70, provided the applicant includes a supplemental statement satisfactorily showing that:

(a) Unusual circumstances during the contemplated voyage(s) are anticipated which will make direct communication with amateur stations extremely beneficial to persons on board the vessel or to the person(s) responsible for the scientific research or expedition for which the vessel is used or is intended to be used;

(b) The messages to be exchanged with amateur stations will contain no material relating directly or indirectly to a commercial transaction; and

(c) Transmission for this purpose will be conducted on a secondary basis so as to avoid interference to commercial message traffic and other authorized emissions of stations operating in the maritime mobile or maritime radiolocation service.

§ 8.42 *Application for special temporary authority.* (a) Upon receipt of application (in written form except as provided in paragraph (f) of this section) therefor, the Commission may issue special temporary authorization for a period not to exceed three months for the use and operation of transmitting apparatus on board ship in the maritime mobile service or the maritime radiolocation service, (provided the proposed operation is not in conflict with the rules and regulations of the Commission) under the following conditions:

(1) In cases which obviously require the immediate use of existing and available radio transmitting apparatus not already authorized for the desired operation;

(2) In cases where an urgent need is shown for operation of an authorized station for a limited time only, in a manner or for a period of time other than that specified in the existing authorization;

(3) For the purpose of conducting a field survey to obtain necessary data in connection with the filing of one or more formal applications. In this case, the authority, if granted, will be for developmental operation only, and these sections of this part applicable to developmental stations on board ship shall apply to all operation under such grant.

(b) Whenever practicable, an application for special temporary authority shall be filed as a formal application on a form or forms prescribed in § 8.36. When necessary, however, such application may be filed as an informal application as prescribed in § 8.26 and paragraph (f) of this section.

(c) An application in written form for special temporary authority shall be filed not less than ten days prior to the earliest date of proposed operation thereunder unless acceptable explanation of reason for failure to meet this time limitation is included with the application.

(d) Each application in written form for special temporary authority submitted by an applicant who holds a valid outstanding authorization or has already filed a formal application, shall contain, as a minimum requirement, the following information, except as to such information already on file with the Commission:

(1) Name and address of applicant.
(2) Official call letters of any valid station authorization or construction permit already held by applicant, and the station location.
(3) Name and official registry number of ship.
(4) Relation of applicant to owner of vessel.
(5) Explanation of need for special temporary authority in lieu of normal type of authorization.
(6) Class of station and nature of service desired.
(7) Complete particulars concerning purpose and nature of proposed operation.
(8) Station(s) with which communication is intended.
(9) Frequency or frequencies, maximum plate input power, and class of emission to be employed.
(10) Equipment to be used, specifying the manufacturer, the date installed, model number, rated power, and frequency stability to be maintained.
(11) The date(s) and time(s) of the proposed operation.

(e) Each application in written form for special temporary authority submitted by an applicant who does not hold a valid station license or construc-

[2] Standard forms are prescribed herein for use in connection with the majority of applications and reports submitted for Commission consideration. These forms may be obtained from the Commission at Washington, D. C., or from any of its field offices.

[4] For information concerning amateur stations, see Part 12 of the Commission's rules.

tion permit issued by the Commission, or has not already filed formal application therefor, shall, in addition to the information required under paragraph (d) of this section, contain factual statements to the extent necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act.[2]

(f) In any case in which the Commission finds an actual emergency to exist, the Commission will normally issue special temporary authority on receipt of an application submitted by wire or telephone for a station on board a ship provided that the application is accompanied by a statement by the applicant that he will, at the earliest practicable time thereafter, follow the application so submitted by filing with the Commission a formal or informal written application in accordance with §§ 8.26 or 8.36.

(1) The following specific types of factual situations are normally acceptable as constituting an emergency under this section:

(i) The ship involved is in a port of the continental United States and is unexpectedly required to sail therefrom within a period following the filing of application which does not exceed the applicable period of time set forth in subdivision (v) of this subparagraph.

(ii) The ship involved is arriving at a port of the continental United States on the date of application and is required to sail therefrom within a period after such date of arrival which does not exceed the applicable period of time set forth in subdivision (v) of this subparagraph.

(iii) The ship involved is arriving at a port in a United States territory or possession on the date of application and is required to sail therefrom within a period after such date of arrival which does not exceed the applicable period of time set forth in subdivision (v) of this subparagraph.

(iv) The ship involved is in a port of the continental United States or a port in a United States territory or possession and within a period of time which does not exceed the applicable period set forth in subdivision (v) of this subparagraph of expected departure therefrom, a deficiency in the radio installation is discovered which makes it necessary to secure authority to use and operate modified or replacement radio transmitting apparatus in order to place the station on board in good working condition before departure.

(v) The periods of time referred to in subdivisions (i) through (iv) of this subparagraph are as listed below. Saturdays, Sundays, and United States legal holidays are not to be included in calculating the period of time involved:

	Calendar days
Atlantic or Gulf coast	10
Pacific coast, Puerto Rico, Virgin Islands	15
Hawaii or Alaska	20
Territories or possessions in Pacific area west of Hawaii	30

[2] See § 8.23.

(2) Each application made in an emergency in accordance with this subparagraph shall, prior to action thereon by the Commission, provide, as a minimum requirement, the following information:

(i) Name and address of applicant;

(ii) Name and address of applicant's agent, if application is made by an agent;

(iii) Official call letters, if any, already assigned a station on board the vessel involved.

(iv) Name and, if available, official registry number of ship;

(v) Factual statements to the extent necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the satisfied eligibility requirements of section 310 of the Communications Act.[3]

(vi) Relation of applicant to owner of vessel;

(vii) Statement of facts considered to constitute an emergency necessitating action under this sub-section.

(viii) Purpose and nature of proposed operation;

(ix) The date(s) and time(s) of the proposed operation;

(x) Frequency or frequencies, maximum plate input power, and class or classes of emission to be employed, and station(s) with which communication is intended;

(3) In supplying the information designated in subdivisions (vii) or (x), of this subparagraph, reference need be made only to the applicable example in paragraph (1) of this section, or to the applicable rule(s) or regulations(s) of the Commission in lieu of detailed information when this alternative is appropriate for meeting this requirement.

§ 8.43 *Application precedent to hearing.* Whenever the Commission regards an application for renewal of license as essential to the proper conduct of a hearing or investigation and specifically directs that the licensee file such application by a certain date, the application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 8.44 *Failure to prosecute applications.* An applicant not desiring to prosecute his application may request that it be dismissed without prejudice. Where an applicant fails to respond within a reasonable time to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 8.45 *Inconsistent or conflicting applications.* When an applicant has an application pending or undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf of or for the benefit of said applicant, will be considered by the Commission.

NOTE: The following sections of this subpart relate only to ship radio installations required by law for safety purposes.

§ 8.46 *Application for inspection.* Pursuant to subsection 360 (b) of the Communications Act, a ship of the United States which, by reason of the provisions of Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, is required to be fitted with a radio installation for safety purposes, shall, at least once in each 12-month period, be made available by the owner or operating agency of the ship for a detailed inspection of the ship's radio installation. A formal application, FCC Form 801, "Application for Ship Radio Inspection", for such inspection shall be filed with the Commission's Engineer in Charge at the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. A service representative (who holds the proper class of radio operator license) of the ship station licensee and (unless otherwise notified by the Commission's representative) sufficient personnel to lower and raise the antenna(s) and to launch any required radio-equipped lifeboat(s), shall be available at the ship at the time inspection is to be conducted. The application for such inspection shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster; preferably at a time to provide for such inspection coincident with the annual inspection of the vessel by the United States Coast Guard.

§ 8.47 *Application for certificate of compliance with Safety Convention.* Whenever a Safety Certificate or a Safety Radiotelegraphy Certificate or a modification or renewal thereof, is required by reason of the applicability to a ship of the radio provisions of the Safety Convention, an application, FCC Form 801, "Application for Ship Radio Inspection", for a required inspection of the radio installation on board and certification of the result of such inspection to the United States Coast Guard for the issuance of a Convention Certificate, shall be filed with the Commission's Engineer in Charge at the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. A service representative (who holds the proper class of radio operator license) of the ship station licensee and (unless otherwise notified by the Commission's representative) sufficient personnel to lower and raise the antenna(s) and to launch any required radio-equipped lifeboat(s), shall be available at the ship at the time inspection is to be conducted. Such application shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster; and when appropriate may be combined with the application for annual inspection prescribed by § 8.46.

§ 8.48 *Extra compensation for overtime services by inspectors.* Pursuant to section 4 (f) (2) of the Communications Act, inspectors in charge and radio inspectors of the Feld Service of the Engineering Department of the Commission, who may be required to remain on duty to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of Title III of Part II of the Act at night or on Sundays and holidays, shall receive extra compensation, to be paid by the master, owner, or agent of the vessel, under the following regulations:

(a) The rates of extra compensation are payable in cases where the services of such inspectors have been duly requested and they have reported for duty, even though no actual service may be performed.

(b) The extra compensation for overtime services is in addition to the regular compensation paid by the Government in the case of inspectors whose compensation is fixed on the ordinary per diem basis and those receiving compensation per month or per annum.

(c) Extra compensation for "waiting time" will not be allowed unless and until the inspector, actually reports for duty.

(d) For the purpose of computing extra compensation, the word "night" shall mean the time between the established closing hour of one day at the office involved and the established opening hour of the following business day at such office, but shall not include any such time within the 24 hours of a Sunday or holiday. Each Sunday and each holiday shall comprise the 24 hours between midnight and midnight. For the purposes of this section the time between the established closing hour of an office and midnight of the day immediately preceding a Sunday or holiday and the time from midnight until the established opening hour of the day immediately following the said Sunday or holiday will be considered as a single night. The term "holiday" shall include only national holidays, viz. January 1, February 22, May 30, July 4, the first Monday in September, November 11, Thanksgiving Day (when designated by the President), December 25, and such other days as may be designated national holidays by the President or by Congress.

(e) For authorized service in excess of 8 hours on any day excluding Sunday and holidays, extra compensation equivalent to one-half days' pay is payable for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond the said 8 hours: *Provided*, That the overtime is not less than 1 hour. The maximum amount which may be paid for such authorized overtime services on any one day other than on a Sunday or holiday shall not exceed 2½ days' pay.

(f) In computing the amount earned for overtime at the rate of "one-half day's pay for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond 5 p. m.", one-half day's pay shall be one-half of the gross daily rate of pay; each 2 hours is the time period for the purpose of computation; at least 1 hour means the minimum service in any such 2 hour overtime period for which extra pay may be granted, and each additional period in the amount of 2 hours or fraction thereof of at least 1 hour will entitle the Inspector to an additional one-half day's pay. Payment of extra compensation for services consisting of at least 1 hour is authorized from 5 p. m., even though such services may not actually begin until later: *Provided*, That the Inspector rendering the service remained on duty from 5 p. m., in which case the time between 5 p. m. and the time of beginning the actual service shall be computed as waiting time. Where the performance of actual services is preceded by such a waiting time there should be an affirmative statement that the Inspector was required to remain on duty between 5 p. m. and the time of beginning the actual services.

(g) In computing extra compensation where the services rendered are in broken periods, the time served should be combined with the waiting time and computed as continuous service.

(h) The same considerations shall apply when charging for waiting time as govern the charge for services actually rendered. No charge should be made unless after having reported for duty the waiting time amounts to at least 1 hour.

(i) For any authorized services performed on Sundays and holidays, totaling not more than 8 hours, extra compensation is payable equivalent to two days' pay in addition to any regular compensation for such days. For any authorized service in excess of 8 hours (starting either before or after 5 p. m. local time) extra compensation at the rate of one-half day's pay, based on the normal daily rate of pay, for each two hours of service or fraction thereof of not less than 1 hour, is payable in addition to the extra compensation payable for service up to and including 8 hours of service. The maximum extra compensation payable for work on Sundays and holidays is 4½ days' pay.

(j) When inspectors are in travel status overtime shall apply the same as at official station. However, compensation for such overtime shall not include travel time.

(k) Assessments and collection of fees against steamship companies for overtime services shall be made even though the payment to employees for such services may not be made until funds are appropriated for that purpose.

(l) An application on a form prescribed by the Commission shall be filed with the office being requested to furnish overtime services before such assignment can be made.

(m) Overtime services shall be billed to the steamship companies as soon as possible after the services have been performed and on collection voucher provided for that purpose. Remittance shall be by postal money order or certified check payable to the "Collector of Customs, Treasury Department" and forwarded that officer at the port indicated on the voucher, who shall in turn deposit such remittance on a properly designated receipt account.

(n) Protests against the exaction of extra compensation shall be forwarded to the Commission at Washington, D. C., and a copy thereof sent to the office which furnished the overtime services.

§ 8.49 *Application for exemption.* (a) Application for exemption from the radio equipment and operator requirements of Part II of Title III of the Communications Act and/or the Safety Convention, or application for modification or renewal of exemption previously granted, may be made by submitting FCC Form 820, "Application for Exemption", to the Commission at Washington, D. C. In cases of emergency found by the Commission, the Commission may, at its discretion, consider an informal application which should include the full information normally furnished on FCC Form 820.

(b) Whenever exemption from the radio equipment and operator requirements of the Safety Convention is granted in behalf of a ship, the Commission certifies the necessary particulars to the United States Coast Guard in order that an Exemption Certificate in behalf of that ship may be duly issued.

SUBPART C—STATION AUTHORIZATIONS

§ 8.61 *Authority for distress communication.* No provision of the International Radio Regulations shall prevent a mobile station in distress from using any means available to it for drawing attention, signalling its position, and obtaining help.

§ 8.62 *Changes in equipment of licensed station.* A licensed transmitter on board ship may be modified without making application to the Commission and without specific authorization from the Commission provided: (a) the change does not result in operation inconsistent with the rules of the Commission nor with the terms of the outstanding authorization for the station involved; (b) the change does not result in any impairment of the ability of the station licensee or the owner, operating agency, or ship master, to comply with any duty or obligation imposed by statute or international treaty or agreement for purposes of safety; and (c) a description of the change is incorporated in the next application for renewal or modification of license.

§ 8.63 *Normal license period.* (a) The period of time during which a license is valid for a station on board ship in the maritime mobile or maritime radiolocation service (other than licenses for developmental stations) normally shall begin at 3:00 a. m., e. s. t., and normally shall be:

(1) For an initial license, from one to five years from the date on which it becomes effective, the term varying as may be necessary to permit the orderly scheduling of renewal applications;

(2) For a renewal license, four years from the date on which the renewed license becomes effective.

§ 8.64 *License period for developmental station.* A license for a developmental station on board ship shall be issued specifically upon a temporary basis for a specified period of time not to exceed one year from the date on which the license becomes effective.

§ 8.65 *Issuance of modified and renewed license simultaneously.* When an application is granted by the Commission which necessitates the issuance of a modified station license to become effective less than 60 days prior to the expiration date of the license sought to be modified, and when an application for

renewal of said license is granted subsequent or prior thereto, but within 30 days of the date of expiration of the outstanding license, the modified license as well as the renewed license shall be issued as one document in accordance with the combined action of the Commission.

§ 8.66 *One license for plurality of stations.* (a) Unless otherwise determined by the Commission in exceptional circumstances, one station license may be granted to authorize the use and operation of a designated maximum number of stations in the maritime mobile service—normally in multiples of ten stations—cn board two or more ships of the United States whenever telephony is the sole type of transmission authorized and the following license elements are the same for each station and the requirements specified in paragraph (b) of this section are fulfilled:

(1) The station licensee;

(2) The conditions which establish and maintain control of the station by the station licensee;

(3) The class of station and nature of service;

(4) The type(s) of transmitting equipment to be authorized;

(5) The authorized transmitter power of identical types of transmitting equipment to be authorized;

(6) The frequency assignment and the authorized transmitter power, and class or classes of emission authorized on each radio-channel.

(b) The issuance of one station license as provided in paragraph (a) of this section shall be contingent upon compliance by the applicant and station licensee with the following requirements:

(1) The licensee shall, at the time the application(s) for license is (are) filed and during the entire period in which the station license is valid, keep the Commission at Washington, D. C., and the Commission's Engineer in Charge of each radio district in which the stations are operated, currently informed in writing of the names, registration numbers, and respective classes of ships which are provided with stations authorized in accordance with the terms of the station license;

(2) The transmitting equipment is not installed on board ship for the purpose of complying with the provisions of any statute or international agreement requiring the installation or use of such equipment for safety purposes;

(3) The transmitting equipment shall not be authorized in any other instrument of authorization issued by the Commission;

(4) No ship carrying a ship station licensed pursuant to this section shall, except in an emergency, proceed to any harbor or port of a foreign country.

§ 8.67 *Transfer or assignment of station authorization (see also § 8.37).* Section 310 (b) of the Communications Act expressly provides that a station license granted by the Commission, the frequencies authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing.

§ 8.68 *Authority for lifeboat radio station.* Whenever, in an application for ship station license, additional radio transmitting equipment described therein is designated as intended for use solely in a lifeboat or other survival craft associated with the principal vessel to which the application applies, operation of such lifeboat radio equipment, for maintenance tests and safety communication only, will be specifically authorized by the ship station license issued in response to that application.

§ 8.69 *Authority for transmission from cable buoy.* Provided the transmitting equipment to be used on a cable marker buoy is adequately described and the necessary technical data is supplied in an application for station license for a ship station on board a cable-repair ship with which the buoy is associated, the use of such transmitting equipment for radiolocation in accordance with § 8.407 will be specifically authorized by the related ship station license.

§ 8.70 *Authority to communicate with amateur stations.* (a) A ship station shall not communicate with or transmit to any amateur station unless it is specifically authorized by the Commission to do so. When authorized to communicate with duly licensed amateur stations, a ship station shall conduct all operation for this purpose in conformity with the relevant terms of its station license, and, except as otherwise permitted by the station license, shall, for this purpose,

(1) Transmit by means of A–1 or A–2 emission only on a frequency between 2,000 kc and 25,000 kc authorized for such emission;

(2) Not cause harmful interference to stations in the maritime mobile service nor to stations in the radiolocation service;

(3) Not engage in any communications relating directly or indirectly to a commercial transaction.

(b) Communication with amateur stations of foreign countries shall be limited to communications with such amateur stations as are authorized to communicate with the ship station concerned; in addition, the nature of the communications exchanged with foreign amateur stations shall, in addition to the requirements of paragraph (a) of this section, be in accordance with the International Radio Regulations and in conformity with the regulations of the foreign administration(s) having jurisdiction over the amateur station(s) involved.

§ 8.71 *Limitations concerning stations of portable nature other than marine utility stations.* Advance notice in writing or by telegram shall be given to the Commission and to the Engineer in Charge of the radio district where the operation is to take place by the licensee of a station of a portable nature (other than a marine-utility station) authorized for use on board ship prior to any operation contemplated on board a particular ship. Such notice shall state the call sign of such station, name of licensee, approximate date(s) of intended operation on board the designated ship, and the geographic area in which the ship is to be navigated. A station of a portable nature (other than a marine-utility station) authorized to be operated on board a ship or ships, shall not be retained on board any one ship during any continuous period exceeding three months without giving further notice to the Commission and to the Engineer in Charge of the radio district where the operation is to take place; *Provided*, That the foregoing requirements shall not apply to operation of a station of a portable nature on board small boats (tenders, dories, lifeboats, etc.), which are regularly associated with a parent ship, when such station is specifically identified in the license of such parent ship.

§ 8.72 *Authority for ship radar station.* Any license issued for a ship radar station shall be subject to the condition that the station licensee, in relation to the proper operation of the station in accordance with the radio law and rules and regulations of the Commission, will be represented on board the radar equipped vessel by the person who at any given time occupies the position of master.

§ 8.73 *Discontinuance of station operation.* In case of permanent discontinuance of operation by the particular licensee of a station on board ship licensed under this part, the licensee shall forward the station license to the Washington, D. C., office of the Commission with a request for its cancellation. A copy of the request for cancellation of the license shall be forwarded to the Commission's Engineer in Charge of the district in which the station is located.

§ 8.74 *Assignment of call signs.* (a) Ship stations in the maritime mobile service other than those designated in paragraphs (b), (c), (d) and (e) of this section shall be assigned call signs consisting of four-letter combinations commencing with the letter "K" or the letter "W".

EXAMPLES: KBCD or WBDC.

(b) Ship stations authorized to use telephony (except those specified in paragraph (c) of this section), but not authorized to use telegraphy except secondarily for purposes incidental to the use of telephony, located on board ships whose survival craft being carried, if any, are not authorized to operate radio transmitting equipment, shall be assigned call signs consisting of two-letter, four-digit combinations (the digits 0 and 1 may not immediately follow a letter) beginning with WA2000 and progressing numerically through WA9999 and beginning again with WB2000 and progressing thus through the "W" series of prefixes. In cases of vessels having or eligible for signal letters assignable by the United States Treasury Department, the Commission may, if it deems such action necessary or desirable, make exceptions to the foregoing provisions and assign call signs of such character as is legally permissible and as it may deem appropriate in each particular case.

(c) Normally, an individual call sign shall be assigned to each ship (other than survival craft attached to a parent ship) carrying a station licensed in the maritime mobile service: *Provided*, That a single call sign shall be assigned to a plurality of stations authorized by one station license in accordance with § 8.66 whenever such stations are easily identified by means other than call signs and their signal of identification or characteristics of emission are published, when required by international agreement, in appropriate international documents.

(d) Stations of lifeboats, lifecrafts, and other survival craft carried aboard ships shall be assigned call signs consisting of the call sign that has been assigned, or that would be assigned, to the ship station located on board that particular parent ship, followed by two digits (the digits 0 and 1 may not immediately follow a letter).

EXAMPLE: If the call sign that has been assigned, or would be assigned, to a ship station on board a parent ship is KBCD, the survival craft station shall be KBCD followed by two digits, such as KBCD45.

(e) Ship radar stations shall be assigned call signs for administrative purposes only. Such stations located on board ships having a ship station licensed in the maritime mobile service shall be assigned the same call sign as that ship station. If in a particular case the ship has no ship station licensed in the maritime mobile service, the ship radar station shall be assigned a call sign consisting of a two-letter, four-digit combination (the digits 0 and 1 may not immediately follow a letter) beginning with the letter "W".

EXAMPLES: If a ship station licensed in the maritime mobile service with call sign WA2000, or KBCD, or WBCD, the ship radar station call sign shall be respectively, WA2000, or KBCD, or WBCD. If the ship has no station licensed in the maritime mobile service, the ship radar station call sign shall be of the type WA2000). In case of a ship having, or eligible for, signal letters assignable by the United States Treasury Department, the Commission may, if it deems such action necessary or desirable, make exceptions to the foregoing provisions and assign a call sign of such character as is legally permissible and as it may deem appropriate in each particular case.

§ 8.75 *Operation during emergency.* (a) The licensee of any ship station or developmental station in the maritime mobile service on board ship, may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization or in the rules and regulations governing the maritime mobile service: *Provided* (1) That as soon as possible after the beginning of such emergency use, notice shall be sent to the Commission at Washington 25, D. C., and to the Commission's Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the emergency use being made of the station; (2) that such emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available; and (3) the Commission and the Engineer in Charge be notified immediately when such special use of the station is terminated: *And provided further*, That in no event shall any ship station or developmental station on board ship engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided for by the Commission, or by law: *And provided further*, That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

(b) The Commission may authorize the licensee of any radio station governed by this part during a period of national emergency to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy, or Air Force.

SUBPART D—GENERAL STATION REQUIREMENTS

§ 8.101 *Inspection of station.* (a) Pursuant to section 303 (n) of the Communications Act, the radio installation on board any ship of United States registry shall be available for inspection by duly authorized representatives of the Commission at any reasonable time and at such frequent intervals as within the discretion of the Commission will insure compliance with applicable regulations, laws, and treaties.

(b) The governments or appropriate administrations of countries, where a ship equipped with a radio station calls, may require the production of the station license for examination. The operator of the station, or the person responsible for the station, must facilitate this examination. The station license must be available so that it can be produced without delay. When the license cannot be produced or when manifest irregularities are observed, governments or administrations may inspect the radio installation in order to satisfy themselves that the installation conforms to the conditions imposed by the International Radio Regulations.

§ 8.102 *Posting of station license.* (a) Except for certain stations to which paragraph (b) of this section is applicable and except for stations authorized in accordance with § 8.66, the original license for each station on board ship subject to this part shall be posted in a conspicuous place at the principal location on board at which the station is operated; *Provided*, That the ship radar station license shall be posted in a conspicuous place at the principal radar operating position.

(b) With respect to stations not authorized in accordance with § 8.66, which are operated on board small boats where posting of the station license is impracticable, the requirement of paragraph (a) of this section shall not apply: *Provided*, That in lieu thereof the original station license or a photocopy thereof is retained on board such boat (other than survival craft carried on board a parent ship) during the entire time the station is located thereon.

(c) With respect to a plurality of stations authorized by one station license in accordance with the provisions of § 8.66, the station license shall be retained by the licensee at any location where it is accessible to governmental inspection. In lieu of posting the license on board ship, a Transmitter Identification Card (FCC Form No. 452–c Revised) properly executed shall be affixed to the authorized transmitting equipment on board each ship: *Provided*, That where the transmitting equipment is not visible from the operating position on the ship or is not readily accessible for governmental inspection, the Transmitter Identification Card shall be affixed to the control apparatus at the principal station operating position on board. The following information shall be entered on the Transmitter Identification Card by the station licensee:

(1) Name of station licensee;

(2) Station call sign assigned by the Commission;

(3) Exact location or locations of the actual station license and any station records required by the Commission;

(4) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and

(5) Signature of the licensee, or his duly authorized agent.

§ 8.103 *Location of station.* All components of a station on board ship subject to this part, including the antenna(s), antenna supporting structures, and source(s) of power used to energize the station equipment, shall be located on board the vessel identified in the station license, even though the vessel be temporarily moored. For purposes of communication, no component of a ship station shall be connected by wire line directly or indirectly to any equipment, apparatus, or facilities which are not located entirely on board the vessel identified in the station license: *Provided*, That the limitations of this section shall not apply when the station is being operated in an emergency under the provisions of § 8.75.

§ 8.104 *Operating controls.* (a) Effective on and after January 1, 1953, such operating controls as necessarily are used for commencing and discontinuing normal operation of each ship station, such operating controls as necessarily are used for normally changing from each operating radio-channel to any other associated operating radio-channel in the same characteristic portion of the spectrum, and such operating controls as necessarily are used for normally changing from transmission to reception and vice-versa, shall be available at the principal operating location of the station and shall be readily accessible to the authorized operator. This requirement, however, need not be met by equipment intended for use only in emergencies and not used for normal communications.

(b) Effective on and after January 1, 1952, every ship station using telegraphy

shall, when an authorized operator is present at the principal operating location, be capable of change-over from telegraph transmission to telegraph reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time

(c) Effective on and after January 1, 1956, every ship station using telephony shall, when an authorized operator is present at the principal operating location, be capable of change-over from telephone transmission to telephone reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time: *Provided*, That ship stations and marine-utility stations using telephony on any frequency assignment above 30 Mc shall, with respect to operation on such frequencies, comply with this requirement, effective on and after January 1, 1952.

(d) Effective on and after January 1, 1952, every ship station shall, during its hours of service and when the authorized operator is present at the principal operating location, be capable of—

(1) commencing operation within one minute after the need to do so occurs;

(2) discontinuing all emission within five seconds after emission is no longer required or after the necessity arises for emission to cease.

(e) Effective on and after January 1, 1956, every ship station using a multi-channel installation for telegraphy shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio-channel for telegraphy to any other operating radio-channel for telegraphy within:

(1) A period of five seconds if the particular radio-channels are within the same characteristic portion of the spectrum; or

(2) A period of fifteen seconds if the particular radio-channels are not within the same characteristic portion of the spectrum:

(3) *Provided, however*, That this requirement need not be met by equipment intended for use only in emergencies and not used for normal communication.

(f) Effective on and after the dates hereinafter designated in this subsection, every ship station and marine-utility station using a multi-channel installation for telephony shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from one operating radio-channel for telephony to another operating radio-channel for telephony within:

(1) A period of five seconds, when changing from the calling channel to a working channel and vice-versa within the frequency band 1600 kc to 4000 kc; effective on and after January 1, 1958; or

(2) A period of three seconds, when changing from the calling channel to a working channel and vice-versa within the frequency band 156 Mc to 162 Mc; effective on and after January 1, 1952.

(g) Whenever the same radio-channel is used for radiotelephone transmission and reception, means shall be provided so that transmission of the carrier wave may be either automatically "voice-controlled" or controlled manually by the person whose speech is being transmitted.

(h) Effective on and after January 1, 1952, each ship station using telegraphy on frequencies within the band 365 kc to 515 kc (except stations which are not capable of providing a plate input power in excess of 150 watts) must be provided with a device or arrangement readily permitting the use of a plate input power for telegraphy which is not in excess of 100 watts.

§ 8.105 *Required radio-channels for telegraphy.* (a) Each ship station using telegraphy on frequencies within the band 365 kc to 515 kc (except stations on lifeboats or survival craft) shall be capable of transmitting and receiving classes A1 and A2 emission on the radio-channel of which 500 kc is the assigned frequency, and on at least one additional radio-channel within this band which is authorized for working. When a radiotelegraph installation is compulsorily fitted for safety purposes, a third radio-channel which is authorized for direction-finding within this band must be provided also.

(b) Each ship station using telegraphy on frequencies within the band 100 kc to 160 kc shall be capable of transmitting and receiving class A1 emission on the radio-channel of which 143 kc is the assigned frequency, and on at least two additional radio-channels within this band which are authorized for working.

§ 8.106 *Required radio-channels for telephony.* (a) Each ship station using telephony on frequencies within the band 1600 kc to 4000 kc shall be capable of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on the radio-channel of which 2182 kc is the authorized carrier frequency; provided that with respect to such operation outside the Great Lakes area, this requirement shall be effective on and after January 1, 1954; further provided, that with respect to ship stations on board vessels navigated solely within 300 nautical miles of Charleston, South Carolina, Jacksonville, Florida, or Wilmington, California, or within 600 nautical miles of Vancouver, British Columbia, this requirement shall become effective only when specifically ordered by the Commission.

(b) Each ship station using telephony on frequencies within the band 1600 kc to 4000 kc which is licensed to transmit on the radio-channel of which 2182 kc is the authorized carrier frequency, shall be capable also of receiving telephony on this channel, and shall be capable also of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on at least one other radio-channel authorized for working in this band.

(c) Effective on and after January 1, 1952, each ship station, and each marine-utility station used on board ship, which is licensed to transmit by telephony on any radio-channel within the frequency band 156.25 Mc to 157.45 Mc, shall be capable of transmitting and receiving (and shall be licensed to transmit) class F3 emission on the radio-channels of which the authorized carrier frequencies are 156.3 Mc and 156.8 Mc and additionally on at least one radio-channel in this frequency band which is authorized for communication with a coast station or stations; provided, that ship stations licensed prior to January 1, 1951, to use single-channel equipment on frequencies within this band on an experimental or developmental basis, need not comply with this requirement under normal class of ship station license until on and after January 1, 1953. The requirements of this paragraph, however, shall not apply to marine-utility stations or stations of a portable nature which are not capable of a plate input power in excess of three watts and are not capable of being readily adjusted for operation on more than one radio-channel.

§ 8.107 *Antenna requirements.* (a) The antenna(s) of each public ship station and of each ship station compulsorily provided on board a vessel for safety purposes pursuant to statute or international agreement shall, in so far as is practicable in each case, have electrical characteristics that will, in conjunction with the particular transmitting apparatus employed, assure maximum attainable efficiency in the conversion of antenna power to radiated power.

(b) All emission of a ship station, or a marine-utility station on board ship, using telephony on any frequency assignment within the frequency band 30 Mc to 200 Mc normally shall be polarized vertically at the source when the vessel carrying the station is in a normal vertical plane: *Provided*, The Commission may authorize the use of any other form of polarization in addition to or in lieu of vertical polarization if the applicant or station licensee makes a satisfactory showing that such authorization is necessary for effective communication or reduction of interference and would be beneficial to reception of the emission by other stations in the maritime mobile service.

§ 8.108 *Adjustment of equipment.* The transmitting equipment of each station on board ship subject to this part shall be operated, tuned, and adjusted so that there will be no radiation of emissions outside the authorized frequency band that interferes with the service of any other station. Any spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at the lowest practicable level.

§ 8.109 *Measurement of emission frequencies.* (a) The licensee of each station on board ship subject to this part shall be responsible[3] for measurement of each carrier frequency in use by the station as stipulated in the following subsections of this section: *Provided*, That when a carrier does not exist (except for ship radar stations)[4] measurement shall be made of the frequency coinciding with the center frequency of the emission bandwidth, in lieu of measurement of the carrier frequency.

(b) Measurement of the carrier frequency shall occur during normal operating conditions, including with and without the application of amplitude modulation if such modulation is employed. In the case of a station using frequency modulation, measurement of the carrier frequency shall be made while modulation is not applied.

(c) Measurement of the carrier frequency shall be made by means independent of the carrier frequency determining elements of the transmitting apparatus, and the measuring equipment, shall be capable of revealing deviation in cycles per second from the authorized carrier frequency or the assigned frequency of the station with an accuracy of one-half the frequency tolerance authorized by the Commission.

(d) Measurement of the carrier frequency shall, as a minimum requirement, be made at the following times:

(1) When the involved transmitting apparatus is placed in service both initially and on each occasion after it has been removed (other than marine-utility stations and stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the frequency of the carrier (including marine-utility stations and stations of portable nature).

(3) As soon as is practicable after the licensee receives an official notice from the Commission that the carrier frequency or the frequency coinciding with the center of the emission band-width has been observed by the Commission to be beyond the frequency tolerance.

(e) Each frequency measurement performed in order to comply with the provisions of this section shall be recorded in the official records of the station. In each instance of measurement the record shall show the location of the transmitter, the location of the measuring equipment, the identity of the transmitter involved, the time and date of measurement, the indicated deviation in cycles per second above or below the authorized carrier frequency or (when a carrier does not exist) above or below the assigned frequency (or other appropriate data in respect to measurement of the frequencies of emission of a ship radar station) and the signature of the person(s) who made the measurement, together with the name of any measurement service with whom such person(s) may be associated for this purpose. Each original record of measurement shall, wherever practicable, be continuously retained at the particular station until after the date of expiration or cancellation of the current station license, and shall be made available to the Commission upon request or during inspection of the station by an official representative of the Commission. When such retention of these records at the station is deemed by the licensee to be impracticable (such as may be the situation in respect to marine-utility stations and stations of portable nature) the original records shall be retained under jurisdiction of the station licensee at any location in the United States where they can be made readily available for inspection upon request by the Commission or an official representative thereof.

(f) Measurement of frequency required by the provisions of this section may, at the option of the station licensee, be made by any qualified engineering measurement service: *Provided*, That nothing contained in this paragraph shall be construed to change or diminish in any respect the responsibility of the station licensee for proper functioning and operation of the station in accordance with law.

§ 8.110 *Measurement of transmitter power.* (a) The actual power of each radio transmitter of a ship station or a marine-utility station shall be maintained within the following tolerance of the specific power authorized for that transmitter by the Commission;

(1) When the maximum operating power only is indicated, the actual power shall, in so far as is practicable, not be more than that necessary to carry on the service for which the station is licensed and in no event more than 5 percent above the maximum power authorized;

(2) When the exact authorized power is indicated, the actual power shall, at all times, be within the limits of 105 percent and 90 percent of the authorized power.

(b) For the purpose of assuring adherence to the requirement of paragraph (a) of this section, each radio transmitter rated by the manufacturer as being capable of a plate input power in excess of 200 watts or an antenna power in excess of 100 watts and initially placed in service after July 1, 1951, in a ship station, shall be fitted with the instrument(s) necessary to indicate the actual plate input power to the transmitter whenever the latter is in use: *Provided*, That on and after January 1, 1956, this requirement shall apply to all transmitters of ship stations (including stations of portable nature) rated by the manufacturer with respect to power as set forth in this subsection.

(c) When the power of a transmitter in a ship station, as rated by the manufacturer, is capable of being more than 105 percent of the authorized power, the station licensee, effective on and after July 1, 1951, shall employ an approved procedure to determine that the actual power does not exceed the authorized power. This determination shall be made and the result thereof entered in the licensee's records (which shall be made available to the Commission or an official representative thereof, upon request) as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (other than marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation;

(2) As soon as practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the actual power (including marine-utility stations and stations of portable nature);

(3) When required by an official representative of the Commission on the basis that the actual power appears, from an official inspection of the station, to exceed the authorized power.

§ 8.111 *Modulation adjustments for telephony.* (a) Ship stations and marine-utility stations using class A3 emission for telephony shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent. In so far as is practicable, the AM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces peak modulation percentages within these limits.

(b) Ship stations and marine-utility stations using class F3 emission for telephony shall be capable of proper technical operation with peak modulation percentage as high as is practicable in reference to the frequency swing normally regarded as 100 per modulation. In general, the FM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces, on this basis, peak modulation percentages between 75 and 100 percent.

(c) The adjustments required by paragraph (a) and (b) of this section shall be made and recorded in the licensee's records as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (except for marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the percentage modulation (including marine-utility stations and other stations of portable nature),

[3] Par. 6 (3), Art. 9, of the General Radio Regulations (Revision of Cairo, 1938) provides that all ship stations transmitting on frequencies in the band 100 to 160 kilocycles and on frequencies above 4,000 kilocycles (construed to mean frequencies within the band 4,000 to 25,000 kilocycles) must be equipped with a wavemeter (frequency meter) having a precision at least equal to 0.005 (0.5 percent) when the transmitter itself is capable of being adjusted with this precision or better. For this purpose, the Commission will accept a master-oscillator of a ship station electron tube transmitter in lieu of the frequency meter prescribed by this international regulation, provided the calibration of the said transmitter and of the circuit as a whole is such as to permit the convenient adjustment of the transmitter to its licensed frequencies within the tolerance for ship stations prescribed by § 8.131.

[4] The license of a ship radar station shall take the necessary measures to insure that the transmitter operates within the emission limits specified in § 8.133.

(3) When required by the Commission on the basis that the percentage modulation observed during an official inspection of the station by an official representative of the Commission appears to not comply with the requirement of paragraphs (a) or (b) of this section.

§ 8.112 *General requirements for receiving apparatus.* (a) The radio equipment of each ship station, or marine-utility station, using telegraphy or telephony, must be capable of permitting the reception of the class or classes of emission on the frequency or frequencies, normally received for the service carried on. The technical arrangement of the station apparatus shall be such that the necessary reception of emissions, including in particular that necessary for compliance with the provisions of §§ 8.181 and 8.240, can be readily effected prior to the transmission of any signals or communications by the ship station on the associated transmitting frequency.

§ 8.113 *Installation of power source.* The exact location and physical arrangement on board a vessel of any storage battery, or engine-driven generator and fuel tank, used as a source of power for any component of a licensed radio station subject to this part and located on board such vessel, and the method of ventilating the battery or engine compartment, shall be in accordance with applicable rules or regulations promulgated by the United States Coast Guard. If the Commission finds that such rules or regulations are not complied with by a particular station of this category, an application for license or modification or renewal of license thereafter filed in behalf of that station may be designated by the Commission for hearing to determine whether or not the granting of such application would meet the public interest, convenience or necessity.

§ 8.114 *Clock required.* (a) Each ship station licensed to operate on frequencies below 515 kilocycles shall be provided with a reliable clock with a second hand, preferably a sweep second hand. This clock shall be securely mounted in such a position that the second dial can be easily and accurately read by the operator from his normal operating position, from the operating position at which he would ordinarily transmit the international auto-alarm signal by hand, and from the operating position in the radio room used in testing the auto-alarm (if installed) for response to signals from the testing device. Stations which are compulsorily installed on board ship for safety purposes shall, in addition, meet such supplementary requirements for clocks as are prescribed in Subpart R of this part.

(b) Each ship station licensed for operation on frequencies above 1500 kilocycles only, shall, as may be necessary during operation, have available to the operator a suitable timepiece (preferably equipped with a second hand) of sufficient accuracy and reliability to allow for operation of the station in conformity with the terms of its license, regulations of the Commission, and the International Radio Regulations.

§ 8.115 *Retention of radio station logs.* (a) All station logs which are required under those provisions of this part pertaining to the particular classes of stations subject to this part shall be retained by the licensee for a period of one year from date of entry and for such additional periods as required by the following subparagraphs:

(1) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry;

(2) Station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them.

(3) Station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

(b) Station logs shall be made available to an authorized representative of the Commission (including any engineers of the Commission's Field Engineering and Monitoring Division) upon request.

(c) Ship station logs shall be fully completed at the end of each voyage and before the operator(s) (or other person(s) responsible under the applicable provisions of this part) leave the ship. The radio log currently in use shall be kept by the licensed operator(s) of the station or as otherwise authorized by the applicable provisions of this part, and during use shall be located in the principal radio operating room of the vessel. At the conclusion of each ocean voyage terminating at a port of the United States (includes Hawaii, Alaska, Puerto Rico, and Virgin Islands), the original radio log (or a duplicate thereof) [4] dating from the last departure of the vessel from a United States port shall be retained under proper custody on board the vessel for a sufficient period of time (not more than 24 hours) to be available for inspection by duly authorized representatives of the Commission. In the case of vessels which, during any period of thirty consecutive days or more, are not navigated on an ocean voyage, the original radio log (or a duplicate thereof) [4] dating from the beginning of such thirty day period shall be retained under proper custody on board the vessel until the end of that period and, at any reasonable time therein, shall be available for inspection by duly authorized representatives of the Commission. After retention on board the vessel as herein stipulated, the original log (and the duplicate log if provided) [4] may be filed at an established shore office of the station licensee, and shall be retained as stipulated by paragraph (a) of this section.

SUBPART E—STANDARD TECHNICAL REQUIREMENTS

§ 8.131 *Authorized frequency tolerance.* (a) Unless the particular instrument of authorization specifically provides otherwise, the frequency tolerances [1] authorized for stations on board ships subject to this part shall be as prescribed in the following paragraphs.

(b) Authorized frequency tolerances for ship stations operating on frequencies below 515 kc or within the frequency-band 4,000 kc to 25,000 kc:

Frequency ranges	Applicable until Jan. 1, 1953, to transmitters installed before Jan. 1, 1950	Applicable to transmitters installed after Jan. 1, 1950, and to all transmitters after Jan. 1, 1953
	Percent	*Percent*
(1) From 100 to 515 kc (except for 500 kc transmitters intended for use solely lifeboats or other survival craft)	0.3	0.1
(2) 500 kc transmitters intended for use solely in lifeboats or other survival craft	.5	.5
(3) Stations when using frequencies within the band 4000 kc to 30 Mc other than those specified in (4) below	.02	.01
(4) Stations (including lifeboat transmitters) when using frequencies within the following bands:		
From 4115 to 4165 kc inclusive	.05	.02
From 5500 to 5550 kc inclusive	.05	.02
From 6200 to 6250 kc inslusive	.05	.02
From 8230 to 8330 kc inclusive	.05	.02
From 11,000 to 11,100 kc inclusive	.05	.02
From 12,330 to 12,500 kc inclusive (except 12,440 and 12,460 kc)	.05	.02
12,440 and 12,460 kc	.02	.01
From 16,400 to 16,700 kc inclusive (except 16,530, 16,575, and 16,590 kc)	.05	.02
16,530 and 16,590 kc	.025	.02
16,575 kc	.02	.01
22,000 to 22,200 kc	.05	.02

(c) Authorized frequency tolerances for ship stations operating on frequencies within the band 1600 kc to 3500 kc:

	Applicable until Jan. 1, 1953, to transmitters installed before Jan. 1, 1950	Applicable after Jan. 1, 1953 to all transmitters except those installed after July 1, 1951	Applicable to all transmitters installed after July 1, 1951
	Percent	*Percent*	*Percent*
(1) From 1600 to 3500 kc inclusive (except for lifeboat transmitters under the condition specified below)	0.04	0.02	0.01
(2) For transmitters intended for use solely in lifeboats or other survival craft to be used on the international telephone distress frequency or the Region 2 ship telegraph calling frequency in this range	.05	.02	.01

(d) Authorized frequency tolerances for ship stations operating on frequencies above 30 Mc and for marine-utility stations:

	Percent
(1) From 30 to 100 Mc:	
For stations licensed to operate with a plate input power not in excess of 3 watts	0.02
For all other stations	.01
(2) From 100 to 200 Mc:	
For stations on survival craft intended for use in emergencies only	.01
For stations licensed to operate with a plate input power not in excess of 3 watts	.01
For all other stations	.005

(e) For stations in the maritime radio-location service (other than ship radar stations) the authorized frequency tolerance shall be specified in the instrument of authorization issued in behalf of each station.

(f) The frequency tolerance authorized for ship radar stations is prescribed as follows: The frequency at which maximum emission occurs shall be within the authorized frequency-band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the authorized frequency-band, where "T" is the pulse duration in microseconds.

§ 8.132 *Authorized classes of emission.* (a) When the class of emission is specifically designated in the instrument of authorization, stations on board ship subject to this part shall use emission in conformity with the terms of that document. Otherwise, such stations are authorized to employ classes of emission as follows:

(1) Frequency-band: Classes of emission authorized; ship stations using telegraphy.

100 to 160 kc	A1, and for brief testing AO.
160 to 515 kc	A1, A2,[1] A2a,[1] A2b,[1] and for brief testing AO.
2,200 kc to 25,000 kc	A1, A2,[1] A2a,[1] A2b,[1] and for brief testing AO.

(2) Frequency-band: Classes of emission authorized; ship stations using telephony.

1600 kc to 30 Mc	A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing AO.
30 Mc to 50 Mc	A3, A3a, A3b, F3; and for brief operating signals A1, A2, A2a, A2b, F1, F2; also for brief testing AO, FO.
152 Mc to 162 Mc	In Regions 1, 2, and 3, F3; and for brief operating signals F1 and F2; also for brief testing FO; additionally in Regions 1 and 3 only, A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing AO.
For other frequencies or frequency-bands.	As designated in the station authorization.

(3) Frequency-band: Classes of emission authorized; ship radar stations.

Above 3000 Mc	PO.

[1] Permissible by keying the modulated emission. Keying the modulating audio frequency only, without interruption of the carrier wave, is not permissible. The use of any audio frequency pulse device such as a so-called "chopper" is prohibited. The use of these classes of emission on frequencies between 4,000 kc and 23,000 kc, except for stations of survival craft and for special purposes, will be prohibited when Article 33 of the International Radio Regulations of Atlantic City, 1947, becomes effective.

(4) Stations of any category not designated in subparagraphs (1), (2), and (3) of this paragraph shall use the class or classes of emission specified in the particular station authorization.

(b) Classes of emission not authorized in paragraph (a) of this section may be authorized by the Commission in special circumstances, subsequent to a satisfactory showing by the applicant of a need therefor and provided harmful interference will not result from the use thereof. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission is required.[2]

§ 8.133 *Authorized emission-bandwidths.*[3] (a) When the authorized emission-bandwidth is specifically designated in the instrument of authorization, a station on board ship subject to this part shall use emission-bandwidth(s) in conformity with the terms of that document. Otherwise, such stations shall use emission-bandwidths not exceeding those set forth in this section for the respective classes of emission authorized in § 8.132.

(b) The authorized emission-bandwidths hereinafter designated are established in relation to the operational factors set forth in the following subparagraphs:

(1) Class A0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally an amplitude-modulated wave;

(2) Class A1 emission means a carrier wave (without the use of modulating audio frequency) keyed normally for telegraphy so as to transmit intelligence in the International Morse code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(3) Class A2 emission means a carrier wave amplitude-modulated at audio frequency not exceeding 1250 cycles per second, the modulated carrier wave being keyed normally for telegraphy so as to transmit intelligence in the International Morse code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters. (The authorized emission-bandwidths for classes A2, A2a, and A2b emission are designated hereinafter on this basis);

(4) Class A3 emission means a carrier wave amplitude-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed. (The authorized emission-bandwidths for classes A3, A3a, and A3b emission are designated hereinafter on this basis);

(5) Class FO emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally a frequency-modulated wave;

(6) Class F1 emission means a continuous (without the use of modulating audio frequency), the frequency of which is alternately shifted between the normal value and another specific value, by keying normally for telegraphy, so as to transmit intelligence in the International Morse code. The authorized bandwidth for class F1 emission is designated hereinafter on the basis of the bandwidth authorized for class F2 emission;

(7) Class F2 emission means a continuous wave frequency-modulated at such audio frequency and with such deviation ratio as to not exceed the authorized emission-bandwidth, the modulating frequency being keyed normally for telegraphy so as to transmit intelligence in the International Morse code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters.

(8) Class F3 emission means a continuous wave frequency-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed, with a deviation ratio of any value necessary for effective communication, provided the resulting emission shall not exceed the authorized emission-bandwidth.

(9) The keying of a carrier wave or the amplitude modulation of a carrier wave by means of audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective signalling code intended to actuate a selective-calling device, shall be construed as class A1 emission or class A2, A2a, or A2b emission, respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth; provided that for class A2, A2a, or A2b emission, the frequency of modulation does not exceed 1300 cycles per second on radio-channels authorized for telegraphy, nor 3000 cycles per second on radio-channels authorized for telephony.

(10) The frequency-shift keying of a carrier wave or the frequency-modulation of a carrier wave at audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective signalling code intended to actuate a selective-calling device, shall be construed as class F1 emission or class F2 emission, respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth; provided the frequency deviation used, and in the case of class F2 emission the modulating frequency or frequencies used, is (are) such that the emission in fact does not exceed the respective authorized emission-bandwidth.

(11) Class PO emission means pulse transmission with the absence of any

[4] Duplicate logs are not required by the provisions of this subsection, unless the original log is removed prior to opportunity for official inspection.

[1] Frequency tolerance is defined by paragraph (k) of § 8.7.

[2] For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2 of the Commission's rules.

[3] For definition of the term "emission-bandwidth", see paragraph (o) of § 8.7.

modulation intended to carry information, as used by ship radar stations licensed by the Commission.

(c) (1) The authorized emission-bandwidths for classes of emission authorized in § 8.132 shall be as follows:

Class of emission	Emission designator	Emission-band width authorized for transmission of intelligence [1]
A0	None	None.
A1	0.15, A1	150 cycles per second.
A2	2.7, A2	2,700 cycles per second.
A2a	1.35, A2a	1,350 cycles per second.
A2b	2.7, A2b	2,700 cycles per second.
A3	8, A3	8,000 cycles per second.
A3a	4, A3a	4,000 cycles per second.
A3b	8, A3b	8,000 cycles per second.
FO	None	None.
F1:		
For 35 Mc to 35.2 Mc	36, F3	36,000 cycles per sec.
For 156 Mc to 158 Mc	42, F3	42,000 cycles per sec.
F2:		
For 35 Mc to 35.2 Mc	36, F3	36,000 cycles per sec.
For 156 Mc to 158 Mc	42, F3	42,000 cycles per sec.
F3:		
For 35 Mc to 35.2 Mc	36, F3	36,000 cycles per sec.
For 156 Mc to 158 Mc	42, F3	42,000 cycles per sec.
FO	Variable, according to the authorized frequency band.	The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the authorized frequency band, where "T" is the pulse duration in microseconds.

[1] This bandwidth does not take into consideration the effect of modulation caused by any alternating component(s) of electron-tube grid, anode, or cathode electric power supplies, which modulation is not intended to convey intelligence.

(2) With reference to the "emission designator" expressed in paragraph (b) (10) of this section when the authorized class of emission is specifically designated in the station authorization and is prefixed by a numeral, that numeral specifies the authorized emission-bandwidth in kilocycles per second to be occupied by that class of emission in accordance with all other terms and conditions of the station authorization,

(3) In the actual operation of a ship station, unless otherwise provided by the station authorization,

(i) When a carrier is present, the frequency coinciding with the center of the frequency-band occupied by the emission-bandwidth shall, when class A2, A2b, A3, F2, or F3 emission is being used, be the same as the carrier frequency;

(ii) When a carrier is not present, the frequency-band occupied by the emission-bandwidth shall be within the authorized frequency-band,

(d) Bandwidths in excess of those set forth in paragraph (c) of this section or emission-bandwidths for other classes of emission may be authorized and set forth in the instrument of authorization if approved by the Commission subsequent to a satisfactory showing by the applicant of need therefor. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission-bandwidth is required.

§ 8.134 *Authorized transmitter power.* (a) Stations on board ship subject to this part may use such antenna power as is necessary to carry on the service for which the station is licensed, on condition that the maximum authorized transmitter power shall not be exceeded. Unless the station authorization specifically provides otherwise, the maximum authorized transmitter power (as defined in paragraph (ii) of § 8.7) shall not exceed the particular power set forth in the following paragraphs which is applicable under the controlling factors designated therein in direct relation to that power.

(b) For ship stations on board passenger vessels of 5,000 gross tons and over, which are navigated on ocean voyages, the maximum authorized transmitter power is set forth as follows:

Frequency-band in which transmission occurs and maximum authorized transmitter power (with or without modulation)

For telegraphy below 25,000 kc: *Watts*

100 kc to 515 kc	8,000
4,000 kc to 25,000 kc	3,000

For telephony below 25,000 kc

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter power (when no modulation is present) frequency band in which transmission occurs	
	2,000 kc to 4,000 kc	4,000 kc to 25,000 kc
	Watts	*Watts*
Class C—plate or plate and screen-grid modulated	700	2800
Class C—control, screen, or suppressor-grid modulated	1400	5600
Class C—cathode modulated	1120	4480
Class B—linear	1400	5600
Class BC—high efficiency	840	3360
Other classes	As specified in the station authorization	

(c) For ship stations on board any category of vessel, other than the class of passenger ship prescribed in paragraph (b) of this section, the maximum authorized transmitter power is set forth as follows:

Frequency-band in which transmission occurs and maximum authorized transmitter power (with or without modulation)

For telegraphy below 25,000 kc: *Watts*

100 kc to 515 kc	1,500
4,000 kc to 25,000 kc	700

For telephony below 25,000 kc

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter power (when no modulation is present) frequency band in which transmission occurs		
	2,000 kc to 4,000 kc (all areas)	4,000 kc to 25,000 kc	
		U. S. inland waters [1]	Other areas
	Watts	*Watts*	*Watts*
Class C—plate or plate and screen-grid modulated	150	150	750
Class C—control, screen, or suppressor-grid modulated	200	200	1000
Class C—cathode modulated	240	240	1200
Class B—linear	300	300	1500
Class BC—high efficiency	180	180	900
Other classes	As specified in the station authorization		

[1] Means the Great Lakes area and the Mississippi River and connecting inland waters.

(d) For ship stations and marine-utility stations using telephony on any frequency assignment within the frequency-band 35 Mc to 44 Mc and employing amplitude modulation (AM):

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter power (when no modulation is present)	
	Ship stations	Marine-utility stations
	Watts	*Watts*
Class C—plate or plate and screen-grid modulated	100	10
Class C—control, screen, or suppressor-grid modulated	200	20
Class C—cathode modulated	160	16
Class B—linear	200	20
Class BC—high efficiency	120	12
Other classes	As specified in the station authorization	

(e) For ship stations using telephony on any frequency assignment within the frequency-band 35 Mc to 44 Mc or 156.25 Mc to 157.45 Mc and employing frequency modulation (FM), the maximum authorized transmitter power (with or without modulation) is 100 watts. For marine-utility stations under the conditions prescribed in this paragraph for ship stations, the maximum authorized transmitter power is 10 watts.

(f) For ship stations and marine-utility stations using telephony in Region 1 or 3 by means of amplitude modulation (AM) on any frequency assignment within the frequency-band 156.25 Mc to 157.45 Mc, the maximum authorized transmitter power is the same as that designated in paragraph (d) of this section for operation within the band 35 Mc to 44 Mc.

(g) For stations on board ship which are authorized to transmit on frequencies above 157.45 Mc, the power authorized to be used shall be specified in the respective station authorization.

(h) (1) For the purpose of assuring adherence to the requirements of this section, the authorized transmitter power, with reference to paragraphs (ff) and (ii) of § 8.7, shall be computed for electron-tube transmitters by the method set forth in the following subsections.

(2) The authorized transmitter power shall be the sum of the product(s) obtained by multiplying the effective anode (plate) voltage, applied to each electron tube of the last radio stage supplying radio-frequency power to the antenna, by the effective anode (plate) current flowing through each such tube, or shall be the sum of the actual powers supplied to each such tube.

(3) Measurement of the effective anode (plate) voltage shall be accomplished by means of a direct-current type voltmeter (as applicable) or an alternating-current type voltmeter of proper frequency range (as applicable), each such instrument being of standard accuracy and reliability. Where the same voltage is applied to more than one electron tube, measurement of this voltage shall be regarded as measurement of the voltage applied to each individual electron tube of that particular group.

(4) Measurement of the effective anode (plate) current shall be accomplished by means of a direct-current (d'Arsonval galvanometer movement) type ammeter of standard accuracy and reliability. Where the anode (plate) current through more than one electron tube flows through a common point in the electrical circuit, measurement of the current at this point shall be regarded as measurement of the total effective anode (plate) current flowing through all electron tubes of that particular group.

(5) Measurement of the actual power in watts supplied to the anode (plate) circuit of one or more electron tubes shall be acceptable provided a wattmeter properly activated by the form of voltage and current supplied is employed, and is of standard accuracy and reliability.

(6) When any current, in addition to the actual anode (plate) current, flows through an ammeter or wattmeter being used for measurements in accordance with this subsection (such as screen-grid current), such current, unless separately measured, shall not be deducted from the current measured for the purpose of this subsection.

§ 8.135 *Suppression of receiver radiation.* (a) The use or operation of the following type of radio receiving equipment is prohibited on board any ship of the United States:

(1) Radio receiving equipment which, when used or operated either with or without connection to an actual antenna (including loop antennas) on shipboard, creates an electromagnetic field, at any radio frequency, of more than 0.1 microvolt per meter at a distance over seawater of more than one nautical mile from the receiver;

(2) Radio receiving equipment which, when in operation, is capable of delivering more than 400 micromicrowatts of power at any radio frequency to an artificial antenna having electrical characteristics designated [4] by the Commission as equivalent to those of the average receiving antenna(s) used on shipboard.

(3) Radio receiving equipment shall be deemed capable of meeting the requirement of subparagraph (1) of this paragraph if, when adjusted for radio reception at each frequency within its tuning range, it is not capable of delivering power of more than 400 micromicrowatts at any radio frequency to an artificial antenna having electrical characteristics designated [4] by the Commission as equivalent to those of the average receiving antenna(s) used on shipboard.

(b) The limitations imposed upon radio receiving equipment by paragraph (a) of this section shall not apply to such equipment when used or operated on board any ship of less than 1,600 gross tons or on board any ship navigated solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States, until on and after January 1, 1958.

§ 8.136 *Type approval of transmitters for licensing.* (a) Upon written request therefor made by the manufacturer or applicant for related station authorization, approval of a specific and readily identifiable type of radio transmitter as being capable of complying with all requirements of the Commission solely for the purpose of licensing such transmitter in accordance with the provisions of § 8.21 will be given formally by the Commission subsequent to a satisfactory showing of compliance made by the applicant. The necessary showing of compliance shall, as a minimum, be in the form of a written statement (together with such supplemental charts, graphs, illustrations, etc., as may be deemed appropriate by the applicant for type approval) over the signature of a competent radio engineer attesting to actual technical performance of the transmitter in accordance with all pertinent rules, regulations, and international agreements which must be met by the class of station for which the transmitter is intended to be licensed.

(b) Request for type approval and showing of compliance pursuant to the provisions of paragraph (a) of this section shall be submitted in duplicate to the Commission at Washington 25, D. C., and shall be designated for attention of the Marine Division. One copy of such showing of compliance shall be signed under oath or affirmation by the engineer who conducted or supervised the related technical performance of the particular type of transmitter for the purpose of securing type approval by the Commission.

(c) In the event the written showing of compliance prescribed by paragraphs (a) and (b) of this section is deemed by the Commission to not furnish all information or data which it requires for the purpose of giving type approval to a particular type of radio transmitter, the Commission may supplementally require the applicant for such type approval to demonstrate by actual operation of the involved equipment in the presence of one or more engineers of the Commission that the same will, in fact, comply with all pertinent rules, regulations, and international agreements. In the event the showing of compliance is finally adjudged by the Commission to be unsatisfactory for the purpose of type approval for licensing of the particular type of transmitter, such type approval will not be given and that type of transmitter will not be licensed for the involved class of station.

§ 8.137 *Special requirements for radiotelephone transmitters.* (a) Except as provided otherwise in paragraph (b) of this section, and except for transmitters authorized solely for developmental stations, each radiotelephone transmitter first licensed by the Commission after July 1, 1951, for use and operation in a ship station or a marine-utility station, and all radiotelephone transmitters licensed by the Commission after January 1, 1958, for use and operation in ship stations and marine-utility stations, shall be provided with a device that will automatically prevent modulation in excess of 100 percent. This requirement however, shall not apply to transmitters incapable of a plate input power exceeding three watts which are authorized for marine-utility stations and other stations of portable nature.

(b) Each radiotelephone transmitter of a ship station or a marine-utility station shall be type-approved by the Commission prior to its operation by any unlicensed person pursuant to the provisions of paragraph (a) of § 8.155. In addition to complying with all other applicable rules and regulations, such a transmitter shall meet the following requirements:

(1) Operation of the transmitter shall require only the use of simple external switching devices excluding all manual adjustment of radio frequency determining elements;

(2) The required radio frequency stability of the transmitter must be maintained (at all times during such operation by an unlicensed person) by the transmitter itself;

(3) None of the operations necessary to be performed during the course of normal rendition of service of the station shall be capable of causing any radiation of emission on an unauthorized frequency; and

(4) The transmitter shall be provided with a device that will automatically prevent modulation in excess of 100 per cent during negative modulation "peaks" (when the carrier wave is reduced to its minimum strength by the modulating frequencies). This requirement, however, shall not apply to transmitters incapable of a plate input power exceeding three watts which are authorized for marine-utility stations and other stations of portable nature.

(c) (1) Each radiotelephone transmitter authorized in a ship station license or a marine-utility station license granted, modified, or renewed by the Commission after July 1, 1951, for use and operation at frequencies above 30 Mc (other than transmitters authorized

[4] An artificial antenna having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles shall be employed for the measurement of the power output of receiving equipment at frequencies between 350 kilocycles and 515 kilocycles. The constants of artificial antennas for tests at other frequencies will be supplied upon request to the Commission.

solely for developmental stations), must be a type which is approved by the Commission pursuant to the provisions of § 8.136.

(2) Before being finally considered for type-approval, such transmitters shall, in addition to meeting all other applicable requirements, comply with the following limitations and operating conditions:

(i) When radiating F1, F2, or F3 emission on each marine radio-channel within the frequency-band 35 Mc to 44 Mc, with 100 percent[4] modulation applied, the frequency deviation[4] shall not exceed 12 kc.

(ii) When radiating F1, F2, or F3 emission on each marine radio-channel within the frequency-band 156 Mc to 158 Mc, with 100 percent[4] modulation applied, the frequency deviation[4] shall not exceed 15 kc.

(iii) When radiating class F1, F2, or F3 emission on each radio-channel within the frequency-band 35 Mc to 44 Mc, any emission appearing on any radio frequency removed from the carrier frequency by not less than 18 kc nor more than 36 kc shall be attenuated 25 decibels or more below the intensity of the unmodulated carrier. Any emission appearing on any radio frequency removed from the carrier frequency by more than 36 kc shall be attenuated 60 decibels or more below the intensity of the unmodulated carrier, provided that for transmitters incapable of plate input power of more than 3 watts, this attenuation shall be 40 decibels or more below the intensity of the unmodulated carrier.

(D) When radiating class F1, F2, or F3 emission on each marine radio-channel within the frequency-band 156 Mc to 158 Mc, any emission appearing on any radio frequency removed from the carrier frequency by not less than 21 kc nor more than 42 kc shall be attenuated 25 decibels or more below the intensity of the unmodulated carrier. Any emission appearing on any radio frequency removed from the carrier frequency by more than 42 kc shall be attenuated 60 decibels or more below the intensity of the unmodulated carrier, provided that for transmitters incapable of plate input power of more than 3 watts, this attenuation shall be 40 decibels or more below the intensity of the unmodulated carrier.

§ 8.138 *Special requirements for ship radar transmitters.* (a) Each radar transmitter authorized in any ship radar station license granted, modified, or renewed by the Commission after July 1, 1950 (other than licenses for developmental stations) must be type-approved by the Commission pursuant to § 8.136. In addition to meeting all other applicable requirements, such transmitters shall, in addition, comply with the limitations and conditions set forth in the following paragraph.[4]

(b) (1) The design and construction of the radar transmitter shall be such that, when properly installed, its use will not produce harmful interference to any other radiolocation service or any maritime mobile service;

(2) The radar transmitter shall not have means available for any external adjustment(s) which can result in a deviation from the terms of the station authorization or any deviation from the applicable technical requirements for ship radar stations stipulated in this part.

[4] See paragraphs (v), (w) and (aa) of § 8.7.
[4] See also § 8.155.

SUBPART F—OPERATOR REQUIREMENTS

§ 8.151 *Authorized operator required.* (a) Except as otherwise provided in § 8.155 or by any applicable order of the Commission, the actual operation of all transmitting apparatus in any radio station in the maritime mobile or maritime radiolocation service on board a ship of the United States shall be carried on only by a person holding an operator license issued by the Commission in accordance with Part 13 of the Commission's rules.

(b) When the station is used for telephony, the person lawfully in control of the station may, if authorized by the station licensee or the master (acting in this respect as the station licensee's agent), permit any person to speak over the station microphone: *Provided,* That such person in control shall continue to exercise his control so as to insure the continued proper operation of the station.

§ 8.152 *Operator required by statute for safety.* (a) The radio installation required by Part II of Title III of the Communications Act or by the Safety Convention, for purposes of safety on board a ship of the United States, shall be in charge of and shall be operated only by one or more qualified operators[1] who shall be subject to the lawful authority of the master.

(b) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radio installation and not exempted therefrom by the Commission, which is not fitted with an auto-alarm,[2] and each passenger ship required by that statutory provision to be fitted with a radio installation and not exempted therefrom by the Commission, shall, for safety purposes, carry at least two qualified operators.

(c) Each cargo ship of the United States required by Part II of Title III of the Comunications Act to be fitted with a radio installation and not exempted therefrom by the Commission, which is fitted with an auto-alarm in accordance with that statutory provision, shall, for safety purposes, carry at least one qualified operator who shall have had at least six months previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

§ 8.153 *Operator required by Safety Convention.* (a) Each ship of the United States which is not subject to Part II of Title III of the Communications Act but which is required by the radio provisions of the Safety Convention[3] to be fitted with a radio installation, which has not been exempted therefrom by the Commission, shall, for safety purposes, carry at least one qualified[4] operator. If not fitted with an auto-alarm in proper operating condition, at least two qualified[4] operators shall be carried for this purpose by—

(1) A passenger ship of the United States.

(2) A Cargo ship of the United States of more than 5,500 tons gross tonnage.

§ 8.154 *Location of authorized operator.* (a) Whenever the transmitting apparatus of a station in the maritime mobile service subject to this part is being used or operated, and the provisions of section 318 of the Communications Act (in so far as such provisions require the actual operation of such apparatus only by a person holding an operator's license of the proper class issued by the Commission) are not waived by the Commission, at least one person holding an operator license of the proper class as prescribed in Part 13 of the Commission's rules shall be on duty at the place where such transmitting apparatus is located and, subject to the lawful authority of the master, shall be in charge of the station; provided that in lieu of the transmitter location, such operator may be on duty at a different location on the ship when—

(1) Such apparatus is installed and protected so that it is not accessible to and may not be placed in an operating condition by other than duly authorized persons; and

(2) The transmitting and associated receiving apparatus can be operated from such other location in a manner which will fully comply with all applicable rules of the Commission and the terms of the station license; and without any delay in normal operation being introduced by such arrangement.

§ 8.155 *Waivers of operator license—*(a) *For VHF telephony.* Subject to the conditions hereinafter stated, the provisions contained in section 318 of the Communications Act are waived, in so far as such provisions require any person to hold an operator's license in order to operate, during the course of normal rendition of service, any ship station (including developmental ship stations) or marine-utility station on board ship, in the maritime mobile service, when such station is authorized to use telephony only and further is authorized to be operated exclusively on one or more radio-channels above 30 Mc: *Provided,*

[1] A qualified operator for the purpose of this section on a ship of the United States is a person holding a radio operator's license of the proper class, as prescribed and issued by the Commission. See Part 13 of the Commission's rules and/or any applicable orders promulgated by the Commission.

[2] As prescribed by the Safety Convention, London, 1929; this requirement as well as others are subject to change when the Safety Convention, London, 1948, becomes effective.

[3] A qualified operator for this purpose is a person holding a certificate complying with the provisions of the International Radio Regulations (see Article 24 of the Radio Regulations of Atlantic City, 1947): *Provided, however,* That the operation of transmitting apparatus in all ship stations of the United States is subject to the provisions of § 8.151.

(1) The person who operates the transmitting equipment is the station licensee or is authorized by the station licensee to do so, and the use of the station during such operation is subject to the lawful direction and authority of the person who, at the time, occupies the position of the master of the ship on which the station is located;

(2) The station uses one or more of the following classes of emission only: A3 or F3 for telephony; and on the same radio-channels as are authorized for telephony AO, A2, FO, F2 solely for transmitting by automatic means attention signals, signals for actuating selective calling devices, for brief testing of the authorized apparatus, or station identification, or signals in an emergency involving safety;

(3) The station is authorized to use transmitting equipment only of a type which is approved by the Commission for operation in this service by unlicensed persons in accordance with this subsection;

(4) The transmitting equipment operated by an unlicensed person in accordance with this subsection is not required on board the ship for safety purposes by any statutory provisions or by any international agreement or treaty in force;

(5) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of the station that may affect its proper operation shall be made by or under the immediate supervision and responsibility of a person holding an operator license of the proper class for this purpose as prescribed in Part 13 of the Commission's rules;

(6) Subsequent to any transmitter adjustments made in accordance with subparagraph (5) of this paragraph, and at all other times, the station licensee shall be responsible for determining that the transmitting equipment continues to meet the conditions established by the Commission relative to approval of the particular type of equipment for the purpose of operation by unlicensed persons;

(7) The station licensee or the person(s) authorized by the licensee to operate the station shall, in lieu of a licensed operator, be on duty as prescribed by § 8.154 for a licensed operator;

(8) Nothing contained in this paragraph shall be construed to change or diminish in any respect the responsibility of the station licensee for having and maintaining control of the station or for proper functioning and operation of the station in accordance with law;

(9) No unlicensed person, authorized as provided by this paragraph to operate a station, may lawfully perform any act in relation to such station that he could not lawfully perform if he were acting under the authority of a radio operator license issued in his behalf by the Commission.

(b) *For ship radar.* (1) Effective on and after January 2, 1951, no radio operator license is required for the operation on board ship, during the course of normal rendition of service, of ship radar stations licensed in the radiolocation service, provided that the following conditions are met or provided for by the licensee of the station:

(i) The radar equipment shall employ as its frequency determining element a non-tunable, pulse-type magnetron.

(ii) The radar equipment shall be capable of being operated during the course of normal rendition of service in accordance with the radio law and the rules and regulations of the Commission by means of exclusively external controls, and

(iii) Operation during the course of normal rendition of service pursuant to this subparagraph, must be performed exclusively by the master of the radar-equipped ship or by one or more other persons responsible to him and authorized by him to do so.

(2) All adjustments or tests during or coincident with the installation, servicing, or maintenance of the equipment while it is radiating energy must be performed by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, radiotelephone or radiotelegraph, containing a ship radar endorsement, who shall be responsible for the proper functioning of the equipment in accordance with the radio law and the Commission's rules and regulations and for the avoidance and prevention of harmful interference from improper transmitter external effects: *Provided, however,* That nothing in this sub-subsection shall be construed to prevent persons not holding such licenses or not holding such licenses so endorsed from making replacements of fuses or of receiving-type tubes.

(3) Nothing in this paragraph shall be construed to change or diminish in any respect the responsibility of any ship radar station licensee for having and maintaining control over the station licensed to him, or for the proper functioning and operation of such station in accordance with the terms of the station license.

§ 8.156 *Posting of operator license.* (a) When a licensed operator is required for the operation of a station subject to this part, each licensed operator involved shall observe the applicable requirements of Part 13 of the Commission's Rules with respect to the posting of operator licenses. During official inspection of the station at a port of any country which is a party to the International Radio Regulations, the operator must facilitate the examination of his operator license when requested to do so by the official(s) responsible for inspection of the station.

(b) The requirement of paragraph (a) of this section with respect to posting of operator licenses shall not apply to stations on board small boats if the posting of a license in the manner required by Part 13 of the Commission's rules is impracticable, upon the express condition that the licensed radio operator engaged in operating the station shall have on his person either his required operator license or a duly issued verification card (FCC Form 758–F) attesting to the existence of that license.

[4] Ship radar stations heretofore licensed in the ship service are construed to be licensed in the maritime radiolocation service (including the maritime radionavigation service).

SUBPART G—GENERAL OPERATING REQUIREMENTS

§ 8.171 *International Regulations applicable.* In addition to being regulated by applicable rules of this part, the use and operation of stations subject to this part shall be governed by applicable provisions of the International Radio Regulations and the applicable radio provisions of all other international agreements in force to which the United States is a party.

§ 8.172 *Authority in event of distress.* No provision of the International Radio Regulations shall prevent a ship in distress from using any means of telecommunication available to it for drawing attention, signalling its position, and obtaining help. A distress call and message, however, shall be transmitted only on the authority of the master of, or the person responsible for, the ship from which this call and message are transmitted. No person shall, by means of any station subject to this Part, knowingly transmit, or cause to be transmitted, any false or fraudulent signal of distress or communications relating thereto.

§ 8.173 *Authority of the master.* Except as may be regulated by law or international agreement or by the rules of the Commission, the radio service of each station on board ship shall at all times be under the supreme control of the master. In time of war, no provision of the Commission's rules and regulations shall prevent the master of any vessel of the United States from taking any action whatsoever in regard to the radio installation, the operators, the transmission and receipt of messages, and the radio service of the ship whenever in his discretion such action is necessary to carry out the instructions of United States naval control officers and other instructions issued by the United States Navy.

§ 8.174 *Secrecy of communication.* The master or the person responsible, as well as all persons who may have knowledge of the text or even of the existence of the radio communications transmitted or received by a station on board ship or of any information whatever obtained by means of the radiocommunication service of such station, shall be under the obligation of observing and insuring the secrecy of Communications to the extent required by the Communications Act and the International Radio Regulations.[1]

§ 8.175 *Intercommunication in mobile service.* Each ship station in the maritime mobile service at sea shall, within the scope of its normal operations, be bound to exchange radio communications or signals with any other

[1] See sections 501, 502, and 605 of the Communications Act; also Article 21 of the International Radio Regulations, Atlantic City, 1947.

ship station or aircraft station in the maritime mobile service at sea or with any public coast station in the maritime mobile service provided that such exchange of radio communication shall be without distinction as to radio systems or instruments adopted by each station.

§ 8.176 *Priority of communications to be observed.* Ship stations in the maritime mobile service shall observe at all times the priority of communications set forth in § 8.177; in particular, all such stations shall give absolute priority to radio communications or signals relating to any ship or aircraft in distress; shall, when any distress signal or communication is anticipated or intercepted, cease all transmission on frequencies which may interfere with any station hearing such radio communication or signal of distress except when engaged in answering or aiding the ship or aircraft in distress, and shall assist the vessel or aircraft in distress, so far as possible, by complying with its instructions.

§ 8.177 *Order of priority of communications.* (a) The order of priority of radiotelegraph communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international distress signal SOS) international automatic-alarm signals for distress purposes,[1] distress messages, and distress traffic.

(2) Communications preceded by the international radiotelegraph urgency signal "XXX".

(3) Communications preceded by the international radiotelegraph safety signal "TTT".

(4) Communications relative to radio direction-finding bearings.

(5) Communications relative to the navigation and safe movement of aircraft.

(6) Communications relative to the navigation, movements, and needs of ships, including weather observation messages destined for an official meteorological service.

(7) Government communications for which priority right has been claimed.

(8) Service communications relating to the working of the radiocommunication service or to communications previously transmitted.

(9) All other communications.

(b) The order of priority of radiotelephone communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international telephone distress signal MAYDAY and the telegraphic distress signal SOS transmitted by either telegraphy or telephony), distress messages, and distress traffic.

(2) Communications preceded by the international radiotelephone urgency signal "PAN", or known to the station licensee or his agent to consist of one or more urgent messages concerning the safety of a ship, aircraft, or other mobile unit or of some person on board or within sight of the ship, aircraft, or mobile unit.

(3) Communications preceded by the international radiotelephone safety signal "SECURITE", or known to the station licensee or his agent to consist of one or more messages concerning the safety of navigation or important meteorological warnings.

(4) Communications known to the station licensee or his agent to consist of one or more messages relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(5) Government communications for which priority right has been claimed.

(6) All other communications.

§ 8.178 *Unauthorized transmissions.* Stations operating in the maritime mobile service shall not engage in radiocommunication which is superfluous or unnecessary in this service. Except in an emergency which requires otherwise, the transmission by ship stations of signals or communications not addressed to an authorized station or stations in the maritime mobile service is prohibited unless radiotelegraphy is used and the transmisison, preceded by CQ or CP in accordance with the International Radio Regulations, is intended to be intercepted by authorized stations of the maritime mobile service.

§ 8.179 *Control by coast or government station.* When communicating with a coast station or any government station in the maritime mobile service, ship stations shall, except when transmitting distress signals or controlling distress traffic, comply with instructions given by the coast station or government station relative to the order and time of transmission, to the choice of authorized frequency, to the suspension of communication, and to the permissible type of message traffic that may be transmitted or received by the particular coast station or government station. This provision, however, does not apply in the event of distress, either actual or impending.

§ 8.180 *Cooperative use of frequency assignments.* Unless provided otherwise in this part, or in the particular station authorization, each radio-channel authorized for use by a station on board ship subject to this part is available for such use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radio-channels.

§ 8.181 *Prevention of interference.* (a) From the standpoint of interference, the operation of a ship radio station (including receiving equipment, auto-alarm, and direction finder) required by law to be installed on board a vessel for safety purposes, shall have priority over the operation of any other radio apparatus on board the same vessel.

(b) Before commencing transmission (other than signals of distress) a ship station shall make sure that it will not cause interference to communications in the maritime mobile service being carried on within its range. For this purpose, the operator attending the station shall, before commencing transmission, use the necessary receiving installation to listen on the appropriate frequency or frequencies. If interference is likely, the station shall wait until the existing communications, which it may disturb, have been concluded; with due regard, nevertheless, for the priority of communications designated in § 8.177.

(c) Whenever a radiocommunication in the maritime mobile service is already in progress between two mobile stations or between a mobile station and a coast station and it appears to be interfered with by a subsequent transmission from another mobile station, the latter must cease transmitting at the first request of either of the other two, except as priority may be otherwise determined by § 8.177. The station requesting this cessation must indicate the approximate length of the wait imposed upon the mobile station whose transmission is suspended.

(d) Except in cases of distress, communications between ship stations or between ship and aircraft stations must not interfere with the work of coast stations. When this work is thus interfered with, the ship or aircraft station which causes it must stop transmitting or change frequency upon the first request of the coast station concerned.

(e) Ship stations when operating on a frequency below 3500 kilocycles or above 30 Mc shall not carry on, or attempt to carry on, communication with any station which, under the currently prevailing conditions of transmission or reception, is not within reliable communication range of the ship station: *Provided*, That this provision shall not apply in event of distress, either actual or impedening.

§ 8.182 *Suspension of transmission.* Transmission shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission shall be suspended as soon as the emergency is terminated.

§ 8.183 *Hours of service.* (a) Ship stations whose service is not continuous may not close before:

(1) Finishing all operations resulting from a distress call, or urgency or safety signal;

(2) Exchanging, so far as practicable and within the scope of their normal operation, all traffic originating in or destined for public coast stations situated within their range and mobile stations which, being within their range, have indicated their presence before the actual cessation of communication.

§ 8.184 *Maintenance of station log.* (a) Each station on board ship subject to this part which is required, under the provisions of this part pertaining to the particular class of station, to keep a radio station log, shall, in addition, comply with the applicable provisions of the following subsections of this section; the station licensee and the licensed radio operator (when a licensed operator is required) in charge of the station shall be responsible for compliance with this section;

(b) The log shall be kept in an orderly manner, in usable form, and in such detail that the information required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if their proper meaning or explanation is contained elsewhere in the same log.

(c) The station log or any portion thereof shall not be erased, obliterated, or wilfully destroyed within the period of retention required by § 8.115. However, during this period any necessary correction may be made of such log but only by the person originating the entry and that person shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

SUBPART H—WATCHES AND AUTO-ALARMS FOR SAFETY PURPOSES

§ 8.201 *Watch required by International Radio Regulations.* All ship stations employing telegraphy (either compulsorily or voluntarily provided with a radiotelegraph installation) and normally keeping watch on frequencies in the authorized bands between 365 and 515 kc shall, during their hours of service, take the necessary measures to insure an efficient watch by a duly licensed radiotelegraph operator on the international distress frequency 500 kc for three minutes twice each hour, beginning at x h 15 and x h 45, Greenwich mean time (G. M. T.). For this purpose, either a head receiver or a loudspeaker may be used, on condition that use of the loudspeaker is no less effective than use of the head receiver. While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for example, broadcast receivers, or amateur transmitters or receivers) not actually required for maritime mobile service.

§ 8.202 *Watch required by Communications Act.* (a) Each ship of the United States required by Part II of Title III of the Communications Act and the rules of the Commission to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission shall, while being navigated outside a harbor or port, keep a continuous and efficient watch on the international distress frequency 500 kc by means of qualified radiotelegraph operators: *Provided, however*, That in lieu thereof on a cargo ship fitted with an auto-alarm in proper operating condition, a watch of at least eight hours per day,[1] in the aggregate, shall be maintained as herein prescribed by means of a qualified radiotelegraph operator: *Provided, further*, That in either instance such operator(s) shall be subject to the conditions and limitations prescribed by § 8.204.

(b) In accordance with the requirement set forth in subsection (a) for a cargo ship fitted with an auto-alarm in proper operating condition, when such vessel is navigated outside a harbor or port, the watch as prescribed in paragraph (a) of this section shall be maintained by means of a qualified radiotelegraph operator for at least one-third of each day, or portion thereof, during the period of time the vessel is so navigated.

§ 8.203 *Watch required by Safety Convention.* (a) The following subsections of this section are applicable to ships of the United States subject to the radio provisions of the Safety Convention but not at the same time subject to the provisions of Part II of Title III of the Communications Act (for example, certain ships engaged on an international voyage, no part of which is in the open sea).

(b) Each ship of the United States, except cargo ships of 5,500 tons gross tonnage or less, required by the Safety Convention to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission shall, if not fitted with an auto-alarm in proper operating condition, while at sea, keep a continuous and efficient watch on the international distress frequency 500 kc by means of qualified radiotelegraph operators.

(c) Each cargo ship of the United States of 5,500 tons gross tonnage or less required by the Safety Convention to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission shall, if not fitted with an auto-alarm in proper operating condition, while at sea, keep an efficient watch on the international distress frequency 500 kc by means of a qualified radiotelegraph operator for at least eight hours per day, in the aggregate.

(d) In keeping the watch prescribed in paragraph (b) and (c) of this section, the operator(s) shall be subject to the conditions and limitations prescribed by § 8.204.

(e) The use of a certified watcher in lieu of a qualified radiotelegraph operator for the purpose of complying with this section is not authorized for ships of the United States.

(f) In accordance with the requirement set forth in paragraph (c) of this section for cargo ships of 5,500 tons gross tonnage or less and not fitted with an auto-alarm in proper operating condition, when such vessel is at sea, the watch as prescribed in paragraph (c) shall be maintained by means of a qualified radiotelegraph operator for at least one-third of each day, or portion thereof, during the period of time the vessel is so navigated.

§ 8.204 *Provisions governing safety watch.* (a) For the purpose of maintaining the watch prescribed in §§ 8.202 and 8.203, the operator shall use an effectively operating main or emergency radio receiver complying with the applicable requirements of § 8.503 or § 8.504, respectively, and either a head receiver or a loudspeaker complying with the applicable requirements of § 8.503 or § 8.504, respectively, on condition that use of the loudspeaker is not less effective than use of the head receiver".

(b) While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for example, broadcast receivers or amateur transmitters or receivers) not actually required for maritime mobile service.

(c) During the period of this watch and subject to the provisions of § 8.205, the operator may temporarily interrupt the required listening on the frequency 500 kc while he is transmitting on 500 kc operating the ship station equipment on any other frequency authorized for transmission or reception in the maritime mobile service, or performing other radio duties considered essential by the master within the scope of his authority under section 358 of the Communications Act, if it is not possible to maintain at the same time, by any practicable means,[2] the watch on 500 kc. The provisions of this paragraph shall not relieve the ship of the requirement for maintaining a watch on the international distress frequency 500 kc during the international silent periods as prescribed in § 8.201.

§ 8.205 *Compulsory use of auto-alarm.* (a) The auto-alarm, when provided on a ship compulsorily fitted with a radiotelegraph installation for the purpose of compliance with Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, shall be in operation, connected to a suitable antenna,[3] and adjusted for normal efficiency according to prevailing conditions of radio reception, at all times while the ship is being navigated outside a harbor or port—

(1) When the operator is not on watch duty;

(2) When the operator is on watch duty but is engaged over an extended period—

(i) In transmitting (provided such transmission does not adversely affect the operation of the auto-alarm) or receiving on a frequency authorized for use in the maritime mobile service (other than 500 kc), if it is not possible as prescribed by paragraph (c) of § 8.204 for the operator to maintain, at the same time, by any practicable means, the watch on 500 kc; or

(ii) In performing other radio duties considered essential by the master within the scope of his authority under section 358 of the Communications Act if it is not possible as prescribed by paragraph (c) of § 8.204 for the operator to maintain, at the same time, by any practicable means, the watch on 500 kc.

(b) The provisions of paragraph (a) (2) of this section shall not relieve the

[1] The international auto alarm signal intended for use primarily in radiotelegraphy consists of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second.

[1] The term "day" for the purposes of this subpart is defined in paragraph (l) of § 8.2.

[2] Any practicable means of maintaining this watch would include a loudspeaker or a head receiver energized, if necessary, by an additional radio receiver (other than the receiver actually in use for non-watch purposes) which is tuned to 500 kc.

[3] For example, a main antenna as defined in paragraph (a) of § 8.8.

ship of the requirement for maintaining a watch on the international distress frequency 500 kc during the international silent periods as prescribed in § 8.201.

§ 8.206 *Procedure in use of auto-alarm.* (a) Paragraphs (b) and (c) of this section shall apply to the use of an auto-alarm which is provided for the purpose of compliance with Part II of Title III of the Communications Act or the radio provisions of the Safety Convention on a ship compulsorily fitted with a radiotelegraph installation under that act or under the radio provisions of that Convention.

(b) While the ship is being navigated outside a harbor or port, the auto-alarm shall be tested at least once every 24 hours by means of the testing device supplied as part of the alarm, the timing of the dashes to be made by reference to the second hand of the ship station clock. A test also shall be made to determine that the auto-alarm mechanism is operated in a normal manner by signals from other stations which are received on the frequency 500 kc. A statement that the foregoing requirement has been fulfilled must be inserted in the radio station log daily.[4]

(c) The qualified operator, when going off watch, shall report to the officer on watch on the bridge whether or not the auto-alarm has been placed in use and adjusted for effective operation as prescribed in paragraph (a) (1) of § 8.205.

SUBPART I—GENERAL PURPOSE WATCHES

§ 8.221 *Watch on 500 kc.* Ship stations using frequencies in the authorized bands between 365 and 515 kc shall, during their hours of service, remain on watch on the calling frequency 500 kc except when the operator is transmitting on 500 kc, operating the ship station equipment on any other frequency authorized for transmission or reception in the maritime mobile service (including maintenance of the watch on 143 kc as provided by § 8.222) if it is not possible to maintain at the same time, by any practicable means,[5] the watch for calls on 500 kc. The provisions of this section, however, shall not relieve the ship from complying with the requirements for a safety watch as prescribed in §§ 8.201, 8.202 and 8.203.

§ 8.222 *Watch on 143 kc.* On condition that compliance with the following requirement shall in no way interrupt or reduce the efficiency of the safety watch prescribed in §§ 8.201, 8.202, and 8.203, each ship station equipped for communication by means of class A1 emission on frequencies within the band 100 to 160 kc shall, during its hours of service when not engaged in communication with another station of the maritime mobile service, keep watch for calls every hour on the frequency 143 kc for five minutes beginning at x h 35, Greenwich mean time (G. M. T.).

§ 8.223 *Watch on 2182 kc.* (a) Each ship telephone station on board a ship navigating the Great Lakes and licensed to transmit on one or more frequencies within the band 1600 to 4000 kc shall, during its hours of service, maintain an efficient watch for the reception of class A3 emission on the radio-channel of which 2182 kc is the assigned frequency, whenever the station is not being used for transmission on that channel or for communication on other radio-channels.

(b) Effective on and after January 1, 1954, except as provided in paragraph (c) of this section, each ship telephone station licensed to transmit on one or more frequencies within the band 1600 to 4000 kc shall, during its hours of service, maintain an efficient watch for the reception of class A3 emission on the radio-channel of which 2182 kc is the assigned frequency, whenever such station is not being used for transmission on that channel or for communication on other radio-channels. When the ship station is in Region 1 or 3, this watch shall, in so far as is possible, be maintained at least twice each hour for three minutes commencing at x h 00 and x h 30, Greenwich mean time (G. M. T.).

(c) With respect to ship stations on board vessels when within 300 nautical miles of Charleston, South Carolina, Jacksonville, Florida, or Wilmington, California, or within 600 miles of Vancouver, British Columbia, the requirement of paragraph (b) of this section shall become effective only when specifically ordered by the Commission.

SUBPART J—PROCEDURE IN EVENT OF DISTRESS

§ 8.231 *Applicable regulations.* In addition to the governing provisions of the International Radio Regulations[1] applicable to the transmission and interception of distress signals and the handling of distress traffic and the special provisions of §§ 8.61 and 8.172 of this part, mobile stations which are subject to this part shall, in cases of distress, be governed by the following sections of this subpart.

§ 8.232 *Radio-channels for distress.* (a) In case of distress in the maritime service, the frequency to be used shall be the international distress frequency 500 kc[2] with maximum power obtainable; the class of emission to be used if possible shall be A2. Stations which cannot transmit on 500 kc[2] or use A2 emission shall, if possible use their normal calling frequency and normal class of emission with maximum power obtainable.

(b) Until such time as the frequency 2182 kc[2] is effectively guarded for the reception of distress calls[3] mobile stations in regions of the United States (other than the Great Lakes region) not capable of using 500 kc but equipped to use telephony on medium frequencies may, in case of distress only, communicate with stations of the United States Coast Guard on the frequency 2670 kc.[3] In the Great Lakes region, the frequency 2182 kc[2] should be used at any time for radiotelephone distress calls in lieu of the frequency 2670 kc.

§ 8.233 *Form of distress call.* (a) The distress call transmitted by radiotelegraphy comprises:

(1) The international distress signal (. . . — — — . . .) formed as a single signal in which the dashes must be emphasized so as to be distinguished clearly from the dots (this call in each instance is transmitted 3 times);

(2) The signal "de"; and

(3) The call sign of the mobile station in distress (transmitted 3 times in each instance).

(b) The distress call, when transmitted by radiotelephony comprises the word "MAYDAY" (pronounced as the French expression "m'aider") spoken three times, followed by identification of the mobile station in distress; the whole repeated three times in each instance.

§ 8.234 *Radiotelegraph alarm signal.* The distress call, when transmitted by radiotelegraphy on the frequency 500 kc, should, if possible, be preceded by the international alarm signal transmitted by means of class A2 emission on 500 kc. This alarm signal consists of a series of 12 dashes transmitted in one minute, the duration of each dash being 4 seconds and the duration of the interval between 2 consecutive dashes being one second. The distress signal (. . . — — — . . .) shall be transmitted 3 times immediately after the alarm signal, in order to operate such automatic apparatus as may be designed to be actuated by the normal distress signal on 500 kc. When circumstances permit, an interval of 2 minutes shall be observed after transmission of the alarm signal and distress signal, before transmitting the distress message on 500 kc, to allow time for operators warned by these signals to go on watch.

§ 8.235 *Distress message.* (a) The distress call, must be followed, as soon as possible, by the distress message which comprises:

(1) The distress call;

(2) The name of the mobile station in distress;

(3) The particulars of its position;

(4) The nature of the distress;

(5) The kind of assistance desired; and

(6) Any other information which might facilitate rescue.

(b) When telegraphy is used, the distress message shall be transmitted by means of the International Morse code at a speed not exceeding 16 words per minute nor less than 8 words per minute.

(c) Where no reply to the distress signals or distress message has been received, these signals or this message shall be repeated at intervals (in radiotelegraphy especially during the 500 kc international silent periods), until a reply is received.

[4] See subparagraph (5) of paragraph (b) of § 8.330.

[5] Any practicable means of maintaining this watch would include a loudspeaker or head receiver energized, if necessary, by an additional radio receiver (other than the receiver actually in use for non-watch purposes) which is tuned to 500 kc.

[1] See Article 37 of the International Radio Regulations, Atlantic City, 1947.

[2] This frequency corresponds to the carrier frequency or (when a carrier is not present) the frequency in the center of the emission-bandwidth.

[3] See §§ 8.106, 8.223, and 8.352.

§ 8.236 *Transmission for radiolocation.* After the transmission of its distress message, a mobile station shall when possible transmit a signal in the form of 2 telegraphic dashes of approximately 10 seconds duration each, followed by its call sign, to permit radio direction-finding stations (or other stations equipped for radiolocation) to determine its position. This transmission may be repeated by the mobile station, subject to the provisions of § 8.240, whenever it is requested to do so by other stations endeavoring to determine its position.

§ 8.237 *Acknowledgment of distress message.* Any station in the maritime service which receives a distress message relative to a vessel, aircraft, or other unit which is, beyond any possible doubt, in the vicinity of that station, shall, when it has appropriate transmitting apparatus available, immediately acknowledge receipt. If it appears that the vessel, aircraft, or other unit in distress is not in its vicinity, a short interval of time shall elapse before the station acknowledges receipt of the distress message, in order to permit stations that may be nearer to the location of the distress to reply and acknowledge receipt without interference. All stations in the maritime service which hear a distress signal or message must cease immediately any transmission capable of interfering with the distress signal or message and shall listen on the frequency used for the distress signal and message.

§ 8.238 *Form of acknowledgment by telegraphy.* (a) The acknowledgment of receipt of a distress signal or message is transmitted, when telegraphy is used, in the following form:

(1) Call sign of the mobile station in distress (transmitted 3 times);

(2) The signal "de";

(3) Call sign of the station acknowledging receipt (transmitted 3 times);

(4) The signal "RRR"; and

(5) The distress signal.

§ 8.239 *Information from acknowledging stations.* (a) Every mobile station which acknowledges receipt of a distress signal or message must, on the order of the master or person responsible for the ship, aircraft or other vehicle carrying the mobile station, transmit in message form, as soon as possible, the following information in the order shown:

(1) Its name;

(2) Its position;

(3) The course and speed at which it is proceeding toward the vessel, aircraft, or other unit in distress; and

(4) Estimated time of arrival at the scene of distress.

(b) Before transmitting this message, the station must insure that it will not interfere with the transmissions of other stations which are better situated to render immediate assistance to the vessel, aircraft, or other unit in distress.

§ 8.240 *Control of distress traffic.* (a) The control of distress traffic is the responsibility of the mobile station in distress, or the station which has transmitted the distress call. These stations may, however, delegate the control of the distress traffic to another station.

(b) When any station has assumed control of distress traffic, it shall be responsible for maintaining silence on the distress frequency, or the frequency being used for distress traffic, for all emissions except distress signals and distress traffic, and for clearing the distress frequency when the distress traffic has ceased.

(c) The station in distress or the station in control of the distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. In telegraphy, the service abbreviation "QRT" followed by the distress signal (. . . — — — . . .) is used to impose silence for this purpose.

(d) Any station engaging in radiocommunication with the mobile station in distress or with the station in control of the distress traffic may impose silence on any station which interferes with distress traffic. In telegraphy, this is indicated by using the signal "AS" (.— . . .) followed by the word "distress" and the call sign of the station imposing silence.

(e) The use of the radiotelegraph service abbreviation "QRT" followed by the distress signal (. . . — — — . . .) must be reserved, as far as possible, for the mobile station in distress and for the station controlling distress traffic.

(f) Any station which has been notified to cease transmission in connection with a situation of distress shall not resume transmission on any frequency which may cause interference to distress signals or traffic until notified by the station in control of the distress traffic that the distress traffic has ceased and transmission may be resumed, or until notified by the station issuing the original notice that transmission from the station in question will not interfere with the distress signals or traffic.

§ 8.241 *Supplementary transmissions.* (a) A mobile station located in the general vicinity of the vessel, aircraft, or other unit in distress shall, if possible and when deemed appropriate, upon authorization of the master or person responsible for the station, transmit the radiotelegraph alarm signal on the frequency 500 kc using the maximum available power and class A2 emission, when—

(1) A distress call has been transmitted and was not preceded by the alarm signal; or

(2) Upon audible reception of an alarm signal which appears to be ineffective by reason of improper timing, improper class of emission, insufficient signal strength, interference, or excessive deviation from the frequency 500 kc.

(b) When a mobile station has heard a distress call or distress message for which acknowledgment of receipt has not been given promptly, and when the intercepting station itself is not in a position to render assistance, it shall, subject to the authority of the master, make every effort possible to attract the attention of any station in the maritime service which appears to be in a position to render assistance. For this purpose, transmission of the distress call and distress message may be repeated, if possible on the frequency 500 kc using the maximum available power and if possible class A2 emission, and/or on such other frequency and with such other class of emission as may be deemed necessary or helpful. At the same time all necessary steps shall be taken to notify the authorities who may be able to intervene usefully.

(c) A mobile station which repeats a distress call or distress message shall follow it by the words "transmitted for (insert identity of mobile craft in distress) by", and thereafter its own call sign transmitted 3 times. In radiotelegraphy, the repetition of the distress call or distress message on 500 kc shall, when circumstances permit, be preceded by transmission of the 500 kc international alarm signal followed by an interval of 2 minutes.

SUBPART K—FOREIGN SHIP STATIONS IN UNITED STATES WATERS

§ 8.261 *Inspection of station.* (a) Pursuant to section 303 (n) of the Communications Act, and subject to the provisions of Article 23 of the International Radio Regulations, Atlantic City, 1947, and Articles 53, 54 and 55 of the Safety Convention, London, 1929, the radio installation on board any foreign ship within the territorial jurisdiction of the United States, which installation is subject to the provisions of any act, treaty, or convention binding on the United States, shall be available, at any reasonable time in any harbor, port, or place in the United States, for inspection by duly authorized representatives of the Commission at such frequent intervals as within the discretion of the Commission will insure compliance with applicable rules, regulations, laws, and treaties.

§ 8.262 *Installation for safety purposes.* (a) The provisions of Part II of Title III of the Communications Act, in so far as such provisions require certain radio apparatus in operating condition and one or more qualified[1] operators on board a ship which leaves or attempts to leave any harbor or port of the United States for a voyage in the open sea, apply to a ship of any foreign country except—

(1) A cargo ship of less than 1,600 gross tons;

(2) A ship of war;

(3) A ship belonging to a country which is a party to the Safety Convention and which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect;

(4) A yacht of less than 600 gross tons not subject to the radio provisions of the Safety Convention;

(5) A vessel in tow; and

(6) A vessel leaving or attempting to leave any harbor or port of the United

[1] For this purpose, a qualified operator is defined by the Communications Act to be "a person holding a certificate as such complying with the provisions of the General Radio Regulations annexed to the International Telecommunications Convention in force, or complying with an agreement or treaty between the United States and the country to which the ship belongs."

States for a voyage solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States or navigating solely on any of these waters.

§ 8.263 *Limitations on transmission.* (a) Sections 301 and 318 of the Communications Act, relative to station licenses and operator licenses, respectively, are not applicable to any person sending radiocommunications or signals on a foreign ship while the same is within the jurisdiction of the United States; however, such communications or signals shall be transmitted only in accordance with applicable rules of the Commission intended to prevent interference including, among others, the following subparagraphs:

(1) The frequency or frequencies and the class or classes of emission used shall be available for the operation being conducted pursuant to the allocation of frequencies to radio services and the use of classes of emission established by the International Radio Regulations and pursuant to the terms of all other applicable international treaties and agreements to which the United States is a party;

(2) The operation of the radio apparatus shall not cause interference with the normal communications of other radio services, and only the minimum power necessary for effective communication shall be used;

(3) The station shall comply with the applicable provisions of the International Radio Regulations and other applicable international treaties and agreements to which the United States is a party.

(4) The operation of transmitting apparatus employing Class B emission is prohibited in any harbor or port of the United States except for emergency communication or for necessary tests of brief duration.

(b) Any transmission by a station on board a foreign man-of-war shall, in addition to the provisions of paragraph (a) of this section, be governed also by the following provisions:

(1) Transmission by radio from any foreign man-of-war while the same is within the territorial waters of the United States is prohibited unless authorized by appropriate United States authorities and carried on in conformity with the provisions of paragraph (a) of this section. Normally, a request from a foreign man-of-war to use its radio transmitting apparatus while in United States ports and territorial waters shall be made to one of the United States naval district commandants[1] or, after arrival in port, to the senior United States Navy Officer present. When a Navy Officer is not present, request shall be made to the port authorities, or to the United States Navy at Washington, D. C.

[1] The headquarters of District Commandants concerned are located at Boston, New York, Philadelphia, Norfolk; Charleston, South Carolina; San Diego, San Francisco, Seattle; Pearl Harbor, Territory of Hawaii; and Balboa, Canal Zone. In addition to having senior naval officers stationed at these places, the Navy has officers performing various duties at practically all other important United States ports.

SUBPART L—MESSAGE CHARGES

§ 8.271 *Distress messages.* No charge shall be made by any ship or station in the mobile service of the United States for the transmission of distress messages and replies thereto in connection with situations involving the safety of life and property at sea.

§ 8.272 *Danger messages.* No charge shall be made by any ship station or other station in the maritime mobile service of the United States for the transmission, receipt, or relay of the information concerning dangers to navigation designated in § 8.303 (b), originating on a ship of the United States or of a foreign country.

§ 8.273 *Tariff filing required.* No charge shall be made for the service of any station on board ship subject to this part unless effective tariffs applicable to such service are on file with the Commission, pursuant to the requirements of section 203 of the Communications Act and Part 61 of the Commission's rules and regulations.

§ 8.274 *Responsibility for payment.* (a) Each ship station shall be responsible for the payment of all charges accruing to any other station(s) or facilities for the handling or forwarding of messages or communications transmitted by that station.

(b) The transmission by any ship station of information concerning dangers to navigation, made in compliance with the provisions of § 8.303 (b), to any station which imposes a charge for the reception, relay, or forwarding of the required information, shall be free of cost to the ship concerned and any communication charges incurred by the ship for transmission, relay, or forwarding of the information may be certified to the Commission for reimbursement out of moneys appropriated to the Commission for that purpose.

§ 8.275 *Ship position reports.* Any common carrier subject to the Communications Act may furnish reports of positions of ships at seat to newspapers of general circulation, either at a nominal charge or without charge, provided the name of such common carrier is displayed along with such ship position reports.

§ 8.276 *Free safety service.* Notwithstanding any other provision of law, any ship station may render free service in connection with situations involving the safety of life and property, including hydrographic reports, weather reports, reports regarding aids to navigation and medical assistance to injured or sick persons on ships and aircraft at sea: *Provided,* That the Commission, from time to time under particular circumstances, may impose specific limitations on such free service to the extent it finds desirable in the public interest.

§ 8.277 *Free service for national defense.* Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this paragraph, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

SUBPART M—NATURE OF SERVICE PROVIDED BY SHIP STATIONS AND SHIPBOARD MARINE-UTILITY STATIONS

§ 8.301 *Supplemental eligibility requirements.* Subject to the basic eligibility requirements set forth in § 8.23, authorizations for limited ship stations, marine utility stations, or public ship stations may be granted to any person, or state or local government subdivision, or any agency of the Federal government which is subject to the provisions of section 301 of the Communications Act: *Provided:* That when the availability of the frequency assignment requested, or any part thereof, is specifically dependent upon the activity and/or the routes of voyage of the vessel, the application shall clearly show eligibility of the vessel for such station authorization under the provisions of this part which govern the assignment of frequencies: *And provided further,* That:

(a) An applicant for an authorization to operate a public ship station must request a frequency assignment on which the transmission of public correspondence is not excluded by any of the provisions of this part (although additionally he may request any other frequency assignment).

(b) An applicant for an authorization to operate a limited ship station or a marine utility station must request a frequency assignment on which the transmission of public correspondence is excluded.

§ 8.302 *Points of communication.* Subject to the conditions and limitations imposed by the terms of the particular station license or by applicable provisions of this part with respect to the use of particular radio channels, limited ship stations, marine-utility stations on board ships, and public ship stations are authorized to communicate with any station in the maritime mobile service including such other classes of stations as may be appropriately authorized in accordance with the provisions of this part for such communication: *Provided, however,* That for purposes of public correspondence between ship and shore, public ship stations are authorized to communicate only with public coast stations.

§ 8.303 *Service requirements for all ship stations.* (a) Unless prohibited by the terms of the station license or by other sections of this part relative to the limited use of a specifically designated frequency, each ship station shall:

(1) Within the scope of its normal operations and without discrimination, acknowledge all calls directed to it, and receive from stations operating in the maritime mobile service, all messages and communications which are addressed to the ship or to any person or persons on board and which are for termination on such ship.

(2) At the request of any station operating in the maritime mobile service, a ship station may, within the scope of its normal operation accept messages or communications as requested for retransmission to any other station in the maritime mobile service. Whenever such messages or communications have been received and acknowledged by a ship station for this purpose, it shall be incumbent upon that station to retransmit the message as directed, with the least delay possible.

(b) The master of every ship, equipped with licensed radio transmitting apparatus capable of providing communication with other ships or with a coast station, on meeting with a direct danger to the navigation of other ships such as dangerous ice, a dangerous derelict, a tropical storm, or any other direct danger to navigation, shall cause to be transmitted, insofar as is possible, all pertinent information relating thereto, to ships in the vicinity and to the appropriate authorities provided that such procedure, in the discretion of the master, will not be a repetition of action already taken for this purpose by another station.

§ 8.304 *Service requirements for public ship stations.* In addition to such messages as are necessary for compliance with § 8.303, and except as may be otherwise limited by the terms of this part governing the use of particular frequencies or by the terms of the station license, a public ship station within the scope of its normal service, without discrimination and upon reasonable demand, shall provide a service of public correspondence for any person who, while on board in any status or capacity, requests the service covering any subject matter that legally may be transmitted by radio: *Provided, however,* That, unless specifically authorized by the Commission in individual cases in advance, this service shall not be authorized to be provided when the ship carrying the station is out of service as a ship.

§ 8.305 *Service of limited ship stations and marine utility stations.* In addition to such messages as are necessary for compliance with § 8.303 and except as may be otherwise limited by the terms of this part governing the use of particular frequencies or by the terms of the station license, a limited ship station or a marine utility station is authorized to transmit within the scope of its normal operations messages necessary for the safe, expeditious or economical operation of ships or (when necessary) for the safety of aircraft.

SUBPART N—USE OF RADIOTELEGRAPHY

§ 8.321 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be authorized as an assigned frequency for use by ship stations (public or limited) employing telegraphy by means of amplitude modulation in accordance with the provisions of paragraph (b) of this section and Subpart E of this part.

143	[1] 2,274	calling	16,520
calling	[1] 3,030	8,300	16,530
152	4,140	8,320	16,560
153	calling	8,330	calling
154	4,150	11,020	16,575
155	[1] 4,160	11,025	16,590
156	[1] 4,165	11,030	16,600
157	5,510	11,040	16,605
158	5,512.5	calling	16,640
160	5,515	11,050	16,660
[1] 355	5,520	11,055	22,025
[1] 375	calling	11,060	22,040
[1] 394	5,525	11,070	22,050
[1] 400	5,527.5	12,360	22,060
[1] 410	5,530	12,375	22,075
425	5,535	12,390	22,080
[1] 444	[1] 6,210	12,420	calling
454	calling	calling	22,100
468	6,220	12,440	22,110
[1] 480	6,230	12,450	22,120
500	8,240	12,460	22,125
calling	8,250	12,480	22,140
and	8,260	16,480	
distress	8,280	16,500	

Except as may be otherwise specified herein or in the particular station license, the radio channels of which the above frequencies are the assigned frequencies may be employed for communication with ship stations or coast stations: *Provided, however,* That if the assigned frequency is above 5000 kc, the radio channel thereof is authorized primarily for communication with coast stations.

(b) (1) The frequencies 355 kc and 444 kc are assignable exclusively for communication with United States Government stations; their use for any other communication (except distress) is not authorized. The radio-channel of which 444 kc is the assigned frequency shall, whenever practicable, be used for this purpose: *Provided,* That harmful interference shall not be caused to the service of any coast station. Effective when ordered by the Commission relative to implementation of certain international agreements, use by ship stations of the radio-channel of which 355 kc is the assigned frequency shall be discontinued.

(2) In addition to the transmission of specific signals for purposes of radiolocation, the radio-channel of which 375 kc is the assigned frequency may be used for communication by radiotelegraphy with direction-finding stations in connection with established international operating procedure, relative to radiolocation by means of direction-finding. Effective when ordered by the Commission relative to implementation of certain international agreements, the frequency 410 kc shall be assignable for this purpose in Region 2 in lieu of 375 kc: *Provided,* That in Regions 1 and 3, ship stations may transmit, for purposes of direction-finding, on the radio-channel of which 410 kc (in lieu of 375 kc) is the assigned frequency, if directed to do so by a coast station or direction-finding station located in either of those Regions.

(3) Any radio-channel, of which 394, 400, 410, 4165, or 6210 kc is the assigned frequency, shall not be used on the Great Lakes or on the inland waters of the United States.

(4) The radio-channel of which 480 kc is the assigned frequency is authorized for use only in European coastal regions in accordance with paragraph (b) of § 8.324.

(5) The frequency 2274 kc is assignable for use only on the Great Lakes or on inland waters of the continental United States, on condition that interference is not caused to the service of any station of Canada.

(6) The frequency 3030 kc is assignable for use only on the Mississippi River and tributaries thereof, on condition that interference is not caused to the service of any station of Canada.

§ 8.322 *Frequencies for use in distress.* (a) The international distress frequency is 500 kc; it is used as an assigned frequency for this purpose by ship or aircraft stations, using frequencies in the band 365 to 515 kc, when requesting assistance from the maritime services. It is used, preferably with class A2 emission, for the distress call and distress traffic.

(b) The frequency 8280 kc is designated as the assigned frequency for the use of survival craft equipped to transmit on frequencies within the band 4,000 kc to 23,000 kc and desiring to establish, with stations of the maritime mobile service, communications relating to search and rescue. Effective when ordered by the Commission, this frequency will be replaced by the frequency 8364 kc.

§ 8.323 *Frequencies for calling.* (a) The general international calling frequency is 500 kc; the radio-channel of which this frequency is the assigned frequency shall be used by any ship station engaged in radiotelegraphy in the authorized bands between 365 and 515 kc, and by aircraft desiring to enter into communication with a station of the maritime mobile service using frequencies in this band. The radio-channel for replying to a call sent on the general calling channel (500 kc assigned frequency) is the same channel as that used for the call. In Region 2, and in other areas of heavy radiotelegraph traffic in this band, ship stations shall request coast stations to answer by means of their normal working channel. In order to facilitate the reception of distress calls, all stations using the radio-channel of which 500 kc is the assigned frequency shall reduce to the minimum their transmissions on this channel.

(b) The frequency 143 kc is the international calling frequency in the maritime mobile service in the band 100 to 160 kc (class A1 emission only). The frequency for replying to a call sent on the frequency 143 kc is, for ship stations, 143 kc, the same as that of the call.[2]

[1] Subject to the special conditions and limitations set forth in paragraph (b) of this section.

[2] Coast Stations reply on their normal working frequency in this band.

When a ship station which uses frequencies within the band 100 to 160 kc desires to establish communication with another station of the maritime mobile service, it shall call that station on the frequency 143 kc, unless the International List of Coast and Ship Stations provides otherwise. This frequency shall be used exclusively for individual calls and replies to such calls and for the transmission of signals preparatory to traffic.

(c) The radio-channels of which the frequencies between 4,000 kc and 23,000 kc, designated for "calling" in paragraph (a) of § 8.321, are the assigned frequencies shall be used primarily for calling and answering; with the exception of 8280 kc they may be used otherwise on a secondary basis only as provided by paragraph (e) of § 8.324.

(d) In addition to the radio-channels of which the assigned frequencies are specifically authorized herein for "calling", all radio-channels within the band 4,000 kc to 23,000 kc similarly authorized for working may be used for calling also: *Provided*, Interference is not caused to any communication in progress on the particular working channel.

§ 8.324 *Frequencies for working.* (a) Each assigned frequency listed in paragraph (a) of § 8.321, and which is not identified therein with a specific use or function, is authorized as an assigned frequency for "working."

(b) Ship telegraph stations working on frequencies within the band 390 to 485 kc shall use, whenever practicable, an authorized working channel of which 425, or 468 kc is the assigned frequency: *Provided*, That in the European coastal regions where message traffic is congested, ship stations when using class A–2 emission in this band shall use, if practicable, an authorized working channel of which either 425 kc or 480 kc is the assigned frequency.

(c) The calling channel of which 500 kc is the assigned frequency may be used for the transmission of distress, urgency, and safety messages; except for the applicable provisions of §§ 8.402 and 8.403 relative to radiolocation, any other use of this channel for working is prohibited.

(d) In so far as is practicable, ship stations shall use frequency-assignments within the high frequency band (3,000 to 23,000 kc) only when other frequency-assignments will not provide effective communication.

(e) In addition to the radio-channels of which the assigned frequencies are designated by paragraph (a) of this section for "working", the radio-channels within the band 4,000 kc to 23,000 kc (except 8,280 kc) of which the assigned frequencies are designated in paragraph (a) of § 8.321 for "calling" may be used, additionally and with discretion, for working; on condition that interference shall not result to calling, answering, and the exchange of operating signals on the same channel.

(f) In addition to the frequency-assignment designated for telegraphy in the license of a ship station, such station, when working by telegraphy with a coast station, may, on condition that its emission-bandwidth and frequency-tolerance shall be within the respective limits thereof permitted for the coast station, transmit—

(1) On a telegraph working channel of a coast station within the band 110 to 194 kilocycles when directed to do so by the coast station for which the channel is authorized: *Provided*, Interference is not caused to the service of any land, fixed, broadcast, or radiolocation station: *And provided*, That the emission shall be class A1 only.

(2) On a telegraph working channel of a coast station within the bands 385 to 485 kc and 4,000 kc to 23,000 kc when directed to do so by the coast station for which the channel is authorized.

(g) In addition to the frequency-assignment designated for telegraphy in the license of a ship station, such station when working by telegraphy with a mobile or coast station of the United States Government may, on condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the Government station, transmit on a United States Government radio-channel when authorized or directed to do so by the Government station responsible, or by the Government department for which the radio-channel is authorized. The ship station assigned frequency, the class of emission, and the class of traffic on this frequency shall be designated by the Government station: *Provided*, That on frequencies below 160 kilocycles the emission shall be A1 only.

§ 8.325 *Use of Morse code required.* The signal code employed for telegraphy by stations in the maritime mobile service shall be the Morse code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947). However, for radiotelegraph communication of a special character, the use of other signals may be specifically authorized by the Commission in response to an appropriate application therefor.

§ 8.326 *Identification of stations.* (a) All radiotelegraph emissions of a ship station shall be clearly identified by transmission therefrom of the official call letters assigned to that station for telegraphy by the Commission. These call letters shall be transmitted by telegraphy in accordance with § 8.325 and the procedure set forth in the International Radio Regulations and by means of the class of emission normally used by the station for telegraphy: *Provided*, They shall be transmitted always upon completion of any transmission when the station resumes its watch or suspends transmission for an indefinite time; in addition they shall be transmitted at intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.

§ 8.327 *Procedure in testing.* (a) Ship stations must use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the radiotelegraph testing procedure described below shall be followed.

(1) The licensed radiotelegraph operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress;

(2) The operator shall transmit the the signal "IE" (two dots, space, one dot) on the test frequency as a warning that test emissions are about to be made on that frequency. When the frequency or frequencies of the test emissions is/are within the frequency band 365–515 kc, a listening watch shall be maintained on 500 kc by a licensed radiotelegraph operator at the station throughout the test period.

(3) If, as a result of transmitting the test signal "IE", any station indicates, by transmitting the signal "AS" (wait), that it anticipates harmful interference, testing shall be suspended. When transmission of "IE" is resumed and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in (4);

(4) Test signals composed of a series of "VVV" followed by the call sign of the testing station shall be transmitted. The call sign shall be sent clearly and at relatively slow speed.

(b) When testing is conducted on the frequency 500 kc, the test signals shall not continue for more than 10 seconds, and no tests shall be conducted during the 500 kc silent periods. Care must be exercised not to so prolong and space the dash portion of the "VVV" series as to form the alarm signal.

§ 8.328 *Radiotelegraph operating procedure.* (a) Except for the transmission of distress or urgency signals, all transmissions from stations on board ship must cease within the band 480 to 520 kc during each 500 kilocycles silent period, i. e., for three minutes twice an hour beginning at x h 15 and x h 45, Greenwich mean time (G. M. T.).

(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all ship stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 9 of the International Radio Regulations (Atlantic City, 1947).

(c) In addition to compliance with all applicable sections of this part, the operation of ship stations using telegraphy for call, reply, and the transmission of message traffic shall, in particular, comply with all applicable provisions of Articles 29 (except subparagraph (2) of paragraph 8 thereof), 30, 31, 32, 38, 39, and 40 of the International Radio Regulations (Atlantic City, 1947).

§ 8.329 *Station documents.* (a) All ship stations on board ships compulsorily fitted with a radiotelegraph installation shall be provided with the following documents:

(1) A valid station license.

(2) The necessary operator license or licenses.

(3) The station log required by this part for stations of this category.

(4) The Alphabetical List of Call Signs prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938).

(5) The List of Coast Stations and Ship Stations prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938).

(6) The List of Stations performing Special Services prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938).

(7) The General Radiocommunication Regulations (Revision of Cairo, 1938), and such provisions of the International Telecommunication Convention (Madrid, 1932) as are necessary for the operation of the radiocommunication service on board ship.

(8) Such provisions of the International Radio Regulations (Atlantic City, 1947), including Articles 23, 24, 25, 26, 29, 30, 31, 32, 35, 37, 38, 39, 40, 41, 44, and 45, as are necessary for the operation of the radiocommunication and radiolocation service on board ship.

(9) Telegraph tariffs of the countries for which the station most frequently accepts radiotelegrams.

(10) Part 8 of the rules of the Commission.

(b) All ship stations on board ships not compulsorily fitted with a radiotelegraph installation, but using telegraphy, shall be provided with the documents prescribed by subparagraphs (1), (2), (3), (4), (5), and (10) of paragraph (a) of this section.

(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 8.330 *Station records.* (a) Each ship station authorized to use telegraphy on frequencies within the band 100 to 515 kc shall maintain an accurate radiotelegraph log as follows:

(1) Each sheet of the log shall be numbered in sequence, for each voyage, and shall include the name of the vessel, official call letters of the ship station and the name of the operator on watch.

(2) The entry "on watch" shall be made by the operator beginning a watch, followed by his signature. The entry "off watch" shall be made by the operator being relieved or terminating a watch, followed by his signature. All log entries shall be currently completed at the end of each watch by the operator responsible for the entries. The use of initials or signs is not authorized in lieu of the operator's signature.

(3) During the period a watch is maintained by an operator, all calls transmitted to or from the ship station and all replies transmitted or received shall be entered, stating the time and frequencies, and the call letters of the station communicated with or heard. (If desired, the names of the stations or ships also may be entered.) In addition, a notation of any messages exchanged shall be entered stating the time, the frequency in kilocycles, and the call letters of the station(s) heard, or communicated with. (If desired, the names of the stations or ships also may be entered.) In so far as possible, a positive entry with respect to reception on 500 kilocycles shall be made at least once in each 15 minutes. The entries required by paragraph (e) of this section shall be acceptable as positive entries provided operating conditions are such as to prevent additional entries being made.

(4) The date and time of making an entry shall be shown opposite the entry and the time shall be expressed in Greenwich mean time (GMT), except that in the Great Lakes region the time shall be expressed in eastern standard time (e. s. t.) (counted from 00:00 to 24:00 o'clock, beginning at midnight).[3] The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "GMT" (e. s. t. in the Great Lakes region) shall be marked at the head of the column in which the time is entered.

(5) During the period a watch is maintained by an operator, an entry shall be made twice per hour stating whether or not the international silent period was observed. In addition, entries shall be made indicating any signals or communications heard on 500 kilocycles during this period. If no signals are heard on 500 kilocycles, an entry to that effect shall be made. The use of rubber stamps for making entries to show observation of the silent period is not authorized.

(6) All distress calls, automatic alarm signals, urgent and safety signals made or intercepted, the complete text, if possible, of distress messages and distress communications, and any incidents or occurrences which may appear to be of importance to safety of life or property at sea, shall be entered, together with the time of such observation or occurrence, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(7) Whenever harmful interference is experienced, an entry shall be made to that effect, stating the source of the interference, if known.

(8) The approximate geographical location of the ship, preferably the noon position, shall be entered each day of each voyage, either in terms of latitude and longitude, or as the distance in nautical miles and the direction from a known fixed point. For this purpose, the master of the ship shall furnish this information to the radio operator. The position report so furnished shall correspond to any entry of the same position made in other official records of the ship.

(9) An entry shall be made of the time of departure and arrival of the vessel at each port, including in each entry the name of the port.

(10) A daily entry shall be made regarding comparison of the radio station clock with standard time, including an indication of any errors observed and corrections made. For this purpose, authentic radio time signals received from land or fixed stations shall be acceptable as standard time.

[3] For example, 8:01 p. m. eastern standard time should be entered as 0101 GMT; 8:30 a. m. eastern standard time should be entered as 1330 GMT; 7:45 p. m. eastern standard time should be entered as 0045 GMT.

(11) All test transmissions shall be entered, together with the time of such transmissions and the approximate geographical location of the vessel, without regard to whether two-way communication with any other station is established.

(12) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain sufficient power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communications shall be entered.

(b) In addition to the radio log requirements stipulated in paragraph (a) of this section, the radio log of each ship station authorized to use telegraphy on frequencies within the band 100 to 515 kc, shall, when the ship is required by law and regulations to keep a radiotelegraph watch on 500 kc for safety purposes by means of a qualified operator, comply also with the following provisions:

(1) Entries shall be made of the results of tests of the emergency installation including transmitter antenna current, hydrometer readings of lead-acid storage batteries, voltage readings of other types of batteries, and quantity of fuel available for engine generators.

(2) An entry shall be made each time the emergency power supply is used (when the vessel is in the open sea) to carry on communication (other than a watch for safety purposes), stating the approximate period of time of such use.

(3) Results of inspections and tests of lifeboat radio equipment, when installed in compliance with requirements of law, prior to departure of the vessel from a harbor or port and the results of weekly inspections of such lifeboat equipment shall be entered.

(4) On a cargo vessel equipped with an auto-alarm, the entry "auto-alarm on", "sensitivity set at (The actual setting of the sensitivity control at the time the auto-alarm is placed in operation should be designated)", and the entry "auto-alarm off", respectively, shall be made whenever the operator places the auto-alarm in and out of operation. Results of the required auto-alarm tests shall be entered daily, including the sensitivity-control setting and the minimum number of 4-second dashes from the testing device which were necessary to properly operate the alarm.

(5) On a cargo vessel equipped with an auto-alarm, an entry shall be made in the radio station log whenever the visual indicator installed on the bridge (to indicate when the alarm becomes inoperative due to prolonged atmospherics or other interference), remains actuated for a continuous period of 5 minutes. A statement shall be included giving particulars as to the time the operator was called to make the necessary repairs or adjustments; any reason for the failure; the names of any parts removed, added, or substituted; repairs effected; and the time the alarm was restored to proper operating conditions.

(6) On a cargo vessel equipped with an auto-alarm, an entry shall be made in the radio station log whenever the auto-alarm becomes inoperative due to causes not indicated by the audible warning or the visual indicator, or

whenever the audible warning is actuated. The entry shall include a statement showing the time the operator was called to make any necessary repairs or adjustments; the reason for the audible alarm being actuated or failing to be actuated, any parts removed, added, or substituted; repairs effected; and the time the auto-alarm was restored to proper operating condition.

(c) Each ship station authorized to use telegraphy, on frequencies above 550 kc exclusively (except ship stations on the Great Lakes and on board vessels navigated solely on inland waters of the United States), shall maintain an accurate radiotelegraph log as prescribed in paragraph (a) of this section: *Provided*, That (3) and (5) of section (a) shall, in this case, not be applicable.

(d) Each ship station on the Great Lakes and on board a vessel navigated solely on inland waters of the United States which is authorized to use telegraphy, on frequencies above 550 kilocycles exclusively, shall maintain an accurate radiotelegraph log as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include the name of the vessel, official call letters of the ship station and the signature of the licensed operator in attendance at the time communication is effected.

(2) An entry shall be made for each complete exchange of communications with any station, stating the approximate geographical location of the vessel, the call letters or the name of the station communicated with, the time of the communication, the nature of the messages or signals exchanged, and designation of the transmitting frequencies.

(3) All test transmissions shall be entered, including designation of the transmitting frequency, together with the time of commencement and completion of such transmissions and the approximate geographical location of the vessel, without regard to whether two-way communication with any other station is established.

(4) All distress calls, urgent and safety signals made or intercepted; the complete text, if possible, of distress messages and distress communication; and any incidents or occurrences which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation of concurrence, designation of the frequency on which such transmissions were received, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(5) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communication shall be entered.

(6) The date and time of making an entry shall be shown opposite the entry and the time shall be expressed as follows:

For vessels navigated on the Great Lakes:

Eastern standard time (e. s. t.) (counted from 00:00 to 24:00 o'clock beginning at midnight.[4] The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "e. s. t." shall be marked at the head of the column in which the time is entered.

For vessels navigated on inland waters of the United States, other than the Great Lakes:

Local standard time (e. s. t., c. s. t., etc.) (counted from 00:00 to 24:00 o'clock, beginning at midnight).[4] The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "e. s. t." or "c. s. t.", etc., shall be marked at the head of the column in which the time is entered. However, this provision shall not prohibit the use of time entries expressed in GMT (and so indicated) in lieu of local standard time.

(e) In all ship stations authorized to transmit on frequencies with the band 365 to 515 kilocycles, a written record shall be maintained of the adjustments of the transmitting and receiving equipment for operation on the assigned frequencies 375 kc and 500 kc and at least one authorized working frequency within this band. This record shall be posted at all times in a conspicuous place on or near the particular equipment involved.

(f) The ship radiotelegraph log currently in use shall be kept by the licensed operator(s) of the station and while in use it shall be located in the main radiotelegraph operating room of the ship. At the conclusion of each voyage terminating at a port of the United States, the original station log or a duplicate thereof dating from the last departure of the ship from a United States port shall be retained under proper custody on board the ship for a sufficient period of time but not necessarily in excess of 24 hours, to be available for inspection by a duly authorized representative(s) of the Commission. Thereafter the original log, and the duplicate log, if provided, may be filed at an established shore office of the ship station licensee, and shall be retained as stipulated by § 8.115.

SUBPART O—USE OF RADIOTELEPHONY

§ 8.351 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by ship stations employing telephony by means of amplitude modulation subject to and in accordance with the provisions of paragraph (d) of this section, other applicable sections of this subpart, and Subpart E of this part:

2,003	2,214	6,660	13,245
2,110	2,638	6,670	13,260
2,118	2,738	8,810	13,275
2,126	2,782	8,820	17,600
2,134	4,162.5	8,830	17,610
2,142	4,402.5	8,840	17,620
2,158	4,412.5	8,650	17,640
2,166	4,422.5	11,090	17,660
2,174	4,457.5	13,200	17,680
2,182	6,240	13,210	23,000
2,198	6,455	13,220	
2,206	6,650	13,230	

[4] For example, 7:01 p. m. eastern standard time would be entered as 1901 e. s. t.; 7:30 a. m. eastern standard time would be entered as 0730 e. s. t.; 6:45 p. m. eastern standard time would be entered as 1845 e. s. t.

(b) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by ship stations or marine-utility stations on board ship employing telephony by means of either amplitude modulation or frequency modulation subject to and in accordance with the provisions of other applicable sections of this subpart, and Subpart E of this part:

35.06 35.10 35.14 35.18 43.02

(c) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by ship stations and/or marine-utility stations as respectively designated herein which employ telephony by means of frequency modulation in Region 2 or by means of either frequency modulation or amplitude modulation in Regions 1 and 3, subject to and in accordance with the provisions of other applicable sections of this subpart and Subpart E of this part:

(1) Available for ship stations and marine-utility stations;

156.3 156.5 156.8
156.4 156.6 157.0

(2) Available for ship stations only;

157.1 157.4

(d) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency-assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions hereinafter set forth in this paragraph:

(1) The frequency 2003 kc is authorized for use by ship stations on the Great Lakes only. Availability of this frequency for this use is temporary, in the sense that its assignment as prescribed in this subpart shall be subject to cancellation or modification by the Commission without the necessity of a hearing if in the discretion of the Commission such action is necessary or desirable in connection with implementation of the Table of Frequency Allocations set forth in Article 5 of the Radio Regulations, Atlantic City, 1947. The use of this frequency is shared with ship stations of other countries in the Great Lakes area for the purposes hereinafter prescribed in this subpart.

(2) The frequencies 2134, 2142, 2166, and 2206 kc are authorized for use upon the express condition that interference shall not be caused to the service of any station of Canada: *Provided*, That in the Great Lakes area, the frequency 2206 kc may be used for communication exclusively with coast stations in Canada.

(3) The frequencies 2118 kc and 2158 kc are authorized for use on a shared basis with stations of Canada: *Provided*, That in the Great Lakes area, the frequency 2158 kc shall be used for communication exclusively with coast stations in the United States.

(4) The frequency 2182 kc is the radiotelephone calling and distress frequency for the maritime mobile service of the United States. This frequency is authorized for use on a shared basis with stations of other countries and without

distinction as to location or area of use: *Provided, however*, That its use for purposes other than distress shall not cause interference to stations of the maritime mobile service within 300 nautical miles of Charleston, South Carolina, Jacksonville, Florida, or Wilmington, California, or within 500 nautical miles of Vancouver, British Columbia, which, for a temporary period, continue in accordance with their respective station authorizations to use this frequency, or other frequencies within the band 2170 kc to 2194 kc, inclusive, for working.

(5) The frequency 2214 kc is authorized for use exclusively at locations at which interference is not caused to the service of any United States Government Station.

(6) Subsequent to the effective date of this subparagraph, the frequency 2638 kc is assignable exclusively to ship stations on board ocean-going vessels, and on board other vessels (without distinction as to their area of navigation) which are compulsorily fitted with a radiotelephone installation for purposes of safety. The use of this frequency is on a shared basis with ship stations of other countries, for the purpose hereinafter prescribed in this subpart.

(7) The frequency 2738 kc is not authorized for use on the Great Lakes. It is authorized for use in all other areas on a shared basis with ship stations of other countries, for the purpose hereinafter prescribed in this subpart.

(8) The frequency 2782 kc is authorized for use exclusively on the Mississippi River and connecting inland waters (except the Great Lakes); such use of this frequency is subject to coordination with stations operating in the fixed service at other locations in the United States, in order that interference shall be avoided or reduced to a minimum.

(9) The frequency 4162.5 kc is authorized for use exclusively on the Mississippi River and connecting inland waters (except the Great Lakes); such use of this frequency is authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

(10) On the Great Lakes, the frequencies 4422.5, 6660, and 8820 kc are authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

(11) The frequencies 6,240, 6,455 kc, and 11,090 kc are authorized for use exclusively on the Mississippi River and connecting inland waters (except the Great Lakes) upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies during the period from two hours after local sunset until two hours before local sunrise is prohibited.

(12) On the Mississippi River and connecting inland waters (except the Great Lakes), use of the frequency 8840 kc is authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on this frequency in this area during the period from two hours after local sunset until two hours before local sunrise is prohibited.

(13) Use of the frequencies 8810 kc and 8850 kc is subject to coordination with stations operating in the fixed service in order that interference shall be avoided or reduced to a minimum.

(e) Specific frequencies other than those listed in paragraphs (a), (b) and (c) of this section must be requested as set forth in § 8.30 and may not be assigned except in accordance with applicable international agreement and subsequent to appropriate rule making procedures.

§ 8.352 *Frequencies for use in distress.* (a) Subject to the provisions of paragraph (b) of this section, the radiotelephone distress frequency for the maritime mobile service of the United States is 2182 kc[1] it may be used as a carrier frequency for this purpose by ship or aircraft stations employing telephony in the band 1605 kc to 2850 kc when requesting assistance from the maritime services. It may be used, preferably with class A3 emission, for the distress call and distress traffic.

(b) Until such time as the frequency 2182 kc becomes guarded effectively for distress calls in United States areas other than the Great Lakes region,[2] ship stations using telephony in event of distress only may call stations of the United States Coast Guard on the Government frequency 2670 kc. Transmission on the Government frequency 2670 kc for any purpose other than distress is strictly forbidden. In the Great Lakes region, the distress frequency 2182 kc is to be used at all times for radiotelephone distress calls and traffic.

§ 8.353 *Frequencies for calling.* (a) The general radiotelephone calling frequency for the maritime mobile service of the United States is 2182 kc; it may be used as a carrier frequency for this purpose by ship stations and aircraft stations operating in the maritime mobile service subject to the following conditions and limitations:

(1) Aside from distress calls and distress traffic, this frequency may be used for urgency and safety signals and for urgency and safety messages (other than public correspondence);

(2) In addition, this frequency is authorized only for call and reply, and for signals preparatory to working on other frequencies;

(3) When using this frequency for other than distress calls and distress traffic, and urgency and safety signals and messages, the mean[3] antenna power of the unmodulated carrier wave shall not exceed 100 watts.

(4) The use of this frequency for other than distress calls and distress traffic, and urgency and safety signals and messages within 300 nautical miles of Charleston, South Carolina, Jacksonville, Fla., or Wilmington, California, or within 600 miles of Vancouver, British Columbia, shall not cause interference to stations of the maritime mobile service which, for a temporary period, continue in accordance with their current respective station authorizations to use this frequency, or other frequencies within the band 2170 kc to 2194 kc inclusive, for working.

(b) The radiotelephone frequency for call and reply for the maritime mobile service of the United States using frequencies within the band 156.25 mc to 162.05 mc is 156.8 mc. It may be used as a carrier frequency for this purpose by these stations for call and reply, and by ship stations additionally as prescribed in paragraph (c) of § 8.359.

(c) In addition to the radio-channels of which the carrier frequencies are specifically authorized herein for "calling", the radio-channels authorized in this subpart for "working" may be used for call and reply also: *Provided*, Interference is not caused to any communication in progress on the particular working channel.

§ 8.354 *Frequencies below 5000 kc for public correspondence.* (a) Carrier frequencies which are authorized for use by public ship stations employing telephony by means of amplitude modulation for the transmission of public correspondence exclusively are designated herewith; ship stations shall use the radio-channels of which these frequencies are the authorized carrier frequencies exclusively for working with public coast stations (normally providing direct connection with public service land-line telephone systems) located at, or in the vicinity of, the specific harbors, ports or places designated hereinafter opposite the respective ship transmitting frequency, and shall receive transmission from the particular coast stations on the associated receiving frequencies also designated herewith:

(1) Frequencies available for use when different radio-channels are used

[1] The frequency 2182 kc will be formally recognized as the international radiotelephone distress and calling frequency in Region 2 not later than the date on which Article 3 of the Inter-American Radio Agreement, Washington, 1949, becomes effective, and in Regions 1, 2, and 3 (world-wide) not later than the date on which the new International Frequency List becomes effective as provided by Article 47 of the International Radio Regulations, Atlantic City, 1947.

[2] In the Great Lakes region, the frequency 2182 kc has been in use as the general radiotelephone calling frequency for several years, and its use in time of distress in that area has proven effective.

[3] As prescribed by paragraph 2, Article 3, of the Inter-American Radio Agreement, Washington, 1949. Article 1, paragraph 63 of the International Radio Regulations, Atlantic City, 1947, states as follows: "Mean power of a radio transmitter: The power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation." (In general, a time of one-tenth second, during which the meanpower is a maximum, will be selected.)

alternately for transmission by the ship station and the coast station:

Ship station transmit ting carrier frequency [1]	Coast station(s) located in vicinity of—	Ship station receiving carrier frequency
2110 kc.	Boston, Mass. San Francisco, Calif. Eureka, Calif.	2506 kc.
2118 kc.	Miami, Fla. Great Lakes (U. S. and Canada).	2514 kc.
2126 kc.	Seattle, Wash. New York, N. Y.	2522 kc.
2134 kc.	Galveston, Tex. Hawaiian Islands.	2530 kc.
2142 kc.	San Juan, P. R. Norfolk, Va. Quantico, Va.[2]	2538 kc.
2158 kc.	Tampa, Fla.	2550 kc.
2166 kc.	Great Lakes (U. S. only). Wilmington, Del. New York, N. Y.[3]	2558 kc.
2174 kc.	Charleston, S. C. Jacksonville, Fla.[4]	2566 kc.
2198 kc.	Los Angeles, Calif. New York, N. Y.	2590 kc.
2206 kc.	Hawaiian Islands. New Orleans, La. Astoria, Oreg. Portland, Oreg.[5]	2582 kc. 2598 kc.
4402.5 kc.	Great Lakes (Canada only). Miami, Fla. Hawaiian Islands.	2582 kc. 4267.5 kc. 4177.5 kc.
4412.5 kc.	New York, N. Y. Boston, Mass.[6]	4177.5 kc.
4422.5 kc.	San Francisco, Calif. Great Lakes. Los Angeles, Calif.[7]	4280 kc. 4282.5 kc. 4280 kc.
4457.5 kc.	New York, N. Y.	4752.5 kc.

[1] These frequencies are those which may be specified in applications for ship station authorizations.
[2] On these channels, Quantico shares circuit-time with Norfolk.
[3] On these channels, New York shares circuit-time with Wilmington.
[4] On these channels, Jacksonville shares circuit-time with Charleston.
[5] On these channels, Portland shares circuit-time with Astoria.
[6] On these channels, Boston shares circuit time with New York.
[7] On these channels, Los Angeles shares circuit-time with San Francisco.

(2) Frequencies available for use by ship stations on board vessels while navigated on the Mississippi River and connecting inland waters (other than the Great Lakes); exclusively for communication with coast stations located in the vicinity of any harbor, port, or place on the Mississippi River and connecting inland waters (other than the Great Lakes), when the ship station and the coast station transmit alternately on the same radio-channel:

2782 kc [4] 4162.5 kc [4]

(b) The use of the working frequencies authorized in subsection (a) of this section is subject to the applicable conditions and limitations set forth in paragraph (d) of § 8.351. Further, and insofar as practicable, ship stations shall use frequency assignments within the band 4000 kc to 5000 kc only when frequency assignments below 4000 kc or above 30 Mc will not provide effective communication.

§ 8.355 *Frequencies from 5000 kc to 30 Mc for public correspondence.* (a) Carrier frequencies within the band 5000 kc to 30 Mc which are authorized for use by public ship station employing telephony by means of amplitude modulation for the transmission of public correspondence exclusively are designated herewith; ship stations shall use the radio-channels of which these frequencies are the authorized carrier frequencies exclusively for working with public coast stations (normally providing direct connection with public service landline telephone systems):

(1) Frequencies authorized for use by ship stations on board ocean-going vessels primarily for long distance communication, when the ship station and the coast station transmit alternately on different radio-channels; except as expressly provided otherwise in this subpart, these frequencies shall not be used by ship stations on the Great Lakes or inland waters of the continental United States:

6,650 kc	8,840 kc	13,245 kc	17,640 kc
6,660 kc	8,850 kc	13,260 kc	17,660 kc
6,670 kc	13,200 kc	13,275 kc	17,680 kc
8,810 kc	13,210 kc	17,600 kc	23,000 kc
8,820 kc	13,220 kc	17,610 kc	
8,830 kc	13,230 kc	17,620 kc	

(2) Frequencies authorized for use by ship stations on board vessels while navigated on the Great Lakes; exclusively for communication with coast stations in the Great Lakes area, when the ship station and the coast station transmit alternately on different radio-channels. Ship stations shall receive transmission from the particular coast stations on the associated receiving frequencies also designated herewith:

Ship station transmitting carrier frequency [5]	*Ship station receiving carrier frequency*
6660 kc	6470 kc
8820 kc	8585 kc

(3) Frequencies authorized for use by ship stations on board vessels while navigated on the Mississippi River and connecting inland waters (other than the Great Lakes); exclusively for communication with coast stations located in the vicinity of any harbor, port, or place on the Mississippi River and connecting inland waters (other than the Great Lakes), when the ship station and the coast station transmit alternately on the same radio-channel:

6240 kc [5]	6455 kc [5]
2840 kc [5]	11090 kc [5]

(b) The use of the working frequencies authorized in paragraph (a) of this section is subject to the applicable conditions and limitations set forth in paragraph (d) of § 8.351. Further, insofar as is practicable, ship stations shall use frequency assignments within the band 5000 kc to 30 Mc only when frequency assignments below 5,000 kc or above 30 Mc will not provide effective communication.

§ 8.356 *Frequencies above 30 Mc for public correspondence.* (a) Carrier frequencies above 156 Mc which are authorized for use by public ship stations employing modulation (or in Regions 1 and 3, amplitude modulation when required) for the transmission of public correspondence exclusively, are designated herewith; ship stations shall use the radio-channels of which these frequencies are the authorized carrier frequencies exclusively for working with public coast stations (normally providing direct connection with public service land-line telephone systems);

(1) For ship station transmission to public coast stations when the same radio-channel is used for transmission by the coast station:

157.1 Mc and 157.4 Mc

(2) For transmission to public coast stations except coast stations within 75 statute miles of Chicago, Illinois, when a different radio-channel is used for transmission by the coast station:

For ship station transmission [6]	*For ship station reception* [6]
157.4 Mc	161.9 Mc

(3) For transmission to public coast stations including coast stations at Chicago, Illinois, and locations within 75 statute miles thereof, when a different radio-channel is used for transmisison by the coast station:

For ship station transmission	*For ship station reception*
157.1 Mc	162 Mc

(4) For transmission to public coast stations at Chicago, Illinois, and locations within 75 statute miles thereof, when a different radio-channel is used for transmission by the coast station:

For ship station transmission	*For ship station reception*
157.4 Mc	156.4 Mc

(b) (1) Carrier frequencies within the band 30 Mc to 40 Mc which, subject to and in accordance with the conditions and limitations hereinafter set forth in this subsection, are authorized for use by public ship stations employing telephony by means of either frequency modulation or amplitude modulation for transmission and reception of public correspondence exclusively on the same radio-channel only when communicating with public coast stations licensed to transmit on such frequencies prior to the effective date of this subsection and located within the vicinity of the respective harbor(s), port(s), or place(s) designated herein opposite the particular carrier frequency:

Carrier frequency:	*For communication only with coast stations within the vicinity of—*
35.14 Mc	Philadelphia, Pa.
35.18 Mc	Great Lakes region.

(2) Each of these carrier frequencies is available for use on a shared basis with limited coast stations, limited ship stations, marine-utility stations and aircraft stations operating in the maritime mobile service at any location on the same radio channel; they are not available exclusively for public correspondence. Licensees having authority to transmit on these frequencies shall cooperate in the use thereof in order to minimize interference.

(3) Applicants for public ship station licenses or renewal or modification of such licenses whose applications request authority to transmit on 35.14 Mc or 35.18 Mc for the purpose of communicating with public coast stations as specifically set forth in this section, may be required, in the discretion of the Commission, to show a need for the use of such frequencies for public correspondence in lieu of the specific frequencies above 156 Mc authorized in this subpart for public correspondence exclusively.

(4) Ship stations (except stations operating under appropriate licenses granted prior to the effective date of this paragraph) shall not use the carrier frequencies 35.14 Mc or 35.18 Mc for public correspondence unless such stations are specifically authorized to do so by the terms of the respective ship station license. Notwithstanding the provisions of Subpart M of this part, ship stations shall not be classified as public ship stations because of their authority to transmit on 35.14 Mc and/or 35.18 Mc, unless they are specifically authorized by the terms of their station licenses to use these carrier frequencies for public correspondence as prescribed in this section.

§ 8.357 *Additional frequencies for public correspondence.* In addition to the frequency assignment designated for public correspondence by means of telephony in the license of a public ship station, such station, when working by telephony with a foreign coast station for this purpose may, on condition that interference shall not be caused to the service of any station which in the discretion of the Commission may have priority on the involved radio channel(s), transmit to such coast station when directed to do so by that station on a specific frequency assignment designated by the coast station for the service being carried on.

§ 8.358 *Frequencies below 3000 kc for safety purposes.* (a) Carrier frequencies which are authorized for working between ship stations (ship-to-ship) employing telephony for transmission and reception on the same radio-channel by means of amplitude modulation, primarily for the transmission of safety communication,[7] are designated herewith:

2003 kc (Great Lakes area only).
2638 kc (as designated in subsection (d)).
2738 kc (other than Great Lakes area).

The use of these carrier frequencies for public correspondence is prohibited. Further, their use by ship stations is subject to the conditions and limitations set forth in the following subsections of this section.

(b) The frequency 2003 kc is the general working frequency for ship to ship telephony in the Great Lakes area exclusively, primarily for safety communication under conditions requiring the use of a frequency in this portion of the spectrum. This frequency, even though licensed, is not to be used by ship stations which are licensed also to use frequencies above 30 Mc for ship to ship telephony, under conditions when the use of a licensed frequency above 30 Mc in lieu of 2003 kc would provide effective safety communication.

(c) The frequency 2738 kc is the general working frequency for ship to ship telephony (except in the Great Lakes area), primarily for safety communication under conditions requiring the use of a frequency in this portion of the spectrum. This frequency, even though licensed, is not to be used by ship stations which are licensed also to use frequencies above 30 Mc for ship to ship telephony, under conditions when the use of a licensed frequency above 30 Mc in lieu of 2738 kc would provide effective safety communication.

(d) The frequency 2638 kc is the primary working frequency for ship to ship telephony for safety communication between ships at sea and between ships in any area which are compulsorily fitted with a radiotelephone installation for safety purposes. This frequency is assignable only to ship stations on board ocean-going vessels and ship stations on board vessels compulsorily fitted with a radiotelephone installation for safety purposes. Even though licensed for this purpose, it is not to be used by ship stations which are licensed also to use frequencies above 30 Mc for ship to ship telephony, under conditions when the use of a licensed frequency above 30 Mc in lieu of 2638 kc would provide effective safety communications.

§ 8.359 *Frequencies above 156 Mc for safety purposes.* (a) Carrier frequencies which are authorized for use by ship stations and by marine-utility stations on board ship, employing telephony for transmission and reception on the same radio-channel by means of frequency-modulation (or by means of amplitude modulation in Regions 1 and 3 when required) primarily for the transmission of safety communication, are designated herewith:

156.8 Mc: for calling and safety; available for any ship station or marine-utility station on board ship in any area.

156.3 Mc: for intership (ship-to-ship) communication exclusively; available for any ship station or marine-utility station board ship in any area.

157.0 Mc: for intership (ship-to-ship) communication exclusively; for this purpose available only for ship stations and marine-utility stations on board commercial transport vessels,[8] for use exclusively on the Great Lakes, the Mississippi River and tributaries, and the Gulf of Mexico Intra-Coastal Waterway.

The use of these carrier frequencies for public correspondence (except as may be required for communication with foreign coast stations) is prohibited. Further, their use by ship stations is subject to the conditions and limitations set forth in the following paragraphs of this section.

(b) The carrier frequency 157.0 Mc is assignable only to ship stations and marine-utility stations on board commercial transport vessels when such stations are capable also of transmitting and receiving on the intership radio-channel of which 156.3 Mc is the authorized carrier frequency, and are authorized to communicate on that radio-channel. One application, however, may be submitted for ship station license for initial authority to transmit on each of these two radio-channels. The requirement of this subsection shall not apply to a marine-utility station on board ship when the ship station on board the same vessel complies therewith.

(c) (1) The radio channel of which 156.8 Mc is the authorized carrier frequency is designated primarily for calling and safety purposes in ship-to-ship and ship-shore communication. It may be used when appropriate by ship stations and marine-utility stations on board ship employing telephony for short-distance communication as an alternative to the radiotelephone distress frequency 2182 kc, for distress calls and distress traffic, and for safety communication.

(2) In accordance with the provisions of subparagraph (1) of this paragraph, this radio-channel may be used by ship stations and marine-utility stations on board ship for:

(i) Call, reply, and the exchange of brief operating signals; and

(ii) Operating signals preparatory to message traffic on a different radio-channel; and

(iii) The transmission from ship to ship of brief messages within the category of safety communication.

(3) The use of this radio-channel by ship stations, or marine-utility stations on board ship, for transmission not strictly in accordance with subparagraphs (1) and (2) of this paragraph is prohibited unless the stations engaged in communication are in the open sea and more than 150 nautical miles from the nearest land. Under the latter circumstances, this radio-channel may be used for ship-to-ship communication of any nature necessary for the safe, expeditious or economical operation of ships.

(d) The radio-channel of which 156.3 Mc is the authorized carrier frequency is designated for intership (ship-to-ship) communication exclusively. When a ship station or a marine-utility station on board ship is authorized to transmit on one radio-channel only (within the frequency-band 156.25 Mc to 157.45 Mc) exclusively for intership communication, the authorized carrier frequency of such intership radio-channel shall, in all cases, be 156.3 Mc: *Provided*, This condition shall not apply to a marine-utility station on board ship when the ship station on board the same vessel is authorized to transmit on the assigned frequency 156.3 Mc. This radio-channel may be used:

(1) Primarily for safety communication and the exchange of signals and messages of direct benefit to marine navigation;

(2) Secondarily, and with discretion, for other communication concerning the safe, expeditious or economical operation of ships.

(e) The radio-channel of which 157.0 Mc is the authorized carrier frequency is designated, with respect to its use by ship stations and marine-utility stations on board ship on the Great Lakes, Mississippi River and tributaries, and the Gulf of Mexico Intra-coastal Waterway, exclusively for intership communications. Its use for intership communica-

[4] These frequencies are those which may be designated in applications for ship station authorizations.

[5] These frequencies are those which may be designated in applications for ship station authorizations.

[6] In accordance with arrangements between the United States and certain foreign countries.

[7] The term "safety communication" is defined in paragraph (a) of § 8.6.

[8] See paragraph (o) of § 8.2 which defines "commercial transport vessel."

tion is authorized for stations on board commercial transport vessels only. For intership communication, this radio-channel may be used:

(1) Primarily for safety communication and the exchange of signals and messages of direct benefit to marine navigation;

(2) Secondarily, and with discretion, for other communication concerning the safe, expeditious or economical operation of ships.

§ 8.360 *Frequencies above 156 Mc for business and operational purposes.* (a) Carrier frequencies which are authorized for use exclusively by ship stations and marine-utility stations on board commercial transport vessels, employing telephony by means of frequency-modulation (or amplitude modulation in Regions 1 and 3 when required) for transmission and reception on the same radio channel, are designated herewith; these carrier frequencies are authorized primarily for communication with limited coast stations and marine-utility stations on shore, and secondarily with ship stations and marine-utility stations on board ship:

156.4 Mc (except at Chicago, Ill., and locations within 225 statute miles thereof).

156.5 Mc: all areas.

156.6 Mc: all areas[*] (limited to harbor or port operational traffic).

157.0 Mc: not available for ship-shore communication on the Great Lakes, the Mississippi River or any tributary thereof, the Gulf of Mexico Intra-coastal Waterway, nor any location within 100 statute miles of any portion of these waters.

The use of these carrier frequencies for public correspondence (except as may be required for communication with foreign coast stations) is prohibited. Further, their use by ship stations is subject to the conditions and limitations set forth in the following paragraphs of this section.

(b) Each of the radio-channels of which the frequencies designated in paragraph (a) of this section are the authorized carrier frequencies is available on a shared basis only to serve the business and operational needs of commercial transport vessels and they shall not be construed as available for the exclusive use of any one station licensee or any specific ship or ships. All licensees saving authority to transmit on such assigned frequencies shall cooperate in the use thereof in order to minimize interference and obtain the most effective use of the authorized facilities.

(c) The carrier frequency 156.4 Mc is authorized for use as designated herewith:

Geographic area	*Type of commercial transport vessel*
Other than Great Lakes, Mississippi River and tributaries, and Gulf Intra-coastal Waterway.	Vessels navigated primarily within harbor or port areas, including tugs, towboats, pilot boats, barges, wreckers, dredges, local ferries, repair ships, and harbor craft of municipalities or States.
Great Lakes, except within 225 statute miles of Chicago, Ill.	Ferries navigated primarily between separate harbors or ports, and commercial fishing vessels.
Mississippi River and tributaries and Gulf Intra-coastal Waterway, except within 225 statute miles of Chicago, Ill.	Vessels of such class or classes as may be required by prevailing needs of various port areas.

(d) The carrier frequency 156.5 Mc is authorized for use as designated herewith:

Georgraphic area	*Type of commercial transport vessel*
Other than Great Lakes	Vessels navigated primarily between separate harbors or ports, and commercial fishing vessels.
Great Lakes, except within 225 statute miles of Chicago, Ill.	Vessels (except ferries and commercial fishing vessels) navigated primarily between separate harbors or ports.
Great Lakes, within 225 statute miles of Chicago, Ill.	Vessels (including ferries) navigated primarily between separate harbors or ports, and commercial fishing vessels.

(e) The carrier frequency 156.6 Mc is authorized for use within, or within the vicinity of, all harbor or port areas primarily for communication concerning port operations; in such areas it may be used additionally, on a secondary basis, to serve other business and operational needs of ships upon the express condition that such secondary use shall not interfere with nor delay the exchange of port operational message traffic.

(f) Except as otherwise provided in this subsection and in paragraph (a) of this section, the carrier frequency 157.0 Mc is authorized for such use as may be required from time to time to serve prevailing business and operational needs of commercial transport vessels: *Provided,* That in order to avoid interference in certain geographic areas to the use of an exclusive intership radio-channel of which 157.0 Mc is the authorized carrier frequency, the use of this carrier frequency for ship-shore communication is prohibited (except for distress purposes) on the Great Lakes, the Mississippi River and tributaries, the Gulf of Mexico Intra-coastal Waterway, and at any location within 100 statute miles of any portion of those waters.

(g) All communication on any radio-channel of which 156.4 Mc, 156.5 Mc, 156.6 Mc, or 157.0 Mc is the authorized carrier frequency shall be limited solely to safety communication and communication necessary for the operational and business needs of ships; in particular communication of a personal nature not relative to safety or the operational or business needs of ships is strictly forbidden: *Provided, however,* That the radio-channel of which 156.4 Mc is the authorized carrier frequency may be used for the reception of public correspondence, from public coast stations transmitting on this channel which are located at Chicago, Illinois, or within 75 statute miles thereof, pursuant to the provisions of paragraph (a) (4) of § 8.356. Whenever these radio-channels are used on a secondary basis for ship-to-ship communication, such use shall not willfully interfere with nor delay any communication between ship and shore.

(h) Notwithstanding any of the provisions of this section, any radio-channel of which 156.4 Mc, 156.5 Mc, 156.6 Mc, or 157.0 Mc is the authorized carrier frequency may be used for ship-to-ship communication of any nature necessary for the safe, expeditious or economical operation of ships when the stations engaged in communication are in the open sea and more than 150 nautical miles from the nearest land.

§ 8.361 *Frequencies within the band 30 to 50 Mc for general communication.* (a) Carrier frequencies which are authorized for any communication necessary for the safe, expeditious or economical operation of ships (other than public correspondence) for use by ship stations and marine-utility stations on board ship employing either frequency-modulation or amplitude modulation for telephony, for transmission and reception on the same radio-channel are designated herewith:

Carrier frequency:	*Normal geographic area of use*
35.06 Mc	Gulf-Caribbean area north of 15° north latitude (includes Puerto Rico and Virgin Islands—does not include Florida east coast area).
35.10 Mc	Pacific area within Region 2 and north of 15° north latitude.
35.14 Mc	Atlantic area within Region 2 and north of 15° north latitude (includes Florida east coast area).
35.18 Mc	Mid-continent area (includes Great Lakes).

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee. All licensees having authority to transmit on such assigned frequencies shall cooperate in the use thereof in order to minimize interference and obtain the most effective use of the authorized facilities.

(b) Each application which requests assignment of a carrier frequency designated in paragraph (a) of this section shall designate normally the carrier frequency specified in that paragraph for use in the geographic area in which the station is to be operated. Normally, only that carrier frequency is assignable for use in that area. When any other of these carrier frequencies is requested for assignment in a specified area, the application therefor shall include a satisfactory showing that the carrier frequency designated in paragraph (a) for use in the particular area will not meet the need of the proposed or existing service. When, in the opinion of the applicant, the location of the involved station is not, or will not be, clearly within one of the geographic areas designated in paragraph (a), the applicant shall obtain the necessary information in this respect by corresponding directly with the Commission at Washington, D. C.

[*] In accordance with arrangements between the United States and certain foreign countries.

(c) Each of these carrier frequencies is assignable for communication (other than public correspondence) by means of telephony with limited coast stations, ship stations, and marine-utility stations on ship or shore, which for this purpose transmit on the same radio-channel. In addition, when required to serve a maritime purpose, each of these carrier frequencies is assignable in accordance with the geographic areas specified in paragraph (a) of this section for use by mobile stations on board aircraft at sea for communication by telephony with ship stations, limited coast stations, and marine-utility stations on board ship, when each of the involved stations transmit and receive on the same radio-channel; subject to this provision, ship stations and marine-utility stations are authorized to communicate additionally on such radio-channel(s) with mobile stations on board aircraft appropriately licensed for this purpose. Such stations on board aircraft shall be governed in the use of any of these frequency assignments by the same rules and regulations that apply to ship stations using the same frequency assignment.

(d) Any ship station licensed prior to March 1, 1949, for the use of telephony on the radio-channel of which 43.02 Mc is the authorized carrier frequency, may continue to be licensed for use of this radio-channel for communication only with limited coast stations and with ship stations using this same radio-channel for that purpose. The class of emission, authorized frequency-band, type of modulation, and maximum power as licensed prior to March 1, 1949, continues to be authorized for such licensed stations, upon the condition that the carrier frequency shall be maintained within 0.01 per cent of the authorized carrier frequency 43.02 Mc and that interference shall not be caused to any station in any other service.

(e) In addition to the provisions of paragraph (d) of this section, the carrier frequency 43.02 Mc may be authorized for use by ship stations employing telephony by means of either amplitude modulation or frequency modulation for ship to ship communication exclusively at locations or in areas (primarily outside the continental United States) where, as the result of transmission by ship stations on the radio-channel of which this frequency is the authorized carrier frequency, interference is not caused to any other service operating on the same or adjacent radio-channels.

§ 8.362 *Frequencies below 3000 kc for business and operational purposes.* (a) In addition to availability of the carrier frequency 2738 kc primarily for intership communication as prescribed in § 8.358, this frequency may, in response to proper application therefor, be specifically authorized in ship station licenses or specifically by order of the Commission for use (except in the Great Lakes area) to a limited extent in communicating by telephony (amplitude modulation) with such limited coast stations as are designated in the respective ship station license or in any applicable order of the Commission: *Provided:*

(1) The applicant makes a showing satisfactory to the Commission that exceptional and limited use of this carrier frequency for ship-shore communication, in lieu of a different frequency normally authorized for ship-shore communication (public correspondence or otherwise) is necessary to serve an important business or operational need of the vessel on which the ship station is located (other than public correspondence) and that the desired communication will be effective even though ship-to-ship communication for safety and other purposes has priority in the use of this frequency; and

(2) Harmful interference will not be caused to the service of ship-to-ship communication on the radio-channel of which 2738 kc is the authorized carrier frequency; and

(3) The plate input power to be used will be the minimum amount necessary to provide effective ship-shore communication on this radio-channel and will not at any time exceed the average plate-input power generally used by ship stations for intership communication on this radio-channel; and

(4) The ship-shore communication on this radio-channel shall be limited exclusively to that which is necessary to serve an important business or operational need of the vessel on which the ship station is located (excluding public correspondence);

(5) The use of this carrier frequency in accordance with any station authorization granted pursuant to this section shall be on a shared basis with any other station using this same frequency in accordance with a similar station authorization.

(b) The carrier frequency 2214 kc may, in response to proper application therefor, be specifically authorized in the license of a ship station for use, subject to the applicable limitation set forth in paragraph (d) of § 8.351, in communicating by telephony (amplitude modulation) with such limited coast station(s) and with such ship stations (when they use this same carrier frequency for transmission) as are designated in the particular ship station license: *Provided:*

(1) The applicant makes a showing satisfactory to the Commission that use of this carrier frequency, in lieu of a frequency above 30 Mc normally authorized for use by ship stations, is necessary to serve an important business or operational need of the vessel on which the station is located (other than public correspondence); and

(2) The communication carried on by the ship station on the radio-channel of which 2214 kc is the authorized carrier frequency shall be limited exclusively to that which is necessary to serve an important business or operational need of the vessel on which the ship station is located (excluding public correspondence); and

(3) The use of this carrier frequency in accordance with any station authorization granted pursuant to this section shall be on a shared basis with any other station using this same frequency in accordance with a similar station authorization.

§ 8.363 *Use of U. S. Government frequencies for telephony.* In addition to use of the frequency assignment designated for telephony in the license of a ship station, such station when communicating by telephony with a mobile or coast station of the United States Government may transmit on a Government frequency assignment when authorized or directed to do so by the Government station responsible or by the Government department or agency for which use of such frequency assignment is authorized; on condition that the emission bandwidth and frequency tolerance of the ship station shall be within the respective limits thereof required to be maintained by the Government station. Under these circumstances, the ship station carrier frequency, the class of emission, and the permissible class of traffic shall be designated and controlled by the responsible Government station, department, or agency.

§ 8.364 *Identification of station.* (a) All radiotelephone emissions of a ship station or a marine-utility station on board ship shall be clearly identified by transmission therefrom in the English language of the official call sign assigned to that station by the Commission: *Provided,* That, in lieu of identification of the station by voice, the official call sign may be clearly transmitted by tone-modulated telegraphy in the International Morse Code either by a duly licensed radiotelegraph operator or by means of an automatic device approved for this purpose by the Commission. This identification shall be made—

(1) At the beginning and upon completion of each communication with any other station;

(2) At the beginning and upon conclusion of each transmission made for any other purpose; and

(3) At intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.

(b) When an official call sign is not assigned by the Commission to a ship station using telephony, the complete name of the ship on which the station is located and the name of the licensee shall be transmitted by voice in the English language for the purpose of station identification.

(c) The provisions of paragraphs (a) and (b) of this section shall apply also to ship stations of portable nature when using telephony and operated on board ship pursuant to §§ 8.40 and 8.71.

§ 8.365 *Procedure in testing.* (a) Ship stations must use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the radiotelephone testing procedure described below shall be followed:

(1) The licensed radio operator or other person responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress;

(2) The official call sign of the testing station, followed by the word "test", shall be announced on the radio-channel being used for the test, as a warning that test emissions are about to be made on that frequency;

(3) If, as a result of the announcement prescribed in subparagraph (2) of this paragraph any station transmits by voice the word "wait", testing shall be suspended. When, after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph;

(4) The operator shall repeat the word "test" followed by the count "1, 2, 3, 4, • • • etc.", which in turn shall be followed by voice announcement of the official call sign of the testing station, the name of the ship on which the station is located, and the general location of the ship at the time the test is being made.

(b) When radiotelephone testing is conducted on the assigned frequency 500 kc or 8280 kc (from lifeboat stations specially authorized), or on the assigned frequency 2182 kc or 156.8 Mc, the test transmissions shall not continue for more than 10 seconds. Lifeboat stations using telephony shall not be tested on the assigned frequency 500 kc during the 500 kc silent periods.

§ 8.366 *General radiotelephone operating procedure*—(a) *Limitations on calling.* (1) Except when transmitting a general call to all stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a ship station shall call the particular station with which it intends to communicate.

(2) Calling a particular station, either by voice or by automatic means, shall not continue for a period of more than thirty seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of five minutes.

(b) *Use of calling frequency required.*[10] (1) Before transmitting on the intership radio-channel of which 2003 kc is the authorized carrier frequency, ship stations in the Great Lakes area, shall first establish communication with each other by initially calling and answering on the calling channel of which 2182 kc is the authorized carrier frequency.

(2) Before transmitting on the intership radio-channel of which either 2638 kc or 2738 kc is the authorized carrier frequency, ship stations shall first establish communication with each other by initially calling and answering on the calling channel of which 2182 kc is the authorized carrier frequency; *Provided,* That this requirement shall be effective on and after January 1, 1954.

[10] See §§ 8.106, 8.353, 8.358, and 8.359.

(3) Except when other operating procedure is established by and between the stations concerned, and except for marine-utility stations or stations of a portable nature which are not capable of a plate input power in excess of three watts and are not capable of being readily adjusted for operation on more than one radio-channel, the radio-channel of which 156.8 Mc is the authorized carrier frequency shall be used for call and reply by all ship stations and marine-utility stations on board ship preparatory to establishing ship-to-ship communication on the radio-channel of which the authorized carrier frequency is either 156.3 Mc or 157.0 Mc: *Provided,* That this requirement shall be effective on and after January 1, 1952.

(c) *Calling coast stations.* (1) Use of the carrier frequency 2182 kc by ship stations for calling coast stations, and for replying to calls from such stations is authorized; however, such calls and replies shall, in general, be made on a ship-shore radio-channel authorized primarily for working.

(2) Use of the carrier frequency 156.8 Mc by ship stations and marine-utility stations on board ship for calling coast stations and marine-utility stations on shore, and for replying to calls from such stations is authorized; however, such calls and replies shall, in general, be made on a ship-shore radio-channel authorized primarily for working.

(d) *Time limitation on calling frequency.* Transmission by ship stations on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency (including calls, answers, operating signals, and conversation pertaining to safety) shall be kept to a minimum and in general any one exchange of communications shall not exceed 3 minutes in duration. In the event of distress or other emergency, this time limitation shall not apply.

(e) *Change to working frequency.* After establishing communication with another station by call and reply on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency, stations on board ship shall change to an authorized working channel for the transmission of messages which, under the provisions of this subpart, cannot be transmitted on the respective calling channels.

(f) *Shared use of 2003, 2638 and 2738 kc.* (1) In regions of heavy radio traffic, any one exchange of communications between any two ship stations on the radio-channel of which 2003, 2638, or 2738 kc is the authorized carrier frequency, or between a ship and a limited coastal station on the 2738 kc channel, shall not exceed 5 minutes in duration after the two stations have established contact by calling and answering. Subsequent to such exchange of communications, the 2003, 2638 or 2738 kc channel shall not again be used for communication between the same two stations until 5 minutes have elapsed: *Provided,* That this requirement shall in no way limit or delay the transmission of distress or emergency communications.

(2) All transmission on the radio-channels of which 2638 kc and 2738 kc are the authorized carrier frequencies by two or more stations, engaged in any one exchange of signals or communications with each other, shall take place on only one of these channels. For this purpose, the stations involved shall transmit and receive on the same channel: *Provided,* That this requirement is waived in the event of emergency when by reason of interference or limitation of equipment this method of single-channel communication cannot be used.

(g) *Authorized use of 2003, 2638, and 2738 kc.* (1) The radio-channels of which 2003 kc, 2638 kc, or 2738 kc are the authorized carrier frequencies, shall be used by ship stations for safety communication and for communication necessary for and relating directly to maritime operations. Other classes of communication, such as those of a purely personal or social nature which do not concern safety or a maritime purpose, are strictly forbidden.

(2) Ship stations licensed to transmit on the radio-channel of which 2638 kc is the authorized carrier frequency, shall, when on inland waters of the United States, restrict the use of this channel to a necessary minimum.

(h) *Time limitation on public correspondence.* Any one exchange of public correspondence between a public ship station and a public coast station shall not exceed ten minutes in duration. Subsequent to any one exchange of public correspondence of ten minutes or less, the same working channel shall not again be used by the same ship station until five minutes have elapsed: *Provided,* That this limitation shall not apply in event of distress or other emergency.

(i) *Limitation on business and operational traffic.* All ship-to-ship communication and communication with limited coast stations and marine-utility stations on shore engaged in by ship stations and marine-utility stations on board ship shall be limited, on radio-channels above 30 Mc, to the minimum practicable transmission time. In the conduct of ship-shore communication (other than distress), stations on board ship shall comply with instructions given by the limited coast station or marine-utility station on shore, with which they are communicating, in all matters relative to operating practices and procedures and to the suspension of transmission in order to minimize interference.

(j) *Limitation on 6660 kc and 8820 kc on Great Lakes.* Ship stations in the Great Lakes area, authorized to use the carrier frequency 6660 kc or 8820 kc pursuant to § 8.351 (d) (10), shall during the periods from local sunset to local sunrise, not transmit on these frequencies whenever the necessary communication can be effected on authorized frequencies below 5000 kc or above 30 Mc.

§ 8.367 *Station documents.* (a) Ship stations using telephony, but not authorized to employ telegraphy except for calling purposes incidental to the use of telephony, shall be provided with the documents hereinafter specified:

(1) Ship stations on board vessels engaged on international voyages other

than those voyages designated in subparagraph (2) of this paragraph:

(i) A valid station license.

(ii) The necessary operator license or licenses.

(iii) The station log required by this part for stations of this category.

(iv) The Alphabetical List of Call Signs prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938).

(v) The List of Coast Stations and Ship Stations prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938).

(vi) Part 8 of the rules of the Commission.

(2) Ship stations on board vessels not navigated on international voyages or engaged on international voyages solely on inland waters of the United States and Canada, including the Great Lakes; the documents listed in items (i), (ii), (iii), and (vi) of subparagraph (1) of this paragraph.

§ 8.368 *Station records.* (a) Ship stations using telephony shall maintain an accurate radiotelephone log during their hours of service, as hereinafter specified:

(1) The radiotelephone log of each ship station on board a vessel engaged on an international voyage other than a voyage of the category designated in subparagraph (2) of this paragraph shall be maintained as follows:

(i) Each sheet of the log shall be numbered in sequence for each voyage, and shall include, the name of the vessel, official call sign of the ship station, and the name and signature of the licensed operator on board who is responsible for operation of the radiotelephone transmitting apparatus. (The use of initials or signs in lieu of the operator's signature is not authorized.)

(ii) With respect to ship stations which, by reason of the provisions of § 8.223, are required to maintain a watch on the radio-channel designated for radiotelephone calling and distress (assigned frequency 2182 kc), entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling, answering and exchanging operating signals and safety communications on this radio-channel, or for any brief exchange of communication on an intership radio-channel. These entries shall be made by a licensed operator or by a member of the crew who is designated and authorized by the master to do so; the name and signature of the person(s) making these entries and the person(s) who actually maintain such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

(iii) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined. In addition, the ship's own position and the distance from the distressed ship or other mobile unit, if obtainable, shall be entered. These entries shall be made by a licensed operator or by a member of the crew who is designated and authorized by the master to do so; the name and signature of the person(s) making these entries shall appear in the log and shall be properly related to each particular entry of this category.

(iv) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(v) The approximate geographical location of the ship, preferably the noon position, shall be entered each day of each voyage, either in terms of latitude and longitude, or as the distance in nautical miles and the direction from a known fixed point. For this purpose, the master of the ship shall furnish this information either to the responsible operator or to a licensed deck officer who shall make this entry together with related entry of his name and signature.

(vi) An entry shall be made, in the same manner as for item (v) of this subparagraph, of the time of departure and arrival of the vessel at each port, including in each entry the name of the particular port.

(vii) A daily entry shall be made, in the same manner as for item (v) of this subparagraph, regarding comparison of the radio station clock or other timepiece with standard time, including an indication of any errors observed and correction made. For this purpose, authentic radio time signals received from land or fixed stations shall be acceptable as standard time.

(viii) All test transmissions shall be entered, together with the time of such transmissions and the approximate geographical location of the vessel, without regard to whether two-way communication with any other station is established. These entries shall be made by the licensed operator responsible for operation of the radio-telephone transmitting apparatus and his name and signature shall be entered in relation thereto.

(ix) An entry shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(x) The date and time of making each entry shall be shown opposite the entry and the time shall be expressed in Greenwich mean time (GMT) as follows. The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "GMT" shall be marked at the head of the column in which time is entered.

(2) The radiotelephone log of each ship station on board a vessel not navigated on an international voyage, or engaged on an international voyage solely on inland waters of the United States and Canada, shall be maintained as follows:

(i) Each sheet of the log shall be numbered in sequence for each voyage made in the open sea; for other voyages or for navigation not within the meaning of a voyage, each log sheet shall be numbered in sequence during the period covered by each calendar month.

(ii) Each sheet of the log shall include the name of the vessel, official call sign of the ship station, and the name and signature of the licensed operator (or other person in accordance with § 8.155) who is responsible for operation of the radiotelephone transmitting apparatus. (The use of initials or signs in lieu of signatures is not authorized.)

(iii) The log shall contain all entries stipulated in items (ii), (iii), (iv), (vii), (viii) and (ix) of subparagraph (1) of this paragraph; such entries shall be made in the manner prescribed in each such item, provided that with respect to item (viii), the required entries may be made by the person responsible for operation of the station, in lieu of a licensed operator, in accordance with the provisions of § 8.155.

(iv) With respect to each ship station on board a vessel navigated in the open sea, the log shall contain all entries stipulated in items (v) and (vi) of subparagraph (1) of this paragraph; such entries shall be made in the manner prescribed in each such item.

(v) With respect to each ship station on board a vessel not navigated in the open sea, the geographic area in which the vessel is navigated or is temporarily moored, or the route being followed by the vessel, expressed in a general way, shall be entered in the log each day the vessel is in service. This entry shall be made by the responsible operator or by a member of the crew designated by the master to do so. The person who makes this entry shall enter his name and signature in relation thereto.

(b) Marine utility stations on board ship shall maintain an accurate radiotelephone log during their hours of service as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include the name and geographic area of navigation of the vessel upon which the station is operated; the date and time of operation of the station; official call sign of the marine utility station, the name and signature of the licensed operator (or other person in accordance with § 8.155) who is responsible for operation of the marine utility station. (The use of initials or signs in lieu of signatures is not authorized.)

(2) An entry shall be made giving pertinent details of all installation, service or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed

the work, and unless he is regularly employed on a full time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

SUBPART P—USE OF RADIOLOCATION

§ 8.401 *Assignable frequencies for direction-finding.* (a) The frequency 375 kc is the assigned frequency in Region 2 for direction-finding exclusively. Effective when ordered by the Commission this frequency shall be replaced, with respect to stations of the United States, by the frequency 410 kc. In Regions 1 and 3, the frequency 410 kc may be used in those areas where the use of this frequency (in lieu of 375 kc) for direction-finding is the prevailing procedure.

(b) As an exception, on condition that signals of distress, urgency and safety, and calls and answers, are not interfered with, the calling channel of which 500 kc is the assigned frequency may be used additionally and with discretion, by ship stations for direction-finding; exclusively in Regions 1 and 3 outside areas of heavy radio traffic.

(c) In the event of distress, the following frequencies may be used for radiolocation for purposes of search and rescue by any licensed station on board ship, without regard to whether or not these frequencies are designated in the station license:

375 kc	2182 kc
410 kc	8280 kc
500 kc	

§ 8.402 *Use of direction-finding frequency.* Except in event of distress, transmission on the direction-finding frequency (375 kc or 410 kc as designated in § 8.401) is permissible only when authorized by the terms of the station license. The operating procedure used shall comply with that set forth in the International Radio Regulations applicable to the use of this frequency; the exchange of signals and communications on this frequency by means of radiotelegraphy which is a necessary adjunct to direction-finding, together with the actual process of direction-finding, constitutes a maritime radionavigation service.

§ 8.403 *Radiolocation by cable-repair ship.* Provided radio transmitting equipment attached to a cable-marker buoy has been adequately described in an application for ship radio station license for a cable-repair ship with which the buoy is associated, and provided further that such equipment is authorized in the related ship station license, that equipment may be operated for direction-finding on the frequency 278 kc (or such other comparable frequency as may be authorized by the Commission specifically for this purpose) under authority of the ship station license, with A–1 or A–2 emission and a maximum plate input power of 30 watts. The call signals that must be used for a transmitter operating under the provisions of this section shall be the regularly assigned call of the ship station with which the buoy is associated, to be followed by the letters "BT", and the identifying number of the buoy. The buoy transmitter shall be continuously monitored by a licensed radiotelegraph operator on board the associated cable-repair ship. Should a frequency deviation in excess of 0.5 percent or interference to the service of any other station be reported or observed, the radiation of the transmitter shall be suspended until the deviation is eliminated or until the transmitter can be operated without causing interference.

§ 8.404 *Assignable frequencies above 2400 Mc.* (a) The following frequency-bands are authorized for use by ship radionavigation stations (including ship radar stations) in the maritime radionavigation service;[1] the maximum power shall be designated in each instrument of authorization: *Provided,* That for stations other than ship radar stations,[2] the class of emission, the frequency tolerance, and the bandwidth occupied by the emission shall be designated in each instrument of authorization.

3000 Mc to 3246 Mc
5460 Mc to 5650 Mc
9320 Mc to 9500 Mc

(b) The following frequency-bands are authorized for use by ship radiolocation stations in the maritime radiolocation service; the class of emission, the frequency tolerance, the bandwidth occupied by the emission, and the maximum power shall be designated in each instrument of authorization:

(1) 2450 to 2500 Mc: For purposes other than radionavigation or safety, on the condition that harmful interference shall not be caused to the fixed and mobile services, on the condition that no protection shall be given from interference caused by emissions from industrial, scientific, or medical equipment.

(2) 3000 Mc to 3246 Mc, 5460 Mc to 5650 Mc, 9320 Mc to 9500 Mc: The use of frequencies within these bands for radiolocation, other than radionavigation, shall not cause harmful interference to the radionavigation service.

§ 8.405 *Special provisions applicable to ship radar stations.* (a) Every ship radar station licensed, prior to the effective date of this section, in the former "ship service" shall, subsequent to the effective date of this section, be regarded as licensed in the maritime radionavigation service[3] and the use and operation of such stations shall be governed accordingly.[4]

(b) Each ship radar station installation the manufacture of which was completed on or after 1947 shall be furnished with a durable name plate with the manufacturer's name, transmitter model number; and month and year of completion of manufacture permanently inscribed thereon. Such name plate shall be affixed to the indicator housing at the principal radar operating position or to some other component of the radar installation which is readily accessible for inspection.

[1] The associated transmitting frequencies of U. S. Government radar beacons (racons) are, respectively, as follows: 3256, 5450, and 9310 megacycles.

[2] With respect to ship radar stations, see §§ 8.131, 8.132, and 8.133.

[3] See paragraph (1) of § 8.4.

[4] See § 8.138 relative to type-approval of ship radar transmitters.

(c) Each ship radar station license issued shall be subject to the condition that the station licensee, in relation to the proper operation of the station in accordance with the radio law, and rules and regulations of the Commission, will be represented on board the radar-equipped vessel by the person who at any given time occupies the position of master.

(d) Effective on and after January 2, 1951, the following provisions shall apply to ship radar stations:

(1) The station licensee of each ship radar station shall provide and require to be kept at the station a permanent installation and maintenance record. Entries in this record shall be made by or under the personal direction of the responsible installation, service, or maintenance operator concerned in each particular instance, but the station licensee shall have joint responsibility with the responsible operator concerned for the faithful and accurate making of such entries as are required by this paragraph.

(2) Each entry in this record shall be personally signed by the responsible operator concerned.

(3) The following entries shall be made in this record:

(i) The date and place of initial installation.

(ii) Any necessary steps taken to remedy any interference found to exist at the time of such installation.

(iii) The nature of any complaint (including interference to radio communication) arising subsequent to initial installation, and the date thereof.

(iv) The reason for the trouble leading to the complaint, including the name of any component or component part which failed or was misadjusted.

(v) Remedial measures taken, and the date thereof.

(vi) The name, license number, and date of the ship radar operator endorsement on the first or second class radio operator license of the responsible operator performing or immediately supervising the installation, servicing, or maintenance.

(e) Until the Commission shall otherwise provide, the ship radar station licensee, by such arrangement as may be necessary with the ship master, operating agency, or ship owner, shall, upon specific request made by the Commission, be responsible for the submission of such reports as are requested by the Commission to show the value and practical performance of the ship radar station. For assistance in preparing these reports, daily records, when the radar installation is tested or used, should, when practicable, be kept showing at least the following:

(1) Approximate number of hours of use while the ship is in operation;

(2) Number of service failures, and duration, nature, and cause of each failure if known;

(3) Performance under local weather conditions which are unfavorable for marine navigation; and

(4) Unusual incidents, including, among others, cases in which radar may have aided or hindered safe operation of the ship.

(f) In addition to the installation and maintenance record required by paragraphs (d) and (e) of this section, the following documents shall be available for reference on board each radar-equipped vessel whose ship radar station is licensed by the Commission:

(1) Part 8 of the Commission's rules.

(2) At least one set of instructions from the respective manufacturer relative to the use and operation of the particular type of ship radar installation.

(g) No provisions of this part shall require any ship radar station to transmit any signal(s) intended solely for the purpose of identifying that station.[5]

SUBPART Q—DEVELOPMENTAL STATIONS

§ 8.431 *Supplemental eligibility.* An authorization for developmental operation of a station on board ship in any of the services under this part will be issued only to those persons who are eligible to operate such stations on a regular basis.

§ 8.432 *Showing and statement required.* (a) Except as provided in paragraph (c) of this section, each application for authorization for a developmental station on board ship shall be accompanied by a showing that:

(1) The applicant has an organized plan of development leading to a specific objective,

(2) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof,

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the use of radio for a maritime purpose, or is in a field of maritime operation not already investigated,

(4) The program will be conducted by qualified personnel,

(5) The applicant is legally and financially qualified, and possesses adequate technical facilities for conduct of the program as proposed,

(6) The public interest, convenience, or necessity will be served by the proposed operation.

(b) Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

(c) The provisions of paragraph (a) of this section do not apply when an application is made for a developmental station solely for the reason that the frequency requested is restricted to such developmental use.

§ 8.433 *Assignable frequencies.* (a) Stations engaged in developmental operation may be authorized to use a frequency or frequencies, available for the service and class of station which they propose to operate. The number of frequencies assignable to a particular station shall depend upon the specific requirements of the developmental program and the number of frequencies available for such use in the particular area where the station is to be operated.

(b) In addition to the specific frequencies and frequency bands designated in this part as available for a particular service and class of station each of the following frequencies and frequency bands available for the maritime mobile service may be licensed as an assigned frequency or as an authorized frequency band, respectively, for use by developmental ship stations subject to the applicable provisions of this part:

156.7 Mc
156.9 Mc
3,500 Mc to 8,700 Mc
6,425 Mc to 6,575 Mc
11,700 Mc to 12,200 Mc
26,000 Mc to 30,000 Mc

and

16,000 Mc to 18,000 Mc, 2,450 Mc to 2,500 Mc on the condition that no protection shall be given from interference caused by emissions from industrial, scientific or medical equipment. The class of emission, the frequency tolerance, the emission bandwidth and the maximum transmitter power for use on frequencies within these bands above 2,400 Mc shall be designated in each station authorization.

§ 8.434 *Use of developmental stations.* (a) Developmental stations on board ship shall be constructed and used in such manner as to conform with all applicable technical and operating requirements[1] contained in this part, unless deviation therefrom is specifically provided in the station authorization.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations licensed in an established service under any part of the Commission's rules.

§ 8.435 *Developmental program.* (a) The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission and the rules in this Part, the Commission may specify supplemental or additional requirements or conditions in each case as deemed necessary in the public interest, convenience or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 8.436 *Report of operation required.* A report on the results of the developmental program shall be filed with and made a part of each application for renewal of authorization, or in cases where no renewal of authorization is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labelled; they will be used solely for the Commission's information and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on the following:

(a) The final objective of the developmental operation.

(b) Pertinent results of operation to date.

(c) Analysis of the results obtained.

(d) Copies of any published reports.

(e) Need for continuation of the program if such need exists.

(f) Number of hours of operation on each authorized frequency during the term of the license to the date of the report.

§ 8.437 *Identification of station.* (a) The radiotelegraph and radiotelephone emissions of a developmental station on board ship shall be clearly identified in the manner provided in §§ 8.326 and 8.364, respectively.

(b) The facsimile emissions of a developmental station on board ship shall be identified either by telegraphy or by telephony as provided in §§ 8.326 and 8.364, respectively.

(c) All other classes of emission of a developmental station on board ship shall be identified as prescribed in the respective station authorization.

SUBPART R—COMPULSORY SHIPBOARD RADIO INSTALLATIONS[1]

§ 8.501 *Inspection of installation.*[2] (a) In accordance with paragraph (a) of § 8.101 and pursuant to section 360 of the Communications Act, every ship of the United States subject to Part II of Title III of the Communications Act, shall have the equipment and apparatus prescribed therein, inspected at least once each year by the Commission. The issuance of an appropriate certificate[3] in behalf of any vessel of the United States concerning the radio particulars provided for in the Safety Convention is subject to a finding by the Commission that such vessel complies in an efficient manner with the applicable radio and communication provisions of that convention or that, pursuant to the provisions of Article 28 of that Convention, such vessel is exempt from those provisions of that Convention.

(b) In accordance with Article 54 of the Safety Convention, every ship of the United States holding a Safety Certificate, Safety Radiotelegraphy Certificate or Exemption Certificate is subject, when in a port of any foreign country

[5] See § 8.74 in respect to call signs of ship radar stations.

[1] Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station logs, station documents and assignment of call signs.

[1] With respect to required operators, watches, and use of auto-alarms, see Subparts F and H of this part.

[2] See §§ 8.46, 8.47, 8.48 and 8.49.

[3] See section 359 of the Communications Act.

which is a party to the Safety Convention to control by officers duly authorized by the government of that country, in so far as that control is directed towards verifying that there is on board a valid convention certificate, and if necessary, that the conditions of the vessel's seaworthiness correspond substantially with the particulars of that certificate; that is to say, so that the ship can proceed to sea without danger to the passengers and the crew.[4]

§ 8.502 *Main and emergency installations.* (a) A radio installation on board a vessel subject to Title III, Part II of the Communications Act, to be construed as a main installation and a separate emergency or reserve installation, shall comply with the following conditions, in addition to all other requirements:

(1) A main radio transmitter and an associated main radio receiver shall be installed.

(2) A separate emergency radio transmitter and an associated separate emergency radio receiver shall be installed.

(3) Emergency electric lights shall be installed.

(4) An emergency power supply shall be installed.

(5) A main antenna and a separate emergency antenna shall be installed.

(b) Whenever a main installation only is provided on board a cargo vessel in accordance with the terms of subsection (a) of section 354 of the Communications Act, this installation shall comply in full with all rules and regulations of the Commission that apply to an emergency or reserve installation on board a vessel subject to Title III, Part II of the Communications Act.

§ 8.503 *Requirements of main installation.* (a) All main installations on board vessels subject to Title III, Part II of the Communications Act shall comply with the following conditions, in addition to all other requirements:

(1) The main antenna shall be as efficient as is practicable under the prevailing physical limitations and shall be adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and the required radio installation. For the purpose of insuring adequate protection against failure of the main antenna installation when severe mechanical stress is suddenly applied, an approved "safety link"[5] shall be provided as a component of this installation.

(2) The main transmitter shall be of the electron-tube type[6] and shall be capable of meeting the requirements of § 8.552.

(3) The main receiver shall be capable of efficiently receiving radiotelegraph signals, classes A1 and A2 emission, on all frequencies within the bands 100 to 200 kilocycles and 350 to 515 kilocycles, and in addition class B emission within the band 485 to 515 kilocycles. In addition, it shall be fitted with a head receiver[7] capable of effective operation at every audio frequency from 100 to 3000 cycles per second, inclusive. Where a loudspeaker[7] is additionally provided for use in accordance with the provisions of § 8.204, such device also shall be capable of effective operation at every audio frequency from 100 to 3000 cycles per second, inclusive.

(4) There shall be readily available for use at all times under normal load conditions, when the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, while being navigated in the open sea outside a harbor or port, and when required during inspection of the ship radio station by an authorized representative of the Commission, a main power supply for the main radio installation capable of supplying electrical power sufficient to energize simultaneously and efficiently the main transmitter at its required antenna power[8] and the main receiver; and at the same time to charge, at the required rate(s), all storage batteries used as the emergency power supply, and any other storage batteries which are charged by connection to this radio room main power supply. Under this load condition and at all times herein specified, the potential(s) of the main power supply at the radio room terminals shall not deviate from its rated electrical potential(s) by more than 10 percent on vessels completed on or after July 1, 1941, nor by more than 15 percent on vessels completed before that date.

(5) For the purpose of determining the potential(s) of the main power supply of the main transmitter at its radio room terminals, a suitable voltmeter or voltmeters of approved accuracy shall be permanently installed in the main radio operating room.

§ 8.504 *Requirements of emergency or reserve installation.* (a) All emergency or reserve installations on board vessels subject to Title III, Part II of the Communications Act shall comply with the following conditions, in addition to all other requirements:

(1) The emergency installation shall be capable of being placed in operation (by a qualified operator who is on duty at the operating location) within a maximum time of 1 minute after need arises for its use.

(2) The emergency antenna shall be as efficient as is practicable under the prevailing physical limitations and shall be adequately installed and protected so as to insure proper operation in time of an emergency, and so as not to endanger the ship and the required radio installation.

(3) The emergency transmitter shall be of the electron-tube type[9] and shall be capable of meeting the requirements of § 8.553.

(4) The emergency receiver shall be capable of efficiently receiving radiotelegraph signals, classes A1 and A2 emission, on all frequencies within the band 350 to 515 kilocycles, and class B emission on all frequencies within the band 485 to 515 kilocycles. In addition, it shall be fitted with a head receiver[10] capable of effective operation at every audio frequency from 100 to 3000 cycles per second, inclusive. Where a loudspeaker is additionally provided for use in accordance with the provisions of § 8.204, such device also shall be capable of effective operation at every audio frequency from 100 to 3000 cycles per second, inclusive.

(5) There shall be readily available for use at all times under normal load conditions, when the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, while being navigated in the open sea outside a harbor or port, and when required during inspection of the ship radio station by an authorized representative of the Commission, an emergency power supply for the emergency installation (independent of the propelling power of the ship, and any other electrical system; and independent of the main power supply where a separate main and emergency or reserve installation is provided for the purpose of compliance with subsection (a) of section 354 of the Communications Act) capable of supplying electrical power sufficient to energize simultaneously and efficiently the emergency transmitter at its required antenna power[11] and the emergency receiver. Such emergency power supply shall be maintained in readiness to operate effectively and shall have a reserve capacity of at least 6 continuous hours at all times while the vessel is navigated outside a harbor or port and whenever the vessel leaves or attempts to leave a harbor or port of the United States for a voyage in the open sea.

(6) There shall be provided emergency electric lights of not less than 10 watts per unit, capable of being energized solely by the radio installation emergency power supply and connected thereto through individual fuses. These electric lights shall be capable of operation independent of any other electrical system and shall be arranged so as to provide satisfactory illumination of the main and emergency radio operating controls and radio station clock. The emergency lighting electrical circuits shall be arranged so as to avoid the application of excessive voltage to the emergency lights during the charging of any emergency batteries. The provisions of this paragraph or of paragraph (j) of § 8.8 shall not preclude the use of any other power supply for energizing these lights solely as an additional provision.

(7) All emergency power supply circuits shall be appropriately fused to afford adequate protection from serious overloads or short-circuits.

(8) No electrical load circuits except those of the emergency installation (includes the required radio station emergency light(s)) shall be connected to the emergency power supply: *Provided*, That an approved automatic-alarm-signal keying device, or the audible warning apparatus associated with an approved auto-alarm receiver, or both, may be connected to that part of the emergency power supply furnishing power to the emergency transmitter: *Provided further*, That the reserve capacity of the emergency power supply shall include the additional capacity required to energize, in a normal manner and to a normal extent, any keying device or audible warning apparatus that may be connected as herein authorized, including sufficient capacity to energize any keying device continuously for a period of one hour.

(9) The emergency power supply shall be located as near to the emergency transmitter and receiver as is practicable: *Provided*, That the location of such power supply complies with all applicable rules and regulations of the United States Coast Guard.

(10) The cooling system of all internal-combustion engines used as part of the emergency power supply shall be adequately protected or treated to prevent freezing or overheating consistent with the season and route to be traveled by the particular vessel involved.

(b) (1) The shipowner, operating company, or station licensee, if directed by the Commission or its authorized representative shall prove by demonstration prescribed in subparagraphs (2), (3), (4) and (5) of this paragraph or by such other means as may be deemed necessary, that the emergency installation satisfies the 6-hour operating requirement of law.

(2) When the emergency power supply, on board a vessel required by law to be equipped with a radio installation, consists of or includes a storage battery, proof of the ability of such battery power supply to operate continuously and effectively over a prescribed period of time is authorized to be established by a discharge test over such prescribed period of time, when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by subparagraph (4) of this paragraph.

(3) When the emergency power supply, on board a vessel required by law to be equipped with a radio installation, consists of or includes an engine-driven generator, proof of the adequacy of the engine fuel supply to operate the unit continuously and effectively over a prescribed period of time may be established by using as a basis the fuel consumption during a continuous period of 1 hour when supplying power, at the voltage required for normal and effective operation, to an electrical load as prescribed by subparagraph (4) of this paragraph.

(4) The electrical load to be supplied by an emergency power supply for the purpose of establishing proof of required capacity shall be computed in accordance with a standard method specified in each case by the official representative of the Commission who observes the particular demonstration of capacity.

(5) At the conclusion of the tests specified in subparagraphs (2) and (3) of this paragraph, no part of the emergency source of power shall have an excessive temperature rise, nor shall the specific gravity or voltage of the storage battery be below the 90 percent discharge point as determined from information (such as voltage curves or specific gravity tables) supplied by the manufacturer for the type of battery involved.

§ 8.505 *Tests of emergency installation.* (a) On vessels required by law to be equipped with an emergency or reserve installation, the condition of this installation shall be determined by test and actual operation prior to the vessel's departure from each port[12] (but not necessarily more than once each day) and on each day the vessel is outside a harbor or port. When storage batteries are used as an emergency power supply or are used for the purpose of starting an emergency engine-driven generator, tests shall be made of the charging circuits for polarity and correct charging rate. Hydrometer readings of the electrolyte of a pilot cell and such other cells as are necessary to determine the state of charge of an emergency lead-acid storage battery and voltage readings under normal load as are necessary to determine the state of charge of emergency storage batteries of other types shall be taken. When an engine-driven generator is used as an emergency power supply, a check shall be made of the quantity of fuel in the supply tank.

(b) When an automatic-alarm-signal keying device is installed in accordance with § 8.508, this device shall be operated to determine that it is in efficient operating condition prior to the vessel's departure from each port (but not necessarily more than once each day) and on each day the vessel is outside a harbor or port. To avoid the actual transmission of auto-alarm signals during such test operation, the radiotelegraph transmitter(s) to which this device is connected shall not be energized.

§ 8.506 *Use of emergency installation.* (a) The emergency installation on board a vessel subject to Title III, Part II of the Communications Act, while being navigated in the open sea, is authorized to be used only for safety communication[13] except that it may be used for other communication for a period not to exceed 1 hour per day in the aggregate. However, the emergency receiver and its emergency power supply (if such power supply is a storage battery) may be used at any time to maintain a watch for safety purposes, if such use will not reduce the ability of the emergency power supply to energize the emergency installation for a period of at least 6 consecutive hours.

(b) When more than one storage battery is installed on board a ship for the purpose of providing an emergency power supply in compliance with Title III of Part II of the Communications Act, any one of these batteries may be designated at any time as the required emergency power supply or a part thereof, upon the express condition that such battery, whenever so designated, is capable of energizing (independent of the propelling power of the ship and any other electrical system) the associated component or components of the emergency installation for a period of at least 6 consecutive hours.

(c) The emergency power supply on board a cargo vessel (on which a separate[14] main and emergency installation is not provided), subject to Title III, Part II of the Communications Act, while being navigated in the open sea, is authorized to be used only for safety communication[15] except that it may be used for other communication for a period not to exceed 1 hour per day in the aggregate.

(d) Any storage battery whether or not it is the emergency power supply or a part thereof may be used at any time to maintain a watch for safety purposes upon the express condition that such use will not reduce the ability of the emergency power supply to energize the emergency installation for a period of at least 6 consecutive hours as required by subsection (f) of section 354 of the Communications Act.

§ 8.507 *Routing of electrical wiring.* The electrical conductors connecting the main radio installation to its normal power supply and the electrical conductors connecting the emergency power supply to the emergency or reserve installation shall be routed so as to afford adequate protection from mechanical injury, shall be adequately protected from overload by fuses, and shall be kept clear of electrical grounds. If, because of the ship's structure, a long, indirect routing is necessary, an additional equivalent circuit shall be provided over an alternate route.

§ 8.508 *Automatic-alarm-signal keying device.* After July 1, 1951, each passenger ship of the United States and after July 1, 1952, each ship of the United States, which is subject to Title III, Part II of the Communications Act shall be fitted with one or more automatic-alarm-signal keying devices of a type approved by the Commission in accordance with § 8.555.[16]

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[4] The privileges of the Safety Convention may not be claimed in favor of any ship unless it holds a proper valid certificate. In the event of control giving rise to intervention of any kind in a foreign port, the officer carrying out the control is required to inform the United States Consul of all the circumstances in which intervention is deemed to be necessary.

[5] A safety link may be described as a device which, under heavy stress, will operate to greatly reduce such stress without breakage of the antenna, the halyards, or any other antenna-supporting elements.

[6] Upon proper application and satisfactory demonstration being made, the Commission for the purpose of this regulation will consider approval of transmitters other than those of the electron-tube type, except transmitters employing class B emission.

[7] See paragraph (kk) of § 8.7.

[8] The antenna power specified in § 8.552.

[9] Upon proper application and satisfactory demonstration being made, the Commission for the purpose of this section will consider approval of transmitters other than those of the electron-tube type, except transmitters employing class B emission.

[10] See paragraph (kk) of § 8.7.

[11] The antenna power specified in § 8.553.

[12] It is recognized that in some cases, tank vessels cannot meet this requirement when in port because of the hazardous nature of the cargo being handled.

[13] See paragraph (a) of § 8.6.

[14] See paragraph (b) of § 8.502.

[15] See paragraph (a) of § 8.6.

[16] The provisions of this section (8.508) supersede Order No. 114 of the Commission, and said order is hereby canceled.

§ 8.509 *Installation of automatic-alarm-signal keying device.* (a) The automatic-alarm-signal keying devices required by § 8.508 shall be installed in an accessible location in the radio room so as to be capable of automatically keying alternatively either the main or the emergency transmitter. When only one automatic-alarm-signal keying device is installed for this purpose, means shall be provided in the radio operating room for instantly using this device to key alternatively either the main transmitter or the emergency transmitter: *Provided*, That whenever one transmitter is employed as both a main and emergency transmitter on board a cargo vessel, this requirement will be satisfied when the automatic-alarm-signal keying device is capable of automatically keying this transmitter only. Only one control shall be provided for starting and stopping each automatic-alarm-signal keying device; this control shall be located in the radio room.

(b) The required automatic-alarm-signal keying device shall be capable of operating automatically for a continuous period of at least 1 hour from a source of power independent of the propelling power of the ship and independent of any source of power other than the emergency power supply or the storage battery used to energize a required automatic-alarm receiver.

(c) Each automatic-alarm-signal keying device installed on board a vessel pursuant to § 8.508, shall be furnished with a durable nameplate bearing type and serial number and the month and year of completion by the manufacturer.

§ 8.510 *Auto-alarm.* (a) An auto-alarm which is installed and used on board a cargo vessel of the United States pursuant to the provisions of § 8.205, shall be a type of auto-alarm approved by the Commission in accordance with subsection (x) of section 3 of the Communications Act and § 8.554.

(b) The Commission shall be informed in writing on the prescribed form [17] immediately upon completion of each auto-alarm installation on board any vessel of the United States. Each report shall specify the type and serial number of the alarm, the name of the vessel, the date of completion of installation, the call letters and name of licensee of the ship radio station and the name of the owner and operating company of the vessel.

§ 8.511 *Installation of auto-alarm.* A vessel shall be considered as fitted with an auto-alarm in accordance with the requirements of Title III, Part II of the Communications Act and the radio provisions of the Safety Convention when the auto-alarm is a type approved by the Commission as prescribed by § 8.510 and the auto-alarm installation on board such vessel complies with the conditions prescribed in the following paragraphs of this section.

(b) Each auto-alarm of a type approved by the Commission when first installed on board a vessel of the United States, shall bear an identifying serial number. Two or more principal components of one complete installation shall bear the same number. After the initial installation, if any principal component is entirely replaced, the substitute unit shall bear the serial number of the initial unit but must be identified in addition as a replacement. For this purpose the principal components of the following types of approved auto-alarms are designated as follows:

(1) *Radiomarine Corporation of America Models AR–8600 and AR–8600–X auto-alarms.* One combined receiver and selector unit, without regard to container; one control and terminal box.

(2) *Radiomarine Corporation of America Model AR–8601 auto-alarm.* One combined receiver and selector unit, without regard to container; one control and terminal unit.

(3) *Mackay Radio & Telegraph Co. auto-alarms, Types 101–A and 101–B manufactured by Federal Telegraph Co.* One selector unit without regard to container; one receiver unit, without regard to container.

(4) *Mackay Radio and Telegraph Company, auto-alarm, Type 5001–A.* One combined receiver and selector unit, without regard to container.

(c) The auto-alarm shall be located in the main radiotelegraph operating room and shall be adequately installed and protected so as to insure proper operation.

(d) Approved apparatus shall be provided for giving an audible warning in the main radiotelegraph operating room, in the radio operator's cabin, and on the navigating bridge. This apparatus shall operate continuously after the auto-alarm has been actuated by an alarm signal or by failure of the auto-alarm system, until manually stopped. Only one switch for stopping the audible warning apparatus from functioning is authorized and this shall be located in the main radiotelegraph operating room and shall be capable of manual operation only.

(e) Failure of the auto-alarm to function normally because of prolonged atmospherics (static) or other prolonged interference, or both, shall operate a visual indicator on the bridge. The type and method of installation of such visual indicator shall comply with requirements of the United States Coast Guard.

(f) When an auto-alarm is dependent for effective operation upon a power supply having a voltage within definite upper and lower limits, such auto-alarm shall be fitted with an auxiliary device which (1) will energize the audible alarms if and when this power supply fails or its voltage exceeds the limits specified by the Commission for the particular type of alarm involved; or (2) will automatically connect the auto-alarm to an auxiliary power supply, the voltage of which is within the specified limits.

(g) The testing device [18] of the auto-alarm shall be adjusted to produce a test signal of the correct value. This adjustment shall be considered satisfactory when it becomes necessary to turn the sensitivity control from its position of lowest sensitivity (zero dial position) to its position of approximately one-third maximum sensitivity before the alarm can be actuated.

§ 8.512 *Auto-alarm instructions.* (a) There shall be furnished at least two sets of written instructions for the guidance of the ship station radio operator and ship's officers relative to the auto-alarm, which shall include:

(1) A general technical description of the auto-alarm, including a circuit diagram of the auto-alarm receiver and a wiring diagram of its complete installation on shipboard.

(2) A general explanation of its principles of operation.

(3) A list of faults which may be indicated by the sounding of the audible alarm.

(4) Explanation of how to correct faults, remove and replace defective parts and perform limited repairs at sea.

(5) Explanation of how to test the alarm and adjust the sensitivity control to the "optimum" setting, which shall be summarized upon a card and permanently attached to the front of the alarm in a conspicuous position.

(6) Explanation of the effect of various sensitivity control settings upon the operation of the alarm, which shall be summarized upon a card and permanently attached to the front of the alarm in a conspicuous position.

(7) Description of procedure to be followed with respect to operator making adjustments when alarm bell sounds and also in making log entries.

§ 8.513 *Interior communication system.* Pursuant to subsection (g) of section 354 of the Communications Act, an efficient interior communication system shall be provided between the bridge of a ship and the radio room, in all cases where the radio room does not adjoin or open onto the navigating bridge structure; further, an efficient interior communication system shall be provided between the bridge and the location of the direction-finding apparatus whenever the latter is not located on the bridge or within any compartment adjoining or opening onto the navigating bridge structure. When the operating position of the emergency radio installation is not located in the compartment normally used for operating the main radio installation, an efficient interior communication system shall be separately provided between the bridge and each of these radio-operating positions.

§ 8.514 *Requirements for interior communication systems.* The interior communication systems required by § 8.513 shall be capable of providing efficient signalling and communication, shall be independent of any other communication system on the ship, and shall be a type of system approved by the United States Coast Guard. Further, the location and termination of individual systems shall be subject to approval by the Commission.

§ 8.515 *Radio station clock.* The radio station clock required by § 8.114, when installed on board a vessel subject to Title III, Part II, of the Communications Act, shall, in addition to the requirements of § 8.114 have a sweep second hand and an hour dial not less than 5 inches in diameter, and shall be capable of operation for at least 8 days on one winding: *Provided*, That deviations from these requirements may be authorized by the Commission if such deviation does not adversely affect the reliability of the clock or the ability of the ship radio operator to transmit properly timed auto-alarm signals. A request for approval of any deviation from these requirements must be accompanied by a sample of the proposed clock face.

§ 8.516 *Direction-finder.* Each passenger ship of 5,000 gross tons or over which is subject to the requirement set forth in subsection (a) (2) of section 351 of the Communications Act shall be equipped with an efficient direction-finder (radio compass) properly adjusted in operating condition and approved by the Commission in accordance with subsection (h) of section 354 of the Communications Act and § 8.517.

§ 8.517 *Requirements for direction-finder.* (a) To be approved by the Commission, as provided by § 8.516, the radio direction finder (radio compass) shall

(1) Be capable of efficiently receiving signals (at least types A2 and B emission) with the minimum of receiver noise, on each radio channel within the frequency band 285 to 515 kc which is designated by the International Radio Regulations for distress, direction-finding, or marine radio beacons;

(2) Be capable of receiving types A1, A2, and B emission, if installed on board ship after January 1, 1940;

(3) Be capable of taking bearings on received radio signals as set forth in subparagraphs (1) and (2) of this paragraph, from which the true bearing and direction may be determined;

(4) Be accurately calibrated for the purpose of taking bearings from which the true bearing and direction may be determined for actual use in maritime radiolocation service and maritime radionavigation service.

(5) Have a sensitivity, in the absence of interference, sufficient to permit of accurate bearings being taken on a signal having a field strength as low as 50 microvolts per meter.

(b) The calibration of the direction finder shall be verified whenever any changes are made in the physical or electrical characteristics or the location of any antenna(s) on board the vessel, or whenever any changes are made in any structure(s) on deck, which might appreciably affect the accuracy of the direction finder. The calibration particulars shall be checked at yearly intervals or as near thereto as possible. A record of the calibrations and of any checks made of their accuracy shall be maintained on board the vessel for a period of not less than one year from date of the related action.

(c) If, in the discretion of the Commission, the direction finder requires recalibration at any time as the result of official inspection or pertinent facts coming to the attention of the Commission, approval for the purpose of section 351 of the Communications Act may be withdrawn pending such recalibration.

§ 8.518 *Auxiliary antenna.* On a vessel required by law to maintain a watch by a qualified operator or operators [19], an effective auxiliary antenna or other approved arrangement shall be provided whenever necessary to avoid unauthorized [19] interruption or reduced efficiency of this watch by reason of unavailability of the normal receiving antenna for use during the period of time when a radio direction finder on board the same vessel is being operated.

§ 8.519 *Lifeboat radio facilities.* Pursuant to section 355 of the Communications Act, every motor lifeboat, required to be equipped with radio by treaty or convention to which the United States is a party, by statute, or by regulation made in conformity with a treaty, convention, or statute, shall be fitted with an efficient radio installation which complies with all requirements set forth in the following § 8.520.

§ 8.520 *Lifeboat radio installation.* (a) Each lifeboat radio installation which complies with the requirements of this section shall be deemed to be efficient for the purpose of section 355 of the Communications Act and to meet all requirements for such installations which the Commission has found necessary to promote the safety of life.

(b) The lifeboat radio installation shall include the following components, as a minimum:

(1) An antenna for transmitting and receiving, either fixed in useable position in the lifeboat or capable of being quickly placed in useable position by a person in the lifeboat while afloat; together with such antenna accessories as are necessary;

(2) An emergency radio transmitter, with radiotelegraph key;

(3) An emergency radio receiver, with headset;

(4) An emergency power supply of required capacity;

(5) The necessary material or device for a "ground" connection to the water when the lifeboat is afloat;

(6) Necessary operating instructions;

(7) Necessary auxiliary equipment and spare parts.

(c) Each of the components specified in paragraph (b) of this section shall be a type of apparatus or shall comprise such items as are approved by the Commission in accordance with the provisions of § 8.556, and, when applicable, §§ 8.557 and 8.558. When all components of any particular lifeboat radio installation have been approved by the Commission, the installation, as such, may be identified specifically as a complete type-approved lifeboat radio installation.

(d) A storage battery power supply of a lifeboat radio installation shall be capable at all times of operating the entire lifeboat radio installation for a period of at least 6 continuous hours in accordance with paragraph (a) (5) of § 8.504. With the exception of the electric starter of the lifeboat motor, the storage battery or batteries may be used, however, to operate equipment other than radio; provided, such additional use of the battery or batteries will not affect, adversely, the ability of the installation to fulfill the foregoing 6-hour radio operating requirement. All individual circuits connected to the transmitter storage battery shall be independently and properly fused.

(e) Any storage battery provided as a power supply for a lifeboat radio installation, or as a reserve power supply therefor, shall be kept adequately charged at all times while at sea. When the vessel is under way, provision shall be made for adequate charging of the storage batteries and the routine inspection of all batteries used to supply the power to lifeboat radio installations. The charging and routine inspection of such batteries shall not require their removal from the lifeboats in which they are installed. The necessary charging equipment shall be arranged so as not to interfere with the launching of the lifeboats, and for this purpose shall be easily and quickly removable. For new radio installations completed after January 1, 1940, in motor lifeboats of oceangoing passenger vessels, the charging circuit for the lifeboat radio storage battery or batteries (when such batteries are used as a source of power) shall be routed through the main radiotelegraph operating room of the vessel. A device which, during charge of the lifeboat radio battery or batteries will give a continuous indication of the polarity and the rate of such charge, shall be connected in this charging circuit, and shall be located in the main radiotelegraph operating room for purposes of frequent observation.

(f) In addition to the foregoing, lifeboat radio installations of the type set forth in § 8.557 shall comply with the following requirements:

(1) Storage batteries shall be mounted in cabinets that will provide protection from salt-water spray and also allow proper ventilation, subject to approval of the United States Coast Guard.

(2) Provision shall be made to protect the operator from the elements when the lifeboat is afloat in a heavy sea.

(3) The use of metal masts and stays, unless broken by insulators or of any structure at electrical ground potential at the masthead(s) is not permitted: *Provided, however*, That this limitation shall not prohibit the use of a metal mast or masts used as the antenna. Provision shall be made for the expeditious erection of the antenna system under adverse weather and sea conditions.

(g) The lifeboat radio installation shall be inspected and tested [20] by a qual-

[17] FCC Form No. 500, available upon request, should be used for this purpose.

[18] See § 8.206 relative to required testing of the auto-alarm.

[19] See Subparts H and I of this part.

[20] Subject to such limitations as may be imposed by the Administration having jurisdiction at foreign ports. It is necessary that each lifeboat transmitter be licensed by the Commission to insure compliance with the Rules and Regulations of the Commission, during the required tests with an actual antenna. Operation of a lifeboat transmitter is ordinarily authorized by the regular ship station license when it has been described in the application for such license and the authorization has been approved by the Commission. See § 8.68.

ified representative of the licensee within 24 hours prior to the ship's departure for sea from each port (except not necessarily more than once each week), and with the lifeboat afloat in a harbor or port of the United States when required by an engineer of the Commission. Such inspection afloat shall include an actual test of the transmitter (and receiver when required) connected to the regular lifeboat antenna(s) erected to determine that each is in effective operating condition. When testing with the lifeboat not afloat, the transmitter may be connected to an artificial antenna. The general result of any such inspection and test, whether or not made in a Commission engineer's presence shall be made known to the master of the vessel and shall be entered in the ship's radio station log or recorded in the ship's log if the ship is not provided with a radio station. Inspection of batteries shall be made at least once every seven days by a qualified representative of the licensee, and their condition, and specific gravity in the case of a lead-acid battery, or voltage under normal load in the case of other type batteries (including dry batteries when such batteries are permitted, shall be reported to the master and entered in the ship's radio station log or recorded in the ship's log if the ship is not provided with a radio station. The records of all inspections and tests shall be made available to duly authorized representatives of the Commission upon request. The shipowner, operating company, or station licensee, if directed by the Commission or its authorized representative, shall prove by demonstration, as may be deemed necessary, that a storage battery used for a required lifeboat radio installation is capable of energizing this installation for the required period of time as is stipulated for an emergency power supply in paragraph (b) of § 8.504.

§ 8.521 *Auxiliary equipment and components.* (a) On board all vessels subject to Title III, Part II of the Communications Act, sufficient tools to make any minor adjustments of the main and emergency radio installation shall be provided, together with spare parts and auxiliary equipment sufficient to maintain the installations in efficient working condition. These spare parts and this auxiliary equipment are designated in §§ 8.522 to 8.524 inclusive. Pursuant to the provisions of § 8.525, they shall be located so as to be readily accessible to the radio operator in an emergency.

(b) In addition to the spare parts required by § 8.522, and the auxiliary equipment required by § 8.523, spare parts as are specifically designated in special lists [21] promulgated by the Commission pursuant to the provisions of section 356 (a) (2) of the Communications Act shall be provided for transmitters, receivers, auto-alarms, direction finders, lifeboat radio installations, and other required equipment which have been given type approval by the Commission.

§ 8.522 *General spare parts.* The following spare parts are considered indispensable for the general maintenance of the appropriate shipboard radio installations in efficient working condition on board vessels subject to Title III, Part II of the Communications Act:

(1) Sufficient wire of good electrical conductivity and suitable insulators for the erection of a single-wire antenna of the same configuration and linear dimensions as the main transmitting antenna but not less than 300 feet of such wire and not less than two such insulators; or an assembled single-wire transmitting antenna (including suitable insulators) of the same linear dimensions as the main transmitting antenna.

(2) One sleeve bearing of each type used by all rotating machinery which is a component part of the radio installation required by law.

(3) One complete set of brushes for each unit of rotating machinery which utilizes brushes.

(4) Renewable fuse-cartridges of each type used in connection with units of the radio installation in the amount of at least one-half the number of each size and type in actual use. For each renewable fuse-cartridge in actual use, there shall be available six spare fuse links of appropriate capacity. For each nonrenewable fuse in use, there shall be available six spare fuses of the same type and of appropriate capacity.

(5) One spare electric light bulb for each emergency light required by paragraph (a) (6) of § 8.504.

§ 8.523 *General auxiliary equipment.* (a) The following auxiliary equipment is considered indispensable for the general maintenance of the appropriate shipboard radio installations in efficient working condition on board vessels subject to Title III, Part II of the Communications Act.

(1) One 1- to 2-inch screwdriver with approximately ⅛-inch blade.

(2) One 4- to 6-inch screwdriver.

(3) One set of assorted end wrenches or socket wrenches, or one adjustable end wrench.

(4) One pair 5- to 8-inch side-cutting pliers.

(5) One high-resistance direct-current voltmeter having a resistance of at least 1000 ohms per volt and capable of measuring 2, 6, and 110 volts with an accuracy of at least 3 percent except that on ships where the normal radio room power supply voltage is higher than 110 to 120 volts direct current, the voltmeter shall be capable of measuring this line voltage and 2 and 6 volts with an accuracy of at least 3 percent.

(6) One electric flashlight, two-cell or larger, complete with bulb and battery, or one portable emergency electric lamp (protected from mechanical injury) with at least 10 feet of flexible cord and means for rapid connection to the emergency source of power. One spare bulb of the type used shall be provided.

(7) One hydrometer for use with lead-acid batteries when this type of battery is installed.

(8) Approximately one gallon or more of distilled water, or the same amount of any kind of water suitable for use in the type of storage batteries installed.

(9) Instruction book(s) and circuit diagrams, including modifications, covering transmitter(s), receiver(s), and direction finder, if a direction finder is required.

§ 8.524 *Spare parts for specific apparatus.* (a) Prior to the Commission's approval of a particular type of marine transmitter, receiver or direction finder, and prior to the issuance of associated specific lists [22] of required spare parts and auxiliary equipment, the following spare parts and auxiliary equipment relative to specific apparatus shall be provided in addition to those stipulated in §§ 8.522 and 8.523.

(1) *For each electron tube transmitter (other than lifeboat transmitter).* One radio-frequency oscillator tube, one tube for each radio-frequency amplifier stage, and, if used to provide A–2 emission, one audio-frequency oscillator tube. One tube for a main transmitter or two tubes for an emergency transmiter intended for use in the radio-frequency circuit of transmitters of the self-rectified, simple oscillator type. One anode power-supply rectifier tube for each such tube used. One resistor of each type used as a grid leak; one resistor of each type as used in voltage divider of grid-blocking keying circuit; one resistor of each type as used in series with keying relay winding. The value of each resistor shall be clearly indicated thereon.

(2) *Receivers (other than lifeboat receivers).* One complete spare set of tubes for the receiver(s). One headset (telephone receiver) complete with connecting cord and, if used, a cord-terminal plug.

(3) *Direction finders.* One complete set of tubes for the radio receiver incorporated in the direction finder, when a direction finder is required.

(4) *Lifeboat radio installations.* One complete set of spare parts specifically designated and promulgated by the Commission for the particular type of installation which is type-approved in accordance with § 8.556, and when applicable §§ 8.557 and 8.558.

(5) *Auto-alarms.* One complete set of spare parts specifically designated and promulgated by the Commission for the particular type of auto-alarm which is type-approved in accordance with § 8.554.

§ 8.525 *Location of spare parts.* (a) Spare parts for the direction finder receiver shall be kept in the same compartment or room in which this receiver is located.

(b) Spare parts and auxiliary equipment for the radio-equipped lifeboat, shall be kept in the lifeboat cabin housing the radio equipment.

[21] Lists of spare parts required for specific types of equipment approved by the Commission are furnished to its inspectors in charge at principal ports and are available to others upon request.

[22] Lists of spare parts required for specific types of equipment approved by the Commission are furnished to its inspectors in charge at principal ports and are available to others upon request.

(c) The spare emergency light bulb(s) shall be mounted in close proximity to the corresponding emergency light socket(s).

(d) The antenna wire, antenna insulators, and distilled water, respectively, may be retained in the radio operating room or elsewhere: *Provided,* The antenna material is readily accessible to the radio operator in an emergency.

(e) All other spare parts and auxiliary equipment shall be securely retained preferably in a single space, readily accessible to the radio operator in an emergency, in the main radiotelegraph operating room, or, if desired, in any associated room adjacent to and connected with the main radiotelegraph operating room by an interconnecting doorway.

(f) The space(s) allocated for the location of spare parts and auxiliary equipment in accordance with paragraph (e) of this section shall be used only for this purpose, and such space(s) shall be appropriately and conspicuously marked.

(g) All required spare parts and auxiliary equipment shall be available for observation by authorized representatives of the Commission at the time of inspection of the ship radio installation.

SUBPART S—TYPE APPROVAL OF COMPULSORY SHIPBOARD EQUIPMENT

§ 8.551 *Scope of type approval.* (a) Approval by the Commission of a particular type of equipment in accordance with the provisions of any section or sections of this subpart, for use on board ships for the purpose of compliance with Title III of Part II of the Communications Act, is extended to all equipment of the same identical type, design, and construction, which is manufactured by the same person.

(b) For the purpose of determining compliance with sections 351 (a), 354 (c), (d), (e), and 356 (a) of the Communications Act, the term "transmitter" means a transmitter proper, together with all auxiliary equipment which is deemed necessary to make this unit operate efficiently as a main and/or emergency transmitter in a ship station at sea. For this purpose, each separate motor-generator, rectifier or other unit required to convert the power available as a primary source or sources on the ship, to the phase, frequency, and/or voltage necessary to energize the transmitter proper is construed to be a component of the transmitter.

§ 8.552 *Requirements for main transmitter.* (a) A main electron-tube transmitter, regardless of the date of its completion, installation, or modification, will be type-approved by the Commission as capable of meeting the relevant requirements of section 354, paragraphs (c) and (d) of the Communications Act if it is demonstrated to the satisfaction of the Commission that the transmitter involved, or a transmitter of the same identical type, is capable of meeting the specific requirements of paragraphs (b), (c), and (d) of this section: *Provided,* That, if deemed necessary, a demonstration of the capabilities of an individual main transmitter installed on board a ship may be required to determine compliance with any or all of the following provisions of this section before initial or continued type approval of such transmitter will be given by the Commission.

(b) *Tabulation of basic technical requirements.*

Operating carrier frequency	Frequency tolerance	Class of emission	Percentage [1] modulation (for amplitude modulation)	Modulation frequency (for amplitude modulation)	Antenna power
500 kc.	Plus or minus 0.3 percent until Jan. 1, 1953, except for for transmitters installed after Jan. 1, 1950; plus or minus 0.1 percent for all transmitters installed after Jan. 1, 1950, and for all transmitters after Jan. 1, 1953.	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 200 watts into an average ship station antenna.
Do.	do.	A–1			Not less than 160 watts into an average ship station antenna.
375 kc [2] and 1 authorized working frequency in the band 415 to 490 kc.	do.	A–2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 200 watts into an average ship station antenna.
Do.	do.	A–1			Not less than 160 watts into an average ship station antenna.

[1] In determining percentage modulation, the following concept is taken into account. In linear modulation, the average amplitude of the envelope is equal to the amplitude of the unmodulated wave, provided there is no zero-frequency component in the modulating wave (as in telephony). For modulating waves having unequal positive and negative peaks, positive and negative modulative factors may be defined as the ratios of the maximum departures (positive and negative) of the envelope from its average value, to its average value.

[2] The frequency 410 kc, when ordered by the Commission, shall be required in lieu of 375 kc.

For the purpose of these specific requirements, the term "average ship station antenna" means an actual antenna installed on board ship having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles, or an artificial (dummy) antenna having the same electrical characteristics.

(c) In addition to the foregoing specific requirements, a main transmitter shall be capable of efficient operation at its required antenna power when adjusted to any required operating frequency and when energized by the main power supply of the ship station in which it is installed or a power supply equivalent thereto: *Provided,* That the potential of the main power supply or equivalent power supply is maintained within the tolerance specified in § 8.503; shall be capable of being adjusted rapidly for operation on any one of its required operating frequencies; shall be provided with an arrangement for conveniently reducing the antenna power to not more than 75 watts, and shall conform with all other applicable rules of this part.

(d) A main transmitter shall be equipped with suitable indicating instruments of standard accuracy and reliability to measure (1) the current in the antenna circuit, (2) the potential of the heating current applied to the cathode or cathode heater of each electron tube or a potential directly proportional thereto, and (3) the anode current of the radio frequency oscillator or amplifier which supplies power to the antenna circuit, or in lieu thereof, the anode current of such oscillator or amplifier plus the anode current of any other radio or audio frequency oscillator(s) or amplifier(s) normally employed as part of the transmitter.

(e) Measurements for the purpose of demonstrating compliance with the specific requirements of this section shall be made by methods acceptable to the Commission.

(1) The antenna power shall be determined by the product of the square of the antenna current and the antenna resistance at the operating carrier frequency, both measured at the same point in the antenna circuit and at approximately ground potential.

(f) Each transmitter which was not in existence prior to February 1, 1938, but which is installed after that date on board a vessel in order to comply with the provisions of this section, shall be furnished with a durable name plate with the month and year of its completion permanently inscribed thereon.

§ 8.553 *Requirements for emergency transmitter.* (a) An emergency electron-tube transmitter will be type-approved by the Commission as capable of meeting the relevant requirements of section 354 (c) and (f) of the Communciations Act if it is demonstrated to the satisfaction of the Commission that the transmitter involved, or a transmitter of the same identical type, is capable of meeting the requirements of paragraphs (b), (c) and (d) of this section when energized for a period of at least six continuous hours by a power supply equivalent to the radio station emergency power supply which is or will be, available on board the vessel on which the transmitter is, or will be, installed and operated: *Provided,* That if

deemed necessary a demonstration of the capabilities of an individual emergency transmitter installed on board a ship may be required to determine compliance with any or all of the following provisions of this section before initial or continued approval of such transmitter will be given by the Commission.

(b) *Tabulation of basic technical requirements.*

Operating carrier frequency	Frequency tolerance	Class of emission	Percentage modulation [1] (for amplitude modulation)	Modulation frequency (for anuplitude modulation)	Antenna power
500 kc.	Plus or minus 0.3 percent until Jan. 1, 1953, except for transmitters installed after Jan. 1, 1950; plus or minus 0.1 percent for all transmitters installed after Jan. 1, 1950, and for all transmitters after Jan. 1, 1953.	A-2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 25 watts into an average ship station antenna.
375 kc [2] and 1 authorized working frequency in the band 415 to 490 kc.	do	A-2	do	do	Do.

[1] In determining percentage modulation, the following concept is taken into account. In linear modulation, the average amplitude of the envelope is equal to the amplitude of the unmodulated wave, provided there is no zero-frequency component in the modulating wave (as in telephony). For modulating waves having unequal positive and negative peaks, positive and negative modulative factors may be defined as the ratios of the maximum departures (positive and negative) of the envelope from its average value, to its average value.

[2] The frequency 410 kc, when ordered by the Commission, shall be required in lieu of 375 kc.

For the purpose of these specific requirements, the term "average ship station antenna" means an actual antenna installed on board ship having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles, or an artificial (dummy) antenna having these same electrical characteristics.

(c) In addition to the foregoing specific requirements, an emergency transmitter shall be capable of efficient operation at its required antenna power when adjusted to any required operating frequency and, when energized by the emergency power supply of the ship station in which it is installed or by a power supply equivalent thereto, shall be capable of being adjusted rapidly for operation on any one of its required operating frequencies, and shall conform with all other applicable rules of this part.

(d) An emergency transmitter shall be equipped with suitable indicating instruments of standard accuracy and reliability to measure the current in the antenna circuit and, if completed by the manufacturer after January 1, 1944, the potential of the heating current applied to the cathode or cathode heater of each electron tube or a potential directly proportional thereto.

(e) Measurements for the purpose of demonstrating compliance with the specific requirements of this section shall be made by methods acceptable to the Commission.

(f) The antenna power shall be determined by the product of the square of the antenna current and the antenna resistance at the operating carrier frequency, both measured at the same point in the antenna circuit and at approximately ground potential.

(f) Each transmitter which was not in existence prior to February 1, 1938, but which is installed after that date on board a vessel in order to comply with the provisions of this section, shall be furnished with a durable name plate with the month and year of its completion permanently inscribed thereon.

§ 8.554 *Requirements for auto-alarm.*

(a) To be approved by the Commission pursuant to section 3 (x) of the Communications Act subsequent to January 1, 1951, each type of auto-alarm not approved prior to that date shall comply with the following requirements: *Provided, however,* That the Commission may, in its discretion, approve an automatic alarm receiver which complies with these requirements and can be actuated by the distress signal - - - — — — - - -.

(1) *Basic technical requirements.* (i) The auto-alarm shall be capable of being operated by not less than 3 nor more than 4 consecutive dashes when the dashes vary in duration from 3.5 seconds as a minimum to a maximum approaching 6 seconds as near as practicable (but not more than 6 seconds) and the spaces between dashes vary in duration from 1.5 seconds as a maximum to the lowest practicable value, preferably not more than 10 milliseconds.

(ii) In the presence of interference (provided it is not continuous) caused by atmospherics and powerful signals other than the alarm signal and without manual adjustment during operation, the auto-alarm shall be capable of positive and reliable operation with a minimum available signal of 100 microvolts from the antenna circuit. It shall be capable under these conditions of operation on signals of the following classes of emission:

(*a*) A2 (carrier modulated 30 percent at each modulation frequency from 300 to 1350 cycles per second, inclusive).

(*b*) B (at each tone frequency from 300 to 1350 cycles per second, inclusive).

(iii) It shall not be made inoperative by any signal, groups of signals, or atmospherics and with respect to received radio signals shall be operated so as to actuate the warning device only by the alarm signal specified by subdivision (i) of this subparagraph.

(iv) The overload capacity must be sufficient to enable the auto-alarm to operate with inputs from the antenna circuit up to 1 volt, under normal operating conditions.

(v) In the presence of atmospherics or interfering signals, the auto-alarm shall automatically adjust itself so that within a reasonably short time it approaches the condition in which it can most readily distinguish the alarm signal.

(vi) The auto-alarm receiver shall be capable of operating when the received auto-alarm signals have a radio-frequency of 500 kilocycles with a sensitivity as set forth in subdivision (ii) of this subparagraph, and shall, in addition, respond without adjustment and with the same sensitivity to signals having any radio-frequency from 492 to 508 kc, inclusive. With respect to the reception of signals having a radio frequency outside the band 492 to 508 kc, the sensitivity of the auto-alarm shall decrease as rapidly as possible, in conformity with the best engineering practice.

(vii) The auto-alarm must not be operated, so as to actuate the warning device, by atmospherics or by any signal from the antenna circuit other than the alarm signal: *Provided,* That received signals other than the alarm signal itself do not in fact constitute a signal falling within the tolerance limits indicated in subdivision (i) of this subparagraph.

(viii) When operated by an alarm signal, or in the event of failure of the auto-alarm apparatus, the auto-alarm shall cause a continuous audible warning to be given in the principal radiotelegraph operating room, in the radio operator's cabin, and on the bridge. In so far as may be practicable, the audible alarm shall also be given in the event of any failure of the auto-alarm system, as a whole, which results in the auto-alarm becoming inoperative.

(ix) Only one switch for stopping the aural warning shall be provided and this shall be located in the principal radiotelegraph operating room.

(x) For the purpose of regularly testing the auto-alarm, the apparatus shall include a generator pre-tuned to the 500 kc distress frequency and a keying device by means of which an alarm signal of minimum strength approximately as indicated in subdivision (ii) of this subparagraph is produced solely for actuating the particular auto-alarm and is not radiated beyond the immediate area of the vessel.

(2) *Requirements as to construction.* (i) The auto-alarm shall consist essentially of:

(*a*) A radio receiver capable of receiving signals emissions of classes A2 and B over the entire frequency range 492 to 508 kc inclusive.

(*b*) A selector device capable of selecting the alarm signal specified under subparagraph (1) (i) of this paragraph.

(*c*) A suitable form of audible alarm (minimum of 3 units required).

(*d*) A means of placing the entire system in or out of operation from the principal radio telegraph operating room.

(*e*) A testing device to determine locally that the auto-alarm system is effectively operative.

(ii) The auto-alarm may be constructed in one or more units, but must

be independent of the ship's regular radio receiving apparatus.

(iii) A telephone jack shall be provided to permit reception, if desired, by a telephone receiver.[1]

(iv) Tuning and timing controls shall not be accessible to the exterior of the device and shall be so designed and housed as to permit adjustment with special tools only.

(v) Once set into operation the audible alarms must continue to function until switched off in the principal radiotelegraph operating room.

(vi) A simple change-over switch shall be provided to perform the following operations:

(*a*) Disconnect the main antenna from all other equipment and connect it to the auto-alarm receiver and place the auto-alarm system in effective operating condition.

(*b*) Conversely, de-energize the auto-alarm system and reconnect the main antenna to other equipment.

(vii) A non-locking or momentary-throw switch shall be provided to permit temporary disconnection of the audible alarm on the bridge and in the operator's quarters when the auto-alarm system is being tested.

(viii) Suitable means of determining that the supply voltages are within the limits required for proper operation of the auto-alarm system shall be provided.

(ix) The receiver and selector shall be of rugged construction throughout, capable of withstanding continuous and severe vibration equivalent to conditions that may be experienced on board a ship under the worst possible conditions and capable of continuous operation over long periods of time.

(x) All units of the auto-alarm system shall be designed and constructed in accordance with generally accepted principles and practices of modern electronic engineering.

(xi) The auto-alarm system shall not be affected by sudden changes in ambient temperature between zero degrees centigrade and 50 degrees centigrade, shall not be affected by salt atmosphere, and by humidity conditions as high as 90 percent at a temperature of 40 degrees centigrade.

(xii) Condensers, transformers, or other units shall not contain compounds which will flow at temperatures below 65 degrees centigrade, which will crack at temperatures above 0° centigrade, which are hygroscopic or which contain any corrosive substance.

(3) *Requirements as to testing and approval.* (i) Before an auto-alarm receiver will be approved by the Commission pursuant to subsection (x) of section 3 of the Communications Act a sample type of such auto-alarm receiver must be submitted for the purpose of demonstrating by means of suitable laboratory and field tests, that it complies with these requirements. Such tests will be conducted by the Commission, the National Bureau of Standards and other cooperating government departments under the test specifications set forth under subparagraph (5) of this paragraph.

[1] See paragraph (kk) of § 8.7.

(ii) Failure to pass any specified test may result, by order of the Commission, in the discontinuance of all tests on the unit or component involved and the immediate rejection of the entire apparatus.

(iii) Manufacturers' tests of the complete device and/or of any components thereof shall be conducted in the laboratory or shop of the manufacturer(s). These tests shall be carried out in accordance with the provisions of subparagraph (4) of this paragraph.

(iv) Laboratory tests conducted by the National Bureau of Standards and/or by any other cooperating Government department, under test specifications prescribed by the Commission shall be at the expense of the manufacturer or person submitting the device for approval. A report of the tests conducted by the Bureau of Standards, and/or other Government department, will be submitted to the Commission only: *Provided,* That such reports will be made available to the manufacturer involved at a subsequent date to be determined by the Commission.

v) Field tests, as deemed necessary or desirable.

(4) *Requirements as to manufacturers' tests.* (i) The following tests shall be conducted by the manufacturer of the auto-alarm device, who shall submit data in affidavit form showing that such tests have been made as hereinafter required prior to submission of a working model for type tests: *Provided, however,* That properly authenticated data obtained from manufacturers of parts used in the construction of the device may be submitted in lieu of the results of such tests conducted by the manufacturer of the complete device. The Commission may require that any or all of the prescribed tests be witnessed by its representative(s).

(*a*) The insulation resistance of the windings and terminals to case and core of transformers and electromagnet coils and the dielectric resistance of condensers shall be measured and data recorded for the information of the Commission.

(*b*) Transformers and/or electromagnet coils shall be energized continuously under normal conditions of operation for a period of one hour at an ambient temperature of 25 degrees centigrade. For purposes of making this test, maximum rated voltage at rated frequency with the secondary of transformers normally loaded and with the frame or enclosure grounded will be applied. Under these conditions the temperature of each transformer and/or electromagnet coil shall not be such as to affect injuriously any of the material used in construction and the temperature rise of the unit undergoing test shall not exceed 40 degrees centigrade at the end of one hour.

(*c*) Immediately after each transformer and/or electromagnet coil has been tested under subdivision (*b*) of this subparagraph, a test for breakdown capability will be made by applying between windings and between each winding and the core or enclosure, for a period of five minutes, a potential ten times the maximum rated effective potential of the circuit in which the coil or winding is connected,

(*d*) All components containing wax or other sealing, insulating or electrolytic compounds shall be placed in an oven and the ambient temperature brought to 75 degrees centigrade and maintained for a period of 15 minutes. They shall then be placed in a refrigerator and the ambient temperature brought to zero degrees centigrade and maintained for a period of 15 minutes. If sealing, insulating or electrolytic compounds flow during this oven test or crack during this refrigerator test, these units will not be acceptable for use as components in the device. The electrical characteristics of each unit shall be measured at these temperatures and any deviations from their normal ratings that would adversely affect the operation of the auto-alarm device shall preclude the use of that component.

(*e*) A sample of each completed [2] electromagnetic winding, fixed metallic [3] resistor, or fixed condenser used for any component of the device shall be immersed in a salt solution composed of two pounds of pure sodium chloride to one gallon of water. The temperature of this solution shall be carried through at least five complete cycles of temperature ranging form normal ambient room temperature (approximately 25 degrees centigrade) to 50 degrees centigrade throughout a period of three days. At the expiration of this test the component shall be washed clean, wiped and dried for a period not exceeding one hour in an atmosphere having a relative humidity of not less than 50 perecnt and a temperature of not more than 30 degrees centigrade. All terminals and windings and condenser dielectrics shall again be measured and recorded for the information of the Commission. The ohmic value of resistors at the beginning and expiration of this test shall also be measured and recorded. Inspection, with case removed if necessary, should evidence no mechanical or electrical defect, or material reduction in insulation; otherwise, the component shall not be acceptable for use in the device.

(5) *Requirements as to laboratory tests.* (i) The following tests shall be conducted at the National Bureau of Standards, Washington, D. C., and shall be at the expense of the manufacturer or person submitting the auto-alarm for approval. The report of these tests will be furnished by the Bureau to the Commission only. Tests will be conducted as described in the following paragraphs with the auto-alarm connected to an artificial antenna consisting of a 20 microhenry inductance, a 500 micromicrofarad capacitor and a 5 ohm resistor connected in series. The receiver will be tested with its internal sensitivity control (if provided) set at maximum sensitivity, except where otherwise specified.

(*a*) Test of sensitivity of the auto alarm at the radio frequency 500 kc to determine operation of the aural warning device.

[2] A "completed" winding of this purpose is either the winding itself, taped and treated; or the winding together with the unit of which it is an inherent part.

[3] This test need not be applied to carbon resistors.

(*1*) Measurement of minimum alarm signal input, A2 emission 30 percent modulated with a 300 cycles per second tone, required to operate aural warning device.

(*2*) Test of operation using 100 microvolts alarm signal input, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(*3*) Test of operation using 1 volt alarm signal input, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(*4*) Using A2 emission, 30 percent modulated with a 1350 cycles per second tone, test as in subdivisions (*1*), (*2*), and (*3*) of this subparagraph.

(*5*) Test of aural warning device operation with 50 microvolts noise input and 100 microvolts alarm signal, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(*b*) Test to determine operation of aural warning device from a 100 microvolts alarm signal, A2 emission, 30 percent modulated with a 300 cycles per second tone transmitted on any radio frequency or frequencies selected by the Commission from 492 to 508 kc, inclusive.

(*c*) Test of auto alarm operation with internal receiver sensitivity control (if provided) set at minimum setting at which 100 microvolts input on the radio frequency 492 kc will operate aural warning device with simultaneous inputs of 100 microvolts auto-alarm signal, A2 emission, 30 percent modulation with an 800 cycles per second tone on 492 kc and 200,000 microvolts, A2 emission (800 cycles per second modulation) unkeyed signal on the frequency 350 kc; similar tests with the same alarm signal and a 25,000 microvolts, A2 emission (800 cycles per second modulation) unkeyed signal on the frequency 460 kc; similar test with internal receiver sensitivity control (if provided) set at minimum setting at which 100 microvolts input on the frequency 508 kc will operate aural warning device with simultaneous input of A2 emission (800 cycles per second modulation) unkeyed signal on the frequency 540 kc at 25,000 microvolts; and similar test with this latter signal on the frequency 650 kc at 200,000 microvolts.

(*d*) Test of selector response to dashes from 3.5 up to 6.0 seconds in duration when the spaces between the dashes have a duration from 10 milli-seconds to 1.5 seconds. These tests shall be made on the radio frequency 500 kc with an input of 100 microvolts, A2 emission, 30 percent modulated with 300 cycles per second tone.

(*e*) Test of ability to avoid selector response to the radio telegraph radiolocation signal "MO", the "M" being sent in 3.5 seconds and the "O" in 4.5 seconds with 0.1 second space between dashes. These tests shall be made on the radio frequency 500 kc using 100 microvolts input, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(*f*) Test of ability of the aural warning device to operate satisfactorily when the auto-alarm becomes inoperative under the following conditions:

(*1*) Filament burn-out of any electron tube in the apparatus;

(*2*) Failure of power supply; and

(*3*) Prolonged static.

(*g*) Tests to determine capability of proper operation of auto-alarm over long periods of time under any condition which may be expected on board ships while being navigated during extreme weather and sea conditions.

(*1*) The auto-alarm device shall be placed in operation for a period of one hour while subjected to each of the following conditions of temperature and relative humidity:

(*i*) 50 degrees centigrade and 50 percent relative humidity.

(*ii*) 30 degrees centigrade and 95 percent relative humidity.

(*iii*) Zero centigrade and 50 percent relative humidity.

(*2*) The auto-alarm device shall be placed in operation for a sufficient length of time under the following conditions to determine whether or not it will operate properly under such conditions:

(*i*) While the device is being rocked in such manner as to simulate a roll and pitch of 45 degrees from the vertical;

(*ii*) When subjected to severe vibration comparable to that which might be experienced on board ship, as for example when subjected to vibrations having a period between 20 and 30 cycles per second and an amplitude [4] of at least 0.03 inch in a direction at an angle of 30 to 45 degrees with the base of the device.

(*h*) Test of the testing device incorporated in the auto alarm.

(*i*) Tests to determine satisfactory operation of the apparatus on a 500 kc alarm signal at temperatures of approximately 20 and 50 degrees centigrade. Tests to be made on the frequencies 500, 492 and 508 kc with an input of 100 microvolts, A2 emission, modulated 30 percent with a 300 cycles per second tone.

(*j*) General inspection of electrical and mechanical features.

(6) *Requirements as to field test.* (i) This test shall be conducted 24 hours a day for a period of not less than 30 consecutive days and shall be for the purpose of ascertaining the reliability of the auto-alarm and its freedom from false operation under practical interference conditions. For this test the auto-alarm shall be connected to an antenna typical of the average main antenna on shipboard and its operation shall be observed continuously during this period.

(ii) During this test period a minimum of 500 test alarm signals shall be transmitted locally while the test antenna is connected to the auto-alarm. The power used for the production of this test alarm signal shall be produced by a suitable radio frequency generator coupled to the antenna system. The receiver internal sensitivity adjustment (if provided) shall be set at the optimum value for the prevailing noise level. During the official test period, adjustment of the auto-alarm shall not be made more than once in each 12 consecutive hours.

(iii) Tests for response to the alarm signal shall be made on at least the radio frequencies 492, 500 and 508 kc in a proportion on each frequency as determined by the Commission.

[4] 0.03 inch total excursion, i. e., 0.015 inch each side of the position of rest.

(b) Each type of auto alarm approved by the Commission prior to the effective date of this section is approved, as to its type for use on board ship as provided by section 353 of the Communications Act or by the applicable provisions of the Safety Convention until such time as the Commission in consideration of developments with respect to improved types of auto alarms, may terminate, in accordance with appropriate rule making proceedings, such type approval.[5]

(c) No change shall be made in any auto-alarm under the type approval identification issued by the Commission, except upon specific authorization by the Commission. When it is desired to make any change, an application therefor, together with pertinent detailed information shall be submitted to the Commission for consideration and appropriate action.

(d) Type approval of an auto-alarm when given by the Commission, may be for a limited period of time only, and is subject to withdrawal if the device proves defective in service and cannot be relied upon under usual conditions of maintenance and operation encountered on board ships at sea. Withdrawal of approval means that no further devices of the particular model affected may be installed, but will not immediately apply to such devices already installed unless it is found that there has been an unauthorized change in design or construction, or the material or workmanship is defective.

§ 8.555 *Requirements for automatic-alarm-signal keying device.* (a) To be approved by the Commission for use in compliance with § 8.508 and to be recognized as being capable of functioning in compliance with §§ 8.508 and 8.509. Each type of automatic-alarm-signal keying device shall comply with the requirements set forth in this section.

(b) No change shall be made in any automatic-alarm-signal keying device under the type approval identification issued by the Commission, except upon specific authorization by the Commission to make such change(s). When it is desired to make any change, an application therefor, together with pertinent detailed information shall be submitted to the Commission for consideration and appropriate action.

(c) Type approval of an automatic-alarm-signal keying device when given by the Commission, may be for a limited period of time only, and is subject to withdrawal if the device proves defective in service and cannot be relied upon under usual conditions of maintenance and operation encountered on board ships at sea. Withdrawal of approval means that no further devices of the particular model affected may be installed, but will not immediately apply to such devices already installed unless it is found that there has been an unauthorized change in design or construction, or the material or workmanship is defective.

[5] The provisions of this paragraph supersede any provisions of any order heretofore promulgated by the Commission which are in conflict herewith.

(1) *Basic technical requirements.* (i) The automatic-alarm-signal keying device may consist of one or more units, either separate and distinct from other units of the ship's radio installation or may be incorporated, if approved by the Commission, as part of any other unit.

(ii) The device shall be designed so as to properly operate, on board ships at sea, the normal keying circuits of any transmitter approved by the Commission for use as a main or as an emergency transmitter in compliance with section 354 of the Communications Act of 1934, as amended.[6]

(iii) Timing-adjustment controls shall not be accessible from the exterior of the device and shall be designed and housed so as to prevent adjustment by unauthorized persons.

(iv) The keying mechanism shall operate so as to repeatedly transmit the alarm signal. For this purpose the dashes transmitted shall have a duration within the limits of 3.8 to 4.2 seconds, and spaces between each of the twelve dashes constituting a series shall have a duration within the limits of 0.8 to 1.2 seconds. Spaces between each series of twelve dashes shall have a duration within the limits of 0.8 second to one minute.

(v) A single control, protected so as to avoid accidental manipulation, shall be provided for placing the device itself into full operation within a maximum period of 30 seconds. Once set into operation, the device shall be capable of continuously and properly operating without further attention for a period of not less than one hour.

(vi) The automatic-alarm-signal keying device shall be capable of being energized solely by a source of power independent of the propelling power of the ship and independent of any other system: *Provided, however,* That the device may be energized by the radio station emergency power supply and any storage battery power supply regularly used for operating a required automatic alarm receiver.

(vii) When the proper operation of the device is dependent upon the maintenance of any inherent conditions of operation within relatively narrow limits, the Commission, as a provision of its approval, may prescribe such limits and require that the device shall include means for indicating to the operator when deviations from the conditions occur.

(viii) Instructions concerning the proper adjustment of the device and the correct indication of any instrument incorporated for the purpose of revealing improper operation, shall be inscribed in a durable manner on a plate mounted on the device in a position to be easily read by the operator.

(ix) Means shall be provided to insure that when the "on-off" control of the device is placed in the "off" position, the keying circuit to the radio transmitter(s) is automatically opened.

(2) *Requirements as to construction.* (i) The design of the automatic-alarm-signal keying device shall be in accordance with the modern engineering practice and the device shall be capable of operating under conditions of constant and severe vibrations and extreme variations of temperature and humidity equivalent to those experienced on board ships at sea under the worst possible conditions. This requirement applies only to use of the device on board such types of vessels as are normally subject to Title III, Part II of the Communications Act.

(ii) A durable nameplate shall be mounted on each device showing the name of the manufacturer, the type and serial number and the month and year of completion by the manufacturer. However, this nameplate need not be provided on a working model submitted to the Commission for type testing and approval.

(3) *Requirements as to testing and approval.* (i) Before an automatic-alarm-signal keying device is approved by the Commission, a working model of the particular type for which approval is desired shall be submitted for inspection, and it shall be demonstrated by means of suitable type tests that it complies with these requirements. The model equipment will be operated in these tests in the same way and under conditions similar to those encountered in actual service. In connection with such tests, the manufacturer shall supply all instructions and/or services which are intended to be supplied to the purchaser of the equipment, including a proposed instruction book and a tentative list of spare parts as would normally be supplied with shipboard installations.

(ii) Failure to pass any specified test may result, by order of the Commission, in the discontinuance of all tests on the particular device involved and in the immediate rejection thereof: *Provided,* That the Commission, within its discretion, may relax to a reasonable extent the provisions of subparagraph (4) of this paragraph with respect to an automatic-alarm-signal keying device which is included as an integral part of any automatic-alarm receiver approved by the Commission and completed by the manufacturer prior to the effective date of these requirements and Type Tests.

(iii) Manufacturers' tests of the complete device and/or of any components thereof shall be conducted in the laboratory or shop of the manufacturer(s). These tests shall be carried out in accordance with the following requirements under the heading "Manufacturers' Tests" and at the expense of the manufacturer or person submitting the device for approval.

(iv) Laboratory tests shall be conducted by the National Bureau of Standards, and/or by any other cooperating government department, under test specifications prescribed by the Commission and shall be at the expense of the manufacturer or person submitting the device for approval. A report of the tests conducted by the Bureau of Standards, and/or other government department, will be submitted to the Commission only: *Provided,* That such reports will be made available to the manufacturer involved at a subsequent date to be determined by the Commission.

(v) Field tests, as deemed necessary or desirable.

(4) *Requirements as to manufacturers' tests.* (i) Tests shall be conducted by the manufacturer of the automatic-alarm-signal keying device, who shall submit proof in affidavit form that they have been made as required, together with supporting data: *Provided, however,* That properly authenticated data obtained from manufacturers of parts used in the construction of the device may be submitted in lieu of the results of such tests conducted by the manufacturer of the complete device.

(ii) Sufficient tests shall be applied to all components to determine the durability of materials, character of workmanship, and that the electrical and/or mechanical characteristics are those required for efficient operation of the device.

(5) *Requirements as to laboratory tests.* (i) The automatic-alarm-signal keying device shall be capable of operating the keying circuit of any transmitter approved by the Commission for use as a main transmitter or as an emergency transmitter in compliance with section 354 of the Communications Act of 1934.[7] For the purpose of demonstrating compliance with this requirement the transmitter keying circuit of the device shall be tested for a direct current carrying capacity of two amperes through a non-inductive resistance of 115 ohms. Terminals, electrical conductors and keying contacts shall be of sufficient size and properly spaced and insulated for these values of current and for the voltage which will necessarily be applied in this test. During this test arcing shall not occur when the keying contacts are operated, which would unduly affect the duration of the dashes and spaces between dashes, or which would otherwise adversely affect the operation of an approved radiotelegraph transmitter keyed by the device.

(ii) The automatic-alarm-signal keying device, if electrically driven, shall be capable of operation when the required electrical energy is furnished solely by an independent power supply. For the purpose of demonstrating compliance with this requirement, the following tests are prescribed:

(*a*) The device shall be operated continuously for a period of one hour from a power supply equivalent to the radio station emergency power supply or the required automatic-alarm receiver storage battery power supply of vessels on which the device is to be used,[8] or from a separate and independent source of power furnished as an integral part of the device. For this operation test the

[6] A list of transmitters approved by the Commission for this purpose will be furnished upon request.

[7] A list of the types of transmitters approved by the Commission for this purpose will be furnished upon request.

[8] Radio station emergency power supplies having potentials of 12, 24 and 110 volts are commonly used on board vessels of the United States. Twelve-volt emergency power supplies are most common on these vessels. Approved automatic alarm receivers used on board United States ships to date are energized by a storage battery power supply of either 6 or 24 volts.

potential of the electrical power supply, if used, shall be varied over a voltage range of plus or minus 15 percent of the rated potential of such power supply, during which the transmitted dashes shall have a duration within the limits of 3.8 to 4.2 seconds, and spaces between dashes shall have a duration within the limits of 0.8 to 1.2 seconds.

(*b*) The electrical circuits of the device shall be inspected and tested as may be necessary to determine whether or not they are properly fused for adequate protection of the device and the power supply.

(iii) The automatic-alarm-signal keying device shall be capable of properly operating the keying circuit of an approved radiotelegraph transmitter so as to transmit the alarm signal for a continuous period of one hour, under any condition which may be expected on board ships while being navigated during extreme weather and sea conditions. For this purpose the following tests are prescribed in addition to the test prescribed in subdivision (ii) of this subparagraph:

(*a*) The keying device shall be placed in operation for a period of one continuous hour while subjected to each of the following conditions of temperature and relative humidity:

(*1*) 50 degrees centigrade and 50 percent relative humidity.

(*2*) 30 degrees centigrade and 95 percent relative humidity.

(*3*) Zero centigrade and 50 percent relative humidity.

(*b*) The keying device shall be placed in operation for a sufficient length of time under the following conditions to determine whether or not it will operate properly under such conditions:

(*1*) While the keying device is being rocked in such a manner as to simulate a roll and pitch of 45 degrees from the vertical, that is, over an arc of 45 degrees in two planes normal to the horizon and perpendicular to each other.

(*2*) When subjected to severe vibration comparable to that which might be experienced on board ship, as for example when subjected to vibrations having a period between 20 and 30 cycles per second and an amplitude [9] of at least 0.03 inch in a direction at an angle of 30 to 45 degrees with the base of the device.

(*3*) The keying device shall be inspected to determine whether or not all delicate parts are properly enclosed and protected from moisture and from mechanical injury and whether or not components are accessible as may be necessary for inspection and repair, when in service.

(*4*) The keying device shall be inspected and tested as may be necessary to determine the effectiveness of adjustment controls and means for making these adjustments under service conditions together with precautions taken to prevent tampering wih adjustments.

(*5*) Indicating instruments (when provided [10]) and operating controls shall be inspected to determine whether indication is given that the device is in satisfactory operation when the starting control is placed in the "on" position and to determine that a single control for starting and stopping is provided, capable of placing the device in full operation within 30 seconds from the time the control is placed in the "on" position.

§ 8.556 *Requirements for lifeboat radio equipment.* (a) Each type of lifeboat radio installation shall, in order to be approved by the Commission pursuant to section 355 of the Communications Act and § 8.519, comply with the specific requirements set forth in either § 8.557 or § 8.558, and additionally in paragraphs (b) and (c) of this section.

(b) The components and assembly of the entire lifeboat radio installation shall insure the utmost dependable operation, and the design shall be such that heavy vibration and physical shocks to which a lifeboat is subject will cause no damage. All components shall be housed and treated so as to withstand saline dampness for extended periods without damage and to minimize the adverse effect of prolonged exposure to salt water or salt spray.

(c) Instructions shall be plainly marked on the apparatus in sufficient detail which will inform inexperienced or uninstructed personnel how to place the lifeboat radio equipment in operation and how to transmit appropriate signals for a sufficient period of time to enable vessels or land stations, within communication range and equipped with radio direction finders, to determine the position of the lifeboat.

§8.557 *Requirements for non-portable lifeboat radio equipment.* (a) The following minimum requirements apply to lifeboat radio installations which are not intended to be portable in nature and which are designed primarily for fixed installations in the larger class of motor lifeboat:

(1) Assigned frequency on which transmitter operates: 500 kc.

(2) Class of emission of transmitter: A2.

(3) Frequency tolerance of transmitter: 0.5 percent.

(4) Power of transmitter: Not less than 75 watts plate input power to the oscillator or amplifier supplying power to the antenna when such oscillator or amplifier is effectively coupled to an antenna equivalent to that specified in subparagraph (5) of this paragraph.

(5) Antenna: A single wire inverted L-type for use not less than 20 feet above the water line with a horizontal section of the maximum practicable length.

(6) Receiver: Electron tube type, continuous frequency range of at least 350 to 550 kc and capable of reception of classes A1, A2, and B emission; equipped with a head receiver capable of effective operation at every audio frequency from 100 to 3000 cycles per second, inclusive.

(7) The type of power supply shall be: for the transmitter; a storage battery; for the receiver; dry cell battery and/or storage battery. The necessary power for the transmitter and receiver, at voltages other than the battery voltages, may be obtained by the use of a dynamotor or other suitable device approved by the Commission.

(8) The lifeboat radio transmitter shall be fitted with a radio frequency ammeter of suitable range and scale, connected so as to indicate the current in the antenna circuit.

(b) In addition to compliance with the requirements of paragraph (a) of this section, each lifeboat radio installation shall be supplied with auxiliary equipment consisting of one screwdriver, one pair of side-cutting pliers, and one artificial antenna capacitor.

(c) In addition to compliance with the requirements of paragraph (a) of this section, the following designated spare parts, as specifically approved and identified by the Commission in relation to the particular type of approved installation, shall be supplied with each lifeboat radio installation:

(1) At least 35 feet of insulated wire suitable for use as antenna wire.

(2) Two antenna insulators.

(3) Two tubes for radiotelegraph transmitters, except when transmitter employs a single transmitting tube, in which case one tube is required.

(4) One complete set of tubes for the radiotelegraph receiver.

(5) One panel electric light bulb, if used.

(6) Renewable fuse-cartridges of each type used in connection with the units of the lifeboat radio installation or which are used in circuits connected to the lifeboat radio installation power supply in the amount of at least one-half the number of each size and type in actual use. For each renewable fuse-cartridge in actual use, there shall be available six spare fuse links of appropriate capacity. For each non-renewable fuse in use, there shall be available six spare fuses of the same type and of appropriate capacity. If fuse wire is used, sufficient wire shall be provided to permit six complete fuse replacements.

§ 8.558 *Requirements for portable lifeboat radio equipment.* (a) The minimum requirements set forth in the following paragraphs of this section apply to lifeboat radio installations which are intended to be portable in nature.

(b) The lifeboat radio installation shall consist of an efficient and reliable emergency transmitter and emergency receiver (such radio receiver to be provided with a head receiver capable of effective operation at every audio frequency from 100 to 3000 cycles per second, inclusive), an emergency power supply, an antenna wire and insulator assembly for use with a lifeboat sailing mast, an antenna wire and reel assembly for use with a balloon and a kite, an approved container of gas for inflating the balloon, an approved kite, a ground system, an artificial antenna, and such auxiliary equipment and spare parts as are prescribed in paragraphs (i) and (j) of this section, and shall comply with the following general requirements:

(1) The transmitter, receiver and power supply shall be enclosed in a single container: *Provided*, That operational parts of these components not adversely affected by immersion in sea water need not be so enclosed; and not more than two containers shall be required to house the complete installation. The container enclosing the transmitter, receiver and power supply shall be water-tight and capable of withstanding complete submersion in sea water for a continuous period of two hours without leakage. This container shall be capable of withstanding this submersion with all manual operating controls and all indicating devices and instruments unprotected from contact with sea water. Any other container provided shall be of durable and splash-proof construction. Suitable protection shall be provided for the operating controls, indicating devices and instruments, including the microphone and the head telephone(s), against physical harm from accidental or inadvertent blows, and from the adverse effects of prolonged exposure to the weather. The container enclosing the transmitter, receiver and power supply shall be durably constructed of steel or aluminum, or alloys thereof, and shall be suitably protected against the adverse effects of sea water and saline dampness. Provision shall be made to protect the operator from the elements while the lifeboat is afloat in a heavy sea.

(2) The container housing the transmitter, receiver and power supply shall be provided with a non-corrosive cartridge type desiccator installed in a manner which will permit convenient inspection, maintenance and replacement.

(3) The physical dimensions and shape of the container(s) shall require the minimum amount of space consistent with the design of the equipment.

(4) The weight of the complete installation shall not exceed 160 pounds.

(5) The design and construction of the entire installation shall be such that no tools are required to place it in operation for routine tests or for emergency communication.

(6) All component parts used in the installation shall be of acceptable quality for marine service.

(7) The complete installation shall be efficient and reliable in its operation and shall be ruggedly constructed and capable of withstanding the shock and vibration to which a lifeboat may be subjected.

(8) Each installation shall be equipped with a durable name plate mounted on the transmitter, receiver, power supply or control panel, or made an integral part thereof, showing at least the following: The type or model number, the name of the manufacturer, the month and year of manufacture, and the rated power output for each frequency and each type of emission into each artificial antenna specified in § 8.205 (b) (1).

(9) Suitable printed instructions together with sketches covering the erection of the antenna(s) and operation of the equipment shall be permanently and conspicuously attached to the control panel or the surface of the transmitter, receiver and power supply container, or shall be made an integral part thereof. These instructions shall be as simple as possible consistent with the amount of detail required by an unskilled person to operate the equipment for automatic radiotelegraph communication and for radiotelephony. In addition, these instructions shall include sufficient information to permit an unskilled person to manually transmit the radiotelegraph distress signal ... — — — ... and the auto-alarm signal and a statement that the latter signal is effective only if transmitted on the frequency 500 kilocycles. These instructions shall be durable and waterproof.

(10) Each installation shall be provided with a copy of an instruction manual covering the design, installation, operation and maintenance of the apparatus.

(c) (1) The radio transmitter shall comply with the following requirements:

Operating carrier frequencies	Frequency tolerance (percent)	Class of emission	Modulation percentage	Modulation frequency	Power into antenna supported by kite or balloon	Power into antenna supported by lifeboat mast
500 kc	0.5	A2	Not less than 70...	Not less than 450; nor greater than 1250 c. p. s.	Not less than 5 watts.	Not less than 2 watts.
500 kc	.5	A3	Not less than 70 nor greater than 100.	400 to 3000 c. p. s..	Not less than 4 watts unmodulated carrier.	Not less than 1.5 watts unmodulated carrier.
8280 kc	.02	A1			Not less than 4 watts.	Not less than 3 watts.
8280 kc	.02	A3	Not less than 70 nor greater than 100.	400 to 3000 c. p. s..	Not less than 4 watts unmodulated carrier.	Not less than 3 watts unmodulated carrier.

(2) The transmitter radio frequency control circuits shall be pretuned to the required frequencies and shall be of such design and construction that the operating frequencies are maintained within the prescribed tolerances under varying antenna circuit characteristics and conditions of adjustment. The frequency control circuit adjustment(s) shall be securely locked to prevent detuning as a result of shock or vibration and shall not be readily available to the person using the transmitter.

(3) The indicated modulation percentage shall be determined as the average of the modulation percentages of the positive and negative peaks.

(4) The indicated power into the antenna supported by the kite or balloon shall be developed on 500 kilocycles into an artificial antenna of 500 micromicrofarads capacitance and 15 ohms resistance, and on 8280 kilocycles into an artificial antenna of 300 ohms resistance.

(5) The indicated power into the antenna supported by the lifeboat sailing mast shall be developed on 500 kilocycles into an artificial antenna of 100 micromicrofarads capacitance and 10 ohms resistance and on 8280 kilocycles into an artificial antenna of 50 ohms resistance.

(6) Controls shall be provided on the operating panel for efficient transfer of radio frequency energy at each required operating frequency to antennas having the following characteristics at 500 kilocycles; 80 to 750 micromicrofarads of capacitance and 10 to 20 ohms of resistance. An initial adjustment of these controls shall effectively resonate the antenna circuit at each required operating frequency and this condition shall be maintained without further adjustment of these controls during a normal operating period of the transmitter.

(7) Provision shall be made for keying the transmitter manually and by automatic means on 500 kilocycles and 8280 kilocycles. Provision shall be made for automatic transmission of the international distress signal "SOS", in one or more groups of three "SOS" signals, followed by a continuous dash not less than 12 seconds nor more than 20 seconds in duration. Provision shall be made for automatically changing the operating frequency of the transmitter from 500 kilocycles to 8280 kilocycles, and vice versa, with a frequency transfer time interval not to exceed five seconds so that the automatically keyed transmission sequence specified herein will take place alternately on 500 kilocycles and 8280 kilocycles. The speed of automatic telegraph transmission shall not exceed 16 words per minute. Simple and reliable controls shall be provided so that the operator of the transmitter can quickly and conveniently place it in operation in accordance with any of the three required modes of transmitter operation; that is, manual radiotelegraph, automatic radiotelegraph and manual radiotelephone operation, provided, that not more than one manual switch adjustment shall be made to place the transmitter in operation for automatic radiotelegraph transmission, and under this condition of operation the receiver shall be completely de-energized. The transmitter and the receiver, including their controls, shall be arranged mechanically and electrically so that they can be operated efficiently and conveniently from the same operating position for manual radiotelegraph communication on the required operating frequencies and so that the time necessary to change from transmission to reception, and vice versa, on these frequencies is as short as possible and in no event more than ten seconds.

(8) The transmitter shall be equipped with reliable visual indicators (such as neon tubes) to indicate antenna resonance at each operating frequency with any antenna normally provided. Failure of these indicators shall have no effect on the actual operation of the transmitter.

(d) The emergency receiver shall comply with the following requirements:

(1) The receiver shall provide reception on the frequency 500 kilocycles and shall be capable of manual tuning between the frequencies 8100 and 8600 kilocycles for operation on the frequency 8280 kilocycles.

(2) The receiver shall be capable of responding to classes A 2 and A 3 emission on the frequency 500 kilocycles and

[9] 0.03 inch total excursion, i. e., 0.015 inch each side of the position of rest.

[10] See subparagraph (1) (VII) and (VIII).

on all frequencies in the range 8100 to 8600 kilocycles.

(3) The sensitivity of the receiver shall be such that at least 6 milliwatts of audio power is developed in a non-inductive load resistor having an ohmic value equal to the value of the load resistance into which the output audio amplifier stage is designed to operate, at a signal to noise power ratio of not less than 10 to 1 when the receiver is supplied through the appropriate artificial antennas specified in paragraph (f) of this section with the following radio frequency signals:

Carrier frequency kilocycles	Signal strength microvolts	Modulation factor	Modulation frequency
500 8,280	25 100	0.3 .3	400 c. p. s. 400 c. p. s.

The noise power present in the output of the receiver when the receiver is adjusted for reception of classes A 2 and A 3 emission on the frequencies 500 kilocycles and 8280 kilocycles shall be determined with an unmodulated input signal of the indicated strength.

(4) The receiver shall be equipped with only one manually operated volume control. The effect of this control together with an automatic sensitivity control circuit, if used, shall permit the receiver to operate normally without overload when an input signal of one volt modulated 20 percent at 400 cycles per second is applied to the receiver input terminals through the appropriate artificial antennas specified in paragraph (c) of this section.

(5) The receiver shall be capable of maximum "undistorted" audio frequency output power of 10 milliwatts.

(6) The over-all electric fidelity of the receiver shall be such that with a zero decibel 1000 cycle reference the maximum response deviation at any frequency between 400 and 2000 cycles per second will not exceed 4 decibels.

(7) The selectivity of the receiver shall be at least as follows:

Ratio of input voltage off resonance to input voltage at resonance	Bandwidth at 500 kilocycles	Bandwidth at 8280 kilocycles
10 100 1000	20 kc 40 kc 60 kc	30 kc 60 kc 90 kc

(e) The emergency power supply shall comply with the following requirements:

(1) The source of power shall be a manually operated electric generator capable of efficiently energizing the lifeboat radio installation.

(2) The mechanical power applied to the crank handle(s) or the propelling lever(s) of the generator driving mechanism shall not exceed a maximum of 0.15 horsepower for any required condition of operation of the lifeboat radio installation at any temperature of the generator and its associated driving mechanism between minus 30 degrees and 125 degrees Fahrenheit. Under these conditions the speed of rotation of the crank handle(s) shall not be greater than 70 revolutions per minute or the cycle of operation of the propelling lever(s) shall not be greater than 70 cycles per minute.

(3) The voltages applied to the radio installation shall not vary from their normal values more than 20 percent at any generator speed in excess of the normal operating speed which can be manually developed.

(f) The antenna assemblies shall comply with the following requirements:

(1) The antenna assembly required for use with a balloon and a kite shall consist of a reliable reel constructed of materials resistant to the corrosive effects of sea water and saline dampness, containing 300 feet of flexible stranded or braided copper or copper alloy wire of high conductivity having a tensile strength of not less than 60 pounds. This wire shall be securely fastened at one end to the reel and effectively insulated electrically. If an insulating cord is used it shall have a tensile strength at least equal to that of the antenna wire, and the material(s) used therein shall be such that the cord is not weakened by kinking or wetting. This reel shall be associated with the container housing the transmitter, receiver and power supply in a manner which will provide mechanical protection and protection from the weather to the reel, and shall be designed and mounted in a manner which will permit convenient unwinding and rewinding of the antenna wire. Means shall be provided for conveniently and effectively connecting the antenna wire to the proper radio installation antenna terminal.

(2) The required balloon when inflated with gas shall be capable of effectively supporting the 300-foot antenna wire and shall comply with the requirements of § 8.560.

(3) The required container of gas shall be capable of effectively inflating the balloon, and shall comply with the requirements of § 8.560.

(4) The required kite shall be capable of effectively supporting the 300-foot antenna wire, and shall comply with the requirements of § 8.559.

(5) The required antenna assembly for use with a lifeboat sailing mast shall consist of a length of not less than 40 feet of No. 10 stranded copper wire having at least 80 strands, with the antenna insulators necessary for effective insulation of the antenna when used with a lifeboat sailing mast.

(g) The artificial antenna shall comply with the following requirements:

(1) The artificial antenna shall provide a reliable load for the transmitter, for test purposes at the frequencies 500 kilocycles and 8280 kilocycles, of approximately the same electrical characteristics as the mast supported antenna required by paragraph (c) (5) of this section.

(2) The artificial antenna shall be housed in a single container and provided with appropriate terminals for the necessary characteristics. If more than two terminals are provided on the artificial antenna, all the terminals shall be properly labeled. The physical dimensions of this container shall permit convenient storage of the unit in one of the containers specified in paragraph (b) of this section.

(h) The ground system shall comply wth the following requirements:

(1) The radio installation when installed in a metal hull lifeboat shall be effectively grounded to the hull of the lifeboat. This ground connection shall be physically located in a position where it is inaccessible to the normal movement of occupants or accessories in the lifeboat.

(2) The radio installation when installed in a lifeboat having a non-metallic hull shall be provided with a grounding conductor consisting of a length of not less than 20 feet of No. 10 bare stranded copper wire of equivalent copper braid effectively weighted at one end for immersion in the sea. This conductor shall be securely fastened to an effective ground terminal on the radio installation.

(i) In addition to compliance with the requirements of the foregoing paragraphs of this section, each lifeboat radio installation shall be supplied with auxiliary equipment consisting of one screwdriver and one pair of side-cutting pliers.

(j) In addition to compliance with the requirements of the foregoing paragraphs of this section, the following designated spare parts, as specifically approved and identified by the Commission in relation to the particular type of approved installation, shall be supplied with each lifeboat radio installation:

(1) One electron tube of each type used for normal operation of the radio installation in accordance with the requirements governing the installation, including neon or any other type of tube or lamp employed as resonance indicator(s).

(2) Six fuses of each type used which shall be of the same rating and interchangeable therewith.

(3) Where a kite and balloon are used for an antenna support, one spare 300-foot length of antenna wire of the type used which shall be of the same rating and interchangeable therewith.

§ 8.559 *Requirements for lifeboat antenna kites.* (a) Each type of kite supplied with a lifeboat radio installation as prescribed in paragraph (b) of § 8.558 shall, in order to be approved by the Commission, meet the following requirements:

(1) *Frame.* The frame may be of wood or of metal. It must be strong and be collapsible or be easily disassembled for storage. If of wood, the wood must be treated to prevent absorption of water, unless it naturally does not take up much water. If of metal, all the metal parts must be treated with a corrosion resistant finish, unless they are of non-corrodible material.

(2) *Cloth.* The cloth shall be of a strong and durable material. It shall have a thread count in warp and fill of not less than 115 and a tensile strength (grab method) of not less than 30 pounds in warp and fill. The material shall be fast dyed a bright yellow. The cloth shall be adequately treated so as to be water repellent. The finished cloth shall not be stiff or tacky even under wide ranges of temperatures.

(3) *Buoyant material.* The kite, when assembled for flying, must be buoyant. Any buoyant material added must be securely fastened to the kite and not seriously interfere with its flight.

(4) *Dimensions and shape.* The kite may be of any desired shape, such as box, etc., provided it can be easily assembled and handled.

(5) *Antenna connector.* Each kite shall be provided with a strong and secure means for the attachment of the antenna to the kite.

(6) *Instructions.* Each kite shall be accompanied by a set of instructions written in simple and clear language so that a person may assemble and fly the kite even though he may have had no previous experience with kites.

(7) *Container.* Each kite shall be packed in a rigid and sealed container. The container shall be as small as possible and shall be rigid enough to protect the kite even though it may be stepped upon by persons getting in a lifeboat. The container shall be easy to open and not require the use of tools. A metal tear-strip with a key removably soldered to the top is acceptable. The provision is not applicable if the kite is stowed in a watertight compartment with other components of the radio installation.

(8) *Marking.* Each container shall be permanently marked to show the contents, the name of the manufacturer, the place of manufacture, the date of packing, and the model number of the kite.

(b) *Tests.* Any samples or manufactured kites may be subjected to such tests as may be necessary to determine whether they are suitable for the purpose intended. Among the tests that may be performed are:

(1) *Storage test.* One year storage aboard ship or in a laboratory in which the container containing the kite may be subjected to Fahrenheit temperatures between 70 degrees below zero to 150 degrees above zero.

(2) *Use test.* The kite shall be removed from its container and sent aloft at Fahrenheit temperatures between 30 degrees below zero to 140 degrees above zero. The kite shall function properly and the cloth shall show no signs of serious cracking, brittleness, tackiness or other evidence of deterioration.

(3) *Launching test.* The kite shall be assembled, the antenna wire attached, and successfully launched by a person sitting in a lifeboat, the wind being of a velocity between 7 and 10 miles per hour.

(4) *Lift test.* The kite shall raise and hold aloft in even flight an antenna approximately 300 feet long and weighing approximately 12 ounces. It shall maintain its flight at an angle of not less than 30 degrees in a wind of not more than 10 miles per hour.

§ 8.560 *Requirements for lifeboat antenna balloons.* (a) Each type of balloon and associated inflating apparatus supplied with a lifeboat radio installation as prescribed in paragraph (b) of § 8.558 shall, in order to be approved by the Commission, meet the following requirements:

(1) *Material.* The balloon may be constructed of any gas impermeable flexible material that can be relied upon to stand storage for long periods in a folded condition and will also withstand the effect of sunlight, temperature change, humidity, etc., likely to be encountered at sea. The material must be of such a nature that it can be easily packed, together with the valve and other gas filling fittings, into a rigid container of not more than 70 cubic inches capacity.

(2) *Gas.* The gas to be used for inflating the balloon must be nonflammable and at the same time provide adequate buoyancy. The gas shall be furnished in a strong steel cylinder having an overall length of not over 30 inches and a diameter of not over 8 inches. A quantity of gas sufficient to inflate the balloon to a volume of 38 to 44 cubic feet shall be furnished in the steel cylinder. In lieu of steel cylinder filled with gas, a gas generator may be furnished. The generator must be fireproof and the gas generated must not be of a flammable or explosive nature. A fitting or other means shall be supplied with the cylinder or the generator so that the balloon may be quickly and easily inflated and without excessive loss of gas, even by an inexperienced person. Neither the gas cylinder, together with its gas nor the gas generator together with its chemicals shall weigh over 25 pounds.

(3) *Dimensions and shape.* If spherical, the balloon shall be approximately 48 inches diameter when inflated so as to provide a buoyancy of 20 ounces available for supporting an antenna. The balloon may be of any desired shape provided it supplies the 20 ounce lift. The use of fins or other means for providing stable flight of the balloon during windy periods is acceptable provided that the balloon can be packed away easily in the 70 cubic inch container.

(4) *Antenna connection.* Each balloon shall be provided with a strong and secure means for the attachment of the antenna to the balloon.

(5) *Valve.* Each balloon shall be fitted with a valve which will allow the balloon to be filled with gas in a quick and simple manner. If a gas generator is provided, the fitting shall be of such a nature that the balloon may be drained of any liquid that may have collected inside. Any metal parts of the valve must be made of non-corrodible material.

(6) *Instructions.* Simple, clear and concise instructions shall accompany each balloon so that a person who has never operated one before may successfully inflate it without injury to the balloon or excessive loss of gas. The instructions may be made in a permanent manner on the outside of the container.

(7) *Container.* Each balloon shall be packed in a rigid airtight container. The container shall not exceed 70 cubic inches capacity nor shall it be over 6 inches in any one dimension. Preferably, the container shall be fitted with an inert gas so as to preserve the balloon. The can must be easy to open. A metal tear-strip around the top with a key removably soldered to the top is satisfactory.

(8) *Marking.* Each container shall be marked to show the contents, the name of the manufacturer, the place of manufacture, the date of packing, and the model number of the balloon.

(b) *Tests.* Any samples of manufactured balloons may be subjected to such tests as may be necessary to determine whether they are suitable for the purpose intended. Among the tests that may be performed are:

(1) *Storage test.* One year storage aboard ship or in a laboratory in which the container containing the balloon may be subjected to Fahrenheit temperature between 70 degrees below zero to 150 degrees above zero.

(2) *Use test.* The balloon shall be removed from its container and inflated and sent aloft at Fahrenheit temperatures between 30 degrees below zero to 140 degrees above zero. The balloon shall function properly and show no signs of serious cracking, tackiness, stickiness or other evidences of deterioration.

(3) *Lift test.* The balloon shall be inflated with about 35 cubic feet of helium gas so as to inflate the balloon to its regular size. It shall then support an antenna of approximately 300 feet length and weighing approximately 12 ounces at an angle of not less than 30 degrees from the horizontal during a wind of not over 15 miles per hour. In the above lift tests, the balloon shall maintain the antenna aloft for 48 hours without further addition of gas.

SUBPART T—VIOLATIONS

§ 8.601 *Answers to notice of violation.* (a) Any person receiving official notice of a violation of the terms of the Communications Act, any legislative act, Executive Order, treaty to which the United States is a party, terms of a station or operator license, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The answer shall contain a full explanation of the incident involved and shall set forth the action taken to prevent a continuation or recurrence thereof. If the notice relates to lack of attention to, or improper operation of the station, or to log or watch discrepancies, the answer shall give the name and license number of the licensed operator on duty.

(b) When an official notice of violation, impending violation, or discrepancy, pertaining to any provision of Part II of Title III of the Communications

Act or the radio provisions of the Safety Convention, is served upon the master or person responsible for a vessel and any instructions appearing on such document as issued by a representative of the Commission are at variance with the content of paragraph (a) of this section, then the instructions issued by the Commission's representative shall supersede those set forth in paragraph (a) of this section.

§ 8.602 *Reports of infringements of the International Radio Regulations.* In the event that infringement of the International Radio Regulations by a foreign station is detected, report thereof may be made by the submission to the Commission of a form similar to that set forth in Appendix 2 of the International Radio Regulations.

[F. R. Doc. 50-8203; Filed, Sept. 21, 1950; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. #55603]

CALIFORNIA

RESTORATION TO HOMESTEAD ENTRY OF LANDS WITHIN THE KLAMATH NATIONAL FOREST

SEPTEMBER 18, 1950.

Pursuant to the recommendation of the Department of Agriculture and in accordance with section 2.22 of departmental Order No. 2583 of August 16, 1950 (15 F. R. 5645), the land described below in the Klamath National Forest, California, is hereby opened to homestead settlement and entry as provided by the act of June 11, 1906 (34 Stat. 233; 16 U. S. C. 506-509), as amended, and the regulations thereunder in 43 CFR, Part 170, in the manner hereinafter described:

MOUNT DIABLO MERIDIAN

List 5-3011—T. 46 N., R. 12 W.,
Sec. 14, lots 18 and 23;
Sec. 23, lots 2, 5 and 8.
Norman C. and Gladys M. Valpey, preferred applicants.

The area described contains 3.39 acres.

1. The persons named, on whose application the land was listed, will be accorded a preference right for 60 days from the date of publication of this order in the FEDERAL REGISTER within which to make homestead entry of such tract under the said act of June 11, 1906.

2. For a period of 90 days from the expiration of the 60-day preference right period accorded the applicants, the land if remaining unentered will be subject to entry by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

3. The land if unentered at the expiration of the 90-day preference right period, will, on the following business day, become subject to homestead settlement and entry under the provisions of the act of June 11, 1906, by any qualified persons.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50-8289; Filed, Sept. 21, 1950; 8:45 a. m.]

[1606481]

CALIFORNIA

NOTICE OF FILING OF PLAT OF SURVEY

SEPTEMBER 18, 1950.

Notice is given that the plat of extension survey of the following described lands, accepted April 1, 1943, will be officially filed in the Land Office, Los Angeles, California, effective at 10:00 a. m. on the 35th day after the date of this notice:

SAN BERNARDINO MERIDIAN

T. 10 N., R. 22 E.
Sec. 3, lot 3,
Sec. 10, lots 1, 2, W½NE¼, E½SW¼, SE¼,
Sec. 11, lots 1, 2,
Sec. 14, lots 1, 2, 3, 4, SW¼NW¼, W½SW¼, SE¼SW¼,
Sec. 15, E½NW¼, E½,
Sec. 22, lots 1, 2, 3, 4, 5,
Sec. 23, lots 1, 2, 3, 4, 5, 6, N½SW¼, NW¼.

The area described aggregates 1,642.04 acres.

All the lands are included in first form withdrawal for reclamation purposes by the Secretary October 16, 1931—1433125.

All the lands involved are withheld from entry until boundaries of the Hay and Wood Reserves, Fort Mohave Indian Reservation, have been determined by the Secretary, December 3, 1926—1242462.

Lot 3, sec. 3, lots 1, 2, W½NE¼, E½ SW¼, SE¼ sec. 10, E½NW¼, E½ sec. 15, lots 4, 5, sec. 22, T. 10 N., R. 22 E., S. B. M., are embraced in Power Site Classification No. 55, California 18, adjusted by Interpretation 51 dated July 17, 1924 (F), August 22, 1924—1093936.

Anyone having a valid settlement or other right to any of these lands initiated prior to the date of the withdrawals of the lands should assert same within three months from the date on which the plat is officially filed by filing an application under the appropriate public land laws, setting forth all facts relative thereto.

All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50-8290; Filed, Sept. 21, 1950; 8:45 a. m.]

[1944464]

CALIFORNIA

NOTICE OF FILING OF PLAT OF SURVEY

SEPTEMBER 18, 1950.

Notice is given that the plats of (1) dependent resurveys of lots 1, 2, E½ SW¼ sec. 18, W½ sec. 22, W½ sec. 25, W½ sec. 36, T. 13 S., R. 6 E.; SW¼ sec. 18, SW¼ sec. 26, W½ sec. 35, T. 14 S., R. 8 E., S. B. M., delineating a retracement and reestablishment of the lines of the original surveys as shown on the plats approved August 27 and September 20, 1880, and (2) Extension Surveys in T. 13 S., R. 6 E., T. 14 S., R. 8 E., S. B. M., California, of the following described lands accepted July 7, 1948, will be officially filed in the Land Office at Los Angeles, California, effective at 10:00 a. m. on the 35th day after the date of this notice:

SAN BERNARDINO MERIDIAN

T. 13 S., R. 6 E.,
Secs. 1 to 17, inclusive,
Sec. 18, lots 3 to 12, inclusive,
Sec. 22, lots 1 to 8, inclusive,
Sec. 23, all,
Sec. 24, all,
Sec. 25, lots 1 to 8, inclusive,
Sec. 36, lots 1 to 8, inclusive.
T. 14 S., R. 8 E.,
Secs. 1 to 17, inclusive,
Sec. 18, N½, SE¼,
Sec. 23, all,
Sec. 24, all,
Sec. 25, all,
Sec. 26, N½, SE¼,
Sec. 35, E½,
Sec. 36, all.

The area described aggregates 28,137.82 acres.

Available data indicates the lands are mountainous desert in character.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Los Angeles, California.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50-8291; Filed, Sept. 21, 1950; 8:45 a. m.]

[1996982]

CALIFORNIA

NOTICE OF FILING OF PLAT OF SURVEY

SEPTEMBER 18, 1950.

Notice is given that the plat of (1) dependent resurvey of the SW¼ sec. 23, SE¼ sec. 24, T. 2 N., R. 17 E., S. B. M., delineating a retracement and reestablishment of the lines of the original survey as shown upon the plat approved January 10, 1857, and (2) extension surveys in T. 2 N., R. 17 E. and T. 1 N. R., 18 E., S. B. M., California, of the following described lands accepted May 12, 1949, will be officially filed in the Land Office, Los Angeles, California, effective at 10:00 a. m. on the 35th day after the date of this notice. The lands affected by this notice are described as follows:

SAN BERNARDINO MERIDIAN

T. 2 N., R. 17 E.,
Sec. 11, all,
Sec. 14, all,
Sec. 23, lots 1 to 12, inclusive,
Sec. 24, lots 1 to 12, inclusive,
T. 1 N., R. 18 E.,
Sec. 4, all.

The area described aggregates 2,920.86 acres.

Available data indicates that the lands described are relatively flat and highly mineralized and lie within Danby Dry Lake.

No applications for these lands may be allowed under the homestead, small tract, desert land or any other non-mineral public land laws unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Los Angeles, California.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50-8292; Filed, Sept. 21, 1950; 8:45 a. m.]

National Park Service

[Order 2]

DELEGATION OF AUTHORITY TO CERTAIN OFFICIALS WITH RESPECT TO EXECUTION AND APPROVAL OF CONTRACTS AND LEASES

SECTION 1. *Execution and approval of contracts.* (a) The following officers and employees of the National Park Service may enter into contracts, not in excess of the amounts specified in this paragraph, for construction, supplies, or services in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations:

(1) Superintendents employed in areas administered by the National Park Service in which the position of the Superintendent is allocated to a civil service grade of GS-5 to GS-9, inclusive: $5,000.

(2) Superintendents employed in areas administered by the National Park Serv-

ice in which the position of the Superintendent is allocated to a civil service grade of GS–10 or above: $10,000.

(3) The Finance Officer of the National Park Service, Regional Directors, and Superintendent, National Capital Parks: $50,000.

(b) Regional Administrative Officers and Chief Clerks employed in areas administered by the National Park Service in which the position of the Superintendent is allocated to a civil service grade of GS–10 or above may enter into contracts, not in excess of $10,000, for supplies or services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations.

(c) Approval by the Secretary of the Interior, the Director, or the Regional Directors is not a condition precedent to the consummation of a contract entered into pursuant to paragraphs (a) and (b) above, not in excess of the amounts hereinbefore stated, unless the Secretary or the Director by a written order published in the FEDERAL REGISTER specifically prescribes such a requirement with respect to a particular contract, or unless approval of the contract by the Secretary is specifically required by statute.

(d) Regional Directors may approve contracts for construction, supplies, or services entered into by the field officers within their respective regions in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations when the amount of each such contract does not exceed $50,000.

(e) (1) With respect to any contract entered into pursuant to paragraphs (a) and (b) above, including a contract approved by the Secretary, the Director, or the Regional Directors, the contracting officers mentioned in subparagraphs (a) (1) and (2) and paragraph (b) of this section may issue change orders and extra work orders pursuant to the contract and enter into modifications of the contract which are legally permissible, where each such change order, extra work order, or modification of the contract is in an amount less than $500: *Provided*, That the aggregate of all such change orders, extra work orders, or modifications of the contract entered into by the contracting officer shall not exceed ten per cent (10%) of the contract price.

(2) With respect to contracts entered into in their respective regions, including contracts approved by the Secretary or the Director, the Regional Directors may issue or approve change orders and extra work orders pursuant to the contract and enter into or approve modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized, irrespective of the amounts involved in such change orders, extra work orders, modifications, or terminations.

SEC. 2. *Execution and approval of leases.* (a) Regional Directors and the Superintendent, National Capital Parks, may lease space in real estate outside of the District of Columbia, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. Approval by the Secretary of the Interior or the Director is not a condition precedent to the consummation of a lease agreement unless the Secretary or the Director, by written order published in the FEDERAL REGISTER, prescribes such a requirement with respect to a particular lease or type of lease, or unless secretarial approval is specifically required by statute.

(b) With respect to any such lease, including a lease approved by the Secretary or the Director, the officers mentioned in section 2 (a) may modify or renew the lease if such action is legally permissible, and may terminate the lease if such action is legally authorized.

(c) Proposed leases, renewals, and modifications which would increase the area or rental involved should be cleared either with a division field office or with the Washington office of the Public Buildings Service unless (1) the lease, modification, or renewal involves the acquisition of office space for a period of less than 6 months at a rental that is lower than $500 per annum, or (2) the lease involves the acquisition of space other than office space at an annual rental of less than $500, or (3) the lease involves space in real estate located outside the borders of the United States.

(d) The termination or lapse of a lease which has been cleared by the Public Buildings Service should be reported to a division field office or the Washington office of that agency.

(e) A copy of U. S. Standard Form 81, "Request for Clearance of Lease," or of Form REM 6, "Request for Clearance of Space," or of P–SC Form No. 6, "Request for Approval of Lease," for each lease and each modification or renewal of a lease shall be transmitted to the Chief Clerk of the Department and to the Director. If the lease, modification, or renewal has been cleared with a division field office or the Washington office of the Public Buildings Service, that fact shall be indicated on the copies sent to the Chief Clerk and the Director.

SEC. 100. *Revocation.* This order supersedes § 10.3, Part 10, Title 36, Code of Federal Regulations, 1947 Supplement.

(Secretary's Order No. 2509, dated January 13, 1949; 39 Stat. 535, 16 U. S. C. 2.)

Issued this 5th day of September 1950.

NEWTON B. DRURY,
Director.

[F. R. Doc. 50–8316; Filed, Sept. 21, 1950; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Secretary's Memorandum No. 1270]

DELEGATION OF FUNCTIONS UNDER THE DEFENSE PRODUCTION ACT OF 1950

SEPTEMBER 15, 1950.

Pursuant to the provisions of Executive Order No. 10161 delegating functions to the Secretary of Agriculture under the Defense Production Act of 1950, the following delegations of functions, to be exercised under my general direction and supervision, are hereby made:

(1) All functions vested in the Secretary of Agriculture or the Department of Agriculture under Parts I, II, III except in respect to lumber, and VII of said order, are hereby delegated to the Administrator, Production and Marketing Administration.

(2) The functions vested in the Secretary of Agriculture by Part III of the Executive Order in respect to lumber, are hereby delegated to the Chief of the Forest Service.

(3) The functions vested in the Secretary of Agriculture by Part IX of the Executive Order are hereby delegated to the agencies affected hereby including the authority of redelegation as prescribed therein.

(4) The heads of agencies delegated functions herein may utilize, with the consent of the head thereof, the services of any other agency within the Department in carrying out the functions delegated herein.

(5) The Administrator of Production and Marketing Administration shall also have, with respect to food as defined in the said Executive Order, the following functions:

(a) Immediate responsibility for carrying out any other functions delegated to or otherwise vested in the Department under the provisions of the Defense Production Act of 1950, including Title IV—Price and Wage Stabilization, but excluding Title VI—Control of Consumer and Real Estate Credit; and

(b) Maintenance of liaison and coordination with, and advice to other governmental agencies concerned with functions under provisions of the Defense Production Act of 1950 (except Title VI) or other phases of the nation's defense production program.

(6) Nothing herein shall be construed to delegate any function not permitted by the order or the statute to be delegated.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–8360; Filed, Sept. 21, 1950; 8:52 a .m.]

Rural Electrification Administration

[Administrative Order 2920]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 10, 1950.

Inasmuch as Duck River Electric Membership Corporation has transferred certain of its properties and assets to Meriwether-Lewis Electric Cooperative, and Meriwether-Lewis Electric Cooperative has assumed in part the indebtedness to United States of America, of Duck River Electric Membership Corporation, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 971, dated October 9, 1945, by changing the project designation appearing therein as "Tennessee 21H Franklin" in the amount of $525,000 to read "Tennessee 21H Franklin" in the amount of $508,087.43 and "Tennessee 32 Hickman (Tennessee 21H Franklin)" in the amount of $16,912.57.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 50–8308; Filed, Sept. 21, 1950; 8:48 a. m.]

[Administrative Order 2921]

MISSISSIPPI

LOAN ANNOUNCEMENT

AUGUST 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mississippi 19C Holly Springs Public	$325,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 50–8309; Filed, Sept. 21, 1950; 8:49 a. m.]

[Administrative Order 2922]

INDIANA

LOAN ANNOUNCEMENT

AUGUST 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Indiana 81L Sullivan	$100,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 50–8310; Filed, Sept. 21, 1950; 8:49 a. m.]

[Administrative Order 2923]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 1, 1950.

Inasmuch as Lane County Electric Cooperative, Inc. has transferred certain of its properties and assets to Garkane Power Association, Incorporated, and Garkane Power Association, Incorporated, has assumed in part the indebtedness to United States of America, of Lane County Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 579, dated April 28, 1941, as amended by Administrative Order No. 1364, dated October 24, 1947, and Administrative Order No. 2424, dated December 22, 1949, by changing the project designation appearing therein as "Oregon 18 Eugene (Idaho 1–0014GM1 Valley)" in the amount of $11,100 to read "Oregon 18 Eugene (Idaho 1–0014GM1 Valley)" in the amount of $600 and "Utah 6 Garfield (Oregon 18 Eugene [Idaho 1–0014GM1 Valley])" in the amount of $10,500.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 50–8311; Filed, Sept. 21, 1950; 8:49 a. m.]

[Administrative Order 2924]

MINNESOTA

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 80L Lincoln	$135,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 50–8312; Filed, Sept. 21, 1950; 8:49 a. m.]

[Administrative Order T–1]

VIRGINIA

LOAN ANNOUNCEMENT

JULY 25, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Virginia 501–A	$55,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50–8313; Filed, Sept. 21, 1950; 8:49 a. m.]

[Administrative Order T–2]

INDIANA

LOAN ANNOUNCEMENT

AUGUST 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Indiana 501–A	$45,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 50–8314; Filed, Sept. 21, 1950; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–587, G–607, G–608, G–776, G–810, G–820, G–1222, G–1441]

GREENFIELD GAS CO., INC., ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

SEPTEMBER 14, 1950.

In the matters of Greenfield Gas Company, Inc., *v.* Panhandle Eastern Pipe Line Company, Docket Nos. G–587, G–607; Eastern Indiana Gas Company, et al., Docket Nos. G–608, G–776, G–810, G–820; Indiana Gas & Water Company, Inc., Docket No. G–1222; Indiana Gas & Water Company, Inc., Docket No. G–1441.

On June 15, 1949, the Commission issued an order in Docket No. G–1222 instituting a proceeding for the purpose of determining whether, by reason of the operations described in said order, Indiana Gas & Water Company, Inc. (Indiana Gas) is a "natural-gas company" within the meaning of the Natural Gas Act. A hearing was ordered to be held on July 6, 1949, with respect to the matters involved and the issues presented by the petition of Indiana Gas for "Declaratory Order To Settle Controversy and Remove Uncertainty," filed in Docket No. G–1200, and with respect to the matters involved and the issues presented in the proceeding in Docket No. G–1222. By such order issued June 15, 1949, the Commission reopened the proceedings in Dockets Nos. G–587, G–607, and G–608, and in Docket Nos. G–776, G–810, and G–820, for certain specific purposes and provided that they be consolidated with the proceedings in Docket Nos. G–1200 and G–1222 for the purposes of hearing.

On June 24, 1949, Indiana Gas filed a "Notice of Withdrawal of Petition" filed in Docket No. G–1200. In accordance with § 1.11 of the Commission's rules of practice and procedure the notice is deemed to have effected the withdrawal of the petition.

By order issued July 1, 1949, upon motion of Indiana Gas the hearing in these consolidated proceedings was postponed to a date to be fixed by further order of the Commission.

On March 20, 1950, Indiana Gas filed its response to the Commission's order issued June 15, 1949, averring, among other things, that the Commission has the burden of proof to establish that it has jurisdiction over Indiana Gas, and requesting, for the reasons stated in said response, that the order to show cause be dismissed without further proceedings.

On July 12, 1950, Indiana Gas filed an application, Docket No. G–1441, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the acquisition and operation by Indiana Gas of certain facilities comprising the gas systems of Eastern Indiana Gas Company, Summit Gas and Water Company, Inc., and Knightstown Natural Gas Company, Inc., as an alternative to a request for an order disclaiming jurisdiction over the proposed acquisition and operation by Indiana Gas of the facilities of said companies.

The Commission finds: Good cause exists for consolidating the proceeding in Docket No. G–1441 with the proceedings in Docket Nos. G–1222, G–587, G–607, G–608, G–776, G–810 and G–820, for purposes of hearing.

The Commission orders:

(A) The application of Indiana Gas & Water Company, Inc., in Docket No. G–1441, be consolidated for purposes of hearing with the proceedings in Docket Nos. G–1222, G–587, G–607, G–608, G–776, G–810 and G–820.

(B) A public hearing be held on October 16, 1950, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pensylvania Avenue NW., Washington, D. C., with respect to (1) the matters involved and the issues presented by the application in Docket No. G–1441, (2) the matters involved and issues presented in the proceeding in Docket No. G–1222, and (3) the limited matters involved in the reopened proceedings in Docket Nos. G–587, G–607, G–608, G–776, G–810, and G–820 as set forth in said order of June 15, 1949.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 15, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8302; Filed, Sept. 21, 1950; 8:48 a. m.]

[Project No. 457]

IDAHO POWER CO.

NOTICE OF ORDER

SEPTEMBER 19, 1950.

Notice is hereby given that, on September 15, 1950, the Federal Power Commission issued its order entered September 12, 1950, accepting surrender of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8303; Filed, Sept. 21, 1950; 8:48 a. m.]

[Project No. 553]

CITY OF SEATTLE, WASH.

NOTICE OF ORDER

SEPTEMBER 19, 1950.

Notice is hereby given that, on September 15, 1950, the Federal Power Commission issued its order entered September 12, 1950, authorizing amendment of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8304; Filed, Sept. 21, 1950; 8:48 a. m.]

[Project No. 1549]

LARRY LUCAS

NOTICE OF ORDER

SEPTEMBER 19, 1950.

Notice is hereby given that, on September 15, 1950, the Federal Power Commission issued its order entered September 12, 1950, authorizing issuance of new license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8305; Filed, Sept. 21, 1950; 8:48 a. m.]

[Project Nos. 2026, 1551]

UGANIK FISHERIES, INC.

NOTICE OF ORDER

SEPTEMBER 19, 1950.

Notice is hereby given that, on September 15, 1950, the Federal Power Commission issued its order entered September 12, 1950, issuing major license to Uganik Fisheries, Inc. for Project No. 2026, and accepting surrender of minor license for Project No. 1551.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8306; Filed, Sept. 21, 1950; 8:48 a. m.]

[Docket No. G–1472]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 18, 1950.

Take notice that on August 30, 1950, Panhandle Eastern Pipe Line Company, (Applicant), a Delaware Corporation with its principal office at Kansas City, Missouri, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of metering and regulating equipment at a point on Applicant's 22 inch transmission pipeline, west of Delta, Ohio, for delivery of natural gas to The Toledo Edison Company for distribution and sale in Delta, Ohio.

Applicant states that it has been requested to construct the facilities above described by the The Ohio Gas Company and the Toledo Edison Company so as to obviate the necessity of using a 2-inch pipeline which had been in service for many years and was in a bad state of repair as shown by the application for abandonment filed with this Commission at Docket No. G–1293.

Applicant further states that no increase in volumes of gas will be made availabe for service to The Toledo Edison Company through the new connection.

The total overall cost of the facilities installed is $6,800.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 6th day of October 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8319; Filed, Sept. 21, 1950; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO REPRESENT THE GOVERNMENT IN THE MATTER OF SOUTHERN COUNTIES GAS CO.

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, authority to represent the interests of the executive agencies of the Federal Government and to appear as witnesses and counsel for the executive agencies of the Federal Government in the matter of the Application Number 31161 of the Southern Counties Gas Company, before the Public Utilities Commission of the State of California is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: September 18, 1950.

JESS LARSON,
Administrator.

[F. R. Doc. 50–8318; Filed, Sept. 21, 1950; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

NOTICE OF FOURTH CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 11, 1950.

The notice of Fourth Call for partial redemption, before maturity of 2½ percent War Housing Insurance Fund Debentures, Series H, dated September 22, 1948, is hereby amended to read as follows:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1949, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	Serial Numbers (*all numbers inclusive*)
$50	689 to 721
	3,005 to 3,018
$100	2,713 to 2,802
	8,010 to 8,049
$500	762 to 808
	4,003 to 4,015
$1,000	3,662 to 3,838
	9,013 to 9,073
$5,000	179 to 200
	1,003 to 1,006
$10,000	2,930 to 3,235
	5,001 to 5,060

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1948. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1948, and provision will be made for the payment of final interest due on January 1, 1949, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1948, to December 31, 1948, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1949, or for purchase prior to that date will be given by the Secretary of the Treasury.

WALTER L. GREENE,
Acting Commissioner.

Approved: September 18, 1950.

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 50–8316; Filed, Sept. 21, 1950; 8:50 a. m.]

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

NOTICE OF FIFTH CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 11, 1950.

The notice of Fifth Call for Partial Redemption, before maturity, of 2¾ percent Mutual Mortgage Insurance Fund Debentures, Series E, dated March 20, 1950, is hereby amended to read as follows:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund Debentures, Series E, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1950, on which date interest on such debentures shall cease:

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

Denomination:	Serial numbers (*All numbers inclusive*)
$50	2,002 to 2,023
$100	2,002 to 2,081
$500	28 to 48
	2,514 to 2,525
$1,000	6,001 to 6,091
$5,000	1,202 to 1,214
$10,000	301

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1950. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1950, and provision will be made for the payment of final interest due on July 1, 1950, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1950, to June 30, 1950, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1950, or for purchase prior to that date will be given by the Secretary of the Treasury.

WALTER L. GREENE,
Acting Commissioner.

Approved: September 18, 1950.

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 50–8325; Filed, Sept. 21, 1950; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–682]

AMERICAN GENERAL CORP. ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of September A. D. 1950.

In the matter of American General Corporation, The Morris Plan Corporation of America, The Bank of Akron Company, M. S. Richardson, C. B. Alexander, W. A. Allen, Robert H. Collacott, George W. Crouse, Jr., Wilford Holcomb, Martin D. Kuhlke, H. W. Slabaugh, F. D. Spangenberg, Caroline Strazan, Francis Wolcott, W. E. Slabaugh, File No. 812–682.

Notice is hereby given that The Morris Plan Corporation of America (Morris Plan), 103 Park Avenue, New York 17, New York, has filed an application under section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from section 17 (a) of the act, the proposed purchase from Morris Plan by certain individuals of 310 shares of the capital stock of The Bank of Akron Company (Akron), 323 South Main Street, Akron, Ohio, at a price of $290 per share, or a total purchase price of $89,900, less any dividends declared and paid after August 1, 1950.

American General Corporation is a registered investment company with offices at 103 Park Avenue, New York 17, New York. American General Corporation owns in excess of 60 percent of the voting stock of Morris Plan. Morris Plan owns 15.5 percent of the outstanding capital stock of Akron.

Eleven of the twelve individuals who propose to purchase stock of Akron are officers and/or directors of Akron and the twelfth is the owner of 5 percent of the outstanding capital stock of Akron. Therefore, each is an affiliated person of Akron. The eleven persons who are officers and/or directors of Akron are M. S. Richardson, C. B. Alexander, W. A. Allen, Robert H. Collacott, George W. Crouse, Jr, Wilford Holcomb, Martin D. Kuhlke, H. W. Slabaugh, F. D. Spangenberg, Caroline Strazan and Francis Wolcott; 5 percent of Akron's outstanding capital stock is owned by W. E. Slabaugh.

The proposed transactions involve purchases by affiliated persons of an affiliated person of a registered investment company, from a controlled person of such company, of securities of which the seller is not the issuer. Such transactions are made unlawful by section 17 (a) of the act unless an exemption therefrom is granted by the Commission under section 17 (b) of the act. Morris Plan, accordingly, requests an order pursuant to section 17 (b) of the act exempting the proposed transactions from the prohibitions of section 17 (a) of the act.

Akron was organized in 1918 under the general corporation laws of Ohio with an authorized capital of $100,000 consisting of 1,000 shares of stock of the par value of $100 per share. An additional 1,000 shares was issued in 1930. In 1918, Morris Plan purchased 50 shares by original subscription at $110 per share. In 1924 and 1925 105 shares were acquired at $110 per share. In 1930, pursuant to the exercise of "rights", Morris Plan subscribed to 155 shares at $105 per share. The principal business of Akron consists of making various types of loans to individuals and to business organizations. Its operations have been successful from the beginning. As of June 30, 1950, Akron had combined capital, surplus and undivided profits of over $540,000. During the ten years 1940 to 1949, inclusive, the earnings of Akron ranged from a low of $7.45 (1942) per share to a high of $28.50 (1949) per share. For the first six months of 1950, its earnings were equivalent to $17.00 per share. The book value of Akron's stock as of June

30, 1950, was approximately $272 per share and the application asserts that it is estimated approximately $302 per share might be realized upon liquidation although no intention exists of liquidating the company. Applicant states that there is no established market for the capital stock of Akron and asserts that the price of $290 per share agreed upon between the parties is fair and equitable to both seller and purchasers.

No director, officer, agent or employee of Morris Plan is a director, officer, agent or employee of Akron; and, conversely, no director, officer, agent or employee of Akron is a director, officer, agent or employee of any affiliated person thereof other than Akron.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after October 6, 1950, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than October 4, 1950, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8294; Filed, Sept. 21, 1950; 8:46 a. m.]

[File No. 70-2475]

ALABAMA POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington D. C., on the 15th day of September A. D. 1950.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by Alabama Power Company ("Alabama"), a registered holding company and a public utility company which is a subsidiary of The Southern Company, also a registered holding company. The applicant-declarant has designated section 6 (b) of the act and Rules U-50 and U-62 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 29, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., e. s. t., on September 29, 1950, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

Alabama proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 100,000 shares of its cumulative ---- percent preferred stock, $100 par value. The dividend rate on such preferred stock and the price to the company (to be not less than $100 per share nor more than $102.75) are to be determined by competitive bidding. In the event that the successful bid specifies a dividend rate of 4.20 percent, Alabama proposes to issue shares of its presently authorized but unissued 4.20 percent preferred stock. If the successful bidder specifies a dividend rate on the new preferred stock other than 4.20 percent, Alabama proposes to solicit proxies for use at a special meeting of stockholders to authorize a new class of preferred stock.

The filing states that Alabama anticipates making expenditures of approximately $62,200,000 during 1950, 1951, and 1952 for the construction of property additions. In order to finance, in part, such construction program the company will use the proceeds from the sale of the new preferred stock, cash on hand and estimated to be received from operations, and $6,000,000 expected to be received from the proposed sale to The Southern Company of 60,000 additional shares of Alabama's common stock (Holding Company Act Release No. 10092). The company estimates that, based upon the present level of earnings, and current expectations of the probable progress of its construction program, approximately $7,000,000 of additional funds will have to be provided before the end of 1951, and approximately $10,000,000 more before the end of 1952. To the extent necessary, Alabama expects to issue additional securities of a type not yet determined.

The proposed transaction has been expressly authorized by the Alabama Public Service Commission, the State Commission of the State in which Alabama is organized and doing business.

The applicant-declarant has requested that the Commission's order be issued as soon as possible and that it become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8295; Filed, Sept. 21, 1950; 8:46 a. m.]

[File No. 70-2459]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

ORDER REGARDING LIQUIDATION AND DISSOLUTION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1950.

In the matter of Pennsylvania Gas & Electric Corporation, New Penn Development Corporation, Penn-Western Service Corporation; File No. 70-2459.

The Commission having issued an order dated December 22, 1949, (Holding Company Act Release No. 9574) pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 (the "act"), directing that Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, liquidate and dissolve; and

Penn Corp, New Penn Development Corporation ("New Penn"), a non-utility subsidiary of Penn Corp, and Penn-Western Service Corporation ("Penn-Western"), the mutual service company for the Penn Corp holding company system, having filed on August 7, 1950, pursuant to Rule U-44 (c) of the rules and regulations under the act, a Notice of Intention of Penn Corp to sell its holdings of all the outstanding 80,160 shares of capital stock of New Penn to Goodman Pipe Corporation, a non-affiliated company, in accordance with the terms and conditions contained in an agreement dated August 4, 1950, for a cash consideration of $811,620; said agreement containing provisions for the transfer by New Penn to Penn-Western of 170 shares of the capital stock of Penn-Western for a nominal consideration not exceeding $10 in the aggregate; and

The Commission having examined the filing and having determined that the proposed transactions constitute a reasonable and appropriate method of compliance with said order of December 22, 1949, directing that Penn Corp liquidate and dissolve, and the Commission being of the view that the proposed transfer of the service company stock is in accordance with a program as to ownership of securities of Penn-Western which the Commission has heretofore found to meet the requirements of section 13 of the act (1 S. E. C. 562), and the Commission finding that the requirements of Rules U-40 (b) and U-43 (b) (3) are satisfied and deeming it unnecessary to require the filing of an application-declaration with respect to the proposed transactions; and

The filing having requested that the Commission issue an order containing the recitals, itemizations and specifications required by Supplement R and section 1808 (f) of the Internal Revenue Code:

It is hereby ordered and recited, That the following transactions are necessary or appropriate to the integration or simplification of the holding company system of which Penn Corp, New Penn and Penn-Western are members, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, 49 Stat. 820 (U. S. C., Title 15, sec. 79K (b)) within the meaning of Supplement R and section 1808 (f) of the Internal Revenue Code, and are hereby authorized, permitted and approved:

1. The sale, transfer, and delivery by Penn Corp to Goodman Pipe Corporation of the 80,160 shares of common capital stock of New Penn for a cash consideration of $811,620.

2. The sale, transfer and delivery by New Penn to Penn-Western of 170 shares of the common capital stock of Penn-Western for a cash consideration not exceeding $10 in the aggregate.

3. The expenditure by Penn Corp of $600,000 of the net proceeds from the sale by Penn Corp of the 80,160 shares of common capital stock of New Penn for the payment of a short-term note issued on August 28, 1950, by Penn Corp to Bank of the Manhattan Company in the amount of $600,000.

It is further ordered and recited, That the Commission reserves jurisdiction to determine by subsequent order or orders herein the expenditure, distribution or investment (except temporary investment in securities of the United States of America) that shall be made, within twenty-four (24) months of said sale of the 80,160 shares of common capital stock of New Penn, of the balance of the net proceeds from such sale, or an amount equivalent thereto, as may hereafter be proposed by Penn Corp and as may be shown to be necessary or appropriate to the integration or simplification of the holding company system of which Penn Corp is a member, and necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8296; Filed, Sept. 21, 1950; 8:46 a. m.]

[File No. 70-2381]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN NATURAL GAS CO.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of September 1950.

The Commission by order dated May 26, 1950, having granted and permitted to become effective joint applications-declarations, as amended, filed by Wisconsin Electric Power Company ("Wisconsin Electric"), a registered holding company and a public utility company, and its public utility subsidiary, Wisconsin Natural Gas Company ("Wisconsin Gas"), pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, with respect to, among other matters, the issuance and sale by Wisconsin Electric of $15,000,000 principal amount of its First Mortgage Bonds, 2¾ Percent Series, due 1980; the issuance and sale by Wisconsin Electric, for cash to its common stockholders, of a maximum of 585,405 additional shares of its Common Stock, par value $10 per share, on the basis of one share for each five shares held; the issuance and sale by Wisconsin Gas of $3,500,000 principal amount of its First Mortgage Bonds 2⅞ Percent Series, due 1975; the sale of its electric properties by Wisconsin Gas to Wisconsin Electric; and certain related transactions; and having in said order reserved jurisdiction over all fees and other expenses incurred or to be incurred in connection therewith; and

The Commission, by supplemental order, dated June 6, 1950, having, inter alia, released jurisdiction over certain miscellaneous fees and expenses, including regulatory expenses and expenses of printing and engraving, to be paid by Wisconsin Electric, amounting to $194,300, of which 112,500 was allocable to the bond issuance and sale and $81,800 to the common stock issuance and sale, and over similar items aggregating $48,650, to be paid by Wisconsin Gas, and having, in said supplemental order continued the jurisdiction previously reserved over all other fees and expenses incurred or to be incurred in connection therewith; and

Further information having been filed concerning the nature and extent of the services rendered, and the fees and expenses proposed to be paid therefore, as set forth below:

Requested by—	To be paid by—		
	Wisconsin Electric		Wisconsin Gas
	For services relating to—		
	Bond financing and property acquisition	Common stock financing	Bond financing
Central Hanover Bank & Trust Co.—transfer and warrant agent:			
Fee		$37,700.86	
Expenses		10,042.23	
The Chase National Bank of the City of New York—register: fee		2,219.85	
First Wisconsin Trust Co.—registrar and warrant agent:			
Fee		13,679.70	
Expenses		2,920.20	
J. Samuel Hartt—engineer:			
Fee	$35.00		
Expenses	30.35		
Price, Waterhouse & Co.—accountant:			
Fee	4,500.00		5,500.00
Expenses	[1]82.46		324.47
Sullivan & Cromwell—company counsel:			
Fee	15,000.00	10,000.00	8,500.00
Expenses	[1]1,500.00		1,250.00
Cahill, Gordon, Zachry & Reindel—counsel for underwriters:			
Fee	[2]10,000.00		[2]8,000.00
Expenses	700.00		500.03
Total fees and expenses	32,747.81	76,562.84	24,074.47

[1] Expenses of $1,500 are unsegregated between the bond and common stock financing.
[2] To be paid by successful bidder.

It appearing to the Commission that the requested fees and expenses and the proposed allocation thereof are not unreasonable and that jurisdiction over such fees and expenses should be released:

It is ordered, That jurisdiction heretofore reserved in the Commission's Order, dated May 26, 1950, and continued in its Supplemental Order, dated June 6, 1950, over the fees and expenses set forth above be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8297; Filed, Sept. 21, 1950; 8:46 a. m.]

[File No. 70-2473]

NEW ENGLAND ELECTRIC SYSTEM AND WEYMOUTH LIGHT AND POWER COMPANY

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1950.

Notice is hereby given that a joint application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by New England Electric System ("NEES"), a registered holding company, and its subsidiary company, Weymouth Light and Power Company ("Weymouth"). Applicants designate sections 6 (b), 7 and 10 of the act and Rules U-23, U-24, and U-42 (b) (2) promulgated thereunder

as applicable to the proposed transactions.

All interested persons are referred to said application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Weymouth proposes to issue and sell 16,298 shares of additional Capital Stock, par value $25 each (aggregate par value $407,450), and to issue warrants to its shareholders to subscribe for such shares in proportion to their holdings. The subscription price of $35 per share (the total subscription price aggregating $570,430) was determined by Weymouth's board of directors and is subject to the approval of the Department of Public Utilities of the Commonwealth of Massachusetts. Each warrant will expire on the 21st day following the mailing thereof and will indicate the number of new shares or the fraction of a new share to which the holder thereof is entitled to subscribe. Fractional warrants can be combined but no fractional shares will be issued.

Weymouth presently has outstanding 48,893 shares of capital stock. NEES owns 48,682 shares of such stock (99.568 percent) and will receive warrants to subscribe for 16,227⅓ additional shares. The minority public shareholders own 211 shares of such capital stock (0.432 percent) and will receive warrants to subscribe for an aggregate of 70⅓ new shares. Waymouth proposes to sell any shares unsubscribed for by its shareholders at public auction or directly to NEES at the price of $35 per share, provided the same is authorized by the Department of Public Utilities of Massachusetts.

NEES proposes to exercise its right to subscribe for the additional shares of capital stock of Weymouth to which it will be entitled. NEES further proposes to bid $35 per share for all unsubscribed shares sold at public auction, or, in the event that the consent of the Department of Public Utilities of Massachusetts is obtained, to purchase such shares directly from Weymouth at the price of $35 per share.

Total expenses to be borne by Weymouth for services performed in connection with the proposed sale of said common shares are estimated at $3,152. Such estimate includes $2,000 for services rendered at the actual cost thereof by New England Power Service Company, an affiliated service company. The cost to NEES for services to be rendered by such service company is estimated not to exceed $500.

Weymouth will use the proceeds to be derived from the proposed sale of additional common shares, estimated at $570,430, to pay off its non-interest bearing advances from NEES in the amount of $50,000 and to retire the $430,000 principal amount of notes payable to banks and presently bearing interest at the rate of 2¾ percent per annum and the balance of $90,430 remaining will be applied by Weymouth to the cost of extensions, enlargements and additions to plant and property subsequent to October 31, 1949. The application states that, the Department of Public Utilities of the Commonwealth of Massachusetts has jurisdiction over the transactions proposed by Weymouth and that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The applicants request that the order of this Commission be made effective forthwith upon issuance.

Notice is further given, that any interested person may, not later than September 27, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8298; Filed, Sept. 21, 1950; 8:47 a. m.]

[File No. 70-2474]

NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1950.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 regarding the sale by Haverhill Electric Company ("Haverhill Electric"), a public utility subsidiary company of NEES, of its gas properties to the Haverhill Gas Light Company, a non-affiliated gas utility company. NEES has designated section 12 (d) of the act and Rule U-44 (a) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 25, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 25, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Haverhill Electric, a Massachusetts corporation doing an electric and gas utility business in Massachusetts, proposes to sell its gas properties and franchises, as at June 30, 1950, to Haverhill Gas Light Company for a cash consideration of $197,000, plus or minus an amount equal to the net plant additions or retirements subsequent to June 30, 1950. Haverhill Electric also proposes to sell to Haverhill Gas Light Company its gas accounts receivable not billed prior to the date of the transfer of the gas properties, amounts due on conditional sales contracts for the sale of gas appliances, and gas materials and supplies at the fair value thereof at the date of transfer. It is stated in the declaration that the consideration for such accounts and materials is not expected to exceed $10,000.

Haverhill Electric supplies gas to approximately 2,600 customers and its gas plant and business constitute approximately 4 percent of its total utility plant and business. Its gas requirements are purchased from Haverhill Gas Light Company. It is stated in the declaration that the base purchase price of $197,000 was arrived at by negotiations between the two companies and that consideration was given to the depreciated book value of the gas properties, amounting as at June 30, 1950, to $214,455, and to the past, present and potential earning capacity of such properties. It is indicated that Haverhill Electric's net operating income from the gas properties for the twelve months ended June 30, 1950, approximated $9,500. The declaration states that Haverhill Electric will use the proceeds derived from the proposed sale to reduce its 2¾ percent promissory note indebtedness, which as at June 30, 1950, amounted to $500,000.

It is estimated in the declaration that the total expenses in connection with the proposed transactions, including the expenses for services performed by New England Power Service Company, an affiliated service company, will be approximately $2,017.

NEES, the declarant, states that the proposed sale and acquisition of Haverhill Electric's gas properties and franchises is subject to the jurisdiction of the Department of Public Utilities of the Commonwealth of Massachusetts and is not subject to the jurisdiction of any Federal regulatory body other than this Commission. NEES requests that this Commission's order be made effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8299; Filed, Sept. 21, 1950; 8:47 a. m.]

[File No. 55-94]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

NOTICE OF FILING OF APPLICATION FOR APPROVAL OF MAXIMUM INTERIM COMPENSATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1950.

Notice is hereby given that Oliver R. Waite of Brickley, Sears and Cole, 1 Federal Street, Boston, Massachusetts, has filed with this Commission an application pursuant to Rule U-63 promulgated under section 11 (f) of the Public Utility Holding Company Act of 1935 ("the act"), for approval of $10,000 as the maximum amount for which application may be made to the District Court of the United States for the District of Massachusetts ("the Court") for an interim allowance for his services rendered as counsel to Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company, for the period from August 1, 1948, to January 27, 1950, inclusive.

All interested persons are referred to said application on file in the offices of the Commission for a statement of the services rendered, which are summarized as follows:

The applicant has been employed since May 19, 1947, as counsel to assist the Trustee in connection with proceedings pursuant to section 11 (d) of the act for the liquidation and dissolution of IHES. For his services prior to August 1, 1948, he has been paid $10,000, pursuant to orders of the Commission and the Court. He now requests the Commission to fix $10,000 as the maximum amount for which he may apply to the Court for interim compensation for his services from August 1, 1948, to January 27, 1950, inclusive, during which period he states that he devoted 814 hours to the work, plus unrecorded time in conferences with the Trustee, estimated at an additional 100 hours. Applicant's detailed statement of recorded time indicates work in connection with the drafting of the Trustee's Second Plan, in preparing for and attending hearings before the Commission and the Court, and in various ancillary matters.

Notice is further given that any interested person may, not later than September 25, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application which he proposes to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 25, 1950, said application, as filed or as amended, may be granted without public hearing; or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8300; Filed, Sept. 21, 1950; 8:47 a. m.]

[File No. 70-2471]

DELAWARE POWER AND LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of September A. D. 1950.

Delaware Power and Light Company ("Delaware"), a registered holding company and utility company, having filed a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 of the general rules and regulations promulgated thereunder, with respect to the following proposed transaction:

Delaware proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $12,000,000 principal amount of its First Mortgage and Collateral Trust Bonds ____ percent series due 1980. The interest rate and the price to the company for the bonds will be determined by competitive bidding except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount.

The proceeds from the sale of such securities will be used to finance a portion of the copstruction program of Delaware and its subsidiaries. It is estimated that the construction program for the years 1950 to 1951 inclusive will require expenditures of $38,000,000. Of such estimated requirements, approximately $4,750,000 has been obtained from the sale of 232,520 shares of common stock in April 1950, $19,000,000 will be obtained from treasury funds, retained earnings, and provisions for amortization and depreciation, and $12,000,000 will be obtained from the bonds now proposed to be sold. The company states that it has no present plans for the sale of any additional securities, if such may be required to complete its construction program.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said declaration be permitted to become effective forthwith:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the proposed issuance and sale of bonds shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record herein and a further order shall have been entered with respect thereto, which order shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses to be incurred in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8301; Filed, Sept. 21, 1950; 8:47 a. m.]

SEP 25 '50

SEP 25 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 185

Washington, Saturday, September 23, 1950

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 67—DETERMINATION AND CERTIFICATION OF CONDITION (SHRINKAGE OR CLEAN CONTENT) OF WOOL

SUSPENSION OF SERVICE

On July 27, 1950, there was published in the FEDERAL REGISTER (15 F. R. 4849) a notice of the proposed suspension of the service heretofore conducted by the Department of Agriculture for the determination and certification of the condition (shrinkage or clean content) of wool under the regulations in Part 67 of Title 7 of the Code of Federal Regulations, pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the so-called Farm Products Inspection Act consisting of provisions for the market inspection of farm products recurring in the annual appropriation acts for the Department of Agriculture (7 U. S. C. Supp. 414). After due consideration of all relevant matters presented pursuant to the notice and under the authority of the Agricultural Marketing Act of 1946 and the item for market inspection of farm products in the Department of Agriculture Apropriation Act, 1951, the wool certification service conducted under the regulations in said Part 67 is hereby suspended.

This order shall become effective thirty days after its publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies Chap. VI, Title I, Pub. Law 759, 81st Cong.)

Done at Washington, D. C., this 20th day of September 1950.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-8359; Filed, Sept. 22, 1950; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 183]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.482 *Orange Regulation 183*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 25, 1950. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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11, 1950, and will so continue until September 25, 1950; the recommendation and supporting information for continued regulation subsequent to September 24 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 19; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 25, 1950, and ending at 12:01 a. m., e. s. t., October 9, 1950, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container," and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51. 192; 14 F. R. 6831).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 21st day of September 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-8376; Filed, Sept. 22, 1950; 8:52 a. m.]

[Grapefruit Reg. 127]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.483 *Grapefruit Regulation 127.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 25, 1950. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until September 25, 1950; the recommendation and supporting information for continued regulation subsequent to September 24 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 19; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 25, 1950, and ending at 12:01 a. m., e. s. t., October 9, 1950, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(v) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "variety," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191; 14 F. R. 6828).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 21st day of September 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-8375; Filed, Sept. 22, 1950; 8:52 a. m.]

[Lemon Reg. 349]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.456 *Lemon Regulation 349.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 20, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time,

are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 24, 1950, and ending at 12:01 a. m., P. s. t., October 1, 1950, is hereby fixed as follows:

(i) District 1: unlimited movement;

(ii) District 2: 250 carloads;

(iii) District 3: unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 21st day of September 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

Storage date: Sept. 17, 1950

[12:01 a. m. Sept. 24, 1950, to 12:01 a. m. Oct. 8, 1950]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.083
American Fruit Growers, Inc., Fullerton	.037
American Fruit Growers, Inc., Upland	.059
Hazeltine Packing Co	.927
Ventura Coastal Lemon Co	2.547
Ventura Pacific Co	2.724
Glendora Lemon Growers Association	1.947
La Verne Lemon Association	.766
La Habra Citrus Association	.862
Yorba Linda Citrus Association	.555
Escondido Lemon Association	1.508
Alta Loma Heights Citrus Association	.367
Etiwanda Citrus Fruit Association	.286
Mountain View Fruit Association	.271
Old Baldy Citrus Association	.696
San Dimas Lemon Association	1.484
Upland Lemon Growers Association	6.034
Central Lemon Association	.302
Irvine Citrus Association	.229
Placentia Mutual Orange Association	.202
Corona Citrus Association	.176
Corona Foothill Lemon Co	1.669

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Jameson Co	0.625
Arlington Heights Citrus Co	.358
College Heights Orange & Lemon Association	4.198
Chula Vista Citrus Association	1.082
El Cajon Valley Citrus Association	.015
Escondido Co-op. Citrus Association	.127
Fallbrook Citrus Association	.987
Lemon Grove Citrus Association	.309
Carpinteria Lemon Association	8.354
Carpinteria Mutual Citrus Association	3.853
Goleta Lemon Association	5.630
Johnston Fruit Co	7.167
North Whittier Heights Citrus Association	.488
San Fernando Heights Lemon Association	1.490
Sierra Madre-Lamanda Citrus Association	1.314
Briggs Lemon Association	2.283
Culbertson Lemon Association	1.662
Fillmore Lemon Association	.917
Oxnard Citrus Association	6.540
Rancho Sespe	.415
Santa Clara Lemon Association	4.202
Santa Paula Citrus Fruit Association	2.661
Saticoy Lemon Association	4.436
Seaboard Lemon Association	4.848
Somis Lemon Association	3.729
Ventura Citrus Association	1.687
Ventura County Citrus Association	.002
Limoneira Co	2.568
Teague-McKevett Association	.796
East Whittier Citrus Association	.502
Leffingwell Rancho Lemon Association	.500
Murphy Ranch Co	1.025
Whittier Citrus Association	.234
Chula Vista Mutual Lemon Association	.596
Index Mutual Association	.220
La Verne Cooperative Citrus Association	2.041
Orange Belt Fruit Distributors	.540
Ventura County Orange & Lemon Association	2.068
Whittier Mutual Orange & Lemon Association	.160
Evans Bros. Packing Co	.000
Lorbeer, Carroll W. C	.000
San Antonio Orchard Co	.000
Sweet, L. G	.000

[F. R. Doc. 50-8410; Filed, Sept. 22, 1950; 10:10 a. m.]

[Orange Reg. 340, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Orange Regulation 340, as amended. (a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR Part 966; 14 F. R. 3614) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of oranges grown in the State of California or in the State of Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) (*b*) of § 966.486 (Orange Regulation 340, 15 F. R. 6215) are hereby amended to read as follows:

(i) *Valencia oranges* • • •

(*b*) Prorate District No. 2: 1,250 carloads,

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of September 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-8328; Filed, Sept. 22, 1950; 8:45 a. m.]

[Orange Reg. 341]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.437 *Orange Regulation 341*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended, (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on September 21, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona, which may be handled during the period beginning at 12:01 a. m., P. s. t., September 24, 1950, and ending at 12:01 a. m., P. s. t., October 1, 1950, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement; (*b*) Prorate District No. 2: 1,200 carloads; (c) Prorate District No. 3: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement; (*b*) Prorate District No. 2: No movement; (c) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 966.107 of the current rules and regulations (14 F. R. 6538) contained in this part.

Orange Regulation 332 (7 CFR 966.478, 15 F. R. 3363) fixes the sizes of designated oranges which may be handled during the aforesaid period.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 22d day of September 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 24, 1950, to 12:01 a. m. Oct. 1, 1950]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.1875
A. F. G. Corona	.0558
A. F. G. Fullerton	.8699
A. F. G. Orange	.4535
A. F. G. Riverside	.1861
A. F. G. San Juan Capistrano	.9745
A. F. G. Santa Paula	.4306
Eadington Fruit Co., Inc	5.2427
Hazeltine Packing Co	.4712
Placentia Pioneer Valencia Growers Association	.6462
Signal Fruit Association	.1345
Azusa Citrus Association	.5699
Damerel-Allison Co	.8568
Glendora Mutual Citrus Association	.4584
Puente Mutual Citrus Association	.1737
Valencia Heights Orchard Association	.4809
Covina Citrus Association	1.0406
Covina Orange Growers Association	.4692
Glendora Citrus Association	.4564
Gold Buckle Association	1.0760
La Verne Orange Association	.7656
Anaheim Citrus Fruit Association	.8578
Anaheim Valencia Orange Association	.8672
Fullerton Mutual Orange Association	1.3907
La Habra Citrus Association	1.4026
Orange County Valencia Association	.1010
Yorba Linda Citrus Association	.9556
Escondido Orange Association	.0000
Alta Loma Heights Citrus Association	.0709
Citrus Fruit Growers	.2228
Cucamonga Citrus Association	.1650
Etiwanda Citrus Fruit Association	.0000
Old Baldy Citrus Association	.2517
Rialto Heights Orange Association	.0756
Upland Citrus Association	.5906
Upland Heights Orange Association	.2441
Consolidated Orange Growers	1.7312
Frances Citrus Association	1.1453
Garden Grove Citrus Association	.9601
Goldenwest Citrus Association, The	1.5368
Irvine Valencia Growers	3.0820
Olive Heights Citrus Association	2.0439
Santa Ana-Tustin Mutual Citrus Association	.8514
Santiago Orange Growers Association	3.7484
Tustin Hills Citrus Association	1.9748
Villa Park Orchards Association	2.1191
Bradford Bros., Inc	.7674
Placentia Cooperative Orange Association	.5794
Placentia Mutual Orange Association	2.3776
Placentia Orange Growers Association	1.4474
Yorba Orange Growers Association	.8078
Call Ranch	.0915
Corona Citrus Association	.6806
Jameson Co	.0000
Orange Heights Orange Association	.6383
Crafton Orange Growers Association	.6527
East Highlands Citrus Association	.1719
Fontana Citrus Association	.0974
Redlands Heights Groves	.3153
Redlands Orangedale Association	.2976
Break & Son, Allen	.0284
Bryn Mawr Fruit Growers Association	.2430
Mission Citrus Association	.2327
Redlands Cooperative Fruit Association	.4910

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Orange Growers Association	0.2784
Redlands Select Groves	.6991
Rialto Citrus Association	.2999
Rialto Orange Co	.3023
Southern Citrus Association	.2123
United Citrus Growers	.1892
Zilen Citrus Co	.0501
Arlington Heights Citrus Co	.1548
Brown Estate, L. V. W	.1521
Gavilan Citrus Association	.2071
Highgrove Fruit Association	.0799
Krinard Packing Co	.2603
McDermont Fruit Co	.2177
Monte Vista Citrus Association	.3181
National Orange Co	.0495
Riverside Heights Orange Growers Association	.0914
Sierra Vista Packing Association	.0789
Victoria Ave. Citrus Association	.2507
Claremont Citrus Association	.0968
College Heights Orange and Lemon Association	.4993
Indian Hill Citrus Association	.2565
Pomona Fruit Growers Exchange	.4220
Walnut Fruit Growers Association	.6480
West Ontario Citrus Association	.3486
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.0000
San Dimas Orange Growers Association	.3668
Canoga Citrus Association	.5939
Covina Valley Orange Co	.0188
North Whittier Heights Citrus Association	.9791
San Fernando Fruit Growers Association	.8187
San Fernando Heights Orange Association	1.2374
Sierra Madre-Lamanda Citrus Association	.5134
Camarillo Citrus Association	1.6353
Fillmore Citrus Association	3.8188
Mupu Citrus Association	2.2202
Ojai Orange Association	.9880
Piru Citrus Association	1.9484
Rancho Sespe	.9035
Santa Paula Orange Association	1.3091
Tapo Citrus Association	1.1365
Ventura County Citrus Association	.4268
Limoneira Co	.6335
East Whittier Citrus Association	.5819
Whittier Citrus Association	1.3203
Anaheim Cooperative Orange Association	1.3586
Byrn Mawr Mutual Orange Association	.1434
Chula Vista Mutual Lemon Association	.0000
Euclid Avenue Orange Association	.7992
Foothill Citrus Union, Inc	.6653
Fullerton Cooperative Orange Association	.3293
Garden Grove Orange Cooperative, Inc	.7119
Golden Orange Groves, Inc	.2419
Highland Mutual Groves, Inc	.0000
Index Mutual Association	.5324
La Verne Cooperative Citrus Association	1.8756
Mentone Heights Association	.0416
Olive Hillside Groves, Inc	.5876
Orange Cooperative Citrus Association	2.0088
Redlands Foothill Groves	.8801
Redlands Mutual Orange Association	.2498
Ventura County Orange and Lemon Association	1.2693
Whittier Mutual Orange and Lemon Association	.1690
Babijuice Corp. of California	.2379
Banks, L. M	.4745
Bennett Fruit Co., Inc	.0345

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Borden Fruit Co	0.6761
Cherokee Citrus Co., Inc	.1481
Chess Co., Meyer W	.4780
Dunning Ranch	.0000
Evans Bros. Packing Co	.6762
Gold Banner Association	.2626
Granada Hills Packing Co	.0372
Granada Packing House	.3262
Hills Packing House, Fred A	.1124
Johnson, Fred	.0058
Knapp Packing Co., John C	.2944
L Bar S Ranch	.0000
Lawson, William J	.0096
Orange Belt Fruit Distributors	1.3644
Otte, Arnold	.0390
Pacific Citrus Distributors	.0042
Panno Fruit Co., Carlo	.4080
Paramount Citrus Association	1.0240
Patitucci, Frank L	.0000
Placentia Orchard Co	.4548
Pulos, J. J	.0207
Riverside Citrus Association	.0694
Ronneberg, Jerry L	.0012
San Antonio Orchards Co	.3657
Stephens, T. F	.1443
Summit Citrus Packers	.0069
Treesweet Products Co	.1128
Wall, E. T., Grower-Shipper	.1567
Western Fruit Growers, Inc	.7357

[F. R. Doc. 50-8421; Filed, Sept. 22, 1950; 11:46 a. m.]

PART 986—HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

SUPPLEMENTARY ALLOTMENTS OF 1950 CROP

Section 986.402 *Supplementary allotments for the 1950 hop crop*—(a) *Findings.* (1) Notice of proposed rule making with respect to supplementary allotments for the 1950 crop of hops was published in the FEDERAL REGISTER of September 6, 1950 (15 F. R. 6000), pursuant to the provisions of Marketing Agreement No. 107 and Order No. 86 regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (7 CFR 986.1 et seq.). In said notice, in which it was proposed that supplementary allotments of not over 90 percent be issued to growers for whom there is complete information as to their 1950 hop crop available to the Growers Allocation Committee, opportunity was afforded interested parties to submit to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., written data, views, or arguments for consideration prior to final rule making. No such data, views, or arguments were filed.

Therefore, after consideration of the recommendation of the Hop Control Board and other information available to the Department, it is found that supplementary allotments of 1950 crop of hops should be made on the basis as indicated in the order below.

(2) It is necessary to make effective not later than the day after publication of this section in the FEDERAL REGISTER this regulation as to supplementary allotments of 1950 crop hops for the reason that in some areas the harvesting of hops has been completed, and the prompt issuance of supplementary allotments is necessary. No preparation for this section is required which cannot be completed prior to such effective date. Therefore, good cause exists for not delaying the effective date of this section beyond the day after the publication of this section in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.).

(b) *Order.* The supplementary allotment to any grower for hops produced during the marketing season beginning August 1, 1950, shall be such as will not exceed 80 percent of such grower's probable 1950 salable allotment, as provided in § 986.6 (c) (2) (ii) (b) of this part: *Provided*, That, when complete information on the 1950 hop crop production of any grower is available to the Growers Allocation Committee, a supplementary allotment such as will not exceed 90 percent of that grower's probable salable allotment of 1950 crop hops shall be issued, upon application, to such grower.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. Sup. 608c)

Issued at Washington, D. C., this 20th day of September 1950, to be effective on the day after this document is published in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50-8357; Filed, Sept. 22, 1950; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2, Amdt. 7]

PART 60—AIR TRAFFIC RULES

MINIMUM EN ROUTE INSTRUMENT ALTITUDES

The minimum en route instrument altitude alterations appearing hereinafter are adopted when indicated in order to promote safety of the flying public.

Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 60 is amended as follows:

1. Section 60.17–12 *Green Civil Airway No. 2*, is amended to read in part:

From—	To—	Minimum altitude
Buffalo, N. Y.	Rochester, N. Y.	2,100
Rochester, N. Y.	Syracuse, N. Y.	2,100

2. Section 60.17–14 *Green Civil Airway No. 4*, is amended to read in part:

From—	To—	Minimum altitude
St. Peters (INT), Mo.	St. Louis, Mo.	1,800
St. Louis, Mo.	Wood River (INT), Ill.	1,800

3. Section 60.17–106 *Amber Civil Airway No. 6*, is amended to read in part:

From—	To—	Minimum altitude
Mansfield, Ohio	Int. W. crs. Wellington, Ohio (VAR) and NE. crs. Columbus, Ohio.	2,600
Int. W. crs. Wellington, Ohio (VAR) and NE crs. Columbus, Ohio.	Elyria, Ohio (Rbn)	2,200

4. Section 60.17–107 *Amber Civil Airway No. 7*, is amended to read in part:

From—	To—	Minimum altitude
Bedford (INT), Mass.	Boston, Mass.	1,700

5. Section 60.17–209 *Red Civil Airway No. 9*, is amended to read in part:

From—	To—	Minimum altitude
San Diego, Calif.[1]	El Centro, Calif. (east-bound).	8,000
El Centro, Calif.	Barrett Lake, Calif. (FM) (west-bound).	8,000
Barrett Lake, Calif. (FM).	Jamel, Calif. (Rbn) (west-bound).	6,000
Jamel, Calif. (Rbn)	San Diego, Calif. (west-bound).	3,500

[1] 3,000 feet—Minimum Crossing Altitude at San Diego, east-bound.

6. Section 60.17–211 *Red Civil Airway No. 11*, is amended to eliminate:

From—	To—	Minimum altitude
Ardmore Okla. (Rbn)	Tulsa, Okla.	2,700
Bedford (INT), Mass.	Boston, Mass.	1,700

7. Section 60.17–213 *Red Civil Airway No. 13*, is amended to read in part:

From—	To—	Minimum altitude
Franklin (INT), Mass.	Bedford (INT), Mass.	1,800

8. Section 60.17–221 *Red Civil Airway No. 21*, is amended to eliminate:

From—	To—	Minimum altitude
Pittsburgh, Pa.	New Alexandria (INT), Pa. (east-bound).	4,000
New Alexandria (INT), Pa.	Pittsburgh, Pa. (west-bound).	2,600
New Alexandria (INT), Pa.	North Altoona, Pa.	4,500
North Altoona, Pa.	Selinsgrove, Pa. (Rbn).	4,500

9. Section 60.17–221 *Red Civil Airway No. 21*, is amended to read in part:

From—	To—	Minimum altitude
Int. E. crs. Pittsburgh, Pa. and W. crs. Altoona, Pa.	Tyrone (INT), Pa.	4,500
Tyrone (INT), Pa.	Selinsgrove, Pa. (Rbn).	4,500

10. Section 60.17–229 *Red Civil Airway No. 29*, is amended to read in part:

From—	To—	Minimum altitude
Harrisburg, Pa.	Int. S. crs. Harrisburg, Pa. and NE. crs. Arcola, Va.	2,500
Int. S. crs. Harrisburg, Pa. and NE. crs. Arcola, Va.	Int. S. crs. Harrisburg, Pa. and W. crs. Baltimore, Md.	2,000

11. Section 60.17–234 *Red Civil Airway No. 34*, is amended by adding:

From—	To—	Minimum altitude
Int. E. crs. Charleston, W. Va. (VAR) and N. crs. Pulaski, Va.	Pulaski, Va.	6,000

12. Section 60.17–237 *Red Civil Airway No. 37*, is amended by adding:

From—	To—	Minimum altitude
Int. E. crs. Huntington, W. Va. and W. crs. Charleston, W. Va. (VAR).	Charleston, W. Va. (VAR).	2,500
Charleston, W. Va. (VAR).	Roanoke, Va.	6,500

13. Section 60.17–259 *Red Civil Airway No. 59*, is amended by adding:

From—	To—	Minimum altitude
Garden City, Kans.	Gage, Okla.	4,000

14. Section 60.17–260 *Red Civil Airway No. 60*, is amended to eliminate:

From—	To—	Minimum altitude
Saratoga (INT), Calif.	Moffett, Calif.	5,000

15. Section 60.17–272 *Red Civil Airway No. 72*, is amended by adding:

From—	To—	Minimum altitude
Idlewild, N. Y.	Int. SE. crs. Idlewild, N. Y. and SW. crs. Islip, N. Y. (VAR).	1,500

16. Section 60.17–277 *Red Civil Airway No. 77*, is amended to read in part:

From—	To—	Minimum altitude
Lynchburg, Va.	Int. of Red Civil Airway No. 77 and NW. crs. Blackstone, Va.	3,000
Int. of Red Civil Airway No. 77 and NW. crs. Blackstone, Va.	Richmond, Va.	2,000

17. Section 60.17–292 *Red Civil Airway No. 92*, is added to read:

From—	To—	Minimum altitude
Int. SE. crs. Newark, N. J. and SW. crs. Islip, N. Y. (VAR).	Islip, N. Y. (VAR)	1,500
Islip, N. Y. (VAR)	Int. NE crs. Islip, N. Y. (VAR) and SW crs. Moosup, Conn. (VAR).	1,600
Int. NE crs. Islip, N. Y. (VAR) and SW. crs. Moosup, Conn. (VAR).	Moosup, Conn. (VAR)	1,800
Moosup, Conn. (VAR).	Logan Airport, Boston, Mass.	1,700

18. Section 60.17–294 *Red Civil Airway No. 94*, is added to read:

From—	To—	Minimum altitude
Providence, R. I.	Otis, Mass. (Rbn)	1,500
Otis, Mass. (Rbn)	Hyannis, Mass. (Rbn)	1,500

19. Section 60.17–602 *Blue Civil Airway No. 2*, is amended to read in part:

From—	To—	Minimum altitude
Mercer (INT), Pa.	Erie, Pa.	3,000

20. Section 60.17–614 *Blue Civil Airway No. 14*, is amended to eliminate:

From—	To—	Minimum altitude
Mt. Laguna, Calif. (Rbn).	Oceanside, Calif. (Rbn).[1]	9,000

[1] 6,000 feet—Minimum crossing altitude at Oceanside, southeast-bound.

21. Section 60.17–614 *Blue Civil Airway No. 14*, is amended by adding:

From—	To—	Minimum altitude
Int. W. crs. El Centro, Calif., and bearing 150° mag. from Julian, Calif. (Rbn).	Julian, Calif. (Rbn)	9,000

22. Section 60.17–615 *Blue Civil Airway No. 15*, is amended to read in part:

From—	To—	Minimum altitude
Portsmouth (INT), Ohio.	Columbus, Ohio.	2,400

23. Section 60.17–621 *Blue Civil Airway No. 21*, is amended to read in part:

From—	To—	Minimum altitude
Charleston, W. Va.	Parkersburg, W. Va. (VAR).	2,500

24. Section 60.17–627 *Blue Civil Airway No. 27*, is amended to read in part:

From—	To—	Minimum altitude
Rocky Point (INT), Alaska.	King Salmon, Alaska.[1]	10,300
King Salmon, Alaska	Bethel, Alaska	7,500

[1] 6,700 feet—Minimum crossing altitude at King Salmon, southeast-bound.

25. Section 60.17–631 *Blue Civil Airway No. 31*, is amended to eliminate:

From—	To—	Minimum altitude
New Florence (INT), Mo.	Kirksville, Mo.	2,100

26. Section 60.17–637 *Blue Civil Airway No. 37*, is amended by adding:

From—	To—	Minimum altitude
Medicine Bow (INT), Wyo.	Casper, Wyo.	11,000

27. Section 60.17–639 *Blue Civil Airway No. 39*, is amended to read in part:

From—	To—	Minimum altitude
Paynesville, W. Va. (Rbn).	Int. S. crs. Charleston, W. Va., and E. crs. Charleston, W. Va. (VAR).	5,000
Int. S. crs. Charleston, W. Va., and E. crs Charleston, W. Va. (VAR).	Charleston, W. Va.	2,500

28. Section 60.17–660 *Blue Civil Airway No. 60*, is amended to read:

From—	To—	Minimum altitude
Saratoga (INT), Calif.	Moffett, Calif.	5,000
Moffett, Calif.	Int. NE. crs. Moffett, Calif., and W. crs. Stockton, Calif.	5,000

29. Section 60.17–670 *Blue Civil Airway No. 70*, is added to read:

From—	To—	Minimum altitude
Ardmore, Calif. (Rbn).	Tulsa, Okla.	2,700

30. Section 60.17–212 *Red Civil Airway No. 12*, is amended by adding:

From—	To—	Minimum altitude
Phillipsburg, Pa.	Williamsport, Pa.	4,000

31. Section 60.17–647 *Blue Civil Airway No. 47*, is amended by adding:

From—	To—	Minimum altitude
Phillipsburg, Pa.	Bradford, Pa. (Rbn).	2,000
Bradford, Pa. (Rbn).	Dunkirk, N. Y. (Rbn).	4,200

32. Section 60.17–673 *Blue Civil Airway No. 73*, is added to read:

From—	To—	Minimum altitude
Brookville, Pa. (Rbn).	Bradford, Pa. (Rbn).	4,000
Bradford, Pa. (Rbn).	Buffalo, N. Y.	4,500

33. Section 60.17–1001 *Direct Routes; Northeast United States* is amended to read in part:

From—	To—	Minimum altitude
Utica, N. Y.	Int. NE. crs. Elmira, N. Y., and S. crs. Syracuse, N. Y.	3,500

34. Section 60.17–1001 *Direct routes; Northeast United States* is amended to eliminate:

From—	To—	Minimum altitude
Phillipsburg, Pa.	Williamsport, Pa.	4,500
Bradford, Pa.	Phillipsburg, Pa.	4,000

35. Section 60.17–1002 *Direct routes; Southeast United States* is amended by adding:

From—	To—	Minimum altitude
Asheville, N. C.	Blacksburg (INT), N. C.	6,500
Charlotte, N. C.	Int. of direct crs. between Charlotte, N. C., and Raleigh, N. C., with SE. crs. Greensboro, N. C.	2,100
Int. of direct crs. between Charlotte, N. C., and Raleigh, N. C., with SE. crs. Greensboro, N. C.	Raleigh, N. C.	2,000
Greenville, S. C.	Hendersonville (INT), N. C. (north-bound).	6,200
Hendersonville (INT), N. C.	Greenville, S. C. (south-bound).	5,200

36. Section 60.17–1002 *Direct routes; Southeast United States* is amended to eliminate:

From—	To—	Minimum altitude
Greenville, S. C.	Hendersonville (INT), N. C.	8,000
Raleigh, N. C.	Charlotte, N. C.	2,100

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective October 1, 1950.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50–8288; Filed, Sept. 22, 1950; 8:45 a. m.]

Subchapter C—Procedural Regulations

[Regs., Serial No. PR–7]

PART 303—RULES OF PRACTICE IN AIRCRAFT ACCIDENT INQUIRIES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of September 1950.

At the present time, the procedural regulations of the Board do not contain provisions which make known to the public its procedures in aircraft accident inquiries. The purpose of this part is to fill that gap by making available to the public information concerning the procedures followed by the Board in such inquiries. Part 303 is not intended to prescribe any new procedures, for it is designed merely to codify and publish the procedures which the Board has followed for many years.

An aircraft accident inquiry is held solely for the purpose of discovering the facts, conditions, and circumstances concerning an aircraft accident in order to determine the probable cause of the accident and to ascertain the measures which will best tend to prevent similar accidents in the future. Such inquiries are not held for the purpose of determining the rights or liabilities of private parties, and the Board makes no attempt to do so. The procedures followed by the Board in such inquiries are adapted to the special nature of the inquiries. It is believed that the Board's procedures as set forth in Part 303 are self-explanatory.

Since this part is a rule of agency procedure and practice, notice and public procedure are not necessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby promulgates a new Part 303 of the procedural regulations to read as follows, effective September 15, 1950:

Sec.
303.0 Applicability of part.
303.1 Nature of inquiry.

INITIAL PROCEDURE

303.2 Institution of inquiry.
303.3 Designation of presiding officer.
303.4 Notice of inquiry.
303.5 Investigator-in-charge.
303.6 Board of inquiry.

CONDUCT OF INQUIRY

303.11 Powers of presiding officer.
303.12 Examination of witnesses.
303.13 Evidence.
303.14 Recommendations by interested persons.
303.15 Stenographic transcript.
303.16 Docket.
303.17 Investigation to remain open.
303.18 Withholding of information.

BOARD REPORT

303.21 Basis of report.
303.22 Supplemental report.

AUTHORITY: §§ 303.0 to 303.22 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 701, 702, 1004, 52 Stat. 1012, 1013, 1021; 49 U. S. C. 581, 582, 644.

§ 303.0 *Applicability of part.* The provisions of this part shall govern all aircraft accident inquiries conducted by the Civil Aeronautics Board under the authority of Title VII of the Civil Aeronautics Act of 1938, as amended, unless otherwise specifically ordered by the Board.

§ 303.1 *Nature of inquiry.* Aircraft accident inquiries are held by the Board as a part of the investigation of accidents involving aircraft in order to determine the facts, conditions, and circumstances relating to each accident and the probable cause thereof and to ascertain measures which will best tend to prevent similar accidents in the future. It is purely a fact-finding procedure, and there are no formal pleadings or issues and no adverse parties. Aircraft accident inquiries are not subject to the provisions of secs. 4, 5, 7, 8, or 10 of the Administrative Procedure Act.

INITIAL PROCEDURE

§ 303.2 *Institution of inquiry.* The Director, Bureau of Safety Investigation, shall, on behalf of the Board, order an inquiry into an accident involving aircraft whenever he deems it necessary in the public interest.

§ 303.3 *Designation of Presiding Officer.* The Director, Bureau of Safety Investigation, shall designate in writing a Presiding Officer to conduct the inquiry.

§ 303.4 *Notice of inquiry.* The Presiding Officer shall designate a time and place for the inquiry which meets the needs of the Board and gives due consideration to the convenience of the witnesses. The time and place of the inquiry shall be published in the notices section of the FEDERAL REGISTER prior to the date of the inquiry, unless such notice is impractical or unnecessary.[1]

§ 303.5 *Investigator-in-Charge.* An employee of the Board shall be designated to serve as the Investigator-in-Charge. It shall be his responsibility to direct the investigation in the field and to serve on the Board of Inquiry.

§ 303.6 *Board of Inquiry.* The Board of Inquiry shall be composed of the Presiding Officer, the Investigator-in Charge, and such other persons as are appointed by the Director, Bureau of Safety Investigation. It shall be the duty of the Board of Inquiry to secure in the form of a public record all known facts pertaining to the cause of the accident and the surrounding circumstances and conditions from which corrective action may be formulated.

CONDUCT OF INQUIRY

§ 303.11 *Powers of Presiding Officer.* A Presiding Officer shall have the following powers:

(a) To give notice concerning and hold inquiries;
(b) To adjourn, continue, or postpone inquiries;
(c) To administer oaths and affirmations;
(d) To examine witnesses;
(e) To issue subpoenas and to take or cause depositions to be taken in accordance with the provisions of section 1004 of the Civil Aeronautics Act of 1938, as amended;
(f) To rule upon the admissibility of and receive evidence;
(g) To regulate the course of the inquiry;
(h) To dispose of procedural requests or similar matters; and
(i) To take any other action necessary or incident to the orderly conduct of such proceedings.

§ 303.12 *Examination of witnesses.* All questions shall be asked by the Presiding Officer or by other members of the Board of Inquiry. Questions from other persons shall be signed and submitted separately in writing to the Presiding Officer, and they shall be asked by the Presiding Officer if he finds them proper and relevant to the proceeding.

[1] The Board ordinarily gives personal notice to all known interested persons and also publicizes the inquiry by a press release to aviation trade journals and local newspapers near the scene of the accident.

§ 303.13 *Evidence.* The Presiding Officer shall receive all testimony and exhibits which might be of aid in determining the cause of the accident. He may exclude any testimony or exhibits which are not pertinent to the inquiry or which are merely cumulative. He may withhold from public disclosure any evidence, pending a final determination by the Board as to whether it is in the public interest to release such evidence.

§ 303.14 *Recommendations by interested persons.* Any person may submit his recommendations as to the proper conclusions to be drawn from the testimony and exhibits submitted at the inquiry. Such recommendations may be submitted by a written brief either at or after the inquiry, provided that the Presiding Officer may in his discretion permit such recommendations to be presented orally at the close of the inquiry. Five copies of such briefs shall be submitted, and they shall be made a part of the docket.

§ 303.15 *Stenographic transcript.* A verbatim report of the inquiry shall be taken. Copies of the transcript may be obtained by any interested person from the official reporter upon payment of the fees fixed therefor.

§ 303.16 *Docket.* The docket of an inquiry shall include the transcript, exhibits, briefs, and all other information concerning the accident which the Board has not ordered to be withheld from the public. A copy of the docket shall be made available to any person for review at the Washington office of the Board. Photostatic copies of exhibits may be obtained from the Chief of the Docket Section upon paying the cost of such copies.

§ 303.17 *Investigation to remain open.* Safety investigations are never officially closed but are kept open for the submission of new and pertinent evidence. If the Director of the Bureau of Safety Investigation finds that such evidence is relevant and probative, it may be made a part of the docket, unless the Board orders it to be withheld from public disclosure.

§ 303.18 *Withholding of information.* Any person may make written objection to the public disclosure of information contained in any report or document filed pursuant to this part or the provisions of the Civil Aeronautics Act of 1938, as amended, or of information obtained by the Board pursuant to the provisions of this part or the act, stating the grounds for such objection. Whenever such objection is made, the Board shall order such information withheld from public disclosure when, in its judgment, a disclosure of such information would adversely affect the interests of such person and is not required in the interest of the public.

BOARD REPORT

§ 303.21 *Basis of report.* The Board's report as to the facts, conditions, and circumstances relating to the accident and the probable cause thereof shall be based upon the docket of the inquiry, together with any other information which has come to the attention of the Board and its staff.

§ 303.22 *Supplemental report.* Upon receipt of any newly discovered evidence, the Board, after due consideration, may issue a supplemental report if it finds that such evidence warrants such action.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50–8361; Filed, Sept. 22, 1950; 8:51 a. m.]

[Regs., Serial No. PR–8]

PART 311—DISCLOSURE OF AIRCRAFT ACCIDENT INVESTIGATION INFORMATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of September 1950.

At the present time, the procedural regulations of the Board do not contain provisions regarding the disclosure by Board employees of information obtained during the course of an investigation of an accident involving aircraft. The purpose of this part is to make provision therefor and to regulate the conduct of its employees in regard to the disclosure of aircraft accident investigation information.

The Board is required by section 702 of the Civil Aeronautics Act (49 U. S. C. 582) to investigate such accidents and report the facts, conditions, and circumstances relating to each accident and the probable cause thereof, and to make such recommendations as, in its opinion, will tend to prevent similar accidents in the future.

To perform this function, the Board has appointed air safety investigators who are assigned to the investigation of aircraft accidents. However, the Board's staff of accident investigators is very small in relation to the great number of accidents which must be investigated. In the fiscal year 1949 alone, more than 7,500 accidents involving aircraft were reported to the Board. Since the Board has less than 30 field employees assigned to accident investigation duties, "on the spot" investigations of such accidents have necessarily been limited to those kinds of accidents most likely to be productive of information leading to future improvements in air safety, even though valuable information as to aviation safety might have been obtained through such investigation of all accidents. Furthermore, the Board must employ specialists in aircraft design, metallurgy, aerodynamics, power plants, meteorology, electronics, and other technical phases of aviation. However, the Board is able to employ only one or two specialists in some of these technical fields. It cannot be predicted when a major crash will occur, and all Board investigators must be instantly ready to proceed to the scene of an accident immediately after it occurs. It would, therefore, substantially interfere with the performance of the Board's accident investigation duties if its employees were compelled to testify in all the cases of which they gain personal knowledge in the per-

formance of their official duties with the Board.

The Board is not unmindful, however, of the possible hardships which confront private litigants, who often have great difficulty in establishing the facts relating to an aircraft accident. In order to preserve the wreckage, it is generally placed under guard and the public kept at a distance. However, air carriers and aircraft manufacturers are frequently invited to participate in the field investigation since their detailed technical and operating knowledge can contribute to the discovery of important evidence bearing upon the accident. Such participation in the public interest does, however, allow them a degree of access to factual information regarding the accident not accorded to injured parties or the dependents of deceased persons who, not having the requisite technical background, are not permitted to take part in the investigation of the accident, and therefore, would not have equal access to such information. It would be an injustice in such cases for the Board to withhold from injured parties the only source of the facts in an accident investigation as to facts which are known only to those participating in an accident investigation. In light of the foregoing, the Board believes it to be in the interest of the public to release to all interested parties all factual information regarding an aircraft accident in its possession and to allow its employees to testify as to facts known to them when it is convinced that such facts cannot reasonably be established by any other witness or method.

Section 205 (b) of the act authorizes the Board to cooperate with state and local authorities in connection with matters arising under the Act, and the Board believes it is in the public interest to cooperate with local authorities in investigations conducted by them in fulfillment of local governmental obligations. Therefore, the Board has decided to permit its employees to testify as to facts in coroners' investigations and grand jury proceedings conducted by a state or local government without regard to the availability of other witnesses.

The Board has consistently interpreted section 701 (e) thereof as forbidding the giving of opinion testimony by Board air safety investigators in civil suits between private litigants. The opinions of these experts, upon which the Board relies heavily in making its findings as to probable cause and recommendations in accident reports, are so inextricably entwined with the report that the basic purpose of section 701 (e) would be defeated were such opinion testimony permitted. Furthermore, apart from the provisions of 701 (e), the use of Board investigators as experts to give opinion testimony in civil suits between private parties would impose a serious burden on the Board's investigative staff, and would seriously interfere with the functioning of the Board's investigative processes. Consequently, the Board has prohibited its investigators from serving as expert witnesses or giving opinion testimony with regard to accidents investigated by them.

Since this regulation provides a rule of agency organization, procedure, and practice, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the procedural regulations by adding a new Part 311 to read as follows, effective September 15, 1950:

Sec.
311.1 Finding as to the public interest.
311.2 Release of information concerning accidents.
311.3 Disclosure of information by testimony in court.

AUTHORITY: §§ 311.1 to 311.3 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 701, 702, 52 Stat. 1012, 1013; 49 U. S. C. 581, 582.

§ 311.1 *Finding as to the public interest.* All accident reports and underlying papers in the office of the Bureau of Safety Investigation are in the custody of the Secretary of the Board subject to access by employees of the Board for purposes relating to their official duties. Employees have no control of such reports and papers, and no discretion with regard to permitting the use of them for any other purpose except as provided in this part. Employees are hereby prohibited from giving out any such reports, papers, or copies thereof to private parties or to local officers, or to testify in any court as to information in such reports or papers, or to produce such reports, papers, or copies thereof in any court (whether in answer to subpoenas duces tecum or otherwise) except as provided in this part. Making such reports or underlying papers public other than as provided in this part is deemed to be contrary to the public interest and is hereby prohibited.

§ 311.2 *Release of information concerning accidents.* Information secured by the Board concerning accidents involving aircraft may be released only as follows:

(a) *Regional offices.* Chiefs of Regions shall, upon request, release the following information concerning any accident at any time during or after the investigation of the accident:

(1) Place and date of the accident;

(2) Make, model, identification mark, and registered owner or operator of the aircraft involved;

(3) Names and addresses of the crew and other occupants of the aircraft or persons injured in the accident; and

(4) Information relating to any fatalities resulting from the accident and to the condition of injured persons (disclosure of this information must be qualified by the statement that such information is based on reports of physicians or hospitals).

(b) *The Washington office.* The Director of the Bureau of Safety Investigation or such person in the Washington office as he may designate shall, upon request, release the information described in paragraph (a) of this section. In addition, the Director or such designee shall, upon request:

(1) Release the names of witnesses and their addresses;

(2) Make replies as to facts in answer to specific inquiries, either verbal or written, concerning aircraft accidents, and shall furnish copies of documents in accident files, provided the expense of making such copies is borne by the recipient. In both instances, however, any suggestion, opinion, or recommendation made by any employee of the Board or any employee of the Civil Aeronautics Administration, when acting on behalf of the Board, shall be omitted; and

(3) Make available for inspection that portion of the file containing data pertinent to the accident but shall not make available that portion of the file containing any opinion, suggestion, or recommendation of any employee of the Board or any employee of the Civil Aeronautics Administration, when acting on behalf of the Board.

§ 311.3 *Disclosure of information by testimony in court.* No Board employee shall make public by testimony in court aircraft accident information obtained by him in the performance of his official duties, except in accordance with the following:

(a) *Testimony of employees.* Employees may serve as witnesses for the purpose of testifying to the facts observed by them in the course of accident investigations in those cases in which an appropriate showing has been made that the facts desired to be adduced are not reasonably available to the party seeking such evidence by any other method, including the use of discovery procedures against the opposing party. Employees shall testify only as to facts actually observed by them in the course of accident investigations and shall not give opinion evidence as expert witnesses.

(b) *State and local investigations.* Employees may testify in a coroner's inquest and a grand jury proceeding by a state or local government only as to facts actually observed by them in the course of accident investigations and shall not give opinion evidence as expert witnesses.

(c) *Testimony by deposition.* Insofar as possible, testimony of employees will be made available only through depositions taken at times and places reasonably fixed so as to avoid substantial interference with the performance of the duties of the employees concerned.

(d) *Request for testimony of employees.* A request for testimony of a Board employee relating to an aircraft accident shall be addressed to the General Counsel of the Board, who shall have power to approve or deny such a request. Such request shall set forth the reasons for desiring the testimony and facts showing that it conforms to the Board policies set forth above.

(e) *Procedure in the event of a subpoena.* If any employee receives a subpoena to produce accident reports or underlying papers or to testify in court as to accident information, the employee shall immediately notify the Director, Bureau of Safety Investigation by telegram. He shall give the title of the case, and identify the accident by name; the name of the judge, if available, and the title and address of the court; the date on which he is directed to appear; the name, address and telephone number, if available, of the attorney representing the party initiating the request; the scope of the testimony, if known, and whether or not the evidence is available elsewhere. The Director will immediately, upon receipt of notice that an employee has been subpoenaed, inform the General Counsel of the Board. The General Counsel will either give the employee permission to testify or make arrangements with the court to have him excused from testifying. Until one of these actions is taken the employee shall appear in court in response to the subpoena and respectfully decline to testify or to produce the records called for, on the grounds that this part prohibits such conduct.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-8362; Filed, Sept. 22, 1950; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.115]

PART 45 — VISAS: DOCUMENTATION OF ALIENS UNDER THE DISPLACED PERSONS ACT OF 1948, AS AMENDED

VISA REGULATIONS

CROSS REFERENCE: For regulations of the Displaced Persons Commission see 8 CFR Parts 700–710, Chapter IV (15 F. R. 3864). For regulations of the Immigration and Naturalization Service, see 8 CFR, Chapter I, Parts 105, 129 and 171 (15 F. R. 4440).

Chapter I, Title 22 of the Code of Federal Regulations is amended by the addition of the following new part:

Sec.
45.1 Definitions.
45.2 Classes of applicants under the Displaced Persons Act.
45.3 Applications for visas: Qualifications.
45.4 Preference and priorities.
45.5 Procedure in issuing or refusing visas.
45.6 Exemptions.
45.7 Assurances under section 3 (b) and section 3 (c) of the Displaced Persons Act.
45.8 Good-faith affidavit.
45.9 Disqualification to receive visas.
45.10 Visas: Numerical limitations.
45.11 Quota control.

AUTHORITY: §§ 45.1 to 45.11 issued under sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 222, 458. Interpret or apply 62 Stat. 1009–1014, Pub. Law 555, 81st Cong.; 50 U. S. C. App., Sup., 1951–1963.

§ 45.1 *Definitions.* For the purposes of this part all pertinent terms which are defined in § 42.101 of this chapter shall have the meaning ascribed thereto in § 42.101. As used in this part, the term:

(a) "Displaced Persons Act" means the Displaced Persons Act of 1948, approved June 25, 1948 (62 Stat. 1009), as amended and extended by Public Law 555, 81st Congress, 2d Session, approved June 16, 1950.

(b) "Commission" means the Displaced Persons Commission established under the Displaced Persons Act.

(c) "Displaced person" shall have the meaning ascribed thereto in section 2 of the Displaced Persons Act.

(d) "Eligible displaced person" shall have the meaning ascribed thereto in section 2 of the Displaced Persons Act and § 45.2 (a).

(e) "Eligible displaced orphan" shall have the meaning ascribed thereto in section 2 (e) of the Displaced Persons Act and § 45.2 (b).

(f) "Sec. 2(f) orphan" shall have the meaning ascribed thereto in section 2 (f) of the Displaced Persons Act and § 45.2 (c) (1).

(g) "German ethnic origin" refers to a person who

(1) Was born in Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Roumania, Russia, or Yugoslavia or areas which were under the control and domination on June 16, 1950, of any such countries, except those parts of Germany and Austria under military occupation on such date by the Union of Soviet Socialist Republics; and

(2) Resided, on January 1, 1949, in the western (American, British, or French) zones of Germany or Austria or western (American, British, or French) sectors of Berlin or Vienna; and

(3) Is a refugee or expellee who is characteristically Germanic, a status which shall be determined upon the basis of the following combination of factors, the presence or absence of any particular one of which shall not in itself be considered as conclusive, but any combination of which may be considered as providing satisfactory evidence of Germanic origin:

(i) Antecedents emigrated from Germany;

(ii) Uses German or any German dialect as the common language of the home or for social communication;

(iii) Resided in the country of birth in an area predominantly populated by persons of Germanic stock or origin who have retained German social characteristics and group homogeneity, as distinguished from the surrounding population;

(iv) Evidences common attributes or social characteristics of the Germanic group in which he resided in the country of birth such as educational institutions attended, church affiliation, social and political associations and affiliations, name, business or commercial practices and associations, and secondary languages or dialects.

(h) "Within the third degree of consanguinity" means lineal and collateral consanguinity computed according to the rules of the common law. Lineal consanguinity is the direct line of descent and those within the third degree of such consanguinity include the child, grandchild, great grandchild, parent, grandparent, and great grandparent. Collateral consanguinity is the relationship of persons descended from the same common ancestor and those within the third degree of such consanguinity include the brother, sister, nephew, niece, uncle, aunt, first cousin, second cousin, grandnephew, grandniece, great uncle, great aunt, child of great uncle or great aunt, and child of first cousin.

(i) "Country of last residence" as used in section 2 (d) and 3 (c) of the Displaced Persons Act means the country of the alien's residence in which he had established his domicile, or in which he had the right to reside permanently and the right to work.

(j) "World War II" shall be considered to have started on September 1, 1939.

(k) "Applicant" means an alien applying for an immigration visa under the provisions of the Displaced Persons Act and under the regulations contained in this part.

(l) "Principal applicant" means an applicant for whom an assurance of employment is provided or who confers derivative status on a spouse or minor dependent children.

(m) "Firmly settled", "firmly settled or resettled", or "firmly settled or firmly resettled" as used in sections 2 (c) (1), 3 (b) (3), 3 (b) (4), and 3 (c) (4), of the Displaced Persons Act are considered to be synonymous and shall have the meaning ascribed thereto in the regulations of the Commission (see 8 CFR 702.5 (15 F. R. 3867)): *Provided*, That a former member of the Polish Army as defined in section 3 (b) (3) of the Displaced Persons Act and as classified in § 45.2 (d) (2) who has not applied for British naturalization shall not be considered firmly settled or resettled if he registered for an immigration visa with a United States consular officer in Great Britain prior to June 16, 1950: *And provided further*, That a Greek refugee as defined in section 3 (b) (4) of the Displaced Persons Act and as classified in § 45.2 (d) (3), shall be considered firmly settled or firmly resettled if such refugee returned to his former habitual residence in Greece prior to January 1, 1950, or, if afforded the opportunity to return, he freely chose another place of residence prior to that date.

(n) "Unmarried" means not married at the time of issuance of a visa to the applicant, whether or not previously married.

(o) "Under 21 years of age" means under 21 years of age as of the time of issuance of a visa to the applicant.

(p) "Farm worker" means a person who engages in activities or performs services in his own behalf or as an employee of another person, trust, estate, partnership, corporation, or public agency in connection with farming in any of its branches and, among other things, includes the cultivation and tillage of the soil, dairying, the raising, production, cultivation, growing, harvesting, and processing of any agricultural or horticultural commodities including (1) crude gum (oleoresin) from a living tree, and the following products as processed by the original producer of the crude gum (oleoresin) from which derived: gum spirits of turpentine and gum resin, (2) maple syrup or maple sugar, and (3) mushrooms, the ginning of cotton, the raising, shearing, feeding, caring for, training, management, and slaughtering of livestock, bees, poultry, fur-bearing animals, and wildlife on a farm, the hatching of poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to, or in conjunction with such farming operations,

including planting, handling, drying, packing, freezing, grading, processing (if such service is performed as an incident to ordinary farming operations, or in the case of fruits and vegetables as an incident to the preparation of such fruits and vegetables for market), storing, the preparation for market, delivery to storage or to market or to carriers for transportation to market, and the operation, management, conservation, improvement, or maintenance of the farm and the tools and equipment used in connection therewith, and including further the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes: *Provided, however*, That the foregoing shall not include services performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for processing or distribution for consumption.

(q) "British Isles" and "Great Britain" as used in section 3 (b) (3) of the Displaced Persons Act and in the regulations contained in this part are construed to be synonymous, and shall include England, Scotland, Wales and Northern Ireland.

(r) "Until July 1, 1952" as used in section 2 (f) of the Displaced Persons Act means not later than midnight of June 30, 1952.

(s) "Natives of Greece" as used in section 3 (b) (4) of the Displaced Persons Act means aliens chargeable to the quota of Greece under section 12 (a) of the Immigration Act of 1924.

(t) "Nationals of Greece" as used in section 3 (b) (4) means aliens who are citizens of Greece regardless of their place of birth.

(u) "Area or country in Europe" as used in section 3 (c) of the Displaced Persons Act shall include the Azores, the British Isles, the Dodecanese Islands, Iceland, Madeira, Svalbard, and all islands in the Mediterranean under the sovereignty of European countries.

(v) "Department" means the Department of State of the United States of America.

§ 45.2 *Classes of applicants under the Displaced Persons Act*—(a) *Eligible displaced persons*—(1) *IRO Displaced persons and refugees.* This class shall consist of aliens who (i) are displaced persons or refugees as defined in Annex I of the Constitution of the International Refugee Organization and are the concern of such organization; (ii) on or after September 1, 1939, and on or before January 1, 1949, entered Germany, Austria or Italy; (iii) on January 1, 1949, were in Italy or the American sector, the British sector, or the French sector of either Berlin or Vienna, or in the American zone, the British zone, or the French zone of either Germany or Austria, or who had temporarily absented themselves therefrom for reasons which show special circumstances justifying such absence; and (iv) have not been firmly resettled.

(2) *Persecutees: Residents of Germany and Austria.* This class shall consist of persons as defined in section 2 (c) of the Displaced Persons Act who (i) resided in Germany or Austria; (ii) were victims of persecution by the Nazi government and were detained in Germany or Austria, or were obliged to flee from and subsequently returned to one of such countries; and (iii) have not been firmly resettled.

(3) *Venezia Giulia refugees.* This class shall consist of persons as defined in section 2 (g) of the Displaced Persons Act who (i) were residents of Venezia Giulia prior to May 6, 1945; (ii) on or after May 6, 1945, departed from those parts of Venezia Giulia placed under the sovereignty or administration of Yugoslavia under the terms of the treaty of peace with Italy signed at Paris February 10, 1947; (iii) on June 16, 1950, were not *de jure* Italian citizens; and (iv) on July 1, 1947, were in Italy or in the United States-United Kingdom zone of the Free Territory of Trieste, or in the American sector, the British sector, or the French sector of either Berlin or Vienna, or in the American zone, the British zone or the French zone of either Germany or Austria. Not more than 2,000 immigration visas within the total numerical limitations provided in section 3 (a) of the Displaced Persons Act shall be issued to persons entitled to classification under this subparagraph.

(4) *Section 2 (d) persecutees.* This class shall consist of persons as defined in section 2 (d) of the Displaced Persons Act who (i) have been displaced from the country of their birth, or nationality, or their last residence since January 1, 1946; (ii) fled into Italy or the American sector, the British sector, or the French sector of either Berlin or Vienna, or the American zone, the British zone, or the French zone of either Germany or Austria; (iii) cannot return to the country of their birth, nationality, or last residence because of persecution or fear of persecution on account of race, religion, or political opinions; and (iv) whose admission into the United States for permanent residence is recommended by or on behalf of the Secretary of State and the Secretary of Defense. Not more than 500 immigration visas within the total numerical limitations provided in section 3 (a) of the Displaced Persons Act shall be issued to persons entitled to classification under this subparagraph.

(b) *Eligible displaced orphans*—(1) *Displaced orphans in general.* This class shall consist of persons as defined in section 2 (e) of the Displaced Persons Act, exclusive of Greek orphans defined therein, who (i) had not passed their 16th birthday anniversary on June 25, 1948; (ii) are orphans because of the death or disappearance of both parents, or who have been abandoned, or deserted by, or separated or lost from, both parents, or who have only one parent due to the death or disappearance of the other and the remaining parent is incapable of providing care for any such orphan and agrees to release him for emigration and adoption or guardianship; and (iii) on or before June 16, 1950, were in Italy or in the American sector, the British sector, or the French sector of either Berlin or Vienna, or the American zone, the British zone, or the French zone of either Germany or Austria.

(2) *Greek orphans.* This class shall consist of persons as defined in section 2 (e) of the Displaced Persons Act who (i) are natives of Greece; (ii) had not passed their 16th birthday anniversary on June 25, 1948; (iii) are orphans because of the death or disappearance of both parents, or who have been abandoned, or deserted by, or separated or lost from, both parents, or who have only one parent due to the death or disappearance of the other and the remaining parent is incapable of providing care for any such displaced person and agrees to release him for emigration and adoption or guardianship; (iv) on or after January 1, 1940, and on or before January 1, 1949, were forcibly removed or forced to flee from their former habitual residences in Greece as a direct result of military operations in Greece by the Nazi Government or by military operations in Greece by the Communist guerrillas; and (v) were residing in Greece on January 1, 1950.

(3) Not more than 5,000 special nonquota immigration visas within the total numerical limitations provided in section 3 (a) of the Displaced Persons Act shall be issued to persons entitled to classification under subparagraphs (1) and (2) of this paragraph.

(c) *Other orphans and adopted children*—(1) *Section 2 (f) orphans.* This class shall consist of persons as defined in section 2 (f) of the Displaced Persons Act who (i) are under the age of 10 years at the time of issuance of the visa; (ii) prior to June 30, 1950, were residents of Germany, Luxemburg, Austria, Italy, the United States-United Kingdom zone of the Free Territory of Trieste, the United Kingdom, Ireland, Portugal, France, Switzerland, Belgium, the Netherlands, Norway, Sweden, Denmark, Finland, Greece, or Turkey; (iii) are orphans because of the death or disappearance of both parents, or because of abandonment or desertion by, or separation or loss from, both parents, or who have only one parent due to the death or disappearance of, abandonment or desertion by, or separation or loss from, the other parent and the remaining parent is incapable of providing care for any such orphan and agrees to release him for emigration and adoption or guardianship; and (iv) prior to June 30, 1951, have assurances of proper care submitted to the Commission in their behalf for admission to the United States for permanent residence with a father or mother by adoption, or with a near relative, or with a citizen of the United States, or with an alien admitted to the United States for permanent residence, or who are seeking to enter the United States to come to a public or private agency approved by the Commission. Not more than 5000 special nonquota immigration visas, in addition to the total numerical limitations provided in section 3 (a) of the Displaced Persons Act, shall be issued until July 1, 1952, to persons entitled to classification under this subparagraph.

(2) *Section 12 (c) adopted children.* This class shall consist of children as defined in section 12 (c) of the Displaced Persons Act who (i) are chargeable either to the German or Austrian quota under the provisions of section 12 of the Immigration Act of 1924 or the provisions of section 12 of the Displaced Persons Act; (ii) had not passed their 16th birthday anniversary on June 25, 1948; (iii) are orphans because of the death or disappearance of both parents, or who have been abandoned, or deserted by, or separated or lost from, both parents, or who have only one parent due to the death or disappearance of the other and the remaining parent is incapable of providing care for any such displaced person and agrees to release him for emigration and adoption or guardianship; (iv) on or after January 1, 1940, and on or before January 1, 1949, were forcibly removed or forced to flee from their former habitual residences in Greece as a direct result of military operations in Greece by the Nazi Government or by military operations in Greece by the Communist guerrillas; and (v) were residing in Greece on January 1, 1950.

(3) Not more than 5,000 special nonquota immigration visas within the total numerical limitations provided in section 3 (a) of the Displaced Persons Act shall be issued to persons entitled to classification under subparagraphs (1) and (2) of this paragraph.

(c) *Other orphans and adopted children*—(1) *Section 2 (f) orphans.* This class shall consist of persons as defined in section 2 (f) of the Displaced Persons Act who (i) are under the age of 10 years at the time of issuance of the visa; (ii) prior to June 30, 1950, were residents of Germany, Luxemburg, Austria, Italy, the United States-United Kingdom zone of the Free Territory of Trieste, the United Kingdom, Ireland, Portugal, France, Switzerland, Belgium, the Netherlands, Norway, Sweden, Denmark, Finland, Greece, or Turkey; (iii) are orphans because of the death or disappearance of both parents, or because of abandonment or desertion by, or separation or loss from, both parents, or who have only one parent due to the death or disappearance of, abandonment or desertion by, or separation or loss from, the other parent and the remaining parent is incapable of providing care for any such orphan and agrees to release him for emigration and adoption or guardianship; (iv) on or after

ing preferences, without priority in time of issuance of visas as between such preferences or as between preference or nonpreference cases under the Displaced Persons Act, shall be granted to persons and their family dependents who are the spouses or the unmarried dependent children under twenty-one years of age, including adopted children and stepchildren of such persons:

(1) Aliens who are farm, household, construction, clothing, and garment workers and other workers needed in the locality in the United States in which such persons propose to reside, or persons possessing special educational, scientific, technological or professional qualifications.

(2) Persons who are the blood relatives of citizens or lawfully admitted alien residents of the United States, such relationship in either case being within the third degree of consanguinity computed according to the rules of the common law.

(3) Within the foregoing preference classes priority in the issuance of visas shall be given to eligible displaced persons who during World War II bore arms against the enemies of the United States or who served honorably in the labor service or guard units of the United States Army, and their family dependents who are the spouses or the unmarried dependent children under twenty-one years of age, including adopted children and stepchildren.

(b) Notwithstanding the preferences established by paragraph (a) of this section, and the preferences authorized by section 6 of the Immigration Act of 1924, top priority in the issuance of immigration visas under the German and Austrian quotas shall be granted to adopted children described in § 45.2 (c) (2). The date of registration for an immigration visa with the United States consular office shall determine the priority among such children in the issuance of visas within the classification. Immigration visas issued pursuant to this paragraph shall be charged to the nonpreference portion of such quotas.

§ 45.5 *Procedure in issuing or refusing visas under the Displaced Persons Act.* (a) Except as otherwise expressly provided in this part, consular officers shall follow the procedure prescribed in §§ 42.317–42.357 of this chapter in issuing immigration visas pursuant to the provisions of the Displaced Persons Act.

(b) Supporting documents required under § 42.327 of this chapter shall be attached to the visa application. Reports required under the provisions of sections 10 and 12 of the Displaced Persons Act with respect to eligible displaced persons and persons of German ethnic origin shall be appended to the visa in such manner as to make them readily available to officers of the Immigration and Naturalization Service. Consular officers shall insist upon presentation of birth certificates if such certificates are reasonably procurable, and in those cases in which the consular officer knows or has reason to believe that the alien was not born in the alleged country of birth, the alien shall be required to present satisfactory evidence of his birthplace. In cases where birth or police certificates are not reasonably available, secondary evidence of birthplace, character references, or other probative evidence may be accepted in lieu thereof.

(c) In the case of any applicant who is determined by the Commission to be eligible under the provisions of the Displaced Persons Act and who, for any reason, is refused an immigration visa by a consular officer, a report in writing, approved and signed by the consular officer in charge shall be submitted to the Commission for the purpose of maintaining orderly records, which report shall show the cause for rejection of the applicant and shall contain a reference to the specific provision or provisions of law on which such rejection is based. In any such case the consular officer shall notify the appropriate field representative of the Commission of the action taken.

(d) No quota immigration visa shall be issued under the provisions of the Displaced Persons Act or the regulations promulgated pursuant thereto until the visa-issuing officer shall have received an appropriate quota number for such purpose.

(e) Nonquota immigration visas issued within the numerical limitations prescribed in the Displaced Persons Act shall be numbered serially in a common series from which such numbers shall be apportioned by the Department in order to keep the issuances of such visas within the numerical limitations prescribed.

(f) Quota nationality shall be determined in accordance with the provisions of section 12 (a) of the Immigration Act of 1924, unless expressly provided otherwise in the Displaced Persons Act. However, section 12 (a) (2) of the Immigration Act of 1924, providing that the accompanying wife under certain conditions may be charged to the quota of her husband, shall not be applicable so far as concerns the Displaced Persons Act, except section 3 (c) thereof. In all such cases the accompanying wife shall be charged to the quota of her nationality. However, section 12 (a) (1) of the Immigration Act of 1924, providing that a minor child accompanied by its alien parent shall be charged to the quota of such parent, shall apply in the case of children accompanying parents under the provisions of the Displaced Persons Act.

(g) In the case of an alien applying for an immigration visa pursuant to the provisions of the Displaced Persons Act and of the Immigration Act of 1924, application Forms 256a and 256b shall be revised as follows:

(1) In the space provided in the upper left-hand corner of Form 256a and 256b, a line shall be drawn through the inapplicable words and the statement revised to read: "I claim to be an applicant under the Displaced Persons Act, and my claim is based on the following facts:".

(2) In the adjoining space provided below on Form 256a and 256b the statement shall be revised to read: "Available documents required by the Immigration Act of 1924, as amended, and the Displaced Persons Act are filed herewith and made a part hereof as follows".

(3) The clause at the lower end of the visa application form beginning with the word "Wherefore" shall be revised to read: "WHEREFORE, I apply for an Immigration Visa pursuant to the provisions of the Immigration Act of 1924 and the Displaced Persons Act".

(4) On the reverse side of Form 256a and 256b, the blank space opposite the fifth "box" shall be used to show the classification of persons under the Displaced Persons Act, except Greek preferentials as classified in § 45.2 (d) (4) and as to which the usual procedure shall be followed. In this connection, reference shall be made to the specific subsection or subdivision of the Displaced Persons Act under which the applicant is classified followed by a descriptive designation as used to identify the several classes of applicants in § 45.2, for example, "Section 2 (c)—Eligible displaced person", or "Section 2 (e)—Eligible displaced orphan", or "Section 2 (g)—Venezia Giulia refugee", or "Section 3 (b) (2)—China Refugee", or "Section 12 (a)—German ethnic origin".

(5) On the reverse side of Form 256a and 256b, the statement directly above the space provided for the signature of the visa-issuing officer shall be revised to read: "The bearer, who is of (citizen or subject) Nationality, having been seen and examined, is classified as a (insert descriptive designation used above) and is granted this Immigration Visa pursuant to the provisions of the Immigration Act of 1924 and the Displaced Persons Act".

§ 45.6 *Exemptions*—(a) *Visa fees.* No fee shall be charged for an immigration visa, or application therefor, issued to an eligible displaced person, an eligible displaced orphan, a person of German ethnic origin, or a section 12 (c) adopted child. In all other cases of applicants under the Displaced Persons Act, the issuance of an immigration visa shall be subject to payment of the prescribed fee of $1 for the application and $9 for the visa.

(b) *Contract labor and assisted immigration.* The excluding provisions of section 3 of the Immigration Act of February 5, 1917, as amended (39 Stat. 875–878; 8 U. S. C. 136), relating to contract labor and the payment of an alien's ticket or passage by another, or by any corporation, association, society, municipality, or foreign government, either directly or indirectly, shall not be applicable to persons whose admission into the United States is authorized under the provisions of the Displaced Persons Act: *Provided,* That the benefits of exemption from the contract-labor provision of section 3 of the Immigration Act of February 5, 1917, which are provided by section 3 (b) (5) of the Displaced Persons Act, shall not apply in the case of a person whose application under the Displaced Persons Act is based on the submission of an affidavit or other evidence of support. In lieu thereof, the applicant may submit assurances, as provided in section 45.7 of this part, in order to have the benefits of such exemption.

§ 45.7 *Assurances under sections 3 (b) and 3 (c) of the Displaced Persons Act.*—(a) *Assurances in lieu of affidavits of support.* In lieu of affidavits of support or other evidence of support, a person authorized to be admitted under sections 3 (b) and 3 (c) of the Displaced Persons Act may submit to consular officers assurances by a citizen or citizens of the United States in such form as is prescribed in this section, which shall provide that such person, if admitted into the United States, will be suitably employed without displacing some other person from employment, and that such person and the members of his family who shall accompany and who propose to live with him shall not become public charges and will have housing without displacing some other person from such housing. Either form of evidence shall be acceptable and either may be used for different individuals, except that an affidavit of support may be submitted by an alien resident of the United States as well as by a citizen of the United States. The term "citizen or citizens of the United States" shall include (1) domestic corporations, partnerships or other firms having their principal place of business within the United States; and (2) American public or voluntary agencies recognized by the Department for this purpose: *Provided,* That a voluntary agency within the meaning of this part shall be an agency which provides services in connection with the immigration, settlement, or welfare of aliens: *And provided further,* That the officer or member of such corporation, partnership, firm, or agency who executes the assurance in its behalf shall be a citizen of the United States.

(b) *Assurance of employment.* (1) The assurance that an applicant will be suitably employed without displacing some other person from employment shall provide such information as may be required to satisfy the responsible consular officer that (i) suitable activities for salary, wages, or other gain are to be made available to the applicant by, through, or on behalf of the individual or agency furnishing the assurance; (ii) the wages or compensation offered are not less than the prevailing rate for like activity in the community where the employment is pursued; (iii) the employment is of a permanent or indefinite nature and will be available at the time of the arrival of the applicant in the United States; and (iv) that no person will be removed from employment because of the activities to be performed by the applicant.

(2) Assurance that an applicant will, as his principal activity, attend regular sessions at a school in the United States and that he will undertake studies appropriate to his age and prior scholastic attainment shall, for the purposes of the Displaced Persons Act, be deemed to be assurance that the applicant will be suitably employed.

(3) If the employment is to be provided by an individual other than the person furnishing the required assurances, a statement in triplicate from the prospective employer, preferably on the business stationery of such employer, shall accompany the assurances, which statement shall contain a specific offer of employment, and shall indicate the place, nature, and anticipated duration, and other pertinent data relative thereto. The original of such statement shall accompany Form 256a; the duplicate thereof shall be attached to Form 256b; and the third copy given to the alien.

(c) *Assurance of housing.* The assurance that the principal applicant and the members of his family who will accompany him and who propose to live with him will have housing without displacing some other person from such housing shall provide such information as may be required to satisfy the responsible consular officer that (i) adequate housing will be available to the applicants upon arrival in the United States, and (ii) no occupant of such housing will be displaced therefrom in order to accommodate the occupancy of such applicants.

(d) *Assurance against becoming a public charge.* The assurance against becoming a public charge shall provide such information as may be required to satisfy the responsible consular officer that neither the principal applicant nor any of the members of his family who will accompany him and who propose to live with him will become a public charge.

(e) *Assurance of transportation.* In the case of an applicant who is ineligible for transportation provided by the International Refugee Organization, or by the Commission, the consular officer shall be satisfied, prior to the issuance of a visa to the applicant, that adequate arrangements will be made for the transportation of such applicant from his place of foreign residence to his destination in the United States, and in support thereof the consular officer may require the submission of such supplemental assurances as he deems necessary.

(f) *Forms of assurances.* (1) The assurances referred to in paragraphs (b), (c), (d) and (e) of this section shall be in such written form as may be prescribed by the Department and, except for the assurances submitted by public agencies or voluntary agencies approved by the Department, shall be sworn to or affirmed before a notary public or other person authorized to administer oaths or affirmations. Assurance forms may be obtained from such public agencies or voluntary agencies or from the Visa Division, Department of State, Washington 25, D. C.

(2) The assurance form prescribed for the purpose of this section shall contain the following statement immediately preceding the jurat: "I am furnishing this assurance fully mindful of the provisions of section 15 of the Displaced Persons Act providing that any person or persons who knowingly violate or conspire to violate any provision of such Act, except section 9, shall be guilty of a felony, and upon conviction thereof shall be fined not less than $500 or more than $10,000, or shall be imprisoned not less than two or more than ten years, or both."

(g) *Adequacy of assurances.* If the consular officer is satisfied that the assurances submitted pursuant to the provisions of this section meet the requirements of the Displaced Persons Act and the regulations contained in this part, he may proceed to a further consideration of the applicant's eligibility under the provisions of the Displaced Persons Act, and his eligibility to receive an immigration visa under the general immigration laws and regulations. If the consular officer is not satisfied that the assurances meet such requirements, he may require the sponsor to provide additional information relative thereto. If such additional information is not submitted within a reasonable time, or if submitted, does not meet the requirements of the Displaced Persons Act and the regulations contained in this part, the consular officer shall discontinue consideration of the application based on such assurances, and shall notify the applicant and the sponsor of his action.

(h) *Named and unnamed assurances.* Assurances submitted to a consular officer as provided in this section may be either named assurances (identifying the particular applicant by name), or unnamed assurances (not identifying the applicant by name but requesting admission of an alien having specific skills or other qualifications): *Provided,* That in the case of an applicant under section 3 (c) of the Displaced Persons Act only named assurances may be submitted.

(i) *Public agencies and voluntary agencies.* For the purpose of this section, public agencies and voluntary agencies shall include only such agencies as are recognized by the Department, and consular officers shall not accept assurances from any agency not so recognized and included in an approved list thereof furnished by the Department. Assurances submitted by public agencies or voluntary agencies shall conform to all the applicable requirements prescribed in this section.

(j) *Assurances: section 2, orphans*—(1) *Greek orphans.* Assurances required by subsection (e) of section (2) of the Displaced Persons Act in the case of a Greek orphan shall be submitted to the Commission in accordance with the regulations thereof as contained in 8 CFR Parts 700–710 (15 F. R. 3864). In areas where the operations of the Commission do not extend, such assurances, upon being validated by the Commission, will be forwarded to the appropriate consular office.

(2) *Section 2 (f) orphans.* The procedure prescribed in subparagraph (1) of this paragraph shall be applicable in the cases of orphans defined in subsection (f) of section (2) of the Displaced Persons Act except that the assurance required thereunder may be given either by a citizen of the United States or by an alien admitted to the United States for permanent residence, and shall be submitted to the Commission prior to June 30, 1951: *Provided,* That no immigration visa shall be issued subsequent to June 30, 1952, to an orphan defined in subsection (f) of section 2 of the Displaced Persons Act.

§ 45.8 *Good-faith affidavit.* (a) An applicant applying for an immigration

visa under the provisions of section 3 (b) or 3 (c) of the Displaced Persons Act whose admission is based on the submission of an assurance of suitable employment shall execute a signed statement under oath or affirmation that he accepts and agrees in good faith to abide by the terms of employment provided in such assurances. Consular officers are authorized to administer the required oath or affirmation without fee.

(b) The affidavit provided for in paragraph (a) of this section shall be executed in duplicate in accordance with the terms of a prescribed form to be furnished by the Department. The original of such affidavit shall be attached to Visa application Form 256a, and a duplicate copy thereof shall be attached to Form 256b.

§ 45.9 *Disqualification to receive visas.* (a) No visa shall be issued to any applicant whose admission under the Displaced Persons Act is based on the submission of an assurance of suitable employment unless the applicant shall first execute the good-faith affidavit required by section 6 of the Displaced Persons Act and the regulations contained in this part.

(b) No alien shall be issued a visa of any kind under the general immigration laws and regulations or under the provisions of the Displaced Persons Act if the consular officer knows or has reason to believe that the alien has willfully made a misrepresentation for the purpose of gaining admission into the United States as an eligible displaced person. In any case involving a reasonable doubt, the consular officer shall communicate with the Department with a view to obtaining an advisory opinion, and shall submit with his communication all the pertinent facts on which such doubt is based.

(c) No applicant shall be issued an immigration visa as an eligible displaced person, as a person of German ethnic origin, or as a section 12 (c) adopted child, in the absence of a written report from the Commission concerning his character, history, and eligibility as required by sections 10 and 12 of the Displaced Persons Act.

(d) No applicant shall be issued an immigration visa if the consular officer knows or has reason to believe that the applicant, subject to the exemptions expressly provided in § 45.6 (b), is excluded from admission to the United States under any of the provisions of the immigration laws and regulations, or if the consular officer knows or has reason to believe that the applicant is not entitled to the specific classification under which he makes application.

(e) No applicant shall be issued an immigration visa if the consular officer knows or has reason to believe that:

(1) The applicant is or has ever been a member of the Communist, Nazi or Fascist party or of a political or subversive group of an ideological character similar to that of any of said parties;

(2) The applicant adheres to, advocates, or follows, or has adhered to, advocated, or followed, the principles of any political or economic system or philosophy directed toward both the destruction of free competitive enterprise and the revolutionary overthrow of representative governments;

(3) The applicant is or has been a member of any organization which has been designated by the Attorney General of the United States as a Communist organization;

(4) The applicant is or has been a member of or participated in any movement which is or has been hostile to the United States or the form of Government of the United States;

(5) The applicant has advocated or assisted in the persecution of any person because of race, religion, or national origin;

(6) The applicant voluntarily bore arms against the United States during World War II. This provision shall apply to aliens who voluntarily bore arms against the United States on the Western front, including North Africa and Italy, but shall not apply to aliens, other than German nationals, who were forced against their will to serve in the German armed forces or auxiliary organizations.

(f) No visa shall be issued to an applicant coming within the provisions of sections 3 (b) or 3 (c) of the Displaced Persons Act in the absence of a thorough security check. An appropriate report thereon shall be placed in the applicant's file.

(g) No immigration visa shall be issued to a person coming within the provisions of section 2 (d) of the Displaced Persons Act and classified as a persecutee in § 45.2 (a) (4) in the absence of an appropriate instruction from the Department.

§ 45.10 *Numerical limitations on visas.* (a) In accordance with the provisions of the Displaced Persons Act, a total of 400,744 immigration visas, including visas previously issued under the Displaced Persons Act of 1948, may be issued as follows:

(1) Not more than 341,000 to eligible displaced persons and eligible displaced orphans, and certain other classes.

(2) Not more than 54,744 to persons of German ethnic origin and their spouses and children.

(3) Not more than 5,000 to nonquota orphans under 10 years of age.

(b) Within the 341,000 immigration visas authorized by section 3 (a) of the Displaced Persons Act and referred to in paragraph (a) (1) of this section, numerical limitations on the issuance of visas to designated classes shall apply as follows:

(1) Eligible displaced orphans	5,000
(2) China refugees and their spouses and children	4,000
(3) Polish veterans and their spouses and children	18,000
(4) Greek refugees and their spouses and children	7,500
(5) Greek preferentials	2,500
(6) Venezia Giulian refugees and their spouses and children	2,000

(c) In the event that all of the special classes of persons enumerated in paragraph (b) of this section do not receive the total of 39,000 visas authorized for such classes, the unused portion shall be made available to qualified aliens classifiable as eligible displaced persons to the extent of such unused portion but not in excess of 341,000.

(d) The number of immigration visas which may be issued to "out-of-zone" refugees pursuant to the provisions of section 3 (c) of the Displaced Persons Act shall be determined by the current numerical limitations on the quotas of the countries concerned.

(e) All persons receiving visas pursuant to the provisions of the Displaced Persons Act shall be charged to their proper quota on a current-year or a future-year basis, except the 5,000 eligible displaced orphans for whom special nonquota immigration visas are provided by section 3 (b) (1) of the Displaced Persons Act, and the 5,000 orphans under the age of 10 years for whom special nonquota immigration visas are provided by section 2 (f) of that Act, and other applicants who qualify for nonquota status under the general immigration laws.

(f) The number of immigration visas which may be issued to adopted children pursuant to the provisions of section 12 (c) of the Displaced Persons Act, exclusive of those which may be issued to such adopted children who qualify as persons of German ethnic origin, shall be determined by current numerical limitations on the immigration quotas of Germany and Austria.

(g) A quota number used in issuing an immigration visa to a particular applicant shall not be used in the issuance of a visa to any other applicant even though the original recipient thereof fails, for any reason, to use his immigration visa.

(h) A replace visa may be issued to the original applicant under the same number of the same quota, or to a nonquota applicant, during the effective period of the particular provisions of the Displaced Persons Act under which the applicant was classified and was issued his original visa: *Provided*, That in applying therefor the applicant is found to be still qualified to receive a replace visa under the same provisions of the Displaced Persons Act as were originally applicable to his case. If the original visa was allotted from a current quota, no replace visa may be issued subsequent to the quota year in which such original visa was issued.

§ 45.11 *Quota control.* The following rules are prescribed to govern the administration of immigration quotas under the Immigration Act of 1924 as affected by the Displaced Persons Act:

(a) The first fifty per centum of the quota of each nationality for each of the fiscal years beginning July 1, 1950, shall be made available for the issuance of immigration visas to qualified applicants of the first-preference quota class specified in section 6 (a) (1) of the Immigration Act of 1924.

(b) The remainder, if any, of the fifty per centum of each quota referred to in paragraph (a) of this section shall be made available for the issuance of immigration visas to qualified applicants of the second-preference quota class specified in section 6 (a) (2) of the Immigration Act of 1924.

(c) Any portion of the first fifty per centum of each annual quota referred to in paragraph (a) of this section not required for the issuance of immigration visas to qualified applicants entitled to first or second preference under the provisions of sections 6 (a) (1) or 6 (a) (2) of the Immigration Act of 1924, shall be made available to aliens qualifying for nonpreference status under the provisions of section 3 (c) of the Displaced Persons Act and section 6 (a) (3) of the Immigration Act of 1924: *Provided*, That not more than fifty per centum of such unrequired portion shall be made available to applicants qualifying under the provisions of section 3 (c) of the Displaced Persons Act.

(d) Twenty-five per centum of the quota of each nationality, for each of the fiscal years beginning July 1, 1950, and ending June 30, 1954, shall be made available for the issuance of immigration visas to qualified applicants under all provisions of the Displaced Persons Act, except section 3 (c) thereof, and for persons whose cases are adjusted under section 19 (c) of the Immigration Act of February 5, 1917, as amended, and for persons whose cases are adjusted under section 4 of the Displaced Persons Act: *Provided*, That beginning July 1, 1954, as much as fifty per centum of any quota may be used in any fiscal year for persons covered by this paragraph.

(e) During the fiscal years beginning July 1, 1950, and ending June 30, 1954, twenty-five per centum of each annual quota, exclusive of the fifty per centum (first preference immigrants) referred to in paragraph (a) of this section, and the twenty-five per centum (displaced persons) referred to in paragraph (d) of this section, shall be made available first for the issuance of immigration visas to qualified applicants entitled to preference under the provisions of section 6 (a) (2) of the Immigration Act of 1924, and second to qualified applicants under the provisions of section 3 (c) of the Displaced Persons Act: *Provided*, That not more than fifty per centum of the quota numbers not required for issuance to qualified applicants under the provisions of section 6 (a) (2) of the Immigration Act of 1924 shall be made available for issuance to qualified applicants under the provisions of section 3 (c) of the Displaced Persons Act: *Provided further*, That any residue of such twenty-five per centum shall be made available for issuance to qualified applicants entitled to nonpreference status under the provisions of section 6 (a) (3) of the Immigration Act of 1924.

(f) The reduction of a quota as required by the enactment of private acts by the Congress shall operate to reduce that particular portion of each annual quota from which a quota number is most readily available.

This order shall become effective upon publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is unnecessary because the regulations contained in this order involved foreign-affairs functions of the United States.

JAMES E. WEBB,
Acting Secretary of State.

SEPTEMBER 20, 1950.

Recommended, so far as the provisions of the Immigration Act of 1924 and the Alien Registration Act, 1940, are concerned:

J. HOWARD MCGRATH,
Attorney General.

SEPTEMBER 15, 1950.

[F. R. Doc. 50-8366; Filed, Sept. 22, 1950; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 533—GRATUITY UPON DEATH

SPECIAL DETERMINATION CONCERNING ABSENCE WITHOUT LEAVE

Amend the second sentence of paragraph (a) (1) of § 533.8 to read as follows:

§ 533.8 *Special determinations*—(a) *Absence without leave.* (1) * * *. The 6 months' death gratuity is not a part of a member's "pay and allowances," therefore, if a member dies during an absence without leave, whether or not such absence is excused as unavoidable, payment of the 6 months' death gratuity at the rate of pay accruing to such member at the date of death is authorized if otherwise payable. * * *

[C2, AR 35-1370, 2 Aug. 1950] (R. S. 161; 5 U. S. C. 22. Interprets or applies secs. 1, 2, 41 Stat. 867, as amended, sec. 5, 53 Stat. 557, as amended, sec. 4, 60 Stat. 964, as amended; 10 U. S. C. 456, 903; 37 U. S. C. 33)

[SEAL] EDWARD F. WITSELL,
Major General, USA,
The Adjutant General.

[F. R. Doc. 50-8338; Filed, Sept. 22, 1950; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV — Office of Vocational Rehabilitation, Federal Security Agency

PART 402—BUSINESS ENTERPRISES PROGRAM FOR THE BLIND

ADOPTION OF CERTAIN REGULATIONS

Pursuant to the authority conferred by the Omnibus Appropriation Act 1951, P. L. 759, approved September 6, 1950, governing Federal reimbursement for one-half of necessary expenditures for acquisition of vending stands and other equipment to be controlled by the State Agency for the use of blind persons, the regulations prescribed pursuant to the Labor-Federal Security Appropriation Act, 1948, approved July 8, 1947 (12 F. R. 4044), are hereby adopted and prescribed as the regulations under the Omnibus Appropriation Act 1951, with the following changes:

1. Section 402.2 (a), formerly § 601.2 (a), is hereby changed to read as follows:

(a) "Act" means Public Law 759, approved September 6, 1950, known officially as the "Omnibus Appropriation Act 1951."

2. Section 402.16, formerly § 601.16, is hereby changed to read as follows:

§ 402.16 *Limitation on amount of Federal reimbursement.* Federal reimbursement under the act and regulations in this part shall not exceed one-half the necessary cost of acquisition of vending stands or other equipment for the program: *Provided*, That such Federal reimbursement shall not exceed $700 for any one vending stand or for any one business enterprise irrespective of the number of operators placed in such vending stand or business enterprise; except that such Federal reimbursement shall not exceed $800 for a vending stand requiring special candy refrigerating equipment, or $1,000 for a vending stand requiring special cooking or cold drink refrigerating equipment, provided that in the case of an out-of-door stand, each of the foregoing maxima is increased by twenty percent.

3. Section 402.27, formerly § 601.27, is hereby changed to read as follows:

§ 402.27 *Continued operation of programs under plans submitted previous to the issuance of the regulations in this part.* Insofar as they are not inconsistent with the act or the regulations in this part, plan materials submitted pursuant to regulations previously issued, Part 402, Chapter IV, formerly Part 601, Chapter VI, of Title 45, shall be of the same force and effect, and shall be subject to the same terms and conditions as though submitted under the regulations in this part.

(39 Stat. 929 as amended, 49 Stat. 1559, sec. 7, 57 Stat. 374; 20 U. S. C. 11-30, 107-107f, 29 U. S. C. 37)

Date: September 19, 1950.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 50-8315; Filed, Sept. 22, 1950; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9508]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

PART 4—EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

ORDER AMENDING RULES

In the matter of Amendment of Parts 2 and 4 of the Commission's rules and regulations Governing STL stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of September 1950;

The Commission having under consideration a proposal to amend Parts 2 and 4 of the Commission's rules and regulations governing STL stations; and

It appearing, that Notice of Proposed Rule Making setting forth the proposed amendment was issued by the Commission on November 28, 1949, and was duly published in the FEDERAL REGISTER (14 F. R. 7274), which notice provided that interested parties might file written data, views, or comments concerning the said proposal on or before December 30, 1949; and

It appearing, that comments were filed by Parkersburg Broadcasting Co., Parkersburg, W. Va.; Maricopa Broadcasters, Inc., Phoenix, Arizona; WIBC, Inc., Indianapolis, Indiana; Bay Broadcasting Company, Inc., Bay City, Michigan; McClatchy Broadcasting Company, California; The Fort Industry Co., Detroit, Michigan; Isle of Dreams Broadcasting Corporation, Miami, Florida; which comments supported the adoption of the said amendments in the form proposed;

It further appearing, that comments were filed by the following parties which supported the adoption of the said amendments with the following modifications: (1) National Broadcasting Company proposed that the rules be revised, "to permit an STL station * * * to transmit the same program simultaneously to the transmitters of both its AM station and its FM station," which recommendation has been incorporated in the rules hereby adopted; and further proposed international broadcast stations remain eligible to become licensees of STL stations, which recommendation is unsupported by any showing of present or future need for such facilities by international broadcast stations, and therefore has not been adopted; (2) American Broadcasting Company, Inc. and KTOK, Inc., which proposed that the rules be revised to permit a licensee of both an FM and an AM broadcast station in the same city to use its STL station as an auxiliary to both such stations, which recommendation has in effect been incorporated in the rules hereby adopted; (3) Davenport Broadcasting Company (KSTT) which proposed that AM STL stations be licensed in the 940–952 Mc band, which proposal is outside the scope of the Notice of Proposed Rule Making herein and would require a reallocation of the 940–952 Mc band, and therefore has not been adopted; (4) A. Earl Cullum, Jr., which proposed that, "the entire STL spectrum be available for transmission of audio programs, whether for Standard, FM, or TV stations," which proposal is outside the scope of the Notice of Proposed Rule Making herein, would require a reallocation of frequencies in several parts of the spectrum, and is unsupported by any facts showing the need for such reallocation, and therefore has not been adopted; and

It further appearing, That from consideration of all the comments filed with the Commission and on the basis of its own further considerations of the matter, it now appears proper to make final the adoption of the amendment with minor changes designed to permit any licensee of an FM and a Standard broadcast station in the same city or Metropolitan District to use a single STL station for relaying to both such broadcast stations without regard to the scheduled hours of operation thereof;

Accordingly, it is ordered, Effective October 16, 1950 that Parts 2 and 4 of the Commission's rules and regulations governing STL stations are amended as set forth below.

Released: September 8, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Part 2 of the Commission's rules and regulations is amended as follows: In § 2.104 (a): Delete the footnote designator "NG13" on the band 890–940 Mc in Column 7 of the Table of Frequency Allocations.

Part 4 of the Commission's Rules and Regulations is proposed to be amended as follows:

1. In § 4.1 (b) (2): Change the reference title from "ST Broadcast" to "Broadcast STL Stations (Subpart E)".

2. In § 4.11: In line 2 delete the term "ST" and substitute therefor", broadcast STL,".

3. In § 4.18 (b): In line 1 delete the words "and ST broadcast" and substitute therefor ", broadcast STL,".

4. Subpart E of Part 4 is amended to read as follows:

SUBPART E—RULES GOVERNING BROADCAST STL STATIONS

DEFINITION AND ALLOCATION OF FREQUENCIES

§ 4.501 *Definitions.* (a) FM Broadcast STL Station: A fixed station utilizing telephony to transmit from a studio of an FM broadcasting station to the transmitter of that broadcasting station, programs to be broadcast by that station.

(b) Standard broadcast STL station: A fixed station utilizing telephony to transmit from a studio of a standard broadcasting station to the transmitter of that broadcasting station, programs to be broadcast by that station.

(c) The term "FM broadcasting station" as used in this part of the rules includes non-commercial educational FM broadcasting stations.

(d) The abbreviation "STL" is derived from "studio-transmitter link."

§ 4.502 *Frequency assignment.* (a) An FM broadcast STL station may be licensed on one of the following frequencies:

940.5 Mc	943.5 Mc	946.5 Mc	949.5 Mc
941.0 Mc	944.0 Mc	947.0 Mc	950.0 Mc
941.5 Mc	944.5 Mc	947.5 Mc	950.5 Mc
942.0 Mc	945.0 Mc	948.0 Mc	951.0 Mc
942.5 Mc	945.5 Mc	948.5 Mc	951.5 Mc
943.0 Mc	946.0 Mc	949.0 Mc	

(b) A standard broadcast STL station may be licensed on one of the following frequencies: [1]

925.5 Mc	929.5 Mc	933.0 Mc	936.5 Mc
926.0 Mc	930.0 Mc	933.5 Mc	937.0 Mc
926.5 Mc	930.5 Mc	934.0 Mc	937.5 Mc
927.0 Mc	931.0 Mc	934.5 Mc	938.0 Mc
927.5 Mc	931.5 Mc	935.0 Mc	938.5 Mc
928.0 Mc	932.0 Mc	935.5 Mc	939.0 Mc
928.5 Mc	932.5 Mc	936.0 Mc	939.5 Mc
929.0 Mc			

[1] Shared with other services. See § 2.104 (a) of this chapter.

Stations operating in the band 925–940 Mc must accept any interference that may be experienced from the operation of industrial, scientific and medical equipment.

(c) The frequencies listed in paragraph (b) of this section may be assigned to FM broadcast STL stations in any area where insufficient space in that area is available in the band 940–952 Mc.

§ 4.503 *Frequency selection.* (a) Each application for a new station or change in an existing station shall be specific with regard to frequency. In general, the lowest suitable frequency will be assigned which, on an engineering basis, will not cause harmful interference to other stations operating in accordance with existing frequency allocations.

(b) Where it appears that interference may result from the operation of a new station or a change in the facilities of an existing station, the Commission may require a showing that harmful interference will not be caused to existing stations or that if interference will be caused the need for the proposed service outweighs the loss of service due to the interference.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.511 *Administrative procedure.* See §§ 4.11 to 4.33, inclusive.

RULES RELATING TO LICENSING POLICIES

§ 4.531 *Licensing requirements.* (a) An FM broadcast STL station will be licensed only to the licensee of an FM broadcasting station as an auxiliary to a particular FM broadcasting station of that licensee.

(b) A standard broadcast STL station will be licensed only to the licensee of a standard broadcast station as an auxiliary to a particular standard broadcast station of that licensee.

(c) More than one FM broadcast STL or standard broadcast STL transmitter will be licensed for use with a single broadcast station only upon a specific and satisfactory showing that (1) more than one STL transmitter is required for the effective operation of a single STL circuit, due to terrain, distance of transmission, or similar circumstances; or (2) more than one STL circuit is needed for the purpose of connecting an additional studio with the transmitter and it is shown that the nature and extent of use of such additional STL circuit is such as to justify its authorization.

(d) Each station shall be licensed at a fixed location and the direction of radiation of the antenna shall be fixed.

§ 4.532 *Service.* (a) The license of an FM broadcast STL station or a standard broadcast STL station authorizes the relaying of programs from a studio to the transmitter of the broadcast station with which it is licensed, for simultaneous or delayed broadcast: *Provided, however,* That where the licensee of an FM broadcast STL station or a standard broadcast STL station is the licensee of an FM broadcast station and a standard broadcast station in the same city or metropolitan district, the license of each such STL station authorizes the relaying to be made to either or both such broadcast stations.

(b) Each FM broadcast STL station or standard broadcast STL station will be licensed for unlimited time operation.

(c) During periods in which it is not a part of the broadcast circuit, the transmitting equipment may be used for the transmission of communications which pertain to the broadcast operations.[2] Superfluous transmissions are not permitted.

§ 4.533 *Remote control operation.* Remote control operation of broadcast STL stations will be permitted subject to the following conditions:

(a) A percentage modulation indicator or calibrated program level meter shall be provided at the operating position.

(b) The operator shall have off-and-on control of the power to the last radio stage.

(c) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons.

§ 4.534 *Power limitations.* Broadcast STL stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.535 *Emission authorized.* (a) Broadcast STL stations normally will be authorized to employ frequency modulation only.

(b) The maximum frequency swing [3] employed shall not be in excess of 200 kilocycles.

§ 4.536 *Directional antenna required.* Each Broadcast STL station is required to employ a directional antenna. Considering one kilowatt of radiated power as a standard for comparative purposes, such antenna shall provide a free space field intensity at one mile of not less than 435 mv/m in the main lobe of radiation toward the receiver and not more than 20 percent of the maximum value in any azimuth 30 degrees or more off the line to the receiver. Where more than one antenna is authorized for use with a single station, the radiation pattern of each shall be in accordance with the foregoing requirement.

[2] If the STL transmitter and receiver are equipped with a multiplex circuit, communications during broadcast periods may be authorized upon application therefor. Such a circuit, if used, shall be designed and operated in a manner which will not cause spurious emissions or derogation of the program transmission. Studio to transmitter and transmitter to studio communication may also be provided by equipment operated under the remote pickup broadcast station rules.

[3] The term "frequency swing" means the instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

RULES RELATING TO EQUIPMENT

§ 4.551 *Equipment changes.* The licensee of a broadcast STL station may make any changes in the equipment that are deemed desirable or necessary provided:

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

RULES RELATING TO TECHNICAL OPERATION

§ 4.561 *Frequency tolerance.* The licensee of each broadcast STL station shall maintain the operating frequency of the station within plus or minus 0.005 percent of the assigned frequency.

§ 4.562 *Frequency monitors and measurements.* The licensee of a broadcast STL station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 4.563 *Station inspection.* The licensee of each broadcast STL station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.564 *Station and operator license; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible, in a conspicuous place in the room in which the transmitter is located; *Provided,* That if the transmitter operator is located at a distance from the transmitter pursuant to § 4.533 the station license shall be posted in the above-described manner at the operating position.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, a verification card (Form 758–F) is acceptable in lieu of the posting of such license: *Provided further, however,* That if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) he shall not post that permit but shall keep it in his personal possession.

§ 4.565 *Operator requirements.* One or more radio operators holding any class of commercial radio operator license or permit shall be on duty at the place where the transmitting apparatus is located, except as provided in § 4.533, and in actual charge of its operation. Further provisions and restrictions concerning the operator's authority are contained in Part 13 of this chapter. The licensed operator on duty and in charge of a broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.566 *Inspection of tower lights and associated control equipment.* The licensee of each broadcast STL station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

§ 4.567 *Additional orders.* In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.581 *Station records.* (a) The licensee of each broadcast STL station shall maintain adequate records of the operation, including:

(1) Hours of operation.
(2) Program transmitted.
(3) Frequency check.
(4) Pertinent remarks concerning transmission.

(b) Where an antenna or antenna support structure(s) is required to be illuminated the licensee shall make entries in the radio station log as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light.

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least each three months.

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 4.582 *Station identification.* Each broadcast STL station shall announce its call letters at the beginning and end of each period of operation, and during operation, at least once every hour, it shall either announce its call letters or make an announcement[*] which will permit it to be identified.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U. S. C. 154, 303. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.)

[F. R. Doc. 50-8346; Filed, Sept. 22, 1950; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 865, Corr. Amdt. 2]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of September A. D. 1950.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256), and good cause appearing therefor: It is ordered, that:

§ 95.865 *Demurrage on freight cars,* of Service Order No. 865 be, and it is hereby further amended by substituting the following paragraph (c) (1) for paragraph (c) (1) thereof:

(c) *Application.* (1) The provisions of this order, subject to the following exceptions, shall apply to intrastate and interstate traffic as well as foreign traffic, including commerce with insular possessions and the territories of Alaska and Hawaii.

Exceptions. Export, coastwise (including Great Lakes) or intercoastal bulk freight (including vessel fuel coal and coke) or explosives during the period such bulk freight or explosives is held in cars at ports for transfer to vessels is not subject to this order. Bulk freight means any carload freight consisting of any non-liquid, non-gaseous commodity shipped loose or in mass and which in the unloading thereof is ordinarily shoveled, scooped, forked, or mechanically conveyed, or which is not in containers or in units of such size as to permit piece by piece unloading.

Effective date. This amendment shall become effective at 7:00 a. m., September 20, 1950.

It is further ordered, That a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8347; Filed, Sept. 22, 1950; 8:48 a. m.]

[S. O. 868-A]

PART 95—CAR SERVICE

SUSPENSION OF FOLLOW LOT RULE AND TWO-FOR-ONE RULE

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of September A. D. 1950.

Upon further consideration of Service Order No. 868 (15 F. R. 6314) and good cause appearing therefor: *It is ordered,* That Section 95.868 Service Order No. 868, Suspension of follow-lot rule and two-for-one rule be, and it is hereby suspended until 12:01 a. m., October 4, 1950.

It is further ordered, That this order shall become effective at 12:01 a. m., September 20, 1950; that a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12 interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc 50-8348; Filed, Sept. 22, 1950; 8:48 a. m.]

[Released Rates Order MC-314, FF-56]

Subchapter B—Carriers by Motor Vehicle

PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

Subchapter D—Freight Forwarders

PART 420—TARIFFS AND CLASSIFICATIONS

Released Rates Application No. MC-500 being under consideration, and good cause therefor appearing: It is ordered,

§ 187.202 (§ 420.25) *Released ratings; household goods*—(a) *Establishment.* All common carriers of property by motor vehicle and all freight forwarders, their duly authorized agents or the duly accredited successors to such agent, who have been, or who may hereafter be, granted authority by the Commission to transport household goods in interstate or foreign commerce, be, and they are hereby, authorized to establish and maintain by filing and posting in the manner prescribed in the Interstate Commerce Act, classification ratings and exceptions ratings for household goods dependent upon the value declared in writing by the shipper or agreed upon in writing, as the released value of the property, as follows:

	Less than truckload	Truckload or volume
Household goods, as described in note 1 below, prepaid. Each article released in value in accordance with the following, see note 2.	-	
Released value not exceeding 10 cents per pound	1	2-3-3
Released to value exceeding 10 cents but not exceeding 20 cents per pound	1¼	1-3-3
Released to value exceeding 20 cents but not exceeding 50 cents per pound	1½	1¼-2-2
Released to value exceeding 50 cents but not exceeding $2 per pound	D1	1½-1-1
Released to value exceeding $2 but not exceeding $5 per pound	3t1	D1-1¼-1¼

NOTE 1: Ratings on household goods apply only on second-hand (used) household or personal effects such as clothing, furniture or furnishings for residences with not to exceed one piano, and with each truckload or volume shipment there may also be included not to exceed one second-hand (used) freight (not driving trucks for freight vehicles or fire apparatus) or passenger automobile, or one second-hand (used) motorcycle. Ratings do not apply on articles specifically named in

(insert here reference to the rule in the classification or exceptions which names articles of extraordinary value not accepted for transportation.)

nor on goods shipped for sale or speculation.

Articles not included in the above description will be subject to their less-than-truckload ratings if shipped with household goods.

NOTE 2: "If consignor declines to release each article in the shipment to a value not exceeding $5 per pound, the shipment will not be accepted.

The release, which shall be deemed to relate to each article separately and not to the shipment as a whole, must be entered on shipping order and bill of lading in the following form:

"The agreed or declared value of each article in this shipment is hereby specifically stated by the shipper to be not exceeding ..... per pound."

(b) *Changes in ratings or released valuations.* Changes may be made in any ratings or packing specifications established under the authority of this order, but the commodity description may not be broadened to embrace other articles nor may any change be made in the released valuation upon which the ratings are dependent without the specific authority of the Commission.

(c) *Authority for released ratings must be shown in tariff.* Tariffs containing released ratings filed under authority of this order shall show in connection therewith the following notation:

Ratings herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Order No. MC-314, FF-56, of September 14, 1950, subject to complaint or suspension.

(d) *Notation required on receipt or bill of lading.* The value declared or agreed upon by the shipper as the released value shall be stated in each bill of lading or receipt issued for property accepted for transportation at the released ratings herein authorized to be established and maintained.

(e) *Carriers and freight forwarders affected.* This order does not constitute authority for the establishment of released ratings on any description of traffic or over the line of any carrier or freight forwarder other than as herein specifically indicated.

(f) *Lawfulness of ratings.* The Commission does not hereby approve the lawfulness, except under sections 20 (11), 219 and 413 of the Interstate Commerce Act, of any ratings which may be filed under authority of this order.

(g) *Application denied in other respects.* The said application, insofar as it requests authority other than that granted by paragraphs (a) to (f) of this section is hereby denied.

(Sec. 12, 24 Stat. 383, as amended, 49 Stat. 546, as amended, 56 Stat. 285; 49 U. S. C. 12, 304, 1003. Interprets or applies sec. 20, 24 Stat. 386, as amended, 49 Stat. 563, as amended, 56 Stat. 295; 49 U. S. C. 20, 319, 1013)

Dated at Washington, D. C., this 14th day of September 1950.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8331; Filed, Sept. 22, 1950; 8:45 a. m.]

[*] Such as announcement during program operation of the call letters of the broadcast station with which the broadcast STL station is operated.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Notice is hereby given, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), approved June 11, 1946, that the administrative rule herein set forth is proposed in accordance with the provisions of Marketing Agreement No. 105 and Order No. 84 regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR 984.1 et seq.), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such administrative rule, consideration will be given to written data, views, or arguments pertaining thereto which are submitted to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on October 2, 1950.

The Walnut Control Board, established pursuant to the provisions of the aforesaid marketing agreement and order, at a duly called meeting in Los Angeles on August 30, 1950, unanimously adopted the following estimates:

(1) The quantity of merchantable walnuts to be produced and packed during the 1950–51 marketing year is 950,000 bags of 100 pounds each;

(2) The handler carryover as of August 1, 1950, is 173,000 bags of 100 pounds each, of which 74,400 bags were certified for handling, subjected to surplus control and assessed under the 1949–50 program pursuant to the marketing order;

(3) The trade carryover as of August 1, 1950, is 64,000 bags of 100 pounds each; and

(4) The trade demand in the continental United States, Alaska, Hawaii, Puerto Rico, Canal Zone, and Cuba (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act) with consideration for the foregoing estimate of trade carryover is 850,000 bags of 100 pounds each.

The board by unanimous vote recommended that for the 1950–51 marketing year the salable percentage of merchantable walnuts be fixed as 75 percent and the surplus percentage as 25 percent.

Other statistics, information, and data relating to current crop conditions, production, usage, and foreign trade which were considered by the board in making its recommendation were submitted to the Department.

Important aspects of the current walnut production and marketing situation are:

(1) As of September 1 a prospective walnut crop of 64,600 tons which would be 27 percent smaller than the 1949 record large crop and 2 percent smaller than the 1939–48 average;

(2) A handler carryover on August 1, 1950, 173,000 bags of 100 pounds each, which is by far the largest August 1 handler carryover since 1933, and compares with 72,940 bags on August 1, 1949, and 26,111 bags on August 1, 1948;

(3) An estimated trade carryover on August 1, 1950, of 64,000 bags of 100 pounds each as compared with an August 1 trade carryover of 54,000 bags in 1949 and 23,500 bags in 1948; and

(4) The estimated trade demand of 850,000 bags of 100 pounds each for the 1950–51 marketing year as compared with 807,600 bags acquired by the trade in 1949–50 and 826,700 bags in 1948–49.

Consideration has been given to the board's estimates and recommendation and to other pertinent data available to the Department, and it is proposed to accept such estimates and recommendation.

A summary of the computation in justification of the recommended percentages follows:

	100-pound bags
Merchantable production	950,000
Handler carryover subject to surplus contribution	98,600
Total subject to surplus contribution	1,048,600
25 percent surplus (262,150).	
75 percent salable	786,450
Handler carryover not subject to surplus contribution	74,400
Total available to trade	860,850
Less: Trade demand estimate	850,000
Allowance for handler carryover, Aug. 1, 1951	10,850

It is provided in § 984.4 of the aforementioned marketing agreement and order that a withholding percentage shall be announced, that it shall be the ratio (measured as a percentage) of the surplus percentage to the salable percentage adjusted to the nearest whole number. On the basis of the proposed salable percentage of 75 percent and surplus percentage of 25 percent, the withholding percentage would be 33 percent.

Therefore, such proposed administrative rule is as follows:

§ 984.202 *Salable, surplus, and withholding percentages for merchantable walnuts during the 1950–51 marketing year.* For merchantable walnuts, during the 1950–51 marketing year, the salable percentage shall be 75, the surplus percentage shall be 25, and the withholding percentage shall be 33 percent.

Issued at Washington, D. C., this 19th day of September 1950.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch.*

[F. R. Doc. 50-8358; Filed, Sept. 22, 1950; 8:50 a. m.]

[7 CFR, Part 997]

HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Notice is hereby given, pursuant to the provisions of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Congress, 60 Stat. 237), approved June 11, 1946, that the administrative rule herein set forth is proposed in accordance with the provisions of Marketing Agreement No. 115 and Order No. 97 regulating the handling of filberts grown in Oregon and Washington.

Prior to the final issuance of such administrative rule, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the 10th day after the date of the publication of this notice in the FEDERAL REGISTER, except that if said 10th day after publication should fall on a holiday or Sunday, such submission may be received by the Director not later than the close of business on the next following work day.

The Department, on the basis of information supplied by the Filbert Control Board and other available data, has estimated trade demand, or the quantity of merchantable unshelled filberts which the domestic trade will receive from handlers during the 12 months beginning August 1, 1950, as 9,500,000 pounds. A handler carryover of 2,068,700 pounds, which had been certified as salable prior to August 1, 1950, was reported by the Board. By subtracting this quantity from the estimated trade demand of 9,500,000 pounds, a quantity of 7,431,300 pounds remains to be satisfied from the 9,519,400 pounds representing the Control Board's estimate of merchantable production from the 1950 crop, plus handler carryover not certified for shipment on August 1, 1950. A salable percentage of 92.5 percent and a surplus percentage of 7.5 percent would permit the handling of sufficient merchantable unshelled filberts to satisfy the estimated trade demand and would leave a handler carryover on August 1, 1951, of about 1,374,100 pounds. This would compare with the large handler carryover of 2,068,700 pounds on August 1, 1950, which had contributed to surplus. For the purpose of determining the quantity to be withheld as surplus in respect to each quantity of merchantable filberts handled, the agreement and order provides for the computing and announcing of a withholding percentage. Such percentage is the ratio of the surplus percentage to the salable percentage and in this instance would be eight percent.

The proposed rule is as follows:

§ 997.200 *Salable, surplus, and withholding percentages of merchantable unshelled filberts during the 1950–51 marketing year.* For the fiscal year beginning August 1, 1950, the salable percentage of merchantable unshelled filberts shall be 92.5 percent, the surplus percentage shall be 7.5 percent, and the withholding percentage shall be eight percent.

Issued at Washington, D. C., this 19th day of September 1950.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50-8356; Filed, Sept. 22, 1950; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 12770]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 19, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 39 N., R. 4 W.,
Sec. 32,
T. 3 N., R. 6 W.,
Sec. 2, S½NE¼,
T. 3 N., R. 15 W.,
Sec. 2, N½, N½SW¼, SW¼SW¼;
Sec. 16;
Sec. 32;
T. 39 N., R. 16 W.,
Sec. 32, lots 1 and 2, NE¼,
T. 24 N., R. 21 W.,
Sec. 2, lot 4, S½NW¼.

The area described aggregates 2,790.59 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-8339; Filed, Sept. 22, 1950; 8:46 a. m.]

[Misc. 55179]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 19, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA & SALT RIVER MERIDIAN

T. 1 N., R. 5 W.,
Sec. 2, SW¼, W½SE¼.
T. 6 S., R. 6 W.,
Sec. 32, E½SE¼, SW¼SE¼.
T. 12 S., R. 6 W.,
Sec. 36, NE¼NE¼, S½NE¼, S½.
T. 16 S., R. 8 W.,
Sec. 2, S½.
T. 4 S., R. 10 W.,
Sec. 10, SW¼SW¼;
Sec. 13, N½;
Sec. 15;
Sec. 16, SE¼NW¼;
Sec. 18, lots 1 and 2, E½NW¼;
Sec. 20, N½, SW¼, NW¼SE¼.
T. 4 S., R. 11 W.,
Sec. 11, NW¼NE¼, NW¼, SE¼SE¼;
Sec. 20, E½, W½;
Sec. 21, E½NW¼, NE¼, S½;
Sec. 27;
Sec. 28, E½, E½SW¼, NW¼SW¼, SW¼SW¼;
Sec. 29, NE¼.
T. 10 S., R. 13 W.,
Sec. 2, lot 4, S½N½, S½.
T. 12 S., R. 14 W.,
Sec. 32, NW¼, NE¼SE¼.
T. 16 N., R. 14 W.,
Sec. 16, NW¼;
Sec. 32, W½.
T. 16 N., R. 15 W.,
Sec. 2.
T. 10 S., R. 16 W.,
Sec. 16, N½.
T. 13 S., R. 17 W.,
Sec. 36.
T. 10 S., R. 7 E.,
Sec. 32, SE¼SW¼, SE¼.
T. 13 S., R. 30 E.,
Sec. 6, lots 4, 5, 6, 7, SE¼NW¼, E½SW¼, S½NE¼, SE¼.

The areas described aggregate 7,897.85 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof, in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-8340; Filed, Sept. 22, 1950; 8:46 a. m.]

[Misc. 53013]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 19, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN

T. 9 N., R. 50 E.,
Sec. 33.

The area described aggregates 640 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as

amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Billing, Montana.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-8341; Filed, Sept. 22, 1950; 8:46 a. m.]

[Misc. 55193]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 19, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 27 N., R. 18 E.,
Sec. 12, N½NW¼, SE¼NW¼;
Sec. 23, S½SW¼,
T. 14 N., R. 26 E.,
Sec. 23, NW¼,
T. 24 S., R. 57 E.,
Sec. 31, N½SE¼;
Sec. 32, N½SW¼, N½SE¼, SE¼SE¼, SE¼NE¼.

The areas described aggregate 680 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Reno, Nevada.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-8342; Filed, Sept. 22, 1950; 8:46 a. m.]

[Misc. 55190]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 19, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 15 S., R. 13 E.,
Sec. 36, NE¼NE¼.
T. 18 S., R. 14 E.,
Sec. 16, S½,

T. 19 S., R. 14 E.,
Sec. 2, S½SW¼;
Sec. 8, SE¼SE¼;
Sec. 10, N½N½;
Sec. 11, NW¼NW¼.

The areas described aggregate 680 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Portland, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Portland, Oregon.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-8343; Filed, Sept. 22, 1950; 8:46 a. m.]

[Misc. 55183]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 19, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T. 54 N., R 64 W.,
Sec. 25, SE¼NE¼.
T. 22 N., R. 68 W.,
Sec. 24, S½NE¼.
T. 53 N., R. 69 W.,
Sec. 10, SW¼NE¼.
T. 24 N., R. 70 W.,
Sec. 13, NE¼NW¼.
T. 53 N., R. 73 W.,
Sec. 14, SW¼NE¼.
T. 50 N., R. 74 W.,
Sec. 21, SE¼SE¼;
Sec. 22, SE¼NE¼;
Sec. 23, SE¼SW¼;
Sec. 27, NW¼NW¼.
T. 48 N., R. 82 W.,
Sec. 9, NW¼SW¼;
Sec. 20, NE¼NW¼.
T. 21 N., R. 84 W.,
Sec. 36.
T. 22 N., R. 84 W.,
Sec. 16.
T. 23 N., R. 84 W.,
Sec. 36, W½W½.
T. 22 N., R. E5 W.,
Sec. 16.
T. 19 N., R. 88 W.,
Sec. 16.
T. 17 N., R. 91 W.,
Sec. 16, N½, N½SW¼, SW¼SW¼.
T. 58 N., R. 96 W.,
Sec. 36.
T. 16 N., R. 100 W.,
Sec. 36, N½, E½SE¼,
T. 15 N., R. 105 W.,
Sec. 16, W½NW¼.
T. 24 N., R. 105 W.,
Sec. 16.

The areas described aggregate 5,440.00 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Cheyenne, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50-8344; Filed, Sept. 22, 1950; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

OREGON

NOTICE OF HEARING WITH REGARD TO PROPOSED WITHDRAWAL OF LANDS IN CONNECTION WITH THE WARNER VALLEY WILDLIFE MANAGEMENT AREA

Notice is hereby given that a public hearing will be held by James F. Doyle, or such other employee of the Bureau of Land Management as may be designated by the Regional Administrator, Region I, Bureau of Land Management, Department of the Interior, at 10:00 a. m. on Wednesday, October 25, 1950, in the Courtroom, Lake County Courthouse, Lakeview, Oregon, with respect to a proposed withdrawal of certain public lands. The proposed order of withdrawal, including a description of the lands involved, is as follows:

"By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

"Subject to valid existing rights, the following described public lands in Lake County, Oregon, are hereby withdrawn from all forms of appropriation under public-land laws, including the mining laws, but not mineral leasing laws, and reserved for use by the Department of the Interior as a wildlife refuge, breeding ground, and management area for all forms of wildlife; and for administration of grazing and other uses not incompatible with wildlife use.

WILLAMETTE MERIDIAN

T. 34 S., R. 24 E.,
Sec. 25, lots 1 to 8, inclusive, W½NE¼, E½SW¼, and W½SE¼.
T. 36 S., R. 24 E.,
Sec. 36.
T. 37 S., R. 24 E.,
Sec 1, lots 4 and 6, SW¼NE¼, E½SW¼, N½SE¼, and SW¼SE¼.
T. 38 S., R. 24 E.,
Sec. 22;
Sec. 25, lot 7, S½NE¼, and NW¼SE¼;
Sec. 27, lots 11 to 13, inclusive;
Sec. 36, lot 5 and E½W½.
T. 40 S., R. 24 E.,
Sec. 1, lots 1 to 6, inclusive, and lot 8, SW¼NE¼, and S½;
Sec. 2, lots 1 to 9, inclusive, and lots 15 to 17, inclusive, and SW¼NE¼.
T. 34 S., R. 25 E.,
Sec. 1, S½;
Secs. 12 to 15, inclusive;
Secs. 22 to 29, inclusive;
Sec. 30, lots 1 to 3, inclusive, and lots 5 to 12, inclusive, S½NE¼, SE¼SW¼, SE¼;
Sec. 31, lots 1 to 9, inclusive, SE¼NE¼, SE¼SW¼, SE¼;
Secs. 32 to 34, inclusive;
Sec. 35, lots 1 to 3, inclusive, and lots 7 to 14, inclusive;
Sec. 36, lot 5.
T. 35 S., R. 25 E.,
Sec. 1, that part of lot 17 in NW¼NW¼;
Sec. 2, lots 7 to 22, inclusive, and SW¼SW¼;
Sec. 3, lots 6 to 12, inclusive, S½SW¼, and S½SE¼;
Sec. 4, lots 2 to 14, inclusive, SE¼SW¼, and S½SE¼;
Sec. 5, lot 2, and lots 4 to 13, inclusive, N½NE¼, NE¼NW¼, SW¼SW¼;
Sec. 6, lots 1, 2, 8, and 9, E½SE¼;
Sec. 7, lots 13 to 19, inclusive;
Sec. 8, lot 3, NE¼NE¼, N½SE¼, and SE¼SE¼;
Sec. 9, NE¼, NE¼NW¼, S½NW¼, and S½;
Sec. 10, N½, N½S½, and S½SE¼;
Sec. 17, NE¼NE¼, S½NE¼, and SE¼;
Sec. 18, lots 11 and 12;
Sec. 19, lots 4 to 9, inclusive;
Sec. 20, lots 1 to 6, inclusive, SE¼NW¼, and E½SW¼;
Sec. 29, W½;
Sec. 30, lots 5, 8, 12, 13, and 18.
T. 38 S., R. 25 E.,
Sec. 31, lots 3 and 5, lots 7 to 9, inclusive, lots 12 and 13, NE¼SE¼, and S½SE¼.
T. 39 S., R. 25 E.,
Sec. 31, lots 1, 2, and 8.
T. 40 S., R. 25 E.,
Secs. 5 to 8, inclusive.
T. 33 S., R. 26 E.,
Sec. 2, lots 1, 4, 8, and 9, and SW¼SW¼;
Sec. 10, NE¼, N½SE¼, and SE¼SE¼;
Sec. 11, lot 3 and W½NW¼;
Sec. 14, lots 1 to 3, inclusive, and NW¼NW¼;
Sec. 21;
Sec. 24, lots 1 and 2, and SE¼SE¼;
Sec. 25, lots 1 and 2, and NE¼;
Sec. 26, lot 1;
Sec. 28, lot 4, NW¼NE¼, and NW¼SE¼;
Sec. 32, lots 1 to 3, inclusive, N½S½, and SW¼SW¼;
Sec. 33, lots 1 to 5, inclusive, lots 8, 12, and 13, NW¼NE¼, NW¼, and NW¼SW¼;
Sec. 35, lots 1 and 2, and SE¼NE¼.
T. 34 S., R. 26 E.,
Sec. 3, lots 1 to 4, inclusive, S½N½, SW¼, and W½SE¼;
Secs. 4 to 9, inclusive;
Sec. 10, NW¼;
Secs. 17 to 19, inclusive;
Sec. 20, W½;
Sec. 30, lots 1 to 9, inclusive.

together with all Federal riparian ownership lands adjoining such subdivisions within the beds of Hart Lake, Crump Lake, Jones Lake, Anderson Lake, Turpin Lake, and Bluejoint Lake.

"The public lands described above aggregate 28,818.61 acres.

"The described lands will be under the joint administration of the Fish and Wildlife Service for wildlife management and the Bureau of Land Management for grazing and other uses and shall be designated the Warner Valley Wildlife Management Area.

"This order shall take precedence over, but shall not modify, the order of the Secretary of the Interior dated July 9, 1935, establishing Oregon Grazing District No. 2, so far as it affects the above-described lands."

The hearing will be open to the attendance of all interested persons, including individuals, State and local officials, officials of Federal agencies, and representatives of individuals and organizations.

All persons wishing to be heard with respect to the proposed withdrawal should notify one of the following persons before the time designated: Marion Clawson, Director, Bureau of Land Management, Washington 25, D. C., before October 20, 1950; Daniel L. Goldy, Regional Administrator, Bureau of Land Management, Swan Island Station, Portland 18, Oregon, before October 23, 1950; or Edwin G. Bailey, Range Manager, Oregon Grazing District No. 0-1 & 0-2W½, P. O. Box 429, Lakeview, Oregon, before October 24, 1950. Those desiring to submit written statements should file them up to October 24, 1950, with the Regional Administrator, address above, from whom information as to the lands involved or other information may be obtained.

DALE E. DOTY,
Assistant Secretary of the Interior.

SEPTEMBER 20, 1950.

[F. R. Doc. 50-8330; Filed, Sept. 22, 1950; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1440]

LOUISIANA-NEVADA TRANSIT CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 20, 1950.

Notice is hereby given that, on September 19, 1950, the Federal Power Commission issued its findings and order entered September 18, 1950, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8329; Filed, Sept. 22, 1950; 8:45 a. m.]

[Docket No. G-1475]

NIAGARA MOHAWK POWER CORP.

NOTICE OF APPLICATION

SEPTEMBER 19, 1950.

Take notice that Niagara Mohawk Power Corporation (Applicant), a New York corporation with its principal place of business at Syracuse, New York, filed on September 11, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas pipeline facilities hereinafter described.

Applicant proposes to construct in 1951 approximately 55 miles of 10¾-inch O. D. natural-gas transmission pipeline extending from the terminus of its existing 10-inch line in Fulton, Oswego County, New York, to Watertown, Jefferson County, New York, together with necessary appurtenances.

The proposed facilities are to be used to transport natural gas which Applicant will receive from New York State Natural Gas Corporation at the present point of interconnection of the two systems at Therm City, near Syracuse, Onondaga County, New York, to convert Applicant's present manufactured gas service in the City of Watertown to straight natural gas service, and also to provide natural gas service to communities along the route of the proposed pipeline which do not now have service, including the towns of Mexico, Pulaski, Mannsville, Adams, Adams Center, Sandy Creek and Lacona, New York.

The estimated cost of the facilities proposed by Applicant is $1,991,000. Applicant represents that it is able to secure the capital necessary to construct the proposed facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of October 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8327; Filed, Sept. 22, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25421]

LIQUEFIED PETROLEUM GAS FROM THE SOUTH TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 20, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1065.

Commodities involved: Liquefied petroleum gas, tank carloads.

From: Points in the South.

To: Points in central, trunk line and New England territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supplement 173.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8333; Filed, Sept. 22, 1950; 8:45 a. m.]

[4th Sec. Application 25422]

IRON AND STEEL ARTICLES FROM SOUTHERN PORTS TO NASHVILLE, TENN.

APPLICATION FOR RELIEF

SEPTEMBER 20, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1048.

Commodities involved: Iron and steel, viz: band, beams, or channels, carloads.

From: Southern ports.

To: Nashville, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1048, Supplement 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8334; Filed, Sept. 22, 1950; 8:45 a. m.]

[4th Sec. Application 25423]

LIQUEFIED PETROLEUM GAS FROM BATON ROUGE, LA., TO CINCINNATI, OHIO, AND LUDLOW, KY.

APPLICATION FOR RELIEF

SEPTEMBER 20, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1065.

Commodities involved: Liquefied petroleum gas, in steel cylinders, carloads.

From: Baton Rouge, La.

To: Cincinnati, Ohio, and Ludlow, Ky.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supplement 172.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8334; Filed, Sept. 22, 1950; 8:45 a. m.]

[4th Sec. Application 25424]

PULPBOARD FROM DALLAS AND SCOTTDALE, TEX., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

SEPTEMBER 20, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3894.

Commodities involved: Pulpboard or fibreboard, carloads.

From: Dallas and Scottdale, Tex.

To: New Orleans, La.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3894, Supplement 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commis-

sion in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8335; Filed, Sept. 22, 1950; 8:45 a. m.]

[4th Sec. Application 25425]

OLD RAILS FROM THE SOUTH TO CHARLESTON, W. VA.

APPLICATION FOR RELIEF

SEPTEMBER 20, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 950.

Commodities involved: Old railway track rails having value for rerolling purposes only, carloads.

From: Points in the South.

To: Charleston, W. Va.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 950, Supplement 123.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8336; Filed, Sept. 22, 1950; 8:45 a. m.]

[Rev. S. O. 562 Amdt. 3, Rev. Kings I. C. C. Order 25]

DULUTH AND NORTHEASTERN RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 25 and good cause appearing therefor: *It is ordered,* That:

King's I. C. C. Order No. 25, be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date:* This order shall expire at 11:59 p. m., November 30, 1950, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., September 30, 1950, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 18, 1950.

INTERSTATE COMMERCE COMMISSION, HOMER C. KING, *Agent.*

[F. R. Doc. 50-8349; Filed, Sept. 22, 1950; 8:48 a. m.]

NATIONAL LABOR RELATIONS BOARD

REVOCATION OF STATEMENT OF DELEGATION OF CERTAIN POWERS TO GENERAL COUNSEL

Pursuant to the provisions of section 3 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.), the National Labor Relations Board hereby separately states and currently publishes in the FEDERAL REGISTER notification that:

The Statement of Delegation of Certain Powers of the National Labor Relations Board to the General Counsel of National Labor Relations Board, effective August 22, 1947 (13 F. R. 654), as amended February 23, 1950 (15 F. R. 1088), and August 3, 1950 (15 F. R. 5133), was revoked effective at close of business September 18, 1950.

Dated, Washington, D. C., September 20, 1950.

By direction of the Board.

FRANK M. KLEILER, *Executive Secretary.*

[F. R. Doc. 50-8345; Filed, Sept. 22, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15033]

KURT S. WUNDT ET AL.

In re: Stock owned by Kurt S. Wundt and others. F-28-30873-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt S. Wundt, whose last known address is Burgstall/Murr, Krs. Backnang, Wurtemberg, Bahnhofstr. 124, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of William Wundt, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Petronella Wundt, also known as Petronella Wundt von Lyncker, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That the property described as follows: Seven hundred and forty (740) shares of $1.00 par value common capital stock of Schoenhofen Edelweiss Company, 1926 W. 18th St., Chicago 8, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered TCC 1341/7 for one hundred (100) shares each, and certificate numbered TCO 109 for forty (40) shares, registered in the names of William Wundt, Kurt S. Wundt and Petronella Wundt, as joint tenants, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kurt S. Wundt and the personal representatives, heirs, next of kin, legatees and distributees of William Wundt, deceased, and the personal representatives, heirs, next of kin, legatees and distributees of Petronella Wundt, also known as Petronella Wundt von Lyncker, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

6. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of William Wundt, deceased, and the personal representatives, heirs, next of kin, legatees and distributees of Petronella Wundt, also known as Petronella Wundt von Lyncker, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-8269; Filed, Sept. 20, 1950; 8:50 a. m.]

[Vesting Order 15072]

GERTRUDE PFAFFMAN

In re: Stock and bond owned by Gertrude Pfaffman. F-28-29859-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby, found:

1. That Gertrude Pfaffman, whose last known address is 19 Garten Street, Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Eighty-one and seventy-one one-hundredths (81 71/100) shares of no par value preferred capital stock of Jersey Mortgage Co., 280 North Broad Street, Elizabeth, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered P798 for one (1) share and SP845 for eighty and seventy-one one-hundredths (80 71/100) shares registered in the name of Gertrude Pfaffman, presently in the custody of The National State Bank of Elizabeth, Elizabeth, New Jersey, together with all declared and unpaid dividends thereon.

b. Ten-twentieths (10/20) share of no par value common capital stock of Jersey Mortgage Co., 280 North Broad Street, Elizabeth, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered SC475, registered in the name of Gertrude Pfaffman, presently in the custody of The National State Bank of Elizabeth, Elizabeth, New Jersey, together with all declared and unpaid dividends thereon, and

c. One (1) Jersey Mortgage Co., Secured Income Bond, of $389.31 face value, due December 1, 1947, bearing the number B3110, registered in the name of Gertrude Pfaffman, presently in the custody of The National State Bank of Elizabeth, Elizabeth, New Jersey, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-8270; Filed, Sept. 20, 1950; 8:50 a. m.]

[Vesting Order 15024]

CHRISTIANE LANGMAACK HUEBNER ET AL.

In re: Stock owned by Christiane Langmaack Huebner, Harald Langmaack, Christian Langmaack, Katarina Langmaack, Karl Langmaack, Helene Langmaack van den Tooren Martensen, Ella Langmaack Koehn and Dora Langmaack Seefeldt Suffa. F-28-12933-D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christiane Langmaack Huebner, Harald Langmaack, Christian Langmaack, Katarina Langmaack, Karl Langmaack, Helene Langmaack van den Tooren Martensen, Ella Langmaack Koehn and Dora Langmaack Seefeldt Suffa, each of whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Eight ninths (8/9) interest in one hundred fifty (150) shares of $1.00 par value capital stock of Sutter Buttes Land Company, 3 Montgomery Street, San Francisco, California, evidenced by a certificate numbered 619 for one hundred fifty (150) shares of the aforesaid stock, said certificate registered in the name of Mathilde Stind Langmaack, together with an eight ninths (8/9) interest in all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Christiane Langmaack Huebner, Harald Langmaack, Christian Langmaack, Katarina Langmaack, Karl Langmaack, Helene Langmaack van den Tooren Martensen, Ella Langmaack Koehn and Dora Langmaack Seefeldt Suffa, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-8350; Filed, Sept. 22, 1950; 8:49 a. m.]

[Vesting Order 15070]

CARL AUGUST BERGENER

In re: Cash owned by and debt owing to Carl August Bergener, also known as Carl Bergener. F-28-19624-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl August Bergener, also known as Carl Bergener, whose last known address is Detmolderstrasse 17, Hannover, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of the receipt and present possession of cash dividends derived from the shares of stock described in subparagraphs 2 (c), 2 (d) and 2 (e) of Vesting Order 14214, dated December

28, 1949, constituting a portion of the amount of money on deposit with the National City Bank of New York, in a blocked account, entitled Handelstrust West N. V., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. Cash, in the amount of $3,688.39, presently in the possession of the Attorney General of the United States in Collection Account numbered 028 035 675,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Carl August Bergener, also known as Carl Bergener, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8351; Filed, Sept. 22, 1950; 8:49 a. m.]

[Vesting Order 15091]

JOSEPH WAGNER

In re: Estate of Joseph Wagner, deceased. File No. D-28-12881; E. T. Sec. 17044.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Loise Wagner and Frieda Wagner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the Estate of Joseph Wagner, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Paul Wagner, as executor, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin.

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8352; Filed, Sept. 22, 1950; 8:49 a. m.]

[Vesting Order 15112]

FREDERICK W. ILG

In re: Trust under the Will of Frederick W. Ilg, deceased. File No. D-28-12346; E. T. Sec. No. 16566.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Gotlieb Pfeiffer, Johann Herman Schofer and Hedwig Gotlieb (Schofer) Vortler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided three-fourteenths (3/14) interest in real property situated in the County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. An undivided three-fourteenths (3/14) interest in real property situated in the County of Delaware, State of Pennsylvania, particularly described in Exhibit B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

c. All right, title and interest of the persons named in subparagraph 1 hereof in and to:

(1) Fire Insurance Policy No. 669158 issued by the Insurance Company of North America, Philadelphia, Pennsylvania, in the amount of $4,500 and expiring May 25, 1953, which policy insures the improvements to the property described as Parcel 1 of Exhibit A, attached hereto and by reference made a part hereof,

(2) Fire Insurance Policy No. 4308606 issued by The Home Insurance Company, Philadelphia, Pennsylvania, in the amount of $6,000 and expiring July 12, 1951, which policy insures the improvements to the property described as Parcel 2 of Exhibit A, attached hereto and by reference made a part hereof, and

(3) Fire Insurance Policy No. 21541 issued by the Fire Association of Philadelphia, Philadelphia, Pennsylvania, in the amount of $12,000 and expiring September 20, 1952, which policy insures the improvements to the property described in Exhibit B, attached hereto and by reference made a part hereof.

d. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof by Land Title Bank and Trust Company, Broad and Chestnut Streets, Philadelphia, Pennsylvania, arising by reason of the collection of rents from the real property described in subparagraphs 2-a and 2-b hereof,

is property within—the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a and 2-b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-c and 2-d hereof,

All such property so vested shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

Th terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Real property situated in County of Philadelphia, State of Pennsylvania, more particularly described as follows:

Parcel No. 1

That certain lot or piece of ground with the brick messuage or tenement thereon erected, described according to a survey made by Walter Brinton, Esq., Surveyor and Regulator of the Fifth Survey District, April 17th, 1920, as follows to wit: SITUATE on the East side of Second Street at the distance of three hundred and sixty-eight feet Southward from the South side of Ashdale Street (70 feet wide) in the Forty-second Ward of the City of Philadelphia, CONTAINING in front or breadth on the said Second Street sixteen feet and extending of that width in length or depth Eastward between parallel lines at right angles to the said Second Street, sixty-five feet to a three feet wide alley, extending Southward from Ashdale Street to the Boulevard.

UNDER AND SUBJECT, nevertheless, to certain conditions and reservations as therein mentioned.

TOGETHER with the free and common use, right, liberty and privilege of the aforesaid alley as and for a passageway and watercourse at all times, hereafter forever.

Parcel No. 2

That certain lot or piece of ground with the buildings and improvements thereon erected, described according to a survey and plan thereof made by F. Bloch, Esquire, Surveyor and Regulator of the Fourth District on the Twenty-seventh day of January, A. D. 1917, as follows, to wit, SITUATE on the East side of Sixth Street (Fifty feet wide) at the distance of Forty-eight feet Southward from the South side of Oxford Street (Fifty feet wide) in the Seventeenth Ward of the City of Philadelphia.

CONTAINING in front or breadth on the said Sixth Street Fifteen feet eight inches and extending of that width in length or depth Eastward between parallel lines at right angles to the said Sixth Street Seventy-four feet two and three-eighths inches. The North line thereof partly crossing head of a certain proposed three feet wide alley.

TOGETHER with the free and common use, right, liberty and privilege of the said three feet wide alley leading into and from the said Oxford Street, as and for a passage-way and water course at all times hereafter forever.

EXHIBIT B

Real property situated in County of Delaware, State of Pennsylvania, and more particularly described as follows:

That certain lot or piece of ground with the buildings and improvements thereon erected, Situate on the Southwesterly side of Darby and Coopertown Road, in the Township of Haverford, County of Delaware and State of Pennsylvania, being lot numbered ninety-eight (98) on a Plan of lots of John N. M. Shiner, made by J. C. Sharpless, Engineer, dated February 28th, 1901, and described as follows: BEGINNING at a point on the Southwesterly side of said Road at the distance of two hundred and fifty feet Southeastwardly from Langhorne Avenue, as shown on said Plan, thence extending along said Road South thirty-three and two one-hundredths degrees East, fifty feet to a corner of Lot numbered ninety-nine (99), thence extending in depth, continuing the same width between parallel lines at right angles to said Road, on the Northerly line, one hundred and fifty and two hundred and seventy-five one-thousandths feet and on the Southerly line one hundred and fifty and five one-hundredths feet.

[F. R. Doc. 50-8353; Filed, Sept. 22, 1950; 8:49 a. m.]

[Return Order 566]

JULIUS ARON

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published and Property

Julius Aron, Amsterdam, Netherlands, Claim No. 6674, January 26, 1950 (15 F. R. 460), An undivided one-half interest in property described in Vesting Order No. 205, dated October 2, 1942 (7 F. R. 8669, October 27, 1942) relating to U. S. Patent Application Serial No. 375,896, now U. S. Letters Patent No. 2,342,783. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8354; Filed, Sept. 22, 1950; 8:49 a. m.]

[Return Order 734]

TOSHIKO KITAGAWA MORI AND YOSHIO KITAGAWA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Toshiko Kitagawa Mori, Administratrix of the Estate of Yoshio Kitagawa, Deceased, San Mateo, California, Claim No. 37223, August 4, 1950 (15 F. R. 5036), $8,478.24 in the Treasury of the United States, representing the share of Sotaro Kitagawa in the property vested by Vesting Order No. 6530 as the property of Yoshio Kitagawa.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8355; Filed, Sept. 22, 1950; 8:49 a. m.]

SEP 28 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 186

Washington, Tuesday, September 26, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 CCC Peanut Bulletin, 721 (Peanuts 1950)-1]

PART 646—PEANUTS

SUBPART—1950 CROP PEANUT PRICE SUPPORT PROGRAM

This bulletin states the terms and conditions and requirements of the 1950 Crop Peanut Price Support Program formulated by the Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA").

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AUTHORITY: §§ 646.201 to 646.238, issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 359, 55 Stat. 90, as amended, sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 6 Pub. Law 471, 81st Cong.; 7 U. S. C. and Sup., 1359, 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421.

§ 646.201 *Administration.* The peanut price support program will be administered by the appropriate branches and commodity offices of PMA, under the general direction and supervision of the President, CCC. In the field the program will be administered as follows:

(a) Purchases will be carried out through peanut cooperative associations (hereinafter referred to as Designated Agencies) operating under the CCC Designated Agency Contract, through local warehousemen (hereinafter referred to as Receiving Agencies) who enter into Receiving Agency Contracts with Designated Agencies and through shellers under contract with CCC.

(b) Producer loans will be administered through State and county PMA committees (hereinafter referred to as State and county committees, respectively) and PMA commodity offices; and

(c) Sheller loans will be administered through PMA commodity offices.

§ 646.202 *Areas and offices.* The areas in which the program will be available and the Designated Agencies and PMA commodity offices serving such areas are as follows:

(a) The Virginia-Carolina area consisting of the States of Virginia, North Carolina, Tennessee, Missouri, Kentucky, and that part of South Carolina north and east of the Santee, Congaree, and Broad Rivers.

Designated agency: Growers Peanut Cooperative, Franklin, Va.

PMA Commodity offices:

PMA Commodity Office, U. S. Department of Agriculture, 449 West Peachtree Street NE., Atlanta 3, Ga.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1950–51 Edition

(Revised through July 1)

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

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PMA Commodity Office,[1] U. S. Department of Agriculture, Postal Building, 502 Delaware Avenue, Kansas City 6, Mo.

(b) The Southeastern area consisting of the States of Georgia, Alabama, Mississippi, Florida, and that part of South Carolina south and west of the Santee, Congaree, and Broad Rivers.

Designated Agency: GFA Peanut Association, Camilla, Ga.
PMA Commodity Office: PMA Commodity Office, U. S. Department of Agriculture, 449 West Peachtree Street NE., Atlanta 3, Ga.

(c) The Southwestern area consisting of the States of Texas, Oklahoma, Arkansas, Louisiana, New Mexico, Arizona, and California.

Designated Agency: Southwestern Peanut Growers Association, Gorman, Tex.
PMA Commodity offices:
PMA Commodity Office, U. S. Department of Agriculture, 1114 Commerce Street, Dallas 2, Tex.
PMA Commodity Office,[2] U. S. Department of Agriculture, 335 Fell Street, San Francisco 3, Calif.

§ 646.203 *Availability* — (a) *Method of support.* CCC will support the price of the 1950 crop of peanuts by means of (1) contracts with shellers whereunder the sheller agrees to pay eligible producers not less than the support price for quota peanuts and the announced oil price for excess oil peanuts in consideration of CCC's agreement to purchase from the sheller any surplus inventory of farmers stock peanuts, to purchase No. 2 shelled peanuts produced by the sheller from farmers stock peanuts and to make the sheller eligible for direct or indirect loans to assist him in financing purchases from producers, (2) purchases of farmers stock peanuts from producers through receiving agencies, and (3) loans to producers on farm stored peanuts.

(b) *Time.* Purchases through receiving agencies of farmers' stock peanuts from producers will be made from August 1, 1950, through June 15, 1951. Purchases of eligible farmers' stock peanuts from shellers operating under the 1950 Peanut Program Sheller Contract will be made from August 1, 1950, through April 30, 1951. Purchases of No. 2 quality shelled peanuts (and other kernels contained therein) will be made from such shellers from August 1, 1950, until November 30, 1951, unless such purchases are terminated earlier by CCC, in accordance with the terms of the 1950 Peanut Program Sheller Contract. Producer loans maturing on or before June 1, 1951, will be available from August 1, 1950, through January 31, 1951. Properly executed notes and chattel mortgages must be delivered to the county committee on or before January 31, 1951. Sheller loans maturing on or before August 31, 1951, will be available from August 1, 1950, through June 15, 1951.

§ 646.204 *Definitions.* As used in this bulletin, and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Farmers' stock peanuts" means picked and threshed peanuts which have been produced in the continental United States during the calendar year 1950 and have not been cleaned, shelled, crushed or otherwise changed from their natural state after picking or threshing.

(b) "Excess oil peanuts" means the quantity of farmers stock peanuts in a lot which are marketed by the producer at oil value to a receiving agency or sheller for the account of CCC, which quantity shall be determined by multiplying the total pounds in such lot by the percent excess shown on the excess oil card (Form MQ–77).

(c) "Quota peanuts" means the peanuts produced on the farm in 1950 which are within the amount of the farm marketing quota determined pursuant to the Marketing Quota Regulations for the 1950 Crop of Peanuts (7 CFR § 729.146, 15 F. R. 4740). With respect to the marketing of any lot of peanuts on an excess oil card under the option for marketing excess peanuts at oil value to an agency designated by the Secretary of Agriculture, the quantity of quota peanuts in the lot shall be the total quantity of peanuts in the lot less the quantity of excess oil peanuts.

(d) "Farm allotment" means the farm peanut acreage allotment for the 1950 crop of peanuts, established pursuant to the Marketing Quota Regulations for the 1950 Crop of Peanuts (7 CFR §§ 729.110 to 729.127, 14 F. R. 7611).

(e) "1950 Farm peanut acreage" means the acreage on the farm planted to peanuts in 1950 as determined by the county committee, less any such acreage with respect to which it is established by the operator or otherwise to the satisfaction of the county committee that the entire production therefrom has not and will not be picked or threshed either before or after marketing from the farm: *Provided, however,* That (1) the farm peanut acreage shall be considered equal to the farm allotment on a farm for which such allotment equals or exceeds the larger of one acre or the 1947 farm peanut acreage, if the acreage in excess of the farm allotment from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the farm allotment, whichever is larger; (2) the farm peanut acreage shall be considered equal to one acre on a farm for which the farm allotment and the 1947 farm peanut acreage are each equal to or less than one acre, and the acreage from which peanuts are picked or threshed does not exceed 1.1 acres; or (3) the farm peanut acreage shall be considered equal to the 1947 farm peanut acreage on a farm for which such 1947 acreage exceeds the larger of the farm allotment or one acre, if the acreage in excess of the 1947 farm peanut acreage from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the 1947 farm peanut acreage, whichever is larger; but the provisions of subparagraphs (1), (2) and (3) of this paragraph shall not apply unless (i) the operator submits evidence satisfactory to the county committee that the picking or threshing of peanuts was completed before he received notice of the acreage planted to peanuts, or that peanuts were picked or threshed from an acreage in excess of the largest of the farm allotment, one acre, or the 1947 farm peanut acreage notwithstanding an honest effort on the part of the operator to dispose of the excess by means other than by picking or threshing, and (ii) a quantity of peanuts equal to the county committee's estimate of the production from the acreage in excess of the largest of the farm allotment, one acre, or the 1947 farm peanut acreage is disposed of on the farm in such manner that the peanuts cannot be marketed: *Provided further,* That the maximum acreage limit prescribed in subparagraphs (1), (2), or (3) of this paragraph shall not be applicable if the State committee concurs in the findings and recommendations of the county committee that the unusual circumstances from which the excess resulted are such that the maximum limitation should not apply.

(f) "1947 farm peanut acreage" means the acreage on the farm in 1947 from which the peanuts were picked or threshed as determined by the county committee in accordance with instructions issued by the Assistant Administrator for Production, PMA.

(g) "Marketing card":

(1) "Excess oil card" means MQ–77—Peanuts (1950), Excess Marketing Card, providing the producer an option for marketing each lot of peanuts either by paying the marketing penalty or by delivering the excess oil peanuts at oil prices to agencies designated by the Secretary.

(2) "Excess penalty card" means MQ–77—Peanuts (1950), Excess Marketing Card, requiring that a marketing penalty be paid on all peanuts marketed.

(3) "Within quota card" means MQ–76—Peanuts (1950), Within Quota Marketing Card, authorizing the marketing of peanuts without penalty and without

[1] For producer loans in the State of Missouri only.
[2] For producer loans in Arizona and California.

requiring the delivery of any peanuts to agencies designated by the Secretary.

(h) The term "No. 2 shelled peanuts" shall mean shelled peanuts produced from quota peanuts or from excess oil peanuts which may be split or broken, but which are free from small shriveled, unshelled or damaged peanuts, small pieces of peanuts and foreign material.

(1) "Small shriveled" and "small pieces of peanuts" means peanuts that will pass through a screen having:

(i) 16/64 inch round perforations in the case of Spanish type.

(ii) 17/64 inch round perforations in the case of Runner and Valencia types.

(iii) 18/64 inch round perforations in the case of Virginia type.

(2) "Foreign material" means sticks, stones, dirt, shells, portions of vines and any material other than peanut kernels.

(3) "Damaged peanuts" means:

(i) Peanuts which are rancid, or decayed to an extent visible,

(ii) Moldy peanuts,

(iii) Peanuts showing sprouts over ⅛ inch long.

(i) "Other kernels" means shelled peanuts contained in a lot of No. 2 shelled peanuts (whether worked or unworked), that do not meet the above specifications for No. 2 shelled peanuts.

(j) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) "Producer" means a person who, as owner, landlord, tenant, or sharecropper, is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(l) With respect to purchases of farmers stock peanuts, "lot" means the quantity of peanuts marketed on one memorandum of sale issued from a 1950 peanut marketing card (Form MQ–76 or MQ–77). In the case of purchases of farmers stock peanuts containing excess oil peanuts the total quantity of such farmers stock peanuts delivered to the purchaser by one seller during one calendar week must be covered by one or more memoranda of sale.

§ 646.205 *Eligible producer.* (a) A producer will be eligible for price support (1) with respect to all peanuts produced by him on any farm on which the 1950 farm peanut acreage does not exceed the larger of the farm allotment or one acre, or (2) with respect to the quota peanuts produced by him on any farm on which the 1950 farm peanut acreage exceeds the larger of the farm allotment or one acre but does not exceed the 1947 farm peanut acreage, provided such quota peanuts are marketed in a lot from which the excess oil peanuts are delivered at oil value to a sheller or Receiving Agency for the account of CCC, except that, if the State or county PMA committee determines, pursuant to regulations of the Secretary of Agriculture, that the producer knowingly contributed to the production of peanuts in excess of the largest of the farm allotment, one acre, or the 1947 peanut acreage for one or more farms to such an extent as to off-set his contribution to the adjustment of production on other farms, he will not be eligible for price support with respect to any peanuts produced by him on any farm.

(b) The operator of an overplanted farm may be issued a "within quota" or "excess oil" marketing card if he executes MQ–92, "Agreement by Operator of Overplanted Farm", in which he agrees (1) that the 1950 farm peanut acreage is not and will not be in excess of either the larger of the farm allotment or one acre or the 1947 farm peanut acreage; and (2) if such undertaking is breached, to pay liquidated damages to CCC determined in accordance with the terms of such agreement and any marketing penalties determined to be due the Secretary of Agriculture. Copies of Form MQ–92 may be obtained from the county committee. The county committee may decline to execute Form MQ–92 in any case where it finds reasonable grounds to believe that such agreement will be used as a device to evade the requirements of this program or the collection of marketing penalty.

§ 646.206 *Eligible sheller.* An eligible sheller shall be any person engaged in shelling peanuts who has entered into a 1950 Peanut Program Sheller Contract, CCC Peanut Form 801. The applicable PMA Commodity Office will advise approved lending agencies as to the eligibility of shellers.

§ 646.207 *Determination of grade.* A Federal or Federal-State inspector shall, determine the grade (i. e., percentages of sound mature kernels, damaged kernels, other kernels, foreign material, moisture, and extra large kernels in the case of Virginia-type peanuts) of:

(a) Farmers stock peanuts delivered to a Receiving Agency for purchase by CCC, such grade to be determined at the time of delivery.

(b) Farmers stock peanuts to be pledged as security for a sheller loan, such grade to be determined at the time the peanuts are purchased from the producer.

(c) Farmers stock peanuts to be mortgaged as security for a producer loan, such grade to be determined on the basis of a sample taken by the county committee before the loan is made; but the settlement value of the mortgaged peanuts delivered in satisfaction of the loan will be determined on the basis of the grade determined at the time such peanuts are delivered.

(d) Each lot of farmers stock quota peanuts and each lot of farmers stock peanuts containing both quota and excess oil peanuts purchased by a sheller under the terms of the 1950 Peanut Program Sheller Contract, such grade to be determined at the time of the purchase from the producer.

(e) Each lot of farmers stock peanuts and of No. 2 shelled peanuts (and other kernels contained therein) purchased by CCC from shellers, such grade to be determined at the time of delivery to CCC.

§ 646.208 *Set-offs.* (a) If a producer obtaining a farm storage loan or a sheller selling peanuts to CCC under the terms of the sheller contract is indebted to CCC on any accrued obligation, or if any installments past due or maturing within 12 months are unpaid on any loan made by CCC to the producer on farm-storage facilities, whether held by CCC or a lending agency, he must designate CCC or such lending agency as the payee of the proceeds of the loan or sale to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of amounts due prior lienholders. If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders.

(b) Shellers and Receiving Agencies purchasing peanuts from producers pursuant to the 1950 Peanut Sheller and Receiving Agency Contracts shall collect and remit any indebtedness of such producers to any agency of the United States, as shown on the marketing card on which such peanuts are marketed, in accordance with the Sheller and Receiving Agency Contracts and instructions on such marketing card.

(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the debtor to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 646.209 *Purchase prices and producer loan rates.* The prices and producer loan rates for merchantable farmers stock and No. 2 shelled peanuts are contained in § 646.211 (the 1950 CCC Peanut Bulletin, 721 (Peanuts 50)–1, Supplement 1).[1] Sheller loan rates are $10.00 per ton less than the announced prices. Excess oil peanuts eligible for purchase by CCC or by shellers operating under the 1950 Peanut Program Sheller Contract will be purchased at their oil value based on the price announced by CCC applicable for the period in which such peanuts are delivered for purchase. The basic support price and producer loan rate is 10.8 cents per pound.

1950 PEANUT PURCHASES

§ 646.210 *Purchases from producers.* Eligible farmers' stock quota peanuts offered by eligible producers will be purchased at support prices by CCC through Receiving Agencies.

Excess oil peanuts offered by eligible producers will be purchased by CCC through receiving agencies and shellers at the oil value thereof based on the price announced by CCC applicable to the period in which the lot containing such peanuts is delivered for purchase.

§ 646.211 *Purchases from shellers.* CCC will purchase from shellers, farmers' stock peanuts and No. 2 shelled peanuts (and other kernels contained therein), which have been purchased and are offered to CCC in accordance with the provisions of the 1950 Peanut Program Sheller Contract, CCC Peanut Form 801.

Copies of the contracts may be obtained from the Fats and Oils Branch, PMA, U. S. Department of Agriculture, Washington 25, D. C., or from the Designated Agencies shown in § 646.202.

[1] See F. R. Doc. 50–8420, *infra*.

§ 646.212 *Peanuts eligible for purchase.* (a) Farmers' stock peanuts eligible for purchase by CCC at support prices shall be peanuts which meet the following requirements:

(1) Such peanuts must be merchantable farmers' stock peanuts of the 1950 crop produced by an eligible producer.

(2) When purchased from producers such peanuts must have been identified, in accordance with the Marketing Quota Regulations for Peanuts of the 1950 Crop (15 F. R. 4739) as quota peanuts marketed on a within quota marketing card (Form MQ–76) or as the quota portion of a lot of peanuts containing both quota and excess oil peanuts and marketed on an excess oil marketing card (Form MQ–77).

(3) When purchased from shellers such peanuts include also the excess oil peanuts marketed by a producer to the sheller for CCC's account and simultaneously purchased from CCC by the sheller, pursuant to the terms of the 1950 Peanut Program Sheller Contract.

(4) Such peanuts must be free and clear of all liens and encumbrances including landlord's liens, or if liens or encumbrances exist on the peanuts, proper waivers must be obtained.

(5) Such peanuts must be offered for sale by a person who is the owner of the peanuts and who has a legal right to sell such peanuts.

(6) The beneficial interest in the peanuts must be in the person offering them for sale, and in the case of peanuts offered by a producer, must always have been in him or in him and a former producer whom he succeeded before the peanuts were harvested.

(7) When purchased by CCC from producers or from shellers such peanuts must not contain more than 9½ percent moisture in the Southeast and Southwest areas or more than 10½ percent moisture in the Virginia-Carolina area. Shellers under contract with CCC may purchase for their accounts peanuts containing moisture in excess of the maximum moisture content specified herein but shall not make any deductions for moisture greater than that authorized in Supplement 1 to this Bulletin. The sheller may dry peanuts containing excess moisture for the account of the producer in accordance with 1950 Peanut Program Sheller Contract.

(b) No. 2 shelled peanuts eligible for purchase by CCC from shellers must be merchantable No. 2 shelled peanuts (and other kernels contained therein) which were produced from farmers stock peanuts meeting the eligibility requirements in subparagraphs (1) to (6) of paragraph (a) of this section, and which contain not more than 9½ percent moisture in the Southeast and Southwest areas and not more than 10½ percent moisture in the Virginia-Carolina area.

(c) Excess oil peanuts eligible for purchase from producers by receiving agencies or shellers for the account of CCC shall be farmers' stock peanuts which meet the following requirements:

(1) Such peanuts must meet the requirements of subparagraphs (1), (4), (5), and (6) of paragraph (a) of this section.

(2) Such peanuts must be identified, in accordance with the Marketing Quota Regulations for Peanuts of the 1950 Crop (15 F. R. 4739) as the excess oil portion of a lot of peanuts containing both quota and excess oil peanuts and marketed on an excess oil marketing card (Form MQ–77).

§ 646.213 *Determination of quantity for purchase.* The quantity of farmers' stock peanuts or No. 2 shelled peanuts (and other kernels contained therein) to be purchased shall be the gross weight at the time of delivery less foreign material content.

§ 646.214 *Settlement.* The producer will be paid for peanuts delivered to a Receiving Agency by a draft drawn on CCC. Shellers will submit claim for payment to and be paid through the office of the Designated Agency serving the area in which the sheller is located.

1950 SHELLER LOANS

Copies of the CCC forms referred to in connection with sheller loans may be obtained from the PMA commodity office serving the area.

§ 646.215 *Approved lending agencies.* An approved lending agency shall be any cooperative marketing association, corporation, partnership, individual or other legal entity with which CCC has entered into a 1950 Peanut Program Lending Agency Agreement on CCC Peanut Form 817 for the purpose of making loans to shellers.

§ 646.216 *Peanuts eligible for sheller loan.* Farmers stock peanuts which are eligible, in accordance with § 646.212 of this bulletin, for purchase by CCC from shellers are eligible as security for a sheller loan, if such peanuts were purchased from producers not more than 30 days prior to the date on which the sheller files his application for advance (CCC Peanut Form 817–C) with respect thereto.

§ 646.217 *Storage.* Peanuts pledged as security for a loan must be stored separately by type and segregation in warehouses approved in writing by CCC, and must be represented by warehouse receipts. Warehousemen will be required to submit copies of their warehouse receipts, a properly certified current financial statement, a copy of the bond under which the warehouse is operating, and such other information as CCC may request. Warehousemen desiring approval should communicate with the appropriate commodity office or the Fats and Oils Branch, PMA, Washington 25, D. C.

§ 646.218 *Loan rates.* Loans shall be made at the rate of $10.00 per ton less than the support prices shown in Supplement 1 to this bulletin for the type and grade of peanuts pledged as security.

§ 646.219 *Determination of quantity for sheller loan.* The quantity of peanuts pledged as security for a loan shall be the gross weight less foreign material.

§ 646.220 *Loan and collateral documents.* (a) Loans shall be evidenced by promissory notes, payable to CCC or the lending agency, executed by the sheller on CCC Peanut Form 817–B, Sheller Note.

(b) In addition to the notes, the following documents will be required:

(1) Application for advance, CCC Peanut Form 817–C.

(2) Warehouse receipts approved by CCC both as to warehouse arrangement and as to form of receipt.

(3) Inspection certificates issued by a Federal or Federal-State inspector; or in lieu of such certificates, a certification as to such inspection on the warehouse receipts.

(4) Insurance for the benefit of CCC covering peanuts under loan is required in the amount of the loan plus $10.00 per ton against risk of loss or damage by fire, lightning, windstorm, tornado, sprinkler damage, and other risks normally insured against by the sheller. Premiums on such insurance must be paid by the sheller and the policies kept in force to the extent of the required insurance on peanuts at any time under loan.

§ 646.221 *Payment of interest.* Interest at the rate of 3 percent per annum is payable monthly to the lending agency or other holder of the note, or to the PMA commodity office in the case of loans made direct by CCC.

§ 646.222 *Release of peanuts.* The sheller may obtain the release of the warehouse receipts representing the peanuts pledged as security for the loan by paying the principal amount loaned on such peanuts plus the accrued and unpaid interest thereon. Redemption of the peanuts represented by one or more of the several warehouse receipts covered by a note or application for advance will be permitted. In making repayments of loans made by CCC direct, the amount due, available at par in the city in which the PMA commodity office is located, must be forwarded to that office with information identifying the collateral being redeemed.

§ 646.223 *Assignment of indebtedness to CCC.* Lending agencies may assign the loan indebtedness to CCC in whole or in part, but not less than the amount representing the sheller loan value applicable to a single warehouse receipt. Such assignments must be made on the assignment form prescribed by CCC for use in connection with the lending agency agreement. Payments for the principal amount of the loan indebtedness assigned to CCC will be made by drafts drawn on CCC through a designated Federal Reserve Bank or branch bank. Drafts shall be supported by the signed original of the assignment(s). The original loan and collateral documents relating to the loan indebtedness assigned to CCC shall be retained by the lending agency in trust for CCC, until such time as CCC requests delivery thereof.

1950 PRODUCER LOANS

All producer loan documents referred to herein may be obtained from PMA county offices.

§ 646.224 *Approved lending agencies.* An approved lending agency shall be any

bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a lending agency agreement (Form PMA–97 or other form prescribed by CCC) or loan servicing agreement.

§ 646.225 *Peanuts eligible for producer loan.* Farmers stock peanuts containing less than 3 percent damaged kernels and which meet the eligibility requirements contained in § 646.212 of this bulletin are eligible as security for a farm storage loan except that producer loans shall be limited to peanuts produced by an eligible producer on a farm on which the 1950 farm peanut acreage does not exceed the larger of the 1950 farm allotment or one acre.

§ 646.226 *Approved storage.* Approved farm storage will be structures located either on or off the farm (provided no warehouse receipts are outstanding) which the county committee determines to be of such construction as to afford safe storage for peanuts. The structure must be substantial, dry and well-ventilated. A producer who obtains a loan is obligated to maintain the storage structure in good repair and to keep the peanuts in good condition. No storage payment will be made.

§ 646.227 *Loan documents.* The approved forms consist of the Producer's Note, Commodity Loan Form A, and chattel mortgage, Commodity Loan Form AA, which, together with the provisions of this bulletin and any supplements or amendments thereto, govern the rights and responsibilities of the producer. State documentary revenue stamps must be affixed to notes and chattel mortgages where required by law. Loan documents executed by an administrator, executor, or trustee, will be acceptable only upon condition that they are legally valid.

§ 646.228 *Loan rates.* Loan rates are contained in Supplement 1 of this bulletin.

§ 646.229 *Determination of quantity.* (a) Loans will be made on the basis of net weight (gross weight less foreign material) at the time the loan is made.

(b) The gross weight shall be determined as follows:

(1) If peanuts are stored in bags, the county committee will weigh a sufficient number of bags to determine the gross weight of all the peanuts to be placed under loan.

(2) If the peanuts are stored in bulk, the gross weight will be determined on the basis of the number of cubic feet of peanuts multiplied by the weight shown below for the type of peanuts.

Type:	*Weight per cubic foot (pounds)*
Spanish	20
Runner	19
Valencia	18
Virginia	18

§ 646.230 *Service charges.* The producer shall pay a service charge of $3.00 or 30 cents a ton, or fraction thereof, whichever is greater, and an inspection charge of 50 cents per ton. The producer shall pay the $3.00 minimum service charge prior to inspection of the storage structure. The balance of the service charge, if any, shall be collected from the proceeds of the loan. The inspection charge of 50 cents per ton shall be collected by the County Committee for the account of the Federal-State Inspection Service by deduction from the proceeds of the loan. No refund of service or inspection charges will be made.

§ 646.231 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum, accrued from the date of disbursement of the loan.

§ 646.232 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the peanuts under the loan or his remaining interest may be restricted by CCC.

§ 646.233 *Insurance.* CCC will not require the producer to insure the peanuts placed under the loan; however, if the producer does insure such peanuts, such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the peanuts involved in the loss.

§ 646.234 *Loss of or damage to peanuts.* The producer is responsible for any loss in grade and for any loss in weight in excess of a shrinkage allowance of 1 percent of the delivered gross weight; except that uninsured physical loss damage occurring without fault, negligence or conversion on the part of the producer or any other person having control of a storage structure not located on the farm, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 646.235 *Personal liability.* The making of any fraudulent representations by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the peanuts by him shall render the producer subject to criminal prosecution under Federal law and render him personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 646.236 *Maturity and satisfaction.* Loans mature on demand but not later than June 1, 1951. The producer is required to pay off his loan on or before maturity, or to deliver the mortgaged peanuts in accordance with instructions of the county committee. If the producer fails to deliver mortgaged peanuts in accordance with instructions of the county committee, he will be responsible for delivery costs. When the peanuts are delivered, the producer is required to deliver the entire lot of peanuts stored in the structure with the mortgaged peanuts; and in determining the settlement value of the peanuts, credit will be given for the total quantity delivered. The settlement value shall be computed on the basis of the applicable support price specified in Supplement 1 to this bulletin, based on the type, grade, quality, and moisture content of the peanuts delivered. The quantity on which the settlement value will be determined shall be the net weight (gross weight less foreign material) of the peanuts delivered plus an allowance of 1 percent of the delivered gross weight.

If the settlement value of the peanuts delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the State PMA office.

If the settlement value of the peanuts delivered is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, and may be set off against any payment which would otherwise be made to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC, or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the peanuts may be delivered before the maturity date of the loan, upon prior approval by the county committee.

§ 646.237 *Removal and release of the peanuts under the loan*—(a) *Removal of the peanuts under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the peanuts and sell them either by separate contract or by pooling them with other lots of peanuts similarly held.

If the peanuts are pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any over-plus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled peanuts as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers and not unduly impair the market for the current crop of peanuts, even though part or all of the pooled peanuts are disposed of at prices less than the current domestic price of such peanuts. Any sum due the producer as a result of the sale of the peanuts or of insurance proceeds thereon, or any ratable share resulting from the liquidation of the pool, shall be payable only to the producer, without a right of assignment by him.

(b) *Release of the peanuts under loan.* A producer may at any time obtain release of peanuts remaining under loan by paying to the holder of the note, the principal amount thereof, plus charges and accrued interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local lending agency or to the county committee for collection. All charges in connection with the payment of the note shall be paid by the producer. Upon payment of the loan, the county committee should be requested to release the mortgage by filing an instrument of release or by executing a marginal release on the county records. Partial release of the peanuts prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the peanuts to be released.

§ 646.238 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages. The purchase price to be paid by CCC will be the principal sum remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe, covering all payments received on producer's notes held by them, and are required to remit to CCC an amount equal to 1½ percent interest per annum of the amount of the principal collected from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the PMA commodity office serving the area.

Issued this 21st day of September 1950.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50–8408; Filed, Sept. 25, 1950; 8:51 a. m.]

[1950 CCC Peanut Bulletin 721 (Peanuts 1950)–1, Supp. 1]

PART 646—PEANUTS

SUBPART—1950 CROP PEANUT PRICE SUPPORT PROGRAM

§ 646.241 *Producer and sheller loan rates and purchase prices.* This section contains the rates at which CCC will make loans to producers, the prices to be used in determining the rates of loans to shellers, and the support prices at which CCC will purchase eligible farmers stock peanuts and No. 2 shelled peanuts (and other kernels contained therein) as provided in § 646.209 of the 1950 CCC Peanut Bulletin 721 (Peanuts 1950)–1.[1]

Sound mature kernels, percent	Spanish and Valencia east of Mississippi River	Spanish and Valencia west of Mississippi River	Runner[1]	Virginia type	
	Dollars per ton (2)	*Dollars per ton* (3)	*Dollars per ton* (4)	*Dollars per ton* (4)	
Above 70	214.00	209.00	204.50	223.00	
70	210.50	206.00	201.00	219.80	
69	207.80	203.00	198.70	216.60	
68	204.70	200.00	195.80	213.40	
67	201.60	197.00	192.90	210.20	
66	198.50	194.00	190.00	207.00	Base grade price
65	(5)	(6)	(7)	(8)	
Below 65					

PRICES FOR NO. 2 SHELLED PEANUTS AND OTHER KERNELS

Type	Spanish and Valencia	Runner and Virginia	Other kernels
Price per pound	15¾ cents	15½ cents	Market value.

Virginia type peanuts containing less than 11 percent fancy size (peanuts riding a 34/64" x 3" slotted screen) will be purchased at Runner type prices. No extra large premiums are applicable for such peanuts.

[1] For the purpose of this program includes all peanuts, excluding Valencia, which except for type, meet the "U. S. Standards for Farmers Stock Runner Peanuts (1951)" but do not meet the U. S. Standards for Farmers Stock Spanish or Farmers Stock Virginia type peanuts.

[2] $214 plus $3.10 per ton for each 1 percent above 70 percent sound mature kernels.

[3] $209 plus $3 per ton for each 1 percent above 70 percent sound mature kernels.

[4] $204.50 plus $2.90 per ton for each 1 percent above 70 percent sound mature kernels.

[5] $223 plus $3.20 per ton for each 1 percent above 70 percent sound mature kernels.

[6] $188.50 less $3.10 per ton for each 1 percent or fractional part thereof below 65 percent sound mature kernels.

[7] $194 less $3 per ton for each 1 percent or fractional part thereof below 65 percent sound mature kernels.

[8] $190 less $2.90 per ton for each 1 percent or fractional part thereof below 65 percent sound mature kernels.

[9] $207 less $3.20 per ton for each 1 percent or fractional part thereof below 65 percent sound mature kernels.

NOTES: Above prices are for peanuts delivered in bulk in the Southeastern Peanut Area. In other areas the price is for delivery of peanuts in sacks and is also to apply to bulk deliveries accepted by the purchaser. No producer loans will be made on peanuts containing 3 percent and more damage. The following premiums and discounts are to be applied in the order listed.

(1) Deduct from the above prices 50 cents per ton for each full 1 percent foreign material in excess of 3 percent but not in excess of 12 percent. For each full 1 percent of foreign material in excess of 12 percent deduct $1.

(2) Deduct from the above prices $3 per ton for each full 1 percent damage in excess of 1 percent.

(3) Add to the above prices for Virginia type peanuts 75 cents per ton as a premium for each full 1 percent of Extra Large kernels in excess of 15 percent.

(4) Add to the above prices 1 percent for each full 1 percent moisture below 7 percent (8 percent in the Virginia-Carolina area) and deduct 1 percent for each full 1 percent moisture above 7 percent (8 percent in the Virginia-Carolina area). No peanuts containing more than 9½ percent moisture (10½ percent in the Virginia-Carolina area) will be purchased by CCC.

Definitions: (1) The term "sound mature kernels" shall mean kernels which are free from damage as defined in the U. S. Standards for farmers stock (i) white Spanish peanuts in the case of Spanish and Valencia peanuts and (ii) Runner and Virginia peanuts, respectively, in the case of Runner and Virginia peanuts; and which will not pass through a screen having (i) 14/64 x ¾ inch perforations in the case of Spanish peanuts and (ii) 15/64 x 1 inch perforations in the case of Virginia peanuts, (iii) 15/64 x ¾ inch perforations in the case of Runner and Valencia peanuts.

(2) Extra Large kernels shall mean any shelled Virginia peanuts which are whole and which are free from noticeably discolored or damaged peanuts as defined in the U. S. Standards for Shelled Virginia peanuts (Effective Nov. 1, 1939) and which will not pass through a screen having 21½/64 x 1-inch perforations.

[1] See F. R. Doc. 50–8408, *supra*.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 359, 55 Stat. 90, as amended, sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 6, Pub. Law 471, 81st Cong.; 7 U. S. C. and Sup. 1359, 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 21st day of September 1950.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50–8420; Filed, Sept. 25, 1950; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[MQ–71—Cotton (1950), Amdt. 3]

PART 722—COTTON

ACREAGE ALLOTMENTS AND MARKETING QUOTAS FOR THE 1950 CROP; ISSUANCE OF MARKETING CERTIFICATE FOR UNMEASURED FARMS

Basis and purpose. Section 375 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that the Secretary of Agriculture shall provide by regulations for the identification, wherever necessary, of cotton so as to afford aid in discovering and identifying such amounts as are subject to and such amounts as are not subject to marketing restrictions in effect under the act. Under the authority of this provision, § 722.147 (a) of the regulations pertaining to acreage allotments and marketing quotas for the 1950 crop of cotton, issued June 26, 1950 (15 F. R. 4162), provides that, except as otherwise provided in such section, the operator and all other producers on a farm shall be eligible to receive a marketing card (Form MQ–76—Cotton (1950)), if (1) no farm marketing excess is determined for the farm, or (2) an amount equal to the penalty on the farm marketing excess has been received by the treasurer of the county committee for the county in which the farm is located.

Due to adverse weather conditions in some areas, it has been impossible for county committees to complete measuring cotton acreages on many farms from which cotton is presently being harvested. The cotton harvested from some of these farms is ready to be marketed and, because of these incomplete measurements, the county committees are not authorized by the provisions of the regulations now in effect to issue marketing cards or marketing certificates to the producers on such farms. In the absence of identification by marketing card or certificate, the purchaser of any such cotton would be required to consider it as being subject to the marketing penalty

and to collect and remit such penalty to the appropriate county committee. This procedure would be required even though the acreage planted to cotton on the farm, on which such cotton was produced did not, in fact, exceed the farm acreage allotment. The amendment to the regulations set out herein provides that the county committee, with the approval of the State committee, may, under certain conditions, issue a marketing certificate to any farm operator who has cotton ready for marketing from a farm on which the acreage planted to cotton in 1950 has not been determined. It is in the interest of such producers in the areas where adverse weather conditions have delayed the measuring of acreages planted to cotton that the amendment become effective at the earliest possible date in order that affected producers may be relieved of the inconvenience and the financial responsibilities which attach to the marketing of cotton without identification by marketing card or certificate. Accordingly, it hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of Federal Register.

The regulations pertaining to acreage allotments and marketing quotas for the 1950 crop of cotton (15 F. R. 4162) are hereby amended by the addition of the following new section:

§ 722.177 *Issuance of marketing certificates for unmeasured farms.* Notwithstanding any other provision of the regulations in this part, the county committee, with the approval of the State committee, may issue marketing certificates (Form MQ–91–Cotton) for a farm in a total amount not exceeding the product of the farm acreage allotment multiplied by the smaller of the normal yield per acre or the estimated actual yield per acre, in instances where the acreage planted to cotton on the farm in 1950 has not been determined and the operator, in applying for such certificates, certifies that he has cotton from the 1950 crop available for marketing and that to the best of his knowledge and belief the acreage planted to cotton on the farm does not exceed the farm cotton acreage allotment.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 346, 52 Stat. 59, as amended; 7 U. S. C. and Sup. 1346)

Done at Washington, D. C., this 21st day of September 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50–8407; Filed, Sept. 22, 1950; 10:10 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF PINEY POINT, MD., AS A PORT OF ENTRY FOR SEAMEN

SEPTEMBER 6, 1950.

Section 110.1 *Designated ports of entry except by aircraft,* of Chapter I, Title 8 of the Code of Federal Regulations, is amended by inserting "Piney Point, Md." before "Alexandria, Va." in the list of Class C ports of entry in District No. 5.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

Approved:

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 50–8383; Filed, Sept. 25, 1950; 8:48 a. m.]

TITLE 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

FUNCTIONS, POWERS AND DUTIES

CONTINUATION IN EFFECT OF REGULATIONS

It is ordered, That all of the rules and regulations (Parts 301 to 334) which have been adopted by the Board of Directors of the Federal Deposit Insurance Corporation in the exercise of its functions, powers and duties under section 12B of the Federal Reserve Act, as amended (48 Stat. 168, as amended; 12 U. S. C. and Sup. 264), and which are in effect on this date shall continue in effect, insofar as they are not in conflict with the Federal Deposit Insurance Act (Pub. Law 797, 81st Cong.), until modified, terminated, suspended or repealed by this Board.

Because this order merely continues the Corporation's existing rules and regulations in full force and effect, the Board for good cause hereby finds that it is unnecessary and impracticable to issue this order with prior notice and public participation in rule making thereon under sections 4 (a) and 4 (b) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act. *Accordingly it is further ordered,* That this order shall become effective upon being filed for publication in the FEDERAL REGISTER.

(Pub. Law 797, 81st Cong.)

By Direction of the Board.

[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 50–8414; Filed, Sept. 22, 1950; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 50]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

1. The Chincoteague Bay, Maryland, area, published on April 21, 1949, in 14 F. R. 1913, is deleted.

2. The Sinepuxent Bay, Maryland, area, published on April 21, 1949, in 14 F. R. 1913, is deleted.

3. The Quabbin Reservoir, Massachusetts, area, published on April 21, 1949, in 14 F. R. 1913, and amended on June 23, 1949, in 14 F. R. 3393, is deleted.

4. The Oswego, New York, area, published on March 17, 1950, in 15 F. R. 1510, is amended to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
OSWEGO (Albany Chart).	Beginning at lat. 43°45'00" N, long. 76°23'00" W; due S to lat. 43°34'00" N; SSW to lat. 43°30'00" N, long. 76°25'00" W; WSW to lat. 43°19'00" N, long. 77°10'00" W; NW to lat. 43°25'00" N, long. 77°15'00" W; due N to lat. 43°35'00" N; due E to long. 76°53'00" W; NE to lat. 43°38'00" N, long. 76°45'00" W; NE to lat. 43°45'00" N, long. 76°30'00" W; due E to lat. 43°45'00" N, long. 76°23'00" W, point of beginning.	Surface to 40,000 feet.	Hours of daylight.	Griffiss Air Force Base, Rome, N. Y.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on September 26, 1950.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50–8367; Filed, Sept. 25, 1950; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg. Amdt. 286]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg. Amdt. 283]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA, COLORADO, AND WASHINGTON

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 27c, is amended to describe the counties in the Defense-Rental Area as follows:

Kern County, except the City of Bakersfield.

This decontrols the City of Bakersfield in Kern County, California, a portion of the Kern, California, Defense-Rental Area.

2. Schedule A, Item 30, is amended to describe the counties in the Defense-Rental Area as follows:

Orange County, except (1) the Cities of Anaheim, Fullerton, Huntington Beach, Laguna Beach, Newport Beach and Orange (2) that portion of Orange County lying south of the south line of Township six south, Range Eight West, San Bernardino Base and Meridian, and the easterly and westerly prolongation of said south line, and (3) that portion of Orange County beginning at the intersection of the north line of Section 12, Township 5 South, Range 12 West, San Bernardino Base and Meridian with the westerly line of said Orange County; running thence from said point of beginning easterly along Section lines to the northeast corner of Section 9, Township 5 South, Range 11 West, San Bernardino Base and Meridian; thence southerly along section lines to the northerly boundary line of the City of Huntington Beach, thence westerly and southerly along said boundary line of the City of Huntington Beach to the ordinary high tide line of the Pacific Ocean; thence northwesterly along said high tide line to the westerly boundary line of Orange County; thence northwesterly along said boundary line to the point of beginning; including the incorporated City of Seal Beach, and the unincorporated communities of Sunset Beach and Surfside.

Los Angeles County, except (1) Catalina Township, (2) the Cities of Arcadia, Alhambra, Bell, Beverly Hills, Burbank, Gardena, Claremont, Compton, Covina, Culver City, El Monte, El Segundo, Glendale, Hermosa Beach, Huntington Park, Inglewood, La Verne, Long Beach, Lynwood, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Pasadena, Pomona, Redondo Beach, Santa Monica, Sierra Madre, Signal Hill, South Gate, South Pasadena and Whittier, and (3) all unincorporated localities.

This decontrols all unincorporated localities in Los Angeles County, California, a portion of the Los Angeles, California, Defense-Rental Area.

3. Schedule A, Item 39a, is amended to read as follows:

(39a) [Revoked and Decontrolled.]

This decontrols (1) the City of Santa Cruz in Santa Cruz County, California, a portion of the Santa Cruz, California, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Santa Cruz being the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

4. Schedule A, Item 41, is amended to describe the counties in the Defense-Rental Area as follows:

Kings County, Except the City of Lemoore; and Tulare County, except the Cities of Porterville, Visalia and Woodlake.

This decontrols the City of Lemoore in Kings County, California, a portion of the Tulare-Kings, California, Defense-Rental Area.

5. Schedule A, Item 41b, is amended to read as follows:

(41b) [Revoked and Decontrolled.]

This decontrols (1) the City of Canon City in Fremont County, Colorado, a portion of the Canon City, Colorado, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

6. Schedule A, Item 43, is amended to describe the counties in the Defense-Rental Area, as follows:

Arapahoe County, except the Town of Littleton; and Adams, Denver, and Jefferson Counties.

This decontrols the Town of Littleton in Arapahoe County, Colorado, a portion of the Denver, Colorado, Defense-Rental Area.

7. Schedule A, Item 352, is amended to describe the counties in the Defense-Rental Area as follows:

Those parts of King County lying west of the Snoqualmie National Forest, except the City of Kent; and those parts of Pierce County lying west of the Snoqualmie National Forest, except the Cities of Puyallup and Sumner and the Town of Ruston.

This decontrols the Town of Ruston in Pierce County, Washington, a portion of the Puget Sound, Washington, Defense-Rental Area.

All decontrols effected by this amendment, except items 3 and 5 thereof, are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective September 22, 1950.

Issued this 21st day of September 1950.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 50–8384; Filed, Sept. 25, 1950; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter D—Military Renegotiation Regulations

PART 423—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

GENERAL CLASSES OR TYPES OF EXEMPTED CONTRACTS AND SUBCONTRACTS

Amendment 5 to Appendix A to Subpart E of Part 423.

Section 423.354, Appendix A (15 F. R. 170, 4942, 5196) hereby is amended, by the amendment of the following item:

6. *Collateral items*—(a) *Exemption.* All subcontracts for:

(1) The sale, furnishing, or installation, of machinery, equipment or materials used in the processing of an end product or of an article incorporated therein; provided such machinery, equipment, or materials do not become a part of such end product or of an article incorporated therein.

(2) The sale, furnishing, or installation, of machinery used in the processing of other machinery to be used in the processing of an end product or of an article incorporated therein.

(3) The sale, furnishing, or installation of component parts of, or subassemblies for, machinery included in (2) above, and machinery, equipment and materials included in (1) above.

(4) The performance of services directly required for the performance of subcontracts included in (1), (2) and (3) above.

As used herein the phrase "used in processing" has the same meaning as that set forth in § 423.333–3 of the Military Renegotiation Regulations.

(b) *Limitations on exemptions.* This exemption does not apply to subcontracts subject to the Renegotiation Act of 1948, under contracts entered into on or after January 1, 1951.

This exemption does not apply to subcontracts where the purchaser of such machinery, equipment, or materials, has acquired them for the account of the Government. As used herein the phrase "acquired for the account of the Government" means acquired pursuant to an arrangement between the Government and the purchaser of such machinery, equipment, or materials, whereby title to such machinery, equipment, or materials will, or may, at the option of the Government, vest in the Government.

NOTE: Interested persons are advised that the Military Renegotiation Policy and Review Board does not intend to extend this exemption beyond January 1, 1951.

(Sec. 3, 62 Stat. 259; 50 U. S. C. App. Sup. 1193)

Adopted by the Board: September 15, 1950.

FRANK L. ROBERTS,
Chairman, Military Renegotiation Policy and Review Board.

[F. R. Doc. 50–8413; Filed, Sept. 25, 1950; 8:52 a. m.]

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 562—RESERVE OFFICERS' TRAINING CORPS

MISCELLANEOUS AMENDMENTS

Sections 562.21 (b), 562.25 (a) (1) (ii) (b), 562.26 (c), and 562.40 (a) (1) are amended as follows:

§ 562.21 *General conditions for enrollment in ROTC.* • • •

(b) Physically qualified under • • • Waivers of these physical defects will be granted only in exceptional cases and then only upon the prior approval of the Department of the Army. • • •

§ 562.25 *Eligibility of certain graduates for appointment to service academies*—(a) *United States Military Academy*—(1) *General.* • • •

(ii) *Honor Graduate.* • • •

(b) Have been a member of the ROTC for at least two years while at the school from which nominated.

• • • • •

§ 562.26 *Eligibility for membership of active or Reserve personnel of the Armed Forces.*

• • • • •

(c) No commissioned officer or former commissioned officer of the Army or Air National Guard, Naval Militia, United States Coast Guard Reserve, or Reserve or former AUS officer of the military forces of the United States is eligible for membership in the ROTC, except that a Reserve or National Guard officer of the Army or Air Force or former AUS Officer of the military forces of the United States who is a regularly enrolled student of a medical school at which there is established an Army Medical Service ROTC unit may be enrolled in that Army Medical Service ROTC unit.

§ 562.40 *Military training certificates*—(a) *Senior Division.* • • •

(1) *DA AGO Form 133 (Military Training Certificate; ROTC (Basic Course Senior Division)).* For successful completion of the basic course ROTC, together with 2 years of academic work on a college level.

• • • • •

[C 1, AR 145–350, 13 Sept. 1950] (R. S. 161, 5 U. S. C. 22. Interpret or apply 39 Stat. 191, as amended, sec. 34, 44 Stat. 778; 10 U. S. C. 354, 381–388, 441)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 50-8380; Filed, Sept. 25, 1950; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 6—SUPPLY CONTRACTS; SERVICE PROPERTY; TELEGRAMS

PART 26—LEASES, ALLOWANCES, AND SUPPLIES FOR POST OFFICES

COLLUSION AMONG BIDDERS; LEASING OF PREMISES

1. In § 6.5 *Contracts* (39 CFR 6.5), amend paragraph (c) to read as follows:

(c) *Collusion among bidders.* No contract for furnishing supplies to the Post Office Department or the Postal Service shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for furnishing such supplies, or to fix a price or prices therefor, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract, or to bid at a specified price or prices thereon.

Whoever violates this section shall be fined not more than $5,000 or imprisoned not more than one year, or both; and if the offender is a contractor for furnishing such supplies his contract may be annulled. (62 Stat. 704; 18 U. S. C. 441.)

2. In § 26.2 *Leasing of premises* (39 CFR 26.2), amend the legislative citation at the end of paragraph (c) to read as follows:

(44 Stat. 688; 39 U. S. C. 14)

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-8364; Filed, Sept. 25, 1950; 8:45 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

FINLAND AND FRENCH SETTLEMENTS IN INDIA

1. In § 127.251 *Finland* (39 CFR 127.251), insert a new paragraph (b) (4–a) to read as follows:

(4–a) *Observations.* (i) The Finnish customs authorities permit the duty-free entry of gift parcels, regardless of weight and value, containing only used clothing, used table linen or used bed linen in quantities not exceeding the normal needs of the addressee and his family.

(ii) Gift parcels containing only the following articles are admitted duty free provided they do not exceed 22 pounds in weight or 3,000 Finnish marks in value:

Foodstuffs other than coffee, cocoa, tea, or candy.

Coffee up to 4 pounds 6 ounces, cocoa up to 2 pounds 3 ounces, candy up to 2 pounds 3 ounces, and tea up to 8¼ ounces.

Tobacco up to 3½ ounces (100 cigarettes, 80 small cigars or 20 cigars).

Small quantities of clothing, soap, leather goods, razor blades, and similar articles of small value, new or used, not be to sold or used commercially.

(iii) Articles exceeding the limits in subdivision (ii) will be charged with customs duties and such other charges as may be applicable in Finland.

b. In § 127.258 *French Settlements in India (Chandernagore, Karikal, Mahe, Pondichery, and Yanaon)* (39 CFR 127.258), amend paragraph (b) (1) to read as follows:

(1) *Table of rates.* (i) Surface parcels.

(Rates include transit charges)

Pounds:	Rate	Pounds:	Rate
1	$0.53	12	$2.46
2	.67	13	2.60
3	.94	14	2.74
4	1.08	15	2.88
5	1.22	16	3.02
6	1.36	17	3.16
7	1.50	18	3.30
8	1.74	19	3.44
9	1.88	20	3.58
10	2.02	21	3.72
11	2.16	22	3.86

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(R. S. 161, 396, secs, 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-8365; Filed, Sept. 25, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 44]

UNITED STATES STANDARDS FOR EDIBLE SUGARCANE MOLASSES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, pursuant to the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.), of United States Standards for Edible Sugarcane Molasses. On the basis of information now available to the Department, it appears that the promulgation of United States standards for edible sugarcane molasses may tend to improve the marketability of this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards may do so by filing them in duplicate with the Director of the Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

UNITED STATES STANDARDS FOR EDIBLE SUGARCANE MOLASSES [1]

GENERAL

Sec.
44.1 Definition.

GRADES

44.2 Grades of edible sugarcane molasses.
44.3 Grade specifications.

DETERMINATION OF FACTORS

44.4 Quantitative determination of factors.
44.5 Preparation of basic solutions and ESM color standards.
44.6 Use of ESM color standards in determining color factor.

AUTHORITY: §§ 44.1 to 44.6 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

GENERAL

§ 44.1 *Definition.* "Edible sugarcane molasses" means the liquid product obtained when any part of the commercially crystallizable sugar is extracted from sugarcane grown in the United States.

GRADES

§ 44.2 *Grades of edible sugarcane molasses.* The grades for edible sugarcane molasses are designated as follows:

(a) U. S. Fancy Edible Sugarcane Molasses.

(b) U. S. Medium-light Edible Sugarcane Molasses.

(c) U. S. Medium-dark Edible Sugarcane Molasses.

§ 44.3 *Grade specifications.* Specifications for each grade of edible sugarcane molasses are as follows:

(a) U. S. Fancy Edible Sugarcane Molasses consists of edible sugarcane molasses which possesses an acceptable flavor characteristic of edible sugarcane molasses of good quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 79 percent when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 80 percent; which has a ratio of sulfated ash to Brix solids of not more than 8.5 percent; which contains not more than 200 parts of total sulfites, calculated as total SO_2, per million parts of Brix solids; and which possesses a color no darker than ESM Color Standard No. 1.[2]

(b) U. S. Medium-light Edible Sugarcane Molasses consists of edible sugarcane molasses which possesses an acceptable flavor characteristic of edible sugarcane molasses of good quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 79 percent when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 77 percent; which has a ratio of sulfated ash to Brix solids of not more than 9.5 percent; which contains not more than 200 parts of total sulfites, calculated as total SO_2, per million parts of Brix solids; and which possesses a color no darker than ESM Color Standard No. 2.

(c) U. S. Medium-dark Edible Sugarcane Molasses consists of edible sugarcane molasses which possesses an acceptable flavor characteristic of edible sugarcane molasses of good quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 79 percent when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 72 percent; which has a ratio of sulfated ash to Brix solids of not more than 11 percent; which contains not more than 200 parts of total sulfites, calculated as total SO_2, per million parts of Brix solids; and which possesses a color no darker than ESM Color Standard No. 3.

(d) *Table of specifications for grades.* The specifications for the designated grades of edible sugarcane molasses are also set forth in summary form in the table which follows:

TABLE OF SPECIFICATIONS FOR GRADES

Factors	Grades and specifications		
	U. S. Fancy Edible Sugarcane Molasses	U. S. Medium-light Edible Sugarcane Molasses	U. S. Medium-dark Edible Sugarcane Molasses
Brix solids content (corrected to 20° C. [68° F.]).	Not less than 79 percent		
Ratio of total sugars (sucrose plus reducing sugars) to Brix solids.	Not less than 80 percent.	Not less than 77 percent.	Not less than 72 percent.
Ratio of sulfated ash to Brix solids	Not more than 8.5 percent.	Not more than 9.5 percent.	Not more than 11.0 percent.
Total sulfites (calculated as total SO_2) per million parts of Brix solids.	Not more than 200 percent		
Color	No darker than ESM Color Standard No. 1.	No darker than ESM Color Standard No. 2.	No darker than ESM Color Standard No. 3.

DETERMINATION OF FACTORS

§ 44.4 *Quantitative determination of factors.* Quantitative determination of the respective factors (other than color) of the grades may be on the basis of any method of analysis adopted by the Association of Official Agricultural Chemists. The results so obtained, however, are to be interpreted in terms of the results obtained when the determination of such factors is made by the methods (also adopted by the Association of Official Agricultural Chemists) set forth in this section for the respective factors:

(a) *Brix solids.* By Brix hydrometer, using the double-dilution method, corrected to 20° C. (68° F.).

(b) *Total sugars*—(1) *Sucrose.* By the Clerget, or double polarization, method using invertase as the inverting agent.

(2) *Reducing sugars.* By the Lane-Eynon volumetric method.

(c) *Sulfated ash.* By the double sulfation method, with no deduction.

(d) *Total sulfites.* By the Monier-Williams method, calculated as total SO_2.

§ 44.5 *Preparation of basic solutions and ESM color standards.* Chemicals of reagent grade, at room temperature, are used in the preparation of the solutions described in this section.

(a) *Preparation of basic solutions*—(1) *Solution A.* Dissolve 10 grams of $CuCl_2 \cdot 2H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 100 milliliters.

(2) *Solution B.* Dissolve 50 grams of $CoCl_2 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(3) *Solution C.* Dissolve 50 grams of $FeCl_3 \cdot H_2O$ in a sufficinet quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(4) *ESM stock solution.* Mix 50 milliliters of Solution A and 485 milliliters of Solution B with 465 milliliters of Solution C.

(b) *Preparation of ESM color standards*—(1) *ESM Color Standard No. 1.* Dilute 30 milliliters of the ESM stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

(2) *ESM Color Standard No. 2.* Dilute 65 milliliters of the ESM-stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

(3) *ESM Color Standard No. 3.* ESM stock solution undiluted.

§ 44.6 *Use of ESM color standards in determining color factor*—(a) *Containers required.* The containers needed to perform the visual color comparison test set forth in paragraph (c) of this section are:

(1) A container for a sample of edible sugarcane molasses for which the color factor is to be determined (such container hereinafter called "sample container"); and

(2) Containers for the respective ESM color standards.

(b) *Description of containers.* The sample container is made of colorless and transparent glass or plastic material and is of such shape and construction as to provide a flat ⅛-inch thickness of the sample to be viewed. The container for each ESM color standard is a colorless and transparent 2-ounce French square water sample bottle having outside base dimensions of 1 7/10 inches by 1 7/16 inches.

(c) *Visual comparison test.* A sample of edible sugarcane molasses is compared in the following manner with the ESM color standards to determine whether the sample is darker than one or more of such color standards:

(1) Place each of the ESM Color Standards Nos. 1, 2, and 3 in separate

[1] Compliance with the requirements of these standards will not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] "ESM" is an abbreviation for edible sugarcane molasses.

2-ounce French square water sample bottles;

(2) Place a sample of the edible sugarcane molasses in a sample container; and

(3) In order to determine whether the sample is darker than one or more of the ESM color standards, visually compare the sample with each of the color standards by looking through them at a light-colored background in diffuse light. The sample is viewed through its 1/8-inch thickness; and each ESM color standard is viewed at right angles to one of the sides of its container.

Issued this 21st day of September 1950.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-8412; Filed, Sept. 25, 1950; 8:52 a. m.]

[7 CFR, Part 44]

UNITED STATES STANDARDS FOR SUGARCANE SIRUP

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, pursuant to the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.), of United States Standards for Sugarcane Sirup. On the basis of information now available to the Department, it appears that the promulgation of United States standards for sugarcane sirup may tend to improve the marketability of this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards may do so by filing them in duplicate with the Director of the Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

UNITED STATES STANDARDS FOR SUGARCANE SIRUP [1]

GENERAL

Sec.
44.21 Definition.

GRADES

44.22 Grades for sugarcane sirup.
44.23 Grade specifications.

DETERMINATION OF FACTORS

44.24 Quantitative determination of factors.
44.25 Preparation of basic solutions and SS color standards.
44.26 Use of SS color standards in determining color factor.

AUTHORITY: § 44.21 to § 44.26 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

GENERAL

§ 44.21 *Definition.* (a) "Sugarcane sirup" means the liquid product obtained by evaporating the juice of sugarcane or by dissolving sugarcane concrete in water without removing any of the sugar therefrom. Types of sugarcane sirup are:

(1) "Sulfured sugarcane sirup" which is sugarcane sirup made by the sulfitation process; and

(2) "Unsulfured sugarcane sirup" which is sugarcane sirup made without the use of the sulfitation process.

GRADES

§ 44.22 *Grades for sugarcane sirup.* (a) *Grades for sulfured sugarcane sirup.* The grades for sulfured sugarcane sirup are designated as follows:

(1) U. S. Fancy Sugarcane Sirup.

(2) U. S. Good Sugarcane Sirup.

(b) *Grades for unsulfured sugarcane sirup.* The grades for unsulfured sugarcane sirup are designated as follows:

(1) U. S. Extra-Fancy (A-1) Sugarcane Sirup.

(2) U. S. Fancy (No. 1) Sugarcane Sirup.

(3) U. S. Good (No. 2) Sugarcane Sirup.

§ 44.23 *Grade specifications.* (a) *Grade specifications for sulfured sugarcane sirup.* (1) U. S. Fancy Sugarcane Sirup consists of sulfured sugarcane sirup which possesses an acceptable flavor characteristic of sulfured sugarcane sirup of good quality; which contains no excess of sediment; which is practically free of foreign matter, which has a Brix solids content of not less than 74 percent (39.5° Baumé) when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 88 percent; which has a ratio of sulfated ash to Brix solids of not more than 4.5 percent; which contains not more than 100 parts of total sulfites, calculated as total SO_2, per million parts of Brix solids; and which possesses a color no darker than SS Color Standard No. 2.[2]

(2) U. S. Good Sugarcane Sirup consists of sulfured sugarcane sirup which possesses an acceptable flavor characteristic of sulfured sugarcane sirup of good quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 74 percent (39.5° Baumé) when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 86 percent; which has a ratio of sulfated ash to Brix solids of not more than 6.0 percent; which contains not more than 100 parts of total sulfites, calculated as total SO_2, per million parts of Brix solids; and which possesses a color no darker than SS Color Standard No. 3.

(b) *Grade specifications for unsulfured sugarcane sirup.* (1) U. S. Extra-Fancy (A-1) Sugarcane Sirup consists of unsulfured sugarcane sirup which possesses an acceptable flavor characteristic of unsulfured sugarcane sirup of good quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 74 percent (39.5° Baumé) when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 92 percent; which has a ratio of sulfated ash to Brix solids of not more than 2.5 percent; and which possesses a color no darker than SS Color Standard No. 1.

(2) U. S. Fancy (No. 1) Sugarcane Sirup consists of unsulfured sugarcane sirup which possesses an acceptable flavor characteristic of unsulfured sugarcane sirup of good quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 74 percent (39.5° Baumé) when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 90.5 percent; which has a ratio of sulfated ash to Brix solids of not more than 3.5 percent; and which possesses a color no darker than SS Color Standard No. 2.

(3) U. S. Good (No. 2) Sugarcane Sirup consists of unsulfured sugarcane sirup which possesses an acceptable flavor characteristic of unsulfured sugarcane sirup of good quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 74 percent (39.5° Baumé) when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 89 percent; which has a ratio of sulfated ash to Brix solids of not more than 4.5 percent; and which possesses a color no darker than SS Color Standard No. 3.

(c) *Table of specifications for grades.* The specifications for the designated grades of sulfured sugarcane sirup and unsulfured sugarcane sirup are also set forth in summary form in the table which follows:

TABLE OF SPECIFICATIONS FOR GRADES

SULFURED SUGARCANE SIRUP

Factors	Grades and specifications	
	U. S. Fancy Sugarcane Sirup	U. S. Good Sugarcane Sirup
Brix solids content (corrected to 20° C. [68° F.]).	Not less than 74 percent (39.5° Baumé)	
Ratio of total sugars (sucrose plus reducing sugars) to Brix solids.	Not less than 88 percent.	Not less than 86 percent.
Ratio of sulfated ash to Brix solids	Not more than 4.5 percent.	Not more than 6 percent.
Total sulfites (calculated as total SO_2) per million parts of Brix solids.	Not more than 100 percent	
Color	No darker than SS Color Standard No. 2.	No darker than SS Color Standard No. 3.

[1] Compliance with the requirements of these standards will not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] "SS" is an abbreviation for sugarcane sirup.

TABLE OF SPECIFICATIONS FOR GRADES—Continued

UNSULFURED SUGARCANE SIRUP

Factors	Grades and specifications		
	U. S. Extra-fancy (A-1) Sugarcane Sirup	U. S. fancy (No. 1) Sugarcane Sirup	U. S. Good (No. 2) Sugarcane Sirup
Brix solids content (corrected to 20° C. [68° F.])	Not less than 74 percent (39.5° Baumé)		
Ratio of total sugars (sucrose plus reducing sugars) to Brix solids.	Not less than 92 percent.	Not less than 90.5 percent.	Not less than 89 percent.
Ratio of sulfated ash to Brix solids	Not more than 2.5 percent.	Not more than 3.5 percent.	Not more than 4.5 percent.
Color	No darker than SS Color Standard No. 1.	No darker than SS Color Standard No. 2.	No darker than SS Color Standard No. 3.

DETERMINATION OF FACTORS

§ 44.24 *Quantitative determination of factors.* Quantitative determination of the respective factors (other than color) of the grades may be on the basis of any method of analysis adopted by the Association of Official Agricultural Chemists. The results so obtained, however, are to be interpreted in terms of the results obtained when the determination of such factors is made by the methods (also adopted by the Association of Official Agricultural Chemists) set forth in this section for the respective factors:

(a) *Brix solids.* By Brix hydrometer or Baumé hydrometer corrected to 20° C. (68° F.).

(b) *Total sugars*—(1) *Sucrose.* By the Clerget, or double polarization, method, using invertase as the inverting agent.

(2) *Reducing sugars.* By the Lane-Eynon volumetric method.

(c) *Sulfated ash.* By the double sulfation method, with no deduction.

(d) *Total sulfites.* By the Monier-Williams method, calculated as total SO_2.

§ 44.25 *Preparation of basic solutions and SS color standards.* Chemicals of reagent grade, at room temperature, are used in the preparation of the solutions described in this section.

(a) *Preparation of basic solutions*—(1) *Solution A.* Dissolve 10 grams of $CuCl_2 \cdot 2H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 100 milliliters.

(2) *Solution B.* Dissolve 50 grams of $CoCl_2 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(3) *Solution C.* Dissolve 50 grams of $FeCl_3 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(4) *SS stock solution.* Mix 50 milliliters of Solution A and 485 milliliters of Solution B with 465 milliliters of Solution C.

(b) *Preparation of SS color standards*—(1) *SS Color Standard No. 1.* Dilute 4 milliliters of SS stock solution to 100 millilliters with 10 percent hydrochloric acid solution.

(2) *SS Color Standard No. 2.* Dilute 8 milliliters of SS stock solution to 100 millilliters with 10 percent hydrochloric acid solution.

(3) *SS Color Standard No. 3.* Dilute 18 milliliters of SS stock solution to 100 millilliters with 10 percent hydrochloric acid solution.

§ 44.26 *Use of SS color standards in determining color factor*—(a) *Containers required.* The containers needed to perform the visual color comparison test set forth in paragraph (c) of this section are:

(1) A container for a sample of sugarcane sirup for which the color factor is to be determined (such container hereinafter called "sample container"; and

(2) Containers for the respective SS color standards.

(b) *Description of containers.* The sample container is made of colorless and transparent glass or plastic material and is of such shape and construction as to provide a flat 1/8-inch thickness of the sample to be viewed. The container for each SS color standard is a colorless and transparent 2-ounce French square water sample bottle having outside base dimensions of 1 7/16 inches by 1 7/16 inches.

(c) *Visual comparison test.* A sample of sugarcane sirup is compared in the following manner with the SS color standards to determine whether the sample is darker than one or more of such color standards:

(1) Place each of the SS Color Standards Nos. 1, 2, and 3 in separate 2-ounce French square water sample bottles;

(2) Place a sample of sugarcane sirup in a sample container; and

(3) In order to determine whether the sample is darker than one or more of the SS color standards, visually compare the sample with each of the color standards by looking through them at a light-colored background in diffuse light. The sample is viewed through its 1/8-inch thickness; and each SS color standard is viewed at right angles to one of the sides of its container.

Issued this 21st day of September 1950.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-8411; Filed, Sept. 25, 1950; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 240]

EXEMPTION OF CERTAIN TRANSACTIONS IN WHICH SECURITIES ARE RECEIVED BY REDEEMING OTHER SECURITIES

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt an exemptive rule pursuant to authority vested in it by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 16 (b) and 23 (a) thereof. Under the proposed rule certain transactions in which a security is acquired by the redemption of another security would be exempt from the operation of section 16 (b) of the Securities Exchange Act.

Section 16 (b) provides that any profit realized by a beneficial owner of more than 10 percent of any class of equity security registered on a national securities exchange, or by a director or officer of the issuer of such a security, as a result of any purchase and sale (or sale and purchase) of any equity security of such issuer within a period of less than six months shall inure to the corporation. As the section expressly states, this provision is designed "for the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner, director, or officer by reason of his relationship to the issuer."

It has been suggested that a transaction which consists simply of an exchange of one security for another by way of redemption, where both the old and new securities are substantially and in practical effect equivalents and the redemption does not involve the payment of any consideration for the new security other than the old security, is not the sort of "purchase" contemplated by the section. Such a redemption, it is contended, does not result in any change in the rights of the beneficial owner of the security or in the nature of his holdings. If, therefore, a redemption of this kind takes place and there is no purchase of the old security within six months of the redemption, it is urged that the beneficial owner has simply changed the form but not the amount of his holdings.

The proposed rule does not contemplate, however, that there will be any change in the requirement that the beneficial owner must file the reports required by section 16 (a) when the redemption takes place. Nor would the proposed rule exempt any transaction other than the redemption. Thus, if there should be a purchase and sale (or sale and purchase) of either the old or the new security within any six-month period, or if there should be a purchase of one and a sale of the other (or a sale of one and a purchase of the other) within any six-month period, the officer, director or 10-percent stockholder would still be liable to the issuer for any profit realized. Paragraph (c) of the proposed rule is designed to facilitate the recovery of any such profit in the latter case by requiring an issuer which desires to avail itself of the exemption provided in the rule to recognize the similarity in the two securities by appropriate corporate action, such as the adoption of a by-law or resolution by the board of directors.

The proposed rule would by its terms be inapplicable if any security of the same class as the security redeemed were acquired within six months before or after the redemption.

The proposed rule would provide substantially as follows:

§ 240.16b–5 *Exemption from section 16 (b) of certain transactions in which securities are received by redeeming other securities.* Any acquisition of an equity security (other than a convertible security or right to purchase a security) by a director or officer of the issuer of such security shall be exempt from the operation of section 16 (b) upon condition that:

(a) The equity security is acquired by way of redemption of another security which (1) represented substantially and in practical effect a stated or readily ascertainable amount of such equity security, (2) had a value which was substantially determined by the value of such equity security, and (3) conferred upon the holder the right to receive such equity security by way of redemption without the payment of any consideration other than the security redeemed;

(b) No security of the same class as the security redeemed was acquired by the director or officer within six months prior to such redemption or is acquired within six months after such redemption;

(c) The issuer of the equity security acquired has recognized the applicability of paragraph (a) of this section by appropriate corporate action.

All interested persons are invited to submit their views and comments on the proposed rule in writing to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before October 20, 1950.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 19, 1950.

[F. R. Doc. 50–8374; Filed, Sept. 25, 1950; 8:46 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 60]

ORGANIZATION

Notice is hereby given that, effective August 23, 1950, the following changes are made in the central organization of the Department of State:

(a) The Office of Management and Budget is abolished.

(b) There is established an Office of Budget and Finance; the Division of Budget and the Division of Finance are transferred to the new Office of Budget and Finance.

(c) There is established a Management Staff in the Office of the Deputy Under Secretary for administration. The Division of Organization is abolished; its functions, personnel, and records are transferred to the new Management Staff.

For the Secretary of State.

H. J. HENEMAN, *Director, Management Staff.*

SEPTEMBER 20, 1950.

[F. R. Doc. 50–8362; Filed, Sept. 25, 1950; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6316]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

SEPTEMBER 20, 1950.

Take notice that on September 18, 1950, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by California Electric Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance and sale at competitive bidding, of $4,000,000 principal amount first mortgage bonds, 2⅞ percent series due 1980, and $2,000,000 principal amount of 10-year debentures. The proposed Bonds will bear interest at a rate of 2⅞ percent per annum, will be issued on or about October 24, 1950, and will mature on June 1, 1980. The debentures will bear interest at a rate to be determined later, will be issued on or about October 24, 1950, and will mature on October 1, 1960; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 23d day of October 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–8363; Filed, Sept. 25, 1950; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

[Temporary Order 4, Amdt. 1]

DIRECTOR, DIVISION OF LOANS FOR PREFABRICATED HOUSING

DELEGATION OF AUTHORITY TO APPROVE VOUCHERS FOR DISBURSEMENT OF FUNDS

The Director, Divisions of Loans for Prefabricated Housing, is hereby authorized, on behalf of the Housing and Home Finance Administrator, to approve vouchers for the disbursement of funds under authorized loans. The Administrator's Temporary Order No. 4, effective September 7, 1950 (15 F. R. 6035), is hereby amended to the extent of this delegation but in no other respect.

(Reorg. Plan No. 3 of 1947, 12 F. R. 4981 (1947); 62 Stat. 1268, 1283–85 (1948), as amended, 12 U. S. C. 1701c (Supp. 1949); 63 Stat. 413, 440 (1949), as amended, 12 U. S. C. 1701d–1 (Supp. 1949); Pub. Law 475, 81st Cong., 2d Sess., sec. 503 (1) (April 20, 1950); Reorg. Plan No. 23 of 1950, 15 F. R. 4366 (1950))

Effective the 26th day of September 1950.

[SEAL] RAYMOND M. FOLEY, *Housing and Home Finance Administrator.*

[F. R. Doc. 50–8379; Filed, Sept. 25, 1950; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

SOUTHEASTERN ALASKA PASSENGER AND FREIGHT CONFERENCES

NOTICE OF CANCELLATION OF AGREEMENTS BY THE BOARD

Notice is hereby given that the Board by order dated September 14, 1950, approved the cancellation of the following described agreements pursuant to section 15 of the Shipping Act, 1916, as amended:

Agreement 7400 (basic agreement of the Southeastern Alaska Passenger Conference) and Agreement 7500 (basic agreement of the Southeastern Alaska Freight Conference) embracing respectively passenger and freight transportation between United States ports on the Puget Sound and ports in Southeastern Alaska, including inter-port transportation in Alaska, and transportation between ports in British Columbia, Canada and ports in Southeastern Alaska.

Interested parties may obtain copies of these agreements at the Regulation Office, Federal Maritime Board, Washington, D. C.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

Dated: September 21, 1950.

[F. R. Doc. 50–8381; Filed, Sept. 25, 1950; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SEPTEMBER DOMESTIC AND EXPORT PRICE LISTS

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

SEPTEMBER DOMESTIC PRICE LIST—Continued

Commodity (1)	Approximate quantities available (subject to prior sale) (2)	Domestic sales price (3)
Blue lupine seed, bagged	315 hundredweight	$5.02 per 100 pounds, f. o. b. point of production. Amount of any paid-in freight to be added.
Kobe lespedeza seed, bagged	36,000 hundredweight	$13.50 per 100 pounds, f. o. b. point of production. Amount of any paid-in freight to be added.
Weeping lovegrass seed, bagged	500 hundredweight	$53.25 per 100 pounds, f. o. b. point of production. Amount of any paid-in freight to be added.
Wheat, bulk	100,000,000 bushels [1]	Basis in store, the market price but not less than the applicable 1950 county loan rate plus 9 cents per bushel; at other points, the foregoing plus average paid-in freight and location plus 21 cents per bushel. Examples of minimum prices, per bushel: Kansas City, No. 1 HW, $2.47; Minneapolis, No. 1 DNS, $2.48; Chicago, No. 1 HW, $2.52; Portland, Oreg., No. 1 WW, $2.62.
Oats, bulk	11,000,000 bushels [1]	At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate plus 9 cents per bushel; at other points, the foregoing plus average paid-in freight. Examples of minimum prices, per bushel: Chicago, No. 3 or better, 92 cents; Minneapolis, No. 3 or better, 88 cents.
Barley, bulk	31,000,000 bushels [1]	At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate plus 15 cents per bushel; at other points, the foregoing plus average paid-in freight and location plus 15 cents per bushel. Examples of minimum prices, per bushel: Minneapolis, No. 1 Harley, $1.47; San Francisco, No. 1 Western Barley, $1.54.
Corn, bulk	100,000,000 bushels [1]	At points of production, basis in store, the market price but not less than the applicable 1949 county loan settlement rate plus 21 cents per bushel; at other points, the foregoing plus average paid-in freight and location plus 21 cents per bushel. Examples of minimum prices, per bushel: Chicago, No. 3, $1.68; Omaha, No. 3, $1.67; Kansas City, No. 3, $1.70.
Rough rice, bulk	200,000 hundredweight	At points of production, in store in approved warehouse, the market price on date of sale but not less than the 1950 loan rate for the class, grade, quality and location plus 42 cents per hundredweight; at other locations, the market price on date of sale but not less than the 1950 loan rate at point of production plus 42 cents plus paid-in freight to destination. Basis in store, the market price but not less than the applicable 1950 loan rate for the class, grade, quality and location plus 29 cents per hundredweight. Examples of minimum price per hundredweight: Kansas City No. 2 or better, $2.64.
Grain sorghums, bulk	20,000,000 hundredweight [1]	$1.50 per hundredweight basis f. o. b. Maine shipping points.
Potato starch, in carload lots only: Pearl type packed in 200-pound burlap bags with paper inner-liners.	600,000 pounds [1]	$6.60 per 100 pounds, net, grades N through G; $6.70 grade WG; and $6.80 grades X and WW; "as is" in bulk at warehouses in Georgia, Florida, and Alabama.
Powdered type packed in 100-pound and 200-pound burlap bags with paper innerliners.	6,605,000 pounds [1]	
Gum rosin, in metal drums averaging 517 pounds, net each.	175,000 drums [1]	

SEPTEMBER EXPORT PRICE LIST

Mexican canned meat and gravy (packed 48 cans of 20 ounces each per export case).	30,700,000 pounds	10 cents per net pound, f. a. s. vessel, U. S. Gulf of Mexico ports.
Mexican canned beef and gravy (packed 48 cans of 20 ounces each per export case).	23,500,000 pounds	20 cents per net pound, f. a. s. vessel, U. S. Gulf of Mexico ports.
Dried whole eggs (packed in barrels, drums, and 14-pound cartons), in carload lots only.	31,271,000 pounds [1]	30 cents per pound, f. a. s. vessel at U. S. Gulf or east coast ports; or 30 cents per pound, f. o. b. cars or trucks at warehouse locations, less the net export freight rate to New York or New Orleans, whichever is lower; or 1946 dried eggs, 20 cents per pound, f. a. s. vessel, U. S. Gulf or east coast ports. *Provided*, The egg powder is retrieved and replenished by the buyer under the supervision and according to the requirements of USDA.

SEPTEMBER DOMESTIC PRICE LIST

Commodity (1)	Approximate quantities available (subject to prior sale) (2)	Domestic sales price (3)
Nonfat dry milk solids, in carload lots only: Spray process	200,000,000 pounds [1]	13 cents per pound f. o. b. location of stock in any State.
Roller process	162 million pounds [1]	11 cents per pound f. o. b. location of stock in any State.
American cheese (cheddar and twin types, flavor, fancy quality, not to exceed 39 percent moisture basis), in carload lots only.	59,000,000 pounds	U. S. Grade A and higher: All States except those listed below: 38 cents per pound, f. o. b. location of stock. Illinois, Indiana, Michigan, New York, New Jersey, Pennsylvania, other States bordering the Atlantic Ocean and Gulf of Mexico, and California, Oregon, and Washington; 34 cents per pound f. o. b. location of stock. U. S. Grade B: 1 cent per pound less than Grade A prices. All points of production, basis in store, the market price but not less than the applicable 1950 county loan rate plus 9 cents per bushel; at other points, the foregoing plus average paid-in freight. Examples of minimum prices, per bushel: No. 3 or better, 92 cents Minneapolis, No. 3 or better, 88 cents.
Salted creamery butter, in carload lots only.	113,000,000 pounds	U. S. Grade A and higher: All States except those listed below: 68 cents per pound, f. o. b. location of stock. New England States, New York, New Jersey, Pennsylvania, other States bordering the Atlantic Ocean and Gulf of Mexico: 64 cents per pound f. o. b. location of stock. California, Oregon, and Washington: 66½ cents per pound f. o. b. location of stock. U. S. Grade B: 2 cents per pound less than Grade A prices.
Linseed oil, raw	48,000,000 pounds	Market price on date of sale but not less than the applicable CCC purchase price for the nearest future month, Chicago; 14.05 cents per pound, New York, Philadelphia, Baltimore, and Portland, Oreg.; 14.45 cents per pound, Houston, Tex., Minneapolis, and Duluth; 14.65 cents per pound, Los Angeles, San Francisco, and Cleveland; 14.35 cents per pound New York, Philadelphia, Baltimore, and Portland, Oreg.; 14.45 cents per pound, Houston, Tex., Minneapolis, and Duluth; 14.65 cents per pound, Los Angeles, San Francisco, and Cleveland; 14.35 cents per pound New York, Philadelphia, Baltimore, and Portland, Oreg.; 14.45 cents per pound, Houston, Tex., Minneapolis, and Duluth; 14.65 cents per pound, Los Angeles, San Francisco, and Cleveland. Above prices f. o. b. tank cars at storage locations. Domestic sales prices for linseed oil through Jan. 31, 1951, will not be reduced below the above specified minimum price.
Flaxseed, bulk	12,000,000 bushels [1]	Basis in store, the market price on date of sale at place of delivery, but not less than the following: No. 1, $3.50 per net bushel, bulk, basis in store Minneapolis; for other markets, and other grades, differentials established by the Minneapolis sales prices for flaxseed through Jan. 31, 1951, will not be reduced below the above specified minimum price.
		For No. 1 Grade, 1948 crop [1] and 1949 crop.
Dry edible beans: Pinto, bagged	1,730,000 bags	$8.10 per 100 pounds, basis f. o. b. Denver rate area and California area; $7.70 per 100 pounds, basis f. o. b. Idaho rate area. For other areas, adjust price upward or downward by amount equal to difference between prevailing rail carload rate and $7.85 per 100 pounds, basis f. o. b. Michigan and New York areas; $7.35 per 100 pounds, basis f. o. b. Sunshine area.
Pea, bagged	2,100,000 bags	$9.00 per 100 pounds, basis f. o. b. New York, Michigan and California area; $7.75 per 100 pounds, basis f. o. b. Twin Falls, Idaho, rate area; $7.55 per 100 pounds, basis f. o. b. Morrill, Nebr., rate area. For other areas, adjust price upward or downward by amount equal to difference between prevailing rail carload rate and support program differential area.
Red kidney, bagged	730,000 bags	$7.90 per 100 pounds, basis f. o. b. California area.
Great Northern, bagged	2,570,000 bags	$7.95 per 100 pounds, basis f. o. b. California area.
Small white, bagged	220,000 bags	$9.15 per 100 pounds, basis f. o. b. California area.
Baby lima, bagged	710,000 bags	$8 per 100 pounds, basis f. o. b. California area.
Stanfield lima, bagged	100,000 bags	$8.60 per 100 pounds, basis f. o. b. California area and Michigan area (1949 crop only). For other grades of all beans, adjust by market differentials. Above prices are subject to usual adjustment for moisture content. Amount of any paid-in freight to be added.
Pink, bagged	170,000 bags	
Cranberry beans, bagged	30,000 bags	
Dry edible peas, bagged	900,000 hundredweight [1]	No. 1 Grade, 1949 crop, $4.03 per 100 pounds, Spokane area, f. o. b. point of production. Amount of any paid-in freight to be added.
Austrian, winter pea seed, bagged	65,000 hundredweight	$7.02 per 100 pounds, f. o. b. point of production. Amount of any paid-in freight to be added.

[1] These same lots also are available at export sales prices announced on Sept. 1, 1950.

SEPTEMBER EXPORT LIST—Continued

Commodity (1)	Approximate quantities available (subject to prior sale) (2)	Domestic sales price (3)
Nonfat dry milk solids, in carload lots only:		
Spray process	200,000,000 pounds [1]	12½ cents per pound, f. o. b. location of stock in any State.
Roller process	162,000,000 pounds [1]	10½ cents per pound. f. o. b. location of stock in any State.
Linseed oil, raw	471,000,000 pounds [1]	14 cents per pound, f. o. b. tank cars at storage locations (Buffalo, San Francisco, Los Angeles, Cleveland, New York, Philadelphia, Baltimore, Portland, Oreg., Houston, Tex., Kenedy, Tex., and Good Hope, La.).
Flaxseed, bulk	12,000,000 bushels [1]	No. 1, $3.55 per net bushel (56 pounds pure flaxseed) bulk, basis in store New York. For other markets, and other grades, market differentials will apply.
		No. 1 Grade 1948 crop, f. a. s. at locations shown below
Dry edible beans:		
Pinto, bagged	1,000,000 bags [1]	$5.90 per 100 pounds San Francisco and Portland, Oreg.; $6 per 100 pounds, U. S. Gulf ports.
Pea, bagged	600,000 bags [1]	$5.50 per 100 pounds, east coast and northern Pacific ports.
Red kidney, bagged	650,000 bags [1]	6 per 100 pounds, New York; $5. 90 per 100 pounds, San Francisco.
Great Northern, bagged	1,470,000 bags [1]	$5 per 100 pounds, Portland, Oreg.; $5.10 per 100 pounds, U. S. Gulf ports.
Small white, bagged	215,000 bags [1]	$5.75 per 100 pounds, San Francisco.
Baby lima, bagged	250,000 bags [1]	$8.50 per 100 pounds, San Francisco.
Pink, bagged	125,000 bags [1]	$5.25 per 100 pounds, San Francisco.
Red kidney, bagged	130,000 bags [1]	No. 1 Grade 1949 Crop: $6.50 per 100 pounds, f. a. s. New York.
		Discounts for grades on all beans: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1.
Dry edible peas, bagged	800,000 hundredweight	No. 1 Grade, $5.75 per 100 pounds, f. a. s. North Pacific ports. If sold at point of production, deduct cost of transportation and cost of processing if sold on basis of thresher run.
Wheat, bulk	100,000,000 bushel [1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Wheat may be used for milling export flour provided the entire quantity of flour produced therefrom is exported.
Oats, bulk	11,000,000 bushels [1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Barley, bulk	31,000,000 bushels [1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Barley may be exported as malt or pearled barley when all of the malt or pearled content is exported.
Corn, bulk	100,000,000 bushels [1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Corn may be used for the manufacture of starch, provided the entire quantity of starch produced therefrom is exported.
Grain sorghums, bulk	20,000,000 hundredweight [1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Grain sorghums may be used for the manufacture of starch, provided the entire quantity of starch produced therefrom is exported.
Potato starch, in carload lots only:		
Pearl type, packed in 200-pound burlap bags with paper innerliners.	600,000 pounds [1]	$5.10 per hundredweight, f. a. s. vessel, Boston, Mass.
Powdered type, packed in 100-pound and 200-pound burlap bags with paper innerliners.	6,605,000 pounds [1]	
Gum rosin, in metal drums averaging 517 pounds net each.	175,000 drums [1]	$8.60 per 100 pounds, net, grades N through G; $8.70 grade WG, and $8.85 grades X and WW "as is", on storage yards at locations in Georgia, Florida, and Alabama.

[1] These same lots also are available at domestic sales prices announced on Aug. 31, 1950.

Issued: September 21, 1950.

[SEAL] RALPH S. TRIGG,
President, Commodity Credit Corporation.

[F. R. Doc. 50–8409; Filed, Sept. 25, 1950; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25426]

GRAIN FROM LEBANON, OREG., TO CALIFORNIA

APPLICATION FOR RELIEF

SEPTEMBER 21, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. P. Haynes, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 1474.

Commodities involved: Grain and grain products, carloads.

From: Lebanon, Oreg.

To: Points in California.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: J. P. Haynes' tariff I. C. C. No. 1474, Supplement 86.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–8377; Filed, Sept. 25, 1950; 8:47 a. m.]

[4th Sec. Application 25427]

ASBESTOS FIBRE FROM QUEBEC TO LOUISIANA

APPLICATION FOR RELIEF

SEPTEMBER 21, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3814.

Commodities involved: Asbestos fibre, waste, shorts and refuse, carloads.

From: Points in Quebec.

To: New Orleans and Marrero, La.

Grounds for relief: Circuitous routes and competition with water-rail carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–8378; Filed, Sept. 25, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–2338]

DUQUESNE LIGHT CO.

ORDER EXTENDING TIME

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of September 1950.

Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia Company and Standard Gas and Electric Company, both registered holding companies, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") with respect to numerous proposed transactions designed to enlarge Duquesne's chartered territory so as to permit practical and economical interconnection between Duquesne's new electric generating station now under construction and its present electric transmission and distribution system; and

The Commission having entered its order herein on March 17, 1950, granting and permitting to become effective said application-declaration and providing that the time within which the proposed transactions were to be completed should extend for six months from March 17, 1950; and

Duquesne having stated that certain authorizations necessary under Pennsylvania State law have not been obtained and that therefore certain of the proposed transactions could not be carried out within the prescribed six-month period; and

Duquesne having further stated that it believes an additional period of six months will be required to complete all of the proposed transactions and having requested that this Commission extend accordingly the period within which the transactions proposed in the application-declaration shall be carried out; and

It appearing to the Commission in the light of the circumstances set forth that it is appropriate to grant said request for an extension of time:

It is ordered, That the period within which the transactions proposed in the aforesaid application-declaration shall be carried out be, and hereby is, extended to March 19, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50–8370; Filed, Sept. 25, 1950; 8:46 a. m.]

[File No. 70–2439]

NEW HAMPSHIRE ELECTRIC CO.

SUPPLEMENTAL ORDER GRANTING APPLICATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of September A. D. 1950.

New Hampshire Electric Company ("New Hampshire"), an electric utility subsidiary of New England Gas and Electric Association, a registered holding company, having filed an application, with amendments thereto, under the Public Utility Holding Company Act of 1935 with respect to the issuance and sale by New Hampshire, pursuant to the competitive bidding provisions of Rule U-50, of $3,600,000 principal amount of first mortgage sinking fund ____ percent bonds, series A due 1975; and

The Commission having, by order dated September 5, 1950, granted said application, except that the issuance and sale of bonds were not to be consummated until the results of competitive bidding pursuant to Rule U-50, were made a matter of record in this proceeding and a further order issued, for which purpose jurisdiction was reserved; and

Jurisdiction also having been reserved in said order of September 5, 1950, in respect of all fees and expenses incurred in connection with the proposed transaction; and

New Hampshire having filed a further amendment to the application in which it is stated that, in accordance with the permission granted by the said order of the Commission dated September 5, 1950, it offered such bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

	Annual interest rate (percent)	Price to company [1] (percent of principal)	Annual cost to company (percent)
Halsey, Stuart & Co., Inc.	3	101.18	2.92307
Equitable Securities Corp.	3	100.31	2.98232
Kidder, Peabody & Co.	3	100.09	2.99486
The First Boston Corp.-Coffin & Burr, Inc.	3⅛	101.40	3.04491

[1] Exclusive of accrued interest from Sept. 1, 1950.

Said amendment further stating that New Hampshire has accepted the bid of Halsey, Stuart & Co., Inc. for the bonds as set forth above, and that the bonds will be offered for sale to the public at a price of 101.769 percent of their principal amount plus accrued interest, resulting in an underwriters spread of 0.589 percent of the principal amount; and

Said amendment also setting forth the expenses and fees to be incurred in connection with the proposed transaction including the following legal fees: $4,500 to William A. Hill and $1,175 to Choate Hall and Stewart as counsel for the company, and $4,000 to Palmer Dodge Gardner & Bickford, to be paid by, and as counsel for, underwriters; and

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing terms and conditions with respect to said matter:

It is ordered, That the application, as amended, be granted to become effective forthwith, and that the jurisdiction heretofore reserved over the issuance and sale of the bonds with respect to the results of competitive bidding, and over the fees and expenses incurred in connection with the proposed transaction, be, and the same hereby is, released, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50–8372; Filed, Sept. 25, 1950; 8:46 a. m.]

[File No. 70–2466]

STANDARD GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of September 1950.

Standard Gas and Electric Company ("Standard Gas"), a registered holding company, has filed an application pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("act") relating to the transactions summarized below:

Standard Gas proposes to purchase on the New York Stock Exchange such number of shares of the Common Stock, without par value, of Louisville Gas and Electric Company, a Kentucky corporation ("Louisville"), as it may deem necessary or appropriate for the purpose of stabilizing the market price of such stock. Such purchases, if any, are proposed to be made by Standard Gas during the period beginning on the day upon which Standard Gas invites offers to purchase its present holdings (137,857 shares) of Louisville Common Stock and ending at the time of the acceptance of an offer or the rejection of all offers, but in no event for a period longer than three days.

Applicant states that any shares it may purchase pursuant to the stabilizing program will be promptly disposed of after appropriate notice to the Commission.

Appropriate notice pursuant to Rule U-44 (c), promulgated under the act, with respect to the proposed sale of the 137,857 shares of Common Stock of Louisville has been given to the Commission by Standard Gas and no filing has been required by the Commission with respect to such sale. Standard Gas will report the results of the bidding and its acceptance of any bid will be subject to the entry by the Commission of an order conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended.

Standard Gas estimates that the fees and expenses in connection with the transactions proposed in the instant filing, exclusive of customary brokerage fees or commissions to be paid by Standard Gas in any purchases of Louisville Common Stock for stabilization purposes, will not exceed $950, including legal fees in the amount of $750. Applicant estimates that its fees and expenses in connection with the proposed sale of the 137,857 shares of Louisville Common Stock will not exceed $3,000, including legal fees not to exceed $2,000.

The application having been filed on August 25, 1950, notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated

pursuant to said act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding, with respect to the proposal to acquire shares of Common Stock of Louisville for the purpose of stabilizing the market price of such stock, that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, that the estimated fees and expenses in connection with the transactions proposed herein are not unreasonable, and that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said application be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the Commission's order of August 8, 1941, the effect of which is to require Standard Gas to sever its relationship with Louisville by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the act or of the rules and regulations promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued by Louisville, shall be deemed to require the disposition of any shares of Common Stock of Louisville acquired by Standard Gas for the purpose of stabilizing the market price of such stock, as authorized herein, with the same force and effect as if said shares had been held by Standard Gas as of the date of said order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8371; Filed, Sept. 25, 1950; 8:46 a. m.]

[File No. 70-2472]

QUEENS BOROUGH GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of September A. D. 1950.

Queens Borough Gas and Electric Company ("Queens"), a subsidiary of Long Island Lighting Company ("Long Island"), a registered holding company, having filed a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transaction:

Queens proposes to issue and sell for cash at principal amount to three commercial banks an aggregate of $2,000,000 principal amount of unsecured notes which will bear interest at the rate of 2½ percent per annum and will mature on December 15, 1950. The proceeds of the sale of the notes are to be used to repay all of the company's presently outstanding bank loans in the amount of $1,500,000 which mature September 26, 1950, and the balance of $500,000 will be employed to finance extensions and additions to the company's utility plant.

A plan of consolidation and recapitalization for Long Island, Queens, and Nassau & Suffolk Light Company ("Nassau"), a subsidiary of Queens, filed pursuant to section 11 (e) of the act, has been approved by this Commission, ordered enforced by the United States District Court for the Eastern District of New York, and affirmed by the United States Court of Appeals for the Second Circuit. A petition for certiorari to review such affirmance has been filed with the United States Supreme Court. Upon consolidation, the interest rate will be reduced to 2¼ percent per annum.

Such declaration having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the declaration, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective, and deeming it appropriate to grant the request of declarant that the order become effective at the earliest date possible;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8369; Filed, Sept. 25, 1950; 8:46 a. m.]

[File No. 70-2476]

OHIO EDISON CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of September A. D. 1950.

Notice is hereby given that Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 (the "act") and the rules and regulations promulgated thereunder. Applicant-declarant has designated sections 6 (a), 7, 12 (c) and 12 (d) of the act and Rules U-42 and U-50 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Ohio proposes to issue 396,571 shares of additional common stock of a par value of $8 per share, pursuant to a warrant offering to its common stockholders of record at the close of business on October 11, 1950, at the rate of one share of additional common stock for each 10 shares of common stock held, at a price to be determined by its Board of Directors. The holders of warrants will also be entitled to subscribe, subject to allotment, at the same price for the shares covered by outstanding unexercised warrants.

Such shares as are not subscribed for by the stockholders and such shares as are acquired by Ohio in connection with stabilizing the price of the common stock, as described more fully below, are to be offered to underwriters who, under the competitive bidding requirements of Rule U-50, will be invited to submit bids for the purchase of such common stock. The price per share at which Ohio proposes to offer the additional shares of its common stock to underwriters will be the same as the subscription price. Prospective underwriters who have qualified to bid on the shares of Ohio's additional common stock will be notified of the price per share, as determined by the Board of Directors, at least 42 hours prior to the time for the receipt of the bids. The invitation for bids will request the prospective underwriters to name the amount of compensation, if any, to be paid by the company to such underwriters for their services.

The application states that Ohio may, during the period commencing with the first business day prior to the date when the price per share is determined by the Board of Directors and ending at the time of acceptance of a bid for the stock, purchase up to 39,567 shares of its common stock on the New York Stock Exchange, on the Midwest Stock Exchange, or otherwise, such purchases to be made through brokers with the payment of the regular stock exchange commissions.

The applicant-declarant has requested that the competitive bidding period provided by Rule U-50 be shortened to 6 days so that bids may be received on or about October 11, 1950.

The filing states that Ohio has made, and contemplates making during the years 1950, 1951, and 1952, expenditures for the construction of property additions aggregating approximately $72,100,000, of which $9,600,000 have been expended to July 31, 1950. Ohio proposes to utilize the proceeds from the proposed issue and sale of additional shares of common stock for the purposes of such construction program, and possibly also for the increase to the extent of $1,200,000 of its investment in common stock of its public utility subsidiary, Pennsylvania Power Company. Ohio estimates that approximately $20,000,000 of the company's requirements will have to be provided by the issue during 1951 and 1952 of additional securities, the amount and type of which have not yet been determined.

Notice is further given that any interested person may, not later than September 29, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided by Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8368; Filed, Sept. 25, 1950; 8:45 a. m.]

[File No. 70-2479]

NEW ENGLAND GAS & ELECTRIC ASSN. ET AL.

NOTICE OF FILING

In the matter of New England Gas and Electric Association, Cape and Vineyard Electric Company and Provincetown Light and Power Company, File No. 70-2479.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of September A. D. 1950.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Gas and Electric Association ("Negea"), a registered holding company, and its wholly owned utility subsidiaries, Cape and Vineyard Electric Company ("Cape") and Provincetown Light and Power Company ("Provincetown"). Applicants-declarants have designated sections 6 (b), 9, 10 and 12 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 28, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 28, 1950, said application-declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, and which are summarized as follows:

Cape proposes to purchase the properties and assets of Provincetown, subject to all its liabilities other than capital stock, for a consideration of $380,000 in cash, which amount is equivalent to the par value of all of Provincetown's outstanding common stock. To provide the funds necessary to effectuate the purchase of Provincetown's properties and assets, Cape proposes to issue and sell to Negea 7,600 additional shares of its common capital stock, of a par value of $25 per share, at a price of $50 per share.

Negea as the holder of all the common stock of Provincetown proposes to surrender all such stock to Provincetown for cancellation and to cause Provincetown to be dissolved receiving $380,000 in cash as a liquidating dividend.

The proposed transactions have been submitted to the Department of Public Utilities of Massachusetts for its approval.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8373; Filed, Sept. 25, 1950; 8:46 a. m.]

[File No. 70-2480]

NORTH PENN GAS CO. AND PENNSYLVANIA GAS & ELECTRIC CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22d day of September 1950.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by North Penn Gas Company ("North Penn"), a public utility company and a registered holding company, and its parent, Pennsylvania Gas & Electric Corporation ("Penn Corp."), also a registered holding company. The declarants have designated sections 6 (a), 7, 9, 10, and 12 of the act as applicable to the proposed transactions.

All interested parties are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

North Penn proposes to issue and sell to the Bank of the Manhattan Company, Cleveland Trust Company, The Chase National Bank of the City of New York, and Manufacturers National Bank of Troy, New York, $3,000,000 aggregate principal amount of its promissory notes, bearing interest at the rate of 3% per annum, payable monthly, and maturing 360 days after the date of issue. The proceeds of such notes and treasury cash will be used by North Penn to redeem on November 1, 1950, all of the outstanding $2,992,000 principal amount of its First Mortgage and Lien Gold Bonds, 5½% Series, due 1957, at the redemption price of 101½%, plus accrued interest.

The proposed notes are to be issued pursuant to the terms of an agreement to be entered into between North Penn and the banks mentioned hereinabove. Under the terms of the note agreement, North Penn may prepay the notes at any time, in whole or in part, without premium. The note agreement also provides that a payment of $50,000 in reduction of the principal amount of the notes will be made six months from the date of issue.

The filing states that North Penn contemplates retiring the proposed notes with treasury cash and with funds expected to be derived from permanent financing which is anticipated as soon as practicable following the merger of the Pennsylvania subsidiaries of Penn Corp., a proposal for which merger is now pending before this Commission.

Penn Corp proposes to loan on open account to North Penn, on or before November 30, 1950, not in excess of $150,000 for a period not exceeding 6 months, without payment of interest. North Penn will use the funds borrowed from Penn Corp for the purchase of natural gas for storage and to reimburse North Penn's treasury for expenditures made for such purposes.

The declarants have requested that the Commission's order be issued as soon as practicable and that it become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than September 29, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8430; Filed, Sept. 25, 1950; 8:52 a. m.]

UNITED STATES TARIFF COMMISSION

COTTON HAVING A STAPLE OF 1⅜ INCHES OR MORE BUT LESS THAN 1 1/16 INCHES IN LENGTH

SUPPLEMENTAL INVESTIGATION AND HEARING

The United States Tariff Commission, on this 20th day of September 1950, an-

nounces an investigation supplemental to its investigation No. 1 under section 22 of the Agricultural Adjustment Act, as amended, and under Executive Order No. 7233 of November 23, 1935, with respect to: cotton having a staple of 1⅜ inches or more but less than 1 11/16 inches in length.

Quotas on imports of cotton having a staple of 1⅛ inches or more in length were originally made effective on September 20, 1939, by Presidential Proclamation of September 5, 1939. The President after a subsequent supplemental investigation by the Tariff Commission issued a proclamation effective December 19, 1940 freeing imports of cotton of 1 11/16 inches or more in length from quota restriction, so that at present the quota on long-staple cotton applies only to cotton having a staple of 1⅛ inches or more but less than 1 11/16 inches in length. The President after another supplemental investigation by the Tariff Commission on September 3, 1949 proclaimed a change in the opening date for the quota year from September 20 to February 1 of each year for long-staple cotton subject to quota controls.

The quota on long-staple cotton for the current quota year ending January 31, 1951 is exhausted and the purpose of the present supplemental investigation is to determine whether an additional quantity of extra long-staple cotton should be permitted entry before the opening of the new quota year on February 1, 1951 to take care of domestic requirements for such cotton including those attributable to the expanded defense program.

Hearing. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held in the Hearing Room of the Commission at 8th and E Streets, NW., in Washington, D. C., at 10 a. m. on September 29, 1950.

Nature of information at hearing. Information submitted at the hearing must be relevant and material to the matters under investigation.

Appearances at hearing. Interested persons may appear at the hearing either in person or by representative; if several persons have a joint interest in the subject, it is suggested that effort be made for the designation of a representative in order to avoid unnecessary repetition of testimony.

DONN N. BENT,
Acting Secretary.

[F. R. Doc. 50-8385; Filed, Sept. 25, 1950; 8:49 a. m.]

[List No. D-11 (E)]

TEXTILE SECTION OF MANUFACTURERS DIVISION OF GREATER PATERSON CHAMBER OF COMMERCE, PATERSON, N. J., ET AL.

APPLICATION FOR INVESTIGATION DENIED AND DISMISSED

SEPTEMBER 21, 1950.

The Tariff Commission has denied and dismissed the application heretofore filed with it for an investigation under the escape clause procedure, to determine whether as a result of unforeseen developments and of the concession granted in a trade agreement the articles listed below are being imported in such relatively increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or directly competitive articles.

Name of article	Purpose of request	Name and address of applicant
Woven fabrics in the piece, wholly of silk, bleached, printed, dyed, or colored, and valued at more than $5.50 per pound (item 1205, Schedule XX, General Agreement on Tariffs and and Trade).	Increase in duty.....	Textile section of the manufacturers division of the Greater Paterson Chamber of Commerce, Paterson, N. J., and others.

By direction of the Commission.

[SEAL] DONN N. BENT,
Acting Secretary.

[F. R. Doc. 50-8386; Filed, Sept. 25, 1950; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15030]

ERNST SEELIS

In re: Debts owing to Ernst Seelis. F-28-21516.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Seelis, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, in the amount of $13,463.01 as of August 8, 1950, representing funds held by the aforesaid bank in an account, entitled Hollandsche Bank-Unie N. V., Old Account, Special Account, Amsterdam, Netherlands, Blocked Holland, Germany, Bulgaria, subject to General Ruling 11A, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, in the amount of $1,116.67 as of August 8, 1950, representing funds held by the aforesaid bank in an account entitled Hollandsche Bank-Unie, N. V., Amsterdam, Netherlands, Old Account, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of White, Weld and Co., 40 Wall Street, New York 5, New York, in the amount of $1,949.54 as of April 21, 1950, representing funds held by the aforesaid White, Weld and Co., in an account entitled Hollandsche Bank-Unie N. V., Blocked Cash Account No. 1, and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ernst Seelis, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8387; Filed, Sept. 25, 1950; 8:49 a. m.]

[Vesting Order 15079]

WILLIAM H. EIMER

In re: Rights of William H. Eimer under insurance contract. File No. F-28-22624-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William H. Eimer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8 353 350 issued by the New York Life Insurance Company, New York, New York, to William H. Elmer, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8388; Filed, Sept. 25, 1950; 8:49 a. m.]

[Vesting Order 15081]

MARTHA MCMURTRIE GREGG HALLER

In re: Trust under the Deed of Martha McMurtrie Gregg Haller under Agreement dated August 25, 1921. File No. D-66-481; E. T. sec. No. 3876.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Thomas Georg Haller and Guenther Haller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated August 25, 1921, by and between Martha McMurtrie Gregg Haller and Ferdinand Haller, grantors, and Commonwealth Trust Company of Pittsburgh, trustee, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Commonwealth Trust Company of Pittsburgh, as trustee, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8389; Filed, Sept. 25, 1950; 8:49 a. m.]

[Vesting Order 15082]

MARIA INGELHAUT

In re: Rights of Maria Ingelhaut under insurance contract. File No. F-28-23439-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Ingelhaut, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 121990 issued by the Workmen's Benefit Fund of the U. S. A., Brooklyn, New York, to Klement Emberger, together with the right to demand, receive and collect said net proceeds is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8390; Filed, Sept. 25, 1950; 8:47 a. m.]

[Vesting Order 15083]

HEDWIG KAUTTER

In re: Rights of Hedwig Kautter under insurance contracts. File Nos. F-28-24329-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Kautter, whose last known address is Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbers 73359247 and 79551253 issued by the Metropolitan Life Insurance Company, New York, New York, to Hedwig Kautter, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8391; Filed, Sept. 25, 1950; 8:49 a. m.]

[Vesting Order 15094]

BANCO ALEMAN TRANSATLANTICO

In re: Debts owing to Banco Aleman Transatlantico, Madrid, Spain and Banco Aleman Transatlantico, Barcelona, Spain. F-28-1098-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, Iona, Spain. F-28-1099-E-2.

1. That Deutsche Uberseeische Bank, A. G., also known as Banco Aleman Transatlantico and as Banco Alemao Transatlantico, the last known address of which is Fredreichstr. 103, Berlin N.W. 7, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That Banco Aleman Transatlantico, the last known address of which is Madrid, Spain, is a branch of Deutsche Uberseeische Bank, A. G., also known as Banco Aleman Transatlantico and as Banco Alemao Transatlantico, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsche Uberseeische Bank, A. G., and is a national of a designated enemy country (Germany);

3. That Banco Aleman Transatlantico, the last known address of which is Barcelona, Spain, is a branch of Deutsche Uberseeische Bank, A. G., also known as Banco Aleman Transatlantico and as Banco Alemao Transatlantico, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsche Uberseeische Bank, A. G., and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation owing to Banco Aleman Transatlantico, Madrid, Spain, by the Manufacturers Trust Company, 55 Broad Street, New York 15, New York, arising out of a Vostro checking account in the name of Banco Aleman Transatlantico, Madrid, Spain, maintained with the aforesaid company, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Banco Aleman Transatlantico, Madrid, Spain, by the Manufacturers Trust Company, 55 Broad Street, New York 15, New York, arising out of a Nostro account in the name of Banco Aleman Transatlantico, Madrid, Spain, maintained with the aforesaid company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Banco Aleman Transatlantico, Madrid, Spain, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows: That certain debt or other obligation owing to Banco Aleman Transatlantico, Barcelona, Spain, by the Manufacturers Trust Company, 55 Broad Street, New York 15, New York, arising out of a Vostro checking account in the name of Banco Aleman Transatlantico, Barcelona, Spain, maintained with the aforesaid company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Banco Aleman Transatlantico, Barcelona, Spain, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

6. That Banco Aleman Transatlantico, Madrid, Spain and Banco Aleman Transatlantico, Barcelona, Spain are controlled by, or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany);

7. That to the extent that the persons named in subparagraphs 1, 2, and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8398; Filed, Sept. 25, 1950; 8:50 a. m.]

[Vesting Order 15084]

AUGUST KOCHENBECKER

In re: Rights of August Kochenbecker under Insurance Contract. File No. F-28-24401-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Kochenbecker whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 107143167 issued by the Metropolitan Life Insurance Company, New York, New York to August Kochenbecker, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8391; Filed, Sept. 25, 1950; 8:47 a. m.]

[Vesting Order 15086]

MARIE SCHAIHER

In re: Rights of Marie Schaiher (Schairer) under insurance contract. File No. F-28-24435-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Schaiher (Schairer) whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 96 886 218, issued by the Metropolitan Life Insurance Company, New York, New York, to Marie Schaiher (Schairer), together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8393; Filed, Sept. 25, 1950; 8:50 a. m.]

[Vesting Order 15087]

OSKAR SCHLETER

In re: Rights of Oskar Schleter under insurance contract. File No. F-28-24443-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Oskar Schleter whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 3 479 814A issued by the Metropolitan Life Insurance Company, New York, New York, to Oskar Schleter together with the right to demand, receive and collect said net proceeds is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8394; Filed, Sept. 25, 1950; 8:50 a. m.]

[Vesting Order 15088]

ANNA MARIA SCHMITT

In re: Rights of Anna Maria Schmitt under insurance contract. File No. F-28-24450-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Maria Schmitt whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 74476277 issued by the Metropolitan Life Insurance Company, New York, New York to Anna Maria Schmitt, together with the right to demand, receive and collect said net proceeds is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8395; Filed, Sept. 25, 1950; 8:50 a. m.]

ERNEST WAELDIN

In re: Rights of Ernest Waeldin under insurance contract. File No. F-28-23050-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest Waeldin, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 5 524 813 C issued by the Metropolitan Life Insurance Company, New York, New York to Ernest Waeldin, together with the right to demand, receive and collect said net proceeds is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8396; Filed, Sept. 25, 1950; 8:50 a. m.]

[Vesting Order 13586, Amdt.]

AUGUST REHAN ET AL.

In re: Real property, property insurance policies and claim owned by August Rehan and others.

Vesting Order 13586, dated August 3, 1949, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached to said Vesting Order 13586 and by reference made a part thereof, the description of real property set forth therein and substituting therefor the following: Lot Thirty-eight (38) and the North Half of Lot Thirty-seven (37) in Block Fourteen (14) in Avondale, being Philpotts Resubdivision of Lots 1, 2, 5 and 6 of Brand's Subdivision of the North East quarter of Section 26, Township 40 North Range 13 East of the 3rd Principal Meridian situated in the County of Cook in the State of Illinois, being the property conveyed by Harold F. Brunke, a bachelor, to Ernst A. Bleger and Louise Bleger, his wife, by deed dated May 16, 1944, and recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as document 13284676, in Book 38976, Pages 289–290.

All other provisions of said Vesting Order 13586 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8405; Filed, Sept. 25, 1950; 8:51 a. m.]

[Vesting Order 13901, amdt.]

KONRAD AND IRMGARD VON ILBERG

In re: Safe Deposit Box Lease, contents and personal property owned by Konrad Von Ilberg and Irmgard Von Ilberg.

Vesting Order 13901, dated October 4, 1949, is hereby amended as follows and not otherwise:

By deleting from Vesting Order 13901, subparagraph 2 (b) thereof and substituting therefor the following subparagraph:

b. All property of any nature whatsoever owned by Konrad Von Ilberg and Irmgard Von Ilberg, located in the safe deposit box referred to in subparagraph 2 (a) hereof and any and all rights and interests of said persons, evidenced or represented thereby, which include particularly but is not limited to the following:

1. Fifteen (15) United States $10.00 gold pieces, twelve bearing the Mint date, 1899; one bearing the Mint date, 1897; and two bearing the Mint date, 1881; and

2. Certificate numbered N. Y. O. 9331, evidencing 1,000 shares of capital stock of Hugo Stinnes Corporation, said certificate registered in the name of Konrad Von Ilberg.

All other provisions of said Vesting Order 13901 and all actions taker by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8406; Filed, Sept. 25, 1950; 8:51 a. m.]

[Vesting Order 15103]

HEINRICH AND ANTONIE SCHULZ

In re: Bank account owned by Heinrich Schulz and Antonie Schulz. F-28-30884-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Schulz and Antonie Schulz, each of whose last known address is Gross Umstadt, Hessen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Manhattan Savings Bank, 154 East 86th Street, New York 28, New York, arising out of a joint savings account, Account Number 633,492, entitled "Heinrich Schulz or Antonie Schulz", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Heinrich Schulz and Antonie Schulz, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8399; Filed, Sept. 25, 1950; 8:50 a. m.]

[Vesting Order 15100]

JOSEPH PFLIEHINGER

In re: Bank account owned by Joseph Pfliehinger. D-28-12868-C-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Pfliehinger, whose last known address is Buhlerstrasse 43, Buhl-Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Joseph Pfliehinger, by the Ridgewood Savings Bank, Myrtle and Forest Avenues, Ridgewood, New York, arising out of a savings account, Account Number 29036, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8399; Filed, Sept. 25, 1950; 8:50 a. m.]

SEP 29 '50

FEDERAL REGISTER

VOLUME 15 NUMBER 187

Washington, Wednesday, September 27, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10163

THE ARMED FORCES RESERVE MEDAL

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. There is hereby established the Armed Forces Reserve Medal, with accompanying appurtenances and devices, for award to members and former members of the reserve components of the armed forces of the United States as hereinafter provided.

2. The Armed Forces Reserve Medal shall be of such design as the Secretary of Defense shall approve: *Provided*, That the obverse face of the medal shall be of the same design in all cases, and the reverse face shall be distinctive in design with respect to each reserve component of the armed forces of the United States, including the Coast Guard Reserve and the Marine Corps Reserve: *And provided further*, That the reverse face of the medal to be awarded to members of the Coast Guard Reserve shall be of such design as the Secretary of the Treasury shall approve.

3. The Armed Forces Reserve Medal may be awarded to members or former members of the reserve components of the armed forces of the United States, including the Coast Guard Reserve and the Marine Corps Reserve, who complete, or have completed, a total of ten years of honorable service in one or more of such reserve components, including annual active-duty and inactive-duty training as required by appropriate regulations: *Provided*, (1) That such ten years of service is, or has been, performed within a period of twelve consecutive years, (2) that any medal awarded hereunder shall be of the design distinctive of the reserve component in which the person to whom it is awarded is serving at the time of the award or in which he last served, (3) that such service shall not include service in a regular component of the armed forces, including the Coast Guard, and (4) that such service shall not include service for which the Naval Reserve Medal or the Marine Corps Reserve Medal has been, or may be, awarded.

4. Not more than one Armed Forces Reserve Medal may be awarded to any one person, but for each succeeding ten-year period of service as above described a suitable device may be awarded, to be worn with the medal in accordance with appropriate regulations.

5. A member of a Naval or Marine Corps Reserve component who is eligible to receive a Naval Reserve or Marine Corps Reserve Medal may at his election be awarded, in lieu of such medal, the Armed Forces Reserve Medal.

6. The Armed Forces Reserve Medal shall be awarded in lieu of the Naval Reserve and the Marine Corps Reserve Medals for service performed after twenty years from the dates on which such medals were established.

7. Subject to the provisions of this order, the Armed Forces Reserve Medal shall be awarded under such regulations as the Secretaries of the military departments of the Department of Defense and the Secretary of the Treasury shall severally prescribe. Such regulations shall, so far as practicable, be of uniform application, and regulations issued pursuant to this order by the Secretaries of the military departments of the Department of Defense shall be subject to the approval of the Secretary of Defense.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 25, 1950.

[F. R. Doc. 50-8479; Filed, Sept. 25, 1950; 3:05 p. m.]

TITLE 7—AGRICULTURE

Chapter II—Production and Marketing Administration (School Lunch Program), Department of Agriculture

APPENDIX—APPORTIONMENT OF ASSISTANCE FUNDS

APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT FISCAL YEAR 1951

Pursuant to section 4 of the National School Lunch Act (60 Stat. 230) food assistance funds available for the fiscal year ending June 30, 1951, are apportioned among the States as follows:

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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State	Total	State Agency	Withheld for private schools
Alabama	$2,305,118	$2,250,674	$54,444
Arizona	384,448	363,657	20,791
Arkansas	1,557,877	1,530,107	27,770
California	2,922,547	2,922,547	
Colorado	475,988	434,489	41,499
Connecticut	554,844	554,844	
Delaware	88,515	74,262	14,253
District of Columbia	202,691	202,691	
Florida	1,161,420	1,119,288	42,132
Georgia	2,235,599	2,235,599	
Idaho	284,379	276,026	8,353
Illinois	2,222,685	2,222,685	
Indiana	1,497,999	1,497,999	
Iowa	899,920	808,127	91,793
Kansas	765,617	765,617	
Kentucky	2,089,947	2,089,947	
Louisiana	1,667,922	1,667,922	
Maine	425,038	350,692	74,346
Maryland	711,510	585,250	126,260
Massachusetts	1,493,129	1,146,069	347,060
Michigan	2,320,387	1,967,491	352,896
Minnesota	1,173,348	1,011,724	162,624
Mississippi	2,047,084	2,047,084	
Missouri	1,508,704	1,508,704	
Montana	175,054	159,549	15,505
Nebraska	468,987	421,472	47,515
Nevada	44,310	43,681	629
New Hampshire	212,811	212,811	
New Jersey	1,362,428	1,104,608	257,820
New Mexico	373,161	373,161	
New York	3,473,365	3,473,365	
North Carolina	2,834,138	2,834,138	
North Dakota	257,947	233,406	24,541
Ohio	2,596,920	2,243,511	353,409
Oklahoma	1,378,853	1,378,853	
Oregon	608,130	608,130	
Pennsylvania	3,812,522	3,144,509	668,013
Rhode Island	227,645	227,645	
South Carolina	1,701,715	1,680,728	20,987
South Dakota	235,876	216,490	19,386
Tennessee	2,145,078	2,093,165	51,913
Texas	3,706,887	3,706,887	
Utah	362,613	357,605	5,008
Vermont	170,793	170,793	
Virginia	1,595,583	1,546,437	49,146
Washington	850,317	801,385	48,932
West Virginia	1,170,204	1,144,594	25,610
Wisconsin	1,248,401	990,292	262,109
Wyoming	108,486	108,486	
Subtotal	62,120,000	58,905,256	3,214,744
Alaska	10,551	10,551	
Hawaii	73,320	57,521	15,799
Puerto Rico	2,377,490	2,377,490	
Virgin Islands	43,639	43,639	
Subtotal	2,505,000	2,489,201	15,799
Total	64,625,000	61,394,457	3,230,543

(60 Stat. 230–233; 42 U. S. C. 1751–1760)

Dated: September 21, 1950.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50–8422; Filed, Sept. 26, 1950; 8:45 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter F—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

[Sugar Determination 847.2]

PART 847—PUERTO RICO

1950–51 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 303 of the Sugar Act of 1948, the following determination is hereby issued:

§ 847.2 *Normal yields and eligibility for abandonment and crop deficiency payments.*—(a) *Farm normal yields.* The normal yield of commercially recoverable sugar per acre for any sugarcane farm in Puerto Rico shall be established for the 1950–51 and each subsequent crop year as follows:

(1) For a farm on which sugarcane was grown and marketed (or processed by the producer) for the extraction of sugar in three or more crop years of the base period, as defined in paragraph (c) of this section, the normal yield shall be the simple average of the annual average yields of sugar per acre of sugarcane harvested from the farm for the extraction of sugar for all of such years in which sugarcane was harvested.

(2) For a farm on which sugarcane was grown and marketed (or processed by the producer) for the extraction of sugar in less than three crop years of the base period, the normal yield shall be the simple average of the normal yields per acre which are computed pursuant to subparagraph (1) of this paragraph for all other farms within the same local producing area.

(b) *Eligibility for abandonment and deficiency payments.* The Director of the Caribbean Area office of the Production and Marketing Administration (hereinafter referred to as "Director") or a representative as may be designated by the Director, shall approve for abandonment and/or deficiency payments any farm located in whole or in part in a local producing area in which the actual yields of sugar from 10 percent or more of the sugarcane acreage harvested on all farms or parts of other farms located in such local producing area, were not in excess of 80 percent of the applicable normal yields: *Provided*, That (1) such acreage abandonment and/or crop deficiency was directly due to drought, flood, storm, freeze, disease or insects, (2) the acreage abandoned and/or the acreage with respect to which there was a crop deficiency was suitable for the production of sugarcane and was cared for up to the time of harvest or abandonment, as the case may be, in a manner which could have been expected under average conditions to produce a normal crop of sugarcane, and (3) the other conditions for payment specified in Title III of the act with respect to the farm have been met. Such approval on the application for payment by the Director or a designated representative of the Director, shall constitute determination that such farm is eligible for abandonment and/or deficiency payments.

(c) *Definitions.* (1) "Sugar" shall mean hundredweight of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed) for the extraction of sugar.

(2) For the 1950–51 crop year, the "base period" shall mean the crop years 1946–47 through 1949–50, and for the 1951–52 and each subsequent crop year, it shall mean the next preceding five crop years.

(3) Acreage of sugarcane "harvested" shall mean the acreage from which sugarcane was harvested for the extraction of sugar plus the acreage of sugarcane with respect to which there was bona fide abandonment as a result of drought, flood, storm, freeze, disease or insects.

(4) "Local producing area" shall mean all nearby farms or parts of farms which are similar with respect to types of soil or with respect to topography, as determined by the Director: *Provided, however*, That farms or parts of farms separated from other farms or parts of farms by any natural barrier or large area of land shall not be included within the same local producting area.

This determination supersedes, with respect to the 1950–51 and subsequent crop years, the "Determination of Normal Yields of Commercially Recoverable Sugar per Acre and Eligibility for Payment with Respect to Abandonment and Crop Deficiency for Sugarcane Farms in Puerto Rico (Revised)", issued March 17, 1948 (13 F. R. 1505–1506).

STATEMENT OF BASES AND CONSIDERATIONS

Requirements of the Sugar Act of 1948. Section 303 of the act authorizes the Secretary to make payments to producers of sugar beets or sugarcane with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage under certain conditons. The payments are based on normal yields of commercially recoverable sugar per acre as established for individual farms under determinations issued by the Secretary.

Historical background. Normal yields for farms in Puerto Rico have been based heretofore on the average yields of commercially recoverable sugar per acre obtained during base periods consisting of three crop years deemed to be representative of the yields to be expected under normal conditions. For the crop years 1937–38 through 1941–42, the base period consisted of the crop years 1934–35, 1935–36, and 1936–37. For the crop years 1942–43 through 1946–47, the base period included the crop years 1938–39, 1939–40 and 1940–41. Beginning with the 1947–48 crop, the base period comprised the years 1941–42, 1944–45 and 1946–47. The average yields per acre in Puerto Rico for these base periods were 63.4, 80.0, and 69.9 cwt., respectively.

Base periods. The use of fixed base periods covering selected crop years does not adequately reflect changes in yields. This is indicated by the significant variations in the average yields for the former base periods as shown above. It also tends to benefit those producers who obtained abnormally high yields in the selected base years, while the effect is the reverse with respect to those producers who obtained subnormal yields in those years. It is believed that the use of moving base periods will reflect current changes more adequately, will assure equitable treatment among all producers, and will provide a sounder basis for the computation of any acreage abandonment or crop deficiency payments which may be applied for in the future. For the 1950–51 crop year, the base period will consists of the next preceding four crop years because the 1945–46 crop was affected by conditions resulting from the war and by adverse weather. The average yield per acre obtained in Puerto Rico for this base period will approximate 70.0 hundredweight of sugar. Beginning with the 1951–52 crop year, the base period will cover the next preceding five crop years, since the data will be readily available and the longer period is deemed more appropriate for continued use. Moving base periods have been used continually for this purpose in the sugar beet area and have been adopted recently for both the Mainland sugarcane area and Hawaii.

Eligibility for abandonment and deficiency payments. The provisions regarding eligibility for these payments have been in effect for several years and have proven to be generally satisfactory. Minor changes have been made to give recognition to the location and production of parts of farms in determining eligibility for such payments. Except for these changes, the provisions are the same as those which were in effect last year. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the provisions of section 303 of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies Sec. 303, 61 Stat. 930; 7 U. S. C. Sup., 1133)

Issued this 21st day of September 1950.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50–8423; Filed, Sept. 26, 1950; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52563]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

REIMBURSABLE SERVICES

Section 24.17 (a), Customs Regulations of 1943 (19 CFR 24.17 (a)), is hereby amended by inserting a new subparagraph (8) reading as follows:

(8) When a customs officer or employee [58a] is assigned under authority of section 562, Tariff Act of 1930, as amended, to supervise the manipulation of merchandise at a place other than a bonded warehouse, the compensation and expenses of such officer or employee shall be reimbursed to the Government by the party in interest.

[58a] A customs officer or employee so assigned is not acting as a storekeeper, since the services have no connection with a customs bonded warehouse.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 562, 46 Stat. 745, as amended; 19 U. S. C. 1562)

This amendment shall become effective October 1, 1950.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: September 20, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50–8415; Filed, Sept. 26, 1950; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—Economic Cooperation Administration

[ECA Reg. 1, Rev. Amdt. 5]

PART 201—PROCEDURE FOR FURNISHING ASSISTANCE TO PARTICIPATING COUNTRIES

PETROLEUM PRODUCTS

Amendment 5 to ECA Regulation 1 (F. R. Doc. 50-7387, 15 F. R. 5690) is amended to read as follows:

ECA Regulation 1 is amended in the following respect:

Section 201.22 (d) (4) is amended by adding the following:

(i) *Petroleum products.* (*a*) Purchases from any source: A price for a purchase of a petroleum product from any source will not be approved for reimbursement if it results in a delivered cost to the participating country which is in excess of the lowest prevailing delivered cost, on the date the purchase price is fixed, for a comparable export sale of the same or similar commodity to such participating country from any alternative source of supply from which the commodity is available for export in sufficient quantity.

(*b*) Purchases from sources other than the United States: A price for a purchase of a petroleum product from sources other than the United States will be approved for reimbursement if it complies with the requirements of paragraph (e) (2) of this section, and does not exceed the lowest competitive market price in the United States for a comparable export sale of the same or a similar commodity on the date the purchase price is fixed.

Provided, That a price for a purchase of a petroluem product from the Middle East may not exceed the United States price referred to above less $3.50 per long ton for loadings from Arabian ports or from Bahrein Island; $4.00 per long ton for loadings from Kuwait ports; or $4.20 per long ton for loadings from Iranian ports; *Provided further*, That the price shall be further reduced in the amounts specified below for shipments to the following destinations:

Group	Ports of destination	Additional reductions per long ton
1	Including and between Bordeaux, Hamburg, and the United Kingdom	$0.85
2	Sweden	1.15
3	Denmark	1.25
4	Norway	1.35

(*c*) For the purposes of this subdivision, a sale for export from the Middle East to any port of destination described in subdivision (*b*) of this subdivision shall not be deemed a "comparable sale" within the meaning of paragraph (b) (2) of this section to (*1*) a sale for export from the Middle East to any other port of destination in any other group described in subdivision (*b*) of this subdivision, or (2) any other destination other than the United States.

(*d*) For purposes of this subdivision "price" shall mean the realized f. o. b. price or realized netback.

Transitory provision. This amendment to ECA Regulation 1 will take effect on October 1, 1950, but will not be applicable to claims for reimbursement for payments made to a supplier pursuant to letters of credit issued, confirmed or advised, or payment instructions received, prior to September 15, 1950.

(Sec. 104, 62 Stat. 138, as amended; 22 U. S. C. Sup., 1503. Interprets or applies secs. 111, 403, 62 Stat. 143, 159; 22 U. S. C. Sup., 1509, 1542)

WILLIAM FOSTER,
Acting Administrator for Economic Cooperation.

[F. R. Doc. 50-8434; Filed, Sept. 26, 1950; 8:49 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Subchapter B—Personal Property Management

PART 55—PERSONAL PROPERTY DISPOSAL

The title of this part is redesignated as shown, the part is revised to read as follows, and General Services Administration Temporary Regulation 2 (14 F. R. 3694, as amended, 15 F. R. 2856, 3072, 4459) and General Services Administration Temporary Regulation 6 (14 F. R. 5727) are repealed.

Sec.
55.1 Purpose and scope.

SUBPART A—DEFINITIONS

55.2 Terms defined in the act.

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55.9 Federal agency.
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55.62 Authority under other laws.
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AUTHORITY: §§ 55.1 to 55.63 issued under sec. 205, Pub. Law 152, 81st Cong.; 41 U. S. C. Sup. 235. Interpret or apply sec. 203, Pub. Law 152, 81st Cong.; 41 U. S. C. Sup. 233.

§ 55.1 *Purpose and scope.* The regulations in this part prescribe the policies and methods governing the disposal, including donation, of surplus personal property located within the continental United States, Hawaii, Alaska, Puerto Rico and the Virgin Islands.

SUBPART A—DEFINITIONS

§ 55.2 *Terms defined in the act.* Terms not defined in §§ 55.3 through 55.63 which are defined in the Federal Property and Administrative Services Act of 1949 (Pub. Law 152, 81st Cong.; 41 U. S. C. Sup. 201-274, referred to in this part as the "act") shall in this part have the meaning given to them in the act.

OTHER TERMS

§ 55.3 *Administration.* "Administration" means the General Services Administration acting by or through the Administrator of General Services or a designated official to whom functions under the regulations in this part have been delegated by the Administrator.

§ 55.4 *Administrator.* "Administrator" means the Administrator of General Services.

§ 55.5 *Donable property.* "Donable property" means surplus equipment, materials, books, or other supplies, under the control of any executive agency, except: (a) such property as may be specified from time to time by the Administrator, (b) property which, by other law, is precluded from donation under the regulations in this part, and (c) property which was acquired by the use of funds either not appropriated from the general fund of the Treasury or appropriated therefrom but by law reimbursable from assessment, tax, or other revenue or receipts, unless the holding agency deems it uneconomical or impracticable to dispose of the property other than by donation.

§ 55.6 *Educational institution.* "Educational institution" means any tax-supported school system, school, college, and university, any other non-profit school, college, and university which has been held exempt from taxation under section 101 (6) of the Internal Revenue Code and any State department of education or other State agency designated by State law to receive property for and distribute it to such tax-supported and non-profit school systems, schools, colleges, and universities within the State.

§ 55.7 *Excess.* "Excess" when used with respect to personal property means any such property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof.

§ 55.8 *Executive agency.* "Executive agency" means, notwithstanding § 51.1 of this chapter, any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

§ 55.9 *Federal agency.* "Federal agency" means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate and the House of Representatives).

§ 55.10 *Holding agency.* "Holding agency" means the executive agency which has accountability for the property involved.

§ 55.11 *Personal property.* "Personal property" means property of any kind or any interest therein, except real property and naval vessels of the following categories: battleships, cruisers, aircraft carriers, destroyers and submarines.

§ 55.12 *Real property.* "Real property" means (a) any interest in land (except the public domain and lands reserved or dedicated for national forest or national park purposes) owned by the United States, including any wholly owned Government corporation, and any fixtures, appurtenances, and improvements of any kind located thereon; (b) any fixtures, structures and other improvements (excluding standing timber and crops) owned by the United States; and (c) any fixtures, structures and other improvements owned by the United States which are located on the public domain and lands reserved or dedicated for national forest or national park purposes or located on land that is not owned by the United States.

§ 55.13 *Reviewing authority.* "Reviewing authority" means a local, regional, or departmental board of review of a holding agency. It may consist of one or more persons.

§ 55.14 *Service educational activity.* "Service educational activity" means any educational activity designated by the Secretary of Defense as being of special interest to the Armed Services, such as maritime academies or military, naval, Air Force or Coast Guard preparatory schools.

§ 55.15 *Small business.* "Small business" means any concern whose aggregate number of employees, including its affiliates, is less than five hundred.

§ 55.16 *Surplus.* "Surplus" when used with respect to any personal property means any excess personal property not required for the needs and the discharge of the responsibilities of all Federal agencies, as determined by the Administration.

SUBPART B—BASIC POLICIES

§ 55.21 *Economy.* It is the policy of the Administrator that surplus personal property shall be disposed of in the most economical manner consistent with the best interests of the Government.

§ 55.22 *Other objectives.* It is the policy of the Administrator that surplus personal property shall be disposed of promptly and in such a manner as to:

(a) Facilitate production for national defense requirements;

(b) Encourage and foster employment opportunities;

(c) Strengthen and preserve the competitive position of small business;

(d) Foster the development of new independent enterprises;

(e) Discourage monopoly, speculation and restraint of trade;

(f) Strengthen and encourage the development and expansion of the education program.

SUBPART C—DISPOSAL BY DONATION

§ 55.31 *Scope.* This subpart implements section 203 (j) of the act, providing for the donation of certain surplus property to educational institutions and service educational activities. It does not pertain to the abandonment, destruction, or donation to public bodies, under secton 202 (h) of the act, of property which has no commercial value or of which the estimated cost of continued care and handling would exceed the estimated proceeds (covered by General Services Administration Temporary Regulation 5, 14 F. R. 5514).

§ 55.32 *Needs of Federal agencies paramount.* Any need for personal property expressed by any Federal agency (including the Senate and the House of Representatives, the District of Columbia and mixed-ownership Government corporations) shall be paramount to any educational use determination or allocation by the Federal Security Administrator or the Secretary of Defense, if such need shall be made known to the holding agency prior to shipment or delivery to donees pursuant to this subpart.

§ 55.33 *Delegation of authority.* Authority is hereby delegated to the heads of all executive agencies, with full power of redelegation, to donate and to execute transfers and deliveries of donable property in accordance with this subpart.

§ 55.34 *Service educational activities.* Donable property which has been designated and determined by the Secretary of Defense to be usable and necessary for service educational activities shall, unless otherwise directed by the Administrator, be available for allocation by the Secretary of Defense when determined surplus and may thereafter be donated to eligible applicants. Applications to be submitted by service educational activities shall be in such form as may be prescribed by the Secretary of Defense.

EDUCATIONAL INSTITUTIONS

§ 55.35 *Responsibility of Federal Security Administrator.* Both nationally and by areas, the Federal Security Administrator shall determine the over-all requirements of educational institutions for donable property on the basis of needs and utilization. Instructions for use of educational institutions in obtaining donable property, including terms and conditions, shall be as prescribed by the Federal Security Administrator.

§ 55.36 *Determination by Federal Security Administrator.* The Federal Security Administrator may determine that excess donable property is usable and necessary for educational purposes, subject to the provisions of § 55.34.

§ 55.37 *Allocation by Federal Security Agency.* The Federal Security Agency may allocate to educational institutions such donable property, approved by the Administration for donation, as to which a determination has been made pursuant to § 55.36. Applications from educational institutions shall adequately describe the donable property applied for, supply shipping instructions, provide that the applicant agrees to pay, and certify that funds are available to pay, the costs of care and handling incurred incident to donation, including packing, preparation for shipment, shipping, loading, and transporting such property. Such application shall not require shipment of unreasonably small quantities. The Federal Security Administrator shall endorse such application with a certification in the following form:

Pursuant to the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, and regulations promulgated thereunder, the Federal Security Administrator certifies that he has determined that the property herein requested is usable and necessary for educational purposes; that it is hereby allocated to the applicant on the basis of needs and utilization; and that the applicant is eligible to receive such property in accordance with said act.

The original and two copies of the certified application (or less if mutually agreed upon) shall be transmitted to the holding agency by the Federal Security Administrator.

§ 55.38 *Donation and shipment by holding agencies.* Upon receipt of a proper certified application for donable property, the holding agency shall donate and promptly ship or deliver the property covered thereby in accordance with the shipping instructions contained in such application.

SUBPART D—DISPOSAL OTHER THAN BY DONATION

§ 55.41 *Responsibility for disposal.* Each holding agency shall, except as otherwise provided in other order of the Administrator, dispose of surplus personal property in its possession in accordance with the regulations in this part.

§ 55.42 *Disposal methods and procedures.* Except as provided in Subpart C, holding agencies shall dispose of surplus personal property in accordance with this subpart.

§ 55.43 *Competitive bid sales.* Holding agencies shall, except as otherwise provided by this subpart, sell surplus personal property by competitive bid sale after advertising. Competitive bid sales shall include sealed bid sales, spot bid sales, and auction sales.

§ 55.44 *Sealed bid sales.* In sealed bid sales, bidders shall be required to submit to the office designated for receipt and opening of bids, sealed written bids on authorized bid forms for

public opening at a time and place designated.

§ 55.45 *Spot bid sales.* In spot bid sales, bidders shall be furnished with bid forms in advance of the bidding, a bid form to be used for each lot or unit to be separately sold. Requests for bids on items offered for sale shall be made by the official in charge. In requesting bids, the official in charge shall announce the item, its identification number, and a brief description of the item or lot. The right to reject all such bids shall be reserved in the terms of sale; and lots for which all bids have been rejected may be re-offered at the same sale in order to secure an acceptable bid price. Awards shall be made or bids rejected immediately following the offering of the item or lot. The bids at spot bid sales shall not be disclosed except at the announcement of award for any item or lot. Where mailed written bids at spot bid sales are permitted, they shall be sealed and not disclosed except at the announcement of award. Bidders may be required to register in advance of the sale. Any special conditions of sale shall be issued in printed form to everyone attending the sale. Final payment on such sales must be by cash, certified check, cashier's check, bank draft, express or postal money order, payable to the Treasurer of the United States, except as provided in § 55.54. Deposits shall be in similar form or in such other form of security as may be acceptable to the contracting officer.

§ 55.46 *Auction sales.* Sales of surplus personal property by holding agencies may be made by public auction. Such sales may be made either by qualified personnel of holding agencies or public auctioneers when authorized. Terms and conditions of sale shall be announced by the person conducting the auction, immediately prior to commencement of the sale. Final payment on such sales must be by cash, certified check, cashier's check, bank draft, express or postal money order, payable to the Treasurer of the United States, except as provided in § 55.54. Deposits shall be in similar form or in such other form of security as may be acceptable to the contracting officer. Such offerings must reserve in the Government the right to accept or reject any or all bids. Lots for which all offers have been rejected may be re-offered later at the same sale to secure acceptable bids.

§ 55.47 *Lotting.* To the extent practicable, and consonant with the type of property and usual commercial practice, property offered for sale shall be assembled into reasonably sized lots of like or similar categories of items.

§ 55.48 *Inspection by bidders.* Sufficient time prior to the date for submission of bids shall be allowed to permit inspection by potential purchasers.

§ 55.49 *Negotiation.* Holding agencies may sell surplus property by negotiated sale where:

(a) The reasonable recovery value involved in any case does not exceed $500;

(b) The property is such a hazard to health or property as to require immediate disposition;

(c) The property will spoil or deteriorate so rapidly as to require immediate disposition;

(d) After adequate advertising, no acceptable bids have been received: *Provided*, That all responsible bidders who responded to the previous advertising shall be offered an opportunity to participate in the negotiations;

(e) Authorized under § 55.52;

(f) Otherwise authorized by law; or

(g) Authorized by the Administrator.

Written justification for negotiated sales in excess of $500 shall be prepared and filed with the record of disposal in each case. Agencies making sales by negotiation shall secure competition to the maximum extent feasible under the circumstances.

§ 55.50 *Reviewing authority.* Approval by a reviewing authority of each holding agency shall be required for each proposed award involving the type of sale and acquisition cost (actual or estimated) of property as follows:

(a) By negotiation--$1,000 or more;

(b) By competitive bid sale—$10,000 or more.

§ 55.51 *Property controlled by other law.* No property shall be disposed of in violation of any other applicable law.

§ 55.52 *Sales for catastrophe relief.* Surplus personal property may, with the approval of an authorized field representative of an agency designated by the President under the provisions of the Independent Offices Appropriation Act, 1950 (or other similar provisions of law) to render assistance in alleviating hardship or suffering caused by any catastrophe, be disposed of by the holding agency through negotiated sale to any State or other non-Federal public body which is in possession, without regard to the provisions of Subpart C relating to donation for educational purposes.

§ 55.53 *Sales to Government employees.* Holding agencies shall not sell surplus personal property to persons known to be officers or employees of the Federal Government, except to the extent determined by the heads of such agencies to be in the best interest of the Government, and under procedures and safeguards, prescribed by the heads of such agencies, adequate to preclude collusion and fraud.

§ 55.54 *Credit.* When approved by the head of a holding agency or his designee, any holding agency may provide for sale of surplus personal property on credit where deemed necessary or desirable in furtherance of the basic policy objectives set forth in § 55.22 or in the best interest of the Government. In such cases, the terms and conditions of sale shall specifically provide therefor.

SUBPART E—MISCELLANEOUS PROVISIONS

§ 55.61 *Applicability of Federal excise taxes.* Federal manufacturers' and retailers' excise taxes are not applicable to the sale or other disposal by the Government of surplus personal property. Federal manufacturers' excise taxes do not apply to subsequent sales, including uses, by purchasers of Government property. Federal retailers' excise taxes apply to subsequent sales but not to subsequent uses by the purchasers unless the subsequent sale is made for resale and a certificate of resale is obtained. The foregoing does not apply to gasoline, and holding agencies shall make appropriate arrangements with the Bureau of Internal Revenue with respect to the disposal thereof. Questions relating to the applicability of Federal excise taxes arising from the disposal of surplus property should be referred to the Bureau of Internal Revenue.

§ 55.62 *Authority under other laws.* In order to effectuate the provisions of Title II of the act, actions relating to donation and disposal of personal property subject to, and within the scope of authority conferred on the Administrator by the act, shall not be taken under other laws, except as authorized by section 502 (d) (1)–(17) of the act, or expressly authorized by subsequently enacted law, but shall be taken only in accordance with the regulations in this part unless the Administrator, upon written application by the holding agency, shall otherwise permit in writing.

§ 55.63 *Exceptions.* Exceptions from any portion of the regulations in this part shall be permitted only by direction of the Administrator.

Dated: September 21, 1950.

JESS LARSON,
Administrator.

[F. R. Doc. 50-8427; Filed, Sept. 26, 1950; 8:46 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 1, 2, 3, 4b, 6, 15]

AIRWORTHINESS REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments of airworthiness parts of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by October 31, 1950, will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after November 3, 1950, for perusal by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

In a policy statement dated October 6, 1949, the Civil Aeronautics Board announced a procedure for the annual review of airworthiness parts of the Civil Air Regulations. It was then indicated that after consideration of comments on, and suggestions for amendment of, the airworthiness requirements at the annual review meetings, which were to be held in the first two weeks of August 1950, that by October 1, 1950, there would be published a notice of proposed rule making indicating those specific amendments which, in the opinion of the Bureau of Safety Regulation, should be recommended for adoption by the Board.

Attached hereto are the amendments proposed under the caption, "Proposed Rules." Also attached is an "Explanatory Statement" setting forth the basis and purpose thereof.

It will be noted that due to circumstances resulting from the current military situation, it was impossible to consider at the annual review meetings any of the more complicated questions in transport category air worthiness requirements. Such matters will, therefore, be handled on an ad hoc basis outside of the scope of the annual review.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, 49 U. S. C. 551–560)

Dated: September 20, 1950, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

Explanatory statement. The following statement sets forth the basis and purpose of the proposed amendments to the Civil Air Regulations under headings designed to facilitate reference thereto.

Proposed Part 1 includes a revision of current Parts 1 and 2 and portions of Part 43. It is an attempt to synthesize and systematize the administrative rules for obtaining necessary aircraft and product certification. It also provides for the identification of products and aircraft in accordance with current requirements. In most significant respects, the part does not attempt to change current procedures or practices, but merely to reflect them accurately.

The most important changes from current requirements in the proposal are those affecting the duration of airworthiness certificates, and the provision in the proposal that airworthiness certificates shall be of one-year duration automatically renewable when maintained under a continuous maintenance system, or reissued upon satisfactory completion of the annual inspection does not depart radically from current practice. In addition, the part contains new requirements designed to permit more adequate supervision of products manufactured by a subsidiary manufacturer.

The most extensive amendments resulting from the annual review cycle are those proposed for Part 3.

A considerable step towards simplifying type certification of small aircraft is proposed. For example, aircraft of 6,000 pounds or less maximum certificated take-off weight, will not be subject to the required service tests, and take-off, climb, landing, and trim requirements have been modified.

In addition, the current spin recovery requirements have been modified to permit demonstration of recovery with use of normal controls, and more realistic requirements for stall handling characteristics are set forth. It is further proposed, on the other hand, to provide a requirement for stall warning indication. Analysis of available safety statistics appears to establish that such modification of the regulations would contribute substantially to safety.

Amendments are also proposed to increase the crash load factor requirements for seat attachments and safety belt anchorages. The values proposed are designed to increase the chance of survival in crashes where the cabin structure remains relatively intact, and are consistent with the recently established crash load factor requirements for safety belts.

There are additional proposed amendments of a relatively minor nature, based upon experience with the requirements of the part, designed to increase safety or to facilitate administration of the part.

It should be noted that, as a result of discussions held during the annual review meetings, serious consideration is being given to limiting the applicability of Part 3 to airplanes having maximum certificated take-off weights of 12,500 pounds or less, and to establishing a separate cargo category.

Position light requirements. The requirements herein proposed for position lights are little different in substance from those currently in effect except for certain modifications of intensity requirements for transport category aircraft to bring such requirements into conformity with international standards. However, it is our understanding that United States air carrier position light systems already meet such modified requirements.

It is proposed that unnecessary material on position lights be eliminated from the applicable sections of Parts 3, 4b, 6, and 15. In addition, it is proposed that those sections be revised to provide a greater degree of clarity and uniformity.

Part 6, as adopted in 1945, was an initial attempt to establish standards for rotorcraft airworthiness. As of that date in view of the then extremely limited experience with rotorcraft, it was undesirable to specify too rigid standards which might have had the effect of restricting the development of rotorcraft. At the present time, in view of the rapid development of this category aircraft since 1945 and increased engineering and operational experience with it, it is possible to specify certain additional standards which must be met for type certification. However, we recognize the fact that rotorcraft are still in a developmental stage where the contribution to safety from a more rigid prescription of standards than proposed would probably be outweighed by the depressing effect of such prescription on new developments from manufacturers in the field and on applications for type certification from manufacturers not yet in the field.

The proposed revision of Part 6 prescribes: (a) Conservative added power-plant requirements, (b) more comprehensive performance, flight, and structural requirements, (c) more detailed design and construction requirements, (d) new equipment and operating standards, and (e) the compilation of flight and maintenance manuals to be furnished to operators of rotorcraft. It is our opinion that this revision will substantially increase safety in the rotorcraft field without unduly depressing future development.

The part also expressly provides that the airworthiness standards to be applicable to the type design shall be those standards in effect at the time of application for the type certificate, thus expressly including in the part, the industry sponsored principle of non-retroactivity for airworthiness standards. The holder of the type certificate, however, is given the option of complying with such standards, or with those in effect at the later date for subsequent amendments to the type design. Procedurally, it is provided that the part, as amended, on the date of application for the type certificate shall be considered to be incorporated in the certificate. Such a provision shall be made applicable to current Part 6, thus making possible the promulgation of the proposal contained herein as revised Part 6, rather than Part 6b.

In accordance with the program announced with the adoption of enabling amendments to the Civil Air Regulations authorizing the establishment of the T. S. O. system for approval of aircraft appliances, it is proposed to eliminate §§ 15.21 and 15.31 from Part 15 providing for the type certification of landing flares and parachutes, since it is expected that technical standard orders for such equipment will be adopted and effective by January 1, 1951.

It is also proposed to eliminate §§ 15.40, 15.50, and 15.51 providing for certification of control and structural units and particularized equipment for aircraft types since these provisions have not proven to be useful to the industry.

As previously mentioned, § 15.20 on position light systems is to be revised to provide a greater degree of clarity and uniformity and to modify certain of the intensity requirements for transport category aircraft to bring such requirements into conformity with international standards.

a. It is proposed to rescind Part 2, Type and Production Certificates, and to revise Part 1, effective January 1, 1951, to read as follows:

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

APPLICABILITY AND DEFINITIONS

1.0 Applicability of this part.
1.1 Definitions.
1.2 Type design.

TYPE CERTIFICATES

1.10 Application.
1.11 Products for which issued.
1.12 Requirements for issuance.
1.13 Location of manufacturing facilities.
1.14 Type design changes.
1.15 Transferability.
1.16 Inspection.
1.17 Duration.
1.18 Display.
1.19 Privileges.
1.20 Statement of conformity.

PRODUCTION CERTIFICATES

1.30 Application.
1.31 Product for which issued.
1.32 Requirements for issuance.
1.33 Location of manufacturing facilities.
1.34 Quality control.
1.35 Statement of conformity.
1.36 Data required; prime manufacturer.
1.37 Data required; subsidiary manufacturer.
1.38 Modification of required data.
1.39 Multiple products.
1.40 Production limitation record.
1.41 Modification of the production limitation record.
1.42 Transferability.
1.43 Duration.
1.44 Display.

AIRCRAFT AND PRODUCT IDENTIFICATION

1.50 Identification.

AIRWORTHINESS CERTIFICATES

1.60 Application.
1.61 Aircraft categories for which airworthiness certificates are issued.
1.62 Amendment or modification.
1.63 Transferability.
1.64 Duration.
1.65 Display.
1.66 Airworthiness certificates for normal, utility, acrobatic, and transport categories.
1.67 Airworthiness certificate; requirement for issuance.
1.68 Airworthiness certificates for restricted category aircraft.
1.69 Airworthiness certificates for restricted category aircraft; requirements for issuance.
1.70 Multiple airworthiness certification.
1.71 Airworthiness certificate for limited category aircraft.
1.72 Airworthiness certificate for limited category aircraft; requirements for reissuance.
1.73 Experimental certificates.
1.74 Experimental certificates; requirements for issuance.
1.75 Special flight permits.
1.76 Special flight permits; requirements for issuance.

AIRCRAFT NATIONALITY AND REGISTRATION MARKS

1.80 General.
1.81 Display of identification marks.
1.82 Location of identification marks.
1.83 Measurements of identification marks.
1.84 Color.
1.85 Affixation.
1.86 Design.
1.87 Maintenance.
1.88 Identification marks for nonconventional aircraft.
1.89 Identification marks for export aircraft.

APPLICABILITY AND DEFINITIONS

§ 1.0 *Applicability of this part.* This part establishes administrative requirements for the issuance of type, production, and airworthiness certificates and for the identification and marking of aircraft and related products.

§ 1.1 *Definitions.* (a) As used in this part, terms shall be defined as follows:

(1) *Administrator.* The Administrator means the Administrator of Civil Aeronautics.

(2) *Aircraft.* An aircraft means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.[1]

(3) *Aircraft engine.* An aircraft engine means an engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers.[1]

(4) *Appliances.* Appliances means instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not a part or parts of aircraft, aircraft engines, or propellers.[1]

(5) *Authorized representative of the Administrator.* An authorized representative of the Administrator means any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties delegated to the Administrator by the provisions of this part.

(6) *Person.* Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.[1]

(7) *Prime manufacturer.* A prime manufacturer means the person who initiated the design and construction of the product and who applied for the type certificate, or any person to whom a current right to reproduce the product has been transferred.

(8) *Product.* The term product, as used in this part means:

(i) An aircraft,

(ii) An aircraft engine,

(iii) A propeller, or

(iv) Any appliance specified in the Civil Air Regulations as eligible for a type certificate.

(9) *Propeller.* A propeller includes all parts, appurtenances, and accessories thereof.[1]

(10) *Subsidiary manufacturer.* A subsidiary manufacturer means the person who contracted with the prime manufacturer to produce and to supply to the prime manufacturer major assemblies and components which are manufactured in conformity with the prime manufacturer's approved drawings and data for the fabrication of the product.

(11) *United States.* United States means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying air space thereof.[1]

[1] As defined in section 1 of the Civil Aeronautics Act of 1938, as amended.

§ 1.2 *Type design.* The type design shall consist of such test reports and computations as are necessary to demonstrate that the product complies with the pertinent airworthiness requirements, such drawings and specifications as are necessary to disclose the configuration of the product and all design features covered in the pertinent airworthiness requirements, sufficient information on materials and processes to define the strength of the structure, and sufficient other data to permit the airworthiness of subsequent products of the same type to be determined by comparison with the type design.

TYPE CERTIFICATES

§ 1.10 *Application.* Any person, whether or not a citizen of the United States, may apply for the issuance of a type certificate. The application for a type certificate for a specified product shall be made upon a form prescribed and furnished by the Administrator.

§ 1.11 *Products for which issued.* A type certificate may be issued for an aircraft, aircraft engine, propeller, or any appliance for which certification is provided elsewhere in the Civil Air Regulations.

§ 1.12 *Requirements for issuance.* A type certificate for a product shall be issued when:

(a) The applicant has submitted such descriptive data, test reports, and other information required by the pertinent airworthiness regulations for the type design, and

(b) Upon examination of the type design and the completion of all tests and inspections, the Administrator finds that the type design meets the requirements of the applicable Civil Air Regulations.

§ 1.13 *Location of manufacturing facilities.* No type certificate for a product shall be issued if the manufacturing facilities therefor are located outside the United States, unless where facilities are located outside the United States the Administrator finds that no undue burden on the Government is created in administering applicable requirements of the act or regulations issued thereunder.

§ 1.14 *Type design changes.* Changes in the type design shall be made in accordance with the rules established in the part of the Civil Air Regulations under which the type certificate was issued.

§ 1.15 *Transferability.* A type certificate may be transferred or made available to third persons by licensing agreements: *Provided*, That the grantor shall immediately notify the Administrator in writing of any transfer, licensing agreement, or termination thereof: *And provided further*, That the provisions of § 1.13 are complied with.

§ 1.16 *Inspection.* A representative of the Administrator shall be permitted to make such inspections as may be necessary to determine initial and continued compliance with the requirements of this part.

§ 1.17 *Duration.* A type certificate shall remain in effect until surrendered, suspended, revoked, or a termination date is otherwise established by the Board.

§ 1.18 *Display.* Type certificates shall be made available for examination by an authorized representative of the Board or of the Administrator.

§ 1.19 *Privileges.* The holder of a type certificate or license may produce duplicates of any product for which a type certificate has been issued.

§ 1.20 *Statement of conformity.* The holder of a type certificate only or of a current right to the benefits of a type certificate only under a licensing arrangement, upon the initial transfer by him of the ownership of any product manufactured under such type certificate or upon application for original issuance of an airworthiness certificate for an aircraft, shall furnish to an authorized representative of the Administrator a statement of conformity for such product on a form prescribed by the Administrator. For aircraft manufactured under a type certificate only, there shall be included a statement that the aircraft referred to has been flight checked. When a production certificate is held in addition to the type certificate, the provisions of § 1.35 shall apply. The Administrator may consider military acceptance in lieu of a statement of conformity for a product which has been manufactured for the military service.

PRODUCTION CERTIFICATES

§ 1.30 *Application.* Any person, whether or not a citizen of the United States, may apply for the issuance of a production certificate. The application for a production certificate shall be made upon a form prescribed and furnished by the Administrator.

§ 1.31 *Product for which issued.* A production certificate shall be issued only for products for which a type certificate is currently in effect. The applicant shall hold a currently effective type certificate for the product to be manufactured or shall hold a current right to the benefits of such certificate under a licensing agreement.

§ 1.32 *Requirements for issuance.* A person shall be issued a production certificate when the Administrator finds, after examination of the supporting data and after inspection of the organization and production facilities, that the applicant complies with the requirements of §§ 1.33 through 1.37.

§ 1.33 *Location of manufacturing facilities.* No production certificate for a product shall be issued if the manufacturing facilities therefor are located outside the United States, unless where facilities are located outside the United States the Administrator finds that no undue burden on the Government is created in administering applicable requirements of the act or regulations issued thereunder.

§ 1.34 *Quality control.* The applicant shall show that he is adequately prepared to manufacture and control the quality of any product for which he requests production certification, so that each article shall conform with the design provisions of the pertinent type certificate.

§ 1.35 *Statement of conformity.* It shall not be necessary for the holder of a production certificate to furnish a separate statement of conformity for each of the products produced.

§ 1.36 *Data required; prime manufacturer.* The applicant shall submit the following data:

(a) A description of the manufacturing layout and production flow,

(b) A listing and description of any special processes required by the product or products to be manufactured,

(c) A description of the established quality-control organization, its functions and responsibilities, including an organizational chart showing the lines of authority for quality control and inspection responsibility,

(d) If the application is for the manufacture of an aircraft, a description of the flight test procedures established by the manufacturer for the testing of production aircraft and a copy of the flight test check list to be used, and for other products a description of such tests established by the manufacturer as may be appropriate for the product, and

(e) A list, by name and address, of any subsidiary manufacturers. (See § 1.37.)

§ 1.37 *Data required; subsidiary manufacturer.* Where found necessary by the Administrator, a subsidiary manufacturer shall submit the data prescribed by paragraphs (a), (b), and (c) of § 1.36.

§ 1.38 *Modification of required data.* The holder of a production certificate shall immediately notify the Administrator in writing of any changes affecting the data required by § 1.36 which may alter the conformity or quality control of the product being manufactured.

§ 1.39 *Multiple products.* The Administrator may authorize more than one type certificated product to be manufactured under the terms of one production certificate provided that the products have similar production characteristics.

§ 1.40 *Production limitation record.* A production limitation record shall be issued as part of a production certificate. The record shall list the type certificate of every product which the applicant is authorized to manufacture under the terms of a production certificate. Where different models of a basic type approved under the same type certificate number require different fabrication methods and processes, the Administrator may list the model designation of the product for which authorization is given, as well as the type certificate number, on the production limitation record.

§ 1.41 *Modification of the production limitation record.* The holder of a production certificate desiring the addition of a type certificate and/or model to the production certificate shall submit an application therefor on a form and in a manner prescribed by the Administrator. The applicant shall comply with the applicable requirements of §§ 1.32 through 1.36 and § 1.38.

§ 1.42 *Transferability.* A production certificate shall not be transferred.

§ 1.43 *Duration.* A production certificate shall remain in effect until surrendered, suspended, revoked, or a termination date is otherwise established by the Board, or the location of the manufacturing facility is changed.

§ 1.44 *Display.* A production certificate shall be prominently displayed in the main office of the factory.

AIRCRAFT AND PRODUCT IDENTIFICATION

§ 1.50 *Identification.* (a) Each product manufactured under the terms of a type or production certificate shall display permanently such data as may be required to show its identity. The data shall include such of the following items as the Administrator finds appropriate:

(1) Manufacturer's name,

(2) Model designation,

(3) Manufacturer's serial number (if article is numbered serially), otherwise the date of manufacture, except that articles subject to deterioration as a result of aging (parachutes, parachute flares, etc.) shall bear the date of manufacture in addition to the serial number, if any,

(4) Type certificate number,

(5) Production certificate number,

(6) Capacity or rating.

AIRWORTHINESS CERTIFICATES

§ 1.60 *Application.* Any U. S. Citizen may apply for issuance of an airworthiness certificate for an aircraft provided he is the registered owner of the aircraft or his agent. The application for an airworthiness certificate shall be made upon a form prescribed and furnished by the Administrator.

§ 1.61 *Aircraft categories for which airworthiness certificates are issued.* Airworthiness certificates are issued for aircraft whose type design has been certificated under the normal, utility, acrobatic, or transport categories, for aircraft of the restricted category, and for surplus military aircraft in the limited category. In addition, experimental certificates and special flight permits are issued.

§ 1.62 *Amendment or modification.* An airworthiness certificate may be amended or modified only upon application to the Administrator.

§ 1.63 *Transferability.* An airworthiness certificate shall be transferred with the aircraft.

§ 1.64 *Duration.* The duration of an airworthiness certificate shall be in accordance with the provisions of paragraphs (a) and (b) of this section:

(a) An airworthiness certificate shall remain in effect for one year from the date of issuance unless it is surrendered, suspended, revoked, or a termination date is otherwise established by the Board; or, in the case of an experimental airworthiness certificate, a lesser period is established by the Administrator.

(b) A currently valid airworthiness certificate may be automatically renewed when the aircraft is maintained under a continuous maintenance system approved by the Administrator, or reissued upon completion of the annual inspection elsewhere required in the Civil Air Regulations.

§ 1.65 *Display.* An airworthiness certificate shall be carried in the aircraft at all times, and shall be displayed as prescribed by the Administrator.

§ 1.66 *Airworthiness certificates for normal, utility, acrobatic, and transport categories.* Aircraft certificated in the normal, utility, acrobatic, and transport categories may be used for the carriage of persons and property for compensation or hire.

§ 1.67 *Airworthiness certificate; requirement for issuance.* The requirements for the issuance of an airworthiness certificate are stated in paragraphs (a) and (b) of this section:

(a) *Aircraft manufactured under a production certificate.* An applicant for the original issuance of an airworthiness certificate for an aircraft, whose type design was certificated in categories other than the limited category, manufactured under the terms of a production certificate may be issued such certificate without further showing. The Administrator may inspect the aircraft to see if it conforms to the type design.

(b) *Aircraft manufactured under type certificate only.* An applicant for the original issuance of an airworthiness certificate for an aircraft, whose type design was certificated in categories other than the limited category, manufactured under the terms of a type certificate only shall be issued such certificate upon presentation of a statement of conformity for such aircraft issued by the manufacturer when, upon inspection of the aircraft, the Administrator finds that the aircraft conforms to the type design, and is in a condition for safe operation.

§ 1.68 *Airworthiness certificates for restricted category aircraft.* Aircraft certificated in the restricted category may not be used for the carriage of persons for compensation or hire. For purposes of this section, crop dusting, seeding, and other similar specialized operations are not considered as the carriage of persons or cargo for compensation or hire. Other special limitations for such aircraft are prescribed under the provisions of Part 8 of this chapter.

§ 1.69 *Airworthiness certificates for restricted category aircraft; requirements for issuance.* The requirements for issuance of an airworthiness certificate for an aircraft in the restricted category are as stated in paragraphs (a) and (b) of this section:

(a) *Aircraft manufactured under a production certificate or type certificate only.* An applicant for the original issuance of an airworthiness certificate for an aircraft in the restricted category, type certificated under the provisions of § 8.10 (a) (1) of this chapter, shall comply with the appropriate provisions of § 1.67.

(b) *Other aircraft.* An applicant for the issuance of an airworthiness certificate for aircraft of the restricted category other than those referred to in paragraph (a), such as surplus military aircraft and modified civil aircraft, may be issued such certificate when he demonstrates compliance wth the following provisions:

(1) The aircraft has been type certificated under the provisions of § 8.10 (a) (2) of this chaper, or modified under the provisions of § 8.10 (b) of this chapter of the Civil Air Regulations;

(2) The aircraft has been inspected by the Administrator and found by him to be in a good state of preservation and repair and in condition for safe operation; and

(3) The Administrator has prescribed operating limitations in accordance with Part 8 of this chapter.

§ 1.70 *Multiple airworthiness certification.* Multiple airworthiness certification shall conform to the provisions of paragraphs (a) and (b) of this section.

(a) An aircraft shall be issued an airworthiness certificate in the restricted category and in any one or more of the other airworthiness categories prescribed by the Civil Air Regulations, if the applicant shows compliance with the requirements for each category when the aircraft is in the configuration for that category and if the aircraft can be converted from one category to another by removal or addition of equipment by simple mechanical means.

(b) Any aircraft certificated in the restricted and any other category shall be inspected and approved by an authorized representative of the Administrator, or by a certificated mechanic with an appropriate airframe rating, to determine airworthiness each time the aircraft is converted from the restricted category to another category for the carriage of passengers for compensation or hire, unless the Administrator finds this unnecessary for safety in a particular case.

§ 1.71 *Airworthiness certificate for limited category aircraft.* Airworthiness certificates were issued for surplus military aircraft of the limited category prior to August 31, 1948, under the provisions of Part 9 of this chapter. Aircraft in the limited category may not be used for the carriage of persons or property for compensation or hire.

§ 1.72 *Airworthiness certificate for limited category aircraft; requirements for reissuance.* An applicant for an airworthiness certificate for an aircraft in the limited category shall show that the aircraft has been previously issued a *limited category aircraft; requirements* had been surrendered or has expired, and that the aircraft complies fully with the requirements of Part 9 of this chapter of the Civil Air Regulations.

§ 1.73 *Experimental certificates.* Experimental certificates are issued for amateur-built aircraft and for aircraft which are to be used for experiment, for exhibition, for air racing, and to show compliance with Civil Air Regulations for the issuance of type certificates and related purposes.

§ 1.74 *Experimental certificates; requirements for issuance.* The requirements for the issuance of experimental certificates are as stated in paragraphs (a) and (b) of this section:

(a) In applying for an experimental certificate the applicant shall submit:

(1) A statement in a form and manner prescribed by the Administrator setting forth the purpose for which the aircraft is to be used,

(2) Sufficient data, such as photographs, to identify the aircraft, and,

(3) Upon inspection of the aircraft, any pertinent information found necessary by the Administrator to safeguard the general public.

(b) Appropriate operating restrictions for the use of such aircraft shall be prescribed by the Administrator.

(1) Experimental aircraft shall not be used for the carriage of persons or property for compensation or hire.

§ 1.75 *Special flight permits.* A special flight permit may be issued for an aircraft which may not currently meet applicable airworthiness requirements, but which is capable of safe flight, for the purpose of permitting the aircraft to be flown to a base where repairs or alterations are to be made or to permit the delivery or export of the aircraft.

§ 1.76 *Special flight permits; requirements for issuance.* The requirements for the issuance of special flight permits are as stated in paragraphs (a) and (b) of this section:

(a) Where found necessary by the Administrator, an applicant for a special flight permit shall submit a statement in a form approved by the Administrator indicating the purpose of the flight, the proposed itinerary, the duration of authorization requested, the persons to be on board the aircraft, the particulars, if any, in which the aircraft does not comply fully with the applicable airworthiness requirements, and the restrictions, if any, deemed necessary for safe operation of the aircraft.

(b) The Administrator shall accomplish, or shall require the applicant to accomplish, such appropriate inspections or tests as the Administrator may deem necessary in the interest of safety.

(c) Nothing in the foregoing paragraphs shall prevent the issuance to an air carrier by the Administrator of a general authorization to conduct ferry flights for specified purposes as above provided, under such terms and conditions as may from time to time be prescribed by the Administrator.

AIRCRAFT NATIONALITY AND REGISTRATION MARKS

§ 1.80 *General.* The identification of each aircraft shall be marked, and the markings shall be displayed as required in §§ 1.81 through 1.87. No design, mark, or symbol which modifies or confuses the identification marks shall be placed on an aircraft, except with the approval of the Administrator.

§ 1.81 *Display of identification marks.* Identification marks shall be displayed

in accordance with the following provisions:

(a) Aircraft registered for the first time after December 31, 1948, shall display identification marks consisting of the Roman capital letter "N," denoting United States registration, followed by the registration number. Other aircraft which display identification marks containing an airworthiness symbol "C," "R," "X," or "L" and which are operated solely within the continental limits of the United States may display such identification marks until the first time such aircraft are recovered or refinished to an extent necessitating the reapplication of the identification mark. Thereafter, such aircraft, and after December 31, 1950, all aircraft of United States registry operated outside of the continental limits of the United States, shall display identification marks consisting of the Roman capital letter "N," denoting United States registration, followed by the registration number.

(b) When an identification mark including only the Roman capital letter "N" and the registration number is utilized, limited and restricted category aircraft and experimental aircraft shall display the words "limited," "restricted," or "experimental," respectively, near each entrance to the cabin or cockpit of the aircraft. These markings shall be in letters not less than 2 inches nor more than 6 inches in height.

§ 1.82 *Location of identification marks.* Identification marks shall be located in accordance with paragraphs (a) through (e) of this section.

(a) *Fixed-wing aircraft.* The following shall be applicable to fixed-wing aircraft:

(1) *Wing surfaces.* Identification marks shall be displayed on the right half of the upper surface and the left half of the lower surface of the wing structure. As far as possible, the marks shall be located an equal distance from the leading and trailing edges of the wing. The top of the marks shall be toward the leading edge of the wing.

(2) *Vertical tail surfaces.* Identification marks shall be displayed on the upper half of the vertical tail surface. They shall be displayed on both sides of a single tail surface and on the outer sides of multitail surfaces. They may be placed either horizontally or vertically.

(3) *Fuselage surfaces.* Identification marks shall be displayed on the fuselage when the aircraft, as a result of design, does not have a vertical tail surface. The marks shall be located on each side of the top half of the fuselage, just forward of the leading edge of the horizontal tail surface. They may be placed either horizontally or vertically.

(b) *Rotorcraft.* The following requirements shall be applicable to rotorcraft:

(1) *Bottom fuselage surfaces.* Identification marks shall be displayed on the bottom surface of the fuselage or cabin. The top of the marks shall be toward the left side of the fuselage.

(2) *Side fuselage surfaces.* Identification marks shall be displayed below the window lines and as near the cockpit as possible.

(c) *Airships.* The following requirements shall be applicable to airships:

(1) *Horizontal stabilizer surfaces.* Identification marks shall be displayed on the upper surface of the right horizontal stabilizer and on the under surface of the left horizontal stabilizer. The top of the marks shall be toward the leading edge of the stabilizer. The marks shall be placed horizontally.

(2) *Vertical stabilizer surfaces.* Identification marks shall be displayed on each side of the bottom half of the vertical stabilizer. The marks shall be placed horizontally.

(d) *Spherical balloons.* Identification marks for spherical balloons shall be displayed on two places diametrically opposite, and shall be located near the maximum horizontal circumference of the balloon.

(e) *Nonspherical balloons.* Identification marks for nonspherical balloons shall be displayed on each side. They shall be located near the maximum cross section of the balloon, immediately above either the rigging band or the points of attachment of the basket or cabin suspension cables.

§ 1.83 *Measurements of identification marks.* The measurements of identification marks shall conform to the provisions of paragraphs (a) through (d) of this section:

(a) *Fixed-wing aircraft.* The following requirements shall be applicable to fixed-wing aircraft:

(1) *Wing surfaces.* The height of the identification marks on the wings shall be at least 20 inches.

(2) *Fuselage and vertical tail surfaces.* Identification marks shall be such as to leave at least a margin of 2 inches along each edge of the surface. Within these stipulations, the marks shall be as large as practicable, except that this rule shall not be interpreted as requiring the use of marks exceeding 6 inches in height or permitting the use of marks smaller than 2 inches in height. The letters and numbers of each separate group of identification marks shall be of equal height.

(b) *Rotorcraft.* The following requirements shall be applicable to rotorcraft:

(1) *Fuselage or cabin bottom surfaces.* Identification marks shall be at least ⅓ as high as the fuselage is wide, but need not be more than 20 inches high.

(2) *Fuselage or cabin side surfaces.* Identification marks shall conform to requirements stipulated in paragraph (a) (2) of this section.

(c) *Lighter-than-air aircraft.* The following requirements shall be applicable to lighter-than-air aircraft.

(1) *Height of identification marks.* On each airship, spherical balloon, or nonspherical balloon identification marks shall be at least 20 inches high.

(d) *All aircraft.* The following requirements shall be applicable to all aircraft:

(1) *Width.* Identification marks shall be ⅔ as wide as they are high with the exception of number "1" which shall be ⅙ as wide as it is high.

(2) *Thickness.* Identification marks shall be formed by solid lines of a thickness equal to ⅙ of the character height.

(3) *Spacing.* The space between the identification numbers and letters shall be not less than ¼ of the character width.

§ 1.84 *Color.* On each aircraft, identification marks shall contrast in color with the background.

§ 1.85 *Affixation.* On each aircraft, identification marks shall be painted or shall be affixed by any other means insuring a similar degree of permanence and legibility, except that aircraft intended for immediate delivery to a foreign purchaser may display identification marks of a readily removable material.

§ 1.86 *Design.* On each aircraft, identification marks shall have no ornamentation.

§ 1.87 *Maintenance.* On each aircraft, identification marks shall be kept clean and legible at all times.

§ 1.88 *Identification marks for nonconventional aircraft.* The identification marking rules prescribed in §§ 1.81 through 1.87 are intended to apply to conventional aircraft as they are known today. When aircraft are developed which do not conform to the general configuration of present-day aircraft, a procedure for identification marking will be prescribed by the Administrator.

§ 1.89 *Identification marks for export aircraft.* An aircraft manufactured in the United States for delivery outside the United States or its possessions may display such identification marks as are required by the State of registry of the aircraft. Such aircraft shall be operated only for the purpose of test and demonstration flights for a limited period of time or while in necessary transit to the purchaser.

b. It is proposed to amend Part 3, effective January 1, 1951, as follows:

1. By amending the title thereof to read as follows:

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

2. By amending § 3.19 to read as follows:

§ 3.19 *Flight tests.* (a) After proof of compliance with the structural requirements contained in this part, and upon completion of all necessary inspection and testing on the ground, and proof of conformity of the airplane with the type design, and upon receipt from the applicant of a report of flight tests conducted by him, there shall be conducted such official flight tests as the Administrator finds necessary to determine compliance with §§ 3.61 through 3.780.

(b) After the conclusion of the flight tests prescribed in paragraph (a) of this section such additional flight tests shall be conducted, on airplanes having a maximum certificated take-off weight of more than 6,000 pounds, as the Administrator finds necessary to ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function

properly. The extent of such additional flight tests shall depend upon the complexity of the airplane, the number and nature of new design features, and the record of previous tests and experience for the particular airplane model, its components, and equipment. If practicable, the flight tests performed for the purpose of ascertaining the reliability and proper functioning shall be conducted on the same airplane which was used in flight tests to show compliance with §§ 3.61 through 3.780.

3. By adding a new § 3.80 to read as follows:

§ 3.80 *Alternate performance requirements.* As set forth in the following sections the provisions of §§ 3.84, 3.85, 3.86, and 3.112 (a) (2) (ii) shall not be applicable to airplanes having a maximum certificated take-off weight of 6,000 lbs. or less. In lieu thereof, such airplanes shall comply with the provisions of §§ 3.84a, 3.85a, 3.87, and 3.112 (c).

4. By adding a new § 3.84a to read as follows:

§ 3.84a *Take-off requirements; aircraft of 6,000 lbs. or less.* Airplanes having a maximum certificated take-off weight, of 6,000 lbs. or less shall comply with the provisions of this section.

(a) *Tail wheel type.* The elevator control at 0.8 V_{s_1} shall be sufficient to maintain an airplane attitude which will permit holding the airplane on the runway until a safe take-off speed is attained.

(b) *Nose wheel type.* The elevator control shall be sufficient to raise the nose wheel clear of the take-off surface at a speed equal to 0.85 V_{s_1}.

(c) *Runway characteristics.* The characteristics prescribed in paragraphs (a) and (b) of this section shall be demonstrated with:

(1) Take-off power,
(2) Most unfavorable weight,
(3) Most unfavorable c. g. position.

(d) *Demonstration of safety.* It shall be demonstrated that the airplane will take off safely without requiring an exceptional degree of piloting skill.

5. By adding a new § 3.85a to read as follows:

§ 3.85a *Climb requirements; aircraft of 6,000 lbs. or less.* Airplanes having a maximum certificated take-off weight of 6,000 lbs. or less shall comply with the requirements of this section.

(a) *Climb; normal climb condition.* The steady rate of climb at sea level shall not be less than 10 V_{s_1} or 300 feet per minute, whichever is the greater, with:

(1) Take-off power,
(2) Landing gear extended,
(3) Wing flaps in take-off position,
(4) Cowl flaps in the position used in cooling tests specified in §§ 3.581 through 3.596.

(b) *Climb; balked landing conditions.* The steady rate of climb at sea level shall not be less than 5 V_{s_0} or 200 feet per minute, whichever is the greater, with:

(1) Take-off power,
(2) Landing gear extended,
(3) Wing flaps in the landing position.

If rapid retraction is possible with safety, without loss of altitude and without requiring sudden changes of angle of attack or exceptional skill on the part of the pilot, wing flaps may be retracted.

6. By adding a new § 3.87 to read as follows:

§ 3.87 *Landing requirements; aircraft of 6,000 pounds or less.* For an airplane having a maximum certificated take-off weight of 6,000 pounds or less it shall be demonstrated that the airplane can be safely landed and brought to a stop without requiring an exceptional degree of piloting skill, and without excessive vertical acceleration, tendency to bounce, nose over, ground loop, porpoise, or water loop.

7. By adding a new § 3.112 (c) to read as follows:

§ 3.112 *Requirements.* • • •

(c) For aircraft having a maximum certificated take-off weight of 6,000 lbs. or less, the value specified in paragraph (a) (2) (ii) of this section shall be 1.5 V_{s_1}.

8. By amending § 3.120 to read as follows:

§ 3.120 *Stalling demonstration.* (a) Stalls shall be demonstrated under two conditions:

(1) With power off, and

(2) With the power setting not less than that required to show compliance with the provisions of paragraph (a) of § 3.85 or with those of § 3.85a, whichever is appropriate.

(b) In either condition required by paragraph (a) of this section it shall be possible, with flaps and landing gear in any position, with center of gravity in the position least favorable for recovery, and with appropriate airplane weights, to show compliance with the applicable requirements of paragraphs (c) through (f) of this section.

(c) For airplanes having independently controlled rolling and directional controls, it shall be possible to produce and to correct roll by unreversed use of the rolling control and to produce and correct yaw by unreversed use of the directional control up until the time the airplane pitches in the maneuver prescribed in paragraph (g) of this section.

(d) For two-control airplanes having either interconnected lateral and directional controls or for airplanes having only one of these controls, it shall be possible to produce and to correct roll by unreversed use of the rolling control without producing excessive yaw up until the time the airplane pitches in the maneuver prescribed in paragraph (g) of this section.

(e) During the recovery portion of the stall maneuver the pitch shall not exceed a value of 30° below level, and the airplane shall not develop any uncontrollable rolling or yawing characteristics before the recovery is achieved. The altitude lost in the stall maneuver shall be entered in the airplane flight manual.

(f) A clear and distinctive stall warning shall precede the stalling of the airplane, with the flaps and landing gear in any position, both in straight and turning flight. The stall warning shall occur at a speed exceeding that of stalling by not less than 5 but not more than 10 miles per hour.

(g) In demonstrating the qualities required by paragraphs (c) through (f) of this section, the procedure set forth in subparagraphs (1) and (2) of this paragraph shall be followed:

(1) With trim controls adjusted for straight flight at a speed of approximately 1.4 V_{s_1}, reduce speed by means of the elevator control until the speed is steady at slightly above stalling speed; then

(2) Pull elevator control back at a rate such that the airplane speed reduction does not exceed 1 mile per hour per second until a stall is produced as evidenced by an uncontrollable downward pitching motion of the airplane, or until the control reaches the stop. Normal use of the elevator control for recovery shall be allowed after such pitching motion has unmistakably developed.

9. By amending § 3.124 (a) to read as follows:

§ 3.124 *Spinning*—(a) *Category N.* All airplanes of 4,000 pounds or less maximum gross weight shall recover from a one-turn spin with the controls applied normally for recovery in not more than ½ additional turn and without exceeding either the limiting air speed or the limit positive maneuvering load factor for the airplane. In addition, there shall be no excessive back pressure either during the spin or in the recovery. It shall not be possible to obtain uncontrollable spins by means of any possible use of the controls. Compliance with the above shall be demonstrated at any permissible combination of weight and center of gravity positions obtainable with all or any part of the designed useful load. All airplanes in category N, regardless of weight, shall be placarded against spins or demonstrated to be "characteristically incapable of spinning" in which case they shall be so designated. (See paragraph (d) of this section.)

10. By rescinding paragraph (a) of § 3.318.

11. By rescinding §§ 3.319, *"External bracing,"* and 3.320, *"Covering."*

12. By adding a new sentence at the end of paragraph (a) of § 3.390 to read as follows:

§ 3.390 *Seats and berths*—(a) *Passenger seats and berths.* • • • The accelerations prescribed in § 3.386 shall be multiplied by a factor of 1.33 for determining the strength of the seat and berth attachments to the structure.

13. By adding a new sentence at the end of § 3.391 to read as follows:

§ 3.391 *Safety belt or harness provisions.* • • • The accelerations prescribed in § 3.386 shall be multiplied by a factor of 1.33 for determining the strength of the belt anchorages to the seat or to the structure.

14. By amending the first sentence of § 3.417 to read as follows:

§ 3.417 *Propeller vibrations.* In the case of propellers with metal blades or other highly stressed metal components, the magnitude of the critical vibration stresses under all normal conditions of operation shall be determined by actual measurements or by comparison with similar installations for which such measurements have been made.

15. By amending § 3.431 to read as follows:

§ 3.431 *Multiengine fuel system arrangement.* The fuel systems of multiengine airplanes which must comply with the provisions of § 3.85 (b) shall be arranged to permit operation in at least one configuration in such a manner that the failure of any one component will not result in the loss of power of more than one engine and will not require immediate action by the pilot to prevent the loss of power of more than one engine. Unless other provisions are made in order to comply with this requirement, the fuel system shall be arranged to permit supplying fuel to each engine through a system entirely independent of any portion of the system supplying fuel to the other engines. Other multiengine airplanes shall also comply with the requirement except that separate fuel tanks need not be provided for each engine.

16. By amending § 3.434 to read as follows:

§ 3.434 *Fuel flow rate for gravity systems.* The fuel flow rate for gravity systems (main and reserve supply) shall be 150 percent of the actual take-off fuel consumption of the engine.

17. By amending § 3.438 to read as follows:

§ 3.438 *Fuel system hot weather operation.* Airplanes with suction lift fuel systems or other fuel system features conducive to vapor formation shall be demonstrated to be free from vapor lock when using fuel at a temperature of 110° F. under critical operating conditions.

18. By amending § 3.442 (a) to read as follows:

§ 3.442 *Fuel tank installation.* (a) The method of supporting tanks shall not be such as to concentrate the loads resulting from the weight of the fuel in the tanks. Pads shall be provided to prevent chafing between the tank and its supports. Materials employed for padding shall be nonabsorbent or shall be treated to prevent the absorption of fuels. If flexible tank liners are employed, they shall be of an approved type, and they shall be so supported that the liner is not required to withstand fluid loads. Interior surfaces of compartments for such liners shall be smooth and free of projections which are apt to cause wear of the liner, unless provisions are made for the protection of the liner at such points or unless the construction of the liner itself provides such protection. A positive pressure shall be maintained within the vapor space of all bladder cells under all conditions of operation including the most critical condition of low air speed and rate of descent likely to be encountered in normal operation.

19. By amending paragraphs (a) and (b) of § 3.444 to read as follows:

§ 3.444 *Fuel tank sump.* (a) Each tank shall be provided with a drainable sump having a capacity of not less than 0.25 percent of the tank capacity or 1/16 gallon, whichever is the greater. The sump may be dispensed with if the fuel system is provided with a sediment bowl permitting ready ground inspection. The sediment bowl shall also be readily accessible for drainage. The capacity of the sediment chamber shall not be less than 1 ounce per each 20 gallons of the fuel tank capacity.

(b) If a fuel tank sump is provided, the capacity specified in paragraph (a) of this section shall be effective with the airplane in the normal ground attitude and the normal level flight attitude.

20. By amending § 3.449 (b) to read as follows:

§ 3.449 *Fuel pump and pump installation.* • • •

(b) Emergency fuel pumps shall be provided to permit supplying all engines with fuel in case of the failure of any one engine-driven pump, except that if an engine fuel injection pump which has been certificated as an integral part of the engine is used, an emergency pump is not required. Emergency pumps shall be available for immediate use in case of the failure of any other pump. If both the normal pump and emergency pump operate continuously, means shall be provided to indicate to the crew when either pump is malfunctioning.

21. By amending § 3.553 to read as follows:

§ 3.553 *Fuel system drains.* Drains shall be provided to permit safe drainage of the entire fuel system and shall incorporate means for locking in the closed position. The provisions for drainage shall be effective in the normal ground attitude.

22. By amending § 3.561 to read as follows:

§ 3.561 *Oil system.* Each engine shall be provided with an independent oil system capable of supplying the engine with an ample quantity of oil at a temperature not exceeding the maximum which has been established as safe for continuous operation. The usable oil tank capacity shall not be less than the product of the endurance of the airplane under critical operating conditions and the maximum oil consumption of the engine under the same conditions, plus a suitable margin to assure adequate system circulation and cooling. In lieu of a rational analysis of airplane range and oil consumption, a fuel-oil ratio of 30:1 by volume shall be considered acceptable.

23. By amending § 3.605 (b) to read as follows:

§ 3.605 *General.* • • •

(b) Each engine shall be provided with at least two separate air intake sources, except that in the case of an engine equipped with a fuel injector only one air intake source need be provided, if the air intake, opening, or passage is unobstructed by a screen, filter, or other part on which ice might form and so restrict the air flow as to affect adversely engine operation. Primary air intakes may open within the cowling only if that portion of the cowling is isolated from the engine accessory section by means of a fire-resistant diaphragm or if provision is made to prevent the emergence of backfire flames. Alternate air intakes shall be located in a sheltered position and shall not open within the cowling unless they are so located that the emergence of backfire flames will not result in a hazard.

24. By adding a new paragraph (d) to § 3.606 to read as follows:

§ 3.606 *Induction system de-icing and anti-icing provisions.* • • •

(d) Airplanes equipped with sea level engines employing carburetors which embody features tending to reduce the possibility of ice formation shall be provided with a sheltered source of air warmed at least to the extent that the cylinder cooling air is warmed.

25. By adding a new sentence at the end of paragraph (a) of § 3.624 to read as follows:

§ 3.624 *Fire wall construction.* (a) • • • However, fire-resistant material may be used in such applications on single-engine airplanes using unsupercharged wet sump engines, provided the opening that may result in case of fire will not involve a serious hazard from the standpoint of flame propagation to the sheltered side of the fire wall.

26. By amending § 3.637 to read as follows:

§ 3.637 *Powerplant fire protection.* Suitable means shall be provided to shut off the flow in all lines carrying flammable fluids into the engine compartment on multiengine airplanes required to comply with the provisions of § 3.85 (b).

27. By amending § 3.672 to read as follows:

§ 3.672 *Fuel quantity indicator.* Means shall be provided to indicate to the flight personnel the quantity of fuel in each tank during flight. Tanks, the outlets and air spaces of which are interconnected, may be considered as one tank and need not be provided with separate indicators. Exposed sight gauges shall be so installed and guarded as to preclude the possibility of breakage or damage. Sight gauges which form a trap in which water can collect and freeze shall be provided with means to permit drainage on the ground. Fuel quantity gauges shall be calibrated to read zero during level flight when the quantity of fuel remaining in the tank is equal to the unusable fuel supply as defined by § 3.437. Fuel gauges need not be provided for small auxiliary tanks which are used only to transfer fuel to other tanks, provided the relative size of the tanks, the rate of fuel transfer, and the instructions pertaining to the use of the tanks are adequate to guard against overflow and to assume that the crew will receive prompt warning in case transfer is not being achieved as intended.

28. By amending § 3.700 to read as follows:

§ 3.700 *Position light system.* If a position light system is installed, it shall be of a type certificated in accordance with Part 15 of this chapter, and shall comply with the pertinent provisions of that part.

29. By amending § 3.701 to read as follows:

§ 3.701 *Installation requirements.* The following installation requirements apply to single circuit systems and shall be complied with if this type system is installed.[1]

(a) *Forward and rear position lights.* Single circuit systems shall consist of an aviation red light, an aviation green light, and an aviation white light. The red and the green lights shall be referred to as forward position lights and shall be so installed that, with the airplane in normal flying position, the red light is displayed on the left side and the green light on the right side, each showing unbroken light between two vertical planes the dihedral angle of which is 110° when measured to the left and right, respectively, of the airplane from dead ahead. These lights shall be spaced laterally as far apart as practicable. The white light shall be referred to as a rear position light and shall be mounted as far aft as practicable and so installed that unbroken light is directed symmetrically aft in such a manner that the axis of the maximum cone of illumination is parallel to the flight path. In addition, the intersection of the two planes forming dihedral angle A given in Part 15 of the Civil Air Regulations shall be vertical.

(b) *Circuit.* The forward position lights and the rear white position light shall constitute the single circuit.

(c) *Position light flasher.* If installed, a position light flasher shall be of a type acceptable to the Administrator.

30. By deleting §§ 3.702 and 3.703.

31. By combining §§ 3.704 and 3.705 into one section (§ 3.704) to read as follows:

§ 3.704 *Riding light.* (a) When a riding (anchor) light is required for a seaplane, flying boat, or amphibian, it shall be capable of showing a white light for at least 2 miles at night under clear atmospheric conditions.

(b) The riding light shall be installed to show the maximum unbroken light practicable when the airplane is moored or drifting on the water. Externally hung lights shall be acceptable.

32. By amending § 3.715 to read as follows:

§ 3.715 *Safety belts.* Safety belts shall be of an approved type.

33. By adding a new sentence at the end of § 3.759 to read as follows:

§ 3.759 *Powerplant instruments.* • • • Ranges of engine speed which are restricted as a result of excessive engine or propeller vibration shall be marked with a red arc.

34. By amending § 3.780 (a) to read as follows:

§ 3.780 *Performance information.* (a) For airplanes with a maximum certificated take-off weight of more than 6,000 pounds, information relative to the items of performance set forth in subparagraphs (1) through (5) of this paragraph shall be included.

c. It is proposed to amend Part 4b, effective January 1, 1951, as follows:

1. By amending § 4b.632 to read as follows:

§ 4b.632 *Position light system.* The position light system shall be of the dual circuit type, shall be certificated in accordance with Part 15 of this chapter, and shall comply with the provisions of § 15.20 (b) of this chapter.

2. By renumbering § 4b.633 as § 4b.636 and by adding a new § 4b.633 to read as follows:

§ 4b.633 *Installation requirements.* The installation requirements of paragraphs (a) through (e) of this section apply to dual circuit systems:

(a) *Forward position lights.* Forward position lights shall consist of a red and green light spaced laterally as far apart as practicable and installed forward on an airplane in such a location that, with the airplane in normal flying position, the red light is displayed on the left side and the green light is displayed on the right side, each showing unbroken light between two vertical planes the dihedral angle of which is 110° when measured respectively to the left and to the right of the airplane from dead ahead.

(b) *Rear position lights.* Rear position lights shall consists of a red and a white light mounted as far aft as practicable, located in close proximity to each other, and installed so that unbroken light is directed symmetrically aft from each light with the axis of the maximum cone of illumination parallel to the flight path. In addition, the intersection of the two planes forming the dihedral angle A prescribed in Part 15 of the Civil Air Regulations shall be vertical.

(c) *Fuselage lights.* Fuselage lights shall consist of two white lights installed approximately in line with the forward position lights. One of these lights shall be mounted on the top of the fuselage, the other on the bottom. In the case of seaplanes, the location of the bottom fuselage light shall be subject to specific approval on each individual type airplane. The top and bottom fuselage lights shall show through approximately a hemisphere.

(d) *Circuits.* The forward position lights and the rear white position light shall be on one of the circuits, while the fuselage lights and the rear red position light shall be on the other.

(e) *Position light flasher.* An approved flasher for dual circuit systems shall be installed. The flasher shall actuate the system automatically so that the two circuits are energized alternately at an approved frequency. A switch shall be provided to disconnect the flasher from the circuit so that continuous light can be supplied by the forward position lights and the rear white position light, while the fuselage lights and the rear red position light are not illuminated.

d. It is proposed to revise Part 6, effective January 1, 1951, to read as follows:

PART 6—ROTOCRAFT AIRWORTHINESS

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SUBPART A—GENERAL

APPLICABILITY AND DEFINITIONS

§ 6.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of type certificates for rotorcraft. This part, until superseded or rescinded, shall apply to all rotorcraft for which applications for type certification are made after the effective date of this part.

§ 6.1 *Definitions.* Unless otherwise noted, terms used in this part of the regulations are defined as follows:

(a) *Administration*—(1) *Administrator.* The Administrator is the Administrator of the Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of a rotorcraft or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., shall mean approved by the Administrator.

(b) *Rotorcraft types*—(1) *Rotorcraft.* A rotorcraft is any aircraft deriving its principal lift from one or more rotors.

(2) *Helicopter.* A helicopter is a rotorcraft which depends principally for its support and motion in the air upon the lift generated by one or more power driven rotors, rotating on substantially vertical axes.

(3) *Gyroplane.* A gyroplane is a rotorcraft which depends principally for its support upon the lift generated by one or more rotors which are not power driven, except for initial starting, and which are caused to rotate by the action of the air when the rotorcraft is in motion. The propulsion is independent of the rotor system and usually consists of conventional propellers.

(4) *Gyrodyne.* A gyrodyne is a rotorcraft which depends principally for its support upon the lift generated by one or more rotors which are partially power driven, rotating on substantially vertical axes. The propulsion is independent of the rotor system and usually consists of conventional propellers.

(c) *General design*—(1) *Standard atmosphere.* The standard atmosphere is an atmosphere defined as follows:

(i) The air is a dry, perfect gas,

(ii) The temperature at sea level is 59° F.,

(iii) The pressure at sea level is 29.92 inches Hg.

(iv) The temperature gradient from sea level to the altitude at which the temperature equals −67° F. is −0.003566° F./ft. and zero thereabove.

(v) The density ρ_0 at sea level under the above conditions is 0.002378 pound sec^2/ft^4.

(2) *Maximum anticipated air temperature.* The maximum anticipated air temperature is a temperature specified for the purpose of compliance with the powerplant cooling standards. (See § 6.451.)

(3) *Aerodynamic coefficients.* Aerodynamic coefficients are nondimensional coefficients for forces and moments. They correspond with those adopted by the U. S. National Advisory Committee for Aeronautics.

(4) *Autorotation.* Autorotation is a rotorcraft flight condition in which the lifting rotor is driven entirely by the action of the air when the rotorcraft is in motion.

(5) *Autorotative landing.* An autorotative landing is any landing of a rotorcraft in which the entire maneuver is accomplished without the application of power to the rotor.

(6) *Autorotative landing distance.* Autorotative landing distance is the horizontal distance required to make an autorotative landing and come to a complete stop (to a speed of approximately 3 mph for seaplanes or floatplanes) from a height of 50 feet above the landing surface.

(7) *Ground resonance.* Ground resonance is the mechanical instability encountered when the rotorcraft is in contact with the ground.

(8) *Mechanical instability.* Mechanical instability is an unstable resonant condition due to the interaction between the rotor blades and the rotorcraft structure, while the rotorcraft is on the ground or airborne.

(d) *Weights*—(1) *Maximum weight.* The maximum weight of the rotorcraft is that maximum at which compliance with the requirements of this part of the Civil Air Regulations is demonstrated. (See § 6.101.)

(2) *Minimum weight.* The minimum weight of the rotorcraft is that minimum at which compliance with the requirements of this part of the Civil Air Regulations is demonstrated. (See § 6.101.)

(3) *Empty weight.* The empty weight of the rotorcraft is a readily reproducible weight which is used in the determination of the operating weights. (See § 6.104.)

(4) *Design maximum weight.* The design maximum weight is the maximum weight of the rotorcraft at which compliance is shown with the structural loading conditions. (See § 6.101.)

(5) *Design minimum weight.* The design minimum weight is the minimum weight of the rotorcraft at which compliance is shown with the structural loading conditions. (See § 6.101.)

(6) *Design unit weight.* The design unit weight is a representative weight used to show compliance with the structural design requirements:

(i) Gasoline 6 lbs. per U. S. gallon,

(ii) Lubricating oil 7.5 lbs. per U. S. gallon,

(iii) Crew and passengers 170 lbs. per person.

(e) *Speeds*—(1) *IAS.* Indicated air speed is equal to the pitot static airspeed indicator reading as installed in the rotorcraft without correction for air-speed indicator system errors but including the sea level standard adiabatic compressible flow correction. (This latter correction is included in the calibration of the air-speed instrument dials.) (See §§ 6.612 and 6.732.)

(2) *CAS.* Calibrated air speed is equal to the air-speed indicator reading corrected for position and instrument error. (As a result of the sea level adiabatic compressible flow correction to the air-speed instrument dial, CAS is equal to the true air speed TAS in standard atmosphere at sea level.)

(3) *EAS.* Equivalent air speed is equal to the air-speed indicator reading corrected for position error, instrument error, and for adiabatic compressible flow for the particular altitude. (EAS is equal to CAS at sea level in standard atmosphere.)

(4) *TAS.* True air speed of the rotorcraft relative to undisturbed air. $(TAS=EAS\ (\rho_0/\rho)^{1/2})$

(5) V_H. The Maximum speed obtainable in level flight with rated rmp. and power.

(6) V_{NE}. The never-exceed speed. (See § 6.711.)

(7) V_X. The speed for best angle of climb.

(8) V_Y. The speed for best rate of climb.

(f) *Structural*—(1) *Limit load.* A limit load is the maximum load anticipated in normal conditions of operation. (See § 6.200.)

(2) *Ultimate load.* An ultimate load is a limit load multiplied by the appropriate factor of safety. (See § 6.200.)

(3) *Factor of safety.* The factor of safety is a design factor used to provide for the possibility of loads greater than those anticipated in normal conditions of operation and for uncertainties in design. (See § 6.200.)

(4) *Load factor.* The load factor is the ratio of a specified load to the total weight of the rotorcraft; the specified load may be expressed in terms of any of the following: aerodynamic forces, inertia forces, or ground or water reactions.

(5) *Limit load factor.* The limit load factor is the load factor corresponding with limit loads.

(6) *Ultimate load factor.* The ultimate load factor is the load factor corresponding with ultimate loads.

(7) *Fitting.* A fitting is a part or terminal used to join one structural member to another. (See § 6.307 (d).)

(g) *Power installation*[1]—(1) *Brake horsepower.* Brake horsepower is the power delivered at the propeller shaft of the engine.

(2) *Take-off power.* Take-off power is the brake horsepower developed under standard sea level conditions, under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use in the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(3) *Maximum continuous power.* Maximum continuous power is the brake horsepower developed in standard atmosphere at a specified altitude under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use during periods of unrestricted duration.

(4) *Manifold pressure.* Manifold pressure is the absolute pressure measured at the appropriate point in the induction system, usually in inches of mercury.

(5) *Critical altitude.* The critical altitude is the maximum altitude at which in standard atmosphere it is possible to maintain, at a specified rotational speed, a specified power or a specified manifold pressure. Unless otherwise stated, the critical altitude is the maximum altitude at which it is possible to maintain, at the maximum continuous rotational speed, one of the following:

(i) The maximum continuous power, in the case of engines for which this power rating is the same at sea level or at the rated altitude.

(ii) The maximum continuous rated manifold pressure, in the case of engines the maximum continuous power of which is governed by a constant manifold pressure.

(h) *Propellers and rotors*[2]—(1) *Rotor.* Rotor is a system of rotating airfoils.

(2) *Main rotor.* The main rotor is the main system of rotating airfoils providing sustentation for the rotorcraft.

(3) *Auxiliary rotor.* An auxiliary rotor is one which serves either to counteract the effect of the main rotor torque on the rotorcraft, or to maneuver the rotorcraft about one or more of its three principal axes.

[1] For engine airworthiness requirements see Part 13 of this chapter.

[2] For propeller airworthiness requirements see Part 14 of this chapter.

(4) *Axis of no feathering.* The axis of no feathering is the axis about which there is no first harmonic feathering or cyclic pitch variation.[3]

(5) *Plane of rotor disc.* The plane of rotor disc is a reference plane at right angles to the axis of no feathering.

(6) *Tip speed ratio.* The tip speed ratio is the ratio of the rotorplane flight velocity component in the plane of the rotor disc to the rotational tip speed of the rotor blades expressed as follows:

$$\mu=\frac{V\cos\alpha}{\Omega R}$$

where:

V=air speed of the rotorcraft along flight path (feet per second),

α=angle between projection in plane of symmetry of axis of no feathering and a line perpendicular to the flight path (radians, positive when axis is pointing aft),

Ω=angular velocity of rotor (radians per second),

R=rotor radius (feet).

(i) *Fire protection*—(1) *Fireproof.* Fireproof material means a material which will withstand heat at least as well as steel in dimensions appropriate for the purpose for which it is to be used. When applied to material and parts used to confine fires in designated fire zones, fireproof means that the material or part will perform this function under the most severe conditions of fire and duration likely to occur in such zones.

(2) *Fire-resistant.* When applied to sheet or structural members, fire-resistant material means a material which will withstand heat at least as well as aluminum alloy in dimensions appropriate for the purpose for which it is to be used. When applied to fluid-carrying lines, other flammable fluid system components, wiring, air ducts, fittings, and powerplant controls, this term refers to a line and fitting assembly, component, wiring or duct, or controls which will perform the intended functions under the heat and other conditions likely to occur at the particular location.

(3) *Flame-resistant.* Flame-resistant material means material which will not support combustion to the point of propagating, beyond safe limits, a flame after the removal of the ignition source.

(4) *Flash-resistant.* Flash-resistant material means material which will not burn violently when ignited.

(5) *Flammable.* Flammable pertains to those fluids or gases which will ignite readily or explode.

[3] See NACA Technical Note No. 1604.

CERTIFICATION

§ 6.10 *Eligibility for type certificates.* A rotorcraft shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions hereinafter established or if the Administrator finds that the provision or provisions not complied with are compensated for by other design features which provide an equivalent level of safety: *Provided,* That the Administrator finds no feature or characteristic of the rotorcraft which renders it unsafe.

§ 6.11 *Incorporation of this part in the type certificate.* (a) The provisions of this part, together with all amendments effective on the date of application for type certification, shall be considered as incorporated in the type certificate.

(b) The type certificate shall bear the legend set forth in subparagraph (1) of this paragraph:

(1) "The provisions of Part 6 of the Civil Air Regulations, together with all amendments thereto effective on the date of application for this certificate, are hereby incorporated herein and made a part hereof as though set forth in full, and, except as otherwise provided by the Board, or pursuant to § 6.24 by the Administrator, any amendment of the type design may, at the option of the holder of the type certificate, be accomplished in accordance with either the standards set forth in such regulations or with the standards in effect at the time the application for amendment is filed."

§ 6.12 *Amendment.* Unless otherwise specified, an amendment of this part shall be effective with respect to rotorcraft for which applications for type certificates are filed after the effective date of the amendment.

§ 6.13 *Type certificate.* An applicant shall be issued a type certificate when he demonstrates the eligibility of the rotorcraft by complying with the requirements of §§ 6.14 through 6.16 in addition to those contained in Part 1 of this chapter.

§ 6.14 *Data required.* The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the rotorcraft complies with the airworthiness requirements. The descriptive data shall be known as the type design and shall consist of drawings and specifications disclosing the configuration of the rotorcraft and all design features covered in the airworthiness requirements as well as sufficient information on dimensions, materials, and processes to define the strength of the structure. The type design shall describe the rotorcraft in sufficient detail to permit the airworthiness of subsequent rotorcraft of the same type to be determined by comparison with the type design.

§ 6.15 *Inspections and tests.* Inspections and tests shall include all those found necessary by the Administrator to insure that the rotorcraft complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design,

(b) All parts of the airplane are constructed in accordance with the drawings in the type design,

(c) All manufacturing processes, construction, and assembly are such that the design strength and safety contemplated by the type design will be realized in service.

§ 6.16 *Flight tests.* After proof of compliance with the structural requirements contained in this part, and upon completion of all necessary inspections and testing on the ground, and proof of the conformity of the rotorcraft with the type design, and upon receipt from the applicant of a report of flight tests performed by him, the following shall be conducted:

(a) Such official flight tests as the Administrator finds necessary to determine compliance with the requirements of this part.

(b) After the conclusion of flight tests specified in paragraph (a) of this section, such additional flight tests as the Administrator finds necessary to ascertain whether there is reasonable assurance that the rotorcraft, its components, and equipment are reliable and function properly. The extent of such additional flight tests shall depend upon the complexity of the rotorcraft, the number and nature of new design features, and the record of previous tests and experience for the particular rotorcraft type, its components, and equipment. If practicable, these flight tests shall be conducted on the same rotorcraft used in the flight tests specified in paragraph (a) of this section and in the rotor drive endurance tests specified in § 6.412.

§ 6.17 *Airworthiness, experimental, and production certificates.* (For requirements with regard to these certificates see Part 1 of this chapter.)

§ 6.18 *Approval of materials, parts, processes, and appliances.* (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the Civil Air Regulations. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

CHANGES

§ 6.20 *General.* When the type design is changed, the applicant or holder of the type certificate shall demonstrate that the rotorcraft complies with the applicable airworthiness requirements.

§ 6.21 *Classification of changes.* Changes shall be classified as minor and major. A minor change shall be one which has no appreciable effect on the weight, balance, structural strength, powerplant operation, flight characteristics, or other characteristic affecting the airworthiness of the rotorcraft. A major change shall be one not classified as a minor change.

§ 6.22 *Approval of minor changes.* Minor changes to type designs may be approved by an authorized representative of the Administrator prior to the submittal to the Administrator of any revised drawings.

§ 6.23 *Approval of major changes.* Major changes to type designs shall be approved only after receipt by the Administrator of substantiating data and necessary descriptive data for inclusion in the type design.

§ 6.24 *Service experience changes.* (a) Where the Administrator finds as a result of service experience that an unsafe condition exists with respect to a design feature, part, or characteristic of any rotorcraft certificated under this part, he shall furnish notice[4] thereof to all operators of rotorcraft of that type, and the rotorcraft shall not thereafter be operated until the unsafe condition has been corrected, unless otherwise authorized by the Administrator under specified conditions and limitations:

(1) When the Administrator finds that design changes are necessary to correct the unsafe condition of the rotorcraft, the holder of the type certificate, upon request of the Administrator, shall submit appropriate design modifications for the approval of the Administrator.

(2) Upon approval, such changes shall be made a part of the type design of the type certificate, and descriptive data covering the changes shall be made available by the holder of the type certificate to all operators of rotorcraft previously certificated under such type certificate.

(3) All rotorcraft of the same type shall be modified in accordance with such amended type certificate.

(b) Where no current unsafe condition exists but the Administrator or the holder of the type certificate finds through service experience that changes in type design will contribute to the safety of the rotorcraft, the holder of the type certificate may submit appropriate design modifications for the approval of the Administrator. Upon approval of such modifications, the type design of the type certificate shall be amended accordingly, and all rotorcraft manufactured thereafter shall be modified in accordance with such amended type certificate. The manufacturer shall make available to all operators of the same type of rotorcraft information on the design modifications.

SUBPART B—FLIGHT

GENERAL

§ 6.100 *Proof of compliance.* (a) Compliance with the requirements prescribed in this subpart shall be established by flight or other tests conducted upon a rotorcraft of the type for which a certificate of airworthiness is sought or by calculations based on such tests, provided that the results obtained by calculations are equivalent in accuracy to the results of direct testing.

(b) Compliance with each requirement shall be established at all appropriate combinations of rotorcraft weight and center of gravity position within the range of loading conditions for which certification is sought by systematic investigation of all these combinations, except where compliance can be inferred reasonably from those combinations which are investigated.

(c) The controllability, stability, and trim of the rotorcraft shall be established at all altitudes up to the maximum anticipated operating altitude.

(d) The applicant shall provide a person holding an appropriate pilot certificate to make the flight tests, but a designated representative of the Administrator shall pilot the rotorcraft when it is found necessary for the determination of compliance with the airworthiness requirements.

(e) Official type tests shall be discontinued until corrective measures have been taken by the applicant when either:

(1) The applicant's test pilot is unable or unwilling to conduct any of the required flight tests, or

(2) It is found that requirements which have not been met are so substantial as to render additional test data meaningless or are of such a nature as to make further testing unduly hazardous.

(f) Adequate provision shall be made for emergency egress and for the use of parachutes by members of the crew during the flight tests.

(g) The applicant shall submit to the Administrator's representative a report covering all computations and tests required in connection with calibration of instruments used for test purposes and correction of test results to standard atmospheric conditions. The Administrator's representative shall conduct any flight tests which he finds necessary to check the calibration and correction report.

§ 6.101 *Weight limitations.* The maximum and minimum weights at which the rotorcraft will be suitable for operation shall be established as follows:

(a) Maximum weights shall not exceed any of the following:

(1) The weight selected by the applicant,

(2) The design weight for which the structure has been proven,

(3) The maximum weight at which compliance with all of the applicable flight requirements has been demonstrated.

(b) The maximum weight shall not be less than the sum of the weights of the following:

(1) The empty weight in accordance with § 6.104,

(2) 1 gallon of usable fuel for every 7 maximum continuous horsepower for which the rotorcraft is certificated,

(3) The full oil capacity,

(4) 170 pounds in all seats. Where in actual operation weights other than 170 pounds may affect adversely the balance and controllability of the rotorcraft, such weights shall be used in lieu of the 170 pounds. (See § 6.738 (a).)

(c) The minimum weight shall not be less than any of the following:

(1) The minimum weight selected by the applicant,

(2) The design minimum weight for which the structure has been proven,

(3) The minimum weight at which compliance with all of the applicable flight requirements has been demonstrated.

(d) The minimum weight shall not exceed the sum of the weights of the following:

(1) The empty weight in accordance with § 6.104,

(2) The minimum crew necessary to operate the rotorcraft assuming for each crew member the lowest of the following:

(i) 170 pounds,

(ii) Weight selected by the applicant,

(iii) Weight included in the loading instructions (see §§ 6.102 (b) and 6.738 (a)),

(3) 1 gallon of oil for each 100 maximum continuous horsepower for which the rotorcraft is certificated.

§ 6.102 *Center of gravity limitations.* (a) Center of gravity limits shall be established as the most forward position permissible for each weight established in accordance with § 6.101 and the most aft position permissible for each of such weights. Such limits of the center of gravity range shall not exceed any of the following:

(1) The extremes selected by the applicant,

(2) The extremes for which the structure has been proven,

(3) The extremes at which compliance with all of the applicable flight requirements has been demonstrated.

(b) Loading instructions shall be provided if the center of gravity position under any possible loading condition between the maximum and minimum weights as specified in § 6.101, with assumed weights for individual passengers and crew members variable over the anticipated range of such weights, lies beyond:

(1) The extremes selected by the applicant,

(2) The extremes for which the structure has been proven,

(3) The extremes for which compliance with all of the applicable flight requirements has been demonstrated. (See § 6.741 (c).)

§ 6.103 *Rotor limitations and pitch settings*—(a) *Power-on.* A range of power-on operating speeds for the main rotor(s) shall be established which will provide adequate margin to accommodate the variation of rotor rpm attendant to all maneuvers appropriate to the rotorcraft type and consistent with the type of synchronizer or governor used, if any (see §§ 6.713 (b) (2) and 6.714 (b)). A rotor blade high-pitch limiting device shall be provided and shall be positioned to prevent rotational speeds substantially less than the approved minimum rotor rpm in any flight condition with full throttle and with the pitch control of the main rotor(s) in the full high-pitch position.

(b) *Power-off.* A range of power-off operating rotor speeds shall be established which will permit execution of all autorotative flight maneuvers appropriate to the rotorcraft type throughout the range of air speeds and weights for which certification is sought (see §§ 6.713 (a) and 6.713 (b) (1)). A rotor blade low-pitch limiting device shall be positioned to provide rotational speeds within the approved rotor speed range in any autorotative flight condition under the most adverse combinations of weight and air speed with the rotor pitch control in the full low-pitch position.

[4] Operators of rotorcraft are notified of any unsafe condition, of the required corrective action, and of compliance dates through the medium of airworthiness directives issued by the Administrator.

§ 6.104 *Empty weight.* (a) The empty weight, and the corresponding center of gravity position, shall be determined by weighing the rotorcraft. This weight shall exclude the weight of the crew and payload, but shall include the weight of all fixed ballast, the unusable fuel supply (see § 6.421), undrainable oil, total quantity of engine coolant, and total quantity of hydraulic fluid.

(b) The condition of the rotorcraft at the time of weighing shall be one which can be easily repeated and easily defined, particularly as regards the contents of the fuel, oil, and coolant tanks, and the items of equipment installed. (See § 6.740.)

§ 6.105 *Use of ballast.* Removable ballast may be used to enable the rotorcraft to comply with the flight requirements. (See §§ 6.391, 6.738, and 6.740.)

PERFORMANCE

§ 6.110 *General.* The performance information prescribed in §§ 6.111 through 6.114 shall be determined, and the rotorcraft shall comply with the corresponding requirement in the standard atmosphere in still air.

§ 6.111 *Take-off.* (a) The distance required to take off and climb over a 50-foot obstacle shall be determined under the following conditions:

(1) Most unfavorable combination of weight and center of gravity location,

(2) Engines operating within the approved limitations.

(b) The take-off shall be made in a manner such that a landing can be made safely at any point along the flight path in case of an engine failure and shall not require an exceptional degree of skill on the part of the pilot or exceptionally favorable conditions.

(c) The take-off distance obtained, the type of surface from which the take-off was made, the effect of temperature and altitude variations, and all other pertinent information shall be established. (See § 6.740.)

§ 6.112 *Climb.* (a) For all rotorcraft, the steady rate of climb at the best rate-of-climb speed with maximum continuous power and landing gear retracted shall be determined over the range of weights, altitudes, and temperatures for which certification is sought (see § 6.740). This rate of climb shall provide a steady angle of climb under standard sea level conditions of not less than 1:6.

(b) For multiengine helicopters, the steady angle of climb at maximum weight, with one engine inoperative and the remaining engine(s) operating at maximum continuous power, shall not be less than 1:20 under standard sea level conditions.

§ 6.113 *Minimum operating speed performance.* (a) Hovering ceilings for helicopters shall be determined under the following conditions over the range of weights, altitudes, and temperatures for which certification is sought:

(1) With take-off power and landing gear extended in the ground effect at a height above the ground consistent with normal take-off procedures,

(2) With maximum continuous power and landing gear extended out of the ground effect.

(b) At maximum weight, under standard atmospheric conditions, and under conditions prescribed in paragraph (a) (1) of this section, the hovering ceiling for helicopters shall not be less than 4,000 feet.

(c) For rotorcraft other than helicopters, the steady rate of climb at the minimum operating speed appropriate to the type with take-off power and landing gear extended shall be determined over the range of weights, altitudes, and temperatures for which certification is sought.

§ 6.114 *Landing.* The horizontal distance required to land and come to a complete stop (to a speed of approximately 3 mph for seaplanes or float planes) from a point at a height of 50 feet above the landing surface shall be determined in accordance with the following:

(a) The approach speed or speeds in the glide shall be appropriate to the type of rotorcraft and shall be chosen by the applicant.

(b) The approach and landing shall be entered from steady autorotation and shall be made in such a manner that its reproduction would not require an exceptional degree of skill on the part of the pilot or exceptionally favorable conditions.

(c) During the landing there shall be no excessive vertical acceleration and no tendency to bounce, nose over, ground loop, porpoise, or water loop.

(d) There shall be established for the landing the type of surface on which the landing was made, the effect of temperature and altitude variations, and all other pertinent information (see also § 6.743 (c)).

FLIGHT CHARACTERISTICS

§ 6.120 *General.* (a) The rotorcraft shall meet the requirements prescribed in this section and §§ 6.121 to 6.123 at all normally expected operating altitudes, under all critical loading conditions within the range of weight and center of gravity, and for all speeds, power, and rotor rpm conditions for which certification is sought.

(b) It shall be possible to make a smooth transition from one flight condition to another without requiring an exceptional degree of skill, alertness, or strength on the part of the pilot, and without danger of exceeding the limit load factor under all conditions of operation probable for the type, including those conditions normally encountered in the event of sudden powerplant failure.

(c) For night or instrument certification the rotorcraft shall have such additional flight characteristics as the Administrator finds are required for safe operation under those conditions.

§ 6.121 *Controllability.* (a) The rotorcraft shall be safely controllable and maneuverable during steady flight and during the execution of any maneuver appropriate to the type rotorcraft, including take-off, climb, level flight, turn, glide, and power-on or power-off landings.

(b) The margin of longitudinal and lateral cyclic control shall allow satisfactory pitching and rolling control at the maximum permissible forward speed with:

(1) Maximum weight,

(2) Critical center of gravity,

(3) Power on and power off,

(4) Critical rotor rpm.

(c) Compliance with paragraph (b) of this section shall include a demonstration with a power failure at V_H.

(d) There shall be established a wind velocity in which the rotorcraft can be operated without loss of control on or near the ground at the critical center of gravity and the critical rotor rpm in any maneuver appropriate to the type rotorcraft (e. g. cross-wind take-offs, sideward or rearward flight). This wind velocity shall not be less than 20 mph.

§ 6.122 *Trim.* It shall be possible in steady level flight at any speed appropriate to the type rotorcraft to trim the steady longitudinal and lateral control forces to zero. The trim device shall not introduce any undesirable discontinuities in the force gradients.

§ 6.123 *Stability*—(a) *General.* It shall be possible to fly the rotorcraft in normal maneuvers, including a minimum of three take-offs and landings, for a continuous period of time appropriate to the operational use of the particular type rotorcraft without the pilot experiencing undue fatigue or strain. In addition, the rotorcraft shall comply with the requirements of paragraph (b) of this section.

(b) *Static longitudinal stability.* In the following configurations the characteristics of the longitudinal cyclic control shall be such that, with constant throttle and collective pitch settings, a rearward displacement of longitudinal control shall be necessary to obtain and maintain speeds below the specified trim speed, and a forward displacement shall be necessary to obtain and maintain speeds above the specified trim speed for the ranges of altitude and rotor rpm for which certification is sought:

(1) *Climb.* The stick position curve shall have a stable slope from an increment of speed 15 percent of V_H below the best rate-of-climb speed to an increment of speed 20 percent of V_H above the best rate-of-climb speed, with:

(i) Critical weight and center of gravity,

(ii) Maximum continuous power,

(iii) Landing gear retracted,

(iv) Trim at the best rate-of-climb speed.

(2) *Cruise.* The stick position curve shall have a stable slope from 0.7 V_H to 1.1 V_H, with:

(i) Critical weight and center of gravity,

(ii) Power for level flight at 0.9 V_H,

(iii) Landing gear retracted,

(iv) Trim at 0.9 V_H.

(3) *Autorotation.* The stick position curve shall have a stable slope through-

out the speed range for which certification is sought, with:

(i) Critical weight and center of gravity,

(ii) Power off,

(iii) Landing gear both retracted and extended,

(iv) Trim at the speed for minimum rate of descent.

(4) *Hovering.* In the case of helicopters the stick position curve shall have a stable slope between the maximum approved rearward speed and a forward speed of 20 m. p. h. with:

(i) Critical weight and center of gravity,

(ii) Power required for hovering in still air,

(iii) Landing gear retracted,

(iv) Trim for hovering.

GROUND AND WATER HANDLING CHARACTERISTICS

§ 6.130 *General.* The rotorcraft shall demonstrate satisfactory ground and water handling characteristics. There shall be no uncontrollable tendencies in any operating condition reasonably expected for the type.

§ 6.131 *Ground resonance.* There shall be no uncontrollable tendency for the rotorcraft to oscillate when the rotor is turning and the rotorcraft is on the ground.

§ 6.132 *Spray characteristics.* For rotorcraft equipped with floats, the spray characteristics during taxying, take-off, and landing shall be such as not to obscure the vision of the pilot nor produce damage to the rotors, propellers, or other parts of the rotorcraft.

MISCELLANEOUS FLIGHT REQUIREMENTS

§ 6.140 *Flutter and vibration.* All parts of the rotorcraft shall be demonstrated to be free from flutter and excessive vibration under all speed and power conditions appropriate to the operation of the type rotorcraft. (See also §§ 6.203 (f) and 6.711.)

SUBPART C—STRUCTURE

GENERAL

§ 6.200 *Loads.* (a) Strength requirements of this subpart are specified in terms of limit and ultimate loads. Unless otherwise stated, the specified loads shall be considered as limit loads. In determining compliance with these requirements the specifications set forth in paragraphs (b) through (e) of this section shall be used.

(b) The factor of safety shall be 1.5 unless otherwise specified. The factor of safety shall apply to the external and inertia loads, unless its application to the resulting internal stresses is more conservative.

(c) Unless otherwise provided, the specified air, ground, and water loads shall be placed in equilibrium with inertia forces, considering all items of mass in the rotorcraft.

(d) All loads shall be distributed in a manner closely approximating or conservatively representing actual conditions.

(e) If deflections under load significantly change the distribution of external or internal loads, the redistribution shall be taken into account.

§ 6.201 *Strength and deformation.* (a) The structure shall be capable of supporting limit loads without suffering detrimental permanent deformations.

(b) At all loads up to limit loads the deformation shall be such as not to interfere with safe operation of the rotorcraft.

(c) The structure shall be capable of supporting ultimate loads without failure. It shall support the load for at least 3 seconds, unless proof of strength is demonstrated by dynamic tests simulating actual conditions of load application.

§ 6.202 *Proof of structure.* (a) Proof of compliance of the structure with the strength and deformation requirements of § 6.201 shall be made for all critical loading conditions.

(b) Proof of compliance by means of structural analysis shall be acceptable only when the structure conforms to types for which experience has shown such methods to be reliable. In all other cases substantiating tests shall be required.

(c) In all cases certain portions of the structure shall be tested as specified in § 6.300.

§ 6.203 *Structural and dynamic tests.* At least the following structural tests shall be conducted to show compliance with the strength criteria:

(a) Dynamic and endurance tests of rotors and rotor drives, including controls (see § 6.412),

(b) Control surface and system limit load tests (see § 6.323),

(c) Control system operation tests (see § 6.324),

(d) Vibration surveys (see §§ 6.221 and 6.250),

(e) Landing gear drop tests (see § 6.237),

(f) Ground vibration tests to determine the natural frequencies of the blades and major structural components of the rotorcraft,

(g) Such additional tests as may be found necessary by the Administrator to substantiate new and unusual features of the design.

§ 6.204 *Design Limitations.* The following values shall be established by the applicant for purposes of showing compliance with the structural requirements specified in this subpart:

(a) Maximum design weight,

(b) Power-on and power-off main rotor r. p. m. ranges (see §§ 6.103 and 6.713 through 6.714 (b)),

(c) Maximum forward speeds for the power-on and power-off rotor r. p. m. ranges established in accordance with paragraph (b) of this section (see § 6.711),

(d) Maximum rearward and sideward flight speeds,

(e) Extreme positions of rotorcraft center of gravity to be used in conjunction with the limitations of paragraphs (b), (c), and (d) of this section,

(f) Rotational speed ratios between the powerplant and all connected rotating components,

(g) Positive and negative limit maneuvering load factors.

FLIGHT LOADS

§ 6.210 *General.* Flight load requirements shall be complied with at all weights from the design minimum weight to the design maximum weight, with any practicable distribution of disposable load within prescribed operating limitations stated in the Rotorcraft Flight Manual (see § 6.741).

§ 6.211 *Flight load factors.* The flight load factors shall represent rotor load factors. The net load factor acting at the center of gravity of the rotorcraft shall be obtained by proper consideration of balancing loads acting in the specific flight conditions.

§ 6.212 *Maneuvering conditions.* The rotorcraft structure shall be designed for a positive maneuvering limit load factor of 3.5 and for a negative maneuvering limit load factor of 1.0, except that lesser values shall be allowed if the manufacturer shows by analytical study and flight demonstrations that the probability of exceeding the values selected is extremely remote. In no case shall the limit load factors be less than 2.5 positive and 0.5 negative. The resultant loads shall be assumed to be applied at the center(s) of the rotor hub(s) and to act in such directions as necessary to represent all critical maneuvering motions of the rotorcraft applicable to the particular type, including flight at the maximum design rotor tip speed ratio under power-on and power-off conditions.

§ 6.213 *Gust conditions.* The rotorcraft structure shall be designed to withstand the loading due to a vertical gust of 30 feet per second in velocity in conjunction with the critical rotorplane air speeds, including hovering.

CONTROL SURFACE AND SYSTEM LOADS

§ 6.220 *General.* The structure of all auxiliary rotors (antitorque and control), fixed or movable stabilizing and control surfaces, and all systems operating any flight controls shall be able to comply with the provisions of §§ 6.221 through 6.225.

§ 6.221 *Auxiliary rotor assemblies.* Auxiliary rotor assemblies shall be tested in accordance with the provisions of § 6.412 for rotor drives. In addition, auxiliary rotor assemblies with detachable blades shall be substantiated for centrifugal loads of twice those resulting when the rotor is driven by the engine at its maximum continuous speed. In the case of auxiliary rotors with highly stressed metal components, the vibration stresses shall be determined in flight, and it shall be demonstrated that these stresses do not exceed safe values for continuous operation.

§ 6.222 *Auxiliary rotor attachment structure.* The attachment structure for the auxiliary rotors shall be able to withstand a limit load equal to the maximum loads in the structure occurring under the flight and landing conditions.

§ 6.223 *Tail rotor guard.* When a tail rotor is provided on a rotorcraft it shall not be possible for the tail rotor to contact the landing medium during a normal landing. If a tail rotor guard is provided which will contact the landing medium during landings and thus prevent tail rotor contact, suitable design loads for the guard shall be established, and the guard and its supporting structure shall be able to withstand the established loads.

§ 6.224 *Stabilizing and control surfaces.* Stabilizing and control surfaces shall be designed to withstand the critical loading from maneuvers or from combined maneuver and gust. In no case shall the limit load be less than 15 lbs. per square foot or a load due to C_N=0.55 at the maximum design speed. The load distribution shall simulate closely the actual pressure distribution conditions.

§ 6.225 *Primary control systems.* Manual control systems shall comply with the following:

(a) From the pilot compartment to the stops which limit the range of motion of the pilots' controls, the controls shall be designed to withstand the limit pilot applied forces as set forth in subparagraphs (1) through (3) of this paragraph, unless it is shown that the pilot is unable to apply such loads to the system. In the latter event the system shall be designed for the maximum loads which the pilot is able to apply, except that in any case values less than 0.60 of those specified shall not be employed.

(1) Foot type controls—130 pounds,

(2) Stick type controls—fore and aft 100 pounds—laterally 67 pounds,

(3) Wheel type controls—fore and aft 100 pounds—laterally 53-pound couple applied on opposite sides of the control wheel.

(b) From the stops to the attachment of the control system to the rotor blades (or control areas) the control system shall be designed to withstand the maximum loads which can be obtained in normal operation of the rotorcraft, except that where jamming, ground gusts, control inertia, or friction can cause loads exceeding operational loads, the system shall support without yielding 0.60 of the loads specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section.

LANDING LOADS

§ 6.230 *Landing loads*—(a) *General.* The limit loads obtained in the landing conditions shall be considered as external forces which would occur in a rotorcraft structure if it were acting as a rigid body. In each of the conditions the external loads shall be placed in equilibrium with the linear and angular inertia forces in a rational or conservative manner. In applying the specified conditions the provisions of paragraphs (b) through (e) of this section shall be complied with.

(b) *Center of gravity positions.* The critical center of gravity positions within the certification limits shall be selected so that the maximum design loads in each of the landing gear elements are obtained.

(c) *Design weight.* The design weight used in the landing conditions shall not be less than the maximum weight of the rotorcraft less the weight of the rotor blades.

(d) *Load factor.* The structure shall be designed for a limit load factor not less than two-thirds of the value developed in the energy absorption tests specified in § 6.237, except in conditions in which other values of load factor are prescribed.

(e) *Landing gear position.* For landing gear arrangements where two wheels are located aft and one or more wheels are located forward of the center of gravity, the tires shall be assumed to be in their static position, and the shock absorbers shall be assumed to be in the most critical position unless otherwise prescribed.

§ 6.231 *Level landing conditions.* (a) Under loading conditions prescribed in paragraph (b) of this section, the rotorcraft shall be assumed to be in the following two level landing attitudes:

(1) All wheels contacting the ground simultaneously,

(2) The aft wheels contacting the ground while the forward wheel(s) being just clear of the ground.

(b) The following two level landing loading conditions shall be considered. Where the forward portion of the landing gear has two wheels, the total load applied to the forward wheels shall be divided between the two wheels in a 40:60 proportion:

(1) Vertical loads shall be applied in accordance with the provisions of § 6.230.

(2) The vertical loads specified in subparagraph (1) of this paragraph shall be combined with a drag load at each wheel. The drag loads shall not be less than 25 percent of the respective vertical loads.

§ 6.232 *Nose-up landing condition.* The rotorcraft shall be assumed in the maximum nose-up attitude permitting clearance of the ground by all parts of the rotorcraft. The ground loads shall be applied perpendicularly to the ground.

§ 6.233 *One-wheel landing condition.* The rotorcraft shall be assumed in the level attitude to contact the ground on one of the wheels located aft of the center of gravity. The vertical load shall be the same as that obtained on the one side in the condition specified in § 6.231 (b) (1). The unbalanced external loads shall be reacted by the inertia of the rotorcraft.

§ 6.234 *Side load landing conditions.* (a) The rotorcraft shall be assumed in the level landing attitude. The limit vertical and side loads shall be based upon load factors of 1.33 and 0.56 respectively. These loads shall be applied at the ground contact point, unless the landing gear is of the full-swivelling type in which case the loads shall be applied at the center of the axle. The conditions set forth in paragraphs (b) and (c) of this section shall be considered.

(b) Only the wheels aft of the c. g. shall be assumed to contact the ground. The vertical load shall be divided equally between the wheels. The side load shall be divided between the two wheels so that 60 percent of this load acts inboard on one wheel and 40 percent acts outboard on the other wheel.

(c) The forward and aft wheels shall be assumed to contact the ground simultaneously. The vertical and side loads on the aft wheels shall be divided in accordance with paragraph (a) of this section. Where the forward portion of the landing gear has two wheels, the loads applied to the forward wheels shall be divided between the two wheels in a 40:60 proportion.

§ 6.235 *Brake roll conditions.* The rotorcraft attitudes shall be assumed to be the same as those prescribed for the level landing conditions in § 6.231 (a), with the shock absorbers deflected to their static position. The limit vertical load shall be based upon a load factor of 1.33. A drag load equal to the vertical load multiplied by a coefficient of friction of 0.8 shall be applied at the ground contact point of each wheel equipped with brakes, except that the drag load need not exceed the maximum value based on limiting brake torque.

§ 6.236 *Taxying condition.* The rotorcraft and its landing gear shall be designed for loads which occur when the rotorcraft is taxied over the roughest ground which it is reasonable to expect in normal operation.

§ 6.237 *Energy absorption for landing conditions.* The landing gear shall be capable of absorbing the energy of a free drop from a height of 20 inches measured from the bottom of the tires to the ground, except that a lesser height shall be acceptable if the value chosen is shown to exceed by at least $\sqrt{1.5}$ the value corresponding with the greatest probable sinking speed of the rotorcraft at ground contact in power-off landings likely to be made by pilots of average skill. In no case shall the drop height be less than 12 inches. It shall be acceptable to neglect the weight of the rotor blades in the drop test. The maximum drop test acceleration developed at the c. g. of the rotorcraft shall be determined in this test.

§ 6.240 *Ski landing conditions.* The structure of a rotorcraft equipped with skis shall be designed in compliance with the loading conditions set forth in paragraphs (a) through (c) of this section:

(a) *Up load conditions.* (1) A vertical load of Pn and a horizontal load of $Pn/4$ shall be applied simultaneously at the pedestal bearings, P being the maximum static weight on each ski when the rotorcraft is loaded to the maximum design weight. The limit load factor n shall be determined in accordance with § 6.230 (d).

(2) A vertical load equal to 1.33 P shall be applied at the pedestal bearings. (For P see subparagraph (1) of this paragraph.)

(b) *Side load condition.* A side load of 0.35 Pn shall be applied in a horizontal plane perpendicular to the center line of the rotorcraft at the pedestal bearings. (For P see paragraph (a) (1) of this section.)

(c) *Torque load condition.* A torque load equal to 1.33 P (foot-pounds) shall be applied to the ski about the vertical axis through the center line of the pedestal bearings. (For P see paragraph (a) (1) of this section.)

§ 6.245 *Float landing conditions.* The structure of a rotorcraft equipped with floats shall be designed in compliance with the loading conditions set forth in paragraphs (a) and (b) of this section:

(a) *Up load conditions.* (1) With the rotorcraft assumed in the static level attitude a load shall be applied so that the resultant water reaction passes vertically through the center of gravity of the rotorcraft. The limit load factor shall be determined in accordance with § 6.230 (d).

(2) The vertical load prescribed in subparagraph (1) of this paragraph shall be applied together with an aft component equal to 0.25 the vertical component.

(b) *Side load condition.* The vertical load prescribed in paragraph (a) (1) of this section, divided equally between the floats, shall be applied together with a side component equal to 0.25 the total vertical load. The total side component shall be applied to one float only.

MAIN COMPONENT REQUIREMENTS

§ 6.250 *Main rotor structure.* The requirements of paragraphs (a) through (f) of this section shall apply to the main rotor assemblies including hubs and blades.

(a) The hubs, blades, blade attachments, and blade controls which are subject to alternating stresses shall be designed to withstand repeated loading conditions. The stresses of critical parts shall be determined in flight in all attitudes appropriate to the type rotorcraft throughout the ranges of limitations prescribed in § 6.204. The service life of such parts shall be determined by fatigue tests or by other methods found acceptable by the Administrator.

(b) The main rotor structure shall be designed to withstand the critical flight loads prescribed in §§ 6.210 through 6.213.

(c) The main rotor structure shall be designed to withstand the limit loads prescribed in §§ 6.210 through 6.213 under conditions of autorotation necessary for normal operation. The rotor rpm used shall be such as to include the effects of altitude.

(d) The rotor blades, hubs, and flapping hinges shall be designed to withstand a loading condition simulating the force of the blade impact against its stop during operation on the ground.

(e) The rotor assembly shall be designed to withstand loadings simulating other critical conditions which might be encountered in normal operation.

(f) The rotor assembly shall be designed to withstand, at all rotational speeds including zero, the maximum torque likely to be transmitted thereto in both directions. If a torque limiting device is provided in the transmission system the design limit torque need not be greater than the torque defined by the limiting device, except that in no case shall the design limit torque be less than the limit torque specified in § 6.251 (c). The design torque shall be distributed to the rotor blades in a rational manner.

§ 6.251 *Fuselage, landing gear, and rotor pylon structure.* The requirements of paragraphs (a) through (c) of this section shall apply to the fuselage, landing gear, and rotor pylon structure:

(a) The structure shall be designed to withstand the critical loads prescribed in §§ 6.210 through 6.213. It shall be permissible to represent the resultant rotor force as a single force applied at the hub attachment point. The balancing and inertia loads occurring under the accelerated flight conditions as well as the thrust from auxiliary rotors shall be considered.

(b) The structure shall be designed to withstand the applicable ground loads prescribed in §§ 6.230 through 6.245.

(c) The engine mount and adjacent fuselage structure shall be designed to withstand loads occurring in the rotorcraft under the accelerated flight and landing conditions, including the effects of engine torque loads. In the case of engines having 5 or more cylinders, the limit torque shall be obtained by multiplying the mean torque by a factor of 1.5. For 4-, 3-, and 2-cylinder engines the factors shall be 2, 3, and 4, respectively.

(d) The structure shall be designed to withstand the loads prescribed in § 6.250 (d) and (f).

EMERGENCY LANDING CONDITIONS

§ 6.260 *General.* The requirements of paragraphs (a) through (c) of this section deal with emergency conditions of landing on land or water in which the safety of the occupants shall be considered, although it is accepted that parts of the rotorcraft may be damaged.

(a) The structure shall be designed to give every reasonable probability that all of the occupants, if they make proper use of the seats, belts, and other provisions made in the design (see § 6.355), will escape serious injury in the event of a minor crash landing (with wheels up if the rotorcraft is equipped with retractable landing gear) in which the occupants experience the following ultimate inertia forces relative to the surrounding structure.

(1) Upward, 1.5*g* (Downward, 4.0g),

(2) Forward, 4.0*g*,

(3) Sideward, 2.0*g*.

(b) The use of a lesser value of the downward inertia force specified in paragraph (a) of this section shall be acceptable if it is shown that the rotorcraft structure can absorb the landing loads corresponding with the design maximum weight and an ultimate descent velocity of 5 fps without exceeding the value chosen.

(c) The inertia forces specified in paragraph (a) of this section shall be applied to all items of mass which would be apt to injure the passengers or crew if such items became loose in the event of a minor crash landing, and the supporting structure shall be designed to restrain these items.

SUBPART D—DESIGN AND CONSTRUCTION

GENERAL

§ 6.300 *Scope.* The rotorcraft shall not incorporate design features or details which experience has shown to be hazardous or unreliable. The suitability of all questionable design details or parts shall be established by tests.

§ 6.301 *Materials.* The suitability and durability of all materials used in the rotorcraft structure shall be established on the basis of experience or tests. All materials used in the rotorcraft structure shall conform to approved specifications which will insure their having the strength and other properties assumed in the design data.

§ 6.302 *Fabrication methods.* The methods of fabrication employed in constructing the rotorcraft structure shall be such as to produce a consistently sound structure. When a fabrication process such as gluing, spot welding, or heat treating requires close control to attain this objective, the process shall be performed in accordance with an approved process specification.

§ 6.303 *Standard fastenings.* All bolts, pins, screws, and rivets used in the structure shall be of an approved type. The use of an approved locking device or method is required for all such bolts, pins, and screws. Self-locking nuts shall not be used on bolts which are subject to rotation in operation.

§ 6.304 *Protection.* (a) All members of the structure shall be suitably protected against deterioration or loss of strength in service due to weathering, corrosion, abrasion, or other causes.

(b) Provision for ventilation and drainage of all parts of the structure shall be made where necessary for protection.

(c) In rotorcraft equipped with floats, special precautions shall be taken against corrosion from salt water, particularly where parts made from different metals are in close proximity.

§ 6.305 *Inspection provisions.* Means shall be provided to permit the close examination of those parts of the rotorcraft which require periodic inspection, adjustment for proper alignment and functioning, and lubrication of moving parts.

§ 6.306 *Material strength properties and design values.* (a) Material strength properties shall be based on a sufficient number of tests of material conforming to specifications to establish design values on a statistical basis.

(b) The design values shall be so chosen that the probability of any structure being understrength because of material variations is extremely remote.

(c) ANC–5a and ANC–18 values shall be used unless shown to be inapplicable in a particular case.[4]

(d) The structure shall be designed in so far as practicable to avoid points of stress concentration where variable stresses above the fatigue limit are likely to occur in normal service.

§ 6.307 *Special factors*—(a) *General.* Where there is uncertainty concerning the actual strength of a particular part of the structure, or where the strength is likely to deteriorate in service prior to

[4] ANC–5a, "Strength of Metal Aircraft Elements," and ANC–18, "Design of Wood Aircraft Structures," are published by the Army-Navy-Civil Committee on Aircraft Design Criteria and may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

normal replacement of the part, or where the strength is subject to appreciable variability due to uncertainties in manufacturing processes and inspection methods, the factor of safety prescribed in § 6.200 (b) shall be multiplied by a special factor of a value such as to make the probability of the part being understrength from these causes extremely remote. The special factors set forth in paragraphs (b) through (d) of this section shall be used for this purpose.

(b) *Casting factors.* (1) Where only visual inspection of a casting is to be employed, the casting factor shall be 2.0, except that it need not exceed 1.25 with respect to bearing stresses.

(2) It shall be acceptable to reduce the factor of 2.0 specified in subparagraph (1) of this paragraph to a value of 1.25 if such a reduction is substantiated by testing at least three sample castings and if the sample castings as well as all production castings are visually and radiographically inspected in accordance with an approved inspection specification. During these tests the samples shall withstand the ultimate load multiplied by the factor of 1.25 and in addition shall comply with the corresponding limit load multiplied by a factor of 1.15.

(3) Casting factors other than those contained in subparagraphs (1) and (2) of this paragraph shall be acceptable if they are found to be appropriately related to tests and to inspection procedures.

(4) A casting factor need not be employed with respect to the bearing surface of a part if the bearing factor used (see paragraph (c) of this section) is of greater magnitude than the casting factor.

(c) *Bearing factors.* (1) Bearing factors shall be used of sufficient magnitude to provide for the effects of normal relative motion between parts and in joints with clearance (free fit) which are subject to pounding or vibration.

(2) A bearing factor need not be employed on a part if another special factor prescribed in this section is of greater magnitude than the bearing factor.

(d) *Fitting factors.* (1) A fitting factor of at least 1.15 shall be used on all fittings the strength of which is not proven by limit and ultimate load tests in which the actual stress conditions are simulated in the fitting and the surrounding structure. This factor shall apply to all portions of the fitting, the means of attachment, and the bearing on the members joined.

(2) In the case of integral fittings the part shall be treated as a fitting up to the point where the section properties become typical of the member.

(3) The fitting factor need not be employed where a type of joint made in accordance with approved practices is based on comprehensive test data, e. g. continuous joints in metal plating, welded joints, and scarf joints in wood.

(4) A fitting factor need not be employed with respect to the bearing surface of a part if the bearing factor used (see paragraph (c) of this section) is of greater magnitude than the fitting factor.

MAIN ROTOR

§ 6.310 *Main rotor blades; pressure venting and drainage.* Internal pressure venting of the main rotor blades shall be provided. Drain holes shall be provided and, in addition, the blades shall be designed to preclude the possibility of water becoming trapped in any section of the blade.

§ 6.311 *Stops.* The rotor blades shall be provided with stops, as required for the particular design, to limit the travel of the blades about their various hinges. Provision shall be made to keep the blades from hitting the droop stops except during the starting and stopping of the rotor.

§ 6.312 *Rotor and blade balance.* Rotors and blades shall be mass balanced to the degree necessary to prevent excessive vibrations and to safeguard against flutter at all speeds up to the maximum forward speed.

CONTROL SYSTEMS

§ 6.320 *General.* All controls and control systems shall operate with ease, smoothness, and positiveness appropriate to their function. (See also §§ 6.350 and 6.353.)

§ 6.321 *Control system stops.* (a) All control systems shall be provided with stops which positively limit the range of motion of the pilot's controls.

(b) Control system stops shall be so located in the system that wear, slackness, or take-up adjustments will not appreciably affect the range of travel.

(c) Control system stops shall be capable of withstanding the loads corresponding with the design conditions for the control system.

§ 6.322 *Control system locks.* If a device is provided for locking the control system while the rotorcraft is on the ground or water, the provisions of paragraphs (a) and (b) of this section shall apply.

(a) A means shall be provided to give unmistakable warning to the pilot when the locking device is engaged.

(b) Means shall be provided to preclude the possibility of the lock becoming engaged during flight.

§ 6.323 *Static tests.* Tests shall be conducted on control systems to show compliance with limit load requirements in accordance with the provisions of paragraphs (a) through (c) of this section:

(a) The direction of the test loads shall be such as to produce the most severe loading in the control system.

(b) The tests shall include all fittings, pulleys, and brackets used in attaching the control system to the main structure.

(c) Analyses or individual load tests shall be conducted to demonstrate compliance with the special factor requirements for control system joints subjected to angular motion. (See §§ 6.307 and 6.325.)

§ 6.324 *Operation tests.* An operation test shall be conducted for each control system by operating the controls from the pilot compartment with the entire system loaded to correspond with loads specified for the control system. In this test there shall be no jamming, excessive friction, or excessive deflection.

§ 6.325 *Control system details.* All details of control systems shall be designed and installed to prevent jamming, chafing, and interference from cargo, passengers, and loose objects. Precautionary means shall be provided in the cockpit to prevent the entry of foreign objects into places where they would jam the control systems. Provisions shall be made to prevent the slapping of cables or tubes against other parts of the rotorcraft.

§ 6.326 *Spring devices.* The reliability of any spring devices used in the control system shall be established by tests simulating service conditions, unless it is demonstrated that failure of the spring will not cause flutter or unsafe flight characteristics.

§ 6.327 *Autorotation control mechanism.* The main rotor blade pitch control mechanism shall be arranged to permit rapid entry into autorotative flight in the event of power failure.

LANDING GEAR

§ 6.335 *Wheels.* Landing gear wheels shall be of an approved type and shall have limit load ratings equal to or greater than the limit loads determined in accordance with §§ 6.230 through 6.237.

§ 6.336 *Brakes.* A braking device shall be installed, controllable by the pilot and usable during power-off landings, which is adequate to insure:

(a) Counteraction of any normal unbalanced torque when starting or stopping the rotor,

(b) Holding the rotorcraft parked on a 10° slope on a dry, smooth pavement.

§ 6.337 *Tires.* Landing wheel tires shall be of an approved type. The maximum static load rating of the tire shall not be less than the static ground reaction obtained at the wheel, assuming the maximum design weight concentrated at the most unfavorable center of gravity position.

§ 6.338 *Skis.* Skis shall be of an approved type. The approved rating of the skids shall not be less than the maximum weight of the rotorcraft on which they are installed.

§ 6.339 *Ski installation.* (a) When used, a ski installation shall include a trimming gear and a restraining gear.

(b) The trimming gear shall be designed to maintain the ski in an appropriate position during flight. It shall have sufficient strength to withstand the maximum aerodynamic and inertia loads to which the ski is subjected.

(c) The restraining gear and the structure to which it is attached shall be designed to withstand a vertical load equal to 0.8 times the static vertical load on the ski, applied first at the forward end of the flat portion of the ski and secondly at the aft end of the flat portion. The restraining gear shall limit the angular travel of the ski, with the shock absorber both in the extended and the fully compressed positions, to such values as will accommodate the position assumed by the ski in the conditions set

forth in subparagraphs (1) and (2) of this paragraph:

(1) When the rotorcraft encounters an uphill slope of 7.5° max. in a level attitude.

(2) When the rotorcraft encounters a downhill slope of 7.5° max. in a tail-down position.

FLOATS

§ 6.340 *Buoyancy (main floats).* (a) Main floats shall have a buoyancy in excess of that required to support the maximum weight of the rotorcraft in fresh water as follows:

(1) 50 percent in the case of single floats,

(2) 60 percent in the case of double floats.

(b) Main floats for use on rotorcraft of 2,500 pounds or more maximum weight shall contain at least 5 watertight compartments of approximately equal volume. Main floats for use on rotorcraft of less than 2,500 pounds maximum weight shall contain at least four such compartments.

§ 6.341 *Float strength.* Floats shall be designed for the conditions set forth in paragraphs (a) and (b) of this section:

(a) *Bag type floats.* Bag type floats shall withstand the maximum pressure differential which might be developed at the maximum altitude for which the rotorcraft is designed. In addition, the float shall withstand the maximum expected vertical load distributed along the length of the bag over three-quarters of the projected bag area.

(b) *Rigid floats.* Rigid type floats shall withstand the maximum expected vertical, horizontal, and side loads. An appropriate load distribution under critical conditions shall be used.

PERSONNEL AND CARGO ACCOMMODATIONS

§ 6.350 *Pilot compartment; general.* (a) The arrangement of the pilot compartment and its appurtenances shall provide safety and assurance that the pilot will be able to perform all of his duties and operate the controls in the correct manner without unreasonable concentration and fatigue.

(b) When provision is made for a second pilot, the rotorcraft shall be controllable with equal safety from both seats.

(c) The pilot compartment shall be constructed to prevent leakage likely to be distracting to the crew or harmful to the structure when flying in rain or snow.

(d) Vibration and noise characteristics of cockpit appurtenances shall not interfere with the safe operation of the rotorcraft.

§ 6.351 *Pilot compartment vision.* The pilot compartment shall be arranged to afford the pilot a sufficiently extensive, clear, and undistorted view for the safe operation of the rotorcraft. During flight in a moderate rain condition the pilot shall have an adequate view of the flight path in normal flight and landing, and have sufficient protection from the elements so that his vision is not unduly impaired. The pilot compartment shall be free of glare and reflections which would interfere with the pilot's vision. For rotorcraft intended for night operation, the demonstration of these qualities shall include night flight tests.

§ 6.352 *Pilot windshield and windows.* All glass panes shall be of a nonsplintering safety type.

§ 6.353 *Controls.* (a) All cockpit controls shall be located to provide convenience in operation and in a manner tending to prevent confusion and inadvertent operation. (See also § 6.737.)

(b) The controls shall be so located and arranged with respect to the pilots' seats that there exists full and unrestricted movement of each control without interference from either the cockpit structure or the pilots' clothing when seated. This shall be demonstrated for individuals ranging from 5' 2" to 6' 0" in height.

§ 6.354 *Doors.* Closed cabins shall be provided with at least one adequate and easily accessible external door. No passenger door shall be so located with respect to the rotor discs as to endanger persons using the door.

§ 6.355 *Seats and berths.* On rotorcraft, manufactured on or after the effective date of this part, all seats and berths, including their supporting structure shall be designed for the loads resulting from all specified flight and landing conditions, including the emergency landing conditions of § 6.260. Reactions from safety belts and harnesses shall be taken into account.

§ 6.356 *Cargo and baggage compartments.* (See also § 6.382.) (a) Each cargo and baggage compartment shall be designed for the placarded maximum weight of contents and the critical load distributions at the appropriate maximum load factors corresponding with all specified flight and ground load conditions, excluding the emergency landing conditions of § 6.260.

(b) Provisions shall be made to prevent the contents in the compartments from becoming a hazard by shifting under the loads specified in paragraph (a) of this section.

(c) Provisions shall be made to protect the passengers and crew from injury by the contents of any compartment when the ultimate inertia force acting forward is 4g.

§ 6.357 *Emergency exits.* (a) Closed cabins on rotorcraft carrying more than 5 persons shall be provided with an emergency exit. An additional exit or exits shall be provided where the total seating capacity is more than 15. Emergency exits shall comply with the provisions of subparagraphs (1) through (6) of this paragraph. (See also § 6.738 (c)):

(1) An emergency exit shall consist of a movable window or panel or of an additional external door which provides a clear and unobstructed opening, the minimum dimensions of which shall be such that a 19 by 26 inch ellipse may be completely inscribed therein.

(2) An exit shall be readily accessible, shall not require exceptional agility of a person using it, and shall be so located as to facilitate egress without crowding in all probable attitudes resulting from a crash.

(3) The method of opening an emergency exit shall be simple and obvious, and the exit shall be so arranged and marked as to be readily located and operated even in darkness.

(4) Reasonable provisions shall be made against the jamming of emergency exits as a result of fuselage deformation.

(5) The emergency exit, or second door, shall be on the opposite side of the cabin from the main door.

(6) The proper functioning of emergency exits shall be demonstrated by tests.

§ 6.358 *Ventilation.* The ventilating system for the pilot and passenger compartments shall be so designed as to preclude the presence of excessive quantities of fuel fumes and carbon monoxide. The concentration of carbon monoxide shall not exceed 1 part in 20,000 parts of air under conditions of forward flight or hovering in zero wind. For other conditions of operation, if the carbon monoxide concentration exceed this value, suitable operating restrictions shall be provided.

FIRE PREVENTION

§ 6.380 *General.* The fire prevention requirements of this subpart apply to personnel and cargo compartments. Additional fire prevention requirements are prescribed in Subpart E, Powerplant Installation, and Subpart F, Equipment.

§ 6.381 *Cabin interiors.* All compartments occupied or used by the crew or passengers shall comply with the provisions of paragraphs (a) through (c) of this section:

(a) The materials in no case shall be less than flash-resistant.

(b) The wall and ceiling linings, the covering of all upholstering, floors, and furnishings shall be flame-resistant.

(c) Compartments where smoking is to be permitted shall be equipped with ash trays of the self-contained type which are completley removable. All other compartments shall be placarded against smoking.

§ 6.382 *Cargo and baggage compartments.* Cargo and baggage compartments which are remote from the pilot compartment shall be completely lined with fire resistant material, except that additional lining of flame-resistant material may be employed.

§ 6.383 *Heating systems*—(a) *General.* Heating systems involving the passage of cabin air over or in close proximity to the exhaust manifold shall not be used unless adequate precautions are incorporated in the design to prevent the introduction of carbon monoxide into the cabin or pilot compartment.

(b) *Heat exchangers.* Heat exchangers shall be constructed of suitable materials, shall be cooled adequately under all conditions, and shall be capable of easy disassembly for inspection.

(c) *Combustion heaters.* Gasoline-operated combustion heaters shall be of an approved type and shall be installed so as to comply with the applicable sections of the powerplant installation requirements covering fire hazards and precautions. All applicable requirements concerning fuel tanks, lines, and exhaust systems shall be considered. (See §§ 6.422 through 6.428 and 6.463.)

§ 6.384 *Fire protection of flight controls.* All primary flight controls passing through the engine compartment shall be constructed of fireproof material or shall be enclosed in a suitably ventilated and drained enclosure of 0.012-inch nominally thick stainless steel or material of equivalent fireproof qualities.

MISCELLANEOUS

§ 6.390 *Leveling marks.* Reference marks shall be provided for use in leveling the rotorcraft to facilitate weight and balance determinations on the ground.

§ 6.391 *Ballast provisions.* Ballast provisions shall be so designed and constructed as to prevent the inadvertent shifting of the ballast in flight. (See also §§ 6.105, 6.738, and 6.741 (c).)

SUBPART E—POWERPLANT INSTALLATION

GENERAL

§ 6.400 *Scope*—(a) *General.* The powerplant installation shall be considered to include all components of the rotorcraft which are necessary for its propulsion with the exception of the structure of the main and auxiliary rotors. It shall also be considered to include all components which affect the control of the major propulsive units or which affect their safety of operation between normal inspections or overhaul periods. (See §§ 6.604 and 6.613 for instrument installation and marking.) The requirements of paragraphs (b) through (d) of this section shall be applicable to all powerplants.

(b) All components of the powerplant installation shall be constructed, arranged, and installed in a manner which will assure their continued safe operation between normal inspections or overhaul periods.

(c) Accessibility shall be provided to permit such inspection and maintenance as is necessary to assure continued airworthiness.

(d) Electrical interconnections shall be provided to prevent the existence of differences of potential between major components of the powerplant installation and other portions of the rotorcraft.

§ 6.401 *Engine type certification.* All engines shall be type certificated in accordance with the provisions of Part 13 of this chapter.

§ 6.402 *Engine vibration.* The engine shall be installed to preclude harmful vibration of any of the engine parts or of any of the components of the rotorcraft. It shall be demonstrated by means of a vibration investigation that the addition of the rotor and the rotor drive system to the engine does not result in modification of engine vibration characteristics to the extent that the principal rotating portions of the engine are subjected to excessive vibratory stresses. It shall also be demonstrated that no portion of the rotor drive system is subjected to excessive vibratory stresses.

ROTOR DRIVE SYSTEM

§ 6.410 *Rotor drive mechanism.* The rotor drive mechanism shall incorporate a unit which will automatically disengage the rotor drive and engine from the main and auxiliary rotors in the event of power failure. The rotor drive mechanism shall be so arranged that all rotors necessary for control of the rotorcraft in autorotative flight will continue to be driven by the main rotor(s) after disengagement of the engine and rotor drive from the main and auxiliary rotors. If a torque limiting device is employed in the rotor drive system (see § 6.250 (f)), such device shall be located to permit continued control of the rotorcraft after it becomes operative.

§ 6.411 *Rotor brakes.* If a means is provided to control the rotation of the rotor drive system independent of the engine, the limitations on the use of such means shall be specified, and the control for this means shall be guarded to prevent inadvertent operation.

§ 6.412 *Rotor drive and control mechanism endurance tests.* (a) The rotor drive and control mechanism shall be tested for not less than 100 hours. The test shall be conducted on the rotorcraft, and the power shall be absorbed by the actual rotors to be installed, except that the use of other ground or flight test facilities with any other appropriate method of power absorption shall be acceptable provided that all conditions of support and vibration closely simulate the conditions which would exist during a test on the actual rotorcraft. The endurance tests shall include the tests required by paragraphs (b) through (g) of this section.

(b) A 60-hour portion of the endurance test shall be run at not less than the maximum continuous engine speed in conjunction with maximum continuous engine power. In this test the main rotor shall be set in the position which will give maximum longitudinal cyclic pitch change to simulate forward flight. The auxiliary rotor controls shall be in the position for normal operation under the conditions of the test.

(c) A 30-hour portion of the endurance test shall be run at not less than 90 percent of maximum continuous engine speed and 75 percent of maximum continuous engine power. The main and auxiliary rotor controls during this test shall be in the same position as prescribed in paragraph (b) of this section.

(d) A 10-hour portion of the endurance test shall be run at not less than take-off engine power and speed. The main and auxiliary rotor controls shall be in the normal position for vertical ascent during this test.

(e) The portions of the endurance test prescribed in paragraphs (b) and (c) of this section shall be conducted in intervals of not less than 30 minutes and may be accomplished either on the ground or in flight. The portion of the endurance test prescribed in paragraph (d) of this section may be conducted in intervals of 5 minutes or more.

(f) At intervals of not more than every 5 hours during the endurance tests prescribed in paragraphs (b), (c), and (d) of this section the engine shall be stopped rapidly enough to allow the engine and rotor drive to be automatically disengaged from the rotors.

(g) There shall be accomplished under the operating conditions specified in paragraph (b) of this section 500 complete cycles of lateral control and 500 complete cycles of longitudinal control of the main rotors, and 500 complete cycles of control of all auxiliary rotors. A complete control cycle shall be considered to involve movement of the controls from the neutral position, through both extreme positions, and back to the neutral position. The control cycling may be accomplished during the testing prescribed in paragraph (b) of this section or may be accomplished separately.

§ 6.413 *Additional tests.* Such additional dynamic, endurance, and operational tests or vibratory investigations shall be conducted as are found necessary by the Administrator to substantiate the airworthiness of the rotor drive mechanism.

§ 6.414 *Shafting critical speeds.* An investigation shall be made to determine that the critical speeds of all shafting lie outside the range of permissible engine speeds under idling, power-on, and autorotative conditions. It shall be demonstrated by actual operation that this condition is satisfied with the mechanism installed in the rotorcraft.

§ 6.415 *Shafting joints.* All universal joints, slip joints, and other shafting joints shall have provision for lubrication, unless it is demonstrated that lack of lubrication will have no adverse effect on the operation of the rotorcraft.

FUEL SYSTEM

§ 6.420 *Capacity and feed.* The usable fuel capacity shall not be less than 0.15 gallon per maximum continuous horsepower for which the rotorcraft is to be certificated. Gravity feed or mechanical pumping of fuel shall be employed. Air-pressure fuel systems shall not be allowed. The fuel supply system shall be arranged so that, in so far as practicable, the entire fuel supply can be utilized in the maximum inclinations of the fuselage for any sustained conditions of flight, and so that the feed ports will not be uncovered during normal maneuvers involving moderate rolling or sideslipping. The system shall also feed fuel promptly after one tank has run dry and another tank is turned on.

§ 6.421 *Unusable fuel supply.* The unusable fuel supply in each tank shall be that quantity at which the first evidence of malfunctioning occurs in any sustained flight condition at the most critical weight and center of gravity position within the approved limitations. The unusable fuel supply shall be determined for each tank used in normal operation. (See also §§ 6.104, 6.736, and 6.741 (e).)

§ 6.422 *Fuel tank construction and installation.* Fuel tanks shall be designed and installed in accordance with the provisions of paragraphs (a) through (e) of this section:

(a) Fuel tanks shall be capable of withstanding without failure all vibra-

tion, inertia, fluid, and structural loads to which they may be subjected in operation.

(b) Fuel tanks shall be capable of withstanding, without failure or leakage, an internal pressure equal to the pressure developed during the maximum limit acceleration with full tanks, except that in no case shall the minimum internal pressure be less than 3.5 lb./sq. in. for conventional type tanks or less than 2.0 lb./sq. in. for bladder type tanks.

(c) Fuel tanks of 10 gallons or greater capacity shall incorporate internal baffles unless external support is provided to resist surging.

(d) Fuel tanks shall be separated from the engine compartment by a fire wall. At least one-half inch clear air space shall be provided between the tank and fire wall.

(e) Spaces adjacent to the surfaces of fuel tanks shall be ventilated so that fumes cannot accumulate in the tank compartment in case of leakage. If two or more tanks have their outlets interconnected, they shall be considered as one tank. The air spaces in such tanks shall be interconnected to prevent the flow of fuel from one tank to another as a result of a difference in pressure in the respective tank air spaces.

§ 6.423 *Fuel tank details*—(a) *Expansion space.* Fuel tanks shall be provided with an expansion space of not less than 2 percent of the tank capacity. It shall not be possible to fill the fuel tank expansion space inadvertently when the rotorcraft is in the normal ground attitude.

(b) *Sump.* Each fuel tank shall incorporate a sump and drain located at the point in the tank which is the lowest when the rotorcraft is in the normal ground attitude. The main fuel supply shall not be drawn from the bottom of the sump.

(c) *Filler connection.* The design of fuel tank filler connections shall be such as to prevent the entrance of fuel into the fuel tank compartment or to any other portion of the rotorcraft other than the tank itself. (See also § 6.738 (b) (1).)

(d) *Vents.* Fuel tanks shall be vented from the top portion of the expansion space in such a manner that venting of the tank is effective under all normal flight conditions. The air vents shall be arranged to minimize the possibility of stoppage by dirt or ice formation.

(e) *Outlet.* Fuel tank outlets shall be provided with large-mesh finger strainers.

§ 6.424 *Fuel pumps.* If a mechanical pump is employed, an emergency pump shall also be installed to be available for immediate use in case of failure of the mechanical pump. Pumps of appropriate capacity may also be used for pumping fuel from an auxiliary tank to a main fuel tank. Mechanical pump systems shall be so arranged that they cannot feed from more than one tank at a time.

§ 6.425 *Fuel system lines and fittings.* (a) Fuel lines shall be installed and supported to prevent excessive vibration and to withstand loads due to fuel pressure and due to accelerated flight conditions.

(b) Fuel lines which are connected to components of the rotorcraft between which relative motion could exist shall incorporate provisions for flexibility.

(c) Flexible hose shall be of an approved type.

(d) All fuel lines and fittings shall be of sufficient size so that the fuel flow, with the fuel being supplied to the carburetor at the minimum pressure for proper carburetor operation, is not less than the following:

(1) For gravity feed systems: double the normal flow required to operate the engine at take-off power;

(2) For pump systems: 1.5 times the normal flow required to operate the engine at take-off power.

(e) A test for proof of compliance with the applicable flow requirements shall be conducted.

§ 6.426 *Valves.* A positive and quick-acting valve which will shut off all fuel to each engine individually shall be provided. The control for this valve shall be within easy reach of appropriate flight personnel. In the case of rotorcraft employing more than one source of fuel supply, provision shall be made for independent feeding from each source. The shutoff valve shall not be located closer to the engine than the remote side of the fire wall.

§ 6.427 *Strainers.* A strainer incorporating a sediment trap and drain shall be provided in the fuel system between the fuel tanks and the engine and shall be installed in an accessible position. The screen shall be easily removable for cleaning. If an engine-driven fuel pump is provided, the strainer shall be located between the fuel tank and the pump.

§ 6.428 *Drains.* One or more accessible drains shall be provided at the lowest point in the fuel system to drain completely all parts of the system when the rotorcraft is in its normal position on level ground. Such drains shall discharge clear of all parts of the rotorcraft and shall be equipped with safety locks to prevent accidental opening.

§ 6.429 *Fuel quantity indicator.* The fuel quantity indicator (see § 6.613 (b)) shall be installed to indicate clearly to the flight crew the quantity of fuel in each tank while in flight. When two or more tanks are closely interconnected by a gravity feed system and vented, and when it is impossible to feed from each tank separately, only one fuel quantity indicator need be installed. If exposed sight gauges are employed they shall be installed and guarded to preclude the possibility of breakage or damage.

OIL SYSTEM

§ 6.440 *General.* (a) Each engine shall be provided with an independent oil system capable of supplying the engine with an appropriate quantity of oil at a temperature not exceeding the maximum which has been established as safe for continuous operation. (For oil system instruments see §§ 6.604 and 6.735.)

(b) The usable oil capacity shall not be less than the product of the endurance of the rotorcraft under critical operating conditions and the maximum oil consumption of the engine under the same conditions, to which product a suitable margin shall be added to assure adequate circulation and cooling of the oil system. In lieu of a rational analysis of rotorcraft endurance and oil consumption, the total oil capacity of 1 gallon for each 30 gallons of fuel capacity shall be considered acceptable.

(c) The ability of the oil cooling provisions to maintain the oil inlet temperature to the engine at or below the maximum established value shall be demonstrated by flight tests.

§ 6.441 *Oil tank construction and installation.* Oil tanks shall be designed and installed in accordance with the provisions of paragraphs (a) through (e) of this section:

(a) Oil tanks shall be capable of withstanding without failure all vibration, inertia, fluid, and structural loads to which they may be subjected in operation.

(b) Oil tanks shall be capable of withstanding without failure or leakage an internal pressure of 5 lbs/sq. in.

(c) Oil tanks shall be provided with an expansion space of not less than 10 percent of the tank capacity, nor less than one-half gallon.

(d) Oil tanks shall be vented.

(e) Provision shall be made in the filler opening to prevent oil overflow from entering the compartment in which the oil tank is located. (See also § 6.738 (b) (2).)

§ 6.442 *Oil lines and fittings.* (a) Oil lines shall be supported to prevent excessive vibration.

(b) Oil lines which are connected to components of the rotorcraft between which relative motion could exist shall incorporate provisions for flexibility.

(c) Flexible hose shall be of an approved type.

(d) Oil lines shall have an inside diameter not less than the inside diameter of the engine inlet or outlet, and shall have no splices between connections.

§ 6.443 *Oil drains.* One or more accessible drains shall be provided at the lowest point in the oil system to drain completely all parts of the system when the rotorcraft is in its normal position on level ground. Such drains shall discharge clear of all parts of the rotorcraft and shall be equipped with safety locks to prevent accidental opening.

§ 6.444 *Oil quantity gauge.* An oil quantity indicator (see § 6.735) shall be installed to indicate during the filling operation the amount of oil in the oil tank.

§ 6.445 *Oil temperature indication.* A means shall be provided for measuring during flight the oil temperature at the engine inlet. If a separate oil system is provided for the main rotor drive, a means shall also be provided to give a warning in flight when the oil temperature has exceeded a safe value. (See § 6.604.)

§ 6.446 *Oil pressure indication.* If the main rotor drive incorporates an independent oil pressure system, a means shall be provided to give a warning in flight when the oil pressure has fallen below a safe value.

COOLING SYSTEM

§ 6.450 *General.* The cooling system shall be capable of maintaining engine temperatures within safe operating limits under all conditions of flight during a period at least equal to that established by the fuel capacity of the rotorcraft, assuming normal engine power and speeds.

§ 6.451 *Cooling tests.* Compliance with the provisions of § 6.450 shall be demonstrated in flight tests in which engine temperature measurements are obtained under critical flight conditions. Such tests shall be conducted in air at temperatures corresponding with the maximum anticipated air temperatures as specified in paragraph (a) of this section. If the tests are conducted under conditions which deviate from the maximum anticipated air temperature, the recorded powerplant temperatures shall be corrected in accordance with the provisions of paragraphs (b) and (c) of this section. The corrected temperatures determined in this manner shall not exceed the maximum established safe values. The fuel used during the cooling tests shall be of the minimum octane number approved for the engines involved, and the mixture settings shall be those used in normal operation:

(a) *Maximum anticipated air temperature.* The maximum anticipated air temperature (hot day condition) shall be 100° F. at sea level, decreasing from this value at the rate of 3.6° F. per thousand feet of altitude above sea level until a temperature of −67° F. is reached above which altitude the temperature shall be constant at −67° F.

(b) *Correction factor for cylinder head and oil inlet temperatures.* The cylinder head and oil inlet temperatures shall be corrected by adding the difference between the maximum anticipated air temperature and the temperature of the ambient air at the time of the first occurrence of maximum cylinder head or oil inlet temperature recorded during the cooling test, unless a more rational correction is shown to be applicable.

(c) *Correction factor for cylinder barrel temperatures.* Cylinder barrel temperatures shall be corrected by adding 0.7 of the difference between the maximum anticipated air temperature and the temperature of the ambient air at the time of the first occurrence of the maximum cylinder barrel temperature recorded during the cooling test, unless a more rational correction is shown to be applicable.

§ 6.452 *Coolant system.* The coolant system for liquid-cooled engines shall be designed and installed in accordance with the provisions of paragraphs (a) through (d) of this section:

(a) *Filler openings.* Provision shall be made in coolant tank filler openings to prevent coolant overflow from entering the compartment in which the tank is located. (See also § 6.738 (b) (3).)

(b) *Lines.* Lines and connections shall conform to accepted standards and by their presence shall not induce vibration to the radiator or to the structure of the rotorcraft.

(c) *Radiators.* Radiators shall be so mounted as not to induce vibrations and strains causing distortion.

(d) *Drains.* One or more accessible drains shall be provided at the lowest point in any liquid coolant system to drain completely all parts of the system when the rotorcraft is in its normal position on level ground. Such drains shall discharge clear of all parts of the rotorcraft and shall be equipped with safety locks to prevent accidental opening.

INDUCTION AND EXHAUST SYSTEMS

§ 6.460 *General.* The induction and exhaust systems shall be designed in accordance with accepted practice.

§ 6.461 *Air induction.* (a) The engine air induction system shall be designed to supply the proper quantity of air to the engine under all conditions of operation.

(b) Cold air intakes shall open completely outside the cowling unless the emergence of backfire flames is positively prevented.

(c) Carburetor air intakes shall be provided with drains. The drains shall not discharge fuel in the possible path of exhaust flames.

§ 6.462 *Induction system de-icing and anti-icing provisions.* (a) The engine air induction system shall incorporate means for the prevention and elimination of ice accumulations. Unless it is demonstrated that this can be accomplished by other means, compliance with the following heat rise provisions shall be demonstrated in air free of visible moisture at a temperature of 30° F. when the engine is operating at 75 percent of its maximum continuous power.

(b) Rotorcraft equipped with sea level engines employing conventional venturi carburetors shall have a preheater capable of providing a heat rise of 90° F.

(c) Rotorcraft equipped with sea-level engines employing carburetors which embody features tending to reduce the possibility of ice formation shall have a preheater capable of providing a heat rise of 70° F.

(d) Rotorcraft equipped with altitude engines employing conventional venturi carburetors shall have a preheater capable of providing a heat rise of 120° F.

(e) Rotorcraft equipped with altitude engines employing carburetors which embody features tending to reduce the possibility of ice formation shall have a preheater capable of providing a heat rise of 100° F., except that if a fluid deicing system is used the heat rise need not be greater than 40° F.

§ 6.463 *Exhaust manifolds.* (a) Exhaust manifolds shall be designed to provide for expansion, and shall be arranged and cooled so that local hot points cannot form.

(b) Exhaust manifolds shall be installed in accordance with the requirements of subparagraphs (1) through (3) of this paragraph:

(1) Exhaust manifolding shall be such that exhaust gases are discharged clear of cowling, rotorcraft structure, carburetor air intake, and fuel system parts or drains.

(2) Exhaust manifolding shall not be located immediately adjacent to or under the carburetor or fuel system parts unless such parts are protected against leakage.

(3) Exhaust manifolding shall be such that exhaust gases do not discharge in a manner which would impair pilot vision at night due to glare.

POWERPLANT CONTROLS AND ACCESSORIES

§ 6.470 *Powerplant controls; general.* The provisions of § 6.353 shall be applicable to all powerplant controls with respect to location and arrangement, and the provisions of § 6.737 shall be applicable to all powerplant controls with respect to marking. All flexible powerplant controls shall be of an approved type.

§ 6.471 *Throttle controls.* (a) A separate throttle control shall be provided for each engine. Throttle controls shall be grouped and arranged to permit separate control of each engine and also simultaneous control of all engines.

(b) Throttle controls shall afford a positive and immediately responsive means of controlling the engines.

§ 6.472 *Ignition switches.* (a) Means shall be provided for quickly shutting off all ignition by the grouping of switches or by providing a master ignition control.

(b) If a master ignition control is provided, a guard shall be incorporated to prevent inadvertent operation of the control.

§ 6.473 *Mixture controls.* If mixture controls are provided, a separate control shall be provided for each engine. The mixture controls shall be grouped and arranged to permit separate control of each engine and also simultaneous control of all engines.

§ 6.474 *Powerplant accessories.* Engine mounted accessories shall be of a type approved for installation on the engine involved, and shall utilize the provisions made on the engine for mounting.

POWERPLANT FIRE PROTECTION

§ 6.480 *General.* The powerplant installation shall be protected against fire in accordance with §§ 6.481 through 6.484. Additional fire prevention requirements are prescribed in Subpart D, Design and Construction, and Subpart F, Equipment.

§ 6.481 *Ventilation.* Compartments which include powerplant installation shall have provision for ventilation.

§ 6.482 *Shut-off means.* Means shall be provided to shut off the flow in all lines carrying flammable fluids into the engine compartment, except that a shut-off means need not be provided in lines forming an integral part of an engine. Provision shall be made to guard against inadvertent operation of the shut-off means, and to make it possible for the crew to reopen the shut-off means in flight after it has once been closed.

§ 6.483 *Fire wall.* (a) All engines, auxiliary power units, fuel-burning heat-

ers, and other combustion equipment which are intended for operation in flight shall be isolated from the remainder of the rotorcraft by means of fire walls, shrouds, or other equivalent means.

(b) Fire walls and shrouds shall be constructed in such a manner that no hazardous quantity of air, fluids, or flame can pass from the engine compartment to other portions of the rotorcraft.

(c) All openings in the fire wall or shroud shall be sealed with close fitting fireproof grommets, bushings, or fire-wall fittings.

(d) Fire walls and shrouds shall be constructed of fireproof material and shall be protected against corrosion.

§ 6.484 *Engine cowling and engine compartment covering.* (a) Cowling or engine compartment covering shall be constructed and supported so as to make it capable of resisting all vibration, inertia, and air loads to which it would be subjected in operation.

(b) Provision shall be made to permit rapid and complete drainage of all portions of the cowling or engine compartment in all normal ground and flight attitudes. Drains shall not discharge in locations which might cause a fire hazard.

(c) Cowling or engine compartment covering shall be constructed of fire-resistant material.

(d) Those portions of the cowling or engine compartment covering which would be subjected to high temperatures due to their proximity to exhaust system parts or exhaust gas impingement shall be constructed of fireproof material.

SUBPART F—EQUIPMENT

GENERAL

§ 6.600 *Scope.* The required basic equipment as prescribed in this subpart is the minimum which shall be installed in the rotorcraft for certification. Such additional equipment as is necessary for a specific type of operation is prescribed in the operating rules of the Civil Air Regulations.

§ 6.601 *Functional and installation requirements.* Each item of equipment installed in a rotorcraft shall be:

(a) Of a type and design appropriate to perform its intended function,

(b) Labeled as to its identification, function, or operational limitations, or any combination of these, whichever is applicable,

(c) Installed in accordance with specified limitations of the equipment,

(d) Demonstrated to function properly in the rotorcraft.

§ 6.602 *Required basic equipment.* The equipment listed in §§ 6.603 through 6.605 shall be the required basic equipment. (See §6.600.)

§ 6.603 *Flight and navigational instruments.* (See § 6.612 for installation requirements):

(a) Air-speed indicator (see § 6.612 (a)),

(b) Altimeter,

(c) Magnetic direction indicator (see § 6.612 (c)).

§ 6.604 *Powerplant instruments.* (See § 6.613 for installation requirements):

(a) For each engine or tank there shall be installed:

(1) A fuel quantity indicator (see § 6.613 (b)),

(2) An oil pressure indicator,

(3) An oil temperature indicator (see § 6.613 (g)),

(4) A carburetor air temperature indicator (see § 6.613 (f)),

(5) A tachometer to indicate engine rpm and rotor rpm for the main rotor, or for each main rotor the speed of which can vary appreciably with respect to another main rotor.

(b) For each engine or tank (if required in reference section) there shall be installed:

(1) A coolant temperature indicator, if liquid-cooled engines are used (see § 6.613 (h)),

(2) A cylinder head temperature indicator (see § 6.613 (e)),

(3) A fuel pressure indicator (if pump-fed engines are used),

(4) A manifold pressure indicator (if altitude engines are used),

(5) An oil quantity indicator (see § 6.613 (d)).

§ 6.605 *Miscellaneous equipment.* (a) Approved seats for all occupants (see § 6.355),

(b) Approved safety belts for all occupants (see § 6.643),

(c) Master switch arrangement (see §§ 6.623 and 6.624),

(d) Source(s) of electrical energy (see §§ 6.620 through 6.622), where such electrical energy is necessary for operation of the rotorcraft,

(e) Electrical protective devices (see § 6.625).

INSTRUMENTS; INSTALLATION

§ 6.610 *General.* The provisions of §§ 6.611 through 6.613 shall apply to the installation of instruments in rotorcraft.

§ 6.611 *Arrangement and visibility of instrument installations.* (a) Flight, navigation, and powerplant instruments for use by each pilot shall be easily visible to him.

(b) On multiengine rotorcraft, identical powerplant instruments for the several engines shall be so located as to prevent any confusion as to the engines to which they relate.

(c) The vibration characteristics of the instrument panel shall be such as not to impair seriously the readability or the accuracy of the instruments or to damage them.

§ 6.612 *Flight and navigational instruments*—(a) *Air-speed indicating system.* The air-speed indicating system shall be so installed that the air-speed indicator shall indicate true air speed at sea level under standard conditions to within an allowable installational error of not more than plus or minus 3 percent of the calibrated air speed or 5 mph, whichever is greater. The calibration shall be made in flight at all forward speeds of 10 mph or over. The allowable installation error shall not be exceeded at any forward speed of 20 mph and over. (See § 6.732.)

(b) *Static air-vent system.* All instruments provided with static air case connections shall be so vented that the influence of rotorcraft speed, the opening and closing of windows, air-flow variation, moisture, or other foreign matter will not seriously affect their accuracy.

(c) *Magnetic direction indicator.* The magnetic direction indicator shall be so installed that its accuracy shall not be excessively affected by the airplane's vibration or magnetic fields. After the direction indicator has been compensated, the installation shall be such that the deviation in level flight does not exceed 10° on any heading. A suitable calibration placard shall be provided as specified in § 6.733.

§ 6.613 *Powerplant instruments*—(a) *Instrument lines.* Instrument lines shall comply with the provisions of § 6.425. In addition, instrument lines carrying flammable fluids or gases under pressure shall be provided with restricted orifices or equivalent safety devices at the source of the pressure to prevent the escape of excessive fluid or gas in case of line failure.

(b) *Fuel quantity indicator.* Fuel quantity indicators shall be calibrated to read zero during level flight when the quantity of fuel remaining in the tank is equal to the unusable fuel supply as defined by § 6.421. (See also § 6.736.)

(c) *Fuel flowmeter system.* When a flowmeter system is installed, the metering component shall include a means for by-passing the fuel supply in the event that malfunctioning of the metering component results in a severe restriction to fuel flow.

(d) *Oil quantity indicator.* (1) A stick gauge or other equivalent means shall be provided to indicate the quantity of oil in each tank. (See § 6.735.)

(2) If an oil transfer system or a reserve oil supply system is installed, means shall be provided to indicate to the crew during flight the quantity of oil in each tank.

(e) *Cylinder head temperature indicator.* A cylinder head temperature indicator shall be provided for each engine or rotorcraft equipped with cooling shutters. In the case of rotorcraft which do not have cooling shutters, an indicator shall be provided if compliance with the provisions of § 6.451 is demonstrated in a condition other than the most critical cooling flight condition.

(f) *Carburetor air temperature indicating system.* A carburetor air temperature indicating system shall be provided for each engine equipped with a preheater which is capable of providing a heat rise in excess of 60° F.

(g) *Oil temperature indicator.* Means shall be provided to indicate to the appropriate members of the flight crew, during flight, the oil inlet temperature of each engine.

(h) *Coolant temperature indicator.* Means shall be provided to indicate to the appropriate members of the flight crew, during flight, the coolant outlet temperature of each liquid-cooled engine.

ELECTRICAL SYSTEMS AND EQUIPMENT

§ 6.620 *Installation.* (a) Electrical systems and equipment shall be free from hazards in themselves, in their method of operation, and in their effects on other parts of the rotorcraft. They shall be protected from fuel, oil, water, other detrimental substances, and from mechanical damage.

(b) The design of all components of the electrical system shall be appropriate for the intended use, and the components shall be capable of satisfactory operation over the entire range of environmental conditions encountered in the operation of the rotorcraft.

(c) Electrical sources of power shall have sufficient capacity during all normal flight operating conditions to supply maximum peaks and short-time and continuous electrical load requirements. For emergency operating conditions the capacity of electrical power sources shall be sufficient for all electrical loads necessary to permit a safe landing.

§ 6.621 *Batteries.* A battery or batteries shall be provided consistent with the needs of the electrical system in meeting the requirements of electrical power capacity. The installation shall provide adequate ventilation and drainage for the battery under all operating conditions, and means shall be provided to prevent corrosive battery substance from coming in contact with other parts of the rotorcraft during servicing or in flight.

§ 6.622 *Generator system*—(a) *Generator.* Sources of electrical power (including the battery) shall act coordinately, and shall also be capable of independent operation. The generator(s) shall be capable of delivering sufficient power to keep the batteries charged, and in addition shall provide for the normal electrical power requirements of the rotorcraft.

(b) *Generator controls.* Generator voltage control equipment shall be capable of regulating the generator output within rated limits.

(c) *Reverse current cut-off.* A generator reverse current cut-off shall disconnect the generator from the battery and from other generators when the generator is developing a voltage of such value that current sufficient to cause malfunctioning can flow into the generator.

§ 6.623 *Master switch.* A master switch arrangement shall be provided which will disconnect all sources of electrical power from the main distribution system at a point adjacent to the power sources.

§ 6.624 *Master switch installation.* The master switch or its controls shall be so installed that it is easily discernible and accessible to a member of the crew in flight.

§ 6.625 *Protective devices.* Protective devices (fuses or circuit breakers) shall be installed in the circuits to all electrical equipment, except that such items need not be installed in the main circuits of starter motors or in other circuits where no hazard is presented by their omission. If fuses are used, one spare of each rating or 50 percent spare fuses of each rating, whichever is the greater, shall be provided.

§ 6.626 *Protective devices installation.* Protective devices in circuits used in flight shall be conveniently located and properly identified to facilitate replacement of fuses or resetting of circuit breakers in flight.

§ 6.627 *Electric cables.* The electric cables used shall be in accordance with approved standards for aircraft electric cable of a slow-burning type. They shall have current-carrying capacity sufficient to deliver the necessary power to the items of equipment to which they are connected.

§ 6.628 *Switches.* Switches shall be capable of carrying their rated current. They shall be accessible to the crew and shall be labeled as to operation and the circuit controlled.

LIGHTS

§ 6.630 *Instrument lights.* (a) Instrument lights shall provide sufficient illumination to make all instruments, switches, etc., easily readable.

(b) Instrument lights shall be so installed that their direct rays are shielded from the pilot's eyes and so that no objectionable reflections are visible to him.

§ 6.631 *Landing lights.* (a) Landing and hovering lights shall be of an approved type.

(b) Landing lights shall be installed so that there is no objectionable glare visible to the pilot and so that the pilot is not adversely affected by halation.

(c) Landing lights shall be installed in a location where they provide the necessary illumination for night operation including hovering and landing.

(d) A switch for each light shall be provided, except that where multiple lights are installed at one location a single switch for the multiple lights shall be acceptable.

§ 6.632 *Position light system.* If a position light system is installed, it shall be of a type certificated in accordance with Part 15 of this chapter of the Civil Air Regulations, and shall comply with the pertinent provisions of that part.

§ 6.633 *Installation requirements.* The installation requirements of paragraphs (a) through (c) of this section apply to single circuit systems and shall be complied with if this type system is installed: *

(a) *Forward and rear position lights.* Single circuit systems shall consist of an aviation red light, an aviation green light, and an aviation white light. The red and the green lights shall be referred to as forward position lights and shall be so installed that, with the rotorcraft in normal flying position, the red light is displayed on the left side and the green light on the right side, each showing unbroken light between two vertical planes the dihedral angle of which is 110° when measured to the left and right, respectively, of the rotorcraft from dead ahead. These lights shall be spaced laterally as far apart as practicable. The white light shall be referred to as a rear position light, and shall be mounted as far aft as practicable and so installed that unbroken light is directed symmetrically aft in such a manner that the axis of the maximum cone of illumination is parallel to the forward flight path. In addition, the intersection of the two planes forming dihedral angle A given in Part 15 of this chapter shall be vertical.

(b) *Circuit.* The forward position lights and the rear white position light shall constitute the single circuit.

(c) *Position light flasher.* If installed, a position light flasher shall be of a type acceptable to the Administrator.

§ 6.636 *Riding light.* (a) When a riding (anchor) light is required for a rotorcraft operated from water, it shall be capable of showing a white light for at least 2 miles at night under clear atmospheric conditions.

(b) Riding lights shall be installed so that they will show a maximum practicable unbroken light when the rotorcraft is moored or drifting on the water. Externally hung lights shall be permitted.

SAFETY EQUIPMENT

§ 6.640 *General.* Required safety equipment which the crew is expected to operate at a time of emergency, such as flare and automatic life-raft releases, shall be readily accessible. (See also § 6.738 (e).)

§ 6.641 *Flares.* When parachute flares are required, they shall be of an approved type.

§ 6.642 *Flare installation.* (a) Parachute flares shall be releasable from the pilot compartment and installed to minimize the danger of accidental discharge.

(b) It shall be demonstrated in flight that the flare installation is such that ejection can be accomplished without hazard to the rotorcraft and its occupants.

(c) If recoil loads are involved in the ejection of the flares, the structure of the rotorcraft shall withstand such loads.

§ 6.643 *Safety belts.* Rotorcraft manufactured on or after the effective date of this part shall be equipped with safety belts approved in accordance with § 6.19. In no case shall the rated strength of the safety belt be less than that corresponding with the ultimate load factors specified, taking due account of the dimensional characteristics of the safety belt installation for the specific seat or berth arrangement. Safety belts shall be attached so that no part of the anchorage will fail at a load lower than that corresponding with the ultimate load factors specified. (See § 6.260.)

§ 6.644. *Emergency flotation and signaling equipment.* When emergency flotation and signaling equipment is required by the operating rules of the Civil Air Regulations, such equipment shall comply with the provisions of paragraphs (a) through (c) of this section.

* Installation requirements for dual circuit position light systems are contained in Part 4b of this chapter of the Civil Air Regulations.

(a) Rafts and life preservers shall be installed so as to be readily available to the crew and passengers.

(b) Rafts released automatically or released by the pilot shall be attached to the rotorcraft by means of a line to keep them alongside the rotorcraft.

(c) Signaling devices shall be free from hazard in their operation and shall be installed in an accessible location.

MISCELLANEOUS EQUIPMENT

§ 6.650 *Hydraulic systems*—(a) *Design.* Hydraulic systems and elements shall withstand, without exceeding the yield point, all structural loads which are expected to be imposed in addition to the hydraulic loads.

(b) *Tests.* Hydraulic systems shall be substantiated by proof pressure tests. When proof tested, no part of a hydraulic system shall fail, malfunction, or experience a permanent set. The proof load of any system shall be 1.5 times the maximum operating pressure of that system.

(c) *Accumulators.* Hydraulic accumulators or pressurized reservoirs shall not be installed on the engine side of the fire wall, except when they form an integral part of the engine.

SUBPART G—OPERATING LIMITATIONS AND INFORMATION

GENERAL

§ 6.700 *Scope.* (a) The operating limitations in §§ 6.710 through 6.718 shall be established as prescribed in this part.

(b) The operating limitations, together with any other information concerning the rotorcraft found necessary for safety during operation, shall be included in the Rotorcraft Flight Manual (§ 6.740), shall be expressed as markings and placards (§ 6.730), and shall be made available by such other means as will convey the information to the crew members.

OPERATING LIMITATIONS

§ 6.710 *Air-speed limitations; general.* When air-speed limitations are a function of weight, weight distribution, altitude, or other factors, the values corresponding with all critical combinations of these values shall be established.

§ 6.711 *Never-exceed speed* V_{NE}. (a) The never-exceed speed shall be established. It shall not be less than the maximum level flight speed with all engines operating at maximum continuous rpm and 90 percent of maximum continuous power, nor greater than either of the following:

(1) $0.9V$ established in accordance with § 6.204,

(2) 0.9 times the maximum speed demonstrated in accordance with § 6.140.

(b) It shall be permissible to vary the never-exceed speed with altitude and rotor rpm, provided that the ranges of these variables are sufficiently large to allow an operationally practical and safe variation of the never-exceed speeds.

§ 6.712 *Operating speed range.* An operating speed range shall be established for each rotorcraft.

§ 6.713 *Rotor speed.* Rotor r. p. m. limitations shall be established as set forth in paragraphs (a) and (b) of this section:

(a) *Maximum power off (autorotation).* Not to exceed 95 percent of the maximum design r. p. m. determined under § 6.204 (b) or 95 percent of the maximum r. p. m. demonstrated during the type tests (see § 6.103 (b)), whichever is lower.

(b) *Minimum*—(1) *Power off.* Not less than 105 percent of the higher of the following:

(i) The minimum demonstrated during the type tests (see § 6.103 (b)),

(ii) The minimum determined by design substantiation.

(2) *Power on.* Not less than the higher of the following:

(i) The minimum demonstrated during the type tests (see § 6.103 (a)),

(ii) The minimum determined by design substantiation and not higher than a value determined in compliance with § 6.103 (a).

§ 6.714 *Powerplant limitations.* The powerplant limitations set forth in paragraphs (a) through (c) of this section shall be established for the rotorcraft. They shall not exceed the corresponding limits established as a part of the type certification of the engine installed on the rotorcraft:

(a) *Take-off operation.* The take-off operation shall be limited by:

(1) The maximum rotational speed, which shall not be greater than the maximum value determined by the rotor design, nor greater than the maximum value demonstrated during type tests,

(2) The maximum permissible manifold pressure,

(3) The time limit upon the use of the corresponding power,

(4) The maximum allowable cylinder head, coolant outlet, or oil temperatures, if applicable when the time limit of subparagraph (3) of this paragraph exceeds two minutes.

(b) *Continuous operation.* The continuous operation shall be limited by:

(1) The maximum rotational speed, which shall not be greater than the maximum value determined by the rotor design, nor greater than the maximum value demonstrated during type tests,

(2) The minimum rotational speed demonstrated in compliance with the rotor speed requirements as prescribed in § 6.713 (b) (2).

(c) *Fuel octane rating.* The minimum octane rating of fuel shall be established for satisfactory operation of the powerplant within the limitations prescribed in paragraphs (a) and (b) of this section.

§ 6.715 *Limiting height for autorotative landing.* If a range of heights exists at any speed, including zero, within which it is not possible to make a safe landing following power failure, the range of heights and its variation with forward speed shall be established together with any other pertinent information, such as type of landing surface. (See § 6.741 (f).)

§ 6.716 *Rotorcraft weight and center of gravity limitations.* The rotorcraft weight and c. g. limitations to be established are those required to be determined by §§ 6.101 and 6.102.

§ 6.717 *Minimum flight crew.* The minimum flight crew shall be established by the Administrator as that number of persons which he finds necessary for safety in the operations authorized under § 6.718. This finding shall be based upon the work load imposed upon individual crew members with due consideration given to the accessibility and the ease of operation of all necessary controls by the appropriate crew members.

§ 6.718 *Types of operation.* The type of operation to which a rotorcraft is limited shall be established on the basis of flight characteristics and the equipment installed. (See the operating parts of the Civil Air Regulations.)

§ 6.719 *Maintenance manual.* The applicant shall furnish with each rotorcraft a maintenance manual to contain information which he considers essential for the proper maintenance of the rotorcraft. The maintenance manual shall include recommended limits on service life or retirement periods for major components of the rotorcraft:

MARKINGS AND PLACARDS

§ 6.730 *General.* (a) The markings and placards specified in §§ 6.731 through 6.738 are required for all rotorcraft.

(b) Markings and placards shall be displayed in conspicuous places and shall be such that they cannot be easily erased, disfigured, or obscured.

(c) Additional information, placards, and instrument markings having a direct and important bearing on safe operation of the rotorcraft shall be required when unusual design, operating, or handling characteristics so warrant.

§ 6.731 *Instrument markings; general.* (a) When markings are placed on the cover glass of the instrument, provision shall be made to maintain the correct alignment of the glass cover with the face of the dial.

(b) All arcs and lines shall be of sufficient width and so located that they are clearly visible to the pilot.

§ 6.732 *Air-speed indicator.* Instrument indications shall be in terms of indicated air speed. The markings set forth in paragraphs (a) through (c) of this section shall be used to indicate to the pilot the maximum and minimum permissible speeds and the normal precautionary operating ranges. (See § 6.612 (a).)

(a) A red radial line shall be used to indicate the limit beyond which operation is dangerous.

(b) A yellow arc shall be used to indicate the precautionary operating range.

(c) A green arc shall be used to indicate the safe operating range.

§ 6.733 *Magnetic direction indicator.* A placard shall be installed on or in close proximity to the magnetic direction indicator which shall comply with the requirements of paragraphs (a) through (c) of this section. (See § 6.612 (c).)

(a) The placard shall contain the calibration of the instrument in a level flight attitude with engine(s) operating.

(b) The placard shall state whether the calibration was made with radio receiver(s) on or off.

(c) The calibration readings shall be in terms of magnetic headings in not greater than 45° increments.

§ 6.734 *Powerplant instruments; general.* All required powerplant instruments shall be marked as required in paragraphs (a) through (c) of this section. (See § 6.613.)

(a) The maximum and the minimum (if applicable) safe operation limits shall be marked with red radial lines.

(b) The normal operating ranges shall be marked with a green arc not extending beyond the maximum and minimum safe operating limits.

(c) The take-off and precautionary ranges shall be marked with a yellow arc.

§ 6.735 *Oil quantity indicators.* Oil quantity indicators shall be marked in sufficient increments to indicate readily and accurately the quantity of oil. (See § 6.613 (d).)

§ 6.736 *Fuel quantity indicator.* When the unusable fuel supply for any tank exceeds 1 gallon or 5 percent of the tank capacity, whichever is the greater, a red arc shall be marked on the indicator extending from the calibrated zero reading to the lowest reading obtainable in the level flight attitude. (See §§ 6.421 and 6.613 (b).) A notation in the Rotorcraft Flight Manual shall be made to indicate that the fuel remaining in the tank when the quantity indicator reaches zero is not usable in flight. (See § 6.741 (g).)

§ 6.737 *Control markings; general.* (a) All cockpit controls including those referred to in paragraphs (b) and (c) of this section shall be plainly marked as to their function and method of operation. (See § 6.353.)

(b) *Powerplant fuel controls.* The powerplant fuel controls shall be marked as required by subparagraphs (1) through (4) of this paragraph.

(1) Controls for fuel tank selector valves shall be marked to indicate the position corresponding with each tank with all existing cross-feed positions.

(2) When more than one fuel tank is provided, and if safe operation depends upon the use of tanks in a specific sequence, the fuel tank selector controls shall be marked adjacent to or on the control to indicate to the flight personnel the order in which the tanks must be used.

(3) On multiengine rotorcraft, controls for engine valves shall be marked to indicate the position corresponding with each engine.

(4) The capacity of each tank shall be indicated adjacent to or on the fuel tank selector control.

(c) *Accessory and auxiliary controls.* Accessory and auxiliary controls shall be marked as required by subparagraphs (1) and (2) of this paragraph:

(1) Where visual indicators are essential to the operation of the rotorcraft (such as a rotor pitch or retractable landing gear indicator), they shall be marked in such a manner that the crew members at all times can determine the position of the unit.

(2) Emergency controls shall be colored red and shall be marked to indicate their method of operation.

§ 6.738 *Miscellaneous markings and placards*—(a) *Baggage compartments and ballast location.* Each baggage and cargo compartment as well as the ballast location shall bear a placard stating the maximum allowable weight of contents and, if applicable, any other limitation on contents found necessary due to loading requirements. When the maximum permissible weight to be carried in a seat is less than 170 pounds (see § 6.101 (b) (4)), a placard shall be permanently attached to the seat structure stating the maximum allowable weight of the occupant to be carried.

(b) *Fuel, oil, and coolant filler openings.* The information required by subparagraph (1) through (3) of this paragraph shall be marked on or adjacent to the appropriate filler cover.

(1) The word "fuel", the minimum permissible fuel octane number for the engines installed, and the usable fuel tank capacity (see § 6.423 (c)),

(2) The word "oil" and the oil tank capacity. (See § 6.441 (e).)

(3) The name of the proper coolant fluid and the capacity of the coolant system. (See § 6.452 (a).)

(c) *Emergency exit placards.* Emergency exit placards and operating controls shall be colored red. A placard shall be located adjacent to the controls which clearly indicates the location of the exit and the method of operation. (See § 6.357.)

(d) *Operating limitation placard.* A placard shall be provided in clear view of the pilot stating: "This (helicopter, gyrodyne, etc.) must be operated in compliance with the operating limitations specified in the CAA approved Rotorcraft Flight Manual."

(e) *Safety equipment.* (1) Safety equipment controls which the crew is expected to operate in time of emergency, such as flares, automatic life raft releases, etc., shall be plainly marked as to their method of operation.

(2) When fire extinguishers and signaling and other life-saving equipment are carried in lockers, compartments, etc., these locations shall be marked accordingly.

ROTORCRAFT FLIGHT MANUAL

§ 6.740 *General.* (a) A Rotorcraft Flight Manual shall be furnished with each rotorcraft.

(b) The portions of the manual listed in §§ 6.741 through 6.744 as are appropriate to the rotorcraft shall be verified and approved and shall be segregated, identified, and clearly distinguished from portions not so approved.

(c) Additional items of information having a direct and important bearing on safe operation shall be required when unusual design, operating, or handling characteristics so warrant.

§ 6.741 *Operating limitations.* The operating limitations set forth in paragraphs (a) through (g) of this section shall be furnished with each rotorcraft:

(a) *Air-speed and rotor limitations.* Sufficient information shall include the information necessary for the marking of the limitations on or adjacent to the indicators as required. (See § 6.732.) In addition, the significance of the limitations and of the color coding used shall be explained.

(b) *Powerplant limitations.* Information shall be included to outline and to explain all powerplant limitations (see § 6.714) and to permit marking the instruments as required by §§ 6.734 through 6.736.

(c) *Weight and loading distribution.* The rotorcraft weights and center of gravity limits required by §§ 6.101 and 6.102 shall be included, together with the items of equipment on which the empty weight is based. Where the variety of possible loading conditions warrants, instructions shall be included to facilitate observance of the limitations.

(d) *Flight crew.* When a flight crew of more than one is required, the number and functions of the minimum flight crew determined in accordance with § 6.717 shall be described.

(e) *Type of operation.* The type(s) of operation(s) shall be listed for which the rotorcraft and its equipment installations have been approved. (See § 6.718.)

(f) *Limiting heights.* Sufficient information shall be included to outline the limiting heights and corresponding speeds for safe landing after power failure. (See § 6.715.)

(g) *Unusable fuel.* If the unusable fuel supply in any tank exceeds one gallon or 5 percent of the tank capacity, whichever is the greater, warning shall be provided to indicate to the flight personnel that the fuel remaining in the tank when the quantity indicator reads zero cannot be used safely in flight. (See § 6.421.)

§ 6.742 *Operating procedures.* The section of the manual devoted to operating procedures shall contain information concerning normal and emergency procedures and other pertinent information peculiar to the rotorcraft's operating characteristics which are necessary for safe operation.

§ 6.753 *Performance information.* Information relative to the items of performance set forth in paragraphs (a) through (d) of this section shall be included:

(a) The take-off distance and the air speed at the 50-foot height together with any pertinent information defining the flight path with respect to the required autorotative landing in the event of an engine failure, including the calculated effect of altitude and temperature. (See § 6.111 (c).)

(b) The steady rates of climb and hovering ceilings together with the corresponding air speeds and other pertinent information, including the calculated effect of altitude and temperature. (See §§ 6.112 and 6.113.)

(c) The autorotative landing distance and the type of landing surface together with any other pertinent information which might affect this distance, including the calculated effect of altitude and temperature. (See § 6.114.)

(d) Maximum wind allowable for safe operation near the ground. (See § 6.121 (d).)

§ 6.744 *Marking and placard information.* (See § 6.730.)

ROTORCRAFT IDENTIFICATION DATA

§ 6.750 *Identification plate.* A fireproof identification plate shall be securely attached to the structure in an accessible location where it will not likely be defaced during normal service. The identification plate shall not be placed in a location where it might be expected to be destroyed or lost in the event of an accident. The identification plate shall contain the identification data required by § 1.50 of this chapter.

§ 6.751 *Identification marks.* The nationality and registration marks shall be permanently affixed in accordance with the operating rules of the Civil Air Regulations.

e. It is proposed to amend Part 15, effective January 1, 1951, as follows:

1. By amending § 15.20 to read as follows:

§ 15.20 *Position light systems.* The position light systems for aircraft shall be one of the following types. The type to be used in a particular case shall be in accordance with requirements contained in the aircraft airworthiness or operational parts of the Civil Air Regulations.

(a) *Single circuit systems.* Single circuit systems shall conform to the rules set forth in subparagraphs (1) through (6) of this paragraph and may or may not incorporate a position light flasher:

(1) *General.* Single circuit systems shall consist of an aviation red light, an aviation green light, and an aviation white light. The red and green lights shall be spaced laterally as far apart as practicable and installed forward on an aircraft in such a location that, with the craft in normal flying position, the red light is displayed on the left side and the green light is displayed on the right side. These lights shall be referred to as forward position lights. The white light shall be mounted as far aft as practicable and shall be referred to as a rear position light.

(2) *Dihedral angles.* The forward and rear position lights shall show unbroken light within dihedral angles specified as follows:

(i) Dihedral angle L (left) shall be formed by two intersecting vertical planes, one parallel to the longitudinal axis of the aircraft, and the other at 110° to the left of the first, when looking forward along the longitudinal axis.

(ii) Dihedral angle R (right) shall be formed by two intersecting vertical planes, one parallel to the longitudinal axis of the aircraft, and the other at 110° to the right of the first, when looking forward along the longitudinal axis.

(iii) Dihedral angle A (aft) shall be formed by two intersecting vertical planes making angles of 70° to the right and 70° to the left, respectively, looking aft along the longitudinal axis, to a vertical plane passing through the longitudinal axis.

(3) *Position light flashers.* If installed, a position light flasher for a single circuit system shall be of a type acceptable to the Administrator.

(4) *Color specifications.* The colors of the position lights shall have the following International Commission on Illumination chromaticity coordinates:

(i) *Aviation red.*

y is not greater than 0.335,
z is not greater than 0.002;

(ii) *Aviation green.*

x is not greater than $0.440-0.320y$,
x is not greater than $y-0.170$,
y is not less than $0.390-0.170z$;

(iii) *Aviation white.*

x is not less than 0.350,
x is not greater than 0.540,
$y-y_o$ is not numerically greater than 0.01, y_o being the y coordinate of the Planckian radiator for $x_o=x$.

(5) *Light distribution and intensities.* The intensities prescribed in this section are those to be provided by new equipment with all filters and covers in place. Intensities shall be determined with the light source operating at a steady value equal to the average luminous output of the light source at the normal operating voltage of the aircraft. The light distribution and intensities of the position lights shall comply with the following requirements:

(i) *Forward position lights.* Each forward position light shall have an intensity of not less than three candles in all directions in dihedral angle L for the left light and in dihedral angle R for the right light. Within these dihedral angles the minimum permissible intensities in any plane through the longitudinal axis of the unit shall not be less than the following values within the angular limits noted:

Angles from longitudinal axis of unit:	*Intensity*
60 degrees	4 candles
30 degrees	8 candles

In all directions in dihedral angle L for the right light and in dihedral angle R for the left light, a tolerance of 10° shall be permissible in which the intensity of these lights shall be reduced to two candles or less. In these same directions an additional 10° shall be permissible in which the intensity shall be reduced to 0.5 candle or less. In all directions in dihedral angle A a tolerance of 10° shall be permissible in which the intensity of these lights shall be reduced to 0.5 candle or less. In all directions outside the specified dihedral angle and the permissible tolerance angles for each unit, the stray light intensity shall not exceed 0.5 candle.

(ii) *Rear position lights.* Each rear position light shall have an intensity of not less than 8 candles in all directions within dihedral angle A. In all directions in dihedral angles L and R, a tolerance of 20° shall be permissible in which the intensity of this light shall be reduced to 1 candle or less. In all directions outside the specified dihedral angle and the permissible tolerance angles, the stray light intensity shall not exceed 1 candle.

(6) *Light covers.* The lamps and reflectors shall be protected by a cover which shall be of a noncombustible material, shall be so constructed that it will not change color or shape, and will not cloud or suffer any considerable loss of transmission in normal use. The coloring of those portions which are intended to transmit light shall be completely diffused through the material.

(b) *Dual circuit systems.* Dual circuit systems shall conform to the rules set forth in subparagraphs (1) through (6) of this paragraph and shall incorporate a position light flasher.

(1) *General.* Dual circuit systems shall include, in addition to the lights specified for the single circuit system, two aviation white lights and one aviation red light. These lights will constitute the second circuit. The two white lights shall be installed approximately in line with the forward position lights. One of these lights shall be mounted on the top of the fuselage, the other on the bottom with both showing unbroken light through approximately a hemisphere. These lights shall be referred to as fuselage lights. In the case of seaplanes, the location of the bottom fuselage light shall be subject to specific approval on each individual type airplane. The red light shall be mounted as far aft as practicable and in close proximity to the white rear position light. It shall also be referred to as a rear position light.

(2) *Dihedral angles.* The dihedral angles for dual circuit systems are identical to those prescribed for the single circuit system in paragraph (a) (2) of this section.

(3) *Position light flashers.* Dual circuit position light flashers shall be of a type approved by the Administrator.

(4) *Color specifications.* The colors of the position lights for dual circuit systems shall be the same as those prescribed for single circuit systems in paragraph (a) (4) of this section.

(5) *Light distribution and intensities.* The intensities prescribed in this section are those to be provided by new equipment with all filters and covers in place. Intensities shall be determined with the light source operating at a steady value equal to the average luminous output of the light source at the normal operating voltage of the aircraft. The light distribution and intensities of the position lights shall comply with the following requirements.

(i) *Forward and rear position lights—(a) Intensities in horizontal plane.* The intensity in any direction in the horizontal plane shall not be less than the values given in Figure 15–2. (The horizontal plane is the plane containing the longitudinal axis and is perpendicular to the plane of symmetry of the airplane.)

(*b*) *Intensities above and below horizontal.* The intensity in any direction plane shall not be less than the appropriate value given in figure 15–3, where I is the minimum intensity prescribed in figure 15–2 for the direction in the horizontal plane determined by the intersection of the horizontal plane and the vertical plane for which the distribution is prescribed. (Vertical planes are planes perpendicular to the horizontal plane.)

(c) *Overlaps between adjacent signals.* The intensities in overlaps between adjacent signals shall not exceed the values given in figure 15–4.

FIGURE 15-2—*Minimum intensities in the horizontal plane*

Dihedral angle	Angle from right or left of longitudinal axis, measured from dead ahead	Intensity
L and R	0° to 10°	40 candles.
	10° to 20°	30 candles.
	20° to 110°	20 candles.
A	110° to 180°	20 candles.

FIGURE 15-3—*Minimum intensities in any vertical plane*

Angle above or below horizontal	Intensity
0°	1.00 I
0° to 5°	.90 I
5° to 5°	.90 I
5° to 10°	.80 I
10° to 15°	.70 I
15° to 20°	.50 I
20° to 30°	.30 I
30° to 40°	.10 I
40° to 90°	At least 2 candles

FIGURE 15-4—*Maximum intensities in overlapping beams of forward and rear position lights*

Overlaps	Maximum intensity	
	Area A [1]	Area B [2]
Green in dihedral angle *L*.	10 candles	1 candle.
Red in dihedral angle *R*.	10 candles	1 candle.
Green in dihedral angle *A*.	5 candles	1 candle.
Red in dihedral angle *A*.	5 candles	1 candle.
Rear white or rear red in dihedral angle *L*.	5 candles	1 candle.
Rear white or rear red in dihedral angle *R*.	5 candles	1 candle.

[1] Area A represents the overlap in any plane bounded by two straight lines forming angles of $10^\circ \cos\theta$ and $20^\circ \cos\theta$ to the common boundary of the dihedral angles considered.

[2] Area B represents the overlap in any plane beyond $20^\circ \cos\theta$. θ is the angle of the plane to the horizontal plane.

(ii) *Fuselage lights.* The top and bottom fuselage lights shall each furnish illumination of an intensity equivalent to a 32-candlepower lamp installed in a reflector of high reflective properties and shall have a clear cover glass. These lights shall show through approximately a hemisphere.

(6) *Light covers.* The light covers for dual circuit systems are identical to those prescribed for the single circuit system in paragraph (a) (6) of this section.

[F. R. Doc. 50-8429; Filed, Sept. 26, 1950; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 526]

INDUSTRIES OF A SEASONAL NATURE

EXEMPTION OF EXCAVATING, HAULING, AND PROCESSING OF CRUSHED STONE BY BLUE STONE QUARRY, INC., ACUSHNET, BRISTOL COUNTY, MASS.; PRELIMINARY DETERMINATION

On July 8, 1940, the administrator of the Wage and Hour Division issued a determination (5 F. R. 2526) that the northern branch of the crushed stone industry is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063; 29 U. S. C. 207 (b) (3)) and Part 526 of the regulations issued thereunder (29 CFR Part 526).

Paragraph 8 of the above-mentioned determination provides that the determination was made without prejudice to a supplementary determination enlarging the scope of the northern branch of the industry as defined in the original determination by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the northern branch described in paragraphs 1 and 3 of that determination.

An application has been filed by Blue Stone Quarry, Inc., for a supplementary determination including its plant at Acushnet, Bristol County, Massachusetts in the northern branch of the industry.

It appears from the application of Blue Stone Quarry, Inc., that:

1. The plant at Acushnet, Bristol County, Massachusetts, normally shuts down for a period of approximately 6 months each year except for an insubstantial amount of production produced shortly before the main production season.

2. This plant is located near the counties included in the northern branch of the industry as described in the original determination, in the colder and generally more northerly part of the United States.

3. The plant ceases operations annually at a regularly recurring season of the year except for sales, maintenance, and similar work because the materials used are not available for excavation, handling, and processing in the form in which they must be excavated, handled and processed, i. e. as unfrozen ledges, and banks of blasted rock, because of climatic factors.

From the foregoing, it appears that this plant operates in the same manner and for the same reasons as the plants in the northern branch of the industry described in paragraphs 1 and 3 of the aforementioned determination.

Accordingly, upon consideration of the facts stated in the said application the Administrator hereby determines pursuant to § 526.5 (b) (2) of the regulations relating to industries of a seasonal nature (29 CFR 526.5 (b) (2)) that a prima facie case has been shown for enlarging the scope of the northern branch of the crushed stone industry, as defined in the determination of July 8, 1940, in accordance with paragraph 8 of that determination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and § 526.3 (a) of Part 526, to include the crushed stone plant of Blue Stone Quarry, Inc. at Acushnet, Bristol County, Massachusetts.

If no objection and request for hearing is received within 15 days following the publication of this preliminary determination, the Administrator, pursuant to § 526.5 (b) (2) of the regulations will make a finding upon the prima facie case. Objections and requests for hearing from any interested person should be submitted in writing to the Wage and Hour and Public Contracts Divisions, Department of Labor Building, 14th Street and Constitution Avenue, NW., Washington 25, D. C. The application for exemption may be examined in Room 5118 at this address.

Signed at Washington, D. C., this 21st day of September 1950.

WM. R. McCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 50-8417; Filed, Sept. 26, 1950; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

ASSIGNMENT OF FUNCTIONS UNDER REORGANIZATION PLAN 26 OF 1950

The following order was issued by the Secretary of the Treasury under date of July 31, 1950:

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, it is directed that officers, employees, and agencies of the Treasury Department shall continue to perform the functions they were authorized to perform immediately prior to the effective date of the Reorganization Plan, and authorized regulations and procedures in effect immediately prior to the effective date of the Reorganization Plan shall continue in effect until changed by the appropriate authority.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 50-8433; Filed, Sept. 26, 1950; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1778184]

NEVADA

NOTICE OF FILING OF PLAT OF SURVEY

SEPTEMBER 21, 1950.

Notice is given that the plats of original surveys of the following described lands, accepted June 17, 1947 will be officially filed in the Land and Survey Office, Reno, Nevada, effective at 10:00

a. m. on the 35th day after the date of this notice:

MOUNT DIABLO MERIDIAN

T. 9 N., R. 70 E.,
Secs. 1 to 36, inclusive.
T. 9½ N., R. 70 E.,
Sec. 31, lots 1, 2, 3, 4, 5, 6, E½SW¼, SE¼,
Sec. 32, lots 1, 2, 3, 4, SW¼, SE¼,
Sec. 33, lots 1, 2, 3, 4, SW¼, SE¼,
Sec. 34, lots 1, 2, 3, 4, SW¼, SE¼,
Sec. 35, lots 1, 2, 3, 4, SW¼, SE¼,
Sec. 36, lots 1, 2, 3, 4, SW¼, SE¼.
T. 9½ N., R. 71 E.,
Sec. 31, lots 1, 2, 3, 4, 5, 6, SW¼, W½SE¼.

The area described aggregates 25,995.37 acres.

Available data indicates that the lands are mountainous desert in character.

No application for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws, unless the land has already been classified as available or suitable for such type of application or shall be so classified upon consideration of an application.

According to the field notes and as shown by the plat, there is a spring of water in the W½SE¼ sec. 34, T. 9½ N., R. 70 E., M. D. M.

The legal subdivision containing the spring and the lands within a quarter of a mile thereof may be affected by the general withdrawal made by Executive order of April 17, 1926 (43 CFR 292.1), creating Public Water Reserve No. 107, but the question of whether the spring is of such size or value or so needed by the public as to bring the lands within the scope of the withdrawal is left for future determination.

At the hour and date specified above the said lands shall, subject to valid existing rights and the proviisons of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Reno, Nevada.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50–8416; Filed, Sept. 26, 1950; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA–218]

ACCIDENT OCCURRING AT BILLINGS MUNICIPAL AIRPORT, BILLINGS, MONT.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N–93051, which occurred at Billings Municipal Airport, Billings, Montana, September 4, 1950.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, September 27, 1950, at 9:00 a. m. in Room 342–6 Federal Office Building, First Avenue and Madison Street, Seattle, Washington.

Dated at Washington, D. C., September 21, 1950.

[SEAL] RUSSELL A. POTTER,
Presiding Officer.

[F. R. Doc. 50–8428; Filed, Sept. 26, 1950; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1476]

WARWICK GAS CORP.

NOTICE OF APPLICATION

SEPTEMBER 21, 1950.

Take notice that on September 11, 1950, Warwick Gas Corporation (Applicant), a New York corporation with its principal place of business in Florida, New York, filed an application pursuant to section 7 of the Natural Gas Act, as amended;

1. For an order directing the Home Gas Company to establish physical connection of its transmission facilities with the proposed facilities of and to sell and deliver natural gas to the Applicant; and

2. For a certificate of public convenience and necessity authorizing the Applicant to construct a regulating station in the town of Warwick and to construct from that point approximately 5,446 feet of 4-inch welded steel main pipeline along the Warwick-Florida highway into the village of Warwick, and approximately 15,630 feet of 2-inch pipe for service connections to customers located on all streets of the village.

Applicant proposes to furnish natural gas to a portion of the town of Warwick and to all of the village of Warwick, an incorporated community of about 4,000 population and 987 dwellings. It estimates its maximum demand for natural gas not to exceed 200,000 cubic feet in any 24-hour period, and states that the Home Gas Company, from whom it is seeking its supply, has included and allocated the approximate amount of its needs in statements before the Commission.

Applicant estimates the cost of construction and acquisition of the proposed facilities and the total over-all capital costs to be $118,581.50 and $150.000.00, respectively, and anticipates that there will be no cost of financing, as the total funds required will be made available by the sale of capital stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 11th day of October 1950.

The application is on file with the Commission and is available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8425; Filed, Sept. 26, 1950; 8:46 a. m.]

[Docket No. G–1479]

BANGOR GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 21, 1950.

Take notice that on September 15, 1950, Bangor Gas Company (Applicant), a Pennsylvania corporation with its principal place of business in Bangor, Pennsylvania, filed an application pursuant to section 7 of the Natural Gas Act, as amended:

(1) For an order directing The Manufacturer's Light and Heat Company (Manufacturers) to establish physical connection of its natural-gas transportation facilities with the proposed lateral pipe line mentioned below of Applicant, and to sell and deliver natural gas to Applicant for resale in the Boroughs of Bangor, East Bangor, Roseto and Pen Argyl, Pennsylvania.

(2) For a certificate of public convenience and necessity authorizing the construction and operation of the lateral necessary to make the connection requested in paragraph (1) above; and

(3) For a certificate of public convenience and necessity authorizing the sale of natural gas by Applicant to Pen Argyl Gas Company for resale in Pen Argyl.

To accept the delivery of gas in accordance with paragraph (1) above, Applicant proposes to construct a lateral of 6-inch steel pipe for a distance of some 15,825 feet to the 14-inch natural-gas transmission line of Manufacturers, commonly known as the Coatesville-Port Jervis line. The cost of such lateral is estimated to be $38,833.

In support of its application, Applicant alleges that the introduction of natural gas into its system would substantially increase the capacity thereof, which would result in a capital investment saving for the years 1951–55 of some $60,267; that by purchasing some natural gas and peak shaving with its propane plant, it will save a total of $232,562 for the same five-year period; that 750 B. t. u. propane-air gas represents a greater public hazard than would be represented by natural gas; that the cost of propane gas has resulted in increased costs to the consumers, and its fluctuations in price have resulted in inconveniences to the public; and that, if it is successful in obtaining natural gas, it proposes to extend its service to the Borough of East Bangor, which is presently without gas service.

Applicant alleges further that for similar reasons its affiliate, Pen Argyl, desires to convert to the sale and distribution of natural gas, and that, to avoid a duplication of transmission line facilities, it desires to purchase such gas from Manufacturers for resale to Pen Argyl.

Applicant states further that in 1951 its needs will be approximately 202 Mcf of natural gas per day on a peak day, increasing to 425 Mcf in 1955; that it will need 55.5 Mcf to supply Pen Argyl in 1951, increasing to 116 Mcf in 1955; and that in total, Applicant needs on a peak day in 1951, 257.5 Mcf of natural gas, increasing to 541 Mcf in 1955.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 11th day of October 1950.

The application is on file with the Commission and is available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8424; Filed, Sept. 26, 1950; 8:46 a. m.]

[Project No. 2016]

CITY OF TACOMA, WASHINGTON

ORDER POSTPONING DATE OF HEARING

SEPTEMBER 20, 1950.

On July 28, 1950, the Commission issued its order setting the application filed by the City of Tacoma, Washington, in the above-entitled matter for a public hearing on October 3, 1950. Numerous requests have been made for postponement of the date set in order to afford additional time to prepare for such hearing.

The Commission orders: The hearing in the above-entitled matter now set to commence on October 3, 1950, is hereby postponed to commence on November 2, 1950, at the same time and place specified in the order of the Commission adopted July 28, 1950.

Date of issuance: September 21, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8426; Filed, Sept. 26, 1950; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5693]

SEYDEL CHEMICAL CO. ET AL.

ORDER APPOINTING TRIAL EXAMINER

In the matter of Seydel Chemical Company, a corporation, Herman Seydel, C. H. Seydel, and Lawless E. West, individually and as officers of said corporation. Docket No. 5693.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Abner E. Lipscomb, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding beginning at a time and place to be later designated by him, and to perform all other duties authorized by law.

Issued: September 14, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50–8431; Filed, Sept. 26, 1950; 8:47 a. m.]

[Docket No. 5765]

AMERICAN PHARMACEUTICAL CO.

ORDER APPOINTING TRIAL EXAMINER

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission.

It is ordered, That Abner E. Lipscomb, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding beginning at a time and place to be later designated by him, and to perform all other duties authorized by law.

Issued: September 14, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50–8432; Filed, Sept. 26, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1245]

SUNRAY OIL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of September A. D. 1950.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application for unlisted trading privileges in the 5½ percent Cumulative Convertible 2d Preferred Stock, $20 Par Value, of Sunray Oil Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to October 10, 1950, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50–8418; Filed, Sept. 26, 1950; 8:45 a. m.]

[File No. 70-2438]

NEW ENGLAND PUBLIC SERVICE CO.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND AUTHORIZING SALE AND TRANSFER OF SHARES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of September A. D. 1950.

New England Public Service Company ("NEPSCO"), a registered holding company and a subsidiary of Northern New England Company, also a registered holding company, having filed a declaration under section 12 (d) of the Public Utility Holding Company Act of 1935 ("the act") proposing the sale at competitive bidding of 260,000 shares of NEPSCO's holdings of the common stock of its subsidiary, Central Maine Power Company ("Central Maine"), the proceeds to be applied toward the reduction of NEPSCO's outstanding bank loan; and

The Commission having by order dated September 8, 1950, permitted said declaration, as then amended, to become effective subject to the conditions that the proposed sale of common stock not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record as so completed, and subject to a reservation of jurisdiction with respect to the payment of all fees and expenses incurred or to be incurred in connection with legal and accounting services applicable to the proposed transactions; and

NEPSCO having filed a further amendment to its declaration setting forth that it had requested bids for said common stock, and that in response to such invitation the following bids were received:

Bidder:	Price to company (per share)
Harriman Ripley and Co., Inc.	$15.34
The First Boston Co. and Coffin & Burr, Inc.	15.27
Blyth & Co., Inc. and Kidder, Peabody & Co.	14.459

The amendment further stating that NEPSCO has accepted the bid submitted by Harriman Ripley & Co., Incorporated and that the purchaser proposes to offer said shares to the public at $16.25 per share resulting in an underwriters' spread of $0.91 per share; and

David J. Greene, et al., Committee for Common Stockholders of NEPSCO and Shareholders of Northern, having appeared and having been heard in opposition to the entry of an order permitting the proposed sale at the price stated above, and the Commission having examined the amendment herein filed on September 20, 1950, and having considered the record herein and the arguments of the Greene Committee; and

The Commission finding that the Greene Committee's objections should be overruled, that no terms or conditions should be imposed with respect to the consideration to be received for such sale or the underwriters' spread in connection therewith, and that the declaration as amended should be permitted to become effective forthwith, subject to the terms and conditions stated below; and

The record not having been completed with respect to payment of fees and expenses in connection with legal and accounting services applicable to the proposed transaction; and

NEPSCO having requested that our order herein contain appropriate recitals with respect to the sale and transfer of the Central Maine stock conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended; and it appearing appropriate to grant such request:

It it ordered, That the jurisdiction heretofore reserved to consider the results of competitive bidding with respect to the sale of said stock be, and hereby is, released and that said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24, and to the further condition that the jurisdiction heretofore reserved with respect to legal and accounting fees and expenses in connection with the sale of said common stock be and the same hereby is continued.

It is further ordered and recited, That the sale and transfer for cash by NEPSCO of 260,000 shares of the Common Stock, $10 par value, of Central Maine Power Company are necessary or appropriate to the simplification of the New England Public Service Company Holding Company System, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and are hereby authorized, approved and directed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8419; Filed, Sept. 26, 1950; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15073]

EUGENIO STANGER

In re: Bonds owned by and debt owing to Eugenio Stanger. F-28-23552-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugenio Stanger, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Five (5) State of San Paulo, Brazil, 15 Year, 8% Gold External Loan of 1921 bonds, of $1,000.00 face value each, bearing the numbers M1716, M4773, M6515, M8062, and M8999, presently in the custody of The First Boston Corporation, 100 Broadway, New York 5, New York, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation of The First Boston Corporation, 100 Broadway, New York 5, New York, representing cash and the proceeds of redemption of certain bonds, held by said The First Boston Corporation in a blocked account of the First National Bank of Boston, Buenos Aires, Argentina, in the names of Eugenio Stanger and/or Berta Stanger, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-8435; Filed, Sept. 26, 1950; 8:49 a. m.]

[Vesting Order 15095]

JOSEPHUS ADOLPHUS MARIA BERGHAUS

In re: Securities and cash owned by Josephus Adolphus Maria Berghaus also known as Josef Adolf Berghaus and as Joseph A. Berghaus. F-28-30859.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josephus Adolphus Maria Berghaus also known as Josef Adolf Berghaus and as Joseph A. Berghaus, whose last known address is 201 Kurfuerstendamm, Berlin-Charlottenburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Sixty five (65) shares of $10.00 par value common capital stock of the F. W. Woolworth Company, Woolworth Building, New York 7, New York, a corporation organized under the laws of the State of New York, being a part of the seventy five (75) shares evidenced by certificate numbered WT/F 657854, registered in the name of Slade and Co., presently on deposit with the American Express Company, Inc., 65 Broadway, New York 6, New York, in an account for the American Express Company, Inc., Zurich, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of The American Express Company, Inc., 65 Broadway, New York 6, New York, in the amount of $627.90, as of August 23, 1950, representing a portion of a credit balance in a General Ruling Number 6 account held for The American Express Co., Inc., Zurich, maintained at the aforesaid company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-8436; Filed, Sept. 26, 1950; 8:49 a. m.]

[Vesting Order 15097]

KOHPCKE AND NEUMANN

In re: Debt owing to Kohpcke & Neumann, Inc. F-27-30808.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest Fritz Neumann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Kohpcke & Neumann, Inc., the last known address of which is Panama City, Panama, is a corporation, partnership, association or other business organization, organized under the laws of Panama, which is, or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Ernest Fritz Neumann, and is a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owing to Kohcpke & Neumann, Inc. by The Panama Canal, Balboa Heights, Canal Zone, representing payment due under contracts for furnishing electrical refrigerators to units of The Panama Canal in 1941, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kohpcke & Neumann, Inc., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That Kohpcke & Neumann, Inc. is controlled by or acting for or on behalf of a designated enemy country (Germany), or persons within such enemy country, and is a national of a designated enemy country (Germany).

5. That to the extent that the persons named in subparagraph 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-8437; Filed Sept. 26, 1950; 8:49 a. m.]

[Vesting Order 15099]

TOKUJI MUKAI AND KIYO MUKAI

In Re: Bank account owned by Tokuji Mukai, also known as T. Mukai and Kiyo Mukai, also known as K. Mukai. F-39-6761-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tokuji Mukai, also known as T. Mukai and Kiyo Mukai, also known as K. Mukai, each of whose last known address is Imazuno-Mura, Mitsuki-Gun, Hiroshima-Ken, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tokuji Mukai, also known as T. Mukai and Kiyo Mukai, also known as K. Mukai, by Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Bank Building, Seattle 1, Washington, arising out of a Savings Account, account number 8745, entitled Tokuji Mukai-K. Mukai, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-8438; Filed, Sept. 26, 1950; 8:49 a. m.]

[Vesting Order 15092]

WILHELMINA ZEHNDER

In re: Estate of Wilhelmina Zehnder, deceased. File No. D-55-874; E. T. sec. 8687.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Karl Renz, also known as Carl Renz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Wilhelmina Zehnder, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The Shelton Trust Company, as administrator c. t. a., acting under the judicial supervision of the Court of Probate, District of Shelton, State of Connecticut;

and it is hereby determined:

4. That to the extent that the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Karl Renz, also known as Carl Renz, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8397; Filed, Sept. 25, 1950; 8:50 a. m.]

[Vesting Order 15104]

STAHLUNION LTDA.

In re: Debts owing to Stahlunion Ltda. also known as Materials Ferroviarios e Construccoes. F-28-30875.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Vereinigte Stahlwerke A. G., the last known address of which is Dusseldorf, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Stahlunion Export, the last known address of which is Dusseldorf, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

3. That Stahlunion Ltda., also known as Materials Ferroviarios e Construccoes, is a limited society, organized under the laws of Brazil, whose principal places of business are located in Rio de Janeiro and Sao Paulo, Brazil, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or a substantial part of the stock of which is or has been owned or controlled, directly or indirectly, by the aforesaid Vereinigte Stahlwerke A. G. and Stahlunion Export, and is a national of a designated enemy country (Germany);

4. That the property described as follows: Those certain debts or other obligations of Steel Union Sheet Piling, Inc., % Office of Alien Property, 120 Broadway, New York City, arising out of accounts listed on the books of the aforesaid Steel Union Sheet Piling Inc. as indebtednesses to Material Ferroviarios (e Construccoes), Louis Horeyseck, Sao Paulo, Brazil, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Stahlunion Ltda., also known as Materials Ferroviarios e Construccoes, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That Stahlunion Ltda., also known as Materials Ferroviarios e Construccoes, is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

6. That to the extent that the persons named in subparagraphs 1, 2, and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8401; Filed, Sept. 25, 1950; 8:50 a. m.]

[Vesting Order 15105]

CHARLOTTE TSAI-BARKOWSKI

In re: Debts owing to Charlotte Tsai-Barkowski. F-28-30694.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Tsai-Barkowski, whose last known address is Tribergerstrasse 9, Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, in the amount of $138.30 as of May 17, 1949, representing a portion of funds on deposit in a Ordinary Blocked Account entitled, "Swiss Bank Corporation, Zurich, Switzerland", maintained by the Swiss Bank Corporation, New York Agency, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, in the amount of $85.00 as of May 17, 1949, representing a portion of funds on deposit in a Special Blocked Account No. 60232 entitled "Swiss Bank Corporation, Zurich, Switzerland", maintained by the Swiss Bank Corporation, New York Agency, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, in the amount of $2,270.00 as of May 17, 1949, representing a portion of funds on deposit in a Blocked Account No. 60232 General Ruling 17/6 entitled, "Swiss Bank Corporation, Zurich, Switzerland", maintained by the Swiss Bank Corporation, New York Agency, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Charlotte Tsai-Barkowski, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8402; Filed, Sept. 25, 1950; 8:51 a. m.]

[Vesting Order 15108]

ANNA MEYER

In re: Real property owned by Anna Meyer.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Meyer, whose last known address is Zittau, Saxony, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the City of Safety Harbor, County of Pinellas, State of Florida, particularly described as all of Lots Two (2) and Three (3) of Block Three (3), of C. W. Johnson's Green Spring Subdivision according to the map or plat thereof as the same appears of Record in Plat Book 3, Page 10, Public Records of Hillsborough County, Florida, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8403; Filed, Sept. 25, 1950; 8:51 a. m.]

[Vesting Order 15109]

DR. SEIICHI OHATA

In re: Real property, property insurance policy and a bank account owned by Dr. Seiichi Ohata.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Seiichi Ohata, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Real property situated in Lower Paia, Island and County of Maui, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Dr. Seiichi Ohata in and to the fire insurance policy numbered 61061 in the amount of $6,000, issued by the Commonwealth Insurance Company of New York, 150 William Street, New York 8, New York, which policy expired March 13, 1950, and insured the improvements on the real property described in Exhibit A, attached hereto, together with any and all extensions and renewals thereof, and

c. That certain debt or other obligation of Bishop National Bank of Hawaii at Honolulu, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, account number 23111, entitled Dr. S. Ohata, by Chiyoko Ohata, attorney-in-fact, maintained at the branch office of the aforesaid bank located at Kahului, Maui, T. H., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dr. Seiichi Ohata, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–b and 2–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All of that certain parcel of land situate, lying and being in Lower Paia, Island and County of Maui, being a Portion of Lot Number Three (3), Section Two (2), of the "Hamakuapoko Hui Lands", said parcel being bounded and described as follows:

Beginning at an iron pipe at the East corner of Lot of Satoki Ikeda, the coordinates of which are N. 592.3 feet and E. 973.7 feet from M. A. Co's Street Monument No. 8 and running by true azimuths:

227° 34', 10 feet along Haiku-Kahului road;

136° 57', 1,485 feet along County lot;

130° 31', 135.9 feet along lot of Joe Rocha and Sakuji Oda;

146° 42', 108.5 feet along Kaluna Estate Cemetery to pipe;

137° 41', 100.2 feet along Latter Day Saints Church and Raymond M. Kobayashi to Beach, thence along shore line to a point whose azimuth and distance are;

16° 38', 251.7 feet thence;

316° 51', 263.0 feet along land of Helen Mitchell;

220°19', 19.2 feet along land of Rachael T. Kiakona;

227° 34', 80.0 feet along land of Kamesuke Morihara;

317° 46', 100 feet along same;
227° 34', 34.6 feet along Haiku-Kahului road to iron pipe;
136° 57', 100 feet along land Satoki Ikeda;
227° 34', 70 feet along same;
316° 57', 100 feet along same to point of beginning.

[F. R. Doc. 50-8404; Filed, Sept. 25, 1950; 8:51 a. m.]

[Return Order 738]

PROF. DR. AUGUST CHWALA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Prof. Dr. August Chwala, Vienna, Austria; Claim No. 41161; August 4, 1950 (15 F. R. 5036); property described in Vesting Order No. 68 (7 F. R. 6181, August 11, 1942), relating to United States Patent Application Serial No. 283,323 (now United States Letters Patent No. 2,356,565). This return shall not be deemed to include the rights of any licensees under the above patent application or patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8439; Filed, Sept. 26, 1950; 8:49 a. m.]

[Return Order 749]

HERTA HOLLAND AND ANNA STEIN

Having considered the claim set forth below and having issued a determination allowing claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Herta Holland, nee Latz, and Anna Stein, nee Latz, London, England; Claims Nos. 10257 & 36328; August 18, 1950 (15 F. R. 5523); $1,764.63 in the Treasury of the United States, returnable to the claimants in equal shares.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8441; Filed, Sept. 26, 1950; 8:50 a. m.]

MARIE JOSEPHINE SPIESSER AND AUGUST HOERDT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property and Location

Marie Josephine Spiesser, Strasbourg, France, and August Hoerdt, Chicago, Ill., the latter acting for himself and as Conservator of the estate of Fred Hoerdt, an incompetent; Claim No. 42462; $1,200 in the Treasury of the United States and all interest of Sophie Brejcha in the trust estate created under the will of Leonhard Hoerdt, deceased. The trust is under the judicial supervision of the Probate Court of Cook County, Ill. Of the property 40% is returnable to Marie Josephine Spiesser, 30% to August Hoerdt, individually, and 30% to him as Conservator of the estate of Fred Hoerdt, an incompetent.

Executed at Washington, D. C., on September 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8442; Filed, Sept. 26, 1950; 8:50 a. m.]

IRMINGARD EMMA ANTONIA RICHTER CROMPTON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property and Location

Irmingard Emma Antonia Richter Crompton, London, England; Claim No. 41262; $6,704.65 in the Treasury of the United States.

Executed at Washington, D. C., on September 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8443; Filed, Sept. 26, 1950; 8:50 a. m.]

ALOISIA BRESKY AND JOSEFINE PUCHINGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Aloisia Bresky and Josefine Puchinger, both of Vienna, Austria; Claims Nos. 40911 and 40912; $2,129.72 cash in the Treasury of the United States; $1,419.81 returnable to Aloisia Bresky; $709.91 returnable to Josefine Puchinger. All right, title, interest and claim of Aloisia Bresky and Josefine Puchinger in and to the estate of Joseph Helus, deceased.

Executed at Washington, D. C., on September 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8444; Filed, Sept. 26, 1950; 8:50 a. m.]

MARIA ANNA RIEGLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention of return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property and Location

Maria Anna Riegler, Vienna, Austria; Claim No. 39914; $990.51 cash in the Treasury of the United States.

Executed at Washington, D. C., on September 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8445; Filed, Sept. 26, 1950; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 15 NUMBER 188

Washington, Thursday, September 28, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 25—THE FEDERAL LAND BANK OF NEW ORLEANS

APPRAISAL FEES

Section 25.1 of Title 6, Code of Federal Regulations, is amended by adding a paragraph (e), as follows:

§ 25.1 *Appraisal fees.* • • •

(e) An additional appraisal fee of 5 cents per acre, not to exceed $600, will be collected with each application for a loan where any portion of such loan is to be predicated on timber, on each acre of woodland in excess of 300 acres.

(Sec. 13, Ninth, 39 Stat. 372; 12 U. S. C. 781, Ninth. Interprets or applies sec. 7, 39 Stat. 365 as amended, secs. 32, 33, 48 Stat. 48, 49, as amended; 12 U. S. C. 723, 1016, 1017)

THE FEDERAL LAND BANK OF NEW ORLEANS,
[SEAL] R. L. THOMPSON,
President.

[F. R. Doc. 50-8470; Filed, Sept. 27, 1950; 8:48 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; MINNESOTA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

MINNESOTA

County	Average value	Investment limit
Aitkin	$7,000	$7,000
Benton	9,000	9,000
Cass	6,000	6,000
Crow Wing	7,000	7,000
Hubbard	6,000	6,000
Kanabec	9,000	9,000
Lake of the Woods	8,000	8,000
Saint Louis	7,000	7,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 22d day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-8471; Filed, Sept. 27, 1950; 8:49 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; VIRGINIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

VIRGINIA

County	Average value	Investment limit
Albemarle	$15,000	$12,000
Alleghany	10,000	10,000
Augusta	15,000	12,000
Bath	12,000	12,000
Bland	12,000	12,000
Botetourt	15,000	12,000
Buchanan	8,000	8,000
Buckingham	11,000	11,000
Caroline	13,000	12,000
Carroll	11,000	11,000

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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County	Average value	Investment limit
Charlotte	$11,000	$11,000
Chesterfield	10,000	10,000
Clarke	15,000	12,000
Craig	10,000	10,000
Culpeper	16,000	12,000
Cumberland	11,000	11,000
Dickenson	7,500	7,500
Dinwiddie	10,000	10,000
Essex	12,000	12,000
Fairfax	16,000	12,000
Fauquier	16,000	12,000
Floyd	11,000	11,000
Fluvanna	11,000	11,000
Franklin	10,000	10,000
Frederick	13,000	12,000
Giles	12,000	12,000
Gloucester	10,000	10,000
Goochland	12,000	12,000
Grayson	12,000	12,000
Halifax	11,000	11,000
Hanover	12,000	12,000
Highland	12,000	12,000
Isle of Wight	12,000	12,000
King and Queen	11,000	11,000
King George	12,000	12,000
King William	11,500	11,500
Lancaster	12,000	12,000
Lee	15,000	12,000
Loudoun	16,000	12,000
Louisa	12,000	12,000
Lunenburg	11,000	11,000
Madison	12,000	12,000
Mathews	10,000	10,000
Middlesex	12,000	12,000
Montgomery	13,000	12,000
Nansemond	12,000	12,000
Nelson	12,000	12,000
Norfolk	12,000	12,000
Northumberland	12,000	12,000
Nottoway	12,000	12,000
Orange	15,000	12,000
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Patrick	11,000	11,000
Pittsylvania	12,000	12,000
Prince Edward	10,000	10,000
Prince George	11,000	11,000
Prince William	15,000	12,000
Princess Anne	12,000	12,000
Pulaski	15,000	12,000
Rappahannock	14,000	12,000
Richmond	12,000	12,000
Rockbridge	14,000	12,000
Rockingham	15,000	12,000
Russell	15,000	12,000
Scott	15,000	12,000
Shenandoah	14,000	12,000
Smyth	15,000	12,000
Southampton	12,000	12,000
Spotsylvania	13,000	12,000
Stafford	13,000	12,000
Surry	12,000	12,000
Sussex	12,000	12,000
Tazewell	15,000	12,000
Warren	15,000	12,000
Washington	15,000	12,000
Westmoreland	12,000	12,000
Wise	12,000	12,000
Wythe	15,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 22d day of September 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 50–8472; Filed, Sept. 27, 1950; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

UNITED STATES CONSUMER STANDARDS FOR ITALIAN SPROUTING BROCCOLI

On August 18, 1950, a notice of rule making was published in the FEDERAL

REGISTER (F. R. Doc. 50-7238; 15 F. R. 5512) regarding proposed United States Consumer Standards for Italian Sprouting Broccoli. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Consumer Standards for Italian Sprouting Broccoli are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.).

§ 51.146 *Consumer standards for Italian sprouting broccoli*—(a) *Grades*—(1) *U. S. Grade A.* U. S. Grade A consists of stalks, or parts of stalks of Italian sprouting broccoli which are well trimmed, and have good characteristic color, and fairly compact bud clusters; and which are fresh, tender, and clean, and are free from decay and from damage caused by discoloration, freezing, hollow stem or pithiness, scars, disease, insects, or mechanical or other means. Broccoli stalks on the shown face shall be reasonably representative in size and quality of the contents of the container.

(i) The length of the stalks or parts thereof shall be not more than 6 inches nor less than 3 inches, and the diameter of the stem shall be not less than ¼ inch.

(ii) Incident to proper grading and handling, not more than 5 percent, by weight, of the broccoli stalks or parts thereof in any lot may fail to meet the size requirements and, in addition, not more than 5 percent, by weight, may fail to meet the remaining requirements of the grade, including not more than 1 percent for decay.

(2) *U. S. Grade B.* U. S. Grade B consists of stalks or parts of stalks of Italian sprouting broccoli which meet the requirements of U. S. Grade A except as to compactness of bud clusters and except for the increased tolerances specified below.

(i) Stalks or parts of stalks of broccoli of this grade shall have reasonably compact bud clusters.

(ii) Incident to proper grading and handling, not more than 10 percent, by weight, of the broccoli stalks or parts thereof in any lot may fail to meet the size requirements and in addition, not more than 10 percent, by weight, may fail to meet the remaining requirements of the grade, including not more than 1 percent for decay.

(b) *Off-Grade Italian sprouting broccoli.* Italian sprouting broccoli which fails to meet the requirements of either of the foregoing grades shall be Off-Grade Italian sprouting broccoli.

(c) *Definitions.* (1) "Stalk" means a portion of the broccoli plant including the stem, bud clusters and leaves.

(2) "Well trimmed" means that all coarse, damaged, and discolored leaves and leaves extending more than 1½ inches above the top of the head have been removed, and that cross cuts on butts and lengthwise cuts on split stalks are smooth.

(3) "Good characteristic color" means that the stem and external portion of the head or part thereof has a light green or darker shade of green color except that purplish color shall be allowed on the external portion of the head or part thereof.

(4) "Fairly compact bud clusters" means that the individual florets of bud clusters are relatively small and fairly tightly crowded together and that the bud clusters on the stalk or part of a stalk are generally close together.

(5) "Fresh" means that the broccoli is not flabby or more than slightly wilted.

(6) "Tender" means that the broccoli is succulent, and that the stems are not fibrous, tough or stringy.

(7) "Clean" means that the broccoli is practically free from sand, dirt, silt, muck, and other water-insoluble inorganic material.

(8) "Damage" means any defect which more than slightly affects the appearance, or the edible, shipping, or keeping quality of the individual stalks or parts thereof, or the lot as a whole. The following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(i) Discoloration, when more than very slight.

(ii) Freezing, when causing more than slight discoloration of the individual unit.

(iii) Hollow stem or pithiness, when discolored, or when more than slightly affecting the appearance of the individual unit.

(iv) Scars, when discolored, or when more than slight or superficial.

(v) Disease, when showing discoloration, or when more than slightly affecting the appearance of the individual unit.

(vi) Insects, when worms or worm frass are present or when there is more than slight infestation by other insects.

(9) "Diameter" means the greatest thickness of the stem measured at the base.

(10) "Reasonably compact bud clusters" means that the individual florets of bud clusters are not on the verge of opening, but that pedicels on florets may be moderately elongated and bud clusters may be moderately open and spreading.

(d) *Effective time.* The United States Consumer Standards for Italian Sprouting Broccoli contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Done at Washington, D. C., this 25th day of September 1950.

[SEAL] ROY W. LENNARTSON,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-8520; Filed, Sept. 27, 1950; 8:56 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Amdt. 1]

PART 706—NAVAL STORES CONSERVATION PROGRAM

EXCESS COTTON ACREAGE

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1950 Naval Stores Conservation Program, issued October 20, 1949 (14 F. R. 6511), is amended so that § 706.105 will read as follows:

§ 706.105 *Excess cotton acreage.* (a) Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1950 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted during 1950 on land in any farm in which he has an interest in excess of the cotton allotment under section 344 of the Agricultural Adjustment Act of 1938, as amended, for the farm for 1950.

(b) Any person who knowingly plants cotton or causes cotton to be planted on his farm in 1950 in excess of the 1950 cotton acreage allotment for the farm under section 344 of the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment whatsoever on that farm or on any other farm under 1950 programs authorized by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, Cotton will not be deemed to have been planted on any farm in excess of the farm acreage allotment if, after the acreage originally planted to cotton has been determined and notice thereof sent to the operator of the farm, the planted acreage is adjusted to the farm acreage allotment in the period allowed under the notice. If the operator is notified that the cotton acreage allotment has been exceeded and the planted acreage is not adjusted to such acreage allotment in the period allowed under the notice, the cotton acreage allotment shall be deemed to have been knowingly exceeded by all producers having an interest in the cotton on the farm. Notice of overplanting mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm.

For the purposes of this paragraph, the acreage planted to cotton will include only acreage planted to upland cotton.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended, 63 Stat. 670; 7 U. S. C. 1348; 16 U. S. C. 590g-590q, 7 U. S. C., Sup., 1348)

Done at Washington, D. C., this 22d day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc 50-8468; Filed, Sept 27, 1950; 8:48 a m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 909—HANDLING OF ALMONDS GROWN IN CALIFORNIA

BUDGET OF EXPENSES AND RATE OF ASSESSMENT FOR THE 1950-51 CROP YEAR

§ 909.300 *Budget of expenses and rate of assessment for the 1950-51 crop year*—(a) *Findings.* (1) On the basis of recommendations of the Almond Control Board, established and functioning pursuant to Marketing Agreement No. 119 and Order No. 9 (15 F. R. 4993), regulating the handling of almonds grown in California, and other available information, it is hereby found that expenses in the amount of $7,600.00 are reasonable and likely to be incurred by the Almond Control Board for its maintenance and functioning during the crop year beginning August 4, 1950; and that, in lieu of the rate of assessment of two-tenths of a cent per pound of edible almond kernels received by each handler for his own account (except as to receipts from other handlers on which assessments had been paid), as provided in § 909.121 of the aforesaid agreement and order, the rate of assessment for the crop year beginning August 4, 1950, should be five one hundredths of a cent for each such pound of edible almond kernels.

The anticipated limited operations of the board in the 1950-51 crop year, due to the fixing of a zero surplus percentage, are expected to require expenditures of only $7,600. This is a much smaller amount than would be required under normal operating conditions. Considering the rate of assessment in conjunction with the budget of expenses, it is concluded that the assessment rate of two-tenths of a cent per pound as set forth in § 909.121 would provide funds far in excess of contemplated expenses. Therefore, the recommendation of the board concerning the changing of the assessment rate is accepted. A rate of assessment of five one hundredths of a cent per pound of edible kernels received by handlers for their own accounts (except receipts from other handlers on which assessments had been paid) will provide sufficient funds to meet the budget for the 1950-51 crop year.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this document later than three days after the date of its publication in the FEDERAL REGISTER. This action with respect to the budget of expenses and the rate of assessment is necessary for the reason that shipment of the current crop of almonds will soon begin, and it is essential that a budget and assessment rate be authorized for application as soon as such shipments begin. No preparation for this regulation is required which cannot be completed prior to that effective date. In addition, the effect of this action will be wholly for the benefit of the persons affected thereby. Therefore, good cause exists for not delaying the effective date of these regulatory requirements beyond three days after the date of publication of this document in the FEDERAL REGISTER (See section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.).

(b) *Order*—(1) *Budget of expenses.* Expenses in the amount of $7,600.00 are reasonable and likely to be incurred by the Almond Control Board for its maintenance and functioning during the crop year beginning August 4, 1950.

(2) *Rate of assessment.* The rate of assessment for the crop year beginning August 4, 1950, shall be, in lieu of the assessment rate specified in § 909.121, five one-hundredths of a cent for each pound of edible almond kernels received by each handler for his own account (except as to receipts from other handlers on which assessments had been paid).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of September 1950, to become effective at 12:01 a. m., P. s. t., on the third day after the date of the publication of this document in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-8522; Filed, Sept. 27, 1950; 8:56 a. m.]

PART 918—MILK IN THE MEMPHIS, TENNESSEE, MARKETING AREA

ORDER REGULATING HANDLING

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AUTHORITY: §§ 918.0 to 918.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 918.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held March 20-24, and March 27-29, 1950, at Memphis, Tennessee, upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Memphis, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products, handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) The necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all (a) producer milk (including such handler's own production) received during the month, and (b) other source milk classified as Class I milk during the month.

(b) *Additional findings.* It is necessary, in the public interest, to make the several provisions of this order effective as hereinafter set forth. Any further delay in the effective date of the order will seriously threaten the orderly marketing and supply of milk in the Memphis, Tennessee, marketing area. The need for the order is also disclosed by the decision (15 F. R. 6144) which was executed on September 8, 1950. The provisions of the order are well known to handlers—the public hearing having been held on March 20 to 24, and March 27 to 29, 1950, the recommended decision having been published in the FEDERAL REGISTER (15 F. R. 5082) on August 8, 1950, and the final decision (15 F. R. 6144) having been executed by the Secretary on September 8, 1950. Reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order effective October 1, 1950, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress; 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order which is marketed within the Memphis, Tennessee, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least three-fourths of the producers who participated in a referendum on the question of approval of its issuance, and who during the determined representative period (July 1950) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 918.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 918.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 918.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified herein.

§ 918.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 918.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 918.6 *Memphis, Tennessee, marketing area.* "Memphis, Tennessee, marketing area," hereinafter called the "marketing area," means all the territory within the boundaries of the cities of Memphis and Jackson, Tennessee.

§ 918.7 *Fluid milk plant.* "Fluid milk plant" means any milk plant, except that of a producer-handler, approved by the appropriate health authority in the marketing area, and used during the month for (a) the processing and packaging of producer milk, all or a portion of which is disposed of as Class I milk in the marketing area to wholesale or retail outlets, including plant stores; or (b) the receipt and cooling of producer milk for shipment to a plant described in paragraph (a) of this section.

§ 918.8 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant.

§ 918.9 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of a fluid milk plant(s), (b) a producer-handler, or (c) any cooperative association with respect to milk of producers diverted by it from a fluid milk plant to a nonfluid milk plant for the account of such cooperative association.

§ 918.10 *Producer.* "Producer" means any person, except a producer-handler, who produces milk under a dairy farm inspection permit issued by the appropriate health authority in the marketing area and whose milk is permitted to be used for consumption as milk in the marketing area, which milk is: (a) Received at a fluid milk plant, or (b) diverted from a fluid milk plant to a nonfluid milk plant: *Provided*, That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted.

§ 918.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is purchased or received by a handler either directly from producers or from other handlers.

§ 918.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 918.13 *Producer-handler.* "Producer-handler" means any person who produces milk under a dairy farm permit issued by the appropriate health authority in the marketing area and who processes milk from his own production, and distributes all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from producers.

MARKET ADMINISTRATOR

§ 918.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 918.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 918.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 918.97 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 918.96, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 3 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 918.30 and 918.31 or payments pursuant to § 918.90;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing on or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 918.51 (a) and the Class I butterfat differential computed pursuant to § 918.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 918.51 (b) and the Class II butterfat differential computed pursuant to § 918.52 (b), both for the previous month;

(j) Notify each handler in writing on or before the 11th day of each month the amount of the net obligation of such handler for milk received from producers during the previous month. Such notification shall show the amount and the value of milk in each class; the amount and the value of overage; and the amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and notify each handler in writing:

(1) On or before the 13th day after the end of each of the months of September through February, the uniform price and the location differential for each handler computed pursuant to §§ 918.71 and 918.93, respectively, and the butterfat differential computed pursuant to § 918.92; and

(2) On or before the 13th day after the end of each of the months of March through August, the uniform prices for base milk and for excess milk and the location differential for each handler computed pursuant to §§ 918.72 and 918.93, respectively, and the butterfat differential computed pursuant to § 918.92; and

(l) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 918.30 *Reports of receipts and utilization.* On or before the 8th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 918.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator in detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 8th day after the end of the month, the correct name and address of each producer, the total pounds of milk received from each producer, the number of days on which milk was received from each producer, the amount of any deductions authorized in writing by the producer to be made in making payments to such producer, and the average butterfat content of the milk received from each producer.

(2) Upon request of the market administrator, the information described in subparagraph (1) of this paragraph together with such other information as the market administrator may prescribe for prior calendar months included in the period beginning with September 1950 to the effective date of this order.

(3) On or before the first day other source milk is received, such handler's intention to receive such milk and on or before the last day such milk is received, his intention to discontinue receipt of such milk.

§ 918.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled; and

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month.

§ 918.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 918.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 918.30 shall be classified by the market administrator pursuant to the provisions of §§ 918.41 through 918.46.

§ 918.41 *Classes of utilization.* Subject to the conditions set forth in §§ 918.43 and 918.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, and any other product required by the appropriate health authority in the marketing area to be made from Grade A milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) of this section, (2) disposed of for livestock feed, (3) in shrinkage up to 2 percent of receipts from producers, and (4) in shrinkage of other source milk.

§ 918.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for such handler; and

(b) Prorate the resulting amounts between such handler's receipts of skim milk and butterfat in producer milk and in other source milk.

§ 918.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first re-

ceives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if vertification by the market administrator discloses that the original classification was incorrect.

§ 918.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion from a fluid milk plant shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a fluid milk plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the month within which such transaction occurred: *Provided,* That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 918.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *Provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk: *And provided further,* That the amount of skim milk or butterfat transferred or diverted from a fluid milk plant to which a location differential applies pursuant to § 918.53 to a fluid milk plant described in § 918.7 (a) shall not be classified in Class I to the extent that the resulting uniform price for the transferring handler shall be higher than the resulting uniform price for the transferee-handler.

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonfluid milk plant, except that of a producer-handler, unless the following conditions are met:

(1) The handler claims classification in Class II;

(2) The market administrator is permitted to audit the books and records showing the utilization of all skim milk and butterfat received at such nonfluid milk plant, for the purpose of verification; and

(3) An amount of skim milk and butterfat not less than that so transferred or diverted was used in Class II: *Provided,* That the skim milk and butterfat so assigned to Class II shall be limited to the amount thereof in Class II in such nonfluid milk plant and any additional amounts of skim milk and butterfat so transferred or diverted shall be assigned to Class I.

§ 918.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 918.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 918.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 918.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided,* That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 918.44 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 918.50 *Basic formula price to be used in determining the Class I price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 918.51 (b), all for the preceding month.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the butterfat differential computed pursuant to § 918.52 (b) for the month by 5.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department of Agriculture during the month, add 20 percent thereof, and multiply by 4.0.

(2) For the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5 cents, and multiply by 7.5.

§ 918.51 *Class prices.* Subject to the provisions of §§ 918.52 and 918.53, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the amount set forth below for such month opposite the price range within which the basic formula price falls:

Basic formula price range (dollars per hundredweight)	Amount per hundredweight	
	September through February	March through August
Not more than 1.999	$3.48	$3.08
2.00 but not more than 2.399	3.88	3.48
2.40 but not more than 2.799	4.28	3.88
2.80 but not more than 3.199	4.68	4.28
3.20 but not more than 3.599	5.08	4.68
3.60 but not more than 3.999	5.48	5.08
4.00 but not more than 4.399	5.88	5.48
And for each additional 40 cents or fraction thereof.	An additional 40 cents	

Provided, That the Class I price from the effective date of this provision through the month of February 1951 shall not be less than $5.08 per hundredweight: *And provided further,* That for any month after this provision has been in effect for 13 months the Class I price shall be increased 40 cents per hundredweight if the receipts of milk from producers by all handlers, during the 12 months prior to the month immediately preceding the month for which the Class I price is being computed, was less than 110 percent of the total Class I milk disposed of by all handlers during such 12-month period; or the Class I price for any such month shall be reduced 40 cents per hundredweight if the receipts of milk from producers during such 12-month period are more than 125 percent of the total Class I milk disposed of by all handlers during such 12-month period.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture.

Present Operator and Location

Collierville Dairy Products Co., Collierville, Tenn.
Coldwater Dairy Products Co., Coldwater, Miss.
Olive Branch Cheese Co., Olive Branch, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Kosciusko, Miss.

§ 918.52 *Butterfat differential to handlers.* If the average butterfat content of producer milk allocated to any class pursuant to § 918.46 is more or less than 4.0 percent there shall be added to the respective class price computed pursuant to § 918.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department of Agriculture during the period listed below by the applicable factor so listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price reported for the preceding month by 1.25;

(b) *Class II milk.* Multiply such price reported for the current month by 1.20.

§ 918.53 *Location differentials to handlers.* For that portion of milk which is received from producers at a handler's fluid milk plant located 40 miles or more from the City Hall in Memphis, Tennessee, by shortest hard surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the prices specified in § 918.51 (a) shall be reduced by the amount per hundredweight set forth in the schedule below for the appropriate distance at which is located the fluid milk plant where such milk was received: *Provided,* That with respect to milk received at a fluid milk plant described in § 918.7 (b) the quantity of milk to which the location differential shall apply shall not exceed the quantity of milk actually moved from such plant in fluid form to a fluid milk plant described in § 918.7 (a) plus the quantity of milk moved from such plant in fluid form to a nonfluid milk plant and classified as Class I milk:

Distance from the City Hall in Memphis (miles):	*Amount per hundredweight (cents)*
40 but less than 50	17
50 but less than 60	18
60 but less than 70	19
Within each 10-mile zone thereafter an additional 1 cent.	

APPLICATION OF PROVISIONS

§ 918.60 *Producer-handlers.* Sections 918.40 through 918.46, 918.50 through 918.53, 918.70 through 918.72, 918.80 through 918.83, and 918.90 through 918.97 shall not apply to a producer-handler.

DETERMINATION OF UNIFORM PRICE

§ 918.70 *Net obligation of each handler.* The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price, (b) add together the resulting amounts, (c) add the amounts computed by multiplying the pounds of coverage deducted from each class by the applicable class price, and (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 918.71 *Computation of the uniform price for each handler.* For each of the months of September through February the market administrator shall compute for each handler the uniform price as follows:

(a) Add to the amount computed pursuant to § 918.70 the amount of location differential pursuant to § 918.93;

(b) Subtract, if the average butterfat content of milk received from producers by such handler is more than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential to producers, and multiply the result by the total hundredweight of such milk;

(c) Add the amount represented by any deductions made pursuant to paragraph (d) of this section for fractions of a cent in computing the uniform price for the preceding month;

(d) Divide the resulting amount by the total hundredweight of milk received from producers by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. the marketing area.

§ 918.72 *Computation of the uniform price for base milk and for excess milk for each handler.* For each of the months of March through August, the market administrator shall compute for each handler the uniform price for base milk and for excess milk as follows:

(a) Add to the amount computed pursuant to § 918.70 the amount of location differential pursuant to § 918.93;

(b) Subtract, if the average butterfat content of milk received from producers by such handler is more than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential to producers, and multiply the result by the total hundredweight of such milk;

(c) Subtract, for each of the months of March through August, during which a handler purchased a smaller percentage of his Class I milk from producers who were members of a cooperative association than he so purchased during the preceding period of September through February, an amount computed as follows:

(1) Compute the difference between the percentage which Class I milk purchased from producers who were members of such cooperative association was of the total Class I milk disposed of by such handler during the preceding period of September through February, and the percentage which Class I milk purchased from member producers of such cooperative association was of the total Class I milk disposed of by such handler during the month;

(2) Multiply this percentage difference by the total Class I milk disposed of by such handler during the month; and

(3) Multiply this quantity of milk by the difference between the price of Class I milk and Class II milk for the month: *Provided,* That the total quantity of all handlers to which such difference in price shall apply shall not be greater than the pounds of milk which were received by all handlers from member producers of such cooperative association during the month, and which were classified as Class II milk: *And provided further,* That during any month when the preceding proviso applies to more than one handler the quantities of milk for each handler to be multiplied by such difference in price shall be reduced pro rata until the total of such quantities is equal to the total pounds of milk which were received by all handlers from member producers of such cooperative during the month, and which were classified as Class II milk.

(d) Add, in computing the uniform price of base milk and excess milk diverted by a cooperative association, the sum of the deductions made for the month pursuant to paragraph (c) of this section in computing such uniform prices for all handlers;

(e) Add the amount represented by any deductions made pursuant to paragraphs (h) and (i) of this section for fractions of a cent in computing such uniform prices for the preceding month;

(f) Subject to the conditions set forth in paragraph (g) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(g) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (f) of this section from the value obtained pursuant to paragraphs (a) through (e) of this section: *Provided,* That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price such value in excess thereof shall be added to the value computed pursuant to paragraph (f) of this section:

(h) Divide the value obtained pursuant to paragraph (g) of this section by the hundredweight of base milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. the marketing area; and

(i) Divide the value obtained pursuant to paragraph (f) of this section, subject to the conditions set forth in paragraph (g) of this section, by the hundredweight of excess milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

BASE RATING

§ 918.80 *Determination of daily base of each producer.* For the months of March through August of each year, the daily base of each producer shall be an amount of milk computed by the market administrator by dividing the total pounds of milk received from such producer by handlers during the preceding months of September through February by the total number of days in such period.

§ 918.81 *Determination of monthly base of each producer.* For each of the months of March through August of each year, the monthly base of each producer shall be an amount of milk computed by the market administrator by multiplying the daily base of such producer by the number of days on which milk was received during such month from such producer by a handler.

§ 918.82 *Base rules.* (a) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle.

(b) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of the landlord and tenant may be combined and may be divided when such relationship is terminated.

(c) The base of a producer may be moved from one handler to another and may be transferred from such producer to another producer.

§ 918.83 *Announcement of daily bases.* On or before March 20, of each year, the market administrator shall notify each producer of his daily base.

PAYMENTS

§ 918.90 *Payments to market administrator.* On or before the 12th day of each month each handler shall pay to the market administrator an amount equal to such handler's net obligation for the previous month as determined pursuant to § 918.70 less deductions authorized in writing by producers from whom he received milk. The market administrator shall maintain a separate fund in which he shall deposit all payments of handlers received pursuant to this paragraph and out of which he shall make all payments pursuant to § 918.91.

§ 918.91 *Payments to producers.* The market administrator shall pay each producer in the following manner for milk received by a handler from such producer: *Provided*, That if such handler has not made full payment pursuant to § 918.90 for the month the market administrator shall reduce uniformly such payments to such handler's producers and shall complete such payments as soon as the necessary funds are available.

(a) On or before the 15th day after the end of the months of September through February, the market administrator shall pay each producer for milk received by a handler from such producer during the month an amount computed by multiplying the hundredweight of such milk by not less than the uniform price computed for such handler pursuant to § 918.71, subject to the adjustments specified in §§ 918.92, 918.93, and 918.96, and less deductions authorized in writing by such producer.

(b) On or before the 15th day after the end of each of the months of March through August, the market administrator shall pay each producer for milk received by a handler from such producer during the month an amount computed as follows, subject to the adjustments specified in §§ 918.92, 918.93, and 918.96, and less deductions authorized in writing by such producer:

(1) Multiply the hundredweight of base milk received from such producer by such handler by not less than the uniform price for base milk computed for such handler pursuant to § 918.72;

(2) Multiply the hundredweight of excess milk received from such producer by such handler by not less than the uniform price for excess milk computed for such handler pursuant to § 918.72; and

(3) Add together the resulting sums.

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section the market administrator shall pay, on or before the 2d day prior to the date payments are due to individual producers, to a cooperative association which is authorized to collect payment for milk of its members and from which a request for such payment has been received a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to this section.

§ 918.92 *Butterfat differential to producers.* In making payment to producers pursuant to § 918.91, there shall be added to or subtracted from, as the case may be, the applicable uniform prices computed pursuant to §§ 918.71 and 918.72 for the handler who received milk from such producer for each one-tenth of one percent of butterfat content above or below 4.0 percent in such milk the amount shown in the schedule below for the butter price range in which falls the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month:

Butter price range (cents):	*Butterfat differential (cents)*
Not more than 17.500	2
17.50–22.499	2½
22.50–27.499	3
27.50–32.499	3½
32.50–37.499	4
37.50–42.499	4½
42.50–47.499	5
47.50–52.499	5½
52.50–57.499	6
57.50–62.499	6½
62.50–67.499	7
67.50–72.499	7½
72.50–77.499	8
77.50–82.499	8½
82.50–87.499	9
87.50–92.499	9½
92.50 and over	10

§ 918.93 *Location differentials to producers.* In making payment to producers pursuant to § 918.91, there shall be deducted from the applicable uniform prices, computed pursuant to §§ 918.71 and 918.72 (h), to be paid by a handler for producer milk received at a fluid milk plant located 40 miles or more from the City Hall in Memphis, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, the amount set forth below for the appropriate distance at which is located the fluid milk plant where such milk was received:

Distance from the City Hall in Memphis (miles):	*Amount per hundredweight (cents)*
40 but less than 50	17
50 but less than 60	18
60 but less than 70	19
Within each 10-mile zone thereafter an additional 1 cent.	

§ 918.94 *Statement to producers.* In making the payments pursuant to § 918.91, the market administrator shall furnish each producer or cooperative association with a statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The delivery period and the identity of the handler and the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer;

(c) The minimum rates at which payment to the producer or cooperative association is required under the provisions of §§ 918.91 and 918.92;

(d) The amount or rates per hundredweight of each deduction, together with a description of the respective deductions; and

(e) The net amount of payment to the producer or cooperative association.

§ 918.95 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due the market administrator from such handler, or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 918.96 *Marketing services—(a) Deductions.* In making payments to producers pusuant to § 918.91, the market administrator shall deduct 7 cents per hundredweight or such amount not exceeding 7 cents per hundredweight as may be prescribed by the Secretary, with respect to milk (other than milk of a handler's own production) of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association.

(b) *Marketing services to be rendered.* The moneys received by the market administrator pursuant to paragraph (a) of this section shall be used by the market administrator to sample, test, and check the weights of milk received from producers for whom a cooperative association is not performing such services and to provide such producers with market information.

§ 918.97 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe with respect to all receipts within the month of (a) milk from producers including such handler's own production, and (b) other source milk which is classified as Class I milk.

§ 918.98 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler falls or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 918.100 *Effective time.* The provisions hereof or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 918.101.

§ 918.101 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 918.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 918.103 *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 918.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 918.111 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 25th day of September 1950, to be effective on and after the 1st day of October 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–8524; Filed, Sept. 27, 1950; 8:57 a. m.]

PART 987—IRISH POTATOES IN MAINE

LIMITATION OF SHIPMENTS

§ 987.305 *Limitation of shipments—*(a) *Findings.* (1) Pursuant to Marketing Agreement No. 108 and Order No. 87 (7 CFR 987.1 et seq.) regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and upon the basis of the recommendation and information submitted by the State of Maine Potato Committee, established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impractical and contrary to the public interest to give preliminary notice, engage in public rule-making procedure and postpone the effective date of this section until thirty days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of the 1950 crop Irish potatoes grown in the State of Maine have begun, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the shipment of potatoes in the manner set forth below on and after the effective date hereinafter set forth, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date hereof, (iv) a reasonable time

is permitted, under the circumstances, for such preparation, (v) the time intervening between the date when adequate information became available to the State of Maine Potato Committee to make its recommendation and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and (vi) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* During the period from October 1, 1950, to June 30, 1951, both dates inclusive, no handler shall ship (1) potatoes of the Bliss Triumph variety wnich are not U. S. No. 1 or better grade, or are less than 1⅞ inches minimum diameter, as such grades and sizes are defined in the U. S. Standards for Potatoes (14 F. R. 1955, 2161), including the tolerances set forth therein; and (2) any potatoes, other than potatoes of the Bliss Triumph variety, which are not U. S. No. 1 or better grade, or are less than 2¼ inches minimum diameter or are more than 3¾ inches maximum diameter, as such grades and sizes are defined in the said U. S. Standards for Potatoes, including the tolerances set forth therein: *Provided*, That the aforesaid limitation shall not be applicable to shipments of Maine Four Star grade potatoes (as such grade is defined in the State of Maine Standards for Potatoes, including the tolerances set forth therein); shipments of potatoes for export; shipments of potatoes purchased by the Commodity Credit Corporation for distribution by the Federal Government; shipments of potatoes for distribution by relief agencies or for consumption by charitable institutions; shipments of potatoes for the purpose of having such potatoes manufactured or converted into non-food products or for canning; shipments of potatoes for livestock feed; and shipments of seed potatoes, except that the State of Maine Potato Committee may prescribe adequate safeguards applicable to the aforesaid shipments (exclusive of Maine Four Star grade potato shipments) as provided by § 987.6 (c) of Order No. 87: *Provided further*, That for the period ending June 30, 1951, § 987.4 (d) of Marketing Agreement No. 108 and Order No. 87 (Inspection and Certification) is suspended with respect to each shipment of potatoes grown in District No. 4 of the production area which is not in excess of 1,500 pounds net weight.

The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 108 and Order No. 87.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of September 1950, to be effective on October 1, 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-8521; Filed, Sept. 27, 1950; 8:56 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds

[BAI Order 379, Amdt. 7]

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

CATTLE

On August 24, 1950, a notice of rule making was published in the FEDERAL REGISTER (15 F. R. 5693) regarding the proposed recognition by the Secretary of Agriculture of the book of record of purebred cattle entitled "Lincoln Red Shorthorn Herd Book."

After due consideration of all relevant material presented in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by paragraph 1606 of section 201 of the Tariff Act of 1930 (19 U. S. C. sec. 1201, par. 1606), hereby recognizes the said book of record, and hereby amends § 151.10, Chapter I, Title 9, Code of Federal Regulations, by adding to the subdivision of paragraph (a) of said section relating to cattle, the following book of record:

CATTLE

Name of breed	Book of record	By whom published
Lincoln Red Shorthorn.	Lincoln Red Shorthorn Herd Book.	Lincoln Red Shorthorn Society, W. Dunnaway, Secretary, 17 West Parade, Lincoln, England.

(Par. 1606, 46 Stat. 673, as amended; 19 U. S. C. 1201, par. 1606)

The foregoing amendment shall become effective on the 30th day of October 1950.

Done at Washington, D. C., this 22d day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-8469; Filed, Sept. 27, 1950; 8:48 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Regulation W]

PART 222—CONSUMER INSTALMENT CREDIT

PRE-EFFECTIVE DATE TRANSACTIONS; INTERPRETATION

§ 222.102 *Pre-effective date transactions.* Certain questions have been received regarding the status under Part 222 of contracts or commitments made prior to September 18, 1950, to extend credit after that date. Section 222.8 (h) exempts "any valid contract or obligation entered into prior to" September 18. In order to clarify the application of this provision certain general principles are set out below:

(a) The exemption in § 222.8 (h) for "any valid contract or obligation" entered into before September 18 applies not only to credit actually extended before that date, but also to any valid contract or obligation to make a contract. The exemption, therefore, includes a valid commitment made in good faith before September 18 to extend credit after September 18, and includes also the credit extended pursuant to such a commitment.

(b) In order for the exemption to apply there must have been a valid contract or obligation. The general test is that the party seeking the credit should, aside from Part 222, have been able to maintain a suit for damages if the credit had not been granted pursuant to the contract or commitment to extend the credit. Some of the requirements for such a contract may be briefly summarized:

(1) A contract to sell or even a contract of sale for future delivery is not necessarily an agreement to extend credit for the article involved. There must have been a valid contract relating to the credit for the purchase of the article.

(2) There must be considerably more than general negotiations or indefinite "understandings" that credit would be extended. There must have been an agreement to extend the credit and a reasonably exact agreement as to terms and amount.

(3) While not always essential, the case is much clearer if there is written evidence of the commitment. The time as of which the credit itself is dated is not important, the significant date being that of the prior commitment.

(c) Substance and good faith rather than technicalities and formalities control in determining whether there is a valid pre-September 18 contract. The most elaborate written documents do not constitute such a contract unless they represent a bona fide commitment made as a part of a regular business transaction and not as a means of evading Part 222.

(Sec. 5, 40 Stat. 415, as amended, Title VI, Pub. Law 774, 81st Cong.; 50 U. S. C. App. 5; E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 50-8457; Filed, Sept. 27, 1950; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 33]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote

safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 600 is amended as follows:

1. Section 600.211 is amended to read:

§ 600.211 *Red civil airway No. 11 (Enid, Oklahoma, to Boston, Mass.)* From the intersection of the northwest course of the Enid, Okla. (Vance AFB) radio range and the northeast course of the Gage, Okla., radio range via the Enid, Okla. (Vance EFB), radio range station to the intersection of the southeast course of the Enid, Okla. (Vance AFB), radio range and the north course of the Oklahoma City, Okla., radio range. From the intersection of the northeast course of the Tulsa, Okla., radio range and the south course of the Chanute, Kans., radio range via the Springfield, Mo., radio range station; Vichy, Mo., radio range station to the intersection of the northeast course of the Vichy, Mo., radio range and the west course of the St. Louis, Mo., radio range. From the intersection of the east course of the St. Louis, Mo., radio range and the west course of the Evansville, Ind., radio range via the Evansville, Ind., radio range station; Louisville, Ky., radio range station; the intersection of the east course of the Louisville, Ky., radio range and the southwest course of the Huntington, W. Va., radio range to the Huntington, W. Va., radio range station. From the intersection of the east course of the Clear Creek, Ont., Canada, radio range and the southwest course of the Buffalo, N. Y., radio range to the Danville, N. Y., non-directional radio beacon. From the Elmira, N. Y., radio range station via the Albany, N. Y., radio range station to the intersection of the northeast course of the Hartford, Conn., radio range and the west course of the Boston, Mass., radio range. From the Boston, Mass., radio range station to the intersection of the east course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range.

2. Section 600.212 is amended to read:

§ 600.212 *Red civil airway No. 12 (Kansas City, Mo., to Williamsport, Pa.).* From the interesection of the northeast course of the Kansas City, Mo., radio range and the west course of the Columbia, Mo., radio range via the Kirksville, Mo., radio range station; Burlington, Iowa, radio range station; Joliet, Ill., radio range station; the intersection of the east course of the Joliet, Ill., radio range and the west course of the South Bend, Ind., radio range; South Bend, Ind., radio range station to the Detroit, Mich., radio range station. From the intersection of a direct line between the Windsor, Ont., Canada, radio range and the Erie, Pa., radio range station with the U. S.-Canadian Border via the Erie, Pa., radio range station; Philipsburg, Pa., radio range station to the Williamsport, Pa., radio range station.

3. Section 600.215 is amended to read:

§ 600.215 *Red civil airway No. 15 (Las Vegas, Nev., to Phoenix, Ariz.).* From the Las Vegas, Nev., radio range station to the intersection of the southeast course of the Las Vegas, Nev., radio range and the west course of the Prescott, Ariz., radio range. From the Prescott, Ariz., radio range station via the intersection of the southeast course of the Prescott, Ariz., radio range and the northwest course of the Phoenix, Ariz., radio range to the Phoenix, Ariz., radio range station.

4. Section 600.229 is amended to read:

§ 600.229 *Red civil airway No. 29 (Rochester, N. Y., to Baltimore, Md.).* From the intersection of the southwest course of the Rochester, N. Y., radio range and the east course of the Buffalo, N. Y., radio range to the intersection of the southwest course of the Rochester, N. Y., radio range and the northwest course of the Elmira, N. Y., radio range. From the intersection of the southeast course of the Elmire, N. Y., radio range and the north course of the Williamsport, Pa., radio range via the Williamsport, Pa., radio range station; Harrisburg, Pa., radio range station to the intersection of the south course of the Harrisburg, Pa., radio range and the west course of the Baltimore, Md., radio range. From the Baltimore, Md., radio range station to the intersection of the south course of the Baltimore, Md., radio range and the southeast course of the Andrews, Md., radio range, excluding that portion which lies more than two miles east of the south course of the Baltimore, Md., radio range between the intersection of the south course of the Baltimore, Md., radio range and the southern boundary of Red civil airway No. 45 and the intersection of the south course of the Baltimore, Md., radio range and the southeast course of the Washington, D. C., radio range, and excluding those portions which overlap danger areas.

5. Section 600.283 is amended to read:

§ 600.283 *Red civil airway No. 83 (Gila Bend, Ariz., to Rodeo, N. Mex.).* From the intersection of the west course of the Phoenix, Ariz., radio range and the north course of the Gila Bend, Ariz., radio range via the Gila Bend, Ariz., radio range station to the Tucson, Ariz., radio range station. From the intersection of the southeast course of the Tucson, Ariz., radio range and the west course of the Cochise, Ariz., radio range via the intersection of the southeast course of the Tucson, Ariz., radio range and the northwest course of the Douglas, Ariz., radio range; Douglas, Ariz., radio range station; the intersection of the northeast course of the Douglas, Ariz., radio range and the southwest course of the Rodeo, N. Mex., radio range to the Rodeo, N. Mex., radio range station.

6. Section 600.295 is added to read:

§ 600.295 *Red civil airway No. 95 (Elmira, N. Y., to Utica, N. Y.).* From the Elmira, N. Y., radio range station to the Utica, N. Y., radio range station.

7. Section 600.639 is amended to read:

§ 600.639 *Blue civil airway No. 39 (Knoxville, Tenn., to U. S.-Canadian Border).* From the Tri-City, Tenn., radio range station via the Paynesville, W. Va., non-directional radio beacon; the intersection of the southeast course of the Huntington, W. Va., radio range and the south course of the Charleston, W. Va., radio range to the Charleston, W. Va., radio range station. From the intersection of the west course of the Elkins, W. Va., radio range and the southwest course of the Morgantown, W. Va., radio range via the Morgantown, W. Va., radio range station to the intersection of the northeast course of the Morgantown, W. Va., radio range and the east course of the Pittsburgh, Pa., radio range. From the intersection of the northeast course of the Altoona, Pa., radio range and the northeast course of the Pittsburgh, Pa., radio range via the intersection of the northeast course of the Altoona, Pa., radio range and the southwest course of the Elmira, N. Y., radio range to the Elmira, N. Y., radio range station. From the Syracuse, N. Y., radio range station via the intersection of the northwest course of the Syracuse, N. Y., radio range and the southwest course of the Watertown, N. Y., VHF radio range; Watertown, N. Y., VHF radio range station; the intersection of the northeast course of the Watertown, N. Y., VHF radio range and the southwest course of Massena, N. Y., VHF radio range station to the intersection of the northeast course of the Massena, N. Y., VHF radio range and the U. S.-Canadian Border.

8. Section 600.647 is amended to read:

§ 600.647 *Blue civil airway No. 47 (Front Royal, Va., to Dunkirk, N. Y.).* From the intersection of the southeast course of the Front Royal, Va., radio range and the southwest course of the Arcola, Va., radio range via the Front Royal, Va., radio range station; the intersection of the northwest course of the Front Royal, Va., radio range and the northwest course of the Washington, D. C., radio range; the intersection of the southeast course of the Pittsburgh, Pa., radio range and the south course of the Altoona, Pa., radio range; Altoona, Pa., radio range station to the intersection of the northeast course of the Altoona, Pa., radio range and the northeast course of the Pittsburgh, Pa., radio range. From the Philipsburg, Pa., radio range station via the Bradford, Pa., non-directional radio beacon to the Dunkirk, N. Y., non-directional radio beacon.

9. Section 600.672 is added to read:

§ 600.672 *Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).* From the Enid, Okla. (Vance AFB) radio range station to the intersection of the northeast course of the Enid, Okla. (Vance AFB) radio range and the north course of the Oklahoma City, Okla., radio range.

10. Section 600.673 is added to read:

§ 600.673 *Blue civil airway No. 73 (Brookville, Pa., to Buffalo, N. Y.).* From the Brookville, Pa., non-directional radio beacon via the Bradford, Pa., non-directional radio beacon to the Buffalo, N. Y., radio range station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 202, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. October 1, 1950.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-8510; Filed, Sept. 27, 1950; 8:54 a. m.]

[Amdt. 36]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 601 is amended as follows:

1. Section 601.211 is amended by changing capition to read: "*Red civil airway No. 11 control areas (Enid, Okla., to Boston, Mass.).*"

2. Section 601.212 is amended by changing caption to read: "*Red civil airway No. 12 control areas (Kansas City, Mo., to Williamsport, Pa.).*"

3. Section 601.215 is amended by changing caption to read: "*Red civil airway No. 15 control areas (Las Vegas, Nev., to Phoenix, Ariz.).*"

4. Section 601.283 is amended by changing caption to read: "*Red civil airway No. 83 control areas (Gila Bend, Ariz., to Rodeo, N. Mex.).*"

5. Section 601.295 is added to read:

§ 601.295 *Red civil airway No. 95 control areas (Elmira, N. Y., to Utica, N. Y.).* All of Red civil airway No. 95.

6. Section 601.647 is amended by changing caption to read: "*Blue civil airway No. 47 control areas (Front Royal, Va., to Dunkirk, N. Y.).*"

7. Section 601.672 is added to read:

§ 601.672 *Blue civil airway No. 72 control areas (Enid, Okla., to Wichita, Kans.).* All of Blue civil airway No. 72.

8. Section 601.673 is added to read:

§ 601.673 *Blue civil airway No. 73 control areas (Brookville, Pa., to Buffalo, N. Y.).* All of Blue civil airway No. 73.

9. Section 601.1045 is amended to read:

§ 601.1045 *Control area extension (Presque Isle, Maine).* From the Presque Isle, Maine, radio range station extending 5 miles either side of the west course of the radio range to a point 15 miles west of the radio range station, and extending 5 miles either side of the northeast course of the radio range to its intersection with the U. S.-Canadian Border.

10. Section 601.1054 *Control Area Extension Philipsburg, Pa.,* is revoked.

11. Section 601.1159 *Control Area Extension Moline, Ill.,* is amended by changing word "northwest" to "west".

12. Section 601.1182 is amended to read:

§ 601.1182 *Control area extension (Enid, Okla.).* From the Enid, Okla. (Vance AFB) radio range station extending 5 miles either side of the southwest course of the radio range to a point 25 miles southwest of the Enid, Okla. (Vance AFB) radio range station.

13. Section 601.1983 is amended by deleting the following airports:

Whitehall, Mont.: Whitehall Municipal Airport.
Cochise, Ariz.: CAA Intermediate Field.
Drummond, Mont.: Drummond Municipal Airport.

14. Section 601.1934 is amended by adding the following airport:

Fairbanks, Alaska: Eielson Air Force Base.

and by deleting the following airport:

El Toro, Calif.: El Toro Airport.

15. Section 601.2116 is amended to read:

§ 601.2116 *Moline, Ill., control zone.* Within a 5 mile radius of the Quad City Airport extending 2 miles either side of the ILS localizer course to a point 16 miles west of the ILS localizer.

16. Section 601.2131 is amended to read:

§ 601.2131 *Augusta, Ga., control zone.* Within a 5 mile radius of Bush Field extending 2 miles either side of the southeast and northwest courses of the Augusta, Ga., radio range to a point 10 miles northwest of the radio range station, including a 5 mile radius of Daniel Field extending 2 miles either side of the southwest course of the Augusta radio range to a point 10 miles southwest of the radio range station.

17. Section 601.2252 *Fairbanks, Alaska, Eielson AFB control zone,* is revoked.

18. Section 601.2252 is added to read:

§ 601.2252 *El Toro, Calif., control zone.* Within a 5 mile radius of the El Toro, Calif., MCAS, including the area within 5 miles either side of the north and south courses of the El Toro, Calif., radio range between Amber civil airway No. 1, Amber civil airway No. 2 and Green civil airway No. 5.

19. Section 601.4211 is amended by changing caption to read: "*Red civil airway No. 11 (Enid, Okla., to Boston, Mass.).*"

20. Section 601.4212 is amended by changing caption to read: "*Red civil airway No. 12 (Kansas City, Mo., to Williamsport, Pa.).*"

21. Section 601.4215 is amended by changing caption to read: "*Red civil airway No. 15 (Las Vegas, Nev., to Phoenix, Ariz.).*"

22. Section 601.4271 is amended to read:

§ 601.4271 *Red civil airway No. 71 (El Paso, Tex., to Wichita Falls, Tex.),* Roswell, N. Mex., radio range station; Lubbock, Tex., radio range station; Guthrie, Tex., VHF radio range station.

23. Section 601.4283 is amended by changing caption to read: "*Red civil airway No. 83 (Gila Bend, Ariz., to Rodeo, N. Mex.).*"

24. Section 601.4295 is added to read:

§ 601.4295 *Red civil airway No. 95 (Elmira, N. Y., to Utica, N. Y.).* The intersection of the south course of the Syracuse, N. Y., radio range and the northeast course of the Elmira, N. Y., radio range.

25. Section 601.4647 is amended by changing caption to read: "*Blue civil airway No. 47 (Front Royal, Va., to Dunkirk, N. Y.).*"

26. Section 601.4669 is amended to read:

§ 601.4669 *Blue civil airway No. 69 (St. Louis, Mo., to Des Moines, Iowa).* Quincy, Ill., non-directional radio beacon; Ottumwa, Iowa, non-directional radio beacon.

27. Section 601.4672 is added to read:

§ 601.4672 *Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).* No reporting point designation.

28. Section 601.4673 is added to read:

§ 601.4673 *Blue civil airway No. 73 (Brookville, Pa., to Buffalo, N. Y.).* No reporting point designation.

29. Section 601.5001, *Other reporting points,* is amended by changing Bass Intersection to read:

The intersection of the southeast course of the Weeksville, N. C. (Navy) radio range and the Western boundary of the New York Oceanic Control Area.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. October 1, 1950.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-8511; Filed, Sept. 27, 1950; 8:55 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-427]

PART 194—COCOA AND CHOCOLATE INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of September 28, 1950.

Statement by the Commission. Trade practice rules for the Cocoa and Chocolate Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

Members of the industry are the persons, firms, corporations, and organizations engaged in the manufacture, processing, sale, distribution, or marketing of cocoa and chocolate products which are prepared, packaged, or marketed for use by the consumer without further commercial processing or only with such processing as is usually employed in the home.

The rules are directed to the elimination and prevention of unfair trade practices to the end that the industry, the trade and the public may be protected from the harmful effects of such competitive methods, and that the conduct of business throughout the industry may be effectively maintained on a high plane of free and fair competition.

Proceedings leading to the establishment of rules were instituted upon application made on behalf of industry members. A general industry conference was held in New York City at which proposals for rules were submitted for the consideration of the Commission. Thereafter, proposed rules in appropriate form were released and made available and public notice given of hearing thereon, whereby all interested or affected parties were afforded opportunity to present their views, including such pertinent information, suggestions, or objections respecting the proposed rules as they desired to offer.

Following such hearing, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved the trade practice rules hereinafter appearing. Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
194.0 Definition; industry product.

GROUP I

194.00 General statement.
194.1 Deception (general).
194.2 Misuse of the word "free."
194.3 Imitation or simulation of trademarks, trade names, etc.
194.4 False invoicing.
194.5 False and misleading price quotations, etc.
194.6 Tie-in sales; coercing purchase of one product as a prerequisite to the purchase of other products.
194.7 Consignment distribution.
194.8 Commercial bribery.
194.9 Defamation of competitors or disparagement of their products.
194.10 Unlawful coercion or combinations in restraint of trade.
194.11 Prohibited discrimination.
194.12 Exclusive deals.
194.13 Inducing breach of contract.
194.14 Enticing away employees of competitors.
194.15 Marketing of products through lottery or game of chance.
194.16 Selling below cost.
194.17 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 194.0 to 194.17, inclusive, issued under Sec. 6, 38 Stat. 721; 15 U. S. C. 46.

§ 194.0 *Definition; industry product.* As used in §§ 194.1 to 194.17, inclusive, the term "industry product" shall mean any and all kinds of commercially manufactured or processed cocoa or chocolate, or cocoa or chocolate products, which are packaged, designed, or marketed for the use of consumers either without further processing or with only such processing as is usually performed in the home. Such products shall be those included in the Definitions and Standards of Identity for Cacao Products as promulgated by the Food and Drug Administration (21 CFR Part 14; 13 F. R. 6377), such as baking chocolate, bitter chocolate, cooking chocolate, breakfast cocoa, high fat cocoa, medium fat cocoa, low fat cocoa, cocoa, sweet chocolate, milk chocolate, sweet milk chocolate, skim milk chocolate, sweet skim milk chocolate, buttermilk chocolate, mixed dairy-product chocolate; also, cocoa or chocolate-flavored syrups and all kinds of solid or molded chocolate products. Not included, however, in this definition are the various kinds of chocolate coatings and other chocolate and cocoa products sold in bulk to other manufacturers for further processing.[1]

GROUP I

§ 194.00 *General statement.* The unfair trade practices embraced in §§ 194.1 to 194.17, inclusive, are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 194.1 *Deception (general).* The practice of selling, advertising, describing, or otherwise representing an industry product in any manner or under any circumstances having the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public with respect to the grade, quantity, price, value, composition, ingredients, nutritional value, character, nature, size, use, preparation, manufacture, or distribution of such product, or in any other material respect, is an unfair trade practice.

NOTE: Among the inhibitions of this section is the false advertisement of any industry product as the term "false advertisement" is defined in section 15 of the Federal Trade Commission Act, as amended. [Rule 1]

§ 194.2 *Misuse of the word "free".* Use of the word "free," or any word or term of similar import, in advertising or otherwise, to designate or describe any product or service which is not in truth and in fact a gift or gratuity, or is not given to the recipient thereof without requiring the purchase of other merchandise or requiring the performance of some service inuring directly or indirectly to the benefit of the industry member using such word, is an unfair trade practice. [Rule 2]

§ 194.3 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of the trademarks, trade names, or other exclusively owned marks of identification of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 3]

§ 194.4 *False invoicing.* (a) It is an unfair trade practice to withthold from or insert in invoices any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public.

(b) It is an unfair trade practice to falsify, remove, or fail to furnish any purchase slip, ticket, card, invoice, or other record, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public. [Rule 4]

§ 194.5 *False and misleading price quotations, etc.* The publishing or circulating by any member of the industry of price quotations, price lists, or terms or conditions of sale which are false or have the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 5]

§ 194.6 *Tie-in sales; coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice. [Rule 6]

§ 194.7 *Consignment distribution.* It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition, or tending to create a monopoly or to unreasonably restrain trade. Nothing in this section shall be construed as restricting or preventing consignment shipping or marketing of industry prod-

[1] While §§ 194.1 to 194.17, inclusive, are not applicable to the business of selling or distributing cocoa or chocolate, and cocoa or chocolate products, in bulk to other manufacturers for further processing, such fact is not to be construed as relieving, or purporting to relieve, those engaged in such business from the obligation of complying with the requirements of the statutes on which §§ 194.1 to 194.17, inclusive, are based or any other legal requirements.

ucts in good faith where suppression of competition, restraint of trade, or undue interference with competitors' use of the usual channels of distribution, is not effected. [Rule 7]

§ 194.8 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 8]

§ 194.9 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the products of competitors in any material respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 9]

§ 194.10 *Unlawful coercion or combinations in restraint of trade.* It is an unfair trade practice for a member of the industry:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any member of the industry or other person to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more members of the industry, or with one or more other persons, to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 10]

§ 194.11 *Prohibited discrimination—(a) Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[2] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[2] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[2] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce [2] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this section shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[2] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce [2] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce [2] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[2] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. [Rule 11]

§ 194.12 *Exclusive deals.* It is an unfair trade practice for any member of the industry to contract to sell or sell any product, or to fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 12]

§ 194.13 *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers, or their supplies, by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 13]

§ 194.14 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry wilfully to entice away employees of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided,* That nothing in this section shall be construed as prohibiting employees or agents from seeking or obtaining more favorable employment. [Rule 14]

§ 194.15 *Marketing of products through lottery or game of chance.* It is an unfair trade practice for any member of the industry to sell or promote the sale of any industry product by means of a game of chance, gift enterprise, or lottery scheme.

The inhibitions of this section shall be understood as also extending to the marketing of an industry product which is specially packaged or arranged so as to facilitate its resale or distribution by a customer of an industry member to the public by means of a game of chance or lottery scheme, and to the marketing or supplying of any lottery device by an industry member to his customer either separately or in conjunction with an industry product. [Rule 15]

§ 194.16 *Selling below cost.* The practice of selling industry products at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect may be, to injure, suppress, or stifle competition or tend to create a monopoly in the production or sale of such products, is an unfair trade practice. As used in this section, the term "cost" means the total cost to the seller, including the costs of acquisition, processing, preparation for marketing, sale, and delivery. [Rule 16]

§ 194.17 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in §§ 194.1 to 194.17, inclusive. [Rule 17]

A Committee on Trade Practices is hereby authorized to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper in the furtherance of fair competitive practices and in promoting the effectiveness of the rules.

Promulgated by the Federal Trade Commission September 28, 1950.

Issued: September 25, 1950.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-8483; Filed, Sept. 27, 1950; 8:51 a. m.]

[2] As here used, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

TITLE 18—CONSERVATION OF POWER

Chapter II—Tennessee Valley Authority

PART 301—PROCEDURES

OBTAINING OF APPROVAL FOR CONSTRUCTION IN TENNESSEE RIVER SYSTEM

Section 301.2 is amended as follows: Changes are made in the language of paragraph (e); new material relating to hearings on applications for approval of construction is included under paragraph (f); the material formerly under paragraph (f) has been revised and is redesignated as paragraph (g).

§ 301.2 *Obtaining of approval for construction in the Tennessee River system.* • • •

(e) *Determination of request.* The Board has established a committee for the administration of section 26a comprised of TVA officials. The committee conducts preliminary investigations and conducts hearings when requested by the applicant or when the Board or committee feels that a hearing is necessary in determining the issues presented by the application. Upon completion of the investigation and hearing, if any, the committee makes a report to the Board and recommends approval or disapproval of the project. The Board then makes a final determination based upon the application and supporting papers, the report of investigation, the transcript of the hearing, if any be held, and the recommendation of the committee.

(f) *Hearings.* (1) If the applicant requests a hearing or if the Board or committee deems a hearing necessary, the committee gives notice of the hearing to the applicant and to all known interested parties. The notice indicates the place and time of hearing, customarily thirty days after notice, and so far as feasible indicates the particular issues to which the hearing will pertain.

(2) Hearings may be conducted by one or more of the members of the committee or by some other person or persons designated by the committee for that purpose. Hearings are public and are conducted in an informal manner. All persons or parties having any direct interest in the construction of the project are invited to attend and participate in the hearing. They may be represented by counsel or other persons of their choosing. Technical rules of evidence are not observed although reasonable bounds are maintained as to relevancy, materiality, and competency. Evidence may be presented orally or by written statement and need not be under oath. After the hearing has been completed, additional evidence will not be received unless it presents new and material matter that could not be presented at the hearing.

(3) Where construction of the project also requires the approval of another agency of the Government before whom a hearing is to be held, the committee may arrange with such agency to hold a joint hearing.

(g) *Notification of final determination.* The Board shall, as soon as a final determination has been arrived at, notify in writing all parties of record of such decision. If the application is denied, the Board informs the applicant of its findings on which such denial is based. These decisions will not be published but information concerning the same may be obtained by communication with the office of the General Manager of TVA.

(48 Stat. 58, as amended; 16 U. S. C. 831–831dd. Interprets or applies sec. 26a, 49 Stat. 1079; 16 U. S. C. 831y–1)

Issued this 20th day of September 1950.

TENNESSEE VALLEY AUTHORITY,
[SEAL] GEORGE F. GANT,
General Manager.

[F. R. Doc. 50-8474; Filed, Sept. 27, 1950; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—Economic Cooperation Administration

[ECA Reg. 1, as Amended Nov. 15, 1949, Amended Order 4]

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO PARTICIPATING COUNTRIES

EXTENSION OF TERMINAL DELIVERY DATES FOR CERTAIN PROCUREMENT AUTHORIZATIONS BEARING COMMODITY CODE NUMBERS 660 AND 680

Order 4 (F. R. Doc. 49-9611; 14 F. R. 7231) is amended to read as follows:

Pursuant to the powers reserved in § 201.24 of ECA Regulation 1, the Administrator hereby waives the provisions of the regulation in the following respect:

Notwithstanding the provisions of § 201.5 (a) (3) and (b) (3), or of the Procurement Authorization concerned, the terminal dates for deliveries under the following Procurement Authorizations bearing Commodity Code Numbers 660 (Iron and Steel Mill Materials, Steel Mill Products and Ferro Alloys) and 680 (Miscellaneous Iron and Steel Manufactures), or four-digit code numbers listed thereunder, are extended as indicated below:

1. Deliveries under Third Quarter 1949 Delivery Quarter Procurement Authorizations bearing any of the above commodity code numbers may be made through March 31, 1950, providing that the covering contracts shall have been made on or before September 30, 1949.

2. Deliveries under Fourth Quarter 1949 Delivery Quarter Procurement Authorizations bearing any of the above commodity code numbers may be made through June 30, 1950, provided that the covering contracts shall have been made on or before December 31, 1949.

3. If the terminal delivery date specified on a Serial Number Procurement Authorization bearing any of the above commodity code numbers is a date prior to June 30, 1950, deliveries under the Procurement Authorization may be made through June 30, 1950, provided that the covering contracts shall have been made prior to February 28, 1950.

4. If the terminal delivery date specified on a Serial Number Procurement Authorization bearing any of the above commodity code numbers is a date on or after July 31, 1950 and prior to September 30, 1951, deliveries under the Procurement Authorization may be made within four months after the terminal delivery date specified on the Procurement Authorization.

(Sec. 104, 62 Stat. 138; 22 U. S. C., Sup., 1503. Interprets or applies sec. 111, 62 Stat. 143; 22 U. S. C., Sup., 1509)

WILLIAM FOSTER,
Acting Administrator for Economic Cooperation.

[F. R. Doc. 50-8459; Filed, Sept. 27, 1950; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 287]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 284]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ILLINOIS, MASSACHUSETTS, MISSOURI, PENNSYLVANIA, AND CALIFORNIA

Amendment 287 to the Controlled Housing Rent Regulation and Amendment 284 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. In Schedule C, Item 83, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Cook County, the Cities of Berwyn, Calumet City, Chicago, and Evanston, the Villages of Arlington Heights, Bedford Park, Bellwood, Glencoe, Justice, Morton Grove, Niles, North Riverside, Riverside, and Schiller Park, and all unincorporated localities; in Lake County, the City of Waukegan, the Villages of Antioch and Libertyville, and all unincorporated localities; and in Kane County, all unincorporated localities.

This adds to Schedule C the following localities in the Chicago, Illinois, Defense-Rental Area, all based on declarations made by local governing bodies in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended:

(1) The Villages of Bellwood and North Riverside, Illinois, based on declarations made on August 24, 1950.

(2) The City of Berwyn, Illinois, based on a declaration made on August 29, 1950.

2. In Schedule C, Item 143, the description of localities affected by a declaration for continuance of rent control after December 31, 1950, is amended to read as follows:

In Suffolk County, the Cities of Boston and Chelsea; in Norfolk County, the Town of Westwood; and in Middlesex County, the City of Lowell and the Town of North Reading.

This adds to Schedule C the Town of North Reading, Massachusetts, a portion of the Eastern Massachusetts Defense-Rental Area, based on a declaration made on August 31, 1950, by the local governing body of said Town in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

3. Schedule C, Item 174, is amended to read as follows:

Name of defense-rental area	State	Localities affected by declarations for continuance of rent control after Dec. 31, 1950
(174) St. Louis, Mo.	Missouri Illinois	In St. Charles County, the city of St. Charles. In Madison County, the city of Madison; and in St. Clair County, the city of East St. Louis and the villages of Dupo and New Athens.

This adds to Schedule C the following localities in the St. Louis, Missouri, Defense-Rental Area, both based on declarations made by local governing bodies in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended:

(1) The Village of Dupo, Illinois, based on a declaration made on August 7, 1950.

(2) The City of St. Charles, Missouri, based on a declaration made on September 6, 1950.

4. In Schedule C, Item 267, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Allegheny County, the City of McKee's Rocks; in Beaver County, the Boroughs of Aliquippa and Ambridge; and in Washington County, the Township of North Strabane.

This adds to Schedule C the Township of North Strabane, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area, based on a declaration made on August 31, 1950, by the local governing body of said Township in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

5. The following new items are incorporated in Schedule C:

Name of defense-rental area	State	Localities affected by declarations for continuance of rent control after Dec. 31, 1950
(24) Richmond-Vallejo	California	In Contra Costa County, the city of San Pablo.
(82b) Bloomington	Illinois	In McLean County, the city of Bloomington (coextensive with Bloomington City Township) and all unincorporated localities in Bloomington and Normal Townships.
(91a) Woodstock	do	In McHenry County, the city of Harvard and the village of Huntley.

This addition to Schedule C is based upon declarations made in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended, by the local governing bodies of the following localities:

(1) The City of San Pablo, California, based on a declaration made on August 7, 1950.

(2) The City of Bloomington, Illinois, based on a declaration made on August 25, 1950, said City being the major portion of the Bloomington, Illinois, Defense-Rental Area.

(3) The Village of Huntley, Illinois, based on a declaration made on August 28, 1950.

(4) The City of Harvard, Illinois, based on a declaration made on August 29, 1950.

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

Issued this 25th day of September 1950.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 50-8462; Filed, Sept. 27, 1950; 8:47 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

SHOE MANUFACTURING INDUSTRY

Pursuant to section 14 of the Fair Labor Standards Act, as amended, a "Notice of Hearing" was published in the FEDERAL REGISTER on December 31, 1949 (14 F. R. 7942), announcing a public hearing on the following questions:

(1) Is it necessary in order to prevent curtailment of opportunities for employment to provide for the employment of learners in the shoe manufacturing industry after January 25, 1950, at wages below the minimum provided in section 6 of the Fair Labor Standards Act as amended; and if such necessity be found to exist,

(2) What subminimum wage rates should be provided for learners in the shoe manufacturing industry, what number or proportion of learners should be permitted in a plant, in what occupations should learners be permitted, and the length or duration of learning period.

In accordance with the aforesaid notice, hearings were held on January 9 to 13, January 16 to 20, February 27 and 28, March 1 to 3 and April 25 to 28, 1950, before Verl E. Roberts, who was designated by me as Presiding Officer to receive evidence, hear argument and make findings and recommendations on the questions set forth in the notice.

Following the hearing, the Presiding Officer, on the basis of the record and all available information, found that in order to prevent curtailment of opportunities for employment in a substantial number of plants in the shoe manufacturing industry, it is necessary to provide for the employment of learners at subminimum wage rates, and recommended the issuance of special regulations as hereinafter set forth governing the employment of learners in such industry. The findings and recommendations of the Presiding Officer were submitted to me together with the

complete record of the proceedings. Copies of the findings and recommendations may be examined by interested persons at the regional offices as well as at the National Office of the Wage and Hour Division, United States Department of Labor, Washington, D. C. Copies thereof will be furnished to interested persons, upon request, as long as they are available.

I have reviewed and considered the record and on the basis thereof I have concluded that the findings and recommendations of the Presiding Officer are proper and are supported by the evidence, and I hereby adopt them as my own.

Now therefore, pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (Sec. 14, 52 Stat. 1068; 29 U. S. C. 214), the following regulations governing the employment of learners in the shoe manufacturing industry are hereby issued effective October 16, 1950:

Sec.
522.250 Conditions upon which special learners certificates may be granted.
522.251 Learner occupations
522.252 Learning period.
522.253 Subminimum rates.
522.254 Number or proportion of learners.
522.255 Effective period of certificates.
522.256 Removal of plant or transfer of production.
522.257 Employment of learners prohibited when experienced workers are available.
522.258 Definitions of terms.
522.259 Cancellation of certificates.
522.260 Applicability of general learner regulations.

AUTHORITY: §§ 522.250 to 522.260 issued under sec. 14, 52 Stat. 1068; 29 U. S. C. 214.

§ 522.250 *Conditions upon which special learner certificates may be granted.* (a) Upon application to the Administrator of the Wage and Hour Division, special certificates authorizing the employment of learners at subminimum wage rates in the shoe manufacturing industry, as hereinafter defined, may be issued by the Administrator or his authorized representative, to the extent necessary in order to prevent curtailment of opportunities for employment, under the terms hereinafter set forth, when it appears that experienced workers are not available to an employer making application for a special learner certificate and that the issuance of a special certificate will not create unfair competitive labor cost advantages or impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.

(b) All applications must be made upon official forms furnished on request by the Wage and Hour Division and must contain all information required by such forms. Such forms require to be set forth, among other things, information concerning efforts made by the applicant to determine the availability of experienced workers, the number of learners requested, information concerning the number of learners previously hired, the number of experienced workers employed in productive factory occupations, their average straight-time hourly earnings in cents per hour, and information concerning the number of idle and new machines to be used by learners.

§ 522.251 *Learner occupations.* Special certificates may be issued authorizing the employment of learners at subminimum wage rates in the shoe manufacturing industry in any productive factory occupation, but not in (a) maintenance, warehousing, custodial, supervisory, clerical or office occupations or other non-productive factory occupations, such as elevator operator, truck driver and the like; nor in (b) the following occupations:

(1) Edge setting.
Edge trimming.
Goodyear and McKay stitching.
Lasting, including side lasting by hand, but excluding slip lasting.
Niggerhead machine operator.
Sole attaching, cement process.
Top stitching.
Treeing.
Upper leather cutting, hand or machine (except lining or trim).
Vamping.
Wood heel fitting, hand.
(2) Bagger, insoles or outsoles.
Catcher, outsoles.
Channel lip wetter.
Floorboy.
Floorgirl.
Insole presser.
Rack changer.
Rack shover or pusher.
Sock lining getter.

§ 522.252 *Learning period.* (a) The maximum learning period which may be authorized in special certificates issued in the shoe manufacturing industry is 480 hours.

(b) If a worker who is being trained in any occupation or operation has been employed in the industry in productive factory work within the previous five years, the total number of hours of such employment shall be deducted from the maximum learning period.

§ 522.253 *Subminimum rates.* (a) The subminimum rates which may be authorized in special certificates issued in the shoe manufacturing industry shall be not less than 65 cents per hour for the first 240 hours and not less than 70 cents per hour for the second 240 hours.

(b) In establishments where experienced workers are paid on a piece rate basis, learners shall be paid the same piece rates that experienced workers engaged in the same occupation are paid and earnings shall be based on those piece rates if in excess of the subminimum rates provided in paragraph (a) of this section.

§ 522.254 *Number or proportion of learners.* (a) The number of learners which any employer may be authorized to employ by any special certificate issued to meet normal labor turnover needs shall not exceed on any one work day ten percent of the total number of productive factory workers in the plant: *Provided*, That, in plants employing less than 100 workers, a maximum of 10 learners may be authorized.

(b) Special certificates may be issued to new or expanding plants authorizing the employment of learners in authorized occupations to the extent of need

§ 522.255 *Effective period of certificates.* (a) Special certificates issued to meet labor turnover needs may be issued for a period not longer than one year.

(b) Special certificates issued to new or expanding plants may be issued for a period not longer than necessary to complete the training of the total number of learners required by the new or expanding plant.

§ 522.256 *Removal of plant or transfer of production.* An applicant for a special learner certificate for a new or expanding plant, who is moving from a plant in another location or is transferring production from such plant, or who has recently so moved or transferred production, shall attach to his application a signed statement giving the following information for the purpose of enabling the Wage and Hour Division to determine whether there is satisfaction of the conditions prescribed in § 522.250: (a) Name, location and products of the plant from which applicant is moving or is transferring production. (b) The average hourly earnings of all productive factory workers for the payroll period immediately preceding the initial curtailment of production in that plant in connection with the transfer or removal. (c) Reasons for removal or transfer of production.

§ 522.257 *Employment of learners prohibited when experienced workers are available.* No learners shall be employed under a special learner certificate if at the time such employment begins an experienced worker who is capable of equaling the performance of a worker of ordinary or minimum skill is available for employment.

§ 522.258 *Definitions of terms.* (a) "New plant" means a plant which is newly established and is being operated for the first time, or which has not been operated more than eight months and in which a substantial number of workers must be trained for the manufacture of the products of the plant.

(b) "Expanding plant" means a plant which is being expanded by the installation of additional mechanical equipment or other production facilities, by again placing into operation machinery which has been idle for an appreciable period or by adding an additional shift.

(c) A learner is a worker whose total experience in productive factory work within the industry within the previous five years is less than 480 hours.

(d) An experienced worker is a worker whose experience within the previous five years in productive factory work within the industry totals 480 hours or more.

(e) "Experienced worker available for employment" means an experienced worker available to the employer and residing within the area from which the employer customarily draws his labor supply, or who has in fact made himself available to the employer at his plant or place of employment and has signified readiness to accept employment.

(f) For the purpose of §§ 522.250–522.259, the shoe manufacturing industry is defined as follows: (1) The manufacture or partial manufacture of footwear from any material and by any process except knitting, vulcanizing of

the entire article or vulcanizing (as distinct from cementing) of the sole to the upper.

(2) The manufacture or partial manufacture of the following types of footwear, subject to the limitations of subparagraph (1) of this paragraph but without prejudice to the generality of that subparagraph:

Athletic shoes.
Boots.
Boot tops.
Burial shoes.
Custom-made boots or shoes.
Moccasins.
Puttees, except spiral puttees.
Sandals.
Shoes completely rebuilt in a shoe factory.
Slippers.

(3) The manufacture from leather or from any shoe-upper material of all cut stock and findings for footwear, including bows, ornaments, and trimmings.

(4) The manufacture of the following types of cut stock and findings for footwear from any material except from rubber or composition of rubber, molded to shape:

Cutsoles.
Midsoles.
Insoles.
Taps.
Lifts.
Rands.
Toplifts.
Bases.
Shanks.
Boxtoes.
Counters.
Stays.
Stripping.
Sock linings.
Heel pads.

(5) The manufacture of heels from any material except molded rubber, but not including the manufacture of wood-heel blocks.

(6) The manufacture of cut upper parts for footwear, including linings, vamps and quarters.

(7) The manufacture of pasted shoe stock.

(8) The manufacture of boot and shoe patterns.

Provided that: The manufacture of cut stock and findings is included within this definition only when performed principally for their own use by companies engaged in the production of shoes.

§ 522.259 *Cancellation of certificates.* (a) The Administrator or his authorized representative may cancel any certificate for cause. A certificate may be canceled (1) as of the date of issuance, if it is found that the applicant set forth any fact or facts in the application which he knew or had reasonable cause to believe to be false; (2) as of the date of violation, if it is found that any of its terms have been violated; or (3) prospectively, if it is found that the conditions of employment of the learner have changed or that the purposes for which the certificate was originally issued no longer obtain.

(b) Except in cases of willfulness or those in which the public interest requires otherwise, before any special certificate for the employment of a learner will be cancelled, facts or conduct which may warrant such action will be called to the attention of the employer in writing and he shall be afforded an opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 522.260 *Applicability of general learner regulations.* The employment of learners pursuant to the provisions of §§ 522.250 through 522.259 shall be subject to all provisions of the general regulations governing the employment of learners (29 CFR 522.1 through 522.14), except to the extent to which any provision of such general regulations is inconsistent with any provision of §§ 522.250 through 522.259.

Signed at Washington, D. C., this 26th day of September 1950.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 50-8531; Filed, Sept. 27, 1950; 8:56 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 10—PRACTICE OF ATTORNEYS AND AGENTS BEFORE THE TREASURY DEPARTMENT

INFORMATION REQUIRED TO ACCOMPANY POWERS OF ATTORNEY; STATUTORY PROHIBITIONS

1. This document amends §§ 10.2 (y) (4) and 10.3 (h).

2. The nature and extent of the amendment of § 10.2 (y) (4) are a simplification and clarification of the statement of the information required by the regulation which is here amended.

3. Section 10.2 (y) (4) is amended to read:

(4) When a power of attorney is filed with the Treasury Department it shall be the duty of the attorney or agent filing the same to file therewith a statement as follows:

(Date and place) ----------
This is to certify that I (have) (have not) entered into a contingent or partially contingent fee agreement for the representation of ---------- be-
(name of client, principal, or taxpayer)
fore the Treasury Department in the matter of ----------
(income, estate, gift or other taxes, or other ---------- under the terms of a power of matter)
attorney filed with the Treasury Department on ----------, 19----, and (in case a contingent or partially contingent fee agreement has been made) that a report of such fee agreement (has) (has not) been made to the Committee on Practice.

(Signature of attorney or agent)

This requirement shall not be applicable to powers of attorney wherein the authority granted is limited to the filing of tax or information returns.

(Sec. 3, 23 Stat. 258; 5 U. S. C. 261)

4. The nature and extent of the amendment of § 10.3 (h) are a substitution of a reference to sections of revised Title 18 of the United States Code for the reference to the superseded sections of the former Title 18 and a rewording to conform the regulation which is here amended to statutory changes made subsequently to the promulgation of the regulation which is here amended.

5. Section 10.3 (h) is amended to read:

(h) All persons to whom 18 U. S. C. 281 applies, all persons regularly employed by corporations owned wholly by the United States, and all persons regularly employed by the District of Columbia shall be ineligible for enrollment. See also 18 U. S. C. Ch. 15.

(Sec. 3, 23 Stat. 258; 5 U. S. C. 261. Interprets or applies sec. 1, 62 Stat. 697, as amended by sec. 6, 63 Stat. 90; 18 U. S. C. 281. Interprets or applies sec. 1, 62 Stat. 697, as amended; 18 U. S. C., Sup. 281)

6. Compliance with the general notice, public rule making, and effective date requirements of section 4 of the Administrative Procedure Act is dispensed with as unnecessary for this good cause: the reasons indicated in paragraphs 2 and 4 hereof.

7. This amendment shall be effective upon the date of its publication in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 50-8518; Filed, Sept. 27, 1950; 8:56 a. m.]

PART 13—PROCEDURES OF THE COMMITTEE ON PRACTICE—AVAILABILITY OF RECORDS

INFORMATION, REQUESTS, AND SUBMITTALS

1. The nature and extent of the amendment of Part 13 are the addition of self-explanatory informational data.

2. This part is amended by the addition at the end thereof of a new section designated § 13.3 and reading:

§ 13.3 *Information, requests, and submittals.* The public may secure information from, or make submittals or requests to, the Committee on Practice, Treasury Department, Washington, D. C., by personal appearance, by telephone, or by written communication.

(Sec. 3, 23 Stat. 258; 5 U. S. C. 261)

3. Compliance with the general notice, public rule making, and effective date requirements of section 4 of the Administrative Procedure Act is dispensed with as unnecessary for this good cause: The reason indicated in paragraph 1 hereof.

4. This amendment shall be effective upon the date of its publication in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 50-8519; Filed, Sept. 27, 1950; 8:56 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

SUSPENSION AND DISCONTINUANCE OF SUBSISTENCE ALLOWANCE AND OTHER TRAINING BENEFITS

Section 21.107 (h) is amended to read as follows:

§ 21.107 *Periodic reports of conduct, progress, and compensation for productive labor.* • • •

(h) *Suspension and discontinuance of subsistence allowance and other training benefits.* Requests to suspend subsistence allowance of all veterans whose VA Form 7-1963 is not received or where essential information is omitted from the report will be forwarded to the finance division subsequent to the 10th of the month and in sufficient time to insure suspension of the subsistence allowance check for the month in which the report is due. The appropriate form letter will be dispatched as soon as practicable with the view of obtaining the required report before the suspension actually becomes effective. The suspension will be lifted where a delinquent report is received in the Veterans' Administration by the end of the month following the month in which it was due. For all cases pending at the end of the month next following the month in which the report was due, subsistence allowance and other training benefits will be discontinued in accordance with the following effective dates:

(1) If the veteran is enrolled in on-the-job training without related training, subsistence allowance and other training benefits will be discontinued effective the first day of the month in which the report was due.

(2) If the veteran is enrolled in on-the-job training and is pursuing related instruction in an educational institution for which tuition payments are involved, subsistence allowance will be discontinued effective the first of the month in which the report was due, and other training benefits will be discontinued at the end of the month following the month in which the report was due or the date of last attendance at the school, whichever is earlier.

(3) If the veteran is enrolled in an educational institution for which tuition payment is involved, subsistence allowance will be discontinued effective the first day of the month in which the report was due, and other training benefits will be discontinued effective as of the last day of the month following the month in which the report was due or the date of last attendance in the institution, whichever is earlier.

(4) If the veteran is enrolled in an educational institution only and tuition payments are not involved, discontinuance of both subsistence and other training benefits will be effective the first day of the month in which the report was due.

(5) A veteran whose training status has been discontinued for failure to submit a VA Form 7-1963 may not thereafter be reentered in training in the same training institution or establishment nor may a supplemental certificate of eligibility and entitlement be approved for training in a different training institution or establishment until the delinquent form has been submitted to the Veterans' Administration. Benefits may be resumed upon receipt from the training institution or establishment of acceptable evidence showing that the veteran has continued to pursue his course of training but in no event may the resumption of training status under the law, for the purpose of paying of subsistence allowance and other benefits, in cases encompassed by this subparagraph be effective prior to the date the delinquent VA Form 7-1963 is received in the Veterans' Administration.

• • • • •

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697–697d, 697f, 697g, ch. 12 note)

This regulation is effective September 28, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-8476; Filed, Sept. 27, 1950; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.71 *Sealing* amend the list of countries in paragraph (a) by inserting "France (insured)" between "Finland (insured)" and "French Cameroons".

b. In § 127.102 *Special provisions applicable to international insurance service* amend the list of countries in paragraph (a) by deleting the superior figure "1" following "France (including Algeria and Corsica)" and "Switzerland".

c. In § 127.213 *Barbados* amend subdivision (v) of paragraph (a) (4) to read as follows:

(v) Each insured parcel must be marked to show (both in roman letters and in arabic figures) in United States currency, the amount for which the parcel is insured. (See § 127.102 (b) (5).)

d. In § 127.252 *France (including Monaco)* make the following changes:

1. Amend the information below the tabulation in the table of rates, subdivision (ii) of paragraph (b) (1), by deleting "Sealing: [1] Optional" and substituting in lieu thereof "Sealing: [1] Insured parcels must, and ordinary parcels may, be sealed", and by deleting "Insurance: No" and substituting in lieu thereof "Insurance: Yes".

2. Amend paragraph (b) (2) to read as follows:

(2) *Indemnity.* See subcaption "Insurance" (paragraph (b) (4a)).

3. Insert a new paragraph (b) (4a) to read as follows:

(4a) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the appropriate postage rates in addition to the insurance fees mentioned hereunder:

Limit of indemnity:	Fee, cents
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $200	60
From $200.01 to $300	65
From $300.01 to $330	70

(ii) Insurance return receipt: Requested at time of mailing, 5 cents; after mailing 10 cents. Return receipts must be attached to the dispatch notes of the parcels. (See § 127.102 (d).)

(iii) The insurance of parcels containing coin, gold, or silver (whether manufactured or not), or any other precious article is obligatory. If a parcel containing such articles is mailed uninsured, it shall be placed under insurance by the post office which first observes the fact of its having been mailed uninsured, and treated accordingly.

(iv) Each insured parcel and its dispatch note must have shown thereon (both in arabic figures and in roman letters spelled out in full), in United States currency and in gold francs, the amount for which the parcel is insured. (See § 127.102 (b) (5).) The amount in gold francs must be underscored with a heavy line. No erasure or correction is permitted in the amount of insurance shown on the dispatch note.

(v) For further information concerning insurance service, see §§ 127.102 and 127.108.

e. In § 127.341 *Rumania* amend subdivision (vi) of paragraph (b) (5) to read as follows:

(vi) The following procedure is established for the mailing of medicines: Before mailing, the sender must send four notarized copies of an invoice covering the shipment to the Rumanian Legation, 1601 Twenty-third Street, NW., Washington 8, D. C., accompanied by a fee of $1.50 and a request that they be legalized. Three of the legalized invoices will be returned to the sender, who must enclose one in the parcel and send another to the addressee by letter for use in taking delivery of the parcel. The third copy may be retained by the sender.

f. In § 127.360 *Switzerland (including Liechtenstein)* amend subdivisions (i) and (iv) of paragraph (b) (4) to read as follows:

(i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the appropriate postage rates in addition to the insurance fees mentioned hereunder:

Limit of indemnity:	Fee, cents
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $200	60
From $200.01 to $300	65
From $300.01 to $330	70

(iv) Each insured parcel and its dispatch note must have shown thereon (both in arabic figures and in roman letters spelled out in full), in United States currency and in gold francs, the amount for which the parcel is insured. (See § 127.102 (b) (5).)

g. In § 127.376 *Venezuela* amend subdivision (ii) of paragraph (b) (6) to read as follows:

(ii) The merchandise should be described according to the classifications of the Venezuelan customs tariff, or simply by the usual commercial designation, including in the latter case the material of which the articles are made and the use or purpose of the articles.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-8458; Filed, Sept. 27, 1950; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1767]

PART 185—GENERAL MINING REGULATIONS

MISCELLANEOUS AMENDMENTS

In order to show new requirements with respect to the appointment of mineral surveyors, and to conform the regulations to existing decentralized procedure, Part 185 is amended as follows:

1. Section 185.50 is amended to read:

§ 185.50 *Appointment of mineral surveyors.* (a) Pursuant to section 2334 of the Revised Statutes (30 U. S. C. 39), each regional admnistrator will appoint as surveyors for the survey of mining claims applicants found to be competent, to the extent needed to meet the demand for that class of work. Each appointee shall qualify as prescribed by the regional administrator and shall furnish a performance bond of not less than $5,000 before entering on duty. Each mineral surveyor shall be eligible to survey mining claims in the States within the region in which he is appointed and in adjoining States. Each regional administrator shall maintain a register showing the names and addresses of mineral surveyors appointed for the region and eligible for the survey of mining claims. The regional administrator shall furnish the regional administrator of each adjoining region with a copy of such register, and shall advise them of any changes therein.

(b) A mineral claimant may employ any United States mineral surveyor qualified as indicated in paragraph (a) of this section to make the survey of his claim. All expenses of the survey of mining claims and the publication of the required notices of application for patent are to be borne by the mining claimants.

(R. S. 2478; 43 U. S. C. 1201)

2. Section 185.94 is amended to read:

§ 185.94 *Segregation of mineral from non-mineral land.* Where a survey is necessary to set apart mineral from non-mineral land, the appropriate regional administrator will have special instructions prepared outlining the procedure to be followed in the required survey. The survey shall not be begun until such special instructions have been approved by the Director, Bureau of Land Management, which approval will constitute formal authorization therefor. The survey will be executed at the expense of the United States. Upon acceptance of the survey by the Director, the triplicate copy of the plat thereof will be filed in the proper land office as a basis for the disposal of the non-mineral land shown thereon. The land office will, in all cases, serve notice on the mineral claimants of the issuance of the authority for the survey.[21]

(R. S. 2478; 43 U. S. C. 1201)

3. Section 185.97 is amended to read:

§ 185.97 *Non-mineral entry of residue of subdivisions invaded by mining claims.* (a) The manager will accept and approve any application (if otherwise regular), to make a non-mineral entry of the residue of any original lot or legal subdivision which is invaded by mining claims if the tract has already been lotted to exclude such claims. If not so lotted, and if the original lot or legal subdivision is invaded by patented mining claims, or by mining claims covered by pending applications for patent which the non-mineral applicant does not desire to contest, or by approved mining claims of established mineral character, the manager will accept and approve the application (if otherwise regular), exclusive of the conflict with the mining claims. Before authorizing publication the manager will advise the regional administrator as to the need for a plat to segregate the mineral from the non-mineral land. If no objection appears, the regional administrator will direct the regional chief, Division of Cadastral Engineering, to prepare the necessary supplemental plat of the section or sections involved to designate the non-mineral portion of each original lot or subdivision by appropriate lot number and area, specifying the particular mining claims or portions thereof which should be segregated.

(b) The manager will allow no non-mineral application for any portion of an original lot or 40-acre legal subdivision, where the tract has not been lotted to show the reduced area by reason of approved surveys of mining claims for which applications for patent have not been filed, until the non-mineral applicant submits a satisfactory showing that such surveyed claims are in fact mineral in character. Applications to have lands which are asserted to be mineral, or mining locations, segregated by survey with a view to the non-mineral appropriation of the remainder, will be made to the manager of the land office. Such applications must be supported by a written statement of the party in interest, duly corroborated by two or more disinterested persons, or by such other or further evidence as may be required, that the land sought to be segregated as mineral is in fact mineral in character.

(R. S. 2478; 43 U. S. C. 1201)

OSCAR L. CHAPMAN,
Secretary of the Interior.

SEPTEMBER 22, 1950.

[F. R. Doc 50-8449; Filed, Sept 27, 1950; 8:45 a. m.]

[21] Where, in stock-raising homestead entries, it has been satisfactorily established that there are existent prior unpatented mining claims, the segregation of the latter is not strictly a segregation of mineral from non-mineral land, but rather the procedure adopted to define the boundaries of and provide a legal description for that part of the homestead entry which is not within the segregated mining claims.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

PART 4—EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

INSTALLATION OF APPARATUS

In the matter of amendment of §§ 3.213, 3.513, 3.613 and 4.13 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of September 1950;

The Commission having under consideration its rules and regulations relating to the filing of applications for construction permits for the installation or removal of apparatus as set forth in §§ 3.213, 3.513, 3.613 and 4.13;

It appearing, that the above sections presently require that applications for construction permits or modification thereof involving removal of existing transmitting apparatus shall be filed at least 60 days prior to the contemplated removal; and

It further appearing, that this requirement is no longer necessary and that it should be removed from the Commission's rules and regulations; and

It further appearing, that on May 31, 1950 the Commission adopted an order amending § 1.313 of its rules and regulations to eliminate the above-mentioned requirement; that § 1.313 is general in application; and that therefore the rules relating to the various radio services should be conformed to § 1.313, as amended; and

It further appearing, that the proposed amendment is procedural in nature and involves the relaxation of existing requirements; and that therefore the notice and procedure provided for in section 4 of the Administrative Procedure Act are unnecessary and this order may be made effective immediately; and

It further appearing, that authority for this amendment is contained in sections 4 (a) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, §§ 3.213, 3.513, 3.613 and 4.13 are each amended to read as follows:

Installation of aparatus. Applications for construction permits or modification thereof involving the installation of new transmitting apparatus should be filed at least 60 days prior to the contemplated installation.

Released: September 21, 1950.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 48 U. S. C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 50-8509; Filed, Sept. 27, 1950; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 923]

[Docket No. AO-224]

HANDLING OF IRISH POTATOES GROWN IN PENNSYLVANIA

FINDINGS AND DETERMINATIONS ON RESULTS OF REFERENDUM ON PROPOSED MARKETING ORDER.

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Harrisburg, Pennsylvania, on May 22-24, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 2418), upon a proposed marketing agreement and a proposed marketing order regulating the handling of potatoes grown in Pennsylvania. The recommended decision (15 F. R. 4343) of the Assistant Administrator, Production and Marketing Administration, and the decision (15 F. R. 4896) of the Secretary of Agriculture, setting forth a proposed marketing agreement and order as the appropriate and detailed means for effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, were published in the FEDERAL REGISTER on July 8 and July 29, 1950, respectively. The Secretary also issued an order (15 F. R. 4902) directing that a referendum be conducted among producers of potatoes grown in Pennsylvania to determine whether the requisite majority of such producers favor the issuance of the proposed marketing order.

It is hereby found and determined, on the basis of the results of the referendum conducted pursuant to the aforesaid referendum order, that the issuance of the proposed marketing order regulating the handling of Irish potatoes grown in Pennsylvania is not approved or flavored by the requisite percentage of producers or of the total volume of production voting in the aforesaid referendum.

It is hereby further determined that the proposed marketing order set forth in the Secretary's decision of July 26, 1950 (15 F. R. 4896), cannot be made effective because of the failure of producers to approve or favor its issuance by the requisite percentage of producers or of the total volume of production voting in the referendum conducted among such producers.

Done at Washington, D. C., this 25th day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-8523; Filed, Sept. 27, 1950; 8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

TELEVISION BROADCAST SERVICE

ORDER CONTINUING HEARING DATE

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and engineering standards concerning the television broadcast service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 mc. for television broadcasting, Docket No. 8976.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of September 1950;

The Commission having under consideration the hearing on the general issues herein scheduled to commence on October 2, 1950, at the United States Department of Commerce Auditorium in Washington, D. C.; and

It appearing that a continuance of said hearing date is desirable in order to afford the Commission and interested parties the opportunity to complete preparations for said hearing;

It is ordered, That the above hearing date is continued to 10:00 a. m. on October 16, 1950, at the same place.

Released: September 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 50-8517; Filed, Sept. 27, 1950; 8:55 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DELEGATION OF AUTHORITY TO CHIEF OF FOREST SERVICE WITH RESPECT TO CERTAIN AUTHORITIES, POWERS, FUNCTIONS AND DUTIES

1. Pursuant to the authority contained in R. S. 161, 5 U. S. C. 22; sec. 1, 30 Stat. 35, sec. 1, 33 Stat. 628, 16 U. S. C. 551, the authorities, powers, functions and duties vested in the Secretary of Agriculture by sections 2, 9, and 10 of Public Law 478, 81st Congress, are hereby delegated to the Forest Service to be exercised by the Chief thereof and such officers or employees as he may designate.

2. The exercise of powers and authorities delegated herein shall be subject to, and within the limitations and provisions of, the standards set forth below relative to the respective sections of Public Law 478.

(a) Under section 2, it shall be deemed to be in the public interest to make purchases of forest tree cones or seed and/or forage plant seed, without regard to section 3709, Revised Statutes, whenever the Forest Service is unable or finds it impracticable to procure under bid procedure such items of required species, quality and province.

(b) (1) Sales pursuant to the authority and limitations of section 9 may be made whenever the seed or stock may be so disposed of without serious interference with Forest Service planting programs.

(2) Exchanges authorized by section 9 shall be considered to be in the public interest when the Forest Service obtains tree seed or planting stock needed for current reforestation or research programs in exchange for seed or planting stock of no greater value and not immediately needed.

(c) The installation of telephone service under the provisions of section 10 shall be considered to be needed when in the judgment of the regional forester the installation is a necessary part of the fire protection system of the national-forest area involved, and is for the benefit of the Government.

Done at Washington, D. C., this 22d day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-8473; Filed, Sept. 27, 1950; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 427]

AUTHORITY TO DESIGNATE EMPLOYEES TO PERFORM FUNCTIONS OF ACTING MANAGERS; CORRECTION

The last two sentences of paragraph (c) of section 1.4 of Order No. 427 (15 F. R. 5640) were included in the section through inadvertence, and they are hereby deleted.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50-8448; Filed, Sept. 21, 1950; 8:45 a. m.]

[Misc. 10013]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 19, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 3 S., R. 1 E.,
Sec. 16, N½N½, SE¼NW¼.
T. 3 S., R. 11 E.,
Sec. 16, lots 1, 2, 3, SW¼SW¼, E½W½, E½.
Sec. 36, lots 3 and 4, NE¼, N½SE¼.
T. 15 N., R. 14 W.,
Sec. 18, lot 4.

The areas described aggregate 1,168 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-8463; Filed, Sept. 27, 1950; 8:48 a. m.]

[Misc. 12773]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 22, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 27 E.,
Sec. 36, S½SW¼.

The area described aggregates 80 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-8446; Filed, Sept. 27, 1950; 8:45 a. m.]

[Misc. 53625]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 22, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN

T. 5 S., R. 18 E.,
Sec. 17, E½NW¼.

The area described aggregates 80 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-8447; Filed, Sept. 27, 1950; 8:45 a. m.]

Bureau of Reclamation

PAONIA PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

MAY 4, 1949.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 12 S., R. 89 W.,
Sec. 20, NW¼NE¼, NE¼NW¼.
T. 13 S., R. 90 W.,
Sec. 18, NW¼NE¼.
T. 13 S., R. 91 W.,
Sec. 13, SW¼NE¼, Lot 2.
T. 13 S., R. 93 W.,
Sec. 16, Lot 12,
Sec. 20, Lots 8 and 9,
Sec. 21, Lots 2, 3, 4, and 5,
Sec. 28, Lots 1, 2, 3 and 4.

The above areas aggregate 642.69 acres.

WESLEY R. NELSON,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management and the District Land Office will be noted accordingly.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director,
Bureau of Land Management.

AUGUST 31, 1950.

Notice for Filing Objections to Order Withdrawing Public Lands for the Paonia Project, Colorado

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Colorado, for use in connection with the Paonia Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WESLEY R. NELSON,
Assistant Commissioner.

[F. R. Doc. 50-8450; Filed, Sept. 27, 1950; 8:45 a. m.]

[No. 40]

ORLAND IRRIGATION PROJECT, CALIFORNIA

PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES

SEPTEMBER 11, 1950.

Orland Irrigation Project, California; public notice of annual operation and maintenance charges (Act of June 17, 1902, 32 Stat. 388, as amended or supplemented).

1. *Operation and maintenance charges.* The minimum annual operation and maintenance charge for the irrigation season of 1951 and thereafter until further notice for all lands of the Orland Project, California, under public notice shall be $4.77 per irrigable acre, whether water is used or not, which charge will permit the delivery of not to exceed 3 acre-feet of water per irrigable acre per annum. This charge includes $0.67 per acre in payment for rehabilitation and betterment work accomplished on the project. Additional water up to the amount of the surplus natural flow water, or operational spill from Stony Gorge Dam, used prior to the time it becomes necessary to draw upon the storage supply, will be furnished at the rate of $0.10 per acre-foot. Further additional water, if available, will be furnished during the irrigation season at the rate of $1.37 per acre-foot.

2. *Time of payment.* The minimum charge for the 1951 irrigation season, together with charges for additional water used during the 1950 irrigation season, shall be payable on or before December 31 of this year.

3. *Penalties.* If payment of the charges, or any part thereof, is not made on or before the due date, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid, and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue. No water shall be delivered until all charges and penalties have been paid in full.

4. *Place of payment.* All payments should be made to the Bureau of Reclamation, Orland, California.

R. S. CALLAND,
Acting Regional Director.

[F. R. Doc. 50-8451; Filed, Sept. 27, 1950; 8:46 a. m.]

[No. 41]

ORLAND IRRIGATION PROJECT, CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

SEPTEMBER 11, 1950.

Orland Irrigation Project, California; public notice of annual water rental charges (Act of June 17, 1902, 32 Stat. 388, as amended or supplemented).

1. Announcement is hereby made that, pending the cancellation of water rights on lands now delinquent in the payment of charges due the United States and the transfer of said water rights to other lands in private ownership that can be served from the constructed canal system, or minor extensions, on the Orland Project, California, water will be furnished during the irrigation season of 1951 and thereafter until further notice, upon approved applications for temporary water service for the irrigation of such other lands, upon a water rental basis, at the following rates and terms.

2. *Charges and terms of payment.* The minimum water rental charge for the lands to be irrigated under the provisions of this public notice shall be $4.77 per irrigable acre, which charge will permit the delivery of not to exceed 3 acre-feet of water per irrigable acre per annum. Additional water, if available, will be furnished at the rate of $1.37 per acre-foot.

The minimum charge will be payable at the time that application for temporary water service is executed and no water will be delivered until the minimum charge has been paid in full. Charge for additional water at the rates above specified must be paid in advance of the delivery of additional water and no advance payments shall be accepted in sums of less than $10.00.

3. *Application for and payment of service.* Applications for water service and the payments required by this notice will be received at the office of the Bureau of Reclamation, Orland, California.

R. S. CALLAND,
Acting Regional Director.

[F. R. Doc. 50-8452; Filed, Sept. 27, 1950; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

APPEALS IN TRADE MARK CASES

TEMPORARY DELEGATION OF AUTHORITY UNDER REORGANIZATION PLAN NO. 5 OF 1950

Acting under the provisions of section 2 of Reorganization Plan No. 5 of 1950, I hereby authorize the several members of the Board of Appeals of the United States Patent Office who have been appointed by the President by and with the advice and consent of the Senate (35 U. S. C. 2, 7), to hear and decide appeals from decisions of the examiner in charge of interferences or of the registration of marks provided by section 20 of the Trade-Mark Act of 1946 (15 U. S. C. 1070), either individually or in panels as may be assigned by the Commissioner of Patents. This authorization shall remain in force until a new Assistant Commissioner of Patents to fill the vacancy now existing in that office has been appointed and enters on duty. This temporary authorization does not supersede or limit the delegation under Reorganization Plan No. 5 of 1950, filed May 24, 1950, 15 F. R. 3195.

(R. S. 161; 5 U. S. C. 22. Reorg. Plan 5 of 1950, 15 F. R. 3174)

Issued: September 25, 1950.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 50-8484; Filed, Sept. 27, 1950; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the Regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportwear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 399).)

Angelica Uniform Co., Brunswick, Mo., effective 9-5-50 to 4-30-51; 10 percent normal labor turnover (washable service apparel).

Blue Bell, Midsouth Division, Inc., Baldwyn, Miss., effective 8-29-50 to 4-30-51; 10 percent normal labor turnover (pants, overalls, etc.).

Blue Bell, Midsouth Division, Inc., Boonsville, Miss., effective 8-29-50 to 4-30-51; 10 percent normal labor turnover (pants, overalls, etc.).

Sigmund Eisner Co., 2-40 Bridge Avenue, Red Bank, N. J., effective 7-26-50 to 4-30-51; 25 learners (rainwear, sportswear, etc.).

Luzerne Sportswear Inc., 421 North Pennsylvania Avenue, Wilkes-Barre, Pa., effective 9-6-50 to 3-5-51; 25 learners (dresses).

Mount Holly Dress Co., 510 South Eighth Street, Vineland, N. J., effective 9-8-50 to 4-30-51; 10 percent normal labor turnover (dresses).

Nona Lou, Inc., 632 St. Clair Avenue NW., Cleveland, Ohio, effective 9-9-50 to 1-31-51; 3 learners (aprons and dresses).

Royal Manufacturing Co., Inc., Sandersville, Ga., effective 9-9-50 to 4-30-51; 10 percent normal labor turnover (sportshirts).

Royal Manufacturing Co., Inc., Sandersville, Ga., effective 9-9-50 to 4-30-51; five learners for expansion purposes (sportshirts).

W. Shanhouse Sons, Inc., Hope, Ark., effective 9-6-50 to 4-30-51; 21 additional learners for expansion purposes (men's and boy's outerwear).

W. Shanhouse Sons, Inc., Hope, Ark., effective 9-6-50 to 4-30-51; 10 percent normal labor turnover (men's and boy's outerwear).

Woolfolk & Co., Louisa, Va., effective 9-7-50 to 4-30-51; 10 percent normal labor turnover (dungarees).

Sondra Undergarment Co., 601 North Jordan Street, Allentown, Pa., effective 9-8-50 to 4-30-51; 10 percent normal labor turnover (knitted underwear), (replacement certificate).

Hosiery Learner Regulations (29 CFR 522.40 to 522.51; as revised January 25, 1950 (15 F. R. 283)).

Bear Brand Hosiery Co., Henderson, Ky., effective 9-1-50 to 4-30-51; 50 learners (expansion certificate).

Bear Brand Hosiery Co., Paxton, Ill., effective 9-1-50 to 4-30-51; 10 learners (expansion certificate).

Bear Brand Hosiery Co., Kankakee, Ill., effective 9-1-50 to 8-31-51; 5 percent of the productive factory workers not including office or sales personnel.

Van Raalte Co., Inc., Franklin, N. C., effective 9-8-50 to 9-7-51; 5 percent of the total number of productive factory workers, not including office or sales personnel.

Independent Telephone Learner Regulations (29 CFR 522.82 to 522.93; as amended January 25, 1950 (15 F. R. 398)).

Tidewater Telephone Co., Warsaw Exchange, Warsaw, Va., effective 9-6-50 to 3-5-51.

Glove Learner Regulations (29 CFR 522.220 to 522.222; as amended January 25, 1950 (15 F. R. 400)).

Aris Fabric Corp., 26 Woodruff, Saranac Lake, N. Y., effective 9-8-50 to 10-24-50; five learners.

The Boss Manufacturing Co., Bluffton, Ohio, effective 9-11-50 to 10-24-50; 10 learners.

The Boss Manufacturing Co., Grand Island, Nebr., effective 9-11-50 to 10-24-50; 10 learners.

The Boss Manufacturing Co., Leavenworth, Kans., effective 9-11-50 to 10-24-50; 10 learners.

Lambert Manufacturing Co., Kirksville, Mo., effective 9-7-50 to 10-24-50; 30 learners (cotton and jersey work gloves).

Texas Glove Co., Brownwood, Tex., effective 9-6-50 to 10-24-50; five learners (work gloves).

Richmond Glove Corp., Richmond, Ind., effective 8-18-50 to 10-24-50; 10 learners (work gloves) (replacement certificate).

Knitted Wear Learner Regulations (29 CFR 522.68 to 522.79; as amended January 25, 1950 (15 F. R. 398)).

Argo Knitting Mills, Inc., Auburn, Pa., effective 9-5-50 to 4-30-51; 20 learners for expansion purposes.

Argo Knitting Mills, Inc., Auburn, Pa., effective 9-5-50 to 4-30-51; 5 percent of the total number of factory workers, not including office or sales personnel.

Greyhill Manufacturing Co., 340 East Boundary Avenue, York, Pa., effective 9-8-50 to 4-30-51; 15 learners for expansion purposes.

Rohrer Knitting Mills, Inc., Orwigsburg, Pa., effective 9-5-50 to 4-30-51; 5 percent of productive factory personnel, not including sales and clerical personnel.

Sakura Mills, Inc., Kane, Pa., effective 9-6-50 to 4-30-51; 5 percent of productive factory personnel, not including sales and clerical personnel.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Atlanta Curtain Co., Atlanta, Ga., effective 8-30-50 to 3-1-51; two learners; sewing machine operators, 160 hours, 60 cents (curtains and draperies).

Burlington Willow Ware Shops, 2811 Mount Pleasant Street, Burlington, Iowa, effective 9-8-50 to 3-7-51; five learners; basket making, 160 hours, handle making, 160 hours, stemming, 160 hours, 60 cents (baskets and wreaths).

Courtney Manufacturing Co., Knox, Pa., effective 8-23-50 to 3-1-51; 28 learners; machine operators, 240 hours, assemblers, 240 hours, 60 cents (screw machine).

Gulf Coast Optical Manufacturing Co., Inc., Mobile, Ala., effective 9-4-50 to 3-3-51; five learners; eyeglass frame makers, 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (zylonite eyeglass frames).

Master Manufacturing Co., Inc., Atlanta, Ga., effective 9-8-50 to 3-7-51; three learners; sewing machine operator only, 240 hours, 60 cents (automobile seat covers).

Reidsville Distributing Co., Reidsville, N. C., effective 9-11-50 to 3-10-51; four learners; tufting machine operators, 240 hours, 60 cents (chenille and tufted bedspreads).

Slocum Hat Corp., Milwaukee, Wis., effective 9-8-50 to 3-7-51; 10 percent of the productive factory workers, not including office or sales personnel; machine operators and trimmers, 240 hours, 65 cents (straw, felt and fabric hats).

The Howard Zink Corp., Charleston, Miss., effective 9-7-50 to 3-6-51; 10 learners; sewing machine operators, 240 hours, 60 cents (automobile seat covers).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 21st day of September 1950.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 50-8478; Filed, Sept. 27, 1950; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Project No. 341]

J. M. FREEMAN

NOTICE OF ORDER

SEPTEMBER 22, 1950.

Notice is hereby given that, on September 21, 1950, the Federal Power Commission issued its order entered September 20, 1950, authorizing amendment of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8453; Filed, Sept. 27, 1950; 8:46 a. m.]

[Project Nos. 1740, 1889]

CALIFORNIA-PACIFIC UTILITIES CO. AND WESTERN MASSACHUSETTS ELECTRIC CO.

NOTICE OF ORDERS

SEPTEMBER 22, 1950.

Notice is hereby given that, on September 21, 1950, the Federal Power Commission issued its orders entered September 20, 1950, authorizing amendment of licenses (major) in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8454; Filed, Sept. 27, 1950; 8:46 a. m.]

[Docket No. E-6279]

WESTERN LIGHT AND TELEPHONE CO., INC.

NOTICE OF OPINION NO. 199 AND ORDER

SEPTEMBER 22, 1950.

Notice is hereby given that, on September 20, 1950, the Federal Power Commission issued its Opinion No. 199 and order entered September 20, 1950, in the above-designated matter, dismissing petition for declaratory determination.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8456; Filed, Sept. 27, 1950; 8:46 a. m.]

[Docket No. IT-6083]

LA JUNTA FEDERAL DE MEJORAS MATEPIALES ET AL.

NOTICE OF ORDER

SEPTEMBER 22, 1950.

In the matter of La Junta Federal de Mejoras Materiales, Central Power and Light Company and Comision Federal de Electricidad.

Notice is hereby given that, on September 20, 1950, the Federal Power Commission issued its order entered September 20, 1950, in the above-designated matter, authorizing transmission of electric energy to Mexico and substituting La Junta Federal de Mejoras Materiales as holder of Presidential Permit.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8455; Filed, Sept. 27, 1950; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7945, 7946]

JOHNSTON BROADCASTING CO. AND PILOT BROADCASTING CORP. (WTNB)

ORDER CONTINUING HEARING

In re applications of George Johnston and George Johnston, Jr., d/b as Johnston Broadcasting Company, Birmingham, Alabama, Docket No. 7945, File No. BP-5016; Pilot Broadcasting Corporation (WTNB), Birmingham, Alabama, Docket No. 7946, File No. BP-5332; for construction permits.

The Commission has under consideration the hearing in the above-entitled proceeding which is presently scheduled to commence on September 11, 1950, at Washington, D. C.; and

It appearing, that on June 21, 1950, the U. S. Court of Appeals for the District of Columbia Circuit granted a motion of Johnston Broadcasting Company to stay further proceeding in this matter before the Commission;

It is ordered, This 6th day of September 1950, that the hearing in the above-entitled proceeding is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8500; Filed, Sept. 27, 1950; 8:53 a. m.]

[Docket No. 9292]

COMMERCIAL PACIFIC CABLE CO. ET AL.

ORDER CONTINUING HEARING

In the matter of complaints of Commercial Pacific Cable Company; and American Cable and Radio Corporation and its subsidiaries, All America Cables and Radio, Inc., The Commercial Cable Company, and Mackay Radio and Telegraph Company, Complainants, against The Western Union Telegraph Company, Respondent; and Complaint of RCA Communications, Inc., Complainant, against The Western Union Telegraph Company, Globe Wireless, Ltd., and Tropical Radio Telegraph Company, Respondents, Docket No. 9292.

The Commission having under consideration a motion filed September 6, 1950, by RCA Communications, Inc., one of the complainants in the above-entitled proceeding, requesting that the hearing be continued from September 19, 1950, to October 31, 1950; and

It appearing, that the reason for the requested continuance is the fact that the General Attorney for RCA Communications, Inc., who has represented said party throughout the proceeding, is now in South America and will be unable to return to this country in time for the hearing on September 19, 1950; and

It appearing, that good cause having been shown for the requested continuance, and that counsel for all parties have consented to the requested continuance;

It is ordered, This the 8th day of September 1950, that the motion for continuance be, and it is hereby granted, and the hearing, is continued, from September 19, 1950, to October 31, 1950, at 10:00 a. m., in the offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8501; Filed, Sept. 27, 1950; 8:53 a. m.]

[Docket No. 9319]

RADIO STATION WISE, INC.

ORDER ENLARGING ISSUES

In re application of Radio Station WISE, Inc. (WISE), Asheville, North Carolina, Docket No. 9319, File No. BP-7132; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of September 1950;

The Commission having under consideration a petition filed by Radio Station WISE, Inc., requesting reconsideration and grant without hearing of its above-entitled application for construction permit to change frequency to 680 kc., increase power to 1 kw. and use different directional patterns for day and night operations at Station WISE, Asheville, North Carolina;

It appearing, that such application was designated for hearing on April 13, 1950, on issues to determine whether interference would be involved with Station WCYB, Bristol, Virginia, or with other existing stations and whether the proposed operation would be in compliance with the Commission's Standards of Good Engineering Practice; and

It further appearing, that the applicant has not made a satisfactory showing either as to its contention that conductivity over the path between Asheville and Bristol is 1×10^{-14} emu or as to any reason why the Standards of Good Engineering Practice should be departed from in various particulars which the applicant admits would be necessary in order to permit the proposed operation; and

It further appearing, that the order of April 13, 1950, designating the application for hearing did not contain an issue seeking to determine the areas and populations to be served by the operation of Station WISE as proposed and the other services available to such areas and populations, which information is deemed of possible importance in reaching a decision on the above-entitled application;

It is ordered, That the petition of Radio Station WISE, Inc., is denied, and

It is further ordered, That the Commission's order of April 13, 1950, designating the above-entitled application for hearing is amended to include the following issue as Issue No. 3:

To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WISE as proposed and the character of other broadcast service available to such areas and populations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8491; Filed, Sept. 27, 1950; 8:52 a. m.]

[Docket No. 9362]

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT ET AL.

SUPPLEMENTAL ORDER ENLARGING ISSUES

International Bank for Reconstruction and Development and International Monetary Fund, Complainants, v. All America Cables and Radio, Inc., the Commercial Cable Company, Mackay Radio and Telegraph Company, Inc., RCA Communications, Inc., and The Western Union Telegraph Company, Defendants; Docket No. 9362.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of September 1950;

The Commission, having under consideration its Order of June 29, 1949, herein; and having also under consideration a supplemental complaint filed on June 15, 1950, by the complainants herein, requesting reparations for damages allegedly suffered by them, and answers thereto filed by the respective defendants herein on July 17, 18, and 19, 1950;

It appearing, that it is appropriate and desirable that the public hearing ordered by the Commission in its order of June 29, 1949, herein, should include inquiry into the matter of the damages, if any, suffered by the complainants and the reparations which should be made therefor;

It is ordered, That the issues herein are enlarged to include inquiry into the nature and extent of the damages, if any, suffered by the complainants, and the amount of reparations, if any, which should be made by each of the defendants to each of the complainants.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8486; Filed, Sept. 27, 1950; 8:51 a. m.]

[Docket No. 9446]

RADIO READING

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of John J. Keel and Lloyd W. Dennis, Jr., tr/as Radio Reading, Reading, Pennsylvania, Docket No. 9446, File No. BP-7589; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of September 1950;

The Commission having under consideration the above-entitled application for a construction permit to erect a new standard broadcast station to operate on frequency 1510 kilocycles, with 1 kilowatt power, unlimited time with the same directional antenna for day and night operation at Reading, Pennsylvania; a petition filed June 1, 1950, by J. T. Ward d/b as WLAC Broadcasting Service, licensee of Station WLAC, Nashville, Tennessee, requesting that the said application of Radio Reading be designated for hearing and petitioner made a party thereto; and an opposition to said petition filed June 9, 1950, by Radio Reading; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified to construct and operate the proposed station, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That the said petition filed June 1, 1950, by WLAC Broadcasting Service is granted;

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on February 13, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WLAC, Nashville, Tennessee or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular references to the extent and quality of the coverage to be provided to the city of Reading, Pennsylvania and to the Reading Metropolitan District.

It is further ordered, That J. T. Ward d/b as WLAC Broadcasting Service, licensee of Station WLAC, Nashville, Tennessee is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8492; Filed, Sept. 27, 1950; 8:52 a. m.]

[Docket No. 9470]

RADIO COMMISSION OF SOUTHERN BAPTIST CONVENTION AND EXECUTIVE BOARD OF BAPTIST AND GENERAL CONVENTION OF TEXAS

ORDER DESIGNATING PETITION FOR ORAL ARGUMENT

In re the joint petition of the Radio Commission of the Southern Baptist Convention, and the Executive Board of the Baptist and General Convention of Texas, Docket No. 9470.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of September 1950;

The Commission, having under consideration its Order of June 27, 1950, designating for oral argument the supplemental petition of the above-entitled petitioners, and the briefs filed pursuant to the Commission's order by the American Civil Liberties Union, Inc., and, jointly, by the University Baptist Church, Baltimore, Md., the Christian Missionary Alliance and certain other interested parties designated in the brief;

It appearing, that the above-entitled joint petitioners have filed no brief addressed to the issues set forth in the Commission's order of June 27, 1950, and have stated that no useful purpose would be served thereby since exhaustive briefs in behalf of the petitioners' request have already been submitted prior to the issuance of that order;

It further appearing, that the above mentioned briefs have been directed solely to the issues set forth in the Commission's order of October 23, 1949, designating for oral argument the initial petition of the above-entitled petitioners, filed February 23, 1949, which sought the establishment of a special category of religious broadcast stations; that the filing of the supplemental petition seeking a sub-allocation preference for tax-exempt nonprofit organizations, and its designation by the Commission for oral argument upon the issues set out in the Commission's order of June 27, 1950, have in large measure vitiated the pertinency of the briefs submitted by the joint petitioners; and that the submission of a brief addressed to the issues in the order of June 27, 1950, i. e., pertaining to tax-exempt nonprofit organizations as such and not restricted to nonprofit religious bodies, is essential in order that the Commission may be adequately informed of the petitioners' view with respect to these issues;

It further appearing, that the said joint petitioners have requested additional time totaling one hour for the presentation of its views; and that no request for additional time has been made by the other parties to the proceeding;

It further appearing, that this proceeding presents complex issues for determination by the Commission; and that the public interests would best be served by a grant of the requested additional time for oral argument;

It is ordered, That (1) the said supplemental petition be designated for oral argument on October 30, 1950, before the Commission, en banc, in Washington, D. C., at 10 a. m., on the issues set forth in the Commission's Order of June 27, 1950; (2) that the above-entitled petitioners on or before October 16, 1950, submit a brief addressed to the issues set forth in the order of June 27, 1950; and (3) that the request of the said joint petitioners for one hour of time to present oral argument in the above-entitled proceeding is granted, all other parties being allowed 20 minutes in which to present oral argument.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8487; Filed, Sept. 27, 1950; 8:51 a. m.]

[Docket Nos. 9574, 9778]

COMMONWEALTH BROADCASTING CORP. AND KINSTON BROADCASTING CO. (WFTC)

ORDER CONTINUING HEARING

In re applications of Commonwealth Broadcasting Corporation (WELS), Kinston, North Carolina, Docket No. 9574, File No. BMP-4917; Kinston Broadcasting Company (WFTC), Kinston, North Carolina, Docket No. 9778, File No. BP-7752; for construction permits.

The Commission having under consideration a petition filed September 8, 1950, by Commonwealth Broadcasting Corporation (WELS), requesting a continuance of the hearing in the above-entitled case from September 19, 1950, to November 27, 1950; and

It appearing, that the application of Kinston Broadcasting Company (WFTC) has been recently consolidated in this proceeding, and the applicant requests additional time in which to prepare for competitive hearing upon these applications; and

It further appearing, that the permittee of Station WELS has recently changed its corporate ownership and additional time is desired in which to substitute by appropriate pleadings the successor corporation as the applicant herein; and

It further appearing, that all parties to this proceeding have informally consented to a continuance of the hearing as hereinafter ordered and that the granting thereof will conduce to the proper dispatch of the Commission's business; now therefore

It is ordered, This 15th day of September 1950, that the petition for continuance be, and it is hereby granted; and the hearing presently scheduled to commence on September 19, 1950, is continued to Monday, November 20, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8504; Filed, Sept. 27, 1950; 8:53 a. m.]

[Docket No. 9605]

GULF BEACHES BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re application of Gulf Beaches Broadcasting Company, Inc., St. Petersburg Beach, Florida, Docket No. 9605, File No. BP-7302; for construction permit.

The Commission having under consideration a petition filed on September 13, 1950, requesting that the hearing now scheduled for September 18, 1950, at Washington, D. C., on the above-entitled application of Gulf Beaches Broadcasting Company, Inc., St. Petersburg Beach, Florida, be continued indefinitely; and

It appearing, that on August 22, 1950, the said applicant filed a petition for reconsideration and grant of its above-entitled application without a hearing, which the Commission will not be able to act upon prior to September 18, 1950; and

It further appearing, that action by the Commission on the said petition for reconsideration and grant may obviate the necessity of a hearing; and

It further appearing, that all of the parties to this proceeding have consented to the continuance as requested;

It is ordered, This 15th day of September 1950, that the above petition for continuance be, and it is hereby, granted, and that the said hearing on the above-entitled application be, and it is hereby, continued until further order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8507; Filed, Sept. 27, 1950; 8:54 a. m.]

[Docket No. 9617, 9618, 9796]

BUTTREY BROADCAST, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Buttrey Broadcast, Inc., Billings, Montana, Docket No.

9617, File No. BP-6415; Frank E. Hurt & Son, Inc. (KFXD), Nampa, Idaho, Docket No. 9618, File No. BP-6513; Copper Broadcasting Company (KOPR), Butte, Montana, Docket No. 9796, File No. BP-7777; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of September 1950;

The Commission having under consideration the above-entitled applications of (1) Buttrey Broadcast, Inc., requesting a construction permit for a new standard broadcast station to operate on 580 kc., with 5 kw. power, unlimited time, using a directional antenna at night, in Billings, Montana; (2) Frank E. Hurt & Son, Inc., requesting a construction permit to increase power from 1 kw. to 5 kw., unlimited time, using a directional antenna day and night on 580 kc at station KFXD, Nampa, Idaho; and (3) Copper Broadcasting Company, requesting a construction permit to change the facilities of station KOPR, Butte, Montana, from 550 kc., 1 kw., unlimited time with a directional antenna at night, to 580 kc., 1 kw., 5 kw.-LS, unlimited time with a directional antenna at night;

It appearing, that the applicants are legally qualified to operate the proposed station and stations KFXD and KOPR as proposed, but that the applications may involve interference with one another and with one or more existing stations;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on February 20, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the corporate applicants, their officers, directors and stockholders to operate the proposed station and stations KFXD and KOPR as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and stations KFXD and KOPR as proposed, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station and station KFXD would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KOPR as proposed would involve objectionable interference with station WIBW, Topeka, Kansas, or with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed station and stations KFXD and KOPR as proposed would involve objectionable interference, each with the others, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the operation of the proposed station would involve objectionable interference with Station CKY, Winnipeg, Manitoba, or with any other existing foreign broadcast station and, if so, the nature and extent of such interference.

8. To determine whether the installation and operation of the proposed station and stations KFXD and KOPR as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

9. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Topeka Broadcasting Association, Inc., licensee of station WIBW, Topeka, Kansas, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8496; Filed, Sept. 27, 1950; 8:52 a. m.]

[Docket No. 9634]

MIDWEST BROADCASTING CORP.

ORDER CONTINUING HEARING

In the matter of Midwest Broadcasting Corporation, Montevideo, Minnesota, Docket No. 9634, File No. BP-7458; applicant for construction permit for a new standard broadcasting station.

The Commission having under consideration a petition filed September 5, 1950, by the applicant, Midwest Broadcasting Corporation, requesting a continuance of the hearing which is now scheduled for Wednesday, September 13, 1950; and

It appearing that counsel for the Commission and counsel for the respondent, Times Publishing Company, St. Cloud, Minnesota, have informally consented to waive the time of filing requirements of § 1.745 of the rules and to a grant of the petition for continuance; and

It further appearing that the applicant desires additional time for completion of an engineering search which has been commenced for a different frequency for use at Montevideo, Minnesota, and that the requested continuance will conduce to the proper dispatch of the Commission's business and the ends of justice; now therefore

It is ordered, This 8th day of September 1950, that the petition for continuance be, and it is hereby, granted, and the hearing upon the Midwest Broadcasting Corporation application, presently scheduled to commence on September 13, 1950, is continued until 10 o'clock a. m. on Wednesday, December 13, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8499; Filed, Sept. 27, 1950; 8:53 a. m.]

[Docket No. 9638]

GLOBE WIRELESS LTD.

ORDER CONTINUING HEARING

In the matter of Globe Wireless Ltd. Docket No. 9638, File No. 13681-C4-P-D, 13682-C4-P-D, 13850-C4-MP-E; applications for construction permits to authorize the move of certain transmitters to transmitting stations of Press Wireless, Inc.

The Commission having under consideration a petition filed September 11, 1950, by Globe Wireless, Ltd., requesting that the hearing in the above-entitled proceeding now scheduled for October 2, 1950, be continued for approximately 90 days in order to allow time for further discussions with Press Wireless, Inc., an intervenor in the proceeding, respecting arrangements involved in the pending application; and

It appearing, that no opposition to the petition for continuance has been filed and that good cause has been shown in support thereof;

It is ordered, This 18th day of September 1950, that the hearing in the above-entitled proceeding, now scheduled for October 2, 1950, be, and it is hereby, continued to December 11, 1950, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 50-8508; Filed, Sept. 27, 1950; 8:54 a. m.]

[Docket No. 9659]

MELBOURNE BROADCASTING CORP. (WMMB)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Melbourne Broadcasting Corporation (WMMB), Melbourne, Florida, Docket No. 9659, File No. BP-7217; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of September 1950;

The Commission having under consideration the above-entitled application of Melbourne Broadcasting Corporation to change the facilities of Station WMMB, Melbourne, Florida, from 1050 kc., 250 w., daytime only, to 1240 kc., 250 w., unlimited time;

It appearing, that the applicant is financially qualified to operate Station WMMB as proposed, but that the application may involve interference with one or more existing stations;

It further appearing, that, various transfers of stock of the applicant corporation have been made which were unreported at the time of the transactions and that the Records of the Commission and the above-entitled application may not accurately reflect the present stockholders of the applicant corporation or the extent of the interest of each stockholder;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on February 19, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, and other qualifications of the corporate applicant, its officers, directors and stockholders to construct and operate Station WMMB as proposed.

2. To determine the present owners of the stock of the applicant corporation, and when and from whom said stock was acquired and whether the statements and representations made in various applications, documents and reports filed with the Commission and made to an investigator for the Commission on behalf of the applicant corporation by its officers, directors and agents have fully and accurately reflected the facts concerning the ownership and distribution of the stock of the corporation.

3. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

4. To determine whether the operation of the Station WMMB as proposed would involve objectionable interference with Station WFOY, St. Augustine, Florida, or with any other existing or proposed broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Fountain of Youth Broadcasting Company, licensee of Station WFOY, St. Augustine, Florida, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8497; Filed, Sept. 27, 1950; 8:52 a. m.]

[Docket No. 9660]

UNITED BROADCASTING CO., INC. (WOOK)

ORDER CONTINUING HEARING

In re application of United Broadcasting Co., Inc. (WOOK) Silver Spring, Maryland, Docket No. 9660, File No. BML-1335; for construction permit.

The Commission having under consideration a petition, filed September 6, 1950, by the United Broadcasting Co., Inc. (WOOK), Silver Spring, Maryland, requesting an indefinite continuance of the hearing herein, presently scheduled for September 18, 1950, in order that further engineering data may be prepared and submitted to the Commission which petitioner feels may resolve the conflict which resulted in said application being set for hearing; and

It appearing that Piedmont Carolina Broadcasting Company, Inc. (WFRC), Reidsville, North Carolina (party respondent herein), on September 8, 1950, filed an opposition to the petition of Station WOOK for an indefinite continuance of said hearing, requesting that a definite, rather than an indefinite, date be set in order that Station WFRC may not be put to unnecessary expenses in preparation for a hearing which may not materialize; and

It further appearing that no other pleadings have been filed, and that the petitioner, the Counsel for WFRC and the Commission Counsel have agreed to a continuance of 90 days in lieu of the indefinite continuance requested;

It is therefore ordered, This 15th day of September 1950, that the petition of United Broadcasting Co., Inc. be and it is hereby granted in part, and the hearing herein is continued to December 18, 1950, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8502; Filed, Sept. 27, 1950; 8:53 a. m.]

[Docket No. 9664]

HAROLD L. SUDBURY (KLCN)

ORDER CONTINUING HEARING

In re application of Harold L. Sudbury (KLCN), Blytheville, Arkansas, Docket No. 9664, File No. BP-7515; for construction permit.

The Commission having under consideration a petition filed September 8, 1950 by Harold L. Sudbury (KLCN), Blytheville, Arkansas, for an indefinite continuance of the hearing on the above-entitled application now scheduled for September 22, 1950 in Washington, D. C.; and

It appearing, that the applicant has filed with the Commission a petition requesting the Commission to reconsider its action in designating for hearing the above-entitled application and grant the same without hearing; that it cannot now be determined when action will be taken by the Commission on that petition to reconsider and grant, but if said petition is granted, the necessity for a hearing on said application would be obviated; that the time within which objection might have been filed to the instant petition for indefinite continuance of the hearing on the above-entitled application has expired, and opposition has not been filed by any party to the proceeding or by Commission Counsel; and that a continuance of this proceeding under the circumstances here shown would conduce to the dispatch of the Commission's business and to the ends of justice;

It is ordered, This 15th day of September 1950, that the petition for indefinite continuance is hereby granted; and the hearing on the above-entitled application now scheduled for September 22, 1950, in Washington, D. C., is continued without date until further order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8503; Filed, Sept. 27, 1950; 8:53 a. m.]

[Docket No. 9758]

COASTWISE LINE AND SS WILLIAM BLACK YATES

ORDER CONTINUING HEARING

In the matter of Petition of the Coastwise Line requesting reconsideration by the Commission of its denial of the application of Coastwise Line for relief from forfeitures imposed in connection with the sailing of the SS *William Black Yates* in violation of sections 351 and 353 of the Communications Act of 1934, as amended, Docket No. 9758.

The Commission having under consideration a petition filed September 15, 1950 by Coastwise Line, requesting continuance for a period of fifteen days of the hearing on the above-entitled proceeding presently scheduled for September 26, 1950; and

It appearing, that applicant's Washington counsel who had previously been handling the matter will not be available for the purpose of preparing for the matter and that, since the applicant and those persons having knowledge of the facts reside at great distances from the place of hearing, counsel retained on September 14, 1950, to represent the applicant at the hearing will be unable to prepare adequately for the hearing now set for September 26; and

It further appearing, that Commission Counsel has consented to a waiver of § 1.745 of the Commission's rules and regulations to permit the early consideration and grant of such petition;

It is ordered, This 18th day of September 1950, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued to October 17, 1950 at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 50-8506; Filed, Sept. 27, 1950; 8:54 a. m.]

[Docket Nos. 9779-9782]

MOBILE RADIO MESSAGE SERVICE ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications for construction permits or licenses, respectively, in the Domestic Public Land Mobile Radio Service at Houston, Texas. Roberta B. Knigge and Joseph H. Wofford, d/b as

Mobile Radio Message Service, Docket No. 9779, Files Nos. 3983/3984–C2–ML–E; W. M. Hollomon, d/b as Hollomon Radio Dispatch Service, Docket No. 9780, Files Nos. 4853/4854–C2–ML–E and 5668–C2–P–E; Robert E. Franklin, Docket No. 9781, File No. 4847–C2–P–E; O. B. English, d/b as English Radio Dispatch Co., Docket No. 9782, File No. 21553–C2–P–E.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of September 1950;

The Commission, having under consideration the above-entitled applications of miscellaneous common carriers for authorizations in the Domestic Public Land Mobile Radio Service in the city of Houston, Texas;

It appearing, that the number of applicants for such facilities in this area exceeds the number of frequencies available for this area; and

It further appearing, that, in accordance with the Commission's report and order in Dockets Nos. 8658, et al., dated April 27, 1949, and § 6.409 of the Commission's rules governing public radiocommunication services (other than maritime mobile), each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference-free basis;

It is ordered, That, pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at Houston, Texas, on a date to be hereafter specified, upon the following issues:

1. To determine the legal, technical and financial qualifications of each of the above-entitled applicants to construct and operate the proposed stations.

2. To determine the areas which may be expected to receive service from the proposed stations and the need for such service in the areas proposed to be served.

3. To determine whether and to what extent adjacent channel operations may be feasible.

4. To determine the extent and degree of mutual interference which would be caused by operation of the proposed stations.

5. To determine the facts with respect to the existing and proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.

6. To determine, in the light of the evidence on the foregoing issues, which applicants are best qualified to serve the public interest, convenience or necessity.

7. To determine, on a comparative basis, which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–8485; Filed, Sept. 27, 1950; 8:51 a. m.]

[Docket No. 9784]

GARFIELD MEDICAL APPARATUS CO.

ORDER CONTINUING HEARING

In the matter of Garfield Medical Apparatus Company, New York, New York, Docket No. 9784; withdrawal of type approval Certificate No. D–503, Medical Diathermy Apparatus, request for issuance of type approval for new medical diathermy apparatus.

The Commission having under consideration a petition filed on September 14, 1950, by the Garfield Medical Apparatus Company, New York, New York, requesting a continuance of the hearing herein, presently scheduled for September 19, 1950, for a period of thirty days, in order that the attorney and the engineer for the petitioner, retained only a few days prior to the filing of the petition, may have an opportunity to study and familiarize themselves with their client's case; and

It appearing that the General Counsel has filed a Statement, expressing no opposition to the requested continuance, but pointing out that the hearing was scheduled for September 19, 1950, by the Commission's Order of September 6, 1950, and the Hearing Examiner was ordered to give this matter priority in response to the urgent request of Garfield Medical Apparatus Company for a prompt determination of this matter; and

It further appearing that the General Counsel's Statement requests that, in the event a continuance is granted, all subpenas previously issued by the Hearing Examiner, returnable on September 19, 1950, be made returnable on the new date specified for the hearing; and

It further appearing that there are no other parties to the proceeding and that the requirements of § 1.745 of the rules have been met;

It is therefore ordered this 15th day of September 1950, that the petition of the Garfield Medical Apparatus Company be and it is hereby granted, the hearing herein is hereby continued to October 23, 1950, at 10:00 a. m., in Washington, D. C., and all subpenas and subpenas duces tecum which have been hitherto issued, returnable on September 19, 1950, shall be returnable on October 23, 1950, at Washington, D. C., at the place previously specified.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–8505; Filed, Sept. 27, 1950; 8:54 a. m.]

[Docket No. 9787]

FRANCIS J. MATRANGOLA

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Francis J. Matrangola, Wildwood, New Jersey, Docket No. 9787, File No. BP–7659; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of September 1950;

The Commission having under consideration the above-entitled application for a construction permit to establish a new standard broadcast station to operate on frequency 1230 kilocycles, with 250 watts of power, unlimited time at Wildwood, New Jersey;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on February 7, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WSNJ, Bridgeton, New Jersey; WITH, Baltimore, Maryland, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Eastern States Broadcasting Corporation, licensee of Station WSNJ, Bridgeton, New Jersey, and Maryland Broadcasting Company, licensee of Station WITH, Baltimore, Maryland are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–8488; Filed, Sept. 27, 1950; 8:51 a. m.]

(Docket Nos. 9788, 9789]

PHILLIP R. HURLBUT AND VALLEY BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Phillip R. Hurlbut, Farmington, New Mexico, Docket No. 9788, File No. BP–7764; Luella M. Bowles and Marvin E. Bowles d/b as Valley Broadcasting Company, Farmington, New Mexico, Docket No. 9789, File No. BP–7773; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of September 1950;

The Commission having under consideration the above-entitled applications both requesting construction permits to construct new standard broadcast stations to be operated on frequency 1240 kilocycles with 250 watts of power, unlimited time at Farmington, New Mexico.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on February 12, 1951 at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the individual applicant and the applicant partnership and its partners to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–8489; Filed, Sept. 27, 1950; 8:51 a. m.]

[Docket No. 9790]

KEPO, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of KEPO, Inc. (KEPO), El Paso, Texas, Docket No. 9790, File No. BP–7397; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of September 1950;

The Commission having under consideration the above-entitled application requesting authority to increase daytime power from 5 kilowatts to 10 kilowatts and to change the directional antenna array for daytime use of Station KEPO, El Paso, Texas.

It is ordered That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at Washington, D. C., at 10:00 a. m., February 9, 1951, upon the following issue:

1. To determine the technical and other qualifications of the applicant corporation, its officers, directors and stockholders to operate Station KEPO as proposed and with particular reference to the qualifications of stockholder H. J. Griffith in the light of the matters in issue in the case of U. S. v. Griffith, et al., 334 U. S. 100

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–8490; Filed, Sept. 27, 1950; 8:52 a. m.]

[Docket No. 9791]

VOICE OF DIXIE, INCORPORATED (WVOK)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Voice of Dixie, Incorporated (WVOK), Birmingham, Alabama, for modification of construction permit, Docket No. 9791, File No. BMP–4825.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of September 1950.

The Commission having under consideration the above-entitled application requesting a modification of construction permit to change from directional to non-directional operation of Station WVOK, Birmingham, Alabama;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WVOK, as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on February 14, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of Station WVOK, as proposed, would involve objectionable interference with Station WWEZ at New Orleans, Louisiana, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That the Sky Broadcasting Company, licensee of Station WWEZ, New Orleans, Louisiana, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–8493; Filed, Sept. 27, 1950; 8:52 a. m.]

[Docket No. 9792]

BOWLING GREEN BROADCASTING CO. (WLBJ)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Bowling Green Broadcasting Company (WLBJ), Bowling Green, Kentucky, for modification of construction permit, Docket No. 9792, File No. BMP–5198.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of September 1950;

The Commission having under consideration the above-entitled application of the Bowling Green Broadcasting Company for modification of construction permit (File No. BP–7160) to increase daytime power from 1 kw. to 5 kw. and install a new transmitter at Station WLBJ, Bowling Green, Kentucky;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WLBJ as proposed, but that the application may involve interference with one or more existing stations;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on February 15, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Stations WVJS, Owensboro, Kentucky, WIEL, Elizabethtown, Kentucky, or any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Owensboro On The Air, Inc., licensee of Station WVJS, Owensboro, Kentucky, and Stokley Bowling, C. A. Diecks, H. F. Skidmore, Horace E. Tabb and J. W. Hodges, d/b as Elizabethtown Broadcasting Company, licensee of Station WIEL, Elizabethtown, Kentucky, are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8494; Filed, Sept. 27, 1950; 8:52 a. m.]

[Docket Nos. 9793-9795]

RADIO SERVICES CO. (WJPR) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Thomas Henry Golding, Sr., Thomas Henry Golding, Jr., Emmet Holmes McMurry, Jr., and Frank Wilson Baldwin, d/b as Radio Services Co. (WJPR), Greenville, Mississippi, Docket No. 9793, File No. BP-7563; Harold Ritchie McBride, Birmingham, Alabama, Docket No. 9794, File No. BP-7613; Magic City Broadcasting Co., Inc. (WEDR), Fairfield, Alabama, Docket No. 9795, File No. BP-7778; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of September 1950;

The Commission having under consideration the above-entitled applications of Radio Services Company to change the facilities of Station WJPR, Greenville, Mississippi, from 1340 kc, 250 w, U, to 1330 kc, 500 w, 1 kw-LS, DA-N, U; Harold Ritchie McBride for a new standard broadcast station to operate on 1320 kc, 1 kw, daytime at Birmingham, Alabama, and Magic City Broadcasting Co., Inc. to change the facilities of Station WEDR, Fairfield, Alabama, from 1220 kc, 1 kw, D, to 1330 kc, 500 w, 1 kw-LS, DA-N-U;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m., on February 16, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant partnership and its partners; the corporate applicant, its officers, directors and stockholders to construct and operate Stations WJPR and WEDR, as proposed; and the legal, technical, financial and other qualifications of the applicant, Harold Ritchie McBride, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Stations WJPR and WEDR, as proposed, and the proposed station would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Stations WJPR and WEDR, as proposed, and the proposed station would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Stations WJPR and WEDR, as proposed, and the proposed station would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8495; Filed, Sept. 27, 1950; 8:52 a. m.]

[Docket No. 9798]

SHORE BROADCASTING CO. (WCEM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Shore Broadcasting Company (WCEM), Cambridge, Maryland, for modification of license; Docket No. 9798, File No. BML-1424.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of September 1950;

The Commission having under consideration the above-entitled application of The Shore Broadcasting Company requesting modification of the license to increase the nighttime power of Station WCEM, Cambridge, Maryland, from 100 watts to 250 watts while operating unlimited hours on frequency 1240 kc with 100 watts power during the daytime; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WCEM, as proposed, but that the operation proposed may not comply with the Standards of Good Engineering Practice particularly with reference to the allocation plan for Class IV stations as fixed by said Standards;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on February 20, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of Station WCEM, as proposed, would involve objectionable interference with any existing broadcast stations or pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of Station WCEM, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the requirement of the standards that on local channels, the separation required for daytime shall also determine the nighttime separation.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-8498; Filed, Sept. 27, 1950; 8:52 a. m.]

GENERAL SERVICES ADMINISTRATION

[I. C. C. Docket No. 28310]

CONSOLIDATED FREIGHT CLASSIFICATION

DELEGATION OF AUTHORITY TO SECRETARY OF DEFENSE

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, authority to represent the interests of the executive agencies of the Federal Government and to appear as witnesses and counsel for the executive agencies of the Federal Government in the matter of Docket 28310, Consolidated Freight Classification, before the Interstate Commerce Commission is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: September 22, 1950.

JESS LARSON,
Administrator.

[F. R. Doc. 50-8480; Filed, Sept. 27, 1950; 8:50 a. m.]

[I. C. C. Docket No. 30416]

CLASS RATES, MOUNTAIN-PACIFIC TERRITORY

DELEGATION OF AUTHORITY TO SECRETARY OF DEFENSE

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, authority to represent the interests of the executive agencies of the Federal Government and to appear as witnesses and counsel for the executive agencies of the Federal Government in the matter of Docket 30416, Class Rates, Mountain-Pacific Territory, before the Interstate Commerce Commission is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: September 22, 1950.

JESS LARSON,
Administrator.

[F. R. Doc. 50-8481; Filed, Sept. 27, 1950; 8:50 a. m.]

[I. C. C. Docket No. 30660]

CLASS RATES, TRANSCONTINENTAL RAIL, 1950

DELEGATION OF AUTHORITY TO SECRETARY OF DEFENSE

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, authority to represent the interests of the executive agencies of the Federal Government and to appear as witnesses and counsel for the executive agencies of the Federal Government in the matter of Docket 30660, Class Rates, Transcontinental Rail, 1950, before the Interstate Commerce Commission is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: September 22, 1950.

JESS LARSON,
Administrator.

[F. R. Doc. 50-8482; Filed, Sept. 27, 1950; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25428]

ALCOHOL AND RELATED ARTICLES FROM TEXAS AND LOUISIANA TO MAYSVILLE, KY.

APPLICATION FOR RELIEF

SEPTEMBER 25, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Alcohol, proprietary anti-freeze preparations and related articles, carloads.

From: Points in Texas, also Sterlington, La.

To: Maysville, Ky.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3721, Supplement 154.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8464; Filed Sept. 27, 1950; 8:48 a. m.]

[4th Sec. Application 25429]

PAPER ARTICLES TO NEW MEXICO

APPLICATION FOR RELIEF

SEPTEMBER 25, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3905.

Commodities involved: Paper and paper articles, carloads.

From: Points in southern, western and southwestern territories.

To: Points in New Mexico.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3905, Supplement 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8465; Filed,, Sept. 27, 1950; 8:48 a. m.]

[4th Sec. Application 25430]

AUTOMOBILE PARTS FROM ALLIANCE, OHIO, TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

SEPTEMBER 25, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 4055, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile parts, carloads.

From: Alliance and North Alliance, Ohio.

To: Memphis, Tenn.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of

an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8466; Filed, Sept. 27, 1950; 8:48 a. m.]

[4th Sec. Application 25431]

ACIDS AND CHEMICALS FROM THE SOUTHWEST TO SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 25, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Acids and chemicals, carloads.

From: Points in Texas and Arkansas.

To: Points in the south.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3752 and 3908, Supplements 487 and 15, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8467; Filed, Sept. 27, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2422]

SOUTHERN CO. ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 22d day of September A. D. 1950.

In the matter of The Southern Company, Alabama Power Company, and Georgia Power Company; File No. 70-2422.

The Southern Company ("Southern"), a registered holding company and two of its public utility subsidiaries, Alabama Power Company ("Alabama") and Georgia Power Company ("Georgia"), having filed with this Commission joint applications-declarations, and amendments thereto, pursuant to sections 6 (a), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-43 and U-50 promulgated thereunder, relating to the following proposed transactions:

Southern proposes to issue and sell 1,000,000 additional shares of its $5 par value common stock at public sale pursuant to competitive bidding. Southern proposes to use the proceeds of such sale to purchase additional shares of the common stock of Alabama and Georgia in order to assist them in financing their proposed construction programs. It is the present intention of Southern to invest such proceeds, together with treasury funds to the extent required, as follows; $6,000,000 for the purchase of 60,000 additional shares of the no par value common stock of Alabama and $6,000,000 for the purchase of 353,000 additional shares of the no par value common stock of Georgia. The filing states that if the proposed sale of common stock by Southern is not consummated shortly after September 22, 1950, then Southern may find it necessary to exercise the authority granted it by our order herein dated September 12, 1950 (Holding Company Act Release No. 10092) to borrow up to $12,000,000 from banks for the purpose of making the above described investments in the common stocks of Alabama and Georgia. If and to the extent such authority is exercised by Southern and such bank loans are made prior to the consummation of the proposed sale of common stock of Southern, it is proposed that the company will repay the amount so borrowed from the proceeds of the sale of its common stock. Southern states that after consummation of the proposed sale of its common stock it will consider its authority to borrow under our aforementioned order to have expired and it will accordingly make no bank loans thereafter under such authority.

Said applications-declarations and amendments thereto having been duly filed, and notice of such filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applications-declarations having requested that the Commission's order become effective forthwith upon issuance; and

The Commission finding with respect to said applications-declarations, as amended, that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said applications-declarations, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said applications-declarations, as amended, be, and the same hereby are, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 and subject to the following additional conditions:

(1) That the proposed sale of common stock of Southern shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein and a further order shall have been entered with respect thereto in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

(2) That jurisdiction be reserved with respect to all fees and expenses to be paid in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8460; Filed, Sept. 27, 1950; 8:47 a. m.]

[File No. 70-2469]

LONG ISLAND LIGHTING CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of September A. D. 1950.

Long Island Lighting Company, a registered holding company, having filed a declaration, as amended, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-50 promulgated thereunder, wherein it proposes to issue and sell $20,000,000 principal amount of first mortgage bonds maturing September 1, 1980; and

A hearing having been held with respect to such proposal at which interested persons were present, and the Commission having considered the record and having entered a memorandum findings and opinion herein and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the declaration, as amended, to become effective forthwith and to grant the request of declarant that the Commission except the issue and sale of said bonds from the competitive bidding requirements of Rule U-50:

It is hereby ordered, Pursuant to the provisions of sections 6 (a) and 7 of the act, that the declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the conditions prescribed in Rule U-24 and to the reservation of jurisdiction with respect to the fees to be paid the indenture trustee and its counsel and counsel for the proposed purchasers of the bonds.

It is further ordered, That the proposed issue and sale of the said bonds be, and hereby is, excepted from the competitive bidding requirements of Rule U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8461; Filed, Sept. 27, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15071]

KATI KRAUSE

In re: Debt owing to and securities owned by Katl Krause also known as Mrs. Hugo Krause. F-28-27156-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katl Krause; also known as Mrs. Hugo Krause, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in the amount of $10,487.52 as of December 7, 1949, presently held in the account of Compania Argentina de Mandatos S. A., Buenos Aires, Argentina, segregated for the account of Hugo Juan Frederico Krause, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

b. One hundred (100) shares of stock of B. F. Goodrich Co., 230 Park Avenue, New York, New York, evidenced by a certificate in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, and held in the account of Compania Argentina de Mandatos S. A., Buenos Aires, Argentina, segregated for the account of Hugo Juan Frederico Krause, together with all declared and unpaid dividends thereon, and

c. One hundred (100) shares of stock of the American Superpower Corp., 30 Broad Street, New York, New York, evidenced by a certificate presently in the custody of Brown Brothers, Harriman & Co., 59 Wall Street, New York 5, New York, and held in the account of Compania Argentina de Mandatos S. A., Buenos Aires, Argentina, segregated for the account of Hugo Juan Frederico Krause, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Katl Krause, also known as Mrs. Hugo Krause, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-8512; Filed, Sept. 27, 1950; 8:55 a. m.]

[Vesting Order 15110]

CONRAD HEERDT

In re: Rights of Conrad Heerdt under Insurance Contracts. File Nos. F-28-24356-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conrad Heerdt whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policy Nos. 5536342 and 5874459 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Conrad Heerdt, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-8514; Filed, Sept. 27, 1950; 8:55 a. m.]

[Vesting Order 15093]

ALBRECHT, MUELLER-PEARSE & CO. ET AL.

In re: Securities owned by and debt owing to Albrecht, Mueller-Pearse & Co. and others. F-28-16057-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albrecht, Mueller-Pearse & Co., the last known address of which is 17 Osterdeich, Bremen, Germany, is a corporation, partnership, association, or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Bremen, Germany, and is a national of a designated enemy country (Germany);

2. That Friedrich Carl Albrecht, Heinrich Muller-Pearse, Karl Ludwig Lange, Sr., and Karl Heinz Lange, Jr., each of whose last known address is Bremen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, evidenced by certificates presently in the custody of Harris, Upham & Co., 14 Wall Street, New York, New York, held for the account of Rotterdamsche Bank N. V., together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of Harris, Upham & Co., 14 Wall Street, New York, New York, in the amount of $21,368.06 as of June 30, 1950, arising out of a credit balance carried on the books of the aforesaid Harris, Upham & Co., for the account of Rotterdamsche Bank N. V., together with any and all accruals to the aforesaid debt

or other obligation and any and all rights to demand, enforce and collect the same,

c. Thirty-three (33) shares of no par value common stock of the Radio Corporation of America, 30 Rockefeller Plaza, New York, New York, evidenced by certificates presently in the custody of The Chase National Bank, N. Y. C., in an account entitled Rotterdamsche Bank N. V., Rotterdam, Netherlands, Blocked Clients Account, Non-resident Account, together with all declared and unpaid dividends thereon,

d. One hundred (100) shares of $25.00 par value common stock of American Can Company, 230 Park Avenue, New York, New York, evidenced by a certificate presently in the custody of The Chase National Bank, N. Y. C., in an account entitled Rotterdamsche Bank N. V., Rotterdam, Netherlands, Blocked Clients Account, Non-resident Account, together with all declared and unpaid dividends thereon, and

e. Two hundred (200) shares of no par value common stock of General Electric Company, 570 Lexington Avenue, New York, New York, evidenced by certificates presently in the custody of The Chase National Bank, N. Y. C., in an account entitled Rotterdamsche Bank N. V., Rotterdam, Netherlands, Blocked Clients Account, Non-resident Account, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Albrecht, Mueller-Pearse & Co., Friedrich Carl Albrecht, Heinrich Muller-Pearse, Karl Ludwig Lange, Sr., and Karl Heinz Lange, Jr., the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuing corporation	Number of shares	Type	Par value	Certificate No.	State of incorporation
Bethlehem Steel Corp., 25 Broadway, New York, N. Y.	300	Common	No par	159347/9	Delaware.
Delaware Power & Light Co., Wilmington, Del.	21	do	$13.50	6744	Do.
Public Service Electric & Gas, Newark, N. J.	36	do	No par	23745	New Jersey.
General Motors Corp., 1775 Broadway, New York, N. Y.	500	do	$10.00	663-664/5 663-302	Delaware.
Liggett & Myers Tobacco Co., 630 Fifth Ave., New York, N. Y.	200	do	25.00	17646 17644	New Jersey.
Philadelphia Electric Co., 1000 Chestnut St., Philadelphia, Pa.	146	do	No par	116941 for 20 113915 for 30 119727 for 50 116933 for 26 120007 for 20	Pennsylvania.
United Gas Improvement Co., 1401 Arch St., Philadelphia, Pa.	43	do	$13.50	40253 for 12 39581 for 1 47317 for 30	Do.
South Jersey Gas Co., 80 Park Pl., Newark, N. J.	3516	do	5.00	66630 for 2 67123 for 1 15875 for 3/10ths 30952 for 1/10th	New Jersey.

[F. R. Doc. 50-8513; Filed, Sept. 27, 1950; 8:55 a. m.]

[Vesting Order 15116]

GEORGE SCHMID

In re: estate of George Schmid, deceased. File D 28-12064 E. T. sec. 16246.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Josef Lang, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of George Schmid, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Mary Schmid and Leonard H. Torline, co-executors, acting under the judicial supervision of the Court of Probate of Stafford County, State of Kansas;

and it is hereby determined:

4. That to the extent that the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Josef Lang, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8515; Filed, Sept. 27, 1950; 8:55 a. m.]

[Vesting Order 14494, Amdt.]

CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Debts owing to and scrip owned by Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandschulden. F-28-1781-A-1.

Vesting Order 14494, dated March 24, 1950, is hereby amended as follows and not otherwise:

1. By deleting subparagraph 2 of said Vesting Order 14494 and substituting therefor the following:

2. That the property described as follows:

a. That certain debt or other obligation of The New York Trust Company, 100 Broadway, New York 15, New York, in the amount of $5,656.69, as of December 31, 1945, representing funds held by the aforesaid The New York Trust Company as Agent, under offer of Conversion Office for German Foreign Debts to holders of coupons pertaining to various issues of German bonds, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark Certificates of Indebtedness of Conversion Office for German Foreign Debts, in the aggregate amount of 26,110 RM, said certificates numbered and in the amounts as set forth in Exhibit A, attached hereto and by reference made a part hereof, being those Certificates of Indebtedness held for Conversion Office for German Foreign Debts by The New York Trust Company, 100 Broadway, New York 15, New York, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandschulden, the aforesaid national of a designated enemy country (Germany);

II. By deleting Exhibits A and B of said Vesting Order 14494, attached thereto and by reference made a part thereof, and substituting therefor Exhibit A, attached hereto and by reference made a part hereof.

All other provisions of said Vesting Order 14494 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Reichsmark 30 each. Series D: 0419214, 0445086/0445088, 0463566/0463571.

Reichsmark 10 each. Series D: 1142851/1143000, 1142847/1142850, 1145997/1146000.

Series C: 885000, 884362/884375, 883101/883399, 883100.

Series A: 0419080/0419128, 0419274, 0419273.

Reichsmark 5 each. Series A: 0235073/4, 0547575/6, 0524465/524, 0547608/700, 0599289/90, 0608351/400, 0608408/500, 0752201/75, 0778629/700, 0778801/900, 0801391, 0811301/32, 0833756/7, 0843549, 0871469/70, 0883729/70, 0887316/400, 0900351/82, 0297742/0297750.

Series B: 1349577/600, 1349601/800, 1413491/500, 1413596/600, 1413685/706, 1432001/300.

Series C: 2368420/469.

Series D: 2601270/6, 2754437/8, 2960698/9, 3034827/30, 3200155/75, 3271831, 3276001/34, 3276501/600, 3289968/77, 3301064/83, 3301862, 3301948/52, 3318245/300, 3327389/94, 3327401/883, 3341863/920, 3364823/59, 3387415/7, 3387617/700, 3391784, 3393019/30, 3393606/12, 2754440/2754450, 2754439.

Series E: 3746626/709, 3773121/88, 3776257/842, 3793956/4000, 3805686, 3828022/35, 3832309/35, 3832343/63, 3838296/7, 3850786/9, 3855990/6000, 3860901/30, 4147168/74, 3872429, 3887048/72, 3887201/91, 3887434/58, 3887497/600, 3907183, 3907216/76, 3907914/33, 3908186/93, 3909645/70, 3919146, 3923161/70, 3938401/73, 3951374/95, 3951402/9, 3951432/52, 3951460/500, 3951551/63, 3960779/95, 3964101/50, 3971201/94, 3973828/52, 3978801/50, 3985150/59, 3992475/500, 3992601/09, 3994249/68, 3994274, 3996103/4, 3996634/44, 4003050/75, 4004141/61, 4016644/700, 4017418/500, 4029681/750, 4029763/70, 4101301/50, 4101366/97, 4119557/60, 4131201/93, 3552803/8, 3554001/3, 3746596/617, 3736404.

[F. R. Doc. 50-8516; Filed, Sept. 27, 1950; 8:55 a. m.]

[Return Order 746]

ETO KYOGOKU ET AL.

Having considered the claims set forth below and having issued a determination allowing the claims which are incorporated by reference herein and filed herewith and Notice of Intention to Return having been published on July 20, 1950 (15 F. R. 4668),

It is ordered, That the claimed property, described below and in the determination, be returned subject to any increase or decrease resulting from the administration thereof prior to return, after adequate provision for taxes and conservatory expenses;

Claimant	Claim No.	Property
Eto Kyogoku, 1653 Citron St., Honolulu, T. H.	11509	$566.37
Ichiro Sato, 491 King St., Honolulu, T. H.	11973	14.74
Isao Shiraki, 194 North Kukui St., Honolulu, T. H.	11974	50.75
Hanayo Taniguchi, 62 Funchal St., Honolulu, T. H.	11975	3.75
Harukichi Watanabe, 2859 I East Manoa Rd., Honolulu, T. H.	11976	7.94
Rimpachi Tanabe, 1743 Nuuanu Ave., Honolulu, T. H.	13752	7.93
Masuyo Yamato or Kenji Yamato, P. O. Box O, Honokaa, Hawaii, T. H.	16183	1,035.39
Some Nishiyama or Semion Arionas, Haiku, Maui, T. H.	16189	403.44
Fumiko Umehara, 2022 Kalela Dr., Honolulu 24, T. H.	29155	15.00
Masaru Taniguchi, P. O. Box 1229, Hilo, T. H.	29156	489.27
Lokalia Kelemano, 1868 No. 2 Kolea Lane, Honolulu, T. H.	30324	8.04
Yoshito Kuwasaki, 1760 A. Palolo Ave., Honolulu, T. H.	30325	2.86
Yuki Morisaki, 3512 H. Manoa Rd., Honolulu, T. H.	30326	9,567.66
Yuki Morisaki or Majiu Morisaki, 3512 H. Manoa Rd., Honolulu, T. H.	30327	1,516.16
Yoshiichi Tamura, as guardian of Setsuyo Tamura, 525 Lana Lane, Honolulu, T. H.	40594	121.88
Yoshiichi Tamura, as guardian of Yoshie Tamura, 525 Lana Lane, Honolulu, T. H.	45095	27.85
Ancho Takushi, 60 East Elm St., Chicago, Ill.	44899	330.61
Seisuke Tomita or Mine Tomita, 747 University Ave. Ext., Honolulu, T. H.	45256	74.25
Shinji Okamoto, c/o Albert M. Akimoto, 3523 Kilauea Ave., Honolulu, T. H.	45733	288.23

Notice of intention to return published: July 20, 1950 (15 F. R. 4668).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8440, Filed, Sept. 26, 1950; 8:49 a. m.]

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FEDERAL REGISTER

VOLUME 15 NUMBER 189

Washington, Friday, September 29, 1950

TITLE 3—THE PRESIDENT

PROCLAMATION 2902

GENERAL PULASKI'S MEMORIAL DAY, 1950

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, in various periods of history, freedom-loving men have willingly left their homelands to fight on foreign soil for the cause of liberty, as even now United Nations troops are battling in the Far East on behalf of that cause; and

WHEREAS an exemplar of this devotion to principle, Count Casimir Pulaski, came to America in 1777 to serve with our Revolutionary Army, and two years later suffered a mortal wound while leading the brave Legion which he had formed and which bore his name; and

WHEREAS we who are determined to hold fast to our heritage of independence may be spiritually strengthened by renewing our appreciation of the high motives and selfless service of this noble Pole:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby set aside Wednesday, October 11, 1950, the one hundred and seventy-first anniversary of his death, as General Pulaski's Memorial Day; I direct that the American flag be flown on all Government buildings on that date; and I urge the people of the United States to observe the day with ceremonies designed to commemorate the sacrifice made by General Pulaski for freedom's sake.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of September in the year of our Lord nineteen hundred and [SEAL] fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

JAMES E. WEBB,
Acting Secretary of State.

[F. R. Doc. 50-8621; Filed, Sept. 28, 1950; 10:19 a. m.]

PROCLAMATION 2903

REVOCATION OF PROCLAMATION NO. 2775[1] OF MARCH 26, 1948, PRESCRIBING CHANGES IN PANAMA CANAL TOLL RATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain changes in the tolls for the use of the Panama Canal were prescribed by Proclamation No. 2775 of March 26, 1948, under the authority of section 411 of title 2 of the Canal Zone Code, approved June 19, 1934, such proclamation to become effective on October 1, 1948; and

WHEREAS the effective date of the said proclamation was thereafter postponed by Proclamations Nos. 2808, 2831, 2852, and 2875 to April 1, 1949, September 1, 1949, April 1, 1950, and April 1, 1951, respectively, pending study and the consideration by the Congress of my recommendation for the enactment of legislation reorganizing the Panama Canal and the Panama Railroad as the Panama Canal Company and authorizing the establishment of toll rates by the Company subject to the approval of the President; and

WHEREAS the act entitled "An act to authorize and provide for the maintenance and operation of the Panama Canal by the present corporate adjunct of the Panama Canal, as renamed; to reconstitute the agency charged with the civil government of the Canal Zone, and for other purposes," approved by me this date, authorizes the Panama Canal Company (created by such act) to prescribe and from time to time change the tolls that shall be levied for the use of the Panama Canal and provides that the existing rates of tolls shall continue in effect until changed as provided for therein:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America do hereby revoke the aforesaid Proclamation No. 2775 of March 26, 1948, as modified by the said Proclamations Nos. 2808, 2831, 2852, and 2875.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the

[1] 3 CFR, 1948 Supp.; 13 F. R. 1623.

(Continued on next page)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of September in the year of our Lord nineteen hundred and fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

[SEAL]

HARRY S. TRUMAN

By the President:

JAMES E. WEBB,
Acting Secretary of State.

[F. R. Doc. 50-8620; Filed, Sept. 28, 1950; 10:19 a. m.]

EXECUTIVE ORDER 10164

EXTENSION OF ENLISTMENTS IN THE UNITED STATES COAST GUARD

By virtue of the authority vested in me by section 1 of the act of July 27, 1950, Public Law 624, 81st Congress, as amended by section 2 of the act of September 27, 1950, entitled "An Act to include the Coast Guard within the provisions of the Selective Service Act of 1948 and to authorize the President to extend enlistments in the Coast Guard," and as President of the United States and Commander in Chief of the armed forces of the United States, I hereby extend for a period of twelve months all enlistments in the United States Coast Guard, including the Coast Guard Reserve, which shall expire at any time after the date of this order and prior to July 9, 1951: *Provided*, That nothing contained herein shall be construed to prevent voluntary re-enlistment or voluntary extension of existing enlistments under provisions of applicable laws or the regulations of the Coast Guard.

The Secretary of the Treasury is hereby directed to take such steps as he may deem necessary to carry out the provisions of this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 27, 1950.

[F. R. Doc. 50-8580; Filed, Sept. 27, 1950; 2:54 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-160 A 12]

PART 961—MILK IN PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Philadelphia, Pennsylvania, on August 29 and 31, 1950, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary to make the present amendment to said order, as amended, effective October 1, 1950, to reflect current marketing conditions. Any further delay in the effective date of this order, amending the said order, as amended, will seriously disrupt the orderly marketing of milk for the Philadelphia, Pennsylvania, marketing area. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective October 1, 1950 (see section 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, amending the order, as amended, which is marketed within the Philadelphia, Pennsylvania, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who during the determined representative period (August 1950) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Philadelphia, Pennsylvania, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 961.4 (a) delete subparagraph (1) and substitute:

(1) *Class I milk* • • • *and provided further*, That the price shall be at least $5.84 per hundredweight for milk received from producers during the months of October, November, and December, 1950, and $5.44 per hundredweight for milk received during the months of January, February, and March, 1951.

2. In § 961.4 (b) (1) change the period to a colon and add the following: "*Provided*, That in case of Class I items containing less than 3.0 percent butterfat or more than 6.0 percent butterfat, the rate of differential prescribed in subparagraph (2) of this paragraph based on cream quotations shall apply."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup 608c)

Issued at Washington, D. C., this 26th day of September 1950, to be effective on and after the 1st day of October 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-8553; Filed, Sept. 28, 1950; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. and Sup., 357), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq. and 1949 Supp.; 15 F. R. 1073, 4547, 4076) are amended as indicated below:

1a. In § 146.34 *Tablets aluminum penicillin*, paragraph (c) (2) is amended by adding the following new subdivision:

(c) *Labeling.* • • •

(2) • • •

(iii) Unless the drug is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such tablets; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

b. In § 146.34, paragraph (c) (3) is amended to read as follows:

(3) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such tablets, including:

• • • • • •

2a. In § 146.51 *Buffered penicillin powder*, paragraph (a) *Standards of identity, etc.*, the first sentence is changed to read as follows: "Buffered penicillin powder is a mixture of crystalline penicillin or procaine penicillin and suitable buffer substances, with or without two or more suitable sulfonamides, and with or without the addition of one or more suitable and harmless diluents, colorings, and flavorings."

b. In § 146.51, paragraph (b) *Packaging*, the last sentence is changed to read as follows: "Each immediate con-

tainer shall contain not less than 600,000 units and each may be packaged in combination with a container of a suitable and harmless aqueous vehicle, with or without two or more suitable sulfonamides."

c. In § 146.51, subparagraph (1) of paragraph (c) *Labeling* is amended by renumbering subdivisions (iii), (iv), and (v) as (v), (vi), and (vii), respectively, and by inserting two new subdivisions between subdivision (ii) and renumbered subdivision (v):

(iii) If the batch contains sulfonamides, the name and quantity of each such sulfonamide used in making the batch;

(iv) If it is a packaged combination of one immediate container of buffered penicillin powder and one immediate container of a vehicle, a statement giving the method of dissolving the penicillin;

d. In § 146.51, paragraph (c) is further amended by renumbering subparagraph (3) as (4) and by inserting the following new subparagraph between subparagraph (2) and renumbered subparagraph (4):

(3) On the label and labeling, if sulfonamides are present, after the name "Buffered penicillin powder," wherever it appears, the words "with sulfonamides," in juxtaposition with such name.

3. In § 146.208 *Aureomycin otic* * * *, the first and last sentences of paragraph (a) *Standards of identity, etc.*, and subparagraph (1) of paragraph (d) *Request for certification, etc.* are amended by deleting the word "aqueous".

4. In § 146.402 *Bacitracin ointment*, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the figure "12" to "18".

Those parts of this order which provide for the addition of two or more suitable sulfonamides to buffered penicillin powder, for the deletion of the requirement that the diluent packaged with aureomycin otic be an aqueous vehicle, and for a change in the expiration date for bacitracin ointment from 12 to 18 months shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

That part of this order which provides for deletion of the requirement that a circular containing directions for use be packaged with tablets aluminum penicillin shall become effective 120 days after publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay the marketing of buffered penicillin powder with two or more suitable sulfonamides; to continue the requirements that the diluent packaged with aureomycin otic be an aqueous solution and that a circular containing directions for use be packaged with tablets aluminum penicillin, except if the drug is intended solely for veterinary use; and not to change the expiration date of bacitracin ointment from 12 to 18 months.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: September 25, 1950.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-8530; Filed, Sept. 28, 1950; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

PART 36—UNMAILABLE MATTER

PART 37—FREE MATTER IN THE MAILS

PART 58—REGISTRATION OF DOMESTIC MAIL MATTER

PART 81—ESTABLISHMENT

MISCELLANEOUS AMENDMENTS

The following changes are issued pursuant to R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

a. In § 35.13 *Nonmailable articles and compositions*, (39 CFR 35.13), amend paragraph (b) (3) to read as follows:

(3) *Sale of intoxicating liquors to Indians prohibited*—(i) Whoever sells, gives away, disposes of, exchanges, or barters any malt, spiritous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, except for scientific, sacramental, medicinal or mechanical purposes, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication, to any Indian to whom an allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian who is a ward of the Government under charge of any Indian superintendent, or to any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and whoever introduces or attempts to introduce any malt, spiritous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, shall, for the first offense, be fined not more than $500 or imprisoned not more than one year, or both; and for each subsequent offense, be fined not more than $2,000 or imprisoned not more than five years, or both.

(ii) It shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the Department of the Army or any officer duly authorized thereunto by the Department of the Army, but this subsection shall not bar the prosecution of any officer, soldier, sutler or storekeeper, attache, or employee of the Army of the United States who barters, donates, or furnishes in any manner whatsoever liquors, beer, or any intoxicating beverage whatsoever to any Indian.

(iii) The term "Indian country" as used in this section does not include fee-patented lands in non-Indian communities or rights-of-way through Indian reservations, and this section does not apply to such lands or rights-of-way in the absence of a treaty or statute extending the Indian liquor laws thereto.

(62 Stat. 758, as amended; 18 U. S. C. 1154)

b. In § 36.1 *Unmailable matter; definition and classification* (39 CFR 36.1), amend paragraph (d) to read as follows:

(d) Matter so damaged in transit that it cannot be forwarded to its destination, matter of value found loose in the mails without address so that the destination cannot be known, and all matter recovered after depredations in the mails, which shall be forwarded to the Department for disposition. (See §§ 43.48, 45.5, and 108.22.)

c. In § 37.12 *Immigration and Naturalization Service* (39 CFR 37.12), make the following changes:

1. Rescind paragraph (b).

2. Delete "(a)" preceding the first paragraph, and add a cross reference at the end thereof to read as follows:

CROSS REFERENCE: See § 37.9 (g) as to unauthorized use of official envelopes.

d. In § 58.12 *Free registration of official matter* (39 CFR 58.12), make the following changes in paragraph (d):

1. Rescind subparagraph (2).

2. Delete "(1)" preceding the first paragraph, and add a cross reference at the end thereof to read as follows:

CROSS REFERENCE: See § 37.9 (g) as to unauthorized use of official envelope.

e. § 81.4 *Protection of postal savings funds* (39 CFR 81.4), is amended to read as follows:

§ 81.4 *Protection of postal savings funds.* All the safeguards provided by law for the protection of public moneys, and all statutes relating to the embezzlement, conversion, improper handling, retention, use, or disposal of postal and money-order funds, false returns of postal and money-order business, forgery, counterfeiting, alteration, improper use or handling of postal and money-order blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor, with the punishments provided for such offenses are extended and made applicable to postal savings depository business and funds and related matters.

(62 Stat. 776; 18 U. S. C. 1691)

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-8529; Filed, Sept. 28, 1950; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Subchapter B—Personal Property Management

PART 53—DIRECTED PROCUREMENT

MISCELLANEOUS AMENDMENTS

Section 53.5 *Special supplies* (formerly 41 CFR 3.5, 13 F. R. 8762, 15 F. R. 1346) is revised as follows:

1. Paragraph (a) *Construction machinery* is revoked.

2. Paragraph (f) *Motor vehicles* is amended to read as follows:

(f) *Motor vehicles.* The following motor-propelled vehicles for the carriage of passengers and freight: passenger automobiles, station wagons, carryalls, ambulances, buses, motorcycles, motor scooters, trucks of less than 25,000 pounds gross vehicle weight, and trailers of 12 tons or less pay load. This paragraph also applies in Alaska and to wholly owned Government corporations.

3. A new paragraph (j) is added to read as follows:

(j) *Water coolers.* Electric water coolers for land use, both the bottle type and the 5 or 10 gallon capacity pressure type, air-cooled or water-cooled, except for the Department of Defense.

(Sec. 205, 63 Stat. 389; 41 U. S. C., Sup., 235. Interprets or applies sec. 201, 63 Stat. 383; 41 U. S. C., Sup., 231)

Dated: September 22, 1950.

JESS LARSON,
Administrator.

[F. R. Doc. 50-8538; Filed, Sept. 28, 1950; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 866, Amdt. 2]

PART 95—CAR SERVICE

RAILROAD OPERATING REGULATIONS FOR FREIGHT CAR MOVEMENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of September A. D. 1950.

Upon further consideration of Service Order No. 866 (15 F. R. 6198, 6256), and good cause appearing therefor: It is ordered, that:

Section 95.866 *Railroad operating regulations for freight car movement*, of Service Order No. 866 be, and it is hereby further amended by adding the following exception to paragraph (a) (3) thereof:

Exception. Cars of grain including soy beans held for State or Federal inspection.

It is further ordered, That this amendment shall become effective at 7:00 a. m., September 27, 1950; and that a copy of this order and direction shall be served upon the State railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets and applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8539; Filed, Sept. 28, 1950; 8:48 a. m.]

[Rev. S. O. 867, Amdt. 1]

PART 95—CAR SERVICE

RESTRICTIONS ON TRAP AND FERRY CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of September A. D. 1950.

Upon further consideration of Revised Service Order No. 867 (15 F. R. 6199, 6313), and good cause appearing therefor: It is ordered, that:

Section 95.867 *Restrictions on trap and ferry cars*, of Service Order No. 867 be, and it is hereby further amended by adding the following exception to paragraph (a) thereof:

(10) A car loaded to visible capacity.

It is further ordered, That this amendment shall become effective at 12:01 a. m., September 27, 1950, and that a copy of this order and direction shall be served upon the State railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets and applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8540; Filed, Sept. 28, 1950; 8:48 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNERS EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 399)).

Boston Royal Petticoat Co., 120 Harrison Avenue, Boston, Mass., effective 9-11-50 to 4-30-51; six learners (ladies underwear).

Cotton Products, Inc., Hamlet, N. C., effective 9-14-50 to 3-15-51; 28 learners (dresses and nightgowns).

Cotton Products, Inc., Hamlet, N. C., effective 9-14-50 to 4-30-51; 10 percent normal labor turnover (dresses and nightgowns).

I. C. Isaacs & Co., Inc., Bank and Grundy Streets, Baltimore, Md., effective 9-14-50 to 10-31-50; 10 percent of the productive factory workers (pants, overalls, etc.) (supplemental certificate).

The Jay Garment Co., Portland, Ind., effective 9-14-50 to 3-31-51; five learners (cotton overalls).

Modern Embroidery Co., Boston, Mass., effective 9-11-50 to 3-10-51; five learners (dress manufacturing materials).

Myles Manufacturing Co., Inc., Harrisville Factory, Harrisville, W. Va., effective 9-11-50 to 4-30-51; 10 percent normal labor turnover (blouses, shirtwaists, etc.).

National Pants Co., First Avenue, Beaver Falls, Pa., effective 9-18-50 to 4-30-51; 10 percent normal labor turnover (trousers).

Osgood & Sons, Inc., Warsaw, Ill., effective 9-15-50 to 4-30-51; 10 percent normal labor turnover (dresses).

Pliantform Foundations, Inc., 250 Corham Street, Canandaigua, N. Y., effective 9-11-50 to 4-30-51; 10 percent normal labor turnover (corsets and allied garments).

Wentworth Manufacturing Co., 50 Aleppo Street, Providence, R. I., effective 9-14-50 to 4-30-51; 10 percent normal labor turnover (dresses).

Wentworth Manufacturing Co., 50 Aleppo Street, Providence, R. I., effective 9-14-50 to 3-13-51; 88 learners for expansion purposes (dresses).

Hosiery Learner Regulations (29 CFR 522.40 to 522.51; as revised January 25, 1950 (15 F. R. 283)).

Elliott Knitting Mills, Inc., Catawba, N. C., effective 9–15–50 to 9–14–51; five learners.

Jackson Hosiery, Inc., Jackson, Mo.; supplemental certificate; effective 9–13–50 to 5–12–51; 13 additional learners.

Liberty Hosiery Mills, Inc., Liberty, N. C., effective 9–13–50 to 9–12–51; 5 percent of the productive factory workers, not including office and sales personnel.

Slatedale Knitting Mills, Inc., Slatedale, Pa.; supplemental certificate; effective 9–15–50 to 5–12–51; five additional learners.

Wilmington Hosiery Mills, Inc., Wilmington, Del.; expansion certificate; effective 9–14–50 to 5–13–51; 83 learners.

Independent Telephone Learner Regulations (29 CFR 522.82 to 522.93; as amended January 25, 1950 (15 F. R. 398)).

Alabama Telephone Co., Fayette Exchange, Fayette, Ala., effective 9–15–50 to 9–14–51.

Alabama Telephone Co., Haleyville Exchange, Haleyville, Ala., effective 9–15–50 to 9–14–51.

Wabasha County Telephone Co., Plainview Exchange, Plainview, Minn., effective 9–12–50 to 9–11–51.

Cigar Learner Regulations (29 CFR 522.201 to 522.211; as amended January 25, 1950 (15 F. R. 400)).

M & N Cigar Manufacturers, Inc., 1390 East Thirtieth Street, Cleveland, Ohio, 10 percent of the productive factory workers engaged in each of the occupations listed; effective 9–18–50 to 4–30–51, cigar machine operating, 320 hours, 60 cents per hour; packing (cigars retailing for 6 cents or less), 160 hours, 60 cents per hour; packing (cigars retailing for more than 6 cents) 320 hours, 60 cents per hour; machine stripping, 160 hours, 60 cents per hour.

Glove Learner Regulations (29 CFR 522.220 to 522.222; as amended January 25, 1950 (15 F. R. 400)).

National-Wide Glove Co., Pontiac, Ill., effective 9–14–50 to 10–24–50; 10 learners (work gloves).

Northern Glove and Mitten Co., Green Bay, Wis., effective 9–18–50 to 10–24–50; 3 learners (work gloves).

Sellinger Glove Co., Sheboygan, Wis., effective 9–18–50 to 10–24–50; three learners (leather dress gloves).

Star Glove Manufacturing Co., Milwaukee, Wis., effective 9–18–50 to 10–24–50; two learners (work gloves).

Knitted Wear Learner Regulations (29 CFR 522.69 to 522.79; as amended January 25, 1950 (15 F. R. 398)).

Dennis Mills, Inc., Lumberton, N. C.; effective 9–15–50 to 3–14–51; 5 percent of the total number of productive factory workers.

Denton Sleeping Garment Mills, Inc., Centreville, Mich., effective 9–11–50 to 4–30–51; 5 percent of the productive factory workers, not including sales and clerical personnel.

Kingston Knitting Mills, Inc., Kingston, N. Y., effective 9–14–50 to 4–30–51; 5 percent of the productive factory workers, not including sales and clerical personnel.

A. H. Schreiber Co., Inc., Washington Street, Mount Holly, N. J., effective 9–11–50 to 4–30–51; 5 percent of the total productive factory workers.

A. H. Schreiber Co., Inc., Washington Street, Mount Holly, N. J., effective 9–11–50 to 4–30–51; 10 learners for expansion purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Andrews Bearing Co., Spartanburg, S. C.; supplemental certificate for expansion purposes; effective 9–12–50 to 3–11–51; 20 additional learners; machine operators, 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (ball bearings).

William E. Asplin Basket Co., Cleveland 11, Ohio, effective 9–8–50 to 3–7–51; five learners; braider, banding, basket making and handle making machine operators, 160 hours, 60 cents (vegetable baskets).

William E. Asplin Basket Co., Hartville, Ohio, effective 9–8–50 to 3–7–51; 10 learners; braider, banding, basket making and handle making machine operators, 160 hours, 60 cents (fruit and vegetable baskets).

William E. Asplin Basket Co., Garrettsville, Ohio, effective 9–8–50 to 3–7–51; five learners; braider, banding, basket making and handle making machine operators, 160 hours, 60 cents (fruit and vegetable baskets).

Belding Basket Co., 100 High Street, Belding, Mich., effective 9–8–50 to 9–7–51; five learners; braiders, hand, 240 hours; bottom assemblers, hand, 240 hours, 60 cents (wooden baskets).

Berne Hat Co., Baltimore, Md., effective 9–15–50 to 3–14–51; five learners; sewing machine operators, 240 hours; hand sewers, 240 hours, 65 cents (ladies hats).

William Crabb & Co., Black Mountain, N. C.; supplemental certificate; effective 9–12–50 to 3–11–51; four learners; lag fillers, 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (textile machine parts, etc.)

Lyford Lures, Inc, Canaan, Conn, effective 9–18–50 to 3–17–51; two learners; fly tiers, 160 hours; assemblers, 160 hours, 60 cents (Mfg of terminal fishing tackle).

Herman M. Meyer Co., South Danville, N. H., effective 9–15–50 to 3–14–51; three learners; chenille making machine operators, 200 hours, 60 cents per hour for the first 160 hours and 65 cents per hour for the remaining 40 hours (chenille).

Muscatine Pearl Works, Muscatine, Iowa, effective 9–18–50 to 3–17–51; three learners; finished button sorting, 480 hours, 60 cents for the first 320 hours and 65 cents for the remaining 160 hours (pearl buttons).

N. A. Textile Corp., New Bedford, Mass., effective 9–15–50 to 3–14–51; three learners; machine operators, 240 hours, 60 cents (cotton tufted bedspreads).

Nord-Buffum Pearl Button Co., 101 South Carolina Street, Louisiana, Mo., effective 9–18–50 to 3–17–51; three learners; blank button cutting, 480 hours; finished button sorting, 480 hours, 60 cents for the first 320 hours and 65 cents for the remaining 160 hours (pearl buttons).

The Peerless Manufacturing Co., New Durham, N. H., effective 9–12–50 to 3–11–51; one learner; wire brush maker, 320 hours, 60 cents (hand cleaning wire brushes, etc.).

Polan, Katz & Co., Inc., Lancaster, Pa., effective 9–15–50 to 3–14–51; 10 percent of the productive factory workers, not including office or sales personnel; sewing machine operators, 320 hours, 60 cents (umbrellas).

R. S. L. Shuttlecocks, Co., Ltd., Altoona, Pa., effective 9–12–50 to 3–11–51; 20 learners; shuttlecock makers, 320 hours, 60 cents (badminton shuttlecocks).

Universal Dental, Philadelphia, Pa., effective 9–18–50 to 3–17–51; 10 percent of the productive factory workers, not including office and sales personnel; preparing rounds, closing rounds, sticking, sliding, cleaning, pinning, testing, culling diatories, drilling, disk grinding, gaging, inspection porcelain, 480 hours, 60 cents for the first 240 hours and 65 cents for the remaining 240 hours (artificial teeth).

Warren Featherbone Co., Three Oaks, Mich., effective 9–14–50 to 3–13–51; 15 learners; machine operating (except cutting), pressing, hand sewing, and finishing operations involving hand sewing, 480 hours, 65 cents (cotton, silk, ribbon braids).

Warren Featherbone Co., Three Oaks, Mich., effective 9–14–50 to 3–13–51; three learners; machine operating, tending, fixing and jobs immediately incidental thereto, 240 hours 65 cents (cotton, silk and ribbon braids).

The Weber Lifelike Fly Co., Stevens Point, Wis., effective 9–18–50 to 3–17–51; 10 percent of the total number of productive factory workers, not including office or sales personnel; fly tiers, 480 hours; assemblers, but not including painting, carding, or boxing, 320 hours, fly tiers; 60 cents per hour for the first 240 hours and 65 cents for the remaining 240 hours; assemblers: 60 cents per hour for the first 160 hours and 65 cents for the remaining 160 hours (wingless and winged flies, etc.).

A. J. Weinstein Co., Carnegia, Pa., effective 9–12–50 to 3–11–51; one learner; silk screen printer (textile), 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (vacuum cleaner bags and ironer covers).

Zion Industries, Inc., Curtain industry, Zion, Ill., effective 9–14–50 to 3–13–51; three learners; sewing machine operator, 240 hours, 60 cents (curtain and drapery fabrics).

The following special learner certificates were issued to the school-operated industries listed below:

Atlantic Union College, South Lancaster, Mass., effective 9–16–50 to 9–15–51; printing, compositor, pressman and related skilled and semiskilled operations, 18 learners, 350 hours at 50 cents, 325 hours at 55 cents, 325 hours at 65 cents; bookbinding, library and pamphlet binding skilled and semi-skilled operations, 12 learners, 200 hours at 50 cents, 200 hours at 55 cents, 200 hours at 65 cents; clerical, cashier, bookkeeper and other skilled and semi-skilled operations, 3 learners, 200 hours at 50 cents, 200 hours at 55 cents, 200 hours at 65 cents.

Broadview Academy, La Grange, Ill., effective 9–16–50 to 9–15–51; college wood products, finisher, upholsterer, assembler, operate sanders, shapers and other skilled and semi-skilled operations, 50 learners, 250 hours at 50 cents, 250 hours at 55 cents, 250 hours at 65 cents.

Campion Academy, Loveland, Colo., effective 9–16–50 to 9–15–51; broom shop, stitcher, broommaker and related skilled and semi-skilled operations, 10 learners, 150 hours at 50 cents, 125 hours at 55 cents, 125 hours at 65 cents; print shop, pressman and other skilled and semi-skilled operations, six learners, 350 hours at 50 cents, 325 hours at 55 cents, 325 hours at 65 cents.

Emmanuel Missionary College, Berrien Springs, Mich., effective 9–16–50 to 9–15–51; bookbinding, binding of books and magazines and related skilled and semi-skilled operations, 25 learners, 200 hours at 50 cents, 200 hours at 55 cents, 200 hours at 65 cents; clerical work, typing, bookkeeping and other skilled and semi-skilled operations, 15 learners, 200 hours at 50 cents, 200 hours at 55 cents, 200 hours at 65 cents; print shop, hand and machine composition, pressman and related skilled and semi-skilled operators, 30 learners, 350 hours at 50 cents, 325 hours at 55 cents, 325 hours at 65 cents; woodshop, assembly, milling machine operation and other skilled and semi-skilled operations, 50 learners, 250 hours at 50 cents, 250 hours at 55 cents, 250 hours at 65 cents.

Hawaiian Mission Academy, Honolulu, T. H., effective 9–5–50 to 9–4–51; print shop, skilled and semi-skilled operations, 15 learners, 350 hours at 50 cents, 325 hours at 55 cents, 325 hours at 65 cents; clerical, typing, bookkeeping and other skilled and semi-skilled operations, five learners, 200 hours at 50 cents, 200 hours at 55 cents, 200 hours at 65 cents.

Maplewood Academy, 700 North Main Street, Hutchinson, Minn., effective 9–16–50 to 6–1–51; bindery, bindery worker, sewing, pressing, mending, and related skilled and semi-skilled operations, 20 learners, 200 hours at 50 cents, 200 hours at 55 cents, 200 hours at 65 cents; craft shop, sawing, sanding, assembly, milling, and related skilled and semi-skilled operations, 8 learners, 250 hours at 50 cents, 250 hours at 55 cents, 250 hours at 65 cents; print shop, compositor, pressman, typesetter, and related skilled and semi-skilled operations, 6 learners, 350 hours at 50 cents, 325 hours at 55 cents, 325 hours at 65 cents; clerical, typing, recordkeeping, invoicing, and other skilled and semi-skilled operations, 5 learners, 200 hours at 50 cents, 200 hours at 55 cents, 200 hours at 65 cents.

Mount Vernon Academy, Mount Vernon, Ohio, effective 9–16–50 to 9–15–51; print shop, press work, composition, and related skilled and semi-skilled operations, 10 learners, 350 hours at 50 cents, 325 hours at 55 cents, 325 hours at 65 cents.

Oak Park Academy, Nevada, Iowa, effective 9–16–50 to 9–15–51; broom shop, broom maker (winder), stitcher, sorter, and related skilled and semi-skilled operations, eight learners, 150 hours at 50 cents, 125 hours at 55 cents, 125 hours at 65 cents; print shop, pressman, composition, and related skilled and semi-skilled operations, six learners, 350 hours at 50 cents, 325 hours at 55 cents, 325 hours at 65 cents.

Pacific Union College, Angwin, Napa County, Calif., effective 9–16–50 to 9–15–51; print shop, compositor, pressman, lithographer, bindery work, and related skilled and semi-skilled operations, 12 learners, 350 hours at 50 cents, 325 hours at 55 cents, 325 hours at 65 cents; bindery, sewing, gold stamping, and other related skilled and semi-skilled operations, eight learners, 200 hours at 50 cents, 200 hours at 55 cents, 200 hours at 65 cents.

Southern Missionary College, Collegedale, Tenn., effective 9–16–50 to 9–15–51; print shop, skilled and semi-skilled operations, 12 learners, 350 hours at 50 cents, 325 hours at 55 cents, 325 hours at 65 cents; bookbinding, skilled and semi-skilled operations, 20 learners, 200 hours at 50 cents, 200 hours at 55 cents, 200 hours at 65 cents; broom making, sorting, stitching and skilled and semi-skilled operations, 25 learners, 150 hours at 50 cents, 125 hours at 55 cents, 125 hours at 65 cents; woodworking, skilled and semi-skilled operations, 55 learners, 250 hours at 50 cents, 250 hours at 55 cents, 250 hours at 65 cents; clerical, typing, shorthand and related skilled and semi-skilled operations, 6 learners, 200 hours at 50 cents, 200 hours at 55 cents, 200 hours at 65 cents.

Southwestern Junior College, Keene, Tex., effective 9–16–50 to 9–15–51; college press, composition, pressman, bindery, and related skilled and semi-skilled operations, 6 learners, 350 hours at 50 cents, 325 hours at 55 cents, 325 hours at 65 cents; college chenille, sewing machine operators and related skilled and semi-skilled operations, 10 learners, 200 hours at 50 cents, 200 hours at 55 cents, 200 hours at 65 cents; college mill, assembly, machine operation and other skilled and semi-skilled operations, 35 learners, 250 hours at 50 cents, 250 hours at 55 cents, 250 hours at 65 cents; bindery, casing, sewing, stamping and related skilled and semi-skilled operations, 10 learners, 200 hours at 50 cents, 200 hours at 55 cents, 200 hours at 65 cents; clerical workers, typing, filing, bookkeeping, stenography, time keeping and related skilled and semi-skilled operations, 8 learners, 200 hours at 50 cents, 200 hours at 55 cents, 200 hours at 65 cents.

Sunnydale Academy, P. O. Box 209, Centralia, Mo., effective 9–16–50 to 9–15–51; food manufacturing, semi-skilled operations, 20 learners, 100 hours at 50 cents, 100 hours at 55 cents, 100 hours at 65 cents.

Union College, Lincoln, Nebr., effective 9–16–50 to 9–15–51; bookbinding, bookbinding repairing and related skilled and semi-skilled operations, 12 learners, 200 hours at 50 cents, 200 hours at 55 cents, 200 hours at 65 cents; furniture manufacturing, furniture construction and skilled and semi-skilled operations, 25 learners, 250 hours at 50 cents, 250 hours at 55 cents, 250 hours at 65 cents; printing, skilled and semi-skilled operations, 12 learners, 350 hours at 50 cents, 325 hours at 55 cents, 325 hours at 65 cents; clerical, bookkeeping, typing and other skilled and semi-skilled operations, 6 learners, 200 hours at 50 cents, 200 hours at 55 cents, 200 hours at 65 cents.

Washington Missionary College, Takoma Park, Md., effective 9–16–50 to 9–15–51; print shop, pressman, compositor, linotype operator, bindery, clerical and related skilled and semi-skilled operations, 10 learners, 350 hours at 50 cents, 325 hours at 55 cents, 325 hours at 65 cents; woodworking, milling, assembling and related skilled and semi-skilled operations, 5 learners, 250 hours at 50 cents, 250 hours at 55 cents, 250 hours at 65 cents.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available except that employers of student-workers employed in school-operated industries were not required to certify to the non-availability of experienced workers. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 22d day of September 1950.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 50–8525; Filed, Sept. 28, 1950; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4576]

JOHN G. HENWOOD ET AL.

NOTICE OF HEARING

In the matter of the application for approval of control by John G. Henwood and Rosalind Henwood of Flying Cargo, Inc., Air Terminal Trucking Co., and Sky Traveler, Inc., and of interlocking relationships between the applicants.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 4, 1950, at 10:00 a. m. (e. s. t.), in Room 5040, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., September 25, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50–8537; Filed, Sept. 28, 1950; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6318]

MONTANA POWER CO.

NOTICE OF APPLICATION

SEPTEMBER 25, 1950.

Take notice that on September 25, 1950, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by The Montana Power Company, a corporation organized under the laws of the State of New Jersey and doing business in the States of Montana, Idaho and Wyoming, with its principal business office at Butte, Montana, seeking an order authorizing the issuance and sale by competitive bidding of an aggregate of $10,000,000 principal amount of a new series of ____ percent Sinking Fund Debentures due 1975, to be issued under a Debenture Agreement to be dated as of October 1, 1950, between the Applicant and Chemical Bank and Trust Company as Trustee. The proposed Debentures will be issued on or about November 3, 1950, will mature October 1, 1975, and will bear interest at a rate to be determined later; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 13th day of October 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8532; Filed, Sept. 28, 1950; 8:47 a. m.]

[Docket No. G–1394]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF FINAL DECISION

SEPTEMBER 25, 1950.

Notice is hereby given that the initial decision issuing certificate of public convenience and necessity in the above-designated matter was issued and served upon all parties on August 23, 1950. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure said initial decision became effective on September 22, 1950, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8526; Filed, Sept. 28, 1950; 8:45 a. m.]

[Docket No. G–1473]

ALABAMA-TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 25, 1950.

Take notice that Alabama-Tennessee Natural Gas Company (Applicant), a

Delaware corporation, of Florence, Alabama, filed on September 5, 1950, an application, as amended on September 18, 1950, for an order pursuant to section 7 (a) of the Natural Gas Act, requiring and directing Texas Eastern Transmission Corporation (Texas Eastern) to establish a physical connection with the pipeline of Applicant and deliver to Applicant a supply of natural gas required by Applicant to meet demands of its present and future customers for additional supplies of natural gas.

The application, as amended, shows that under its contract with Tennessee Gas Transmission Company, Applicant is entitled to a maximum daily delivery of 31,565 Mcf of gas; that estimated daily requirements of Applicant in the fall of 1951, its first year of operation, are 41,712 Mcf and in the fifth year 52,768 Mcf; that Texas Eastern proposes in Docket No. G–1012 to increase the capacity of its system and to construct additional pipeline facilities which will cross Applicants' pipeline and extend through the area served by Applicant; and that Tennessee Gas Transmission Company, from which company Applicant now receives its supply of gas, will permit its requirements customers to obtain natural gas from other sources of supply as well as from Tennessee, conditioned upon the grant by the Commission of certificates of public convenience and necessity to Tennessee in Docket No. G–1248 and to Northeastern Gas Transmission Company in Docket No. G–1267.

The application further states that the increased requirements of Applicant are necessitated by increase in requirements of its present industrial customers and the need of new industrial customers for supplies of natural gas. It is also stated that the area served by Applicant is an important war production center and the recent increase in war production activities has resulted in requests that Applicant supply natural gas for such uses.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of October 1950. The application and amendment thereto are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–8527; Filed, Sept. 28, 1950; 8:45 a. m.]

[Docket No. G–1478]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

SEPTEMBER 25, 1950.

Take notice that New York State Natural Gas Corporation (Applicant), a New York corporation, address 30 Rockefeller Plaza, New York, New York, filed on September 14, 1950, an application for determination as to whether a certificate is required under the Natural Gas Act for the proposed construction and operation of facilities therein described, and if required, requests a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of the facilities.

Applicant proposes to transport natural gas from the Leidy Gas Field in Pennsylvania to a point on its existing transmission pipeline system in Potter County, Pennsylvania, and for such purpose to construct and operate a natural gas pipeline approximately 44.5 miles in length, including 34.5 miles of 16-inch pipe, and the remainder of the line to be 18-inch pipe. Applicant expects to take at least 60,000 Mcf of natural gas per day from the Leidy Gas Field.

The estimated cost of the proposed facilities is $1,582,708, which will be obtained by the sale of securities to its parent, Consolidated Natural Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of October 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–8528; Filed, Sept. 28, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25432]

ALUMINA FROM BAUXITE, ARK., TO THE EAST

APPLICATION FOR RELIEF

SEPTEMBER 26, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3908.

Commodities involved: Alumina, calcined or hydrated, carloads.

From: Bauxite, Ark.

To: Claymont, Del., Chester and Marcus Hook, Pa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3908, Supplement 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50–8533; Filed, Sept. 28, 1950; 8:47 a. m.]

[4th Sec. Application 25433]

GRAIN FROM KANSAS TO ARKANSAS AND MISSOURI

APPLICATION FOR RELIEF

SEPTEMBER 26, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Grain, grain products and related articles, also seeds, carloads.

From: Points in Kansas.

To: Points in Arkansas and Missouri, also Memphis, Tenn.

Grounds for relief: Circuitous routes.

Schelules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3828 and 3827, Supplements 11 and 24, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50–8534; Filed, Sept. 28, 1950; 8:47 a. m.]

[4th Sec. Application 25434]

GLYCERINE FROM HOUSTON AND DALLAS, TEX., TO KANKAKEE, ILL.

APPLICATION FOR RELIEF

SEPTEMBER 26, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Glycerine, carloads.

From: Houston and Dallas, Tex.

To: Kankakee, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supplement 488.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50–8535; Filed, Sept. 28, 1950; 8:47 a. m.]

[4th Sec. Application 25435]

ACETALDEHYDE FROM BISHOP, TEX., TO THE EAST

APPLICATION FOR RELIEF

SEPTEMBER 26, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Acetaldehyde, tank carloads.

From: Bishop, Tex.

To: Points in official territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3894 and 3752, Supplements 25 and 489, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50–8536; Filed, Sept. 28, 1950; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15080]

CHRISTIAN GEISSLER

In re: Estate of Christian Geissler, deceased. File No. D–28–12553.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margareta Kieninger Wolfers, Christoph Geissler, Christian (Christof) Geissler, Marie Straub, Friedrich Georg Kaiser, Karl Kaiser, Eugen Kaiser, Richard Kaiser, Georg Kaiser, Babette Hambrecht, Barbara (Babette) Blickle, and Margaretha Schrag, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or obligation of the Seattle First National Bank, Seattle 14, Washington, arising by reason of Savings Accouint No. 2631 maintained with the aforesaid bank for the Estate of Christian Geissler, deceased, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50–8542; Filed, Sept. 28, 1950; 8:49 a. m.]

[Vesting Order 15085]

GEORGE EUGENE METZ

In re: Estate of George Eugene Metz, deceased. File No. F–28–27953; E. T. sec. 17042.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eva Metz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of George Eugene Metz, deceased, presently being administered by James W. Brown, as Public Administrator of Bronx County, New York, 851 Grand Concourse, Bronx 51, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany); and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50–8541; Filed Sept. 28, 1950; 8:49 a. m.]

[Vesting Order 15098]

FRIDEL McKEE

In re: Stock owned by and debt owing to Fridel McKee, also known as Fridel McKee-Sadewasser, and as F. McKee-Sadewasser. F-28-22618-A-2, F-28-22618-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fridel McKee, also known as Fridel McKee-Sadewasser, and as F. McKee-Sadewasser, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Forty (40) shares of capital stock of The Chase National Bank of the City of New York, evidenced by a certificate numbered 239621, registered in the name of Slade & Co., and presently in the custody of The American Express Co., Inc., New York Agency, 60 Broadway, New York, New York, together with all declared and unpaid dividends thereon,

b. Thirty-five (35) shares of capital stock of The National City Bank of New York, evidenced by a certificate numbered CO 227485, registered in the name of Slade & Co., and presently in the custody of The American Express Co., Inc., New York Agency, 60 Broadway, New York, New York, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation of The American Express Co., Inc., New York Agency, 60 Broadway, New York, New York, in the amount of $337.35, as of November 1949, representing a portion of a blocked account entitled, "The American Express Co., Inc., Amsterdam, Netherlands", maintained at the office of the aforesaid The American Express Co., Inc., New York Agency, together with any and all accruals thereto; and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fridel McKee, also known as Fridel McKee-Sadewasser, and as F. McKee-Sadewasser, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8543; Filed, Sept. 28, 1950; 8:47 a. m.]

[Vesting Order 15111]

PAULINE HEISE

In re: Estate of Pauline Heise, deceased. File D-55-1172; E. T. sec. 12209.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolf Malzan, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Pauline Heise, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Margaret Tessman, as administratrix, acting under the judicial supervision of the Court of Probate for the District of Berlin, Connecticut;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8545; Filed, Sept. 28, 1950; 8:49 a. m.]

[Vesting Order 15106]

AGNES M. WITTKE

In re: Stock owned by Agnes M. Wittke. F-28-30245-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Agnes M. Wittke, whose last known address is % Abs. Frau Agnes Malenke geb. Wittke, Allershausen Nr. 8, Kr. Freising Bei Munchen, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of no par value class A common stock of the Arkansas Natural Gas Corporation, Slattery Building, Shreveport, Louisiana, a corporation organized under the laws of the State of Delaware, evidenced by certificate TNYO-58145, registered in the name of Agnes M. Wittke, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8544; Filed, Sept. 28, 1950; 8:49 a. m.]

[Vesting Order 15113]

ALICE M. DEVANE KING

In re: Estate of Alice M. DeVane King, deceased. File D-28-8622; E. T. sec. 10315.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Schmitter, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of the person named in subparagraph 1 hereof in and to certain real property situated in Dallas County, State of Alabama, more particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and estate, both legal and equitable, of the person named in subparagraph 1 hereof in and to certain real property situated in Hale County, State of Alabama, more particularly described in Exhibit B attached hereto and by reference made a part hereof, together with any and all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

c. All right, title and interest of the person named in subparagraph 1 hereof in and to any and all insurance policies which insure the property described in subparagraphs 2-a and 2-b hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Real property situated in Dallas County, State of Alabama, more particularly described as follows:

Parcel 1. The south half of Block R, according to map of Selma made by Julien Smith, C. E., said property being more particularly described as follows:

Begin at the intersection of the north margin of Alabama Street with the east margin of Washington Street, and from said point of beginning run northwardly along the east margin of Washington Street a distance of 180 feet, more or less, to the south margin of an alley running east and west through said Block R; thence run eastwardly along the south margin of said alley a distance of 242 feet and 3 inches, more or less, to the west margin of Franklin Street; thence run southwardly along the west margin of Franklin Street a distance of 181 feet and 6 inches, more or less, to the north margin of Alabama Avenue; thence run westwardly along the north margin of Alabama Avenue a distance of 242 feet and 3 inches, more or less, to the point of beginning.

Parcel 2. All of that part of Block 46 according to Map of Selma, Alabama, made by Julien Smith, C. E., lying north of an alley running east and west through said block which is particularly described as follows:

Begin at the intersection of the east margin of Tremont Street with the south margin of Jeff Davis Avenue and run thence southerly along the east margin of Tremont Street a distance of 360 feet and 3 inches, more or less, to the north margin of an alley; thence running eastwardly along the north margin of said alley a distance of 298 feet, more or less, to the west margin of Church Street; thence run northwardly along the west margin of Church Street a distance of 214 feet and 6 inches, more or less, to the southerly margin of Jeff Davis Avenue; thence run westwardly along the southerly margin of Jeff Davis Avenue a distance of 330 feet to the point of beginning; but excepting from the above and not included therein the following two lots or parcels of land: (1) That lot of land described in that certain deed made by Alice M. King to Roger ap C. Jones, Trustee, which deed is dated January 9, 1922, and is recorded in the Probate Office of Dallas County, Alabama, in Book 297 at page 497 and (2) that lot described in that certain deed made by Alice M. King to Mrs. Mattie S. Rowan which deed is dated January 9, 1922, and is recorded in the Probate Office of Dallas County, Alabama, in Book 297 at page 494.

Parcel 3. Lot 5 of Block 33 according to a Map of Selma, Alabama, made by Julien Smith, C. E., said lot fronting 75 feet, more or less, on the east margin of Union Street and extending back eastwardly with that uniform width a distance of 205 feet and 5 inches, more or less.

Parcel 4. The northeast quarter and the southwest quarter of Section 1, excepting that part of the northeast quarter heretofore conveyed by deed made by Frederic D. King as attorney in fact for Alice M. DeVane, King, et al. to Clyde Cox, which deed is dated February 24, 1940, and is recorded in the Probate Office of Dallas County, Alabama, in Book 338 at page 427, and by deed made by Alice M. DeVane King to S. W. Lawrence and O. W. Lawrence which deed is dated May 25, 1940, and is recorded in the Probate Office of Dallas County, Alabama, in Book 341 at page 50, and by deed made by Alice M. DeVane King to L. B. Gay which deed is dated November 14, 1940, and is recorded in the Probate Office of Dallas County, Alabama, in Book 341 at page 554; and also excepting that part condemned by Dallas County, Alabama, as a right of way, and that part conveyed to Alabama Power Company for a line right of way.

Parcel 5. All of sections 3 and 4 south and east of the Alabama River; all of Section 9 east of the Alabama River; all of Section 10 and Section 11; northeast quarter and north half of northwest quarter, Section 13, and part of north half of south half of northwest quarter of Section 13; north half of north half and part of south half of north half east of Alabama River of Section 14; all of Section 15 north and west of the Alabama River; all of Section 16 north and east of Alabama River, all of said lands lying and being in Township 16, Range 10, and containing 3,000 acres more or less, and known as the King Bend Place.

Parcel 6. Lots 1 and 2 and the west half of Lot 3 in Block 2 in southside Park, near Selma, Alabama, which said lots are more particularly described by plat recorded in Map Book 1, page 149 in the Probate Office of Dallas County, Alabama.

EXHIBIT B

Real property situated in Hale County, State of Alabama, more particularly described as follows: The east half of Section 8; west half of the northeast quarter and northeast quarter of northeast quarter of Section 17; north half of Section 18; northwest quarter of the northwest quarter and the southwest quarter of the southwest quarter of Section 10; 10 acres in south side of northeast quarter of northeast quarter of Section 15, containing 850 acres, more or less, all lying and being in Township 23, Range 4.

[F. R. Doc. 50-8546; Filed, Sept. 28, 1950; 8:49 a. m.]

[Vesting Order 15114]

ALICE M. DEVANE KING

In re: Succession of Alice M. DeVane King, deceased. File D-28-12115; E. T. sec. 16320.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Schmitter, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Succession of Alice M. DeVane King, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That the property described in subparagraph 2 hereof is in the process of administration by Frederic D. King, Dative Testamentary Executor, acting under the judicial supervision of the Sixth Judicial District Court, Madison Parish, Louisiana;

4. That the property described as follows: All right, title, interest and estate, both legal and equitable, of the person named in subparagraph 1 hereof in and to certain real property in Madison Parish, Louisiana, being that portion of the property inherited by Alice M. DeVane King from Mrs. Evelyn H. Collier by judgment recorded in Conveyance book "DD," page 229, and not sold, to-wit: The Southwest Quarter (SW-¼) of the Northwest Quarter (NW-¼) of Section Twenty-eight (28), and the fractional South Half (S-½) of Section Twenty-eight (28), in Township Eighteen (18) North, Range Ten (10) East,

containing 175 acres, more or less, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8547; Filed, Sept. 28, 1950; 8:49 a. m.]

[Vesting Order 15121]

N. CORNELSEN SUCS.

In re: Debt owing to N. Cornelsen Sucs, F-28-27077-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Cornelsen also known as Marie Cornelsen and Heinz Cornelsen, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That N. Cornelsen Sucs. is a corporation, partnership, association or other business organization, organized under the laws of Honduras, whose principal place of business is located in Tegucigalpa, Honduras, and is or since the effective date of Executive Order 8389, as amended, has been controlled by or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which is or has been owned or controlled, directly or indirectly, by the aforesaid Maria Cornelsen, also known as Marie Cornelsen, and Heinz Cornelsen, and is a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of United States Steel Export Company, 30 Church Street, New York 8, New York, arising out of a credit balance reflected in the blocked accounts receivable of the aforesaid United States Steel Export Company in the name of N. Cornelson Sucs., together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, N. Cornelsen Sucs., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That N. Cornelsen Sucs. is controlled by, or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8550; Filed, Sept. 28, 1950; 8:50 a. m.]

[Vesting Order 15117]

AUGUST HENRY SCHULTE

In re: Trust under the Will of August Henry Schulte, deceased. File No. D-28-11588; E. T. sec. No. 17048.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Strubbe Schulte, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the trust created under the will of August Henry Schulte, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Henrietta Schulte, as surviving trustee, acting under the judicial supervision of the Essex County Court, Probate Division, Newark, New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8548; Filed, Sept. 28, 1950; 8:49 a. m.]

[Return Order 736]

ELLY KAUFMANN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention to Return Published, and Property

Elly Kaufmann, a/k/a Elli Kaufmann, Muelheim-on-the Ruhr, Germany; Claim No. 43091; April 25, 1950 (15 F. R. 2303); $1,950.00 in the Treasury of the United States. All right, title and interest of Elly Kaufmann in and to the estate of Rosa Kaufmann, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8551; Filed, Sept. 28, 1950; 8:50 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 15 NUMBER 190

Washington, Saturday, September 30, 1950

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 934—MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

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AUTHORITY: §§ 934.0 to 934.84 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

§ 934.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and de-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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1950–51 Edition

(Revised through July 1)

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

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terminations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Lawrence, Massachusetts, on June 26, 27, and 28, 1950, upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for milk in the said marketing area and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) *Additional findings.* (1) It is hereby found that a pro rata assessment of handlers on the basis and at the rate set forth in § 934.71, as amended, and as hereby further amended will provide the funds necessary for the maintenance and functions of the market administrator in the administration of this order and such assessment is approved.

(2) *Effective date.* It is necessary, in the public interest, to make this order effective as hereinafter set forth. Any further delay in the effective date of the order will seriously threaten the orderly marketing and supply of milk in the Lowell-Lawrence, Massachusetts, marketing area. The need for the order is disclosed by the decision (15 F. R. 6257) which was executed September 14, 1950. The provisions of the order are well known to handlers since the public hearing was held on June 26–28, 1950. The recommended decision was published in the FEDERAL REGISTER (15 F. R. 5762) on August 23, 1950. The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the aforementioned facts, it is hereby found and determined that good cause exists for making this order effective October 1, 1950. (See section 4 (c), Administrative Procedure Act (5 U. S. C. 1003 (c).)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by such order, which is marketed within the Lowell-Lawrence, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order, amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of this order, and who during the representative period (June 1950) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 934.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Lowell-Lawrence, Massachusetts, marketing area," also referred to as the "marketing area," means the territory included within the boundary lines of the following Massachusetts cities and towns:

Andover.
Billerica.
Chelmsford.
Dracut.
Lawrence.
Lowell.
Methuen.
North Andover.
Tewksbury.
Tyngsboro.
Westford.

(c) "Order," used with the name of a marketing area other than the Lowell-Lawrence, Massachusetts, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

§ 934.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk on more than 3 days in any one of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer who ordinarily delivers to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 934.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy

farmer who is a producer under the Boston, Worcester, or Springfield orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who in a given month operates a pool plant or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk other than exempt milk from dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products other than cream are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 934.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "Receiving plant" means any plant currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weight sheets or other records of dairy farmers' deliveries.

(c) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 934.20, 934.21 and 934.22 for being considered a pool plant in that month.

(d) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

(e) "City plant" means any plant which is located within 10 miles of the marketing area.

(f) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

§ 934.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, and reconstituted milk.

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing or is separated from it by centrifugal force, in all forms including sweet, sour, frozen, and aerated cream, and milk and cream mixtures.

(c) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(d) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, and buttermilk, either individually or collectively.

(e) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(f) "Outside milk" means:

(1) All milk received from dairy farmers for other markets.

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except receipts from New York order pool plants which are assigned to Class I milk pursuant to § 934.27 and from regulated plants under the Boston, Worcester, or Springfield orders.

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Boston order, without its intermediate movement to another plant.

(g) "Exempt milk" means milk of a dairy farmer's own production which he delivers in bulk to a plant and for which an equivalent quantity of packaged milk is returned to him during the same month.

MARKET ADMINISTRATOR

§ 934.10 *Designation of market administrator.* The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 934.11 *Powers of market administrator.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 934.12 *Duties of the market administrator.* The market administrator, in addition to the duties described in other sections of this order, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 934.71, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary, publicly disclose, within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 2 days after the date on which he is required to perform such acts, has not made reports or payments pursuant to this order.

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers statistics and information concerning the operation of this order;

(f) Promptly verify the information contained in the reports submitted by the handlers; and

(g) Give each of the producers delivering to a plant as reported by the handler prompt written notice of their actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 934.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 934.16, 934.17 and 934.18, the classes of utilization shall be as follows:

(a) Class I milk shall be all fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as or in milk; and other than as or in flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 934.16 *Classification of interplant movements of fluid milk products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 934.25 and 934.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the Boston, Worcester, or Springfield orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the Boston, Worcester, or Springfield orders, they shall be classified in the same class to which the receipt is assigned under such order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the Boston, Worchester, or Springfield orders, they shall be classified as Class I milk if retransferred to either of these types of regulated or unregulated plants.

§ 934.17 *Classification of interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 934.18 *Responsibility of handlers in establishing the classification of milk.* (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any other milk or milk products received by a handler which is not pool milk, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 934.20 *Requirements for all receiving plants.* Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in § 934.21 or § 934.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) The plant is operated neither as the plant of a producer-handler, nor as a pool plant pursuant to the provisions of the Boston, New York, Worcester, or Springfield orders.

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity, as a producer-handler.

§ 934.21 *Additional requirements for city receiving plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers.

§ 934.22 *Additional requirements for country receiving plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 30 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which is a pool plant continuously from the effective date of this order through February 1951 and any country plant which thereafter is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 934.25 *Assignment of pool handlers' receipts to Class I milk.* For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to § 934.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 934.27.

(c) Receipts of fluid milk products, other than cream and skim milk, from the regulated city plants of other handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to the City Hall in Lawrence.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to the City Hall in Lawrence.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to the City Hall in Lawrence.

(j) Receipts of skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

§ 934.26 *Assignment of pool handlers' receipts to Class II milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 934.25 shall be assigned to Class II milk.

§ 934.27 *Receipts from other Federal order plants.* Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts of fluid milk products, other than cream, from regulated plants under the Worcester or Springfield orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products other than cream at the receiving plant.

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified in Classes I–A or I–B under the New York order.

REPORTS OF HANDLERS

§ 934.30 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the

quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 934.25, 934.26 and 934.27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 934.15, 934.16 and 934.17.

§ 934.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 934.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 934.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to each producer with the prices, deductions, and charges involved.

§ 934.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 934.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this part;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator finds necessary for the purpose specified in this section.

§ 934.36 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASS PRICES

§ 934.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest reported figures available on the next succeeding work day shall be used:

(a) Divide by .98 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period.

(b) Divide by 3 the sum of the three latest monthly indexes of department store sales in the Boston Federal Reserve District adjusted for seasonal variations, as reported by the Federal Reserve System, with the years 1935–39 as the base period, and divide the result so obtained by 1.26.

(c) Compute an index of grain-labor costs in the Boston milkshed in the following manner:

(1) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed, as reported by the United States Department of Agriculture, divide by 0.5044 and multiply by 0.6.

(2) Compute the weighted average of the monthly composite farm wage rates for the latest available month for Maine, Massachusetts, New Hampshire, and Vermont, as reported by the United States Department of Agriculture, divide by 0.5952, and multiply by 0.4. In computing the weighted average, weight the respective rates as follows: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77.

(3) Add the results determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Divide by 3 the sum of the final results computed pursuant to the preceding paragraphs of this section. Express the result as a whole number by dropping fractions of less than one-half or by raising fractions of one-half or more to the next whole number. The result shall be known as the formula index.

(e) Subject to the succeeding paragraphs of this section, the Class I price per hundredweight at city plants shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Formula index	Class I Price per Hundredweight		
	Jan.-Feb.-Mar.-July-Aug.-Sept.	Apr.-May-June	Oct.-Nov.-Dec.
50–56	$2.21	$1.77	$2.65
57–63	2.43	1.99	2.87
64–70	2.65	2.21	3.09
71–77	2.87	2.43	3.31
78–84	3.09	2.65	3.53
85–90	3.31	2.87	3.75
91–97	3.53	3.09	3.97
98–104	3.75	3.31	4.19
105–111	3.97	3.53	4.41
112–118	4.19	3.75	4.63
119–125	4.41	3.97	4.85
126–132	4.63	4.19	5.07
133–139	4.85	4.41	5.29
140–146	5.07	4.63	5.51
147–152	5.29	4.85	5.73
153–159	5.51	5.07	5.95
160–166	5.73	5.29	6.17
167–173	5.95	5.51	6.39
174–180	6.17	5.73	6.61
181–187	6.39	5.95	6.83
188–194	6.61	6.17	7.05

If the formula index is more than 194, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the six highest index brackets.

(f) The Class I price shall be 44 cents more than the price prescribed in paragraph (e) of this section if, under the provisions of the Boston order, less than 33 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents above the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent increase as will result in a Class I price equal to the Class I price for the same month of the preceding year plus 88 cents.

(g) The Class I price shall be 44 cents less than the price prescribed in paragraph (e) of this section if, under the provisions of the Boston order, more than 41 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents below the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent reduction as will result in a Class I price equal to the Class I price for the same month of the preceding year minus 88 cents.

(h) Notwithstanding the provisions of the preceding paragraphs of this section, the Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(i) The Class I price determined under the preceding paragraphs of this section shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles, inclusive, as published in the New England Joint Tariff M No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

§ 934.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be determined for each month pursuant to this section.

(a) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is delivered, and multiply the result by 3.7.

(b) Multiply by 7.5 the average price per pound of roller process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is received.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month.

Month:	Amount (cents)
January and February	57.5
March and April	69.5
May and June	75.5
July	69.5
August and September	63.5
October, November, and December	57.5

§ 934.42 *Country plant price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 934.40 and 934.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall in Lawrence, over highways on which the highway departments of the governing States permit milk tank trucks to move, or on the railway mileage distance to Lawrence from the nearest railway shipping point for such plant, whichever is shorter. The applicable differentials shall be those set forth in the following table, as adjusted pursuant to § 934.43:

A Zone (miles)	B Class I price differentials (cents per cwt.)	C Class II price differentials (cents per cwt.)
Less than 40½	−17.0	−2.0
41–50	−41.5	−2.0
51–60	−42.5	−3.0
61–70	−43.0	−3.0
71–80	−44.5	−3.0
81–90	−45.0	−3.0
91–100	−45.5	−3.0
101–110	−45.5	−4.5
111–120	−47.0	−4.5
121–130	−47.0	−4.5
131–140	−48.0	−4.5
141–150	−50.5	−4.5
151–160	−52.0	−6.0
161–170	−52.0	−6.0
171–180	−54.5	−6.0
181–190	−54.5	−6.0
191–200	−56.0	−6.0
201–210	−56.0	−7.0
211–220	−60.0	−7.0
221–230	−60.5	−7.0
231–240	−61.5	−7.0
241–250	−61.5	−7.0
251–260	−62.5	−8.0
261–270	−63.0	−8.0
271–280	−63.5	−8.0
281–290	−64.5	−8.0
291 and over	−65.5	−8.0

§ 934.43 *Automatic changes in country plant differentials.* In case the rail tariff for the transportation of milk in 40-quart cans in carlots of 200 or more cans or for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff M No. 6 and supplements thereto or revisions thereof, is increased or decreased, the country plant price differentials set forth in the table in § 934.42 shall be correspondingly increased or decreased in the manner and to the extent provided in this section. Such adjustment shall be effective beginning with the first complete month in which the changes in rail tariffs apply. If such rail tariff on milk is changed, the differentials set forth in Column B of the table shall be adjusted to the extent of any such change. If such rail tariff on cream is changed, the differentials set forth in Column C of the table shall be adjusted to the extent of any such change divided by 9.05. Adjustment shall be made to the nearest one-half cent per hundredweight.

§ 934.44 *Use of equivalent prices in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 934.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices, as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

BLENDED PRICES TO PRODUCERS

§ 934.50 *Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 934.25 (a), (b), (c), (g), and (j);

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 934.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 934.40, 934.41, and 934.42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 934.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 934.25 (f), (i), and (k) by the price applicable pursuant to §§ 934.41 and 934.42.

§ 934.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk, computed pursuant to § 934.50, for each pool handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to § 934.61 (b) for milk received during each month since the effective date of the most recent amendment to this order;

(b) Add the total amount of payments required from handlers pursuant to § 934.65 and from buyer-handlers and producer-handlers pursuant to § 934.66;

(c) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 934.61, 934.62, 934.65, 934.66, and 934.67;

(d) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 934.64;

(e) Divide by the total quantity of producer milk for which a value is determined pursuant to paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 934.61 and 934.62. This result, which is the minimum price payable to producers for milk containing 3.7 percent butterfat received from them at city plants, shall be known as the basic blended price.

§ 934.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the country plant price differentials pursuant to § 934.64; and

(c) The names of pool handlers, designating those whose milk is not included in the computations.

PAYMENTS

§ 934.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this paragraph shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 934.61 (a).

§ 934.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 934.50, as follows:

(a) On or before the 25th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 934.63 and 934.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 934.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 934.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 934.62 *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments pursuant to §§ 934.61 (b), 934.65, and 934.66, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is payable by the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 934.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 934.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10.

§ 934.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 934.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 934.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located more than 40 miles from the City Hall in Lawrence, but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 934.40 and 934.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the City Hall in Lawrence, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 934.40 and 934.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 934.65 *Payments on outside milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to §§ 934.40, 934.41, and 934.42, effective for the location or freight mileage zone of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 934.40, 934.41, and 934.42 effective for the location or freight mileage zone of the handler's plant.

§ 934.66 *Payments on Class I receipts from other Federal order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Worcester, or Springfield order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the Class I price pursuant to §§ 934.40 and 934.42 effective for the location or freight mileage zone of the plant from which the Class I milk was received by the butterfat differential calculated pursuant to § 934.63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I–A or I–B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

§ 934.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 934.61, 934.62, 934.65, and 934.66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective the 11th day of such month.

§ 934.68 *Statements to producers.* In making the payments to producers prescribed by § 934.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 934.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 934.69 and 934.70, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

§ 934.69 *Marketing service deductions; nonmembers of an association of producers.* In making payments to producers pursuant to § 934.61 (a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 934.70, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 25th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 934.70 *Marketing service deductions; members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in § 934.69, each handler shall, in lieu of the deductions specified in § 934.69, make such deductions from payments made pursuant to § 934.61 (a) as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deduction to such associations.

§ 934.71 *Expense of administration.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

§ 934.72 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable.

Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 934.80 *Effective time.* The provisions of this order, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or temminated pursuant to § 934.81.

§ 934.81 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 934.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 934.83 *Liquidation after suspension or termination.* Under the suspension or termination of any or all provisions of this order, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this order, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 934.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this order.

Issued at Washington, D. C., this 27th day of September 1950, to be effective on and after the 1st day of October 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50–8611; Filed, Sept. 29, 1950; 8:56 a. m.]

[Lemon Reg. 350]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.457 *Lemon Regulation 350*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937 as amended (7 U. S. C. 691 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said

amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 27, 1950. Such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 1, 1950, and ending at 12:01 a. m., P. s. t., October 8, 1950, is hereby fixed as follows:

(i) District 1: unlimited movement;

(ii) District 2: 200 carloads;

(iii) District 3: unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 349 (15 F. R. 6435), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 28th day of September 1950.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-8644; Filed, Sept. 29, 1950; 9:18 a. m.]

[Orange Reg. 342]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.488 *Orange Regulation 342*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended, (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on September 28, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 1, 1950, and ending at 12:01 a. m., P. s. t., October 8, 1950, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: unlimited movement; (*b*) Prorate District No. 2: 1,200 carloads; (*c*) Prorate District No. 3: unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: no movement; (*b*) Prorate District No. 2: no movement; (*c*) Prorate District No. 3: no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 966.107 of the current rules and regulations (14 F. R. 6588) contained in this part.

Orange Regulation 332 (7 CFR 966.478, 15 F. R. 3863) fixes the sizes of designated oranges which may be handled during the aforesaid period.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 29th day of September 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Oct. 1, 1950 to 12:01 a. m. Oct. 8, 1950]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.1869
A. F. G. Corona	.0536
A. F. G. Fullerton	.8558
A. F. G. Orange	.4520
A. F. G. Riverside	.1854
A. F. G. San Juan Capistrano	.9711
A. F. G. Santa Paula	.4291
Eadington Fruit Co., Inc	5.2242
Hazeltine Packing Co	.4695
Placentia Pioneer Valencia Growers Association	.6440
Signal Fruit Association	.1340
Azusa Citrus Association	.5877
Damerel-Allison Co	.8539
Glendora Mutual Citrus Association	.4567
Puente Mutual Citrus Association	.1731
Valencia Heights Orchard Association	.4792
Covina Citrus Association	1.0370
Covina Orange Growers Association	.4675
Glendora Citrus Association	.4247
Gold Buckle Association	1.0722
La Verne Orange Association	.7629
Anaheim Citrus Fruit Association	.8548
Anaheim Valencia Orange Association	.8642
Fullerton Mutual Orange Association	1.3558
La Habra Citrus Association	1.3977
Orange County Valencia Association	.0033
Yorba Linda Citrus Association	.9523
Escondido Orange Association	.0000
Alta Loma Heights Citrus Association	.0707
Citrus Fruit Growers	.2219
Cucamonga Citrus Association	.1645
Etiwanda Citrus Fruit Association	.0000
Old Baldy Citrus Association	.2508
Rialto Heights Orange Association	.0753
Upland Citrus Association	.5885
Upland Heights Orange Association	.2433
Consolidated Orange Growers	1.7281
Frances Citrus Association	1.1412
Garden Grove Citrus Association	.9567
Goldenwest Citrus Association The	1.5315
Irvine Valencia Growers	3.0711
Olive Heights Citrus Association	2.0367
Santa Ana-Tustin Mutual Citrus Association	.8485

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Santiago Orange Growers Association	8.7351
Tustin Hills Citrus Association	1.9679
Villa Park Orchards Association	2.1117
Bradford Bros., Inc	.7646
Placentia Cooperative Orange Association	.5774
Placentia Mutual Orange Association	2.3692
Placentia Orange Growers Association	1.4423
Yorba Orange Growers Association	.8051
Call Ranch	.0911
Corona Citrus Association	.6782
Jameson Co	.0000
Orange Heights Orange Association	.6361
Crafton Orange Growers Association	.6503
East Highlands Citrus Association	.1714
Fontana Citrus Association	.0970
Redlands Heights Groves	.3142
Redlands Orangedale Association	.2965
Break & Son, Allen	.0882
Bryn Mawr Fruit Growers Association	.2421
Mission Citrus Association	.2319
Redlands Cooperative Fruit Association	.4892
Redlands Orange Growers Association	.2774
Redlands Select Groves	.6967
Rialto Citrus Association	.2989
Rialto Orange Co	.3012
Southern Citrus Association	.2115
United Citrus Growers	.1885
Zilen Citrus Co	.0573
Arlington Heights Citrus Co	.1543
Brown Estate, L. V. W	.1515
Gavilan Citrus Association	.2064
Highgrove Fruit Association	.0797
Krinard Packing Co	.2593
McDermont Fruit Co	.2169
Monte Vista Citrus Association	.3170
National Orange Co	.0493
Riverside Heights Orange Growers Association	.0912
Sierra Vista Packing Association	.0786
Victoria Avenue Citrus Association	.2498
Claremont Citrus Association	.0964
College Heights Orange and Lemon Association	.4975
Indian Hill Citrus Association	.2557
Pomona Fruit Growers' Exchange	.4205
Walnut Fruit Growers' Association	.6457
West Ontario Citrus Association	.3474
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.0000
San Dimas Orange Growers' Association	.3655
Canoga Citrus Association	.5918
Covina Valley Orange Co	.0188
North Whittier Heights Citrus Association	.9756
San Fernando Fruit Growers' Association	.8158
San Fernando Heights Orange Association	1.2331
Sierra Madre-Lamanda Citrus Association	.5116
Camarillo Citrus Association	1.6295
Fillmore Citrus Association	3.8054
Mupu Citrus Association	2.2123
Ojai Orange Association	.9846
Piru Citrus Association	1.9415
Rancho Sespe	.9004
Santa Paula Orange Association	1.3045
Tapo Citrus Association	1.1325
Ventura County Citrus Association	.4253
Limoneira Co	.6312
East Whittier Citrus Association	.5799
Whittier Citrus Association	1.3156

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Anaheim Cooperative Orange Association	1.3536
Bryn Mawr Mutual Orange Association	.0000
Chula Vista Mutual Lemon Association	.0000
Euclid Avenue Orange Association	.7965
Foothill Citrus Union, Inc	.0849
Fullerton Cooperative Orange Association	.3282
Garden Grove Orange Cooperative, Inc	.7093
Golden Orange Groves, Inc	.2411
Highland Mutual Groves, Inc	.0000
Index Mutual Association	.5306
La Verne Cooperative Citrus Association	1.8690
Mentone Heights Association	.0415
Olive Hillside Groves, Inc	.5855
Orange Cooperative Citrus Association	2.0017
Redlands Foothill Groves	.8870
Redlands Mutual Orange Association	.2619
Ventura County Orange and Lemon Association	1.2648
Whittier Mutual Orange and Lemon Association	.1686
Babijuice Corp. of California	.2371
Banks, L. M	.4728
Bennett Fruit Co., Inc	.0476
Borden Fruit Co	.6738
Cherokee Citrus Co., Inc	.1476
Chess Co., Meyer W	.4762
Dunning Ranch	.0000
Evans Brothers Packing Co	.8119
Gold Banner Association	.2616
Granada Hills Packing Co	.0371
Granada Packing House	.6042
Hill Packing House, Fred A	.1120
Johnson, Fred	.0058
Knapp Packing Co., John C	.3472
L Bar S Ranch	.0000
Lawson, William J	.0097
Orange Belt Fruit Distributors	1.3615
Otte, Arnold	.0389
Pacific Citrus Distributors	.0041
Panno Fruit Co., Carlo	.5202
Paramount Citrus Association	1.0203
Patitucci, Frank L	.0000
Placentia Orchard Co	.4532
Riverside Citrus Association	.0691
Ronneberg, Jerry L	.0013
San Antonio Orchards Co	.3643
Stephens, T. F	.1438
Summit Citrus Packers	.0069
Treesweet Products Co	.1125
Wall, E. T., Grower-Shipper	.1561
Western Fruit Growers, Inc	.7275

[F. R. Doc. 50-8654; Filed, Sept. 29, 1950; 11:30 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5346]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JOSEPH H. MEYER BROS.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods;* § 3.135 *Nature—Product or service;* § 3.235 *Source or origin—Place—Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure.* § 3.1860 *Imported product or parts as domestic.* Subpart—*Using misleading name—Goods:* § 3.2315 *Nature.* I. In connection with the offering for sale, sale or distribution in commerce, of imitation pearls, whether offered for sale and sold as necklaces or in other articles of jewelry, representing by the use of the word "pearls" or any other word or words of similar import or meaning, or in any other manner, that said imitation pearls are genuine pearls; and, II, in connection with the offering for sale, sale, or distribution in commerce, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imitation pearls, (1) representing by the use of the words and letters "Made in U. S. A.," or otherwise, that said products are composed entirely of domestic materials; or, (2) offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls; prohibited, subject to the provision, however, as respects that part of the order pertaining to the use of the word "pearls", etc., that the foregoing shall not be construed to prohibit the use of the word "pearls" to describe the appearance of said imitation pearls if, wherever used, the word "pearls" is immediately preceded, in equally conspicuous type, by the word "imitation" or the word "simulated," or other word of similar import or meaning, so as to clearly indicate that said imitation pearls are not genuine pearls but imitations thereof.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Joseph H. Meyer Bros., Docket 5346, August 25, 1950]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into by and between Daniel J. Murphy, Assistant Chief Trial Counsel for the Commission, and the respondent, in which stipulation the respondent waived all intervening procedure and further hearing as to said facts; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Joseph H. Meyer Bros., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of imitation pearls, whether offered for sale and sold as necklaces or in other articles of jewelry, do forthwith cease and desist from:

(1) Representing by the use of the word "pearls" or any other word or words of similar import or meaning, or in any other manner, that said imitation pearls are genuine pearls: *Provided, however*, That the foregoing shall not be construed to prohibit the use of the word "pearls" to describe the appearance of said imitation pearls if, wherever used, the word "pearls" is im-

mediately preceded, in equally conspicuous type, by the word "imitation" or the word "simulated", or other word of similar import or meaning, so as to clearly indicate that said imitation pearls are not genuine pearls but imitations thereof.

It is further ordered, That the respondent Joseph H. Meyer Bros., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, do forthwith cease and desist from:

(1) Representing by the use of the words and letters "Made in U. S. A.", or otherwise, that said products are composed entirely of domestic materials.

(2) Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith the country of origin of such imported imitation pearls.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8604; Filed, Sept. 29, 1950; 8:55 a. m.]

[Docket 5395]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CORO, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.135 *Nature—Product or service.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* Subpart—*Using misleading name—Goods:* § 3.2315 *Nature.* I. In connection with the offering for sale, sale, or distribution in commerce, of imitation pearls, whether offered for sale and sold as necklaces or in other articles of jewelry, representing by the use of the word "pearls" or any other word or words of similar import or meaning, or in any other manner, that said imitation pearls are genuine pearls, and, II, in connection with the offering for sale, sale, or distribution in commerce, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls; prohibited, subject to the provision, however, as respects that part of the order pertaining to the use of the word "pearls," etc., that the foregoing shall not be construed to prohibit the use of the word "pearls" to describe the appearance of said imitation pearls if, wherever used, the word "pearls" is immediately preceded, in equally conspicuous type, by the word "imitation" or the word "simulated" or other word of similar import or meaning, so as to clearly indicate that said imitation pearls are not genuine pearls but imitations thereof.

(Sec. 6, 38 Stat. 722.15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C., sec. 45) [Cease and desist order, Coro, Inc. et al., Docket 5395, August 25, 1950]

In the Matter of Coro, Inc., a Corporation; Coro, Inc., of Rhode Island, a Corporation; and Gerald E. Rosenberger, Carl Rosenberger, and Henry Rosenblatt, Individually and as Officers of Said Corporations

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondents, stipulations entered into by and between Daniel J. Murphy, Assistant Chief Trial Counsel for the Commission, and counsel for the respondents, testimony and other evidence introduced before a trial examiner of the Commission in the matter of L. Heller & Son, Inc., et al. Docket No. 5358, recommended decision of the trial examiner and exceptions thereto, and briefs and oral argument of counsel in said Heller case; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the corporate respondents, Coro, Inc., and Coro, Inc., of Rhode Island, and their officers, agents, representatives, and employees, and the individual respondents, Gerald E. Rosenberger, Carl Rosenberger, and Henry Rosenblatt, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, do forthwith cease and desist from:

Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8609; Filed, Sept. 29, 1950; 8:55 a. m.]

[Docket 5374]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LOUIS DETKIN ET AL. TRADING AS ROYAL BEAD NOVELTY CO.

Subpart—*Misbranding or mislabeling:* § 3.1185 *Composition;* § 3.1260 *Nature;* § 3.1325 *Source or origin—Place—Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* Subpart—*Using misleading name—Goods:* § 3.2315 *Nature.* I. In connection with the offering for sale, sale or distribution in commerce, of imitation pearls, whether offered for sale or sold as necklaces or in other articles of jewelry, representing by the use of the word "pearls" or any other word or words of similar import or meaning, or in any other manner, that said imitation pearls are genuine pearls; and, II, in connection with the offering for sale, sale or distribution in commerce, of imported imitation pearls or other articles of jewelry composed in substantial part of imported imitation pearls, (1) representing by the use of the words "American Made," or otherwise, that said products are composed entirely of domestic materials; or, (2) offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls; prohibited, subject to the provision, however, as respects that part of the order pertaining to the use of the word "pearls," etc., that the foregoing shall not be construed to prohibit the use of the word "pearls" to describe the appearance of said imitation pearls if, wherever used, the word "pearls" is immediately preceded, in equally conspicuous type, by the word "imitation" or the word "simulated" or other word of similar import or meaning, so as to clearly indicate that said imitation pearls are not genuine pearls but imitations thereof.

It is further ordered, That the corporate respondents, Coro, Inc., and Coro, Inc., of Rhode Island, and their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, do forthwith cease and desist from:

Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8608; Filed, Sept. 29, 1950; 8:55 a. m.]

lated," or other word of similar import or meaning, so as to clearly indicate that said imitation pearls are not genuine pearls but imitations thereof.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Louis Detkin et al. trading as Royal Bead Novelty Company, Docket 5374, August 25, 1950]

In the Matter of Louis Detkin and Lillian Detkin, Individually and as Copartners, Trading as Royal Bead Novelty Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' answer thereto, certain stipulations entered into by and between counsel, the testimony and other evidence introduced before a trial examiner of the Commission in the matter of L. Heller & Son, Inc., et al., Docket No. 5358, the recommended decision of the trial examiner herein and exceptions thereto, and briefs and oral arguments of counsel in the aforesaid Heller case, and the Commission having disposed of the exceptions to the trial examiner's recommended decision and having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Louis Detkin and Lillian Detkin, individually and as co-partners trading as Royal Bead Novelty Company, or trading under any other name or trade designation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of imitation pearls, whether offered for sale or sold as necklaces or in other articles of jewelry, do forthwith cease and desist from:

(1) Representing by the use of the word "pearls" or any other word or words of similar import or meaning, or in any other manner, that said imitation pearls are genuine pearls; *Provided, however,* That the foregoing shall not be construed to prohibit the use of the word "pearls" to describe the appearance of said imitation pearls if, wherever used, the word "pearls" is immediately preceded, in equally conspicuous type, by the word "imitation" or the word "simulated", or other word of similar import or meaning, so as to clearly indicate that said imitation pearls are not genuine pearls but imitations thereof.

It is further ordered, That said respondents and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls or other articles of jewelry composed in substantial part of imported imitation pearls, do forthwith cease and desist from:

(1) Representing by the use of the words "American Made," or otherwise, that said products are composed entirely of domestic materials.

(2) Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8608; Filed, Sept. 29, 1950; 8:55 a. m.]

[Docket 5347]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DAVID GENSER ET AL. TRADING AS GENSER MFG. CO.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* In connection with the offering for sale, sale or distribution in commerce, of necklaces of imported imitation pearls or other articles of jewelry composed in substantial part of imported imitation pearls, offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpreta or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, David Genser et al., trading as Genser Manufacturing Company, Docket 5347, August 25, 1950]

In the Matter of David Genser, Max Genser, Ida Genser, Ada Genser, Wallace Genser, and Shirley R. Cohen, Co-partners Trading as Genser Manufacturing Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' answer thereto, certain stipulations entered into by and between counsel, the testimony and other evidence introduced before a trial examiner of the Commission in the matter of L. Heller & Son, Inc., et al., Docket No. 5358, the recommended decision of the trial examiner herein and exceptions thereto, and briefs and oral arguments of counsel in the aforesaid Heller case, and the Commission having disposed of the exceptions to the trial examiner's recommended decision and having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, David Genser, Max Genser, Ida Genser, Ada Genser, Wallace Genser and Shirley R. Cohen, individually and as co-partners trading as Genser Manufacturing Company, or trading under any other name or trade designation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls or other articles of jewelry composed in substantial part of imported imitation pearls do forthwith cease and desist from:

Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8605; Filed, Sept. 29, 1950; 8:55 a. m.]

[Docket 5358]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

L. HELLER & SONS, INC., ET AL.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* In connection with the offering for sale, sale, or distribution in commerce, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, L. Heller & Son, Inc. et al., Docket 5358, August 25, 1950]

In the Matter of L. Heller & Son, Inc., a Corporation; and The Heller Deltah Company, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner and exceptions thereto, and briefs, oral argument, and reargument in support of and in opposition to the complaint; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, L. Heller & Son, Inc., and The Heller Deltah Company, Inc., corporations, their officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, do forthwith cease and desist from:

Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8603; Filed, Sept. 29, 1950; 8:55 a. m.]

[Docket 5349]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

D. LISNER & CO.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* In connection with the offering for sale, sale or distribution in commerce, of necklaces of imported imitation pearls or other articles of jewelry composed in substantial part of imported imitation pearls, offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719 as amended; 15 U. S. C. 45) [Cease and desist order, D. Lisner & Company, Docket 5349, August 25, 1950]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, stipulations between counsel, testimony and other evidence introduced before a trial examiner of the Commission in the matter of L. Heller & Son, Inc., et al., Docket No. 5358, recommended decision of the trial examiner and exceptions thereto, and briefs and oral argument of counsel in said Heller case; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, D. Lisner & Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, do forthwith cease and desist from:

Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8606; Filed, Sept. 29, 1950; 8:55 a. m.]

[Docket 5371]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

COLONIAL BEAD CO., INC. ET AL.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* In connection with the offering for sale, sale, or distribution in commerce, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Colonial Bead Company, Inc. et al., Docket 5371, August 25, 1950]

In the Matter of Colonial Bead Company, Inc., a Corporation, and Abraham Abron and Abraham Goldenberg, Individually and as Officers of Said Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondents, stipulations between counsel, testimony and other evidence introduced before a trial examiner of the Commission in the matter of L. Heller & Son, Inc., et al., Docket No. 5358, recommended decision of the trial examiner and exceptions thereto, and briefs and oral argument of counsel in said Heller case; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the corporate respondent, Colonial Bead Company, Inc., and its officers, agents, representatives, and employees, and the individual respondents, Abraham Abron and Abraham Goldenberg, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, do forthwith cease and desist from:

Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8607; Filed, Sept. 29, 1950; 8:55 a. m.]

[Docket 5403]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LAWRENCE B. DOTTENHEIM ET AL. TRADING AS VICTOR IMPORTING COMPANY

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* In connection with the offering for sale, sale, or distribution in commerce, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec, 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Lawrence B. Dottenheim et al., trading as Victor Importing Company, Docket 5403, August 25, 1950]

In the Matter of Lawrence B. Dottenheim, Mark Dottenheim, Beatrice Dottenheim, and May Dottenheim, Individually and Trading as Victor Importing Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly

designated by it, recommended decision of the trial examiner, to which no exceptions were filed, brief in support of the allegations of the complaint (no brief having been filed on behalf of the respondents and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Lawrence B. Dottenheim, Mark Dottenheim, Beatrice Dottenheim, and May Dottenheim, individually and trading as Victor Importing Company, or trading under any other name, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, do forthwith cease and desist from:

Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8610; Filed, Sept. 29, 1950; 8:55 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter D—Federal Savings and Loan Insurance Corporation

[No. 3527]

PART 161—DEFINITIONS

INCREASE IN INSURANCE COVERAGE TO $10,000

Resolved that, in conformity with the provisions of Public Law No. 797 of the 81st Congress, approved September 21, 1950, §§ 161.3, 161.4, 161.5 and 161.6 of the rules and regulations for insurance of accounts (24 CFR 161.3, 161.4, 161.5 and 161.6) are hereby amended, effective September 21, 1950, by inserting "$10,000" in lieu of "$5,000" wherever such figure appears in said sections, so that such sections shall read as follows:

§ 161.3 *Joint account; community property.* An insured account held jointly or as community property is insured in the same manner as an insured account held by a partnership, up to but not exceeding $10,000 jointly to the holders thereof. Each of such holders may in addition hold a separate account in the institution, which is insured up to but not exceeding $10,000.

§ 161.4 *Insured account.* An "insured account" is a withdrawable or repurchasable share, investment certificate, deposit, or savings account held by an insured member in an institution insured by the Corporation, up to but not exceeding $10,000 to any insured member. Accounts which by the terms of the contract of the holder with the institution or by provisions of state law cannot be withdrawn or the value thereof paid to the holder until all of the liabilities, including other classes of share liabilities, of the institution have been fully liquidated and paid upon the winding up of the institution are not insurable, and are hereinafter referred to as "nonwithdrawable accounts".

§ 161.5 *Account of an insured member.* An "account of an insured member" is the total amount credited (or when dividends are not credited, apportionable after having been apportioned to a series) to any member in withdrawable or repurchasable accounts, whether or not such accounts are subject to any pledge, whether or not such accounts are insured in full, and whether or not dividends are subject to recapture. The total insurance which any insured member may have in any one insured institution is $10,000, whether the insured member has one or more insurable accounts. If such insurable accounts are of different character, the Corporation reserves the right to determine upon payment of insurance which of such accounts shall carry the $10,000 aggregate of insurance.

§ 161.6 *All insured accounts.* The term "all insured accounts" means the aggregate of all insured accounts of $10,000 or under, plus the sum of $10,000 for each insured account of more than $10,000.

Resolved further that these amendments being required by reason of amendments to Title IV of the National Housing Act, as amended, effected by Acts of Congress approved June 27, 1950, and September 21, 1950 (Pub. Laws Nos. 576 and 797, respectively, 81st Cong.) increasing the maximum insurance coverage of an insured member to $10,000, the Home Loan Bank Board hereby finds that they may be adopted under the provisions of section 108.11 of the General Regulations of the Home Loan Bank Board (24 CFR 108.11) and that deferment of the effective date would be ineffective.

(Sec. 402, 48 Stat. 1256, as amended, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR 1947 Supp., 61 Stat. 954; 12 U. S. C. 1725, 5 U. S. C. 133y-16. Interpret or apply secs. 401, 403, 405, 48 Stat. 1255, 1257, as amended, 1259, as amended, sec. 9, Pub. Law No. 576, 81st Cong., sec. 2, Pub. Law No. 797, 81st Cong., 12 U. S. C. 1724, 1726, 1728)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 50-8585; Filed, Sept. 29, 1950; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 17—MEDICAL

OUTPATIENT TREATMENT

In § 17.60 (a), subparagraph (3) is revised and a new subparagraph (8) is added, as follows:

§ 17.60 *Outpatient treatment.* (a) • • •

(3) Persons who have elected, under Public Law 314, 78th Congress, to receive disability compensation from the Veterans Administration for a service-connected disease or injury and who are in need of treatment for said service-connected compensable disease or injury.

• • • • • •

(8) Persons who served in the active military or naval forces during the Spanish-American War, Philippine Insurrection, or Boxer Rebellion (April 21, 1898 to July 4, 1902 or to July 15, 1903 if the service was in Moro province) when discharged from such service under other than dishonorable conditions who are in need of outpatient treatment.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply 45 Stat. 735, as amended, secs. 1, 6, 48 Stat. 9, 301, 53 Stat. 652, 57 Stat. 21, 60 Stat. 526, Public Law 791, 81st Congress; 38 U. S. C. 488 note, 488a, 581, 582, 706, 706a, Ch. 12 note)

This regulation effective September 30, 1950.

[SEAL] O. W. CLARK, *Deputy Administrator.*

[F. R. Doc. 50-8578; Filed, Sept. 29, 1950; 8:49 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

PROVISIONAL REGULATIONS

A new § 21.187 is added as follows:

§ 21.187 *Application of the provisions of the Servicemen's Readjustment Act, Title II, as amended by section 6, Public Law 610, 81st Congress, approved July 13, 1950.* (a) Paragraph 6 of Part VIII, Veterans Regulation No. 1 (a), as amended (38 U. S. C. ch. 12), is amended by section 6, Public Law 610, 81st Congress, by adding subparagraph (b) as follows:

(b) For the purpose of this part, a trade or technical course, offered on a clock-hour basis below the college level, involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with not more than thirty minutes of rest period per day allowed. A course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction is required. The provisions of the first sentence of this subparagraph shall not be applicable prior to July 1, 1951, in the

case of any school or institution in which, for a period of one year immediately preceding the date of enactment of the Veterans Education and Training Amendments of 1950, a minimum of twenty-five hours per week of attendance was required for any course in compliance with regulations of the Veterans' Administration.

(b) A trade and technical course offered on a clock-hour basis below the college level, involving shop practice as an integral part thereof, will be considered a full-time course when a minimum of 30 hours per week of attendance in the school is required with not more than 30 minutes rest period per day allowed. Determinations of the extent of the part-time training will be in accordance with the following schedule:

(1) Less than 30 but not less than 22 clock-hours of attendance per week—¾ time.

(2) Less than 22 but not less than 15 clock-hours of attendance per week—½ time.

(3) Less than 15 clock-hours of attendance per week—¼ time, but no subsistence allowance will be payable for fewer than 7 clock-hours of attendance per week.

(c) For the purposes of section 6, Public Law 610 "a trade or technical course offered on a clock-hour basis below the college level, involving shop practice as an integral part thereof," shall be considered to include only those courses of training for occupations which are customarily learned through apprenticeships or other training on-the-job, that is, the skilled, semi-skilled and unskilled occupations as listed under first digits 4 through 9, inclusive, in the second edition of the Dictionary of Occupational Titles, dated March 1949.

(d) The foregoing is effective October 1, 1950 as to all courses in those schools which commenced operation subsequent to July 13, 1949, and July 1, 1951 as to any new or existing course in those schools which have been in operation for a period of one year prior to July 13, 1950.

(e) Effective October 1, 1950, a course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 25 hours per week net of instruction is required (exclusive of shop practice periods and any rest periods but not excluding regularly scheduled supervised study periods or customary 5 or 10 minute intervals between classes for the purpose of changing student or teacher stations as required by the school). Determinations of the extent of part-time training will be in accordance with the following schedule:

(1) Less than 25 but not less than 18 clock-hours of instruction per week—¾ time.

(2) Less than 18 but not less than 12 clock-hours of instruction per week—½ time.

(3) Less than 12 clock-hours of instruction per week—¼ time, but no subsistence allowance is payable for less than 6 clock-hours of instruction per week. (Instruction 2, Public Law 610, 81st Congress)

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 11a, 694, 707)

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-8475; Filed, Sept. 29, 1950; 9:00 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—TRAINING FACILITIES

PROVISIONAL REGULATIONS

1. Section 21.690 is hereby canceled.

§ 21.690 *Application of the provisions of Public Law 266, 81st Congress, prohibiting expenditure of Government funds for courses of education or training until certain requirements are met.* [Canceled.]

2. A new § 21.691 is added as follows:

§ 21.691 *Application of the provisions of the Servicemen's Readjustment Act, Title II, as amended by section 2, Public Law 610, 81st Congress, approved July 13, 1950*—(a) *Customary cost of tuition.* (1) The terms "customary cost of tuition," "customary charges," "customary tuition charges" or "total tuition charges" as used in the first paragraph of section 2, Public Law 610, 81st Congress, include all tuition charges for the course including tuition, fees or any other charges in the nature of tuition designed to compensate the institution for its expenses in furnishing the course of instruction, but do not include charges for items of books, tools, and supplies required to be owned personally by all trainees taking the course, the cost of which is not included in the tuition rate. Thus, the charges for books, tools and supplies are not considered a part of the "customary charges" unless the cost of these items is included in the costs on which the determination of a fair and reasonable tuition rate is based or the contract rate includes books and supplies as an integral part of the cost for instruction, and the contract does not provide for separate billing and payment therefor. Notwithstanding the foregoing where the cost of consumable instructional supplies was included in the tuition rate determined for the most recent contract, and that contract contains a provision requiring a minimum amount of such supplies to be furnished each veteran enrollee, such contract provisions will be enforced even though the tuition rate in such contract is frozen.

(2) Except for contracts and payments for courses of less than 30 weeks, correspondence courses, institutional on-farm training courses and adjusted tuition payments to non-profit institutions pursuant to the last proviso of paragraph 5, Title II, Part VIII, Public Law 346, 78th Congress, as amended, the provisions of section 2, Public Law 610, 81st Congress, freeze as the "customary cost of tuition" the tuition rate established in the most recent contract where one or more contracts under Public Law 16, Public Law 346, or any other agreement in writing, on the basis of which tuition payments have been made from the Treasury of the United States, have been entered into in 2 successive years for the same courses. While Public Law 610 has no direct application to Public Law 16, the frozen rates under Public Law 610 may be paid under Public Law 16 if found fair and reasonable.

(3) Contracts or other agreements in writing will be considered to have been entered into in 2 successive years when one contract (or more than one) has been entered into over a period of any 2 successive years (whether school years, calendar years or fiscal years), i. e., one or more contracts covering a period of more than 12 months. For example, if the first contract covers a period of 3 months and the second contract covers a period of 12 months, the rate established by the second contract, if it is the most recent, will be the customary cost of tuition since the 2 contracts cover a period of more than 12 months. Likewise, one contract for 6 months and a subsequent contract for a 7 months' period would establish the frozen rate as of the effective date of the 7 month period contract since the two combined cover a period of more than 12 months.

(4) In any case where contracts have been entered into prior to July 13, 1950, for 2 successive years, as set forth in subparagraph (3) of this paragraph, the tuition rate payable from July 13, 1950 on is the rate of the latest contract, even though that contract was in 1948 and was not on a negotiated or cost data rate basis, unless the frozen rate was established under Public Law 266, 81st Congress, in which event the frozen rate will be payable from the date of such establishment under Public Law 266, 81st Congress. The effective date of the frozen rate established by contract for new schools or new courses after July 13, 1950, will be the date as of which such rate is frozen under the law and this section.

(5) For any period on or after August 24, 1949 and prior to July 13, 1950 the Veterans' Administration, in the absence of an agreed contract rate, will prescribe and pay a fair and reasonable rate, subject to an appeal to the Veterans' Education Appeals Board, and for any period after July 13, 1950, in the absence of either a frozen rate or an agreed contract rate, the Veterans' Administration will prescribe and pay a fair and reasonable rate.

(6) For any period prior to August 24, 1949 where a customary "cost of tuition" did not exist the regulations require the execution of a contract before any payments are made so that payments covering services rendered prior to August 24, 1949 must be on a negotiated basis and must be covered by a contract.

(7) Where an institution having a customary cost of tuition (whether established by the definition or by the "frozen" rate provision of section 2, Public Law 610, 81st Congress) for an existing course subsequent to July 13, 1950 revises or improves the existing course (or establishes a new related course) of substantially the same length and character, the revised or related course will be subject to the same customary cost of tuition rate. If the revised or improved course is not of approximately the same length as the former course, or if the new related course is not of approximately the same length as the existing course to which the new one is related, a new fair and reasonable rate must be established pursuant to existing regulations.

(8) For any contract period beginning on or subsequent to July 13, 1950, where it is mutually agreed between the Veterans' Administration and the institution that contract negotiations should continue but cannot be concluded within 30 days subsequent to the expiration of the previous contract, the regional office will make interim payments, in amounts determined by the manager to be fair and reasonable to the school and the Government but in no event less than 75 percent of the most recent rate paid to the school, if any. When contract negotiations are finally concluded the contract rate will be effective as of the day following the termination of the previous contract. If a contract rate is not finally agreed upon, the institution will be advised of the fair and reasonable determination of the Veterans' Administration and the fair and reasonable rate determined by the Veterans' Administration will be paid from the date of the previous contract, subject to any appeal rights of the institution and subject to the 75 percent interim payment arrangement during the pendency of any appeal.

(9) Subsequent to July 13, 1950, where an institution appeals a fair and reasonable rate determination to the Veterans' Education Appeals Board, the payments to such institution during the pendency of the appeal will be considered to be interim payments and will be based upon 75 percent of the most recent rate paid to the school prior to the acknowledgment of the appeal by the Veterans' Education Appeals Board or the rate determined to be fair and reasonable by the Veterans' Administration, whichever be the greater. In the absence of a frozen rate, the pendency of an appeal and payment of the 75 percent interim payment or the fair and reasonable rate without a contract does not preclude the negotiation of a contract based upon an agreed rate, such contract to be effective as of the termination date of the prior contract and to supersede the rate previously determined by the Veterans' Administration to be fair and reasonable or the 75 percent rate, whichever prevails. In any case where the contract, if final, would establish a "frozen" rate, the rate finally determined by the Board on appeal or review will be the frozen rate.

(10) If a rate prescribed pursuant to Public Law 266, 81st Congress was in effect on July 13, 1950, it will continue to be paid until a contract rate is established, unless such rate is superseded by a frozen rate as of July 13, 1950. If, as in the case of a new school or course, there is no "last rate paid", an interim agreed rate pending determination of the contract rate may be paid without prejudice to either party. Subject to the provisions of subparagraphs (4) and (5) of this paragraph, a frozen rate is payable from the end of the period covered by the contract establishing such rate, whether under Public Law 266 or Public Law 610, and the renewal of the contract is not required, but in all cases where it is agreeable to the institution the contracts should be renewed so as to set forth clearly other contractual provisions as well as the frozen tuition rate.

(11) This subparagraph concerns special cases involving surplus or deficit. Where contracts have been or in the future are entered into with nonprofit institutions and an adjustment in the tuition rate to take into consideration a surplus or deficit has been or will be made, the customary cost of tuition established by any such contract will be the fair and reasonable rate excluding the adjustments for surplus or deficit. Surplus or deficit adjustments will be made at the termination of any contract which was in effect on July 13, 1950, where such contract was made with the understanding that the surplus or deficit would be so adjusted. Surplus or deficit adjustments will not be made with respect to any contracts entered into with an effective date subsequent to July 13, 1950, where the tuition rate contained in such contract is a "frozen rate".

(12) The provisions of section 2, Public Law 610, 81st Congress, do not apply to correspondence courses, short, intensive courses of less than 30 weeks, institutional on-farm courses, or institutions of higher learning.

(b) *Interim payments during negotiations for a contract or the pendency of an appeal.* Where an institution is entitled to receive interim payments, such interim payments will be made, upon appropriate claim therefor, at the amounts determined to be fair and reasonable tuition for the course, provided that in no case shall the interim payments during the period of contract negotiations or the pendency of an appeal be at a rate less than 75 percent of the most recent rate paid to the school immediately prior to such contract negotiations or the filing of the appeal.

(c) *Appeals.* Section 2, Public Law 610, provides for an appeal to the Veterans' Education Appeals Board and for review of any contract covering a period subsequent to August 24, 1949.

(d) *Special considerations involving payments to institutions and charges against entitlement.* When, pursuant to this section, a retroactive increase in the rates of tuition is authorized and required because of action of the Veterans' Education Appeals Board or the negotiation of a contract superseding an interim rate or a fair and reasonable determination, the amount payable as such to the institution in behalf of an individual veteran will be limited to the rate of $500 for an ordinary school year unless the veteran has elected to have excess charges paid by the Veterans' Administration, in which event the amount payable to the institution may not in any case exceed the amount represented by the dollar value of the veteran's unencumbered remaining entitlement. (Instruction 1, Public Law 610, 81st Congress)

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 11a, 694, 707)

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-8477; Filed, Sept. 29, 1950; 9:00 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

FINLAND AND FRENCH SETTLEMENTS IN INDIA

EDITORIAL NOTE: In Federal Register Document 50-8365, appearing on page 6474 of the issue for Tuesday, September 26, 1950, paragraph (b) (4-a) of § 127.251 should be designated paragraph (b) (3a).

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL, OR PERIODICAL REPORTS

ANALYSIS OF CHARGES AND CREDITS FOR PROTECTIVE SERVICE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 20th day of September A. D. 1950.

The matter of a segregation of revenues and expenses relating to services rendered for the protection of perishable freight being under consideration; and,

It appearing, that every steam railroad subject to the Interstate Commerce Act and having annual operating revenues above $1,000,000 is required to file periodical quarterly reports of charges and credits for such protective services pursuant to an order (§ 120.75) entered November 22, 1948, and in the form prescribed by that order; and good cause appearing:

It is ordered, That § 120.75 (order of November 22, 1948), be, and it is hereby, vacated and set aside; and,

It is further ordered, That quarterly reports to be filed pursuant to that order be, and they are hereby, waived.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8570; Filed, Sept. 29, 1950; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 44]

UNITED STATES STANDARDS FOR EDIBLE SUGARCANE MOLASSES

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 50–8412, appearing at page 6474 of the issue for Tuesday, September 26, 1950, the following changes should be made:

1. In the table under § 44.3 (d) the headnote "not more than 200 percent" should read "Not more than 200".

2. Paragraph (a) (3) of § 44.5 should read:

(3) *Solution C.* Dissolve 50 grams of $FeCl_3 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

[7 CFR, Part 44]

UNITED STATES STANDARDS FOR SUGARCANE SIRUP

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 50–8411, appearing at page 6476 of the issue for Tuesday, September 26, 1950, in the table under § 44.23 (c) the headnote "Not more than 100 percent" should read "Not more than 100."

[7 CFR, Parts 723, 727]

CIGAR-FILLER AND CIGAR-BINDER TOBACCO, AND CIGAR-FILLER TOBACCO AND MARYLAND TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO ESTABLISHMENT OF TOBACCO FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR THE 1951–52 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313), the Secretary of Agriculture is preparing to formulate regulations governing the establishment of farm acreage allotments and normal yields for the 1951 crops of Maryland tobacco, cigar-filler and cigar-binder tobacco, and cigar-filler tobacco if marketing quotas are in effect during the 1951–52 marketing year for any or all of such kinds of tobacco.

The applicability of the regulations to be issued for any such kind of tobacco will be contingent upon the proclamation of a national marketing quota for such kind of tobacco pursuant to section 312 of the act (7 U. S. C. 1312), and upon approval of quotas by growers voting in a referendum. Subsection (a) of section 312 of the act requires the Secretary to proclaim a national marketing quota for any kind of tobacco whenever he finds that the total supply of such kind of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor. Section 312 (b) of the act requires the Secretary, within 30 days after the issuance of the proclamation specified in section 312 (a), to conduct a referendum of farmers who were engaged in production of the crop of such kind of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the Secretary is required to proclaim (prior to the 1st day of January) the result of the referendum and such quota shall not be effective thereafter.

Subsections (b) and (g) of section 313 of the act (7 U. S. C. 1313) provide that the Secretary shall provide, through the local committees, for the allocation of the State tobacco acreage allotment among the farms on which such kind of tobacco is produced, on the basis of the following: past acreage of tobacco, making due allowance for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco, except that for farms on which no tobacco was produced for market during the five years 1946–50 or a farm operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced, the farm-acreage allotment shall be increased by the smaller of (1) 20 per centum of such allotment or (2) the percentage by which the result obtained by multiplying the normal yield by the acreage allotment (as determined through the local committees in accordance with regulations prescribed by the Secretary) is less than two thousand four hundred pounds.

Subsections (c) and (g) of section 313 of the act provide that the Secretary shall provide, through local committees, for the allotment of not in excess of 5 per centum of the national marketing quota (1) to farms in any State whether it has a State quota or not on which for the first time in five years tobacco is produced to be marketed in the year for which the quota is effective, and (2) for further increase of allotments to small farms pursuant to the proviso in section 313 (b) on the basis of the following: the past tobacco experience of the farm operator; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco. Provision is made that farm marketing quotas established pursuant to section 313 (c) of the act for farms on which tobacco will be produced for the first time in five years may not exceed 75 per centum of the farm marketing quotas established pursuant to section 313 (b) for farms which are similar with respect to the following: Land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 26th day of September 1950.

[SEAL] RALPH S. TRIGG, *Administrator.*

[F. A. Doc. 50–8577; Filed, Sept. 29, 1950; 8:49 a. m.]

[7 CFR, Part 907]

HANDLING OF MILK IN MILWAUKEE, WIS., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Milwaukee, Wisconsin, February 6–13, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 246, Doc. 50–468).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on June 13, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on June 16, 1950 (15 F. R. 3829). The closing date for filing exceptions was originally set as June 28, 1950. However, the period reserved for this purpose was extended to July 5, 1950 (15 F. R. 4230) and further extended to July 20, 1950 (15 F. R. 4343).

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 50–5167, 15 F. R. 3829) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein subject to the following revisions:

1. Delete the third paragraph beginning in column 3, 15 F. R. 3830 (F. R. Doc. 50–5167) and substitute therefor the following:

"(b) Four classes of milk should be established."

2. Delete the last paragraph beginning in column 3, 15 F. R. 3830 (F. R. Doc. 50–5167) and substitute therefor the following:

Class III milk would include all milk the butterfat from which is contained in (i) a product not specified in Class I milk, Class II milk, or Class IV milk, including (but not limited to) ice cream, ice cream mix, evaporated milk, condensed milk, nonfat dry milk solids, whole milk powder, eggnog, topping, casein, yogurt, and aerated cream products disposed of with flavor or sweetening added in containers or dispensers under pressure, and (ii) bulk fluid milk, fluid skim milk, or fluid cream disposed of to bakeries, soup companies, candy manufacturers or other food processors in their capacity as such.

Class IV milk would include all milk the butterfat from which is (i) contained in butter, cheese (except cottage cheese) and livestock feed, (ii) contained in monthly inventory variations, and (iii) actual shrinkage, but not to exceed 2½ percent of the total pounds of butterfat in producer milk and actual shrinkage of other source milk: *Provided*, That such shrinkage shall be allowed in this class only if records of total utilization satisfactory to the market administrator are available.

3. Delete in their entirety the second and third paragraphs beginning in column 1, 15 F. R. 3831 (F. R. Doc. 50–5167) and substitute therefor the following:

Class III milk and Class IV milk include those products which do not appear to be under restriction in any part of the marketing area as to the quality of milk used in their manufacture. Such products ordinarily are sold, sometimes outside the market, in competition with products made from manufacturing milk. It was originally proposed that one classification be established for all such products. However, at least one handler relies on the manufacture of cheese as his major outlet for seasonal surpluses of milk and since milk for evaporated milk or ice cream, the principal Class III uses, sometimes varies in value considerably from milk for butter and cheese, it is concluded that a separate class (Class IV) be established to cover the latter products.

Shrinkage, milk for livestock feed, and inventory variations are covered also in Class IV under the revised plan in order to associate the lowest class price with these items. The shrinkage allowance would be limited to 2½ percent of the butterfat in producer milk received and to shrinkage of butterfat in other source milk. Any shrinkage over this amount would be classified as Class I milk. The maximum limit for the amount of shrinkage to be allowed in Class IV milk, as proposed by producers, is in line with allowances for comparable classification in other markets under regulation.

4. Insert a period following the word "Chicago" in line 8 of the third paragraph beginning in column 1, 15 F. R. 3832 (F. R. Doc. 50–5167).

5. Delete the fourth paragraph beginning in column 1, 15 F. R. 3832 (F. R. Doc. 50–5167) and substitute therefor the following:

It is concluded that the prices for Class III milk should be determined by averaging, for each month, the prices to dairy farmers at three local condensaries, except that in the event prices cannot be ascertained at one or more of these plants the prices paid by two other local condensaries should be included in arriving at the average. It was originally proposed that prices at four local condensaries should be averaged for this purpose (with alternates to be used in the absence of more than one of such prices) but official notice is taken that one of the four plants originally named has ceased operations since the date of the hearing, and therefore the remaining three plants are specified in the attached order. This method of pricing Class III milk was proposed by the producers and supported by certain of the handlers. Proponents pointed out that Milwaukee handlers have very limited manufacturing facilities and that milk received in excess of fluid market needs is disposed of mostly to nearby condensaries. Further testimony indicated that prices paid dairy farmers by such plants for milk for manufacturing purposes closely reflect local values of manufacturing milk. The evidence offered by the Milwaukee handlers supports these views.

Butter and cheese should be priced separately as Class IV milk. The value of milk for these purposes sometimes varies appreciably from the value of milk for evaporated milk or ice cream, which are the principal uses in Class III. The Class IV price formula employed is similar to that in use under the Chicago and Suburban Chicago orders. The price formulas for Class III and Class IV milk adopted should facilitate the disposition of seasonal surpluses.

6. Delete the last paragraph beginning in column 1, 15 F. R. 3832 and the first paragraph in column 2, 15 F. R. 3832 (F. R. Doc. 50–5167) and substitute therefor the following:

The hearing notice contained a proposal that the butterfat differential to producers be established at an amount equivalent to one-tenth the average wholesale price per pound of 92-score butter in the Chicago market. At the hearing the producer proponents suggested a differential of 5 cents for each point (one-tenth of 1 percent) of butterfat variance from 3.5 percent. In their exceptions, however, proponents indicated a preference for a butterfat differential of 6 cents per point. Another proposal made at the hearing would establish the butterfat differential at one-tenth the price of 92-score butter plus 20 percent which is the same as the formula used in the Chicago market.

It is concluded that the butterfat differential for producer milk testing other than 3.5 percent should be established as one-tenth the price of 92-score butter at Chicago plus 20 percent. It is recognized that such a differential will be higher than that employed in the past under bargaining arrangements. However, as stated previously, the record indicates that in the main milk in excess of the needs of the market for fluid milk, fluid milk by-products and fluid cream is utilized in cottage cheese or ice cream for sale within the marketing area or is disposed of to manufacturing plants for utilization in evaporated milk or cheese. The proposal of the producer proponents would price butterfat represented by tests higher than 3.5 percent at less than its market value even for manufacture into butter, customarily the lowest-valued outlet for butterfat. Adoption of the proponents proposal would place butterfat over 3.5 percent on a slightly lower value scale than does the formula adopted for determining the Class IV price for 3.5 percent milk. The major outlets for such butterfat indicate the propriety of a somewhat higher return to producers than would be realized from the manufacture of butter.

7. Delete in their entirety the second and third paragraphs beginning in column 3, 15 F. R. 3832 (F. R. Doc. 50–5167) and substitute therefor the following:

It is concluded that, except for certain details, a plan similar to that of the proponents should be adopted. Under such arrangement a producer who ships not less than 75 days during the short production months of September through December will receive a base computed by increasing, in the first year, his daily average deliveries in the September–December period by 40 percent. Reductions in such percentage will be made in subsequent years as specified. Other producers will receive bases computed by applying to their respective deliveries during each of the flush production months the percentage that total base milk is to total deliveries for all producers (shipping to such handler in such month) whose bases were established on September–December deliveries.

It appears that at the outset such plan will have impact only on those producers with unusually wide seasonal variations in production in relation to the market average. The total volume of milk in excess of base deliveries probably will be relatively small until the amount added to September–December deliveries is reduced below 40 percent of such deliveries. An assignment of high bases in relation to the amount of milk used for fluid milk and cream purposes tends, of course, to reduce the base price and the incentive to alter production plans on the farm to adjust production to the more even pattern of fluid milk and cream use. On the other hand, a base plan has not been in operation in the past with respect to all producers supplying the marketing area and, therefore, a gradual approach to the ultimate goal is adopted.

To carry out the provisions of the plan adopted, it is necessary to provide that each handler report his receipts of milk from each producer, and such other information as may be necessary for the market administrator to compute the

base of each producer, beginning with September 1, 1950.

Rulings on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the proposed order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the proposed order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of May 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order regulating the handling of milk in the Milwaukee, Wisconsin, marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," and "Order Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 27th day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area

Sec.
907.0 Findings and determinations.

DEFINITIONS

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907.5 United States Department of Agriculture.
907.6 Milwaukee, Wisconsin, marketing area.
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907.8 Fluid milk plant.
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907.111 Separability of provisions.

AUTHORITY: §§ 907.0 to 907.111 issued under 48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 5 U. S. C. 133y–16.

§ 907.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held February 6–13, 1950, at Milwaukee, Wisconsin, upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that;

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products, handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products.

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 3 cents per hundredweight or such amount not exceeding 3 cents per hundredweight as the Secretary may prescribe, with respect to all (a) producer milk (including such handler's own production) received during the month and (b) other source milk classified as Class I milk or Class II milk during the month.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the following terms and conditions:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

DEFINITIONS

§ 907.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 907.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 907.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 907.4 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 907.10 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales or marketing milk or its products for its members.

§ 907.5 *U. S. D. A.* "U. S. D. A. "means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this order.

§ 907.6 *Milwaukee, Wisconsin, marketing area.* "Milwaukee, Wisconsin, marketing area," hereinafter called the "marketing area" means the territory (including all municipal corporations) lying within the county of Milwaukee; the towns of Brookfield, New Berlin, Muskego and Menomonee, and the villages of Menomonee Falls, Lannon, and Butler in the county of Waukesha; the towns of Mequon, Cedarburg and Grafton, the city of Cedarburg, and the villages of Grafton and Thiensville in the County of Ozaukee; and the towns of Germantown and Jackson and the villages of Germantown and Jackson in the county of Washington; all in the State of Wisconsin.

§ 907.7 *Route.* "Route" means any delivery (including a sale from a plant store) of milk, skim milk, buttermilk, flavored milk or flavored milk drink in fluid form to a wholesale or retail stop(s), including a State or municipal institution, other than to any milk processing or distributing plant.

§ 907.8 *Fluid milk plant.* "Fluid milk plant" means any milk plant from which a route is operated in the marketing area.

§ 907.9 *Receiving station.* "Receiving station" means any milk plant operated by a person who also operates a fluid milk plant and utilized principally to receive milk from dairy farms and prepare such milk for transfer to a fluid milk plant.

§ 907.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received directly from the farm where produced at either a fluid milk plant or receiving station: *Provided*, That this definition shall not include (a) any such person whose milk is not eligible for disposition as Class I milk by the purchasing handler under the health requirements applicable to the dairy farm supply of milk for any community in the marketing area in which such handler operates a route, or (b) any such person with respect to milk except under the conditions of §§ 907.90 and 907.91. This definition shall include any person who is regularly classified as a producer but whose milk is caused to be diverted to a nonfluid milk plant by a handler, and milk so diverted shall be deemed to have been received by the handler at the fluid milk plant or receiving station from which it was diverted.

§ 907.11 *Producer milk.* "Producer milk" means milk produced by one or more producers.

§ 907.12 *Handler.* "Handler" means any person, including any cooperative association, in his capacity as the operator of a fluid milk plant or receiving station.

§ 907.13 *Producer-handler.* "Producer-handler" means any individual who produces milk and operates a fluid milk plant, but who receives no milk from other producers.

§ 907.14 *Other source milk.* "Other source milk" means all milk and milk products other than producer milk or receipts from other handlers.

§ 907.15 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk processing or distributing plant not a fluid milk plant or receiving station.

§ 907.16 *Base.* "Base" means a quantity of milk, expressed in pounds per day, computed pursuant to § 907.60.

§ 907.17 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April, May, June, or July which is not in excess of such producer's base multiplied by the number of days of delivery during such month.

§ 907.18 *Excess milk.* "Excess milk" means producer milk received by a handler in any of the months of April, May, June, or July in excess of base milk received from such producer during such month.

MARKET ADMINISTRATOR

§ 907.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the secretary, who shall be entitled to such compensation as may be determined and shall be subject to removal at the discretion of the secretary.

§ 907.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 907.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date upon which he enters upon such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of the order;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 907.82 the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 907.83) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for by this order, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments by each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, and by such investigation as the market administrator deems necessary.

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 907.30 and 907.31, or (2) payments pursuant to § 907.60.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk and Class II milk, computed pursuant to § 907.51, for such month;

(2) On or before the 5th day of each month the minimum prices for Class III milk and Class IV milk computed pursuant to § 907.51, and the butterfat differential computed pursuant to § 907.81, for the preceding month; and

(3) On or before the 12th day of each month the uniform prices computed pursuant to §§ 907.71 and 907.72 for the preceding month.

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 907.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the receipts and utilization at his fluid milk plant(s) and receiving station(s) for such month, as follows:

(a) The quantities and butterfat content of producer milk received (including such handler's own farm production);

(b) The aggregate quantities of base milk and excess milk;

(c) The quantities of milk and milk products, with the butterfat content thereof, received from other handlers;

(d) The quantities of other source milk, with butterfat content thereof, received (except Class III milk and Class IV milk products disposed of in the form in which received without further processing by the handler);

(e) The utilization of all receipts of milk and milk products; and

(f) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

§ 907.31 *Payroll reports.* On or before the 19th day of each month each handler shall submit to the market administrator his producer payroll for the preceding month which shall show (a) the total pounds of milk received from each producer, including for the months of April through July such producer's deliveries of base milk and excess milk, (b) the number of days on which milk was received from each producer, (c) the total pounds of milk received from each cooperative association and the total pounds of butterfat contained in such milk, (d) the amount of payment to each producer or cooperative association, (e) the nature and amount of any deductions or charges involved in such payments, and (f) such other information with respect thereto as the market administrator may request.

§ 907.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) As requested by the market administrator, each handler shall report the information described in paragraphs (a) and (b) of § 907.31 together with such other information as the market administrator may prescribe for prior calendar months included in the period beginning with September 1950 to the effective date of this order.

§ 907.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative, during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify, or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk, milk and milk products from other handlers, and other source milk;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) Payments to producers or to cooperative associations, and

(d) The pounds of milk and milk products, with butterfat content, on hand at the beginning and end of each month.

§ 907.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 907.40 *Basis of classification.* All milk and milk products received within the month by a handler which are required to be reported pursuant to § 907.30 shall be classified by the market administrator pursuant to the provisions of § 907.41 through § 907.47.

§ 907.41 *Classes of utilization.* Subject to the conditions of § 907.44 through § 907.47 the classes of utilization shall be as follows:

(a) Class I milk shall be (1) all milk disposed of in fluid form as milk, skim milk, buttermilk, flavored milk or flavored milk drink, except any such item disposed of in bulk to bakeries, soup companies, candy manufacturing establishments or other food processors in their capacity as such, and (2) all milk not accounted for as Class II milk or Class III milk.

(b) Class II milk shall be all milk the butterfat from which is contained in sweet or sour cream, any cream product in fluid form having more than 6 percent butterfat, and cottage cheese, except butterfat in cream or such cream products disposed of in bulk fluid form to bakeries, soup companies, candy manufacturing establishments or other food processors in their capacity as such.

(c) Class III milk shall be all milk the butterfat from which is contained in (1) a product not specified as Class I milk, Class II milk, or Class IV milk, including (but not limited to) ice cream, ice cream mix, evaporated milk, condensed milk, nonfat dry milk solids, whole milk powder, eggnog, topping, casein, yogurt, and aerated cream products disposed of with flavor or sweetening added in containers or dispensers under pressure, and (2) bulk fluid milk, bulk fluid skim milk or bulk fluid cream disposed of to bakeries, soup companies, candy manufacturers or other food processors in their capacity as such.

(d) Class IV milk shall be all milk the butterfat from which is (1) contained in butter, cheese (except cottage cheese), and livestock feed, (2) contained in monthly inventory variations, and (3) actual shrinkage but not to exceed 2½ percent of the total pounds of butterfat in producer milk and actual shrinkage of butterfat in other source milk: *Provided,* That such shrinkage shall be allowed in this class only if records of total utilization satisfactory to the market administrator are available.

§ 907.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's total receipts as follows:

(a) Compute the total shrinkage of butterfat for such handler;

(b) Prorate the resulting amount among the receipts of butterfat in producer milk, other source milk, and receipts from other handlers in accordance with the total volumes of butterfat received from each such source.

§ 907.43 *Responsibility of handlers.* In establishing classification the responsibility of handlers shall be as follows: Any producer milk shall be classified as Class I milk unless the handler who received such milk directly from producers proves to the satisfaction of the market administrator that such milk should be classified in another class without regard to whether such milk has been used or disposed of (whether in original or other form) by such handler, by any other handler(s), or in any nonfluid milk plant.

§ 907.44 *Correction of classification and reclassification of milk.* (a) The classification of any milk or milk product shall be corrected by the market administrator if upon his audit it is found that such classification was reported incorrectly or incompletely by the handler.

(b) Any milk or milk product reported by a handler as having been used or disposed of in any class which is found by the market administrator to have been reused or redisposed of (whether in original or other form) in a different class by such handler, by any other handler(s) or in any nonfluid milk plant(s) shall be reclassified by the market administrator in accordance with such latter use or disposition.

§ 907.45 *Disposition to other milk plants.* (a) Any milk or skim milk in fluid form disposed of in bulk from a fluid milk plant or receiving station to any such plant of another handler, except a producer-handler, shall be classified as Class I milk, and any cream so disposed of shall be classified as Class II milk, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred, in which case such milk, skim milk or cream shall be classified according to such mutual agreement: *Provided,* That in no event shall the quantity so reported in any class exceed the total use in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 907.47.

(b) Any milk or skim milk in fluid form disposed of from a fluid milk plant or receiving station to any nonfluid milk plant shall be classified as Class I milk, and any cream so disposed of shall be classified as Class II milk, unless all of the following conditions are met:

(1) The transferee-plant is located within 100 air-line miles from the City Hall in Milwaukee, Wisconsin;

(2) The transferring handler claims another class on the basis of a utilization mutually indicated in writing to the market administrator by both the handler and the operator of the nonfluid milk plant on or before the 7th day after the end of the month within which such transaction occurred;

(3) The operator of the nonfluid milk plant maintains books and records showing the utilization of milk and milk products received at such plant, which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of milk or milk products actually were utilized during the month in such plant in the use indicated in such statement, in which case the quantity so disposed of shall be classified according to such mutual agreement: *Provided,* That if upon the inspection of the records of such plant it is found that an equivalent amount of milk or milk products actually were not used during the month in such indicated use the remaining pounds shall be classified as Class I milk if milk or skim milk or as Class II milk if cream.

(c) Any milk or skim milk in fluid form disposed of in bulk from a fluid milk plant or receiving station to a fluid milk plant of a producer-handler shall be classified as Class I milk and cream so disposed of shall be Class II milk.

§ 907.46 *Computation of volume of milk in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the total pounds of milk received and the pounds of milk in each class, for such handler for such month, as follows:

(a) Determine the total pounds of milk and milk products received from producers (including his own farm production), from other handlers, and as other source milk, and add together the resulting amounts.

(b) Determine the total pounds of butterfat received as follows: multiply by its average butterfat test the weight of milk received from producers (including his own farm production), from other handlers, and as other source milk, and add together the resulting amounts.

(c) Determine the total pounds of Class I milk, as follows:

(1) Convert to pounds on the basis of 2.15 pounds per quart (in the case of flavored milk and flavored milk drinks 2.0 pounds per quart) the volume disposed of as each of the several items of Class I milk;

(2) Multiply each of the resulting amounts by its average butterfat test (in the case of flavored milk and flavored milk drinks the test to be used shall be the average fat (including chocolate or other fat) test of the finished product if the handler's production records do not show the amount of butterfat contained therein), and add together the results so obtained;

(3) If the total pounds of butterfat so computed when added to the sum of the pounds of butterfat computed pursuant to paragraphs (d) (2), (e) (2), and (f) (7) of this section are less than the total pounds of butterfat computed pursuant to paragraph (b) of this section, divide the difference by 0.035; and

(4) Add togethed the results obtained pursuant to subparagraphs (1) and (3) of this paragraph.

(d) Determine the total pounds of Class II milk as follows:

(1) Multiply the actual weight of each of the several items of Class II milk by its average butterfat test;

(2) Add together the resulting amounts, and

(3) Divide the result obtained in subparagraph (2) of this paragraph by 0.035.

(e) Determine the total pounds of Class III milk as follows:

(1) Multiply the actual weight of each of the items of Class III milk by its average butterfat test;

(2) Add together the resulting amounts; and

(3) Divide the result obtained in subparagraph (2) of this paragraph by 0.035.

(f) Determine the total pounds of Class IV milk as follows:

(1) Multiply the actual weight of each of the several items of Class IV milk by its average butterfat test;

(2) Determine the difference in pounds of butterfat contained in inventories at the beginning and end of the month;

(3) Add the pounds of butterfat contained in subparagraphs (1) and (2) of this paragraph;

(4) Add the total pounds of butterfat computed pursuant to paragraphs (c) (2), (d) (2) and (e) (2) of this section to the total pounds of butterfat computed pursuant to subparagraph (3) of this paragraph;

(5) Subtract the total pounds of butterfat computed pursuant to subparagraph (4) of this paragraph from the total pounds of butterfat computed pursuant to paragraph (b) of this section, and the difference is the pounds of butterfat in actual shrinkage: *Provided,* That if such difference is a minus quantity, the amount of butterfat shrinkage shall be zero for purposes of all computations required by this section.

(6) Determine the maximum number of pounds of butterfat shrinkage in Class IV milk by (i) multiplying by 0.025 the total pounds of butterfat in milk received from producers, and (ii) adding the prorata amount of butterfat shrinkage of other source milk computed pursuant to § 907.42: *Provided,* That the pounds determined pursuant to this subparagraph shall be zero if records of utilization satisfactory to the market administrator are not available.

(7) Add the pounds of butterfat obtained in subparagraph (3) of this paragraph to the smaller of the amounts determined pursuant to subparagraph (5) or (6) of this paragraph; and

(8) Divide the pounds of butterfat obtained in subparagraph (7) of this paragraph by 0.035.

(g) Determine the pounds of butterfat overrun as follows: In the event the pounds of butterfat computed pursuant to paragraph (f) (4) of this section are greater than the pounds of butterfat computed pursuant to paragraph (b) of this section, subtract the smaller amount from the larger amount, and divide the result by .035.

§ 907.47 *Allocation of milk classified.* The pounds remaining in each class after making the following computations shall be the amount in such class allocated to producer milk:

(a) Subtract from the pounds of Class IV milk the pounds of shrinkage allowed in such class pursuant to § 907.46 (f) (6) (ii);

(b) Subtract in series beginning with the remaining Class IV milk (other than inventory variation and shrinkage), the pounds of 3.5 percent milk equivalent of other source milk received other than the amount represented by butterfat shrinkage of other source milk; and

(c) Subtract from the pounds of milk remaining in each class (other than shrinkage in Class IV milk) the pounds of milk (in Class II milk, Class III milk and Class IV milk the 3.5 percent milk equivalent of butterfat) received from other handlers and assigned to such class; and

(d) In the event the total pounds of milk remaining in the several classes are greater, or less, than the pounds of milk received from producers (including the handler's own farm production) plus the 3.5 percent milk equivalent of butterfat overrun, reconciliation shall be effected by respectively deducting such differences from, or adding such differences to, the pounds of milk which are priced at the lowest announced class price for the month.

MINIMUM PRICES

§ 907.50 *Basic formula price to be used in determining Class I and Class II milk prices.* The basic formula price to be used in determining the prices per hundredweight of Class I milk and Class II milk for each month shall be the highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section for the preceding month.

(a) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from

farmers during the month at the following plants or places for which prices have been reported to the U. S. D. A. or to the market administrator.

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., West Bend, Wis.
White House Milk Co., Manitowoc, Wis.

(b) The price per hundredweight computed from the following formula:

(1) Multiply the simple average, as computed by the market administrator, of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A. during the month, by 6;

(2) Add 2.4 times the simple average, as published by the U. S. D. A. of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 3.5.

(c) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A. during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A.; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 907.51 *Class prices.* Each handler, at the time and in the manner set forth in § 907.80, shall pay per hundredweight of milk received during each month from producers or from a cooperative association at his fluid milk plant(s) or receiving station(s) not less than the prices set forth below in this section:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amount as indicated: May and June, $0.46; August, September, October and November, $0.86; all others, $0.66.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amount as indicated: May and June, $0.30; August, September, October and November, $0.50; all others, $0.40.

(c) *Class III milk.* The price for Class III milk shall be the average of the prices per hundredweight reported to have been paid, or to be paid, for the current month to farmers for milk containing 3.5 percent butterfat received during such month at the following listed manufacturing plants or places for which prices are reported to the U. S. D. A. or to the market administrator:

Companies and Location

Kraft Foods, Inc., Hartford, Wis.
Carnation Co., Oconomowoc, Wis.
White House Milk Co., West Bend, Wis.

Provided, That if the price paid, or to be paid, at one or more of such plants is not so reported, the market administrator shall include in the computation of such average the prices per hundredweight reported to have been paid, or to be paid, for the current month for milk containing 3.5 percent butterfat received during such month at the following listed manufacturing plants for which prices are reported to the U. S. D. A. or to the market administrator:

Companies and Location

Armour & Co., Stoughton, Wis.
United Milk Products Co., Johnson Creek, Wis.

Provided, That in no event shall the price for Class III milk be lower than the price for Class IV milk.

(d) *Class IV milk.* The price for Class IV milk shall be the same as that computed pursuant to § 907.50 (c).

DETERMINATION OF BASE

§ 907.60 *Computation of base for each producer.* For each of the months of April through July of each year the market administrator shall compute a base for each producer as follows, subject to the rules set forth in § 907.61:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding by the number of days, not to be less than seventy-five, of such producer's delivery in such period, and increase the resulting amount by the following applicable percentage: (1) For the first April through July following the effective date of the order, forty percent (40%), (2) for the second April through July following the effective date of the order, thirty percent (30%), and (3) for each April through July thereafter, twenty percent (20%): *Provided*, That each producer who does not deliver milk in accordance with the requirements set forth above in this paragraph shall have a base computed in the following manner: For each of such months of April through July (1) determine with respect to the handler who received such producer's milk on the last day of such month the percentage that total base milk is to total monthly receipts from all producers (of such handler) whose bases were established on the basis of deliveries during the preceding months of September through December, and (2) multiply such producer's daily average deliveries during the appropriate month (April, May, June or July) by such percentage.

§ 907.61 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship to the base of each landlord and tenant shall be combined.

(b) A landlord who rents on a share basis shall be entitled to the entire base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the base shall be a combined base to the divided proportionately between the joint owners according to ownership of the cattle when such share basis is terminated: *Provided*, That upon termination of such share basis either party may relinquish his individual base and establish a new base in accordance with the method set forth in the proviso of § 907.60.

(c) A base may be transferred to another producer only under the following conditions: (1) In case of the death of a producer, his base may be transferred to a surviving member or members of his immediate family who carry on the dairy operations, or (2) on the retirement of a producer, his base may be transferred to a member or members of his immediate family who carry on the dairy operations.

(d) The bases of two or more producers may be combined in the case where a partnership is formed, and may be divided in the case of the dissolution of a partnership proportionately among the partners according to the ownership of the cattle.

(e) In the case of a tenant or landlord having no base who combines herds with a tenant or landlord having a base, such base may be relinquished and a new base formed with respect to the total deliveries of the combined herds in accordance with the method set forth in the proviso of § 907.60.

(f) As soon as bases are allotted to producers pursuant to § 907.60, the market administrator shall notify each handler of the bases of producers from whom such handler receives milk.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 907.70 *Computation of milk value for each handler.* On or before the 12th day of each month, the market administrator shall examine for mathematical correctness and obvious errors the report of receipts and utilization submitted by each handler for the preceding month and shall make such corrections as such examination shall indicate to be appropriate, and from such corrected reports he shall compute the value of all producer milk received by such handler (including such handler's own farm production), by multiplying the total hundredweight of such milk in each class by the applicable class price and adding together the resulting amounts.

§ 907.71 *Computation of uniform price for each handler.* The market administrator shall compute for each handler the uniform price per hundredweight of producer milk for each of the months of August through March in the following manner: To the value computed pursuant to § 907.70:

(a) Add or deduct, as the case may be, the amount of money involved in adjustments resulting from verification by the market administrator of the handler's reports for previous months;

(b) Add or deduct, as the case may be, the amount of money involved in adjusting the handler's preceding month's uniform prices to the nearest cent;

(c) Divide by the hundredweight of producer milk received by such handler and adjust to the nearest cent. This result shall be known as the uniform price of such handler for milk of 3.5 percent butterfat content received at his fluid milk plant(s) or receiving station(s).

§ 907.72 *Computation of uniform prices for base milk and excess milk.* The market administrator shall compute for each handler the uniform prices per hundredweight of base milk and excess milk for each of the months of April through July as follows: To the value computed pursuant to § 907.70:

(a) Add or deduct, as the case may be, the amount of money involved in adjustments resulting from verification by the market administrator of the handler's reports for previous months;

(b) Add or deduct, as the case may be, the amount of money involved in adjusting the handler's preceding month's uniform prices to the nearest cent;

(c) Compute the total value of excess milk received by such handler by multiplying the hundredweight of such excess milk by the Class IV price for 3.5 percent milk, and adding any amount resulting from the proviso of paragraph (d) of this section;

(d) Compute the total value of base milk received by such handler by subtracting the amount computed pursuant to paragraph (c) of this section from the amount computed pursuant to paragraph (b) of this section: *Provided*, That if such resulting amount is greater than an amount computed by multiplying the pounds of base milk received by such handler by the Class I price (3.5 percent milk) such value in excess thereof shall be included in the total value of excess milk computed in paragraph (c) of this section;

(e) Divide the result obtained in paragraph (d) of this section by the hundredweight of base milk received by such handler, and adjust to the nearest cent. This result shall be known as the uniform price per hundredweight of such handler for base milk of 3.5 percent butterfat content received at his fluid milk plant(s) or receiving station(s).

(f) Divide the result obtained in paragraph (c) of this section by the hundredweight of excess milk, and adjust to the nearest cent. This result shall be known as the uniform price per hundredweight of such handler for excess milk of 3.5 percent butterfat content received at his fluid milk plant(s) or receiving station(s).

PAYMENTS

§ 907.80 *Time and method of payment for producer milk.* (a) On or before the 15th day after the end of each of the months of August through March, each handler shall make payment to each producer for milk received from such producer during such month at not less than the uniform price per hundredweight computed for such handler (§ 907.71), subject to the butterfat differential provided by § 907.81 and to the deduction specified in § 907.83: *Provided*, That if a cooperative association of which such producer is a member is authorized to receive payment for such producer and requests receipt of such payment, payment shall be made to such cooperative association on or before the 13th day after the end of such month: *And provided also*, That the provisions of this paragraph shall not be construed to restrict any cooperative association qualified under section 8c (5) (f) of the act from making payment for milk to its producers in accordance with such provision of the act;

(b) On or before the 15th day after the end of each of the months of April through July each handler shall make payment to each producer for milk received from such producer during such month as follows, subject to the butterfat differential provided by § 907.81, the deduction specified in § 907.83, and both provisos of paragraph (a) of this section:

(1) At not less than the uniform price per hundredweight for base milk (§ 907.72) with respect to base milk received from such producer; and

(2) At not less than the uniform price per hundredweight for excess milk (§ 907.72) with respect to excess milk received from such producer.

(c) On or before the 15th day after the end of each month each handler shall pay to each cooperative association which is a handler, for receipts of milk or milk products subject to classification pursuant to §§ 907.40 and 907.41, an amount of money representing not less than the total value of such milk or milk products computed by multiplying the pounds in each class by the applicable class price per hundredweight subject to a butterfat differential computed as in § 907.81.

§ 907.81 *Butterfat differential to producers.* In making payments pursuant to § 907.80, there shall be added to or subtracted from the applicable price for each one-tenth of one percent that the average of butterfat content of milk received from any producer is above or below 3.5 percent, as the case may be, an amount computed as follows: To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A. for the month during which the milk was received, add 20 percent, divide the result by 10, and adjust to the nearest one-tenth cent.

§ 907.82 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 907.22, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, 3 cents per hundredweight, or such amount not exceeding 3 cents per hundredweight, as the Secretary from time to time may prescribe, with respect to all (a) producer milk (including such handler's own production) received during such month, and (b) other source milk classified as Class I milk or Class II milk during such month.

§ 907.83 *Marketing Services.* (a) Except as set forth in paragraph (b) of this section, each handler shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary from time to time may prescribe, from the payments made pursuant to paragraphs (a) and (b) of § 907.80 for each month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such monies shall be used by the market administrator to check weights, samples and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the market administrator, the services set forth in paragraph (a) of this section, but for whom such cooperative association does not receive payment for milk, each handler shall make in lieu of the deduction specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of such month pay over such deduction to the cooperative association rendering such services.

§ 907.84 *Adjustment of accounts.* (a) Whenever audit by the market administrator of any handler's reports, records, books, or accounts discloses errors resulting in monies due:

(1) The market administrator from such handler,

(2) Such handler from the market administrator, or

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment

set forth in the provision under which such error occurred following the 5th day after such notice.

(b) Any unpaid obligation of a handler pursuant to §§ 907.80 through 907.84 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 907.85 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Services of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 907.90 *Producer-handlers.* Sections 907.40 to 907.47, 907.50 to 907.51, 907.60 to 907.61, 907.70 to 907.72, and 907.80 to 907.85, inclusive, shall not apply to a producer-handler.

§ 907.91 *Milk subject to pricing under other Federal orders.* (a) If any milk is disposed of on a route in a marketing area operated by or for a person otherwise subject to regulation as a handler as defined in any other Federal milk marketing agreement or order issued pursuant to the act, such milk shall be exempt from the provisions of this order, except for such reports as the market administrator may request, unless

(1) The provisions of the order for the other milk marketing area provide for a determination as to the order under which such milk should be priced, and such determination indicates that it shall be priced under this order; or

(2) The other order is that regulating the handling of milk in the suburban Chicago, Illinois, marketing area and the Secretary determines that a greater volume of milk is disposed of by such handler as Class I milk and Class II milk in the marketing area herein defined than is so disposed of in the marketing area defined in such other order.

(b) If any milk, or product thereof, is received at the fluid milk plant or receiving station of a handler subject to the provisions of this order from a person regulated as a handler under another order, it shall be considered as other source milk under this order.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 907.100 *Effective time.* The provisions of this order or any amendments to this order shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 907.101 *Suspension or termination.* The Secretary may suspend or terminate this order or any of its provisions whenever he finds that this order or any of its provisions obstruct or do not tend to effectuate the declared policy of the act. This order shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 907.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 907.103 *Liquidation.* Upon the suspension or termination of the provisions of this order, except this subpart, the market administrator, or such other liquidating agent, as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 907.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 907.111 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 50-8615; Filed, Sept. 29, 1950; 8:56 a. m.]

[7 CFR, Part 907]

HANDLING OF MILK IN THE MILWAUKEE, WISCONSIN, MARKETING AREA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION THAT THE MONTH OF MAY 1950 IS A REPRESENTATIVE PERIOD; AND DESIGNATION OF AN AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Milwaukee, Wisconsin, marketing area) who, during the month of May 1950, were engaged in the production of milk for sale in the marketing area specified in the aforesaid proposed order to determine whether such producers favor the issuance of the proposed order filed simultaneously herewith.

The month of May 1950 is hereby determined to be the representative period for the conduct of such referendum.

Jesse L. Cook is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for conducting referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER (15 F. R. 5177) on August 10, 1950, such referendum to be completed

on or before the 20th day from the date this order is issued.

Done at Washington, D. C., this 27th day of September 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 50-8614; Filed, Sept. 29, 1950; 8:56 a. m.]

[7 CFR, Part 994]

HANDLING OF PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO GRADE AND SIZE REGULATIONS

Notice is hereby given that the Department is considering the issuance of the proposals herein set forth in accordance with the provisions of Marketing Agreement No. 111 and Order No. 94, regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR Part 994), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals should forward the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., in sufficient time to be received not later than the close of business on the third day after publication of this notice in the FEDERAL REGISTER.

The Pecan Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, at a duly called meeting in Albany, Georgia, on September 21, 1950, unanimously recommended that, under the authority contained in § 994.4 of said agreement and order, the initial grade and size regulation, as specified in § 994.4 (c), having become effective October 20, 1949 (14 F. R. 6167), be superseded by the grade and size regulation herein set forth. The recommendation is that, for purposes of said marketing agreement and order: the requirement of the U. S. Commercial grade that at least 65 percent of the pecans shall have kernels which meet the U. S. No. 1 grade specifications be raised to at least 75 percent; and the requirement in respect to the tolerance for kernels which are rancid, moldy, decayed, injured by worms, or so shriveled that they are virtually of no food value be reduced from 10 percent to 9 percent.

The committee believes that there are sufficient pecans available for in-shell shipment from the five-State area to satisfy consumer demand, taking into consideration the proposed restrictions. The forecast production of pecans in these States is 50,311,000 pounds, which is approximately equal to the 1949 production. The committee anticipates that raising the grade requirements for pecans which may be handled in-shell will improve their acceptability to the buying trade and to consumers and will tend to stimulate demand. Data and information available to the committee indicate that the quality of the 1950 crop is likely to average considerably better than that of the 1949 crop, and the committee believes that under the recommended higher grade requirements at least as large a percentage of the current pecan crop will be available for in-shell handling as was the case with the preceding crop. Pecans which fail to meet the proposed requirements will, of course, be available for shelling or marketing in local outlets.

The proposal is as follows:

(a) The initial grade and size regulation (Pecan Reg. 1; 14 F. R. 6167) shall be superseded at the effective time of the grade and size regulation set forth in this section.

(b) Beginning at 12:01 a. m., e. s. t., October 9, 1950, no person shall handle, except as provided in § 994.4 (e), any unshelled pecans:

(1) Unless they have a count per pound of less than 91 nuts, and the 10 smallest nuts in a representative 100-nut sample weigh at least 1.5 ounces; and

(2) In addition, meet the requirements of the U. S. Commercial grade as changed for the purpose of this regulation to read in the manner set forth in paragraph (b) (3) of this section.

(3) The pecans shall consist of unshelled pecans which are free from serious damage caused by stains or adhering hulls, split or broken shells, loose hulls or other foreign material, or other means. At least 75 percent, by count, of the pecans in any lot shall have kernels which meet the requirements of U. S. No. 1 grade, and the remainder shall have kernels which are fairly well cured, free from rancidity, molds, decay, and worm injury, and from serious damage caused by shriveling, discoloration, or other means. In order to allow for variations incident to proper grading, the following tolerances shall be permitted:

(i) For external defects (defects of the shell) not more than 10 percent, by count, of the pecans in any lot may be below the requirements of this grade; and

(ii) For internal defects (defects of the kernel) not more than 15 percent, by count, of the pecans in any lot may be below the requirements of this grade, but not more than three-fifths of this amount, or 9 percent, shall be allowed for kernels which are rancid, moldy, decayed, injured by worms, or so shriveled that they are virtually of no food value. No part of any tolerance shall be allowed to reduce for the lot, the 75 percent of kernels required to meet U. S. No. 1 grade.

(c) Terms used herein shall have the same meaning as when used in said marketing agreement and order, or, when applicable, as when used in the United States Standards for Unshelled Pecans (14 F. R. 2543, 2608; 7 CFR 51.342).

Issued at Washington, D. C., this 27th day of September, 1950.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 50-8612; Filed, Sept. 29, 1950; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 54653]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 26, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 2 W.,
Secs. 16 and 36.
T. 9 S., R. 3 W.,
Sec. 32.
T. 6 S., R. 4 W.,
Sec. 36, SW¼NE¼.
T. 7 S., R. 4 W.,
Sec. 32.
T. 3 S., R. 4 W.,
Sec. 2, S½, S½N½.
T. 9 S., R. 4 W.,
Sec. 32, S½, E½NE¼.
T. 7 S., R. 5 W.,
Sec. 2, lots 1, 2, 3 and 4, S½N½.
T. 9 S., R. 5 W.,
Sec. 2, lots 1, 2, 3 and 4, S½N½;
Sec. 16.
T. 9 S., R. 7 W.,
Sec. 2, lots 1, 2, 3 and 4, S½N½, S½;
T. 6 S., R. 8 W.,
Sec. 2, lot 3, SE¼NW¼;
Sec. 16.
T. 6 S., R. 10 W.,
Sec. 2.
T. 39 N., R. 16 W.,
Sec. 36, SW¼SW¼.
T. 22, N., R. 17 W.,
Sec. 2, lots 1, 2, 3 and 4, S½N½, SW¼
Sec. 32.
T. 19 N., R. 19 W.,
Sec. 36, S½.
T. 21 N., R. 19 W.,
Secs. 2, 16, 32 and 36.
T. 19 N., R. 20 W.,
Sec. 2, lots 1, 2, 3, 4, 5 and 6, N½S½.
T. 21 N., R. 20 W.,
Sec. 2, lots 5, 6, 7, 8, 9, 10, 11 and 12, S½.
T. 10 S., R. 7 E.,
Sec. 32, N½SW¼, SW¼SW¼, N½.

T. 5 S., R. 24 E.,
Sec. 2, lots 1, 2, 3 and 4, SE¼SE¼;
Sec. 36, SW¼, SW¼NW¼.
T. 9 S., R. 27 E.,
Sec. 3, E½SE¼.

The areas described aggregate 12,711 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

ROSCOE E. BELL,
Associate Director.

[F. R. Doc. 50–8554; Filed, Sept. 29, 1950; 8:45 a. m.]

[Misc. 9921]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 25, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 27 N., R. 18 E.,
Sec. 25, N½NE¼.

The area described aggregates 80 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Reno, Nevada.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50–8555; Filed, Sept. 29, 1950; 8:45 a. m.]

[1895014]

WISCONSIN

NOTICE OF FILING OF PLAT OF SURVEY

SEPTEMBER 25, 1950.

Notice is given that the plat of extension survey of the following described lands accepted January 26, 1949, which were erroneously omitted from the original survey and not shown on the plat approved January 27, 1865, will be officially filed in this Bureau effective at 10:00 a. m. on the 35th day after the date of this notice:

VILAS COUNTY, FOURTH PRINCIPAL MERIDIAN

T. 40 N., R. 5 E.,
Sec. 31, lot 7.

The area described aggregates 50.96 acres.

Available data indicates that the land described is rolling upland with a very small area of swamp land. It is also indicated by available data that the lands are not shown to be swamp or overflowed within the meaning of the act of March 2, 1849 (9 Stat. 352).

The land described is within the exterior boundaries of the Lac Du Flambeau Indian Reservation and subject to administration by the Office of Indian Affairs under appropriate laws and regulations.

In view thereof, upon the official filing of this plat the lands shown thereon will not become subject to disposition under the general public land laws by reason of the filing thereof.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50–8556; Filed, Sept. 29, 1950; 8:45 a. m.]

Office of the Secretary

[Order No. 2590]

NATIONAL PARK SERVICE

REDELEGATION OF AUTHORITY RESPECTING PURCHASES AND CONTRACTS

SEPTEMBER 25, 1950.

SEC. 1. The authority delegated to the Secretary of the Interior by the Administrator of General Services on August 15, 1950 (15 F. R. 5538), to make purchases and contracts for supplies and services with States, political subdivisions, local governmental units, or agencies of the foregoing, for the performance of road construction or maintenance work of the National Park Service, or for the furnishing of materials, supplies, equipment, or services of any kind in connection therewith, pursuant to the provisions of Title III of the Federal Property and Administrative Services Act of 1949 (41 U. S. C. 1946 ed., Supp. III, secs. 251–260) is redelegated to the Director and the Regional Directors of the National Park Service and to the Superintendents of areas administered by the National Park Service, severally.

SEC. 2. Any official exercising authority under section 1 of this order may make a purchase or a contract on a negotiated basis if, and only if, he determines that the facts are such as to bring the particular purchase or contract within the scope of subdivision (9) of subsection (c) of section 302 of the Federal Property and Administrative Services Act of 1949.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 50–8557; Filed, Sept. 29, 1950; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

REPUBLICAN VALLEY LIVESTOCK AUCTION

DEPOSTING OF STOCKYARD

It has been ascertained that the Republican Valley Livestock Auction, Franklin, Nebraska, originally posted on January 31, 1950, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it no longer meets the area requirements. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a stockyard which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 27th day of September, 1950.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 50–8613; Filed, Sept. 29, 1950; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4505]

EASTERN AIR LINES, INC.; MIAMI-SAN JUAN COACH FARE INVESTIGATION

NOTICE OF HEARING

In the matter of the investigation to determine the lawfulness of air coach fares between Miami, Fla. and San Juan, Puerto Rico provided in the tariffs of Eastern Air Lines, Inc. known as Local Tariff Passenger C. A. B. No. 43.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 404 and 1002 thereof, that hearing in the above-entitled proceeding is assigned to be held on October 4, 1950, at 10:00 a. m. (e. s. t.), in Conference Room C, Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D. C. before Hearing Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented by the order of investigation, particular attention will be directed to the following matters and questions:

1. Are the fares, rules, and regulations under consideration unjust or unreasonable or unjustly discriminatory?

2. Should Puerto Rico have air coach service at the fare levels prevailing in the United States?

For more detailed information with respect to the issues involved, attention is directed to the Prehearing Conference Report issued in this proceeding on August 25, 1950, and all other material on file in the docket.

Notice is also given that any person, other than parties of record as of September 26, 1950, desiring to be heard in this proceeding must file with the Board on or before October 4, 1950, a statement setting forth the issues of fact or law raised by this proceeding on which he desires to be heard.

Dated at Washington, D. C., September 26, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50–8616; Filed, Sept. 29, 1950; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9757]

KENTUCKY MOUNTAIN BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of D. C. Stephens tr/as Kentucky Mountain Broadcasting Company (WPRT), Prestonburg, Kentucky, Docket No. 9757, File No. BMP-5242; for extension of completion date.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of September 1950;

The Commission having under consideration the above-entitled application of D. C. Stephens tr/as Kentucky Mountain Broadcasting Company, permitee of Station WPRT, Prestonburg, Kentucky,

requesting an extension of its outstanding construction permit File No. BP-6797 as modified which authorized a new standard broadcast station at Prestonburg, Kentucky; and

It appearing, that, on January 14, 1949, the Commission granted D. C. Stephens tr/as Kentucky Mountain Broadcasting Company a construction permit which authorized the construction of a new standard broadcast station to be operated on the frequency 960 kc, with 1 kw power, daytime only at Prestonburg, Kentucky, subject to filing within 60 days of grant an application to specify a transmitter site and antenna system meeting the Commission's Standards of Good Engineering Practice; and

It further appearing, that on April 29, 1949, an application for approval of the transmitter site and antenna system of Station WPRT was granted; and

It further appearing, that D. C. Stephens has not completed the construction of the authorized standard broadcast station within the time specified in the construction permit, as modified, and that the new standard broadcast station at Prestonburg, Kentucky, is not ready for operation; and

It further appearing, that, on August 23, 1950, the Commission denied the above-entitled application and by letter dated August 23, 1950 gave the above applicant 20 days within which to request a hearing on the above-entitled application; and

It further appearing, that, on August 28, 1950, D. C. Stephens tr/as Kentucky Mountain Broadcasting Company filed a request for hearing on the above-entitled application for extension of completion date for the construction of the station at Prestonburg, Kentucky;

It is ordered, That the Commission's action of August 23, 1950, denying the above-entitled application is set aside; and

It is further ordered, That, pursuant to sections 309 and 319 of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing to commence the 14th day of December 1950 in Washington, D. C., upon the following issues:

1. To determine whether the failure of D. C. Stephens, tr/as the Kentucky Mountain Broadcasting Company, to complete construction of the authorized standard broadcast station at Prestonburg, Kentucky, and to have the station ready for operation was due to causes not under his control.

2. To determine whether said D. C. Stephens has been diligent in proceeding with the construction of the authorized standard broadcast station at Prestonburg, Kentucky.

3. To determine, whether, in view of the evidence adduced in connection with the foregoing issues, the date specified for completion of construction of the new station should be extended, and if so, to what date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 50-8581; Filed, Sept. 29, 1950; 8:50 a. m.]

[Docket No. 9658]

SOUTH ST. PAUL BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Victor J. Tedesco, Albert S. Tedesco, Antonio S. Tedesco and Nicholas Tedesco, d/b as South Saint Paul Broadcasting Company, South Saint Paul, Minnesota, Docket No. 9658, File No. BP-7576; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of September 1950;

The Commission having under consideration a petition filed on July 19, 1950, by South Saint Paul Broadcasting Company requesting reconsideration and grant without hearing of its above-entitled application for a permit to construct a new standard broadcast station to operate on frequency 1590 kilocycles with 1 kilowatt power, daytime only, in South Saint Paul, Minnesota; and

It appearing, that the said application was designated for hearing by Commission order of May 12, 1950, to determine whether the application was in contravention of § 3.35 of the Commission's rules and whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards with particular reference to the coverage to the Minneapolis-Saint Paul metropolitan area; and

It further appearing, that by Commission order of June 22, 1950, the order of May 12, 1950, designating the said application for hearing was amended to delete therefrom the issue with reference to § 3.35 of the Commission's rules; and

It further appearing, that the said petition introduces no engineering evidence to resolve the issue concerning inadequate coverage of the Minneapolis-Saint Paul metropolitan district; and that on the basis of the information contained in the above-entitled application and the said petition the Commission is unable to determine whether a grant of the application would be in the public interest;

It is ordered, That the said petition is denied; and

It is further ordered, that the hearing upon the above-entitled application is scheduled to commence at 10:00 a. m., on Tuesday, November 7, 1950, at Washington, D. C.

Released: September 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 50-8582; Filed, Sept. 29, 1950; 8:50 a. m.]

[Docket Nos. 9066, 9067]

KENYON BROWN AND GEORGE E. CAMERON, JR.

ORDER CONTINUING ORAL ARGUMENT

In re applications of Kenyon Brown, Tulsa, Oklahoma, Docket No. 9066, File No. BP-6693; George E. Cameron, Jr., Tulsa, Oklahoma, Docket No. 9067, File No. BP-6752; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of September 1950;

The Commission having under consideration (1) the oral argument in the above-entitled proceeding now scheduled for September 22, 1950, commencing at 10:00 a. m., and (2) a motion to reopen the record and to continue the said oral argument, filed September 20, 1950, by Kenyon Brown; and

It appearing, that the Examiner in the Initial Decision preferred the application of George E. Cameron, Jr., to that of petitioner; that petitioner alleges (1) that one of the two bases for such preference was that Cameron was a resident of Tulsa and would devote full time to the proposed station while petitioner, a former resident of Tulsa, would devote only part time to the proposed station, (2) that it has just come to the attention of petitioner that Cameron is no longer a resident of Tulsa and would devote virtually no time to the operation of the station, (3) that since a principal ground for preferring Cameron was his local residence and since Cameron is no longer a resident of Tulsa, the record should be reopened to reflect the changed and true facts; and

It further appearing, that in view of the foregoing, petitioner requests that the Commission reopen the record in this proceeding and continue the said oral argument, now scheduled for September 22, 1950; and

It further appearing, that in view of the fact said petition was filed on September 20, 1950, and oral argument is scheduled for September 22, 1950, it will be impossible for the parties to the proceeding to file any replies to the said motion that they may desire, and for the Commission to review said motion and replies and to act thereon prior to September 22, 1950; and

It further appearing, that in view of the foregoing, oral argument in this proceeding, now scheduled for September 22, 1950, may serve no useful purpose and should therefore be continued;

It is ordered, That the above-described motion, filed September 22, 1950, by Kenyon Brown, is granted to the extent indicated herein; that oral argument now scheduled for September 22, 1950, is continued without date; and that action on that part of the said motion requesting a reopening of the record herein is deferred, pending the receipt of any replies to such motion which may be filed, and further review by the Commission.

Released: September 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 50-8583; Filed, Sept. 29, 1950; 8:50 a. m.]

RADIO SUMTER ET AL.

CALENDAR ADVANCING NEW HEARINGS NOW SCHEDULED FOR NOVEMBER AND DECEMBER 1950 AND JANUARY AND FEBRUARY 1951

SEPTEMBER 20, 1950.

Attached hereto is a calendar which has the effect of advancing all new hearings scheduled by the Commission in the months of November and December 1950 and January and February 1951. The Commission considered it necessary to advance the hearings herein because of the large number of cancellations in hearing cases resulting from (1) continuances, (2) amendments resulting in the removal of applications from hearing, and (3) dismissal of applications. Because of the large number of cancellations experienced in the past the Commission has set more hearings in November than there is personnel available for this work. From past experience, it is anticipated that a sufficient number of these hearings will be cancelled to avoid any difficulty that would ordinarily be occasioned from lack of personnel.

All of these hearings are to be held in Washington, D. C.

Released: September 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

CALENDAR ADVANCING DATES FOR BROADCAST HEARINGS PRESENTLY SCHEDULED

Present hearing date	Docket No.	Name of applicant	New hearing date
Nov. 1	9696	Radio Sumter, Sumter, S. C.	
Nov. 3	8381	Gila Broadcasting Co., Winslow, Ariz.	Nov. 1.
Nov. 8	9698	The Leavenworth Broadcasting Co., Inc. (KCLO), Leavenworth, Kans.	Nov. 2.
Nov. 9	9699	Champion City Broadcasting Co. (WJEL) Springfield, Ohio	Nov. 3.
Nov. 10	9700	Southern Tier Radio Service, Inc. (WINR), Binghamton, N. Y.	Nov. 6.
Nov. 17	9707	Ashbacker Radio Corp. (WKBZ) Muskegon, Mich.	Do.
Nov. 20	8919	Radio Station KRMD (KRMD), Shreveport, La.	Do.
	8714	Lakewood Broadcasting Co., Dallas, Tex.	
Nov. 24	9545	Tri-Borough Broadcasting Co. (WAVL), Apollo, Pa.	Nov. 8.
Do	9710	Marshall Formby, Spur, Tex.	Do.
	9711	Dairad Associates, Memphis, Tex.	
Nov. 27	9712	Cecil W. Roberts (KREI), Farmington, Mo.	Nov. 9.
Nov. 30	9717	Beloit Broadcasting Co. (WGEZ), Beloit, Wis.	Nov. 10.
Dec. 6	9721	Rock City Broadcasters, Little Rock, N. Y.	Nov. 13.
	9722	Robert Harvard Dye, Herkimer, N. Y.	
Dec. 7	9719	East Penn Broadcasting Co., Pottstown, Pa.	Do.
	9720	Pottstown Broadcasting Co., Pottstown, Pa.	
Dec. 12	9733	W. Wright Esch (WMFJ), Daytona Beach, Fla.	Do.
Dec. 14	9734	Inland Radio, Inc. (KSRV), Ontario, Oreg.	Nov. 14.
	9735	Everett Broadcasting Co., Inc. (KKKO), Everett, Wash.	
Dec. 18	9736	Cecil W. Roberts, Kewanee, Ill.	Nov. 15.
1951			
Jan. 3	9737	Blake Broadcasting Co., Memphis, Tex.	Nov. 16.
Jan. 8	9738	Wharton County Broadcasting Co., Inc. (KULP), El Campo, Tex.	Do.
Do	9746	Interlake Broadcasting Corp. (KXRN), Renton, Wash.	Nov. 17.
Jan. 10	9739	Evangeling Broadcasting Co., Inc. (KVOL), Lafayette, La.	Nov. 20.
Jan. 15	9741	Logan Broadcasting Corp. (WVOW), Logan, W. Va.	Do.
Jan. 18	9742	Sky Way Broadcasting Corp., Columbus, Ohio	Do.
	9743	Athens Broadcasting Co., Athens, Ohio	
Jan. 22	9744	Rollins Broadcasting, Inc., Georgetown, Del.	Nov. 22.
	9745	Elizabeth Evans, Seaford, Del.	
Jan. 23	9752	H. C. Young, Jr., Nashville, Tenn.	Do.
	9753	Southern Broadcasting Co., Inc., Nashville, Tenn.	
Jan. 25	9661	Louis Wasmer, Pasco, Wash.	Nov. 24.
	9754	Yakima Broadcasting Corp. (KALE), Richland, Wash.	
Jan. 26	9755	Lawton, Fort Sill Broadcasting Co., Lawton, Okla.	Do.
	9756	Caddo Broadcasting Co., Anadarko, Okla.	
Jan. 30	9759	Mt. Airy Broadcasters, Inc., Mount Airy, N. C.	Nov. 27.
Jan. 31	9760	Paul A. Brandt (WCEN), Mount Pleasant, Mich.	Do.
Feb. 5	9496	Vermilion Broadcasting Corp., Danville, Ill.	Nov. 29.
Feb. 6	9640	Scranton Radio Corp., Scranton, Pa.	Nov. 30.
Feb. 7	9787	Francis J. Matrangola, Wildwood, N. J.	Dec. 1.
Feb. 9	9790	KEPO, Inc. (KEPO), El Paso, Tex.	Do.
Feb. 12	9788	Phillip R. Hurlbut, Farmington, N. Mex.	Dec. 4.
	9789	Valley Broadcasting Co., Farmington, N. Mex.	
Feb. 13	9446	Radio Reading, Reading, Pa.	Do.
Feb. 14	9791	Voice of Dixie, Inc. (WVOK), Birmingham, Ala.	Do.
Feb. 15	9792	Bowling Green Broadcasting Co. (WLBJ), Bowling Green, Ky.	Dec. 6.
	9793	Radio Services Co. (WJPR), Greenville, Miss.	
Feb. 16	9794	Harold Ritchie McBride, Birmingham, Ala.	Do.
	9795	Magic City Broadcasting Co., Inc. (WEDR), Fairfield, Ala.	
Feb. 19	9659	Melbourne Broadcasting Corp. (WMMB), Melbourne, Fla.	Dec. 13.
Feb. 20	9798	Shore Broadcasting Co. (WCEN), Cambridge, Md.	Dec. 14.
	9617	Buttrey Broadcast, Inc., Billings, Mont.	
Do	9618	Frank E. Hurt & Son, Inc. (KFXD), Nampa, Idaho	Dec. 11.
	9796	Copper Broadcasting Co. (KOPR), Butte, Mont.	
Feb. 26	9785	Radio Station WOW, Inc. (WOW), Omaha, Nebr.	Do.
	9786	Star Broadcasting Co., Inc. (KCSJ), Pueblo, Colo.	

[F. R. Doc. 50-8584; Filed, Sept. 27, 1950; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

COMMISSIONER OF PUBLIC BUILDINGS SERVICE, COMMISSIONER OF FEDERAL SUPPLY SERVICE AND ARCHIVIST OF UNITED STATES

DELEGATION OF AUTHORITY WITH RESPECT TO UNINTERRUPTED PERFORMANCE OF FUNCTIONS

1. *Purpose.* This regulation is prescribed temporarily and until further order to assure uninterrupted performance of the functions vested in me or the General Services Administration by Public Law 754, approved September 5, 1950, and to avoid confusion, delay and unnecessary expense.

2. *Delegation of authority.* Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (Pub. Law 152, 81st Cong.), as amended (Pub. Law 754, 81st Cong.), there are hereby delegated to the Commissioner of Public Buildings Service, the Commissioner of Federal Supply Service, and the Archivist of the United States, respectively, in addition to the authority vested in them by Delegations of Authority Nos. 4, 5, and 7 (14 Fed. Reg. 7569, 7678), such portions of the functions vested in me or the General Services Administration by Public Law 754, 81st Congress, as are substantially similar to functions which were performed by such officials immediately prior to September 5, 1950.

3. *Existing regulations.* All rules, regulations, policies, procedures, and directives prescribed by me, the Commissioner of Public Buildings Service, the Commissioner of Federal Supply Service, the Archivist of the United States, and the National Archives Council, in effect upon the effective date of Public Law 754, 81st Congress, and not inconsistent therewith, shall remain in full force and effect until modified or superseded.

4. *Effective date.* This regulation shall be effective September 5, 1950.

Dated: September 27, 1950.

JESS LARSON,
Administrator.

[F. R. Doc. 50-8637; Filed, Sept. 29, 1950; 8:58 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6309]

SIERRA PACIFIC POWER CO.

NOTICE OF ORDER

SEPTEMBER 26, 1950.

Notice is hereby given that, on September 25, 1950, the Federal Power Commission issued its order entered September 22, 1950, authorizing issuance of securities in the above-mentioned matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8558; Filed, Sept. 29, 1950; 8:45 a. m.]

[Docket No. E-6310]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER

SEPTEMBER 26, 1950.

Notice is hereby given that, on September 22, 1950, the Federal Power Commission issued its order entered September 22, 1950, authorizing issuance of stock in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8559; Filed, Sept. 29, 1950; 8:45 a. m.]

[Docket No. G-1477]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATION

SEPTEMBER 26, 1950.

Take notice that Texas Illinois Natural Gas Pipeline Company (Applicant) a

Delaware corporation, of 20 North Wacker Drive, Chicago 6, Illinois, filed on September 13, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities described as follows:

(1) Compressor stations Nos. 4 and 10, together with necessary appurtenances and equipment, along Applicant's pipeline at points approximately 244 miles and 791 miles north of the junction point southwest of Houston in lieu of Compressor stations Nos. 3 and 9 previously authorized in Docket No. G–1246.

(2) Compressor stations Nos. 2 and 8, together with necessary appurtenances and equipment along Applicant's pipeline at points approximately 79 miles and 600 miles, respectively, north of said junction.

(3) Installation in Compressor stations Nos 2, 4, 6, 8 and 10 of five (5) 2000 horsepower engines and other necessary equipment, four (4) of such engines in Compressor stations Nos. 4, 6 and 10 to be in lieu of five (5) engines of 1600 horsepower previously authorized for Compressor stations Nos. 3, 6 and 9 in Docket No. G–1246.

(4) Approximately 46.39 miles of 20-inch pipeline extending from a point 50.27 miles north of the terminus of Applicant's pipeline at the La Gloria field in a general northwesterly direction to a point in the Clayton area.

(5) Approximately 25.66 miles of 20-inch pipe line extending from the western terminus of the pipeline described in paragraph (4) above in a general southerly direction to the Hagist Ranch area.

The application states that the proposed additional facilities and changes in facilities already authorized in Docket No. G–1246 will have the effect of increasing the sales capacity of Applicant's system from the 305,000 Mcf authorized in Docket No. G–1246 to 374,000 Mcf. The application recites that since the issuance of the certificate in Docket No. G–1246 Applicant has made further engineering studies and has determined that it will be more economical to use four 2,000 horsepower engines in the compressor stations already authorized rather than the five 1,600 horsepower engines previously planned and now authorized. Applicant indicates an annual saving in cost of operation will be effected by such revised plans amounting to $41,300 when the capacity is 305,000 Mcf, and $152,000 when the line reaches full capacity.

The application also recites that with respect to change in location of compressor stations, i. e., construction of compressors stations Nos. 4, 6 and 10 rather than stations Nos. 3, 6 and 9, such new locations, with added power, combined with the newly applied for stations Nos. 2 and 8 can be more economically used in providing sales capacity for the increase to 374,000 Mcf.

The estimated total over-all cost of facilities to be constructed under the application in this docket is approximately $11,216,800. The increase in working capital required is $365,000. Applicant proposes to obtain the necessary funds through the issuance of first mortgage bonds for 75 percent of the additional capital required and by the sale of common stock to its stockholders for the remaining 25 percent.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of October 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8576; Filed, Sept. 29, 1950; 8:48 a. m.]

[Docket No. E–6316]

CALIFORNIA ELECTRIC POWER CO.

CORRECTION OF NOTICE OF APPLICATION

SEPTEMBER 27, 1950.

The "Notice of Application" published in this matter on September 26, 1950 (15 F. R. 6473) is corrected to require that any person desiring to be heard or to make any protest with reference to the application should, on or before the 11th day of October 1950, instead of the 23d day of October 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50–8629; Filed, Sept. 29, 1950; 8:57 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H AND J

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 22, 1950.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H and J, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1951, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	*Serial numbers (all numbers inclusive)*
$50	3140 to 3237
$100	8546 to 8932
$500	4148 to 4246
$1,000	9537 to 9847
$5,000	201 to 261
	1175 to 1250
$10,000	5531 to 5951

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES J

Denomination:	*Serial numbers (all numbers inclusive)*
$50	2 to 11
$100	12 to 37
$500	3 to 8
$1,000	7 to 46
$5,000	1 to 5
$10,000	142 to 152

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1950. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1950, and provision will be made for the payment of final interest due on January 1, 1951, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1950 to December 31, 1950, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1951, or for purchase prior to that date will be given by the Secretary of the Treasury.

WALTER L. GREENE,
Acting Commissioner.

Approved: September 27, 1950.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 50–8631; Filed, Sept. 29, 1950; 8:57 a. m.]

2¾ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES D

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 22, 1950.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Housing Insurance Fund Debentures, Series D, of the denomination and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1951, on which date interest on such debentures shall cease:

2¾ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES D

Denomination:	*Serial numbers (all numbers inclusive)*
$10,000	1160 to 1436

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1950. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1950, and provision will be made for the payment of final interest due on January 1, 1951, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1950 to December 31, 1950, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1951, or for purchase prior to that date will be given by the Secretary of the Treasury.

[SEAL] WALTER L. GREENE,
Acting Commissioner.

Approved: September 27, 1950.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 50–8632; Filed, Sept. 29, 1950; 8:57 a. m.]

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 22, 1950.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund Debentures, Series E, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1951, on which date interest on such debentures shall cease:

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

Denomination:	*Serial numbers (all numbers inclusive)*
$50	31 to 42
	2024 to 2025
$100	108 to 141
	2082 to 2100
$500	49 to 60
$1,000	150 to 210
$5,000	7 to 14
	1215 to 1225
$10,000	302

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1950. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1950, and provision will be made for the payment of final interest due on January 1, 1951, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1950 to December 31, 1950, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1951, or for purchase prior to that date will be given by the Secretary of the Treasury.

[SEAL] WALTER L. GREENE,
Acting Commissioner.

Approved: September 27, 1950.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 50–8633; Filed, Sept. 29, 1950; 8:57 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25436]

CATALOGUES FROM MT. MORRIS, ILL., TO THE SOUTHWEST

APPLICATION FOR RELIEF

SEPTEMBER 27, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Catalogues, carloads.

From: Mt. Morris, Ill.

To: Points in the southwest.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3912, 3899, 3708, 3738, 3883 and 3624, Supplements 9, 18, 272, 110, 20 and 126, respectively, and A., T. & S. F., tariff I. C. C. No. 14346, Supplement 117.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–8571; Filed, Sept. 29, 1950; 8:48 a. m.]

[4th Sec. Application 25437]

INDEX CARDS FROM CINCINNATI, OHIO, TO NEW YORK, N. Y.

APPLICATION FOR RELIEF

SEPTEMBER 27, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 9800.

Commodities involved: Index cards and related articles, carloads.

From: Cincinnati, Ohio.

To: New York, N. Y.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50–8572; Filed, Sept. 29, 1950; 8:48 a. m.]

[4th Sec. Application 25438]

CITRUS FRUIT FROM FLORIDA TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 27, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 642.

Commodities involved: Citrus fruit, carloads.

From: Points in Florida.

To: Points in official territory.

Grounds for relief: Circuitous routes, competition with motor carriers and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 642, Supplement 160.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose

their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8573; Filed, Sept. 29, 1950; 8:48 a. m.]

[4th Sec. Application 25439]

AUTOMOBILES FROM EVANSVILLE, IND., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

SEPTEMBER 27, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago & Eastern Illinois Railroad Company.

Commodities involved: Passenger automobiles, carloads.

From: Evansville, Ind.

To: St. Louis, Mo.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8574; Filed, Sept. 29, 1950; 8:48 a. m.]

[4th Sec. Application 25440]

RATES FROM AND TO THE ATLANTIC AND DANVILLE RAILWAY

APPLICATION FOR RELIEF

SEPTEMBER 27, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atlantic and Danville Railway Company for itself and on behalf of carriers parties to Consolidated Freight Classification No. 19, Agent R. E. Boyle, Jr.'s No. 107.

Commodities involved: All commodities.

Between: Points on The Atlantic and Danville Railway, on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Competition with rail carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8575; Filed, Sept. 29, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

ROBERT P. NAGLE

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of September 1950.

In the matter of Robert P. Nagle, 2 Rector Street, New York City.

I. The commission's public official files disclose that Robert P. Nagle, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

[1] Filed as part of the original document.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 16th day of October, 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before October 9, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 16, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8560; Filed, Sept. 29, 1950; 8:46 a. m.]

RALPH JUSTIN MINNICH

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of September 1950.

In the matter of Ralph Justin Minnich, 235 East Twenty-second Street, New York City.

I. The Commission's public official files disclose that Ralph Justin Minnich, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 16th day of October 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before October 9, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 16, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8561; Filed, Sept. 29, 1950; 8:46 a. m.]

ROBERT R. MOTTUR

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of September 1950.

In the matter of Robert R. Mottur, 521 Fifth Avenue, New York City.

I. The Commission's public official files disclose that Robert R. Mottur, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 16th day of October 1950, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before October 9, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 16, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8562; Filed, Sept. 29, 1950; 8:46 a. m.]

[1] Filed as part of the original document.

MAGEE CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of September 1950.

In the matter of J. Edwin Magee, doing business as Magee Company, 50 Broad Street, New York City.

I. The Commission's public official files disclose that J. Edwin Magee, doing business as Magee Company, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 16th day of October 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before October 9, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 16, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8562; Filed, Sept. 29, 1950; 8:46 a. m.]

ALFRED H. MARRONE

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of September 1950.

In the matter of Alfred H. Marrone, doing business as A. H. Marrone, 2267 East 19th Street, Brooklyn, N. Y.

I. The Commission's public official files disclose that Alfred H. Marrone, doing business as A. H. Marrone, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities and Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 16th day of October 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before October 9, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 16, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8564; Filed, Sept. 29, 1950; 8:46 a. m.]

[1] Filed as part of the original document.

W. V. MCMILLAN

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of September 1950.

In the matter of W. V. McMillan, Savoy Plaza Hotel, New York City, and 40 Exchange Place, New York City.

I. The Commission's public official files disclose that W. V. McMillan, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 16th day of October 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before October 9, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 16, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8565; Filed, Sept. 29, 1950; 8:47 a. m.]

[File No. 1-2559]

ADRIATIC ELECTRIC COMPANY

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of September A. D. 1950.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1(b) promulgated thereunder, has made application to strike from registration and listing the 25-year 7 percent External Sinking Fund Gold Bonds due April 1, 1952, of Adriatic Electric Company.

The application alleges:

(1) The Italian Public Utility Credit Institute (hereinafter referred to as the Institute) by prospectus dated December 23, 1947, extended to Adriatic Electric Company bondholders an offer to issue $1,472.50 principal amount 30-year Guaranteed External Sinking Fund Bonds of 1947 due January 1, 1977, of the Institute in exchange for each $1,000 principal amount (with all coupons appurtenant thereto maturing after June 10, 1940, attached) of the External Bonds of Adriatic Electric Company. The prospectus indicates that the exchange offer was not conditioned on the acceptance thereof by holders of any specified percentage of outstanding bonds and that it was not the intention of the Institute to terminate the exchange offer unless all similar exchange offers of the Italian Republic and the Italian Credit Consortium for Public Works should be terminated simultaneously.

(2) The prospectus indicates also that as of December 23, 1947, $2,762,500 of Adriatic Electric Company bonds were outstanding, of which $677,000 had been acquired and were held in part by the issuer and in part by the treasury of the Italian Republic, leaving $2,085,500 outstanding in the hands of the public. Reports of the agent to effect these exchanges received from time to time by the applicant exchange indicate that since the date of the offer $1,900,500 of Adriatic Electric Company bonds have been surrendered in exchange for Institute bonds, leaving outstanding in the hands of the public $185,000 principal amount of such bonds.

(3) The reason for the proposed removal of the 25-year 7 percent External Sinking Fund Gold Bonds due April 1, 1952, of Adriatic Electric Company from registration and listing on the applicant exchange is that the outstanding amount thereof in the hands of the public has been so reduced as to make the distribution of the issue inadequate for continued dealings on the applicant exchange.

(4) The applicant exchange suspended dealings in the above security before the opening of the trading session on September 1, 1950.

Upon receipt of a request, prior to October 19, 1950, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8566; Filed, Sept. 29, 1950; 8:47 a. m.]

[File No. 70-2484]

INTERSTATE POWER CO. AND INTERSTATE POWER CO. OF WIS.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of September A. D. 1950.

Notice is hereby given that Interstate Power Company ("Interstate"), a registered holding company, and its wholly-

[1] Filed as part of the original document.

owned public utility subsidiary company, Interstate Power Company of Wisconsin ("Interstate of Wisconsin"), have filed a joint declaration with this Commission pursuant to sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("act"), regarding the issuance by Interstate of Wisconsin and the acquisition by Interstate of 3,000 shares of common stock of the former.

Notice is further given that any interested person may, not later than October 9, 1950, request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law, raised by said declaration which he proposes to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 9, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated thereunder the act, or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereof.

All interested persons are referred to said joint declaration, which is on file in the offices of this Commission, for a statement of the transaction therein proposed which is summarized as follows:

Interstate of Wisconsin's present capitalization consists solely of 13,274 shares of common stock with a par value of $100.00 per share, all owned by its parent Interstate and presently pledged by Interstate under the First Mortgage Indenture, dated January 1, 1948, securing its outstanding First Mortgage Bonds. Interstate of Wisconsin proposes to issue, and Interstate proposes to acquire, 3,000 additional shares of the former's common stock in consideration for the cancellation and discharge by Interstate of $300,000 principal amount of the outstanding open account indebtedness owing by Interstate of Wisconsin to Interstate. Such additional shares, when acquired by Interstate, will be similarly pledged under said First Mortgage Indenture.

The filing states that the open account indebtedness owed by Interstate of Wisconsin to Interstate, amounting to a total of $303,701 as of July 31, 1950, represents advances made from time to time by the parent to the subsidiary, largely for construction purposes.

The filing estimates that Interstate of Wisconsin will incur, in connection with the proposed transaction, expenses in the amount of $1,363, of which $1,000 represents fees of counsel for the Declarants.

Declarants state that the proposed issuance of securities by Interstate of Wisconsin is subject to the approval of the Public Service Commission of Wisconsin, and that such approval has been obtained.

Declarants request that our order permitting said declaration to become effective be issued as soon as practicable and that said order become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8567; Filed, Sept. 29, 1950; 8:47 a. m.]

[File No. 70-2468]

SOUTHWESTERN GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of September A. D. 1950.

Southwestern Gas and Electric Company ("Southwestern"), a public utility subsidiary of Central and South West Corporation, a registered holding company, having filed a declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), and having designated sections 6 (a) and 7 of the act and Rule U-62 promulgated thereunder as applicable to the following proposed transactions:

Southwestern proposes to submit to a vote of its stockholders at a special meeting called for such purpose an amendment to its Certificate of Incorporation with respect to the voting rights of the holders of its outstanding preferred stock. The proposed amendment would eliminate the voting rights of the preferred stockholders (who now have one vote for each share held) except the special voting rights provided for in subparagraphs 6, 7, and 9 of paragraph D of Subdivision I of Article Fourth, or as may be required by law. Such special voting rights, which are to be retained intact, include the right to elect a majority of the Board of Directors if and so long as preferred dividends shall be in default in an amount equivalent to four quarter yearly dividends.

The proposed amendment requires the favorable vote of two-thirds of the outstanding shares of preferred stock voting as a class and the favorable vote of a majority of the outstanding shares of stock of all classes.

Southwestern having further proposed to solicit its stockholders in connection with said special meeting, and having requested that the Commission enter an order, on or before September 13, 1950, authorizing the solicitation of proxies, and the Commission having entered an order on September 13, 1950, authorizing said solicitation; and

Said declaration having been filed on August 28, 1950, and the last amendment thereto having been filed on September 12, 1950, and notice of said filing, other than the proposal to solicit stockholders, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration, as amended, filed pursuant to sections 6 (a) and 7 of the act, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, filed pursuant to sections 6 (a) and 7 of the act, that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective and to grant the request that said order become effective upon its issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, filed pursuant to sections 6 (a) and 7 of the act, be, and the same hereby is, permitted to become effective and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8568; Filed, Sept. 29, 1950; 8:47 a. m.]

[File No. 70-2461]

COLUMBIA GAS SYSTEM, INC., AND MANUFACTURERS LIGHT AND HEAT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of September, A. D., 1950.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, The Manufacturers Light and Heat Company ("Manufacturers"), having filed a joint application-declaration pursuant to the provisions of sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, with respect to the following proposed transaction:

Manufacturers proposes to issue and sell to Columbia $6,000,000 principal amount of 3¼ percent installment promissory notes. Such notes are to be paid in equal annual installments on February 15th of each of the years 1952 to 1976, inclusive. The applicant states that the proceeds to be obtained through the issue and sale of said notes will be utilized by Manufacturers to finance its 1950 construction program.

The Pennsylvania Public Utility Commission approved the issue and sale of the proposed 3¼ percent notes by order dated August 21, 1950.

Said joint application-declaration having been filed on August 21, 1950, and an amendment thereto having been filed on September 21, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8567; Filed, Sept. 29, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15089]

OTTO SCHULZ

In re: Estate of Otto Schulz also known as Otto Karl Max Schulz, deceased. File No. D-28-12777; E. T. sec. 16948.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Schulz and Helga Schulz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Augusta Wilhelmine Schulz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Otto Schulz, also known as Otto Karl Max Schulz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Hyman Wank, Public Administrator of Kings County, as Administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Augusta Wilhelmine Schulz, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-8586; Filed, Sept. 29, 1950; 8:51 a. m.]

[Vesting Order 15096]

COMPANIA ARGENTINA DE MANDATOS-SOCIEDAD ANONIMA

In re: Securities owned by and debts owing to Compania Argentina de Mandatos-Sociedad Anonima, also known as Argentina de Mandatos, Cia.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Uberseeische Bank, A. G., also known as Banco Aleman Transatlantico and as Banco Alemao Transatlantico, the last known address of which is Fredreichstr. 103, Berlin N.W. 7, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That Banco Aleman Transatlantico, the last known address of which is 1365 Casilla de Correo, Buenos Aires, Argentina, is a branch of Deutsche Uberseeische Bank, A. G., also known as Banco Aleman Transatlantico and as Banco Alemao Transatlantico, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsche Uberseeische Bank, A. G., and is a national of a designated enemy country (Germany);

3. That Compania Argentina de Mandatos-Sociedad Anonima, also known as Argentina de Mandatos, Cia., is a corporation organized under the laws of Argentina, whose principal place of business is located in Buenos Aires, Argentina, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by, or a substantial part of the stock of which is or has been owned or controlled, directly or indirectly, by the aforesaid Banco Aleman Transatlantico, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. Those certain shares of stock evidenced by the certificates described in Exhibit A, attached hereto and by reference made a part hereof, together with all declared and unpaid dividends thereon,

b. Those certain debts or other obligations evidenced by six (6) checks drawn by The Chase National Bank of the City of New York, in the amounts, bearing the numbers and dated as follows:

Date	Check No.	Amount
Aug. 15, 1941	9418	$18.79
Nov. 15, 1941	9359	16.31
Dec. 26, 1941	9280	3.26
Feb. 16, 1942	9223	16.31
May 15, 1942	9210	11.42
Aug. 15, 1942	9182	11.42

together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid checks,

c. Those certain debts or other obligations evidenced by outstanding dividend checks, in an aggregate amount of $30.06, and representing dividends declared on the thirteen (13) shares of Class B common stock of The American Tobacco Company, referred to in subparagraph 2 (a) hereof, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid outstanding dividend checks,

d. That certain debt or other obligation of the Guaranty Trust Company of New York as Transfer Agent of The American Tobacco Company, 140 Broadway, New York 15, New York, representing the proceeds from the sale of subscription warrants for thirteen (13) rights, amounting to $12.71, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

e. That certain debt or other obligation owing to Compania Argentina de Mandatos-Sociedad Anonima, also known as Argentina de Mandatos, Cia., by Brown Brothers, Harriman & Co., 59 Wall Street, New York 5, New York, presently held in a Special Account for the aforesaid Compania Argentina de Mandatos-Sociedad Anonima, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and

f. Twenty-three (23) coupons detached from German Government 5½

percent JD Bonds, twenty-one (21) of the face value of $27.50 each and two (2) of $13.75 face value each, said coupons presently in the custody of White, Weld & Co., 40 Wall Street, New York 5, New York, in an account in the name of Cia. Argentina de Mandatos, S. A., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Compania Argentina de Mandatos, S. A., also known as Argentina de Mandatos, Cia., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That Banco Aleman Transatlantico and Compania Argentina de Mandatos-Sociedad Anonima, also known as Argentina de Mandatos, Cia., are controlled by, or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany);

6. That to the extent that the persons named in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—STOCK

Name and address of issuing corporation	State of incorporation	Par value	Type	Number of shares	Certificate No.	Registered owner
The Texas Co., 135 East 42d St., New York 17, N. Y.	Delaware	$25.00	Capital	25	0776153	Cia. Argentina De Mandatos S. A.
R. J. Reynolds Tobacco Co., Winston-Salem, N. C.	New Jersey	10.00	New class B—common.	45	BL 265001	Do.
American & Foreign Power Co., Inc., 2 Rector St., New York 6, N. Y.		No par	Common	400	100415/8 at 100 each.	Do.
The American Tobacco Co., 111 5th Ave., New York 3, N. Y.	New Jersey	25.00	Common B	13	BB 301489	Do.

[F. R. Doc. 50–8587; Filed, Sept. 29, 1950; 8:51 a. m.]

[Vesting Order 15101]

CHRISTINE WILHELMINE EVA RUPP AND ELISE KAROLINE RUPP HEBACH

In re: Stock and bonds owned by and debt owing to Christine Wilhelmine Eva Rupp, also known as Dina Rupp and Elise Karoline Rupp Hebach. F–28–22462.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christine Wilhelmine Eva Rupp, also known as Dina Rupp and Elise Karoline Rupp Hebach, each of whose last known address is Frankfort, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifty (50) shares of $1.00 par value common capital stock of Koppitz-Melchers, Inc., Du Bois Street and Detroit River, Detroit, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by a certificate numbered 5441, registered in the name of Adolph Rupp, and presently in the custody of Jack Stattmann, 2079 National Bank Bldg., Detroit 26, Michigan, together with all declared and unpaid dividends thereon,

b. Those certain United States Savings Bonds described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Adolph Rupp and presently in the custody of Jack Stattmann, 2079 National Bank Bldg., Detroit 26, Michigan, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation of Jack Stattmann, 2079 National Bank Bldg., Detroit 26, Michigan, representing the distributive shares of the aforesaid nationals in the Estate of Adolph Rupp, deceased, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Christine Wilhelmine Eva Rupp, also known as Dina Rupp and Elise Karoline Rupp Hebach, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Number:	Face value
D 3356887 E	$500.00
C 45192067 E	100.00
C 5355982 E	100.00
L 4346555 E	50.00
L 96581911 E	50.00
L 96581912 E	50.00
L 96581913 E	50.00
L 96581914 E	50.00
L 110319610 E	50.00
L 110319611 E	50.00
L 80464599 E	50.00
L 110310320 E	50.00

[F. R. Doc. 50–8588; Filed, Sept. 29, 1950; 8:51 a. m.]

[Vesting Order 15115]

AUGUSTA MAAS

In re: Estate of Augusta (Auguste) Maas, deceased. File D–28–9681; E. T. sec. 13490.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Maas, also known as Fritz Maas, Milchen Prasse, also known as Emilie Prasse, Lina Fransing, also known as Karoline Fransing, and Luise Maas, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of Augusta (Auguste) Maas, deceased is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by James W. Brown, Public Administrator of Bronx County, as Administrator c. t. a. acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8589; Filed, Sept. 29, 1950; 8:51 a. m.]

[Vesting Order 15118]

MARY L. SMITH

In re: Estate of Mary L. Smith, deceased. File No. D–28–12871; E. T. sec. No. 17036.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Hassenpflug, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Mary L. Smith, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by The First National Iron Bank of Morristown, Lloyd W. Smith and Mrs. Helen K. Lake, as executors, acting under the judicial supervision of the County Court of Morris County, Probate Division, Morristown, New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8590; Filed, Sept. 29, 1950; 8:51 a. m.]

[Return Order 623]

RUDOLF AND ALFRED LEOPOLD PINKUS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Rudolf Pinkus, Via Cremona 71 Int. 4, Rome, Italy; Claim No. 5874; April 1, 1950 (15 F. R. 1884); $491.72 in the Treasury of the United States.

Alfred Leopold Pinkus, 745 46th Avenue, San Francisco, Calif.; Claim No. 5874; April 1, 1950 (15 F. R. 1884); $491.72 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8591; Filed, Sept. 29, 1950; 8:52 a. m.]

[Return Order 748]

INTERNATIONALT FORBUND TIL BESKYTTELSE AF KOMPONISTRETTIGHEDER I DANMARK (KODA)

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention To Return Published, and Property

Internationalt Forbund Til Beskyttelse Af Komponistrettigheder I Danmark (KODA), Kromprinsessegade 26, Copenhagen; Claim No. 39984; August 11, 1950 (15 F. R. 5218), property to the extent owned by the claimant immediately prior to the vesting thereof by Vesting Orders Nos 2097 (8 F. R. 16463, December 7, 1943) and 4010 (9 F. R. 13171, November 4, 1944), relating to musical compositions in the Wilhelm Hansen Musik-forlag catalogue, including royalties pertaining thereto in the amount of $1,105.03.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8592; Filed, Sept. 29, 1950; 8:52 a. m.]

[Return Order 750]

EMMA HOLMS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention to Return Published, and Property

Emma Holms, Greenock, Scotland, Claim No. 5666; August 18, 1950 (15 F. R. 5523), $2,885.47 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8593; Filed, Sept. 29, 1950; 8:52 a. m.]

[Return Order 751]

ROSA PRATOS SIMONELLI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention To Return Published, and Property

Rosa Pratos Simonelli, a/k/a Rose Pratos, 228 Lafayette Street, New York, N. Y.; Claim No. 4797; December 2, 1948 (13 F. R. 7378); the beneficial interest of Rosa Pratos Simonelli in the following insurance policies on the life of Pasquale I. Simonelli: Equitable Life Assurance Society, Policy Nos. 1714690, 2713870, 2899280, and 2901183; New York Life Insurance Company, Policy No. 4586630; Metropolitan Life Insurance Company, Policy No. 1641477A; and Travelers Insurance Company, Policy No. 1627262.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8552; Filed, Sept. 28, 1950; 8:50 a. m.]

MRS. JOSEPHINE CASALI

[Return Order 752]

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Mrs. Josephine Casali, Florence, Italy; Claim No. 33756; August 18, 1950 (15 F. R. 5523); $5,943.44 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8593; Filed, Sept 29, 1950; 8:52 a. m.]

[Return Order 753]

JOHAN SAM JACOBSON

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Johan Sam Jacobson, Scheveningen, The Netherlands; Claim No. 37503; June 27, 1950 (15 F. R. 4126); property described in Vesting Order No. 291 (7 F. R. 9834, November 26, 1942) relating to Patent Application Serial No. 399,443 (now United States Letters Patent No. 2,348,818). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8594; Filed, Sept. 29, 1950; 8:52 a. m.]

[Return Order 754]

BENEDETTO SICA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith.

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Benedetto Sica, Colliano, Italy, Claim No. 35986, July 21, 1950 (15 F. R. 4704). $8,719.90 in the Treasury of the United States. All right, title and interest of Benedetto Sica in and to the Estate of Vito Anthony Sica, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8595; Filed, Sept. 29, 1950; 8:52 a. m.]

[Return Order 756]

NICHOLAS P. PERENTESIS ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Nicholas P. Perentesis, $28.49 in the Treasury of the United States.

Stavros P. Perentesis, $28.49 in the Treasury of the United States.

Catherine N. Dousmanis, $28.49 in the Treasury of the United States.

Voula G. Perentesis, $14.25 in the Treasury of the United States.

Panagiotis G. Perentesis, $14.25 in the Treasury of the United States.

Stavroula C. Perentesis, $7.13 in the Treasury of the United States.

George C. Perentesis, $3.56 in the Treasury of the United States.

Panagiotis C. Perentesis, $3.56 in the Treasury of the United States.

Anastasios C. Perentesis, $3.56 in the Treasury of the United States.

Demitra C. Perentesis, $3.56 in the Treasury of the United States.

Nicholas C. Perentesis, $3.56 in the Treasury of the United States.

Fotios C. Perentesis, $3.56 in the Treasury of the United States.

All of Paleopanaya, Laconia, Greece; Claim No. 28592.

Notice of intention to return published: August 15, 1950 (15 F. R. 5419).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8596; Filed, Sept. 29, 1950; 8:52 a. m.]

[Return Order 757]

EMILIE FRISCH

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention To Return Published, and Property

Emilie Frisch, Vienna, Austria; Claim No. 35578; August 18, 1950 (15 F. R. 5523); $8,529.22 in the Treasury of the United States. All right, title and interest of Mrs. Emilie Frisch, nee Kottnig, in and to the Estate of Louis Gaugler, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8597; Filed, Sept. 29, 1950; 8:52 a. m.]

ENRICO PHILIPPI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Enrico Philippi, New York, N. Y., Claim No. 4392; $1,870.87 in the Treasury of the United States.

Executed at Washington, D. C., on September 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8598; Filed, Sept. 29, 1950; 8:53 a. m.]

DOTT. MASSIMILIANO MASSA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Dott. Massimiliana Massa, Via Senato 20, Milano, Italy; Claim No. 37605; $1,685.92 in the Treasury of the United States.

Executed at Washington, D. C., on September 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8599; Filed, Sept. 29, 1950; 8:53 a. m.]

administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Enrico Philippi, New York, N. Y., Claim No. 4392; $1,870.87 in the Treasury of the United States.

Executed at Washington, D. C., on September 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8598; Filed, Sept. 29, 1950; 8:53 a. m.]

DOTT. MASSIMILIANO MASSA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Dott. Massimiliana Massa, Via Senato 20, Milano, Italy; Claim No. 37605; $1,685.92 in the Treasury of the United States.

Executed at Washington, D. C., on September 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8599; Filed, Sept. 29, 1950; 8:53 a. m.]

LIBRAIRIE GALLIMARD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Librairie Gallimard, 5 Rue Sebastien-Bottin, Paris VIIe, France; Claim No, 36861; $35,180.81 in the Treasury of the United States. Property to the extent owned by the claimant immediately prior to the vesting thereof by Vesting Orders Nos. 3430 (9 F. R. 6464, June 13, 1944), 3552 (9 F. R. 6464, June 13, 1944), 3918 (9 F. R. 9515, August 4, 1944), and 4030 (9 F. R. 13779, November 17, 1944) relating to the works listed in Exhibits A of each respective Vesting Order under the names of Librairie Gallimard, Gaston Gallimard, and Estate of William A. Bradley.

Executed at Washington, D. C., on September 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8600; Filed, Sept. 29, 1950; 8:53 a. m.]

MARIE BERGEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Marie Bergen, North Plainfield, N. J.; Claim No. 44787; $2,997.37 in the Treasury of the United States.

Executed at Washington, D. C., on September 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8601; Filed, Sept. 29, 1950; 8:53 a. m.]

FRANCESCO DE BENEDETTI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Francesco De Benedetti, Milan, Italy; Claim No. 41350; property described in Vesting Order No. 2246 (8 F. R. 14020, October 14, 1943), relating to United States Letters Patent No. 2,156,584.

Executed at Washington, D. C., on SEPTEMBER 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50–8602; Filed, Sept. 29, 1950; 8:53 a. m.]